

CASE No.

61

SOUTHERN DISTRICT

MISSION VIEJO DE LA PURISIMA GRANT

JOAQUIN CARRILLO, ET AL

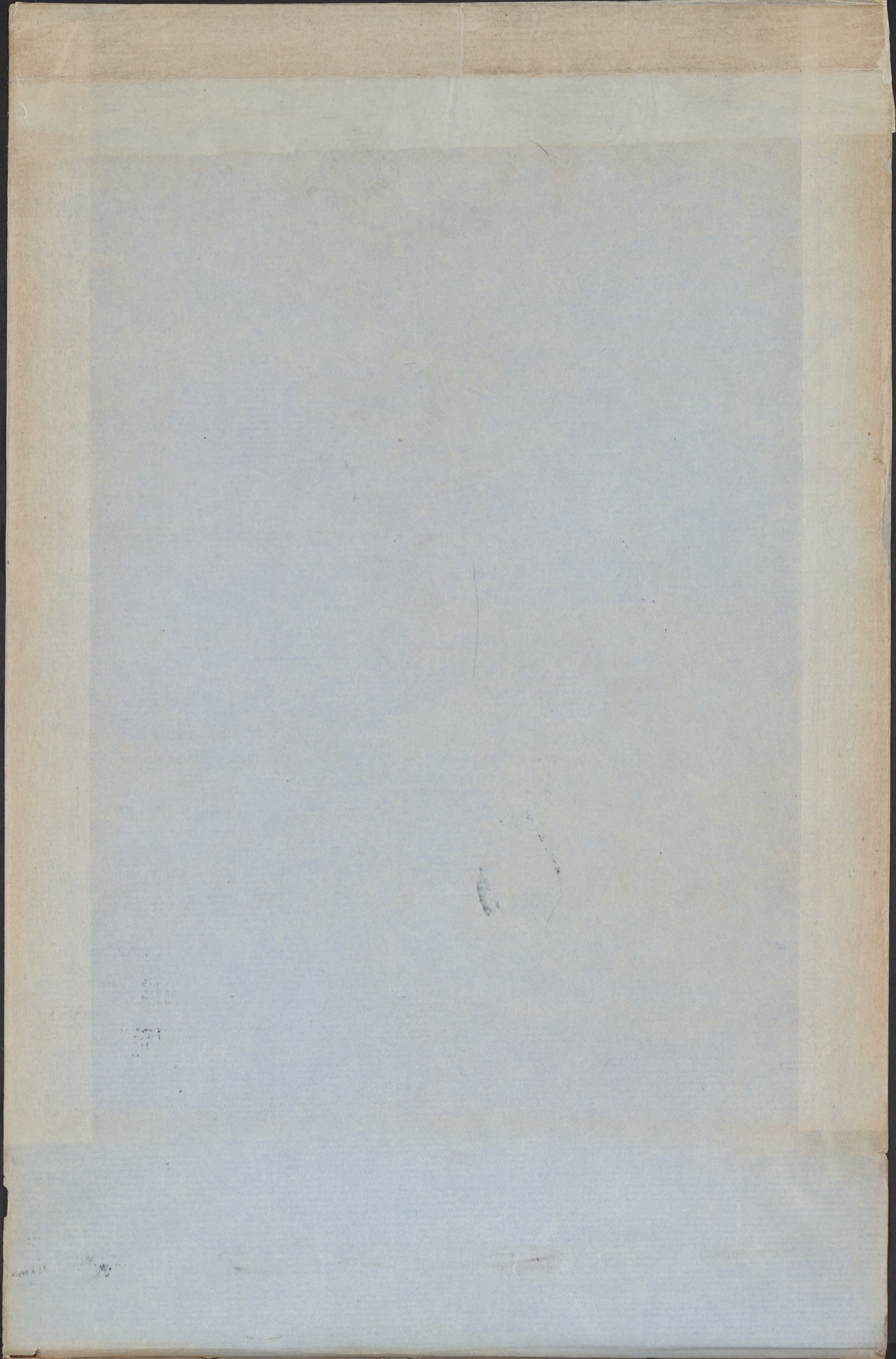
CLAIMANT

FEB 17 1963

Permanized
PLOVER BOND
25% COTTON FIBER
U.S.A.



178



TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 178

Joaquin Carrillo, et al,

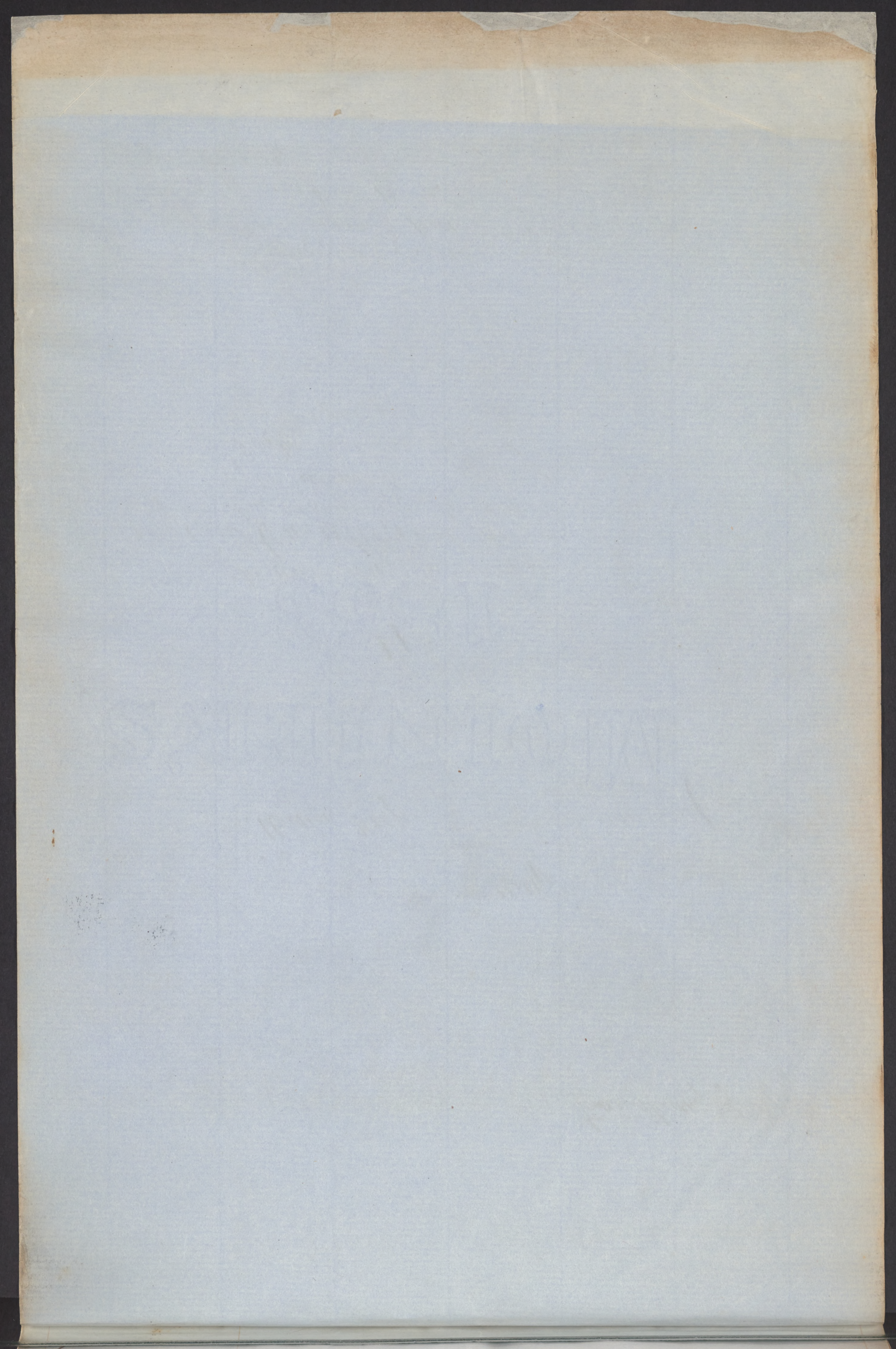
CLAIMANT'S

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Mision Vieja de la Purisima"



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 *thirteenth day of April*, Anno Domini One Thousand Eight Hundred and Fifty=*Two*, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

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The Petition of *Joaquin Carrillo, et al:*
for the Place named
"*Mision Vieja de la Purisima*"
was presented, and ordered to be filed and docketed with No. *178* 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 September 9th 1852
In case No. 178 *Joaquin Carrillo and Jose Antonio Carrillo*, for the place named "*Mission Vieja Purisima*", the deposition of *Padre de la Buena*, a witness in behalf of the claimants, taken before Commissioner *Wm J. Thornton*, was filed;

(vide page *4* of this Transcript.)

San Francisco Jan. 6th 1853.
In the same case the deposition of *Andres Pico*, a witness in behalf of the claimants, taken before Commissioner *Wm J. Thornton*, was filed;

(Vide page *5* of this Transcript.)

San Francisco August 26 1853.

Case no 178, called; Submitted on Briefs on both sides and taken under advisement.

San Francisco November 16 1853

In the same case Commissioner Thompson Campbell delivered the opinion of the Board confirming the claim.

(See page 23 of this Transcript.)

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To the Honorable Commissioners to settle private Land Claims in California.

