

CASE No.  
250

SOUTHERN DISTRICT

---

LA MISSION VIEJA OF LA PAZ GRANT

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JUAN FOSTER  
CLAIMANT



LAND CASE 250 SD

86 pgs.

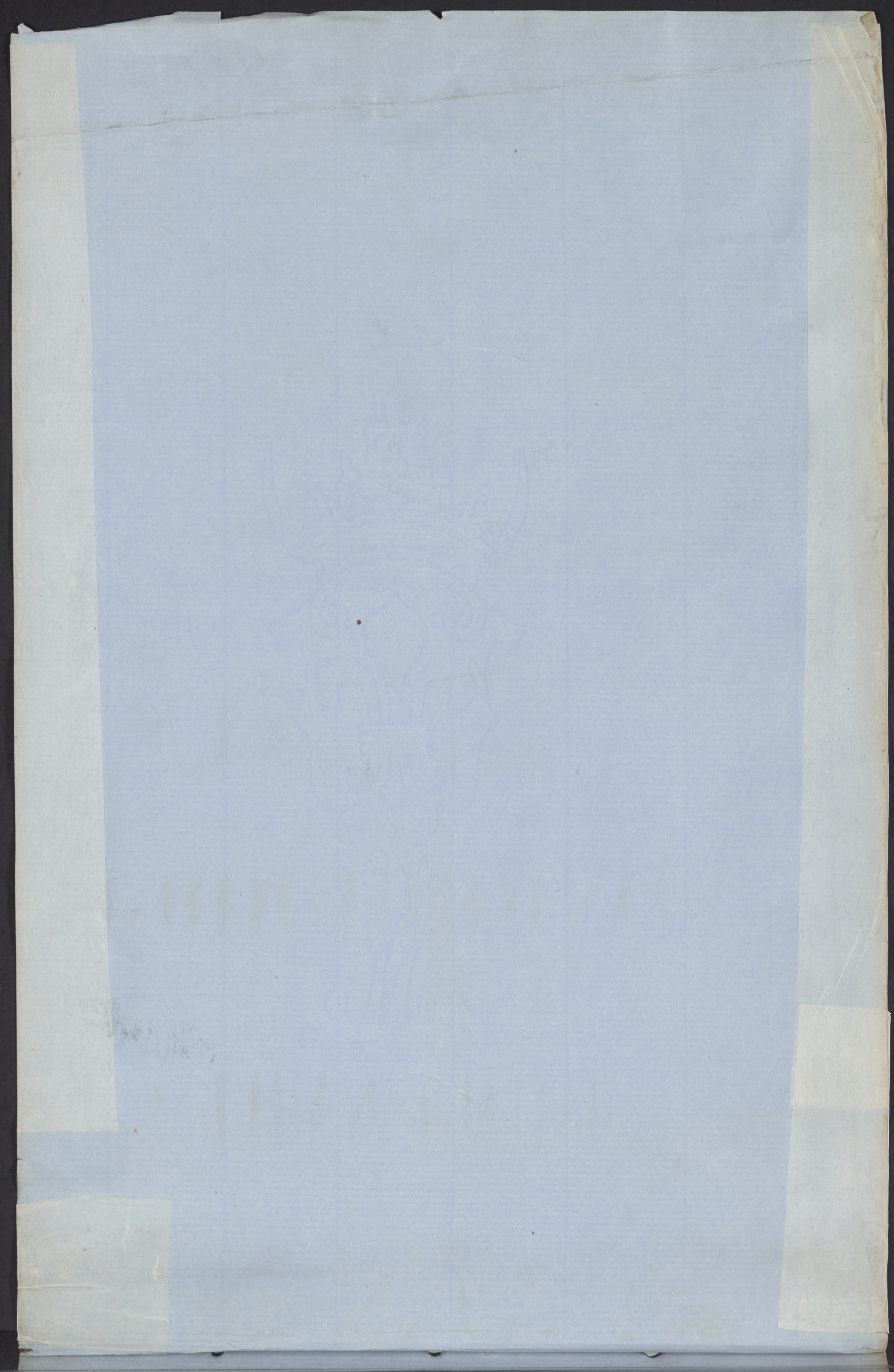
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U.S.A.



396







# TRANSCRIPT

250 SD  
PAGE 1

OF THE

# PROCEEDINGS

IN CASE

NO. *396*

*Juan Foster*

CLAIMANT

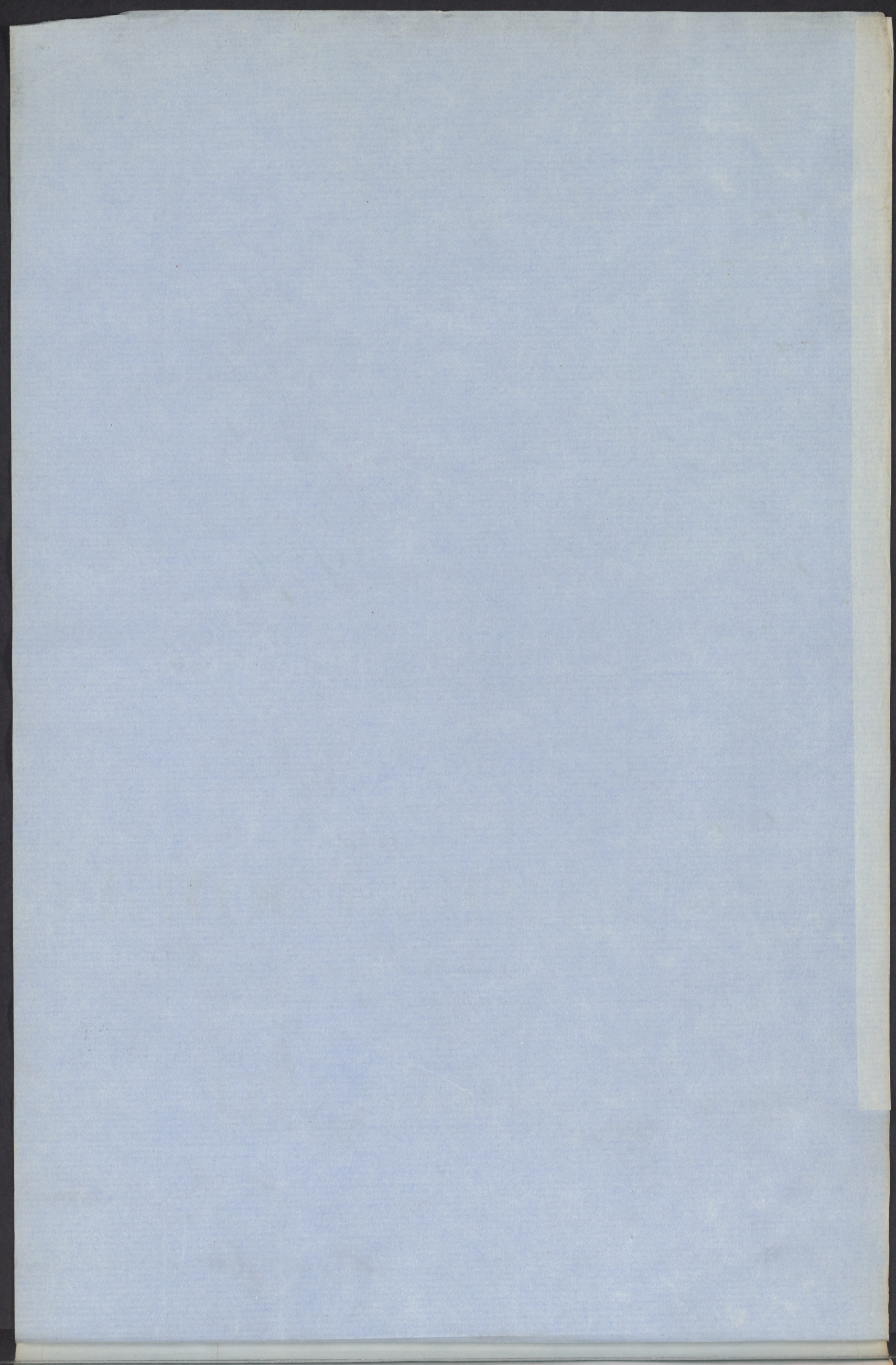
VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"La Mision Vieja" or "La Paz"*







Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, that on this *sixteenth 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;

250 SD  
PAGE 2

The Petition of *Juan Foster*,  
for the Place named  
*"La Mision Vieja" or "La Paz"*,  
was presented, and ordered to be filed and docketed with No. 396 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;

*Sos Angeles, October 30<sup>th</sup> 1852.*

In Case no. 396, Juan Foster for the place named *"Mision Vieja o' la Paz"*, the deposition of Abel Stearns, a witness in behalf of the claimant, taken before Commissioner Richard Hall, with documents marked nos. 1. 2. & 3, with translations thereof, annexed thereto was filed;

(Vide page 4 of this Transcript.)

*Sos Angeles, November 10<sup>th</sup> 1852.*

In the same Case the deposition of S. Argüello, a witness in behalf of the claimant, taken before Commissioner Richard Hall, was filed;

(Vide page 6 of this Transcript.)

*San Francisco September 19<sup>th</sup> 1853.*

Case no. 396 was called, and on motion of the Counsel for the claimant, ordered to the foot of the Docket,



San Francisco October 22<sup>nd</sup> 1853.

In the same case the deposition of J. J. Warner, a witness in behalf of the claimant, taken before Commissioner Thompson Campbell, was filed;  
(Vide page 7 of this Transcript.)

250 SD  
PAGE 3

San Francisco August 8<sup>th</sup> 1854.

In the same case the deposition of J. J. Warner, a witness in behalf of the claimant, taken before Commissioner Peter Sott, was filed;  
(Vide page 9 of this Transcript.)

San Francisco August 11<sup>th</sup> 1854.

In the same case the deposition of Brigida Morillo, a witness in behalf of the claimant, taken before Commissioner Peter Sott, was filed;  
(Vide page 12 of this Transcript.)

San Francisco Sept. 5<sup>th</sup> 1854.

Case no. 396 was submitted on briefs and taken under advisement.

San Francisco October 31<sup>st</sup> 1854.

In the same case Commissioner N. Aug. Thompson delivered the Opinion of the Board, confirming the claim;

(Vide page 59 of this Transcript.)

and the following order was made, to wit:

(Vide page 60 of this Transcript.)

S



3  
To the Board of Commissioners for  
ascertaining and settling Private Land Claims  
in the State of California.

Petition

Your petitioner Juan Fiestro  
of the County of Los Angeles in the State of  
California respectfully represents to your  
Honorable Board that he claims a certain  
tract of land called "La Paz" and formerly  
known as "Mission Vieja" situated in the  
County of Los Angeles in the State aforesaid  
that he claims the same in full virtue of a  
grant to Agustín Olvera under the Authority of  
the Mexican Government by Don Pío Pico Governor  
of the Department of the Californias bearing  
date the fourth (4th) day of April one thou-  
sand Eight Hundred and forty five and ap-  
proved by the Departmental Assembly on the  
thirteenth day of June one thousand Eight  
Hundred and forty six,

Your Petitioner further  
represents that the said Agustín Olvera on the  
sixth day of April one thousand Eight Hundred  
and forty five transferred his right in said  
land to said petitioner -

Your Petitioner further repre-  
sents that said Olvera's possession of said tract  
of land was given to him as purchaser of the  
right of the said original grantee on the  
twenty third day of March one thousand Eight  
Hundred and forty seven and the boundaries  
thereof designated and defined and that he  
has been in the peaceful possession thereof ever  
since and that he has no knowledge of any  
adversely claiming claims to said land -

Your petitioner herewith  
presents the original grant to said Agustín  
Olvera and his assignment of his interest therein  
to your petitioner together with the approval



of the Departmental Assembly in the Spanish language and translations of both with a certified copy of the map of the land granted to said Abad and a copy of the certificate of Judicial possession given to your petitioner and will make further proof of title if required by the Board.

Your petitioner prays your Honorable Board to take into consideration his claim to said tract of land and decree his title to be valid and confirm the same.

Subscribed & sworn  
of Counsel for Petitioner

Filed in Office Oct 16, 1852.

(Signed) Geo Fisher  
Secy.

Deposition  
of  
Abel Stearns.

Las Angeles Oct 30<sup>th</sup> 1852.

On this day before Comr Heiland Kealt came Abel Stearns a witness in behalf of the claimant Juan Ponce petition No 34 and was duly sworn his evidence being given in English.

The W S Associate Law Ofmt was present -

In answer to questions by Counsel for the Claimants the witness testified as follows -

My name is Abel Stearns. My age is fifty four years I reside in the City of Las Angeles & have resided in California for more than twenty three years.

I am acquainted with the signature & hand writing of Pio Pico from



5-  
Baudino Agustin Olana & Jose Matias  
Morino.

A paper is now shown me  
purporting to be a grant to Agustin Olana  
of a tract of land called Mission Injira  
dated April 4, 1845, with a homolog by said  
Olana to Juan Pastor dated April 6, 1845

The signatures of Pio Pico  
Juan Baudino & Agustin Olana on said  
paper I believe to be genuine -

Said paper is now annexed  
& marked H. H. No 1 -

A paper is also shown  
me purporting to be a testimonial of approval  
by the Departmental Assembly of said  
tract of land to said Olana dated 13 June  
1844 -

The signatures of Pio Pico &  
Jose M. Morino upon said paper I believe  
to be genuine. It is now annexed & marked  
H. H. No 2.

A map is also shown me  
with a certificate of Juan Baudino upon  
it dated April 5, 1845. I believe the signa-  
ture of said Baudino to said certificate to  
be genuine. Said map is now annexed  
& marked H. H. No 3.

A paper is also shown me  
purporting to be a testimonial of Judicial  
possession to Juan Pastor in March 1844.

