CASE NO.
30
SOUTHERN DISTRICT

PROVIDENCIA GRANT

DAVID W. ALEXANDER AND FRANCIS MELLUS
CLAIMANT

LAND CASE 30 SD PAGES 78

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 338

David N. Alexander & Francis Mullus } CLAIMANTS.

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Providencia."

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 eleventh day of September, 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 David W. Alexander, & Francis Mellus for the Place named "Providencia" was presented, and ordered to be filed and docketed with No. 338 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 Sept. 22nd 1852.
In case no. 338 D. W. Alexander and Francis Mellus for the place named "Providencia" the deposition of Antonio Ricoroni, a witness in behalf of the claimants, taken before Commissioner Hilard Hall, with annexed documents marked No. 1 & 2, was filed:

(Vide page 4 of this Transcript)

Los Angeles November 8th 1852.
In the same case the deposition of Hugo Reid, a witness in behalf of the claimants, taken before Commissioner Hilard Hall, was filed:

(Vide page 5 of this Transcript.)

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San Francisco Aug. 16th 1853.

Case No. 338, called: The counsel for the claimants read the Evidence: argued, submitted and taken under advisement.

San Francisco Oct. 18th 1853.

In the same case, Commissioner Thompson Campbell received the Opinion of the Board upholding the claim:

(vide page 45 of this Transcript)

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To the Honl Board of the U.S. Land commissioners appointed to settle private land claims in California

Petition

The petition of David W Alexander & Francis Rollins respectfully shew that they are the claimants of one league of land more or less situated between the Ranchos formally known as the Ranchos of Nuevo Berdugos on the south by the hills that lie on this side & the north by the mountains & at the west by Cahuenga reference being had for more particular description of the said lands to the original papers copies of which are herewith filed & which upon petitioners hereof may be made a part of this petition

That said lands were granted to Don Vicente delaOsa by Gov Manuel Micheltorena on the 23 day of March AD 1843 by virtue of the colonization laws of Aug: 18. 1824 the instructions & regulations of Nov: 21. 1828 & the various laws of Mexico & the customs of the country affecting grants of land in California Your petitioners further shew that on or about the 18th day of March AD 1846 said grant received the approval of the Departmental assembly & on or about the 4 day of May AD 1843 the said Don Vicente delaOsa received juridical possession of said lands & was put in possession thereof by the proper judicial officer

Your petitioners further shew that on or about the 30th day of October AD 1849 the said Don Vicente delaOsa by deed duly authenticated sold & conveyed the said lands to your petitioners together with all the rights & claims of the said Don Vicente delaOsa therein his heirs & assigns forever reference being had to said original deed a copy

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of which is herewith filed & which your petitioners pray may be made part of this petition
The evidence upon which your petitioners rely are the records of this grant in the office of the U S Surveyor General original papers copies of which are herewith filed & the testimony of witnesses to be produced before your Honor Board
Respectfully submitted for such action as the justice & nature of the claim may require
E. O. Crosby,
of counsel for claimants

Filed in office Sept 11th 1852
Leo Fisher Secy

Deposition

Office of the Board of Commissioners of California Land Claims
Los Angeles Sept 22 1852
On this day before Hiland Hall one of the Commissioners for ascertaining & settling private Land Claims in California came A Florence a witness produced in behalf of the claimants David W. Alexander & Francis Mellers whose petition is No 338 on the Docket of the Board & was duly sworn his Evidence being given in the Spanish Tongue was interpreted by the Secretary The U S Law Agent attended
In answer to questions by the counsel for the claimant the witness testified as follows My name is Antonio Florence my age thirty three years, I am a resident of Los Angeles where I have resided for the last fifteen years I am acquainted with the hand writing & signatures of Manuel Nieto Victoria Francisco Arce Jose R Arguello Antonio Florence Jose S Dengo Miguel Chaves

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Rio Rio Joe Maria Moreno Pace Lepulveda
Vicente de la Osa Jesus Guaida Jesus Diego

A paper being shown me purporting to be a grant from Juo Michel Torena to Vicente de la Osa dated March 23. 1843. & to which is attached a copy of a record of mediate possession, the approval of the Departmental assembly & an instrument of sale to Alexander Mucelus, I have examined the signatures of the said persons before named which appear upon said paper & I have no doubt they are all genuine I believe the whole document is genuine & what it purports to be & that it is made in conformity to the laws in force at the time its several parts bear date, said paper is here to attached & marked No1, I was alcalde & as such gave the mediate possession which is shown by said paper, My own signature is one of those above named & it was made at the time, the paper bears date, I am acquainted with the hand writing & signatures of Jesus Lepulveda Jesus Guaida & Ramon Moreno Their signatures appearing upon a paper now shown me purporting to be an instrument of conveyance from Vicente de la Osa to Alexander Mucelus dated Oct: 30th 1849 I believe are genuine, said paper is hereto annexed & marked No2 I believe it to be a genuine paper

A. F. Coronel

Subscribed & Sworn before me
Hilario Haro
Coron

Filed in office Sept 22 1852
Lee Fisher Clerk

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Los Angeles Nov 5th 1852

On this day before Comr Helman Hale came Hugo Reid a witness in behalf of the claimants David W. Alexander & Francis Mullen petition No 338 & was duly sworn his evidence being interpreted by the Secretary

The U S Associate Law Agent was present

In answer to questions by claimants counsel the witness testified as follows

My name is Hugo Reid my age forty one & I reside at San Gabriel in the county of Los Angeles, I have lived in California nineteen years

I am acquainted with the Rancho called Providencia, It is about three leagues from this place in a Northerly direction It was granted to Vicente de la Osa by Jose Michel Torena in 1843 or 1844 It was occupied immediately by Osa by building a house on it & living in it by cultivating the land & putting cattle on it He continued on the place until he sold to Alexander & Mullen & they have occupied it ever since & now occupy it

Hugo Reid

Sworn & Subscribed Before me
Heland Hale
Comr

200

Filed in Office Nov 5th 1852
Sec Fisher Reg

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1.S.D.18

Espediente promovido por el Ciudadano Vicente de la Osa en Solicitud de un terreno Caguenga y Rancho de Berdugos.

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1843

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2 S

1/338

N.º 28 D. 16.)

Espediente
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Son Prefecto 2.º distrito
Vicente de la Ofsa de esta ve=
=cindad con la Mayor Sumision
y respecto ante V. S hago presente
que siendome ya insoportables los pade=
=cimientos, perjuicios y perdidas que he
Ang.º En.º 27.... sufrido en mis costos
de 1843. De con= bienes de campo a que
=formedad con reduce el unico haber
las leyes y regla= q.e por muchos años
=mentos de la Ma= de afanas. Conseguir
=teria inf.l al Juez p.a no tener un sitio propio
2.º de paz de esta donde reducirlos, y encon=
=cindad si el ter= =trando uno en la corpora=
=reno q.e solicita =cion de esta cindad el
el interesado. per= cual se halla Oeste del
=tenece a corporacion Rancho de Verdugos
comunidad par= desde donde descabeza
=ticular si esta el Rio del pueblo hasta
comprendido en donde Sembro Mais ahora
las 10 leguas. la ex Mision de San
litorales i 20 limi= Fernando suplico a
=trofes si el intere= V. S. Se sirva conceder=
=sado tiene bienes =melo en propiedad para
por cubrirla y los pues indicados pues
los requisitos ne= aunque antes lo ocupado
=cesarios para ser dicha exmision con
atendido con todo algunos bienes semoven=
3 D. 16. lo demas que =tes tal Vez pertenecientes
parezca convenien= à ella à la fecha se
=te a ilustrar la halla absolutamente
materia y eva= Baldio. dicho parage
=cuado asi pasa y nece la circunstan=
al Mayor d.e =cia de hallarse aguo=
Dc S. Fernando =renciado en el mi ga=
p.a que reproduzca =nado y Caballado unico
el suyo. en cuanto Vienes del Campo que
a aquella comunidad alli se ven que con la
y lleva el expediente ocasion de haber vivido

2 y 5

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à esta Refec-
tora para los...
demas fines...
que lo convengan
A. V. S.
Arrellano
José Mª Aguilo
Srio.

pr. el tiempo de dos años
en el espresado Rancho de
Verdugos como arrimado
con permiso del dueño tomar
=on dicha querencia, misre=
=nes en aquella parte sin
duda por hallarse contiguo
este citio asi como ser la
Vega del Rio y tener bienes.

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El terreno de que hago mencion es bastante corto como lo verà V. S. por el diseño que debidamente acompaño: que en su mayor anchura tendra media legua esto es en el extremo que forma linderos rumbo Suz à Norte y de largo tamando linea Recta del repitido rancho de verdugos à la Norte de la Zorita q. hase lindero al ultimo rumbo espresado tendra una legua poco mas ò menos. cuya estencion no tiene el otro lado hacia al Suz pr. formar en si dicho paraje una figura con triangular como lo representa el espresado diseño. Por tanto A. V. S. Rendidament. suplico que tomando en consideracion lo espuesto se sirva con=
=cederme esta gracia por ser de Jus=
=ticia que pido y espero alcanzar del bondadoso corazon de V. S y acreditado se lo por el bien tanto general del pais como particular de sus habitantes y a cuyo beneficio le vivirà eternam.te reconocido. Jurs lo necesario V
dignandose admitir mdo este este pa=
=pel comun pr. no haber del Sellado q. corresponde.

