CASE NO.
97

SOUTHERN DISTRICT

SANTA ANA GRANT

CRISOGONO AYALA

CLAIMANT

LAND CASE 97 SD 123 pgs.

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 494

Crisogono Ayala CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Santa Ana".

/

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 of December, *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 Ursogono Ayala *for the Place named* "Santa Ana"

was presented, and ordered to be filed and docketed with No. 494 *and is as follows, to wit;*

(Vide page 3 *of this Transcript.)*

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

San Francisco February 11 1853.
In Case No. 494 Ursogono Ayala for the place named "Santa Ana" the deposition of Pedro Maria Covarrubias, a witness in behalf of the claimant taken before Commissioner Harry I. Thomton was filed;

(Vide page 5 of this Transcript)

San Francisco February 11th 1853
In the same Case the deposition of Pablo de la Guerra, a witness in behalf of the claimant, taken before Commissioner Harry I. Thomton with document marked H. I. T. No. 1 annexed thereto was filed;

(Vide page 6 of this Transcript)

San Francisco September 26 1853.
In the same case the deposition of Francisco de la Guerra, a witness in behalf of the claimant taken before commissioner Alpheus Felch was filed.
(See page 7 of this Transcript)

San Francisco September 28th 1853.
Case No. 494 Called: Submitted on Briefs on both sides and taken under advisement by the Board.

San Francisco January 24th 1854
In the same case Commissioner Thompson Campbell delivered the opinion of the Board confirming the claim.
(See page 33 of this Transcript)

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Petition

97 SD
PAGE 4

To the Honorable Commissioners to settle Private Land claims in California

The petitioners Eusogono Ayala for himself and Bernardina Alvares de Vanegas, Pablo Vanegas Eusogono Ayala Francisco Ayala, Ramon Ayala, Pedro Ayala, Buenaventura Ayala, Joaquin Ayala, Albario Ayala, Jacobo Ayala Merced Ayala, Jose del Refugio Ayala and Jose Ramon Ayala widow and heirs of Cosme Vanegas deceased respectfully show

That on the 14th day of April 1837 Juan B Alvarado Governor of Governor of California by virtue of authority in him vested granted to Eusogono Ayala one of these petitioners and to Cosme Vanegas the tract of Land called Santa Ana situated in the present County of Santa Barbara with the boundaries described in said grant and represented in the accompanying map.

That said grant was duly approved by the Departalem on the 18th of May 1837. and that the said tract of Land was duly surveyed and the juridical possession given in due form on the 8th day of July 1843 all of which is fully shown by the original title approval map and record of Juridical possession submitted herewith marked "A" with a translation marked "B"

And the petitioners further show that the said Cosme Vanegas died on the day of 184 leaving the Bernardina Alvares de Vanegas his widow and Pablo Vanegas and Barbara Vanegas de Ayala his only legitimate children; That said Barbara Vanegas died on the day of 185 leaving the petitioner her widower and Francisco Ayala, Raymon Ayala Pedro Ayala Buenaventura Ayala, Joaquin Ayala Jose del Refugio Ayala, Albario Ayala Jacobo Ayala Merced Ayala and Jose Ramon Ayala he only legitimate children

That the Petitioners and the uncles whom they holds have been for more than fifteen years and now are

in the quiet and undisputed possession of the said tract of Land

That they know of no conflicting claim

That they rely for confirmation of title upon the original papers submitted herewith: upon the notes and records in the Archives of the former Government, in the charge of the U. S. Surveyor General of California and upon such other and further proofs as they may be advised are necessary.

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

By their Attys
Halleck Peachy & Billings

Filed in Office Dec. 20. 1852.
Geo: Fisher
Secy.

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Deposition of Jos. Ma. Covarrubias

San Francisco Feby 11th 1853

On this day before Harry I Thornton came Jose Marco Covarrubias a witness in behalf of the claimant Eusogono Ayala et a petition No. 494 and was duly sworn, his evidence being interpreted by the Secretary

In answer to Questions by Counsel for Claimant the witness testified as follows

My Name is Jose Marco Covarrubias; my age is 44 years and I resede in Santa Barbara and have lived in California 19 years

I know the Rancho called Santa Anna in Santa Barbara County, it was first Occupied by Eusogono Ayala and Cosme Vanegas in 1837 and has been occupied ever since by them & their families, ~~they have~~ - they had a house Cattle & sowings on it: Cosme Vanegas died in 1850 leaving Bernadena Alvarez his widow and two children, Pablo and Barbara. Barbara died 1857 leaving Eusogono Ayala her widow and ten children whose names I believe are correctly given in the petition filed in this case - I know of no conflicting claims

Jose Ma Covarrubias

U. S Law Agent Present

Sworn to and subscribed before me this 11th of Feby 1853

Harry I Thornton Comr &c

Filed in Office Feb. 11. 1853
Geo. Fisher Secy

San Francisco Feby 17. 1853

Deposition of P. de la Guerra

On this day before Harry I Thornton came Pablo de la Guerra a witness in behalf of the claimant Gregorio Ayala et al petition No. 494 and was duly sworn his evidence being given in English

My name is Pablo de la Guerra My age is 33 years I reside in Santa Barbara County and am a native of Upper California

I know the signatures of Juan B Alvarado, Victor Prudon Manuel Jimeno, Antonio Castillo, Joaquin Carrillo, Amastacio Carrillo, and Manuel P de Leon then signatures to the papers before me marked Exhibit No. 1 And attached to this deposition are to the best of my knowledge and belief genuine signatures

Pablo de la Guerra

U. S. Law Agent present

Sworn to and subscribed before me this 17th day of February 1853

Harry I Thornton Comr &c

Filed in Office Feb. 17. 1853

Geo. Fisher Secy

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

Deposition of Francisco de la Guerra

This day before Com: Alpheus Felch came Francisco de la Guerra a witness in behalf of Claimant Cresogono Ayala Val No 494 who after being duly sworn deposed as follows

Questions by Mr Hallock Atty for the Claimants

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

Answer. My name is Francisco de la Guerra my age thirty six years - I reside at Santa Barbara in California -

2d Question. Are you acquainted with Cosme Vanegas and Cresogono Ayala the grantees in this case

Answer - I ~~am~~ was acquainted with both of them I have known them ever since my boy-hood Cosme Vanegas is dead he died about the year 1857 as I recollect Cresagno Ayala is still living

3. Question. Do you know whether Vanegas left a widow and children? If you state their names

Answer. He left a widow whose name is Bernardina Alvares and who is now living, a son whose name is Pablo and a daughter named Barbara. The son Pablo is still living, but Barbara the daughter is dead. She died about two years ago and left seven children - Her husband was Cresogono Ayala before named -

4th Question. Do you know the Rancho Santa Anna claimed in this case? If you - Where is it situated and what do you know about its occupation

Answer. I know the Rancho it is situated near the Mission of San Buenaventura, in Santa Barbara County - The grantees occupied it immediately after the grant of it was made to them - They occupied it by building upon it houses and corrals and making enclosures, stocking it with cattle

and horses and cultivating portions of the ground and living with their families on the premises — This Occupation has been continued up to the present time I was present on the estate at the time of the partition of the personal property of Vanegas among his heirs There were on the Ranchs then about three hundred head of cattle and from Eighty to One hundred horses which belonged to his estate. I do not know how many there were there belonging to Alaya — They raised from One to two hundred fanegas of wheat and also cultivated considerable quantity of beans & barley and corn.

Franco de la Guerra

Mr Green how Apoccate Gen Agent was present at the taking of this deposition but declined to interrogate the Witness Mr Fisher Secretary &c. Acted as Interpreter the testimony being given in the Spanish Language

Subscribed and sworn to before me at San Francisco this twenty sixth day of September A. D. 1853 —

Alpheus Felch Comr.

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Filed in office Sept 26th 1853
Geo. Fisher Secy

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Expediente promovido por el Ciud.
Eusogono Ayala en solicitud de
terreno nombrado Sta Anna.
1839.

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Sello Cuarto una Cuartilla.

Habilitado provisionalmente por la Aduana Marisima de Monterey, para los años de mil ochocientos treinta y tres y mil ochocientos treinta y cuatro.

Figueroa. José Rafael Gonzales.

Revalidado para los años de 1836 y 1837.

Chico. Angeles Ramirez.

Eusogono Ayala y Cosme Vanegas ambos vecinos de esta Barbara ante V.E. como mejor haya de derecho ó en derecho y con la mayor sumision: dicen.

Que habiendo ambos con una numerosas familias hagen en sostener y estan radicado en el Punto de Sta Barbara adonde como es notorio no hay terrenos suficientes para mantener un numero de Ganado Mayor Sientos Reces para fomentar los en beneficio de sus expresadas familias, se presentan ha V.E. pidiendo el paraje nombrado Sta Anna. situado al Norte y Rio Arriba de Sta Barbarita para poner en el su radicaciones y fomentar sus bienes para la mantencion de sus numerosas familias con arriba expresen.

Por tanto A V.E. suplican ambos rendidamente se le conceda la Gracia y merced que esto instancia en lo que recibirán Gracia y merced. Sta Barbarita a. Febrero de 1839. Blas Ch. de V.E.

Eusogono Ayala. Cosme Vanegas. Santa Barbara Marzo 10 de 1839. Vista la presente solicitud en que el Ciud. Eusogono Ayala pide acederle con Cosme Vanegas, que el fomento del Rancho que presentaba el Sor en la representacion adjunta fha. 10 del Ptte. Alto agregase a esto los antecedentes y tengase por compendido Cosme Vanegas, en el Decreto de Concesion. cuando el se de por

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Juan B. Alvarado. Victor Prudon. Srio. Int.

Sello Cuarto una Cuartilla.

Habilitado provisionalmente por la Administracion de la Aduana Marítima de Monterey para los años de mil ochocientos treinta y tres y mil ochocientos treinta y cuatro.

Revalidado para los años de 1836 y 1837.

Figueroa. Srio. José Rafael Gonzalez.

Informe del S. Ayuntamiento de esta demarcacion si Eusogonio Ayala reunia en su Pueblo de Sta el circulado en esta ciudad Barbara ante V. E. Con el mejor respeto

—nicia obtiene los req y como mas hugo lugar es presente

—nitos necesarios para que teniendo un numerosa familia quien

ser atendido en su solicitud sostener y estan radicado en el Canto de

si el terreno que pretende Sta Barbara habandó como es notorio ahay

es baldio, si no pertenece terreno suficiente para mantener de pié

á la propiedad particular un numero de Ocesientos Bueyes, para

de alguno individuo, ó desmembrar los en beneficio de su espresada

Pueblo. o sea cuadro familia: Se presente a V. E. p. i ds en vista el

estos informes, valiera parage nombrado Sta Ana, y remitir el

este Expediente al Gobno y Rio arriba de Sta Buenaventura para poner

para su resolucion. en el mencionado de su numerosa familia

como arriba expone.

Alvarado

Por tanto a V. E. rendidamente suplico se le

conceda el q. solicita en la instancia en lo

que recibirá Gracia y merced.

Sta Buenaventura Febro 1º de 1837.

P. A. de V. E. Eusogonio Ayala.

Alte Ayuntamiento.

La comision a quien V. S. se ha servido conferir pa dictaminar

sobre el expediente formado por el Sor. Gobierno Eusogonio

Ayala en pretencion del parage nombrado Sta Ana

en observancia del decreto del Gobierno Constitu q. del presente

expone que el circulado obtiene todos los requisitos

legales para ser atendido en la solicitud; que el terreno

es baldío y en estado de adjudicarse en colonización conforme á la ley de 18 de Agosto de 1829 y reglamentos de Nove de 1828 para aunque sea de conocido por dicha presencia de la Sa Misión de Sta Buenaventura se haya á lavor y baldío y sin la ocupación necesaria por cualquiera en estado de adjudicarse conforme á las leyes citadas, por tanto el que represento el Ciud.o Miguel Arenado, tiene buena conducta y bienes con que poblarlo por lo que se hace acreedor á ser amparado por la ley y por las consideraciones del Gobierno á quien representan. Por tanto á V.S. ofrece á la Comisión á la deliberación de V.S. la siguiente proposición. Pueda el Gobno adjudicar en propiedad al Ciud.o Ensagano Ayala el paraje nombrado Sta Ana.

Sta Barbara. Marzo 14 de 1833.

Valentin Cota. Pablo Vanegas.

Enterados del dia de hoy aprobo el G. S. la proposicion del Diputado anterior acordado buelva el expediente al Gobierno para su resolucion.

Sta Barbara. Marzo 15 de 1833.

Srio. Bonito Diaz. Diego Olvera.

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Resuelto como en folio.

Exmo. Sor.