The signatures of Enrique  
Ariza, Jose Lopez & Casado Aguilas upon  
said paper I believe to be genuine -

I am acquainted with their  
hand writing & signatures, Ariza was ac-  
ting second Alcalde at the date of said  
proceedings. Said paper is annexed to the  
disposition of Abel Stans taken in case No

250 SD

PAGE 6



No 1112.  
Question by Associate Law Agent,  
Do you know that the land was ever oc-  
cupied by Oliver the original grantee?

Answer

I do not.

Did you hear of the transfer to Forbes &  
at what time -

Answer.

I heard of it about the time of  
the transfer of the land & before the occupa-  
tion of the territory by the United States.

Did Foster occupy the land before the  
territory was possessed by the United States?

Answer.

I do not know.

Abel Stearns.

Sworn & Subscribed

Before me

Holland Heath, Commr.

Filed in Office Oct 31<sup>st</sup> 1852.

(Signed)

Geo Fisher Secy -

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Los Angeles Nov 11<sup>th</sup> 1852.

On this day before Commr H. Heath came  
S Arguello, witness in behalf of the claim  
ant Juan Castro petition No 346 and  
was duly sworn his evidence being interpret-  
ed by the Secretary.

The U.S. Associate Law Agent was present.

Deposition  
of  
S Arguello.



7

In answer to Enquiries by Counsel for the Claimant the witness testified as follows.

My name is Santiago Arguello my age is sixty years & I reside in San Diego -

I know the Rancho Mission Vieja or La Paz. It has been occupied by Juan Justo Carr since the year 1811. He has had a house there occupied by his people. He has cultivated the land & has had stock there during that period - He still occupies it -

map 24

250 SD  
PAGE 8

S. Arguello.  
Sworn Subscribed  
Before me  
Heiland Keell Comr.

Filed in Office Nov 11th 1852.  
Coyaud & Co. Fishers  
Secy.

Officer of the Board of  
Commissaries &c &c.

Deposition  
of  
S. J. Warner

This day before Comr Thompson Camp-  
bell came S. J. Warner a witness in behalf  
of Claimant Juan Justo Carr who  
after being duly sworn deposed as follows.

What is your name age and place of res-  
idence -

My name is S. J. Warner. I am forty  
five years of age, and I reside at San  
Diego -

Do you know the Rancho called  
Missions Vieja or La Paz, and if so state



all you know about the occupation of the  
claimant -

In 1845 I first knew the place  
was open it. there was a small farm house  
open it. Cattle pens cultivated fields man  
fence. there were cattle and horses open it  
servants and laborers residing in the house  
and working in the fields.

250 SD  
PAGE 9

I know that Mr Foster  
within a year or two after the year 1845  
the time when I first knew the land had  
a fine adobe house on the land where his  
family resided for several years.

His usual residence being  
in the Mission of San Juan -

Justin by Mr Graham.

Do you know whether this land was ever  
occupied by Agustin Chana -

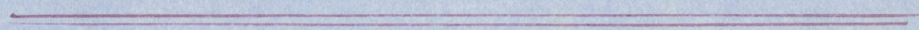
No from any personal knowledge  
only by report - J. J. Warner.

Sworn to & Subscribed  
Before me this 22<sup>nd</sup> day of  
October 1858.

Tompson Claiborne  
Clerk

Filed in Office Oct 22. 1858.  
(Signed)

Geo Fisher  
Secy. }





9  
United States of America  
State of California 3 fo.

San Francisco August 1, 1851

This day personally came before Peter  
Lott Commissioner for taking testimony to  
be used before the Board of U S Land  
Commissioners in said State J D Warner  
a witness on behalf of the claimant Juan  
Pinto in case No 346 on the docket of said  
Board and said witness being duly sworn  
deposed as follows.

Deposition  
of  
J D Warner.

250 SD  
PAGE 10

The U S Associate Law Agent present.

Questions by Claimants Counsel.

1st Question -

What is your name and place  
of residence?

Answer.

My name is J D Warner. My  
age 44 years My residence San Diego County  
California.

2d Question -

Are you acquainted with  
the Rancho of the Mission Tijuca or La  
Jaya? if you how long have you known it  
where is it situated and state what you  
know of its boundaries -

Answer -

I am acquainted with said  
Rancho have known it some 11 or 12 years  
It is situated in the County of San Diego

It is bounded on the South  
East by the line dividing the County of  
San Diego from the County of San Diego  
which runs from the Ocean Eastwardly on the  
North East by the base of the mountains usually



known there at the Mountain of San Juan which separates the Valley of Tomicula from the lands on the Coast. To the North west by the road from the Mission of San Juan to the Alisos and on the South west by the lands set apart for the Municipal lands of San Juan.

250 SD  
PAGE 11

Cross Examined by the U.S. Associate  
Law Agent -  
Pt. Austin -

Are you there any natural objects on the line of this Rancho which forms also the dividing line between the two Counties named?

Answer.

There are none which are known as marking the boundaries - The northern line of the Rancho of Santa Margarita being the line fixed by Statute as the County line forms also the boundary being said Rancho and this Rancho of La Paz.

2<sup>d</sup> Question -

What was the boundary in the grant before the County line was established -

Answer -

I have not seen the grant and do not know what line it describes but the lands upon which it was conveyed were those of San Mateo being a part of the Rancho of Santa Margarita.

3<sup>d</sup> Question -

If you have seen the grant how do you know that these were the boundaries?

Answer.

I know it by having for the last 20 years heard the people living about San Juan and the neighboring Ranchos invariably



11  
when speaking of the boundaries of Ranchos  
in that vicinity give to this Rancho these  
boundaries which I have described -  
4th District -

To the road from San Juan  
to the Alisos, and the Municipal lands of  
San Juan marked by any distinct objects  
as boundaries!

Ausum.

The road is an old travelled  
public highway and I have noticed for the  
last 11 or 12 years on that road about a  
league northward from the Mission a monu-  
ment a large stone placed there which I  
have always understood to mark one of the  
corners of the Municipal lands of San  
Juan the road from there continues on north  
wardly in a Cañada I know of no other  
marks of the Municipal boundaries.

J. J. Warner.

Subscribed and Sworn to  
before me on this 4<sup>th</sup> day of  
August AD 1852.

Peter Latta  
Comr &c.

Filed in Office Aug 5, 1852.

(Signed)

Wm Fisher Secy

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United States of America  
State of California 3 p.

Deposition  
of  
Bricido Morillo

250 SD

PAGE 13

San Francisco Aug 11. 1854.  
This day came before the said Commis-  
sioner for taking testimony to be used before  
the Board of W S Land Commissioners  
in said State Bricido Morillo a witness  
on behalf of the Claimant Juan Pastor in  
Case No 346 on the docket of said Board  
and said witness being sworn deposed in  
Spanish which was interpreted into English  
by the interpreter to said Board as follows.

The W S Associate Land Agent present.

Questions by Claimants Counsel.

1<sup>st</sup> Question - What is your name age and  
residence?

Answer. My name is Bricido Morillo  
My age 55 years My residence Las  
Angeles. County California -

2<sup>d</sup> Question - Are you acquainted with the  
Rancho of Mission Vieja or La Paz. if  
yes how long have you known it where is it  
situated and state what you know of its  
boundaries?

Answer. I am acquainted with said  
Rancho have known it about 35 years It  
is situated in Los Angeles County. It is  
bounded on the west side by the main  
road from San Juan Capistrano to Los  
Angeles, commencing at the Aguaje de Canto



(the Indian name of a Spring) at the north  
westly corner and running southly along  
the road about 1 mile a little more or less  
to a point where 3 large stones are set in the  
ground by the side of the road.

These stones are the  
well known monuments to mark the boundary  
between this Rancho and the town lands of  
San Juan and also between this Rancho  
and that of Juan Abila on the east, the  
boundary runs from these stones across the  
hills and through the garden of Quintin  
(Huerto de Quintin) to a tree near the  
cañal of an arroyo opposite to said garden at  
that tree is placed a pile of stones and the  
tree is marked with the brand of Juan  
Foster fronting across the hills to a Spring  
called La Joya, which is the boundary  
between this Rancho and that of Amelio  
Vejar, the line continues from thence to a  
stake which is driven at a place called  
Arischo near the beach about 1000 varas  
from the sea.

From that stake it runs  
to the high hills de la Canada de la Feliza  
this last is the boundary of the Rancho  
of Pio Hier -

The line runs along the  
side of the hills and then comes down to the  
Agua Caliente (warm Spring) from the  
Agua Caliente it crosses the hills to the Agua  
Cebanallora from there it runs down a  
Cañada to thence (also) Taus, and from  
thence to the place of swimming - This last  
line divides this Rancho from that of  
Fruugo.

In Question -

State whether the line you mention



as running from the huerta de Lumbin and  
along the Comandante line of Amadio Uyar  
to the line of Pio Pico's Rancho is straight or  
crooked?

Answer.

It is a straight line.

4th Question -

What is the name of Pio Pico's  
Rancho which you refer to?

Answer.

Santa Margarita.

5th Question.

State what you know of the occupa-  
tion of the Rancho of "Mission Vieja" or "La  
Paz".

Answer.

It was occupied in 1814 by  
Don Juan Justo he built a wooden house  
on it in that year in which lived the man  
in his employ. he had 2 cornals and land  
enclosed for cultivation, he had horses and  
cattle on it, in 1845 he built a large adobe  
house and moved there with his family and  
all of his property.

In the year when the Ameri-  
cans came the Indians began to steal his  
stock and he took his family away from the  
place for safety. he continued the occupation  
of the place with his stock to the present  
time.

Cross Examined by the U S Associate  
Law Agent.

1st Question.

When did you first know these  
boundaries and how did you become ac-  
quainted with them?



Answer.

It was about 1844 or near that time, I was present at the measurement of the land.

2<sup>d</sup> Question.

State what you know of the Indian depredations of which you speak and how you know the stock was kept on the land?

Answer.

I was not present on the Rancho but I knew from common report that Pastor's stock was stolen by the Indians and that some 3 persons were killed on said Rancho. Civilized Indians killed by the wild Indians. I know that Pastor kept his stock continuously on the Rancho because I was there and saw it. I was in his employment.

Benj<sup>o</sup> & Mordillo  
Mans

Subscribed and Sworn to  
Before me on this 11<sup>th</sup> day  
of August AD 1857.

John Lott Com<sup>r</sup> &c.

Filed in Office Aug 11. 1857.

(signed)  
Geo Fisher  
Secy.



16





117

U.S.M.

Espediente del rancho de la Par  
antes llamado Mision Vieja de la propiedad  
de Don Agustin Olvera.  
1837.

250 SD  
PAGE 17



Sello cuarto Dos Reales. L.S.D.R

Se habilitado provisionalmente por la Soluana Maritima del puerto de Monterrey en el Departamento de las Californias para el año de mil ochocientos cuarenta y tres. Micheltorena. Manuel Castañares.

Notarria Maritima de Monterrey

seal of Gobierno Poltico de California.

250 SD PAGE 18

I. J. El ciudadano Antonio Maria Somora ante V.E. como mas haya lugar en derecho y con el mayor respeto tiene el honor de esponer: Que denuncia en debida forma el parage conocido con el nombre de la Mision Vieja de San Sirase informar Juan Capistrano cuyo terreno otieno el Sr. Prefecto del Dis tiene mandarlo levantar y presentarlo ante Segundo Don dentro de pocos dias en el que se man Manuel Dominguez con los Sitios de ganado Mayor cuando previamente que contenga asi como un pedaso si los necesitare, los de terreno que comprende la etgua que jusque Courvento Caliente y que igualmente denuncia Micheltorena. pues no han cumplido los poseedores con las condiciones de la ley y el que

L.S.D.R

Angela Junio 8 de 1843 se sirve espere poner los bienes que. Pase este asunto a quella de equa y de mas requisitos al Juez de Paz de 1º dentro del termino que presija. Por Juan Capistrano pº tanto. A V.E. Suplica se sirva que haciendole la corresponder a esta solicitud en lo que pronto restara del recibire gracia y merced. los ctas parage que se solicita - es de la Alta de California informa circunstancia Junio ocho de mil ochocientos ante si se halla Valido Cuarenta y tres. Si pertenece a aquel Antonio Mº Somora. establecimiento o si ha sido concedido a algun particular y desde que tiempo, y concluido Vuelva a esta Prefectura pa los de mas tramites de estilo. Manuel Dominguez.

Narciso Botello. Sr. D.

Sr. Prefecto.

Como V.E. en su respetado decreto de 10 del Corriete que antecede desea un informe circunstanciado del parage de la Mision Vieja teniendo yo una noticia cierta y este era la propiedad de Don Jose Antonio Estudillo ignorando desde que tiempo lo tendria concedido estare obligado a dirigirme

L.S.D.R



a este Señor. como lo hice un dia despues de recitido el Expediente para que mas propiamente pudiese examinar mi informe sin equivocacion al general el Del referido Sr. la Contestacion original 2.ª del mismo que corre aqui - arto. a este mismo Expediente mandarla con numero 1.º la cual quita toda duda de lo que pudiese decir no estando bien impuesto.

Pase al parage de la Mision Vieja a practicar la correspondiente Reclutacion y echo al examen respectivo observe en estos terrenos que pastaban con numero regular de Caballada que consecuentemente esta baldi sin embargo de que no hay ninguna casa forniarla, mas si se puede asegurar que se han emprendido trabajos en el tracto referido parage pues se conoce que las aguas abstrayeron una Sanja de agua que se forme hacia una riberonada con objeto de hacer Siembras lo que se emprendio por Don José Antonio Estudillo.

Es cuanto puedo decir a V. S. por via de informe para los fines que convenga en obsequio de la Verdad

J. S. D. H.

San Juan Capistrano. Junio. 26 1813.

