

CASE No.

284

SOUTHERN DISTRICT

CASMALIA GRANT

ANTONIO OLIVERA

CLAIMNAT

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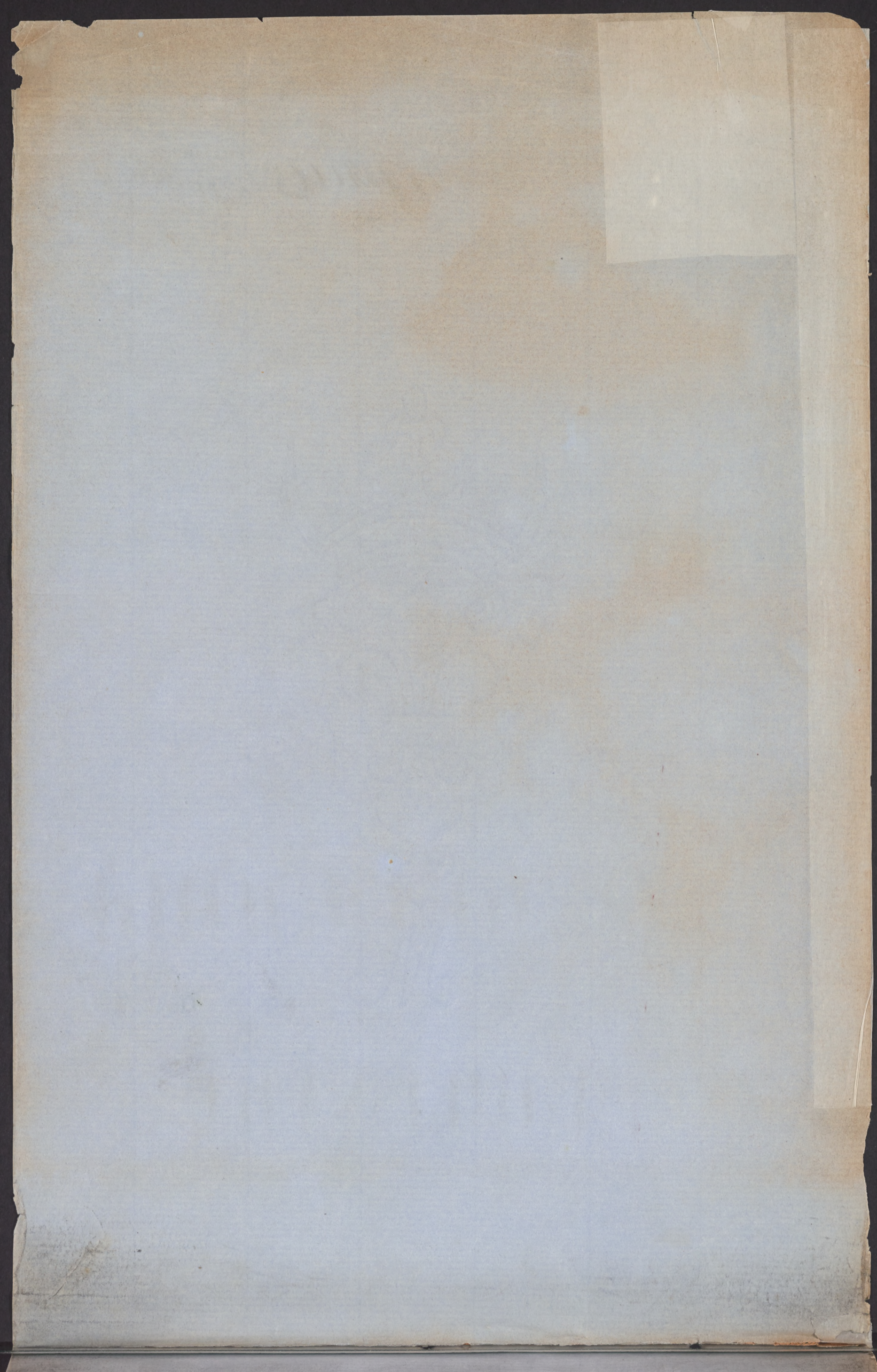
LAND CASE 284 SD 67 pgs.

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ALSO AVAILABLE ON MICROFILM

553

Dep



TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 553

Antonio Olivera

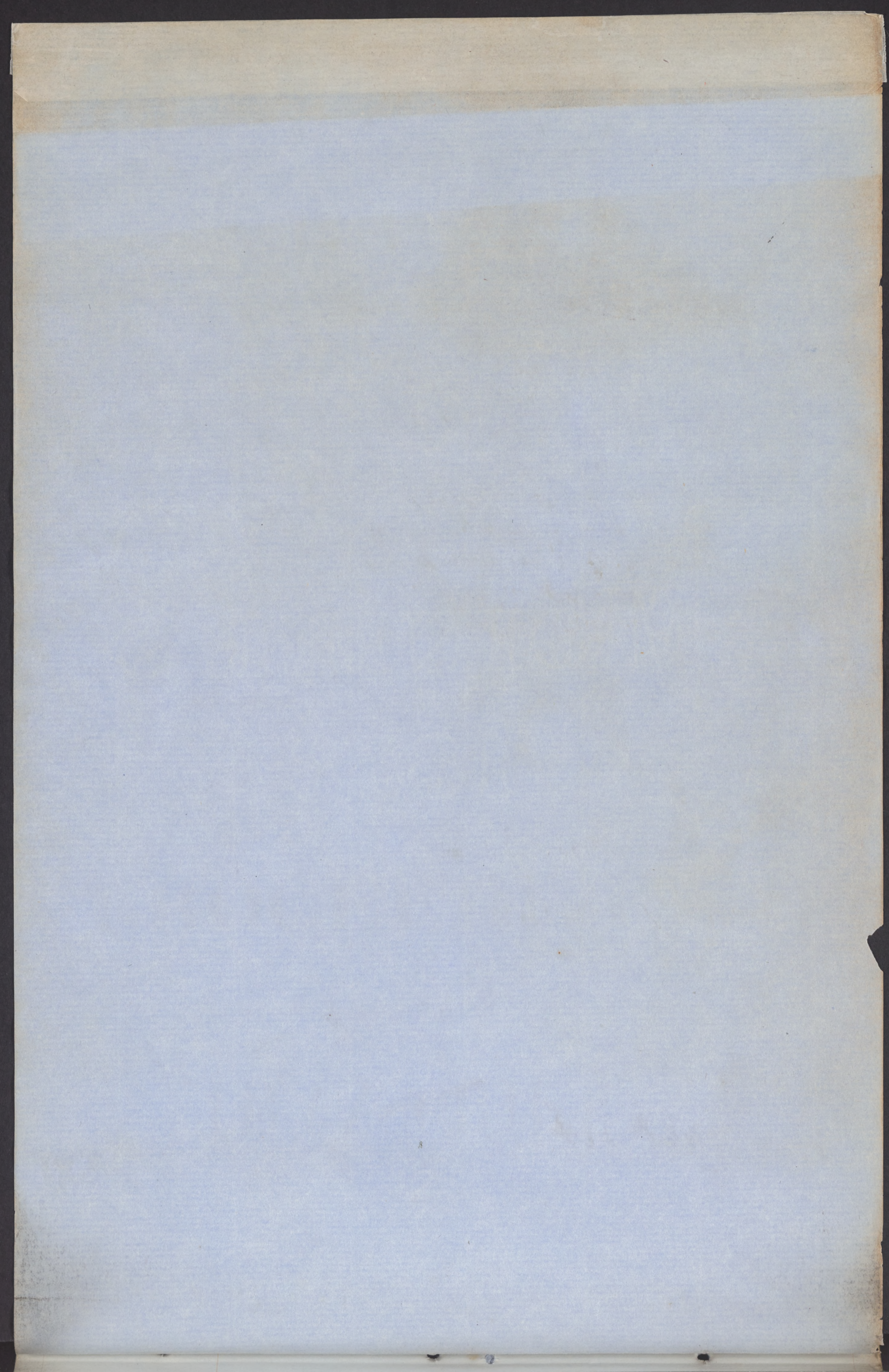
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

" *Cusmalia* "



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

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The Petition of *Antonio Olivera*,

for the Place named

"Casmalia"

was presented, and ordered to be filed and docketed with No. *553* 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 September 29 '53.

In case no. *553*, Antonio Olivera for the place named "Casmalia", the deposition of *Wm. E. P. Hartnell*, a witness in behalf of the claimant, taken before Commissioner *Alpheus Felch*, with documents marked "A. F. Nos. 1 + 2", annexed thereto, was filed;

(Vide page *4* of this Transcript)

San Francisco December 5 '54.

Case no. *553* was ordered to be placed at the foot of the *3^d* class cases on the Trial Docket.

San Francisco, December 19 '54.

Case no. *553* was submitted under the Rule of March *21* '54.

San Francisco, March 6 '55.

In the same case Commissioner *S. B. Farwell* delivered the Opinion of the Board concerning

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the claim:

(Vide page 5-9 of this Transcript.)

S.

And the following order was made, to wit:

(Vide pages 5-8 of this Transcript.)

~~~~~

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PAGE 3



Petition

To the Board of Commissioners for settling Private Land Claims in the State of California

Your Petitioner Antonio Olivera of the County of Santa Barbara in the State of California respectfully presents to your Honorable Board that he claims a certain tract of land called Casimiro containing two sitos of Ganado (Wagon) or two square leagues of grazing land

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Situated in the County of Santa Barbara in the State of California that he claims the same by virtue of a grant made to him under the authority of the Mexican Government by Juan B. Alvarado Constitutional Governor of the Department of the Californias bearing date the 12th of September 1840

Your Petitioner further represents that judicial possession of the aforesaid tract of land was given him on the tenth day of January eighteen hundred and forty four

Your Petitioner humbly presents the original Grant of said land with the judicial possession in the Spanish Language with the translation thereof in the English language together with a sketch of said land

Your Petitioner prays your Honorable Body to take into consideration his claim to said tract of land and do or his title to be valid and conform to the same

A Hubert

Attorney for Petitioner

Filed in Office February 3th 1853

George Foster  
Secretary

Records in Volume 1st of Petitions on Page 27, 527

George Foster  
Secretary

Depo of  
W. E. Hartwell

Office of Board of United States Commissioners  
This day before Commissioner Alphonso Felch  
Carr William E. Hartwell enters in behalf  
of Alamanit Antonio Alvarin Number 533  
who after being duly sworn deposes as  
follows

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Question by Mr Hubert Alt  
sworn for Alamanit

1 Question what is your  
name age and place of residence  
Answer My name is William  
E. Hartwell My age fifty five years and  
reside at Manting in California

2 Question Look on the  
paper now presented to you marked Exhibit  
Number 1 with the initials A. F. annexed  
to this Deposition and purporting to be an  
original grant from Governor Juan B  
Alvarin to Antonio Alvarin.

Dated September  
12th 1849 and state whether you know  
the hand writing and signatures of Juan  
B. Alvarin Manuel Jimin and Antonio  
Marinillo and if you observe their respective  
signatures appearing on said Document are  
their true and genuine signatures

Answer Have examined  
said Document know the hand writing  
and signatures of said Alvarin Jimin  
and Osiv and their signatures appearing on  
said Document are their true and genuine  
signatures

3 Question Look on the  
document now presented to you marked  
Exhibit Number 2 with the initials A. F.  
annexed to this Deposition and purporting  
to be papers relating to the purchase  
of the land described in the Grant before  
mentioned and state whether you are  
acquainted,

With the hand writing and  
signatures of Jose Maria Valenzuela  
Juan P. Ayala and Gregillera and  
if you observe their respective signatures appear-  
ing on said Document are their true and genuine signatures

5-

Answer Heave looks over said document from the hand writing of the persons names respectively and their signatures on said Document all their tone and genuine signatures

4 Question Look at the document now here shown to you marked Exhibit Number 3 with the initials A F annexed to this deposition purporting to be a sketch of plan of the Ranch called Gasparalia

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and state whether you believe the hand writing and signature of Manuel Jimeno and if you believe the signature appearing as his to the certificate whether it is his true and genuine signature

Answer Heave & annexed the document said signature appearing therein is the true and genuine signature of Manuel Jimeno I am well acquainted with his hand writing

5 Question are you acquainted with the property described in the grant

Answer From the land from the circumstance that it is bounded by a farm of my own

6 Question What has been in possession of the land since you have known it

Answer Antonio Alvarado and his family they have occupied it since 1841 or thereabouts and have a house and corral and cattle on it

When I went to take possession of my own farm found them established there this was about 1842 but they appeared to have been there some time before

W. C. P. Hartwell

Mr. Gumborn associate Law Agent was present at the taking of this deposition but declined to interrogate the witnesses

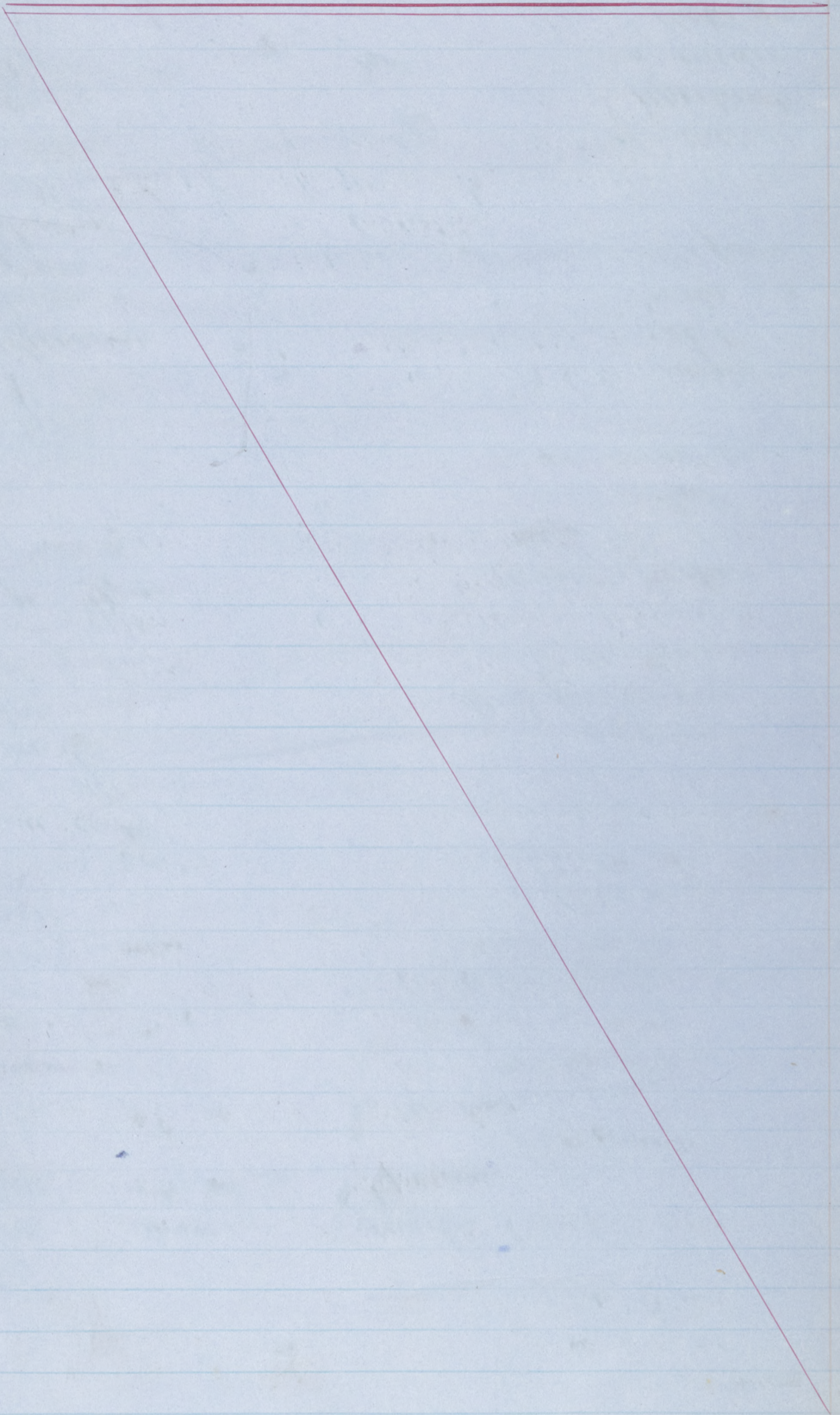
Subscribed and sworn to before me at San Francisco the 29th day of Sept A.D. 1853 A. F. Ch. Comm

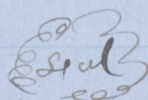
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Filed in Office September 29th 1833  
George Foster  
Secretary

Records in Courtroom B. Vol 3 p 215  
George Foster  
Secretary

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Sello 1<sup>o</sup> Seis pesos.Habilitado provisionalmente por la Actuaria Marisa<sup>a</sup>  
de Monterrey para los años de 1839 y 1840.


Alvarado.

Ant. M. Cid.

Juan B. Alvarado Gobernador Constitucional del  
Departamento de las Californias.B.  
Original Grant.Exhibit No 1  
annexed to  
the Depo. of  
Wm E. P. Hart  
nell

Por cuanto D<sup>no</sup> Antonio Olivera ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de Casmalia colindante al norte: con loma del Ataje al Sur con el Rancho de San Antonio, al Oriente con la Costa y al Poniente con la Playa: practicadas previamente las diligencias y exigencias convenientes segun lo dispuesto por leyes y reglamentos usando de las facultades que me son conferidas a nombre de la Nacion Mexicana he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras y sujeto a la aprobacion de la Junta Administrativa Departam<sup>l</sup> y a las condiciones siguientes.

1<sup>o</sup> Podra cercarlo sin perjudicar las tinajas Caminos y servidumbres lo disfrutara libre y esclusivamente destinandolo al uso o cultivo que mas le acomode pero dentro de un año fabricara casa y estara habitada.

2<sup>o</sup> Solicitara del Suco respectivo le de posesion Juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondra o mas de las moyoneras algunos arboles frutales o silvestres de alguna utilidad.

3<sup>o</sup> El terreno de que se hace mencion es de dos sitios de ganado Mayor poco mas o menos segun esplica el croquis que corre en el expediente El Suco que diere la posesion lo hara medir conforme a ordenanza quedando el sobrante que resulte a la Nacion para los usos convenientes.

4<sup>o</sup> Si contraviniere a estas condiciones perdera su derecho al terreno y sera inalienable por otro.

En consecuencia mando que teniendose por firme y valido este titulo se tome razon de el en el libro a que corresponde y se entregue al interesado para su resguardo y otras fines.

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8  
Dado en Monterrey a doce de Septiembre de mil  
ochocientos Cuarenta.

Juan P. Alvarado.  
Manuel Jimenez. Sriv.

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Cuenta tomada razón de este despacho en el libro  
de terrenos adjudicados a fojas 3. de la Secretaria  
de mi cargo.

Jimenez.

Filed in office. Feby. 8. 1853.

Geo. Fisher. Secy.

of Translation

First Seal Sir Pollus

Original  
Grant of  
Exhibit No. 1.  
to the defy.  
of N. E. P.  
Hartnell.

Provisionally legalized by the Unstom  
House of Country for the years over there  
said eight hundred and thirty nine  
and one thousand eight hundred and  
A. F. annually Alvacado Auto Valles

year B Alvacado Unstotunus Summ  
of the Department of the Californias  
Thomas

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San Antonio Alvin has prayed for his bar  
- ipit and that of his family for the land  
- bound by the course of lease in bounds  
- into with by the Superior Court with the  
- courts by the Ranchos of San Antonio

On  
the west by the coast and on the east  
by the beach the frontiers and alligators  
- require by the Laws and Regulations having  
- been previously recited in virtue of the pas  
- - utes with which I am invested by the Mexican  
- nation)

I have granted the above mentioned  
land claiming it the property of petitioner  
- in virtue of the presents subject to the approval  
- of the Departmental assembly and under  
- the following conditions

1st He may enclose the aforesaid lands  
- within a square the cross and high walls  
- and frontades he will copy in full and  
- exclusively applying it to the uses and cultura  
- - ture which to him shall appear best  
- within a year he shall build a house which  
- shall be inhabited

2nd He will pay for the proper judge  
- the judicial possession in virtue of these  
- presents for which purpose the boundaries  
- shall be designated wherever besides the  
- - status shall be placed a monument or  
- - first time of same use

3rd The land herein mentioned is of the same  
- - league of grazing land (dos petos de ganado  
- - Mayor) more or less as shown by the sketch accom  
- - - panying these presents,

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The judge who will give the possession shall have the land (measured) agreeably to the manner the people seem to remain to the native for its use  
If the grantee does not comply with these conditions he shall lose all his rights to the land which shall be granted to others

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Whence I can that this title be held firm and valid that entry should be made in the proper books and that it be returned to the party for his security and otherwise

Given in Writing the twelfth day of September eight hundred and forty

Juan B. Alvarez  
Manuel Jimin  
Secretary

Entry has been made in the book for granted lands at page 3 in the office under my charge

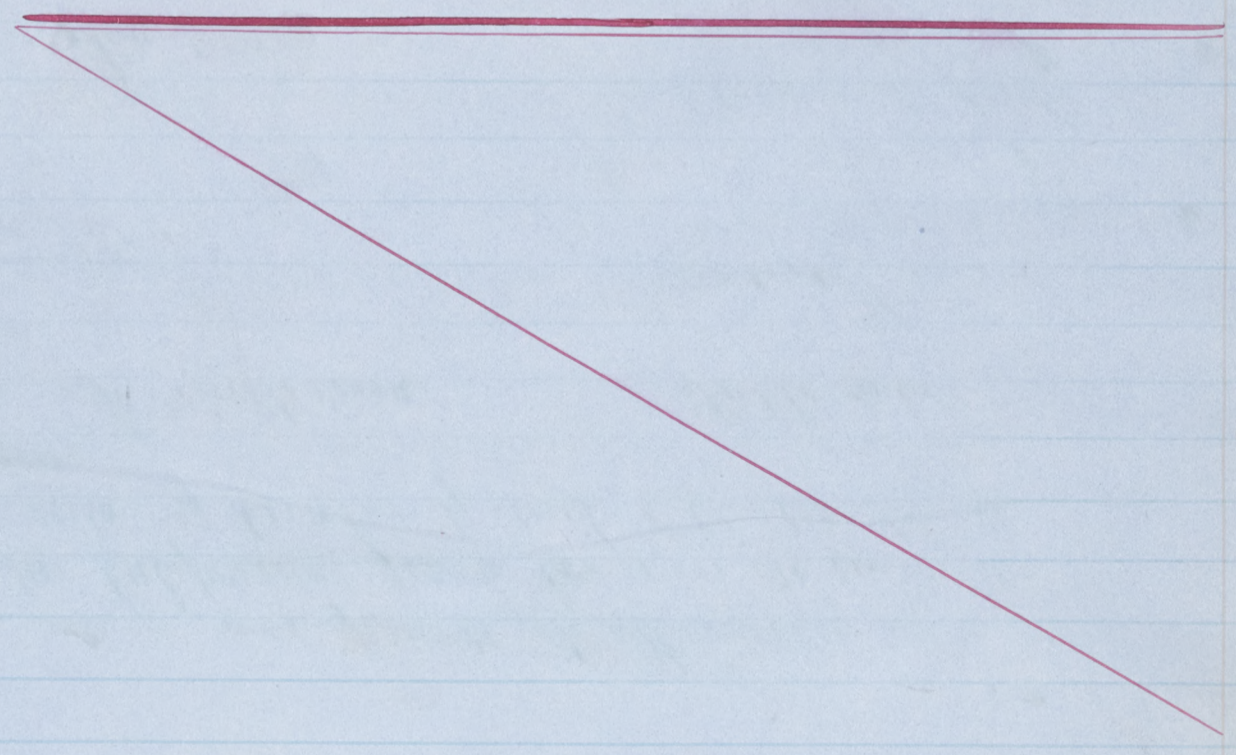
Jimin

Filed in Office February 5th 1853

George Fisher  
Secretary

Translation of Exhibit No 1 a (written) to deposition of William E. P. Hartwell

George Fisher  
Secretary





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Sello Quinto Un Real.

Habilitado provisionalmente por la Aduana Mexicana del puerto de Monterrey en el Departamento de las Californias para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

Micheltorena.

Pablo de la Guerra.

Seal

Judicial Possession.

D.

Exhibit No. 2 annexed to the Depo of 1844 E. D. Hartnell

Antonio Maria Olivera, Mexicano y vecino de esta demarcacion ante V. M. como mas haya lugar en derecho dice: que habiendo obtenido la posesion propia del terreno envolvido con el nombre de Casmalia ocurre a V. con el fin de q. se le sirva darle posesion judicial conforme esta prevenido en el articulo 3.º del titulo de Obre. terreno que se le espertio el dia doce de setiembre de mil ochocientos cuarenta que obviously a comparendo como igualmente la confirmacion respectiva para que toda obre en los efectos deseados. Por tanto A. V. Suplica se sirva poner lo en la posesion que solicita de lo que recibire merced y justicia. Sta Barbara. Diciembre 29. de 1844.

Antonio Olivera.

Santa Barbara Diciembre 29 de 1844.

En virtud de la antecedente solicitud procedase por mi el presente juez a la succion señalamiento de linderos y posesion judicial que solicita el interesado señalandose para ejecutarlo el dia diez de Enero de 1845. para lo que se citaron con boletas de comparencio a las colindantes, mi yo el mencionado juez lo decreté mandé y firmé con los testigos de asistencia con quienes actúo por receptoria a falta de ermitano publico hoy fe.

Antonio Rodriguez.

de ante.

Jose Ma Valenzuela.

Juan. Ayala.

En la fha. presente D. Ant. Olivera se le notifico el auto antecedente y de el sustentado dice que se clava por citados y lo firmé con miyo y los testigos de asistencia.

Ant. Olivera.

Antonio Rodriguez.

Jose Ma Valenzuela.

Juan. Ayala.

En la misma fha. se libraron los boletas que se marcan en el antecedente etc. y para que Courte lo recibiere.

