

CASE No.
219

SOUTHERN DISTRICT

SANTA RITA GRANT

JOSE RAMON MALO

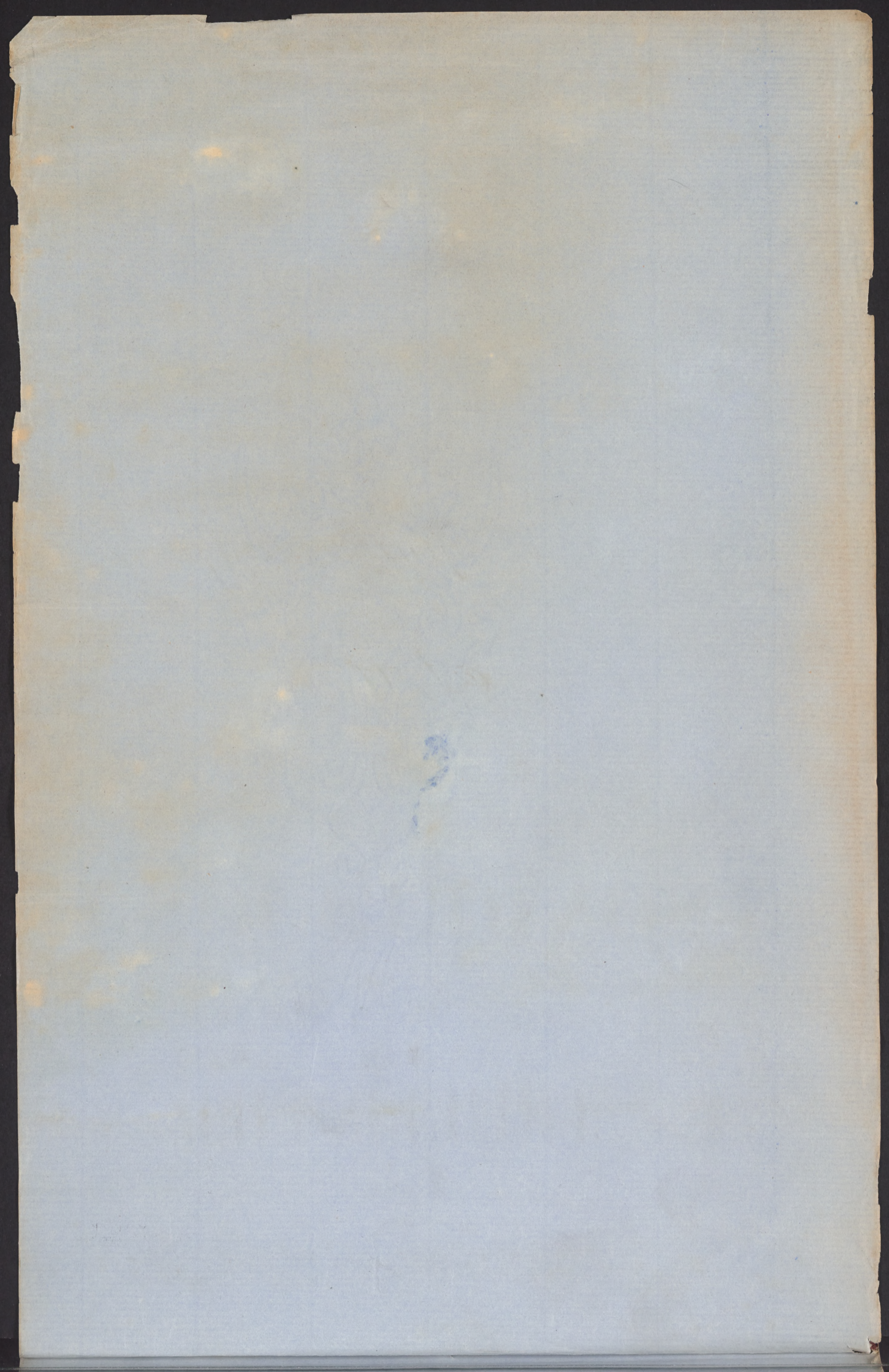
CLAIMANT

MAR 13 1963

~~JUL 17 1985~~

JUL 15 1985

473



TRANSCRIPT

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OF THE

PROCEEDINGS

IN CASE

NO. *473*

Jose Ramon Melo

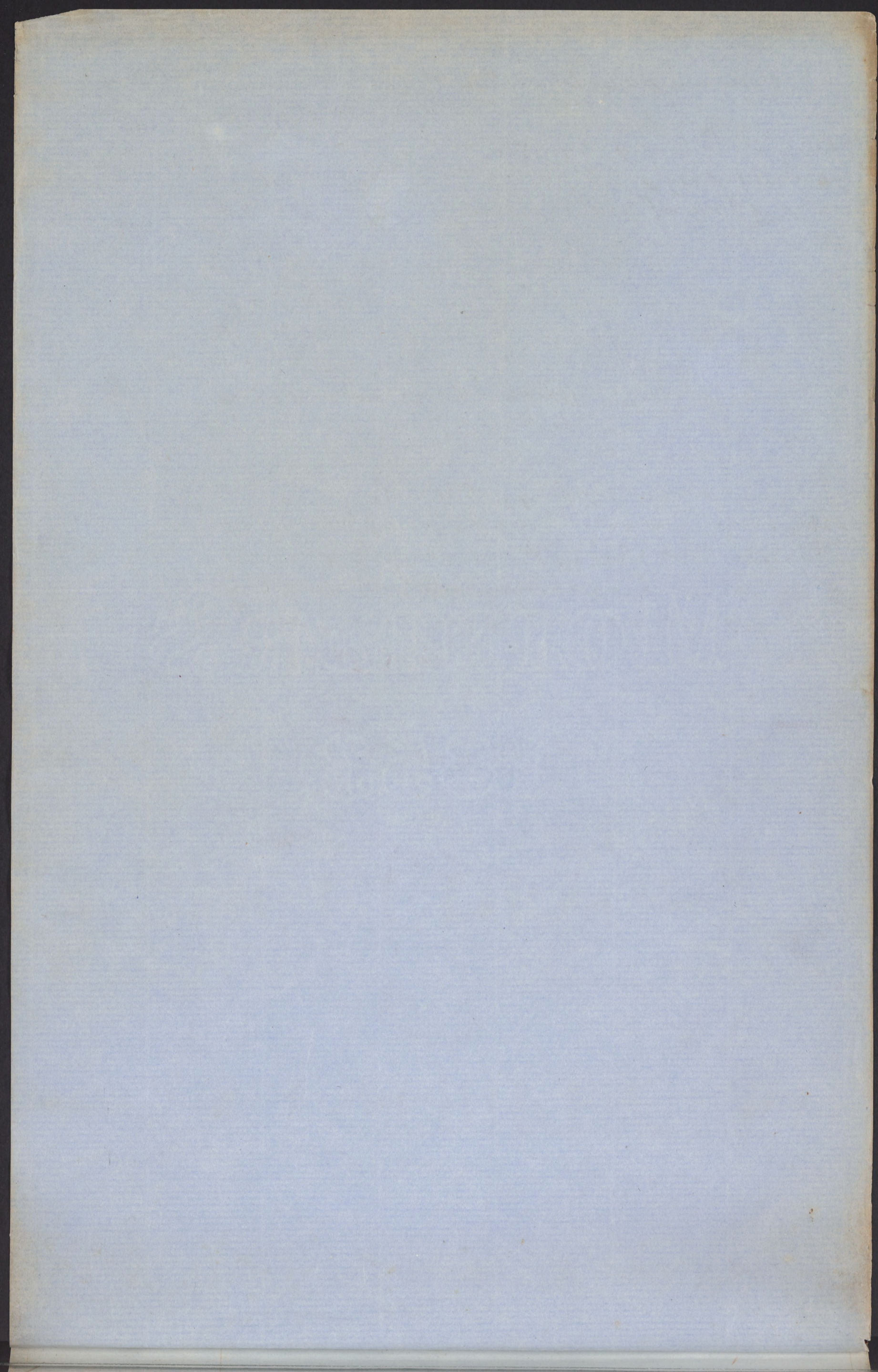
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Santa Rita



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this ninth day of November, Anno Domini One Thousand Eight Hundred and Fifty-two, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

The Petition of José Ramon Malo, for the Place named "Santa Rita," was presented, and ordered to be filed and docketed with No. 473 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;

Sos Angeles, November 10th 1852.
In Case no. 473, José Ramon Malo for the place named "Santa Rita," the deposition of Pio Pico, a witness in behalf of the Claimant, taken before Commissioner Melara Hall, was filed;
(Vide page 4 of this Transcript.)

Sos Angeles, November 12th 1852.
In the same case the deposition of Abel Stearn, a witness in behalf of the Claimant, taken before Commissioner Melara Hall, with document marked H. H. no. 1, and a translation thereof marked C, annexed thereto, was filed;
(Vide page 5 of this Transcript.)

San Francisco January 15th 1853.
In the same case the deposition of N. A. Den, a witness in behalf of the Claimant taken before Commissioner Harry J. Thornton was filed;
(Vide page 6 of this Transcript.)

San Francisco October 3^d 1853.

Case no. 473, on motion of the Counsel for the Claimant, was ordered to the foot of the Docket.

San Francisco December 1st 1853.

In the same case the deposition of Man G. Ballard, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, was filed:

(Vide page 7 of this Transcript.)

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San Francisco December 23^d 1853.

In the same case the deposition of Jose Chapman, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, was filed:

(Vide page 8 of this Transcript.)

San Francisco May 11th 1854.

In the same case the deposition of Pedro C. Carrillo, a witness in behalf of the claimant taken before Commissioner Peter Sott, was filed:

(Vide page 10 of this Transcript.)

