CASE NO.
355
SOUTHERN DISTRICT

LA HABRA GRANT

ANDRES PICO, ET AL

CLAIMANT

LAND CASE 355 SD pgs. 77

401
Decl warr dp - Dec - 1
Pennard

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 401.

Andres Pico, et al. CLAIMANTS.

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"La Ribera."

401

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

The Petition of Andres Pico et al. *for the Place named* "La Habra" *was presented, and ordered to be filed and docketed with No.* 401 *and is as follows, to wit;*

(Vide page 3 *of this Transcript.)*

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

Los Angeles October 28' 1852.

In Case no. 401 Andres Pico & Francisco Ocampo for the place named "La Habra", the deposition of Abel Stearns, a witness in behalf of the Claimants, taken before Commissioner Leland Hall, with document marked H. H. no. 2 and the translation thereof annexed thereto, was filed;

(Vide page 5 of this Transcript)

Los Angeles November 1 1852.

In the same case the parties litigant filed the following Stipulation, to wit;

(Vide page 5 of this Transcript)

In the same case the deposition of Abel Stearns, a witness in behalf of the Claimants, taken before Commissioner Leland Hall, with document marked H. H. no. 1, annexed thereto, was filed;

(Vide page 6 of this Transcript)

Los Angeles November 12 1852.

In the same case the claimants filed as evidence in their behalf, by agreement with the Atty. U. S. Land Agent, a certified copy of the deposition of Abel Stearns, heretofore taken before Commissioner Roland Hall in case no. 400 on the docket of this Board, with a copy of the document marked H. H. No. 1 and a translation thereof annexed to the said deposition;

(vide page 7 of this Transcript.)

San Francisco Dec. 1st 1853.

In the same case the counsel for the claimants filed the following Stipulation, viz:

(vide page 8-9 of this Transcript.)

San Francisco March 10 1854.

In the same case the deposition of Santiago E. Arguello, a witness in behalf of the claimants, taken before Commissioner R. Ang. Thompson, was filed:

(vide page 9 of this Transcript.)

San Francisco April 15 1854.

Case no. 401 was submitted on briefs & taken under advisement by the Board.

San Francisco July 3 1855.

In the same case Commissioner S. L. Farrell delivered the opinion of the Board confirming the claim:

(vide page 59 of this Transcript.)

8 and the following order was made, viz:

(vide page 61 of this Transcript.)

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3 Petition

To the Hon. Board of Commissioners to ascertain and settle Land titles in California

The petition of Andres Pico and Francesca Ulibe de Olampo respectfully shows to your Hon. Board that they claim in fee as tenants in common a certain tract of Land situate in said County known by the name of "La Habra" containing one square league and a half more or less as is expressed by the map herewith submitted in document marked "A"

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They further show that they claim said Land in virtue of a grant thereof in fee to one Marcano R. Roldan by Don Manuel Jimeno Casarin acting as Governor and Political Chief of the Department of the California in virtue of his office as first Constitutional Vocal of the Departmental Assembly in pursuance of power in him vested by Law bearing date the 22nd of October 1839 and approved by the Departmental Assembly on May 20th 1840

They further show that on the 12th of August 1841 the said Roldan sold to one Juan Bautista Leanny (the then husband of your petitioner Francesca Ulibe de Olampo) who died in 1843 in the City of Los Angeles intestate and without Children, when by virtue of the laws then in force, the said Francesca Ulibe acquired one half of the said tract of Land (as community property) and Ana Maria Foster the mother of the intestate inherited the other half. That the said Ana Maria Foster made one Antonio Jose Cot her agent with power to sell, and in March 1850 he sold the said one half of "La Habra" to Andres Pico one of your petitioners. That said tract of Land and the "Coyotes" being adjoining and being owned both by the said Leanny was included in and generally considered as part of the "Coyotes" and was so sold under that name

Your petitioners further represent that in December 1839 prior to the possession of said tract was given by Comisionado Alvarado to the said Roldan and its boundaries accurately ascertained and marked out, and that since that date, he and your petitioners and those under whom they claim have been and now are in the peaceable possession of said tract

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of Land, and that they know of no conflicting Claim thereto.

The honorable Submit herewith copies marked (A) of Documents taken from the Archives now in the Custody of the U. S Surveyor General and translations thereof marked (B) and they on the same and such other and further documentary and verbal Evidence as they may be advised and necessary

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Wherefore they pray your Hon. Board to take their Claim into Consideration, their claim and to decree their title good and valid and to confirm the same.

And as in duty bound &c &c

By their Atty
J Lancaster Brent

Filed in Office Oct. 20th 1852
Geo. Fisher Secy

Recorded in Record of Petitions Vol 1 pages 331 & 332
Geo. Fisher Secy

6

Deposition of Abel Stearns

Los Angeles Oct. 28th 1852

On this day before Hiram Hall Commissioner came Abel Stearns a witness in behalf of the claimants Andres Pico et al petition No. 401 and was duly sworn his evidence being given in English

The U.S. Opposition Land Agent was present

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

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My name is Abel Stearns my age is fifty four years & I resided in Los Angeles I have resided in California over twenty three years

I am acquainted with the handwriting and signatures of Antonio Machado, Augustin Olvera, Felipe Castillo, Mariano R Roldan, Ignacio Ma, Alvarado Manuel Jimeno, Francisco de Arco Florencio Lopez, Narciso Botello, Antonio Ramirez

A paper is now shown me purporting to be proceedings of Juzgado de Paz given to Mariano R Roldan of the place called "La Habra" in December 1839 to which is annexed a transfer to Juan B Leandry, a grant of the same to said Mariano R Roldan dated 22d October 1839 - The signatures of the said several persons appearing upon said paper I believe to be genuine - said paper is hereto annexed & marked J.A. No. 2

The Land described in said papers was occupied by the partie Roldan soon after the grant & afterwards by Juan B Leandry Leandry was married about the year 1839 & died without a wife without children in December 1843

His wife was Francisca Ruiz. She has since been married to Francisco Campo

The representatives of Leandry still occupy the land

Abel Stearns

Subscribed & sworn
Before me Hiram Hall Commr

Filed in Office Oct. 28th. 1852
Geo. Fisher Secy

Recorded in Ev. B Vol 2 p 173
Geo. Fisher Secy

6

Dep. of Alex Stearns

Los Angeles Nov. 1st 1852

On this day before Wm Heath Hall Came Alex Stearns a witness in behalf of the claimant Andres Pico et al petition No. 401 and was duly sworn his testimony being given in English

The U. S Apocrito Tuo Agent was present In answer to inquiries by Counsel for the claimant the witness testifies as follows

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My name is Alex Stearns my age is fifty four years & I reside in Los Angeles & I have resided in California over twenty three years

I am acquainted with the signature of Juan B Alvarado and Manuel Jimeno
A paper is now shown me purporting to be a testimonial of the approval of the Departmental Assembly of Santa Barbara Manuel R Robles dated May 30 1840 - The signatures of the said Alvarado & Jimeno upon said paper I believe to be genuine said paper is hereto annexed and marked H. H. No. 1

Alex Stearns

Sworn & subscribed before me

Wm Heath Hall Com.

Filed in Office Nov. 1st 1852

Geo. Fisher Secy

Recorded in Ev B Vol 2 p 192

Geo. Fisher Secy

8

Copy of Dep of Abel Stearns

Los Angeles Dec. 28th 1852

On this day before Commissioner Roland Sull came Abel Stearns a Witness in behalf of the Claimant Andres Pico et al petition No. 400 and was duly sworn his Evidence being given in English.

The U. S Law Agent was present

In answer to questions by the Claimants Counsel the Witness testifies as follows c

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My name is Abel Stearns my age fifty four years & I reside in Los Angeles I have resided in California twenty three years

I am acquainted with the handwriting and signatures of Augustin & Francisco R Lopez

A paper is now shown me purporting to be an instrument of Conveyance from Ana Maria Foster by her Attorney Antonio Jose Cot to Andres Pico of lands called "Los Coyotes" and La Habra dated 4th of March 1850 & to have been Executed before Augustin Olvera Judge of the first Instance - The signature of the same Augustin Olvera at the End of said paper & also that of Francisco R ~~Roman~~ Lopez I believe to be genuine - Said Olvera was at that time acting as Judge of the first Instance and as such was authorized to sanction the Execution of Conveyances, the Manner in which this was done in the Execution of a Conveyance by an agent or Attorney as in this Case, the Judge sanctioning it would require the production of the authority & if he sanctioned the Conveyance of it would in my Opinion be Evidence of the sufficiency of the Agents Authority c This was the custom here I knew Juan Bautista Leanay, he married Francisca Irene in 1839 or 1840 as I think. He died I believe in December 1843 without leaving Children and without will. His widow has since been married to Francisco Olampo Said Conveyance is hereto annexed Marked A. A. No 1 c

I am acquainted with the handwriting and signatures of Jose Figueroa, Augustin Y Zamorano, Felipe Lugo, Augustin Olvera, Ignacio Coronel Mariano B Roman, P Trigo Rico Rufino

8

Guirado, Manuel Arzuga & Palacapio Sena

A paper is now shown me purporting to be an Original grant from Governor Figueroa to Juan Jose Nieto hereto annexed & marked A & No 2 dated 22d of May 1834 to which is attached a certificate of Sale, Saml Nieto to Juan B Leaney & proceedings of Judicial possession

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The signatures of the Saml Figueroa. Zamorano, Guip, Olvera Coronel Roldan, Reed, Guirado, Arzuga, & Sena wherever they appear on said paper I believe to be genuine —

Rafael Guirado at the date of the giving of Judicial possession was acting as Alcalde by virtue of his office of Regidor. I was present at the giving said possession — There was a house on the land in which Juan Jose Nieto was then living he had a stock of Cattle. The place was occupied by him until his sale to Leaney & by Leaney until his death & afterwards to the present time by those representing his title —

