

CASE No.
165

SOUTHERN DISTRICT

LA CIENEGA GRANT

AGUSTIN OLVERA, ET AL

CLAIMANT

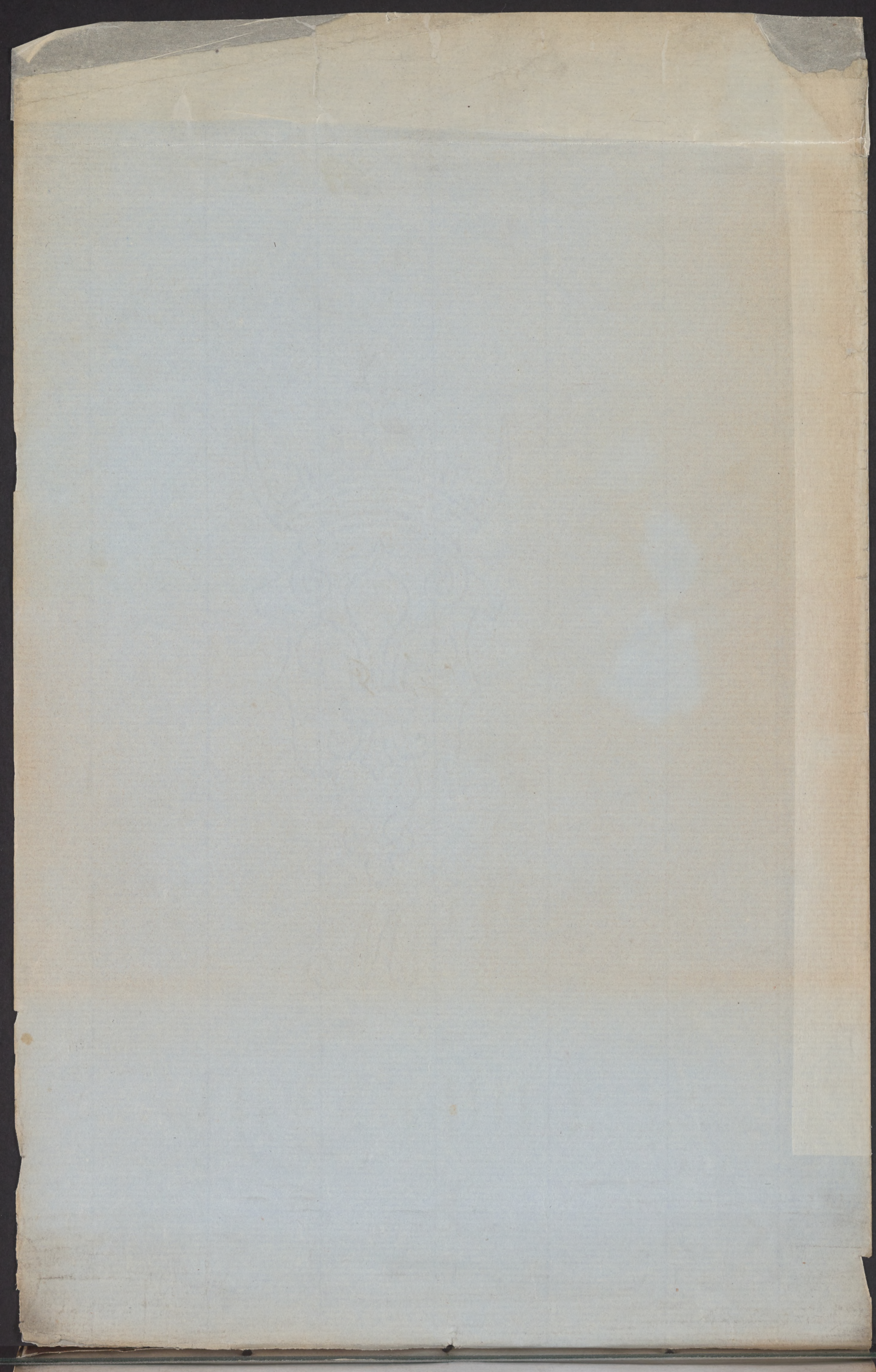
LAND CASE 165 SD pgs. 57

MAR 6 1963

POWER BOND

Power Bond

576



165 SD
PAGE 1

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 576.

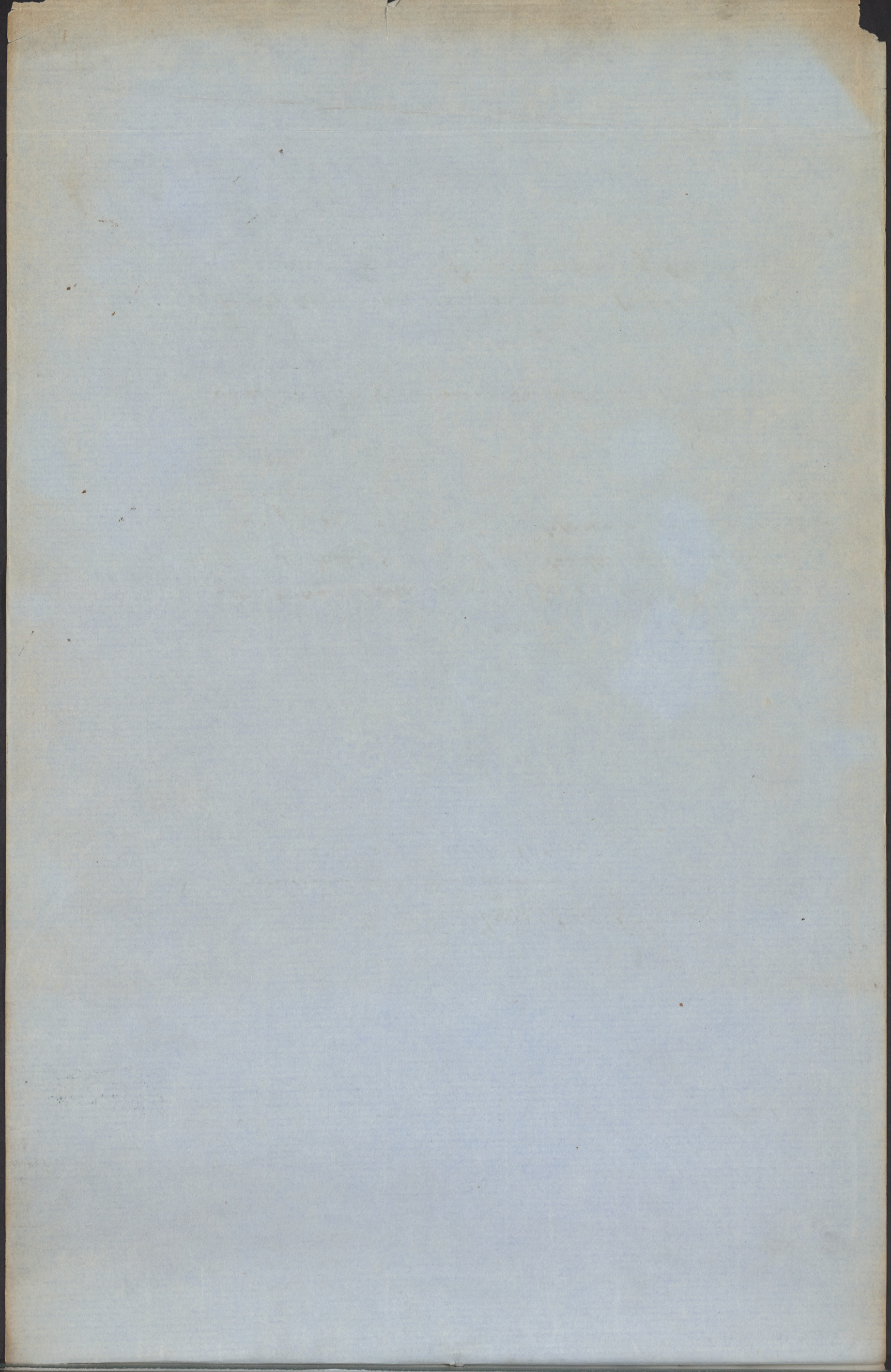
Agustin Olvera, et al; CLAIMANT S.