La Comision de terrenos baldios a puesto del Expediente promovido por Don Eusagorio Ayala, Cosme Bonegas en solicitud del paraje nombrado Sta Ana. no encuentra inconveniente alguno, para que se conceda con excepcion à su pretencion por lo que la Comision concluye poniendo à la deliberacion de V.S. la siguiente proposicion.

1ª Se concede al Ciud.º Eusagorio Ayala y al Cosme Bonegas, el paraje nombrado Sta Ana por obtener los requisitos que previene la ley de 18 de Agto de 1824 y el articulo 5 del reglamento de 21 de Mayo de 1828.

Sta Barbara. 16 de Mayo de 1837.

José A. Espada. Franco J. Alvarado.

Sta Barbara. Mayo de 18 de 1837. En Sesion de hoy se le dispensaran los tramites à la proposicion del dictamen que antecede y fué aprobado por mayoria absoluta. de votos. Antonio Bulno. Srio Interino.

José Maria Corzanubias Srio.

Sta Barbara. Abril 14 de 1837.

Vista la peticion con que da principio este Expediente y el informe del Gobno Sbre Ayuntamiento de esta Municipalidad con todo lo demas que se tubo presente y ser conveniente de conformidad con las leyes y reglamentos de la materia se declara à Dn Eusagorio Ayala, dueño en propiedad del terreno nombrado Sta Ayala, el conforme al dibujo que acompaña à la solicitud y dentro de los linderos que en el paraje, tiene el Despacho correspondiente, tomese razon en el libro respectivo y dirijase este Expediente á la Sama. Diputacion en cuyo caso el interesado a quien se le ova saber si desean para ocurrir nombramiento de titulo porque se le revalide el Sor Don Juan B. Alvarado, Gobernador interino del Mayo Presidente de la buena Asamblea, lo decretó mandó y firmó de que doy fe.

Juan B. Alvarado

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Office of the Surveyor General of the United States for Calif.a

I John C. Hays, Surveyor General of the United States for California and as such now having in my office and under my charge and custody a portion of the archives of the former Spanish and Mexican Governments do hereby certify that the twelve preceding and hereunto annexed pieces of tracing paper numbered from one to twelve inclusive, exhibit true and accurate copies of certain records on file and forming part of the said archives in this office.

In testimony whereof I have hereunto signed my name officially and caused my seal of office to be affixed at this City of San Fran.co Calif.a this Seventh day of October A.D. 1853.

John C. Hays.
Surveyor Genl for Calif.a

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Filed in office Nov. 9. 1853.

Geo. Fisher.
Secy.

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Translation of Espediente

Stamp Fourth One Cuartillo
Provisionly authorized by the Administrator of the Maritime Custom House of Monterey for the years 1833 & 1834
Figueroa Jose Rufael Gonzales
Revaledated for the years 1836 & 1837
Chico Angel Romarez

Most Excellent Sir

Cresogono Ayala and Cosme Banegas both citizens of Santa Barbara before your Excellency as is most proper of right a in Law, and with the greatest submission Say
That both having large families to support and being settled in the point of Santa Barbara where it is notorious that there is not sufficient to support a stock of four hundred cattle and having to increase them for the support of their said families they present themselves to your Excellency asking for the place called Santa Ana to the North and up the the river San Buenaventura where they wish to settle and increase them properly for the benefit of their numerous families, as expressed above - Wherefore they both pray your Excellency in due form to grant them the favor they ask in this case, by which they will receive favor and grace - B.L. Mde V.E.
San Buenaventura February 10. 1837
Cresogono Ayala Cosme Banegas

Santa Barbara May 10. 1837
Having seen the present petition in which Citizen Cresogno Ayala asks to associate himself with Cosme Vanegas to settle the Ranchs which he first petitioned for in the annexed petition of February 10th last past.

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Let this be added to the preceding and Cosme Vinegas be considered as included in the Decree of Concession of the 14th of last April

Juan B Alvarado — Victor Prudon
Secretary ad interim

Santa Barbara March 9th 1837

The Illustrious Ayuntamiento of this Municipality will report of the party interested in case has the requisite necessary to entitle him to be attended to of the land asked for is the private property of any individual or Pueblo. Having made these reports return the Expediente to the Government for its decision

Alvarado

Most Excellent Senor

Ceresogono Ayala resident of the Pueblo of Santa Barbara before your Excellency with the greatest respect and as is most proper represents

That having a numerous family to support, and being settled in the point of Santa Barbara where as is notorious there is not Land suffecient to support a stock of two hundred head of Cattle in order to increase them for the benefit of his said family he represents himself to Your Excellency asking for the place called Santa Ana, to the North and up the river San Buenaventura, in order to settle in it and to increase his property for the maintenance of his family as above expressed

Wherefore he prays your Excellency to grant him what he asks for by which he will receive grace and favor

San Buenaventura. February 10. 1837

B. L Mde V.E. — Ceresogono Ayala

To the Illustrious Ayuntamiento

The committee to which you referred to report the Espediente formed by Citizen Cresogono Ayala in application for the place called Santa Ana in compliance with the Decree of the Government dated the 9th Inst. reports

That the party interested has all the legal requisites to entitle him to be attended to in his petition that the land asked for is vacant and in condition to be granted in Colonization conformably to the law of the 18. August 1824 and the regulations of November 1828 - Some have regarded it as an appurtenance to the Ex Mission of San Buenaventura but it is seen to be consequently in a condition to be granted conformably to the above Law - The petitioner is a Mexican Citizen of good conduct and has property to settle the land by which he deserves to be favored by the Law and to meet the consideration of the Government to which he presents himself. Wherefore they offer for your deliberation the following propositions -

The Government can grant in property to Citizen Cresogono Ayala the place called Santa Ana

Santa Barbara March 14-1837

Valentin Cota Pablo Vanegas

In sesion this day the Illustrious Ayuntamiento approved the proposition of the foregoing report and directed the Espediente to be returned to the Government for its decision -

Santa Barbara March 15th 1837

Benito Diaz Diego Olivares

Santa Barbara April 14-1837

Having seen the petition with which this Espediente begins the reports of the Illustrious Ayuntamiento

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of this Municipality with all else presented and
and to be seen in Conformity with the Laws and
regulations on the matter Letizen Lerisogono is declared
Owner in property of the land known by the name
of Santa Ana and according to the Map which acc
ompanies the petition and within the boundaries
which appear on it. Make out the corresponding
despatch, take note of it in the respective book
Submit this Espediente to the Most Excellent deputation
of which inform the party interested who will
be notified of this Decree, that he may present his
title in order that it may be revalidated
Don. Juan B Alvarado, Governor ad interim of the State
and President of the Most Excellent Deputation thus
decreed Ordered and Signed of which I certify
Juan B Alvarado

Most Excellent Senor

The Committee on vacant lands
charged with the Espediente moved by Citizens
Lerisogono Ayala and Cosme Vanegas, asking the
place called Santa Ana, finds no Objection to
granting their petition. Wherefore it Submits to
your Excellency the following proposition
1st That is granted to Citizen Lerisogono Ayala
and Cosme Banegas the place called Santa Ana
and they have the requisites which the Law of
August 18th 1824 and Art. 5 of the regulations of
November 21 - 1828 required
Santa Barbara May 16th 1837

Jose R Estrada Francisco J Alvarado

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Santa Barbara May 16th 1837

In defaem of this day the proposition of the preceding was brought up and passed by an absolute Majority of Votes

Antonio Buelna
Prest-

Jose Ma. Covarrubias
Secretary

Filed in Office Nov. 9th 1853
Geo. Fisher Secy

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Case 2142.
21½. Dos

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"A" Exhibit No 1. attached to deposition of Pablo de la Guerra.

El Ciud.no Juan B. Alvarado, Gobernador del Estado y Teni.te de la Excma. Diputacion del mismo.

Por cuanto los ciud.os Lisayono Ayala y Cosme Vanegas han prevenido para su beneficio personal y el de sus familias el terreno conocido con el nombre de Sta Ana dentro de las lindeas del aliseno q. acompaño a su solicitud, practicadas previamente las diligencias y averiguaciones consecuientes segun lo dispuesto por leyes y reglamentos de la materia, usando de las facultades q. me son conferidas á nombre de la nacion Mejicana he venido en concederle el terreno mencionado declarando le la propiedad de él por las presentes letras y entendiendose dicha concesion de conformidad con las leyes ó reserva de la aprobacion de la Excma. ~~Diputacion~~ Departamental y bajo las condiciones siguientes.

1.a Las agraciadas ni sus herederos podran dividir ni enagenar el que se les adjudica, ni poner censo, vinculo, fianza hipoteca ni otro gravamen aunque sea por causa piadosa ni pasarlo á manos muertas.

2.a Podra cercarlo sin perjudicar las haciendas cercanas y lo disfrutará libre y exclusivamente destinandolo al uso ó cultivo que mas le convenga.

3. Cuando se le conceda la propiedad solicitaran del Juez respectivo les dé la posesion jurídica en virtud de este despacho por el cual se demarcaran los linderos y pondran sus mojoneras.

4. El terreno de que se hace donacion es puramente el que se expresa en la solicitud de los interesados y se demarca en el diseño y el Juez que les posesione, pasará aviso a este Gobierno del numero de sitios que comprende.

En consecuencia mando que sirviendole de titulo el presente y teniendose por firme y valedero, se tome razon de él en el libro que corresponde y se entregue á los interesados para sus resguardos y demas fines convenientes.

Dado en la Ex Mision de Sta Barbara a 14 de abril de 1842
Juan B. Alvarado. Victor Prudon. Sri Int.

Santa Barbara. Mayo 18 de 1887. En Setiembre

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de este dia, aprobó la Suma Diputacion engizala en Congreso Constituyente el dictamen de la Comision de terrenos baldios, que consta en el Espedte relativo, y á la letra es como sigue.

"Se concede á los CC. Eusegono Ayala y Cosme Vanegas el paraje nombrado Sta Ana pa obtener los requisitos que previene la ley de 18 de Agosto de 1824 y el artº 5º del reglamto de 21 de Novre de 1828. Sta Barbara. Mayo 18 de 1839.

José Estrada. Francº J. Alvarado.

Victor Rudon. Secr. Intº. El interesado agregará, tarjaro un pliego de a seis ps. Conforme á la ley. V. Rudon.

Sello Tercero Dos reales.

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

Alvarado. Antonio Maria Osio.

(Seal) Rehabilitado por lo mismo, para el año de mil ochocientos cuarenta y.. Alvarado. Intº. Ma Osio.

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Este tomo se quita por firmas!

97 SD
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Año de 1840.

Documentos del Sitio nombrado Sta Ana.

Sello Cuarto Dos Reales.

Habilitado provisionalmente por la Aduana marítima del Puerto de Monterey en el Departamento de las Cali-fornias para el año de mil ochocientos cuarenta y tres.

Nicheto Vera. Manuel Castañares.

Sta Barbara Julio y de 1843. En virtud de este despacho antecedente Luis Agano Ayala y Cosme Banegas, vecinos de este Puerto comparecen y dicen que siendo solicitud procedente por dueños del terreno conocido con el nombre de Sta Ana en virtud de la concesion de mercedes, secularizacion el uno hijo el Gobierno con fha 16 de Abril de 1837 y aprobado por la Suma Judicial que solicita Junta en 16 de Mayo del mismo, cuyo las interesadas de este titulo y diseño acompañamos á esta, suplicando se sirva adarnos la posesion efectiva lo el alcalde Juez de esta que es de estilo anegado á la corriente ano, la que copia de dho terreno en lo que recibimos se atavon con toda Gracia y Justicia.

Juez de lo contencioso á los Sta Barbara. Julio. 6 de 1843.

Colindante. Asi yo el Abrego de los interesados.

mencionado Juez lo mandé Ant.º Carrillo.

Actuó y firmé con los testigos de asistencia, en quienes actuo por receptoria a falta de escribano publico. Doy fee.

Joaq.n Carrillo.

De assa. Manuel P. de Leon. assa. Rafael Rico.

En la dha. presentes los ciudadanos Luis Agano Ayala y Cosme Banegas, se les notificó el auto antecedente y de el enterado: dijeron quedar por citados y lo firmó conmigo el ciudadano Pablo Banegas apoderado á los interesados y los testigos de asistencia.

Joaq.n Carrillo Pablo Banegas. Manl. P. Leon. Rafael Rico.

En la misma fecha se les notificó el auto que antecede á los

colindantes y enterados dijeron que lo hollayen y firmaron con mijo y los de mi asistencia.

Joaqn Canetto. Manuel Lota. José Murago.
asta. Manuel de Leon. asta. Rafael Rico.

