

United States Vs. Pico

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Court : US Supreme Court

Decided On : 1859

Appeal No. : 63 U.S. 406

Appellant : United States

Respondent : Pico

Judgement :

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United States v. Pico

63 U.S. (22 How.) 406

APPEAL FROM THE DISTRICT COURT OF THE UNITED

STATES FOR THE NORTHERN DISTRICT OF CALIFORNIA

SYLLABUS

Where the preliminary proceedings to a grant of land in California were not produced, and the grant and certificate of approval came from the hands of the claimants, no record of them being found among the Mexican archives or in any

book, nor is there any evidence of possession or occupation deserving notice or consideration, the case will be remanded to the court below for further evidence.

The state of Pico's title is mentioned in the opinion of the Court, and need not be repeated.

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MR. JUSTICE NELSON delivered the opinion of the Court.

The appellee presented to the board of commissioners a claim for eleven square leagues of land, known by the name Moquelamos, situate in the County of Calaveras, California. The board rejected the claim, but, on appeal to the district court and the production of some further proof, that court affirmed it.

The preliminary proceedings required by the regulations of 1828 before a grant of the public lands were not produced, if any existed. The only evidence of the title is a grant of the tract by a formal title to the claimant, dated Los Angeles, 6 June, 1846, signed by the Governor, Pio Pico, and J. M. Moreno, the Secretary of State, and two other papers relied on as furnishing proof that the grant was approved by the departmental assembly. One of them is a certificate to that effect of the governor and secretary bearing date 15th June, 1846; the other purports to be a communication from N. Botello, deputy secretary of the departmental assembly, of the approval, to Moreno, secretary of state, for the information of the governor. This approval, according to the deputy secretary of the assembly, was in a session held on the 15th July, 1846. The paper was found among the Mexican archives.

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The other documents -- the grant and certificate of approval -- came from the hands of the claimant. No record of them was found among the Mexican archives or in any book, nor is there any evidence of possession or occupation deserving notice or consideration.

The case falls within the principles and is governed by the views of the Court in the case of the [United States v. Teschmaker](#), decided at this term. Besides the suspicious character of the grant, it appears to be wholly destitute of merit.

The decree below reversed, and the case remanded for further evidence.

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