Angeles Agto. 10 de 1842

Vicente de la Ojo-a

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Sor Prefecto del 2°. Distrito.

Al nuevo del Superior decreto marginal que habra en la presente instancia. El terreno que pidio el solicitante si que es de la Mision de San Fernando. y Ahora que lo he visto no observe que tubiese bienes El terreno que se menciona esta distante de este lugar como cuatro leguas y el interesado tiene bienes para cubrir los requisitos necesarios. Esto unicos que puedo informar para que V. S resuelva lo conveniente.

Ang.° ui. 28 de 1843

Ant.° Sc. Coronel

Sor. Prefecto del 2.° distrito

Consecuente con el informe que V. S sovasi pedirme en el marginal de Corto que consta en este expediente; Digo que en el terreno que espresa el solicitante se halla un pedazo de tierra que ocupa este establecimt.° con labores de Siembra cuando la Gentilidad asi lo requiere y otro que ocupa el Indigena Segregado de esta Mision llamado José Miguel con una pequeña Siembra, con permiso provisional del Excmo Sor Gobernador por lo que respeta á bienes de campo se halla vacio y solo suelen bajar por tiempo algunos reses ó bestias y en Vista de lo espuesto V. S otrara conforme halla por conveniente.

San Fernando En.° 29 de 1843

José M.° Villar

Excmo Señor

Mandados practicar los informes convenientes sobre la Solicitud del terreno

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que solicita el vecº. de este lugar Bnº Vi=
=cente de la Rosa contiguo entre Cahu=
=enga y Rancho conocida de los Verdugos
resulta por el del Mayordomo de San
Fernando que solo en años esteriles ocu=
=pa un pedazo de tierra en labores y otro que
ocupa el Indegena segregado de otra
Mision José Mig.l y por lo demas esta
valdio; por lo qual es de opinion esta pre=
=fectura que sugetandose el interesado
a dejar à la Mision las tierras que ocupa
cuando las necesita y no perjudicar à
José Miguel en las que ocupa. puede
concedersele con esta condicion y en razon
de tener ya alla recibidos o aquerenciados
sus bienes, ser vecino honrado y laborioso.
Empero sin embargo de lo espuesto V.E
con mejor asierto resolvera lo que fuese
de su superior agrado.

Angeles Setbre. 1843

J. Arguello
José Mª Arguello
Srio.

Los Angeles Marzo 1º de 1843
Concedido con las condiciones q.e espresa
la prefectura y à que se obligarà.

Michelto.a

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Angeles Marzo 23 de 1843
Vista peticion con que da principio este
Espediente el informe del S.r prefecto
de este Distrito el del Juez segundo
de paz de esta Ciudad y el del ad=
=ministrador de San Fernando con
todo lo demas que se tubo presente y

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ver convini de conformidad con las leyes y reglamentos de la Materia declaro à Dn. Vicente de la Osa dueño en propiedad del parage que se halla situado entre el Rancho de los Señores Verdugos, colindando por el E. con el Rancho de este nombre por el S. con las Lomerias de este Rumbo. por el N. con la Sierra y al Poniente con Cahuenga, en estencion dun Sitio de ganado mayor quien no perjudicara en manera alguna al Indigena de la Mision de San Fernando llamado Josè Miguel que alli se halla esta=blecido en el terreno que occupa ne vano à sus herederos; tampoco en años esteriles quiera hacer uso de las tierras en que sembrara. Librese el correspondiente despacho tomese razon en el libro respectivo y diriga=se este espedte. à la Ecma Junta Departamental para su aprobacion. El C. Y. Gobernador y Comndte. General asi lo mandò decreto, y firmo de què doy feè

Michel prn.

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Here follows
map

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Chap 10

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Map 10

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Exma. Asamblea Departam.tal.
Vicente de la Osa Ciud.no Mejicano p.r nacimiento y vecino de esta Ciudad ante V. E. con el debido respecto, en la mejor forma y como mas haya lugar en derecho represento y digo: Que habiendo obtenido p.r el Gobierno de este Departamento el titulo de propiedad en el terreno nombrado Providencia colindante con el Rancho con los Sres Verdugos y con el de Comenga à cuatro leguas de distancia de esta Capital y como el espresado titulo en su parte les positiva al tiempo de concedorme el repetido terreno me sugeta à la aprovacion del V. E. solicito de su superior autoridad el que se digne aprovarlo segun la voluntad del Magistrado q.e lo estende. Tambien suplico se sirva V. E suprimir la ultima parte del 1.er articulo del Decrim.to citado pues me es del todo perjudicial en razon de impedirme q.e fomente el precioso ramo de Agricultura y particularmente cuando la Mision de San Fernando la mayor parte de los años pierde sus sembrados en aquel lugar. Para ambos objetos debidamente acompaño à V. E. el Espediente respectivo suplicandole tome en consideracion la antecedente solicitud que soli con el objeto de mantener mi numerosa familia hago p.r la presente rogando dispensarme este papel p.r falta del sellado respectivo.

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Angeles Ag.to 29 de 1845

Vicente de la Osa

Angeles Setiembre 9 de 1845.
Dadocuenta en Sesion de hoy con esta instancia à la H. Asamblea se mando pasar à la comision de terrenos Baldios

Ri Rio Pres.te Agustin Olvera Sio.

Señor

La comision de terrenos Baldios ha examinado con la detencion premia el presente expediente practicada sobre el parage nombrado la Providencia concedida al Sr. Vicente de la Osa por el Sup.r Gob.o Departamental y encontrando q.e esta concesion fue con arreglo à las leyes relativas pone à la deliberacion de V. S las siguientes proposiciones.

1.a Se aprueba la comision hecha à favor de D. Vicente de la Osa del parage la Providencia adjudicada en propiedad el dia 23 de Marzo de 1843. de entera conformidad con lo prevenido en la ley de 18 de Agosto de 1824 y el art.lo 5.o del reglam.to de 21 de Noviembre de 1828.

2.a Atendiendose à q.e el terreno de q.e se ha hecho donacion al Sor la Osa es por amt.o de un sitio de Ganado Mayor y q.e dentro de el tiene una parte el indegena Josè Miguel, se suprime la ultima parte de la primera condicion del titulo respectivo que priva al agraciado de estos con toda libertad de sus tierras de conformidad con su solicitud.

Angeles Octub.re 3. de 1845

(Nota) Habiendo ocurrido diferencia sobre el antecedente dictamen despues de estar estendida entre los dos individuos q.e componen la Comision el q.e subscribe como uno de ellos insiste en el citado dictamen por ser de absoluta justicia y como tal lo

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hace valer como su voto particular.

Fha ut Supra

Narciso Botella

Angeles Mayo 18 de 1846

En Sesion de este dia se aprobo por la Esma Asamblea el presente dictamen bajo el concepto de las dos proposiciones se forme una sola y asi recayo su total aprobacion.

Pio Pico Pres-te

Agustin Olvera Sric.

Office of the Surveyor General of the United States for California

I, Samuel D. King Surveyor General of the United States for the State of California and as such now having in my Office, and under my charge and Custody, a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California do hereby certify that the fourteen preceeding and hereunto annexed pages of tracing paper numbered from one to fourteen inclusive and each of which is verified by my initials (S.D.K) exhibit true and accurate copies of certain documents now on file and forming part of the said Archives, in my Office.

In Testimony whereof I have hereunto signed my Name officially and affixed my private seal (not having a Seal of Office) at the City of San Francisco this twenty fifth day of October 1851.

S.D. King Surv.r Gen.l Cal

Fees) $32.$\frac{50}{100}$
S.D.K

Translation
Exhibit B

Minute of Proceedings instituted upon the motion of the citizen Vicente de la Osa in the matter of his petition for a tract of land between Cayuenga & the Ranchos of Verdugos

Los Angeles Jan 27. 1843

In conformity with the laws & Regulations affecting the matter Let the 2a Justice of the Peace of this City report whether the tract which the petitioner claims belongs to any Corporation community or individual whether it goes within the ten leagues or twenty from the frontier whether the petitioner has animals to stock it with & the necessary qualifications for his claim being substantiated together with what ever else may appear proper to throw light upon the matter & this being concluded let the papers be shown to the Ayuntamiento

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Hon Prefect of the 2a District

I Vicente de la Osa of this District do most submissively & respectfully represent before Your Honor, That I am unable any longer to endure the sufferings damages & losses that I have sustained in my property which consists of a limited number of stock the sole result of many years of toil & this on account of not owning a piece of land of my own to keep them in subsistence, That there forms one in the neighborhood of this city situate Westwardly from the rancho of Verdugos between the head waters of the Pueblo stream & the blue white corn has been planted on account of the Ex Mission of San Fernando, I beseech your Honor to vouchsafe to grant it to me in fee for the purposes afore mentioned, For although said Ex Mission occupied it formally with some stock as being perhaps its property said tract is now absolutely unoccupied & the circumstances of my cattle & Horses (the only stock to be seen on the premises) ranging on the premises in question arises from the fact that I have for the space of two years on the said rancho of Verdugos as Partitenant

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of San Fernando in order that he may give his report concerning the interest of that Community let the minute of proceedings be returned to this Prefecture for such further purposes as may be proper

