CASE NO.

2

SOUTHERN DISTRICT

SAL SI PUEDES GRANT

JOHN KEYES

CLAIMANT

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LAND CASE 2 SD PAGES 73

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Transcript of the proceedings in Case No 222.

Val-di-Nuedes

John Keyes
vs
The United States

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Office of the Board of Commissioners to ascertain and settle the private Land Claims in the State of California.

Be it remembered that on this Saturday May 8th 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 Isaac Keyes for the Rancho Sal-Si-puedes, was presented and ordered to be filed and docketed No. 222 and is as follows to wit.

No. 222 John Keyes, Claimant
vs
The United States, Defendant

To the Honorable Commissioners to settle private Land Claims in California

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The Petitioner, John Keyes, respectfully shows that on the 28th day of May A.D. 1844 Manuel Micheltorena, Governor of California by virtue of authority in him vested, granted to Pedro Cordero, the tract of land called "Sal-Si-puedes," situate in the present county of Santa Barbara, containing one square league and a half, a little more or less, as shown in the title and corresponding map, a copy of which title and map is submitted herewith marked "A," with a translation marked "B."

That on the 18th day of December 1849 the said tract of land was duly surveyed and the judicial possession of it given to the said Cordero; a copy of which act of judicial possession is submitted herewith marked "C", with a translation marked "D." And the petitioner further shows that the said Cordero has sold and conveyed to the petitioner the said tract of land, a copy of which conveyance he begs leave to file hereafter, the original being at the present time in Santa Barbara.

That the said tract of land has not been surveyed by the Surveyor General of the United States, but that it was duly surveyed at the time of giving the judicial possession of it, and that its boundaries are well defined in the title papers and are well known;

That the said Cordero has been since the date of said grant and even before, and that the petitioner now is in the peaceful occupation and possession of the said tract of land;

That he knows of no conflicting claim, That he relies for confirmation of his upon the original papers referred to in this petition;

upon the original paper referred to in this petition;

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Upon the minutes and records in the office of the Surveyor General; and upon such other and further proofs as he may be advised are necessary.—

Wherefore he prays the Commissioners to confirm to him the aforesaid tract of land—

By his Attys
Halleck Peachy & Billings

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Filed in Office May 8th 1852.
(Signed) Geo Fisher, Secy

Upon which petition the following subsequent proceedings were had, in their chronological order, to wit;

Saturday May 8th 1852

In Case No 222 John Reyes the Deposition of Pablo de la Guerra, a Witness in behalf of the Claimant, taken before Commissioner Hiland Hall, was filed and is in the words and figures as follows to wit; Vide pages of this Transcript — 14. 15. 16.

Friday Sept. 3d 1852

In Case, No 222 "John Reyes, for the place called "Sal-Si-puedes;" the parties litigant filed the following Stipulation, relative to placing this case on the Trial Docket, which is as follows, to wit;

We agree that the above entitled cause be put on the Trial Docket, with the Stipulation which is hereby entered into, that either the Law Agent or the Claimant may introduce further testimony previous to the Argument of the Case

Halleck Peachy & Billings
Attys for Claimants

Case No 222, John Keyes, "Sal-Si-puedes" Ordered to be placed on the Trial Docket

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Wednesday Sept. 29th 1852

Case No 222, John Keyes, for the place named "Sal-Si-puedes", called. The Counsel for the Claimant, Mr Halleck, read the papers in evidence, and submitted the same without argument. Taken under advisement by the Board.

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In the same Case, the Counsel for the Claimant, filed an agreement entered into with the U.S. Law Agent, relative to the admission of two Exhibits, marked X & Y, as evidence in behalf of the Claimants which agreement, and Exhibits, and the translation of Exhibit X, is as follows to wit; viz

page of this Transcript

Saturday Oct. 18th 1852

In Case No. 222, John Keyes for the place named "Canada de Sal-Si-puedes" Commissioner Harry I. Thornton delivered the opinion of the Board.

In the same Case Commissioner Hiland Hall delivered his Opinion.

In the same Case, Commissioner Harry I. Thornton delivered the decree of Final Confirmation of this Board.

Ordered, that the several Opinions delivered this day, and the decree of Final Confirmation, of this Board, also delivered this day, in this Case be recorded on the Journal.

Such Opinions are here as follows

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Which opinion and decree are in the words and figures as follows, to wit;

Commission for ascertaining and settling private Land Claims in the State of California - Session at San Francisco

Opinion of the Board by H. I. Thornton

John Keyes Assignee of Pedro Cordero
vs
The United States
No 222, Canada de Gal-li-puedes

This claim is presented by the assignee of the Original Grantee. The genuineness of the transfer to the present claimant is fully established; and the chief objections, or questions raised in the case, relate to the validity of the original right or title.

There was read as evidence, without objection, a statement, by the Surveyor General of California, the Custodian of the archives of the former Government of the country, which shows that such a grant as the claimant presents, was made, that the papers appear to be fair and genuine; and that he knows of nothing in the said archives calculated to throw suspicion thereon.

The original grant, which purports to have been made, by virtue of the decree of the Mexican Government, of the 18th of August 1824, and of the Ordinance of the 21st of November 1828, is introduced, and sustained by full proof of its genuineness, execution and delivery to the grantee, by Governor Micheltorena the Political Chief of the Province, on the 18th day of May 1844. It appears in proof, that a house was built upon the land granted and that it was occupied by the grantee in

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the year 1843 or 1844; who had upon it cattle and horses; and that this occupation has continued, down to this time without interruption, by the grantee, or the present Claimant. There does not appear to have been any presentation of the grant by the Governor for its approval, by the Departmental Assembly; nor was there any delivery of possession, and measurement of the land granted, as required in the conditions annexed, by any public functionary, during the existence of the former Government. Those last mentioned acts were performed in December 1849, after the change of Government; and if not done in exact accordance with the conditions requiring them, are facts which tend to the identification of the land granted, and to render entirely feasible, its present location or survey, by the Surveyor General, whose duty it is to perform that act. All the objections above referred to, have been considered by this Board, and overruled for the reasons given in the opinion filed in the case of Cruz Cervantes, No 56. of the docket of cases.

The condition inserted in this grant, that the grantee may not sell it, alienate, or mortgage it, &c, was not violated and no forfeiture incurred on that score, whilst the former Government existed; so that the fee existed in the grantee, at the time of the acquisition of the country by the United States; and we do not think that in good conscience the transfer which was afterwards made, ought to work a forfeiture, to this Government.

It was held by the Supreme court of the United States in the case of Ard and, that the failure to comply with the

subsequent conditions, of the introduction of

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subsequent condition, of the introduction of foreign settlers, was not one which this Government ought to regard as detrimental to the title. By parity of reasoning, the sale made by the grantee to the Claimant in this case, ought not to operate a destruction of the claim. At all events we have decided, that this condition was nugatory, because it was repugnant to the established policy of the Mexican Government, prohibitory of every species of entails; and to her laws forbidding any restriction upon the alienation of estates Escriche 610, edition of 1851. Collection of Decrees of the Mexican Nation, on entails Vol 2d 154, passed 7th, of August, 1823.

The land in this case is most distinctly segregated from the public domain by the grant; and there can be no difficulty in surveying off to the Claimant, that which has been uninterruptedly possessed, and enjoyed by him and his assignor, ever since its date.

There occurs in this case, terms, of which it is necessary, to determine the force and effect, in order so to ascertain and settle the claim by our decree of final confirmation, as that its location and survey, may be definitely made.

It is declared in the fourth condition of the grant, that, "The land of which donation is made, is one and a half square leagues, a little more or less, as shown by the respective map or diseño."

The idea of quantity, was clearly in the mind of the grantor, when using these words "a little more or less"; but it is equally clear, that they do not convey an idea of any precise quantity. The question to which they give rise, is one of intention; and as the

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words to be construed, are doubtful, and in-
-definite in themselves, and have no fixed
meaning appropriated to them by law, they
must be subjected to that reasonable rule
which directs us to seek that intention,
in the extraneous facts and circumstances,
which may be legitimately invoked, to
find out, and fix their meaning.