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"La Cienega"



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

165 SD
PAGE 2

Be it Remembered, that on this *Eleventh day of February*, 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 *Agustin Olvera et al'* for the Place named "*La Cienega*" was presented, and ordered to be filed and docketed with No. 576, 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 April 25 1854.
On Motion of the Counsel for the claimant Case no. 576, *Agustin Olvera et al'* for the place named "*La Cienega*", was ordered to be placed at the foot of the Calendar of the 1st class Cases on the Dual Docket,

San Francisco July 21 1854
Case no. 576 was submitted without argument.

San Francisco Aug. 1st 1854.
In the same case Commissioner *Alpheus Felch* delivered the opinion of the Board rejecting the claim;
(Vide page 11 of this Transcript.)

San Francisco Aug. 15 1854
In the same case, on Motion of the U.S. Law Agent, the following order was made, to wit;
(Vide page 12 of this Transcript.)

3
Petition

To the Hon. the Board of Commissioners to ascertain
and settle Private Land Claims in the State of
California

The petition of Augustin Olvera and
Narciso Botello residents of said State respectively
shows that they claim in fee a certain tract
of Land, situated in the County of Los Angeles
known by the name of "La Bebeque" bounded by
the Rancho of San Francisco and containing
twenty square leagues of Land

They claim said Land in virtue of a Concepcion
tho' of them made by Pio Pico Governor
of the Department of the Californias, in virtue
of authority in him vested by Law and bearing
date 25th April, which said Concepcion ^{was} approved
by the Departmental Assembly

They further represent that since their date they
have been in peaceable possession of the said tract
the boundaries whereof are well known, and that
they know of no conflicting claim thereto

They herewith submit a certified Copy of the Petition
and Grant from the Office of the U.S. Surveyor
General Murrell & also a translation marked
B and they rely on the same and on such other
verbal and documentary testimony as they may
be advised may be necessary

Wherefore they pray the Hon. Board to take their
said Claim into consideration and confirm
the same

And as in duty bound &c &c

By their Atty

Narciso Botello

Filed in Office Feb 11. 1853

Geo. Fisher
Secy

4

1949
Detroit

Handwritten notes or bleed-through from the reverse side of the page, including the word "Detroit" and other illegible text.

5- 1.0.2.12

1846

La Bienega concedido a Narciso
Botella y Agustin Olvera

Nº 546.

165 SD
PAGE 4

6

2. S. D. N.

C. D.

Los Ciudadanos Narciso Botello
 y Agustín Olvera ante V. E. con el
 anz. marzo 3.º - respeto de vds. comparecemos
 del 1846. Estamos y decimos que deseosos de ade-
 do practicado { Cantar en los interesantes
 los informes y de { ramos de granjeria y agri-
 mas diligencias { cultura como esenciales que
 consermientos se { proporciona el Departamen
 conceda a los intto para asegurar asi la sub-
 resados el paraje { sistencia de nuestra fami-
 q. solicitam y en { lias suplicamos a V. E. de
 su consecuencia { orra con el derno el paraje
 libreso el título co. { nombrada la Ciénega en toda
 responde para su { su estencion colindante con
 seguridad y demas { el rancho de San Francisco
 fines. { so cuyo terreno se halla to-
 Pico. { talmente valdido. Por tanto
 { de la acreditada justifi-
 cacion de V. E. esperamos alcanzar esta
 gracia que impetamos acompañando
 debidam.º en abrio de demoras el diseño
 y demas justificantes que acreditan
 nuestro acerto. Juramos lo necesario &c.

165 SD
PAGE 5

S. S. D. N. Oviendose admitir la presente en pa-
pel comun por falta de sellado.

Angeles Enero 30 de 1846.

