

CASE No.

268

SOUTHERN DISTRICT

JESUS MARIA GRANT

LEWIS BURTON, ET AL

CLAIMANT

SD

SD

ALSO AVAILABLE ON MICROFILM

LAND CASE 268 SD 82 pgs.

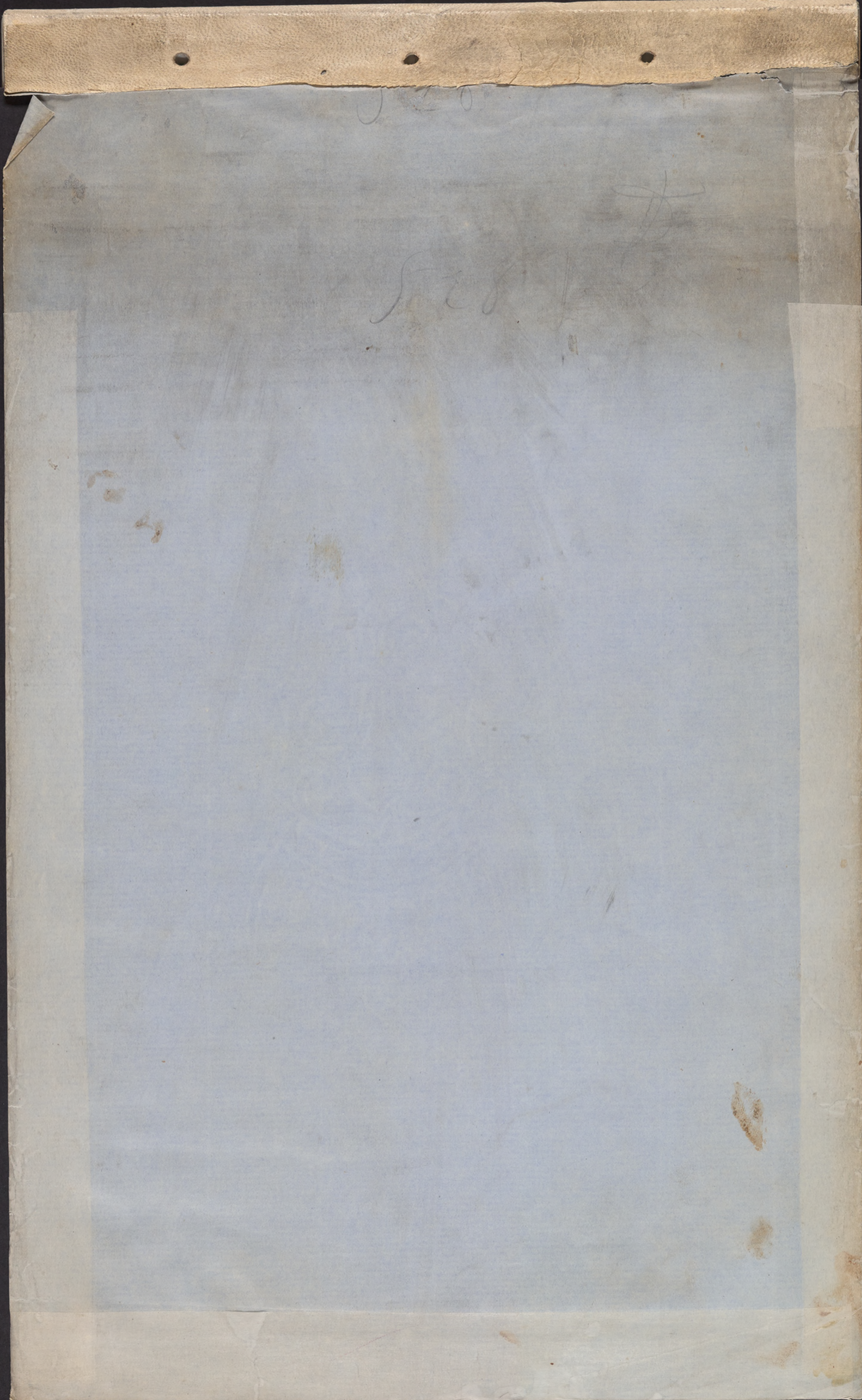
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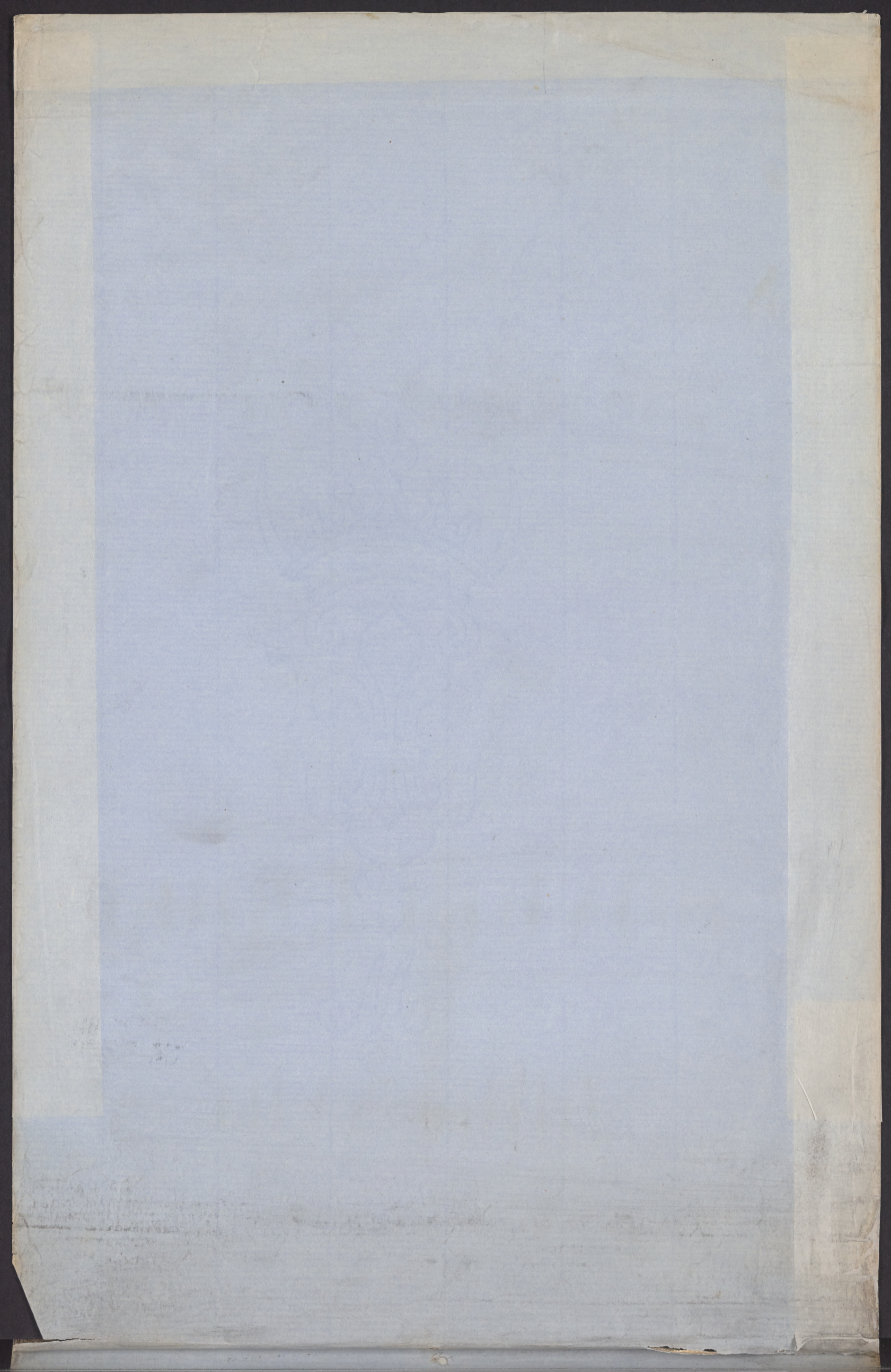
Oct 14, 1981

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# TRANSCRIPT

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PAGE 1

OF THE

# PROCEEDINGS

IN CASE

NO. 528

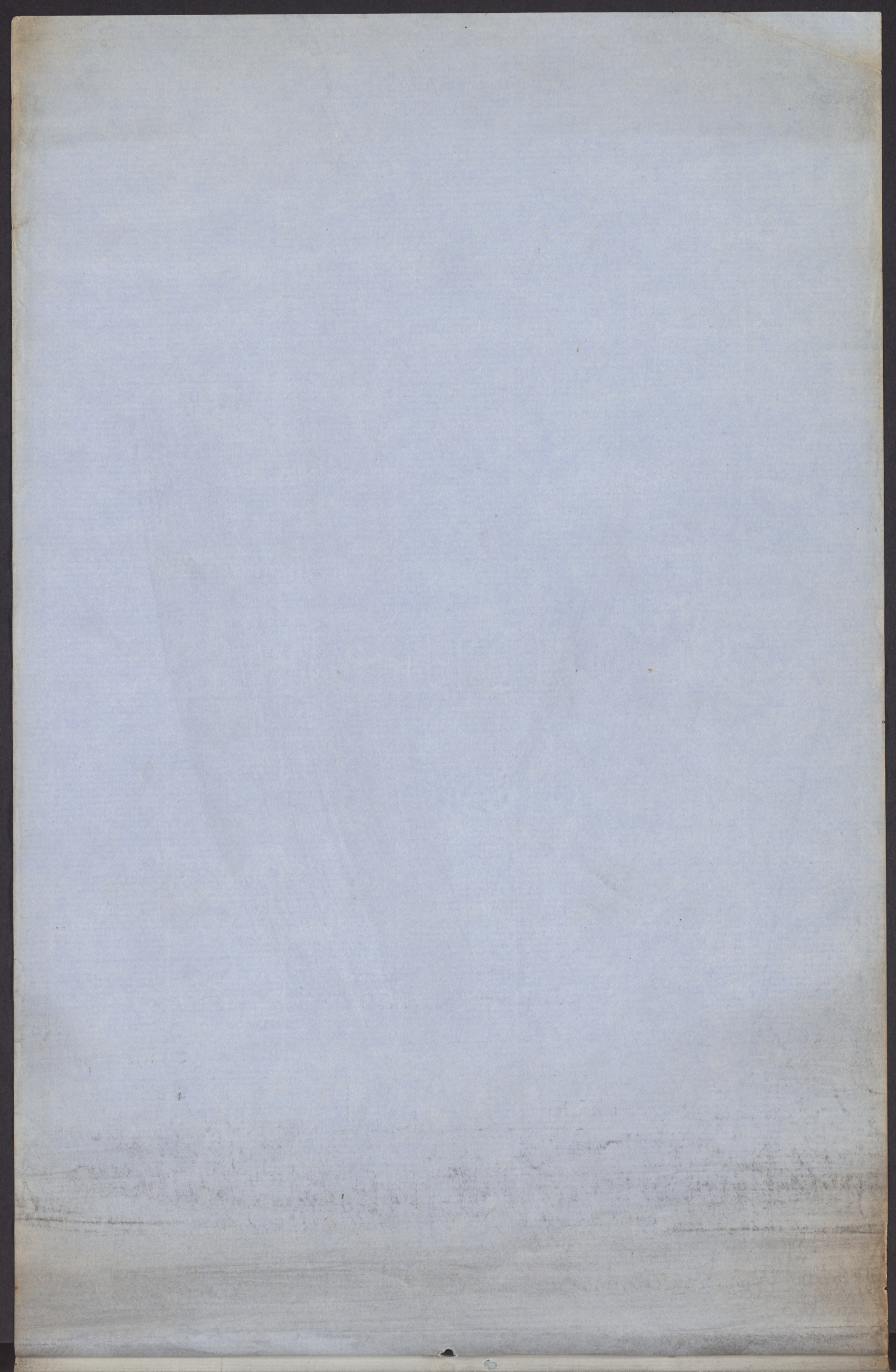
*Lewis J. Burton, et al.* CLAIMANT S.

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

" *Jesus Maria* "



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 *twenty eighth day of January*, Anno Domini One Thousand Eight Hundred and Fifty-*three*, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

The Petition of Luis J. Burton et al:

for the Place named  
"Jesus Maria,"  
was presented, and ordered to be filed and docketed with No. 528 and is as follows, to wit;

(Vide page 3 of this Transcript.)

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

San Francisco, February 3<sup>rd</sup> 1853.

In Case no. 528, Luis J. Burton et al; for the place named "Jesus Maria," the deposition of W<sup>m</sup> E. P. Hartnell, a witness in behalf of the Claimants, taken before Commissioner Melana Hall, with documents marked A.A. Nos. 1 & 2, annexed thereto, was filed:

(Vide page 3 of this Transcript.)

San Francisco, October 20<sup>th</sup> 1853.

In the same case the deposition of Jose Maria Covarrubias, a witness in behalf of the Claimants, taken before Commissioner Thompson Campbell, with documents marked T.C. E. G. T. K. M. annexed thereto, was filed:

(Vide page 8 of this Transcript.)

San Francisco January 13<sup>th</sup> 1854.

In the same case the deposition of Fernando Tico, a witness in behalf of the Claimants, taken before Commissioner

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R. Aug. Thompson, was filed;  
(Vide page 9 of this Transcript.)

San Francisco January 28' 1854.

In the same case the deposition of Joaquin Carrillo, a witness in behalf of the claimants, taken before Commissioner Alphens Felch, with document marked A. F. No. 1, annexed thereto was filed;

(Vide page 11 of this Transcript.)

San Francisco February 9' 1854.

In the same case the deposition of Henry Barnes, a witness in behalf of the claimants, taken before Commissioner Thompson Campbell, was filed;

(Vide page 7 of this Transcript.)

San Francisco, December 5' 1854.

Case no. 528 was ordered to be placed at the foot of the third Clap cases on the Trial Docket, the parties not being ready.

San Francisco December 12' 1854.

Case no. 528 was submitted without argument and taken under advisement by the Board.

San Francisco December 19' 1854.

In the same case Commissioner Alphens Felch delivered the opinion of the Board confirming the claim;

(Vide page 73 of this Transcript.)

and the following order was made to wit:

(Vide page 74 of this Transcript.)

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To the Honorable Commissioners to Settle Private Land Claims in California

The petitioners Lewis J. Burton and Jose Carrillo respectfully represent that on the 8th day of April A.D. 1837 Juan B Alvarado Governor of California, by virtue of authority in him vested granted to Lucas Olivera, Antonio Olivera, and Jose Antonio Olivera the tract of Land called "Jesus Maria" situated in the present County of Santa Barbara, with the boundaries described in the grant and corresponding map, which grant was duly approved by the Deputation of California on the 19th day of April A.D. 1837; all of which is shown by the Original grant map, and approval submitted herewith marked "A" with translations marked "B"

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That the said tract of Land was duly surveyed and the judicial possession of it given on the 30th day of May A.D. 1840 which judicial act of possession and survey is submitted herewith marked "C" with translations marked "D"

That on the 17th day of August A.D. 1839 and the 18th day of October 1841 the said Jose A Olivera and Antonio Olivera sold and conveyed their interest (that is, two thirds) in said Land to Jose Maria Valenzuela which Original Deeds of Conveyance are submitted herewith marked "E" with translations marked "F"

That on the 11th day of September A.D. 1847 the said Valenzuela sold and conveyed one third part of said tract of Land to Pedro C Carrillo, which Original Deed of conveyance is submitted herewith marked "G" with translations marked "H"

That on the 5th day of November A.D. 1857 the said Pedro C Carrillo and wife conveyed the said one third part of said Land to the petitioner, Lewis J. Burton which Original Deed of Conveyance is submitted herewith marked "I"

That on the 5th day of May 1857 the said Jose Maria Valenzuela sold and conveyed his remaining one third part of the said Land to the petitioner Lewis J. Burton which Original Deed of Conveyance is submitted herewith marked "J"

4  
That on the 2<sup>d</sup> day of December A.D. 1845 the said Lucas Olivera sold and conveyed his one third part of the said tract of Land to Juan Camarillo which original conveyance is submitted herewith marked "K" with translations marked "L"

That on the 27<sup>th</sup> day of June A.D. 1846 the said Juan Camarillo sold and conveyed the said one third part of the said tract of Land to the petitioner Jose Canillo which original Deed of conveyance is submitted herewith marked "M" with translations marked "N"

Thus leaving the petitioner Lewis J. Burton the owner of two undivided third parts, and the petitioner Jose Canillo the owner of one undivided third part of said tract of Land.

And the petitioners further represent that they and those under whom the hold have been for more than fifteen years and the petitioners now are in the just and peaceable and undisputed possession of said tract of Land

That they know of no conflicting claim. That they rely for confirmation of title upon the original papers submitted herewith: upon the records and minutes in the archives of the former Government now in the charge of the Survey General; and upon such other further proofs as they may be advised are necessary.