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En el ~~encargo~~ de Cosmaria a los diez dias del mes de Enero de mil ochocientos cuarenta y cinco en cumplimiento del decreto de veinte y nueve de Diciembre de mil ochocientos cuarenta y cuatro concurren los Ciudadanos José M.<sup>a</sup> Valenzuela por el Santo de Jesus Maria Luis; Arrellanes y Inocencio Ortega por el de la punta de la Laguna, D. Diego Olivera por el de Guadalupe y sitados para la medicion señalamiento de linderos y posesion nombre por mediciones a los Ciudadanos Inocencio Ortega y Luis Arrellanes quienes previa la aceptacion y juramento procedieron al desempeño de su encargo. Asi yo el Dho. Juez lo mandé y firmé con los testigos de asistencia.

Antonio Rodriguez.  
José M.<sup>a</sup> Valenzuela. Juan P. Ayala.  
Diego Olivera. Inocencio Ortega.  
Luis Arrellanes. Inocencio Ortega.

En la misma fecha y en el mismo rancho se les notifico el auto que aparecen nombradas Luis Arrellanes y Inocencio Ortega y enterados obligaron que aceptan y que aceptaron dicho encargo y juraron por Dios Nuestro Señor y una señal de la Santa Cruz de hacerle fiel y legalmente a todo su leal, saber y entender sin dolo o fraude contra persona alguna y por no saber firmar hicieron una cruz y firmé yo con los de asistencia.

Antonio Rodriguez.  
Luis Arrellanes. Inocencio Ortega.  
José Maria Valenzuela. Juan P. Ayala.

En consecuencia yo el Juez mandé tomar a mi presencia el cordel con que se ha de medir las tierras y que los mediciones tomasen de cincuenta varas y lo firmé con los de asistencia.

Antonio Rodriguez.  
José Maria Valenzuela. Juan P. Ayala.

En la fha. en presencia de mi el referido Juez los expresados mediciones tomaron un cordel de cañamo y con una vara Mexicana de

5. 13

medir tomando la en la mano medienon su cuenta  
p. para hacer la referida medicion y para constancia  
lo rubrique.

En la misma fha. y en el referido parage  
sinto las once del dia y el presente fue mande  
Sello Quinto un real.

Moabilitado provisionalmente por la Ciudad de Mar  
itima del puerto de Monterey en el Departamento  
de las Californias para los años de mil ochocientos  
cuarenta y cuatro y mil ochocientos cuarenta  
y cinco.

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Micheltorena. Pablo de la Guerra.  
a las mediciones se ponga para la medicion  
que se ha de hacer del terreno al el Camararia p<sup>a</sup>  
que el mencionado D. Antonio Olivera tiene  
posesion de el y tomadas en la casa del espesado  
parage rumbo al este cubriendo las medidas  
por todo el llano y habiendolo rematado en la  
puerta de la Cuchilla por el dejeron haber medido  
diez cordales desde este punto rumbo al noroeste  
por toda la Cuchilla del Cerro del llano de tabara  
hasta la alta de la misma Cuchilla en frente del  
Serrito de hospe y originon habense medido setenta  
y tres cordales. Desde este punto rumbo al sur  
hasta la punta de la playa en donde esta un serrito  
y originon habense medido veinte y cinco cordales  
desde este punto rumbo al oriente por toda la  
Cuchilla del Charisal de Jesus Maria y habiendolo  
rematado en la puerta de la Cuchilla por el  
originon habense medido diez cordales en donde  
se clavo un palo en señal de mohonera.

Habiendo concluido esta medicion resultaron  
medidos los sitios de ganado mayor algo mas  
y habiendolo echo el Señalamiento de los terrenos 1<sup>o</sup>  
la puerta de la Cuchilla por el. Segundo en lo  
alto de la Cuchilla del Cerro del llano de la larga:  
3<sup>o</sup> en el serrito. 1<sup>o</sup> de hospe y 4<sup>o</sup> en donde remate  
la Cuchilla al Charisal de Jesus M<sup>o</sup>. mande  
formasen mohoneras y para constancia lo firmé  
con testigos de asistencia.

Antonio Rodriguez.  
Jose Maria Valenzuela. asu. Juan P. Ayala.  
En la misma fecha y el indicado fue mande  
que en virtud de haberse medido el terreno

y habense echo el señalamiento de linderos & ponga en posesion jurídica Sr. Don Antonio Oliviera y notifiqueseles a los colindantes y firme por auto con los de asistencia.

Antonio Rodriguez.

José M<sup>a</sup> Valenzuela assq. Juan P. Ayala.

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En la p<sup>ta</sup>. se les notifico a los colindantes José M<sup>a</sup> Valenzuela por el Rancho de Jesus Maria Luis Arellanes por el de la Laguna y Diego Oliviera por el de Guadalupe el auto que antecede y entendidos elijeron que lo oyan y firmaron con miigo y los de mi asistencia.

Antonio Rodriguez.

José M<sup>a</sup> Valenzuela.

Diego Oliviera.

Luis Arellanes.

De auto.

José M<sup>a</sup> Valenzuela.

Juan P. Ayala.

En el Rancho de Casuarí siendo oidor a las once de la tarde del mismo día mes y año el Sr. Don Antonio Oliviera vecino de Santa Barbara acompañado del Juez y testigos con cuiervo segun dijo de tener la verdadera corporal y real posesion del prescrito terreno de Casuarí por haber pertenecido con justos títulos que obtuvo del Gobierno Político de este Departamento con fecha doce de Septiembre de mil ochocientos cuarenta entre y pasó por dicho terreno arriero. Herbas esparcio punales de tierra con piozanos de arboles e hizo otras demostraciones de verdadera posesion en señal de lo que dijo tomar y que tomaba a dhas. tierras y mandé yo el citado Juez que se le autorises le notasen y reconociesen al mencionado Sr. Antonio Oliviera por verdadero dueño y poseedor de ella de todo lo referido pidiendo al respectivo Sr. Oliviera que para memoria en lo venidero y Conservacion de sus derechos por mi el Juez le fuese estendiada una constancia lo que así fue autorizada siendo testigos de asistencia. los señores José M<sup>a</sup> Valenzuela y Juan P. Ayala con quienes actuo en presencia a falta de escribano publico que no lo hay. Hoy fee.

Antonio Rodriguez.

José Maria Valenzuela.

Juan P. Ayala.

En la fecha se devolvio este expediente al interesado en siete folios rotos y para constancia con miigo Antonio Rodriguez al calce segun auto del

b. 15-

partido de Santa Barbara y su demarcacion por  
el Ministerio de la ley.

Pilot in Office. Feby. 5. 1853.

Geo. Fisher. Sec.

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4/533-

Translation  
of  
Judicial  
Possession  
& O.  
Exhibit No 2.  
A. F. annexed  
to the dep.  
of N. C. P.  
Murtrell.

Stamp Fifth Twelve and about cuts  
Provisionally authorized by the custom house  
of Monterey in the Department of the Sea  
for the year eight hundred  
and forty four and eight hundred and  
fifty five  
Nantuttuma Pablo de la Sierra

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Antonio Maria Alvarado appears by  
birth and consent of this American town  
appears according to forms and the Land  
map

That having obtained the grant  
of the land known by the name of Casimiro  
Iuppis to you that you may give him  
the judicial possession according to  
article three of the title to said land  
granted to him on the 12th day of September  
- for eight hundred and forty two  
annexed with the proper certification  
in order to obtain the desired deed

Whence  
I repeat that you would place him in  
the judicial possession of said lands in  
consequence whereof (many and) justice will  
be extended to petitioners

Santa Barbara Dec 23 1844

A. Alvarado

Santa Barbara December 23rd 1844

Provision  
of the preceding petition the present judge  
shall proceed to the measurement fixing  
the boundaries and granting of the judi-  
- cial possession papers for by the granted  
fixing for the performance of the above  
the 12th day of January 1845 for which  
papers notes are sent in the neighborhood

Thus  
I do also maintain judge deems, orders  
and requires, invite the assisting witnesses  
with whom I act in the absence of a  
notary Public

Antonio Rodriguez  
witness witness  
Jose Maria Valenzuela Juan J. Ayala





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the same being by them understood they said they accepted the aforesaid offer and they came in the name of our lord and in the sign of the Holy Cross

To perform

them duties faithfully and legally according to their best understanding in their fraud or giving to any person whatsoever and they not wishing to sign made their crosses and gave the witnesses their own signatures

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Witnesses } Almodrogo  
Joaquin Valenzuela } Luis Arriola  
Juan Pajala } Euagadio Ortega  
On the day aforesaid before me as judge aforesaid the bleary beams took a mass of wax and with a Mexican beam measure measured fifty varas that is to say what the aforesaid measurement witnesses what I affixed my signature

On the same day and place aforesaid at eleven o'clock A M the aforesaid judge made to the bleary beams to prepare themselves for the measurement of the land known as Casual in name that is to say the possession thereof

and from the house on the place aforesaid they began the measurement a cross the whole plain in an easterly direction stopping at the entrance of the blancha Verde they said that they had measured and measured lines of fifty varas each

From this place in a north westerly direction in the mountains of the plains up to the top of the same mountains in front of the horse hill they said that they had measured twenty three lines of fifty varas each from this place in a southerly direction to the place where is the farm of a small hill they said that they had measured twenty five lines of fifty varas each, from this place in an

lastly directed along the tops of the chains  
of Jesus Maria and having stopped at the  
entrance of the Laguna Verde they said that  
they had measured one hundred lines of fifty varas  
each at which place estate was placed as a  
boundary,

This measurement being ended  
it gave as result two square leagues of grazing  
land and a little over and having fixed the  
boundaries as follows

- 1st The entrance of the Laguna Verde
- 2 The top of the range of Mountains of the  
Llano del Lago
- 3rd The hills de los Sopes
- 4 The top of the hill of Jesus  
Maria signed these presents interesting  
witnesses to the witnesses

On the same  
date I the above Judge made that in virtue  
of the measurement of the above lands and  
having designated the boundaries the said  
Antonio Olivia kept lands in judicial pos-  
session and notified them of the neighbours  
and signed these presents with the witnesses

A Rodriguez

Witness

Witness

|                                                  |                                                 |
|--------------------------------------------------|-------------------------------------------------|
| Jose Maria Valmencia                             | Francisco Ayala                                 |
| Antonio above said the neighbours                | Jose                                            |
| Maria Valmencia for the Ranch of Jesus Maria     | Luis Arriola                                    |
| Luis Arriola for the Laguna and Dry              | Olivia                                          |
| Olivia for the Guadalupe and notified of         | the above proceedings and having taken          |
| coignance thereof they said that they understood | it and they signed it with me and the witnesses |

Witnesses

A Rodriguez

|                      |              |
|----------------------|--------------|
| Jose Maria Valmencia | Dry Olivia   |
| Francisco Ayala      | Luis Arriola |

At the Ranch of Las Encinas being at about  
five of the afternoon on the same day  
month and year as above I the Antonio  
Olivia resident of Santa Barbara accom-  
panied by the Judge and the witnesses for  
the purpose as was expressed to take corporal  
and real possession of the land above  
mentioned of Las Encinas belonging

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to him in virtue of a just title which he obtained from the Potitinal Government on the 12th of September 1844

and going over the said lands pulled up grass scattered handful of wheat broke branches of trees and performed other commissions of the possessor in consequence whereof

He said that he took said lands and the judge aforesaid means that from this day henceforth the aforesaid Don Antonio Alcala be considered and known as the true owner and possessor of said lands

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The proof of all which proceedings the aforesaid Don Antonio made for of me as judge aforesaid for his security in the future and the preservation of his rights which was attested by the witnesses being Jose Maria Valmueda and Juan P. Ayala witnesses in this in the absence of a Notary Public I testified to

Witnesses  
Jose Maria Valmueda      Witnesses  
Juan P. Ayala

On the above date these proceedings were dictated to the party in three seven pages and in witness whereof I affixed my signature