Petition

The petitioners, Joaquin Carrillo and José Antonio Carrillo, respectfully show: That on the 20th day of November A. D. 1845, Pio Pico, Governor of California by virtue of authority in him vested, granted to the petitioners the tract of land called Mission Vieja de la Purisima, situate in the then jurisdiction Snow County of Santa Barbara, containing one square league of land, a little more or less, as shown in the corresponding map; a copy of which title & map is submitted herewith marked A. with a translation marked B.

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That the said grant was approved by the Departmental Assembly on the 3rd day of June A. D. 1846.

That the said tract of land has not been surveyed by the Surveyor General of the United States, but that its boundaries are fully shown on the map accompanying the title & are well known. That the petitioners were previous to the date of said grant, have been ever since, & now are in the quiet, peaceful & undisputed possession & occupation of said tract of land.

That they know of no conflicting claim: That they rely for confirmation of title upon the original papers, copies of which are submitted herewith, upon the records & minutes in the archives now in charge of the Surveyor General of the United States; & upon such other & further proofs as they may be advised are necessary.

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

By their Attys.

Halleck, Peasey & Billings.

Filed in Office April 13th 1852.

Geo. Fisher.
Secy.

Office of the Board of Commissioners
of California Land Claims.

Los Angeles Sept-9th 1852.

On this day before me Harry J. Thornton,
one of the Commissioners for ascertaining & settling
private land claims in California, came Pablo de
la Guerra a witness produced in behalf of the claimant
Joaquin Camille & Jose Antonio Camille whose petition
is No 178, on the docket of the Board, & was duly sworn
his evidence being given in English.

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Deposition of
Pablo de la Guerra.

The U.S. Law Agent attended.

1. Ques. What is your name, age & place of residence?
Ans. My name is Pablo de la Guerra, my age is about
32 years, I reside in Santa Barbara, & have resided in
California all my life.

2^d Quest. Examine the papers marked No 7 & 8 & attached
to this deposition & say whether you know the signatures
& whether the papers are genuine.

Ans. I am acquainted with the signatures of Pio
Pico, & Jose Maria Covarrubias; their signatures to
these papers are genuine, & to the best of my knowl-
-edge & belief the papers are genuine.

U.S. Law Agent present. Pablo de la Guerra.

Sworn to & Subscribed before me
this 9th of Sept 1852.

Harry J. Thornton.
Com'r

Filed in Office Sept 9th 1852.

Geo. Fisher.
Secy.

5

San Francisco Aug 6th 1853.

On this day before Court Nancy J. Thornton, came Andres Pico, a witness in behalf of the claimants Joaquin & Jose Antonio Carrillo, petition No. 178, & was duly sworn, his evidence being given in English. The U. S. Associate Law Agent was present.

Deposition of
Andres Pico.

My name is Andres Pico; my age is 14 years, I was born in California, & live in Los Angeles. I know the Rancho called "Mision Vieja de la Purisima"; it is in Santa Barbara county; Joaquin & Jose Antonio Carrillo have occupied since the latter part of 1845 with cattle, horses, corrals & a house. U. S. Law Agent present. Andres Pico.
Sworn to & Subscribed before me
this 6th of Aug 1853.

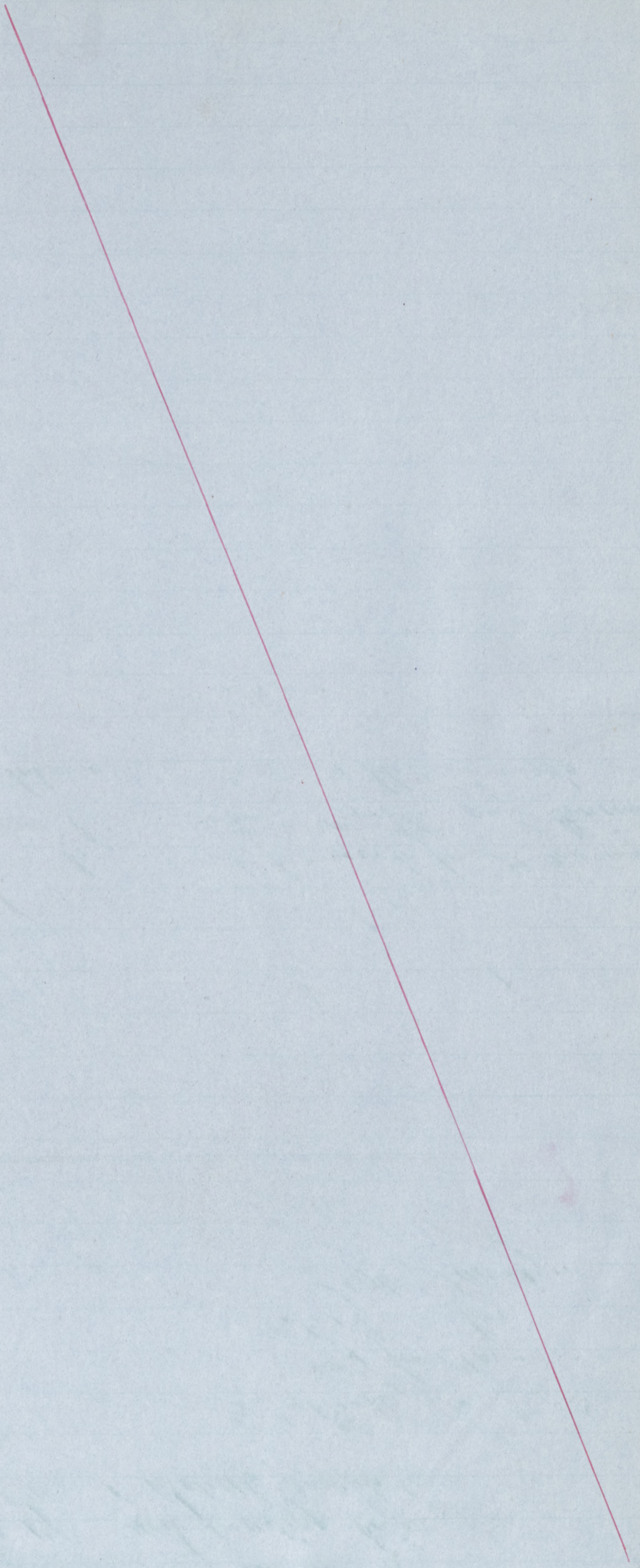
Nancy J. Thornton.
Court Secy

Filed in Office Aug 6th 1853.

Geo. Fisher,
Secy.

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6188

Case of *Staphylococcus aureus* admitted as evidence

6
We hereby consent that the following Certified
Copy of Expediente, be filed and admitted as evidence
in Case No. 178 now pending before the U.S.
Board of Com. to settle private land claims in
California.

Halleck, Peachy & Billings
Attys for Claimants
Robert Greenhow
Asst. Law Agent

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1845

Expediente promovido por D.º Joaquin
y D.º Juan Antonio Carrillo, en pretension
del terreno nombrado Mision vieja
de la
Purisima

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Doag.^o y Doñ. Ant^o Carrillo vecinos del partido de Sta Barbara ante V. E. comparecen y dicen: que siendo necesario agregar al terreno que poseen un pedazo de tierra que se halla baldío en la cual se encuentran las vecinas de la Misión Vieja de la Tama, Solicitamos en el año 44 del P. M. Fr. Juan Moreno quien se hallaba encargado del establecimiento de la Purísima en consentimiento para dirijirnos al Gobierno de nos concediera la propiedad de el; al efecto combinó dho P. M. dirijiramos nuestra solicitud al Gobierno; por lo mismo nos dirigimos a V. E. solicitando la concesion de dha tierra por la que tenemos indemnizado a dho establecim^{to} la cantidad de veinte y cinco baguillas, veinte y cinco nobillos, diez vacas y cinco Caballos, valor en que combinamos con el P. M. ingresar al establecim^{to} por dha tierra, como se vera por el adjunto recibo.

Por tanto

A V. E. Suplicamos se sirva acceder a esta solicitud en lo que recibiremos gracia y merced, Sirviendose V. E. admitir esta ciente papel por no haber del Sellado que corresponde.

Sta Barba Nbre 3 de 1845

Por Si y Sr^o Carrillo Doag.^o Carrillo

4 Fr. Juan Moreno como encarg^{do} de la Misión de la Purísima y a nombre de ella recibió veinte y cinco baguillas y veinte y cinco nobillos de Doñ. Ant^o Carrillo, y cinco caballos de rinda ó buen servicio, a mas diez vacas, importe de la venta hecha del terreno del otro lado del Rio y Huerfano de la Misión Vieja.

Y p. g. de fe donde y cuando converga doy este en la referida Misión a veinte dias del mes de Junio de 1844

Fr. Juan Moreno

Don 60

Copy of Expediente

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1784

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*Alonso Amador
May*

Pío Pico, Vocal decano de la Asamblea
Departamental y Gobernador provisional de las Californias

Por cuanto D. Joaquin y D.^{na} Jose Antonio
Carrillo han pretendido para su beneficio personal y el de
sus familias, el terreno conocido con el nombre de elision
Vieja de la Purisima; practicados previamente las
averiguaciones concernientes, usando de las facultades
que me son conferidas a nombre de la Nacion Mexicana,
he venido por decreto de este dia en concederles el terreno
mencionado, declarandoles la propiedad de el por las
presentes letras, de conformidad con la ley de 18 de
Agosto de 1824 y reglamento de 21 de Noviembre
de 1828, a reserva de la aprobacion de la misma

Asamblea Departamental, y bajo las condiciones siguientes
1.^a Podran cercarlo sin perjudicar las travessias,
7 caminos y servidumbres; lo disfrutaran libre y exclusiva-
mente destinandolo al uso y cultivo que mas les
acomode, en la inteligencia que se les concede en
ampliacion del terreno que poseen llamado Campo.

