

CASE No.
150

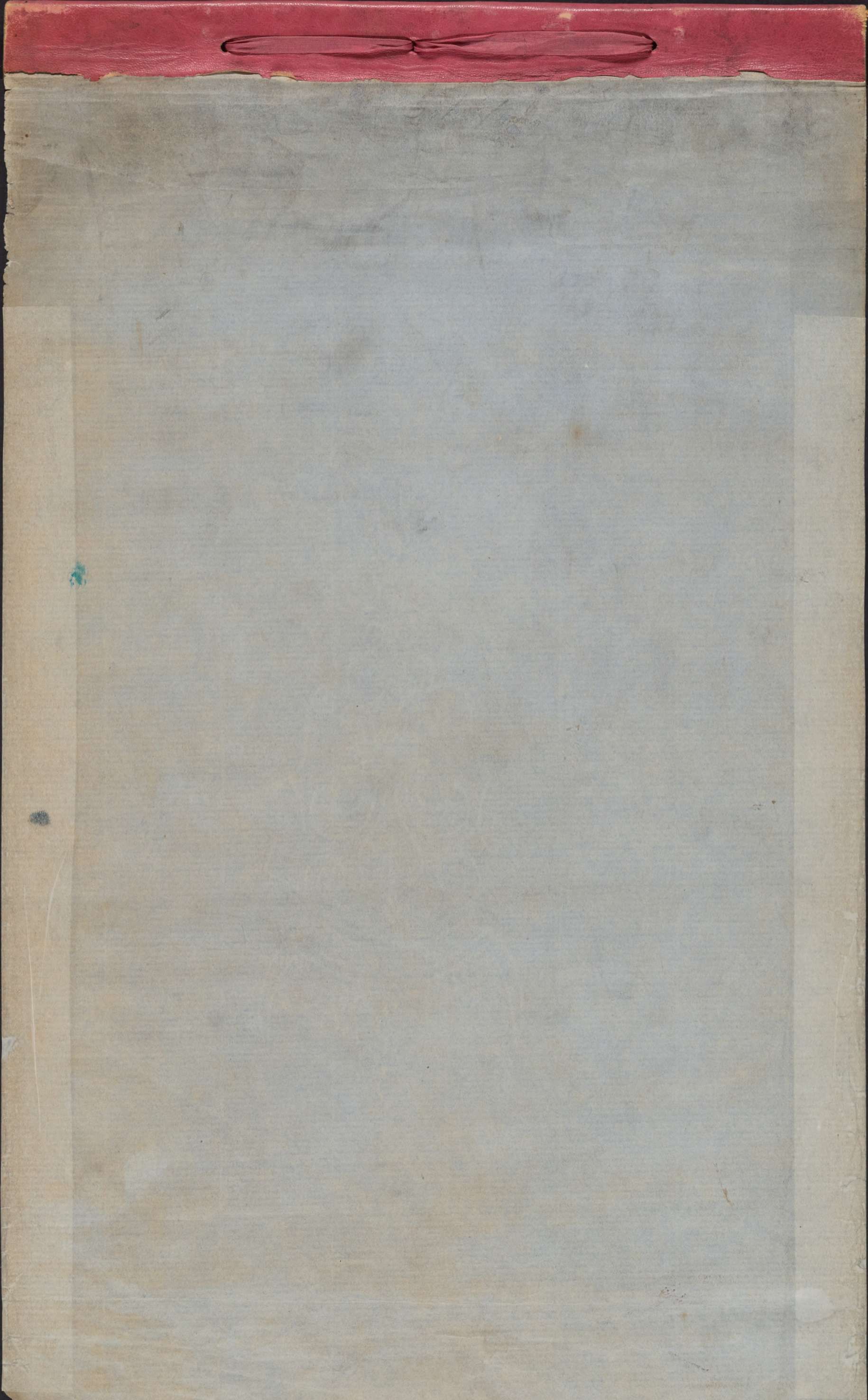
SOUTHERN DISTRICT

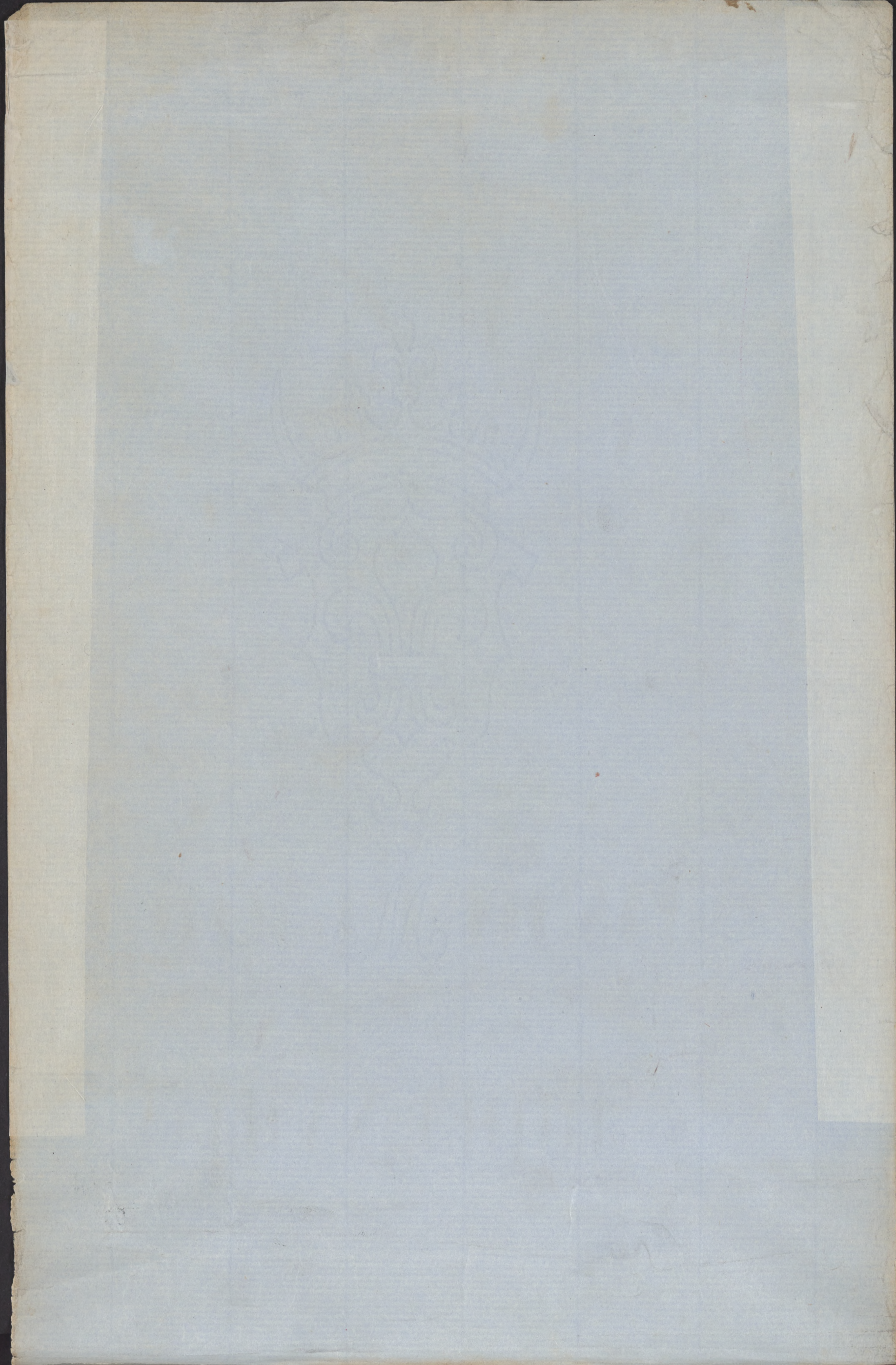
DOS PUEBLOS GRANT

NICOLAS A. DEN
CLAIMANT

MAR 5 1963

U.S.A.
100% COTTON FIBER
FLOWER BOND
Keweenaw





TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. 517

Nicolas A. Den

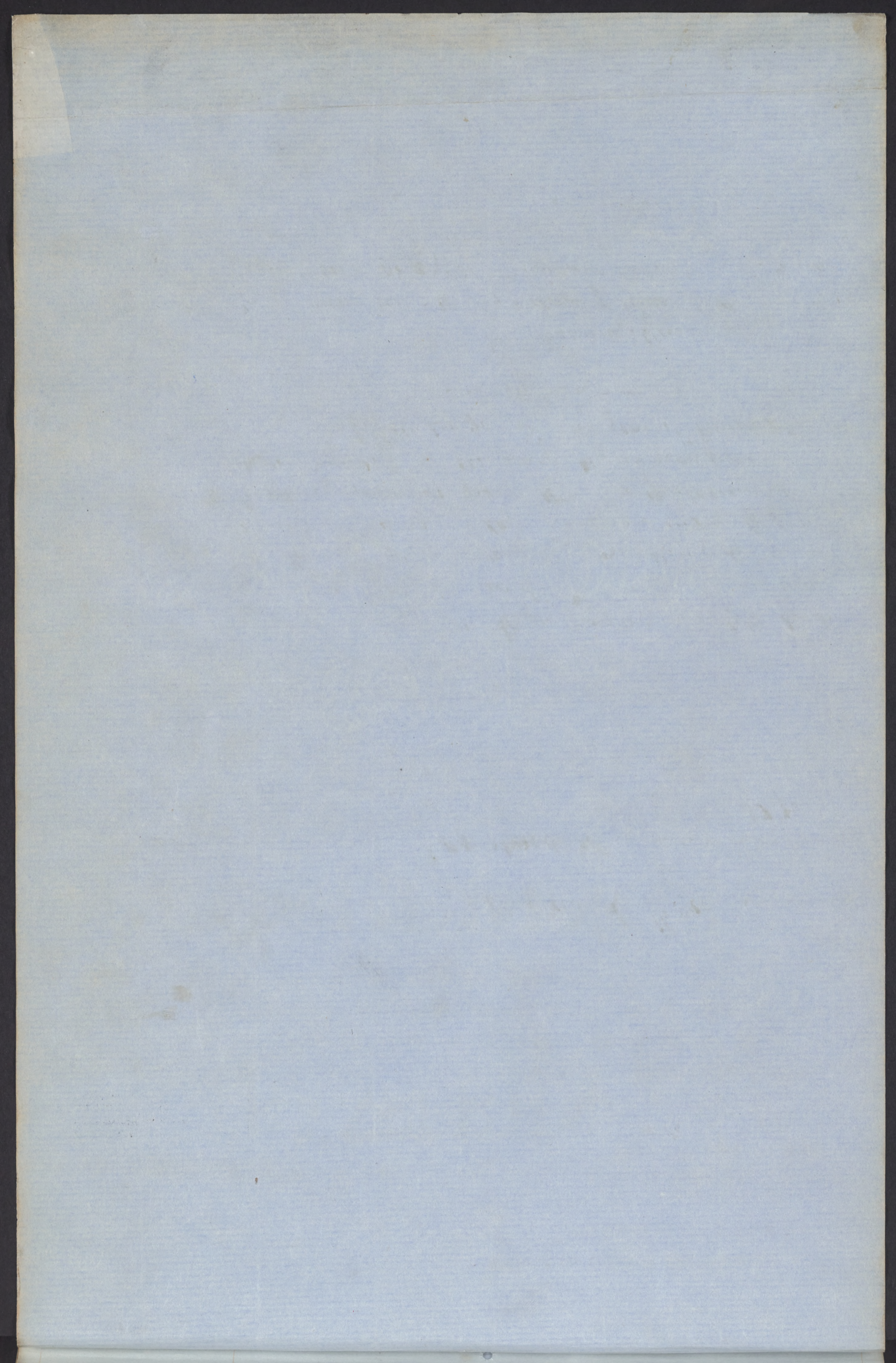
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Dos Pueblos"



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this *eighteenth day of January*, Anno Domini One Thousand Eight Hundred and Fifty-*Three*, 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 *Nicolas A. Den* for the Place named "*Dos Pueblos*," was presented, and ordered to be filed and docketed with No. *517*, 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, February 9th 1853.
In Case no. *517* *Nicolas A. Den* for the place named "*Dos Pueblos*," the deposition of *Jose Maria Corarrubias*, a witness in behalf of the Claimant, taken before Commissioner *Rebecca Hall*, with documents marked *H. H.*, nos. *1, 2, 3* annexed thereto was filed;

(Vide page *3* of this Transcript.)

San Francisco, March 4th 1853.
In the same Case the deposition of *Juan B. Alvarado*, a witness in behalf of the Claimant taken before Commissioner *Henry J. Thornton* was filed;

(Vide page *13½* of this Transcript.)

San Francisco Sept. 26' 1853.
Case no. 517 was submitted on Briefs and taken
under advisement by the Board.

San Francisco, March 14' 1854.
In the same case Commissioner Thompson Campbell
delivered the opinion of the Board confirming the claim;
(Vide page 29 of this Transcript.)

San Francisco, Aug. 15' 1854.
In the same case, on motion of the United States
Law Agent, the following order was made, to wit:
(Vide page 32 of this Transcript.)

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Before the Commission to settle Private Land Claims in California -

Petition

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Nicholas A. De N. Quis noticed that he claims a tract of land in said State known by the name of "Las Puercas" situated in the County of Santa Barbara. Said tract was granted to him on the 18th of April 1842 by Don Juan B. Alvarado, Governor of the Department of the Californias, judicial possession of the same was given him on his petition thereof by the proper Magistrate on the 19th of December 1842 and the said grant was confirmed by the Departmental Assembly of California on the 3rd day of October 1845. Said tract has been occupied & settled by said grantee according to law. There is no conflicting claim thereto known to the grantee - A copy of said grant is herewith filed & prayed to be taken as part of this notice. The original and other proof will be produced -

By his Attorneys -
Jones Crockett & Baker,
Filed in Office Jan'y 15, 1853,
(Signed) Geo Fisher Secy.

Deposition
of
Jose Maria
Cooanubias

San Francisco Feb. 9, 1853.
On this day before Comr. Richard Hall came Jose Maria Cooanubias a witness in behalf of the claimant N. A. De N. Quis in 577 and was duly sworn his evidence being interrupted by the Secretary.

The U. S. Associate Law Agent was present.

Jose Maria Cooanubias a witness on behalf of the claimant in answer to interrogatories on the part of the claimant deposes and says,

He is 44 years of age he resides in California and has resided for 15 years. He is well acquainted with the hand writing and signatures of Juan B. Alvarado and Manuel Jimeno, that their signatures on the papers shown him, and which is attached to this deposition, marked No. 6, are genuine. He is also acquainted with the

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signature of Don Pico that his signature to the paper I have shown him and which is attached to this deposition marked N. N. No 2, is genuine that witness own signature to said paper is also genuine, that he signed it as Secretary of the Department of the Californias that it was executed at the time it bears date and that it is a true certificate of what it purports, that he is also acquainted with the signatures of Joaquin Carrillo, Estevan Ortega and Don Pedro Cortez that their signatures to the paper herewith shown are all genuine, said paper being hereto attached marked N. N. No 3, that witness own signature to said paper is genuine that the proceedings noted in said paper took place at the time they bear date, that Joaquin Carrillo was at that time Justice of the Peace of the Jurisdiction of Santa Barbara, witness is acquainted with the tract of land called the "Ras Publico" that judicial possession was given of said Rancho to Don Nicholas A. Don as set forth in the last mentioned paper, that he knows that said Rancho was occupied by said Don as long ago as the year 1812 and ever since, that he has had houses, corals, Catito and horses upon it, during all that time.

Don Juan Covarrubias.

Noted & Subscribed
Before me

Alonso Nunez Com

Filed in Office Feb. 9. 1833.

(Signed) Geo. Fisher Secy

X

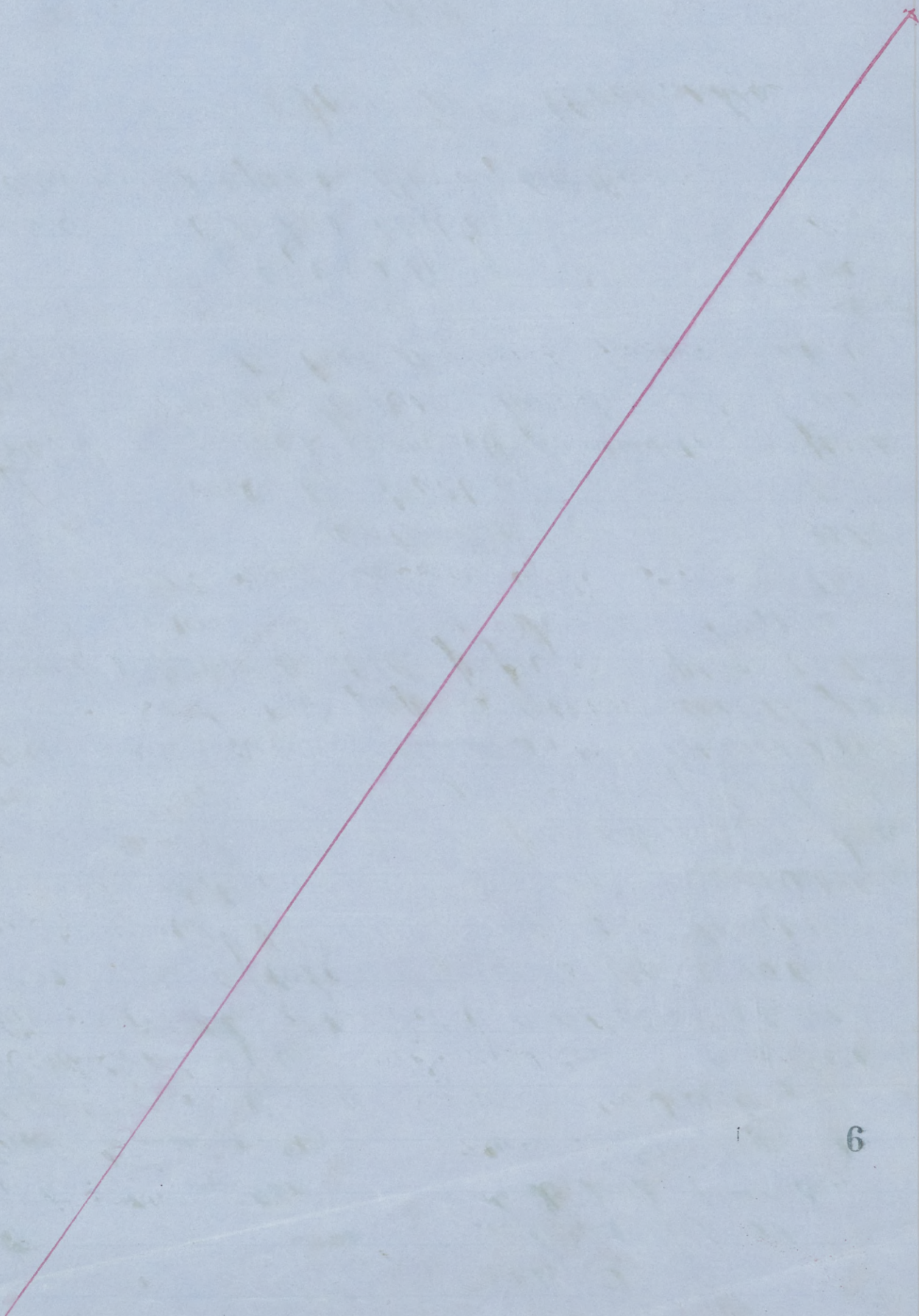
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Expediente
L

Don Nicolas A. Pen.

