CASE
NO. 60

CASE No.
60

SOUTHERN DISTRICT

CALLEGUAS GRANT

GABRIEL RUIZ, ET AL

CLAIMANT

LAND CASE 60 SD pgs. 95

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 430

Gabriel Ruiz et al CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Callegueas"

/

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Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, *that on this* first day of November, *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 Gabriel Ruiz et al; *for the Place named* "Calleguas"

was presented, and ordered to be filed and docketed with No. 430 *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 November 13th 1852.
In case No. 430 Gabriel Ruiz, et al: for the place named "Calleguas," the deposition of José Antonio Carrillo, a witness in behalf of the claimant, taken before Commissioner Hearne Hall, was filed:

(Vide page 19 of this Transcript.)

San Francisco Jan. 15th 1853
In the same case the deposition of Nicholas A. Den, a witness in behalf of the claimants taken before Commissioner Hiram Hall, with document marked N. D. No. 1 annexed thereto, was filed:

(Vide page 6 of this Transcript.)

Jan 15th 1853.

In the same case the deposition of José Maria Covarrubias, a witness in behalf of the claimants, taken before Commissioner Henry J. Thornton, with document marked N. J. T. annexed thereto, was filed:

(vide page 5 of this transcript)

San Francisco Jan. 20th 1853.

In the same case the deposition of Henry Carnes, a witness in behalf of the claimants taken before Commissioner Henry J. Thornton was filed:

(vide page 8 of this transcript)

San Francisco Aug. 30th 1853.

Case No 430 called; Argued, submitted, and taken under advisement by the Board.

San Francisco Nov. 4th 1853.

In the same case Commissioner Alpheus Felch, delivered the opinion of the Board confirming the claim:

(vide page 47 of this transcript.)

To the Hon. the Board of U. S. Commissioners appointed to settle private Land claims in California

The petition of Gabriel Ruiz respectfully showeth: That he and other heirs of Jose Pedro Ruiz, deceased whose names are hereinafter specified are claimants of and for the tract of land & Ranchos known by the name of Callegueas situated in the County of Santa Barbara in the State of California, bounded by the Ranchos of Las Posas, Conejo, Simi and the limits of the "Establishment" of San Buenaventura such as they were at the date of the Original grant for said Callegueas And for a more particular description of said Rancho & the quantity of land it contains, your petitioner refers to the plan & map, and the metes and bounds assigned in the Minute Roll of juridical possession thereof copies of which are herewith filed. That the said Rancho was granted to said Jose Pedro Ruiz on or about the 10th of May 1837 by Juan B Alvarado then Governor of California by virtue of the Laws and Regulations then in force and the customs of the country affecting grants of land in California. That the said grant to Pedro Ruiz was on the 20th of May 1837 approved by the Diputation or Assembly That on or about the 9th of November 1839 said Pedro Ruiz petitioned the proper judicial officer to give him possession of said land and that juridical possession was accordingly given, as by reference to the minutes of Proceedings thereon copies of which are herewith filed will more fully appear. That in or about the month of February 1849 the said Jose Pedro Ruiz departed this life without leaving any will or testament, that was ever admitted to Probate and without making any testamentary or other disposition of the said Rancho Callegueas and that he left him surviving: Maria Ignacia Lugo de Ruiz his wife, his sons Carlos Ruiz, Gabriel Ruiz your petitioner, Geronimo Ruiz, Jose Antonio Ruiz, Baltasar Ruiz, Ramon Ruiz and Jose Antonio Ruiz, Ana his daughter, Bernardo Ruiz, Alcario Ruiz, Caledonia Ruiz and Dragarina Ruiz; the following of his deceased daughter Petra Ruiz viz Guadalupe, Soledad & Jose Arellanes. The following issue of his deceased daughter Presentacion viz: Maria Los Angeles and Concepcion Pico which

which last mentioned Chapita has since died leaving her surviving, her husband Ignacio Esquerra and two daughters the issue of his marriage with him viz Josefa & Blanca And your petitioner further shows that since the death of the said Jose Pedro Ruiz, the said Dorotea one of his daughters above mentioned died intestate seised of her proportional undivided interest in said Rancho and left her surviving her husband Esteban Ortega and the following issue of his marriage viz Francisco Jose Dolores Refugio, Prudencia, Maria de los Angeles, Jose Ramon Jose del Carmen, Sebastian Ortega

Your petitioner further shows that the said Rancho has never been divided or partitioned among the said several heirs of Jose Pedro Ruiz and that the same is still and possessed in common by the said widow and the other heirs at Law of said Jose Pedro Ruiz, whose names are above specified proportionately and according to the laws regulating the Descents and distributions of real Estate in California

And your petitioner further shows, that the said Rancho of Cañiquas has been in actual and peaceable possession of the said Jose Pedro Ruiz and his said heirs from the date of said grant to the present time, that it has not been surveyed by the U.S. Surveyor General for California and that there is no conflicting claim thereto known to your petitioner The evidence on which your petitioner relies consists of the records of this grant in the Office of the Surveyor General certified copies of which your petitioner prays leave to file as parts of this petition, as soon as the same can be procured original papers and maps in the possession of your petitioner ready to be produced and proved and of which copies are herewith filed as parts of this petition and the testimony of witnesses to be produced before your Honorable Board Respectfully submitted for such action as the Justice and nature of the claim may require

E. O. Crosby
of Counsel for Claimant

Filed in Office Nov. 1st 1852
Geo. Fisher Secy

San Francisco Land 15th 1852

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Deposition of Jose Maria Covarrubias

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San Francisco Jany 15th 1853

On this day before me Wm. Harry I Thornton came Jose Maria Covarrubias a witness in behalf of the Claimants Gabriel Ruiz et al petition No 430 and was duly sworn, his evidence being interpreted by the Secretary

Questions by the Complainants

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

Answer. My name is Jose Maria Covarrubias, my age is forty four and my residence is Santa Barbara California

Question 2d Are you acquainted with the handwriting of Antonio F Coronel Juan de Dios Padilla, Felipe Vubuzuala, John Temple, Guellermo Cota, Vicente Sanchez, Jose Antonio Carrillo and if so look upon the document now here shewn you and marked as Exhibit No 1 and filed herewith and say whether the names of the persons above named wherever they occur in and upon the said document are the genuine signatures of those persons

Answer. I am well acquainted with handwriting of the persons named in the above interrogatory having seen them write and state that the handwriting of each of them where it occurs, in and upon the document exhibited is the genuine signature of them respectively

Jose Ma Covarrubias

U. S. Land Agent present
Sworn to and subscribed before me
this 17th Jany 1853 Harry I Thornton Comr &c.

Filed in Office Jany 15th 1853
Geo. Fisher Secy

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Deposition of N. A. Den

60 SD
PAGE 7

San Francisco Jany 14th 1853

On this day before me Wm Heland Hall came Nicholas A Den a witness in behalf of Gabriel Ruiz et Al petition No 430 and was duly sworn, his evidence being given in English

The U S Associate Law Agent was present

In answer to questions & Enquiries by Counsel for the claimants the witness testified as follows viz

My name is Nicholas A Den my age is forty years & I reside at Santa Barbara

I am acquainted with the hand writing & signatures of Juan B Alvarado, Antonio Rodriguez & Luis Carillo A paper is now shown me purporting to be a grant from Governor Alvarado to Jose Pedro Ruiz dated May 10th 1837 to which is annexed a testimonial of Juridical possession & of approval by the Territorial Deputation. I have Examined the signatures of the said several persons appearing on said paper & believe them all to be genuine, said paper is here annexed and marked H H No 1

I was knowing to the opening of the said grant & to the giving of the judicial possession of the land as shown by said papers.

I was acquainted with Jose Pedro Ruiz & his family. He died three or four years ago. He left a widow named Maria Ignacia Lugo. He left the following Children – The sons were Carlos, Geronimo, Gabriel, Jose, Baltazar, Ramon & Jose Antonio & the daughters were Bernarda, Arcadia, Celedonia & Dolorosa – seven sons & four daughters. There were living at the time of the death of their father, said Ruiz had also three other daughters, who died previous to his decease one of whom was Presentacion & another Petra

Presentacion was married to Rafael Rico & left at her decease as I think, three Children viz Rafael and another Chepita & Maria de los Angeles. Chepita married a man by the name of Esquivel & died & as I understand left Children but I did not know them – Petra was married to Francisco Ure Lanes

& left three Children, named Jose, Guadalupe & Soledad
Since the death of Jose Pedro Ruiz, his daughter Dorogram
has deceased. She was the wife of Estebean Ortega
and died a few months ago leaving several children
whose names are, according to my best knowledge &
belief as follows Jose Dolores, Jose Ramon, Jose del
Edvarnen, Sebastian, Francisca, Refugio, Prudencia
and Maria de los Angeles.
I am acquainted with the land called Calleguas, desc
ribed in the papers before mentioned Jose Pedro Ruiz
occupied the land soon after the grants & occupied
it with his family until his decease & it has been continued
to be occupied by the family to the present time
He planted a vineyard and cultivated a portion of the
land and occupied it with stock, and his family
have done the same since his decease. The land
is in the County of Santa Barbara & is situated some
fifty or sixty miles to the South East of the town
of Santa Barbara

Notice acknowledged N. A. Dem
Robert Green Scott
Asst Land Agent

Sworn and subscribed before me
Hieland Hall Comr

Filed in Office Jany 15th 1853
Geo. Fisher Secy

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Deposition of Henry Carnes

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San Francisco Jany 20th 1853

On this day before Wm Harry J Thornton came Henry Carnes, a Witness in behalf of the Claimants Gabriel Gabriel Ruiz et al, petition No 430 And was duly sworn his evidence being given in English The U. S. Associate Law Agent was present.

Questions by Claimant

Question 1st What is your name Age and place of residence

Answer. My name is Henry Carnes, my age is thirty years My place of Residence is Santa Barbara

Question 2d Are you acquainted with the rancho claimed in this case, And if so state where it is situated & to whom was it granted?

Answer. I am acquainted with the the rancho called Calaguias, and it was granted to Jose Pedro Ruiz who died in 1851 or in December 1850 and his children are the present Claimants.

Question 3d Do you or not know whether the said Ruiz the Original grantee had children, and if so state whether any are dead, if so which one or by what name called.

Answer. I do know that the said Ruiz had a daughter by the name of Pasintabon who died before her father leaving three children, two daughters and one son, One of those daughters named Josefa died leaving two children whose names I think are Jane & one Blendena, and a husband named Ignatio Esquena U. S. Law Agent present

Henry Carnes

Sworn & subscribed before me this 20th of Jany 1853

Harry J Thornton Com &c

Filed in Office Jany 20th 1853

Geo. Fisher Secy

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Deposition of Antonio Carrillo

No. 430. Los Angeles Nov. 13th 1852

On this day before Wm Heland Hall came Jose Antonio Carrillo, a witness in behalf of the Claimants Gabriel Ruiz et al, and was duly sworn, his evidence being interpreted by the Secretary

The U. S. Associate Law Agent was present

In answer to Enquiries by Counsel for the Claimants the witness testifies as follows
My Name is Jose Antonio Carrillo, my age is fifty seven years, And I resides in Los Angeles
I knew Jose Pedro Ruiz who has been dead two three years ago, I cannot tell the precise time of his death He left a number of Children. The names of the Children were Carlos, Geronimo, Gabriel, Jose, Battazar, Simeon & Jose Antonio seven sons and Bernarda, Arcadia, Celedonia & Dolorosa four daughters - These are all living - There were other daughters - named Presentacion & Petra who are deceased. Presentacion left Children, but I do not know their names nor how many - Ruiz died in Santa Barbara as I have understood

Jose. Anto Carrillo

Sworn & subscribed before me
Heland Hall Com

Filed in Office Nov. 13th 1852
Geo. Fisher Secy

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H H nº 1

El Ciudadano Juan Bautista Alvarado, Gobernador del Estado, Coronel de la Milicia Cívica y Presidente de la Sama Diputacion del mismo

Document H H nº 1 annexed to the depo. of N. A Den

Por cuanto el Cro Jose Pedro Ruiz ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de Calleguas, dentro de los linderos del diseño que acompaño a su solicitud; practicadas previamente las diligencias consorientes, segun lo dispuesto por las leyes y reglamentos de la materia, usando de las facultades que me son concedidas, a nombre de la Nacion Mexicana, he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras, entendiendose dicha concesion con entera conformidad á las leyes a reserva de la aprobacion ó desaprobacion de la Sama Diputacion y bajo las condiciones siguientes.

1ª Los agraciados ni sus herederos podran dividir ni enagenar el que se les adjudica: imponerle censo, vinculo, fianza, hipoteca ni otro gravamen aun que sea por causa piadosa ni pasarlo a manos muertas

2º Podran cercarlo sin perjudicar las travesias caminos y servidumbres; lo disfrutará libre y esclusivamente destinandolo al cultivo y uso que mejor le acomode.

3ª Cuando se les confiera la propiedad solicitará del Juez respectivo les dé la posesion legítima o jurídica en virtud de este despacho por el cual se demarcaran los linderos y pondran sus mojoneras.

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

En consecuencia mando que sirviendole de titulo el presente y teniendose por firme y valedero, se tome razon en el libro que corresponde, y se entregue al interesado para su resguardo y demas fines que convengan

Dado en la Ex= Mision de Sta Barbara

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a 10 de Mayo de 1837

Juan B. Alvarado

V.º Prudon Srio int.º

En sesion de 20 de Mayo de 1837 aprobó la Lma Diputacion erigida en Congreso Constituyente las proposiciones del dictamen de la Comision de terrenos baldios que a la letra es como sigue.

1.º Se le concede al Ciudadano José Pedro Ruiz el parage nombrado Cayeguas por ocurrir los requisitos que previene la ley de 18 de Agosto de 1824 y el art.º 5.º del reglam.to de 21 de Nov.re de 1828.

2.º Comprenderá la concesion desde los linderos de Simi, el Conejo Guadalamira Poras y S.ta Buena Ventura. S.ta Barbara Mayo 28 de 1837 — Antonino Buelna — José Ramon Estrada.

