CASE NO.
184

SOUTHERN DISTRICT

LA CALERA O' LAS POSITAS GRANT

THOMAS M. ROBBINS

CLAIMANT

LAND CASE 184 SD pgs. 125

ALSO AVAILABLE ON MICROFILM

MAR 8 1963

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221

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TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 221.

Thomas M. Robbins, CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED
"La Calera ó Las Positas"

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* , *Anno Domini One Thousand Eight Hundred and Fifty=* , *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 Tomas M. Robbins, *for the Place named* "La Calera" ó "Las Positas," *was presented, and ordered to be filed and docketed with No.* 221, *and is as follows, to wit;*

(Vide page 3, *of this Transcript.)*

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

San Francisco, May 8th 1852.

In Case No. 221, T. M. Robbins the deposition of Pablo de la Guerra, a witness in behalf of the claimant, taken before Commissioner Hiland Hall, was filed;

(Vide page 9 of this Transcript)

San Francisco, December 23d 1852.

In Case No. 221, Tomas M. Robbins for the place named "La Calera ó Las Positas," the Counsel for the claimant presented a Supplementary Petition; ordered to be filed with the papers in the case, and is as follows to wit;

(Vide page 5 of this Transcript)

San Francisco, September 28th 1853.
Case no. 221 was submitted on briefs and taken under advisement by the Board.

San Francisco, January 24 1854.
In the same case the Counsel for the Claimant filed the following Motion and affidavit, to wit:
(Vide page 53, of this Transcript)

Which Motion was taken under advisement by the Board.

San Francisco, January 31 1854.
In the same case Commissioner Alpheus Felch delivered the decision of the Board upon the motion filed heretofore, to wit on the 24th inst, by the Counsel for the Claimant, asking leave to introduce testimony to prove the genuineness of the signatures of the ~~signatures~~ to the original documents on file in this Case — Motion granted.

San Francisco, March 14 1854.
In the same Case the deposition of Pablo de la Guerra, a witness in behalf of the Claimant, taken before Commissioner R. Aug. Thompson, with document marked "Exhibit No. 1, R. T." annexed thereto, was filed;
(Vide page 11, of this Transcript)

San Francisco, April 11 1854.
In the same Case Commissioner Thompson Campbell delivered the opinion of the Board confirming the claim;
(Vide page 55 of this Transcript)

San Francisco, Aug. 15th 1854.
In the same Case, on motion of the U. S. Law Agent, the following order was made, to wit; (Vide page 57, of this Transcript)

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

Petition.

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The petitioner, Thomas M. Robbins, respectfully represents, That on the 16th day of May A.D. 1843, Manuel Micheltorena, Governor of California, by virtue of authority in him vested, granted to Narciso Fabregat, the tract of land called "La Calera or Los Positas," situate in the present County of Santa Barbara, with the extent and boundaries set forth in the title; all of which is shown in the expediente, a copy of which is submitted herewith marked "A", with a translation marked "B"; and also a copy of the grant marked "C", with a translation marked "D".

That on the 12th day of June A.D. 1843, the said tract of land was duly surveyed, and the possession of it given to said Fabregat; a copy of which act of judicial possession is submitted herewith marked "E", with a translation marked "F";

That on the 21st day of August A.D. 1845, the said Fabregat sold and conveyed the said tract of land to Dona Manuela Carrillo de Jones, a copy of which conveyance is submitted herewith marked "G", with a translation marked "H";

That subsequently the said Manuela Carrillo de Jones and her husband, sold & conveyed the said tract of land to the petitioner, but the date of the said conveyance is not known, and the conveyance cannot be found among the papers of the petitioner, the petitioner himself being so reduced in health, and having so lost his memory as to be unable to give his attorneys any information on the subject; but the fact

of such conveyance having been made is notorious and is fully recognized in the grant of extension submitted herewith marked "R";

That on the 1st day of July A.D. 1846, Pio Pico, Governor of California, by virtue of authority in him vested, granted to the petitioner an extension of one and a half square leagues with the boundaries set forth in the grant itself; a certified copy of the espediente of extension being submitted herewith marked "I"; with a translation marked "J;" and also a copy of the grant of extension marked "K", with a translation marked L;

That the petitioner and those under whom he holds have been for more than ten years, and that the petitioner now is in the quiet, peaceful and undisputed possession ~~and~~ occupation of the said tract of land;

That the said land has not been surveyed by the Surveyor General of the United States; but that the land included in the first grant was duly surveyed by the proper authority in June 1843 as above set forth; and that the boundaries of the land included in the grant of extension are fully described in the grant itself, and are well known;

That the petitioner knows of no conflicting claim;

That he relies for confirmation of title upon the original papers, copies of which are submitted herewith; upon the records and minutes in the archives in charge of the Surveyor General; and upon such other and further proofs as he may be advised are necessary.

Wherefore he prays the Commissioners

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to confirm to him the tract of land included in the two grants aforesaid.

By his Attorneys,
(signed) Halleck, Peachy & Billings

Filed in Office May 8th 1852
Signed Geo. Fisher,
Secretary.

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

Supplementary Petition

In the Matter of the Claim of Tomas M. Robbins No. 221 on the files of this Commission.

The petitioners, Tomas M. Robbins and Manuela Canito de Jones, respectfully submit this their supplementary petition and represent:

That on the 16th day of May A.D. 1843, Manuel Micheltorena, Governor of California, by virtue of authority in him vested, granted to Narciso Fabregat, the tract of land called "La Calera" or "Las Positas," situate in the present County of Santa Barbara, with the extent & boundaries set forth in the title; all of which is shown in the expediente, a copy of which is on file in this Case marked "A", with a translation marked "B"; and also a copy of the Grant marked "C", with a translation marked "D".

That on the 12th day of June A.D. 1843 the said tract of land was duly surveyed and the ~~boundaries~~ possession of it given to said Fabregat; a copy of which act of judicial possession is submitted herewith marked E; with a

translation marked F:

That on the 21st day of August A.D. 1845 the said Fabregat sold and conveyed the said tract of land to Dona Manuela Canello de Jones, a copy of which conveyance is submitted herewith marked "G," with a translation marked H;

That subsequently to the said purchase and sale, one of these petitioners Tomas. M. Robbins, went into the occupation & possession of said tract of land as the tenant of said Manuela Canello de Jones, with a contract for the purchase of said land from the said Mrs. Jones and while in said occupation and ownership he applied to the Governor of California for the grant of an additional of land adjacent thereto; and that on the first day of July A.D. 1846, Pio Pico, Governor of California, by virtue of authority in him vested, granted to the petitioner the said addition of one and a half square leagues with the boundaries set forth in the grant itself; a certified copy of the expediente of said grant being submitted herewith marked I, with a translation marked "J", and also a copy of the original grant marked "K", with a translation marked "L";

That the petitioners and those under whom they hold have been since the dates of the respective grants and that the petitioners now are, in the quiet, peaceful & undisputed possession and occupation of the said tract of land;

That the said land has not been surveyed by the Surveyor General of the United States; but that the land included in the first grant was duly surveyed by the proper

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authorities in June 1843, as above set forth; and that the boundaries included in the grant to the petitioner Robbins, are duly set forth and described in the grant itself, and are well known;

That the petitioners 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 and minutes in the archives in charge of the Surveyor General; upon the evidence already taken in the case, and upon such other and further proofs as they may be advised are necessary.

Wherefore they pray the Commissioners to confirm to them the aforesaid tracts of land; the tract called "La Calera," or "Las Pozitas," to the said Manuela Canillo de Jones, and the said addition of one and a half square leagues to the said Thomas M. Robbins.

By their attorneys,
(Signed) Wallack, Peachy & Billings.

Filed in Office December 23d 1852.
(Signed) George Fisher,
Secretary.

Office of the Board of Commissioners
of California Land Claims.
San Francisco May 1st 1852.

Deposition of Pablo de la Guena,

On this day before me, Heard Hale, one of the Commissioners for ascertaining and settling private Land claims in the State of California, came Pablo de la Guena, a witness produced in behalf of the claimant, T. M. Robbins, whose petition is No. 221 on the Docket of the Board, and duly sworn,

The Law Agent was notified & attended.

In Answer to questions put by the Counsel for the claimant the witness testified as follows: —

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

Answer — My name is Pablo de la Guena, my age is 32 years! I reside in Santa Barbara, and have resided in California all my life.

2d Question — Do you know the signatures of Manuel Michelorena, Francisco Arce, Narciso Fabregat, Joaquin Camillo, José Andrade, Antonio Rodriguez, Juan Camarillo, Manuel P. de Leon, Nicholas A. Den, Pio Pico and José Matias Moreno; if so say whether their signatures to the documents before you are genuine and originals, and whether the papers marked "C. E. G. & K." filed in claim No. 221 in the Office of the Secretary of the Commissioners are true copies of these originals?

Answer — I am acquainted with the signatures of Manuel Micheltorena, Francisco Arce, Narciso Fabregat, Joaquin Camillo, José Andrade, Antonio Rodriguez, Juan Camarillo, Manuel P. de Leon, Nicholas A. Den, Pio Pico, and José Matias Moreno, their signatures to the paper before me are genuine, and the papers are genuine and originals: I have compared them with the Exhibits "C. E. G & K." filed in claim No. 221 in the Office of the Secretary of the Commissioners and find the latter to be true copies of these originals.

3d Question, What do you know about the possession and occupation of the land described in these papers?

Answer— I know that Narcisio Fabregat occupied the land described in the first grant from some time in 1843 to 1846, and that it has since been occupied by Thomas M. Robbins, who now occupies it. Mr. Robbins, the claimant has occupied the land described in the second grant ever since the date of the grant and I believe before.

The aforesaid land has been occupied by the said Fabregat and Robbins with a house and with cattle and horses. A small part of it has been cultivated. Robbins has lived on it with his family for a number of years, and lives on it now. He is a very poor man with a large family. He has been sick for a long time, and his mind has been so shattered by sickness that he is utterly incapable of doing any business or of providing for the support of his family. If any of his title papers are not to be found, it must be attributed to his physical and mental condition. I know that for the last year or two he has not been capable of attending to his business not having the use of his mental faculties.

He is regarded as the owner of the property described in these title papers and I have never known any one to dispute his title; I know of no conflicting title.

In answer to enquiries by the Law Agent the witness says; that the land embraced in the first grant is about half a league from the town of Santa Barbara, where Fabregat had a house, and resided until his death a few months ago. The land has been cultivated to a small extent, and there are fruit trees on it, and it is also used for pasturage. He has built no house on it; but Robbins built one on it sometime in 1844 or 1845 I think, but I cannot be more precise as to the time— He has lived in the house ever since it was built. The land is bounded by the sea coast and is all of it within

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ten leagues of the Coast,

(Signed) Pablo de la Guerra,

Sworn & Subscribed before me,

(Signed) Hiram Hall,
Commissioner.

Filed in Office May 8th 1852.
(signed) Geo. Fisher,
Secretary.

Case No. 221.

United States Land Commission,
San Francisco, March 14th 1854.

Deposition of Pablo de la Guerra.

On this day before Commissioner R. Aug. Thompson Came Pabloo de la Guerra, a witness in behalf of the claimants, Case No. 221, who, after being duly sworn deposed as follows — his evidence being interpreted by the Secretary.

Present claimants Atty & W. S. Sam Agent,

Witness states his name is Pablo de la Guerra, his age thirty four, and his residence in Santa Barbara Calⁿ.

Question by claimant's Attorney, Look at the document now shown you marked Exhibit No. 1, and with the initials R. T. and hereto annexed, and state whether you are acquainted with any of the signatures that appear thereon — and if so which of them? Whether they are genuine or not, together with your means of knowledge?

Answer — I have examined said document, I am acquainted with the handwriting and signatures of Manuel Michelorena, Francisco Arce, Narciso Fabregat, Joaquin Carrillo, José Andrade, Antonio Rodriguez, Juan Camarillo, Manuel P. de Leon, Nicholas A. Den, Pio Pico and José Matias Moreno

I have often seen them write and their signatures are very familiar to me. I recognize them all as genuine wherever they appear on said document;

Cross examined by U. S. Law Agent.

Question by same-

Were you an officer under the government during the administration of Gov. Pio Pico, and were you acquainted with the government seal used by him?

Answer - I was Collector of the Customs and was acquainted with said seal.

Question by same.

Was it the same seal that was used during the time of Governor Micheltorena and Governor Alvarado?

Answer - It was not - the seal was changed but I do not recollect whether it was about the latter part of Alvarado's administration, or during Micheltorena's - I think the former. I think Micheltorena and Pio Pico used the same seal, - I am not positive.

Question by same - Were not grants uniformly issued by the Governors of California on stamped paper with the Custom House certificate on it for the year in which the grant was dated?

Answer - It was the general custom to issue the grants on stamped paper, but it sometimes happened that there was no stamped paper, in which case the grants were issued on common paper. The paper was usually stamped for two years, and could be used for either of those years. It sometimes happened that when the two years had expired the paper was renewed or revalidated by the Governor and Collector of the Customs, in which case such revalidation was certified by the Custom seal, and the rubric of the Governor & Collector.

(Signed.) Pablo de la Guerra.

Sworn & Subscribed before me March 14th 1854
(signed) R. Aug. Thompson, Commissioner.