Wherefore they pray the Commissioners to confirm to them the aforesaid tract of Land

Hallett Peachy & Billings  
Attys for Claimant

Filed in Office July 27. 1853

Geo Fisher Secy.

Recorded in Vol 1 of Petitions on pages  
499. 500 & 505.

Geo Fisher Secy.

Deposition of San Francisco Feb'y 3' 1833

W. E. P. Hartnell

On this day before Com<sup>r</sup> Steele  
Steele came Com<sup>r</sup> E. P. Hartnell, a witness  
in behalf of the claimants S. J. Benton  
et al, petition No. 528 and was duly sworn  
his evidence being given in English

The U. S. Associate Surr Agent was present

In answer to questions by claimants Counsel  
The witness testified as follows

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My name is  
W. E. P. Hartnell; My age is 55 years; I reside  
in Monterey and have lived in California  
30 years.

I am acquainted with the hand  
writing of Juan B. Alvarado, Jose Maria Ponce  
Vicente Pineda, Manuel Jimeno, Antonio  
Rodriguez & Diego Olvera, these signatures  
to the papers before me, marked H. H. No.  
1 & 2 are to the best of my knowledge and  
belief, their genuine signatures.

I know this Rancho, it is near my Rancho  
of Soledad Santos in Santa Barbara County  
and was occupied by the grantees, to my  
knowledge as early as 1840 - I do not know  
how much earlier it was occupied; the  
Occupation has continued ever since

W. E. P. Hartnell

Sworn & Subscribed

Before me

Hollander Steele Com<sup>r</sup>

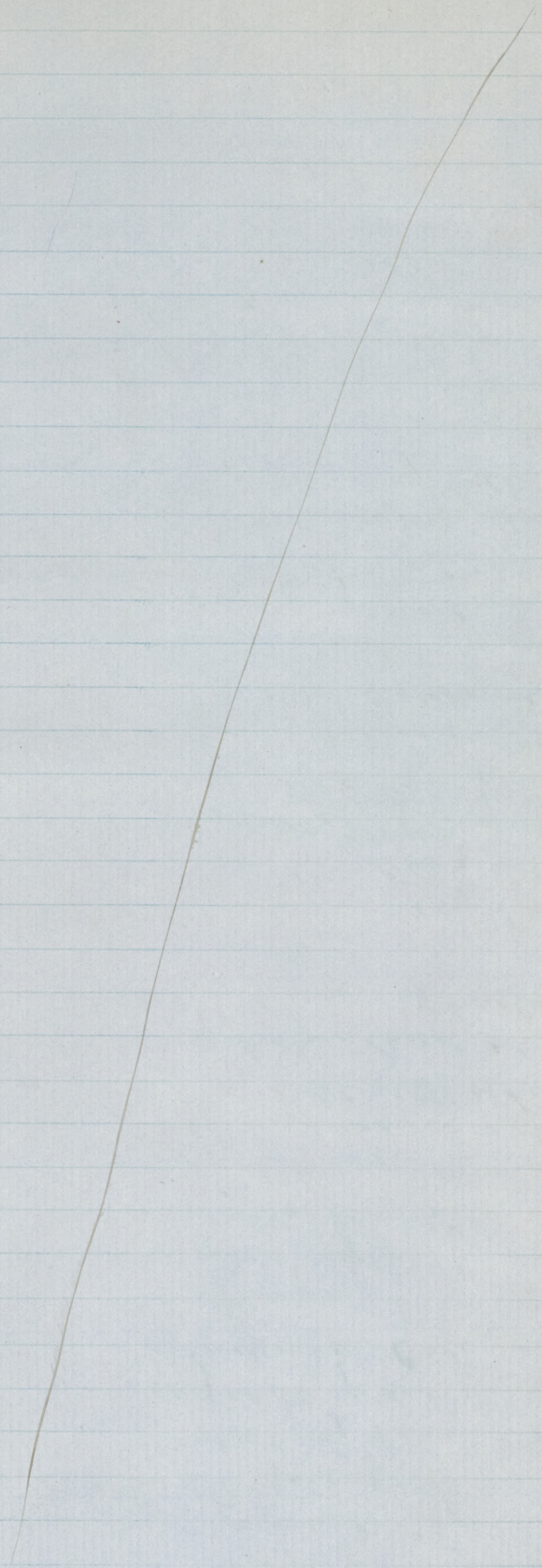
Taken in Office Feb'y 3. 1833

Geo. Fisher Secy

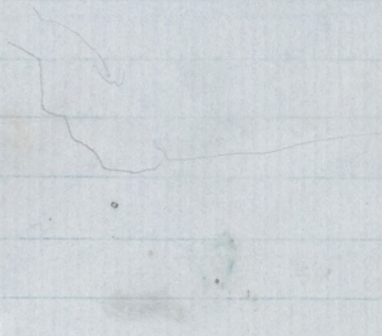
Recorded in Cov. B Vol 2 p 336

Geo. Fisher Secy

6



Faint, illegible markings or text.



Deposition of  
Henry Leunes

United States Land Commission  
San Francisco Feb. 9. 1854

On this day before Commissioner Thompson  
Comptroller Campbell came Henry Leunes a witness  
in behalf of locumtents Lees & Burton et  
al Case No. 528, who after being duly sworn  
deposed as follows.

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1<sup>st</sup> Question. What is your name  
age and place of residence?

Answer. My name is Henry  
Leunes I am thirty one years of age and I  
reside in Santa Barbara

2<sup>d</sup> Quest. Look on the document  
now shown you marked "1 & C" and compare  
to this deposition of Jose Maria Coarules  
and file in this case, and state whether  
you are the same person whose name is  
written in said document as a salesclerk  
witness.

Answer. I am the same person  
who signed said document as a salesclerk  
witness. Said document was executed in  
my presence by Pedro Leunillo, and Josefa  
Bancini de Leunillo his wife, and their sign  
atures when they appear on said document  
are genuine.

Associate Saco Agent present -  
Sworn to and subscribed before me this  
9th day of February 1854

Thompson Campbell  
Comptroller

Filed in Office Feb 9. 1854

Geo. Fisher Secy

Recorded in Ev. B Vol 3 p 694

Geo. Fisher Secy

8  
Deposition of  
Jose Maria  
Covarrubias

Office of the Board of Commissioners &c &c  
This day before Leon Thompson Campbell  
Came Jose Maria Covarrubias a witness on  
behalf of the Claimants Lewis J. Burton et  
al No. 524 who after being duly sworn deposes  
as follows

What is your name age and place  
of residence?

My name is Jose Maria Covarrubias I  
am forty five years of age and I reside in Santa  
Barbara

Look at the paper now shown you and  
marked (E) and state what you know about  
the signatures of the same

The following signatures I know to  
be genuine Jose Antonio Olvera, Lucas Antonio Olvera  
Antonio Rodriguez, Francisco Tico, Jose Maria  
Valenzuela, Luis Canullo and Jacinto Sarmiento

Look on the papers now shown  
you and marked J, K and G

The following signatures on  
paper "J" are genuine. Pedro Le Canullo &  
Josefa Bandona de Canullo

The following signatures on papers  
"K" I recognize to be genuine, to wit, Nicolas A  
Donn Guillamo G Dana and Joaquin Canullo

The following signatures on  
paper "M" I recognize to be genuine Antonio Maria  
Ortega, Juan Canullo, Lewis J. Burton, Jose  
Canullo, Julian Gomez

The following signatures on paper "G"  
I recognize to be genuine, Jose Maria Valenzuela  
Marcos Pacheco Luis Canullo, Pedro Le Canullo  
and Manuel Rocha. I have seen all the persons  
whose signatures appear to the foregoing respective  
documents write and them all to be their genuine  
signatures

Do you know the land described  
in these papers, if so, state what you know of  
its occupation.

I know the land it is situated  
in the environs of the Mission "La Purisima"  
in the County of Santa Barbara

The land was occupied by Lucas Olivera and Jose Antonio Olivera in the year 1837 and has ever since been so occupied by them and by other people. They had houses on the land, Cattle and cultivated the land. The other occupants held under titles derived from the Oliveras

Who have occupied it within the last year Jose Carrillo occupied it about a year ago and for some time past Burton has occupied it exclusively.

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Subscribed before me this 20th day of October A.D. 1853.  
Associate Law Agent Present  
J. M. Coranubras

Thompson Campbell Com.

Filed in Office Oct 20 1853.

Geo Fisher Secy

Recorded in Ev. B. Vol 3 p 272

Geo Fisher Secy

Deposition of  
Fernando Tico

United States Land Commissioner  
San Francisco Jan 13. 1854

On this day before Commissioner R. Aug. Thompson before Fernando Tico a witness in behalf of claimants Lewis J. Burton et al Case No 528. and who after being duly sworn deposed as follows his evidence being interrupted by the Secretary.

Present Claimants Atty & U. S. Law Agent.

Witness states that his name is Fernando Tico his age is fifty six years and residence Santa Barbara Co. California.

Question by Claimants Atty.

Do you know the Rancho called Jesus Maria claimed by Lewis Burton and Jose Carrillo in this case and if so state where it is situated and all you know in relation to its occupation, cultivation and improvement.

Answer. I know said Rancho. It is situated in the County of Santa Barbara between the Rancho of Don Gudlornas Hartnell called Todos Santos and that of Antonio Oliveras called Casnall.

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On another side is the Rancho of Joaquin Canillo  
Called Lompoc. It was first occupied in 1836 or  
1837 by Antonio Olivera, Lucas Olivera and Jose  
Antonio Olivera. They had two houses in one of  
which Antonio and Jose Antonio Olvera father  
& Son lived and Lucas Olivera in the other. They  
cultivated a small portion of the land. They had  
in it also stocks of cattle & horses & Corral-  
The houses they first built were of wood they  
afterwards built of adobe. They continued to  
occupy it until Antonio and Jose Antonio sold  
their interest to Jose Maria Valenzuela who immedi-  
ately afterwards went into occupation of said  
interests and continued to occupy in conjunction  
with the other grantee until they sold to the Claimants

Question by Same.

Do you know the boundary between  
the Rancho Jesus Maria and that of Todos Santos  
and your means of knowledge

Answer. I do. I have the juridical possession  
of the Rancho of Todos Santos in my official  
Capacity as Alcalde in doing which I run said line

Fernando Yico

Sworn to & Subscribed before me  
Jan 13<sup>th</sup> 1854

R. Aug. Thompson Comr.

Filed in Office Jan 13<sup>th</sup> 1854

Geo Fisher Secy

Recorded in Etr. B. Vol 3. p 447

Geo Fisher  
Secy.



11 Deposition of  
Joaquin Carrillo

United States Land Commission  
San Francisco Jan. 28. 1854

On this day before Commissioner Alpheus Felch  
Came Joaquin Carrillo a witness in behalf  
of claimants Luis J. Burton et al case  
No. 528 who after being duly sworn deposed as  
follows.

Testimony by Mr. Halleck Cley for claimant

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1. Question. What are your name  
age and place of residence?

Answer. My name is Joaquin  
Carrillo, my age is forty years and I reside  
at Santa Barbara in California

2<sup>d</sup> Question. Examine the document  
now here presented to you marked "H. H.  
No 2" annexed to the deposition of Lem E. P  
Sturtevant heretofore taken and filed in this  
case (No. 528) and <sup>state</sup> what you as to the genu-  
ineness of the signatures to said document

Answer. I have examined said  
document. I know the hand writing of  
Antonio Olvera and Antonio Rodriguez -  
These signatures appearing on said document  
are their hand writing and signatures.  
I do not know the hand writing in which the  
name of Diego Olvera is written, but I do  
know his scribble appearing at the end and  
below his name on his document is his -  
He lost his thumb, and since that happened  
he does not write his name but makes his  
scribble. This scribble I have no doubt was  
made by him.

3<sup>d</sup> Question. Look on the  
document now presented to you purporting  
to be a transfer deed from Jose Maria Valen-  
zuela to Lewis J. Burton marked "Exhibit No 1"  
with the initials "A. J." and annexed to this  
deposition and state what you know of  
the signatures thereto

Answer. I have examined

it, It has upon it the true and genuine signatures  
of Jose Maria Valenzuela, Henry A. Telf  
J. Maria Bonilla and A. F. Sanchman. I have  
seen each of them write except Telf and know  
their hand writing. I have seen since Telf's  
signature on the Minutes of the Court. He  
was my predecessor in the Office of Justice  
Judge - Telf was crowned at San Luis  
Obispo

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J. Canillo

Mr. Greenhow, Associate Justo Agre  
was present at the taking of this  
deposition, but propounded no questions  
Subscribed and sworn to before  
me this 28th day of January A.D. 1854  
Alpheus Felch  
Commissioner

Filed in Office Jan 28. 1854

Geo. Fisher  
Secy

Recorded in Ev. B Vol 3 p 669

Geo. Fisher  
Secy

13

Copiediente

# Copiediente

Promovido por los vecinos de St.<sup>a</sup> Barbara  
Lucas Antonio y José Ant.<sup>o</sup> Olivera

En solicitud del Teniente nombrado

"Jesus Maria"

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1837

150

MS

L. D. D. R. Sta Barbara

Don Gobernador

Maz. 20 de 1837. Informe el D. A. y José Ant. Olivera vecinos de yuntamiento de esta pobleacion ante la notoria municipalidad justificacion de V. G. como mas si los interesados halla lugar en derecho hacemos en esta instancia presente.

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obtienen todos los requisitos legales para ser atendidos en su solicitud si el terreno que solicitan esta en el caso de adjudicarse en colonizacion, conforme a las leyes. Alvarado. Que necesitando un terreno en donde poder dedicarnos al cultivo de la agricultura para buscar el medio de subsistencia de nuestras crecidas familias nos ponemos al amparo de las leyes de Colonizacion pretendiendo el pedraje llamado de Jesus Maria del cual acompañamos devidamente el diseño correspondiente.

Este terreno aunque ha pertenecido a la Comision de la jurisdiccion de la pta de halla baldio y en estado de adjudicarse en colonizacion. por tanto. A. V. G. suplicamos rendidamente se sirva acceder a nuestra pretencion disponiendo que no baya esta instancia en papel sellado ni haberlo jurando al mismo tiempo lo necesario.

L. D. D. R. Sta Barbara 14 de Mayo de 1837

Ant. Olivera Lucas Olivera José Ant. Olivera

Pluste Ayuntamiento

La Comision a quien V. G. se ha servido confiar para que dictamine sobre el expediente formado por los ciudadanos Lucas Antonio y José Antonio Olivera Jesus Maria en observancia del Decreto del Gobierno de pta 20 de Mayo del presente espone; que el interesado obtiene todos los requisitos legales para ser atendido en su solicitud que el terreno que solicitan se halla baldio y en estado de adjudicarse en colonizacion conforme a la Ley de 18 de Agosto del 24. y el reglamento de Nov. de 1828.

15-

4. J. D. R. Pues aunque se ha conocido por de la propiedad de la Com. Misión de la purísima se halla à la vez baldío en la ocupacion necesaria y por consiguiente en estado de adjudicarse conforme à las leyes citadas. Los que representan son euiddanos Mexicanos ~~americanos~~ todos tienen buena conducta y vienen con que poblarlo por lo que se halla a creedo a ser amparado por las leyes y por las consideraciones de Gobierno à quien representan Por tanto afese la Comisión à la delveracion de V. O. la siguiente proposicion.

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Puede el Gobierno adjudicar en propiedad à los euiddanos, Lucas, Antonio, y José Am<sup>o</sup> Olivera el paraje nombrado. 'Jesu Maria Sta Barbara' Marzo 20 de 1837  
Valentin Cota Pablo Vaneja

J. J. D. R. En seccion aprorro el S. A. la proposicion del dictamen anterior a cotacando vuelba el expediente al Gobierno para su resolucion.  
Sta Barbara Marzo 20 de 1837  
Diego Olivera # Benito Dias.

Sta Barbara Ab. 8 de 1837  
Visto la peticion con que da principio este Expediente, el informe del S. Ayuntamiento de esta municipalidad con todo lo mas que se tubo presente y ver conorno: de conformidad con las leyes y reglamentos de la materia se declara à los C. C. Lucas, Am<sup>o</sup> y José Am<sup>o</sup> Olivera dueños en propiedad del terreno conocido con el nombre de Jesu Maria demarcado en el Diseño que acompaño à su solicitud y bajo los linderos.

