

CASE No.

149

SOUTHERN DISTRICT

---

SANTA MARGARITA GRANT

---

JOAQUIN ESTRADA

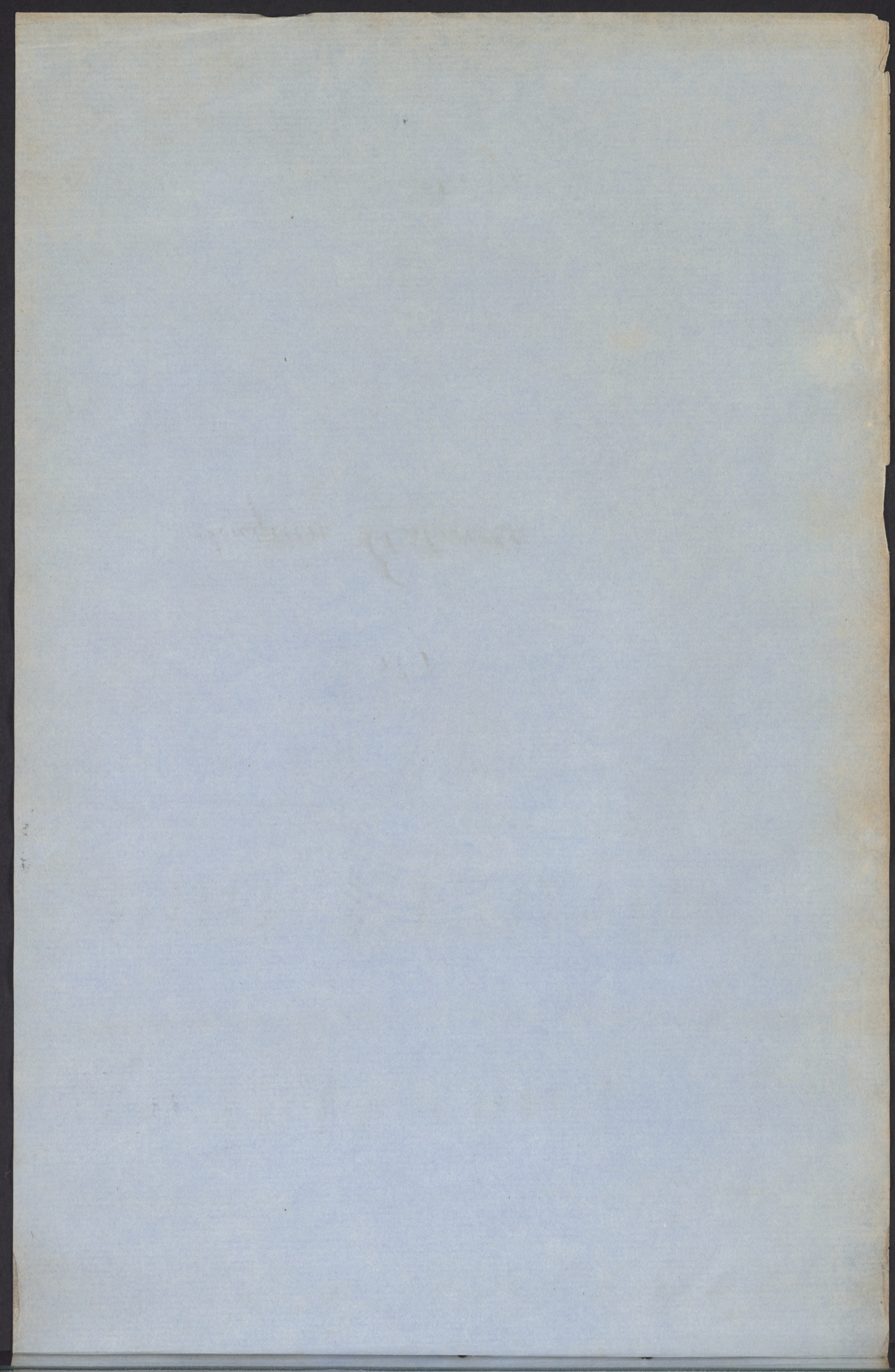
CLAIMANT

MAR 5 1963

U S A  
25% COTTON FIBER  
FLOWER BOND  
*Power Bond*

501

Albion 20/10/18



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PAGE 1

# TRANSCRIPT

OF THE

# PROCEEDINGS

IN CASE

NO. 501

*Saguin, Estrada* CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*Santa Margarita*

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A small, faint mark or number, possibly a page number, located below the main block of text.

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Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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PAGE 2

Be it Remembered, that on this twenty eighth day of Dec<sup>r</sup>, Anno Domini One Thousand Eight Hundred and Fifty-Two, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

The Petition of Joaquin Estrada, ~~~~~  
~~~~~ for the Place named  
~~~~~ "Santa Margarita," ~~~~~  
was presented, and ordered to be filed and docketed with No. 501, and is as follows, to wit;

(Vide page 3 of this Transcript.)