Juan B. Alvarado

Victor Prudon

El agraciado agregará tarjado un pliego de a seis pesos conforme a la ley

V. Prudon

Se cumplirá

430

Por Juez de Paz de este punto

Sta Barbara
9bre 10 d. 1839
En vista de la presente Solicitud que hace el interesado ha dispuesto este Juzgado de mi Cargo proceder a la posecion jurídica el martes proximo 12 del Corriente
Antonio Rodriguez
Juez de Paz de esta Municipalidad así lo decreto, mandó y firmó
Antonio Rodriguez
Luis Carrillo
Srio interino

José Pedro Ruiz avecindado en esta municipalidad ante V. como mejor haya lugar en derecho y al Suyo Convenga, se presenta y dice que habiendo solicitado del Gobierno del Departamento la adjudicacion del terreno que expresa el diceño adjunto, se le concedió por dho gobierno con fha 10 del Marzo de 1837 y se aprobo por la Exma Diputacion en 21 del mismo mes y año como lo acredita el titulo que debidamente acompaña. En tal virtud, y en la de ser requisito de ley q. para mayor Seguridad del interesado en asunto de esta naturaleza solicite del Juez respectivo la posecion jurídica, la emplaza a la presente el que Suscribe de la autoridad q. V. representa. Por tanto

A V. Suplica se sirva tener la bondad de pasar a darle la referida posecion del mencionado parage en lo que recibirá merced y gracia sirviendose dar a este papel comun toda su validacion por no haber en este punto del sellado que corresponde Sta Barbara Nbre 9 de 1839

En el Presidio de Sta Barbara á los doce dias del mes de Nbre de 1839 anuente á la Solicitud del Ciudadano José Pedro Ruiz a fin de que se le de la correspondiente posecion del Sitio llamado Callegas, concedido por el Gobierno de este Departamento, y habiendo la falta de un agrimensor que para efecto de las medidas correspondientes debia comparecer para que mida el enunciado terreno lo hice yo el primer nombrado Juez de

Paz Ciudadano Antonio Rodriguez con total arreglo á las primeras medidas que se han practicado cuyo diseño se agregara al expediente, pasese por mi y los testigos de asistencia al expresado sitio y procedase a dar la posesion indicada con arreglo al titulo que se le ha conferido por el Gobierno con fha 10 de Mayo de 1837 Yo el expresado Juez de este punto así lo decreté, mandé y firmé con los testigos de mi asistencia Doy fe

Antonio Rodriguez

asista
Luis Carrillo

asista
Vicente Pico

En el rancho nombrado Callegueas á los trece dias del mes de Nbre de 1837 el Juez que subscribe habiendo echo citacion de Colindantes comparecieron estos que fueron los Ciudadanos Jose Carrillo por el Rancho de las Posas Luis Carrillo por el de Simi, Jose Mª Rodriguez por el del Conejo y Vicente Pico como mayordomo por el establecimiento de S. Buenaventura, les hice saber el objeto con que me habia conducido aquel parage, y que en este caso presentasen los documentos que respectivamente tubiesen sobre propiedad de aquel terreno pues iba á medirlo y poner en posesion de el al Ciudadano Jose Pedro Ruiz y no habiendo presentado documentos ninguno que empedieran las medidas les dije que iba á proceder á ellas; lo que pongo por diligencia que autorizo y firmo con los de asistencia Segun derecho.

Antonio Rodriguez

asista
Luis Carrillo

asista
Vicente Pico

En el referido lugar a los Catorce dias del mismo mes y año yo el propio Juez para la practica de estas diligencias nombre dos oficiales medidores y dos Cordeleros a quienes les hice saber su nombramiento el que aceptaron bajo de juramento que otorgaron, ofreciendo desempeñar fielmente

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su encargo, lo que autorizo y firmo con los testigos de mi asistencia segun derecho

Antonio Rodriguez

acsa
Luis Carrillo

acsa
Vicente Pico

En el mismo dia mes y año estando en el paraje nombrado la Brea cuyo colinda al sur con el rancho nombrado la Laguna al oriente con el Conejo al Norte con el de las Posas y al poniente con el establecimiento de S. Buenaventura a efecto de verificar las medidas y posesion que corresponde al Sor Jose Pedro Ruiz del sitio nombrado Callegas previos todos los requisitos de ley y estando ante mi los testigos de asistencia los oficiales medidores y yo el Juez Ciudadano Antonio Rodriguez hise medir un cordel que contenia cincuenta varas, el cual fue examinado y reconocido y haciendo á sus extremos unos sancos de madera, y por mi disposicion se tiró el cordel rumbo al Norte comensando desde la oria de las lomas en donde estan tres alamos unicos q.e sirbieron de mojonera y habiendo medido tres cuartos de legua remato al pie de la cuchilla de los Posas en donde se clabo un palo en señal de mojonera y en prosecucion se tiro la cuerda por sobre una cuchilla rumbo al oriente y habiendose medido legua y cuarto remato la medida en lo alto de una loma q.e esta contigua a la tierra rajada y en seguida se tiró rumbo al Sur ~~por la oria de unas~~ trosando la cañada de S.ta Rosa y se midio un cuarto de legua habiendo rematado la medida en lo alto de una loma en donde se clabo un palo en señal de mojonera y en conclucion se tiro la cuerda rumbo al poniente por la oria de unas lomas y se midio legua y media habiendo rematado en el punto donde se principiaron y se concluyeron las medidas de este sitio a satisfaccion del interesado lo que pongo por diligencia que autorizo y firmo con los testigos indicados

Antonio Rodriguez

acsa
Luis Carrillo

acsa
Vicente Pico

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Filed in office Jany 15th 1853
Geo: Fisher
Sec

Exhibit B.

The Citizen Juan Bautista Alvarado Governor of the State, Colonel of the Civic Militia and president of the Most-Excellent the Deputation of said State.

Whereas the Citizen Jose Pedro Ruiz has claimed for his personal benefit and that of his family the tract known by the name of Cullequas within the limits of the sketch which he subjoined to his petition, after going through those proceedings in that behalf which the Law and the Regulation affecting the matter, direct to the exercise of the powers granted to me, in the name of the Mexican nation I have come to grant to him the aforesaid tract of land declaring the Ownership thereof to be vested in him by these presents, said grant being understood to be in entire Conformity with the Law, under reservation of the Approval or disapproval of the most Excellent the Deputation and under the following Conditions—

1st The grantee nor his heirs shall not have power to divest or alien the aforesaid tract, burden it with rent charge entail, bond mortgage nor any other incumbrance although for a religious Object nor deduce the same to Mortmain

2d They may fence the same without prejudice to the Crossroads high ways and rights of way: he may enjoy it freely and exclusively devoting it to such cultivation and use as best may suit them

3d When the Ownership be Conferred upon him, he shall petition the Judge having jurisdiction to give him the legitimate & juridical possession by virtue of this grant: said Judge shall assign the limits and the grantee shall place his Landmarks

4th The tract hereby granted is merely that mentioned in the petition of the parties interested, and is marked in the design annexed to the Minutes of Preliminary Proceedings and the judge who gives possession shall report to this Government, the number of Rancos which it Contains

Wherefore I order that these presents being his title and being ~~Confirmed~~ held as firm and Valid be entered of record in the appropriate book and delivered to the

in interest for his protection and other behooving purposes
Given at the Ex Mission of Sta Barbara
May 10th 1837

Juan B Alvarado
Victor Prudon Secretary pro tem

In dispacho of the 20th of May 1837. The most Excellent the Deputation erected into a Constituent Congress, approved the propositions of the report of the Committee on Waste lands which is literally as follows

1st Grant is made to the citizen Jose Pedro Ruiz of the tract called Cayeguas in as much as it has the requisites required by the Law of August 18th 1824 and Art 5th of the regulations of Nov 21 1828

2d The grant will extend from the boundaries of Simi el Conejo, Guadalamizo, Posas and Buenaventura

Sta Barbara May 28-1837 = Antonino Buelna
Jose Ramon Estrado — Juan B Alvarado
Victor Prudon.

The parties will annex, defaced, a sheet of six dollar stamps to conform to the Law. V. Prudon

To the Justice of the Peace of this Place

Sir

Jose Pedro Ruiz a resident of this town before you in due manner and form as is most agreeable to law and behooving to his own cause appears and says, that he having solicited the Government of the Department to adjudicate to him the tract of land mentioned in the annexed design the same was conceded to him under date 10th of May 1837 and (the grant was) approved by the Most Excellent the Deputation, on the 20th of same month and year as appears by the grant which he duly subjoins. Wherefore and in as much as the Law requires, that for greater security of the party interested in matters of this nature he should petition the

Sta Ba Nov. 10 1839

In view of the present petition made by the party in interest, this Court and my Charge has decreed to proceed to the Juridical possession Tuesday next 12 inst. Antonio Rodriguez Justice of the Peace of this Town has so decreed ordered & subscribed

Antonio Rodriguez
Luis Vanello
Secretary ad interim

Competent Magistrate to give him juridical possession, the undersigned at present solicits the same from you in your Official Capacity - Wherefore he beseeches you to be pleased to have the goodness to repair to give him said possession of the tract above mentioned wherein he will receive Mercy And Favor. Vouchsafe to give entire entire Sanction to this Common paper, there being none in this place of the proper Stamps.

Sta Barbara Nov 9. 1839

At the town (presidio) of Sta Barbara on the twelfth day of November 1839 - in the Compliance with the petition of the Citizen Jose Pedro Ruiz for the purpose of giving him the due possession of the premises called Calleguas granted by the Government of this Department and there being no Surveyor, although for the due measurements there ought to be one who could survey said tract, his place was filled by me the first Nominated Justice of the Peace Citizen Antonio Rodriguez in entire Conformity with the formed Measurements taken the plan whereof will be annexed to the Minutes of Proceedings - Ordered that I and the Attesting witnesses repair to the said premises and proceed to give the said possession in accordance with the letter Conferred upon him by the Government under date of May 10 - 1837 I the said Judge of this place have so decreed ordered and subscribed with my Attesting witnesses. Witness my hand

Antonio Rodriguez

Attest = Luis Carrillo. Attest Vicente Pico

At the Rancho called Calleguas on the thirteenth day of the month of November 1839 - The undersigned Judge having summoned the Owners of neighboring lands, the latter appeared Viz Jose Carrillo in behalf of the Rancho las Posas, Luis Carrillo in behalf in behalf of that of Simi, Jose Mª Rodriguez in behalf of El Conejo & Vicente Pico as Steward of the Establishment of S Buenaventura - I informed them of the Object of my visit to these premises and that they should in this Case produce any Documents they

respectively may have concerning ownership of that in
as much as I was about to survey the same and put
in possession there of the Citizen Jose Pedro Ruiz, and
they not presenting any documents that could prevent the
survey, I told them I would now proceed to the same
Whereof I take note - certifying and subscribing the same
with the attesting witnesses according to law

Antonio Rodriguez

Attest Luis Carrillo. Attest Vicente Pico

At the said place on the fourteenth day of the said month
same year, I the Judge in person, for the practical part
of these proceedings appointed two Official measurers and
two line bearers whom I notified of their appointment
they accepted the same under the oath which they
took, promising faithfully to fulfill their charge which
I certify and subscribe with my attesting witnesses
according to Law Antonio Rodriguez
Attest - Luis Carrillo. Attest Vicente Pico

On this same day month and year being at the
place called La Brea which is bounded South by
the Rancho called La Guna East by that of the Conejo.
North by that of Las Posas and west by the Establishment
of the San Buenaventura, for the purpose of carrying into
effect the survey and delivery of possession to which
Mr Jose Pedro Ruiz is entitled of the premises called
Calleguas, all the requisites of the Law having been
first complied with, and having in my presence the
attesting witnesses and the official chain bearers, I
the Judge Citizen Antonio Rodriguez, caused a
line to be measured consisting of fifty varas which
was examined and verified, 2 wooden poles were
fastened at the extremities, and under my directions the
line was drawn North - Beginning at the edge of the
hills where three Elms stand alone which were taken
for a land mark - A measurement of three fourths of

of a league ended at the foot of the spur of Los Pasas where a stake was driven in sign of landmark And in furtherance, the end was drawn westward spur Eastwardly and a measurement of one and a quarter leage ended at the top of a hill close to the spur ground (tierra rajada) and afterwards it was drawn Southwardly cutting the Canada of Sta Rosa and there measured a quarter of a league which measurement ended at the top of a hill where a stake was driven in token of land mark and in conclusion the line was drawn Westwardly along the edge of some hills and a measurement of one and half league ended at the place where these measurements of this tract commenced and were now terminated to the satisfaction of the party in interest which I note, certify and subscribe with the said Witnesses

Antonio Rodriguez

Attest Luis Vanello Attest Vicente Pico

Filed in office Nov. 1st 1853
Geo Fisher Secy

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/ S. D. K.

Espediente
Promovido por el Ciudadano José
Pedro Ruiz en pretencion del
parage nombrado Callegua

1837

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Exhibit
N.o 1

Exmo Sor

2 S. D. K

Sta Barbara
Abril 20 de 1837
Informe el Ytre Ayuntamiento de esta municipalidad si el Solicitante obtiene todos los requisitos legales p.a ser atendido en su instancia, si el terreno q.e pretende esta en el caso de adjudicarse en colonizacion, conforme á las leyes.
Evacuados estos informes, volverá el exped.te al gobierno p.a su resolucion.
Alvarado

Jose Pedro Ruiz, natural y vecino de este puerto, ante la Superior autoridad de V. E. respetuosam.te espongo: Que cargado de años y de familia, los que he consagrado al Servicio del pais California, como podre justificarlo con mis gloriosas heridas y el testimonio publico q.e son mis hojas de Servicio, imploro ahora de la benevolencia caracteristica de V. E. una corta porcion de la tierra q.e mis armas han defendido de la opresion. Libre ya de ella, gracias a los esfuerzos valorosos de V. E. q.e se desvela p.a q.e el nombre California sea, como quizo la naturaleza, sinónimo de venturoso, no dudo q.e se servira V. E. acceder a la Solicitud de un Soldado viejo q.e solo siento haber nacido en el Siglo 18 por no poder ofrecer ahora a V. E. mas q.e un brazo inutil. Si, Sor Exmo, se q.e tengo un competidor respetable con quien no osare rivalizar si no me animara la persuacion de q.e V. E. imparcial en la distribucion de sus beneficios debe preferir al q.e mas los necesite.

El terreno conocido con el nombre de Callegnas está valdio aunq.e lo ocupa sin titulo el Capitan retirado D.n Jose Ant.o de la Guerra y Noriega quien teniendo tierras feraces e inmensos criaderos donde pueden caber con amplitud sus ganados vacuno y caballar, no solo se opone a q.e yo impetre de V. E. el mencionado Sitio, cuya posesion no le ha sido otorgada por ningun Gobernante, sino q.e me

estrecha a q.e saque mis bienes de Simi, donde los he tenido por carecer de un terreno propio.

