CASE NO.
328
SOUTHERN DISTRICT

SANTA PAULA Y SATICOY GRANT

JOHN P. DAVISON, ET AL
CLAIMANT

Land Case 328 SD

550

Dup

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 550

John P. Davison, et, al, CLAIMANTS

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Santa Paula y Saticoy."

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 third day of February, Anno Domini One Thousand Eight Hundred and Fifty-three, 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 John P. Davison, et al; for the Place named "Santa Paula y Saticoy," was presented, and ordered to be filed and docketed with No. 550 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 February 9 1853.

In Case No. 550, John P. Davison, et al: for the place named "Santa Paula y Saticoy"; the deposition of José Maria Covarrubias, a witness in behalf of the Claimants, taken before Commissioner Hiram Wall, with documents marked H. H. nos. 1 & 2, annexed thereto, was filed;

(Vide page 8 of this Transcript.)

In the same Case the deposition of N. A. Den, a witness in behalf of the Claimants, taken before Commissioner Hiram Wall, was filed;

(Vide page 7 of this Transcript.)

San Francisco February 12 1853.

In the Same Case the deposition of Pablo de la Guerra, a witness in behalf of the Claimants, taken before Commissioner Harry I. Thornton

was filed:

(vide page 9 of this Transcript)

San Francisco December 4 1853.

In the same case the deposition of José Maria Covarrubias, a witness in behalf of the claimants, taken before Commissioner R. Aug. Thompson was filed:

(vide page 11 of this Transcript)

San Francisco October 10 1854.

Case No. 534 was submitted on briefs and taken under advisement.

In the same case the Counsel for the claimants filed the following Stipulation, to wit: (vide page 65 of this Transcription

San Francisco Oct. 19 1854.

In the same case on motion of the Counsel for the claimants, the following order was made, to wit:

(vide page 63 of this Transcript)

San Francisco May 22 1855.

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

(vide page 67 of this Transcript)

5. And the following order was made, to wit:

(vide page 70 of this Transcript)

3 Petition

United States of America }
State of California }

To the Honorable the Commissioners of the United States for the adjudication of Private Land Claims in the State of California

Your petitioners John P Dawson, James Blun, Stephen H Tibbits Joseph B Crocker and Edward L Baker respectfully represent that they claim title to the tract of land in Santa Barbara County known by the name of "Santa ~~Barbara~~ Paula y Saticoy, the title to which is derived as follows to wit: That On the 8th of January 1840, One Manuel Jimeno, sometimes called Manuel Jimeno Casarin a Mexican citizen presented his petition of that date to Juan B Alvarado then the Governor & Superior Political Chief of Upper California, wherein it was represented that Don Juan Ortega had voluntarily abandoned the place called the "Potrero of Santa Paula" which had been granted to him in July 1834, and on such abandonment had transferred and handed over to the petitioner the title papers in the said tract, whereupon the said petitioner denounced with every formality, the said tract and asked that the same be granted to him with an Extension so as to include the places known as "Saticoy La Loma y el Rio & la Viera" with the "Lomeros" of Santa Paula & its "pocetos" as designated on the map or diagram which accompanied the petition; On the presentation of which petition, to wit, on the 28th of April 1840, the said Alvarado Governor as aforesaid, by his act of that date granted the said lands, as prayed for, in fee to the said Manuel Jimeno, according to the Extension thereof as shown on the diagram; And on the 26th day of

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May 1840. The Sentence deputation of Upper California, ratified and approved the same grant:

"That the said Ortega voluntarily abandoned the said tract in favor of the said Jimeno as evidence from a letter addressed by him to said Jimeno under date of 7th June 1839, and which was shown to the said Alvarado, on the presentation of said Jimeno's petition. "The quantity granted was supposed to contain four square leagues more or less as defined on the map or diagram; but the said grant in fact conveyed to said Jimeno as it was intended it should do, all the land embraced within the boundaries as shown by the map & defined in the said grant.

Your petitioners further show that on the 1st day of April 1843, Manuel Micheltorena then the Governor and Supreme political Chief of the Department of the Californias and Exercising Supreme power therein, in regard to the disposition of lands, by virtue of authority vested in him by the Supreme Government of Mexico, also ratified and confirmed the said grant according to the extension thereof as shown on the accompanying map.

That on the 17th & 18th days of June 1847, on the petition of the said Manuel Jimeno, Pablo de la Guerra Jus Alcalde of that jurisdiction proceeded in due form of law to put the said grantee into the actual possession of said land, causing the same to be actually measured, and surveyed in the presence of the adjoining proprietors and accurately defining the boundaries thereof by courses and distances and visible monuments.

And your petitioners further show

that the said tract of land was well known and recognized at the dates of the several grants aforesaid by the name aforesaid & as having the extent and boundaries set forth in the said act of juridiction possession and that the boundaries thereof are accurate and well defined.

They further show that from the date of the Original grant from Governor Alvarado, the said Manuel Jimeno has been in the actual quiet & uninterrupted possession of the said land with the limits as defined by the said survey or act of Juridiction possession, and that the boundaries thereof are accurate and well defined.

They further show that from the date of the Original grant from Governor Alvarado, the said Manuel Jimeno has been in the actual quiet has exercised acts of ownership over the same to the extent of said limits, up to the time when he sold and conveyed the same to your petitioners, as hereinafter set forth. Since which time, your petitioners have been and are in the quiet possession thereof claiming to own the same in fee.

That on the 11th day of October 1852, the said Manuel Jimeno by his deed of that date granted and conveyed the said tract to your petitioners in due form of law, and by virtue of said grant and other documents hereinbefore referred to, your petitioners claim to be entitled to said land and pray to be confirmed in their title thereto.

In greater certainty your petitioners file herewith as part hereof certified copies from the Office of the Surveyor General of California, of the petition of said Manuel Jimeno for the said grant - of the grant thereof by Alvarado - of the approval of the

territorial deputation and of the abandonment of the said Land by said Ortega, all of which are bound together in one piece & marked "Exhibit A" & translations thereof marked "Exhibit B". Also the original Confirmatory grant from Michel Torena marked "Exhibit C" and a translation thereof marked "Exhibit D" & the original act of Juncencio Pofepim marked "Exhibit E" & a translation thereof marked "Exhibit F" together with a Copy of the deed from said Manuel Jimeno to your petitioners marked "Exhibit G."

Your petitioners further show that the original Decagram or decisno which accompanied the grant has in some manner been lost or destroyed, so that the same is not now to be found among the Archives, for which reason your petitioners are enabled to furnish an Official Copy thereof, but they file herewith an unofficial Copy, taken by said Jimeno for his private use before the Capture of California to the United States and which they believe to be a true Copy of the original and which is marked "Exhibit H". They file also a decagram, which they have caused to be made, representing the courses and distances of the said tract according to the boundaries as established by the Act of Juncencio Pofepim & which is marked "Exhibit I".

Your petitioners know of no adverse claim to the said Land or any part of it & the foregoing considered they pray to be confirmed in their title and for such other relief as they may be entitled to c

Crocket & Baker. Attys for Claimants

Filed in Office Feb. 3. 1853. Geo. Fisher Secy

Recorded in Vol 1 of Petitions on Pags. 522–523–524–525. Geo. Fisher Secy

Petition of San Francisco Feby 3. 1853

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Deposition of N. A. Den

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San Francisco Feby 9. 1853

On this day before Com. Silence Hall came Nicholas A Den, attorney in behalf of the Claimant John P. Davison et al, petition No. 550. and was duly sworn — his evidence being given in English.

The U. S Law Agent was present

Question by Claimant.

What is your name age and place of residence.

Answer. My name is Nicolas A Den, my age 40 years, my occupation farming, and my place of residence Santa Barbara in this State.

Question by same.

Do you know the place called and known as Santa Paula y Salecoy" in Santa Barbara county Digs who has had the occupation & possession thereof for the last six or eight years.

Answer. Yes, I know the place well. Until within the last few months it has been in the possession of Don. Manuel Jimeno, since it was granted to him by Governor Alvarado in the year 1840

Question by same.

Are you acquainted with the hand writing of Pablo de la Guerra & if so, Examine the Document now shown to you Marked N. A. No 1 & attached to the deposition of Jose M Covarrubias and state whether or not the signature signature thereon, purporting to be the signatures of Jose Guerra and no Genuine

Answer. I am well acquainted with the hand writing of said Jose and having examined the said signatures have no hesitation in stating they are genuine.

Question by same.

What office, if any, did the said Guerra hold in the month of Nov. 1847.

Answer. The office of Alcalde or Judge of the First Instance in the jurisdiction of Santa Barbara

N. A. Den.

Sworn & Subscribed Before me
Hland Hall Com.

Filed in Office Feby 9 1853
Geo. Fisher Secy

Recorded in Rev. B Vol 2 p 548
Geo. Fisher Secy

Deposition of J. M. Covarrubias

San Francisco Feby 9. 1853

On this day before Com. Hland Hall came Jose M. Covarrubias a witness in behalf of the Claimants John T. Davison et al. petition No. 530, and was duly sworn, his Evidence being taken pursuant by the Secretary.

The U. S. Associate Law Agent was present

Question by Claimant.

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

Answer. My name is Jose M. Covarrubias, my age is forty four years my place of residence is Santa Barbara.

Question by same.

Are you acquainted with the place called & known as "Santa Paula y Saticoy" in Santa Barbara County Cal. So, how long have you known the same and who has been in the possession thereof for the last 10 years

Answer. I am acquainted with the place & have known it for seventeen or Eighteen years & Manuel Jimeno has been in possession of it for the last ten years

Question by same.

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Question by same.

Please examine the document now shown to you marked "S S No. 1" & state whether or not you are acquainted with the hand writings and of the signatures thereto if so, which of them & whether the same are genuine?

Answer. I am am acquainted with the hand writing of Pablo de la Guerra Vicente Moraga, Raymundo Olibus, Jose Moraga Antonio Rodriguez Juan Benicia and believe their signatures appearing on said paper to be genuine — Pablo de la Guerra at the date of said paper held the office of Alcalde & I believe said paper to be a genuine Official document

I am also acquainted with the hand writing & signatures of Manuel Michel Torena and Francisco Arce & believe their signatures appearing on said paper now shown me marked S S No 2 & hereto attached, to be genuine

José Mª Covarrubias

Sworn and subscribed
Before me Hilard Hall Comr
Filed in Office Feby. 9. 1853
Geo. Fisher Secy
Recorded in Ev. B Vol 2 p. 547
Geo. Fisher Secy

Deposition of P. de la Guerra

San Francisco Feby 12. 1853

On this day before Comr. Harry I Thornton came Pablo de la Guerra a witness in behalf of the Claimants John P. Dawson et al petition No. 550 and was duly sworn his testimony being given in English

Questions by Claimants

Question 1st What is your name age and place of residence and long have you resided there

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Answer. My name is Pablo de la Guerra My age is thirty three and my residence is Santa Barbara in California. I have been in California all my life.

Quest. 2.

What Office did you fill, if any, in the month of November 1847

Ans. I was Alcalde and Judge of the first instance in the District of Santa Barbara.

Quest 3. Are you acquainted with the Rancho Santa Paula y Saticoy and where does it lie

Answer. I am acquainted with that Rancho, and it is in the County of Santa Barbara.

Quest. 4. Do you know of the grant of this Rancho to whom made and by whom, and do you know whether or not juridical possession was given of the same to grantee?

Answer. The title papers of the grant were presented to me by Manuel Jimeno the grantee, and in November 1847 I as Alcalde proceeded thereupon to put him in judicial possession of the said Rancho and according to said grant

Question 5.

Please examine the document now here shown you which is marked No. 1 and filed with the deposition of Jose Maria Covarrubias in this Case, and are you acquainted with the hand writing of the witness passing whose names are signed in and upon said document, and if so state whether they are genuine, and whether the proceeding of possession witnessed by the said document are true and genuine?

Answer. I have looked upon the said document, and know it to be a

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a genuine document. The signatures thereon were all made in my presence, and are the genuine signatures of the parties, I being the officer under whose authority the proceedings were had as my signature thereon testifies —

Question. 6

Do you know anything of the occupation and cultivation of this Rancho?

Answer. Simeno the grantee continued in the possession from the time I gave it to him until he sold it and was in possession before, and it has been occupied from that time to this by him & those under him, and the occupation was with cattle horses & cultivation to a sufficient extent to support the Establishment

Pablo de la Guerra

U. S. Surv Agent present

Sworn to and subscribed before me this 12 th. of Feby 1853.

Henry I Thornton Comr.

Filed in Office Feb 12. 1853

Geo. Fisher Secy

Recorded in Ev. B Vol 2 p 569

Geo. Fisher Secy

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Deposition of J. M. Covarrubias.

Office of the Board of Commissioners &c. &c. &c.

This day before Com. R Aug Thompson came Jose Maria Covarrubias, a witness in behalf of Claimant John P Dawson et al No. 550 who after being duly sworn deposed as follows.

Testimony On behalf of Claimants

Present. Brockett Ally for Claimants and R Greenhow Special Surv Agent.

Witness states his name to be

Jose Maria Covarrubias, age forty five years, residence Santa Barbara Cal.

Testem by Claimant's Atty.

Do you know the place claimed in this case called Santa Paula and Sespe, and if so state all you know of its occupation and improvement by Manuel Jimeno?

Answer. I know Sespe Ranch, and that it was occupied by Manuel Jimeno in the latter part of 1840 at which time he built a house and corrals on the land, and placed on it flocks of cattle and horses. The house was occupied by the Mayor Domo and his family. Such occupation was continued by Jose Jimeno until he sold it, within the last year or two.

There was an ancient vineyard on the land when Jimeno first occupied it which has been extended and cultivated by him since.

There are ditches in and upon the land which were kept in good order during his occupation and he cultivated portions of the land.

Testem by same

What was Manuel Jimeno's official position 1840, and offices during his occupation of Sespe Rancho and where did the duties of his office require him to reside

Answer. He was Secretary of the Government and as such was obliged to reside in the Capital at Monterey

Jose. Ma Covarrubias

Sworn to and subscribed before me Nov. 4. 1853

R Acq Thompson Com.

Filed in Office Nov. 4. 1853 Geo. Fisher Secy

Recorded in Rev. B Vol 3 p 354

Geo. Fisher Secy

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Deposition of M. Blair Certified Copy

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United States of America }
State of California } ss:
San Francisco April 18. 1854

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 Montgomery Blair a witness on behalf of the claimant in Case No 527 on the Docket of said Board wherein James Blair and others were petitioners, and the said witness being duly sworn on oath deposed as follows, to wit;

The U. S. Land Agent is present.

Questions by the Attorney for claimant

1 Question. What is your name age and present residence?

Answer. My name is Montgomery Blair, my age 50 years, my residence Washington City District of Columbia

2d Question. Are you acquainted with the family of James Blair deceased if yes, state what family he left at his death and who are his heirs at Law

Answer. I am a brother of the deceased, and well acquainted with his family. He was married at the time of his death and left a surviving widow Mary J Blair by whom he had three children, the youngest was born after his death, the eldest is named Violet, the second a son, named Joseph and the youngest a girl named Lucy, those are all the family he left

M. Blair

Subscribed and sworn to before me on this

18th day of April A.D. 1854
Peter Lott Commissioner
for taking testimony &c

Filed in Office April 18. 1854
Geo. Fisher
Decy

Recorded in Ev. B Vol 4 p 237

Geo. Fisher Decy

4.5 A5 1.S.D.K.

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Exhibit A

Copied from archives.

1844.

Espediente promovido por Don Manuel Jimeno Casarin en pretencion del parage conocido con el nombre de Saticoy y Santa Paula.

204.

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S.D.K.

Sello Tercero Dos reales.

Habilitado provisionalmente por la administracion de la aduana maritima del puerto de Monterey de la Alta California para los años de mil ochocientos treinta y seis y mil ochocientos treinta y siete.

Gutierrez. Angel Ramirez.

"Valga para los años de 1839 y 1840.

Alvarado. Antonio Maria Osio.

Señor Sor. Gobernador.

El Ciudadano Manuel Jimeno casarin ante V.E. por el recurso que halla lugar en toda forma me presento con el debido respeto y digo: Que desde el año de 1838 he solecitado ante V.E. un terreno en la parte del Sur de este departamento con objecto de cultivarlo y ocuparlo con mis bienes y con las de mi consorte y asegurar de este modo mi subsistencia y la de mi familia pero tuvo á bien suspender dichas instancias directadas para V.E. pidiendo informe hasta continuarlas en primera oportunidad y como en el mes de Junio del año p.º me manifiesta Don Joaquin Ortega que habia abandonado voluntariamente el parage del Potrero de Santa Paula que se habia concedido en Julio del año de 1834 por haber obtenido otro terreno para su servicio particular y el de su familia en la Jurisdiccion de San Diego en donde es he cino y habiendome entregado dho. Sor. Ortega el titulo que tenia del Potrero de Santa Paula por no necesitar lo y el que ahora respectivamte acompaño V.E. he tenido por conveniente demarcar en todo y pide el suso dicho parage del Potrero de Santa Paula con su estencion al mismo tiempo de sus tierras que pretenda hasta las conocidas con el nombre de Tucatico y la Sienega el Rio y la Sierra con las lomerias de Santa Paula y sus puntas conforme demuestra el diseño que debidamente acompaño o precisando no molestar á los Indigenos que en Saticoy se haya

1834

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se halla establecidas. Por tanto A V. E. pido y suplico se sirva conceder me el terreno invocado con su estension de lo que recibiré gracia y merced. Juro. &c. Monterrey 8 de Enero de 1840.

