

CASE No.
166

SOUTHERN DISTRICT

BUENA VISTA GRANT

JESUS MACHADO

CLAIMANT

Microfilm

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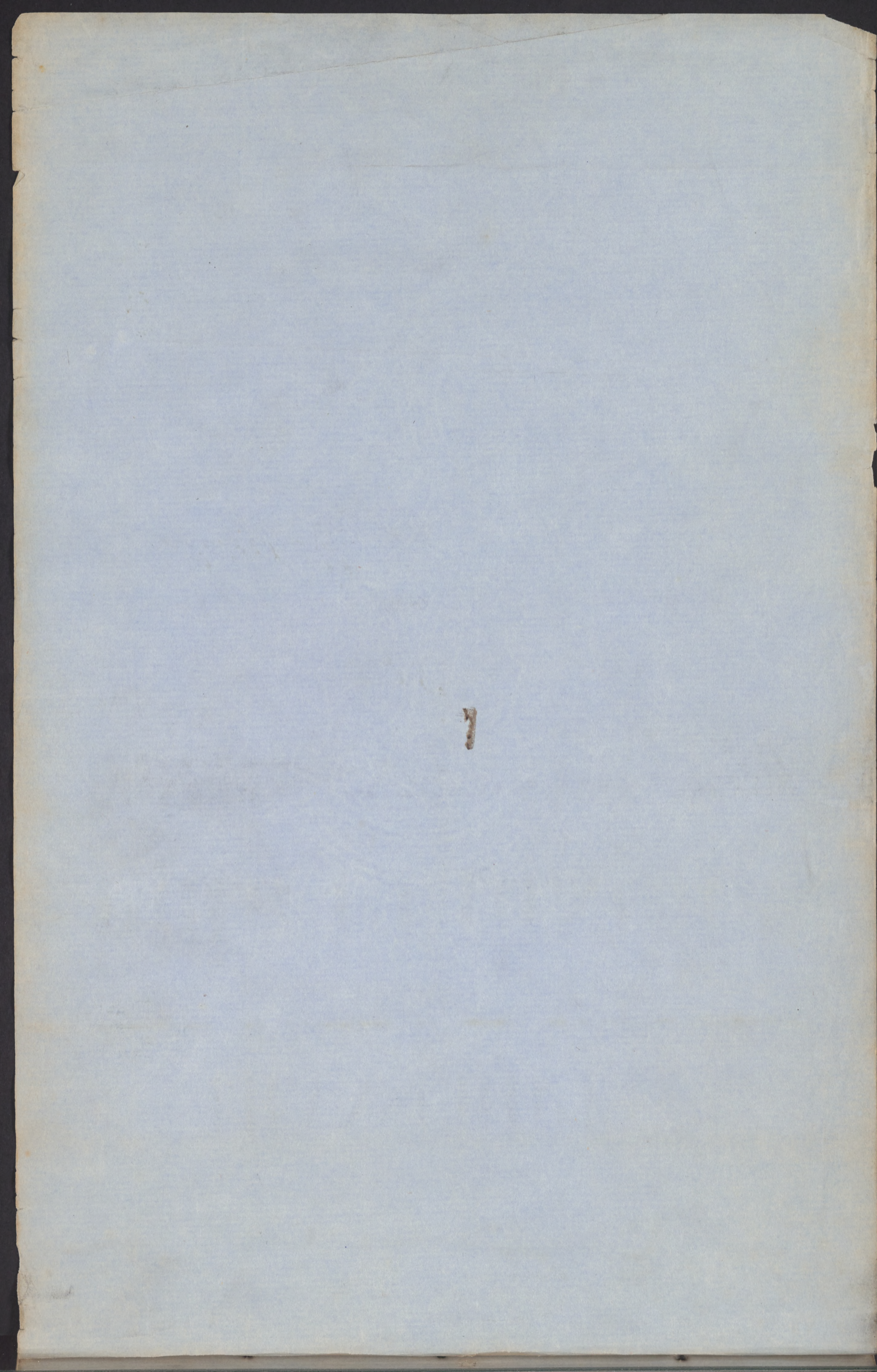
LAND CASE 166 SD pgs. 99

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166



TRANSCRIPT

166 SD
PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. *618*

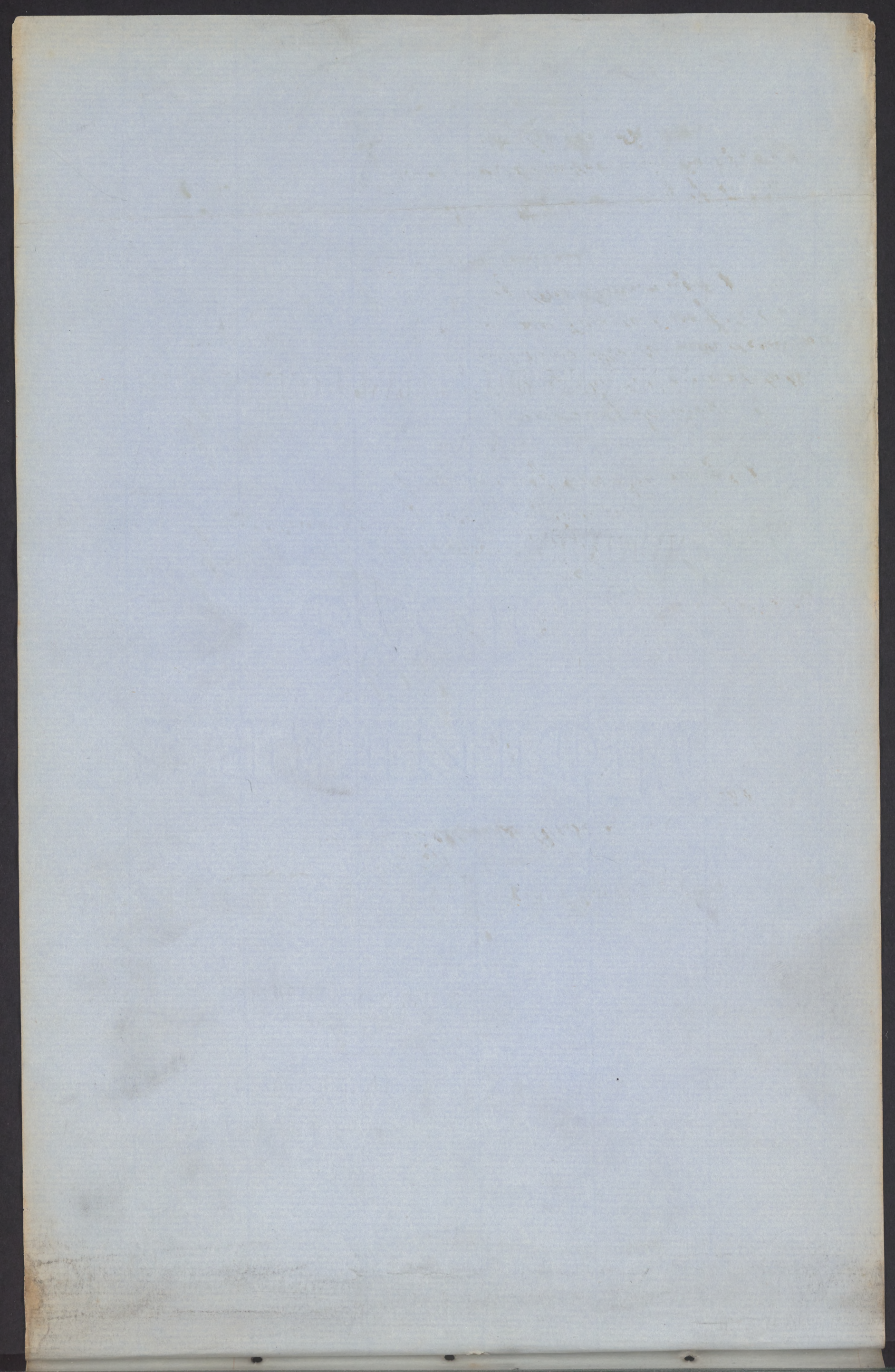
Jesus Machado CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Barona Vista"



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

166 SD
PAGE 2

Be it Remembered, that on this *Twenty Fourth 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 *Jesus Machado*,
for the Place named
"Buena Vista",
was presented, and ordered to be filed and docketed with No. 618, 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, June 4th 1853.
In case no. 618, *Jesus Machado*, for the place named
"Buena Vista", the counsel for the claimant filed
the following Stipulation, to wit;

(Vide page 31 of this Transcript.)

In the same case the deposition of *Santiago E.*
Argüelles, a witness in behalf of the claimant, taken
before Commissioner *Alpheus Felch*, with documents
marked No. 1, 2, & 3, annexed thereto, was filed;

(Vide page 5 of this Transcript.)

San Francisco May 9th 1854,
Case no 618 was called, submitted on briefs and
taken under advisement by the Board.

2.

San Francisco May 16' 1854.

In the same case Commissioner Thompson Campbell delivered the opinion of the Board confirming the claim;

(Vide page 33 of this Transcript.)

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166 SD

PAGE 3

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 35 of this Transcript.)

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3.

To the Honorable the Board of U. S. Land Commis-
sioners appointed to settle private Land Claims
Petition in California

166 SD
PAGE 4

The Petition of Jesus Machado respectfully requests
that on or about the eighth day of July 1845
Pio Pico then Governor of California in the name
of the Mexican Nation by virtue of power herein
vested the Laws of Mexico then in force the usages and
customs of the Country affecting grants of Land in Cali-
fornia granted in full power unto Felipe Tuban a
an Indian of the mission of San Luis Rey the tract of
Land and Rancho situated in the present County
of San Diego and known by the name of Belenista
containing about one half league of Land more
particularly described in the papers and maps
relating to said grant of Land

The original papers
all now in possession of your Petitioner ready to be
produced and proved before your Honorable
Board and copies thereof filed herewith as part
of this petition

And your Petitioner further shows
that said Felipe Tuban conveyed said Land
and premises by deed dated December 19th 1850
to William Dan and the said Felipe with said
William Dan and wife sold and conveyed said
Land and premises by deed dated April 10th 1852
to your Petitioner that copies of said several conveyances
are herewith filed as part of this petition and the
originals are in the possession of your Petitioner ready
to be produced and proved before your Honorable
Board

And your Petitioner further shows that said
Felipe was placed in judicial possession of said
Land and premises by the proper officers having
jurisdiction of such subject matters and the said
Felipe and those claiming under him have been
in the continued occupation of said Land from the
date of said grant to the present time

There is no conflicting claim to said Land known
to your Petitioner

H.

all of which is respectfully submitted for such action
as the Justice and nature of this Claim may require
O. O. Crosby
of Lowell

Filed in Office February 24th 1853

Geo Fisher

Secretary

166 SD

PAGE 5

5.
 Deposition
 of
 S E Arqueño

San Francisco June 4th 1853

On this day before Commissioner Alphons Felch came Santiago E. Arquello a witness in behalf of the claimant Jesus Machias petition No 618 and was duly sworn his evidence being interrupted by the court say

The W G Associate Law Agent was present

In answer to questions by counsel for claimant the witness testified as follows

My name is Santiago E. Arquello my age is forty and residence in the County of San Diego I have examined the paper books attached marked No 1 in lease 618 purporting to be a grant from Governor Pio Pico to Felippo an Indian of the Mission of San Luis Rey bearing date the eighth day of July A D 1845 and I recognize the signatures of Pio Pico and Jose Maria Cavanubius appearing there to be true and genuine signatures

I have also examined the document books annexed marked No 2 in said case 618 purporting to be the original documents relating to the judicial possession of the land described in the above mentioned grant by the local authorities to the grantee and I recognize as true and genuine the following signatures appearing there namely Jose M Arquello Juan M Manan and Francisco H. Elizalde Jose M Arquello is my brother and was at the time of the date of the last mentioned document Secundo Alcalde of San Diego The other two names appear as returns to the paper

I have also examined another paper book presented and books attached marked No 3 in the same lease No 618 offered as a document in proof of the above mentioned claimant and I recognize as true and genuine the following signatures appearing in it namely Jose M Arquello Manuel Manan Jose Mateas Mirrano and Jose de Jesus Mirano

6.

Question by Mr Leachy attorney for claimant

Are you acquainted with the Rancho called Buena Vista in the County of San Diego

Answer I am and have been ever since the year 1834 I know Felipe during his life time I am distant from his way that he is dead

166 SD
PAGE 7

He occupied the land previous to receiving the grant and also subsequent to it He cultivated part of the ground, had a vineyard and some fruit trees and had a small stock of cattle and some sheep on it

He also built a house in it and lived there with his family

Question by the same Is Jesus Machado the claimant now in occupancy of the Land

Answer He is He lives in it with his family cultivated some of the ground and has cattle upon it

Santiago C. Aguillo

Signed and sworn to before me

Alphons Felch
Commissioner

Filed in Office June 4th 1853

Gen Fisher
Secretary

618

7. 1. S. D. 12

1845

Expediente promovido por Felipe de la Mision de D^o Luis Rey en presencia del terreno nombrado

Buena Vista

166 SD

PAGE 8

456

Código Sr. Gober^{no}

Ag^o: Abril 28. Felipe Indígena de la Misión de 1845. Informe de Don Luis Rey ante V. E. me el administrador de S. y digo. Que estando poseyendo Luis Rey desde el año de 1836. un paraje Presigito llamado Buena Vista perteneciente a la Misión de San Luis Rey, el cual consta de media Legua de largo y media de ancho, en donde mantengo unos cortos bienes que sirven al mantenimiento mio y de mi familia, he de merecer de V. E. que se sirva concederme este terreno en propiedad pues creo ser acreedor a ello por ser natural de esta Misión en donde tanto he trabajado: Por tanto a V. E. pido y suplico deeeda a mi solicitud por ser justicia q^d pido, porando lo necesario V. E. admitiendo este en papel común por falta de Vellado. Don Luis Rey a 14 de Abril de 1845.

