

CASE No.  
183

SOUTHERN DISTRICT

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LOS ALAMOS Y AGUA CALIENTE GRANT

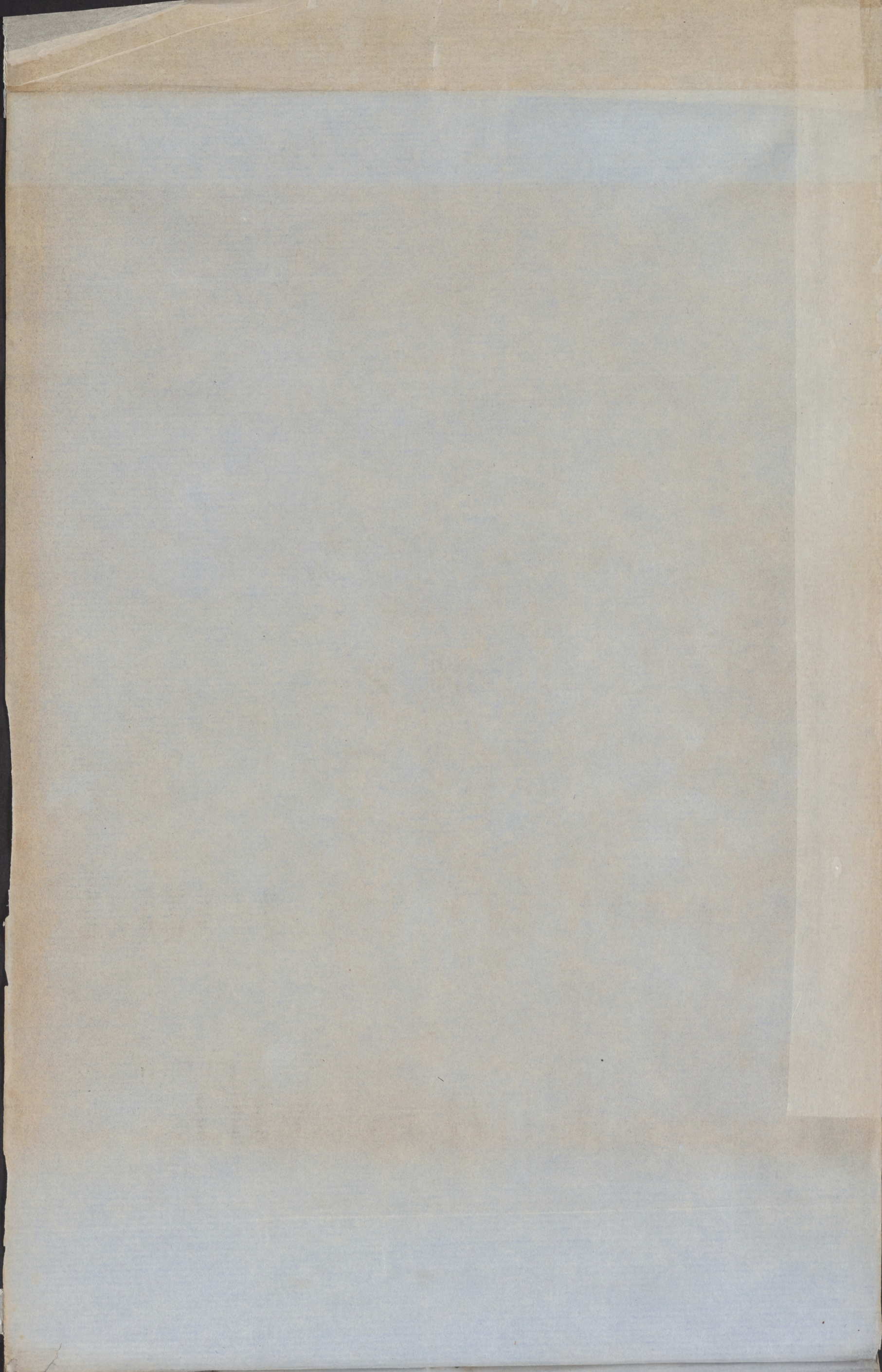
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AGUSTIN OLVERA, ET AL.

CLAIMANT

428

183



# TRANSCRIPT

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PAGE 1

OF THE

# PROCEEDINGS

IN CASE

NO. *428*.

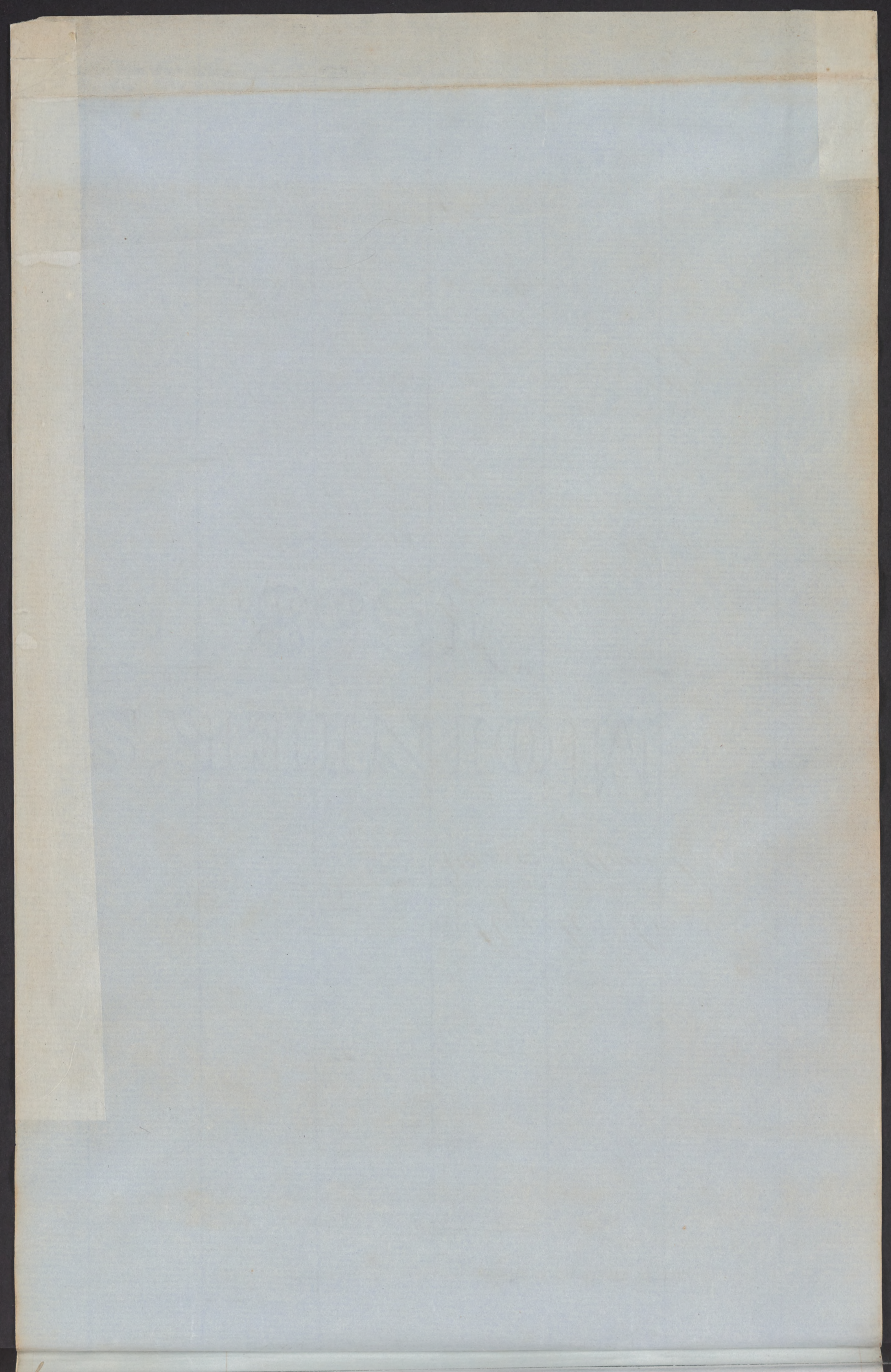
*Agustín Olvera, et al,* CLAIMANTS.

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Los Alamos y Agua Caliente"*



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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

The Petition of *Agustin Obvera, et al:*  
for the Place named  
*"Los Alamos y Agua Caliente,"*  
was presented, and ordered to be filed and docketed with No. 428, and is as follows, to wit;

(Vide page 3 of this Transcript.)

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

*Los Angeles, November 6<sup>th</sup> 1852.*  
In Case no. 428, *Agustin Obvera et al:* for the place named *"Los Alamos y Agua Caliente,"* the deposition of *Francisco Lopez*, a witness in behalf of the claimants, taken before Commissioner *Nilam Hall*, was filed;  
(Vide page 5 of this Transcript.)

*Los Angeles, November 13<sup>th</sup> 1852.*  
In the same case the deposition of *Abel Stearns*, a witness in behalf of the claimants, taken before Commissioner *Nilam Hall*, with documents marked *H. H.*, nos. 1, 2 & 3, and translations annexed thereto, was filed;

(Vide page 6 of this Transcript.)

*San Francisco, Oct. 13<sup>th</sup> 1853.*  
In the same case the deposition of *Jose M<sup>a</sup> Covarrubias*, a witness in behalf of the claimants, taken before Commissioner *Thompson Campbell* was

filed:

(Vide page 7 of this Transcript.)

San Francisco May 2<sup>d</sup> 1854.

On Motion of the Counsel for the claimants, Case No. 428, was ordered to be placed at the foot of the Calendar of the 1<sup>st</sup> Class Cases on the Trial Docket.

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San Francisco, July 25 1854.

Case No. 428 was submitted on Briefs on both sides.

San Francisco Aug. 15 1854.

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

(Vide page 43 of this Transcript.)

On motion of the U. S. Law Agent the following order was made, to wit:

(Vide page 45 of this Transcript.)

1/4/46

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Petition

To the Honorable Board of Commissioners to ascertain and settle the Private Land Claims of California

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The Petition of Augustin Alvera Luis Jordan Nicante Boteller and Lancaster Boent all of Los Angeles County respectfully shews that they claim in fee a certain tract of land situate in said County known by the name of Los Alamos of Agua Caliente consisting of six square leagues more or less

They further shew, that many years previous to 1845, the said tract of land or a portion thereof was conditionally granted to one Pedro C. Canillo that the said Canillo having failed to comply with the conditions annexed to his grant, of occupation and improvement of the land it was denounced by the said Luis Jordan and the said Nicante Boteller and by one Francisco Lopez. That the said Canillo was notified of the said denunciation and allowed seven months to comply with the conditions of his grant and upon his failure so to do with his own consent the denunciation was to become effective and he in fact so failing,

The said tract of land was declared forfeited and was conceded by Pio Pico then Constitutional Governor of the Department of the Californias in virtue of an authority in him vested to the said Francisco Lopez Nicante Boteller and Luis Jordan by a grant bearing date 27th May 1846 which said grant has been approved by the Departmental Assembly

They further shew that judicial possession of said land was never given because of the breakngout of war with the United States but that the land was occupied by the grantee crops raised and stocks reared thereon were abused and that it now is and has ever been since the said grant in the possession of the original grantee and their representatives and that they claim of no conflicting claim either by virtue of title or bare possession



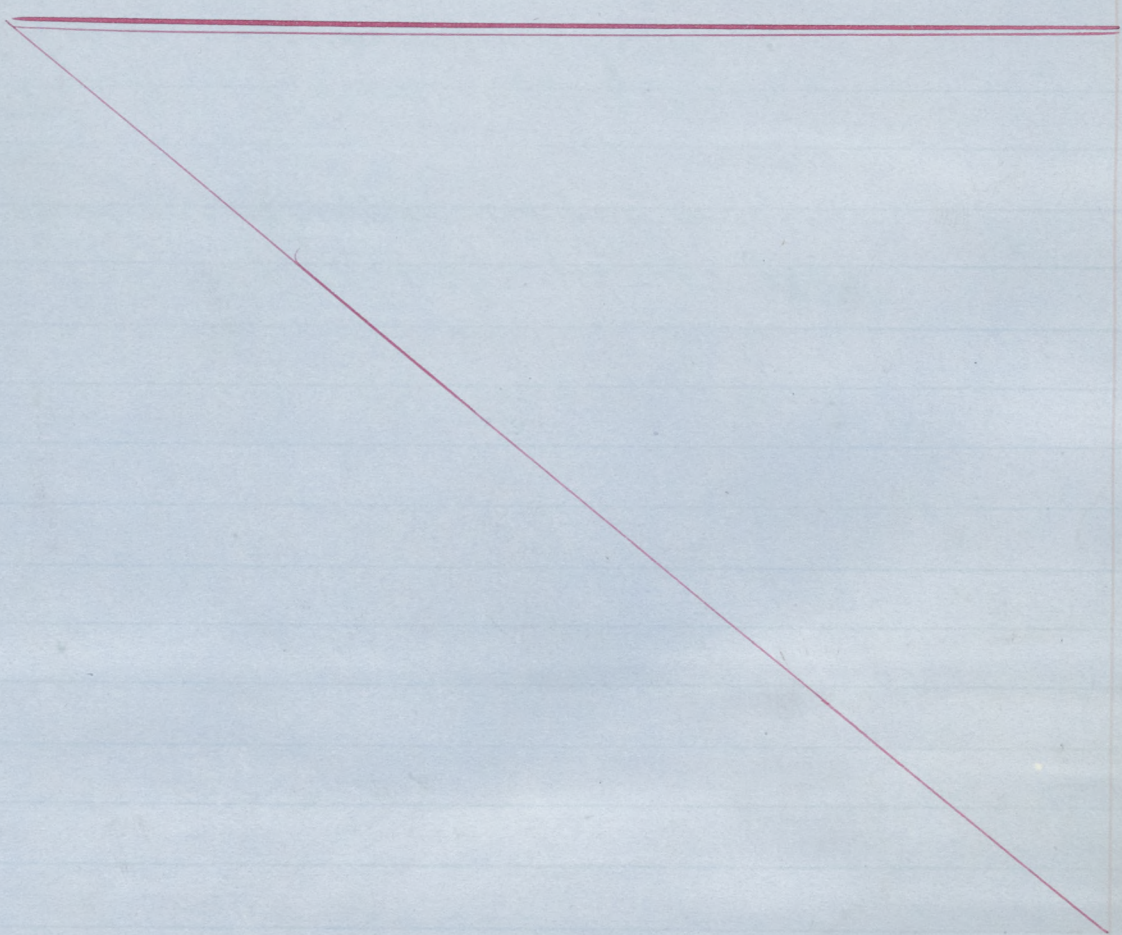
your Petitioners for the said year in 1851 the said  
Francisco Lopez and Childless learned his property  
to his Father Francisco Lopez and to his mother  
Maria a Felix de Lopez who in the month of Octo-  
ber 1852 sold their right to the said tract of Land  
to Augustin Clovera and then in October 1852 the  
said Luis Jordan sold one half of his right to  
said land to the said Laurence Brent