Procurador Aguilar.

(Seal)

Exmo. Sr.

Mandando practicar por esta Prefectura de mi cargo la reclutacion y demas informes necesarios para saber el estado que se encuentra el parage que se denuncia en el presente Expediente, resulta haber sido cedido por el Sr. Don José Antonio Estudillo, en favor de D.º Agustín Olvera, el expresado parage nombrado Mision Vieja, mas no obstante esto, se halla hasta ahora sin fabrica ni los bienes suficientes para poderse con - siderar cubierto ni ocupado: en esta virtud V. S. se servira determinar, lo que sea de su Superior agrado.

Aguilar. Julio. 7. de 1813.

Manl. Dominguez.

Marcos Botello. Secretario.

N.º 1.

C. S. D. H.

San Juan Capistrano. 26 de Junio de 1813.

Agregase este al Expediente de su origen para que libras los efectos que convenga.

Entrevisto de la nota oficial de N.º fha. 19 del presente que recibí haber referente al expediente que pide el Sr. Prefecto del 2.º Distrito del parage de la Mision Vieja debe decir a V. S. que dicho

Aguilar. parage me fue conocido desde otros años por el Gobierno Depart.º y no liendome bastante



para los bienes que tengo Solicite el de S. Juan y que hoy poseo y sedi a beneficio del Sr. Don Agustin Olvera desde el mes de Inero el referido Sitio de la Mision Vieja es cuanto puecto decir a V. en contestacion con citada nota. Dios y libertad. S. Luis Rey. Junio 23 de 1843.

José A. Isturillo.

Sor. Juan de Par. S. Juan Capistrano.

S. N. Sor. Juan de Par de S. Juan Capistrano.

("Note by the Surveyor General.")

"The enclosed by the dotted lines, shows the superscription on the back of the above letter."

250 SD  
PAGE 20

Sumo Sor.

7.5.841 (Prefectura del Segundo Distrito.)

Tengo el honor

Gobierno del Depto de California. Expediente del Sr. Teniente Dn Angeles Julio 8 de 1843. Antonio Maria Somera en de Nueva a la Prefectura pague - nuncia del panage por su conueto el dirija el - nombrado la Mision expediente a Don Agustin Olvera Vieja de S. Juan para que en su vista diga. Capistrano, para que Micheltreana. en vista de todo, se sirva resolver lo que sea de su superior agrado. Admita S. E. las mas altas consideraciones de mi particular aprecio y respeto.

Dios y libertad. Angeles. Julio 8 de 1843.

Mmanuel Dominguez.

Sumo Sor. Gobor. y Comandte

Genal de este Departamento. Angeles Julio 18 de 1843.

8.5.841

De conformidad con el superior decreto Marginal que antecede remítase el presente Expediente a Don Agustin Olvera y en las 2 fojas utiles de que se compone, al punto de S. Juan Capistrano donde reside, para el fin indicado en este superior decreto y vuelva a esta Prefectura para lo demas que haya lugar. Maul Dominguez.

Narciso Poletto. Srio.

Senor Prefecto del Distrito.

9.5.841

10.5.841

Agustin Olvera, actualmente en San Juan Capistrano con toda atencion ante V. S. como mejor parezca en derecho digo: que en cumplimiento al correspondiente decreto de V. S. de 8 del actual y obrando en consecuencia al Superior de V. S. el Senor Gobernador de igual dia que se hallan en el Expediente para mediado por el Senor teniente Dn Antonio Maria



Somosa en denuncia del parage de la Mision Vieja de Sr Juan Capistrano hoy de mi propiedad para que con vista del mismo diga Impuesto detentante de todo lo practicable hago presente a V.S. que para elucidar este asunto afin de que la autoridad a quien toque su caso pueda comparar y haber merito de lo justo segun los 11.5.76 al gasos de las partes viayas muy necesario haun aunque en Compendio una explicacion cierta del asunto y como careces de aquellas mas propias para que auns de poder llamar la atencion con una pintura inteligible quiesiera que al defenderme lo hiciese con adorna para no les enfadara no puesto menos que anticiparme a duplicar se me disculpe de las mal conuertidos conceptos que paso a manifestar. En el año ppdo de mil ochocientos Cuarenta y dos en sus primeras meses satisfecha el que espone de la ninguna ocupacion que tenia el sitio de la Mision Vieja concedido por el Gobierno al Señor Don José Antonio Estudillo pues habia pasado el tiempo que preffija la ley sin que pudiese cumplida el agraciado con las condiciones que se estipulan al librar las correspondientes titulos de propiedad y creyendo en misuras: empero para adelantar 12.5.76 lo sin denuncia formal de él ante la Prefectura del cargo de V.S. adonde supliquen se elevaré a la Superioridad. Carridas que fueron aqui los tramites de estilo y todo en consecuencia al fundamento en que me apoyaba empuente vinje con este suplicial objeto al punto de Monterrey que venia el Gobierno y para en miras del Sr. Gobernador el expediente promovido. Impuesto S. S. del asunto me contesto que no habia lugar a mi solicitud pues no obstante a que se pretaba hallarse baldio el parage era preciso conceder en que merecia la persona cierta consideracion del Gobierno por haber estado ocupado en empleos de resorte del mismo Gob<sup>no</sup> y pudiesen esperarle la asistencia de sus asuntos particulares. y se le pondria un plara para el futuro y si dentro del cual faltara seria yo preferente en clase de denuncia: que pasari yo a convenir me con el Sr. 13.5.76 Estudillo y mutuamente cillana semos esta dificultad pues estaba cierto y consentiria dejarme a un favor el aprovechamiento del terreno. Por esta Solucion púto la devolucion de mis papeles y se me dijo que toda clase de expediente de esta naturaleza quedaban



250 SD  
PAGE 22

en el archivo de la Secretaria del Gobierno y por consiguiente este habia mandado archivarlo. - Cuando regresé de Monterrey son luego como hubo oportunidad, me sé con Don José Antonio Estudillo á cuyo tenor le manifesté ingenuamente el resultado de mi pretension y me hizo presente que pensaria de la manera que podria - unos tener convenio, en concepto de que no dejaria de obsequiar mis deseos. Mas como en este tiempo le fué forzosa marchar al repetido punto de Monterrey quedo el negocio paralizado y en el propio les a ola hasta que despues de algunos meses que tuvo ocasion me ofrecio verbalmente que me cederia dicho paraje de 14 SD La Mision Vieja y me entregaria los documentos convenientes por mi seguridad. Al fin despues de repetidos ruegos que le hice á los cuales se sirva contestarme con esperanzas ahora en el mes de Enero del presente año tubo á bien transpasar me el derecho que tenia el enunciado terreno que estando a entregarme el titulo respectivo pues entrases de lo verifico por igual a un tener presente donde podria estar de manera que siempre quedé ambulante para poseer con libertad.

En consecuencia de hallarme en Monterrey por el negocio que actualmente se ventila tubo por conveniente el Excmo. Sr. Gobernador de aquel tiempo, nombrarme Comisionado para el arreglo de este pueblo que era de nueva creacion para darme varios documentos de la materia.

15 SD y a continuacion de me nombro Jefe de paz del propio lugar y habiendo entrado al desempeño de mis funciones tubo que separarme del cuidado exacto de mis intereses y negocios cinco cortos. Esta atencion que tenia en beneficio del comun y el no habia logrado que informalmente me cediese el Señor Don José Antonio Estudillo les y habiendome convenido fuere ocasion de que en el año pasado no hubiese estado ocupado dicho paraje en lo que respecta á mi cuidado. En el presente que ya su posesion por propiedad mia esta sitio continuo siempre de Jefe de Paz hasta el dia nueve de Mayo y fué relevado. Sin embargo que hasta este momento carezco del titulo por haberse estudiado al primer suena á lo que se agrega: y en virtud de haber tenido á mi 16 SD cargo el cuidado de los bienes, raices de este estado - blecimiento por orden Superior y convenio mio



atendiendo a disposiciones posteriores d mandadas del Gob<sup>no</sup> para que las Misiones fuesen prestas à disposicion de los B. B. P. P. incluida esta en el numero de las demas y habiendome sido indispensable aneglar algunos asuntos de este resorte antes de hacer la entrega, mi aproximacion al Gobierno para verificarla en lo que debati bastante dias antes de conseguirlo à causa de sus grandes atenciones impidiendome me esta la dedicacion de mis negocios propios

Esta ocupacion publica por diferentes asuntos que aunque intinamente he estado desempeñando y la desconfianza de no creerme seguro en la Mision Vieja por carecer del titulo i motivo para que en este paraje del mes de Enero que es desde cuando lo conciertan mis 17 S. D. à esta parte no haya emprendido trabajo alguno sin embargo de que siempre estaba resuelto depararlo en este año pues casualmente estaba saliendo al punto de Sr Felipe à tener iniciado para emprender algunos trabajos cuando recibí este pronunciamiento.

Si antes ha esta el terreno Valolio no otero molestarme el por que circunstancia mayormente cuando el Gobierno que estaba Satisfecho de ella constancia en no permitirle de él à D<sup>o</sup> José Antonio Estudillo y nego la denuncia; y si ha continuado desde que cedio à mi favor es por los motivos indicados y no por necesidad desatendiendo à falta de voluntad para fomentar lo.

Ahora bien; si se han merecido del fundamento que tiene el Sr. Don Antonio Maria Lomasa para la denuncia 18 S. D. que interpone de no haber cumplido sus poseedores con las condiciones de la ley y se me quien aplicar esta con todo su rigor creo que no me es cumplido el año que se permite para ocupar un terreno concedido y si el antiguo dueño que alio y hoy lugar al denunciante me crea que preferente como primer denunciante y en virtud de haberme le así ofrecido al Gobierno de lo que le ordena y en cualquier hipotesis ley el legitimo dueño de la Mision Vieja. Por otra parte

si en aquella ves y que denuncia no hubo lugar atendiendo al servicio que prestaba al Gobierno D<sup>o</sup> José Antonio Estudillo separrandome de la gracia que me ha hecho un particular me considere acentore el mismo merito para que no se me despaye de una cosa y cuento propiedad asi que es q. bien examinado poco de alegar en este asunto que el Superior puede

19 S. D. fajar sin mas que la certificacion de se ha sido



a no motivo lo que interviendo para que por mi parte  
esta desocupado en cierto modo el parage. Y portanto  
en virtud de lo que dejo asentado Suplico a V.E. para  
que eri mismo se sirva hacer lo presente al Excmo Sor Gob  
-ernador y tenga a bien declarar por mi subsistente  
y de ningun valor la denuncia y han el Sor. Tomasa  
del repetido parage de la Mision Vieja en concepto  
de q. para la sucesion seran observados los puntos de  
la ley de la materia, de fuya gracia quedare firmen-  
-mente reconocido. Turo lo necesario S. Suplico asi  
mismo se use disculpa al uso de papel comun por  
falta de sellado respectivo en el lugar.

San Juan Capistrano. Julio 22 de 1843.  
Agustin Olvera.

250 SD  
PAGE 24

20.5.41

Excmo Sor.

Habiendo alegado D<sup>o</sup> Agustin Olvera conforme al  
Superior decreto de 18 del actual constante a f. 4 de  
este expediente lo dirijo a V.E. para que en su virtud  
se sirva disponer lo que convenga.

Manuel Dominguez.

Narciso Botetti. Sr.<sup>o</sup>

Gob<sup>no</sup> Supremo de California. -

Santa Barbara. Agosto 3 de 1843.

Sirvan informar el M. N<sup>o</sup> Presidente tray Narciso Duran  
Micheltorena.

Sta Barbara 9 de Agosto de 1843.

Excmo Sor. Gobernador.

Me pudo incovento

atentivo advertido en que se halla la Mision de San  
Juan Capistrano, en que se engane el sitio nombrado  
Mision Vieja, con tal de que quede para la Mision una  
legua por cada viento para que en caso que se repriere  
la Mision prestar sus quindas: o bien pase oxido  
comun de alguna poblacion que con el tiempo pudiese  
establecer. este es mi dictamen suplicando lo S.empre  
al de V.E.

F. Narciso Botetti.

21.5.41

Monterrey Feb<sup>o</sup> 23 de 1844

Como pite el S. Olvera por ser disentido no ha  
lugar a la denuncia que enovante este expediente  
hechar por mi acredante D. Ant. Ma Tomasa. ha  
enra de este despacho para las comunicaciones convenientes  
que obrar en consecuencia de este decreto del  
infrascripto Gob<sup>no</sup> y Comand<sup>te</sup> General.

Micheltorena.

22.5.41

habe folio en el expediente



25- 23.5.11

Angeles Mayo 9 de 1846

Dado cuenta en sesion de hoy con este expediente a la Sa. Asamblea Departamental se mandó pasar a la Comision de terrenos baldios.

Pit Pico. Pres. Agustín Olvera. D. S.  
Tenor.

La Comision de terrenos baldios a examinado el pte. expediente promovido por el Ciudadano Agustín Olvera relativo al parage Mision Vieja de San Juan Capistrano que le fué concebido que el Sup<sup>r</sup> Gob<sup>o</sup> Deg<sup>o</sup> con arreglo a las leyes de la materia en tal concepto la comision pone a la deliberacion de V.E. la proposicion siguiente

24.5.11  
mcp 25

Se aprueba la concecion hecha al Ciudadano Agustín Olvera al parage Conceivto Mision Vieja de San Juan Capistrano (a) la Par en atencion al otiseño q. corre agregado a este expediente segun titulo librado a su favor con fha. de Abril del año pp<sup>o</sup> de Com. - prinidad con la ley de 18 de Ag<sup>o</sup> de 1824 y del 5. del reglamento de 21 de gbre de 1828.

250 SD  
PAGE 25

Sala de Com.<sup>o</sup> en la Ciudad de los Angeles.