Antonio Rodriguez Secord Alcalde of the amancipacion of Santa Barbara and its amancipacion according to Law

Filed in Office February 5th 1853  
George Foster  
Secretary

Translation of Exhibit Number 2 a F annexed to deposition of W. C. P. Hartwell  
George Foster  
Secretary

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1072  
1073

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553.

Año de 1839.

f.

Expediente.

Expediente promovido por el C. Antonio Olivera  
en pretension del parage nombrado Casuali  
correspondiente à la jurisdiccion de

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Santa Barbara.

209.

Angeles. Agosto 12 de 1839. El Ciudadano Antonio Olivero ante la notoria integridad de V. S. con la mayor sumision, y como mejor halle lugar Espone: Que en la Sta Barbara con virtud de tener unos cortos bienes respecto al solicitante de animalitos, y estos no tener que al terreno que lugar en proporcion para recibir se pida, y para mantenerlos en seguridad: Espera de la bondad de V. S. de que se sirva le de el permiso para que aya otro p<sup>a</sup> pose el lugar en el diseño que tanto y vuelva p<sup>a</sup> acompanyar para su tierra que prober se hallan valotios como lo podran certificar los colindantes que se hallan a sus inmediaciones.

Tapia.

Fran<sup>co</sup> Castillo. No hay duda Señor, sus cortos bienes que dice tiene, los tiene reducidos en el Rancho de Jesus Maria pero como dicho lugar es tan corto no da una proporcion a que se los solo los bienes de su porcion se mantengan en toda la estacion del año, apesar de que no tienen ninguna tierra p<sup>a</sup> siembra.

Esta solicitud que haste a V. S. presente licitamente la base para el bien de su familia para que siquiera tenga para su manutencion. Los meritos que tiene el exponiente para que si V. S. lo tiene habien el conserarle su solicitud son estos, el haber sido un civil al Departamento y en seguida el tener a unos tiempos alistados en el servicio de la milicia real.

Por tanto A. V. S. Suplica le decrete segun su sabia consideracion le dicte, p. sera favor en que

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en que le vivira eternamente reconocido, recibiendo  
de su buena voluntad merced y gracia.

Sta. Barb.<sup>a</sup> Julio 31. de 1839.

Antonio Olivera.

4.

*None follows a map or plan.*

5.

Los linderos que manifiesta este diseno son los  
siguientes.

El norte a la loma del aspre que pertus  
ese a la punta de la laguna del ciudadano  
Teodoro Arellanes. Al Sur no hay ningun  
colind<sup>te</sup> Solo el Rancho de Sr. Antonio que pertus  
ese a la Mision de la Purisima.

Al Oriente la pura costa. Al poniente la falda.  
Desde la cuevita del Yano de Jesus Maria  
hasta el serro del Yano de la laguna, una legua  
Desde la platta, hasta al frente que va para el  
Yano tres leguas.

En el superior decreto municipal  
de V.S. para que informe sobre el terreno que solicita  
el interesado en esta: digo que informando que he  
sido en el particular apareser Realdo dho. terreno  
conosido con el nombre de Casavali, no obstante  
de haberse le pasado mencionarlo en su solicitud  
igualmente tiene un corto numero de ganado  
y caballeria para cubrirlo y p<sup>o</sup> su enciela fama  
y buenas cualidades es aereblor ha que se le con-  
ceda lo que solicita si asi lo juzgaren convenient<sup>te</sup>  
las superioridades.

Santa Barbara, Oct.<sup>o</sup> 10 de 1840.

Raymundo Carrillo.

Pase al dor. Sres. de Jura para que haga oho tanto  
como se previene.

Carrillo.

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Santa Barbara. Dbre. 26 de 1839.

7. En vista del decreto que apianese en esta instancia relativo que informase con respecto al solicitante y al terreno que se pide digo que dho. individuo tiene un numero de bienes considerable con que cubiendo que dho. terreno fue consentido por el Gobierno al vecino de Carmen Dominguez y por no concurrir a sus intereses cedio su titulo a su hermano don<sup>te</sup> Dominguez quien no se haya en disposicion de poseer lo y por lo mismo lo cedio al que V. solicita Ciudadano Antonio Olvera en cuanto tenga que informar a cerca del particular.

Antonio Rodriguez.

Angeles. Noviembre. 8 de 1839.

8. Vuelvo este expediente al Sr. Sub Prefecto del partido de Sta. Barbara para que haga, que el interesado reforme el diseño, con especificacion de linderos y la estension o sitios que se componen el terreno que pretende: e igualmente se aguarde al mismo expediente el titulo que refiere el Sr. Jefe de paz en su informe por el que fue consentido dho. terreno al vecino Carmen Dominguez, y documento solemnemente de la dfeccion de su hermano Antonio Rodriguez y vuelva para el giro que corresponda.

Tapia.

Narciso Pobletto. Ind.

9. Efectivamente habiendolo yo sido y habitado p<sup>r</sup> la Supref<sup>a</sup> de este partido para tomar informe, si poseo yo el paraje conocido con el nombre de Casnabi en haquella vez me hallaba en disposicion de proporcionar a su fundacion porque mi presencia convenientemente ha mis bien estar. Cuyas expresiones verti al Sr. Supref<sup>o</sup> pero habia reflexionado que me es convenientemente poseer lo, haci lo necesario y<sup>o</sup> ya estoy dando principio al efecto.

Sta. Barb<sup>a</sup>. Marzo 9. de 1840.



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Antonio Dominguez Arnes.  
 Angeles. Abril 10 de 1820.

Vuelva el presente expediente al Sr. Sub Prefecto  
 del partido de Sta. Barbara para que haciendolo  
 se agregue el documento que se previene en un decreto  
 de 8 de nro. ultimo, o copia autorizada de el pro-  
 usea informe sobre si el Sr. Antonio Rodriguez tiene  
 los bienes de campo suficientes para cubrir el citio  
 relativo y vuelva para los fines que conuenza.

Tapia. Narciso Goletto. Pro.

Sta. Barbara. Abril 25. de 1820.

En atencion a lo prevenido en los Decretos de V. S.  
 fha. 8 de Dbre. del ano pasado y 10 de abril del  
 presente digo que he expedido del paisano Sr.  
 Olicena el dictamen como se previene por su expresado  
 Decreto y me ha contestado pletadriam<sup>te</sup> que no  
 puede ya causar mas gastos en hacer dictamens  
 y por ultimo que no puede igualmente se ha  
 pedido el titulo y escritura de desacion de  
 uno ha otro y no se pueden entregar por haberse  
 oho. panage Carmen Dominguez a su hermano  
 Antonio Dominguez entregandole el despacho  
 de titulo y documentos Tolemas que han hecho  
 los mencionados Carmen y Antonio Dominguez  
 tambien informare como se pubiere que el referido  
 Antonio Dominguez tiene de su propiedad como  
 quinientas cabeceras de ganado mayor y doscientos  
 de caballada sin duda alguna, cuyos bienes los tiene  
 en el panage de Salsipuedes el que pertenece a D.  
 Jose de La Torre y Noviega en titulo V. que  
 Antonio Dominguez ya esta trabajando y cultiando  
 el mencionado panage de Casurati como yo lo  
 involca en su docto de Gale. Marzo ultimo  
 para lo que no esta baldio cuyo informe se ha  
 dado en la ultima representacion dirigida proli-  
 ces y lo benifico en esto por haberle ya entregado  
 aquella como interesado porq. adjuatase el

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el diseño que en su decreto se pide y abiendo se lo  
pedido para darle el giro que corresponde otros meses  
en la ultima me dijo que se lo abia mandado pedir  
al Sr. Gob.<sup>or</sup> lo que llama mi atencion, e inguaro  
con que tiene no obstante cuando me la entregue infor-  
mare en ella: es cuanto puedo informar en cumpli-  
miento de mi obligacion en todo este asunto.

Raymundo Carrillo.

12.

Angeles Mayo. 11 de 1840.

Visto el informe que antecede del Sr. Sub Prefecto del  
partido de Santa Barb.<sup>a</sup> por el cual apanese estar  
ocupado el parage llamado Casnali por el vecino  
Antonio Dominguez. quien tuvo los bienes de campo  
suficientes para cubrirlo. no ha lugar a la solicitud  
arrelivese el presente expediente en esta Prefectura  
y pases oficio al Sr. Sub Prefecto de Santa Barbara  
con mision del presente decreto para que lo  
notifique al interesado D. Antonio Olivera para  
su inteligencia y fines que le convengan.

Japia.

Narciso Botello. Srto.

nota. En la misma fha. se paso al Sr. Subprefecto  
del partido de Santa Barbara el oficio prevenido  
con intenta del derto que antecede y para const<sup>a</sup>  
se certifico.

Narciso Botello. Srto.

Al Sr. Ant.<sup>o</sup> Olivera.

Sto. Barbara.

13.

Salapuedes 35. de octubre. de 1832.

Sr. Antonio Olivera.

Estimado primo despues de salud ora V.  
paso a decirle que por mi parte nada inconveniente  
para que se le conseale el parage nombrado Casnali.  
es cierto que comencio en lo cierto pero al mismo  
tiempo lo era conocido y no me a gustado para ning  
una cosa pues V. forma sus br. videncia quanto  
ante gusto puede V. con esta reclamarle el titulo como  
en merito de dicho pago. Al Capitan Sr. Noviega que

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quien vulva del para. B. S. M.

Antonio Dominguez.

14. no hay papel sellado.

Sor. Prefecto.

Aug. Enero. 24. 1840. El Ciudadano Antonio Olivena  
 Jefe el Sor. Subprefecto Vecino de Sta. Barbara ante V. S.  
 del partido De Santa Barbara sobre el cont que aun derecho permite de presentacion  
 - cuido en la presente y dice que habiendolo solicitado  
 instancia y lo demas de esa prefectura la adjudicacion  
 que crea conveniente del terreno conocido con el nombre  
 hacienda que situas ardo casuati para tener las uvas  
 a queque el conves pinte - idades de mi pobre familia y  
 deseos del terreno que sabiendo el intorpi minto en este  
 pretende o de que hace adunto conusado pr los Señores  
 Denuncia.

Sapia.

Marcos Buletto.

Mrs.

Caruen y Antonio Dominguez  
 a culto Señor Caruen Legua saber  
 a tres años que se le concedio por  
 el Gobierno y como este Señor no  
 ha proseliado a la fundacion  
 habiendo solicitado otro: en  
 culpa virtud lo denuncia a la  
 Superioridad de V. S. p<sup>a</sup> p<sup>b</sup> aldis  
 pr su hermano Antonio protesta  
 que va adjudicacion habiendolo  
 pasado tanto tiempo sin  
 proseder ha ello con diversas  
 bariaciones, haciendome hazer  
 barios gastos en los documentos  
 que he acompañado a V. S.

15.

1

Sor. Yo no entiendo de leyes  
 pero me parece estar prevenido  
 que en el termino de dos años  
 debio fundar el mencionado paraje  
 q. de lo contrario puede ser  
 denunciado pr calotio. Por tanto  
 A. V. S. Resididamente Sufico tiene

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en consideracion lo espuesto acudiendo a mi Suplica de  
cuya gracia y merced lo vivire reconociendo.

Santa Barbara. Enero 19. 1840.  
Antonio Olivera.

Angeles. Mayo. 23. de 1840.

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Como se previene en la nota del Gobierno  
fha. 5. del actual agregame. estos documentos  
al expediente relativo y previniendo pr. cuenta pasada  
al Sub. Prefecto de Sta Barbara suspenda el cumpli-  
miento de mi decreto emitido en la nota de 11 del  
Corriente e igualmente enija los Documentos relativos  
a Casuaris Dadas por el Gob<sup>no</sup> Supranumante y  
agregados tambien a estos autos: remítase original  
el expediente al S. S. Gob<sup>no</sup> p<sup>a</sup> su Superior ordenacion  
advertiendose al susodicho Sub. Prefecto me permita al  
señor Antonio Dominguez poner trabajo ninguno  
en Casuaris conpome se previene hasta la determi-  
nacion de S. S. el Sr. Gobernador.

16

Sapia.

Narciso Boleto. Sr.

nota. En la misma fha. se paso el oficio previni-  
do en el auto ant.<sup>or</sup> al Sr. Sub. Prefecto de Santa  
Barbara y lo certifico para constancia.

Narciso Boleto Sr.

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Sub. Prefecto del partido  
de Santa Barbara

Ang<sup>o</sup>. Ag<sup>to</sup>. y. de 1840.

Agreguese original en los  
antecedentes al expediente  
relativo.

Arquello.

Narciso Boleto Sr.

con oportunidad pr. haberlos entregado Doming<sup>o</sup>  
y de la falta de los correos ordinarios. Dhas. Docu-  
mentos son el despacho de titulo de Casuaris Dom-  
ing<sup>o</sup> y papeles solemnales de fecha de un  
hervano a otro del mencionado paraje. Dfectivamente

Acompaño a V. S. los docu-  
mentos relativos al par-  
aje de Casuaris que he  
expedido del Ciudadano  
Antonio Dominguez no

habiendole estos remitidos

s. 31

