CASE NO.

13

SOUTHERN DISTRICT

NIPOMA GRANT

WILLIAM G. DANA

CLAIMANT

LAND CASE 13 SD PAGES 105

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 9

William G. Dana CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Nipoma"

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* Twenty sixth day of Jan, *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 William G Dana *for the Place named* "Niporna"

was presented, and ordered to be filed and docketed with No. 9 *and is as follows, to wit;*

(Vide page 3 *of this Transcript.)*

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

Los Angeles Septr 4th 1852

In case No 9 William G Dana for the place called "Niporna" the Deposition of Pablo de la Guerra a Witness in behalf of the Claimant taken before Commissioner Heiland Hiall was filed and is in the words and figures as follows to Wit

(Vide page 4 of this Transcript)

Los Angeles October 11th 1852

In case No 9 William G Dana the Counsel for the Claimant moved to place the same on the Trial Docket

(~~Vide~~ page ~~of this Transcript~~

San Francisco Feby 21st 1853

Ordered on motion of the United States Associate Law Agent that the following case be placed on the Final Docket to wit No 9 William G Dana for "Nipoma"

San Francisco Feby 28th 1853

Case No 9 William G Dana for the place Named "Nipoma" Called; The Counsel for the Claimant Mr Halleck read the Petition and the Papers in Evidence; The United States Associate Law Agent filed his Brief: Case Submitted and taken under advisement by the Board

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San Francisco March 1st 1853

In Case No 9 William G Dana for the place Named "Nipoma" Commissioner Hiland Hall delivered the Opinion and the Decree of Final Confirmation of this Board
Ordered that the Opinion and the Decree of Final Confirmation of this Board delivered this day in this Case be recorded on the Journal
Which Opinion and Decree are in the words and figures as follows to wit
(Vide page 39 of this Transcript)

To the Honorable Commissioners to Settle Private Land Claims in California.

Petition

The petitioner William G Rama of San Luis Obispo respectfully shows.

That on the Sixth day of April AD one thousand Eight hundred and thirty seven (1837) Juan B Alvarado Governor of California by virtue of the authority of his Office granted to your petitioner the tract of land known by the name of "Nipoma" situate in the then Jurisdiction of Santa Barbara and in the now County of San Luis Obispo comprising within its known limits five Square leagues more or less as shown in the map accompanying the petition for said tract of land.

That on the Nineteenth day of April AD one thousand Eight hundred and thirty seven (1837) the Diputation of California approved the said grant in due form of law. Copies of which Petition, grant, approval and map are hereto annexed marked "A" with translations marked "B".

That on the Ninth day of May AD 1842 he applied to the proper authority for the Survey and Judicial possession of the aforementioned tract of land, which Survey was duly made and completed on the Eighth day of June AD 1842 and the boundary lines properly ascertained and marked out, and that your petitioner was then and there put by the proper authority in Judicial possession of the said tract of land, and continued to the present time and still does continue in the possession and occupation of said tract of land. A copy of which act of Survey and Judicial is hereto annexed marked "C" with a translation marked "B".

That the petitioner has done and performed in the due form of law all the requirements of said grant, necessary to make the grant aforesaid full perfect and absolute.

That he knows of no interfering claim. That the land has not been surveyed by the Surveyor General of the United States, but the same was surveyed

in due form of law at the time of giving the Juridical possession, and since that time by the County Surveyor of the County of San Luis Obispo, has been again surveyed and the boundaries are definite and well known.

The petitioner refers for confirmation of title upon the Original papers, copies of which are hereto annexed, upon the documents and minutes contained among the same in the archives in the possession of the Surveyor General, and such other proofs as he may be advised are necessary.

Therefore he prays the Commissioners to decide upon the validity of said grant to the petitioner, and to confirm the same.

By his Attorneys.
Hallett Peachy & Bidlings.

Filed Jany 26. 1852.
(Signed)
Geo. Fisher Secy.

Petition of Pablo de la Guerra.

Office of the Board of Land Commissioners for California
Los Angeles Sept 4th 1852.

On this day Byron Leland Hall one of the Commissioners for ascertaining and settling private Land Claims in California came Pablo de la Guerra a Witness produced in behalf of the Claimant Wm. G. Dana being sworn on the Commissioners docket, and after being duly sworn testified as follows.

The U S Law Agent was duly notified and attended. The Evidence of the Witness was given in the English language.

In answer to questions by the Counsel for the Claimant, the Witness testified as follows.

My name is Pablo de la Guerra, my age thirty two, my residence Santa Barbara, I am a native of California &

3/4 Dubl

5 200

I am acquainted with the hand writing & Signatures of Manuel Simeno, Juan B Alvarado, Victor Prader, Guillermo G. Dana, Joaquin Carrillo, Juan Wilson & Antonio Rodriguez.

I have examined the Signatures of the said several persons appearing upon a paper now before me purporting to be papers showing the title to Jose Arguello's Judicial possession to Wm G Dana of the Rancho Tupona & allow them to be their genuine Signatures. Said paper is hereto annexed and marked No 1.

In 1839 I passed by the land described in the title papers. The Claimant was then living in his house on the land & had Cattle & horses on it. He has continued without interruption to occupy the land ever since.

In answer to questions by the Law Agent the Witness says that he thinks the land has been cultivated to some extent. But cannot state particularly in regard to the cultivation.

Pablo de la Guerra

Sworn & Subscribed
Before me Roland Hall.

Filed in Office Sept. 14th 1852.
(Signd)
Geo Fisher Secy.

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Sello Tercero Dos Reales
Habilitado provicionalmente por la Aduana Maritima del Puerto de Monterey en el Departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno
Alvarado — Antonio Maria Osio

Aduana Maritima de Monterey

Rehabilitado por la misma, para el año de mil ochocientos cuarenta y dos
Alvarado — Antonio Maria Osio

Expediente Title and Juridical Possession

Sor. Gefe Sup.or Politico = Guillermo Dana natural de Boston, de los Estados Unidos del Norte, naturalizado en este Territorio y casado con una hija del Pais, ante V.S. con debido respecto y subordinacion, hace presente: Que habiendo tenida su Esposa hecha una representacion como un año hace, poco mas ó menos solicitandole una sitio nombrado Ojag, en los Terrenos inmediatos a la Mision de Sn. Buenaventura, y siendo sabedor por un oficio de V.S. tenia dho paraje otros pretendientes, he determinado al estirar dho solicitud y hacerle presente de nuevo, el q. tanto los bienes de campo q. en este tiempo tenia y los demas q. he adquirido, como son ganado mayor y caballas, han padecido y estan padeciendo muchos trastornos, por no tener ningun sitio de propiedad, por tener reducidos y bien custodiados, como corresponde: Por lo q. A. V.S. suplica (si conviniere asi) se me conceda el paraje nombrado Nipomo, q. por hacia se halla baldio; colindante con el Pueblo de los Veras a la Purisima esta distancia de dho Pueblo de once leguas y ocho de la Mision de Sn. Luis Obispo, en el ultimo sitio perteneciente al dho Pueblo de los Veras y es el

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Lindero de los terrenos del repetido Pueblo p.r el Norte.
Sus linderos del sitio de Nipomo son los siguientes; la Cañada de Juez, por el Sur Este, el arenal del arroyo de Sta Maria por el Sur Oeste, el arroyo y Cañada de Tenatate, por el Norte Oeste, y los lomas Muertas, linderos de Sn. Luis por el Norte Este, la larga del sitio es dos leguas, poco mas o menos, y de ancho, media legua, sin lomerio al rededor de tierra muerte y otras cubierto de chamiso, como esplica el diseño q.e a esta acompaña. Suplico a V.S. tenga esta en consideracion y algunos servicios y meritos q.e he prestado el Territorio en nueve —

(Sello tercero Dos Reales. Habilitado provisionalmente por la Aduana Maritima del Puerto de Monterey, en el Departamento de las California, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.
Alvarado — Antonio Maria Osio

Seal

Rehabilitado por la misma para el año de mil ochocientos cuarenta y dos
Alvarado — Antonio Maria Osio)

— Años que tengo de residencia en el, y si quisiese tomar algunas informaciones de mi conducta y procedimientos, puede hacerlas: Por Tanto a V.S. rendidamente pido y suplico a V.S. se sirba, en su buena justicia decretar a mi favor q.e enteramente puede es fundando dho sitio, p.a q.e no me sigan atrasos a mis repetidos bienes, mientras sea la eminencia de la Exmo Diputacion, p.a q.e me sea concedido en propiedad:
Si lo hallare en justicia y derecho, p.r. espero recibir gracia y merced.

Santa Barbara 14 de Abril de
1835 = Guillermo G. Dana = Sta
5 Barb.a Nbre 7 de 1835 = En esta
fha se dio cuento al Ayuntamto con
este expediente, y se acordo pasase a la
Comision de Terrenos baldios =

= Guerra =

Y Ayuntamto.

La Comision de terrenos baldios se a impuesto del expediente promovido por D. Guillermo G. Dana solicitando el parage de Sispomo y encuentra ser un terreno baldio q. pertenece al Pueblo de los Berros (a) la Purisima, dista de dho Pueblo, mas de diez leguas, y q. no le falta por tener muchos mas desocupados, q. no se alla comprendido en las veinte leguas limitrofes, pero si en las diez litorales, q. expresa la ley
6 de diez y ocho de Agosto de 1824 y q. es de regadio, q. la parte de D. Guillermo q. lo solicita tiene todos los requisitos q. previene la ley p.a ser atendido en su solicitud, por lo que la Comision concluye poniendo a la deliberacion del Ayuntam.to la siguiente proposicion

Puede concederle a D. Guillermo G. Dana el Terreno conocido con el nombre de Sispomo. = Sta Barb.a Diciembre 10 de =

(Sello Tercero Dos Reales = Habilitado provisionalmente por la Aduana Maritima del puerto de Monterey, en el Departamento de las California para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno

Alvarado — Antonio Maria Osio

7 Rehabilitado por la misma, para el año de mil ochocientos cuarenta y dos

Alvarado — Antonio Maria Osio)

1835 = Manuel Cota = Antº Rodriguez
S. G. S. P. = En cumplimiento del Su-
perior decreto marginal de V. S. de fha
1º de Julio del presente año. Este ayun-
tamto informa á V. S. en iguales terminos
q. el antecedte dictamen de la Comision
p.r ser conforme en todas sus partes =
Sta. Barba. Diciembre 14 de 1835 =
José Mª Valenzuela = Franco de la
Guerra = S. Gefe Supr Político
En cumplimiento del decreto sup.o de V. S.
fha 1º de Junio de 1835 relativo á que in-
forme, si se le puede conceder ó no al Cº
Guillermo G. Dana, el terreno nombra-
do Nipomo. Digo q. puede concedersele
por no tener vecindad esta Ex-Mision
de dho terreno = Purisima y Junio 28
de 1836 = Joaquin Carillo =