En la misma fha. y en el espresado Rancho, se les notificó el auto que aparecen nombrado medidores á los Genízaros Manuel y José Ygnacio, y enterados = dieron que aceptan y acepta-ban, dicho encargo y juraron por Dios N. S. y la señal de la cruz de usarlo fiel y legalmente á todo su leal y saber y entender sin dolo, fraude contra persona alguna y por no saber firmar hicieron ambos una cruz y lo firmaron los testigos de asistencia. Joaqn Canetto.
Manuel P. de Leon. asta. Rafael Rico.

Inmediatamente yo el Juez mandé traer á mi presencia el cordel con que se ha de medir las tierras y que las medidores lo midan de sincuenta varas y lo firmó con los testigos de asistencia. Joaqn Canetto.
asta. Manuel de P. Leon. asta. Rafael Rico.

En la misma fha. en presencia de mi el referido Juez, los espresados medidores tomaron el cordel y con una vara Mejicana lo medir, tomandolo en la mano, midieron sincuenta varas pa hacer la referida medicion y para constancia lo autorigué.

En la misma fha. y en el mismo Rancho siendo las 8 de la mañana yo el presente Juez mandé á los medidores se pongan para la medicion que se han de hacer del terreno de Sta Ana. pa que los Ciudadanos Dionisio Gallegos y Cosme Benegas, tomen posesion de él. y paró las en la punta de la loma contigua á la viña hijo, empezaron la medicion tomando el rumbo al Este hasta la cochinera de Malgio adonde habiendo, dijeron haberse medido dies y nueve mil varas desde el punto, rumbo al Norte hasta

hasta donde remata el Rincon se medieron dos mil varas, donde dicho punto rumbo al Norte se conservo hasta siete mil y quinientos hasta el portezuelo del camino real, y desde este ultimo punto de Convento, hasta donde comenzaron las medidas onze mil varas, haciendo concluido esta medicion resulta tener en su conferencia Sesenta y Dos mil y quinientos varas, y habiendo echo el Deslindamiento de Linderos en la punta de la loma contigua a la vina biejo, en la ranchería de Chatiija en donde remata el Rincon y el Portezuelo del camino real, mande formasen majonera y para constancia lo firmo por ante con los testigos de asistencia.

Joaqn Carrillo. Alba. Manuel de Leon. Rafael Rico.

En la misma fecha, yo el infrascrito Juez mande que en virtud de haverse medido el terreno y haberse echo el Deslindamiento de Linderos se pongan en posesion Judicial los Ciudadanos Eusagorio Ayala y Cosme Bonegas, y notifique les a los colindantes, lo que firme por ante con las de mis asistencia.

Joaqn Carrillo. Manuel DeLeon. Rafael Rico.

En la fecha se les notifique a los colindantes Manuel Cota como Dueño del Sor Antonio Altas y a José Moraga apoderado del Rancho de la Cañada Larga el auser ior y enterados dijeron que lo oyen y firmaron con mijo y las de asistencia.

Joaqn Carrillo. Manuel Cota. José Moraga.
Alba. Manuel V. de Leon. Rico.

En el Rancho de Sta Ana, siendo como a las seis de la tarde del mismo dia, mes, y año los Ciudadanos Eusgorio Ayala y Cosme Bonegas, vecinos de Sta Barbara acompañando del Juez y testigos, con animo, segun dijeron de tomar la verdadera, corporal y real posesion del apurado terreno de Sta Ana y no haber les parecido

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con sus titulos que obtienen del Gobierno Político del Departamento, con fecha Catorce de Abril de mil ochocientos treinta y Siete; y aprobado por la Suma Junta en dies y Seis de Mayo del mismo año, entraron y pasaron por dicho terreno, arrancan yerbas, apareciendo pisadas de tierra, dompieron ramas de arboles, hisieron otras Ceremonias de verdadera posesion en señal de lo que dijeron tomar y que tambien de dichas tierras y mandé yo el Estado Juez que desde entonces le tuviesen y se tuviesen á los Señores Ayala y Bonegas y verdaderos dueños, Señores y poseedores de ella de todo lo referido pidieron los repetidos Señores Ayala y Bonegas se pusiera memoria en la tenidera y conservacion de sus derechos para si el Juez les fuese entendido una constancia, lo que así fué entendido siendo testigos de asistencia los ciudos Samuel De Leon, Rafael Rivas con quienes actuo en receptoria á falta de escribano publico que no lo hay segun derecho. Doy fe.

Jaqn Carreto. Samuel De Leon. Rafael Rivas.

Filed in office. Dec. 20th. 1852.

Jev. Fisher.

" " Feb. 15. 5th 1853. Secy.

G. J. A.

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Translation of title, approval & Juridical possession

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

"Whereas Citizen Gregorio Ayala and Cosme Vanegas have, for their own personal benefit and that of their families petitioned for the Lands known by the name of Santa Ana within the boundaries of the map which accompanies their petition, the proper measures being previously taken as required by laws and regulations on the matter using the powers which are conferred on me in the name of the Mexican Nation I have granted them the aforesaid land declaring to them the Ownership of it by these presents, said grant being understood to be in entire conformity to the Laws subject to the approval or disapproval of the Most-Excellent Deputation and under the following conditions

1st The grantees may not divide or alienate that which is granted to them, subject it to any tax until pledge mortgage or other encumbrances even for pious purposes nor convey it in mortmain

2d They may enclose it without prejudice to the crossings and roads and enjoy it freely and exclusively making such use and cultivation of it as may best suit them

3d When the Ownership is granted to them they shall request the proper Magistrate to give them the juridical possession in virtue of this patent by whom the boundaries will be marked out and the bounds placed—

4th The land of which donation is made to them is solely that described in the petition of the persons interested and marked out on the map, and the Magistrate who may put them in possession will advise this Government of the number of Square

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leagues it contains
In consequence I order that this present serving him for a title and being held as firm and valid note be made of it in the corresponding Book and it be delivered to the persons interested for their security and other proper purposes
Given in the Ex Mission of Santa Barbara on the 14th April 1837–

(Signed) Juan B Alvarado
(Signed) Victor Prudon Secretary ad interim

Santa Barbara May 18-1837
In session of this day the Most Excellent Deputation on erected into a Constitutional congress approves the report of the Committee on vacant lands which appears in the respective Espedients as literally as "follows." "There is granted to Calixto Lensogoro Ayala and Cosme Vanegas the place named Santa Ana as they possess the requisites required by the Law of August 18-1824 and 5 of the regulations of Nov 21-1828

Santa Barbara May 16th 1837
Jose R Estrado Francisco S Alvarado
(Signed) Victor Prudon (Signed) Juan B Alvarado
Secretary ad interim

"The persons interested will attach a sheet of the value of six dollars, "first drawing lines over it according to Law

(Signed) V. Prudon

Stamp Fourth Two Reals
Provisionally authorised by the Maritime Custom house of Port of Monterey in the Department of California for the year One thousand eight hundred and forty three

(Signed) Micheltorena
Seal

(Signed) Manl. Castanares

Santa Barbara
July 4. 1843
In virtue of the foregoing request I the present Magistrate will proceed to the measurement designation of boundaries and Juridical possession in which the persons interested in this Expediente request designating the performance. the 8th day of the present month, for which the Colindantes will be summoned to appear in writing

To the Justice of the Peace of the Partido -
We Teresogono Ayala and Cosme Vanegas residents of this place appear and say that being owners of the land known by the name of Santa Ana and in virtue of a grant of it which the Government made us with date April 14th 1837 and approved by the Most Excellent Junta on the 16th of May of the same year, the title and map of which we transmit with this we pray you to have the goodness to give us the Juridical possession as is usual, in conformity with the Copy of said map in which we will receive favor and justice. Santa Barbara July 6. 1843
At the request of the persons interested
(Signed) Anatasio Carrillo

Thus I the aforesaid Magistrate decreed ordered and signed with whom I act in virtue of my office for want of a Notary Public I certify
Aforesaid Witnesses
(Sgd) Manl. Dela Cem
(Sgd) Rafael Pico

(Signed) Joaquin Carrillo

On the same day, present Citizens Gregorio Ayala and Cosme Vanegas, they were notified of the foregoing decree and having understood it they said they heard it and considered themselves summoned and Citizen Pablo Vanegas Attorney in fact of the persons interested signed it with me and the assisting Witnesses
Assisting Witnesses (Signed) Joaqn. Carrillo
Assisting Witnesses (Signed) Pablo Vanegas
(Signed) Manl. Dde Leon
(Signed) Rafael Pico
On the same date the summons ordered in the preceding decree were issued and in testimony I sign it ~~with~~ in ~~with~~ the rubric (rubric of Joaqn Carrillo)
In the Rancho of Santa Ana On the 8th day of the month of July One thousand Eight hundred and forty three in Compliance with the decree of the seventh of the present month there appeared Citizens Manuel Cota as Colonan te for San Antonio Abad and Jose Morago Attorney summoned for the measurement designation of boun daries and possession: I appointed measurers the Indians Manuel and Jose Ygnacio Who after the acceptance and Oath proceeded to discharge the duties of their Offices - Thus I the said Magistrate decreed ordered and signed with the assisting Witnesses
Assisting Witnesses (Signed) Joaqn Carrillo
(Sgd) Manl Dde Leon
(Sgd) Rafael Pico

On the same date the preceding decree was made known to the Colendantes and having understood it they said that they heard it and they signed with me and the assisting Witnesses - (Sgd) Joaqn. Carrillo
Assisting Witnesses (") Manl. Cota
(Sgd) Manl. Dde Leon (") Jose Morago
(Sgd) Rafael Pico

On the same date the Indians Manuel and Jose Ygnacio

On the same date the Indians Manuel and Jose Ygnacio were notified of the decree in which they appear as appointed measurers and having understood it they said that they accept, and they accepted said office and they made oath by God Our Lord and the sign of the cross to fulfill it faithfully and legally to the best of their knowledge and understanding without deceit or fraud against any person and not knowing how to write they made each a cross and I signed it with the assisting witnesses (signed) Joaqn. Varello
Assisting Witnesses Manuel X
(signed) Manl. P de Leon Jose Ignacio X
(") Rafael Pico

In continuation I the magistrate ordered the ropes to be brought before me with which the lands are to be measured & that the measurers mark off on it fifty varas and I signed it with the assisty. Witnesses
Assisting Witnesses (Sgd) Joaqn. Varello
(Sgd) Manl P de Leon
(") Rafael Pico

On the same date in presence of me the aforesaid magistrate the measurers before mentioned took the cord and with a Mexican vara measure taking it in their hands, they measured off fifty varas for the purpose of making the measurement referred to. In testimony I signed it, ~~with~~ in rubrica

(Rubric of Joaqn Varello)

On the aforesaid date and in the aforesaid Rancho being 10 o'clock in the morning I the present magistrate ordered the measurers to place themselves for the measurement which has to be made of the Lands of Santa Ana, in order that citizens Ursogno Ayala and Leonardo Vanegas may take possession of it. And standing on the point of the hill near "la Viña Vieja" they commenced the

measurement taking the direction Easterly as far as the Ranchería Matitiguo, where, having arrived they said they have measured nineteen thousand varas, from this point North to the end of El Rincon, they measured twelve thousand varas from said Point, North West, it was estimated to be seven thousand five hundred to the portezuelo of the main road and from this last point to where the measurements were commenced it was estimated Eleven thousand varas this measurement being concluded it proved to be included in a boundary of fifty two thousand five hundred varas, and the designation of boundaries having been made in the point of the hill near "La Viña" "Vieja" in the Ranchería of Matitiguo where the Rincon ends and in the Portezuelo of the main Road. And I ordered boundaries to be placed and in testimony I signed it officially with the assisting Witnesses

Assisting Witnesses
(Signed) Manl. Del Leon
(") Rafael Pico (Signed) Jougn. Larrillo

On the same date I the Magistrado referred to ordered that in virtue of the land having been measured and the designation of boundaries made Litugno Ursogno Ayala and Cosme Vanegas be placed in juridical possession and that the Colindantes be notified of it, which I signed officially with those assistances

Assisting Witnesses (Signed) Jougn. Larrillo
(Signed) Manl. Del Leon
(Signed) Rafael Pico

On the same date the foregoing was made known to the Colendantes Manuel Cota as owner of the rancho of San Antonio Abad, Jose Moraga Attorney in fact for the rancho of "La Cañada Larga" and having understood it they said they heard it and they signed with me and the assisting witnesses

(Sgd) Joaqn. Carrillo
(") Manl. Cota
(") Jose Moraga

In the Rancho of Santa Ana being about six O'clock in the afternoon of the same day month and year Citizen Crisogono Ayala & Cosme Vane=ga residents of Santa Barbara accompanied by the Magistrate and witnesses with the intervention as they said to take the true corporal and real possession of the aforesaid land of Santa Ana because it pertains to them by a just title which they hold from the local Government of the Department dated April 14th 1837 and approved by the Most Excellent Junta On the 16th of May of the same year they entered upon and walked over said lands pulled up grass scattered handfull of Earth, broke branches of trees and performed other ceremonies of true possession, as signs of that which they said they took and which they were taking of said land and I the aforesaid Magistrate ordered that from that time forth they (Senores Ayala and Vanegas) should be held and recognized as the true Owners lords and possessors of it - The Senores Ayala and Vanegas asked that for a future memorial and a preservation of their rights there should be issued to them by me the Magistrate a testimony of all the foregoing which was so authorised The assisting witnesses being Citizens Manuel Leon and Rafael Pico with whom I act in virtue of my

Office for want of a Notary Public there being
none according to Law
Assisting Witnesses (Sgd) Longuin Carrillo
(Sgd) Manuel Pacheco
(") Raquel Pico

Filed in Office Dec. 1852.