2.^a Solicitaran del Juez respectivo los de la
posesion juridica en virtud de este despacho, por el
cual se demarcaran los linderos con las mejoras
necesarias.

3.^a El terreno de que se les hace donacion
es de la extension de un sitio de ganado mayor poco mas
o menos, y el mismo que demuestra el diccionario que
obra en el expediente. El Juez que diere la
posesion lo hara medir conforme a ordenanza.

En consecuencia mando que teniendo el
presente titulo por firme y valido, se tome razon de
8 el en el libro respectivo y se entregue a los interesados
para su resguardo y demas fines. Dado en la Ciudad
de los Angeles, en este papel comun por no haber selado
que corresponde a veinte de Noviembre de mil ochocientos
cuarenta y cinco.

Queda tomada razon de este titulo en el
libro a que corresponde.

Angeles Mayo 8 de 1846

Dada cuenta en sesion de hoy con este
expediente a la E. Asamblea Departamental se mando
pasar a la Comision de terrenos baldios.

Pio Pico Presid.^{te}
Agustin Oberra
S. S.

C. S.

9 La Comision de terrenos baldios a examinado
el pres.^{te} Exped.^{te} promovido por los C. C. Joaquin y
Jose Ant.^o Camillo, hermanos, relativo al terreno
Mision Vieja de la Purisima q.^{ta} les fue concedido por

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N.º del Exped.^{te} sobre el terreno de la Mision Vieja de la Purisima

10

por el Sup^{te} Gob^{no} Departam^{to} con arreglo a las leyes de la materia; p^o lo q^o pone a la deliberacion de V. E. la proposicion siguiente.

Se aprueba la Concesion hecha a los Ciudadanos Joaquin y Don Antonio Carrillo herma^{nos} del paraje Misión Vieja de la Purisima, jurisdiccion de Sta Barbara en estencion de un sitio de ganado mayor poco mas o menos segun titulo librado con fecha 20 de bre del año p^o p^o con arreglo a la ley de 18 Agosto de 1824 y el art^o 5^o del reglam^{to} de 21 de bre de 1828.

Salute Com^o en la Ciudad de los Angeles Mayo 22 de 1846 S. Arguello

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Angelos Junio 3 de 1846

La Exma Asamblea Departament^{al} en sesion del dia 22 de Mayo aprobo el antecedente dictamen

Thus crossed in the original

10

Angelos Junio 3 de 1846

En sesion de este dia aprobo la Exma Asamblea Departament^{al} la proposicion del dictamen anterior

Office of Surveyor General of the United States for California

I, John C. Hays, Surveyor General of the United States for the State of California, and as such, now having in my office and in my charge and custody a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California, by virtue of the power vested in me by law, do hereby certify, that the ten preceding and hereunto annexed pages of tracing paper, numbered from one to ten inclusive, exhibit a true and accurate copy of a certain document now on file, and forming part

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of the said archives in this office.
In testimony whereof I have
herunto signed my name officially and caused
my seal of office to be affixed, at the City of
San Francisco this ninth day of November
A.D. 1853

John C. Hayes
U.S. Surveyor General for California

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FILE
NOV 10 1853

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We hereby consent that the following certified copy of extract from Records on file in the office of U.S. Surveyor General be filed and admitted as evidence in case n.º 178 now pending before the U.S. Board of Com. to settle private land claims in California.

Halleck, Peachy & Billings
Atty's for Claimants
Robert Grantham
U.S. Law Agent

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Señon del dia 3 de Junio de 1846

Aprobada la acta del dia 15 de Mayo pasado se le dió segunda lectura al dictamen de la Comision de Propios y Arbitrios que corre en la representacion de algunos vecinos de Santa Barbara, y puesto á discusion despues de la Suficiente se acordó volverse á la Comision para que la reforme a virtud de haberlo asi pedido el Presidente de ella por tener en su poder el bando a que se refieren los Solicitantes
Se dio Cuenta con lo siguiente

Copy of
Record of
Approval

En el de los Señores Don Joaquin Carrillo y Don Jose Antonio Carrillo. Se aprueba la concusion hecha a los Ciudadanos Joaquin y Jose Antonio Carrillo hermanos, del Haceraje Misión Vieja de la Purisima, Jurisdiccion de Santa Barbara en estencion de un Sitio de ganado mayor poco mas o menos segun titulo librado con fecha 20 de Noviembre del año p.p.º con arreglo á la

Ley de 18 de Agosto de 1824 y el artículo 5.^o
del reglamento de 21 de Noviembre de 1828

Pio Pico Signed to
Agustin Olvera
D.S.

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Office of Surveyor General of the United
States for California

I, John C. Hays, Surveyor
General of the United States for the State of
California, and as such, having in my office
and in my charge and custody a portion of the
Archives of the former Spanish and Mexican
Territory or Department of Upper California
by virtue of the power vested in me by law, do
hereby certify that the four preceding and hereunto
annexed pages of tracing paper, numbered from
one to four inclusive, exhibit a true and accurate
copy of extracts from a certain unbound book
entitled "1846 Cuaderno de Sesiones de la misma
Asamblea" purporting to be a record of sessions
of the Departmental Assembly; said book
now being on file, and forming part of the said
archives in this office.

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 ninth day of November of A.D.
1853

John C. Hays
U.S. Surveyor General for California

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M. M. D.

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Document
N.º 8
annexed to the
deposition of
Pablo de la
Guerra

El que Subscribe, Secretario de Gobierno
del Departamento de las Californias
Certifico que el diseño de la vuelta, es
copia fiel del original que obra en el expediente
promovido por D.º Joaquin y D.º Juan Antonio
Carrillo en pretencion del terreno conocido con el
nombre de Misión Vieja de la Purisima
Angeles Diciembre 2 de 1845.
Joaquín Covarrubias

Filed in office Sept. 9th 1852
Geo. Fisher
Sec

1875
1876

(1845)
 Expediente moved by Don Joaquin & Don José Antonio Carrillo in pretension to the land called "Mision Vieja de la Purisima."

(481)

Most Excellent Señor Governor.

Joquin & José Antonio Carrillo residents of the Parroquia of Santa Barbara before your Excellency appear & say:

That it being necessary for them to add to the land which they already possess, a piece of land which is vacant & on which are the ruins of the old Mission of La Purisima, we solicited in the year 1844 of Father Fr. Juan Moreno who was in charge of the Establishment of Purisima his consent that we petition the Government to grant it to us in ownership, and said Father Moreno having so agreed, we accordingly directed ourselves to your Excellency asking for the grant of said land, for which we have paid said Establishment 25 heifers, 25 Steers, 10 Cows, & 3 horses, which we have a good, with Father Moreno as the value to be paid to said Establishment for said land, as shown by the annexed receipt.

Wherefore we pray your Excellency to be so good as to grant our petition by which we shall receive favor & grace: Your Excellency also design-
 -ing to admit this on this paper, as there is none of the corresponding stamp.

Santa Barbara, Nov 3^o 1845

For himself & José A. Carrillo Joaquin Carrillo.

I Fr. Juan Moreno as charged with the Mission of La Purisima, & in its name have received 25 heifers, 23 Steers, of Don José Antonio Carrillo, & 3 well broke horses, besides 10 Cows, the amount of the sale made of the land the other side of the river & the Garden of La Mision Vieja.

And I give this in the aforesaid

Registration of
 Expediente

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Assign for the use it may serve, on this 20th day
of June A. D. 1844.

Friar Juan Moreno

(Here follow map & copy of title, the same as submitted
& translated.)

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Angles, May 8th 1846.

In session of this day this Expediente
submitted to the Most Excellent Departmental Assembly
passed to the Committee on Vacant Lands.

Pri Pico
President.

Agustin Obispo
Deputy Secretary.

E. S.

The Committee on Vacant Lands having examined
the present Expediente moved by citizens Joaquin &
Jose Antonio Camille, brothers, in relation to the land
"Mision Nija de la Purissima" which was granted to
them by the Superior Departmental Government, in
accordance with the laws on the matter, submit to the
deliberation of your honorable body the following prop-
osition. Approved the grant made to the citizens
Joaquin & Jose Antonio Camille, brothers, of the place
"Mision Nija de la Purissima", jurisdiction of Santa
Barbara in extent one square league (sitio de ganado
mayor) little more or less according to the title issued
on the 20th of November of the past year, in conformity
with the law of August 28th 1824, & the 5th Article
of the regulation of November 21st 1828.

Hall of the Committee in the city of Los Angeles
May 22nd 1846.

S. Arguello

Angles, June 3rd 1846.

In session of this day the Most Ex-
cellent Departmental Assembly approved the prop-
osition of the foregoing report.

17

Session of June 3^d 1846.

Approved the act of May 15th last
past - Se. x x x x x x x x x x x x x x x x
x x x x x x x

In the (Expediente) of Messrs Don Joaquin Carrillo &
Don José Antonio Carrillo.