Sta Barbara abril
6 de 1837 = Vista la peticion con q.
se principió este expediente, el informe
del Ilustre Ayuntamto de Sta. Barbara
con todo lo demas q. se tuvo presente y
ver convino de conformidad con el reglamto
y leyes de la materia: se declara á D.
Guillermo Dana dueño en propiedad
del terreno conocido con el nombre de Ni-
pomo, demarcado en el diseño q. acom-
paño en la solicitud y bajo los linderos
q. en el se expresan sujetandose á las
condiciones establecidas en la ley de diez
y ocho de Agosto de mil ochocientos
veinte y cuatro, y el reglamento de veinte
y uno de Noviembre de mil ochocientos
veinte y ocho, libren el despacho corres-
pondiente, tomen razon en el libro res-
pectivo y dirijan este expediente á la
Exma Diputacion p.a su devida apro-
vacion, en cuyo caso el interesado á

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quien se le hará saber este decreto, presentará inmediatamente su título p.a q.e se le revalide —

/ Sello Tercero Dos Reales

Habilitado provisionalmente por la Aduana marítima del puerto de Monterey, en el Departamento de las California, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno

Alvarado — Antonio María Osio

Seal

Rehabilitado por la misma, para el año de mil ochocientos cincuenta y dos

Alvarado — Antonio María Osio)

Asi el Señor D. Juan Bautista Alvarado, Gobernador del Estado y Presidente de la Exma Diputacion del mismo, lo decreto, mando y firmo, de q.e doy fee =

Juan B. Alvarado = Lic. Cosme Piña = Srio del despacho = En la fha enterado el Sor D. Guillermo G. Dana de la superior decreto q.e antecede dijo. Que estava conforme y que cumpliria con las condiciones q.e en el se expresan = Lic. Cosme Piña = Srio del despacho = El Ciud.o Juan B.ta Alvarado, Gobernador interino del Estado y Presidente de la Exma Diputacion del mismo.

Por cuanto D.n Guillermo G. Dana, Mejicano por naturalizacion ha pretendido p.a su beneficio personal y el de su familia, el terreno conocido con el nombre de Nipomo, dentro de los linderos señalados en el diseño q.e acompaña á la solicitud de dho sitio, practicadas previam.te las diligencias consecientes, segun lo dispuesto por leyes y reglamentos. Mirando de las facultades que me son conferidas á nombre de la Nacion Mejicana, he venido en

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Concederle el terreno mencionado. Declarandole la propiedad de el, por las presentes letras, entendiendose dha. concesion con entera conformidad por las Leyes á reserva de la aprovacion ó desaprovacion de la Exma Diputacion y bajo las condiciones siguientes

1ª — El agraciado y sus herederos no podran dividir, ni enagenar el qº se adjudica, sin previo permiso.—

(Sello Tercero dos Reales.

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

Alvarado — Antonio Maria Osio

Rehabilitado por la misma, para el año de mil ochocientos cuarenta y dos

Alvarado — Antonio Maria Osio)

— Vinculo, fianza, hipoteca, ni otro gravamen, aunque sea pº. causa piadosa, ni pasarlo á manos muertas.

14 2º Podra cercarlo sin perjudicar las travesias, caminos, ni servidumbres, lo disfrutara libre y exclusivamente destinandole al cultivo ó uso qº mejor le decida.

3º Cuando se le confirme la propiedad, solicitará del Juez respectivo se le de posesion juridica, en virtud de este despacho, por el cual se demarcaran los linderos y pondrá sus mojoneras

4º — El terreno de que se hace donacion, es precisamente el qº se expresa en la solicitud del interesado, y se demarca en el diseño qº cerre agregado en este expediente y el Juez qº lo posesionare pasará aviso á este Gobierno del numero de sitios qº comprende.

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En consequencia mando que sirviendole de titulo el presente y teniendose por firme y validero, se tome razon en el libro q.e corresponde y se entregue al interesado p.a su resguardo y demas fines convenientes = Dado en la Ex-Mision de Sta. Barbara á 6 de Abril de 1837 = Juan B. Alvarado = Excmo Sor = La comision nombrada de terrenos baldios impuesto del expd.te promovido p.r D. Guillermo G. Dana en solicitud del parage nombrado Nipomo pone á la deliberacion de V.E. la sigte proposicion = Se concede á D. Guillermo G. Dana, el sitio de Nipomo, para q.e lo posea en propiedad conforme á la Ley de 18 de Agosto de 1824 y el Art.o 5 del reglam.to de 21 de Obre de 1828 Sta Barbara; Abril 12 de 1837 = Jose Ant.o de la Guerra y Carillo = Antonio Buelna = Sta. Barbara Abril 19 de 1837 = En sesion de este dia, aprovó la Corporacion la proposicion q.e antecede, determinando devolver el expd.te al Gob.no para los fines q.e son consig.te = Alvarado = Victor Prudon = Secret.o = Monterrei Julio 1.o de 1835 = De conformidad con las leyes de la materia, informe el Ayuntamiento de Sta. Barbara si el solicitante tiene los requisitos prevenidos —

Sello Tercero Dos Reales

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

Alvarado — Antonio Maria Osio

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Rehabilitado por la misma, para el año de mil ochocientos cuarenta y dos

Alvarado — Antonio María Osio

Para ser atendido: si es de Mejicano por nacimiento, si el terreno q. pretende esta comprendido en las veinte leguas limítrofes ó diez litorales, q. previene la Ley de 18 de Agosto de 1824, si es de regadío, temporal ó abrebadero y q. extencion tendrá, si pertenece á la propiedad de algun particular, pueblo mision ó corporacion alguna, con todo lo demas q. crea conducente á ilustrar la materia. Y vu cuando q. sea este informe pasara el expediente al C. Comisionado de la Purisima, p.a q. exponga lo q. le ocurra, el Sor. D. José Figueroa, General de Brigada de los Estados Unidos Mejicanos, Comand.te General, Inspector, y Gefe Político Superior de este Territorio de la Alta California, así lo mandó decretó y firmo, de lo q. doy fé = José Figueroa R.co del Castillo Negrete.

El infrascrito Secretario del Gobierno Departamental Certifica: que la presente copia es fielmente sacada del original que existe en la Seria de mi Cargo.

Monterey Abril 29 de 1842

Manl. Jimeno.

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Here follows map -

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Exhibit no. 1 Annexed to the deposition of P. de la Guerra.

El ciudadano Juan Bautista Alvarado Gobernador del Estado, Coronel de Milicia Cívica y Presidente de la Exma Diputacion del mismo.

Por cuanto el ciudadano Guillermo G. Dana ha pretendido para su beneficio y el de su familia el terreno conocido con el nombre de Ripomo dentro de los linderos del diseño que acompaño á su solicitud; practicadas previamente las diligencias concernientes segun lo dispuesto por las leyes y reglamento de la materia, usando de las facultades que me son conferidas, á nombre de la nacion mejicana, he venido en concederle el terreno mencionado declarandole la propiedad de él por las presentes letras, entendiendose dicha concesion con entera conformidad á las leyes, a reserva de la aprobacion ó desaprobacion de

21 la Exma Diputacion y bajo las condiciones siguientes.

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

2 = Podrá cercarlo sin perjudicar las travesias y caminos, lo disfrutará libre y exclusivamente destinandolo al cultivo y usos que le acomode.

3ª Cuando se le conceda la propiedad solicitará del Juez respectivo le

22 dé la posesion jurídica en virtud de este despacho, por el cual se demarcaran sus linderos y pondrá sus mojoneras.

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4ª El terreno de que se le hace donacion es precisam.te el que se expresa en la solicitud del interesado y se demarca en el diseño; y el Juez que lo posecione pasará aviso á 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 en el libro que corresponde y se entregue al interesado para su resguardo y demas fines convenientes.

Dado en la Ex- Mision de Santa Barbara á 6 de Abril de 1837

Juan B. Alvarado

Victor Prudon
Srio int.o

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En sesion de 12 de Abril, aprobó la Expma Diputacion, la proposicion sigte: "Se concede á D. Guil.mo G. Dana el sitio de Nipomo, p.a que lo posea en propiedad conforme á la ley de 18 de Agosto de 1824, y el art.o 5.o del reglam.to de 21 de Nov.bre de 1828

S.ta Barb.a Mayo 13 de 1837

Juan B. Alvarado
Victor Prudon
Srio int.o

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El interesado debera agregar tarjado un pliego de á sis pes.os

V. Prudon

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Sor. Juez de Paz

Guillermo G. Dana ciudadano Mejicano y vecino de esta demarcacion ante Vm. como mejor haya lugar en derecho dice: Que habiendo obtenido la concision propio del terreno conocido con el nombre de Nipomo ocurre á Vm. con el fin de que se sirva darle la posesion juridica conforme está prevenido en el articulo 3 del Titulo de dicho Terreno que se le espidió el 6 de Abril de 1837 que debidamente acompaño como igualmente la confirmacion respectiva para que todo obre en los efectos deseados por tanto

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A. Vm. Suplica se sirva ponerlo en la posesion que solicita de lo que recibirá merced y justicia &c. sirviendose admitir esta en papel comun por no haver del sellado que corresponde.

Nipomo 10 de Mayo 1842
Guillermo G. Dana

Sta. Barbara 25 de Mayo de 1842

En virtud de la antecedente solicitud procedase por mi el presente Juez á la medicion, señalamiento de linderos y posesion judicial que solicita el interesado en este espediente señalandose para ejecutarlo el dia ocho de junio del corriente año para lo que se citaran con boleta de comparendo á los colindantes. Asi yo el mencionado Juez lo decreto, mando y firmo con los testigos de asistencia con quienes actuo por escepto á falta de Escribano Publico = doy fe

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Asistencia — Joaq.n Carrillo — asistencia
Juan Wilson — Antonio Rodriguez

En la fecha presente Dn. Guillermo G. Duna se le notificó el auto antecedente y de él enterado dice lo oye quedaba por citado y lo firmó conmigo y los testigos de asistencia

Joaqn. Carrillo

asistencia
Juan Wilson

asistencia
Antonio Rodriguez

Guillermo G. Duna

En la misma fecha se libraron las boletas que se mandan en el antecedente auto y para que conste lo subrigué

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En el Pasaje de Nipomo á los ocho dias del mes de Junio de mil ocho cientos cuarenta y dos, en cumplimiento del auto de 25 de Mayo. Concurrieron los Ciudadanos Teodoro Arellanes y Nasario Quijada y Juan Wilson como colindantes de este Rancho de Nipomo y citados para la medicion, señalamiento de linderos y posesion, nombré por medidores á los Ciudadanos Miguel Valencia y Luis Olivas quienes previo la aceptacion y juramento procedieron al desempeño de su encargo; asi yo el dho Juez decreto, mando y firmo con los testigos de asistencia no habiendo comparecido el Sor. Branch

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Joaqn. Carrillo

asistencia
Juan Wilson

asistencia
Anto. Rodriguez

Con la fecha se les notifico á los Colindantes el acuerdo que antecede y entendidos dijeron que

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lo oyen y firmaron conmigo y los testigos de asistencia

J. Carrillo

Teodoro Arellanes + asistencia — Rosario Lujada + asistencia

Juan Wilson — Anto. Rodriguez

En la misma fha y en el mismo rancho se les notifico el auto en el que aparecen nombrados Medidores los Ciudadanos Miguel Valencia y Luis Olivas y entendidos dijeron que aceptan y que aceptaban dho encargo y juraron por Dios Nuestro Señor y la señal de la Santa Cruz de hacerlo fiel y legalmente á todo su leal saber y entender sin dolo ó fraude contra persona alguna y por no saber firmar hicieron ambos una Cruz y firmo yo con los testigos de asistencia.

