

CASE No.
167

SOUTHERN DISTRICT

TAJUATA GRANT

ENRIQUE ABILA

CLAIMANT

LAND CASE 167 SD pgs. 57

MAR 6 1963

391

167

392

393

394

395

396

397

398

399

400

401

402

403

404

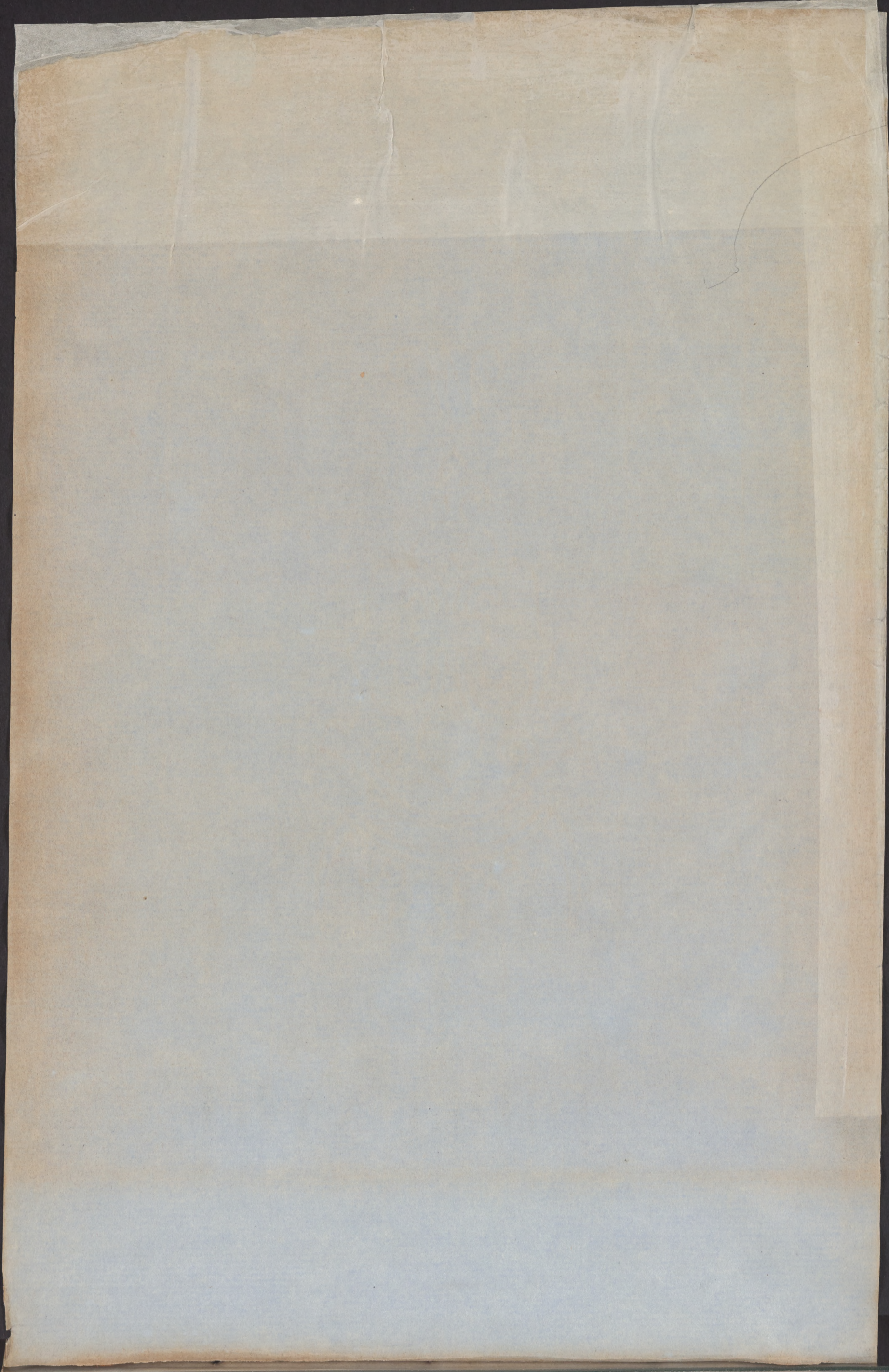
405

406

407

408

409



167 SD
PAGE 1

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 391

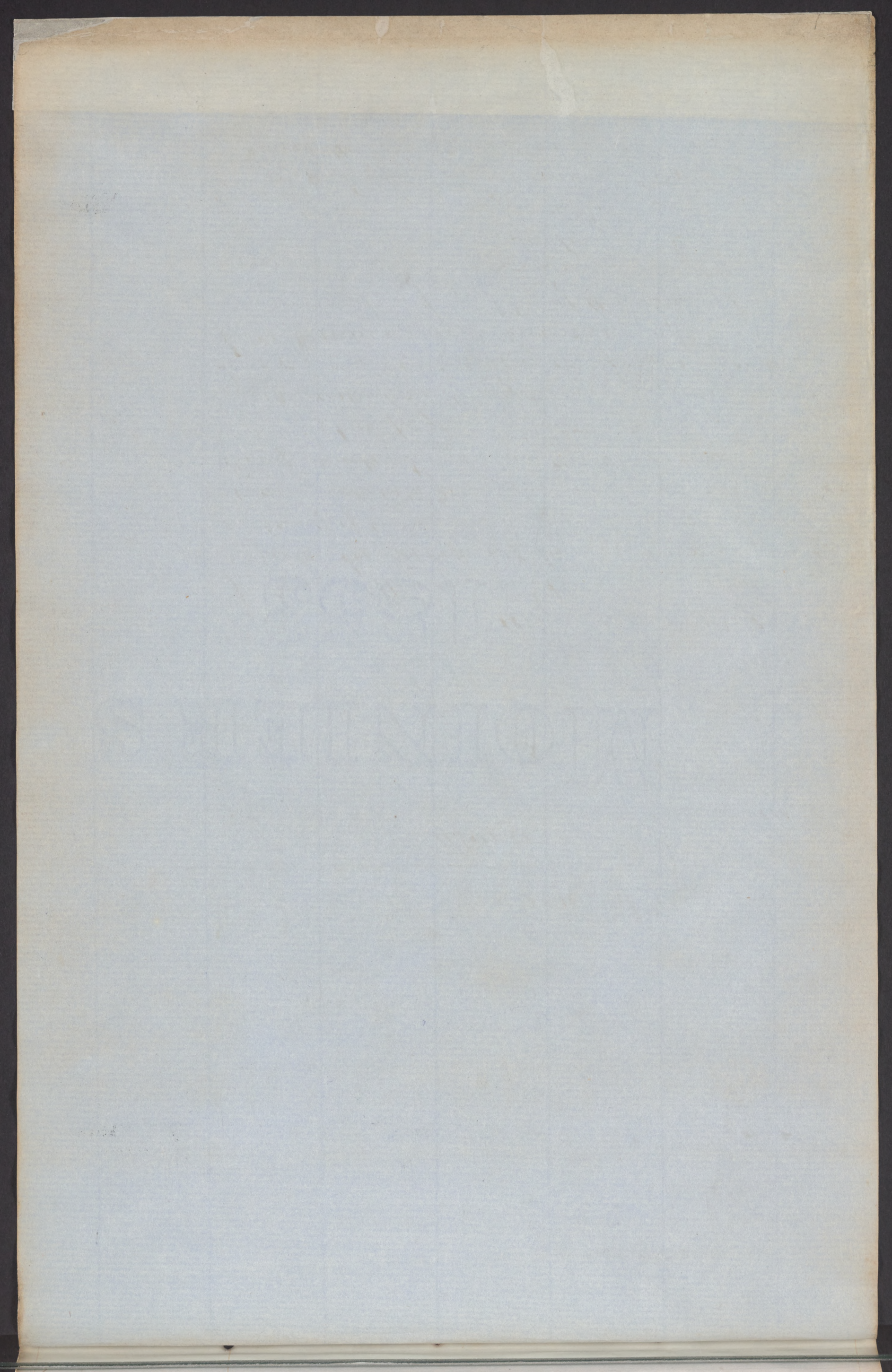
Enrique Abila CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Taynata"



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

167 SD
PAGE 2

Be it Remembered, that on this Eleventh day of October, Anno Domini One Thousand Eight Hundred and Fifty-two, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

The Petition of Enrique Abila,
for the Place named
"Tajuata,"
was presented, and ordered to be filed and docketed with No. 391 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;

Los Angeles October 14th 1852.
In Case no. 391, Enrique Abila for the place named "Tajuata," the deposition of Manuel Dominguez, a witness in behalf of the claimant, taken before Commissioner Melano Hall, with Document marked A, and translation thereof, marked B, annexed thereto, was filed;

(Vide page 5 of this Transcript.)