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Crisogono Agala, Bernardus Alvarez de Vanegas, & Pablo Vanegas et al
vs
The United States

"Santa Ana"

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The papers on file in this case show that on the 14th day of April A D 1837 Governor Alvarado made a grant of the place called "Santa Ana" That on the 18th day of May 1837 the said grant was duly confirmed by the Departmental Assembly and that the same was judicially measured and possession formally given on the 8th day of July 1843.

The foregoing latter papers are all properly proved and authenticated

The inhabitancy and cultivation of the lands granted are found to have been in conformity with the conditions of the grant and in this particular the petitioners establish superior merit

It is in proof that Cosme Vanegas is dead and that he died in the year 1851 leaving his Widow Bernardo Alvarez and two children, a son named Julio and a daughter named Barbara, the latter having died some time in the year 1851 leaving her husband as her heir - The grant in this case is clearly one of metes and bounds without regard to quantity - The justice giving the possession is required by the terms of the 4th condition to report to the government the number of leagues embraced within the limits as described on the map -

The record of Judicial Measurement contains a description of the boundaries of said Rancho together with the number of varas which it contained, with the information contained in the judicial record of measurement and the aid which may be derived from the map which forms a part of the header copy of the Expediente - I think there will be no difficulty in

tracing the boundaries within which the tract in question is located - It appears from the proceedings on file in this case that Gregorio Ayala and Cosme Vanegas were Equal Owners of the place called Santa Ana and that at the time the latter named person died Gregorio Ayala was the owner of the undivided half of said place, this would entitle the heirs of said Cosme Vanegas to the other undivided half of said premises - According to the Mexican Laws the widower was entitled in her own right to one half of the property acquired during co estate; under this rule the widow of Cosme was entitled at at his death to the undivided one fourth part of said tract of land called "Santa Ana" and the two children Pablo and Barbara to the remaining One fourth part - Barbara having died, her heirs consisting of her husband and children are now entitled to the one undivided Eighth part of said tract The petitioners are therefore entitled to a decree of Confirmation as tenants in Common of the place called "Santa Ana" which will be Accordingly entered

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Crisogono Ayala, Bernardino Alvares de Vanegas
Pablo Vanegas, Crisogono Ayala, Francesco Ayala
Roman Ayala, Pedro Ayala Buenavestu Ayala
Longeri Ayala Maria Ayala Jacobo Ayala
Merced Ayala, Jose Refugio Ayala and
Jose Ramon Ayala
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 Polomares is valid and it is therefore decreed that the same be confirmed - The lands of which confirmation is hereby made are known by the name of "Santa Ana" and are bounded and described as follows, Commencing at the point of the hill "La Vina Vieja" and running in an Easterly direction Nineteen thousand varas to the Ranchería de Matelija, thence running North twelve thousand varas to the End of "El Rincon", Thence running North West seven thousand five hundred varas to the Portezuela of the main range; thence to the point of Beginning Eleven thousand varas, making the tract partaken to be included in a boundary of fifty two thousand five hundred varas -
This decree is understood to be in Exact conformity with the Opinion filed in the Case and to which reference is now made, and the parties are confirmed in their respective claims in the quantities therein indicated and expressed - Reference for further description of the premises to be had to the record of Juridical possession which is on file as evidence in the Case and also to the map which forms a part of the traced Copy of the Expediente

which is also filed in this case

Alpheus Felch
Thompson Campbell
R Aug Thompson
Commissioners

Filed in Office Jany 24th 1854
Geo. Fisher Secy

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 thirty six pages, numbered from 1 to 36, 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. 494 on the Docket of the said Board, wherein Cresogono Ayala is the Claimant against the United States, for the place known by the name of "Santa Ana"

In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this twelfth day of September A. D. 1854, and of the Independence of the United States of America the seventy-ninth

Geo: Fisher

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Office of the Attorney General of the United States,

Washington, 30th November 1854.

Cresogono Ayala
vs.
The United States. } 494.

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 30th day of August 1854 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. 97.

U. S. District Court

Southern District

The United States
vs.
Cresogono Ayala

Appeal Notice.

Filed Jany 10th 1855.
J. E. Carr
clk.

In the District Court of the United States for the Southern District of California
Los Angeles County, State of California

Cresogono Agala
et. als.
ads

vs

The United States

No 97 (Transcript No 94)

To the Honorable Isaac S. K. Ogier, Judge of the District Court of the United States for the Southern District of California.

The petition of Pacificus Ord (of Los Angeles County) Attorney of the United States for the Southern district of California, who petitions in this behalf for the United States; and being present herein Court in his proper person, in the name and behalf of the United States represents as follows.

That heretofore, to wit on or about the 20th day of December A.D. 1852, Cresogono Agala, presented a petition to the Commissioners to ascertain and settle the private land Claims in the State of California, claiming the tract of land called "Santa Anita", in the County of Santa Barbara

in the words and figures following Viz
" The petitioners Cresogono Ayala, for
" himself and Bernardina Alvarez de Venegas,
" Pablo Venegas Cresogono Ayala Francisco
" Ayala Ramon Ayala Pedro Ayala
" Buenaventura Ayala Jacobo Ayala Merced
" Ayala, Joaquin Ayala, Maria Ayala
" Jose del Refugio Ayala and Jose Ramon
" Ayala widow and heirs of Cosme Venegas
" deceased respectfully show.
" That on the 14 th, day of April 1837
" Juan B. Alvarado Governor of California
" of California by virtue of authority in
" him vested granted to Cresogono Ayala
" one of these petitioners and to Cosme Vene-
" gas the tract of land called Santa Ana
" situated in the present County of Santa
" Barbara with the boundaries described in
" said grant and represented in the accom-
" panying map. That said grant was
" duly approved by the Departatiou on the
" 18th of May 1837, and that the said
" tract of land was duly surveyed and
" the juridical possession given in due
" form on the 8th day of July 1845. all
" of which is fully shown by the original
" title approval map and record of

" Juridical possession submitted herewith
" marked "A" with a translation marked
" B" and the petitioners further show that
" the said ~~Xxx~~ Cosme Vanegas died on
" the day of 184 leaving the Ber-
" nardina Alvares de Vanegas his widow
" and Pablo Vanegas and Barbara Vanegas
" de Ayala his only legitimate children:
" That said Barbara Vanegas died on the
" day of 185 leaving the petitioner
" her widower and Francisco Ayala, Ramon
" Ayala, Pedro Ayala Buenaventura Ayala, Joaquin
" Ayala Jose del Refugio Ayala, Maria Ayala
" Jacobo Ayala Merced Ayala and Jose Ramon
" Ayala he only legitimate children
" That the petitioners and those under whom
" they hold have been for more than fifteen
" years and now are in the quiet and undisputed
" possession of the said tract of land.
" That they know of no conflicting claim
" That they rely for confirmation of title upon
" the original papers submitted herewith:
" upon the notes and records in the archives
" of the former Government, in the charge of
" the U. S. Surveyor General of California and
" upon such other and further proofs as they
" may be advised are necessary—
" Therefore they pray the Commissioners to

"Confirm to them the aforesaid tract of land"

Your petitioner further represents that thereafter to wit on the 24th day of January A.D. 1854. the said Commissioners Confirmed by final decree the said Claim of the said Gregorio Ayala et als. in the words, and figures following, to wit.

"In this Case on hearing the proofs and
" allegations, it is adjudged by the Com-
" mission, that the Claim of the said Polo-
" mares is valid and it is therefore decreed
" that the same be Confirmed - The lands of
" which Confirmation is hereby made are
" known by the name of "Santa Ana" and
" are bounded and described as follows, Com-
" mencing at the point of the hill "La Vena
" Vieja" and running in an Easterly direction
" Nineteen thousand varas to the Rancheria
" de Matelija, thence running North twelve
" thousand varas to the end of "El Rincon"
" Thence running North West Seven thousand
" five hundred varas to the Portezuela of the
" Main Road; thence to the point of beginning
" Eleven thousand varas, making the tract
" granted to be included in a boundary of
" fifty two thousand five hundred varas -
" This decree is understood to be in exact

" Conformity with the opinion filed in the
" Case, and to which reference is now made,
" and the parties are confirmed in their respec-
" tive claims in the quantities there indicated
" and expressed — Reference for further descrip-
" tion of the premises to be had to the record
" of Judicial possession which is on file as
" evidence in the Case and also to the map
" which forms a part of the traced Copy
" of the Expediente which is also filed in
" this Case.

" Alpheus Felch
" Thompson Campbell
" R. Aug Thompson
Commissioners"

That thereafter, to wit, on the 20th day of September A.D. 1854, a duly Certified transcript of the said decree, and proceedings, and the papers and evidence on which it was founded in said Cause, 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 9 of Transcripts No 494; reference to which it is prayed may be had and made a part of this petition.

That on the 30th day of August A.D. 1854, the Honorable Caleb Cushing Attorney General

of the United States received a duly Certified duplicate of said transcript of said final decree and proceedings of said Commissioners in said Cause (No 97) and the papers and evidence on which said decree was founded.

That thereafter, to wit, on the 10th day of January A.D. 1855 the said Attorney General of the United States, filed or caused to be filed, on behalf of the United States, a notice with the said Clerk of said District Court for the Southern District of California, that the appeal, in said Cause of Cresogono Ayala et als vs the United States, from the decision of said Commissioners to ascertain and settle the private land claims in the State of California, 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 said land claimed as aforesaid is within the Jurisdiction of this Honorable Court.

And your petitioner further represents, and insists that the said decree 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

said Cause, now on appeal from said Commissioners to this Honorable Court.

And the said Attorney denies all and singular each and every allegation in the said petition of the said Claimants to said Commissioners of said date. And he further denies that any grant for said land was ever made as alleged in said petition. And he denies further that the said Claimant has shown any or sufficient evidence of the validity of the said Claim.

And your petitioner further represents that the said Claim is invalid, and the said decree erroneous, on the following grounds.

I. That the said alleged grant of Juan B. Alvarado, was made in violation of the 4th Article of the Colonization laws of Mexico of the 18th of August A.D. 1824, in this; that the land granted, as alleged by Claimants, was and is within ten leagues of the Sea Coast; and there is no evidence shown by Claimants that the Supreme General Executive power of Mexico, previously approved of the Colonization of the public lands in upper California, lying within ten leagues of the Sea Coast.

And it is denied that such previous Consent

of said Supreme General Executive Power of Mexico in such Case was ever had.

II. That at the date of the said alleged grant, the said land claimed as aforesaid, was occupied by, and in the possession of the Missions of the Territory of Upper California; and it was held and occupied particularly, by the Mission of San Buenaventura; and could not therefore be Colonized.

III. That the said alleged grant has not the Conditions required by, and is not made in entire Conformity with the laws of Mexico of the 18th day of August AD 1824, and the regulations for the Colonization of the Territories of Mexico of the 21st November AD 1828.

IV. That there is no evidence that the said alleged grant was ever approved by the Territorial Deputation, or Departmental Assembly of California or the Supreme Government of Mexico.

V. That the said alleged grant is vague and indefinite in the description of the land pretended to have been granted - That it does not specify the quantity granted. That it does not show the locality and boundaries of the land, so that it could be identified

and surveyed. That the petition and map referred to therein for a description of the locality extent and boundaries of the land, are vague and indefinite. That it is not executed upon the lawful stamped paper. And the said alleged grant is void for uncertainty.

VI. That the said Claimant fails to show a definitive grant or title for the land Claimed

VII. That there is no sufficient evidence that the said Claimants performed all the Conditions of the said alleged grant.

VIII. That the land upon which the said Claimants settled and made improvements is not shown to be the same land granted to them as pretended.