Here follows  
Map

J. J. D. R.

Y. G. D. R

que en el se expresan sujetandose à las condi-  
ciones establecidas en la Ley de diez y Ocho  
de Agosto de Ochocientos Veinte y cuatro y al  
Reglamento de Veinteuno de Noviembre de mil  
Ochocientos Veinte y ocho; libese el despacho  
correspondiente. Tómese razon en el libro respec-  
tivo y dirijase este Expediente à la Excmo  
Disputacion p<sup>a</sup> su devida aprobacion en  
cuyo caso los interesados, à quines se les ha  
ra saber este decreto presentaran nuevamente  
su titulo p<sup>a</sup> que se les revalide. Asi el Sr  
D. Juan B. Alvarado Gobernador interino  
del Estado y presidente de la Excmo. Dipu-  
tacion del mismo lo decreto mandò y firmo  
de que doy fee.

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Juan B. Alvarado

S. G. D. R

Señor Excmo. Sr. D. Juan B. Alvarado  
Gobernador interino del Estado y presidente de la Excmo. Dipu-  
tacion del mismo lo decreto mandò y firmo de que doy fee.

La comision nombrada de terrenos Val-  
dios mapuesta del Expediente promovido  
por los Ciudadanos, Lucas, Antonio y José  
Antonio Olivera en solicitud del paraje  
nombrado Jesus M<sup>a</sup> p<sup>a</sup>me à la Deliberacion  
de V. C. la proposicion siguiente.  
Se concede à los Resinos Lucas, Antonio  
y José Antonio Oliveras el sitio nombrado  
Jesus M<sup>a</sup> para que lo posean en propiedad  
por tener los requisitos necesarios conforme  
à la Ley de 18 de Agosto de 1824 y el Art-  
culo 5<sup>o</sup> del Reglamento de 21 de Abril  
de 1828.

Sta Barbara 12 de Abril de  
1834

José Antonio de la Torre y  
Antonio Buelna - Carrillo.

q. G. D. R

Sta Barbara Abril 19 de 1834

En Occion de este dia aprobo la corporacion  
la antecedente proposicion determinando  
vuelva el Expediente al Gob<sup>o</sup> para los fines  
q<sup>o</sup> son cons<sup>o</sup>

Alvarado.

Victor Prudon  
Suñ.

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Office of the Surveyor General of the United States for California

I Samuel D. King Surveyor General of the United States for the State of California and as such now having in my Office and under my charge and control a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California do hereby certify that the nine preceding and hereto annexed pages of handwriting numbered from One to nine inclusive and each of which is verified by my initials S. D. 12 ) exhibit true and accurate copies of certain documents on file and forming part of the said Archives in this Office

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*Seal* In testimony whereof I have hereto signed my name Officially and affixed my private seal (not having a Seal of Office) at the City of San Francisco Cal. this twelfth day of April 1852

Sam. D. King  
Surv. Gen. Cal.

Filed in Office Sept. 22. 1853  
Geo. Fisher Clerk

1888  
1889  
1890



19 Translation of  
Expediente

9  
Suor Governor

The Citizens Lucas, Antonio and  
Jose Antonio Olivera residents of this town before  
the well known justification of your Excellency  
as they best may in Law make representations,  
that needing land in which to be able to dedicate  
themselves to the interesting branch of agriculture  
in order to seek by this means a subsistence for their  
large families they apply for aid from the rains of  
Colonization petitioning for the place called "Jesus  
Maria" the corresponding map of which they duly  
transmit. This land although it has pertained  
to the Ex-mission of "La Purissima" is at this time  
vacant and in a state to be granted in Colonization.  
Wherefore they earnestly pray Your Excellency to  
be pleased to accede to their petition, excusing  
them for sending this on common paper, there  
being none of the stamp, swearing at the same time  
whatever may be necessary &c.

Santo Barbara March 17<sup>th</sup> 1837.

(Signed) Antonio Olivera

(Signed) Lucas Olivera

(Signed) Jose Anto Olivera

Santo Barbara March 20<sup>th</sup> 1837.

Let the Illustrious  
Ayuntamiento of this Municipality report  
whether the persons interested in the petition  
papers the legal requests to entitle this petition  
to be admitted. Whether the land petitioned  
for is in condition to be granted in Colonization  
in conformity with the laws.

This report being made it will return this Expediente  
to the Government for its decision

(Signed) Alvarado

Illustrious Ayuntamiento

The Committee which you were pleased to  
intrust with the duty of reporting upon the Expediente  
formed by the Citizens Lucas Antonio Jose Antonio  
Olivera, petitioning for the place named "Jesus  
Maria" in compliance with the decree of the  
Government of the 20<sup>th</sup> of March of this year  
represents that the persons interested papers  
all the legal requirements to entitle their  
petition to be admitted, that the land  
they petition for is vacant and in a condition

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to be granted in Colonization agreeable to the Law of August 18<sup>th</sup> 1826 and to the regulation of November 1828 for although it has been known as the property of the Ex Mission of "La Pasermita" it is at present vacant without the necessary occupation and consequently in a state to be granted in conformity the Laws referred to. Those who represent are deserving Mexican Citizens, of good Character and have property with which to stock it, for which reasons, they are entitled to be aided by the Laws and by the Consideration of the Government to which they make representation

Wherefore the Committee offers for the deliberation of your Illustrious Body the following proposition

"The Government may grant in fee to the Citizens Lucas Antonio and Jose Antonio Olivera the place named Jesus Maria"

Santa Barbara March 20. 1837

(Signed) Valentin Cota

(Signed) Pablo Vanegas

In Sepian

The Illustrious Ayuntamiento approved the proposition of the foregoing report ordering that the Expedient be returned to the Government for its decision

Santa Barbara March 20. 1837

(Signed) Diego Olivera.

(Signed) Benito Diaz

Santa Barbara April 8. 1837.

Having seen the petition with which this Expedient Commences, the report of the Illustrious Ayuntamiento of this Municipality, with all other information which was presented and proper to be considered, in conformity with the Laws and regulations on the matter, Citizens Lucas Antonio and Jose Antonio Olivera are declared owners in fee of the land known by the name of "Jesus Maria" marked out on the Map which accompanied their petition, and within the boundaries by it subject to the Conditions established in the Law of August 18<sup>th</sup> 1824 and the regulations of November 21. 1828. Let the corresponding title be issued, let note be taken in the proper

books and direct this Expedient to the most Excellent Deputation for its due approval in case of which the persons interested, who will be informed of this decree, will again present their title that it may be revalidated.

Senor Don Juan B. Alvarado, Governor of the State and President of the most Excellent Deputation of the same thus decreed ordered and signed, to which I certify

(Signed) Juan B. Alvarado.

(Signed) Secouteate Cosme Pene  
Secretary of State.

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Most Excellent Sir

The Committee appointed on vacant lands, having examined the Expedient moved by the citizens Lucas Antonio Jose Antonio Olvera petitioning for the place named "Jesus Maria" plans at the deliberation of your Excellency the following proposition.

"The place named Jesus Maria is granted to Citizens Lucas Antonio Jose Antonio Olvera that they may own it in fee, they having the necessary qualifications in conformity with the Law of Aug 18, 1824, and act 5<sup>th</sup> of the regulations of Nov 21, 1828"

Santa Barbara April 12, 1837

(Signed) Jose Antonio de la Guerra Garullo

(Signed) Antonio Bullna

Santa Barbara April 19<sup>th</sup> 1837

In Affirm of this day the Corporation approved the foregoing proposition deciding that this Expedient be returned to the Government for the purposes consequent

(Signed) Alvarado

(Signed) Victor Paredon

Secretary  
Filed in Office Sept 22<sup>o</sup> 1853.

Go Fisher Secy



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El Ciudadano Juan P. Alvarado Gobernador  
Jesus Maria interino del Estado y presedte de la Coena Di-  
putacion del mismo.

Ville and  
"Map."

Por cuanto los Ciudadanos Lucas, Antonio y Jose  
Ant. Olivera Mexicanos por nacimiento han  
pretendido p<sup>a</sup> un beneficio personal y el de  
su familia el terreno conocido con el nombre  
de "Jesus Maria" dentro de los linderos seña-  
lados en el diseño q<sup>e</sup> acompaño a su solicitud  
practicados previamente las diligencias conve-  
nientes segun lo dispuesto p<sup>a</sup> las leyes y regla-  
mentos de la materia usando de las facultades  
de que me son conferidas a nombre de la  
Nacion Mexicana he venido en concederle  
el terreno mencionado de el arandolo la propi-  
edad de el por las presentes letras, entendi-  
dose esta concesion con entera conformidad  
a las leyes a reserva de la aprobacion o desapro-  
bacion de la Coena Diputacion y bajo las  
condiciones sigtes

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1<sup>a</sup> Los agraciados ni sus herederos podran  
dividir ni enagenar el q<sup>e</sup> de les adjudicamos  
p<sup>a</sup> merced, ni enulo fianza, hipoteca ni otro  
gravamen, aunque sea por causa pialda ni  
pasarlo a menos muertos.

2<sup>a</sup> prohavan cercarlo sin perjudicar las haciendas  
caminos y servicios; lo disfrutaran libre  
y esclusivamente destinandolo al uso o cul-  
tivo que mas le acomode

3<sup>a</sup> Cuando se les conforme la propiedad soli-  
citaran del juez respectivo lesde p<sup>a</sup> se enju-  
rican en virtud de este despacho por el cual  
se demarcaran los linderos y pondran sus  
mojoneras.

4<sup>a</sup> El terreno de que se les hace donacion  
es puramente el q<sup>e</sup> se expresa en la solicitud  
de los interesados y se demarca en el diseño  
que corre agregado a este Expedite y el Juez  
que los poseyere pasara aviso a este Jefe  
del numero de sitios que comprende.

En consecuencia mando que diendole  
de titulo al p<sup>a</sup> y teniendose p<sup>a</sup> firme y vale-  
dero se tome razon en el libro que corresponde

U.S.

y se entregue à los interesados p<sup>o</sup> su resguardo  
y demas fines

Dado en la Coe. Misión de Sta. Barb<sup>a</sup> à  
los ocho dias del mes de Abril de 1827.

Juan B. Alvarado

Lie<sup>do</sup> Cosme Peña sero del Despacho

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En sesion de diez y nueve de Abril del mismo  
año aprobo la Coe. Diputacion la proposi-  
cion con q<sup>ue</sup> concluye el dictamen de la co-  
mision de terrenos baldios que à la letra es  
como sigue " Se concede à los vecinos Lucas  
Antonio y José Ant<sup>o</sup>. Olvercio el sitio nombrado  
Jesus M<sup>o</sup> p<sup>o</sup> q<sup>ue</sup> lo posean en propiedad  
p<sup>o</sup> tener los requisitos necesarios conforme  
à la ley de 18 de Agosto de 1824 y el Art<sup>o</sup>.  
5<sup>o</sup> del reglamento de 21 de 9<sup>to</sup> de 1828

José A. de la Cruz y Carrillo

Antonio Buelna

Consta en el Exped<sup>te</sup> relativo

Juan B. Alvarado

Victor. Prudon Ver<sup>o</sup>.

Nota. El prest<sup>o</sup> despacho se ha estendido en  
papel comun por no haberlo en la muni-  
cipal dea del sello correspond<sup>te</sup>. Los intere-  
sados agregaren barjado el pliego de el que la  
ley tiene demarcado.

Victor Prudon.

Here folios  
Mar

25-

Manuel Jimeno Secretario del Gobierno de este Departamento.

528-2

Certifico que el dicho que se de muestra a la buelta es conforme con el que corre agregado en el expediente de los B<sup>nos</sup> Lucas Antonio y Jose Ant<sup>o</sup>. Olivera perteneciente al paraje nombrado "Jesus Maria"

Monterey 23 de Mayo de 1840

Manuel Jimeno

Filed in Office annexed to the Dep. of W. C. R. Hartwell Secy 3<sup>ra</sup> 1853

Geo: Fisher Secy

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*[Faint, illegible handwriting, likely bleed-through from the reverse side of the page]*



2<sup>d</sup> Translation of Title &c

Citizen Juan B. Alvarado Governor ad interim of the State and President of the most Excellent Deputation of the Same.

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Whereas the Citizens Lucas Antonio and Jose Antonio Olivera Mexicans by birth have for their own personal benefit and that of their families asked for the Land known by the name of "Jesus Maria" within the boundaries designated on the Map which accompanied this petition, the proper measures having previously been taken, as required by the Laws and Regulations on the matter using the Powers which are conferred on me in the name of the Mexican Nation I have granted them the aforesaid Land declaring to them the ownership of it by these presents said grant being understood to be in entire conformity with the Laws, subject to the approval or disapproval of the Most Excellent Deputation and under the following Conditions.

1<sup>st</sup> Neither the grantees nor their heirs can divide or alienate that which is granted them subject it to any lien, entail pledge, Mortgage or other incumbrance even for pious purposes or convey it in mortmain -

2<sup>d</sup> They may enclose it without prejudice to the Croppings, Wades servitudes; they will enjoy it freely and exclusively dedicating it to the uses and Cultivation which may best suit them

3<sup>d</sup> When the ownership is confirmed to them, they will request the proper Magistrate to give them judicial possession in virtue of this patent by whom the boundaries will be marked out, and they will place the bounds.

4<sup>th</sup> The Land of which donation is made them is solely that described in the petition of the persons interested, and marked on the Map which goes attached to this Expedient and the Magistrate who may put them in possession will advise this Government of the number of Square leagues it contains In consequence I order that this patent moving them

for a title, and being held as firm and valid  
 note be taken of it in the corresponding books  
 and it be delivered to the persons interested for  
 their security and other purposes.

Given in the Ex. Diputación of Santa Barbara  
 on the eight day of the month of Apr 1837  
 (Signed) Juan B. Alvarado

(Signed) Licentiate Casimiro Peña  
 Secretary of State.

In Diputación on the nineteenth of April of the same  
 year the Most Excellent Diputación approved  
 the proposition with which the report of the Committee  
 on vacant Lands concluded, which is to the letter  
 as follows "There is granted to the neighbors Lucas,  
 Antonio, José Antonio Olivera the place named "Jesus  
 Maria" that they may possess it in fee as they have  
 the necessary requisites according to the Law of August  
 18, 1824 and article 5 of the Regulation of November  
 21, 1828.

José Ant<sup>o</sup> de la Guerra Carrillo  
 Antonio Bulard

It appears in the corresponding Expediente  
 (Signed) Juan B. Alvarado  
 (Signed) Victor Prudon  
 Secretary

Note. The present patent has been issued on common  
 paper as there was none of the corresponding  
 stamps in this Municipality, the persons interested  
 will attach (after erasing it out) a sheet of the  
 clay prescribed in the Law  
 (Signed) Victor Prudon

Filed in Office July 27, 1853

G. H. Fisher Secy.

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Juridical.  
Possession.

En el presidio de Santa Barbara à los veinte y tres dias del mes de Mayo del año de mil ochocientos quarenta amiente à la sollicitud hecha por los ciudadanos Lucas Olivera y José Valenzuela à fin de que se les diè la correspondiente posesion del sitio nombrado Jesus M<sup>o</sup> concedido por el Gobierno de este Departamento y haciendo la falta de un agrimensor q<sup>e</sup> para efecto de las medidas correspondientes de rra comparecer para q<sup>e</sup> remida el enunziado terreno lo hiciè yo el primer nombrado juez de paz ciudadano Antonio Olivera con total arreglo à las primeras medidas q<sup>e</sup> se han practicado en su dièño se agregará al especto pasese por mi y los testigos de asistencia al espresado sitio y procedase à dar la posesion indicada arreglandose al titulo que se les ha conferido por el Sup<sup>to</sup>. Gobierno departamental con fecha ocho de Abril de mil ochocientos treinta y siete.

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Yo el espresado juez de este punto asi lo decretè mandè y firmè con los testigos de asistencia y fèe.

Antonio Olivera

Asist<sup>as</sup>

Asist<sup>as</sup>

Antonio Rodriguez... Diego Olivera.

En el Rancho nombrado Jesus Maria à los veinte y nueve dias del mes de Mayo de mil ochocientos quarenta; el juez q<sup>e</sup> suscribe habiendo echo citacion de cobdantes comparecieron estos siendo los ciudadanos Joaquin Carrillo por el Rancho de Lompoc y Enmigdio Ortega como Mayor del Establecimiento de la jurisdiccion: les hize saber el objeto con que me havia concludido à aquel parage y que en este caso presentasen los documentos q<sup>e</sup> respectivamente tubiesen sobre propiedad de aquel terreno pues iba à remedirlo y poner en posesion de el à los ciudadanos Lucas Olivera y José Maria Valenzuela, y no habiendo presentado documentos ningunos q<sup>e</sup> impichesen las medidas les dije q<sup>e</sup> iba à proceder à ellas lo que pongo por diligencia q<sup>e</sup> autorizo y firmo

MS

en los de mi asistencia segun derecho.