Mi familia es numerosa, y no cuento con otro recurso para sostenerla q.e la cria de mi ganado y el fruto de mis trabajos campestres. Para uno y otro necesito de un terreno a proposito. Por tanto

4 S. D.K.

A V.E. Suplico q.e atendiendo á mis numerosos servicios, y á la justicia q.e asiste á mi peticion, se digne concederme la merced q.e imploro, recibiendo en justa retribucion el testimonio sincero de mi gratitud eterna.

S.ta Barbara Abril 20 de 1837

No se firmar

Otro Si: A V.E. Suplico se sirva admitirme esta en papel comun, por no haberlo del sello q.e corresponde.

S.ta Barbara Mayo 1.o de 1837

Vuelva este espediente a la parte de D.n Jose Ruiz para que impuesto del informe de D. Jose de la Guerra y Noriega conteste lo que mejor convenga en justicia.

Alvarado

Señor

Habiendo de contestar esponiendo lo que encuentro de justicia para la concesion de lo que pretendo digo: que no es mi intencion ni solicito cercenar un palmo de tierra de la parte de Simi y de la propiedad del Sor D. Jose Noriega y si solo mi peticion se contrae a suplicar a V.E. el que por mis servicios y merito lla dichos se sirva consederme todo el terreno espresado desde la Cañada del Salto lindero del rancho de Simi. Esto creo de justicia Señor, pues lo que francam.te dise el Sor Noriega que puede consederme, arriba de estas tierras quedan los mejores para siembras y quedan tambien las principales vertientes que no son pertenecientes al

29.

rancho de Simi y si algun pretendo

Sta. Barbara Mayo 1º de 1837

A ruego de Jose Pedro Ruiz por no saber firmar

Franco. J. Alvarado

6 S.D.K.

Y Ayuntamiento

La comision a quien V.S. se ha servido confiar para q.e determine sobre el espediente que forma mi Solicitud del invalido Jose Pedro Ruiz en pretencion del paraje nombrado Calleguas, en observancia del decreto del Govierno de fecha 20 del presente, expone que el interesado obtiene todos los requisitos legales para ser atendido en su solicitud que el terreno q.e pretende se aya en estado de adjudicarse en colonizacion conforme a la Ley de 18 de Agosto de 1824 y al reglamento de Noviembre de 1828 pues aunque sea conocido por de la pertenencia del Sr. D. Jose Nonega se cree que dicho sitio no se le a sido conferido por el Gobierno ni menos tiene una necesidad de ocuparlo por tener tener otros donde puedan mantenerse sus ganados. El que representa es Ono. Mejicano ameritado, tiene buena conducta y bienes con que poblarlo, por lo que se ase acreedor a ser amparado por la Ley y por las consideraciones del Govierno a quien represente

Por tanto ofrece la Comision a la deliberacion de V.S. la siguiente proposicion Puede el Govierno adjudicar en propiedad al Ono. Jose Ruiz el paraje nombrado Calleguas.

7 S.D.K.

Sta. Barbara Abril 22 de 1837

Santiago Lugo Pablo Vanega

Señor Sor.

En seccion de hoy aprovó el V. Ayun= =tamiento la proposicion del dictamen antecedente acordando vuelva el espediente al Govierno para su resolucion

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Fha ut supra

Diego Olvera

Srio

Benito Diaz

Sta Barbara Abril 22 de 1857

Pase este expediente á la parte de D. Jose de la Guerra y Noriega para que en el termino de cuatro dias alegue en su favor todo lo que estime conveniente.

Alvarado

8 S.D.K.

Exmo Señor

El parage en cuestion, conocido por de Cayegüas, que solo se estiende hta el paralelo de la Cañada que llaman del Salto, desde la Laguna o aguaje de la mojonera, lo he ocupado pacificamente sin interrupcion ni reclamo por espacio de quince años. Cierto es que no tengo de el una concesion escriturada, pero la posesion de buena fee en todo el tiempo indicado y la tácita aprovacion de quantos han governado el territorio desde aquella fha, entiendo q. a lo menos hace mi dro a él de mejor condicion que el de qualquiera otro que procurase su adjudicacion. El actual pretendiente, es en verdad un sujeto que aprecio y le he dado pruebas de mi estimacion, y si su solicitud se contrajese a pedir desde la limita q. separa las Cienegas de Cayegüas del Corral de las Vegas, tomando segun su diseño, para el fte, yo cederia de buena voluntad el lugar donde en la actualidad mantengo mi chinchorro; mas segun aparece del diseño citado, no solam.te aspira á todo Cayegüas, sino que tambien incluye alguna pte de los terrenos de Simi. Respeto que deseo al solicitante todo el bien posible, y si variase los rumbos de su solicitud, le cederia gustosisimo el lugar que he insignuado; pero en todo caso, me resigno a lo que el Got.o disponga, seg.ro de que jamas intentare ning.a reclamacion.

9 S.D.K.

Y es q.to espongo en cumplim.to del

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antecedte. Supor. decreto.
Sta Barbara 21 de Abril de 1837
José de la Guerra y Noriega

Plantas arriba

Exmo Sor

La Comision de terrenos valdios impuesta
del espediente promovido por el C. José Pedro Ruiz

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he informe del Sor Capitan D.n Jose Noriega, sobre el paraje de Calleguas, Sitio, ocupado por el Segundo Segun espresa dho informe que este Sitio lo ocupa en pacifica posecion por el termino de quinse años solamente ocupado con tacita posecion de cuantos han gobernado desde aquella fecha y que hace derecho de mejor condicion que el de cualesquiera otro, que procurase su adjudicacion y que el actual pretendiente es en verdad un sujeto que aprecia y le ha dado pruebas de estimacion; La Comision opina que es de derecho mayor la necesidad de Ruiz segun se ve que el Sor Capitan en consideracion al aprecio que tiene a Ruiz pues el alegato que hace que por el termino de quince años que ocupa el derecho de posecion pacifica; Dice la Comision que no es derecho legal sin constar documentos ni bienes raizes que es lo que puede asegurar lejitimidad; mas penetrada la Comision de que el Sor Capitan posee algunos Sitios de ganado mayor, y Ruiz no ocupa ni un palmo de tierra en posecion para el mantenimiento de su numerosa familia, por lo que hace á bienes Semovientes, de consiguiente, Exmo Sor, la Comision se haya penetrada, y espone que no tiene por que negarsele el derecho que le asiste en justicia á Jose P. Ruiz sin llegar a profundizar los requisitos mas que le adornan, y pone a la deliberacion de V.E. las Sig.tes proposiciones:

1.a Se le concede al C. Jose Pedro Ruiz el paraje nombrado Calleguas, por obtener los requisitos que previene la Ley de 18 de Ag.to de 1824 y el art.o 5.o del reglamento de 21 de Nbre de 1828

2.a Comprenderá la concesion desde los linderos de Simi, el Conejo, Guadalasa, Posas y San Buenaventura.

Santa Barbara Mayo 16 de 1837

Antonino Buelna Jose R. Estrada

Sta. Barbara Mayo 20 de 1837

En Sesion de hoy se le dispensaron los tramites a las proposiciones del dictamen que

que antecede y fueron aprobadas por mayoria absoluta de votos.

Antonino Buelna
Presta.

Jose Mª Covarrubias
Srio

Se espidió en propiedad el título corres= =pondiente al interesado.

Alvarado

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, 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 hereunto annexed pages of tracing paper numbered 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 a part of the archives in this office.

In testimony whereof I have hereunto signed my name officially, /not having a seal of office/ at the City of San Francisco this 27th. day of October 1852

Sam D. King
Surv Genl Cal

Filed in office Aug. 30. 1853
Geo: Fisher
Sec

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Record of Proceedings at the instance of the Citizen Jose Pedro Ruiz soliciting the location called

Cullequas

1837

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Excellent Sir

I Jose Pedro Ruiz a native and resident of this Port before your Excellency's Superior Authority respectfully shows: That burthened with years and a family, which I have devoted to the service of the Country of California as I shall be able to justify by my glorious wounds and the public testimonies which are my laurels of service implore now of your Excellency's characteristic benevolence a small portion of the land which my arms have defended from oppression. Now free from it thanks to your Excellency's Valerous efforts to watch that the Name of California may be as nature wished synonimous with fortunate. I do not doubt that your Excellency will be pleased to accede to the solicitation of an Old Soldier, who only is sorry that he has been born in the 18th Century, because not being able now to offer your Excellency more than a worn out arm Yes. Excellent Sir. I know that I have a respectable competitor, with whom I should not dare to vie were I not animated by the persuasion that your Excellency impartial in the distribution of your benefits must prefer him who most needs them

The tract of land known by the name of Cullequas is vacant, though the retired Captain D Jose Anto de Lugarra y Noriega occupies it without title, and having fine grounds and immense plantations of young trees, where his black Cattle and horses may find plenty room, not only is opposed to that I may obtain by Entreaty of your Excellency the said sitio the possession of which has not been granted him by any grant, but also compels me to draw my Stock from Simi, where I have kept it for want of land of my own

My family is numerous and I dont reckon any other

resource to sustain it, than the breed of my cattle and the fruit of my rural labors.
For each one I need a tract of land purposedly
Therefore I pray your Excellency that in consideration of my numerous services and the justice which favors my petition, you will be pleased to grant me the grace I implore, receiving by way of a just retribution the sincere testimony of my eternal gratitude.
Sta. Barbara April 20th 1837-

I dont know how to sign

Postscriptum. I pray your Excellency to be pleased to admit this on common paper because not having the corresponding stamped paper

(In the margin)

Sta. Barbara April 20th 1837
The Illustrious Ayuntamiento of this Municipality will report whether the petition possesses all the requisites in order to be attended to in his solicitation whether the lands he solicits is susceptible of being adjudged in colonization according to the laws. These reports finished, the Espediente will be returned to the Government for its resolution

Signed Alvarado

Sta Barbara May 1st 1837
Let this Espediente be returned to the party D Jose Ruiz that a report may be had from Jose de la Guerra of Noriega, by which it may be shown what shall best agree with justice.

Alvarado

Excellent Sir
Having to answer I represent what I find to be justice, and for the better understanding what I ask, I say that it is not my intention, nor do I solicit to clip off a palm of land from the part of Simi and from the property of Jose Nevilga, but my petition only embraces to pray your Excellency that in consideration of my services and merits already mentioned, you will be pleased to grant me

all the land expressed from the Cañada del Sauco boundary of the Rancho de Simi. This Excellent Sir! I believe to be justice, for Mr Noriega frankly says it can be granted me, above these lands leaving the best one for corn fields and also leaving the principal Water falls which are not belonging to said Rancho de Simi, but to that I solicit

Sta. Barbara May 1st 1837

As Attorney for José Pedro Ruiz who does not know how to sign

(Signed) Franco J Alvarado

Illustrious Ayuntamiento

The committee to whom your Honor has pleased to entrust to give our opinion about the Espediente which forms the solicitation of the Invalido Jose Pedro Ruiz in solicitation of the location called Calleguas in observance of the decree of the government dated 20th instant shows that the interested party possesses all the legal requisites in order to be attended to in his solicitation, that the land he solicits is found to be in a state of being adjudged in colonization conformable to the law of 18th August 1823 that though it is known as the property Jose Noriega it is seen that said sitio has not been conferred on him by the government, no less has he a necessity for occupying it, as he has others where he can maintain his cattle; the petitioner is a Mexican by birth, is of a good conduct and has moveables wherewith to stock it wherefore he is entitled to be favored by the law & by the considerations of the government, to which he refers himself. Therefore the Committee submits to your deliberation the following proposition — The Government can adjudge in ownership the location called Calleguas to the Citizen Jose Ruiz

Santa Barbara April 22d 1837

(Signed) Santiago Lugo Pablo Vanego

In to day's session the Illustrious Ayuntamiento approved of the proposition set forth in the foregoing opinion

let the Espediente be returned to the government for resolution

Date as supra

(Signed) Diego Olivera Benito Diaz
Secretary

Santa Barbara April 22d 1837

Let this espediente be sent to the party Jose de la Guerra that in the space of four days he may allege in his favor all what he may deem convenient

(Signed) Alvarado

Excellent Sir

The location in question is known as Cullegueas, which only is bounded to the passage of the Canada which they call del Salto, from the lagoon or stream of la majonera Calandendon I have occupied peaceably without interruption or reclamation for the space of fifteen years. To be sure I have no written grant of it, but the possession and good faith in all the time indicated and the tacit approbation of all those who have governed the Territory since that date, thus opposing at least that my right is of a better condition than that of any other whomsoever who should solicit its adjudication. The actual petitioner is truly a person whom I Esteem, and I have given him proofs of my regard, and if his solicitation be confined to ask from La Tomile which separates las cienegas de Cullegueas, from the corral of sheep, taking according to his sketch, a part of the East, I would cede in good will the place where in reality I maintain my ("Chenchiro") but as it appears from the above mentioned Exibit, that he not only aspires to the whole of Cullegueas, but also includes some part of the lands of Simi. I repeat that I wish the petitioner all possible good, and if the points in his solicitation should vary, I will most willingly cede to him, the place which I have hereto at but in any case I resign myself to what the Government

may determine upon that it never will interceder any reclamation — And this is all I say in compliance with the foregoing superior decree

Santa Barbara 26th April 1837

Jose de la Guerra y Noriega

Excellent Sir

The committee on Vacant lands has been charged with the Espediente at the instance of the Citizen Jose Pedro Ruiz and report of the Captain Jose Noriega on the location of Cañeguas a sitio occupied by him as is explained in said report, that he occupies this sitio in peaceable possession for the space of fifteen years, only occupied with tacit possession (approbation) of all those who have governed since that date and that it makes a right of better condition than that of any other whomsoever who might solicit its adjudication, and that the actual peticioner is truly a person he esteems and has given proofs of regard. The committee is of opinion that it is of right of greater necessity for Ruiz, as is seen that the Captain in consideration of the esteem he entertains towards Ruiz, since he alleges that for the space of fifteen years occupation he has had the right of peaceable possession The Committe says that there is no legal right without out evidence from documents, no landed (personal property, which is that which may secure the legitimacy, but the comittee being persuaded that the Captain may possess some sitios he ganado mayor (square leagues of land) and Ruiz not occupies even a palmo of land in possession for the maintenance of his numerous family which is done with moveable stock consequently Excellent Sir, the Committee is persuaded and represents that there is no occasion to deny Jose P. Ruiz the right which is favored in Justice, without continuing to debate in the requisites more than those adorning him and submits to your Excellency's deliberation the following propositions

1st That the Cañeguas be granted to the citizen José

Pedro Ruiz because possessing the requisites provided in the law of 18th of August 1824 and article 5th of Regulations of 21st November 1828

2d That the grant be compressed from the boundaries of Simi el Conejo Guadalasca, Pasas and San Buenaventura

Santa Barbara May 16th 1837

(Signed) Antonio Buchna José R Espada

Santa Barbara May 20th 1837

In to day's session was dealt out the proceedings to the propositions in the foregoing opinion and they were approved by Absolute Majority of votes

(Signed) Antonio Buchna President

Jose M Covarrubias Secretary

The corresponding title deed of ownership was issued to the interested party

(Signed) Alvarado.

