

CASE No.

362

NORTHERN DISTRICT

TODOS SANTOS y SAN ANTONIO

AND COSUMNES GRANT

Wm. E. P. HARTNELL

CLAIMANT

LAND CASE 362 ND

210 pgs.

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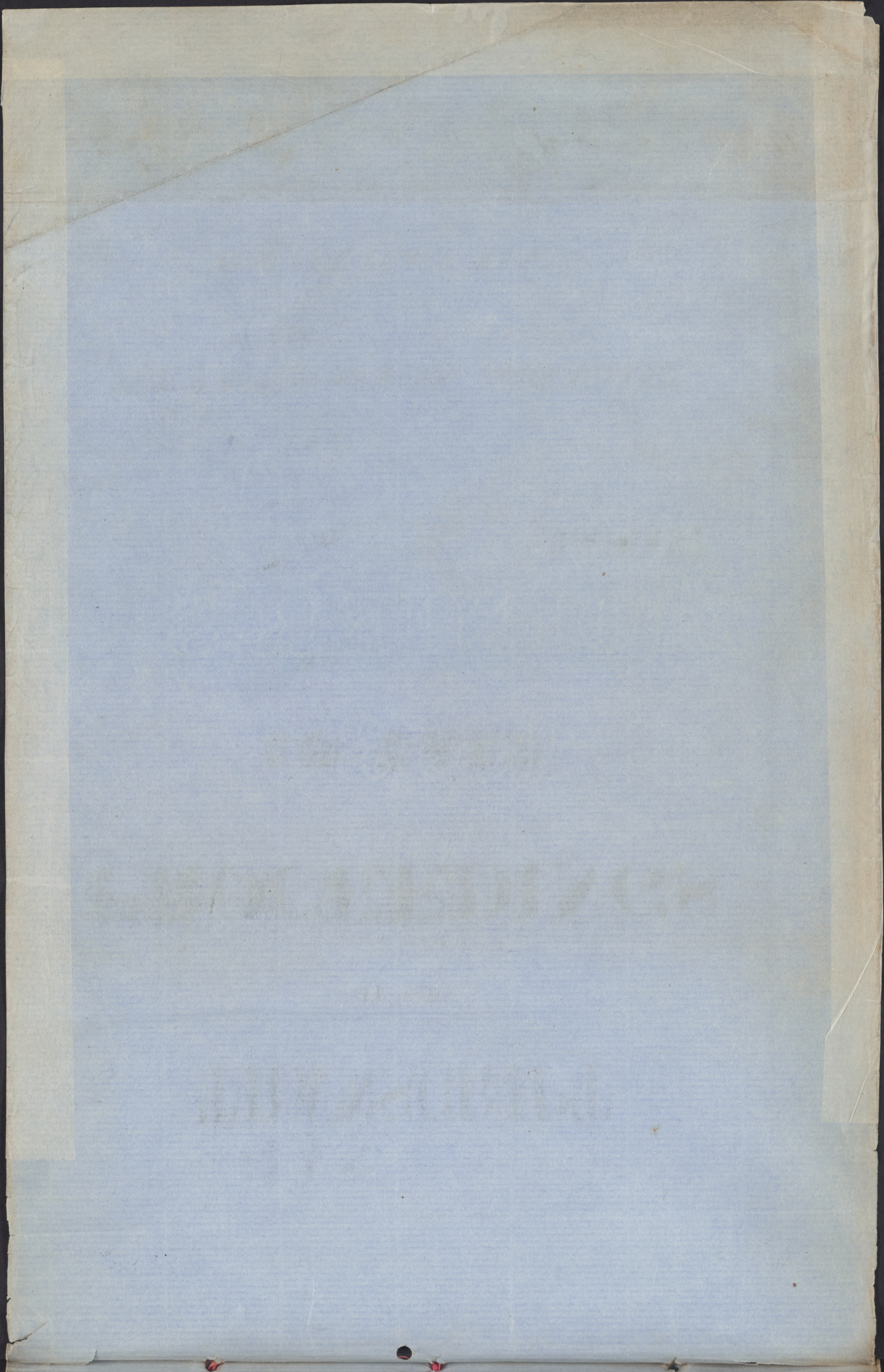
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TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. 228

Wm E P Hartnett

CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Todos Santos y San Antonio & Casimiro"

THE STATE OF NEW YORK

IN SENATE

JANUARY

1856

PROCEEDINGS

OF THE

LEGISLATURE

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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

The Petition of *Wm. E. J. Hartwell* for the Place named *Sodas Santos y San Antonio Cosumnes* was presented, and ordered to be filed and docketed with No. 228 and is as follows, to wit;

(Vide page 5 of this Transcript.)

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

San Francisco May 13th 1852
In case No 228 *Wm. E. J. Hartwell* for the place named "*Sodas Santos y San Antonio Cosumnes*" the deposition of *Pablo de la Cruz*, a witness in behalf of the claimant, taken before Commissioner *James Wilson*, was filed.
(vide page 8 of this transcript)

San Francisco January 27, 1853
In the same case the deposition of *Manuel Jimeno*, a witness in behalf of the claimant, taken before Commissioner *Henry D. Thornton*, was filed.
(vide page 11 of this transcript)

San Francisco January 29, 1853
In the same case the deposition of *Wm. G. Chan*, a witness in behalf of the claimant, taken before Commissioner *Neiland Keane*, was filed.
(vide page 12 of this transcript)

San Francisco Sept 23, 1853
 Case No 228 was called on motion of the counsel
 for the claimant, ordered to the foot of the docket

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San Francisco Sept 26, 1853
 In the same case the deposition of Francisco de
 la Grana, a witness in behalf of the claimant
 taken before Commissioner Alfonso Pella was filed
 (vide page 13 of this transcript)

San Francisco Jan 11, 1854
 In the same case the deposition of Fernando Tico, a
 witness in behalf of the claimant, taken before
 Commissioner R. Ugg, Thompson, was filed.
 (vide page 14 of this transcript)

San Francisco April 18, 1854
 In the same case the counsel for the claimant filed
 the following motion to wit:
 (vide page 19 of this transcript)
 which motion having been sustained, it is
 Ordered, that the case be revived
 in the name of the heirs, and testimony be taken
 in the premises.

San Francisco June 1, 1854
 In the same case the deposition of Jonathan S.
 Sherman and Thomas McCartney, witnesses in
 behalf of the United States, taken before Com-
 missioner Peter Latta, was filed.
 (vide pages 16 & 22 of this transcript)

San Francisco June 2, 1854
 In the same case the deposition of George W. Wyman
 a witness in behalf of the claimant, taken before
 Commissioner Peter Latta, was filed.
 (vide page 24 of this transcript)

San Francisco June 21, 1854
 In the same case the deposition of John P. Rhodes

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a. witness in behalf of the claimant taken before Commissioner Peter Sate, was filed

(vide page 36 of this transcript)

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San Francisco June 24, 1854
In the same case the deposition of John Pashu
a witness in behalf of the United States taken
before Commissioner Stephen Sate was filed

(vide page 39 of this transcript)

San Francisco July 11, 1854
In the same case the Counsel for the claimant filed
the following stipulations, to-wit:

(vide pages 119 & 120 of this transcript)

San Francisco July 11, 1854
In the same case on motion of the Counsel for
the claimants, the following order was made to-wit:

(vide page 136 of this transcript)

San Francisco July 17, 1854
In the same case the deposition of Jose Maria
Carrasquero, a witness in behalf of the claimants
taken before Commissioner Peter Sate, was filed

(vide page 149 of this transcript)

San Francisco Sept 19, 1854
Case No 228 was ordered to be placed at the foot
of the 3^d Clap case in the trial docket

San Francisco Oct 1st, 1854
In the same case the Counsel for the claimants filed
the following motion, to-wit:

(vide page 121 of this transcript)

which motion was granted, and

Ordered that said petition be amended
in accordance with the said motion

San Francisco Oct 24, 1854
Case No 228 was submitted on brief and taken
under advisement by the Board

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

(vide page 122 of this transcript)

H

San Francisco August 7, 1855

In the same case Commissioner S. P. Yarnell delivered the opinion of the Board confirming the claim.

(vide page 169 of this transcript)

and the following order was made, to wit:

(vide page 172 of the transcript)

MS.

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Petition.

To the Honorable Commissioners to settle the Private Land Claims in California

The petitioner William E. P. Hartnell respectfully shows:

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That on the 28th day of August A.D. 1841, Juan B. Alvarado, Governor of California, by virtue of authority in him vested, granted to the petitioner the tract of land called "Todos Santos and San Antonio", situate in the present County of Santa Barbara, containing five square leagues, a little more or less, with the boundaries described in said grant and set forth in the corresponding plot; a copy of which grant is submitted herewith marked "A", with a translation marked "B".

That on the 4th day of October, A.D. 1841, the said tract of land was duly surveyed and the judicial possession of it given by the proper authority in due form of law; a copy of which judicial Act of possession is submitted herewith marked "C" with a translation marked "D".

And the petitioner further shows that on the 3^d day of November A.D. 1844, Manuel Micheltorena, Governor of California, by virtue of authority in him vested, granted to the petitioner, on the River Cosumnes, in the present County of Sacramento, a tract of land consisting of eleven square leagues, as described in the title and set forth in the

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corresponding map; a copy of which grant
is submitted herewith marked "E", with a
translation marked "F".

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And the petitioner further shows that
on the 22^d day of April A.D. 1846, the De-
partmental Assembly of California, con-
firmed the said grants of "Jodos Santos
and San Antonio" and "Cosumnes", to the
extent of eleven square leagues, leaving the
petitioner to select the eleven leagues so con-
firmed from the two tracts granted as afore-
said, as he should deem fit, the said As-
sembly not deeming themselves authorized to
confirm grants for a greater extent than 11
square leagues; all of which is more particu-
larly shown in the Expedientes of the two
grants, copies of which are submitted here-
with marked "G" and "I", with translations
marked "H" and "J".

And the petitioner further shows that
the said Governor Micheltorrea was fully
empowered by the Supreme Government to
make grants for a greater extent than 11
square leagues, as is fully proven by the
powers received by him from the Supreme
Government of Mexico, a copy of which is
submitted herewith marked "K", with a
translation marked "L".

And the petitioner further shows that
he has been for more than 10 years, and now
is, in the quiet, peaceful and undisputed pos-
session of the said tract of "Jodos Santos and

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San Antonio;

That he knows of no conflicting claim,

That immediately on receiving the aforesaid grant for the "Cosummes" tract, he took possession of it, and has ever since been, and now is, in the use, possession and occupation of the said tract of land -

That the tract of Todos Santos and San Antonio has not been surveyed by the Surveyor General of the United States, but that it was duly surveyed and its boundaries marked in 1841, as aforesaid -

That the said tract of "Cosummes" has not been surveyed by the Surveyor General of the United States, but that it was duly surveyed by an officer of the United States in 1841 and its boundaries marked out, a copy of which survey is submitted herewith marked "No" -

The petitioner relies for confirmation of title upon the original papers copies of which are submitted herewith; upon the records and minutes in the Archives now in charge of the Surveyor General; and upon such other and further proofs as he may be advised are necessary -

Wherefore he prays the Commissioners to confirm to him the said grants of 5 square leagues of "Todos Santos and San Antonio" and 11 square leagues of the "Co-

Sumner tract; and if the Honourable Commissioners should decide (and against such decision he solemnly protests) that he is entitled to but 11 square leagues in all, the petitioner prays your Honourable body to confirm to him two square leagues of the "Losos Santos" tract, and 9 square leagues of the "Cosumnes" tract.

By his Atty.

Walter Peckey & Billing.

Filed in office May 12th 1852.

Geo. Fisher
Clerk

Deposition
of
J. de la Guerra

Board of Commissioners upon private land claims in California. May 12th A.D. 1852. The deposition of Pablo de la Guerra taken at the request of W. E. P. Hunt will be used in the case No. 228 for confirmation of the grant of the Rancho "Losos Santos" of San Antonio and "Cosumnes".

Questions by Claimant.

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

Answer. My name is Pablo de la Guerra; my age is 82 years; I reside in Santa Barbara, and have lived in California all my life.

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2. Question - Do you know the signature of Manuel Micheltonna, and if so, say whether his signature to the paper before you is genuine, if the paper was genuine, and an original official document, and if "Exhibit K" filed in claim No. 228 in the office of the Secretary of the Board of Commissioners is a true copy of this original?

Answer - I do know the signature of Manuel Micheltonna; his signature to the document before me is genuine, and the document is genuine and an original received by me as an official paper while I was Collector of Customs in California; I have compared this paper with Exhibit "K" filed in claim No. 228 in the office of the Secretary of the Commissioners and find the latter to be a correct copy of this original -

Objected to by G. W. Cooley, Law Agent U.S. as incompetent -

Question to the witness by George W. Cooley Esq, Law Agent of the United States -

Interrogatory - 1st From whom did you receive the paper now exhibited to you as an official paper?

Answer - I cannot say from whom I received the paper - I have had the paper in my possession several years - It may have been left with some of the Clerks or I may have found it on my desk in my office - I

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Cannot now state from whom I received it - I received and treated it as an official paper sent to me for my instruction and guidance in the performance of my official duties as collector of Customs at Monterey which embraced the whole district of California - I received the paper as I understood as coming from Governor Micheltorena - I had before requested of the Governor a copy of his instructions for the reason that he had made some new regulations in reference to the Custom House - I received the paper now exhibited as I understood in consequence of my request.

Interrogatory by Capt. Hallik counsel for petitioner -

Did Governor Micheltorena show to you a paper which purported to be his original instructions and of ~~the~~ which this paper purports to be a certified copy before you received the paper exhibited?

Objected to by Mr. Leoley Law Agent U.S. as incompetent -

Deponent's Answer - He did -

Pablo de la Guerra

May 12th 1852 - Subscribed and sworn to before me

James Wilson
Commissioner

Filed in office May 12th 1852 - Geo. Fisher Secy

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San Francisco, January 27, 1853 -

Deposition
of
Maur. Jimeno.

On this day before Court Henry J. Thornton, came Manuel Jimeno, a witness in behalf of the claimants, J. E. Hartnell, petition No. 228, and was duly sworn, his name being interpreted by the Secretary -

In answer to questions propounded by claimants' counsel, the witness testifies as follows:

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My name is Manuel Jimeno, my age is 49 years, and I have lived in California 24 years -

I know the handwriting of Manuel Micheltorona, Juan B. Alvarado, Narciso Botello, Dr. E. P. Hartnell, Fernando Lico, Henrique Mellus, Jose Antonio de la Guirra y Barillo, Antonio Olivera, Jose Maria Valenzuela; their signatures to the papers before me marked "No. 1" and filed herewith are genuine; the signatures of Manuel Jimeno are my own.

I know the Rancho of "Los Santos", described in these papers; it is in Santa Barbara County; Mr. Hartnell occupied immediately after he got this grant with a small house, corrales, cattle and horses; he has continued to occupy it ever since, one of his sons lives on it now -

Maur. Jimeno
U. S. Law Agent present.

Sworn to and

Subscribed before me this 27th Jan'y 1853 -
 Harry J. Thornton
 Com: #6 -

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Filed in Office Jan'y 27, 1853 -
 Geo. Fisher, Secy -

San Francisco Jan'y 28th 1853 -

Deposition
 of
 Wm G. Chard

On this day before Com: Heiland Hall
 came Wm G. Chard, a witness in behalf of
 the Claimant, Wm E. P. Hartwell, petition
 No. 228, and was duly sworn, his witness
 being given in English -

The U. S. Associate Law Agent was present.

In answer to inquiries by Counsel for
 the Claimant, the witness testified as follows:

My name is Wm G. Chard, my age
 is forty two years, and I have lived in
 California 22 years -

I know the Rancho on the Commons
 claimed by W. E. P. Hartwell: it was occu-
 pied by him in 1845; a house as I under-
 stood was put on it about that time, but
 I did not see the house until 1848 -

W. G. Chard
 Sworn and Subscribed before me
 Heiland Hall, Com:

Filed in Office Jan'y 29th 1853 - Geo. Fisher, Secy -

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

Deposition

of
F. de la Guerra

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This day before Court Alphonsus Felix
Francisco de la Guerra, a witness in
behalf of Claimant, Guillermo E. Hartwell,
No. 228, who, after being duly sworn de-
posed as follows:

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Questions by Mr. Haller, attorney for
the claimant.

1. Question. What are your name,
age and place of residence -

Answer. My name is Francisco de la
Guerra, my age thirty six years, and I re-
side at Santa Barbara in California

2. Question. Do you know the Rancho
of Los Santos y San Antonio? if yes, where
is its situation, and what do you know a-
bout its occupation?

Answer. I know the Rancho. It is
near the Mission of La Purissima, in the
County of Santa Barbara. I was there in
the year 1842 to the best of my recollection.
It was occupied by Mr. Hartwell, the present
claimant, and he had at that time about six
hundred head of cattle and afterwards about
two thousand head of cattle on it, and about
three hundred head of horses. He had a house
on it and corrals. One of his sons lived
in the house with the overseers and herdsmen

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belonging to the Ramos - The occupation has continued down to the present time, one of his sons living there now -

Fran^{co} - de la Guerra

Mr. Groundon, Associate Law Agent, attended at the taking of this deposition but propounded no questions to the witness - Mr. Fisher Stry, &c, acted as Interpreter, the testimony being given in the Spanish language -

Subscribed and sworn to before me this twenty sixth day of September 1853 -

Alphus Fish
Commissioner -

Filed in Office Sept. 26, 1853
Geo. Fisher, Stry.

Deposition
of
Fernando Fies.

Case No. 228 -

United States Land Commission
San Francisco Jan. 11, 1854 -

On this day before Commissioner R. Aug. Thompson came Fernando Fies, a witness in behalf of claimant, Guillermo Eduardo Hartnell, Case No. 228, who, being duly sworn, deposed as follows, his witness being interpreted by the Secretary -

Present Claimant's attorney, and U.S. Associate Law Agent -

Witness states his name Fernando Fies, his age fifty five years, and resi -

and Santa Clara County -

Questions by Claimants Attorney

What Office did you hold in the year 1841?

Answer -

I was the Judge of the first Instance -

Question by same -

Look at the document now shown you marked 'Doc. N.S.T. No. 1' annexed to the deposition of Manuel Jimeno filed in this case purporting to be a record of judicial possession and state what you know of the execution of the same & of the giving said possession?

Answer -

I recognize said document as an original act of judicial possession executed by me in my official capacity - My signatures and rubrics when they occur thereon are genuine, and were made by me at the time they bear date - The other signatures on said document of possession are genuine and were made in my presence.

Question - by same -

What improvements had Mr. Hartnell, the grantee on said land at the time you gave such possession?

Answer -

We had at that time a wood.

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on house on the land and a stock of
cattle - The house was then inhabited
but I do not know by whom -

Sworn to Fernando Luis -

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Sworn to and subscribed
before me Jan. 11. 1854

R. Aug. Thompson

Const.

Filed in office Jan. 11. 1854 -

Jos. Fisher, Secy -

United States of America 3
State of California 3

Deposition
of
J. O. Sherwood.

San Francisco Jan 1, 1855:

This day personally sworn before
Peter Gott, a Commissioner for taking
testimony to be used before the Board
of U. S. Game Commissioners in said
State, Jos. Nathan O. Sherwood, a witness
on behalf of the United States in case
no. 228, on the Docket of said Board,
whom Guillermo Eduardo Hartwell,
is Claimant, and the said witness being
duly sworn on oath deposed in Eng-
lish as follows, to wit:

The Claimant's Counsel is present.