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PAGE 6

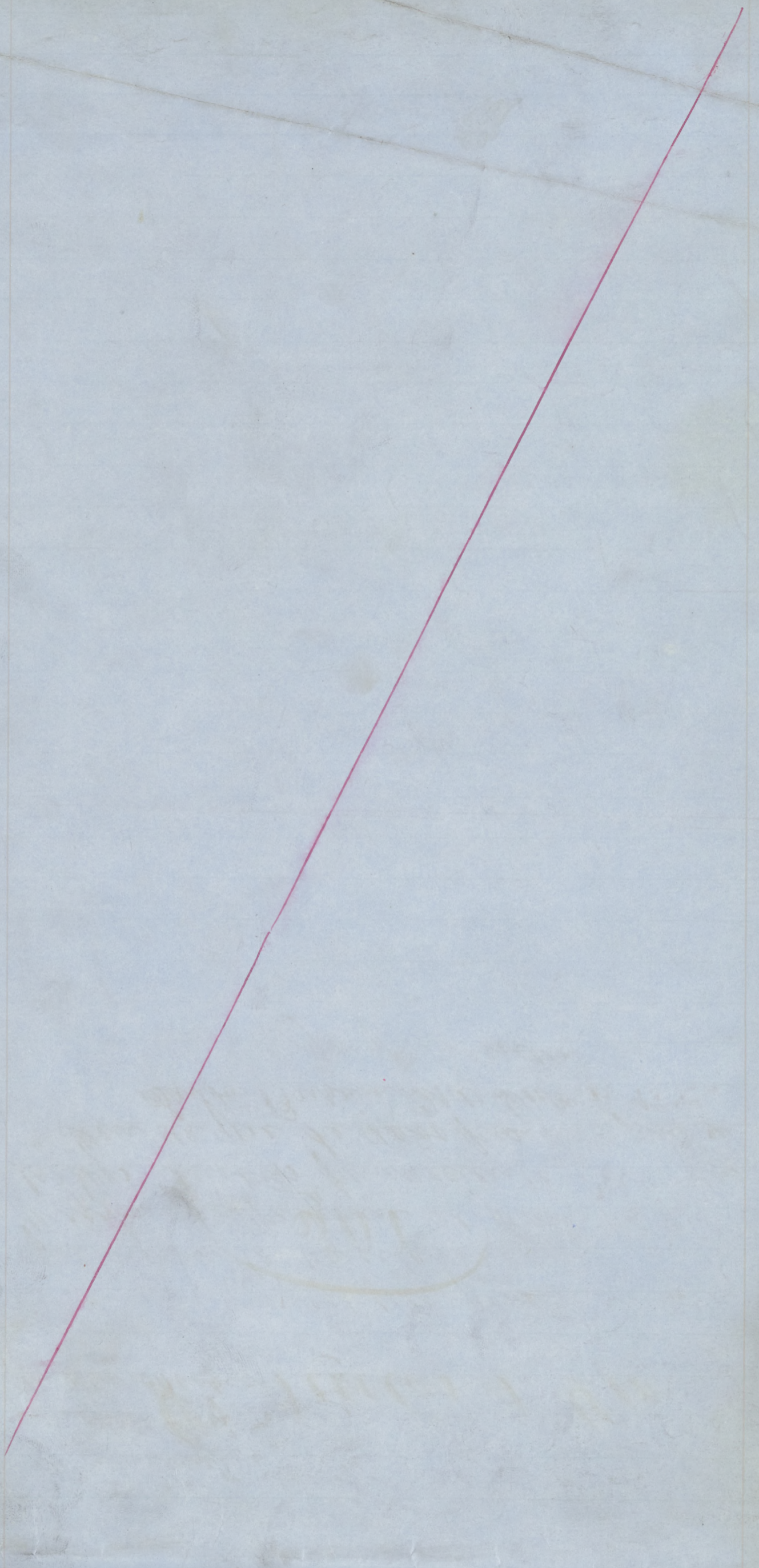
301



112

1874

1874



2

Joaquin Carrillo, juez
de Paz del Partido
de Sta. Barbara

517

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Certifico que el diseño
que rije á la vuelta es conforme al
terreno que pertenece al Rancho de
los "Dos Pueblos" perteneciente Sr. Nicolas
A. Sen de que he dado posesion juridica
Santa Barbara 21 de Dic^m de 1842,
Joaqⁿ Carrillo.

Keep following the map

4

Fr. Narciso Duran Ministro de la Misión de Santa Barbara.

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De la cantidad de cien reses que se recibían en el terreno de la Canada de las Armas 23 de Jori. de 1845 el número de once cabezas. Y para que conste lo firmo.

Certifico que en el mes de Agosto del año pp. se celebró un convenio con consentimiento expreso y espontánea voluntad de los Alcaldes y Capitanes viejos de esta Misión, en el cual renunciaba esta Misión de el derecho que tenía en el terreno de la Canada de las Armas hasta la Cochera traspasandolo á la persona de D. Nicolas A. Deu quien podía libremente disfrutar de dho. terreno por la cantidad de mil fusos, mitad en esquilmos y mitad en ganado en pie y solo se resta para el computo á los mil pesos la cantidad de reses que constan en el inventario entregado á la Comision de Misiones.

Fr. Narciso Duran.

Sta. Bart^a Jori. 23 de 845.

Fr. Narciso Duran

Ministro de la Misión

5

Angulos Jori 26 de 1843.

Dado cuenta á la B. A. en sesion de hoy con el expediente respectivo del parage de los dos pueblos se mandó pasar á la Comision de terrenos baldios.

Pis Fico.

Agustin Obvera.
Srio.

Excmo Sor.

La Comision de terrenos baldios, en vista de los documentos q. apare

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En su el presente expediente, encuentra q. D. Nicolas A. Du es dueño en propiedad del paraje nombrado los dos pueblos hasta el punto llamado la Cochera, p.^o compra hecha, de esta parte hta la Llanada de las Armas, á la Misión de Sta Barbara á q. pertenecía como consta del antecedente certificado del R. P. Prefecto Fr. Narciso Duran, en tal virtud sugira á la deliberación de V. E. las siguientes proposiciones.

1.^a Se aprueba la concesion en propiedad q. el Sup.^o Gov.^o Departamental adjudicó á favor de D. Nicolas A. Du, del paraje conocido p.^o dos pueblos, en título de 28 de Abril de 1842, de entera conformidad con la ley de 18 de Agosto de 1824, y el reglamento de 21 de Nbro. de 1828 quedando sin lugar ni efecto el título de 24 de Marzo de 1843 expedido sobre el mismo paraje p.^o el Sr. Gral. D. Manuel Micheltona.

2.^a El Gobierno cuidará de que el citado Sr. Du efectue el pago total de la cantidad de reses q. resta á la respu.^a Misión de Sta. Barbara.

3.^a El asociado cumpliendo con lo prevenido en art. 12 del predicho reglam.^{to} de 828, podrá disponer libremente del d.^o de propiedad q. con ello se le consolidó al sitio concedido.

Salu de Comisiones. Ciudad de los Angeles Octubre 1.^o de 1845.

Fran.^{co} de la Guerra. Narciso Botello. 10

Angeles Octubro 3 de 1845.

En sesion de hoy se aproba-
ron por la Exma. Asamblea Departa-
mental las tres proposiciones del dicta-
min antecedente mandando se devuel-
va el expediente al Exmo. Sr. Gobernador
para los fines convenientes.

Pio Pico.

Agustin Olvera
Srio.

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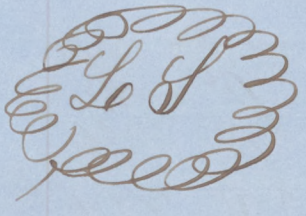
En la propia fhu. se paso el comprobante
al interesado librandole copia de la apro-
bacion.

Office of the Surveyor General of
The United States for California.

I John C. Hays Surveyor Gen-
eral of the United States for the State
of California and as such having in
my Office and in my charge and cus-
tody a portion of the Archives of the
former Spanish and Mexican Terri-
tory or Department of Upper Califor-
nia by virtue of the power vested in
me by law do hereby certify that
the Seron preceding and hereunto an-
nexed pages of tracing paper Num-
bered from one to seven inclusive ex-
hibit a true and accurate copy of
a certain document now on file

10

and forming a part of the said Archives
in this Office



In testimony whereof I have
herewith signed my name offici-
cially and caused my Seal of
Office to be affixed, at the City
of San Francisco, this seven-
teenth day of February A.D.
1854

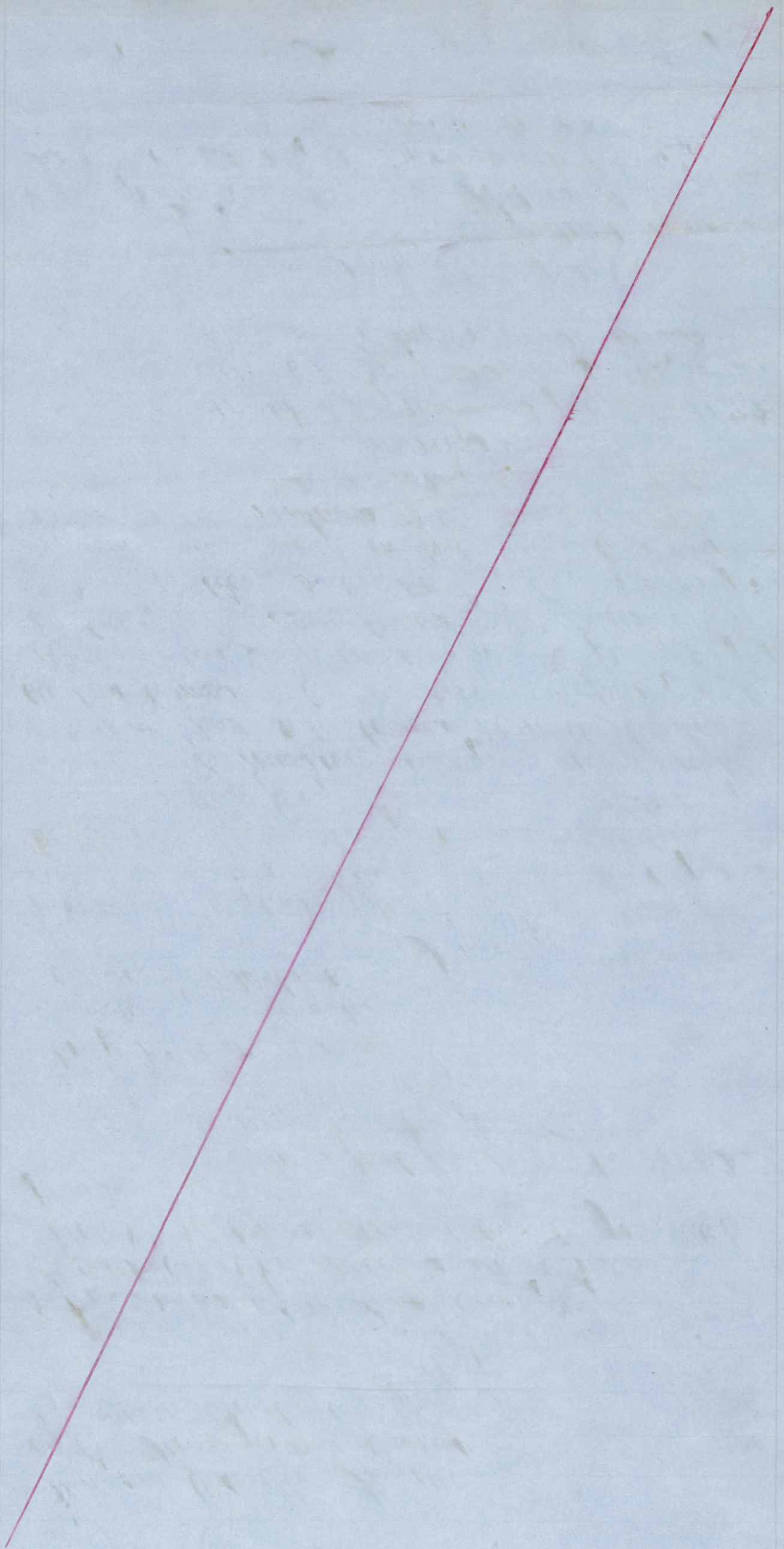
John C. Hays.
U.S. Surveyor General
for California.

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Filed in Office Feb. 21. 1854

(Signed) Geo. Fisher
Trey

[Large, highly decorative cursive flourish]



20

Don Nicolas A. Rio.

311.

Joaquin Carrillo Justice
of the Place for the District
of Santa Barbara.

I certify that the annexed
map (Quiero que se vea la Vuelta), is a
representation of the land belonging to the
Rancho of Don Nicolas A. Rio, called "Las
Pueblas" of which I have given the juridical
possession.

Santa Barbara, Nov 21st 1812.
(Signed) Joaquin Carrillo.

Translation
of
Espediente,

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Fray Francisco Ximara
Minister of the Mission
of Santa Barbara

I certify that in the
month of August of the last past year an
agreement was entered into with the expressed
consent and voluntary assent of the Old
Alcaldes and Captains of this Mission by
which said Mission relinquished the right
which it had to the lands from the Cañada
de las Amas to the "Cochira" transferring it to
Don Nicolas A. Rio who might freely enjoy
the benefits of said lands for the sum of one
thousand dollars one half in German crops
and the other half in wheat and the only legal
evidence that remains is the number of cattle
manifested by the inventory delivered to the
Commissions of Missions.

Santa Barbara, Sept 23rd 1815.
(Signed) Fray Francis Ximara,
Minister of the Mission

August 26th 1815

Having presented the Espediente relative
to the place called "Las Pueblas" to the most
Excellent Assembly it was ordered to be referred
to the Committee on vacant Lands.

(Signed) Pio Pico
(Signed) Augustin Placer Secy.

Most Excellent Sir -

In view of the Documents which appear in the present Expediente the Committed upon Vacant Lands finds that Don Nicolas A. Denis owner on property of the place called "Las Puercas" to the point called Cochera by a purchase made of the Mission of Santa Barbara from this point to the "Cañada de los Amos" which belong to said Mission as the foregoing Certificate of the Rev. Father Prefect Fray Narciso Bermejo sets forth therefore it suggests to the deliberation of Vicer El Excmo. the following propositions -

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1st. The grant in property made by the Superior Departmental Government in favor of Don Nicolas A. Denis of the place known by the name of "Las Puercas" in the title of the 24th of April 1842 in entire conformity with the Law of the 18th of August 1824 and the Regulation of the 21st of November 1828 (is approved) remaining husband and wife the title to the said place issued by Genl Don Manuel Micheltrema under date of March 14th 1843 -

2nd. The Government will see that the said Don Denis effects the payment of the whole number of debts which remains due to the said Mission of Santa Barbara.

3rd. The grantee complying with the provisions of Art 12 of the aforesaid Regulation of 1828 may freely dispose of the ownership whereby his title to the place granted is consolidated -

Committed Room, City of Los Angeles
October 1st 1845

(signed) Francisco de la Guerra,
(signed) Narciso Botello -

Los Angeles October 3rd 1845 -

In session of to-day the three propositions of the foregoing opinion were approved by the Most Excellent Departmental Assembly ordering that the Expediente be returned to the Most Excellent Governor for convenient purposes.

(signed) Pio Pico
President

X

(Signed) Augustin Olvera Secretary.

As the same date the Confirmation was transmitted to the interested party allowing to him a copy of the approval.

J. George Fisher Secretary to the U.S. Land Commission to ascertain and settle the private land claims in the State of California hereby certify that the foregoing is a true and faithful translation of a Spanish Document in Case No 577 wherein Nicolas A. Ben claims "Las Puercas" now on file in this Office -

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In testimony whereof I have hereunto set my hand and the Seal of the Secretary of the above named Commission, San Francisco, this 10th day of March 1854

(Signed) Geo Fisher Secy. S.

Filed in Office Feb. 21st 1854.

(Signed) Geo Fisher Secy

San Francisco March 4 1853 16

Deposition of
Juan B. Al-
varado.

On this day before Com. H. J. Thornton
Came Juan B. Alvarado a witness in behalf
of the Claimant Nicholas S. Dem petition No
517 and was duly sworn, his evidence being
interputed by the Secretary

Questions by Claimant

Q¹ What is your name age, and
place of residence?

Ans. My name is Juan B. Alvarado,
my age is forty three and my residence
is Contra Costa in California

Q² - Look upon the document
now shown to you marked No. 1 in the
deposition of J^o Ma. Covarrubias is No.
517 this case, and say whether you
signed your name to it as Gov. at
the time it purports to have been exe-
cuted?

Ans. I have examined this docu-
ment, and state that my signature
to it is my genuine signature, and
that I made it as Governor, at the
time it purports to have been exe-
cuted.

U.S. Law Agent present

Juan B. Alvarado

Sworn to and sub-
scribed before me this
4th of March 1853

Harry J. Thornton

Comr.

Filed in office March 4th 1853

Geo. Fisher

Secy.

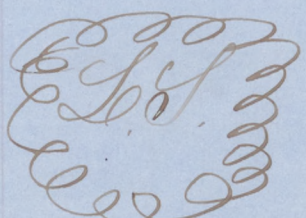
Doc No No No 1
annexed to the
Deposition of
J. M. Covarrubias

Sello Primero Seis Pesos

Habilitado provisionalmente por la Adu-
ana Maritima de Monterey para los
años de 1842 y 1843.

Alvarado.

Antonio M. Osio.

 Juan B. Alvarado Gobernador
del Departamento de las Cal-
ifornias.

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Por cuanto Sr Nicolas Augusto
Don Originario de Irlanda y natural-
izado en la Republica Mexicana ha so-
licitado para su beneficio personal y el
de su familia el terreno conocido con
el nombre de los Dos Pueblos situado a
las inmediaciones de la Mision de Sta
Barbara colindante con la Playa del Ca-
nál del mismo nombre y la lomeria
alta asi a la Sierra: con la Canada del
Corral limite del rancho de Sr Antonio
M. Ortega, y con el paraje llamado la
Cochera asi al presidio de Sta Barbara
segun esplica el diseño que como agre-
gado al expediente; y usando de las facult-
ades que me son conferidas en nombre
de la Nacion Mexicana he venido en con-
cederle la propiedad de él por las presentes
letras quedando sujeto a la aprobacion
de la Corona. Junta Departamental y
bajo las condiciones siguientes.