Asista Antonio Olivera Asista  
Antonio Rodriguez # Diego Olivera.

En el referido lugar a los treinta dias de Junio  
mo mes y año yo el propio juez para la practica  
de estas diligencias nombré dos Oficiales ~~en~~  
didores y dos cordeleros a quienes les hice oír  
brev ~~en~~ nombramiento el que aceptaron bajo  
de juramento q. otorgaron ofreciendo desem-  
penar fielmente ~~en~~ encargo. Lo que autorizo  
y firmo con los testigos de mi asistencia  
segun derecho.

Asista Ant. Olivera. Asista  
Antonio Rodriguez Diego Olivera.

En el mismo dia, mes y año estando en para-  
go nombrado la boca de la Cañada de Casma-  
li a efecto de verificar las remediadas y pose-  
sion q. corresponde a los ciudadanos Lucas  
Olivera y José María Valenzuela del ~~otro~~ nom-  
brado Jesus María previos todos los requisitos  
de ley, y estando ante mi los testigos de asisten-  
cia los oficiales medidores los cordeleros y  
yo el juez Ciudadano Antonio Olivera hice  
medir un cordel que contenia cincuenta varas  
el cual fue examinado y reconocido y haci-  
endo a sus extremos unos bancos de maderas  
y por mi disposicion se tiro el cordel por sobre  
el chami al rumbo al Este comenzando  
desde la Quilla del mar en donde se clavo  
un palo en señal de mojonea y habiendose  
medido dos leguas remato en lo Alto de una  
Loma q. esta contigua al Rancho de Don  
Antonio y se clavo un palo en señal de moj-  
nera. En seguida y por mi disposicion se tiro  
el cordel por sobre la Cañada de Santa Luisa  
rumbo al Sur y habiendose medido dos leguas  
remato en la Quilla del Rio donde se clavo un  
palo en señal de mojonea. Incontinenti  
y por mi disposicion se tiro el cordel por toda  
la Vega del Rio rumbo al Noroeste y habiendose  
medido una y media leguas remato en la  
Quilla del Mar en donde desemboca el Rio

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de Capurisima y por ultimo se trío el Cordel  
por sobre unos meganos rumbo al Norte y han  
enclosede medido tres Leguas remato en el punto  
donde se començaron las medidas y se con  
cluyeron estas à satisfaccion de los interesados  
Lo q. pongo por diligencia of. autorico y firmo  
con los testigos indicados.

Antonio Olvera

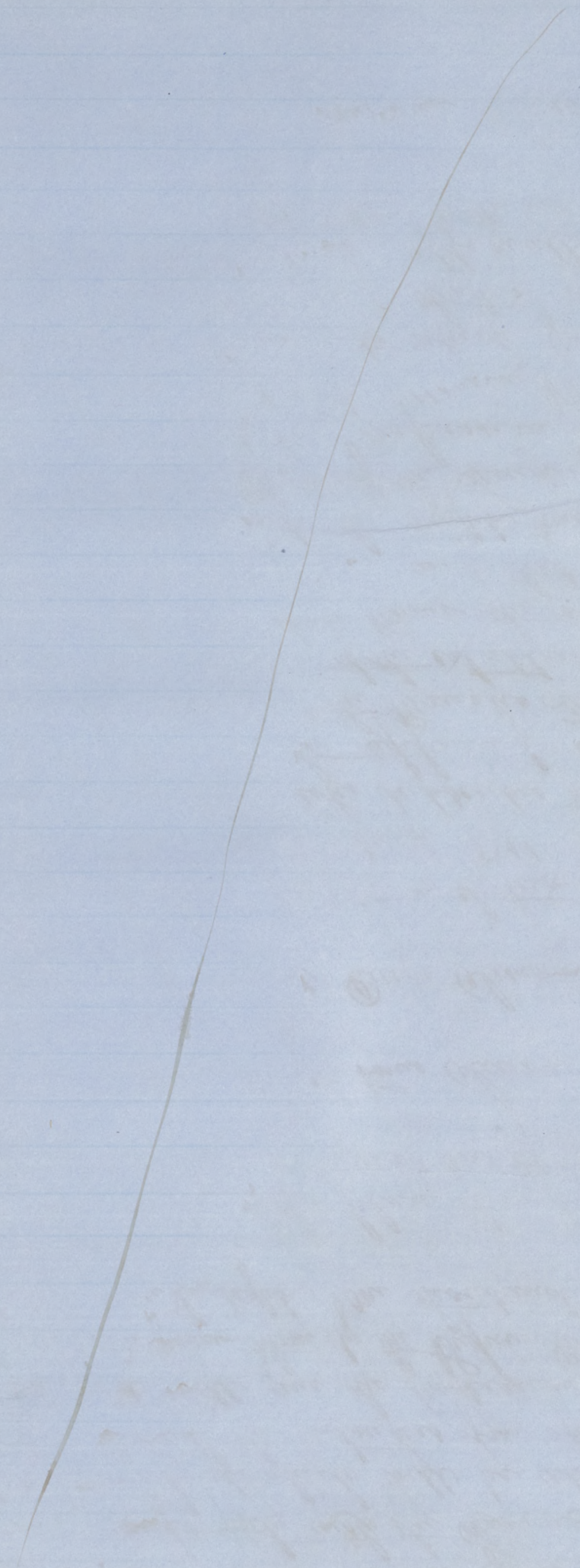
Asistencia  
Antonio Rodriguez # Diego Olvera. Asista

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Filed in Office and annexed to the Depu  
of W<sup>m</sup> C. P. Hartwell Feby 3. 1853

Geo Fisher Secy.



Small, illegible handwritten text or markings.

33  
Grant of Possession

In the Presidio of Santa Barbara on the twenty  
third day of the month of May in the year one thousand  
Eight hundred and forty, in compliance with the  
petition presented by Citizens Lucas Olvera and Jose  
Maria Valenzuela that the corresponding possession  
might be given them of the place named "Jesus Maria"  
granted by the government of this Department, and there  
being no Surveyors who ought to be present to demarcate  
said Land, I the first named Justice of the Peace  
will do so in entire conformity with the measurements  
previously made the map of which will be attached  
to this Expedient, and the witnesses of my assistance  
will go to the place and will give the possession & fund  
to in conformity the title given them by the Superior Department  
Government dated April eight one thousand eight  
hundred and thirty seven.

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Thus I the said Magistrate of this place do send, ordain  
and signed with my assisting witnesses I certify

(Signed) Antonio Olvera

Assisting Witnesses

(Signed) Antonio Rodriguez (Signed) Diego Olvera

In the Rancho named "Jesus Maria" on the twenty ninth  
day of the month of May one thousand eight hundred  
and forty, I the Magistrate who subscribes having  
summoned the Colendantes, they appeared being  
Citizens Joaquin Canillo for the Rancho Don Pedro  
and Emerdio as Mayor-domo of the establishment  
of the "Pueblo" I then let them know the object  
that has brought me to that place, and that they  
should present any documents they might have respec-  
tively relating to the ownership of the Land, for I  
going to measure and put in possession of it  
Citizens Lucas Olvera, and Jose Maria Valenzuela  
and as they presented no documents which could  
impede the measurements I said that I would  
proceed with them, which I state officially, Authen-  
ticate and sign with my assisting witnesses  
according to Law

(Signed) Antonio Olvera

Assisting Witnesses

(Signed) Antonio Rodriguez  
(Signed) Diego Olvera

In the place aforesaid on the twentieth of the same month and year, I proper Magistrate for the performance of these official acts appointed two Surveyors & two rope bearers whom I informed of their appointment which they accepted, promising under oath to discharge faithfully its duties which I authenticate and sign with the witnesses of my assistance

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(Signed) Antonio Olivera  
Assisting Witnesses  
(Signed) Antonio Rodriguez, Diego Olivera

In the same day month and year standing in the place called the mouth of the Canada of Carmalig for the purpose of verifying the measurements and possessions which correspond to Citizens Lucas Olivera and Jose Maria Valenzuela of the place called "Jesus Maria", all legal requisites having been previously complied with and being present the Assisting Witnesses, the Surveyor rope bearers and I the Magistrate Citizen Antonio Olivera I caused to be measured a cord which contained fifty varas, which was examined and admitted and staves of wood tied to its extremities and by my direction it was drawn over the Chamusal Eastward from the sea shore (where a stake was driven as a bound) two leagues to the top of a hill near the Rancho of San Antonio and a stake was driven there as a bound. Then by my direction the cord was drawn through the Canada of Santa Lucia two leagues to the bank of the river where a stake was driven as a bound. In continuation and by my order the cord was drawn down the plain of the river Northwest one and a half leagues to the sea shore at the mouth of the river of La Purisima; and lastly the cord was drawn over some sand hills North West two leagues to the place of beginning; and the measurements were thus finished to the satisfaction of the parties, all which I note officially and authenticate and sign with the witnesses aforementioned

(Signed) Antonio Olivera  
Assisting Witnesses (Signed) Antonio Rodriguez, Diego Olivera  
Filed in Office July 27, 1853  
Geo Fisher Secy-



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35  
I have received of Citizen Jose Maria Valenzuela  
the sum of Eighty Dollars (\$80) thirty nine in Silver  
and forty five in the produce of the Country for  
having granted him the right of ownership which I  
obtained from the Government in the place named  
Jesus Maria it remaining to deliver to him the  
title which proves said right and in testimony  
I give this in the Mipicua of La Purisima  
the thirteenth of August one thousand eight  
hundred and thirty nine

(Signed) Antonio Olivera

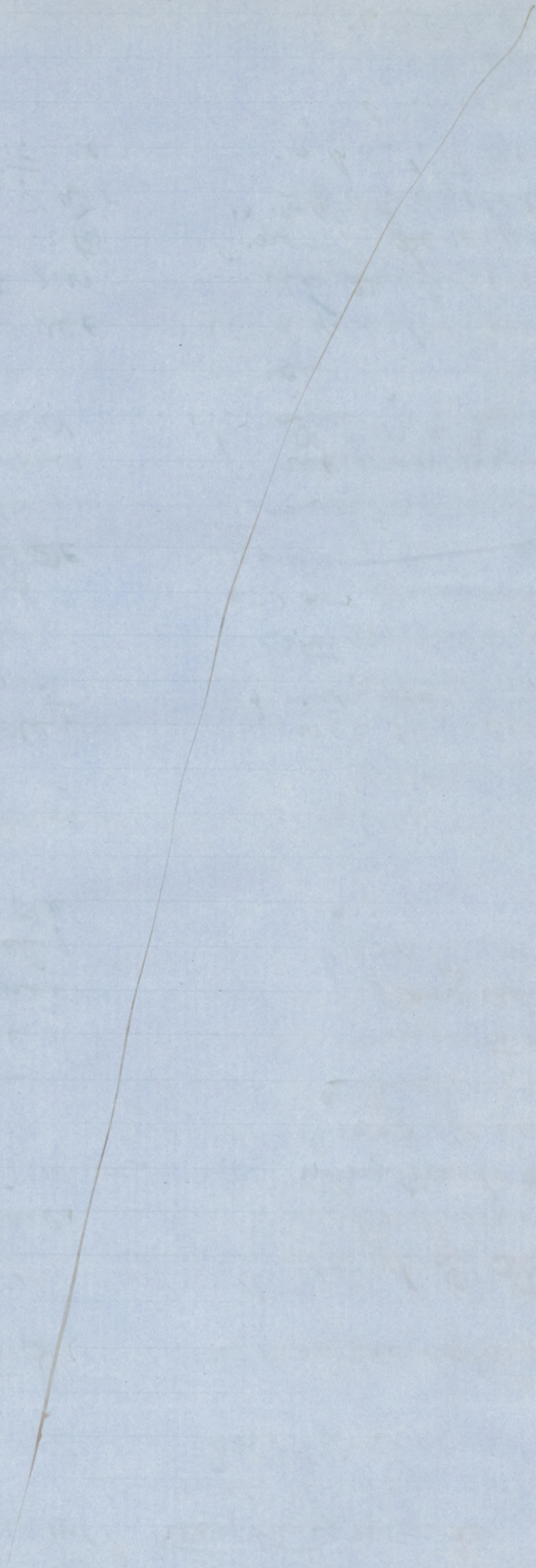
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I Lucas Antonio Olivera resident of this Municipality  
Certify that the sale which Don Jose Antonio Olivera made of the right which in Company  
with me he has in part of the place named Jesus Maria  
which is situated in Lands of the Mipicua ~~San Antonio~~  
of La Purisima to Citizen Jose Maria Valenzuela  
has been done with my Consent and for his Security  
and for the purposes he may find convenient I give  
this document to the party interested in Santa  
Barbara on the 16<sup>th</sup> of August 1839

(Signed) Lucas Antonio Olivera

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Exhibi

II

annexed to

Deposition of

José María

Covarrubias

Oct. 20 / 83.

Recivi del ciudadano José M<sup>o</sup> Valenzuela la cantidad de Ochenta pesos (80) treinta y cinco en plata y cuarenta en Boquilmos del pais por haberle cedido el derecho de propiedad que ha obtenido del Gob<sup>o</sup> en el paraje nombrado Jesus M<sup>o</sup> quedando obligado a entregarle el título of. comprueba la espreada de Covarrubias posesion y para que conste doy el presente en la Misión de la Purísima Trése de Agosto de mil ochocientos treinta y nueve.

José Ant<sup>o</sup> Olivera

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Lucas Ant<sup>o</sup> Olivera vecino de esta municipalidad.

Certifico of. la Venta of. D. José Antonio Olivera ha cedido del derecho of. en mi comp<sup>o</sup> tiene en parte del paraje nombrado Jesus M<sup>o</sup> of. se halla en los terrenos de la Misión de la P<sup>ma</sup> al C<sup>no</sup> José M<sup>o</sup> Valenzuela ha sido con el debido consentimiento mio y p<sup>o</sup> resguardos y fines que le convengan al interesado se otorgo el presente docum<sup>o</sup> en Sta<sup>a</sup> Barb<sup>a</sup> a 16 de Ago. de 1834.

Lucas Ant<sup>o</sup> Olivera.

En el puerto de Sta<sup>a</sup> Barbara a los diez y siete dias del mes de Agosto de mil ochocientos treinta y nueve ante mi el Ciudadano Ant<sup>o</sup> Rochiglez juez de paz unico de esta municipalidad y dos testigos de asistencia con quienes actuo por falta de Escribano en la forma ordinaria segun derecho y los instrumentales que al fin se denominarian comparecieron presentes siendo los Ciudadanos José M<sup>o</sup> Valenzuela y el Alferoz de milicia civil. José Ant<sup>o</sup> Olivera ambos de esta vecindad a que doy fe conozco. y digeron el segundo: quedo en poder especial bastante cuanto legalmente se requiere y necesari<sup>o</sup> a José M<sup>o</sup> Valenzuela con entera consentimiento de las partes que en su comp<sup>o</sup> tienen con se dielo el paraje nombrado Jesus M<sup>o</sup> los referidos, Don Lucas y Ant<sup>o</sup> Olivera declarandolos en propiedad de el por los presentes

M. J.

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estas para qd. libremente pueda cultivarlo con  
perjuicio de las partes para lo cual desde toda  
su parte y se obliga en toda forma por si a la  
consecucion, seguridad y goceamiento de el  
y cuanto siere relativos a lo expresado y lo au  
torizo igualmente para que otorgue la escritu  
ra y documentos qd. se estimen convenientes  
para la validacion y firmeza de esta con  
seccion que para todo y lo incidente y de pendt.  
le da poder con libre fianca, y total admin  
istracion al cumplimiento de la referida  
y de cuanto se ocase en virtud del presente  
por el Dho José M<sup>a</sup> Valenzuela obliga el  
otorgante en persona y bienes a todos y por  
haber con sujecion a los tribunales y Jus  
ticias que de la susodicha consecucion y sus  
resultados puedan y deben conocer para  
su observancia la este che y apremien  
por todo el reyno como si fuese por senten  
cia pasada en autoridad de cosa juzga  
da consentida, y no apelada de renuncia  
en favor su domicilio y residencia y todas  
las leyes y privilegios a su favor con la Gral  
de derecho en forma asi lo otorgo y firmo con  
migo y los de mi asistencia presentes los  
instrumentales qd. fueron los ciudadanos  
José Carrillo, Raymundo Carrillo y Joaquin  
Carrillo. José Ant<sup>o</sup> Olivera. Ant<sup>o</sup> Rodrig<sup>z</sup>  
Pedro Carrillo # Luis Carrillo.

El ciudadano Ant<sup>o</sup> Rodrig<sup>z</sup> juez de Paz  
unico de esta municipalidad.

Certifico que la copia que antecede es fiel  
y legalmt<sup>e</sup> sacada de su Original que queda  
Archivado en el protocolo de el juzgado de mi  
cargo.