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Translation of José Antonio Carrillo, brother, of the place "Mision Vieja
Record of Oficio de la Purisima", jurisdiction of Santa Barbara, in
-val.
extent one square league (sitio de ganada mayor) a
little more or less, according to the title delivered November
20th of the last year, in accordance with the law of August
18th 1824, Article 5 of the Regulation of November 21st
1828. x x x x x x x x x x x x x x x x

Pio Pico.

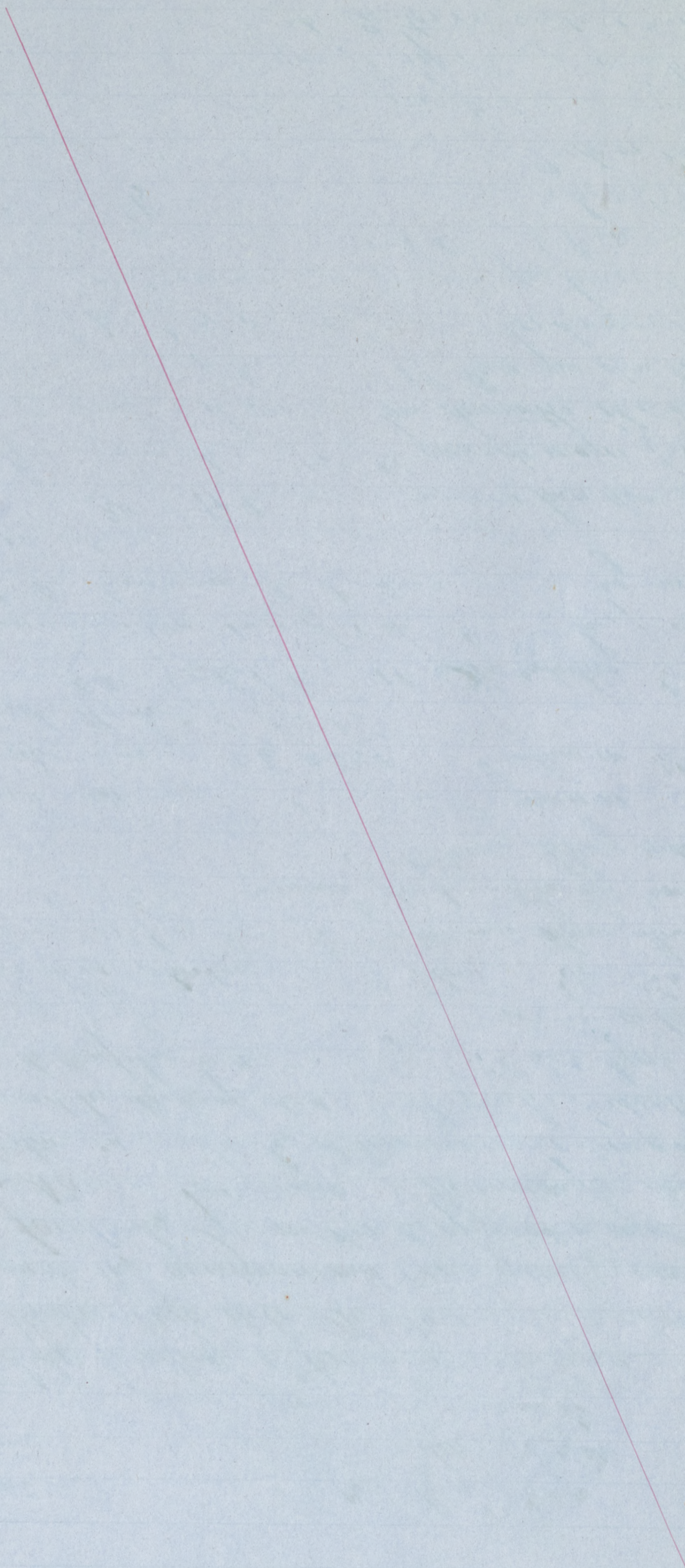
President.

Agustin Obrosar.

Deputy Secretary.

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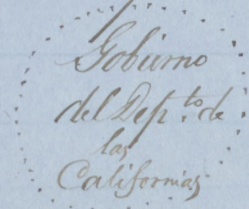
18



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Departamento y Gobernador Provisional de los
N. S. Unidos

Yo Sr. D. Juan Pico, vocal decano de la Asamblea
Departamental y Gobernador provisional de las
Californias.



Por cuanto Sr. Joaquin y Sr.
Don Antonio Carrillo han

Document
n.º 7
annexed to the
definition of
Pablo de la
Guerra

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pretendido para su beneficio personal
y el de sus familias, el terreno conocido con el nombre
de Misión Vieja de la Purísima; practicadas
previamente las averiguaciones concernientes, usando
de las facultades que me son conferidas a nombre
de la Nación Mexicana; he venido por decreto
de este día en concederle, el terreno mencionado,
declarandole la propiedad de él por las presentes
letras de conformidad con la ley de 18 de Agosto de
1824 y reglamento de 21 de Noviembre de 1828
a reserva de la aprobación de la misma Asamblea
Departamental y bajo las condiciones siguientes

1.ª Podrán cercarlo sin perjudicar las travessías
caminos y Serridumbres; lo disputaran libre y exclusi-
vamente destinandolo al uso y cultivo que mas les acomode,
en la inteligencia que se les concede en la ampliacion del terreno
que poseen llamado Longpoc.

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

3.ª El terreno de que se les hace donacion
es de la estension de un sitio de ganado mayor poco
mas o menos y el mismo que demuestra el diseño
que obra en el expediente. El Jefe que diere la
posesion lo hará medir conforme a ordenanza.

En consecuencia mando que teniendo
el presente título por firme y valedero, se tomara en
de él en el libro respectivo y se entregue a los interesados,
para su resguardo y demás fines. Dado en la
Ciudad de los Angeles, en este día y año como
no haber del sellado que corresponde, a veinte
de Noviembre de mil ochocientos cuarenta y cinco
Yo Sr. D. Juan Pico

Juan M. Covarrubias
Srio

Queda tomada rason de este título en el
libro respectivo.

Angelus fecha ut supra
Covarrubias

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Filed in office Sept 9th 1852
Geo. Fisher
Sec

20

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20

Pío Pico Senior vocal of the Departmental Assembly
Provisional Governor of the Californias.

Government
of the Dept
of California.

Wheras Don Jaquín & Don José Antonio
Carrillo, have for their own personal benefit
& that of their families, petitioned for the

land known by the name of Mission orja de la Puri-
-sima, the necessary examinations having previously
been made, using the faculties which are conferred upon
me in the name of the Mexican Nation; I have granted
them the aforesaid land, declaring to them the ownership
of it by these presents, in conformity with the law of
August 18th 1824 & the regulation of November 21st 1828,
subject to the approval of the Most Excellent Departmen-
-tal Assembly & under the following conditions, viz:

18.
Translation of
Title

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1st. They may enclose it without prejudice to the cross-
-ings, roads & servitudes, & enjoy it fully & exclusively,
making that use & cultivation of it which they may
see fit, with the understanding that this is granted
to them as an extension of the land which they
possess called Sompac.

2. They will request the proper Magistrate to give
them juridical possession in virtue of this order, by
whom the boundaries will be marked out & the necessary
brands placed.

3. The land thus granted in donation is one sitio de
ganado mayor (one square league for grazing
large cattle) a little more or less, & is the same that is
shown on the map which goes with the expediente.
The Magistrate who may give the possession will
cause it to be measured in conformity with the ordinance.
In consequence I order that the present title being
held as firm & valid, note be taken of it in the proper
book & it be delivered to the parties interested for their
security & other purposes.

Given in the city of Los Angeles, on
this common paper, there being none of the corresponding
stamp, on the twentieth of November, one thousand
eight hundred & forty five.

(Signed) Pío Pico.
José M. Covarrubias. Secretary.