Felipe.

I. S. D. 12 Administracion de Don Luis Rey.
Angeles Abril 30 de 1845.

El terreno que solicita el Indígena Felipe, es perteneciente a la Misión de San Luis Rey ha prestado en su juventud y parte de su vejez a la misma todos sus servicios sin haber estado en esta administracion que en algun tiempo hallado q^d decir: El terreno que solicita se halla cubierto con sus bienes de mientes a sus labores de fructificacion y casa que alli mantiene — sin perjudicar nada a la comunidad de la Misión.

9.

y puede ser agraciado con lo que solicita
Si V. E. lo tubiere à breu. En cuanto puedo
informar sobre el particular

Jose Joaquin Ortega.

Angeles Junio 14 de 1845.

En virtud del informe que antecede
visto y examinado en quanto ver y considerar
convino vengo en conceder al solicitante
las propiedades del terreno à q. se refie-
re. En consecuencia librese el correspon-
dient. título y tomese razon de el mandan-
do al interesado para su resguardo. El
Gobernador interino del departamento
cisi lo decreto mando y firmo. Doy fe
P. P. Juan Bandini P. P.

166 SD

PAGE 10

2. S. D. 12

P. P. Por cuanto Felipe Inelije
na de la Misión de Sr. Luis Rey ha preten-
dido p. su beneficio personal y el de su fa-
milia el terreno llamado de Buenavista
de la pertenencia de la Compañia de Misión
y que ocupa con sus bienes desde el año de
mil ochocientos treinta y seis practicadas
previamente las averiguaciones concerni-
entes segun leyes y reglamento usando de
las facultades que me son conferidas
à nombre de la Nacion Mexicana he venido
en concederle el terreno mencionado de la
mandole la propiedad de el por las pre-
sentes lehas y bajo las condiciones siquien-
tes. 1.ª Podrá cercar el terreno que de le ad-
judique sin perjudicar las hovecias ca-
minos y servidumbres, lo disputará libre
y esclusivamente destinando lo al uso
ocultivo que mas le acomode. 2.ª Soli-
citara del juez respectivo le de la procecion
juridica en virtud de este despacho.

10.

5. S. D. 12

por el cual se demarcarán los linderos por
mendo las mojones necesarios. 3.º El
terreno de que se le hace donación es de la
extensión de media legua en cuadro el
mismo que actualmente ocupa; El juez
que diere la posesión lo hará me dir con
forme à Ordenanza, quedando el so-
brante que resulte à beneficio de la
donación para los usos convenientes.

166 SD

PAGE 11

En consecuencia mando que teniendo
se el presente título por firme y valedero
se tome raxon de el en el libro respectivo
y se entregue al interesado para que res-
guarde y demas fines. Dado en la ciu-
dad de los Angeles, en este papel comun
por falta del sellado, à ocho de Julio
de mil ochocientos cuarenta y cinco
Pio Pico // José Ma. Covarrubias Jefe
Queda tomada raxon de este superio-
des hecho en el libro à que corresponde
Angeles fha ut supra. Covarrubias
Angeles Mayo 8 de 1846.

Dado cuenta en sesion de hoy con este
efediente à la Coema Asambleas de par-
lamental se mando pasar à la comision
de terrenos baldios.

Pio Pico ^{Preside} // Agustin Olvera.

6. S. D. 12

C. S.

La Comision de terrenos baldios @ examinada

11. y. S. D. 14 con detencion el antecedente Exped.º pro-
 movido p.º el Indigena Felipe al paraje
 Buena Vista q.º le fué concedido p.º el ex
 p.º Gob.º Departamental con arreglo
 à las leyes de la materia en tal virtud
 pone à la deliberacion de V.º E. la propo-
 sicion siguiente. Se aprueba la concesion
 hecha al indigena Felipe al paraje
 conocido con el nombre de Buena Vista
 jurisdiccion de S. Diego en estencion de me-
 dia legua en cuadro, segun titulo librado
 con fha 8 de Julio ultimo en conformidad
 con la ley de 18 de Agosto de 1824 y el articulo
 5 de la ley de 21 de octubre de 1828.

166 SD
 PAGE 12

Sala de Comisiones en la ciudad de Co-
 ang.º mayo 26 de 1846.

D. Arguello.

Office of Surveyor General of the Uni-
 ted States for California.

I, Samuel D. King Surveyor Gene-
 ral of the United States for the State of
 California, and as such having in my
 Office, and under my charge and control
 a portion of the Archives of the former Spa-
 nish and Mexican Territory or Depart-
 ment of Upper California, do hereby certi-
 fy that the seven preceding and hereun-
 to annexed pages of tracing paper numbe-
 ed from one to seven inclusive and each
 of which is verified by my initials (S. D. K.)
 exhibit true and accurate copies of certain
 documents on file and forming a part of
 the Archives in this Office.

In testimony whereof I have
 hereunto signed my name officially,

12

and affixed my private seal (not having
a seal of Office) at the City of San Fran-
cisco this 27 day of October 1852

Sam: D. King

Survey: Gen: Cat.

Filed in Office Aug: 31st 1853

Geo: Fisher Secy.

166 SD
PAGE 13

T

6/618 -

13

1845

Record of Proceedings at the instance of Felipe
Translation of the Mission of San Luis Rey in solicitation of the
land called Buena Vista

456

Excellent Sir Governor

I Felipe Native of the Mission of San Luis
Rey appears respectfully before you Excellency
and say that being possessed of a small pe-
ice of Land called Buena Vista belonging to
the Mission of San Luis Rey since the year
1836 which piece of Land consists of half a
league in length and one half in breadth which
I maintain some little stock that serve for
the maintenance of myself and my family
I have to desire of you Excellency that you
will be pleased to grant me this small piece
of Land in ownership since I believe to be entitled
to it because being a native of this Mission
where I have labored so much

Therefore I ask and
pray you Excellency to accede to my solicitation
as being just what I ask desiring my to the near-
- say & admitting this in common paper for
want of stamping me

San Luis Rey 14th April 1845
Signed Felipe

In the margin

Angels April 28th 1845

The administration of San Luis Rey will report
(Signed) Pico

administration of San Luis Rey

Angels April 30th 1845

The land solicited by the native Felipe belongs
to the Mission of San Luis Rey In his age he has
part of his old age he has rendered all his services
to the same without this administration knowing
that at any time he has given occasion to blame

The land he solicits is covered with his own
- vles land a property garden and house which
- he maintains there without in any way prejudi-
- cing the community of the Mission and he can
- be granted with what he solicits if you Ex-
- cellency shall so please This is all I can report
on the subject (Signed) Jose Joaquin Ortega

166 SD

PAGE 14

Los Angeles June 17th 1845

14.

In virtue of the foregoing report and having seen and examined all to be seen and considered to the purpose I conclude to grant the Petitioner the ownership of the land referred to, in consequence let the corresponding title deed be issued and let it be entered delivering it to the interested party for his security the Governor and interim of the Department thus did decree order and sign I attest it

(Signature) Pico

Juan Bandini

Secretary

Pio Pico, etc. Whom as Felipe a native of the Mission of San Luis Rey has solicited for his personal benefit and that of his family the land called Benavista belonging to the said Mission and which he occupies with his stock since the year 1836 after having previously made the necessary investigations according to law and regulations in exercise of the powers vested in me in the name of the Mexican Nation I have concluded to grant him the mentioned land declaring it his property by the present letters patent under the following conditions

1. He may possess the land assigned to him without prejudicing the crossings roads and servitudes he will enjoy it fully and exclusively appropriating it to the use and culture that best may suit him
2. He will solicit of the respective Judge to give him judicial possession in virtue of this document by whom the boundaries are to be marked putting the necessary land marks
3. The land granted is of an extent of half a league lease, and the same he actually occupies the Judge who shall give the possession in will cause it to be measured according to ordinance leaving the surplus that may result to the benefit of the Nation for environment purposes

Consequently

I want that the present title deed being held as firm and valid it be entered in the respective books and delivered to the interested party for his security and other purposes

Given in the City of Los Angeles on this common paper for want of stamped one on the 8th of July 1845,

77618

15-

Pio Pico
José María Cavatubien
Secretary

This Superior document has been entered
in the corresponding book

Angels date at San Francisco
Cavatubien
Secretary

166 SD
PAGE 16

Angels May 8th 1846

Having in this Commission
given notice of this Expediente to the excellent
Departmental assembly it ordered it to be sent to
the committee on vacant lands

Pio Pico
Agustin Alvarez

Excellent Sir

The committee on vacant lands has examined
minutely the foregoing Expediente at the instance
of the native Felipe to the location Buena Vista
which was granted him by the Superior Departmen-
tural Government conformable to the laws in
this subject.

In such light it submits to your
Excellent deliberation the following proposition
Warrants of the commission made to the native
Felipe of the location Buena Vista by the name of
Buena Vista Jurisdiction of San Diego in or about
half a square league according to title deed
issued under date of 8th of July last in conform-
ity with the Law of 18th August 1824 and 5th
article of the Law of 21st of February 1828
Hall of the Committee in the City of Los Angeles
May 26th 1846

(Signed) S. Aguillo

Filed in Office August 31st 1853

Geo Fisher
Secretary

16.

[Faint, illegible handwriting throughout the page]

[Faint markings or text in the lower left corner]



17
Doe et al

166 SD
PAGE 17

Pío Pico Gobernador interino del departamento de las Californias. Por cuanto Felipe natural de la Misión de Sr. Luis Rey ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de Buenavista de la pertenencia de la expresada Misión y que él ocupa con sus bienes desde el año de mil ochocientos treinta y seis practicada previamente las averiguaciones convenientes según lo dispuesto por leyes y reglamentos, usando de las facultades que me son conferidas a nombre de la Nación mexicana, he venido en concederle el terreno mencionado de el arandole la propiedad de él por las presentes letras y bajo las condiciones siguientes. 1ª Podrá cercarlo el terreno que se le adjudica con perjuicio a las travecias caminos y servidumbres; lo disputará libre y exclusivamente; destinándole al uso y cultivo que mas le acomode. 2ª Solicitará del juez respectivo le de la posesión jurídica en virtud de este despacho por el cual se demarcarán los linderos poniendo las mojeras necesarias. 3ª El terreno de que se le hace donación es de la Estension de media legua en cuadro y el mismo que actualmente ocupa. El juez que diere la posesión lo hará medir con arreglo a Ordenanza quedando el sobrante que resulte a beneficio de la Nación para los usos que crea convenientes. En consecuencia mando que teniendo el presente título por firme y valdero se tome razón de él en el libro a que corresponde y se entregue al interesado para su resguardo y demás fines. Dado

18.

en la ciudad de los Angeles en papel comun
por falta del sellado a ocho de Julio de
mil ochocientos cuarenta y cinco.

Pio Pico

José M^e. Covarrubias. Tenio.

Queda tomada razon de este superior des
pacho en el libro a que corresponde.

Angeles fecha ut supra

Covarrubias

Filed in Office June 4th 1853.

