

CASE No.

57

SOUTHERN DISTRICT

---

CANADA DE SAN MIGUELITO GRANT

---

JUANA TICO DE RODRIGUEZ, ET AL.

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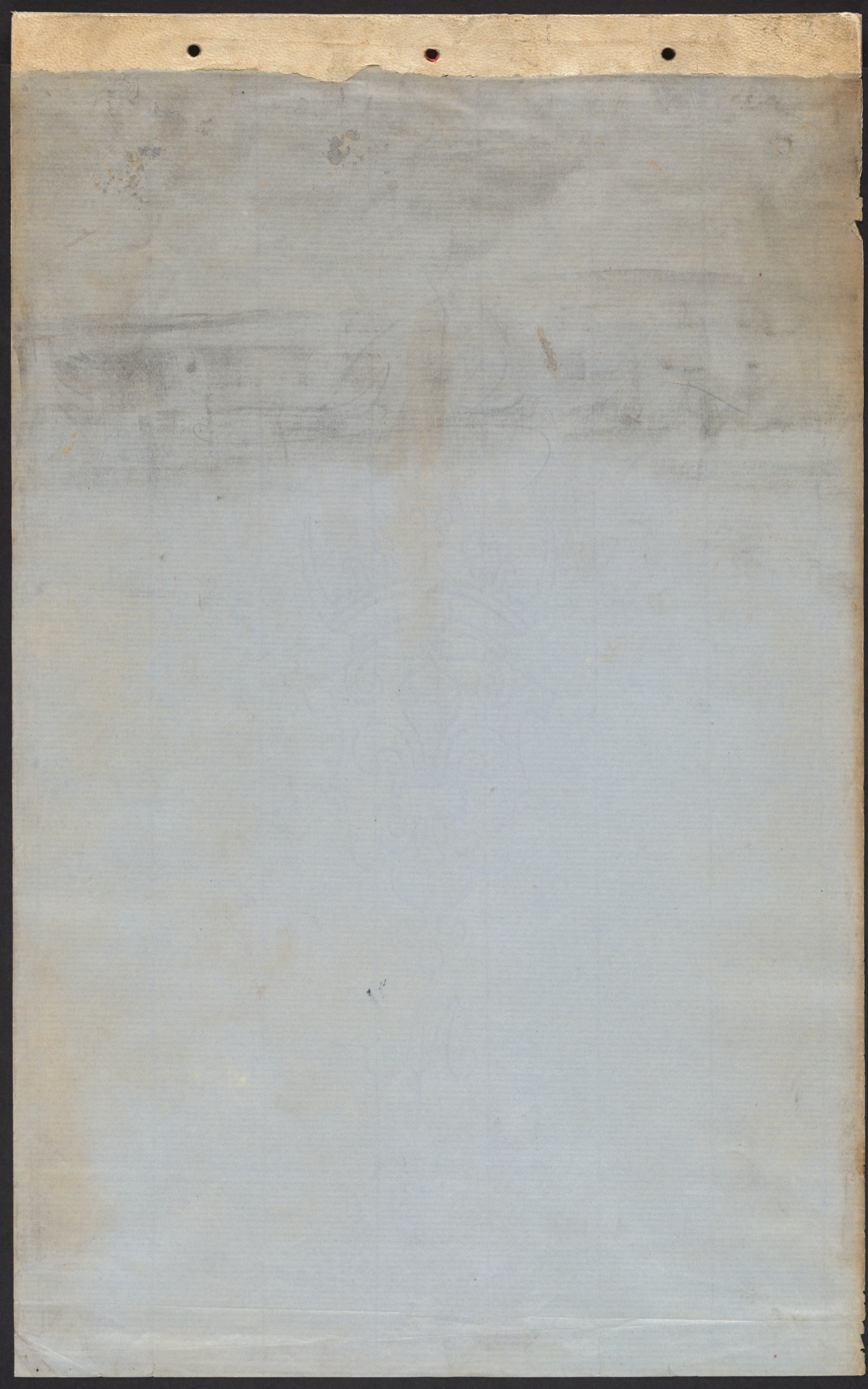
CLAIMANT



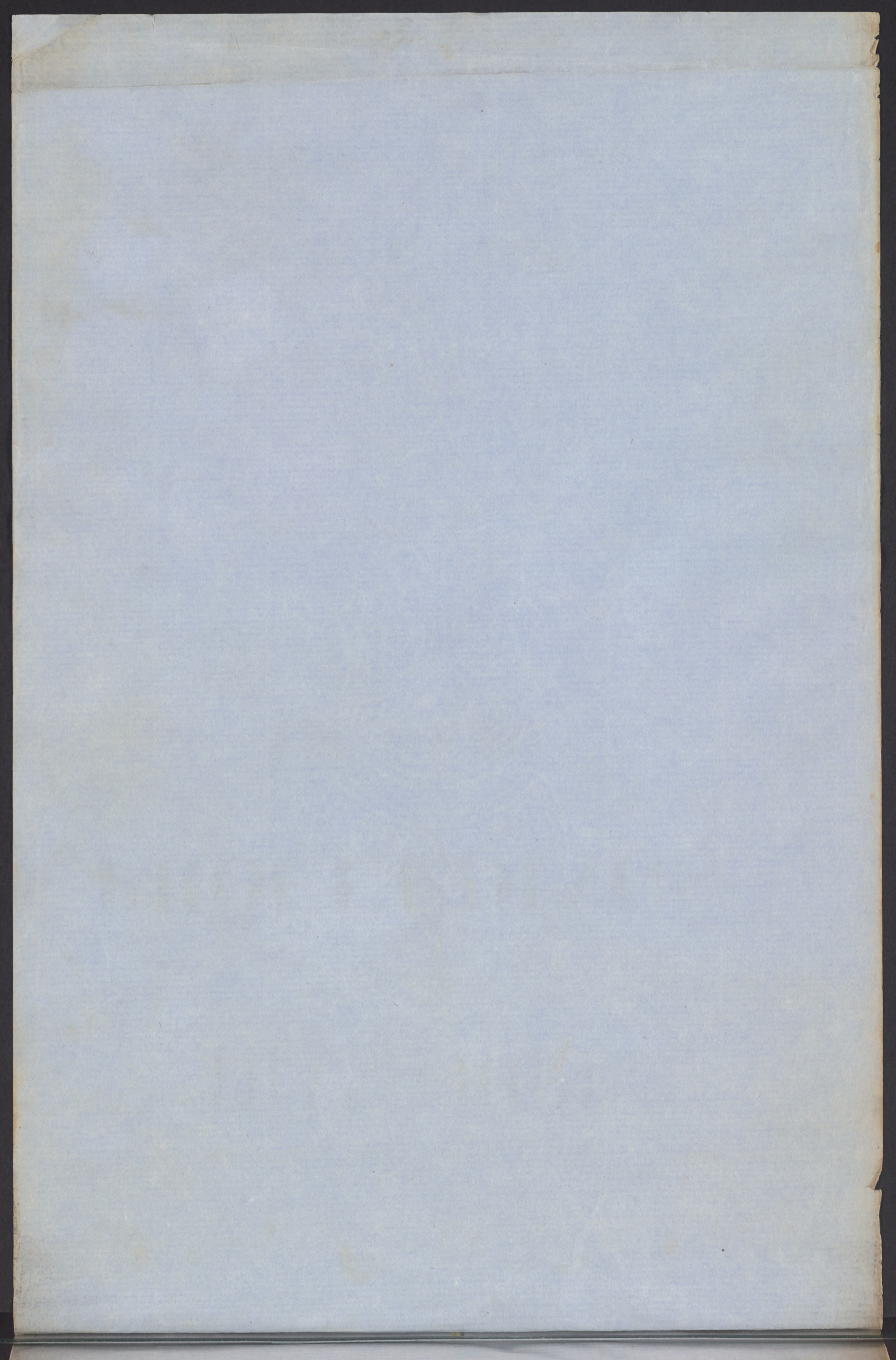
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123  
3200 COLTON EIBER  
BROKER BOND  
CORPORATION











# TRANSCRIPT

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PAGE 1

OF THE

# PROCEEDINGS

IN CASE

NO. 242

*Juana Picó de Roaiguez et al* CLAIMANT S'

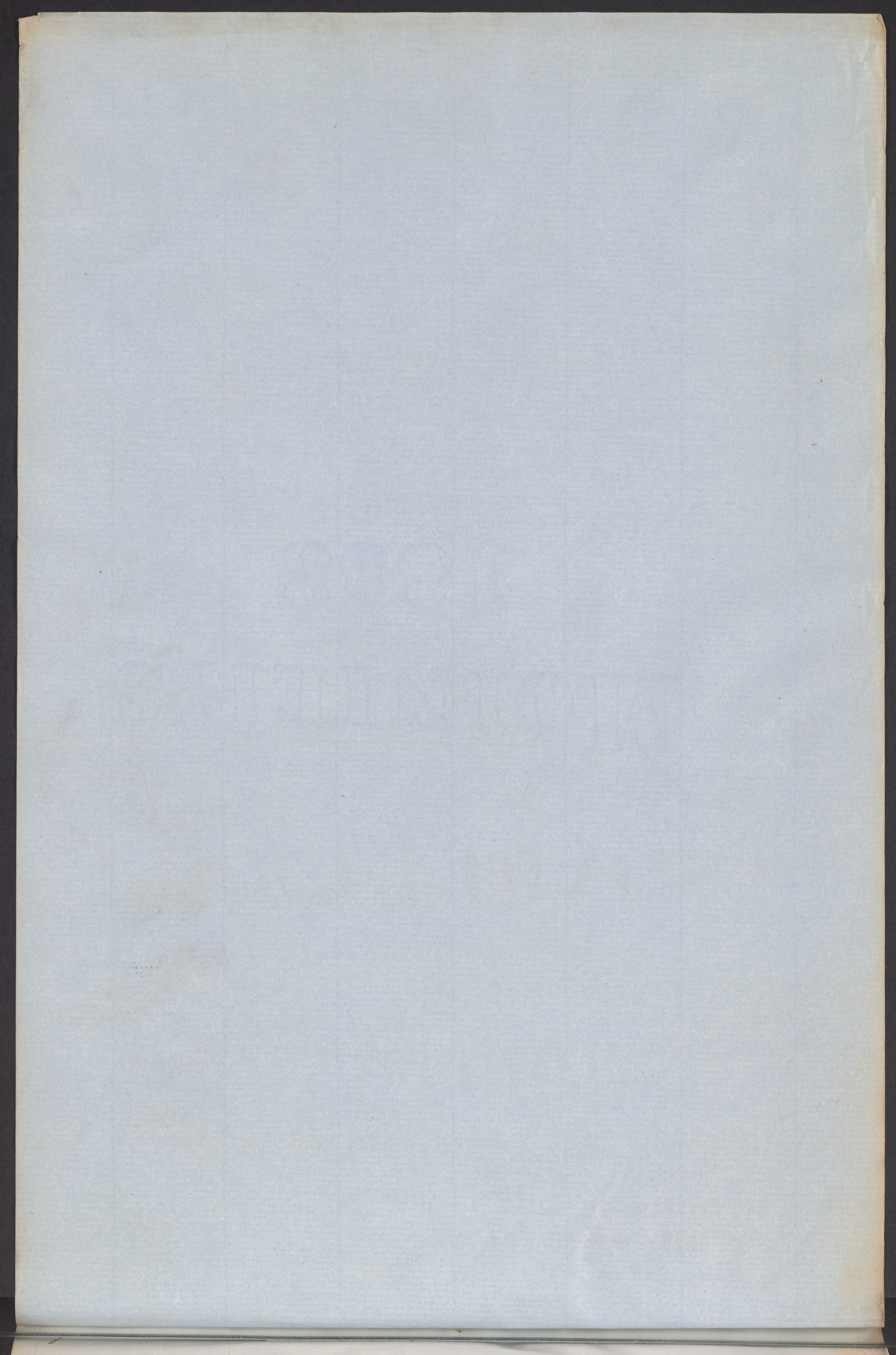
VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Cañada de San Moiquelito."*







Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, that on this *twenty sixth day of May*, 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;

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The Petition of *Juan Pico de Rodriguez et al.* for the Place named "*Cañada de San Miguelito*" was presented, and ordered to be filed and docketed with No. 242 and is as follows, to wit;

(Vide page 3 of this Transcript.)