San Francisco Sept. 5th 1854.

In the same case the deposition of J. J. Warner, a witness in behalf of the claimant, taken before Commissioner Peter Sott, with exhibit marked "A. P. S.," annexed thereto, was filed:

(Vide page 12 of this Transcript.)

San Francisco October 3^d 1854.

Case no. 473 was submitted on brief and taken under advisement by the Board.

San Francisco October 14th 1854.

In the same case Commissioner R. Aug. Thompson delivered the opinion of the Board confirming the claim:

(Vide page 4 of this Transcript.)

and the following order was made to wit:

(Vide page of this Transcript.)

To the Board of Commissioners for
Ascertaining and Settling Private Land Claims
in the State of California -

Petition

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Your Petitioner Juan
Ramon Malo of La Purisima in the State of
California respectfully represents to your Honorable
Board that he claims a certain tract of land
called Santa Rita containing three square leagues
a little more or less situated in the County of
Santa Barbara and State of California, that he
claims the same in fee by virtue of a grant
made to him under the authority of the Mexican
Government by Don Pedro Gormora of the Depart-
ment of the Californias bearing date of the 12th
of April AD 1845 and having been approved
by the Departmental Assembly on the 3rd day
of June AD 1845.

Your Petitioner would
further represent that Judicial possession was
given him on the 30th and 31st days of October
AD 1845 and the Comandantes thereof were duly
notified and defied and also that he and those
claiming under him have been in peaceable pos-
session of the said land ever since to the best of
his knowledge of any interfering claim.

Your Petitioner presents here-
with a traced copy of the Expediente duly
certified by the D. S. Superior General, the origin-
al document of Judicial possession as also
the original title together with the respective
translations of the same and will proceed to
make such further proof as may be required
by your Honor.

Your Petitioner prays your
honorable Board to take into consideration
his title to said tract of land and to declare
his title to be valid and to confirm the same,
and your petitioner will ever pray &c.

J. R. Malo.

By Henry Hancock

Atty for Claimant -

Made at Los Angeles

this day of November 1832.

Filed in Office Nov. 9, 1832.

(copied)

Geo Fisher
Secy.

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Los Angeles Nov 11th 1832.

At this day before Comm H. Heald came
Pio Pico a witness on behalf of the Claimant
Jose R Malo petition No 443 and was duly
sworn his conduct being interpreted by the
Secretary -

Deposition
of
Pio Pico

The U. S. Associate Law Agent was present.

In answer to questions by Counsel for the
Claimants, the witness testified as follows.

My name is Pio Pico my age
is fifty one years & I reside at Los Angeles.

A paper is now shown me pur-
porting to be a grant to Ramon Malo dated
12th April 1815. My own genuine signature
is upon said paper as is also that of Juan
Bandini - It is a genuine official paper
It is hereto certified & marked No. 40. No 1.
Pio Pico.

Sworn & Subscribed

Before me,

Heiland Heald

Comm.

Filed in Office Nov. 14, 1852.

(Signed) Geo Fisher Secy

Deposition
of
Abel Starns

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Las Angeles Nov 12th 1852.
On this day before Lemm Heiland Hoall
Came Abel Starns a witness in behalf of the
Claimant Jose R Malo, Petition No 473
and was duly sworn his Evidence being
given in English.

The U.S. Associate Law Agent was present.

In answer to questions by Counsel for the
Claimants the witness testified as follows.

My name is Abel Starns. My
age is fifty four years & I reside in Las
Angeles. I have lived in California over
twenty three years.

A paper is shown me purpor-
ting to be a testimonial of judicial posses-
sion given to J. R. Malo in October &
November 1845.

I am acquainted with the
signatures of J. R. Malo, Nicolas A Con-
cepcion Carillo & Raymond Carillo -
Their signatures whenever they appear on said
paper I believe to be genuine. - I believe the
whole document to be a genuine Official
paper. It is hereto annexed & marked to
the No 1.

Abel Starns,
Sworn & Subscribed
Before me

Heiland Hoall Lemm.
Filed in Office Nov. 12, 1852.
(Signed) Geo Fisher Secy.

San Francisco July 15th 1853.

Deposition
of
N. A. Denz

On this day before Comr. Henry J. Thim-
ton came N. A. Denz, a witness in behalf
of the Claimant Jose Ramon Malo, petitioner
No 43 and was duly sworn his Evidence
being given in English.

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Questions by Claimant.

Quest. 1st -

What is your name age and place
of residence? -

Ans -

My name is Nicholas A. Denz, my
age is forty years, my residence is at Santa
Barbara California, I have resided there
for the last 16 years.

Quest 2.

Do you know the Rancho called
Santa Rita in Santa Barbara County
and if so, for how long have you known it? -

Ans 2.

I do. I have known it for some
12 or 15 years. It was first occupied by the
Mission of La Purissima. I have known
it to be in the possession of them of the
quinto Don Jose Ramon Malo since the
time when I gave him possession judicial
in the capacity of Judge of the first Instance -

Question -

In what manner has Don Jose
Ramon Malo occupied the same since the
time you gave the judicial possession? -

Ans -

By Stock, that is with cattle and
horses.

N. A. Denz -

W. S. Law Agent present.

Shorn & Shesman.

Sworn & Subscribed.

Before me this 15th Jan'y 1853.

Henry J. Thornton Comr &c.

Filed in Office Jan'y 15th 1853.

(Signed) Geo Fisher Secy.

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Office of the Board of
W. S. Land Comrs &c.

San Francisco Dec 1. 1853.

This day before Comr Stephen Filch
Comr Juan C. Gullardo a witness in behalf
of the Claimant D. Jose Ramon Malo
Petition No 473. and being duly sworn his Coe-
dence being in Spanish was interpreted by
the Secretary as follows -

Representative
of
Juan C
Gullardo

Questions by Mr Hancock attorney for
Claimant.

1. Question.

What are your name
age and place of residence?

Answer -

My name is Juan C
Gullardo. My age is fifty nine years and
I reside at Los Angeles in California -

2 Question.

Look on the document
now presented to you, purporting to be a
plan or map of the Rancho of Santa Rita
in Santa Barbara County being a part
of the tract copy of the Expediente filed in
this case, and state what places named in
that Desmo you know to exist?

Answer - I do not recognise any place

named on the map. I have never been on to the place itself. but I have passed on two sides of it above and below. I have seen some old fences on the Rancho.

Thom Gullardo,

My Member Associate
Law Agent was present at the
taking of this Deposition but
propounded in questions to
the witness

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Subscribed and Sworn
to before me this first day of December 1853.

Alphus Fitch
Commissioner

Filed in Office Dec 1. 1853.

(Signed) Geo Fisher Secy

Office of the Board of U. S.
Land Commissioners &c

San Francisco, Dec. 24, 1853.

This day before Commissioner Alphus
Fitch came Jose Chapman a witness
in behalf of Claimant Jose Ramon Gallo
Petitioner No 473 and being sworn deposed as
follows.

Deposition
of
Jose
Chapman

Questions by Mr Hamerick Attorney
for claimant of
Question.

What are your name
age and place of residence?
Answer.

My name is Jose
Chapman. My age is nearly thirty two years
and I reside in Santa Barbara in

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California,
2 Question.

Are you acquainted with the Rancho known by the name of Santa Rita, if you have you know it?

Answer - I am and have known it ever since Ramon Malo settled on it.

3 Question. Please state how it is bounded?

Answer. It is bounded by the Rancho Santa Rosa, the land of Jose Antonio Borrego, the line of the cross of the Pinosima, and the town of the Laca or Pinosima River.

4 Question - Is there any road running through the Rancho Santa Rita?

Answer. The road to the Mission Pinosima runs through it. The plain of Santa Rita is on this Rancho. There is also a lime kiln and lime quarry on it. There are two springs on it.

Jose Chapman.
My Cumber Associates

Lawyer was present at the taking of this deposition, but propounded no question to the witness -

Subscribed and sworn to
before me this 23rd day of December 1853.

Alphus Fish, Com.
Filed in Office Dec 23, 1853.
(Signed) Geo Fisher, Secy

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United States of America
State of California

San Francisco May 4, 1857.

Deposition
of
Pedro
Le
Carillo

This day personally came before Peter
Lott a Commissioner for taking testimony
to be used before the Board of U. S. Land
Commissioners in said State Don Pedro
Le Carillo. Attorney on behalf of the Claim-
ant in Case No 443. on the docket of said
Board. wherein Jose Ramon Mutt is claim-
ant and the said Witness being duly sworn
on oath depose in the English language as
follows to wit.

The U. S. Law Agent is present.

Questions by Claimants Attorney.

1 Question -

What is your name, age
and place of residence? -

Answer -
My name is Pedro Le Carillo
My age 34 years. my residence Santa
Bernarda County California.

2 Question -

Are you acquainted
with the Rancho called "Santa Rita" in
Santa Bernarda County; if yea. what do you
know of its occupancy by Jose Ramon Mutt -

Answer -
I am acquainted with the Rancho
named and have known it ever since I
can recollect anything - The first time I saw
Jose Ramon Mutt occupy said Rancho
was in January or February 1846. He had
a house built at that time on the place
at a Spring to the westward of the Valley of
Santa Rita within the limits of the Rancho

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he also had cattle, horses, cornals &c. and has ever since occupied it. the last I remem-
ber when I left home and I suppose he is
still there. I owned a ranch in the neigh-
borhood and was familiar with the place.

3^d Question -

Did said Malo live
with his family in the house which you
state was on the Rancho in January or
February 1846?

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Answer -

He did live there with
his family at that time.

Emps Examined by the U. S. Law Agent.
1st Question -

How often did you visit the
Rancho in question in the year 1846?
Answer.