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J. Carrillo

asistencia — asistencia

Juan Wilson — Anto. Rodriguez

Incontinentemente yo el Juez mande traer á mi presencia el Cordel con que se han de medir las tierras y que los medidores lo midan de cuarenta varas y lo firmé con los de asistencia

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J. Carrillo

Asistencia — asistencia

Juan Wilson — Anto. Rodriguez

En la fha en presencia de mi el referido Juez los expresados medidores tomaron un cordel de Caña-mo y con una vara Mejicana de

medir tomandola en la mano midieron
cuarenta varas para hacer la referida
medicion y para constancia lo rubrique

En la misma fha. y en el referi-
do Paraje siendo las ocho de la mañá-
na yo el presente Juez mande á los
medidores se pongan para la medi-
cion que se ha de hacer del Terreno de
Nipomo para el mencionado Dn.
Guillermo G. Dana tome posesion de él;
y parados en la boca de la cañada del
Paso empezaron la medicion tomando el
arenal por el rumbo del Oeste hasta la
punta del Norte en frente del Camino real
que sube á la Mesa de Nipomo en donde
habiendo llegado dijeron haber doscientos cua-
renta cordeles, desde este punto hasta el arro-
yo de Temetali en donde se une con el
arroyo Grande se midieron dos cientos cin-
cuenta cordeles, desde este punto siguiendo
el arroyo para arriba hasta el Camino Real
de Nipomo al rancho del Sor. Branch medie-
ron ciento sesenta cordeles y desde alli si-
guiendo el mencionado arroyo hasta el lin-
dero de Suy midieron tres cientos ochenta
cordeles y desde este punto rumbo al sur
hasta donde se comenzaron las medicisnes
midieron dos cientos cincuenta cordeles,
habiendose concluido esta medicion resultó
como cinco sitios de ganado mayor algo
mas y habiendo hecho el señalamiento
de linderos - 1 en la boca de la cañada del
Paso. 2 en la punta del monte del Oso
Flaco en frente del Camino q. sube á la
Mesa de Nipomo. 3º en donde se une
el arroyo de Temelatí con el arroyo Gran-
de 4º Siguiendo todo el arroyo de Te-
melatí por arriba hasta el lindero de Suy

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donde se puso una mojonera de piedra y para constancia lo firme por auto con los testigos de asistencia.

Asistencia J. Carrillo Asistencia
Juan Wilson Anto. Rodriguez

En la misma fha. yo el indicado juez mandé q.e en virtud de haverse medido el Terreno y haverse hecho el Señalamiento de linderos se ponga en posesion jurídica Sr. Dn. Guillermo G. Dana y notifiquese a los Colindantes y firmé por auto con los testigos de asistencia

J. Carrillo

Asistencia Asistencia
Juan Wilson Anto. Rodriguez

En la fha se les notifico á los

34 Colindantes Teodoro Arellanes por el Rancho de Guadalupe y a Narciso Pesqueda por el terreno ocupado por su hermano y a Dn. Juan Wilson por el Rancho de Suy el auto anterior y entendidos dijeron que le oyen y firmaron conmigo los que supieron y los testigos de asistencia

Asistencia J. Carrillo Juan Wilson
Juan Wilson
Asistencia
Anto. Rodriguez

En el Rancho de Nipomo siendo como a las siete de la tarde del mismo dia mes y año el Sr. Dn. Guillermo G. Dana vecino de Sta. Barbara acompañado del juez y testigos con animo segun

35 dijo, de tomar la verdadera Corporal y Real posesion del expresado Terreno de Nipomo por haver presentado con justo titulo q.e obtuvo del Gobierno Político de este departamento con fecha seis de Abril

mil ocho cientos treinta y siete entró y pasó por dho terreno arrancó yerbas, esparció piedras de tierra rompió ramas de arboles y hizo otras ceremonias de verdadera posesion en señal de lo que dijo tomar y que tomaba a dichas tierras y mande yo el citado Juez que desde entonces le tubieran y reconocieran al Sor. Don Guillermo G. Dana por verdadero Dueño, Señor y poseedor de ella, de todo lo referido pidio el referido Dn. Guillermo G. Dana q. para memoria en lo venidero y conservacion de sus derechos por mi el Juez le fuese entendida una Constancia lo que asi fue autorizada siendo testigos los Señores Juan Wilson y Antonio Rodriguez con quienes actuo en Escribania a falta de Escribano publico que no lo hay segun dicho doy fé.

J. Carrillo

Asistencia
Juan Wilson

Asistencia
Ant.o Rodriguez

En la ffha se le devuelve este expediente al interesado con siete fojas utiles y para Constancia lo autorizo.

Filed in Office Sept 4th 1858
Jno. Fisher
Secy

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B

Translation of Expediente & Title.

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Stamp Third. Two Reals

Provisionally authorized by the Ministerio Custom house of the Port of Monterey in the Department of the Californias for the years one thousand Eight hundred and forty one thousand Eight hundred and forty one.
(Signed) Alvarado. (Signed) Antonio Mª Osio.

Monterey Customhouse

Reauthorized by the same for the year one thousand Eight hundred and forty two.
(Signed) Alvarado. (Signed) Antonio Mª Osio.
To the Governor.

Guillermo Dana Native of Boston in the United States of the North. Naturalized in this Territory and married to a Native Mexican Woman, appears before your Honor with due respect and represents. That his wife having made a representation about a year ago praying for a place called Ojay in the lands in the neighborhood of the Mission of San Buenaventura, and knowing from an Official letter from Your Honor that said place has been Petitioned for by others, he has determined to repeat said request and again to represent that the Stock (Ganado de Campo) which at that time he owned and that which he has since acquired, being large Cattle and horses he has suffered and is suffering much injury for want of a place of his own, where he can have them tamed and taken care of as they should be. He therefore requests Your Honor (if you should see fit to grant him the place named Nipomo (if it should proove to be vacant) bounded by the Pablo de los Venas and by the Sarsima distant from said Pablo Eleven leagues and Eight from the Mission of San Luis Obispo in the farthest part which adjoyns said Pablo de los Venas,) and is on the boundary of the lands of the place of Nipomo are the following, the Canada of Suey on the South East, the Sandy Bed (arenal) of the Arroyo of Santa Maria on the South East, the Arroyo and Canada of Temetate, on the North West and the low hills, boundaries of San Luis on the North East, the length of the two places is two leagues

a little more or less, and its Crack half a league. Exclusive of the law hills, surrounding the land and others covered with Crashwood, as it is exhibited in the annexed plat of survey. Respecting Your Honor to admit this in Consideration of some services and favors he has performed for the Territory in the nine years he has resided in it, and if you should wish to make any inquiries about his Conduct and operation you can do so. Therefore he earnestly requests and prays Your Honor would have the goodness with your usual Justice to decide in his favor, that he may in the meantime go on & Establish said Sitio, in order that he may not suffer of his aforesaid property, until the most Excellent Repatation may meet, that it may be granted him in fee.

If you should find it just and right, he hopes to receive Grace and favor.

Santa Barbara April 14th 1835

(Signed) Guillermo G. Dana.

At this date this Record of proceedings was opened to the Ayuntamiento and was directed to be passed to the Committee on Vacant lands.

(Signed) Guerra.

To the Illustrious Ayuntamiento.

The Committee on vacant lands has informed itself relative to the petition of Don Guillermo Dana, praying for the place of Tepomo and finds it to be a vacant land belonging to the Pueblo de las Pinas of La Purisima, more than ten leagues distant from said Pueblo, which does not need it, as it has many other places unoccupied that it is not included in the twenty leagues from the boundary, but is within the ten leagues from the Coast mentioned in the law of the Eighteenth of August 1824, that it may be irrigated, that the party Don Guillermo G. Dana who asks for it has all the requisites which the law directs and the Committee conclude referring to the decision of the Ayuntamiento the following proposition.

The land known by the name of Tepomo may

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be granted to Don Guillermo Dana."
Santa Barbara. December 10th 1835.
(Signd) Manuel Cota
(Signd) Antonio Rodriguez.

To the Governor.

In compliance with the superior Marginal decree of your Excellency dated the 1st of July of the present year this Ayuntamiento reports in the same terms as the Report of the Committee which precedes as it agrees with it entirely.
Santa Barbara December 14th 1835.
(Signd) José Ma Valenzuela
(Signed) Francisco de la Guerra.

To the Governor.

In compliance with the superior decree of your Excellency dated June 1st 1835 requiring to be informed whether the land called Nipomo may be granted to Citizen Guillermo G Dana. I report that it may be granted as this Ex. Mission does not need said land.
Purisima June 15th 1836.
(Signed) Joaquin Carillo.

Santa Barbara April 6th 1837

Having seen the petition with which this Expediente commences, the report of the Illustrious Ayuntamiento of Santa Barbara together with all other information presented and deemed proper to be considered, in conformity with the Regulations and laws on the matter, Don Guillermo Dana is declared owner in fee of the land known by the name of Nipomo as marked on the map which accompanied his petition, and within the boundaries described in it, subject to the conditions established in the law of August Eighteenth, one thousand Eight hundred and twenty four, and the regulation of twenty first of November, one thousand Eight hundred and twenty Eight, let the corresponding order be made out, let note be taken in the proper book and transmit this Expediente to the

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Most Excellent Deputation for its approbation when the party interested who will be informed of this decree will immediately present his title that it may be made out anew. Señor Don Juan Bautista Alvarado Governor of the State and President of the Most Excellent Deputation thus decreed ordered and signed, which I certify.

(Signed) Juan B Alvarado.
(Signed) Cosme Peña. Secretary.
Secretary of State.

On the same date Señor Don Guillermo Dana having been informed of the preceding Superior decree said that he agreed to it, and that he would conform to the conditions set forth in it.

(Signed) Cosme Peña Secretary.

Citizen Juan Bautista Alvarado Governor ad interim of the State and President of the Most Excellent Deputation of the same.

Whereas Don Guillermo Dana, Mexican by naturalization has for his own personal benefit and that of his family petitioned for the land known by the name of Nipomo, within the boundaries marked on the map which accompanies his petition for said place, the proper measures being previously taken as regarded by laws and regulations, exercising the powers which are conferred on me in the name of the Mexican Nation, I have granted him the said land, declaring him the owner ship of it by these presents, said grant being understood to be in entire conformity with the laws, subject to the approval of the Most Excellent Deputation and under the following conditions, viz.

1. Neither the grantee, nor his heirs can divide or alienate that which is granted them, subject it to any tax, entail, pledge, mortgage, or other incumbrance even for religious purposes, or convey it in mortmain.

2. He may enclose it, without prejudice to the cross roads and servitudes, and enjoy it freely and exclusively, making such use and cultivation of it as he may see fit.