166 SD
PAGE 18

Exhibit
B

Pio Pico Governor ad interim of the Department
of the California

166 SD
PAGE 19

Whereas Felipe a native of the Mission of San Luis
Rey has claimed for his personal benefit and that
of his family the lot of Land known by the name of
Bucanasta belonging to the said Mission and
which he occupies with his stock since the year
one thousand eight hundred and thirty six the
due investigations in that behalf having first been
instituted as provided by Laws and regulations
in the exercise of the powers conferred in Mexico
the name of the Mexican Nation have come
to grant him the said land divided into
lots the number is three of by the present letters
and under the following conditions

1. He may enclose the land hereby adjudicated
within without prejudice to the crossroads high
ways and rights of way He may enjoy it freely and
exclusively devoting it to the use and cultivation
that best may suit him
2. He shall solicit the competent Magistrate to
give him the juridical possession by virtue
of this Patent such Magistrate shall assign the
boundaries placing the necessary Land marks
3. The land hereby granted is one half league
square in extent and is the same which he actu-
ally occupies

The Judge who gives the possession
shall cause it to be measured agreeably to order
and the surplus that may result remaining
for the benefit of the Nation for such uses as it
may deem necessary

Wherefore I order that the
present title being held firm and valid be en-
tered of Record in the book where it belongs
and delivered to the party for his protection and further
ends

Given in the City of Los Angeles in common
paper this being the twenty second of the eighth of

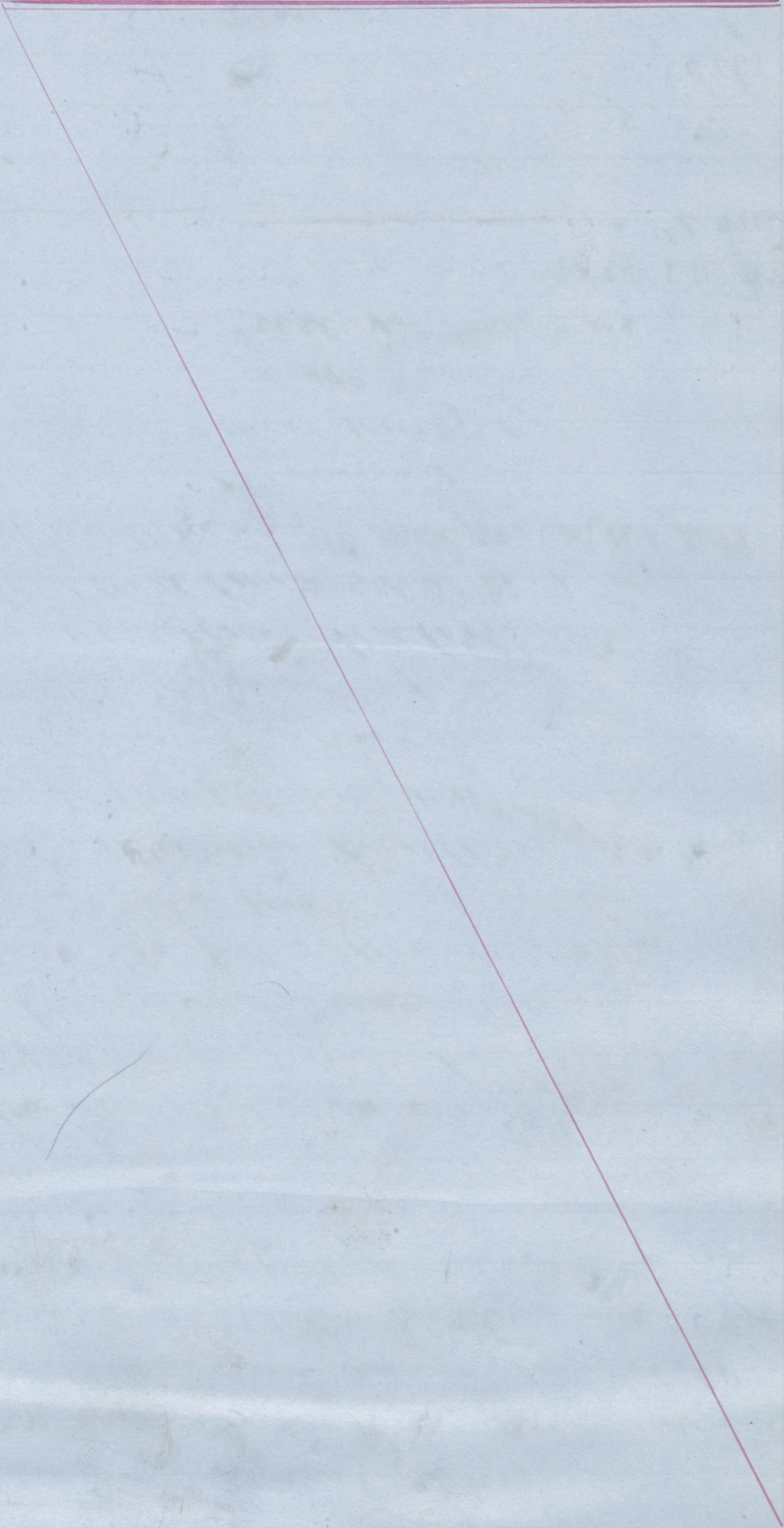
20.

July one thousand eight hundred and fifty five
Pio Pico
Jose Maria Cavanillas
Secretary

166 SD
PAGE 20

This superior Patent is entered of record in the
book to which it belongs
Angeles same date as above
Cavanillas

Filed in Office February 24th 1853
Gen Fisher
Secretary



21

166 SD
PAGE 21

En el Pto. de S. Diego à los veinte y siete dias del mes de julio del año de mil ochocientos cuarenta y cinco, ante mi José R. Arguello Alcalde segundo constitucional de este referido punto y su demarcacion: En virtud de la solicitud verbal hecha por el indio Felipe de la Misión de S. Luis Ray manifestando me su título expedido por el supor. Gobierno de este Departam^{to} con fecha de och. de julio del presente año, solicitando lo pudiese en posesion juridica del terreno de buena Vista y en cumplim^{to} à la superior disposicion pase por mi y testigos de as^{os} al parage y pongase en segura posesion à otro indigena. Asi yo el juez que suscribe mande y firme con los de as^{os}: segun derecho:

as^{os} José R. Arguello. as^{os}
 Juan M^o Marron # Francesc. X. Eltilde
 Estando en el parage de buena Vista à los cuatro dias del mes de A^go del mismo año y en cumplim^{to} por lo dispuesto por el sup^{to} Gobierno dispuse nombrar dos Oficiales cordeleros que por sus nombres à los que les tome el juramento respectivo quienes ofrecieron desempeñar fiel^{te} en el cargo lo que asiendo p^{ro} diligencia que autorise y firme con los de mi as^{os}: segun derecho:

as^{os} José R. Arguello as^{os}
 Juan M^o Marron # Francesc. X. Eltilde
 En el mismo dia mes y año estando en el parage de buena Vista à efecto de verificar las medidas de posesion del indigena Felipe en vista del título ya expresado previos todos los requisitos de estilo, y estando ante mi los testigos de as^{os} y cordeleros truse mi divisa un cordel que tenia cien varas, y à los estremos unos ganecos de Madera previa observacion y calculo por mi dio posesion parados en una cabeza de la Huerta del Indio Felipe se tiro el cordel rumbo al Oriente se midieron y contaron dos mil y quinientas varas y remataron en el lindero de D^o Lorenzo Soto donde se le manelo al interesado se pusiese su mojonea. de este punto se tiro el cordel

22.

umbro O. se midieron y contaron dos mil y quinientas varas y remataron en un Cerro donde estan dos peñas unidas donde se le mando al interesado pusiere su mohonera de este punto se tiro el Cordel umbro al poniente se midieron y contaron dos mil y quinientas varas que remataron en una lomita colorada donde se le mando al interesado pusiere su mohonera de este punto se tiro el cordel umbro al Norte se midieron y contaron dos mil quinientas varas que remataron sobre una Loma donde se haya una pila grande y se mando al interesado que quedaba en segura y pacifica posesion para que disputara libre y pacificam^{te} donde por concluido el acto que autorizo y firmo con los de asistencia segun derecho:

Asa José R. Arguello - asa
Juan M^o. Morron # Jerame. X. Elisalde

Public Office June 21th 1853.

8/6/18

23

Translation
Juridical
Possession

At the port of San Diego on the twenty seventh of the month of July of the year one thousand eight hundred and forty five before me Jose R. Aguillo Secunda leynstitucional Alcalde of this said place and its Jurisdiction

166 SD
PAGE 23

Report of the verbal petition made by the Indian Felipe of the Mission of San Luis Rey who showed me his title issued by the Superior Government of this Department dated 8th of July of the present year proposing that might place him in Juridical Possession of the tract of Buena Vista and in compliance with the Superior directions named that I and attesting witnesses repair to the premises and place said Indian in peace possession. I the undersigned Judge have so read and subscribed with the attesting witnesses according to Law

attest
Juan Ma Marron
Jose R. Aguillo
attest
Francisco Elisalde

Being at the premises of Buena Vista on the fourth day of the month of August of same year and in compliance of the orders of the orders of the Superior Government I determined to appoint two official line bearers whose names are omitted they not knowing him to write, I received their official oath they undertaking forth with to discharge their office which I set down in the minutes certified and subscribed by me and my attesting witnesses according to Law

attest
Juan Ma Marron
Jose R. Aguillo
attest
Francisco Elisalde

same day month and year at the premises of Buena Vista for the purposes of making the measurements relating to the delivery of possession to the Indian Felipe in pursuance of the appraisal title all the formal requisites having been accomplished and I having in my presence the attesting

166 SD
PAGE 24

witnesses and officios lino venus I caused to be
measured a lino en humana vacas long parting
wooden poles at its extremities and after observa-
tion and calculation under my direction as we
stood at one of the boundaries of the garden of the
Indiano Felipe the lino was drawn East and
there was measured and counted two thousand five
hundred vacas which terminated at the boundary
of Don Lorenzo Sotas when the party interested
was made to place his Land mark

From this
place the lino was drawn in a South course there
was measured and counted two thousand five hun-
dred vacas which ended at a small peak where
stand two rocks joined together

Here the party
interested was made to place his land mark From
this point the lino was drawn course west and there
was measured and counted two thousand five
hundred vacas which ended at a small red
hill where the party interested was made to place
his land mark From this point the lino was
drawn course North there was measured and coun-
ted two thousand five hundred vacas which
ended upon a hill where there stands a large rock
and the party in interest was made to place his
Land mark

And the party in interest was informed
that he was now in secure and peaceable posses-
sion to the end that he might enjoy it fully and
unmolested the proceeding being considered as
ended which I authorize and subscribe with my
attesting witnesses according to Law

attest
Juan Ben Marmón
Jose R Aguillo
attest
Francisco Elisalde

Feida in Officio February 24th 1853
Gen Fisher
Secretary

25-

Doc: n.º 3

166 SD
PAGE 25

El ciudadano José R. Arguello Sub. Prefecto del partido de San Diego.

Por cuanto Estefana Quenda del Indígena de la Misión de S. Luis Rey Esteban en unión de tres hijos à solicitado de esta sub-prefectura un Documento of. a credito tener concedido p. el Gobierno el terreno de labor of. se haya situado en Buenavista nombrado Nueva y como por los informes de mi antecesor de estar concedido provisionalmente al Indígena Esteban el expresado terreno p. el Gobierno del Sr. Micheltoresa cuyo Documento paso al de D. Pio Pico p. of. le estendiese el Título de propiedad p. ser aquel provisional y haver padecido estavio dho título provisional è informe of. le acompañaban. Doy el presente p. of. surra de resguardo y nadie perjudicue à la viuda y sus herederos en el terreno of. p. aee en interin el Gobierno tiene à bien expedirle el título de propiedad D. Diego Jimio 26 de 1846.

José R. Arguello

San Diego Enero 21 de 1851. Conste por esta escritura, que yo Estefana, indígena de la Misión de San Luis Rey y mis dos hijos Tomas y Pacifica, vendemos à Don Jesus Machado, vecino de la Ciudad de San Diego, el terreno que menciona el título presente que poseemos en legal forma y que nos, fuè concedido, por el Gobierno Mexicano cuyo terreno hemos vendido al referido Machado en la cantidad de doscientos pesos, que confieso haber recibido à mi entera satisfaccion y que por lo mismo pertenece à el para que lo posea en papeficio

posesion por si sus herederos y sucesores, ven-
de, enajene, goce, dispute y traspa~~se~~ como
mejor le convinieren, pues adquiere por esta
escritura de Venta, todo otro señorio, voz
accion y propiedad como dueño absolu-
to. Y para su validacion en todo tiempo
y lugar ofrecio doy poder à D^{no} Juan
M^a Marron que firme por mi por no
saberlo yo hacer y que valla autoriza-
da esta con dos testigos que hacen fe
de lo paedo — y que yo estoy obligada en
reconocer y respetar en todo tiempo.

A. Ruedo de Los Benditos. Por no
saber firmar.

Testigo. / Juan M^a Marron
Jose Matias Morenoff Jose de Jesus Moreno ^{Testigo}
Seilean Office June 4th 1853

Now Deed

166 SD
PAGE 27

Know all men by these presents That I Felipe
Tubna of the County of San Diego State of California
for and in consideration of one dollar to me in hand
paid by William B. Dunn of the County and state
aforesaid and also in the further consideration of the
natural love and affection which I have for
my daughter Maria La Gracia wife of the said
William and in consideration that the said William
takes care of and properly supports me during
my natural life have granted bargained sold
released and quit claimed and by these presents
do grant bargain sell and release and quit claim
unto the said William B. Dunn and Maria La
Gracia in his wife all my right title interest
et al and decima in and to all the real estate
and personal property herein after mentioned
and described to wit

A certain tract of land
lying and being near San Luis Bay known as
and by the name of Buena Vista being the same
granted by Pio Pico Governor of California to me
the said Felipe July the 8th A.D. 1845 and also all
the cows oxen calves Bulls horses mares and ge
- anses therein being to me

Together with all and sin
- gular the rights privileges and appurtenances ther
- unto belonging or in any wise appertaining and
the rents issues and profits thereof

To Have and
To Hold the aforesaid premises and personal
property to the said William and Maria La Gracia
with the said covenants and appurtenances
to them and their heirs and assigns forever

In witness whereof I have hereunto
set my hand and seal at San Diego City this nine
- teenth day of December Anno Domini eighteen
hundred and fifty

In presence of
W. B. Bird
James S. ...