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They  
herewith submit the original grant marked A  
and its translation marked B a certified copy of the  
original map marked C the decree approving  
the denunciation marked D and its translation  
marked E and they set on the same and such  
other and further documentary and verbal testi-  
mony as they may be advised may be necessary  
wherefore  
they pray the Honorable Board to conform to them  
the said claim

By their Attorney  
Laurence Brent

Filed in Office October 29th 1852  
Geo Fisher  
Secretary



2/428+

5  
Deposition  
of  
Francisco  
Lopez

Los Angeles November 6th 1852  
On this day before Com missioner Heland Hull came  
Francisco Lopez a witness in behalf of the claimants  
Agustin Alvera et al Petition No 428 and was  
admitted his evidence being interrupted by the  
Sentry

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The U S Associate Law Agent was present

In answer to inquiries by counsel for the claimants  
and the witness testified as follows

My name is Francisco Lopez my age is fifty  
years and I reside in the County of Los Angeles

I live in the place called Los Alamos and Agua Caliente  
It is about fifteen leagues from this place in  
a northerly direction

Francisco Lopez went to the  
place and took tools with him to establish a  
Rancho but in consequence of the war at the  
time Fremont came, he left his tools with Indians  
and went away He did not cultivate the ground

In answer to inquiries by the associate Law  
agent the witness says I was afterwards sick  
and Lopez did not go to the place again because  
of my sickness and his other engagements

I do not know  
that the ground was ever cultivated He said  
Lopez was my son He died October 30th 1851

Francisco Lopez

Given and Subscribed  
Before me

Heland Hull  
Com missioner  
Filed in Office November 6th 1852  
Los Angeles  
Sentry

6  
Los Angeles November 13th 1852

Deposition On this day before Com. Missioner Helina Hall  
came Abel Stearns a witness in behalf of the claimants  
Abel Stearns in and against Augustin Alvarado et al Petition No 428  
and was duly sworn his evidence being given in  
English

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The U. S. Associate Law Agent was present

In answer to inquiries by the claimants concerning  
the witness testified as follows

My name is Abel Stearns my age fifty four years  
and I reside in Los Angeles

A paper is shown  
me purporting to be a grant to Francisco Lopez  
Luis Jordan and Vicente Botello dated May  
27th 1846

The signatures of Pio Pico and Jose Matias  
Munoz on said paper which I am ac-  
quainted I believe to be genuine said paper is hereto  
annexed and marked H H No 1

Another paper is  
shown me purporting to be a certificate of determina-  
-tion dated 27th May 1846 The signature of Jose  
Matias Munoz to said paper I believe to be genuine  
it is hereto annexed and marked H H No 2  
He was acting as secretary at the date of the paper

A paper  
is also shown me purporting to be a map with a  
certificate of Jose Matias Munoz upon it without  
date

I believe the signature of said Munoz on the  
paper to be genuine said paper is hereto annex-  
-ed and marked H H No 3.

Abel Stearns  
Given and Subscribed  
Before me

Helina Hall  
Commissioner  
November 13th 1852 Geo. Fisher Secy

Deposition

of  
Jose Maria  
Coxarrubias

Office of Board of  
Commissioners &c &c

This day before Commissioner Thompson Campbell came Jose Maria Coxarrubias a witness in behalf of claimants Agustin Alvarado No 428 who after being duly sworn deposed as follows

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What is your name age and place of residence  
My name is Jose Maria Coxarrubias I am forty  
five years of age and I reside in Santa Barbara

are you acquainted with the Los Arroyos de  
Costa and Porto Guella de Costa if so how long  
have you known them by that name

I do know those places I have been a notario in 1841  
and in 1842 they were then called by those names

Associate Law Agent present

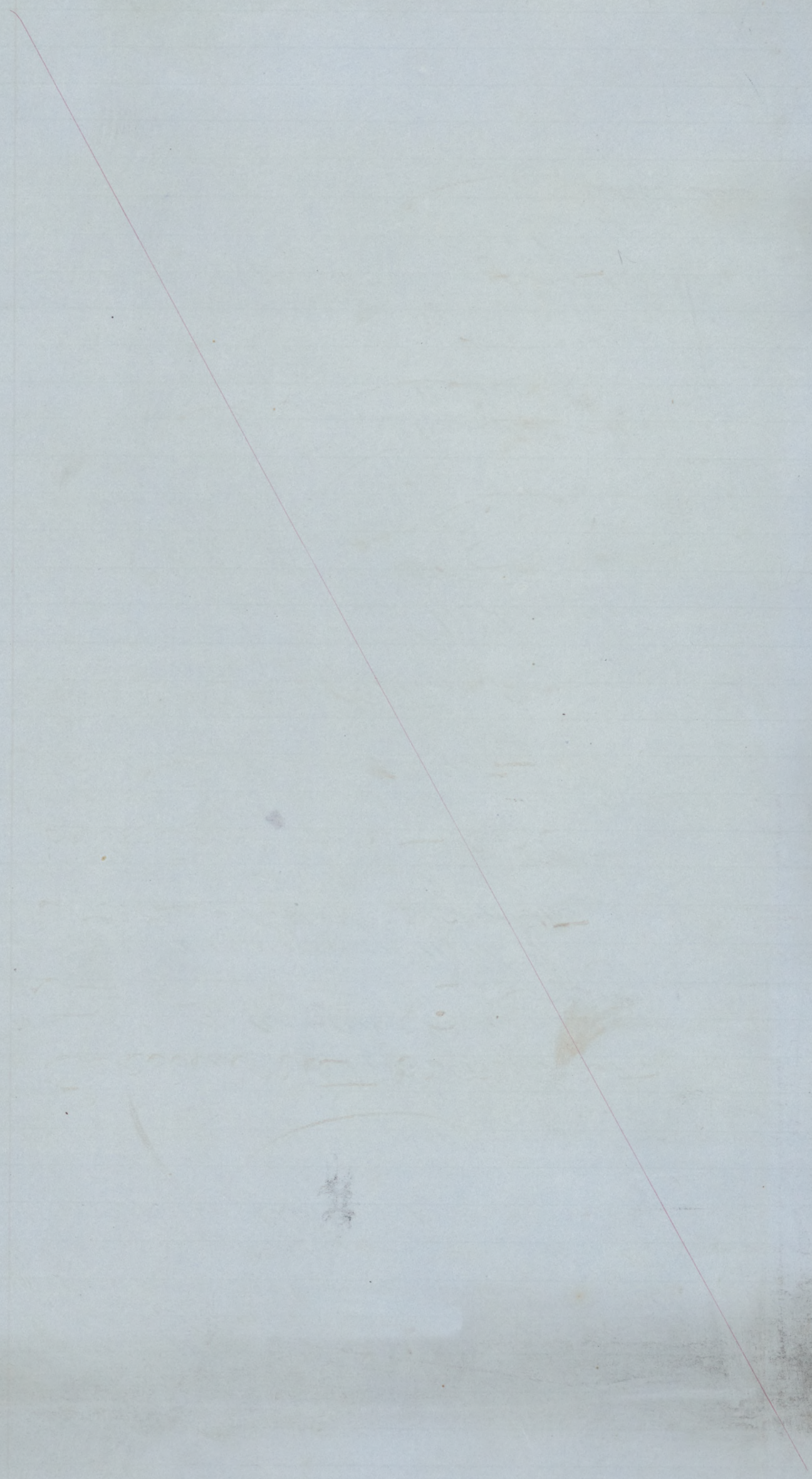
J M Coxarrubias  
I do hereby certify  
Before me this 13th day of  
October AD 1853

Thompson Campbell  
Commissioner

Filed in Office October 13th 1853

Geo Fisher  
Clerk

8



428

16

9

[1 P. D. K.]

Expediente

1825

mapa 16

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Expediente promovido por  
D<sup>no</sup> Fran<sup>co</sup> R Lopez y  
socios, denunciando el  
paraje conocido con el  
nombre de Alamos y Agua  
caliente - año de 1825 -

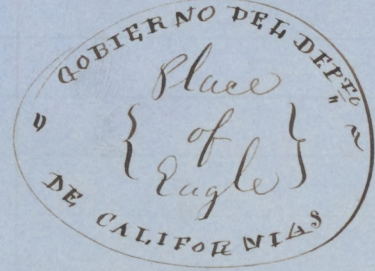
Decorative flourish

No 555

111

[2 J.D.K.]

Exmo Señor Gobernador



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Fran<sup>co</sup> R. Lopez Luis Jordan y  
Vicente Botiller, Mejicanos por  
nacimiento, y residentes en esta

Angeles Agosto  
21 de 1845

Pase al Alcalde  
de t<sup>o</sup> de esta  
Ciudad para  
que haciendo  
citacion a las  
partes de Don  
Pedro Carrillo  
le sea entregada  
esta solicitud  
a fin de que a  
ligue lo que a  
su derecho con-  
venga, y enlucido  
y sea rubricado  
al gobierno  
Pios

Capital ante V. E. respetuosamente  
y conforme haya lugar segun derecho  
nos corresponde, nos presentamos  
diciendo: Que en virtud de tener  
un numero considerable de bienes  
de campo que fomentan, y ha-  
llandonos puntualmente necesi-  
tados de un numero util para  
que nuestros intereses puedan  
permanecer reunidos, y adelan-  
tar en lo sucesivo, nos es de  
preciso necesidad implorar ala  
bondad de V. E. a fin de que se

[3 J.D.K.]

nos conceda el terreno conocido  
con el nombre de los Alamos  
y Atque Caliente, el cual per-  
tenece a la propiedad de D.  
Pedro Carrillo por justo titulo  
que se le libro por el gobierno

de este Departamento, y en virtud de haver fal-  
tado el Señor Carrillo al articulo t<sup>o</sup> del correspon-  
diente despacho segun la ley previene, y que  
como hasta la fha no lo ha cultivado, lo  
denunciamos como baldio que actualmente se  
halla. Por tanto

A.V.E.

Rendidamente suplicamos el que  
admita esta nuestra solicitud y que surran  
las debidas informaciones atendiendo de que  
el lugar que pretendemos nos estubo de  
la necesidad que llevamos oho como  
tambien un bien general, de evitar robos  
a los ranchos que continuamente perjudican,

[4 P.D.K.]

los indios Ladrones, y de consiguiente fabricar  
casas y poner algunos arboles frutales para  
la mantencion, Dispensando el que vaya  
esta en papel comun por no haber en este  
lugar del sello que corresponde, favor de que  
le sirvan reconocidos recibiendo de su  
notoria bondad, merced y gracia jurando  
lo necesario y no ser de malicia tr<sup>o</sup>

Angelis Agosto 21 de 1845 —

Franc<sup>o</sup> R. Lopez

Luis Jordan

A megos de Vicente  
Botiller

de Cayetano Arenas

Angelis

[5 P.D.K.]

Agosto 22 de 1845 —

Consecuente a lo que dispone la  
superioridad en el decreto marginal de  
esta instancia, corrase traslado a D. Pedro  
Carrillo para que dentro de tres dias conteste  
lo que a su derecho convenga. Asi yo  
el juez to decreté mandé y firmé con  
los de asistencia segun dro

D<sup>o</sup> Sanchez

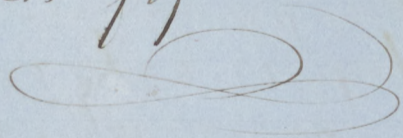
Ass<sup>o</sup>

Yy<sup>o</sup> Leonnel

Ass<sup>o</sup>

Leonardo Cota

En la fecha se corrio el traslado y se  
entregó al Sr Carrillo el expediente en  
dos fol<sup>o</sup>



See follows a map marked [5 P.D.K.]