Upon which Petition the following subsequent Proceedings were had in their chronological order, to wit;

San Francisco, January 15<sup>th</sup> 1853,  
In Case No. 501, Joaquin Estrada for the place named "Santa Margarita", the deposition of Nicolas A. Den, a witness in behalf of the claimant, taken before Commissioner Harry J. Thomson, was filed;  
(Vide page 6 of this Transcript.)

~~~~~  
San Francisco, Sept. 13<sup>th</sup> 1853.  
In the same case the deposition of W<sup>m</sup> C. Jones, a witness in behalf of the claimant, taken before the Commissioners sitting as a Board, was filed;  
(Vide page 5 of this Transcript.)  
~~~~~

San Francisco September 13<sup>th</sup> 1853  
 Case No. 511, called; Submitted on Briefs and taken  
 under advisement by the Board.

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 PAGE 3

San Francisco, April 4<sup>th</sup> 1854  
 In the same case Commissioner R. Aug. Thompson  
 attended the Opinion of the Board concerning the  
 claim;

(Vide page 24 of this Transcript.)

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San Francisco, Aug. 15<sup>th</sup> 1854,  
 In the same case, on motion of the United States  
 Law Agent, the following order was made, to wit;  
 (Vide page 24 of this Transcript.)

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To the Honorable Commissioners to settle Private Land Claims in California

The petition of Joaquin Estrada respectfully shows: That on the 27th day of September A.D. 1841 Manuel Jimeno, Governor of California, by virtue of authority in him vested, granted to the petitioner the tract of Land called "Santa Margarita" situated in the present County of San Luis Obispo, containing four Square Leagues, a little more or less with the boundaries described in the grant, which original grant is submitted herewith marked "A" with a translation marked "B"

That said grant was duly approved and possession of the Land given in due form -

That he has been for more than ten years and now is in the quiet and undisputed possession of said tract of Land.

That he knows of no conflicting claim

That he relies for confirmation of title upon the original grant submitted herewith, upon the notes and records in the Archives of the former Government now in charge of the U. S. Surveyor General; and upon such other and further proofs as he may be advised are necessary

Wherefore he prays the Commissioners to confirm to him the said tract of Land

By his Attorney  
Halleck Peckey & Billings

Filed in office Dec. 28th 1852

Geo. Fisher Secy

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5  
Deposition of  
W. C. Jones

Taken before the Commissioners sitting as a Board the  
Deposition of Wm Carey Jones in behalf of claimant  
Joaquin Estrada No. 501 The witness being first duly  
sworn deposed as follows.

Questions propounded by Mr Halleck Attorney for the  
Claimant

Question 1<sup>st</sup> What is your name age and place of residence  
Answer My name is Wm Carey Jones my residence  
County of San Francisco

Question 2<sup>nd</sup> Examine paper here shown to you marked  
"A" heretofore filed in this case and say whether  
you are acquainted with the signatures on it?

Ans. I am acquainted with the signatures of Alvarado  
Antonio Maria Osio and Manuel Jimeno I have  
often seen write each of them and their signatures  
as appear on this paper are genuine

The Law Agent present and declines asking any question  
Wm Carey Jones

Subscribed and sworn to  
before the Commissioners sitting  
as a Board this 13<sup>th</sup> day of  
Sept 1853

Geo. Fishers Secy

Filed in office Sept. 13. 1853

Geo. Fishers

Secy

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Deposition of  
N. A. Den

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San Francisco January 15<sup>th</sup> 1853

On this day before <sup>know</sup> Harry J. Thornton came N. A. Den a witness in behalf of the claimant Joaquin Estrada, petition No. 511 and was duly sworn his evidence being given in English

My name is Nicolas A. Den; my age is 40 years I reside in Santa Barbara and have lived in California 16 years

I know the Rancho called "Santa Margarita" claimed by Joaquin Estrada; I staid at his house on this land in 1842 I have been there frequently since, and he has continued to live on it, he has also had it stocked with cattle and horses; this Rancho is in San Luis Obispo County.

U. S. Law Agent present

N. A. Den

Sworn to and subscribed

before me this 15<sup>th</sup> Jan'y 1853

Harry J. Thornton

know &c

Filed in office Jan'y 15<sup>th</sup> 1853

Geo. Fisher

Secy.