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

*San Francisco January 15<sup>th</sup> 1853.*

In Case no. 242 *Maria Pico de Rodriguez et al* for the place named "*Cañada de San Miguelito*" the deposition of *W. A. Den*, a witness in behalf of the claimants, taken before Commissioner *Henry J. Thornton*, was filed:

(Vide page 4 of this Transcript)

*San Francisco Sept. 13<sup>th</sup> 1853.*

Case no. 242 *Maria Pico de Rodriguez et al* for the place named "*Cañada de San Miguelito*" or "*Cañada del Diablo*", *Calcuta*; Submitted on briefs and taken under advisement by the Board.



San Francisco December 13<sup>th</sup> 1853.

In the same case Commissioner Thompson  
Campbell declined the opinion of the Board  
respecting the claim.

(See page 24 of this Transcript)

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original

Petition

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

The Petitioners, Juana Tico de Rodrigues, widow, and Jose de Jesus Rodrigues, and Juan Antonio, children, of Don Ramon Rodrigues deceased, respectfully show:

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That on the 30<sup>th</sup> day of May 1845 Pio Pico, Governor of California, granted to Ramon Rodrigues provisionally the tract of land called "Canada de San Miguelito" or Canada del Diablo, in Santa Barbara County, which is shown by the original papers copies of which are submitted herewith marked "A." with a translation marked "B."

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That on the 21<sup>st</sup> day of March A.D. 1846, the said Governor of California, by virtue of authority in him vested, granted in fee to the said Ramon Rodrigues the aforesaid tract of land, containing two square leagues of land, as described in the corresponding map: that the said grant was duly approved on the 10<sup>th</sup> day of June 1846: all of which is fully shown in the original Expediente, a certified copy of which is submitted herewith marked "C" with a translation marked "D";

That the said tract of land has not been surveyed by the Surveyor General of the United States, but that its extent is definite and its limits fully defined in the grant and corresponding map, and are well known:

That the said Ramon Rodrigues and the petitioners his heirs, have been ever since the date of said grant, and that



his heirs now are, in the quiet, peaceful, and undisputed possession of the said tract of land;

That on the day of December 20, 1848 the said Ramon Rodrigues died, leaving the petitioners, his widow and children, as his sole heirs.

That they know of no conflicting claim: That they rely for confirmation of title upon the original papers, copies of which are submitted herewith, and upon such other and further proofs as they may be advised are necessary;

Wherefore they pray the Commissioners to confirm to them the aforesaid tract of land.

By their Atty  
Halleck, Peachy & Billings

Filed in Office May 26<sup>th</sup> 1852

Geo. Fishers Sec

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San Francisco Jan 18<sup>th</sup> 1853.

Deposition of  
N. A. Dew

On this day before Court Henry J. Thome: I saw come N. A. Dew, a witness in behalf of the claimants Juan Lico de Rodrigues et al, heirs of Ramon Rodrigues petition No 242, and was duly sworn, his evidence being given in English.

The U. S. Associate Land Agent was present.

My name is Nicolas A. Dew; my age is 40



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years; I reside in Santa Barbara & have lived in California 16 years.

I know the Rancho called "Cañada de San Miguelito & Cañada del Diablo"; it is near San Buenaventura; Ramon Rodrigues occupied it in 1845 with his cattle; he was killed in 1848 on 9 near Santa Barbara; he left a wife and children who have occupied since his death.

N. A. Den

W. S. Lang Agent present  
sworn to & subscribed before me this 15<sup>th</sup> of July 1853.

Henry J. Thornton Comr &c

Filed in Office July 15<sup>th</sup> 1853

Geo. Fishers Sec

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Office of Commissioners of Land Claims in California

This day before Comr. Alpheus Welch came Henry M. Halleck, a witness in behalf of Claimants Juana Tico de Rodrigues et al. No 242, who after being duly sworn deposed as follows.

Deposition of H. M. Halleck

I, Henry M. Halleck, one of the Atlys of Record in this case, do solemnly swear that Ramon Rodrigues the Grantee in this case was killed in the service of the United States near Santa Barbara in 1848; and that I am acquainted with the petitioners in this



6  
case and believe them to be his only heirs.

The original title on Testimonio, dated the 21<sup>st</sup> day of March A.D. 1846, and being the same as copied in the Expediente filed in this case and signed by the Governor & Secretary, and ~~delivered~~ <sup>the</sup> original granted, has to the best of my knowledge and belief been lost. It was sent by the Widow to Santa Barbara to be recorded prior to filing it before this Honorable Board, and the messenger on his return reported that he had accidentally lost it in the surf on the Beach near Santa Barbara. Said Messenger lives some five or six hundred miles from this place and could not be brought here without great expence. The land claimed in this case is mostly barren hills and of little value, and the Widow is too poor to pay the expenses of a journey of over five hundred miles to make affidavit of these facts, or to send witnesses to prove them. The above statement is true to the best of my knowledge and belief.

H. W. Hellocks

Subscribed & Sworn before  
me this 13<sup>th</sup> of September A.D. 1853.

Alphens Gulch

Commissioner

Filed in Office Sept 13<sup>th</sup> 1853

Geo. Fisher

Sec

Span 2000 follows

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7  
Doc. A.

Excmo. Señor Gobernador

Ramon Rodriguez vecino del Presidio de Santa Barbara ante la superioridad de V. E. en debida forma y como mas haya lugar en derecho comparece y digo: que teniendo de mi propiedad un numero suficiente de ganado vacuno y caballar cuyos bienes como antes sostengo reducidos en el parage nombrado comunmente el conepi y como mis referidos intereses a la fha. se hallan parte de ellos intrabidos por la suma falta de pasto en aquellos campos, pido a la bondad de V. E. se sirva concederme provisionalmente inter el gobierno me resuelve el permiso de poner mis referidos bienes en el parage llamado la Cañada de San Miguel perteneciente a la mision de San Buenaventura la mision que en el año pp. de 1844, solicite en propiedad ante el Sr. Michel-  
torrena como devia constar mi representacion y diseno en el archivo. Por tanto a V. E. rendidamente suplico se sirva acceder a esta mi peticion, en caso conveniente de cuya gracia vivire reconocido, admitiendo la presente en papel comun por falta del sellado respectivo.

Ang. y Mayo 30 de 1845  
(Firmado)

Ramon Rodriguez

Ang. y Mayo 30 de 1845.

Se le concede a Don Ramon Rodriguez que interinamente ponga sus ganados en el parage que solicita y aqui se expresa, a reserva del resultado que tenga su instancia presentada en veinte de Mayo de 1844, que se incluye pa.



pl. corra los tramites que indica el R.  
P. Fr. Antonio Jimeno, ministro de la  
Mision de S. Buenavista y al volventa a come  
pañese el diseño correspondiente.

(Firmado) Pico.

Filed in Office May 26<sup>th</sup> 1852  
Geo: Fisher  
Secy.

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"B"  
Translation of  
Provisional  
Grant.

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PAGE 10

250

To His Excellency the Governor  
I, Ramon Rodrigues, a resident of the Pres-  
sidio of Santa Barbara before the  
of Your Excellency in the proper form and  
most favorable manner appear and say;  
that being owner of a moderate number  
of horned Cattle and horses, which self-  
moving property I keep in the place  
commonly called el Conejo, and as a part  
of it had wandered off on account of the  
great want of pasture in those fields, I  
pray Your Excellency's goodness will be pleased  
to grant me provisionally until the Govern-  
ment shall decide upon it, permission  
to place my aforementioned property in the  
place called the Canada of San Miguel which  
pertains to the Mission of San Buenaventura;  
the same place which last year (1844) I  
petitioned for in fee before the Senor Mich-  
eltorena, as ought to appear by my rep-  
resentation and map in the archives;

Therefore I earnestly beseech Your Excellency  
comply with my petition in case it  
should be convenient, which favor I  
will acknowledge, and to admit this on  
common paper for want of that of the  
proper stamp.

Angeles May 30<sup>th</sup> 1845

(Signed) Ramon Rodrigues

Angeles, May 30<sup>th</sup> 1845,

It is granted to Don Ramon  
Rodrigues that, he may temporarily place  
his cattle in the place he solicits; subject



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To the decision which may be made with respect to his petition presented March Twentieth 1844, which is enclosed to him that the steps may be taken which the Reverend Father Antonio Jimeno Minister of the Mission of San Buenaventura may indicate, and when he returns it let him transmit the corresponding map  
(Signed) Pico

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Filed in Office May 26<sup>th</sup> 1852.  
Asst. Fishers  
Sec

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(Spain Doc follows)

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1. S. D. K.

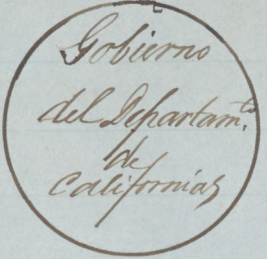
1846

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Expediente promovido por D. Ramon  
Rodriguez en pretension del terreno  
nombrado San Miguelito

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Como Señor Gobernador,

Expediente

Angelos Febrero 25 de 1846  
Pase al Señor Sub-Prefecto del partido de Santa Barbara para que tomando los informes que sean necesarios ponga el dho en seguida haciendo que el interesado agregue el correspondiente diseño del terreno que solicita por no haberlo acompañado segun refiere en su representacion  
Pico

Ramon Rodriguez natural y vecino del Puerto de Sta Barbara, ante la autoridad Superior de V. E. Como mas haya lugar en derecho me presento, diciendo: que el año proximo anterior Solicite del Gobierno que en la actualidad desempeña dignamte V. E., la concecion del terreno que señala el adjunto diseño, y estando mi referida Solicitud corriendo los tramites respectivos acontecio la justa conspiracion contra el Sr. Señor Gobernador antecesor de V. E. y temeroso de que haya padecido estrabio el Expedite formado a consecuencia de mi pretension diriji la presente a V. E. Suplicandole se digna concederme el terreno mencionado por carecer de un paraje en que poder fundar algunos bienes semovientes que poseo y que es el unico patrimonio con que cuento para el sosten de mi familia. Por tanto

A V. E. rendidamente reitero mi Supplica esperando de su notoria bondad se sirva proveer como pido en lo que recibira merced. Duro y

Dispusandome el uso de papel comun por no haver del bello que corresponde.