Filed in Office Mar. 14 1854
(Sgd) Geo. Fisher, Secy

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1846

Espediente promovido por D. Tomas M. Robbins en solicitud de un aumento a su Rancho de las Positas

No. 575

I

Expediente y Extension

Exmo. Sor. Gobernador

Tomas Robbins Mejicano por naturalizacion ante V. E con el debido respeto se presenta diciendo: que estando actualmente poseyendo, en las inmediaciones de esta poblacion un corto pedazo de terreno nombrado las positas que adquirió por justa compra hecha á los que antes lo ocupaban por concesion legal, y no siendole este bastante para poder aumentar algunos bienes de que es propietario, en cuyo adelanto tiene fincada su parte su esperanza como es uno de los recursos con que cuenta p.a la manutencion y sosten de su crecida familia, se ve en la necesidad de impetrar de la actividad de V. E. la concesion de un pedazo de terreno perteneciente a la Mision de este punto y que se halla actualm.te ocupado p.r mi bienes por estar contiguo al de mi propiedad, y por contrata que tengo hecha con los amndatarios de aquella: dicho terreno se comprende desde la misma Cañada de las positas por todo el camino real que

Sta. Barbara
Junio 2/846

Pase al Sor. Sub-Prefecto para que informe tomando los que crea necesario y buelba al Gob.o

Pico

Concerniente al superior decreto q.e antecede, pase la presente instan.ca a los Sres. Amndatarios de la inmediata ex-mision afin de que informen sobre el terreno de que se hace mencion, si en efecto pertenece al establecim.to indicado hasta ilustrar la materia.

Sta Barb.a Junio 30 de 1846

Anast.o Carrillo

corre de Este á Oeste hta llegar á la ciénegita y de aquí tomando por entre los cerros y la Lomería línea recta hta la voca del estero de Mescalitan, sirviendo de linderos por el sur la Orilla de la Mar hta encontrar con el que demarca su propiedad cuya estensión se manifiesta en el adjunto diseño.

Por tanto

A. V. E suplica encarecidamte se digne concederle la gracia que solicita en lo cual recibirá merced. Sirviendose admitir la presente en papel comun por falta del sellado respectivo, jurando no ser de malicia y lo necesario &c.

Sta Barbara Junio 27 1846

Tomas M. Robbins

Santa Barbara junio 30 1846

Sor. Prefecto. Los arrendatarios de la Mision de Santa Barbara en virtud del decreto de una Sub-Prefectura, hacen presente. Que el Terreno que solicita el Sor. Don Tomas M. Robbins, pertenece á dicha Mision y se halla en el inventario gral de ella; cuyo terreno desde que los infrascritos tienen arrendada la Mision lo tienen vinculado al solicitante en cincuenta pesos al año mas si el Superior Gobierno hallase por conveniente concederlo puede hacerlo bajo el mismo vinculo durante los nueve años que debe durar nuestro arrendamiento obligando al pago de los cincuenta

pesos al internado a favor de los infrascritos sugetando en todo caso a los linderos de Don Daniel A. Hill. Por lo que hace al gravamen que pueda resultar al establecimiento por esta concesion, diremos que en nuestro concepto será un beneficio si cumplido los nueve años de su amendamiento se entrega el Sor. Robbins como lo ofrece la suma de cuatro cientos pesos en cosas utiles para los Neofitos cuya suma se podrá invertir en dichos Neofitos y beneficio del culto del mismo establecimiento.

Don J. Hill

Concecuente al informe que antecede esta Sub-Prefectura ha creido conveniente no adquirir mas informes que el de los ~~tres~~ Sres. Arrendatarios por estar ellos al alcance si el establecimiento de Sta. Bar.ª queda ó no perjudicado si se le concede el terreno que pretende el internado en la adjunta instancia con tal de que cumplido el periodo de los nueve años entregue a dicho Solicitante la suma de los cuatrocientos pesos de que se hace mencion en beneficio de los Neofitos y culto divino no privando a los Indios el uso que hacen de unos aguajes que permanecen entre el Cerco y la Lomina que cita por lindero el espediente indicado, no obstante lo espuesto el Exmo. Sor. Gobernador obrará segun sea de su Superior Agrado. Sta. Bar.ª Julio 1º de 1846.

Anar.º Carrillo

Sta. Barbara Julio 1º de 1846

Vista la solicitud con que da principio este expediente y de los informes que obran a continuacion con todo lo demas que se tuvo presente y ver convino de conformidad con lo dispuesto por las leyes y Reglamentos de Colonizacion y usando de las facultades con que me hallo autorizado por el Supremo Gobierno á nombre de la Nacion Mejicana he unido por las presentes letras en concedes a Don Thomas M. Robbins Mejicano por naturalizacion el terreno que solicita sugetandose al cumplimiento de lo que contiene el informe de los ayuntamientos Dun y Hill en concepto que de los Cuatrocientos pesos que debera entregar al fin de los nueve años en beneficio de los Neofitos y culto divino ha entregado al Gobiº doscientos pesos en metalico a virtud de pedido que este hizo para atender á los gastos de las azarosas circunstancias en que se halla el pais invadido por los aventureros del Norte America cuya suma se le descontará de los Cuatrocientos pesos mencionados si en el caso de llegar á variar el sistema de ayuntamiento de esta 4 misiones cesará tambien desde luego la obligacion del Sr. Robbins de los cincuenta pesos anuales quedando solo comprendido en los doscientos que faltan á beneficio de los Neofitos y culto divino. En consecuencia espidanle el titulo al interesado que le asegure su propiedad, entregandole para su resguardo

y remítase el expediente para sometido á la aprobacion de la Exma Asamblea Departamental.

Pio Pico Gobernador Constitucional del Departamento de las California así lo mando decreto y firmo doy fee

Pio Pico

José Matias Moreno
Srio

S.S.D.K. Pio Pico Gobernador Constitucional del Departamento de California

Por cuanto D.n Tomas M. Robbins Ciudadano Mejicano por naturalizacion ha pretendido para su beneficio personal y el de su familia el un aumento de terreno al de las Positas que actualmte posee por justa y legal compra señalando por linderos desde la misma Cañada de las Positas por todo el Camino real que corre de este á Oeste hta llegar á la Ciénegita de este lugar por entre los cercos y la lomería linea recta á la boca del Estero Mescalitan hta la orilla de la Mar al Sur á encontrar con el linder de su antigua propiedad practicadas previamente las diligencias y averiguaciones convenientes segun lo dispuesto y de conformidad con la ley de 18 de Agosto de 1824 y Reglamento de 21 de Noviembre de 1828 he venido por decreto de este dia en uso de las facultades que me estan conferidas á nombre de la Nacion Mejicana en conceder el expresado aumento del

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terreno declarandole la propiedad de el por las presentes letras á reserva de la aprobacion de la Exma Asamblea Departamental y bajo las condiciones siguientes

1ª Podra cercarlo sin perjudicar las barrancas caminos y servidumbres lo disfrutará libre y exclusivamente destinandolo al uso ó cultivo que mas le acomode en el concepto de que por el termino de nueve años que durará el arrendam.to actual de la Mision de Sta. Barbara pagará á su arrendatario la cantidad de cincuenta pesos al año en que segun contrato del internado se halla el terreno vinculado, y solo por variar el sistema de arrendam.to dejaria de hacer dicho pago.

2ª Cuando esten ya vencidos los nueve años del arriendo referido podrá disponer del terreno libremente bajo la pena de entregar para el aprovecham.to de los indios y beneficio del culto divino de la mencionada Mision de Sta. Barbara la cantidad de cuatrocientos pesos de cuya suma se le descontaran la de doscientos que ha entregado al Gob.o para acudir á atenciones urgentes.

3ª Cuando se le confirme la propiedad solicitara del juez respectivo le de posesion juridica en virtud de este despacho demarcandose los linderos con las mojoneras necesarias en la inteligencia que no impidirá á los indios hagan uso de los aguajes que se encuentran entre el cerro y la Lomeria que citan por linderos.

4ª El terreno de que se le hace donacion es precisamente de un sitio y medio de ganado mayor. El juez que lo posesione lo hará medir conforme á ordenanza dejando el sobrante que resulte á la Nacion p.a los usos convenientes

En consecuencia mando que teniendose el presente titulo por firme y valedero se tome razon

de el en libro sobre adjudicaciones de terrenos y se entregue al interesado para su resguardo y demas fines. Dado en el Puerto de Sta. Barbara en este papel comun por absoluta falta del sellado, á primero de Julio de mil ochocientos cuarenta y seis. = Pio Pico = José Matias Moreno Secretario interino.

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

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

In testimony whereof I have hereunto signed my name officially and affixed my private seal (not having a seal of office) at the City of San Francisco Cal this 13th day of April 1852

Saml. D King
Surv. Gen'l Cal

Filed in Office May 8th 1852
Geo. Fisher Secy

J.

Translation of Expediente of Extension.

Seal of Dept. Gov.

Santa Barbara June 27/1846. Pass this to the Sub. Prefect to report, calling for the information he may need and let him return this to the Gov.t

(Signed) Pico.

In compliance with the foregoing Superior decree, pass this present petition to the lessees of the neighboring Ex-Mission to report upon the land of which mention is made, whether it actually pertains to the said establish.t (in order to) explain the matter.

Santa Barbara June 30th 1846.

(Sgd) Anast.o Carrillo.

To His Excellency the Governor—

Thomas Robbins, a Mexican by Naturalization before your Excellency with due respect presents himself saying; that being actually in possession of a small piece of land, in the neighborhood of this town named "Las Positas," which he obtained by just purchase made of those who previously occupied it under a legal grant, and this not being sufficient to be able to increase some property of which he is owner, in the improvement of which is founded a part of his expectations, as it is also one of the resources upon which he counts for the maintainance and support of his large family, he sees himself under the necessity of petitioning your Excellency's authority, the grant of a piece of land pertaining to the Mission of this place and which is actually occupied by his property as it adjoins that which he owns, and also under a contract which he has made with the lessees of that Mission.) Said land is included between the same "Cañada of las Positas", along the Main road, which goes from East to West as far as the "Cienaguita", and thence passing between the fences and the hills, in a right line to the mouth of the creek "Mescattitan", the sea shore serving as a boundary on the South as far as the boundary of what he already owns, the extent of which is shown in the annexed map.

Wherefore he earnestly prays Your

Excellency, have the goodness to grant him the favor which he asks, in which he will receive favor. Having the goodness to admit this on Common paper for want of that of the proper stamp; swearing that he does not act from malice and whatever else may be necessary &c.

Santa Barbara June 27 1846.

(Signed) Tomas M. Robbins.

Santa Barbara June 30 1846.

Senor Prefect-

The lessees of the Mission of Santa Barbara in virtue of the decree of that Sub-Prefecture, make representation, that the land which Don Tomas M. Robbins asks for, pertains to said Mission and is found in the general inventory of the same; which land, since the subscribers have rented the Mission, they have leased to the petitioner for fifty dollars a year, but if the Superior Government should think proper to grant it, it may be done under the same lease during the nine years which our lease ought to last, the person interested binding himself to pay the fifty dollars in favor of the subscribers: being subject in all cases, to the boundaries of Don Daniel A. Hill. Relative to the incumbrance which may result to this establishment by this grant, we say, that in our opinion it will be a benefit, if when the nine years of lease are finished Señor Robbins delivers as he has promised, the sum of Four Hundred dollars in useful articles for the neophytes — which sum may be appropriated in favor of said neophytes, and for religious purposes of the same establishment.

(Signed) Don Hill,

In consequence of the preceding report this Sub-Prefecture has thought proper not to obtain other information than that of the lessees, as they have the opportunity of knowing whether or not the establishment of Santa Barbara, will be prejudiced if the land is granted which is petitioned for in the annexed petition; provided at the expiration of the nine years the petitioner shall deliver the sum of Four hundred dollars of which mention is made for the benefit of the neophytes, and the Divine worship; not depriving the Indians of the uses they may make of some springs which remain between the fences and the hills, mentioned as the boundaries in the said expediente. Notwithstanding the preceding His Excellency, the Governor, will act according to his superior pleasure.

Santa Barbara July 1st 1846.
(Signed) Anastasio Carrillo.

Santa Barbara July 1st 1846.

Having seen the petition with which this expediente commences, and the reports which follow it, with all other information which was borne in mind and deemed proper to be considered, in conformity with that prescribed by laws and regulations concerning colonization, using the powers with which I am invested by the Supreme Government, in the name of the Mexican Nation, I have, by these presents, granted to Don Tomas M. Robbins, a Mexican by Naturalization, the land he petitions for subject to the compliance with that contained in the report of the lessees, Den & Dele, — with the understanding that of the Four hundred dollars, which at the end of nine years he ought to give for the benefit of the neophites, and the

Divine worship, two hundred have been paid to the Government in coin, in virtue of the request which it made to him to meet the expenses of the unfortunate circumstances of the country, invaded by the North American Adventurers, which sum will be discounted from the said Four hundred dollars. In case the system of leasing this Ex-Mission should be altered, the obligation of Señor Robbins to pay the $50 per annum, shall immediately cease, remaining only liable for the Two hundred which are wanting for the benefit of the neophytes and the Divine worship. In consequence let the title be issued to the person interested, that his ownership may be assured - delivering it to him for his security - reserving the expedience to submit it for the approval of the Most Excellent Departmental Assembly.