Felipe Tubna
his mark

Witness W. B. Bird

State of California
County of San Diego

On this 19th day of Decem

ber A.D. 1850 personally appeared before me the
— clerk in and first said County Felipe Luna
— satisfactorily proved to be the person described in
and who executed the within mortgage by the oath
of James Leammis a competent and credible
witness for that purpose by me duly sworn
and by the said Luna acknowledged that he
executed the same freely and voluntarily for the
uses and purposes therein mentioned

166 SD
PAGE 28

G. C. Maxwell }
Recorder } Seal

Recorded for Record December 20th A.D. 1850
at 10 Am and registered December 20th A.D.
1850 at 11 Am in Book of Records Liber C
Pages No 156, 157 and 158

G. C. Maxwell
Recorder

Fees \$7.50/100

Filed in Office June 4th 1853
Geo Fisher
Sentry



No 5 Deed

166 SD
PAGE 29

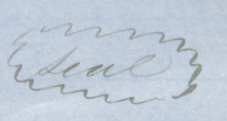
Know all men by these presents That we Felipe Tubna
 William B. Dunn and Maria La Gracia wife of
 the said William all of the County of San Diego and
 State of California for and in consideration of
 three thousand dollars to us in hand paid by Jesus
 Machado of the County and State aforesaid by these
 presents do sell bargain and convey unto the said
 Jesus Machado all that tract or parcel of Land
 being and situate in the County and State aforesaid
 near the Mission of San Luis Rey and known as
 Rancho Arista and being the same tract of Land
 granted to Felipe Tubna by Pio Pico Governor of Cal
 ifornia under date of July the 6th AD 1845. and
 duly recorded in the Records office of said County
 which will fully show the metes and bounds and
 the quantity of Land the originals of which accom
 pany this deed as also added made by the said
 Felipe Tubna to the said William B. Dunn
 and the act of possession

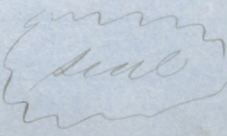
Together with all and
 singular the rights, privileges and appurten
 ances thereto belonging or in any wise apper
 taining and the rents and issues and profits
 thereof

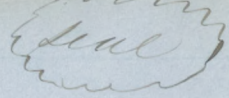
To Have and to hold the aforesaid premi
 ses to the said Jesus Machado with the heredita
 rious and appurtenances to him and to his heirs
 and assigns in fee simple forever

And we likewise
 warrant and defend the right and title of the same
 to the said Machado and his heirs and assigns
 against the claims of all persons, whatever and
 that we have full power and lawful authority
 to sell said land and that the same is free
 from all incumbrances

In testimony whereof
 we have set our hands and seals this Tenth day
 of April AD 1852

William B. Dunn 

Felipe & Tubna 

Witness present Maria + Gracia 

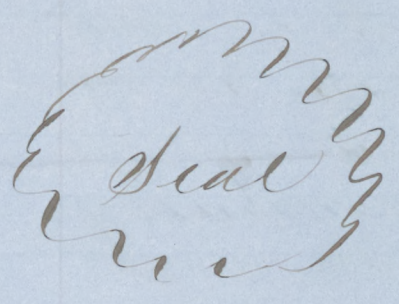
Mano Maun

E A Wall
Wm O Stuart
Albert B Smith

166 SD
PAGE 30

State of California San Diego County. On this tenth day of April A D 1852 personally appeared before me a Notary Public in and for said State and County duly commissioned Felipe Torra William B Dean and Maria La Gracia Deora his wife known to me to be the persons described in and who executed the foregoing instrument who severally acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned and the said Maria La Gracia I was separating examined by me privately and in thine the hearing of her said husband and having made him fully acquainted with the contents of the foregoing and

She acknowledged to me 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



all of which I certify is true Given under my hand and private seal bearing as yet no seal of office all of which I am authorized by Law to do this tenth day of April Anno Domini eight hundred and Fifty Two
Jacobus H. Robinson
Notary Public

Fida in Officio June 4th 1853
Geo Fisher
Secretary

Stipulation No 618

166 SD
PAGE 31

All G Land Commission

In the matter of the claim
of Jesus Machado

It is agreed between the claimants counsel
and Mr. Graham Esq. All G Land Agent
that the document number No 4 in lease 618
purporting to be a deed from Felipe Tuma to
William Durr and wife of the Rancho Bu-
enavista and also that the document number No
5 in said lease No 618 purporting to be a deed
from Felipe Tuma and others to Jesus Machado
of the same tract of land are true and genuine

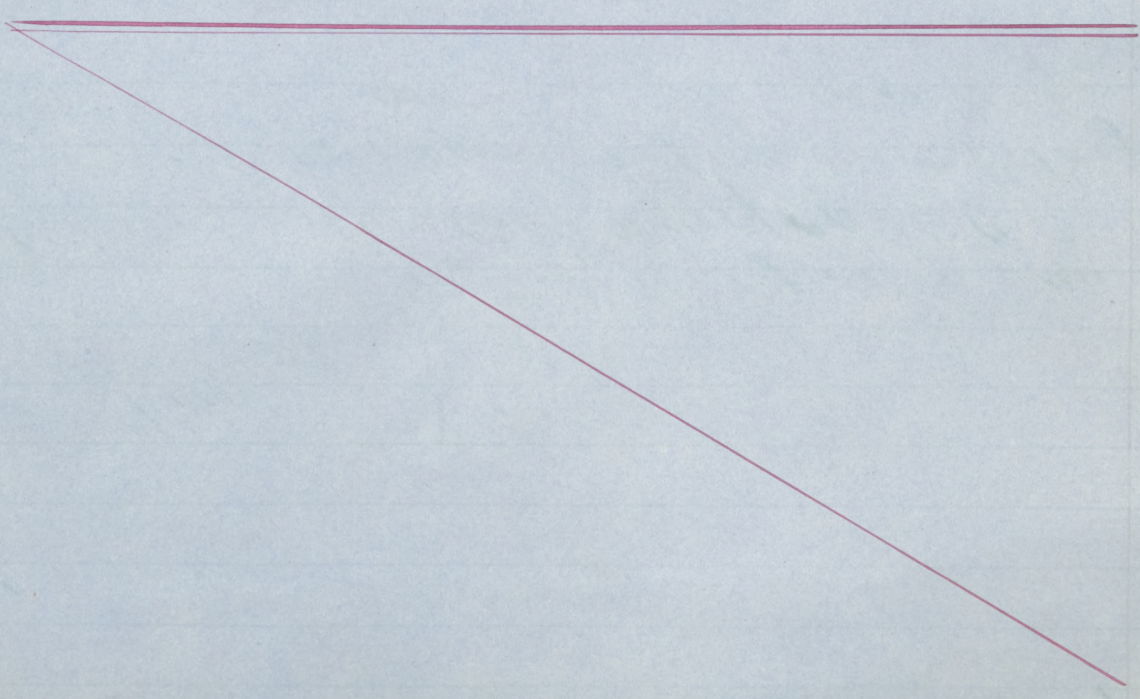
San Francisco June 4th 1853

G O Lewis
Claimants Counsel

Robert Graham
Associate Land Agent of All G

Filed in Office June 4th 1853

Geo Fisher
Secretary



BYOE

f

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*

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*

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618
Opinion
of the
Board

Jesus Machado
vs
The United States

} Bucmanista
} one half League

166 SD
PAGE 32

The Petitioner in this case
deposited to the tract of Land described in his
Petition as follows First By grant from the Mexic-
an Government issued by Governor Pio Pico to
one Felipe Naphty Indian of the Mission of
San Luis Rey which bears date the 8th day of July
AD 1845

Secunda By deed of conveyance executed by the said
Felipe Tubna the original grantee for all his
interest in the said place called Bucmanista
to one William B Dunn which deed bears date
the 15th day of April AD 1852

Third By deed of conveyance executed by the said
Felipe Tubna William B Dunn and Maria
La Grata wife of the said William to the Peti-
tioner in this case

The original grant appeared to
be genuine and it is stipulated on the part of
the officer representing the Government of the
United States that the present conveyance though
which the petitioner derives title from the original
grantee shall be considered as in every way genuine

The Petitioner
as further proof in his cause has placed on file
the original record of Judicial Possession and
also a true copy of the expediente taken from
the Archives now deposited with the United States
Surveyor General for this State

The evidence docu-
mentary and real filed in this cause establish
beyond all question the right of the Petitioner to a
confirmation of the land claimed and the record of
Judicial Possession fixes the boundaries of the land
with sufficient certainty to effect its segregation from
the other Lands of a like char after we are the more of
opinion that the same should be confirmed

Filed in Office May 16th 1854

Geo Fisher
Secretary

618
Decree of Confirmation }
Jesus Machado }
vs. }
The United States }

166 SD
PAGE 33

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said Petitioner is valid and it is therefore decreed that the same be confirmed. The lands of which confirmation are hereby made are known by the name of Buena Vista and are bounded and described as follows to wit

Commencing at the North west corner of the garden of the Indian Felipe and running East two thousand and five hundred varas to the corner or line of Lorenzo Sotos,

Thence running South two thousand five hundred varas to a small peak where stand two rocks joined together thence running West two thousand five hundred varas to a small red hill thence running North two thousand five hundred varas to the place of beginning on a hill where there is a rock containing in all one half of a Square League.

Reference for further description to be had to the original grant and to the translation of the original records of judicial possession both of which documents are on file as evidence in the cause