I have always heard & understood that the title of Nieto originally came from the Viceroy of Mexico & had his approbation

Signed Abel Stearns
Subscribed and sworn to before me
Abel Stearns Comr

Board of U.S. Land Commissioners for California Los Angeles Nov. 5th 1852

I hereby certify the foregoing to be a true and correct copy of the deposition of Abel Stearns taken in Case No. 400 on the docket of this Board & on file in this Office

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Geo. Fisher Secy

Filed in Office Nov. 12 1852
Geo. Fisher Secy

Recorded in Rec. B Vol 2 p 364
Geo. Fisher Secy

d

9

Deposition of S. E. Arguello

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United States of America
San Francisco March 10. 1854

On this day before Commissioner R Aug Thompson came Santiago Arguello a witness in behalf of claimants Andres Pico et al Case No 401 who after being duly sworn deposed as follows his evidence being interpreted by the Secretary

Present P. L. Brent Atty for claimants and I A McLeane U. S. Law Agent

Witness states that his name is Santiago Arguello his age forty four and residence San Diego

Question by claimants Attorney
Are you acquainted with the tract of land called "La Habra" situated in the County of Los Angeles if so what you know of its occupation and cultivation -

Ans. I have known said Rancho for some time prior to 1838. In that year or 1839 it was occupied by Mariano Rondel. He then had a house on it in which he lived and I believe he died, he had also, a garden enclosed and stocks of cattle and horses and about five hundred head of sheep. He also cultivated some of the land in wheat and Barley He continued to occupy the Rancho for about two years

S. E. Arguello

Sworn to and subscribed
before me March 10. 1854
R Aug Thompson Comr

Filed in Office March 10. 1854

Geo. Fisher Secy

Recorded in Ev. B Vol 4 p 40

Geo. Fisher Secy

11

10

11

1.2.D.R.

Espediente

Promovido por el Cno Mariano R. Roldan En solicitud del parage conocido con el nombre de la "Haha."

1839.

181.

12 2. L. D. 12

angles julio 2 4 de 1839. Informe el S. Ilustre Ayuntamto. de esta Ciudad con res pecto al solisitante y al terreno q. se pide

Señor Prefecto Interino del Distrito. Mariano Roldan de nacimiento Mejicano y vecino de este lugar ante V. S. en la mejor forma legal que haya lugar en derecho se presenta diciendo: Que teniendo un numero de ganado mayor y deseoso de poner Corrales y hallandose un parajito desocupado perteneciente à la Exmision de San Gabriel llamado la Cañada de la Haha cuyo diseño acompaño capaz de mantener mis bienes a V. S. pido y suplico q. se digne mandar tomar los informes necesarios q. se requieren la ley para que me sea cedido en propiedad dandome el correspondte. titulo.

por tanto suplico à la justificacion de V. S que me sea atendido esta mi solicitud admitiendo el presente en papel comun por no haber del sello en el lugar q. corresponde

Angeles y Julio 2 4 de 1839.

Marno. Relles Roldan

Angeles Julio 2 4. de 1839.

Dado cuenta al S. Ayuntamto. de esta ciudad en sesion de hoy con este expedte. pasaras à la Comision de terrenos pa. que produsca el informe q. se pide prebia citacion de colindantes.

Antonio Machado Pte. Int.

Narcisso Botella Srio

2. L. D. 12

Ilustre Ayuntamto.

La comision de terrenos baldios à reconocido el terreno que se refiere en el presente espedte. y expone q. el espresado terreno esta Baldio mas como es perteneciente de Exmision de San Gabriel se solisito la persona del administrador de ellas Mision D. Juan Bandini quien compareció en ello reconocimto. y fue acordes con la Comision ya espresada y en tal virtud la Comision es de opinion que se le conceda la posesion Respectiva. por no aver obstaculo ninguno.

13

Angeles Septiembre 20 de 1839.
Lemurrio Abila # Juan C. Cejar
Angeles Septbre 29 de 1839.
Dado cuenta al Ylustre Ayuntamto. de esta ciudad en sesion de hoy con el informe que antecede, fuè aprovado por unanimidad de todos; acordandose devuelva el presente expediente al Sor Prefecto de este Distrito para su conocimto.

4. G.D. R

Antonio Machado Pte. in.
Narciso Botella Secro.

Excmo Sor Gobernador
La prefectura de este Distrito impuesta de los informes que anteceden crè que es de acceder se à las pretenciones del solicitante si asi fuere del superior agrado de V.E.
Angeles Octubre 8 de 1839.
Filoteo Yapia
Narciso Botello Secro.

5. G.D. R

Monterey 22 de Obre de 1839.
Vista la solisitud con que da principio este espediente el informe del Ayuntamto de la Ciudad de los Angeles el del Sor prefecto del segundo Distrito y todo lo demas que se tubo presente y ver convino de conformidad con las leyes y reglamentos de la materia le concedo en nombre de la Nacion Mejicana à Dn. Mariano R. Roldan el paraje nombrado "Haha" colindante con el del Cno. Juan perez con el Camino Viejo, las Lomerias del Norte y Oriente con los linderos que demarca el diseño que corre en este Espediente. El Sor Dn. Manuel Jimeno Casarin primer vocal propietario de la Excma junta Departamental de las Californias en ejercicio del Gobierno del mismo asi lo mando decrete y firme de que doy fee.
Manuel Jimeno
Juan Cn. C. Arce Oficial primero

6. G.D. R

Monterey Mayo 19 de 1840
Dada cuenta à la Excma junta Departamental en sesion de este dia acordo que

pase à la comision de Agricultura.
José L. Fernandez Sno
En 22 del mismo lo debolbió la concesion con el dictamen que se acompaña
Monterey Junio 10 de 1840. Fernandez

En Vista de la aprovacion otorgada en Veinte y dos de p.p.do por la Excma junta Departamental libese testimonio de ella à la parte de Dn. Mariano R. Roldan en conformacion del terreno de Haha que obtuvo en 22 de Octubre de 1839. El Sor Dn Juan B. Alvarado Gobernador del Departamento de las Californias asi lo proveyo y firmo
Alvarado

v. S.D.R.

{Here follows Map.}

15 F. G.D. R La Comision de Agricultura encargado de dictaminar sobre la concesion echa por el Sor Gobernador interino Dn Manuel Jimeno de la Cañada de la Haba en la persona de Dn Mariano. R. Roldan en vista de las diligencias practicadas pone à la deliberacion de V. E. los articulos siguientes.

17 Artto. 1o Se aprueba la Concesion echa de la Cañada de la Haba en la persona de Dn Mariano R. Roldan.

Artto. 2o Este espediente debera volver al Gobierno departamental para los fines conbinientes.

Monterey Mayo 20 de 1840.

José Rafael Gonzales # A Argüello

Monterey 22 de Mayo. 1840

En sesion de este dia aprobo la E. Junta Departamental los dos articulos con que concluye el dictamen anterior.

Manl Jimeno Presdte. } José J. Hernandez Sno.

9. G.D. R Manuel Jimeno Casarin 1er Vocal propietario de la Exma Junta Departamental de las Californias en ejercicio del Gobno del mismo.

Por cuanto Dn Mariano R Roldan ha pretendido para su beneficio personal y el de su familia el parage conocido con el Nombre de la Haba colindante con el del Ciudadano Juan Perez con el camino Viejo; las Lomerias al Norte y al Oriente con los linderos que demarca el diseño que corre en el espediente: practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos, usando de las facultades que me son conferidas à nombre de la Nacion Mejicana, he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras, sugetandose à la aprovacion de la Excma Junta departamental y à las condiciones siguientes.

1.ª podrá cercarlo sin perjudicar las ha
vecias caminos y servidumbres la disfrutará
libre y exclusivamente, destinandolo al
uso o cultivo que mas le acomode pero
dentro de un año fabricará casa y estará
habitada.
2.ª solicitará del juez respectivo que le
de posesion judicial en virtud de este
despacho, por el cual se demarcaran los
linderos en cuyos limites pondrá à menos
de las mojoneras algunos arboles frutales
ó silvestres de alguna utilidad.
3.ª El terreno de que se hace dencion
es de un sitio y medio de ganado mayor
segun demuestra el diseño respectivo
que corre en el Espedte. El juez que
diere la posesion lo hará medir confor
me à Ordenanza quedando el sobrante
que resulte à la nacion para los usos
convinientes.
4.ª Si contravinere à estas condiciones
perderá su derecho al terreno y será de
nunciable por otro.

En consecuencia mando que
teniendose por firme y valedero este titulo
se tome razon de el en el libro à que corres
ponde y se entregue al interesado para
su resguardo y demas fines.
Dado en Monterey à Veintidos de Obre
de mil ocho cientos treinta y nueve.
Manuel Jimeno # Francisco Arce
Oficial Mayor.

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

I, Samuel D. King Surveyor Gene
ral of the United States for the State of
California and as such now having in my
Office and under my custody a portion
of the Archives of the former Spanish and
Mexican Territory or Department of Upper
California do hereby certify that the en
preceding and hereunto annexed pages

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of tracing paper numbered from One to ten inclusive and each of which is verified by my initials (S. D. K.) exhibits true and accurate Copies of certain documents on file and forming part of said Archives in this Office.

18

(Seal) In testimony whereof I have hereunto signed my name Officially and affixed my (private seal not having a seal of Office) at the City of San Francisco Cal. the 24th. day of September 1852

Sam. D. King

Survy. Genl. Cal.

Filed in Office Octbr. 20th.

