

CASE No.
183

SOUTHERN DISTRICT

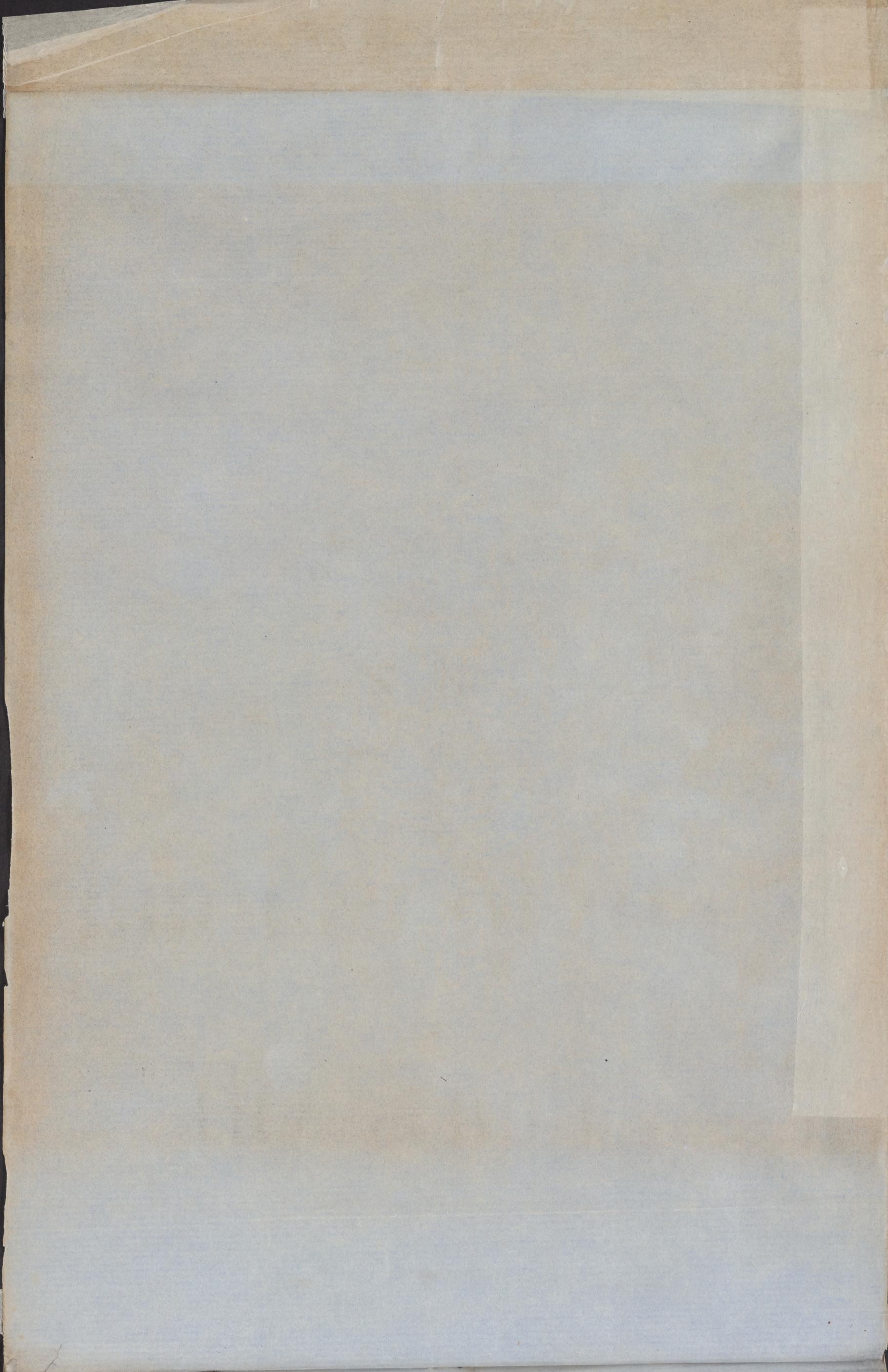
LOS ALAMOS Y AGUA CALIENTE GRANT

AGUSTIN OLVERA, ET AL.

CLAIMANT

428

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TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. *428*.