Santa Barbara Abril 4 de 1845

No sabe firmar

Pase al Sr. de Paz de San Buenav. afin de que bien impuesto del diseño y Solicitud q. antecede informe si el terreno q. solicita el interesado pertenece a propiedad particular o corporacion hasta ilustrar la materia  
Sta Barb. Marzo 6 de 1846

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Carrillo

Juzgado de Paz de S. Buenav  
En cumplimiento del decreto  
marginal q.º antecede este juzgado  
practicadas las correspondientes  
averiguaciones encuentra q.º el  
terreno pertenece a este establecimiento.

242-1

S. Buenav.º marzo 11 de 1846  
Joaquín Moraga

Aun sin embargo del informe

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mat

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5 S. D. K del Juzgado de Paz de San Buenav.º esta Sub-Prefe.  
está bien impuesta de que en el paraje que solicita



el interesado en la presente instancia nunca lo ha ocupado la Misión con bienes de sus orientes pues en tiempos antepasados se ocupaba unicamente con el Céntrico de Caballada que comprende a la dirección de hombres Soldados que permanecían de escolta en dicha Misión y por consiguiente creo que no hay embarazo para que se le agracie al interesado con el terreno mencionado dejando en pacífica posesion a unos indios que se hayan situados en la desembarcadura de la Cañada que forma el muy repetido terreno; es cuanto se puede informar en obsequio del Superior decreto del Srmo. Sr. Gobernador.

Sta. Barba, Marzo 12 de 1846  
Anast. Carrillo

S.S.K.

Ang.º Mayo 16 de 1846

Digan los Srs. Comisionados D.º Andres Pico y D.º Juan Manso si el terreno que se solicita se comprende en los cuatro sitios que se pusieron en arrendamiento y vuelva al Gob.º  
Pico

El terreno conocido con el nombre de la Cañada del Diablo nose comprende en los Cuatro sitios que se le señalan a la Misión de S. Buenaventura ni haber estado ocupado por un particular

S. Fernando 19 de Marzo de 1846

Andrés Pico  
Juan Manso

7 S.S.K.



Angeles marzo 21 de 1846

Vista la petición con q. da principio este expediente, los informes en el practicado y q. se han considerado necesarios, con todo lo demas q. se tuvo presente y ver conrino, de conformidad con la Ley de 18 de Agosto de 1824 y reglamento de 21 de Noviembre de 1828, se declara al Ciudadano Ramon Rodriguez dueño en propiedad del parage conocido por Cañada de S. Miguel nombrada tambien Cañada del Diablo en San Buenaventura



y en atencion de dos sitios de ganado mayor. Librese el titulo correspondiente al interesado; bajo la inteligencia q. en el Conste que de ninguna manera perjudique a los Indios q. se encuentran alli establecidos, y someta esta Concesion a la aprobacion de la Santa Asambla Departamental. Pio Pico, Gobernador de las Californias por ministerio de la Ley, asi lo mande, S. S. D. K. decreto y firme, hoy fe Pio Pico

9 S. D. K.

Pio Pico, Vocal decano de la Asambla Departamental y Gobernador provisional de las Californias.

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Por cuanto el Ciudadano Ramon Rodriguez ha pretendido para su beneficio personal y el de su familia el terreno nombrado Canada de San Miguelito conocida tambien Canada del Diablo en la Mision de San Buenaventura; practicadas previamente las averiguaciones concernientes, usando de las facultades que me son conferidas a nombre de la Nacion Mexicana he venido por decreto de este dia en concederle el supradicho terreno, declarandole la propiedad de el por las presentes letras, de conformidad con la Ley de 18 de Agosto de 1824 y reglamento de 21 de Noviembre de 1828, a reserva de la aprobacion de la Santa Asambla Departamental y bajo las Condiciones siguientes:

10 S. D. K.

1.ª Podra cercarlo sin perjudicar las traversias, caminos y servidumbres: lo disfrutara libre y exclusivamente destinandolo al uso y Cultivo que mas le acomode: pero de ninguna manera perjudicara a los Indios que se encuentran alli establecidos.

2.ª Solicitara del Jefe respectivo le de la posesion juridica en virtud de este despacho por el cual se demarcaran los linderos con las mojeras necesarias.

3.ª El terreno de que se hace donacion es puramente el de dos sitios de ganado mayor segun lo expresa el diseno que obra en el expediente. El Jefe que lo poseiere lo hara medir con arreglo a ordenanza, quedando el sobrante que resulte a la Nacion para

11 S. D. K.

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los usos convenientes.

En consecuencia mando que teniendo el presente título por firme y válido, se tome razón de el en el libro respectivo y se entregue al interesado para su resguardo y demás fines. Dado en la Ciudad de los Angeles en este papel comun por falta de Sello respectivo a veinte y uno de Mayo de mil ochocientos Cuarenta y seis.

Angelas Mayo 8 de 1846

Dada cuenta con este expediente en Sesión de hoy a la E. Asamblea Departamental se mandó pasar a la Comisión de terrenos baldíos  
Pío Pico Agustín Obcoera  
Presid<sup>te</sup> D.S.

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12 S. D. K.

Señor

La Comisión de terrenos baldíos, a examinado con detenim<sup>to</sup> el presente Exped<sup>te</sup> promovido p<sup>o</sup> el Ciudad<sup>o</sup> Ramon Rodriguez, relativo al parage de la Cañada S. Miguel conocida tambien con el nombre de Cañada del Diablo q<sup>o</sup> le fue concedido por el Sup<sup>or</sup> Gob<sup>o</sup> Departam<sup>l</sup> conforme a las leyes de la materia, en tal virtud pone a la deliberación de V. E. la proposición siguiente.

Se apruebe la Concesion hecha al Ciudad<sup>o</sup> Ramon Rodriguez del parage Cañada de S. Miguel conocida tambien con el nombre de Cañada del Diablo, jurisdiccion de Sta Barb<sup>a</sup>, en estension de dos sitios de ganado mayor segun título librado con fha 21 de Marzo de este año y en conformidad con la Ley de 18 de Agosto de 1824 y art<sup>o</sup> 5<sup>o</sup> del reglam<sup>to</sup> de 21 de Obo de 1828.

Sala de Comisiones en la Ciudad de los Angeles Junio 2 / 1846 S. Arguillo

13 S. D. K.

Angelas Junio 10 de 1846

En Sesión de este dia aprobo la misma Asamblea Departamental la proposición del dictamen anterior.

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Office of the Surveyor General of the United States for the State of 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 control a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California, do hereby certify that the thirteen preceding and herunto annexed pages of tracing paper numbers from one to thirteen inclusive, and each of which is verified by my initials (S. D. K.) exhibit true and accurate copies of certain documents on file and forming part of the said archives in this office.

In testimony whereof I have herunto subscribed my name officially, and affixed my private Seal (not having a seal of office) at the City of San Francisco, Cal, this third day of March A.D. 1852

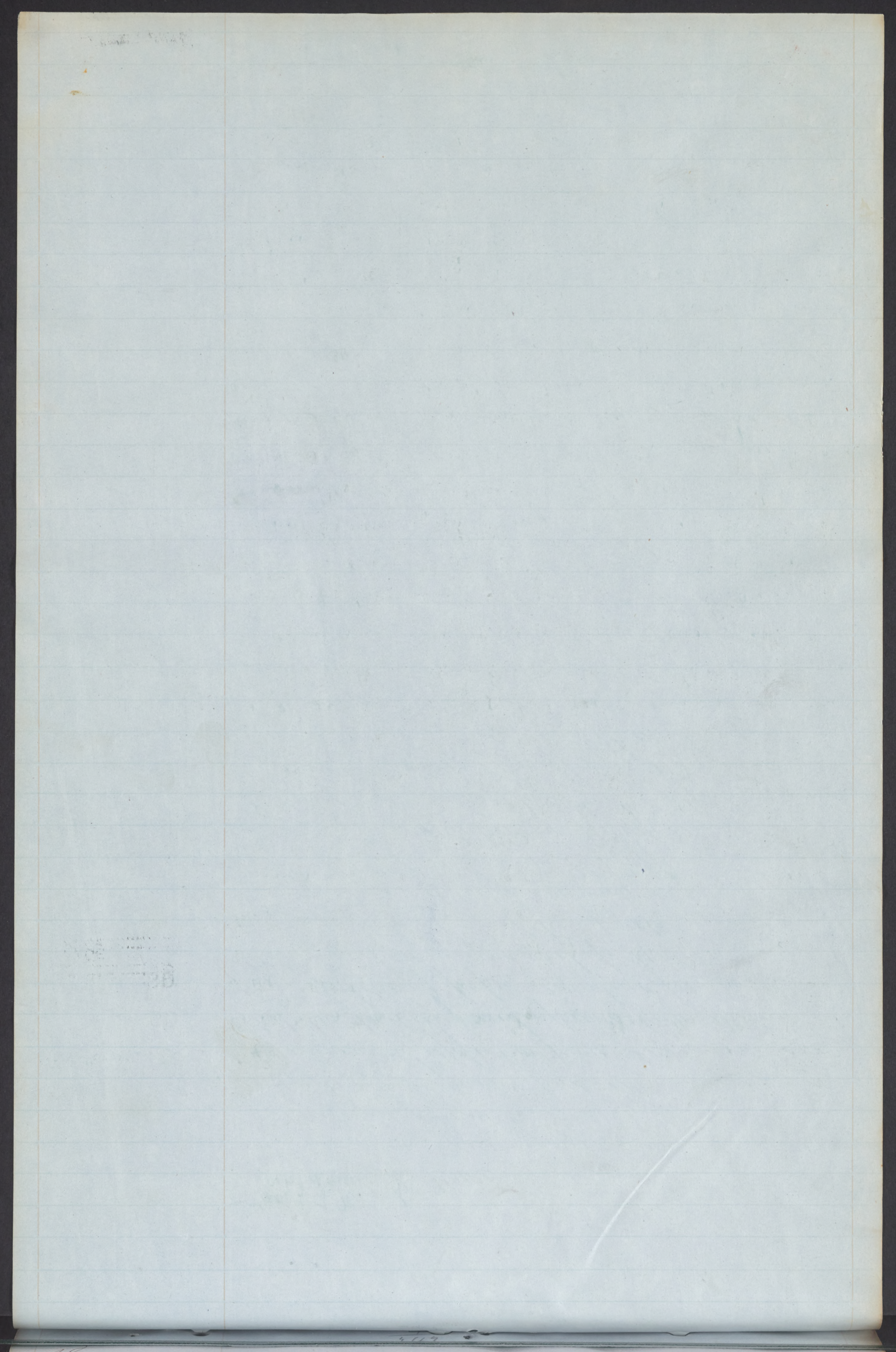
Sam. D. King  
Sur. Gen. Cal

Filed in Office May 2<sup>nd</sup> 1852  
Geo. Fisher  
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Govt of the  
Dept of Calif

"L"

Translation of  
Espediente

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Angeles Feby 23<sup>rd</sup>  
1846 - Pass this  
to the Sub Prefect  
of the "Partido" of  
Santa Barbara  
that calling  
for such informa-  
tion as he may  
need, he may  
himself report,  
and then cause  
the person in-  
terested to attach  
the corresponding  
map of the land  
petitioned for.  
he not having  
transmitted it  
as he says in  
his representa-  
tion.