Alphus Felch

Thomson Campbell

N. Aug. Thompson

Commissioners

Filed in Office May 16th 1854

Geo Fisher Secretary

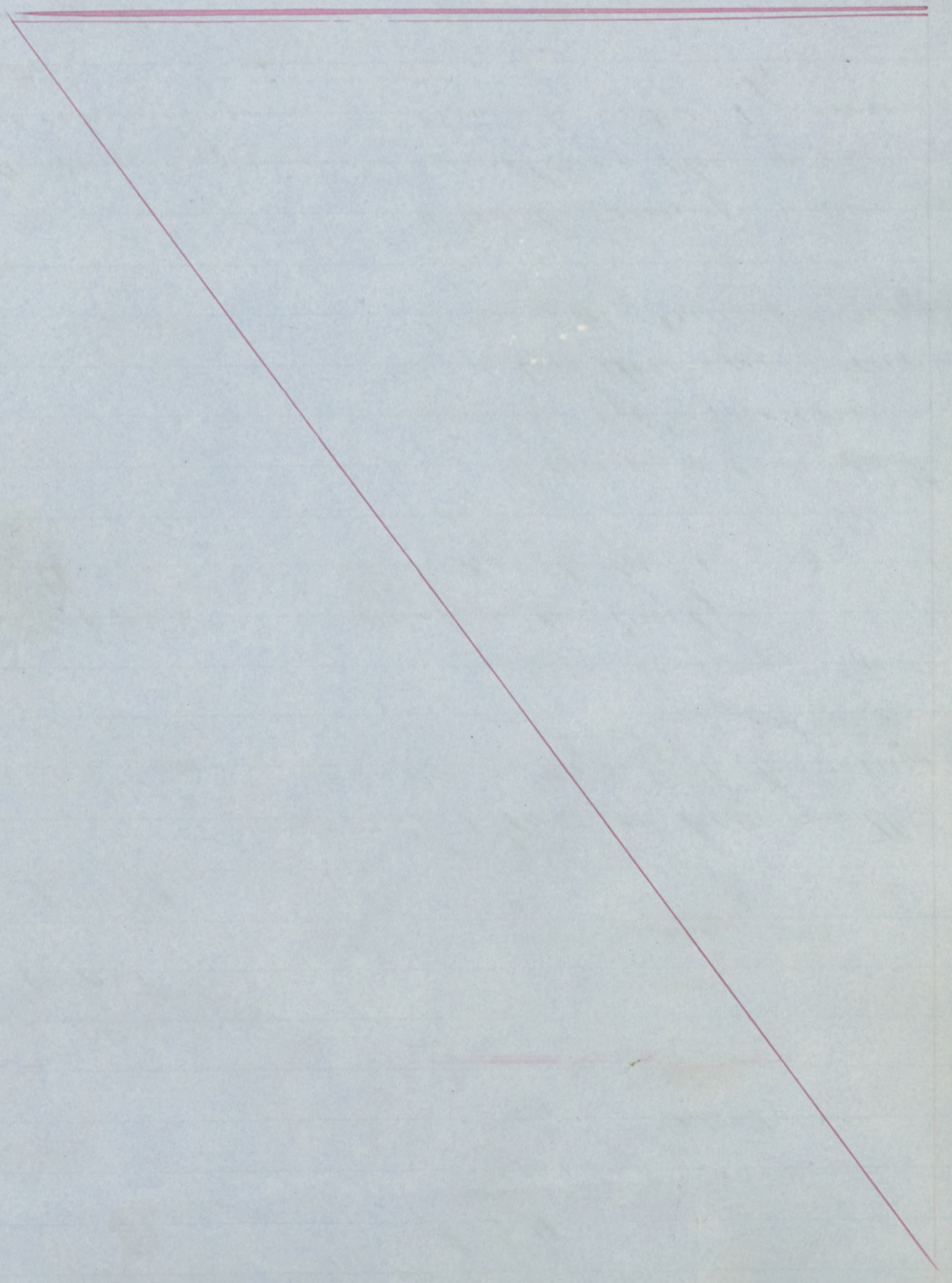
35-

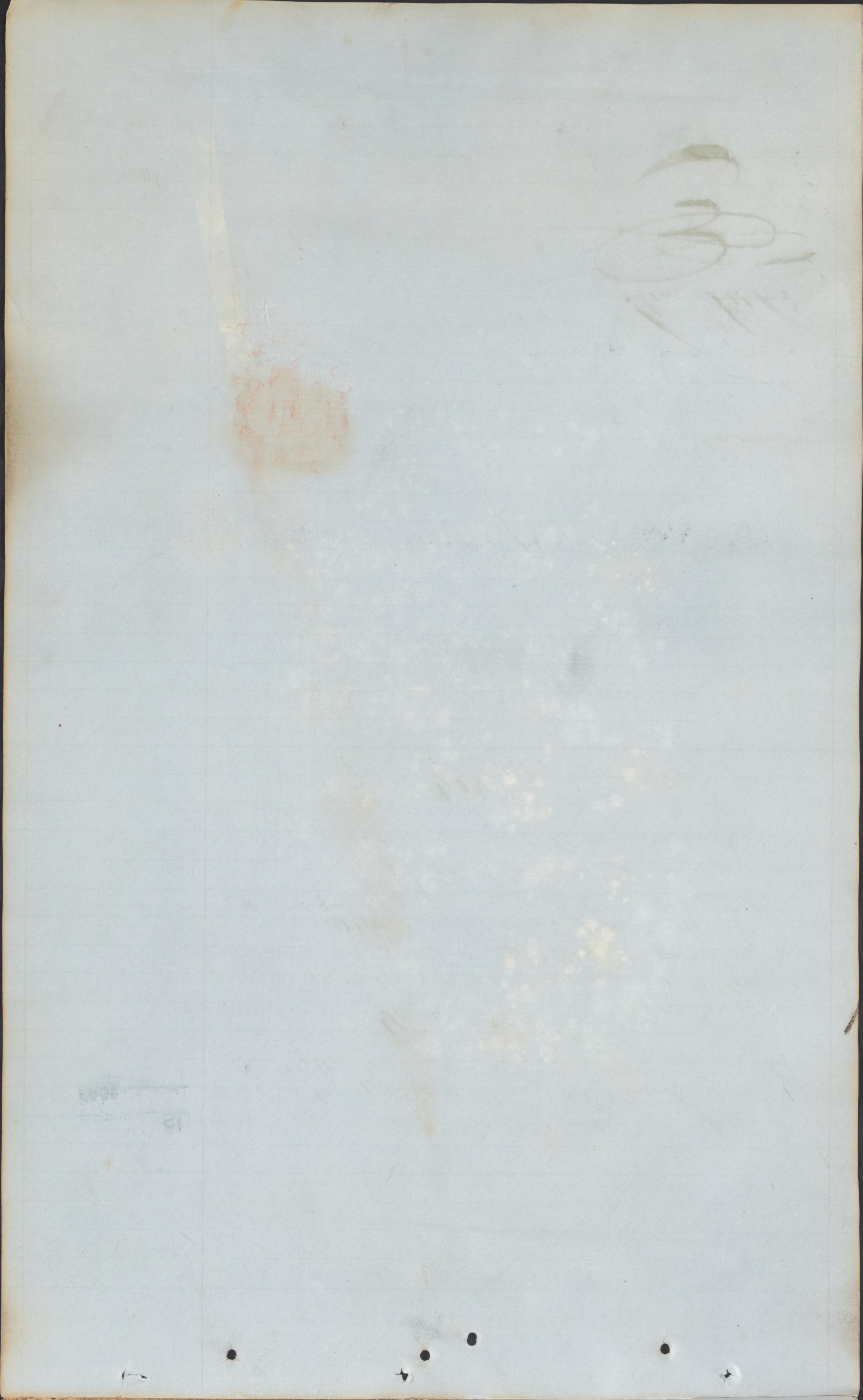
166 SD
PAGE 34

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
— pts of the proceedings and of the decision in this case and
of the papers and evidence upon which the same are from and
be made out and duly certified by the Secretary one of which
Transcripts shall be filed with the Clerk of the United States
District Court for the Southern District of California
and the other be transmitted to the Attorney General of the
United States





Office of the Board of Commissioners,

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

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 *Thirty five* pages, numbered from
1 to *35*, 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. *618*, on the Docket of the said Board,
wherein *Jesús Machado* is

the Claimant against the United States, for the place known by
the name of *Buena Vista*.

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



Geo. Fisher
Secy.

S. District Court.

166

Southern District of California

No. 5. Docket 166

of United States

vs.

Jesus Machado.

"Buena Vista"

Transcript of the Record

from the

Board of U.S. Land Commissioners.

In Case No. 518.

Filed December 19th 1854.

J. C. [unclear]

clk.

166

518



Transcript
of the

Proceedings

In Case.

No. 68

Jesus Machado

166 20

Claimant

Versus

The United States

Defendant.

for the place named

"Buena-Vista."

166 SD
PAGE 36

12
10
4
6
20
52

12
4
5
5
26

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

166 SD
PAGE 37

It is remembered that on this twenty fourth 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 for the United States of
America the following proceedings were had to wit;

The Petition of Jesus Machado for the place named
"Buena Vista" was presented and ordered to be filed and
docketed with No. 618. And is as follows to wit;
(Vide page 3 of this Transcript)

Upon which Petition the following subsequent proce-
ding were had to wit in their Chronological order to wit;

San Francisco June 4th 1853
In Case No. 618 ~~Jesus Machado~~ for the place named
"Buena Vista" the Counsel for the Claimant filed the
following stipulation to wit;
(Vide page 3 of this Transcript)

In the same Case the deposition of Santiago Aguillar
a witness in behalf of the Claimant taken before Commissioner
Alpheus Felch with documents marked Nos. 1. 2. 3 an-
nexed thereto was filed
(Vide page 5 of this Transcript)

San Francisco May 9, 1854
Case No 618 was called, submitted on briefs and
taken under advisement by the Board

San Francisco May 16th 1854
In the same case Commissioner Thompson Campbell delivered
the opinion of the Board Confirming the claim
(Vide page 33 of this Transcript)

166 SD
PAGE 38

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 35 of this Transcript)

3
To the Honorable the Board of W. S. Land Commission,
as appointed to settle private Land Claims in California

The Petition of Jesus Machado respectfully repre-
sents, that on or about the eighth day of July, 1845, His
Excellency the Governor of California, in the name of the Mexican
Nation by virtue of powers in him vested the laws of Mex-
ico then in force usages and customs of the Country affecting
grants of land in California granted in full property unto
Felipe Salva an Indian of the mission of San Luis Rey
the tract of land and Rancho situated in the present County
of San Diego and known by the name of Puma Vista -
Containing about one half league of land, more particularly
described in the papers and maps relating to said grant of
Land

The original papers are now in possession of your
Petitioner ready to be produced and proven before your
Honorable Board, and Copies thereof filed herewith as
part of this Petition

And your Petitioner further shows that said
Felipe Salva conveyed said land and premises by deed
dated December 19th 1850, to William Daw and the said
Felipe with said William Daw and wife sold and conveyed
said land and premises by deed dated April 10th 1852 to your
Petitioner, that Copies of said several Conveyances are herewith
filed as part of this Petition and the originals are in the pos-
session of your Petitioner ready to be produced and proved
before your Honorable Board

And your Petitioner further shows that said
Felipe was placed in Judicial possession of said lands
and premises by the proper Officers having jurisdiction of
such subject matter, and the said Felipe and those
claiming under him have been in the continued occu-
pation of said lands from the date of said Grant to the
present time

There is no conflicting Claim to said Lands

Petition

166 SD

PAGE 39

5706

20

known to your petitioners,
All of which is respectfully submitted for such
action as the justice and nature of this claim may require

E. D. Crosby
of Counsel

166 SD
PAGE 40

Filed in office February 24th, 1853

G. Fisher
Secretary

Deposition
of
S. E. Arguello

San Francisco June 11th 1853
On this day before Comissioners Alpheus Felch, Casimiro Santiago
E. Arguello, a witness, in behalf of the Plaintiff Jesus Ma-
chado Petition No. 618, and was duly sworn. His evidence
being interpreted by the Secretary

The N. E. Associate Law Agent was present

In answer to questions by Counsel for Plaintiff the
Witness testified as follows

My Name is Santiago E. Arguello, my age is forty
and residence in the County of San Diego. I have ex-
amined the papers hereto attached marked No. 1. in case
618. Purporting to be a grant from Governor Pico to
Felipe an Indian of the mission of San Luis Rey bearing
date the eighth day of July A. D. 1845. And I recognize
the signatures of Pico and Jose Maria Covarrubias ap-
pearing thereunto attached therein to be their true and
genuine signatures

I have also examined the document hereto
annexed marked No. 2 in said Case 618. Purporting to
be the original document relating to the juridical possession
of the land described in the above mentioned grant by the
local authorities to the grantee, and I recognize as true
and genuine the following signatures appearing therein
namely Jose Arguello, Juan M. Marron and Francisco
H. Elizalde. Jose Arguello is my brother and was at the
time of the date of the last mentioned document second
Alcalde of San Diego. The other two persons appear
as witnesses to the paper

I have also examined another paper here
presented and hereto attached marked No. 3, in the
same case No 618., offered as a document in proof of
the above mentioned claim and I recognize as true and
genuine the following signatures appearing in it namely
Jose Arguello, Juan M. Marron, Jose Matias Moreno
and Jose de Jesus Moreno

166 SD
PAGE 41

6

Questions by Mr. Corley Attorney for Claimant

Are you acquainted with the Rancho called *Puente Viejo* in the County of San Diego

Answer. I am and have been ever since the year 1834. I knew *Philip* during his lifetime. I understand from hearsay that he is dead

He occupied the land previous to receiving the grant and also subsequent to it. He cultivated part of the ground, had a vineyard and some fruit trees and had a small stock of cattle and some sheep on it

He also built a house on it and lived there with his family

Questions by the same. - Is *Jesus Machado* the Claimant now in occupancy of the land

Answer. He is. He lives on it with his family, cultivates some of the ground, and has cattle upon it

Signed & sworn to before me

Francisco E. Arguello

Alphus Fitch
Comr

Filed in Office June 11th 1853

Geo. Fisher
Secy

166SD
PAGE 42

PRICE

✓

1. S. D. N. 6.

1845

Expediente promovido por Felipe de la Misión
de San Luis Rey en protección del terreno nombrada

Buena Vista

166 SD

PAGE 43

456

Quo Sr. Gobernador
Ayl. Abril 28 de
1845. Sufrme el ad-
ministrada de J. Luis.
Rey

Felipe indigena de la Misión
de San Luis Rey ante V.E. respetu-
osamente comparezco y digo: Que
estando poseyendo desde del año
de 1836. un paraje llamado
Buena Vista perteneciente a la
Misión de San Luis Rey, el cual consta de media legua
de largo y media de ancho, en donde mantengo unos cortos
bienes que sirven al mantenimiento mio y de mi familia, he
de merecer de V.E. que se sirva concederme este terreno
su propiedad pues creo acreedor a ello por ser natural
de esta Misión en donde tanto he trabajado. Por tanto
a V.E. pido y suplico acceda a mi solicitud por ser
justicia q' pido. jurando lo necesario de admitiendo
este en papel comun por falta de sellado. San Luis
Rey a 14 de abril de 1845.

Pico

Felipe

166 SD
PAGE 44

J. S. D. N.º. Administración de San Luis Rey
Ayl. Abril 30 de 1845

El terreno que solicita el indigena Felipe, es perten-
eciente a la Misión de San Luis Rey. Ha prestado en su
juventud y parte de su vejez a la Misión todas sus
servicios sin saber este administración que en algun tiempo
halla dado q' decir; El terreno que solicita se halla
cubierto con sus bienes se movientes raices, labores de
justificación y Casa que allí mantiene — sin
perjudicar su nada a la Comunidad de la Mis-
cion y puede ser agraciado con lo que solicita
si V.E. lo tubiere a bien

En cuanto pido informad sobre el par-
ticular
Jose Joaquin Ortega

Sanchez Leon 14 de 1845

En virtud del informe que antecede puse y mande
cuando cuanto me y Considera Convinio venzo su Con-
ceder al solicitante las propiedades del terreno a
q. se refiere. En consecuencia, bebreu el corre-
spondiente título y tomese razon de el entregandolo
al interesado para su resguardo. El Gobernador
interino del Departamento asi lo decato. mando y
firmo. Doy fei

166 SD
PAGE 45

Pico
H. J. N. Pico Pico

Juan Paudin' Srio

Por cuanto Felipe Sudegen de la
Mision de San Luis Rey ha pretendido q. su beneficio
personal y el de su familia el terreno llamado de Nueva
Vista de la pertenencia de la expresada Mision y que
ocupa con sus bienes desde el año de mil ochocientos
treinta y seis practicadas previamente las aver-
iguaciones concernientes segun leyes y reglamentos. usando
de las facultades que me son conferidas, a nombre
de la Nacion Mexicana he venido en concederle el
terreno mencionado declarandole la propiedad del
por las presentes letras y bajo las condiciones sig-
uientes

- 1^a Toda lucable el terreno que se le ad-
judique sin perjudicar las travesias, Caminos y
servidumbres. lo disfrutara libre y exclusivamente
destinandolo al uso o cultivo que mas acomode
- 2^a Solicitara del Juez respectivo le de la
posesion juridica la virtud de este despacho
por el cual se demarcaran los linderos. poniendo
las mojoneras necesarias
- 3^a El terreno que se le hace donacion es de
la estension de media legua su Cuadra el mismo
que actualmente ocupa; El Juez que diere
la posesion lo hara medir conforme a Ordenanza
Quedando el sobrante que resulte a beneficio

de la nacion Guara, los usos convenientes
En consecuencia mando que teniendo el presente
título por firme y validero se tome razon de el en el
libro respectivo, y se entregue al interesado Guara su
resguardo y demas fines

166 SD
PAGE 46

Dada en la ciudad de Los Angeles
en este papel comun Guo falta del sellado a ocho de
Julio de mil, ochocientos, cuarenta y cinco
Pro Fco # Jose Maria Covarrubias Srno

Queda tomada razon de este supleno despacho
en el libro a que corresponde.
Angelis Gha ut supra Covarrubias

Angelis 27 Mayo 8 de 1846
Dado cuenta en sesion de hoy - con este
Expediente a la Etica Asamblea Departamental,
se mando pasar a la Comision de terrenos baldios
Pro Fco #
Prenidte Agustin Rivera

b. J. D. K.