IX. That the pretended juridical acts of survey and possession of said land by Joaquin Carrillo, dated on or about the 6th and 8th of July AD 1843 were not made according to the said alleged grant and the petition and map referred to therein; Nor according to the ordinance or law. And they are vague, indefinite and void.

X. That there is no evidence that the said Joaquin Carrillo was a Magistrate of Santa Barbara on or about the 6th & 8th of July AD 1843. and that he then

had lawful authority as such to perform the said pretended juridical acts of Survey and possession of said land claimed as aforesaid.

And no sufficient proof having been made by said Claimants of the allegations of their said petition, or in support of their said Claim filed as aforesaid, no decree ought to have been made, or grounded thereon; but the said petition ought to have been dismissed, and said Claim rejected by said Commissioners, upon the grounds aforesaid.

And the said Claimants having no valid right or title, derived from the Spanish, or Mexican Government, to the said land claimed by them, as aforesaid, the lawful right, or title in and to the said land, was acquired by, and it now belongs to the said United States, by virtue of the treaty of peace, friendship, limits and settlement, with the Republic of Mexico, dated at the City of Guadalupe Hidalgo, February 2nd 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 3rd A.D. 1851. and the laws and statutes in such case made and provided, prays that the said Cresogono Ayala and Bernardino Alvarez de Vanegas, Pablo Vanegas, Crisogono Ayala, Francisco Ayala, Ramon Ayala, Pedro Ayala, Buenaventura Ayala, Jacobo Ayala, Mercedes Ayala, Joaquin Ayala, Maria Ayala, Jose del Refugio Ayala and Lopez Raymon Ayala, may be served with copies of this petition. And that this Honorable Court will review the said decision, or final decree of Confirmation, of said Commissioners to ascertain and settle the private land claims in the State of California, and decide on the validity of the said Claim of said Cresogono Ayala et als, for said land claimed and confirmed as aforesaid; and that the same may be decreed invalid. And all such other orders, Judgments, or decrees, as may be necessary Just. With Costs, and general relief

P. Ord

Attorney of the United States for the Southern Dist of Calª

No 97

U. S. District Court.
Southern Dist of Cal.

Cresogono Ayala, etal.
appellees.

vs.

The United States,
appl't.

Petition of review, by U.S. atty.

Filed aug. 24th 1855.

C. E. Carr
Clk.

No 97

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

The United States appellants
vs.
Crisagono Ayala et al.
appellees

} Answer of Appellees

Crisagono Ayala, Bernadina Alvarez de Fuegas, Pablo Fuegas, Crisagono Ayala Francisco Ayala, Roman Ayala, Pedro Ayala, Buenaventa Ayala, Joaquin Ayala, Maria Ayala, Jacobo Ayala, Merced Ayala, Jose Refugio Ayala and Jose Ramon Ayala, appellees, appear by their Attorneys and for answer to the petition of the United States filed herein, say:

That their title to the land called "Santa Ana" as set forth and described in their petition to the Board of Commissioners and in the documentary and other evidence in this case, is a good and valid title and they pray this Honorable Court to affirm the decision of the Board of Commissioners & to decree their title to be valid.

Hallett Peachy & Billings
Attys for Appellees

I Charles E Carr. Clerk of the District Court of the United States Do certify the foregoing to be a true copy of the Original Answer in this case on file in my office

In Witness Whereof I have hereunto set my hand & affixed the Seal of said Court at my Office in Los Angeles this 25th day of September AD 1855

C E Carr Clk

By W. Rolf Deputy

No 92.

The United States
Appellants
vs.
Crisopero Ayala et al
Appellees.

Answer of Appellees

Copy

Filed Sept. 25th 1855.
C E Carr Clk
By W. Rolf Deputy Clk

Filed Sept. 23 1857.

Wilbur Curry & Williams
Attys for Appellees.

No 97.

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

The United States, appellants
vs.
Crisagono Ayala et al.
appellees.

Answer of appellees.

Crisagono Ayala, Bernadina Alvarez de Vanegas, Pablo Vanegas, Crisagono Ayala Francisco Ayala, Roman Ayala, Pedro Ayala, Benanista Ayala, Joaquin Ayala, Maria Ayala, Jacobo Ayala, Merced Ayala, Jose Refugio Ayala, and Jose Ramon Ayala, appellees, appear by their attorneys, and for answer to the petition of the United States filed herein, say:

That their title to the land called "Santa Ana" as set forth and described in their petition to the Board of Commissioners and in the ~~other~~ documentary & other evidence in this case, is a good & valid title, and they pray this Honorable court to affirm the decision of the Board of Commissioners & to decree their title to be valid.

Hallett Peachy & Billings
Attys for appellees.

Service this receive a Pl'ns Atty for the U.S. in the southern District of California by delivering to him a copy of the same of this date 25th 1855

Edward Fitzwilliam

W. L. Brantley

No 97.

The United States
appellants

vs.

Crisogono Ayala et al
appellees

Transcript of appellees

Filed Sept. 25th 1855.

C. E. Carr clk.

By J. W. Rice dep

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Watkins Pentony & Billings
Attys for appellees

Miscellaneous fees
$3.00

No 97.

The United States, vs. Crisogono Ayala et al. appellees.

The transcript contains:

II. Petition to commissioners filed Dec 20th 1853 pp 3 & 4.

III. Deposition of J. M. Canaruchias, p 5.

proves occupation of this land by the two grantees in 1837, with a house, cattle & sowings, and that they & their families have occupied it ever since. Cosme Vanegas died in 1850, leaving a widow & two children, whose names are given. One of the children, Barbara, died in 1851, leaving a widower, Crisogono Ayala, & ten children whose names he believes are correctly given in the petition filed in this case.

IIII. Deposition of Pablo de la guerra p 6. proves signatures to original title, approval, and Record of Juridical possession.

IV. Deposition of Francisco de la Guerra pp 7 & 8. Proves the death of Vanegas and names of his widow and children, also the death of his daughter Barbara & the names of her husband & children, the same as given in petition.

Knows the land; grantees occupied it immediately after date of grant, with houses and corrals, making enclosures, stocking it with cattle and cultivating portions of the ground and living on the premises with their families; witness also states number of cattle & horses, and that they raised from one to two hundred fanegas of wheat & a considerable quantity of beans barley & corn.

V. Expediente. pp 9 to 13.

VI. Translation of Expediente pp 14 to 18.

This expediente contains petition to governor, proceedings thereon, map of the land, the decree of concession & approval by the Deputation.

VIII. Original title, map, and Record of judicial possession. pp 19 to 24.

IX. Translation of title, approval and Record of judicial possession. pp 25 to 32.

X. Opinion of commissioners pp 33 & 34.

XII. Decree of confirmation p 35.

Proceedings in U.S. Dist court

1st Transcript filed Sept 20th 1854
2d Notice of appeal filed Jany 10th 1855
3d Petition for Review " Aug 24th 1855
4th Answer. " Sept 25th 1855.

No 97.

The United States
appellants
vs.
Crisapino Ayala et al
appellees.

Index of Case

Filed Oct 8th 1855
C. E. Carroll
By D. W. Ross Dep

The United States, appellants
vs
Cresogona Ayala & others, appellees

The claim in this case is founded upon a grant from Governor Alvarado dated the 14th April 1837 to Cresogona Ayala & Cosme Banegas

The original final grant; the expedientes of the proceedings had upon the original petition of the grantees to the Governor asking for the tract, the map; ~~and~~ the approval of the departmental assembly, and the act of juridical possession constitute the documentary evidence in the case; the genuineness and authenticity of all these documents is fully proven.

The local evidence shews a substantial compliance with the conditions of the grant, the occupation and cultivation of the land within the prescribed time — It is also in evidence that Cosme Banegas died in 1850 leaving a widow and two children, the widow & one of the children Pablo are among the present claimants the other child Barbara is shown by the evidence to have died in 1857 leaving her husband & ten children her heirs, who are among the present claimants

There is no evidence of any division of the property among the claimants, and therefore it is not proper for the Court to follow the rule adopted by the Commission in attempting to assign any particular interest to any particular claimant or claimants, that is a matter to be settled among themselves & the duty of this Court is merely to ascertain that the parties claimants are the real parties in interest and to decide upon the validity of the claim —

The only objection urged against the claim is that the land granted is not sufficiently well described, that the grant is vague and indefinite —

The grant does not call for any particular quantity of land, but is a grant by metes and bounds —

The description in the grant itself is very vague and indefinite, indeed and if unaided by any thing else it would be hard ~~indeed~~ to ascertain what was intended to have been conveyed to the grantees, but the grant refers to the map which accompanied the petition ~~of the grantees~~ and which is in evidence in the case, the land granted is that which lies within the boundaries set out in that map, ~~this & that~~ this I think sufficient to designate with sufficient certainty the ~~tract~~ granted, so as to enable a surveyor to locate it, There is in the ~~evidence~~ record only the act of judicial possession, which is accompanied by another map by whom made or for what purpose is not explained

The original map describes the ~~tract~~ in a semi eliptical form; and gives the sierras or mountains as the boundaries ~~around the eliptical~~ except on the east, the east boundary which from the map is straight running nearly north & south and connecting the curve lines of the half eliptic is the arroyo called Mathlija. The act of judicial possession calls for other objects than are to be found upon the map and would some what change the form of the tract, indeed, if we ~~were to take the act of judicial possession~~ examine the act of judicial possession carefully it will be found courses and distances as laid down in it are in conflict and that it would be impossible to block the tract from the courses and distances laid down in it, but it is well known that there were no means in California at the time this grant was made of measuring land correctly nor had the officers who gave possession the means of ascertaining correctly the courses run. ~~and the survey~~ And it may be that the points called for in the act of possession are to be found ~~in the~~ within the boundaries as laid down in the map as the map itself is only a rough sketch ~~showing~~ the exterior boundaries of the tract, but it is I think sufficient to show what land was intended to be granted if the natural objects called for in it are to be found; this will be the business of the surveyor. If these natural boundaries are

in existence. Will be easy for him to locate the land as the grant comprises all the land within them. The claim therefore must be confirmed in accordance with the description in the grant and map and a decree will be entered affirming the decision of the Commissioners

No 94.

US Dist Court.

Crescencia Ayala et al
Appellees

vs.

The United States
Appelt.

Opinion

Filed Oct 9th 1885
R E Carr Clk
By P W Russ Dep

In the U States District Court for the Southern District of California.
Special Term Sept 1855.
Los Angeles.

Crosogono Ayala, et al. appts. ads. The United States. appt. } No. 97. (Transcript No. 494)

On motion of P Ord attorney of the United States for the Southern District of California, it is. Ordered by the Court, that an appeal be granted the United States, to the Supreme Court of the United States, from the judgment of this Court against the United States, in the above entitled cause, rendered on or about the 9th day of October A D 1855.

P. Ord
U S Dist Atty.

No. 97.

U.S. District Court
Southn District of Cal

The United States appellees

vs.

Cresogono Ayala, et al, Appellees

Order of Appeal to the Supreme Court on Motion of P. Ord U.S. Atty.

Filed October 18th 1855
A E Carrillo
By M. Rondel

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

Hon Isaac S. K. Ogier, Judge.

December Term 1856

The United States
Appellants
vs
Cresogono Argüello et al
Appellees

Docket No. 97

Transcript from the Board of Land Commissioners No 494.

The Attorney General of the United States having given Notice that the Appeal to the Supreme Court from the decision of this Court in the above entitled Cause will not be prosecuted by the United States, And a Stipulation having been entered into by the United States District Attorney and the Attorneys of the claimants that the order granting an appeal to the Supreme Court heretofore made in this Cause be vacated, and that the decree of this Court heretofore rendered in this Cause, may by order of the Court be made final, it is

Ordered, Adjudged and Decreed, That the

Order granting an appeal to the Supreme Court heretofore made in this Cause be and the same is hereby vacated, And that the Claimants have leave to proceed under the decree of this Court heretofore rendered in this Cause as under a final decree

Isaac McQuin
R S Ormsbee J

U.S. Dist Court
South Dist. Cal.
No 91

The United States
appellants
vs
Cayetano Alvarado et al
Appellees

Order
vacating appeal

Filed Feb 5th 1857
Chas
Clk

California Land Claims.

Attorney General's Office

10 September 1856.

Sir:

In the case of the claim of Olesogono Ayala, confirmed to the claimant by the Commissioners, Case No. four hundred and ninety-four (494), and also confirmed on appeal by the District Court, appeal in the Supreme Court will not be prosecuted by the United States.

I am

Respectfully

Cushing

Pacificus Ord Esq

U. S. Atty for the

Southern Dist. of California

978.