(signed) Pico

Pass this to the  
justice of the  
Peace of San  
Buena Ventura  
that after thor-  
oughly examining  
the foregoing

To His Excellency the Governor  
J. Ramon Rodrigues, a native  
and resident of the Port of Santa  
Barbara, before the Superior  
Authority of Your Excellency as  
I best may in Law, present  
myself saying: that last year I  
requested of the Government, which  
Your Excellency at present worthily  
exercises: the grant of the land  
designated in the annexed map,  
and while my said petition  
was going through the proper  
steps the first conspiracy against  
His Excellency the Governor, Your  
Excellency's predecessor, took place,  
and fearful that the Espediente  
formed in consequence of any  
petition, may have been lost,  
I direct this one to Your  
Excellency, beseeching you to have  
the goodness to grant me the  
land mentioned, as I am in  
want of a place in which to  
improve some selfmoving prop-  
erty which I possess, and  
which is the only property that  
simony on which I rely for  
the support of my family  
Wherefore I humbly submit  
my petition to Your Excellency  
hoping from Your Well Known

300



map and petition  
 he may report  
 whether the land  
 petitioned for  
 by the person  
 interested belongs  
 to any private  
 ownership or  
 corporation until  
 the matter is  
 understood.  
 Santa Barbara  
 March 6<sup>th</sup> 1846  
 (Signed) Cavillo

goodness, you will be pleased to  
 provide as I request, in which  
 I will receive favor; I swear to.  
 Excusing me for using com-  
 mon paper there being none  
 of the stamped which corresponds.  
 Santa Barbara, April 4<sup>th</sup> 1845  
 He does not know how to sign

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Office of Justice of the Peace of  
 San Buenaventura.

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In compliance with the foregoing Margi-  
 nal decree this court, having made the  
 corresponding examinations, reports that  
 the land referred to belongs to this Estab-  
 lishment

San Buenaventura March 11<sup>th</sup> 1846.

(Signed) José Moraga

Notwithstanding the report of the Justice of the  
 Peace of San Buenaventura, this Sub-Prefec-  
 tura is well assured that in the place pe-  
 titioned for by the person interested in this  
 instance has never been occupied by the  
 Mission with self-moving property, for in  
 former times it was occupied only as a  
 pasture ground for horses which belonged  
 to the equipments of six men, soldiers who



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remained as an escort in said Mission, and consequently I think that there is no objection to granting the said land to the person interested, he leaving in peaceable possession some indians who have established themselves in the mouth of the Canada which forms the said land. This is all I can report in compliance with the Superior decree of His Excellency the Governor.

Santa Barbara March 12<sup>th</sup> 1846.

(Signed) Anastasio Carrillo.

Angeles, March 16<sup>th</sup> 1846.

Let the Commissioners, Don Andres Pico and Don Juan Manso say whether the land solicited is included in the places leased, and return this to the Government.

(Signed) Pico

The land known by the name of the "Canada del Diablo" is not included in four "sitios", set apart for the Mission of San Buenaventura, never having been occupied by any individual.

San Fernando March 19<sup>th</sup> 1846.

(Signed) Andres Pico

(Signed) Juan Manso

Angeles March 21<sup>st</sup> 1846:

Dept. Gov.  
of Calif.

Having seen the petition with which this expediente commences, the reports made on it, which have been considered necessary with all other information presented and proper



to be done in necessary, with the other improve-  
 ments to be considered, in conformity with  
 the Law of August 18/1824 and regulation  
 of Nov. 21/1828, Citizen Ramon Rodriguez is  
 declared owner in fee of the place known as  
 "Cañada de San Miguel" named also "Canada  
 del Diablo" in San Buenaventura, and in extent  
 two square leagues. - Let the corresponding  
 title be issued to the person interested with  
 the understanding that he shall not in any  
 manner prejudice the Indians who may be  
 found established there, - and submit this  
 grant for the approval of the Most Excellent  
 Departmental Assembly Pio Pico, Governor ex  
officio, of the Californias, thus ordered, decreed  
 and signed - I certify  
 (Signed) Pio Pico.

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Pio Pico, Senor member of the Departmental  
 Assembly, and Provisional Governor of the  
 Californias,

Dept. Gov. of Califas } Whereas, citizen Ramon Rodriguez  
 has, for his own personal  
 benefit and that of his family petitioned for  
 the land named Cañada de San Miguelito also  
Cañada del Diablo in the Mission of San Buena-  
 ventura, the proper examinations being  
 previously made, using the faculties which  
 are conferred on me in the name of the  
 Mexican Nation I have, in decree of this day,  
 granted him the aforesaid land, declaring



to him the ownership of it by these presents, in conformity with the Law of Aug. 18' 1824 and the Regulations of Nov. 21' 1828, subject to the approval of the Most Excellent Departmental Assembly and under the following conditions:

1. He may enclose it without prejudice to the crossings, roads and servitudes, and enjoy it freely and exclusively making such use and cultivation of it as may best suit him, but he shall not in any manner prejudice the Indians who may be found established there.

2. He shall request the proper Magistrate to give him judicial possession in virtue of this Title, by whom the boundaries will be marked out with the necessary bounds.

3. The land of which donation is made is solely two square leagues, as shown by the map which goes with the Expediente.

The Magistrate who may give the possession will cause it to be measured agreeably with the ordinance, leaving to the Nation for the uses it may think proper, the surplus which may result.

In consequence I order that the present Title being held as firm and valid, note be taken of it in the proper books and it be delivered to the person interested for his security and other purposes.

Given in the City of Los Angeles, on this common paper for want of that of the proper stamp on the twenty first of March eighteen hundred and forty six.

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Angeles May 8' 1846.

This Expediente being reported to the Most Excellent Departmental Assembly in session of this day, it was ordered to be referred to the committee on vacant lands.

(Signed) Pio Pico  
President  
(Signed) Agustin Alvera  
Deputy Secretary.

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Sir

The Committee on vacant lands has carefully examined the present Expediente, ~~and~~ moved by Citizen Ramon Rodrigues, relative to the place of "La Canada del Miguel", also known by the name of "La Canada del Diablo", which was granted to him by the Superior Departmental Government in conformity with the laws on the matter: - in virtue of this, it places at the deliberation of Your Excellency the following proposition.

Approved, the grant made to Citizen Ramon Rodrigues of the place "Canada de San Miguel", known also by the name of "Canada del Diablo" jurisdiction of Santa Barbara, in extent two square leagues, according to the title issued on the 20<sup>th</sup> of March of this year, and in conformity with the laws of Aug. 18' 1824 and Art. 5<sup>o</sup> of the regulation of Nov. 21' 1828."

Heads of the Committee in the city of Los Angeles, June 2<sup>nd</sup> 1846.

(Signed) S. Arguello

Angeles June 10' 1846. In session of this day the Most Excellent Departmental Assembly approved the proposition of the preceding report.

Filed in Office  
May 26<sup>th</sup> 1852.

Asst. Fisher Sec



Juan Pico de Rodrigues	}	Canada de San Miguelito
Jose de Jesus Rodrigues		
Jose Ignacio Rodrigues		
and Juan Antonio Rodrigues		
vs	}	2 Square Leagues
The United States		
		Santa Barbara County

Opinion

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The Petitioners in this case represent in their petition that, on the 21<sup>st</sup> day of March A.D. 1846, Governor Pio Pico granted to Ramon Rodrigues a certain tract of land containing two square leagues which was described on a map. The said petitioners further represent that, on the 10<sup>th</sup> day of June A.D. 1846, the said grant was duly approved by the Departmental Assembly. And that on the

day of December 1848 the said Ramon Rodrigues died, leaving the petitioners his widow, and children as his sole heirs.

In support of the foregoing allegations and averments the petitioners have placed on file as evidence in this case, a traced copy of the Expediente taken from the Archives on file in the United States Surveyors General's Office for California, which contains a copy of what purports to be a copy of the original grant, together with the record of approval by the Departmental Assembly.

The petitioners have also placed on file, an ex parte affidavit of Henry W. Halleck, one of the Attorneys of record in this case.

It is stated in said affidavit that Ramon Rodrigues the grantee was killed in the service of the United States in the year



1848, and that he believed the petitioners in this case were his only heirs. It is further stated in said affidavit that the original title dated 21<sup>st</sup> of March A.D. 1846 is the same copied in the Expediente which is filed in the case, and which was signed by the Governor & Secretary and delivered to the grantee, but was lost before it could be filed before this Commission. The affidavit contains other

statements in regard to the loss of said "Title" which it is not necessary here to state.

It is proved by the Deposition of A. A. New that Ramon Rodrigues the original grantee, occupied the place called Canada San Miguelito or Canada del Diablo in the year 1845, with his cattle, and that he was killed near Santa Barbara in 1848 or 9, and that he left a wife and children who have occupied said place since his death.

Without enquiring into the legality of the secondary evidence, which has been introduced in this case, the claimants have not only failed to prove the inhabitancy of the original grantee upon the land, and that he built a house within the time prescribed by the law, but they have failed to show that he even occupied it with cattle, within that time. The proof is that

he occupied it with cattle in the year 1845, this was after the time when the Government of Mexico had ceased to exercise jurisdiction over California, and when it was in possession of the Americans, we have repeatedly decided that no act could be

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performed after the Mexican Government ceased to exercise jurisdiction in California, that would create an equity as against that Government, which would be binding upon the United States to carry into a complete title. We can only adjudge that which was binding upon the former Government, at the time when jurisdiction ceased, and not obligations subsequently incurred by our own Government. A case presenting merits of the latter character must seek relief from the political department of this Government, this Commission has no jurisdiction in such cases.

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In this case it does not appear that any judicial measurement was ever made, or that any separations of the land granted from the other public lands was ever effected, for this reason as for want of equity, the claim is deemed to be invalid, and its confirmation is therefore denied.

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Filed in Office Decr 13<sup>th</sup> 1853,  
Geo. Fishers Sec

Decree

Juan Pico de Rodrigues }  
 Jose de Jesus Rodrigues }  
 Jose Ignacio Rodrigues }  
 Juan Antonio Rodrigues }  
 By }  
 The United States }

In this case on hearing



27

The proofs and Allegations it is adjudged by the Commission that the said claim of the petitioners is not valid, and their application for a confirmation thereof is therefore denied.

Alphens Felch  
Thompson Campbell  
R. Aug Thompson  
Commissioners

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SV

Filed in Office Decr 13<sup>th</sup> 1883.

Geo. Fishes Sec



Office of the Board of Commissioners,

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

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PAGE 29

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 *twenty seven* pages, numbered from 1 to *27*, 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. *242* on the Docket of the said Board, wherein *Juana Tico de Rodriguez et al* are

the Claimant against the United States, for the place known by the name of "*Canada de San Miguelito*"



In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this *Twenty Second* day of *August* A. D. *185*, and of the Independence of the United States of America the seventy-*ninth*

*G. Fisher.*



57

U. S. DISTRICT COURT,  
*Southern* District of California.

No. 57. *Docket*

THE UNITED STATES,

vs.

*Juana Tico* **57** *Rodriguez*  
Et, al

"*Cañada de San Miguelito*"

TRANSCRIPT OF THE RECORD

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *242*

Filed, *August 30th* 1854

*W. H. Carter*  
Clerk

57

*N<sup>o</sup> 242*



of the Honorable Commissioners  
to settle Private Land Claims in California.