It is impossible for me to say
Santa Rosa is on the road between Santa
Barbara and San Luis Obispo which I
frequently traveled. I saw it some times that
year and afterwards much more frequently
on my visits to my own Rancho.

2^d Question -

What description of
house was on the Rancho when you first
saw it in 1846?

Answer.

It was a house built
of sticks and stumps and mud what we
call in Spanish (Palo Parado). The size
I cannot state there were some small
huts adjoining it.

3^d Question -

How many Cattle had
Malo on the place at that time?

Answer - I do not know how many

He had manes and horses and Cattle
but this number I do not pretend to know.
Peter C Carillo,

Subscribed and sworn to
before me on this 4th day
of May A.D. 1854.
Peter Lopp Comins
for taking testimony &c.

Filed in Office May 4, 1854.
Wm Fisher Secy.

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Deposition
of
J D Warner

United States of America
State of California
San Francisco Sept 4, 1854
This day came before Peter Lopp Comins
Impersonio for taking testimony to be used
before the Board of U.S. Land Commissioners
in said State, J. D. Warner a witness
on behalf of the claimant, Jose Ramon Melo
in Case No 13 on the docket of said Board
and said witness being sworn deposed as
follows.

The U.S. Associate Land Agent is present.
Questions by H. Hancock Esq. for Claimant
1st Question -

What is your name, age
and residence?

Answer -
My name is J D Warner
my age 46 years, my residence San Diego
California
2d Question.

Look at the traced
copy of the Expediente now shown to you

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1113

marked "Expediente A. P. L." and filed
 in this case, and state whether you have
 examined the original thereof in the Office
 of the U. S. Surveyor General for the State
 of California if you are you acquainted
 with the hand writing of the persons whose
 names appear signed thereto, and if you state
 your means of knowledge, and whether their
 signatures to said original document, whose
 names they respectively occur thereto are genuine.
 Answer

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I have examined said
 original Expediente in said Surveyor General's
 Office, and I am acquainted with the
 hand writing of Manuel Micheltorena
 Pio Pico, Nicolas A. Dip, Jacquin Cer-
 rillo, Augustin Blanco & Santiago Arguello
 having seen them all write, and their respec-
 tive signatures wherever they occur to said
 original document are genuine.

J. J. Warner,

Subscribed and sworn to
 before me Sept 4, 1854.

Peter Gott
 Comar. &c.

Filed in Office Sept 5, 1854.

(signed) Geo Fisher
 Secy.

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15-1. S. D. R.

1825.

Expediente promovido por Don
Ramon Malo en pretencion del Terreno
nombrado.

Sta Rita.

Nº 542.

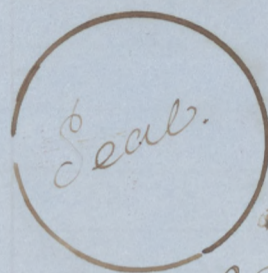
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I. L. D. N. Delo Cuarto Dos. Reales:

Habilitado provisionalmente por la Aduana Maritima del puerto de Monterrey, en el Departamento de las Californias, para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

Micheltovena Pablo de la Guerra

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Como Don Gobernador.

Ramon Malo vecino de esta puerto ante la justificacion de V. E. comparece y digo: que teniendo un numero Monterey En. { bastante considerable de ganado 25 de 1844 } mayor y Caballada, careco de Inf. el O. Sino { un terreno para fomentar estos del despacho bienes; y al efecto he indigado q. tomando previas se halla un parage enteramente mt. los necesarios Valdivo en la jurisdiccion de la Micheltovena } purissima proprio para la man- tencion y fomento de mis animales.

Este parage. C. Don es conocido con el nombre de Sta. Rita; colinda con tierras de Sta. Rosa y de los Atamis con el Rio de la purissima y con lomas inmediatas a la espresada Mis- sion.

I. L. D. N.

Por lo expuesto. V. E. suplica se sirva concederle la propiedad del predicho Angeles civil. 10. terreno de Sta. Rita en lo que de 1845. De lo { recivere gracia y justicia que concedo a D. n. } imploro con las protestas de Coto Ramon Malo la { lo. propiedad que

solicita del para { Sta. Barbara Enero 19 de 1844 } D. R. Malo

ga de Sta. Rita on { Como Don } leguas poco mas. { Sta. Ines y Feb. 1º de 1844. } ò menos y al efec. { En cumplimiento de lo dispuesto to libere el titu. } por V. E. en este expediente, de q. Co respectivo. { informe lo conveniente con el } mayor respecto digo que amos. es Verdada q. dicho terreno se

hallava ante es interinamente pues es el unico sitio que le queda a la Misión p. a. colocar los bienes que tiene, de donde si este se la quita a la Misión, quedara sin poder subsistir y

los Indigenas naturales propietarios se veran obligados andar peregrinando en grandes trabajos lo que no me parece, justo, como asi mismo lo suggera V. E. Esto es lo que expongo a V. E. esperando de su benignidad atienda a estos pobres Neofitos que no quedan desamparados y que en caso que se determine V. E. a conceder el presado sitio sea mas bien vendido en provecho de ellos.

Don Juan Moreno.

map 8

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21. G.D. 13

Here follows
Map

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D. S. D. R El Ciudadano ^u Fernando Pico vecino del partido de Sta. Barbara.

Certifico que el terreno que demarca el adjunto diseño concedido con el nombre de Sta Rita se compone de tres sitios poco mas o menos, segun los conocimientos practicos q. de el tengo y la manifestacion q. se me ha hecho del documento q. indica el repetido diseño, y a pedido de la parte interesada, que lo es el Don D. Jose Ramon Malo, doy la presente en la Ciudad de los Angeles @ 10 de Abril de 1845
Fernando Pico.

D. S. D. R El Ciudadano Nicolas A. Dew Alcalde 1^o y juez de la instancia de este puerto y su comprension.

Certifico q. el parage nombrado Santa Rita conocido q. perteneciente a la Mision de la purisima hace algunos años que le consta de lista que se halla Valdivia p. parte de la Mision que lo ocupava y q. a la presente solo lo ocupan algunas veces pertenecientes al Don Dⁿ Francisco Cota q. igualmente sabe que la expresada Mision de la purisima a la vez no tiene bienes con q. cubrir el referido parage, ni gente de la que pertenecia a su comunidad que lo puede ocupar; En cumplimiento de Dⁿ Ramon Malo y p. los fines q. le convengan le este en el puerto de Santa Barbara a los 31 dias del mes de Marzo de 1849.
Nicolas A. Dew.

D. S. D. R El Ciudadano Jose Joaquin Carrillo vecino del partido de Santa Barbara.

Certifico que el terreno conocido con el nombre de Santa Rita hace algunos años se haya Valdivia y solo lo ha ocupado algunos Dientes de la pertenencia de Don Franc. Cota; igualmente se encuentra en la epoca presente y creë que la Mision a donde pertenece, no lo ocupara por no tener bienes ni existen comunidad en ella. pues lo acredita el abandono total en que se encuentra la finca y huertas lo que a pedido de Dⁿ Ramon Malo y para los fines que le sean convenientes lo firmo en el Rancho de Lompoc a tres de

Abril de 1845.

Yoacqⁿ. Carrillo.

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S. S. D. R.

El Capitán de Milicia Ciudadano José Antonio de la Guerra y Carrillo.

Certifico q^d el año de 1841 q^d recibí como Adm^{te} la Misión de la Purísima se hallaba el parage conocido con el nombre de Sta Rita baldío absolutam^{te} y solo si había algunos bienes de la. De Sta Ines y D^{no} Juan Coto y en la actualidad se halla esta Misión hasta sin Indígenas p^r. cuyo motivo la huerta y finca se encuentra en total ruina y a pidi^mto de D. Ramon Malo y p^r los fines q^d le conbenzan doy la presente en Sta B^a a 1^o de Abril de 1845.

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J. A. de la Gr^a. Carrillo.

q. S. D. R.

El Ciudadano Antonio Rodríguez, vecino del p^o de Sta Barbara

Certifico en devida forma que el parage conocido con el nombre de Sta Rita perteneciente a la Misión de la Purísima se halla baldío hace algunos años p^r. parte de c^{ho} establem^{to} que solo se ven en el algunos bienes de D^{no} Juan Coto; y igualm^{te} cre^o q^d la repetida Misión a la vez no tiene bienes ni indígenas de disponer pues lo acredita el abandono en q^d se encuentra la finca y huertas. Lo q^d a pidi^mto de D^{no} Ramon Malo y p^r los fines que se conbenzan. firmo en Sta Barbara a los 28 dias del mes de Mayo de 1841.

Antonio Rodriguez;

10. S. D. R.

Raymundo Carrillo Vecino del partido de Sta Barbara.

Por cuanto D^{no} Ramon Malo pretende certificar ante el Excmo. D^{no} Gobernador la justa acusacion que en su solicitud hace del terreno de Sta Rita inmediato a la Misión de la Purísima a pidi^mto del interesado y certifico, que el terreno mencionado hace el espacio de cuatro años q^d la Misión de la Purísima lo tiene abandonado, y solo pascua en el la Caballada y ganado de D^{no} Juan Coto. En la Epoca presente cre^o (y con justicia) q^d nunca será fundado por la Misión a q^d p^r.

=tenese por estas razones: por que la referida Misión no tiene bienes con que fundarlo. por que si acaso los tiene no cuenta un Indígena de quien disponer y si acaso haya algunos, cuyo numero debe ser ciertam^{te} muy corto y aun no existen en la repetida Misión; ultimamente para certificar mas el abandono del terreno de q^d se habla, parece suficiente decir en conclusion que donde se hallan abandonada totalm^{te} la Misión y huertas mucho mejor se debe hallar un terreno en donde no hay de esta

11. G. D. R. naturalesa. Esto es la verdad de mi c^{to} y para verificarlo lo firmo en Sta^a Barb^a a 30 de Marzo de 1845.