Manuel Jimeno.

Monterrey abril 28 de 1840.

Vista la peticion con que dió principio este Espediente la constancia que acredita este Espediente abandonado el parage que se habia concedido á Don Joaquin Ortega del Potrero de Sta Paula con dar estar igualmente en estado de adjudicar sus demas terrenos amparas hasta el arroyo por de Satiago.

L. S. D. K.

Sello tercero dos reales.

Habilitado por la Administracion de la Aduana Maritima del puerto de Monterrey de la alta California para los años de mil ocho cientos treinta y seis y mil ochocientos treinta y siete.

Gutierrez Angel Ramirez.

Valgá para los años de 1839. y 1840.

Alvarado. Antonio Mª Osio.

Con todo lo demas q. se tuvo presente y ver convino de conformidad con las leyes y Reglamentos de la materia declaró á Don Manuel Jimeno Casarin dueño en propiedad del susodicho parage de Satiago hasta los Servitos el Potrero y Sta Paula, hasta el Arroyo de Mupu y la Serra: las lomerias de Santa Paula y las Positas todo conforme se demuestra en el diseño que corre agregado en este Espediente líbrese el correspondiente despacho: tomese razon en el libro respectivo y dirijase este Espediente á la Excma. Junta Departamental para la aprobacion El Sor. D. Juan B. Alvarado, Gobernador Constitucional del Departamento de las Californias así lo mandó decretó y firmó de q. doy fee.

Alvarado.

Manuel Jimeno. Srio.

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6-SD11. Monterrey 22 de Mayo de 1840.

Dado cuenta á la E. Junta departamental, acordo de sesion de hoy que pase á la comision de Agricult.

José Z. Fernandez. Srio.

En 26 del mismo lo devolvio la comision con el dictamen que se acompaña. Fernandez.

Monterrey. 1.º de Junio de 1840.

En vista de la aprobacion otorgada en veinte y seis del mes p.º p.º por la E. Junta Departamental librese testimonio de ella á la parte de D. Manuel Jimeno Casarin en confirmacion del terreno de Laticay y Santa Paula que obtuvo en veinte y ocho de Abril del presente año. El S. D. Juan B. Alvarado Gobernador Constitucional del Departamento de las California así lo mandó y firmó de que doy fé.

Alvarado. Fran.co C. Arce.
Oficial Mayor.

6-SD12. Sor. Dn Manuel Jimeno.

San Diego. Junio 7. de 1839.

Muy señor mio y amigo con el mayor placer tengo el la satisfacion de remitir V. el titulo de que se me hizo la nacion del potrero de Sta Paula y no dejo V. mi amigo de solicitando para su estencion como lo explica el diseño porque si se deba a sarpotar puramente al potrero no vale nada porque Joaq como sigue V. sin casa muy buena.

La señora Bernarda parse q. sustiena a vecer y no ya el terreno del potrero amigo el titulo del de señor Juan Lopez no a llegado y lo suplico no se adiuse de este pobre ombre que demasiado falta le este obiendo sirvase V. dar mis expociciones al Sor. Gobernador y V. vea bien en lo que le pueda ser util su mirariable amigo. q. s. s. b. l. m.

José Joaq.n Ortega.

Sello Primero seis pesos

11 D 1. Habilitado provisionalmente por la Aduana Maritima del puerto de Monterrey para los años de

ochocientos treinta y cuatro y mil ocho cientos treinta y cinco.

Figueroa. Rafael Gonzales.

v 1284. José R. Figueroa, General de Brigada del Ejército de la República Mejicana, Comandante General Inspector y Gefe Superior Político del territorio de la Alta California.

Por cuanto el ciudadano José Joaquin Ortega Mejicano por nacimiento ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de Potrero de Santa Paula, colindante con el arroyo de Mupú, Rancho de Santa Paula y la Ciera: practicadas previamente las diligencias y averiguaciones consecuientes segun lo dispuesto por leyes y reglamentos: usando de las facultades que me son conferidas y de conformidad con el acuerdo de la Excma. Diputacion Territorial del veinte y ocho de este mes aprovando la concesion del citado terreno del Potrero de Santa Paula hecha en quince de dicho mes al referido ciudadano José Joaquin Ortega á nombre de la nacion Mejicana he venido en conferirle el mencionado terreno declarandole la propiedad de él por las presentes letras sujeto á pagar el canon que se le imponga si resultare pertenecer á los propios de la Mision de Santa Buenaventura cuando se determine sus limites en el arreglo general de secularizar las Misiones y á las condiciones siguientes.

1ª Que se sometará á las que estableciere el reglamento que se ha de formar para la distribucion de terrenos baldios y que entretanto ni el agraciado ni sus herederos podrán dividir ni enagenar el que se le adjudica. imponer censo, vinculo, fianza hipoteca ni otro gravamen aunque sea por causa piadosa ni pasarlo á manos muertas.

8 S. D. K.

2ª Podrá cercarlo sin perjudicar las trav-
-ésias caminos y servidumbres: lo disfrutará libre

y esclusivamente destinando lo al uso ó cultivo que mas le acomode pero dentro de un año ó lo mas fabricará casa y estará habitada.

3º Solicitará del Juez respectivo que le dé posesion Jurídica en virtud de este despacho por el cual se demarcaron los linderos en cuyos límites pondrá á unas de las motoneras algunos arboles frutales ó silvestres de alguna utilidad.

4º El terreno de que se hace merced es de un sitio de ganado mayor poco mas ó menos que le señala por el diseño que corre en el Espediente. El Juez q. diere la posesion lo hará medir conforme á ordenanza para señalar los linderos, quedando el sobrante que resulte á la Nacion para los usos convenientes.

5º Si contravenire a estas condiciones perderá su derecho al terreno y será denunciable por otro.

En consecuencia mandó que teniendose por firme y valedero este titulo, se tome razon de él en el libro a que corresponde: y se entregue al interesado para su resguardo y demas fines. Dado en Monterey a treinta y uno de Julio de mil ochocientos treinta y cuatro.

José Figueroa. Agustin V. Zamorano. Srio.

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95 Dic 1 Queda tomado razon en el libro de asientos sobre adjudicacion de terrenos a fojas cuarenta y tres numero cuarenta y uno que obra en la Secretaria de mi cargo. En Monterey a primero de Agosto de mil ochocientos treinta y cuatro.

Zamorano.

Monterey. 1º de Marzo de 1840.

~~95 Dic~~ Queda sin efecto este titulo por haber declarado ~~aplicamente~~ Dn Joaquin Ortega no necesitar el terreno a que se refiere y ~~cedo~~ su derecho al mismo tiempo á Don Manuel Jimeno Casarin a quien este se ha adjudicado con la estension q. esplica el espediente que se agregara al que habia

8. 21 10 SDH.

al que habia pronido el espresado Ortega.

Alvarado. Manuel Jimeno. Srio.

Juan B. Alvarado Gobernador constitucional del Departamento de las Californias.

Por cuanto Don Manuel Jimeno Casarin ~~primer~~ há pretendido para su beneficio personal y el de su familia el parage conocido con el nombre de Santa Paula y Santicay, comprendiendo las lomerias de Santa Paula y los Daitas siendo los limites desde el arroyo de Mupu al Sote hasta los Serritos por Oeste y desde la Serra por el norte hasta las Poeitas por el Sur segun se demuestra en el diseño que se acompaña en el espediente respectivo: practicadas previamente las diligencias y averiguaciones convenientes 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 con sus aguas y maderas, declarandole ~~la propiedad~~ la propiedad de él por las presentes letras, sugetandose á la aprobacion de la Exmá. Junta. Departamental y á las condiciones siguientes.

11 SDH. 1ª Podrá cercarlo sin perjudicar las travesias caminos y servidumbres. lo disfrutará libre y esclusivamente destinando lo al uso ó cultivo que mas le acomode: pero dentro de un año fabricará Casa y estará habitada.

2ª Solicitará del Juez respectivo que le dé posesion Juridica en virtud de este despacho por el cual se deslindarán los linderos en cuyos limites pondrá sus correspondientes mojoneras.

3ª El terreno de que se hace donacion es de cuatro sitios de ganado mayor poco mas ó menos segun esplica el diseño que corre en el espediente.

El Juez que diere la posesion lo hará medir conforme á ordenanza quedando el sobrante que resulte á la Nacion para los usos convenientes.

4ª Si contravenière a estas condiciones perderá

su derecho al terreno y será denunciable por otro.

En consecuencia mando que teniéndose por firme y valedero este titulo, se tome razon de él en el libro a que corresponde y se entregue al interesado para su resguardo y demas fines. Dado en Monterrey á veinte y ocho de Abril de mil ocho cientos cuarenta. = Juan B. Alvarado.

Fr.co Cas. Arce. = Oficial Primero.

Queda tomada razon de este titulo en el libro de terrenos adjudicados á f.s 4. vuelta de la Secr.a de Gobierno. Monterrey. fecha ut supra. = Arce. =

12,5 dr.s
13,5 dr.s

E. S.

La Comision de agricultura y comercio unidas encargada por V. E. de dictaminar los espedientes presentados por el Exmo. Sor. Gobernador en la sesion anterior: visto lo actuado e informes y demas que ha cuanto podido propone á la deliberacion de V. E. los articulos siguientes.

Art.o 1.o Se aprueba la concesion hecha por el Gobierno departamental con fha. 28 de Abril del presente año conforme se espresa en dicha concesion del parage de Sta Paula y Satico y en la persona de Don Manuel Jimeno Casarin.

Art. 2.o Que se devuelva al Exmo. Sor. Gobernador el Espediente p.a los fines convenientes.

Monterrey. Mayo 25. de 1840.

José Rafael Gonzales. S. Argüello.

Monterrey. 26 de Mayo de 1840.

14,5 dr.s

En sesion de este dia aprobó la Exma. Junta Departamental los dos articulos con que concluye el dictamen anterior.

Manuel Jimeno. Presidte José A. Fernandez. S.o

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

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 custody a portion of the archives of the former Spanish & Spanish Mexican Territory or Department of Upper California Do hereby that the fourteen preceding and hereunto pages of tracing paper numbered from one to fourteen 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 my name officially and affixed my private seal (not having a seal of office) in the City of San Francisco this 3 day of October 1852.

Samuel D King.

Surveyor General Cal.

Filed in Office. Feby. 3. 1853.

Geo. Fisher. Secy.

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Translation of Espediente — "13"

(1840)

Espediente prefered by Don. Manuel Jimeno Casarin petitioning for the place known by the name of "Salicoy y Santa Paula"

(204)

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Seal Third. Two Reals

Authorized by the administration of the Maritime Custom House of the Port of Monterey of Alta California, for the year 1836 and 1837.

Gutierrez Angel Ramirez

This is valid for the Years 1839 & 1840

Alvarado Antonio Ma Osio

"To His Excellency the Governor

I the citizen Manuel Jimeno Casarin present myself before your Excellency in the Manner provided by Law, and in due form, with the proper respect and represent, That in the year 1838 I petitioned your Excellency for a tract of Land in the Southern portion of this Department for the purpose of cultivating it and stocking it with my Cattle and those of my wife, and, to obtain in this manner my own livelihood and that of my family but I thought proper to suspend the proceedings ordered by your Excellency directing inquiries to be instituted (in form) intending to prosecute them at the first opportunity, and as in the month of June of the past year, Don Joaquin Ortega declared to me, that he had voluntarily abandoned the place called the "Potrero de Santa Paula" which had been granted to him in July 1834, because he had obtained another tract of Land for his own use and that of his family in the jurisdiction of San

Diego of which he is a resident, and the said Don Ortega having handed over to me the title papers which he had for the Potrero of Santa Paula as he has no need of them, and which I now respectfully furnish your Excellency accompanying this petition. I have thought proper to denounce, with every formality, and I ask for the above mentioned place called the "Potrero of Santa Paula with the Extension at the same time of its ~~limits~~ lands, which I claim excluding those known by the name of Salecoy La Sinega el Rio en la Sierra (the Mountain) with the (Somerros) of Santa Paula and its (pocitos) as pointed out by the map, which properly accompanies this petition, promising not to disturb the Indians who are established in Salecoy

Wherefore I ask and entreat your Excellency that you will be pleased to grant me the title of Land granted out with its Extension, by which I shall receive a favor and bounty I swear &c.

Monterey 8 of January 1840
Manuel Jimeno

Monterey April 28. 1840.

In view of the petition at the beginning of this Expediente the Established fact affirmed therein that the tract of Land which had been granted to Don Joaquin Ortega called the "Potrero of Santa Paula" is Explicitly denounced; and furthermore, that the other Lands adjoining it excluding those known as Salecoy is in a Condition to be granted, as well as all the other land mentioned in this Expediente and as it is suitable & in Conformity with the laws and regulations concerning the matter I

declare D Manuel Jimeno Casarin to be the owner in fee of the above mentioned land called 'Salecoy' up to the small hills (Sinitos'); the Potrero of Santa Paula, up to the "arroyo de Mupie, and the Mountain (La Sierra) the (Lomerias) of Santa Paula and the 'Postas' as pointed out in the map, which is attached to this Espediente. Let the proper Orders be issued; let it be recorded in the proper Book and let this Espediente be directed to the Most Excellent Departmental Assembly for its approbation.

Sinn D Juan B Alvarado Constitutional Governor of the California, so ordered decreed & subscribed to which I attest.

Alvarado

Manuel Jimeno Secretary.

Monterey 22 of May 1840

Being presented to the Most Excellent Departmental Junta it was resolved in to ways & form to refer it to the Committee on Agriculture

Jose Y Fernandez Secretary

On the 26th of the same month the Committee sent it back with the accompanying report

Fernandez

Excellent Sir: The committee on Agriculture and Commerce invested Charged by your Excellent body to report upon the Especiente presented by his Excellency the Governor in the preceding sessions; having in view what has been done, and the inquiries made, and other Matters as far as we were able, submit for the Consideration of your Excellent body the following Articles

Article. 1st. The Concession made by the Departmental Government date of

the 28 April of the present year as is set forth in said Concession, of the tract called "Santa Paula y Salecoy" to D. Manuel Jimeno Casarin is approved.

2d. Let the Expediente be sent back to his Excellency the Governor for such ends as he may think proper.
Monterey 26. May 1840

J. Alvarado

Jose Rafael Gonzales

Monterey 26. of May 1840

In this day's session the Most Excellent Departmental Junta approved the two Articles, which are embraced in the end of the preceding Report.

Manuel Jimeno — Jose Y. Hernandez
President — Secretary.

Monterey 10 June 1840

In view of the approbation given in form on the 26th. day of the month last past, by the Excellent Departmental Junta let a certified Copy of the same (testimonio) be given to the party Don Manuel Jimeno Casarin in conformity of the tract of Land called "Salecoy y Santa Paula" which he obtained on the 28th of April of the present year

Senor Don Juan B. Alvarado Constitutional Governor of the Department of the California so Ordered and Subscribed — to which I certify

Alvarado

Francisco Ochoa
Chief Clerk

Señor Don. Manuel Jimeno

San Diego Junio 7. 1839

My dear Sir & friend;

With the greatest pleasure I have the satisfaction of sending you the title which has been granted to me of the 'Potrero' of Santa Paula, and do not fail my friend to petition for it, but understood as it is explained by the Map, since if you should merely secure the Potrero, it is valueless, but including Saticoy as I suggest to you it may be a good thing

The Señora Bernarda it appears is inclined to have "Alpisno" and not the heir of the Potrero; My friend, the title of Mr. Juan Lopez has not arrived, and I beg you that you will not forget this poor man who moreover regards it to be done. Have the goodness to give my compliments to the Señor Governor & believe me as far as I am able to serve you, your unchanging friend who kiss your hand

Jose Joaquin Ortega

First Stamp – Six Dollars
Authorized provisionally by the Maritime Custom House of Monterey for the years 1834 & 1835.

Figueroa Rafael Gonzales

Polit.ca Gov.o
of
California

Jose Figueroa, General of Brigade of the Army of the Mexican Republic, Commanding General Inspector and Superior Political Chief of Alta California.

Inasmuch as the Citizen Jose Joaquin Ortega a Mexican by birth has asked for his own personal benefit and that of his family for the tract of land known by the name of the Potrero of Santa Paula, bounded by

by the "Arroyo of Mupie" the Rancho of Santa Paula and the Mountain (Sierra) having first taken the necessary steps and made the proper investigations as ordered by the Laws and regulations in the Exercise of the powers that have been conferred upon me and in the same conformity with the approbation of the Most Excellent Departmental (Territorial) Deputation of the 22d of this month sanctioning the Concession of the said land of the Pueblo of Santa Paula made on the 15th of said month to the said Citizen José Joaquin Ortega in the name of the Mexican Nation I now confer upon him the aforesaid tract of land, declaring him to be the owner of the same by these present writings, subject to the payment of the tax that may be laid upon it if it should turn out to belong to the Town Lots (propios) of the Mission of Buenaventura, when its boundaries shall be determined by the general regulation of the secularization of the Mission Lands and on the following conditions

1st "That it shall be subject to the conditions that shall be established by the Regulations that are to be made for the distribution of the Vacant Lands, and that in the meantime, neither the said grantee nor his heirs shall have the power to divide or alienate that which is adjudged to him, no impose any servitude, lien, bond, Mortgage, nor any encumbrance whatever, even for charitable purposes, nor convey it in Mortmain

2d. He shall have the right to enclose without prejudice to the crops, highways and Easements, he shall enjoy it

freely and exclusively according to such

freely and exclusively, devoting it to such use or cultivation as may best suit him; but within one year, at most he shall build a house, and it shall be inhabited

3d He shall apply to the proper Judge, to be by him put in peaceful possession by virtue of this dispatch, by whom the boundaries shall be marked out, on the limits of which he shall plant, in addition to the land marks some fruit trees or forest trees of some utility

4th The tract of Land in question is one square league more or less as shown by the map which accompanies the Expediente.