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B. When the ownership is confirmed to him he will request the proper Magistrate to give him Judicial possession in virtue of this order by whom the Commissioners will be marked out and place the land marks N. The land thus granted in donation is solely that mentioned in the petition of the interested party and marked out on the map which goes attached to this record of proceedings: and the Magistrate who may give the possession will inform this government of the number of sitios which it contains.

In consequence I order that serving for a title these presents and being held as firm and valid note be taken of them in the corresponding book, and they be delivered to the party interested for his security and other purposes which he may think convenient.

Given in the Ex Mission of Santa Barbara on the 6th of April 1837.

(Signed) Juan B Alvarado.

Most Excellent Sir.

The Commission appointed for vacant lands having informed itself concerning this Record of proceedings of Don Guillermo Rana of the sitio of Nipomo soliciting the place referred to the decision of your Excellency the following Report.

"The place called Nipomo is granted to Don Guillermo G Rana that he may possess it in conformity with the law of August 18. 1824 and art 5 of the regulation of October 27. 1828. Santa Barbara April 12. 1837.

(Sgd) Jose Antonio de la Guerra y Acevedo

(Sgd) Antonio Buena.

Santa Barbara April 19. 1837. In session of this day the Corporation approved the proposition which precedes. directing that the Record of proceedings be returned to the Government for the purposes consequent.

(Sgd) Alvarado.

(Sgd) Victor Prudon Secretary.

Monterey July 1st 1835. In conformity with the laws on the matter let the Ayuntamiento of Santa Barbara report whether the petitioner has all the legal requisites

whether he is a Mexican Citizen by birth. if the land he solicits is contained in the twenty leagues from the Coundary or on from the Coast. referred to in the law of August 18 1824 whether it is land that may be irrigated (de regadio) or cultivable only at certain seasons. (temporal) or with water for cattle only. (abrevadero) and what is its extent. if it belongs to any individual. town. mission. or other corporation, with whatever else it may believe will conduce to clear up the matter, and when this information is given this Record of proceedings will be passed to the Caballeriso of La Primera, that he may make known what he knows, Senor Don Jose Figueroa, General of Brigade of the United States of Mexico, Commanding General, Inspector and Governor of this Territory of Upper California, thus ordered, decreed and signed. which I certify.

(Sgd) Jose, Figueroa.
(Sgd) Francisco del Castillo Negrete.

The Subscriber Secretary of the Departmental Government Certifies that this Copy is faithfully taken from the original which exists in the Secretary Office in my charge. Monterey April 29th, 1842.

(Signed) Manuel Jimeno

I Certify the forgoing to be a true and correct translation from the Original Spanish document on file in this Office in Case No 9. William G. Rand.

Geo Fisher Secy.

Citizen Juan Bautista Alvarado. Governor of the State. Colonel of Militia and President of the Most Excellent Deputation of the same.

Whereas Citizen Guillermo G Dana has for his own personal benefit and that of his family petitioned for the land known by the name of Nipomo, within the boundaries shown, on the map which accompanied his petition the proper measures having previously been taken

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as required by laws and regulations on the matter by virtue of the powers which are conferred on me in the name of the Mexican Nation I have granted him the aforesaid land declaring to him the ownership of it by these presents. Said grant being understood to be in entire conformity with the laws, subject to the approval or disapproval of the Most Excellent Deputation and under the following conditions.

1. Neither the grantee nor his heirs can divide or alienate that which is granted him, subject it to any tax entail pledge, mortgage or other incumbrance even for religious purposes or convey it in mortmain.

2. He may enclose it without prejudice to the roads & cross roads and enjoy it freely and exclusively making such use and cultivation of it as he may see fit.

3. When the ownership is conferred to him he will ask the proper magistrate to give him judicial possession of it in virtue of this order for which purpose the boundaries will be marked out, the land marks placed.

4. The land granted in donation is solely that which is shown on the map, and the magistrate who may give the possession will inform this Government of the number of sitios it contains.

In consequence I order that serving for a title these presents and being held as firm and valid note be taken of them in the corresponding book and they be delivered to the party interested for his security and other convenient purposes.

Given in the Ex. Mission of Santa Barbara the 6th of April 1837.

(Signed) Juan B Alvarado.

(Signed) Victor Prudon.

Secretary ad interim.

In session of the 19th of April the Most Excellent Deputation approved the following proposition viz The place of Nipomo is granted to Don Guillermo Dana that he may possess it in fee in conformity with the law of August 18th 1824 and the 5th Article of the regulation of November 21st 1828.

Santa Barbara May 13. 1837.

(Signed) Juan B Alvarado.

Signed) Victor Prudon
Secretary ad interim

The party interested ought to affix to this a sheet of Stamped paper of six dollars.
(sgd) V. Prudon.

I Certify the foregoing to be a true and Correct translation from the Original Spanish document on file in this Office in case No 9. William G. Dana.
(signed)
Geo Fisher Secy.

Filed in Office Jany 26. 1852.
(Signed)
Geo. Fisher Secy.

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D

Translation of Possession

To the Justice of the Peace.

Guillermo G. Dana, a Mexican citizen and resident of this demarcation before you appears and represents. That having obtained the grant of the land known by the name of Nipomo he applies to you, that you may have the goodness to give him the Juridical possession as required by Article 3d of the title of said land which (title) was made out on the 6th of April 1837, which he duly transmits with this as also the respective confirmation that all may produce the desired effect.

He therefore beseeches you be pleased to give him the possession which he requests, by which he will receive favor and Justice. Have the goodness to admit this on common paper, as there is none of the proper stamp.

Nipomo May 10 1852.

(Signd) Guillermo G. Dana.

Santa Barbara. May 25, 1842.

In virtue of the preceding request I the present magistrate will proceed to the measurement, designation of boundaries and Judicial possession which the party interested solicits in this (Espediente) appointing for their performance, the Eighth day of June of the present year for which day the claimants will be summoned in writing to appear. Thus I the said magistrate decreed ordered and signed with the assisting witnesses, with whom I act in virtue of my office for want of a public Notary I certify.

(signd) Joaquin Canedo.

Assisting Witnesses.
(Sgd) Juan Wilson
(sgd) Antonio Rodriguez.

On the same day, present Don Guillermo G. Dana, he was notified of the preceding order and having heard it he acknowledged notice and signed with me and the assisting witnesses.

(Sgd) Joaquin Carillo
(Sgd) Guillermo G. Dana

Assisting Witnesses
(Sgd) Juan Wilson
(Sgd) Antonio Rodriguez.

On the same day the Summons were served as directed in the preceding order, and in testimony I sign in solidum.
(Fabre of Carillo)

In the place of Nipomo on the Eighth day of the month of June one thousand eight hundred and forty two in compliance with the order of May 25th. there met together Citizens Teodoro Arellanes and Nasario Quijada and Juan Wilson as neighbors of this rancho of Nipomo summoned for the measurement, marking of boundaries and possession and I appointed measurers Citizens Miguel Valencia and Luis Olivas who after the acceptance and oath, proceeded to discharge the duties of their Office, thus I the said Magistrate acted, ordered and signed with the assisting Witnesses. Señor Branch not having appeared

(Sgd) Isaac. Carillo.

Asstg Witnesses
(Sgd) Juan Wilson
(Sgd) Ant°. Rodriguez.

On the same date the neighbors were notified of the preceding order and having heard it they acknowledged notice and signed with me and the assisting witnesses

Asstg Witnesses (signd) Isaac. Carillo
(Sgd) Juan Wilson (Sgd) Teodoro Arellanes
(Sgd) Antonio Rodriguez. (Sgd) Nasario Quijada.

On the same day and in the same Rancho, those appointed measurers were informed of the preceding order and Citizens Miguel Valencia and Luis Olivas, having heard it said, that they accepted, and they did accept said Office and made oath by God our Lord and the Sign of the Holy Cross to fulfil 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 with the assisting witnesses.

Asstg witnesses (sgd) Isaac Carillo
(sgd) Juan Wilson Luis Olivas
(sgd) Antonio Rodriguez. Miguel Valencia.

In continuation I the Magistrate ordered that the rope with which the varas are to be measured be brought to my presence and that the measurers measure off forty varas, and I signed with the assisting witnesses.

Asstg witnesses J. Carillo.
(sgd) Juan Wilson
(sgd) Antonio Rodriguez.

On the same date before me, the said Magistrate, the measurers aforenamed took a hempen rope and with a common Mexican vara measure taking it in the hand they measured off forty varas, to make the afore-said survey and in testimony I signed it in rubric

(Rubric of J. Carillo.

On the same day and in the said place at Eight o'clock in the morning I the said Magistrate ordered the measurers to commence the survey which is to be made of the land of Nipoma in order that the afore-mentioned Don Guillermo G. Dana, may take possession of it, and standing in the mouth of the creek del paso, they commenced, measuring along the bed of sand westerly, to the Punta del Monte in front of the highway which ascends to the Plateau de Nipomo: distant two hundred and forty cordels from this point to where the arroyo of Temetate meets with the arroyo Grande, they measured two hundred and fifty cordels thence following said arroyo up to the main road from Nipomo to the Rancho of Senor Branch. One hundred and sixty cordels thence following the above mentioned arroyo to the boundary of Suey, three hundred and Eighty cordels, thence southerly to the point of beginning two hundred and fifty cordels. this survey being finished there resulted about five sitios de ganado

mayor. (5 sq leagues) a little more and having designated the Commdaries 1st in the Mouth of the Canada del Paso. 2d in the point of the Monte del Oso flaco opposite the road which ascends to the table lands of Nipomo. 3d. At the Junction of the Arroyo of Tinetalo and arroyo Grande. 4th. Following up the Arroyo of Tinetalo to the Coundary of Suez where a land mark was placed of stone, and in testimony I signed Officially with the assisting witnesses.

(Sgd) Jaqn. Carillo

Asstg Witnesses.
(Sgd) Juan Wilson
(Sgd) Anto Rodriguez.

At the same date I the aforementioned Magistrate ordered that in virtue of having designated the Coundaries Don Guillermo Dana be put in Juridical possession, let the neighbors be informed of it and I signed Officially with assisting witnesses.

(Sgd) Jaqn. Carillo

Assisting Witnesses.
(Sgd) Juan Wilson
(Sgd) Antonio Rodriguez

At the same date. The Neighbors Teodoro Arellanes for the Rancho of Guadalupe and Nasario Dejado for the land occupied by his Brother and Don Juan Wilson for the Ranch of Suey were notified of the preceding order and having heard it acknowledged notice and signed with me and assisting witnesses.