E. S.
La Comision de Terrenos Baldios a examinado

1845
 Record of proceedings at the instance of Felipe
 of the mission of San Luis Rey in solicitation of the
 land called Buena Vista

Translation

166 SD
 PAGE 47

Hsb.
 Excellent Sr Governor
 I Felipe Native of the mission of San Luis Rey
 appear respectfully before your excellency and say
 that being possessed of a small piece of land
 called Buena Vista belonging to the mission of San
 Luis Rey since the year 1836, which piece of land
 consist of half a league in length and one half in
 breadth in which I maintain some little stock that
 serve for the maintenance of myself and my family
 I have to desire of your Excellency that you will
 be pleased to grant me this small piece of land
 in ownership and I believe to be entitled to it
 because being a native of this mission where I
 have labored so much

Therefore I ask and pray your
 Excellency to accede to my solicitation as being just
 what I ask swearing to the necessary &c.

Admitting this in Common paper for want of
 stamped one

San Luis Rey 14th April 1845
 Signed Felipe

(Jath Marquis)

Angels April 28th 1845
 The Administration of San Luis Rey will report
 Administration of San Luis Rey Signed Pico

Angels April 30th 1845
 The land solicited by the Native Felipe belongs to the
 mission of San Luis Rey. In his youth and part of his old
 age he has rendered all his services to the same without
 this administration knowing that any time he has given occa-
 sion to blame. The land he solicits is covered with his

moveables, landed property, garden and house, which
 he maintains there without in it any way prejudicing
 the Community of the Mission, and he can be granted with
 what he solicits, if your Excellency shall so please
 This is all I can report on the subject
 Signed / Juan Pagan Oteiza

166 SD
 PAGE 48

Angels June 14th 1845
 In virtue of the foregoing report and having seen and
 examined all to be seen and considered to the purpose
 I conclude to grant the Petitioner the ownership of the
 land referred to, in consequence let the corresponding
 title deed be issued and let it be entered, delivering
 it to the intended party for his security, the Governor
 ad Interim of the Department thus did decree order
 and sign I attest it
 Signed / P. P. S.
 Juan Pagan Oteiza

P. P. S. Etc. Thomas Felipe a native of the Mission of
 San Juan Rey has solicited for his personal benefit & that of his
 family the land called Puma Vista belonging to the said mission
 and which he occupies with his ^{stock} ~~title~~ since the year 1836, after
 having previously made the necessary investigations according
 to law and regulations in exercise of the powers vested in
 me in the name of the Mexican Nation I have concluded to
 grant him the mentioned land declaring it his property
 by the present letters Patent and under the following condi-
 tions

- 1st He may have the land adjudged to him without
 prejudicing the crossings, roads & servitudes. He will enjoy
 it freely and exclusively appropriating it to the use and cul-
 tivation that best may suit him
- 2^o He will solicit of the proper Judge to give him juridical
 possession in virtue of this document by whom the bounda-
 ries are to be marked out putting the necessary land marks
- 3^a The land granted is of an extent of half a (square)
 league and the same he actually occupies. The Judge

who shall give the Possession will cause it to be meas-
ured according to ordinance leaving the surplus that may
result to the benefit of the nation for convenient purposes
I consequently order that the present title deed being
held as firm and valid it be entered in the respective
book and delivered to the interested party for his security
& other purposes

Given in the City of Los Angeles in this Common
Paper for want of stamped the 5th of July 1845
Pro Rocio
Jose M. Covarrubias
Secty

166 SD
PAGE 49

This Superior Document has been entered in the Corres-
ponding Book. Angles date at supra
Covarrubias Secty

Angles May 8th 1846
Having in this days session given
notice of this Expediente to the Excellent Departmental
Assembly it ordered it to be sent to the Committee on
vacant lands
Pro Rocio
Agustin Olvera

Excellent Sir
The Committee on vacant lands have examined minutely
the foregoing Expediente at the instance of the Native Felipe
to the location Puenavita which was granted him by the
Superior Departmental Government conformable to the laws
on this subject

In such light it submits to your Excellency's de-
liberation the following proposition. It approves of the Con-
cession made to the Native Felipe of the location known
by the name of Puenavita Jurisdiction of San Diego in
extent half a square league according to title deed is-
sued under date of 8th of July last in conformity with the
law of 18th of August 1824 and 5th article of the law of 21st of
February 1828. Hall of the Committee in the City of Los Angeles
May 26th 1846
Signed J. Aguillo

16

Filed in office August 21st 1853

Geo. Fisher
Secty

166 SD
PAGE 50

14

Doc No. 1.

Yo Sr. Gobernador interino del Departamento de las Salinas. Por cuanto Felipe natural de la Misión de San Luis Rey ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de Buena Vista de la pertenencia de la expresada Misión y que el ocupa con sus bienes desde el año de mil ochocientos treinta y seis practicadas previamente las averiguaciones concernientes según lo dispuesto por leyes y reglamentos usando de las facultades que me son conferidas a nombre de la Nación Mexicana he venido en considerar el terreno mencionado declarándole la propiedad de él por las presentes letras y bajo las condiciones siguientes

166 SD
PAGE 51

1º Podrá cercarlo el terreno que se le adjudica sin perjudicar las travesías Caminos y servidumbres; lo disfrutara libre y exclusivamente; destinándolo al uso o cultivo que mas le acomode

2º Solicitara del juez respectivo le de la posesion jurídica la virtud de este despacho por el cual se demarcaran los linderos poniendo las mojeras necesarias

3º El terreno de que se ha donacion es de la estension de media legua cuadrada y el muerro que actualmente ocupa. El juez que diere la posesion lo hara medir con arreglo a ordenanza quedando el sobrante que resulte a beneficio de la Nacion para los usos que crea convenientes

En consecuencia manda que teniendo en el presente título por firme y validero se tome razon de el en el libro que corresponde y se entregue al interesado para su resguardo y demas fines

Dado en la Ciudad de Los Angeles en papel comun por falta del sellado a ocho de Julio de mil ochocientos cuarenta y cinco

Por Sr.
Don M. Covarrubias
Sr. D.

Queda tomada razon de este suspenon de despacho
 en el libro a que corresponde
 A quella fecha ut supra

Corrubiaca

Deleda officio June 14 1853

166 SD
 PAGE 52

Exhibit
B

166 SD
PAGE 53

J. P. Governor ad interim of the Department
of the California

Whereas Felipe a Native of the Mission
of San Luis Rey has claimed for his personal benefit
that of his family the lot of land known by the name of
Pugna Vento, belonging to the said Mission and which
he occupies with his stock since the year one thousand
eight hundred and thirty six the due investigations in that
behalf having first been instituted as provided by laws
and regulations in the exercise of the powers conferred upon
me in the name of the Mexican Nation I have come to grant
him the said land declaring unto him the said ownership
thereof by the present letters, and under the following conditions

1st He may have the land hereby adjudicated to him
without prejudice to the cross roads highways and rights
of way. He may enjoy it freely & exclusively devoting
it to the use and cultivation that best may suit him

2^d He shall solicit the competent Magistrate to
give him the juridical possession by virtue of this
Patent. Such Magistrate shall assign the boundaries
placing the necessary land marks

3^d The land hereby granted is one half league
square in extent, and is the same which he actually
occupies

The Judge who gives the possession shall cause
it to be measured agreeably to ordinance the surplus
that may result remaining for the benefit of the Nation
for such uses as it may deem necessary

Wherefore I order that the
present title being held firm & valid be enter-
ed of record in the Books where it belongs
and delivered to the Party for his protection &
further ends

Given at the City of Los Angeles
in common paper, there being none stamped on

The eighth of July One thousand eight hundred
and forty five

J. M. Foxarrubius
Secretary

166 SD
PAGE 54

This Superior Patent is entered of record in the
book to which it belongs
Attest, same date as above
Foxarrubius

Filed in office February 24th 1853
Geo Fisher
Clerk

En el P^o de J. Luis a los veinte y siete dias
 del mes de Julio del año de mil ochocientos Cuarenta
 y cinco; Ante mi Lore R. Aguillo Alcalde segundo
 Constitucional de este referido punto y su demarca-
 cion: En virtud de la solicitud verbal hecha por
 el Sr. D. Felipe de la Misión de S. Luis Rey. Man-
 ifestando me su título se pide por el Superior Gobierno
 de este Departamento en fha de ochos de Julio del
 presente año solicitando lo pudiese en posesion
 jurídica del terreno de Buena Vista y su Cumplim^{to}
 a la superior disposicion que por mi y testigos
 de asaa - al parage y pongase en segura posesion a
 dho indigena. De go el Juez que suscribe mande
 y firme con los de asaa, segun derecho

166SD
 PAGE 55

Assu Jue R. Aguillo Assu
 Juan M^o Marron # Francisco H. Elizalde

Estando en el parage de Buena Vista a los cuatro
 dias del mes de Ayl^o del mismo año y su Cumplim^{to}
 por lo dispuesto por el Superior Gobierno despues nombra
 dos oficiales Cordeleros que por sus nombres a los
 que les tome el juramento respectivos quienes ofre-
 cieron desempeñar fielmente su encargo lo que
 asiente p^o diligencia que autorice y firme con los
 de mi asaa, segun derecho

Assu Jue R. Aguillo Assu
 Juan M^o Marron # Francisco H. Elizalde

En el mismo dia mes y año estando en el
 Parage de Buena Vista a efecto de verificacion las medi-
 das de posesion del Indigena Felipe en vista del
 título ya expresado previos todos los requisitos de
 estilo. y estando ante mi los testigos de asaa y Cor-
 deleros una medida un Cordel que tenia cien varas,
 y a los extremos unos saucos de madera (previa
 observacion y calculo por mi disposicion. Parados
 en una Cabeza de la Huerta del Indio Felipe
 se tiro el Cordel rumbo al Oriente se midieron
 y contaron dos mil y quince varas y remataron

166 SD
PAGE 56

en el lindero de D^o Lorenzo Joto donde se le mando
 al interesado se pusiese su mojonesa, de este punto
 se tiro el cordel rumbo S. se midieron y contaron
 dos mil y quiecientos varas y remataron en un cerrito
 donde estan dos p^{as} unidas donde se le mando al
 interesado pusiese su mojonesa, de este punto se
 tiro el cordel rumbo al poniente se midieron y con-
 taron dos mil y quiecientos varas que remataron en una
 lomita colorada donde se le mando al interesado
 pusiese su mojonesa, de este punto se tiro el
 cordel rumbo al Norte se midieron y contaron dos
 mil quiecientos varas que remataron sobre una loma
 donde se haga una p^{as} grande y se mando al
 interesado que quedala en seguridad y pacifica pose-
 sion para que disfrutara libre y francamente, donde por
 concluido el auto que autorizo y firmo con los de
 asistencia segun derechos

asen, Juan M. Marron # Juan N. Eyzalde

Filed in Office June 4th 1833

Translation
of
Judicial
Possession

166 SD
PAGE 57

At the City of San Diego on the twenty seventh of the
 month of July of the year One thousand eight hundred and
 forty five before me Jose R. Aguillo Second Constitutional
 Alcalde of this said place and its jurisdiction
 By virtue of the verbal petition made by the
 Indian Felipe of the mission of San Luis Rey who shewed
 me his title issued by the Sup^r Government of this Depart-
 ment dated 8th of July of the present year praying that
 I might place him in judicial possession of the tract
 of Buena Vista in compliance with the Superior directions
 ordered that I and attesting witnesses repair to the pre-
 mises and place said Indian in secure possession of the
 undersigned Judge have so ordered and subscribed with
 the attesting witnesses according to law

Attest
Juan M. Marron

Attest
Jose R. Aguillo

At the premises of Buena Vista on the fourth day of
 the month of August of same year and in compliance with
 the orders of the Superior Government. I determined to appoint
 two official scribe bearers whose names are omitted they not
 knowing how to write. I received their official oath they
 undertaking faithfully to discharge their office which I
 set down in the minutes certified and subscribed by
 me and my attesting witnesses according to law

Attest
Juan M. Marron

Attest
Jose R. Aguillo

Same day month and year at the premises of Buena
 Vista for the purpose of making the measurements
 relating to the delivery of possession to the Indian
 Felipe in pursuance of the aforesaid title all the
 formal requisites having been accomplished and
 having in my presence the attesting witnesses and

166 SD
PAGE 58

official line bearings I caused to be measured a line
one hundred varas long fastening wooden poles at its
extremities. and after observation and calculation
under my disposition as we stood at one of the bounda-
ries of the garden of the Indian Felipe the line was
drawn East and there were measured and counted
two thousand and five hundred varas which terminated
at the boundary of Don Lorenzo Gato where the party
interested was ordered to place his land mark,

From this place the line was drawn in a
south course, there were measured and counted
two thousand five hundred varas which ended at a
small peak where stand two rocks joined together

Then the party interested was ordered to
place his land mark. From this point the line was
drawn course west, and there were measured and
counted two thousand five hundred varas which ended
at a small red hill where the party interested was or-
dered to place his land mark. From this point the
line was drawn course North, there were measured and
counted two thousand five hundred varas which
ended upon a hill where there stands a large rock
and the party in interest was ordered to place his
land mark

Then the party in interest was informed
that he was now in secure and peaceful possession
to the end that he might enjoy it fully and untroub-
ledly. the proceedings being considered as ended which
I authorize and subscribe with my attesting witness
according to law

attest
Juan N. Carron

Juan Arguella
attest
Francisco Elizalde

Filed in office February 24th 1853

Do Notary
Public

No. 3.