Ram^o Carrillo.

12. G. D. R. El Ciudadano Anastasio Carrillo Alfy. retirado de la Comp^a de Sta^a Barbara.

Certifico q^d el parage conocido con el nombre de Sta^a Rita perteneciente a la Misión de la Purisima, colindante al Este con D^o J^o de la Guerra y al Sur con el Cap^o D^o Josè de la Guerra y al Norte con D^o Josè Ant^o de la Gr^a y Carrillo; se halla a la Vez Valdío a virtud de q^d la expresada Misión no tiene modo de ocuparlo, y a p^o la falta de Ous naturales y ya p^a no tener bienes semovientes. p^o lo q^d a pidiemiento de D^o Ramon Malo y p^a los fines q^d le sean convenientes lo firmo en Sta^a Buenaventura a 24 de Abril de 1845.

Anast^o Carrillo.

13. G. D. R. El Ciudadano Anastasio Carrillo Alfy. retirado de la Comp^a de Sta^a Barb^a.

Certifico a pidiemiento de D. Ramon Malo q^d el terreno conocido con el nombre de Sta^a Rita es de la estension de tres sitios de ganado mayor poco mas o menos y que se comprende en el diseño adjunto segun los conocimientos que tengo del mencionado parage hace algunos años; y para los fines q^d le convengan le doy el presente en la Ciudad de los Angeles a 10 de Abril de 1845.

Anast^o Carrillo.

14. G. D. R. Que da tomada razon de este titulo en el libro respectivo.

Angeles Mayo 8 de 1846.

Dado cuenta en sesion de hoy en este espedte
à la Coena Asamblea Departamental se
mando pasar à la comision de terrenos baldios.

Pio. Pico # Agustin Olvera. D. D.

E. O.

La comision de Terrenos Baldios; a exami-
nado el preot. Expedt. promovido p. el Ciudadano
Ramon Malo relativo al parage. Sta. Rita
que le fue concedido p. el Excmo. Gob. Depart.
Fam. con arreglo à las leyes de la materia en
esta virtud pone à la deliberacion de V. C.
la proposicion siguiente.

Se aprueba la concecion hecha al Ciudadano

Ramon Malo del parage de Sta. Rita jurisdiccion
de Sta. Barbara en estencion de tres le-
guas poco mas ò menos segun titulo libado con
fecha 1.º de Abril del año 18.º p.º conforme à la ley
de 18 de Agosto de 1824, y el Art. 5.º del reglamen-
to de 21 de Nov. de 1828.

Dada de Com. en la C. de los Angeles Mayo 26
de 1846.

D. Arguello.

Angeles Junio 8 de 1846.

En sesion de este dia aprobo la Coena Asam-
blea Departamental la proposicion del
dictamen anterior.

Office of Surveyor General
of the United States for California.
I, Samuel D. King Surveyor General of the
United States for the State of California
and as such having in my Office and under
my charge and control a portion of the Ar-
chives of the former Spanish and Mexican
Territory or Department of Upper California.
do hereby certify that the fifteen preceding
and hereto annexed pages of tracing pa-
per numbered from One to fifteen 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.

Seal. In Testimony whereof I have
hereto signed my name officially
and affixed my private seal (not
having a seal of Office), at the City of San
Francisco this 21st day of October 1852

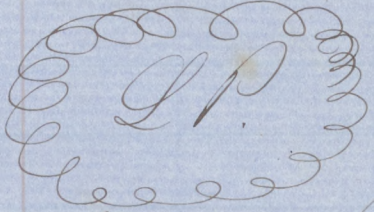
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Sam^l. D. King
Quay^r. Gen^l. Cal.

Filed in Office Nov^r. 9th 1852
Geo. Fisher. Secy.

23

Certificate of Seal.
Most Excellent Sr. Governor.



Montevideo Janry
25. 1844.
By the Sr.
Secretary of
Despatch upon
taking just the
necessary measures
Michitterna

A
Translation
of
Espediente

I Rayon Malo Citizen of
this Port before the Equity
of Your Excellency present
myself and say that having
a considerable number of
Cattle and horses, I find
myself in need of a tract of
land to pasture them therein
to this effect I have Enquired
& find for this purpose a place
which is Entirely vacant.
Known by the name of Santa
Rita is the jurisdiction of
the Mission Purissima sub-
ject to the Ruyon's pasture
ary of my cattle. This place

is bounded by the lands of Santa Rosa and
of Alvaris by the river Purissima and by the
hills immediate to the said Mission. Therefore
I supplicate your Excellency that you may
favor me by ceding to me the property of
the aforesaid place called Santa Rita by
the which I shall receive a favor and
justice which I implore with the usual
protestations -

Santa Barbara Janry 14. 1844.
Excellent Sr. J. R. Malo.

Angels April 11. 1844.
The property which J. R.
Malo solicits called Santa Rita contain
ing three square leagues more or less (ca-
tells) is ceded to him and to that effect
let the Respetado title begin in
Pio Pico.

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Santo Cruz July 1. 1844.
 In Compliance with the Anction of Your
 Excellency this Expedinto that I should
 report thereon I with the utmost respect say
 that it is true that although the said land is
 found Entirely vacant yet that is for the time
 being and it is the only site which the Mission
 has for collecting this Cattle and if it be taken
 from it there will remain no way of sustaining
 them and the Aborigines proprietors will be
 obliged to abandon their great labors which
 does not to me amount as Your Excellency
 yourself will judge. And this is what I com-
 municate to your Excellency trusting that
 from the Charity due these poor Natives it may
 not be given up. but in case Your Excellency
 shall conclude to Cede the said land it may
 be better to sell it for their benefit.

Fr. Sam. Moreno.

The sitios comprising the present land are
 something like three leagues a little more or less.

The City of Fernando Pico Vicar of the
 Dioc. of Santa Barbara.

I Certify that the land shown
 by the assigned Resim is known by the name
 of Santo Pito it comprises three sitios more
 or less. According to the practical knowl-
 edge I have of it & to the knowledge shown to
 me to which I dissent not and at the
 request of the party concerned who is the
 Señor Don J. R. Malo. I grant this in
 the City of Los Angeles this 10th day of
 April 1845 - p

Fernando Pico

23-

I the Citizen Nicholas A. De Almeida
let and copy of the 1st Instance of this
Post and its comprehension -

Do certify that the place named
Santa Rita is known to belong to the Mission
Parisima that since some years it is proved
ocularly to belong vacant on the part of
the Mission and it is at present only oc-
cupied by some cattle belonging to Don Fr.
Cota. That I also know from what I
have seen that the said Mission has not
stock to cover the said place nor people
that belong to the community who can oc-
cupy it and at the solicitation of Don
Ramon Malo and for the Cuelo which may
come I certify this in the Post of Santa
Barbara on this 31st day of March 1843.

Nicolas A. De Almeida

I the Citizen ^{upon}

I the Citizen Jaayn Curillo residing
in the district of Santa Barbara do hereby
certify that the land known by the name
of Santa Rita has been vacant for years
and always occupied by some cattle belong-
ing to Don Francisco Cota and that at
this time I believe the Mission to which
it belongs does not occupy it for it has no
cattle nor is there any community existing
there for that is proved by the total aban-
donment of the property to Archy de
which at the request of Don Juan R. Malo
and for the Cuelo that it may come I sign
in the ranch Imper this 3rd day of April
1845

Jaayn Curillo

I the Citizen ^{upon} Jose de la Guiray Camilo

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Capt of the *Piedra*. Certify that in the year 1841 I received as Administrator the Mission of La Purisima, that the place known by the name of Santa Rita was found absolutely vacant. That there were in said Mission some cattle of the Mission Santa Cruz and of Don Francisco Cota that said Mission is actually without even an Indian for which reason the property & orchards were in total ruin and at the request of Don Ramon Malo and for the ends it may serve I give this present at Santa Barbara this 9th day of April 1845.

J. A. de la Guerra y Carrillo

^{Yunque}
Antonio Rodriguez, Citizen of the District of Santa Barbara.

Only certify that the place known by the name of Santa Rita belonging to the Mission Purisima has been on the part of the said Mission vacant for some time that only some cattle of Don Francisco Cota are seen there and likewise I believe that said Mission has no cattle nor Indians at all to keep there which is proved by the abandonment wherein the property & orchards are lying and at the request of Don Ramon Malo and for the ends it may serve I sign this at Santa Barbara on this 11th day of March AD 1845.

Antonio Rodriguez.

^{Yunque}
Ramon Carrillo Citizen of the District of Santa Barbara -

Whereas Don Ramon Malo seeks to prove before the Excellent Senior Governor the just accusation which in his

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petition he makes for the land of Santa Rita immediate to the Mission La Purissima at the request of the party concerned I say and certify that the mentioned land has for the space of four years been abandoned by the Mission of La Purissima. That it has also been fed by the horses and cattle of Don Francisco Coto and that at the present time and with Justice, that it will now be stocked by the Mission to which it belongs for the following reasons the Mission has no cattle with which to do it for to say has not even a single Indian to take charge of them and in case she may have they will be too miserable and will not remain there constantly, lastly I certify to the abandonment of the said Mission I conceive it sufficient to say that the conduct (management) of said Mission is wholly abandoned or may say a tract of land when there are not securities of the order of "jueros y hueros".

This is the truth in verification of which I sign at Santa Barbara this 30th day of March 1845.