Dña Barbara 1<sup>uy</sup> de Agosto de 1839  
Antonio Rodriguez

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 Dellos terceros Dos Reales.

Habilitado provisoriamente por la Aduana Maritima del Puerto de Monterey en el departamento de las Californias para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

Limeno

Antonio Maria Osio

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Sello En el presidio de Sta. Barbara a los diez y ocho dias del mes de Octubre de mil ochocientos cuarenta y uno. Ante mi y los de mi asistencia con quienes actuo por falta de Escribanos y los instrumentales q. abajo se denominan comparecieron personalmente los Ciudadanos Antonio Olivera y José M<sup>a</sup> Valenzuela de esta vecindad a quienes doy fe conosco y el primero dijo: que por la presente da en Venta Solemne y enajenacion perpetua por si y sus herederos por siempre famas a el nominado José M<sup>a</sup> Valenzuela la parte del sitio q. obtuvo del Gobierno del Departamento en union de su hijo José Ant<sup>o</sup> y primo Lucas Olivera nombrado Jesus Maria como consta del titulo original q. presento en ya copia a la letra es como sigue. El Ciudadano Juan V. Alvarado Gobernador Interino del Estado y presidente de la Excm<sup>a</sup> Diputacion del mismo; por cuanto los ciudadanos Lucas Antonio y José Antonio Olivera, Mexicanos por nacimiento han pretendido para su beneficio personal y el de sus familias el terreno conocido con el nombre de Jesus M<sup>a</sup> dentro de los linderos señalados en el Diseño q. acompaña a su Dolicitud practicadas previamente las diligencias correspondientes segun lo dispuesto por las leyes y reglamentos de la materia usando de las facultades que me son conferidas a nombre de la Excm<sup>a</sup> Mexicana he venido en concederles la propiedad de el por las presentes letras entendiendose dicha concesion con entera conformidad a las leyes a reserva de la aprobacion o desaprobacion de la Excm<sup>a</sup> Diputacion y bajo las condiciones sig<sup>tes</sup>

1.º Los agraciados ni sus herederos podrán dividir ni enagenar el que se les adjudicó, ni poner censo ni enclavo ni fianza ni hipoteca ni. (Sello tercero Dos Reales:

Habilitado provisionalmt.º por la Aduana del Puerto de Monterey, en el departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno  
Doneno Antonio Maria Osio

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**Sello** otro gravamen aunque sea por causa piedadosa ni pasarlo à manos muertas  
2.º podrán sercarlo ni perjudicar las haciendas, caminos y servidumbres lo disfrutar en libre y esclusivamente de esto mandado al uso ò cultivo que mas les acomode.  
3.º cuando se les confirme la propiedad solo citaren del juez respectivo les de posesion jurídica en virtud de este despacho por el cual se demarcaran los linderos y ponchan sus mojoneras.

4.º El terreno de que se les hace donacion es puramente el q. se espresa en la solicitud de los interesados y se demarca en el diseño q. corre agregado a este expediente; y el juez que los poseerá pasara aviso à este Gobierno del numero de sitios que comprende: En consecuencia mando que ordenados de titulo presente y tenien elose por firme y validos se tome razon en el libro que corresponde y se entregue à los interesados para su resguardo y demas fines. Dado en la Corte Mission de Sta. Barbara à los ocho dias del mes de Abril de mil ochocientos treinta y siete Juan B. Alvarado.

Licenciado como pena Osio del Despacho en seccion de diez y siete de Abril del mismo año aprobo la Real Diputacion la proposicion con q. concluyo el dictamen de la comision de Terrenos Valdios; q. à la letra es como sigue: se concede à los vecinos, Lucas, Antonio y José Antonio Oliveras, el sitio nombrado Jesus M.º para q. lo posean en propiedad por tener los requisitos necesarios conforme à la ley de 18 de Agosto de mil ochocientos veinte y

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y en otro y el Art. 5 del reglamento de 2 de Noviembre de 1828.

José de la Cruz y Carrillo # Antonio Buenaconsta del Expediente relativo.

Juan B. Alvarado #

Victor Prudon. Serio. (Nota)

El presente despacho se ha extendido en papel común por no haberlo en la municipalidad (Dello tercero Dos Reales).

Habilitado provisionalmente por la Aduana Marítima del Puerto de Monterey en el departamento de las Californias para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

Imerso

Antonio Maria Quiro

(Sello)

del sello correspondiente. Los intereses de los acreedores a pagarse el pliego de el of. la Ley tiene demarcado.

Victor Prudon

Dicho sitio comprende los parajes que se designan en el Diseño of. debio a acompañar a el expediente formado a consecuencia de la solicitud of. hubieron los interesados de señalar por el vendedor los linderos of. el yousosio reconocen hasta la fha por del referido sitio a saber por la parte del Est. la lomita de San Francisco por la del Sur la boca de la cañada de Santa Lucia of. desemboca a el rio de la purisima por la del Este el mar y por el Norte el Chamical. Por lo of. hace en venta con todas las entradas y salidas usos, costumbres y servidumbres y todo lo demas of. le pertenesca y pueda pertenecer de fechos y de derechos of. todo lo da en venta como dicho es a el expresado Valenzuela por el precio de setenta pesos of. tiene recibidos: y dan dose de todo por satisfecho renuncia las leyes de canon. numerata pecunia, entregan y pueba asi mismo de el ara que desde hoy en adelante y para siempre se desapodera desiste y aparta de los derechos de procecion y propiedad de que ha gozado el vendedor el sitio mencionado y todo con las acciones personales y demas of. demanda la ley lo of. sede y

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haspasa à el nominado Valenzuela con  
 resticcion alguna y le da poder cuanto sea  
 necesario p.<sup>o</sup> q.<sup>o</sup> judicial o extra judicial  
 mente se apodere de la parte vendida y  
 de ella tome la posesion q.<sup>o</sup> por derecho le  
 compete bien entendido q.<sup>o</sup> el vendedor se  
 obliga à hacer buena la Venta siempre q.<sup>o</sup>  
 no la destruya la condicion. 1.<sup>o</sup> conef. segun  
 el titulo referido (Dello tercero Dos Reales:  
 Habilitado provisionalmt.<sup>o</sup> por la Aduana  
 maritima del puerto de monterey en el  
 Departamento de las Californias, para los  
 años de mil ochocientos cuarenta y mil  
 ochocientos cuarenta y uno

Imeno

Antonio Maria Osio.

les fue hecha la consecucion pero si este  
 ultimo aconteciese se obliga el  
 vendedor por si y sus herederos à  
 la restitucion del pago que ha reci-  
 bido y demas pagara las mejoras q.<sup>o</sup> se ha-  
 gan echo à lo cual quiere q.<sup>o</sup> se le apremie  
 por la via ejecutiva en virtud de esta Es-  
 critura. El comprador dijo que aceptaba  
 la Venta en los terminos que quedaron espe-  
 cados y se da por recibido de la parte vendida  
 y à la firmeza y observacion de lo q.<sup>o</sup> ambos  
 han expuesto obligan sus personas y bienes  
 habidos y por haber con sumision à los Deos  
 respueses q.<sup>o</sup> de este negocio deven conocer con  
 forme à derecho para q.<sup>o</sup> à su cumplim.<sup>o</sup>  
 los apremien como por sentencia definitiva  
 de juez competente pasada en autoridad  
 de cosa juzgada consentida y no apelada  
 renuncia el fuero de su domicilio y resi-  
 da en la Ley que cumben con la Ley  
 del derecho en forma. Asi lo otorgaron y  
 firmaron con mi go y los de asistencia en este  
 protocolo de instrumentos publicos siendo  
 los testigos instrumentales los Cnos Raimundo  
 Carrillo y Joaquin Carrillo.

Fernando Jico



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José M<sup>o</sup>. Valenzuela #  
De ass<sup>a</sup>. Antonio Olivera  
De ass<sup>a</sup>.

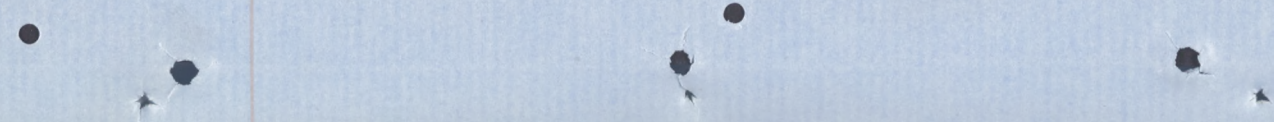
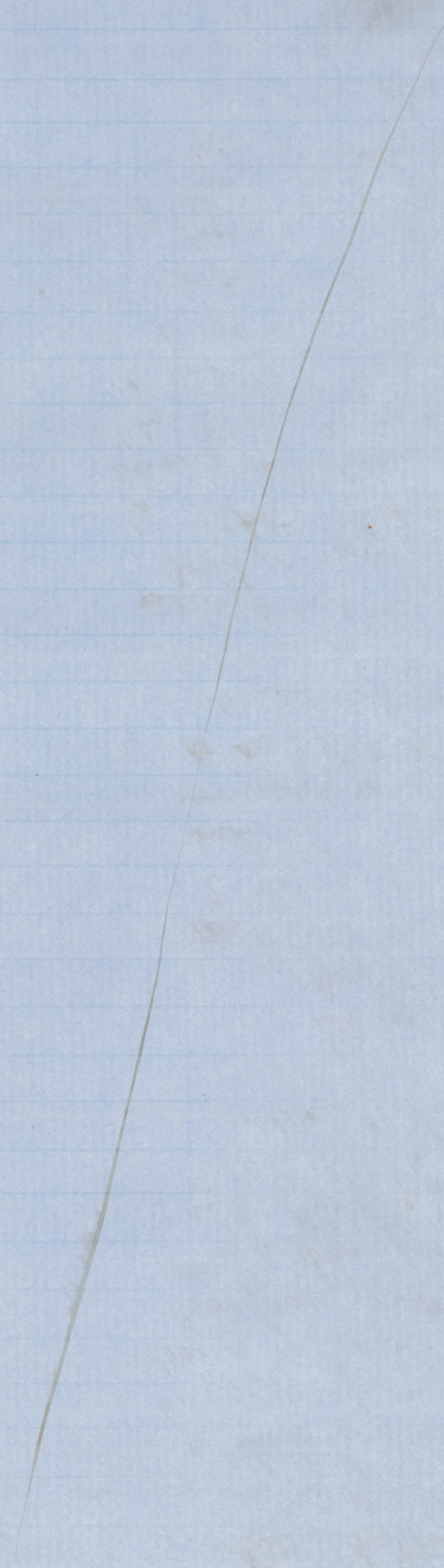
Luis Carrillo # Jacq. Lorenzani.

Filed in Office Janry 2<sup>nd</sup> 1853

Geo. Fisher Deeny.

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F  
Translation  
of Transfer  
Deeds to Jose  
Maria Valenzuela

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In the Port of Santa Barbara on the seventeenth  
of the Month of August One thousand eight hundred  
and thirty nine before me Citizen Antonio Rodriguez  
the only Justice of the Peace of this Municipality, and  
two Assisting Witnesses with whom I act in the usual  
manner for want of a Notary as required by Law  
and the witnesses to the instrument who will hereafter  
be mentioned appeared Citizens Jose Maria Valenzuela  
and the Ensign of Militia Jose Antonio Olivera  
both of this neighborhood, whom I certify that I know,  
and the second party said, that he gives special  
power as much as may be required in Law and found  
necessary to Don Jose Maria Valenzuela with free  
consent of the parties in company with whom the  
place named Jesus Maria was granted to him  
(those referred to are Lucas and Antonio Olivera) granting  
him his right to it by these presents that he may freely  
cultivate it without prejudice to the parties, for  
which purpose he cedes his entire part, and he obliges  
himself in due form to grant, security and all the  
obligation of this and whatever else he may do rela-  
tive to it, and I also authenticate it that he should  
make out the writing and documents which may  
be deemed proper for the validity and security of  
said grant, and for all this and whatever may  
depend upon it he gives to said Jose Maria Valenzuela  
power with free full and general administration  
for the compliance of that referred to, and whatever  
he may do in virtue of these presents and the grantor  
binds himself and his property now in possession,  
or that he may hereafter obtain, Submitting himself  
to the Courts and Officers who can and ought  
to take cognizance of said grant and to results  
that they may force and compel him to comply  
with it rigorously, as if it were a sentence passed  
in Authority *resjudicata* consented to and not appealable  
and he renounces in his favour his dwelling and  
residence and all the laws and privileges in his  
favour and the legal exceptions, Thus he acknowledged  
and he signed with me and those of my assistance  
the witnesses to the instrument being Citizens Jose  
Carrillo, Raymundo Carrillo, and Joaquin Carrillo  
Assisting Witnesses

(Signed) Pedro Carrillo (Signed) Jose Antonio Olivera  
(Signed) Luis Carrillo (Signed) Antonio Rodriguez

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I Citizen Antonio Rodriguez of Justice of the Peace of this Municipality Certify that the foregoing is a faithful and legal copy of its original which remains on file in the protocol of the Office in my Charge

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Santa Barbara August 17<sup>th</sup> 1839  
(Signed) Antonio Rodriguez

Stamp Third Two Reals  
Previously authorized by the Maritime Custom house of the Port of Monterey in the Department of the California for the years One thousand eight hundred and forty and One thousand eight hundred and forty one

(Signed) Simens (Signed) Antonio Maria Osio

Maritime Custom house In the Presidio of Santa Barbara of Monterey on the eighteenth day of the month of ~~December~~ October One thousand eight hundred and forty one before me and those of my assistance with whom I act for want of a Notary and the witnesses to the instrument who will hereafter be named personally appeared Citizens Antonio Olivera and Jose Maria Valenzuela of this neighborhood whom I certify I know and that the first said that by these presents he grants in solemn sale and for partial alienation for himself and his heirs forever to the said Jose Maria Valenzuela the part which he obtained from the Government of the Department in Company with his son Don Antonio and his Cousin Lucas Olivera Namica "Jose Maria" as appears by the original title which he preserved of which the following is literal copy.

"Citizens Juan B. Alvarado Governor ad interim of the State and President of the most Excellent Department of the same

Whereas Citizens Lucas Antonio and Jose Antonio Olivera Mexicans by birth have for their own personal benefit and that their families petitioned for the Land known by the name of Jesus Maria within the boundaries marked on the Map which accompanied their petition the

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Corresponding measures having been previously made as required by laws and regulations on the matter, using the faculties conferred on me in the name of Mexican Nation I have granted them the aforesaid Land declaring to them by these presents the ownership of it. Said grant being understood to be in entire conformity with the laws, subject to the approval or the disapproval of the Most Excellent Department and under the following conditions.

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"1<sup>st</sup> Neither the grantees nor their heirs can divide alienate that which is granted them, subject it to any tax entant, pledge, Mortgage or other incumbrance nor for religious purposes or convey it in Mortmain."

"2<sup>d</sup> They may enclose it without prejudice to the Craps roads and servitudes and enjoy it fully & exclusively, making such use or cultivation of it as they may see fit"

"3<sup>d</sup> When the ownership is confirmed to them they shall request the proper Judge to give them judicial possession in virtue of this order, for which purpose the boundaries will be marked out and the bounds placed"

"4<sup>th</sup> The Land granted them in donation is solely that described in the petition of the parties interested & marked on the map which goes with this Expedient, and the Magistrate who may give the possession will report to this Government the number of Sietos it contains".

In consequence I order that serving them for a title these presents and being held as firm and valid note being taken in the corresponding books, and they be delivered to the parties interested for their security and other purposes, Given in the Mission of Santa Barbara on the eight day of the month of April one thousand eight hundred and thirty seven"

Signed, Juan B. Alvarado.

Signed, Licenciado Cosme Ponce

"Secretary"

In Session of nineteenth of April of the same year the Most Excellent Department approved the proposition with which the report of the Committee on vacant Lands terminated, and which is literally as follows. The place named "Jesus Maria" is granted to

Citizens Lucas, Antonio and Jose Antonio Olvira that they may possess it in fee having complied with the requirements of the Law of August 18. th 1824 and article 5th of Regulation of Nov 21. 1828.

(Signed, Jose Antonio de la Guerra y Carrillo

(Signed, Antonio Buelna

The above appears by the Corresponding Expediente

(Signed, Juan B. Alvarado.

(Signed, Victor Prudon Secretary.