Narciso Botello # Agustín Olvera

2. S. D. N. Bis Pico Gobernador Constitucional
del departamento de California.

Por cuanto los ciudadanos Narciso
Botello y Agustín Olvera han solicita-
do para su beneficio personal y el de su
familia el terreno conocido con el nombre
de la Ciénega al interior del Rancho de
San Francisco rumbo Norte; practicadas

previamente las averiguaciones y demas diligencias concernientes a todo de las facultades con que me hallo autorizado p. el supremo Gobierno a nombre de la Nacion mexicana he venido p. decreto de este dia en concederles a los expresados D^{os}. Botella y Olvera el citado terreno de conformidad con la ley de 18 de Agosto de 1824 y reglamento de 21 de Noviembre de 1828 a reserva de la aprobacion de la Coena Asamblea Departamental y bajo las condiciones siguientes. 1^a Podran cercarlo sin perjudicar las travesias, caminos y servidumbres; lo disputara libre y exclusivamente destinandolo al uso o cultivo q. mas les convengan. 2^a Solicitaren del juez respectivo los de la posesion juridica en virtud de este despacho por el cual se demarcaran los linderos con las respectivas mojoneras. 3^a El terreno de q. se les hace donacion es de veinte sitios de ganado mayor conforme al disen^o. El juez q. los poseiere lo hara dividir con arreglo a Ordenanza dejando el sobrante a la Nacion para los usos convenientes. En consecuencia mando q. teniendo el presente titulo p. firme y validos se tome razon de el en el libro q. corresponde y se entregue al interesado para su resguardo y demas fines. Dado en la ciudad de los Angl^{os} en este papel comun p. absoluta falta del sellado a veinte cinco de Abril de mil ocho cientos cuarenta y seis. Pio Pico # José Matias Moreno. Serio interino.

J. S. D. 12

Office of the Surveyor General
of the United States for California.
J. Samuel D. King Surveyor

8

General of the United States for the State of California and as such now having in my Office and under my custody a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California do hereby certify that the five preceding and hereunto annexed pages of tracing paper numbered from one to five inclusive and each of which is verified by my initials G. D. K exhibit true and accurate copies of certain documents on file and forming part of the said Archives in this Office.

165 SD
PAGE 7

In Testimony whereof I have hereunto signed my name Officially and affixed my private seal (not having a seal of Office) at the City of San Francisco Cal. the sixth day of October 1852

Saml. D. King

Adjut. Genl. Cal.

Filed in Office Secy 11th 1853

Geo. Fisher Secy

4
Translation
B

165 SD
PAGE 8

Most Excellent Sir
The citizens Narciso Botello and Augustin Olvera before your Excellency with due respect appear and say: That being desirous of advancing in the interesting branch of farming and agriculture, such being the expenses granted by the Department for the maintenance of our families, we solicit your Excellency to be pleased to grant to us the tract known by as "La Cienega" in its whole extension, bounded by the Rancho of San Francisco, which Land is absolutely vacant. We therefore in consequence of the well known justice of your Excellency, hope to obtain this grace, we implore, accompanying ^{the} maps and other credentials justifying our object in order to avoid delay. We make oath to the necessary &c. Be pleased to admit the present on common paper in blank & stamped.

Angeles January 30. 1846

Narciso Botello
Augustin Olvera

L.S.

Angeles March 9³. 1846

The reports having been made and the appropriate step taken, the tract solicited is granted to the petitioners. Let the title be therefore issued for their security and further uses.

Pico

Pio Pico Constitutional Governor of the Department of California

Whereas the citizens Narciso Botello and Augustin Olvera have solicited for their personal benefit and that of their families the tract known by the name of "La Cienega" on side of the Rancho of San Francisco, towards the North, the necessary steps having been previously taken, using the faculties which I am authorized to exercise by the Supreme Government in the name of the Mexican Nation, I have come, by decree of this day, to grant to them, the spouses Mrs. Botello & Olvera, the Land in question, in conformity with the Law of 18th August 1824 and Regulations of 21st November 1828 Subject to the approval of the Most Excellent

The Departmental Assembly and under the following conditions -

1st They may enclose the same without prejudice to the crop areas, high ways and rights of way; they shall enjoy the same freely and exclusively devoting it to the use and cultivation that may best suit them -

2nd They shall select the respective Judge to give them judicial possession in virtue of this Patent, by whom the boundaries shall be marked out with the necessary Land marks

3rd The tract granted comprises twenty leagues seats for large cattle, according to the map. The Judge giving possession shall cause the same to be measured according to Ordinance, the surplus remaining for the Militia for its convenient uses I therefore Order, that the present title being held from and valid, a record be taken of the same in the appropriate book and delivered to the parties interested for their security and further enco-

Given at the City of Los Angeles on this common paper for absolute want of stamped on the 21st of April 1846

Gov. Pico

Jose Mateos Moreno

Sec. ad int

U.S. Indian Office Feb. 11. 1853

Geo. Fisher

Secretary

165 SD
PAGE 9

576 Augustin Obera Val } In the place called La
vs } Greene given in Los Angeles County
The United States } Containing twenty square
leagues of Land

Openion

165 SD
PAGE 10

The claimants allege ownership of the Land under a concession made to them by Governor Pio Pico on the 25th day of April 1846 and approved by the Departmental Assembly.

A true copy of the Expediente from the Surveyor General's Office is filed, but no other proof of the grant, and no proofs of any other facts necessary to establish the claim are presented. We have repeatedly held that the Expediente alone was not sufficient to establish a valid subsisting grant entitling the party to a Confirmation. The document itself which was delivered to the grantee must be produced and proved or its absence duly accounted for and its delivery to the party and the contents of the instrument shown.

The claim must be rejected.
Rejected

Telice in office Aug. 1. 1854
Geo. Fisher Secy

Done

Augustin Obera Val }
vs }
The United States }

In this case on hearing the proofs and allegations it is adjudged by the Commission, that the claim of the said petitioners is not valid; and it is therefore decreed that the application for a Confirmation thereof be denied.

Alpheus Felch }
A. A. Thompson }
J. B. Farwell }

Commissioners

Telice in office Aug. 1. 1854
Geo. Fisher Secy

165 SD
PAGE 11

And it appearing to the satisfaction of this Board
that the land hereby accepted is situated
in the Southern District of Oregon it is
hereby ordered that two transcripts of the Proceed-
ings and 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 of Oregon for the Southern District
and the other be transmitted to the Attorney General
of the United States.