Arguello

Jose F. O. Arguello

Secy

by leave of the proprietor my stock took their range as afore said on those premises doubtless on account of there being men at hand & also of there forming the margin of the River & having good watering places. The land of which I make mention is sufficiently small as your Honor will see by the sketch which I only enclose for in its greatest breadth it may have half a league that is at the longest boundary line running from the South to North & in length taking a straight line from the said rancho of Rio dos to the end of the chain of hills that forms bounding at the last mentioned point of the compass it may have one league little more or less. The other side at the South part has not the same length the tract forming in itself an almost triangular figure as represented by the said sketch, Wherefore I humbly request that in consideration of the premises you will be pleased to grant me this favor which I solicit as of Justice & hope to obtain from the goodness of your Honor's heart your well known Zeal as well for the service

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you of the county as for the private welfare of its inhabitants & I will forever remain grateful for such favor. I make the requisite oath saying that you will admit this petition written on common paper there being none of the requisite stamp

Angeles Aug 1 1842
Vicente delaOsa

To Prefect of the 2d District
In compliance with the Superior decree noted on the margin of the foregoing petition I submit that I have knowledge that the land claimed by petitioner is part of the lands of the Mission of San Fernando & when I was there lately I did not observe there any stock. The said tract lies at a distance of some four leagues hence & the petitioner has minutes enough to stock it & also possesses the other requisite qualifications. This is the only information I can give to aid your Honor in forming the determination that may be most proper

Angeles June 28 1843
Anto F Coronel

To Prefect of the 2d District
In obedience to your Honors request that I should make report as per marginal note on the petition in this matter, I say that within the tract solicited by the petitioner, there is a piece of land used by this Establishment for planting when it becomes necessary in dry seasons & another piece occupied by an Indian seperated from this Mission named Jose Vegnie who cultivates there a little field under a provisional licence of his Excellency the Governor. As regards stock the tract in question is unoccupied some few cattle or horses habitually comming down there but only for a time & in view of the foregoing your Honor will do what may appear most proper

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San Fernando Jany 29 1843
Jose Ma Pellaa

Most Excellent Sir
The proper reports having been or desired to be made concerning the petition of the citizen Vicente de la Osa a resident of this place for a tract of land lying between Cahuenga & the well known Rancho of the Rodeos it appears from that of the Steward of the Mission of San Fernando that he only devotes a piece of it to cultivation in my seasons that another piece of it is occupied by Jose Miguel an Indian separated from said Mission & that the remainder is unoccupied, Wherefore this Prefecture opines that on the petitioner undertaking to leave to the Mission the lands which it occupies whenever it may want them & not prejudice Jose Miguel in those occupied by him the tract in question may be granted to him subject to this condition & on account of his stock being already subjected or accustomed to the range of the place as also of his good character & laborious habits nevertheless the foregoing notwithstanding, Your Excellency will more advisedly take such determination as may suit upon superior pleasure

J Arguello
Jose R Arguello Sec

Angeles March 1st 1843
Granted under the conditions mentioned by the Prefecture & to which the petitioner shall bind himself

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Angeles March 23d 1843

In view of the petition with which these proceedings commence, the Report of the Hon Prefect of this District, that of the 2d Justice of the Peace of this city & that of the administrator of San Fernando, with everything else that was brought forward which it was proper to consider in conformity with the Laws & Regulations upon the subject, I declare Don Vicente de la Osa a owner in fee of the tract lying between the ranchos of Mess Verdugos bounded Eastwardly by the ranchos of that name Southwardly by the hills on that side, Northwardly by the mountains & westwardly by Cahuenga, containing one one range for neat cattle, the grantee shall not in any manner prejudice the Indian of San Fernando Mission named Jose Miguel who is established there nor his heirs, neither shall he prevent the said Mission whenever the latter in days seasons may wish to use the lands where it used to sow, Let the proper grant issue & be recorded in the proper Book & let this Minute of proceedings be forwarded to the Most Excellent Departmental Assembly for its approval, His Excellency the Governor and General Commandant has so ordained & subscribed Witness my hand

Michelta

Most Excellent Departmental Assembly

I Vicente de la Osa a Native Mexican citizen & vecindad of this city before your Excellency Body with due respect in due form am claiming all benefit of the law & represent & Say that I have obtained from the Government of this city a grant in fee of the tract called Providencia bounded by the ranchos of Mess Verdugos & that of Cahuenga four leagues

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distant from this capital & as the said grant on its pass is absolute at the time of ceding to me the said tract it subjects me to the approbation of your Excellent Body & I request you Superior authority to vouchsafe to approve it according to the use of the Mag strate who now is, I also request your Excellent Body to be pleased to suppress the last part of the first article of the said Document because it is in every way prejudicial to me since it prevents me from fostering that rich branch Agriculture & particularly since the Mission of San Fernando in most seasons loses the crops it sows at that place. For both objects I duly present to your Excellent Body the Minutes of the Proceedings relating to the matter begging them to take the foregoing petition under consideration as I have no other object in presenting the same than to sustain my large family. Vouchsafe to excuse the paper on which this is written as there is none of the proper stamp

Angeles Aug 29 1845

Vicente de la Osa

Angeles Sept 30 1845

Presented this petition to the Hon Assembly in its session of to day, Ordered that it be referred to the Committe on Waste Lands

Pro Pice President

Agustin Olvera Sec

Sir

The Committe on Waste Lands has examined after the previous delay the Minutes of Proceedings concerning the tract called la Providencia granted to the citizen Vicente de la Osa by the Prefect & Departmental Assembly & finding that this grant was in accordance with the laws relating to the subject reports

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for the deliveration of your Excellent Body the following resolutions

1 approved the grant made in favor of Don Vicente de la Osa of the tract La Providencia adjudicated in fee the 23 day of March 1843 in entire conformity with the provisions of the law of August 18 1824 & art 3th of the Regulation of November 21. 1828

2 Considering that the tract granted to Mr de la Osa consists of only one range for near cattle & that within it the Indian Jose Nicolas holds a piece of land supposed the latter part of the first condition of the grant in question which prevents the grantee from using his lands with entire liberty according to his petition

Angeles October 3d 1845

Note, The having occurred a difference concerning the foregoing opinion after its being written down between the two individuals who compose the committe the undersigned as one of them insists upon the said opinion being in strict accordance with justice & as such he brings it forward as his own particular note same date

Francisco Rotello

Angeles March 18 1846

In Session of this day the most Excellent Assembly approved the foregoing opinion with the understanding that both resolutions were merged into one & thus its entire approve devolves

Pio Pico President

Agustin Olvera Sec

Filed in Office Feb 11 1852

Geo Fisher

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Documents Marked No. 1 & 2 annexed to Deposition of A. J. Coronel before Com.ra Hiland Hall

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En la Ciudad de los Angeles de la Alta California, a los treinta dias del Mes de Octubre de Mil Ocho cientos cuarenta y nueve; Ante mi Juan Sepulveda Juez 2.o de esta misma Ciudad los testigos instru=mentales que al fin se nombraran y los de mi Asistencia con quienes Actuo a falta de escribano que no lo hay segun dro: parecio presente Don Vicente de la Ofa a quien doy fee conosco y dijo: Que por si y à nombre de sus herederos y sucesores y de quien de ellos hubiese dit.o Dog y Causa en qualquiera manera vende y da en Venta real y enagenacion perpetua por juro de heredad para Siempre jamas à los Señores Alejandro Mellus y compa==ñia su rancho llamado la providencia cuya Area de terreno se compone de un sitio de Ganado Mayor y Caballada segun Constra de los titl.os del espresado rancho, de los cuales hace formal traspaso à los compradores en la cantidad de un Mil Quinientos pesos que tiene recibidos en moneda de plata à entera satisfaccion declarando el Otorgante que el espre==sado Rancho no lo tiene Vendido ni enagenado, y esta libre de tributo memoria Capellania, Vinculo, franza y otro cual==quiera gravamen real, perpetuo, temporal especial general, tacito y expreso y como tal se la Vende en los un mil y quinientos pesos que confiesa haverlos recibido a su entera voluntad que por tanto renuncia la escepcion que pudiera Oponerse por no parecer de presente su entrega con la ley 9 tit.lo 1.o Part.a 5.a y formaliza à favor de los compradores a mas firme y eficaz Carta de pago que a su seguridad

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conduisca, Asi mismo declara que el justo
precio y verdadero valor del referido rancho
del mencionado rancho son los Un Mil qui=
=nientos pesos que no vale mas ni Alloquan
tanto le hubiera dado por el y que si mas
vale ó valer pueda del exceso de poca o mu=
=cha Cantidad hace a favor de los com=
=pradores y de sus herederos y sucesores
gracia y donacion pura moda, perfecta
é irrevocable en Vandad con insinuacion
y demas formesas legales: renuncia la
ley 2 tit.º Libro 10. N. R. que trata de los
Contratos de Ventas, trueques y otros en
que hay leccion en mas ó menos de la mitad
del Justo precio y los cuatro años que
prefinen para pedir su rescion o diplemento
á su justo valor los da por pasados como
si efectivamente lo estubieran y desde
hoy en adelante se desapodera, desiste
quita y aparta y a sus herederos y sucesores
del dominio y propiedad y posecion
tit.º Voz, recurso, y otro qualquiera dro: que
les competa: al renunciado Rancho; lo
sede, renuncia y traspasa con las acciones
reales y personales, utiles, unecis directas
y efectivas á los compradores para que lo
posean, gozen, cambian enagenen y dispon
=gan de el como de cosa suya adquirida
con lezitimo y justo tit.º Les confiere po=
=der irrevocable con libre, franca y general
administracion y se constituye Procurador
Actor en su propia Causa, para que
su autoridad o judicialmte entren y
se apoderen del relacionado Rancho y de
el tomen y prendan la real tenencia y
posecion que por dro, les compete, y para
que no necesiten tomarlo me pide les de
copia Autorizada de la presente escritura
con la cual sin otro acto de aprencion.