Año de 1841

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PAGE 7

Expediente promovido por D. Joaquín Estrada  
en solicitud del terreno conocido con el nombre  
del rancho de Santa Margarita

N.º 253

Dello Tercero de reales  
 Habilitado provisionalmente por la Aduana marítima  
 del puerto de Monterrey en el Departamento de los  
 Californias, para los años de mil ochocientos cuarenta  
 y mil ochocientos cuarenta y uno.  
 Alvarado Antonio Maria Osio

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Adm.  
 marít.  
 de  
 Monty

Sr. Prefecto del 1.º Distrito

Expediente

Sr. Juan de Castro  
 el Mayo 10 de 1844  
 Pase al Adm.  
 de S. Luis para q.  
 informe sobre el  
 contenido de esta  
 Solicitud  
 Castro

Joaquin Estrada natural de este  
 Departam.<sup>to</sup> y vecino de Monterrey  
 ante V. S. como mas haya lugar  
 en derecho comparece y dice: q.  
 siendo poseedor de una cantidad  
 considerable de ganado vacuno y  
 no teniendo paraje en que ponerlo  
 y hallándose en la actualidad  
 válido el paraje conocido con el nombre  
 de Santa Margarita, que contendrá  
 tres sitios de ganado mayor poco mas  
 o menos segun se demuestra en el dicho q. de vidam.<sup>to</sup>  
 acompaño; Suplico á V. S. se sirva tomar los informes  
 que estime convenientes y poner en conocimiento del E. S.  
 Gobernador, el estado como llevo dicho del paraje  
 mencionado, en el que existe una casa perteneciente  
 a la Misión de S. Luis Obispo, pero esta está arruinada  
 y al caerse y no obstante protesto no hacer uso de ella  
 ni impedir que la indicada Misión lo haga como  
 le parezca conveniente lo mismo que con las tierras  
 de labor que quiera cultivar para los Indígenas. Por tanto

A V. S. Suplico acceda a mi solicitud  
 p.<sup>a</sup> llegar alcanzar del Gobierno la licencia que solicito  
 de lo que recibire gracia y merced.

Monterrey 7 de Abril de 1844  
 Joaquin T. Estrada

J. S. D. K.

S. Luis Obispo Julio 7 de 1844

S. Prefecto

De Conformidad con el decreto de N. S. digo q.º  
 desearé q. se solicite esta veldio y sin ocupacion ni  
 cultivo p.º este establecimiento: la tierra q. antes se  
 sembraba, ya no se siembra, y la casa aun que está  
 deteriorada puede ser útil a este establecimiento algun  
 material de que se compone

Vicente Carr

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4 S. L. K.

Delo tercero Por Reales

Habilitado provisionalmente por la Aduana marítima  
 del puerto de Monterey en el Departamento de la California,  
 para los años de mil ochocientos cuarenta y mil ochocientos  
 cuarentay uno

Simón

Antonio Maria Osio



Esmo Sr

El Cuid.º Paquin letrada en la presente  
 instancia solicita de la bondad de V. E. la propiedad del  
 terreno conocido con el nombre de Santa Margarita,  
 perteneciente a la ex-cesion de S. Luis Obispo.

Las circunstancias q. adornan al interesado  
 son a juicio de esta Prefectura, las necesarias y accesorias  
 a esta clase de concesiones, pues en un país nuevo como  
 este, la honradez y laboriosidad son las principales cua-  
 lidades p.º que por ellas se desarroyen los elementos  
 grandes con q. cuenta p.º su engrandecimiento.

Al opinar así la Prefectura de mi Cargo  
 es sujetandose siempre a la disp.º de V. E.

Monterrey Agosto 9 de 1844

Juan N. Estrada

Monterrey Septiembre 27 de 1844

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Vista la petición con que da principio este expediente, el informe del Señor Prefecto del primer distrito y el del encargado del establecimiento de San Luis Obispo, con todo lo demás que se tubo presente y verificado, de conformidad con las leyes y reglamentos de la materia, declaro al Cno. Joaquín Estrada dueño en propiedad del paraje conocido con el nombre de Santa Margarita, colindante al E. con la Prada Prieta, al O. E. con las Lomuras, al N. con las Lomuras del Arroyo y Canada que se nombra de Chatajilla, y al Sur hasta el punto llamado la Parajira. Tomare razón en el libro respectivo y dirigire este expediente a la Coma Santa Departamental, para su aprobación. El Señor D. Manuel Simón Casarin, 1.<sup>o</sup> vocal propietario de la Coma Santa Departamental en ejercicio del gobierno del mismo, así lo mando, decreto y firmo, de que doy fe

Man. Simón

Jos. L. Fernández  
Srio. int.

Map



Office of the Surveyor General of the United  
States for California

I, Samuel D. King, Surveyor General  
of the United States for the State of California, and as such,  
now having in my office and under my custody a portion  
of the Archives of the former Spanish and Mexican  
Territory or Department of Upper California, do hereby  
certify that the six preceding and hereunto attached  
pages of tracing paper numbered from one to six inclusive,  
and each of which is verified by my initials (S. D. K.)  
exhibit true and accurate copies of certain documents  
on file and forming part of the said archives in this office

In testimony whereof I have hereunto  
Signed my name officially and affixed my private  
Seal (not having seal of office) at the City of San  
Francisco Cal, the 12<sup>th</sup> day of January 1853.

Sam<sup>l</sup> D King  
Sur Gen Cal

Filed in office January 12<sup>th</sup> 1853

Geo Fisher  
Secy

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501

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20

15

Stamp Third Two Reales

Translation of  
Especciente

Provisionally authorized by the Maritime Customhouse  
of the Port of Monterey in the Department of the  
California for the years One thousand Eight hun  
dred and forty one and One thousand Eight hundred and  
forty one.

