

CASE No.

336

SOUTHERN DISTRICT

TEPUSQUET GRANT

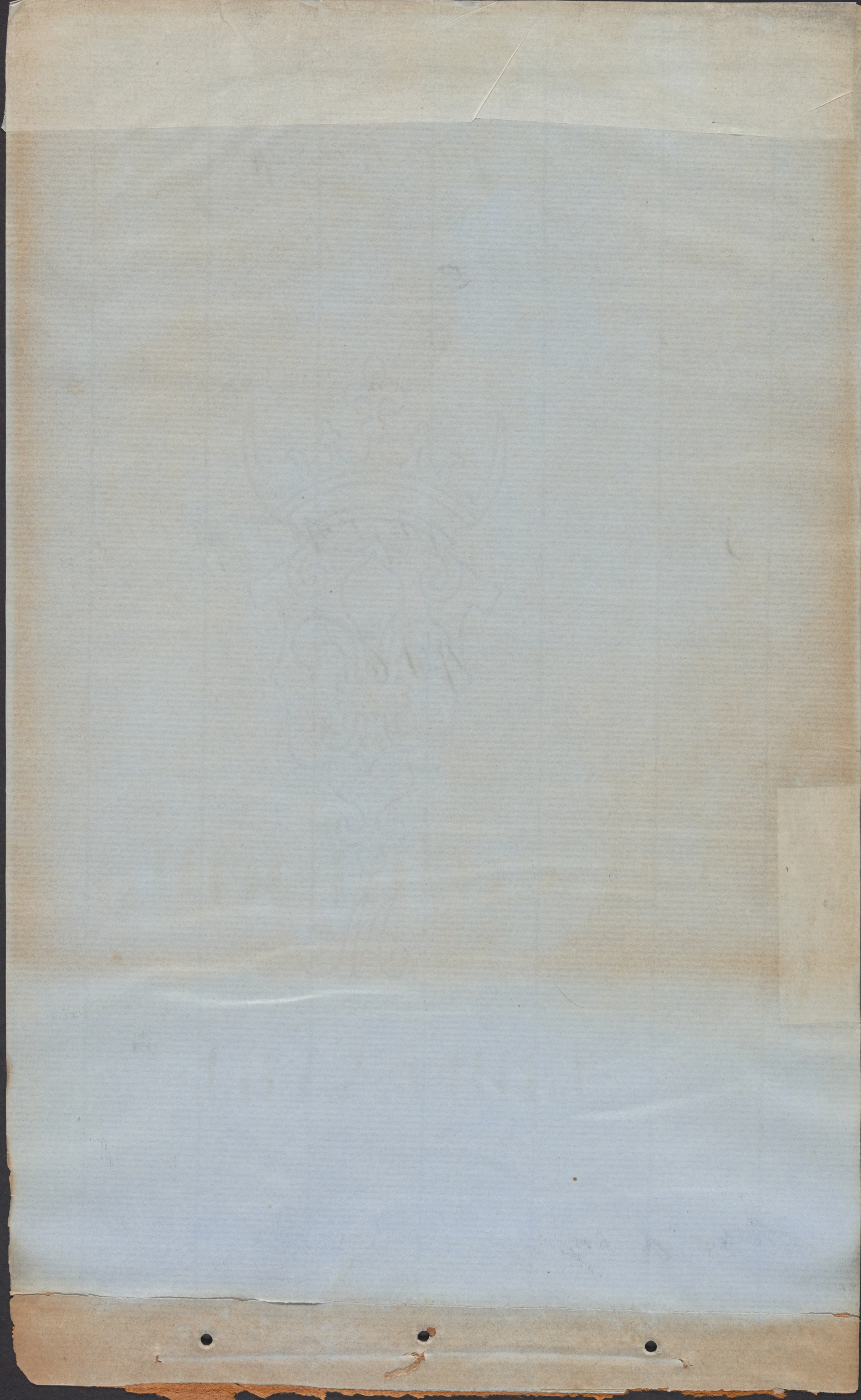
ANTONIA MARIA COTA, ET AL'

CLAIMANT

ON
OFIL/A

206

205



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PAGE 1

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 206.

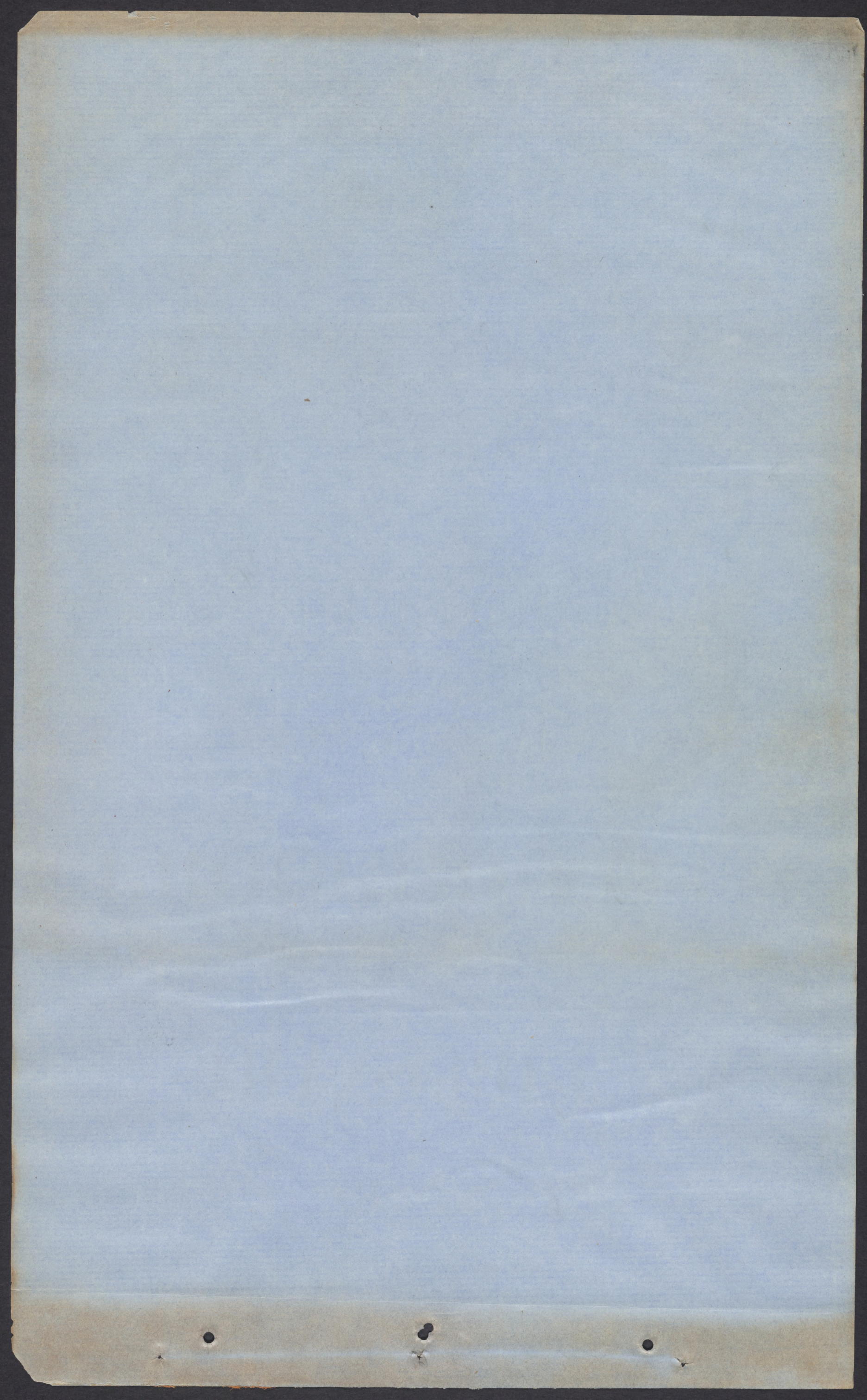
Antonia M^a Cota, et al, CLAIMANT^s.

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"*Tepusquet*."



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

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The Petition of *Antonia M^a Cota et al*,
for the Place named
"Tepusquet"
was presented, and ordered to be filed and docketed with No. 206 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 November 14th 1853.
In Case no. 206, *Antonia Maria Cota et al* for the place named *"Tepusquet"*, the deposition of *Juan B. Alvarado*, a witness in behalf of the claimants, taken before Commissioner *Alpheus Felch*, was filed;

(vide page 6 of this Transcript.)

San Francisco January 5th 1854.
In the same case the deposition of *Manuel Bonilla*, a witness in behalf of the claimants, taken before Commissioner *Alpheus Felch*, was filed
(vide page 4 of this Transcript.)

San Francisco November 28th 1854,
Case no. 206 was ordered to be placed at the foot of the 3rd Class Cases on the Trial Archet,

San Francisco December 22nd 1854,
 In the same case the deposition of Jno. Leaster
 a witness in behalf of the Claimants, taken
 before Commissioner Peter Sott, with document
 marked Exhibit 1 annexed thereto, was filed;
 (vide page 8 of this Transcript.)