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30 SD
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ha de ser visto haberlo tomado aprendido y transferido seles en legal forma. Y à la ob=
=servancia de todo lo referido en esta.
Esta escritura obliga el Otorgante sus bienes havidos y por haber: renuncia las leyes de su favor y defensa con la general de dro: en forma, y les confiere amplio poder à los Sres Jueces que de este asunto devan conocer conforme à dro para que le apremien à su cumplimiento como por sentencia definitiva de Juez competente, consentida y pasada en Autoridad de cosa juzgada que por tal lo recibe y lo firmó conmigo y testigos de asistencia siendo instrumentos los Ciudadanos Tomas A. Sanchez. Ma=
=nuel Felix y Juan Fenyle presentes y vecinos que tambien firmaron doy fè
Juan Depulveda ## Vicente de la Cosa ## Ynst.t Tomas A. Sanches
Ynst.t Manuel Felix = Ins.t Juan Fenyle
Ass.a Jesus Gilvrado ## Ass.a Ramon Herreras.

Concuerda con su Original à que me remito de donde fuè fielmente sacado y corregido hoy dia de su Otorgamiento en estas dos fojas del papel Comun por no usarse del Sellado y lo autorisè Con testigos de Asistencia en la forma ordinaria de q.e doy feè.
En testimonio de Verdad

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Ass.a Juan Depulv.a: Ass.a
Jesus Guirado: ## Ram.n Herreras.

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Titulo y Posecion que se le dio à Don Vicente de la Osa; de un terreno para Rancho. ——— Año de 1843.

Manuel Michelltorena Gobernador Comandante General e Inspector de Amb as Californias

Por cuanto el Ciudadano Vi=cente de la Osa ha pretendido para su beneficio personal y el de su familia el paraje que se halla situado entre el Rancho de los Señores Verdugos colindante por el Sur con las lomerias de este Rumbo, por el Norte con la Piedra y al Poniente con Cahuenga: practicadas previamente las diligencias y averiguaciones consermientes segun lo dispuesto por leyes y reglamentos; usando de las facultades que me son conferidas à Nombre de la Nacion Mejicana he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras: sugetandose à la aprobacion de la Exma Junta Departamental y bajo las con=diciones siguientes:

1ª No perjudicará en manera alguna al Indegena de la Mision de San Fer=nando llamado Jose Miguel que alli se halla establecido en el terreno que ocu=pa, ni à sus herederos; tampoco impedirá à la referida Mision cuando esta en años estériles quiera hacer uso de las tierras en que sombrea.

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2ª Podrá cercarlo sin perjudicar las travesias, caminos y servidumbres; lo

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disputara libre y esclusivamente destinan=
=dolo al uso ó cultivo que mas le acomode
pero dentro de un año fabricará casa y es=
=tara habitada.

3ª Solicitara del Juez respectivo que le de
la posecion juridica en virtud de este despa=
=cho por el cual se demarcaran los linderos
en cuyos limites pondra á mas de los mo=
=joneras algunos arboles frutales ó silvestres
de alguna utilidad.

4ª El terreno de q.e se hace donacion es de
un sitio de ganado mayor segun esplica
el deseño respectivo que corre en el espediente

5ª Si contravinese á estas condiciones
perdera su derecho al terreno y sera de=
=nunciable por otro.

En consecuencia mando que tenien=
=dose por forme y valedero el presente
titulo se tome razon de el en el libro a
que corresponda, y se entregue al intere=
=sado para su resguardo y demas fines.
Dado en la Ciudad de los Angeles á
Veinte y tres de Mayo de mil ocho cientos
cuarenta y tres.

Manl. Michelt.

Franco. Arce.
Srio Jnto.

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Queda tomada razon de este Despacho
en el libro respectivo @ f.a 8 1.a V.
Arces

El Exmo Sr. Gobernador ha dispuesto se
tome razon de esta concesion en la Pre=
=fectura de este segundo Distrito.
Arces.

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Queda tomada razon de este superior
Despacho en el libro de Asientos llevado

en esta Prefectura de este segundo distrito
@ $ 1º Vuelta.

Angs. Mayo 4 de 1843.
José R. Arguello Srio.

En la Ciudad de los Angeles del departamento de las Californias à los cuatro dias del Mez de Mayo de mil ocho cientos cuarenta y tres ante mi se presentó à la Solicitud verbal que hizo Dn. Vicente de la Ossa à fin de que se le de la posecion del paraje situado entre el Rancho de los Señores Verdugos, Concedida por el Superior Gobierno Departamental como consta del titulo que presento y se halla en poder del mismo la Ossa. Pasese por mi y los testigos de asistencia y procedase à darle la posecion indicada con arreglo al citado titulo; cuyo titulo fue espedido en Veinte y tres de Marzo de este año. Asi yo Antonio Franco Covonel. Juez 2º de Paz. de esta referida Ciudad y su demarcacion decreté, mandé, y firmé con los de asistencia Segun Dño. Antonio Fc. Covonel ff.
Assistencia. Narciso Botello ff.
Aña = Luis Jordan.

En la misma fecha yo el Juez que subscribe pase oficio à los Señores colindantes Manifestandoles el objeto à que me dirijo al punto situado entre el Rancho de los Señores Verdugos pues iba à Remidirlo y poner en posecion al S. Dn. Vicente de la Ossa, de los Sres colindantes que lo lo fue Dn. Julio Verdugo y el padre de San Fernando ninguno manifesto ecepcion al citarlos lo que asiento por diligencia lo que autorise y firmé con los de Asistencia Segun Dño ff. Antonio Fc. Covonel ff.

asistencia Narciso Botella = asistencia
Luis Jordan.
En seguida y hallandome en el terreno
que solicito y se le concedio à Dn Vicente
de la Ossa, nombre dos Oficiales Borde=
=leros los que por no saber escribir se Omiten
sus nombres los que aceptaron bajo del
Juramento respectivo por el que ofrecieron
desempeñar fielmente su encargo lo que
autorise y firme con los de asistencia segun
Dro. Antonio Ge. Coronel # assistencia
Narcisso Botello # assistencia =
Luis Jordan.

En el mismo dia mes y año y estando en
el sitio que esta situado entre el Rancho
de los Señores Verdugos y San Fernando
à efecto de verificar la remedida y posesion
que corresponde à Dn Vicente de la Ossa.
previos todos los requisitos de ley y estando
ante mi los testigos de asistencia y los
Oficiales Bordeleros, hize medir un cordel
constante de Cien Varas el cual fue ex=
=aminado y reconocido por mi y mandando
estar en sus extremos unos Santos de Ma=
=dera previa observacion se iba à tirar
el Cordel, cuando Dn Julio Berdugo
reconvino de que aquel terreno era suyo
y lo le pedi sus documentos mas como
no les manifesto dijé procedia à las
medidas. Despues se recibio una carta
del Padre Blas Orras, en que reclamava
el terreno por hacerle falta para las siem=
=bras à la Mision de San Fernando.
pero habiendole advertido que el titulo
de la Ossa espresaba que no perjudica=
=ria à las Siembras de la Mision quedo
conforme, entonces se tiro el primer

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Cordel desde la loma donde descabeza el Rio del Pueblo con Direccion al Norte y se contaron y midieron cinco mil varas que remataron en un encina que se marco por mojonera, de este punto se tiro el Cordel rumbo Oeste y se midieron y contaron cinco mil varas que remataron en otra encina que se marco por mojonera. de haya se tiro el Cordel rumbo Sur y se midieron y con=taron cinco mil varas que remataron en una loma alta que esta junto de una Cañada donde se mandó poner una mojonera. de este lugar se tiro el Cordel rumbo Oriente y se midieron y contaron cinco Mil varas que remataron en el lugar adonde se empezaron las medidas con lo que se concluyo el acto. quedando el indio en el pedazo que ocupa: segun ordena la superioridad cuyo indio se llama José Miguel Trinfo lo que auto=risé y firmé con los de Asistencia.

Segun Dio:

Antonio G. Cornel ante Asistencia
Narciso Botello ante asistencia
Luis Jordan ante entre renglones = y se midie=ron y contaron = Vale.=

Dexle testimonio à las partes de las pre=sentes Diligencias para su resguardo

Antonio G. Cornel ante Asistencia
Narciso Botello ante asistencia
Luis Jordan.

En el dia cinco del presente se dio el testimonio respectivo. Concuerda con su Original à que me remito del cual esta fielmente sacada corregida y confrontada en estas tres fojas de papel comun por falta del respectivo Sellado. cuyas tres fojas son fuera del titulo que va à la Cabeza

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En Testimonio de Verdad
Anto Jeronimo
Jose L. O. Donaje Juliano Chave.

Pio Pico Vocal decano de la Asamblea Departamental y Gobernador provisional de las California.