Junio 9 de 1846.

J. Argüello.

Angeles. Junio 12 de 1846

En sesion de este dia aprobó la S. Asamblea Dep. - arlamental la proposicion del Dictamen anterior.

Agustín Olvera.

Seal) Gobierno Político de las californias. {

25.5.11) El Excmo Sor. Gobernador y Comandante General de este Departamento con fha. 3 de Octubre ultimo me dio lo siguiente.

" Apareciendo Justificado por los documentos que ha presentado el Sr. D<sup>o</sup> Agustín Olvera y obran en el expediente promovido por el teniente D<sup>o</sup> Antonio Maria Somosa en denuncia del terreno llamado la Mision Vieja que este pertenece legalmente a dho. Sor. Olvera he resuelto concederle en propiedad y mientras por la Secretaria de este Gobierno se le es - pite el correspondiente titulo le permitire V.E. que fabrique casa en el terreno en cuestion: quedando al teniente Somosa su derecho a salvar para soli - citar un terreno baldio. Yo inserto a V. para

26.5.11) Su consentimiento y fines indicados.

Dios y libertad. Angeles Diciembre 11 de 1843.

Manuel Dominguez.

Sr D<sup>o</sup> Agustín Olvera.



2752k / Questa tomada rahn de este titulo en el libro respectivo.

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

I Samuel D King Surveyor Genl  
of the United States for the State of California and  
as such now having in my Office and under my  
custody a portion of the Archives of the former Spanish  
and Mexican Territory or Department of Upper  
California, under and by virtue of the second section  
of the act of Congress approved on the 3<sup>d</sup> day of March  
1853 providing for the Survey of the public lands in  
in California and for the other purposes also hereby  
certify that the twenty seven preceding and hereunto  
attached pages of tracing paper numbered from 1.  
to 27. inclusive and each of which is verified by my  
initials (S. D. K.) exhibit a true and accurate copy of  
a document on file and forming part of the said  
Archives in this office.

In testimony whereof I have  
herewith signed my name officially and affixed  
my private Seal, in lieu of the Seal of office  
which has not been received. at the City of San-  
Francisco. Cal. the 4<sup>th</sup> day of July. 1853.

Samuel D. King.  
Surveyor General. Calif<sup>a</sup>

Filed in Office. Aug. 29. 1854.

Geo. Fisher.  
Sry.



Record of Proceedings about the  
 Rancho de la Paz formerly called Mission  
 Vieja belonging to ownership to Don  
 Augustin Olvera.

Translation  
 of  
 Esquante

may  
 13<sup>th</sup>.

Excellent Sir -

The Citizens Antonio Munica  
 Tomasa as best may be consistent with  
 law and with the highest respect have the  
 honor to represent before Your Excellency

That I announce in due form  
 the location known by the name of La Mission  
 Vieja de San Juan Capistrano the plot of  
 which I have ordained to be drawn and pre-  
 sented within a few days in which will be  
 marked out the number of square leagues that  
 the place contains as well as a piece of land  
 comprised in the Agua Caliente and which  
 I likewise announce since the persons in pos-  
 session thereof have not complied with the  
 conditions of law and the subscribers offer  
 to place thereon the stock designated by law  
 and to comply with the other requisites within  
 the space of time prescribed therein.

Therefore I pray you to be  
 pleased to accede to this solicitation whereby  
 I shall receive a favor and boon

Los Angeles in Upper California  
 June 8<sup>th</sup> 1843.

Anto Ma Tomasa  
 (In the Margin)

Los Angeles June 8<sup>th</sup> 1843.  
 The Prefect of the second district Don  
 Manuel Dominguez will please to report  
 taking previously if necessary those reports he  
 may deem convenient.



México.

(Marginal)

August 10th 1813.

Let this Expediente be sent to the Justice of the Peace in San Juan Capistrano that in making the corresponding ocular inspection of the location solicited he will report Circumstantially whether it is in a vacant state whether it belongs to that Establishment or if it has been granted to any person and how long ago and having concluded this return it to this Prefecture for the further judicial process.

Mano Dominguez -  
 Marcos Botello  
 Secretary.

Mr Prefect.

As you in your foregoing respected decree of 10th instant wish for a Circumstantial report about the location of the Mission Tupa I having been wholly informed that this was the property of Sr. Don Antonio Estudillo though I am ignorant of from which time it might have been granted him - I was obliged to address myself to this gentleman which I did and did after the receipt of the Expediente so that I could more properly deliver my report without any mistake and the 24th instant the aforesaid gentleman gave the answer which in equal is attached to this same Expediente marked No 1 which answer clears up any doubt about what might be to say I not being rightly informed.

I proceeded to the location of the Mission Tupa to make the corresponding ocular inspection and having made



the respective Examination I observed that on these lands there pastured a regular number of Horses commonly being there. notwithstanding that there is not any house built. but it can be ascertained that there has been undertaken works on the aforesaid location for it is known that the walls destroyed a water ditch which was opened towards an angle with the view to prepare cornfields which was undertaken by Don Jose Antonio Estudillo.

This is all I can state to you by way of report for suitable purposes in obedience to truth -

San Juan Capistrano June 26<sup>th</sup> 1843  
Rosario Aguilar -

Excellent Sir -

This Prefecture in my charge having ordered the actual inspection and other necessary reports to be taken for the purpose of becoming acquainted with the State in which the location denounced in the present Expediente is found. it proves that the said location called Mission Buja has been ceded by Don Jose Antonio Estudillo in favor of Don Agustin Olave. but notwithstanding this it is up to this time without any building or sufficient stock so as to be considered covered or occupied.

For view hereof your Excellency will be pleased to determine what shall be your Superior pleasure.

Angels July 7<sup>th</sup> 1843

Man Dominguez -  
Rosario Botello  
Secretary

No 1.

Acquainted with your Official Note



dated 19<sup>th</sup> instant which I received yesterday in reference to the report asked by the Prefect of the 2<sup>d</sup> District about the location of the Mission Vieja I must state to you that said location was granted to me two years ago by the Departmental Government and not being sufficient to me for the stock I have solicited that of S. Juntas which I now possess and I credit the aforesaid Padre de la Mission Vieja for the benefit of N. Agustín Oboro so long ago as the month of January.

This is all I can say in answer to your said note.

God and Liberty  
San Luis Rey June 23<sup>d</sup> 1843.

Jose A. Estudillo -  
To the Justice of the Peace of  
San Juan Capistrano -

( In the Margin )  
San Juan Capistrano 26<sup>th</sup> of  
June 1843.

Let this be attached to the Expediente which has given rise to it that it may serve convenient purposes.

Ayudante -  
To the Justice of the Peace of  
San Juan Capistrano

( Note by Superior General )  
( The Endorsement by the dotted lines shows the superscription on the back of the above letter )

Excellent Sir -  
I have the honor to convey into your



Hands the Expediente of the Lieutenant D  
Antonio Ma Lomasa in Annunciation of the  
location called La Misericordia de San  
Juan Capistrano that in view of all you will  
be pleased to resolve what may be your Super-  
ior pleasure -

Accept of my assurances of my particular  
Esteem and respect -

God and Liberty -

Angelis July 8th 1843.

Mano Dominguez -

To His Excellency the Governor and  
Commandant of this Department.

(In the Margin)

Angelis July 8th 1843

Be it returned to the Prefecture that by its  
compliance the Expediente be addressed to D  
Agustin Clara that in view thereof he state -

Mexico -

Angelis July 15th 1843.

In Conformity with the fore-  
going Superior Marquisal decree to the present  
Expediente and the 4 available folios of which  
it is composed be remitted to D Agustin Clara  
at the place of San Juan Capistrano where he  
resides for the purpose indicated in said Superior  
decree and return it to this Prefecture for the  
further action for which there may be occa-  
sion -

Mano Dominguez -

Marcos Botello

Secy

Mr Prefect of this District -

D. Agustin Clara at present residing in  
San Juan Capistrano with all possible respect  
and as best may conform with Law state



to you. That in Compliance with your  
 respected decree of 5th instant and being conse-  
 quent on the Superior one of His Excellency  
 the Governor dated that day both to be found  
 in the Expediente at the instance of the Lieutenant  
 D. Antonio Ma Llamasa in denunciation of  
 the location of La Mission Baja de San  
 Juan Capistrano now mine in ownership that  
 in view thereof I state -

Hearing minutely examined all  
 the proceedings I represent to you that to  
 elucidate the matter in order that the authority  
 under whom its adjustment resorts may be enabled  
 to compare and award what is just according  
 to the allegations of the parties I think it is very  
 necessary though briefly to make a certain ex-  
 planation about the matter and as I stand  
 in view of my own allegations for to the  
 best in my power to call the attention to an  
 intelligible explanation I would wish that in  
 defending myself I could do it with pro-  
 priety so as not to excite anger nor can I  
 but suffice a page that the early concurred  
 sentiments I am going to display may be  
 excused -

In the year 1812 last past in the  
 earlier part of the year the Ex potent being  
 satisfied of the non-occupation of the Sitio de  
 la Mission Baja granted by the Government to  
 Mr Jose Antonio Estudillo since the time  
 presented by law had passed without the  
 grantee having complied with the conditions  
 usually stipulated in making out the corresponding  
 title of ownership and relying in my letter  
 ability to advance it I made a formal  
 denunciation before the Prefecture in your  
 charge wherein I prayed that it might be



Forwarded to the Government of  
 After the Judicial proceedings had been carried through and every thing in conformance with the fundamental Law on which I ruled I undertook a journey for this principal object to the place of Montroy where the Government resided and placed the Expedient brought about in the hands of His Excellency the Governor.

250 SD  
 PAGE 33

His Excellency having examined the matter answered me, that there was no occasion for my Solicitation since notwithstanding that it was proved that the location was in a vacant State it was requisite for a grant that the person was entitled to a certain Consideration of the Government by having been occupied in affairs resorting under the said Government which might hinder him from attending to his individual affairs and there would be fixed a time for the future and if within that time he failed I should be forgiven in the class of annuities that I should go to make an agreement with Mr Estudillo and mutually overcome this difficulty since it was certain that he would consent to relinquish the benefit of the land in my favor.

By this solution I demanded the return of my papers and I was told that every kind of Expedients of this nature remained in the Archives of the Secretary's Office of the Government and that consequently the latter had ordered it to be filed in the Archives -

When I returned from Montroy which I did as soon as I had an opportunity, I had an interview with D. Jose Antonio Estudillo to which Gentlemen I generously communicated the result of my claim and he



represented to me that he would think of the manner in which we could make an agreement in the understanding that he would not fail to yield to my wishes but as at that time he was compelled to go to the said place Montenegro the matter remained unsettled and in the former stage until after some months when he had occasion he promised <sup>me</sup> verbally that he would cede said location de la Nueva Vija to me and deliver to me the documents necessary for my security.

At last after repeated admonitions which I made him to which he was pleased to answer me with lips, he saw fit to transfer to me the right he had to same land failing to deliver me the respective title and for then he did not do so as he was ignorant or could not learn mind where it might be so that I always remained ambulatory to possess it fully.

In consequence of my stay in Montenegro for the sake of the business which is always discussed his Excellency the Governor at that time found it convenient to appoint me Commissioner for the settlement of this Pueblo which was of a new creation handing me several documents about the matter and in continuance I was appointed Justice of the Peace in the same place and having continued on the discharge of my functions I had to set aside the punctual care of my concerns and business though small they were -

This attention on my part for the common benefit and not yet having succeeded in getting Mr. José Antonio Estrella formal concession which we had agreed on gave occasion to that in the year last,



said location had not been occupied as far as my care is concerned.

For the present year when I still supposed this site to be mine I was continued as Justice of the Peace up to the 4th of May when I was relieved. notwithstanding that up to this moment I am in want of the title deed owing to its having been lost by the former owner. to which is added that on account of having been charged with the care of the lauded property of this Establishment by Superior order and agreement with me attending to subsequent orders emanating from the government purporting that the Missions should be put to the disposal of the Crown. Thus this being included in the number of the others and it having been indispensable to me to settle some affairs relating to this subject before making the survey, I approached the government to effect it which it delayed many days enough before obtaining it by reason of the many calls on its attention this hindering me from attending to my own affairs.

This attendance to different public affairs (though I have been discharging them uselessly) and the diffidence in not considering myself safe in the Mission by reason of retaining the title is a reason why in this location from the month of January which is the time from whence I considered mine on my part has not been undertaken any work notwithstanding that I always was resolved to occupy it in the year since I casually was setting out for the place San Felipe to fetch Indians for the purpose of undertaking some work when I received this promise.

If formerly the land has been



account I ought not to meddle with this  
 Circumstance. Especially when the Government  
 which was satisfied therewith consented not  
 to depose Don Jose Antonio Estudillo of it  
 and refused the denunciation and if it has  
 continued to be so from the time it was ceded  
 to me it is for the reasons indicated and  
 not owing to any tardiness, ignorance or want  
 of good will to improve it -

250 SD  
 PAGE 36

Nevertheless if there be  
 made allowance for the ground taken by  
 Don Antonio M<sup>e</sup> Gamasa for the denunciation  
 he intenses that the persons in possession there  
 of have not complied with the conditions  
 of law and if it is desired to apply this law  
 in all its rigor on me I think that in my  
 case the year allowed to occupy a tract of  
 land granted has not expired and if the  
 former owner failed and there is occasion  
 for a denunciation I consider myself fore-  
 most as the first informer and in view of  
 the Government having thus promised it me  
 it is therefore to be understood that in whatever  
 hypothesis I am the legitimate owner of the  
 Mission de San -

On the other hand if at that  
 time when I denounced there was no occasion  
 considering the service which Don Jose Antonio  
 Estudillo rendered to the Government setting  
 aside the gift made me by an individual  
 I consider myself entitled to the same merit  
 so that I be not deprived of a thing which  
 I calculate as my property so much so that  
 will be considered there is quite more to allye  
 in this matter and the Governor with his  
 qualified Judgment can decide whether there  
 has been any ground or not for what has



been intepreted to the effect that on my part  
 the location should in a certain manner be  
 disapproved and therefore in view of what I  
 have represented I pray you that you like-  
 wise will please to bring it to the knowledge  
 of his Excellency the Governor who may see fit  
 to declare the Ammencation made by Don Tomasa  
 of the aforesaid location de la Mission Buja for  
 inadmissible and of no validity on the ground  
 that hereafter the points of law on the subject  
 will be observed for which favor I shall re-  
 main firmly bound to you -

250 SD  
 PAGE 37

I swear to what is necessary etc.  
 I likewise pray you will excuse me the  
 use of Coarson paper for want of the respec-  
 ting stamped paper in this place.  
 San Juan Capistrano July 22<sup>a</sup> 1843.  
 Agustin Chua.