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The present order has been issued on Common paper because there was none of the proper stamps in this Municipality; the persons interested will attach a sheet required (the stamps) by Law

(Signed, "Victor Prudon"

Said Sitio contains the place designated on the map which ought to accompany the Expediente which was formed in consequence of the petition made by those interested; and the bounds designated as the boundaries of the said Sitio those which he and his partners have always considered as such, that is to say; On the East the Canade of San Francisco on the South the mouth of the Canade of Santa Lucia, which opens to the river of the Peiseme, on the North West the Sea, and on the North the "Chamusal" of Cusmali of which he makes sale with all its rights; uses customs and servitudes and whatever else belongs really and truly, all which he grants in sale, as has been said to the aforementioned Valenzuela for the price of twenty dollars which he has received and acknowledged himself entirely satisfied. he renounces the Laws and likewise declares that from this time forth he renounces, desists and removes himself from the rights of possession and ownership which he the vendor has enjoyed of the aforesaid place, all of which with the personal and other acts required by law he grants transfers to the said Valenzuela without any assistance, and he gives him such power as he may need that judicially or extra judicially he may possess himself of the part sold and take the possession which of right belongs to him, it being well understood that the vendor binds himself to make good the sale only in case it is not annulled

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of the first condition with which as appears by the title, the grant was made to them, but if this last should happen the vendor binds himself and his heirs to the restitution of the price which he has received and besides will pay for the improvements which may have been made, to which he wishes that he may be compelled by the "Via Executioni" in virtue of this writing. The Purchaser said that he accepted the sale on the terms above expressed and he acknowledged as received the part sold, and to the security and observance of what they have declared, they both bind the present & property now in possession or what they may hereafter obtain, submitting themselves to the Magistrates who of this matter ought to take cognizance according to law, that they may compel them to comply with it as with a sentence of a competent Judge passed in authority, consented to and not appealed. They renounce the privilege of the dwelling and residence, the law with the legal exceptions in form. They thus acknowledge and signed with me and those of my assistance in this protocol of public instruments, the witnesses to the instrument being Citizens Pascualo Carrillo and Joaquin Carrillo-

(Signed) Fernando Ties  
 (Signed) Octavio Olvera  
 (Signed) Jose Maria Valenzuela

Assisting witnesses.  
 (Signed) Luis Carrillo  
 (Signed) Santos Lonzagany

Filed in office July 27. 1853

Pro Fiscal Jery.





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Cochibit C. 2º de esta demarcacion y por ante los testigos unnescedto de mi asistencia con quienes actuo por re  
Deposition ceptoria à falta de Coerubano publico amas  
of José Manide los instrumentales que al fin se nomina  
Covarrubias con comparecio Don José Maria Valenzuela  
Oct: 20/1853 à quien doy fee conoseo y dijo: que por si

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En el puerto de Santa Barbara à los Once  
dias del mes de Oetiembre de mil ochocientos  
cuarenta y siete. Ante mi Luis Carrillo Duez  
ya à nombre de sus herederos y sucesores y de  
quien de ellos huviera n tituli, Roy y cau da en  
cualesquiera manera, vende y da en Venta  
real y enagenacion perpetua por furo de here  
dad para siempre jamas al Don Don Pedro  
C. Carrillo y à los suyos una de las dos partes  
que tiene en el parage de "Jesus Maria" en  
esta jurisdiccion cuya parte sera la que  
pertenezia, al Ciudadano Antonio Olivera,  
cuyo Rancho de Jesus Maria es de mi proprie  
dad, colinda al Norte con Don Guillermo  
Hartwell, al Sur con el Rancho de Lampo  
al Este con la Misjon de la Purissima  
y al Oeste con el mar pacifico, cuyo Rancho se  
nomina "Jesus Maria" y tiene adquirido le  
galmente por compra hecha à los C. C. Antonio  
y José Antonio Oliveras, segun el titulo de  
propiedad dado por el Gobierno Departamental  
al que se refiere en el cual tiene derecho  
como adquirido por el y disputar de el, lo  
cual declara y asegura no tenerlo vendido  
inagenado ni empeñado y que esta libre de  
tributo, memoria, Capellanias, Vinculo piau  
go y de otro gravamen real, perpetuo, temporal  
especial general tacito y expreso, y como tal  
se lo vende quedando à entregarlo, en la forma  
y disposicion que particularmente han con  
venido con la condicion de preferirme en la parte  
que le queda, y de esta en la cantidad de dos  
cientos pesos en plata efectiva conante y once  
Barriles de aguardiente, cuyos barriles se  
le entregarian para el mes de Diciembre de  
este año, recibienolas el a cuarenta peso  
Barril. De da ya el Vendedor como por re  
cibido à su entera satisfaccion sin reclamo

M.S.

de ninguna especie, declarando haber recibido los doscientos pesos en plata antes de esta venta con este fin; que por tanto renuncia la excepcion que pudiera oponer por no contraer de presente la ley 1.<sup>a</sup> titulo 10.<sup>o</sup> part.<sup>a</sup> 5.<sup>a</sup> formaliza a favor del comprador la mas firme y eficaz carta de pago que a su seguridad concluya y asi mismo que el justo precio y verdadero valor de la parte que le vende de "Jesus Maria" son los doscientos pesos en plata y los cinco barriles de la guandiente que no vale mas ni halla quien mas le diera por el y si mas vale o valer pueda del exco en poca o mucha suma hace a favor del comprador y de sus herederos y sucesores, gracia y donacion, pura, mera perfecta e irrevocable en sanidad y con insinuacion y demas firmezas legales y renuncia la ley 2.<sup>a</sup> titulo 10. libro 10. no reeepicacion que trata de los contratos de venta trueques, y de otro en que hay lesion en mas o menos de la mitad del justo precio y los cuatro años que se fija para pedir en rescision a suplemento a su justo valor, los que da por pasados como si desaprobara, desiste quita y aparta a sus herederos y sucesores del dominio propiedad posesion titulo voz recurso y otro en la esquierda derecho que le compete a la enunciada parte que pertenecia a Antonio Olivera en el Rancho de Jesus Maria le cede, renuncia y traspara con las acciones reales y personales, utiles, mixtas directas y ejecutivas en el comprador y en quien la compra presente para que la posea, cambie enagen, use y disponga de el, a su eleccion como de cosa suya a el quiriada como legitimo y justo titulo le confiere poder irrevocable con libre franquea y general Administracion y le constituye, Procurador, Actor en su propia causa, para que de su autoridad o judicialmente, entre y se apodere de la nominada parte de Antonio Olivera en el Rancho de Jesus Maria y de ella tome y apenda la real tenencia y posesion que por derecho le compete

y para que no necesite tomarla pide se le de  
 copia autorizada por la presente Escritura  
 con lo cual en otro acto de aprehension ha  
 de ser visto haverlo tomado aprehendi do y  
 transferido a el y en el interin se constituya  
 en inquilino tenedor y precario poseedor en  
 legal forma y se obliga a que dicha parte de  
 Antonio Olivera en el Rancho de Jesus Maria  
 sera cierto seguro y efectivo al comprador y nadie  
 le inquietara ni movera pleito sobre su propie-  
 dad posesion goze y disfrute, ni contra ello  
 apareciera gravamen alguno y si se le inquietare  
 movere, o apareciere luego que el otorgante  
 o sus herederos y o sus sucesores sean requeridos  
 conforme a derecho al dar a su defensa  
 y lo requiriran a sus expensas en todas instan-  
 cias y tribunales hasta ejecutoria de las y dejar  
 al comprador y a los suyos en libre uso quietud  
 y pacifica posesion y no pudiendo con seguridad  
 lo le darein otro igual en valor de terrenos fa-  
 brica, sitio, Venta y comodidad y en su defecto  
 le restituirá la cantidad que ha desembolsado  
 las mejoras utiles precisas y voluntarias que  
 a la razon tenga el mayor valor y estimacion  
 que con el tiempo adquiriera de todos los costos  
 gastos, intereses y menoscabos que se le si-  
 guieren y erogaren por todo lo cual se le ha  
 de poder ejecutar en virtud de esta escritura  
 en virtud de esta Escritura y juramento  
 del que lo posea o de quien le representa en  
 quien difiere en importe y le releva de otra pue-  
 ba. Y a la observancia de todo lo referido obli-  
 gado a persona, bienes habidos y por haber, renuncie  
 las leyes de su favor y defensa, con la general  
 del derecho en forma y confiere amplio poder  
 a los señores que es que de este negocio de-  
 ben conocer, conforme a derecho para que le  
 apremien a su cumplimiento como por senten-  
 cia definitiva de juez competente pasada en  
 autoridad de cosa juzgada y consentida  
 que por tal la recibe. Y en la forma en ungo  
 y los testigos de mi asistencia en papel comun  
 por no haber del Sellado que corresponde  
 siendo los instrumentales los ciudadanos

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Antoni Maria de la Guerra, Estevan Ortega  
Juan Maria Zabegal.

Luis Carrillo

José M. Valenzuela # Pedro C. Carrillo  
assa asse

Mariano Pacheco # Manuel Rocha

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Filed in Office Janry. 24<sup>th</sup> 1853

Geo: Fisher Secy

55 H

Manuation of  
Conveyance from J.  
M. Valenzuela to  
P. C. Carrello

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In the Port of Santa Barbara on the Eleventh day  
of the Month of September One thousand Eight hundred  
and forty seven, before me Luis Carrello second mag-  
istrate of this demarcation, and before the witnesses of  
my assistance with whom I act in virtue of my office  
for want of a Notary Public, besides the witnesses  
to the instrument who will at the end be named  
appeared Don Jose Maria Valenzuela (whom I certify  
I know) and said that for himself and for his heirs  
and successors and whomsoever of them might have title  
voice or claim, in any manner, he sells and gives  
in real sale and perpetual alienation with the right  
of inheritance forever to Senor Don Pedro C. Carrello  
and to his heirs one of the parts which he has in the place  
of Jesus Maria in this jurisdiction, which part  
will be that which pertained to Citizen Antonio Olivera,  
which Rancho is of ownership, is bounded on the North  
by Don Guiller Mo Cartwell, on the South by the Rancho  
of Sompoe, on the East by the Mission of La Presidena  
and on the West by the Pacific Ocean which Rancho  
is named Jesus Maria, and which he has legally  
acquired by purchase from Citizens Antonio and Jose  
Antonio Olivera according to the title of ownership  
given by the Departmental Government which is referred  
to in which he has (a) right as acquired by him,  
and to enjoy it, which he declares and assures  
he has not sold alienated or pledged and that  
it is free from all alienation or religious tax pledge  
or any other encumberances real perpetual temporal  
special general lack and exempted, and as such  
he sells it, leaving it to be delivered in the form and  
manner which they have particularly agreed on, with  
the condition of give him (Carrello) the preference  
in the part which remains behind, for the sum of  
two hundred dollars in current Money (in Cash)  
and five barrels of Aguardiente, which barrels  
will be delivered to him in the month of December  
of this Year he receiving them at forty dollars  
per barrel, and the vendor now considers them  
as received to his entire satisfaction without any  
kind of claim remaining, declaring that he received  
for this purpose the two hundred dollars in silver  
before this sold that therefore he renounces the exaction  
which he might (otherwise) take from its not being  
Counted in presence law 9, title 10, partido 5, & executio

in favor of the purchaser the most firm & efficacious receipt that can conduce to his security, and moreover that the just price and true value of the part which he has sold of "Jesus Maria" are the two hundred dollars in silver and the five barrels of Aguardiente, that it is not worth more nor did he find any person who would give more for it, and if it is or can be worth more, of the exp. be it a large or small sum, he makes in favour of the purchaser his heirs and Successors free gift and donation, pure, simple perfect and in good faith and with judicial intervention and other legal securities are denounced Law 2<sup>o</sup> title 10. book 10. Novissima Recopilacion which treats of contracts of Sale Exchange and others in which there is lesion in more or less than one half of the just price and the four years fixed by it in which to ask a rescission (of the Contract) or what was wanting of the just value; which he considers as past as though they actually were so, and from this time forth forever he gives up the possession and desists takes away and separates his heirs and Successors from the Dominion ownership, possession title, voice and any other right that may pertain to him in the aforesaid part which belonged to Antonio Olivera in the Rancho of "Jesus Maria", he grants denounces and transfers with the active real & personal useful and executive to the purchaser and to whom ever may represent his right, that he may possess exchange alienate, use and dispose of it at his pleasure, as of his own property acquired by just and legal title, he confers on him irrevocable power with full and general administration and constitutes him his Attorney in fact in his own Cause, either of his own Authority or judicially he may enter upon and take possession of the said part of Antonio Olivera in the Rancho of "Jesus Maria", and take and seize the real tenon and possession of it which by law pertains to him, and that he may not need to take it he prays that an Authenticated Copy may be given him of the present writing, with which, without any other act of taking, it shall be seen that he has taken and seized it and that it has been transferred to

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him, and in the mean time he constitutes him his tenant and temporary possessor in legal form and he binds himself that said part of Antonio Olivera in the Rancho of "Jesus Maria" shall be certain sure and effective to the purchaser and that no person will molest him or bring suit against his ownership possession enjoyment and benefit nor shall any incumbrance appear so soon as the vendor or his heirs and successors are bound in conformity with law, they will come forward in its defence and follow it at their own expense in all Courts and tribunals, until they obtain judgement and leave the purchaser and his heirs in full use quiet and peaceable possession, and not being able to do so they will give him another equal in value to the land, building suit and Conveanance and in event of such he will restore him the sum he has paid out, the improvements useful necessary and voluntary which at the time may have the greatest value and estimation which with time it may acquire and all the costs expenses and damages which may follow and accrue to him, all which is to be executed upon them in return of this writing and the oath of him who may possess it, or whoever may represent him to whom he leaves it to fix the amount and he releases him of other proof, and to the observance of all the foregoing he binds his present & future present & future, he renounces the Laws in his favor and defence with the legal exceptions in form and he confers full power on the Magistrate who ought to take Cognizance of the matter in conformity with law, that they may compell him to comply with it as with a definitive sentence of a competent Judge passed in Authority of us judicium, and consented to, for as such he receives it, and he signed it with me and those of my assistance on Common paper for want of stamped of the corresponding class, the witnesses to the instrument being Citizens

Antonio Maria de la Guerra, Estevan Alegre  
 Juan Maria Hubugat  
 Assisting Witnesses  
 Mariano Pacheco, Manuel Rocha, Luis Canello  
 Jose Maria Valenzuela, Pedro L. Canello.  
 Filed in Office July 27. 1853. Geo Fisher Secy -

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*[Faint, illegible handwriting, possibly bleed-through from the reverse side of the page]*

*[Faint, illegible handwriting]*



59 I

Transfer from  
Pedro C. Carrillo  
& Josefa Baudin  
to L. J. Burton

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Exhibit 1  
to the deposition  
of Jose Maria  
Covarrubias

This Indenture made the twenty fifth day of November A.D. One thousand eight hundred and fifty one between Pedro C. Carrillo and Josefa Baudin de Carrillo his wife parties of the first part and Lewis J. Burton party of the second part Witnesses. That the parties of the first part in consideration of one dollar to them paid by the party of the second part. & that presents do grant bargain sell alien remise lease convey and confirm unto the said part of the second part and to his heirs and assigns forever, the one undivided third part of the Rancho or farm situated in the County of Santa Barbara State of California. near the Ex mission of the Princesima and called and known as the Rancho or farm of "Jesus Maria" which was originally conveyed by Juan B. Hernandez to Lucas Olivera Antonio Olivera and Jose Antonio Olivera by an instrument dated the eight day of April one thousand eight hundred and thirty seven which conveyance was confirmed by the Legislature of California the nineteenth day of the same month in the same year. together with all the Estate right title interest dower and right of Dower, property possession claim and demand whatsoever of the parties of first part of in and to the same and every part and parcel thereof with the appurtenances. To have and to hold the above granted and described premises with the appurtenances unto the party of the second part his heirs and assigns to his and to their own proper use benefit and behoof forever, and the said parties of the first part for themselves their heirs Executors and Administrators do warrant and agree to and with the party of the second part his heirs and assigns that the said parties of the first at the time of the sealing and delivery of these presents are lawfully seized of a good absolute and indefeasible Estate of inheritance in fee simple of and in the said one undivided third part of the above described premises with the appurtenances and that they have good right full power and lawful Authority to grant bargain sell and convey the same in manner aforesaid and that the party of the second part his heirs and assigns shall and may at all times hereafter peaceably and quietly hold occupy and enjoy

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The above granted premises and appurtenances without any let hind or disturbance of the parties of the first part their heirs or assigns or any person lawfully claiming or to claim the same. And that the same are now free of all forms grants judgement lease and incumbrance of what kind soever, and also that the parties of the first part and all persons deriving any right or title to the above granted premises by, from, or in trust for them shall at any time hereafter upon the reasonable request and at the proper costs of the party of the second part his heirs and assigns execute and do such further acts and conveyances as may be reasonable and lawfully required for more effectually confirming the premises truly granted or intended to be to the party of the second part his heirs and assigns forever. And the parties of the first part the above granted premises with the appurtenances to the party of the second part his heirs & assigns against the parties of the first part their heirs & all persons whatever lawfully claiming or to claim shall & will warrant and by their presents forever defend

In witness whereof the parties to these presents have hereunto set their hands and seals this twenty six day of August A.D. one thousand eight hundred and fifty two

Scaled & delivered Pedro L. Canillo  
in presence of Josefa Bandini de Canillo  
Henry Carnes.