There are but two sensible or possible con=
=struction to be placed on those words where
they occur in Mexican grants, made under
the Decree of the 18th of August 1824, and
the ordinance of the 21st of November 1828.
and as we have no warrant to settle arbi=
=trarily, their meaning, we must endeavour
to carry out the intention of the grantor,
as far as we can attain it. One of these
constructions referred to, is that the grant
was intended to be made of the whole tract
described in the map or diseño; and that
the words, a little more or less, were
used to enforce that intention.

The other supposeable construction
is that it was not intended to grant the
whole tract so marked out, but only the
quantity specified, diminished or increased,
by that embraced in the terms, more or less.

The first construction cannot be
adopted, as the map or diseño, tho' required
by the ordinance to be made with all the
exactness practicable, could not from
the nature of the case, do more than
furnish a general description of the
place, or tract of country, where the
land asked for, and granted, was
situated. It was made without any
survey, and could not of course be
accurate. It was sketched by persons not
professing to be sufficiently familiar with
the locality even to approximate to certainty,
as to its contents. The [illegible]

the locality even to approximate to certainty.

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as to its contents. The land was confessedly not so known to the parties, as to be granted by the Map, as a Whole, merely adding the words "a little more or less", to carry out that intent, irrespective of the quantity it might contain. Where the public lands have been previously laid off into divisions, and subdivisions, of a given form and magnitude, or in a settled country where the parties are acquainted with the different tracts, or parcels of land, by long possession, and acknowledged ownership, that intention is recognized, and the words "more or less", may have acquired such a fixed signification. But in this Province at that time, it is manifest that that such a construction would not effectuate the true intention of the parties. A tract of land could not be granted as an entirety, unless its contents were known to be less than, or rather no more than eleven leagues; for the law prohibited a grant of larger extent than that.

If the words, more or less or a little more or less, should occur in a grant, without any other terms to qualify their sense, it might with more plausibility be supposed that that the intention of the grantor was, in subordination to the legal restriction of eleven leagues, to grant to the extent of the limits of the diseños; that is, to grant the whole tract delineated in the map, with a tacit proviso, that it contain no more, than the legal complement.

But in this case, there are connected with them, other words, which indicate a different intention. Those supplemental words being significant, cannot be rejected, according to any just rule of construction, unless the palpable sense of the writing would be

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shared, or an absurdity introduced, by their detention. The qualifying words alluded to, which follow immediately upon a reference to the Mapa or diseño, are, "The Magistrate who may give the possession, will cause it to be measured according to the ordinance, leaving the surplus which may result, to the Nation for its convenient uses." This surplus which may result must mean the residue within the bounds of the Mapa or diseño; for it is certain that the grant cannot extend beyond them, whether more than eleven leagues, or less, be embraced within them.

The applicant has fixed by his own selection, the limits within which his land is to be contained; and the interest of the Nation, as well as that of other petitioners, would be most unfairly affected, if he were permitted to transcend them.

It is more equitable that he should be disappointed of his supposed quantity, by his own act, than that others should be injured by his error. Then we can only give a proper effect to these qualifying terms in the grant, by supposing it to have been estimated, that there might be more within the bounds of the diseño, than the quantity, actually intended to be granted.

It might probably be urged, that such a construction can be put upon the words, "leaving the surplus which may result," &c. as to give them their full effect; and also to give the words "a little more or less", the import which has been suggested. That interpretation is, to construe the words, "a little more or less" as extending the grant to the bounds of the diseño,

if there be no more than eleven leagues; and

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if there be no more than eleven leagues; and the "surplus which may result", as relating to the residue of the public domain, outside of these bounds. By that construction of the grant, the words of reservation would not only be idle, and supererogatory, since without them such would be the case, but the strange paradox would be thereby adopted, that a grant of one league and a half "a little more or less" means, or may be extended to include eleven leagues, by means of the erroneous, or fraudulent representation of the applicant, in the map, with which he accompanies his petition.

The quantity of every grant is limited by the Decree, and Ordinance above recited to the maximum and minimum, therein prescribed, and the discretion of the Political Chief is to be exercised between those limits. If there had been no change of Government, and Mexico had provided (as she had never done in California) sufficient means, through a public Surveyor, to ascertain the exact limits of her private grants, it would have then been necessary to have reduced every claim to absolute certainty.

It is now, the object and design of the Government of the United States, to perform that duty; and this Board is engaged in furnishing its quota towards that purpose, under the Act of the 3d. of March, 1851. As a preliminary to this location, or demarkation of those private grants, we are required to ascertain their validity. The validity, however, of a claim or grant, involves necessarily, a thing granted; and where quantity is given as the characteristic, descriptive feature of that thing

We must if we can do so, ascertain that quantity. We must in a case of such grant either ascertain it, or declare the grant void for uncertainty.

Nor will it be competent to this Board to declare the claim "valid for one and a half leagues, a little more or less", for that would leave wholly indefinite, what we have seen, it is our duty to ascertain, if we confirm it at all, where the grant is by quantity.

And even where the grant is ever so explicitly by metes and bounds only, we should still guard against a violation of the law regulating the quantity, by a provisional confirmation, as for example, thus, to the extent of the bounds, if there be no more than eleven leagues within them; and for such less quantity only where the bounds contain less.

The words, poco mas o menos, are not only as we have said terms of quantity, but they are also comparative terms, referring to some number already expressed. They also evidently mean, a fraction of some integer, or unit. The unit of which they contribute a fraction in this case, is not the aggregate of the antecedent leagues, but a unit composing a part of that aggregate number.

The unit of which "a little more or less" is a fraction, is evidently one league; but at all events, as a sign of quantity, it is wholly uncertain, and we are not authorized to adopt arbitrarily, any proportionate part of any integral number, as its exponent; nor can we by force of these terms, either add to, or diminish in any degree, the specified quantity.

The only alternative which we can adopt, is either to declare the whole grant a nullity, for want of certainty, or to reject

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those terms, on account of their uncertainty and declare the grant valid to the extent which is clearly expressed.

The quantity of one league and a half in this case is certain, and it is more consonant with equity, to confirm the claim to that extent, than to declare it void in toto on account of these expletory terms, which are so utterly indeterminate.

It seems that the reasonable maxim utile, per inutile non vitiatur, is justly applicable to sustain a grant, which to the extent of one league and a half at least, was clearly intended.

We are unanimously of the opinion, that according to the principles laid down for our Government in the eleventh section of the Act of the 3d of March 1851, the claim in this case is valid and ought to be confirmed to the present claimant, to the extent of one square league and a half.

Court Hall concurs in the result above announced

(Signed) Harry I. Thornton
Commissioner

No 222. Claim of John Keyes.

I agree that the foregoing opinion of Commissioner Thornton furnishes sufficient reasons for the confirmation of this claim, though I do not concur in a portion of them.

(Signed) Hiland Hall
Commissioner

John Keyes, assignee of Pedro Cordero
vs
The United States } No. 222.

Final Decree of Confirmation

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This Board, upon full consideration of the various grounds affecting the validity of the said claim of John Reyes, assignee of Pedro Cordero, which was presented to this Board sitting under the act of Congress of the 3rd of March 1851; having come the conclusion that the said claim is valid, therefore now proceeds to make and does hereby make and enter of Record the following decree, or report of Final Con=-firmation; viz. It is decreed and Reported that the said claim be confir=-med to the extent and quantity of one and a half square leagues; being the same land described in the grant and expediente referred to therein;

Provided, that the said quantity specified in the grant, and now here to the claimant confirmed, be contained within the boun=-daries called for, in the said grant and map to which the grant refers; and if there be less than one and a half square leagues within the said bounds, then we confirm to him that less quantity; it being apparent, that said quantity exceeds the minimum prescribed in the Ordinance of two hundred varas.

(Signed) Heland Hall
" " Harry Thornton } Commissioners

Office of the Board of Com.rs
of California Land Claims
San Francisco May 8th 1852.

On this day before me Heland Hall one of the Commissioners for ascertaining and settling private land

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Claims in the State of California, came Pablo de la Guerra a witness produced in behalf of the Claimant John Reges whose petition is No 222. on the Docket of the Board, and was duly sworn. The Law Agent was notified and attended. In answer to questions put by the counsel for Claimant the witness tes=
=tified as follows.