(Signed) Alvarado

Antonio Maria Osio

Seal of the  
Custom House

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San Juan de los Rios

Senor Prefect of the 15<sup>th</sup> District

May 10. 1841

Let it pass to the  
Uelminshute of

Louquin Estrada, native of this Department and  
resident of Monterey before you, as he best may in  
Law, appears and says; that being owner of a conside  
San Luis that he able number of head cattle and having no place  
May report upon in which to place them, and the place known by  
the content of the the name of "Santa Margarita" being actually vacant  
which may contain three square leagues a little more  
or less, as shown in the Map which he duly transmits  
herewith, he prays you to have the goodness to take the  
informations which you may deem proper, and  
make known to his Excellency the Governor the State  
as I have said of the before mentioned place, in  
which there is a house pertaining to the Mission of  
San Luis Obispo, but this is in ruins and ready to  
fall down, nevertheless he promises not to make use  
of it, nor to hinder said Mission from using it as  
it may see fit. and the same with respect to the  
planting grounds which they wish to cultivate for  
the Indians

San Luis that he  
May report upon  
the content of the  
petition

(Signed) Leasto

Wherefore he prays you to accede to his request that  
he may come to obtain from the Government the consen  
sation he asks for, from which he will receive  
grace and favor -

Monterey April 7<sup>th</sup> 1841

Signed

(Signed) Louquin Estrada

San Luis Obispo July 7<sup>th</sup> 1841

Don Prefect

In conformity with your decree I say, that the place petitioned for is vacant and without occupation or cultivation, the Land which formerly was sowed, is not planted now, and the house, although injured may be useful to this Establishment (on account) of the material of which it is composed

(Signed) Vicente Canet

Most Excellent Sir

The citizen Joaquin Estrada in the present petition, solicits of your Excellency's goodness the Ownership of the Land known by the name of Santa Margarita pertaining to the Ex Mission of San Luis Obispo

The qualities which adorn the person interested are, in the judgment of this Prefecture, those necessary and which entitle him to this kind of concession, for in a new country like this, honorable conduct and industry are the principal qualities which developed the great elements upon which it relies for its aggrandizement -

While expressing this opinion, the Prefecture under my charge is always subject to your Excellency's Superiority -

Monterey August 9<sup>th</sup> 1841 (Signed) Jose R Estrada

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Monterey September 27<sup>th</sup> 1841

Having seen the petition with which this Expediente commences, the report of the Jefe Prefecto of the 1<sup>st</sup> District and of the Jefe in Charge of the Establishment of San Luis Obispo with all other things which were represented, and proper to be considered in conformity with the Laws and Regulations on this matter, I declare Celestino Joaquin Estrada, Owner in Fee of the place known by the name of Santa Margarita, bounded on the East by the "Pasa del Rancho", on the West by the hills, <sup>on the north by the hills</sup> of the Arroyo and Canada called "Salagolla" and South as far as the point called "la Pasajera". See Note to be taken in the proper book, and let this Expediente be directed to the Most Excellent Departmental Junta for its approval -

Don Don Manuel Jimeno Casaron 1<sup>st</sup> Regular Vocal of the Most Excellent Departmental Junta in Charge of the Government of the same, thus ordered decreed and signed it, to which I certify -

(Signed) Manuel Jimeno  
Signed Jose de Fernandez  
Secretary ad Interim

Filed in office January 15<sup>th</sup> 1853

Geo. Fisher Secy

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*[Faint, illegible handwriting covering the right side of the page]*



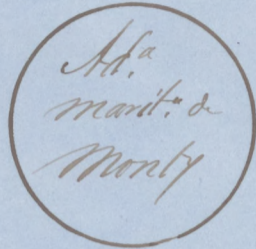
RD

Delo primero Sin pesos  
 Habilitado provisionalmente por la Aduana marítima de  
 Monterey para los años de 1839 y 1840  
 Alvarado Antonio M<sup>o</sup> Ossio  
 Valga para los años de 1841 y 1842  
 Simuno Antonio M<sup>o</sup> Ossio

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A



Manuel Simuno Carrarin 1.<sup>o</sup> vocal  
 propietario de la Cámara Junta departamental  
 en ejercicio del Gobierno del mismo

Title

Por cuanto D<sup>o</sup> Joaquín Estrada  
 ha pretendido para su beneficio personal el paraje  
 conocido con el nombre de Santa e Marg<sup>ta</sup> Convidante  
 al Este con la roba del Simicon, al Oeste con las lomerías,  
 al Norte con las lomerías del Troyo y Cañada que se  
 nombra de Satagolla, y al Sur hasta el punto llamado  
 la Tarajera: practicadas previamente las diligencias y  
 averiguaciones concernientes segun lo dispuesto por leyes  
 y Reglamentos de la materia, usando de las facultades que  
 me son conferidas, a nombre de la Nación Mexicana, he  
 venido en concederle el terreno mencionado, declarándole  
 la propiedad de el por las presentes letras sujetandole a la  
 aprobación de la Cámara Junta departamental y a las  
 condiciones siguientes.