The petitioners, Juana Tico de Rodriguez, widow, and Jose de Jesus Rodriguez, Jose Ygnacio Rodriguez, and Juan Antonio Rodriguez, children, of Don Ramon Rodriguez deceased, respectfully show:

That on the 30<sup>th</sup> day of May 1845 Pio Pico, Governor of California, granted to Ramon Rodriguez provisionally the tract of land called "canada de San Miguelito" or "canada del Siabalo" in Santa Barbara County, which is shown by the original papers copies of which are submitted herewith marked "A", with a translation marked "B";

That on the 21<sup>st</sup> day of March A<sup>d</sup> 1846, the said Governor of California, by virtue of authority in him vested, granted in fee to the said Ramon Rodriguez the aforesaid tract of land, containing two square leagues of land, as described in the corresponding map; that the said grant was duly approved on the 10<sup>th</sup> day of June 1846; all of which is fully shown in the original Expediente, a certified copy of which is submitted herewith marked



"C" with a translation marked

"D"

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That the said tract of land has not been surveyed by the Surveyor General of the United States, but that its extent is definite & its limits fully defined in the grant & corresponding map, & are well known.

That the said Ramon Rodriguez and the petitioners his heirs, have been ever since the date of said grant, & that his heirs now be, in the quiet, peaceful & undisputed possession of the said tract of land.

That on the day of December A.D. 1848 the said Ramon Rodriguez died, leaving the petitioners, his widow & children, as his sole heirs.

That they know of no conflicting claim.

That they rely for confirmation of title upon the original papers, & copies of which are submitted herewith, & upon such other & further proofs as they may be advised are necessary.

Wherefore they pray the Commissioners to confirm to them the aforesaid tract of land.

By their Atty  
Hallam Pinsky & Pillsbury

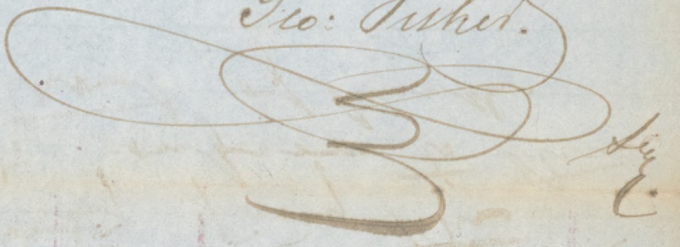
I hereby certify the foregoing to be a true & correct copy of the original on file in this office.



copy of the original on file in this office.

Witness my hand this 15 day  
of December A.D. 1855.

Geo. Fisher.



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PAGE

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10  
10  
10

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75.42. 242

Land Commissioners

Canada de San Miguelito.

Petition of Heirs of  
Ramon Rodriguez

Gov. Pico ----- 1845

2 square leagues.

Santa Barbara County

Filed in office May 26. 1852  
Gov. Fisher  
Secy.

Recorded in Book of  
Petitions Vol. 1. pages 109

\$ 100. Gov. Fisher  
Secy.

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Hallahan Penning & Billings  
Commissioners at Large



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

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Juana Tico de Rodriguez  
Jose de Jesus Rodriguez  
Jose Ygnacio Rodriguez  
Juan Antonio Rodriguez  
Appellants.  
vs  
The United States  
Appellee.

Notice of intention to  
prosecute appeal from  
the decision of the  
Board of United States  
Land Commissioners.

Juana Tico de Rodriguez, Jose de Jesus Rodriguez,  
Jose Ygnacio Rodriguez, and Juan Antonio Rodriguez,  
Claimants of the Rancho known as "Cañada de San  
Miguelito," or "Cañada del Diabolo," situate in the  
County of Santa Barbara, and the Southern District  
of California, hereby give notice of their intention to  
prosecute an appeal from the decision of the Board of  
Commissioners rendered in their claim for the said land,  
which was presented to the said Board of Commissioners  
and by them rejected. Their claim being that which is  
numbered on the Docket of said Board of Commissioners  
No 242, the manuscript whereof as filed in this  
office is numbered 57.

Malleck Peachy & Billings  
Attorneys for Appellants.



No 57

United States District Court  
Southern District of California.

Juan a Tico de Rodriguez et al  
Appellants

vs

The United States.  
Appellee.

Notice of intention to  
prosecute appeal. -

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Filed Dec 26. 1854.

C. C. Fox  
clerk.

Halleck, Beachy & Billings  
Attorneys for Appellants.



No. 57.

Heirs of Ramon Rodriguez  
appellants

vs.

The United States  
Appellee

Index of Case.

The transcript contains

- I. Petition to Commissioners pp 3 & 4
- II Deposition of N. A. Dem pp. 4 & 5  
proves occupation by grantee in 1847 - his  
widow & children since his death -
- III. Deposition of H. W. Keallicks pp. 5 & 6  
proves death of grantee & names of children  
- also loss of title
- IV. Petition & provisional grant in 1845 pp 7 & 8
- V Translation of No IV.
- VI Expediente from Sur. Gen's Office pp 11 to 17
- VII. Translation of Expediente pp 18 to 23  
This Expediente contains petition, map  
w/ords of local authorities - Decree of  
concession dated March 21, 1846, full  
copy of titles of same date, Approval  
June 10, 1846
- VIII. Opinion of Commissioners pp 24, to 26
- IX. Decree pp. 26 & 27

Proceedings in U.S. Dist Court

- 1. Transcript filed Aug. 30 1854
- 2. Notice of Appeal Dec. 26. 1854

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3. Petition for Review filed Octo 12. 1855

4<sup>th</sup> Answer " Octo 15 "

5. Deposition of A. Counte " Octo 16 "

proves genuineness of signatures  
to provisional grant, occupation  
& improvements of the land, building  
of a house within the year - says  
the ranch is about 500 yards from the  
mission buildings - and west of the  
Mission & divided from the Mission  
by the River

6<sup>th</sup> Deposition of F. Tico filed Octo 16. 1855

proves death of grantee - names of  
widow & children - occupation and  
improvement of the land - building  
of house - living in it - putting  
on 500 cattle - 20 or 30 horses - all  
within the year - also existence  
of original title paper - their loss  
& contents.

Says the the road ~~from~~ between  
Santa Barbara & San Buenaventura  
passes through the ranch along  
the edge of the sea beach which  
is a boundary of the land.

7<sup>th</sup> Affidavit of the widow as to loss of  
paper filed on trial Jan'y 2. 1856

Remarks.

This case was decided by the Commissioners  
under the rule and with such testimony only as c<sup>d</sup>.  
be found in San Francisco, none of the proper  
witnesses having appeared in the case. It



was necessarily rejected for want of proofs

These proofs are now supplied and the case comes within the rules of decision made in other cases.

The occupation and improvement of this land and the building of a house by the grantee is proved, even prior to his receiving the formal title, and under the provincial grant previously given.

The existence of the original grant in the hands of the original grantee is proved, also its loss, with all the attending circumstances, and its contents. The loss of this title being proved, the expediente becomes the best secondary evidence: This contains all the proceedings of the case, with the Decree of concession, & full copy of the title issued to Rodriguez; the grant is for quantity - 2 square leagues - and the boundaries described in the grant and represented on the map in the expediente are sufficiently definite to enable the Surveyor General to locate the land.

Besides, the testimony makes the map perfectly clear - the ranch is by the map intended to be two leagues long & one league wide - It lies west of the San Buenaventura River which is one boundary - and it is on the sea coast which is another boundary - make a quadrilateral - one side being one league on the river - and another, two leagues on the sea coast, and you have the land enclosed - according to the map, and the testimony which fully explains the map.



The claim is on the strict sense of  
the laws an equitable one, and the  
peculiar circumstances of the case merit  
the most liberal consideration of the  
Court. Rodriguez was killed in the  
service of the Government, His widow  
& three small children were left with no  
property, but, this land which is exceedingly  
rough & mountainous (as proved in  
evidence) only fit for pasture and of little  
value.

No. 57.

Hern of Juan Rodriguez  
Abellan's

"  
The United States  
Appellate.

Sup of Cal

Filed Aug 23 1856.

J. S. Davis  
Clerk

W. R. D.



No 57.

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

Juana J. Rodriguez et al appellants  
vs.  
The United States, appellees } Transcript 242,

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On motion of H. W. Hullick, of counsel  
for appellants.

Ordered that additional testimony  
may be taken by either party  
in the above entitled case.



No 57.

J. I. Rodriguez et al, appellants  
vs.

The United States, appellees.

Order to take further  
testimony.

Filed Oct 9<sup>th</sup> 1885.

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PAGE 41

J. E. Farr  
Clerk.

Haskell Beachy & Billings  
Attys for appellants



No 57.

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

Juana Lico de Rodriguez et al) Petition of appellants  
appellants { praying the Court  
vs. } to review the decision of  
The United States, appellees. } the Board of Commissioners  
N. 57.

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Your petitioners, Juana Lico de Rodriguez, widow, and Jose de Jesus Rodriguez, Jose Ygnacio Rodriguez and Juan Antonio Rodriguez, children of Ramon Rodriguez, deceased, respectfully show unto this Honorable Court, that on the 26<sup>th</sup> day of May A D 1852 they filed before the Board of Commissioners their petition praying for confirmation of title to the land called "Canada de San Miguelito" or "Canada del Diabolo" situate in the present county of Santa Barbara and in the Southern District of California, which petition is hereby specially referred to for a description of the land claimed and the title of the claimants; and that on the 13<sup>th</sup> day of December A D 1853 the said Board of Commissioners decided upon the validity of said claim and rejected it:

And your petitioners further show that a Transcript of the proceedings and evidence in the aforementioned claim before the said Board of Commissioners was filed in the office of the clerk of the United States District Court for the Southern District of California, on the 30<sup>th</sup> day of August A D 1854, and that a notice of claimants' intention to prosecute the appeal from the decision of said Board



of Commissioners was duly filed in the  
office of said clerk of said court on the 26<sup>th</sup>  
day of December AD 1884.

And your petitioners pray this Honorable  
court to review the decision of said Board of  
Commissioners and, on the hearing of this cause,  
to reverse said decision and to confirm their  
title to the aforesaid land.

And they further pray that a copy  
of this petition be served upon the United  
States District Attorney for the Southern  
District of California

Hallam Peckham & Billings  
Attys for appellants.



No 57

Juanra Fico de Rodriguez et al  
Appellants  
vs.

The United States  
appellees

Petition for Review

Filed Oct. 12<sup>th</sup> 1855,

C. C. Case clk  
By J. W. Ross Dep

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Hallen, Beachy & Billings  
Atty for appellants



In the District Court of the United States  
for the Southern District of California,  
Los Angeles. Hon Isaac S. K. Ogden Judge.  
Juana Pico de Rodriguez et al  
appellants. N<sup>o</sup> 57.

vs. (Transcript N<sup>o</sup> 242)  
The United States, appellee

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The answer of Pacificus Ord, Attorney of the  
United States for the Southern District of  
California, for and in behalf of the United  
States, to the petition for Review of Juana  
Pico de Rodriguez, <sup>alleged</sup> Widow, and Jose de Jesus +  
Rodriguez, Jose Ygnacio Rodriguez, and Juan  
Antonio Rodriguez, alleged Children of  
Ramon Rodriguez, deceased, says: That he  
denies all and singular each and every  
allegation in said petition contained.  
And respondent denies further, that the  
alleged title to the land claimed in said  
petition, is valid.

And respondent prays that this ~~said~~  
Hon<sup>ble</sup> Court, will affirm the decision  
of the Board of Land Commissioners, <sup>in said cause</sup>  
and decree the said alleged title  
to be invalid. With Cost & general  
Relief.