Questions by U. S. Law Agent -

1. Question. What is your name,

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age and place of residence?

Answer. My name is Jonathan S. Sherwood, my age 26 years, my residence Sacramento County, California.

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2^d Question. Are you acquainted with the tract of land claimed by William E. Hartwell on the Cosumnes river, if yes, state the average distance from the Cosumnes river to Dry Creek, and the average distance from the lower or western end of his claim to the foot hills of the Sierra Nevada mountains?

Answer. I am acquainted with the land. The average distance between the Cosumnes river and Dry Creek is about 15 miles. The average distance from the lower or west end of Hartwell's claim to the foot hills of the Sierra Nevada is 20 miles.

3^d Question. How many square leagues of land are included within the following boundaries, "On the north the River Cosumnes, on the west the Rancho of Señor Anastasio Chaboya, on the south the vicinity of Dry Creek, on the East the vicinity of the Sierra Nevada?"

Answer. Those boundaries would embrace 60 square leagues.

4. Question. Did you ever have

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any conversation with Mr. Hartwell
respecting his claim on the Cosumnes,
if so, state when and where it occurred
and the statements he made to you re-
specting said claim?

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Answer - I had a conversation in
October 1852, with Mr. Hartwell, at Mon-
terey; he told me he claimed a tract of
land on the Cosumnes river, called
the Cosumnes Ranch - that he wished
to sell it, all together, or in parcels - he
said he would convey no other title ex-
cept a quit claim deed - that his title
might or might not be good - that he
took the title from the government on
the representation of Mr. Sheldon -
that he took it for the purpose of specu-
lation - that he could get it by ask-
ing for it and paying the sum of 8
dollars for making out the papers, I
think - that he had had some agents
there, that he had sent some stock
there and put it in the care of Mr.
Sheldon - that he never had been there
himself, and never would go, or permit
any of his family to go there - that he
had realized nothing from his cattle
there - that they had been stolen or driv-
en off, and the only thing he had real-
ized from the claim had been from the
sale of land - I recollect nothing
more that he then told me of the claim
of any moment -

S. Question - Did said Hartwell

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in that conversation say anything about having any other claim, if yes, what did he say?

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Answer - Yes, he said he had a claim on the Salinas in Monterey County, and that he also had another claim in Santa Barbara County. He expressed his confidence that the one on the Salinas would be a good claim, and also the one in Santa Barbara, and that the one in Sacramento would be good, if any of its dimensions were good.

Cross-examined by Claimant's Counsel -

1. Question - Do you reside on the tract in question in this case?

Answer - I do.

2. Question - Have you a house and improvements on this land, and do you claim a portion of it?

Answer - Yes, I have a house and improvements, and claim a portion of the land as a settler -

3. Question - Are you not then directly interested in having the present claim rejected?

Answer - Yes, I believe myself to

be interested in having the claim rejected.

4. Question. Did you ever measure the distances you have before spoken of or go in a direct line across the Rancho from one side to the other?

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Answer. I have with others measured a portion of the distances and judge of the others by comparison. The portions of the distances I have measured are comprised within about 4 miles in the center of the Rancho, and the others I have judge of by what I have known of the Survey by Genl. Sherman.

5. Question. What started the conversation you have detailed, to whom was it addressed, and who else was present besides yourself?

Answer. I went on purpose to see Mr. Hartwell with reference to his claim to the land in question. The conversation was addressed to myself, and I do not recollect that any one else was present. My object in going to Hartwell was to find out what title he had to the land, and to purchase a portion of it from him if I was satisfied that his claim was good. Hartwell knew my object, or I suppose I made my business known to him.

6. Question. When was your atten-

tion first called to this conversation subsequently to the time it occurred, and when did you first repeat it to any third person, and to whom have you repeated it?

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Answer - The first I recollect now of calling up what passed between me and Hartnell I told it to John A. → Broadway in Sacramento County shortly after the conversation occurred with Hartnell - I think I have spoken of it to Messrs. Paschal and Mills - I do not recollect now of having repeated it to others -

The Claimant's Counsel, Mr. Billings, objects to the competency of this whole deposition on the ground of the interest of the witness in the result of the claim -

Re-examined by the U. S. Law Agent.

1. Question. Have you any interest in any conflicting grant to the same land?

Answer - I have not -

J. O. Sherwood.

Subscribed and sworn to
before me on this 1st day of
June A.D. 1854 -

Peter Lott, Commissioner
for taking Testimony, &c.

Filed in office June 1, 1854.
Geo. Fisher, Secy.

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Deposition
of
Thos. McCartney

United States of America }
State of California } 3 p.

San Francisco June 1, 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, Thomas McCartney, a witness on behalf of the United States in Case No. 228 on the Docket of said Board, wherein Guillermo Eduardo Hartwell is claimant, and the said witness being duly sworn on oath deposed in English as follows, to wit:

The Claimant's Counsel is present.

Questions by U.S. Law Agent.

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

Answer. My name is Thomas McCartney, my age 44 years, my residence Sacramento County, California.

2. Question. Are you acquainted with the tract of land claimed by William E. Hartwell on the Cosumnes river, if yes, state the average distance

from the lower or western end of his claim to the foot hills of the Sierr Nevada Mountains?

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Answer. I am some acquainted with Hartnell's claim there - The average distance from the Cosumnes river to Dry Creek I do not know. I was never over there. As to the distance from the west end of the claim I can say I was never up to the foot hills, though I suppose they must be 23 or 24 miles from the west side of the claim.

3. Question - How many square leagues of land are included within the following boundaries "On the North the river Cosumnes, on the West the Rancho of Señor Anastasio Chaboya, on the South the vicinity of Dry Creek, on the East the vicinity of the Sierr Nevada?"

Answer. I should not be able to tell you, for I do not know where those points are - I have never been to them. I am only acquainted with portions of the Rancho on the river -

Thomas McCartney -

Subscribed and
sworn to before me on the
1st day of June A.D. 1854

Peter Lote, Commissioner
for taking Testimony &c.

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Filed in Office June 1, 1854.
Geo. Fisher, Clerk.

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United States of America
State of California 3 p.

Deposition
of
G. F. Nymman

San Francisco June 2, 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 George F. Nymman, a witness in behalf of Claimant in Case No. 228 on the docket of said Board, wherein William Edward Hartwell is Claimant, and said witness being duly sworn on oath deposed in English as follows, to wit:

The U. S. Law Agent is present.

Questions by Counsel for Claimant.

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

Answer. My name is George F. Nymman, my age, 35 years and my residence San Francisco County, California.

2. Question. Are you acquainted with the Hartwell tract of land on the Cosumnes, if yes, how long have you known it, and what do

you know about its occupation and cultivation?

Answer. I am acquainted with the tract called the Hartnell Claim. I have known it since 1842. It was occupied in the winter of 1844 and 1845; by Jaud Sheldon and William Daylor as agents of William E. Hartnell; during that winter I assisted the said Sheldon and Daylor in building a corral which was built there that season, and in the following Spring, 1845, Hartnell's stock was brought from the lower country and placed on the land - this was about March, I think. During that same Spring and Summer an adobe house was built for Hartnell under the direction of his said agents; and also in the Spring of 1845, a field of some 20 or 30 acres was inclosed by a ditch, and sowed in wheat, and the same season a small field of some 3 or 4 acres was inclosed by a ditch for a garden spot; that was planted in Corn, melons, beans, peas and other garden vegetables the same season. The same persons occupied the place, and cultivated it till 1848, when I left the Sacramento Valley.

3. Question. State the boundaries of the Claim in question?

Answer. It begins at the point

on the Cosumnes known as the Paps to Sutter's where the Stockton road crosses said river, and runs up the Cosumnes river which bounds on the north to a certain point called the "Black Hills," from thence it runs southerly across to Dry Creek (Arroyo de las Uvas) along the hills which bounded the rancho on the East, said Dry Creek bounded it on the South and the West boundary was the old Sacramento road which came down and crossed the Cosumnes at the Paps, the place of beginning.

4th Question. - What is the distance from the Cosumnes to Dry Creek and from the old road on the West of the rancho to the hills on the East side?

Answer. - It is between five and six miles from the Cosumnes to Dry Creek; and from the old road on the West to the upper end of the rancho we used to call it 12 miles, in fact the rancho is among low hills, rolling ground.

Cross-examined by M. S. Law Agent.

1. Question. - How do you know that Jane Sheldon and William Daylor were the agents of said Hartwell?

Answer. - Because they told me so.

2. Question. What were the terms of their agency?

Answer. I believe they had a share in the increase of the stock.

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3. Question. Did they not build that Corral for their own use while taking care of the stock?

Answer. They did not.

4. Question. What did they build it for?

Answer. They had it built for the purpose of shutting Mr. Hartnell's stock up.

5. Question. Were they not the same cattle of which they were to have a share of the increase?

Answer. They were.

6. Question. What had Hartnell to do with the Corral personally?

Answer. He employed these men I supposed to build it for him.

7. Question. Had he any other cattle there than such as these men kept for him.

Answer. No, not there.

8. Question. What use then had Hartnell for a corral?

Answer. To keep his stock in most undoubtably.

9. Question. What stock?

Answer. Mr. Hartnell's stock, kept by Sheldon and Daylor, of which I have spoken.

10. Question. Was the Corral ever used by other persons than Sheldon and Daylor, if yes, when, by whom and for what purpose?

Answer. Yes, I saw it used by a young man who called himself the son of Mr. Hartnell, in the summer of 1845, for the purpose of corraling horses. I know of no others using it.

11. Question. For what number of hours and how long a time did young Hartnell use it?

Answer. He had some 12 or 15 head of horses in it when I saw him, and I cannot state how long he used it. I saw him on 2 or 3 different occasions using it. It might have been every day - but I was there every day. The occasions on which I saw

them might have all been within a period of 8 or 10 days -

12. Question - Where did you reside in the winter of 1844 and 1845?

Answer - On the Russian Fork.

13. Question - How often and for what lengths of time were you at the Cosumnes?

Answer - I supposed I was on there 100 times - sometimes I would stay 5 minutes, sometimes an hour, or all night, just as it happened, sometimes a week, when I was at work there -

14. Question - Where did Daylor and Sheldon reside at that time?

Answer - They resided on the north side of the Cosumnes, opposite Hartnell's rancho -

15. Question - Had they any cattle of their own, if yes, how many -

Answer - Yes, they had about 150 head -

16. Question - Did not Daylor and Sheldon keep the cattle which were driven up from below for Hartnell, in the same herd with their own?

Answer - No, they did not. They

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kept them on the opposite side of the river -

17. Question - Did they employ separate herdsmen for the two herds?

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Answer - Yes; one was named Salinas, the other was named Robinson. Daylor was the head herdsman -

18. Question - How do you know they kept separate herdsmen, and for what reason were they so kept?

Answer - They were kept separate for the purpose of getting the stock used to their places. I know they kept the herdsmen I have named, because I was there and saw it; but as to their being separate herdsmen, I mean they kept the two herdsmen; as to their being separate I do not say - Sometimes two were on one side of the river and one on the other - Salinas lived on Hartwell's place, but was frequently employed on either side of the river, as circumstances required - If an animal strayed across the river, it would be driven back to its own side by one of the herdsmen.

19. Question - Why do you state that Sheldon and Daylor built the house for Hartwell?

Answer - Because they told me

They were building it for him -

20. Question - Which one of them told you so?

Answer - Sheldon and Daylor both told me so, at different times -

21. Question - Which one of them told you so first, and state the particulars?

Answer - Mr. Daylor told me he was going to build a house for Mr. Hartwell before the house was built - that was in the presence of Mr. Robinson, at Mr. Daylor's house - Daylor had received a letter from his partner, Mr. Sheldon, from Monterey, who had gone down to see about some papers concerning his ranch. I happened to be present when he received it. He told Daylor in the letter to go on the other side, on Mr. Hartwell's land and put up a house - That led to the conversation, and Daylor told me he was going to build a house for Mr. Hartwell -

22. Question - When did Sheldon tell you he built the house for Hartwell?

Answer - It was soon after his arrival from below - it might have been some 2 or 3 weeks after the conversation at Daylor's - this was before the house was built - he told me they were going to build the house for Hartwell - after the house

was built he also told me.

23^d Question - Was it at either of those conversations that they told you the boundaries of the Rancho, and why did they describe the boundaries to you?

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Answer - It was not at either of them, it was afterwards. I have not stated that they described the boundaries to me before in this deposition that I recollect; but I now state, that Sheldon described them to me - he did so because I told him I was going to settle above in a bottom, and he then told me the Rancho belonged to Mr. Hartwell, and then described the boundaries to me, to prevent my settling within those boundaries -

24. Question - How do you know he described them correctly?

Answer - I never said he described them correctly -

25. Question - Have you described all your means of knowledge of the boundaries of said Rancho, if may, what further means of knowledge had you respecting them?

Answer - The only knowledge I had of Hartwell's boundaries was from what Sheldon told me of them and common report -

26. Question - Did you ever measure the distance from the Cosumnes to Dry Creek, if any, how can you state positively the distance?

Answer - I never measured it; I have rode it several times backwards and forward, and do not pretend to be very positive as to the exact distance.

27. Question - Is the west line of the Rancho straight or crooked?

Answer - I understand the boundary to be the Stockton road - It is not perfectly straight nor remarkably crooked, but may be called a tolerably direct road.

28. Question - Have you ever been along the Eastern line of Hartull's claim from the Cosumnes to Dry Creek, if you, state what constitutes it, and its length.

Answer - No. I have never been along there. I do not know the distance. I have been up the Cosumnes to the Eastern end of the claim.

29. Question - When did you go there?

Answer - I was up there in the Spring of 1843.

30. Question - What constitutes that Eastern end and how do you know it is

the Eastern end of the claim?

Answer. The point on the river which I understand to be the Eastern end on the river is a point of a hill, which was called the "Black Hill".

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31. Question. How far does that Black Hill extend, and is it not of the same character of most of the ranches which you have spoken of as hilly?

Answer. I do not know how far it extends. It is a rocky brushy hill, and in this is different from the hills down lower on the ranches, which are grassy.

32. Question. How far is it from the road on the west side of the ranches to the Sierra Nevada mountains proper?

Answer. I cannot say; I never measured the distance. I never rode it. I can give no idea of the distance. I have seen the Sierra Nevada at a distance.

33. Question. Are they less than 100 miles distant from that road?

Answer. I cannot say.

34. Question. Who made the ditches on the ranches, forming the enclosures of

which you have spoken?

Answer. The Indians, under the control of Mr. Daylor.

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35. Question. Up to what time did the ditches continue, and what was their exact location on the rancho?

Answer. I knew them to be there in 1848. The big field was 150 or 200 yards westerly from Hartnell's house on the river which formed one side of the field, the small one was just in front of the house on the river also. Daylor's house was nearly opposite Hartnell's across the river, a little above.

Re-examined by Claimant's Counsel.

1. Question. Who lived in the house on the rancho in question after it was built.

Answer. A man by the name of Salinas lived in it, and I saw Mr. Hartnell's son there in the summer of 1845 - Salinas was the same man whom I have mentioned as a herdsmen -

J. F. Pryman.

Subscribed and sworn to before me
on this 2. day of June A.D. 1854 - Peter Gott
Com^r for taking Testimony &c

Filed in Office June 2. 1854. Geo. Fisher, Secy.

United States of America }
 State of California } p.

Deposition
 of
J. P. Rhodes.

San Francisco ~~August~~ ^{June} 20, 1854.

This day personally came before Peter
 Gote, a Commissioner for taking Testimony
 to be used before the Board of U. S. Land
 Commissioners in said State, John P. Rhodes,
 a witness on behalf of the Claimant in Case
 No. 228 on the docket of said Board, where-
 in William E. P. Hartnell is claimant
 and said witness being duly sworn on oath
 testified in English as follows, to wit:

The U. S. Law Agent is present.

Questions by Claimant's Counsel.

1 Question - What is your name, age
 and residence?

Answer - My name is John P. Rhodes,
 my age 35 years, my residence Sacramento
 County, California.

2. Question - Are you acquainted
 with the tract of land on the Cosumnes
 river, claimed by William E. P. Hartnell
 opposite the Sheldon grant, if you, state
 all you know about its occupation and
 cultivation?

Answer - I am acquainted with the
 tract mentioned, called the Hartnell
 claim. I came into that settlement the

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first of October 1846, and about a month
after that I became acquainted with
this tract. I moved at that time on to
the land known as the Sheldon grant di-
rectly opposite where Mr. Houttull's a-
gent lived. I shortly afterwards moved
about a mile below on another part of
the Sheldon grant, where I have lived
ever since. When I got there and first
became acquainted I found the Hart-
all place occupied by a man named
Salins or Salinas, who was attending to
the stock and cultivating the land. He
was living in an adobe house on the
place. He had a corral, a garden in-
closed near the house, and a field of
about 100 acres inclosed by a ditch,
and the river on one side; the garden
and the field were both in cultivation
when I got there - the field was sowed in
wheat - the stubble was there and the crop
thrashed when I got in. He raised a va-
riety of vegetables, indeed he raised more
than any other man in the country at
that time, except the Sutter place and
Grimes'. The place had been cultivated
two seasons, as the crops on hand and
the stubble plainly showed. The place
was worked by Indians, in Salins's employ
- he worked from 80 to 100 hands pretty reg-
ularly and sometimes as many as 200 or
300. The stock on the place was composed
of some 300 head of horses and mares all
together, and from 200 to 500 head of cat-
tle - he had 50 or 100 head of sheep and

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some hogs - I do not know the number of the sheep and hogs - The original stock was Mr. Hartwell's furnished by him - Salinas was Hartwell's tenant and got a portion, I think one half, of the increase of the stock, and a share of the crops, what proportion I do not know - Mr. Hartwell and his son were both on the place at different times after that season. I do not know what has become of Salinas - He went to the lower country, and I have heard that he is dead, but do not know the fact.

The U. S. Law Agent objects to the testimony of the witness being read in evidence, on the ground that he knew nothing of the claim, before the American Government became possessed of California.

Cross-Examined by the U. S. Law Agent.

1. Question. How do you know Salinas was Hartwell's agent or tenant?

Answer. I know it by hearing them both say so, and by their dividing the stock and produce of the farm, each one getting and disposing of his share.

2. Question. On what occasion have you known such a division to take place?

Answer. I am not certain as to the time, but it was either in the fall of 1848

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or the Spring of 1849. Mr. Hartwell came up to see about it and afterwards sent his son up to receive and dispose of his share; and my brothers-in-law, William Daylor and Jared D. Sheldon purchased most of the stock from both Hartwell and Salinas, after the division. There was not much grain to divide; it had been chiefly consumed by the hands on the place. Said Daylor and Sheldon are both since deceased.

John P. Rhoads.

Subscribed and sworn to before me on this 20th day of June A.D. 1854.

Peter Gate, Commissioner for taking Testimony, &c.

Filed in Office June 21, 1854.
Geo. Fisher, Secy.

United States Land Commission
San Francisco June 26, 1854.

Deposition
of
John Parker.

On this day before Commissioner Al-
phus Fleck, Commissioner in behalf of the United States in Case No. 228 in which Guillermo Eduardo Hartwell is claimant, who, after being duly sworn, deposed as follows:

Questions by Mr. McNeill Law Agent.
1. Question - Please state your name,

age and place of residence?

Answer - My name is John Fisher
my age is 29 years, and I reside in
Sacramento County, California, on the
Cosumnes river -

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Q. Question - Are you acquainted
with the rancho sometimes called Hart-
mill's claim, situated on the South side
of Cosumnes river, opposite the house for-
merly occupied by William Daylor? if yes,
how long have you known it, what was its
condition as to the occupancy and the char-
acter of the occupation? State the particulars.