La Excma Asamblea Departamental en Sesion del dia diez y ocho de Mayo tuvo à bien acordar lo siguiente:

Se aprueba la concession hecha à favor de D. Vicente de la Osa del parage de Providencia adjudicado en propiedad el dia Veinte y tres de Marzo de Mil ocho cientos cuarenta y tres, de entera conformidad con lo prevenido en la ley de 18 de Agosto de 1824. y el Artº 5º del reglamento de 21 de Noviembre de 1828. y atendiendose à que el terreno de que se ha hecho donacion al Sor la Osa es puramente de un Sitio de ganado mayor, y que dentro de el tiene una parte el Indigena José Miguel, se suprime la ultima parte de la primera condicion del titulo respectivo que privé al graciado de usar con toda libertad de sus tierras, de conformidad con su Solicitud.
Y para resguardo de la parte de Dn. Vicente de la Osa lo hago asi saber.
Dado en la Ciudad de los Angeles en este papel comun por no haber del Sellado. à Veinte de Mayo de Mil ocho cientos cuarenta y Seis.

Pio Pico

Angl. Mayo 4 de 1846. Jose Matias Moreno Slto Gnl.

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Juan Sepulveda Juez 2º de esta Ciudad y su jurisdiccion

Certifico en cuanto puedo devo, y el dro me permite; que en mi presencia ha pasado Dn Vicente de la Osa à los. SS. Alejandro Mellus y Compañia los presentes titulos por Venta que hizo el primero a los segundos del rancho ellos mismo espresan por la Cantidad de un Mil quinientos pesos, que recibio la Osa en moneda de plata à su entera Satisfaccion segun consta de Escritura publica otorgado en esta misma fha. Y para constancia puse el presente Certificado en esta Ciudad de los Angeles à los treinta dias del Mes de Octbre de Mil ocho cientos, Cuarenta y nueve y lo autorizo con testigos de Asistencia en la forma Ordinaria doy fee.

Juan Sepulveda

Vcte de la Osa
Asso
Jesus Dias

Asso
Jesus Guirado

Filed in Office
Septr 22nd 1852
Geo: Fisher
Secy

Translation
Exhibit D

Manuel Micheltorena Governor General
Commandant & Inspector of both Californias
(Government seal)

Whereas the Citizen Vicente de la Osa has claimed for his own benefit & that of his family the tract situated between the Ranches of Mess Bedingos bounded at the South by the hills that lie on this side at the North by the Mountains & at the East by Cahuenga the proper proceedings and investigations having previously been instituted according to the tenor of the laws & regulations by virtue of the powers conferred upon me in the name of the Mexican Nation, I do grant unto him the said tract declaring it to be his property by these present letters subject to the approval of the Most Excellent Departmental Assembly & under the following conditions

1 He shall in no manner whatever prejudice the Indian of the Mission of San Fernando named Jose Miguel who occupies a piece of ground upon which he is established nor his heirs Neither shall he interpose any obstacle in case the said Mission should desire in any seasons to make use of the lands where its towings are usually made

2 He may fence it in without prejudice to the cross roads high ways & rights of way, he shall enjoy it freely & exclusively devoting it to such use or culture as best may suit him but within one year he shall erect a house which shall be dwelt in

3 He shall solicit the Judge who has jurisdiction to give him juridical possession by virtue of this deed Such Judge shall mark out the boundaries on whose lines shall be placed besides the landmarks some fruit

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trees or serviceable forest trees
4 The land hereby granted consists of one
range (sitio) for neat cattle as shown by the
sketch of such land annexed to the Min
utes of preliminary proceedings
5 In case of non compliance with these
conditions he shall lose his right to the
land & it may be denounced by another
Wherefore I order that this title deed being
held as firm & valid, be recorded in the
proper book & delivered to the party in interest
for his protection & other purposes

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Given at the city of Los Angeles March twenty
third one thousand eight hundred & forty three
Manl Micheltorena
Franco Arce Sec ad interim
This Patent is recorded in the proper Book page
Arce

His Excellency the Governor has ordered that
this grant be recorded at the Prefecture of this
second District
Arce

This Superior Patent is recorded in the
Book of Grants Kept at this Prefecture p 1 &c
Ang. May 4 1843
Jose R. Arguello Sec

At the City of Los Angeles in the Department
of the Californias on the fourth day of the month
of May One thousand eight hundred &
forty three in compliance with the verbal req
uest made by Don Vicente de la Osa to the
effect that possession of the tract situated
between the Ranchos of Nuestra Senora Rodugos granted
by the Superior Government of the Department
as appears by the title which he presented &

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and which is in the hands of the same La Osa
Ordered that I repair with my attesting witnesses
& proceed to give said possession agreeably to
the aforesaid title deed, which deed was made
the twenty third of March of this year
I Antonio Franco Coronel 2a Justice of the Peace
of this said City & District have so decreed
ordered & subscribed with the attesting witnes
ses according to law. Antonio Florence
attest Mariano Botello attest Luis Jordan
On the same date I the undersigned Judge
notified the owners of neighboring lands
stating the object of my going to the premises
Between the Ranchos of the Mess Verdugos viz that
I was going to remensure the same & give
possession thereof to Mr Don Vicente de la
Ossa, neither of such neighbors who were
Mr Don Julio Verdugo & the Priest of San Fernando
made any objections whom being summoned
thereof I take note in the Minutes, certify
ing & subscribing the same with the attes
ting witnesses according to law Antonio
Florence attest Mariano Botello attest Luis Jordan
Immediately afterwards & then being upon the
tract solicited by & granted unto Don Vicente
de la Ossa, I appointed two official land bour
ers whose names are omitted because they
do not know how to write, They accepted their
appointment duly undertaking by their oath
of office to perform their duties faithfully
which I certified & subscribed with the
attesting witnesses according to law
Antonio Florence attest Francisco Botello
attest Luis Jordan, On the same day Month
& Year at the premises situated between the
rancho of Mess Verdugos & San Fernando
for the purpose of making the remeasurement
& delivery of possession to which Don Vicente
de la Ossa is entitled all the requisites of the

law being complied with & having in my presence the attesting witnesses & official line bearers, I caused to be measured a line consisting of one hundred varas which was examined & verified by me & causing wooden poles to be fastened to the extremities we observed the course & we now to run the line when Don Julio Berdugo alledged that this land was his own & asked him for his papers but as he did not show them, I said that I would proceed to the measurement, afterwards was received a letter from Rev Brother Beas or dazz wherein he claims the tract as being necessary to him for the crops of the Mission of San Fernando but having called his attention to the fact that the grant of Lassen states that he was not to impede the towns of the Mission he was satisfied. The first line was then drawn from the hill where the River of the Pueblo heads, North wardly & there we counted & measured five thousand varas which ended at an oak tree which was marked for a corner. Thence the line was run on a Westerly course & there we measured & counted five thousand varas which terminated at another oak marked for a corner. Thence the line was run South & there we measured & counted five thousand varas which terminated at a high hill near a valley where a corner mark was ordered to be placed. From this place the line was run Eastwardly & there we measured & counted five thousand varas which terminated at the place where the measurement was commenced. Where with the proceeding ended, the Indian remaining on the piece which he occupies according to superior order. This Indian is called Jose Miguel Tuenpo. All which I certify and subscribe with the attesting witnesses according to law. Antonio F. Coronel. Attest. Francis Botello. Attest. Luis Jordon. Interlined the words se midieron y contaron

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which are part of the text, Let a certified copy of the
present minutes be given to the interested party for
his protection Antonio F Coronel attest Francisco
Rotello attest Luis Inden
On the 5th day of this month the requisite certificate
was given. A true copy of the original to which
I refer & from which this is taken Corrected &
collated in these three sheets of common paper
for want of the proper stamp which three sheets
do not include the grant at the head

In testimony of truth
Anto F Coronel
attest Jose S O Donoyu attest Miguel Chaves

Pio Pico Senior member of the Departmental Assembly & Provisional Governor of the Californias
L S

The Most Excellent Departmental Assembly in session of the 18 day of March saw fit to enact the following
We approve the grant made in favor of Don Vicente de la Ossa of the tract La Providencia adjudicated in fee on the twenty third day of March one thousand eight hundred & forty three in entire conformity with the provisions of the law of August 18. 1824 & art 5 of the Regulations of November 21st 1828 & considering that the tract granted to Mr de la Ossa consists merely of one range for neat cattle & that the Indian Pete Nequie occupies a portion within the same We suppress the latter part of the first condition of the respective title, which prevents the grantee from using his lands with all freedom in conformity with his petition
And for the protection of Don Vicente de la Ossa make the same known, Given at the city of Los Angeles on this common paper there being none stamped on the twentieth of March one thousand eight hundred & forty six

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Pio Pico

Angeles May 4. 1846

Jose Matias Moreno

Lu ad interim

Juan Lepuveda 2.a Judge of this city and its jurisdiction

I certify in so much as I can may & am permitted by the law, that in my presence Don Vicente de la Osa transferred to Mr. Alexander Mullins the foregoing title deeds in consequence of a sale of the rancho by the former to the latter for the consideration as themselves state of one thousand five hundred dollars which Osa received in silver money to his entire satisfaction as appears by a public instrument executed on this same date & in testimony of the same I have signed the present certificate in this city of Los Angeles on the thirteenth day of the month of October one thousand eight hundred & forty nine & I certify the same with attesting witnesses in the usual form witness my hand

Juan Lepuveda
Vic.te de la Osa

Attest
Jesus Guirado

Attest
Jesus Dias

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Filed in Office Sept 11 1852
Lee Fisher
Secy