El Ciudadano José Riquelme Sub Prefecto del partido de San Diego

Por cuanto, Esteban Viuda del Sudgenio de la Misión de San Luis Rey, Esteban en su unión de tres hijos á solicitud de esta Sub Prefectura fué Documento q.^o accedite tenen Concedido q.^o el Gobierno el terreno de labor q.^o se haya situado en la Puesta Vieja nombrada Nueva y como por los informes de mi Antecesor de esta Considido Provisionalmente al Sudgenio Esteban el expresado terreno q.^o el Gobierno del Sr. Micheltorena, cuyos Documentos pasó al Sr. D. Pedro de q.^o le extendiere el título de propiedad q.^o ser aquel Provisional y haber padecido extraño dho título Provisional á informe q.^o le acompañaban. Raz el presente q.^o q.^o sirve de resguardo y nadie perjudique á la viuda y sus herederos en el terreno q.^o posee en interés el Gobierno tiene á bien expedirle el título de propiedad
 San Diego Junio 20 de 1846

José Riquelme

San Diego Junio 21 de 1851 Conste por esta escritura que yo Esteban Sudgenio de la Misión de San Luis Rey y mis dos hijos Tomas y Pacifico vendemos á Don José Machado, vecino de la Ciudad de San Diego al terreno que menciona el título precedente que poseemos en legal forma y que nos fué Concedido por el Gobierno Mexicano, cuyo terreno hemos vendido al referido Machado en la cantidad de dos Cientos Pesos, que confesio haber recibido á mi entera satisfaccion y que por lo mismo pertenece á el para que lo posea en pacifica posesion por sí sus herederos y sucesores en de suya goce, disfrute, y traspare como mejor le convinere, pues adquiere por esta escritura de venta, todo dho terreno, voz, accion y Propiedad como dueño absoluto. Y para su validacion

en todo tiempo y lugar afreído de poder a Don
 Juanell Mellarron que firme por mi por no saberle
 yo hacer y que valla autoriza de esta con dos testi-
 gos que hazem fe de lo paado - y que ya estay
 ablizada en reconocer y respetar en todo tiempo
 a Ruego de los Pseudidos. Por no saber
 firmar

166 SD
 PAGE 60

Juanell Mellarron
 Testigo
 Juan Matias Moreno # Juan de Jesus Moreno
 Testigo
 Pedro de Acevedo # 1853

24

H. H. Reed

Know all men by these presents that I Felipe
 Tubun of the County of San Diego State of California
 for and in consideration of one dollar to me in hand
 paid by William B. Drum of the County and State aforesaid
 and also in the further consideration of the natural
 love and affection which I have for my daughter Maria
 La Gracia wife of the said William. And in consideration
 that the said William takes care of and properly supports
 me during my natural life have granted bargained sold
 released and quit claimed and by these presents do grant
 bargain sell and release and quit claim unto the said
 William B. Drum and Maria La Gracia his wife all my
 right title and interest and demand in and to all the
 real estate and personal property herein after men-
 tioned and described to wit

166 SD
PAGE 61

A certain tract of land lying and being situated
 near San Diego Bay known as and by the name of
 Queen Vista being the same granted by Rev. Pico Gov-
 ernor of California to me the said Felipe July the 8th
 AD 1845 and also all the cows oxen Bulls horses
 mares and geldings therein belonging to me
 Together with all and singular the rights and
 privileges and appurtenances thereto belonging or in
 any wise appertaining and the rents issues and
 profits thereof to have and to hold the aforesaid
 premises and personal property to the said William
 and Maria La Gracia with the hereditaments and
 appurtenances to them & their heirs and assigns
 forever

I witness whereof I have hereunto set my
 hand and seal at San Diego City this nineteenth
 day of December Anno Domini Eighteen hundred
 and fifty

In presence of
 James Cummins
 Witness Hall & Paul

Felipe Tubun
 mark

State of California
County of San Diego

333

On this 19th day of Decem-
ber AD 1850 personally appeared before me, Recorder
in and for said County Felipe Tubua satisfactorily pro-
ved to be the person described in and who executed
the within Conveyance by the oath of James Cummins
a Competent and Creditable witness for that purpose
by me duly sworn, and he the said Tubua acknowledged
that he executed the same freely and voluntarily for
the uses and purposes therein mentioned

166 SD
PAGE 62

J. C. Marshall
Recorder

Received for Record December 20th AD 1850
at 10 am and registered December 20th AD 1850
at 11 am in Book of Records Liber le Guay
No 156, 157 and 158

J. C. Marshall
Recorder

Filed for 4.50/100

Filed in office Dec 4th 1853
Sea Fisher
Secty

No. 5. Deed

166 SD
PAGE 63

Know all men by these presents that we Felipe Fabra William B. Drum and Maria La Gracia wife of the said William all of the County of San Diego and State of California for and in consideration of three thousand dollars to us in hand paid by Jesus Machado of the County & State aforesaid by these presents do bargain & sell & convey unto the said Jesus Machado all that tract or parcel of land being & situate in the County and State aforesaid near the Mission of San Luis Rey and known as Punavista and being the same tract of Land granted to Felipe Fabra by the said Governor of California under date of July the 5th A.D. 1845. and duly recorded with the Recorder office of said County which will fully show the metes and bounds & the quantity of land the originals of which accompany this deed as also a deed made by the said Felipe Fabra to the said William B. Drum and the act of Profession together with all and singular the rights privileges and appurtenances thereto belonging or in any way appertaining and the rents and issues and profits thereof.

To have & to hold the aforesaid premises to the said Jesus Machado with the hereditaments and appurtenances to him & to his heirs and assigns forever.

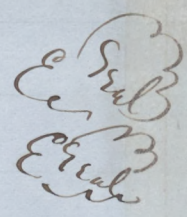
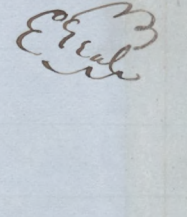
And we well warrant & defend the right and title of the same to the said Machado and his heirs & assigns against the claims of all persons whatever and that we have full power and lawful authority to sell said land and that the same is free from all incumbrances.

In testimony whereof we have set our hands and seals this tenth day of April A.D. 1852.

William B. Drum Esq.

Benjamin Parent
 Juan MacLarron
 Ed Wall
 John C Stuart
 Albert P Smith

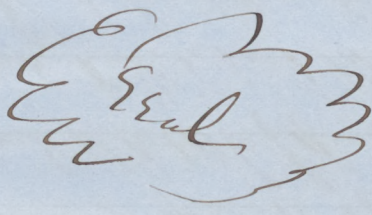
Felipe X Fabua
 Maria X Gracia

166 SD
PAGE 64

State of California San Diego County

On this tenth day of April A.D. 1852. Personally appeared before me a Notary Public in and for said State and County (duely Commissioned), Felipe Fabua William P. Deum & Maria La Gracia Deum his wife known to me to be the persons described in and who severally executed the foregoing instrument who severally acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned & the said Maria La Gracia Deum aforesaid being examined by me privately and without the hearing of her said husband and having made her fully acquainted with the contents of the foregoing deed she acknowledged to me that she executed the same freely & voluntarily without fear or compulsion or undue influence of her husband and that she does not wish to retract the execution of the same



All of which I certify is true
 Given under my hand and private
 Seal having as yet no seal of office
 all of which I am authorized by
 Law to do this tenth day of April
 Anno Domini Eight hundred
 and fifty two
 James W. Robinson
 Notary Public

Filed in office June 4th 1853
 Geo. Fisher
 Secy

Stipulation

No 618

W & L Land Commission

In the matter of the claim of
Jesus Machado

It is agreed between the Claimants Council and
R Greenhow Esq. U.S. Law Agent that the document
marked No 4 in Case 618. Purporting to be a deed
from Felipe Sabua to William Dunn & wife of the
Rancho Buena Vista and also the document marked
No 5 in said Case No 618. Purporting to be a deed
from Felipe Sabua and others to Jesus Machado
of the same tract of land are true and genuine

166 SD
PAGE 65

San Francisco June 4th 1853

Robert Greenhow
Associate Law Agent of U.S.

E. O. Corley
Claimants Council

Filed in Office June 4th 1853

Geo. Fisher
Scribe

100
100
100
100

618 Jesus Machado 33
 The United States 33
 P. Nueva Brita 33
 One half League 33

Opinion
 of the
 Board

The Petitioner in this case deduces title to the tract of land described in his petition as follows First by grant from the Mexican Government issued by Governor Pio Pico to one Felipe Tabua Neophyte Indian of the mission of San Luis Rey which bears date the 8th day of July A.D. 1845

166 SD
 PAGE 68

Secondly deed of conveyance executed by the said Felipe Tabua the original grantee for all his interest in the said place called Nueva Brita to one William P. Drum which deed bears date the 10th day of April A.D. 1852

Thirdly deed of conveyance executed by the said Felipe Tabua William P. Drum and Maria La Garacin wife of the said William to the Petitioner in this case

The original grant is proved to be genuine & is stipulated on the part of the officer representing the Government of the United States that the same conveyances through which the petitioner derives his title from the original grantee shall be considered as in every way genuine

The Petitioner as further proof in his case has placed on file the original record of judicial possession and also a traced copy of the Expediente taken from the archives now deposited with the United States Surveyor General for this state

The evidence documentary and oral filed in this case establish beyond all question the right of the Petitioner to a confirmation of the land claimed and the record of judicial possession fixes the boundaries of the land with sufficient certainty to effect its segregation from the other lands of a

like character, we are therefore of opinion that the same should be confirmed

Filed in office May 16th 1854
Geo. Fisher Secy

166 SD
PAGE 67

Record
of
Confirmations

618
James Lachar
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 petitioner is valid and it is therefore decreed that the same be confirmed, The lands of which confirmations are hereby made are known by the name of Pucubista and are bounded and described as follows to-wit;

Commencing at the north west corner of the Garden of the Indian Felipe and running east two thousand and five hundred varas to the boundary line of Lorenzo Soto, thence running south two thousand five hundred varas to a small peak where stands two rocks joined together, thence running west two thousand five hundred varas to a small red hill, thence running north two thousand five hundred varas to the place of beginning on a hill where there is a rock, containing in all one half of a square league

Reference for further description to be had to the original grant and to the translation of the original record of judicial possession both of which documents are on file as evidence in the Cause

Alpheus Kelch
Thompson Campbell
R. A. Thompson

Filed in office May 16th 1854
Geo. Fisher Secy

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 founded be made
out and duly certified by the secretary, one of which
transcripts shall be filed with the clerk of the United
States District Court for the Southern District of
California and the other be transmitted to the
Attorney General of the United States

166 SD
PAGE 68

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

166 SD
PAGE 69

J. G. Fisher Secretary to the Board of Com-
missioners to ascertain and settle the Private Land Claims
in the State of California do hereby certify the foregoing
Thirty Five pages numbered from 1 to 35 both inclu-
sive, to contain a true, correct and full transcript
of the Record of the Proceedings, and of the Decision
of the said Board of the Documentary Evidence and of
the testimony of witnesses upon which the same
is founded, on file in this office in Case No 618
on the Docket of the said Board wherein
Jesus Machado is the Plaintiff against the United
States for the place known by the Name of Buena Vista

Seal

In testimony whereof I have hereunto
set my hand and affixed my private
Seal (not having a seal of office),
at San Francisco California this
second day of December AD
1854. And of the Independence
of the United States of America
the Seventy Ninth

J. G. Fisher
Secy

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

Jesus Machado, app^e. 3 docket No 166.
ad 3
The United States, app^t. 3 Transcript No 618.