Pio Pico, Constitutional Governor of the Department of the California, has ordered decreed and signed :- I certify.

(Signed) Pio Pico,

(Signed) José Matias Morena,
Secretary,

Filed in Office May 8 1852,
(Signed) Geo. Fisher
Secretary,

1/221

25

1843

1.5 Dk.

Expediente Promovido por el Ciudadano Narciso Fabregat, en solicitud de una parte del paraje nombrado la Calera

1843

No. 5534

Sor. Comte Gral.

Angt. Abl. 25 de 1843

Narciso Rabagat Teniente de la Compa. de Caballa Permte y auxiliar del Escuadron de Magallanes, ante V.E. con el debido respecto y como mejor haya lugar expone y dice,

Que hallandose sumamente necesitado de un corto terreno pa. tener unos pocos de vienes q. tiene y no haya un parage en donde tenerlos seguros, tanto sus vienes como tambien pa. siquiera tener donde hacer una siembra para el sustento de su familia, solicita q. V.E. le conceda el parage conocido con el nombre de la Calera, en la orilla de la playa, perteneciente a la mision de Santa Barba. dho parage hace dos años se lo empresto el R. P. de la misma mision J. Antonio Jimeno, y ahora espera que V.E. en atencion a cuarenta años q. tiene servidos al Rey y a la Nacion de conceda un cuarto de legua a cada vientos, pues estoy satisfecho q. dho. sitio esta baldio y no le hace ninguna falta a la dha mision.

P. T. A. V.E. pido y suplico encarecidamente q. en atencion a lo espuesto acceda a esta mi solicitud de la cual

Sinvase informar el M. R. P. encargado de la Mision, lo q. a bien tenga con arreglo a lo prevenido en el Decreto de este Gob.o que devolvio las Misiones de St. R. Ras

Michelena

Espediente q. Grant

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recivirá gracia y merced, jurando lo necesario y no haver nada de malicia, admitiendo este en papel comun p.r no haver del sello que corresponde

Sta Barb.a Abl 19 de 1843

Narciso Cabrejas

Sta Barbara 3 de Mayo de 1843

Exmo. Sr. Gobernador, segun el informe que me ha dado el Mayordo Sr. Leandro Gonzalez no esta enteramte vacuo el terreno de la Calera y solamte se le puede conceder al solicitante el plan de la cañada del mismo nombre, desde la Puerta llamada de Macario inclusive hasta la Playa este es el informe que damos como ministros de la misma.

F. Narciso Duran F. Antonio Jimeno

Ang.s Mayo 8 de 1843

Espidase el titulo conforme al informe de los M. M. R. R. P. P. que firman arriba esponiendo asi

Michelt.a

Angeles Mayo 16 de 1843

Vista la peticion con que da principio este espediente el informe de los M. M. R. R. P. P. F. Narciso Duran y F. Antonio Jimeno con todo lo demas que se tubo presente y dever concisno de conformidad con las leyes y reglamentos de la materia

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

I Samuel D. King Surveyor General of the United States for the State of California and as such now having in my Office and under my Charge and Control a portion of the Archives of the former Spanish and Mexican territory of Department of Upper California do hereby certify that the four preceding and hereunto annexed pages of tracing paper numbered one, two, three and four and each of which is verified by my initials (S. D. K.) exhibit true and accurate copies of certain documents on file and forming part of the said Archives in this Office.

In testimony whereof I have hereunto signed my name officially and affixed my private seal (not having a seal of office) at the City of San Francisco Cal this 12th day of April A. D. 1852

Saml D King
Surv. Genl Cal

Filed in Office May 8th 1852
Geo. Fisher
Secy.

Seal of Dept. Gov.

Senor Commanding General,

B.
Translation of Expediente of Pt. Grant,

Angeles Apl 25th 1843.

The most reverenced Father in charge of the Mission will have the goodness to report what he may think proper in conformity with the decree of this government "La Calera" on the sea shore, pertaining which restored to the Mission of Santa Barbara. said the Mission place was lent to him two years since to then reverences. by the reverend Father of the Mission Fray Antonio Jimeno, and he now (signed) Michetorena. hopes that in consideration of fifty years which he has served the King and the Nation, Your Excellency will grant him a fourth of a league to each wind, for he is satisfied that said land is vacant, and is not at all required by said Mission,

Narciso Fabregat, Lieutenant of the company of permanent and auxiliary Cavalry of the squadron of Mazatlan before your Excellency with due respect and as he best may, represents and says:

That being greatly in want of a small land to keep a few cattle which he has, and as he finds no place in which he can keep them safe, as well his cattle (bienes) as also to have a place where he may at least have a small sowing for the subsistence of his family— he prays Your Excellency to grant him the place known by the name of "La Calera" on the sea shore, pertaining to the Mission of Santa Barbara. said place was lent to him two years since by the reverend Father of the Mission Fray Antonio Jimeno, and he now hopes that in consideration of fifty years which he has served the King and the Nation, Your Excellency will grant him a fourth of a league to each wind, for he is satisfied that said land is vacant, and is not at all required by said Mission,

Wherefore he earnestly prays and requests Your Excellency that in tention to the foregoing, you will comply with his request, by which he will receive favor and grace, swearing what may be necessary, and that nothing is done with evil intent, admitting this on common paper there being none of the corresponding stamp.

Santa Barbara April 19' 1843.
(Signed) Narciso Fabregat,

Santa Barbara May 3rd 1843.

To His Excellency the Governor—

According to the report which the Mayordomo, Señor Leandro Gonzalez, has given us, the land of "La Calera", is not entirely vacant, and there can only be granted to the Commissioner the plain of the valley of that name from the garden, called that of Marcario, inclusive, to the Beach, this is the report we give as ministers of the Mission.

(Signed) Fria Narciso Duran,
(Signed) Fria Antonio Jimeno.

Seal of the Dept. Govt.

Angeles May 8th 1843.

Let the title be issued in conformity with the reports of the very Rev. Fathers who sign above, thus specifying.

(Signed) Micheltorena.

Angeles May 16' 1843.

Having seen the petition with which this expediente begins, the report of the very Rev. Fathers Fria Narciso Duran and Fria Antonio Jimeno, with every thing else which was born in mind and deemed proper to be seen, in conformity with the laws and regulations on the matter—

Filed in Office May 8th 1852.
(Signed) Geo. Fisher,
Secretary.

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El Ciudadano Manuel Michaltorena Gobernador Comandante General é Inspector del Departamento de ambas Californias.

Exhibit No 1 annexed to Deposition of Pablo de la Guerra

Por cuanto D.n Narciso Laborgat ha pretendido para su beneficio personal y el de su familia el parage conocido con el nombre de la Cabra; por decreto de este dia he venido en concederle segun el informe de los M. M. R. R. P. P. Fr. Narciso Duran y Fr. Antonio Jimeno todo el plano de la Cañada del mismo nombre, fijando su lindero desde la Punta llamada de Macario inclusive hasta la Playa; practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos, usando de las facultades que me son conferidas á nombre de la Nacion Mejicana he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras sugetandose á la aprobacion de la Excma Junta Departamental y bajo las condiciones siguientes

1a= Podrá cercarlo sin perjuicio las travesias caminos y servidumbres lo disfrutará libre y exclusivamente dedicandolo al uso ó cultivo que mas le acomode pero dentro de un año fabricará casa y estará habitada.

2a= Solicitará del Juez respectivo para que le de la posesion jurídica en virtud de este Despacho por el cual se demarcaran los linderos en cuyos limites pondrá á mas de las mojoneras algunos arboles frutales ó silvestres de alguna utilidad

3a= Si contraviniere á estas condiciones perderá su derecho al terreno y será denunciable por otro.

En consecuencia mando que devuelvase de titulo el presente y teniendose por firme y validero se tome razon de el en el Libro a que corresponde y se entregue al interesado para su resguardo y demas fines. Dado en la Ciudad de los Angeles a diez y seis de Mayo de mil ochocientos cuarenta y tres

Manl. Michel Ntr.

Fran.co Arce
Srio int.o

Queda tomada razon de esta concesion en el Libro respectivo a fs. 6

Francisco Arce.

Sr. Juez de Paz

Narciso Yabregat, ante V. comparece y dice q.e habiendo obtenido la concesion propia del Paraje, conocido con el nombre de la Calera ocurre a V. para q.e se sirba darle la posesion juridica conforme está prebenido en el articulo 2.o del titulo de dho terreno, q.e se espidio en 16 de Mayo de 1843 q.e debidamente acompaño. Por tanto a

V. suplico se sirba ponerme en la posesion q.e solicito con lo que recibiré justicia.

Sta. Barb.a 10 de Junio de 1843

Narciso Yabregat

Sta Barbara Junio
11 de 1843 En virtud de la antecedente

solicitud, provéase por mi el presente juez á la posesion jurídica q.e solicita el interesado en este espediente señalandose para efectuarlo el dia 12 del Corriente para lo q.e se citará, con vista de Comparecendo á los Colindantes. Asi yo el mencionado juez, lo decreté mande y firmé, con los testigos de asistencia, con quienes actuo p.r ausencia á falta de escribano Publico doy fé

asist.a Joaq.n Carrillo asist.a

José Andrade Antonio Rodriguez

En la Tha presente D. Narciso Fabregat se le notifico el acto antecedente y de el enterado dijo lo hoye q.e daba por citado y lo firmó Conmigo y los testigos de asist.a

asist.a Joaq.n Carrillo asist.a

José Andrade Juan Camarillo

Narciso Fabregat.

En la misma Tha se libraron las cédulas q.e se mandan en el antecedente auto, y para q.e conste lo rubrique

En el parajé de la Calera á los 12 dias del mes de Junio de 1843 en cumplim.to del auto de 11 del mismo Concurro el C.no Salvador Valenzuela Mayordomo de la Minas de Sta. Barb.a y apoderado de ella, y citado para la posesion señalamiento de linderos, nombre por medidores á los C.nos Valentin Cota y Carmen Rodriguez quienes prebia la aceptacion procedieron al desempeño de su encargo. Asi yo el dho juez lo decreté mande y firmé con los testigos de asistencia.

asist.a. Joaq.n Carrillo Juan Camarillo asist.a

José Andrade

En la Vha se le notificó el auto q. antecede al Cno Salvador Valenzuela, y enterado dijo q. lo hoye, y no firmó p.r no saber escribir y lo hize yo con los testigos de asistencia

asist.a Joaq.n Carrillo asist.a
Jose Andrade Juan Camarillo

En la Vha citada y en el expresado Paraje se les notificó el auto en q. aparecen nombrados medidores á los Cnos Valentin Leta, y Carmen Rodrig.z y enterados dijeron q. aceptaban dho encargo y firmaron con migo y los de mi asist.a doy fé

asist.a Joaq.n Carrillo asist.a
Jse Andrade Juan Camarillo

Y en continuamente yo el Juez mandé traer á mi presencia el cordel con q. se ande medir las tierras, y q. los medidores lo midan de sincuenta varas y lo firme con los de asistencia

asist.a Joaq.n Carrillo asist.a
Jse Andrade Juan Camarillo

En la misma Vha en presencia de mi el referido Juez los expresados medidores tomaron un cordel y con una vara mejicana de medir tomandola en la mano midieron sincuenta varas, para hacer la referida medicion y para constancia lo rubrique

En la misma Vha y en el referido termino siendo las diez de la mañana yo el presente Juez mandé á los medidores se pongan para la medicion q. se ha de hacer del terreno de la cañada de la Calera para q. el mencionado D. Narciso Fabregat tome

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provisto de el y parados en una lomita contigua á la Huerta de Macario empezaron la medicion tomando el rumbo hasta la Platilla en donde habiendo llegado dijeron haber medido tres cuartos de legua, en seguida se calculó tener de ancho la cañada dos cuartos de legua, habiendose concluido esta medicion se pusieron los linderos en la lomita contigua á la Huerta de Macario, en la orilla de la Platilla, y en lo alto de las lomas mandé formasen mojoneras, y para constancia lo firme con la de mi asistencia

Jos.ph Carrillo

asist.a asist.a
José Andrade Juan Camarillo

En la misma fha yo el indicado Juez mande q.e en virtud de haberse medido el terreno, y echo el señalamiento de linderos se pusiesen en posesion pacifica D. Narciso Fabregat notifiquendo á los colindantes lo q.e firmé con los testigos de asistencia

asist.a Jos.ph Carrillo asist.a
José Andrade Juan Camarillo

En la fha se les notificó á los colindantes Salvador Valenzuela, el auto anterior y enterado dijo lo halla y no firmó por no saber escribir lo hize yo con los de asist.a

asist.a Jos.ph Carrillo asist.a
José Andrade Juan Camarillo

En el Rancho de la Cañada de la Calera como á las dos de la tarde del mismo dia mes y año el S.r. D.n Narciso Fabregat acompañado del Juez y

testigos con animo segun dijo de tomar la
verdadera Corporal y real posesion del expro-
sado terreno de la Cañada de la Calera pro-
pietario con justo titulo q. obtuvo del Gob.no
Político de este Departamento, con Fha 16 de
Mayo de 1843 entro y pasó por dho terreno
arrancó yerbas, esparció puñados de tierra
cumplió ramos de arboles hizo otros cere-
monias de verdadera posesion en señal de
lo q. dijo tomar y q. tomaba de dhas tierras
y mandé yo el citado juez que desde
entonces le tubiesen y reconociesen al men-
cionado Sr. Rabizgal, por verdadero dueño
Sr. y poseedor de ella de todo lo referido
pidió el expedido Sr. Rabizgal q. para
memoria en lo venidero y conservacion de
sus derechos por mi el juez le fuese estendi-
do una Constancia lo q. asi fue autori-
sada siendo testigos de asistencia los Sres.
José Andrade y Manuel Perez de Leon
con quienes actuo en ausencia a falta de
escribano publico q. no lo hay segun dicho
doy Fé

asistí. Joaq.n Carrillo asi 1o
José Andrade Man.l P. de Leon

En la Fha se debuelbe este expediente
al interesado y para constancia lo subrigué