Agustin Chua  
 Excellent Sir -

Agustin Chua, having al-  
 leged conformable to the Superior Decree  
 of the 18th instant appearing on page 11th in  
 this Expediente I address it to you that  
 in view thereof you may be pleased to ordain  
 what is convenient.

Man Dominguez,  
 Francisco Botello  
 Secretary

Superior Government of both Californias,  
 Santa Barbara August 3<sup>a</sup> 1843.

The Superintendent and  
 Priscant Gray Francisco Botello will please  
 report -

Mitchellson



Santa Barbara 5<sup>th</sup> August 1843.  
 Excellent Sir Governor.

I do not find it necessary  
 to mention considering the state in which the  
 Mission de San Juan Capistrano now  
 is to allocate the Coto called Mission de San  
 provided that there be left for the Mission  
 one Chapo in each direction of the wind  
 that in case the Mission should be re-  
 established there is pasture for its Cattle or rather  
 for a common town field for any village that  
 in time might be established.

This is my opinion ever sub-  
 ject to that of Your Excellency.

Fr. Narciso Duran -

Montreal February 23<sup>rd</sup> 1844

As Mr. Alara justly demands there is no  
 occasion for the annotation contained in  
 this Expediente and made by my Adjutant  
 D. Anto. Mu. Tomasa.

The Secretary of State will  
 cause the necessary communications to be made  
 in consequence of this decree from the undersig-  
 ned Governor and Commandant General.

Mickitorina -

(Plat)

August May 8<sup>th</sup> 1844.

Having in to-days session given notice of  
 this Expediente to the Excellent Departmental  
 Assembly it was ordered to be sent to the  
 Committee on vacant lands.

Pio Pico  
 President.

Agostin Chano  
 Deputy Secretary

beginning page



Sir - The Committee on vacant lands has examined the present Expediente at the instance of the Citizen Agustin Alvará relative to the location Mission Buja de San Juan Capistrano granted him by the Superior Departmental Government in accordance with the laws on the subject. In such view the Committee submit to your Excellency's deliberation the following proposition -

It approves of the grant made to the Citizen Agustin Alvará of the location known as Mission Buja de San Juan Capistrano (or) La Paz, in such an extent as is shown in the plan attached to this Expediente according to title and issued in his favor under date 4th April last year in conformity with the Law of 18th August 1824 and article 3<sup>rd</sup> in the Regulation of 21st February 1828.

Heads of Committee in the City of  
Los Angeles July 9<sup>th</sup> 1846.

J Arguello.

Angelis Dome 12<sup>th</sup> 1846.

In today's session the Excellent Departmental Assembly approved of the proposition in the foregoing opinion -

Agustin Alvará

R Secretary

(Stamp)

His Excellency the Governor and Commandant General of this Department under date 3<sup>rd</sup> of October last communicated the following to me -

"It appearing to be justified by the documents presented by D. Agustin Alvará and which are attached to the Expediente at the instance of the Lieutenant D. Antonio



40

Tomasa in Annunciation of the land called  
La Mission Vieja that this belongs lawfully  
to said Mr. Chorro I have resolved to grant  
it him in ownership and meanwhile the Secre-  
tary of this Government gave the Corresponding  
title you will allow him to build a house  
on the land in question leaving the right of  
the Lieutenant Tomasa to solicit a  
vacant land."

250 SD  
PAGE 40

And I insert it to you for  
your knowledge and the purposes indicated  
God and Liberty -  
Angels December 14th 1843.

Man Ramirez -

To Mr. Agustin Chorro.

uuu,

This title has been entered in the  
respective book.

Filed in Office Aug 29, 1854,

Coyne  
Geo. F. Shoo  
Secy.



Jello Primero Celo Pisos.

Habilitado provisionalmente por la Aduana Mani-  
 ficada del Puerto de Monterey, en el Departamento  
 de las Californias, para los años de mil ochocientos  
 of Abel Stear- cuarenta y cuatro y mil ochocientos cuarenta  
 nes, Oct. 30/52, y cinco.

Mickelltonna. Pablo de la Guerra.

L. J. Pio Pio Gobernador Int. del De-  
 partamento de Californias.

250 SD  
 PAGE 41

Por cuanto el Ciudadano Agustín Ol-  
 vera ha pretendido para su beneficio perso-  
 nal y el de su familia el terreno conocido con  
 el nombre de la Misión Vieja dentro de los  
 linderos del disco que acompaño á su so-  
 licitud, practicadas previamente las diligencias  
 e investigaciones concernientes segun lo dis-  
 puesto por las leyes y reglamentos de la ma-  
 teria mando de las facultades que me son  
 conferidas á nombre de la Nación Mexicana,  
 he venido en concederle el terreno mencionado  
 declarandole la propiedad de él por los presuntos  
 títulos, entendiendose á su posesion con entera  
 conformidad á las leyes á reserva de la aproba-  
 cion ó desaprobacion de la Excm. Junta De-  
 partamental, y bajo las condiciones siguientes.

1.<sup>a</sup> Para cercarla sin perjuicio las  
 traversias, caminos y servidumbres; lo disfruta-  
 rá libre y exclusivamente dedicando al culti-  
 vo ó usos que le acomode.

2.<sup>a</sup> Solicitará del Juez respectivo le dé  
 la posesion jurídica en virtud de este des-  
 pacho por el cual se demarcarán sus lin-  
 deros y pondrá sus mojoneras.



3<sup>a</sup>. El terreno de que se hace donacion es puramente el que se expresa en la solicitud del interesado y se demarcó en el discurso; y el Juzgado que lo posesione pasará aviso á este Gobierno del numero de sitios que comprenda.

En consecuencia mando que sirviendote de titulo el presente y terminados por finis y valores se tome razon en el libro que corresponden y se entregue al interesado para su resguardo y demas fines convenientes.

Dado en la Ciudad de los Angeles á cuatro de abril de mil ochocientos cuarenta y cinco.

Fis. Fis.

Juan Pardini  
Fis.

Tienda tomada razon de este Superior despacho en el libro á que corresponden.

Ciudad de los Angeles Abril 5 de 1845.

Pardini.

Para este Despacho á D. Juan Fortes con las acciones reales y personales, para que á su eleccion disponga del terreno que en el se adjudica en consecuencia á q. á él pertenece exclusivamente la propiedad por haberse hecho cesion formal.

Ciudad de los Angeles Capital del Departamento Abril 6 de 1845.

Agustin Olvera.

Filed in Office, Oct. 16, 1852,

Geo. Fisher

Clery.



First Seal. Eight Dollars.

Provisionally adopted by the Maritime  
Custom House of Monterey in the Depart-  
ment of the Californias for the years  
1844 and 1845.

Michiterrina Pablo de la Guana.

Translation  
of  
Grant.

Señor Don Juan Guana of the Department  
of the Californias -

Whereas the Citizen Agustín Corona  
has claimed for his own benefit and that  
of his family the land known by the name of  
'Injeron Teja' within the boundaries of the  
map that accompanies his petition having  
previously taken the steps concerning it re-  
quired by the laws and regulations concerning  
the matter.

In virtue of the powers conferred  
upon me in the name of the Mexican Nation I  
have determined to grant the above mentioned  
land declaring it to be his property by these  
presents. It being understood that said grant  
is made in strict conformity with the laws  
and subject to the approval or disapproval  
of the Excellent Departmental Assembly and  
under the following conditions -

- 1<sup>st</sup>. He may enclose it without interfering with  
the public roads and rivers. He shall  
make use of it exclusively devoting it to the  
use and cultivation most convenient to him -
- 2<sup>d</sup>. - He shall apply to the proper Judge  
to give him legal possession in virtue of this  
Instrument so that the limits may be marked  
out and land marks established -
- 3<sup>d</sup>. - The tract which is granted is precisely  
the same as that which is set forth in the



petition of the party interested and marked  
in the map and the Judge who gives pos-  
session shall advise this Government of the  
number of acres that it contains.

It is therefore ordered that holding  
these presents as his title and regarding it as  
firm and valid it shall be noted in the  
proper records and be delivered to the party  
interested for his security and final ends.

250 SD  
PAGE 44

Given in the City of Los Angeles  
the fourth of April one thousand eight  
hundred and forty five - *Pi Pico* -

*Juan Bandini*  
Jno.

This Superior Instrument is recorded  
in the proper book.

City of Los Angeles April 5<sup>th</sup> 1845.

*Bandini*

Relieve this document to Don Juan Pico  
with the real and personal rights attached  
to the land hereby transferred to him in order  
that he may dispose of it according to his will  
he being exclusively the owner of the property  
according to the formal transfer I hereby  
make.

City of Los Angeles Capital of the  
Department -

April the 6<sup>th</sup> 1845.

*Agustin Alonzo*

Filed in Office Oct 15<sup>th</sup> 1852.

(Signed) *Chas Fisher Secy*



Pio Pico Gobernador Constitucional del Departamento de las Californias.

Doc. No. No. No. 2.  
annexed to depo.  
of Abel Stearns  
Oct. 30, 1852.

La Exma. Asamblea Departamental en sesion del dia de ayer ha tenido á bien decretar lo siguiente.

"Se aprueba la concesion hecha al Ciudadano Agustin Olvera del paraje conocido Mision Vieja de San Juan Capistrano (á) la Paz en estension del terreno que corre agregado á este Expediente segun titulo librado á su favor con fecha 4 de Abril del año p. p. de conformidad con la ley de 18 de Agosto de 1824 y el Art. 5.º del Reglamento de 21 de Noviembre de 1828."

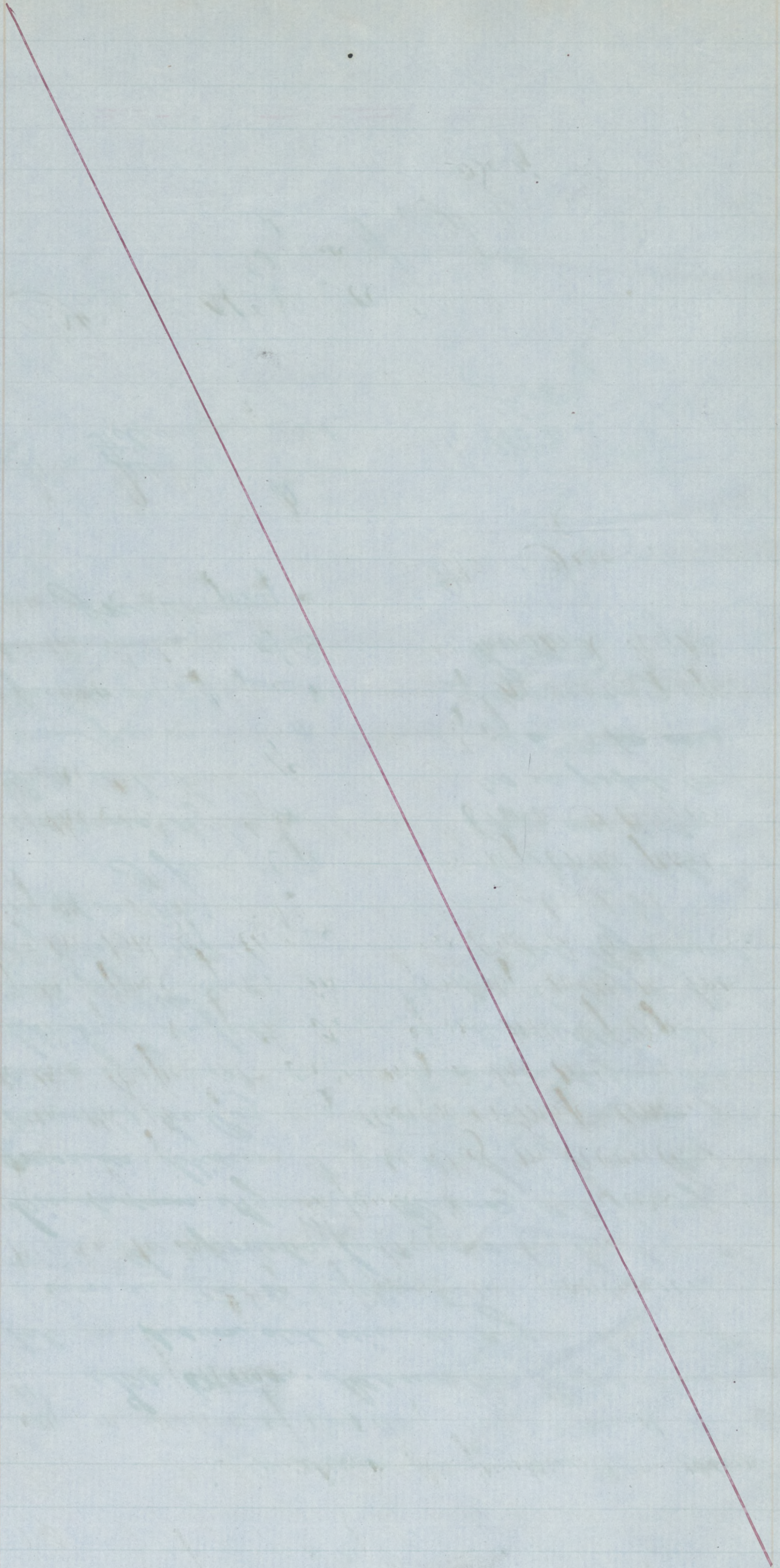
Y para resguardo de la parte del Ciudadano Agustin Olvera lo hago asi saber. Dado en la Ciudad de los Angeles en papel comun por un haber del sellado á tres de Junio de mil ochocientos cincuenta y seis  
Pio Pico.