1^a Podrá cercarlo sin perjudicar
las travesias caminos y servidumbres.

2^a No podrá imponerle senso vin-
culo fianza hipotecaria ni otro gravamen

15
aunque sea p.^a causa piadosa ni pasar-¹⁸
lo á manos muertas.

3.^a El terreno de que se le hace dona-
cion es de tres sitios y medio de ganado
mayor poco mas ó menos segun espli-
ca el diseno, el Juez que lo posecionare
lo hará medir conforme á ordenanza.

Por tanto mando que teniendose
por firme y balaera esta concision se
dome razon ~~en~~ el Libro correspondiente,
y se entregue al interesado para los fines
que le convengan. Dado en Monterrey
á diez y ocho de Abril de 1842.

Juan B. Alvarado.

Man. Jimeno
Srio.

Queda tomada razon de este Des-
pacho en el Libro de acientos sobre
adjudicaciones de terrenos baldios á
fojas 11.

Jimeno.

Filed in office Feby 9 1853.

(Signe) Geo. Fisher
Jury
333

Pio Pico Gobernador Interino del Departamento de las Californias

Doc. No. No. No. 2.
Annexed to the
Deposition of
J. M. Covarrubias

La Exma. Asamblea Departamental en sesion de hoy han acordado lo siguiente.

1^a Se aprueba la concesion en propiedad, que el Superior Gobierno Departamental adjudicó á favor de Don Nicolas A. Pin, del parage conocido por Los Pueblos, en titulo 28 de Abril de 1842, de entera conformidad con la ley de 18 de Agosto de 1824 y el reglamento de 21 de Noviembre de 1828, quedando sin lugar ni efecto el titulo de 24 de Marzo de 1843, expedido sobre el mismo parage por el Señor General Sr. Manuel Micheltorena.

2^a El Gobierno cuidará de que el citado Señor Pin efectúe el pago total de la cantidad de reses que resta á la expresada Mision de Santa Barbara.

3^a El agraciado cumpliendo con lo prevenido en el artículo 12 del predicho reglamento de 28 podrá disponer libremente del derecho de propiedad q. con ello se le consolida al sitio concedido.

Y para resguardar de la parte de Don Nicolas A. Pin lo hago así saber. Dado en la Ciudad de los Angeles en este papel comun por falta de sellado á tres de Octubre de mil ochocientos cuarenta y cinco.

Pio Pico.

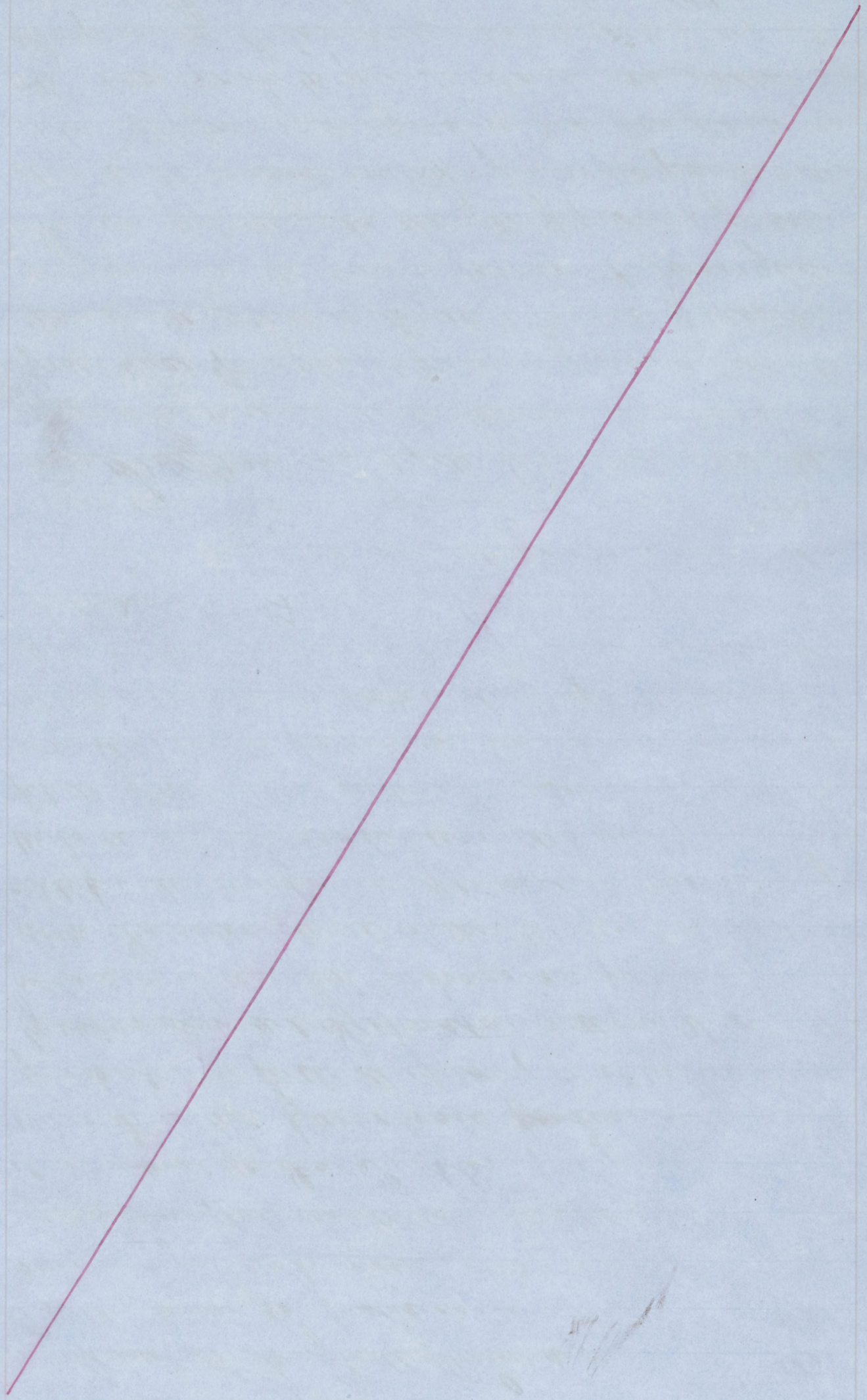
Jose M. Covarrubias Sr. 19

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Filed in Office Feby 9th 1853.
(Signed) Geo. Fisher.
Secy.

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Do. No. 16 No. 3

Annexed to the
Deposition of
J. M. Covarrubias

Sr. Juez de Paz

Nicolas Augusto Len, vecino de este Puerto, ante la justificacion de V. comparece y dijo: Que habiendo obtenido la concesion en propiedad del terreno conocido con el nombre de Dos Pueblos, por justo titulo expedido á mi favor con fecha diez y ocho de Abril del presente año por el Exmo. Sr. Gobernador del Departamento; á V. suplico se sirva darme la posesion juridica de dicho, con arreglo de dicho titulo y á la copia certificada en forma del decreto del expresado terreno; cuyos documentos debidamente acompaño á esta mi instancia; sirviendose V. admitirme en papel comun por no haber del sellado que corresponde. Fecho lo necesario &c.

Santa Barbara Diciembre 19 de 1842.
Nicolas Augusto Len.

Sra Barbara 19 de Diciembre de 1842

En virtud de la antecorrida solicitud procedase por mi el presente juez á la medicion, señalamiento de linderos y posesion judicial del terreno de los Dos Pueblos que solicita el interesado en este expediente, con arreglo á los documentos que acompaño; señalando para ejecutarlo el dia Veintinueve de este mes, para lo que se citaron con boleto de comparendo á los colindantes. Asi yo el Juez de Paz del Partido de Sta. Barbara lo mande, decreté y firmé, actuando por receptoria con testigos de asistencia por falta de escribano Nacional y público de que doy fé.

Joagⁿ Carrillo.
 de assa. de assa.
 Jose M^t. Covarrubias. Estevan Ortega.

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En la fecha presente Don Nicolas Augusto Du, se le notificó el auto que antecede, y de él entendido dijo: Que lo oye y se dá por citado, y lo firmó conmigo y los de mi asistencia de que doy fé.

Nicolas Augusto Du.

Joagⁿ Carrillo.
 de assa. de assa.
 Jose M^t. Covarrubias. Estevan Ortega.

En la misma fecha se libraron los boletos que se mandan en el primer provisto, y para que conste por diligencia lo obrigué

Cubric.

En el rancho de los Dos Pueblos á los vintitantos dias del mes de Diciembre de mil ochocientos cuarenta y dos en cumplimiento de la cita librada á los colindantes del referido rancho concurrió Jose Dolores Ortega, y entendido de que se iba á proceder á la medicion, señalamiento de linderos y posesion del terreno de los Dos Pueblos á favor de Don Nicolas Augusto Du, dijo quedar entendido, y para constancia lo firmó conmigo, y los de mi asistencia de que doy fé.

Jose Dolores Ortega.
 Joagⁿ Carrillo.
 de assa. de assa.

Jose M^{te} Covarrubias. Estevan Ortega,

En seguida yo el juez de estos autos nombro por medidores en la presente posesion al vecino Pedro Feliz y al indigeno Juan Olivera quienes previa la aceptacion y juramento procederan al desamparo de su mesage, y para constancia lo pongo por diligencia que firmo con los de mi asistencia de que doy fe
Joaze Carrillo.

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de assa de assa.
Jose M^{te} Covarrubias. Estevan Ortega.

En la fecha y en el referido rancho se les notifico el auto que antecede al vecino Pedro Feliz y al indigeno y entendidos de el dijeron: que aceptan y aceptaban dicho mesage de medidores y juraron por Dios Nuestro Señor y una Venal de Cruz de usarlo fiel y legalmente a todo su Real Saber y entender sin dolo ni fraude contra persona alguna, y por no saber escribir hicieron cada uno una Cruz, lo firme yo con los de mi asistencia; doy fe.

Joaze Carrillo
de assa de assa.
Jose M^{te} Covarrubias. Estevan Ortega.

Y continente yo el referido juez mande traer a mi presencia un cordel con que se han de medir las tierras de dicho rancho y que los medidores lo midan de a cincuenta varas, lo que 23

21
firmo con los de mi asistencia de que
 doy fé.

Joaqⁿ Carrillo.

dueno.

de asen.

Jose M^a Covarrubias. Estevan Ortega.

En seguida y en presencia de mi
 el presente juez los mididores men-
 cionados tomaron un cordal de mecate
 y con una vara de medir usual me-
 picana midieron cincuenta varas pa-
 ra hacer la referida medicion, y para
 que conste lo rubrique.

Conte.

En la misma fecha y en el referido
 rancho, siendo como las nueve horas
 de la mañana yo el expresado juez,
 para proceder a la medicion de tierra
 que se ha de hacer a Don Nicolas Au-
 gusto Pen, mandé a los mididores
 nombrados se pongan en el Arroyo de
 la Cañada de las Hojas que de norte a
 Sur sirve de lindero con el rancho de
 Jose Dolores Ortega, y puestos en dicho
 Arroyo se comenzó la medida tendiendo
 el cordal al Este, y se llevo al Arroyo
 de la Cochera que sirve de lindero con
 la Misim de Santa Barbara, hasta
 donde hubo trescientos sesenta y seis cor-
 dales de a cincuenta varas; y luego se
 prosiguió la dicha medida tendiendo
 el cordal al Sur desde el pie de la Si-
 erra hasta la orilla del mar, y se mi-
 dieron ciento veintisiete cordales de a

cincuenta varas; por lo que declaran dichos medidores tener dicho rancho de los Dos Pueblos, tres leguas, tres mil, cien varas de largo, y una legua mil trescientas cincuenta varas de ancho; — acompañando á este expediente el diseño que figura el terreno medido. Y para constancia lo firmé por auto con los testigos de asistencia; siendo de advertir que dicho terreno es muy desigual en lo ancho de él. Doy fé.

Joayn Carrillo.
de asst. de asst.
Jose M^{te} Covarrubias. Estevan Ortega.

En el referido rancho de los Dos Pueblos, y en el mismo día, mes y año, Don Nicolas Augusto Pen Vecino del Puerto de Santa Barbara, acompañado del Juez y testigos de estos autos, dijo: que habiéndose medido las tierras de este rancho segun consta en el auto anterior, tomaba y toma la verdadera y corporal posesion de dichas tierras medidas, pues le pertenecen con justo titulo que obtiene de la concesion que de ellas le hizo el Excelentísimo Señor Gobernador Constitucional del Departamento Don Juan Bautista Alvarado, con fecha diez y ocho de Abril del presente año; entro y pasó por ellas, arrojó yerbas, espació puñados de tierra, rompió ramas de los arboles, e hizo otras demostraciones y actos de posesion en señal de la que

dijo tomaba de dichas tierras. Y yo dicho juez mandé que desde entonces lo tubiesen y reconocieran por verdaderos Señor y poseedor de ellas.

Al todo lo expresado pidió dicho Don Nicolas Augusto Pen, que para memoria en lo venidero y conservacion de sus derechos le fuese extendido por mi el referido juez, una constancia; y lo firmé conmigo y los de mi asistencia, de que doy fé.

Nicolas Augusto Pen.

Joaz^a Carrillo.

de assa.

de assa.

Jose M^a Covarrubias. Estevan Ortega.

En el expresado rancho y en la misma fecha, estando presente el letrado don Leandro Gonzalez dijo: que como encargado que es de la Mision de Santa Barbara, no se conformaba con la posesion judicial que del terreno de los Dos Pueblos se le ha dado á Don Nicolas Augusto Pen, por resultar de ella un grave perjuicio á los naturales de la expresada Mision. Y para que conste lo purgo por diligencia, que firmo con los de mi asistencia de que doy fé.

Joaz^a Carrillo.

de assa.

de assa.

Jose M^a Covarrubias. Estevan Ortega.

Filed in Office Feby 9th 1853

(Signed) Geo. Fisher
Seig.

Translation
of
N. N. No 3

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Senior Justico of the Place.
Don Nicholas A Don a resident of this port
before your tribunal do appear and say that
having obtained the concession in proprietor-
ship of the tract of land known by the name
of "Las Pablos" by a just title issued in my
favor under date of the 15th of April of the
present year by the most Excellent the Governor
of the Department; I pray you will please
give me the customary judicial possession
of the same in conformity to the said title and to
the duly certified copy of the map of said
land which documents are duly annexed to
this my petition, written on common paper there
being no corresponding stamped paper. I make
the necessary oath &c.

Sta. Barbara Decem 19th 1842.
Nicolas Augustus Don

Sta. Barbara 19. Decem 1842.

In conformity to the preceding
petition do it be proceeded by me the present
Justico of the measurement the marking out of
boundaries and the judicial possession of the
tract of land of the "Las Pablos" asked for by
the party interested in this Expediente in confor-
mity to the documents annexed, at the twenty first
day of this month be appointed for its execu-
tion by notices de comparendo be issued to
the bordering neighbors. Thus I the Justico
of the Place of the Portillo of Santa Barbara
did ordain decree and sign to acting ad interim
with assisting witnesses for want of natural
& public notary. which I attest.

Joaquin Carrillo
Jose Ma Covarrubias }
Estevan Ortega } assisting witnesses.

On the same date being present Don Nicolas
Augustus Don he was notified of the foregoing
decrees and upon being acquainted therewith he
said that he hears it and consents himself as
notified and he signed it with me and my assis-
ting witnesses which I do certify —
Joaquin Carrillo —

Don Nicholas Augustus Rin,
 Jose' Ma Cosamulias } assisting
 Estevan Ortega } witnesses.

On the same date the notices ordered in the
 last decree were issued and that it may serve
 as testimony I put my seal to it -
 (a scroll)

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On the Rancho of the "Das Pueblos" on the
 twenty first day of the month of December 1812
 in conformity to the note issued to the ordering
 neighbors of the mentioned rancho appeared Jose'
 Dolores Ortega who having understood
 that they were going to the proceed to the mea-
 surament demarcation of boundaries and posses-
 sion of the land of the Das Pueblos in favor
 of Don Nicholas Augustus Rin said he was
 apprized of it and in testimony thereof he signed
 with me and my assisting witnesses -
 which I certify -

José Dolores Ortega -
 Jaquin Carillo.
 Jose' Ma Cosamulias } assisting
 Estevan Ortega } witnesses.

In succession, the judge of these
 proceedings has appointed as measurers in
 the present possession the inhabitant Pedro
 Ruiz and the Indian Juan Olivera who after
 giving their acceptance and taking their oath
 will proceed to execute their commission in
 testimony whereof I enter this as a Record
 and sign it with my assisting witnesses -
 which I certify -

Jaquin Carillo
 Jose' Ma Cosamulias } assisting
 Estevan Ortega } witnesses

On the same date and at the same rancho
 the foregoing decree was notified to the resident
 Pedro Ruiz and to the Indian
 who having understood it said that they do
 accept and did accept the said appointment
 of measurers and they swore by our Lord

x

God and a sign of the Cross to fulfil it faithfully & legally according to their loyal knowledge & understanding, without prejudice or fraud against any person, whatever, and for want of knowing how to sign each one made a cross. I signed it with my assistants which I attest -

Joaguin Corrallo -
 Jose' Ma' Coronubias } assisting
 Esteban Ortega } witnesses }

Immediately the above Justice ordered to be brought before me a cord with which to measure the limits of the said rancho and the measurers to measure it to the length of fifty varas and I sign the same with my assisting witnesses - which I certify -

Joaguin Corrallo -
 Jose' Ma' Coronubias } assisting
 Esteban Ortega } witnesses -

In succession and in the presence of me the said Judge the said measurers above named took a meat cord and with an usual measuring Mexican vara they measured off fifty varas to make the said measurement and in testimony thereof, I signed it with a scroll -
 (A scroll)

On the same date and at the same rancho at about nine o'clock in the morning the said Judge in order to proceed to the measurement of the said land, which has to be made for Don Nicolas Augustus Don ordered the appointed measurers to place themselves in the rivulet of the 'Cañada de las Lagas' which from north to south runs as a boundary with the rancho of Jose Dolores Ortega, and they being placed in said rivulet they began the measurement, drawing the end to the eastward when they reached the rivulet of La Cochera which serves as a limit with the mission of Santa Barbara until they obtained three hundred & seventy six lengths of fifty

varas each and then the said measurement was followed up by extending the end to the South from the foot of the mountain down to the Sea Shore and they measured out one hundred and twenty seven lengths of fifty varas each. Consequently the said measurement declared the said Rancho of the Das Puelas to contain three leagues three thousand one hundred and length and one league one thousand three hundred and fifty varas in width. Annexed to this Espediente is the map that represents the land measured.

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In testimony I signed it as a deed with the assisting witnesses it being to be observed that the land is very uneven in its width - All of which I certify
Jaquin Carillo.