No hay papel sellado

En el Puerto de Sta. Barb.a á los veinte
y un dias del mes de Agosto de mil ocho-
cientos cuarenta y cinco, ante mi Nicolas
A. Den Alcalde 1o. de dicho Puerto y los
testigos de mi asistencia con quienes actuo

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por falta absoluta de escribano Nacional y
público compareció Don Narciso Fabregat
vecino de este puerto a quien doy fe conozco y dijo:
Que se sepa p.r esta pública escritura que de
su buen grado y cierta ciencia vende, con-
cede y por título de venta real y de estabi-
lidad perpetua, por juro de heredad, transfiere
á Doña Manuela Carrillo de Jonas vecina
del mismo lugar que está presente para sí y
los suyos aceptante, el terreno conocido con el
nombre de la Cobera sito en la jurisdiccion
de este puerto colindante con la Ermita de
Sta. Barb.a con todas sus entradas, salidas
ejidos, usos, servidumbres y lo demas que
a dicho terreno pertenece de hecho y de
derecho, libre de censo, cargo é hipoteca, que
posee en propiedad por concesion hecha
á su favor por el Sor. D. Manuel Michel-
torena Gobernador Constitucional del De-
partamento con fha diez i seis de Mayo de
mil ochocientos cuarenta y tres, y tenencia
judicial que tiene de doce de Junio de mil
ochocientos cuarenta y tres, por precio de
doscientos y cincuenta pesos moneda corrie-
te fuertes para el vendedor, pues con
este expresado así se ajustaron dicho terreno
por partes de convenimiento de ambas
partes en la expresada cantidad de doscien-
tos y cincuenta pesos los que otorga haber
recibido de dicha Dña Manuela Carrillo
de Jonas realm.te en moneda de plata de
buena calidad y peso de que se da por
entregado y contento / de que yo el Juez
doy fe /; y desde hoy en adelante se desa-
podera, desiste y aparta de la accion,
propiedad, señorio, título, voz, recurso y

y cualesquier derecho que en dicho terreno le pertenesca y pueda pertenecer, pues todo lo se de, renuncia y traspasa en dicha Compradora y quien lo sucediere para que como propio suyo lo posea, goze, cambie, enagene ó benda á su voluntad como dueño absoluto sin dependencia alguna y le da el poder que se requiere constituyendola en su lugar mismo, hecha y causa propia, para que por su autoridad ó judicialmte entre en dicho terreno, tome y aprenda la posesion y tenencia de el. Y para su cumplimto ambos contratantes renuncian las Leyes de su fabor, obligan sus vienes abidos y por aber y dan poder á las justicias de la Nacion y en especial á las de este puesto á cuya jurisdicion se someten para que los apremien; y lo firmo conmigo dicho juez y los de mi asistencia Dn Narciso Rabregat haciendolo por Doña Manuela Carrillo de Jones su esposo el Sor. Dn Juan C. Jones, fueron testigos instrumentales Don Raymundo Carrillo D. Ygnacio de Ortega y D. Juan Camarillo vecinos de este punto de que doy fe – Narciso Rabregat – Juan C. Jones = Nicolas A. Den – De asistto Joaqn Carrillo de asistta Antonio Rodriguez – Nicolas A. Den Alcalde 1o Constitucional del partido de Sta. Barba y su demarcacion por el ministerio de la Ley.

Certifico que la copia que antecede esta sacada fiel y legalmte al pie de la letra de su original que queda protocolada en el archivo de este juzgado de mi cargo

Sta Barba fha ut supra.

Nicolas A. Den

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Pio Pico Gobernador Constitucional del Departamento de California

Por cuanto Don Tomas M. Robbins Ciudadano Mejicano por naturalizacion ha pretendido para su beneficio personal y el de su familia un aumento de terreno al de las positas que actualmente posee por justo y legal titulo por buena compra señalando por linderos desde las positas por todo el camino real que corre de E á O. hasta llegar á la Cienguita, de este lugar por entre los cercos y la primera linea recta hasta llegar al estero de Mercaditas y la orilla de la mar al S á encontrar con el lindero de su antigua propiedad, practicadas previamente las diligencias y averiguaciones convenientes segun lo dispuesto, y de conformidad con la ley de 18 de Agosto de 1824 y Reglamento de 21 de Noviembre de 1828 he venido por decreto de este dia en uso de las facultades que me estan conferidas á nombre de la Nacion Mejicana en conceder el espresado aumento de terreno declarandole la propiedad de él por las presentes letras, á reserva de la aprobacion de la Exma Asamblea Departamental y bajo las condiciones siguientes:

1ª Podrá cercarlo sin perjudicar las travesias caminos y servidumbres, lo disfrutará libre y esclusivamente destinandolo al uso cultivo que mas le acomode, en el concepto de que por el termino de nueve años que durará el arrendamiento actual de la Mision de Santa Barbara pagará á sus arrendatarios la cantidad de cincuenta pesos al año en que segun contrato del

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PAGE 39

interesado se halla el terreno vinculado y solo por variar el sistema de arrendamiento dejará de hacer dicho pago.
2ª Cuando estén ya vencidos los nueve años del arriendo referido podrá disponer del terreno libremente bajo la pena de entregar para el aprovechamiento de los indios y beneficio del establecimiento de la mencionada Mision de Santa Barbara la cantidad de cuatrocientos pesos, de cuya suma se le descontará la de descientos que ha entregado al Gobierno para acudir á atenciones urgentes.
3ª Cuando se le confirme la propiedad solicitará del Juez respectivo le de la posesion jurídica en virtud de este despacho y se demarquen los linderos con las mojoneras necesarias, en la inteligencia que no impidirá á los indios hagan uso de las aguajes que se encuentran entre el cerco y la lomeria que se citan por linderos.
4ª El terreno de que se le hace donacion es puramente de un sitio y medio de ganado mayor. El Juez que lo posesione lo hará medir conforme á ordenanza dejando el sobrante que resulte á la nacion para los usos convenientes. En consecuencia mando que teniendose el presente titulo por firme y valedero se tome razon de él en el libro sobre adjudicaciones de terrenos y se entregue al interesado para su resguardo y demas fines. Dado en el Puerto de Santa Barbara en este papel comun por absoluta falta del sellado á primero de Julio de mil ochocientos cuarenta y seis. Pio Pico.

José Matias Moreno Secretario

Fue tomada razon de este Superior Despacho en el libro respectivo. Moreno.

Filed in Office Dec. 23 1852. Geo. Fisher Secy.

Pio Pico Constitutional Governor of the Department of the Californias,

I.
Translation of Grant of Extension.

Whereas, Don Thomas M. Robbins, a naturalized Mexican citizen, has, for his own personal benefit and that of his family, petitioned for an addition of land to "Las Positas" which he actually possesses with a just and legal title by proper purchase, designating as the boundaries from the Cañada of Las Positas" along the main road which goes from East to West to the "Cienaguita" thence in a right line between the hills and fences to the Creek (estero) of Mescaltitan, and the sea-shore on the South as far as the boundary of that previously owned: the proper measures and examinations having been previously made as required by, and in conformity with the law of August eighteenth 1824, and regulation of November 21 1828, I have, in decree of this day, in use of the faculties which are conferred on me in the name of the Mexican Nation granted him the ~~xxxxxxxxxxxx~~ aforesaid addition of land, declaring to him the ownership of it by these presents, subject to the approval of the Most Excellent Departmental Assembly and under the following conditions viz:

1. He may enclose it without prejudice to the crossroads and servitudes, and enjoy it freely and exclusively, making such use or cultivation of it as he may deem proper, with the understanding that for the period of nine years, which the present lease of the Mission of Santa Barbara will remain in force, he shall pay to its lessees the sum of fifty dollars each year, which by a contract with the person interested is entailed on the land, and only in case the manner of leasing

is altered may the payment be omitted.

2. When the nine years of lease is completed, he may dispose of it freely, he paying for the improvements of the Indians and the benefit of religion in said Mission of Santa Barbara, the sum of Four hundred dollars, from which amount will be deducted two hundred, which have been paid to the Government to enable it to comply with pressing demands.

3. When the ownership is confirmed to him he shall request the proper magistrate to give him judicial possession in virtue of this order, and the boundaries will be marked with the necessary bounds; it being understood that the Indians shall not be prevented from using the running streams which are between the fence and the hills which are mentioned as boundaries.

4 - The land granted in donation is solely one and a half "sitios de ganado mayor" (one & a half square leagues). The magistrate who may give the possession will cause it to be measured in conformity with the ordinance, leaving the surplus which results to the nation for its convenient use.

In consequence I order that the present title being held as firm and valid, note be taken of it in the book of grants of land and it be delivered to the party interested for his security & other purposes.

Given in Santa Barbara on this common paper for want of stamped, on the first of July One thousand Eight hundred and forty six.

(Signed) Pío Pico.

(Signed) José Matias Moreno, Secty ad interim.

Note has been taken of this Superior order in the proper book. (signed) Moreno.

Filed in Office May 8th 1852.

Signed Geo. Fisher Secretary.

D.
Translation of First grant,

Citizen Manuel Micheltorena, Governor, Commanding General and Inspector of the Department of both the Californias,

Secretary of the Dept of Cal.a

Whereas Don Narciso Fabregat has for his own personal benefit and that of his family, petitioned for the place known by the name of "La Calera", I have, by decree of this day, granted him the place of the Cañada of that name in accordance with the report of the Rev. Fathers Friar Narciso Duran and Friar Antonio Jimeno, its extent being from the place called the garden of Marcario, inclusive to the beach, the proper measures and examinations having been previously made as required by laws and regulations, using the faculties which are conferred on me in the name of the Mexican Nation, I have granted him the aforesaid land declaring to him the ownership of it by these presents, subject to the approval of the Most Excellent Departmental Junta, and under the following conditions, viz.;

1.- He may enclose it without prejudice to the crossings, roads and servitudes, and enjoy it freely and exclusively making such use or cultivation of it as he may think proper, but within one year he shall build a house and it shall be inhabited,

2. He shall request the proper magistrate to give him the judicial possession in virtue of this Order, by whom the boundaries will be marked out, in which, besides the bounds, he shall place some fruit or forest trees of a useful character,

3.a If he shall contravene these conditions he

shall lose his right to the land and it may be denounced by another.

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

Given in the City of Los Angeles on the Sixteenth of May, One thousand Eight hundred and forty three.

(Signed) Manuel Michelltorena

(Signed) Francisco Arce

Secretary ad interim

Note has been taken of this grant in the proper book at folio 24.

(Signed) Francisco Arce,

Filed in Office May 8th 1852

(Signed) Geo. Fisher,

Secretary.

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To the Justice of the Peace

Narciso Fabregat before you appears and represents, that having obtained the grant in fee of the place known by the name of the "Cañada de la Cacera", he appeals to you that you may be pleased to give him the judicial possession as ancient in the 2d Article of the title of said land which was issued on the sixteenth of May 1843, which he duly transmits herewith.

F.
Translation of Judicial possession.

He therefore prays you to put him in possession as he requests by which he will receive justice.

Santa Barbara June 1st 1843.

(Signed) Narciso Fabregat.

Santa Barbara June 11 1843 - In compliance with the foregoing request I the present magistrate will proceed to the judicial possession solicited by the party interested in this expediente, designating the 12 instant as the day on which to perform it, for which written summons will be issued to the colindantes. Thus I the said magistrate decreed, ordered and signed, with the assisting witnesses with whom I act in virtue of my office for want of a notary Public - I certify.

Assisting witnesses. (Signed) Joaquin Camilo.
(Sgd) José Anarado.
(Sgd) Antonio Rodriguez

On the same day present Don Narciso Fabregat he was notified of the foregoing order, & having heard it, he acknowledged notice and signed with me and the assisting witnesses.

Assisting witnesses. (Sgd) Joaquin Camilo.
(Sgd) José Anarade. (Sgd) Narciso Fabregat.

(signed) Juan Camarillo.

On the same day the summons were issued as ordered in the foregoing order and in testimony I signed in rubric.

Mario of J. Camilo.

In the place of "La Calera" on the twelfth day of the month of June 1843 in compliance with the order of the 11th of the same, there appeared Citizen Salvador Valenzuela, Mayor domo of the Mission of Santa Barbara and attorney in fact for the same, who had been summoned (to be present) at the possession and designation of boundaries, I appointed measurers Citizens Valentine Lota and Carmen Rodriguez, who, after accepting, will proceed to discharge the duties of their office; thus I the said Magistrate decreed, ordered and signed with the assisting witnesses.