1.<sup>a</sup> Podrá cercarlo sin perjudicar las  
 trabecias, caminos y sembrambres: lo disfrutará libre y  
 esclusivamente continuandolo al uso o cultivo que mas le  
 acomode.

2.<sup>a</sup> Solicitara del Sur respectivo que le dé  
 posesion jurídica en virtud de este despacho por el se  
 demarcaran los linderos en cuyos limites pondrá sus  
 mojones respectivas.

3.<sup>a</sup> El terreno de que se hace mención es  
 de cuatro Sitios de ganado mayor poco mas o menos. El  
 Sur que debe la posesion lo hará medir conforme a

ordenanza quedando el sobrante que resulte a la nación  
para los usos convenientes.

4.<sup>a</sup> Si contratáre a estas condiciones perderá  
su derecho al terreno y será denunciado por otro.

En consecuencia mando que teniendo por firme  
y valedero este título se tome razón de él en el libro  
respectivo y se entregue al interesado para su guarda  
y demás fines. Dado en Montevideo a veinte y siete  
de Setiembre mil ochocientos cuarenta y uno.

Man Simons

Fran<sup>co</sup> Arce  
oficial primero

Queda tomada razón de este despacho en el  
libro de acuerdos sobre adjudicaciones de terrenos baldíos  
Arce

Filed in Office Decr 28th. 1852  
Geo Fisher  
Secy



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Translation of  
Title

Stamp 1<sup>st</sup> Six Dollars

Provisionally authorized by the Maritime Custom House  
of Monterey for the years 1839 and 1840

(Signed) Alvarado

(Signed) Ant. Maria Osio

Good for the years 1841 and 1842

(Signed) Jimeno

(Signed) Antoncillo. Osio

Seal of  
Custom House  
Monterey

Manuel Jimeno Casarin 1<sup>st</sup> Regular Vocal  
of the Most Excellent Departmental  
Junta in exercise of the Government of  
the same -

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"Whereas Don Joaquin Estrada has for his own personal benefit, petitioned for the place known by the name of "Santa Margarita", bounded on the East by the Bolser del Rincon, West by the hills, North by the hills of the Arroyo and Canadas of Satagolla, and on the South as far as the point called "La Sasayra: the proper measures and examinations being previously made as required by laws and regulations on the matter using the powers which are conferred on me in the name of the Mexican Nation I have granted him the copies here annexed, declaring to him the ownership of it by the present letters, subject to the approbation of the Most Excellent Departmental Junta and to the following conditions -

- 1<sup>st</sup> - He may enclose it without prejudice to the crops in progress and sowed and enjoy it freely and exclusively making such use or cultivation of it as he may see fit -
- 2<sup>nd</sup> - He will request the proper Magistrate to give him judicial possession in virtue of his patent, by whom the boundaries will be marked out, in the limits of which, he shall place the respective bounes
- 3<sup>rd</sup> - The land of which mention is made is four square leagues a little more or less - The Magistrate who may give the possession will cause it to be measured

in conformity with the Ordinance, leaving the Surplus  
which may result to the Nation for its convenient  
uses -

4<sup>th</sup> If he shall contravene these Conditions, he will  
lose his right to the land and it will be subject  
to denouncement by another person

In consequence I order that this title being held as  
firm and valid, note be made of it in the respective  
Books and it be delivered to the person interested  
for his security and other purposes

Given in Monterey on the twenty seventh day of  
September one thousand eight hundred and forty one

(Signed) Manuel Jimeno

(Signed) Francisco Arce

Chief Clerk

Note has been made of this patent in the book  
of Entries of grants of Vacant Lands

(Signed) Arce

Filed in office Dec. 28<sup>th</sup> 1852

Geo. Fisher

Deey

Opinion

Case 501

Joaquin Estada

vs

The United States

Santa Margarita

Four Leagues of Lanes in

the County of San Luis Obispo

This claim is founded on a grant made to the present claimant by Manuel Jimeno 1<sup>st</sup> Vocal of the Most Excellent Departmental Junta exercising the functions of Governor, dated September 27<sup>th</sup> 1841 and duly <sup>shown</sup> to be genuine. The grant does not appear to have been approved by the departmental Assembly nor is there any evidence of Judicial possession having been given. In other respects the case presents no question of difficulty.

The petition to the Governor contained in the Expediente describes the Lanes by the name of Santa Margarita, and containing three square leagues a little more or less as shown by the maps which accompany it. The grant itself is for four square leagues and describes and describes the Lanes by metes and bounds, the boundaries given are marked with sufficient distinctness on the maps and according to the scale shows the quantity to be less than the amount called for in the grant. The grant contains no condition for building a house or for occupation within a year. The evidence shows that in the year immediately preceding the date of the grant the grantee had a house on the Lanes and has continued to live on it, and that he also had on it flocks of cattle and horses. This is considered a substantial compliance with the conditions of the Law and entitles the petitioner to a Confirmation of his claim.