Geo: Fisher Secy

18

19 Translation of Espediente

Angeles July 27 1839 Let the Illustrious Ayuntamiento of this City report with respect to the petitioner and the Land asked for

Tapia

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To the Señor Prefect ad interim of the District

Mariano R Roldan Mexican by birth and resident of this place before your Señoria in the Most legal form consistent with right presents himself and says: That having a number of black Cattle and desirous of increasing them and finding a piece unoccupied belonging to the Ex Mision of San Gabriel called Cañada de la Habra the map of which I here accompany, sufficient to maintain my Stock, I ask and beseech of your Señoria, that you may be pleased to order the proper reports to be taken that the Law requires: that it may be granted to me in Ownership, giving me the corresponding title. Therefore I supplicate the Equity of your Señoria that I may be favorably heard in this my petition admitting the present upon Common paper from not having any Stamped paper in the place suitable

Mariano Robles Roldan

Angeles July 29th 1839

Notice was given to the Illustrious Ayuntamiento of this City in Sesion of to day relative to this Espediente - it was decided that it should pass to the Committee on Land as that the information asked for might be provided; the neighbors being first called.

Antonio Machado Prefect ad interim - Narciso Botello Secy

To the Illustrious Ayuntamiento:
The Committee on Vacant Lands has recognized the Land that is referred to in the present Espediente and report that the said Land is vacant, but as it is a pertenence of the Ex Mision of San Gabriel the presence of the said Administrator of said Mision was solicited who appeared at the said recognition, and was of the Opinion with the Committee already expressed, and in virtue of which the Committee are of the Opinion, that the respective possession may be conceded there being no Existing Obstacle

Angeles September 20th 1839 -

Ignacio Abila - Juan le Mesa

Angeles Sept. 27th 1839
Notice was given to the Illustrious Ayuntamiento

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of this City in Sesion of to day of the preceding report, it was approved unanimously and decided that the present Especiente be returned to the Sno Prefect of this District for his recognition

Antonio Machado Prefect ad interim

Narciso Botello

To the Excellent Sno Governor

The Prefecture of this District advised of the preceding reports, believing that the pretensions of the petitioner ought to be granted, if so, it should be the Superior pleasure of your Excellency

Angeles Octobre 8th 1839

Eulencio Tapia

Narciso Botello Secretary

Monterey Oct. 22nd 1839

Having seen the petition which heads this Especiente the report of the Ayuntamiento of the City of Los Angeles and that of the Sno Prefect of the second District with all other things that were present and Considered suitable, I hereby concede in the name of the Mexican Nation to Don Mariano R Baldon the possession of the tract named "Habra" bounded by that of Cayetano Juan Perez by the "Camino Viejo" the Soco hills to the North and East with the boundaries that are marked out in the map which accompanies this Especiente –

Don. Manuel Jimeno Casarin First Vocal of the Excellent Departmental Assembly of the California, in Exercise of the Government of the same thus Commands decrees and signs which I attest

Manuel Jimeno

Francisco Arce First Officer –

Monterey May 19th 1840

Notice being given to the Excellent Departmental Assembly in Sesion of to day it was agreed that it pass to the Committee on agriculture

Jose Y Hernandez Secretary

On the 22nd of the same month it was returned by the Committee with the accompanying report

Hernandez

Monterey June 10th 1840

In view of the approbation delivered on the 22nd of the

21

Monterey June 10th 1840.
In view of the approbation delivered on the 22d of the past month by the Excellent Departmental Assembly let proof of the same be issued on the part of Don Mariano R Roldan in confirmation of the Land of "Sabrio" which he obtained on the 22d Oct. 1839. Señor Don Juan B Alvarado Governor of the Department of the California thus provided and signed

Alvarado

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Excellent Sir

The Committee on agricultural Charges with the report upon the Concession made by the Señor Governor ad interim Don Manuel Jimeno of the "Canada de Sabrio" in the person of Don Mariano R Roldan in view of the Conditions fulfilled submits to the deliberation of your Excellency the following Articles.

Art. 1st. The Concession made of the "Canada de Sabrio" in the person of Don Mariano R Roldan is approved

Art. 2d. This Espediente should be returned to the Departmental Government for its suitable purposes

J Arguello

Jose Rafael Gonzales

Monterey May 22d 1840.
In its Sesion of to day the Excellent Departmental Assembly approved the two Articles with which the preceding report Concludes

Manuel Jimeno — Jose D Fernandez
President — Secretary

Manuel Jimeno Cesarin 1st Constitutional Vocal of the Excellent Departmental Assembly of California in Exercise of the Government of the same

Whereas Don Mariano R Roldan has petitioned for his personal benefit and that of his family the tract known by the name of the "Sabrio" bounded by that of Antonio Juan Perez by the "Cimeno Viejo" the two hills to the North & East with the boundaries as marked out in the map which accompanies this Espediente, the previous requisites being accomplished as previously by the Leyes & Reglamentos

by virtue of the Faculties which are conferred upon me and in the name of the Mexican Nation I hereby grant to him the ofnisuo Land declaring to him the Ownership thereof by this present letters subjecting himself to the approbation of the Excellent Departmental Assembly and to the following Conditions c

1st He may enclose it without injury to the crops roads and servitudes - He shall enjoy it freely and exclusively devoting it to such use or cultivation as may best suit him, but within one shall build a house and it shall be inhabited

2d He shall solicit of the respective Judge to give him judicial possession by virtue of this despatch whom the boundaries shall be marked out upon whose limits he shall place besides the land marks some fruit trees or wild ones of some utility c

3d The Land of which mention is made is of one sqeare league or a half un sitio de ganado Mayor as is shown in the respective map which accompanies this Espediente c

4. The Judge who may give the possession shall cause it to be measured agreeably to the ordinance the surplus that may result remaining to the Nation for its convenient use

5th If he shall contravene to these conditions he shall lose his right to the land and it shall be denounced by another -

In consequence I command that holding this title as firm and valid it will be taken off in the corresponding book and be delivered to the interested party for his security and other purposes

Monterey 22d of October 1839

23

Manuel Jimeno Cesarin
Francisco Cosimuo Chief Officer

Filed in Office Oct. 30th 1850

Geo. Fisher Secy

23

Testimonio

Del Espediente de posesion practicado en favor de D. Maximo R. Roldan del Sitio llamado "La Haba"

Año de 1839.

En la Ciudad de los Angeles del de=
partamento de California à los diezyocho
del mes de Diciembre de mil Ocho cientos
Exhibit H. # treinta y nueve atuente à la Solicitud
No 2. annexd del Ciudadano Mariano R. Roldan apin
to the Depo. of de que se le de la correspondte. posesion
Abel Stearns del sitio y Rancho llamado la Haba con
taken before cedido por el Gobierno de este departamto
Comr. H. Hall cuyo titulo acompaña à su indicada
solicitud. pasese por mi y testigos de asisten
cia al espresado sitio y procedase à dar la
correspondiente posesion ya indicada
previa citacion de colindantes, avreglandose
al respectivo titulo ò despacho que se le ha
conferido por el Exmo Sor Gobernador con
fha Veinte y dos de Octubre ultimo.
El ciudadano Antonio Machado Juez
1o de paz interino asi lo proveyo, y mande
y firme por ante los de mi asistencia con
quienes actuo por receptoria en este papel
comun por falta de sellado respectivo.
Doy fee: Antonio Machado. Asse.
Agustin Olvera Asoa. # J. Antonio Ramirez
En dies de Diciembre de mil Ocho cientos
treinta y nueve yo el presente juez pase el
aviso ò citacion correspondiente à los se=
ñores Juan perez, Juan Josè Nieto y Ju an
pacifico Ontiveros. manifestandoles el Ob=
jeto à que me dirigia al puento de la Ha=
ba pues iba à remitirlo y poner en posesion
de el à Dn. Mariano R. Roldan quienes
no haviendo manifestado esepciones ni
guna les dije que procedia à ellas lo que
pongo por diligencia que autorizo y firmo con
los testigos de mi asistencia segun ctto.
Doy fee. Antonio Machado.

Asse: Asoa.
Agustin Olvera #y. Antonio Ramirez
En el Rancho de la Haba à los once dias
del mes de Diciembre de mil ocho cientos
treinta y nueve yo el propio juez para la
practica de estas diligencias hombre dos
Oficiales cordeleros que por no saber firmar
les hize saber su nombramiento el que

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Exhibit H. H. aceptaron bajo de juramento que otorga
No. 2. continua con apercibido desempeñar fielmente su en
cargo lo que autorizo y firmo con los testigos
de mi asistencia segun dho.

Ass.a Antonio Machado. Ass.a
Agustin Olvera # J. Antonio Ramirez
En el mismo dia mes y año estando en el Para
je llamado el Camino Viejo à efecto de ve
rificar las remedidas y posesion que corres
ponde à D.n Mariano R. Roldan del sitio
nombrado la Habra, previo todos los requisitos
de ley y estando ante mi los testigos de mi asis
tencia y los oficiales cordeleros, hise medir un
cordel que contenia cien varas y ha sido à
sus extremos unos Bancos de Madera pieza
observacion y calculo por mi disposicion
se tiro el cordel à linea recta como dos cien
tas cincuenta varas distante de un corra
lito de Limas que forma lindero del Rancho
de D.n Juan perez de cuyo lugar se tomò por
mojonera el espresado corralito de Limas
rumbo Oeste à Sur se midieron y contaron
pasando por todo el Camino Viejo, ocho mil
doscientos Varas las que remataron en pen
te de una lomita donde esta el lindero de
D.n Juan Pacifico Ontiveros en cuyo lugar
se puso por mojonera una Cabeza de Res.
habiendo comparecido en este punto D.n
Juan Josè Nieto quien asistio allienlu
gar de D.n Juan B. Leandry que es el due
ño del sitio llamado los Collotes y por que
dar à este rumbo el espresado sitio de los
Coyotes que antes poseia el nominado
Nieto el que no habiendo manifestado
escepciones ninguneas que suspendiesen
las remedidas le dije que continuaba
à ellas: de aqui se tiro la cuerda rumbo
Sur à Este se le midieron y contaron cin
co mil ocho cientos varas las que remata
ron en un agua pito en el cual hay un Sauz
que se marcò por mojonera al que para
el efecto se le dieron unos machetazos en
señal, haviendo comparecido en este
punto D.n Juan Pacifico Ontiveras quien