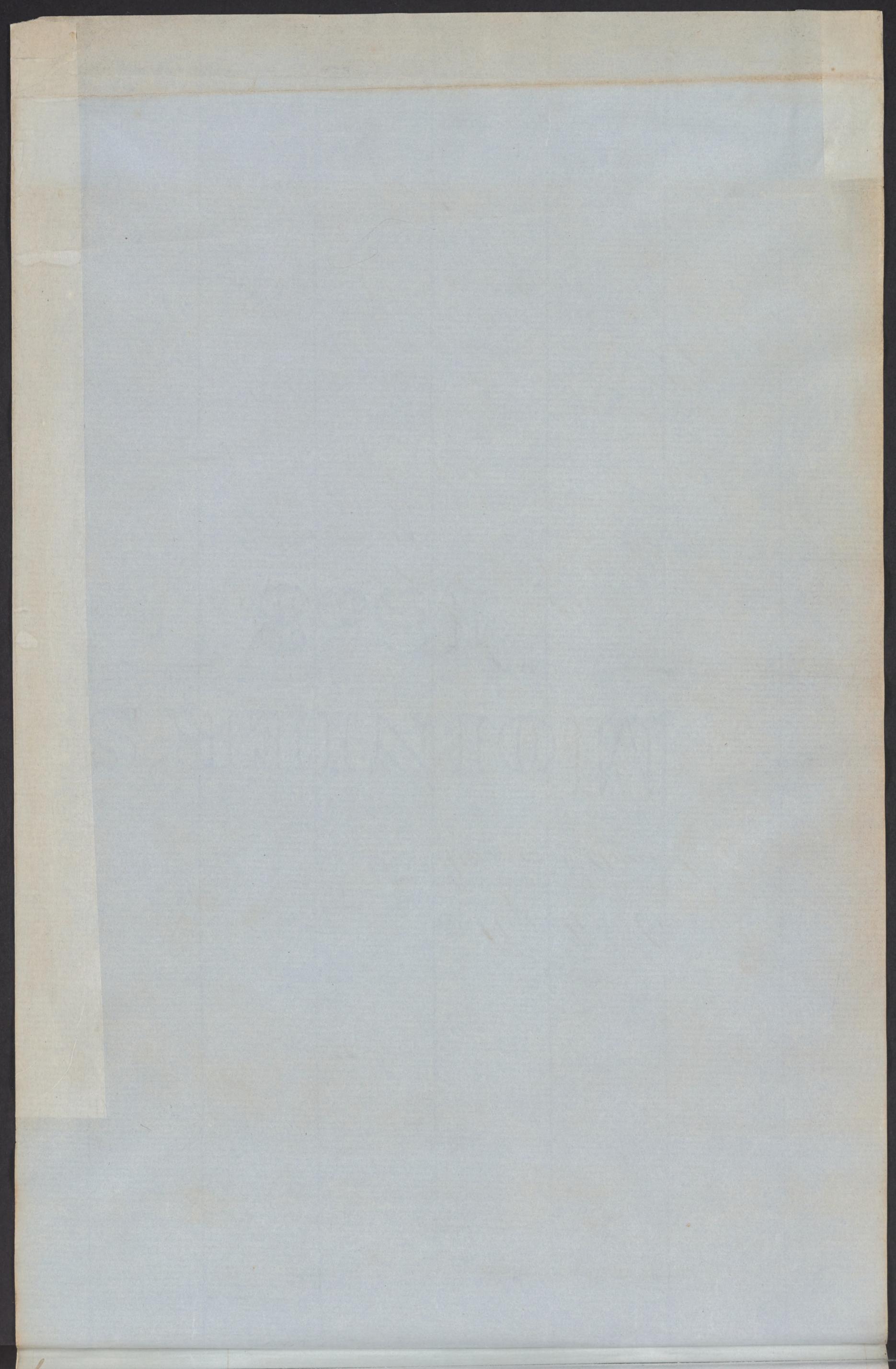
Agustín Obvera, et al, CLAIMANTS.

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 6th 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 13th 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. 13th 1853.
In the same case the deposition of *Jose M^a 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^d 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 1st 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 shew 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

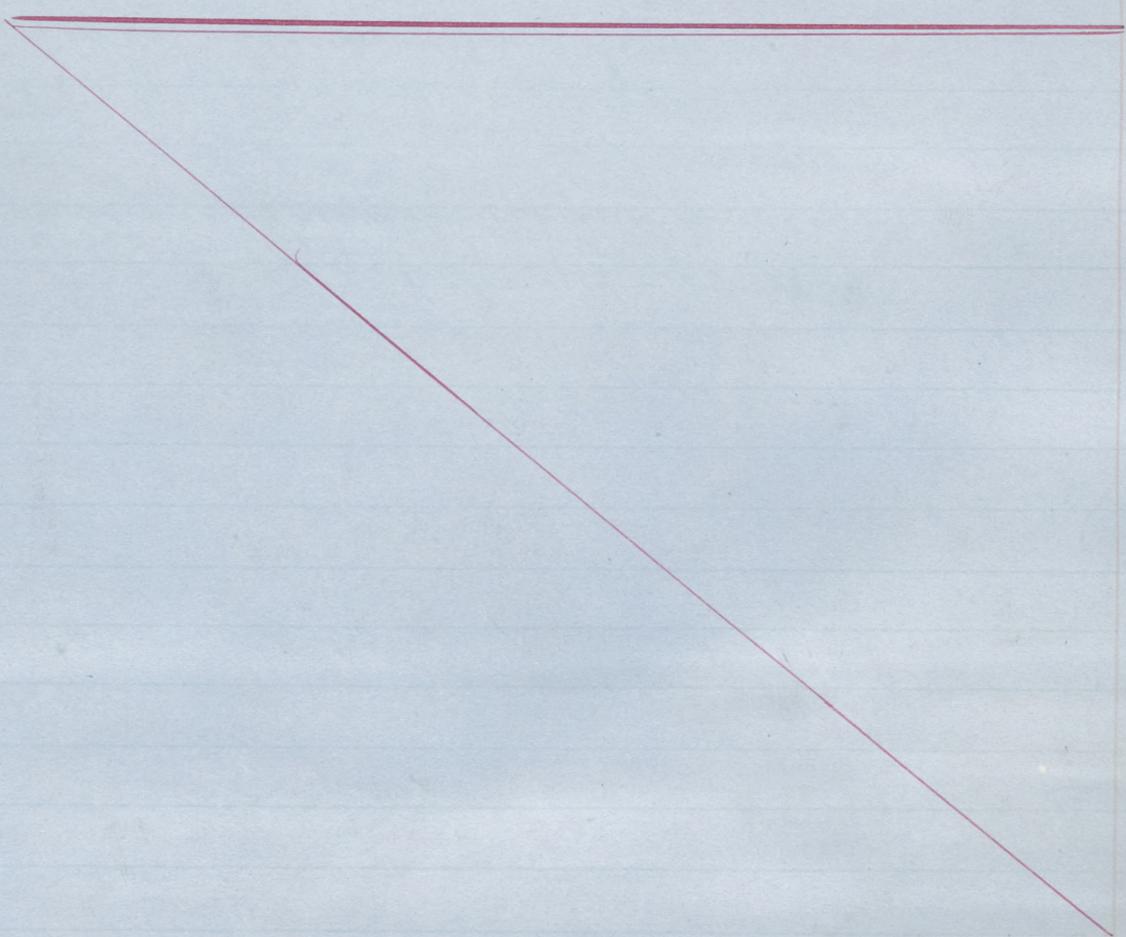
your Petitioners for the said year in 1851 the said
Francisco Lopez and Childless learned his property
to his Father Francisco Lopez and to his mother
Maria a Felix de Lopez who in the month of Octo-
ber 1852 sold their right to the said tract of Land
to Augustin Clovera and then in October 1852 the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