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San Francisco January 30th 1855,
 Case no. 206 was submitted on briefs and taken
 under advisement.

San Francisco June 28th 1855.
 In the same case the Counsel for the Claimants
 filed the following Stipulation to wit:
 (vide page 49 of this Transcript.)

San Francisco July 3rd 1855.
 In the same case Commissioner S. B. Farwell de-
 livered the Opinion of the Board confirming
 the claim;
 (vide page 57 of this Transcript.)
 and the following order was made, to wit,
 (vide page 59 of this Transcript.)

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To the Honorable Board of Land Commissioners of the United States for the settlement of Private Land Claims in California -

The petition of Antonio Maria Coto Widow of Thomas Olvera deceased. Jose Olvera Guadalupe Olvera, Juan Juan Olvera and Juan Maria Olvera Children and heirs of said deceased respectfully sheweth -

Petition.

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That they are the heirs of said deceased and the lawful Claimants to a tract of land in the County of Santa Barbara of about two leagues in extent known by the name of "Tepusquet".

That said land was granted to said Thomas Olvera in his life time in the year 1834 by Juan B Alvarado then Governor or Political Chief ad marin of California, who acted under and by virtue of the various laws of the Spanish and Mexican Governments relating to the granting of lands including the laws of 15th August 1824 and the regulations of November 1828.

That the grant of said Alvarado was made by a decree on the 10th of April 1834 and a title was issued to said Olvera on the 1st of April 1834 as appears by the document here to annexed marked Exhibit "B" -

That the approval of the Intermunal Deputation confirmed said grant as appears by the 5th pag of said Exhibit "B" and by the document a copy of which is herewith filed marked "Exhibit C" and Judicial possession was duly given as appears by the document a copy of which is herewith filed marked Exhibit "C" -

That there is no conflicting claim to said grant known to your Petitioners

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and they rely upon the documentary evidence
hereto annexed marked Exhibits A B C D E F
and the testimony of witnesses to be examined
before this Hon Board.

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All of which is respectfully
submitted for such action as the Nature and
Justice of the Case may require.
April 29. 1852.

Crosby & Putnam
Attys for Petitioner
Filed in Office April 30th 1852
(Signed)
Geo Fisher Secy.

Office of U.S. Board of Land
Commissioners 302.

San Francisco January 3rd 1854.

Deposition
of
Mariano Bonilla.

This day before Commissioner Cephus
Mick Commissioner Mariano Bonilla a witness in
behalf of Claimant Antonio Maria Cotacatal
Petition No 2114 who after being duly sworn
his evidence being given in Spanish was inter-
preted by the Secretary as follows.

Questions by Mr Putnam Attorney for
Claimant
1st Question -

What are your name age and place
of residence?

Answer - My name is Mariano Bonilla. My
age is forty seven years and I reside in the
County of San Luis Obispo in California -

2nd Question -
Do you know the Rancho called

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3/206
Sepasquet granted to Thomas Olina? if you
what do you know of the occupation of it by
said Olina?

Answer.

I know said Rancho. In 1834
immediately after it was granted to him said
Olina went into occupation of it. Built a
house upon it enclosed a part of the lands
built corrals and put horses and cattle
upon it. He moved his family on to the place
in the same year 1834.

He and his family continued to
live on the place from that time until 1842
when he moved to San Luis Obispo having
his sons living on said Rancho and they
continued on it about one year when they also
went to San Luis Obispo. After that first one
and then another of them went back to the Rancho to
see to their stock which they continued to do
until 1853 when the sons went again to live on
the Rancho. The father died in 1847.

3^d Question.

What are the names of the Meadow
and Children?

Answer.

The meadow name was Maria
Antonio Cota and the children were named
Jose, Madalupa, Juan de Dios, Juan Pedro
& Maria Maria. There were five children
in all.

4th Question - Has Juan de Dios sold his
interest in said Rancho?

Answer.

I was told by Juan de Dios that
he had transferred his interest to his brother
Juan Pedro.

J. Marion? Prilla.

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The Graham Associate Law
Agent was present at the
taking of this deposition but
propounded no questions.

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Subscribed and Sworn to
before me this fifth day of
January AD 1854.

Alphus Tuck
Commissioner

Filed in Office January 4, 1854
(Signed)

Geo Fisher Secy

Office of the Board of
Commissioners &c &c.

Deposition
of
Juan B Alvarado

This day before Comr Alphus Tuck
Comr Juan B Alvarado a witness in behalf
of Melchior's Antonio Maria Cornejo at
No 206 who after being duly sworn depone
as follows. His evidence was given in the
Spanish language and interpreted by the
Secretary
Testimony by Melchior

1. What is your name age and residence?
Ans.

My name is Juan B Alvarado, My
age is forty four I reside in Contra Costa
2.

Look at the document now shown you
marked A I No 1. annexed to this deposition
purporting to be a grant of the Rancho Cuello
Desusquie to Tomas Olvera and state

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whether you know the signatures thereto and if the same are genuine. State also if the facts alleged in the Certificate appended thereto dated April 22^o 1884 are true.

Ans.

Said grant bears my genuine signature and was made by me as Governor on the day it bears date - I know well the hand writing of Manuel Jimeno Secretary and his signature thereto is genuine -

The facts stated in said Certificate are true -

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3.

Look at document now filed and annexed to this deposition marked A J No 2 and state if the signatures of Manuel Jimeno thereto is genuine -

Ans -

It is

4.

Look at document now filed and annexed to this deposition marked B J No 3 purporting to be a Judicial possession given by Antonio Olvera Justice of the peace with Diego Olvera and Antonio Arrellano witnesses and state whether you know respectively their hand writing and if their several signatures are genuine.

Ans -

I know the hand writing of Antonio Olvera, Diego Olvera and their signatures wherever they occur on said document are genuine -

Antonio Olvera was Justice of the peace at the time of the date of said document -

I am not so familiar with the hand writing of Arrellano but I think it to be genuine wherever it occurs on said

document.

Mr B Alvarado,
Mr Grunhow Associate Law
Agent was present at the
taking of this deposition but
propounded no interrogatory to
the Witness -

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Subscribed and Sworn
to before me this fourteenth day of
November 1854.

Stephen Titch
Commissioner

Filed in Office Nov 14, 1854.
Cyril L. Fisher Secy

United States of America,
State of California, ss.
In the U. S. Land Commission
San Francisco Dec 4, 1854.

Deposition
of
Jose Castro.

This day came and was duly sworn
before Commissioner Peter Sutt Jose Castro
on behalf of the Claimants Antonio Maria
Coto and heirs of Thomas Oliver in
Case No 206 and said Castro testified in
Spanish which was interpreted by the inter-
preter as follows.

The U. S. Associate Law Agent is present.

Questions by Mr Pitknaf for Claimants

1. What is your name age and residence?
Ans.

My name is Jose Castro my age is
forty six years and I reside in Monterey.

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I. Look at the document now produced and shown to you marked Exhibit 1. to this deposition and purporting to be the will of Tomas Antonio Alvarado and witnessed by Jose Ma Valenzuela, Jose de la Cruz Roman, Juan Miguel Marquez, & Mariano Bonilla, Gabriel Salazar, Francisco Esteban Quintana, and state if you know in whose hand writing the same is written & signed & state if you know the hand writing of said witnesses or any of them and if so state if their signatures to said document are genuine, and state further if you know whether Sr. Mariano Bonilla had an official position at the period of the date of said will and if so what was that position.

Answer -

I know the hand writing of the instrument. It is that of Mariano Bonilla. The signature is in his hand writing.

I know the signatures and hand writing of each one of the witnesses named and believe that they are genuine -

I think Bonilla was Judge of the County of that district at the time of that date.

Questions by the Associate Law Agent.

1. How do you know their hand writing? Have you ever seen them write?

Ans -

I have received accounts from them and had correspondences with them -

I have often seen their writing. I was Governor of California formerly and held various other official positions -

I have seen the following named ones write - Jose Ma Valenzuela, Mariano Bonilla & Francisco Esteban Quintana -

I am personally acquainted

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with all of them I have received letters or other
writings with their signatures -

Asa Crosby.

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Subscribed and sworn to
before me on this 21st day of
December AD 1854.

Peter Lott
Commissioner

Filed in Office Dec 22. 1854.

(Signed)
Geo Fisher
Deputy

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Exhibit. n^o A.

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Especiente Promovido por
el Civild^o Tomas Olivera en solicitud de un
terreno sombreado
Tepusquet.

1837.

110.

Sta Barbara. Mayo 9 de 1837. Exmo. Sor. Gobernador.
Informe el Ayuntamiento. El Ciudadano Tomas Olivera vecino
de esta Municipalidad si el de esta jurisdiccion ante V. E.
interesado en esta sustancia con la mayor subordinacion
obtiene todos los requisitos ley y respeto y eveno mas surge
ales para ser atendido en su lugar en obrecho es ponga
solicitud. Si el terreno q. pretende que necesitavolo un terreno
es baldio si no pertenece a la pa cultivo y eniar en el ganados
propiedad particular de alguno de todos clases para la subs
individuo o pueblo.