José Ma Cosanubias }
Asstn witness }
Estroan Ortega }
witnesses }

At the said Rancho of the Das Puelas and on the same day month & year Don Nicolas Augustus Bin a resident of the Port of Santa Barbara in company of the Judge and witnesses of these proceedings said that the lands of this rancho having been measured as appends from the foregoing proceedings he did take and does take the true and bodily possession of the said measured lands as they belong to him by a Just title that he has obtained by the concession that was granted to him of them by the most Excellent Constitutional Governor of the Department Don Juan Bautista Alvarado on the date of the eighteenth of April of the present year. he entered & walked over the lands pulled up grass, threw out handfuls of earth, broke off branches of the trees and made other administrations & acts of possession as a sign of that which he said he took of said lands. And of the said Judge ordered that from that moment he should be taken and considered as the true and lawful possessor of the same.

X

Of all the above the said Don Nicholas Augustin Rin asked that as a remembrance in the future and for the Consideration of his rights. I the said Judge should issue to him a testimony and he signed to with his and my assistant witnesses which I certify

Nicholas Augustus Rin.

Joaquin Curillo

Josi Ina Covarrubias Assisting
Estevan Ortega } Witnesses

At the said Rancho & on the same date being present Citizen Leoncio Gonzalez he said that having as he has charge of the mission of Santa Barbara he did not give his assent to the judicial possession that had been granted to Don Nicholas Augustus Rin of the tract of land of the "Das Pablos" as it would result in a material injury to the natives of said Mission and in testimony thereof I make a record of the same.

Joaquin Curillo

Josi Ina Covarrubias Assisting
Estevan Ortega } Witnesses

I, George Fisher Secretary to the United States Land Commission, to ascertain and settle the private land claims in the State of California do hereby certify the foregoing to be a true and correct translation of a Spanish document No. 16, No 3, in Case No 517, wherein Nicholas A Rin claims the Rancho of the "Das Pablos" now on file in this Office.

In testimony whereof I have hereunto subscribed my name
Officer of the Secretary of the above named Commission
San Francisco, Calif. this
fourteenth day of March 1854.

(Signed)

Geo. Fisher Secy.

Filed in Office July 9, 1853.

(Signed)

Geo. Fisher Secy.

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X

1874

20

Nicholas A Don
 as
 The United States } "Das Puablas"
 } Thro and a half
 } square leagues.

The party has offered in Evidence
 in this case the original grant made by Gov-
 nor Alvarado on the 18th day of April 1842.

As further Evidence the party has
 placed on file the proceedings of approval had
 before the Departmental Assembly together with
 a traced copy of Expediente taken from the
 orans on file in the Office of the Suroy or Gen-
 eral of the United States for this State. This
 Expediente contains in addition to the proceedings
 of approval.

1st. A Certificate signed by Jaquin Carrillo
 in which it is stated that the annexed map, mean-
 ing the map in the Expediente contains a represen-
 tation of the lands belonging to the Rancho of
 Don Nicholas A Don called Das Puablas of
 which no Certfus he has given Judicial pos-
 session -

This Certificate is the only Evidence
 adduced by the party in regard to the Judicial
 possession of the premises in question having
 been given to the Claimant -

Said Expediente contains an-
 other Certificate signed by Don Donon who repre-
 sents himself as minister of the Mission of Santa
 Barbara the effect of which is to show that
 the said Mission had for a consideration relin-
 quished the right which it had to the lands from
 the Canada de las Armas to the "Cochira" and
 that the same were transferred to Nicholas A
 Don -

It is proved by the deposition of Doña
 Ina Covarrubias that said Rancho had been occu-
 pied by the petitioner ever since the year 1842
 and that he had had houses, corral, cattle and
 houses upon it during all that time -

This proof establishes a sub-
 stantial compliance with the conditions of the
 law.

The description of the land is the most

Opinion

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difficult question and although it is not very
definitely described in the grant. I think with
the aid of the map, which appears to have been
made at the time Carrillo testifies he gave possession
of the land, may be identified and located.

The following Condition which forms
a part of the approval made by the Departmental
Assembly is in strong confirmation of the views heretofore
expressed by this Commission in regard to
the question of the condition against alienation
as well as the power of the Grantee to let the land
within which the conditions of the law should
be performed in the case of individual grants.

The Grantee complying with
the provisions of Art 12 of the aforesaid regula-
tion of 1828, may freely dispose of the ownership
whereby his title to the land granted is consolidated.

The grant in this case contained no con-
dition against the alienation of the land granted
But the Departmental Assembly saw fit to impose
the conditions contained in the 12th article of the
regulations of 1828 upon the Grantee.

Showing manifestly his right
to dispose of the lands to depend upon a compliance
with the terms of the article referred to.

No stronger or clearer illustration
of the correctness of the interpretation heretofore
given to the 12th article of the regulations of 1828
by this Commission could be adduced than is to
be found in the above extract taken from the
authorized proceedings of the Assembly which acting
upon the grant in question.

We are of opinion that
the petition in this case is entitled to a confir-
mation of his claim and a decree of confirmation
will accordingly be entered.

Filed in Office March 14, 1854,

(Signed) Geo. Fisher Secy.

X

Nicholas A. Den.
as.
The United States

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioner is valid and it is therefore ordered that the same be confirmed.

Done

The lands of which Confirmation are hereby made are known by the name of Las Tablas and are bounded and described as follows to wit:

On the South by the Sea on the North by the high range of hills toward the mountains, on the East by the Cochino, and on the West by "Las Lagas". Situated in the neighborhood of the mission of Santa Barbara and containing in all three and a half square leagues.

Referred for further description to be had to the map which forms a part of the traced copy of the Expediente filed in the case

Alphus Rich
Thompson Campbell
R. Aug. Thompson

Filed in Office March 14, 1854.
C. Lynn, Secy.
Geo. Foster Secy.

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And in appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Southern District of California this is hereby Ordered; that two ^m transcripts of the proceedings and of the decisions in this case and of the papers and evidence upon which the same are founded, be made out and duly certified by the Secretary, one of which transcripts shall be filed with the Clerk of the United States District Court for the Southern District of California and the others be transmitted to the Attorney General of the United States.

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 following *thirty one* pages, numbered from 1 to *31*, 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. 517 on the Docket of the said Board, wherein *Nicolas A. Demis*

the Claimant against the United States, for the place known by the name of "*Dos Pueblos*"



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*.

G. Fisher.
Geo. Fisher.

U.S. District Court,
Southern District of
California.

No 150. Docket
The United States

vs

Nicolas A. Dem. For "Dos Pueblos."

150

Transcript of the Record
From the

Board of U.S. Land Commissioners
in Case no 517.

Filed, November 8th 1854.

L. E. Carr.
Clerk.

~~150~~
~~150~~
~~150~~
150

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Transcript

of the

Proceedings

In Case

No. 514

Nicholas A. Don Claimant

vs

The United States Defendant

for the place named
"Los Pueblos"

Office of the Board of Commissioners
to ascertain and settle the Private Land Claims
in the State of California

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Be it remembered that on this eighteenth day of
January A.D. 1853 before the Commissioners to ascertain & 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 Nicolas A. Deu for
the place named Dos Pueblos was presented, and ordered
to be filed and docketed with No. 51, 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 February 9th 1853.
In case No. 51, Nicolas A. Deu for the place named
"Dos Pueblos". the deposition of Jose Maria Covarrubias
a witness in behalf of the Claimant, taken before Commis-
sioner Kilian Hall, with documents marked A. B. Nos.
1, 2 & 3 annexed thereto was filed;

(vide page 3. of this Transcript.)

San Francisco, March 4th 1853
In the same case the deposition of Juan P. Alvarado
a witness in behalf of the Claimant taken before
Commissioner Harry J. Thornton was filed

(vide page 13 $\frac{1}{2}$ of this Transcript)

2
San Francisco Sept. 26. 1853.
Case No. 517. Was submitted on Briefs and taken under
advisement by the Board

San Francisco March 14. 1854
In the same Case Commissioner Thompson Campbell deliv-
ered the opinion of the Board confirming the Claim
(vide page 24 of this Transcript)

San Francisco Aug. 15. 1854
In the same Case, on Motion of the United States
Law Agent, the following order was made, to wit
(vide page 32 of this Transcript)

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Before the Commission to settle Private Land
Claims in California

Nicholas A. New gives notice he
claims a tract of Land in said State known by the Name
of Dos Pueblos, Situate in the County of Santa Barbara
Said tract was granted on the 18th of April 1842 by Don
Juan P. Alvarado, Governor of the Department of the California
Judicial Possession of the same was given him on his Peti-
tion therefor by the proper Magistrate on the 19th of Decem-
ber 1842 and the said grant was confirmed by the Depart-
mental Assembly of California on the 3^d day of October
1845. Said tract has been occupied & settled by said
grantee according to Law. There is no conflicting
Claim thereto known to the grantee. A copy of said
grant as herewith filed & prayed to be taken as part
of this notice. The original and other proof will be
produced

Section

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By his Attorney
James Crockett & Peter

Filed in Office Jan 7 1853
Signed Geo. D. H. Jecty.

Report of
Jose Maria Covarrubias

San Francisco Feb 9 1853
On this day before me Heland Hall came Jose Maria
Covarrubias a witness in behalf of the Claimant N. A. New
petition No. 517 and was duly sworn, his evidence being
interpreted by the Secretary

The U.S. Associate Law of Calif was present
Jose Maria Covarrubias a witness on behalf of
the Claimant, in answer to interrogations on the part of
the Claimant deposes and says
He is 44 years of age. He resides in
California, and has resided for 18 years. He is well

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acquainted with the handwriting and signatures of Juan B Alvarado and Manuel Jimeno, that their signatures on the paper here shown him and which is attached to this deposition marked N. B. No. 1, are genuine. He is also acquainted with the signature of Rev. Pico, that his signature to the paper here shown him and which is attached to this deposition and marked N. B. No. 2, is genuine. that witness own signature to said paper is also genuine, that he signed it as secretary of the Department of the California, that it was executed at the time it bears date, and that it is a true certificate of what it purports, that he is also acquainted with the signatures of Joaquin Carrillo Esteban Ortega, and Jose Dolores Ortega, that their signatures to the paper herewith shown are all genuine. Said paper being hereto attached marked N. B. No. 3. that witness own signature to said paper is genuine that the proceedings noted in said paper took place at the time they bear date, that Joaquin Carrillo was at that time justice of the peace of the jurisdiction of Santa Barbara witness is acquainted with the tract of land called the Las Puellas, that juridical possession was given of said Rancho to Don Nicholas A. Deu, as set forth in the last mentioned paper that he knows that said Rancho was occupied by said Deu as long ago as the year 1842, and ever since, that he has had houses, corrals, cattle and horses upon it during all that time

Sworn & subscribed before me
 Jose M. Covarrubias
 Notary Public

Filed in office Feb'y 9. 1853
 Geo Fisher Sec'y

5

Expediente

D^{no} Nicolas A. Don.

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6

2 Joaquín Carrillo. Juez
de Paz del Partido de
Santa Barbara

Certifico que el terreno que sirve a
la buetta es conforme al terreno que pertenece al Ran-
cho de las "Dos Pueblas" perteneciente D^o Nicolas Allen
de que ha dado posesion juridica
Santa Barbara 21 de Diciembre de 1842

Joaquín Carrillo

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4
D. Narciso Duran Ministro de la Misión de Santa Barbara

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Suplico que en el mes de Agosto del año pp. se celebró un convenio con consentimiento expreso y espontanea voluntad de los Alcaldes y Capitanes Viejos de esta Misión, en el cual renunciaba esta Misión de el derecho que tenía en el terreno de la Cañada de las Armas hasta la Cochera traspasandole a la persona de D. Nicolás A. Dea. quien podrá libremente disfrutar de dho terreno por la cantidad de mil pesos, mitad en equiduos y mitad en ganado en pie y solo se resta para el completo a los mil pesos la cantidad de reses que constan en el inventario entregado a la Comisión de Misiones

Santa Barbara Aho 23 de 845

D. Narciso Duran
Ministro de la Misión

5
Ayoles Aho 26 de 1845

Hado cuenta a la E.A. en sesion de hoy con el Exped. respectivo del paraje de los dos Pueblos se mando pasar a la Comisión de Terrenos baldios

D. P. P.

Agustín Olvera
Dro

Excmo. Sr.

En la Comisión de Terrenos baldíos en vista de los documentos q. aparecen en el presente Expediente, se encuentra q. D. Nicolas A. Deu es dueño en propiedad del paraje nombrado los dos Pueblos hasta el punto llamado La Cochera por compra hecha, de esta parte Sta. la finca de las Armas, a la misión de Sta. Barbara a q. pertenece como consta del antecedente certificado del R. P. Prefecto Sr. Narciso Duran; en tal virtud sujeta a la deliberación de V. E. las siguientes proposiciones

1.^a Se aprueba la concesión en propiedad q. el Sup. Gobierno Departamental adjudica a favor de D. Nicolas A. Deu del paraje conocida por los dos Pueblos, en título de 28 de Abril de 1842, de entera conformidad con la ley de 18 de Agosto de 1824, y el Reglamento de 21 de Abo de 1828, quedando sin lugar ni efecto el título de 24 de Marzo de 1843, expedido sobre el mismo paraje por el Sr. Gral. D. Manuel Michel-
torreus

2.^a El Gobierno quedara de que el citado Deu efectue el pago total de la cantidad de Rees q. resta a la expresada misión de Sta. Barbara

3.^a El agraciado cumpliendo con lo prevenido en Art. 12 del predicho reglam^{to} de 1828, podra disponer libremente del D^o de propiedad q. con ello se le consolida al sitio concedido

Jala de Comisiones, Ciudad de los Angeles, Octubre 1.^o de 1845

Grav^o de la Guerra

Narciso Batello

9

Angles Octubre 3 de 1845

En sesion de hoy se aprobaron por la
Ema. Asamblea Departamental las tres proposiciones
del Dictamen Antecendente, mandando se devuelva el
Expediente al Excmo. Sr. Gobernador para los fines conve-
nientes

P. P. P.

Agustin Olvera
Srio

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En la propia fha. se paso el Comprobante al
interesado librandole copia de la aprobacion

Office of the Surveyor General of the United
States for California

I John King Surveyor General of the
United States for the State of California and as such
having in my office and in my charge and custody
a portion of the Archives of the former Spanish and
Mexican Territory or Department of Upper California
by virtue of the power vested in me by law do hereby
certify that the seven proceedings and hereunto an-
nexed pages of tracing paper, numbered from one to
seven inclusive exhibit a true and accurate copy
of a certain document now on file and forming
a part of the said Archives in this office

E. L. King

In testimony whereof I have
hereunto signed my Name
officially and caused my

Seal of office to be affixed
at the City of San Francisco, this
seventeenth day of February A.D.
1854

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John C. Hays
U. S. Surgeon General
for California

Filed in office Feb. 21. 1854

(Signed) Geo Fisher
Sect. y.

Don Nicolas A. Deu

301

Joaquin Carrillo Justice
of the Peace for the District
of Santa Barbara

Translation
of
Expediente

I certify that the annexed
map (Mapa) que se ve a la vuelta) is a representation
of the land belonging to the Rancho of Don Nicolas A. Deu
called "Los Buellós" of which I have given the juridical
possession

Santa Barbara Dec 21st 1842
(Signed) Joaquin Carrillo

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Fray Narciso Duran
Minister of the Mission
of Santa Barbara

I certify that in the month
of August of the last past year an agreement was entered
into with the expressed consent and voluntary assent of
the old Alcaldes and Captains of this Mission by which
said Mission relinquished the right which it had to the
lands from the Cañada de las Armas to the "Cochero" trans-
ferring it to Don Nicolas A. Deu who might freely enjoy
the benefits of said lands for the sum of one thousand
dollars, one half in general crops, and the other half
in Cattle and the only balance that remains is the
number of Cattle manifested by the inventory deliv-
ered to the Commission of Missions

Santa Barbara Sep. 23rd 1845
Signed Fray Francis Duran
Minister of the Mission

Los Angeles Sept. 26th 1845

Having presented the Expediente relative to the place called "Dos Puellas" to the most Excellent Assembly it was ordered to be referred to the Committee on vacant Lands

(Signed) P. P. P.
(Signed) Agustín Alvarado Sec. y

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Most Excellent Sir

In view of the Documents which appear in the present Expediente the Committee upon vacant Lands find that Don Nicolas Adria is owner in property of the place called "Dos Puellas" to the point called Cochera by a purchase made of the Mission of Santa Barbara from this point to the "Cañada de las Armas" which belonged to said Mission as the foregoing Certificate of the Rev Father Prefect Fray Narciso Duran sets forth, therefore it suggests to the deliberation of Your Excellency the following propositions

1st The grant in property made by the Superior Departmental Government in favor of Don Nicolas Adria of the place known by the name of Dos Puellas in the title of the 28th of April 1842, in entire conformity with the Law of the 18th of August 1824, and the Regulation of the 21st of November 1828 (is approved) remaining full and void the title to the said place issued by Genl Don Manuel Micheltoreo under date of March 24th 1843

2nd The Government will see that the said Señor Don Adria effects the payment of the whole number of Cattle which remain due to the said Mission of Santa Barbara

3rd The grantee complying with the provisions of Art 12. of the aforesaid Regulation of 1828, may freely dispose of the ownership whereby his title to the place granted is consolidated

Committee Room City of Los Angeles October 1st 1845

(Signed) Francis de la Guerra
(Signed) Narciso Patello

Angels October 3rd 1845
In session of today the three propositions of the
foregoing opinions were approved by the most Excellent
Departmental Assembly, ordering that the Expediente be
returned to the most Excellent Governor for convenient
purposes

Signed / Sea Pres. President
Signed / Agente Obrero
Sect. 7.

On the same date the Confirmation was transmitted
to the interested party, delivering to him a copy of the
approval

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I George Fisher Secretary to the U.S.
Land Commission to ascertain and settle the Private Land
Claims in the State of California hereby Certify that
the foregoing is a true and faithful translation of a
Spanish Document in Case No. 517, wherein Nicolas
A. Deu claims "Dos Pueblos" now on file in the office

In testimony whereof I have hereunto
signed my name Office of the Secretary
of the above named Commission. San
Francisco, this 4th day of March
AD 1854

(Signed / Geo Fisher
Secy

Filed in office July 21st 1854
(Signed / Geo Fisher Secy

San Francisco March 4, 1853

Deposition
of
Juan B. Alvarado

On this day before Commissioner H. S. Thornton came Juan B. Alvarado, a witness, in behalf of the Claimant, Nicholas A. Deu. Petition No 517, and was duly sworn, his evidence being interpreted by the Secretary

Questions by Claimant

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Quest 1st What is your name, age and place of residence

Ans. My name is Juan B. Alvarado, my age is forty three, and my residence is Contra Costa in California

Quest 2nd Look upon the document now shown to you, marked No. 1, in the Deposition of Jose M. Covarrubias is No 517 this case, and say whether you signed your name to it as Governor at the time it purports to have been signed executed

Ans. I have examined this document, and state that my signature to it is my genuine signature and that I made it as Governor, at the time it purports to have been executed

D. S. Saw Agent present

Sworn to and subscribed
before me this 4th day of
March 1853

Juan B. Alvarado

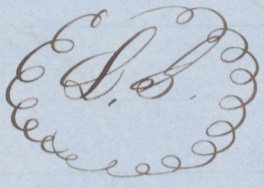
Harry S. Thornton
Comm

Filed in office March 4th 1853

Geo. Fisher
Secy.