Filed in Office April 4<sup>th</sup> 1854

Geo. Fisher Secy

Case 501.

Joaquin Estrada

vs

The United States

Santa Margarita

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In this case on hearing the proofs and allegations it is averred by the Commissioner that the claim of the petitioner is valid and it is therefore decreed that the same be confirmed - The Land of which confirmation <sup>is made</sup> is situated in the County of San Luis Obispo and is known by the name of Santa Margarita being the same which was granted to the present claimant by Manuel Jimeno on the 27th of September 1841 and is now held and occupied by said claimant. The four true of land is bounded as follows On the East by the Poles del Rincon on the West by the Hills, on the North by the Hills of the Arroyo and Rancho de Sategales on the South as far as the point called La Susuina and contains four square leagues a little more or less, for a more particular description reference to be had to the Original grant and map contained in the Expediente a true copy of which together with true grant are filed in the case

Filed in Office of Alphonse Welch  
Thompson Campbell  
R. Aug. Thompson

Commissaries

And in accordance to the same part of the Proviso that the same land adjudicated is situated in the Southern District of California it is hereby ordered that two true and correct copies of the Proceedings & of the decision in this case & of the papers & evidence upon which the same are found to be made and duly certified by the Surgeon of which transcripts shall be filed with the Clerk of the U.S. District Court for the Southern District of California and the other be transmitted to the Attorney General of the U.S.

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims in the State of California.

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I, *George Fisher* Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *twenty four* pages, numbered from 1 to *24*, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. *501* on the Docket of the said Board, wherein

*Joaquin Estrada* is the Claimant - against the United States, for the place known by the name of "*Santa Margarita*"

In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this *thirtieth* day of *October* A. D. *1854*, and of the Independence of the United States of America the seventy=*ninth*

*Geo. Fisher*



149

U. S. DISTRICT COURT,  
*Southern* District of California.

No. *149. Docket*

THE UNITED STATES,

vs. 149

*Joaquin Estrada.*

*"Santa Margarita"*

TRANSCRIPT OF THE RECORD

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *501.*

Filed, *November 8th.* 1854.

*J. E. Farr.*  
*clerk.*

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Office of the Attorney General of the United States,

Washington, 10th February 1855.

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Joaquin Estrada }  
vs. } 501  
The United States. }

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 12th day of November 1854, the appeal in the district court of the United States for the Southern Judicial district of California will be prosecuted by the United States.

Clarking

Attorney General.

<sup>no. 149</sup>  
U. S. District Court  
for Southern District, Cal.

The United States

vs

Joaquin Estrada.

Appeal Writ.

Filed April 10<sup>th</sup> 1855.

J. E. San.

clerk.

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Office of the Attorney General of the United States,

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Washington, 10<sup>th</sup> February 1855.

Joaquin Estrada

vs.

The United States.

} 501.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 12<sup>th</sup> day of November 1854, the appeal in the district court of the United States for the ~~Southern~~ district of California will be prosecuted by the United States.

Cushing

Attorney General.

U.S.  
No 149  
m<sub>4</sub>

U. S. D. Court S. Dist.

The United States

vs.

Joaquin Estrada,

Appeal Notice.

Filed May 11<sup>th</sup> 1853

J. E. Gau,  
clerk

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In the District Court of the United States  
for the Southern District of California  
Hon Isaac S. T. Ogier Judge.

Joaquin Estrada } N.º 149.  
ads. } (Transcript N.º 501)

The United States

The petition of Pacificus Ord, Attorney of  
The United States, for and in behalf of the  
United States, respectfully represents. That  
on or about the 28<sup>th</sup> of December A.D. 1852,  
Joaquin Estrada petitioned The Board of United States  
Land Commissioners, for the State of California,  
claiming the place called 'Santa Margarita'  
in San Luis Obispo County, of the extent of four  
square leagues, a little more or less. That  
on ~~the~~ or about the 4<sup>th</sup> of April A.D. 1854,  
The said Commissioners confirmed the  
said claim. That on or about the 8<sup>th</sup>  
of November A.D. 1854, The said Commissioners  
caused a <sup>Transcript</sup> copy of their proceedings and decision, with  
the evidence, in said cause, to be filed  
in the Office of the Clerk of this Hon<sup>ble</sup>  
Court. That on or about the 12<sup>th</sup> of Novem-  
ber A.D. 1854, The Hon<sup>ble</sup> Caleb Cushing  
Attorney General of the United States  
received a Certified Transcript of the  
said proceedings, decision, and evidence in said

cause, from said Commissioners. That  
thereafter, to wit; on or about the 10<sup>th</sup> of  
April 1835, The said Attorney General  
filed or caused to be filed, <sup>in said Clerk's Office</sup> a Notice of  
The intention of the said United States  
to prosecute the appeal in said Cause.