To the Hon Isaac W. Allen Judge

166 SD
PAGE 70

The petition of Sacrificus Ord a resident of said
City County and State, Attorney of the United States for the South-
ern District of California, who petitions in this behalf for the
United States, and being present here in Court in the name and
and behalf of the United States, represents as follows: That
heretofore, to wit; on or about the 24th day of February A D
1853. Jesus Machado presented a petition to the Com-
missioners to ascertain & settle the private land claims in the
State of California, when sitting as a Board, claiming a tract of
land called Buena Vista, situate in the County of San Diego
State of California, which said petition is referred to for a
description of the land claimed a copy of which appears in
the Transcript hereafter referred to That thereafter, to wit;
On or about the 16th day of July A D 1854, the said Com-
missioners, 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 proce-
dings and decision of the said Commissioners in said cause
and the papers and evidence on which the said said decision
was founded, was filed in the office of the Clerk of the Dis-
trict Court of the United States for the Southern District of California,
and marked No 618, reference to which it is prayed may be
had and made part of this petition. That on or about the
25th day of November A D 1854, the Honorable Calebushing
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

3

Office of the Attorney General of the United States
Washington 10th February 1855

Jesus Machado 3
vs 3
The United States 3

166 SD
PAGE 71
Notice of
Appeal

You will please take notice that in the above case decided by the Commissioners to ascertain & settle the 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 25th day of November 1854 the appeal in the District Court of the United States for the Southern District of California will be prosecuted by the United States

C. Cushing
Attorney General

Filed April 10th 1855

f E Carr etc

Office of the Attorney General of the United States
Washington 10th February 1855

Jesus Machado 3
vs 3
The United States 3

Notice of
Appeal

You will please take notice that in the above case decided by the Commissioners to ascertain & settle the Private Land Claims in the State of California in favor of the Claimant and a Transcript of the Proceedings in which was received at this office on the 25th day of November 1854 the appeal in the District Court of the United States for the Southern District of California will be prosecuted by the United States

C. Cushing
Attorney General

Filed May 11th 1855

f E Carr etc

6
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 Cal-
ifornia" approved March 3^d AD 1851. and the laws and
Statute 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 voided; with Costs and general relief

J. P. Pol
Attorney of the United States
for the Southern District of California

166 SD
PAGE 72

Filed Nov 8th 1855
J. E. Carr clk

In the District Court of the United States for the Southern
District of California
Joaquín Alachado vs appellee
vs
The United States vs appellant

Answer

The respondent Jo answered to the peti-
tion filed in this case, say:
It is true that the land mentioned in
said petition and in said Transcript of the proceedings before said
Board of Commissioners lies in the Southern District of California
and within the jurisdiction of this Court; But the respondent
denies that his title to said land is voided and avers
that the same is valid and prays that the decision of said Board
be affirmed and the title be decreed to be valid

A. Thomas
att'y for Appellee
Filed Jan 24th 1856
J. E. Carr clk

5

166 SD
PAGE 73

evidence on which said decision was founded, that thereafter to wit; on or about the 10th 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 petitioners further represent that the land claimed as aforesaid, is situate in the Southern District of California and within the jurisdiction of the Honorable Court. Your petitioners 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 decision of said Commissioners in said Cause filed and appealed from as aforesaid. And your petitioners denies all and singular each and every allegation in the said petition of said Claimant presented as aforesaid to said Commissioners. And your petitioners further denies that the said Claimant has any valid right or title to said land claimed as aforesaid or any part thereof.

And no sufficient proof having been made of the allegations in said petition to said Commissioners or in support of the said Claim no decision confirming 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 Settlements between the United States and the Republic of Mexico made at the City of Guadalupe Hidalgo February 2^d A.D. 1848.

Witness the said Pacificus Old Attorney of the United States for the Southern District of California

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

TO

The President of the United States,

Jesus Machado

166 SD

PAGE 74

GREETING:

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against you, ~~and each of you~~, in the District Court of the United States, in and for the Southern District of California, on the *8th* day of *November* in the year of our Lord one thousand eight hundred and fifty-*five* at the City and County of Los Angeles, in said District, by

Popl. U.S. Dist. Atty. for the South, Dist. of California, in behalf of the U.S. praying the Court to review the decision of the U.S. Land Commissioners of the date of May 16th 1854, confirming your claim to a tract of land called "Buena Vista," situate in the County of San Diego, State of California, and which has been appealed to this Court 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 plff. will apply to the Court for the relief demanded therein.*

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

J. Egan
Clerk.



166

Marshals Cost
Copying Summons - 60.
Serving do - 2. -
" Petition 3.

Attorneys
actual traveling
expenses to town
The Summons
and return
day post & dollar per
day
25,00
\$31,80

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

James Machado
vs
The United States
Appellee
vs
Appellant

SUMMONS.

Edward Hunter
Pearl Harbor 13th 1854.
166 SD
PAGE 75
U. S. Marshal.

I served this summons along with the proper copy of the petition upon *James Machado*
by delivering to him personally a true copy of the
Original Summons

at *San Diego* in the Southern District of California on
the *twenty fourth* day of *November* A. D. 1855.

Sworn to and subscribed before me, Nov 28.
1855. }
J. E. fan Clerk.

Edward Hunter
U. S. Marshal.
by *M. L. Goodman*
Deputy

IN THE DISTRICT COURT OF THE UNITED STATES,

FOR THE SOUTHERN DISTRICT OF CALIFORNIA,

Los Angeles,.....December Term, 1855.

Jesus Machado

166 SD

PAGE 76

APPELLEE,

VS.

UNITED STATES,

APPELLANT.

No. *166.*

(No. *618.* 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 1st day of February A. D. 1856.

P. Ord
Dis. atty.

No. 166.

W. S. Duffout
South Dr of Alabama

Josue Machado
appellee
of adv
The United States
appellants

Worcester Appeal J.C.

Filed March 14, 1880
C. E. Lamm clk
By O Morgan Deffen

166 SD
PAGE 77

Office of the Attorney General of the United States,

Washington, 10th February 1855.

166 SD

PAGE 78

Jesus Machado

vs.

The United States.

618.

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 25th day of November 1854, the appeal in the district court of the United States for the Southern Judicial district of California will be prosecuted by the United States.

Clustering

Attorney General.

^{No. 166}
U. S. District Court for
Southern District, Cal.

The United States

v

Jesús Machado

Appeal notice.

Tried April 10th 1855.

J. C. Law.
clerk.

166 SD

PAGE 79

Office of the Attorney General of the United States,

Washington, 10th February 1855.

166 SD

PAGE 80

Jesus Machado

vs.

The United States.

} 618.

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 25th day of November 1854, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Cushing

Attorney General.

e.s.
No 166.

U. S. D. Court S. Dist.

The United States

vs.

⁷
Jesus Machado

Appeal Notice.

Filed May 11th 1855.

J. S. Farr
CLK.

166 SD

PAGE 81



Jesus Machado, app^t.

vs

The United States, app^t.

Docket No. 166.

Transcript No. 618.

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 24th day of February A. D. 1853: *Jesus Machado*

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 *Buena Vista* situate in the County of San Diego State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the 16th day of May 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. 618; reference to which it is prayed may be had and made part of this petition. That on or about the 25th day of November 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 ^{or about} the 10th 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.

166 SD

PAGE 83

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.

P. Ord

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

166SD

PAGE 84

No 166
U.S. Dist Court Southern
Dist of California
Jesus Machado Appellee

vs.
The United States

Petition for Review

Filed Nov. 8th 1855

C. E. Can.
Clerk.

166 SD

PAGE 85

J. Ood U.S. Attorney

In The District Court
of The United States for
The Southern District
of California

Jesus Machado

Appellee

vs

The United States

Appellant

166 SD

PAGE 86

The respondent for
answer to the petition filed in this
case says

It is true that the land
mentioned in said petition and in said
transcript of the proceedings before
said Board of Commissioners lies
in the Southern District of California
and within the jurisdiction of this Court
But the respondent denies that his
title to said land is invalid and avers
that the same is valid and prays that
the decision of said board be affirmed
and his title be decreed to be valid

A Thomas

Atty for appellee



No 166
U.S. Dist Ct S Dist

Jesus Machado
vs

The United States

Answer

Filed July 24th 1856

166 SD

PAGE 87

a Thomas
atty for appellee

California Land Claims
Attorney General's Office
4 October, 1958.

Sir:

166 SD
PAGE 88

In the case of the claim
of Luis Machado, confirmed
to the claimant by the
Commissioners, case no. Six
hundred and eighteen (618),
and also confirmed an
appeal by the District Court,
appeal will not be pro-
secuted by the United
States. I am,

Respectfully
Clement

P. Ord. Secy
U. S. Attorney

v 166

Jens Machada
618

Filed 24th February 1857
L Sims clk
J M Coleman
Dep

166 SD

PAGE 89

Rec No 41836

166 SD
PAGE 90

A stated term of the District
Court of the United States of
America, for the District of
California, held at the Court
Room, in the City of San
Francisco on Monday the
Fourteenth day of April in
the year of our Lord One
Thousand eight hundred
and seventy nine

Present.

The Honorable Ogden Hoffman, Judge

United States of
America, Appellants

- vs. -

Eus Machado,
Appellee.

No 166. On the calendar of
the District Court of the
Southern District of California
as formerly existing.

No 166. On the calendar of the District Court of
the Southern District of California, as formerly
existing, On Appeal from the final
decision of the Board of Commissioners
to ascertain and settle Private Land Claims
in the State of California.

Decree.

166 SD
PAGE 91

Whereas the Southern District of California
and the District Court of the United States
for the same were abolished by the Act
of Congress approved July 27th 1866, entitled
an Act in relation to the District Courts of
the United States in the States of California
and Louisiana.

And whereas the jurisdiction and
powers of the said District Court of the said Southern
District were by the said Act of Congress conferred
upon this Court and whereas all causes pending
and all unfinished business therein were
transferred to this Court by the said Act,
together with all the records, minutes and
papers of the said District Court of the said
Southern District.

And whereas all the records,
minutes and papers so transferred were
in fact brought into and deposited in
this Court and in the Clerk's office thereof.

And whereas the power to act
and proceed in all causes pending in the
said District Court of the said Southern District
or in which there was any un-

finished business, the same as if such causes had been originally commenced in this Court was expressly conferred upon this Court by the said Act of Congress.

166 SD
PAGE 92

And whereas it appears by the minute books of the said District-Court of the said Southern District; and by an explication of the same by its Clerk on file in the Office of the Surveyor General of the United States for the State of California that the said cause came on to be heard at a stated term of the said last-mentioned Court held by the Honorable V. K. Ogier, Judge, at the Court Room of the same in the City of Los Angeles on the First of February 1856, on appeal from the final decision of the Board of Commissioners to ascertain and settle private land-claims in the State of California under an Act of Congress approved on the 3rd day of March 1851, and that an order was then and there made in the said cause by the said last-mentioned Court in the words and figures following, to wit:

Los Angeles February 1st 1856

Present
Hon. J. S. K. Ogden, Judge

Jesus Machado,

Appellee,

vs.

No. 166.

The United States

Appellants.

166 SD

PAGE 93

On this day this case was called and Counsel for ^{the} respective parties having been heard was upon the Transcript, Notice of Appeal, and the papers and evidence on file submitted to the Court for final adjudication. Whereupon the opinion of the Court was delivered confirming the claim of the Appellee herein, and a decree was ordered to be entered upon the Records of the Court in accordance therewith.

And whereas an appeal from the decision of the said last mentioned Court to the Supreme Court of the United States was allowed by order given on the 7th day of March 1856.

166 SD

PAGE 94

And whereas the said appeal to the Supreme Court of the United States appears to have been dismissed on the 4th day of October 1856. By Caleb Cushing Esquire, then the Attorney General of the United States by a letter on file in this Court addressed to P. Ord Esquire, then the District Attorney of the United States for the said Southern District, in the words and figures following to wit:

California Land Claims.

Attorney General's office
4th October 1856.

Sir.

In the case of the claim of Pedro Machado, confirmed to the claimant by the Commissioners case no. six hundred and eighteen (618) and also confirmed on appeal by the District-Court the appeal

will not be prosecuted by the United States.

I am respectfully
[Signed] S. Cushing

166 SD

PAGE 95

P. Ord Esq.
U. S. Attorney.

And whereas the said letter or notice of dismissal was duly filed in the said District Court of the said Southern District, on the 24th day of February 1857, and an order was then made by the same giving the claimant in the said cause the right to proceed upon his decree as upon a final decree.

And whereas the transcript of the proceedings and decision of the said Commissioners and the papers and evidence on which the said decision was founded are on file in this Court and appear to have been duly filed according to law in the said District Court of the said Southern District

And whereas owing to misprision or neglect no decree was ever signed by

any Judge of the said last mentioned Court
it is now by the Court here upon motion
of Calhoun Beukam Esquire, of counsel
for the said claimant, the Honorable
Philip Teare District Attorney of the
United States for the District of California
appearing and not objecting. Ordered,
adjudged and decreed that the said
decision be and the same is hereby
in all things affirmed as of the date of
the First day of February 1856. And it is further
ordered, adjudged and decreed that
the claim of the appellee is a good and
valid claim and that the said claim
be and the same is hereby confirmed
to the extent of One half of a square
league of land a little more or less
being the same land which is situated
in the County of San Diego known by
the name of Buena Vista and bounded
and described as follows:

Commencing at the North West
corner of the garden of the Indian Felipe
and running East Two thousand and
five hundred varas to the boundary line
of Lorenzo Botos. thence running South.

166SD
PAGE 97

Two thousand five hundred varas to a small
peak where stand two rocks joined together
thence running West two thousand and
five hundred varas to a small red
hill thence running North two thousand
five hundred varas to the place of beginning
on a hill where there is a rock containing
in all One half of a square league.

Reference for further description
to be had to the original Grant and
to the translation of the original
record of judicial possession.

Agda Hoffmann
Sick Judge

No. 166 (S. D. C.)

In the District Court of
the United States of
the District of California

José Machado Appellee

vs.

The United States of
America, Appellants

Decree

Recorded Book 2 Judgments
and Decrees page 238 =

15th

Filed April 15th 1849

Jonathan L. Johnson
166 S. D. C. 15th

PAGE 98

166 SD
PAGE 99

8
The District Court of the United States for the Southern
District of California
Los Angeles December Term - 1855

Appeal
to
Supreme Court

Juan Machado

vs
No 166

appellee

The United States

appellant

(No 168 of Transcript)

An appeal from the United States
Land Commission

On motion of said 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 from the judgment of this Court against the said
United States in the above entitled cause rendered on or
about the 7th day of February A.D. 1856

I did

San Atty

Filed 11/18/56

Wm. C. ...
Clerk

166

SD

Secret