Doc. H. H. No. 1
 Annexed to the
 Deposition of
 J. M. Covarrubias

Sello Presidencial
 Habilitada proceionalmente por la Aduana Maratima
 de Montevideo para los Años de 1842 y 1843
 Alvarado Antonio M. Osio



Juan P. Alvarado Gobernador
 del Departamento de las Californias

Por suante D^o Nicolas Augusto de la
 Oreguaria de Irlanda y Naturalizado en la Republica
 Mexicana ha solicitado para su beneficio personal y el de
 su familia el terreno conocido con el nombre de los Dos
 Pueblos situado a las inmediaciones de la Misión de
 Sr. Barbara Caluidante con la Playa del Cauab del
 mismo nombre y la Homeria Alta asi a la Sierra; con
 la Cañada del Corral limite del Rancho de D^o Antonio
 M^o Ortega, y con el Paraje llamado la Cochera asi
 al presidio de Sr. Barbara segun esplica el D^o D^o D^o
 que corre agregado al Expediente; usando de las fac-
 ultades que me son conferidas la Nombre de la Nacion
 Mexicana he venido en concederle la propiedad de el
 por las presentes letras quedando sujeto a la Aprobacion
 de la Ex^{ta} Junta Departamental y bajo las condiciones
 siguientes

- 1^o No podrá perjudicar las traversas
 Caminos y ferrocarriles
- 2^o No podrá imponerle Cens. vinculo, fianza
 hipotecaria, ni otro gravamen aunque sea por causa
 piadosa, ni pasarlo a manos muertas
- 3^o El terreno de que se le hace donacion
 es de tres sitios y medio de ganado Mayor poco
 mas o menos segun esplica el D^o D^o D^o, el que
 que lo poseicione lo hará medir conforme a orde-
 nanza

Por tanto manda que teniendo por

Firme y valido esta Concesion se toma razon en el
Libro Correspondiente y se entregue al interesado
para los fines que le Conviengan
Dado en Montevideo a diez y ocho
de abril de 1842

Juan P Alvarado

Mta Jimeno
Sno

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Queda tomado razon de este Despacho en el
Libro de acientas sobre adjudicaciones de terrenos
baldios a fojas 11

Jimeno

Filed in office Feb 9. 1853
Signed J. A. Fisher
Stet

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N. N. N. 2

N. N. N. N. 2.
Annexed to the
Report of
J. M. Covarrubias

Pro Sico Gobernador Interino del Departamento
de las Californias

La Honra Asamblea Departamental
en sesion de hoy ha acordado lo siguiente
1^a Se aprueba la Concesion en propiedad, que
el Supremo Gobierno Departamental adjudicó a favor de Sr.
Nicholas A. Deu del paraje conocido por Dos Puellas
la N. 28 de Abril de 1842, de entera conformidad
con la Ley de 18 de Agosto de 1824, y el Reglamento de
21 de Noviembre de 1828. Quedando sin lugar ni efecto
el título de 24 de marzo de 1843. Expedido sobre
el mismo paraje por el Sr. General Sr. Manuel
Micheltoreno

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2^a El Gobierno cuidará de que el citado
Sr. Deu efectue el pago total de la cantidad
de reses que resta a la esperada Mision de Santa
Barbara

3^a El agraciado cumpliendo con lo prevenido
en el artículo 12 del predicho Reglamento de 1828
podrá disponer libremente del derecho de propiedad
y con ello se le consolida el sitio concedido

Y para requerido de la parte de Sr.
Nicholas A. Deu lo hago así saber

Dado en la Ciudad de Los Angeles
en este papel comun por falta de sellado a tres
de octubre de mil ochocientos cuarenta y cinco

Pro Sico
J. M. Covarrubias
Sico

Filed in office July 9th 1853
Agueda y la Fisher
Sichy

Sr. Juez de Paz

H. N. No. 3.

Doc. H. N. No. 3.
 Annexed to the
 Deposition of
 J. M. Covarrubias

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Nicolás Augusto Deu, vecino de este Puerto, ante la
 justificación de V. comparendo y deyo. Que habiendo obten-
 ido lo Concesum en propiedad del terreno conocido con
 el nombre de Dos Pueblitos, por justo título, le pedido
 a mi favor con fecha diez y ocho de abril del presente
 año por el Excmo. Sr. Gobernador del Departamento; a
 V. suplico se sirva darme la posesión jurídica de estos
 con arreglo de dicho título y a la copia certificada
 en forma del deseno del expresado terreno, cuyos
 documentos debidamente acompaño a esta mi instan-
 cia; sirviendome V. admitterme en papel común por
 no haber del sellado que corresponde, pero lo nec-
 cesario &c.

Santa Barbara, Diciembre 19 de 1842

Nicolás Augusto Deu

Sr. Juez de Paz, 19 de Diciembre de 1842

En virtud de la antecedente solicitud
 procedan por mi el presente Juez a la medición
 señalamiento de linderos y posesión judicial del ter-
 reno de los Dos Pueblitos que solicita el interesado en este
 Expediente, con arreglo a los documentos que acompaño,
 señalando para ejecutarlo el día veintinueve de este
 mes, para lo que se citaran con boleta de comparendo
 a los Colindantes. Así lo mande Decreto, y firmé
 actuando por receptoría con testigos de asistencia
 por falta de Escrivano Nacional, y publico de
 que doy fe

Joaquín Carrillo

de asse
 J. M. Covarrubias

de asse
 Esteban Ostey

En la fecha presente Don Nicolas Augusto de
 se le notificó el auto que antecede, y de el enten-
 dido dijo: Que lo se queda por citados, y lo fir-
 mo Comisario y los de mi asistencia de que doy fe

Nicolas Augusto de

Joaquin Carrillo

150 SD
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de asse
 Jue M^a Covarrubias

de asse
 Esteban Ortega

En la misma fecha se libraron los boletas
 que se mandan en el primer provido, y para que
 conste por del y rucua la rubique

E Rubrico

En el Rancho de los Dos Pueblos a los veintem dias
 del mes de Diciembre de mil ochocientos Cuarenta y dos
 en cumplimiento de la cita librada, a los Calucantes
 del Espesado Rancho concurrio Jue Dolores Ortega; y
 entendido de que se iba a proceder a la medicion
 de la linderos y posesion del terreno de
 los Dos Pueblos a favor de Don Nicolas Augusto de
 doy queda entendido, y para constancia lo firmo
 Comisario y los de mi asistencia de que doy fe

Jue Dolores Ortega

Joaquin Carrillo

de asse
 Jue M^a Covarrubias

de asse
 Esteban Ortega

En seguida yo el juez de estos autos Nombre
por medidos en la presente posesion al Vecino Pedro
Feliz y al Judex Juan Olvira quienes previa la
aceptaron y juramento procederan al desenfeno
de su lugar. y para constancia lo pongo por
diligencia que firmo con los de mi asistencia de
que doy fe

Joaquín Carrillo

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de asna
Joaquín Covarrubias

de asna
Esteban Ortega

En la fecha y en la expresada Raucha se les
Notificó el auto que antecede al Vecino Pedro
Feliz y al Judex. y entendidos de el dijeron;
que aceptaron y aceptaban dicho lugar de medidos
y juraron por Dios Nuestra Señora y una Señal de Cruz
de usarlo fiel y reglamento a todo su leal saber
y entender sin dolo ni fraude contra persona alguna
y por no saber escribir hicieron cada uno una Cruz
lo firme yo con los de mi asistencia; doy fe

Joaquín Carrillo

de asna
Joaquín Covarrubias

de asna
Esteban Ortega

Y en continencia yo el referido juez mandé traer
a mi presencia por Cordel con que se han de medir
las tierras de dicho Raucha y que las medidas
lo mudan de a cincuenta varas. lo que firmo
con los de mi asistencia de que doy fe

Joaquín Carrillo

de asna
Joaquín Covarrubias

de asna
Esteban Ortega

En seguida y en presencia de mí el presente juez
los medidores mencionados tomaron un cordel de mecate
y con una vara de medida usual mexicana midieron
cincuenta varas para hacer la referida medición, y
para que conste lo subreque

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Pueblo

En la misma fecha y en el referido rancho
siendo como las nueve horas de la mañana y a el
expresado juez para proceder a la medición de tierra
que se ha de hacer a Don Nicolás Augusto Dén.
Mande a los medidores nombrados se pongan en el
Arroyo de la Cañada de las Lagas que de Norte a
Sur sirve de lindero con el rancho de Juan Dolores
Ortega, y puestos en dicho Arroyo se comenzó la
medida teniendo el cordel al Este, y se llegó al
Arroyo de la Cochera que sirve de lindero con la Misión
de Santa Barbara, hasta donde hubo trescientos sesenta
y seis cordeleros de a cincuenta varas; y luego se
prosiguió la dicha medida teniendo el cordel al Sur
desde el pie de la Sierra, hasta la orilla del mar
y se midieron ciento veinte y siete cordeleros de a cin-
cuenta varas; por lo que declaran dichos medidores
tener dicho rancho de los Dos Pueblos, tres leguas,
tres mil cien varas de largo, y una legua mil tres-
cientos cincuenta varas de ancho; - acompañando
a este Expediente el diseño que figura el terreno
medido. Y para constancia lo firmé por Auto con
los testigos de asistencia; siendo de advertir que
dicho terreno es muy desigual en lo ancho de
el Doge

de asca
Joaquín Covarrubias

Joaquín Carrillo

de asca
Esteban Ortega

En el referido Rancho de los dos Pucallas
 y en el mismo día, mes y año Don Nicolás Augusto
 Don vecino del Puerto de Santa Barbara. Acompañ-
 ado del Juez y testigos de estos autos dijo: Que
 habiéndome medido las tierras de este rancho segun
 consta en el auto anterior. tomaba y tomo la ver-
 dadero y corporal posesion de dichas tierras me-
 didas pues le pertenecian con justo título que obtiene
 de la Concesion que de ellas le hizo el Excmo Sr
 Srn Gobernador Constitucional del Departamento Don
 Juan Bautista Alvarado, con fecha diez y ocho de abril
 del presente año. Entró y pasó por ellos, arrancó
 yerbas, esparció puñados de tierras, rompió ramos
 de las arboles, e hizo otras demostraciones y actos
 de posesion su señal de la que dijo tomaba de
 dichas tierras. Y yo dicho Juez mande que desde
 entonces lo tubieran y reconocieran por verdadero
 Señor y poseedor de ellas

De todo lo expresado firmó dicho
 Don Nicolás Augusto Don, que para memoria en
 lo pendiente y conservacion de sus derechos le
 fuere extendido por mi el referido Juez, una con-
 stancia; y lo firmo conmigo y los de mi asistencia
 de que doy fe

Nicolás Augusto Don
 Joaquin Ferrillo
 de asse
 Jose M. Covarrubias
 de asse
 Esteban Tatega

En el expresado Rancho y en la misma
 fecha, estando presente el Ciudadano Leandro
 Gonzalez dijo que como encargado que es de la
 Misión de Santa Barbara, no se conformaba

Con la posesion judicial que del terreno de los
Dos Pueblos se le ha dado a Don Nicolas Augusto
New, por resultas de ella un grave perjuicio a los
Naturales de la expresada Mision, y para que conste
lo ponga por diligencia, que firmo con los de mi asis-
tencia de que soy Jefe

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Joaquin Carrillo
de asse
Joaquin Carrillo
de asse
Elean Ortega

Se da en el Oficio de Jefe 9 de Julio 1833

(Firmado) Jefe Jefe
Jefe

Translation
of
N. N. No. 3.

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Juan Justice of the Peace
 I Nicholas A. New a resident of this Part before
 your Tribunal do appear, and say that having obtained
 the Concession in proprietorship of the tract of land known
 by the name of Dos Pueblos by a just title issued in
 my favor under date of the 18th of April of the present
 Year by the most Excellent the Governor of the Department
 I pray you will please give me the Customary jurid-
 ical possession of the same in conformity to the said
 title, and to the duly Certified Copy of the map of
 said land which documents are duly annexed to this
 my petition, written on common paper there being no
 corresponding stamped paper, I make the necessary
 oath &c.

Santa Barbara December 19th 1842
 Nicolas Augustus New

Santa Barbara 19. December 1842
 In conformity to the preceding petition let it be proce-
 ded by me the present Justice of the Peace the measurement, the
 marking out of the tract of land boundaries, and the
 juridical possession of the tract of land of the "Dos
 Pueblos" asked for by the party interested in this Expedi-
 ente in conformity to the documents annexed, let the
 twenty first day of this month be appointed for its
 execution & Noticias de Comparendo be issued to
 the bordering Neighbors, Thus I the Justice of the
 Peace of the Partido of Santa Barbara, did ordain
 decree and sign it acting ad interim with
 assisting witnesses for want of National and
 Public Notary which I attest

Joaquin Carrillo
 Juan M. Covarrubias
 Esteban Ortega 3. Assisting Witnesses

On the same date being present Don Nicolas Augustus Sen. he was notified of the foregoing decree and upon being acquainted therewith he said that he hears it and considers himself as notified and he signed it with me and my assisting witnesses which I do certify

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Joaquin Carrillo
Nicholas Augustus Sen
Joaquin Carrillo
Esteban Ortega 3
Assisting witnesses

On the same date the Notices ordered on the first decree were issued and that it may serve as testimony I put my seal to it (a seal)

On the Rancho of the "Dos Pueblos" on the twenty first day of the month of December 1842 in conformity to the Note issued to the bordering Neighbors of the mentioned Rancho appeared Jose Dolores Ortega who having understood that they were going to proceed to the measurement, demarcation of boundaries and possession of the land of the "Dos Pueblos" in favor of Don Nicolas Augustus Sen. said he was apprized of it, and in testimony thereof he signed with me and my assisting witnesses

Which I certify
Jose Dolores Ortega
Joaquin Carrillo
Joaquin Carrillo
Esteban Ortega 3
Assisting witnesses

In succession, I the judge of these proceedings have appointed as measurers in the present possession the inhabitant Pedro Selig and the Indian Juan Olvera who after giving their acceptance and taking their oath will proceed to execute their Commission, in testimony whereof I enter this as a record and sign it with my assisting witnesses which I certify

Joaquin Carrillo
Joaquin Carrillo
Esteban Ortega 3
Assisting witnesses

On the same day, and at the same Ranch the foregoing Decree was notified to the residents Pedro Pely and to the Indian who having understood it said that they do accept and did accept the said appointment of measurers and they swore by our Lord God and a sign of the Cross to fulfill it faithfully and legally according to their legal knowledge and understanding, without prejudice or fraud against any person whatever, and for want of knowing how to sign each one made a cross. I signed it with my assistants which I attest

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Juan Carrillo
 Jose M. Forrabuena
 Esteban Ortega 3 Assisting witnesses

Immediately the above Justice ordered to be brought before me a cord with which to measure the lands of the said Ranch and the measurers to measure it to the length of fifty varas, and I sign the same with my assisting witnesses - which I certify

Juan Carrillo
 Jose M. Forrabuena
 Esteban Ortega 3 Assisting witnesses

In succession and in the presence of the said Judge the said measurers above named took a micate cord and with an usual Mexican vara they measured off fifty varas to make the said measurements and in testimony thereof I signed it with a scroll
 (a scroll)

On the same day and at the same Ranch at about Nine o'clock in the morning, the said Judge in order to proceed to the said measurement of the said Land which has to be made for Don Nicolas Augustus Ben ordered the appointed measurers to place themselves in the route of the Canada de las Lagas, which from

of possession as a sign of what which he said he took of said lands. And the said Judge ordered, that from that moment he should be taken and considered as the true and lawful possessor of the same

Of all of the above, the said Don Nicolas Augustus Deu asked that as a remembrance in the future and for the consideration of his rights, the said Judge should issue to him a testimony and he signed it with me and my assistant witnesses - which I certify

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Nicolas Augustus Deu
Joaquin Carrillo

Juan M. Forarrubias
Eteban Ortega 3 Witnesses

On the said Ranch at on the same date being present Citizen Leandro Gonzalez, he said that having as he has charge of the mission of Santa Barbara, he did not give his assent to the judicial possession that had been granted to Don Nicolas Augustus Deu of the tract of land of the "Dos Pueblos" as it would result in a material injury to the Nations of said mission, and in testimony thereof I make record of the same

Joaquin Carrillo

Juan M. Forarrubias
Eteban Ortega 3 Witnesses

I George Fisher Secretary to the United States Land Commission, to ascertain & settle the Private Land Claims in the State of California, do hereby certify the foregoing to be a true and correct translation of a Spanish Document N. No. 3. in Law No. 557. wherein Nicolas A. Deu Claims the Rancho of Dos Pueblos now on file in this Office

In testimony whereof I have hereunto subscribed my name, Office of the Secretary of the above named Commission. San Francisco Cal. this fourteenth day of March A.D. 1854
Signed / Geo Fisher Secy

Filed in Office 3
Feb 9. 1853 3
Signed / Geo Fisher Secy

Opinion

Nicolas A. Deu 3
 The United States 3 "Los Pueblos"
 Three and a half square leagues

The party has offered in evidence in this case the original grant made by Governor Alonzo on the 18th day of April 1842

As further evidence the party has placed on file the proceedings of approval, had before the Department of the Interior together with a traced copy of Expediente taken from the order on file in the Office of the Surveyor General of the United States for this State. This Expediente contains in addition to the proceedings of approval

1st A Certified Copy certificate signed by Joaquin Carrillo in which it is stated that the annexed map, meaning the map in the Expediente, contains a representation of the land belonging to the Rancho of Don Nicolas A. Deu, called Los Pueblos of which he certifies he has given judicial possession

This Certificate is the only evidence adduced by the party in regard to the judicial possession of the premises in question, having been given to the Claimant

Said Expediente contains another Certificate signed by one Duran who represents himself as Minister of the Mission of Santa Barbara the effect of which is to show that the said Mission had for a consideration relinquished the right which it had to the lands from the Canada de los Arroyos to the "Cocheros" and that the same were transferred to Nicolas A. Deu

It is proved by the deposition of Jose M. Covarrubias that said Rancho had been occupied by the petitioner ever since the year 1842, and that he had houses, corrals, cattle and houses upon it during all that time

This proof establishes a substantial compliance with the conditions of the law

The description of the land is the

most difficult question and although it is not very definitely described in the grant, I think, with the aid of the map which appears to have been made at the time Carrillo testified he gave possession of the land, may be identified and located.

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The following conditions, which form a part of the approval made by the Departmental Assembly is in strong confirmation of the views heretofore expressed by this Commission in regard to the question of the conditions against alienation as well as the power of the Governor to fix the time within which the conditions of the law should be performed in the case of individual grants.

The grantee complying with the provisions of art. 12 of the aforesaid regulation of 1828 may freely dispose of the ownership whereby his title to the place granted is consolidated.