Rogono Ayala
494

Oct 21 1856

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

Hon Isaac N. Ogier Judge

December Term 1856

The United States
Appellants

vs

Cresogono Arguello et al.
Appellees

Docket No 94

Transcript from the Board of Land Commissioners No — 494

In pursuance of a letter from the Attorney General of the United States, hereunto annexed, giving Notice that in the above case the appeal in the Supreme Court will not be prosecuted by the United States, it is hereby stipulated and agreed by and between the parties, that the order granting an appeal to the Supreme Court heretofore made in the above cause be vacated And that the decree heretofore rendered in this cause may by order of the Court be made final

P. Ord Dist Atty

Hallett Rand & Billing
Attys of appellees.

U.S. Dist Court
South'n Dist Cal'a

No. 901

The United States
appellant

vs

Cresagno Ayala et al
appellees

Stipulation
to vacate order of
appeal to Supreme Court

Filed this 5th February
1857 A. Sims clk
J. H. Coleman
Dep.

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

Crisogono Ayala et al Appellees	Case No. 97
vs	Santa Ana
The United States Appellants.	Transcript 494

97 SD
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Now comes Juan Camarillo, Resident of Santa Barbara County by Charles Fernald and J. H. Landers his attorneys, and prays the Court ~~for~~ to intervene in this case, as he suggests that the survey of the lands of Santa Ana claimed in this case is not made in conformity with the final decree of the Court herein, and that this applicant will be injured thereby;

And he says that he does not claim under preemption settlement or other right or title derived from the United States.

And therefore he prays as intervenor herein, for an order that the United States Surveyor General for California, return the survey of the lands claimed in this case into Court for its further action; And relies on the sworn petition of his attorney J. H. Landers hereto annexed, in support hereof.

James H. Landers

Of Counsel for Camarillo

United States of America
Southern District of California } ss

James H. Lander being duly sworn, deposes and says, That as an attorney of this Court, he was been applied to by Charles Fernald, the attorney of Juan Camarillo, the intervenor named in the foregoing application for the return of the survey of the land called Santa Ana claimed in the above entitled cause, to make such application on behalf of said Camarillo.

That he has thoroughly examined the Records of this Court in this case and in Case No 168 on the Land Docket of this Court, wherein Fernando Tico was claimant for land called Ojai in the County of Santa Barbara and Southern District of California

That the said land called "Ojai" as appears by the said record in Case No 168, were granted to said Fernando Tico by Juan B. Alvarado, Governor of the Department of the Californias, on April 6th 1837; according to the boundaries called for and marked in the map in the Expediente in the Case, and now on file in this Court, without specific limitation as to the quantity granted; That in said map the "Arroyo de Matilija" is designated as the western boundary of said land called "Ojai", separating the same from

"Santa Ana" That

"Santa Ana", That on May 16, 1854, said lands of "Ojai" were confirmed to said Tico by the Board of Land Commissioners, and that their decree calls for and names the said "Arroyo de Matilija", as the boundary of said lands on the West; ~~and specifies the quantity thereof~~ as about 4 square leagues; And that said Decree of said Board was affirmed by this Court on appeal, by its Decree of October 3, 1855, and the said Arroyo therein also mentioned as the western boundary of Ojai; and that said Decree has been made final.

That subsequent to the date of said Grant of "Ojai" the lands of "Santa Ana" claimed in this Case, were granted to Crisogono Ayala and Cosme Vanegas, by the said Governor Alvarado, on April 14, 1837, and described in said last mentioned grant as being the lands mentioned in the Petition of said Grantees, and marked on the map in their Expediente; That on said Map the "said Arroyo de Matilija" is marked as the Exterior boundary on the East; That said Grant was confirmed by said Land Commission, and their Decree affirmed on appeal in this Court by Decree of October 9th 1855, which Decree was made final, February 5, 1857, and in said Decree the Rancheria de Matilija is mentioned as one of the Exterior boundaries of said lands; and in the opinion

of the Court on which said Decree was entered the said lands were confirmed to Claimants according to the boundaries of the diseño aforesaid. All which appears by the Record of this Court in this Case No 97.

And the applicant is informed by said Charles Fernald, attorney of said intervenor, and which he believes true, that said Juan Camarillo has become the successor in interest and grantee by purchase, under said Tico in the lands called Ojai claimed in said Case No 168, and is now the lawful owner thereof, and does not claim the same under preemption, settlement or other right or title derived from the United States, but only under the Mexican Grant of Governor Alvarado aforesaid; but applicant says he is unable to specifically designate the title of said intervenor as he has no information thereon further than aforesaid, and the papers and record showing the same are, as he believes in Santa Barbara County, wherein the lands are situate and said intervenor resides, and applicant has had no time for communicating with the intervenor or said Fernald or to obtain said papers, since he was entrusted with the case, on the 16th September 1860.

And applicant says that the United States Surveyor General for California

States Surveyor General for California

has given notice that the survey of the said lands called Santa Ana has been completed and approved by him.

But applicant is informed by said Fernald; and believes such information to be true, that said survey was not made in conformity to the said final decree in the case, but that the exterior lines of said "Santa Ana" are run in said survey, across and to the east of said "Arroyo de Matilija", so as to include a large tract of land, to wit, about three-fourths of a square league, of great value, belonging to said land of "Ojai", contrary to said decree, and without authority of the owner of said "Ojai," and that said Camarillo by reason of the premises will be injured by said survey.

And applicant says that this affidavit or petition is made by him and not by said Camarillo, for the reason that applicant was unchanged with this proceeding only on the 16th September 1860, and has had no opportunity to communicate with said Camarillo, who resides in Santa Barbara, where he now is, as applicant believes, and that by the delay necessary to obtain said Camarillos affidavit or oath to this application, there would be great danger and probability that the said survey ~~might~~ would be transmitted from the office of said Surveyor General, before the

order of this Court for its return could be served upon him.

Wherefore applicant, on behalf of said Juan Camarillo, prays that said Camarillo may intervene in this case, and that an order be granted him on the said Surveyor General to return into Court the survey of said lands of Santa Ana claimed in this case, for its further action.

James H. Saunders

Sworn to & subscribed
before me this 18th day
of September 1860
C Gris
US Commissioner for Southern Cal

Case No 97.

U.S. District Court
South^n Dist. Cal^a.

Crisogono Ayala et al.
Appellees
ads
The United States
Appellants.

Petition of Juan Ca-
navello. for return
of Survey.

Filed in Office this
the 19th day Sept 1860
C. Sims Clk

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C. Ferrald &
J. H. Lander. }

In the Dist. Court of the United States South'n. Dist. of California

Crisogono Ayala et al. Appellees vs. The United States Appellants	No. 97 Santa Ana Mans. 494

In the above case it satisfactorily appearing to the Court that the time of publication of the notice of the Surveyor General of the approval of the survey of the lands claimed in this case is about to expire before an order for the return of said survey can be obtained,

It is ordered

That the U.S. Surveyor General for California ~~from transmitting said survey to the General Land Offi~~ be and is hereby restrained from transmitting said survey to the General Land Office at Washington, until the 1st Monday in December 1860, or so soon thereafter

97

C. Cayalca et al

ads

The United States

Order restraining transmission of Survey

Filed in Office this 20th day Sept 1860

C. Ames
Clk

97 SD
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Certified for Record
Court of Claims
Dec 5

to an order of Court of Claims
for the return of a survey —
Such is further ordered that
a certified copy of this order be
served on the Chief U.S. Surveyor
General, for his information.

Charles C. Nott
J. S. Ct. Cl. Claims

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

Crisogono Ayala et al. Case No. 97
Appellees
vs "Santa Ana"
The United States
Appellants Transcript 494

In the above case, it satisfactorily appearing to the Court, that the time of publication of the notice of the Surveyor General of the approval of the survey of the land claimed in this case is about to expire before an order for the return of said survey can be obtained,

It is ordered,

That the United States Surveyor General for California be, and is hereby restrained from transmitting said survey to the General Land Office at Washington, until the 1st Monday in December, 1860, or so soon thereafter as an order can be applied for and obtained for the return of said survey;

And it is further ordered, That a

certified copy of this order be served on the said U. S. Surveyor General for his information.

I. S. K. Ogier, U. S. Dist. Judge.

United States of America
Southern District of California

I, C. Sims, Clerk of the District Court of the United States, in and for the Southern District of California, hereby certify the above and foregoing to be a full true and correct copy of the original order of said Court, made and entered on the 20th day of September, 1860, in the case first above entitled.

In witness whereof, I hereunto set my hand as Clerk, and affix the seal of said Court, at the City of Los Angeles, this 22nd day of September A D 1860

C. Sims Clk

United States of America
Southern District of California

The President of the United States
to
J. W. Mandeville, U. S. Surveyor

General for California,
Greeting
You are
hereby notified, that the United States District Court for the Southern District ~~of California, at the Special August~~ Term of said Court 1860, in Case No. 97 on the Docket of said Court, wherein Crisogono Ayala et al. are Claimants against the United States, made and caused to be entered an order, of which the above and foregoing is a certified Copy, herewith transmitted to you for your information, and you are hereby required to take notice of the same.

Witness the Hon. Isaac S. K. Ogier, Judge of the United States District Court, for the Southern District of California this the 22nd day of September 1860.

Attest my Hand and the Seal of said Court the day and year last above written

C. Gims Clk

No 97

San Francisco Oct 3 1860

I hereby Certify that I have this day made personal Service of this order on J W Mandeville U S Surveyor Genl for California by leaving with him a copy of the same

James C Pennie
U S Marshall
by A W McKenna Dep
Marshall

Filed in office the 10th Oct 1860
Marshals fees
for Service $2,00
" Mileage 30,00

Jno R

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

Crisogono Ayala et al Appellees vs The United States Appellants	Case 97 "Santa Ana" Transcript 494

The Petition of Juan Camacillo, resident of Santa Barbara County, respectfully prays this Hon. Court, that he may intervene in the above entitled Case, and that an order be granted on the United States Surveyor General for California to return into this Court for its further action the plat of the Survey of the Lands of Santa Ana, claimed and Confirmed in this Case; made under final Decree of this Court, and approved by said Surveyor General; as petitioner says, that the said Survey is erroneous and not in conformity with said Decree, and that Petitioner will be and is greatly injured thereby

And in support hereof, Petitioner relies on his affidavit hereto annexed, on the conveyance therein mentioned showing his title and right to intervene, to be presented herewith and the Record and papers of this Court on file in Case No 108, wherein Fernando Yico was Claimant, and in this Case;

And he says that he does not claim under preemption, settlement or other right or title derived from the United States

James H. Lander,
Atty of Camarillo

State of California

State of California
County of Santa Barbara }

Juan Camarillo being duly sworn, deposeth and saith; That he is the intervenor named in, and making the foregoing petition; That he is the owner in fee of certain lands called "Ojai", situate in the County of Santa Barbara, Southern District of California, having acquired such title thereto as follows:

That said lands called "Ojai" were granted by Juan B. Alvarado Governor of the Department of the Californias, by Grant of date April 6th 1837, to one Fernando Rico, according to the boundaries called for and marked in the plat in the Expediente of the case, without any specific limitation as to the quantity of land granted; that in said Map the "Arroyo de Matilija" is designated as the western boundary of said "Ojai" separating said "Ojai" from "Santa Ana"; as which he is informed by his attorney in this behalf, will fully appear by the Record and papers of this Court in Case No. 168, wherein the claim of said Rico to said lands was prosecuted against the United States, and which information he believes true and prays to refer to such papers & record.

That he is informed by his said attorney, which he believes true, and

avers that the same will appear by the said papers and Records in Case No. 168; that said Claim for "Ojai" was confirmed to said Claimant Tico, on May 16. 1854, by the late United States Land Commissioners while sitting as a Board, and on appeal from the decree of said Board, it was affirmed by this Court by its decree entered October 3d 1855; and that in both said decrees, of said Board and of this Court, said Arroyo de "Matilija" is specified as the boundary of said "Ojai" on the West; and that said Decree of this Court has been made final on February 5. 1857

That on the 25th day of May 1853, said Tico, by deed of conveyance of that date sold and conveyed to one Henry Harrow Barnes, resident of Santa Barbara, all his right, title and interest in and to said tract known as "Ojai"; as will appear by reference to the said deed, which affiant now brings into court here: That on the 24th day of June, A.D. 1856, said Barnes & wife by their deed of conveyance of that date, sold & conveyed to Jerum Barnavillo, this affiant, all their right title and interest or in and to the said tract ~~called~~ and known as "Ojai"

Here objection to title to Barnavillo from Tico

as will appear more fully by the conveyances or certified copies thereof herewith presented.

ances or certified copies thereof herewith

presented.