The judge who shall deliver possession shall have it measured according to the Ordenance in Order to make the boundaries, the surplus which follows, to remain in the Nation for its own use.

5th. If he shall contravene these Conditions he shall lose his right to the Land and it shall be denounceable by another

Wherefore I order that this titles being heard as firm and binding shall be recorded in the proper book and be delivered to the party interested for his protection and allowances.

Given in Monterey the thirty first of July 1834.

Augustin V. Zamorano
Secretary.

This is recorded in the Book for the 10 registers of titles to adjudicated Lands, on leaves 13, Number 41 which is used in the Office of the Secretary under my Charge

Monterey August 1. 1834

Zamorano

Juan B Alvarado Constitutional Governor of the Department of the California

In as much as Don. Manuel Jimeno Casarin has asked for his personal benefit and that of his family the place known by the name of Santa Paula y Satecoy including the ("Comunes") of Santa Paula and the ("Positas") its boundaries being from the "arroyo of Sespe" in the East to the Small mountains ("Sierritas") on the West, and from the mountain ("Sierra") on the North to the ("Positas") on the South, as points out in the Map which accompanies the proper Expediente having previously taken the necessary steps and made the proper investigations as ordained by the Laws & regulations; Exercising the powers conferred upon me, in the name of the Mexican Nation I have granted him the said tract of Land with its waters and woods, declaring him to be the owner of the same by these presents writings, and subjecting it to the approbation of the Most Excellent Departmental Junta and to the following Circulars

1st. He shall have the power to enclose it without prejudice to the high roads & crossways; he shall enjoy it freely and exclusively devoting it to such use and cultivation as may best suit him but within a year he shall build a house & it shall be inhabited

2d. He shall petition the proper Judge to be put in peaceful possession by him on virtue of this despatch by whom the boundaries shall be marked out, on the limits of which he shall place the proper Land marks

3d. The land now granted is of the Extent of

four square leagues more or less as shown by the map which accompanies the Expediente.

The Judge who shall give him possession shall have it measured in conformity with the Ordinance, the surplus that results remaining in the Nation for its proper use.

4th. If he contravenes these Conditions he shall lose his right to the Same and it will be denounceable by another

Wherefore I order; that this title being held as firm & binding shall be recorded in the proper Book, and that it be delivered to the party interested for his security and ulterior Ends

Given at Monterey 28 April 1840
Juan B Alvarado
Francisco Casemen Arce
Chief Clerk

This Title is recorded in the Book of adjudicated Lands on leaves 3 & over (see) of the Office of the Secretary of the Government

Monterey date as before
Arce

Filed in Office Feby 8. 1853
Geo. Fisher Secy

Recorded in Ev. B Vol 7 p 668
Geo. Fisher Secy

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Judicial Possession.

Doc. H. H. No 1. annd to the Depo. of José Ma. Covarrubias taken before Comr. H. Hall. Feby. 9. 1853. Geo. Fisher. Esq.

Sor. Alcalde 1º de este lugar.

Manuel Jimeno, vesino de este Departamento ante la justificacion de V. compareso y digo: Que haviendo obtenido la consesion en propiedad del terreno conocido con el nombre de Santa Paula y Satieoy debajo de los linderos que espresan los titulos y diseño respectivos espedidos á mi favor por el Gobierno a V. Suplico se sirva dar me la posesion Juridica de estilo del terreno mencionado, sirviendose admitir esta solicitud en papel comun por no haberlo sellado. Jurando no proceder de malicia &c.

Santa Barbara. Noviembre 11 de 1847.

Manuel Jimeno.

Santa Barbara. 12. de 1847. (no vale.)

Santa Barbara. Noviembre. 12. de 1847.

En virtud de la antecedente solicitud procedase por mi el presente Juez á la medicion señalamiento de linderos y posesion Judicial del terreno de Sta. Paula y Satieoy que solicita el interesado en este espediente con arreglo á los documentos que acompaña. Señalando para ejecutarlo el dia diez y siete del corrte. mes para lo que se citaron con boleto de comparecido á los colindantes. Asi Yo el Alcalde primero Constitucional del partido de Sta. Barbara lo mande, decreté y firmé actuando por receptoria con testigos de asistencia por falta de escribano publico de que doy fé.

Pablo de la Guerra.

asso. Vicente Moraga. Raymundo Oribaso.

En la misma fha. presente Dn. Manuel Jimeno se le notificó el auto que antecede y de el entendido digo que lo oye y se da por citado y lo firmó con migo y los de mi asistencia. Doy fé.

Manuel Jimeno. Pablo de la Guerra.

de asta. Raymundo Oribaso. Vte. Moraga.

En igual fha. se libraron las boletas que se mandan en el primer proveido y para que conste por diligencia lo rubrique.

En el Rancho de Santa Paula y Saticoy á los diez y siete dias del mes de Noviembre de mil ochocientos cuarenta y siete, en cumplimto de la cita librada á los colindantes del espresado rancho, concurrieron el encargado de San Buenaventura D. Manuel Anguisola, D. Raymundo Olivas y D. Felipe Lorenzana, D. Juan Sanchez D. Francisco de la Guerra como apoderado de Dn José de la Guerra, D. José de Jesus Carrillo en representacion de su padre D. Carlos A Carrillo y D. Fernando Fico y enterados todos de que se iba á proceder á la medicion, señalamiento de linderos y posesion Judicial á favor de Dn Manuel Jimeno dijeron quedar enterados y para constancia lo firmaron con migo y los de mi asistencia segun derecho doy fé.

Pablo de la Guerra.

De asta. Vicente Moraga. De asta. Crisanto Lorenzano.
Colindante. Raymundo Cribaso. Felipe Lorenzano.
Colindante. Por D. Manuel Anguisola.
Ruego de Juan Sanchez. Crisanto Lorenzano.
" Fernando Fico. Carlos Ant.o Carrillo.
José de la Guerra. Moraga.

En seguida yo el Juez de estos autos, nombré por medidores en la presente posesion á los Ciudadanos Juan Pablo Ayala y Antonio Rodriguez quienes previa la aceptacion y juramento procedaron al desempeño de su encargo y para constancia lo pongo por diligencia que firmo con los de mi asistencia de que doy fé.

Pablo de la Guerra.

De asist.a Vicente Moraga. Raymundo Cribaso.

En la fha. y en el dho. rancho se les

el auto que antecede á los Ciudadanos Antonio Rodriguez y Juan Pablo Ayala y enterados de él dijeron que aceptan y aceptaban dho. encargo de mediadores y juraron por Dios nro. Señor y una señal de cruz hacerlo fiel y legalmente a todo su leal saber y entender, sin dolo ni fraude contra persona alguna y lo firmaron conmigo y los de mi asistencia de que doy fé.

Pablo de la Guerra.

De asta. Vicente Moraga. de assa. Raymundo Oribaso.
Medidor. Juan P. Ayala. Medidor. Antonio Rodriguez.

Incontinenti yo el referido Juez mandé traer á mi presencia un cordel con que se han de medir las tierras de Ranchos y que los medidores lo midan de a cincuenta varas en dho. cordel para con el hacer la referida medicion y para q. conste lo rubrique.

En la misma ftha. y en el referido Rancho siendo como las ocho de la mañana yo el espresado Alcalde para proceder á la medicion de tierra que se ha de hacer á D.n Manuel Jimeno, mandé á los medidores nombrados se ponga en el segundo barranco por la parte de S. Buenaventura y por sobre el camino real que va al rio de Sta. Clara rumbo S½ S. pasando por entre los Serritos hasta llegar con dho. rio se midieron ciento cuatro cordeles (104) De alli por toda la vega del mismo rio rumbo Noroeste cuarta á norte hasta los (seis nueve) seis Alamos que estan en la margen derecha del rio y al oeste de la punta de la loma se midieron ciento cincuenta y cinco cordeles (155) Desde estos Alamos rumbo Este hasta la dho. punta de la loma costando el rio se midieron veinte y seis cordeles (26) y de alli siguiendo igual rumbo pasando el cordel como á ciento

cincuenta varas arriba de la falda de las lomas hasta encontrar un barranquito ó sangon en cuyo borde izquierdo y al pie de la loma falda de la loma se halla un sanjuito se midieron ciento treinta cordeles (130) desde cuyo punto tomando la falda de las lomas siguiendo la medicion rumbo Esnordeste hasta encontrar con el arroyo Colorado hubo cincuenta y cinco cordeles (55) Desde este punto trozando las lomas rumbo Nornordeste hasta encontrar la confluencia del arroyo de Mupii con el repetido rio de Santa Clara se calculo por los penitos que habria treinta y cinco cordeles: desde dicha confluencia rumbo Noroeste siguiendo el curso del arroyo de Mupii hasta la incorporacion de este con el de Lisa se midieron doscientos cordeles (200) y desde este punto corriendo la casa de este ultimo arroyo hasta su desembocadera que sale de las lomas que ven hacia el norte se midieron treinta cordeles (30) Habiendose concluido esta medicion al ponerse el sol dispuse se suspendieron para continuarla el dia siguiente Asi Yo el Alcalde lo mandé y firmé con los de mi asistencia segun derecho doy fé.

Pablo de la Guebra.

de Assa. Vicente Moraga. Raymundo Oribaso.

El dia diez y ocho del mismo mes y año presentes los colindantes los medidores y algunos concurrentes mandé que para la conclusion de las medidas de este rancho de Sto. Paula y Latico se comenzaron estas desde donde dieron principio que fué desde el segundo barranco por la parte de San Buenaventura y por el camino real que pasa por las Cerritos y tomando los medidores el cordel de cincuenta varas y el rumbo al norte hasta llegar a la

a la cumbre de la loma de donde sale al llano el Sauzon se medieron sesenta y seis cordeles (66) y siguiendo igual rumbo pasando por la cumbre de la loma mas alta que sirve de lindero con los S. Moraga hasta llegar con la cima ó tope de las lomas que llaman del abeje y son las mas altas y encinas que se encuentran se calculo por los penitos que habia una legua y tres cuartas: esto es ciento setenta y cinco cordeles (175) y siguiendo la cumbre o cuchilla de estas lomenias altas rumbo poco mas ó menos de Oesnorte a Esnordeste hasta llegar con los linderos de la confluencia de los Arroyos de Mesquite y Sisia que fué donde se suspendieron las medidas el dia anterior se calculo haber tres leguas ó trescientos cordeles (300) con lo que se concluyo el acto de medicion presente, los medidores y colindantes que firmaron conmigo y los de mi asistencia con quienes actuo en la forma establecida.

de casa. Pablo de la Guerra.
Crisanto Lorenzano. Vicente Moraga.
Raymundo Oribaso Cabte. Cabtna. Felix Oribaso
" José Moraga. T. Cabte. Francisco Rico.
Ruego de Juan Sanchez. Crisanto Lorenzano.
Ruego de Manuel Anguiola.
por no saber firmar. Carlos Ant.o Moraga.
Vicente Moraga. Mediador. Juan N. Argüello.
Mediador. Antonio Rodriguez.
José de la Guerra y Noriega.

En el referido Rancho de Santa Paula y Sativa en el mismo dia mes y año D.n Manuel Jimeno vecino de este Departamento acompañado del Alcalde y testigos de asistencia de estos autos dijo: que habiendose medido las tierras de este rancho segun consta en el auto

anterior trozaba y tomaba la verdadera y corp
posesion de dichas tierras muchos pues le
pertenesen por justos titulos con que el Poliem
le agravio haciendole la concesion de ellas y
de entero conformidad con la aprobacion de
la Excma. Asamblea Legislt. Subió y pasó
por ellas arrancó yerbas esparció pedazos
de tierra cortó ramos de los arboles é hizó
otras demostraciones y actos de posesion en nom
de lo que dijo tomaba de dichas tierras y yo el
dicho Alcalde mandé que desde entonces
lo tuvieron y reconocieran por verdadero señor
y poseedor de ellas.

De lo dicho lo espuesto pidió
dho. Manuel Pineno y para memoria en lo
venidero y conservacion de sus derechos le
fuesen devueltas originales estas diligencias
q. firmó con migo y los de mi asta. Segun
derecho doy fé.

asta. Pablo de la Guerra.
Vicente Moraga. Raymundo Orbaño.

En la dha. se dió un testimonio
de estas diligencias para archivarse en el Juzgado
de mi cargo y para la debida constancia
lo firmé con los de mi asta. Doy fé.

Pablo de la Guerra.
asta. Vicente Moraga. — Gutt. Carrillo.

En la propia dha. se le devuelvan estas
diligencias originales al interesado en unicos
fojas utiles y para constancia lo rubrique.

Quedan pagados los derechos correspondientes
Pablo de la Guerra.

Filed in office. Feby. 21 1853.
Geo. Fisher. Secy.

Translation of Act of Juridical Possession

H. H. No. 1 annexed to dep. of J. M. Covarrubias —

To the Alcalde of First Instance

I Manuel Jimeno, a resident of this Department appear before your Equitable Court and represent.

That having obtained the Concession in full Ownership of the tract of Land known by the name of Santa Paula y Salécoy, according to the boundaries, expressed in the title papers and map respectively issued in my favor by the Government — I now pray that you will be pleased to give me judicial possession according to law of the said tract of Land

Be pleased to receive this petition on Common paper as no Sealed paper is to be had.

Swearing thus I take this step through no bad motive &c.

Santa Barbara Nov. 11th. 1847

Manuel Jimeno

Santa Barbara Nov. 12. 1847

In accordance with the preceding petition, the survey, designation by boundaries and judicial possession of the tract of Land called Santa Paula y Salécoy will be proceeded with by the present Judge, as prayed for the party interested in the Expediente (title papers) in conformity with the documents which accompany it, designating for the Execution of the same, the 17th of the present month, so that the adjacent neighbors may be called to appear by a summons of admonition. All of which I the first Alcalde ex Constitutional Alcalde of the District of Santa Barbara Ordered decreed and signed jointly this act in my Office before actual witnesses for want of a Notary Public which I certify to,

Pablo de la Guerra

Witnesses present. Vicente Moraga. Raymundo Olivera

On the same day Don Manuel Simeno being present was notified of the preceding order and being understood by him, he declared that he heard it read and acknowledges himself notified, and signed it with me and the Witnesses present. To which I certify

Pablo de la Guerra

Manuel Simeno

Witnesses present. Raymundo Olivas. Victo Moraga

On the same day and year were issued the words of summons, ordered in the first proceeding, and in order that this may compose a part of the previous proceedings, I have placed my rubric to it

(Rubric)

On the Ranch of Santa Paula y Saticoy this 17th day of November 1847 in obedience to the Notice served on the neighboring proprietors to said Ranch, they have here met. D. Manuel Arguisola, in charge of San Buenaventura Don. Raymundo Olivas & Don Felipe Lorenzana Don Juan Sanchez, Don Francisco de la Guerra as attorney in fact of Don Jose de la Guerra Don Jose de Jesus Carrillo as represented by his father Don Carlos A Carrillo and Don Fernando Pico and being informed of the fact that the survey, designated by boundaries and federal possession in favor of Don Manuel Simeno, was about to be proceeded with they declared that they were well informed of the proceedings and do give validity to their acknowledgement, they subscribed the same with me and the Witnesses present

Pablo de la Guerra

Witnesses present. Victo Moraga. Crescencio Lorenzana. — Neighboring proprietors Raymundo Olivas, D Manuel Arguisola, by V. Moraga Fernando Pico. Felipe Lorenzana, Juan Sanchez by his amanuensis Crescencio Lorenzana. Carlos Ant. Carrillo

Jose de la Guerra y Noriega

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After that I the Judge of these decrees, appointed as Surveyors of the present act of possession the citizens Juan Pablo Ayala and Antonio Rodriguez, who having first accepted and being sworn will proceed to the discharge of the duty appointed them, and to give validity to this proceeding, I make it a part of the act which I subscribe together with the witnesses present

Witnesses — Pablo de la Guerra
Vicente Moraga. Raymundo Olivas

On the same day and year and on the same Ranch, the citizens Antonio Rodriguez and Juan Pablo Ayala, were notified of the preceding Order, and it being understood by them, they declared that they would accept, and they did accept the duty of Surveyors, and they took an Oath, by God, Our Lord, with the sign of the cross, to execute it faithfully & legally to the best of their knowledge and understanding without any deceit or fraud upon any One, and they subscribed this act with me and the witnesses present

Pablo de la Guerra
Witnesses Vicente Moraga. Raymundo Olivas
Surveyors. Juan P Ayala. Antonio Rodriguez

Whereupon I the said Judge immediately ordered to be brought a chain (cord) with which the lands of said Ranch are to be measured, and ordered the Surveyors to measure off fifty varas, which I subscribed together with the witnesses present.