FILED
MAY 11 1882

Office of the Board of Commissioners,

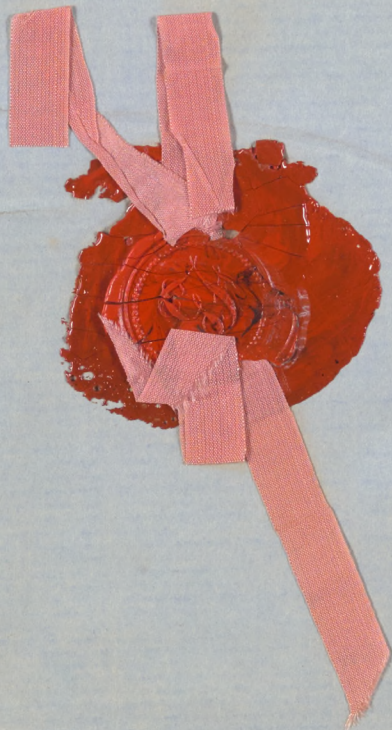
To ascertain and settle the Private Land Claims in the State of California.

165 SD
PAGE 12

I, *George Fisher* Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Twelve* pages, numbered from
1 to 12, both inclusive, to contain a true, correct and full Tran-
script 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. 576 on the Docket of the said Board,
wherein *Agustin Olvera, et al,* are

the Claimants against the United States, for the place known by
the name of "*La Gruega*".

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



Geo. Fisher
sig.

165

U.S. District Court
Southern District of California

No. 115. Docket

The United States

165

Agustin Oberea, et al
"La Cienega"

Transcript of the Records
from the

Board of U.S. Land Commissioners

In Case No. 576.

Filed December 19th 1854.

J. C. [unclear]
clerk.

165

Agustin Olvera &
Narciso Botello

vs
United States

No 165 - In the U.S
District Court for the
Southern District of
California -

165 SD

PAGE 13

Appeal from the final decision of the
Board of Surveyors to ascertain
& settle the private Land Claims in
the State of California taken on the 19th
December 1854 by the said Board having
filed with the Clerk of said Court, &
a certified transcript of their proceedings
& decision, of the papers & evidence upon
which the same are founded, in the
said cause being No 576 on the doc-
ument of said Board -

Notice is hereby given that Agustin
Olvera & Narciso Botello, Appellants in
the above entitled cause & Claimants before
the said Board in a claim for a tract of
land called "La Cienega" situated in said
Southern District filed before said Board
on Feb 11th 1853 & being on its docket No 576,
will prosecute the appeal herein from the
final decision of said Board entered Aug 1st 1854
against & adverse to Claimants -
Edwin M. Burt
atty of Claimants
& Appellants -

No 165

U.S. Dist. Court. Southern Dist of Cal.

Augustin Oberea
vs
Various Bottles

vs

United States

Notice of intention
to prosecute appeal

1

Filed May 25th 1855

165 SD

PAGE 14

J. C. Carr
Clerk

Edmund
att'y for Plaintiff

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

Agustin Rivera &
Narciso Botello

Appellants

L. Commission, N^o 576

Docket N^o 165

The United States
Appellee.

165 SD
PAGE 15

20/

The Honourable J. S. R. Ogier, Judge of the
District Court of the United States, within and for
the Southern District of California.

The Petition of Agustin Rivera and Nar-
ciso Botello respectfully sheweth, that on the 21st day
of April, A.D. 1846, Don Lico, then Constitutional Gov-
ernor of the Department of the Californias, by virtue
of the authority in him vested by Law, executed and
delivered to your Petitioners, a deed of grant, bearing
date as aforesaid, whereby he granted to them all
that certain tract of land, known by the name of La
Cienega, and situate in the County of Los Angeles,
and in the said Southern District of California.
more particularly described in the Petition filed
by these your Petitioners on the 11th day of February
A.D. 1853, before the United States Land Commission
to ascertain and settle the private land claims in
California, and the papers and proceedings thereupon
had, which are here specially referred unto; that
after the said 21st day of April, 1846, the said gran-
tees entered upon and took possession of the said
granted premises.

Your Petitioners further state, that on
the 11th day of February 1853, they filed their Petition

claiming the said premises before the said Land Commissioners, while sitting as a Board, together with documentary evidence and the testimony of witnesses; and that afterwards, to wit, on the 1st day of August, 1854, the said Board proceeded to decide on the validity of said claim, and rejected the same; that afterwards, to wit, on the 19th day of December, 1854, the said Board having filed in the office of the Clerk of Your Honorable Court a certified transcript of their proceedings and final decision, and of the papers and evidence, upon which the same are founded, an appeal was taken; and that afterwards, to wit, on the 25th day of May 1855, Your Petitioners filed in the Office of the said Clerk a notice of their intention to prosecute said appeal.

Wherefore Your Petitioners pray that the Decree of the said Commissioners may be reversed and their said title decreed to be valid, and for general relief and for costs, and as in duty bound &c.

Shanahan & Beunt
Attys for Petors

Case No 165.

In U. S. Dist. Court, for the
Southern Dist. of California.

Agustin Olvera et al.
Appellants
vs
The United States
Appellee.

Petition for Review.

Filed Sept. 19th 1853
C. E. Carrillo
By John W. Arp

165 SD

PAGE 17

2.

J. L. Brent,
Att'y for Claimants

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

165 SD
PAGE 18

Agustin Olvera &
Narciso Botello
Appellants

vs

The United States
Appellees

}
}
}
}
}
}

Case No 165.

Transcript, 576.

"La Cienega"

On motion of J. Lancaster Brent
Counsel for Appellants,

Ordered - That additional testi-
mony be taken by either party in the above
cause.

30

Case No 165.

U. States Dist. Court,
South^h Dist. of California

Agustin Olvera et al.

Appellants

vs

The United States

Appellees.

Order for new testimony

3

Filed Oct. 8th 1853.

C. E. Carrey
By W. R. G. S. P.

165 SD

PAGE 19

UNITED STATES OF AMERICA, }
Southern District of California, } SS.

The President of the United States,

TO
165 SD
PAGE 20

I Ord U. S. Dist Atty of the South.
Dist of California

Greeting :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against *The United States* in the District Court of the United States, in and for the Southern District of California, on the *19th* day of *September*, 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

*Agustin Olvera + Narciso Botello, praying
the Court to review the decision of the U. S. Board
of Land Commissioners, respecting their claim to a
tract of land called "La Cienega"*

and that *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 the Petitioner will apply to the Court for the relief demanded therein.

In Witness whereof, I have hereunto set my hand, and affixed the Seal of said Court, at the City of Los Angeles, this *15th* day of *December* A. D. 185*5*.

J. E. San

CLERK.