Raymundo Carrillo -

The Citizen Anastacio Carrillo a retired Cadet of the Company of Santa Barbara -

I certify that the place known by the name of Santa Rita belonging to the Mission of La Purissima bounded on the East by the levels of the Citizen Don Francisco Coto, on the South by the levels of Capt Don Jose de la Guerra y Carabelo is lying at this time vacant on account of the said Mission having no mode of

occupying it for the want of Natives and
for the reason of being without Cattle or
Servants and at the solicitude of Don Ramon
Mato and to the End it may be Commi-
ent to him I sign in Buena Ventura,
April 4. 1845.

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Anastacio Carrillo,

The Citizen ^{unusu.} Anastacio Carrillo retired
of the Campains of Santa Barbara

200 - I Certify at the request of Don Ramon
Mato that the level known by the name of
Santa Rita is of three leagues de ganada
Mayor a little more or less as is shown by
the adjoined diagram according to the knowl-
edge I have had for some years of the place
and for the Ends that may be convenient
I give this present Certificate in the City of
Las Angeles on this 14th day of April 1845 -
Anastacio Carrillo.

This Title remains noted in the re-
spective book.

Angels May 8. 1845.

In session of this day account having
been given of this Expediente to the Excellent
Departmental Assembly. It is ordered
to be passed to the Commision on vacant
lands.

Pio Pico,

Augustin Olvera }
Secy. }

Excellent Señor,

The Commision on vacant lands have
examined the present Expediente

29

19
2073

Carried on by Citizen Don Raymon Malo
relative to the place called Santa Rita
which was ceded to him by the Superior
Governor of this Department according to
laws on the subject in virtue of which it
seats for the deliberation of your Excellency
the following proposition -

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The concession made to Citizen
A. Raymon Malo of the place called Santa
Rita in the jurisdiction of Santa Barbara
containing three square leagues or little
more or less is approved according to
the title given with date April 11th 1820 of the
first year and in conformity with the law
of the 18th of August AD 1824 and the article
5th of the regulations of the 21st of November
1824 -

Chamber of the Commissioners
in the City of Los Angeles this 26th day
of May 1846.

J. Strobello,

Angels Jan 31. 1847

In session of this day ap-
proved by the excellent Dept. Assembly
the proposition of the anterior opinion -

I certify the foregoing to be a true and
correct translation -
San Francisco January 3th 1852,

Geo Fisher Secy.

Filed in Office Nov. 9. 1852.

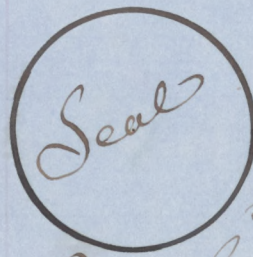
(signed) Geo Fisher Secy.



Small handwritten marks or scribbles at the bottom center of the page.

31 Original Grant.

Ocho pesos: Habilitado provi-
sionalmente por la Aduana Maritima del
puerto de Monterrey, en el departamento de
las Californias, para los años de mil ocho
cientos cuarenta y cuatro, y mil ocho cientos
cuarenta y cinco.
Michelbrena Pablo de la Guerra.



El. C. P. Pico primer Vocal de la
Cámara Gubernativa interina del departa-
mento de las Californias.

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Por cuanto D. Ramon Malo ha preten-
dido para su beneficio personal y el de su fami-
lia el terreno conocido con el nombre de Sta.
Rita demarcado en el diseño q. acompaño a
su solicitud; practicadas previamente las di-
ligencias concernientes segun lo dispuesto por
las leyes y reglamentos de la materia; usando
de las facultades que me son conferidas a
nombre de la Nacion Mexicana, he venido en
concederle el terreno mencionado declarandole
la propiedad de el por las presentes letra en
tendiendose dicha concecion con entera confor-
midad de las leyes, a reserva de la aprobacion
de la Cámara Asambleas Departamental y
bajo las condiciones siguientes.

- 1.ª podrá cercar el terreno que se le adjudica
sin perjudicar las habecias, caminos y servidum-
bres; lo disputara libre y esclusivamente dedi-
candolo al cultivo y usos que le ocomode.
- 2.ª Solicitara del juez respectivo le de la posesion
juridica en virtud de este despacho por el
cual se demarcaran sus linderos y ponchados
mojoneras.

3.ª El terreno de que se hace donacion es de
hes ritos poco mas o menos de ganado mayor
el juez que lo poseione lo hara medir conforme
a Ordenanza dejando el cobrente que resulte
a la Nacion para los usos convenientes.

En consecuencia mando que sirvriendole
de titulo el presente y teniendose por firme y va-
ledero se tome razon de el en el libro que corres-
ponde y se entregue al interesado para su uso.

guardado y demas fines.

Dado en la Ciudad de los Angeles Capital del departamento a doce de Abril de mil ochocientos cuarenta y cinco.

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Ri pie
Juan Bandini. Dero
Queda tomada razon de este Despacho superior en el libro respectivo.

Angeles fecha ut. Supra
Bandini

Treasury Office Nov- 9. 1852

Geo. Fisher. Secy



Translation of the original grant of Santa Rita by his Excellency Don Pio Pico to Don Juan Ramon Mateo

"B"
Translation of Grant.

The Citizen Pio Pico Senior Member of the Most Excellent Departmental Assembly and Governor and Intendant of the Department of the Californias -
Whereas Don Ramon Mateo has petitioned for his own personal benefit and that of his family the land known by the name of Santa Rita marked out on the map which he accompanied with his petition previously presented, the Congress concerning the same in accordance with the dispositions of the laws and regulations on this subject in the absence of the persons which have been conferred on me in the name of the Mexican Nation I have determined to concede to him the above mentioned land declaring to him the ownership of it by these present letters said concession to be with entire conformity with the laws observing the approval of the Most Excellent Departmental Assembly and under the following conditions -

- 1st - He may fence the land which is adjudicated to him without injury to the way Roads and servitudes. He will enjoy it freely and exclusively dedicating it to the cultivation and uses that may best suit him -
- 2d - He shall solicit from the respective Judge judicial possession by virtue of this title by whom the boundaries shall be marked out and he shall put the land marks -
- 3d - The land of which donation is made is of three sitios a little more or less ganadero

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Mayor - The Judge who gives possession will cause the same to be measured according to ordinance leaving the surplus that results to the Nation for convenient uses.

In consequence I command that the present same kind as a title and taking it for firm and valid that notice be taken of it in the corresponding book and that it be delivered to the person interested for his security and other uses.

Given in the City of Los Angeles Capital of the Department on the 12th of April 1845 -

Pio Pico -

Juan Bandini

Secretary -

Notice remains taken of this Superior title in the respective books -

Angels dato at supra.

Pandini -

I George Fisher Secretary to the U.S. Land Commission hereby certify that the foregoing is a true and correct translation. San Francisco January 5 1852.

(Signed)

Geo Fisher Secy

Filed in Office Nov. 9. 1852.

(Signed)

Geo Fisher Secy

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35-

Don Juan 1.º de Sta. Barba.

José Ramon Malo ante V. con el debido respeto se presenta y dice; que habiendo obtenido del Supo. Gobno el titulo del parago conocido con el nombre de Sta. Rita estendido en doce de Abril de mil ochocientos cuarenta y cinco que devidamente acompaño duplico à Vse orra; cuando sus ocupaciones se lo permitian; darne la correspondiente posesion judicial segun esta ordenado en el articulo segundo del referido titulo. R. J.

A. V. mego y duplico tenga la bondad de acceder à mis deseos, sirviendose admitir esta mi solicitud en el presente papel por no haber del sellado correspondiente.

Sta Barba. Feb. 2.º de 1845.

J. R. Malo.

En virtud de la antecedente solicitud procedase por mi à la medicion, señalamiento de linderos y posesion judicial del terreno de Santa Rita que solicita el interesado: señalandose para verificarlo el dia 30 del presente mes; citendose con boletas de comparecido à los colindantes: Don Nicolas Augusto Don Juez de 1.ª instancia y Alcalde 1.º de Santa Barbara, actuando por receptor con los testigos ordinarios por falta de Escribano publico, asi lo mando decreto y fono de que doy fe.

Nicolas. A. Dev.

Assist.º

Joan. Carrillo # Raym.º Carrillo

Assist.º

En la misma fecha presente à Don José Ramon Malo se le notifico el auto que antecede y de el enterado dijo: que lo oyo y se daba por citado y lo fono conmigo y los de mi asistencia.

Nicolas. A. Dev # J. R. Malo.

Assist.º

Joan. Carrillo Raym.º Carrillo

Assist.º

Incontinente se libaron boletas de comparecidos à los Ciudadanos José Antonio de las Guerra colindante con Santa Rita por el Norte, à Pedro Cordero por el sur, à Juan.º Bota por el Este y à José Antonio Carrillo

como encargado de la Ece. Misión de la puz-
risima por el Oeste, y para constancia lo uo-
brico.

En el Rancho de Santa Rita à los treinta
días del mes de Octubre del año mil ocho ci-
entos cuarenta y cinco; en cumplimiento del
auto del día veinte y siete del presente mes
comparecieron los ciudadanos Pedro Borden-
ro, Francisco Cota y José Antonio Carrillo
colindantes de este rancho y citados para la
medición señalamiento de linderos y posesion
judicial de el y nombre para medidores por
no haber agrimien^{to} or^{ta} à los ciudadanos An-
tonio María Villa y à Bartolo Olivera quienes
previa previa aseptacion y juramento prosede-
ron al desempeño de su encargo. Así yo el Juez
lo decreté, mandé y firmé con los de mi asis-
tencia, no habiéndolo comparecido Don José
Antonio de la Guerra.