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asi estuvo presente por quedar à este rumbo el citio que es de su propiedad y no haviendo este puesto obstaculo ninguno que prestare las remididas le dije seguia continuando. En seguida tirando la cuerda rumbo Este à Norte se midieron y contaron pasando por una cuchilla doce mil varas las que remataron en una lomita chica que esta à linea recta con otra mas alta que tiene tres cipinos grandes en cuya lomita quedo el interesado de poner una mojonera de piedra colindando con el Rancho de la puente perteneciente à la mision de Dn. Gabriel. De asi tirando la cuerda rumbo Norte à Oeste se midieron y contaron dos mil varas las que remataron à la linea recta del mismo corralito de Limas del espresado lindero de Dn. Juan Perez donde commenzaron las remididas haviendo comparecido por perez en su lugar un yerno suyo llamado Mariano Olvera, por quedar à este rumbo al citio q. posee dho perez con lo que se concluyeron las medidas de este sitio à satisfaccion del interesado, à quien le ordenè pusiere las correspondientes Mojoneras en los puntos donde corresponde y quedo entendido: haviendo marcado aquellas en señal de posesion lo que autorisa y firmo con mis testigos de assistencia segun dho doy fee.

Assa Antonio Machado. Assa
Agustin Olvera # J. Antonio Ramirez
Angeles Diciembre 14 de 1839.

Desele testimonio à la parte de las presentes diligencias que se hayan ya concluidas en papel comun por no haber del sellado correspondiente. Asi yo Antonio Machado juez 1º. de paz interino lo decrete mandè y firmè por ante los de mi assistencia segun dho: doy fee.

Assa. Antonio Machado. Assa
Agustin Olvera # J. Antonio Ramirez

Nota = En la ptha se cito al interesado

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Pochitis H. H.
No. 2. continuacion

el testimonio que se refiere en el auto anterior y pocha constancia lo subrique. Rayon. Se advierte que por la parte que toca à los linderos del Rancho de la Puente pertenesciente à la Mision de Dn. Gabriel se presento en persona su administrador Dn. Juan Bandini y espuso à la comision que reconocio el terreno de la Cañada de la Haba ser aquello independiente de los terrenos de Dn. Gabriel lo que firmè para constancia con mis testigos segun dho. Antonio Machado #

Asosa.
Agustin Olvera # J. Antonio Ramirez

Asosa.
Concuerda con las diligencias originales que se refieren y existen en el libro de instrumentos publicos en el que quedan protocolados y constantes desde fojas 1ra hasta 5 Pra Cota fielmente sacado, corregido y enmendado escrito en estas cuatro fojas de papel comun por falta de sellado respectivo qs autorizo y firmo con los testigos de mi asistencia en la ciudad de los Angeles del Departamento de las Californias à los catorce dias del mes de Diciembre de mil ocho cientos treinta y nueve. Doy fee.
En testimonio de Verdad.

Antonio Machado

Asosa.
Agustin Olvera # Felipe Castillo

Asosa.
Angeles Agosto doze de mil Ochocientos cuarenta y uno. Pedo y traspaso à favor de Dn. Juan B. Leandri el derecho en posesion qe. à mi favor tenia qe. el presente titulo conota.

Marno R. Roldan

Angeles Agosto 12. de 1841.
Certifico yo el Ciudadano Ignacio M. Alvarado juez 2o. de paz qe. voluntariamte. cedio y paso à favor de Dn. Juan B. Leandry Dn. Mariano R. Roldan el derecho que tenia al terreno conocido por la Haba à qe. se contraen los presentes documentos igualmte. que la firma estampada es de su puño y letra qe. usa y costumbra poner lo

que autorisa y firmo p.a constancia, con los testigos de mi asistencia segun cho.
Doy fee. Sgn.o M.a Alvarado
Ossa Ossa
Agustin Olvera # Felipe Castillo

Manuel Jimeno Casarin primer vocal propietario de la Exma junta del departamento de las Californias en ejercicio del Gobierno del mismo.

Sello

Por cuanto D.n Mariano R. Roldan ha pretendido para su venefico personal y el de su familia el parage nombrado la "Haba colindante al E. con las Lomerias Altas al O. con el camino llamado viejo al N. con el Rancho del C.no Juan Ruiz y el P. con los linderos que espresa el diceño: practicadas las diligencias y averiguaciones convenientes segun lo dispuesto por leyes y reglamentos usando de las facultades que me son conferidas à nombre de la Nacion Mejicana: he venido en concederle el mencionado terreno declarandole la propiedad de el por las presentes le tras ugetandose à la aprovacion de la Exma junta Departamental y à las condiciones siguientes.
1.a podrà cercarlo sin perjudicar las traveseas, trabecias caminos y servidumbres; lo disfrutarà libre y esclusivamente: destinandolo al uso ò cultivo que mas le acomode pero dentro de un año fabricara casa y estara habitada.
2.a podrà solicitar del juez respectivo que le dè posesion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites podrà à mas de las molloneras algunos arboles frutales ò silvestres de alguna utilidad.
3.a El terreno de que se hace donacion es de un sitio y media de ganado mayor poco mas ò menos segun esplica el diceño

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que corre en el Espedte: el prez que diera la posecion lo hara medir conforme à Ordenanza para señalar los linderos quedando el sobrante que resulte à la Nacion para los usos convenientes.
4ª Si contravinere à estas condiciones perdera su derecho al terreno y sera denunciable por otro.
En consecuencia mando que sirviendole de titulo el presente y teniendose p. por firme y valedero se tome razon en el Libro à que corresponde y se entregue al interesado para su resguardo y demas fines. Dado en Monterey à Veinte y dos de Octubre de mil ocho cientos treinta y nueve.

Manl. Jimeno

Francisco E. Arce Oficial primero.
Queda tomada razon de este titulo en el libro de terrenos Baldios à fs. 12. Vta.

Arce

Angeles Noviembre 2. de 1839.
Queda tomada Razon de este Titulo en esta Prefectura y à fs. 1ª. del libro respectivo, en tal virtud el interesado ocurrira à uno de los Sres Alcaldes de esta ciudad en solicitud de la posesion q. corresponde.

Tapia

Narciso Botella Sno.

Señor Alcalde 1º Constitucional.
Manl. R. Roldan ante la protificacion de V. se presenta diciendo: Que habiendole cedido en propiedad el parage nombrado la Haba y para cumplir con uno de los requisitos que se requiere el titulo correspondte. Suplico à V. que se digne pasar à darle posesion de aquel terreno por tanto suplico q. se digne conceder à esta mi solicitud admitiendo la presta. en papel comun por no haber del sello correspondte.
Angeles y Noviembre 4 de 1839.

Manl. R. Roldan

Angeles Novr. 4 de 1839.

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por presentado y admitido en cuanto halle lugar pasen à darle la posesion que solicita el interesado. Asi yo Ant.º Machado mandè y firme con los de mi assist.te segun dho.

Antonio Machado

Assa. Agustin Olvera Assa. J. Antonio Ramirez

Filed in Office Octr. 28th 1852

Geo. Fisher Clerk

3rd Translation of Extra. S & S No 2 annexed to dep of Abel Stearns

In the City of Los Angeles
Department of the California On the tenth day of the Month of December One thousand Eight hundred and thirty nine in Obedience to the Solicitation of the Citizen Mariano R Roldan, in Order that I may give the Corresponding possession of the tract called "Sabra" granted by the Government of the Department, the letter of which he accompanies with the aforesaid Solicitation that I should appear in person and attempt of my assistance at the said tract and that I should proceed to give the respective possession already mentioned a Citation of the Neighbors being previously made and being guided by the letter or despatch which has been conferred upon him by his Excellency the Governor bearing date the twenty second day of October last &c
Citizen Antonio Machado 1st Judge of the Peace ad interim thus did provide command and sign in the presence of those of my assistance with whom I act as receptory (receptorice) On this common paper for want of the respective Stamped (paper) which I certify &c Antonio Machado
Assistance Assistance
Augustin Olvera Antonio Ramirez
On the tenth of December One thousand Eight hundred and thirty nine. I the present Judge gave notice in citation respectively to Sinores Juan Perez, Juan Jose Nieto, and Juan an Pacefico, Ontiveros, making known to them the object therein me to the location of "La Sabra" that I was to measure it and to put Don Mariano R Roldan in possession of it who not having manifested any Exceptions I then told them that I would proceed to the same which I put on Record that I authorized and sign with the witnesses of my assistance according to law which I certify
Antonio Marchanco
Assistance Assistance
Augustin Olvera Antonio Ramirez
On the same day month and year being at the place called "Camino Viejo" (Old road) for the purpose of making good the measurement and possession that corresponds to Dn. Mariano R

Roldan of the tract called "La Habra" all the requisites of Law previously complied with, and being present the Witnesses of my assistance and the two officers and being I caused to be measured a line that contained One hundred varas and to fasten to the Ends some Wooden Stakes, observation and Calculation being made for my own government, the line was drawn in a right line nearly two hundred and fifty varas distant from a small Canal of the Ranch plant that forms the boundary of the Rancho of Dn. Juan Perez at which place was taken as a land mark the aforesaid small Canal of varas in a direction West by South and they measured and counted - passing the length of the Memo Viejo Eighteen thousand two hundred varas that terminated in front of a small hill which is the boundary of Dn. Juan Pacheco Ortiz at which place was fixed as a land mark the head of a steer - at this place Dn Juan Jose Nieto appeared who was present there on behalf of Dn. Juan Bautista Leandry, who as the Owner of the tract called "Los Coyotes" and as Extending in this direction the aforesaid tract of "Los Coyotes" that formerly belonged to the above mentioned Nieto who not having manifested any Exceptions that could suspend the measurements I told them that I would continue them, from thence the line was stretched in a direction South by East and there was measured and counted five thousand Eight hundred varas which terminated in a small Agreage in which there is a Willow tree - that was selected as a land mark for which purpose it was cut with a hatchet as a sign, at this point Dn. Juan Pacheco Ortiz as having appeared; who was present then as the tract belonged to him, inclined in this direction, and the latter not having raised any Objection, that caused suspend the measurements I told him that I should continue in continuation - stretching the Chord in a direction East by North they measured and counted passing by a "Cuchilla" (Waste piece of land) Eleven thousand varas which terminated at a