P. Ord  
Attorney of the United States  
for the Southern Dist. of Cal.



N. 57.

Juanas Dico de Rodriguez et al  
vs.

The United States

Answer to petition for Review.

Filed Oct<sup>r</sup> 15<sup>th</sup> 1855.

A. E. Carr Clerk.  
By J. W. Roff Dep.

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T. M. D. vs.



Heirs of Ramon Rodriguez, Appellants }  
vs. } No 57

The United States, Appellees }

Deposition of Fernando Tico, a witness on the part of appellants, taken before me, Charles E. Carr, U. S. Commissioner for the Southern District of California at the City of Los Angeles, on the 16<sup>th</sup> day of Oct. A.D. 1855. to be read in evidence on the trial of the above entitled cause, Present. H. W. Halleck Counsel for appellants, P. Ord. Atty for the United States. M. N. Biggs was sworn as Interpreter.

Fernando Tico, being by me first duly sworn, ~~deposed~~ to questions propounded to him by Counsel for the several parties, upon his oath answers as follows



Ques. What is your name age and place of residence;

Ans. My name is Fernando Tico, my age is fifty seven my residence in the County of Santa Barbara.

Ques. Did you know Ramon Rodriguez, if so, is he living.

Ans. I knew him. He is dead. He died in the year 1848, December, 11<sup>th</sup>

Ques. Did he leave a widow and if so, who is she?

Ans. He left a widow, Juana Tico, who is my daughter.

Ques. Who took charge of his papers after his death.

Ans. I did

Ques. Was there among the papers of the deceased Ramon Rodriguez, any title for lands in California, and if so, of what land? (objected to by A.S. Atty)

Ans. There was a title for a portion of land called San Miguelito or Canada del Orablo

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ques. In whose name was this title, to whom did it belong.

ans. It belonged to Ramon Rodriguez.

ques. Do you know what became of this paper or those papers, or where they now are.

ans. I lost the title as I was going from San Buenaventura to Santa Barbara, together with my appointment as Tutor to the Children of Ramon Rodriguez.

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ques. Do you remember when you lost these papers?

ans. I do not recollect positively. I think it was towards the end of 1851, or beginning of 1852.

ques. For what purpose were you taking them to Santa Barbara?

ans. To present them to the Probate Court.

ques. What part of the Road did you lose them in.

ans. On the Sea Beach, at the water's edge.

ques. Did you make any search to find them.

ans. I made diligent search for them but could not find them.

ques. Have you or any one else to your knowledge ever found them since.

ans. I do not know, but I think that they must have been washed away, for when I returned the tide had risen.

ques. ~~Did you~~ search how soon after they were lost did you search for them.

ans. About one hour after I thought I had lost them, I returned to the place and it was dark and the tide rising, and thus could not find them.



Ques. Can the said papers now be produced to this Court (objected to by U.S. Atty.)

Ans. I believe it is impossible from the manner in which they were lost.

Ques. ~~Were there any title papers signed by any person or persons, and by whom?~~

Ques. How old are the children of Ramon Rodriguez whom you have mentioned.

Ans. I think the eldest must be about twelve years old.

Ques. Who represents them as agent and Tutor in this case, and who employed the Counsel in this case, if you know.

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PAGE 49

Ans. I am their agent and Tutor, and I employed the Counsel in this case.

Ques. Were the title papers which you mention as having lost, signed by any person or persons, and by whom, (objected to by U.S. Atty.)

Ans. They had the signature of the Governor, Don Pico.

Ques. Was there any other paper beside the Concession when these title papers were lost?

Ans. There was no other paper beside any appointment as Tutor to the children.

Ques. Do you remember the date or the contents of this paper so lost, (objected to by ~~Counsel~~ U.S. Atty.)

Ans. The date was some time in March 1846, and the contents were a concession of land made by the Mexican Government.

Ques. To whom was the concession made and of what land.

Ans. The Concession was made to Ramon Rodriguez, for the land known as the Cañada de San Miguelito, otherwise called



The Canada del Diablo

Ques. Was it or not in the usual form of concessions of land in California (objected to by h's atty)

Ans. It was in the same terms usually used.

Ques. Do you ~~remember~~ Was the quantity of the land mentioned in said title and if so, how much. (objected to by us atty)

Ans. Yes, it was mentioned, two sitios de Ganado Mayor.

Ques. Examine the writing on page fifteen and beginning of page sixteen of the Transcript filed in this case, and say whether or not it is a true copy of the paper so lost by you. (objected to by h's atty)

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PAGE 50

Ans. It is an exact copy.

Ques. Do you know the said Rancho called Canada de San Miguelito, if so, where is it situated.

Ans. I do know it, it is situated to the westward of San Buenaventura.

Ques. State if Ramon Rodriguez ever occupied said Rancho, if so, when and in what manner.

Ans. He occupied I dont remember the month, but it was in the year 1845. He ~~occupied~~ put about five hundred head of Cattle on it, and between twenty five and thirty head of horses.

Ques. Did he ever have a house on it, if so, when, and what kind of a house.

Ans. He built a house shortly after he put the cattle on the Rancho, the house was made of Palo Parado.

Ques. Who has occupied this Rancho since that time, if any one.



ans. It was occupied by Ramon Rodriguez up to his death, & since then by his widow, mother and other relations.

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ques. Has any other house been built on the land since the one built in 1845. If so, when, by whom, and what kind of a house.

ans. There was another built near the river by the widow, the same kind of a house as the one first built.

ques. The second house was built some time during this year.

ques. Who lives in it.

ans. The widow lives in it, and her brother Joaquin my son.  
Cross examined by U.S. Atty.

ques. Where do you live.

ans. At San Buenaventura -

ques. How far from the mission and in what direction.

ans. Close to the mission on the western side.

~~ques.~~ Immediately adjoining the mission buildings -

ques. When were you appointed Tutor of the Children of Ramon Rodriguez -

ans. I think it was in 1831. I am not quite sure and '32 or '33 - I am not quite sure but think it was previous to 1831.

ques. Who appointed you Tutor.

ans. My daughter the mother of the Children

ques. Did she give a power of some appointment

ans. She did.

ques. Have you ever had any other paper besides that making you Tutor

ans. No.

ques. Was that paper signed by the mother of



6

The Children —

Ans. Yes —

ques. Does she know how to write.

ans. She can merely write her name.

ques. Who else signed that paper.

ans. I think the paper was signed by Rasmundo Carrillo, who held some office at that time, and it was also signed by Pablo de la Guerra who made it.

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ques. Where did Pablo de la Guerra make it.

ans. In Santa Barbara, my daughter was then at the time.

ques. Do you know its date.

ans. I do not recollect the month or year.

ques. Had the paper a seal on it.

ans. It had no seal on it.

ques. Did you ever get a paper from your daughter like the one you lost, or from any body else.

ans. No, I did not.

ques. When was it that you lost these papers you have described.

ans. I do not recollect whether it was at the end of 1851, or beginning of 1852.

ques. Whose names were signed, if any, to the paper which you have described as a grant from Pico.

ans. I do not recollect of any other than the signature of ~~Pico~~ Governor Pico. It had other signatures of members of the Departmental Assembly, approving the title but I do not recollect the precise names.

ques. What was the date of that approval.

ans. I do not recollect. I might recollect



by looking at the Copies in the Transcript  
and I presume they must be of the  
same date, but I do not like to  
do so, as the question refers to the paper  
I actually lost.

Ques. What was the date of the Concession  
which you say was given by Governor  
Pico.

Ans. I do not recollect. I have seen the  
Copy in the Transcript in this case  
and there it appears to be of the  
date of March 1846. I presume  
it is the same date as contained  
the paper lost, although with regard  
to that I am only positive that it  
was in the year 1846.

Ques. In the grant of Pico you have mentioned  
what was the land called and how  
was it described.

Ans. It was called San Miguelito or Cañada  
del Diablo, but I don't recollect  
exactly how it was described.

Ques. Do you recollect anything about  
the description, <sup>in the grant</sup> if you, state all you  
can recollect.

Ans. I do not recollect any part of the  
description of the land in the aforementioned  
grant.

Ques. Do you recollect any of the Conditions  
of the grant, if you, state what they  
were.

Ans. I can ~~not~~ only recollect one Condition  
which was that the Indians living on  
the land should be maintained in  
the peaceable possession of their  
homes.

Ques. Was the grant <sup>you have mentioned</sup> on stamped paper or



Common Paper.

Ans. I do not remember.

Quer. When did you see a copy of these papers in the Transcript.

Ans. I saw them now here <sup>today</sup>, but have another copy, I saw them during and before this examination.

Quer. How long have you had a copy of this last title in your possession.

Ans. Since the end of the year 1852, or beginning of 1853. Some considerable time after I had lost the original paper, I wrote to Mr. Hallett asking him to send me a copy from the Archives.

Quer. Where did you lose these papers, what part of the Road was it.

Ans. I lost at the edge of the water on the Beach, and that a place about four leagues from San Buenaventura called Punta Gorda. I first missed the papers and returned to search for them.

Quer. Was there any one with you at the time you searched <sup>for</sup> them.

Ans. No.

Quer. Which way were you going at the time.

Ans. I was going to Santa Barbara to present the papers to the Probate Court.

Quer. How far is the land you have mentioned from the mission of San Buenaventura at its nearest point.

Ans. From the Church to the River is about one thousand yards, which is the nearest point to the Ranch.

Quer. How far is the Rancho from the main Road between San Buenaventura

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PAGE 54

EXD



and Santa Barbara.

ans. The Road passes through the Rancho.

ques. What part of the Rancho does the Road pass through

ans. along the edge of the Sea Beach which is a boundary of the land.

ques. How far is it from the Sea Beach ~~to~~ to the mouth of the Cañada of San Miguelito or San Diablo

ans. A league, a little more or less.

ques. What is the length of this Cañada from its mouth, and what is its average width?

ans. I don't recollect exactly what length it is. As to its width, it is very narrow. the mouth being its widest part. in some places it may be one hundred yards wide in others less.

ques. What is the general course of the Cañada from its mouth to its head.

ans. It is not straight, but generally runs in a westerly direction.

ques. Was the <sup>house</sup> built which Don Juan Ramon Rodriguez built in 1845, located in this Cañada or not.

ans. ~~at the~~ It was located at the extreme end ~~of~~ of the Cañada on the brow of the Hill on the South side of ~~a~~ at the Cañada, and immediately below the House was the water running into the Cañada.

ques. How far was it from this House to the Church of the Mission of San Buenaventura

ans. I think about a league and a half a little more or less, but it is impossible to calculate the distance on account of the hilly nature of the ground.



ques. How far is it from this House to the  
Lena Colorado.

ans. I don't know. There may be  
three fourths of a league.

ques. How far is it from the Lena Colorado  
to the Sea Beach.

ans. There are not two leagues. They say  
that it is two leagues, but I think it is  
less.

ques. ~~What time was it that you lost these~~  
~~papers~~

Fernando Diez

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Sworn to & subscribed  
before me, this 16<sup>th</sup> day  
of Oct. 1855.

J. E. Law  
U. S. Comr.



No 54.

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

Heirs of Ramon Rodriguez  
appellants.

vs.

The United States,  
appellees.

Filed

Deposition of Fernando  
Dico, witness for appellants.