Existencia de un finca y hall
vacuados estos informes volvera a volome en los inmediaciones
el expediente al Gobierno para de la Jurisdiccion de Sta Ynes
su resolucion.

Abogado. Después que cuyo dicho acom
puno suplico a V. E. se sirva adjudicarlo en propiedad
conforme a las leyes de Colonizacion.

P. A. N. V. E. suplico se digno admitir me esta
solicitud en papel comun por falta del sellado corre
pondiente.

Sta Barbara. Mayo 8 de 1837.
Arruego del Interesado. Santiago Lugo.
Exmo Sor.

Ilustre Ayuntamiento.
La comision a quien V. S. se ha servido comisar para
que dictaminen sobre el expediente que forma la soli
situd del Ciudadano Tomas Olivera en pretencion del
paraje nombrado Apusque: en observancia del
decreto del Gobierno de fha. q. del presente espone:
que el interesado obtiene todos los requisitos legales
para ser atendido en su solicitud que el terreno
que pretende se haya baldio y en estado de adjudicarse
en colonizacion conforme a la ley de 18 de Agosto de 1826
y reglamento de noviembre de 1828 pues este terreno aunque
se ha reconocido por de la pertenencia de la Comision
de Sta Ynes se ha ya a la vez enteramente baldio, si lo
ocupacion necesaria y por consiguiente en estado de
adjudicarse conforme a las leyes citadas. El que
representa es ciudadano Mexicano anuitado, tiene
buena conducta y bienes con que poblarlo por lo que
se base a ser ocupado por las leyes y por
las consideraciones de el Gobierno a quien represento.

Por tanto ofrece la comision a la deliberacion de
V. S. la siguiente proposicion.

Puede el Gobierno adjudicar en propiedad

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al Lindo Tomas Olivera el parage Acopusque.

Sta Barbara Marzo 14 de 1837.

Valentin Cota. Pablo Vnuegas.

Snr. Benito Dias.

En sesion de hoy aprubó el Y. A. la proposicion del dictamen
antecedente al onstante se buelva el expediente al Gob^{no}
para su resolucion.

Snr. Benito Dias. *De ha ut supra.*
Diego Olivera.

Sta Barbara. Echl. 6 de 1837.

Vista la peticion con que oia principio este expediente al
Yupune del Ilustre Ayuntamiento de esta municipalidad
con todo lo que se tuvo presente y ver eservicio
de conformidad con el reglamento y leyes de la materia
se declara a D^o Tomas Olivera dueño en propiedad
del terreno conocido con el nombre de Acopusque demarcado
en el plano que acompaña a la solicitud y abasto de
las lindas que en el se expone sujetandose a las condiciones
establecidas en la ley de 18 de Mayo de 1824 y al reglamento
de 21 de Noviembre de 1828. Intese el despacho correspondiente
tomese razon en el libro respectivo y dirigase este expediente
a la H. Diputacion para su debida aprobacion
en cuyo caso el interesado a quien se le huba saber este
decreto presentara nuevamente su titulo para que se
le valentado. En el Sr D^o Juan B. Alvarado, Gober
nador del estado y presidente de la H. Diputacion
del mismo lo decreto sumado y firmo de q. doy fe.

Juan B. Alvarado. L. Cosme Pena.

Snr del despacho.

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None follows a wrap or flow.

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El Ciudadano Juan B. Alvarado, Gobernador Interino del Estado y Presidente de la Excm. Diputacion del mismo.

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Por cuanto Tomas Olivera Mejicano por su nacimiento ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de Tepusquet dentro de los linderos señalados en el plano que acompaño a la solicitud de dicho sitio: practicando previamente las diligencias convenientes segun lo dispuesto por las leyes y reglamentos separados 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 entendiendose dicha concesion con entera sujecion a las leyes a reserva de la aprobacion o desaprobacion de la Excm. Diputacion y bajo las condiciones siguientes.

1.^a El agraciado sin sus herederos ni otros obligados no enajenar el que se le adjudica: ni poner sobre el hipoteca ni otros gravamen aunque sea por causa piadosa ni pasarlo a otras personas.

2.^a Podra tenerlo sin perjudicar las tenencias comunales y servidumbres, lo disfrutara libre y esclusivo de ajenos destinandolo al uso o cultivo que mas le convenga.

3.^a Cuando se le confirme la propiedad solicitada del Juez respectivo le otorgara el Jefe de la oficina en virtud de este decreto por el cual se demarcaran los linderos y se pondran las cercas necesarias.

4.^a El terreno de que se le hace donacion es puramente el que se expresa en la solicitud del interesado y se demarca en el plano que corre agregado en este expediente y el Juez que lo poseyere pasara asi a este Gob.^{no} del numero de sitios que comprende.

En consecuencia mandado que se le entregue de titulo el presente y teniendose por firme y ratificado de todo razon de el en el libro que corresponde y se entregue al interesado para su uso y demarcacion.

Dado en la enmision de Santa Barbara a 7 de Abo. de 1837. Alvarado.

8. 15-

Q
Camo Sor.

La Comision nombrada de terrenos baldios impuesta del espediente promovido por el ciudadano Tomas Olivera en solicitud del parrage nombrado tepusques pone a la deliberacion de V. E. la proposicion siguiente.

Se concede.

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

I Samuel Dising Surveyor Genl of the United States for the State of California and as such now having in my Office and under my charge and control a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California do hereby certify that the eight preceding and herewith attached pages of tracing paper numbered from one to eight inclusive and each of which is verified by my initials (S D) exhibit true and accurate copies of certain Documents on file and forming part of the said archives in this Office.

In testimony whereof I have herewith signed my ~~own~~ name officially and affixed my private Seal (not having a Seal of office) at the City of San Francisco Cal. this 14th day of April 1852.

Samuel Dising.
Surveyor General. Cal.

Filed in Office. April. 30th 1852.

Geo. Fisher. Secy.

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Most Excellent Sr Governor

I the Citizen Thomas Oliveira
resident of this Jurisdiction before Your Excellency
with the utmost submission and respect and as
best may be consistent with law represents,

Exhibet B.

Translation
of
Espediente,

That being in need of a piece
of land for cultivation and wherein to raise
cattle of all kinds for the subsistence of my
family and there being in the vicinity of the
Prisunal of Santa Iniza a vacant location
called Tepusquit the map of which is annexed
I pray Your Excellency be pleased to grant it to
me in fee according to the Colonization laws.

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Therefore I pray Your Excellency will
be pleased to admit my petition on common
paper for want of the corresponding Stamp.
Santa Barbara March 8th 1834.

Most Excell Sir

By request of Petitioner
Santiago Lugo.

(Marginal decree)

Santa Barbara March 9. 1834.

Let the Illustrisssimo Ayuntamiento of this
Department report whether the petitioner in this
instance has all the legal requisites in order to
be attended to in this application. whether the
land he applies for is vacant. If it is not the
special property of any individual or Public
and the said report being given return this
Espediente to the Governor for his determination
Alvarado.

Most Illustrisssimo Ayuntamiento -

The Comandante to whom Your
Honor referred for consideration the Espe-
diente at the instance of Citizen Thomas Oliveira
who petitions for the place called Tepusque

in pursuance of a decree of the Government of the 4th of the present month reports.

That the petitioner has all the legal requisites necessary to sustain his petition, that the land asked for is vacant and can be granted to him in colonization according to the law of the 15th of August 1824, and the regulations of March 1828.

That although the land was considered as the property of the Mission of Santo Cruz. It is now evidently vacant without the necessary occupation and consequently in proper condition to be granted in conformity with the laws aforesaid.

The applicant is a Montevideo Mexican Citizen, has stock wherewith to cover the place and is of good character.

Whence he is worthy to be favored by the laws and the consideration of the government whom they represent.

Whence the Committee submits to the consideration of Your Honors the following proposition -

The Government can grant in fee to the citizen Thomas Olvera the place named Alcapusque.

Pablo Vazquez,

Valentino Cota

Ind -

Benito Rio -

At this days Session the Most Noble Ayuntamiento approved the proposition of the foregoing report ordering the Expediente to be returned to the Government for its resolution -
Date as above.

Diego Olvera.

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SWEE

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Secy.
Punto Nros.

Santa Barbara April 4th 1834.

Having Examined the petition with which this Expediente commenced the report of the Ayuntamiento of this Municipality with everything else which was borne in mind and was bearing on the matter, In conformity with the laws and regulations on the subject Don Thomas Olvera is declared to be the owner in fa of the land known by the name of Tepusquit marked on the map which accompanies this petition & within the boundaries expressed therein but subject to the conditions established by the law of 15th of August 1824 and the regulations of 21st of Novr 1828.

Let the corresponding title be issued. Enter the same in the respective book and pass the Expediente to the Most Excellent Deputation for its due appraisal in case of which the petitioner to whom this decree will be made known will present his title and for its ratification -

Thus I Don Juan B Alvarado Governor of the State & President of the Most Excellent Deputation of the same.