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Map



Por Juez de 1<sup>a</sup> Instancia

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Pedro C. Carrillo residente en esta Ciudad ante V. con el respeto debido, y bajo los terminos, mas conformes a derecho compareces diciendo: Que contestando al traslado que de Superior disposicion se ha servido correrme del expediente promovido por los señores Francisco Lopez y su hijo, relativo al denunciarme el parage llamado Los Alamos y Agua Caliente, que me fue adjudicado en propiedad, debo hacer presente; que dho denunciante dice tener un numero considerable de bienes de campo y que necesitan un terreno util para que puedan permanecer sembrados, no sé por Juez de que clase sean esos bienes de campo, por que es publico que ninguno de los tres es propietario del numero de vacas de vientre que la ley exige para ser admitidas sus solicitudes de esta naturaleza; por que respeto al primero, —

[8 P.D.K.]

no sé hasta hoy que sea procedor de una quinta de bueyes si quiere, el segundo se sabe que el poco ganado que queda en su poder es de los herederos del finado Don Antonio Rocha, y estos tienen un parage concedido y es en el que actualmente se hallan los bienes, el tercero, ignora en lo absoluto si tiene algun caballo o no, pero en fin ninguno de los tres tiene los bienes de la ley, como he dicho ni menos tienen proporciones para impedir los robos de los indios, como lo ofrecen, pues para eso se necesita un destacamento de hombres armados; bajo esta virtud suplico a V. se sirva tomar informacion de personas ~~fiel~~ fidedignas

sobre la clase y numero de buecos de campo que poseen dho denunciante, y concluido se sirva devolverme el expediente p<sup>o</sup> allegar lo que a mi derecho conviene - Juror te - Admitiendome en este papel por falta del sellado -

Angelis Agosto 27 de 1845 - Pedro C. Carrillo

E. S.

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[9 P.D.R.]

Tengo el honor de elevar a mano de V. E. el ante negocio segun se me previene Vte Sanchez



Angelis Agosto 30 de 1845

No tocando a la parte de D. Pedro Carrillo califica a los interesados en la instancia con que de principio este expediente obtienen o no los requisitos legales para ser atendidos, vuelva al Sr. Alcalde de esta Capital a fin de que haga nuevo traslado al Sr. Carrillo para que alegue lo que crea de su derecho con respecto a demuncias del terreno de los Alamos -

Pico

an - [10 P.D.R.]

Angelis Agosto 30 de 1845

Como dispone la superioridad traslado por tres dias utiles a D. Pedro Carrillo asi lo decreté y mandé yo el Juez que suscribe segun dho -

Vte Sanchez

Asa  
Jy<sup>o</sup> Coronel

Asa  
Leonardo Cota

[11 P.D.R.]

Señor Juez de 1<sup>a</sup> Instancia

Pedro C. Carrillo de esta recundada ante V. como mejor parezca en derecho me presento -

diciendo; que como muchas ocasiones no puede uno prever, lo contratamos á que se halla expuesto, y habiendome sido á mi repetidas he encontrado dificultades para del pronto ocupar el terreno de mi propiedad que hoy se me ha denunciado, mas no por esto ha sido mi intension abandonarlo ni le pierdo la voluntad, y para el logro de su fundacion creo bien que el Superior Gobierno usará de la prudencia que le es propia favoreciendome con su consideracion y portanto concluyo pidiendo que mediante á la antigua propiedad que por justo titulo adquiere, se me señale un plazo suficiente que me dé lugar á fomentarlo, bajo la solemne protesta que cumprire fielmente y de no hacerlo haya lugar al denuncia gracia =

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[ 12 PDK ]  
= que espero alcanzar del Excmo Sr Gobernador  
juro te =

Angelis Setiembre 5 de 1845  
Pedro C. Carrillo

E. S.

Habiendo cumplido en lo que dispone la Superioridad tengo el honor de poner este expediente en manos de V. E.

Pte Sanchez

An =  
[ 13 PDK ]



Angelis Setiembre 5 de 1845

Visto el ultimo escrito de la parte de Dn Pedro Carrillo en que concluyo este expediente, teniendo por legal el impedimento que le ha hecho difícil la ocupacion del parage de los Alamos segun su franca confesion, y atendiendo á la suplica que implora del Superior Gobierno para

4  
poderlo fomentar; he venido en concederle la  
prorroga de siete meses contados desde hoy  
para que lo verifique en la inteligencia que  
si llegado el plazo no hubiere cumplido  
conforme a lo dispuesto, habra lugar  
al denuncio por parte de los que representen  
y se les adjudicaran en propiedad el nominado  
terreno de los Alamos y Agua Caliente, pues  
el Gobierno no puede permitir que los terrenos  
distribuidos capaces de ocuparse, se hallen sin  
el cultivo que es indispensable

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Notifiquesele a la parte de Sr  
Pedro Carrillo la presente disposicion para su  
inteligencia, y devuelva este

[14 P.D.K.]  
a los interesados por no haber tenido lugar  
en esta vez su curso. Pio Pico Gobernador  
interino del Departamento de las Californias  
lo decreté, mandé, y firmé - doy fe -  
Pio Pico



Angelas a 27 de Mayo de  
1848

Teniendo presente este Gobierno  
en virtud de las diligencias que obran en este  
Expediente con relacion al denuncio que han  
hecho en 21 de Agosto del año pasado los Ciudadanos  
nos Frasco R. Lopez, Luis Jordan y Vicente Botiller  
del parage de los Alamos y en vista de haber  
transcurrido mas de los siete meses que en prorroga  
se le concedieron al Ciudadano Pedro Carrillo  
para que lo poblara conforme a lo dispuesto  
por leyes y reglamentos de colonizacion, y  
teniendo presente los perjuicios que se causan  
a la industria del pais por la no ocupa-  
cion de los terrenos colonizables; asi como  
los que recienten los señores que denuncian  
este parage por carecer de sus terrenos en  
donde puedan desarrollar su industria

[15 P.D.K.]  
Exmo

— Sr —

Francisco Lopez, Luis Jordán, y Vicente Botiller residentes en esta Capital, ante V. E. respetuosamente y como mas haya lugar según derecho, nos presentamos diciendo

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PAGE 16

Que en virtud de haberse cumplido el plazo de siete meses, contados desde el día seis del ppdo de Setiembre que por su superior disposición se le notificó a la parte del Ciudadano Pedro Carrillo a fin de que en este termino cultivase el paraje de los Alamos y Agua Caliente que le fue denunciado por los que se suscriben con fecha veintinueve de Agosto del año anterior, y que, habiendo faltado Dho Sr Carrillo tanto al referido plazo como a la suplica

[16 PDK]

que de V. E. imploramos pidiéndole le impusiese una prórroga considerable que le diere lugar a cultivarlo, bajo la inteligencia que cumplió con lo dispuesto por la Superioridad según el último decreto con que concluye el expediente de la materia, y que de no verificarlo habrán lugar al denuncia que por parte de los exponentes se le haría

En consecuencia de esto a V. E. pedimos se sirva disponer que conforme a lo prevenido por el precitado decreto y de conformidad con la ley de 18 de Agosto de 1824 y reglamento de 21 de Noviembre de 1828 se nos adjudique en propiedad el nominado terreno en razón de haberse ya cumplido el mencionado plazo y considerarnos acreedores a él. Por tanto

A V. E. Rendidamente suplicamos tenga a bien obsequiarnos con su protección

[17 PDK]

esperando de su notoria bondad merced

5  
17  
y gracia jurando lo necesario y no ser de  
malicia <sup>tr.º</sup> siéndole admitido esto en  
papel común por no haber en este lugar del  
sello que corresponde —

Angeles Abril 8 de 1845 —

Francisco Lopez

Luis Jordan

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A ruego de Vicente Botillo por no  
saber firmar

Cayetano Arenas

[18. PDK]  
y manteniendo sus bienes de campo, he  
venido por las presentes letras en disponer  
como dispongo — que ha lugar al denuncia  
del paraje de los Alamos, en favor de los  
señores Lopez, Jordan y Botillo, a quienes  
se les librará el título respectivo en arreglo  
a las leyes de la materia — Notifíquese  
a los intusados este decreto para su  
conocimiento y fines consiguientes, y a  
D.º Pedro C. Carrillo para su inteligencia  
en concepto de no haber cumplido con  
la ampliación de tiempo que se le concedió  
por este Gobierno en seis de Setiembre del  
año anterior —

Pío Pico Gobernador Constitucional  
del Departamento de California, así  
lo mandó decretó y firmó — Doxifé —  
Pío Pico

José Matias Moreno  
Año Gnto

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

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

L. S.

In testimony whereof I have hereunto signed my name, officially, and affixed my private seal (not having a seal of office) at the City of San Francisco Cal, the fifth day of November 1852

(Signed) Saml D. King  
Sur Genl Seal.

Filed in office July 10th 1854

(Signed) Geo. Fisher  
Secy

4/4/87

19

Translation  
of  
Espediente

Most Excellent Sir Governor  
 L. G.  
 Francisco R. Lopez, Luis Jordan and Vicente Boteller Mexicans by birth and residents of this Capital before your Excellency respectfully and in conformity with the appropriate Law present ourselves stating that having a considerable number of stock to procure for and requiring a proper tract of land, that our stock may be watered in order to increase the same, we are in an the precise necessity of imploring the goodness of your Excellency to grant to us the tract known by the name of Los Alamos and agua Caliente which belongs to the property of Don Pedro Cañales by grant title which was issued to him by the Government of this Department and in consequence of Don Cañales own complicity with Art 1st of the corresponding Patent according to Law and his not having cultivated the same up to the present time we deem the same as vacant in which situation it actually is.

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Therefore we humbly solicit your Excellency to admit my present Petition and to make the necessary enquiries taking into consideration that we require as we have above stated the land we claim as herein so that it will be a benefit to the community to avoid (provide against) the robbings continually committed by the Indian robbes as likewise to construct a house place some fruit trees to subsist in

Please admit the present in common paper there being some of the appropriate stamps in this place of our which we shall acknowledge relying on your goodness may and grace making the necessary oath not to proceed through malice &c &c

Francisco R. Lopez  
 Luis Jordan  
 signed for Vicente Boteller  
 Cayetano Olvera

Angels August 21st 1845.

Angels August 21st 1845

Let this proceed to the First Alcalde of this City that he may summon Don Pedro Cañales and that this Petition be delivered to him that he may allege what



he may deem proper in his rights in conclusion of which let the same be returned to this Government

Pico

Angels August 22<sup>na</sup> 1845

In conformity with the superior order contained in the marginal decree of this Instance a Transcript of the same was issued to Don Pedro Canillo that he might within three days answer what he may deem proper in his rights

The first

Judge have this de creandada and signed with my assistants according to Law

Nicolas Sanchez  
Assistant

Assistant  
Ignacio Cornejo      Leonardo Corta

On this day the Transcript was issued and handed to P. Canillo in conformity with the Expediente on this page

In Judge of First Instance

Pedro C. Canillo of this Vicinity as he deems most proper presents himself before you saying that in reply to the Transcript which your Superior Assessorship has been pleased to permit to me of the Expediente promoted by the Señores Francisco Lopez y Paezons relative to claiming the premises called Los Alamos and again declare the property of which was adjudicated to me by the Superior Departmental Government

I have to remark that the parties claiming state that they possess a considerable number of stock and that they are in want of a tract of land to keep it together I do not know (Mr Judge what this stock consists of it being public that within of the three possessors the number of vacas de Quinte (cows capable of increasing) which the Law requires in order to grant Petitions of this nature respecting the former I am up to this day not aware that they own a single yoke of Oxen as to the second it is known that the small amount of cattle that remains in their possession belongs to the heirs of the late Don Antonio Rocha and they possess a tract granted to them and it is the same in which such cattle actually exist I am ignorant whether there is abuse or other on the land or not but to conclude within of the three possessors the stock required by Law

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PAGE 20

21.

as I have already alluded to neither do they possess  
means to contract the robes is committed by the  
Indians as they offer to do a party of common men  
being required for their purpose in accordance  
with which you please inform yourself with most  
worthy persons as to the class and number the parties  
announcing process which having been done you will  
please return to me the Expediente that I may allege  
what I may deem proper in my rights I make oath  
&c &c requesting you to admit the present in this  
paper for want of the Stamp

183 SD  
PAGE 21

Angus August 27th 1845

Pedro C. Canillo

Most Excellent Sir

I have the honor to transmit to you Huesas the prece-  
ding as has been provided

Nto Sanchez

L S Angus August 30th 1845.

As it does not become

on Pedro Canillo to qualify the parties interested in  
the Instance with which this Expediente originates  
whether they possess or not the legal requisites to  
entitle them to be heard let the same be returned  
to the Jefe Alcalde of this Capital that he may receive  
another Transcript to Mr Canillo to enable him  
to allege what he deems proper respecting the dan-  
ning of the tract of Los Alamos

Pico

Angus August 30th 1845

According to the Superior Disposition transcribed  
for three days to Don Pedro Canillo the remaining  
Judge have so decreed and ruled according to Law

Nto Sanchez

asst

asst

Jefe Corral

Senador Cortes

Mr Judge of 1st Instance

Pedro C. Canillo of this Vicinity before you as in  
his rights he deems most proper appears and states  
That as in many occasions he is not able to foresee  
the obstacles which he is exposed to such having placed  
them before him he has repeatedly shown him with  
difficulties to be kept from the tract from which has  
this day been announced it has not been my intention  
to abandon the same nor wish to lose it for the  
attainment of which purpose I do believe them the

Superior Govern must use its accustomed  
 procedure forming me with its course. I therefore  
 conclude that by means of the commission which I  
 acquired by just title at term (space of time) maybe  
 fixed, sufficient to give me time to proceed for  
 the necessary order, the solemn protest that the  
 same shall be strictly fulfilled and by not comply-  
 ing therewith denunciation shall take place a grave  
 expect to meet with from the most excellent Govern.  
 I make oath &c &c

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 PAGE 22

Angels Sept 5th 1845

Pedro C. Canillo

Most Excellent Gov

Having complied with the "dissolution" of the Super-  
 iority I have the honor to place this Expediente  
 into the hands of your Excellency

Ate Ganching

LG

Angels September 6th 1845.