1st Question. What is your name, age, and place of residence?
Answer. My name is Pablo de la Guerra; my age is 32 years; I reside in Santa Barbara, and have resided in California all my life.
2d Question. Do you know the signatures of Manuel Micheltorena and Manuel Jimeno, of Raymundo Carillo, Vicente Moraga, Guillermo Carrillo, Pedro Gorden, Jose Carlon, Gregoria Lopez, and Jose Maria Valenzuela; and if so say whether their signatures to the papers before you are genuine, and whether the papers are genuine and original; and if the papers marked exhibits "A" & "C" filed in claim No 222. in the office of the Secretary of the Commissioners, are true copies of these originals?
Answer. I am acquainted with the signatures of Manuel Micheltorena, Manuel Jimeno, Ray=
=mundo Carillo, Vicente Moraga, Guillermo Carillo, Pedro Gordon, Jose Carlon, Gregoria Lopez, and Jose Maria Valenzuela; their sig=
=natures to the papers before me are genuine, and the papers are genuine and original; I have compared them with Exhibits "C" & "E" filed in petition No 222 and find the latter to be true copies of those originals.

3d Question.
What do you know about the pos=
=session and occupation of the tract of land described in these papers?

Answer-

This land lies adjacent to land owned by my father. I know it was occupied about the year 1843 or 1844, by Pedro Cordero with a house and with cattle and horses, and has been so occupied ever since. I have heard that Cordero has recently sold it to John Keyes.

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I have always understood that the title was a good one, and I have never heard of any conflicting claim.

In answer to questions by the Law Agent the witness says the first time he was on the land after it was granted to Cordero there was a house on it in which he lived. It was I think in 1848, When first I saw it. It must have been built some time before that.

Cordero lived on the place until he sold it to Keyes about the year 1850.

Keyes had occupied the land by his people ever since. I do not know whether any land unless it be a small quantity for vegetables has been cultivated.

The stock of cattle has amounted to only a few hundred.

Pablo de la Guerra

Sworn and Subscribed
Before me Wiland Hall
Comr.
Filed in Office May 8th 1852
Geo Fisher
Sec'y

Exhibit A & C, follow

Eschibits
A & C.

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Sello Segundo Cuatro Pesos.

Habilitado provisionalmente por la Aduana maritima del puerto de Monterey, en el Departamento de las Californias, para los años de

Micheltorena Pablo de la Guerra

Adm. Marítima de Monte

El Ciudadano Manuel Micheltorena General de Brigada del Ejercito Mexicano, Ayudante Grāl. de la Plana Mayor del mismo, Gobernador, Comandte. Grāl. é Inspector del Departamto. de Californias.

Por cuanto el Ciudadano Pedro Cordero ha pretendido para su beneficio personal y el de su familia el paraje conocido con el nombre de Cañada de Salsipuedes, colindante con el rio de la Purisima con la ribera de las lomas de la Mision Vieja con la la loma que llaman Cuchilla que corre p.a la tinta y con las lomas de Sta. Rosa: practicadas previamente las diligencias y averiguaciones concernientes, segun lo dispuesto por leyes y reglamentos de la materia, usando de las facultades que me son conferidas á nombre de la Nacion Mexicana, he venido en conceder el terreno mencionado, sujitandose á la aprobacion de la Exma. Asamblea Departamental y á las condiciones siguientes:

1.a No podrá venderlo, enagenarlo ni hipotecarlo, imponer censo, vinculo ú otro gravamen alguno.

2.a Podrá cercarlo sin perjudicar las travesias, caminos y servidumbres: lo disfrutará libre y esclusivamente destinandolo al uso ó cultivo que mas le acomode pero dentro

de un año fabricara casa y estará habitada

3.ª Cuando se le confirme la propiedad solicitara del Juez respectivo que le dé posesion jurídica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondrá á mas de las mojoneras algunos arboles frutales ó silvestres de alguna utilidad.

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4.ª El terreno de que se hace donacion es de un sitio y medio de ganado mayor poco mas ó menos segun esplica el diseño respectivo

El Juez que diere la posesion lo hará medir conforme á ordenanza quedando el sobrante que resulte a la Nacion p.ª los usos convenientes.

5.ª Si contraviniere á estas disposiciones perdera su derecho al terreno y será denunciable por otro. En consecuencia mando que teniendose por firme y valedero el presente titulo se tome razon de él en el libro respectivo y se entregue al interesado para su resguardo y demas fines. Dado en Monterey á diez y ocho de Mayo de mil ochocientos cuarenta y cuatro.

Mend.ª Michel t.º

Man.l Jimeno
Secrio

Queda tomada razon de este despacho en el Libro respectivo á fojas 8.

Jimeno

Posesion Judicial en favor de D. Pedro Cordero del Paraje llamado Cañada de Salsipuedes.

1849

Sr. Alcalde 1.º de Sta Barbara

Pedro Cordero vecino de esta Santa Barbara

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Pedro Cordero Vecino de este Punto ante la justificacion de V. comparesco y dizo: q. habiendo obtenido la concecion en propiedad del terreno conocido con el nombre de Cañada de Salispuedes, por titulo espedido en mi favor por el Sup.or Gob.no del Departam.to A. V. suplico se sirva darme la posesion jiridica de estilo con arreglo á dho. titulo el cual devidamente acompaño, de lo q. quedare sumamente reconocido jurando no proceder de malicia &.

Sta. Barb.a Dbre. 4 de 1849

Pedro Cordero

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Sta. Barbara Dbre. 7. de 1849-

En virtud de la antecedente Solicitud, proseda se por mi el presente Juez a la medicion señalamiento de linderos y posecion judicial del terreno conocido por Cañada de Salispuedes q. solicita el interesado en este expediente con arreglo al titulo q. acompaña señalando para berificarlo el dia diezi ocho del presente para lo q. se citaran en devida forma a los Colindantes, asi yo el Juez de 1.ra Inst.a de este Distrito Raym.do Carrillo, lo mandé decreté y firme actuando por resptoria con testigos de asist.a que por falta de de escribano publico de q. doy fé.

Raym.do Carrillo

Asist.a
Vicente Moraga

Asist.a
Guill. Carrillo

En la dha. presente D. Pedro Cordero se le notificó el auto q. antecede y de el entendido dijo q. lo hoye y se da por citado y lo firmó

conmigo y los de mi asistencia doy fé.

Raym.do Carrillo

Pedro Cordero

Asist.a
Vicente Moraga

asist.a
Guill.o Carrillo

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En la misma Fha. se libraron los voletes q.e manda el 1.er proveido, y para q.e conste por diligencia lo rubrique.

En el Rancho de Cañada de Salsipuedes á los diez y ocho dias del mes de Diciembre de mil ochocientos cuarenta y nueve en cumplim.to de cita librada a los Colindantes del espresado Rancho compareció D. Gregorio Lopez Mayordomo de S. Julian y apoderado de D. Jos de la Grã. no habiendo comparecido apoderado alguno p.r D. Ramon Malo (pues dho. S.r no se hallaba en este Punto) é igualmente no comparecieron D. Fran.co Cota, y D. José Antonio Carrillo, no obstante habiendolos esperado en el Punto y Dia citado procedi á la referida posecion en favor del espresado S.r Cordero, y dijo el referido D. Gregorio Lopez quedar entendido y para constancia lo firmaron conmigo y los de mi asist.a doy fé

Raym.do Carrillo

Gregorio Lopez

Asist.a
José Feliz

Asist.a
José Carlon

En la Fha. yo el Juez de estos autos nombré por medidores en la presente posecion a los

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Ciudadanos Gregorio Lopez y Jose Mª Valenzuela quienes prebia la aceptacion y juramento q. hicieron por Dios Ntro. Sr. y una señal de Cruz de usarlo fiel y legalmente á su leal saber y entender, y sin dolo ni fraude contra persona alguna lo firmaron conmigo y los de mi asistª de q. doy Fé.