Decree read and sign which I certify.

Juan B Alvarado,
L. Cosmo Pina,
Secy of State.

The Citizen Juan B Alvarado Governor-Administrator of the State and President of the Most Excellent Deputation of the same.

Whereas Thomas Olvera Mexican by birth for his personal benefit and that of

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his family the land named Depusquit within the boundaries designated upon the map which he accompanied with his petition for said land, having previously taken the necessary legal steps according to the laws and regulations in exercise of the powers vested in me in the name of the Mexican Nation I have concluded to grant him the said land declaring it to be his property by these letters patent said grant to be understood to be in entire conformity with the laws reserving the approval or disapproval of the Most Excellent Deputation and under the following conditions.

1st. Neither the grantee nor his heirs shall have the power to divide or alienate the land granted nor subject it to rent annual bond mortgage or any other incumbrance though it be for charitable purposes nor can he transfer it in mortmain -

2^d - He may fence it without injury to the Crossroads roads & servitudes he will enjoy it fully & exclusively for the purpose of cultivation or the use which best suits him.

3^d - When the property shall be confirmed unto him he shall ask of the respective Magistrate to give him Judicial possession in virtue of this title by whom the boundaries shall be marked and he will set up land marks.

4th. The land hereby granted is exactly that expressed in the petition of the applicant and set forth in the plan which forms part of this Expediente & the Judge who gives possession shall transmit a report to the Government of the number of square leagues which the

land contains -

Wherefore I order that these presents showing him for a title and being held as firm and valid be entered in the proper book & delivered to the petitioner for his security and other purposes.

Given in the City of Mexico of Santo Barbara April 4th 1834.
Alvarado.

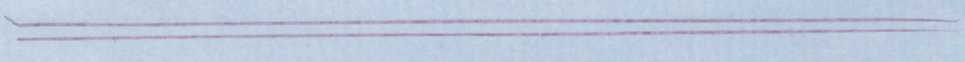
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Excellent Sir -

The Committee on vacant lands to whom was referred the Expediente of Citizen Thomas Aliona asking for the place called "Tepusquit" offer for the consideration of Your Excellency the following proposition -

They Grant,
Ed C.
A.P.

Filed off Office April 30. 1852.
(Signed)
Geo Fisher Secy.



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(Seal.) Juan B. Alvarado Jefe Político Interino de la Alta California.

Por cuanto el Ciudadano Tomas Olibera ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de Tepusquet dentro de los linderos del diseño que acompaña a su solicitud: practicarlas previamente 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 declarandole la propiedad de el por las presentes letras, entendiendo dicha concesion con entera conformidad a las leyes

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Espectante.

Nº 1. A. F. auxº
to the Deposition
of Juan B. Alvarado.

a reserva de la aprobacion o desaprobacion de la Exma Diputacion y bajo las condiciones siguientes.
1º Los acreedores ni sus beneficiarios podran dividir ni enajenar el que se les adjudica: ni ponerle carga, ni embargo, fianza hipoteca ni otro gravamen aunque sea por causa pignorativa ni pasarlo a terceros muertos.

2º Podra cercarlo sin perjudicar las traversias caminos y servidumbres: lo disfrutara libre y exclusivamente destinandolo al cultivo y uso que mas le acomode.

3º El terreno se le confiere la propiedad definitiva del Dize respectivo de la posesion legitima o quindia en virtud de este despacho por el cual se demarcan los linderos y juridican sus mojoneros.

4º El terreno de que se le hace donacion es puramente el que se expresa en la solicitud de los interesados y se demarcan en el diseño que corre agregado al expediente, y el Dize que lo posee para avisar a este gobierno el numero de sitios que comprende.

En consecuencia mando que sirviendole de titulo el presente y teniendose por firme y valedero se tome razon en el libro a que lo respectiva y se le entregue al interesado para su resguardo y demas fines que convengan.

Es Dado en Sta Barbara a 1º de Octubre de 1838
Juan B. Alvarado.

Montrey. 23 de 1850.

En 20 de Abl. de 1837 fue aprobado por la Exma Diputacion el terreno contenido en el antecedente titulo por ello echo quedo confirmado por dicha Corporacion la concesion de el. asi consta en el

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en el expediente respectivo que pronuncio sustenado
de que voy fe. Alvarado.
Manuel Jimeno. Sr. del Despacho.

Filed in Office. November 19th 1853.

Geo. Fisher Secy.

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John B Alvarado Political Chief ad interim of Upper California.

Exhibit "A".

Translation of Approval

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Seal Whereas the Citizen Thomas Alvares has petitioned for his personal benefit and that of his family for the land known by the name of Tepusquet within the limits of the place which accompanies this petition the measures relating thereto having been previously taken as directed by the laws and regulations on the subject exercising the faculties conferred upon me in the name of the Mexican Nation I have granted to him the said land declaring him the owner thereof by these letters said concession being extended in entire conformity to the laws with reservation for the approval or disapproval of the most Excellent Deputation and under the following conditions

1st. Neither the favored party nor his heirs shall have power to divide or alienate that which is adjudged to them to insure upon it rent mortgage bond hypothecation or other obligation except for pious uses nor transfer it in mortmain -

2^d. He may enclose it without prejudice to crossings roads and servitudes he shall enjoy it fully and exclusively appropriating it to the cultivation and use which may best suit him -

3^d. When the property is conferred upon him he shall request the proper Judge to give him legitimate and judicial possession in virtue of this document by which shall be marked the boundaries and places his land marked 4 The land of which donation is made

is purely that which is expressed in the petition of the interested parties and is designated in the plan which is annexed to the document and the Judge who shall give possession will make report to this Government of the number of sitios which it comprises. Wherefore I order that using this Instrument as a title and it being held firm and valid need thereof be taken in the corresponding book and it be delivered to the interested party for his protection and other convenient purposes.

Given in Santa Barbara
11th of October 1838.

Juan B Alvarado.

Montana Sept 22^o 1840.

On the Twentieth day of April 1834 the concession of the land contained in the preceding title was approved by the Most Excellent Deputation whereby the same was confirmed by said body.

Thus it is established in the proper document which was issued to the interested party which I certify.

Alvarado.

Manuel Amador

Secy of State —

Filed in Office April 30th 1852.

(signed)

Geo Fisher

Secy

3. 27

En el Presidio de Santa Barbara a los veinte y tres dias del mes de Mayo del año de mil ochocientos quarenta unente a la solicitud hecha por el Ciudadano Tomas Olivera a fin de que se le di la correspondiente posesion del sitio conocido con el nombre de Sepusquet concedido por el Gobierno de este Departamento y habiendo la falta de un agrimensor que para efecto de las mediciones correspondientes decidiese comparecer para que reunida el enunciado terreno lo hize y el primer nombrado Juez de Paz Ciudadano Antonio Olvera con total arreglo a las primeras mediciones que se han practicado cuyo proceso se ha guardado al expediente. pasase por mi y los testigos de asistencia al expresado sitio y procedase a dar la posesion indicada, arreglándose al titulo que solo ha conferido por el Superior Gobierno de este Departamento con fecha diez de Octubre de mil ochocientos treinta y ocho.

Yo el expresado Juez de este punto asi lo decreté mandé y firmé con los testigos de asistencia doy fe. Ant. Olvera.

Asist. Diego Olvera. Asist. Antonio Arellanes.

En el rancho nombrado la Soledad el dia primero de Junio del año de mil ochocientos quarenta el Juez que suscribe habiendolo hecho saber a los colindantes comparecieron estos siendo los Ciudadanos Don Maria Valenzuela por el establecimiento de la Puntilla Narcon Malo por el de Santa Cruz y Guadalupe Domingo Foxen por el Rancho de San Fernando les hizo saber el objeto con que me habia concludido en aquel parage y que en este caso presentasen los documentos que respectivamente tubiesen sobre propiedad de aquel terreno pues iba a remediarlo y poner en posesion de el al Ciudadano Tomas Olivera y en haciendo presentarlo documentos ningunos que impidiesen las mediciones les dije que iba a proceder a ella. lo que pongo por diligencia que autorizo y firmo con los testigos de mi asistencia segun derecho. Antonio Olvera.

Asistencia. Diego Olvera. Antonio Arellanes.

En el referido lugar a los dos dias del mismo mes y año yo el propio Juez para la practica de estas diligencias nombré a los oficiales mediciones y a los Corcheteros quienes hizo saber su nombramiento el que aceptaron bajo de juramento que otorgaron

no. 3. A.P.

reunido to the Depu. of Juans. Alvarado

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apreciando desempeñar fielmente su encargo. Lo que autorizo y firmo con los testigos de asistencia. Segun derecho.

Antonio Olivera. aso. Diego Olivera.
Antonio Arceles.

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n.º 3. A. P.
anuncio de depósito
de Juan Arceles.