In the same case the deposition of Antonio Maria Lugo, a witness in behalf of the claimant, taken before Commissioner Melano Hall, was filed;

(Vide page 11 of this Transcript.)

Los Angeles November 3rd 1852,
In the same case the deposition of Julian Charis, a witness in behalf of the claimant, taken before Commissioner Melano Hall, was filed;

(Vide page 7 of this Transcript.)

Los Angeles November 6th 1852,
 In the same Case the deposition of Rafael Gallardo,
 a witness in behalf of the claimant taken before Com-
 missioner Edward Hall with document marked
 D.H. no. 1, annexed thereto, was filed:

(Vide page 9 of this Transcript.)

167 SD
 PAGE 3

San Francisco March 10th 1854.

In the same case the deposition of Abel Stearns, a
 witness in behalf of the claimant, taken before Com-
 missioner R. Aug. Thompson, was filed:

(Vide page 7 of this Transcript.)

San Francisco April 25th 1854.

In the same case the Counsel for the Claimant filed
 the following Affidavit of the Claimant:

(Vide page 12 of this Transcript.)

San Francisco May 2nd 1854.

On motion of the Counsel for the Claimant Case no.
 391 was ordered to be placed at the foot of the Calendar
 of the 1st Class Cases on the Trial Docket.

San Francisco July 31st 1854.

Case no. 391 was submitted on Briefs.

San Francisco Aug. 22nd 1854.

In the same case Commissioner Alpheus Felch delivered
 the opinion of the Board confirming the claim:

(Vide page 27 of this Transcript.)

San Francisco Aug. 29th 1854.

In the same case, on motion of the U. S. Law Agent,
 the following order was made, to wit:

(Vide page 29 of this Transcript.)

To the Hon Board of Commissioners for ascertaining and settling Private Land Claims in the State of California:

The petition of Simplicio Abila of Los Angeles born by Execution of the last will and testament of Anas Casiso Abila respectfully shows to your Hon. Board that he as Executor as aforesaid claims a certain tract of Land lying in said County known by the name of "Sajuntia" bounded on the North by vacant Lands of the Pueblo, on the South by the Rancho of San Pedro on the East by the Road leading to the Dominguez on the West by the Lands of Anto Jg Avila and containing One Square league more or less He further shows that he claims said tract of Land in virtue of the papers including the map herewith annexed and marked Exhibit A in virtue of the Decree of Manuel Michelena Governor of the Department of the Californias bearing date July 5th 1823 and made in favor of the said Anastasio Avila in conformity with the powers vested in him by the Republic of Mexico and in virtue of the facts attending said Claim

* Your petitioner further shows to your Hon Board that the said Anastasio Avila was prevented from applying for a title in form, from the circumstances of the Political revolutions and and convulsions which prevented the Government of California from being firmly established and which were so violent that shortly after the aforesaid Decree of Governor Michelena, he was forced with all the troops under his command to surrender to the revolutionary forces of the Californias, who after their success named Pio Pico as Temporary Governor which said appointment was only confirmed by the Mexican Government some short time previous to the conquest of this Country by the Americans: that the said Anastasio Avila was an old and infirm man unable to avail himself of the few months of a brief and temporary leave in the political affairs of California which occurred in the early part of 1846 by reason of weakness which conformed him to his bed and your petitioner further shows to your Hon Board ^{that} the long continuous peaceful and full possession of said tract of Land by the said Anastasio Avila accompanied by the Decree of Governor Michelena

167 SD
PAGE 5

based upon the favorable reports of the proper Officers constituted a vested right and property in & to said tract of Land, according to the Laws customs and usages of the Republic of Mexico and that the issuing of a formal title for the Land was a matter which, while not affecting the fee therein depended only on the convenience of the Government and the interested party.

And your petitioner further shoves to your Honorable Board that the causes that prevented the said Anastacio Avila from obtaining the formal grant were as afore said, and the Act of Mexico in ceding lands granted to the United States.

Your Petitioner further represents to your Honorable Board that the Extension, quantity, Metes and bounds of said tract of Land are and have been always been well known and recognized; that the said Anastacio Avila from the year 1830 has been in the actual possession of the same up to said Metes & bounds until the year 1850 when he departed his life; that since then your petitioner as his Executor has been and is now in peaceable and quiet possession of the same.

Your petitioner further avers that there is no other person who claims a right to said Land or any part thereof either of possession or of title.

He submits herewith the paper marked Exhibit A and translations of the same and he relies thereon & on such other Documentary & verbal proof as he may be advised, maybe necessary.

Wherefore he prays the Hon. Commission to take his claim into consideration and to confirm his title to the afore described tract of Land and as in duty bound he

By his Atty
J Lancaster Hunt

Filed in Office Oct. 11. 1853
Geo. Fisher Secy

5.
Deposition of
Manl. Dominguez

Office of the U.S. Land Commission

Los Angeles Oct. 14th 1852

On this day before I, Clara S. Hall one of the Comm
issaries for ascertaining and settling Private Land
Claims in California came Manuel Dominguez a
Witness in behalf of prodeces in behalf of the claim
ant Anreque Avelce whose petition is No. 391 on
the Docket of the Commr and reces duly sworn. His
evidence being given in Spanish was interpreted
by the Secretary. The U.S. Land Agent views
Note given and attended

167 SD
PAGE 6

1. Q What is your Name age and residence?
A. Manuel Dominguez resides in his Rancho of San
Pedro in County of Los Angeles and is forty nine
years of age.
2. Q Look at the Document marked A on this claim
and say whether you have ever seen it before?
A. I have seen it before, the two signatures of men
which appear therein are genuine & were made
at the time they purport to be. I was Jefe of the
2^a Justice in the month of June & July 1843
3. Q Are you acquainted with the signatures of Don
Mecheltona of Narciso Botello & of Rafael
Gallardo?
A. I am well acquainted with them and the two signa
tures of Guerna Mecheltona of Narciso Botello
and the single signature Rafael Gallardo are their
true and genuine signatures. Gallardo was at that
time Judge of the Peace
4. Q Were you acquainted with Anastacio Avelca & do
you know Tajanta?
A. I have known Avelca (Anastacio) for more than
Twenty years in possession of Tajanta which is
bounded by my Rancho
5. Q What was the nature of the possession of Anastacio
Avelca
A. He had a little house & corral & cattle & horses
there. He had always peaceable and quiet possession
of the land
Q Have you experience in the Customs of the Mexican
Government in granting Land & if you state what
was generally the action of the Government on such
a state of facts as is presented by Document A?
A. I have a good deal of experience in those matters -
It was the custom of the Government to issue a title

6.

upon the state of facts presented in document A

7 Q Do you know of any other claimant to this land

a. No. I never heard of any other

8 Q Do you know of any Squatters or Settlers on this land

a. No. I believe there are none.

Questions by the Associate Survey Agent

Do you know what is meant by the direction of Gov. Micheltorne at the end of paper A to apply for a title when the government shall be definitively settled

167 SD
PAGE 7

Answer. I understand by the direction of Gov. Micheltorne referred to, that the seat of Government being at Monterey, the direction was given when the Governor was at Los Angeles & that a full title was to be applied for & given when the government should return to the Capital & the Government should be settled and established

Do you know whether the claimant ever applied for a title according to this direction

Answer. I do not know that he did

Do you consider that the provisional title at the end of paper A was a sufficient title without any further action of the Government

Answer. In my opinion this is a sufficient title without further action of the Government. I am of this opinion because the Mexican Law authorized the granting of lands & Micheltorne was the sworn & granted the petition who was a Mexican Citizen, the land & I believe that governments do not receive

Manl. Dominguez

Sworn & Subscribed

Before me

Stefan de Alencar

Filed in office Oct. 14. 1853

Geo. Fisher

Seal

Los Angeles Nov. 3rd 1852

Deposition of Julian Chavez

On this day before Com. Valencia Hall came Julian Chavez a witness on behalf of the claimant Don Diego Abila petition No 391 and was duly sworn his evidence being in Spanish and interpreted by the Secretary The U.S. Associate Law Agent was present In answer to questions by counsel for the claimant the witness testified as follows -

167 SD
PAGE 8

My name is Julian Chavez my age forty four years I reside in Los Angeles

I knew Anastasio Abila. He died in the year 1850 He had been sick five or six years & confined to his bed. I knew his Rancho called Los Cochinos. I know it is in Tajanta. Abila was occupying that Rancho on January 1834 when I came to this country & he occupied it to the time of his death. He had a house on the Rancho in which he lived for many years & in which he died Since his decease it has been occupied by his widow & Sons

Sworn & Subscribed

Julian Chavez

Before me Valencia Hall Com.