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They
herein 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
Laureasta Brent

Filed in Office October 29th 1852
Geo Fisher
Secretary



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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 Heliana Hall
came Abel Stearns a witness in behalf of the claimants
Abel Stearns in and against Agustin 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 surveyor 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

Heliana Hall
Commissioner
November 13th 1852 Geo. Fisher Surg.

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 depose 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 Costio and Porto Guella de Costio 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

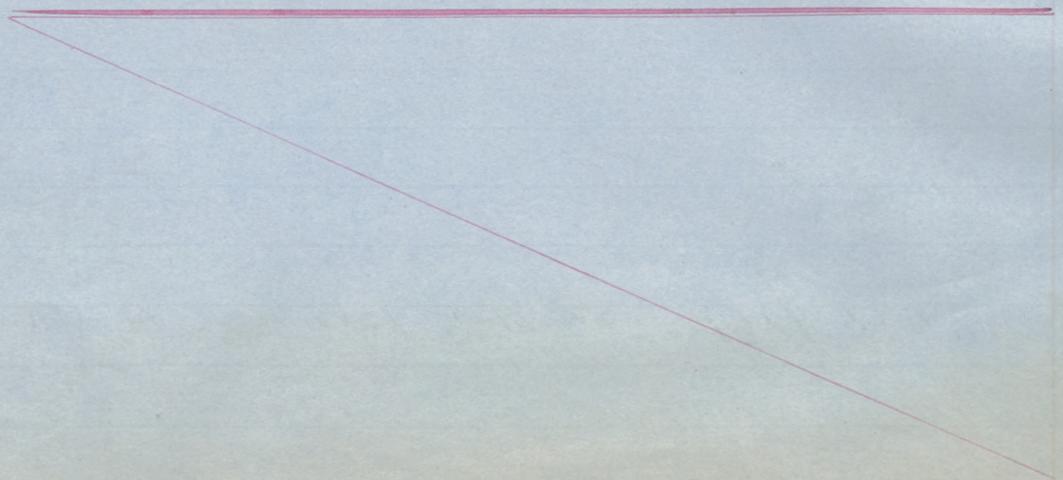
Associate Law Agent present

Jose Maria Coxarrubias
I do hereby depose and subscribe
Before me this 13th day of
October AD 1853