(Sgd) J. Carillo
(Sgd) Juan Wilson

Asstg. Witnesses.
(Sgd) Juan Wilson
(Sgd) Antonio Rodriguez

In the Rancho of Nipomo at seven O'clock in the Evening of the same day month and year Since Don Guillermo G. Dana Resident of Santa Barbara accompanied by the Magistrate and assisting witnesses

with intention as he said of taking true corporeal and real possession of said land of supposes as it belongs to him by a legal title which he obtained from the Civil Government of this Department dated April 6th One thousand Eight hundred and thirty seven he entered upon and walked through said land pulled up grass, scattered handfuls of Earth and broke off branches of trees and performed other ceremonies of true possession as a sign of that which he said he took and did take of said lands, and I the aforesaid Magistrate ordered that from that time the Señor Don Guillermo G. Dana, be held and recognised as true owners, lord and possessor of them, and Don Guillermo G. Dana prayed that for a future testimony and the presentation of his rights there should be given him by me, the Magistrate, a certificate of all herein referred to, which was accordingly authorized, the witnesses being Don Juan Welson and Antonio Rodriguez with whom I act by virtue of my Office for want of a Notary Public, that thus done I certify &c

(Signed) Joaqn. Carillo

Assisting witnesses
(signd) Juan Welson
(Signd) Antonio Rodriguez

On the same day this Record of proceedings was returned to the party interested in seven folios and in testimony I sign in rubric.

Rubric of J Carillo.

All the above documents are correctly translated
D. D. Carr Secy

Filed in Office January 26. 1852
(Signd)
Geo Fisher Secy

19/9

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Opinion

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No 9. William G. Dana. Claimant.

William G. Dana claims a tract of land called "Nipoma" situated in the County of San Luis Obispo. Stated to contain five Square leagues more or less. It appears from original documentary Evidence the genuineness of which is shown by the testimony of witnesses & by the public archives, that after a petition of the Claimant & reports on the same in the usual manner a grant was made to him by Governor Alvarado, in the 6th. of April 1837 of the place called Nipoma according to the boundaries marked on the map, which accompanied the petition & that the grant was approved by the Territorial Deputation on the 9th of the same month. The grant being for the whole tract within certain specified boundaries, contained the usual direction in said grants for the Magistrate, who should give the Judicial possession, to inform the Government of the number of leagues the tract contained. It further appears by documentary Evidence that Judicial possession was given to the Claimant in the month of June 1845 in the Record of which the tract is stated to contain five Square leagues & a little more. It does not appear whether the Magistrate reported the quantity of land to the Government or not. We have however already held in former Cases that any neglect of the Magistrate in that respect could not in any way affect the validity of the Claimants title.

The building of a house on the land & the occupation of the tract granted from the year 1839 to the present time by the Claimant is shown and no objection is made or seen to the Confirmation of the Claim, the quantity of land not to exceed the limitation of eleven leagues prescribed by the Colonization law of the 18th. of August 1824.

The Claim is accordingly confirmed with that limitation. Commissioner Thornton concurring in the result.

Hiland Hall

Decree

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No 9. William G. Dana. Claimant.

This Board on full consideration having come to the conclusion that the claim is valid now proceeds to make a decree for its final confirmation as follows viz.

It is decreed that this claim be confirmed to the extent & quantity of land contained within the boundaries described in the grant & the map to which the grant refers & to no greater extent than the same land of which Judicial possession was proved to have been given to the Claimant. Provided that if the boundaries thus described in the said grant & map include a greater quantity of land than eleven square leagues, then be confirm to the Claimant eleven square leagues therefrom & no more.

Given under our hands this 1. day of March 1853.

Helland Hall } Commissioners
Henry I. Thornton }

Filed in Office March 1. 1853.
(Signed)
G. Fisher Secy.

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Office of the Board of Commissioners,

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

I, George Fisher Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing Forty two pages, numbered from 1 to 42, 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. 9 on the Docket of the said Board, wherein William G Dana the Claimant against the United States, for the place known by the name of Nipoma

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

Geo: Fisher

Sec'y

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S. L. Appalac.

U.S.

nearest

The Gt. Lake

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No. 9.

Office of the Attorney General of the United States,

Washington, 11th September 1854.

William G. Dana

vs.

The United States.

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 10th day of June 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 13.

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

The United States

vs

William G. Dana.

Notice of appeal from atty. Gen.

Filed Nov. 7th 1854
C. E. Carr
Clerk.

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

William G Dana. Claimant
vs.
The United States

No. 9.

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 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 26 day of January A D 1852 William G Dana, of San Luis Obispo ~~County~~ presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, representing, that, on the sixth day of April A D 1837, Juan B Alvarado, Governor of California, by virtue of the Authority of his Office, granted to him ~~xxxx petitxxxx~~ the tract of land known by the name of "Nipoma", situate in the then Jurisdiction of Santa Barbara, and in the now County of San Luis Obispo comprising within its known limits five square leagues more or less; that on the nineteenth day of April A D 1837, the deputation of California, approved the said grant in due form of law; That on the 10th May 1842

he applied to the proper Authority for the Survey and Juridical possession of the afore-mentioned tract of land, which survey was duly made and completed on the 8th day of June AD 1842, and the boundary lines properly ascertained and marked out, and that he was then and there put by the proper Authority in Juridical possession of the said tract of land, and continued to the present time and still does continue in the possession and occupation of said tract of land; that he has done and performed in the due form of law all the requirements of said grant, necessary to make the grant aforesaid, full perfect and absolute; that he knows of no interfering claim; that the land has not been surveyed by the Surveyor General of the United States; but the same was surveyed in due form of law at the time of giving the Juridical possession, and since that time by the County Surveyor of the County of San Luis Obispo, has been again surveyed, and the boundaries are definite and well known; and praying for a confirmation of the same.

Your petitioner further represents that thereafter, to wit, on the 1st day of March AD 1853 the said Commissioners confirmed by final decree the said Claim of the said William G Dana, "to the extent and quantity of land contained within the boundaries described in the grant and the map to which the grant refers, and to no greater extent." (not to exceed Eleven leagues)

That thereafter, to wit, on the 27 day of June AD 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; reference to which it is prayed may be had and made a part of this petition.

That on the 10th day of June AD 1854, the Hon.ble 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 9) and the papers and evidence on which said decree was founded.

That thereafter, to wit, on the 7th day of November AD 1854, 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 William G Dana vs the United States, from the decision of the 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 alleges, that the said claim of said William G Dana for said land claimed, and confirmed

by said Commissioners as aforesaid, is invalid, and said decree of Confirmation erroneous, on the following grounds.

1 That the said William G Dana shows no valid title to the said land claimed by him as aforesaid, and it is denied that he has any.

2. That the said land claimed as aforesaid is within ten leagues of the sea Coast; and was not therefore subject to Colonization or grant by the said Governor of California, without the previous authority of the Supreme Government.

3. That at the date of the said alleged grant, the said land claimed as aforesaid was occupied by the Missions of California; and particularly the Mission of Santa Ynisima.

4 That the said alleged grant has not the conditions required by, and is not made in entire Conformity with the law of the 18th of August A.D. 1824, and the regulations of the 21st of November AD 1828.

5. That the said alleged grant of Juan B Alvarado dated the 6th day of April AD 1837, is not upon sealed paper, as required by law; that it contains no specified quantity of land, and has no certain calls or boundaries; that said Alvarado had no authority to grant said land on said date of the 6th of April AD 1837.

6. That there is no report shown of the Committee on vacant lands of the Deputation; that the alleged Confirmation of the deputation does not refer to any grant made by Governor Alvarado to claimant; nor does it describe the land by metes and bounds alleged to have been confirmed to claimant;

that it is not upon sealed paper; that it is not according to law.

7. That there is no evidence that the map purporting to be a copy of the original, belonging to the original expediente and petition, is a true copy of such original; that the map shown is vague and indefinite. And it is denied that it is a true copy of said original.

8. That it appears that the petition of claimant to the Governor of the date of the 14th of April A.D. 1835, is upon sealed paper of the year AD 1842.

9. That there is no evidence that the grantee was a naturalized citizen of Mexico at the date of the alleged grant. And he was not and had not the capacity to acquire or hold the land claimed by him.

10. That the claimant did not apply for judicial posepion within the time required by law; after the date of said grant; that he did not ask for and receive the same within a reasonable time after date of said grant.

11 That there is no evidence that Joaquin Carillo was a magistrate at the date of the alleged judicial posepion, and that he had authority to give the same; and it is denied that he was such, and had such authority.

12. That he, said alleged magistrate, did not measure the land according to law, or the boundaries in the said grant and map; that said alleged judicial measurement and posepion, is vague and indefinite.

13. That there is no evidence that claimant, improved, occupied, or cultivated the land claimed within

a year, or a reasonable time after the date of the grant, as required by law.

14. That the said alleged Grantee has not done and performed all the requirements of said grant necessary to make it full, perfect and absolute, as alleged.

15. That there is no evidence that the said alleged Justice of the Peace who gave possession, complied with the requirements of the said grant, by reporting to the Government the number of the Sitios (square leagues) the tract of land contained, and it is denied that he ever did so.

Whereupon 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 the said William G Dana, or his attorney, may be served with a copy 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 William G Dana, for said land claimed and confirmed as aforesaid, 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 Dist of Cal.a

13.

No. 913

William G. Dana.
Appellee

vs.

The United States
Appellants

Petition for review, by
Atty of U.S. &c.

Filed Dec 9. 1854.

C. E. Lam
Clk

D. 59

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

William G. Dana - Appellee
ads.
The United States - Appellant } No 13.

It being suggested by the Counsel for the claimant in this case that the Transcript sent to this Court from the Board of Land Commissioners is imperfect it is hereby ordered that said Transcript be remitted by the Clerk of this Court to the Secretary of said Board for amendment.

Oct. 8. 1855.

No 13.

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

Com. G. Dana
Appellee.
ads.
The United States
Applts.

Order of Court directing the Clerk to remit Transcript No 13 to the Secy of U.S. Land Commission for correction

Filed Oct 8th 1855.
C. E. Pom.
Clk.

No. 9.

In the U. S. District Court for the Southern District of California. County of Los Angeles.

William G. Dana
Appellee
ads
The United States
Appellants
} Nipoma.

The answer of William G. Dana, the Appellee to the petition filed by the U. S. District Attorney for the aforesaid District Attorney for the aforesaid District, in behalf of the United States, respectfully shows to this Honorable Court;-

That on or about the 6th day of April A.D. 1837, Juan B. Alvarado, Political Chief and Governor of California, by virtue of authority in him vested, granted to the said William G. Dana, the tract of land known by the name of Nipoma, situate in the then jurisdiction of Santa Barbara, and in the now County of San Luis Obispo, comprising within its limits five square leagues, more or less, as shown in the map accompanying the petition for the said tract of land, which map and petition are referred to in the grant or concession, and made a part thereof.

That on or about the 19th April A.D. 1837, the most Excellent Territorial Deputation considered of the said concession and approved the same; whereupon the said Governor or Political Chief, made, signed, and delivered to the said William G. Dana, a document to serve the grantee as a titles to said land in full property, whereby the grantee's title to the same became definitively valid.

The Appellee further shews, that on the 10th day of May A.D. 1842, he applied to the proper authority for the Survey and juridical possession of the

aforesaid tract of land; which survey was duly made by a competent authority under the Mexican government, and completed on the 8th day of June A.D. 1842, and the boundary lines properly ascertained and marked out. And the appellee was then and there placed in possession of the said tract of land by proper authority; and from that day to the present time has continued in possession thereof, and now is in possession of the same.