That the land claimed is in the Southern  
District of California, and within the juris-  
diction generally that the said claimant has a valid title to the said land,  
= decision of this Hon<sup>ble</sup> Court. And the said claimant,

Wherefore the petitioner prays that the  
said Eobian Joaquin Estrada, <sup>or his Attorney</sup> may be served  
with a Copy of this petition; and that,  
after due proceedings had, ~~that~~ the said  
decision of said Commissioners in said  
Cause may be reviewed, reversed and  
set aside, and that the said Claim or  
title may be decreed to be invalid.

And general Relief.

P. Ord

Attorney of the United  
States for the Southern Dist. of Cal.

N<sup>o</sup> 149.

Joaquin Estrada.  
ads.

The United States.

Petition of U.S. States, for  
Review &c.

1835?

Filed Sept. 28<sup>th</sup> 1835.  
C. E. Van Allen  
By J. W. [unclear]

P. Ord us ally.

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United States of America, } SS.  
Southern District of California.

TO 149 SD The President of the United States,

PAGE 29

*Jaquin Estrada.*

GREETING :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against you, and each of you, in the District Court of the United States, in and for the Southern District of California, on the 28<sup>th</sup> day of September in the year of our Lord one thousand eight hundred and fifty- at the City and County of Los Angeles, in said District, by

*Pacificus Estrada ally of the United States for the San Joaquin out of Cal<sup>o</sup> in behalf of the United States pray ing the said Court to review upon the grounds therein set forth, the decision of the Board of US Land Commissioners of final confirmation of the claim of Jaquin Estrada for the place called Santa Margarita in the County of San Luis Obispo California &c to which said claim was presented to the Board of Commissioners on the 28<sup>th</sup> day of Decr AD 1852. and by them confirmed on the 4<sup>th</sup> day of April. AD 1854. and that you, and each of you, are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said petition, or that judgment by default will be taken against you, and each of you, and the prayer of the said petitioner will be granted, with costs.*

*apply to the Court for the relief demanded therein.*

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of the said Court, this 28<sup>th</sup> day of September in the year of our Lord one thousand eight hundred and fifty- 5, at Los Angeles aforesaid.



*C. E. Carr. Clerk.*  
*By J. W. Ross Dep.*

Marshal's fees

|                    |        |
|--------------------|--------|
| Copy just returned | .90    |
| Filing "           | 3.00   |
| " Petition         | 3.00   |
|                    | <hr/>  |
|                    | \$6.90 |

No 149

United States of America,  
 Southern District of California,  
 U. S. District Court.

Jaques Estrada

vs

The United States

SUMMONS.

Recd Sept 28<sup>th</sup> 1855

Edward Hunter

M. Marshall

149 SD

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I served this summons along with the proper copy of the petition upon

at my for apartments

H. W. Hallack

at Los Angeles  
the 7<sup>th</sup> day of Sept

in the Southern District of California on  
A. D. 1855.

Sworn to and subscribed before me,

Clk.

Edward Hunter  
M. J. Marshall

No 149

In the United States District Court for the  
Southern District of California.

The United States, Appellant }  
vs. } Answer of Appellee  
Joaquin Estrada, Appellee }

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Joaquin Estrada, appellee, appears by  
his attorneys, and for answer to the petition  
of the United States filed herein, says:

That his title to the land called "Santa  
Marquita", as set forth and described in his  
petition to the Board of Commissioners and  
in the documentary and other evidence  
in this case, is a good and valid  
title; and he prays this Honorable  
court to affirm the decision of the  
Board of Commissioners and to  
decree his title to be valid.

Hallam Peckey & Billings  
Attys for appellee.



No 149

The United States  
Appellants  
vs.

Joaquin Carrillo  
appellee

---

Answer of appellee

Filed Sept 28 1855.  
C. E. Canoso  
By J. W. Prosser

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Hallam, Beachy & Williams  
Attys for appellee

In the U States District Court for the  
Southern District of California,  
Special Term Sept 1855.  
Los Angeles.

149 SD

PAGE 33

Joaquin Estrada, app<sup>ee</sup> } N<sup>o</sup> 149.  
vs. }

The United States, app<sup>t</sup>. (Manuscript N<sup>o</sup> 501.)

On motion of P<sup>ro</sup>sec Attorney of the  
United States for the Southern  
District of California, it is, Ordered  
by the Court, that an appeal be  
granted the United States, to the  
Supreme Court of the United States,  
from the judgment of this Court  
against the United States, in the  
above entitled cause, rendered  
on or about the 3<sup>rd</sup> day of October  
A D 1855.

P. Ord  
U S Dist Ct.

No 149.

U. S. District Court  
Southern Dist. of Cal<sup>a</sup>

The United States appeals

vs

Joaquin Estrada, appellee

Order of Appeal to the Supreme  
Court on Motion of Petitioner  
U. S. Atty<sup>y</sup>

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Filed October 18<sup>th</sup> 1855

A. C. Canaan  
By J. W. Smith

California Land Claims.