efectivamente ha sorprendido el Sr. Obispo al Superior Gobierno Departamental con representarle que este Sub Prefecto no ha dado el giro a los documentos que se hallan impetrados de las masas que el renuncia provaldo y que por esta razon lo a ocupado Dominguez. Por v. s. esta muy bien impuesto que por mi informe dado en 25. de Ab. en el primer expediente que esto no se me ha devuelto la instancia que en sus manos se entregue para que se me devuelva el Obispo y me ha unido dado teniendo en que el Sr. Gobernador se ha unido pasado y ahora apoverla en Sanctida con que me obsequia, cuya representacion recibida no ha resuelto hasta ahora a mis manos. Se le a un espíritu este Santo hombre a tenido la dignidad de saberme en lo proveido en estas cosas mechos desigual ares para persuadir a mi superioridad que yo no he proseguido mal y muchas el fuere de mi ojo con unas cosas muy selones de advertirlo lo elusorio de la pleita como he probado y por mi a costumbre prudentia no lo he aplicado la multa que corresponde segun las facultades que me son conculidas por los errores que ha causado la autoidad que ejicio con la susdicha representacion, obviando que yo lo tiene y no lo he verificado cuya razon al motivo que se hallan enterados sus tramites de que no debe quejarse y eno no es propio este comportamiento de su Subdito a una autoidad.

Se le ha estado la cumplente miolo a la Superior disposicion del Sr. Gobernador en que Domingo parable los trabajos de las masas que por disposicion de esa paja estaba verificando observar que este individuo se halla conculido por razon de tener que salir del paraje que a actual posee de la propiedad de Sr. José de los Torre y no tiene donde poner largas bestias cabezas de ganado y caballada de su pertenencia lo que en obsequio de la justicia canuno a v. s. para la comunita que en contestacion a su auto. Supon. relacion de 25 de Mayo ultimo.

Dias. 5. de Barbara. 11 de 1840. Paganos Carrillo.

18.

19.

El Ciudadano Juan Bautista Alvarado, Gobernador del Estado y Presidente de la Exma. Deputacion Polimica.

Por cuanto el Ciudadano Carlos Dominguez ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de Casualti dentro de los linderos del terreno que acompaño a su solicitud, practicadas previamente todas las diligencias convenientes segun lo dispuesto por las leyes y reglamentos de la materia, usando de las facultades que me son conferidas a nombre de la Nacion Mexicana he venido en concederle el terreno mencionado, declarando le la propiedad de el por las presentes letras extendiendose dicha concesion con entera conformidad a las leyes a reserva de la aprobacion o desaprobacion de la Exma. Deputacion y bajo las condiciones siguientes

1º El agraciado ni sus herederos podran vender ni enagenar el que se les adjudica, imponerle censo vinculo, fianza, hipoteca ni otro gravamen aunque sea por causa piadosa ni prestarlo a terceros.

2º Podra cercarlo sin perjudicar las traversias comunas: lo disfrutara libre y esclusivamente destinandolo al cultivo y usos que le acomode.

3º Cuando se le conceda la propiedad habitada del suer respectivo le de la posesion juridica en virtud de este despacho, por el cual se demarcaran sus linderos y pondra sus mojoneras.

4º El terreno de que se le hace donacion es fructuoso el que se expresa en la solicitud del interesado y se demarca en el terreno: y el suer q. lo posesione pasara ante a este Gobierno del numero de sitios que comprende.

En consecuencia mando que serva escudo de titulo el presente y teniendose por firme y valable se tome razon en el libro que correspondiere y se entregue al interesado para su resguardo y otros fines convenientes.

Dado en la ex-Medida de Sta. Barbara a 6 de Abril de 1837.

Juan B. Alvarado.

Victor Prudon. S. Ins.

Santa Barbara. Mayo 9 de 1837.

En Sesion de este dia aprobó la Excm. Diputacion erigiola en Congreso Constituyente, el dictamen de la Comision de terrenos baldios q. consta en el Expedite relativo y es como sigue.

„ Se apr. con este al Ciudad. Carmen Dominguez el parrage nombrarlo Casmali por tener los requisitos necesarios conforme a la ley de 18 de Agosto de 1824 y el art. 5.º del Reglamento de 21 de Nov. de 1828.

Sta. Barbara. Abril 20 de 1828. 1837.

José A. de la Grta. y Carrillo. — Antonio Buelna.

Juan P. Alvarado.

Victor Prudon. Sr. Int.º

El interesado agregará tanjasta un pliego de 6 Leis p.º conforme a la ley.

Victor Prudon.

En el Presidio de Sta. Barbara. a 10 dias del mes de Mayo de 1830 comparecieron ante mi el Sr. Prudon Valdes, Juez de paz suplente de este Territorio y las de mi asistencia y los testigos Justamente entales 2.º abajo se denominarian los Sr. Casimir y José Antonio Dominguez, moradores de esta Jurisdiccion a quienes hoy fu.º conoser, y estando presentes dijo el primero Carmen Dominguez que habiendolo obtenido gratuitamente del Gobierno de este Departamento el terreno conveido con el nombre de Casmali bajo de los lindeiros que obran en el respectivo Disenio como hizo constar por el titulo original que presento cuyo tenor a la letra es el siguiente. El Sr. Juan P. Alvarado, Gobernador del Estado y Presidente de la Excm. Diputacion del mismo. Por cuanto el Sr. Carmen Dominguez ha pretendido pro.º su beneficio personal y el de su familia el terreno conveido con el nombre de Casmali dentro de los lindeiros del disenio que acompaña a su solicitud, practicadas previamente previamente todas las diligencias convenientes segun lo dispuesto por las leyes y reglamentos de la materia, usando de las facultades que me son conferidas a nombre de la Nacion Mexicana

he venido en concederle el terreno mencionado obediendo a la propiedad de él por las presentes letras entendiéndose dicha concesión con entera conformidad a las leyes a reserva de la aprobación o desapro-  
 robación de la Junta Diputación bajo las condiciones siguientes. 1.º El agraciado y sus herederos podrán pedir el que se les adjudica, imponer censo, usufructo finca y pto. en su otro gravamen aunque sea por causa piadosa ni pasarlo a manos muertas. 2.º Podrá tenerlo sin perjudicar las haciendas y caminos: lo disfrutará libre y esclusivamente sustituyendo lo al uso y cultivo que más le acomode. 3.º Cuando de le conceda la propiedad definitiva del finca respectivo le de la posesión jurídica en virtud de este despacho por el cual se regularán sus límites y podrán suscribir. 4.º El terreno de que se le hace donación es puramente el que se expresa en la solicitud del interesado y se regulará en el dicho, y el finca que lo posea pasará a este Gobierno del número de sitios que comprende. = En consecuencia mandó que se inscriba de título el presente y teniéndose por firme y válido se tome razón en el libro que correspondiere y se entregue al interesado para su uso y disfrute sin más finca. = Dado en la Encomienda de Sta. Barbara a 6 de Abril de 1837. Juan B. Alvarado. = Victor Prudon J. P. Santa Barbara, Mayo. 9. de 1837.

25. En sesión de este día aprobó la Junta Diputación en el Congreso Constituyente el artículo de la comisión de terrenos baldíos que consta en el expediente relativo es como sigue. = Se concede al C. Carmen Dominguez el parrage nombrado casuali por tener los requisitos necesarios conforme a la ley de 18 de Agosto de 1824 y al artículo 5.º del Reglamento de 24 de Noviembre de 1828. = Sta. Barbara Abril 20 de 1837. = José Adela Guerra y Carrillo. = Antonio Vuelva. Juan B. Alvarado



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Juan B. Alvarado. - Victor Prudon. Sr. Jus. - El  
sindicado agregará tanjato. un pliego de a' C. & Conf  
-orne a la ley. - Sr. Prudon. - Y como no le es  
masario a el agraviado el expresado esp parage y  
por otra parte debe a su benemero Sr. Antonio  
Dominguez grandes beneficios y le esta por ellas  
en obligacion de agradecimiento oblig. que a virtud  
de lo dicho de su propia voluntad sin apreciacion  
fuera alguna en la forma que mejor proceda  
de derecho y siendo cierto y sabedor de que en caso  
semejante le pertenece, otorga que hace gracia y  
donacion pura y perfecta que el Derecho llamo  
interinas, inextinguible al dicho Sr. benemero Sr. Antonio  
tal parage y sin ningun gravamen y de todo  
hoy en adelante para si e hijos y herederos de el dicho  
y aparta del dicho Sr. propiedad, tenencia y posesion  
Titulo, uso y recurso que al dicho parage tiene y se le  
transfiere todo y traspare, con el titulo original  
en el que consta de concepcion para que como propio el  
y sus sucesores en su derecho lo posean y gozar  
como absolutos dueños y sea el dicho Sr. Antonio  
Antonio y su benemero poder absoluto en su  
poder y causa propia para que equidivertidamente  
y por su autoridad a presentada la dicha tenencia  
y posesion, y renuncia la ley de las donaciones  
interinas y q. le queda cargada bastante por  
su remuneracion y el d' valor del sitio q. otorga  
he en de dos quintas de los de uno que otorga  
el derecho. Y se obligo a que el dicho parage  
el dicho Sr. sea cierto y seguro de cumplir y su  
mayor parte no se le pueda pleito ni contumacia  
y si se lo fuere lo sequera i la corte hasta fuese  
y acabarlo. Y el dicho Sr. Antonio Dominguez  
que presente es a esta esta donacion y para  
de ella en cuyo testimonio ambas partes  
otorgaron la presente en el pueblo de San Juan  
de los Rios en el mes de Mayo y en ciudad  
y lo firmaron con sus y los de sus apoderados  
prefijos las testigos instrumentos que se  
fueron los cc. Valentin Cator. Antonio Malo

Al

y Luis Carrillo.

Carmundo Abiges. Antonio Dominguez.  
Ramon Valdez. as. Fran<sup>co</sup> Ortega. Estevan Ortega.

Exmo. Sr.

Conserviente al decreto de la Prefectura Interior de  
23 de Mayo del presente año y habiéndolo el Subprefecto  
del partido de Santa Barbara con fha. 16 de Julio  
pp<sup>to</sup> remitido los antecedentes a que se refiere el citado  
decreto, agregado al expediente relativos desde f. 11 a 16  
incluso el oficio original de aquella Subprefectura para  
manifiestar en el los motivos de su demora en su traslado  
al interesado C<sup>no</sup> Antonio Olivera, para todo efecto  
amenite a manos de V. E. por via de informe pa  
que en su vista se sirva resolver lo que fuere de la  
Sup<sup>ra</sup> agrado.

Angeles Agosto 7 de 1850.

J. Argüello. Narciso Botello. Pro.

Monterrey. 12 de Set. de 1850.

Vista la peticion con que dá principio este expediente  
el informe del Subprefecto del partido de Santa  
Barbara el del prefecto del 3<sup>o</sup> Distrito, con todo  
lo obrado que se tuvo presente y ver convenido de-  
claro al C<sup>no</sup> Antonio Olivera, dueño del  
paraje nombrado Losurabi colindante al norte  
con la loma del arroyo al sur con San Antonio  
al oriente con la costa y al poniente con la falda  
Libre el correspondiente despacho tomase razón  
en el libro respectivo y dirigiese este expediente  
a la Excmo. Junta Departamental y a las comisiones  
que se estipularen. El Sr. Don Juan M. Alvarado  
Gobernador Constitucional del Departamento  
de las Californias así lo mandó decretar y firmo  
Doy fe.

Paso a manos de V. E. el expediente  
promovido por el C<sup>no</sup> Antonio Olivera en  
paraje nombrado Losurabi con el informe corres-  
pondiente, en el que acompaño tambien original  
del oficio del Subprefecto del partido de Santa  
Barbara en que reduce las razones de su

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de la demora que por culpa de Olivera ha tenido  
el expresado expediente.

Lo que digo a V. S. para que se sirva elevar  
lo al Superior Condeimiento de S. E. para los fines  
que estime por conveniente.

Go.

Dios y libertad. Aug.º Agosto 10 de 1840.  
S. Argüello.

Vir. Secret.º del Despacho. Gob.º del Departamento.

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Office of Surveyor General of the United States  
for California.

I John C. Hays, Surveyor  
General of the United States for the State of Calif.  
and as such having in my office and in my  
charge and custody a portion of the Archives  
of the former Spanish and Mexican Territory  
or Department of Upper California by virtue of  
the power vested in by law, Do hereby certify  
that the 30 preceding and hereunto annexed  
pages of tracing paper, numbered from one to  
thirty inclusive, exhibit a true and accurate  
copy of a certain document now on file and  
forming part of the said archives in this office.

In testimony whereof, I have hereunto  
signed my name officially and caused my  
Seal of office to be affixed at the city of San  
Francisco this twentieth day of December 1853.

John C. Hays.

U. S. Surveyor G. for Calif.

Filed in Office Dec. 21. 1854.

Geo. Fisher. Secy.

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Sello Quinto Medio Real.