Assisting witnesses, (signed) Joaquin Camilo.
(sgd) Jose Andrade,
(sgd) Juan Camarillo.

On the same date Citizen Salvador Valenzuela was notified of the foregoing order, and having heard it he acknowledged notice and did not sign because he could not, and I did so with the assisting witnesses.

Assisting witnesses, (signed) Joaquin Camilo,
(sgd) Jose Andrade
(sgd) Juan Camarillo,

On the aforesaid day and same place Citizens Valentin Lota and Carmen Rodriguez were notified of the order in which they were

appointed measures, and having heard it, they answered, that they accepted said office and they signed with me and those of my assistance: I certify.

Assisting witnesses. (signed) Joaquin Carrillo,
(sgd) Jose Andrade,
(sgd) Juan Camarillo.

In continuation I the magistrate ordered that the cordel with which the lands are to be measured be brought to my presence, and that the measurers mark off fifty varas of it, and I signed with those of my assistance

Assisting witnesses (signed) Joaquin Carrillo.
(sgd) Jose Andrade,
(sgd) Juan Camarillo.

On the same day before me the magistrate, appeared, the said measurers took a cordel and with a mexican vara measure, taking it in their hands, they marked off fifty varas to make the measurement and in testimony I signed it in rubric.

(Rubric of J. Carrillo.)

On the same day and in the said land about ten o'clock in the morning, I, the present magistrate, directed the measurers to commence the measurement which has to be made of the land of the "Cañada de la Calera," that the beforementioned Don Narciso Fabregat may take possession of it, and standing on a little hill near the Huerta de Macario," they thence measured three fourth of a league to the beach: they thence estimated the breadth of the "Cañada to be half a league: having thus finished this measurement the boundaries were marked on the little

hill near the garden of Macario, on the sea shore, and on the top of the hills, and I directed bounds to be placed and in testimony I signed with my assisting witnesses.
Assisting witnesses. (Signed) Joaquin Camello.
(sgd) José Andrade.
(sgd) Juan Camarillo.

On the same date I, the aforesaid magistrate ordered that the land having been measured and the boundaries designated, Don Narciso Fabregat be put in prudence possession, and that the defendantes be informed of it, which I signed with the assisting witnesses.
Assesting witnesses, (Signed) Joaquin Camello.
(Signed) José Andrade
(sgd) Juan Camarillo.

On the same day the defendante Don Salvador Valenzuela was notified of the preceding order and he acknowledged notice and did not sign because he could not write: I did so with those of my assistance.
Assesting witnesses. (Signed) Joaquin Camello.
(sgd) José Andrade.
(sgd) Juan Camarillo.

In the rancho of the Cañada de la Calera about two O'clock P. M., on the same day, month and year, Señor Don Narciso Fabregat accompanied by the Magistrate & witnesses, with the intention he said of taking true, corporeal & actual possession of the said land of the Cañada de la Calera, which belongs to him by a legal title which he obtained from the Ante government of this Department dated May 16. 1843, he

entered upon and walked over said land, pulled up grass, scattered handful of earth, broke branches of trees, and performed other ceremonies of true possession in sign of that which he said he took and which he did take of said lands, and I, the aforementioned magistrate ordered that thenceforth, the said Señor Fabregat should be held and recognized as true owner and possessor of it. Of all the foregoing the said Señor Fabregat prayed that for a future testimony and the preservation of his rights, I, the Magistrate should issue to him a certificate, which has authorized, the assisting witnesses being José Andrade and Manuel Ponce de Leon, with whom I act in virtue of my office as prescribed by law, there being no notary public; I certify.

Assisting witnesses, (signed) Joaquin Carrillo,
(sgd) José Andrade,
(sgd) Manuel Ponce de Leon.

On the same day this expediente was delivered to the person interested and in testimony I sign it in rubrie.

Rubrie of Joaquin Carrillo.

Filed in Office May 8th 1852.
(signed) Geo. Fisher,
Secretary.

51

"H."
Translation of Transfer Deed.

(There is no Stamped paper.)

In the port of Santa Barbara on the twenty first day of the month of August, One thousand Eight hundred and forty five, before me Nicolas A. Den, first Alcalde of said port, and the assisting witnesses with whom I act for want of a National Public Notary, appeared Don Narciso Fabregat resident of this place whom I certify I know, and said: he made known by this public writing that of his own free will and full knowledge, sells, grants, and by title of real and permanent sale, forever transfers to Dona Manuella Carrillo de Jones resident of this same place, who is present and accepts in her own name and that of her heirs, the land known by the name of "La Cuelera" situated within the jurisdiction of this Port, adjoining the Mission of Santa Barbara, with all its waterings rights, uses, servitudes and whatever else to it pertains really and truly, free from tax, incumbrance or mortgage, which he owns in fee by a grant made in his favor by Don Manuel Michelorena, Constitutional Governor of the Department, dated May 16 Eighteen hundred and forty three, and judicial possession which he has had since June 12th One thousand Eight hundred and forty three for the full sum of Two hundred and fifty dollars, as for this purpose said land has been appraised by skillful persons chosen with consent of both parties in said sum of two hundred and fifty dollars, which he acknowledges to have actually received from said Doña Manuella Carrillo de Jones in coin of good quality and weight, by which he considers himself paid and satisfied (to which I the Magistrate certify) and from this time forth he renounces, desists and departs from the right, ownership, lordship, title voice recourse, and whatever right may pertain to him in said

land; for he grants, renounces, and transfers them all to the purchaser and whomever may succeed her, that as her own she may possess, enjoy, exchange, alienate, or sell it, at her own pleasure, as absolute owner, without any restriction, and he gives her the requisite power constituting her in his own place, the act and cause being her own, that she may by her own authority or judicially, enter upon said land, take and hold the possession and occupation of it. And for its compliance, both the contracting parties bind their property in present possession and which they may hereafter obtain and empower the Magistrates of the Nation and especially those of this Port to whose jurisdiction they submit themselves, that they may compel them to it. And Don Narciso Fabregat signed this with me, the said Magistrate, Don Juan C. Jones, her husband, doing so for Doña Manuella Camilo de Jones; and the witnesses to the instrument were Don Raymundo Camillo, Don Ignacio de Ottega, and Don Juan Camarillo, residents of this port, as I certify.

Assisting witnesses. (Signed) Narciso Fabregat. (sgd) Joaquin Camillo. (signed) Juan C. Jones. (sgd) Antonio Rodriguez. (signed) Nicholas A. Den.

Nicholas A. Den, Constitutional First Alcalde of the Port of Santa Barbara and ex-officio of its demarcation &c.

I certify that the foregoing is a faithful and legal copy to the letter of its original which remains on file in the records in my charge.

(Signed) Nicholas A. Den.

Filed in Office May 8th 1852.

(Signed) Geo. Fisher, Secretary.

53.

No. 221

In the claim of T. M. Robbins et al;

to

Motion. La Calera or Las Positas augmentation.

Now comes the claimants in this case by their counsel, and move the Board to permit the introduction of Testimony to prove the genuineness of the original title papers now on file among the papers in this case; and in support of this motion submit herewith the annexed deposition.

(Signed) Halleck, Peachy & Billings,
Attys for Claimants.

No. 221.

Affidavit. In the claim of T. M. Robbins et al:

to

La Calera, or Las Positas, augmentation.

Henry W. Halleck being duly sworn, deposes and says that in may 1852, when the deposition of Don Pablo de la Guerra was taken proving the genuineness of the title papers in this case, it was the usual practice of this Board to receive proof of the genuineness of original papers by having them present before the Commissioner taking the deposition and in the hands of the witness who compared the originals with the copies filed as exhibits and clearly identified by marks or references; that on proof being made by the witness that such originals were genuine documents, and the exhibits true and accurate copies of such originals, the said originals were delivered to the claimants for their security, till required to be reproduced on the argument

and submission of the case,

That the original title papers on file in this case were so proved by said Pablo de la Guerra, under such custom and practice of the Board, and without objection by the Law Agent, that on the change of such rule or practice the said original papers were filed with the Secretary of the Board, and on the hearing of this case were submitted as evidence in support of the claim without objection by the Law Agent.

That the said original documents now on file are identically the same papers proved by said witness to be genuine and which were before the Commissioner and in the hands of the witness when the Exhibits were sworn to be true copies of said originals,

That for these reasons the said originals were not filed with the deposition of said witness, but were subsequently filed and submitted as before stated.

That the said Pablo de la Guerra is now present in San Francisco, and ready to prove the genuineness of said original title papers in the manner required by the present practice of the Board.

(signed) W. W. Wallack
of Counsel for Claimants.

Sworn to & subscribed before me Jan 24 1854
(signed) R. Aug. Thompson.

Filed in Office Jan. 24 1854.
(signed) Geo. Fisher,
Secretary.

55.

Thomas M. Robbins & Manuela Carrillo de Jones vs The United States. } Las Positas, and an extension of one and a half square leagues.

Opinion of the Board delivered by Commissioner Thompson Campbell.

Two petitions have been filed in this case, the first petition was filed in the name of Robbins alone, the second petition, which purports to be supplementary to the first, is in the name of both the said petitioners, and for the purposes of this decision will be considered as presenting the claim under consideration.

The petitioners represent that on the 16th day of May 1843 Governor Micheltorena granted to one Narciso Fabregat the place called "La Calera" or "Las Positas"; that on the 12th day of June A. D. 1843, judicial possession of said tract of land was duly given to the said grantee; and that on the 21st day of August A. D. 1845, the said original grantee sold and conveyed the said tract of land to Dona Manuela Carrillo de Jones. The said petitioners further represent that on the 1st day of July A. D. 1846, Governor Pio Pico made a grant of an additional tract of land to the said Thomas M. Robbins, one of the said petitioners, and they pray that confirmation of the said tract called "La Calera" or "Las Positas", may be made to the said Manuela Carrillo de Jones, and that the addition of one and a half square leagues may be confirmed to the said Thomas M. Robbins.

In support of the foregoing averments and allegations, the said petitioners have placed on file, duly proved to be genuine, the original grant made by Governor Micheltorena to the said Narciso Fabregat; they have also placed on file the duly authenticated record of judicial possession of the said place "Las Positas", also the deed of conveyance properly proved and authenticated, from the original grantee to the said Manuela de Jones; and also the original grant made by Pio Pico to the said Robbins for the additional tract of one and a half square leagues, with proof of its genuineness. Said petitioners have also placed on file as

evidence in their Case traced copies of the expedi=
entes in both grants.

The oral proof shows a substan=
tial compliance with the conditions of the law
by the original grantee, and that Robbins has
occupied the land embraced in the grant made
by Pio Pico ever since the date of the grant. The
proof also shows that the lands in question
have been cultivated.

Both the tracts described in
the claimants petition are susceptible of identifi=
cation, and there will be no difficulty in
ascertaining the precise lands granted. The petitioners,
we think, are entitled to a confirmation in the
manner prayed for in their petition, and a
decree of confirmation will accordingly be entered.

Decree.

Thomas M. Robbins &
Manuela Camillo de Jones,
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 petitioners
is valid, and it is therefore decreed that the same
be confirmed.

The lands of which
Confirmation are hereby made to the said Manuella
Camillo de Jones is known by the name of "La Calera"
and is situated and described as follows; being
in extent from the place called the "garden of Mo=
caio" inclusive, to the beach, measuring in
length three fourths of a league to the beach, and
in breadth half a league.

The lands of which con=
firmation are hereby made to the said Thomas
M. Robbins are bounded and described as follows:
Commencing with the boundary of the Cañada
of "Las Positas", and running along the main
road which goes from East to West to the "Cien a=
guita", thence in a right line between the hills
and fences to the Creek (Estero) Mescaltitlon, and

57.

the sea-shore on the South as far as the boundary of the said "Los Positas," containing in all one and a half square leagues, Reference for a further description to be had to the Record of Judicial possession in the 'Los Positas' grant and to the original grant; also to the original grant made for the addition,

(Signed.) Alpheus Felch,
(Signed.) Thompson Campbell,
(Signed) R. Aug. Thompson,
Commissioners.

Filed in Office April 11th 1854.
(Signed.) Geo. Fisher.
Secretary.

Order.

And it appearing to the satisfaction of this Board that the land adjudicated in this case is situated in the Southern District of California, it is hereby,

Ordered, That two Transcripts of the Proceedings and of the Decision in this Case and of the papers and evidence upon which the same are founded, be made out and duly certified by the Secretary; One of which Transcripts shall be filed with the Clerk of the United States District Court for the Southern District of California, and the other be transmitted to the Attorney General of the United States.

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 Eight (58) pages, numbered from 1 to 58, 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. 221 on the Docket of the said Board, wherein Thomas M. Robbins is the Claimant against the United States, for the place known by the name of La Calera ó Las Positas.

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

Geo: Fisher
Sec.

U. S. District Court.

Southern District California

184

No 184. Docket

The United States.

vs

Thomas M. Rotoms et al

"La Calera ó las Positas".

184

Transcript of Record

from the

Board of U. S. Land Commissioners

in Case No 321.

Filed December 19th 1854.

J. E. Carr

Clk.

184

No 321

Office of the Attorney General of the United States,

Washington, 10th February 1855.