Filed in Office Augt 30/1853

Geo. Fisher Secy

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Interrogat.°
a favor de D. Pedro Paz Ruiz

Año de 1843

15

Sello Tercero Un peso
Habilitado provisionalmente por la Aduana marítima del puerto de Monterey en el Departamento de las Californias, para el año de mil ocho cientos cuarenta y tres.

Michel Torena Manuel Bartañares

Sor Juez de 1.a Inst.a

José Pedro Ruiz cabo retirado y vecino de Santa Barbara ante V. como mas haya lugar en dro digo que conviniendo a mis intereses y á los de mi familia q.e el Superior Gob.o del departam.to aclare ciertas dudas sobre limites propios de mi rancho llamado Cayeguas, y los del colindante llamado Simi, pido a v. tenga a bien hacer comparecer ante sí a los S.S. D.n Antonio Maria Lugo D.n Guillermo Cota y D.n Vicente Sanchez, y bajo del juramento digan.

1.o Si saben hasta donde se han reconocido los linderos del rancho de Simi al rumbo de San Buenaventura, desde antes q.e dcho rancho corres=pondiese al Sor D.n Jose de la Guerra y Noriega, y que declaren lo q.e les consta

2.o Que digan desde donde por dcho rumbo se ha conocido el lindero de Cayeguas.

3.o Si el punto llamado Sta Rosa ha pertenecido a Simi o a Cayeguas

4.o Que digan si les comprenden las generales de la Ley y practicadas estas diligencias, suplico a V. tenga a bien mandar se me devuelban q.e estoy pronto a pagar las costas correspond.tes. Pido lo necesario &a

Ang.s Julio 8 de 1843

No se firmas

65

Otro si digo: que se sirva V. hacer comparecer por el mismo objeto al vecino Felipe Talamantes al que se le haran las mismas preguntas anteriores

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No se firmar

Angeles Julio 10 de 1843

Por presentado y admitido en cuanto ha lugar a dro y hagase comparecer a los señores que pide la anterior solicitud para practicar los interrogatorios respectivos

Anto. T. Coronel

Juan de Dios Padilla asa Felix Valenzuela asa

60 SD
PAGE 38

En la misma fha hize comparecer al señor Don Antonio Maria y siendo presente le recibi juramento en forma bajo el cual ofrecio decir verdad en lo que supiere y fuere preguntado = Dijo llamarse como queda dicho de sesenta y ocho años de edad, casado C. A. R. labrador, natural de la mision de San Antonio y vecino de esta. Y preguntandole con respecto al anterior interroga = torio responde

A la 1a pregunta: que desde adelante del encino donde hace una cuchillita cosa de dos cientas varas mirando para el Norte es una linea y de alli por toda otra cuchilla hasta el portezuelo de la tierra rajada de cuyo portezuelo derrama para Simi y Calleguis, de aqui mirando al Oriente otra cuchilla hasta otro portezuelo que pertenece a Simi y al Sucito del Conejo y de hay toda la cuchilla dando vuelta para la Sierra de Santa Susana hacia al Norte siguiendo la buelta hasta rematar en frente del encino, lo que supo por que fue en comision el año de mil ocho cientos veinte y ocho siendo Jues de campo que lo mandaron a reconocer terrenos.

A la 2a contesta = que lo apuesto en la anterior pregunta.

A la 3a Que dale correspondia á San Buenaventura.

A la 4a Que tanto es pariente de Don Jose Noriega como de Don Jose Pedro Ruiz

Que es lo que puede decir y la verdad a cargo de su juramento en que se afirmó y ratificó leido el anterior interrogatorio que no firmó por no saber lo hize yo con los de assa segun derecho

Ant.º F. Coronel

assa
J. Temple

Assa
Juan de Dios Padilla

En seguida compareció Don Guillermo Cota y siendo presente le recibí juramento en forma de derecho bajo el cual ofreció decir verdad en lo que supiere y fuere preguntado dijo: llamarse como queda dicho de setenta y cinco años de edad viudo C. A. R., campista, natural de Loreto y vecino de esta, y respondiendo al anterior interrogatorio contesta

A la 1.ª que desde un lugar que le llaman el queso donde esta un piñasco para el camino real de San Buenaventura agarrando la cuchilla hasta la tierra rajada, de aquí toda la lomeria dando vuelta por la Sierra de Santa Susana por tapo hasta concluir en el queso.

A la 2.ª dijo ser la misma que la primera

A la 3.ª Que pertenecia a la mision de San Buena ventura.

A la 4.ª Que no le tocan las generales de la Ley que es lo que puede decir y la verdad a cargo de su juramento en que se afirmó y ratificó leido el anterior interrogatorio que firmó conmigo y los de assa segun dró.

Ant.º J. Coronel — Guill.º Cota

assa
Juan de Dios Padilla — assa
Felix Valenzuela

Acto continuo compareció Don Vicente Sanchez y siendo presente le recibí juramento en forma de derecho bajo el cual ofreció decir verdad en lo que supiere y fuere preguntado dijo: llamarse como queda dicho de cincuenta y ocho años de edad casado C. A. R. Campiste

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natural y vecino de esta, y respondiendo á las preguntas del anterior interrogatorio Contesta

A la 1ª que con motivo á tener en aquella epoca el declarante amistad con el finado Patricio Pico, fue con el una vez y enseñandole los linderos de Sinni le enseñó que le pertenecia desde el queso para el camino real de Buenaventura donde está un rolle poco antes de las pozas, toda la cuchilla hasta la tierra rajada toda la lomeria por la Sierra de Santa Susana, taso y siempre dando buelta hasta llegar al queso.

A la 2ª Que ignora el contenido de la pregunta.

A la 3ª Que sabe que era de San Buenaventura y es de Don Ruiz.

A la 4ª Que no le tocan las generales de la Ley, que es lo que puede decir y la verdad a cargo de su juramento en que se afirmó y ratificó leido este interrogatorio que firmó conmigo y los de asistencia á segun dró.

Ante. F. Coronel — Vicente Sanchez
assa — assa
Juan de Dios Padilla — Felix Valenzuela

En seguida compareció Don Felipe Talamantes y siendo presente le recibí juramento en forma de derecho bajo el cual ofreció decir verdad en lo que supiere y fuere preguntado dijo: llamarse como queda dicho de setenta años de edad casado C. A. R. natural de la Baja California y vecino de esta y contestando al anterior interrogatorio responde

A la 1ª Que sabe que el terreno de Sinni segun le informaron en aquella epoca Don Felipe Guicochea y otros, llega hasta la tierra rajada por la parte de S. Buenaventura y de hay dando buelta por la Sierra se llega a la cuesta de Santa Susana y de alli se da buelta para el lado del Conejo.

A la 2ª Que ignora el contenido de la

pregunta.

A la 3ª Que sabe pertenece a Callehuis

A la 4ª Que no tiene parentezco ni con Jose Ruiz ni con D. Jose Noriega. que es lo unico que puede decir y la verdad a cargo de su juramento en que se afirmó y ratificó leido el anterior interrogatorio que no firmó por no saber lo hice yo con los de asistencia segun doy

Ant.º F. Coronel

a ruego
Juan de Dios Padilla

a ruego
Felix Valenzuela

Estando concluidas estas diligencias que se completaron en papel comun por falta de sellado: devuelvanse a la parte para los usos que le convengan Así yo el Juez que subscribe decreté, mandé y firmé con los de asistencia segun derecho

Ant.º F. Coronel

a ruego
Juan de Dios Padilla

a ruego
Felix Valenzuela

Razon = Se entregaron en seis fojas utiles

/ a flourish /

Sello Tercero Un peso
Habilitado provisionalmente por la Aduana maritima del puerto de Monterey en el Departamento de las Californias, para el año de mil ocho cuarenta y tres

Michelorena / Manuel Gastonaris

Adn. marit.a de Monty.

Jose Antonio Carrillo vecino de la Ciudad de los Angeles de la Alta California

Certifico en cuanto haya lugar, q.e en el año de 1828 siendo Alcalde Constitucional

de dicha Ciudad y encargado del Juzgado de 1ª instancia, recibí una queja de los R. R. Padres Ministros de la Misión de S. Buenaventura demandando a D. Rafael Pico dueño q.e era del rancho de Simí, por matanzas de ganado vacuno q.e hacia en terrenos de la expresada Misión: que para remediar este abuso encargué al Juez de Campo D. Antonio Ma. Lugo para q.e con tres ciudadanos honrados pasase al reconocim.to de aquellos terrenos y diese cuenta al Juzgado de lo que adviertiera sobre la demanda, haciendo q.e el Sor. Pico probase q.e hacia las matanzas indicadas dentro de dos terrenos en el rancho de Simí. El resultado de todo el negocio fue, que el muy repetido Sor. Pico hizó ver q.e los linderos de el rancho por el rumbo que se le cuestionaba consistian desde el roble (a) el queso rumbo al Sur directamente al nacimiento del agua de la tierra rajada y de ahí á los Serros que lindan con el rancho del Conejo: bajo este concepto el Juzgado obró como mejor le pareció en el asunto; y a pedimento de D. José Ruiz dueño del rancho de Cayegueas doi la presente en los Angeles a 10 de Julio de 1843.

José Antonio Carrillo

Filed in office Jany 15th 1853
Geo: Fisher
Sec

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A series of Interrogatories on behalf of D. Pedro Jose

A series of Interrogatories on behalf of D. Pedro Jose Ruiz — Year 1843

Sir Justice of the 1st instant.

I Jose Pedro Ruiz retired corporal and resident of Sta. Barbara, as best may be consistent with law, represents before you, That it being subservient to my own and family's interests that the Superior Government of the Department explain certain doubts about the proper limits of my Rancho called Cayeguas and those of the bordering Rancho called Simi. And you to be pleased to cause to appear before Don Antonio Maria Lugo, Don Guillermo Leola and Don Vicente Sanchez and to let them declare under Oath — 1st If they know to what point the boundaries of the Rancho Simi have been recognized in the direction of San Buenaventura, from just, when said Rancho would belong to Don José de la Guerra y Noriega, and that they will declare what determines the boundaries
2d That they declare from whence in this direction the boundary of Cayeguas has been known
3d Whether the locality called Punta Rosa has belonged to Simi or to Cayeguas
4th That they declare whether the disabilities of the law affect them — And having taken this action. I pray you to be pleased to make a return thereof I being ready to pay the costs incurred — I swear to the necessary

Angeles July 8th 1843

I did not know how to sign

Postscriptum. You will be pleased to cause to appear for the same purpose the resident Felipe Talamantes, to whom the same questions as the foregoing will be put

Date above. Dont know how to sign

Angeles July 10th 1843

The foregoing having been noticed and granted in as far as is consistent with law let the gentlemen called for in the foregoing solicitation be summoned, so that the respective interrogatories may be made —

Anto F Leonel
A. Juan de Dios Padilla
A. Felipe Valenzuela

Under the same date I caused Don Antonio Mario to appear and he being present I swore him in due form under which Oath he promised to tell the truth about what he should know and be interrogated about He said his name was above stated, that he is sixty eight years of age, married, a Roman Catholic, a farmer, a native of the Mission of Sanantonio and a resident in this And questioning him respecting the foregoing series of interrogatories, he answered

To the 1st Question. That further off from the Oak where it makes a cut about two hundred Varas fronting to the North, there is a line, and from thence by quite another cut up to the Portezuelo de la tierra Vajada, which Portezuelo empties towards Simi and Calle has from hence another cut fronting to East up to another Portezuelo that belongs to Simi and to the Sencillo del Conejo and from hence all the cut, running back along the Sierra de Santa Susana towards North following up the circuit hill ending in front of the Oak, all of which he knew because he was an Officer in the year 1838 being a Country Justice that was ordered to recognize Lands.

To the 2a question. That it is answered through the foregoing question.

To the 3a question. That he knows it belongs to San Buena Ventura

To the 4th. That he is a relation as well of D Jose Noriega as of Don José Pedro Ruiz. That what he can say is the truth under his Oath, which declaration he affirmed and ratified, after the foregoing interrogatory had been read to him, that he did not sign because he did not know how. I did so with the Apostilles according to Law

Anto F Leonel

as I Temple Asa Juan de Dios Padilla

Thereafter appeared Don Guillermo Cota and being present I swore him in legal form, under which Oath he promised to tell the truth about what he should know and be questioned about. He said, that his name is as above stated, that he is twenty five years of age, a widower a Roman Catholic, that he is a husbandman — a native of Loreto and a resident in this, and answered to the following interrogatories

To the 1st That from a place called El queso where where there is a ridge of rocks, there goes the highway from San Buenaventura taking up the cut as high as la Sierra Tajada: from hence all the highlands running back by the Sierra de Santa Susana for Tapo till ending at el queso.

To the 2d he said to be same as the first

To the 3d That it belongs to the Mission of San Buena Ventura

To the 4th That the disabilities of the Law dont affect him; that it is all he can say, and is the truth under the his Oath, which declaration he affirmed and ratified the foregoing interrogatories have been read to him which he signed with me and the Assistants according to Law — Antt F Coronel

Guillermo Cota. As Juan de Dios Padilla.

Felegio Valenzuela

In continuance Don Vicente Sanchez appeared and being present, I swore him in legal form, under which oath he promised to tell the truth about what he should know and be interrogated about. He said that his name was above stated, that he is fifty eight years of age a husbandman, native and resident of this place and he answered to the foregoing interrogatories.