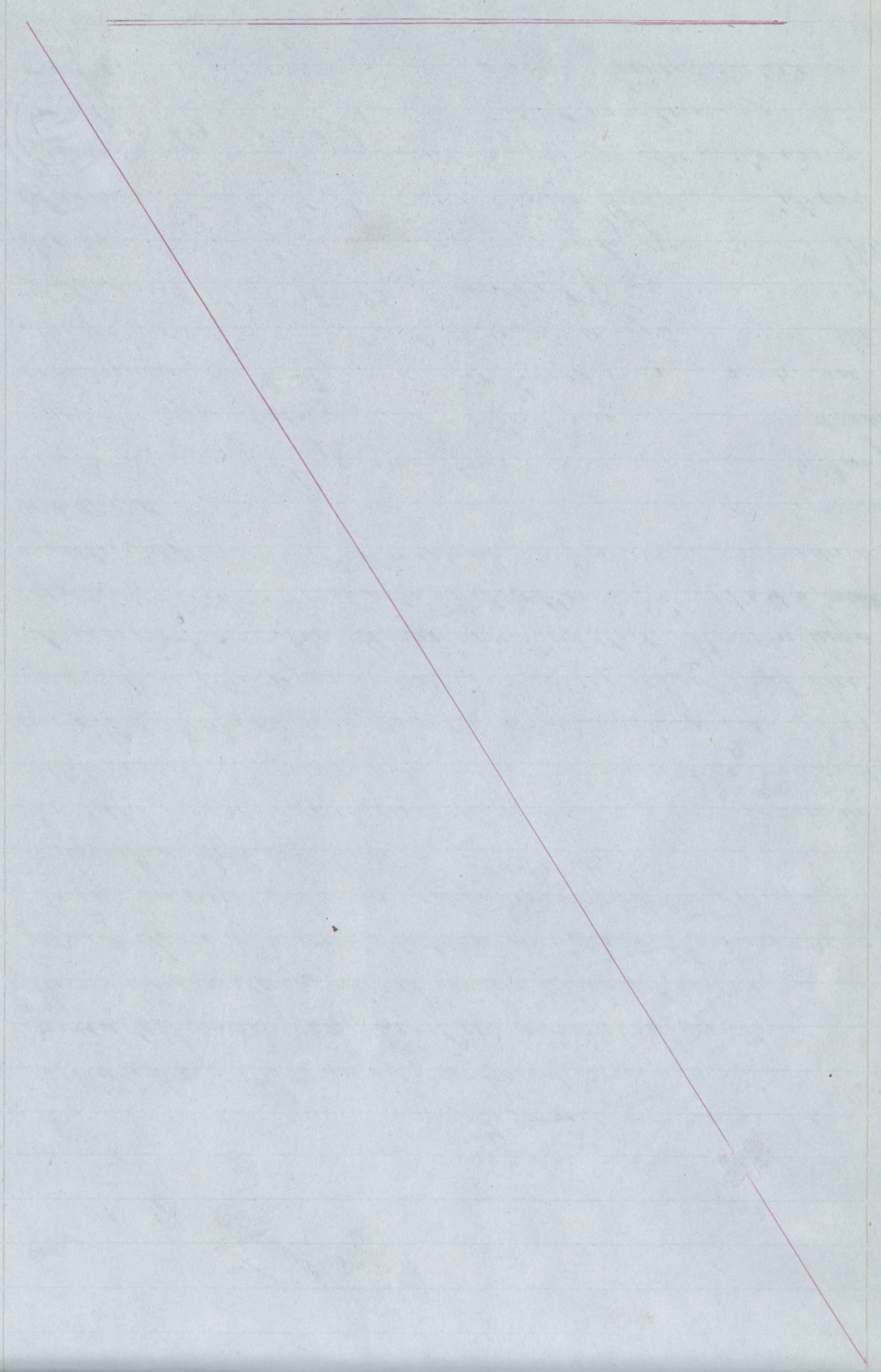
Note has been taken of this little in the proper book.
Angeles, date as above.

(Signed) Covarrubias.

Filed in Office April 13th 1852.

Geo: Fisher.
Secy.

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1852

Joaquin Carrillo &
 José Carrillo
 vs
 The United States.

La Mission Vieja de la Purisima
 one square league.

Opinion

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The papers on file in this case show that on the 20th day of November A. D. 1845, the claimant obtained from ^{Don} Pico a grant of land called "Mission Vieja de la Purisima," situated in the then jurisdiction of & now county of Santa Barbara, containing one square league, a little more or less. It further appears that on the 3rd day of June A. D. 1846, the said grant was duly approved by the Departmental Assembly. The grant together with the ^{proceedings of} approval are all satisfactorily proved & authenticated. It is proved by the deposition of Andres Pico that the claimant occupied the tract called Mission Vieja de la Purisima since the latter part of 1845, with cattle, horses, coral, & a house. This is all the evidence adduced by the claimant in regard to the inhabitation & cultivation of the premises. There is no proof that any judicial measurement of the premises granted was ever made, or that judicial possession was given. The first condition attached to the grant contains the statement that the land granted is an extension of the land which had been previously granted to the claimant called "Lompae." The third condition fixes the quantity granted & is in the following words, "The land thus granted in donation is one square league, for grazing large cattle a little more or less, & is the same as is shown on the map that goes with the expediente &c; a map purporting to be a exact copy of the original map to which reference is here made, is filed with the papers in the case. This map is not attached to the grant, but is on a separate piece of paper, on the back of which is a certificate of the Secretary of State, verifying it to be a true & faithful copy of the original map filed with the Expediente." The grant on its face professes to be an extension

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of an other place already possessed by the claimant called Loupoe, by a reference to the papers & proofs on file in the last named place, it will be found that the claimant did not reside on the place called Loupoe, although they had improvements there, but resided on the place called La Princesa, the question therefore of a grant in extension of a previous grant, without conditions attached or performed, is not presented in this case. The claimant I think, taking the proof in regard to the residence on file in the Loupoe case, in connection with the proof of inhabitancy adduced by them in this case, have established a substantial compliance with the conditions of the law. The last & most important question to be decided relates to the identity of location of the land granted. The grant by itself separate & apart from the map to which it refers, contains no sufficient description of the land granted, its location therefore must depend altogether upon the map. It is a well established principle of law that when a plan is referred to in a deed, all the particulars in that plan are to have the same effect as if set forth in the deed. *Davis et al vs Rainsford* 17 Mass. 207. 1 Shepl. 329. 2 Shepl. 66. The next question which presents itself is, whether the map filed in the case is the same map referred to in the grant. An examination of the traced copy of the Expediente on file in this case, & which is certified by the Surveyor General to be a true copy of the original, & the map which it contains will show that the map on file is an exact copy of the one attached to the Expediente, & is evidently the same map referred to in the grant, this evidence I think, is sufficient to connect the map on file with the grant, & to bring it within the rule laid down in the authority above quoted. Taking, then the descriptions of the premises as delineated on the map as a part of the grant, there

BY DE
80

will be no difficulty in identifying the precise tract intended to be granted. The quantity which the grant calls for is one square league, if there had been a judicial measurement of this tract of land it would have given the location, but in the absence of such measurement, the plan referred to is the only guide. The map seems to have been executed with more than ordinary precision & with considerable artistic skill. The length of line is given on the map according to a scale of 500 varas in length, applying the scale to the map there will be no difficulty in ascertaining the precise distance between the points designated as the boundaries of the tract called for. Those boundaries are all clearly marked on the map, & are of such a character as to be easily recognized. By a reference to the map on file in the Lopez case it will be perceived that the land embraced in the Prusima grant lies eastward of that tract, & adjoint. We are of opinion that the claim in this case should be confirmed.

Filed in Office Nov 13th 1853.

Joaquin Carrillo &
Jose Carrillo.

vs
The United States.

Decree of
Confirmation

In this case on hearing the proofs & allegations it is adjudged by the Commission that the claim of the said petitioners is valid, & it is therefore decreed that the same be confirmed. The lands of which confirmation are hereby made, are known by the name of La Mission Nueva de la Prusima, & are the same now occupied by Joaquin Carrillo & Jose Carrillo, & are bounded & described as follows to wit: on the

South by the Junta, South east by the top of the hills,
east by the Piedras de Cumbre, north by the Cañada
de los Barros, & on the West by the place called Surope,
containing in all one square league. Reference for
further description to be had to the map marked
document No 8 & filed in this case. The place being
the same, on which are the ruins of the old Mission
La Prisma.

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PAGE 26

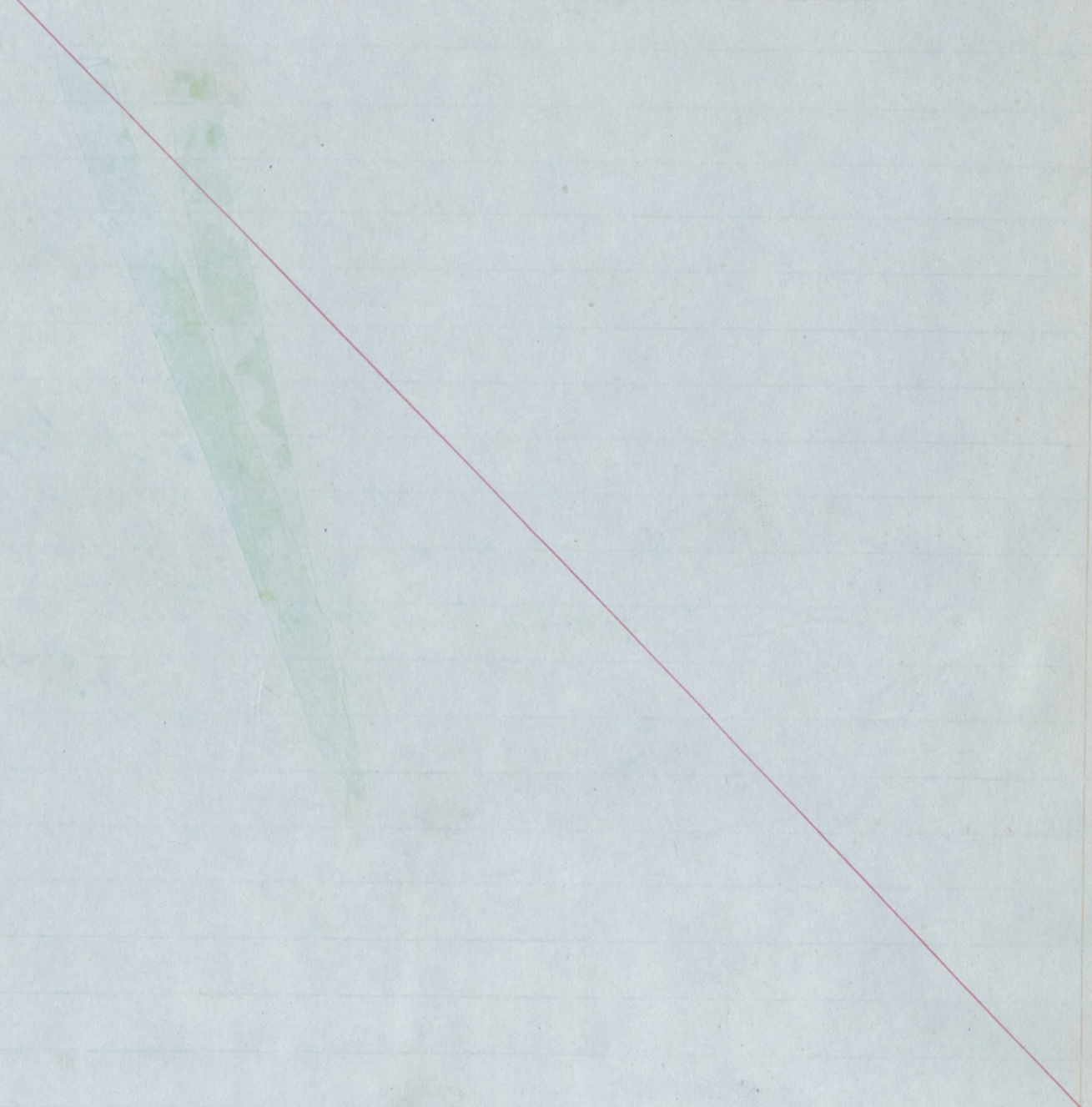
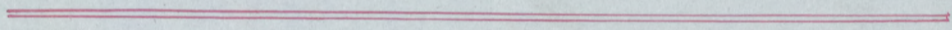
Alphons Felch.
Thompson Campbell.
R. Aug. Thompson. } Commissioners.