Pablo de la Guerra
Witnesses present. Vicente Moraga.
Raymundo Olivas

Whereupon and in presence of me the said Alcalde, the said Surveyors took a cord made for the purpose of measuring lands

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and with a vara of the usual Mexican length, they measured fifty varas on said Cord, in order to make the said survey with it and to give it validity I affix my rubric.

(Rubric)

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On the same day and on the same Ranch it being about eight o'clock in the morning I the said Alcalde in order to proceed to the survey of the Land that is to be made for Don. Manuel Jimeno, ordered the said surveyors to station themselves in the second revine (barranca) towards Santa Buenaventura, and on the main road which leads to the river of Santa Clara, & bearing being E'ly & S and proping between the small hills until it reached said river they should measure, One hundred and four chains, (Cordels of 50 varas); Thence along the valley of said River in the direction N E'ly to the six Elm trees which are on the right bank of the river and to the west of the point of the hill top they should measure One hundred and fifty five Cordels (155) From these Elms due East to the end point of the hill top croping the river they should measure twenty six Cordels (26) and from thence following the same bearing of the Compass (and dispensing with the Cordel for about One hundred and fifty varas) over the skirt of the hills until they come to a small ravine or gully On the left bank of which and at the foot of the slope of the hill is a small willow tree (sauquillo) the measurement was One hundred and thirty Cordels (130) From this point the survey followed the skirt of the hills in the direction East North East until they met the Arroyo Called 'Colorado' having measured fifty five Cordels (55). From this point croping the Hills by the Compass N.N.

East, until meeting the Confluence of the Arroyo de Mussie with the Same River of Santa Helena, it was Calculated by the Experts that they have run Thirty five Cadenas (35); from Said Confluence bearing North West, following the Course of the Arroyo de Mussie until its junction with the Sisa arroyo the measured two hundred Cadenas (200) and from this point following the bed of this last arroyo to its Mouth (and whose Source is in the Hills which are seen to the North) they measured thirty Cadenas (30) and having finished the Survey thus far by Sun Set, it was Ordered to Suspend Operations, to be resumed the next day — The above was in Accordance with the Orders of me the Alcalde, which I subscribe together with the Witnesses present according to Law — To which I certify

Pablo de la Guerra

Subscribing Witnesses Vicente Moraga
Raymundo Olivas

On the 18th day of the same month and year in presence of the neighboring proprietors, the Surveyors and others assembled I gave Orders, that to finish the Survey of this Ranch of Santa Paula y Saticoy that it should begin from the starting point which was the Second ravine towards San Buenaventura, and on the Main road which passes by the small hills, and the Surveyors taking the Chain of fifty varas and following the bearing due North until they reach the summit of the hill where is the Source of the small ravine that comes to the plain, measured Sixty Six Cadenas (66) and following the same direction passing over the peak of the higher hill which serves as a boundary for the Mesas. Moraga, until

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they reach the Summit or top of the hills called the 'Arizgé' and which are the most elevated peaks they met with, it was calculated by those skilled in the Matter that the distance was one and three quarter leagues; this is One hundred & Seventy five Cordels, and following the Summit or ridge of these hill hill tops, running a course about from West South West to East North East or very nearly, until reaching the boundaries of the Confluence of the arroyos of Mesquite and Sisa where the Survey stopped the day previous, the distance was calculated to be three leagues or three hundred Cordels (300); which concluded the act Survey in the presence of the Surveyors & the adjoining Owners who subscribed this act with me and the Witnesses present, by whom it was done in the Established form.

To which I certify.

Pablo de la Guerra

Witnesses. Crescencio Lorenzana
Vicente Moraga

Colindantes (adjoining Owners)
Raymundo Olivas. Jose Moraga.
D. Manuel Anguisola by Vicente Moraga
Crescencio Lorenzana Juan Juan Sanchez
Carlos Ante Carillo. Fernando Alco
Felipe Lorenzana. Jose de la Guerra Noriega

Surveyors
Juan J Ayala Antonio Rodriguez

On the said Ranch of Santa Paula y Telecoy on the same day of the month and year Don Manuel Jimeno, residing in this Department, accompanied by the Alcalde, and Witnesses present subscribe being these acts, declared; That the lands of this Ranch having been measured as appears by the preceding act, he took

and takes the tree and Corporal popepin of said Lands Surveyed, as they belong to him by just title with which the Government favored him, by having made him a grant to the same and in every Conformity with the approbation of the Most Excellent Departmental Assembly and he walked over the ground, pulled up herbs, scattered handfull of Earth broke branches from the trees and made other demonstrations and acts of possession as a sign and Evidence of that which he took of the said lands; And I the said Alcalde decree that from that time, he shall be held and recognized as the true Lord & possessor of the same.

All which said acts were demanded by Don. Manuel Jimeno and as a Memorial for the future and for the preservation of his rights, these Original proceedings were handed over to him. Which I subscribe as well as the Witnesses present according to Law. To which I certify

Pablo de la Guerra

Subscribed & Witness
Vicente Moraga — Raymundo Olivera

On the same day a legalized Copy of these proceedings was made to be filed in the Archives of the Court over which I preside in legal Conformation of which I subscribe this with the present

(Rubric)

The proper Expenses of the same have been paid

Pablo de la Guerra
(Rubric)

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To the Señor Alcalde of this District

I Manuel Jimeno represent to you before whom it came with most propriety to be done according to Law: That having obtained the judicial possession of the land known as Santa Paula y Saticoy which the Government absolutely conceded to me; and I having out of charity having allowed the Indians Onedo and Luis Francesco to sow their grain on said land without their causing me any injury, I petition respectfully that your Señoría may make them appear before you and notify them judicially that I am the sole Owner of the said Land, and that the houses which they built during my absence, that they may acknowledge they have no right to sell them nor to dispose of them to be relocate on other Land, and that they alone and their families during their lifetime, by virtue of the kindness which I show them, but without giving them, nor must they assert any right to the ground on which they are built, and that in case it not suit their convenience to continue in the enjoyment of the favor which I do them, and they should abandon these houses. In any case, or if their behavior should not be good, that the said houses shall be for the benefit of the Ranch they receiving satisfaction from me alone for the value of said housing
I ask justice &c.

Santa Barbara Dec. 2. 1847

Manl. Jimeno

Santa Barbara. Dec. 3. 1847

The Indians Gerardo and Luis Francisco were served with the notice in person and acknowledged of the contents of the foregoing petition so I the Alcalde Order, decree and declare be with the witnesses present according to Law. To which I certify.

Luis Carrillo

Witness Raymundo Carrillo

On the same day the Indian Gerardo being present I made him aware of the contents of the foregoing application which he said he understood, and that he would comply with what D. Manuel Jimeno justly deserved as owner of the land known as Santa Paula by Solicoy and to give it bounding since he made the sign of the cross in my presence, and that of the declaring witnesses by whom it was done in the established form.

X Luis Carrillo

Witnesses. Cesario Lataillady. Raymundo Carrillo

On the same day the Indian Luis Francisco being present, was informed of the contents of the application, the origin of these proceedings and having heard it, he declared he understood it, and that he would comply with what D. Manuel Jimeno justly deserved as owner of the rancho known as Santa Paula y Solicoy, and to give it validity he made the sign of the cross before me and the declaring witnesses by whom it was done in the established form. I certify.

Luis Carrillo

Witness. Raymundo Carrillo

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On the proper date these proceedings were handed to Don. Manuel Jimeno for the purpose he may desire and in testimony of which I subscribe with the witnesses present.

Luis Cruello

Witness Raymundo Cruello

Filed in Office Feby 3rd 1853
Geo. Fisher Secy

Recorded in Ev. B Vol 17 p 674

Geo. Fisher Secy

Sello cuatro dos reales.

Sello cuatro dos reales.

Habilitado provisionalmente otra por la Aduana Maritima del puerto de Monterrey en el Departamto. de las Californias por el año de mil ochocientos cuarenta y tres.

(Seal) Micheltorena. Pablo de la Guerra.

Doc. H. H. No. 2. annexed to Depositions of Jose Mª Covarrubias before H. Hall.

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PAGE 50

El ciudadano Manuel Micheltorena, General de Brigada del Ejercito Mejicano Ayundante General de la plana Mayor del mismo, Gobernador Comandte. Gral. é Inspector del Departamento de Californias.

(Seal.) Por cuanto D. Manuel Jimeno Casarin ha manifestado que los ranchos que se le han concedido el primero con el nombre del Pajaro (a) Salsipuedes y el segundo nombrado Santa Paula y Saticoy que se hayan comprendido en los dos litorales que espresa la ley de colonizacion y q. por causa razon pide el indicado D. Manuel Jimeno la aprobacion que debe dar el Supremo Gobierno en conformidad a otra ley y hallandome investido con facultades Supremas que se transmitieron en orden de 11 de Febrero de 1841 he venido en aprobar otra Concesion bajo la estension que se le marcan en los diseños respectivos para que el agraciado y sus herederos los disfruten como una propiedad legalmente adquerida y aprobada por el Supremo Gobierno.

Ciudad de los Angeles. 1º de Abril de 1843

Manuel Micheltorena

Franco Arce. Oficial Primero.

Filed in Office. Feby. 9. 1853.

Filed in office. Here follows a map or plan

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Translation of Document H. H No 2. annexed to the deposition of Jose Lovan Ribeiro

Stamp Fourth Two Reals
Provisionally provided by Marine Custom House of the Port of Monterey in the Department of California for the year 1843.

Michéltorena Pablo de la Guerra

Citizen Manuel Méchelorena General of Brigade of the Mexican Army Adjutant General of the Staff of the Same Government, Commanding General and Inspector of the Department of California

Whereas Don Manuel Jimeno Casarin has manifested that the Ranchos which had been granted to him, the first one by the name of "El Pajaro" or "Salsipuedes" and the second one called "Santa Paula" y "Saleoy", are embraced within the ten leagues expressed by the Law of Colonization, and by reason thereof the said Don Manuel Jimeno now prays the approval which the Government should give in conformity with said law and being invested with Supreme powers conferred upon me by Orden of 11th of February 1841 I have approved said grant, under the Extent shown in the respective Sketches; that the grantee & his heirs may Enjoy them as a property legally acquired and with the approval of the Supreme Government

City of Los Angeles April 1st 1843

Manl Michelen

Franco. Arce Chief Clerk

I George Fisher Secretary to the Board of the U. S Land Commission do hereby certify that the foregoing is a true Copy and Correct translation of a Spanish Document of the purport as above set forth Exhibited and filed in Case No 530 on the Docket of said Board, now in this Office.

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San Francisco Aug 10th. 1854
Geo. Fishu Secy

Filed in Office Feb. 9. 1855
Geo. Fishu Secy

55 G

This Indenture made this Eleventh day of

5-5 G
Copy of Deed.

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PAGE 53

This Indenture made this Eleventh day of October One thousand Eight hundred and fifty two, between Manuel Jimeno of the City and County of Monterey in the State of California, party of the first part and John P Dawson, Stephen M Pickens, Joseph B Crocker and Edward D Baker and James Blair all of the City and County of San Francisco in the same State parties of the second part.

Witnesseth, That the said party of the first part for and in consideration of the sum of Eighteen thousand two hundred and thirty four dollars lawful money of the United States of America to him in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged hath granted bargained sold assigned transferred conveyed set over and confirmed and by these presents doth grant bargain sell assign transfer convey set over and confirm unto the said parties of the second part and "their heirs and assigns forever, all that part or parcel of land in the Rancho of "Sal-si-puedes, lying and being in the County of Santa Cruz California containing about One thousand and thirteen acres more or less, which is bounded and described as near as may be in a map made of the same by L & N Wright Surveyor of the County of Santa Cruz California a Copy of which map is hereunto annexed with all the improvements and appurtenances thereto belonging—said tract of land being the same tract of land which the said Manuel Jimeno leased to J Bryant Stell by a lease made at Monterey on the third day of November 1851 and is now occupied by said J Bryant Stell under said lease

The said tract of land so leased as aforesaid to J Bryant Hill and which is hereby conveyed to the said parties of the second part being included within the boundaries and description of the entire Rancho of "Sal-si-puedes as hereinafter described.

And for the further consideration of Twenty Six Thousand Seven hundred and Sixty Six dollars lawful money of the United States of America paid in hand by the parties of the second part to the said parties of the first part the receipt whereof is hereby acknowledged by the party of the first. the party of the first part hath granted bargained sold assigned transferred, conveyed, set over and confirmed, and by these presents doth grant bargain sell assign transfer convey set over and confirm unto the said parties of the second part the following tracts of land to wit,

All that certain tract in the County of Santa Cruz known as the Rancho of Sal-si-puedes lying and bounding between and upon the creek of the Sal si puedes, and a line drawn from said creek through the Centre of the Laguna Called "las ganas", thro' the Sausal (or growth of willows) at the End of said Lagunas, the table land the low hills and the "Meadow of the "Cienaga Verde" to the top of the Sierra, thence Easterly along the Sierra Alta to the sources of, the Creek "del Pescadero" thence following the line of said creek and passing by the place "de la Brea (bitumen) to the "Agua Caliente" thence taking on the South East a straight line to the Pajaro river; and the Pajaro river, as the said boundaries are more fully and Exactly

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set forth in the decree or Concepion of Juan B Alvarado heretofore Governor of California under the Republic of Mexico made at Monterey February 1. 1840 and also in the decree or Concepion of the said Alvarado Governor &c. Made at Monterey March 1 1840 both made in favor of said Jimeno and which for perfect certainty of description reference is hereby made, and being the same tract of Land heretofore granted to the said Manuel Jimeno party of the first part by the said Alvarado Governor as foresaid which grant was subsequently confirmed and notified to the said Manuel Jimeno party of the first by Manuel Micheltorena Governor of California under the Mexican Republic, by an order or decree made at the City of Los Angeles April 1. 1843 containing in all Eight Square leagues of Land (deducting quantity Mayor More or less Excepting so much of said Rancho of Sal-si-puedes lower, One thousand and thirteen acres as is in the beginning Conveyed to the said parties of the second part and described as being so leased to J Bryant Hill.

And also all that tract of land in the County of Santa Barbara in the said State known as the Rancho of Santa Paula and Saticoy bounded and described as follows- Bounded by a line Commencing at a point in the Second Cañada (Cañada) towards Santa Buenaventura And on the main road leading to the town of Santa Clara Thence running East One quarter South and passing between the Small Hills until it strikes said town 104 Chains or Gunter's Chains of 50 links each Thence along the Valley of said river in the direction of North East One quarter

North to the six Elm trees on the right bank of the river and to the west of the point of the Hill top 155 varas. From the Elms due East to the side point of the hill top cropping (Calanda) the river 9 varas and thence in the same direction (without using the vara) about 150 varas, and thence continuing the line over and along the skirt (falda) of the hills until it strikes a small swallow or alcove tree (Sangrito) on the left bank of a small ravine or gulley, and at the foot of the slope of the hill 130 varas, thence along the skirt (falda) of the hills E. N. E. as far as the arroyo called the Colorado 55 varas thence by the way of (trayecto) the hills in a direction N. N. E. as far as the confluence of the arroyo Mupu with the Santa Helena river. 35 varas more or less. Thence (from the same point of confluence) in a North West direction following the course of the arroyo de Mupu to its junction with the arroyo de Sesa 300 varas thence following the bed of the last named arroyo to its mouth or termination (desembocadura) and whose source is in the hills that are seen to the North) 30 varas, thence and from the boundaries of the confluence of the arroyo de Sisa and the arroyo de Mupu and following the summits or ridge of the high hills called Azufre (being the highest wooded hills in the vicinity) in a direction about from E. N. E. to W. S. West as far as the summit or bluff (cima or top) of the Azufre hills about 300 varas or three leagues more or less. Thence running due South and passing over the peak of the highest hills (Cima mas alta) which serves as a boundary of land now a title of Mesrs Moraga 175 varas or one and three-quarter leagues more or less — Thence in the same

Thence in the same direction and passing over the summit of the Hill in which rises a small ravine that comes down to the plain & & Course to the point in the second ravine (barranca) towards San Buena Ventura which was the place of beginning as more fully set forth in the record of previous possession of the same given and the survey made November 17th. and 18th 1847 duly certified by Pablo de la Guerra as first Alcalde of Santa Barbara as in the Official record thereof contained which Record is herewith delivered by the said party of the first part to the said parties of the second part and to which reference is hereby made for greater accuracy being the same tract of land granted to the said Simeno party of the first part by Juan B Alvarado heretofore Governor of California under the Republic of Mexico, by a Concession or decree made at Monterey April 28th 1840 and by a Concession or decree made at Monterey June 10. 1840 containing in all four square leagues (Sitios de ganado Mayor) more or less - Together with all and singular the tenements hereditaments and appurtenances thereunto belonging and the revision and reversion remainder and remainder rents issues and profits thereunto belonging or in anywise appertaining, and all the Estate right title and interest of the said party of the first part of in or to the above described premises and every part or parcel thereof with the appurtenances unto the said parties of the second part their heirs and assigns forever in the following shares and proportions namely, to the said Davison three undivided Eighth parts, to the said Tibbits One undivided Eighth part, to the said Crocker & Baker One undivided third part and to the said Blair One undivided sixth part.