To the 1st That deponent by reason of being at that period in friendship with the deceased Patricio Pico, he went once with him, and he showing him the boundaries of Simi he showed him that it belonged to him from the el queso towards the high way, San Buena Ventura where there is a growth of Oak trees a little before las pasas all the cut up to tierra rajada all the highlands along the

Sierra de Santa Susana Tapo and always running back till reaching till reaching el guso
To the 2d That he is ignorant of the contents of the question
To the 3d That he knows it belongs to San Buena Ventura, and to Jose Ruiz
To the 4th That the disabilities of the laws do not affect him, that it is all he can say and that it is the truth under his Oath which declaration he affirmed and ratified after this interogatory had been read to him and signed with me and the assistants according to law
Anto. Flores. Vicente Sanchez
Assists Juan de Dios. Padilla as Felipe Valenzuela

Thereafter appeared Don. Felipe Talamantes and being present, I swore him in legal form, under which Oath he promised to tell the truth about what he should know and be interogated about. He said that his name was as above stated, that he is seventy five years of age married a Roman Catholic a native of Lower California and a resident of this place and in answer to the foregoing interogatories he replied
To the 1st That he knows that the tract of land called Simi, according to what Don Felipe Gutierrez and others informed him at that time reaches up to tierra rajada towards Santa Buena Ventura, and from hence running back along the Sierra, the coast of Santa Susana is reached, and from thence running back sidelong the Conejo.
To the 2d That he is ignorant of the contents of this question
To the 3d That he knows that it belongs to Vallehuis
To the 4th That he is not related, neither to Jose Ruiz nor to D Jose Arriaga; that it is all he can say and that it is the truth under the Oath he has taken, which declaration he affirmed and ratified after the foregoing interogatories had been read to him he did not sign because he did not know how. I did so with the assistants according to Law - Anto. Flores
Ass Juan de Dios Padilla. Ass Felipe Valenzuela

These proceedings being concluded and made out in common paper for want of stamped paper, be it returned to the party for the purpose which may serve him - Thus did the undersigned Justice decree order and sign with the assistants according to Law - Antonio F Lenonez Ass. Juan de Dios Padilla. Ass. Felipe Valenzuela Postscriptum - It was delivered to him consisting of six filled folios -

I Antonio Carrillo resident in the City of Los Angeles in Upper California. certify in as far as it may be to the purpose, that in the year 1838 being Constitutional Alcalde of said City and Commissioned to the justices Court of the 1st instance, I received a Complaint from the Right Reverend Fathers the Ministers of the Mission of S Buenaventura Complaining of D Rafael Pico owner of the Rancho de Simi for slaughtering black Cattle that he did on lands belonging to said Mission - That to remedy this abuse I charged the County Justice D Antonio Mª Ruiz that he with three honorable Citizens should proceed to a recognizance of those lands, and give notice to the Justice Court of what he might advise as to the Complaint, causing Don. Pico to prove that he did the indicated killing within his lands on the Rancho de Simi - The result of the whole affair was, that the often named Mr Pico did show, that the boundary of his Rancho in the direction disputed about consisted from the Oak (to) el queso, South course directly to the sources of the agua de la tierra rajada and from hence to the hills bordering on the Rancho del Conejo. In this understanding the Justices Court acted as seemed best in the Matter; and on request of D Jose Ruiz owner of the Rancho de Cayeguas I give these presents in the City of Los Angeles on the 18th of July 1843

Jose Antonio Carrillo

Filed in Office Jan 14 - 1854
Geo. Fisher Secy

Gabriel Ruiz & Others vs The United States } "For the place called "Valley was" Containing about one Square leagues of land in Santa Barbara County—

The petitioners claim the property in question as the heirs at Law of Jose Pedro Ruiz deceased. They have introduced in proof a traced Copy of the Espediente on file among the Archives, which shows that said Jose Pedro Ruiz petitioned for a grant of the land on the 20th day of April 1837 and after obtaining the necessary information on the subject Governor Alvarado made the grant on the 10th day of May 1837 subject to the approval of the Territorial Deputation. This approval appears by a certificate filed in the Case to have been given on the 20th day of the same month; and there is also evidence that juridical possession of the lands given to said grantee on the 14th day of November 1839

The land granted is described in the documents by metes and bounds, and the record of the juridical survey shows that the quantity measured was less than one square league. By the terms of the grant the grantee was authorized to devote the premises to such cultivation and use as might best suit him, and no conditions as to the time of building a house or residing on the Land were imposed. The testimony shows that the grantee occupied the land with his family soon after the grant and so continued until his death which occurred about the year 1850 and that his family has continued to occupy it until the present time. That he planted a Vineyard and cultivated a portion of the land and had his stock upon it. The evidence on this subject seems sufficient to show a compliance in this respect with the terms of the Law on the subject, and I think the heirs of said grantee entitled to retain the Land. A question of much importance arises in this case in relation to the Confirmation of land where the grantee has deceased and his heirs can not all be ascertained or are not all individually represented before the Commissioners

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In the case before us the petition is filed by Gabriel Ruiz One of the sons of the grantee, and it is not very clear from its language whether he intends to ask for a confirmation of his own individual interest in the premises or to solicit on behalf of the other heirs in conjunction with himself a confirmation of the whole premises to all who are legally entitled to an interest therein. The petition names numerous heirs and their relationship to the deceased and they are therein represented as claimants of the premises of which the deceased died seized and the prayer of the petition is for such action as the justice and nature of the claim may require". Took a view of the whole document I am inclined to regard it as a petition intended to solicit a confirmation of the entire premises to the several persons named in it as the heirs who are entitled to share the property. It is not very certain ~~that~~ whether all the persons who are entitled to inherit the property of the deceased are named either in the petition or in the proofs nor is there any showing as to the precise interest which some of the more remote relatives of the deceased inherited. Cases of such inheritance must always present difficulties in ascertaining and determining the rights of parties We can never know whether all the parties in interest are before us. It may not be possible to ascertain the names of all the heirs. They may be too widely scattered over the earth ever to be able to appear before the Board, and they may not even know of the adjudication before us. They may be incapacitated from attending to the business, or may be impressed with the belief that a confirmation of the estate held by their common ancestor on the request of one heir, must necessarily inure to the benefit of all. It may be and often is a complicated and difficult question to determine the interests of claimants to an inheritance, among numerous descendants who hold in unequal shares and whose rights may require a careful investigation and strict scrutiny. Such questions seem to belong rather to the judicial tribunals of the Country, than to a Commission organized like this, and to those tribunals they should

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be left. We are inclined. On a careful consideration of

if possible be committed - On a careful consideration of the question we have concluded, in such cases that the most judicious method will be in the confirmation, to use the name only of "One of the heirs, and to confirm the land to him, and the other heirs at law" of the deceased -
The validity of a grant or deed made to the heirs at law without naming them in such a case can not I think be a subject of doubt - The rule is thus laid down in 2 Hilliard on Real property 334 "A grant to the heirs of one deceased is good. The parties who are to take may be ascertained by extrinsic evidence. But a conveyance to the heirs of one living is void" The same rule is laid down in 4 Greal Cruse 262 in Shaw & al vs Loud 12 Mass. R 447 Hall vs Leonard 1st Pick R. And in the Supreme Court of the United States an entry under a Land warrant in Kentucky in the name of John Floyd's heirs was held good. Hunt vs Wickliffe 2 Pet R 201 See also Bac. Ab Grant C. Com. Dig Grant B. Perkins 352 Sargent vs Simpson 8 Greenl R 148 and Delaney vs Burnell 4 Gilm R (Illi) 454
By making the confirmation in this manner all the difficulties above indicated will be avoided, the rights of absent parties will be secured and the individual will be at liberty, before another tribunal to obtain an adjudication on any questions which may arise as to their respective rights in the inheritance -
This claim is confirmed and the decree will be entered in the manner above indicated

Gabriel Ruiz et al
vs
The United States

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said Gabriel and the other heirs at Law of Jose Pedro Ruiz the Original grantee of the land, now deceased is valid, and it is therefore hereby decreed that the same be confirmed to the said Gabriel Ruiz and the other heirs at Law of said Jose Pedro Ruiz deceased. The land hereby confirmed is known by the name of "Cuellegueas" is situated in the County of Santa Barbara and is the same occupied by the said Confirmees and is bounded and described as follows: to wit: situated within the tract of land which extends from the boundaries of Simi El Conejo Guadalosa, Pasas and San Buenaventura and more particularly described in its boundaries as follows: Beginning at the edge of the hills, where three Elms stand alone and running thence three fourths of a league to a stake at the foot of the spur of Las Pasas which was driven there as a land mark when the juridical possession of said Land was given to said Jose Pedro Ruiz - thence over a spur Eastwardly one and a quarter leagues to the top of a hill close to the split Grounds (Tierra Rajada) thence southwardly cutting across the Canada of Santa Rosa one quarter of a league to the top of a hill at a stake which was driven as a land mark, when said juridical possession was given, and thence Westwardly along the edge of some hills one and a half leagues to the place of Beginning reference for more particular description to be had to the part of the same, the records of Juridical possession and the map which which is made a part of the same together with the map attached to the Copy of the Espediente all of which are on file in this Case. Alpheus Felch
Thompson Campbell
R Aug Thompson
Commissioners

Filed in office November 4 1853
Geo. Fisher Sec'y

Geo. Fisher secy.

60 SD
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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 fifty pages pages, numbered from 1 to 50, 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. 431 on the Docket of the said Board, wherein Gabriel Ruiz, et al, are the Claimants against the United States, for the place known by the name of "Callegueas."

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. 1854, and of the Independence of the United States of America the seventy-ninth

Geo: Fisher
Sec'y

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U. S. DISTRICT COURT,

Southern District of California.

No. 60 Docket

THE UNITED STATES

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vs.

Fabricio Ruiz et. al

"Calleguas"

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 430

Filed, August 30th 1854

W. H. Carter

Clerk

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60.

Office of the Attorney General of the United States,

Washington, 26th October 1854.

60 SD
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Gabriel Ruiz et al.

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.

No. 60

430

No. 60.

U. S. District Court

Southern District of California.

~~No 60.~~ 111

Gabriel Ruiz et al. Appleys.

vs

The United States, Appt.

No 430.

Notice of Appeal.

Filed Dec 8th 1854.

J. C. Fan

Clk.

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

Gabriel Ruiz et al.
vs
The United States.
No. 430.

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 1st day of November AD 1852, Gabriel Ruiz 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 Calleguas, containing one square league more or less, in the County of Santa Barbara, in the words and figures following, to wit, "The petition "of Gabriel Ruiz respectfully showeth; That he "and other heirs of Jose Pedro Ruiz deceased whose "names are hereinafter specified are claimants

„of and for the tract of land and rancho known
„by the name of Calleguas situated in the County
„of Santa Barbara in the State of California,
„bounded by the ranchos of Las Posas, Conejo,
„Simi and the limits of the "Establishment"
„of San Buenaventura such as they were at the
„date of the original grant for said Calleguas
„And for a more particular description of said
„rancho and the quantity of land it contains,
„your petitioner refers to the plan or map, and
„the metes and bounds assigned in the Minute
„Roll of Juridical possession thereof copies of
„which are herewith filed. That the said rancho
„was granted to said Jose Pedro Ruiz on or
„about the 10th of May 1837 by Juan B Alvarado
„then Governor of California by virtue of the
„laws and regulations then in force and the
„customs of the Country affecting grants of
„land in California. That the said grant to
„Pedro Ruiz was on the 20th of May 1837. approved
„by the Deputation or Assembly That on or about
„the 9th of November 1839 said Pedro Ruiz peti=
„tioned the proper Judicial Officer to give him
„possession of said land and that Juridical
„possession was, accordingly given, as by refer=
„ence to the minutes of proceedings thereon
„copies of which are herewith filed will more
„fully appear. That in or about the Month of

„February 1849 the said Jose Pedro Ruiz de=
„parted this life without leaving any will or
„testament, that was ever admitted to Probate
„and without making any testamentary or other
„disposition of the said rancho Calleguas and
„that he left him surviving; Maria Ignacio Lu=
„go de Ruiz His Sons Carlos Ruiz Gabriel Ruiz
„your petitioner, Geronimo Ruiz Jose Antonio Ruiz,
„Baltasa Ruiz, Ilarion Ruiz and Jose Antonio
„Ruiz and his daughters Bernarda Ruiz
„Alcona Ruiz Caledonia Ruiz and Dragra=
„cia, the following of his deceased daughter Pe=
„tra Ruiz viz Guadalupe, Soledad and Jose Arel=
„lares. The following issue of his deceased dau=
„ghter Resentacion viz; Maria Los Angeles and
„Chepeta Pico which last mentioned Chepeta
„has since died leaving her surviving her hus=
„band Ignacio Esquivra and two daughters the
„issue of her marriage with him viz Josefar and
„Blandina And your petitioner further shows that
„since the death of the said Jose Pedro Ruiz,
„the said Dragracia one of his daughters a=
„bove mentioned died intestate seised of her pro=
„portional undivided interest in said rancho
„and left her surviving her husband Esteban
„Ortego and the following issue of her marriage
„viz Francisca Jose Dolores Refugio, Prudencia,
„Maria de los Angeles, Jose Ramon Jose del

„Carmen, Sebastian Ortega Your petitioner
„further shows that the said rancho has never
„been divided or partitioned among the said
„several heirs of Jose Pedro Ruiz and that the
„same is still and possessed in common by the
„said widow and the other heirs at Law of said
„Jose Pedro Ruiz, whose names are above speci=
„fied proportionably and according to the laws
„regulating Descents and distributions of real
„Estate in California And your petitioner fur=
„ther shows, that the said rancho of Ballegras
„has been in actual and peaceable possession
„of the said Jose Pedro Ruiz and his said
„heirs from the date of said grant to the
„present time, that it has not been surveyed
„by the U S Surveyor General for California
„and that there is no conflicting claim there=
„to known to your petitioner The evidence on
„which your petitioner relies consists of the rec=
„ords of this grant in the Office of the Surveyor
„General certified copies of which your petitioner
„prays leave to file as parts of this petition, as
„soon as the same can be procured original
„papers and maps in the possession of your
„petitioner ready to be produced and proved
„and of which copies are herewith filed as
„parts of this petition and the testimony of Wit=
„nesses to be produced before your Honorable Board

„Respectfully submitted for such action as the
„Justice and nature of the claim may require".