Filed in Office Nov. 3rd 1852

Geo. Fisher Secy

Deposition of Abel Stearns

Case No 391. United States Land Commission San Francisco March 10. 1854

On this day before Commissioner R. A. Thompson came Abel Stearns a witness on behalf of claimant Don Diego Abila Case No 391 who after being duly sworn deposed as follows -

Present J. L. Brent Counsel for claimant and J. A. McLean U.S. Law Agent

Witness states his name is Abel Stearns his age fifty six and residence the City of Los Angeles California Question by claimant's Counsel

Are you acquainted with the tract of Land situated in the County of Los Angeles formerly occupied by Anastasio Abila and now occupied by Don Diego Abila and claimed in this case yes, state how long you have known it.

Answer I know the tract of Land and have been acquainted with it for the last liberty two years Question by same. Look upon the document marked A B C No 1 and annexed to the deposition of Rafael Gallardo and file in this case and state if the map therein delineated, represents the tract of Land above spoken of

what would be the Eastern boundary of said tract (Question objected to by U. S. Law Agent as a leading question and furnishes the witness his answer) Answer. It would be the road leading from Los Angeles to the Rancho of San Pedro belonging to Dominguez

167 SD
PAGE 9

Said road runs nearly North and South. It is a public highway and was twelve years ago as the road leading to the port of San Pedro Question by Same. Since you have known said Ranch what have been its respective Eastern and Northern boundaries (Objected to on same grounds above) Answer. The respective Northern boundary has always been the lanes known as Los Equeados. The respective Eastern boundary is the as before stated is the road leading from Los Angeles to San Pedro

Question by Same. What is the respective boundary of the Equeados of Los Angeles Answer. It is four leagues square, two leagues in each direction to the points of the Compass. With the Church in the City of Los Angeles as the Centre of the Square Question by Same. State what then would be the North Eastern Corner of said tract of Land claimed in this case Answer. The North Eastern Corner would be the point of intersection of the boundary of said Equeados or same Land of Los Angeles, with the said Road leading from Los Angeles to San Pedro

Question by Same. Who occupies said tract of Land at this time?

Answer. It is occupied by Don Juan Abila and several others the children of Anastasio Abila

Question by Same. In what manner is it occupied Answer. There are two houses on it and perhaps three inhabited by the children and family of Anastasio Abila deceased. They have on it a very considerable stock of cattle and horses and I have seen a considerable portion of the Land under cultivation in different fields. I know of no settlers on the Land except the respective owners (Cross examined by U. S. Law Agent) How many square leagues are contained in the said tract of Land

Answer. There is perhaps a league a little more or less

Question by Same. What lines on said Map represent the boundaries of said Rancho as you understand them Answer. The black line running North from the corner colored blue, would nearly describe the road before

9.

Spoken of as the Eastern boundary
Determined by same. What Natural or artificial object
represents the Western boundary

Answer I have always understood the Western boundary
to be the line of the Rancho of Anastacio Ignacio Abila
called Sentenero. I have know of no Natural or artifice
cial objects by which the boundary is known. The
Southern limits is the Rancho of the Dominguez called
San Pedro. I know of no Natural or Artificial objects
on that line, though there may be some. I do not know
of any.

167 SD
PAGE 10

Determined by same. By whom and in what manner were
the limits of the City of Los Angeles established and do
you know where they are?

Answer. I do not know by whom or how they were estab
lished, nor do I know where they are. In speaking of the
boundaries of the Ejeas of Los Angeles, I spoke from
the general report of what those boundaries were

Determined by claimants counsel
How long have you known the boundaries of the
Rancho claimed in this case to be as you have described
them?

Answer. I have so known them for a number of years
I cannot say how long.

Sworn to & subscribed before Abel Stearns
on the 10th March 1854

R. Acg Thompson Comr.
Taken in Office March 10. 1854
Geo. Fisher Secy

391.
Deposition of
R. Gallardo

Los Angeles Nov. 6th 1853.
On this day before Comr. Silvano Hall came Rafael
Gallardo a witness in behalf of the claimant Domingo
Abila petition No 391. and was duly sworn, his evidence
being interpreted by the Secretary.

The U. S. Associate Survey Agent was present
In answer to inquiries by counsel for the claimant the
witness testified as follows

My name is Rafael Gallardo, my age is fifty two
years and I reside in Los Angeles
A paper is now shown purporting to be a petition for a
grant of provisional grant to Anastacio Abila (which
paper is annexed to the deposition Dominguez heretofore
taken in this case) I have seen this paper before. I saw
it in 1843. My signature is on the paper and it was

10.

placets there by me at the time it bears date. I was
Alcalde & acted as such at the time. A map is now
shown me, which I recognize to be the same which
I had with me at the time I made report to the Govern
or. It is the same that is mentioned in said report
said map is hereto annexed & marked A B C D No 1

167 SD
PAGE 11

In answer to questions by the Associate Secy Agent the
Witness says the land was inhabited by Anastacio
Abila, at the time I examined & made report to the Govern
or. He has a house on it in which his family resided
cultivated the land & had cattle & horses there. His
widow is living on the land still.

Sworn & Subscribed Rafael Gallardo
Before me

Alcance Hall Com^o

Filed in Office Nov. 6th 1852

Geo. Fisher Secy

167 SD

11 391
Deposition of
A. M. Seigo

Office of the U S Land Commission
Los Angeles Oct. 14th 1852
On this day before Heland Hall one of the Commissioners
for ascertaining and settling private land claims in
California came Antonio Maria Seigo a U.S. Marshal
in behalf of the claimant Amigues Avila whose
petition is No. 391 on the docket of the Board and
was interpreted duly sworn. His evidence being given
in Spanish was interpreted by the Secretary

167 SD
PAGE 12

1 Question. What is your name age residence
Answer. My name is Antonio Maria Seigo my age
seventy eight years and my residence in the county
of Los Angeles.

2 Question. Are you acquainted with the Rancho
called "Laguna"?

Ans. I am it is the Rancho of Avila

3 Question. How long have you known that Rancho
in possession of Avila

Ans. Anastasio Avila settled there about the year
1820 and until his death he lived there having
his property and cattle there

4 Question. What were the boundaries of his possession
Ans. It was always considered as being bounded
by my Rancho, San Pedro the Rancho of ^{Antonio} Ignacia
Avila and the Ejidos of the Pueblo

5 Question. What was the kind of his possession

A. I have never known it to be interrupted it was
peaceable as far as I know

6 Question. Under what kind of claim did he possess?

A. I don't know but I suppose provisionally as was
the custom

7 Question. When was a house and corral placed there?

A. Anastasio Avila had a corral and a small
house somewhere about 1820 or 1831

8. What was the age of Anastasio Avila and the
state of his health previous to his death?

A. He was older than I; in the fall of 1844 or in
the winter of 1845 he was taken sick and continued
in his bed till his death suffering a great deal
He was perhaps four years older than I am

In answer to questions by the Associate Law Agent the
U.S. Marshal says that a provisional grant was when
a person first asked leave to live on the land and
he was allowed to do it before it was granted to him

In this case the provisional title given by Jose Noreaga, the Military Commandant at Santa Barbara the title was afterwards made complete, but the witness says he does not know by what person

Sworn & subscribed before me
Antonia Maria ^{his} ~~Lego~~ _{mark}
Helena Hull
Comr

167 SD
PAGE 13

Filed in office Oct. 14th 1853

Geo. Fisher
Secy

United States of America }
Affidavit of State of California } s.s.
Enrique Abila.