The grant in this case contained no condition against the observation of the land granted. Yet the Departmental Assembly saw fit to impose the conditions contained in the 12th article of the regulations of 1828 upon the grantee.

Thereby making his right to dispose of the lands to depend upon a compliance with the terms of the article referred to.

No stronger or clearer illustration of the correctness of the interpretation heretofore given to the 12th article of the regulations of 1828 by this Commission could be adduced than is to be found in the above extract taken from the authorized proceedings of the Assembly while acting upon the grant in question.

We are of opinion that the petitioner in this case is entitled to a confirmation of his claim, and a decree of confirmation will accordingly be entered.

Filed in office March 14th 1854
/ Signed / Geo Fisher Secy

Nicolas A. De
The United States

Decree

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In this case on hearing the proofs and allegations it is adjudged by the Commission that the Claim of the said Petitioner is valid, and it is therefore decreed that the same be confirmed

The lands of which Confirmation are hereby made are known by the Name of Dos Pueblos and are bounded and described as follows, to wit:

On the South by the sea, on the North by the high range of hills toward the mountains On the East by the Cocheros, and on the West by "Las Lagas" situated in the neighborhood of the mission of Santa Barbara and containing in all three and a half square leagues

Reference for further description to be had to the map which forms a part of the tract Copy of the Expediente filed in this case

Alphus Hill
Thompson Campbell
R. Aug. Thompson

Filed in Office March 14th 1854

(Signed) Geo Fisher Secy

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And it appearing to the satisfaction of this Board that the said Healy adjudicated is situate in the Southern District of California it is hereby

Ordered
that two transcripts of the proceedings and of the decision in this case and of the papers and evidence upon which the same are founded, be made out and duly certified by the Secretary, one of which transcripts shall be filed with the Clerk of the United States District Court for the Southern District of California, and the other be transmitted to the Attorney General of the United

Office of the Attorney General of the United States
Washington 14th January 1855

Nicholas A. H. as
The United States

514

Appeal

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You will please take notice that in the above
Case decided by the Commission to ascertain and settle the
Public 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 3rd day of October 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

Filed July 24th 1855
J. E. French

In the District Court of the United States for the Southern Dis-
trict of California

City & County of Los Angeles State of California

Nicholas A. H. as apper Rocket No. 150.

The United States apper Transcript No. 514.

To the Hon. Isaac H. Coker Judge.

Sacipius Ord. a resident of said City County & State
The Section of

Section for
Review

Attorney of the United States for the Southern District of California, who petitions in this behalf for the United States, and being present here in Court in the Name and behalf of the United States, represents as follows That herebefore, to wit; on or about the 18th day of January A.D. 1853 Nicolas A. Dea presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board Claiming a tract of land called Nos. Pueblos situate in the County of Santa Barbara, State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the Manuscript hereafter referred to. That thereafter, to wit; on or about the 14th day of March A.D. 1854, the said Commissioners confirmed by final decision the said claim of said petitioner, That thereafter to wit; on or about the 5th day of November A.D. 1854 a duly certified Manuscript of the proceedings and decision of the said Commissioners in said cause, and the papers and evidence on which the said decision was founded, was filed in the office of the Clerk of the District Court of the United States for the Southern District of California and marked No 514; reference to which it is prayed may be had and made part of this petition, That on or about the 30th day of October A.D. 1854 the Honorable Caleb B. Fisk Attorney General of the United States received a duly certified copy duplicate of said Manuscript of the proceedings and decision of said Commissioners in said cause, and the papers and evidence on which said decision was founded, That thereafter to wit; on or about the 24th day of February A.D. 1855, the said Attorney General of the United States filed or caused to be filed in behalf of the United States a Notice with the Clerk of said District Court of the United States, that the appeal in said cause from the said decision of the said Commissioners, in the District Court of the United States for the Southern District of California would be prosecuted by the United States. Your petitioner further represents that the land claimed as aforesaid is situate in the Southern District of California and within

the jurisdiction of this Honorable Court. Your petitioner further represents and insists that the said Claim is invalid and the said decision of said Commissioner is erroneous & ought to be reviewed, reversed and set aside for many errors and imperfections of law and evidence, appearing in said Certified Transcript of the proceedings and decision of said Commissioner in said Cause, filed and appealed from as aforesaid. And your petitioner denies all and singular each and every allegation in the said petition of said Claimant presented as aforesaid to said Commissioner. And your petitioner further denies that the said Claimant has any valid right or title to said land claimed as aforesaid, or any part thereof.

And no sufficient proof having been made of the allegations in said petition to said Commissioner, or in support of the said Claim, no decision confirming the Claim should have been made by said Commissioner; but the said Claim should have been rejected by them. And the said Claimant having no valid right or title derived from the Spanish or Mexican Governments to the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by and it now belongs to the United States, by virtue of conquest and the Treaty of Peace, Friendship, Limits and Settlement between the United States and the Republic of Mexico made at the City of Guadalupe Hidalgo February 2^d 1848.

Wherefore the said Superior Court Attorney of the United States for the Southern District of California, for and in behalf of the United States, by reason of the premises and in pursuance of the Act of Congress entitled "An Act to ascertain and settle the title to land claims in the State of California, approved March 3^d 1851 and the laws and statutes in such case made and provided, prays that the said Claimant, or his Attorney may be served with a copy of this petition; and that this Honorable Court will review the said decision of said Commissioner, and reverse the same; and decide on the

validity of the same, and decree the alleged title to be
invalid; with Costs and general Relief

P. Deak
Attorney of the United States, for
the Southern District of California

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Filed Nov 8th 1855
J. E. Farrell

In the District Court of the United States for the
Southern District of California
City and County of Los Angeles

Nicolas A. Deak app^{ee} 33
vs 33
The United States app^{lt} 33
ocket 38. 150.

Answer

Nicolas A. Deak the Appellee in this case
for answer to the petition of the Appellants in this case
avows that he Nicolas A. Deak has a good and valid title
to the lands known as "Don Ruellos" and more particularly
described in said petition of the Appellants.
The Appellee therefore prays that the
Decree of the Board of Land Commissioners referred to in
said petition, confirming the Appellee's title to said lands,
may be affirmed by this Honorable Court, and that the
Appellants title thereto may be decreed to be invalid.

A. J. W. Newman
Attorney for Appellee

Filed Dec 15th 1855
J. E. Farrell

The District Court of the U.S. for the Southern District
of California

Nicas A. De Appellee
vs
The United States, Appellant

Rocky No. 150

On motion of Counsel for Appellee - Ordered that either
party on due notice to the other have leave to introduce ad-
ditional testimony in this case
Dec 10th 1885

150 SD
PAGE 73

Filed Dec 10th 1885
C. E. Carr

N. A. De Appellee
vs
The United States Appellee

No 150

Report of A. P. Thompson a witness
for Appellee in the above case taken at Los Angeles Dec
14th 1885 before C. E. Carr U.S. Commissioner for the Southern District
of California - Present P. Ord U.S. Atty for said Dist. A. F.
Kuehman for Appellee. A. P. Thompson being duly sworn
answers to questions by Counsel in this case as follows
viz

Quest: What is your name age and place of resi-
-dence

Ans My name is Alpheus P. Thompson, my age
is 46 years, my residence is Santa Barbara

Quest Do you know a farm in Santa Barbara County
called Dos Ruedos

Ans I do

Quest When is it situated

Ans This situated to the westward of the Presidio of Santa Barbara about six miles from the mission

Quest By whom is that farm occupied

Ans By Nicolas Aden

Quest Do you know a place on or near said farm called "La Cochera"

Ans I do

Quest Do you know a Creek on or near said farm called Las Llagas

Ans I do

Quest Do you know a place on or near said farm called "Cauada de Corral"

Ans I know the "Cauada de Corral"

Quest Describe the position of Las Llagas as regards La Cochera and Cauada de Corral

Ans From the Cochera to Las Llagas as near as I can form an idea is about nine or ten miles From Las Llagas to the Cauada de Corral is about 2 1/2 miles Las Llagas is between the Cochera and Cauada de Corral

Quest Are all these papers you have named near the sea coast

Ans They are

Quest In passing from the Cochera to Las Llagas what is the average distance between the sea & coast, the high hills which lie towards the Sierra

Ans I think it would average about one league

Prof. Raymond W. H. City

Quest Do you know of a New Englander in this case if you how long have you known him

Ans I do know him I think since the year 1835 or 1836

Quest Do you know of what country he is a native

Ans Yes Ireland

Quest Do you or not know whether he was obtained letters of naturalization from the Mexican authorities

Ans I do not

Quest Have you ever heard him say since the 4th of July 1846 that he was not a citizen by naturalization of Mexico

Ans I never have

Quest Have you ever heard him since said last mentioned State claim to be a citizen or subject of Mexico

Ans I never have

Quest Do you or not know when at any time this place called Dos Ruedas was ever inhabited, cultivated and stocked by Mr Deu the claimant of great state all you know about it

Ans Mr Deu put cattle and horses on the farm. Cattle I sold him myself. He purchased stock from the neighbors and put them on the farm immediately after it was granted to him. This was during the administration of Alvarado

Quest About what is the average distance from the shore to the top of the Sierra mentioned in the map in the transcript from the Land Commission in this case at page 5. - purporting to be a map of the land claimed by said Deu

Ans I think it will average about four miles

Sworn to & subscribed before me this 14th December 1855

M. P. Thompson

L. E. Farr
J. J. [unclear]

Filed Dec 14th 1855

L. E. Farr

United States District Court Southern District of California
City and County of Los Angeles

Nicolas Augustus Dwyer vs
The United States Appellant
Docket No. 150.

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PAGE 76

Translation of the Document Copied on page 14
of the Manuscript in this Case and marked in the margin
"Doc H. H. No. 1."

Just. Gen. Just. Dallas
Provisionally Authorized by the Customs House at Man-
terey for the Years 1842 & 1843
Alvarado Antonio Maria

ESB Juan P. Alvarado Governor of the De-
partment of the Californias

Whereas Nicolas Augustus Dwyer
Native of Ireland and naturalized in the Mexican Repub-
lic has asked for the benefit of himself and family the
land known as Doz Puellas situated in the neighborhood
of the Mission of Santa Barbara bounded by the Beach
of the Canal of the same name, by the high hills in the
direction of the Sierra, by Cuada del Corral a boundary
of the Rancho of Antonio Maria Ortega, and by the place
called La Cochera in the direction of the Presidio of Santa
Barbara as is shown on the map annexed to this
Expediente. Using the powers conferred on me in the
Name of the Mexican Nation I have by these presents
granted to him the ownership aforesaid subject to the appro-
val of the most Excellent Departmental Junta and
under the following conditions

1st He will fence it without prejudice to the
Crop Ways, roads and servitudes

2nd He shall not encumber it with rent charge, tail bond, mortgage or other incumbrance, even for pious uses, nor convey in mortmain

3rd The land hereby granted contains three and a half sitios de ganado mayor a little more or less, as the map shows, the judge, who may give delivery possession will measure according to law

Therefore I order that this grant being held firm and valid, it be noted in the proper Book and be delivered to him for the purposes that seem to him good

Given in Montevideo on the eighteenth day of April 1842

Juan P. Alvarez
Gentil Jimenez Secy

This document is noted in the Book of titles to vacant lands on leaf 11

Jimenez

150 SD
PAGE 77

Office of the Board of Commissioners
to ascertain & settle the Private Land Claims
in the State of California

150 SD
PAGE 78

I George Fisher Secretary of the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California do hereby certify the foregoing thirty one pages numbered from 1 to 31, 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 517 on the Docket of the said Board, wherein Nicolas A. New is the Claimant against the United States for the place known by the name of "Dos Puellas"

Seal

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. 1834. and of the Independence of the United States of America the Seventy ninth

Geo Fisher
Secretary

Office of the Attorney General of the United States,

Washington, 17th January 1855.

Nicolas A. Den

vs.

The United States.

} 517.

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 30th day of October 1854, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Andrew

Attorney General.

No 150.

*U. S. District Court
Southern District*

*The United States
vs -*

Nicolas A. Der -

Notice of Appeal from Att. Gen.

Filed Feb 27th 1855.

*J. E. Carr
clk.*

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PAGE

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Office of the Attorney General of the United States,

150 SD
PAGE Duplicate

Washington, 17th January 1855.

Nicolas A. Du

vs.

The United States.

} 517.

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 30th day of October 1854, the appeal in the district court of the United States for the district of California will be prosecuted by the United States.

Anthony

Attorney General.

150
A

File 27.1555



Nicolas A. Den, app^{ee},
vs
The United States. appⁱ

Docket No. 150.

Transcript No. 517.

TO THE HON. ISAAC S. K. OGIER, JUDGE:

The Petition of **Pacificus Ord**, a resident of said City, County, and State, Attorney of the United States for the Southern District of California, who petitions in this behalf for the United States, and being present here in Court, in the name and behalf of the United States, represents as follows: That heretofore, to wit: on or about the 18th day of *January* — A. D. 1853, *Nicolas A. Den*

presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board, claiming a tract of land called *Dos Pueblos* situated in the County of *Santa Barbara* ~~San Diego~~, State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the 14th day of *March* A. D. 1854, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 8th day of *November* A. D. 1854, a duly certified transcript of the proceedings and decision of the said Commissioners in said cause, and the papers and evidence on which the said decision was founded, was filed in the Office of the Clerk of the District Court of the United States for the Southern District of California, and marked No. 517; reference to which it is prayed may be had and made part of this petition. That on or about the 30th day of *October* A. D. 1854, the Honorable *Caleb Cushing*, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and

evidence on which said decision was founded. That thereafter, to wit:
^{or about} on the 27th day of February — A. D. 1855, the said
Attorney-General of the United States filed, or caused to be filed, in
behalf of the United States, a notice with the Clerk of said District
Court of the United States, that the appeal in said cause from the said
decision of the said Commissioners, in the District Court of the United
States for the Southern District of California, would be prosecuted by the
United States. Your petitioner further represents, that the land claimed,
as aforesaid, is situate in the Southern District of California, and within
the jurisdiction of this Honorable Court. Your petitioner further represents
and insists, that the said claim is invalid; and the said decision of said
Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for
many errors and imperfections of law and evidence, apparent in said certified
transcript of the proceedings and decisions of said Commissioners in said
cause, filed and appealed from as aforesaid. And your petitioner denies all
and singular, each and every allegation in the said petition of said claimant,
presented as aforesaid to said Commissioners. And your petitioner further
denies that the said claimant has any valid right or title to said land claimed
as aforesaid, or any part thereof.

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And no sufficient proof having been made of the allegations in said pe-
tition to said Commissioners, or in support of the said claim, no decision con-
40 firming the same should have been made by said Commissioners; but the

said claim should have been rejected by them. And the said claimant, having no valid right or title derived from the Spanish or Mexican Governments, to the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by, and it now belongs to the United States, by virtue of conquest, and the Treaty of peace, friendship, limits and settlement, between the United States and the Republic of Mexico, made at the City of Guadalupe Hidalgo, February 2d, A. D. 1848.

Wherefore, the said Pacificus Ord, Attorney of the United States for the Southern District of California, for and in behalf of the United States, by reason of the premises, and in pursuance of the Act of Congress, entitled "An Act to ascertain and settle the Private Land Claims in the State of California," approved March 3d, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said claimant, or his attorney may be served with a copy of this petition; and that this Honorable Court will review the said decision of said Commissioners, and reverse the same; and decide on the validity of the same, and decree the alleged title to be invalid: with costs and general relief.

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PAGE 88

J. Ord

Attorney of the United States for
the Southern District of California.

No 150.

U. S. Dist Court.
South. Dist of Cal.

Nicolas A. Deu. Apper

adn

The United States Appr.

Petition for Review,

Filed Nov 8. 1835,

C. E. Jan.
Clerk.

150 SD

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P. M. Assty.

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

TO

The President of the United States,

Nicolas A. Den

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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 8th day of November in the year of our Lord one thousand eight hundred and fifty-five at the City and County of Los Angeles, in said District, by

J. Ord U.S. Atty. for the Southern District of California, in behalf of the United States praying the said Court to review the decision of the U.S. Land Commissioners of 14th day of March A.D. 1854 confirming your claim to the land called "Dos Pueblos" situate in the County of Santa Barbara and state of California and appealed by the Attorney General of the United States

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.~~ *the plaintiff will 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 tenth day of November in the year of our Lord one thousand eight hundred and fifty-five at Los Angeles aforesaid.

J. E. San

Clerk.

43

Marchal Cont.

Copying Summons - 60.

Serving do 3. -

Petition 3. -

Traveling Expense 42. -

Allege 120. 00

each for Summons, 93. 48

and Petition \$ 30. 00

United States of America,

Southern District of California,

U. S. DISTRICT COURT.

Nicolas A. Du Appie

vs { No 157.

The Wm 150 SD

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SUMMONS.

Rec'd Noobr 13th 1855

Edward Hunter

U. S. Marshal.

44 by M. L. Goodman

Deputy

I served this summons along with the proper copy of the petition upon A. F. Hinckman Attorney for Nicolas Du by delivering to him personally a true Copy of the Original Summons.

at Los Angeles, County of Los Angeles

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

Sworn to and subscribed before me, this 4

of December 1855 C. E. Carr Clerk.

By Jam. R. Sumner Deputy.

Edward Hunter U.S. Marshal.

by M. L. Goodman Deputy

In the Dist Court of the U.S.
for the Southern Dist of Cala

150 SD
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Nicolas A. Deu Appellee }
" ad. } Docket No 150
The United States Appellant }

On motion of Counsel for Appellee - Ordered
that either party on due notice to the other
have leave to introduce additional testimony
in this case

Decr 10th 1853

No 150
U. S. Dist. Court
South. Dist of Ala
A. A. Den - Appellee
vs.
The United States. Appellant

Order
to take Testimony

Filed Dec 10th 1855.

J. C. Jan.
clerk.

150 SD

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In the District Court of the United States
for the Southern District of California
City & County of Los Angeles.

150 SD
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Nicolas A. Dru - App^{ee}.
ads. } Docket No 150
The United States - App^t.

Nicolas A. Dru, the Appellee in this case,
for answer to the Petition of the Appellant
in this case, avers that ~~she~~, Nicolas
A. Dru, has a good and valid title to
the lands known as "Dos Pueblos" and more
particularly described in said Petition of the
Appellant.

The Appellee therefore prays that
the decree of the Board of Land Commissioners,
referred to in said Petition, confirming the
Appellee's title to said lands, may be affirmed
by this Honorable Court, and that the Appellee's
title thereto may be decreed to be valid.

A. F. Hutchinson
Attorney for Appellee

I have served this Answer upon P. Ord. U.S.
Attorney by delivering to him personally
a true Copy of the same
City of Los Angeles in the Southern District
of California this 11th of December 1855

Edward Hunter
U.S. Marshal
per M. L. Goodman
Deputy

honorably subscribed
before me this 12th Dec 1855.
J. J. [Signature]

No 150

U. S. District Court
South. Dist of Cal.

Nicolas A. Dem
Appellee

vs.
The United States
Appellant

Answer to Petition
for Review

Filed Dec 15th 55.