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At the city of Los Angeles Upper California on the thirtieth day of the month of October one thousand eight hundred forty nine, Before me Juan Sepulveda 2d Judge of this same city, the instrumental witnesses named at the end & my attesting witnesses by whose aid I act according to law in the absence of any Notary, there being none appeared Don Vicente de la Osa whom I certify to be known to me & said, That for himself & in the name of his heirs & successors & of such of them as may have title voice & cause in any manner sells & gives in actual sale & perpetual alienation by tenor of inheritance for ever more to Messrs Alexander Mellus & Company his ranchos called La Providencia which extent of land consists of one league (sitio) for neat cattle & horses as appears by the title deeds of said Rancho whereof he makes formal transfer to the purchasers for the sum of one thousand five hundred dollars which he has received in silver coin to his entire satisfaction, the grantor declaring that he has neither sold nor hypothecated the said Ranchos that it is free from taxes accounts clerical settlement entail bond & other acts of perpetual temporary special general tacit or expressed encumbrances & as such he sells it to them for one thousand five hundred dollars which he acknowledges to have received entirely by his own will whereby he renounces the exception which might be interposed on account of the delivery not taking place at the present time under law 9 title 1st Part 5th & he executes in favor of the purchasers the most valid & efficacious acquittance which may promote his security He likewise declares that the just price & true value of the said ranchos are one thousand five hundred dollars, that it is not worth any more, that he could not find any one who would

Translation of Deed

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have given him so much & if it is or may be worth more he makes pure absolute perfect and irrevocable gift & donation of the excess be its amount minor or great to the purchasers their heirs & successors in the free exercise of his faculties under prudence & hibition & the legal sanctions, he renounces the benefit of Law 2 Title 1 Book 1 No 52 which treats of contracts of sale bartas & other transactions where damages are incurred for more or less than the one half of the just price & as to the four years limited for claiming cancellment or supplementar payment of the just value he allows them to have expired in the same way as if they actually have & henceforward the aliens abandons quitclaims & releases for himself his heirs & successors the ownership property possession title claim recourse & other right whatever which they may have to said rancho he renounces & sets over the same together with all actions real & personal pecuniary service direct & executive to the purchasers that they may possess enjoy exchange alien & dispose of the same as of a thing belonging to them acquired with legitimate & just title He confers upon them irrevocable power with free unqualified & general authority to act constituting himself attorney plaintiff in his own cause to the effect that authoritatively or judicially they may enter into & take possession of the said rancho & may seize & take the actual occupation & possession which belongs to them by law & in order to avoid the necessity of actual entry & seizin I am requested to give them a certified copy of the present writing with which without any other act of seizure they are to be considered as having taken seized & received transfer of the same in legal form Also to the observance of all the things

set down in this deed the grantor binds his property present & future, he renounces all laws in his favor & defence & generally as in due form all the provisions of the law & he confers ample power unto Hon Judge whom may take cognizance of this matter that they may enforce his compliance as if in virtue of a final decree of a competent Judge passed & submitted to in an adjudicated matter, confirmed as such & subscribed with me & my official witnesses The instrumental witnesses are the citizens Tomas A Sanchez Manuel Felis & John Temple residents & present who likewise subscribe & I certify their signatures Juan Lepaluda Vicente delaOsa Instrumental Tomas A Sanchez Inst Manuel Felz Inst Juan Temple = Official Jesus Luna as Official Ramon Herrera

A true copy of the original to which I refer from which it was faithfully taken & corrected on this day of its execution on three two sheets of common paper in the absence of the stamped which I certify with my official witnesses in the usual form I attest

In testimony of truth
Juan Lepaluda
Attest
Ramon Herrera

Attest
Jesus Luidano

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Filed in office Sept 11 1852
Geo Fisher
Secy

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David W Alexander
& Francis Mellus
vs
the United States

Opinion

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The papers on file in this case show that the tract of land claimed by the claimants was originally granted to one Vicente de la Osa by Governor Juan Bautista Micheltorena on the 23d day of March AD 1843 which grant is proved to be genuine. It also appears is in proof that said grant was duly approved by the Departmental assembly & that mediate possession was taken by the original grantee. It is also in proof that the said Vicente de la Osa conveyed all his interest to the said tract of land to the claimants in this case. It is proved by the deposition of Hugo Reid taken in this case that Vicente de la Osa occupied the land granted to him immediately after the date of his grant by building a house living in it & by cultivating the land which in the opinion of this board was a substantial compliance with the conditions of the law. The description of the tract granted is made sufficiently clear by the officer who made the measurement & gave the mediate possession & which is rendered more definite by the map filed with the papers & made evidence in the case with the aid of the papers on file we are of the opinion that the officer will be able to identify the land granted. The claimants are therefore entitled to confirmation.

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Filed in office Oct 14th 1853
Les Fisher Clk

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David W Alexander
& Frances Mellus
vs
The United States

Decree

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In this case on hearing the proof and allegations it is adjudged by the commission that the claim of the said petitioners is valid & it is therefore decreed that the same be confirmed. The lands of which confirmation are hereby made are known by the name of Providencia & are bounded & described as follows to wit commencing at the south east corner of said premises at a place where the two Pueblo heads & running thence Northwardly to an oak tree which is marked for a corner five thousand varas thence running west five thousand varas to another oak tree which is marked for a corner thence running south five thousand varas to a high bluff near a valley, thence running east five thousand varas to the place of beginning containing in all one square league. Reference for further description to be had to a map which is made a part of documents marked Exhibit "A" & filed in this case. It is understood that this decree in no way prejudices the rights of the Indian named Jose Miguel who occupies a piece of ground within the boundaries above described

Alphens Felch
Thompson Campbell
R Aug Thompson
Comm

Filed in office Oct 14th 1853
Geo Fisher Secy

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58 Folios

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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-six pages, numbered from 1 to 46, 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. 338 on the Docket of the said Board, wherein David N. Alexander and Francis Mellus are the Claimant against the United States, for the place known by the name of "Providencia"

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

Geo. Fisher
Sec.

7-30

S. ISTRICT COURT,

Southern District of California.

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No. 30 Docket

THE UNITED STATES,

vs.

Alexander Bellus

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Providencia

UPT OF THE RECORD

FROM THE

LAND COMMISSIONERS,

No. 338

Nov 22d 1854

W. H. Carter

Clerk

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30.

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Office of the Attorney General of the United States,

Washington, 26th October 1854.

Alexander and Mellus.

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 26th day of July 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.

465

No 30.

U. S. District Court

Southern District of California

Alexander & Mellus, appes

vs

The United States. Apllt.

No 465.

Notice of appeal

Filed Dec. 6th 1854.

J. S. Carr

Clk

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

David W Alexander
& Francis Mellus
Ads.
The United States

No. 338.

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 11th day of September AD 1852, David W Alexander and Francis Mellus, presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, claiming the tract of land called "Providencia", containing one league of land, in the words and figures following, to wit. "The petition of "David W Alexander and Francis Mellus respectfully "show that they are the claimants of one league of "land more or less situated between the Rancho for-"merly known as the Rancho of Mesa Berdugos on the "South by the hills that lie on this side at the North "by the Mountains and at the West by Cahuenga ref-"erence being had for a more particular description "of the said lands to the original papers Copies of

"which are herewith filed and which your petitioners
"pray may be made a part of this petition That
"said lands were granted to Don Vicente de la Osa
"by Gov Manuel Michelltorena on the 23 day of March
"AD 1843 by virtue of the Colonization laws of Aug: 18th
"1824 the instructions and regulations of Nov: 21. 1828
"and the various laws of Mexico and the customs of
"the Country affecting grants of land in California
"Your petitioners further show that on or about the 18th
"day of March AD 1846 said grant received the approval
"of the Departmental Assembly and on or about the 4
"day of May AD 1843 the said Don Vicente de la Osa re=
"ceived Juridical possession of said lands and was put
"in possession thereof by the proper Judicial Officer
"Your petitioners further show that on or about the 30th
"day of October AD 1849 the said Don Vicente de la Osa
"by deed duly authenticated sold and conveyed the
"said lands to your petitioners together with all the
"rights and claims of the said Don Vicente de la Osa
"therein his heirs and assigns forever reference being
"had to said original deed a copy of which is herewith
"filed and which your petitioners pray may be
"made part of this petition The evidence upon which
"your petitioners rely are the records of this grant in the
"Office of the U S Surveyor General original papers
"copies of which are herewith filed and the testimony
"of Witnesses to be produced before your Hon^d Board
"Respectfully submitted for such action as the justice
"and nature of the claim may require"

Your petitioner further represents that thereafter, towit, on the 18th day of October AD 1853, the said Com=missioners confirmed by final decree the said claim of the said David W Alexander and Francis Mellus,

in the words and figures following, to wit. "David
"W Alexander and Francis Mellus vs The United States
"In this case on hearing the proof and allegations
"it is adjudged by the Commission that the claim
"of the said petitioners is valid and it is therefore
"decreed that the same be confirmed. The lands of
"which confirmation are hereby made are known by
"the name of Providencia and are bounded and descri=
"bed as follows, to wit commencing at the South East
"Corner of said premises at a hill where the river
"Pueblo heads and running thence Northwardly to
"an Oak tree which is marked for a corner five
"thousand varas thence running west five thou=
"sand varas to another oak tree which is marked
"for a corner thence running South five thousand
"varas to a high hill near a valley, thence run=
"ning east five thousand varas to the place of
"beginning containing in all one square league
"Reference for further description to be had to a map
"which is made a part of document marked exhibit
"A" and filed in this case. It is understood that
"this decree in no way prejudices the rights of the
"Indian named Jose Miguel who occupies a piece
"of ground within the boundaries above described."