That the said Appellee duly performed and fulfilled all the conditions annexed to the said grant.

The said William G. Dana therefore prays this Honorable Court to affirm the decree of the said Board of U. S. Land Commissioners, confirming his claim to the said land.

Halleck Peachy & Billings
Attys for Appellees.

No 13
U. S. Dist Court
Southern Dist of Cal.
William G. Dana
appellee
vs
The United States.
appellant.
Answer of appellee.
Filed March 30th 1855.
J. E. Carr.
Clk.

13 SD
PAGE 50

I served this answer on Pacificus Ord Attorney of the United States, by delivering to him personally a certified copy of the same at his Office in the Southern District of California this 27th March 1855.

Edward Hunter
U.S. Marshal by
R. J. Jones Deputy.

Sworn to & subscribed before me this 27th March A.D. 1855.
J. E. Carr.
Clk.

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

William G. Dana - Appellee
vs.
The United States - Appellant
} No 13.

An order having been this day entered to remit the Transcript in this case to the Secretary of the Board of Land Commissioners for correction it is hereby stipulated by the Attorney of the United States and the Attorney of the claimant that said order shall not prejudice the rights of either party, in the cause now on appeal in this Court.

Los Angeles
Oct. 8. 1855

S. F. Hinchman
Atty for Appellee & Claimant.

T. Ord Dist Atty US.

No 13.

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

Wm. G. Dana.
appellee.

vs.

The United States.
appel.

Stipulation.

Filed Oct 8th 1855.
C. E. Carr.
Clk.

California Land Claims
Attorney General's Office
6 October 1856,

Sir:

In the case of the claim of William S. Dana, confirmed to the claimant by the Commissioners, case no. nine (9), appeal will not be prosecuted by the United States.

I am
Respectfully
C. Cushing

Pacificus Ord Esq
U.S. Attorney
Los Angeles.

V. 13.

Wm G. Dana

9.

(Not prosecuted in Court)

~~Letter of Atty, Encl~~

Dismissed Dec. 20. 56.

Filed this 20th Dec 1856

A Sims clk

By H Coleman

Dep

13 SD

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Rec'd Nov. 28th 56

U. S. Dist Court - Southern District California
Los Angeles County

Wm. G. Dana, Appellee
vs.
The United States, Appellant } No. 13 (Ripona)

County of Los Angeles: A. P. Hinchman, being duly sworn says that he is the sole Attorney ~~in fact~~ for the Appellee in this case, that he was not so employed until about the first of October last, that ~~case~~ at that time the case was already at issue. Deponent further says that he never has seen the original papers, and that he knows nothing of the case except so far as it is set forth in the Transcripts sent to this Court from the Board of Land Commissioners. Shortly after deponent's said employment as Attorney, he was informed by Mr. Halleck, one of the Attorneys who presented the claim in this case to the Board of Land Commissioners, that said Transcripts was grossly incorrect. ~~Said~~ Deponent without further examination of the papers, then obtained from this Court an order to remit said Transcripts to the Secretary of said Board for correction. Deponent is informed by the Clerk of this Court, and verily believes, that said Transcripts was not again returned into this Court until after the opening of the present term. About ten days ago deponent examined said Transcripts with the intention of preparing the case for trial at this present term. After such examination Deponent believes that he cannot safely submit the case to this Court

without taking additional testimony to identify and make certain the boundaries mentioned in the grant in this case. Deponent says that he has diligently and in good faith, but in vain, endeavored to procure the necessary testimony in the City of Los Angeles. Deponent further says that he believes that it will be necessary for him to go personally into the County of San Luis Obispo in order to obtain said testimony, that by going personally into the County of San Luis Obispo he can obtain said testimony, and can obtain it in time to be ready for the trial of this case at the next regular term of this Court; and that he cannot without great expense obtain said testimony in time to be ready for trial at the present term of this Court.

Dec. 21. 1855 A. F. Hinchman

Sworn to & subscribed before me, this 21st Dec 1855.
C. E. Pace
Ex Clerk

U. S. Dist. Court
South. Dist of Cala
Los Angeles County

Wm. H. Dana - Appellee
vs
The United States - Appt.

Affi. for Continuance

Filed Dec 21st 1853
C. E. Carr
Clk.

13 SD
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A. P. Hinchman
Atty. for Appellee

In the District Court of the United States
for the Southern District of Cal.
Hon. I. S. K. Ogier Judge

William G. Dana, Appellee } No 13
vs.
The United States, Appellant } No of Transcripts 9

On appeal from the United States
Land Commissioners for California

On motion of P. Ord Attorney of the
United States, A. F. Hinchman of Counsel
for Appellee being present ~~in Court~~ in open Court
and consenting, and on suggestion to the Court that it is
not the intention of the United States to prosecute
further the appeal in said cause heretofore
taken from the decision of the Board of United
States Land Commissioners for California on the
27th. December 1853, and in which a notice of
intention of the United States to prosecute said
appeal was filed with the Clerk of this Court
on the 7th. of November 1854: — It is Ordered
by the Court that the said Appeal be dismissed

P. Ord
Dist Atty.

No 13

W S Dana
vs
The U States

Motion not to prose
cute appeal

Filed Dec 20th 1864
C Sims
clerk

Transferred

PACIFIC AND ATLANTIC TELEGRAPH LINE.

Connecting with all the Principal Cities and Towns in the State.

OFFICE HOURS—FROM 8 A. M. to 9 P. M. SUNDAYS—9. to 11 A. M., and 5 to 7 P. M.

We will not be responsible for dispatches beyond our own line; but in case of delays or mistakes on our line, will promptly refund the amount paid us and no more; except when to insure the correctness of a dispatch we receive fifty per cent. in addition to the regular tariff for repeating the dispatch back; and in that case we will be responsible for actual damage only, to an amount not exceeding one hundred times the amount paid us for the dispatch.

The patrons of the line are requested to report to the Superintendent, by letter, any cause of dissatisfaction. No operator will be kept in the employ of the Company, who is not attentive to business and prompt in the discharge of his duties.

R. E. RAIMOND, President. JAMES STREET, Sup't. FRED. MacCRELLISH, Secretary.

☞ *The following Message is delivered subject to the foregoing conditions.*

San Francisco May 16 1861

To G. L. Mix

Sir

Please file the accompanying application this day & have the order made & upon telegraph to me at Union Hotel the amount of your fees & will see that your fees are sent by Steamer —

Henry Hancock

PACIFIC AND ATLANTIC TELEGRAPH LINE.

Connecting with all the Principal Cities and Towns in the State.

OFFICE HOURS—FROM 8 A. M. to 9 P. M. SUNDAYS—9. to 11 A. M., and 5 to 7 P. M.

We will not be responsible for dispatches beyond our own line; but in case of delays or mistakes on our line, will promptly refund the amount paid us and no more; except when to insure the correctness of a dispatch we receive fifty per cent. in addition to the regular tariff for repeating the dispatch back; and in that case we will be responsible for actual damage only, to an amount not exceeding one hundred times the amount paid us for the dispatch.

The patrons of the line are requested to report to the Superintendent, by letter, any cause of dissatisfaction. No operator will be kept in the employ of the Company, who is not attentive to business and prompt in the discharge of his duties.

R. E. RAIMOND, President.

JAMES STREET, Sup't.

FRED. MacCRELLISH, Secretary.

☞ *The following Message is delivered subject to the foregoing conditions.*

13 SD

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M

To In the United States District Court in & for the Southern District of California William G. Dana vs the United States Docket No. 13 transcripts No. 9. before Hon Isaac S. K. O'Gier District Judge in the Matter of the final Survey of the Rancho Niporna the undersigned here by suggests that the final Survey of the above named Rancho has not been made in conformity with the decree of his

No. 13.

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

W.m H. Stowe
vs
The United States

Motion for Return of survey

Filed May 14. 1861
J. W. Dwinelle
Clerk

13 SD
PAGE 62

honorable Court & that Claimant will be injured thereby, wherefore application is hereby made that an order on the U S Surveyor Genl be made commanding him to return to this Honorable Court a plat of the said Survey

Henry Hancock
of Council for Claimant

United States District Court
For the Southern District of California.

William G. Dana
Applee
vs
The United States
Applnt

Dist Court No 13
Land Com No. 9
"Niporna"

It being suggested to the Court, at Chambers that the survey of the land claimed in this case, made under final decree, & approved by the U. S. Surveyor General for California does not conform to said decree & is erroneous, & that said survey will be to the injury of the claimant. on application of Henry Hancock Attorney for claimant.

It is ordered that the said Surveyor General return to this Court as soon as practicable the plat of said survey & that the claimant be allowed twenty days, from & 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.

Thus done & signed at Chambers in the City of Los Angelos on the 23 day of December, 1861.

Fletcher M. Haight
U. S. Dist Judge, South Dist Calif.

No. 13.

U. S. Dist Court for the
South.n Dist of Cal.a

William G. Dana

vs

The United States

Order for return of survey

Filed Dech 2/1861
G. L. Wm
Clk

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

Dana
vs
The United States

No 13
Transcript
No 9

Before Hon. Haight
United States Dist. Judge

In the Matter of Survey of the
Rancho called "Nepoma"

Exceptions to Final Survey

To wit. All that portion of the
same from Sta. 44 to Sta. No. 1 or
place of beginning which course as
appears on the map and reads from
said Sta. 44 Thence S 19 W 360 Chs.
to place of beginning inasmuch as the
said line would divest claimant of that
portion of the rancho "Nepoma" which lies
between it and the adjoining Rancho
called Suey situated on the S. E.

Henry Hancock
of Counsel for
Claimant

No 13

U. S. Dist Court
South^n Dist Cala

Wm G. L Dunn
v
United States

Exceptions to Survey

Filed Augt 20 1862
John Wheeler
Clk U S Dist Court

In the same date, and in the said place, at ten o'clock in the morning I, the present magistrate, ordered the measures to commence the survey which is to be made of the lands of Suey in order that the said Don Juan Wilson may take possession of them, and standing in the Llano de la Larga, the ca=ñada del paso lying to the north, they com=menced by measuring to said cañada distant seventy cordeles, from this point up the cañada towards the north to the ridge of the Potrero, distant two hundred and fifty cordeles; from said ridge, North East, East, and East-South-East passing the head of the arroyo of Santa Maria, thence turning to the South to the point of the table lands in the "llano de la Larga distant five hundred and three cordeles then from this last point West, to the place of beginning, three hun=dred and forty

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

I, E. F. BEALE, Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, **Do Hereby Certify**, that the ~~nnn~~ preceding, and hereunto annexed pages, numbered from one to ~~nnn~~ inclusive, exhibits a true, full, and correct copy, of portions of a document entitled "Nº . Ramona Carrillo de Wilson. Sub-13 Translation of Title and Juridical possession" as the same is found in case Nº 41 on the docket of said Board of Commissioners.