En el mismo día, mes y año stated en el parage nombrado Arroyo de Santa Maria a efecto de verificar las medidas y posesion q. corresponden al Ciudadano Tomas Olivera del sitio nombrado la Soledad previas todos los requisitos de ley estando ante mi los testigos de asistencia, los oficiales medidores las cordeles y yo el Juez Ciudadano Antonio Olivera hice hacer un cordel que contenia convenientemente varias el cual fue examinado y reconocido asiendo a sus extremos unos bancos de madera y por mi disposicion se tiro el cordel rumbo al Este comenzando un morito de piedras en donde se puso una cruz en señal de mojenera y habiendose medido dos y media leguas rumbo en la Paracha de id que en donde se puso una cruz en señal de mojenera; En seguida y por mi disposicion se tiro el cordel rumbo al Sur y habiendose medida legua y cuarto rumbo en lo alto de la Cruzilla de Juan en donde se puso una cruz en señal de mojenera. En seguida y por medio al Norte porcion se tiro el cordel sobre la mesa rumbo al Norte y habiendose medido las leguas rumbo en lo alto de una loma pendiente de la misma mesa en donde se puso una cruz en señal de mojenera inmediatamente y por mi disposicion se tiro el cordel rumbo al Norte y habiendose medido en donde se comenzó y se concluyeron las medidas de este sitio a satisfacion del interesado. Lo que pruebo por diligencia que autorizo y firmo con los testigos mencionados.

Antonio Olivera. aso. Diego Olivera.
aso. Antonio Arceles.

Filed in Office. Nov. 11. 1853.

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Exhibit
Translation of
Judicial
possession

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In the Tribunal of Santa Barbara on the 23^d day of the Month of May of the Year 1841 in attention to the petition made by the Citizen Tomas Oliva that possession may be given to him of the lot known by the name of Tepusquit granted by the Government of this Department and there being no surveyor for the purpose of making proper survey of the land.

The first appointed Justice of the Peace Citizen Antonio Olvera made the same in full accordance with the first measures which were made the plan whereof is annexed to the document (Espediente) the said lot being in view of myself and my assisting witnesses and I proceeded to give the indicated possession being governed by the title which was granted to him by the Superior Government of this Department bearing date 11th October 1838.

In the said Judge of this place thus done order and confirm with the assisting witnesses - I certify -

Anto Olvera
Assist - Assist.
Diego Olvera Antonio Arrellano

In the Rancho called La Solidar on the first day of June in the year 1841 the undersigned Judge having made citation of the adjoining proprietors they appeared being the Citizens Jose Maria Valenzuela for the Establishment of La Purissima Ramon Malo for that of Santa Cruz and Guillermo Domingo Min for the Rancho of San Fernando. I notified them of the purpose for which they were called to this place and that in this case they should present the

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the documents which they respectively had of the ownership of that land and I was about to measure and put in possession of it the Citizen Thos Olivera & they not having pre- snted any documents which should impede the measurement I stated that I should proceed to make them which I make out act that I authorize and confirm with assisting witnesses according to law.

Conto Olivera,

Asist

assist -

Dugo Olivera

Conto Arrellanz

In the said place on the 2^a day of the same month and year I the propra Judge for the Exercise of these duties appointed two official Measurers and two Chain Carriers whom I notified of their appointments who accepted under oath which I administered to them offering faithfully to discharge their duties all which I authorize and confirm with my assisting witnesses according to law.

Conto Olivera,

Asist

Asist

Dugo Olivera

Conto Arrellanz

In the same day month and year being in the place named the Cruz of Santa Maria for the purpose of Establishing the measurement and possession which belongs to the Citizen Thos Olivera of the sitio named La Sordada all the requisites of law being taken the assistant witnesses the official Measurers the Chain carriers being before me and I the Judge the Citizen Conto Olivera caused to be measured a cord which contains 50 varas which was examined and recognized attaching

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wooden pins to its Extremities under My direction a course was taken with the end to the East Commencing from a little mound of stone where a cord was placed for a land mark and having measured two and a half leagues terminated at the Ranchara de Isque where a cross was made put for a land mark thence by My order the cord was taken Southwardly and having measured a league and a quarter terminated on the top of the Cuchillo de Somacayo where a cross was put for a land mark thence by My direction the cord was taken on the Table Land in a Northwest direction & having measured two leagues terminated on the top of a small hill connected with the same table land where a cross was put for a land mark thence by My order the cord was taken in the North course and having measured a league the measurement concluded at the place of beginning and the surveys of this sitio were finished to the satisfaction of the interested parties which I fit for steps taken that I authorize and confirm with the said witnesses

Anto. Chovira.

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Wts
Diego Chovira Wts
Anto. Arellano

Filed in Office April 30th 1852
(Signed) Geo Fisher Secy

1882

DEPT. OF THE INTERIOR
BUREAU OF LAND MANAGEMENT



1.33

En el nombre de Dios todo poderoso, uno en esencia y
trino en personas.

Yo D. Tomas Oliviera natural de Santa
Barbara hijo legitimo de D. Yguacio Oliviera natural
y Vecino del Presidio de Loreto y de Dona Marcela
Pelis natural del Real de las Alamos y difunto
hallandome enfermo en cama de la enfermedad q.
Dios nuestro Señor se ha servido cubrirme peno
en mi entera quies y exalta memoria: Creyendo como
firmemente creo todos los misterios de nuestra fe
Catolica en cuya fe y Enencia quiero y protesto vivir
y morir y esperando en la divina misericordia me
perdonara mis culpas y pecados por la intercesion
de Maria Santissima nuestra Señora, a cuyo patro-
cinio me acojo para que con el santo Angel de mi
guarda Santa de mi nombre y demas Santos de mi
eleccion me amparen y favorecan en el trance de
mi muerte: hago otorgo y ordeno este mi testamento
en la forma siguiente.

Exhibit 1. to the
Deposition of
Jose' Castro.
Dec. 21. 1854.

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Primera mente en comiendo mi alma a Dios
que la erio de la nada y mi cuerpo a la tierra
de que fue formada. Item declaro y es mi voluntad
que mi cuerpo sea sepultado en el seminario de
la Merced de San Luis Obispo.

Item. Declaro que es mi voluntad se obligan
treinta misivas por las animas del purgatorio
y treinta supragios para el mis fin.

Item. Declaro ser casado con Dona Maria Ant^a.
Cota.

Item. Declaro haber estado con mi esposa
cuanto me case inmediatamente.

Item. Declaro que ni mi esposa ni yo trajimo
ningun caudal al matrimonio.

Item. Declaro haber tenido cinco hijos cuatro
hombres y una mujer.

Item. Declaro que a mi hijo Jose' le di para
su casamiento sesenta pesos en efectos y el otro
cuarenta le di quince bucas.

Item. Declaro haber estado a mi hijo Guadalupe
para su casamiento cuarenta pesos en efectos y
treinta cabezas de ganado mayor el año 46

Item. Declaro haber estado a mi hijo Juan de Dios
tresientos pesos en efectos para su casamiento.

Item. Declaro haber estado a mi hijo Juan Pedro

veinte y ocho bucas en el año 27. Item. Declaro a mi hija Juana Maria le di para su casamiento cuarenta pesos en efectos y cuatro bucas que se le dieron el año 26.

Item. Declaro deber a D. Santiago Maguila diez pesos en esquilmos.

Item. Declaro deber a D. José de la Guerra ciento noventa y seis pesos en esquilmos.

Item. Deber al finado D. Gabriel Moraga cuatro pesos y al finado José Cruz 6 pesos y al finado Bernardo Ramirez 2 pesos.

Item. Declaro deber a la Misión de San Gabriel dos quintas de bueyes.

Item. Declaro deber al padre José Jimeno quince reales por la licencia que me dio para mudar ganado de Santo Ines.

Item. Declaro tener cuatrocientos cincuenta reses en Santa Margarita a cargo de D. Joaquin Estrada.

Item. Declaro tener dos quintas y medio de bueyes.

Item. Declaro q. D. José Antonio de la Grra y Carrillo me debe por una untaura que le hice de veinte y un reses quince pesos siendo testigos Diego y Lucas Olvera.

Item. mas me debe D. José Antonio dos yeguas con dos muleros y cinco pesos mas en plata.

Item. Declaro tener un rancho en el paraje de Santa Ana Maria del valor de dos mil quinientos pesos.

Item. Declaro tener una propiedad en las inmediaciones de este pueblo que consta de nueve liegas varas de largo y ciento y cincuenta de ancho de tierras a la vez como consta de sus respectivos documentos y una casa muetraia.

Item. manro que de la cuarta parte del ganado mayor se paguen las deudas manroas y funerales y otros gastos.

Despues de cumplido y pagado todo lo espuesto del remanente de mis bienes muebles y raíces la mitad dijo a mi esposa Dona Maria Antonio Cota.

Item manro y declaro que lo restante de mis bienes muebles y varios derechos y acciones muebles por mis sucesos y sucesales herederos a los espuestos Don José Olivera Guadalupe, Juana de Dios Juan Pedro y Juana Maria Oliveras, mi hijo de la citada mi mujer Doña Maria Antonio Cota y a los demas descendientes legitimos que tuviere al tiempo de mi

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fallecimiento y obran heredarme para que las hayan y lleven por su orden y grado segun su representacion y lo dispuesto por las leyes con la venzion de Dios y la mia.