And applicant says that no survey of said "Ojay" has yet been made and approved by the United States Surveyor General for California.

And applicant says that he does not claim said lands of "Ojay" under pre-emption, settlement or other right or title derived from the United States, but under the said Mexican Grant of Gov. Alvarado to said Pico, and title from said Pico thereunder, above designated.

And applicant says, that he is informed and by his said attorney, & which he believes true, and that the same will appear by the papers & records of this Court in Case No. 97, wherein Crisogono Ayala et al. were claimants for lands called "Santa Ana", also situate in said County and District, that subsequently to the said date of the aforesaid grant of "Ojay", to wit, on the 14th day of April 1837, said lands of "Santa Ana" were granted by said Alvarado, Governor as aforesaid, to Crisogono Ayala and Cosme Vanegas, by Grant of the date last mentioned, wherein said lands of "Santa Ana" are described as purely those mentioned in the petition of said Grantees, and marked on the Map in their Expediente; that on said last mentioned

ed map the said "Arroyo de Matilija" is marked as the Eastern exterior boundary of said "Santa Ana"; that said last mentioned Grant was confirmed to the successors in interest of said Ayala and Vanegas, by said Board of Land Commissioners by its Decree of date January 24 1854, which Decree was appealed by this Court on appeal, by its Decree entered in said Case No 97, October 9th 1855, which last Decree was made final February 5. 1857; and that in said Decrees the Ranchería de Matilija is mentioned as one of the exterior boundaries of said lands, and by the opinion of this Court whereon its said Decree was based, the said lands were confirmed to Claimants in said Case No 97, according to the boundaries of the Map aforesaid, the Eastern boundary in which is the said Arroyo de Matilija, as above stated.

And applicant says that the U.S. Surveyor General for California has given notice that the survey of said lands of "Santa Ana" under said final decree has been made, and by him approved; but applicant says that by said survey he is greatly injured, inasmuch as the lines of said survey have been extended across and to the Eastward of said

"Arroyo de Matilija" so as to include

across and to the [illegible]

"Arroyo de Matilija" so as to include in said survey a large and valuable tract of land belonging to said "Ojai", contrary to and in variance of the calls and commands of the said decree in case No 97. The said quantity of land belonging to "Ojai" and so wrongfully included in said survey being about three fourths of a square league more or less: and that said survey was so made without the consent of applicant or his predecessor.

And applicant therefore prays as in his annexed petition set forth, to intervene herein and for an order on said Surveyor General to return said survey of "Santa Anna" into Court, for its further action.

Sworn & subscribed before me this 4th day of October A.D. 1860
Chas. E. Cook
County Clerk of Santa Barbara County

Juan Carrillo

State of California
County of Santa Barbara } ss

United States of America
Southern Dist. of California

Juan Carrillo, the intervenor herein, being duly sworn, deposes & says that the matters and things in his foregoing petition and affidavit are true of his own knowledge, except the matters and things therein stated on his information and belief, and that as to those matters he believes

it to be true, —

Juan Camarillo

Sworn to and subscribed to before me this 27th day of October A.D. 1860, the foregoing having been translated from English into Spanish to the said affiant by a sworn interpreter in my presence. Witness my hand and private seal

Alex. S. Taylor
United States Commissioner
for the District of California etc.

Alex. S. Taylor
U. S. Commissioner
Circuit Courts
etc.

Case 97.
In Dist Court of U.S.
So. Dist of Cal.

Crizogono Ayala et al.
Appellees
vs
The United States
Appellants.

Petition of J. Camarillo
to intervene for estate
of Rancho.

Filed Apr 15/60
J. Ams Clk
By Jam. Whaley Dep Clk

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

Crisogono Ayala et al
Appellees
ad
The United States
Appellants

Case 97

Santa Cina.

Transcript 494

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It being suggested to the Court, that the survey of the land claimed in this case, made under final decree, and approved by the U.S. Surveyor General for California, does not conform to said decree and is erroneous, and that said survey will be to the injury of the party applicant, on application of James H. Lander, attorney for Juan Camarillo, an intervenor,

It is ordered; — That the said Surveyor General return to this Court the plat of said survey; and that the said intervenor be allowed twenty days, from and after the return thereof, to file exceptions thereto; and it is further ordered, that a certified copy of this order be served upon the said Surveyor General for his information.

No 97

C Angela et al

vs

The U. States.

Order for return of Survey

Filed Feb. 15. 1860

Jno Clk

John O'Shea Deptg

UNITED STATES DISTRICT COURT,
FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

Crisogono Ayala et al appellees
vs
The United States appellants

No. "97"
Santa Anna
Transcript "4994"

It being suggested to the Court that the survey of the land claimed in this case, made under final decree, and approved by the U. S. Surveyor General for California, does not conform to said decree and is erroneous and that said survey will be to the injury of the Party applicant

on application of James H Lander Atty. for Juan Camarillo an intervenor it is ordered that the said Surveyor General return to this Court the plat of said survey, and that the said intervenor

be allowed twenty days, from and after the return thereof, to file exceptions thereto; and it is further ordered that a certified copy of this order be served upon the said Surveyor General for his information.

I. S K. OGIER, U. S. District Judge.

UNITED STATES OF AMERICA, SOUTHERN DISTRICT OF CALIFORNIA.
COUNTY OF LOS ANGELES.

I, C. Sims, Clerk of the United States District Court for the Southern District of California, do hereby certiy that the above and foregoing is a full true and correct copy of the original order, made and entered on the Fifteenth day of November 1860, in said case, No. 97 on the docket of said Court, wherein Crisogono Ayala et al are claimant against the United States, as appears of record in my office.

In witness whereof I herewith set my hand and affix the seal of said Court this the Fifteenth day of November 1860.

C. Sims, Clerk.
By John O Whelan Deputy

UNITED STATES OF AMERICA,
SOUTHERN DISTRICT OF CALIFORNIA.
THE PRESIDENT OF THE UNITED STATES,
To. J. W. MANDAVILLE, U. S. Surveyor General, for California—Greeting:

You are hereby notified that the United States District Court, for the Southern District of California, at the September Term of said Court, 1860, in case No. 97 on the docket of said Court, wherein Crisogono Ayala et al are claimant against the United States, made and caused to be entered an order, of which the above and foregoing is a certified copy herewith transmitted to you for your information, and you are hereby required to take notice of the same.

Witness the Hon. ISAAC S. K. OGIER, Judge of the United States District Court, for the Southern District of California, this the 15th day of November 1860.

Attest my hand and the seal of said Court the day and year last above written C. Sims, Clerk.
By John O. Whelan Deputy

San Francisco Nov 19 1860

I hereby certify that I have this day made personal service of this order on J. W. Mandeville U.S. Surveyor General for California by leaving with him a certified copy of the same

James C Pennie
U S Marshal
By A W Buchanan
Dep

No. 97
Mark Twain et. al. Plts
Joaquin Castro
vs
Defendants

Filed Apr 29. 1862
J. Ewer Clk
By John S Mitchell Dep

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

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Crisogono Ayala et al
vs
The United States.
} 97
Santa Ana

Now comes Juan Camarillo, an intervenor herein, by J H Sanders his attorney, and prays the Court for an order extending the time allowed him to file his exceptions to the ~~approved~~ Plat of Survey returned into this Court by the United States Surveyor Genl. until January 12th 1861: and relies on affidavit of said Attorney hereto annexed.

James H Sanders
Atty of Intervenor

United States of America
Southern District of California } ss.

James N. Sanders being duly sworn, deposes and says. That he is one of the attorneys of Juan Camarillo, the intervenor herein.

That the plat of survey of the lands claimed in this case, was returned by the U. S. Surveyor General, and filed with the Clerk of this Court on December 3d 1866.

That both said Camarillo, and Charles Devecald the other attorney of said Camarillo herein, reside in Santa Barbara County; the City of Santa Barbara being the address for their correspondence.

That the only regular communication for letters and mail matter between Santa Barbara & Los Angeles, is by steamer from & to San Pedro, semi-monthly — carrying a mail & express.

That since said plat was filed only one opportunity has occurred for affiant to communicate with Santa Barbara, to wit, by the steamer leaving for Santa Barbara on December 13th 1866

by which applicant forwarded to said Ferrudd per express; a diagram of that part of the said survey which is complained of by the intervenor, with instructions to prepare and forward to applicant by the return of steamer, the exceptions of the intervenor. That the said steamer has not yet returned from Santa Barbara, nor will she, as applicant is informed and believes, until after the time allowed by the former order of Court for filing said exceptions shall have expired; and that applicant has not received said exceptions by any other channel, nor has he had any reply to his said communication.

That applicant's present information & knowledge of the causes of complaint of said Lancaville against said survey is general, and not sufficiently minute to enable applicant himself to verify and file such exceptions.

And therefore applicant says that it is necessary that said intervenor should have further time wherein to file his

exceptions, and applicant expects and believes that he will be able to ~~file~~ procure and file said exceptions within a further term of twenty days.

And applicant says that this application is not made for vexation or delay but that justice may be done in the premises; and he says; that he has been informed by said Fernald & said Camarillo as to the matters constituting the intervening cause of action herein, which he believes true, & therefore says that he verily believes said Camarillo has a good cause of intervention herein upon the merits

James M Sanders

Sworn to & subscribed before me this 21st day of December AD 1860

L. Smith Clk

By John D Whelan Deputy

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U. S. Dist Court

Cayala et al.

vs

The United States

Motion for further time for filing Exceptions

Filed Dec 21/62

John Ch.

by John D. Wheeler Dep

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

Crisogono Ayala et al } No 97
vs
The United States. } Santa Anna.

In this cause, the intervenor, Juan Camarillo, having moved the Court for an order granting him further time in which to file his exceptions to the plat of survey of the lands herein claimed, returned into Court by the U. S. Surveyor General, until January 12th 1861; and read in support thereof affidavit of his atty. I H Lander, and such prayer appearing reasonable and proper, the same is granted

And it is ordered that said intervenor have further time until January 12th 1861, in which to file exceptions to the Plat of Survey returned into Court in this case, by the U. S. Surveyor General.

Given in Chambers this 21st day of Dec 1860

Saml B Ogden
U S Dist Judge

97

In the States Dist Court

C. Cayuela et al

Vs

The United States

Order for further time to file Exceptions

Filed Dec 21/60

G. Sims Clk

By John D Mhuler Dep

In the District Court of the United States in and for the Southern District of California;

Erizogono Bycelach et al
Appellees
vs
The United States
Appellants.

No 97
Santa Ana

Now comes Juan Lancerillo, the intervenor herein, by J. H. Lander and Charles Fernald his attorneys, and excepts to the survey made and approved by the United States Surveyor General for California of the lands called Santa Ana, claimed in this case, and the plat whereof was filed by said Surveyor General with the Clerk of the Court, December 3d 1860; and particularly fixing his exceptions says;

That he objects and excepts to the entire eastern line of said lands as represented in said plat, being the line between station numbered 1 on, beginning, and station numbered 2. ; and in lieu and stead of said line claims the following to be the true eastern line or boundary of said lands, as called for by the Decree of the Court and by the Title and other Records in the Case; to wit, the water course marked on the plat as the River San Buenaventura, following

its centre or mid channel from its point of intersection with the northern boundary of the lands, to its intersection with the southern boundary thereof; and leaving no part of said lands, of Santa Ana to the eastward of said water course.

And he says that by the Records and papers on file in this case, and by the Records and papers on file in this Court in case No 158, wherein Fernando Pico was claimant for lands called "Ojai", to all which papers and Records the intervenor refers, and prays to use the same on the hearing of these exceptions, it appears that a water course called the Arroyo de Matilija was and is the eastern boundary of the lands of Santa Ana, and the western boundary of said Ojai; and that the Title of Ojai, by virtue of his ownership whereof, under, and in succession to, said Pico, as heretofore shown to the Court, said Cancinello intervenes herein, was issued previous to the issuance of the Title of said Santa Ana;

And he says that the water course marked on the said plat, as the River of San Buenaventura, is identical with, and the same as the "Arroyo de Matilija" aforesaid; and that the lands called Ojai, abut ~~there~~ on, and adjoin the said lands of Santa Ana, ~~through~~ along and the

whole of that part of said water course which is represented on said plat,

Whereforn he prays the decree of this Court, to reject the said eastern line of survey as represented on said plat and adjudge the same erroneous; and to adjudge order and decree that the line above claimed is the the true boundary in stead thereof, and order survey to be made accordingly for the issuance of patent.

And as in duty etc.

James H. Sander

of Counsel for intervenor
Juan Camarillo.