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of office to be affixed, at the City of San Francisco, this 19th day of Aug 1862

E. F. Beale U. S. Surveyor General, for California.

No 13

U. S. Dist Court
South Dist Ala

Ulysses L Dana
vs
United States

Filed Aug. 30, 1862
John D Wheeler
Clk

Hancock
81.575

Wm. G. Dana
for
Nipomo } No 13

Translation of 1st paragraph of traced copy of extracts from the papers of the Rancho called "Suey"
To wit of a portion of the petition of Doña Ramona Carrillo for the Rancho of Suey relative to boundaries

"This sitio has to the N.W. Nipomo N.E. the Mountain S.E. Santa Maria and S.W. by the plain called "la Larga"

No. 13

Wm. G. Dana
for
Nepomo

Translation of extract from the Petition of Dona Ramona Carrilla for the Rancho "Suey" relative to boundaries of same

Filed Sept 15/62

John E. Wheeler Clerk

N. S. Mun

× × × × × ×

Este Sitio tiene al NO a Nipomo NE la Sierra, SE a Santa Maria y SO por el llano llamado la Larga × × ×

× × × × × × × × ×

En la misma fha y en el referido Paraje siendo las diez de la mañana yo el presente Juez mande a los medidores se pongan para la medicion que se ha de hacer del Terreno de Suey para que el Mercedado Dn Juan Wilson tome posesion de el y parados en el llano de la Larga, la Canada del Palo demorando al Norte, empesaron la medicion para dha Canada en donde habiendo llegado dijeron haver setenta Cordeles, desde este punto sumbó la Canada al Norte hasta la Cuchilla del Potrero se midieron dos cientos cincuenta cordeles. de dha Cuchilla sumbo al NE. Este y ESE. pasando la Cabesa del arroyo de Sta Maria tirando al Sur hasta la punta de la Mesa en el Llano de la Larga se midieron quinientos tres cordeles y desde este altimo punto sumbo al Oeste desde donde comensaron medicones fueron tres cientos cuarenta × × × ×

× × × × × × × ×

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

E. F. Beale

I, ~~J. W. MANDEVILLE~~, Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the **Archives** of the former **Spanish** and **Mexican** Territory, or Department of **Upper California**, as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, **Do Hereby Certify**, that the ~~[illegible]~~ preceding, and hereunto annexed page ~~s~~ of tracing paper, numbered from one to ~~[illegible]~~ inclusive, exhibits a true, full, and correct ~~copy of~~ extract from the petition of Dª Ramona Carrillo for a place called "Suey" - together with an extract from a document entitled "No 41 Suey - claim of Ramona Carrillo as Wilson Original Title papers". as the same appears on file in this office

Keeper of Archives

EXAMINED AND FOUND CORRECT.

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this First day of September 1862

E. F. Beale U. S. Surveyor General, for California.

Answered 4/.50

No. 13

Wm. G. Dana
for
Nipomo

Certified Transcript
Copy of a portion
of papers in the
case of the Rancho
of "Suey"

Filed Sept 15/62
John W. Wheelen Clerk

In the United States District Court for the South^n Dist^t Cal^a

Wm G Dana

vs

The United States

No. 13

Be it remembered that on this 18th day of Sept. 1867 at the Ranchos of Nipoma in the County of San Luis Obispo State of Cal^a, personally came before me John S Whelan Clk of the U S Dist Ct for the Dist^t Dist of Cal^a, and Ex Officio U S Com^r duly authorized to take depositions to be used in Civil Causes depending in the Courts of the United States, Jose Sepulveda a Witness produced on behalf of the Claimants in the above entitled Cause, now pending in the U. S. Dist Court for the Dist^t Dist of Cal^a, Who being duly sworn testified as follows, to wit, his evidence being interpreted by Luis Colgate a sworn interpreter

Present Henry Hancock Esq Atty for Claimants
& Van Ness Esq for the United States

Questions by Henry Hancock Esq
Atty for Claimant

Qst. What is your name age residence and occupation

Ans. Jose Sepulveda, residence in the Arroyo grande in San Luis County — about 45 years of age: I am a labourer I was formerly a resident of Santa Barbara

Qst. Have you been a servant or labourer all your life

Ans. Yes, all my life

Qst. Where you present when the juridical possession of Nipoma Rancho was given

Ans. Yes I was present. I was present in the capacity of a servant of Don Guillermo Dana

Qst. What do you recollect of the

lines of that Juridical possession

Ans. What I recollect is this. We commenced at the other side of the mountains we then went straight down a ridge to where there is a hill of stones which we passed by from there we went down to some trees, — not the first ones but the second bunch of trees from there we went to the place called the Oso Flaco. from there we went to or near a place called the Puente, thence to the Chamisal — which Chamisal is inside of the line — thence to where there is a lagoon of water and some Alisos growing, thence it follows ~~till~~ along the arroyo of Temuatlaca. thence along the top of the ridge to the point where we commenced — the place known as the Pozo Frio de Sucey.

Qu. Do you know the boundary of the Rancho of Sucey on the side toward the Rancho of Nipoma

Ans. I do. the boundary of Sucey ad-

from the Rancho of Nepoma at the Potrero de Suey

Quest Do you know a place called Cañada del Paso

Ans Yes I do. This is the Rancho of Nepoma ~~on the~~. It is within the lines of the Rancho the line measured runs a long distance outside of this Cañada del Paso, say about 2000 varas or more — I cannot say positively

Quest What portion of the lines of the Rancho do you mean or do you refer to as being 2000 varas or more outside or beyond the Cañada del Paso

Ans I mean the line from the Potrero Suey to the second bunch of trees, and is parallel with it. —

Quest Do you know a place called the "Cuchillo del Portero" and Where is it

Ans Yes. it is about 80 varas from

the Potrero Viejo del Suey – Close to it

Qst. Were you present when the approved plat of survey of Nipoma was made by M E Zerrell & S. Sarv

13 SD
PAGE 74

Ans I was not present.

Qst Do you know anything about it

Ans ~~Yes I do~~ No I dont know

Cross Examination by W. S

Qst Do you know a place which was formerly called Canada de Suey

Ans. Yes, I do. This is the other side of the hills the Canada runs at the foot of the hills of the Potrero Viejo of Suey, and it runs outside of the lines measured

Do you know when the sandy bed of the arroyo of Santa Maria

Ans Yes I do. the line crosses the bed of this arroyo and passes beyond it. Where we crossed this arroyo there were several bunches of Cactus

Qest Do you know the place called Canada de Remattee

Ans ~~The line~~ Yes. The line of the Rancho ran along the other side of said Arroyo, following the bank along its meanderings

Qest Do you know the ~~hills~~ low hills formerly the boundary of San Luis

Ans No I do not

Qest Where is the line of Nopoma on the North East.—

Jose Separeda
his mark
+

Sworn to & subscribed before me this 15th day of Sept. AD 1862

John O. Wheeler. Clk U. S. District Court S. Dist Cal. & ex officio U. S. Com.

No 13

U. S. Dist Court
South Dist Cal

Wm G. Dana
vs
United States

Deposit of Jose Sepulveda
Witness for Claimt

Filed Sept 15. 1862
John A Rhodes Clk

United States Dist Court South Dist Cala,

Wm G Dunn } No 13
vs
United States } "Nipoma"

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PAGE 77

Be it remembered that on the 15th day of Sept AD 1862, before me John G Wheeler Clerk of U S Dist Ct South Dist Cala and ex Officio U. S. Commissioner duly authorized to take depositions of Witnesses in Civil Causes depending in the Courts of the United States Came Louis Colgate, a Witness produced on behalf of the Claimants in this Case now pending in the U. S. Dist Court for the South Dist Cala and whose deposition is to be used therein Who being duly sworn testified as follows. said testimony being given before me at the Ranchos of Nipoma in the County of San Luis Obispo

Present Henry Hancock on part of Claimants
and Van Ness on part of U. States

Questions by Henry Hancock Atty for Claimant

Qst What is your name age & residence

Ans Luis Colgate 43 years of age & residence in San Luis Obispo

Qst, Do you know the place in the boundary of the Rancho of Nipoma called Cañada del Paso,

Ans I do

Qst, Have you ever been there or at the mouth of it,

Ans Yes, I was there to day, at the request of the Claimants for the purpose of examining the survey of said Rancho as run by the U S Deputy Surveyor

Qst, In following up the boundary from that point, Where did you go to, —

Ans, I followed the line as shown on

the plat of approved survey now shown me and marked (alongside of which) "table land" up to a point - being the North East Corner - marked on said map "Bushy hills" on the top of which hills stands a "bearing tree" marked by the Surveyor, the line or distance from the mouth of the said Canada to the Corner on "bushy hill" I think is about 3½ miles -

Qu Did you go to examine any other line than the one you have described

Ans I made an examination as well as I could by the eye of the land that extended from the Cuchillo del Bertrero or that point in it known as the Porto Suelo de Suey to the mouth of the Canada del Paso and to the best of my knowledge I should think the distance to be about 3 miles or more or 3½ miles - the distance is about the same as from the North East Corner above described to the Porto Suelo de Suey; -

Qu What is the direction of the Canada del Paso, from its mouth

Ans It runs in the direction of the Porto Suelo

Qst What would you estimate the quantity of land to be between the lines surveyed and the sea between the mouth of the Cuenda & the Portezuelo de Suey

Ans. I should think there must be a league of land, rather more than under.—

Look at document marked Exhibit A L. C. now shown you ~~purporting~~ and filed in this Case, and state if you find thereon the mouth of the Cuenda of which you have been speaking.

Ans. I do — this the place which I now marked B on said Exhibit.

Qst State if you find delineated on said Exhibit the place called Porto Suelo de Suey, situate at the Cuchillo del Porteros of which you have heretofore spoken

Ans. I do and now mark it "C" on said Exhibit —

Qu. Will you mark on said Exhibit the place described on the approved survey as "Bushy Hills" or N.E. corner of survey as executed by the U.S. Dep. Surv.-

Ans. I now mark the place on said Exhibit as "D."

Qu. Mark on the Exhibit the line run by the U.S. Dep. Surv. from the mouth of the Canada del Paso to the North East Corner last named

Ans. I now mark that line "N.B"

Cross Examination by J. Van Ness of Counsel for the United States

Qu. Were you examined to day sufficiently to give you a pretty accurate knowledge of the land you have described

Ans. Yes I think so

Qu. Are you satisfied that the points

You have designated as the Canada del ~~Porto Santo~~ Pass, the Bushy hill and the Porto pulo are the places known by those names.