Habilitado provisionalmente por la Aduana  
Maritima del puerto de Monterrey en el Depo-  
sito de las Calificaciones para el año de mil ochocientos  
cuarenta y tres.

Micheltorena.

Manuel Castañares.

Sketch.

3

Sketch n<sup>o</sup> 3. A. F.  
annexed to Deposition  
of W. C. Hartnell.

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Here follows a map or plan.

El que suscribe Sr. del Gobierno del  
Departamento de las Californias certifica: que  
el diseño que se demuestra a la vuelta es igual  
al original que existe en la Sr. de mi cargo.  
Monterrey. Veinte y uno de Ape. de mil  
ochocientos cuarenta y tres.  
Manuel Jimeno.

Filed in Office. Feby. 5. 1853.

Geo. Fisher.  
Sec.

40

20

1/5537

H1

Year 1839

Translation  
of  
Espediente

Expediente instituido y levantado en  
Almora solicitando el pleano de guerra  
ali en the jurisdiction of Santa Barbara

- 209 -

Angelus August  
12th 1839

Superior Prefecto  
Superior de guerra  
Categorico Auto de Almora

Señor Prefecto  
Presento of the Partido with the greatest respect  
of Santa Barbara and in the last former  
report relative to of have represent that  
the Petitioners and have a small number  
the lands the ashes of animals and have  
for our provisions not a suitable place  
this to the justice in which to secure them  
of the place that those your Honor will  
be may as like we have the land and  
and return it for to grant me permission  
decease

I petition your Honor  
to occupy the place  
administered by the  
occupancy of the  
is vacant as the  
causas de los

Señor  
Dapca  
Señor  
Francisco Carrillo  
Secretario

admirable  
occupancy  
is vacant  
causas de los

It is true Sir  
that my small stock on the Rancho  
of the said place is not more than  
sufficient for the maintenance of my  
stock during the whole year I have no  
land to cultivate and I assure your  
Honor that I make the petition for the  
benefit of my family in order that they  
may at least have a support

If your  
Honor deem proper to grant my prayer  
the merits of the case being known  
as want of the Department and the  
existence of my family in the local militia  
service through which your Honor to  
decide according to your wise consideration

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Since it will be a favor for which I shall  
always be under obligations to you  
receiving from your great kindness  
My dear favor

Santa Barbara July 31st 1839

Signed

Antonio Alvarado

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(The following are the names of the)

Representatives of the Board of  
Trustees on the subject

Antonio North the  
Luzana de Azapre which belongs to the  
Santa Ana Laguna of the Rancho of  
Citizen Severo Arrellano

Antonio South

There is no Colindante except the  
Rancho San Antonio which belongs  
to Mission Purisima

Antonio East of the Coast

Antonio West of the Beach

From the Chichilla de Sta Ana  
Jesus Maria to the Sierra de Sta Ana  
the distance being one league

Having

seen the Superior Marquise's decree  
of your Honor directing me to report  
upon the land which the party interested  
in said lands should state that from  
the information received on the subject  
the said land known by the name of  
Cauale appears to be vacant not well  
standing but as omitted to mention it  
in his petition

He also has a small number  
of cattle and hives with which to  
occupy it and the consumption of  
his large family and good quantities  
of wheat will be necessary to the cultivation  
of which he solicits of the Superintendant  
should thus deem proper

Santa Barbara October 10th 1839

Signed Raymundo Carrillo



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H3

Let it be referring to the Justice of the Peace to report according to order  
 signed R Carrillo  
 Santa Barbara December 20th 1839  
 In obedience to the order which appears in this petition directing me to report in relation to the petition and the said petitioners for I would state that the said individual has a considerable amount of stock to occupy it with.

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That the said land was granted by the Government to Citizen Lorenzo Dominguez who is not prepared to occupy any thereof the petitioner in this petition Citizen Antonio Olvera. Father I cannot report upon the subject  
 signed Antonio Rodriguez  
 Angeles October 8. 1839

Let this expediente be returned to the Senior Sub Prefecto of the Partido of Santa Barbara that he may require the interested party to reform the petition specifying the boundaries and the extent or number of the square leagues contained in the land for which he petitions.

Likewise that he be to submit the Justice of the Peace his report whereby the said land was granted to Citizen Lorenzo Dominguez because of the said expediente and approval according to the petition from his Brother Antonio Dominguez and return it for its proper disposition

signed Japca  
 signed Narciso Botello

Secretary

Have in effect been invited by the Sub Prefecture of this Partido for the purpose of requiring the petitioner to occupy the place known by the name of Casualti

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with the same referred to I was in disposing  
to proceed with the settlement of it because  
it seems to be compatible with my  
interests which expressions I am obliged  
to the Senor Sub Prefecto

But that upon reflection it is convenient  
for me to occupy it with some account  
as I am making preparations for  
that purpose

Santa Barbara March 9th 1840

Signo Antonio Dominguez

Angulo April 14th 1840

For the present I expedite the return  
to the Honorable Sub Prefecto of the Partido  
of Santa Barbara in order that after the  
accounts referred to in my decree of  
the 8th of November last or an authentic  
copy thereof having been annexed  
unto may produce a report relative  
to whether Senor Antonio Dominguez  
has sufficient rural property to cover  
the said debt and return it for said  
purpose

Signo Lopez

Signo Narciso Botello Secretary  
Santa Barbara April 25th 1840

In attention to what is ordered in the  
decrees of your Honor of the 8th of November  
of last year and of the 14th of  
April of the present Board of State that  
I have announced of the City in Antonio  
Alvares the return as a matter of my own  
opinion and as he has replied to  
me publicly that he cannot find  
expedient more in making account of  
any quality that he would not like  
with the title and instrument of the  
acquisition from me to the other  
last year announced and they cannot  
allow it in consequence of the same place  
Casualti having been caused by the  
Dominguez to the brother Antonio

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Domínguez, adjoining to him the  
 title paper and formal documents which  
 the apaisado Carrion and Antonio  
 Domínguez have executed as it is  
 required of me I judge all state that  
 the said Antonio Domínguez owns about  
 five hundred heads of cattle and some  
 two hundred horses beyond any doubt  
 which property belongs to the place  
 Salaspeñales which belongs to the pose  
 de la Surra of Noriega understanding  
 your Honor that Antonio Domínguez  
 is already improving and cultivating  
 the apaisado place Casimiri as he has  
 already indicated in his document  
 of the 9th of March last.

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Since it is  
 not vacant which I should have  
 reported upon the last Petition made  
 by Chona which I now do for having  
 advised the former as the particular  
 that the said request in your  
 Honor has been made three times and  
 having twice demanded it of him the  
 last time he told me that his Excellency  
 the Governor had put to him for it which  
 surprised me and I am ignorant  
 for what purposes.

Nevertheless when  
 I shall advise it to me I will report  
 thereupon in the performance of my  
 duty this is all that I can report in  
 regard to the whole matter.

Agnes Kayser at Carrillo  
 Angeles, May 11th 1840

Having examined the  
 foregoing report of his Honor the sub-Po-  
 see of the Partido of Santa Barbara which  
 the place called Casimiri appears to be  
 occupied by citizen Antonio Domínguez  
 who has sufficient rural property to  
 occupy it the Petition cannot be granted.

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Let this Expediente be archiving in the  
Repository and let an official note be  
addressed to the Honorable Sub Prefect  
of Santa Barbara enclosing this present  
decree in order that he may not copy  
the same to the interested party. Don  
Antonio Alvará for his signature and  
suitable purpases

Segun Topica

Segun Narasi Bolillo

Secular

note that the same date the official note  
addressed was forwarded to the Honorable  
Sub Prefect of the Parish of Santa Barbara  
enclosing the foregoing Auto and in testimony  
of which I subscribe

Segun Narasi Bolillo

Secular

Salvo pias Octubre 20th 1832

Don Antonio Alvará

Dear Cousin

After saluting

your goodness to inform you that so far  
as I am concerned there is no impediment  
to granting him the place named Casualte.  
It is true that Carreras transferred it to  
me but at the same time it is known  
that it has not been taken away from  
me, under any pretext whatever. You  
can proceed without delay and you  
with this you can demand of Sr. Sr.  
Captain Noriega the title which Carreras  
gave me which is in his possession

Yours

Antonio Dominguez

To Sr. Antonio Alvará

Santa Barbara

There is no stamp paper

Angels January 24th Sr. Prefect

of 1840 Honorable Sr. Antonio

Sub Prefect of the Parish of Alvará

of Santa Barbara, Santa Barbara

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will report upon appears before you  
 the contents of the ~~form~~ with all the  
 present Petition and Submissions and  
 indications else the best form of  
 management to be represented that leaving  
 aspirant's constitution the Paper the  
 might be entrusted to public hands of the  
 party to carry out the known of the  
 the corresponding names of Caswell to  
 any kind of private communication  
 the same be as to my family and  
 or that be as known the respondents  
 since it which the Presses bearing  
 signs and letters remaining  
 Japan have not been in the  
 signs affairs to the said Secret  
 Marcus Roloff Carver as per Home  
 Secretary knows it is three years  
 since it was granted  
 to him and inasmuch

as this gentleman has not proceeded  
 to settle it having petitioned for an  
 other bettered manner it to the  
 Superiority of your Home as vacant  
 since his brother Antonio protests that  
 he does not intend to settle it so long  
 as yours having elapsed without doing  
 so making him by means of changes  
 sustain various expenses in the accom-  
 pany which he has accompanied to  
 your Home

Sir I am not versed in the  
 Law but it appears to me that it is  
 provided that the Plaintiff have settled  
 the said piece within the term of two  
 years failing to do which it may be  
 deemed a vacant

Whence I humbly  
 beseech your Honor to take into consider-  
 ation what I have here set forth according  
 to my power for which favor and service  
 I will remain under obligations to you

Santa Barbara January 19th 1840

signed Antonio Alvarez

Angels May 23rd 1840

As is directed in the note of the Governor  
 under date of the 25th inst let this  
 account be annexed to the related  
 Espediente and arriving the Sub Prefect  
 of Santa Barbara by Special order to  
 suspend the fulfillment of any order  
 issued in the note of the 11th inst  
 and also to demand the accounts re-  
 lative to Casualties issued by the former  
 Governor and being annexed to the notes  
 of the original Espediente be referred  
 to His Excellency the Governor for his  
 superior resolution certifying the aforesaid  
 Sub Prefect not to permit Citizens Anti-  
 no Domingos to make any improve-  
 ments whatever unless as it is  
 provided until the determination of  
 His Excellency the Governor

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signed Tapan

signed Narciso Belletto

Secretary

Note that the same day the note annexed  
 in the preceding note was forwarded to  
 the Honorable Sub Prefect of Santa Barbara  
 and in testimony whereof I subscribe it

signed Narciso Belletto

Secretary