No. 165

Marshal Cost

Copying Summons - 60
Leaving do 2. -
" Petition 3. -
\$ 6. 60

UNITED STATES OF AMERICA,

Southern District of California,

U. S. DISTRICT COURT.

~~Antonio P. Ballester~~
Antonio Rivera, et al
v
The United States

SUMMONS.

Received Dec 17th 1855

Edward Hunter
U. S. Marshal
Dr. Mc L. Goodman

165 SD Deputy

PAGE 21

I served this Summons, together with a certified copy of the Petition, upon

P. Oct
U. S. Atty for the South Dist of Calif
by delivering to him personally a true copy
of the same

at Los Angeles

in the Southern District of California, on

the 26th day of Dec

A. D. 1855.

Sworn to and subscribed before me,

26th

December AD 1855

L. E. Law CLERK.

Edward Hunter
U. S. MARSHAL.

Dr. Mc L. Goodman Deputy

Dr. Mc L. Goodman
Deputy

In the District Court of the United States for the
Southern District of California,
Augustin Olvera & Narciso Botello, Appellants,
vs. } N. 165.

165 SD
PAGE 22

The United States, Appellee } Manuscript N. 376,
Hon Isaac S. K. Ogier Judge.

The answer of Pacificus Ord Attorney of the
United States for the Southern District of Cali-
fornia, for and in behalf of the United
States, to the petition of Augustin Olvera and
Narciso Botello, for a review ^{and reversal} of the decision of the
United States Land Commissioners to ascertain
and settle the private land claims in the
California, rejecting their claim to a certain
tract of land known by the name of "La Cienega"
Says. That he denies all and singular
each and every allegation in the said petition
contained. And further this Respondent
denies generally the validity of the alleged
title of the said claimants to the said
tract of land.

And the said Respondent prays that
this Hon. Court will affirm the decision
of the said Commissioners in said case; and
decree the said alleged title ^{to be} ~~is~~ invalid.
And for general relief.

J. Ord

Attorney of the United States for the
Southern District of California

Served on Myron Norton Atty for
the parties at Los Angeles January 4th 1856
Edward Hunter
U S Marshal
per Mr Goodman
Deputy

No 165.

U. S. Dist Court
South Dist of Cal.

Agustin Olvera vs
Francis Pollock.
apph.

vs.

The United States
appears.

Answer of A. date.

4

Filed Jan 4th 1856.

C. C. Lane
Clerk

165 SD
PAGE 23

Marshals Court

Serving two answers &c.

Esta escritura hecha hoy dia die-
siete de Diciembre del año de mil
ochocientos cincuenta y seis, entre Na-
cino Botello y Francisca Ruiz de Bo-
tello su esposa, partes de la parte
primera, y Agustín Olvera parte de
la parte segunda, todos residentes de
la Ciudad y Condado de los Angeles
Estado de California. Testifican que
las dichas partes de la parte prime-
ra, por y en consideracion de la su-
ma de mil pesos (\$1000) que les
han sido pagados en su mano pro-
prios por la parte de la parte se-
gunda antes de sellarse y entregarse la
presente cuyo recibio queda ^{primera} p. esta, confesado
de han ajustado, vendido y transferido (sin
futura responsabilidad) y por las presentes
ajustan, venden y transfieren a la parte de
la parte segunda a sus herederos y suce-
sores para siempre todos sus derechos, títu-
lo interés, reclamo y demanda de cualquier
es naturalista tanto en la ley como en
equidad como así mismo en posesión,
en, y a un cierto espacio o posesion de ter-
renos indivisos situado en el Condado de
los Angeles Estado de California, cono-
cido con el nombre de la Sierrita al in-

terrior del Rancho de San Francisco ha-
cia el Norte, cuyo terreno es el mismo que
les fué concedido por D. Pio Pico Goberna-
dor Constitucional del Departamento
de las Californias a Narciso Botello,
parte de la parte primera, para su be-
neficio personal y el de su familia, en
compañia del dicho Agustín Olvera
en virtud de un título fechado el día
veintinueve de Abril del año de mil ochocientos
cuarenta y seis, en el cual se de-
termina contener cincuenta leguas cua-
dras de terreno, poco mas ó menos, fun-
do con todo lo especial, las tenencias, heren-
dades y preterencias a él perteneciente
ó en alguna manera preterencias. Ate-
ner y a mantener todo lo ante menciona-
do, a la dicha parte de la parte segunda
y a sus herederos y sucesores para siempre.

En testimonio de lo cual las dichas par-
tes de la parte primera, firman cada su
mano y estampan sus sellos el día y año
al principio expresados.

Firmado sellado y
entregado en presen-
cia de
W. Hoffman

Narciso Botello
Francisco B. de Botello

165 SD
PAGE 25



State of California
County of Los Angeles

165 SD
PAGE 26

On this 20th day
of October A.D. 1857 Before
me Kimball W. Dimmick, a
Notary Public in and for said
County personally came Narcissa
Bottello and Francisca R. de Bottello
his wife personally known to
me to be the persons described
in and who executed the foregoing
Deed who acknowledged to me
that they executed the same freely and voluntarily
and for the uses and purposes therein
mentioned, and the said Francisca
known to me personally to be the person
whose name is subscribed to the foregoing
Conveyance as a party thereto having been
by me made acquainted with the contents
of said Conveyance and she acknowledged
to me on an examination separate and apart
from and without the hearing of her
husband that she executed the same freely
and voluntarily without fear or compulsion or
undue influence of her husband and that she
does not wish to retract the execution of
the same

Witness my hand and official
seal
K. W. Dimmick
Notary Public



Recorded this 22nd day of October
A.D. 1854 at 2 hrs & 40 min. P.M. on page 54
of Book 3 of Deeds at request of Augustus
Olvera

Chas. R. Johnson C. Recorder
per C. H. Kinley Deputy.

165 SD
PAGE 27

No. 65

Marciano Botello et al

to

Augustin Olvera

Deed

Filed July 9th 1858
C. J. R.
6

Filed for record this
22nd day of October
A.D. 1854 ^{at 2.45 PM} at request
of Augustin Olvera.

Chas. H. Johnson
C. Recorder

Wm. H. Kimbley
Deputy.