Answer - I am acquainted with that ran-
cho and have known it ever since some
time in the month of August A.D. 1846 -
At that time a man by the name of
John Salinas lived on it. He lived in an
adobe house, but had no family - He
had a small corral on the place and
some cattle and horses which were branded
"J. S." and which he claimed as his own.
There was a small garden fenced in near
the house, and between the house and the
river - It was inclosed with a brush fence
and contained about two acres of land -
He had watermelons, a little corn and some
peas growing in it. It was inclosed by a
small ditch, but it was so small that a
person could side over it - Salinas did
all the work on the rancho, with the aid of
some Indians, and claimed the rancho as his
own -

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3. Question. Do you know where Mr. Hartwell lived from 1844 to 1846? and did he ever live on the ranches above mentioned?

Answer. He never lived on those ranches to my knowledge. He lived in Monterey from 1844 to 1847, to my knowledge. I was often in Monterey during that time and used to travel at that place.

4. Question. What is the average distance from the Cosumnes to Dry Creek and from the Old Pap to Sutter's to the foot hills of the Sierra Nevada mountains, at the place where this ranch is situated?

Answer. It will average from 14 to 16 miles from the Cosumnes to Dry Creek at that place, and from the Old Pap to Sutter's it is somewhere in the neighborhood of forty miles to the foot hills of the Sierra Nevada.

John Parker

Subscribed & sworn to before me this twenty sixth day of June A.D. 1854 -

Mr. Peachy attended to the taking of this deposition on the claimant, but propounded no interrogatory to the witness. -
Alphus Felch,
Commissioner.

Filed in office June 26, 1854 - Geo. Fisher Secy

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Before the District Court of the Southern
District of California.

Deposition William D. Wilson }
vs. }
W. E. P. Hartwell, John H. Pascal and }
Richard Wells - }

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Examination of William E. P. Hartwell,
a witness on the part of the Plaintiff, taken
by consent of the attorneys for plaintiff and
defendants, before Richard H. Stanley, a
Notary Public in and for the County of
Sacramento at his office in the City of
Sacramento, on the thirteenth day of July
A.D. 1853, at 9 o'clock A.M.; at which
examination L. Alarich, one of the At-
torneys for plaintiff attended and J. H. McNamee,
attorney, attended on the part of defendants.

William E. P. Hartwell being first duly
sworn testified as follows:

Paper marked "Exhibit A" shown wit-
ness, who testified it is a correct and true
copy of an original grant or concession
of land made to him by the Mexican
Government at the time which it bears
date. That the signatures attached to the
original are genuine signatures. That he
is very familiar with the hand writing of
both of them - that the original grant was
placed in the hands of Messrs. Willcutt,
Crachy & Billings, his attorneys at San Fran-
cisco for the purpose of taking proceedings to

procure the confirmation of said land before the Commissioners appointed by the Government of the United States, and that it is either in their hands or on file among the papers before the Commissioners. Sometime during the year 1845, the latter part I believe, I took possession of the land described in the grant, by sending a man there by the name of Sheldon, with some two hundred head of cattle. He built a corral there for the cattle, and an adobe house which now goes by the name of Salinas. The Corral was built for me, and the house was built by Salinas under our agreement with Sheldon that it should belong to me.

Sheldon kept possession there from that time until sometime after the gold was discovered in this State. Over two years & then it was so hard to keep the cattle that I was obliged to sell them off. I took possession under this grant, and intended to avail myself of its privileges. I conveyed by deed a portion of the land mentioned in the grant to plaintiff on the second day of August A.D. 1850 and another conveyance in the year 1853.

A Map marked "Exhibit B" shown witness says it is a correct copy of the map which accompanied his petition for the grant spoken of above. and that it was intended to designate the land for which the grant was sought. that the part marked Ran-

cho de Hartwell was intended to designate the land which petitioner desired to have granted him - that his map accompanied the petition and was presented with it.

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There is a difference between the original and the Copy "Exhibit A" in this that the former is made upon sealed paper of the first class of the value of eight dollars - which does not appear upon this copy - there is no difference in the grant itself, or in the language or words -

Cross Examination -

I am an Englishman - I arrived in this Country in the year 1822 - I did not visit the land described in this grant until 1847, personally - from 1822 until 1828, I was a Merchant - Since 1828, I have been employed in several offices under the Mexican Government - Inspector General of the Customs, Inspector of Customs at Monterey - at time grant was made I don't recollect what business I was engaged in - I have resided at Monterey since 1822 - The consideration of the grant was nothing at all - paid eight dollars, the amount of the paper - I mean that I paid no money for the grant - I had never seen the land described in the grant at the time it was made, nor for more than 2 years afterwards

45-

I am now a citizen of the United States. I was a Mexican naturalized citizen at times the grant was made - am now a citizen of the United States by treaty. I was naturalized under the Mexican Govt before Echeandía Governor Comandante General in the year 1826 or thereabouts - The form was to be consumed allegiance to the British Crown - the record was kept in the Archives of the Government - they were therein when I delivered up the Archives to the Government at Benicia - By my Agent I took possession of grant the latter part of the year 1845 - He built a corral and drove 200 head of Cattle thereon for me, and allowed Salinas to build an adobe house with the understanding that it should belong to me - I know that it was built on those terms from Salinas himself - it was built opposite Sheldon's mill - below Daylor's - that is all the improvement put on by me - The Corral covered less than an acre - I can tell precise number of acres - it was capable of containing 5 or 600 head of Cattle - the Corral was built above Daylor's house, on the opposite side of the river. It was nearly opposite the old house occupied by Daylor on Sheldon's Rancho granted him by Micheltorrea - the first time I went on the land I staid there one night. I never had judicial possession - I never asked for it - I had the farm surveyed by W. J. Sherman Surveyor United States

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Army - the Survey is on records of Sacramento County - He surveyed it according to the grant and from information from the neighboring landholders -

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I procured it done and paid for it myself. I gave the Surveyor certified Copies of the grant and other grants in the neighborhood and did not see him survey it or give him instructions - I never asked any Magistrate to designate the boundaries - I never placed land-marks on the grant before the seventh of July 1846, and none have been placed there since, except by the Surveyor - The Cattle belonged to me and were driven up at my direction from my farm in the lower country and kept there by Sheldon for one upwards of two years and until after the gold was discovered, and then I was forced to sell them as parties were stealing them - the Cattle were kept on the part of the grant now occupied by Wilson & Austin -

I don't know whether Sheldon ever had judicial possession of his ranches. I don't know that it was marked out by any officer - Without knowing Sheldon's Ranches and the boundaries of same, I don't know that they were only natural boundaries - I should not know by the description in my grant to locate the same - I would not know on the East or South where to start from to bound the

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land. Before the grant was taken I took no other steps than to send in my petition - I presented two grants to the Departmental Assembly - one for 5, and this for 11 leagues for their approval - They approved 11 leagues and gave me choice when to locate it - I have not given any decision for the choice of the same - I am prosecuting claim before the Land Commissioners for the whole 16 leagues - I intend to disregard the approval and prosecute for the whole if I can get the five league grant in Santa Barbara county - I made the map (marked "Exhibit B") at the time of my petitioning - I made it from a rough sketch I found at Monterey - I believe the sketch was made by Birdsall - The map is a facsimile of the original map made by me in 1844 and is now in the Archives of the United States - I had my Santa Barbara grant at the time I applied for the Co-securus grant - when I put in my petition, I was under the impression that our Governor could grant more than eleven leagues, but subsequently changed my mind - Micheltorena granted me the eleven leagues knowing at the same time that I had the five league grant in Santa Barbara County - I never had any of my family residing on the Co-securus grant - I got the grant for the purpose of speculation -

Re-Direct - When I speak of not having selected the eleven leagues I mean

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I have not located the whole on the Cosummes - I have selected those portions on the Cosummes river that I have conveyed to Wilson and others - I have not yet determined how many leagues to retain in Santa Barbara County - I have selected them in my own conscience and by my acts in conveying the same to those respective parties -

Papers shown witness marked "Exhibits C. D. & E" says they are true copies of the original petition and report of the Secretary now before the Board of Land Commissioners and the signatures are fac-similes of the originals -

The Consideration for the grant was as set forth in my petition, and my being the head of a large family and old resident of the Country, and to sell it for the good of my family is what I mean by getting it for speculation -

W. E. P. Hartwell -

Subscribed and sworn to before me this 13th day of July 1853 -

Witness my hand and official seal
R. H. Stanley
Notary Public
Sac. Co.

State of California
County of Sacramento
C. A. C. Hunter, Clerk of

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District Court in and for said County
herby certify the within and foregoing
to be a true copy of the original deposi-
tion on file in my office -

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3
E. J. 3
E. J. 3

Given under my hand and
Seal of said Court at office
in Sacramento City, this 7th
day of July 1854

Arthur C. Hunter Clk
By C. C. Cox, D. C. -

No 228 = W. D. Wilson vs. Pascal
& Wells = Deposition of W. E. P. Hart-
nell = (Copy) = \$7.50

Filed in Office July 10th 1854 -
Geo. Fisher, Surg.

United States of America 3 p.
State of California 3 p.

Deposition
of
J. M. Covarrubias

San Francisco, July 17, 1854

This day personally came before Peter
Lott, Comr for taking Testimony to be used
before the Board of U. S. Land Commis-
sioners in said State, José Maria Covar-
rubias, a witness on behalf of the Claimant,
William E. Hartnell, in Case No. 228 on
the docket of said Board, and said wit-
ness being sworn deposed as follows =

The U. S. Associate Law Agent is present.

Questions by Claimant's Counsel -

1. Question - What is your name, age, and residence?

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Answer - My name is José Maria Covarrubias, my age 46 years, my residence Santa Barbara County, California.

2. Question - Do you know the rancho claimed in this case called "Los Santos of San Antonio", if yes, state in what county it is situated, and what you know of its occupation and possession by the claimant?

Answer - I know said Rancho. It is in Santa Barbara County, California. I know that in April, 1842, William E. P. Hartwell sent 300 head of cattle to occupy the place. He had a house there and a corral and planted some of the land that same year. The land thus cultivated was fenced in. He had an agent there, José Antonio de la Guerra, and a son of said Hartwell who remained sometime on the place with the cattle. The son remained there about one year. Since that time the place has been continuously occupied by Hartwell and his family - one of his sons has lived there most of the time with his family, and is now so living there.

3. Question - Look at the document

filed in this case marked "D. N. I. T. No. 1" and to depo. of Manuel Jimeno, &c, and particularly at that portion thereof purporting to be the record of judicial proceedings and describe the place therein called "La Cuchilla alta del Camino real de la Cuesta de la Purissima para San Antonio"?

Answer - This point is a high hill, near which the road called "Camino de Fueros Santos" passes; this is the road formerly travelled leading from the Mission of Purissima to Monterey -

4. Question - Do you know a hill called Los Pinos?

Answer - I do know it - It is a grove of pines on a hill - it is the boundary of the rancho of "Fueros Santos".

5. Question - Do you know a place called "El Barranco of San Marcos", near the old Corral?

Answer - I know the place so called - it is embraced in the rancho of San Antonio -

Jose M^o Covarrubias
Subscribed and sworn to before me
on this 17th day of July A.D. 1854 - Peter Scott, Com. &c

Filed in Office July 17, 1854
Geo. Fisher, Secy

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1

Expediente

Expediente
of
Todos SantosPromovido por D^o Guillermo Eduardo
Kartull en solicitud del parage
llamado Todos Santos

1841

Numero
252362 ND
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2.

Sello Tercero Dos Reales.

Habilitado provisionalmente por la Ad-
uana Maritima del Puerto de Montre-
ny, en el Departamento de las Califor-
nias, para los años de mil ochocientos
cuarenta y mil ochocientos cuarenta y
uno-

Simulo-

Antonio Maria Oro-

Exmo. Sr. Sr.

Seal 3

Monteny 23 de
Junio 1841-Pase esta in-
stancia a in-
forme del Ma-
yordomo encar-
gado de la Mi-
sion de Santa
Ynes para queGuillermo Eduardo Kart-
ull con el mayor res-
peto ante V.E. compare-
ce y dice: Que teniendo
una familia muy nu-
merosa, y no presentando
en la actualidad mayor
seguridad para la cria-
da ganado mayor, el pa-
rage que á la vez ocupa
llamado El Patrocinio, á

informe si el terreno que se solicita se halla baldío y en estado de adjudicarse en propiedad al interesado, y si esta concesion resultara en perjuicio notable de la Misión inmediata de la Purísima á la q. ha pertenecido el paraje mencionado

Alvarado

Causa de los robos comunes que desde mucho tiempo atras se estan haciendo; se ve en la preciosa de solicitar de la bondad de O.E. le conceda otro sitio competente para mantener con decencia y con seguridad su dilatada familia; y tener una noticia que en las inmediaciones de la Misión de la Purísima hay un sitio a proposito para sus miras llamado Los Santos (cuyo diseño acompaña) que hace mucho tiempo se ha considerado como baldío, pues de algunos años á esta parte el unico uso que ha hecho la Misión del paraje en cuestion ha sido (mas sin necesidad) para mantener alguna mandona de Caballada, pues es notorio q. no se ha ocupado un mucho tiempo en siembras ni pt. Cría de ganado Vacuno, ni tiene ahora necesidad alguna al ocuparlo, por cuyo motivo me lisongeo, que por los informes que estime convenientes tomar, no tendrá O.E. embargo alguno en concederle, puesto que con otra concesion no nada se perjudicaran los intereses de la Misión á que pertenece -

Por tanto a O.E. encendidamente suplico

se fura decretar favorablemente á esta mi
solicitud, con lo que recibiré merced y
gracias, protestando no proceder de mali-
cia y lo necesario -

Monterey 23 de junio de 1841 -

Guill. Ed. Hartwell

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PAGE

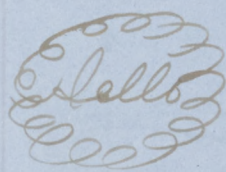
El pago llamado Los Santos per-
tenciente á la Parisina: por quien debo
informar estoy satisfecho se halla baldío
pues dicha Misión no tiene ningunos
bienes y si se q. no mas esta una manda
esto es lo que debo decir sobre el particu-
lar - Santa -

4. Sello Tercero Dos Reales -

Habilitado provisionalmente por la Ad-
uana Maritima del Puerto de Monterey
en el Departamento de las Californias,
para los años de mil ochocientos cua-
renta y mil ochocientos cuarenta y uno -

Heimero -

Antonio Maria Cis -



= Ynes Agosto 10 de 1841 -

Mig. Cordero -

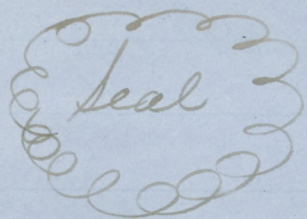
5.

Sello Tercero Dos Reales -

Habilitado provisionalmente por la Aduana
Maritima del Puerto de Monterey en el
Departamento de las Californias, para los
años de mil ochocientos cuarenta y mil
ochocientos cuarenta y uno -

Heimero -

Antonio Maria Cis -



Exmo. Sr. Gov -

Guillermo Eduardo Hart-

Monterey 28 de
1841 -

Como lo pide
esta parte de
vuestras el es-
pediente para
que reforme el
diseño ampli-
andolo en los
terminos que
melin -

Alvarado -

Sitio de alguna consideracion; en cuyo
concepto suplico á V.E. tenga la bondad
de bolberle el diseño que tiene presentado
para reformarle agregandole dho. rancho
de San Antonio, en la persuacion que
merecerá de su bondad el favor de que
se le di el título de todo el terreno cono-
cido por de Los Santos y de San An-
tonio, ampliando el ultimo paraje has-
ta playa -

Por tanto á V.E. encarecidamente
6.uego se sirva decirme como tengo pedido,
con lo que recibire mercéd y gracia,
protestando no proceder de malicia y lo
necesario - Monterey 28 de Agosto de 1841.

Guill. Ed. Hartwell -

Monterey Agosto 28 de 1841 -

Vista la peticion con que da
principio este Expediente el informe del
encargado del establecimiento de Santa

5-7

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Ynes con todos lo demas que se tuvo presente
y ver convisos, de conformidad con las
leyes y reglamentos de la materia, declaró
a D^o Guillermo Eduardo Hartwell, dueño
en propiedad del paraje conocido con
el nombre de Losos Santos unido con
el de San Antonio, colindante al O. con
los Alamos, al P. con la playa de San
Ant^o, al S. con la Cuesta de la Purisi-
ma, y al N. con el llano de la larga. Li-
bre el correspondiente despacho, tomese razon
en el libro respectivo y dirigase este Ex-
pediente a la Exma. Junta Departamen-
tal para su aprobacion. El Sr. D^o
Juan B. Alvarado Gobernador del Depar-
tamento de las Californias asi lo mando
decretó y firmó de que doy fé -
Alvarado

An-

7. (Here follows the map.)

8. (Blank.)

9. giles Marzo 16 de 1846 -

Dado Cuenta en sesion de hoy a
la Honorable Asamblea con este Espe-
diente se mando pasar a la Comision
de terrenos baldios -

Pio Pico -

Agustin Olvera
Frio.

Exmo. Sr.

La Comision de Terrenos Bal-
dios se ha impuesto con determiniento

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del presente Expediente promovido por el
el Mexicano por naturalizacion D^{no} Gui-
llermo E. Hartwell relativo al paraje
Todos Santos y S. Antonio que le fué
concedido por el Gobierno Departamental
con fha. 28 de Agosto de 1841, segun con-
sta en el ~~Acto~~ ult^o decreto y en el que
no consta los sitios que le fueron conce-
didos -

10 Por otra parte le parece conveniente
á la Comision hacer referencia en este
dictamen q. se le ha pasado otro Exped^{to}
que ha examinado igualmente, y en el q.
advierte se le concedió á dho. Sr. Hart-
well por el G^omo Departam^l con fha.
3 de Jun. de 1844, en el rio de los Co-
sumos once sitios de ganado mayor -
Permitame por lo expuesto V. O. una en
este dictamen los dos Expedientes mar-
cados N^o 252 y 419 p^o la mejor inte-
ligencia, y q. como la Comision entien-
de que el Maximum q. permite la ley
son once sitios los que tiene concedidos
el interesado en el rio citado de los Co-
sumos por el Sacramento, se encuen-
tra que no sabe los que tendrá concedi-
dos en todos Santos y S. Antonio uni-
dos p^o poder dictaminar lo conveni-
ente, en este concepto, pone á la de-
liberacion de V. O. las siguientes propo-
siciones:

1^a Que por el conducto respectivo se
pida Sr Hartwell el titulo de con-

cesion del paraje de Louos Santos y S. Antonio p.^a saber los sitios que en este terreno le concedió el Gobierno Departamental -

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11. 2.^a Que encontrándose se le concedió igualmente en el rio de los Comunes por el Sacramento once sitios de ganado mayor, maximum que concede la ley, la H. Asamblea solo puede aprobar lo que esta dispone, p.^a q. a vista de este acuerdo solicite el interesado el que le parezca mas conveniente -

Sala de Sesiones Comisiones en la Ciudad de los Angeles, Abril 13 de 1846.
S. Arguello.

Angeles Abril 22 de 1846.

La Exma. Asamblea Departamental en sesion de hoy aprobó las dos proposiciones del precedente dictamen de la Comision respectiva -

Pio Pio

Agustin Overa
Frio.