Jose Matias Moreno  
Sec. Int.

Filed in Office Oct. 16, 1852,  
Geo. Fisher  
Secy.



46





47

Pio Pico Constitutional Governor  
of the Department of the Californias -

The Excellent Departmental Assembly  
in Session of this day have resolved to  
decree as follows.

"E"

Translation  
of the  
Approval of  
the Dept  
Assembly.

They approve the Concession  
made to the Citizen Agustin Olvera of the  
piece known as "Mision Vieja de San  
Juan Capistrano" (o) la Paz in accordance  
with the corresponding design or map annexed  
to this Expediente according to the title given  
in his favor of the date of the 4th of April  
of the past year in conformity with the law  
of the 15th of August 1824 and the 5th article  
of the Regulations of the 21 November 1828.

250 SD  
PAGE 46

And for the security on the part  
of the said Citizen Agustin Olvera I therefore  
make this known.

Given in the City of Los Angeles  
on Common paper there being no sealed paper  
at the thirtieth of June one thousand Eight  
hundred and forty six -

Pio Pico.

José Matthias Moreno  
Secy. Int.

Filed in Office Oct 16, 1852.

(signed)  
Geo Fisher  
Secy



48





49

Copy of Certifi-  
cate of title  
possession.

250 SD  
PAGE 47

En la Ciudad de los Angeles a los veinte y  
dos dias del mes de Marzo de mil ochocientos  
cuarenta y siete, amuento a la solicitud  
Verbal que ha echo al Señor Don Juan Go-  
stea para que yo el infrascrito diez segundo  
leche posesion juridica de los parajes nom-  
brados antiguamente al Habero y Misori  
Vieja y hoy conocido con el nombre Viecha  
y la Paz de las que presento los titulos res-  
pectivos expedidos por la Superioridad  
el uno expedido en fecha treinta uno de  
Julio de mil ochocientos cuarenta y uno el  
otro de fecha cuatro de Abril de mil ochoci-  
entos cuarenta cinco y el tercero de fecha vein-  
te y cinco de Abril de mil ochocientos cuarenta  
y seis; pasee por mi y testigos de asistencia  
y procedase a dar la posesion indicada  
con total arreglo a los mencionados titulos  
as yo Enrique Avila alcalde segundo con  
stitucional decreto y firme con los de asis-  
tencia segun derecho.

Asa. Enrique Avila. Asa.  
Leonardo Cota # Manuel Garcia  
En se queda pose Oficio a los señores Coli-  
dantes manifestandoles el Objeto a que  
me dirija a los parajes del Habero y Mi-  
sori Vieja pnes iba a hermitarlos y poner  
en posesion de ellos al señor Don Juan Go-  
stea: y como los precitados Colindantes con-  
testaron de conformes sin manifestar Obe-  
cion alguna, lo pongo por diligencia lo que  
autorize y firme con los de asistencia  
segun derecho.

Asa. Enrique Avila Asa.  
Leonardo Cota Manuel Garcia  
Acto continuo y estando ya inmediato a  
los parajes, <sup>del</sup> Habero y Misori Vieja nombra-  
dos Oficiales cordeleros que lo fueron Gabi-  
no Aguilar y Juan Maria Ortega a los q.  
manifestandoles el Ofeto de su nombra-  
miento aceptaron opeciendo desempeñar  
fiel y legalmt. las funciones de su encargo  
esto contestaron y no firmaron por no saber  
y los hize yo con los de Asistencia segun



derecho. Assa Enrique Arica Assa  
 Leonardo Cota # Manuel Garcia  
 En el Acto y en encontrandome en la Misión de  
 Vieja lindero de Don Mateo, estemelo por ante  
 mi testigos de asistencia y los Oficiales corde-  
 leros mande medir un cordel con estante de  
 cincuenta varas al que se citaron a sus  
 estemos unos semcos de madera y previa ob-  
 servacion y calculo por mi disposicion se  
 tiro el primer cordel con direccion al Norte  
 cuarenta grados al Oeste y se midieron y  
 contaron doce mil quinientas varas que  
 remataron en un Aliso que se haya en el an-  
 rollo de la Misión Vieja de cuyo punto y  
 cambiando de direccion se tiro el cordel  
 Norte setenta grados al Oeste y se midie-  
 ron y contaron seis mil setecientos varas  
 que remataron en el camino real que sale  
 de O<sup>a</sup> Guam para Santa Anna donde se haya  
 una mazonera de piedras que formar un  
 triangulo. De este lugar se tiro el cordel se-  
 gundo con direccion al Norte camino real  
 para Santa Anna y se midieron y contaron  
 ocho mil ochocientos varas que remataron  
 en los linderos de Don Jose Senano donde  
 se les intimó a las partes pusieran sus mof-  
 neras respectivas. Luego de este punto se tiro  
 el tercer cordel rumbo Norte treinta grados al  
 Este y se midieron y contaron primero cinco  
 mil varas y despues formandolo una coeva  
 cha por que se dejaba fuera impedido de  
 tierra que pertenecia al señor <sup>ve</sup> Forster y  
 se bolbio a organizar la medida y tomar la  
 misma direccion resultando por adyunto  
 de varas en toda la de este punto doce  
 mil quinientas que remataron al pie de  
 la Sierra. De este mismo punto se tiro el  
 cordel rumbo Sur veinte y cinco grados al  
 Este y se midieron y contaron treinta mil  
 varas que remataron en una Bu Chilla don-  
 de tambien se halla una Cernada llamada  
 la Galeja la cual se haya al Este y la mis-  
 ma que sirve de lindero al Rancho de Don

250 SD

PAGE 48



Mateo donde se debiera tambien ponerse una  
 mojonera. De este punto a la par y para conclu-  
 ir la remision de los sitios betos el ultimo  
 cordel umbo su veinte grados al Oeste y se mi-  
 diaron y contaron seis mil varas que remataban  
 donde mismo se comenzo. La estavelo para con-  
 cluir este acto fuec apear a Don Juan Forster  
 y le fue anancas algunos llabes para mani-  
 festar su señorio y posesion sobre el terreno y  
 habiendolo echo lo di por posesionado a nombre  
 de la cta eion y las leyes con lo que supieron  
 y los de asistencia segun derecho.

250 SD  
 PAGE 49

Asa: Enrique Avila Asa:  
 Leonardo Cota # Manuel Garcia  
 Angeles Manzo 23 de 1847.

Desede testimonio a la parte de las presentes  
 diligencias para su resguardo y seguridad  
 asi yo Enrique Avila Alcalde segundo de  
 segundo de crete mer de y forme con los de  
 asistencia segun derecho. Et o hay papel sel-  
 lado = Enrique Avila

Asistencia Asistencia  
 Leonardo Cota # Manuel Garcia  
 Razon se entrego al interesado el testimonio es-  
 pectivo en esta fecha. = Rubrica =  
 Convenida con su Original que se haya  
 en el protocolo de este año del que se saca  
 corregio confronto fiel y legalmente en estas  
 tres fojas de papel comun por falta de sel-  
 lado siendo testigos al verlo sacas los se-  
 ñores Don José Lopez y D<sup>n</sup> Barildo Agui-  
 lar fecha ut supra = Fachado. forme  
 no Dale.

En testimonio de Verdad  
 Enrique Avila

Asa: Asa:  
 José Lopez # Barildo Aguilan  
 I hereby certify the foregoing is a true and cor-  
 rect copy of Doc. # # # # filed in  
 case # 412.

Filed in Office Octo 16<sup>th</sup> 1852

Geo. Fisher Secy



5-2

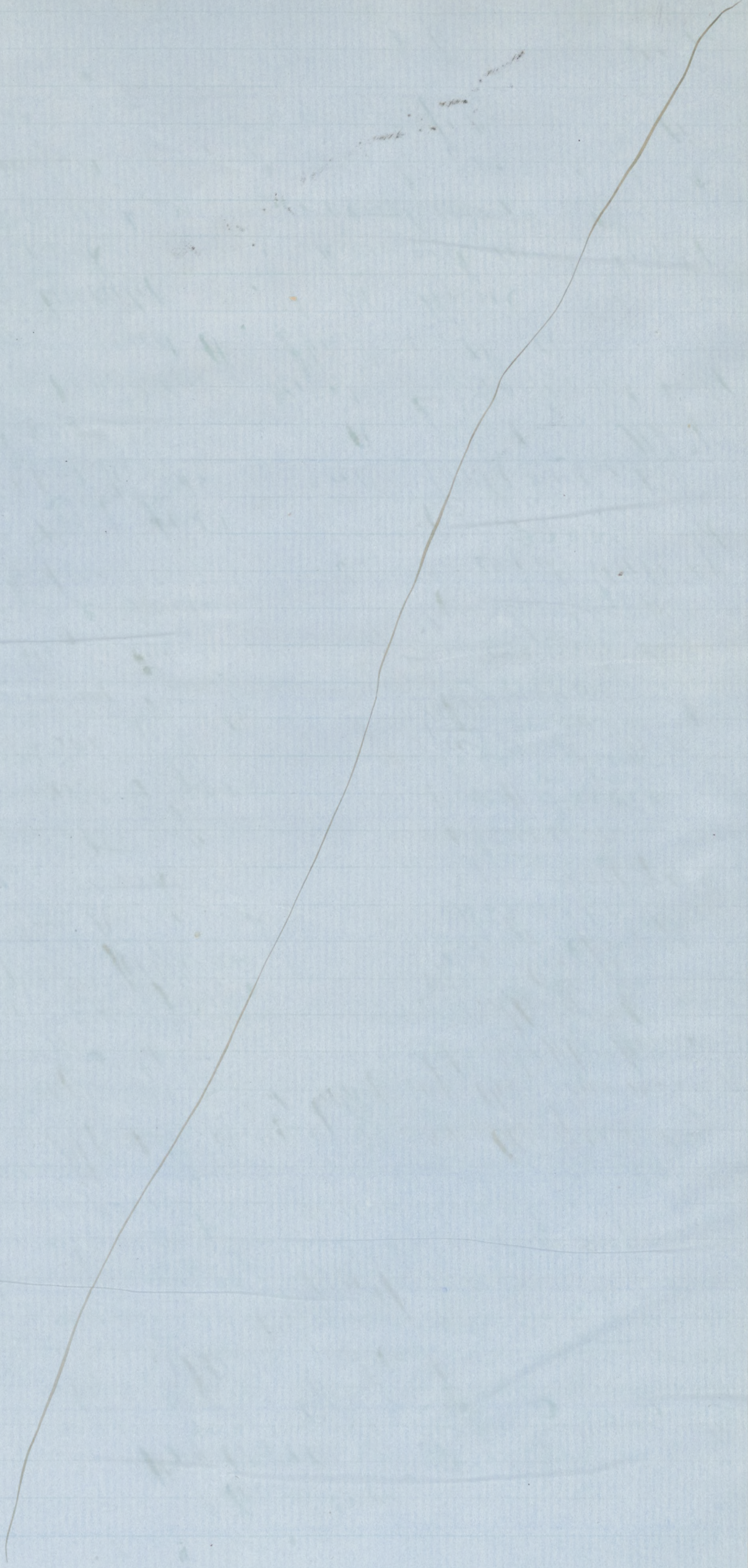


EXHIBIT  
NO. 20



Possession of the Paz  
 and the  
 Victoria in favor  
 D. Juan Foster,  
 Year  
 1844.

250 SD  
 PAGE 50

At the City of Los Angeles on  
 twenty second day of the month  
 of March one thousand eight hund-  
 red and forty seven assenting to the  
 verbal petition which Sr. Don Juan  
 Foster has made asking that the  
 undersigned Second Judge may give  
 him the juridical possession of  
 the places formerly called the "El  
 Trabuco of Mission Buena and now  
 known by the name of "Victoria" and  
 La Paz the titles whereof issued by  
 the Superior authority he has pre-  
 sented, and being issued with date of  
 the thirty first of July one thousand  
 eight hundred and forty one, the  
 other with date of the fourth of April  
 one thousand eight hundred and forty  
 five, and the third with date of  
 the twenty fifth of April one  
 thousand eight hundred and forty  
 six, let me proceed with the  
 witnesses in assistance to give the said  
 possession in entire conformity to the  
 said titles - Thus I Enrique Abila  
 Second Constitutional Alcalde



and signed with those in  
assistance according to law.

Enrique Mella.

In assistance

Leonardo Costa

In assistance,

Manuel Garcia.

250 SD

PAGE 51

Immediately afterwards I sent  
Official Notice to the adjoining owners  
(colindantes) manifesting to the  
effect for which I was going to the  
places of El Trabuco and Mission  
Bufo for I was going to remeasure  
them and put Senor Don Juan Pistor  
in possession of them and as the afore-  
said adjoining neighbors (colindantes)  
assumed that they agreed and consen-  
ted without making any objection.

I set it as a part  
of these proceedings which I authorized  
and signed with those in assistance  
according to law.

Enrique Mella.

In assistance

Leonardo Costa.

In assistance

Manuel Garcia.