165 SD
28

PAGE

Augustin Corona et al
vs
The United States Appie

Case No. 163-
La Cuzco

Deposition of *Pro Pico*

taken before C. SIMS, United States Commissioner for the District of California, at the United States Court House, in the City of Los Angeles, on *Monday*, the *8th* day of *February* A. D. 1858, at *3* o'clock P. M., on said day, on behalf of the *appellants* by the *Consent & agreement of the parties* to be used as testimony in a certain cause now pending in the *United States District Court for the Southern District of California* being Case No. 168, on the Docket of said Court, wherein *Augustin Corona et al* are appellants, and *The United States* are appellees.

Present *Scott & Saunders* Attorney in behalf of the appellants
and *Pro Pico* as witness in behalf of appellees. *and James McCandless* as interpreter

Question on behalf of appellants

Q What is your name & place of residence?

A My name is Pro Pico - my age is 57 years & my residence Los Angeles County -

Q State whether or no you held any public office in the State of California in the year 1846 - if so, what, & how long?

A I was Governor in the year 1846 and held that office until August of the same year

Q Did you know *Salustiano Moreno* - if so have you frequently seen him - and do you know his

Handwriting?

165 SD

PAGE 30

Ans I do

Ques Last upon the paper now presented to you purporting to be a grant from the Rio Rico Constitutional Government of the Department of California to Narcissa Botello and Augustin Clava & Jay whether the signatures thereto subscribed ~~are~~ the genuine signatures of yourself and said Morina

Ans I trust it is my signature and that of Morina and said paper is accented and marked A-C8

Ques Last upon the paper now presented to you purporting to be any approval of the Departmental Assembly to Narcissa Botello & Augustin Clava & Jay whether the signatures thereto subscribed are the genuine signatures of yourself & Morina

Ans The paper handed to me & marked "B" accented hints, contains my signature and that of Morina

Ques State the Circumstances with which you transacted at the date of said grant and when the same was issued,

Ans I remember the Circumstances that being Governor I proposed to Messrs Clava & Botello to make application for Land as there was no funds on hand

to pay them for their services -

Quest 3 For what services was the Govern-
ment indebted to Alvaro y Botello
at the time you speak of?

165 SD
PAGE 31
Ans 3 As Deputes. to the Depart-
mental assembly - Alvaro also
as Secretary of the assembly and
private Secretary of the Governor

Quest 3 For how long a time had Alvaro
occupied the above mentioned
positions during which his
services had not been paid
by the Government?

Ans 3 Went into office at the end
of 1844 - and Don Augustin
Alvaro from that time up to
1846 held the above mentioned
offices - for which the Government
paid him nothing and also
for the same length of time the Govern-
ment did not pay Botello, he
having said office during that time.

Quest 3 State the Salaries if any which
are attached to the Employment
of deputy of the Departmental
assembly - Secretary of the assembly
Private Secretary of the Governor

Ans 3 I do not recollect -

Quest 3 Is the grant marked 'A' assumed to be the ~~at~~ departure or not

165 SD
PAGE 32
Quest Has there any grant to John Brun-
der run, upon said Alvarra
and Butte for the said un-
paid Survey of land in Californ-
ia? if so, is the grant marked
'A' such grant?

Ans 3 Yes and the grant marked
'A' is the same

Chap & annotation by Dist atty

Quest Do you not know whether
the said Alvarra & Butte sur-
vey paid by the Mexican Gov-
ernment any thing for the
said Survey during your
administration as Governor?

Ans 3 I do not know if there
having received any thing
more than the grant

Pio Pico

Given Sub^e to before me
this 8th February 1858

J. P. Pico
U. S. District Commissioner
for South District

Pío Pico: Gobernador Constitucional del Departamento de las Californias



La Exma Asamblea Departamental en Sesion del dia 12 de Junio presente tubo ubien decretar lo siguiente.

Se aprueba la concesion hecha a favor de los Ciudadanos Narciso Botello y Agustin Olvera el parage conocido con el nombre de la sienega en la jurisdiccion de Sta Barbara q. le fue concedido y el Superior Gob. Departamental segun titulo librado a su favor con fecha 21 de Abril del presente año, se entera conformidad con la ley de 18 de Agosto de 1824 y art. 5.º del Reglamento de 21 de Noviembre de 1825.

Para Resguardo de la parte de los Ciudadanos Narciso Botello y Agustin Olvera, lo hago asi saber. Dado en la Ciudad de los Angeles en este papel comun y sellado, a quinze de Mayo de mil ochocientos cuarenta y seis.

Pío Pico
Jose Maria Moreno
Pro. Sec.

Aprobacion de la
Junta Departamental
de la Ciencia en fa-
vor de los Cirujanos
don Narciso Botel-
lo y Agustín Olvera

Marked
B
CS



B
G F

M VIEDOVA

Muy Sr. D.
C. D.

Provisión del Sr. Pío Pico Gobernador Constitucional del Departamento de California



165 SD
PAGE 35

Por cuanto los Ciudadanos Narciso Botello y Agustín Olvera han solicitado p.^a un beneficio personal y el de sus familias el terreno conocido con el nombre de la bodega al interior del rancho de S. Fran. con los límites practicados previamente las averiguaciones y demás diligencias convenientes, usando de las facultades con que me hallo autorizado por el Sup. Gobierno a nombre de la Nación Mexicana, he venido por Decreto de este día, en concederles a los expresados Sres. Botello y Olvera, el citado terreno de conformidad con la ley de 18 de Agosto de 1824 y reglamento de 21 de Noviembre de 1828 a reserva de la aprobación de la Excm. Asamblea Departamental y bajo las condiciones siguientes.

- 1.^a Podrán cercarlo sin perjudicar las trancías caminos y servidumbres; lo disfrutaran libre y exclusivamente destinándolo al uso ó cultivo q. mas les convenga.
- 2.^a Solicitaran del juez respectivo la debida posesión jurídica en virtud de este Despacho por el cual se demarcarán los límites con las respectivas mojones.
- 3.^a El terreno de q. se les hace donación es de veinte sitios de ganado mayor conforme al dicho. El juez que lo poseiere lo hará medir con arreglo a Ordenanzas, dejando el sobrante a la Nación p.^a los usos convenientes.