Filed in Office No 13th 1853.

Geo. Fisher.
Secy.

70

2746 - 27 1/2 folios



20

Office of the Board of Commissioners,

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

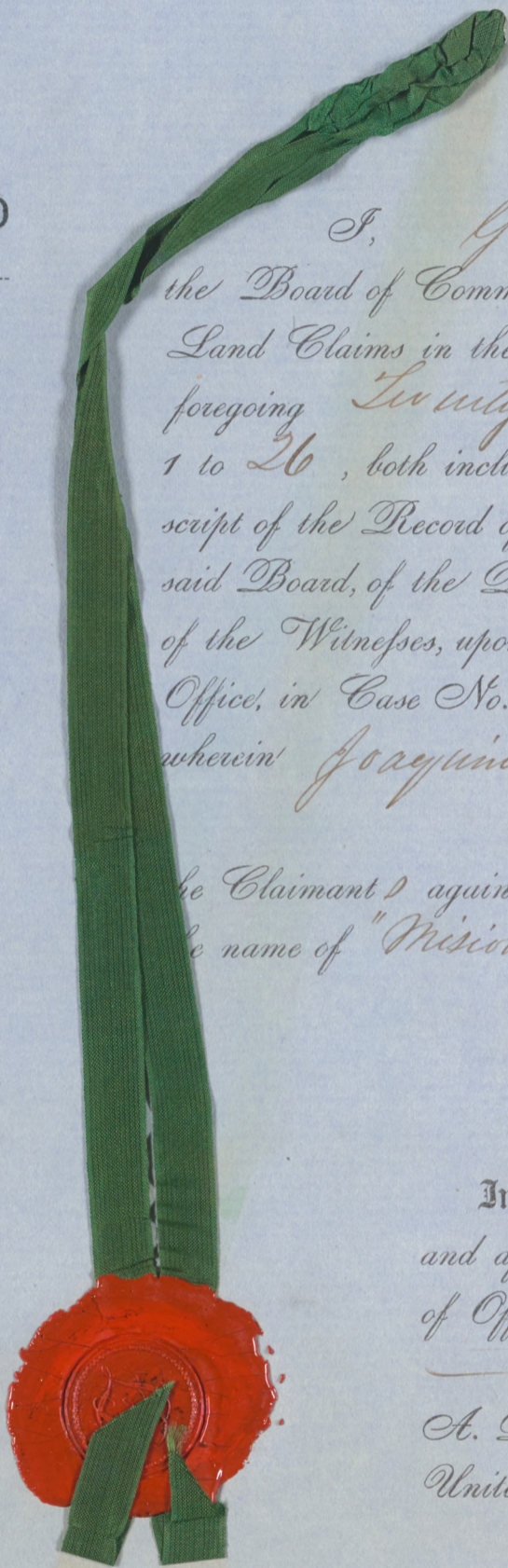
61 SD
PAGE 27

I, *George Fisher*, Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Twenty-six* pages, numbered from
1 to *26*, both inclusive, to contain a true, correct and full Tran-
script 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. 178 on the Docket of the said Board,
wherein *Joaquin Carrillo, et al,* are

the Claimant, against the United States, for the place known by
the name of "Mission Vieja de la Purissima."

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.

G. Fisher.
G. Fisher.



61
U. S. DISTRICT COURT,
San Francisco District of California.

Docket
THE UNITED STATES,

vs. *61*
Don Carrillo
et al
"La Purissima."

TRANSCRIPT OF THE RECORD
FROM THE
U. S. LAND COMMISSIONERS,
In No. *178*

Filed, *at 30th* 1854
W. A. Carter
Class
61

1718



61.

Office of the Attorney General of the United States,

Washington, 30th November 1854.

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Joaquin Carillo et al. }
vs. } 178.
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 1st day of August 1854 the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Clauising

Attorney General.

N^o 61.

U. S. District Court

Southern District.

The United States

vs.

Joaquin Carrillo et
al.

Appeal notice.

Filed Jan'y 10th 1855.

J. E. Carr
Clerk.

"The petitioners, Joaquin Carillo
 "and José Antonio Carillo, respectfully show:
 "That on the 30th day of November A.D. 1845,
 "Pío Pico, Governor of California by virtue of
 "authority in him vested, granted to the peti-
 "tioners the tract of land called "Mision Vieja
 "de la Purisima", situate in the then jurisdic-
 "tion & now County of Santa Barbara, containing
 "one square league of land, a little more or less,
 "as shown in the corresponding map; a copy
 "of which title & map is submitted herewith
 "marked "A" with a translation marked "B."

"That the said grant was approved
 "by the Departmental Assembly on the 9th
 "day of June A.D. 1846."

"That the said tract of land has not
 "been surveyed by the Surveyor General of the
 "United States, but that its boundaries are
 "fully shown on the map accompanying
 "the title & are well known. That the peti-
 "tioners were previous to the date of said grant,
 "have been ever since, & now are in the quiet,
 "peaceful, & undisputed possession & occupa-
 "tion of said tract of land."

"That they know of no conflicting claim:
 "That they rely for confirmation of title upon
 "the original papers, copies of which are sub-

61 SD

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"mitted herewith, upon the records & minutes
 "in the archives now in charge of the Surveyor
 "General of the United States, & upon such
 "other & further proofs as they may be advised
 "are necessary".

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

Your petitioner further represents that
 thereafter, to wit on the 15th day of November
 A.D. 1853 the said Commissioners confirmed,
 by final decree, the said claim of the said
 Joaquin Carillo and José Antonio Carillo
 in the words, and figures following, to wit.

"In this case on hearing the proofs & alle-
 "gations it is adjudged by the Commission
 "that the claim of the said petitioner is valid &
 "it is therefore decided that the same be confir-
 "med. The lands of which confirmation are
 "hereby made, are known by the name of "La
 "Mision Vieja de la Purisima", & are the
 "same now occupied by Joaquin Carillo &
 "José Carillo, & are bounded & described as
 "follows to wit. on the South by the Tinta,
 "South East by the top of the hills, east by
 "the Piedra de Cumbre, north by the Cañada
 "de los Burros, & on the west by the place cal-
 "led Loupoc, containing in all one square

61 SD

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"league. Reference for further description to be^{4.}
"had to the map marked document N^o 8,
"filed in this case. The place being the same,
"on which are the ruins of the "old Mission"
"La Purisima".

"Alpheus Felch"

"Thompson Campbell"

R. Aug. Thompson } Commissioners-

That thereafter, to wit, 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 mar-
ked N^o 61, (Transcript N^o 178); reference to which
it is prayed may be had and made a part
of this petition.

That on the 1st day of August A.D.
1854 the Honorable Caleb Cushing Attorney Gen-
eral of the United States received a duly certi-
fied duplicate of said transcript of said
final decree and proceedings of said Commis-
sioners in said Cause (N^o 178) and the papers
and evidence on which said decree was foun-
ded.

That thereafter, to wit, on the 10th day

61 SD
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of January A.D. 1855, 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 Joaquin Curillo, 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.

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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 revived, reversed, and set aside, for many errors and imperfections of law and evidence, appaunt in said certified transcript of said cause, now in 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.

I. And the said Attorney denies all and singular each and every allegation in the said petition of said Claimants, to said Commissioners of said date. And he further denies that any grant for the said land was ever made as alleged in said petition. And he denies further that the said claimants have shown any, or sufficient evidence of the validity of the said claim.