Ans Yes

Qu Have you any interest in this Rancho

Ans None

Louis G. Colgate

Subscribed and sworn to before me this 15th day of Sept AD 1856

John S Wheeler Clerk
U S Dist Court Dist Cal
By Geo Pierce U S Comr

No. 13
U. S. Dist Court
South Dak Terr

Wm P Dana

vs

The United States

Deft of Colgate
Witness for Claimant

Filed Sept 15, 1862
John B Whaley
Clerk

U. S. Dist Ct. South Dist Cal

Wm G Dana

vs

United States

No 13

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Be it remembered that on this 17th day of Sept A D 1862 at the City of Santa Barbara Cal personally came before me Jno O Wheeler Clk U S Dist Ct S Dist Cal and Ex Officio U S Com duly authorized to take Depositions of Witnesses to be used in Civil Cases depending in the Courts of the United States, Joaquin Carrillo a Witness produced on behalf of Claimants in the above entitled Cause now pending in the U S Dist Ct for the South Dist of California and whose deposition is to be used therein

And the said Joaquin Carrillo being by me duly sworn testified as follows, to wit, his evidence being interpreted by Henry Carnes a sworn Interpreter

Present Henry Hancock Esq Atty for Claimants & Albert Packard Esq on part of the United States

Questions by Henry Hancock, Atty for Claimant

Qst State your name age residence

Ans Joaquin Carrillo 49 years of age and I reside in Santa Barbara, and am Judge of the 2d Judicial District

Qst, Do you recollect of having given juridical possession of the Rancho of Nipoma to Wm G Dana

Ans I do, I gave it in the capacity of Alcalde or Juez de Paz

Qst, You are here shown the transcript of the record from the Board of Land Com'rs in the Case of Dana v. U. States and that portion of the record of juridical possession found on page 22 of said transcript which recites — ~~Desde es~~ "desde alli" found on 16th line from the bottom on said page. siguiendo el mencionado arroyo (meaning the arroyo Nipomite) hasta el linderos de Suey, midieron trescientos, ochenta cordeles, and from that point to the south where you

the Measurement Commenced"

~~State~~ Explain in what portion of the line of "Suey" did the Measurement end after following up the Arroyo Temetate to the line of Suey as aforesaid.

~~Question objected to~~

Ans To the Cuchillo of the Portrero as well as I can recollect

Qst. The juridical possession recites that on this line following up the Arroyo aforementioned - (meaning the Arroyo of Temetate). Are we to understand by this that the Arroyo arrives at the line of Suey, or that the line followed along the Arroyo so far as it went in the direction of Suey & thence on to the boundary line of Suey

Ans It follows up the Arroyo its whole extent and then continues on in the same direction until reaching the Cuchillo the boundary line of Suey

Cross Examined by C R Hare Esq
of Counsel on behalf of the U States

Qu^t, State how long it is since you
gave the judicial possession of which
you speak

An^r, I dont remember exactly, but
I think it was in the Year 1842 or
1843

Qu^t, Are you familiar with the locality
of which you have spoken, and do you
still remember the position of the
Creek and Cuchillo above mentioned

An^r I am familiar with it, and
well know the position of the
Creek & Cuchillo

J. Carrillo

Sworn to & subscribed before me
this 17th day of Sept AD 1862
Jno C Wheeler Clerk
U S Dist Ct of Dist Calif
& Pres U S Com

No. 13

U. S. Dist Court
S. Dist Cal

Wm G. Dana
vs
The United States

Depo of J. Carrillo
witness for Claimt

Filed Sept 17, 1862
Wm O Wheeler
Clk

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In the U.S. Dist Court in and for the Southern Dist of Calⁿ. Special Term of 1862 held at Los Angeles Pursuant to an Act of Congress U.S. Dist Judge.

William G. Dana
vs
The United States } No 13

In the matter of the final survey of the rancho Nipomo

In the above entitled cause it appearing to the satisfaction of the Court that the final survey of the tract of land claimed herein had been duly made and approved by James W. Mandeville U.S. Surveyor General for California that a copy of the plat of the said survey had been duly filed in this Court on the 26th day of August 1862 by the said Surveyor General for California in pursuance to the order of this Court And it further appearing to the satisfaction of the court that all of the publications and proceedings required by the rules of this Court and the act of Congress approved on the 14th of June 1860 had been duly made and approved The arguments of Counsel being heard upon the evidence

on file in the case and such further testimony as was taken relative to the matter of survey and the same having all been duly considered by the court

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It is ordered adjudged and decreed that the final survey of the tract of land claimed in this case is erroneous to the extent of the exceptions taken thereto by claimant and it is thereupon ordered adjudged and decreed that from Station No 44 (forty four) as it appears on the certified map of the said survey the boundary line of the tract be continued to the place called "Guey" or Portezuelo de Guey of the ridge of the Potrero and from thence ~~to Station No 1 or~~ along the Canada del paso to Station No 1 or place of beginning

And it is further ordered and decreed that the plat of the final survey filed as aforesaid be returned to the said Surveyor General for an amended survey with this decree together with a copy of this order

Done in open Court on this 3d day of October 1862

Hetti bee M. Haight
U S Dist Judge S Dist Cal

No 13

U S Dist Court
South Dak Terr

U S Dist
v
The United States

Decree
rejecting Survey

Filed Oct 3, 1862
John Dohlen
Clk

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Office of the Surveyor General

Of the United States, for California.

L. Upson

I, ~~J. W. MANDEVILLE,~~ Surveyor General of the United States for the State of California, by virtue of the power vested in me by law, **Do Hereby Certify,** that the ~~preceding and~~ hereunto annexed tracing ~~page~~, ~~numbered from one to~~ ~~inclusive~~, exhibits a true, full, and correct copy of the official plat of survey of the Rancho "Nipoma" confirmed to William G. Dana as appears from the original plat of said survey on file in this Office.

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EXAMINED AND FOUND CORRECT.

Chief Clerk.

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this 27th day of June, 1868

L. Upson

U. S. Surveyor General, for California.

In the United States District Court in and for the Northern District of California

William Dana vs The United States	No 13 Rancho "Nepoma" In the matter of Survey

Upon motion of Claimant by his attorney based on a plat of the survey in this case made by J. E. Torrill and William C. Parker Deputy Surveyors and approved by Lauren Upson United Surveyor General for California on the 22d day of May 1868 hereunto annexed and marked "Approved July 6th A.D. "1868 Ogden Hoffman District "Judge" And it appearing to the satisfaction of the Court that the said survey of the said Deputy Surveyors approved as aforesaid is in conformity with a decree heretofore rendered in this cause by the United States District

Court in and for the late Southern District ~~Court~~ of California to wit on the 3d of October A.D. 1862 The District Attorney of the U.S. being present and consenting thereto It is hereby ordered adjudged and decreed that the said survey of the said J. E. Temple and William E. Parker is a valid survey of the lands claimed in this case and the same is hereby approved and it is further ordered that the clerk of this Court return a certified copy of the plat of the final survey hereunto annexed together with a copy of this order to the said United States Surveyor General for his guidance in the premises

Ogden Hoffman
Dist Judge

No. 13,210

U. S. Dist. Ct.

Dist. Cal.

William Dana

vs.

The United States

Decree

Filed Dec. July 7, 1855

Geo. C. Bonham

Clk.

By Lucas

Dep. Clk.

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

William G. Dana
vs.
The United States

The survey in this case having been approved by this Court, and the United States by their attorney and the claimants by their attorney having entered into a stipulation waiving the right of appeal from the decree approving said survey, and that the decree be final, and that the claimants have leave to proceed as if the time for appealing had expired

It is therefore ordered and decreed, that the decree heretofore entered approving of the survey be final, and that the claimants have leave to proceed on said decree as if the time for appealing had expired.

Ogden Hoffman
Dist Judge

13. S. D.

U. S. Dist. Court.

Wm. G. Dana
vs.
The United States

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Decree reversing
making semi
final.

& Entered
Filed & Docketed Nov 18 1868
Geo Eccleston
Clk
by Lucius H

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

William G. Dana
vs.
The United States

In this case it is stipulated and agreed, that the decree of the Court in this case, filed and entered July 7 1868, approving the survey sent to this Court by the Surveyor General be final, and that the right of appealing from said decree is hereby waived, and that the claimants have leave to proceed as if the time for taking an appeal had fully expired.
San Francisco Cal. 16th July 1868.

D. McAfee
US atty

Tully R. Moore
for Claimant.

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U.S. Dist Court.

William F. Dana
vs.
The United States

Stipulation waiving
an appeal.

Filed July 16 1868
Geo E. Whitney
Clk
by Spence
Dep

U. S. Surveyor General's Office,
San Francisco, Cal.

Oct. 30 1865,

John C. Shuler Esq
Clerk No. 8 Dist. Court,

Sir:

Messrs Choate and Wise are authorized to receive and receipt for $1100.00 being the amount deposited in your Court for the survey of the line of the "Tejuna" Rancho.

Very Respectfully,
Yr. obdt. Servt.
L. Upson
Ch. S. Sur Genl.

No ~~37~~ 13

District Court of the United States
Southern District of California.

THE UNITED STATES vs. WM. G. DANA.
"NIPOMA," No. 13.

NOTICE is hereby given, that the final survey of the lands claimed by the parties to the record in this case has been returned into Court and objected to. All parties in interest in said lands are therefore hereby admonished to appear and intervene for the protection of their interests, under the rules of the Court.

JOHN O. WHEELER, Clerk.

Monterey, August, 26, 1862–3w.

United States of America }
Southern Dist of California }

John McElroy being duly sworn deposes and says that he is one of the Editors of the Santa Cruz Sentinel, a newspaper published at Santa Cruz Southern District of California, and that the notice of which the annexed is a true copy was published in said newspaper for the term of Three Weeks commencing on the 29th day of August A.D 1862 and ending on the 20th day of September A.D 1862

John McElroy

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Sworn to & subscribed before me this 3d day of October AD 1862

D. I. Hartson
Co Clerk
Santa Cruz Co

No. 13

U. S. Dist Court
South Dist Ala

Wm G Dana
v
United States

Aff of Publication

Filed
John S Wheeler
Clk

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

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

William G. Dana.

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GREETING:

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against you, ~~and each of you~~, in the District Court of the United States, in and for the Southern District of California, on the Ninth 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 William G. Dana, for a tract of land called Nipoma, in the ~~Southern District of the~~ County of San Luis Obispo, State of California, to the extent of five square leagues, which said claim was presented by your petition, to said Commissioners on or about the 28th of January A.D. 1852, and by them confirmed on or about the 1st of March A.D. 1853.

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.

J. E. Carr, Clerk.

No. 13

Served on the [illegible] day of Feb

United States of America,

Southern District of California,

U. S. District Court.

William G. Dana

ads.

The United States.

SUMMONS.

Received February 2d 1855

Edward Stanton

U S Marshal

Marshals Costs

Copying Summons	1,00
Serving Petition	4,00
Serving Summons	4,00
actual travelling expenses	112,00
	$121,00

I served this summons along with the proper copy of the petition upon the defendant by delivering to him personally a true copy of the summons and petition.

William G. Dana

Received in the Court House at San Francisco, on the Twenty 5th day of February in the Southern District of California on the 10th day of February A. D. 1855.

Sworn to and subscribed before me, this 10th March 1855.

Edward Stanton
U S Marshal
By [illegible] Deputy.

J. S. Sanc. Clerk.

Per Mail

San Francisco Oct 31/65

Jno. C. Whaley Esq.
Clerk U.S. Dist. Court
Monterey. Cal.

We enclose an order from the Surveyor General Wm. L. Hyson for $100 amount deposited in your Court for the Survey of the line of the Alisomo Ranch.

Be pleased to send us a draft upon this City if convenient, if not forward by Wells Fargo & Co. and we will receipt to you for the same.

Very Truly Yours
Christy & Wise

No Fn 13