Seen the last meeting of Sr Pedro Canillo with which  
 this Expediente terminates considering the impediments  
 legal that difficulties have opposed his occupation  
 of the tract of Los Alamos according to his frank con-  
 fession and granting his Petition to the Superior  
 Govern ment that he may take his measures I have come  
 to grant to him a term of seven months, commencing  
 today that he may execute the same with the condi-  
 tion that if at the expiration of the period he should not  
 have complied with the present disposition the den-  
 unciation shall take place by the parties who pursu-  
 ed themselves and the tract in question shall be ad-  
 judged to them as property being the tract of  
 Los Alamos and Ayra Caliente as the Govern ment  
 cannot permit that the lands distributed to them are  
 capable of being occupied in an uncultivated  
 which is indispensable.

Let the present disposition be  
 notified to Pedro Canillo for his intelligence and let  
 the Expediente be returned to the parties interested  
 their course not having been adopted this time

Pri Pici Governor and Interim of the Department  
 of the Californias have so decreed and signed  
 which I certify

Pri Pici

6/287

23.

Most Excellent Sir

Francisco Lopez Luis Jordan and Vicente Boteller residents of this Capital before you Excellency respectfully as as they deem must present a comandante to Law present them selves and say

That the term of seven months the Commission given on the 6th day of September last which was given by Superior Disposition to the citizen Pedro Canillo for the purpose of cultivating the tract of Los Alamos and Agua Caliente which was denounced by the same signed on the 21st of August last year having expired and said Mr Canillo having failed to comply with the said term nevertheless Excellency to give him sufficient time to cultivate the same with the understanding that he would comply with the disposition of the Superiority in accordance with the last decree which terminates the Commission in the event and in case he should not comply with the same the same might be denounced which should be done by the Parties expressed

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PAGE 23

By in two whereof we solicit your Excellency that you will order that in conformity with the above mentioned and the decree signed to deny in accordance with the Law of 18th August 1824 and Regulation of 21st November 1828 that the ownership of the tract in question be adjudicated to us

The term having expired and considering ourselves entitled thereto we therefore solicit your Excellency to favour us with your protection relying on your celebrated goodness and grace making the necessary oath and not proceeding through malice &c Be pleased to admit the present in common paper the being some of the appropriate stamped in this place

Angels April 8th 1846

Francisco Lopez  
Luis Jordan

signed for Vicente Boteller who cannot write Cayetano Arenas

L. G.  
Angels 27th May 1846

This Government recalling to its memory the denunciations made by the citizens Francisco R Lopez, Luis Jordan and Vicente Boteller

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PAGE 24

On the 20th of August of Last year of the tract of  
Los Alamos in accordance with the minutes of this Es-  
pedante and taking in consideration that the same  
permits which term was granted to the citizen Pedro  
C. Canillo to stock the same in conformity with  
the former dispositions and Laws & Regulations  
relating to colonization and taking in consid-  
eration the injury caused to industry of this country  
by not occupying the lands that are capable of  
colonization and whereas there being a regular  
tract to enable them to exhibit their industry and  
maintain their stock,

I have come by the present  
letters to the following disposition That the de-  
limitation of the tract of Los Alamos in favor of the  
Yunis Lopez Jordan and Boletta may take place  
to whom the appropriate title shall be issued in  
accordance with the Laws in the subject.

Let the Parties  
interested be notified of this decree for their Government  
and further cases and likewise Pedro C. Canillo  
for his intelligence.

In consequence of his not hav-  
ing complied with the extension of time which was  
granted to him by this Government on the 20th Sep-  
tember Last year

Pio Pico Constitutional Attorney  
of the Department of the California has so ordered  
decreed and signed I certify

Pio Pico  
Jose Mateos Moreno  
Antony de interim

Filed in Office July 10th 1854

Geo Fisher  
Secretary

25-

Document  
"H. H. N. 1")  
annexed to the  
deposition of  
Abel Stearns

(Initials) "H. H. N. 1"

Pio Pico Gobernador Constitucional del  
Departamento de las Californias



183 SD  
PAGE 25

Por cuanto los Ciudadanos Francisco Lopez, Luis Jordan y Vicente Botiller Mexicanos por nacimiento han pretendido para su beneficio personal y el de sus familias el terreno conocido bajo el nombre de los Alambreros y Agua Caliente, practicadas previamente las averiguaciones concernientes usando de las facultades que me son conferidas a nombre de la Nacion Mexicana he venido por decreto de este dia en concederles el mencionado terreno declarandoles la propiedad de el por las presentes letras de conformidad con la ley de 18 de Agosto de 1824 y reglamentos de 21 de Noviembre de 1828 a reserva de la aprobacion de la Exma Asamblea Departamental y bajo las condiciones siguientes

1<sup>a</sup> Podran ejercer sin perjuicio los derechos comunales y servidumbres lo disfrutaran libre y exclusivamente destinandolos al uso y cultivo que mas les convenga

2<sup>a</sup> Solicitara el juez respectivo los de la posesion juridica en virtud de este despacho por el cual se demarcaran los limites en cuyos limites pondran las mojones necesarias

3<sup>a</sup> El terreno de que se les hace donacion es puramente el de seis sitios de ganado mayor dentro de los limites del diseño que como agregado al expediente

El juez que lo poseiere lo hara medir con arreglo a ordenanza quedando el sobrante que resulte a la Nacion para los usos que sean convenientes

4<sup>a</sup> Si contraviniere a estas condiciones perderan su derecho al terreno

y será denunciado por otro

En consecuencia mando que  
teniendo el presente título por firme  
y válido se tome razón de él en el  
libro respectivo y se entregue a los  
interesados para su resguardo y demás  
fines

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Dado en la Ciudad de los Angeles  
en este papel común por falta del  
sellado a veintisiete de Mayo de mil  
ochocientos cuarenta y seis

(Signed) San Diego

(Signed) José Matías Moreno  
San Yago

Queda tomada razón de este superior  
despacho en el libro respectivo  
Angeles fha ref. supra

(Signed) Moreno

Filed in office October 29<sup>th</sup> 1852

(Signed) Geo Sisker  
Sisker

B  
Translation  
of

Pio Pico Constitutional Government of the Des

... Citizens Fran  
... Luis Jordan and Vicente Boteller  
... have petitioned for their  
... and that of their families the  
... name of Los Olivos and  
... the proper emblems being previously  
... of the faculties which are  
... in the name of the Mexican  
Nation

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PAGE 27

I hereby grant to them by decree of this day  
the approval declaring to them the right of citi-  
-ship by these present letters in conformity with  
the Law of the 18th of August 1824 and the Regu-  
-lation of the 21st of November 1828 with the con-  
-servation of the approbation of the Excellent  
Departmental Assembly and under the follow-  
-ing conditions

1. They may enclose it without prejudice to the crossings roads and servitudes they shall possess it free and exclusively devoting it to such use and culture as best may suit them
2. They shall solicit of the proper Judge that he may give them the juridical possession in virtue of this despatch by whom the boundaries shall be marked upon whose limits they shall place the necessary Land marks
3. The land of which donation is made to them is exactly that of my Equivalencia (Pie's Petrola Gauda Mayor) within the limits of the map which accompanies the Expediente the Judge who may give him juridical possession shall cause it to be measured as ready to wear and the surplus that results remain right to the Nation for the uses that may be suitable
4. If they should contravene to these conditions they shall lose their right to the land and it shall be un-  
-alienable of another

In consequence I am giving  
the present title being held as firm and valid and  
be made of it in the respective book and that it



be delivered to the interested parties for their safeguard  
and further use

Given in the City of Los Angeles  
in this common paper for want of the seal in  
this twenty seventh of May one thousand eight  
hundred and forty six

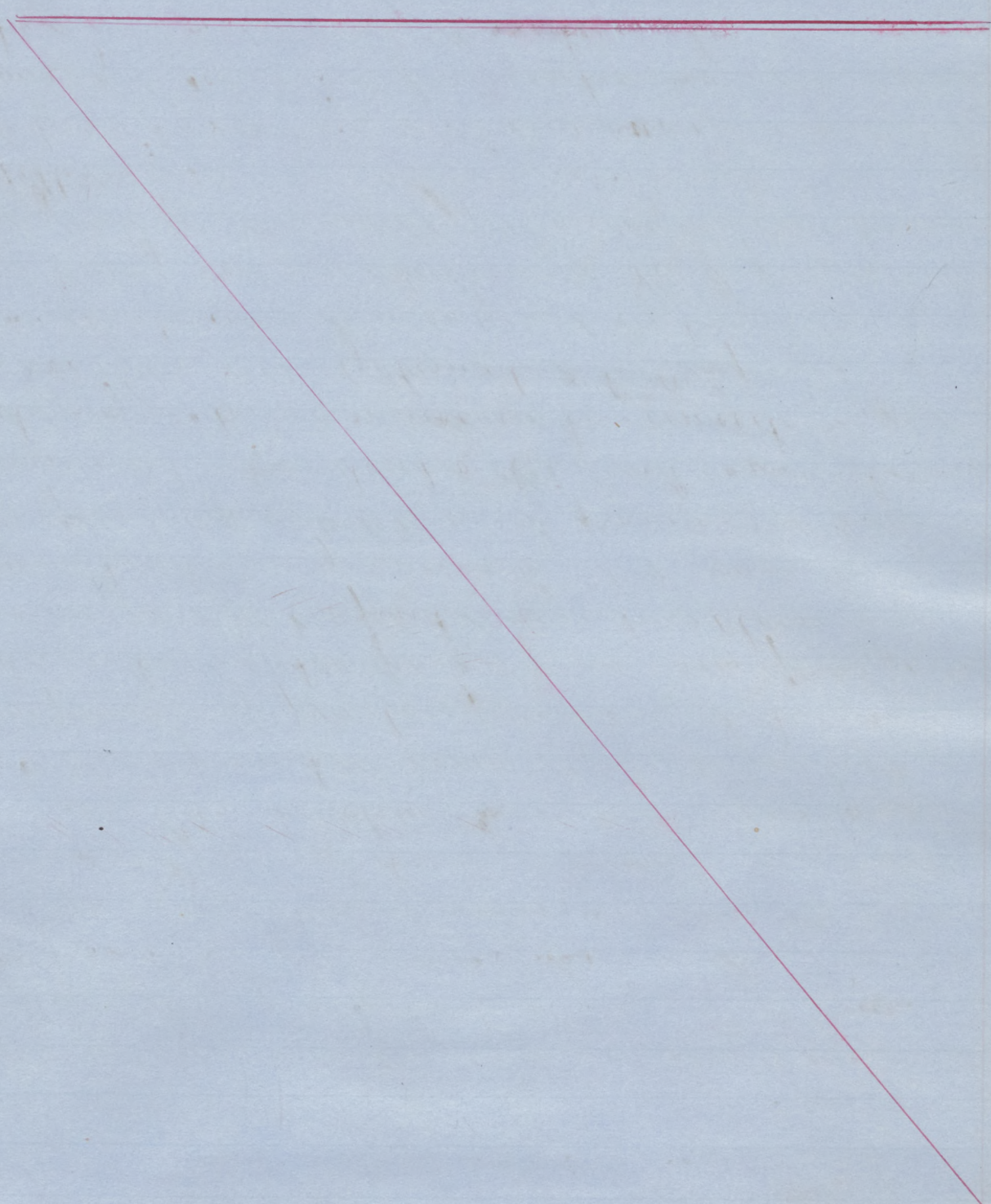
Pio Pico  
Jose Matias Moreno  
Secretary ad interim

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Record is made of this Superior dispatch in the  
respective Book

Angels date as above  
Morena

Filed in Office October 29th 1852  
Geo F. Fisher  
Secretary



1852

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Conveyance

to.

Agustin Olovera

A todos quienes las presentes vieren saber como nosotros Francisco Lopez y esposa Maria Antonia Felix de Lopez vecinos del Condado de los Angeles y Estado de California como partes primeras por y en consideracion a valor recibido en nuestros manos y a nuestra entera satisfaccion de Agustin Olovera como parte segunda tambien vecino del Condado y Estado expresados hemos vendido, cedido y traspasado y por las presentes declaramos vender ceder y traspasar para siempre jamas a favor del referido Agustin Olovera y de sus herederos y sucesores todo cuanto derecho podamos tener en el paraje de los Alamos situado dentro del Condado de los Angeles y Estado mencionado concedido por Don Pio Pico como Gobernador de California con fecha veintisiete de Mayo de mil ochocientos cuarenta y seis a Francisco R. Lopez nuestro hijo ya difunto a Luis Jordan y a Vicente Botiller, por cuya virtud siendo dueños nosotros las partes arriba dichas de una tercera parte del referido terreno que se halla indiviso como coerederos legitimos y unicos y ademas instituidos por nuestro difunto hijo Francisco R. Lopez en su testamento repetimos que todo cuanto derecho nos pudiera corresponder en el terreno de los Alamos queda traspasado en favor de Agustin Olovera y de sus herederos y sucesores en virtud de la justa compensacion que nos ha hecho; todo lo cual ejecutamos de nuestra libre voluntad, y con entero gusto sin que haya habido de influjo alguna seducion, violencia, engaño ni irregularidad de ningun clase por cuya razon podra disponer Agustin Olovera del mencionado terreno de los Alamos como de cosa legitima y bien adquirida pues está libre de todo gravamen, no teniendolo vendido donado ni hipotecado ni de ningun manera obligado.