Respecto a no poder ser mejorados los hijos por contrato entre vivos por rason de dote ni casamiento cuando que traigan acobacion y particion con sus hermanas la dote que le entregue y no estando prohibido que lo sean por ultima disposicion haciendo la deducion conforme a la ley del estado.

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Item. La propiedad de nuevecientas varas de tierra de labor que tengo en las inmediaciones de este Pueblo inclusa la casita dejo a mi esposa D^a Maria Antonia Cota.

Nombramientos de albaceas.

Nombro por testamentarios albaceas y ejecutores de este mi testamento a mi esposa Dona Maria Ant^a Cota primer albacea, Segundo albacea a D. Joaquin Estruola y a cada uno de ellos insolidum doy todo mi poder cumplido cuanto en derecho se requiere para que puedan entrar y echen en todos mis bienes y los vendan y los rematen en publico al menor o fuera de ella, segun les pareciere conveniente para que de su producto cumplan y paguen mis disposiciones dentro del termino legal o el mas tiempo que necesiten pues al efecto se les prorrogo y les doy facultad para que puedan sustituir sus oficios y subrogar otros en su lugar que lo lleben adeviada ejecucion a las cuales doy por nombrados y les concedo la misma facultad y potestad que a los expresados.

Clase del testamento.

Y por el presente revoco y anulo cualquiera otro testamento o testamentos o codicilos o testamento que yo aya echo y otorgado para que no valgan ni tengan efecto alguno en juicio ni fuera de el, a hora ni en tiempo alguno que parezca y sea mostrada aunque tenga Clausulas derogatorias y palabras particulares de que haya de hacer especial mencion de las que al presente no me acuerdo y doy por expresado literalmente: Y quiero y mandado que el presente se cumpla y ejecute como mi ultima deliberada voluntad en la forma y modo que mejor lugar haya en derecho. Asi lo otorgo y firmo ante

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el presente escribano a diez y nueve de Enero de 1858.
Por ante D. Mariano Bonilla Jefe de este lugar
y los testigos de esta por falta de escribano publico.
y se otorgo el presente en papel comun por no haber
de ningun sello.

Thomas Antonio Olivera. José M^a Valenzuela
José de las C. Romero. Juan Miguel Marquez.

D. Mar^{no} Bonilla. De aya. Gabriel Salazar
de asist.^o Fern^{do} Esteban Guzman.

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Filed in Office. Dec. 29. 1854.

Geo. Fisher.

Secy.

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1854

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206 In the name of God all powerful,
one in essence, three in person.

Translation of
"Will"
Exhibit 4. to the depo.
of
José Castro.

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I, Don Tomas Olivera, native of Santa Barbara, legitimate son of Don Ignacio Olivera, native and citizen of the Presidio of Santa, and of Doña Marcela Pérez, native of Camp of the Alamos, and both deceased, finding myself sick in bed, by a sickness which God our Lord has inflicted upon me, but in my entire judgment, and sound memory, believing in as firmly believe all the mysteries of our holy Catholic faith, in which faith and belief I desire and I protest to live and to die, and trusting in the divine pity, He will pardon me my sins, and transgressions by the intercession of Maria Santissima, Our Lady, to whose patronage I commit myself, by which, with the holy angel of my guardian Saint, of my name, and, also the saints of my devotion, I may be sustained and favored in the hour of my death, I make, execute and ordain this my last will and testament in the form following—

Firstly, I commend my soul to God who created it of nothing, and my body to the earth of which it was formed.

Item, I declare and it is my will that my body be buried in the cemetery of the mission of San Luis Obispo.

Item, I declare and it is my will that say thirty masses for the spirits of purgatory and thirty suffrages at the termination

Item, I declare I am married to Doña Maria Antonia Cortes.

Item. I declare to have given gifts to my wife immediately when I married her.

Item. I declare that neither my wife nor I brought dower to the marriage.

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Item. I declare I have had five children four sons and one daughter.

Item. I declare that to my son Jacin, I gave for his marriage seventy dollars in effects and in the year forty I made him donation of fifteen cows.

Item. I declare to have given to my son Juan Felipe upon his marriage forty dollars in property and thirty calves of large cattle in the year 1746.

Item. I declare to have given to my son Juan de Dios three hundred dollars in effects upon his marriage.

Item. I declare to have given to my son Juan Pedro Sallan, thirty eight cows in the year '47.

Item. I declare that to my daughter Juana Maria I gave upon her marriage forty dollars in effects and four cows which were given in the year '46.

Item. I declare to owe to Don Jacin de la Cruz one hundred and seventy six dollars in produce.

Item. I declare to owe to the deceased Gabriel Meraya four dollars and to the deceased Jose Arnes six dollars and to the deceased Bernardo Ramirez two dollars.

Item. I declare to owe to the wife of Don Gabriel two yokes of cattle.

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Item. I declare to one D. factor Jacé Jimeno fifteen head of cattle for the license which he gave me to kill the cattle of Santa Cruz.

Item. I declare to have four hundred and fifty head of cattle in Santa Margarita in charge of Sr. Joaquin Estrada

Item I declare to have 2000 head of cattle.

Item. I declare that Sr. Jacé Antonio de la Cruz & Garrido owes me for a slaughter which he made 21 head of cattle, 15 dollars, being witnesses Diego and Juan Olvera.

Item. Also Sr. Jacé Antonio owes me two mares with two mules and five dollars in money.

Item. I declare to have a rancho in the place of Santa Maria of the value of two thousand five hundred dollars.

Item. I declare to have a property in the neighborhood of this pueblo which consists of four varas, as appears by the respective documents and a middling house

Item. I order that of the former part of the large estate that pay the debts, legacies and funeral expenses and beside the costs, after fulfilling and paying all the aforesaid, of the remainder of my goods and cattle, the one half to my wife D. Maria Antonia Luta.

Item. I order and declare that the remainder of my movable property and cattle, rights and actions, I institute for my only and universal heirs, the aforesaid Sr. Jacé Olvera Guadalupe, Juande Dios, Juan Pedroferran Maria Olvera my children by the said my wife D. Maria Antonia Luta and the

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DATE

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other legitimate descendants which I may have at the time of my death, and who ought to inherit from me, so that they may have and take in their order and grade, according to the representation and the arrangement of the laws, with God's blessing & my own.

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In respect of the children not being able to be settled by agreement among the living, on account of divorce or matrimony, I order that they make arrangements and partition with their brothers, the gift which is devised to them and not prohibit which they may be at the last disposition, making the deduction according to the law of the country.

Item. The property of mine hundred varas of land of labor, which I have in the neighborhood of this pueblo, including the house, I leave to my wife Doña Maria Antonia Cota.

Nomination of Executors

I name for testamentary administrators and executors of this my testament, my wife Doña Maria Antonia Cota first administrator and second administrator D. Joaquin Estrada and to each one of them in solidum, I give my whole complete power, as much as they can require in law so that they can enter and do enter upon all my property real or personal, at auction or without public sale as shall seem to them convenient, so that from the product they may complete and pay as I have disposed within the legal time or at the time which may be necessary they can among themselves & assign them power to substitute their office, and subrogate others in their place, that they may take due execution to whom I give by nomination and accede to them, the same faculty and power as to the aforesaid

H1

Case of the Will.

And by these presents I revoke and annul whatsoever other testament or testaments, codicil or codicils I may have made and published, so that they shall not avail nor have any effect in judgement aside from this both now and in all time, which may appear and may be shown even should there be contrary dicting clauses and particular words of which especial mention are made of things which at present do not seem to my memory, and I give as aforesaid literally, and I wish and order that they fulfil and execute the present as my last deliberate will in the present form and manner most in conformity to law. Thus I publish and sign before the present witnesses on the nineteenth day of January 1858.

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In presence of J. Mariano Bonilla Judge of this place and the trustees of aputance, in absence of a public notary, I publish the present on common paper for want of stamped.

Tomás Antonio Sierra +
José M^o Valenzuela

José de la Cruz Romero

Juan Miguel Marquez

J. Mariano Bonilla
mit

mit
Gabriel Salas.

Fran^{co} Celestino Montañ

Filed in office, December 22, 1854.

(Signed) Geo. Durbin Jacey

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En el nombre de Dios todo poderoso uno en
Esencia, tino en personas;

Yo D. Tomas Olvera natural de Santa
Barbara hijo legitimo de D. Ignacio Olvera
natural y vecino del presidio del presidio

Yepusquet de Loreto y Doña Mercedes Lecliz natural
Copy of Minute del Real de Los Alamos y difunto hal
from probate landome en cama de la Enfermedad of
Court.