Enrique Abila being duly sworn deposes and says that as Executor of the estate of his father he has filed his petition to the Board of Land Commissioners to ascertain and settle private land claims in the state of California, that his father Anastacio Abila died sometime in 1850, that affiant immediately succeeded to the possession of his papers, and amongst them of the map that has been filed in his claim, that said map has never undergone any change or abstraction in his possession & that he secured it amongst the papers of his father in precisely the same state as it presented when filed. Affiant further states that he always heard and understood from his said father that this map was the one he had presented to Gen. Micheltreina, and further this affiant swears that the petition and claim spoken of above is relative to a certain tract of land called "Tajunta" situated in said State & County of Los Angeles.

(L.S.) Enrique Abila.
Sworn to and subscribed
before me in the city of Los Angeles this
4th day of April 1854.

G. Thompson Burrill
Notary Public

Filed in Office April 25th 1854

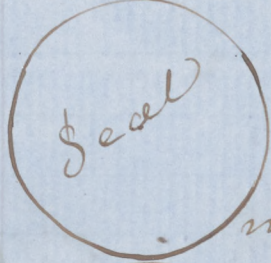
Geo. Fisher
Secy

Sello Cuarto Dos Reales: Habilitado provisoriamente por la Aduana maritima del puerto de Monterey, en el Departamento de las Californias para el año de mil ochocientos cuarenta y tres.

Micheltorena

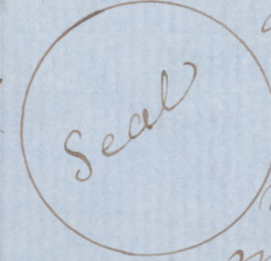
Manuel Castañares

187 SD
PAGE 14



Excmo. Sr.

Anastasio Curia, Mepeano por nacimiento y residente en el Departamento de las Californias. ante V. E. con el mas



profundo respeto comparece y digo que habiendo el dilatado tiempo de veintey tres años que poseo tranquilamente el parage nombrado Jajanta

Doc. marked A, annexed to the Description of Manuel Dominguez

Angl. Junio 17 de 1843. Inf. por los pasos legales q. tengo el honor de manifestar a V. E. por la prefectura del Distrito segund. medio del Documento que a continuacion acompaño y a Micheltorena } demas de tenerlo todo este tiempo cubierto con bienes, la casa habitada y tener una numerosa familia suplico a V. E. se digné comunicarme en suprema Orden para que se me de la posesion juridica q. en esta solicito; por el adjunto Diseño q. con toda sus medidas acompaño. a V. E. suplico acceda a este mi pedido por la bondad de su corazon jurando no obrar de malicia y lo necesario.

Angelos Junio 17 de 1843.

a Ruego del interesado.

Mariano Alvarado.

Angl. Junio 22 de 1843. Pase este espedt. al Sr. J. Juez de Paz de esta Ciudad p. q. preni la correspondent. veduria, informe en cumst. tancialmnte. sobre el particular con esprecion del tiempo de Ocupacion del terreno q. se refiere: con q. clace de bienes y demas en cumst. del q. representa; y concluida vuelva a este Ref. p. los demas fines. conoiguietes.

Man. Dominguez # Narciso Botella Srto

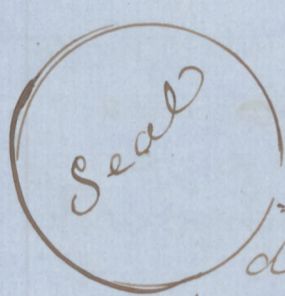
Señor Prefecto

En vista del superior decreto que antecede pase en persona al terreno que solicita Don Anas.

facio Avila y previa citacion de colindantes vi
 ser el mismo que espresa el adjunto disenio; y ocu-
 pa el solicitante desde el año de mil ochocientos
 veinte con Caballada y ganado tiene
 ademas una Casita y Corral y no hubo quien
 manifestase obstaculo alguno; por lo que si
 V. S. lo enuentra conveniente se puede conceder
 Angeles Julio 5 de 1843.

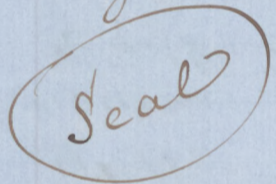
Rafael Gallarda

167 SD
 PAGE 15



Cómo. Sr:

La prefectura del 2º Distrito en Vir-
 tud del informe que antecede erè
 de accederse à la Solicitud del intere-
 sado pues q. à mas del dno inestimable q. le asis-
 te con la ocupacion del terreno q. espresa: p. el
 tiempo de veinte y tres años sin interrupcion
 alguno, el ciudadano Mexicano, honrado y
 con una numerosa familia; mas no obstante
 V. S. con vista de todo se oiverà resolver lo q.
 sea de su superior agrado.
 Angeles Julio 5 de 1843.



Manl. Dominguez
 Narciso Botello. Srco

Angeles Julio 5 de 1843.

Vistos los informes, viva este título provi-
 onal al interesado con la Obligacion de Q-
 cuirir à q. se le espida en forma, cuando
 sepa q. este gov. se radica definitivamente
 Michelt

Filed in Office Oct: 14th 1852

Geo. Geisher Secy

Stamp Fourth Two Reals

Provisionally provided by the Marine Custom House of the
Port of Monterey in the Department of California for the
year 1843

Michetta

Manuel Castaneda

Most Excellent Sir

I Anastasio Avila a Mexican Citizen by birth residing in
the Department of California before y. Co. with the utmost
respect appear once say. That having for the long period
of the last twenty three years peacefully possessed a
place called "Tayante" through due course of Law as
I have the honor to show to your y. Co. by the document
annexed hereto: having had it improved during all that
time occupied with stock & an inhabited house; and
having also a numerous family I pray y. Co. will be
pleased to give an order that judicial possession be
given to me - as herein solicited according to the accom-
panying to the sketch annexed hereto containing the men-
suration thereof - I pray y. Co. kindly to accede to my
petition - I assure I do not act from malice & one
requered de. Angeles June 17th 1843 - at the request
of the party (Signed) Mariano Alvarado

Angeles June 17th 1843

Let the Prefect of the Second Justice report

(Signed) Michetta

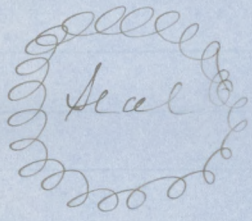
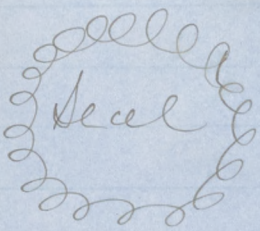
Angeles June 22nd 1843

Let this Expediente be transmitted to the 2nd Justice of
the Peace of this City in Order that, after a proper inspec-
tion, he may report minutely upon the subject stating
the time of occupation of the Land ^{the kind of Stock and the} position
of the Petitioner; and afterwards let the same be returned
to this Prefecture for other subsequent purposes

(Signed) Manuel Dominguez

(Signed) Narciso Botello Secy

Mr. Prefect: In pursuance of the foregoing Superior
decree I went personally to the Land which Don Anas-
tasio Avila herein solicits & after having given notice
to the adjoining Land Owners I noticed that it was
the same as expressed in the annexed sketch; & the
petitioner has occupied it ever since the year 1820 with stock
of horses and cattle; he has also a small house & a
curral thereon; and there was no one who intepose
any obstacle whatever. Therefore it may be granted
if your Honor find it proper



167 SD
PAGE 16

16.

Angeles July 5th 1843

(Signed) Rafael Gallardo

Seal of the
Superior Court

Mr. Consett Sir:

The Prefect of the 3rd District in view of the preceding Report thinks that the petition of the party interested should be granted, since he has the unquestionable right which he acquires by the occupation of the tract of land mentioned for the period of twenty three years without any interruption, he is a Mexican citizen, an honest man and has a numerous family, but nevertheless Y. Co may thereupon determine what may be proper. Angeles July 5th 1843
(Signed) Narciso Botello (Signed) Manuel Dominguez

167 SD
PAGE 17

Seal

Angeles July 5th 1843

In view of the foregoing report let there issue a title for the land being to the party interested. he being under the obligation to apply for a title to be issued to him in due form when he knows that this Government is firmly established

(Signed) Michelt

I George Fisher Secretary to the Board of U.S. Land Commission for ascertaining &c. do hereby certify that the foregoing is a true and correct translation of a Spanish Document of the purport as above set forth Exhibited & filed in Case No 391 on the docket of said Board now in this office

San Francisco Aug 14th 1854

Geo. Fisher
Esq

Document marked & annexed to the deposition of Manuel Dominguez before Com. J. Hall

The State of California County of Los Angeles
 The last will of Anastacio Avila deceased
 a copy of which is hereto annexed having been
 proved and recorded in the Probate Court of the
 County aforesaid, Enrique Avila who is named
 therein, is hereby appointed Executor. Witness
 Benjamin D. Wilson Clerk of the Probate
 Court of the County of Los Angeles
 with the Seal of the Court affixed
 this 15th day of October A. D. 1850

By Order of the Court.