Raymdo Carrillo

Asistª
José Felis

asistª
Jose Carlon

Gregorio Lopez

Jose Mª Valenzuela
+

Yacontinuenti yo el referido Juez mandé traer á mi presencia un cordel de reatas y mecates con q. se an de medir las tierras de Dho. Rancho y q. lo midiesen los Medidores de a cincuenta varas lo q. firmó con los de mi asistª doy Fe.

Raymdo Carrillo

asistª
Jose Felis

asistª
Jose Carlon

En seguida y en presencia de mi el espresado Juez los Medidores tomaron el Cordel mencionado y con una vara de medir usual, midieron sincuenta varas para haserla referida Medicion y fª q. conste lo rubrique.

En la misma Dha. siendo como las dos de la tarde en el espresado Rancho yo Dho. Juez para proseder a la medicion de tierra q. se ha de aser a D. Pedro Cordero pasé con los Medidores á un aguaje q. está

a pocas varas de distancia de la casa de dhõ. Cordero lindero de D. José de la Grã. y puestos en este punto se comensó la medida tendiendo el cordel rumbo al N. hasta llegar á la orilla del rio de la Purisima por la parte de Sipuñes. rumbo al E. lindero de D. Ramon Malo, y se midieron Ciento sesenta Cordeles de a sin=
=cuenta varas, presenciado y apuntado todo
este acto por mi el referido Juez p.r lo que resultó tener el espresado terreno una legua y media y quinientas varas de longitud, Cobiendando al O con la ribera de las lomas de la Mision Vieja, al Norte con la loma q. llaman Cuchilla q. corre para la tinta, y al E. con la loma de Sta Rosa, é igualmente resultó tener la misma distancia de latitud dentro de los linderos demarcados por el titulo de Concecion, advertiendo no haberse podido tirar el Cordel á linea recta por lo alto de las lomas é intrasitable á causa de la continua llubia por lo q. se anduvó por el camino real q. llaman de la Carreta, acompañando á este espediente el espresado titulo Superior, y para constancia lo firme por anto con los testigos de mi asista. de q. doy fé.

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Raymdo Carrillo

asista.
Jose Helis
+
Gregori Lopez

asista
Jose Carlon

Jose Mª Valenzuela
+

En el referido Rancho de la Cañada de Salsipuedes y en el mismo dia mes y año D.

Pedro Cordero Vecino del Distrito de Sta

23

Pedro Cordero Vecino del Distrito de Sta. Barbara acompañado del Alcalde 1.er y Juez de 1.a Inst.a con los testigos de asista. de estos autos Dijo q. habiendoso medido la tierras de este Rancho segun consta en el auto anterior, tomaba y toma la verdadera y corporal posecion de Dhas. tierras medidas pues le pertenecen por justo titulo q. obtiene de la concesion q. de ellas le hizo el Sup.or Gob.no del Departamento. Entro y poseó por ellas arranco Yerbas esparsio pimados de tierra rompio ramas de los arboles é iso otras demostraciones y actos de posecion en señal de la q. dijo tomaba de dhas. tierras; y yo, dho. Juez mande q. desde entonces lo tubieran y reconocieran por verdadero Dueño y posedor de ellas.

De todo lo espuesto pidio Dho. D. Pedro Cordero, q. para memoria en lo benidero, y conserbacion de sus derechos, le fuese estendida por mi el referido Juez una consta.; y lo firmó conmigo y los testigos de mi asistencia de q. doy Fé.

Raym.do Carrillo

Pedro Cordero

asist.a
Jose Felis
+
Gregorio Lopez

asist.a
José Carbon

Jose M.a Valenzuela
+

Derechos, bien ps. ó Diez Reses
Fha. ut Supra
Raym.do Carrillo

Filed in Office Sep.t 29.th 1852
Geo: Fisher

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Stamps Canceled Free Gratis

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B
Translation of Title

Stamp Second Four Dollars

Provisionally authorised by the Maritime Custom House of the Port of Monterey in the Department of the Californias for the Years 1844 and 1845.
(Signed) Micheltorena. (Sgd) Pablo de la Guerra

Custom House Seal

Citizen Manuel Micheltorena Genl of Brigade of the Mexican Army, Adjutant General of the Staff of the same, Governor, Commanding General and Inspector of the Department of the Californias.

Whereas, Citizen Pedro Cordero has for his own personal benefit and that of his family, petitioned for the place known by the name of Canada de Gal-linedes, bounded by the river of "La Purisima" by the edge of the hills of "La Mission Viega," by the hill which is called the ridge which goes to La Tinta, and by the Hills of Santa Rosa, the proper measures and examinations being previously made as required by laws and regulations on the matter, using the faculties which are conferred on me in the name of Mexican Nation, I have granted him the aforesaid land subject to the approval of the Most Excellent Departmental Assembly, and to the following conditions,

1st He may not sell it, alienate or mortgage it subject it to any tax, entail, or any other incumbrance whatsoever,

2nd He may enclose it without prejudice to the crossings, roads and servitudes, and enjoy it freely and exclusively making of it such use as may best suit him, but within one year he shall build a

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house on it, and it shall be inhabited.

3rd When the ownership is confirmed to him he shall request the proper Magistrate to give him judicial possession in virtue of this title, by whom the boun=-daries will be marked out in the limits of which besides the bounds he shall place some fruit or forest trees of a useful character.

4th The land of which donation is made is one and a half square leagues, a little more or less, as shown by the respective map. The Magistrate who may give the possession will cause it to be measured in conformity with the ordinance leaving the surplus which may result to the Nation for its convenient uses.

5th If he contravene these directions he shall loose his right to the land and it may be denounced by another person.

In consequence I order that this title being held as firm and valid, note be made of it in the respective book, and it be delivered to the person interested for his security and other purposes.

Given in Monterey on the Eighteenth of May eighteen hundred and forty four.

(S.g.d.) Manuel Micheltorena

(Sgd) Manuel Jimeno
Secretary.

Note has been made of this title in the respective book on Folio 8.

(Sgd.) Jimeno.

I certify the foregoing to be a true translation from the Spanish original annexed to the deposition of Pablo de la Guerra in Case No 222 and on file in this office. Los Angeles Sept. 29th 1852

Geo Fisher Secy

Filed in Office May 8th 1852

This office Los Angeles Sept. 29th 1852
Geo Fisher Clerk

28.

Filed in Office May 8th 1852
Geo Fisher
Sec'y

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III
Translation of Juv. possession

To His Honor the First Alcalde of Santa Barbara.

Pedro Cordero, resident of this place before the justification of Your Honor, appears and says; that having obtained the grant in fee of the land known by the name of "Canada" "Sal-Si-puedes" by title issued in his favour by the Superior Government of the Department.

He prays Your Honor to have the goodness to give him the customary judicial possession in conformity with said title which he duly transmits herewith, for which he will remain extremely grateful swearing that this does not proceed from malice &c.

Santa Barbara Dec. 4th 1849
(Sgd.) Pedro Cordero

Santa Barbara, Dec. 7 1849

In virtue of the foregoing request I the present Magistrate will proceed to the measurement, designation of boundaries and judicial possession of the land known as Canada de Sal-Si-puedes which the person interested in this Expediente requests, in conformity with the title which he transmits, designating the Eighteenth day of the present month, on which to verify it, summoning the Colindantes in due form for that day.—

Thus I Raymundo Carillo, Judge of 1st Instance of this district ordered, decreed and signed, acting in virtue of my office with assisting witnesses, for want of a Notary Public to which

I certify.
(Sgd) Raymundo Carillo
Assiting Witneses
(Signed) Vicente Moraga,
(Signed) Guillmo Carillo

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On the same date, present Don Pedro Cordero, he was notified of the foregoing order, and having understood it he said that he heard it, acknowledged notice, and signed it with me and those of my assistance - I certify.
Assisting Witneses (Sgd) Raymundo Carrillo.
(Sgd) Vicente Moraga. (") Pedro Cordero
(Sgd) Guillmo Carrillo.