United States of America
Southern Dist of California } ss

James H. Sander being duly sworn says, That he is an attorney of the above named intervenor Juan Camarillo, herein; That he has read the foregoing exceptions and knows the contents thereof; and says, that as to all that part of the same, stating the boundaries as fixed by decree of the Court and records and papers on file, he is informed by ~~the~~ inspection of the said records and papers and therefore says the same is true

and as to that part of said exception which avers the identity of the arroyo de Matilija with the water course marked on the plat as the River of San Buenaventura, applicant says that he is informed by one Raymundo Carrillo of Santa Barbara, which information applicant believes true; that said River and arroyo are identical; and applicant is further informed to the same effect by Charles Fernald of Santa Barbara, and which he also believes true: and applicant of his own knowledge says, that said Carrillo is an old resident of Santa Barbara County, and well acquainted with the lands in said County, and from information of said Carrillo which he believes true, applicant says that the said Carrillo is well acquainted with said lands of Ojai and Santa Cruz, said water course; and applicant says that his verification is made by him and not by said Camarillo, as said Camarillo resides at such a distance from any United States Commissioner as to render it inconvenient or impracticable for him to make the same within the time allowed.

James N. Sander

Sworn to & subscribed before me this 31st day of December AD 1860

J. Sonn Clk
By John D. Wheeler Dep

To

Joseph R Ketchum Esq
U. S. Dist Atty;
Messrs Hamilton Beachy & Billings
Appellees Attys.

Crisogono Ayala
Bernardina Alvarez de Vanegas,
Pablo Vanegas,
Crisogono Ayala
Francisco Ayala
Ramon Ayala
Pedro Ayala,
Buenavista Ayala,
Joaquin Ayala
Maria Ayala
Jacobo Ayala
Merced Ayala
José del Repugio Ayala
& Jose Ramon Ayala
Claimants & Appellees

Please
notice that the above Exceptions will be brought to hearing before the Court in thirty days after service thereof on you, or so soon thereafter as Counsel can be heard

James H. Landers
Atty for Intervenor Casna-
rillo.

97.

U. S. Dist. Court

Crisogono Ayala et al

vs

United States

Exceptions of Intervenor Juan Camacillo

Filed Dec. 31/60

L. Smith Clk

By John O Wheeler Dep

(2 copies)

Chas Ferrald
J H Landers

Know all men by these present, that Fernando Tico and Maria Jesus Ortega his wife both of the County of Santa Barbara in the State of California, parties of the first part, in consideration of Seven thousand five hundred Dollars to them paid the receipt whereof is hereby acknowledged, have granted, bargained, sold, conveyed and forever quit claimed, and do by these presents grant, bargain, sell, convey and forever quit claim unto Henry Storrow Carnes of the aforesaid County and State, party of the second part, and to his heirs and assigns forever, All those lands situate in said County and State, at the distance of about twenty miles in a North Easterly direction from the Mission Church of San Buenaventura, containing four Spanish leagues more or less, and commonly known as the Ranchos or Farm of Ojai, together with the tenement, hereditaments and appurtenances thereunto belonging, and the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title and interest of the parties of the first part in and to the same whether in law or equity, To have and to hold the above granted and described premises with the appurtenances unto the party of the second part, his heirs and assigns to his and their own proper use, benefit and behoof forever.

In Witness whereof the parties of the first part have hereto set their hands and seals on this the

25th day of May AD One thousand Eight hundred
and fifty three

In presence of

Jose de Arnaz

Gerard Rodriguez

Fernando Ried (Seal)

Maria de Jesus Ortega (Seal)

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

Be it remembered that on this 25th day of May AD One thousand Eight hundred and fifty three, before me J. W. Burrough County Clerk in and for said County, personally appeared Fernando Ried known to me to be one of the persons described in and who executed the foregoing instrument, and he acknowledged to me, that he had executed the same freely and voluntarily and for the uses and purposes therein mentioned, and Maria Jesus Ortega having by me been made acquainted with the contents of the foregoing Conveyance acknowledged on examination apart from and without the hearing of her husband that she had executed the same freely and voluntarily without fear or compulsion or undue influence of her husband and that she did not wish to retract the execution of the same

Witness my hand and the seal of the

Seal

County Court the day and year above written

James H. Barrough
County Clerk

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Filed for Record in this office on the 24th day of June AD One thousand Eight hundred and fifty three at 11 o'clock AM and Recorded in Record of Deeds Liber A Page 127 & 128

Witness my hand and official seal this 9th day of July AD 1883

Seal

J. M. Barrough
County Recorder

State of America
South Dist of Calif } ss

I, Wm O. Wheeler Clerk of the U. S. Dist Ct South Dist Calif, hereby certify the above & foregoing to be a true & correct copy of the original on file of date Nov. 15, 1860, in Case No 97, upon docket of said Court, wherein Crisogeno Ayala is Claimant, against the United States for the place called "Santa Rosa", and this day withdrawn from the files thereof.

Witness Wheeler of Sacramento
Seal my hand and affixed the seal

No. 97
U. S. Dist Court
South'n Dist Cal'a

Crescogeno Ayala
vs
The United States

Certif'd Copy of Deed
H. Fischer to Carnes

Filed June 13/62
John Rhodes Clerk

97 SD
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Paul Clinch Esq
Atty for
Geo A Pike Esq
Atty for
John Rhodes Clerk

In U.S. District Court - Southern Dist. of State of California.

The United States vs. Lesogoro Ayala } "Santa Ana" No. 97 } Juan Camarillo, Intervenor.

On Intervention of Juan Camarillo on motion of Chas. Fernald attorney for intervenor, it is hereby ordered that the exceptions filed herein by intervenor, to survey of the tract known as "Santa Ana", are withdrawn and the same are hereby dismissed -

Done in open court, this second day of December, A.D. 1862.

Fletcher M. Haight
Dist Judge of U.S. for the Southern District of California.

N: 97

Dist Court of the United States, South. Dist of Cal.

No. 97. Santa Cruz

The United States
vs.
Crisogmo Ayala,

Juan Camarillo, Intervener.

Filed this 2d day of December A.D. 1862

John C. Walker Clk
By F. P. Ramirez
Deputy.

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In the U.S. Dist. Court Southern District for California.

The United States
vs
Crisoyo Ayala & Cosme Vanegas

Docket No. 97.

Now on motion of Charles Fernald, attorney for Jesus Camarillo, Successor in interest to Fernando Rico original grantee of land in Santa Barbara County, called "Ojai", It is hereby ordered and decreed by the court now here that the said Camarillo have, and leave is hereby granted to said Camarillo to withdraw, from the files of said cause in this court, the certain mesne conveyances to wit: a deed of Fernando Rico to one Henry S. Carnes, dated A.D. 1854.: Deed from said Henry S. Carnes to said Jesus Camarillo, dated A.D. 1857, or thereabouts. On filing certified copies of the same. This done in open court on this thirteenth day of June, A.D. 1862.

Fletcher M. Haughey
U.S. Dist Judge South Dist Cal

No 97

U. S. Dist Court
South Dist Cal

Gregorio Ayala
vs
The United States

Order permitting the
withdrawal of original
papers

Filed Aug 13th 1862
John D Schuler
Clk

Know all men by these presents, That we Henry S. Carnes and Domitila Rodriguez de Carnes his wife parties of the first part of the State of California and County of Santa Barbara, for and in consideration of the sum of Ten Thousand Six hundred Dollars lawful money of the United States of America to them in hand paid the receipt whereof is hereby acknowledged, have granted, bargained, sold, conveyed and forever quit claimed and do by these presents grant bargain, sell convey and forever quit claim unto Juan Camarillo of the County and State aforesaid, party of the second part and to his heirs and assigns forever, All those lands situate in said County and State, at the distance of about twenty miles in a North Easterly direction from the Mission Church of San Buenaventura, containing four Spanish leagues more or less, and commonly known as the Rancho or farm of "Ojai" said Rancho or farm being the same that was conveyed to Henry Storrow Carnes by Fernando Leo and Maria de Jesus Ortega his wife on the 25th day of May A.D. One thousand Eight hundred and fifty three by virtue of a deed of conveyance, which said deed is duly acknowledged and recorded in the Recorders Office of the County of Santa Barbara in Liber A of Deeds on page 134 Together with the tenements hereditaments and appurtenances thereunto belonging or in

any wise appertaining and the reversions, remainders rents, issues, and profits thereof. And all the estate, right, title and interest of the parties of the first part in and to the same whether in law or in equity, To Have and to Hold the above granted and described premises with the appurtenances unto the said party of the second part and to his heirs and assigns, to his and their own proper use benefit and behoof forever.

In Witness Whereof the said parties of the first part have hereunto set their hands and seals at the City of Santa Barbara on this 24th day of June AD One thousand Eight hundred and fifty six.

In presence of the words "in Libro A. of Deeds" interlined before signing

Antonio de la Palma y Mesa
George D. Fisher

Henry D. Carnes (Seal)
Domitila de Carnes (Seal)

State of California
County of Santa Barbara } ss.

On this twenty fourth day of June AD One thousand Eight hundred and fifty six before me George D. Fisher County Clerk in and for the said County personally appeared Henry D. Carnes

and Domitila his wife known to me to be the persons described in and who executed the foregoing instrument who acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned; and the said Domitila having been by me first made acquainted with the contents of said conveyance acknowledged on an examination by me had apart from and without the hearing of her husband that she executed the same freely and voluntarily without fear or compulsion or undue influence of her husband and that she does not wish to retract the execution of the same

Seal

In testimony whereof I have hereunto set my hand and the seal of the County Court on the day and year last above written

George D. Fisher
County Clerk

State of California
Santa Barbara County

I hereby certify that the foregoing instrument is recorded in Liber B. of Deeds of the records of my office on pages 336 & 337

George D. Fisher
County Recorder

Filed for Record on the 24th day of June AD 1856 at 10, o'Clock and 45 minutes a.m by Don Juan Camarillo

Chas D Parker
County Recorder

United States of America
South'n District of California

I John O Wheeler Clerk of the U.S. Dist Court South'n Dist California do hereby Certify the above and foregoing to be a full true and Correct Copy of the Original filed 15th Nov, 1860, in Case No. 94 upon the Docket of said Court wherein Gregorio Ayala is Claimant against the United States for the place Called "Santa Ana" and this day withdrawn from the files thereof by order of said Court

In Witness Whereof I have hereunto set my hand and affixed the seal of said Court this 13th day of June AD 1862

John O Wheeler Clerk

No 97
U. S. Dist Court
So Dist Dist Calif

Gregorio Ayala
vs.
The United States

Certified Copy of Deed
from
Carmen Chaus to Camarillo

Filed in place of Original
Withdrawn this day. June 13/62
Wm M Wheeler Clerk

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

TO **The President of the United States,**

Cresogono Ayala, Bernardino Alvarez de Vanegas, Pablo Vanegas, Cresogono Ayala, Francisco Ayala, Ramon Ayala, Pedro Ayala, Buenaventura Ayala, Jacobo Ayala, Merced Ayala, Joaquin Ayala, Maria Ayala, Jose de Refugio Ayala, and Jose Ramon Ayala.

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 24th day of August in the year of our Lord one thousand eight hundred and fifty-5, at the City and County of Los Angeles, in said District, by Pacificus Ord, Attorney of the United States for the Southern Dist. of Calif. in behalf of the United States praying the said Court to review upon the grounds therein set forth the decision of the final confirmation of the Commissioners to ascertain & settle the private land claims in the State of California, of the claim of Cresogono Ayala et al for a tract of land called "Santa Ana" in the County of Santa Barbara, which said claim was presented to said Commissioners on the 20th day of December AD 1852 and by them confirmed on the 24th day of Jany AD 1854

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~~ The Plaintiff will apply to the Court for the relief demanded therein

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of the said Court, this 24th day of August in the year of our Lord one thousand eight hundred and fifty-5, at Los Angeles aforesaid.

A E Carr Clerk.

By Wm M Rose Deputy

No 97

United States of America,

Southern District of California,

U. S. District Court.

Cresogono Ayala et al

vs.

The United States

SUMMONS.

97 SD
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Hallock, Rachy & Billings
Atts. for Appellee

Marshals fees
for serving 14
copies of summons
$3 each 42,00
Serving 14 copies of
Petition 3 dots
each 42,00
Copying 14
summons 90
cts ea 12,60
$96,60
2,40
94,20
E. Hunter

I served this summons along with the proper copy of the petition upon N. M. Ballach atty. for the appellees by delivering copy of the same at Los Angeles this 25th day of Sept in the Southern District of California on the 25th day of Sept A. D. 1857.

Sworn to and subscribed before me,

Clerk.

Deputy Marshal.

I acknowledge service for the appellees in this case with proper copy of the petition

N. M. Ballach
Atty for appellees

Los Angeles Sept 25th 1857