"Alpheus Felch"
"Thompson Campbell" } Com"
"R Aug. Thompson"

"Filed in Office Oct 18th 1853. Geo Fisher Secy."

That thereafter, to wit on the 22d day of August AD 1854,
a duly certified transcript of the said decree and pro=
ceedings, 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. 338, reference to which it is prayed may be had and made a part of this petition.

That on the 26th day of July A.D. 1854, the Honorable Caleb Cushing Attorney General of the United States, received a duly certified duplicate of said transcript of said final decree and proceedings of said Commissioners in said Cause (No 338) and the papers and evidence on which said decree was founded.

That thereafter, to wit, on the 5th day of December A.D. 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 David W. Alexander and Francis Mellus 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 insists that the said decree of said Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for many errors and imperfections of law and evidence apparent in said certified transcript of said Cause, now on appeal from said Commissioners to this Honorable Court.

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

1. That the said David W. Alexander and Francis

on the following grounds:

1. That the said David N Alexander and Francis Mellus show no valid title to the said land claimed by them as aforesaid. And it is denied that they have any.
2. That the said alleged grant of Governor Micheltorena was made in violation of the 4th Article of the Colonization law of Mexico of the 18th of August AD 1824, in this, that the land granted, as alleged by claimants was and is within ten leagues of the sea coast. And there is no evidence by claimants, that the Supreme General Executive power of Mexico previously approved of the colonization of the lands of California, within ten leagues of the sea coast. And it is denied that such previous consent of said Supreme General Executive power of Mexico in such case was ever had.
3. That at the date of the said alleged grant, the said land claimed as aforesaid, was occupied by the Mission of California, and particularly by the Mission of San Fernando, and an Indian named José Miguel.
4. That the said alleged grant has not the conditions required by, and is not made in entire conformity with the law of Mexico of the 18th of August AD 1824, and the regulations for the colonization of the Territories of Mexico, of the 21st of November AD 1828.
5. That the said alleged grant of said land by said Governor Micheltorena, is not upon the lawful stamped paper; that it does not describe the land by definite metes and bounds so that it can be identified; that the map referred to in said grant is vague, uncertain and indefinite.
6. That the alleged approval of the Departmental Assembly was invalid, because it suppresses one of the conditions of the said grant, to wit the condition reserving the right of the Mission of San Fernando to

plant or sow in dry seasons, upon the said land.
7. That the alleged Juridical posesion of said land by Antonio Mª Coronel, of the date of about the 4th of May AD 1843. was illegal for the reason that the said Ossa had not at that time a definitive grant of the said land, and it had not been approved by the Departmental Asembly of California.
8. That there is no evidence, in the said transcript, that said Antonio Mª Coronel 2º Alcalde, had lawful authority to make the measurements and give posesion of said tract of land as alleged.
9. That the said Antonio Mª Coronel, did not measure the said land according to the ordinance or law, or according to the calls in the said grant and map referred to therein; that the said measurements in said alleged act of Judicial posesion by said Coronel, are vague, indefinite and uncertain.
10. That the alleged deed of Conveyance of said Vicente de la Ossa to said claimants does not describe the land pretended to be conveyed, so that it can be identified as the same land alleged to have been granted to said Ossa, by said Governor Micheltorena. And that there is no evidence that Juan Sepulveda, whose name is signed to said conveyance as Alcalde, was such at the date of the same.

And no proof having been made by said claimants of the allegations of their said petition, or in support of their said claim filed as aforesaid, no decree ought to have been made or grounded thereon, but the said petition ought to have been dismised and said claim rejected by said Commisioners upon the grounds aforesaid.

Wherefore the said Pacificus Ord Attorney of the United States for the Southern District of California,

for and in behalf of the United States by reason of

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 David W Alexander and Francis Mellus, or their 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 David W Alexander and Francis Mellus, for said land claimed as aforesaid, and that the same may be decreed invalid. And all such other Orders, Judgments or decrees as may be just. With Costs, and general relief.

F. Ord

Attorney of the United States
for the Southern Dist of Calª.

30

No. 30

David W. Alexander &
Francis Mellus.
Adts.
The United States.

Petition of Adts for
review &c.

30 SD
PAGE 55

Filed Dec 21. 1834.
C. E. Carr,
Clk.

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

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

30 SD
PAGE 56

David W. Alexander, and
Francis Mellus

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 Twenty first 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 David W. Alexander, and Francis Mellus, for a tract of land called Providencia, in the County of Los Angeles, California, to the extent of one square league, which said claim was presented by your petition to said Commissioners on or about the 11th day of September, A.D. 1852, and by them confirmed on or about the 18th day of October, 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 Tenth day of February in the year of our Lord one thousand eight hundred and fifty-five at Los Angeles aforesaid.

J. E. Love
Clerk.

No. 30

R & R March 2 55

United States of America,

Southern District of California,

U. S. District Court.

David W. Alexander &
Francis Mullins.

ads.

The United States.

SUMMONS.

Received Feby 12 to 1855
Edward Hunter
U.S. Marshal.

30 SD

PAGE 57

Marshals Cost
Copying summons
four folios 90
Serving summons 3,00
Serving petition 3,00
travel in each
14 miles at 9cts
pr mile — 2,52
7.42

I served this summons along with the proper copy of the petition upon David W. Alexander one of the within named defendants by leaving with his personally an true copy of the same with the County of Los Angeles ~~[illegible]~~ at the house in the Southern District of California on the 2nd day of March A. D. 185 five

Sworn to and subscribed before me, this 2 day of March 1855. J. E. Jan, Clerk.

Edward Hunter
Marshal.

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

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

David W. Alexander, and Francis Mellus

30 SD
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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 Twenty first 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 David W. Alexander, and Francis Mellus, for a tract of land called Providencia, in the County of Los Angeles, California, to the extent of one square league, which said claim was presented by your petition to said Commissioners, on or about the 11th day of September, A.D. 1852, and by them confirmed on or about the the 18th, day of October, 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 Tenth 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 30

Marshals Cost —
Copying summons ,90
Serving " 3,00
" Petition 3,00
$ 6,90

United States of America,

Southern District of California,

U. S. District Court.

David W. Alexander, &
Francis Mellus

adv.

The United States.

SUMMONS.

Received Feby 12 — 1855
Edward Hunter
U. S. Marshal

I served this summons along with the proper copy of the petition upon Francis Mellus by delivering to him in a true copy of the same a

at Los Angeles in the Southern District of California on the 21 day of May A. D. 185 1.

Edward Hunter
U S Marshal

Sworn to and subscribed before me,

Clerk. } Marshal.

30 SD
PAGE 59

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

The United States
vs
David W. Alexander &
Francis Mellus

Case 88 338

Docket No. 30.

It is Stipulated that
the above defendants David W. Alexander
& Francis Mellus have until the 20th
day of March 1855 in which to answer
the Petition filed on the part of the
United States in the above cause
Los Angeles March 10th 1855

J. R. Scott
Atty for Alexander & Mellus

P. Ord Atty of the U. States
S. D. C.

United States

vs.

D W Alexander &

F. Mellus.

Stipulation.

Filed March 10th 1855.

C. E. Carr.

Clk.

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

Case No. 30.

David W. Alexander & Francis Mellus } Appellees vs. The United States, Appellants	For the Rancho of "Providencia", containing one square league in Los Angeles County.

And now come the above named Appellees, David W. Alexander and Francis Mellus by J. R. Scott, their attorney, and for answer to the petition of the Appellant filed in this cause, say, that on the ~~30th~~ 23d day of ~~November~~ March A.D. 1843 Manuel Micheltorena, Constitutional and acting Governor of Upper California, and duly authorized by law to grant said land, by his deed of grant of that date duly executed according to law did grant and convey to Vicente de la Osa the lands called Providencia containing one square league a little more or less, which said land was duly admeasured and judicial possession thereof given to the said Vicente de la Osa by the competent judicial authorities of the district wherein said lands were situate according to law on the ~~30th~~ 4th day of May A.D. 1843, and that said grant was made definitively valid by being approved in manner & form as required by law by the Departmental Assembly of Upper California on the 18th day of March A.D. 1840, whereby the said Vicente de la Osa became seized in fee simple of the lands aforesaid, as these Appellees aver that the said Vicente de la Osa died, during all the time he held said lands, do, perform and

fulfil all the conditions that were by law necessary to be done, performed and fulfilled to perfect his title to said lands.

And these Appellees further say, that on the 30th day of October, A.D. 1849, the said Vicente de la Osa did, by his deed and conveyance of that date duly executed by him, grant, sell, and convey to these Appellees the whole of the tract of land aforesaid, and that ever since that date, said Appellees have been in peaceable and quiet possession thereof.

And these Appellees further say that on the 11th day of September, A.D. 1852 they presented to the United States Board of Land Commissioners their petition setting forth their title, and praying for a confirmation to them of said lands by the said Board, and these Appellees filed before said Commissioners certain documentary evidence, and the depositions of witnesses, all of which are contained in transcript of proceedings had before said Board, now on file in the office of the Clerk of this Honorable Court, and to all of which these Appellees refer in this their answer.