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Hill that is in a direct line with another much higher, that has three large Oaks upon it. at which small hill the party interested requested to place a Stone land Mark boundary with the Rancho of "La Puente" belonging to the Mission of "San Gabriel" from thence drawing the Chain in a direction North by East there were Measured and Counted two thousand varas which terminated at the right line of the same small Cones of trees of the opposed boundary of Don Juan Perez where the Measurement Commenced, having appeared at this point in the place of Perez his son in law Called Maurano Salinas as extending in that direction, the trace which the said Perez by which were Concluded the measurements of this trace, to the satisfaction of the interested party, who I Ordered to place the Corresponding land marks at their respective points points and it was Accordingly done having Marked the same in sign of possession which I authorize and sign with my assisting Witnesses according to Law which I certify

Antonio Machado

Assistance — Assistance
Augustin Olvera — Antonio Ramirez

Angeles December 14th 1839
Let a Copy of these present proceedings be given to the interested party which are now here concluded upon this Common paper for not having any of the Corresponding Stamped. Thus I the Antonio Machado 1st Justice of the Peace ad interim did decree Command and sign in the presence of those of my assistance according to Law which I certify

Antonio Machado

Assistance — Assistance
Augustin Olvera — Antonio Ramirez

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Note On the same date the copy which is required to in the preceding decree was delivered to the interested party, in proof thereof I sign with a Rubric.

Notice 34 It is made known that at the point which touches upon the boundary of the Rancho of "La Puente"

belonging to the Mission of San Gabriel as a memorial for Don Juan Bandini was present in person and and stated that the Commission that he recognized the Land of the "Canada de la Habra" to be that independent of the lands of San Gabriel which I signed in proof thereof with my assistant witnesses according to Law Antonio Machado
Ass. Augustin Olvera Ass. Antonio Ramirez

Agreeing with the Original proceedings that are referred to and contained in the Book of public records in which they are judicially recorded and appearing from page 1st to the 50th inclusive this is faithfully taken correctly and compared written upon these four pages of common paper for want of the respective stamped (paper) that I authorize and sign with the witnesses of my assistance at the City of Los Angeles Department of the California On the fourteenth day of the month of December One thousand and Eight hundred and thirty nine Which I certify in testimony of truth Antonio Machado
Ass. Augustin Olvera Ass. Felipe Castello

Angeles August 12th 1841
I grant and transfer in favor of Don Juan B Leon all the right of property that belonged to me which appears to the present letter
Mar.no R Roldan

Angeles August 12th 1841
I Citizen Ygnacio Maria Alvarado certify that Dn. Mariano R Roldan voluntarily granted & transferred in favor of Dn Juan Bautista Leon all the right that he had to the Land known as "La Habra" for which the present documents are drawn; also that the written signature is of his own hand and letter that he uses and is accustomed to place, which I authorize and sign with the witnesses of my assistance according to Law which I certify
Ygnacio Ma Alvarado
Ass. Augustin Olvera Ass. Felipe Castello
(Here follows the grant a translation of which is filed in this case)
Filed in Office Oct. 28th 1852
Geo. Fisher Secy

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Testimonio de Una Escritura de Venta de la Mitad del terreno y bienes Raices, y Semovientes del Rancho de los leopotes otorgado en favor de

Don Andres Pico.

Año de 1850

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Doc: H. H.
No. 1. annexed to the Depo: of Abel Stearns in No. 4/00. of October 28. 1852
before Com. H. Hall.

En la Ciudad de los Angeles de la Alta California á los cuatro dias del mes de Marzo de mil ocho cientos cincuenta ante mi Agustin Olvera, Juez de primera instancia de lo civil de la referida Ciudad y su Distrito y por ante los testigos de mi asistencia con quienes actuo en receptoria á mas de los instrumentales que al pie se nominaran, compareció Don Antonio José Cot como apoderado de Doña Ana Maria Josto residente en el Reyno de Cordeña lo que acreditó por medio del poder respectivo presentado en el acto y de cuya persona vecino de este lugar doy fé conozco y dijo Que hallandose reconocida su poderdante por legitima heredera de los bienes que dejó su difunto hijo Don Juan Bautista Leandry y le corresponden como á su madre legitima segun se declara en un auto del Alcalde primero de esta Ciudad fecha treinta de Enero del presente año que manifestó igualmente en testimonio de los que en su consiguiencia ha tomado posesion proindiviso en comun con la coherede ra Doña Francisca Uribe Unda que fué del repetido señor Leandry y se halla en el caso de poder elevar á escritura publica el contrato de venta que como su apoderado y facultado por parte de la espresada Doña Francisca Uribe hizo del Rancho de los Coyotes que es parte de los mencionados bienes Don Anchres pues Mas como posteriormente hubieren ocurrido algunas diferencias y deseasen los herederos hacer un arreglo estajudicial de particion de bienes verificado que fue formaron un avenimiento con fecha diez de Diciembre de mil ocho cientos cincuenta y nueve y en su Articulo cinco se estableció que el espresado Rancho de los Coyotes se adjudicará por mitad á ambas partes á cuyo arreglo habia prestado su aquiescencia el mencionado Don Anches pues desistiendo de qualquier

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Doc. H. H. N° 1. continued

derecho que sobre la parte perteneciente à Doña Francisca Uribe pudiese asistirle mediante la venta antes dicha: Que consiguiente con la esencia del enunciado contrato de Venta pero con las variaciones à que habran dado lugar las circunstancias referidas, tanto porque en la actualidad la Venta es solo de la mitad del espresado Rancho y no del todo como por los terminos en que se han de verificar los pagos espreso. Que à nombre de su poderdante herederos y sucesores y de quien de ellos hubiese titulo voz y causa en qualquiera manera vende y da en Venta real y enagenacion perpetua por furo de heredad para siempre jamas à Don Anches pico de esta misma vecindad y à los suyos la mitad del terreno del Rancho de los Corpotes y Cañada de la Haha como tambien la mitad de los bienes, Raices y semovientes pertenecientes a dicho Rancho escepturando el perro y señal que vendio Don Juan José Chico por pertenecer à Doña Francisca Uribe que pertenecendole en propiedad y posesion la mitad del referido Rancho de los Corpotes y Cañada de la Habra' como igualmente la mitad de sus bienes Raises y semovientes inclusive el perro y señal conocido por Sutiney no declara no tener nada de esto vendido enagenado ni empeñado y que esta libre de tributo memoria capellania, vinculo patronato, fianza y de otro gravamen real perpetuo temporal especial general tacito y espreso y como tal se lo vende con todas las entradas salidas, fabricas, centrovuelo, usos costumbres regalias, servidumbres y demas cosas anexas que ha tenido tiene y le pertenece segun derecho por la cantidad de diez y seis mil pesos en plata de moneda usual y corriente que seran pagados en la forma siguiente: Que seis mil pesos deben ser enhegados de contado la mitad de diez mil pesos den

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=to de nueve meses contados desde hoy y los otros cinco mil en el termino de diez y ocho meses que corveran desde hoy tambien: que habiendo sido entregado por el comprador la cantidad de seis mil pesos que debia dar de contado confesando haberla recibido y dandose por satisfecho de dha renunciaba la ley 9. del tit. 1. part. 5. y asimismo declara que el justo precio y verdadero valor de la referida mitad del Rancho de los Coyotes è igual posesion de la Cañada de la Haba y mitad de los frenes, Raices y semovientes son los diez y seis mil pesos que no vale mas ni hallo quien tanto le haya dado por todo ello y si mas vale ó valer pueda del exceso en poca ó mucha suma hace à favor del comprador y de sus herederos y sucesores en virtud del poder con que se haya envestido gracia y donacion pura mera perfecta è irrevocable en sanidad con insinuacion y demas formezas legales y renuncia la ley 2 tito 1º de la Novisima Recopilacion que trata de los contratos de venta trueque y de otras en que hay lesion en mas ó menos de la mitad del justo precio y los cuatro años que prefine para pedir su recepcion ó suplemento à su justo valor los queda por pasados como si efectivamte. lo estuvieren. Y desde hoy en adelante para siempre declara à nombre de su poderante que se desapodera desiste quita y aparta à sus herederos y sucesores del dominio ó propiedad, posesion titulo voz recurso y otro cualquiera derecho que le compete à la mitad del Rancho de los

Coyotes con todos los demas intereses que antes se renunciaron, los cede, renuncia y traspasa con las acciones reales y personales, utiles, mistas directas y ejecutivas en el comprador y en quien le suya represente para que los posea, goce, cambie enagene, use y disponga de ellos à su eleccion como de cosa suya adquirida con legi