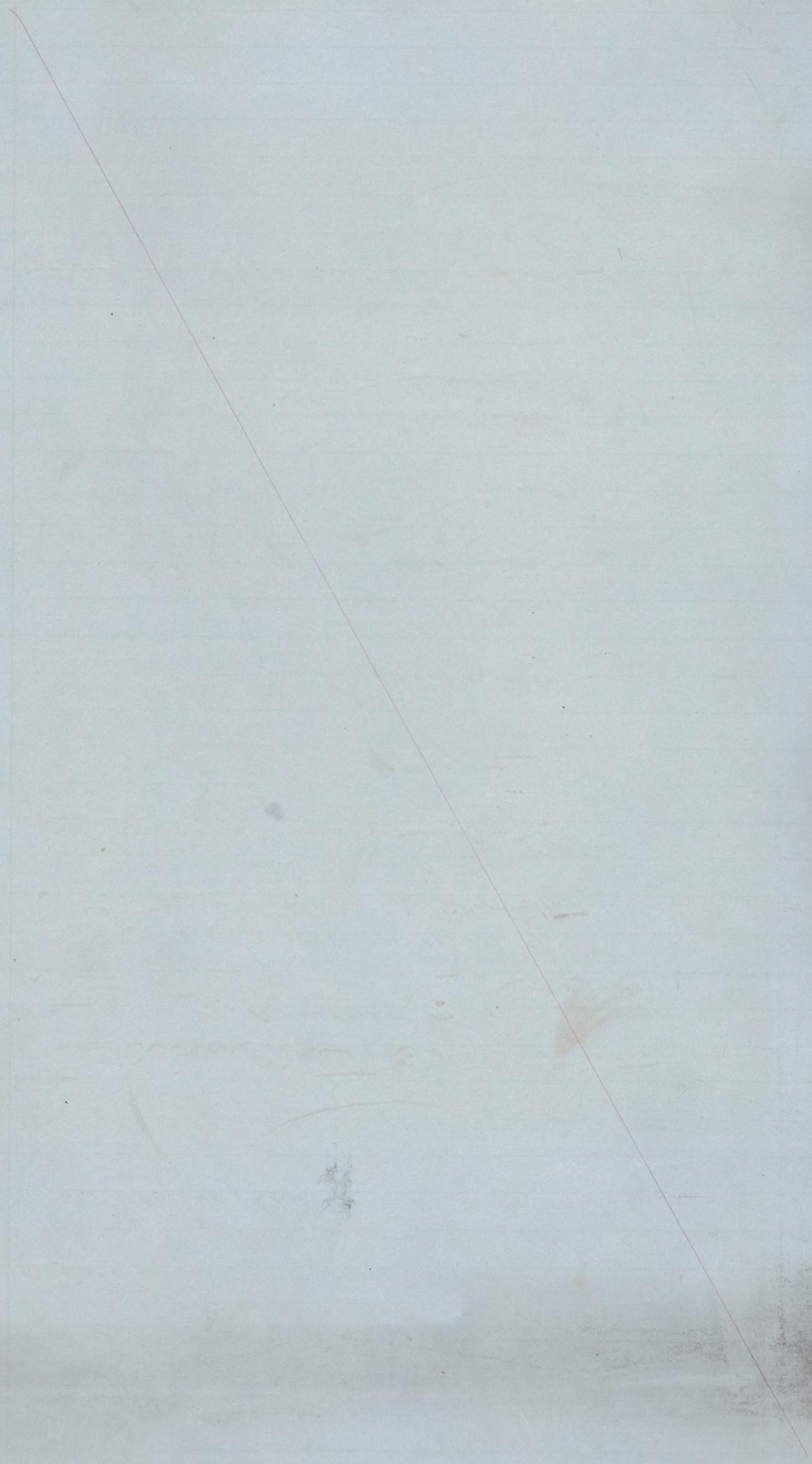
Thompson Campbell
Commissioner

Filed in Office October 13th 1853

Geo Fisher
Clerk



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428

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[1 P. D. K.]

Expediente

1825

mapa 16

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Expediente promovido por
D^{no} Fran^{co} R Lopez y
socios, denunciando el
paraje conocido con el
nombre de Alamos y Agua
caliente - año de 1825 -

Decorative flourish

No 505

111

[2 J.D.K.]

Exmo Señor Gobernador



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Angeles Agosto 21 de 1845
Pase al Alcalde de esta Ciudad para que haciendo citacion a las partes de Don Pedro Carrillo le sea entregada esta solicitud a fin de que alegue lo que a su derecho con venga, y concluido y sea vuelto al gobierno
Pien

Fran^{co} R. Lopez Luis Jordan y Vicente Botiller, Mejicanos por nacimiento, y residentes en esta 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 hallandonos puntualmente necesitados de un numero util para que nuestros intereses puedan permanecer reunidos, y adelantar en lo sucesivo, nos es de preciso necesidad implorar ala bondad de V. E. a fin de que se nos conceda el terreno conocido con el nombre de los Alamos y Atque Caliente, el cual pertenece a la propiedad de D. Pedro Carrillo por justo titulo que se le libro por el gobierno

[3 J.D.K.]

de este Departamento, y en virtud de haver fallado el Señor Carrillo al articulo 10 del correspondiente despacho segun la ley previene, y que como hasta la fecha 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 cursen 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^o

Angeles Agosto 21 de 1845 —

Franc^o R. Lopez

Luis Jordan

A megos de Vicente
Botiller

de ayetano Arenas

Angeles

[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^o Sanchez

Ass^o

Y^o Leonnel

Ass^o

Leonardo Cota

En la fecha se corrio el traslado y se
entregó al Sr Carrillo el expediente en
dos fol^o



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

map 17

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Map

Por Juez de 1^a 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 reunidos, 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 junta 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^o 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 á mano de V. E. el ante negocio segun se me previene
Vte Sanchez



Angelis Agosto 30 de 1845

No tocando á la parte de D. Pedro Carrillo califica en los interesados en la instancia con que de principio este expediente obtienen o no los requisitos legales para ser atendidos, vuelva al Sr Alcalde t^o de esta Capital á fin de que haga nuevo traslado al Sr Carrillo para que alegue lo que crea de su derecho con respecto á 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 á D. Pedro Carrillo asi lo decreté y mandé yo el Juez que suscribe segun dho -

Vte Sanchez

Asen
Jy^o Coronel

Asen
Leonardo Cota

[11 P.D.R.]