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

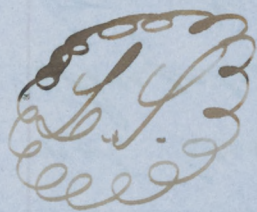
I John C. Hays, Surveyor General
of the United States for the State of California,
and as such having in my office

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and in my charge and custody, a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California, by virtue of the power vested in me by law, do hereby certify that the 11 preceding and herewith annexed pages of tracing paper, numbered from one to eleven, inclusive, exhibit a true and accurate copy of a certain document now on file and forming part of the said Archives in this office -

In testimony whereof I have herewith signed my name officially and caused my seal of office to be affixed at the City of San Francisco this twenty first day of February 1854

John C. Hays
U. S. Sur. Genl for Cal.



Filed in Office Feb. 25, 1854 -
Geo. Fisher, Secy.

Translation
of
Espediente
for
Todos Santos
&
San Antonio

Most Excellent Sir:
William Edward Hartwell, with the greatest respect appears before your Excellency and says: That having a very numerous family, and the place which he at present occupies called "Patrocino," not now presenting sufficient security for the breeding of cattle, on account of the continual robberies which

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for a long time past have been taking place, he finds himself under the necessity of requesting that Your Excellency would have the goodness to grant him another competent spot, wherein to maintain with decency and safety his said numerous family; and being informed that in the vicinity of the Mission of La Purissima there is a place adapted to his views, called "Los Santos" (the plot of which he accompanies) which for a long time past has been considered as vacant, since for some years past the only use which the Mission has made of the place in question has been (and that without necessity) for keeping one or two droves of breeding mares, for it is notorious that it has not been occupied for a long time either for agricultural purposes nor for breeding cattle. I therefore flatter myself that after Your Excellency makes the necessary inquiries, you will have no objection to grant it to me, since by so doing the interests of the Mission to which it belongs will not in any way be injured. I therefore humbly request that P. E. will be pleased to put a favorable decree to this my petition, whereby I shall receive a great favor, protesting not to act through malice and that which is necessary.

Monterey 23^d June 1841.
(Signed) William Edw. Hartwell

Monterey 23^d June 1841.
This petition is referred to be reported

upon by the mayordomo in charge of the Mission of Santa Cruz, in order that he may inform whether the land asked for be unoccupied and in a situation to be adjudicated in ownership to the party interested, and whether this grant will not materially injure the neighboring Mission of La Purissima, to which the land mentioned belongs -

(Signed) Abacado.

The place called Todos Santos belongs to the Mission of La Purissima in relation to which I must say that I am satisfied that it is entirely unoccupied, since said Mission has no cattle (cows) except one or two of breeding cows - this is what I have to say on the subject -

Santa Cruz August 10th 1841

(Signed) Miguel Correas

Most Excellent Sir -

William Edward Hartwell with due respect appears before your Excellency and says: That after having presented to V.E. the petition which he made on the 23^d of June of this year respecting the place of Todos Santos, he has learned that said place alone is very insignificant, but that with the help of the abandoned Rancho of San Antonio which is situated in its vicinity, it would form a place of some consideration, on which account he requests Your Excellency would have the goodness to return him the plot which he has presented in order to annex it by adding thereto the Rancho of

San Antonio, under the persuasion that he will obtain from your bounty the favor of granting unto him the title of the whole land known as Todos Santos and San Antonio, extending the last mentioned place to the beach.

I therefore pray that Y. E. would be pleased to decree as I desire, whereby I shall receive a great favor, protesting not to act through malice and that which is necessary.

Monterey 28th of August 1841-

(Signed) W^m Ed. Hartwell.

Monterey 28th 1841-

As the party requests, let the Expediente be returned to him in order that he may amend the plot by extending it to the terms which he indicates.

(Signed) Alvarado.

Monterey 28th August 1841-

In view of the petition which commences this Expediente, the report of the person in charge of the Mission of Santa Ynes, and all the rest which was born in mind and was necessary to examine; in conformity with the laws and regulations on the subject, I declare W^m Edward Hartwell to be the rightful owner of the place known by the name of Todos Santos united to that of San Antonio, bounded on the East by that of Los Alamos, on the West by the beach of San Antonio, on the South by the Hill of the Purisima and on the North by the plain of La Laguna -

Let the corresponding title be made

out, be recorded in the respective book, and let this Expediente be forwarded to the Most Excellent Departamental Junta for its approval. Señor Don Juan B. Alvarado, Governor of the Department of the Californias, did thus command, decree and sign, whereof I give testimony -

(Signed) Alvarado.

Angelas March 16th 1846.

This Expediente having been presented to-day to the Honorable Assembly, it was ordered to be referred to the Committee on Vacant Lands -

(Signed) Pio Pico -

President -

(Signed) Agustin Alvarado,

Secretary -

Most Excellent Sir -

The Committee on Vacant Lands has carefully examined the present Expediente commenced by the Naturalized Mexican William E. Hartnell respecting the lands of Los Santos and San Antonio granted to him by the Departamental Government on the 28th of August 1844 as appears by the last decree in which it is not expressed how many square leagues (sitios) were granted to him - The Committee likewise consider it proper to refer in this opinion to another Expediente presented to them, which they have likewise examined and in which they find that the Departamental Government granted to said Hartnell on the 3^d of November 1844 eleven square leagues on the

river Cosumnes. Your Excellency will therefore permit me to unite in this opinion the two Expedientes marked No. 252 & 419, for greater clearness, and as the Committee understands that the maximum which the law permits is eleven square leagues, the quantity granted to the party interested on the river Cosumnes; and as it is not known what quantity may have been granted to him in Todos Santos and San Antonio united, in order to report correctly, they therefore offer to the deliberation of Your Excellency the following propositions —

1st That it being found that eleven square leagues have been granted to Mr. Hartwell by the proper authorities asked for the title of the grant to the place of Todos Santos and San Antonio in order to find out how many square leagues of land the Departmental Government granted to him in said land.

2^d That it being found that eleven square leagues have been likewise granted to him on the Cosumnes in the neighborhood of the Sacramento, the maximum which the law allows, the Honorable Assembly can only approve what the law commands, so that in view of the resolution the party interested may apply for the (approval of the land?) which may suit him best.

Committee Chamber in the City of Los Angeles April 13th 1846 —

(Signed) S. Arguello —

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Bogotá April 22^a 1846-

The Most Excellent Departmental Assembly in to-days Session, approved the two propositions of the foregoing report of the respective Committee -

(Signed) Pio Pico -

(Signed) Agustín Obeso

Secretary -

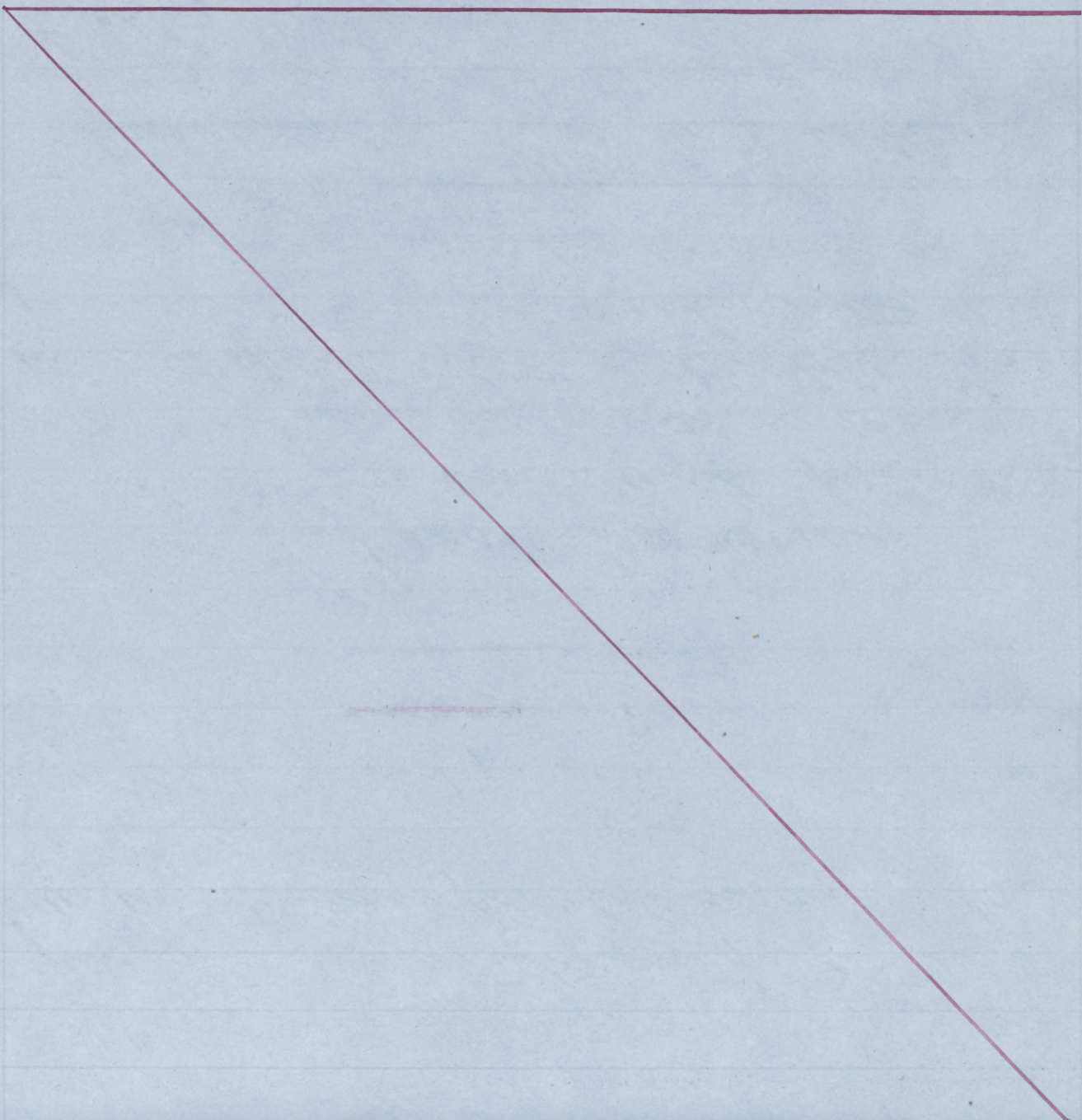
A true and correct translation -

Witness my hand this
12th day of May 1852 -

Geo. Fisher, Secy

Filed in Office May 12. 1852 -

Geo. Fisher, Secy -



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1. Expediente promovido por Don Guillermo Hartull en pretension
Expediente de un terreno por el Sacramento -
of
Cosumnes. 419.

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2. Sello Cuarto Das Reales.
Habilitado provisionalmente por la Ad-
uana Maritima del Puerto de Monterey
en el Departamento de las Californias
para los años de mil ochocientos cua-
renta y cuatro y mil ochocientos cua-
renta y cinco -
Micheltorona - Pablo de la Guerra -

Seal

Exmo. Sr.

Monterey N.º 2 de
1844 -
Exf. Sr. Sr.
del Despacho to-
niedo presente lo
necesario al efe-
to -

Guillermo Eduardo
Hartull, mejicano por na-
turalizacion, radicado en
este Territorio hace mas de
vinte y dos años, casado
con hija del pais de qui-
en he tenido diez y siete hi-
jos; ante V.E. con el mayor
respeto compareco y digo:
Que deseando proover con
tiempo al establecimiento

Micheltorona

de mi numerosa familia, y sabiendo q.
en las inmediaciones del rio de los Co-
sumnes se halla un terreno valioso de
bastante amplitud, suplico á V.E. ten-
ga la bondad de concederme el maxim-

una que permite la ley, á saber, once
 leguas cuadradas, entendiéndose que sus
 linderos deben ser por el norte el Rio de
 los Cocummes, en frente del Rancho del
 Sr. Sheldon; por el poniente el rancho
 del Sr. Anastasio Chaboya; por el sur
 en las inmediaciones del arroyo de las
 3. Uvas y por el oriente las de la Sierra Ne-
 vada segun esplica el diseño que acom-
 paño -

P. J. á V. E. Suplico se sirva decen-
 tar como llevo pedido por ser de justi-
 cia, protestando no proceder de malicia
 y lo necesario -

Monterey D. de Noviembre de 1844.
 Guill, Ed. Hartnell

Exms. Srs.

La persona que representa
 la presente instancia es acreedor á que
 se le atiendan en la gracia que solicita
 por ser veridico lo que manifiesta en
 su solicitud, tanto por los meritos que ha
 contraido en el pais como por hallarse
 el terreno baldio y en estado de poderse
 conceder -

Monterey fha. ut supra -

Man. Jimeno -

4. El Sr. Manuel Micheltorina General de
 Brigada del Ejercito Mexicano, Ayudante
 General de la Plaza Mayor del mismo,
 Gobernador, Comandante General é In-
 spector del Departamento de California.
 Por cuanto D. Guillermo Ed. P. Hart-

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nell Mexicano por naturalizacion ha pre-
 tendido para su beneficio personal y el
 de su familia un terreno de la estension
 de once leguas cuadradas, colindante por
 el Norte con el Rio de los Cosummes, en
 frente del rancho de D^{no} Joaquin Shel-
 don, por el poniente con el rancho del
 Señor Anastasio Chabolla; por el Sur
 con las inmediaciones del Arroyo de las
 Uvas y por el oriente con las de la Tier-
 ra Nevada, practicadas previamente
 las diligencias y averiguaciones conve-
 nientes segun lo dispuesto por leyes y
 reglamentos usando de las facultades q^{ue}
 me son conferidas en nombre de tu Na-
 cion Mexicana he venido en concederle
 el terreno mencionado declarandole la
 propiedad de el por las presentes letras
 sujetandose a la aprobacion de la Ex^{ta}
 Asamblea Departamental y bajo las
 condiciones siguientes:

1^a Podrá cercarlo sin perjudicar
 las travesias, caminos y servidumbres
 lo disfrutará libre y exclusivamente des-
 tinandolo al uso o cultivo que mas le
 acomode pero dentro de un año fabri-
 cará casa y estará habitada.

2^a Solicitara del Juez respectivo
 que le dé posesion juridica en virtud
 de este despacho por el cual se demar-
 caran los linderos en cuyos limites pon-
 dra arboles de sus mchoneras algunos ar-
 boles frutales ó silvestres de alguna util-

idad -

3^a El terreno de que se hace donacion es de once sitios de ganado mayor - El juez que tiene la posesion lo hará medir conforme á ordenanza quedando el sobrante para los usos que á la nocion le convengan.

4^a Si contraviniere á estas condiciones perderá su derecho al terreno y será denunciado por otro -

En consecuencia mando que teniendo por firme y valioso y sirviendole de titulo se tome razon de él en el libro respectivo y se entregue al interesado para su resguardo y demas fines -

Dado en Monterrey este dia tres de Noviembre de mil ochocientos cuarenta y cuatro -

Queda tomada razon de este Despacho en el libro respectivo á fojas 8.

7. Angeles Mayo 16 de 1846 -

Dado cuenta en sesion de hoy á la Honorable Asamblea con este Expediente se mandó pasar á la Comision de Terrenos Baldios -

Pio Pico

Presidente -

Agustin Olvera,
Secretary -

8

(Here follows the map)

(Where follows the map)

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Office of the Surveyor General
of the United States for Cali-
fornia -

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

In testimony whereof I have here-
unto signed my name officially
and caused my seal of office to
be affixed at the city of San Fran-
cisco this twenty first day of
February 1854 -

John C. Hays -
U.S. Sur. Gen. for Cal -

Filed in Office Feb. 25, 1854.

Geo. Fisher
Clerk -

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Translation
of
Espediente
for
Cosummes -

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Most Excellent Sir -
William Edward Hartwell, a
Mexican by naturalization, radicatus
in this Territory for more than twenty
two years, married to a daughter of
the Country by whom I have had sev-
entem children; with the greatest respect
appear before your Excellency and say: that
wishing to provide in time for the establish-
ment of my numerous family and knowing
that in the vicinity of the river Cosummes there
is a vacant tract of land of considerable ex-
tent, I request that your Excellency will
have the goodness to grant me the maxi-
mum which the law allows, to wit, seven square
leagues, it being understood that the boundaries
be on the North the river Cosummes, in front
of the Rancho of Mr. Sheldon, on the West of
the Rancho of Señor Anastasio Chaboya;
on the South the vicinity of Dry creek (Ar-
royo de las Uvas); and on the East the vicini-
ty of the Sierra Nevada, as appears by the
plot which I accompany -

I therefore request that your Excellen-
cy will be pleased to accord as I implore
it being justice, protesting not to act thro
malice and that which is necessary -

Monterey 2^a November 1844 -

(Signed) W^m Edw^d Hartwell

Monterey November 2, 1844 -

The Government Secretary will
report bearing in mind that which is oc-
cupany to the effect -

(Signed) Micheltona -

73
Most Excellent Sir -

The person who represents the present petition is entitled to be attended to in the favor which he solicits, it being true what he manifests in his petition, as well for the merits which he has acquired in the country, as because the land asked for is vacant and in a state to be granted -

Montevideo, date as above.

(Signed) Manuel Jimeno.

(Here follows a copy of Title)

Angles March 16, 1846.

This Expediente having been laid before the Honorable Assembly in to-day's session, it was ordered to be referred to the Committee on Vacant Lands.

(Signed) Pis Pico.

(Signed) Agustin Poma,
Secretary -

On the 13th of April of the present year the report on this Expediente was united to that of Torres Santos and San Antonio, for the reasons therein expressed by the Committee, which I note in testimony -

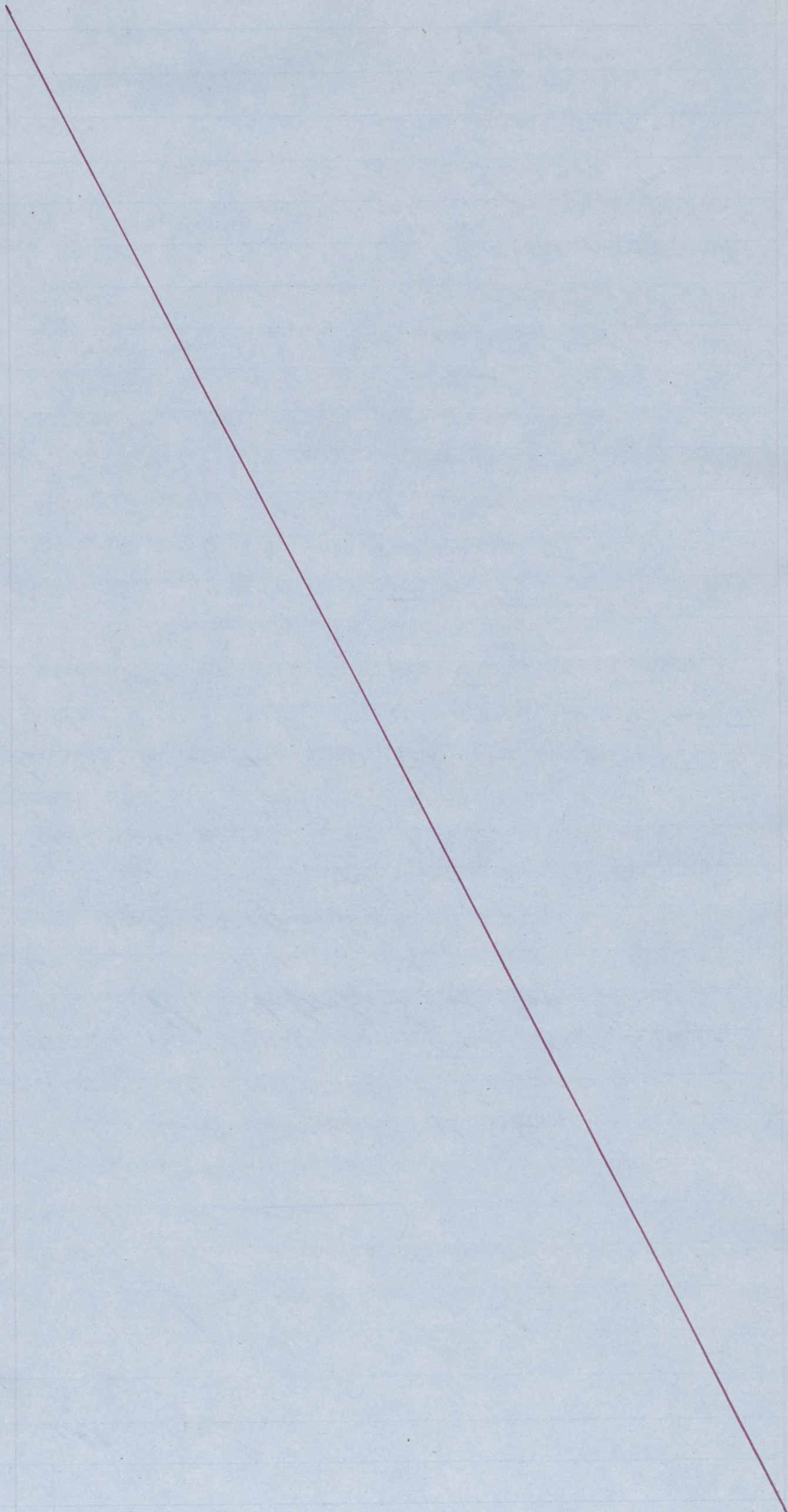
(Signed) J. Argiuello.