Gen

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prueba de ser cierto cuanto queda relacionado  
en esta escritura y desahogarnos de todo  
derecho obligamos nuestras personas y  
bienes, las de nuestros herederos, albaceas,  
y legitimos representantes para que sean  
cumplidos y llevados a pino y debido  
efecto cuanto aqui se contiene. En cuyos  
testimonios ponemos nuestras manos y  
sellos hoy 15 de Octubre del año de 1852  
en la Ciudad de Los Angeles Condado del  
mismo nombre y Estado de California

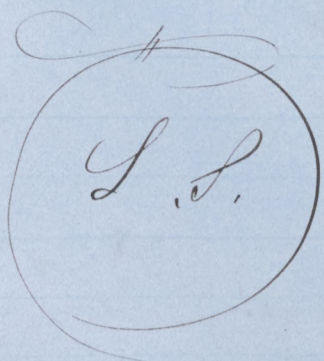
(Signed) Francisco Lopez (seal)

(Signed) Maria Ant<sup>na</sup> Felix de Lopez (seal)

Witness  
(Signed) J. B. Myles

State of California }  
County of Los Angeles }

Be it remembered that on this  
fifteenth day of October (1852) in the  
year of our Lord one thousand eight  
hundred and fifty two before me Wilson  
W. Jones clerk of the County Court of Los  
Angeles County personally appeared Francisco  
Lopez and Maria Antonia Felix de Lopez  
his wife known to me to be the persons  
who executed the foregoing documents and  
described therein, and acknowledged to me  
that they executed the same freely and  
voluntarily and for the uses and purposes  
therein mentioned - and the said Maria  
Antonina Felix being by me examined apart  
from and without the hearing of her said  
husband acknowledged that she had  
executed the same without fear or  
compulsion of her said husband but  
for the uses and purposes therein  
mentioned



At witness my hand and official seal affixed on this fifteenth day of October A. D. 1852, at my office in the City of Los Angeles.

(Signed)

Wilson W Jones clerk  
pr. H. R. Myles Deputy

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Received the foregoing document for record on the 18<sup>th</sup> day of January 1853. at 15 minutes past 10 o'clock A.M.

(Signed)

Wilson Jones Recorder  
pr. H. R. Myles Deputy

Recorded the above and foregoing document on the 18<sup>th</sup> day of January A. D. 1853 - at twenty minutes past nine o'clock P. M. in 1<sup>st</sup> Book of Deeds & mortgages on pages 283 & 284 at the request of Augustin Olivero -

(Signed)

Wilson W. Jones Recorder  
pr. H. R. Myles Deputy

Filed in office July 10<sup>th</sup> 1852 -

(Signed) Geo. Fisher  
Secy

1135

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B

Translation  
of

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PAGE 32

To all whom these presents may come greeting  
 that we Francis Lopez and Maria Antonio Felix  
 de Lopez his wife residents of the County of Los  
 Angeles and State of California as parties of the  
 first part for and in consideration of value recei-  
 ved in our hands and to our entire satisfaction  
 from Augustin Olvera as party of the second part  
 also a resident of the County and State aforesaid  
 we have sold ceded and transferred and by these  
 presents we declare to see to cede and transfer  
 over in favor of the said Augustin Olvera and of  
 his heirs and successors whatever right we may  
 have in the tract of Los Alamos situate in the  
 "present" County of Los Angeles and State aforesaid  
 which was ceded by Don Pio Pico as Governor  
 of California bearing date the twenty seventh of  
 May one thousand eight hundred and forty six  
 to Francis Lopez on Ten more de cedula and  
 to Luis Jordan and to Vicente Potellon in virtue  
 of which we the parties aforesaid being owners of  
 one third part of the said land which is prima  
 individua as legitimo and sole heirs and  
 also as testamentary heirs of our deceased son

we repeat that whatever right may connect to  
 us in the land of Los Alamos is hereby trans-  
 ferred in favor of Augustin Olvera and of his heirs  
 and successors in virtue of the just compensation  
 that he has made to us all of which we execute  
 of our free will and entire pleasure without  
 being influenced by seduction violence or fraud  
 nor irregularity in any manner

For which reason Augustin Olvera shall assume of the aforesaid land  
 of Los Alamos as of a legitimate thing and properly  
 acquired as it is free from all liens and not  
 being sold donated nor mortgaged

And in proof of being certain what is expressed in this writing and  
 to disengage ourselves of all rights we the parties  
 and property those of our heirs and successors exco-  
 utors and legal representatives that it may be

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prepared and put into due and proper effect  
whatever is therein contained

In testimony of which  
we fix our names and seals on this 15th of Oct of  
the year 1852 at the City of Los Angeles County of  
the same name and state of California

Francisco Lopez *(Seal)*

Maria Antonio <sup>Luiz</sup> de Lopez  
Went

Witness  
A B Myers

Filed in Office July 10th 1854

Geo Fisher  
Secretary

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Document  
"H. H. N.º 2"  
annexed to the  
deposition of  
Abel Stearns

Secretaria de

"H. H. N.º 2"



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En el denuncia intentado p. V. V. en 21 de  
agosto del año pasado del parage de los Alamos  
de Don Pedro Catarino Carrillo ha recaido  
el superior decreto siguiente = " Angeles 27 de  
" Mayo de 1860 = Teniendo presente este  
" Gobierno en vista de las diligencias que  
" obran en este expediente en relacion al  
" denuncia que han hecho en 21 de Agosto del  
" año pasado los Ciudadanos Francisco Lopez  
" Luis Jordan y Vicente Botiller del parage  
" de los Alamos y en vista de haber trascur-  
" rido mas de siete meses, que en proroga  
" se le concedieron al Ciudadano Pedro C.  
" Carrillo para que lo poblara conforme a lo  
" dispuesto por leyes y reglamentos de coloni-  
" zacion, y teniendo presente los perjuicios  
" que se causan a la industria del pais  
" por la no ocupacion de los terrenos colonizables  
" asi como los que resenten los Señores que  
" denuncian este parage por carecer de un  
" terrenos en donde puedan desarrollar su  
" industria y mantener sus bienes de campo,  
" he venido por las presentes, letras en  
" disponer como dispongo que ha lugar  
" al denuncia del parage de los Alamos en  
" favor de los Señores Lopez Jordan y Botiller  
" a quienes se les librará el titulo respectivo  
" con arreglo a las leyes de la materia. —  
" Notifiquese a los interesados este decreto  
" para su conocimiento y fines consiguientes  
" y a Don Pedro C. Carrillo para su inteli-  
" gencia en concepto de no haber cumplido  
" con la ampliacion de tiempo que se le  
" concedió por este Gobierno en seis de  
" Setiembre del año anterior = Pio Pico  
" Gobernador Constitucional del Departamento



de California asi lo mando decreto y  
firmó. doy fé = Dio Dios = José Matias  
Moreno - "Secretario Interino"

Cuya trascripcion hago a' VV. para  
los fines que les convenga

Dios y Libertad Angeles 27 de  
Mayo de 1825

(Signed) José Matias Moreno  
Año Ynto

Antros Don Francisco Lopez, Don Luis  
Jordan y Don Vicente Botiller

---

Tiled in office October. 29<sup>th</sup> 1852

(Signed) Geo. Fisher  
Secy

---

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PAGE 35

D  
Translation  
CS

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PAGE 36

In the denunciation attempted by you in the 21st of August of the year past of the tract of Los Alamos of Don Pedro L. Cañillo the following paper in decree has been issued August 27th 1846 This Government considering in view of the Proceedings that exist in this Expediente in relation to the denunciation that was made in the 21st of August of last year by citizens Francisco Lopez Luis Jordan and Vicente Boteller of the tract of Los Alamos and in view of his having delayed beyond the seven months that in extension were granted to citizen Pedro L. Cañillo in order that he might settle it agreeably to what was required by the laws and regulations in colonization and in conservation of the population that are caused to the industry of the country by the non occupation of the lands suitable for colonization.

As also that the agrarian persons who denounce this tract need the same because not having any land where they may be able to enjoy their industry and to maintain their stock

I have thought proper by these present letters to decree that there is justice in the denunciation of the tract of Los Alamos in favor of citizens Lopez Jordan and Boteller to whom the respective title shall be issued agreeably to the Laws in the subject

Let the interested parties be notified of this decree for their recognition and for the cases all to Don Pedro L. Cañillo for his intelligence in view of his not having complied with the extension of time that was granted to him by this Government in the 17th of September of the preceding year

Pio Pico  
intimate Governor of the Department of the California thus did command decree and sign which certify

Pio Pico  
Jose Matias Moreno  
Secretary ad interim

38.

Which Transcripts I send to you for the ones that  
may be suitable

José Matias Moreno  
Secretary ad interim

Filed in Office October 29th 1852

Geo Fisher  
Secretary

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Deed  
from  
Luis Jordan  
to  
J. L. Brent

A todos quienes las presentes vieren sabe  
que yo Luis Jordan por y en consideracion  
de quinientos pesos, contado a mi mano  
pagado por el tenor D. J. L. Brent, he  
vendido cedido y traspasado y por estas  
razones, cede y traspasa al dicho D. J. L.  
Brent la mitad de todo el derecho y titulo  
que tengo a mi terreno situado en el con-  
dado de los Angeles y conocido por el  
nombre de "los Alamos y Agua Caliente"  
(el dicho titulo y derechos siendo a don  
leguas y la dicha mitad vendida por estas  
razones una legua) para tener y para  
haber al uso y beneficio del dicho Brent,  
sus herederos y sucesores, para siempre  
jamás.

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El terreno vendido por este  
documento es el mismo que fue concedido  
por Don Pio Pico Gobernador de las Californias  
en fecha 27 Mayo de 1845 a Francisco  
Lopez, a mi y a Vicente Botiller y declaro  
que mi dicho derecho no está enagenado  
ni empeñado de ningun modo.

En cuyo testimonio pongo mi  
mano y sello a este documento hoy 27  
octubre 1852 en la Ciudad y Condado  
de los Angeles.

Sellado firmado } (Signed) Luis Jordan (J.L.)  
y entregado en pre- }  
sencia de }  
(Signed) Agustin Olvera  
( " ) James T. Overhuro

State of California }  
County of Los Angeles }  
On this the  
twenty seventh day of October in the year  
of our Lord one thousand eight hundred  
and fifty two personally appeared before  
me Wilson W. Jones County Clerk in  
and for the County of Los Angeles, Luis

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PAGE 39

Jordan who I know to be the person described in and who executed the within and foregoing deed of conveyance, and acknowledged to me that he executed the said deed of conveyance freely and voluntarily without any undue influence, but for the uses and purposes therein mentioned.

L. S.

In testimony whereof I have hereunto subscribed my name as clerk of said County and affixed the seal of my office the day and date above written.

(Signed) Wilson W. Jones Clerk  
for H. R. Allyles Depy

Received the within and foregoing document for record on the 27<sup>th</sup> day of October A.D. 1852 at fifteen minutes past 12 o'clock P.M. Recorded the same October the 28<sup>th</sup> A.D. 1852 at ten minutes past eleven o'clock A.M. in the Book of Deeds on pages 243 & 244 at the request of J. Lancaster Brent Esq<sup>r</sup>.

(Signed) Wilson W. Jones Recorder  
by H. R. Allyles Depy

Filed in office July 10<sup>th</sup> 1854

(Signed) Geo. Fisher  
Secy

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Translation  
of  
Deed

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PAGE 40

All who the present may see know that I Luis  
Jordana and in consideration of five hundred  
dollars to me cash in hand paid by J L Brent  
have sold ceded and transferred and by the  
present do sell cede and transfer to said J L  
Brent the one half of all the rights and title  
which I have to a tract situated in the County  
of Los Angeles and known by the name of Los  
Alamos and Agua Caliente (said right and  
title being to two leagues and the said one half  
sold by the present being one league)

To Have and To Hold  
to the use and benefit of said Brent his heirs  
and assigns forever The tract sold by this  
instrument is the same which was granted by Don  
Pablo Pico Governor of the California in bearing date  
27th May 1846 to Francisco Lopez to myself and  
to Juan to Botello and I declare that my said  
right is neither alienated or mortgaged in any  
manner

In testimony whereof I set my hand  
and Seal to this document this 27th October  
1852 in the City and County of Los Angeles

Luis Jordana (Seal)

Gave signed and  
delivered in

Presence of  
James T. Overstreet

Filed in Office July 10th 1854

Geo F. Fisher

County

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43.