And the said Jimeno for himself and his legal representatives covenants with the said parties of the second second part that at the delivery hereof he the said Jimeno is the lawful owner of said premises and is seized of a good and indefeasible Estate of inheritance, therein and has good right to sell grant and convey the same—

And whereas in pursuance of certain conditions in an agreement of lease made at Monterey on the third day of November 1851 between the said Manuel Jimeno and J Bryant Hill which said lease is referred to on the first page of this deed or mentione, and the land thereby leased is also described on said first page of this mentione— the said Jimeno has offered to the said Hill to sell him the said one thousand and thirteen acres leased as aforesaid to the said Hill for the price and sum of Eighteen dollars for each and every acre thereof with the refusal of the same until the 24th day of October instant.

Therefore it is agreed that if the said offer shown by the said J Bryant Hill be accepted as aforesaid then the sum received therefor by the said Jimeno from the said Hill shall be paid over by the said Jimeno to the said parties of the second part, and so much of this deed as purports to convey to the said parties of the second part the land so leased and now occupied by the said J Bryant Hill shall be and remain utterly void and of no force whatever, or otherwise if the said J Bryant Hill shall not accept the said offer of said Jimeno to sell to him the land so leased as aforesaid, then the

whole of this deed shall be and remain in full force and Effect.

And the said Semeno hereby assigns and transfers unto the said parties of the second part all his right title and interest of in and to the said agreement of Lease between him and the said Hall and in the said offer or Contract of sale of the said One thousand and fifteen acres — and the said parties of the second part agree that the said party of the first part may have from and after the Execution and delivery of this deed of Conveyance the peaceable of said premises for the purpose of removing from said Ranchos of said premises and said Dairy Stock the Cattle and his Stock of said party of the first part now on said Ranchos

In Witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Sealed and delivered in presence of Chas. M. C. Delany

Manuel Semeno (Seal)
J. P. Dawson (Seal)
J. B. Crockett (Seal)
E. D. Baker (Seal)
Stephen M. Tebbets (Seal)

State of California } ss
County of San Francisco }

On this Eleventh day of October A.D. 1852 before me a Notary Public in and for said County personally appeared Manuel Semeno, James Blair, J. P. Dawson, J. B. Crockett, E. D. Baker and Stephen M. Tebbets severally known to me to be the same persons described in ~~and~~ whose names are subscribed to and who Executed the foregoing Conveyance & severally acknowledged to me that they Executed said Conveyance freely and voluntarily

for the uses and purposes therein expressed
Witness my hand and Official Seal
Chas M. Delany
Notary Public.

I hereby certify that the foregoing deed is recorded in the Book of Deeds Vol 1st and pages 447. 448. 449. 450 & 451 and also that the Map is recorded in Book of Maps Vol 1 and pages 452 & 453 of the Records of the Records Office in and for the County of Santa Cruz and State of California Dec. 19th A D 1853
Attest. Peter Tracy Recorder
By Sty T Parsons D.R.

I hereby certify that the foregoing deed is recorded in the Record of Deeds Liber A and pages 77. 78. 79 80 & 81 and also that the maps of the Ranchos Valse pueeces, and Santa Rosa y Salecoy are recorded in said Record of Deeds Liber A pag 82 of the Records of the Records Office in and for the County of Santa Barbara and State of California — December 24th A.D. 1852.
Attest. J M Burroughs County Recorder
By J. Aug Henderson, Deputy

I George Fisher Secretary to the Board of the U. S Land Commission for ascertaining and settling Private Land Claims do hereby certify that the foregoing is a true and Correct Copy of a document filed in Case No. 527 on the Docket of said Board now in this Office — Office of the Secretary. San Francisco — October 16th. A. D 1854
Geo. Fisher Secy
Filed in Office Feby 3. 1853
Geo. Fisher Secy

63 Order of Revivor

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PAGE 61

J. P. Davidson et al
vs.
United States

No. 550.
For the place called Santa Paula y Sespe

It appearing to this Commission that James Blair One of the Original claimants herein has died since this Case was submitted — On Motion of J. B. Crockett of Counsel for Claimants

It is ordered that cause be and it is hereby revived in the name of the heirs and legal representatives of the said James Blair deceased to wit Mary J Blair his Widow, and Violet Blair Jessup Blair & Lucy Blair deceased that the same proceed to final judgment in the name of the said widow & heirs who are hereby substituted for the said James Blair deceased

And it is further ordered that this Order be Entered nunc pro tunc as of the day when the said Cause was finally submitted for adjudication

Filed in Office Oct. 17. 1852

Geo. Fisher Secy

Recorded in Journal Vol 4 p 74

Geo. Fisher Secy

65—

Stipulation

John P. Dawson et al
vs
The United States

No. 550
In "Santa Paula y Salaccoy"

328 SD
PAGE 62

It is hereby stipulated that the deposition of Montgomery Blair filed in case No. 527 shall be read in Evidence subject to Exception in this Case, and that a Copy of the Original deed from Manuel Jimeno to the Claimants, which Original is also on file in Case No 527 shall also be read in Evidence in this Cause subject to Exception. and the Claimants shall cause Copies of said documents certified by the Secretary of the Board to be filed in the Case within ten days from this date

J. B. Crockett
Atty for Claimant
J. M. Shane
U. S Law Agent

San Francisco
10th Oct 1854

Filed in Office Oct. 10. 1854
Geo. Fisher Secy

Recorded in Journal Vol 4 page 63
Geo. Fisher Secy

66

Opinion of John T. Donelson and others

Opinion of Bouvier & Thompson —

John T. Davidson and others
vs
The United States } Santa Paula y Saticoy
} four square leagues in
Santa Barbara County

This Case purports to be founded on a grant made by Gov. Juan B Alvarado to Manuel Jimeno dated April 28th 1840. The Original grant is not produced, but the claimants have filed a traced Copy from the Archives in the Custody of the United States Surveyor General, certified by that Officer concerning the petition of the Original grantee and the proceedings had thereupon a copy of the grant, the proceedings of the Departmental Assembly approving the same, and the certificate of the same entered by the Governor with an Order that a Copy ("testimonio") should be delivered to Don Manuel Jimeno in Confirmation of the title of land called Saticoy y Santa Paula. They have also filed and produced in the Case an Original Document of which the following is a translation:

"Citizen Manuel Micheltorena General of Brigade of the Mexican Army Acting General of the Staff of the Same Government Commanding General and Inspector of the Department of California

Whereas Don Manuel Jimeno has manifested that the Ranchos that have been granted to him, the first One by the name of "El Pueblo" or Sulsipuedes and the second One called Santa Paula y Saticoy are embraced within the ten littoral leagues Expressed by the law of Colonization and that by

reason thereof the said Don Manuel Jimeno now prays the approval, which the Supreme Government should give in conformity with said Law, and being invested with Supreme powers conferred upon me by Orden of the 11th. of February 1841, I have approved said grant under the Extent shown on the respective Maps; that the grantee and his heirs may enjoy them as a property legally acquired and with the approval of the Supreme Government.

City of Los Angeles April 1st 1843

(Signed) Manuel Mechelta
(") Fran.co Arco. Chief Clerk

This document if not itself a grant of the Lands referred to, is clearly such a recognition of the rights of the grantee as would entitle him in Equity to a Confirmation of the Claim and taken in Connection with Evidence Contained in the Expediente can leave no doubt of the due Execution of the Grant with all the formalities required by the Mexican Laws

The petitioners have also filed with proper proof of its genuineness the Original act of juridical possession given by the Alcalde of Santa Barbara in the Month of November 1847. according to this act and the boundaries there described the tract would Contain some six leagues of Land, but under the ruling of the Supreme Court in the Case of John C. Fremont it was Executed without authority and was therefore void. The boundaries of the tract however in which the lands granted are to be located

in which the lands granted are to be loca

in which the lands granted are to be located are described in the grant and delineated on the map with great accuracy and precision, It is also in proof that the grantee occupied the premises in conformity to the conditions of the grant soon after obtaining it and continued such occupation until he sold to the present claimant.

A copy of the deed from Jimeno to the present claimant is filed in the case and admitted in evidence by stipulation with the U. S. Land Agent.

We think the claim is sufficiently proved to entitle the parties to a confirmation and a decree will be entered to that Effect

Filed in Office May 22d. 1855
Geo. Fisher Secy

Recorded in Record of decisions Vol 3 Page 41c
Geo. Fisher Secy

Decree

John P Dawson et al
vs
The United States

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioners 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 Paula y Saticoy being the same which was granted to Manuel Jimeno by Gov. Juan B Alvarado

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On the 20th of April 1840 and is bounded as follows, From the "Arroyo de Mupe" On the East the "Lomita" On the West, and from the "Sierra" on the North to "Porritos" On the South, Containing four Square Leagues a little more or less: For a more particular description reference to be had to Copy of grant and map contained in the Expediente in the Archives a true Copy of which is filed among the papers in the Case.

R Aug Thompson
S. B. Farwell

Filed in Office May 22nd 1855
Geo. Fisher Secy

Recorded in Record of decisions Vol 3d page 42.

Geo. Fisher Secy

And it appearing to the Satisfaction of the Board that the Land hereby adjudicated is situated in the Southern District of California It is hereby Ordered that two Transcripts of the proceedings and 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 Seventy — pages, numbered from 1 to 70, 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. 550 on the Docket of the said Board, wherein John P. Davison, et, al, are — the Claimants against the United States, for the place known by the name of "Santa Paula y Saticoy." —

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

Geo: Fisher

Sec.

328.

U. S. DISTRICT COURT,

Southern District of California.

No. 328.

THE UNITED STATES,

vs.

John W. Davison et al.

328.

San Pauba y Paticoy

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

in Case No. 557.

Nov. 24 1855.

J. E. Carr, Clk.

328.

Transcript
of the

Proceedings in Case No. 328

United States District Court. Southern Dist. California.

John P. Davidson et al — Claimant

vs

The United States — Defendant

for the place named

"Santa Paula y Saticoy"

Index

Transcript
of the
Proceedings in case
No. 550

John P. Davidson et al
Claimants
vs
The United States
Defendant

In the place named
Santa Paula N. Mexico

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Office of the Board of Commissioners to ascertain and settle the private land Claims in the State of California

Be it remembered that on this third day of February Anno Domini One thousand Eight hundred and fifty three. 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 John P Davidson et al. for the place named "Santa Paula y Saticoy" was presented and ordered to be filed and docketed with No 550, and is as follows, to wit

(vide page 2 of this transcript)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit;

San Francisco February 9. 1853

In Case No 550. John P Davidson et al for the place named "Santa Paula y Saticoy" the deposition of Jose Maria Covarrubias a witness in behalf of the claimants, taken before Commissioner Hiland Hall, with documents marked H.H No 1 & 2, annexed thereto, was filed

(vide page 8 of this transcript)

In the same case the deposition of H A Dew a witness in behalf of the claimants - taken before Commissioner Hiland Hall was filed

(vide page 4 of this transcript)

San Francisco February 12. 1853

In the same case the deposition of Pablo de la Guerra

a Witness in behalf of the Claimants, taken before Commissioner Harry I. Thornton was filed

(vide page 9 of this transcript)

San Francisco December 4, 1853

In the same case the Deposition of Jose Maria Covarrubias a Witness in behalf of the Claimants taken before Commissioner R. Aug. Thompson, was filed

(vide page 11 of this transcript)

San Francisco October 10 1854

Case No. 554 was submitted on briefs and taken under advisement

In the same case the Counsel for the Claimants filed the following stipulation, to wit:

(vide page 65 of this transcript)

San Francisco Oct. 17, 1854

In the same case on motion of the Counsel for the Claimants, the following order was made, to wit:

(vide page 63 of this transcript)

San Francisco May 22 1855

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

(vide page 67 of this Transcript)

And the following order was made to wit

(vide page 70 of this transcript)

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Petition

328 SD
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United States of America
State of California

To the Honorable the Commissioners of the United States for the adjudication of Private Land Claims in the State of California

Your Petitioners John P Davidson, James Blair, Stephen M Tibbetts, Joseph B Crocker and Edward D Baker respectfully represent that they claim title to the tract of land in Santa Barbara County known by the name of Santa Paula y Saticoy, the title to which is claimed as follows to wit; that on the 8th of January 1840, one Manuel Jimeno, sometimes called Manuel Jimeno Casarin, a Mexican citizen presented his petition of that date to Juan B Alvarado then the Governor & Superior Political Chief of Upper California wherein it was represented that Don Juan Ortega had voluntarily abandoned the place called the "Portrero of Santa Paula" which had been granted to him in July 1834, and on said abandonment had transferred and handed over to the Petitioner the title papers for the said tract, whereupon the said Petitioner denounced with every formality, the said tract, and asked that the same be granted to him with an extension so as to include the places known as Saticoy, La Cienega, El Rio & La Sierra" with the "Somerias" of Santa Paula & its "Pocitas" as designated on the map or diagram which accompanied the petition; On the presentation of which petition, to wit; On the 28th of April 1840, the said Alvarado, Governor as aforesaid, by his act of that date granted the said land as prayed for, in fee to the said Manuel Jimeno, according to the extension thereof, as shown on the diagram; and on the 26th day of May 1840, the Territorial Deputation of Upper California, ratified and approved the said grant

That the said Ortega voluntarily abandoned the said tract in favor of the said Jimeno is evident from a letter addressed by him to said Jimeno under date of 4th June

1839. and which was shown to the said Alvarado on the presentation of said Jimeno's petition. The quantity granted was supposed to contain four square leagues more or less defined on the map or diagram; but the said grant in fact conveyed to said Jimeno as it was intended it should do all the land embraced within the boundaries as shown by the map & defined in the said grant

Your Petitioners further show that on the 1st day of April 1843. Manuel Micheltorena then the Governor and Supreme Political Chief of the Department of the California and exercising supreme power therein. in regard to the disposition of lands by virtue of authority vested in him by the Supreme Government of Mexico also ratified and confirmed the said grant according to the extension thereof as shown on the accompanying map

That on the 17th & 18th days of June 1847 On the petition of the said Manuel Jimeno. Pablo de la Guerra first Alcalde of that Jurisdiction proceeded in due form of law to put the said Grantee into the actual possession of said land causing the same to be actually measured. and surveyed in the presence of the adjoining proprietors and accurately defining the boundaries thereof by courses and distances and visible monuments

And your petitioners further show that the said tract of land was well known and recognized at the dates of the several grants aforesaid by the name aforesaid & as having the extent and boundaries set forth in the said act of Juridical possession. and that the boundaries thereof are accurate and well defined

They further show that from the date of the original grant from Governor Alvarado. the said Manuel Jimeno has been in the actual. quiet & undisturbed possession of the said lands with the limits as defined by the said survey or act of Judicial possession. and has

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exercised acts of ownership over the same to the extent of said limits, up to the time when he sold and conveyed the same to your petitioners, as hereinafter set forth. Since which time your petitioners have been and yet are in the quiet possession thereof claiming to own the same in fee.

That on the 11th day of October 1852 the said Manuel Jimeno by his deed of that date granted and conveyed the said tract to your petitioners in due form of law and by virtue of said grant and other documents hereinbefore referred to, your petitioners claim to be entitled to said land, and pray to be confirmed in their title thereto.

For greater certainty your petitioners file herewith as part hereof, certified copies from the office of the Surveyor General of California, of the petition of said Manuel Jimeno for the said grant, of the grant thereof by Alvarado, of the approval of the Territorial Deputation and of the abandonment of the said land by said Ortega, all of which are bound together in one parcel & marked "Exhibit A" & translations thereof marked "Exhibit B" also the original confirmatory grant from Micheltorena marked "Exhibit C" and a translation thereof marked "Exhibit D" & the original act of judicial possession marked "Exhibit E" & a translation thereof marked "Exhibit F" together with a copy of the deed from said Manuel Jimeno to your petitioners marked "Exhibit G"

Your petitioners further show that the original diagram or diseño which accompanied the grant has in some manner been lost or destroyed, so that the same is not now to be found amongst the archives, for which reason your petitioners are unable to furnish an official copy thereof but they file herewith an unofficial copy, taken by said Jimeno for his private use before the cession of California to the United States, and which they believe to be a true copy of the original, and which is marked "Exhibit H". They

file also a diagram which they have caused to be made, representing the courses and distances of the said tract according to the boundaries as established by the act of Juridical possession & which is marked "Exhibit J"

Your Petitioners know of no adverse claim to the said land or any part of it & the premises considered they pray to be confirmed in their title and for such other and further relief as they may be entitled to

Jno Kell & J Baker
Attys for Claimants

Filed in office Feb. 8. 1853
Geo Fisher Secy

Recorded in Vol 1 of Petitioners on pages 522. 523 524 & 525

Geo Fisher Secy

Deposition of N. A. Den

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San Francisco Feby 9. 1853

On this day before Wm Hiland Hall came Nicholas A Den, a witness in behalf of the Claimants John R Davidson et al Petition No 553, and was duly sworn his evidence being given in English

The U. S. Law Agent was present

Question by Claimants, Whatis your name age and place of residence

Answer — My name is Nicholas A Den my age 46 years, my occupation farming, and my place of residence Santa Barbara in this State

Question by same, Do you know the place called and known as Santa Paula y Sateoy" in Santa Barbara County & if so who has had the occupation & possession thereof for the last six or eight years

Answer. Yes. I know the place well & until within the last few months it has been in the possession of Don Manuel Jimeno, since it was granted to him by Governor Alvarado in the year 1844

Question by same; Are you acquainted with the hand writing of Pablo de la Guerra & if so examine the document now shown you marked N A No 1. & attached to the Deposition of Jose M Covarrubias and state whether or not the several signatures thereon, purporting to be the signatures of said Guerra are genuine

Answer, I am well acquainted with the hand writing of said Guerra, and having examined

the said signatures have no hesitation in stating they are genuine

Question by same, What office, if any did the said Guerra hold in the month of Novr 1844

Answer, The office of Alcalde or Judge of the First Instance in the jurisdiction of Santa Barbara

Y A Den

Sworn & subscribed before me

Roland Hall Comr.