A true and correct translation

Witness my hand this 12th
May 1852 - Geo. Fisher Secy -

Filed in Office May 12, 1852 - Geo. Fisher, Secy

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Gobierno del
Dept. de
Micheltorinas California
Order.

Con fecha 11 de Febrero de 1842 me
dico el Ex. Ministro de la Guerra y Mari-
na lo que copio:

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"E. S. Deseando el Ex. Presidente pro-
visional que en el Departamento de Cali-
fornias se promuevan todos los recursos
que tiene para prosperar y ponerse en de-
fensa y en el estado de felicidad al que cum-
la misma naturaleza le invita: teniendo
en consideracion los sucesos que ha ha-
bido en el pais y que por la distancia no
ha podido evitarlo el Gobierno Nacional;
la situacion en que V. E. va á encontrarse,
y las necesidades que tendrá que adoptar,
cuyas consultas no surtirán efecto si a-
guardan el tpo. necesario para su resolu-
cion: que hay asuntos en los que el mas
pequeno retardo no proporcionan el remedio;
y confiado en que V. E. no abusará del po-
der, y que el que se le concede lo empleará
en el bien del servicio y de todos los ha-
bitantes del interesante ~~país~~ y feroz De-
partamento que el Gobierno Supremo ha
prestado á su cargo y responsabilidad, se ha
servido conceder á V. E. ademas de las atri-
buciones que le demarca las leyes y orde-
nanzas vigentes, como Gobernador, Coman-
dante Gral. é Inspector, todas las facult-
tades que puede delegar el Gobierno Supre-
mo para que en uso de ellas, cumpla á

los empleados civiles y militares dependientes de él, que no correspondan á sus deberes y á la confianza del mismo Supremo Gobierno, re-emplazándolos con ciudadanos dignos que entraran al ejercicio de sus destinos sin perjuicio de que V.E. dará cuenta para la aprobación Suprema, con las causas de sus procedimientos.

Las miras del Supremo Magistrado no solo se reducen á la Alta California sino que tambien se extienden á la Baja, en cuya demarcacion han aparecido conatos de escision, que fomentado por enemigos ocultos, han hecho que tomen parte algunos estranos que su mismo origen les prohíbe el ingerirse en quereellas domesticas. y como este resultado á proteger á las tropas, autoridades y recursos de la mencionada península, ha resultado, que el mando Militar de V.E. se extienda á Alta Baja California como está en lo politico; separándolo del de Sinaloa, sin embargo de que el Sr. Comandante Genl. de los Departamentos de Sonora y Sinaloa continuará impartiendo á V.E. los recursos y auxilios de que hubiere menester para asegurar la paz y socorrer las tropas, para promover el vecindario y para hacer que toda la demarcacion prospere y sea feliz.

Aunque el Art.º 1.º de 2 de Nov.º de 839, derogó los artículos del de 18 de Feb. del mismo año, que sujetaban á la

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depenancia de la plana Mayor del Ejército
 y el 13 del primer decreto citado solo se deja
 á los Comandantes Generales de los Departa-
 mientos de Oriente y Occidente con las an-
 tiguas atribuciones inspectoras que tenían
 en las compañías presidiales, el E. J. Pres-
 iante referido ha resuelto, que las facul-
 tades de O. E. se extiendan como Inspector
 al Batallon fijo de Californias y que en
 todo lo relativo obre en mecanica y se en-
 tienda con la plana Mayor del Ejército.

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Va O. E. á experimentar el arreglo ó
 desorden en que se encuentran las Adu-
 nas Maritimas de ambas Californias:
 tiene la necesidad de examinar la situa-
 cion que guardan todas las Misiones
 en su gobierno, adelantos y ramos de Con-
 tabilidad: tiene que proceder á la inspec-
 cion y reorganizacion de las Compañias
 presidiales, y p.^a todas deberá dejar exis-
 tente el mal mientras que se resuelva la
 consulta.

El Gobierno Supremo confiando en
 la justificacion y actividad de O. E. quiere
 desde luego que el daño se evite, que el
 bien se establezca, y que desde luego nin-
 gun obstaculo lo impida y por lo mismo
 las facultades que delega en O. E. las hace
 extensivas á estos ramos y á cuantos mas
 puedan contribuir á la dicha del pais,
 contados entre sus ramos la admin-
 istracion de Correos, la Colonizacion, el
 establecimiento de Presidios, la mejora de

los Puertos, la seguridad de los pueblos, la civilizacion de los Salvajes, la educacion de la juventud, la apertura de caminos, el fomento de los Artes, la proteccion de la agricultura y el Comercio, el establecimiento de Casas de Correccion y el ornato de las poblaciones -

Conoce V.E. las miras de Gobierno Supremo. Sabe muy bien que, amigo del progreso, solo anhela por la union entre los Mexicanos, y por que todos los pueblos disfruten el amparo de las leyes y una libertad tan estensa que solo le limite el acatam^{to} a las leyes, la obediencia a sus autoridades, y el deber que tenemos para procurar el bien y evitar a todos se les haga perjuicio -

En esta virtud no me detengo en recomendarle propague estos principios y unicamente le advierto que al dictar sus instrucciones el Supremo Magistrado ha querido manifestar a V.E. su aprecio y la utilidad del gobierno que le confia ya a los habitantes de California el acreditarles que la presente administracion desea su dicha, desconoce la apatia, y esta pronto a impartir en favor de aquel Departamento todos cuantos recursos apetize y pueda proporcionarle -

Los dignos Militares que marchan a las ordenes de V.E. van a prestar un

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Servicio en favor del Territorio Nacional digno (o por) sin duda de la gratitud pública: Los habitantes de aquel Departamento van á experimentar en ellos un modelo de honradura, de subordinacion y disciplina, y para que se acrediten estas honorificas cualidades es indispensable que V.E. les recuerde continuamente q. Su residencia va á ser en unos pueblos que si bien carecen sus habitantes de la civilizacion de Cortezanos, tambien es verdad que son dociles, hospitalarios, amigos del bien y susceptibles de aprovechamiento y libres de ese contagio que tambien perjudica en las grandes poblaciones en donde corrompida la moral, solo se inserta á criticar acciones inocentes que debieran servir de buen ejemplo."

Lo que transcribo á V. [para su] inteligencia y fines consiguientes -

Dios y Libertad, Enero 10 de 1843.
Mano. Michel Toruna,

Sr. Asesor. de la Aduana
Maritima de Monterey

Filed in Office May 12, 1852 -
Geo. Fisher
Secy-

Translation
of
Michel Torrens's
Order.

~~And~~
Gov. of the Dep. 3
of Calif. - 3
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With date of the 11th of February
1842, His Excellency, the Minister of War
and Marine says to me that which I copy:

" Most Excellent Sir - His Excellency,
the Provisional President, desiring that in
the Department of the Californias all its
resources should be made use of to prosper
it and put it in defense and in the state
of happiness to which nature itself invites
it; taking into consideration the events
which have happened in the country, and
which could not have been prevented by
the National Government on account of the
distance; the situation in which Your Ex-
cellency will find yourself and the mea-
sures you will have to adopt, the measures
of which will produce no effect, if they are
delayed the length of time necessary for
their determination; for there are matters
in which the slightest delay cannot be
remained; and trusting that your Excel-
lency will make no abuse of power,
and that which is granted to you will
be employed for the good of the Service
and of all the inhabitants of that inter-
esting and fertile Department, which the
Supreme Government has placed in your
charge and responsibility, he has been
pleased to grant to Your Excellency be-
sides the powers specified as belonging

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To you in the laws and ordinances now in force, as General, Commanding General and Inspector, all the authority which the Supreme Government can delegate to you, that in use of it you may remove all civil and military employees there who do not comply with their duties, and are not worthy of the confidence of the Supreme Government, filling their places with citizens worthy of entering on the exercise of their offices, without this preventing Your Excellency from reporting it to the Supreme Government for its approval with the reasons for your proceedings.

The views of the Supreme Magistrate are not directed to Upper California alone, but are also extended to the Lower, in the demarcation of which have appeared symptoms of secession, which encouraged by hidden enemies, have caused some foreigners to take part, who ought to be prevented by their very origin from taking part in domestic quarrels, and as he is resolved to protect the troops, authorities and resources of the said peninsula, he has decided that the Military Command of Your Excellency should be returned to said Lower California as is your civil (power) separately from that of Sinaloa; notwithstanding the Commanding General of the Department of Sonora and Sinaloa will continue to furnish to Your Excellency the assistance you may require

to insure peace, to aid the troops, to provide the inhabitants, and to cause all the demarcation to prosper and be happy.

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"Although the Art. 1st of Nov. 3^d 1839, annulled the Articles of the 18th February of the same year which subjected to the Command of the Staff of the Army, and the 13th of the Decr first cited, the Commandants of only the Eastern and Western Departments are left with the powers of inspectors which they had in the Companies of the "Presidants," His Excellency, the said President, has decided that the authority of Your Excellency shall be retained as Inspector of the fixed Battalion of Californians and that in every thing relating to it act in detail and in conjunction with the Staff of the Army -

"Your Excellency is about to see the order or disorder in which the Maritime Custom-houses of both Californias will be found. You will be under the necessity of examining the condition of all the Companies in their government, improvements and the branch of accountability. You will have to proceed to the inspection and reorganization of the Presidential Companies; and in all cases the evil should be left existing until the remedy is determined. The Supreme Government trusting in the justice and activity of Your Excellency, wishes that

the evil be at once removed, the good estab-
lished and that there should not be any
obstacle to prevent it, and for this reason the
powers delegated to Your Excellency are
made to extend to these branches and to what
you may contribute to the happiness of the
country, numbering among its branches
the Administration of Post Offices, Coloni-
zation, the establishment of Prisons, the
improvement of the ports, the security of
the people, the civilization of the savages,
the education of youth, the opening of roads,
the encouragement of the arts, the protection
of agriculture and commerce, the estab-
lishment of houses of correction, and the
beautifying of the towns.

Your Excellency knows the views of the
Supreme Government, you know well that,
a friend to advancement, it only desires
union among Mexicans, and that all its
people may enjoy the protection of the
laws and a liberty so extensive that
it is only limited by respect for the laws,
obedience to its authorities, and the duty
we have of procuring the good and avoid-
ing all that may do them harm. In vir-
tue of this I will not stop to recommend
you to propagate these principles, I will
only mention that in dictating your in-
structions the Supreme Magistrate has
wished to show Your Excellency his esteem
and the confidence of the Government
which confers it, and to prove to the inhabi-
tants of California that the present ad-

ministration desires their happiness will not neglect them and is ready to impart for the benefit of that Department all the means it may desire or that can be furnished it.

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"The worthy soldiers who march at the orders of Your Excellency are about to render a service for the benefit of the National Territory, deserving doubly of the public gratitude: The inhabitants of that Department are about to see in them a model of honor, of subordination and discipline, and that they may prove themselves to possess these honorable qualities, it is indispensable that Com Excellency should remind them continually, that their residence is to be in places where if their inhabitants are wanting in the civilization of countries, it is nevertheless true that they are docile, hospitable, friends of right, susceptible of improvement and free from that contagion which prevails in large towns, where it corrupts the morals, and only teaches to criticise innocent actions which ought to serve as good examples."

All which I transmit to you for your information and purposes consequent.
God and Liberty - January 14, 1843 -
(Signed) Manuel Michelena.

To the Administrator of the Maritime Custom-house of Monterey -

J. George Fisher,

Secretary to the U.S. Land Commission to ascertain and settle private land claims in California, hereby certifies the foregoing to be a true and correct translation -

Witness my hand this 13th day of May A.D. 1852 -
Geo. Fisher
Scrij-

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Filed in Office May 13th 1852 -
Geo. Fisher, Scrij-

Sello p^o sus Pasos -

Doc. N. 1. 1. 1.
No. 1 enq^o to
the Deps. of
Spain. Jimeno -

Habilitado provisionalmente por la Aduana de Monterrey para los años de 1839 y 1840.

Alvarado -

Antonio M. Seo -

Valya p^o los años de 1841 y 1842 -

Antonio M. Seo -

Seal 3
Juan B. Alvarado Gobernador
Constitucional del Departamento de las Californias -

Por cuanto D^o Guillermo Eximio Martell ha pretendido para su beneficio personal y el de su familia el paraje conocido con el nombre de Todos Santos unido con el de San Antonio, colindante al oriente con los Alambreros, al Poniente con la Puerta de San Antonio, al Sur con la Cuesta de la Purisima, y al Norte con el Llano de la

Larga, practicadas previamente las diligencias y averiguaciones concernientes, según lo dispuesto por leyes y reglamentos, usando de las facultades que me son conferidas á nombre de la Nación Mexicana he venido en concederle los terrenos mencionados declarándole la propiedad de él por las presentes letras, sujetándose á la aprobación de la Exma. Junta Departamental y á las condiciones siguientes:

1.^a Podrá cercarlo sin perjuicio de las trovecias, caminos y alrededores. Lo disfrutará libre y exclusivamente destinándolo al uso ó cultivos que mas le acomode, pero dentro de un año fabricará casa y estará habitada.

2.^a Solicitará del Juez respectivo que le dé posesion jurídica en virtud de este despacho por el cual se demarcarán los límites en cuyos límites pondrá a mas de los arborescencias algunos arboles frutales ó silvestres de alguna utilidad.

3.^a El terreno de que se hace mención es de cinco sitios de ganado mayor, pero mas ó menos, según se vea el diseño que corre en el Expediente. El Juez que diere la posesion la hará medir conforme á ordenanza, dejando el sobrante que resulte á la Nación para los usos concernientes.

4.^a Si contraviniese á estas condiciones perderá su derecho al terreno y será denunciado por otro.

En consecuencia mando que teniendo por firme y validos este titulo se tome razon de el en el libro respectivo y se entregue al interesado para su resguardo y demas fines.
Dado en Monterey á veinte y ocho de Agosto de mil ochocientos cuarenta y uno.

Juan B. Alvarado.

Manuel Jimeno
Fno.

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Queda tomada razon de este despacho en el libro de acientos sobre adjudicacion de terrenos baldios a f.º D. Quella.

Jimeno.

El Excmo. Sr. Gobernador ha dispuesto se tome razon de esta concesion en la Prefectura del 2.º Distrito.

Jimeno.

Queda tomada razon del presente titulo en el libro respectivo llevado en la Prefectura del 2.º Distrito á f.º 4.º o.º

Angelis Pro 13 de 1841.

Manrico Botello.
Fno.

Sello Tercero Dos Reales.

Habilitado provisionalmente por la Aduana Maritima del puerto de Monterey en el Departamento de las Californias para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

Jimeno.

Antonio Maria Osio.

Seal } Sr. Juez de Paz -
 Guillermo Eduardo Mart-
 nell ante V. Compañero y dice: Que habiendo
 obtenido la concesion propia de los dos parajes
 conocidos con los nombres de Todos Santos y
 de San Antonio; ocurre á V. para que se sir-
 va darle la posesion juridica conforme esta
 provisto en los artículos 2.º y 3.º del Título de
 dho. terreno que se usará en 28 de Agosto del
 año presente que debidamente acompaño

Por tanto á V. Suplico se sirva ponerme
 en la posesion que solicito, con lo que recibirá
 justicia &c.

Santa Barbara 28 de Sept. de 1841 -
 Guill. Ed. Martnell

Santa Barbara 28 de Septiembre de 1841 -
 En virtud de la antecedente solicitud pro-
 cedere por mí el presente Juez á la medicion,
 señalamto. de linderos y posesion judicial
 que solicita el interesado en este Expediente,
 señalándose para ejecutarse el dia cuatro de
 Octubre del corriente año para lo que se cita-
 ran con boleta de comparendo á los colindantes.
 Asi por el muncionero Juez lo decreté, ordené,
 y firmé con los testigos de asistencia con quienes
 actúo por receptoria á falta de Escribano Pub-
 lico. Doy fé.

Fernando Tico.

De asistencia De asistencia
 Henrique Mellus. José Ant. Herrera.

En la misma fha. se libraron las boletas

que se mandan en el antecedente auto y para que conste lo subriquis -

Subrie.

En el Rancho de Los Santos á los cuarenta dias del mes de Octubre de mil ochocientos cuarenta y uno, en cumplimiento del auto de 28 del mes pasado, concurrieron los ciudadanos José Antonio de la Guerra como apoderado de la Misión de la Purísima e igualmente como colindante de este rancho, Francisco Olivera como apoderado de su padre Lucas Olivera, José María Valenzuela y Antonio Olivera, colindantes del rancho de San Antonio; y citados para la mudacion, señalamiento de linderos y posesion, nombré por mudadores á los Andigenas Quintín y Garrido, quienes previa la aceptacion y juramento procedieron al desempeño de su cargo. Asi -

Sello Lucero Dos Reales

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

Simons -

Antonio Maria Osio -

- yo el dicho juez lo decreté, mandé y firmé con testigos de asistencia -

Fernando Tris -

Sello

De ara

Se asse.

Henrique Mullus - J. A. Herrera

En la fha. se les notificó el auto que antecedia á los colindantes y interesados dijeron: Que lo oyen y firmaron conmigo y los testigos de

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asistencia -

Fis.

José A. de la Torre y
Carrillo -

Aut. Olivera

A cargo de Francis Olivera

José A. de la Guerra
y Carrillo -José M.^a Valenzuela

De act.

De act.

J. A. Herrera -

Henrique Muller -

En la misma fha. y en el expresado
rancho se les notificó el auto en el que apare-
cen nombrados medidores á los ciudadanos,
Quintín y Carrillo, y enteraidos dijeron: Que
acoptam y acceptaban dho. encargo y juraron
por Dios Nuestro Señor y la Señal de la Santa
Cruz, de usarlo fiel y lealmente á todo su
saber y entender sin dolo ó fraude contra per-
sona alguna, y por no saber firmar hicieron
ambos una Cruz y firmé go con testigos de
asistencia -

Fernando Fis.