Opinion of the Board

Agustin Olvera & ab  
vs  
The United States

For the place called  
Los Alamos Yagua Cal  
ciento in Los Angeles County  
containing 10,000 leagues  
of Land

The Petitioner claims the title to the land through a grant which is given in evidence made by Governor Pio Pico to Francisco Lopez Vicuna Botellera and Luis Jordan dated May 27th 1846

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PAGE 41

Two of the present Petitioners are original grantees the third holds the interest of the other grantee and the fourth Petitioner claims under a conveyance from said Jordan to him of one half of his interest in the premises

The grantees never lived on the place or made any improvements or cultivated there one of the witnesses states that Francisco Lopez went to the place and took tools with him to establish a Rancho but in consequence of the war at the time Fremont came he left his tools with Medina and went away and on account of the sickness of his father and other engagements did not go to the place again

No other effort seems to have been made by the grantees to comply with the condition of inhabitation or cultivation. It is claimed that the breaking out of the war in California which had been commenced by the act of Mexico the conquest of the country which immediately succeeded and the subsequent cession of the Territory not only excused the grantees from the performance of the conditions of settlement or cultivation but rendered compliance impossible and gave them a right to the land free from conditions

An objection of a different character is also presented in this case and as the latter must prove fatal to the claim here set up I do not deem it necessary to decide on either the former

There is no segregation of the land either by a description of the title papers defining the limits of the premises granted or a



which may be traced by a survey or by actual measurement on the ground

No juridical possession of the premises was given

The land granted was precisely six square leagues and a map attached to the expediente was referred to as exhibiting the tract of land within which was to be located by the proper Officer

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PAGE 42

The map all in all indicates a much larger tract of land within which this grant was to be located and the said ~~expediente~~ was ordered to fix the grantee's right to any portion of it This they failed to obtain and it is now too late to remedy the said Congress only can give relief in such cases

It is not among the powers delegated to this Commission to give boundaries to unexpired grants which have none or to confirm some privilege to locate a given quantity of land within specified limits when the party interested has failed to obtain the manner specified in his grant the required segregation

The claim is not within the rules which authorize a temporary

Respite

Filed in Office August 15th 1854

Geo Fisher

Secretary

Decree

Agustin Alvarado & al }  
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 not valid and it is therefore decreed that his application for a temporary respite be denied

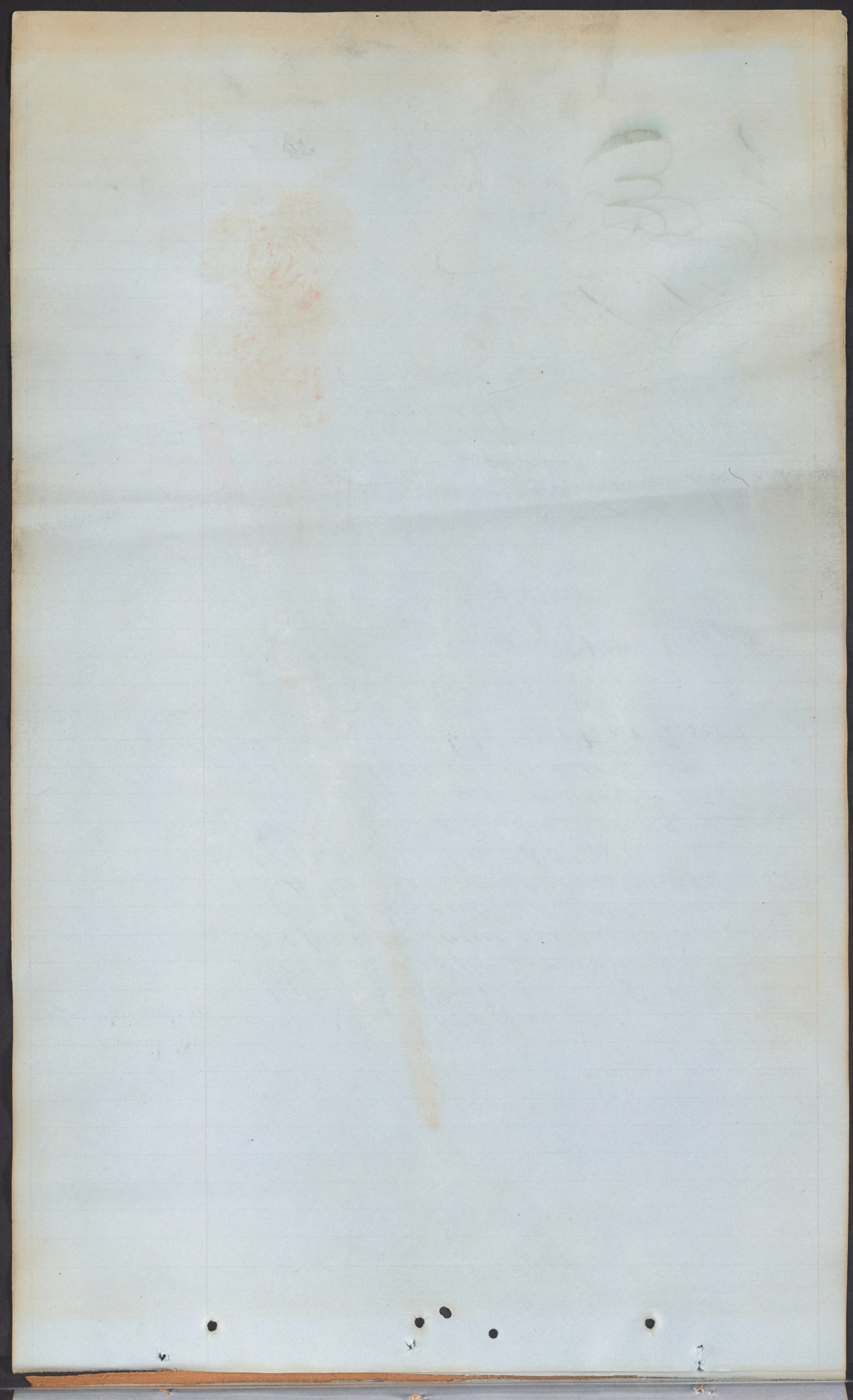
Alfonso Felch  
R. Aug Thompson  
G. B. Fenwick Amicus

Filed in Office Aug 15th 1854 Geo Fisher Secy

45.

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PAGE 43

And it appearing to the satisfaction of this  
Board that the land hereby adjudicated is  
situated in the Southern District of California  
and it is hereby ordered That Two Trans-  
cripts 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 Gen-  
eral of the United States



Office of the Board of Commissioners,

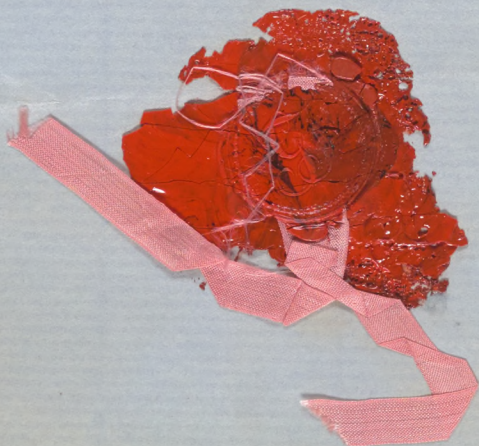
To ascertain and settle the Private Land Claims in the State of California.

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PAGE 44

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 *Forty five* pages, numbered from  
1 to *45*, 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. *428* on the Docket of the said Board,  
wherein *Agustin Olvera, et al,* are

the Claimants against the United States, for the place known by  
the name of *Los Alamos y Agua Caliente*

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



*Geo. Fisher*  
*Geo. Fisher*

U. S. District Court  
Southern District of California

183

No. 183.

The United States

vs

Agustin Olvera, et al,  
"Los Alamos y Agua Caliente"

183

Transcript of the Record

From the

Board of U. S. Land Commissioners

In Case No. 428.

Filed December 17<sup>th</sup> 1854.

G. E. Carr.

clerk.

183

N<sup>o</sup> 183.

Agustin Guerra  
Luis Lopez  
Vicente Bollen  
& Joseph Z Brent  
Appellants  
vs

United States

In the U. S. Dist.  
Court for the South  
east District of  
California -

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Appeal from the final decision of the Board of Commissioners to ascertain & settle the Final Land Claims in the State of California taken on the 19<sup>th</sup> Dec. 1854 by the said Board having filed with the clerk of said Court a certified transcript of their proceedings & decision of the papers & evidence upon which the same are founded in the said cause being N<sup>o</sup> 428 on the docket of said Board

Notice is hereby given that the above named Appellants claimants before said Board in a claim for a tract of land called 'Los Alamos y Aguas Calientes' situated in said Southern District filed before said Board Oct 29<sup>th</sup> 1852 being on its docket N<sup>o</sup> 428, will prosecute the appeal herein from the final decision of said Board entered on 15<sup>th</sup> August 1854 against & adverse to said claimants & appellants,

Lancaster Brent

atly for Appellants

No 183  
U.S. Dist Court for the Southern  
District of California

Agustin Mena  
Luis Jordan et al

vs

United States

Los Alamos

Notice of intention  
to prosecute appeal

Filed April 25<sup>th</sup>, 1888

J. E. Farr.  
Clerk.

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

Agustin Overa,

Luis Jordan,

Vicente Botiller, and Case No. 183.

J. Lancaster Brent Land Commission No. 428.

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Appellants

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vs.

The United States

Appellee,

Claim for "Los Alamos y  
Agua Caliente".

To/

The Honorable J. S. W. Ogier, Judge  
of the United States District Court, in and  
for the Southern District of California,

The Petition of Agustin Overa,  
Luis Jordan, Vicente Botiller and J. Lan-  
caster Brent respectfully sheweth; That  
on the 27<sup>th</sup> day of May, 1846, Pio Pico, then  
Constitutional Governor of the Department  
of the Californias, by virtue of the authority  
in him by law vested, executed and deliv-  
ered to Francisco Lopez, Luis Jordan and Vi-  
cente Botiller, a deed of grant bearing date  
as aforesaid, whereby he granted to them  
all that certain tract of land known by the  
name of "Los Alamos y Agua Caliente," and  
situate in the County of Los Angeles, and  
in the said Southern District of California  
more particularly described in a Petition,  
filed by your Petitioners on the 29<sup>th</sup> day of  
October, 1852, before the United States Land



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Commission to ascertain and settle the private land claims in California, and the papers and proceedings thereupon had, which are here especially referred to; and that after the said 27<sup>th</sup> day of May, <sup>1846</sup> the said grantees entered upon and took possession of the said granted premises.

And your Petitioners further state that in the year 1851, the said Francisco Lopez one of the grantees died, without wife or lawful issue leaving his father Francisco Lopez and his mother and Maria Antonia Felix, his heirs and next of kin, who afterwards, to wit, on the 15<sup>th</sup> day of October 1852, by their deed executed and delivered for a valuable consideration therein mentioned sold and conveyed their right in the above granted premises to your Petitioner Augustin Olvera

And your Petitioners further state that on the 27<sup>th</sup> day of October, 1852, the above named Luis Jordan one of the said grantees by his deed executed and delivered for a valuable consideration therein mentioned, sold and conveyed one half of his right in the said granted premises unto your Petitioner J. Lancaster Brent.

And your Petitioners further state that on the 29<sup>th</sup> day of October, 1852, they filed their Petition, claiming the said premises, before the said Land Commission, while sitting as a Board, together with documentary evidence and the testimony of witnesses; and that afterwards, to wit, on the 15<sup>th</sup> day of August 1854, the said Board proceeded to decide upon the validity of said claim, and rejected the

validity of said claim, and rejected the

said -

That afterwards, to wit on the 19<sup>th</sup> day of December 1854, an appeal was taken, the said Board having filed in the office of the Clerk of Your Honourable Court a certified transcript of their proceedings and final decision, and of the papers and evidence upon which the same were founded;

And that afterwards, to wit, on the 25<sup>th</sup> day of May 1855, Your said Petitioners filed in the office of the said Clerk a notice of their intention to prosecute said appeal.

Wherefore, Your Petitioners pray, that the decision of the said Commissioners may be reversed, and their title to the said premises may be confirmed, and for general relief and for costs, and as in duty etc.

Jonathan Bunt  
atty for Pet'rs

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Case No 183.

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

---

Agustín Rivera et al.  
Appellants

vs.  
The United States  
Appellees.

---

Petition for Review.

---

Filed Sept<sup>r</sup> 19<sup>th</sup> 1855  
C. E. Parrott  
J. J. White & Co. for

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---

J. E. Brent.

Attorney for Appell<sup>ts</sup>.

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

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Agustin Olvera,	}	Case n <sup>o</sup> 183.
Luis Jordan,		
Vicente Botiller,		
J. Lancaster Brent		
Appellants,	}	Transcript #28.
vs		
The United States	}	"Los Hornos y Agua Caliente".
Appellees.		

On motion of J. Lancaster Brent,  
Counsel for Appellants,  
Ordered - That additional testi-  
mony be taken by either party in the above  
Cause

Case No 183 -

U.S. Dist. Court, South<sup>th</sup>  
District of California

---

Agustin Olvera et al.  
Appellants

vs

The United States  
Appellee.

---

Order for new testimony

---

Filed Oct<sup>r</sup> 8<sup>th</sup> 1855.  
O. E. Canale  
By J. W. Rindick

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

The President of the United States,

TO

P. Ord. U.S. Dist. Atty. for  
the South. Dist. of California

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Greeting :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against *The United States* in the District Court of the United States, in and for the Southern District of California, on the *19<sup>th</sup>* day of *September* in the year of our Lord one thousand eight hundred and fifty-*five*, at the City and County of Los Angeles, in said District, by

*Agustin Olvera. Luis Jordan  
Vicente Botello and S. Lancaster Brent*  
praying the Court to reverse the decision of  
the U.S. Land Commissioners, respecting their  
claim to a tract of Land, called  
"Los Alamos y Agua Caliente"

and that *you* are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said Petition, or the Petitioner will apply to the Court for the relief demanded therein.