Nicolas A. Dev. #

Asistencia

Joacqⁿ Carrillo #

Asistencia

Raym^{do} Carrillo

En la fecha se le notificó el auto que antecede
à los ciudadanos Pedro Bordenro; Francisco
Cota y José Antonio Carrillo colindantes y en-
terados dijeron que lo oyeron y lo firmaron
con miyo y los de mi asistencia.

Pedro Bordenro # Nicolas A. Dev

Assist^a

Assist^a

Joacqⁿ Carrillo # José A. Carrillo

Raym^{do} Carrillo, Ass^a

Incontinenti y en el expresado rancho se les
notificó el auto en que son nombrados medi-
dores à Antonio María Villa y à Bartolo Olive-
ra quienes entendidos dijeron: que aceptaban
y aceptaron dichos encargos y juraron à Dios
nuestro señor y por una señal de Cruz de usar
los piel y legalmente à todo su leal saber y
entender sin dolo sin fraude contra persona
alguna y por no saber escribir hicieron una
Cruz firmando yo y los de mi asistencia.

Ant. M^a Villa # Nicolas A. Dev #

Bartolo Olivera # Joacqⁿ Carrillo Assist^a

Raym^{do} Carrillo, Assist^a

Inmediatamente, yo el referido juez mandé traer à mi presencia el Cordel con que se ha con- de medir las tierras y que los medidores lo midan de cincuenta varas y lo firme con los de mi asistencia,

ass^o Nicolas A. De Ass^o
Joan^o Carillo # Raym^o Carillo.

En seguida y en presencia de mi el repetido juez los expresados medidores tomaron un Cordel de reata y con una vara de medir mexicana, midieron cincuenta varas, para hacer la referida medición; y para constancia lo rubrique.

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En la misma fecha yo el juez teniendo à la vista el diseño del terreno de Santa Rita me cité acompañada de los testigos de mi asistencia de los medidores y de los expresados señores Malo, Cordero y Carillo en la cuchilla situada frente de la Huerta de Areyano lindero de Don Francisco Cota rumbo al Sur, y mandé se tirase el Cordel así à la boca del Rio de la purisima y siguiendo las mediciones el rumbo Oeste por la boca del Rio que esta situada al Sur de este Rancho, y se llegó à la Quilla del Causal contiguo al camino real que corre de la Misión Vieja à la purisima en cuyo punto mandé poner una mojonera en señal de lindero; y habiendo preguntado à los medidores cuantos cordales habian medido dijeron; que han medido hasta aquel punto ciento cincuenta y dos cordales medidos. Luego yo el juez, mandé que desde esta mojonera se tirase el Cordel rumbo Norte y habiendolo verificado los medidores pasando por la Cruz que esta al frente de la Casa principal de la purisima llegaron à lo alto de la Loma lindero de Don José Antonio de la Guerra y habiendo dicho los medidores que habian medido desde la Quilla del Causal contiguo al camino real que corre de la Misión Vieja para la purisima hasta allí doscientos cordales, mandé se pusiera en lo alto de dicha loma una mojonera que corra de Lindero y que se ocupen las mediciones para proseguirlas el día de mañana. Y para constancia lo firmé

con los de mi asistencia de que doy fee.
 Asa: Nicolas. V. Dev. Asa:
 Joaquin Carillo # Raym^{do} Carillo.
 En el ya mencionado Rancho à los treinta y
 un dias del mes de Octubre de mil ochocientos
 cuarenta y cinco, yo el juez me constituí per-
 sonalmente con los de mi asistencia, los me-
 didores y demas interesados, en la Cumbre de
 la Loma lindero de Don José Antonio de la
 Guerra, punto en que se concluyo la midicion
 del dia de ayer, con el objeto de proseguir las
 y despues de haber mandado se pusiera en
 este lugar una mojonea en señal de lindero
 hize tirar el Cordel al Este y pasando por lo
 alto de las Lomas hasta muy inmediato don-
 de esta una Laguna seca se siguió la midi-
 cion hasta adonde estan tres encinas, se mi-
 dieron ciento cincuenta y dos Cordeles en donde
 mande se pusiera una mojonea que sirva
 de lindero, y desde este punto se tiro el Cordel
 rumbo al Sur pasando por el llano
 de Venta Rita donde esta una Lomita con
 un encino hasta el punto donde se comensó
 la midicion de este rancho, donde declararon
 los mididores haber midido desde las tres
 encinas doscientos cordeles y que segun el
 computo exacto que habian hecho de todas
 las midiciones resultava haberse midido
 tres sitios de ganado mayor y doscientas varas
 y estan mididos y señalados. En con-
 secuencia yo el juez mande poner una mojo-
 nera en la Cuchilla de dicha Loma en señal
 de Lindero y declare concluidas las midi-
 ciones del terreno de Venta Rita. Y para
 constancia lo signaron con una señal de
 Cruz y firmo con los de mi asistencia de que
 doy fee.

Ante M^a. Villa + # Nicolas. V. Dev.
 Bartolo Olivera +. Asa: Joaquin Carillo.
 Asist^a. Raym^{do} Carillo.

Inmediatamente en el referido rancho de
 rancho de Venta Rita siendo como las dos
 horas de la tarde, Don José Ramon Malo a com-
 pañado del presente juez y testigos que habren.

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=dose medido las tierras de este Rancho de
 quin consta de la diligencia anterior tomaba
 la verdadera Real actual y corporal posesion
 de los expresadoshes citios y doscientas varas
 de terreno pues le pertenecen por justo titulo qd
 obtieno dado à su favor por el Excmo Vir Gobern
 nador del departamento el doce de Abril del
 año mil ochocientas cuarenta y cinco; en to
 y pase por ellos, arrancó yerbas, esparció puña
 dos de tierra rompió ramas de los arboles é hizo
 otros actos y demostraciones de posesion en
 señal de lo que dijo tomaba de las tierras
 de Santa Rita comprendidas en dichos
 hes citios y doscientas varas; la cual le fue
 dada quieta y pacificamente sin conhadie
 cion de los colindantes, con solo una protesta
 que el R. P. Ministro. Sr. Juan Moreno me
 remitió con fecha veinte y siete de Octubre del
 presente año reservando el derecho de reclamar
 en cual quiera tiempo dicho sitio por haberse
 dado ilegalmente, mas como por el Artículo
 segundo del titulo se manda que solicite
 del juez respectivo la posesion juridica las
 qual fue dada, y en la que yo el juez dije le
 amparava y amparé en Nombre de la Na
 cion Mexicana para no ser jamas despojados
 y mandé que desde entonces en adelante
 lo tubieran por verdadero señores y poseedores de
 ellas. De todo lo cual pidió el pre dicho Don
 José Ramon Malo que para memoria en lo
 venidero y conservacion de sus derechos le
 fuese por mi el repetido juez, otendida una
 constancia, y lo firmó con mi go y los de mi asis
 tencia con quienes o actúo por falta de escrito
 no publico segun dicho, de que doy fe.

Nicolas A. Den # J. R. Malo.

Assist^a

Assist^a

Doan^r Carrillo # Raym^{do} Carrillo

Of^a Barbara Noviembre 10. de 1845.

Entreguese Original el presente expediente à
 Don José Ramon Malo para su resguardo.

Ass^a

Nicolas A. Den.

Ass^a

Doan^r Carrillo # Raym^{do} Carrillo.

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Filed in Office Nov. 9th 1852

Geo. Fisher Secy.

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"NO"

Translation
of
Judicial
Receipt

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23
473
A translated copy of Don Juan Malo
petition for Judicial possession of Santa
Rita
Senior first Judge of Santa Barbara.

Don Juan Malo before you with
due respect presents himself and says that
having obtained from the Superior Government
the title of the place known by the name of
Santa Rita given on the 12th of April 1815
which as in duty bound I herewith transmit
and entreat you to be so kind when your
occupations will permit as to give me the
corresponding judicial possession as is
ordered in the second article of the above
mentioned title.

Therefore I pray and entreat
your Honor to have the goodness to accede
to my desire and at the same time that you
may admit this my solicitation on common
paper for the want of corresponding sealed
paper.

Santa Barbara Oct 24. 1815.
J. M. Malo.

In virtue of the above application I will
proceed to the measurement marking out of
the boundaries and Judicial possession of
the land of Santa Rita which the interested
person solicits setting apart for its fulfill-
ment the 30th day of the present month acting
by a written notification the adjoining land
owners to appear.

I Nicholas Augustus Don
Judge of the first instance and Magis-
trate of Santa Barbara performing this by
comparison with the ordinary witnesses for
want of a Notary Public thus I command

decree signed which certify.

Nicolas A. Pen -

Witness

Witness -

Joaquin Carrillo Raymundo Carrillo.

Autho same named state Don Jose Ramon Malo was notified of the decree which preceds and he understanding the same acknowledged that he heard it that he was cited and signed it with myself and my assistants J. B. Melo.

Nicolas A. Pen -

Assistants

Joaquin & Raymundo Carrillo -

Immediately citations were issued to the Citizens Jose Antonio de la Laguna an adjoining land owner with Santa Rita on the North to Pedro Cordan on the South to Francisco Cota on the East and Jose Antonio Carrillo as a part of the El Mission of La Purissima on the West in witness whereof I make my scroll.

In rancho Santa Rita on this 30 day of October 1845 in full fulfillment of the decree of the 27 of the present month. Then appeared the citizens Pedro Cordan Francisco Cota and Jose Antonio Carrillo adjoining land owners around the Rancho & who were cited to be present at the measuring meeting out of the boundaries and judicial possession of the same and there being no surrager I named as measurers the Citizens Luis Antonio Maria Yello and Bartolo Oliva who after the acceptance and oath well performed to the discharge of their appointment. Thus I

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the Judge dicred and signed it with three
of my assistants, Don Antonio Cardillo, Don
Jose Antonio de la Cruz not having appeared
Nicolas A. Ben.