Quintín +

Carrillo +

De act.

De act.

J. A. Herrera

Henrique Muller -

Incontinente go el referido juez mandé
traer á mi presencia el corral con que se han
de medir ~~las~~ las tierras y que los medidores
lo midan de cien varas y lo firmé con los de
asistencia -

Fernando Fis.

De act.

De act.

Henrique Muller -

J. A. Herrera -

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En la misma fha. en presencia de mi el
dijo juez los expresados medidores tomaron
un cordel de meate y con una vara Meji-
cana de mediu, tomandola de la mano mi-
dieron cien varas para hacer la referida me-
dida y para constar lo autogeu
Rubric.

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En la misma fha. y en el referido ran-
cho siendo las diez de la mañana yo el pre-
sente juez mandé á los medidores nombrados
se pongan para la medición que se ha de ha-
cer del terreno comprendido en los dos ranchos
de Todos Santos y San Antonio para que el
mencionado J. Guillermo Eduardo Hartwell to-
me posesion de él; y parados en la Cuchilla
alta del Camino real de la Cuesta de la Pu-
erisima para San Antonio empezaron la me-
dicion, tomando el rumbo Norte $\frac{1}{4}$ al Este has-
ta la Cumbre del paraje llamado los Pinos, en
donde habiendo llegado dijeron haber ciento cin-
cuenta y seis cordales. Desde este punto cum-
bo S. S. O. hasta el barranco de San Marcos
junto al Corral Viejo se midieron ciento y
treinta cordales. Desde otro barranco =

Sello Tercero Dos Reales =

Habilidad provisionalmente por la Aduana
Maritima del puerto de Monterey en el Depar-
tamiento de las Californias, para los años de
mil ochocientos cuarenta y mil ochocientos
cuarenta y uno =

Simons =

Antonio Maria Osio =

Seal } = rumbo al S. S. E. hasta la punta
de la loma de San Francisco en
donde amata la Cañada de San
Antonio se midieron ciento y quince

cordeles - Y desde este ultimo punto hasta la Cuchilla desde donde comenzaron las mediciones se calcularon setenta y cinco cordeles - Habiendose concluida esta medicion resultó haber como cinco sitios de ganado mayor, algo mas, y habiendo hecho el señalamiento de linderos en la Cuchilla de la Cuesta de la Purisima, en la punta baja de la loma que está a la derecha de la Salida de la Cacería de la Cuesta, camino para los Alamos, en la Cumbre de los Pinos, en el barranco de San Marcos, y en la loma de San Francisco; mandé formar mojones, y para constancia lo firmé por ante los testigos de asistencia.

Fernando Tico.

De atto.

De atto.

Henrique Mullus - J. A. Herrera.

En la misma fta. go el indicado Juez mandé que en vista de haberse medido el terreno y haberse hecho el señalamiento de linderos, se ponga en posesion juridica al Señor D. Guillermo Eduardo Martell, y notifiquesles a los colindantes, y firmé por ante testigos de asistencia.

Fernando Tico.

De atto.

De atto.

Henrique Mullus - J. A. Herrera.

En la fta. se le notificó a los colindantes José Antonio de la Guerra (como apoderado y encargado de la Mision de la Purisima y como dueño del rancho de los Alamos,) Francisco Olvera (apoderado de su padre Lucas Olvera) José Maria Valenzuela, y Antonio Olvera.

el auto anterior y entendiéndose dijeron que lo oyeron y firmaron como testigos y los testigos de asistencia -

Fue

Jose A. de la Guerra
y Benillo

José María Valenzuela

A ruego de Francisco Herrera

Jose A. de la Guerra y
Benillo

Antonio Herrera

de testigo

de testigo

J. A. Herrera

Huárigas Melles -

En el rancho de Los Santos siendo como á las seis de la tarde del mismo día mes y año el Sr. D. Guillermo Eduardo Hartwell vecino de Monterey acompañado del juez y testigos, en amicus según dijo de tomar la verdadera corporal y real posesión del expresado terreno de los dos parajes de Los Santos y San Antonio, por haberla pertenecido con -

Sello Tercero Dos Reales -

Habilitado provisionalmente por la Aduana Marítima del puerto de Monterey en el Departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno -

Bimeno -

Antonio Maria Esis -

Seal = Justos títulos que obtuvo del gobierno político de este Departamento con fecha de 28 de Agosto del presente año; entró y pasó por dicho terreno; arrojó yerbas, esparció puñados de tierras, rompió ramas de árboles, é hizo otras ceremonias de verdadera posesión en señal de la que dijo tomar y q. tomara de dichas tierras.

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Y mandé yo el citado Juez que desde entonces
le tuviesen y reconociesen el mencionado tor.
Hartull por verdadero dueño, Señor y poseedor
de ellas. De todo lo referido pidió el referido tor.
Hartull que para memoria en lo venidero y
conservacion de sus derechos, por mi el Juez
le fuese estudiada una constancia, lo que
asi fué autorizada siendo testigos de asisten-
cia los Señores Henrique Mullus y José
Antonio Huerta, con quienes actúo en recep-
toria á falta de Escribanos Públicos, que no lo
hay según derecho. Doy fé.

Fernando Sicó.

de asist^o

de asist^o

Henrique Mullus - J. A. Huerta -

En la fha. se devuelve este Expediente al
interesado con ocho fojas utiles y para con-
stancia lo rubriqué -

Rubricó.

Silla Primero Ocho Pisos.

Habilitado provisionalmente por la Admra.
Maritima del puerto de Montevideo en el De-
partamento de las Vestiformias para los años
de mil ochocientos cuarenta y cuatro y mil
ochocientos cuarenta y cinco -

Micheltoirna -

Pablo de la Guerra -

El Ciudadano Manuel Micheltoirna, General
de Brigada del Ejército Mexicano, Ayudante Gene-
ral de la Plaza Mayor del mismo, Gobernador, le-

Comandante General e Inspector del Departamento
de California -

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Señal 3
Señal 3
Señal 3

Por cuanto D. Guillermo Eduardo
Hartwell Mexicano por naturalizacion
ha pretendido para su beneficio per-
sonal y el de su familia un terreno de la ex-
tension de once leguas cuadradas, colindante
por el norte con el rio de los Cosumnes en
frente del rancho de D. Joaquin Sheldon; por
el poniente con el rancho del Sr. Anastasio
Chaboya; por el sur con las inmediaciones
del arroyo de las Uvas; y por el oriente con
las de la Sierra Nevada: practicadas previ-
amente las diligencias y averiguaciones concer-
nientes segun lo dispuesto por leyes y regla-
mentos; usando de las facultades que me son
conferidas en nombre de la Nacion Mexicana
he venido en concederle el terreno mencionado
declarandole la propiedad de el por las presentes
letras, sujetandose á la aprobacion de la Exma.
Asamblea Departamental y bajo las condi-
ciones siguientes:

1^a Para cercarlo sin perjuicio de las
traviasas, caminos y ferrocarriles; lo disfrutará
libre y exclusivamente, destinandolo al uso ó cul-
tivo que mas le acomode.

2^a Solicitará del Juez respectivo que le dé
posesion jurídica en virtud de este despacho
por la cual se demarcarán los linderos en
cuyos límites pondrá ademas de las mohe-
reras algunos arboles frutales ó silvestres de
alguna utilidad -

3^a El terreno de que se hace donacion es de once sitios de ganado mayor. El juez q. diere la posesion lo hará medir conforme á ordenanza, quedando el sobrante para los usos que á la Nacion le convengan.

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4^a Si contravinieren á estas condiciones perderá su derecho al terreno y sera denunciado por otro.

En consecuencia mando que los instrumentos de titulo el presente, y terminados por firmas y valores, se tome razon de él en el libro respectivo y se entregue al interesado para en resguardo y demas fines.

Dado en Montevideo este dia tres de Noviembre del año de mil ochocientos cuarenta y cuatro.

M. A. Mitchell.

M. A. Jimeno
Fris.

Queda tomada razon de este Despacho en el Libro respectivo á fojas 8.

Jimeno.

Filed in Office Jan'y 27th 1853.
Geo. Fisher Secy.

Translation
of Title -

Seal of the First Class Six Dollars -
Authorized provisionally by the Maritime Custom-house of Montevideo for the years 1839 & 1840

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(Signed) Alvarado. (Signed) Antonio Maria Osio.
(Made valid for the years 1840 & 1841)
(Signed) Antonio Maria Osio.

Custom-House
Seal

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John B. Alvarado Constitutional
Governor of the Department of the Californias.

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Whereas William Edward Hartnell has solicited for his personal benefit and that of his family the place known by the name of Los Santos joined to that of San Antonio, bounded on the East by Los Alamos, on the West by the beach of San Antonio, on the South by the hill of La Purissima and on the North by the plain of La Sarga; the necessary steps and investigations having been previously taken and made in conformity with the requirements of laws and regulations, I have in virtue of the powers conferred upon me granted to him in the name of the Mexican Nation the said lands, declaring unto him the ownership thereof by these present letters, subject to the approval of the most Excellent Departmental Junta and to the following conditions:

1st He may fence it in without prejudice to the crossings, roads and privileges; he shall enjoy it fully and exclusively, destining it to the use or cultivation which may best suit him, but within one year he shall build a house and it must be inhabited.

2^d He shall request the respective Justice to give him juridical possession in virtue

of this title; said Magistrate shall designate the boundaries, at the limits whereof the grantee shall besides placing the land marks, plant some fruit trees or with ones of some utility -

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3^a The land whereof mention is made consists of five square leagues (cinco sitios de ganado mayor) a little more or less as appears by the plot which accompanies the Expediente. The Justice who gives possession shall cause it to be measured according to law, leaving the surplus which may result to the nation for the necessary uses -

4^{to} If he transgress these conditions he shall forfeit his right to the land and it may be denounced by another -

I consequently command that holding this title to be firm and valid, it be recorded in the respective book and be delivered to the party interested for his security and further uses. Given in Monterrey on the twenty-eighth of August eighteen hundred and forty one -

(Signed) Juan B. Alvarado.

(Signed) Manuel Jimeno,

Secretary.

This title has been recorded in the book of entries respecting adjudication of vacant lands on the back of folio B -

(Signed) Jimeno.

His Excellency, the Governor, has commanded this grant to be recorded in the office of the Prefect of the 2^a District - (Signed) Jimeno.

A record of the present title has been made in the respective book kept in the office of the Prefect of the Second District at the back of folio 4 -

Angelas October 19, 1841 -

(Signed) Narciso Botello -

Secretary -

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A true and correct translation
Written by my hand this 12th
day of May 1852 -
Geo. Fisher, Secy.

Filed in Office May 12th 1852.
Geo. Fisher, Secy.

Seal of the Third Class Two Beavers.

Translation
of
Juridical
Possession

Authorized provisionally by the Maritime Custom-
house of the Port of Monterey in the Department
of the Californias for the years eighteen hund-
red and forty and eighteen hundred and forty one.
(Signed) Jimeno. (Signed) Antonio Maria Secy.

Custom House
Seal

Señor Justice of the Peace -

William Edward Washburn

before you appears and says; that having obtained
the proper grant of the two places known by the
names of *Tras Santos* and *San Antonio*;
he applies to you to give him juridical possession
in conformity with the requirements of the 2^a and
3^a Articles of the title to said grants on the 28th
of August of the present year, which duty accom-
panies. I therefore request that you would be

pleased to put me in the possession which I require
whereby I shall receive justice, &c.

Santa Barbara 28th September 1841-

(Signed) W^m Edw. Hartnell

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Santa Barbara 28th September 1841-

In virtue of the foregoing petition, let me the
present Justice proceed to the measurement, design-
ation of boundaries and judicial possession which
the party interested asks for in this Expediente, ap-
pointing for carrying it into effect the fourth
day of October of the present year, to which under
the neighboring land owners shall be summoned -

Thus I, the said Justice, did decree, command
and sign with the assisting witnesses with whom
I act as Judge delegate (por receptoria) for the want
of a Notary Public - I give testimony -

(Signed) Fernando Lico.

(Signed) Henry Mellus

(Signed) Jose Antonio Huerta } assisting witnesses -

On the same date William Edward
Hartnell being presents the foregoing decree was
notified to him who being made acquainted there-
with said that he heard it and considered himself
as summoned - and signed with me and the assist-
ing witnesses -

(Signed) Fernando Lico.

(Signed) Henry Mellus

(Signed) Jose Antonio Huerta } (Sgd) W^m Edw. Hartnell -
assisting witnesses -

On the same date the Summons command-
ed in the foregoing decree were dispatched in testi-
mony whereof I signed with my flourish -

(Signed) The Alcalde's flourish -

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In the rancho of Jesus Santos on the fourth day of the month of October, eighteen hundred and forty one, in compliance with the decree of the 28th of last month, citizens José Antonio de la Guerra, as agent for the Cession of La Purissima and likewise as adjoining land owner, Francisco Olvera, as agent for his father, Lucas Olvera, José Maria Valenzuela and Antonio Olvera owners of land adjoining San Antonio, and cited for the measurement, designation of boundaries and possession appeared; I appointed as measurers the native Indians, Quintin and Carrillo, who on accepting and taking oath will proceed to execute their functions - Thus, I the said Justice, did decree, command and sign with the assisting witnesses -

(Signed) Fernando Tico -
 (Signed) Henry Mullus
 (Signed) José Antonio Huerta } assisting witnesses -

On the same date the foregoing decree was notified to the adjoining land owners who being made acquainted therewith said that they heard it and signed with one and the assisting witnesses -

(Signed) Tico -
 (Signed) José Ant.º de la Guerra y Carrillo
 At the request of Francisco Olvera -
 (Signed) José Ant.º de la Guerra y Carrillo -
 (Signed) José Maria Valenzuela
 (Signed) Antonio Olvera -
 (Signed) Henry Mullus
 (Signed) José Antonio Huerta } assisting witnesses -

On the same date and in the same rancho the decree wherein citizens Quintin and Carrillo are

appointed measurers was notified to them who having understood it said that they accepted and did accept said appointments and swore by God our Lord and by the sign of the Holy Cross to comply faithfully and legally to the best of their knowledge and ability, without deceit or fraud against any person and as they did not know how to write, they both made a cross and signed with the assisting witnesses -

(Signed) Fernando Tico -
 Quentin + Camilo +
 (Signed) Henry Mullus
 (Signed) Jose Antonio Huerta } assisting witnesses -

Immediately afterwards I the said Justice commanded the cord wherewith the lands are to be measured to be brought into my presence and that the measurers should measure off one hundred varas, and signed with the assisting witnesses -

(Signed) Fernando Tico.
 (Signed) Henry Mullus.
 (Signed) Jose Antonio Huerta } assisting witnesses -

On the same date in the presence of me the said Justice, the said measurers took a hempen cord, and taking a Mexican Vara rod in their hands, measured off a hundred varas to make the said measurement with, in testimony whereof I sign with my flourish -

(Signed) The Alcalde's flourish.

On the same date and in the said ranchos it being ten o'clock in the morning, I the present Justice commanded the measurers appointed to

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place themselves for the measurement to be made
 of the land comprehended in the two ranchos
 of Los Santos and San Antonio, in order that
 said William Edward Hamble may take
 possession thereof; and standing on the high
 ridge of the main road of the Purisima
 Mountain to San Antonio, they began the meas-
 urement taking the direction of N. $\frac{1}{4}$ E. to the
 summit of the place called Los Pinos, where
 on having arrived they said there were one
 hundred and fifty six cords (156); from said
 point in the direction of W. S. W. to the gulch
 (baranco) of San Marcos near the old cor-
 ral one hundred and thirty cords were
 measured; from said gulch in the direction
 of S. S. E. to the point of the Hill of San Fran-
 cisco, where the glen (cañada) of San Anto-
 nio was one hundred and fifteen cords
 were measured; and from this last point
 to the ridge where the measurement commen-
 ced seventy five cords were calculated -
 This measurement having been finished,
 there resulted some five square leagues
 (como cinco sitios de ganado mayor) a little
 more; and having made the designation
 of boundaries on the ridge of the hill of the
 Purisima; on the low point of the little hill
 situated to the right of the yep (salina)
 of the glen of the hill, the road to Los Al-
 amos; on the summit of Los Pinos; at
 the gulch of San Marcos, and on the hill
 of San Francisco. I ordered landmarks
 to be formed in testimony whereof I signed be-
 fore the existing witnesses -

(Signed) Tico.

(Signed) Henry Mullus
(Signed) José Antonio Huerta ³ assisting witnesses -

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On the same date & the before mentioned Justice did command that whereas the lands had been measured and the designation of boundaries made, Mr. William Edward Hartwell should be put in judicial possession and that this should be notified to the adjoining land owners, and signed before the assisting witnesses -

(Signed) Fernando Lico.
(Signed) Henry Mullus ³
(Signed) José Antonio Huerta ³ assisting witnesses -

On the same date notification was made to the adjacent land owners, José Antonio de la Guerra (as attorney and agent of the Mission of La Purisima, and as owner of the Rancho of Los Alamoz), Francisco Olivera (agent of his father, Lucas Olivera), José Maria Valenzuela and Antonio Olivera, of the foregoing decree, who having understood it said that they heard it, and signed with and the assisting witnesses -

(Signed) Lico.
(Signed) José Antonio de la Guerra y Carrillo
At the request of Francisco Olivera
(Signed) José Antonio de la Guerra y Carrillo
(Signed) José Maria Valenzuela
(Signed) Antonio Olivera -
(Signed) Henry Mullus ³
(Signed) José Antonio Huerta ³ assisting witnesses -

On the Rancho of Los Santos it being

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about six o'clock in the evening of the same day, month and year, Mr. William Edward Hartnell a resident of Monterey, accompanied by the Justice and witnesses, with intent as he said of taking true, corporal and real possession of the said land of the two places of Todos Santos and San Antonio, as belonging to him by just titles obtained from the political government of this Department on the 28th day of August of the present year, entered and walked about in said lands, pulled up grass, scattered handfuls of earth, broke off boughs of trees, and performed other ceremonies of true possession in sign of that which he said he took and did take of said lands. And I the said Justice did command that from thenceforward he the said Hartnell should be held and acknowledged as true owner, lord and possessor thereof. Of all the foregoing said Hartnell requested that I the Justice should give him a certificate for future memory and the conservation of his rights, which was so authorized the assisting witnesses being Dn. Henry Muller and José Antonio Huerta, with whom I act as Judge Delegate for want of a Notary Public, there being none, according to law. I give testimony-

(Signed) Fernando Fico

(Signed) Henry Muller

(Signed) José Antonio Huerta ^{and} assisting witnesses-

On the same date this Expediente was returned to the party interested, on eight useful folios, in testimony whereof I signed with my

flourish = (Signed) *R* The Alcedo's flourish

A true and correct translation -

Witness my hand this 13th
May A.D. 1852.

Geo. Fisher, Secy

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Filed in Office May 13th 1852 -

Geo. Fisher, Secy -

Translation of Title - Seal of the first class eight dollars -
Authorized provisionally by the maritime Custom-house of the Port of Monterey in the Department of the Californias for the years eighteen hundred and forty four and eighteen hundred and forty five -

(Signed) Micheltonna - (Signed) Pablo de la Guerra.