On the same date the summons ordered in the first decree were issued and in testimony I signed it in rubric
(Rubric of R. Carrillo)

In the Rancho of Canada of Sal-Siquedes, on the eighteenth day of the month of December One Thousand eight hundred and forty nine, in compliance with the summons issued to the Colindantes (adjoining neighbours) of the said Rancho there appeared Don Gregorio Lopez Mayor Domo of San Julian and attorney for Don Jose de la Guerra, no attorney appearing for Don Rayman Malo (for that person was not at the time in this place) neither did Don Francisco Cota and Don Jose Antonio Carillo appear - Nevertheless after waiting for them at the place and on the day de-signated

Waiting for them at the place and on the day designated

I proceeded to the possession referred to, in favour of the said Senor Cordero, by the aforementioned Don Gregorio Lopez said that he understood it, and in testimony he signed with me and those of my assistance I certify.

/Signed/ Raymundo Carillo
/Signed/ Gregorio Lopez

Assisting Witnesses
/Sgd/ Jose Feliz
/Sgd/ Jose Cailon.

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On the same date I, the Judge in these acts, appointed measurers in the present possessions Citizens Gregorio Lopez and Jose Maria Valenzuela who after acceptance and the Oath which they made by God and our Lord and a sign of the Cross to use it faithfully and legally to the best of their knowledge and understanding, without deceit or fraud against any person - Signed it with me and those of my assistants to which I certify.

Assisting Witnesses /Signed/ Raymundo Carillo
/Signed/ Jose Feliz /Signed/ Gregorio Lopez
/Signed/ Jose Cailon /Signed/ Jose Mª Valenzuela

In continuation I, the said Magistrate ordered to be brought into my presence a cord made of rope (reata de mecate) with which to measure the lands of said Rancho, and that the measurers measure off fifty varas on it, which I sign with those of my assistance: I certify

/Signed/ Jose Feliz /Signed/ Raymundo Carillo
/Signed/ Jose Cailon

In continuation and in presence of me the aforesaid Magistrate, the Measurer took the said rope and with a common Vara-Measure, marked off fifty Varas to make the aforesaid Measurement and in testimony I signed it in rubric

Rubric of Raymdo Carillo

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On the same date, being about two o'clock afternoon in the aforesaid Ranchos I, the said Magistrate, in order to proceed to the Measurement of land which is to be made for Don Pedro Cordero, went with the measurer to a Spring which is distant a few varas from the house of said Cordero, the boundary of Don Jose de la Guerra, and placed in this point the measurement was commenced drawing the cordel in a direction North, to the Bank of the river of La Purisima on the side towards Lipuco, to the east boundary of Don Raymon Malo, and they measured one hundred and sixty Cordels of fifty Varas, this entire act being witnessed and noted down by me the said Magistrate, from which the said land proved to contain one and a half leagues and five hundred varas in length, bounded on the West by the edge of the hills of la Mission Viega, North West by the hill called the ridge, which goes to la Tinta, and on the East by the hills of Santa Rosa, and it also proved to have the same distance in breadth within the boundaries specified in the title of grant, observing that it was not possible to draw the cordel in a right line on account of the height of the hills and their impassableness on account of the continued

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rain for which reason the highway, called the cart-road was used.- transmitting with this expediente the aforementioned superior litte, and in testimony I signed it officially with the witnesses of my assistance to which I certify

Assisting Witnesses. /Signed/ Raymundo Carrillo /Sgd/ Jose Deliz, /Signed/ Gregorio Lopez /Sgd/ Jose Carlon, /Signed/ Jose Ma. Valenzuela

---

In the afforsaid rancho of the Canada de Sal-Si-puedes and in the same day, month and year, Don Pedro Cordero, resident of the District of Santa Barbara, accompanied by the first Alcalde and Judge of, First Instance with the assisting witnesses of these acts, said that the lands of this Rancho having been measured as appears by the preceding act, he wanta take and he took the true and corporal possession of said lands measured, for they belong to him by a just litte which he obtains from the grant which the Superior Government of the De-partment made him of them- he entered on and walked over them, pulled up grass, scattered handsful of earth, broke branches from the trees and performed other De-monstrations and acts of possession, in sign of that which he said he was taking of said lands, and I the said Magistrate ordered that from that time he should be held and recognized as true owner and possessor of them.-

Of all the foregoing, said Don Pedro Cordero prayed that for the future tes-timony and the preservation of his right, a testimony should be given to him. By me the Judge afforsaid;

and he signed it with me and those of my assistance, to which I certify

Assisting Witnesses

|Sgd| Jose Feliz
|Sgd| Jose Carlow

|Sgd| Raymdo Carrillo
|Sgd| Pedro Cordero
|Sgd| Jose M.a Valenzuela
|Sgd| Gregorio Lopez

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Fees One hundred dollars or ten head of cattle Date as above

|Signed| Raymundo Carrillo

I certify the foregoing to be a true translation from the Spanish Original annexed to the Deposition of Pablo de la Guerra, Case No 222, on file in this Office.

Los Angeles Sept.r 29th 1852

Geo Fisher
Sec'y

Filed in Office May 8th 1852

Geo Fisher
Sec'y

Before the U.S. Land Commission

No 222, Claim of John Keyes to Rancho of Sal-Si-puedes,

In this case the Law Agent of the United States admits the due execution of the conveyance of the above named tract of land by Pedro Cordero to John Keyes, dated

March 20th 1850, the original of which is an-

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March 20th 1850, the original of which is annexed hereto and marked X; and he further admits the due execution of the deed of relinquishment of the heirs of said Pedro Cordero dated February 18th 1851 and annexed hereto marked "Y" of the aforesaid Rancho, also called "Canada de la Cumbre"

Los Angeles, Cala, September 29th 1852

Robert Greenhow
acting as Law Agent in
the absence of the Law Agt

Filed in Office September 29, 1852.
Geo Fisher
Sec'y

Y.

Know all men by these presents that we Pedro Cordero, Francisca Cordero, Carlos Cordero, Guadalupe Cordero, Jose Jesus Cordero y Bernardino Lopez husband of the late Rafael Cordero, all of whom are children of the late Pedro Cordero y Dolores Lugardo do all separately and severally certify that we have received from Mr. John Keyes the sum of Three hundred and Sixty-eight dollars being a certain amount remaining in the hands of the aforesaid John Keyes, deposited by late Pedro Cordero part of the proceeds of the sale of a certain farm called the Canada de-pedro de la cumbre, and we further acknowledge that we have no further claim whatsoever directly or indirectly against the said Keyes his heirs or assigns, this being a receipt in full from the beginning of the world to this date for all claims of whatsoever nature or kind, and we further bind ourselves jointly and severally to pay all debts

35.

of our Father the late Pedro Cordero; Should these be any. Also that we renounce forever all further claims to the aforementioned Rancho of the Pedro de la Landre, in Witness whereof we have set our hands and seals this fifth of February in the year of our Lord One Thousand Eight hundred and fifty one in the city of Santa Barbara State of California.

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Pedro his X mark Cordero (Seal)
Francisco his X mark Cordero (Seal)
Carlos his X mark Cordero (Seal)
Jesus Cordero (Seal)
for Guadalupe Cordero
Jose Jesus Cordero (Seal)
Bernardino his X mark Lopez (Seal)

Witness
N. A. Den.

Filed in Office Sept.r 29th 1852
Geo Fisher
Secy

X.

Por el presente Documento me obligo yo Pedro Cordero, a presencia de los testigos q.e abajo se firman á entregar en el Rancho q.e vendi a D. Juan Kays, y al mismo Sr. la cantidad de cien Reses, cuyo numero me obligo á no faltar á su cumplim.to y el expresado D. Juan Kays se obliga a tomar hasta doscientos Cabezas chico y grande al precio de Diez pesos Cabeza, cuya entrega de ganado verificaro antes del veinte de Junio del presente año, y a la observancia del presente trato obligan sus personas, bienes abidos y por haber, dando poder á los Sres. Jueces p.a q.e exijan el cumplim.to de lo q.e en este se prescribe, como si fuera

judicial, y lo firmo yo el espresado Cordero

36.

judicial, y lo firmo yo el espresado Cordero y por D. Juan Keyes su apoderado D. Nicolas Den, en Sta. Barba. a veinte de Mazo de mil ochocientos sincuenta.

Nicolas A. Den Pedro Cordero

Testigo Testigo

Raymdo. Carrillo Gaspar Orena

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Translation of X.