Señor Juez de 1^a Instancia

Pedro C. Carrillo de esta recindada 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 =

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

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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 ahora se ha dispuesto, habra lugar al denuncia 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



Angeliz a 27 de Mayo de 1848

Teniendo presente este Gobierno en virtud de las diligencias que obran en este Expediente con relacion al denuncia que han hecho en 21 de Agosto del año pasado los Ciudadanos Francisco 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 ocupacion 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 Jordan, 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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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 pidiendo le 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 esponentes 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 ^{tr.º} siéndose 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. P.D.K.]
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 interesados 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

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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 sown 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 Cañillo by grant title which was issued to him by the Government of this Department and in consequence of Don Cañillo's 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 that it will be a benefit to the community to avoid (provide against) the robbings continually committed by the Indian robbers 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 Cañillo 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 22nd 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

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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

The 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 Asspiration has been pleased to permit to me of the Expediente promoted by the Señores Francisco Lopez y Pactiones 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

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 yourselves with most worthy persons as to the class and number the parties denouncing possess 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 requesting you to admit the present in this paper for want of the Stamp

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Angus August 27th 1845

Pedro C. Canillo

Most Excellent Sir

I have the honor to transmit to you Hence the foregoing 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 send another Transcript to Mr Canillo to enable him to allege what he deems proper respecting the denouncing 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 decided 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 force the obstacles which he is exposed to such having placed them selves into my way repeatedly I have met with difficulties to be culled from the tract I own which has this day been denounced 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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Angels Sept 5th 1845

Pedro C. Canillo

Most Excellent Sir

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

Atre 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 thus 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 your 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 being 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 with 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 12th 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



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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, practicados puramente las averiguaciones concernientes usando de las facultades que me son conferidas a nombre de la Nación Mexicana he venido por decreto de este día 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^a Podrán excavar sin perjuicio de las traversas, caminos y servidumbres lo disfrutaran libre y exclusivamente destinandolos al uso y cultivo que mas les convenga

2^a Solicitarán del juez respectivo los de la posesion jurídica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondran las mojones necesarias

3^a 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 hará medir con arreglo a ordenanza quedando el sobrante que resulte a la Nación para los usos que sean convenientes

4^a Si contraviniere a estas condiciones perderán 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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PAGE 26

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 Diego

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

(Signed) Moreno

Filed in office October 29th 1852

(Signed) Geo Sisher
Sisher

B
Translation
of

Pio Pico Constitutional Government of the Des

asio Lopez Luis Jordan and Vicente Boteller
Musicians by both have petitioned for their
musical banjos and that of their families the
said banjos under the name of Los Olivos and
agreed to the proper conditions being previously
complied with in virtue of the faculties which are
empowered in me in the name of the Mexican
Nation

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PAGE 27

I hereby grant to them by decree of this day
the agraves declaring to them the right of owner-
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 Petrol
Ganado 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 work and the sur-
plus that results remain in 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 dis-
posable of another

In consequence I am signing
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

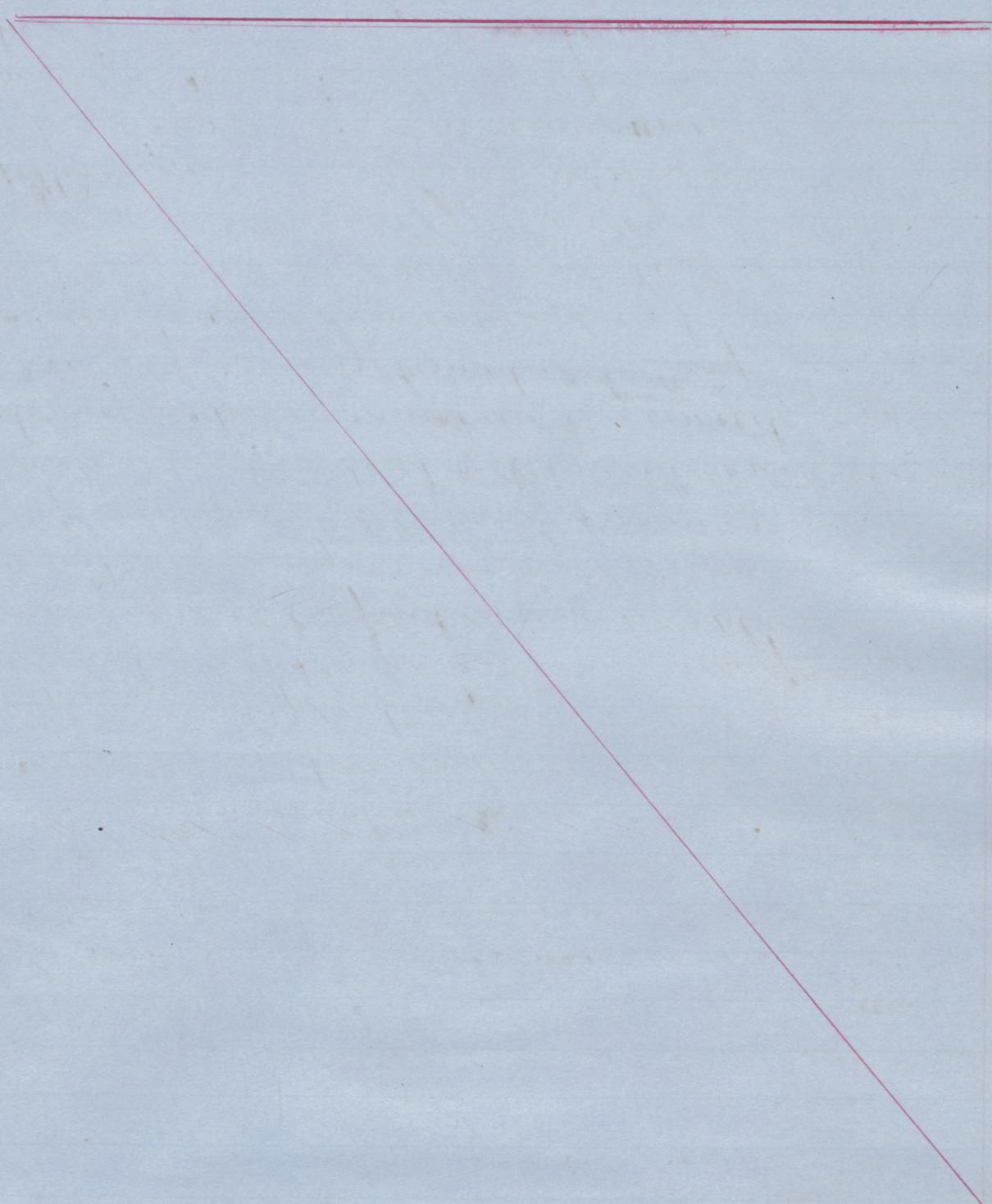
Pio Pico
Jose Matias Moreno
Secretary ad interim