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=tima y justo titulo y le confiere poder irrevocable con libre franca y general administracion y constituye procurador en su propia causa para que de su autoridad g. judicialmente entre y se apodere de la mitad del Rancho de los coyotes como igual posesion de la Cañada de la Haba y mitad de los bienes, Raices y semovientes; y de ello tome y aprenda la real tenencia y posesion que por derecho le compete; y para que no necesite tomarla me pide que le de copia autorizada de esta escritura, con la cual sin otro acto de aprencion ha de ser visto haberla tomado aprendido y hansperidosele. y en el enterin se constituye su inquilino, tenedor y precario poseedor en legal forma. Y se obliga à nombre de su representada à que dicha mitad del rancho de los Coyotes inclusive la parte correspondiente de la Cañada de la "Haba" y la mitad de los bienes Raises y semovientes sera toda cierto seguro y efectivo al comprador y nadie le inquietara ni movera pleito sobre su propiedad, posesion goce y disfrute ni contra ello aparecera gravamen alguno. y si se le inquietare moviere ò apareciere luego que la representada sus herederos y sucesores sean requeridos conforme à derecho, saldran à su defensa y lo siguiran à sus espensas en todas instancias y tribunales hasta efectuarlo y dejar al comprador y a los suyos en su libre uso quieta y pacifica posesion y no pudiendo conseguirlo le daran otro igual en valor de todo lo relacionado y en su defecto le restituiran la cantidad la cantidad que ha desembolsado ò las mejores utiles precisas y voluntarias que à la sazon tenga, el mejor valor y estimacion que en el tiempo ad quirendo todas los costos, gastos, daños intereses ò menos cabos que se le siguieren ò causare; por todo lo cual se les ha de poder ejecutar solo en

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virtud de esta escritura y juramento del q.
la posea, ò de quien le represente en quien de-
pere su importe y la eleva de otra prueva
E. hallandose presente Don pio pico tambien
vecino en representacion de su hermano Don
Andres pico impuesto que fuè de este escri
tura dijo que era en todo conforme con ella
y que en la parte que à su hermano le ligaba
prometia dar exacto cumplimiento à cuyo
fin he potecaba los benes de ambos que tenen
man comunados tanto presentes como ò futu
ros para que se les pudiera compeler y apre
miar por la Via ejecutiva como si fuese
por sentencia pasada en autoridad de
cosa juzgada consentida y sin mas recurso
En consecuencia manifestando Don Anto
nio Josè Col apoderado de Doña Ana Ma-
ria Lostos y Don pio pico representante de
su hermano Don Andres pico que renunciaban
las leyes de su favor y defensa con la general
del derecho en forma en cuyo testimonio
firmaron conmigo y los de asistencia vecin
do instrumentales Don Benito Wilson Don
Josè Salazar y Don Juan Avila que tam
bien firmaron) presentes y vecinos doy fee
Agustin Olvera # Antonio Josè Col.
pio pico # Asistencia. Antonio R. Lopez-
Asistencia Domingo Jurol..
Instrumental. B. D. Wilson #
Instrumental. Josè Salazar.
Instrumental. Juan Avila.
Concuerda con su Original à que me
remito y existe en el libro de Registros del
Juzgado de mi cargo. Esta fielmente saca
do, corregido y confontado en estas seis
41 fojas de papel comun por falta de sellado
lo que autorizo y firmo con los testigos de
mi asistencia segun derecho doy fee.
fecha ut supra.
En testimonio de Verdad.
(Firmado) Agustin Olvera
Asistencia
(Firmado) Jeremeo R. Lopez
Abramio J. Serrano. Asistencia

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Board U. S. Land Commissioners for California.
Angeles Nov. 4th 1852

I hereby certify the foregoing to be a true and correct "copy" of the Spanish Document annexed to the Deposition of Abel Stearns in Case No 405. on file in this Office.

Geo: Fisher Deery

Filed Nov. 12th 1852

Geo: Fisher Deery

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Translation of Doc. No. 1 annexed to Dep of Abel Stearns

In the City of Los Angeles of upper California On the fourth day of the Month of March One thousand Eight hundred and fifty before me Augustin Olvera Judge of the first Instance of the Civil Law of the said City and District, and before the Witnesses of my assistance with whom I act as a receptory (receptora) besides the instrumental Witnesses that at the Conclusion shall be named; appeared Dn. Antonio Jose Lot as Agent of Dona Ana Maria Josefa a resident of the Kingdom of Sonora which was accredited by the respective power presented in the act and of whose person as a Citizen of this place - I certify that I know and say that her principal being recognized as the legitimate heiress of the Estate that was left by her deceased Son Don Juan Bautista Jecancay, and that belongs to her as his legitimate Mother, as is declared in a decree of the Alcalde, dated the thirteenth of January of the present year, which also makes known that in testimony of which she has in consequence letters provisional possession in Common with the Coheiress Dona Francisca Ariles, who owes the Widow of the aforesaid Jecancay, and the matter treated of is to authorize by a public document the Contract of sale, that as her agent and Empowered by the aforesaid Dona Francisca Ariles he made of the Rancho of "Los Coyotes" that is part of the said Estate to Don Andres Pico, but as posterior there might have been occurred some difference, and as the heirs may desire to make an Entire judicial Division of partition of the Estate, which was accomplished they signed an Agreement bearing date tenth day of December One thousand Eight hundred and forty nine, and in the fifth Article it was established that the aforesaid Rancho should be adjudicated by a half, to both parties to which arrangement the said Don Andres Pico had given his Consent, desisting from any right that, in relation to the portion belonging to Dona Francisca Ariles might be vested in him by means of the said Sale - That Consequently the spirit of the said Contract of sale, but with the variations that the circumstances required to had given place in such manner as that actually the sale is only

for one half of the Rancho and not of the whole as is explained by the terms in which the payments are to be made: That in the name of his principal heirs successors and whomsoever of them may have title, voice and interest in any manner, he sell and grants in sale real and perpetual alienation by degree of inheritance forever to Don Andres Pico of this same vecinity, and to his, the half of the Land of the Rancho of "Los Coyotes" and "Cañada de la Habra, as also the half of the real and moveable property belonging to said Rancho (excepting the brand and mark that Don Juan Jose Nieto sold as it belongs to Dona Francesca Urelie) as belonging to him in Ownership and possession the half of the said Rancho of "Los Coyotes" and "Cañada de la Habra" also the half of the real and moveable property excluding the Brand and Ear mark as of Gutierrez, declaring that nothing of that which is sold to be alienated has Mortgages, that it is free from taxation tributes, revenue, entail servitude bond and from any other burden, real perpetual temporal, special general tacit and expressed and as such is sold with all the entrances exits directions easements, customs, privileges, servitudes and whatever other things, it has had, now has and belonging to it, according to sale for the sum of sixteen thousand dollars, in coined money, used & current, which shall be paid in the following manner, that six thousand are to be delivered in hand, the half of ten thousand dollars within nine months counting from to day, and the other five thousand dollars in in the space of eighteen months counting also from to day, that the sum of six thousand dollars having been delivered by the purchaser that must be given in Cash confessing to have received, and expressing himself satisfied with it, he renounces the 19th Law of title 1st part 5th, and also declares that the just and true value of the said half of the Rancho of "Los Coyotes" and Equal portion of the "Cañada de la Habra" and half of the real and moveable property is the six thousand dollars, that it is

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worth no more, nor he found not any one to give as much for the whole and if it is worth more or is able to exceed the value of the excess by a greater or smaller sum he makes in favor of the purchaser and his heirs and successors in virtue of the power with which he is invested entire gift and donation a pure and irrevocable purchase in soundness, with public knowledge & other legal proofs and renounces the 2d Law Title 1 Book 10 of the new Recopilation that treats upon Contracts of sale Barter and of others in which there is a damage of more or less of the half of the first price and the four years that it prefixes to ask for its rescission or supplement to its just value which he gives as pure as if they were effectively so and from this time henceforth he declares in the name of his principal he disposing desists leaves away and separates from its heirs and successors any authority or ownership, possession title voice appeal any any other right that may have to a half of the Rancho of "Los Coyotes" with all further interests as before mentioned, he cedes renounces and transfers them with the rights real and personal useful mixed annex and executions to the purchaser, that he may possess enjoy exchange alienate use and dispose of them to his choice as of anything acquired by a legitimate and just title & confers upon him power irrevocable with free franks and general administration and constitutes him any and actor in his own cause, in order that by his authority or procuratory he may enter and be possessed of the half of the Rancho of Los Coyotes with an equal portion of the "Cañada de en Habra and one half of real and moveable property and and oft he takes and holds the real keeping and possession that by right belongs to him and in order that he may not need to take it, he asks of me that I may give him an authorized copy of this testing with which without any other act of possession it may be seen that he has taken, seized and transferred it to him; and in the meantime is constituted his tenant holder and temporary possessor in legal form and he pledges himself in the name of his representation

that said half of the Rancho of "Los Coyotes" excluding the corresponding part of the "Cañada de la Habra" and the half of the real and moveable property shall all be certain sure and effective to the purchaser, and no one shall molest him, nor bring suit in relation to his ownership, possession enjoyment use nor against it shall appear any objection, and if he should be molested, or suit should be had, or any objection should be made, then the person representing her heirs and successors as required by law shall appear in his defence, and shall maintain it at their own expense before all courts and tribunals until the execution of it and to leave the purchaser and his, in their free use and quiet peaceable possession, and not being able to maintain it they shall give to him another equal in value with every thing as relates, and in defect of this they shall restore to him the sum which he has disbursed for the best, useful passive and voluntary improvements that at the occasion may have the greatest value and estimation that with time it may acquire, and all the costs charges damages interests or damnifications that they subject him to, or cause him, all of which he has power to execute against them by virtue of this writing, and the oath by which he possesses it, or whoever represents him, to whom he may transfer his cause, and assist it by other proof - And being present Don Pio Pico also a citizen as the representative of his brother Don Andres Pico, being informed of what this writing was he said that as to the part to which his brother bound him, he promised to give exact fulfillment to which end he pledged the property of both that they have in common together, as well present as future, in order that he might be able to compel and demand of them by an executive manner as if it was by a sentence passed in authority of anything judicially determined consented to and without further appeal

In consequence making known Don Antonio Jose Cot the agent of Doña Ana Maria Josefa and Don Pio Pico the representative of his brother Don Andres Pico that they renounced the laws in their favor and defended with the application of

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right in form. In testimony of which they signed with me and the witnesses of my assistance the instrumental witnesses being Don Benito Wilson, Don Jose Salinas and Don Juan Abila being present and citizens of this place which I certify

Antonio Jose Cot
Assistance
Francisco R Lopez

Agustin Olvera
Pio Pico
Assistance
Domingo Pego

Instrumental B. D. Wilson
Instrumental Jose Sulinas
Instrumental Juan Abila

Agreeing with the Original to which I refer and that Exists in the Book of Registry of the Tribunal under my Charge; this is Faithfully Copied corrected and Compared on these six pages of Common paper for want of sealed (paper) which I authorized and sign with the witnesses of my assistance according to Law which I certify
Date as above
In Testimony of truth
Agustin Olvera
Assistance
Francisco R Lopez
Assistance
Abcano P Serano

I hereby certify the foregoing to be a true and correct Copy of Translation of Exhibit A A No 1 annexed to the deposition of Alex Stearns filed in case No. 400
Geo. Fisher Secy

Filed in Office Nov. 12. 1852
Geo. Fisher Secy

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Doc: H. H. No 1. annexed to the Depo of Abel Stearns before com. H. Hall.