Dios nuestro señor se ha servido enbarme por
en mi entera juicio y Cabal memoria sien
do como frecuentemente eres todas las misie
nos de nuestra Santa fe Católica y en
cuya fe y ciencia quero y protesto vivir y
morir y Esperando en la Divina miseri
cordia me perdona mis culpas y peccados
por la intercesion de Maria Santissima
nuestra señora a cuyo patrocinio me acogo
para que con el Santo Angel de mi guarda
Santo de mi Nombre y demas de mi devo
cion me amparen y favorecan en el trance
de mi muerte hago, Otorgo y Ordeno este
mi testamento en la forma siguiente.
Preambul. encomiendo mi Alma a Dios
of la erio de la Ciudad y mi cuerpo a la tierra
de que fue formada.

Idem declaro yes mi Voluntad que mi
cuerpo sea sepultado en el cementerio de la
Mision de San Luis Obispo.

Idem yes me Voluntad se celebren treinta
misas por las animas del purgatorio y
treinta supagos para el Mision.

Idem declaro ser casado con doña Maria
Antonia Cota.

Idem declaro habes dado donado a mi
Esposa cuando me case mediante.

Idem declaro por la mi Esposa ni yo hazimos
ningun cauclal al matrimonio.

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Idem. Declaro habes tenido cinco hijos cuatro hombres y una mujer.

Idem declaro que a mi hijo José le di para su casamiento sesenta pesos en efectos y el año cuarenta le di quince vacas.

Idem declaro habes dado a mi hijo Guadalupe para su casamiento cuarenta pesos en efectos y treinta cabezas de ganado mayor el año 46

Idem Declaro habes dado a mi hijo Juan de Dios trescientos pesos en efectos para su casamiento.

haber dado, Idem declaro que a mi hijo Juan Pedro di veinte y ocho vacas en el año 47.

Idem declaro que a mi hija Juana Maria le di para su casamiento cuarenta pesos en efectos cuatro vacas que se le dan el año 46.

Idem. declaro deber a D^o Santiago Maquintli cien pesos en esquilmos.

Idem declaro deber a D^o José de la Guerra ciento noventa y seis pesos en esquilmos.

Idem declaro deber al finado D^o Gabriel Monzaga cuatro pesos y al finado José Anís 6 pesos y al finado Bernardo Ramirez 2 pesos

Idem declaro deber a la Misión San Gabriel dos yuntas de bueyes.

Idem declaro deber al padre José Gemenes quince Rees por la licencia que me dio para matar ganado de Sta Ines.

Item declaro tener cuatrocientos cincuenta Reses en Sta Margarita en cargo de D^o Joaquín Estada.

Idem declaro tener dos yuntas de bueyes y media.

Idem. declaro que D^o José Antonio de la Guerra y canillo me debe por una Matanza que le hice de veinte y una Reses quince pesos

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siendo testigos. Diego y Lucas Oliveira.
Idem. mas me debe D^{na} Jose Antonia dos yagues
y dos muletas y uneo pesos en plata mas.

Idem. Declaro tener un Rancho en el parage
de Sta^a Maria del valor de dos mil quinien
tos pesos.

Idem. declaro tener una propiedad en las in
mediaciones de este pueblo q^d. consta de
nuevecientas Varas de largo y ciento y en
cuenta de ancho de tercios de lavro como
consta de su Respectivo documento y una
casa mediana.

Idem. mando que de la cuarta parte del
ganado mayor se pagasen las deudas, mandas
y funerales y demas gastos.

Despues de cumplido y pagado todo lo expresado
del Remanente de mis bienes, muebles y
Raices la mitad desp^a a mi Esposa D^{na}
Maria Antonia Cota.

Item. Mando y declaro que lo Restante de
mis bienes, muebles, y Raices, derechos y acciones
instituyo por mis unicos y universales herederos
a los Esposados, Jose Oliveira, Guadalupe
Juan de Dios, Juan Pedro, y Luys Maria
Oliveiras, mis hijos de la citada mi mujer
D^{na} Antonia Maria Cota y a las demas des
cendientes, legitimos que tuviere al tiempo de
mi fallecimiento y devan cumplirme p^o q^d.
los hayan y lleven por su Orden y grado, segun
la representacion y lo dispuesto por las leyes
con la Bendicion de Dios y la mia.

Respecto a no poder ser mi forados los hijos
no entretanto entre vivos por Rason de dote ni
curam^t. mando q^d. traigan a colacion y par
ticion con sus hermanos la dote q^d. le entrego
y no estando prohibido q^d. lo sean por ultimo dis
posicion habiendose la deducion conforme

à la Ley del Estib.

Idem la propiedad de nueve y cienas varas de tierra de labro que tengo en las inmediaciones de este puebl enclusa la casita deya à mi Esposa D^a Maria Antonia Cota.

Nombramiento de Albaceas

Nombró por testamentarios albaceas y ejecutores de este mi testamento à mi Esposa D^a Maria Antonia Cota, primera Albacea, segundo Albacea Dⁿ Joaquin Estrada, y al abo mo de Ellos m^o solidum doy todo mi poder amplio de cuanto en derecho se requiere para que puedan entrar y enten en todos mis bienes y les vendan y Rematen en publico en moneda afuera de Ellos segun les pareciere convinte^{te} que de su producto cumplan y pagen mis disposiciones dentro del termino legal. o el mas tiempo q^e necessitan pues al Efecto se los prorogo y les doy facultad para q^e puedan sustituir sus oficios y subrogar otros en su lugar que lo lleven activada. y accion à las cuales doy para nombrados, y les concedo la misma facultad y potestad q^e à los expresados.

Cabo del Testamento

Yo por el presente Revoco y anulo cual quier otro testamento, o testamentos, codicilio o codicilios q^e yo haya hecho y otorgado p^{er} q^e no valgan ni tengan efecto alguno que parezca ni sea mostrado aunque tenga clausulas derogatorias y palabras particulares o de que haya de hacer especial mención de las que al presente no me acuerdo y doy por expresado literalmente y quiero y mando que el presente se cumpla y execute como mi ultima deliberada voluntad en la forma y modo que mejor lugar haya en derecho. Asi lo Otorgo y firmo ante el

H. 7

el presente Escribano a diez y nueve de Enero de 1848.

Por ante J. Mariano Bonilla juez de este lugar y los testigos de asistencia p. falta p. falta de Escribano publico se otorgo el presente en papel comun p. no habeo de ningun dolo:

Tomas Antonio Olveia +
Jose M^a Valenzuela
Jose de la C. Ramirez
Juan Miguel Marques.

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de asistencia J. Mariano Bonilla
Gabriel Salazar de Ass^o

Francisco Esteban Quintana
Mariano Bonilla being duly sworn answered as follows. What do you know concerning this Will?

Question

I was present when the Will was signed. Jose M^a Valenzuela wrote it. I certify that Tomas Olveia was in his Right mind, and true memory when the Will was signed. I signed the Will as Judge it being signed in my presence by the other Witnesses.

J. Mariano Bonilla
Sworn to and subscribed before me this 2^o day of September. A. D. 1857.

Wm J. Lewis
Probate Judge

State of California }
San Luis Obispo County } J. D. Frank Clerk
Clerk of the probate Court in and for the County aforesaid do hereby certify that the foregoing is a true copy of the Record of the Will of Tomas Olveia dec^d together with the proof thereof as recorded in the Office of the Clerk of

1857

the probate court

Seal Witness my hand with the seal of
said court affixed this 20th day
of December A. D. 1854

J. G. Newson
probate clerk.

In open court Sept^r 20th 1851.
Estate of Tomas Oliveira

The Will being read Mariano
Bonilla was sworn and his testimony, fi-
led in the court. After satisfactory proof
had been given that due notice was given by
posting notices.

The Will was admitted, filed, and
recorded with the proof thereof
State of California,

San Luis Obispo Co. } J. G.

J. G. Newson
Clerk of the probate court in and for said
county Do hereby certify that the foregoing
is a true copy of the Minutes of said court
in Relation to the admitting of the Will
of Tomas Oliveira dec^d to probate

Seal Witness my hand and the seal of
the probate court this 20th day
of December A. D. 1854

J. G. Newson
Clerk

Filed in Office Jan: 12. 1852

Geo: Fisher Deery

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PAGE 45

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204 U. S. Land Commission

Antonio Maria Cata Cortes }
vs } No 204
The United States }

Stipulation

It is hereby stipulated between the Land Agent of the United States and the counsel for the claimants in the above cause, that the claimants have leave to file additional testimony, to-wit: a deed from Juan de Dios Olvera to Antonio Maria Cata de Olvera dated February 20th 1852.

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San Francisco June 25th 1855.

Levi Plandey
U.S. Land Agent

A. P. Becknap
att'y for claim

Filed in office June 25th 1855

(signed) Geo. Dehu Jey



1855
JUN 25

57

1944
1944

57

Je fusquet
Transfer

Dijo yo el abajo que en consideracion de la cantidad de su cuenta pesos (\$0) en moneda corriente recibidos en mi mano vendi y cedo y haspaso todo mi derecho a la propiedad del Rancho llamado Je fusquet como heredero de mi finado padre Tomas Olivera en favor de mi madre Maria ~~Chita~~ ~~Cota~~ para que haga del los usos que le convenyan siendo ella inclusive dueña de mi derecho

En fe de lo cual firmo este documento en San Luis Obispo a 20 de Febrero del año 1852.

