

Chapter Two

JOSE BARTOLOME TAPIA

The end of the prehistoric era in California was marked by the explorations of Juan Cabrillo, who set sail from Navidad, Mexico in June 1542 with his two ships, the Victoria and the San Salvador.

On September 28, 1542, Cabrillo sailed into the bay of what is now known as San Diego. Sailing northward, he anchored on October 10th in the small bay of Malibu Lagoon, claiming this landfall for the King of Spain. He stayed until October 13th, filling his water casks and naming this tranquil lagoon and beach in his log the "Pueblo de las Canoas" (Town of the Canoes), because of the many well-crafted canoes which came to his ships to greet him.

After this, over 200 years were to pass in relative quiet along the Malibu coast. The Chumash Indians could perhaps occasionally sight the sail of a distant ship as the Manila Galleons passed south to Acapulco and San Blas on their return voyage from the Far East.

King Charles III of Spain, feeling the pressure of the explorations of the English and the Russians, which might threaten his claims on the California coast, sent expeditions northward from Mexico to settle strategic areas in California and secure the Spanish interests.

The first of these overland expeditions was headed in 1775 by Juan Bautista de Anza who had the task of gathering and shepherding some 250 men, women, and children across the uncharted deserts and mountains of Mexico to settle in California. Included in the expedition were 695 horses and mules plus some 355 head of cattle for food en route and for future herds.

One of the members of the group was young Jose Bartolome Tapia, eldest of nine children of a soldier's family. This was the person destined many years later to become the first historical owner of the Rancho Malibu.

From the de Anza expedition diaries, it has been determined that on February 22, 1776, they made camp on a fine stream under the oak trees in the canyon now known as Malibu Creek. It is said that the young Jose Tapia rode his horse Is along an old Indian trail through a beautiful canyon in the late afternoon and looked down upon a lagoon and beach.

The Tapia family settled in Northern California. Later, Jose Tapia moved to the San Luis Obispo Mission Rancho where he became Major domo.

In 1800, Tapia and his family moved south and began farming near what is now San Gabriel. At that time he made application to the Commander of the military garrison at Santa Barbara for the area he had seen as a youth on de Anza's expedition and known as Rancho Topanga Malibu Sequit. Because of his fine previous service in the army, Tapia was given the land as a place to graze his cattle and raise his family.

Under the law during this Spanish period, absolute ownership of land was unknown. Concessions of land, however, could be granted by the governors in the name of the king for farming and cattle grazing. This was the status of Tapia's title. It was not a land grant, but a "use" concession.

Tapia lived with his wife and family on Vaquero Flats in Rancho Malibu raising cattle and living the life of the early California Dons. He died on April 18, 1824. In his will he stated:

"I declare that it has been my will that there remain to my wife for her maintenance, the vineyard with the planting ground. To carry on the vineyard, let her have the still, the kettle, two pipes and three barrels. All the saints are for my old woman, the mill and the house, and the ranch and all the cattle belong to said wife."

After the Mexican-Spanish revolution in 1822, Mexico established her independence from Spain. Between 1822 and 1846 the Mexican government confirmed many Spanish Concessions with Mexican Land Grants. The application and petition process was rather complicated. No documents were ever found indicating that the Tapia family had followed the prescribed procedure. Their title was in Jeopardy.

LEON VICTOR PRUDHOMME

In 1844, a 22-year old Frenchman, named Leon Victor Prudhomme arrived in Los Angeles. He went to work with prosperous merchant Tiburcio Tapia, son of the now deceased Jose Bartolome Tapia. Prudhomme became a trusted friend of the Tapia family and a Mexican citizen. In 1847 Tiburcio Tapia died. He had been mayor of the Los Angeles Pueblo three times. His only daughter, 16-year old Maria, married Leon Prudhomme.