I Pedro Cordero by this present document in presence of the witnesses who sign below bind myself to deliver on the Rancho which I sold to Don Juan Keyes, and to the same person the quantity of One hundred head of Cattle, which number I bind myself not to fall short of.- And the said Juan Keyes binds himself to take as many as two hundred head, large and small at the price of ten dollars a head, which delivery of cattle I will make before the twentieth of June of the present year.

And to the observance of the present contract they bind their persons, their property present and future, giving power to the judges to exact the fulfillment of that which is in this prescribed as if it were juridical. And I the said Cordero sign, and for Juan Keyes his attorney in fact, Don Nicolas Den, in Santa Barbara on the twentieth of March One Thousand Eight hundred and fifty

(Signd) Pedro Cordero
(") Nicolas Den.

Witnesses
(Signd) Raymondo Carrillo
(Signd) Gaspar Orena.

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Filed in Office. Sept Tm 29th 1852
Geo Fisher
Clerk

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38.

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I George Fisher Secretary of the Board of Commissioners to ascertain and settle the private Land Claims in the State of California, do hereby certify the foregoing 37 pages numbered from 1 to 37 both inclusive to contain a true, correct and full Transcript from the Journal of Proceedings of said Board of the original Depositions of witnesses, and of the Documentary Evidence on file in this Office in Case No 222. Juan Keyes Claimant against the United States for the place Sal-Si-puedes

In testimony whereof I hereunto set my hand and affix my private Seal, not having a Seal of Office at San Francisco California, this 14 day of December A.D. 1853. and of the Independence of the United States of America the Seventy Seventh.

Geo: Fisher.

Sec'y

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Attorney General's Office
13th January 1854.

John Keys, claimant
vs.
The United States.

You will please take notice that an appeal in the above case from the decision of the Commissioners to ascertain and settle the private land claims in the State of California, to the District Court of the United States for the Southern District of California will be prosecuted by the United States.

Caleb Cushing

Attorney General.

W. Taylor
clerk
Dec 27.

No 2.

U. States Dt. Court

South. Dt. of Califa.

John Keys, Appellee
vs
The U. States, Appellant

No. 9

Notice of Appeal

Filed March 18/54
A. S. Taylor
Clerk.

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Attorney General's Office,
13th January 1854.

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John Keyes, claimant
vs.
The United States.
} Case 222.

You will please take notice that an appeal in the above case, from the decision of the Commissioners to ascertain and settle the private land claims in the State of California, to the District Court of the United States for the Southern District of California, will be prosecuted by the United States.

Caleb Cushing
Attorney General.

Alexander S. Taylor Esq.
Clerk of U.S. Dist. Court
Southern Dist. California.

No 2

U. S. Dist. Court

S. Dist. of Califa.

John Keyes
vs.
The U. States Appellant

Notice of Appeal

No. 18.

No 1. On Los Angeles Dockt.

Filed June 3d 1854
A. L. Taylor
Clerk

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

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John Keyes appellee
v.
The United States appt. } No. 222.

To the Honble 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 Monterey County) Attorney of the United States for the Southern District of California, who petitions in this behalf for the United States, and being present here in Court in his proper person, in the name and behalf of the United States, represents as follows: That heretofore to wit, on or about the 8th of May A D 1852, John Keyes presented his petition to the Commissioners to ascertain and settle the private land claims in the State of California, claiming a tract of land called ~~"Cañada de~~ "Salsipuedes", in the County of Santa Barbara Calif., containing one square league and a half, a little more or less; and alleging that said tract of land was granted on the 28 (18[illegible]) of May A D 1844 by Manuel Micheltorena Governor of California to Pedro Cordero; that on the 18th day of December 1849 the said tract of land was duly surveyed and judicial possession given. That said Cordero sold and conveyed the same to him. And praying

that the same be confirmed to him.

That on the 18th of December 1852, the said Commissioners confirmed, by final decree the said claim of said John Keyes, for said land, for one and a half square leagues.

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That on the 27th of December AD 1853, 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, in and for the Southern District of California, and marked No. 222; reference to which, it is prayed, may be had as a part of this petition.

That on or about the 12th of January 1854, the Honr. Caleb Cushing, Attorney General of the United States, received a duly certified duplicate of said certified transcript of the said final decree and proceedings in said cause (No. 222) by said Commissioners, and the papers and evidence on which the said decree was founded;

That on the 3rd of June AD 1854, the said Attorney General of the United States, filed or caused to be filed, in behalf of the United States, a notice in writing with the said Clerk of said District Court for the Southern District of California, that an appeal would be prosecuted by the United States, in said cause of John Keyes vs the United States, to the District Court of the United States for the Southern District of California.

Your petitioner further alleges that the

said land, claimed as aforesaid, is within the jurisdiction of this Dist. Court.
And your petitioner further alleges, for and in behalf of the United States, that the said claim of said John Keyes, for said land, claimed ~~as aforesaid~~ and finally confirmed by said Commissioners as aforesaid, is invalid; on the following grounds.

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1. That the said John Keyes, shows no valid title to the land claimed by him.
2. That the said land so claimed by said John Keyes is within ten (littorales) leagues of the sea Coast; and was not therefore subject to colonization or grant by Governor Micheltorena, without the previous approbation of the Supreme Executive power; which is not shown to have been given, & was not had.
3. That the said land so claimed by said John Keyes, & confirmed as aforesaid, was, at the time of the alleged grant, in the occupancy of the Mission ~~and~~ or Indians of Upper California, and was not therefore subject to colonization or grant by Governor Micheltorena.
4. That if the land was alienated by the original grantee as alleged by claimant, then the first condition of the grant, against alienation, was broken, ~~and not performed~~
5. That the second condition of the grant requiring the grantee to build a house on the land within a year, and that it should be inhabited, was broken and not performed. That the grantee did not ask for the judicial

possession of the land, within a reasonable time. That he could not lawfully occupy the land alleged to have been granted until after obtaining judicial possession of the same. That said land was never segregated.

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5. That the fourth condition of the said alleged grant, that the proper magistrate who should give possession of the land, should have it measured in conformity with the ordinance, leaving the surplus to the nation, was not performed.

6. That the said alleged grant to said Pedro Cordero, was never confirmed by the Departmental Assembly of California, having been made subject to such confirmation; and which was required by law.

7. That the description of the land in said alleged grant is vague and uncertain, and does not correspond with and is not aided by the Map shown, which is also indefinite.

8. That the alleged judicial possession of said land to said grantee in the 18. of December 1849, was illegal and void; that there is no proof that Raymundo Carrillo who it is pretended was first Alcalde at that time, was such; & there is no proof that he had any authority to give judicial possession. And petitioner alleges that he had no jurisdiction, if he was Alcalde at that time, over the subject matter, and his acts are void.

9. If Pedro Cordero ever had a valid title

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to the land ~~[illegible]~~ claimed by John Keyes, he said claimant, wholly fails to show a ~~[illegible]~~ sufficient and valid title in himself, under said Pedro Cordero, or his legal representatives. The copy of the document, dated February 1st 1851, marked J in the said transcript on file in said Clerks Office ~~dated February 1st 1851~~, is not, as it is pretended, a relinquishment of the heirs of Pedro Cordero, of the ~~the~~ said tract of land described and called in the alleged original grant "Canada de Salsipuedes", to the claimant John Keyes. There is no evidence of the death of the said Pedro Cordero; or that he died intestate. There is no evidence that the persons pretended and signers of the said document J, are his lawful heirs of said land claimed; and that they are his sole heirs to the same. There is no evidence that the persons signing or pretending to sign said document J have the capacity to contract. It is not signed, sealed, witnessed, delivered and acknowledged according to law. And, that the copy of the document marked X, dated 20th of March 1850, is not a deed of conveyance, or any other kind of valid title of Pedro Cordero, in favor of the said John Keyes claimant, for the said tract of land, described and called in said alleged original grant "Canada de Salsipuedes. It is nothing more than a contract for the sale and delivery of cattle, between Pedro Cordero, and Juan Keyes. It is not shown that the latter person is the John Keyes, the present claimant.