Filed in office Feby 9, 1853 Geo Fisher Secy

Recorded in E. B. Vol 2 p 548 Geo Fisher Secy

Deposition of J. M. Covarrubias

San Francisco Feb. 9. 1853

On this day before Com. Hiland Hall came Jose Mª Covarrubias a witness on behalf of the claimants John B. Davidson et al petition No 550, and was duly sworn, his evidence being interpreted by the Secretary.

The U. S. Associate Law Agent was present

Question by claimants. What is your name, age, occupation and place of residence

Answer, My name is Jose M. Covarrubias My age is Forty Four years, my place of residence is Santa Barbara

Question by same — Are you acquainted with the place called & known as "Santa Paula y Cañeo" in Santa Barbara County & if so, how long have you known the same and who has been in the possession thereof for the last 10 years

Answer I am acquainted with the place & have known it for seventeen or eighteen years & Manuel Dimas has been in possession of it for the last ten years

Question by same. Please examine the document now shown to you marked "H. H. No 1. & state whether or not you are acquainted with the hand writing & of the signatures thereto, & if so, which of them & whether the same are genuine?

Answer, I am acquainted with the handwriting of Pablo de la Guerra, Vicente Moraga, Raymundo Alvas, Jose Moraga, Antonio Rodriguez, Gil Eculler and believe their signatures appearing on said paper to be genuine. Pablo de la Guerra at the date of said paper

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held the office of Alcalde & believe said paper to be a genuine official document

I am also acquainted with the hand writing & signatures of Manuel Michelorena and Francisco Arce & believe their signatures appearing on said paper now shown me marked H H No 2 & hereto annexed, to be genuine

Jose Mª Covarrubias

Sworn and Subscribed before me Hiland Hall Com^r

Filed in office Feb. 9. 1853

Geo Fisher Secy

Recorded in Eu S.B. Vol 2 p 547

Geo Fisher Secy

San Francisco Feby 12, 1853

11 On this day before Jno ~~Wilcox~~ ~~Hall~~ Harry I. Thornton Came Pablo de la Guerra a witness in behalf of the Claimant John P. Davidson et al Petition No 550 and was duly sworn his evidence being given in English

Deposition of P. de la Guerra

Questions by Claimants

Question 1st. What is your name age and place of residence and long have you resided there.

Answer - My name is Pablo de la Guerra My age is thirty three years and my residence is Santa Barbara in California. I have lived in California all my life

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Quest 2d. What office did You fill if any, in the month of ~~May~~ November 1844

Ans. I was alcalde and Judge of the First Instance in the District of Santa Barbara

Quest 3. Are you acquainted with the Rancho Santa Paula y Sateay, and where does it lie

Answer, I am acquainted with that Rancho, and it is in the County of Santa Barbara

Quest 4th Do you know of the grant of this Rancho, to whom made, and by whom, and do you know whether or not judicial possession was given of the same to grantee

Answer, The title papers of the grant was presented to me by Wm Jameno the Grantee and in November 1844 I was alcalde proceeded

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thereupon to put him in Judicial possession of the said Rancho under and according to said grant

Question 5. Please examine the document now here shown you, which is marked A A No 1. And filed with the deposition of Jose Maria Covarrubias in this case, and are you acquainted with the hand writing of the various persons whose names are signed in and upon said document, and if so state whether they are genuine and whether the proceedings of possession, witnessed by the said document are true and genuine?

Answer. I have looked upon the said document, and know it to be a genuine document The signatures thereon were all made in my presence, and are the genuine signatures of the parties. I being the officer under whose authority the proceedings were had as my signature thereon testifies

Question 6. Do you know anything of the occupation and cultivation of this Rancho

Answer – I know the Petitioner continued in the possession from the time I gave it to him until he sold it and was in possession before, And it has been occupied from that time to this by him & those under him, And the occupation was with cattle horses &c Cultivated to a sufficient extent to support the establishment

Pablo de la Guerra

U S Law Agent present

Sworn to & subscribed before me this 12th of Feby. 1853
Harry S Thornton Com

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Filed in office July 12th 1853
Geo Fisher Secy

Recorded in Ex. B. Vol 2 p. 569
Geo Fisher Secy

Office of the Board of Commissioners to settle Private Land Claims

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Deposition of Jose Maria Covarrubias

This day before Com Rand Thompson Came Jose Maria Covarrubias a witness in behalf of Claimants John R Davidson et al No 558 Who after being duly sworn deposed as follows

Testimony on behalf of Claimants

Present Crocker atty for Claimants and R Greenhow associate Law agent

Witness states his name to be Jose Maria Covarrubias. age forty five years, residence Santa Barbara Calo

Questions by Claimants atty

Do you know the place claimed in this case called Santa Paula and Saticoy, and if so state all you know of its occupation, and improvement by Manuel Jimeno

Answer I know said Rancho And that it was occupied by Manuel Jimeno in the latter part of 1840, at which time he built a house and corrals on the land and placed on it stock of Cattle and horses The house was occupied by the Mayor Domo and his family, Such occupation was continued by said Jimeno until he sold it within the last year or two, There was

an ancient vineyard on the land when Jimeno first occupied it which has been continued and cultivated by him since

There are ditches for irrigation of the land which were kept in good order during his occupation and he cultivated portions of the land

Questions by same. What was Manuel Jimeno's official position 1846, and afterwards during his occupation of said Rancho, and when did the duties of his office require him to reside

Answer. He was Secretary of the Government and as such was obliged to reside in the Capital at Monterey.

Jose Ma Covarrubias

Sworn and subscribed to before me Nov 4 1853

Rand Thompson Com

Filed in office Nov 4. 1853

Geo Fuller Secy

Recorded in Ex B. Vol 2 p. 354

Geo Fuller Secy

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United States of America
State of California } ss

San Francisco April 18. 1854

Deposition of M Blair Certified Copy -

This day personally came before Peter Sall a Commissioner for taking testimony to be used before the Board of U S Land Commissioners in said State Montgomery Blair a witness on behalf of the Claimant in Case No 527 on the Docket of said Board wherein James Blair and others were Petitioners, and the said witness being duly sworn on oath deposed as follows to wit.

The U. S. Law Agent is present

Questions by the Attorney for Claimant

1st Question. What is your name age and present residence

Answer, My name is Montgomery Blair my age 40 years, my residence Washington City District of Columbia

2d Question. Are you acquainted with the family of James Blair deceased - if yea - State what family he left at his death and who are his heirs at law.

Answer. I am a brother of the deceased, and well acquainted with his family. He was married at the time of his death and left a surviving widow, Mary J Blair, by whom he had three children, the youngest was born after his death. The eldest is named Violet; the second a son named Jessup, and the youngest a girl named Lucy, those are all the family he left.

M Blair

Subscribed and sworn to before me on this 18th day of April AD 1854

Peter Sall. Commissioner &c

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taking testimony &c

Filed in office April 18th 1854
Geo Rubey Secy

Recorded in Ex B Vol 4 p. 284
Geo Rubey Secy

United States District Court Southern District California
Clerks Office Monterey,

I John O Wheeler Clerk of the United States District Court Southern District of California do hereby certify the above and foregoing One Hundred & forty three pages numbered from 1 to 143 both inclusive to contain a full true and correct transcript of the record of the proceedings and of the decisions of said Court. Of the documentary evidence and of the testimony of the witnesses upon which said decisions are founded, on file in my office in Case No 328, on the docket of said Court, wherein John R Dabidea et al are the claimants - against the United States for the place called "Santa Paula y Saticoy"

In testimony whereof I hereunto set my hand and affix the seal of said Court at Monterey this 29th day of August AD 1864

John O Wheeler
Clk U S Dist Court Dist Cal

Office of the Attorney General of the United States,

Washington, 31 Dec 1855.

550. "Santa Paula y Santa Coy"

John P. Davidson, 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 3rd day of December, 1855, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Cushing

Attorney General.

No 328.

U S Dist Court
South Dist of Cal.a

" "

J R Davidson et al
appellees
ads
The United States
appellants

" "

Notice of appeal

" "

Filed Feby 12th 1856
J. E. Carr
Clk

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

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

John P. Davison, et al
appellees.
vs
The United States, appellant.

Docket No. 328.

Transcript No. 550.

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* 3rd *day of* February *A. D.* 1853, John P. Davison et al

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 Santa Barbara y Sitiecy 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 22d day of May A. D 1855, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 24th day of November 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. 550; reference to which it is prayed may be had and made part of this petition. That on or about the 3rd day of December 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 about the 12 day of February A. D. 1856, 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 claimants 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~~ said claim, 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. 328.

appeal

Filed this 5th January
A D 1857 Chas Clk
J. D. H. Coleman
Dep

United States of America, } SS.
SOUTHERN DISTRICT OF CALIFORNIA.

THE PRESIDENT OF THE UNITED STATES,

TO

John P. Davidson et al

328 SD
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GREETING:

TAKE NOTICE, That a Petition, a copy of which is herewith served upon you, has been filed against you, and each of you, in the District Court of the United States, in and for the Southern District of California, on the 5th day of January in the year of our Lord, one thousand eight hundred and fifty-seven, at the City and County of Los Angeles, in said District, by

P. Ord U.S. Atty praying Said Court to review the decision of the U.S. Board of Land Commissioners of the 22nd May 1855 Confirming your Claim to the land called Santa Barbara Satrico in the County of Santa Barbara

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.

In witness whereof, I have hereunto set my hand, and affixed the Seal of the said Court, this 5th day of January, in the year of our Lord, one thousand eight hundred and fifty-seven, at Los Angeles aforesaid.

C. Sims Clerk.

J. M. Coleman
Dep

No. 328

UNITED STATES OF AMERICA,
SOUTHERN DISTRICT OF CALIFORNIA,
U. S. DISTRICT COURT.

John P. Davidson et al
appellees

ads ~~Vs.~~

The United States
appellees

Filed on return this 16th April
AD 1857 Lewis Clk
J. H. Coleman
Dep

SUMMONS.

Rcvd febry 3d 1857
Edward Hunter
U.S. Marshal
Fr McGoodman
Deputy

328 SD
PAGE 95

Marshals Cost

Mileage to Santa Barbara
120 Miles at 36 Cts $7.20
120 " " return 7.20
14 40

Travelling Expenses
to Santa Barbara
7 Days horse hire at $4 $28.—
7 " Board & horsefed 21.—
$49.00

Not served ~~this Summons, along with~~ the ~~proper~~ copy of the Petition, upon
The Bartes not found
at Santa Barbara, in the Southern District of California, on
the 6th day of April, A. D. 1857.
Sworn to and subscribed before me, this
16th April 1857 Lewis Clerk.

Edward Hunter
U.S. Marshal.
Fr McGoodman
Deputy

J. H. Coleman
Dep

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

Sir:

In the case of the claim of John S. Davison, et al. confirmed to the claimant by the Commissioners, Case no. five hundred and fifty, (550), appeal will not be prosecuted by the United States.

I am,
Respectfully,
[illegible]

Pacificus Ord Esq
U. S. Attorney
Los Angeles

No. 328

Filed this 1st Feby 1858
C Smis clk
J A Coleman
Deputy

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

John P. Davison, et al.	December term 1857.
vs	No. 328.
The United States.	Docket No. 550.

On motion of P. Ord U. States Attorney for the Southern District of California, and on suggesting to the Court that it is not the intention of the United States, to prosecute further the appeal in this cause, it is ordered that the appeal, ~~in this cause~~ be dismissed.

P. Ord U.S. Atty.

No. 328.

J. P. Davison et al.

vs.

The United States.

Order of ~~[illegible]~~ dismissal

Filed 4th March 1858

Ohins
Clk

United States of America
Southern District of California } No. 328.
County of Los Angeles

John P. Davidson et al.
appees
and
The United States
Appellts

It having been satisfactorily proven to the Court that the Bill of charges for actual Expenses in the Account of Morris L. Boardman in the above Entitled Case for trying to serve Summons on the Appellees for horse hire & Boarding & Lodging by the oath of the said Morris L. Boardman late U. States Acting Marshal for the Southern District of California.

It is therefore ordered by the court that the said Account for actual Expenses be & the same is hereby allowed.

No 328

Order for
Allowance of actual
Expenses to Montbel

Filed Monday 9th
May 1859
C Jones
CR

Voucher 28.

United States District Court, Southern District of California, December Term 1856 held at the City of Los Angeles

Case No. 328.

John P. Davidson et al
Appees

vs

The United States
Appellts.

Fees due Morris L Goodman Acting Marshal for the United States in the above case. Appellees Not found. For Trying to serve Summons on Appellee

7 Days horse hire	a $4.00	$	28. 00.
7 " Board Lodging & horse feed	a $3.00		21. 00
	Total	$	49. 00.

On the 10th of April 1857.
by Order of the court.

State of California
County of Los Angeles } United States District Court

in and for the Southern District of the State of California

Now on this day comes Morris L Goodman in open Court and being duly sworn deposes and says, that the foregoing items of expense were necessarily incurred by him in attending to summons in the said case No 328 - and that he actually paid out the said sum further that he is unable to procure receipts for his board lodging and horse on account of the inability of parties with whom he stopped to write their names

Morris L Goodman

Sworn & subd to before me this 9th day of May 1859

Geo Pinto
Clk

No 328

Affdt of Morris L Goodman

Filed this 10th day of May 1859
Geo Pinto
Clk

328 SD
PAGE 103

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

John R Davidson et al Appellees ads The United States Appellants	Docket No 328 Trans No 550 Santa Paula Ex Jal Coy

It being suggested to the ~~Court~~ Judge that the survey of the land claimed in this case made under final decree, and approved by the United States Surveyor General for California, does not conform to said decree, and is erroneous, and that the survey will be to the injury of the said parties claimant, on application of J L Brent, Attorney for Claimants,

It is ordered that the said Surveyor General return to this Court the plat of said survey and that the claimants 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 on the said Surveyor General,

Given at Chambers this 18th day of April 1861

Ogden
N S District Judge

No 328

In U. S. Dist Court

South^n Dist of Cal^a

John P. Davidson et al
ads
The United States

Order to return Survey

Filed April 16th 1861
G. L. Mix
Clerk

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

John P. Davidson et al appellees vs The United States appellant	Docket No 328 Trans " 550 Santa Paula y Saticoy

And now on this day come the above parties claimant by J. L Brent their Attorney, and suggests that the Survey of the lands claimed in this case, and known as "Santa Paula y Saticoy" made under final decree, and approved by the United States Surveyor General for California, does not conform to said decree, and is erroneous, and that the said parties claimant will be injured thereby.—

Wherefore they pray for an order of this Hon Court for the return of the plat of said survey into this Court, for further action &c

J L Brent
Atty for Claimants

No 328

In U.S. Dist Court
South^n dist of Cal^a

John R Davidson et al
ads
The United States

Motion to return Survey

Filed April 16th 1861
G. L. Mix
Clerk

Made in Chambers –

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

John P Davidson et al
ads appellees
The United States - Appellants
} No 328

~~And~~ I hereby enter my appearance as one of the attorneys of record for the Claimants & appellees herein

W J Hermann

No. 328

In U S Dist Court
Southern Dist of Cal

John P Davidson
et al
ads
The United States

appearance of
M J Newmark

Filed in office this
28th day of May AD 1864
G. L. Mein
Clk

M J Newmark
Atty for appellees

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

John P. Davidson et al
Appellees
ads
The United States
Appellants

And now on this day come John P. Davidson et al the Claimants and Appellees above named and file their Exceptions to the survey of a portion of the lands claimed and confirmed in this case, the plat of which survey has been returned into this Court by the United States Surveyor General for California, and by him approved, which said Exceptions are as follows ——

He excepts to the Northern line of said plat between stake marked "S.P.4" and Sycamore marked "Sycamore S.P.11" which said line is more particularly described as follows to wit, Commencing at said stake marked "Stake S P4" between stations 9 & 10 of said plat, thence running N 81° E 96.88 to stake S P5, thence N 83 E 45.40 to stake S P6 thence N 65 3/4° E 55.00 to stake S P7, thence N 60 1/2° E 115.94 to

stake S P 8, thence N 51½° E 109.00 to point marked Oak S Pq, thence N 54° E, 342.00 to stake S P 10, thence N 14° 36' E 208.51 - to point marked S P 11.