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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



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29

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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PAGE 30

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

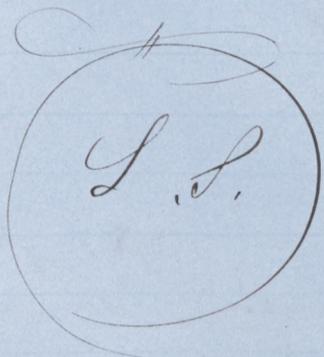
(Signed) Francisco Lopez (seal)

(Signed) Maria Ant^{na} Felix de Lopez ^{her} (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 Antonia 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 18th 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 18th day of January A. D. 1853 - at twenty minutes past nine o'clock P. M. in 1st 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 10th 1852 -

(Signed) Geo. Fisher
Secy

1135

1135

B

Translation
of

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 N. 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

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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 property
 by acquired as it is free from all liens and not
 being sold donated nor mortgaged

And in proof of being certain what was intended 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
whatsoever 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)*

Man Antonio ^{de} Felix de Lopez
witness

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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PAGE 34

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 los 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
" demuestran 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

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(Signed) José Matias Moreno
Año Ynto

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

Tiled in office October. 29th 1852

(Signed) Geo. Fisher
Secy

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. Caudillo 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. Caudillo 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. Caudillo 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

Pro Pico Amsti
intimate Governor of the Department of the Calisfornias thus did command decree and sign which certify

Pro Pico
Jose Matias Moreno
Secretary ad interim

38.

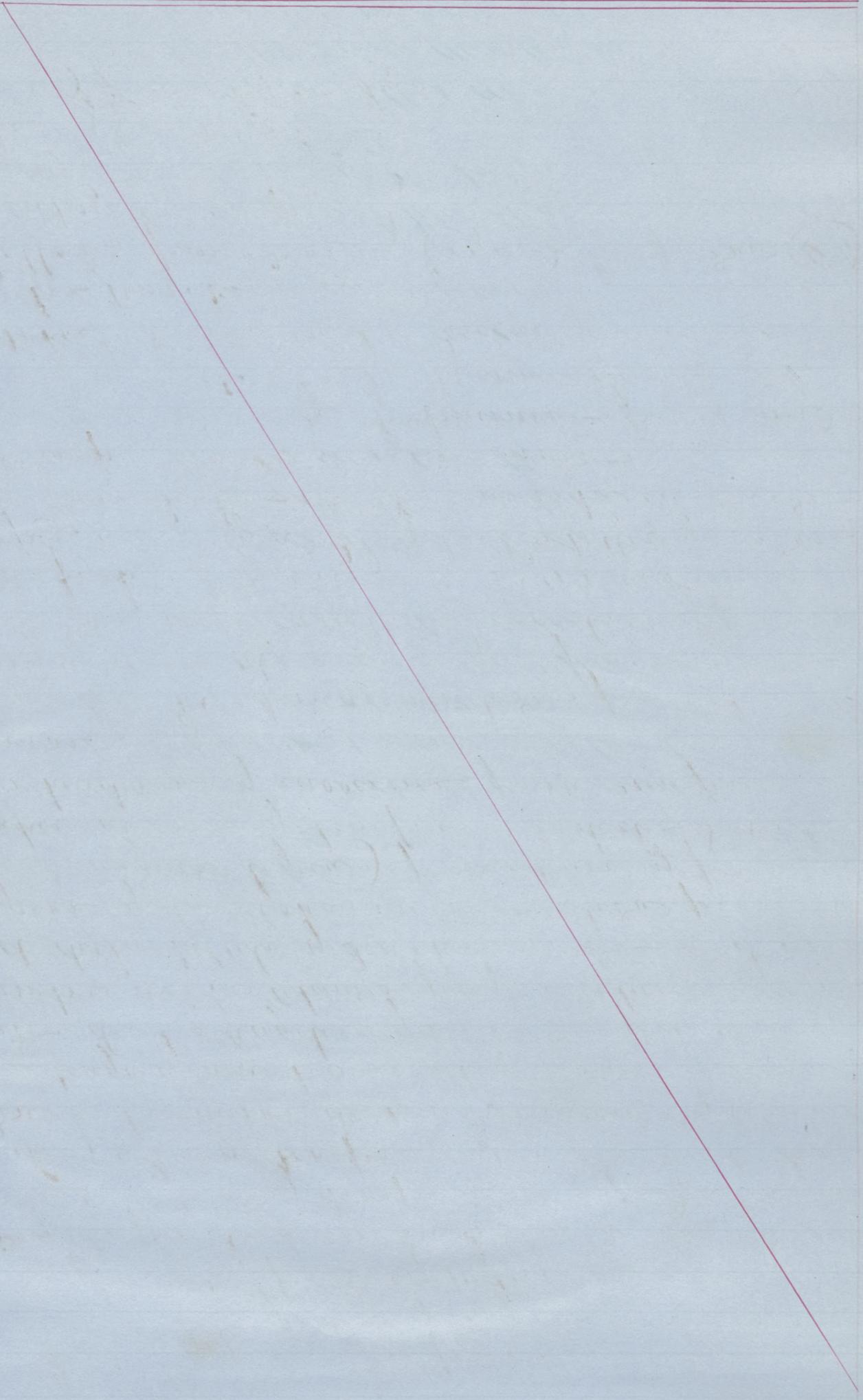
Which Transcripts I send to you for the ones that
may be suitable