C. E. Jan.
Clerk.

150 SD
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46

A. H. Buchanan
Atty for Appell.

Marshal Court

Strong Union #3.

N. A. Den, Apper

vs.

The United States applt.

No 150

150 SD
PAGE 91

Deposition of A. B. Thompson, a witness for Appellee in the above Case, taken at Los Angeles, Dec 14th 1853, before C. E. Can, US Court for the South Dist of Cal. Present P. M. A. Atty for said dist. A. H. Huakman for Appellee. A. B. Thompson being duly sworn, answers to questions by Counsel in this case as follows viz —

Ques. What is your name age and place of residence.

Ans. My name is Alpheus B. Thompson, my age is 50 years, my residence Santa Barbara.

Ques. Do you know a farm in Santa Barbara County called "Los Pueblos"

Ans. I do.

Ques. Where is it situated.

Ans. It is situated to the westward of the Presidio of Santa Barbara, about six miles from the Mission.

Ques. By whom is that farm occupied.

Ans. By Nicolas A. Den.

Ques. Do you know a place or near said farm called "La Cochera"

Ans. I do.

Ques. Do you know a creek or

" 50 2

near said farm called "Las Llagas."
ans. I do.

ques. Do you know a place on or near said farm called "Cañada de Corral"?

ans. I know the "Cañada de Corral".

ques. Describe the position of "Las Llagas" as regards "La Cochera" and "Cañada de Corral".

ans. From the "Cochera" to "Las Llagas" as near as I can form an idea is about nine or ten miles. From "Las Llagas" to the "Cañada de Corral" is about 2 1/2 miles. "Las Llagas" is between the "Cochera" and "Cañada de Corral".

ques. Are all these places you have named near the sea coast.

ans. They are —

ques. In passing from the "Cochera" to "Las Llagas" what is the average distance between the sea coast and the high hills, which lie towards the Sierra?

ans. I think it would average about one league.

Cross examined by A. S. Atty.

ques. Do you ^{know} St. A. Deu, claimant in this case, if you know how long have you known him?

ans. I do know him, I think since the year 1835 or 1836.

ques. Do you know of what country he is a native.

ans. Yes Ireland.

ques. Do you or not know, whether he

to is a native.

Ans. Yes I understand
you do you or not know, whether he
ever obtained letters of naturalization from
the Mexican authorities,

Ans. I do not.

ques. Have you ever heard him say
since the 1st of July 1846, that he was
not a citizen by naturalization of
Mexico

Ans. I never have.

ques. Have you ever heard ^{him} since
said last mentioned date, claim to be
a citizen or subject of Great Britain,
Ans. I never have.

ques. Do you or not know where ^{any time}
this place called "Dos Pueblos" was
ever inhabited cultivated and stocked
by Mr Deu the claimant, if you state
all you know about it.

Ans. Mr Deu put cattle and
horses on the farm, cattle I sold
him myself, he purchased stock
from the neighbors and put them on
the farm immediately after it was
granted to him, this was during
the administration of Alvarado.

ques. About what is the average
distance from the sea shore, to the top
^{of the} Sierrania as laid down mentioned
in the map in the transcript from the
Land Commission in this case, at page
5, purporting to be a map of the land
claimed by said Deu.

Ans. I think it will average about four miles.

Sworn to & subscribed
before me this 14th Dec 1855.

J. E. Jan.
Clerk

A. B. Thompson
"B"

No 150.

U. S. Dist Court
South Dist of Cal.

Nicolas A. Dem,
Appel

adv.

The United States,
Appellants.

Prothonotary A. B. Thompson.

Filed Dec 14th 1855
J. E. Jan.
Clerk.

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150 SD
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IN THE DISTRICT COURT OF THE UNITED STATES,
FOR THE SOUTHERN DISTRICT OF CALIFORNIA,

Los Angeles, December Term, 1855.

150 SD

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Nicolas. A Den

APPELLEE,
VS.
UNITED STATES,
APPELLANT.

No. 130.

(No. 517 of Transcript.)

On Appeal from the United States Land Commission.

On motion of P. ORD, Attorney of the United States for the Southern District of California, it is hereby

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 said United States in the above entitled cause, rendered on or about the 28th day of December A. D. 1855.

*P. Ord
Dist. Ct.*

No. 150.

U.S. District Court
Southern District of California

Nicholas S. Deu

appellee

vs

The United States

appellants

Writ of Appeal

Filed March 17, 1886
C. E. Coan Clerk
by Morgan & Co

150 SD
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In the District Court of the United States
for the Southern District of California

150 SD
PAGE 97

Nicholas A Den }
vs appellee } Case No 157
the United States }
appellant } Transcript No 517

In pursuance of a letter from the Attorney
General of the United States hereto annexed
giving notice that in the above cause the
appeal will not be further prosecuted by
the United States, it is hereby stipulated
and agreed by and between the parties
that the decree of this court heretofore
rendered in this cause, may by order
of the court be made final

J. M. Dist. Atty.

Rucker & Glendon
Attys for Claimant

No 150

Reputation

Given 24th Feb'y 1857
to Lewis Clark
of the American
Exp.

56

150 SD

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California Land Claims
Attorney General's Office
4 October, 1856.

Sir:

150 SD
PAGE 99

In the case of the claim
of Nicholas A. DeW, confirmed
to the claimant by the Com.
missioners, case No. five
hundred and seventeen (517),
and also confirmed on ap-
peal by the District Court,
^{in the Supreme Court}
appeal, will not be pro-
secuted by the United
States. I am,

Respectfully
Ours

P. Brolog
U.S. Atty

11. 150

Nicolaus Din

5 17

Filed 24th February 1854
C. Sims clerk
J. W. Coleman
Depy

150 SD
PAGE 100

58

Rec Nov 4 1836

Provided that if said described tract
of land contains a less quantity than
one square league, then confirmation
is made to said less quantity.
These were put signed in open Court
this 18th day of March 1858

James N. Ogden
N. S. Davis Judge

20750

Dr. F. C. F. C. F. C.

U. S. Dist. Court
South Dist. California

Nicholas N. W. W.

appellee
vs
appellants

The United States

Appellants

vs
The United States

Filed this 18th March 1858

J. S. Davis Clerk

J. M. Coleman
Dep.

150 SD

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Recorded on Page 266

In the District Court of the United States
for the Southern District of California
The United States
Appellants } Case N° 150
ad } Trava N° 517
Nicolas C. Don } "Dos Pueblos"
Appellee }

Before Hon. S. H. Ogier Judge

Now comes the above named Appellee
by his Attorney Henry Hancock Attorney
and suggests to the Court that the survey
of the premises claimed by Appellee in
this cause, heretofore made and approved
and now being published under the
provisions of the act of Congress relative
to surveys approved on the of June
1860 and that the survey as made and
approved by the United States Sur-
=veyor General for the State of Cal-
=ifornia is not made in conformity
with the final decree in this cause,
and that said Appellee will be
injured thereby, and said Appellee
now moves for an order of this Court
upon said surveyor General directing
him to return into this Court forthwith
the aforesaid plat of the survey aforesaid
for the further action of this Court

N^o 150

The United States
Appellants
vs
Nicolas A. Du
Appellee

Motion for
order to return
Livery

Filed in office
on the 12th day of
July 1861

D. L. Meix
Clerk

150 SD
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[Faint, illegible handwritten text, likely bleed-through from the reverse side of the page.]

The United States }
 Appellant } N 750
 vs } Terms N 517
 Nicolas A Don }
 Appellee } "Dos Pueblos"

Notice is hereby given
 by the undersigned to J. R.
 Gitchell Esq. U.S. Dist. Atty
 for the Southern Dist of Cal.
 and to G. L. Price Esq. Clerk of
 the U.S. Dist Court for said Dist
 that appearance by him
 is hereby as counsel for Appellee
 in the above entitled cause is
 hereby entered

Henry Hancock
 of Counsel for
 Appellee

[Faint, illegible handwritten notes and bleed-through from the reverse side of the page.]

N^o 150

The United States
Appellant
vs
Nicolas A. Don
Appellee

Notice of
Appearance of
Counsel

Filed in office
after service on
the within named
Atty of U.S. and Clerk
on the 12th day of
July 1861

G. L. Neix
Clerk

150 SD

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150 SD

[Faint, illegible handwritten text, likely bleed-through from the reverse side of the page.]

The United States }
Appellant } No 150
vs }
Nicolas A. De }
Appellee }

150 SD
PAGE 107

It being suggested to the Court that the survey of the land claimed in this case made under final decree and approved by the United States Surveyor General for California does not conform to said decree and is erroneous and that said survey will be to the injury of the Applicant on Application of Henry Hancock of Counsel for Appellee it is ordered that the said Surveyor General return to this Court the Plat of the said Approved Survey and that the Appellee be allowed twenty days from and after the return thereof to file exceptions thereto and it is further ordered that a certified copy of this order be served upon the Surveyor General for his information

11050

The United States
Appellant
and
Nicholas A. Den

Order for return of
Severey.

Paid May 20, 1861

Apk mix clk
of James Whelan Reilly

150 SD
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66

[Faint, illegible handwritten text, likely bleed-through from the reverse side of the page.]

UNITED STATES DISTRICT COURT,
FOR THE SOUTHERN DISTRICT OF CALIFORNIA. }

Nicolas A. Deu
appellee & Claimant
vs
The United States
appellor & Deft

No. 150

150 SD

PAGE 109

It being suggested to the Court that the survey of the land claimed in this case, made under final decree, and approved by the U.S. Surveyor General for California, does not conform to said decree and is erroneous and that said survey will be to the injury of the *Party appli-*

-Cant - the above named Claimant
on application of *Henry Hancock atty for Claimant*
it is ordered that the said Surveyor General return to this Court _____
the plat of said survey, and that the *Claimant* _____

be allowed *Twenty* days, from and after the return thereof, to file exceptions thereto; and it is further ordered that a certified copy of this order be served upon the said Surveyor General for his information. I. S. K. OGIER, U. S. District Judge.

UNITED STATES OF AMERICA, SOUTHERN DISTRICT OF CALIFORNIA. }
COUNTY OF LOS ANGELES. }

I, C. Sims, Clerk of the United States District Court for the Southern District of California, do hereby certify that the above and foregoing is a full true and correct copy of the original order, made and entered on the *20th* day of *February* 1861, in said case, No. *150* on the docket of said Court, wherein *Nicolas A Deu is* _____ claimant against the United States, as appears of record in my office.

In witness whereof I herewith set my hand and affix the seal of said Court this the *20th* day of *February* 1861.



J. J. Mix, Clerk.
John O. Whelan Deft

UNITED STATES OF AMERICA, }
SOUTHERN DISTRICT OF CALIFORNIA. }

THE PRESIDENT OF THE UNITED STATES,

To J. W. MANDAVILLE, U. S. Surveyor General, for California—Greeting:

You are hereby notified that the United States District Court, for the Southern District of California, at the *December* Term of said Court, 1861, in case No. *150* on the docket of said Court, wherein *Nicolas A Deu is* _____ claimant against the United States, made and caused to be entered an order, of which the above and foregoing is a certified copy herewith transmitted to you for your information, and you are hereby required to take notice of the same.

Witness the Hon. ISAAC S. K. OGIER, Judge of the United States District Court, for the Southern District of

California, this the *20th* day of *February* 1861.

Attest my hand and the seal of said Court the day and year

last above written

J. J. Mix, Clerk. 67
John O. Whelan Deft

No. 150

U. S. Dist Court
In Dist of Cal

Nicolas Allen

"

United States

Adm'n Returns of
Survey

Filed Michy. 1861
Edw. M. Clark
Clerk
J. S. White Deputy

68 150 SD
PAGE 110

San Francisco Feb 28 1861
I hereby certify that I have this day
made personal service of this order
on S. W. Mandeville U. S. Surveyor Genl
for California by learning a certified
copy of the same at his office

James C. Perrine U. S.
Marshal Southern District
of Cal
W. Buchanan
Deputy

150 SD
PAGE 111

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

Nickolas A. Den } N^o 150
ad } "Doo Pueblos"
The United States }

In the matter of the
survey —

Now comes Henry Hancock
of Counsel for claimants, and files
the following exceptions to the survey
heretofore made, and returned to this
Court, in the above entitled cause
to wit. Firstly that that portion
of the said survey from Sta. N^o 25 or
corner marked thereon D. R. 4 of the
map furnished by James H. Mandeville
U. S. Sur-Genl- for California filed in this
cause on the 3 day of April 1861, to Sta.
N^o 1 or the beginning point including the
25th 26th 27th 28th and 29th lines of the said
survey. The 25th and 29th lines as they do
not extend sufficiently far North to
embrace the land which was seggre-
gated from the public domain of Mexico
in favor of claimant by the act of —

juridical possession of date Decr
21st 1842. And lines 26, 27 and 28 for a like
reason ^{are all} particularly excepted to, for the reason
that the average width named in the said
act of possession is one league one thousand three
hundred and fifty varas, which is about two
hundred and sixty six chains, whereas the
average width of the grant by the said
survey as shown by the map furnished this
Court by the U.S. Sur. Genl. aforesaid is only
about one hundred and eighty six
chains, making a material difference in
the width of the grant, both by measured dis-
tance and ⁱⁿ the establishment of the Northern
boundary ^{on the land,} between the segregation made
and recognized by competent Authority
under the former Mexican Government,
and the one made as aforesaid, by the said U.S.
Sur. Genl. for California. See Map filed on the 3^d of April
1861 and act of ^{Juridical} possession, on pages 18 to 28 inclusive
of Transcript as also Desiño of same —

Secondly: claimant excepts to the
said survey inasmuch as it restricts the
land in quantity to ^{exactly} three and one half leagues for
the reason that the grant in this case to which
the Decree refers does not (as in most others)
~~have any~~ contain any Sobrante Clause, and is
for the land shown on the Desiño; and that that

✓
together with its endorsement relative to the
juridical possession was a constituent
part of the grant at the time the said grant
was approved by the Departmental Assembly
on the 3^d day of October 1845 in Transcript page

150 SD
PAGE 113

9
And lastly Claimant
alleges the decree of this Honorable Court
heretofore rendered in this case to wit on the
13th of March 1855 to be erroneous, and
respectfully calls the attention of the Court
to the fact that the grant recites the bound-
ary opposite the sea to be "la Lomina alta
asi a la sierra" (Transcript page 14) the correct
translation of which is by "the high hills
that is to the Mountain, whereas the
language of the decree is, by the high
hills toward the Mountains. The undersigned
before the Court that to the best of his knowledge and belief the foregoing is true.

Henry Cancoche
of Counsel for
Claimant

United States District Court
Southern District of California

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150 SD
PAGE 114

Henry Hancock Attorney
for Contestant being duly sworn says
that the above foregoing exceptions to
the final survey of the premises claimed
in said cause are true as he is informed
and believes - Henry Hancock

Sworn to & subscribed before me
on this 22nd day of April
A.D. 1861.
G. L. Mix Clerk

In the United States Dist. Court in and for the Southern Dist. of
California

Nikolas A. Den

Claimant

vs

No 150

The United States

Rancho Dos Pueblos

In the matter of survey

E. G. R. Gitchell Esq. U.S. Dist. Atty.
for the Southern Dist. of Cal.

Sir

You will please take
notice that the above entitled case
will within thirty days or as soon
thereafter as the same can be heard
will be brought on to a hearing
the said thirty days to commence
to run at the time of service of a
copy of the exceptions to the survey
and notice hereby given

Los Angeles

April 22 1861

Henry Hancock

of Counsel for
Claimant

This is to certify that I received the within
on the 24th day of April A.D. 1861 and served
a true copy of the within personally
upon J. R. Ritchie U.S. Dist. atty in
the Southern Dist. of Cal April 24th
A.D. 1861

Service 2.00
copy 4.20
Mileage .50
\$6.20

James C. Perrin
U.S. Marshal
James H. Burns
Deputy

No 150

Nickolas A. Deu
ad
The Public Works

Exceptions in
return of
Lurby

Filed in office
on the 23rd day
of April 1861
G. L. Meix
Clk

75

150 SD
PAGE 116

Don Nicolas A. Den

\$6⁰⁰

m

Office of the Surveyor General,
Of the United States, for California.

I, J. W. MANDEVILLE, Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the Archives of the former Spanish and Mexican Territory, or Department of Upper California, as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, Do Hereby Certify, that the ~~two~~ preceding, and hereunto annexed pages, of tracing paper, numbered from one to ~~two~~ inclusive, exhibit a true, full, and correct copy, of the Rescibo contained in an original document entitled "Dr. Nicolas Pen. 301," purporting to be the Expediente for the grant of Rancho "Los Pueblos" to said Nicolas Pen, as the said document appears on file among said Archives

Keeper of Archives.

EXAMINED AND FOUND CORRECT.



In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this 19th day of April 1861

J. W. Mandeville U. S. Surveyor General, for California.

No. 150 SD
517 13d

N. A. Allen

in

United States

"Hubert L. J.C."

Filed Sept 17, 62

John Wheeler
Clerk

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150 SD
PAGE 118

United States Dist Court South Dist Cal

J A New

United States

150 SD
PAGE 119

Be it remembered
that on the 14th day of Sept 1862, at the
City of Santa Barbara Cal, personally came before
me John Wheeler, Clerk of U S Dist Ct for the South
Dist of Cal at St Francis of Cont, duly author-
ized to take depositions of witnesses to be used
in Civil Causes depending in the Court of the
United States. Joaquin Carrillo a witness
produced on behalf of the Claimant in the
above entitled Cause now pending in the
U S Dist Ct for the South Dist of Cal, who
being duly sworn testified as follows his
evidence being interpreted by Henry Carnes
a sworn interpreter

Present, Henry Hancock for Claimant
and ~~Chas E. New~~ Albert Pritchard
Clerk for United States

Questions on behalf of Claimant by Henry
Hancock Esq, attorney

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PAGE 120
Q^uest What is your name age, residence
and occupation.

Aⁿs Joaquin Larillo, 49 years of age &
I reside in Santa Barbara and am Judge
of the Second Judicial District

Q^uest Are you acquainted with the
Ranch called Los Pueros claimed
by N A Deu

Aⁿs I am

Q^uest Do you recollect of ever having
given judicial possession of the same
and if so ~~in~~ was it in the capacity
of Judge Paz of the 2^d District

Aⁿs I do, and I gave it in my
Capacity as such Judge

Q^uest Look at Exhibit I & C. now
filed purporting to be a map, and
state whether you recognize it to be
a map of said Rancho, and if

Do do you recollect of having given
the certificate endorsed on the same

150 SD
PAGE 121
Ans. I recognize the Certificate on a copy
of the signature and I recognize the
map also. - I recognize them both

Ques. Look at the map and state what
portion of it constituted the Northern
boundary as given in the act of
Juridical Possession

Ans. The foot of the ^{Hills or} High Mountains taking
in all the hills and Canadas and all
the land that a person can (audable) walk
over.