James M. Robbins
vs.
The United States.
} 221.

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 12th day of November 1854, the appeal in the district court of the United States for the Southern Judicial district of California will be prosecuted by the United States.

Cushing

Attorney General.

No. 184

U. S. District Court for
Southern District Cala.

The United States

vs

James M. Robbins

Appeal notice.

Filed april 10th 1855.

C. E. Carr
Clk.

Office of the Attorney General of the United States,

Washington, 10th February 1856.

James M. Robbins
vs.
The United States. } 221.

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 12th day of November 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.

C. 8.

No. 184

U.S.D. Court. S. Dist.

The United States
vs.
Thomas M. Robbins

Appeal Notice.

Filed May 11th 1855.

G. E. Jan
Clk

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

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

Thomas M. Robbins & Manuela de Carrillo de Jones

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PAGE 62

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 8th day of November 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

P. Ord U.S. Atty for the Southern District of California in behalf of the United States praying said Court to review the decision of the U.S. Land Commissioners of the 11th day of April A.D. 1854 confirming your claim to the land called La Calua or Las Positas situate in the County of Santa Barbara and appealed by the Attorney General of the United States

and that you, and each of you, are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said petition, or ~~that judgment by default will be taken against you, and each of you, and the prayer of the said petitioner will be granted, with costs.~~ the plaintiff will apply to the Court for the relief demanded therein

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of the said Court, this tenth day of November in the year of our Lord one thousand eight hundred and fifty-five at Los Angeles aforesaid.

C. E. Carr
Clerk.

184

United States of America,

Southern District of California,

U. S. District Court.

Thomas M. Robbins, et al. Appl'ts.

vs. } No 184.

The United States, Appl'ee.

SUMMONS.

Recd Novbr 13th 1855

184 SD
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Marshals Cost

Copying Summons	60
Serving do	3.—
" Petition	5.—
Milage 120 Miles each for Summons and Petition	21.60
	$28.20

I served this summons along with the petition upon Attorney for plaintiffs & Caballo de Flores, by delivering to him personally a true copy of the original summons

at Santa Barbara County California Santa Barbara in the Southern District of California on the 1st day of December A. D. 185 5.

Sworn to and subscribed before me, this 1st day of December 1855. C. E. Carr Clerk.

Edward Hunter U. S. Marshal.

By Jamil Dimmick Deputy

By No. V. Jordan Deputy

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

The President of the United States,

TO

Thomas M. Robbins & Manuela Carillo de Jones

184 SD
PAGE 64

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 8th day of November 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. Atty. for the Southern District of California in behalf of the United States praying said Court to review the decision of the U.S. Land Commission of the 15th day of April A.D. 1854 confirming your claim to the land called La Calua or Las Positas situate in the County of Santa Barbara and appealed by the Attorney General of the United States

and that you, and each of you, are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said petition, or ~~that judgment by default will be taken against you, and each of you, and the prayer of the said petitioner will be granted, with costs.~~ the plaintiff will apply to the Court for the relief demanded therein

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of the said Court, this tenth day of November in the year of our Lord one thousand eight hundred and fifty-five at Los Angeles aforesaid.

S. E. Carr

Clerk.

184

Marshals Cost

Copying Summons	60
Serving do	3.—
" Petition	3.—
Mileage 120 Miles each for Summons and Petition	21.60
	$28.20

United States of America,

Southern District of California,

U. S. District Court.

Thomas M. Robbins, et al. Appees

vs. } No 184,

The United States, Applt.

SUMMONS.

Recd November 13th 1855

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I served this summons along with the proper copy of the petition upon Lewis Moshier Executor of Thomas M. Robbins, by delivering to him personally a true copy of the original Summons, Petition & Notice Boulevard Santa Barbara County of Santa Barbara at 1 P.M. on the 24 day of November A. D. 1855.

Sworn to and subscribed before me, this 1st December 1855 C. E. Carr Clerk.

Eleazer Hunter
U.S. Marshal
By Jas. N. Shannon
Deputy

Fees

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

CITY AND COUNTY OF LOS ANGELES--STATE OF CALIFORNIA.

Thomas M. Robbins, et al. Appts.
vs.
The United States, Appt.

Docket No. 184.

Transcript No. 221.

TO THE HON. ISAAC S. K. OGIER, JUDGE:

The Petition of **Pacificus Ord**, a resident of said City, County, and State, 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 the name and behalf of the United States, represents as follows: That heretofore, to wit: on or about the 8th day of May, & 23d of December A. D. 1852, Thomas M. Robbins, & Manuela Carrillo de Jones presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board, claiming a tract of land called La Calera or Las Positas situate in the County of Santa Barbara State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the 11th day of April A. D. 1854, the said Commissioners confirmed, by final decision, the said claim of said petitioners. That thereafter, to wit: on or about the 19th day of December A. D. 1854, a duly certified transcript of the proceedings and decision of the said Commissioners in said cause, and the papers and evidence on which the said decision was founded, 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. 221; reference to which it is prayed may be had and made part of this petition. That on or about the 12th day of November A. D. 1854, the Honorable Caleb Cushing, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and

evidence on which said decision was founded. That thereafter, to wit: on about the 10th day of April A. D. 1855, the said Attorney-General of the United States filed, or caused to be filed, in behalf of the United States, a notice with the Clerk of said District Court of the United States, that the appeal in said cause from the said decision of the said Commissioners, 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 land claimed, as aforesaid, is situate in the Southern District of California, and within the jurisdiction of this Honorable Court. Your petitioner further represents and insists, that the said claim is invalid; and the said decision 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 the proceedings and decisions of said Commissioners in said cause, filed and appealed from as aforesaid. And your petitioner denies all and singular, each and every allegation in the said petition of said claimants presented as aforesaid to said Commissioners. And your petitioner further denies that the said claimants ~~has~~ have any valid right or title to said land claimed as aforesaid, or any part thereof.

And no sufficient proof having been made of the allegations in said petition to said Commissioners, or in support of the said claim, no decision confirming the same should have been made by said Commissioners; but the

said claim should have been rejected by them. And the said claimant, having no valid right or title derived from the Spanish or Mexican Governments, to the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by, and it now belongs to the United States, by virtue of conquest, and the Treaty of peace, friendship, limits and settlement, between the United States and the Republic of Mexico, made at the City of Guadalupe Hidalgo, February 2d, 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 3d, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said claimants or ~~his~~ their attorneys may be served with a copy of this petition; and that this Honorable Court will review the said decision of said Commissioners, and reverse the same; and decide on the validity of the same, and decree the alleged title to be invalid: with costs and general relief.

P. Ord

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

No 184.

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

Thomas M. Robbins
Apltee.

vs.

The United States.
apltt.

Petition for Review.

Filed Nov 8. 1855
J. E. Carr
Clk.

P. Ord. Usatty.

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

Thomas M. Robbins et al. Appellees.
vs.
The United States — Appellant

Docket No. 184

Thomas M. Robbins and Manuela Carrillo de Jones, the Appellees in this case, for answer to the Petition of the Appellant in this case, aver that they the Appellees have a good and valid title to the lands known as "La Calera" or "Las Positas" and more particularly described in said Petition

The Appellees therefore pray that the Decree of the Board of Land Commissioners referred to in said Petition, confirming the Appellees' title to said lands, may be affirmed by this Honorable Court, and that the Appellees' title thereto may be decreed to be valid.

A. F. Winchman.
Attorney for Appellees.

I have served this answer upon P. Ord, U S, Attorney, by delivering to him personaly a true Copy of the same, at Los Angeles Southern Dist of California this 11th of December 1855

Edward Hunter
U, S, Marshal
pr M L Goodman
Deputy.

Sworn to & subscribed
before me this 11th, Dec 1855.

J. Ham

No 184.
U. S. Dist Court
South. Dist of Cal.

Thomas M. Robbins et al.
Appellees.
vs.
The United States. Appelt.

Answer to
Petition for Review

Filed Dec 10th 1855.
J. Ham
Clk.

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A. P. Ronchman
Atty. for Appellees.

Marshals Cost
Serving Answer $3.—

In the Dist Court of the U. S.
for the South. Dist. of Cola.

Thomas M. Robbins et al. Appellees
vs
The United States Appellant } Docket No. 184

On motion of Counsel for Appellees Ordered that either party, on due notice to the other, have leave to introduce additional testimony in this case.

Dec 10. 1853.

No 184

U. S. Dist Court

South. Dist Ala

P. M. Robbins et al Appellees

vs

The United States Appelr.

Order to take Testimony

Filed Dec 10th 55

R. Jan

Clk

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

Thomas M. Robbins
Appellee

vs.

The United States
Appellant

Docket No
184

The Appellee by his Attorney, A. P. Hinchman, hereby consents that this case be submitted without further Evidence and without argument on the part of the Appellee, and without notice from the Appellant.

Los Angeles
Dec. 20 1856

A. P. Hinchman
Attorney for Appellee

No 184.

La Cabeza 3/4 by 1/2 L.
Las Positas 1 1/2 leagues

In the U. S. District Court
Southern Dist
State of Cal.
Los Angeles

T. W. Robbins
Appellee

vs

The United States
Appellant

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Consent for submission
Filed this 22nd December AD
1856.
J. Ferris clk
By H. Coleman
Deputy

Angelo
appellee

J. H. Hackman

158
195
353

195
195
390

United States District Court for the Southern District of California

December Term. 1856.

The United States
appellants
vs.
Manuella Camillo de Jesus.
Thomas M. Robbins deceased.
Proved in the name of Maria
Encarnacion his wife and his
children and heirs at Law.
appellees.

Docket. No. 184.

This cause coming on to be heard on appeal from the decision of the Board of Land Commissioners appointed to settle private land claims in California under an act of Congress Approved March 3. 1851. upon the transcript of proceedings and decision of said Board, and the papers and evidence upon which said decision was founded, all of which has been filed in this court, and upon the pleadings filed, and further evidence taken in this cause by order of this court. And counsel for the respective parties having been heard It is ordered adjudged and decreed that the decision of said Board confirming the said claim and title to the lands described

in said transcript filed in this cause, be and the same is hereby affirmed, and that the title of the above named appellees is a good and valid one —

The lands of which confirmation is hereby made, ~~are known by the name of "La Calera" & "Las Positas"~~ to the said Manuela Carillo de Jones, are known by the name of "La Calera" and situated and described as follows, all the plain of the Cañada of that name, its extent being from the place called the garden of Marcario inclusive to the beach, measuring three fourths of a league in length by half a league in width, reference being had to the grant of said lands, made by Micheltorno, dated May 16th 1843, and to the act of judicial possession, filed in this cause and contained in said transcript filed in this court for further description of the said lands.

The lands of which confirmation is made to the said Maria Encarnacion wife of and the lawful children and heirs at law of the said Thomas M Robbins dec^d are known ~~and~~ by the name of "Las Positas" and situated in the present County of Santa Barbara, and described as follows —

designating as the boundaries, from the Cañada of "Las Positas" along the main road which goes from East to West to the Cienaguita, thence in a right line between the hills and fences to the Creek (Estero) of Morcalitos, and ~~a~~ ~~S~~ along the South as far as ~~that~~ the boundaries of that previously owned. Reference being had for more particular description to the grant of said lands made by Pio Pico dated July 6. 1846. filed in this cause and contained in the transcript filed in this Court. The quantity of land hereby confirmed being one and one half Square leagues of land provided that quantity be contained within said boundaries, but if a less quantity be contained within said boundaries then confirmation is hereby made to such less quantity.

Isaac S K Ogier
U S Dist Judge
for the Dist of Cal

No. 184

U. S. Dist Court for the

Southern Dist Cal.

The United States

vs

Manuel C. de Gomez

et al

Decree —

Filed Dec 30th 1854

[illegible]

Clk

Recorded in page 122

184 SD

PAGE 79

E. O. Crosby

Atty for Govt

California Land Claims.

Attorney General's Office
29 Nov. 1855.

Sir:

In the case of the claim of Thomas M. Robbins et al: confirmed to the claimants by the Commissioners, case no. two hundred and twenty-one (221), appeal will not be prosecuted by the United States.

I am
Respectfully
Cushing

Pacificus Ord Esq.
U.S. Attorney
Los Angeles

No. 184.

Thomas M. Robbins et al

vs.

The United States.