Assistants

Juquin & Raymundo Cardillo.

At this date the Citizens Pedro Cordero
Francisco Lota and Jose Antonio Cardillo
adjoining land owners were notified of the pro-
ceedings and being informed they
said they heard it and signed the same with
me and the assistant witnesses -

Pedro Cordero -

Nicolas A. Ben.

Jose Cardillo -

Assistants

Juquin & Raymundo Cardillo.

Immediately and in the same Rancho afore-
mentioned Antonio Ma Villa and Bartolo
Alvira were notified of the decree in which
they are named measurers, who being informed
said that they accepted and did a copy of
said appointment and swore to hold true and
by the sign of the cross to exercise said ap-
pointment true and legally to the best of their
knowledge and abilities without injury or
fraud against any person whatsoever and
not knowing how to write made a cross &
signing with my assistants -

Antonio Ma Villa &

Nicolas A. Ben.

Bartolo Alvira

Assistants

Juquin & Raymundo Cardillo -

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In Continuance of the above mentioned Judge
 ordered to bring to my presence a cord
 wherewith said lands are to be measured
 and that the measure be measured of fifty
 varas.

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In witness whereof I signed this with
 my accompanying witnesses

Nicolas A. Ven -
 Witness
 Thomas
 Juag^h Cardillo
 Witness
 Juaguin Cardillo.

On the same day I the Judge having before
 me the map of the land of Santa Rita I placed
 myself and the assistant witnesses and cord
 bearers together with the above mentioned
 Mate Cordero, Cota and Cindro on the flat
 upon the hills (cachetas) situated in front of
 the orchard of Arayaus, the boundary of Sr
 Francisco Cota direction South and Com-
 manded that the cord be extended towards the
 plain of the river Pirissima and continuing
 the measurement in the usual direction by the
 plain of the river, which is south of this Rancho
 till it arrived at the edge of the Indian grave con-
 tiguous to the public road which comes from
 the Old Mission to La Pirissima in which point
 I commanded to be placed a land mark in sign
 of a boundary and having asked the cord bearers
 how many cords they had measured they replied
 that up to that point there were one hundred
 and fifty two lengths of the cord. Whereof I
 the Judge commanded that from the land
 mark the cord be extended in direction North
 and the cord bearers having done passing
 by the cross which is in front of the principal
 house of the Pirissima they arrived at the top
 of the hill, the boundary of Sr Jose Antonio

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de la Guerra and the measurers having said that they had measured from the edge of the willow grove contiguous to the public road which runs from the Old Mission to the Purissima up to that point two hundred lengths of the cord, I commanded that on the height of said hill there should be placed a land mark that should serve as a boundary and that they suspend the measurement for to continue it to morrow.

1. 200. c.
5

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In witness whereof I signed with my assistants which I certify -

Nicholas A. N. n.

Assistants,

Joaquin & Ramon Carrillo.

In the said ^{rancho} Rancho on the 31st day of Oct
and 1835 I the Judge placed myself person-
ally with my assistants the cord bearers, and
others interested on the top of the hill, boundary
of Don Jose de la Guerra the point at which
the measurement was closed yesterday with the
object of perusing them and after having
commanded that there should be placed a
land mark in sign of the boundary I ordered
the cord to be extended direction East and pas-
sing on the heights of the hills until very near
where there are three wells there were measured
one hundred and fifty two lengths of the
cord, as a day later the measurement was con-
tinued to where there are three wells there were
measured one hundred and fifty two lengths of
the cord. Where I commanded to be placed a
land mark to serve as a boundary, and
from this point the cord was extended direction
South passing over the plain of Santa Rita
where there is a small hill with an oak tree
to the point from which the measurement of

2. 152. c.

this Rancho commenced where the Measurers declared to have measured from the three leagues two hundred lengths of the cord, and according to exact computation of all the Measurements made there resulted by the measuring three leagues of land and two hundred varas which were measured and marked out.

In consequence of this Judge commanded that there be placed a land mark on the Summit of said hill in sign of the boundary of said land the Measurement finished of the land of Santa Rita.

In witness whereof they signed making the cross and I signed with the assistant witnesses which I certify.

Antonio Mañala +
Mecias A. Rin

Beate Olivia

Assistants -

Jaquin & Raymundo Cardillo.

Immediately in the said Rancho of Santa Rita, being about two o'clock in the evening Don Jose Ramon Mañala accompanied by the present Judge and witnesses said that the lands being measured of this Rancho as appears by the entire proceedings he then took the true and actual possession and corporal possession of the said three leagues and two hundred varas of land since they belong to him by just title which he obtained given in his favor by his Excellency the Governor of the Department with date of the 12th of April 1815 he entered and worked over them he tore up weeds and scattered hands full of earth he broke branches of trees and other acts and demonstrations of possession in sign of what he

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said that he took of the lands of Santo
 Rita comprised in the said three leagues and
 two hundred varas, which was given to him
 quietly and peacefully without any opposi-
 tion being made by the adjoining land
 owners with but one protest which was
 made by the Rev. Padre Missionario Fr. Juan
 Murino and sent to me bearing date
 of the 27th of October of the present year reserving
 the right to reclaim at any time said site as
 having been illegally, but as by the second article
 of the title it is commanded that he shall solicit
 of the respective Judge judicial possession, which
 was given and in which I the Judge said I
 did defend and I will defend in the name
 of the Mexican Nation so that he shall never
 be dispossessed.

And I commanded that from that
 time hence forward they should consider him
 the true Lord and possessor of them all of
 which the said Don Jose Ramon Ramo asked
 for that as a memorial for the getting and in
 confirmation of his rights should be by me the
 above mentioned Judge extracted to him in
 testimony of them and he signed it with me
 and the assistant witnesses with whom I act
 for want of a Notary Public according to what
 has been aforementioned which I certify -

Nicolas A. Ben

Jose Ramon Malo

Asistente
Jaquin Camello

Asistente
Raymundo Camello

Santo Barbara Nov 11 1845.

Relieve this original Expediente to Don
 Jose Ramon Malo for his security -
 Nicolas A. Ben

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Assistant witness
Jaquim Carrillo -

Assistant witness
Raymundo Carrillo.

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J. George Fisher Secretary to the U.S.
Said Commission to ascertain &c. do hereby
certify that the foregoing is a true and correct
copy of a Spanish document in the within
mentioned case. Now in file in this Office -
San Francisco January 5th 1851.

(Signed) Geo Fisher
Secy.

Filed in Office Oct 9, 1852.

(Signed) Geo Fisher
Secy.

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Jose Ramon Mato } "Santa Rita"
vs. }
The United States }

Opinion

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The petitioner has filed in support of his claim a mercurial grant by Gov. Pío Pico dated April 12th 1815 concerning to the grantee Ramon Mato the place known by the name of Santa Rita to the extent of three square leagues a little more or less. Also the original record of an act of Judicial possession of the land granted. Executed by Nicholas A. De Suro of 1st Instance of Santa Barbara on the 30th of October 1815.

The genuineness and authenticity of these documents is established by satisfactory testimony. The boundaries of the land are described with sufficient certainty in the act of Judicial possession which also shows the quantity to be a small fraction over three leagues.

The conditions of the grant appear to have been complied with in due season.

The evidence is deemed sufficient to entitle the claimant to a confirmation and a decree will be entered accordingly.

Filed in Office Oct 14, 1834,

(signed) Geo Fisher
Secy

Jose Ramon Malo. }
 The United States } "Santa Rita".

Deere

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In this Case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the petitioner is valid and it is therefore decreed that the same be confirmed.

The land of which confirmation is made is situated in the County of Santa Barbara, and is known by the name of Santa Rita being the same which was granted to the present claimant by Gov Pio Pico 17th of April 1845, and now held and occupied by him and is bounded as follows Beginning at the top of the hill (Cuchilla) situated in part front of the orchard of Argueta the boundary of Don Francisco Coto and running westward along the low lands of the Rio de la Purissima which is situated on the south of this Rancho, seven thousand six hundred varas to the edge of a hollow grove near the public road from the Old Mission to La Purissima, thence northward passing the crop which is in front of the principal house of the Purissima ten thousand varas to the top of a hill in the boundary of Jose Antonio de La Guerra, where a land mark was placed thence eastward along the top of the hills and near a dry lake seven thousand six hundred varas to three oak trees where a land mark was placed, thence southward passing over the plain of Santa Rita where there is a small hill with two oak trees to the place of beginning - containing three square leagues a little more or less - For a more particular description reference to be had to the original grant map

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and record of Judicial possession, all of which are on file among the papers in the case.

Alphus Beck

R. Aug. Thompson

S. B. Farwell

Wm. J. ...
Comptroller

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Filed in Office Oct 14, 1854

(Scried)

Geo. Fisher Secy

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And it appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Southern District of California, it is hereby Ordered that two Transcripts of the Proceedings & 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 Judicial 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.

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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 two* pages, numbered from
1 to *52*, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
said Board, of the Documentary Evidence and of the Testimony
of the Witnesses, upon which the same is founded, on file in this
Office, in Case No. *473* on the Docket of the said Board,
wherein *Jose Ramon Mulo* is

the Claimant against the United States, for the place known by
the name of *Santa Rita*

In Testimony Whereof, I hereunto set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
Thirtieth day of *March*
A. D. 1855, and of the Independence of the
United States of America the seventy-ninth.

G. Fisher.

G. Fisher.



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

No. 219. *Laer*
THE UNITED STATES,
219

vs.

José Ramon Malo.
"Santa Rita."

TRANSCRIPT OF THE RECORD
FROM THE
BOARD OF U. S. LAND COMMISSIONERS,
In Case No. *475*.