José Matias Moreno
Secretary ad interim

Filed in Office October 29th 1852

Geo Fisher
Secretary

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PAGE 37

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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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PAGE 38

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. Overshuo

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 27th day of October A.D. 1852 at fifteen minutes past 12 o'clock P.M. Recorded the same October the 28th 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^r.

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

Filed in office July 10th 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
Jordano for 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 Jordano (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 in favor of 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

Respect

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 title be denied

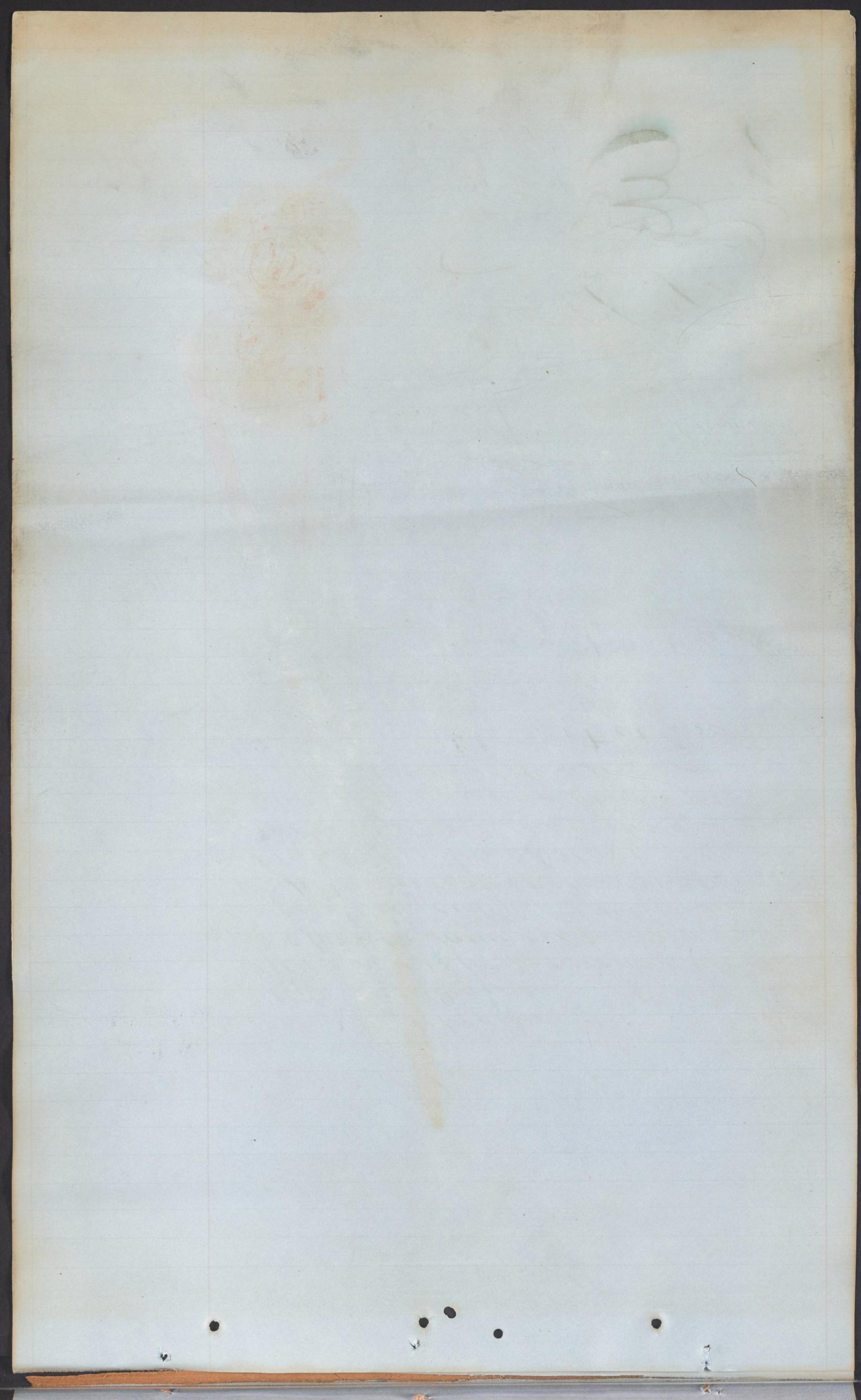
Alfonso Felch
R. Aug Thompson
J. B. Fenwick Amicus

Filed in Office Aug 15th 1854 Geo Fisher Secy

45.