Immediately afterwards and being  
already near the places of "Trabuco"  
and "Mission Bufo" I appointed two  
official cordobans who were  
Gabriel Aguilar and Juan Maria  
Artiga who having been apprised of



the object of their appointment  
accepted it and offered to discharge  
faithfully the duties of their charge,  
this they answered and thus did  
not sign not knowing how and I  
did it with those in assistance  
according to law.

In assistance Enrique Heito,

Leonardo Costa

In assistance

Manuel Garcia.

250 SD  
PAGE 52

Immediately afterwards and  
being at the "Mision Vieja" landmark  
of San Mateo being before me the  
Witness in assistance and the official  
and bearers I ordered a cord to be  
measured containing fifty varas to  
extremities of which were tied two  
poles and having previously made  
observations and calculation but not  
order the first line was run in direction  
to the North forty degrees West and  
thirteen thousand five hundred varas  
were measured which terminated  
at an Alder tree which is at the creek  
of the "Mision Vieja" from which  
point and changing the course, the  
cord was drawn course North twenty  
degrees West and six thousand  
seven hundred varas which terminated  
at the public road which leads from  
San Juan to Santa Ana where a  
land mark consisting of some rocks  
in the form of a triangle may be  
found. From this place the second



cord was drawn in a Northward direction being the main road to Santa Ana and eight thousand eight hundred varas were measured and counted which terminated at the boundaries of Don Jose Serrano, where it was suggested to the parties to put their respective land marks.

250 SD  
PAGE 53

Then from this point the third cord was drawn course North thirty degrees East and five thousand varas were measured and counted and afterwards making a square because a piece of land which belonged to Sino Foster was left out, the same line was again resumed and in the same course this line being in all twelve thousand five hundred varas which terminates at the foot of the (Sino) Mountain.

From this same point the cord was drawn South twenty five degrees to the East and thirty thousand varas were measured and counted which terminated at a neck of land where likewise there is a "Canada" called la "Gallina" which is to the East and is the boundary to the Rancho of San Mateo, where likewise a land mark must be placed.

From this point or place and to conclude the measurement of the sitios the last cord was drawn course South twenty degrees West and six thousand varas were measured and counted which terminated at the place of beginning and being about



57

to end these proceedings. I made  
Don Juan Foster to alight from his  
horse and I made him pull some  
grass to manifest his ownship  
and possession of the land and having  
done this I considered him as  
having been put in possession in the  
name of the Nation and according  
to law with which the act was concluded  
and those who know how signed with  
me and those in assistance according  
to law.

Enrique Mula,

In assistance  
Manuel Garcia

In assistance  
Leonardo Cota.

Angels March 23<sup>o</sup> 1847.

Set a (testimonio) certified  
copy of these proceedings be given to the  
party for his protection and security.  
Thus I Enrique Mula  
Leonardo Mula decreed and signed  
with those in assistance according to  
law.

There is no stamped paper.

Enrique Mula.

In assistance  
Leonardo Cota.

In assistance  
Manuel Garcia.

Note. The corresponding certified  
copy was delivered to the interested party  
on this date.

250 SD

PAGE 54



## Rubric.

Thapsus with its original which is found in the Register of this year from which it was taken corrected and collated faithfully and legally in three thin sheets of common paper for want of stamped.

250 SD  
PAGE 55

Don Jose Lopez and Don Casildo Aguilar being witnesses present when it was taken out -  
Date as above.

In testimony of truth.

(Signed)

Enrique Mida.

Assistance

Assistance

(Signed)

(Signed)

Jose Lopez.

Casildo Aguilar.

I certify the foregoing to be a true and correct translation of its original on file in case no 346, John Foster as The United States marked "G" copy of certificate of judicial possession.

Witness my official  
Signature this 16<sup>th</sup> day of  
Oct. 1852.

(Signed)

Geo Fisher Secy

Filed in Office Oct 16. 1852

(Signed)

Geo Fisher Secy



5-9

Juan Yaster

The United States

Mission Vieja or "La Paz."

Opinion  
Lee  
Cox  
Thompson

It appears from the Expediente in the archives of the Mexican Government in California a duly Certified copy of which is filed in the case that the land claimed in this case was originally granted about the year 1811 to Jose Antonio Estudillo -

On the 8th of Aug 1813 Antonio Pina Lomasco presented his petition to Don Micheltorrea demanding the land upon the ground that the former Grantee had not complied with the conditions of the law.

This petition was referred by the Governor to the Prefect of the 2<sup>a</sup> district Don Manuel Dominguez for his report on the subject -

The Prefect after making the proper enquiries reports that Jose Antonio Estudillo had transferred his interest in the premises to Don Agustin Clara but that up to that time it was without any building or sufficient stock so as to be considered covered or occupied.

The Expediente was then by order of the Governor transmitted to Don Agustin Clara for his statement in relation to it -

In reply to this reference Don Agustin Clara made a long communication setting out that in the year 1812 he had denounced the land on the ground that the former Grantee had not complied with the conditions of the grant within the time stipulated in the title -

That after the proper judicial proceedings had been carried through and

250 SD  
PAGE 56



Every thing being done in Conformity to the  
 fundamental laws on the subject he proceed-  
 ed to Montevideo and placed the Expediente  
 in the hands of the Governor who after having  
 examined it informed him that although  
 it was proved that the location was vacant  
 yet the former grantee having been employed  
 in public Offices under the Government  
 which might have prevented him from  
 attending to his individual interests a certain  
 time would be allowed him and if he failed  
 within that the Petitioner should then have the  
 preference in his Annunciation but advised  
 him to enter into an Agreement with Señor  
 Estudillo by which the difficulty might be  
 overcome.

That in accordance with this  
 advice he applied to the said Estudillo  
 for a transfer of his interest to him and that  
 finally after a good deal of delay the said  
 Estudillo had in the Month of January 1843  
 ceded to him all his rights in the premises but  
 failed to deliver the original title as he was  
 ignorant at the time where it was.

He further states that about  
 the time of his visit to Montevideo he was ap-  
 pointed Governor Commissioner of the New  
 Pueblo of San Juan Capistrano and subse-  
 quently Justice of the Peace of the same which  
 latter Office he had held until the preceding  
 month of May.

That in consequence of their  
 appointments and the public duties which  
 they had imposed upon him he had been  
 compelled to neglect his private affairs  
 and had consequently been unable to occupy  
 the land &c.



This Communication bears  
date July 22, 1843.

After a further reference  
and report from the Superintendent and  
President Fray Narciso Duran the Govern-  
or on the 23<sup>d</sup> of February 1844 made the fol-  
lowing order.

"As Don Clara justly de-  
mands there is no occasion for the annunciation  
contained in this Expediente and made by  
my Adjutant Don Antonio Ma Tomasa.

The Secretary of State  
will cause the necessary communications to be  
made in consequence of this order from the  
undersigned Commandant General.  
Mictatlan -

The following also appears in the Expedi-  
ente -

"Hon Excellency the Governor and  
Commandant General of this Department  
under date 3<sup>d</sup> of October last communicated  
the following to me.

"It appearing to be justo-  
fied by the documents presented by Don  
Agustin Clara and which are attached to  
the Expediente at the Instance of Lieutenant  
Don Antonio Ma Tomasa in Annunciation of  
the land called La Mission Vieja that this  
belongs lawfully to said Don Clara I have  
resolved to grant it him in ownership and  
mean while the Secretary of the Government  
issue the corresponding title you will allow  
him to build a house on the land in  
question saving the right of Lieutenant  
Tomasa to solicit a vacant land."

And I insert it to you for your knowl-  
edge and the purposes indicated -



God and Liberty, Angeles December 14th  
1843.

Mano Romualdo.  
To Don Agustin Alara.

A formal grant of the land was issued to Don Agustin Alara by Don Pio Pico on the 4th of April 1845 which was approved by the Departmental Assembly on the 12th of June 1846 and a certificate of the same signed by the Governor of Sonora delivered to the party on the 13th of the same month.

The genuineness of the signatures to all the documents is fully established by the testimony and the boundaries of the land are so clearly laid down on the map according to which the grant was made as to remove all difficulty in this identification and location.

The only doubt as to the validity of the claim arises from the fact that no occupation or cultivation is shown on the part of the grantee from whom the present claimant derives his title -

His failure to occupy and improve the premises during the year 1843 man the right acquired by the transfer from the first grantee Estudillo was clearly excused by the Governor for the reasons set forth in his communication in reply to the order of reference made by that Officer and his right to a formal grant of the land fully recognized in the order to the Subject of the 3<sup>rd</sup> of October of that year and the decree of the 23<sup>rd</sup> of February 1844.

The subsequent occupation and improvement of the premises and



63

Cultivation of the land in the year 1844 was by the present claimant to whom Clara Cas =  
 Rejoind all his rights title and interest immedi =  
 atly after the opening of the formal grant by  
 Mr Pio Pico in April 1845. according to the  
 view of this subject the object of the Mexican  
 Colonization laws was the settlement and improve =  
 ment of the Country by Cultivation and the  
 occupation of the lands by Cattle then the only  
 profitable branch of Agriculture known to the  
 inhabitants of California -

250 SD  
 PAGE 60

Hence the Conditions of  
 Occupation or Cultivation annexed to all grants  
 of lands made under those laws.

That being the object and  
 scope of the law it was a matter of indifference  
 to the Government whether it was accomplished  
 by the grantee in person or by another acting  
 in his name and by his Authority -

In the present case it is  
 obvious from the facts presented by the docu =  
 ments on file that the Occupation by Pio Pico  
 during the year 1844 was by the authority and  
 in behalf of Clara whose rights in the premises  
 had just been recognized by the Government and  
 the subsequent issuing of the grant without the  
 usual conditions of building a house &c, and  
 its approval by the Departmental Assembly in  
 the following year creates a strong presumption  
 that the Mexican authorities considered the  
 Conditions of the law as substantially com =  
 plied with -

But whether this be so or not  
 the grant of the 4th of April 1845 with the appro =  
 val of the Departmental Assembly and the  
 "certifying document" of that fact subsequently  
 issued to the grantee by the Governor was  
 sufficient according to the strictest ruling to



invest him with a full Estate in the premises which under the assignment of the Act of April 1815 would ensure to the benefit of the present Claimant -

The right thus acquired was a vested and subsisting interest at the time the territory was ceded to the United States and as such it is protected by the treaty and entitled to a Confirmation by this Commission -

250 SD  
PAGE 61

Filed in Office Oct 31. 1852.

(Signed) Geo Fisher Secy.

Juan Fester

The United States } "Mission Vieja or La Paz"

Recd.

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the petitioner is valid and it is therefore ordered that the same be confirmed -

The land of which confirmation is made is situated in the County of Los Angeles and is known by the name of Mission Vieja or La Paz being the same which has been held and occupied by the present Claimant since the year 1815 and is bounded as follows.

Beginning at the Aguaje de Canto on or near the main road from San Juan Capistrano to Los Angeles and running southerly along said road to three large stones set in the ground



65-

near the road which marks the boundary between this Rancho and the lands of San Juan thence South 40° East through the "Huentu' de Luntin" to a tree (Aliso) near the bank of an arroyo marked with the brand of Juan Foster and a pile of stones thence South 30° East to a spring called "La Jaja" a boundary between this Rancho and that of Amelio Najar thence North 40° East to a stake at a place called "Asechi" near the beach about 1000 varas from the Sea.

250 SD  
PAGE 62

Thence North with the line of the Rancho of Pio Pico called Santa Margarita to the high hills of the Cuadra de la Saliga and along the sides of the hills to Agua Caliente, Thence crossing the hills to the Agua de la Gabonaduro and down a Canalla to the three (Alisos) trees, thence West to the point of beginning containing the quantity of land as shown by the map contained in the Expediente a certified copy of which is filed in the case and to which together with the original grant the deposition of Brizida Miranda filed in this case and the record of Judicial possession and map filed in case No 412 reference may be had for a more particular description -

Alphus Welch  
 R. Aug. Thompson  
 S. P. Farrell

Examining

Filed in Office Oct 31, 1854  
 (signed) by Fisho Secy.



And it appearing to the satisfaction  
of the Board that the same term of  
a judgment is returned in the  
Southern District of California and hereby  
advised that the transcripts of the  
proceedings and of the decision in this  
case and of the papers and evidence  
upon which the same are returned  
be made out and duly certified by  
the Secretary, once for each transcript  
shall be filed with the Clerk of the  
U.S. District Court for the Southern  
District of California and the other be  
transmitted to the Attorney General  
of the U.S.

250 SD  
PAGE 63



Office of the Board of Commissioners,

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

250 SD  
PAGE 64

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 *Sixty six* pages, numbered from  
1 to *66*, 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. *396* on the Docket of the said Board,  
wherein

*Juan Foster* is

the Claimant against the United States, for the place known by  
the name of "*Mision Vieja o la Paz*"



In Testimony Whereof, I hereunto set my hand  
and affix my private Seal (not having a Seal  
of Office) at San Francisco, California, this  
*Twentieth* day of *June*  
A. D. 1855, and of the Independence of the  
United States of America the seventy=*ninth*.

*G. Fisher*  
*G. Fisher*



U. S. DISTRICT COURT,  
*Southern* District of California.

No. *250*  
THE UNITED STATES,

vs.

*Juan Fister*

*'Mipra Vieja on La Paz'*

*250*

TRANSCRIPT OF THE RECORD

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,

In Cas. No. *396*

Filed,

*July 2* 1855

*L. E. Carr*  
Clerk

By *A. H. Clark*  
*deputy*

*16*  
*250*



250 SD

PAGE 65

Office of the Attorney General of the United States,

Washington, June 13<sup>th</sup> 1855.

396.) *La Mision Vieja or La Paz.*

*Juan Foster, Claimant.*

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 15<sup>th</sup> day of March 1855, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

*Very Respectfully,*

*Cushing*

Attorney General.