B. D. Wilson Clerk by Deputy

Wilson Jones

Testimonio del Testamento de

Don Anastacio Avila. Año de 1849
 En el nombre de Dios todo poderoso. Amen. Yo
 Anastacio Avila natural de la Villa del Puerto
 y vecino de esta Ciudad de los Angeles, hijo Legi-
 timo de legitimo matrimonio de Don Cornelio Avila
 y de Doña Maria Isabel Urquides naturales de
 tambien fueron de la misma Villa. hallandome
 por la divina misericordia enfermo: por en mi en-
 tero juicio creyendo y confesando como firmamente
 creo y confieso a un solo Dios, verdadero y todos los
 misterios y sacramentos que creo, y confieso nues-
 tra Santa madre Iglesia Catolica Apostolica
 Romana en cuya verdadera fe y creencia he
 vivido y protesto vivir y morir como Catolico fiel y
 Cristiano tomando por mi intercesora a la
 siempre Virgen Maria Reyna de los Angeles
 y demas Santos de mi devocion para que impo-
 tre de nuestro Redentor Jesucristo que por los
 necitos de su pasion y muerte me perdone mis
 culpas y lleveme a gozar a su presencia:
 temeroso de la muerte que es tan natural
 a toda Criatura, para esta prevenido con dispo-
 sicion testamentaria, a resolver con maduro
 acuerdo las dudas que se cubren para desargo
 de mi conciencia ordeno y hago mi Testamento
 en la forma siguiente. Encomendo mi Alma
 a Dios que la Crio y mi Cuerpo mando a la

à la tierra de que fue formado hecho Ca da aver que
 ro que la sepultura y mortaja sean como mis
 Albaceas dispongan. Declaro me hallo casado
 legitimamente con Doña Juana Ballasteros en
 cuyo matrimonio hemos procriado y tenemos por
 hijos Legítimos nuestros, à Petra, Juana Maria
 Juicá, Juana Josefa, Cornelio, Micaila, En-
 rique, José Maria Manuela, Soledad, Cruz
 Antonio, Isidora, Felipe, Cornelio, Segundo
 y Juan, de los que fallecieron. Cornelio prime-
 ro y Micaila: Usando de la Potestad que me
 confieren las Leyes, mejos en el quinto de los
 bienes à mis dos hijos Enrique y José Maria
 dandoles al Efecto invertido de Ganado mayor
 en la compra de mi Rancho: Declaro
 yes mi Voluntad de que todos mis bienes
 que aparecieran con marca y señal de mis hijos
 Enrique y José Maria se han separados de
 mis bienes por ser propiedad que à ellos corres-
 ponde; sin tener estos mencionados, derecho
 sobre mi pertenencia por tener ya ellos marca-
 dos los que les corresponde: Declaro que los
 bienes de mi propiedad que aparecieran de fe-
 ro y señal tendrán facultad mi hijo Enrique
 para que de dichos bienes vallá dando a cada
 uno de mis demás hijos hombres que son An-
 tonio, Felipe, Cornelio y Juan el herradero
 de entro un año cada uno y el capital al cabo
 de los cinco años pasará à disposición de mi
 esposa. Declaro que à mis hijas casadas, Pe-
 tra Juicá, Juana Maria, la difunta Mi-
 caila, Juana Josepha y Soledad estan ya
 heredadas por mi al tiempo de contraer. Na-
 tumonio por consiguiente no pueden reclamar
 herencias hasta el fallecimiento de mi Es-
 posa, ò antes si esta lo creyere conveniente.
 Declaro que la Casa que tengo en el parage del
 repecho; la dijo à mi esposa Juana con todos
 los muebles correspondientes; y falleciendo el
 la quedara dicha Casa en favor del hijo o hijas
 y hijos que pertanescan; solteros; pero si todo
 tomar estado pasaria à la propiedad de mi
 hijo Enrique por haberla echo y concluido à
 mi costo. Declaro dejar otra casa y a detori-

orada en la Ciudad de los Angeles, y es mi vo-
 luntad que mi esposa disponga de ella. De-
 claro igualmente dejar un paraje de mi propio
 dad llamado los Cuervos marcados con sus
 correspondientes mojoneas el mismo que que-
 da para beneficio de mi familia; Esperando
 se unicamente el otro en que mejor a Enrique
 y José Maria, el cual señalaran donde les gu-
 ste. Declaro deber a Don Augustin Machado
 una vaca pandora al finado Don Tiburcio Sa-
 ma dos pesos - a Don un peso - Nueve misas a
 las animas, y muere a la Reyna de los Ange-
 les y si resultaren otras deudas plenamente
 justificadas se pagaran de la masa del ca-
 pital. Por cumplir todos lo que tiene esta mi
 testamento nombro por mis albaceas en primer
 lugar a mi esposa Luana Ballesteros, en se-
 gundo a mi hijo Enrique y en tercero a mi hijo
 José Maria a cada uno un solidum y les con-
 fero amplio poder para luego que falleca
 se apoderan de mis bienes cumplan y paguen
 todo cuyo encargo se los hago por el tiempo
 necesario: Y por el presente revoco, anulo todos
 los testamentos y demas disposiciones testa-
 mentarias que antes de ahora he formaliza-
 do por escrito, de palabra, o en otra forma porque
 ninguno volga ni haga fe judicial ni extraju-
 dicialmente solo en este testamento y memorie
 citada, que quiso, mande se cotine por tal y
 se observe y cumple todo in contes to como mi
 ultima delivera voluntad, o en la via y forma
 que haya lugar en derecho. Y para que tenga la
 fuerza y validacion necesaria, suplico al presente
 juez, Regidor de Barro y Alcalde de segundos interino
 Don Julian Chaves lo oitono e y firmo con los tes-
 tigos que demarca la ley - y yo el infrascripto
 juez segundo interino de la Ciudad de los Ange-
 les, en vista de la peticion del otorgante lo o-
 itono e y firmo en el Rancho de los Cuervos de la
 misma jurisdiccion de los Angeles a Veintey
 uno de Mayo de mil ochocientos cuarenta y
 siete en este papel como por falta del sé-
 lado doy fe siendo testigos los ciudadanos
 Cristóbal Aguilar, Vicente Moraga y Leonardo

Cota, y no sabiendo formar el otorgante como
 a su ruego el Testigo Leonardo Cota, Julian Chaves
 a Ruego de Anastasio Avila. Vicente Moraga
 Leonardo Cota.

Concuerda con su Original
 a que me remito que existe en el protocolo de
 este año del que se sacó copia y con fronto fiel
 y legalmente en estas cuatro fojas de papel co-
 min por falta de sellado fecha ut supra.

Julian Chaves. Joachin de los Rios.
 Agnea. Jg. Coronel. y Ruiz

State of California
 County of Los Angeles

Be it remembered that on this 7th
 day of September in the year of Our Lord eight-
 teen hundred and fifty in the Probate within and
 for said County before Augustin Olvera Judge
 of said Court appeared Julian Chaves, Leo-
 nardo Cota & Cristobal Aguilar subscribing
 Witnesses to the Last Will and Testament
 of Anastasio Avila late of said County deceased
 from whose testimony it appears that said
 Last Will was duly executed in all respects
 according to Law and the Court being satisfied
 thereof as well as that at the time of its execution
 the Testator was of sound mind & not under
 restraint I hereby declare said will to be ad-
 mitted and confirmed as the Last Will and
 Testament of the said Anastasio Avila and
 order the same to be filed and Recorded as
 the Law provides. In Testimony whereof I
 have herewith subscribed my Name as Judge
 as aforesaid and affixed the seal of said
 Court at the City of Los Angeles on this 7th day
 of September in the year of Our Lord One thousand
 eight hundred and fifty.