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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,

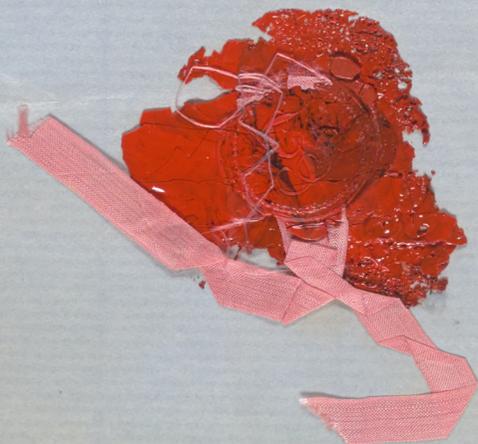
To ascertain and settle the Private Land Claims in the State of California.

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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 17th 1854.

G. E. Carr.

clerk.

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N^o 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 -

183 SD

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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 19th 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^o 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 29th 1852 being on its docket N^o 428, will prosecute the appeal herein from the final decision of said Board entered on 15th 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 25th 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 27th 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 29th day of
October, 1852, before the United States Land

Commission to ascertain and settle the private land claims in California, and the papers and proceedings thereupon had, which are here especially referred to; and that after the said 27th day of May, ¹⁸⁴⁶ 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 15th 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 27th 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 29th 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 15th 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

same.

That afterwards, to wit on the 19th 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 25th 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^r 19th 1855
C. E. Parrott
J. J. White & Co. for

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J. E. Brent.

Attorney for Appellants.

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

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Agustin Olvera,	}	Case n ^o 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, Southth
District of California

Agustin Olvera et al.
Appellants

vs

The United States
Appellee.

Order for new testimony

Filed Oct^r 8th 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 *19th* day of *September* in the year of our Lord one thousand eight hundred and fifty-*five*, at the City and County of Los Angeles, in said District, by

*Agustin Olvera. 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 *15th* 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 Chera 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 Manas 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 ^a 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 st 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 st Alcalde, for further statements by Carrillo.
12.	13.	2 nd Citation to Carrillo.
13.	13.14	2 nd Communication from Carrillo
14.	14.	2 nd Note from Alcalde to Governor, returning papers.
15.	14.15	Order, granting delay of 9 months.

Copies from Archives.

No	Page		
16.	15.17.	Copies of Innos.	Decree of Grant & Denunciation.
17.	16.17		2 nd Petition of Lopez, Jordan, & Botiller, Innos. having elapsed.
18.	17.18.		Certificate of Surveyor General to the fore- going Copies.
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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 nd Order. " 11.
24	21		" 2 nd Citation " 12.
25.	21.22.		" 2 nd Statement of Carrillo " 13.
26.	22.		" 2 nd 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 13th 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.

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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^{ble} 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.
app't

vs

The United States
app'ee.

Answer of App't.

Filed Jan'y 4th 1856.

J. C. Linn
Clerk

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Marshals Cost

Henry H. Sawyer \$12.00

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

Edward Hunter
U S Marshal
for M. C. Goodman
Deputy

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"

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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. ^{ad. in.}

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

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Angels, August 21. 1845.

Pass to the 1st 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

... to ...

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.
Angeles, August 21, 1845.

Francisco R. Lopez

Luis Jordan

at request of Vicente Boteller

Luyteng Arenas

(5.)

Angeles, 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 1st 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
(8.) not know up to date that he ^{is the} possessor ^{of} even
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 27th 1845.

Pedro L. Carrillo.

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(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 30th 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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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 ^{occupation} ~~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

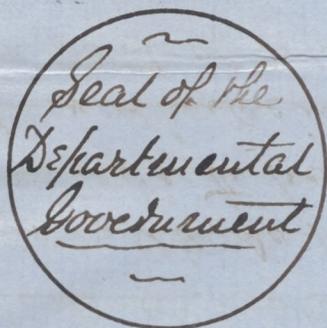
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PAGE 68

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 5th 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 denoucement 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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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 5th 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, nd 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 18th of August 1824, and the Regulation of the 2, nd November 1828, that said tract of land may be assigned us in fee, by reason of said term having now elapsed, and ~~our~~^{we} 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 8th 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 27th 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^{made} on the 21st 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 6th 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 13th / 1884

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^o 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^d
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 pastorá", 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 15th day of December 1856.

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

Case 183

U. S. Dist Court
South² Dist. Cal^a.

Agricola Olvera et al

App^{ts}

27

The United States

App^{les}



Deane

Filed this 15th Dec. 1856

Clerk

J. H. Coleman

Recorded page 109

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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 Cause 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 ^{my name is} "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 ^{towards} 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 ^{his wife} 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~~^{foregoing} 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 ^{my private} 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

Augustine Chua tal

^{rs}
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. Obermaier

Filed July 19th 1865

John D. Robinson

221.33

OK

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