221

Filed Feb 21st 1859

Signed

Clerk

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

Thomas M. Robbins appellee
vs
the United States appellant

Case No 184
Transcript No 221

In pursuance of a letter from the Atty General of the United States hereto annexed giving notice that in the above cause the appeal will not be further prosecuted by the United States. It is hereby stipulated and agreed by and between the parties that the decree of this court ~~Commissioners Court~~ heretofore rendered in this cause, may by order of this court be made final

F. Ord Wells.

Packard & Hinckman
Attys for Claimant

No. 184

Stipulation

Filed Feby 21st 1857

de Lewis clk

J H Coleman
dep

United States District Court for the
Southern District of California

The United States vs Manuela Carrillo de Jones Thomas M. Robbins, deceased. Revived in the name of Maria Encarnacion his wife, and his children and heirs at Law	Docket No. 184 Rancho de las Positas y Calera Application of Thomas Hope an intervenor

The application of Thomas Hope an intervenor in the above entitled cause, respectfully shows this Honorable Court, that: on the thirty first day of January A.D. 1856, the above named Manuela Carrillo de Jones and her husband John C Jones, by a deed duly executed and acknowledged, conveyed all their interest in and to the lands claimed in this cause, to the above named Maria Encarnacion Carrillo de Robbins, widow of said Thomas M Robbins, deceased, being the same person in whose name this cause was revived, which said deed is duly recorded in the Office of the Recorder of the County of Santa Barbara, that: on the ninth day of April A.D. 1861, the said Maria Encarnacion Carrillo de Robbins, by deed duly executed and acknowledged did convey all her interest in the lands claimed in this cause to this intervenor, that: on the said ninth day of April A.D. 1861, the said Maria Encarnacion Carrillo de Robbins as guardian of the minor children of said Thomas

M. Robbins, did by deed duly executed and acknowledged convey unto this intervenor all the interest of the said minor children in and to the lands claimed in this cause, which said sale and conveyance was duly approved by the Probate Court of the County of Santa Barbara, in conformity with the laws of the State of California, that on the said ninth day of April A.D. 1861. Jose Robbins and Manuela Carrill de Blake, the only surviving children of said Thomas, M. Robbins, who had attained their majority, did respectively execute and duly acknowledge seperate conveyances to this intervenor of all their interests in and to the lands claimed in this cause, and that this intervenor is by virtue of the aforesaid several conveyances, the successor in interest of all the various confirmees in this cause.

This intervenor further shows, that: he is injured by the survey of the lands claimed in this cause, in this wise: first, that the said survey is not in conformity with the final decree in this cause, made and filed in this Court on the 30th day of December A.D. 1856, in this, that the said decree directs that the lands of which confirmation is made, is, "From the Cascada of 'Las Positas' along the main road which goes from East to West to the Cinigiuita, thence in a right line between the Hills and Fences to the creek (Estero) of Mescalitan, and the sea shore on the south, as far as the boundaries of that previously owned", the quantity being one and

one half square Leagues. Whereas the "right line" between the Hills and Fences to the ~~Estuard~~ Estuary of Mercaditan, in said survey as ~~returned and~~ approved by the Surveyor General of the U.S. for California, terminates abruptly about 20 chains distant from the "Canyuitas" and about two and one half miles previous to its reaching the said Estuary, leaving excluded from the said survey about fourteen hundred acres of land, which are embraced within the boundaries set forth in the said decree of confirmation. Second that the said survey is in many other respects erroneous.

Wherefore this intervenor prays that the survey of the lands claimed in this cause, be, by an order of this Honorable Court to that effect, returned by the U.S. Surveyor General to this Court for examination and adjudication

A. Packard
Attorney for Thomas Hope, intervenor

State of California
County of Santa Barbara }

Thomas Hope, intervenor in the within entitled cause, being duly sworn, says that he has heard the foregoing application read, and knows the contents thereof and that the same is true of his own knowledge

Subscribed and sworn to before me this 18th day of May A.D. 1861 } Thomas Hope

Chas. C. Covell
County Clerk of Sta Barbara County

No. 184

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

The United States
vs
Ma. Carrillo de Jones et al

Application of Intervenor
(Thomas Hope)
for return of survey.

Filed Decr 2d 1861
G. L. Mix
Clerk.

184 SD
PAGE 87

No. 184

Application of
Thomas Hope, an intervenor
for return of Survey

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

184 SD
PAGE 88

The United States, Claimant
vs
Manuela Carillo de Jones et al, Defendant

No. 184 Dist Court
Land Commiss.r No. 221.
"La Celera o las Positas"

It being suggested to the Court that the survey of the land claimed in this case, made under final decree, and approved by the U. S. Surveyor General for California, does not conform to said decree and is erroneous and that said survey will be to the injury of the Claimant

on application of A Packard Atty for Thomas Hope an intervenor, it is ordered that the said Surveyor General return to this Court as soon as practicable the plat of said survey, and that the Claimant

be allowed twenty days, from and after the return thereof, to file exceptions thereto; and it is further ordered that a certified copy of this order be served upon the said Surveyor General for his information. F. M. Haight ~~I. S. K. OGIER~~, U. S. District Judge.

UNITED STATES OF AMERICA, SOUTHERN DISTRICT OF CALIFORNIA.
COUNTY OF LOS ANGELES.

I, ~~C. Sims~~ G. L. Mix, Clerk of the United States District Court for the Southern District of California, do hereby certiy that the above and foregoing is a full true and correct copy of the original order, made and entered on the second day of December A. D. 1861, in said case, No. 184 on the docket of said Court, wherein Manuela Carillo de Jones et al an claimant against the United States, as appears of record in my office.

In witness whereof I herewith set my hand and affix the seal of said Court this the second day of December A. D. 1861.

G. L. Mix, Clerk.

UNITED STATES OF AMERICA,
SOUTHERN DISTRICT OF CALIFORNIA.
THE PRESIDENT OF THE UNITED STATES,

To. ~~F. W. MANDAVILLE~~ E. F. Beale, U. S. Surveyor General, for California—Greeting:

You are hereby notified that the United States District Court, for the Southern District of California, at the Chambers ~~Term~~ of said Court, 1861, in case No. 184 on the docket of said Court, wherein Ma Carillo de Jones et al an claimant against the United States, made and caused to be entered an order, of which the above and foregoing is a certified copy herewith transmitted to you for your information, and you are hereby required to take notice of the same.

Witness the Hon. ~~ISAAC S. K. OGIER~~ F. M. Haight, Judge of the United States District Court, for the Southern District of California, this the 2d day of December 1861.

Attest my hand and the seal of said Court the day and year last above written G. L. Mix, Clerk.

No 184

U S Dist Ct. S. Dist Cala

Doc C

Manuela Carrillo de Jones et al

vs

The United States

San Francisco Dec 6 1861

I hereby certify that I have this day made personal service of the within on E F Beale Surveyor Gen of California by leaving at his office a certified Copy of the Petition

H. D. Parrott
U S Marshal
pr A W Buchanan
Depty

Filed Dec 12th 1861

John Wheeler Clerk

184 SD
PAGE 89

The United States
vs
Manuela Carrillo de Jones &
Thomas M. Robbins, deceased.
Revived in the name of Maria
Encarnacion his wife & his
children & Heirs at Law.

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

"

Rancho de las Positas y Calera
Docket No. 184
Exceptions to Survey

"

Thomas Hope the successor in interest of all the above named claimants, respectfully excepts to the final survey heretofore made and returned in this cause, on the following grounds.

1st. That the said survey does not conform to the final decree made by this Court in said cause on the 30th day of December 1856. In this, that the said decree directs that the lands of which confirmation is made to the above named claimants is, "From the Canada of 'Las Positas' along the main road which goes from East to West to the Cinaguita thence in a right line between the hills and fences to the creek (Estero) of Mescalitan and the sea shore on the South as far as the boundaries of that previously owned," the quantity being one and one half square leagues. Whereas the "Right line" between the "Hills and Fences", and "To the Estero of Mescalitan," in the said survey approved by the Surveyor General of the United States for California and by him returned

in this cause, by an order of this Court made, and to which returned map, reference is hereby made, shows that the same terminates abruptly about twenty chains distant from the "Cuyuitos", and about two and one half miles previous to its reaching the said "Estero", leaving excluded from the said survey about fourteen hundred acres of land, which are embraced within the boundaries of said decree of confirmation,

2d. That Maria Encarnacion Carrillo de Robbins widow of Thomas Robbins, deceased, who from sometime previous to the entry of said decree of confirmation and unto the 9th day of April 1861, was the ~~[illegible]~~ successor in interest of Manuela Carrillo de Jones, and the legal representative of the heirs of Thomas M. Robbins deceased, was not notified in any manner or form, that a survey of the "Rancho de las Positas y Calera", was to be made by order of the U. S. Surveyor General for California, nor was she informed that such survey had been made until sometime after the month of January 1861,

Whereupon the said intervenor Thomas Hope prays that the present survey as returned by the U. S. Surveyor General be rejected and that a new survey be ordered

to be made in conformity with the final decree ~~in this~~ of confirmation made in in this cause

A. Packard
Attorney for intervenor

United States of America
State of California
County of Santa Barbara

Thomas Hope, successor in interest of all the confirmees, in the within entitled cause, being duly sworn, says, that he has heard read the foregoing bill of exceptions to the final survey of the, "Rancho de las Positas y Calera", and knows the contents thereof, and avers upon information and belief that the same is true,

Thos. Hope

Subscribed and sworn to before me this 2d day of January A.D. 1862
Chas. E. Cook
Notary Public

No 184

U. S. Dist Court
South Dist Cala

Thos M Robbins
vs
United States

Exceptions to survey

Filed Jany 15/62
John D Wheeler
Clk

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

E. C. & heirs of Thos. M. Robbins } No. 221
vs.
The United States } "Las Positas"

Now comes Daniel H. Hill, the intervenor herein, by Charles Fernald, his attorney, and opposes and objects to the exceptions to the survey of tract known as "Las Positas" in Santa Barbara County, filed herein by Thomas Hope, successor in interest to heirs of Thomas M. Robbins, deceased, the grantee of said tract.

Intervenor shows to this Hon. Court that he is the owner in fee simple of the tract of land in Santa Barbara County, known as "La Goleta" containing one square league, in virtue of a grant duly made and issued to this intervenor by Pio Pico, as Constitutional Governor of the department of Upper California, on the tenth day of June A. D. 1846; and which grant or title of intervenor to said tract, was, on the

day of A. D. 185

adjudged valid and confirmed to him by the "U.S. Board of Land Commissioners appointed to ascertain and settle private land claims in the State of California", and also adjudged valid and confirmed to intervenor by this Hon. Court, on appeal, by decree duly entered on the ninth day of February, A.D. 1858. That on a term of this Hon. Court held in Nov. A.D. 1861, such proceedings were had in the cause of the United States, appellants vs. Daniel A. Hill, appellee, intervenor, that the decree of this Hon. Court confirming the title of "La Goleta" to intervenor was made final; and thereafter, in March, A.D. 1862, the said tract was duly surveyed by order of the U.S. Surveyor General for California, in accordance with the ~~with~~ ~~the~~ boundaries stated in the original grant and deseño, and decrees of Land Commissioners, and of this Hon. Court, confirming the title, as will appear by the plat and field notes of survey, made, as aforesaid, by U.S. Surveyor General for California, to all of which papers and records above named intervenor refers and prays to use

on the hearing of this intervention.

That the true boundaries of "La Goleta" as shown by the record, to wit: original grant, deseño, decree and survey are as follows, to wit: Commencing at beach or shore of the Pacific Ocean at the mouth of the Estero in said County called "Estero de Mascalitan" and running easterly along the shore of the Pacific Ocean, at ~~extreme~~ ~~high water mark~~ one Spanish League; thence northerly one league to the ridge of hills; thence westerly one league to the boundary line of the tract called "Los Dos Pueblos" granted to Nicholas A. Den, by Juan B. Alvarado, Gov. of Upper California, (a transcript of which last mentioned title is on file in this Hon. Court, and to which intervenor refers and prays to use on the hearing) thence southerly to the Pacific Ocean the place of beginning, as shown by the survey of said tract of intervenor above ~~mentioned~~ referred to.

Intervenor shows that the grant or title of "Los Positas" was issued or purports to have been

issued to Thomas M. Robbins on the first day of July, A.D. 1846, subsequent to the issuing of the intervenors grant or title for "La Goleta", as will appear by the transcripts of the said titles on file in this Hon. Court. That the eastern boundary line of "La Goleta" is stated in the original grant, and decrees in the cause above referred to, as follows to wit: "On the east by lands of the Mission of Santa Barbara: and that the boundary line of "La Goleta" and "Las Positas" as shown, fixed and established by the plat and survey of the latter had now returned into this Court, approved by U.S. Surveyor General, and by the plat of the former, is the true one. That intervenor has been in possession of the tract of "La Goleta" as above described ever since the month of January, A.D. 1846.

And this intervenor objects and excepts specially to the exceptions to survey of "Las Positas" filed herein, because as intervenor is informed and believes it appears by the record that said Hope purchased the tract with notice of the approved survey as now returned into court, and after the time for making application to this court for return of survey had elapsed. And the said Hope agreed with this intervenor after the purchase of the said tract of "Las Positas" by him, that the boundary line thereof as established by the survey now returned should forever remain as the true line between the said tracts, and further agree to erect & construct jointly with this intervenor a partition fence on the said line

between the said tracts, and
& construct jointly with this intervenor a partition fence
on the said line

Wherefore intervenor prays the decree of this Hon. Court that the line as above claimed between "Las Positas" and "La Goleta," as shown by the plat and survey of the former herein returned, is, and that it be the true boundary line of the said tracts; and that the exceptions of Thomas Hope thereto be disallowed and overruled.

And as in duty bound intervenor will ever pray, etc.

Charles Fernald
Atty for Daniel A. Hill
Intervenor

State of California
County of Santa Barbara } ss.

Daniel A. Hill being duly sworn, says that he is the intervenor herein; that he has read the foregoing intervention and knows the contents thereof; and says that as to all that part thereof stating the boundaries as fixed by the decree, grant, and records, he is informed by inspection of the same and therefore says the same is true; and as to all other matters therein the same is true of his own knowledge, except

those matters stated on his information and belief, and that as to those matters, he believes it to be true.