Signed

Augustin Olvera
 Judge

(Seal)

I hereby certify that the foregoing is a true
 and correct copy of the Will of Anastasio Avila

21.

and of the letter of the Probate judge annexed to said Will

In Testimony & as clerk
of said Probate Court do hereby
set my hand and private Seal
there being no Seal of the Court.

R. Davis Cⁿ Clerk
by Deputy

Seal

Wilson Jones

Filed in Office Octbr: 10th 1853

Geo: Fisher Secy.

167 SD
PAGE 22

Testament of Anastasio Avila Year 1849

In the Name of the Almighty God Amen.

I Anastasio Avila born in the Villa del Fuerte and a resident of this City of Los Angeles legitimate son by legitimate matrimony of Don Bernabe Avila and Dona Soledad Urquides, both liege men in the Villa del Fuerte being all, by divine Mercy, I swear, believing myself to be in possession of my full faculties and confessing, as I firmly believe in and confess to an Only God and all the Mysteries and Sacraments, which I believe in and which Our Holy Catholic Apostolic Roman Church confesses, in which faith, and belief I have lived and profess to live and die a true Catholic Christian taking for my intercepts and protectors the ever Virgin Mary Queen of the Angels and other Saints of my devotion that she may intercede with Our Redeemer Jesus Christ that he may by means of his sufferings and death forgive me my sins and that I may cherish his presence, the fear of death, which is so natural to all creatures induces me to make my testamentary dispositions, to collect in possession of full memory, the outstanding debts, for the ease of my conscience, I order and make my testament in the following form -

Recommending my soul to God who made it and my body to the earth from which it was taken. I wish that my funeral and grave be in conformity with the disposition of my administrators.

I declare that I am legitimately married with Dona Juana Bellasas by which marriage we produced and possess the following legitimate children: Petra Juana Maria, Luisa, Juliana Josefa, Bernabe, Michaela Enrique, Jose Maria, Chanaela, Soledad, Maria, Antonio, Isidora, Felipe Bernabe, Juana and Juan of whom Bernabe the first and Michaela deceased using the powers conferred on me by Law. I confer one eighth of my property on my sons Enrique, and Jose Maria, giving to them one seat for large cattle of my Rancho. I declare that it is my will, that all my stock on which the brands and marks of my sons Enrique and Jose Maria appear be separated from my property, as belonging to them, without specifying the same, they having already branded those belonging to them. I declare that my son Enrique shall have full power over the stock belonging to me, on which my brands and marks appear, that he shall

give to my other sons Antonio, Felipe Coronado, and Juan
 the branding of the increase to each one, for one year,
 and at the expiration of the four years it shall pass
 over to the disposal of my wife. I declare that my
 daughters that are married Petra Luisa, Juana Ma-
 ria, the late Macarada, Juana, Josefa and Soledad
 have inherited already of me on their marriages, and
 can therefore not claim inheritance before the death
 of my wife or before if she should deem it convenient
 I declare that I leave the house I possess on the premises
 of "Pepecho" to my wife Juana including all the
 furniture belonging thereto and after her death it
 shall pass over to the son or son, daughter or daughters
 that remain single, but if all should marry it
 shall pass over to my son Enrique for having consti-
 tuted and finished the same at my expense.
 I declare to leave another house in the City of Los Angeles
 and it is my will that my wife shall dispose of
 the same, I likewise declare that I leave a tract
 of land called Los Leucos Marra with the appro-
 priate Land Marks, which likewise remains to the
 benefit of my family separating from the same only the
 tract improved by Enrique and Jose Maria, which
 they shall lay out, where they may please =
 I declare to owe Dr. Gregorio Machado a grey cow,
 to the late Dr. Silencio Tapia two dollars = Nine mares
 to the souls and mine to the Crown of the Angels - and
 if other just debts should result they shall be paid by
 the Estate. In order that all may comply with this my
 last will I nominate my wife Juana Ballesteros,
 my son Enrique and my son Jose Maria as Administra-
 tors every one in Solemn and I confer to them full power
 that they may directly after my death take charge of
 my property, comply with and pay all with which
 I charge them for the necessary time. And by the present
 I revoke and annul all testaments and dispositions of
 last will which I may formerly have given in writing
 in word or other form, that they may be invalid fully
 really or Extra-judicially but the present testament
 which it is my wish and will that it shall be esta-
 bled as such and that it may be completed with
 absence in all its letters as my last decreed will
 or in the forms and way due in Law.
 And in order that it may have the force and validity
 required I select the present Josed Magistrate and

Secunda Alcaide admit Don Julian Chavez that he
 accept and sign the same with the witnesses required
 by Law. And I the undersigned J^a Judge ad int. of the
 City of Los Angeles in view of the petition of the Grantor
 and accept and sign the same in the Rancho de las
 Alcaides of the same jurisdiction of Los Angeles on
 21st of May 1849 on this common paper there being
 none stamped - I certify - witnesses being the Citizens
 Cristoval Aguilar, Vicente Morega and Leonardo
 Cota as the Grantor does not know how to sign, the
 witness Leonardo Cota signed for him - Julian Chavez
 In Anastacio Avila - Leonardo Cota, Cristoval Aguilar
 Vicente Morega, Leonardo Cota
 Con firm with the Original to which I refer which is
 to be found in the Archives of this Year from which
 these four pages were correctly truly and legally
 drawn on common paper for want of stamped
 date ut supra

Julian Chavez

Juan de los Rios

Filed in office Oct. 10. 1853

Geo. Fisher
Secy

26.



6708
20

Henrique Abila For the place called Tajunta
 The United States in Las Angeles County Cont
 Claiming One Square League

Opinion

The claimant is the Executor of the last will and testam-
 ent of Anastacio Abila who died in 1850 and as
 such claims a decree of Confirmation of the land as
 created in the petition. The power of the Executor over
 the real estate of his testator here is given by the Statute
 of California (Law of California 391) and we think
 the provision is broad enough to enable the Executor
 to seek for and receive a confirmation of the real
 estate of the deceased in his fiduciary character.
 The will was duly proved and recorded.

The evidence in the case shows that Juan Anastacio
 Abila went into possession of the place called Tajunta
 as early as 1820 claiming under some temporary right
 of occupancy that he built a house there and contin-
 ued to live on the place with his family and stock
 and to cultivate portions of the land from that time
 until his death. And the same kind of possession
 has been since continued by his legal representatives.

In 1843 Juan Abila presented his petition to the Govern-
 or for the land; a reference was made by the Govern-
 or to the Prefect for information and the Prefect
 directed the 2^d Justice of the jurisdiction to make
 inspection of the premises and report to him. The reports
 of both were sent to the Governor and on the 5th day
 of July 1843 the latter made and delivered to the party
 a document to serve him as a title. A more formal
 title was to be subsequently issued, but that which
 the party received, and which is filed in the case
 is sufficient to establish the foundation of Equita-
 ble rights, if there is no other objection to a confirm-
 ation.

The land selected was designated in
 Abila's petition to the Governor as that which he has
 peacefully possessed during the last twenty three years
 called "Tajunta", and the Alcalde who made the
 report, certifies in it that he went on the land select-
 ed and after having given notice to the adjoining
 land owners ascertained that it was the same tract
 represented in a sketch or map which was before
 him; he also reports the fact that Abila has
 possessed the premises with his family and his stock
 since 1820. The testimony of the same Alcalde is filed

167 SD

PAGE 26

map 13

in the case identifying the map now presented as the one referred to in his report, and which was before him when he examined the premises. No monuments or lines designating the boundaries of the premises granted are specified in the title papers. The place called "Tajahuca" on which the then petitioner lived and which he had long occupied was the place granted. The official examination made in presence of the adjoining land holders and the presentation of a map representing the premises before the grant was made enabled the Governor to know its locality, extent and situation so far as to induce him to make the grant absolute. The conception was of the place by name, it gave to the grantee the land occupied by him known by the name of "Tajahuca" with its then boundaries and limits.