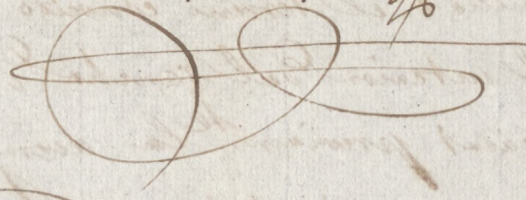
En consecuencia mando q. teniendo el presente título por firme y valioso, se tome razón



de él en el libro que corresponde y se
entregue a los interesados para su resguard
do y demás fines. Dado en la Ciudad
de los Angeles en este papel comun por abso
luta falta del sellado, a veintinueve de Abril del
mil ochocientos cuarenta y seis.

Pio Pichay

165 SD
PAGE 36



José María Moreno

PAGE

Queda tomada razon de este
Superior despacho en el libro correspondiente.

Moreno



F. K. VEDOVA

I, C. Sims, of the City and County of Los Angeles, and State of California, Commissioner to take Affidavits and Bail, in civil case pending in the Courts of the United States, and Depositions under the Acts of Congress, approved September 24th, A. D. 1789, February 20th, A. D. 1812, and March 1st, A. D. 1812, by virtue of my office of Clerk of the United States Court of the Southern District of California, and by special appointment by the United States Circuit Court for the State and circuit of California, do hereby certify that the foregoing Depositions of *Pro Ries* was taken before me

on the *8* day of *February*, A. D. *1858*, according to the *process* of the said *parties*

at the United States District Court House, in the City of Los Angeles, and State of California, in behalf of the

That the said *Pro Ries* *Appellants* was by me duly sworn

according to law as a Witness in said cause in the caption of this Deposition mentioned, and after being so sworn, his Testimony was by me reduced to writing in his presence, and after having been by me carefully read to him, and by him corrected in every particular as he desired, was by him signed in my presence.

In witness whereof, I hereunto set my hand and private Seal, (having no Seal of Office,) this *8* day of *February*, A. D. *1858*

37 SD
PAGE _____



C. Sims
United States Commissioner
for South Dist. Calif.

No. 165

United States District Court for the
Southern District of California.

165 SD
PAGE 38

Deposition of

Filed this

P. A. Rice
8th day of February
1888
Chas. C. Rice

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

Agustín Olvera, et al

No 165

Appellants

vs

La Riego

The United States

Appellee.

165 SD
PAGE 39

And now come the Appellants and move the Court that Agustín Olvera be substituted as party Appellant, in this case in place of Narciso Botello, making said Olvera sole party claimant in this case; for the reason that said Botello by deed of date December 18, 1856, has conveyed all his right and title in the lands claimed in this case to said Olvera.

And relies in support of this motion upon the said deed herewith presented

Scott Lander
opponent for App^{ts}

Case 165
U.S. Dist. Court

Augustine Overholt
Appellant

By

For United States
Appellee.

Motion of Substitution

Filed July 9th 1888

Spino
C.R.

8

165 SD

PAGE 40

Translation

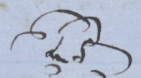
165 SD
PAGE 41

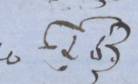
This Instrument, made this day, December 18th 1836, between Narciso Botello & Francisca Ruiz de Botello, his wife, parties of the 1st part, and Augustin Olvera party of the 2nd part, all residents of the City and County of Los Angeles, State of California witnesses.

That said parties of the 1st part, for and in consideration of the sum of one thousand dollars, which have been paid into their proper hands by the party of the 2nd part, before the sealing and delivery of these presents, the receipts whereof remain hereby acknowledged have granted sold and conveyed, with out future responsibility, and by these presents grant sell and convey, to the party of the 2nd part, his heirs and successors forever all their rights, title, interest, claim and demand of whatever nature, as well in law as in equity, as well as in possession, in and to a certain tract or portion of land, undivided, situate in the County of Los Angeles, State of California known by the name of La Cienega; to the interior of the Rancho of San Francisco, towards the North, which tract of land is the

same that was granted by His Highness
Constitutional Governor of the Depart-
ment of the Californias, to Narciso Ben-
Tello, party of the 1st part, for his personal
benefit and that of his family, in com-
pany with said Agustín Olvera
in virtue of a title dated April 21, 1846
in which it is defined to contain twenty
square leagues of land, a little more
or less, together with all the tenements,
+ begin hereditaments and appurtenances there-
unto belonging or in anywise appertain-
ing, ~~to have and to hold~~ and to
hold all the foregoing to said party
of the 2nd part & his heirs and assigns
forever.

In witness whereof the said parties
of the 1st part, sign under their hands
and stamp their seals, the day and
year at the beginning expressed.

Narciso Botello 

Francisca R. Botello 

signed sealed and
delivered in presence of
J. H. Coleman;

Acknowledgment before Notary
follows.

20165

U. S. District Court

Augustin Alvarez

et al

Appels

vs

The U. States

Appellees.

Translation
of Deed in

Filed July 9th 1858

Chino
et al

7

165 SD

PAGE 43

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

J. W. Menderville, 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 private land claims in California", by virtue of the power vested in me by law, do hereby certify that I have diligently searched and examined said Archives and papers, and that I can not find any map or design whatever relating to the land known by the name of La Ciénega, situated in the County of Los Angeles and granted to Narciso Botello and Augustin Obervo.



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 25th day of January AD 1858.

J. W. Menderville
U. S. Sur Gen. Cal.

Case 165
U.S. Dist. Court
for the Dist.

Agustin Obregon
by
The United States

Cent. of Surv. Gen. Engrs.

Filed March 17th
1858
James
Chase

10

N^o -

Agustín Olvera, Appellant
vs,
The United States,

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

"La Cienega"

State of California
United States of America

Agustín Olvera

Being duly sworn deposes and says, that he has
not in his possession the original Map refer-
red to in the Grant herein, nor does he know
where it is, nor after diligent inquiry can he
find the same.

Agustín Olvera

Sworn to and subscribed
Before me this 8 day of
January, AD 1860,

W. S. Commerson
for Clerk

165 SD
PAGE 46

1860

N^o 165

Agustín Oserra
P.S.
United States.
"La de me ga."

Filed in Office this
18th Day 1860
C. J. Sims

11
165 SD
PAGE 47

My name is Ygnacio del Valle. I am 57 years old, and reside in Los Angeles, I am one of the owners of a tract of Land called "San Francisco," and was a resident therein previous to 1846, and was well acquainted with the country in the vicinity.