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



*J. E. Farr,*

CLERK.

En. 1853

Marshals Cost  
Copying Summons - 60  
Serving do 3.-  
Petition 3.-  
\$ 6.60

UNITED STATES OF AMERICA,

Southern District of California,

U. S. DISTRICT COURT.

*Agustin Chaves et al*  
vs  
*The United States*

SUMMONS.

Received Dec 17th 1855  
*Edward Hunter*  
*U. S. Marshal*  
*Pr. M. L. Goodson*  
*183 SD Deputy*

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

*U. S. Atty for South Dist of Calif* by *P. O. W.*  
delivering to him personally *True Copy of*  
the same

at *Los Angeles*  
the *26th* day of *Dec*

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

Sworn to and subscribed before me, *26*  
*December 1855*  
*C. E. Lan* CLERK.

*Edward Hunter*  
U. S. MARSHAL.

*R. M. Goodson Deputy*

*Pr. M. L. Goodson*  
*Deputy.*

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

Agustín Mueca,  
Luis Jordan,  
Vicente Botiller, &  
J. Lancaster Brent.

Case N° 183.

Transcript. 428.

183 SD Appellants.  
PAGE 55 vs.

The United States,  
Appellees.

"Las Mareas y Agua  
Caliente"

No.	Page.	Description
1.	3.4.	Petition to United States Land Commission
2.	5.	Deposition of Francisco Lopez
3.	6.	Deposition " Abel Stearns.
4.	7.	Deposition " José M <sup>ca</sup> Covarrubias.
5.		Map, with certificate H.H. N° 3.
6.	10.11.	Petition of F. R. Lopez, L. Jordan, & Vicente Botiller, with marginal order of Governor to 1 <sup>st</sup> Alcalde of Los Angeles to cite Pedro C. Carrillo to show cause.
7.	11.	Citation, and service on Carrillo.
8.		Map.
9.	12.13.	Objection of Carrillo.
10.	13.	Note of Alcalde, forwarding papers to Governor.
11.	13.	Order of Governor, sending back papers to 1 <sup>st</sup> Alcalde, for further statements by Carrillo.
12.	13.	2 <sup>nd</sup> Citation to Carrillo.
13.	13.14	2 <sup>nd</sup> Communication from Carrillo
14.	14.	2 <sup>nd</sup> Note from Alcalde to Governor, returning papers.
15.	14.15	Order, granting delay of 9 months.

Copies from Stearns.



No	Page		
16.	15.17.	Copies of Innos.	Decree of Grant & Denunciation.
17.	16.17		2 <sup>nd</sup> Petition of Lopez, Jordan, & Botiller, Innos. having elapsed.
18.	17.18.		Certificate of Surveyor General to the fore- going Copies.
183 SD			
PAGE 56			
19.	19.		Translation of Petition
	19.20.		" " Marginal order } No 6.
20.	20.		" Citation & Service " 7.
21.	20.21		" Objection " 9.
22.	21		" Note. " 10.
23.	21		" 2 <sup>nd</sup> Order. " 11.
24	21		" 2 <sup>nd</sup> Citation " 12.
25.	21.22.		" 2 <sup>nd</sup> Statement of Carrillo " 13.
26.	22.		" 2 <sup>nd</sup> Note. " 14.
27.	22.		" Order of Delay. " 15.
28.	23.		" Second Petition " 17.
29	23.24.		" Decree. " 18.
30.	25.26.		Original Title H. H. No 1.
31.	27.28.		Translation of Title " 30.
32.	29.30.31.		Conveyance of Lopez & wife to Movera.
33.	33.34.		Translation of Conveyance " 32.
34.	35.36.		Certificate or letter of Secretary to Lopez et al. containing Decree of de- nouncement H. H. No 2.
35.	37.38.		Translation of the above. " 34.
36.	39.40.		Deed from Jordan to Brent.
37.	41.		Translation of Deed. " 36.
38.	43.44.		Opinion
39	44.		Decree of Rejection
40.	45.		Order to file Transcripts.
Note.			Translation of Cert. on Map and Cor- rected translation of Expediente, filed herewith.

Additional testimony.

filed herewith.

Additional testimony  
Deposition of Andres Pico

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Case No 183.

In U. States Dist. Court for the  
South-Dist. of California

---

Agustín Rivera  
et al.

Appellants.

By  
The United States.

Appellees.

---

Index of Transcript.

---

Filed Dec 13<sup>th</sup> 1884

C. J. Sims  
Clerk

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

Now Isaac S. To. Ogier Judge,

Augustin Rivera, Luis Jordan, Vicente  
Botiller & J. Lancaster Brent, Appellants,

vs,

N.º 183.

183 SD

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The United States, Appellee } Transcript N.º 428.

The answer of Pacificus Ord, Attorney of the  
United States for the Southern District of  
California, for and in behalf of the United  
States, to the petition of Augustin Rivera,  
Luis Jordan, Vicente Botiller, and J. Lancaster  
Brent, for a review and reversal of the  
decision of the United States Land Commission  
to ascertain and settle the private land claims  
in California, rejecting their claim to a certain  
tract of land known by the name of "Los  
Alamos y Agua Saliente"; Says. That he  
denies all and singular each and every  
allegation in the said petition contained,  
And further this respondent denies generally  
the validity of the alleged title of the  
said claimants to the said tract of land,  
And the said respondent prays that  
this Hon<sup>ble</sup> Court will affirm the de-  
cision of the said Commission in  
said case; and decree the said alleged

title to be enrolled. And for general  
Relief.

*J. Ord*

Attorney of the United States  
for the Southern District of California

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No 183.

U. S. Dist Court  
South Dist of Cal.

Agustine Ploera, et al.  
vs  
The United States  
vs  
Answer of said  
vs  
File Jan 4<sup>th</sup> 1856.

W. C. Loomis  
Clerk

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Served upon Myron Norton Atty  
for the within named parties at  
Los Angeles January 4th 1856

Edward Hunter

U S Marshal

for Mr Goodman  
Deputy

Marshals Cost

Henry H. Sawyer \$12.00

In the United States District Court Southern  
District of California.

Agustín Olvera et al. }  
Defendants } Case No. 183.  
vs }  
The United States } "Los Alamos y Agua  
183 SD } Defendants. } Caliente"

PAGE 62

Translation of Certificate to Map, Page  
8 of Transcript, marked F.F.N. 3.

Secretary's Office of the



The undersigned,  
Secretary ad interim of the Government  
of the Department of the Californias, Cer-  
tifies that the map which is shown opposite  
is a copy of the original in existence in the  
Secretary's Office of my charge.

José Matías Moreno  
Sec. <sup>ad. in.</sup>

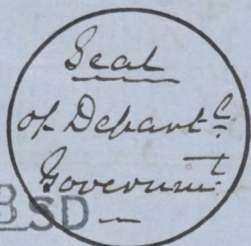
Translation of Expediente, from Page 10. to  
Page 17. of Transcript.

(1.) 1846.  
Expediente promoted by Don Francisco  
R. Lopez and associates denouncing the

tract of land known by the name of A-  
lamos y Agua Caliente, year 1845.

- No 560 -

(2.)



1835

PAGE 63

Angels, August 21. 1845.

Purs to the 1<sup>st</sup> Alcalde of this City, in order that, making citation of the party Don Pedro Carrillo, this Petition may be delivered to him, to the end that he may allege what pertains to his rights; and being concluded, return to the Government.

Dico

*[Signature]*

future, it is of the utmost necessity to us to implore the goodness of Your Excellency to the end

(3) that you may grant us the tract of land known by the name of Los Alamos y Agua Caliente, which belongs to Don Pedro Carrillo by just title issued to him by the Government of this Department, and in virtue of Señor Carrillo having failed to comply with the first article of the corresponding despatch, as the law provides; and as, up to date, he has not cultivated it, we denounce it as vacant, which is actually its condition -

Therefore, we humbly pray Your Excel-

Most Excellent Sir Governor  
Francisco R. Lopez,  
Luis Jordan, and Vicente  
Botiller, Mexicans by birth  
and resident in this Capital,  
respectfully, and according  
as place in law may to us  
belong, present ourselves to  
Your Excellency, represent-  
ing;

That in virtue of ha-  
ving a considerable quan-  
tity of stock to take care of,  
and finding ourselves in  
immediate need of an a-  
vailable tract, in order that  
our property can remain  
together and increase in

*[Faint text at the bottom of the page]*



lency to grant our petition, and that the pro-  
per examinations may proceed; observing  
that we are in need of the place for which  
we apply, as we have above set forth, as also  
that it will be a general benefit by preventing  
robberies on the Ranchos that the Indian thieves  
(4.) continually prejudice; to proceed to build a  
house and plant fruit trees for subsistence -

Excusing this being presented on common  
paper, there being none in this place of the  
proper stamp - a favor for which we shall  
live grateful, receiving from your well known  
goodness, favor and grace; making the neces-  
sary oath, and it not being of malice etc.  
Angelus, August 21, 1845.

Francisco R. Lopez

Luis Jordan

at request of Vicente Boteller

Luyteng Arenas

(5.)

Angelus, August 22, 1845.

Agreeably to what is directed by the Superior  
Authority in the decree in the margin of this  
application, let a copy be presented to Don  
Pedro Lavilla, that he may answer within  
three days what may pertain to his right.

I, the 1<sup>st</sup> Judge so decreed, ordered and  
subscribed, with the assisting witnesses  
according to law.

Vicente Sanchez.

asst

Garcia Coronel

asst

Leonardo Loten

On the same day the copy was forward-  
ed, and the Expediente on two sheets

was delivered to Señor Carrillo.

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(6.) Map of Los Alamor y Agua Caliente.

(7.) Señor Judge of First Instance,  
D. Pedro L. Carrillo, a  
Resident of this City, before you, with due  
respect, and under the terms most suitable  
in law, appear, representing;

That in answer to the Copy, which by Su-  
perior direction you have been pleased to  
forward to me, of the Expediente promoted  
by the Señores Francisco Lopez and associates  
relative to denouncing against me the  
tract of land called Alamor y Agua Cali-  
ente, which was assigned me in fee; I ought  
to represent;

That said denouncers say they have a  
considerable quantity of live stock, and  
that they are in need of an available tract  
of land where it can remain together; I  
do not know, Señor Judge, of what descrip-  
tion this live stock may be, for it is notori-  
ous that neither of the three is owner of  
the number of breeding cows that the Law  
requires, in order to be admitted in petition  
of this nature; for, as regards the first, I do  
not know up to date that he <sup>is the</sup> possessor <sup>of</sup> even  
(8) one yoke of oxen; as to the second, it is well  
known that the small quantity ~~see~~ of cattle  
remaining in his possession belongs to the  
heirs of the late Don Antonio Rocha, and

they already hold granted to them a tract of land, and it is there that these cattle actually are; as to the third, I am entirely ignorant whether he has a horse or not - but, in fine, neither of the three has the property of the Law, as I have said; still less have they the means to check the depredations of the Indians, as they offer to do, as for that a detachment of armed men is necessary.

Wherefore I pray that you will be pleased to inform yourself from trustworthy persons, concerning the description and number of live stock that the said denouncers possess, and this being concluded, that you will be pleased to return the Expediente, to allege what may belong to my right. - I make oath, etc - Admitting me on this common paper, for want of stamped.

Angels, August 27<sup>th</sup> 1845.

Pedro L. Carrillo.

183 SD

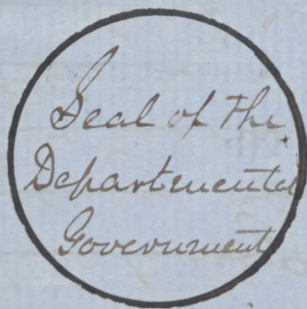
PAGE 66

(9) Excellent Sir, I have the honor to elevate to the hand of Your Excellency the foregoing matter, as I am directed.

Vicente Sanchez.

Angels, August 30<sup>th</sup> 1845.

As it is not the province of the party Don Pedro Carrillo to report as to whether the parties interested in the ap-



plication with which this Expediente commences, have or have not the legal requisites to be heard, return this to the Señor First Alcalde of this Capital, to the end that he may make a new transcript for Señor Carrillo, so that he may allege what he may believe to be his rights with respect to the denouncement of the tract of Los Alamos.

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PAGE 67

Pico

(4)

(10.)

Angles, August 30. 1845.

As the Superior Authority directs, passed over to Don Pedro Carrillo for three working days - I, The Judge who subscribes, do decree and ordered, according to law -

Vicente Sanchez

Asst

Ignacio Corouel

Asst

Leonardo Cota

(11.)

Señor Judge of First Instance.

I, Pedro C. Carrillo of this place, present myself before you as I may in right best appear, and say:

That as in many cases, one cannot foresee the disappointments to which he may be exposed, and these having been frequent in any case, I have met with difficulties in taking speedy <sup>occupation</sup> ~~possession~~ of the tract of land belonging to me, which has now been denounced against me, but it has not been my intention on this account to abandon it, nor have I ceased to want it; and in order to

accomplish the establishment of the Rancho  
I well believe that the Superior Government  
will use the prudence for which it is noted, fa-  
voring me with its consideration, and I there-  
fore conclude, praying that on account of the  
former ownership which by a just title I ac-  
quired, it will assign me a term sufficient  
to give me time to improve the lands, under  
the solemn protest that I will comply faith-  
fully, or in case of non-performance, let  
there be place for the denouncement. - Fa-  
(12.) vor which I hope to obtain from the Most  
Excellent Señor Governour - I make oath  
etc.