The place was at that early day surrounded by other settlers excepting on the North side where it adjoined lands which were known as the Ejidos of Los Angeles. It had for its Eastern line the road from Los Angeles to San Pedro; for its Southern the Rancho of San Pedro belonging to the Dominguez and for its Western line the place known as the Rancho of Antonio Ignacio Abiel. Within these defined limits are located according to the testimony of Abel Stearns about one square league of land. The map now in evidence accords with the description of the premises given by the witnesses but there is nothing on it designating the names of the places bounding the premises or of the owners of them. We think it clear however that the intention of the grant was to give the place then occupied by the grantee by name; that the place so occupied was then known by the appellation Tajahuca was then as now well known as embracing the lands with the limits of the above mentioned boundaries and as thus defined it was conceded to the grantee. There is no legal objection to this method of describing land in a grant, but of course it can only be where the lands granted have known and recognized boundaries and a name when the grant is made.

Selected in office This appears to be by the proof in the case before us
 Aug 22 1854 and we think the petitioner as the executor of the deceased
 Geo. Fisher's grantee is entitled to a decree of confirmation
 Confirmed

29?

391

Henrique Abila
vs
The United States

Doce

167 SD
PAGE 28

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said Petitioner is valid as the Executor of Anastacio Abila deceased is valid and it is therefore decreed that the same be confirmed -
The Land of which Confirmation is hereby made is the same which is known by the name of "Tajanta" and on which said deceased lived many years and where he died and is situated in Los Angeles County and bounded on the North by lands reputed to be the Ejidos of Los Angeles; said Northern line of the lands hereby confirmed being at the distance of two leagues South from the Church in Los Angeles; on the South by the place known by the name of the Rancho of San Pedro; on the East by the road leading from Santa Los Angeles to San Pedro and on the West by the place known as the Rancho of Antonio Ignacio Abila; said premises containing one square league more or less; reference for the same to be had to the grant thereof and the map which are given in evidence and filed in the case

Filed in Office
Aug 22nd 1854
Geo Fisher
Secy

Alpheus Felch
R. A. Thompson
S. B. Farwell
Commissioners

And it appearing to the satisfaction of this Board that the Land hereby adjudicated is situated 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 found shall be made out and duly certified by the Secretary one of which transcripts shall be filed with the Clerk of the District Court of the United States for the Southern District of California and the other be transmitted to the Attorney General of the United States

311

NOTE

Office of the Board of Commissioners,

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

167 SD
PAGE 29

I, *George Frisler* Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Twenty nine* pages, numbered from
1 to 29, 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. 391 on the Docket of the said Board,
wherein *Enrique Abila* is

the Claimant against the United States, for the place known by
the name of "*Tajmata*".

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-ninth.

167

S. District Court.
thern District of California.

167. Docket

The United States.

167

Enrique Abila.

"Tajuate".

Manuscript of the Record
from the

Board of U. S. Land Commissioners
In Case No. 391.

Filed Decem^r 19th 1854.

S. J. Fox

clerk

167

Office of the Attorney General of the United States,

167 SD

PAGE 30

Washington, 7th March 1855.

Enrique Arila

vs.

The United States.

} 391.

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 December 1854, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Clarking

Attorney General.

374
No 167

U. S. Court S. D.

United States

vs.

2 Enrique Abila

1 Appeal Notice.

Filed April 21st 1855.

J. C. Farr.
ex.

167 SD
PAGE 31

Office of the Attorney General of the United States,

Washington, 7th March 1855.

167 SD
PAGE 32

Enrique Abila

vs.

The United States.

391.

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 December 1854, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Outing

Attorney General.

C.S.

N^o 167.

U. S. D. Court S. Dist.

The United States

vs.

Enrique Abila

Appeal Notice.

Filed May 11th 1855

J. E. Farr.
clerk

167 SD
PAGE 33



Nenrique Abila, app^t.

vs.

The United States, app^t.

Docket No. 167.

Transcript No. 391.

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 11th day of October — A. D. 1852, *Nenrique Abila, Executor of Anastasio Abila*

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 *Pajanta*, situate in the County of Los Angeles 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 22^d day of August A. D. 1854, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 19th day of December 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. 391; reference to which it is prayed may be had and made part of this petition. That on or about the 30th day of December 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:
on the ^{about} 21st day of April — 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.

167 SD
PAGE 35

02 35
PAGE

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-
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.

J. Ord

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

No 167

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

Aurique Abila
appie

adv.

The United States,
applt.

Petition for Review,

Filed Nov 8th 1835

167 SD
PAGE 37

J. E. Con.
Clerk.

J. Ord. U.S. Ctty.

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

TO

The President of the United States,

Henriques Abila

167 SD

PAGE 38

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 *17th* 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

*P. Ord U S Attorney 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 the
22^d day of August A D 1854, confirming
your claim to the land called Tajanta
situate in the County of Los Angeles
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 therein demanded*

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of the said Court, this *seventh* day of *November* in the year of our Lord one thousand eight hundred and fifty-*five* at Los Angeles aforesaid.

J. E. M.

Clerk.

Marshall book

*Copying summons \$ 3.00
Army do. 3.00
Petition 3.00
\$ 9.00*

United States of America,
Southern District of California,
U. S. DISTRICT COURT.

Henrique Abila appellee

ad § 167.

The Undersigned, apply.

SUMMONS.

*Filed Nov 13th 1855
Edward Hunter
U.S. Marshal*

I served this summons along with the proper copy of the petition upon *Henrique Abila* by delivering to him personally a true copy of the same.

at *Los Angeles* in the Southern District of California on the *20th* day of *November* A. D. 185 *5*.

Sworn to and subscribed before me, *Nov 21* 1855. }
J. E. Farr, Clerk.

Edward Hunter
U.S. Marshal.

In the District Court of the United States
in and for the Southern District of Cali-
fornia.

167 SD
PAGE 40

Enrique Abila }
Appellee }
vs }
The United States } Transcript No. 391.
Appellants } "Tajanta"

And now comes the above na-
med Appellee, by Lancaster Brent, his
Attorney, and for answer to the Petition
for Review filed in this case by the Ap-
pellant, says:

That his title to the lands clai-
med in this case is good and valid.

Wherefore he prays the Judg-
ment of this Honorable Court, that the
decision of the Board of United States
Land Commissioners, heretofore render-
ed confirming the same, may be affir-
med, and his title to said lands decreed
to be valid, and for his costs in this be-
half expended, and for such other and
further or general relief as to Equity and
Conscience belong and the nature of his
Case may require

Lancaster Brent
Attorney for Appellee

Amount cost for answer
\$3,00

Served this answer on P. D. M. S. Athy, by delivering to him a copy of the same
at his office this nov 30th 1855

Edward Hunt
W. S. M. S. P. A.

U. S. States, Dist. Court
South & Dist. California
Case No. 167.

Enriquez et al
vs
The United States
Applicant.
vs
Creditor

Filed Nov. 24th 1855

167 SD
PAGE 41

J. S. Jones
Clerk

J. L. Hunt. Applicant's Att'y

Enrique Abila, appce
vs. No 164.

The United States.

Appl't.

167 SD
PAGE 42

Testimony of Jose Anto Camillo, taken
in Open Court, this 19th of Dec 1835,
on the Part of the U States. Wm J.
Dryden sworn as Interpreter.

J. A. Camillo ~~vs~~ being sworn deposes
and says

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

Ans. my name Jose Antonio Camillo,
my age near 60 my residence City
of Los Angeles.

Ques. - Do you know Enrique Abila
the claimant in this case if you
how long have you known him

Ans. I do. I have known ^{him} ~~ever since~~ ^{from}
his birth

Ques. Do you know the Rancho
claimed by said Abila in Los
Angeles County, called "La Juata"

Ans. I do.

Ques. How long have you known it.

Ans. I knew it in the possession

of the father of Lanque, about the year 1824.

Ques. Do you know whether or not the said Rancho is within the ancient boundaries of the Pueblo of Los Angeles. (question objected to by counsel for claimant)

Ans. ~~It was not, previous to 1834,~~ ^{within the boundaries} ~~at~~ Yes it is within those boundaries described in the deposition which I made in the case of Am Lugo - no 9. Those were the ancient boundaries, since then the boundaries have been changed, and since 1821 that land has been granted to those individuals.

Cross Examined

Ques. Are you acquainted with the Rancho of the Dominguez and Antonio's Ignacio Abila, if so are they ancient Ranchos and are their boundaries well known

Ans. I know those Ranchos that of Dominguez is very ancient, it is of the last century. The boundaries

~~Jose Ant. Carrillo~~
B

are generally well known,

Jose Ant. Carrillo

Proven to be subscribed
before me
this 19th Dec/55.