In advance of San Francisco towards the interior there is a particular locality known by name of "La Ciénega." This name and place was well and notoriously known in and previous to 1846.

The particular spot called "La Ciénega" is the source or origin of the River Santa Clara. The water first rises at "La Ciénega" then again sinks. I do not know the precise distance of this point from the boundary lines of San Francisco, but should suppose the distance to be about four or five leagues. I know of no other locality in this direction to the interior of San Francisco called "La Ciénega."

Ygnacio del Valle

Presented to me this
the 18th day of January 1868

C. J. Sims
U. S. Commissioner

It is hereby stipulated that the within
deposition of Ignacio del Valle may
be read upon the hearing hereof -
Done 18th 1860 -

Samuel B. Brewster
Attorney for Plaintiff
W. B. Brewster
U.S. District Court

Apr 165-

Filed in office
this 18th day 1860

Spencer

12

165 SD
PAGE 49

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

Augustin Obera }
vs Appellant } Subst Court No 165
The United States }
Appellees } In L.C. No 576

This cause coming on to be heard on appeal from the decision of the United States Board of Land Commissioners, to ascertain and settle the private land claims in the State of California under the act of congress approved March 3^d 1851

On a transcript of the decision and proceedings of said Board and the papers and evidence upon which said decision was founded, and the evidence taken and filed in this Court since said appeal

And it appearing to the Court that the said transcript and notice of appeal have been duly filed according to law, and counsel for the respective parties having been heard and the same being fully understood and considered by the Court. It is ordered adjudged and decreed that the decision of the said Board of Land Commissioners be affirmed, and the said claim of the appellant is held as invalid and is hereby rejected

Given in open Court this 4th day of February 1860

Wm. S. Orin Judge
in the S. Dist. of Cal

No 165
In W Dist Court

A. Olivera
vs
The United States

Decees

13

Filed in Office
the 6th July 1868

Spencer

Recorded Page 294

165 SD
PAGE 51

Agustin Olvera appellant
vs
The United States appellee

Case No. 165

"La Guereza"

Deposition of Narciso Botello

taken before C. SIMS, United States Commissioner for the District of California, at the United States Court House, in the City of Los Angeles, on the 18th day of March A. D. 1858, at 3 o'clock P. M., on said day, on behalf of the appellant by the Agustin Olvera Agent of the Parties to be used as testimony in a certain cause now pending in the District Court of the U. S. for the Southern District being Case No. 165, on the Docket of said Court, wherein Agustin Olvera is are appellants, and The United States are appellees.

Present James H. Lander Attorney in behalf of the appellants
and E. H. Neum in behalf of appellees.

Ques. What is your name and place of residence?

Ans. Narciso Botello, is my name I am 47 years of age and live in Los Angeles county

Ques. State whether or not you occupied any public office in the State of California in the year 1846, if so, state what was

Ans. I did it was the deputy of the Departmental assembly

Ques. Was there a salary attached to said office?

Ans. There was

Ques. Was your salary for such

Services were paid for by the Govern-
ment - And if so, was it paid in
money in what manner?

Ans

It was paid by a tract of Land
granted to me. The Land was called
the "Cueya"

Quest

Had you previously or not
rendered any other official
services, besides those mentioned
which formed a part of the
consideration of said grant?

Ans

I was Secretary of the
second prefecture previous to
being a member of the assembly
and I was a member of the
assembly from 1847 to 1849, but
I consider this grant for ser-
vices performed as payment for
the services rendered as a member
of the assembly only.

Quest

Was there any other grant
by said grant, if so, who was
he or she?

Ans

Yes Don Agustin Alvarez

Quest

Do you know what the considera-
tion was ~~to~~ as regards Alvarez

Ans

Public services rendered by
Alvarez to the government as a
member of the assembly, Secretary
thereof and auxiliary Secretary
of the government - Alvarez
was Secretary ad Interim of the
assembly towards the ^{beginning} end of 1845

and Secretary in 1846 and
a member of the Assembly during
the years 1844 and 1845 ^{beginning of} He was
Secretary of the Government about
8 months in 1844. I do not know
that Oliver received any other Com-
pensation for the same services

165 SD
PAGE 54

Prop Gamble by the
Honor

Quest Have you any interest
in the compensation in this
case?

Ans I have not

Quest Was this transfer of your
interest to Oliver made to Ol-
iver for the purpose of getting
your testimony in this case?

Ans No

Quest Was it customary for the gov-
ernment of Mexico a concession
to award to persons a concession
of Public Lands for such services
as you and Oliver performed?

Ans I do not know any pre-
cedents of that kind

Quest Will you name any other
compensation for the same
services?

Ans I did not

Question by Appellant

Quest What was the state of the Public

was ^{Tracing} it was entirely dry and
nothing left

Sworn to & Subscribed }
before me this 14th }
day of March 1858 }

165 SD
PAGE 55

H

I, C. Sims, of the City and County of Los Angeles, and State of California, Commissioner to take Affidavits and Bail, in civil case pending in the Courts of the United States, and Depositions under the Acts of Congress, approved September 24th, A. D. 1789, February 20th, A. D. 1812, and March 1st, A. D. 1812, by virtue of my office of Clerk of the United States Court of the Southern District of California, and by special appointment by the United States Circuit Court for the State and circuit of California, do hereby certify that the foregoing Depositions of Narciso Botello was taken before me on the 17th day of March, A. D. 1858, according to the agreement

and consent of the said parties at the United States District Court House, in the City of Los Angeles, and State of California, in behalf of the Appellant

That the said Narciso Botello was by me duly sworn according to law as a Witness in said cause in the caption of this Deposition mentioned, and after being so sworn, his Testimony was by me reduced to writing in his presence, and after having been by me carefully read to him, and by him corrected in every particular as he desired, was by him signed in my presence.

165 SD
PAGE 56

In witness whereof, I hereunto set my hand and private Seal, (having no Seal of Office,) this 17 day of March, A. D. 1858

C Sims



United States Commissioner.
for South West Co

No. 165^v

United States District Court for the
Southern District of California.

165⁹SD
PAGE 57

Deposition of

N. Batillo

Filed this

13th day of March

1888

*Spencer
adP*