Angelas, September 5, 1845.

Pedro L. Carrillo

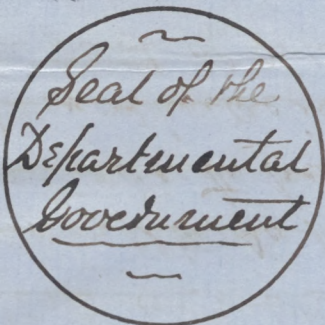
183 SD  
PAGE 68

Excellent Sir,

Having complied with what  
is directed by the Superior Authority, I have  
the honor to place this Expediente in the hands  
of Your Excellency.

Vicente Sanchez.

(13.)



Angelas, September 5<sup>th</sup> 1845.

Having been seen the  
last-written on the part of  
Don Pedro Carrillo with which  
this Expediente concludes, the  
impediment which has made  
the occupation of the lands of Los Alamor  
difficult for him, according to his frank  
confession, being held for legal, and  
attending to the prayer which he addresses

to the Superior Government in order that he may be able to improve said lands, I have decided to grant him the extension of seven months, reckoned from this date, so that he may accomplish it; with the understanding that if at the expiration of the term he shall not have complied with what has now been directed, there shall be place for the denouncement on the part of whomever may make a representation and the aforesaid tract of Los Alamor y Agua Caliente shall be assigned them in fee; for the Government cannot permit assigned lands, capable of being occupied, to remain without the improvement which is indispensable.

Let notice of this present decision be given to the party Don Pedro Carrillo, for this understanding, and return this to the parties interested, their application not having been entertained at this time.

I, Pio Pico, Governor ad interim of the Department of the Californias so decreed, ordered and signed - Attest

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PAGE 69

Pio Pico

(15) Most Excellent Sir -

We, Francisco Lopez, Luis Jordan and Vicente Botiller, residents of this Capital before Your Excellency respectfully and as most there may be place according to Law, present ourselves, saying;

That in virtue of the term of seven months reckoned from the 5<sup>th</sup> day of September last having elapsed, which by Superior direction

was granted to the party citizen Pedro Carrillo,

was notified to the party, Citizen Pedro Carrillo, to the end that within said term he should improve the lands of Los Alamos y Agua Caliente which were denounced against him by the undersigned under date of August 2, <sup>nd</sup> of the last year; and said Señor Carrillo having failed in performance in the aforesaid term and in the prayer which he implored of Your Excellency, beseeching you that you (16) would assign him a considerable extension to give him an opportunity of improving it, under the understanding that he should comply with what was directed by the Superior Authority according to the last Decree with which the Expediente of the matter concludes, and that in case of non-performance, there should be place for the denouncement which might be made against him on the part of those making an exposure.

In consequence whereof, we beg Your Excellency to be pleased to order in accordance with the directions of the aforesaid Decree, and in conformity with the law of the 18<sup>th</sup> of August 1824, and the Regulation of the 2, <sup>nd</sup> November 1828, that said tract of land may be assigned us in fee, by reason of said term having now elapsed, and ~~our~~<sup>we</sup> being considered preferred claimants.

Therefore we humbly pray Your Excellency to see fit to favor us with your protection, (17) hoping, from your well known goodness, favor and grace, making the necessary oath that it is not of malice, etc. -

Being pleased to admit this on common paper, there being none of the proper stamp

in this place.

Angles, April 8<sup>th</sup> 1846.

Francisco Lopez

Luis Jordan

At Request of Vicente Botiller, as he does not know how to sign. Cayetano Arenas

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(14)



Angles, May 27<sup>th</sup> 1846.

This Government bearing in mind in virtue of the Proceedings which appear in this Expediente in relation to the

denouncement that the Citizens Francisco R Lopez, Luis Jordan, and Vicente Botiller<sup>made</sup> on the 21<sup>st</sup> of August last of the tract of Los Alameros, and in view of more than the seven months having elapsed, which were granted to the Citizen Pedro L. Carrillo that he might stock it in conformity to the laws and regulations of Colonization, and bearing in mind the evils caused to the industry of the Country from the Colonizable lands not being occupied, as also those which the gentlemen denouncing this tract suffer, for want of a tract of land on which to bestow their industry, and keep their stock; I have come by these presents to direct as I do, that there is place for the denouncement of the tract of Los Alameros in favor of Señores Lopez, Jordan, and Botiller, to whom the proper title shall issue in conformity with the laws on the matter.

(18)

Let H: Decree be notified to the interested



Let this Decree be notified to the interested parties for their understanding and the ends consequent, and to Don Pedro L. Carrillo for his understanding, in the conception of his not having complied with the extension of time which was granted to him by this Government on the 6<sup>th</sup> of September of last year.

Pio Pico, Constitutional Governor of the Department of the California so ordered decreed and signed. - Attest -

Pio Pico,

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Jose Maria Moreno.

Secretary.

Case No 183.  
U.S. Dist. Court, Southern  
Dist. of California.

Agustin Olveda et al  
Appellants

by  
The U. States  
Appellees.

Translations wanting  
or incorrect in transcript

Filed Dec 13<sup>th</sup> / 1854

Ofimus  
et al

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

December Term A.D. 1856

Agustín Rivera et al } N<sup>o</sup> 183

Appellants }

Transcript 428

The United States }

Appellees }

Los Alamos y Agua Caliente

This Cause coming on to be heard on ap-  
peal from the decision of the United States Board  
of Land Commissioners to ascertain and settle  
the private Land Claims in the State of California,  
under an Act of Congress approved March 3<sup>d</sup>  
1851, on a Transcript of the decision and Pro-  
ceedings of said Board, & of the papers and evi-  
dence upon which said decision was founded  
and on additional evidence taken before this  
Court; and it appearing to the Court that said  
Transcript and the Notice of Appeal have been  
duly filed according to law, & Counsel for the  
respective parties having been heard;

It is ordered adjudged & decreed,

That the decision of said Board  
of Commissioners be, & the same hereby is in all  
things reversed,

And it is further adjudged and de-  
creed that the Claim of the Appellants to the  
lands called "Los Alamos y Agua Caliente," claim-  
ed in this case is good & valid, and the

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Same are hereby confirmed to them to the extent of Six (6) Square leagues, and no more, within the boundaries described in the map, attached to & forming part of the Expediente, and referred to in the Grant, to wit, to the North, the "Lomeria de Castee", to the East, a "Lomeria" & "Chamiso", & the "Pinal de Yomo"; to the South, a "Lomeria" & "Chamiso", & to the West, a "Lomeria pastoris", or low grassy hills; more particular reference being had to the aforesaid map for a more particular description.

Provided that should there be a less quantity than six Square leagues of land within said boundaries then confirmation is hereby made of such less quantity

This done & signed in open Court this 15<sup>th</sup> day of December 1856.

Quac McQueen  
U S Dist Judge  
for the S Dis of Cal

Case 183

U. S. Dist Court  
South<sup>h</sup> Dist. Cal<sup>a</sup>.

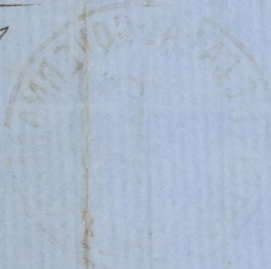
*Agustin Olvera et al*

*App<sup>ts</sup>*

*27*

*The United States*

*App<sup>lee</sup>*



*Deane.*

*Filed this 15th Dec. 1856*

*Clerk*

*J. H. Coleman*

*Recorded page 109*

*183 SD*

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*(1856)*

Depositions of Anas Pico taken before  
G. Lewis United States Commissioner for the District  
of California at the United States Court House  
in the City of Los Angeles on Monday the Eighth  
day of December 1856. at 12 o'clock. M. by consent  
and agreement of parties, to be used in testimony  
on behalf of the claimant in a certain case now  
pending in the U. S. District Court for the Southern  
District of California, being case No. 183 on Docket  
of said Court, wherein Augustus Olvera et al  
are appellants and claimants and the United  
States are appellee.

Present Pacificus Ord W. S. Atty on behalf  
of the appellee and J. L. Brent atty for appellants

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Quans Pice being duly sworn deposes  
and says.

Just

What is your name, age and place  
of Residence.

Ans <sup>my name is</sup> "Quans Pice, I am 48 years  
of age and reside in Los Angeles  
state of California

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Did you ever acquainted with Francisco  
R Lopez one of the grantees of Lands claimed  
Luna, if yes, state any thing you  
know relative to his attempting to  
occupy or occupying the said Lands  
Ans

I know him, In 1846 Fran-  
cisco R Lopez arrived at the Mission  
of San Fernando where I was then  
living, with some few Cattle and said  
that he was going to occupy "Los Alamos"  
he went <sup>towards</sup> the Alamos with his Cattle and  
after some days came back and he  
told me that his servants would  
not remain on that Land for fear  
of the Indians, This was before the  
War

Just

Is Francisco R Lopez alive or dead  
if he is dead, state what relations ~~of~~  
~~are~~ he left

Ans He is dead, he died childless and  
without a wife, being a widower  
He was the only child of Francisco Lopez  
and of <sup>his wife</sup> Maria Antonia Felix his mother  
both of whom he left living

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Just when did Francisco Lopez die

Ans He died in the year 1857

*Antonio Lopez*

Norman and Case,

Attorneys at Law

San Francisco

Witness

W. W. Conner

for State of California



State of California  
County of Los Angeles

J. C. Sims United States  
Commissioner for the District of California do hereby  
certify that the ~~following~~<sup>foregoing</sup> deposition of Andrés Pico  
was taken before me in accordance with the request  
and agreement of said attorneys at the United States  
Court House in the City of Los Angeles, State of Cali-  
formia. That the said Andrés Pico was by me  
duly sworn according to law as a witness in said  
Cause in the Caption of this Deposition mentioned  
and after being so sworn, his testimony was by me  
reduced to writing in his presence and that of the said  
attorneys; and after having been by me carefully read  
to him and by him corrected as he desired, was by  
him signed in my presence.

In testimony whereof I have hereto  
set my hand and affixed <sup>my private</sup> the Seal  
of said Court this 8th day of December  
A. D. 1856.

J. C. Sims  
U. S. Commissioner  
for the District of California



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M 183

W Dist Court

Augustin Chua tal

<sup>rs</sup>  
In U States

Deposition of Quares  
Pico

Filed Dec 11 1856

C. J. Sims  
clerk

UNITED STATES OF AMERICA, ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Honorable the Judges of the District Court  
of the United States, for the Southern District  
of California

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Greeting:

Whereas, lately, in the District Court of the United States, for the Southern District of California before you in a cause between Augustin Olvera, Luis Jordan, Vicente Boteller, and J. Lancaster Brent, appellants and the United States Appellee, the decree of the said District Court was in the following words, viz:

"This cause coming on to be heard on appeal from the decision of the United States board of Land Commissioners to ascertain and settle the private land claims in the State of California, under an act of Congress approved March 3, 1851, on a transcript of the decision and proceedings of said board, and of the papers and evidence upon which said decision was founded, and on additional evidence taken before this Court; and it appearing to the Court that said transcript and the notice of appeal have been duly filed according to law, and counsel for the respective parties having been heard.

It is ordered, adjudged, and decreed that the decision of said board of Commissioners be, and the same hereby is, in all things reversed.

And it is further adjudged and decreed that the claim of the appellants to the lands called "Los Ramos y Agua Caliente," claimed in this case, is good and valid, and the same are hereby confirmed to them to the extent of six (6) square leagues, and no more, within the boundaries described in the map attached to and forming part of the expediente, and referred to in the grant, to wit: to the North,

the "Somera de Casteo;" to the east, a "Somera and Chamiso" and the "Pinal de Tamo;" to the south, a "Somera" and Chamiso," and to the west, a "Somera pastora," or low grassy hills, reference being had to the aforesaid map for a more particular description.

Provided that should there be a less quantity than six square leagues of land within said boundaries, then confirmation is thereby made of such less quantity."

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as by the inspection of the transcript of the record \_\_\_\_\_

\_\_\_\_\_ of the said District

Court, which was brought into the Supreme Court of the United States, by virtue of an appeal

agreeably to the act of Congress, \_\_\_\_\_

\_\_\_\_\_ in such case made and provided, fully and at large appears.

And whereas, in the present term of *December*, in the year of our Lord one thousand eight hundred and *sixty three* the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and was argued by counsel: On consideration whereof, *it is now here ordered* adjudged and decreed by this Court that the decree of the said District-Court in this cause be and the same is hereby affirmed.

*J. Mar.*

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You, therefore, are hereby commanded that such further proceedings be had in  
said cause,

as according to right and justice, and the laws of the United States ought to be had, the said appeal  
notwithstanding:

Witness the Honorable Roger B. Taney Chief Justice of said Supreme Court, the  
first Monday of December in the year of our Lord one thousand eight hundred  
and sixty three

COSTS OF \_\_\_\_\_  
Clerk.....\$ \_\_\_\_\_  
Attorney...\$ \_\_\_\_\_  
\$ \_\_\_\_\_

Tax paid by

L. W. Middleton

Clerk of the Supreme Court of the United States.

No. 149. December Term, 1863

MANDATE

SUPREME COURT UNITED STATES

U. States vs. Oberna et al

Filed July. 19<sup>th</sup> 1865

John D. Johnson

122.33

OK

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