Juan de Dios Olivera

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State of California,
County of Los Angeles 3/2

On this 16th day of June A.D. One thousand eight hundred and fifty five before me John W. Shore County Clerk of Los Angeles County Court, personally appeared Juan de Dios Olivera known to me to be the individual described in and who executed the foregoing Instrument who acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned

In Witness Whereof I have hereunto set my hand and affixed the seal of said Court the day and year last above written.

John W. Shore Co. Clerk
vs Joseph A. Henckman
Depy

Filed in Office June 25. 1855

Geo: Busha Deery

5-2

1918

1918

1918

53

Translation
of
Transfer.

206

I, the undersigned declare that in consideration of the sum of fifty dollars (\$50) in current money received in my hand I sell and convey and alienate all my right to the ownership of the Rancho called "Tepusquet" as heir of my deceased father Tomas Olivera in favor of my mother Maria Anta Cota, that she may have the use thereof which may pertain to it, she being the exclusive owner of my right.

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In faith of which, I sign this document in San Luis Obispo, on the 20th day of February of the year 1852

Juan de Dios Olivera (Seal)

Filed in office June 25. 1855

(Signed)

Geo. Deha Juez

574

1900
1900

5-5-

Manuel Jimeno Secretario del Gobierno
de Este Departamento.

N.º 2. A. (Jollo) Certificado: que el dicho que
se demuestró a la buelta es con
El annessed forme con el que corre a prepado en
to the Dcho of el Expediente del Ciudadano Tomas
Mem. B. Alva Olivera perteneciente al paraje nombrado
racho Lepusquet

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Monterey, 23 de Mayo de 1841

Man. Jimeno

2

56

1849

20

5-9

206

Antonio Maria Castro et al

vs

The United States

Two places called
Tepusquet situated
in Santa Barbara
County, containing two
square leagues

Opinion of the Board
delivered by Commissioner
S. B. Farnwell

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The evidence in this case affords by the claimants, establish the following facts: That on the 10th day of October 1838 Governor Juan B. Alvarado issued a grant for the above named place to Thomas Olvera in the usual form, and that on the 23rd day of September, 1840 the grant was approved by the Departmental assembly, and that in the same year that the grant was issued the grantee went into possession of the same and lived thereon with his family and cultivated and improved a portion of it

Also that the said grantee departed this life in the year, 1847, leaving a wife and five children heirs of his estate, and leaving a will also by which he bequeathed to his wife Maria Antonia Costa one half of all his estate, and the balance to be equally divided between his children, To wit:

José, Guadalupe, Juan de Dios
Juan Pedro, and Juan Maria

On the 2nd day of February
Juan de Dios one of the heirs conveyed
his interest to his mother the widow of
the deceased.

The evidence also establishes
the fact that on the 2nd day of June
1840, judicial measurement was had and
possession given according to law by
proper officers

We think this very clearly proven up and that the parties are entitled to a confirmation, and a decree will be entered accordingly, assigning to each of the parties their respective rights.

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Filed in office July 3^d 1855
(Signed) Geo Fisher Juez

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Antonio Maria Costa et al }
vs }
The United States }

Decree of Confirmation

In this case on hearing the proofs and allegations it is adjudged by the Court, upon the claim of the petitioners is valid, and it is therefore decreed that their application for a confirmation thereof be allowed, for the several intents agreeable to the prayer of the petition.

The land of which confirmation is hereby given is situated in the county of Santa Barbara and embraces two square leagues and to be located agreeable to the calls of the grant, and the map accompanying the expediente, and with reference also to the report of the officer giving judicial possession of the same.

R. Aug. Thompson }

S. B. Farnell }

Filed in office July 3^d 1855
(Signed) Geo Fisher Juez

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Order

And it appearing to the satisfaction of the 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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1786

331 259

Office of the Board of Commissioners,

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

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PAGE 53

I, George Fisher Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing Fifty nine pages, numbered from 1 to 59, both inclusive, to contain a true, correct and full Transcript 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. 216 on the Docket of the said Board, wherein

Antonia M. Costa, et al, are the Claimant against the United States, for the place known by the name of "Jesusquet."

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 first day of November A. D. 1855, and of the Independence of the United States of America the seventy-eighth.

G. Fisher
G. Fisher



336

U. S. DISTRICT COURT,

Santhum District of California.

No. 336

THE UNITED STATES,

336

Antonia Maria Costa, et al.
Tepusquet

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS.

In Case No. *206*

Filed, *December 6th* 1855

C. E. Carr Clk

By *Saml. P. Summer*
Deputy

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Office of the Attorney General of the United States,

Washington, 31. Dec. 1855.

206-] "Tepuquet"

Antonio M. Cota et al. Claimants

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 18th day of December, 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. 336.

U. S. Dist Court
South Dist. California

"
Ant. M^o Cato et al
appellus

^{ads.}
The United States
appellants

"
Notice of Appeal

"
Filed July 12th 1856

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J. E. Lang
Clerk

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

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



Antonio Maria Cota, et al
appellans.

Docket No. 336.

336 SD

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The United States, Appellant.

Transcript No. 206.

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

The Petition of Pacificus Ord, a resident of said City, County, and State, Attorney of the United States for the Southern District of California, who petitions in this behalf for the United States, and being present here in Court, in the name and behalf of the United States, represents as follows: That heretofore, to wit: on or about the 30th day of April A. D. 1852, Antonio Maria Cota, et al

presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board, claiming a tract of land called *Lepusquit*.

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 3rd day of July A. D. 1855, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 6th day of December 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. 206; reference to which it is prayed may be had and made part of this petition. That on or about the 18th day of December 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: ^{about} on the 12th day of February - A. D. 1856, the said Attorney-General of the United States filed, or caused to be filed, in behalf of the United States, a notice with the Clerk of said District Court of the United States, that the appeal in said cause from the said decision of the said Commissioners, in the District Court of the United States for the Southern District of California, would be prosecuted by the United States. Your petitioner further represents, that the land claimed, as aforesaid, is situate in the Southern District of California, and within the jurisdiction of this Honorable Court. Your petitioner further represents and insists, that the said claim is invalid; and the said decision of said Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for many errors and imperfections of law and evidence, apparent in said certified transcript of the proceedings and decisions of said Commissioners in said cause, filed and appealed from as aforesaid. And your petitioner denies all and singular, each and every allegation in the said petition of said claimants presented as aforesaid to said Commissioners. And your petitioner further denies that the said claimants ~~has~~ ^{have} 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 claimants having no valid right or title derived from the Spanish or Mexican Governments, to the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by, and it now belongs to the United States, by virtue of conquest, and the Treaty of peace, friendship, limits and settlement, between the United States and the Republic of Mexico, made at the City of Guadalupe Hidalgo, February 2d, A. D. 1848.

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

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P. Ord

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

N. 336

Filed this 5th January
1857
C. S. S. C. C.
J. H. S. S. S.
C. C. C.

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United States of America, }
Southern District of California. } SS.

TO

The President of the United States,

Antonio Maria Cota

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GREETING:

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against you, and each of you, in the District Court of the United States, in and for the Southern District of California, on the *31st* day of *January* in the year of our Lord one thousand eight hundred and fifty-seven at the City and County of Los Angeles, in said District, by

*I, Ord U.S. Atty praying
said Court to review the decision of the Board
of Land Commissioners of the 3^d July 1855
confirming your claim to the land called
"Japurgut" in
the County of Santa Barbara*

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

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of the said Court, this *31st* day of *January* in the year of our Lord one thousand eight hundred and fifty-seven at Los Angeles aforesaid.

C. Lewis Clerk.
J. M. Coleman
sep



No. 336

United States of America,
Southern District of California,
U. S. DISTRICT COURT.

Antonio M. Cortes et al
appellants

vs

The United States
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SUMMONS.

Received february 3rd 1857
Edward Hunt
U. S. Marshal
J. M. Goodman
Deputy

Filed on return
this 24th Feby 1857
Clerk
J. M. Goodman
at

~~I served this summons along with the proper copy of the petition upon~~

Not Served by Order of U.S. District
Atty.

at
the 24 day of february

in the Southern District of California on
A. D. 1857.

Sworn to and subscribed before me,

Clerk.

Edward Hunt
U. S. Marshal.
J. M. Goodman
Deputy

California Land Claims.

Attorney General's Office

25 Nov^r 1856.

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Sir:

In the case of the claim of Antonio Maria Gota et al: confirmed to the claimants by the Commission, case no. two hundred and six, (206), appeal will not be prosecuted by the United States.

I am
Respectfully,

Clinton

Pacificus Ord Esq.

U.S. Attorney,

Los Angeles.

V
N. ~~276~~, 336.

Antonio Maria Peta et al

^{vs,}
The United States,

206.

206.

↓
Filed May 21st 1855
C. J. Peta
et al

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