Filed Oct 16<sup>th</sup> 1855.

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J. E. Carr  
Clerk.



1.

Heirs of Ramon Rodriguez, applt }  
vs. } No 57.  
The United States, Aphee }

Deposition of Anastasio Carrillo, a witness for  
applt, taken before Charles E. Carr, U.S. Comr  
for the South. Dist of California, at the City of  
Los Angeles this 16<sup>th</sup> day of October, A.D. 1855, to  
be read in evidence on the trial of the above entitled  
case. Present N.W. Hallett, atty for applt.  
P. Ord. U.S. atty.

W. H. Biggs was sworn as Interpreter.  
Anastasio Carrillo being by me first duly  
sworn, in answer to questions propounded  
by Counsel for the several parties, upon his  
oath replies as follows

{ { {

- Ques. What is your name, age, & place of residence?
- Ans. My name is Anastasio Carrillo, my age fifty seven years, my residence Santa Barbara.
- Ques. Do you know the handwriting of Ramon Rodriguez and Pio Pico, and what are your means of knowing.
- Ans. I know Pio Pico's handwriting, but do not recollect Ramon Rodriguez. I know Pico's writing from having seen him write.
- Ques. Examine the document now shown you and marked "A" and hereto annexed and say if the signature of Pico on this document is the genuine signature of Governor Pico. (See p. 7. of this Deposition. (S. E. Carr, U.S. Comr.))
- Ans. I have examined the document and recognize the signature of Pio Pico, as his genuine signature.
- Ques. Do you know the Rancho called the Cañada de San Miguelito, or Cañada del Diablo, if so, what County is it situated



in.  
Ans. I know it under both names, it is situated in the County of Santa Barbara.

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Ques. State if it has been occupied at any time since 1844, if so, when, by whom and in what manner

Ans. It has been occupied since that time by cattle and horses the property of Ramon Rodriguez

Ques. State if you know when Ramon Rodriguez first went into the occupation of this land,

Ans. I saw that in the year 1845, he had it occupied

Ques. Did he have any house upon it, if so when, and what kind of a house.

Ans. He had a stake house on it in the year 1845. He occupied the place under a provisional grant from the Governor.

Ques. Do you know how long he continued to occupy it, if so, state how long.

Ans. He occupied it until he died, and since then his brothers have occupied it.

Ques. When did he die

Ans. I think in the year 1848.

Ques. Did he leave any family, if so, state what family.

Ans. He left a family consisting of three sons, Jose de Jesus, Juan Antonio, and Jose Ignacio. He also left a widow - Juana Pico.

Ques. Are they now living?

Ans. They are all living.

Ques. Do you know whether Ramon Rodriguez or his brothers or family have cultivated any of this land, if so, how much?

Ans. I believe they have cultivated land on



the banks of the River, I don't think they are the interior of the Rancho because the land is not fit for Cultivation.

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PAGE 59  
Ques. Do you know anything about the application of Ramon Rodriguez for a grant of this land, if so, state what you know about it.

Ans. I do, He addressed a petition to Don Pio Pico, at the time that I was Subprefect of Santa Barbara, and I gave the necessary information on the subject.

Ques. In what year was this

Ans. It was I think <sup>beginning or middle of the</sup> year 1846.

Ques. Do you know whether he obtained a grant of this land.

Ans. It was conceded to him, after I had given the necessary information asked for by Pio Pico.

Ques. About how much stock did Rodriguez & his family have on this Rancho.

Ans. I knew that they placed on the Rancho about five hundred head of Cattle with a sufficient quantity of horses.

Cross examined by U.S. Atty.

Ques. Where is the land which you have mentioned situated

Ans. It is to the west of the Mission of San Buenaventura - it is divided from the Mission by the River.

Ques. How far is it from the Mission buildings of San Buenaventura to the Rancho.

Ans. About five hundred yards or rather more.

Ques. Who lives on the Rancho now.

Ans. The widow and a brother of hers.

Ques. How far is her house where she now lives to the mission buildings?

Ans. I don't exactly know, but I think about



a thousand varas, a little more or less.

Ques. Did Ramon Rodriguez in 1845 live in the same house where the widow now lives

Ans. No, he lived in the middle of the Rancho where he could better take care of the horses and cattle.

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PAGE 60

Ques. How far was that place where Rodriguez lived in 1845, from the house where the widow now lives.

Ans. I dont know, the ground is so broken that I cant tell.

Ques. Was it five leagues

Ans. No, It was about three quarters of a league or a league more or less.

Ques. Had Rodriguez a house where he lived in 1845

Ans. As I said before he had a little house there in 45.

Ques. Did he live there with his family.

Ans. I dont know if he had his family there, he had his brother principally lived there.

Ques. How long did he live there in that place.

Ans. I dont recollect.

Ques. When were you last at this place called Rancho.

Ans. I have been there so often, that I cannot recollect when I was there the last time. In the year 1845, I passed there many times, I dont recollect what year last passed there.

Ques. Who was living there when you last passed there.

Ans. I dont recollect exactly, I knew that Ramon Rodriguez was there but cannot



recalled if there was any one else  
there with him.

Ques. When did you last see Ramon  
Rodriguez at this place on the Ranch

Ans. I don't recollect the year.

Ques. Do you know who built the  
house where you say the widow  
Rodriguez now lives.

Ans. I don't know.

Ques. Do you know a Range of hills  
adjacent to the mission of San  
Puenaventura called the Seras  
Coloradas, and if so, state about  
how far they are from the mission.

Ans. I do. They are situated to the west  
of the mission, I suppose they are  
near two leagues from the mission, more  
or less.

Ques. How far is it from the mission buildings  
to the mouth of the Cañada, ~~or place~~ which you  
have mentioned

Ans. about a quarter of a league.

Ques. What part of the Ranch did some  
Indians of the mission live upon in the  
year 45 (objected to as to form by  
counsel for claimant)

Ans. Near to the mouth of the Cañada de  
San Miguelito.

Ques. How many Indians were living there  
at the time you made a report as  
subprefect

Ans. I don't know how many - there were  
about one or two families.

Ques. How long did they live there afterwards.

Ans. I don't know.

Ques. Do you know the place called  
Cañada del Diablo, if so, state



where it is.

Ans. I do. It is situate to the west of San Buenaventura. It is the same distance I have already stated the Canada del Diablo and the Canada de San Miguelito are the same.

Ques. Have you ever seen the Grant of this land which you say was made by Pico

Ans. I have never seen it.

Ques. Do you know or not the land and its extent, which was set apart for the Mission of San Buenaventura previous to March 19<sup>th</sup> 1846.

Ans. ~~I do not know~~ Formerly all the lands belonged to the missions. I do not what lands of the mission were rented previous to 46.

Ques. Do you or not know that previous to March 19<sup>th</sup> 1846, four sitios had been set apart or reserved to the mission of San Buenaventura, and if yes, state all you know about it.

Ans. I do not know.

Ques. Who was in possession of the mission and land at that time.

Ans. I do not know.

Ques. Do you know Juan Manso, if yes is he living and where does he live.

Ans. I know him - I know that he is alive, and think somewhere in the neighborhood of San Francisco.

Ques. Did he claim the mission at that time or any part of it.

Ans. I do not know.

Ques. Do you know that any body claimed

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PAGE 62



the Mission and its lands adjacent  
at that time, <sup>or subsequently</sup> (objected to on the ground of ineligibility)

Ans. I don't know

~~Examination in Chicago~~

Ans. Carrillo

Sworn to & subscribed  
before me this 16<sup>th</sup> of Oct  
1855.

J. E. Jan.  
U.S. Comm.

62-A

3





Al Sr. Gobernador

Ramon Rodriguez Vecino del Presi-  
dio de Santa Barbara ante la Supe-

Aug. y Mayo 20 de 1845.  
Se comede a d.

ricidad de V.E. en debida forma y co-

Ramon Rodriguez q. yo mas haya lugar en derecho compare-  
cerme y digo q. teniendo de mi propio

ganados en el paraje q. da un numero suficiente de ganados  
blanca y aqui se espe-  
ra, reserva del no vacuno y caballar cuyos bienes teno

subidos q. tenga su bienes sortengo reducidos en el para-  
instancia presentada  
en de de marzo en 1844 se nombrado comunmente el conepo,

q. se le incluye p. q. y como mis referidos intereses a las  
corra los tramites q. indica el Sr. P. J. M. ftra se hallan parte de ellos estrabia

lomo Jimeno Ministro de la Misión de S. Buenos por la suma falta de pasto en  
naventura, y al volver

la acompañen el bienes correspondiente. Aquellos campos, pido a la bondad de  
V.E. se sirba concederme provisional-  
mente para el Gobierno me resuelva

el permiso de poner mis referidos  
bienes en el paraje llamado la Ca-

trada de S. Miguel perteneciente a  
la Misión de S. Buenos a la misma q.

en el año pp. de 1844. Solicite en pro-  
piedad ante el Sr. Michelozena, como

deverá contar mi representacion y

R. D.  
1845



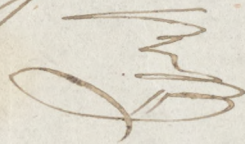
Diseño en cre anelino. Por tanto

A V. E. Rendidamente suplico se sirva acceder  
á esta mi peticion, en caso conveniente  
de cuya gracia vivire reconocido; admi-  
tiendome la presente en papel co-  
mun por falta del sellado respectivo

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PAGE 63 A

Arg. y Mayo 30 de 1845.

Ramon Rodriguez





"A"



No 57.

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

Heirs of Ramon Rodriguez,  
applt.

vs.

The United States.  
Appellees.

Deposition

Deposition of Anastasio  
Canillo, a witness for  
applt.

Filed Oct 16<sup>th</sup> 1855

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J. E. Farn  
Clerk.



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

57 SD  
PAGE 65.

Juana Tico de Rodriguez et al  
Appellants

vs.

The United States, Appellees

Transcript No 242.

Juana Tico de Rodriguez, being duly sworn deposes & says: That she is the widow of Ramon Rodriguez deceased, and one of the claimants in this case for the land called "Cañada de San Miguelito," or "Cañada del Diabolo" situate in the county of Santa Barbara in the State of California; that her said husband, Ramon Rodriguez died on or about the 11<sup>th</sup> day of December A.D. 1848, leaving deponent his widow and three small children; that her said husband died seized and possessed of the aforesaid land, holding the same, as ~~deponent~~ deponent understood and believes under a written title or grant from the Government of California; that on the death of her said husband, her father, Fernando Tico, took charge of the papers and effects of her said husband as agent of deponent and as tutor of her said minor children;

*Vertical text on the left margin:*  
The Juana Tico de Rodriguez, as before stated, is a party to this document  
It is stipulated that the affidavits shall have the same force and effect as if taken in the Court for claims  
to before a duly appointed Commissioner of the U.S. Court for the Southern District of California.  
P. D. Ad. Sec. 2. 1856.



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that among her said husbands papers  
 so taken charge of by her said father  
 deponent was informed & believes were  
 her husbands title papers for the aforesaid  
 land, but deponent being unlettered  
 is not able to particularly describe  
 them or to state particularly their  
 contents; that she was afterwards informed  
 by her said father that he had lost  
 the said original title papers on the  
 beach between San Buenaven tura and  
 Santa Barbara, to wit, some time about  
 the year 1851 or 1852, deponent not  
 remembering the exact date of said  
 loss of said papers; that deponent has  
 never seen said papers since, does  
 not know where they are, and  
 cannot produce them, and that she  
 verily believes they are lost.