Attorney General's Office

16 September, 1851.

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PAGE 35

Sir:

In the case of the claim of Saquin Estrada, confirmed to the claimant by the Commissioners, Case no. five hundred and one (501), and also confirmed on appeal by the District Court, appeal in the Supreme Court will not be prosecuted by the United States

I am

Respectfully

Clouting

Pacificus Ord Esq.

U.S. Atty for the

Southern Dist. of California

149

agrim Estrada

501

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Oct 21 1836

In the District Court of the  
United States within and for the  
Southern District of California

Now Isaac S. W. Gray Judge

November Term 1858

The United States

Appellant

Joaquin Estrada

Appellee

Docket No 149

Transcript from the Board of Land Commissioners No 501

In pursuance of a letter from the Attorney General  
of the United States, herewith annexed, giving notice  
that in the above cause the appeal in the Supreme  
Court will not be prosecuted by the United States  
This is hereby stipulated and agreed by and between  
the parties, that the order granting an appeal to the  
Supreme Court heretofore made in the above cause  
be vacated, and that the decree of the Court her-  
etofore rendered in this cause may by order of the  
Court be made final

I. W. D. Smith,  
Hallett Smith & Pillsbury  
attys of appellee.

U.S. Sub Court  
South Dist Cal

No 149

The United States  
Appellant  
vs  
Joaquin Estrada  
Appellee

Stipulation  
to vacate order of  
Appeal to Supreme Court

Filed this 5th February  
1857  
Clerk  
J. M. Coleman  
clerk

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In the District Court of the United States within and for the Southern District of California

Hon. Isaac S. H. Jew, Judge.

Rec'd Dec 1856

The United States

Appellants

Joaquin Estrada

Appellee

Case No. 149.

Transcript from the Record of said Commission No. 501.

The Attorney General of the United States having given notice that the appeal to the Supreme Court from the decision of this Court in the above entitled cause will not be prosecuted by the United States, and a stipulation having been entered into by the United States District Attorney and the attorneys of the Claimant that the order granting an appeal to the Supreme Court heretofore made in this cause be vacated, and that the decree of this Court heretofore rendered in this cause may by order of the Court be made final, it is

Ordered, adjudged and decreed, that the



U.S. Dist. Court  
South Dist. Cal.  
No 149

The United States  
Appellants  
vs  
Joaquin Estrada  
Appellee

Order  
Vacating Appeal

Filed Feb 5<sup>th</sup> 1887  
James  
Earl

Order granting an appeal to the Supreme Court,  
heretofore made in this cause be and the same is  
hereby vacated, and that the Claimant have leave  
to proceed under the decree of this Court heretofore  
rendered in this cause as under a final decree  
Dated & Signed  
R. S. M. Hoag

The United States appellant }  
vs }  
Ingenio Estrada Appellee }

149 SD

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The claim in this case is founded upon a grant from Manuel Lomero Vocal of the Departmental Assembly exercising the functions of Government. The grant is dated 27<sup>th</sup> of Sept 1841. to the present claimant.

Original petitioner of claimant, the Commission deere of Cassacion and the original grant form the documentary evidence in this case, the genuineness and authenticity of all these documents is proven. The occupation of the land and building of house upon it ~~was before the date of the grant~~ is proven by the perol testimony. The grant seems never to have been approved by the Departmental Junta they we have already decided would not of itself be sufficient to invalidate against otherwise good.

There was no judicial possession given but the land is sufficiently described by metres and bounds, to identify and locate it, the grant is for four leagues and must be therefore confirmed to that extent, within the metres & bounds set forth in the map and in the description in the grant. a decree will therefore be entered affirming the decision of the Commissioners.

No 149.

The U.S. vs Joaquim Estrada, appellee.

The transcript contains:

II. Petition to Commissioners p 3.

III. Deposition of W. C. Jones p 5.

proves signatures to original title.

IV. Deposition of N. A. Den p 6.

proves that grantee had a house on the land in 1842, & had it stocked with cattle & horses; he has continued to live on it since.

V. Expediente pp 7 to 13.

VI. Translation of expediente pp 15 to 17.

The expediente contains the petition and map, the proceedings on petition, and a decree of confirmation.

VII. Original title pp 19 & 20

VIII. Translation of title pp 21 & 22.

Title is dated Sept 27<sup>th</sup> 1841.

IX. Opinion of Commissioners p 23

X. Decree of confirmation p 24

Proceedings in U.S. Dist Court

|                                    |                                 |
|------------------------------------|---------------------------------|
| 1 <sup>st</sup> transcript         | filed Nov. 8 <sup>th</sup> 1854 |
| 2 <sup>d</sup> Notice of appeal    | " May 11 <sup>th</sup> 1855     |
| 3 <sup>d</sup> Petition for review | " Sept 28 <sup>th</sup> 1855    |
| 4 <sup>th</sup> Answer             | " " " 1855                      |

No 149

The U.S. Appellants  
vs.

Joaquin Estrada

Index of case.