II. That the said alleged grant of Governor Pico 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 claimants, was and is within ten leagues of the sea coast; and there is no evidence shown by claimants, that the Supreme General Executive power of Mexico, previously approved of the colonization of the public lands in Upper California, lying 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.

III. That at the date of the said alleged grant, the said land claimed as aforesaid, was occupied by, and in the possession of the Mis-

61 SD

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-sions of the territory of Upper California; and it was held and occupied particularly, by the Mission of La Purisima, with valuable improvements; and could not therefore be colonized.

IV. That the said alleged grant has not the conditions required by, and is not made in entire conformity with the laws of Mexico of the 18th day of August A. D. 1824, and the regulations for the colonization of the Territories of Mexico of the 21st November A. D. 1828.

V. That the claimants show that the land claimed on the other side of the River, Garden and old Mission ^{Purisima} (to the South) was sold to them by the Priest Juan Moreno, in charge of the Mission of La Purisima, on or about the 30th of June 1844. That said Priest had no lawful authority to make such sale of said land. And his said act of sale to said claimants was a fraud upon the Government of Mexico;

VI. That the alleged grant of said land by Pio Pico of the date of the 30th November 1845, was given with a knowledge of the said illegal sale by said priest, Moreno, and in aid thereof - and said grant is therefore void.

VII. That the said alleged grant is upon Common paper. That it has not the condi-

tions requiring the grantee to occupy or cultivate the land within a certain period of time. That it contains no certain description of the locality extent and boundaries of the land claimed. And it is void for uncertainty.

VIII. That the petition of the said claimants to the Governor soliciting said land, dated November 3rd 1845. Shows and refers to no map of the land asked for. That it shows that the land solicited was the same they had bought from said Priest Moreno; and that the land was the other side of the River and garden of La Mission Vieja. That the map of the land shown by them, embraces land on both sides, to the North and South, of said River, garden and Mission Vieja. And the said map of the said land does not agree substantially with said petition to the Governor for said land; and it embraces more, or different land than was solicited by said claimants, in their said petition to the Governor of said date of Nov. 3rd 1845.

IX. That there is no evidence that the said claimants ever asked for or received the

9.

juridical possession of said land. And it is denied that they were ever in the lawful possession or occupation of said land; and that it was ever segregated from the public lands of Mexico.

X. That there is no sufficient evidence of the approval of said grant by the Departmental Assembly of California.

XI. That the claimants show no definitive grant for said land.

XII. That there is no evidence that the said claimants built a house upon the said land within one year from the date of the grant, or at any time, and occupied it. And that they cultivated the land. And it is denied that they ever built a house upon the said land and occupied it. And it is further denied that they cultivated the said land; and performed the ~~beneficial~~ conditions imposed upon them by the law, or the said alleged grant. And if they ever had a grant as alleged for said land, they have lost their right to it, by non-performance of the said conditions of the law, and the alleged grant.

And no sufficient proof having been made by said claimants of the allegations of their said petition, or in support of

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BY
VCE
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this 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.

And the said Claimants having no valid right or title, derived from the Spanish, or Mexican Government, to the said land claimed by them, as aforesaid, the lawful right, or title, in and to the said land, was acquired by, and it now belongs to the said United States, by virtue of the treaty of peace, friendship, limits, and settlement, with the Republic of Mexico, dated at the City of Guadalupe Hidalgo, February 2nd A.D. 1848.

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 in pursuance of the act of Congress entitled, "An act to ascertain, and settle the private land claims in the State of California, approved March 3rd A.D. 1851, and the laws and statutes in such case made and provided, prays that the said Joaquin Canillo, and Jose Antonio Canillo may be served with copies of this

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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 Joaquin Carillo and José Antonio Corillo, for said land claimed and confirmed as aforesaid; and that the same may be deemed invalid. And all such other orders, judgements, or decrees as may be just. With costs, and general relief.

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J. Ord

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

No 61

U. S. Dist Court

S. Dist of Cal

Joaquin Carrillo et al

vs

The United States

Petition of U States
for Review

Filed Aug. 13 1855

J. E. Farr
clerk

61 SD

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J. Ord Dist Atty

12th

UNITED STATES OF AMERICA, }
Southern District of California, } SS.

The President of the United States,

TO

Joaquin Canillo y Oni Ant. Canillo

61 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 & each of you* in the District Court of the United States, in and for the Southern District of California, on the *13th* day of *August*, 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

J. Ord. U. S. Dist Atty. for the Southern Dist of California, praying the Court to review the decision of the U. S. Land Commission confirming your claim to a tract of land called "Alfama Vieja de la Prision"

and that *you & 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 the Petitioner will apply to the Court for the relief demanded therein.

In Witness whereof, I have hereunto set my hand, and affixed the Seal of said Court, at the City of Los Angeles, this *19th* day of *December* A. D. 1855.

J. E. Fox

CLERK.

Marshals Cost
 Copying Summons - 60
 Serving Petition & do 6.—
 Travelling Expense
 to St Barbara &
 6 Days Horsehire 42.—
 \$48.00

No. 61.

UNITED STATES OF AMERICA,
 Southern District of California,
 U. S. District Court.

Sequin Carillo et al
 vs
 The United States.

SUMMONS.

Received Dec 26th 1855

Edward Hunter

61 SD

U. S. MARSHAL.

PAGE

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for Wm Goodman
 Deputy

I served this Summons, together with a certified copy of the Petition, upon *Jose A. Carillo* by delivering to him personally a true copy of the same
 at Santa Barbara
 the 17th day of January A. D. 1856
 in the Southern District of California, on

Sworn to and subscribed before me, this 27th day of Jan'y 1856.

J. G. [Signature]
 CLERK.

Edward Hunter

U. S. MARSHAL.

By Wm Goodman
 Deputy.

UNITED STATES OF AMERICA, } SS.
Southern District of California,

61 SD

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TO

The President of the United States,

Joaquin Carillo
& Jos' Ant. Carillo

Greting :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against *You & each of you* in the District Court of the United States, in and for the Southern District of California, on the *13th* day of *August*, 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

J. D. Ord U.S. Dist. Atty.
for the Southern District of California, praying
the Court to review the decision of the U.S. Land
Commissioners confirming your claim to a tract of
land called "Mission Vieja de la Purisima"

and that *You & 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 the Petitioner will apply to the Court for the relief demanded therein.

In Witness whereof, I have hereunto set my hand, and affixed the Seal
of said Court, at the City of Los Angeles, this *19th*
day of *December* A. D. 185*5*.

J. E. Farr

CLERK.

Marshals Cost
Copying Summons - 00.
Serving Petition & do 0.-
Travelling Expenses
To Santa Barbara & back 42.-
Horse hire
\$ 48.00

J. A. ...

UNITED STATES OF AMERICA,

Southern District of California,

U. S. District Court.

Joaquin Carillo et al

vs

The United States

SUMMONS.

Received Dec 26th 1855

61 SD

U. S. MARSHAL,

PAGE 45

Edward Hunter
U. S. Marshal
By M. L. Goodman
Deputy

I served this Summons, together with a certified copy of the Petition, upon Joaquin Carillo by delivering to him personally a true Copy of the same

at Santa Barbara

the

17th

day of

January

in the Southern District of California, on

A. D. 1856.

Sworn to and subscribed before me, this 21st
of Jan'y 1856.

J. A. ...
CLERK.

Edward Hunter
U. S. MARSHAL,

By M. L. Goodman
Deputy

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

Joaquin Carillo et al

Appellees

and

The United States

Appellant

Case No. 61,

"Eleccion Vieja

de la Pmission"

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And now at this day comes the said appellees by Myron Mostow their Attorney and for answer to the petition for review filed in this case by the United States District Attorney. Say -

That their claim to the lands mentioned in this case is good and valid and ought to be confirmed.

Wherefore they pray that this Honorable Court will affirm the said decision of the said Land Commissioners, and decree the claim of the said appellees to be good and valid, and for such other or further and general relief as may seem just and equitable in the premises.

Myron Mostow
Atty for Appellees

I have served this answer upon
P. Ort U S Atty by delivering to
him personally a true copy of the
same at Los Angeles February 5th 1856

Edward Hunter

U S Marshal

By M Goodman
Deputy

No. 61.

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

Joachim Carillo et al

Appellants

vs

The United States

Appellants

Answer.

Filed Jan'y 23rd 1856

J. E. Sanborn

61 SD

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Norton & Babcock

Marshals Court

Serony Curran & Co.

In the Dist Court of the U States for the
Southern Dist of Cal: Monterey, June term
1857. Hon J. S. K. Ogden Judge

Jaquin Carrillo et al
appellus

N^o. 61.

^{vs.}
The United States
appellants

Trans. N^o. 178.

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The Motion of P. D. W. of the U States
for said Dist. & on suggesting to the Court
that it is not the intention of the U States
to prosecute further the appeal in the
above cause, it is ordered by the Court
that the appeal in said cause be
dismissed; & that the Claimant have
leave to proceed upon the decree
~~herein~~ of the Commissioner heretofore
rendered, as a final decree.

Jacobs Ogden
U S Dist Judge

No. 61

Joaquin Canillo
of
The U. States
Dismissal of Appeal

↓ Filed & June 1897
A. J. Taylor
Sp. C. Clerk

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California Land Claims.
Attorney General's Office
19 Feb. 1857

Mr.:

In the case of the claim of
Joaquin Camillo et al., confirmed
to the claimants by the Commission-
ers, Case no. one hundred and seventy-
eight, (178), appeal will not be pro-
secuted by the United States.