Sello tercero Dos Reales:
Habilitado provisionalmte. por la Adu
ana Maritima del puerto de Monterey
en el Departamento de las Californias
para los años de mil ocho cientos cuarenta
y mil ocho cientos cuarenta y uno
Alvarado Antonio Maria Osio.

(Sello) Juan B. Alvarado Gobernador
Constitucional del Departamto.
de las Californias.

La Exma junta Departamental
en sesion del dia 22 de Mayo del presto.
año aprobó la concesion que este Gobierno
hizo en 22 de Octubre de 1839. del terreno
conocido con el nombre de la "Haha" à Dn. Ma
riano Roldan en los terminos siguientes.
Artº 1º Se aprueba la concesion hecha de la
Cañada de la Haha en la persona de Dn.
Mariano R. Roldan. 2º Pa. resguardo del in
teresado se extiende el presente en Monterey
à treinta de Mayo de mil ocho cientos cua
renta.

Juan B. Alvarado
Mano. Jimeno Sno del Despacho

Filed in Office Novr. 1.er 1852
Geo: Fisher Secy

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Translation of Doc. S.S. No. 1 annex to depo of Alex Stearns

Seal Three Two Reales

Provisionally authorized by the Maritime Custom House at the Port of Monterey in the Department of the Californias for the years 1840 and 1841.

Seal

Juan B Alvarado Constitutional Governor of the Department of the Californias.

The most Excellent Departmental Junta in Sessions of the 22d of May of the present year approved the grant made by this Government of the Island known by the name of "Sabina" to Don Mariano Roldan in the following terms

Art. 1st. The grant made of the "Isla de la Sabina" to Don. Mariano A Roldan is approved

And for the security of the party the present is issued in Monterey on the 30th. day of May 1840.

(Signed)
Juan B Alvarado

Signed
Manl Jimeno
Secretary of State

A true and Correct Translation. Witness my hand this 1st November 1852
Geo. Fisher Secy

Filed in Office Nov. 1st 1852
Geo. Fisher Secy

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Leo por 1101.

1.53

Sor. Prefecto del Distrito.

Ang.s Marzo. 21 de 1839.
Con el informe conveniente elevese el presente instancia al Supremo Tab.no Departamental.

M. M.

L. Cosme D. Peña.

Juan Bautista Leonatay ante la justificacion de V.S. parezco y digo: que hera muchos años que he solicitado, en terminos legales, la carta de naturalisacion que es necesaria para gozar en el pais las mismas garantias que los Ciudadanos Mejicanos y como las diligencias relativas parece se han estraviado: por virtud de las convulsiones politicas: Suplico à V.S. se sirva solicitar el informe necesario que el Supremo Tribunal Departamental me mandé espedir el mencionado documento el que recibirá la justicia que me asiste, admitiendo use en el presente papel comun por no haber del sellado correspondte.

Angeles. y Marzo. 20 de 1839.

Juan B. Leanoy.

Exmo Sor.

El que solicita es acreedor à la gracia q. pide y los causales en que se apoya son justos. Asi le consta al que suscribe.

Ang.s Marzo. 21. de 1839.

L. Cosme de Peña.

Se dio la carta de naturaleza.

Office of Surveyor General of the United States for California.

I John C. Hays, Surveyor General of the United States for the State of California and as such now 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 me by law Do hereby Certify that the preceding and hereunto annexed page of tracing paper exhibits a true and accurate copy of a certain document Documents now on file and forming part of the said archives 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 Twenty Ninth day of November. a. D. 1853.

John C. Hays.
U. S. Surveyor Gl. for California

Filed in office. Dec. 1. 1853.

Geo. Fisher. Secy.

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PAGE 50

Translation
of
Document
marked M.M.

To the Prefect of the District

Angeles March 24th 1839.
Let this application with the proper report be forwarded to the Supreme Departmental Government
Lo. Cosme Peña.

I, Juan Bautista Landry appear before Your Excy & say, that many years ago in legal manner I solicited the letter of Naturalization which is necessary to enjoy in the Country the same guarentees as Mexican Citizens and as it appears the papers on this Subject have been lost in consequence of political convulsions.
I beseech Your Excy. to request giving the necessary reports, that the Supreme Departmental Govt. will order the said document to be issued to me, whereby I shall receive the justice which benefits me admitting this on common paper there being none of the proper seal.
Angeles March 20 1839.
Juan B. Landry

Let it be registered.

Excellent Sir.
The Petitioner is entitled to the favor he asks and the causes which states are just Thus it appears to the Subscriber.
Angeles March 24, 1839
Lo. Cosme de Peña

The letter of Naturalization was issued

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Filed in Office Dec 1, 1853. Geo. Fisher Sec

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Stipulation

Andres Pico & Francisca Olampo
Claimants of "La Habra"

It is stipulated and agreed that the Document marked Ho H filed in Case No. 400 in which the same parties claim the tract of Land called "Los Coyotes" and also the Deposition of Don Antonio Jose Cot this day taken in said last mentioned Case 400 shall be considered as filed in this case No 401

December 1. 1853

Robert Greenhow
Asst to Land Agent

Filed in Office Dec. 1 1853
Geo. Fisher Secy

Recorded in Journal Vol 3 page 513
Geo. Fisher Secy

Agreement

La Habra No 401
Andres Pico & Francisca Olampo
Claimants

U. S. Land Commission

It is agreed by Robert Greenhow Associate Land Agent for the United States & J Lancaster Brent Atty for the Claimants that a certified copy of the Deposition with a certified Copy of the translation by Antonio Jose Cot Atty for Anna Maria Foster to Andres Pico and deposition taken in the cause of "Los Coyotes" No 400 On the Docket of the Commission with the same Effect & force as of taken originally in this claim

Robert Greenhow
J Lancaster Brent

Filed in Office Nov. 1st 1852
Geo. Fisher Secy

Recorded Journal Vol 2 page 210
Geo. Fisher Secy

5-8

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401 Andres Pico et al

vs

The United States

} For a place called "La Habra" situate in the County of Los Angeles containing one and a half square leagues

Opinion

355 SD
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The evidence in this case shows the following facts, that on the 22d day of October, 1839, Governor Jimeno Casarin signed a grant to Mariano R. Roldan, and that juridical possession was subsequently given in due form

On the 12th day of August Roldan sold and conveyed the same to Juan B. Leandres. In the year 1841, Leandres died intestate, leaving a wife, one of the petitioners herein, and a mother, the only heirs to the estate, the mother's name being Ana Maria Forte and that on the 4th day of March 1850, the said Dona Ana Maria sold and conveyed her interest to the petitioner Andres Pico

The testimony also shows that the original grantee went into possession of the place and resided there with his family immediately after the issue of the grant, and that the place has been occupied by the original grantee and those holding under him ever since

We think this a valid claim and a decree of confirmation will be entered herein

Confirmed

Filed in Office July 3, 1855

(Signed) Geo Fisher Jury

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401

Andres Pico and
Francisca de Ocampo
vs
The United States

Decree

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioners is valid, and it is therefore decreed that their application for a confirmation thereof be allowed

The land of which confirmation is hereby given is situate in the County of Los Angeles as is called "La Habra" and contains one and a half square leagues, and to be located agreeable to the calls of the grant, with reference to the map accompanying the expediente and the report of the officer giving juridical possession, all of which constitutes a part of the evidence in this case

S. Aug: Thompson
Commr.

S. B. Barnett

Filed in office July 3, 1855

(Signed)
Geo. John Fisher

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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 ordered that two transcripts of the proceedings and decision in this case, and of the papers and evidence upon which the same are founded be made out and duly certified by the Secretary, one of which transcripts shall be filed with the clerk of the United States District Court for the Southern district of California, and the other be transmitted to the Attorney General of the United States.

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Office of the Board of Commissioners,

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

I, George Fisher Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing Sixty one pages, numbered from 1 to 61, 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. 461, on the Docket of the said Board, wherein Andres Pico, et al, are the Claimants against the United States, for the place known by the name of "La Habra."

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. 1858, and of the Independence of the United States of America the ~~seventy~~ eighteenth.

Geo. Fisher
Sec'y

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U. S. DISTRICT COURT,

Southern District of California.

No. 355

THE UNITED STATES,

vs. 355

Andres Pico, et al

La Habra

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS.

In Case No. 408.

Filed, Dec. 6th 1855

C. E. Carr Cl

By J. L. R. Dunmer

Dep

355 1

Office of the Attorney General of the United States,

Washington, 31. Dec. 1855.