And Claimants aver that the whole of the lands included within the lines they now claim are within the limits of the said grant as they are informed and verily believe, and they further aver that instead of the line above described, that the Northern line of said grant should be as is more particularly described as follows to wit,

Commencing at the point marked on said plat as stake S P 4 between stations 9 & 10 as aforesaid, thence running N 30° E 810.00 chains ~~to a point~~, thence N 75° E, 235.00 chains to an Oak tree, thence S 16¼° E, 208.65 chains to the point marked on said plat as Sycamore S P 11,

And Claimants further say that they will be greatly damaged and injured, should the Patent for the lands claimed under the grant aforesaid issue according to the said plat returned into Court by the Surveyor General of the United States for California,

Wherefore Claimants pray that the Survey and the patent for said

land ~~claimed~~ be decreed by this Hon Court to conform to the lines above claimed and described.

M J Newmark
Appellees attorney

United States of America
State of California
County of Los Angeles

M J Newmark being duly sworn deposes & says that he is one of the attorneys of Record for the Claimant and appellees in the foregoing entitled cause, that he has read the above Exceptions & knows the contents thereof, and that the same are true of his knowledge, except as to the matters therein stated to be on information ~~and~~ or belief, and that as to those matters he believes it to be true

Sworn to & subscribed before me this 28th day of May AD 1861

M J Newmark

W L Bryan
Notary Public

To R.H. Dimmick Esq
United States District Attorney for the
Southern District of California

You will please
take notice that the foregoing Exceptions
to the survey in the case of John P. —
Davidson et al ads The United States,
will be brought on for a hearing, before
the Hon United States District Court for
the Southern District of California, within
thirty days after the service of this upon
you, or as soon thereafter as Counsel
can be heard —

Los Angeles May 28th 1861 —

M J Newmark
Appellees Attorney

Due and personal service of a copy
of the above & foregoing Exceptions & notice
of hearing duly admitted and acknowledged
at the City of Los Angeles this the
28th day of May A D 1861 —

R. H. Dimmick
U. S. Dist Atty
Southern Dist Cal

(2)

No. 328

In U. S. Dist Court

Southn dist of Calª

The United States
Appellants &
ds
John R Davidson
et al
Appellees

Exceptions to survey

Filed in office this 28th
day of May ad 1861 –
J. L. Mix
Clk

328 SD
PAGE 114

M J Sherman
Atty for appellees

(2)

United States District Court
for the Southern District of
California, June term 1862

The United States
vs No. 328
John P. Dandsneta
On objections to survey.

Now at the present term
of the court, leave being first had
the claimants for further objections
to the survey in said case as approved
by the Surveyor General, come and
allege the following:

First, the said survey does not
conform to the decree of confirmation
in this case, in the third:

2. It does not conform to the grant
and the map or diseño, accompanying
the expediente.

3. It does include the lands embraced
by the grant either on the southern
or northern boundary.

4. The survey does not include all
the lands embraced by the grant
and diseño, attached to the grant.

V. E. Stearns
for
Claimants

(3)

No. ~~368~~ 328

U. S. Dist Court
Southn Dist Cal

The United States
vs
John P. Davidson
et al

Amended objections to
Survey

Filed Jan 2 1862
John D Whaley
Clerk

U. S. District Court for the Southern District of California -

The United States
vs.
John P. Davidson et. al. for
Santa Paula y Sespe

This case comes before the court on exceptions to the survey. The grant is for four square leagues ~~more~~ a little more or less. The decree of confirmation is for the same quantity but indicating the boundaries as in the original grant. I have had occasion heretofore to remark that quantity was the controlling matter in all these grants. Natural objects were indicated within which the grantee was to have his quantity of land assigned to him. To give any other construction to these grants would lead to the greatest uncertainty. In this case the northern boundary is wholly indefinite. If we take the top of the mountain the claimant will have in the limits of his grant about eleven leagues and the quantity will vary as the boundary is changed. If we take the base or foot of the mountain and regard the remaining calls the claimant has his quantity and the calls of the grant are satisfied.

It was contended on the argument of this case that the decree of the Board of Land

Commissioners gave specific boundaries irrespective of the quantity contained in the boundaries described. I do not so read the decree." The boundaries in the decree are from the "Arroyo de Mulas" on the East, the "Lomita" on the West and from the "Sierra" on the North to "Pocitos" on the South containing four square leagues a little more or less." The survey is located the lands within these boundaries except it does not reach the Pocitos on the South. It does not appear from the papers or evidence in the case whether making the Pocitos the Southern boundary would or would not materially increase the quantity reference being had to the other natural objects indicated. The claimant in any view of the case is entitled to have four leagues measured off to him as he may select within the boundaries mentioned in the Grant & decree. In this proceeding we are to follow the decree and the boundaries there given as I understand them with the exception ~~already~~ before mentioned conform to the survey.

Much was said on the argument as to the terms a little more or less in

in the grant and in the decree. I understand these terms to have significance in their ordinary and plain meaning. That is the quantity is to be given in a convenient form and shape with reference to the interest of the claimant and that of the Public and if in so designating the quantity within the boundaries it is exceeded or falls short by a few acres or as the grant enlarges by a few hundred acres ~~it is no objection to~~ the excess or deficiency is no objection to the survey. ~~In this case~~ But when it is sought to expand a grant of four leagues into eleven under the terms a little more or less the proposition can not be seriously entertained by claimant or counsel.

It remains to notice one other matter much urged in regard to this survey. It appears that in 1847 after the change of Government Judicial possession was given by an Alcalde and the land designated. The lines thus indicated it is claimed should now control the survey. It is argued with much plausibility and ability that a survey and designation by an Alcalde is equivalent to a survey made

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under the authority of our Surveying Department and conclusive upon the Government. There are two answers to this and first this survey or judicial inspection was not made by any officer of the Government and that an Alcalde so called appointed by the Military Governor of the Territory or elected could do any act affecting the public domain is a proposition which cannot be seriously entertained. How the Alcalde in this instance was appointed or acquired his authority does not appear and it is sufficient for our present purpose to say that any act of such real or pretended officer is void and of no effect. But these judicial inspections when made under the former Government of the country are not conclusive. The better opinion seems to be without now discussing the matter that such inspection and marking of boundaries is in all cases a fact to be taken into consideration in locations but where as in this case it is a total departure from the grant both as to quantity and boundaries it must rought to be entirely disregarded. As to powers of the Alcalde since the conquest see Field vs. Seabury et. al. 19th Howard S. C. Rep. 323.

As however the survey is objected to as not within the boundaries ~~fix~~ designated in the grant & decree, that is, it does not join the Pocitos on the South and also does not appear to have been made with the concurrence of the claimant I shall order the survey set aside ~~if~~ ~~the~~ unless the claimant elects to take the survey as it is and order a new survey to be made within the boundaries specified in the decree and so as to contain four leagues a little more or less as I have defined these words and ~~to within~~ to be surveyed in a compact form as the claimant may elect if within these boundaries there is an excess. The Eastern & Western boundaries are well defined. The Northern boundary is the Sierra or Mountain & means the base or foot of the Mountain and as to the Southern boundary it is not in the survey before the Court defined but the grant and decree call for the Pocitos on the South. The location of these is not probably difficult.

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

(5)

No. 328

U. S. Dist Court

South Dist Okla

The United States

vs

J. B. Davidson et al

On Return of Survey

Opinion

Filed June 25/02

John D. Wheeler

Clerk

328 SD

(3) PAGE 122

United States District Court. Southern District Cal.
Regular Term Term AD 1862
Monterey June 25th 1862

John P. Davidson et al : No. 328
Appellees
vs
The United States "Santa Rosalia Satteiro"
Appellants

This cause coming on to be heard upon the Exceptions of the appellees to the final survey of the premises heretofore made and approved in this case, and no intervention having been filed therein, the same having been argued by Counsel for the respective parties, and having been heard by the Court and fully understood. It is ordered adjudged and decreed by the Court that the said Exceptions be taken as true, and the same are hereby allowed, And it is further Ordered that the said Surveyor General is hereby directed to make a resurvey of the premises claimed in this case in accordance with the decree of the Board of land Commissioners confirming the claim, to wit. "Four square leagues a little more or less" within the boundaries set forth therein, as follows, From the "Arroyo de Mupu on the East, the "Lomita" on the West, and from the "Sierra" on the North to "Pacitos" on the South said survey to be run out in a compact form as the appellees may elect. If within these boundaries there is an excess,

And it is also ordered that the Clerk of this Court transmit to said Surveyor General the plat of said survey on file in this Court together with a certified copy of this Order for the further proceedings of said Surveyor General

Thus done in open Court this 25th day of June AD 1862

Fletcher M. Haig Ad
U.S. Dist Judge, South Dist Cala

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No. 328
U. S. Dist Court
South Dist Cala

J. B. Davidson et al
vs
The United States

on Return of Survey

Decree rejecting Survey

Filed June 25, 1862
John W. Shuler Clk

328 SD
PAGE 125

(4)

Recorded Book A of Decrees p 325

In the United States District-Court in and for the Southern District of California

John P. Davidson et al
vs.
The United States.
On Survey.

To Hon. F. M. Haight, Judge of said District:

The Petitioners respectfully represent that the Governor of the Department of California on the 28th day of April 1840, granted to Manuel Jimeno Casarin a rancho or tract of land situated in the County of Santa Barbara, present State of California, known as Santa Barbara Pequeña and Saticoy, that said Jimeno Casarin duly conveyed said lands and Rancho on the 11th day of October 1852, to Petitioners; that Petitioners duly presented their claim for Confirmation to the United States Board of Land Commissioners organized under the act of Congress of 1851, by petition filed February 3d 1853. that such proceedings were had before said Commissioners that such claim was afterwards duly confirmed, that the

appeal taken in said Case was subsequently dismissed, by order of the Attorney General of the United States, and that final Decree of Confirmation was subsequently entered in the District Court of the United States for the Southern District of California in which District the said lands lie. all which will more fully appear by reference to the Transcript and Record and proceedings of Court in said Cause; That subsequently the Surveyor General of the United States for the State of California proceeded and surveyed said Ranch, and returned the same into his office which Survey was approved by said Surveyor General for the quantity of four leagues only,

Petitioners are advised, that the a true and correct interpretation of said Grant and the Decree of the United States Commissioner & District Court confirming the same, it is a confirmation to the Petitioners for the whole tract of land to the extent of the natural boundaries of the same be it more or less than four leagues; They also make

known to your Honor that said grant and Confirmation contains of a quantity very much more than four leagues by exact measurement.

Petitioners further allege, that after the Confirmation of said Survey by the Surveyor General, the said Survey was duly ordered into this Court for adjudication, and at the last term thereof, in the County of Monterey, confirmed for four leagues a little more or less, to be selected by Claimants and not according, and to the whole extent of the exterior boundaries in said grant mentioned and recognized in the Decree of Confirmation, of title as Petitioners are advised.

Petitioners further allege that they made all proper exertions and used due diligence, to discover all evidence existing and pertinent to their case, before said trial on said Survey, either through themselves or their Vendee A. Moore, nor the owners of said Ranch, that since the trial of said cause at the last term at Monterey, and

since the decree in said cause was signed enrolled, and recorded and since the adjournment of said Court, the following important testimony has been discovered & viz: Petitioners can establish by Dr. Andres Pico, that the Mexican Government recognized by the Governor of the Department of California about the year 1845, the right of said Jimeno, to all the lands within the boundaries mentioned in his grant as will appear by the Affidavit of said Pico herewith presented.—

Petitioners further state that since the trial of said Cause they learn that they can prove by Jose Valdez and Raimundo Olivas, and Juan Sanchez, the well known boundaries recognized by the Mexican Government, and the right of said Jimeno to all the lands within the boundaries mentioned in his grant, and that he expects to be able to procure the Depositions of said witnesses by next term of this Court, but that he has not been able to do so in season to procure their affidavits for reason that they reside in the County of Santa

Barbara, and Petitioners did not learn the existance of this testimony until within the last two days, said Moore was informed of the same by Andres Pico, in the Mission of San Fernando, when owing to the great distance of the residence of said Witness, he was not able to procure their affidavits in season for this application. Petitioners expect to able to prove by said Witnesses and said Andres Pico, that the right to said all the lands embraced within the exterior limits of said grant to Jimeno was fully recognized by the Governor of the Department of California, and the Mexican authorities as early as the Year 1843.— and long previous to the 7th of July 1846, and prior to the treaty of Guadalupe Hidalgo, between the United States and Mexico.—

Petitioners further state, that an application for rehearing, or New Trial was not made previous to the adjournment of the last term of this Court held at Monterey, because neither they nor said A.P. Moore, was advised or informed of said Decree, until after

the same was enrolled, and after the said Court had adjourned for the term.

Neither Petitioners nor A. P. Moore are able to state whether the document referred to, in the affidavit of Andres Pico, is on file in the office of the Surveyor General of the United States of the State of California, because they have had no opportunity to search, as all the facts communicated to them or either of them on the subject were stated to them by said Andres Pico within the last two or three days.

Petitioners further state that said grant as they are informed and believe was confirmed to the extent of the exterior boundaries by Governor Micheltorena in 1843, and had also been previously confirmed to the same extent by the Departmental Assembly of California in May 25th 1840, Petitioners therefore pray for leave to file a Bill of Review in this case, reviewing the judgment of said Court.

C. E. Howard
For Petitioners

State of California
County of Los Angeles } ss.

Personally appeared

A. P. Moore, and being sworn deposes and says, that the foregoing petition has been read to him, and that he understands the same; that the allegations therein contained, made as of the personal knowledge of petitioners are true as therein stated, and those as made on information and belief, he believes them true.—

This affidavit is made by affiant because the facts stated in the forgoing petition are more particularly within the knowledge of this affiant, than of petitioners. That affiant and his brother T. W. Moore purchased said ranch of petitioners ~~at~~ in different parcels in the years 1857, and 1859, since which time in his own right and by authority of said petitioners affiant has assumed control of said cause, neither of said petitioners now reside within the Southern District of this court, and the affidavit of neither could be procured in season for this application.

A. P. Moore

Subscribed & sworn to before me this 4th day of Oct AD 1862

John J. Wheeler Clk

(6) 328

U.S. District Court.

J. P. Davidson et al
vs.
United States.

Petition for leave to file
Bill of review.

Filed Oct 4 1862
John O Wheeler
Clk

O. E. Howard
for Petitioners

(9)

In the United States District Court in and for the Southern District of the State of California.

John P. Dandson et al. Ps, }
The United States } } On Survey

Personally appeared Andres Pico, and being duly sworn deposes and says, that he is well acquainted with the Rancho of "Santa Ygula y Santiago" being the same lands claimed in this case, and that he knows the same for the last thirty-two years; that he was a member of the Commission appointed by the Governor of the Department in 1845; said Commission having been appointed with the object of making an Inventory of the lands property and appurtenances of the Missions, that he well knows, that in their report to the Government, as Commissioners of said Government they recognized, and knew the boundaries of Santa Paula and Saticoy, on the West, and North ~~Line~~ West, to be the

ones hereinafter mentioned, to wit
on the West, where the lands of
Raimundo Alvas, join the lands
of said Santa Paula y Satiscoy, and
said place of joining is designated
by a Barranco or gulch, said
Barranco or gulch being about
a mile distant from the Mission
of San Buenaventura, and that the
North Western boundary of said
lands claimed, affiant knows ran
North Easterly from the said Barranco
or gulch to a point East of a
garden called San Martin, said
point being about a thousand
yards of said garden.—

And affiant further states that
the report of the Commission above
mentioned appointed by said Governor
was duly approved by said Governor.

Andres Pico

Sworn to & subscribed before
me this 4th day of Oct A.D. 1862
John S. Wheeler
Clerk U.S. Dist Court S.D. Cal

328

U.S. District Court
for Southern District
of California —

J. P. Davidson et al
vs.
The United States.

Affd amd. 7/4 Pcd

Filed Oct 4, 1862
John Ashley
Clk

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

J. P. Davidson et al
vs.
The United States
On Survey

In the above stated case the Claimants move for a leave to file a Bill of Review, reviewing the judgment of this Court, rendered at the last Term thereof at Monterey, on the grounds set out in Petition and Affidavit herewith filed.

J. E. Howard
for Motion.

328

U. S. District Court.

J. P. Davidson et al
vs.
The United States.

Motion for leave to file
Bill of Review.

Filed Oct 4. 1862
John Mohler
Clk

328 SD
PAGE 138

V. E. Howard
for Motion.

(Copy)

San Francisco
Oct 6th 1863

Hon E. F. Beale
U. S. Surveyor
San Francisco

Sir.

In compliance with instructions I have run the exterior lines of the Rancho Santa Paula y Saticoy in accordance with the grant from Michelltorena and the Original diseño found in the espediente. The land between the north boundary of the Terrell survey and that run by me is with the exception of a small quantity in the North East (known as Potrero of Santa Paula) almost wholly unfit for cultivation and is not such land as would be subdivided by any conscientious deputy. Should the party be restricted to quantity it would be impossible to include all the places called for in the

grant in a compact form as heretofore required - for instance should Saticoy be selected then the Santa Paula is left out and vice versa,

Very Respectfully
Your Obt Serv
(Signed) G. H. Thompson
Depy Surr

No 328

A J Dwight
S Dwight Gale

J R Davidson
v
The United States

Letter to Surv Genl, from his Deputy

Filed Octo 21, 1863
John D Wheeler
Clk

U. S. Sur. Gen'l. Office.
San Francisco.
Sept. 30. 1863.

Hon. J. M. Haight.
Judge U. S. Dist. Court.