Am.

Respectfully,

Anthony

Pacific Mail Eq
U. S. Attorney
Los Angeles

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No 61

↓ Filed 4th March 1858
for 8th June 1857
Le Sueur clerk
J. Moleman
Dep

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U.S. Court Southern D. of California

ctd 61

The United States

Joaquin Canillo et al

for the Lands

mission Vieja or La Purissima

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The claimants in this case by Pallerson Hall & Son
having ^{in good faith} asked leave, to file Exceptions and objections to
the Special Jury in this case made by the Jury General
and approved January 19, 1864. And the Court having doubt
as to whether it has or can entertain jurisdiction to
hear such Exceptions and to correct or pass upon the
Correctness of said Jury. It is ordered that such motions
be continued until the 20th day of July, 1864. and
if the Court shall then decide it has jurisdiction, that
then the Claimants or their successors have leave to
file such Exceptions, and objections.

No 61
U. S. Dist Court
South Dist Cal

José Garrido et al
vs
The United States

Order of Continuance

Filed June 8, 64
J. Wheeler
Clerk

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

Joaquin Canillo et al

Claimants

v

The United States.

No 61 L. S. 178

And now comes the Claimants

and their Grantee Hollister and

Debbled by Patterson Wallace and John their attorneys and
Object, and Except to the Survey of the Lands confirmed in
this case, and known as Mission Vieja or La Purisima
and specify the following objections and Exceptions thereto.

I. That by the Survey made by Capt. W. Morris Deputy
Surveyor, in May 1859, which was approved January 19th
1860 by J. W. Mendenhall U.S. Surveyor General, the claimants
are confined to, and the lands surveyed are wholly situated
on the Southern side of the Santa Cruz or La Purisima
River, and whereas the Grant, the Map and plan which
is made a part thereof, and the decree of Confirmation locates
the Lands granted, and confirmed on both sides of said
River, viz about an equal quantity on both sides of said
river.

II. The Eastern line of the lands granted and confirmed
is by the grant, map and decree of Confirmation a straight
line - from the place called "Las Tintas" to the "Canada
de los Pinos" - crossing the said River "Rio de la
Purisima" - and the Lands as surveyed by said Survey is
not a straight line on the Eastern side, -

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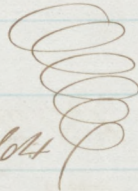
III. The Lands Confirmed, and granted are the Lands described on the map and within the boundaries therein and to the extent of such boundaries, without reference to quantity, whereas said Survey restricts the quantity to (1) one league. - and does not run to all the natural and well defined boundaries described on said map, and in the Grant, and decree of Confirmation.

IV. If the Grant is to be restricted to one league the Claimants have not been allowed by the Sur General the right of Selection of such league within the Exterior boundary which selection if to be made by them would embrace lands on both sides of said River.

Patterson Wallace & Tor
attorneys for Claimants, and for
Hollister and Dibble, granters of
Claimants.

United States of America
State of California
County of Monterey Cal. W. W. Hollister being sworn
says that he in connection
with Albert Dibble and J. N. Hollister are the owners by
Conveyance from, and title derived from the Confirmed
Joaquin and Jose Carrillo, of the Lands mentioned and
referred to in the foregoing objections and Exceptions that
he has read the foregoing objections and Exceptions, and
that the same are true, and well founded to the
best of his knowledge and belief

Subscribed to from to
before me August 10th 1864



Wm. W. [unclear]

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John D. Wheeler
[Signature]

SD

No 61

U. S. Dist Court

South Dist Cal

Joaquin Carreras et al

vs

The United States

Exceptions and
Affidavit of W. H. Hollister
Clerk

Filed Aug 10, 1864

John O. Wheeler

Clk

District Court of the U. S.
Southern District of Cal.
The United States vs, Joaquin Carrillo
et al.

"La Purissima,"—No. 61.

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

JOHN O. WHEELER, Clerk.
monterey, Aug. 11th, 1864. 3w

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Monterey
August 11th 64

I do hereby certify that J. F. W. Cassell, Publisher of the Monterey Gazette, and residing in the city of Monterey, State of California, did publish in that paper for three successive weeks, the above notice in the case of the United States vs. Joaquin Carrillo et al., and that the amount viz dollars (2.00) as stated in the bill, is correct.

Quomodo Sub' before me this

" 11th Aug 64

Jo Wheeler

Clerk Southern District of Cal

F. W. Cassell

No 61

aff of Paul

Filed Aug 11/64

John Wheeler
clerk

United States District Court for the District of California
Regular October Term 1864
In Re: Hatcher M. Haight Judge

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PAGE 60

Joaquin Carrillo et al vs C

The United States vs "Mision Tiza y La Purissima"

The Surveyor General of the State of California having in pursuance of an order of this Court filed on the 6th day of June A.D. 1864 his plat of the final survey of the lands conferred in this case, and the Claimants having duly filed Exceptions thereto. On motion of Rutterson Wallace & Stor of Counsel for Claimants, the District Attorney of the United States being present and having been heard of

It is Ordered, adjudged and decreed that the said survey made by Ralph W. Morris Deputy U.S. Surveyor be and the same is hereby rejected. And it is further Ordered that the Surveyor General of the United States for the State of California, make a new survey of said lands in accordance with the decree of Board of U.S. Land Commissioners in this case and the map referred to therein contained in the Transcript from said Board on file herein. Which new survey shall include the lands lying within the limits on the South, the top of the hills on the South East

Piedras de Cumbre on the East, Canada delos
Barros on the North, and Sompoe on the West to
the extent of one Square League.

Sheldonet signed in open court this 24th day of
October 1864

Fletcher M. Haight

Judge of said Court of said State

61
W. D. Woodmont
Sancti Spiritus

James Charles

United States

Deemed for Recovery

Filed Oct: 24. 1864

John Wheeler
clerk

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PAGE 61

Recorded

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

Joaquin Carillo et al. }
vs } No 61
The United States }

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This cause coming on this day to be heard, on motion to vacate and set aside the decree of this Court modifying the official survey of the lands of the Rancho, Mission Vieja de la Purisima, and directing a new survey of the same, and to dismiss all the proceedings of this Court, in the matter of the survey and location of said lands, was argued by Counsel and thereupon and in consideration ^{thereof} the Court being of opinion that it has no jurisdiction in the matter of the said survey and location, It is ordered adjudged and decreed, and the Court doth hereby order, adjudge and decree, that the said decree ~~was~~ modifying said survey and directing a new survey, be set aside and annulled, and that all the proceedings in this cause in the matter of said survey be set aside, and that this cause so far as ^{said} survey and location are concerned, and the matter thereof be and the same is hereby dismissed -

Fletcher W. Haight
U.S. District Judge for Cal.

No 61
W. S. Duff
S. Dubala

Jacquar Carnillo et al
The United States

Decree setting aside
former decree made by
Survey

Filed Aug 19, 1865
J. O. Whelan
Clerk

United States Board of Land Commissioners
for California Session at San Francisco No 15-

Joaquin Canillo &
Jose Antonio Canillo Claimants }
vs } "Lompoc"
The United States } Deere

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This Board upon full consideration of the various grounds affecting the validity of the said claim, having come to the conclusion that the same is valid, Therefore now proceed to make and does hereby make the following decree or report of final confirmation. It is decreed that the said claim be confirmed to the said Claimants to the extent and quantity contained in the map referred to in the grant, being the same land described in the said grant and of which the Claimants were put in possession under the same.

Provided nevertheless that in the event the said Map contain more than Eleven square leagues of land then there is hereby confirmed to them only Eleven square leagues within the same and no more.

Witness our hands this 17th

day of April 1853.

Hiland Hall
Henry J Thornton } Commissioners

Filed in office April 11th 1853

(signed)

Geo Fisher Secy

Filed in Clerks office U.S. Dist Court Dist Cal
27th June 1854. A.S. Taylor Clerk

I John Wheeler Clerk
of the United States District Court for the Southern
District of California do hereby certify the foregoing
Map and deem to be full true and accurate
copies of the originals contained in the trans-
cript from the U. S. Board of Land Commissioners
to ascertain and settle Private Land Claims in
the State of California, duly certified by the
Secretary of the Same, and on file in this office.

In witness whereof I have
hereunto set my hand and affixed the seal of said
Court this the 8th day of January 1865.

John Wheeler

per
Robert Haight Secy



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U.S. District Court Southern
District of California
Joaquin Camillo &
Jose Antonio Camillo
vs Claimants

The United States
Mission Vieja

Cert^d Copies being
made of
Land Commission

Joaquin Carrillo et al "Mission Vieja or La Purisima"
No 101

The United States

Lib 178.

August 10 1864

The Survey made by the United State Surveyor General for the State of California, and approved by him on the 19th day of January 1850. Having been returned to and filed in this Court on suggestion of the Claimants and their Grantes Hollister, and Dibblee, and the said Claimants and Grantes having been allowed by the Court this day to file Exceptions and objections to said Survey in pursuance of the act of June 1850, said Exceptions this day came on to be heard, and were argued by Patterson Wallace of Counsel for said Claimants, and Grantes, and by R. C. Whitney Esq United States District Attorney, and were submitted and taken under advisement by the Court.

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