Ques. Did ^{or did not} the Northern boundary as
run by you in delivering the Juridical
Possession of the grant. include all the
streams together with their sources
which are situated or found on the
south face of the high hills or moun-
tains

Ans. Yes it did - so far as it was
possible for a person to penetrate

What do you understand to be
the import of the terms, Las Somas Altas
adiv^a la Sierra

150 SD

PAGE 122

Ans. I mean those that are met before
arriving at the Mountain

Ques. Did this Judicial possession in-
clude or exclude those Somas Altas

Ques. Are these Somas Altas attached
to or separated from the Mountain
as delos

Ans. There are some which are separated
and others which are attached - in
some parts of the Rancho - not in all
parts of it

Genl. Hamilton by A. Packard
Esq. appearing on part of the United States

Ques. In what manner was this Jurid-
ical possession given

Ans. I went on to the ground myself
& with the documents ^{presented to me by the surveyors} in conformity

with them I gave the possession
who was present

150 SD
PAGE 123

Direct Examination resumed

Q. Look on the map marked L. I. C
and state whether the portion designated
by the word "Somaria" was included
within the land of which you gave
judicial possession

A. It is all the hills that you meet between
the sea & the mountains were included within
the judicial possession

(Question directed to on the ground, that
the judicial possession in this cause
will disclose the fact sought to be
elicited. The same being in writing and
on file in this cause)

J. Corbett

Present & subscribed before me
this 17th day of Sept 1862

John W. Wheeler Clerk
U.S. District Court
5th Floor W. C. M.

No 150
U. S. Dist Court
South Dist Cal

N. A. Deu

United States

Depo of J. Carrico
Witness for Plaintiff

Filed Sept 14, 1862

John Whelan
Clerk

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150 SD

PAGE 124

Nicholas A. Deen } N. 150
vs }
The United States }

In the matter of the final
survey of the Rancho
Napoma

It is hereby stipulated by
the undersigned that
the above entitled cause
be continued to the next
regular term of the U. S.
Dist Court to be held in
Montgomery

P. L. Whiting
U. S. Dist Ctty
for the Southern Dist Cal

Henry Hancock
of counsel for
claimant

N^o 130

Nicholas A. Dr
vs
United States

Declarations
& continuance

filed Oct 1862
John Wheeler
Clerk

150 SD
PAGE 126

In the United Dist Court
in and for the Southern Dist
of Cal.

H. A. Den
vs
The United States } N^o 150

On Motion of Claimant's
Counsel suggesting the
decease of claimant it is
hereby ordered adjudged and
decree that the above cause
be revived in the name of the
executors and their names
to wit Alfred Robinson Chas.
E. Huser and Jose Maria Hill
a Den be substituted for
that of deceased claimant

Walter M. Wright
U. S. Judge Southern
Dist of California -

N^o 150

N. A. Den

The United States

Order sub-
-stituting expe-
-utors

Filed this 21st day of
March 1864
Jou. O. Wheeler Clerk
Geo. S. Van Ness
Deputy

90

150 SD
PAGE 128

[Faint, illegible handwritten text, likely bleed-through from the reverse side of the page.]

In the U.S. Dist Court
in and for the Southern Dist
of Calo.

150 SD
PAGE 129

H. A. Deu }
vs } No 150
The United States }

Before Hon. Fletcher R. Waight
U.S. Dist. Judge in and for the
Southern Dist of Calo.

Now comes Henry Hancock
of Counsel for claimant in
the above entitled case and
suggesting the decease of the
claimant and moves that
the case be removed to and
the Executors to wit Alfred
Robinson Chas. E. Heiser and
Jose Maria Hill de Deu and
that their names be
substituted for that of
deceased claimant

No 150

H. A. Dow

to the United States

Patron of

the Union of

the

Extremes

Filed this 21st day

of March 1864

Geo. D. Wheeler Clerk

by Geo. D. Wheeler

Dep. Clerk

150 SD

PAGE 130

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Filed this 21st day
of March 1864.

No 150
motion

In the United States Dist
Court in and for the Southern
Dist of Cal^a

Alfred Robinson et al }
Executors of the Estate } N^o 150
of N. A. Owen }

In the Matter of survey

Before Hon Altheur N. Waight
U.S. Dist Judge for the Southern
Dist of Cal^a

Now comes
Henry Hancock of counsel for
Claimants in the above en-
titled Cause, have of this
Honorable Court having been
first obtained, and files this
his amended exception excep-
tions to the survey heretofore filed
to wit, And Claimant further
excepts to the Northern boundary
as heretofore heretofore established
by the U.S. Sur. Genl and shown
by the approved map a certified
copy of which is now on file in

in this case inasmuch
 as the said boundary on the
 North from ^{The North Sta N°5} Sta N°5 to Sta N°
 6 from Sta N°6 & Sta N°7 has
 been so established as to divide
 claimants of some of the level
 or valley lands which are
 conclusively within the limits
 of the general description of
 the land called for by the
 deed and which valley land
 the claimants are entitled to
 by the final deed of this
 Hon Court in lieu of cer-
 tain mountain spurs now
 embraced in the survey and
 for which reason these
 amended exceptions are
 hereby made to the boundary
 aforesaid and consisting of the
 above named Stations with
 the courses and distances
 thereunto belonging

Henry Hancock
 Attorney for
 Claimants
 Henry Hancock

150 SD
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of counsel for
Claimants in the
above cause being
duly sworn says that
the foregoing ^{amendment to} & captions
heretofore filed in the matter
of the final survey of the
said Cause are true
as he is informed and believes
Henry Hancock

Subscribed and
sworn to before me
this 2nd day of March
1864
Geo. O. Wheeler Clerk
by George B. Van Ness Deputy

N^o 150

Alfred Robinson
et al. ex r^t
of N. A. Den

The United States

Amendment
to
exceptions
in
article of
law

Filed this 21st day
of March 1864

Jno. D. Miller Clerk
for the Court
recd. Clerk

94

150 SP
PAGE 134

I Receipt and so
of copy of the within
exceptions hereby acknowledged
March 28th 1864

B. C. Whiting U. S.
Attorney

U. S. Dist. Atty.
for Southern District
of Cal.

The undersigned upon affidavit states that as Assistant and Compositor of J. E. Sewell U. S. Dept. Surveyor he ran the lines and marked the boundaries of the Rancho "Dos Pueblos" situated in the County of Santa Barbara, now being or claimed by the heirs of Nicolas A. De la Encina, that the work in the field was executed in or about the month of November 1860 that he is acquainted with the map of the said survey now on file in the office of the U. S. Sur. Gen. and approved by J. W. Maudville U. S. Sur. Gen. and that the Southern boundary line ^{as established} by said map of the survey leaves outside of the approved contour lines of the said Rancho portions of the flat or valley lands of certain cañadas extending from the Ocean into the base of the high hills on the North, and at the same time includes portions of rough land or broken spurs of worthless land

unfit for cultivation and of little
or no value for pasturage

150 SD

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And further states that the claimant
was and to the best of affiant's knowl-
-edge and belief ever has been dis-
-satisfied with the northern boundary
line, as approved by the said J. W.
Mandeville U. S. Land Grant and shown
on the map approved by him as afore-
-said

Charles J. Hoffmann

Subscribed and sworn to

before me, Geo. Mc Yard, Notary Public for Alameda Co
Cal



No 150

The United States

ad.

Alfred Robinson

et al. executors of

the Estate of

Nicholas A. Den Decant

Affidavit of

Charles Hoffman

Filed Nov^{28th} 1864

John O'Waler clerk

Robert Haight Dep

150 SD

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limits recited in the decret ~~with~~
in a compact form in one body and
in conformity with the legal sub-
-division of the public land, in
support of which, is filed
firstly

1864

Nov. 28th Disposition of Juan Lopez to the
effect that the northern boundary as
shown by plat "leaves out the portions
of low lands in the cañadas of said rancho
leading into the mountain range of some

- " -

Affidavit and stipulation that same
shall be taken as evidence, of the Aft.
Surveyor & Compassman Chas. F. Hoffman
That the northern boundary line
"as established and shown by" map -
"leaves outside of approved contour
"lines of said rancho portions of
"the flat or valley lands of certain
"cañadas extending from the Ocean
"into the base of the high hills on
"the North and at the same time
"includes portions of rough land
"or broken spurs of worthless land"

Wancock

N^o 150

"Dos Pueblos"

Alfred Robinson et al.
Execs of the Estate
of Nicolas A. Du
Roi et al.

In matter of
Survey

Synopsis of
proceedings

Filed Nov 28th 1804

John Wheeler Clerk
for
Robert Haight
Leep

105 150 SD

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Circuit Court of the United States
In the District of California

County of Santa Barbara

150 SD
PAGE 140
Before me Alex. S. Taylor, a Commissioner
duly appointed in and for the United States Circuit
Court for the District of California, personally
appeared Juan Lopez of Santa Barbara County,
State of California, a person well known to me,
who after being duly sworn makes Oath to the following.

My name is Juan Lopez, age twenty seven
and have resided since my birth in the County of
Santa Barbara where I was born. Have been the
Maya Dorno on the rancho of Dos Pueblos in said
County belonging to the estate of the late Nicholas
A. Den for the last ten years. I accompanied the
United States Deputy Surveyor, Mr. J. E. Terrell
in the Survey he made of the said Rancho Dos Pueblos
in or about the ~~matter~~ month of November A.D. 1880
and was with him when he set up the North East
Corner boundary corner stake of said ranch
Survey and know that a due west course from
this said stake leaves out the portions of low lands
in the Canadas of said rancho leading in to the mountain
range on the northerly boundary of said rancho.

Juan ^{his} Lopez
mark

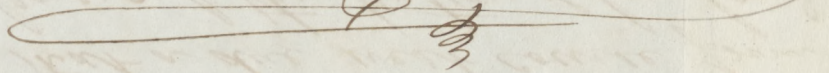
Sworn to and subscribed to before me this

This thirty first day of March A.D. 1864.

In testimony of which I have hereunto
set my hand and affixed my private seal having
no seal of office on the day and date aforesaid.

Alex. S. Taylor,

U. S. Commissioner etc



150 SD
PAGE 141

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140
2D

62129

No 150
The United States
Appellant
vs
Alfred Robinson
et al. Executors
of the Estate of
N. A. Orr deceased

Deposition of
Juan Lopez

Filed Nov 23rd 1864

John O'Connell Clk
By John A. Knight Sec

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Continued
A. Lopez

In the U.S. Dist Court in and
for the Southern Dist of Cal^a

150 SD
PAGE 143

Alfred Robinson et al. }
Execs of Estate of } N^o 150
Nicolas A. Dine decessed } Los Dos Pueblos

Before Hon. Fletcher M. Waight
U.S. Dist Judge

In the matter of surrog

The undersigned hereby
stipulate and agree that a
certain Affidavit herewith filed
to wit that of Charles F. Hoffman
~~made~~ taken before Geo M. Yard
Notary Public for Alameda Co. Cal^a
be deemed and is hereby taken as evidence
in the above entitled cause

R. L. Westring
U.S. Dist Attorney

Henry Hancock
Cly for Claimants

N° 150

Alfred Robinson
et al Exrs of the
Estate of
Nicolas A. Dea
vs
United States

Stipulation
Concerning evidence
— done

Filed Nov
28th 1864

John O. Keeler

clerk

per

Robt Haight J. C. C.

150 SD 101
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In the United States Dist. Court for
the Southern Dist of Cal^o

150 SD
PAGE 145

Alfred Robinson et al. } N^o 150
executors of the Estate of }
N. A. Dea deceased } "Los Dos Pueblos"
The United States

In the matter of survey Now
on this 8th day of December 1864
the above cause coming on to be
heard on return of the survey of the
lands claimed, and it being shown
to the satisfaction of the Court that
the plot of the survey of said Rancho
made and approved by J. W. Handville
U. S. Sur. Genl for California, ^{was} filed
herein under the order of the Court
on the 3^d day of April 1861 and that
by leave of the Court written exceptions
were afterwards filed to wit on the 22^d
day of April 1861 and that by
further leave of the Court amended
exceptions were also afterwards
filed to wit on the 21st day of
March 1864 and the claimants
appearing by Henry Hancock
their attorney and the United States
resisting the exceptions appearing

110²

by B. C. Whiting U. S. Dist. Atty.
The Court proceeded to hear
the proofs and allegations
of the parties, and the Court having
considered the same

It is ordered adjudged and
decreed that the exceptions of claim-
ants to the said returned survey be
and are allowed and sustained
in the manner following
to wit, That in lieu and stead
of the Northern boundary as now shown
from Corner marked D.P. 4 to that marked
C.C. 3. D.P. 7 on the plat herein filed, the
said Northern boundary be so changed at the
election of claimants as to include the
valley land provided always that the
quantity shall not ~~pass~~ ^{exceed} the three and
one half square leagues given by the
decree of confirmation, nor pass the range
of high hills recited in said decree, to be
the Northern boundary of said ranch;
and provided; further that the selection,
so to be made, shall be such as to take
the land in one body, and in a compact
form, and in conformity to legal
subdivisions of the public lands

150 SD
PAGE 146

And it is ordered, that said
plat of survey be returned to The
United States Surveyor General for
California, together with a certified
copy hereof for his information

This done and signed
in open Court on this eighth day
of December 1864

Hetcher M. Knight -

Judge of the District
Court of U.S. for
Southern Dist. of Cal^a

No. 150

Decree

Alfred Robinson et al
Executors et al

vs
The United States

Decree of the Hon Judge
allowing exceptions
to survey

Filed Decr. 8th/04

John Wheeler Clerk

By
Robert Haight W. Dep.

Lennox & Co. Printers
Copy made

150 SD

112 PAGE 148

The United States appellants }
Nicholas A. Dear appellee }

150 SD
PAGE 149

The claim in this case is founded on a grant from Governor Alonzo to the present claimant bearing date bearing date 18th April 1842. The grant ~~is~~ is alleged to have received the approval of the Assembly, it is also alleged that judicial possession was given by the proper officer, these allegations are all fully proven by the documentary and oral evidence contained in the record, the testimony of ~~Carrascosa~~ also bears reputation and a substantial compliance with the conditions of the grant.

The only question in the case is as to the definiteness of the boundaries. The grant describes the land as the place land known as Dos Pueblos, situated in the neighborhood of the Mission of Santa Barbara, bounded by the beach of the Canal of the same name, by the high hills in the direction of the Sierra, by the Canado del Canal, a boundary of the Rancho of Antonio M^a Ortega, and by the place called La Cochera in the direction of the Presidio of Santa Barbara as is shown by the map.

The map shows all the boundary lines called for in the ~~map~~ grant except that of the ~~canal~~ Canado de Canal. The alcalde who gave the Mission certificates to the

Correctness of the maps, and that is the delineation of the lands of the Rancho of Don Puellos; the Alcalde in giving the possession commenced his survey from the Canada de las Magas, a point which is proven to be within the the limits of the Culla in its grant.

The witness Thompson swears that he runs the Canada de Culla, that it is about $2\frac{1}{2}$ miles to the westward of the Canada de Magas, the Canada is the western boundary ^{of the tract} as shown by the maps, the grant was for three and a half square leagues, and the Alcalde measured of that quantity within the boundaries called, and the limits of the tract intended to be granted are by the act of fraudulent possession and the map and the evidence of Thompson thus made, definite and clear.

There is an objection that the grantee was not a citizen and there is no evidence to support the allegation other than he was an inhabitant of birth, the Governor in making the grant calls him a naturalized citizen and the presumption is, that he was so.

This case differs widely from the case of Henry Dalton's case for the place called San Francisco, in that case, the grant was to Henry Dalton without any allusion to his citizenship, and it was proven that he had never been naturalized and that he still was and claimed to be a citizen of Great Britain.

In the United States District Court
for Southern Dist of Cal^a

Alfred Robinson et al. } N^o: 150
Ers of estate of } "Los Dos Pueblos"
Nicolas A. Orr deceased }
The United States

Before Hon. Fletcher M. Waight U.S.
Dist. Judge for the Southern Dist. of Cal^a

In the matter of Survey

1861

July 12 Notice of Appearance as Counsel Hancock
" Motion for order to return survey

March 7th Order for return of survey
April 22^d Exceptions to Survey That Filed April 3^d 1861

1862

Sept 17 Disposition of J. Carrillo
Filing of Exhibit. T. & C
Oct 1st Stipulation to Continue

1864

March 21st Motion to review in name of Executors
" Order substituting Executors
" 12.
" 150 20

The original exceptions and
all proceedings up to substitution
of executors taken with a view

of not only obtaining a change of the Northern boundary so as to include ~~all~~^{more} of the valley land, but likewise of insisting on such a survey as would conform to the juridical possession amounting to more than the quantity of three and a half square leagues specified in the decree, under express instructions of Claimant

1864

March 25th Amended exceptions under instructions of Executors; asking a change of the Northern boundary not to embrace any more land than that given by decree - Not insisting on the Northern boundary as given in act of juridical possession, but simply asking that the said Northern boundary be so changed as that the Claimants~~st~~ may have the benefit of the well established rule of the Dept. of Public Lands, one hitherto always conceded by this Honorable Court, to wit: to select the quantity conferred within the

150.
U.S. Dist Court
South. Dist. of Cal.

M. A. Deu Appellee
vs
The United States Appels

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in the name of the Mexican Nation,
I have, by these presents, granted to him
the ownership of it, subject to the Ap-
proval of the Most Excellent Departmental
Junta, and under the following conditions

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1st. He will fence it without prejudice
to the cross-ways, roads and servitudes.

2nd. He shall not encumber it with
rent-charge, ^{entail} bond, mortgage or other in-
cumbrance, even for pious uses, nor convey
in mortmain.

3rd. The land hereby granted contains
three and a half sitios de ganado mayor,
a little more or less, as the Map shows.
The Judge who may deliver possession will
measure it according to law.

Therefore I order that, this grant being
held firm and valid, it be noted in the
proper book, and be delivered to him for
the purposes that seem to him good.

Given in Monterey on the eighteenth
day of April 1842.

Juan B. Alvarado
Manuel Jimeno
Sec.

This document is noted in the Book of
Titles to vacant lands on leaf 11.

Jimeno.

X

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U. S. Dist Court
South. Dist. Neala

Nicolas A. Dev
Annex

add

The United States
Appellants

Translation to supply
omission in the Transcript

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In this case the only evidence on the question is that Dea was an American by birth, this is certainly sufficient to rebut the presumption arising from the recital in the grant that he had been naturalized -

It can not be presumed that the person was endeavoring to deceive his own Government and that he is more especially so he had the power naturalized and his mind having been directed to the grant, if such a doubt in the grant had existed there is his power to have revised it, - there being no other objections to the claim which have not already been passed upon, and decided by this Court - a decree will be entered ~~in~~ ~~the~~ affirming the decision of the Commission and confirming the ~~claim~~ to the extent called for in the grant.

The United States
by
Nicholas A. Sen.

Spencer
Confession

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