Custom-House

Seal

Government

Seal

Government

Citizen Manuel Micheltonna Brigadier General of the Mexican Army, Adjutant General of the Staff of the same, Governor, Commandant General and Inspector of the Department of Californias -

Whereas Mr. William Edward Hartwell a Mexican by naturalization has solicited for his personal benefit and that of his family a tract of land of the extent of eleven square leagues, bounded on the North by the river Cosumnes, in front of

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Rancho of Don Joaquin Sheldon; on the West
by the Rancho of Don Anastasio Chaboyan,
on the South by the vicinity of the Dry Creek,
(Arroyo de las Uvas); and on the East by the
vicinity of the Sierra Nevada; the necessa-
ry steps and investigations having been pre-
viously taken and made in conformity with
the requirements of laws and regulations; I
have by virtue of the powers conferred upon me
granted unto him in the name of the Mex-
ican Nation the beforementioned land, de-
claring unto him the ownership thereof by
these presents letters, subject to the appro-
val of the Most Excellent Departmental
Assembly and under the following conditions:

1st He may surround it without preju-
dice to the cropping, roads and privileges: he
shall enjoy it fully and exclusively, desti-
ning it to the use or cultivation which may
best suit him.

2^d He shall apply to the respective Jus-
tice to give him juridical possession in virtue
of this title; the said Magistrate shall desig-
nate the boundaries at the limits whereof
the grantee shall besides placing the landmarks
plant some fruit trees or wild ones of some
utility.

3^d The land whereof donation is made
contains eleven square leagues (once sitio de
ganado mayor). The Justice who gives possession
will cause it to be measured according to law
leaving the surplus for the uses which may be

acquired by the Nation -

4th If he transgress these conditions he shall forfeit his right to the land and it may be denounced by another -

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I consequently command that the present writing him for a title and being held as firm and valid, a record thereof be made in the respective book and be delivered to the party interested for his security and further use -

Given in Monterey this third day of November eighteen hundred and forty four -

(Signed) Manuel Micheltona

(Signed) Manuel Jimeno,

Secretary.

This title is recorded in the respective book at folio 8 -

(Signed) Jimeno -

A true and correct translation
written by my hand this
12th May A.D. 1852 -

Geo. Fisher,
Scrib.

Filed in Office May 12, 1852 -

Geo. Fisher,
Scrib -

Certified Copy
of the
Will of
Heartnell -

Last Will and Testaments of W. E.
J. Heartnell of Monterey, State of Cal-
ifornia - In the name of the most
Holy Trinity, Father, Son and Holy Ghost,
I, William Edward Petty Heartnell, be-
ing at this moment (thanks be to God)
in perfect good health and of sound
mind and memory, do declare this to be
my last will and Testament - In the
first place I declare it is my desire to
live and die in the bosom of the Holy Ro-
man Catholic and Apostolic Church, and
I request that when it may please the
Almighty to call me out of this world
my funeral be conducted in as plain and
modest a manner as possible, and with-
out any unnecessary pomp - Item - I
declare that the property which I possess
and the debts owing by and to me will
be found expressed in the adjoining list
signed with my name - I do further de-
clare that I do hereby constitute and ap-
point as my sole executors and as Tutors
and Guardians to such of my children
as may remain under age at the time of
my death my dearly beloved wife Maria
Teresa de la Guerra and her brother my
good friend Don Pablo de la Guerra re-
questing that they will as soon after my
decease as possible pay off my debts and
satisfy my bequests it is likewise my de-
sire that my debtors be not in any way
disturbed on account of the amounts they
may owe but that they be merely requested
to pay, and that whatever they may choose

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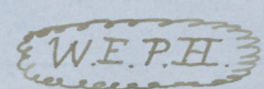
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to pay be received in full of all demands.
I do furthermore declare that it is my
desire that on my decease my wife do
enter into and take possession of all my
property both real and personal estate
and that she have the sole management
and control thereof during her natural
life (excepting such parts as I may here-
inafter dispose of) for her use and ben-
efit and for the maintenance of our dear-
ly beloved children, Guillelmo Antonio, Juan,
Adelberto, Teresa, Jose, Matilda, Ana,
Magdalena, Pablo, Ulderico, Silvestre,
Amilia, Arnulfo, and any others which
the Lord may yet be pleased to bless us
with; and on the death of my said wife
it is my desire that all said property be
equally divided amongst our said chil-
dren in the manner which may seem
most equitable to my brother-in-law Don
Pablo de la Guerra should he survive
my wife, or in case of his previous death,
to the person who my wife may by will
appoint in his stead, - without any re-
sponsibility, bond or guarantee whatever
on the part of either of my executors as-
suming the fulfilment of this my last will
and Testament, for my principal object
is to prevent any member of the law from
having anything whatever to do with my
property or with my executors or heirs. **
I moreover give and bequeath unto my sis-
ter Mary or in case of her death to my
sister Hannah or to whichever of my broth-
ers George or Nathaniel may be in most

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want thereof the amount of one thousand dollars, which I request my executor to remit in a good bill of Exchange on England to my brother Nathaniel residing at No. 1 Hagby Place, New Kent Road London - I furthermore desire that another bill of Exchange of the same description for the amount of six hundred dollars be forwarded to the Right Rev.^d Doctor Denvir B. C. Bishop, Belfast or in his absence to the Rev.^d James Keenan O. P. Bullymacaruth, Belfast, Ireland, for him to distribute to the persons about whom I have written to him in proportion to their necessities, it being understood that should I in my lifetime be enabled to make remittance of the two before mentioned amount of \$1000 and \$600, then these two bequests to be null and void - I give and bequeath unto my son Guillermo, my large family mourning ring: unto my son Juan my old silver watch: unto my son Adelberto the ring which I wear, and to my daughter Louisa, my mother's likeness; to the rest of my children I give and bequeath my library to be divided amongst them as their mother may see fit: and to the whole of them I give my paternal blessing in the name of the Father, and of the Son, and of the Holy Ghost, Amen - Signed Sealed and delivered in the City of Montevideo this sixteenth day of December in the year of Our Lord one thousand eight hundred and fifty in the presence of the subscribing witnesses - D. E. P. Hartwell 

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We the undersigned do hereby certify that the foregoing Document was signed by M. E. P. Hartwell in our presence and then and there declared by him to be his last will and Testament - Manuel Jimeno Resident in la Ciudad de Monterey - D. Spurr Resident in the City of Monterey, James McKinlay Resident in the City of Monterey.

List of property belonging to me this day and of the debts owing to and by me referred to in my foregoing Will and Testament -

1st My dwelling house in Hartwell Street with the lot annexed of the dimensions expressed in a document signed by Walter Cotton on the 17th March 1847 (Up 30 yards square sold John Gorman 4, 15 y front by 30 y deep sold J. R. Mason) -

2^d A lot of 40 yards front & 56 y in depth opposite my said dwelling house as per deed signed by W. Cotton 9 April 1847 -

3^d A lot of 160 yards front and 100 in depth (Up 25 y front by 40 in depth sold John Morris and the same quantity of land sold H. W. Wallcut) situate in Charate Street as per deed signed by W. Cotton, 3rd March, 1847 -

4th A lot near the Huerta Vieja of 25 y front by 30 y in depth as per deed given by Macedonio Paredilla 31st December, 1849 -

5th Five lots in South San Francisco as per deed signed by John Townsend and C. de Boone the 30th September 1849 -

6th My Rancho of the Abigal (now called Patrocinio) as per deed signed by José Fi-

queroa, the 26th June 1834 with two houses
on the same —

7th Augmentation to said Ranch as
per deed signed by Juan B. Alvarado 8 May
1839 —

8th My Ranches of Losos Santos and
San Antonio as per deed signed by Juan
B. Alvarado 28th August 1841 —

9th My Ranches of the Cosumnes (left
the sections No. 10 & 12 sold to W. J. Sher-
man, No. 14 sold to W. D. Wilson, No. 16
sold to Jane Sheldon, and the lower
half of No. 13 sold to Mr. Austin as per
map surveyed by W. J. Sherman and de-
posited in the Archives of the Recorder's
Office at Sacramento City, as per deed
signed by Manuel Micheltorina 3rd Nov. 1844 —

10th My personal property consisting a
little more or less in one thousand head of
cattle, fifteen horses, eight mules, two
carriages, one wagon, a library, house-
hold furniture, etc.; W. D. Wilson's obliga-
tion for \$1963 — due Nov. 2nd; J. C. Austin's
note for \$900 — due 22nd of Nov. or Dec. (in
the hands of A. C. Monson Sacramento City
for collection) Wilson's note for \$2250 —
due 2nd February 1851 — John Morris's obli-
gation for \$200 — part due; Mariano Sob-
ranes owes ~~me~~ in Cash \$74 =, Joaquin Es-
tudio owes according to my account some
\$900 =, but he denies the greater part, Jose
Antonio Carrillo owes about \$1000 —

— Debts owing by me —

I am indebted to George Aikin of San
Francisco as Agent for John Bates of Liver-

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paid \$1297.37 1/2, to W. E. Howard of San Francisco some \$600, to Jose Antonio Aguirre of San Diego \$915.1, to Alex. Forbes of Santa Clara (as Agent for Barron Forbes & Co of San Francisco \$400 - Monterey 6th December 1850 - W. E. P. Hartnell

L. W. Hastings of Sutter is likewise indebted to me the amount of five thousand dollars (\$5000) for a lot or parcel of land which he sold for me to Mr. J. Sheldon and received the cash for, and as this was a breach of Trust on his part I desire that he may be proceeded against to the rigor of the law - Monterey 6th December 1850 - W. E. P. Hartnell

Probate Court
Monterey County
State of California
Monary 27th Feb. 1854

David Spence upon being sworn deposes and saith that he was acquainted with W. E. P. Hartnell deceased, that he is now dead, that he died on the morning of the 2^d of this month and year - Upon being shown the last will and Testament of W. E. P. Hartnell, says that he has known the hand writing of W. E. P. Hartnell for many years and that the writing and signature to the will is that of W. E. P. Hartnell's, that he David Spence was a witness to the signature at the time the will was signed by the late W. E. P. Hartnell: says that the signature which he David Spence has sworn to is the signature affixed to an

instrument purporting to be the last will and Testament of W. E. P. Hartwell. Says that it is his (David Spence) signature as witness to the signature of W. E. P. Hartwell affixed to said instrument. Says that W. E. P. Hartwell deceased signed the same in his presence, and at the same time mentioned in deponent's presence that it was his signature to his last will and Testament. Says that he signed the same as witness in the presence of W. E. P. Hartwell and at his request. Says that at that time he knows that W. E. P. Hartwell was of sound mind and of disposing memory - That Manuel Jimeno and James McKinlay were also subscribing witnesses to the signature of W. E. P. Hartwell as shown in his last will and Testament, at the time he deponent subscribed to the same - That according to his deponent's last information said Manuel Jimeno died in Mexico last long since - that he is therefore not now in this country - Upon being shown the signature of Manuel Jimeno as a subscribing witness to the signature of W. E. P. Hartwell states that it is his Manuel Jimeno's signature and signed in deponent's presence - States that he is acquainted with James McKinlay and that the signature of said McKinlay as a subscribing witness to the signature of W. E. P. Hartwell as shown in his last will and Testament is the signature of James McKinlay and that said James McKinlay signed the same in his deponent's presence, says that according to the best of his information that said McKinlay has

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been absent from this country some months and that he is now supposed to be in the County of San Luis Obispo according to the best information that is in the possession of Depoant J. J. Spence - Subscribed and sworn to before me in open Court this 27th day of February 1854 James H. Gleason Clerk of Probate Court Monterey County per Edward L. Williams Deputy Ditto

Probate Court }
Monterey County }
State of California }

Regular Term of February 1854. - On reading the last Will and Testament of W. E. P. Hartwell proved to be such by the testimony of David Spence one of the subscribing witnesses and it appearing to the satisfaction of the Court by the testimony of the said Spence that the testator at the time of the execution was of sound mind and not under any restraint, the Court therefore orders that the said Will be admitted to Probate, and that Letters Testamentary with a copy of the will annexed be issued to the executors named in said Will, to wit: Pablo de la Guerra and Maria Teresa de la Guerra de Hartwell. Given under my hand and the seal of the Court officed this 28th day of February A.D. 1854 - Josiah Merritt Probate Judge of Monterey County & Seal of the Probate Court. S S S

Received for Record Feb. 9, 1854 -

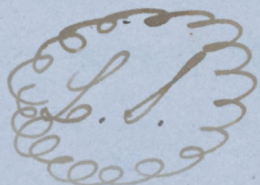
I James H. Gleason Clerk of the Probate Court in and for the County of Monterey State of California do hereby certify

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that the foregoing exhibits a true and correct copy from the Archives of the Probate Court in and for said County in Book of Wills pages from 25 to 32 inclusive -

Given under my hand and the seal of said Court affixed this day May 1st A.D. 1854 -

James W. Gleason
Clerk of said County.



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Filed in Office 1854
Geo. Fisher
Clerk -

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Cases 264 + 228

Copy of
Motion -

The Counsel for the Claimant in these Cases suggest the death of the Claimant, W. E. P. Hartnell, since the filing of the petitions therein, and move this Honourable Commission for an order that the said claims may be revived in the names of the heirs at law of the said claimant, to be proved by testimony hereafter to be taken -

(Signed) Hallett, Peabody & Billings
18th April 1854.

The foregoing is a true copy of a motion filed in Case No. 264

Geo. Fisher

Secy -

Filed in Office April 18, 1854 -

Geo. Fisher

Secy -

No. 228 -

No. 1 -
Stipulation
putting in ev-
idence in this

Claim of Widow, heirs and devisees
of the late William E. P. Hartnell to the
Rancho Todos Santos y San Antonio,
and Cosumones -

Case of the
will of W. E.
P. Hartnell
filed in Co-
264 -

It is hereby agreed between the par-
ties to this case by their respective attor-
neys that a document this day filed in
Case No. 264, purporting to be a certified

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Copy of the last will and testament of the late William E. P. Hartwell, shall be held and considered in evidence in this claim, and shall have the same legal force and effect as if said document had been originally filed in this case, and none other. The claimants shall file a copy of said document duly certified by the Secretary of the Board of Land Commissioners in this case.

10. July 1854 ³/₃ J. H. McCune
Law Agent.

Hallett Peckey & Billings
Claimants Attorneys.

Filed in Office July 10. 1854
Geo. Fisher
Clerk.

No. 228-

No. 2. Claim of Heirs at law, devisees and Deposition widow of W^m E. P. Hartwell for Todos Santos putting in evidence the testimony of Pablo de la Guerra of San Antonio, and Coahuila.

It is hereby agreed by between the parties to this case by their respective Attorneys, that the deposition of Pablo de la Guerra, taken in Case No. 264 on the 10th July 1854 on behalf of the Claimants shall be held and regarded as in evidence in this claim and shall have the same effect as if origin-

ally taken herein. The claimants to furnish a duly certified copy of said deposition to be filed herein.

10th July 1854.

Louis Blanding
U. S. Associate Law Agent.

Hulbeck Peckay & Billings
Attys for Claimant.

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Filed in office July 10, 1854.
Geo. Fisher, Secy.

N^o 228.

Motion to Amend Petition —
In the Claim of W. G. P. Hartnell to "Fondos Santos y Santitonia" and "Cosamunes".

Moved that the petition in this case be amended by substituting in the place of the name of the original claimant, the names, "Maria Teresa de la Guerra de Hartnell, A-
"lberto Hartnell, Matilda Hartnell, Ana
"Hartnell, Magdalena Hartnell, Pablo
"Hartnell, Aldarico Hartnell, Amelia Hart
"nell, and Silvestre Hartnell, Children, and
"Pablo de la Guerra and Maria Teresa de la
"Guerra de Hartnell, Executors of W. G. P.
"Hartnell, deceased".

Hulbeck Peckay & Billings
Attys for Claimants.

Filed in office Oct. 17, 1854.

Geo. Fisher, Secy.

No. 228.

Stipulation.

It is hereby stipulated and agreed that all the papers filed in Case No. 264 before this Commission shall be deemed and considered in evidence in this case (No. 228) with the same force as if the papers had been duly filed herein.

Sept. 12, 1854

J. H. McKeand

Law Agent.

Walter Peasey & Billings

Atty. for Claimants.

Filed in Office Oct 24, 1854

Geo. Fisher, Secy.

No. 264

To the Honourable Commissioners to settle
Private Land Claims in California.Petition.

The petitioner W. E. P. Huntwell respectfully shows:

That on the 26th day of June A.D. 1834, José Figueroa, Governor of California, by virtue of authority in him vested, granted to the petitioner the tract of land called "Alisal", situate in the present County of Monterey with the boundaries more particularly described in the grant; a copy of which grant and approval is submitted herewith marked "A", with a Translation marked "B";

That on the 18th day of December A.D. 1834, the said tract of land was

duly surveyed by ~~the~~ and the judicial possession of it given to the petitioner in due form; a copy of which act of possession is submitted herewith marked "C", with a translation marked "D";

That the said land has not been surveyed by the Surveyor General of the United States, but was duly surveyed at the time of giving the judicial possession, and its boundaries marked out;

That the petitioner has been for eighteen years and now is in the quiet, peaceful and undisputed possession of the said tract of land;

That he knows of no conflicting claim;

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

Wherefore he prays the Commissioners to confirm to him the said tract of land.

By his attys.

Haskell Peckay & Billings.

Filed in office June 10th 1852.

Geo. Fisher, Secy.

No. 264.
Depo. of Aband.
Jimeno.

San Francisco July 27, 1853.
On this day before Commissioner Henry
J. Thornton, came Manuel Jimeno, a wit-

ness in behalf of the Claimant W. E. P. Hart-
nell petition No. 264 and was duly sworn
his witness being interpreted by the Sec-
retary.

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In answer to questions propounded
by Claimant's Counsel the witness testifies
as follows:

My name is Manuel Jimeno; my
age is 49 years; I have lived in Califor-
nia 24 years.

I am acquainted with the hand-
writing of Jose Figueras, Agustin V. Zam-
brano, G. E. P. Hartnell, Jose Castro, Juan
B. Alvarado, David Spence, Manuel Bu-
tron, Mariano Soberanes, Casimiro Loto,
Feliciano Soberanes; their signatures to
the paper before me marked No. 1 and
filed herewith are genuine; the signa-
ture of Manuel Jimeno Casarin is my
own; Juan B. Alvarado's signature is gen-
uine.

I know the land described in these
papers; Mr. Hartnell, the Claimant, oc-
cupied this land with a house, cattle and
horses previous to the date of this title &
has occupied it ever since.

Manuel Jimeno.

U. S. Law Agent present.

Sworn to and Subscribed
before me this 27th June 1853.

Harry J. Thornton

Comr. &c.

Filed in Office June 27th 1853 - Geo. Fisher, Secy.

No. 264.

Office of the Board of Commis-
sioners, &c., &c.Depo. of
D. Spence.

This day before Comr. Alpheus Felch came David Spence a witness in behalf of Claimant Mr. E. P. Hartnell No. 264, who after being duly sworn deposed as follows:

Questions by Mr. Hallett Attorney for Claimant-

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1. Question. What are your name, age and place of residence?

Answer. My name is David Spence my age is fifty five years and I reside at Monterey in California.

2. Question. Do you know the Rancho called "El Alisal" claimed by W. E. J. Hartnell? if you state what you know of its occupation and improvement?

Answer. I know the Rancho perfectly well - it adjoins my own. I was there the first time in the year 1835. At that time Mr. Hartnell, the Claimant, was there, living in an adobe house on the place with his family. The house was two stories high. He had also at that time a College there for the education of boys which was conducted by himself and Father Short. He had a garden and a large piece of the land fenced in and cultivated. He had also on the place a considerable stock of cattle and horses. He has continued in constant possession and occupation from that time to the present, a part of his family constantly living on the place.

He has been a part of the time in office which called him to Monterey. He has made other improvements at different times on said place. He built a second adobe house on the premises.