Juana Tico de Rodriguez



State of California  
Santa Barbara County } SS

3

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On this 23<sup>d</sup> day of  
October A D one thousand eight hundred  
and fifty five before me George P Fisher  
County Clerk in and for the said County,  
duly commissioned by law and author-  
ized to administer oaths, personally  
appeared Juana Dico de Rodriguez and  
in my presence took and subscribed  
the foregoing affidavit.

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

George P Fisher  
County Clerk





No 57

J. J. de Rodriguez et al  
et.

The United States.

Department of Juana  
Rio de Rodriguez



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State of California  
County of San Bernardino

SS

4



State of California }  
Santa Barbara County } ss

4

I do hereby certify that with my own hands, and at the request of Juana Lico de Rodriguez, to me known as the Person described, in a certain affidavit marked No 57, said affidavit was presented to R M Wallace, in the city of Santa Barbara in the county and State aforesaid and that the said R M Wallace, stated at the time of such presentation that he did not wish to qualify as commissioner to take testimony to be used before the District Court of the United States for the Southern District of California and that thereupon the said Juana Lico de Rodriguez was duly sworn and thoroughly examined by me in every particular contained in said affidavit and that she responded satisfactorily and clearly to every question, to her put, in said examination in the same manner as expressed in the referred to affidavit and as stated in the certificate thereto annexed. In testimony of which I

herunto set my hand and the seal of the County Court on the 24<sup>th</sup> day of October A D 1855  
George S Fisher  
County Clerk

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State of California }  
Santa Barbara County }

George P Fisher to  
me known as County Clerk of said County

being duly sworn, says that the matters  
and things stated in the foregoing decla-  
ration are true and that the circum-  
stances therein cited did actually occur  
at the time and place therein stated

Santa Barbara Oct 24<sup>th</sup> 1853

sworn to and subscribed }  
before me this 24<sup>th</sup> day of }  
October A D 1853

George P Fisher

H B Steeter

Justice of the Peace

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No. 57.

Heirs of Ramon Rodriguez  
Appellants

vs  
The United States  
Appellee

Affidavit of widow  
as to loss of papers.

Filed Jan 30 1856.

C. E. Jones  
Clerk

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IN THE DISTRICT COURT OF THE UNITED STATES,

FOR THE SOUTHERN DISTRICT OF CALIFORNIA,

Los Angeles,.....December Term, 1855.

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*Manuel Pico de Rodriguez*

APPELEE,  
VS.  
UNITED STATES,  
APPELLANT.

No. 57.  
(No. 242 of Transcript.)  
On Appeal from the United States Land Commission.

On motion of P. ORD, Attorney of the United States for the Southern District of California, it is hereby

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 said United States in the above entitled cause, rendered on or about the

7<sup>th</sup> day

of January — A. D. 1856.

*P. Ord*  
*Dist. Ct.*



No. 54.

U.S. District  
Court of California

Juanico de Rodriguez  
appellee

vs  
The United States  
appellants

Office of Appeals  
Filed March 14th 1856  
C. E. Case Clerk  
By D. Morgan Deputy



United States District Court  
Southern District of California

December Term 1855

Juan Fco. Rodriguez  
Jose de Jesus Rodriguez  
Jose Ygnacio Rodriguez  
Juan Antonio Rodriguez

Appellants

vs  
The United States

Appellee

No 54  
Transcript from Land Com. No 242

This cause coming on to be heard on an appeal from the decision of the Commissioners to ascertain and settle private Land claims in the State of California approved March 30 1851 upon the Transcript of the proceedings <sup>and decision</sup> and the papers and evidence on which said decision was founded, and it appearing that said Transcript has been duly filed according to law, and Counsel for the respective parties having been heard, It is ordered, adjudged and decreed that the decision of the Commissioners be reversed, and that the claim of the said Appellants is good and valid, and the same is hereby confirmed to them to the extent of Four square Leagues of land and no more, within the boundaries described in the grant & the map, to which said grant refers, to wit: the River San Buenaventura on the East, the Bayou or swamp on the West & the Sierras Coloradas on the North - Provided that if the quantity contained within said boundaries be less than said quantity of two square Leagues then Confirmation is hereby made of said less quantity

Wm. S. Ogden  
U S Dist Judge



No 57

U.S. Dist Court  
South Dist Cal

Mana Rio delodaguz ad  
appellants

vs

The United States  
appellees

Decree

Rec'd 24<sup>th</sup> Nov 1853 p 460

Filed March 7<sup>th</sup> 1856

C. E. Can  
clerk

G. V. Morgan  
Deputy

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

Hon Isaac S. New Judge.

December Term 1856

The United States  
vs. Mrs of Rodriguez  
Appellant  
Appellee

Booklet No 52

Manuscript from the Board of Land Commissioners No 242

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



Order granting an Appeal to the Supreme Court  
heretofore made in this Cause be and the same is  
herely vacated. And that the Plaintiff have  
leave to proceed under the decree of this Court  
heretofore rendered in this Cause as under a  
Final decree  
Dated 27<sup>th</sup> Decr  
W J W Bridge

U. S. Dist Court  
Southern Dist Cal.  
No 57

The United States  
Appellant  
vs  
Merrill of Rodriguez  
Appellee

Order  
Vacating Appeal

Filed Feb 5<sup>th</sup> 1857  
Gives  
all



California Land Claims.

Attorney General's Office

29 September 1856.

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Sir:

In the case of the claim of Juan Nico de Rodriguez et al., rejected by the Commissioners, case no. two hundred and forty-two, (242), but confirmed on appeal by the District Court, appeal in the Supreme Court will not be prosecuted by the United States.

I am

Respectfully

Clint

J. Ord Esq.

U.S. Atty Los Angeles.



57

an Lico de Rodriguez

242

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Nov 4 1836



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

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Hon Isaac S. Hagen Judge

December Term 1856

The United States

Appellants

vs

Heirs of Rodriguez

Appellus

Rockets No 54

Transcript from the Board of Land Commissioners No 242

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

I Dm Dist Atty  
Halleck Paul Shilling  
Atty of Appellus



U. S. District Court  
South District Cal.

No 54

The United States  
appellants  
vs  
M<sup>r</sup> J. Rodriguez  
appellee

Shiptation  
to vacate order of  
Appeal to Supreme Court

Filed this 5th February  
1854  
Clerk  
J. W. Coleman  
clerk

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Juana Pico de Rodriguez et als. appellants

The United States, appellees.

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The claim in this case is based upon an alleged grant from Governor Pico, to Ramon Rodriguez bearing date the 21<sup>st</sup> March A D 1846, and approved by the Departmental Council on the 10<sup>th</sup> of June of the same Year. The appellants in this case claim the ~~said~~ land in question as the Widow and children, and only heirs of the said Ramon Rodriguez who is proven to have deceased.

There is no question as to the rights of the appellants as the heirs of the said Ramon Rodriguez, he is proven to have died in 1846 leaving them his only heirs.

The grounds upon which this claim was rejected by the Commission was that no substantial compliance with the conditions of the grant had by the original grantee within the requisite time had been shown, and that there was no judicial possession of the land given, there-



and the contents of the grant.

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objections. have been so often, discussed  
and considered by this Court, that  
it is not necessary for me to notice  
<sup>them</sup> further ~~more~~, than merely, to say,  
that they are supposed to defeat a  
grant otherwise good. —

The real question in this case is  
to the sufficiency of the evidence  
offered: to ~~support the allegation~~  
~~of a grant~~ to prove the fact that  
a grant did issue as alleged and  
that it was approved by the Deput  
Mental Assembly — This question  
the Commission did not undertake  
to determine as they had come to  
the conclusion to reject the claim  
upon the grounds above stated —

~~The evidence offered to prove~~  
~~these~~

The original was not been offered  
in evidence in this case and it  
is alleged to have been.

The Affidavit of one of the Claimants  
Juana Tico de Rodriguez, (Widow of  
the original grantee) is on file as  
is to the effect, That her said husband  
Ramon died on or about the 11 December  
A D 1648. leaving her self and the



claimants in this case his only heir,  
that when he so died he was legally  
possessor of the land claim, by virtue  
as she believes of a written title from  
the Government of California

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That on the death of her husband, her  
father took possession of all his papers  
as the agent of deponent and Tutor of  
her minor children, and that the  
paper taken charge of by her father Fer-  
nando Yico, was as she was informed  
and believed, the original for the land  
in question, but being unlettered she  
is unable to describe them or to state  
particularly their contents. —

That she was afterwards informed by  
her father that he had had some other  
papers on the beach between Santa  
Barbara and San Buenaventura  
some time about the year 1851. or 52.  
That she has never seen said papers  
since, that she does not know where  
they are, nor can she produce them.

The next evidence in order is the  
deposition of Fernando Yico, the father  
of the widow, taken before the United  
States Commissioner

He avers that on the death of



that on the death of Ramon Rodriguez  
which occurred in 1848. he took  
charge of all his papers, that  
among them were the title papers  
for the land in question, that the  
grant was in the name of Ramon  
Rodriguez, and that he had the  
title papers, while he was going from  
San Buenaventura to Santa Barbara.  
This in my opinion is sufficient  
to be in secondary evidence of the  
nature which is offered to wit the  
expediente of the proceeding had  
upon the original petition of Rodriguez  
for the land, and a copy of the  
grant, found among the archives  
of the former Government, now in  
possession of the Mayor.

My question was asked the wit-  
ness Tied as to the particular  
contents of the grant, and some-  
times his evidence was incoherent  
but not more so than might be  
expected from so ignorant a  
person, but his evidence upon  
that point would not have been  
admissible were the circumstances  
and therefore to that extent it is



ruled out, and we must look  
to the expedients for the contents  
the grant, that being admitted  
as evidence being conclusively  
taken together with the other tests  
may think a grant did issue  
and also the contents of that grant.  
and it is evidence of as high a  
character almost as the grant it  
self, & that expedients then we  
must turn our attention.

From it we learn that Rodriguez  
petition Governor Pico for a tract  
of land as described in a map  
which accompanied his petition  
after the usual steps were taken  
the grant was issued by Governor  
Pico on the 21<sup>st</sup> March as alleged  
and was approved by the Deput  
mental Assembly on the 10<sup>th</sup> of June  
1644, the grant describes the land  
under the name of <sup>Canada</sup> San Miguelita or  
Parada del Diablo in the Mission  
of San Buenaventura, and the  
3<sup>rd</sup> Condition further describes it as  
being for two square leagues, as shown  
in the accompanying map; Reserving  
the sovereignty to the ~~nation~~



The map is thus made a part  
of the grant and to it we must  
look a description of the land.

The map is quite definite  
enough to enable a surveyor to  
go upon and identify the land.  
The trail is surrounded by natural  
boundaries which can easily  
be found; on one side is a River  
(the San Juan Bautista) on two  
of the other sides high hills and  
on the other an aqueduct in Arroyo.  
There can be no difficulty in ac-  
certaining the tract within the ex-  
trem boundaries of which the  
quantity called for in the grant  
is to be located. The claimant,  
is therefore entitled to a confirma-  
tion of his title to the extent  
of two square leagues within  
the extrem limits as marked  
upon the map; and a decree  
will be entered accordingly.