State of California }  
County of Santa Barbara } S.F.

Be it remembered that on this twenty sixth day of August A.D. 1852 appeared before me Henry Carnes, Judge of the 2<sup>d</sup> Judicial District of the State aforesaid the above named Pedro L. Canillo and Josefa Bandini de Canillo his wife personally known to me to be the persons described in and who executed the above deed of conveyance and being by me privately examined separate and apart from each other acknowledged that they executed the same free and voluntarily for the uses and purposes therein named

(Seal) Henry Carnes, Dist Judge 2<sup>d</sup> Jud Dist

Filed in Office  
Aug 27 1853  
Geo Fisher  
Secy

61 J  
 Transfer from Jose  
 Man Valenzuela  
 to L. J. Bustan

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 PAGE 53

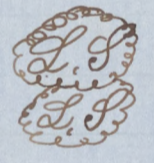
This Indenture made the fifteenth day of May A.D. One thousand eight hundred and fifty one Between Jose Maria Valenzuela and Vicenta his wife parties of the first part and Lewis J. Bustan part of the second part Witnesseth that the parties of the first part for and in consideration of One dollar to them paid by the party of the second part of their presents do grant bargain sell alien demise release convey & confirm unto the said party of the second part and to his heirs and assigns forever. The One undivided third part of that Rancho or farm situated in the County of Santa Barbara State of California near the Ex Mission of the Pacifema and called & known as the Rancho or Farm of Jesus Maria which was originally conveyed by Juan B. Alvarado to Lucas Olvera, Antonio Olvera and Jose Antonio Olvera by an instrument dated the eight day of April A.D. One thousand eight hundred and thirty seven which conveyance was confirmed by the Legislature of California on the nineteenth day of the same month in the same year. Together with all the Estate right title interest dower and right of dower property possession claim and demand whatsoever of the parties of the first part of in and to the same and any part and parcel thereof with the appurtenances. To have and to hold the above granted and described premises with the appurtenances unto the party of the second part his heirs & assigns to his and to their own proper use benefit and behoof forever. And the said parties of the first part for themselves their heirs executors and administrators do covenant and agree to and with the party of the second part by him and assigns that the said parties of the first part at the time of the sealing and delivering of these presents are lawfully seized of a good, valuable and indefeasible Estate of inheritance in fee simple of and in the said One undivided third part of the above described premises with the appurtenances and that they have good right full power and lawful Authority to grant, bargain, sell and convey the same in manner aforesaid. and that the party of the second part his heirs and assigns shall and may at all times hereafter peaceably & quietly hold occupy and

and enjoy the above granted premises and appurtenances without any let, suit or disturbance of the parties of the first part their heirs or assigns or of any person lawfully claiming or to claim the same and that the same be now free of all forms grants judgements taxes and incumbrances of what kind soever, and also that the parties of the first part and all persons deriving any title to the above granted premises by force or in trust for them shall at any time hereafter upon the reasonable request and at the proper cost of the party of the second part his heirs and assigns execute and do such further acts and conveyances as may be reasonably and lawfully required for more effectually confirming the premises truly granted or intended to be to the party of the second part his heirs and assigns forever. And the parties of the first part of the above granted premises with the appurtenances to the party of the second part his heirs and assigns against the parties of the first part his heirs and all persons whatsoever lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

In witness whereof the parties of these presents have hereunto set their hands and seals the day and year first above written

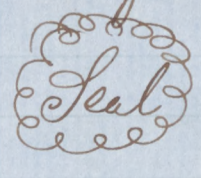
Sealed & delivered  
in presence of  
Henry A. Tipt  
Hilligo  
I Mar<sup>r</sup> Bonilla

Jose Maria Valenzuela  
Vicente <sup>his</sup> Boncer de Valenzuela  
mark



County of Santa Barbara

On this fifteenth day of May A.D. One thousand eight hundred and fifty one before me personally came Jose Maria Valenzuela known to me to be the person described in and who executed the foregoing who acknowledged to me that he executed the same freely & voluntarily and for the uses and purposes therein mentioned



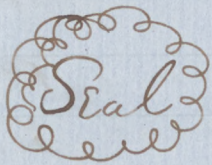
A. J. Henchman County Clerk  
of said County of Santa Barbara

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State of California }  
County of Los Angeles }

Be it remembered that on this Twentieth day of May A.D. 1857 appeared before me Henry A. Tift Judge of the 2<sup>d</sup> Judicial District of the State aforesaid the above named Vicente Garcia wife of the above named named Jose Maria Valenzuela personally known to me to be the person described in and who executed the above deed of conveyance and being by me privately examined separate and apart and apart and without the hearing of her said husband acknowledged that she executed the same free and voluntarily for the uses and purposes therein mentioned and without fear or compulsion from her said husband

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PAGE 55



Henry A. Tift  
District Judge

County of Santa Barbara

Received May 28. 1857 10 O'clock  
A.M. on pp 31. 32. 33. & 34 of Vol 1 of Deeds

Henry Carnes Recorder  
of A. J. Hutchinson Deputy

Filed in Office July 27 1853  
Geo Fisher Secy.

Annexed to Deposition of Joaquin Carrello  
Geo Fisher Secy.

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65-

Exhibit II  
annexed to De-A.  
no. of José Ma de mi asistencia con quienes a etno por falta  
a Covarrubias absoluta de Coeribem Nacional y publico  
Oct. 20. 1853

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PAGE 56

No hay papel sellado: En el puerto de Santa  
Barb.ª a los dos dias del mes de Sept<sup>bre</sup> de mil  
ochocientos cuarenta y cinco, ante mi Niela  
annexed to De-A. Don Alcalde 1.º de dicho puerto y los testigos  
no. of José Ma de mi asistencia con quienes a etno por falta  
a Covarrubias absoluta de Coeribem Nacional y publico  
Oct. 20. 1853 compareció D<sup>o</sup> Lucas Olivera vecino de este  
puerto a quien doy fe con voz y dijo. Que  
se sepa por esta publica Escritura que de  
su buen grado y cierta ciencia vende, conse-  
de y por título de Venta real y de estabilidad  
perpetua, por puro de Credencia trasperi a  
D<sup>o</sup> Juan Camarillo vecino del mismo lugar  
que esta presente, para si y los suyos a etno por  
la parte que me corresponde en el terreno co-  
nocido con el nombre de Jesus M<sup>a</sup> de este  
partido, colindante con D<sup>o</sup> Joaquin y Don D<sup>o</sup>  
Antonio Carrillo D. Guillermo Harnel, Misura  
de Capurisma y D<sup>o</sup> Ant<sup>o</sup> Olivera con todas  
sus entadas y salidas, nejos usos, servidumbres  
y lo demas que a etna parte pertenese de hecho  
y de derecho, libre de censos e cargo i hipoteca que  
pusee en propiedad por consecuencia hecha a su  
pabor por el Gov. D. Juan B. Alvarado Gober-  
nador del Departamento en fha o cho de Abril  
de mil ochocientos treinta y siete por precio  
de cien pesos en plata moneda corriente, cien  
pesos en efectos veinte Bacos y veinte Baquili-  
das pues con este respecto asido a apreciada  
dicha parte por peritos de consentimiento  
de ambas partes en la expresada cantidad  
de cien pesos en plata moneda corriente cien  
pesos en efectos veinte Bacos y veinte Baquillas  
lo que otorga haber recibido de etno D. Juan  
Camarillo real m<sup>l</sup> a su satisfaccion de  
que sea por entrega doy contento (de que yo  
el juez doy fe); desde hoy en adelante se  
desapoderada de etno y apartada de la accion  
propiedad, señorio, titulo voz, recurso y cua-  
les quera derecho que en dicha parte le per-  
tenesea y pueda pertenese; puestas lo se-  
de, renuncie y traspasa en etno comprador  
y quien le suscriere para q<sup>e</sup> como propietario  
suya la posea, gose, combe, en agone, o venda

MS

à su voluntad como dueño absoluto sin dependencia alguna y le da el poder que se requiere constituyéndolo en su lugar mismo hecho y causa propia, para que por su autoridad o judicialm<sup>te</sup> entre en dicha parte tome y aprehenda la posesion y tenencia de ella. Y para su cumplimiento ambos contratantes renuncian las Leyes de su favor. obligan sus bienes abidos y por haber y dem poder à las justicias de la etacion y en especial à las de este partido à cuya jurisdiccion se someten para que los apremien; y lo formaron con miso dicho juez y los de mi asistencia D<sup>o</sup> Lucas Olivera y D<sup>o</sup> Juan Caramillo fueron testigos instrumentales D<sup>o</sup> Ray<sup>do</sup> Carrillo, D. Ignacio de Ortega y D. José Rodriguez vecinos de este partido de que doy fe  
Lucas Olivera # Juan Caramillo.

Nicolas A. Den

Assist<sup>a</sup> Assist<sup>a</sup>  
Joacn<sup>n</sup> Carrillo # Anto Rodriguez

Nicolas A. Den Alcalde 1<sup>o</sup> Constitucion  
al del partido de Santa Barb<sup>a</sup>

Certifico que la antecedente copia es o cada fiel y legalm<sup>te</sup> de su Original que autorizo y formo con los testigos de mi asistencia.

Nicolas A. Den

Assist<sup>a</sup> Assist<sup>a</sup>  
Guillermo G. Dana Joacn<sup>n</sup> Carrillo

Filed in Office Jany 28<sup>th</sup> 1853

Geo. Fisher Clerk



67 I  
 Translation of  
 transfer from L  
 Olvera to J  
 Camarillo

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 PAGE 58

There is no stamped paper  
 In the Port of Santa Barbara on the second  
 day of September One thousand eight hundred and  
 forty five before me Nicolas. A. Deu 1st Alcalde  
 of the said port and the witnesses of my Assistance  
 with whom I act for absolute want of a  
 National public Notary appeared Don Lucas  
 Olvera resident of this port whom I certify  
 I know and said, let it be known by this public  
 act that of his own free will and certain knowl-  
 edge, he sells grants, and of title of real sale  
 of perpetual stability with the right of whatever  
 he has, to Don Juan Camarillo resident of the  
 same place for himself and his accepting, the  
 part which corresponds to him in the land known  
 by the name of Jesus Maria of this District  
 bounded by Joaquin & Don Jose Antonio Olvera  
 Don Guillermo Hartwell, the Mexican of La Penasme  
 and Don Antonio Olvera with all acts rights of  
 entry and Exit watering uses servitudes and other  
 things which to said portan actually & by law from  
 Tax Charge and Mortgage which he possesses in  
 ownership of a grant made in his favour by Sr Don  
 Don Juan B. Alvarado Governor of the Department  
 dated April 8th 1837 for the price of One hundred  
 Dollars in Current Silver Money, One hundred  
 Dollars in goods, twenty Cows, and twenty hifes  
 as for this purchase said part has been appraised  
 by Experts chosen by consent of both parties in the  
 aforesaid sum of One hundred dollars in Current  
 Silver Money, One hundred dollars in goods  
 twenty Cows, and twenty hifes which he acknowledges  
 to have received of said Don Juan Camarillo  
 really to his satisfaction, wherefore he acknowledges  
 himself paid and satisfied (to which I the Magistrate  
 certify) and from this time forth he disposes  
 himself, debts from and gives up the action owner-  
 ship, lordship, title, voice, recourse and any other  
 right which in said land pertains or can pertain  
 to him, for he conveys, renounces, and transfers it  
 all to said purchaser and whom may succeed  
 him, that as his own property he may possess, engage  
 exchange, alienate or sell it at his pleasure,  
 as absolute owner without any dependence  
 and he gives him the power which may be

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PAGE 59

segundo, consentating him in his place as his own  
act and Cause, that either by his own Authority  
or judicially he may enter upon said part  
take and Seize the possession and tenon of it  
and for its fulfillment both the Contracting parties  
renounce the laws in their favor, bind the property  
present & future, and give power to the Courts,  
of the Nation and Especially to those of this District  
to whose jurisdiction they submit themselves that they  
may compel them, and Don Lucas Olivera & Don  
Juan Comarillo signed with me and those of my  
assistance, the witnesses to the instrument were  
Don Raimundo Carrillo, Don Ignacio de Ortega  
and Don Jose Rodriguez neighbours of this district  
of which I certify.

Assisting Witnesses  
(Signed) Raimundo Carrillo (Signed) Lucas Olivera  
(Signed) Antonio Rodriguez (Signed) Juan Comarillo  
(Signed) Nicolas A. Deu.

Nicolas A. Deu 1<sup>o</sup> Constitutional Alcalde  
of the partido of Santa Barbara  
I certify that the  
foregoing Copy is faithfully & legally made  
from its original which I authenticate and sign  
with my assisting witnesses

(Signed) Nicolas A. Deu  
Assisting Witnesses  
(Signed) Guillermo G. Sama  
(Signed) Guaymín Carrillo

Filed in Office July 27. 1853.  
Geo Fisher Secy.

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Cachib. M.  
 Depo: of José  
 M<sup>re</sup> Covarrubias

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En el puerto de Santa Barbara à los veinte y siete del mes de junio de mil ochocientos cuarenta y seis ante mi Antonio Maria Ortega Juez 1.<sup>o</sup> de esta demarcacion y por ante los testigos de mi ass<sup>a</sup> con quienes actuo por receptoria à falta de Escribano publico à mas de los instrumentos que al fin se nominaran comparecio D. Juan Camarillo à quien hoy feè conosco y digo: que se sepa por esta publica Escritura que de su ames: to the buen grado y cierta ciencia vende, consede y por Depo: of José título de venta real y de estabilidad perpetua <sup>propia</sup> M<sup>re</sup> Covarrubias de credad, haspiere, à D. José Carrillo vecino del mismo lugar que esta presente, para oir los supos accep tamse la parte que me corresponde en el terreno conocido con el nombre de Jesus Maria en este partido, colindante con D. Joaquin y Don José Ant<sup>o</sup>. Carrillo, Don Guillermo Hartwell mision de la purissima y Don Ant<sup>o</sup> Olivera, con todas sus entadas, salidas riegos usos servidumbres y lo demas que à dicha parte pertenese de hecho y de derecho, libre de seso, cargo, y hipoteca que posea en propiedad por compra legal que hizo de el al Sr Don Lucas Olivera como consta de la Escritura q<sup>ta</sup> hoy haspasa à dho. D. José Carrillo de quien recibe en pago de la parte expresada la cantidad de cincuenta vacas horras de dos años p<sup>a</sup> arriba, cien novillos de la misma edad y cinco caballos en buena condicion; cuyo ganado queda conforme el vendedor de el civilo el año que viene del ganado de la propiedad de Don José de la Guerra y otros riegos en el Rancho de San Julian despues que este ultimo señor haya apartado de su dicho ganado, trescientas cabezas para Matanza y los caballos recibirá en poder del comprador de que queda tambien conforme todo lo dar por recibido dho. D. Juan Camarillo que dando por lo tanto satisfecho y conforme (de que yo el juez hoy feè.) D. desde hoy en adelante se desapodera, desiste y aparta de la accion, propiedad señorio, título, voz, recurso y cualequiera derecho que en otra parte le pertenesea y pueda pertenecer pues todo lo cede, renuncia y haspasa en etno com-

MS

padro y quien le sucediere para que como propia  
 suya la posea, gise, cambie, en ageno o benda a su  
 voluntad como dueño absoluto, sin dependencia  
 alguna y le da el poder que se requiere, constituy-  
 endolo en su lugar mismo hecho y causa propia  
 para que por su autoridad o judicialmte  
 entre en la expresada parte tome y aprende la  
 posesion y tenencia de ella. Y para su cumpli-  
 miento, ambos contratantes renuncian las leyes  
 de su favor, obligando sus bienes avidos y pa-  
 aben y clar poder a las justicias de la Nacion  
 y en especial a las de este partido a cuya ju-  
 risdiccio se cometen p. q. los apremien y lo fir-  
 maron con mi go dicho juez y los de mi Ass<sup>o</sup>  
 Don Juan Camarillo y D. José Carrillo: fueron  
 testigos instrumentales, Valentin Cota, Manuel  
 Gonzalez, Gilanon Garcia de que doy fee.