Your petitioner further represents that there-
after, to wit, on the 4th day of November AD 1853, the
said Commissioners confirmed by final decree
the said claim of the said Gabriel Ruiz et al.
in the words and figures following, to wit. "Gabriel
„Ruiz & al vs The United States In this case on hear-
„ing the proofs and allegations it is adjudged by the
„Commission that the claim of the said Gabriel
„and the other heirs at Law of Jose Pedro Ruiz
„the original grantee of the land, now deceased
„is valid, and it is therefore hereby decreed that
„the same be confirmed to the said Gabriel Ruiz
„and the other heirs at law of said Jose Pedro
„Ruiz deceased. The land hereby confirmed is
„known by the name of "Calleguas" is situated in
„the County of Santa Barbara And is the same
„occupied by the said confirmees and is bounded
„and described as follows; to wit situated within the
„the tract of land which extends from the boun-
„daries of Simi El Conejo Guadalosa, Pasas and
„San Buenaventura and more particularly descri-
„bed in its boundaries as follows; Beginning at
„the edge of the hills, where three Elms stand alone
„and running thence three fourths of a league
„to a stake at the foot of the spur of Las Pasas whi-
„ch was driven there as a land mark when the

"Juridical possession of said land was given to said
"Jose Pedro Ruiz, thence over a spur Eastwardly
"one and a quarter leagues to the top of a hill
"close to the Split ground (tierra Rajada) thence
"Southwardly cutting across the Canada of Santa
"Rosa one quarter of a league to the top of a hill
"at a stake which was driven as a land mark, when
"said Juridical possession was given, and thence west-
"wardly along the edge of some hills one and a half
"leagues to the place of beginning reference for more
"particular description to be had to the grant of the
"same, the records of Juridical possession and the
"map which is made a part of the same together
"with the map attached to the copy of the expediente
"all of which are on file in this case."

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

"Filed in Office November 4 1853. Geo Fisher Secy."

That thereafter, to wit, on the 30th day of August AD 1854, a duly certified transcript of the said decree and proceedings, and the papers and evidence on which it was founded in said cause was filed in the Office of the Clerk of the District Court of the United States for the Southern District of California and marked No. 430, reference to which it is prayed may be had and made a part of this petition.

That on the 26th day of July AD 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. 430) and the papers and evidence on which said decree was founded.

That thereafter, to wit, on the 5th day of December AD 1854, the said Attorney General of the United States filed, or caused to be filed, on behalf of the United States a notice with the said Clerk of said District Court for the Southern District of California, that the Appeal in said cause of Gabriel Ruiz et al 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 Gabriel Ruiz et al 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 Alvarado 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 claimant, was and is within ten leagues of the Sea Coast. And there is no evidence by claimant, 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, and in the possession of was occupied by the Missions of California; and particularly by the Mission of San Buenaventura; and could not therefore be colonized.

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 alleged grant of Governor Juan B Alvarado

is not on stamped paper. It contains no certain description of the land alleged to have been granted; and there is no certain quantity or extent of land specified therein. And said grant is void for uncertainty. And said alleged grant has not the condition designating a proportionate time within which the grantee should cultivate or occupy the land, as required by law. That the said Alvarado had no lawful power on the 10th of May AD 1837 to grant the land claimed as aforesaid.

6. That the signature of Victor Prudon, appearing upon the said alleged original grant of said Governor of said date is not proved to be genuine; That the signatures of Victor Prudon, Antonio Buelna and Jose Ramon Estrada, appearing upon the document dated May the 18th AD 1837, purporting to be a certificate of the approval of the said grant by the Deputation of California, are not proved to be genuine. And the genuineness of these said signatures to said documents, are denied.

7. That the alleged act of Juridical posession and survey of Antonio Rodriguez Justice of Santa Barbara, dated on or about the 13th of November AD 1839, was not made according to the said alleged grant and the map referred to therein; That it is vague, indefinite, and uncertain. That there is no evidence that the said Antonio Rodriguez was Justice of Santa Barbara on the day of the date

of said alleged act of Juridical possession and survey of said land, and that he had lawful authority to make said Juridical possession and survey. And it is denied that he was such Justice at said time and had lawful authority to perform said alleged Judicial act.

8. That there is no evidence that the said alleged grantee built a house on the said land within a year from the date of said grant, or within a reasonable time, and that it was occupied by him. And it is denied that said alleged grantee built a house on the said land within a year from the date of said grant, and that it was occupied by him.

9. That it appears by the said petition of said Gabriel Ruiz that all the alleged heirs of said alleged grantee are not parties claimants of said land.

10. That the said petitioner Gabriel Ruiz, does not show, with certainty, what his alleged undivided interest is, as heir, to said land, alleged to have been granted as aforesaid.

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

Wherefore the said Pacificus Ord Attorney of the United States for the Southern District of California, for and in behalf of the United States, by reason of the premises, and the laws and Statutes in such case made and provided, prays that the said Gabriel Ruiz, et al, or his Attorney, may be served with a copy of this petition, and that this Honorable Court, will review the said decision or final decree of confirmation of said Commissioners to ascertain and settle the private land claims in the State of California, and decide on the validity of the said claim of said Gabriel Ruiz et al for said land claimed and confirmed as aforesaid, and that the same may be decreed invalid. And all such other Orders, Judgments or decrees as may be just. With Costs, and general relief.

P. Ord

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

60. No. 60. 2

(No. 430. Transcript.)

Gabriel Ruiz appe.

vs.

The United States Appe.

Petition of Atty of US for review &c.

Filed Jany 5th 1855.

J. E. Carr
Clk.

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

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

Gabriel Ruiz et al Appees

60 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 Fifth day of January in the year of our Lord one thousand eight hundred and fifty-five 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 Gabriel Ruiz, et al, for the tract of land called Calleguas in the County of Santa Barbara, California, to the extent of about ___ leagues, which said claim was presented by your petition to said Commissioners, on or about the 1st of November 1852, and by them confirmed on or about the 4th of November, 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 fifth day of February in the year of our Lord one thousand eight hundred and fifty-five at Los Angeles aforesaid.

C. E. Pace,
Clerk.

No. 60
(430 Ranson)

Marshals cost —

Copying summons	1,00
Serving Petition	3,00
Serving summons	3,00
actual travelling expenses	50,00
	$66,00

United States of America,

Southern District of California,

U. S. District Court.

Gabriel Ruiz et al

vs

The United States.

SUMMONS.

Received February 7th 1855
Edward Hunter
U. S. Marshal

I served this summons along with the proper copy of the petition upon Gabriel Ruiz et al the within named defendant by delivering to him personally a true copy of the summons and petition.

at his Rancho in the County of Santa Barbara in the Southern District of California on the Seventh day of March A. D. 1855.

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

Sworn to and subscribed before me, this 10th of March, 1855.
C. E. Carr, Clerk.

60 SD
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IN THE DISTRICT COURT OF THE UNITED STATES,

FOR THE SOUTHERN DISTRICT OF CALIFORNIA,

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

Gabriel Ruiz, et al

APPELLEES	No. 60.
VS.	(No. 430. of Transcript.)
UNITED STATES, APPELLANT.	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 3d day of December A. D. 1855.

P. Ord
Dist Atty.

No. 60.

U.S. Dist Court
Southn Dist of California

Gabriel Ruiz Et al
Appellees
vs
The United States
Appellants

Notice of Appeal &c

Filed March 7th 1850
C. E. Carr Clk
By A Morgan Depy

Gabriel Ruiz et al Appellees ads The United States Appellants	In the District Court of the United States for the Southern District of California – No. 430 –

The answer of Gabriel Ruiz and others, heirs of Josi Pedro Ruiz deceased (whose names are hereinafter specified) to the petition of Pacificus Ord, Attorney of the United States for the Southern District of California, in behalf of the United States, respectfully sheweth:

That on or about the first day of November A.D. 1852 the said Gabriel Ruiz (on behalf of himself and the other heirs of the said Jose Pedro Ruiz deceased) presented a petition to the Board of Land Commissioners to ascertain and settle the private land claims in the State of California, claiming the tract of land called "Calleguas" containing one square league of land more or less, in the county of Santa Barbara and within the jurisdiction of this court, and bounded and described as set forth in the said petition, and the act of judicial possession and the plan or map accompanying the same, copies of which are contained in the Transcript on file in this case and made a part of this answer –

And the said appellees further answering say, that the said Rancho or tract of land was originally granted to the said Josi Pedro Ruiz on or about the 10th day of May A D 1837 by Juan B Alvarado then Governor &c of the Department of the Californias, by virtue of authority in him vested, and according to the laws, usages and customs of the Mexican Republic; and that on the 20th day of May A D 1837. the said grant was duly approved by the Departmental Assembly of the then Territory of California, as will more fully appear by reference to the Original grant and approval of the Departmental Assembly, copies of which are contained in the Transcript on file in this case, and made a part of this answer —

That on or about the 13th day of November A D 1839. judicial Possession of the said tract of land was duly given to the said Josi Pedro Ruiz by Antonio Rodriguez a Justice of Santa Barbara and duly authorized to give said possession —

That in or about the month of February A D 1849 the said Josi Pedro Ruiz died intestate, leaving him surviving, and his heirs at law; Maria Ignacia Lugo de Ruiz, his widow, his sons Carlos Ruiz, Gabriel Ruiz, the said petitioner, Josi Antonio Ruiz, Baltazar Ruiz, Ramon Ruiz, and Josi Antonio

Ruiz, the said petitioner, José Antonio Ruiz,

Baltazar Ruiz, Ramon Ruiz, and José Antonio Ruiz; and his daughters Bernarda Ruiz, Alvina Ruiz, Caledonia Ruiz, and Dragracia Ruiz; and the following issue of his deceased daughter Petra Ruiz, married to one Arelano, viz, Guadalupe, Soledad and José Arelano — and the following issue of his deceased daughter Presentacion Ruiz, married to one Pico, viz, Maria de Los Angeles and Chepita Pico — which last mentioned Chepita has since died leaving her surviving her husband Ignacio Esquivera, and two daughters, the issue of her marriage with him, viz, Josefa and Blandina — And that since the death of the said José Pedro Ruiz, the said Dragracia one of his daughters above mentioned, died intestate seized of her proportional undivided share or interest in said Rancho, and left her surviving her husband Esteban Ortega and the following issue of her marriage with him, viz, Francisca, José Dolores, Refugio, Prudencia, Maria de Los Angeles, José Ramon, José del Carmen and Sebastian Ortega — That the said Rancho or tract of land has never been divided or partitioned among the said several heirs of José Pedro Ruiz, and that the same is still occupied and possessed in common by the said widow

and the other heirs at law of the said Josi Pedro Ruiz, whose names are above specified.

That the said Josi Pedro Ruiz has been and continued in the actual and peaceable possession of the said Rancho from the date of said grant up to and until the time of his death as aforesaid, and complied with and fulfilled all the conditions of the said grant. and that since his said death, this said heirs above mentioned have peacably occupied and possessed the same, and still continue to occupy and possess the same as heirs at law of the said Josi Pedro Ruiz.

That on or about the 4th day of November AD 1853 the said Commissioners by final decree confirmed the said title to the said Rancho to the said Gabriel Ruiz and the other heirs at law of the said Josi Pedro Ruiz, deceased.

And the said Appellees further answering deny all and singular the allegations and objections of the said District Attorney against the validity of said claim, and insist that they have a good and valid claim and title to the said land, and that the decision of the said Commissioners ought to be ~~confirm~~ affirmed by this Court.

Wherefore they pray that this Honorable Court will affirm the decision

Wherefore they pray that this

Honorable court will affirm the decision of the said commissioners, and decree that the said appellees have a good and valid title to the said land — and for general relief

Myron Norton

Atty for Appellees

And the said appellees further answering admit that the said tract of land lies in the Southern District of California and within the jurisdiction of this Court. And that the Transcript and notice of intention to prosecute the appeal in this case were duly filed as alleged in the said petition for review —

Myron Norton

Atty for Appellees.

I served this answer on P. Ord U.S. District Atty in the Southern District of Calif by delivering to him in person a certified copy hereof this Aug 16th 1855

Edward Fenton
U.S. Marshal

Sworn to and subscribed before me this 16th Aug 1855.
J. E. Carr.
Clk.

No. 60.
3
In the District Court United States
Southern District of California

Gabriel Rodriguez
Appellee
vs
The United States
Appellants

Answer of appellee
Myron Norton
Atty for appellee.

Filed April 16th 1855.
J. E. Carr.
Clk.

No 60.

Gabriel Ruiz et al
Appellees
vs
The United States
Appellants

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

Issue joined April 16. 1853

And now at this day comes the said Appellees by Myron Norton their attorney and moves the Court that an order be entered in this case, to take further testimony therein, to be used on the final hearing of this case, under the rules and practice of this court.

Myron Norton
Atty for Appellees

No. 60 4

U. S. District Court
Southern District
of California

Gabriel Ruiz et al

No 60. / vs

The United States

Motion to take
testimony.

Upon motion
atty for appellees

Filed June 15th 1855.

J. E. Carr
Clk.

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

Gabriel Ruiz, et al
Ads.
The United States
Vs.
Gabriel Ruiz, et al
et al Defendants.

No. 60.
(Transcript No. 430.)

Take notice that the above entitled cause will be brought to a hearing by the United States, on the 19th day of October AD 1855; or as soon thereafter as the same can be heard by the Court.

Los Angeles
October 11th 1855.

P. Ord
U S Dist Atty.

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No. 60.

Gabriel Ruiz, et al
vs
The United States.

Notice of hearing by
US Atty.

Filed Oct 11th 1855.
J. E. Carr
Clk.

P. Ord US Atty.

United States District Court
Southern District of California

Gabriel Ruiz
appellee

vs

The United States
Appellants

No. 60

For the Place called "Calleguas"

This cause coming on to be heard on an appeal from the decision of the Commissioners to ascertain and settle the private Land Claims in the State of California, under the Act of Congress. approved March 3d 1851. Upon the Transcript of the proceedings and decision. 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 and the same is hereby Affirmed. and it is further ordered adjudged and decreed that the claim of the said appellee above mentioned is good and valid and the same is Confirmed to him and the other lawful heirs of Jose Pedro Ruiz to the extent called for in the grant & map to which the Grant refers. and more fully described in the act of Judicial possession as follows to wit; Beginning at the edge of the hills where three Elms stand alone thence three quarters of a league to the foot of the spur of Los Pasas; thence over a spur eastwardly one league and a quarter to the top of a hill close to the split ground (Tierra Rajada); thence southwardly cutting the Canada of Sta Rosa a quarter of a League to the top of a hill where a stake was driven as a land mark. thence westwardly along the edge of some hills one and a half leagues to the place of beginning

Lucien L. Ogier
U S Dist Judge

No 60

U S Dist Court
South Dist of Calif^a

Gabriel Ruiz
appellee
ads
The United States
appellants

Decree

Filed March 7 1856
C. E. Carr
Clk
by J Morgan
Dep.

Recorded on Page 214

California Land Claims.

Attorney General's Office

18 September 1856.

Sir:

In the case of the claim of Gabriel Ruiz et al., confirmed to the claimants by the Commissioners, Case no. four hundred and thirty (430), 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

C. Cushing

Pacificus Ord Esq

U. S. Atty, Los Angeles

Cal.

vv 60

Gabriel Ruiz et al.