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 the laws and Statutes in such case made and provided, prays that ~~this Honble Court~~ the said John Keyes, or his Attorney, may be served with a copy of this petition, and ~~after due proceedings had~~, that this Honble Court will review the said decision or final decree of said Commissioners to ascertain and settle the private land claims in the State of California, and decide on the validity of said claim of said John Keyes, for said land, and that the same may be decreed invalid. And such other orders, judgments or decrees, as may be just; With costs, and general relief.

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

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2.

No. 2.

John Keyes.

vs.

The United States.

Petition of Pltffs of Mt. for review &c.

Filed Dec 4. 1854.

C. S. Lam

Clk.

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

John Kays, Appellee
vs.
The United States, Appellant.

{No. 2.
Transcript No. W. 222.}

John Kays, Appellee, by A. F. Hinchman, his Attorney, in answer to the petition of P. Ord Esq. District Attorney in behalf of the United States, Appellant, says;

That on the 18th day of May A.D. 1844, Manuel Micheltorena, then Governor of the Californias, by virtue of his said office and as Agent of the Mexican Nation, granted to Pedro Cordero a Mexican citizen, a certain tract of land called and known as "Sal-si-puedes," containing one and a half Mexican square leagues, a little more or less, situated in what is now the County of Santa Barbara, that on the 18th day of December A.D. 1849 said land was officially surveyed and judicial possession thereof given to the said Pedro Cordero in due form of law by Raymundo Carriles then a first Alcalde, within whose jurisdiction as such said land was situate; and thereafter as well as from and after the date of said grant, all acts and conditions requisite by law or by the terms of said grant to be done and complied with by said Pedro Cordero, in order to render said grant definite absolute and valid, were by the said Pedro Cordero, done and complied with: within

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the times limited by law and by the terms of said grant; that afterwards and before the year 1851, the said Appellee purchased from the said Pedro Cordero all the right title and interest of the said Pedro Cordero in said tract of land, and the said Cordero and his heirs-at-law died before the commencement of the year 1851 execute and deliver to the said John Kays deeds instruments of sale and releases sufficient to convey the said land to him the said Appellee in fee simple -

And the said Appellee further says that the said Pedro Cordero from and after the date of said grant from said Michelorena up to the time of the purchase as aforesaid by the Appellee, occupied the said land, and within one year after the date of said grant built a house upon the same, and the said Appellee ever since the date of his purchase as aforesaid from said Cordero has occupied the same.

And the said Appellee prays that the certified transcript of the decree of the Board of Commissioners to Ascertain and settle private land claims in the State of California confirming the claim of the said Appellee to said land, and of the proceedings papers and evidence on which the same was founded which said transcript is now on file in the Office of the Clerk of the District Court of the United States for the Southern District of California, marked Number , may be deemed a part of this answer, and reference thereto be had.

And the appellee denies that said land is

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within ten leagues of the coast; or if so that said grant to Pedro Cordero was thereby rendered invalid or unlawful.

He further denies that said land was at the time of said grant occupied by any Mission or any Indians or, if so, that said lands were not subject to colonization or grant.

He further denies that his claim and title as confirmed by said Board of Commissioners is in any wise affected by any condition in said grant concerning alienation as alleged in Appellants petition.

He further alleges that said grant was confirmed by the Departmental Assembly, or if not that the grant of such confirmation does not avoid the grant.

He further alleges that the boundaries and description of said tract of land are sufficiently set forth in the grant by Micheltorena, and likewise are well ascertained and defined in the judicial record of survey aforementioned and that said land has been thereby segregated from the public domain, and that said boundaries are well known.

And the said Appellee alleges that at the time of filing his petition for the confirmation of said grant, before the said Board of Commissioners, he had, and has ever since had a good sufficient and valid title in fee simple to the whole of the lands claimed in said petition and described in said grant and decree of confirmation and he asks that said decree be affirmed and this appeal dismissed with costs.

A. F. Hinchman
Attorney for Appellee

Stipulation by counsel.
The Appellee admits the jurisdiction of this Court over the Appellant and the Petition of the Appellant, and also that a copy of the Transcript was transmitted to the Attorney General of the United States as alleged in the Petition of Appellant.
A. F. Hinchman
Atty for Appellee

I served this answer on Pond U S District Atty in the southern district of California by delivering to him in person a certified copy hereof this Aug 16th 1855

Edward Hunter
U. S. Marshal

Sworn to and subscribed
before me this 16th of Aug. 1855.
C. E. Fair
Clk.

U. S. District Court
Southern District of
The State of California
Los Angeles County

John Hays
Appellee
vs
The United States
Appellant

Appellee's Answer

Filed May 4th 1855
C. E. Fair
Clk

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A. F. Shreeham
Atty for Appellee
Santa Barbara

In the District Court of the U. States, for the Southern District of California.

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Hon. Isaac S. K. Ogier Judge.

John Keyes, appellee adv. The United States, appellant	No. 2. (Transcript No. 222.) Sept. term 1855.

To John Keyes, or his Attorneys.

Please take notice that the appellant in the above entitled cause, will call the said ~~above entitled~~ cause for hearing on Friday the 5th of October AD 1855, or as soon thereafter as the same can be heard by the Court.

P. Ord
Atty of the U. States
for the Southern Dist. of Cal.

No. 2.

John Keyes.
appellant
vs.
The United States.

Notice for hearing &c

Filed September 29/55
C. E. Carroll Clk
By J. W. Roy Dep

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P. Ord Dist Atty.

The United States appt. } No 2.

vs.

~~The Unit~~ John Keyes appee

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Deposition of Anastasio Camillo, a witness for appellee, taken before me Charles E. Carr, U. S. Comr. for the Southern Dist of California, at my Office at Los Angeles this 9th of Oct 1855, to be read in evidence on the trial of this Case. Wm. G. Dryden sworn as interpreter — P. Ord. U.S. Atty. & A. F. Knickman for Appellee.

Anastasio Camillo sworn says —

Ques. What is your name age & place of residence.

Ans. My name is Anastacio Camillo — my age 67. I was & resided in the County of Santa Barbara

Ques. Do you know that Rancho in Santa Barbara County occupied by John Keyes called Sal-si-Puedes.

Ans. I do —

Ques. Is it known among the people of that County by any other name if so by what name —

Ans. It is only known as Sal-si-Puedes —

Ques. — Is not this Ranch some times called Piedras de lumbre —

Ans. It is not. But about three quarters of a ~~ba~~ league from the House of Sal-si-Puedes — there is a spot called Piedras de lumbre, which is actually on the Ranch of Sal-si-Puedes —

Ques. ~~Re~~ Look at the Conveyance in the Transcript marked "J." - dated Feby 1st 1850, and state what lands you understand to be meant by the words "the Farm called the Cañada de Piedra de la lumbre" (here the conveyance was interpreted to the witness)

~~Ans.~~

Ans — I understand it to mean the Rancho of Sal-si-Puedes — And this under-

No 2.

U S Dist Court.
South Dist of Cal.

The United States
appls
vs
John Keyes
appellee.

Deposition of Anastasio
Carillo, a witness for Appla.

Filed Oct 9th 1855
C. E. Carr
Clk

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Claudius is called upon my knowledge of the Law of the People and the laws of Mexico.

Anast. Carrillo

Sworn to & subscribed before me this 9th day of Oct. 1855.

C. E. Carr
Clk Dist

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The United States. Appt
vs. } No 2.
John Keyes, Appellee

Deposition of Esteban Ortega, a witness on the part of appellee, taken before me Charles E. Carr, U.S. Commissioner for the Southern District of California, at my office in the City of Los Angeles, on the 7th day of Oct. 1855. & to be read in evidence on the trial of this case. Present P. Ord, U.S. Atty. A. F. Hinchman Atty for appellee. Wm. G. Dryden sworn as interpreter — Esteban Ortega being sworn, answers as follows —

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Ques. What is your name age and place of residence?
Ans. My name is Esteban Ortega. I am 40 years of age, and reside in the County of Santa Barbara.
Ques. How long have you resided in Santa Barbara County?
Ans. Thirty years.
Ques. Do you know the Rancho of Salsa-puedes in Santa Barbara County?
Ans. I do.
Ques. Is that Rancho commonly known by any other name in that County?
Ans. It has not been known generally by any other name.
Ques. Do you know in that County a Rancho called Piedras de lumbre.
Ans. I do not.
Ques. Who is the present occupant of the Rancho of Sal-a-puedes?
Ans. John Keyes.
Ques. Who occupied said Rancho before the time of John Keyes?
Ans. The deceased Pedro Cordero
Ques. Did you know the said Pedro Cordero?
Ans. Yes. I knew him.