And these Appellees further say that after hearing the petition and proofs of these Appellees, the said Board of Commissioners by their decree made October 18th A.D. 1853, confirmed said lands to these Appellees.

And these Appellees further say that they are the legal owners of said lands and entitled to have the same confirmed to them by this Honorable Court, and they

Say that they and the person under whom they hold have done, performed and fulfilled all things that were necessary to be done, performed and fulfilled to entitle them to such confirmation by the law of the land, and particularly by a law of the Congress of the United States, entitled "an Act to ascertain and settle the private land claims in the State of California," Approved March 3d 1851.

And these Appellees further State that the said lands are situate in the Southern District of the State of California, and within the jurisdiction of this Honorable Court; and for further answer to the petition for review filed in this case by the Appellant, these Appellees say that they deny all and singular, each and every allegation therein contained, except such as are admitted in this their answer, and they deny that there is anything in said petition contained either in law or in fact to estop or prevent this Honorable Court from affirming the decision of said Board of Commissioners and confirming to these Appellees their title to the lands in this case.

And these Appellees would pray the judgement of this Honorable Court that the decision of said Board of Commissioners may be affirmed, and that their title to the said lands of Providencia may be confirmed, and that they may be dismissed hence with costs, and may have such other and further relief as may be agreeable to Equity and good Conscience, and the nature of their case may require.

J. R. Scott
Attorney for Appellees.

I served this answer on P. Ord Attorney of the United States, by leaving with him personally a certified copy of the same at his office in the Southern district of California, March 19th 1855.

Edward Hunter
U S Marshal

Sworn to & subscribed before me this 19th March 1855.
J. E. Carr
Clk.

Marshal's cost
$3.00

Case No. 30.

The United States,
Appellants.
vs.
Alexander Mellus
Appellees.

Answer of Appellees.

30 SD
PAGE 65

Filed March 19th 1855.
J. E. Carr
Clk.

J. R. Scott,
Attorney for Appellees.

Returnable forty days after the within is a true copy.
Los Angeles
March 17, 1855.

Alexander Mellus.
vs.
The U. S.

No 30.

Witness for Appellee

Ques. What is your name age and place of residence

Ans. Vicente de la Osa — 53 years of age & reside in the County of Los Angeles

Ques. Are you acquainted with the Rancho of Providencia if so state how long — and any fact you may know of its occupation from the years 1843. to 49. how and by whom

Ans. I do — I have known since 1842. — I occupied it from 1844. to 1850, when I sold it to Alexander Mellus. I occupied it with a house cultivation, and with corral and cattle.

Ques. — Now how was the Rancho granted

Ans — To me

Ques — By whom was it granted to you?

Ans. — The first proceedings in the case were had before Gov Alvarado, but the grant was not made until under Micheltorena.

Ques. — How long after the ~~grant~~ land was granted to you was it that you built a house and commenced to occupy it —

Ans — In 43. possession was given in ~~March~~ May — and I occupied it in March 44.

Ques — Did you build a house before or after you went to live on it.

Ans. — When I first went on it in March I built a temporary building after which I built a permanent one and continue to live there

Ques — You how did you sell the land

Ans. — I sold it to Francis Mellus & J.W. Alexander.

Ques — Before what officer was the conveyance made

Ans. — I do not remember but think it was Juan Sepulveda

~~Cross examined~~

Ques — What office did Sepulveda hold at the time and where did he reside —

Ans. — He was a justice of the peace and lived here in Los Angeles Co.

Ques — Where does this land lie

Ans. — In the County of Los Angeles,

Ques — Can you state the boundaries of that Ranch, if so, state them

Ans. — I think I can — The first line was drawn

Ques — State whether or not the land which you occupied as above described was the same granted to you by Mallthorno and was the same of which judicial possession was given you —

Ans. — Yes it ~~was~~ is the same —

Cross examined —

Ques. What year did you build

a permanent house upon said land.

Ans. I finished my permanent house in November 1844.

Vicente de la Osa

Sworn to & subscribed before me.

J. E. Carr
Clk.

No. 30.

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

Alexander Rellos
Appellee,
ads
The United States,
Appellant.

Testimony of Vicente de la Osa, for Appellee.

Filed Sept 19th 1855.
J. E. Carr
Clk.

Alexander & Mellon
vs
The U. S.

No 30.
Providencia
witness for appellee

Ques. What is your name age & place of residence

Ans. My name is Harry Dalton my age 51. residence Contra Costa

Ques. State whether you know Juan Sepulveda, if so, where did he reside in 49, and what office did he hold.

Ans. I do, to the best of my knowledge he resided at his Rancho of San Pedro, and here occasionally — I was a member of a party of 49. but while I was here in that year I believe he was alcalde or Justice of the Peace

Ques. For how long were Alcaldes elected

Ans — ~~For three~~ For one year

Harry Dalton

Sworn to & subscribed before me J. E. Carr, Clk.

No. 50.

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

Alexandre x Mellas.
ads. Appellee.

The United States
Applt.

30 SD
PAGE 70

Testimony of
Henry Dalton
witness for Appellee.

Filed Sept 19th 55.
C. E. Carr
Clk.

In the U States District Court for the Southern District of California
Special Term Sept 1853.
Los Angeles.

Alexander S Mellus. appe
ads.
The United States, appe

No. 30.
(Transcript No. 338.)

On motion of P Ord Attorney of the United States for the Southern District of California, it is, Ordered by the Court, that an appeal be granted the United States, to the Supreme Court of the United States, from the judgment of this Court against the United States, in the above entitled cause, rendered on or about the 25th day of September AD 1853.

P. Ord
US Dist Atty.

No. 30.

US Dist Court
South Dist of Cal.

Alexander & Mellus.
appees.

vs.

The United States.
appltes.

motion and order of Appeal
to US Supreme Court on
motion of P. Ord. Esq.

Filed Oct 18th 1855
J. E. Carr
Clk.

California Land Claims.

Attorney General's Office
10 September 1856.

Sir:

In the case of the claim of David W. Alexander and Francis Mellus, confirmed to the claimants by the Commissioners, Case No. three hundred and thirty-eight, (338), and also confirmed on appeal by the District Court, appeal in the Supreme Court will not be prosecuted by the United States.

I am
Respectfully
Cushing

Pacificus Ord Esq.
U. S. Atty for the
Southern Dist: of California

vv

30.

David W. Alexander
& Francisco Mellus

338

Filed 24th February 1857
A Sims clk
J A D Coleman
Deputy

30 SD
PAGE 74

Rec'd Oct 21 1856

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

The United States, Appellant, vs David M. Alexander & Francis Mellus, Appellees	No. 30. Claim for the rancho of "Providencia".

And now on this day of A. D. 1855, the parties appear in Court, the Appellant appearing by P. Ord, United States District attorney for the Southern district of California, and the Appellees appearing by J. R. Scott their attorney, and ~~by Consent of parties~~ on motion of Appellees attorney it is ordered that either party may take such further testimony as they shall wish in the above entitled cause.

Case No. 30

The United States
Appellant
vs
Alexander & Mellus
Appellees.

Leave to take further testimony

Filed

"Providencia"

The United States appellants
vs
Alexander & Mellus appellees

The Grant in This case is predicated upon a grant from Governor Michel Torreno on the 23rd of March 1843 to One Vicente De la Osa. The petition of the ~~said~~ Original Grantee to the prefect of the District the decree or order of the Prefect thereon requiring a report from the 2nd Justice of the peace and from the priest of the Mission of San Fernando - their report to the Prefect and the report of that Officer to the Governor; ~~the Concession of the Governor upon the Prefect's report, the Grant of the Governor to Osa~~ - the decree of concession, the approval of the departmental Deputation, the ~~definitive~~ Grant by the Governor. ~~and what~~ and another document which appears to be an ~~second~~ approval of the definitive Grant by the departmental Deputation and the ~~Conveyance~~ deed from the Original Grantee to the present claimants, constitute the documentary evidence ~~in this Court~~ in this case -

~~The Grant~~ All these documents are admitted to be genuine. ~~and they~~ The grant seems in all respects to be perfect. the evidence shews a compliance with all the conditions as to occupation, the building up a house & the cultivation of part of the land.

There is however one condition contain in the grant that deserves some better attention, The report upon the order of the Prefect, shew that an Indian called Jose Miguel was in possession of part of the land asked for, the decree of concession also states this fact, as does the approval of the departmental Deputation, and the definitive

Grant of the Governm. also declares that the rights of the Indian nor his heirs are to be prejudiced by the grant. And indeed the final approval of the Departmental Deputation recites the fact that they approve the grant suppressing the latter part of the first condition

This latter part of the first condition, was to the effect that the Mission should have the use of the part of the land to sow grain upon when it might be necessary. The Departmental Deputation say in their approval ~~that the Indian Jose Miguel has a part of the land; they, therefore suppress the easement created in favor of the Mission upon the land,~~ and that the

~~We therefore think it but equitable that in confirming this claim the rights of the Indian whatever they may be should be reserved.~~

~~A decree will be entered accordingly~~

that as the tract is for only one sitio of land and the Indian Jose Miguel possesses a part of the tract, that they suppress the latter part of that first condition which created an easement upon the land.

The mesne conveyance offered in the evidence is sufficient to create a prima facie interest in the Claimants and this is deemed sufficient for this Court to act upon. as we are not in this case called upon to decide between the rights of De la Ossa and the Claimants

A decree will therefore be entered confirming the grant into a reservation of the rights of the Indian Jose Miguel