430

Rec'd Oct 21 1836

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

Wm Jas S K Ogier Judge

December Term 1856

The United States
Appellant

vs

Gabriel Kruz et al
Appellees

No. 60

Warrant from the Board of Land Commissioners &c

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.

S. Ord
Dist Atty.

Thos Martin
Atty for appellees

U.S. Dist Court
South Dist Calif

No 60

The United States
appellant
vs
Gabriel Ruiz, et al.
appellees

Filed Feby 23d 1857
Ellis
Clk

Stipulation
to vacate order of
appeal to Supreme Court

"Publicat"

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Office of the Surveyor General of the United States,
FOR CALIFORNIA.

I, ~~J. W. MANDEVILLE~~ E. F. Beale United States Surveyor General, for the State of California, do hereby certify that the Rancho "Gallegras"

confirmed to G. Ruiz —

has been surveyed by this office, and that the survey and plat was approved by the U. S. Surveyor General, on the 25th day of March 1861; that I have caused to be published, once a week, for four weeks successively, in two newspapers, to wit: the Visalia Delta published in the County of Tulare

being the newspaper published nearest to where the said Rancho is located, the first publication being on the 21st day of August 1862, and the last, on 18th day of Septr 1862; also, in the Southern News

a newspaper published in the City and County of Los Angeles —

the first publication being on the 13th day of August 1862, and the last on the 17th day of September 1862, a notice that the said land had been surveyed, and a plat made thereof, and the survey and plat approved by me. And I do further certify, that the said survey and plat were retained in my office during all of said four weeks, and until the expiration thereof, subject to inspection; and I further certify, that no order for the return thereof to the U. S. District Court, has been served upon me.

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

E. F. Beale

U. S. Surveyor General for California.

No. 60

U. S. Dist. Court
South. Dist. Cala

G. Ruiz et al
vs
The United States

Certif. of Surv. Genl. on the
matter of pub. of Survey

Filed July 1st 1863
John G. Wheelan
Clk. of Dist. Court So. Dist. Cala.

Certif. sent off July 2d 1863

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Office of the Surveyor General of the United States,
FOR CALIFORNIA.

E. F. Beale,

I, J. W. MANDEVILLE, United States Surveyor General, for the State of California, do hereby certify that the Rancho "Collegnat"

confirmed to C. Ruiz

has been surveyed by this office, and that the survey and plat was approved by the U. S. Surveyor General, on the 25th day of March, 1861; that I have caused to be published, once a week, for four weeks successively, in two newspapers, to wit: the Visalia Delta, published in the County of Tulare, being the newspaper published nearest to where the said Rancho is located, the first publication being on the 31st day of August, 1862, and the last, on the 18th day of September, 1862; also, in the Southern News a newspaper published in the City and County of Los Angeles, August, the first publication being on the 13th day of September, 1862, and the last on the 17th day of September, 1862, a notice that the said land had been surveyed, and a plat made thereof, and the survey and plat approved by me. And I do further certify, that the said survey and plat were retained in my office during all of said four weeks, and until the expiration thereof, subject to inspection; and I further certify, that no order for the return thereof to the U. S. District Court, has been served upon me.

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of office to be affixed, at the City of San Francisco, this 15th day of November, 1862

E. F. Beale

U. S. Surveyor General for California.

I certify the above and foregoing to be a true and correct copy of the original certificate of advertisement, as the same appears of record in this Office.
Witness my hand and the Seal of said Office at San Francisco, this 11th day of January A.D. 1866.

[illegible]
U. S. Surv. Genl.

No 60

Final Certif Surv Genl

Filed Jany 13/66

John O Wheeler

Clk

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

Gabriel Ruiz et al
Appellees
vs
The United States
Appellant

Case No. 60.
Transcript No. 430.
Index of Transcript.

P.P. 21 to 29.	Expediente & maps accompanying the same.
" 29. to 35	Translation of Expediente.
" 35 to 42.	A series of Interrogatories on behalf of the original grantee, in Spanish.
" 42 to 47	Translation of said Interrogatories.
" 47. 48 & 49	Opinion of Commissioners confirming the claim.
" 50.	Decree of confirmation.

No. 60.

U. S. District Court
Southern District
of California

Gabriel Ruiz et al
Appellees

vs.

The United States
Appellant

Index of Transcript.

The United States, Appellants
vs
Gabriel Ruiz, Appellee

The claim in this case is based upon a grant from Gov Alvarado to Don Pedro Ruiz, the father of the present claimant, dated 10th May 1837.

The genuineness of the grant is proven as is also the act of prudencial possession.

It is a grant of a place by name; its boundaries & location are defined by the Map, and the subsequent survey.

The claimant before this court, represents himself as one of the heirs of the original this is fully proven.

I think the rule laid down in this case by the Commission, that where there are a number of heirs, whose rights and interests are unequal, that the confirmation should be to the claimant by name & the other land-heirs of the deceased, or else we are certainly be entitled ~~confirming~~ affirming the decision of the Commission & confirming the claim to Gabriel Ruiz & the other land-heirs of Don Pedro Ruiz to the place called Cañeguas according to the boundaries in the map & the act of prudencial possession.

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

Hon Isaac S K Ogden Judge

December Term 1856

The United States
Appellant
vs
Gabriel Ruiz et al
Appellees

Docket No 60

Transcript from the Board of Land Commissioners &c

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 shall 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 hereby vacated, and that the Claimant have leave to proceed under the decree of this Court heretofore rendered in this Cause as upon a final decree

Isaac S K Ogden
U S District Judge

No. 60

(PETITION OF ATTY. OF U.S. FOR REVIEW, ETC.)

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

LOS ANGELES COUNTY.

Gabriel Ruiz, et al	)	
vs	)	NO. 430.
The United States.	)	

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, towit, on or about the 1st day of November, A. D. 1852, Gabriel Ruiz 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 Calleguas, containing one square league more or less, in the County of Santa Barbara, in the words and figures following, towit, "The petition of Gabriel Ruiz respectfully "showeth: That he and other heirs of Jose Pedro Ruiz deceased "whose names are hereinafter specified are claimants "of and for the tract of land and rancho known by the name of "Calleguas situated in the County of Santa Barbara in the "State of California, bounded by the ranchos of Las Posas, "Conejo, Simi and the limits of the "Establishment" of "San Buenaventura such as they were at the date of the original "grant for said Calleguas And for a more particular descript-"ion of said rancho and the quantity of land it contains, your

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"petitioner refers to the plan or map, and the metes and bounds
"assigned in the Minute Roll of Juridical possession thereof
"copies of which are herewith filed. That the said rancho was
"granted to said Jose Pedro Ruiz on or about the 10th of May
"1837 by Juan B. Alvarado then Governor of California by virtue
"of the laws and regulations then in force and the customs of
"the Country affecting grants of land in California. That the
"said grant to Pedro Ruiz was on the 20th day of May 1837,
"approved by the Deputation or Assembly. That on or about the
"9th of November 1839 said Pedro Ruiz petitioned the proper
"Judicial Officer to give him possession of said land and that
"juridical possession was, accordingly given, as by reference to
"the Minutes of proceedings thereon copies of which are here-
"with filed will more fully appear. That in or about the
"month of February 1849 the said Jose Pedro Ruiz departed this
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"life without leaving any will or testament, that was ever
"admitted to Probate and without making any testamentary or
"other disposition of the said rancho Calleguas and that he
"left him surviving: Maria Ignacio Luzo de Ruiz His sons
"Carlos Ruiz Gabriel Ruiz your petitioner, Geronimo Ruiz
"Jose Antonio Ruiz, Baltasa Ruiz, Ilareon Ruiz and Jose Antonio
"Ruiz and his daughters Bernarda Ruiz Alcona Ruiz
"Caledonia Ruiz and Dragracia, the following of his deceased
"daughter Petra Ruiz, viz Guadalupe, Soledad and Jose Arellanes.
"The following issue of his deceased daughter Presentacion viz:
"Maria Los Angeles and Chepeta Pico which last mentioned Chepeta
"has since died leaving her surviving her husband Ignacio
"Esquirra and two daughters the issue of her marriage with him
"viz Josefar and Blandina. And your petitioner further shows
"that since the death of the said Jose Pedro Ruiz, the said
"Dragracia one of his daughters above mentioned died intestate
"seized of her proportional undivided interest in said rancho
"and left her surviving her husband Esteban Ortego and the
"following issue of her marriage viz Francisca Jose Dolores
"Refugio, Prudencia, Maria de los Angeles, Jose Ramon Jose del

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"Carmen, Sebestion Oretega. Your petitioner further shows "that the said rancho has never been divided or partitioned "among the said several heirs of Jose Pedro Ruiz and that the "same is still and possessed in common by the said widow and "the other heirs at Law of said Jose Pedro Ruiz, whose names "are above specified proportionably and according to the laws "regulating Descents and distributions of real Estate in "California. And your petitioner further shows, that the said "rancho of Calleguas has been in actual and peaceable possession "of the said Jose Pedro Ruiz and his said heirs from the date of "said grant to the present time, that it has not been surveyed "by the U S Surveyor General for California and that there is no "conflicting claim thereto known to your petitioner. The "evidence on which your petitioner relies consists of the records "of this grant in the Office of the Surveyor General certified "copies of which your petitioner prays leave to file as part of "this petition, as soon as the same can be procured original "papers and maps in the possession of your petitioner ready to "be produced and proved and of which copies are herewith filed "as parts of this petition and the testimony of Witnesses to be "produced before your Honorable Board. Respectfully submitted "for such action as the Justice and nature of the claim may "require."

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Your petitioner further represents that thereafter, towit, on the 4th day of November, A. D. 1853, the said Commissioners confirmed by final decree the said claim of the said Gabriel Ruiz ___ al, in the words and figures following, towit, "Gabriel Ruiz & et al vs The United States. In this "case on hearing the proofs and allegations it is adjudged by "the Commission that the claim of the said Gabriel _____ (omission here) "and the other heirs at Law of Jose Pedro Ruiz the original "grantee of the land, now deceased is valid, and it is there- "fore hereby decreed that the same be confirmed to the said "Gabriel Ruiz and the other heirs at law of said Jose Pedro "Ruiz deceased. The land hereby confirmed is known by the "name of "Calleguas" is situated in the County of Santa Barbara

"And is the same occupied by the said confirmees and is bounded "and described as follows: towit situated within the tract of "land which extends from the boundaries of Simi El Conejo "Guadalosa, Pasas and San Buenaventura and more particularly described in its boundaries as follows: Beginning at the edge "of the hills, where three Elms stand alone and running thence "three fourths of a league to a stake at the foot of the spur "of Las Pasas which was driven there as a land mark when the "Juridical possession of said land was given to said Jose Pedro "Ruiz, thence over a spur Eastwardly one and a quarter leagues "to the top of a hill close to the Split ground (tierra Rajada) "thence Southwardly cutting acrossthe Canada of Santa Rosa "one quarter of a league to the top of a hill at a stake which "was driven as a land mark, when said Juridical possession was "given, and thence westwardly along the edge of some hills "one and a half leagues to the place of beginning reference "for more particular description to be had to the grant of "the same, the records of Juridical possession and the "map which is made a part of the same together with the map "attached to the copy of the expediente all of which are on "file in this case."

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

"Filed in Office November 4 1853. Geo. Fisher Secy."

That thereafter, towit, on the 30th day of August, A.D.1854, a duly certified transcript of the said decree and proceedings, and the papers and evidence on which it was founded in said cause was filed in the Office of the Clerk of the District Court of the United States for the Southern District of California and marked No. 430, 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

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and proceedings of said Commissioners in said cause (No. 430) and the papers and evidence on which said decree was founded.

That thereafter, towit, 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 Gabriel Ruiz, et al 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.

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1. That the said Gabriel Ruiz et al 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 Alvarado was made in violation of the 4th Article of the Colonization law of Mexico of the 18th of August A.D.1824, in this, that the land granted, as alleged by claimant, was and is within ten leagues of the sea Coast. And there is no evidence by claimant, that the Supreme General Executive Power of Mexico previously approved by 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 and in the possession of the Missions of California; and particularly by the Mission of San Buenaventura: and could not therefore be colonized.

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, A.D. 1824, and the regulations, for the Colonization of the Territories of Mexico, of the 21st of November, A. D. 1828.

5. That the alleged grant of Governor Juan B. Alvarado is not on stamped paper. It contains no certain description of the land alleged to have been granted; and there is no certain quantity or extent of land specified therein. And said grant is void for uncertainty. And said alleged grant has not the condition designating a proportionate time within which the grantee should cultivate or occupy the land, as required by law. That the said Alvarado had no lawful power on the 10th of May A.D. 1837 to grant the land claimed as aforesaid.

60 SD
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6. That the signature of Victor Prudon, appearing upon the said alleged original grant of said Governor of said date is not proved to be genuine; That the signatures of Victor Prudon, Antonio Buelna and Jose Ramon Estrada, appearing upon the document dated May the 18th A. D. 1837, purporting to be a certificate of the approval of the said grant by the Deputation of California, are not proved to be genuine. And the genuineness of these said signatures to said documents are denied.

7. That the alleged act of juridical possession and survey of Antonio Rodriguez Justice of Santa Barbara, dated on or about the 13th of November, A. D. 1839, was not made according to the said alleged grant and the map referred to therein; That it is vague, indefinite, and uncertain. That there is no evidence that the said Antonio Rodriguez was Justice of Santa Barbara on the day of the date of said alleged act of Juridical possession and survey of said land, and that he had lawful authority to make said Juridical possession and survey. And it

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is denied that he was such Justice at said time and had lawful authority to perform said alleged Judicial act.

8. That there is no evidence that the said alleged grantee built a house on the said land within a year from the date of said grant, or within a reasonable time, and that it was occupied by him. And it is denied that said alleged grantee built a house on the said land within a year from the date of said grant, and that it was occupied by him.

9. That it appears by the said petition of said Gabriel Ruiz that all the alleged heirs of said alleged grantee are not parties claimants of said land.

10. That the said petitioner Gabriel Ruiz, does not show, with certainty, what his alleged undivided interest is, as heir, to said land, alleged to have been granted as aforesaid.

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

Wherefore the said Pacificus Ord Attorney of the United States for the Southern District of California, for and in behalf of the United States, by reason of the premises, and the laws and Statutes in such case made and provided, prays that the said Gabriel Ruiz, et al, or his Attorney, may be served with a copy of this petition, and that this Honorable Court will review the said decision or final decree of confirmation of said Commissioners to ascertain and settle the private land claims in the State of California, and decide on the validity of the said claim of said Gabriel Ruiz et al for said land claimed and confirmed as aforesaid, and that the same may be decreed invalid. And all such other Orders, Judgments or decrees as may be just, with Costs, and general relief.