Sworn to and subscribed
before me on this 10th Daniel A. Hill
day of April A.D. 1862.

Witness My hand
and Seal of the District Court of the 2d Judicial District of Cal. this 10th day of April A.D. 1862.

F. G. Thompson. County
Clerk + Ex Officio Clerk of the Dist Court.

To B. Whiting. Esqr. U.S. Dist Attorney for Southern Dist. Thomas Hope and Albert Packard, Esqr atty for Thomas Hope, successor in interest to heirs of Thomas M. Robbins, deceased.

Please to take notice that the above intervention will be brought to a hearing before the Court in thirty days after service thereof on you, or so soon thereafter as counsel can be heard.

Charles Fernald
Atty for intervenor

Notice of the above hearing is hereby accepted, and due service of a copy of the same is hereby acknowledged.

Santa Barbara
April 10 1862

A. Packard
Atty for Thos. Hope

No 184

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

No. 221. "Las Positas"
& 184. Dr Court

E. C. Robbins and
heirs of Thomas M.
Robbins
adv.
The United States.

Intervention of
Daniel A. Hill.

Filed April 17, 1862
John S. Wheeler clk

Copy Served on U.S. Atty
April 17, 62

United States District Court for the
Southern District of California

The United States
vs
Manuela Carrillo de Jones et. als.

Docket No 184

Now comes Thomas Hope, successor in interest of the above named claimants and ~~claimants~~ objects to the intervention of Daniel Hill as a party to the exceptions to the present survey in this cause, on the grounds,

1st. That the application of said intervenor does not show that he is injured by the survey as it now stands

2d. That the said application shows no objection to the present survey

3d. That his showing is not sufficient to make him a party to this proceeding and that he cannot become such, until he is injured by the survey

A. Fackenna
Atty for Thos Hope

184

Thos Hope's objection to intervention of D. Hall

Filed May 13/56

John S Wheeler
Clk

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

The United States
v
Manuela Carrillo de Jones
Thomas M. Robbins, deceased
Represented in the names of Maria Encarnacion his wife & his children and heirs at law

Docket No. 184
Rancho de las Positas of Calera

It is hereby agreed and stipulated by and between Thomas Hope, successor in interest of all the above named claimants, and the intervenor for the return of survey in the above action, and Daniel A. Hill an applicant to intervene in the return of said survey, that the hearing of the said application of Daniel A. Hill to so intervene, and also the hearing of the exceptions to said survey be deferred until the December term of the year 1862, of the above named court, and that either party shall give the other twenty days notice of said hearing

Santa Barbara May 20th 1862

Albert Packard
atty for Thomas Hope

Charles Fernald
Atty for Daniel Hill
intervenor

No ~~252~~ #184

U. S. Dist Court
South Dist Cal

Thos M Robbins

vs

United States
David A Hill Intervenor

Stip for Contin

Filed June 14/62
John D Whalin Clerk

184 SD
PAGE 104

United States District Court, Southern District of California

Thos W Hope, Sol. for
Wm M Robbins et al — No. 184
vs
The United States. — "Las Positas"

Now on this 6th day of July A.D. 1863, before me John S Wheeler Clerk of the United States Dist Court for the South. Dist of California, at the Court House House in the City of Monterey District aforesaid at 10 o'clock of said day Albert Packard a Witness on the part of Claimants in the above entitled cause who being duly sworn was examined and his testimony taken down for the purpose of being used in the aforesaid cause now pending in the said District Court.

Present P J Whiting U S Dist Atty on part of the United States, and Albert Packard the Witness representing the Claimants —

Whereupon the Witness in answer to Question agreed upon by the parties, to wit;

Quest. Do you know the boundaries set forth in the final decree, in this Cause

Ans. I do. having lived generally for the past 16 years in Santa Barbara which is about two miles distant from the tract of land embraced in said decree. The Western boundary "El Estero de Mescultitlan" or Creek opens into the sea at the curve of the Coast delineated on the Western extremity of the plat of survey and is more plainly set forth in the plat of the final survey of the "Rancho de la Goleta" adjoining this grant, and the said Estuary is about two miles west of the point of beginning of this survey. leaving excluded from this survey of the land embraced in this decree over 1000 acres or in other words, the survey to have conformed with the decree should have continued from Post P.N.4. westerly to the point of the termination of the Coast on the plat, as may be seen by reference to the record of juridical possession, contained in the transcript of the "Goleta Ranch". Daniel Hill Claimant

Albert Pastorel

Sworn to & subscribed before me this 6th day of July A.D. 1863

John S. Wheeler

Clerk of the Dist Court & Ex Officio Clk of Com.

No 184

U S Dist Court
South Dist Ala

W R W Hope sub for
Thos W Robbins et al
v
The United States

Dept of Ala & Packard
Witness for Claimt

184 SD
PAGE 108

~~Filed July 6, 1863~~

Error

~~John Wheeler~~

Filed Aug 4, 1863
John S Wheeler
Clk

The United States
vs
Manuela Carrillo de Jones.
Thomas M Robbins. deceased.
Revived in the name of
Maria Encarnacion his wife
& his Children & Heirs at Law

Commission Docket 221
Dist Court do 184

Rancho
de las
Positas y Calera

Maria Encarnacion Carrillo de Robbins. being duly sworn. says that on the 30th day of Dec 1856 and unto the 9th day of April 1861 she was the just owner and the sole representative of all the rights of the various comprimeros of the above named Rancho. that for the past two years she has resided in the City of Santa Barbara and has a well known place of residence therein. that from the date of the said 30th of March 1856 unto the 9th day of April 1861. she was in no manner or form notified that a final survey of the said Rancho was to be. or had been made by order of. and in conformity with the decree of Confirmation thereof. by order of the Surveyor General of the U.S. for California

Sworn to and subscribed before me this 6th day of May 1861
Chas. E. Coll
County Clerk of
Sta Barbara County

Maria Encarnacion Carrillo
her
X de Robbins
mark

373,50
39,00
35,12½

447,52

42,00
130

619,92

69,90
68,50
38,75
35,10
9,25
91,
53.75
38.75

416,95
32,50
50,00
37,00

535,85
28,75

564,60
315

879,60
85

964,60

6,00
157,50
45,00
165,00

373,50

No 184

U S Dist Court
South Dist Cala

Thos W Hope
vs
The United States

Affid of Mr Robbins

Filed Aug 4 1863
John O Wheeler
Clk

619.52
73.00
40
150.00
50.00

964.60
52
1016.60
142.55
1159.15
1222.65
14.00
1264.15
1108.95
155.22
115.00
40.22

184 SD
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In the District Court of the United States
for the Southern District of California
Regular June Term AD 1863.
Monterey October 26th, 1863
Hon Fletcher M Haight, US Dist Judge

Thomas M Hope
substituted for
*m Thomas M Robins
vs
The United States

No 184.

Now on this 26th day of October 1863, this case having been heretofore argued and submitted on the return of survey of the lands claimed herein, being "Rancho Las Positas", situated in the County of Santa Barbara, District aforesaid, and it being shown to the satisfaction of the Court that a plat of the survey of said lands made and approved by the United States Surveyor General for California, was filed in this Court under its own order on the 6th day of July AD 1863, and was excepted to by Claimants; and the said exceptions having been argued by Albert Packard Esq on behalf of Claimants, and S W Whiting Esq US Dist Atty on behalf of the United States; It is hereby ordered

adjudged and decreed, that the exceptions of Claimants to the said approved plat of the survey of "Las Pasitas", be and the same are hereby overruled and denied. And it is further ordered that the said approved plat of the survey together with a certified copy of this decree, be transmitted to the United States Surveyor General for the State of California for his information. Thus done and signed in Open Court this 26th day of October A.D. 1868.

Fletcher M. Haight
Judge U. S. Dist Court
S. Dist Cal.

No 184

U S Dist Court
South'n Dist Cal a

Thos W Hope
substituted for
Thomas M Robins

vs

The United States

Decree

Filed October 26/63
John Adams
Clk

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

Thomas M Robbins

"

The United States

Notice is hereby given to whom it may concern that the Claimants in the above entitled Cause, intend to prosecute their appeal in the above entitled Cause from the decision and decree rendered by the U S Dist Court for the Southern District of California. overruling and denying the exceptions of Claimants to the Survey of the Ranchs. Las Rositas Claimed in said Cause.

And will move the Court upon the first day of the February Term of 1865, for an order of appeal from the decision & decree aforesaid to the Supreme Court of the United States for the Southern District of California

A. Packard
Atty for Claimant

184

U. S. Dist Court

South Dist Calif

Thos W Hope

v

United States

Notice of intention

to prosecute appeal

Filed Feby 8th 1865

John Wheaton Clk

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

Thomas W Hope
"
The United States

No. 184
"La Calera".

And now at this day on application of the Claimants by his Attorney, Albert Packard Esq, this Ordered that an appeal from the decree of said U. S. Dist Court for the South^n District of California overruling and denying the Exceptions to the survey of the lands claimed in said cause, in behalf of said Claimants to the Circuit Court of the United States for the ~~District~~ Southern District of California, be and the same is hereby granted

Thus done and signed

this 15th day of February 1865

Stephen M. Haight
Judge of Dist Court

U S Dist Court
S Dist Cal

Thomas Hope
vs
The United States

Order of Appeal
Filed Feby 15th 1865 –
John S. Wheeler
Clk
by
Robert Haight
Dep

The United States of America ss:
To the United States of America
by B. C. Whiting Esq, District attorney.
Daniel A. Hill Intervenor.

You are hereby cited and admonished to be and appear at a Circuit Court of the United States for the Tenth Circuit, in and for the Southern district of California, to be holden at the City of Monterey on the first Monday of April next, pursuant to an order of appeal granted on the fifteenth day of February, 1865, in open court, by the District Court of the United States for the southern district of California in a certain suit numbered 184 in the register of land cases wherein Thomas W. Hope is plaintiff and the above named parties are defendants on appeal, to show cause, if any there be, why the decision in said appeal mentioned should not be corrected and speedy justice done to the parties in that behalf.

Witness my hand and seal at Monterey this fifteenth day of February, A. D. 1865.

Hetcher M. Haight (seal)
Judge U. S. Dist Court So. Dist Cala

The within ~~Citation~~ was duly served on the U.S. Dist Atty in the City of Monterey on the 17th day of February AD 1865 at 12 M.

by,

Robert Haught Deputy Marshall

Fees $2.

N. D. Dist Court
So. Dist Calif

Thomas M. Hope
vs
The United States

Citation

Filed Feby 15th 1865
John C. Wheeler Clk
By Robert Haught Dep Clk

U. S. District Court.
Southern Dist. Cala

Thomas N. Hope
v
The United States } No. 184.

Monterey Feby fifteenth 1865.

Notice is hereby given that the above named claimant intends to prosecute the appeal this day granted in his behalf to the Circuit Court of the United States in the above entitled cause.

To.
John O. Wheeler Esq
Clerk U. S. Dist Court
So. Dist Cala } A. Packard
atty for T. N. Hope

No. 184

U. S. Dist Court

So. Dist Cala

Thomas W. Hope

v

The United States

Notice of intention to prosecute appeal

Filed Feby 15th 1865

John C. Wheeler
Clk
by
Robert Haight
Dep

United States District Court.
For the Southern District of California.

The United States
Claimant } Dist Court No. 184.
vs } Land Comn. No. 221.
Manuela Carrillo de Jones et al. } "La Ciera ó las Positas"
Defendants

It being suggested to the Court, at Chambers, that the survey of the lands claimed in this case, made under final decree, & approved by the U. S. Surveyor General for California does not conform to said decree & is erroneous, & that said survey will be to the injury of the Claimant, on application of A. Packard Atty for Thomas Hogan intervenor

It is ordered that said Surveyor General return to this Court as soon as practicable the plat of said survey & that the Claimant be allowed twenty days from & after the return thereof, to file exceptions thereto; and it is further ordered that a certified copy of this order be served upon the said Surveyor General for his information.

Thus done & signed at Chambers in the City of Los Angeles on the 2. day of December, 1861.

Fletcher M. Haight
U. S. District Judge Southern Dist Cal a

No. 184.

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

The United States
Claim.t

vs

Ma. Carillo de Jesus et al

Order for return of survey

184 SD

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Watsonville, Aug 3, 1863.

~~Mr~~ U S District Court, SDC

To "THE PAJARO TIMES," Dr:

To publishing "Thomas W Hope vs. "La Calera y Las Positas" - 3 weeks - - $8 00

Received payment

U. S. District Court, Southern District California.

THOMAS W. HOPE vs. THE UNITED STATES.
No. 184—"LA CALERA Y LAS POSITAS."

NOTICE IS HEREBY GIVEN THAT THE approved plat of survey of the lands claimed by the parties to the record in the above cause has been returned into Court and objected to. All persons interested in said lands are therefore admonished to appear and intervene for the protection of their interests, under the rules of Court.

Monterey, July 7th, 1863.

JOHN O. WHEELER,
Clerk U. S. Dis't Court S. Dis't, Cala.

12jy11-3t

Jas B McQuillan

Subscribed and sworn to before me
this 4th day of August 1863

John Weeks
Justice of the Peace

184 SD
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