No. 250.

W. D. District Court,  
Southern Dist. of Cal. a.

United States

vs  
John Foster,

Notice of Appeal  
in Case no. 396.

Filed July 21, 1878  
C. C. Bean  
Clerk

By A. H. Clark  
Deputy



In U.S. Dist Court South<sup>th</sup> Dist. of  
California -

Queen Forster

Case 250

250 SD

PAGE 67.

Appellee

vs

The U. States

Appellants

Plaintiff  
or La Paro.

In this case it being suggested  
to the Court that the by counsel for  
the Appellee that the Transcript of  
the Record from the United States  
Board of Land Commissioners is  
defective, in this,

That the Certificate is omitted  
on copy of Map marked H.H. N<sup>o</sup> 3. appear<sup>s</sup>  
at pages 6 & 7 of said Transcript, which  
said certificate is referred to and the  
signature thereto proved in deposition  
of Abel Shearns on page 5 of said Trans-  
cript.

It is ordered, the U.S. Dist. Attor-  
ney being notified ~~and consenting~~  
~~therein~~ that said Transcript be retur-  
ned by the Clerk of this Court to the Office  
of the Secretary of said Board, in or-  
der that the same may be amended



and a correct copy of the original  
documents may be submitted to  
this court.

Case 250  
U.S. Dist. Court Southern  
Dist. of Cal.

Juan Forster  
Appellee

vs.

The U. States

Order to return  
manuscript.

Filed February 12, 1885

Filed Feb 12<sup>th</sup> 1886

J. E. Lanier  
250 SD CLK



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

CITY AND COUNTY OF LOS ANGELES--STATE OF CALIFORNIA.

250 SD  
PAGE 69



Juan Foster, appellee,

vs.

The United States, Appellant.

Docket No. 250,

Transcript No. 396.

**TO THE HON. ISAAC S. K. OGIER, JUDGE:**

The Petition of Pacificus Ord, a resident of said City, County, and State, Attorney of the United States for the Southern District of California, who petitions in this behalf for the United States; and being present here in Court, in the name and behalf of the United States, represents as follows: That heretofore, to wit: on or about the 16<sup>th</sup> day of October A. D. 1852, Juan Foster

presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board, claiming a tract of land called Mission Vieja or La Paz in the County of Los Angeles State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the 31<sup>st</sup> day of October A. D. 1854, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 2<sup>nd</sup> day of July A. D. 1855, a duly certified transcript of the proceedings and decision of the said Commissioners in said cause, and the papers and evidence on which the said decision was founded, was filed in the Office of the Clerk of the District Court of the United States for the Southern District of California, and marked No. 396; reference to which it is prayed may be had and made part of this petition. That on or about the 16<sup>th</sup> day of March A. D. 1855, the Honorable Caleb Cushing, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and



evidence on which said decision was founded. That thereafter, to wit: <sup>or about</sup> on the 21<sup>st</sup> day of July — A. D. 1855, the said Attorney-General of the United States filed, or caused to be filed, in behalf of the United States, a notice with the Clerk of said District Court of the United States, that the appeal in said cause from the said decision of the said Commissioners, in the District Court of the United States for the Southern District of California, would be prosecuted by the United States. Your petitioner further represents, that the land claimed, as aforesaid, is situate in the Southern District of California, and within the jurisdiction of this Honorable Court. Your petitioner further represents and insists, that the said claim is invalid; and the said decision of said Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for many errors and imperfections of law and evidence, apparent in said certified transcript of the proceedings and decisions of said Commissioners in said cause, filed and appealed from as aforesaid. And your petitioner denies all and singular, each and every allegation in the said petition of said claimant, presented as aforesaid to said Commissioners. And your petitioner further denies that the said claimant has any valid right or title to said land claimed as aforesaid, or any part thereof.

250 SD  
PAGE 70

And no sufficient proof having been made of the allegations in said petition to said Commissioners, or in support of the said claim, no decision confirming the same should have been made by said Commissioners; but the



said claim should have been rejected by them. And the said claimant, having no valid right or title derived from the Spanish or Mexican Governments, to the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by, and it now belongs to the United States, by virtue of conquest, and the Treaty of peace, friendship, limits and settlement, between the United States and the Republic of Mexico, made at the City of Guadalupe Hidalgo, February 2d, A. D. 1848.

Wherefore, the said Pacificus Ord, Attorney of the United States for the Southern District of California, for and in behalf of the United States, by reason of the premises, and in pursuance of the Act of Congress, entitled "An Act to ascertain and settle the Private Land Claims in the State of California," approved March 3d, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said claimant, or his attorney may be served with a copy of this petition; and that this Honorable Court will review the said decision of said Commissioners, and reverse the same; and decide on the validity of the <sup>said claim</sup> ~~same~~, and decree the alleged title to be invalid: with costs and general relief.

J. P. M.

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



N. 250.

Filed this 5th January  
A.D. 1857  
C. Sims clk.  
J. W. Coleman  
20p

250 SD  
PAGE 72



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

The President of the United States,  
TO *Juan Foster*

250 SD

PAGE 73

Greeting :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against *You* in the District Court of the United States, in and for the Southern District of California, on the *fifth* day of *January*, in the year of our Lord one thousand eight hundred and fifty-~~seven~~, at the City and County of Los Angeles, in said District, by *P Ara* praying the said Court to review the decision of the United States Land Commissioners of the 31<sup>st</sup> day of October A.D. 1854 confirming your claim to the land called *Mision Vieja a La Paz*

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 *5th* day of *January* A. D. 1857.



*C. Sims*  
*J. M. Coleman*  
*clerk*

CLERK.



Marshal Cost

Copying Deeds  
Leaving do  
Petition

1.60  
3.00  
3.00  
6.60

No. 257

UNITED STATES OF AMERICA,

Southern District of California,

U. S. DISTRICT COURT.

*Samuel G. Helm* Appellee  
*The United States* Appellant  
Filed on return this 14th  
January 1857  
*J. McLaughlin*  
*Depy*

SUMMONS.

Received January 10th 1857

*Edward Hunter*  
U. S. MARSHAL,  
*J. McLaughlin*  
Depy

250 S.D.  
PAGE 74

I served this Summons, together with a certified copy of the Petition, upon *J. D. Scott*  
Atty for Appellee by delivering to him a  
true Copy of same

at *Los Angeles*

in the Southern District of California, on

the 14th day of *January* A. D. 1857.

Sworn to and subscribed before me, this  
14th January 1857

*A. Sims* CLERK.  
*J. McLaughlin*  
*Depy*

*Edward Hunter*

U. S. MARSHAL.

*McLaughlin*  
*Depy*



In U. States Dist. Court, South<sup>2</sup> District of  
California.

Juan Forster

Appellee

vs

The United States

Appellants

Case N<sup>o</sup> 236

"Mision Vieja" or "La Paz"

Docum<sup>ts</sup>cript N<sup>o</sup> 296

250 SD

PAGE 75

And now comes the Appellee Juan Forster by J R Scott his attorney, and for answer to the Petition for Review filed in this case by the Appellants says that his title to the lands claimed in this case, called "Mision Vieja" or "La Paz" is good & valid.

Wherefore he prays the judgment of this Hon. Court that the decision of the United States Board of Land Commissioners may be affirmed, & his title to said lands decreed to be valid, & for his costs herein expended & such other or further & general relief as to Equity & good Conscience belong or the nature of his case shall require.

J R Scott

Attorney for Appellee



Served this Answer on P. Ord  
14th January 1857

Edward Hunter  
U.S. Marshal  
Jas. M. Goodman  
Sept

I have subscribed  
before me this 14th January  
A.D. 1857  
Clerk  
J. M. Goodman  
sep

Lam Dec 25th  
U.S. District Court, South - Dix.

Juan Forster  
Appellee

vs

The United States

Appellants

Answer

Filed this 14th January

A.D. 1857

Clerk

J. M. Goodman

sep

Marshals Court

Among Answers p 3



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

Juan Forster

Appellee

vs

The United States

Appellants

Case 250

Mission Vieja on

La Paz

Transcript 390

250 SD

PAGE 77

This cause coming on to be heard  
on appeal from the final decision of  
The United States Board of Land Com-  
missioners to ascertain and settle  
the private land claims in the State  
of California, under an Act of Congress  
approved March 3<sup>d</sup> 1857, upon a Trans-  
cript of the Proceedings and decisions  
of said Board and of the Papers and  
Evidence upon which said Decision  
was founded; 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 de-  
creed that the decision of The United  
States Board of Land Commissioners  
be, and the same hereby is affirmed.

And it is further adjudged and  
decreeed that the claim of The Appel-  
lee is good and valid, and the same  
is hereby confirmed to him as follows.

The lands of which confirmation  
is hereby made are situate in The County



of Los Angeles, and known as Mission Vieja or La Par, to the extent of Eleven square leagues of land within the boundaries called for in the Grant and represented in the Map to which the Grant referred contained in the Expedient. Provided that should the quantity of land within said boundaries be less than Eleven square leagues then confirmation is hereby made of such less quantity.

*Maria P. Piqui*  
*W. S. D. Judge*

Case 250  
U. S. Dist. Court

*Lucas Fontes*  
*Appellee*

*vs*

*The U. States*  
*Appellee*

*Decree*

*Filed Feb 23<sup>rd</sup> 1877*  
*W. S. D. Judge*

Recorded in Page 231  
250 SD



250 SD  
PAGE 79

California Land Claim.  
Attorney General's Office  
25 Jan'y 1857

Sir:  
In the case of the claim of  
Jesse Foster, confirmed to the claim-  
ant by the Commissioner, Case  
no. three hundred and ninety-six,  
(396), appeal will not be prosecu-  
ted by the United States.

I am,

Respectfully,

Clauting

Pacific Mail Eq  
U. S. Attorney  
Los Angeles



Filed June 15/94  
C. S. Taylor  
Sp. Clk

250 SD  
PAGE 80



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

Juan Forster }  
Appellee } Case No 250  
vs }  
The United States } "Mission Vieja" or "La Paz"  
Appellants }  
Transcript 390.

250 SD

PAGE 81

Notice having been given by the Attorney General of the United States, that the appeal in this cause to the Supreme Court, will not be prosecuted by the United States; and a stipulation having been entered into between the District Attorney of the United States and the Attorney of the Plaintiff, that the former order of this Court granting an appeal herein to the Supreme Court, may be vacated, and that the decree of this Court heretofore entered in this case may by order of this Court be made final.

It is ordered, that the Order of this Court heretofore made on the 24<sup>th</sup> day of February AD 1857, granting an appeal to the Supreme Court from the Decree of Confirmation of this Court, filed on the 23<sup>d</sup> day of February AD 1857, be and the same hereby is, vacated



and that the Claimant have leave to  
proceed under said Decree as under a  
Final Decree

Thus done and signed in open Court  
this 4<sup>th</sup> day of June 1857.

*James P. Ogden*  
N S D's Judge

Case No 250  
U. S. Dist. Court, South Dist.

John Foster

Attorney

vs

The United States

Attorneys

Notice vacating same

1857 June 15

*J. P. Ogden*

*sd*

250 SD

PAGE 82



In the District Court of the  
United States

Southern District of California

250 SD

PAGE 83

United States  
vs  
Juan Forster

Case No 250  
Transcript No 396

In pursuance of a notice from the  
Attorney General of the United States herewith annexed  
it is hereby stipulated and agreed that by consent of parties  
an order <sup>of the Court</sup> be entered ~~of appeal~~ in this cause vacating the  
order of appeal heretofore granted in this cause, and that the  
claimant have to proceed under the decree of this Court heretofore  
rendered in his favor as a final Decree.

J. P. Scott  
Atty for Claimant

T. Ord Dir Atty.



N. 250.

Juan Forster  
Appellee

vs

The U. States  
Appellants

Stipulation

Filed & June 15/97  
A. S. Taylor  
S. J. Clerk

250 SD

PAGE 84



Office of the Surveyor General of the United States, }  
FOR CALIFORNIA. }

250 SD  
PAGE 85

I, J. W. MANDEVILLE, United States Surveyor General, for the State of California, do hereby certify that the Rancho "*Meximitejo*" or "*San Pacho*" confirmed to *James Forster*, has been surveyed by this office, and that the survey and plat was approved by the U. S. Surveyor General, on the *18<sup>th</sup>* day of *December*, 1858; that I have caused to be published, once a week, for four weeks successively, in two newspapers, to wit: the *San Bernardino Herald*, published in the County of *San Bernardino*, State of California, being the newspaper published nearest to where the said Rancho is located, the first publication being on the *27<sup>th</sup>* day of *September* 1861, and the last, on the *16<sup>th</sup>* day of *October* 1861; also, in the *Los Angeles Star*, a newspaper published in the *City and County of Los Angeles*, State aforesaid, the first publication being on the *29<sup>th</sup>* day of *September* 1861, and the last on the *3<sup>rd</sup>* day of *October* 1861, a notice that the said land had been surveyed, and a plat made thereof, and the survey and plat approved by me. And I do further certify, that the said survey and plat were retained in my office during all of said four weeks, and until the expiration thereof, subject to inspection; and I further certify, that no order for the return thereof to the U. S. District Court, has been served upon me.



In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of office to be affixed, at the City of San Francisco, this *31<sup>st</sup>* day of *May* 1861

*J. W. Mandeville*  
U. S. Surveyor General for California.

I certify the above and foregoing to be a true and correct copy of the original certificate of advertisement, as the same appears of record in this office. Witness my hand and official seal, at the City of San Francisco, this *28<sup>th</sup>* day of *February*, 1861.

*L. C. Mason*  
U. S. Surveyor General.



No 250

Filed May 2, 66

J. M. White

250 SD

PAGE 86