|                            |                         |
|----------------------------|-------------------------|
| Sub Prefect of the         | } Success to your       |
| Parish of Santa            |                         |
| Barbara Angels             | } Honor the accounts    |
| August 7th 1840            |                         |
| Let the original be placed | } relative to the place |
| with the accounts          |                         |
| because of the proper      | } Casualties which I    |
| Expediente                 |                         |
| signed Angel               | } let your Anterior     |
| signed N. Belletto         |                         |
| Secretary                  | } Domingos which        |
|                            |                         |
|                            | } was nevertheless in   |
|                            |                         |
|                            | } due time in case      |
|                            |                         |
|                            | } quence of Domingos    |
|                            |                         |
|                            | } not allowing them     |
|                            |                         |

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and the absence of an ordinary course  
said documents consist of the letter dated  
of Carmin Doumquin and the former  
accounts of pre-liquidation from one  
Brother to the other of the said place,  
Suor Alvarado has apparently surprised  
the Supreme Department Government  
by representing them that this Sub-Prof  
leture has not given any direction to the  
reports that have been made and referred  
to Cassini which he announced as usual

that further reason Doumquin has  
occupied it. Your Honor is well apprised  
by my report of the 25th of April made  
on the part of Cassini that the latter has  
not returned the petition which I  
made in this cause for the purpose of  
meeting the demand and has endeav-  
ored to intimidate me saying that his  
executing the Governor said to ask him  
for it and from the serious and putness with  
which he occupies me is evident which  
said representative has not yet been  
allowed to me,

And it may be observed  
with what spirit this said Governor has  
had the weakness to avail himself  
privately of these abnormal measures  
to produce my submission that I have  
acted in bad faith and to stigmatize the  
privileges of my office with a public  
charge of not appearing upon the falsity  
of this suit as I have proved it and my  
accustomed procedure has prevented me  
from imposing upon him the correction  
any further according to the provisions with  
which I am invested for the depositions  
which he has produced upon the authority  
which I exercise by the said representative  
later saying that he wants to bring it  
which he has done and

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and thus has retarded his proceedings  
 and hence his delay not complete and  
 I do not believe this to be proper conduct  
 from a subject towards an authority  
 The  
 name of this excellent gentleman  
 Dominguez, having care the proposed  
 mine versus Matamoros Casimiro  
 under the authority of the Proprietor has  
 been partially completed with in a  
 manner that this Proprietor is in a  
 state of confusion by reason of having  
 to evacuate the place he now occupies  
 belonging to Don Jose de la Guerra and  
 not having a place where to put the  
 700 head of cattle and horses that belong  
 to him which for justice sake I cannot  
 recite to you. I am for your information  
 and in reply to your submission note of  
 the 23rd of May last relative to the  
 subject

Do and Liberty Santa Barbara  
 July 16th 1848

Yours R. Currie

Proprietor of the Proprietor Angeles  
 citizen Juan Bautista Alvarado Governor  
 of the State and President of the Provincial  
 Court Deputative Don

When a citizen

Currie's business has for his person  
 at times and that of his family. He  
 said full the track of plans known by  
 the name of Casimiro within the  
 limits of the mine. He has been  
 and with his petition all the proceeds  
 in relation thereto having previously  
 been had a record of the provisions  
 of the laws and regulations relative  
 subject matter because of the forms  
 with which I am invested in the name  
 of the Proprietor. I believe I have  
 and to grant to him the track of plans



apossid's declaring unto him the owner  
the'st of the letters patent letters the  
Commission being means to be in  
entire conformity with the laws subject  
to the approval or disapproval of the  
most excellent Representative and man  
the following conditions

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1st That the granted herein shall  
shall be used or taken that which is  
a grant to them or any other person  
bond mortgage or any other manner  
or use. That however although it may  
be for any other purpose or transfer  
in any manner

2nd That the same shall be used and applied  
to the crossing and roads, bridges  
canals, ports, and other works, and  
applied to the cultivation and  
the same as proper

3rd That the ownership shall be  
granted to him who shall acquire the  
proper title to give him the  
possession thereof in virtue of this  
Patent which the owners thereof  
shall be designated and he shall be  
able to his land

4th That the said grant shall be  
that described in the petition of the  
interested party and admitted and the  
owner and the Judge who shall put  
him in possession thereof will certify  
the Government of the number of  
square leagues it contains

Therefore the  
present title being but a paper and  
valid, I command an entry to be made  
thereof in the proper book and that it  
be delivered to the interested party for his  
security and other convenient purposes  
Given in the City of Mexico on the 10th day  
of April 1837  
Juan Balvanera Sr. Prudencia Secy admt

Santa Barbara May 9th 1837

Indission of

today the most excellent representation  
erected in a constitutional Congress approved  
the report of the Committee on a certain land  
which appears in the foregoing Appendix  
and as follows

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The peace names of Casualti  
is granted to citizen Carmon Domingo  
in virtue of his possession of the same  
qualifications according to the laws of  
the 15th of August 1824 and the 3th art  
of the regulation of the 21st of November  
1828

Santa Barbara April 24th 1837

Signis Antonio Buitan

Signis Juan B. Alvarez

Signis Victor Prudon

Secretary ad int

Quintus part of the same land  
one shot of \$4 dollars according to law

Signis Victor Prudon

In the presence of Santa Barbara on  
the 10th day of the month of May 1840

Before me citizen Ramon Talam, Jefe de

Justicia of the Peace of this community and

unassisted by any of the Justices of

witnesses whose names shall appear

shall be admitted as Carmon Domingo

Carmon and Jose Antonio Domingo

residents of this jurisdiction and

personally known and being present

Carmon Domingo the first declares

that he has granted to the said Carmon

the Government of this Department a

right of land known by the name of

Casualti within the boundaries of

in restrictive design as made to appear

in the original title which he presented

the tenor of which is as follows

as follows

7/5637

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Lutz in Juan B. Alvarado Governor of the State and President of the Most Excellent Deputation thereof

Whom Lutz in Carrion Deputies for his personal benefit and that of his family has rights and full tract of land known by the name of Casuate within the bounds and extent of the land which he acquires with his petition.

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All the proceedings relative thereto having previously been had according to the provisions of the Laws and Regulations in the subject matter of the said petition with which I am invested in the name of the Mexican Nation I have concluded to grant him the tract of land aforesaid.

Declaring unto him the ownership thereof by the present letters this Commission being understood to be in entire conformity with the laws subject to the approval and signature of the Most Excellent Deputation and in accordance with the following conditions: 1st That the land be free from all taxes and mortgages and any other encumbrance whatsoever although they be for religious purposes or for public use.

2nd That he may enclose or without prejudice to the crossings and roads he shall improve it fully and exclusively appropriating it to the cultivation and uses he may deem proper.

3rd That the ownership thereof shall be granted to him in full request the proper means to give him full and complete possession thereof in virtue of this Patent.

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deponer the boundaries thereof shall  
designated and shall establish  
Islands marks  
The Island marks granted is hereby that  
assisted in the petition of the interested  
party and admitted said the action and  
the judge who shall put him in possession  
himself will certify this Government of  
the number square leagues it  
contains

Therefore the present title being  
held firm and valid I am hereby an  
acting to be made thereof in the proper  
book and that it be returned to the  
interested party for his security and  
other convenient purposes

Given in  
the City of Mexico of Santa Barbara and the  
10th of April 1837

Agustin Juan B. Alvarado  
Agente

Victor Prudon

Secretario

Santa Barbara May 9th 1837

of the most Excellent Representation  
which in a constitutional Congress approved  
the report of the Committee on the  
lands which appears in the following  
draft and is as follows

Whereas the  
lands are granted to the  
Santiago in virtue of his possession

The Messrs. qual. granted according  
to the Law of the 15th of August 1824 and  
the 5th article of the Regulation of the  
11th of November 1828

Santa Barbara April 20th 1837

Agente Juan B. Alvarado  
Agente Antonio B. Alvarado  
Agente Juan B. Alvarado  
Agente Victor Prudon Secretario

8/3337

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The interested party shall amount to one  
 hundred of six dollars according to law  
 signed Victor Prudon  
 and in as much as the grantee has no need  
 of the said place and moreover being  
 under many obligations to his brother  
 Antonio Lourenço for numerous favors  
 which merit his grateful acknowledgments that  
 in consideration of the foregoing voluntarily  
 by written contract in presence of witnesses  
 in the best form of law and being certain  
 of any immunity the rights in him vested  
 therein he makes a pure and irrevocable  
 perfect gift and donation which in  
 law is called inter vivos to his said brother  
 of the said place and free from all claims  
 taxes and duties full and pure and  
 debts and equities binding upon the  
 said donor's possession till vice  
 and recourse which he bestows the said  
 place and transfers relinquishes and  
 conveys it to him with the original title  
 wherein the conversation thereof appears  
 to be and that he assigns his successor who  
 may claim inheritance as their own and  
 enjoys it as the sole owner,

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And he conveys  
 appoints his said brother full and complete full  
 power which over could any government  
 in order that after over authority he  
 may purge the said place and possession  
 and remove the same from all  
 claims because he has retained a sufficient  
 price for support and the maintenance  
 of the title which he makes does not  
 mean the price hundred dollars of gold  
 which the law provides

And he obligates  
 himself that the said place shall  
 be pure certain and secure to him and  
 that he shall not be disturbed nor  
 shall suffer contradiction in substance

against him and for the sake of peace  
prosecute the same at his own cost to  
the obtaining of a final judgment. Thomas  
and Juan Jose Antonio Dominguez who  
present accepts the donation in  
order to execute the instrument  
with parties executed this instrument  
at the Presidencia of Santa Barbara the day  
and year above written and signed it  
with me and my assisting witnesses  