401.) "La Paha"

Andres Pico 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. 355.

U. S. Dist. Court
South. Dist. California

Andres Pico et. al.
appellees
vs
The United States
appellants.

Notice of Appeal

Filed Feby 12th 1856
J. E. Carr
Clk

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

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

Andres Pico, et al
Appellees.
vs
The United States. Appellant.

Docket No. 355.

Transcript No. 401.

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* 20 *day of* October *A. D.* 1852, Andres Pico 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 La Habra *in the County of* Los Angeles *State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the* 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.* 401; *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: on March the 12 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.

73 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 ~~his~~ their attorneys may be served with a copy of this petition; and that this Honorable Court will review the said decision of said Commissioners, and reverse the same; and decide on the validity of the ~~same~~ said claim, and decree the alleged title to be invalid: with costs and general relief.

P. Ord

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

No. 355.

Filed this 5th January
1857 C. Smith Clk
By A. A. Coleman
Dep

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

THE PRESIDENT OF THE UNITED STATES,

TO

Andres Pico et al

355 SD
PAGE 82

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 5th day of January in the year of our Lord, one thousand eight hundred and fifty-seven, at the City and County of Los Angeles, in said District, by

P. Ord U. S. Atty. praying said Court to review the decision of the U. S. Land Commissioners of the 5 day of July 1855 confirming your Claim to the land called "La Habra"

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 20th day of January, in the year of our Lord, one thousand eight hundred and fifty-seven, at Los Angeles aforesaid.

C. Sims Clerk.

J. H. Coleman
Dep

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No. 355

Marshals Cost
Copying Answer — 60
Serving same 3. —
" Petition 3. —
$ 6. 60

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

Andres Pico et al
Appellee
vs
The United States
Appellee

Filed on behalf of Appellee January 21st 1857
Cline Clk
J. H. Coleman
Deputy

SUMMONS.

January 20th 1857
Edward Hunter
U. S. Marshal
Fr. M. L. Boorman
Deputy

355 SD
PAGE 63

I served this Summons, along with the proper copy of the Petition, upon A. Olvera Atty
francisco Ocampo by delivering to him a true copy of the
same
at Los Angeles
the 21st day of January, in the Southern District of California, on
A. D. 1857.
Sworn to and subscribed before me, this
21st January 1857
Cline Clerk.
Jr. H. Coleman
Dep

Edward Hunter
U. S. Marshal.
Fr. M. L. Boorman
Deputy

850

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

THE PRESIDENT OF THE UNITED STATES,

TO

Andres Pico et al

355 SD
PAGE 84

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 5th day of January in the year of our Lord, one thousand eight hundred and fifty-seven, at the City and County of Los Angeles, in said District, by

P. Ord U.S. Atty praying said court to review the decision of the U.S. Land Commissioners of the 3d day of July 1855 confirming your claim to the Lands called "La Habra."

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 20th day of January, in the year of our Lord, one thousand eight hundred and fifty-seven, at Los Angeles aforesaid.

C. Sims **Clerk.**
J. H. Coleman
Dep

No. 335

Marshals Cost
Copying Summons — 60
Serving same 3. —
" Petition 3. —
$ 6.60

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

Andres Rico et al
appe

vs.

The United States
Apte

Filed on return this 23d January 1857
C Sims Clk
Jno H Coleman Dep

SUMMONS.

January 20th 1857
Edward Hunter
U.S.M.
Ar M Goodman
Deputy

355 SD
PAGE 65

I served this Summons, along with the proper copy of the Petition, upon Andres Rico by delivering to him a copy of the same at Los Angeles, in the Southern District of California, on the 23d day of January, A. D. 185 7.

Sworn to and subscribed before me, 23d January 1857

C Sims Clerk.

Edward Hunter
U.S. Marshal.

Jno H Coleman
Dep

Ar M Goodman
Dep

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

Hon J. S. K Ogier Judge

Andres Pico et al
appellees
as
The United States
appellants

No. 355

Transcript No. 401

The answer of the appellees to the petition of Review filed by the United States - avers that the title under which they claims the tract of land called "La Ysabel" is valid, and they prays that the decision of the U. S. Board of Land Commissioners be affirmed and their title decreed Valid and for general relief

Olvera & Norton
of Counsel for Claimants

No. 355
355

United States Dist Court
for South.n Dist of California

Andres Pico et al
appellee

vs

The United States
appellants

Answer

Filed this 21st January
1857
C Sims clk
By J H Coleman
Dep

Office of the Board of U. S.
Land Commissioners &c &c

Deposition of Antonio Jose Cot.

This day before Com. Alpheus Felch came Antonio Jose Cot. a witness in behalf of the Claimants Andres Pico et al petition No. 400 and being duly sworn, his testimony being in Spanish, was interpreted by the Secretary as follows.

Questions by Mr. Crittenden attorney for Claimants

1 Question

What are your name, age and place of Residence?

Answer

My name is Antonio Jose Cot, my age is Sixty nine years and I reside at Los Angeles in California

2 Question

Did you ever have in your possession any of the papers of Juan Bautista Landry

Answer

I had many of them in my possession after Landrys' death as attorney in fact for his mother, who resided in Italy, Landry died at Los Angeles about the month of December and in the year 1843. He died intestate. In virtue of power of attorney

from his mother. I recollect his papers and kept them

3 Question

Did you find among his papers any Letters of Naturalization shewing him to be a Citizen of Mexico

Answer

I did not. I examined carefully but could not find them — Knowing him to be a Citizen of Mexico I wanted to find the paper of Naturalization. I was the third administrator and I think they must have been mislaid in the transfer of the papers from one to the other. I know of ~~the~~ other papers of said Landry that were missing

4 Question

How long were you acquainted with said Landry?

Answer

I was acquainted with him from the year 1834 until his death

5 Question

Did said Landry ever hold any office under the government in California? if yes, what?

Answer

In 1840 he was appointed justice of the Peace at Los Angeles and continued

to exercise the duties of of that office during that year. Felipe Lugo was the other justice during the same time

Questions by Mr. Greenhow, associate Law agent

Question

Was Anna Maria Costa the mother and heiress of said Sandy a — Mexican Citizen?

Answer.

She was not, she never was in Mexico

Question by Mr. Crittenden

Question

Please look in the document now presented to you marked Exhibit H. H. annexed to the deposition of Abel Stearns taken before Commissioner Leland Hall — heretofore filed in this case, purporting to be a Conveyance from yourself as attorney of Anna Maria Costa to Andres Pico and Say whether or not you made the Sale as therein stated?

Answer

I have examined the said paper and recognize it to be an authenticated Copy of the Original deed of Conveyance executed by me as the attorney in fact of

Anna Maria Porta. I made the Sale as therein Stated

Antonio Jose Cot

Subscribed and Sworn to before me this first day of December AD 1853

Alpheus Felch
Commissioner

355 SD
PAGE 71

Filed in Office Dec 1. 1853
Geo Fisher
Secy

United States America
State of California
County of Los Angeles

I. C. Sims Clerk of the U.S. District Court for the Southern District of California, hereby Certify the foregoing to be a full, true and Correct Copy of the deposition of Antonio Jose Cot, in Transcript No 400 of the Board of Land Commissioners and of No in the aforesaid Court 372. on file in this office, Commencing on page 18 thereof and ending on page 21 of the same, as the same appears on file in my office

In witness whereof I hereto set my hand & affix the seal of said Court this 15th day of February 1857

C. Sims Clk
J. H. Coleman
Dep

No. 355

U. S. Dist Court
for S. Dist of Cal

Andres Pico et al
appellees

vs

The United States
appellee

Filed Feby 18th 1857
J. Ross
Clk

Deposition of Antonio Jose Cot
from Transcript No. 372
filed 19th January 1856
C. Clerk
Clk

Certified Copy
Franklin

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

December Term A.D. 1856

Andres Pico et al
appellees
vs
The United States
appellants

Docket No. 355
Transcript " 401
"La Habra"

This cause coming on to be heard on appeal from the final decision of the United States Board of Land Commissioners "to ascertain and settle the private land claims in the State of California" under an act of Congress approved March 3rd 1851 on a transcript of the proceedings and decision of said Board and of the papers and evidence upon which said decision was founded, and it appearing to the Court that the said Transcript and the notice of intention of appellants to prosecute the said appeal have been duly filed according to law, and Counsel for the respective parties having been heard

It is ordered, adjudged and decreed that the decision of said Board of Commissioners, be, and the same hereby is affirmed, and that the title of the said appellees Andres Pico et al to the lands claimed in this case be decreed to be good and valid

The lands of which confirmation is hereby made are situate in the County of Los Angeles, and are known by the name of "La Abra" being the same lands which were granted Mariano R. Roldan on the 22nd day of October A.D. 1839

by Manuel Jimeno, then Governor of California which grant is Confirmed to the extent of One and one half Square leagues, and no more, and to be located agreeable to the Calls of the grant, with reference to the map accompanying the Expediente and the report of the officer giving Juridical possession, all of which Constitute a part of the evidence in this case

Thus done and signed in open Court this 19th day of February A.D. 1857

Ogden
U S Dist Judge

No 355

United States District Court
for the Southern District of California

Andres Pico et al
appellees
vs
The United States
appellants

Decree

Filed this 19th February
1857 C Sims clk
J H Coleman
Deputy

Recorded on Page 223

California Land Claims.
Attorney General's Office
2 Febry 1857.

Sir:

In the case of the claim of Andres Pico et al. confirmed to the claimants by the Commissioners, Case no. four hundred and one, (401), appeal will not be prosecuted by the United States.

I am,
Respectfully,
[illegible]

Maxwell Ord Esq
U. S. Attorney,
Los Angeles.

No. 355,

Filed 4 March 1858.
C. Sims & Co.
for W. W. Stetson,
Atty.