Ques. When did he die –
Ans. In the year 1850.
Ques – Do you know what children he left at the time of his death, if so, state who they are.
Ans. Yes, I do. He left Francisco, Pedro, Jose de Jesus, Carlos, Guadalupe, & Dolores now deceased.
Ques – Do you know that these children were recognized by their father during his lifetime as his legitimate children –
Ans. Yes they were –
Ques – Had ~~he any~~ Pedro Cordero any other legitimate children at the time of his death than those you have mentioned.
Ans. He had no other –
Ques – Do you know Bernardino Lopez –
Ans – Yes –
Ques – What relation did he bear to the family of Pedro Cordero –
Ans. He was the son-in-law of Cordero – married ~~Ques~~ to Dolores who died –
Ques When did Dolores die.
Ans. In the year 1860.
Ques. Is the place of Sal-si-puedes called by any other name –
Ans – No, but ~~the~~ on the lands of the Rancho of Sal-si-puedes, there is a notable place called Piedra de Lumbre, which latter is distant from the houses of Sal-si-Puedes about one league and a half
Cross examined by the U. S. Atty –
Ques. How far is the Rancho from the sea Coast –
Ans – I do not know – I suppose it is about 3 hours ride –
Ques – In a direct line what is the distance from the Ranch to the Sea Coast
Ans – I think it is about five or six

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bagues.

Sworn to and subscribed before me, this 9th day of Oct. A.D. 1850.

J. E. Carr
Ass Comr

Esteban Ortega

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No. 2.

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

The United States
Applt.

vs.

John McKeyes
Appellee

Deposition of Estevan
Ortega. Witness for Appellee

Filed Oct 9th 1858
J. E. Carr
Clk.

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United States District Court of the Southern District of California. Los Angeles County

John Kays - Appellant
vs
The United States - Appellee

No. 2.
Sal-si-puedes.

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Index of Transcript.

No.	Page	
9	28-33	Translation of Record of Judicial Possession (Vide No. 6. of this Index)
10	33-34	Stipulation on the part of the United States by its Law Agent admitting the due execution of the mesne conveyances. (See Nos. 11. 12 & 13 of this Index.)
11	34. 35	Copy of Original Deed of Release by Heirs of original grantee to claimant.
12	35. 36	Copy of original Deed from original Grantee to claimant
13	36.	Translation of No 12 of this Index
14	38	Certificate of Secretary of the Board of Commissioners.

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No 2.

U. S. Dist. Court
for the Southern Dist.
of California

John Kays. Appellant
vs.
The United States. Appellee

Index of Transcripts.

Filed Oct 11th 1855
A. E. Carrell
By W. Rm Deputy

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In the District Court of the United States for the Southern District of California, Los Angeles County,
Hon Isaac S. K. Ogier Judge.
Special September term 1855.

John Keyes, appe. ads. The United States Appellants.	No. 2. (Transcript No. 222)

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 in favor of the United States & to the Supreme Court of the United States, in the above entitled cause, from the & judgment of this Court against the & United States, rendered on or about the 12th of October A.D. 1855.

P. Ord, Oct. 15. 1855
Atty of U.S.

No. 2.

John Keyes. Appt.
vs.
The U States. Appt.

Application of U States
for appeal &c.

Filed Oct 15th 1835
J. E. Carr.
Clk.

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P. M. Asalls.

California Land Claims

Attorney General's Office

10 September 1856.

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Sir:

In the case of the claim of John Keyes, confirmed to the claimant by the Commissioners, Case no. two hundred and twenty-two (222), 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

2.

John Reps
222

No 2

Filed 24th Feby 1857
A Lewis Clk
J. E. H. Carlisle
Dep

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Rec'd Oct 21 1856

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

John Keys appelle
vs
the United States
appellant

Case No 2

Transcript No 222

In pursuance of a letter from the Atty General of the United States hereto annexed giving notice that in the above cause the appeal will not be further prosecuted by the United States. It is hereby stipulated and agreed by and between the parties that the decree of this Court heretofore rendered in this cause may by order of the Court be made final

P. Ord Dist Atty.

Packard & Hinchman
Attys for Claimant

No. 2

Stipulation

Filed 24th Feb'y 1857 C Sims clk
J D Coleman Dep

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

John Kay
appellee
ads
The United States
Appellant

Case No 2
Transcript No ~~110~~ 222.
Sal de Prude

This Cause coming on to be heard on appeal from the final decision of the Board of United States Land Commissioners to ascertain and settle the private Land Claims in the State of California upon the transcript of the proceedings and decision of the said Board, and the papers and evidence on which said decision was founded, and on additional testimony taken in this Court And it appearing to this Court that said transcript and Notice of appeal have been duly filed according to law, and Counsel for the respective parties having been heard

It is ordered adjudged and decreed that the said decision of the United States Board of land Commissioners be and the same is hereby affirmed, And further ordered that the claim of the above named Appellee is a good and valid one, and the same is hereby confirmed to the extent of one and a half square leagues of land and no more within the boundaries described in the grant, and the maps to which the grants refer. Provided that if they be less than said quantity of one and a half square leagues contained within said boundaries, the confirmation is hereby made of such less quantity.

The land hereby confirmed is

No 2

Sal-si-Puedes

U S Dist Court
South Dist of California

John Mays appellee
vs
The United States
Appellant

Record in page 272

Decree

Filed the 18th March 1858
Wm Ennis Clk
J H Colcomb
Dep

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Brought by the Plaintiff Revision, the Exceptions filed by the Defendants, the Petition filed by the Plaintiff, the Answer of the Defendants, the Testimony taken in open Court &c

10th Day of March 1858

Ordered & Decreed
&c &c &c

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

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

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John Keyes.

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 Fourth day of December in the year of our Lord one thousand eight hundred and fifty-four at the City and County of Los Angeles, in said District, by Pacificus Ord attorney of the United States for the Southern District of California, in behalf of the United States, praying the said Court to review, upon the grounds therein set forth, the decision of final confirmation of the Commissioners to ascertain and settle the private land claims in the State of California, of the claim of John Keyes for a tract of land called Salsipuedes, in the County of Santa Barbara, California, to the extent of about one league and a half, which said claim was presented by your petition, to said Commissioners, on or about the 8th of May A.D. 1852, and by them confirmed on or about the 18th of December A.D. 1852.

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 Second day of February in the year of our Lord one thousand eight hundred and fifty-five at Los Angeles aforesaid.

C. E. Carr
Clerk.

No. 2

United States of America,

Southern District of California,

U. S. District Court.

John Keyes

vs

The United States.

SUMMONS.

Received February 21 1855

Edward Hunter

U S Marshal

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I served this summons along with the proper copy of the petition upon John Keyes by delivering to him personally a true copy of the within Summons & petition

at Santa Barbara in the Southern District of California on the Third day of April A. D. 1855.

Sworn to and subscribed before me, this 14th day of April 1855.

C. E. Lane (Clerk.)

Edward Hunter

U. S. (Marshal.) by

R. S. Jones, Deputy.

The United States appellant
vs
John Keys — appellee

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The claim in this case is founded upon a grant from Gov. Micheltorena to one Pedro Cordero, of whom the Appellee is the assignee. The genuiness of the grant is proven. Unexpired evidence shews an occupation of the premises by the Original Grantee.—
The grant is for one leagues and a half within certain exterior boundaries, which are defined in the Grant itself and the accompanying map.
The evidence in the case is sufficient to bring the case within the rule laid down in the Supreme Court in Fremonts case & Ritchies case.
The claimant is therefore entitled to a confirmation of his claim to one and a half square leagues within the exterior boundaries and a decree will be entered affirming the decision of the Commissioners