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 PAGE 61

Ant. Ma. Ortega  
 Juan Camarillo # José Carrillo.  
 Lewis J. Burton # Julian Gomez.  
<sup>asist<sup>o</sup></sup> <sup>Asista</sup>

Filed in Office Jan'y 24<sup>th</sup> 1853.  
 Geo. Fisher. Secy.

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71 A  
 Translation of  
 transfer of  
 Camarells to  
 Jose Carrillo

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In the Port of Santa Barbara on the twenty seventh day of June One thousand eight hundred and forty six before me, Antonio Maria Ortega Juit Judge of this Demarcation and before the witnesses of my assistance with whom I act in virtue of my office for want of a Notary Public, besides the witnesses to the instrument who will at the end be named, appeared Don Juan Camarells (whom I certify I know) and said, let it be known of this public act that of his free will and certain knowledge he sells, grants, and of title of real sale, and perpetual stability with the right of inheritance transfers to Don Jose Carrillo resident of the same place, who is present, for himself this accepting the part which corresponds to him in Land known of the name of Jesus Maria in this (Partido) district bounded by Don Joaquin & Don Jose Antonio Carrillo, Don Guillermo Stairnall Missian of La Paz Sierra and Don Antonio Olivera, with all its rights of entry and Exit, water uses, servitudes and other things which to the said part pertains actually & legally, free from tax charge and Mortgage, which he possess in ownership of legal purchase which he made of it from Don Lucas Olivera as appears of the act which he this day transfers to said Don Jose Carrillo of whom he receives in payment of the aforesaid part the amount of fifty barren Cows of two years and upwards, One hundred Steers of the same age, and five horses in good condition, which cattle the seller agrees to receive next year of the cattle round of Don Jose de la Gemma and Manera in the Rancho of San Julian, after the latter Gentleman has set apart from said Cattle three hundred head for a Matanzu, and he will receive the horses in the possession of the purchaser, to which he also consents. Said Don Juan Camarells acknowledges all as received remaining therefore satisfied and consenting (to which I the Magistrate certify) and from this time forth he disposes himself, desists and gives up the action, ownership, lordship, title, voice, recourse, and whatever right may or can belong to him in said part for he consents renounces and transfers it all to said purchaser and whoever may succeed him, that as his own he may possess it, enjoy & exchange alienate or

sell it at his pleasure. as absolute owner, without any dependence and he gives him the power which may be required constituting him in his place, in his own act and cause, that his own Authority or judicially he enter upon the aforesaid fourth take and seize the possession and tenor of it, and for its fulfillment both the Contracting parties renounce the Laws in their favour bidding their property present & future, and give power to the Courts of the Nation and especially to those of this District, to whom jurisdiction they submit themselves, that they may compel them and they Don Juan Camarillo and Don Jose Carrillo signed with me, the said Magistrate, and those of my assistance, The witnesses to the said Instrument were Valentin Costa, Manuel Guzuly, Eclareon Garcia of which I certify

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Assisting Witnesses (Signed) Antonio Maria Ortega  
(Signed) Lewis J. Burton (Signed) Juan Camarillo  
(Signed) Julian Gomez (Signed) Jose Carrillo

Filed in Office July 27. 1853  
George Fisher Secy.

BACK

73  
Opinion of  
Bourne

Luis J. Benton et al  
vs  
The United States

For the place called  
Jesus Maria in Santa  
Barbara County containing

two square leagues of Land  
The petitioners in this case are Luis J. Benton  
and <sup>Jose</sup> Carrillo the first of whom claims two  
undivided third parts, and the last one undivi-  
ded third, of the promises described in the petition

The documentary evidence shows  
a grant of the Land by Governor Juan B. Alva-  
rado to Lucas Antonio and Jose Antonio Olvera  
On the 8th day of April 1837 the approval of  
the same month and the giving of the judicial  
possession on the 30th day of May 1840

The grantees went into immediate possession of  
the Land, built two houses, in which they  
lived and cultivated a portion of the Land

The Occupation and cultivation  
has been continued ever since by them and their  
grantees.

The following Conveyances given in  
evidence exhibit the title of the present claim-  
ants derived from the Original Owners

First A conveyance from said  
Jose Antonio Olvera to Jose Maria Valenzuela  
of one undivided third of the promises made  
August 17. 1839

Second. A conveyance of his undi-  
vidual third part by said Antonio Olvera  
to said Valenzuela on the 18th day of October  
1841

Third. A conveyance of one undi-  
vidual third part from said Valenzuela to Pedro  
le Carrillo dated September 1. 1847

Fourth. A conveyance of said  
one third part from said Pedro le Carrillo and  
his wife to said Luis J. Benton dated Novem-  
ber 25. 1851

Fifth. A conveyance of his remain-  
ing third part by said Valenzuela and his  
said wife to said Benton dated May 15. 1857

Sixth. A conveyance from said  
Lucas Olvera one of the Original grantees of his

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PAGE 64

1796

20

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undivided third of the premises to Juan Camacho  
Nello dated September 2. 1845

Seventh A conveyance of the  
same from Juan Camacho, to Jose Camacho one  
of the present Claimants, dated, June 27th.  
1846

By these several Conveyances the  
petitioners have established their right to  
the property in the propositions specified in  
their petition

Confirmed

Filed in Office Dec. 19. 1854

Geo. Fisher Secy

Recorded in Record of Decisions Vol 3 page  
4000

Geo. Fisher Secy

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75 Decree

Luis J Burton et al  
vs  
The United States

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioners is valid, and it is therefore decreed that the same be confirmed.

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The land of which confirmation is hereby made is situated in Santa Barbara County, and is the same known by the name of Jesus Maria, formerly occupied by Lucas, Antonio, and Jose Antonio Olvera and is bounded and described as follows, to wit; Commencing in the place called the mouth of the Cañada of Casmale at a stake which was driven at the sea shore as a bound when judicial possession of said land was given in 1840, thence running over the channel easterly two leagues on the top of a hill near the Rancho of San Antonio to a stake driven as a bound when said possession was given; thence through the Cañada of Santa Cecilia, South, two leagues to the bank of the river, where a stake was in like manner driven as a bound; thence down the river North West one and a half leagues to the sea shore at the mouth of the river La Paredona, and thence over some sand hills, and along by the shore, North, three leagues to the place of beginning; reference for further description of the same to be had to the grant & the testimonial of judicial possession and also to the map constituting a part of the trace copy of the Expediente, which are on file in this case

Alpheus Felch  
R. Aug Thompson  
S. B. Farwell

Commissioners

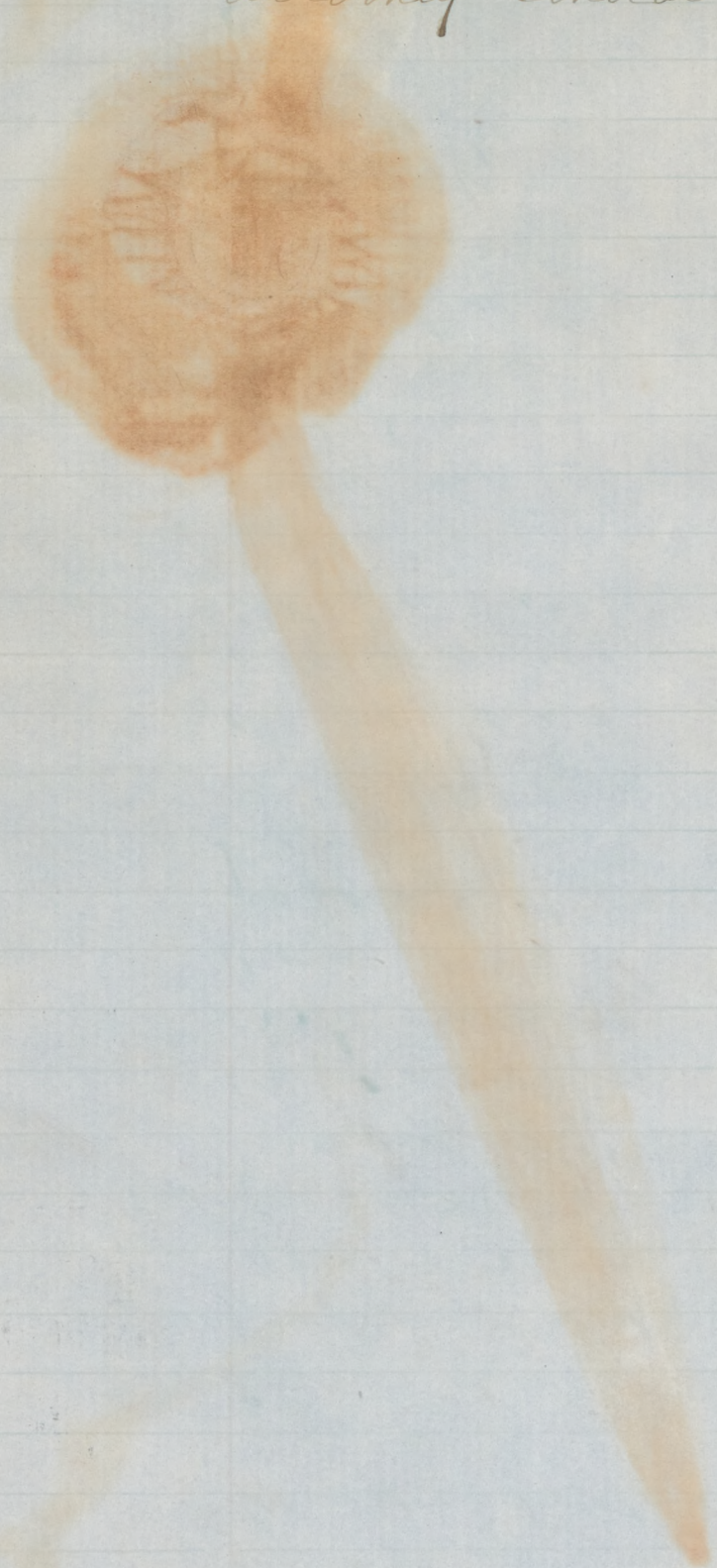
Filed in Office Dec. 19. 1854

Geo. Fisher Secy  
Recorded in Record of Decisions Vol 2 pag 401  
Geo. Fisher Secy

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And it appearing to the satisfaction of the Board that the Lands hereby adjudicated are situated in the Southern District of California. It is hereby Ordered that two transcripts of the proceedings and decision in this case and of the papers & Evidence upon which the same are founded be made out and duly certified by the Secretary one of which transcripts shall be filed with the Clerk of the United States District Court for the Northern Judicial District of California and the other be transmitted to the Attorney General of the United States.

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Office of the Board of Commissioners,

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

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PAGE 68

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 *Seventy six* pages, numbered from  
1 to *76*, 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. *528*, on the Docket of the said Board,  
wherein *Lucis J. Burton, et al*, are  
the Claimants against the United States, for the place known by  
the name of "*Jesus Maria*."



In Testimony Whereof, I herewith set my hand  
and affix my private Seal (not having a Seal  
of Office) at San Francisco, California, this  
*Seventh* day of *July*  
A. D. *1853*, and of the Independence of the  
United States of America the ~~seventy~~ *eighty*th.

*Geo. Fisher*  
*Geo. Fisher*

U. S. DISTRICT COURT,

*Southern* District of California.

No. 268. **268**

THE UNITED STATES,

vs.

*Gen. J. Burton, et al.*  
*'Jesus Maria'*

**TRANSCRIPT OF THE RECORD**

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *528*

Filed, *July 12* 185*5*  
*C. E. Carr*  
Clerk

*By A. H. Clark*  
Deputy

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Office of the Attorney General of the United States,

Washington, 10. October, 1855.

528. / "Jesus Maria" —

Luis S. Burton et al. Claimants

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 1st day of August, 1855, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

*Cushing*

Attorney General.

No 268.

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

Lewis J. Burton et al

vs.

The United States, Appls.

Appeal notice.

Filed Nov 20<sup>th</sup> 1855

J. E. Farr.  
Clerk.

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

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

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Lewis J. Burton et al,  
appellus

Docket No. 268.

vs  
The United States, Appellant.

Transcript No. 528.

**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 27. — day of January — A. D. 1853, Lewis J. Burton et al

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 Jesus Maria

in the County of San Luis Obispo 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 19. day of December A. D. 1854, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 12. —

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. 528; reference to which it is prayed may be had and made part of this petition.

That on or about the 1. — day of August 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:  
on <sup>or about</sup> the 20<sup>th</sup> day of November A. D. 1853, 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 claimants  
presented as aforesaid to said Commissioners. And your petitioner further  
denies that the said claimants ~~has~~ <sup>have</sup> any valid right or title to said land claimed  
as aforesaid, or any part thereof.

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And no sufficient proof having been made of the allegations in said pe-  
tition to said Commissioners, or in support of the said claim, no decision con-  
firming the same should have been made by said Commissioners; but the



said claim should have been rejected by them. And the said claimants 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 claimants or ~~his~~ <sup>their</sup> attorneys 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. M.

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

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N. 268.

Filed this 5th January  
1857  
C. S. S. & C.  
J. S. Merdman  
Det.

**United States of America,** } *SS.*  
**SOUTHERN DISTRICT OF CALIFORNIA.**

THE PRESIDENT OF THE UNITED STATES,

TO

*Luis P. Burton et al*

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TAKE NOTICE, That a Petition, a copy of which is herewith served upon you, has been filed against you, and each of you, in the District Court of the United States, in and for the Southern District of California, on the *5th* 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

GREETING:

*I And US Atty praying  
Said Court to review the decision of the Board  
of N. S. Land Commissioners of the 19th of  
December 1854 Confirming your claims  
to the land Called "Jesus Maria"*

and that you, and each of you, are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said petition, or that judgment by default will be taken against you, and each of you, and the prayer of the said petitioner will be granted, with costs.

In witness whereof, I have hereunto set my hand, and affixed the Seal of the said Court, this *24th* day of *January*, in the year of our Lord, one thousand eight hundred and fifty-~~seven~~ at Los Angeles aforesaid.

*Clarius* Clerk.  
*J. A. Coleman*  
*dep*

No 268

Marshal's Cont

Copying Summons 40  
Serving same 2.  
Petition 2.

Mileage to Santa Barbara 120 Miles }  
for Sum 120 } 240  
for Petition } 14 40  
\$ 18. 80

UNITED STATES OF AMERICA  
SOUTHERN DISTRICT OF CALIFORNIA,  
U. S. DISTRICT COURT.

Lewis Burton et al  
vs  
The People of the United States

Filed on return this 16th  
April 1857 at San Diego  
J. A. Holman  
Clerk

SUMMONS

Received Feb 3rd 1857  
Edward Hunter  
U.S. Marshal

Dr. M. L. Goodman  
Deputy

268 SD Deputy  
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I served this Summons, along with the proper copy of the Petition, upon *Lewis Burton*  
by delivering to him personally a true Copy of the  
same at *Santa Barbara* in the Southern District of California,  
the *sixth* day of *April*, in the Southern District of California, on  
A. D. 1857.

Sworn to and subscribed before me, this  
*16th* April A. D. 1857

*Lewis*  
*J. A. Holman*  
Clerk

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

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To The Clerk of the Dist. Court  
Los Angeles.

Please file the enclosed answer and  
charge the fees to me or to Mr. Burton  
as you please.

Yours truly  
A. F. Hinckman

EVER

367 38

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*[Faint, mostly illegible handwritten text, possibly bleed-through from the reverse side of the page.]*

Filed this 23rd April 1854  
Sais clerk  
of the Court  
*[Signature]*

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

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Lewis T. Burton & al } Docket No 268  
Appellees }

vs.

The United States. Appellants }

Transcript No. 528

For answer to the Appellants' Petition  
for Review, the Appellee, Lewis T. Burton,  
says that he has a good and valid title  
to the tract of land in said Petition  
mentioned, viz. "Jesus Maria", and  
asks that the Decree of the Board of  
Land Commissioners referred to in said  
Petition be confirmed and ratified  
by this Hon. Court.

Stulo Barbara  
April 21. 1857

Lewis T. Burton  
Appellee

No 268

U.S. Dis. Court for  
Southern Dis. of California

Lewis T. Buntow, Appellee  
vs.

The United States, Appellant

Appellee's Answer.

Filed this 23<sup>d</sup> April 1857  
Lewis clk  
of the Court  
Dep



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California Land Claims.  
Attorney General's Office  
10 Feb. 1857.

Sir:  
In the case of the claim of  
Lewis F. Burton et al: confirmed  
to the claimants by the Commissioners,  
case no. five hundred and twenty-  
eight, (528), appeal will not be  
prosecuted by the United States.  
I am,

Respectfully,

*Clinton*

Pacificus Ad Esq  
U. S. Attorney  
Los Angeles.

No. 268

Filed this 1<sup>st</sup> Feb 1858  
at New York  
J. M. Coleman  
Dep

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