Sir.

The parties in interest in the matter of survey of Rancho Santa Paula y Saticoy still pending before your honor, having requested at their own expense a survey of the exterior lines of the said Rancho according to the diseño found in the expediente and having requested as a matter of justice that the same be placed before you before proceeding under your interlocutory decree as to survey I have thought proper in view of the circumstances to grant their request and hereby re-file the plat of survey heretofore your honor with the exterior lines marked

in Yellow - to enable them to have their case acted on should your honor deem proper.

I herewith enclose a copy of a Report made by the Deputy in relation to the quality of the land and can state from personal knowledge that the same is correct the portion North of the Sewell line being with the exception of a potrero or grazing plateau in the N.E. portion a succession of spurs from mountain ridges cut by deep cañons, and would not be comprised in the language of surveying as fit for agriculture and hence would never be subdivided or offered for sale by the United States. -

Very Respectfully
Your Obt. Svt.
C. H. Bailey
U. S. Surv. Genl

No 328

U. S. Dist. Court
South. Dist. Ga.

John R. Davidson
vs
The United States

Letter to F. M. Haught Esq
S. Genl.

Filed Oct. 21. 1863
John D. Schuler

In the District Court of the U. S. Southern District of California

The United States
Appellant
vs
John P. Davidson
Appellee

No. 328

On return of Survey

Now comes the said Appellee by his Attorney Isaac Hartman and moves the Court here for an order upon the Surveyor General of the United States directing him to proceed to make the survey in this case in accordance with the survey made and returned to the office of the Surveyor General of the United States for the State of California of the date of October 6. 1863. by G. H. Thompson Deputy Surveyor. and by said Surveyor General returned to this Court in answer to the order for re-survey said survey being the same as the one heretofore accepted to in this Court. except as modified on the plat last filed and marked "O." by the yellow lines thereon. Said appellee will use in support of his motion in this case the report of E. F. Beale Surveyor General to this Court. The report of G. H. Thompson Deputy Surveyor to said Surveyor General. An official search

in said Surveyor Generals Office giving a synop-
-sis of certain private Grants, also the official
Map marked "O" returned to this Court by said
Surveyor General in answer to the order of this
Court for a re Survey. The Appellee will
also refer to and use in support of this mo-
-tion the transcript, records, papers and files
in this Cause

Isaac Bertrand
Atty for Appellee

No 328

(8)

U. S. Dist Court
South^n Dist Cal^a

John R Davidson

v

The United States

Motion for order relative to survey

Filed Oct 21. 1863

John D Rhodes
Clk

W. S. Surv. Gens. Office.
San Francisco.
Sept. 30. 1863

Mr. Meyard.
Sir.

I have made the search requested by your order July 1st. 1863, with the result as shown by the accompanying tabular statement which I certify to be correct.

Very Respectfully
Your Obt. Svt.
E. F. Beale
U. S. Surv. Genl.

Details of a search made in the U. S. Surveyor General's office, being a synopsis of facts in the following Private grants

328 SD
PAGE 149

No. in Land Commission	No. in Dist. Court	Name of Rancho	No. of leagues in Grant	Area Surveyed	Remarks
168	46 N. Dist.	Arroyo de las Nueces	2 leagues a little more or less	4 leagues	Confirmed for 2 leagues in Land Commission & Dist. Court. Appealed to Supreme Court, who gave the quantity within the boundaries of the diseño or plat. See vol 22 Howard's Reports. U. S. vs Pacheco p. 225
243	32. N. Dist	Caymus	2 leagues	11. 886 63/100 acres	In the Dist. Court on question of Survey Judge Hoffman decreed Survey to be correct, and patent was issued.
256	334. N.D.	San Leandro	1. league a little more or less	7. 010 84/100 acres	Same action taken
385	127. S.D.	La Puente	4 leagues	11 leagues	Decree refers to Grant and Map. There are two papers of Concession, one from Gov.r Alvarado March 9th 1842 for 4 leagues and refers to diseño or plat. The other from Gov.r Pico July 22d 1845 for the land shown by diseño. But the Departmental Assembly ratify the Concession of 4 leagues only. Particular attention was called to this fact and the question placed before the General Land Office, who nevertheless issued the Patent for eleven leagues
47	211 S.D.	San Justo	4 leagues	8 leagues	Decree of Dist. Court June term 1857 which governs Survey, gives 4 leagues more or less, referring to the Grant and Map in Expediente. The Survey was presented to the District Court upon this question, and was confirmed

No 328

A. J. Dutton Comt

Smith Dutton Cmdt

J. P. Davidson

v.

The United States

Official Search S. Genl Office

Filed Octo. 21. 1863

John O. Wheeler

Clk

United States District Court, Southern District California

J. P. Davidson et al

vs

The United States.

Deposition of R. J. Hopkins a witness in behalf of the Claimants in the above entitled Cause taken before me on this the 17th day of June A D 1864.

Present, Wm H Patterson of Counsel for Claimants, and the U S Dist Atty in behalf of the United States

Questions by Atty for Claimants

1st Question, What is your name age and occupation, and residence

Ans, My Name is R J Hopkins, residence San Diego Co, age over twenty one years, and am Keeper of the Archives of the Land Commission and former Mexican Government.

2d Quest. Do you produce the Original Expediente of the Grant of "Santa Paula y Sateoy"

Ans. I do, from the Spanish Archives in my charge in the office of the U. S. Surv. Genl

Quest. By Describe these papers

Ans.

Not filed for Commission

2d Question. Do you produce any papers relating to the Rancho of "Santa Paula y Saticoy" & if so, describe the papers

Ans I produce from the Archives (Mexican) an order made by Jno Micheltorena on the 1st day of April 1842, confirming the title which had been previously made to Manuel Jimeno for the Rancho of "Santa Paula y Saticoy"

I also produce from said Archives a Map which appears to have accompanied said order.

These two papers were filed by Claimants before the Land Commission

3d Question. Is the document by you called an order, a copy of which purports to be contained on page 51. and a translation thereof on page 53 of the transcript from the Board of Land Commissioners on file in this Case, the original of said copy and translation

Ans Yes.

Do you know the signatures of the several persons subscribing the same are genuine. If so state

Ans. The signatures to said document are in my opinion genuine

Quest Do you also produce an original map or plat. a copy of which purports to be contained in the said Transcript. annexed to page 14. of this transcript and endorsed "Filed in office February 3d 1853. Geo Fisher Secy."

Ans — I do

Quest In whose hand writing is that map.

In the hand writing of Manuel Jimeno

In whose hand writing is the document signed by Michelorena which you have produced

Ans. I cannot now recall to mind the name of the man who wrote the order you refer to. but there are many documents in the same hand writing in the archives, among which are many grants, but I cannot recollect his name

Quest. Are you able to state whether the map of which you have spoken is the map or plat referred to in the said document signed by Micheltorena

There is no date to the map referred to showing when it was made, but I am of the opinion that it was made at or near the time that the order was made.
1st because both documents are upon the same kind of paper - to wit, paper bearing the Water mark of M. Ricardo.
Secondly, because neither in the Expediente of the Grant - which document comes down to the year 1840, nor in the Record of Juridical possession which was given in 1844 by Don Pablo de la Guerra do I find any paper similar to that upon which the order and the map are written

From these circumstances, and from the fact that there is no map in the Expediente, I am led to the conclusion that the map in question is the one referred to in the order

Quest. From your study of the Mexican Archives in your custody and the history of the Mexican Government while California

was a part of the Territory of Mexico State if you can the Condition of California at and about the time that Michelltorena was appointed Governor. And what of any powers were conferred upon him by the Supreme Government of Mexico as appears by official documents in your custody

(Question objected to by Def't Atty

Ans. In November 1836, Don Gutierrez was driven from California and very soon thereafter the Departmental Junta declared the Country free and independent, and appointed Juan B Alvarado Governor. In 1838, he was appointed by the Supreme Government, Governor Interino. And in 1839, he was appointed Constitutional Governor. During this time the Supreme Government appears not to have exercised much authority over the Department of California, the same having been in a state of Quasi Rebellion against the Supreme Government. In the ~~latter~~ Early part of the year 1842 Don Manuel Michelltorena was by the Supreme Government appointed Military Commandante and Governor of California and invested with Extraordinary Powers by the President for the purpose of reducing the Country to a condition of order.

In the latter part of 1842 he arrived in California with some 400 Soldiers which he

brought from Mexico. The Archives show that the people of California very soon became dissatisfied with the rule of Gov Micheltorena or rather with the disorderly conduct of his soldiers, and in the early part of the year 1845 by revolutionary movement forced him to leave the country. But that the supreme Government endorsed the official acts of Gov Micheltorena while in the charge of the Government of California is apparent from the fact that in April 1845, he was by the supreme Government appointed Constitutional Governor

Quest. Look upon Exhibit No 13. of the Exhibits attached to the brief on file in this Court of Isaac Hartman Esq in the Cases of the Mission Lands, and state whether that is a correct translation of an official document found in your office

Ans Yes.

Claimants Counsel here ask that Exhibit 13. be filed as a part of this deposition and the same is hereby filed by the Commissioner

Sworn to & subscribed before
me this 30 day of June
AD 1864

John O Wheeler
Clk of Dist Ct & Dist Gal

R. C. Hopkins

Geo H Hammersley U S Dist Atty

Quest. Are these papers you mention with the Water Mark of M Ricards the only ones in your custody as Keeper of the Mexican archives with a similar Mark of M Ricardo upon them.

Ans They are not. There are many documents in the archives written upon such paper. but these are the only ones in this case bearing that mark

R. C. Hopkins.

Sworn to & subscribed before
me this 9th day June AD 1864

John O Wheeler
Clk of Dist Ct & Dist Gal
by H Reed U S Commissioner

No. 328

U. S. Dist Court

South'n Dist Ala.

J. P. Davidson

vs

The United States

Deft's of R. & Hopkins

Filed June 8, 64

John D. Whalen

Clk

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

John P. Davidson Et al
appellees
vs
The United States
appellants

And now on this day comes
J. P. Davidson Et al claimants
and R. C. Whiting U. S. Attorney
for appellants comes & files
herein Exceptions on behalf the
appellants, to the reservoy & plat
filed herein on the 6th day of
June 1864 the plat of which
reservoy has been returned
into this Court by the United
States Surveyor-General for
California and by him
approved on the 8th day of
April 1864 —
which said Exceptions are
as follows — appellants Except
to the quantity of land contained
in said Reservoy & plat thereof
filed as aforesaid —

and say that the decree of confirmation upon which said resurvey was made limits the quantity of land to four square leagues a little more or less, (meaning a fraction of a league more or less if it should be ascertained upon accurate survey that there was such fractional surplus or deficiency within the exterior limits mentioned in said decree of confirmation) that the aforesaid resurvey & plat thereof includes eleven square leagues of land; and appellants ask that it be so modified as to reduce the quantity to four square leagues & no more

R. C. Whiting U. S.
District Attorney for
the Southern District
of California

Due service of a copy of the above exceptions and notice of hearing admitted —
June 7th 1864 — Patterson Wallace & Storr.
attorneys for claimants.

(6) No 328

In the U. S. Dist. Court

South^n District of California

The United States
appellants

vs

John P. Davidson
appellants

Exceptions to Recovery -

Filed June 8th 1864
John S. Wheeler
Clk

R. L. Whiting U. S.
Attorney -

(7)

U.S. District Court

Southern District of California

John T. Davidson et al

vs

The United States

No 328

328 SD
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The Surveyor General of the United States. Having on the 6th day of June 1864 in pursuance of an order of this Court ~~made on the 23d day of Octobr 1863~~. returned and caused to be filed in this Court. a new Survey of the Lands called Jaticay y Santa Paula, and the same having been filed in this Court and the District Attorney having on the 8th instant filed Exceptions thereto. And the Claimants having moved for an order and decree Confirming and approving said last mentioned Survey - And the Court being in doubt whether it has jurisdiction to make any order or decree Confirming or rejecting said last mentioned Survey

It is ordered (after hearing Pallerson for Claimants and the Dist Attorney on behalf of the United States) that the further hearing of the questions in relation to said last mentioned Survey be continued until July 20 1864.

No 328

U S Dist Court
South Dist Cal

L P Davidson

v

The United States

Order of Contin

Filed June 8 1864
John Wheeler
Clk

No 328

John P Davidson et al

vs

The United States

for Rancho Santa Paula of Saticoy.

At a Term of the District Court of the United States for the Southern Judicial District State of California held at the Court House in Monterey, on the 11th day of August 1864 Present F. M Hamilton Judge.

D. O. Wheeler Clerk &c

The Surveyor General of the U.S. for the State of California, having on the 25th day of February 1861. approved the official Survey of the Land confirmed to the claimants herein, and said Surveyor General having given the notice, and made the publication required by §1 of the act of Congress of June 14. 1860 Chap CXXXIII and an order having been made by this Court on motion of Claimants on the 18th day of April 1861. that the said U.S. Surveyor General return a Plat of said Survey to this Court, and the same having been returned, and filed by him on the 2d day of June 1862, and the claimants having filed Exceptions to said Survey, and the same having been argued and Submitted, and no other persons having filed Exceptions thereto, or intervened in Support of said Survey, and the Court having on the 25th day of June 1862, made an order Sustaining said Exceptions filed by Claimants and ordered the said Surveyor General to make a new Survey, and the said United States Surveyor General having made a Re Survey of said Rancho and Lands, which was approved by him on the

Eighth day of April AD 1864. and the said Surveyor General having returned said last mentioned Survey to this Court, and the District Attorney of the United States having on the 7th day of June 1864. filed Exceptions to the said last mentioned Survey, and the same having been argued by said District Attorney, and by Hartman & Patterson, and the Court being duly advised thereon and it appearing to the Court that said last mentioned Survey is in accordance with the Grant, decree, and final decree of Confirmation It is Ordered adjudged & decreed that the Survey of the Rancho Santa Paula of Saticoy approved ~~xxx~~ by E. F. Beale Surveyor General for California on the 8th day of April AD 1864, a plat whereof was filed in this Court on the 16th day of June 1864, be and the same hereby is in all things affirmed and approved and adjudged to be a proper and correct Survey of the said Rancho. This decree and decision being made by the Court pro forma for the purpose of expediting the final decision of the matter in controversy before the Appelate Court and the Court hereby allows the United States to appeal therefrom

Fletcher M. Haight

Dist Judge of U. S. for Southern District of California —

Signed in Open Court & Ordered entered

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(11)

No. 328

U. S. Dist Court

South Dist Cal

John R Davidson et al

vs

The United States

Decree pro forma, approving survey.

Filed Aug 11. 1864

John S Wheeler

Clk

(8)

In this case there was a grant of an league to Ortega who surrendered it, and Manuel Jemino applied and obtained the grant. In his petition he asks for the particular land in the given boundaries with the extension so as to include the Potrero de Santa Paula, La Soledad, the Senega del Rio, Setaca, las Serenitas ~~&c.~~ Las Juentas and las lomas de Santa Paula. The grant shows it to be the intention to include all these places, as they are delineated on the map according to which the grant is made.

Three years after the grant was made in 1843, Micheltorena confirmed the grant to the extension mentioned in the map. The Board of Land Commissioners recite this confirmation and treat it as equivalent to a grant. There can be no doubt, the object of Jemino in asking for the confirmation of Micheltorena was

to obtain an indubitable right to all the land embraced by the map. The Land Commission treat this confirmation as giving the right, and expressly referred to it, as well as to the map on which Michel Lorena acted.

The fair construction of the decree of the Commission will show it to be a confirmation of the whole tract to the boundaries, delineated on the map.

The judicial possession is in entire conformity to the map which was the basis of the confirmation of Michel Lorena. It shows at all events what was the understanding of the Mexican authorities at the time of the grant of 1840 was limited to four leagues, the subsequent confirmation of Michel Lorena in 1843, remedied that limitation, and gave all the land embraced by the map.

The survey in this case must be rejected, as it does not embrace the Potrero on the North, for the Sonomas, and pacitos on the South,

It is admitted, that the grantee is entitled to select his quantity from the whole grant, even if he is restricted in quantity. It is submitted, however, that the grantee is entitled to have the whole quantity within the map, and that such is the true construction of the clause of the Commission.

No

J. P. Dandson
et al

v

Central State

Ch. Objections
to

Survey

Brief

V. E. Howard

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

CITY AND COUNTY OF LOS ANGELES—STATE OF CALIFORNIA.

49

John R Davidson et al appellees
vs
The United States Appellants

Docket No. 328

Transcript No. 550

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 ~~February~~ 3d day of February A. D 1853:

John R Davidson et al

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 Santa Paula y Sateoy 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 22d day of May A. D. 1855, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 24th day of November 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. 550; reference to which it is prayed may be had and made part of this petition. That on or about the 3d day of December 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 or about the 12th day of February A. D. 1856 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 reversed, revised 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.

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 commissiouers; 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 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.

Filed this 5th January AD 1854
J. Sims Clk
J. H. Coleman Dpty