(Signed) P. Ord

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

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(ENDORSED): NO. 60

(NO. 430 Transcript)

Gabriel Ruiz app^ee

vs

The United States App^t

Petition of Atty. of U.S. for
Review &c

Filed Jany. 5th 1855

(Signed) C. E. Carr

Clk

(Printed form)
(SUMMONS, DATED FEBRUARY 5 1855)

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UNITED STATES OF AMERICA,)
) SS.
SOUTHERN DISTRICT OF CALIFORNIA.)

THE PRESIDENT OF THE UNITED STATES,

TO

Gabriel Ruiz, et al, Appees.

~~Note: (no seal hereon)~~

See end

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 Fifth day of January, in the year of our Lord one thousand eight hundred and fifty-five 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, on 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 Gabriel Ruiz, et al, for the tract of land called Calleguas, in the County of Santa Barbara, California, to the extent of about ___ leagues,
(omission)

which said claim was presented by your petition__ to said Commissioners, on or about the 1st of November 1852, and by them confirmed on or about the 4th of November, 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 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 fifth day of February in the year of our Lord one thousand eight hundred and fifty-five at Los Angeles aforesaid.

(SEAL)

(Signed) C. E. Carr
Clerk

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(BACK OF SUMMONS)

I served this summons along with the proper copy of the petition upon Gabriel Ruiz, et al, the within named defendant by delivering to him personally a true copy of the summons and petition, at his Rancho in the County of Santa Barbara, in the Southern District of California, on the seventh day of March, A. D. 1855.

(Signed) Edward Hunter
U.S.Marshal, by
Depty.
(Signed) R. S. Jones

Sworn to and
subscribed before me,
this 10th of March, 1855.
(Signed) C. E. Carr,
Clerk.

Marshal's costs	
Copying Summons	.90
Serving Petition	3.00
Serving Summons	3.00
Actual Traveling Expenses	60.00
	$66.00

(ENDORSED): NO. 60.
(No. 430 Transcript)

UNITED STATES OF AMERICA,
SOUTHERN DISTRICT OF CALIFORNIA,
U. S. DISTRICT COURT.
GABRIEL RUIZ, ET AL
adv
THE UNITED STATES
SUMMONS
Received February 5th 1855
(signed) Edward Hunter
U.S.Marshal

(NOTICE OF APPEAL)

IN THE DISTRICT COURT OF THE UNITED STATES,

FOR THE SOUTHERN DISTRICT OF CALIFORNIA,

LOS ANGELES, ... DECEMBER TERM, 1855.

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Gabriel Ruiz, et al	)	
	)	
Appellees	)	NO. 60.
	)	
vs.	)	(No. 430 of Transcript.)
	)	
UNITED STATES,	)	
	)	On Appeal from the United
Appellant.	)	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 3d day of December, A. D. 1855.

(Signed) P. Ord
Dist.Atty.

(ENDORSED): NO. 60
U.S.Dist.Court
Southn. Dist. of California
Gabriel Ruiz, et al,
Appellees
ads
The United States
Appellants
NOTICE OF APPEAL (initials)
Filed March 7th 1856
(Signed) C. E. Carr
Clk
By (Signed) O. Morgan
Depy

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(ANSWER OF APPELLEES)

Gabriel Ruiz et al Appellees ads The United States Appellants	)	In the District Court of the United States for the Southern District of California

No. 430

The answer of Gabriel Ruiz and others, heirs of Jose Pedro Ruiz, deceased (whose names are hereinafter specified) to the petition of Pacificus Ord, Attorney of the United States for the Southern District of California, in behalf of the United States, respectfully showeth:

That on or about the first day of November, A. D. 1852, the said Gabriel Ruiz, (on behalf of himself and other heirs of the said Jose Pedro Ruiz, deceased) presented a petition to the Board of Land Commissioners to ascertain and settle the private land claims in the State of California, claiming the tract of land called "Calleguas" containing one square league of land more or less, in the County of Santa Barbara and within the jurisdiction of this Court, and bounded and described as set forth in the said petition, and the act of judicial possession and the plan or map accompanying the same, copies of which are contained in the Transcript on file in this case and made a part of this answer.

And the said Appellees further answering says, that the said Rancho or tract of land was originally granted to the said Jose Pedro Ruiz on or about the 10th day of May, A. D. 1837 by Juan B. Alvarado then Governor &c of the Department of the Californias, by virtue of authority in him vested, and according to the laws, usages and customs of the Mexican Republic; and that on the 20th day of May, A. D. 1837, the said grant was duly approved by the Departmental Assembly of the then Territory of California,

as will more fully appear by reference to the original grant and approval of the Departmental Assembly, copies of which are contained in the Transcript on file in this case, and made a part of this answer.

That on or about the 13th day of November, A. D. 1839, judicial possession of the said tract of land was duly given to the said Jose Pedro Ruiz by Antonio Rodriguez, a Justice of Santa Barbara and duly authorized to give said possession.

That in or about the month of February, A. D. 1849 the said Jose Pedro Ruiz died intestate, leaving him surving and his heirs at law: Maria Ignacia Lugo de Ruiz, his widow, his sons Carlos Ruiz, Gabriel Ruiz, the said petitioner, Jose Antonio Ruiz, Battazan Ruiz, Ilanon Ruiz and Jose Antonio Ruiz and his daughters Bernarda Ruiz, Alcona Ruiz, Caledonia Ruiz and Dragracia Ruiz, and the following issue of his deceased daughter Petra Ruiz married to one Arelarns, viz, Guadalupe, Soledad and Jose Arelarns, and the following issue of his deceased daughter Presentacion Ruiz, married to one Pico, viz, Maria de Los Angeles and Chepeta Rico, - which last mentioned Chepeta has since died leaving her surviving, her husband Ignacio Esquima, and two daughters, the issue of her marriage with him, viz, Josefa and Blandina. - And that since the death of the said Jose Pedro Ruiz, the said Dragracia, one of his daughters above mentioned, died intestate seized of her proportional undivided share or interest in said Rancho, and left her surviving, her husband Esteban Ortega and the following issue of her marriage with him, viz: Francisca, Jose Dolores, Refugio, Prudencia, Maria de Los Angeles, Jose Ramon, Jose del Carmen and Sebastian Ortega. - That the said Rancho or tract of land has never been divided or fractitioned among the said several heirs of Jose Pedro Ruiz, and that the same is still occupied and possessed in common by the said widow and the other heirs at law of the said Jose Pedro Ruiz whose names are above specified. -

That the said Jose Pedro Ruiz has been and continued in

the actual and peaceable possession of the said Rancho from the date of said grant up to and until the time of his death as aforesaid, and complied with and fulfilled all the conditions of the said grant. - And that since his said death, his said heirs above mentioned have peaceably occupied and possessed the same, and still continue to occupy and possess the same as heirs at law of the said Jose Pedro Ruiz. -

That on or about the 4th day of November A. D. 1853 the said Commissioners by final decree confirmed the said title to the said Rancho to the said Gabriel Ruiz and the other heirs at law of the said Jose Pedro Ruiz, deceased. -

And the said Appellees further answering deny all and singular the allegations and objections of the said District Attorney against the validity of said claim, and insist that they have a good and valid claim and title to the said land, and that the decision of the said Commissioners ought to be affirmed by this Court. -

Wherefore they pray that this Honorable Court will affirm the decision of the said Commissioners and decree that the said Appellees have a good and valid title to the said land. - And for general relief.

(Signed) Myron Norton
Atty. for Appellees

And the said Appellees further answering, admit that the said tract of land lies in the Southern District of California and within the jurisdiction of this Court. And that the Transcript and Notice of Intention to prosecute the appeal in this case were duly filed as alleged in the said petition for review. -

(Signed) Myron Norton
Atty. for Appellees.

(ENDORSED): I served this Answer on P. Ord, U. S. District Atty., in the Southern District of Cali., by delivering to him in person a certified copy hereof, this Aug. 10th, 1855.

(Signed) Edward Thornton
U. S. Marshal

Sworn to and subscribed before me
this 16th. Aug 1855
(Signed) C. E. Carr
Clk

NO. 60 3
District Court United States
Southern Dist. of California
Gabriel Ruiz, et al
Appellees
ads
The United States
Appellants

Answer of Appellees

(Signed) Myron Norton
Atty. for Appellees

Filed April 16th 1855
(Signed) C. E. Carr
Clk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

GABRIEL RUIZ, Appellee	)	NO. 60
adv	)	For the Place Called "Calleguas"
THE UNITED STATES Appellant.	)	

(DECREE)

This cause coming on to be heard on an appeal from the decision of the Commissioners to ascertain and settle the private Land Claims in the State of California, under the Act of Congress, approved March 3d, 1851. Upon the Transcript of the proceedings and decision, 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 and the same is hereby affirmed, and it is further ordered, adjudged and decreed that the claim of the said Appellee above mentioned is good and valid and the same is confirmed to him and the other lawful heirs of Jose Pedro Ruiz to the extent called for in the grant & Map to which the Grant refers, and more fully described in the Act of Judicial possession as follows, towit: Beginning at the edge of the hill, where three Elms stand alone, thence three-quarters of a league to the foot of the spur of Los Pasas; thence over a spur eastwardly one league and a quarter to the top of a hill close to the split ground (Tierra Vajada); thence southwardly cutting the Canada of Sta. Rosa a quarter of a League to the top of a hill where stake was driven as a land mark, thence Westwardly along the edge of some hills one and a half Leagues to the place of beginning.

(Signed) Isaac S. K. Ogier

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NO. 60

U. S. DISTRICT COURT

SOUTH. DIST. OF CALIF.

GABRIEL RUIZ

Appellee

adv

THE UNITED STATES

Appellant

DECREE

Filed March 7 1856

(Signed) C. E. Carr

Clk

By (Signed) O. Morgan

Deputy.

Recorded On Page 214 &

5th

(PRINTED FORM)

(DUPLICATE)
(CERTIFICATE OF SURVEYOR GENERAL,
ON THE MATTER OF PUBLISHING OF SURVEY.)

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"DUPLICATE"

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES,)
FOR CALIFORNIA.)

I, E. F. Beale, United States Surveyor General, for the State of California, do hereby certify that the Rancho "Calleguas", confirmed to G. Ruiz, has been surveyed by this office, and that the survey and plat was approved by the U.S. Surveyor General, on the 25th day of March, 1861; that I have caused to be published, once a week, for four weeks successively, in two newspapers, to wit: the Visalia Delta, published in the County of Tulare, being the newspaper published nearest to where the said Rancho is located, the first publication being on the 21st day of August, 1862, and the last, on 18th day of Sept., 1862; also, in the Southern News, a newspaper published in the City and County of Los Angeles, the first publication being on the 13th day of August, 1862, and the last, on the 17th day of September, 1862, a notice that the said land had been surveyed, and a plat made thereof, and the survey and plat approved by me. And I do further certify, that the said survey and plat were retained in my office during all of said four weeks, and until the expiration thereof, subject to inspection; and I further certify, that no order for the return thereof to the U. S. District Court, has been served upon me.

(OFFICIAL SEAL)
SURVEYOR GENERAL'S OFFICE)
CALIFORNIA.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially, and caused my Seal of office to be affixed, at the City of San Francisco, this fifteenth day of November, 1862.

(SIGNED) E. F. Beale
U.S.Surveyor General for California.

(ENDORSED): NO. 60

U.S.Dist.Court

Southn. Dist. Cala

G. Ruiz et al

vs

The United States

Certif. of Sur. Genl., in the matter of pub. of survey.

FILED July 1 1863

(Signed) John O. Wheeler
Clerk
Deputy
(Signed)

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Certif. sent off July 2° 1863

(PRINTED FORM)
(FINAL CERTIFICATE OF SURVEYOR GENERAL,
FILED JANUARY 13, 1866)

60 SD
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OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES,)
FOR CALIFORNIA.)

I, E. F. Beale, United States Surveyor General, for the State of California, do hereby certify that the Rancho "Calleguas", confirmed to G. Ruiz, has been surveyed by this office, and that the survey and plat was approved by the U. S. Surveyor General, on the 25th day of March, 1861; that I have caused to be published, once a week, for four weeks successively, in two newspapers, to wit: the Visalia Delta, published in the County of Tulare, being the newspaper published nearest to where the said Rancho is located, the first publication being on the 21st day of August, 1862, and the last, on the 18th day of September, 1862; also, in the Southern News, a newspaper published in the City and County of Los Angeles, the first publication being on the 13th day of August ~~September~~, 1862, and the last on the 17th day of September, 1862, a notice that the said land had been surveyed, and that a plat made thereof, and the survey and that plat approved by me. And I do further certify, that the said survey and plat were retained in my office during all of said four weeks, and until the expiration thereof, subject to inspection; and I further certify, that no order for the return thereof to the U. S. District Court, has been served upon me.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially, and caused my Seal of office to be affixed, at the City of San Francisco, this 15th day of November, 1862.

(OFFICIAL SEAL)
SURVEYOR GENERAL
OFFICE. CALIFORNIA)

(Signed) E. F. Beale
U.S.Surveyor General for California

I certify the above and foregoing to be a full, true and correct copy of the original Certificate of Advertisement, as the same appears of record in this office.
Witness my hand and the seal of said office

at San Francisco, this 10th day
of January, A. D. 1866.
(signed) L. Upton (?)
U.S.Sur.Genl.

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(ENDORSED): NO. 60

FINAL CERTIF. SUR. GENL.
Filed Jany 13/66
(signed) John O. Wheeler
Clk.

(TRANSCRIPT FROM THE BOARD OF LAND COMMISSIONERS)

(NOTE:
Undated,
not filed)

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IN THE DISTRICT COURT OF THE UNITED
STATES WITHIN AND FOR THE SOUTHERN
DISTRICT OF CALIFORNIA

Hon. Isaac S. K. Ogier, Judge

December Term, 1836

The United States Appellant vs Gabriel Ruiz et al Appellees	)	Docket No. 60

Transcript from the Board of Land Commissioners, etc.

The Attorney General of the United States having given Notice that the appeal to the Supreme Court from the decision of this Court in the above entitled cause will not be prosecuted by the United States, And a Stipulation having been entered into by the United States District Attorney, and the Attorneys of the 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 hereby vacated and that the Claimant have leave to proceed under the decree of this Court heretofore entered in this cause as under a final decree.

(Signed) Isaac S. K. Ogier
U. S. Dist. Judge

(ENDORSED): NO. 60