Filed, *April 10th* **219** 185*5*,
J. E. Farr,
clerk.

219

307418

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

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The United States } N^o. 219.
vs. } Santa Rita.
Ramon Malo. }

Now comes the Attorney for
the claimants in the above entitled cause,
and presents to this Honorable Court
the mandate of the Supreme Court of
the United States dismissing the appeal
granted and taken from this Court to
the said Supreme Court on the part
of the United States, from the decree of
confirmation of this Court made and
Entered December 29th, 1856, and demanding
the same to this Court; and he moves
this Court that the said mandate of
the Supreme Court may be filed herein,
and that the former order of this Court
granting such appeal be vacated, and
that the claimants have leave to proceed
under said decree of this Court as under
a final decree.

Dated October 18th, A.D. 1864.

Chas C. Chase,
Attorney for claimant

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

The United States

v.

Ramon Malo.

No. 219,

Santa Rita.

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Office of the Attorney General of the United States,

Washington, June 13th 1855.

(473.) Santa Rita.

José Ramon Mals, claimant.

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 16th day of March 1855, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

I am,

Very Respectfully,
Canting

Attorney General.

No. 219.

W. S. District Court
Southern Dist of Cal^{ny}

United States

^{vs}
Jose Ramon Mado,

Notice of Appeal
in Case No. 473.

Filed July 21st 1853.

G. E. Lean
clerk

By A. W. Clark
deputy

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In the United States Dist. Court for
the Southern Dist of Cal.

Before Honorable Isaac H.QUI
U.S. Dist. Judge

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December Term 1856

For Remuneration

ad Appellee } Dec No 219
United States } Trans No 473
Appellant

In answer to the petition of Pacificus Ord
U.S. Dist. Atty. for the Southern Dist of California
filed in this Honorable Court on the 24th day
of December 1856. The claimant by his
attorney admits all that is set forth in
the said petition concerning proceedings
already had in the said cause, up to date, leaving
and excepting only such portions of the same
as there may be by the said petition alleged,
touching the validity of the claim of the appellee
in the above entitled cause, and "errors and
impurections of law and evidence; or, that it
(the decree) ought to be reviewed reversed and set aside"
together with whatever ^{also} there is ~~in~~ the said petition

alleged concerning the want of proof or
what should have been done by the
board of Land Commissioners therein
alluded to - but on the contrary your
respondent respectfully avers, that his claim
to the said Rancho Santa Rita containing
three square leagues of land a little more or less,
in conformity with the petition of the claimant
to the Governor of California, the report of Señor
Amistacio Carrillo, the Decree and Grant of
the Governor of Cal. together with the approval
of the Departmental Assembly of California
and act of Judicial possession under the
Mexican Government, as also with the
Decree of the Commission for ascertaining
and settling private land claims in the
State of California appointed under the
act of Congress approved on the 3^d day
of March 1851, heretofore rendered
in favor of the said appellee, & wit on the
17th day of October 1854 is a good and valid
claim. Whereupon Jose Ramon Malo
respondent and appellee in this cause, by
his attorney respectfully prays that

Honorable Court to affirm the said
decision of the said U.S. Land Commission
aforesaid, and to decree his claim to the
said land to be a good and valid claim, and
to confirm the same to the said Jose
Ramon Phalo together with such further
relief as he in equity may be found entitled
to

L. 219 SD

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Henry Hancock
Atty. for Plaintiff

No 219

Jose Ramon Males
ad.
United States

Santa Rita

Answer to petition
for Ransom

Filed in office

Filed this 24th day of December
A.D. 1856

Clerk of the
J. M. Coleman,
Dep.

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José Ramon Malo,
appelle
ad.
The United States

Docket No. 219.

Transcript No. 473.

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 _____ day of November A. D. 1852, José Ramon Malo,

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 *Rancho "Santa Rita"* _____ 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 17th day of October A. D. 1854, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 10th day of April — A. D. 1855, 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. 473; reference to which it is prayed may be had and made part of this petition. That on or about the 16th day of March A. D. 1855, 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 the 21st day of July 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 claimant, presented as aforesaid to said Commissioners. And your petitioner further denies that the said claimant has any valid right or title to said land claimed as aforesaid, or any part thereof.

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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 claimant, or his attorney 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 ^{said claim} ~~same~~, and decree the alleged title to be invalid: with costs and general relief.

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P. Ord.

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

No. 219

219

Jose Ramon Galo

Appellee

vs

The United States

Appellants

Petition for Review

Filed this 24th December

A.D. 1856 *Cephus et al*

J. McColman
Clk

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P. Ord. U. S. Dist. Ct.

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

The President of the United States,

TO

Don Ramon Mado

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Greeting :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against *you* in the District Court of the United States, in and for the Southern District of California, on the *24th* day of *December* in the year of our Lord one thousand eight hundred and fifty-*Six*, at the City and County of Los Angeles, in said District, by

Ordn. W. G. Deit Attorney
praying said Court to reverse the decision
of the United States Commissioners of the
17th of October 1854 confirming your
claim to the land called
"Santa Rita" in
Santa Barbara County

and that *you* are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said Petition, or the Petitioner will apply to the Court for the relief demanded therein.

In Witness whereof, I have hereunto set my hand, and affixed the Seal of said Court, at the City of Los Angeles, this *24th* day of *December* A. D. 185*6*

C. Smith
J. W. Holman
CLERK.
dep



No. 219.

Marshall Court

Copying Summons to
Hearing do 3
Petition 3

\$ 6.60

UNITED STATES OF AMERICA,

Southern District of California,

U. S. DISTRICT COURT.

Jose Ramon Calle

appellant

The United States

appellant

*Filed on Return due 27th of
December A. D. 1856*

John S. Beckwith

J. S. Beckwith

clerk

SUMMONS.

Received *Dec 24* 1856

4 219 SD

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Edward Hunter

U. S. MARSHAL.

*Dr. Mc Goodman
Deputy*

I served this Summons, together with a certified copy of the Petition, upon

H. Hancock

by delivering to him a true Copy of same

at
the

Los Angeles
24

day of

December A. D. 1856

in the Southern District of California, on

Sworn to and subscribed before me,

CLERK.

Edward Hunter
U. S. MARSHAL.

*Dr. Mc Goodman
Deputy*

No. 219

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

Jose Ramon Males } Santa Rita
ad Appellee } Grant No. 473
United States Appellant }

December Term 1836

Verdict

This cause coming on to be heard
at this term of court on appeal from
the decision of the Commissioners to
ascertain and settle private land
claims in the State of California
under the act of Congress approved
on the 3^d of March 1831 upon the
transcript of the proceedings, decision,
papers and evidence upon which said
decision was founded, and it appearing
that said transcript was duly filed
according to law and counsel for
the respective parties having been
heard It is ordered adjudged and
decided that the decision of the
said Commissioners be and the same
is hereby affirmed - And it is
further adjudged and decided that
the claim of the said Appellee -
above named is a good and valid

and the same is hereby confirmed
to the extent of three square leagues
and no more. The land of which
confirmation is hereby made is
situated in the County of Santa Barba-
-ra and is known by the name
of Santa Rita, being the same
which was granted to the Appeller
by Don Pio Pico on the 12th day
of April 1843, and now had
and occupied by him, and is
~~bounded as follows.~~ Beginning
for further description of which
reference is hereby made to
the said grant and the designs
therein referred to together with
the act of Juridical possession
so far as the said act of posses-
-sion shall be found to be in
conformity with the said grant
provide that if there be a any
quantity than three square
leagues within the boundary
before described, confirma-
tion is hereby to such less
quantity.

Alfred S. Ogden
U. S. District Judge
for the S. Div. of Cal.

11219

W.D. East Coast
Court District of Calca

Los Rann Meats
and

W. States

Queen

Filed Dec 29th 1854

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Chas
Chk

Recorded in page 115

N^o. 219
Gunter Rita.

U. S. District Court
Southern District.

The United States
vs.

Ramm Malo.

Notice of appearance
of atty

Filed Oct 18/64

John Ombuluck

UNITED STATES OF AMERICA, ss.

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THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Honorable the Judges of the District Court
of the United States, for the Southern District
of California



Greeting:

Whereas, lately, in the District Court of the United States, for the Southern District
of California before you in a cause
between The United States appellants and José Ramon
Malo appellee, (N^o 219 for "Santa Rita") wherein
the decree was rendered in favor of the said Appellee

UNITED STATES OF AMERICA

THE PRESIDENT OF THE UNITED STATES OF AMERICA



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as by the inspection of the transcript of the record _____

of the said *District*

Court, which was brought into the Supreme Court of the United States, by virtue of *an appeal*

agreeably to the act of Congress, _____

in such case made and provided, fully and at large appears.

And whereas, in the present term of *December*, in the year of our Lord one thousand eight hundred and *sixty three* the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and ~~was argued by counsel:~~ *On consideration whereof, on the motion of Mr Attorney General Bates, and of counsel for the appellant, it is now here considered, ordered and decreed by this Court that this cause be and the same is hereby dismissed* 22 Jan:

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You, therefore, are hereby commanded that such further proceedings be had in
said cause,

as according to right and justice, and the laws of the United States ought to be had, the said appeal
notwithstanding:

Witness the Honorable Roger B. Taney Chief Justice of said Supreme Court, the
first Monday of December in the year of our Lord one thousand eight hundred
and sixty three

COSTS OF _____
Clerk..... \$ _____
Attorney... \$ _____
\$ _____

Signed by

Levi Middleton

Clerk of the Supreme Court of the United States.

No. 151. December Term, 1863.

MANDATE

SUPREME COURT UNITED STATES.

No 219

U. States vs. Malo

Filed Oct. 18/64
Spencer Wheeler
CW

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