R. J. [Signature]

167 SD
PAGE 44

PAGE 20

20

No 167.

U. S. Dist Court
South Dist of Cal.

Emiguo Abila,
Appellee.

vs

The United States,
Appellants.

167 SD
PAGE 45

Reposition of
Rose Antio Camilla

Filed Dec 19th 1855.
S. J. Cook

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

167 SD
PAGE 46

Fernique Abila, Executor
Appellee, } Case n^o 167.
vs }
The United States } "Tajanta"
Appellant }

This cause coming on for hearing on appeal from the final decision of the United States Board of Land Commissioners to ascertain and settle the private land claims in the State of California, under an Act of Congress, approved March 3^d, 1851, on a Transcript of the proceedings and decision of said Board and of the papers and evidence upon which said decision was founded; and it appearing to the Court that the said Transcript has been duly filed according to law, and counsel for the respective parties having been heard;

It is ordered, adjudged and decreed that the said decision of said Board be, and the same hereby is, in part affirmed; and it is further adjudged and decreed that the claim of the above named appellee is good and valid; and that confirmation be made to him, of the lands formerly, and for a long time occupied by Anastasio Abila, the father

and testator of the Appellee, to the extent of and within the boundaries described in the map contained in the Expediente filed in this case.

Samuel K. Ogden
U S Dist Judge

Case No 167
U.S. Dist. Court, Southern
Dist of California

Euziquia Abila
Appellee

vs
The United States
Appellants

Decree of Confirmation

167 SP
PAGE 47

Filed January 10th 1876.

J. S. Jan.

See
Harrison Page 186

J. d. Brent.

IN THE DISTRICT COURT OF THE UNITED STATES,

FOR THE SOUTHERN DISTRICT OF CALIFORNIA,

Los Angeles, December Term, 1855.

167 SD

PAGE 48

Enrique Avila

APPELLEE,

VS.

UNITED STATES,

APPELLANT.

No. 167.

(No. 391 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 24th day of December A. D. 1855.

P. Ord
Dis. Atty.

No 164

W.S. Duffout
South Dist of California

Eureque Abila
appellee

vs
The United States
appellants

Notice of appeal S.D.

Filed March 4th 1856

C. E. Can Cook

By Callaghan deposing

167 SD

PAGE 49

California Land Claims.

Attorney General's Office

29 September 1856.

167 SD
PAGE 50

Sir:

In the case of the claim of Enrique Arta, confirmed to the claimant by the Commission, case no. three hundred and ninety-one (391), and also confirmed on appeal by the District Court, appeal in the Supreme Court will not be prosecuted by the United States.

I am

Respectfully

Claudio

Jacinto Ord Esq.

U. S. Atty for the

Sacramento Dist. of Cal.

W

167.

Enrique Abila

391

SD

Filed 24th February 1857

Leslie Clark

J. M. G. G. G.
sup

167 SD

PAGE 51

Recd Nov-4 1856

The United States, appellants
vs
Henrique Aola appellee.

167 SD
PAGE 52

No 167
The claim in this case is founded on a provisional grant from Governor Michel Torres to Anastacio Aola the father of the present claimant, who represents himself as the executor of the last will and testament of his deceased father Anastacio Aola—who died in 1830, and claims a confirmed title of the title to the lands described in his petition as such executor. There is no question as to his powers and ^{sole} capacity in his representative capacity, and there can be no doubt of his power to present this claim in such capacity.

The evidence in the case shows that the original grantee occupied the place called Sajaunta, under some permit or document of such such from Don Manuel the Commandante of Santa Barbara as early as 1820, that he continued in such occupation peaceably until 1849, when he petitioned the Governor Michel Torres for a grant of the land which he had occupied for the last 23 years, named or called Sajaunta—The Governor referred his petition to the Prefect for information, the Prefect ordered the 2^d Alcald to make an inspection of the premises. The Alcald went upon the land and called the surrounding neighbors and examined the premises asked

for comparing the track with a map, or plan of the same presented to him by the claimant - and reported what he had done to the prefect; in his report he says that the land was the same as that expressed in the map presented by the petitioner - The Prefect sent this report to the Governor, accompanied by a report from himself, in which he ~~sets forth~~ sets forth the particular merits of the petitioner and the equitable right which he had acquired from his long uninterrupted ~~possession~~ possession -

Upon these reports Michel Lonsens made the following decree.

In view of the foregoing reports, let there ~~be~~ serve for the time being as a title to the party interested, he being under the obligation to apply for a title to be issued to him in due form, when he knows that this Government is finally established -

The Commission in deciding upon this claim, say that the possession of Michel Lonsens, issued to the party is sufficient to establish a foundation for equitable rights, if there is no other objection to the validity of the claim, I readily agree with this doctrine, none particularly, when I consider the ^{peculiar} circumstances of the case, the great age of the grantee the fact that the Government was finally established at Monty hundred

of Miles, and the difficulty of Com-
munication which existed at that
time in California, and the
fact that a year and a half after
the issuance of the provisional
title, the grantee was laid upon a
bed of sickness from which he never
arose - The Equities in this case
are strong indeed on the strongest char-
acter. The only difficulty in the case
is one of boundaries, the evident
intention of the Grantor was to grant
him the land which he had so long
occupied, but soon was he informed
of the situation of those premises -
it seems to me certainly by the report
of the Sheriff and the Alcalde -
the Alcalde reports that the premises
are correctly delineated upon the map
which was presented to him by the
Original Grantor and which is shown
to be the one offered in evidence -
if then the map represents the land
as almost surrounded by Custom Natural
Objects named upon it, and it seems
to me that those objects must be the
boundaries of the premises, as it was
only from that map that the Grantor
obtained his information as to the
extent and location of the tract -
if the map were indefinite and
vague, the testimony of the surrounding
neighboring would be good evidence to
explain it, but it is not so. on the
southern side of the tract is the Monte
de Tehaunta, on the east & south is

place called the Cerezo and on
the West 'the Mesa'. The lines do not
completely close on all sides, but they
are sufficiently definite to ascertain
the exact tract intended to be granted.

The Commission confirmed the
claim in accordance with the
boundaries as described by the
Witnesses who saw the surrounding
regions & seemed to have dis-
regarded the map. I think in
this they erred; ~~that it was not the~~

that the grant was not of a
place by name, with certain well
known boundaries, but it was a
grant of the premises before occu-
pied by Arica, as shown by the
map which presented to the Alcalde
and which as the Alcalde says
was a correct delimitation of the
premises. — The claim must
therefore be confirmed in acc-
ordance with the description in the
map. & a decree will be entered
accordingly.

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

Enrique Abila, Appellee } Case No. 167
Ady } Index of Manuscript 391.
The United States, Appellant } "Fajante"

167 SD
PAGE 56

	June.	
1	3, 4.	Petition of Claimant to Commission
2	5, 6.	Deposition of Manuel Dominguez
3	7	do " Julian Chaves
4	7, 8, 9.	do " Abel Stearns
5	9, 10.	do " Rafael Gallardo
6	11, 12.	do " Ant ^o U ^o dugo
7	12	Affidavit " Claimant
8	13	Petition of Anastasio Abila to Governor, June 17/43, & marginal order of refer- ence by Governor to Prefect. June 17/43.
9	13.	Order of Reference by Prefect, to 2 nd Judge, June 22, /43.
10	13, 14	Report of Judge July 5/43
11	14.	Report of Prefect, July 5/43.
12	14.	Provisional Title by Gov. Micheltorena to Anastasio Abila. July 5/43.
13	15	Translation of Petition & Order " 8.
14	15.	do " Prefect's Order " 9.
15	15, 16	do " Judge's Report " 10.
16	16.	do " Prefect's do " 11.
17	16.	do " Provisional Title " 12).
18	17.	Appointment of Enrique Abila, Claimant, Executor of Anastasio.
19	17 & 21.	Will of Anastasio & Probate.
20	23 & 25.	Translation of Will etc No. 19.
21	26.	Map "H.H. N ^o 1."
22	27, 28.	Opinion
23	29.	Decree of Confirmation - & Order to file transcr ^{pts} .

Case No. 107.
U. S. Dist. Court. Southth
District of California

Enrique Abila
Appellee
vs
The United States
Appellant

Index of Transcript 391.

167 SD
PAGE 57