Citizens Valentin Cala Harbison Tercero  
and Juan Carrelle appearing as instrumental  
witnesses

Signo) Carrion Dominguez +  
" Antonio Dominguez  
Signo) Carrion Taldon  
Assisting witnesses  
Signo) Francisco Ortega  
" Esteban Ortega  
Most Excellent Sirs

With reference to the  
decree of the Prefecture of Antioquia of the  
23rd of May of the present year and the  
Sub Prefect of the Partido of Santa Barbara  
mandate of July 16th of last past having  
examined the antecedents to which the  
said decree refers among titles respective  
Espediente from folios 11 to 16 including  
the original of the final note from the said  
Sub Prefecture manifesting therein the  
causes of its delay according to the interests  
of the citizen Antonio Alvarado.

Transmitting  
the whole to you to read as a report  
in order that upon the examination thereof  
you may be pleased to determine what  
you shall deem proper in the  
August August 7th 1844

Signo) S. Arguello  
Signo) Narciso Ballea  
Secretary of Antioquia

9/15/54

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San Francisco September 12th 1840

Having examined the Petition and Affidavit of this Espectante the report of the Sub Profer of the Partido of Santa Barbara that of the Profer of the Jury District with every thing else that was examined and necessary will be investigated

I declare that Antonio Alvarado is the owner of the place named Casimati bounded on the North by the Sierra de Azupoc on the South by San Antonio on the East by the Coast and on the West by the Beach

Let the corresponding Patent issue in my name of it in the proper book and let this Espectante be admitted to the First Excellent Department Junta and subject to the conditions that shall be stipulated thus I Juan B Alvarado Constitutional Governor of the Department of California orامر and signed  
Gallat

Cells

Transmit to your Honor the Espectante instituted by Antonio Alvarado for the place named Casimati with the corresponding report in which I also express the official note of the Sub Profer of the Partido of Santa Barbara in which he sets forth the causes of delay of the said Espectante through the fault of Alvarado I communicate it to your Honor that you may be pleased to lay it before the Supreme Court and give the necessary orders as the law demands proper  
Do and signed Miguel Aug 10th 1840  
Miguel Arguilla

To the Honorable Secretary of State of the Government of this Department  
Atent and correct translation of the original paper Copy in Case number 553 Antonio Alvarado vs the United States

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Witness my hand and official signature  
this 21st December 1834

Geo. Fisher  
Secretary

Filed in Office December 21st 1834

Geo. Fisher  
Secretary

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Order

And it appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Southern District of California it is hereby ordered that two transcripts of the proceedings and of the decisions in this case, and of the papers and evidence upon which the same are founded be made out and duly certified by the Secretary, one of which transcripts shall be filed with the Clerk of the United States District Court for the Southern District of California and the other be transmitted to the Attorney General of the United States

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Opinion  
of the  
Board,

Antonio Olvera } For a place called  
US } Casimira in the  
The United States } County of Santa Barbara  
and containing ten  
Square Leagues

The claimant in this case has produced  
in evidence his certificate and also a  
grant for the place issued by Grant B.  
Olvera as Governor bearing date the 20th  
day of September 1840

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Also the proceedings  
of Antonio Rodriguez alcalde of the  
District in taking the claimant and  
giving judicial possession of the place  
done on the 10th day of June 1845 both  
of which grant and judicial possession  
is satisfactorily proven and the genuineness  
of the documents fully established

The  
circumstances tend to have confirmed and  
established with unusual accuracy and  
certainty. The claimant has also proven  
that he has been in the occupancy in  
possession ever since about the time of date  
of the grant

We are therefore of the opinion  
that this claim is valid and should be  
confirmed and a decree well be entered  
accordingly

Filed in Office March 10th 1853  
Signed

Geo Foster  
Secretary

Recorded in Record of Decisions Vol 2 p 352  
Signed

Geo Foster  
Secretary

Decree  
of  
Confirmation

Antonio Alvarez }  
vs }  
The United States }

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In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the Petitioner is valid and it is therefore decreed that his application for a confirmation thereof be allowed.

The lands of which confirmation is hereby given is situated in the county of Santa Barbara and known by the name of Las Ventanas and bounded as follows to wit

Commencing at the house on the sea and running in an easterly direction five thousand varas to the entrance of the Cañada Verde

From thence in a northerly direction to the mountain of the Planis to the top of the mountain two thousand two hundred and fifty varas.

From thence in a southerly direction to the shore of a lagoon five thousand and two hundred varas. From thence in an easterly direction along the top of the Planis to the entrance of the Cañada Verde.

Reference being had to the official proceedings of the affair measuring and giving possession of the same and the great accompanying the Espediente

Alphons Fitch

R. Aug. Thompson

S. B. Farnell Commissioners

Filed in Office March 6th 1855

Geo. Foster Secy

Office of the Board of Commissioners,

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

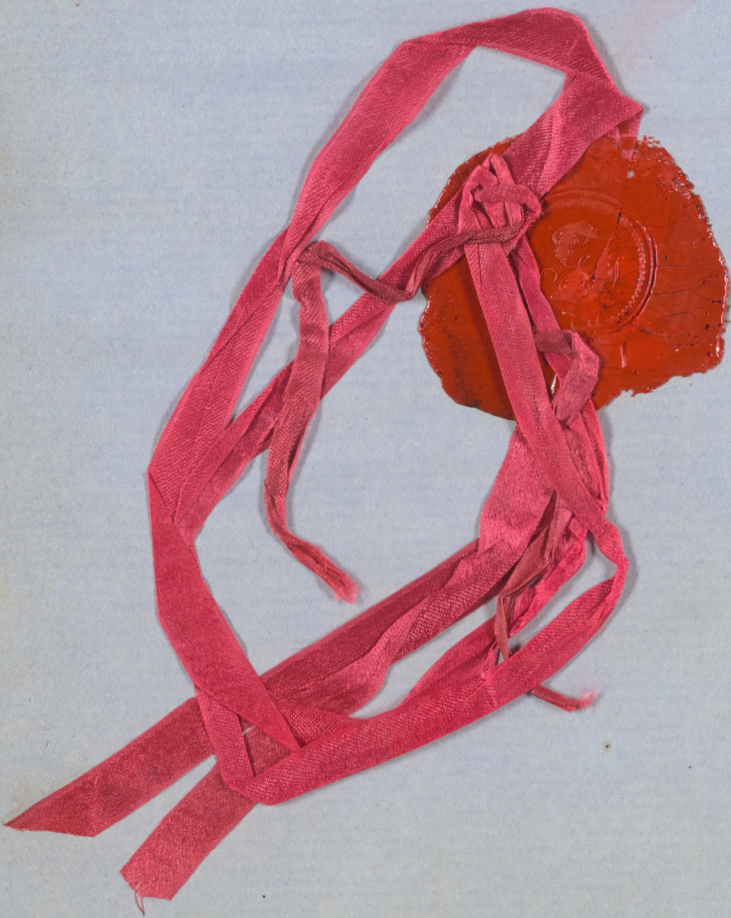
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*J. George Fisher* Secretary to  
the Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
foregoing *Sixty* pages, numbered from  
1 to *60*, both inclusive, to contain a true, 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. *5-5-3*, on the Docket of the said Board,  
wherein

*Antonio Olivera* is  
the Claimant against the United States, for the place known by  
the name of "*Casmalia*"

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

*J. G. Fisher*  
*J. G. Fisher*  
Sig.



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U. S. DISTRICT COURT,

*Southern* District of California.

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No. 284.

THE UNITED STATES,

vs. 284

*Antonio Olivera.*

*"Casmalia".*

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TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 533.

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Filed, October 4<sup>th</sup> 1855.

*G. S. Carr  
Clerk*

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Office of the Attorney General of the United States,

Washington, 10. October, 1855.

553. "Casualties"

Antonio Olvera Claimant.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 15<sup>th</sup> day of September, 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 284.

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

The United States, App<sup>ts</sup>

vs.

Antonio Oberea.

Appeal notice.

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

J. E. Jan.  
clerk

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553.



Antonio Rivera, appellee,  
ad  
The United States, appellant.

Docket No. 284,

Transcript No. 553.

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

The Petitioner 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 5<sup>th</sup> day of February A. D. 1853, Antonio Rivera

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 *Casmalia*

in the County of Santa Barbara 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 6<sup>th</sup> day of March A. D. 1855, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 4<sup>th</sup>

day of October 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. 553; reference to which it is prayed may be had and made part of this petition.

That on or about the 15<sup>th</sup> day of September A. D. 1855, the Honorable Caleb Cushing, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and

evidence on which said decision was founded. That thereafter, to wit: <sup>or about</sup> on the 20<sup>th</sup> day of November A. D. 1855, the said Attorney-General of the United States filed, or caused to be filed, in behalf of the United States, a notice with the Clerk of said District Court of the United States, that the appeal in said cause from the said decision of the said Commissioners, in the District Court of the United States for the Southern District of California, would be prosecuted by the United States. Your petitioner further represents, that the land claimed, as aforesaid, is situate in the Southern District of California, and within the jurisdiction of this Honorable Court. Your petitioner further represents and insists, that the said claim is invalid; and the said decision of said Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for many errors and imperfections of law and evidence, apparent in said certified transcript of the proceedings and decisions of said Commissioners in said cause, filed and appealed from as aforesaid. And your petitioner denies all and singular, each and every allegation in the said petition of said claimant, presented as aforesaid to said Commissioners. And your petitioner further denies that the said claimant has any valid right or title to said land claimed as aforesaid, or any part thereof.

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



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

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

J. P. M.

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

N<sup>o</sup> 284.

Filed this 5th January  
AD 1854  
C. Sims clerk  
J. H. Coleman  
Deput

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California Land Claims -  
Attorney General's Office -  
12 Feb, 1857.

Sir:  
In the case of the claim of  
Antonio Olvera, Confirmed to  
the claimant by the Commis-  
sioner, Case no. five Hundred and  
fifty-three, (553), An appeal will  
not be prosecuted by the United  
States.

I am,  
Respectfully,  
Cushing

Placitas Ad Esq  
U. S. Attorney  
Los Angeles -

No. 284

Filed this 1<sup>st</sup> Feb'y 1858  
at  
J. M. Coleman  
Det.

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

I, J. W. MANDEVILLE, United States Surveyor General, for the State of California, do hereby certify that the Rancho "Carmalia".

confirmed to A. Olivera  
has been surveyed by this office, and that the survey and plat was approved by the U. S. Surveyor General, on the 29<sup>th</sup> day of January 1861; that I have caused to be published, once a week, for four weeks successively, in two newspapers, to wit: the Santa Barbara Gazette, published in the County of Sta. Barbara, State of California being the newspaper published nearest to where the said Rancho is located, the first publication being on the 17<sup>th</sup> day of Jan. 1861, and the last, on the 2nd day of Feby. 1861; also, in the Los Angeles Star a newspaper published in the City and County of Los Angeles. State aforesaid. the first publication being on the 2<sup>nd</sup> day of Nov. 1861, and the last on the 23<sup>rd</sup> day of Nov. 1861, a notice that the said land had been surveyed, and a plat made thereof, and the survey and plat approved by me. And I do further, certify, that the said survey and plat were retained in my office during all of said four weeks, and until the expiration thereof, subject to inspection; and I further certify, that no order for the return thereof to the U. S. District Court, has been served upon me.



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

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

U. S. Surv. Genl. Office.  
San Francisco.  
May 28<sup>th</sup> 1861.

and correct copy of the original as appears on file in

E. A. Peale  
U. S. Surv. Genl.

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W. S. Deak Lomb  
South West Falls

Ant. Olvera

<sup>in</sup>  
The United States

Att. of Sur. Gen. in the  
Matter of Pub. of Survey

Filed June 19 1863  
John D. White  
Clerk

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