In the following year, the grandmother of Maria and widow of Jose Bartolome Tapia, sold the Rancho Malibu to Prudhomme and his new wife (her granddaughter). The Rancho was described as follows:

"Said land is bounded on the North by the Sierra Mayor; on the South by the Pacific Ocean; on the East by the Rancho Santa Monica, where it joins the Canada de Topanga; and on the West by the mouth of the San Buenaventura River."

It was on January 24, 1848-the day gold was discovered in California-that the Tapia's and the Prudhommes gathered at the adobe office of Stephen Foster, alcalde of the Pueblo, to conclude the transfer and sign the deeds. The purchase price was 400 pesos, 200 pesos in cash and 200 pesos in merchandise consisting of groceries and wine.

Prudhomme had acquired the property during the transition period between the end of the Mexican rule and before the United States government had been organized in California. When the U.S. Land Commission began its hearings in 1852 to segregate private land from public domain, Prudhomme put in his claim for the Rancho Malibu. No documents could be produced actually proving the early-day grant of Malibu to Tapia. A search of the Surveyor General's office in San Francisco proved futile. Friends came forward to testify to the long occupancy of

Rancho Malibu by the family, to no avail. In 1854 the Commissioners turned down Prudhomme's claim. He remained, however, on the land although he did not have good and clear title.

From the time gold was discovered in 1848 until 1855, it was a time of great wealth for Rancho Malibu. Cattle were driven north to the gold fields where each animal brought fabulous prices, paid for in gold. By 1857, however, the prosperous days were gone. The real estate boom was over and the panic was on. Prudhomme was discouraged and now sought a buyer for his rancho.

DON MATEO KELLER

Don Mateo Keller, born Matthew Keller in Ireland in 1811, was well educated, had studied for the priesthood, and spoke perfect French and Spanish. He left Ireland and went to Mexico to seek his fortune. Some years later he came north to California. Keller heard about the Rancho Malibu being for sale. He also knew that Prudhomme had been denied legal title to the property by the U.S. Land Commission. Despite this problem, in 1857 he accepted a quit claim deed paying the Prudhomme's \$1400 or about 10 cents for each acre of the entire rancho. Seven years later, in an attempt to clear the title, Keller had his name substituted for Prudhomme's name in Case No. 147 and filed a Bill of Review. With new evidence, better attorneys, and more sympathetic judges, a decree confirming Keller's claim was rendered. The Honorable Fletcher M. Haight, judge of the U.S. District Court on October 24, 1864, made the confirmation. The original boundaries of Tapia's Rancho Malibu were described as:

"Extending from a place called 'Topanga,' the dividing line between these lands and the Ranch of 'Santa Monica,' on the southeast, along the Pacific to a point called Mugu on the northwest, and bounded on the northeast by a ledge of rocks on the top of and extending the whole length of a range of mountains; and adjoining the lines of the ranchos of 'Las Virgines,' 'Triunfo,' 'Santa Ysabel,' and 'Conejo.'"

Judge Haight's confirmation to Keller was made to the extent of three square leagues within the above mentioned boundaries (about 13,330 acres).

There were more than ten square leagues within the exterior boundaries of the original Rancho Malibu described in the decree. The remainder of the tract was surveyed as government land and later homesteaded. An appeal by the U.S. Land Commission to the U.S. Supreme Court to overturn judge Haight's decision was heard and dismissed by the Hon. Salmon P. Chase Chief justice, March 10, 1865.

In 1870 a survey of the land was made by the United States Surveyor General. The map was approved and on August 29, 1872, President Ulysses S. Grant did "give and grant" the Rancho Topanga Malibu Sequit to Keller. Henceforward, all deeds to Malibu real estate are traceable to "the land of Matthew Keller in the Topanga Malibu Sequit."

Matthew Keller died in 1881 and his son, Henry Keller, succeeded his father as owner of the Rancho. Henry was a financier and busy in the life of Southern California. In 1892 Keller sold

his beautiful coastline property for \$10 per acre to Frederick Hastings Rindge. Thirty-five years earlier Henry's father had paid 10 cents an acre for this same property.