D. Spence.

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Mr. Granbow Associate
Law Agent was present at
the taking of this Deposi-
tion but propounded no
interrogatories

Subscribed and sworn
to before me this 28th day
of October A.D. 1853-

Alphus Fisher
Commissioner

Filed in Office Oct. 28th 1853 -
Geo. Fisher, Secy -

No 264

Deposition
of
Pablo de la
Guerra -

United States of America 3
State of California 3 p.

San Francisco July 10th 1854 -

This day personally came before Peter
Lott, Commissioner for taking testimony
to be used before the Board of U.S. Land
Commissioners in said State, Pablo de la
Guerra, a witness on behalf of Claim-
ant in Case No. 264, wherein W. E. P. Hunt-
nell is claimant, and said witness being
duly sworn on oath deposed in English
as follows:

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The U.S. Law Agent is present -

Questions by Claimants Counsel -

1. Question - What is your name, age and residence?

Answer my name is Pablo de la Guerra, my age 34 years, my residence Santa Barbara County, California -

2. Question - Was you acquainted with the late William E. P. Hartnell, Claimant in this case, and also claimant in No. 228; if yes, state when he died and whether he left a widow, and what children, if any? and whether he died testate or intestate?

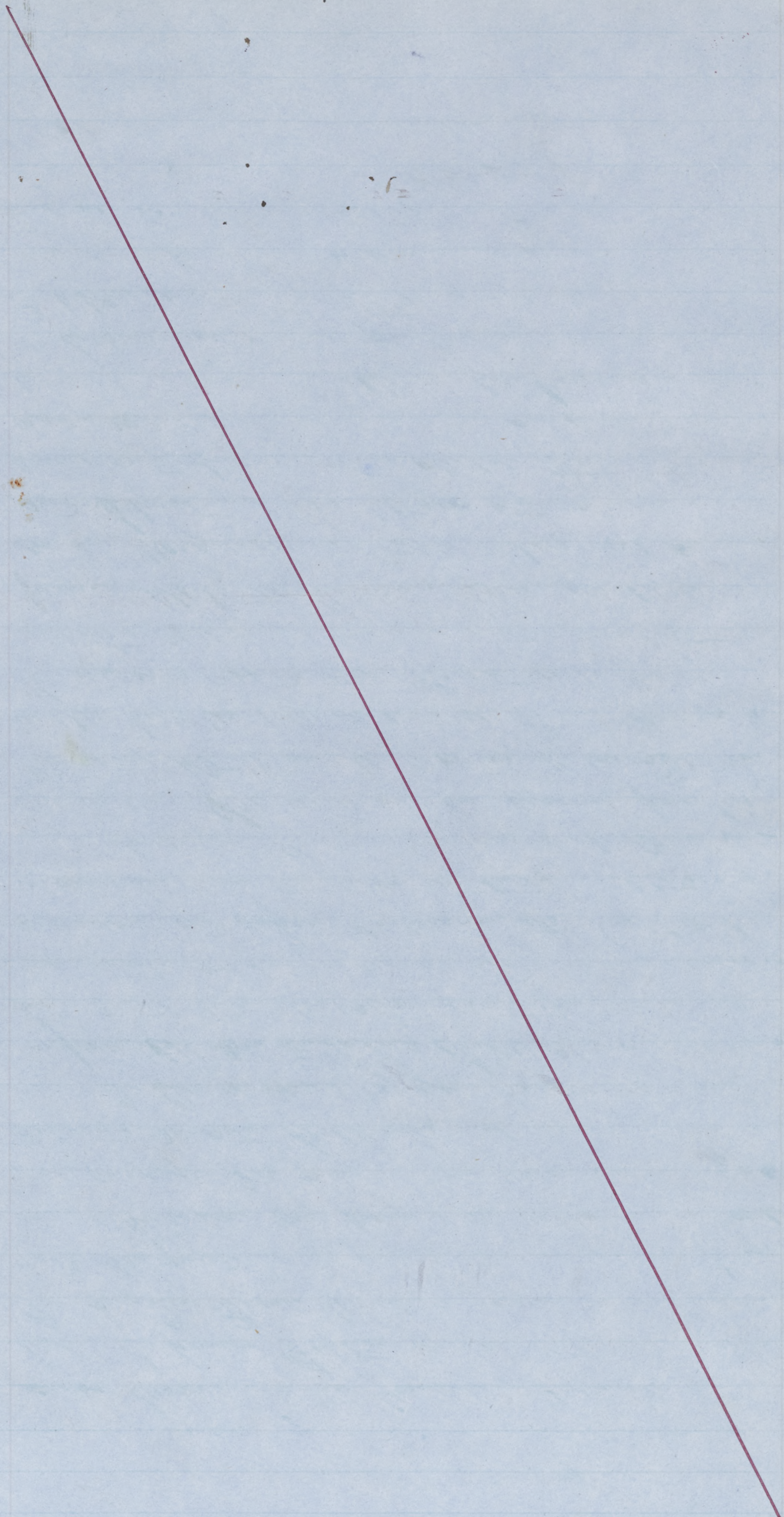
Answer - I was acquainted with said Hartnell. He died on the second day of February A.D. 1854, at Monterey, leaving a will; he also left a widow and children - The widow's name was Teresa de la Guerra, and the children's names were, Guillermo, Juan, Adelinto, Teresa, José, Matilda, Ana, Magdalena, Pablo, Aldarico, Amelia, and Sibistro - He left no other child, or descendant of any other child, than those named.

Pablo de la Guerra
Subscribed and sworn
to before me on this 10th
day of July A.D. 1854.

Peter Lott,
Commissioner -

Filed in Office July 10th 1854 - Geo. Fisher, Secy -

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Copy of
Record -

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No. 32 = José Figueroa General de
No. 264 - Brigada de los Ejercitos Nacionales Mexi-
canos Comandante General Inspector y
Jefe Superior Politico de la Alta California.
Por cuanto Don Guillermo Eduardo Hart-
nell ha pretendido para su beneficio per-
sonal y el de su familia una parte del
terreno conocido con el nombre del Alisal
colindante con la Sierra el Encinal Van-
cho de Buena Vista y con la parte que
ocupan los Ciudadanos Feliciano y Mariano
Sobranes hacia el Sausal: practicadas
previamente las diligencias y averiguaciones
concernientes segun lo dispuesto por las leyes
y reglamentos; usando de las facultades q.
me son conferidas á nombre de la Nacion
Mexicana he venido en concederle por las
presentes letras en decreto de 19 de Diciem-
bre de 1833, que modificó el 18 de Mayo del
mismo año al citado Hartnell la propie-
dad de una tercera parte del repetido terreno
ademas el q. comparende desde la loma
en frente de la Casita antigua del Ciuda-
dano Aguilar hasta el ojo de Agua donde
antes habia presa inclusive; entendiéndose
dicha concesion con entera conformidad á
lo dispuesto por las leyes y á usura de
la aprobacion ó desaprobacion de la Eterna
Diputacion Territorial y del Supremo Go-
bierno y bajo las condiciones siguientes: = 1.^a
Que se cometerá á los que estableciere el reg-
lamento que se ha de formar para la dis-
tribucion de terrenos baldios y que entre
tanto ni el agraciado ni sus herederos for-
ará dividir ni enagenar el que se le ad-

judicia, imponer censos, vinculos, fianza, hipoteca ni otro gravamen alguno sea por causa piedadosa ni pasarlo á manos muertas = 2^a Podrá cercarlo sin perjudicar las traviesas, caminos y servidumbres; lo disfrutará libre y exclusivamente destinándolo al uso ó cultivo que mas le acomode pero dentro de un año á lo mas fabricará casa y estará habitada = 3^a Cuando se le confirme la propiedad solicitará del Juez respectivo la declaración jurídica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondrá unas de las especies algunos árboles frutales ó silvestres de alguna utilidad = 4^a El terreno de que se hace donacion es de dos tercios de sitio de ganado mayor pero mas segun esplica el diseño que corre en el Expediente y la cesion que hacen en su favor los referidos Soberanos = El Juez que diere la posesion lo hará omediante conforme á ordenanza para señalar los linderos quitando el sobrante que asubta á la Nacion para los usos convenientes = 5^a Si contraviniere á estas condiciones perderá su derecho al terreno y será denunciado por otro = En consecuencia mando que sirviendote de título el presente y teniendote por firme y valioso se tome razon en el libro á que corresponde y se entregue al interesado para su resguardo y demas fines = Dado en Montevideo á 26 de Junio de 1834 - Jose Figueroa = Agustin V. Zamorano, Secretario =

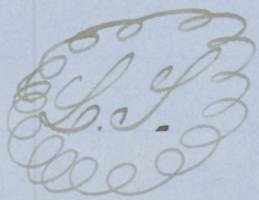
Queda tomada razon en el libro de
asientos de titulos sobre adjudicacion de ter-
renos á folios treinta y cuatro numero
treinta y dos que obra en la Secretaria
de mi cargo. - Monterey Junio 26 de 1834.
Garcera -

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Office of the Surveyor General
of the United States for Cali-
fornia -

I John C. Hays, Surveyor General
of the United States for the State of Cal-
ifornia, and as such having in my
office and in my charge and custody
a portion of the Archives of the former
Spanish and Mexican Territory or De-
partment of Upper California by virtue
of the power vested in me by law,
do hereby certify that the two preceding
and hereto annexed papers of tracing pa-
per numbered from one to two inclusive
exhibit a true and accurate copy of an
entry on folio No. 34 of a certain book
entitled "Titulos" which book forms a
part of the said Archives in this office.

In testimony whereof I have
hereto signed my name of-
ficially and caused my seal
of office to be affixed, at the
City of San Francisco this
Twenty ninth day of September
1853 -



John C. Hays
U. S. Surv. Gen. for Cal.

Filed in Office Nov. 9, 1853.

Geo. Fisher

Secy.

N^o 264 -Translation
of
Copy of Record

N^o 32 - José Figueron Brigadier General of the Mexican Army - Commandant General Inspector and Superior Political Chief of Upper California - Whereas Don Guillermo Eduardo Hartwell has solicited for his personal benefit and that of his family a part of the land known by the name of Alisal, bounded by the mountains, the Encinal (oak grove), Rancho of Buena Vista, and the part occupied by citizens Feliciano and Mariano Sobranes towards the Sausal; the necessary steps and investigations having been previously taken and made according to the requirements of laws and regulations, by virtue of the powers conferred upon me, in the name of the Mexican Nation I have determined to grant to said Hartwell, by these present letters in a decree of the 19th of December 1833, which modified that of the 18th of May of the same year, the ownership of a third part of the said land besides that comprehended between the hill opposite to the old house of Citizen Aguilar and the Spring of water where there was formerly a dam, inclusive; it being understood that said grant is made in entire conformity with the provisions of the

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~~provisions~~ of the laws and subject to the approval or disapproval of the Most Excellent Territorial Deputation and of the Supreme Government and under the following conditions = 1st That he shall submit to those (conditions) which may be established by the regulations to be formed for the distribution of vacant lands, and that in the mean time neither the grantee nor his heirs shall divide nor alienate that which is granted to him, impose land tax, entail, reversion, mortgage or any other incumbrance, although it be for pious uses nor transfer it in mortmain. 2^a He may fence it without prejudice to the crops, roads and servitudes, he shall enjoy it freely and exclusively destining it to the use or cultivation which may best suit him, but within a year at the furthest he shall build a house and it shall be inhabited. 3^a When the ownership is confirmed to him he shall request the respective Judge to give him juridical possession by virtue of this title by which the boundaries shall be marked out at the limits whereof he shall place besides the land marks some fruit trees or wild ones of some utility = 4^{to} The land of which donation is made consists of two thirds of a square league a little more, as appears by the sketch which accompanies the Expediente and the cession made in his favor by the said

Soberanos - The Judge who may give possession will cause it to be measured according to ordinance in order to designate the boundaries, leaving the surplus which may result to the nation for the necessary uses - 2^{do} If he contravene these conditions he shall lose his right to the land and it may be denounced by another - I consequently command that these presents serving him for a title and being held as firm and valid be recorded and the corresponding book and be delivered to the interested party for his security and other purposes - Given in Monterey the 26th of June 1834 -
Jose Figueroa - Agustin V. Zamorano,
Secretary -

Due note has been made in the book of entries of Titles on adjudications of lands on page thirty four number thirty two, kept in the Secretary's office under my charge -

Monterey June 26th 1834 -

Zamorano.

A. George Fisher, Secretary to the Board of U. S. Land Commissioners to settle private land claims in the State of California, do hereby certify that the foregoing is a true and correct translation of a Spanish document filed in Case No. 264 on the docket of said Board W. E. P. Hartwell claimant for the place called "El Alisal",

which document is a fac simile copy-
certified by John C. Hays, U. S. Sur-
veyor General for California, and
filed in this office Nov. 9th 1853.

In witness whereof I have here-
unto signed my name at
Office in the City of San
Francisco, Nov. 9th 1853-

Geo. Fisher
Scrij.

Filed in Office Sept. 12th 1854 -
Geo. Fisher, Scrij.

N^o 264
Doc No. 1. T. Habilitado provisionalmente por la Ad-
ministracion de la Aduana Maritima
No. 1 annexo de Monterey para los años de mil ocho-
to de po. de ciento treinta y cuatro y mil ochocientos
sean Jimeno treinta y cinco.

Figueroa.

Rafael Gonzalez

José Figueroa General de Brigada de la
Republica Mexicana, Comandante Gene-
ral Inspector y Jefe Superior Político
del Territorio de la Alta California.

Seal
ccc

Por cuanto Don Guillermo Ed-
uardo Hartwell ha pretendido
para su beneficio personal y
el de su familia una parte
del terreno conocido con el nomi-

bre de Alizal, colindante con la Sierra,
 el Encinal, Rancho de Buena Vista
 y con la parte que ocupan los ciuda-
 danos Feliciano y Mariano Soberanes
 hacia el Sausal; practicadas previamente
 las diligencias y averiguaciones concer-
 nientes segun lo dispuesto por las leyes y
 reglamentos; usando de las facultades
 que con su confidencia a nombre de la
 Nacion Mexicana le venido en concederle
 por sus presentes letras en decreto de
 diez y nueve de Diciembre de mil ochocientos
 treinta y tres que modificó el de
 diez y ocho de Mayo del mismo año,
 al citado Hartness la propiedad de una
 tercera parte del referido terreno y ademas
 el que comprende desde la loma
 en frente de la Casita antigua del Ciudadano
 Aguilar hasta el ojo de Agua
 donde antes habia presa inclusive
 entendiéndose dicha concesion con entera
 conformidad a lo dispuesto por las leyes
 y a reserva de la aprobacion o desaprobacion
 de la Eecelentissima Diputacion
 Territorial y del Supremo Gobierno y bajo
 las condiciones siguientes:

1.^a Que se someterá a las que estable-
 cieren el reglamento que se ha de formar
 para la distribucion de terrenos baldios
 y que entre tanto ni el agraciado ni
 sus herederos podrán dividir ni enagenar
 ni el que se le adjudica, imponer censo,
 vinculo, fianza, hipoteca, ni otro
 gravamen aunque sea por causa piedadosa,
 ni pasarlo a manos muertas.

2.^a Podrá cercarlo sin perjudicar las Travesías, caminos y servidumbres; lo disputará libre y exclusivamente destinándolo al uso ó cultivo que mas le acomode, pero dentro de un año á lo mas fabricará casa y estará habitada.

3.^a Cuando se le confirme la propiedad solicitará del Juez respectivo la disposición jurídica en virtud de este despacho por el cual se demarcarán los linderos en cuyos límites pondrá algunas de las maderas algunos arboles frutales ó silvestres de alguna utilidad.

4.^a El terreno de que se le hace donación es de dos tercios de sitio de ganado mayor poco mas segun se pliega en el diseño que corre en el expediente y la cesion que hacen en su favor los referidos Soberanos; El Juez que diere la posesion lo hará medir conforme a ordenanza para señalar los linderos, quedando el sobrante que resulte á la Nacion para los usos convenientes.

5.^a Si contravinieren á estas condiciones perderá su derecho al terreno y será denunciado por otro.

En consecuencia mando que sirviendole de Título el presente y teniendose por firme y valdero se tome razon en el libro á que corresponde y se entregue al interesado para su resguardo y demás fines. Dado en Monterrey á veinte y seis de Junio de mil ochocientos treinta y cuatro.

José Figueroa. Agustín G. Zamorano, Fis.

Queda tomada razon en el libro de
asientos de titulos sobre adjudicacion de
terrenos á fojas treinta y cuatro numero
treinta y dos que obra en la Secretaria
de mi cargo. Monterrey Junio veinte y
seis de mil ochocientos treinta y cuatro.
Gamorano.

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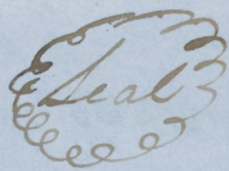
3

Sello Terreno Dos Reales.

Habilitado provisionalmente por la Admini-
stracion de la Aduana Maritima de Mon-
terrey para los años de mil ochocientos
treinta y cuatro y mil ochocientos trin-
ta y cinco.

Figueroa.

Rafael Gonzalez.



Dada cuenta á la Excelenti-
sima Diputacion en sesion
de quince del corriente con
el dictamen presentado en otro del mis-
mo, aprobó las dos proposiciones en que
concluye y son del tenor siguiente -
Primera, se aprueba la concesion
hecha en favor de los ciudadanos Feli-
ciano y Mariano Sobranes del paraje
nombrado el Alizal por decreto de diez
y ocho de Mayo de mil ochocientos
treinta y tres y aformado por decreto
de diez y nueve de Diciembre del mis-
mo año - Segunda - Se aprueba la
concesion hecha en favor de Don Gui-
llermo Eduardo Hartwell de la parte de
terreno del paraje del Alizal que se le
concedió por decreto de diez y nueve de

Diciembre de mil ochocientos treinta y tres de que habla el artículo anterior =
 Y en su consecuencia se devuelva el Expediente al Señor Jefe Superior Político para su curso. Monterrey Julio diez y seis de mil ochocientos treinta y cuatro = José Figueroa = José María Maldonado. Secretario =

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Monterrey Julio veinte y cuatro de mil ochocientos treinta y cuatro = En vista de la aprobación otorgada en diez y seis del presente mes por la Excelentísima Diputación Territorial: Librese testimonio de ella y de este decreto á las plantas de los Ciudadanos Feliciano y Mariano Sobranos y de Don Guillermo Eduardo Hartwell en confirmación á la concesión del terreno del Algal que obtuvieron por decreto de diez y nueve de Diciembre de mil ochocientos treinta y tres que reformó el de diez y ocho de Mayo del mismo año = El Señor Don José Figueroa General de Brigada, Comandante General Inspector y Jefe Superior político de la Alta California, así lo mando decreto y firmo de que doy fe = José Figueroa = Agustín V. Zamorano. Secretario =

Concurra á la letra con su original del cual hizo sacar el presente testimonio para resguardo y demás fines de la parte de Don Guillermo Eduardo Hartwell en Monterrey á veinte y cuatro; ~~siendo testigos los ciudadanos~~

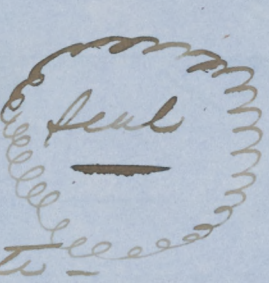
de Julio de Mil ochocientos treinta y cua-
tro; siendo testigos los Ciudadanos Boni-
facio de Madariaga y Francisco de
Arango de esta Ciudad.

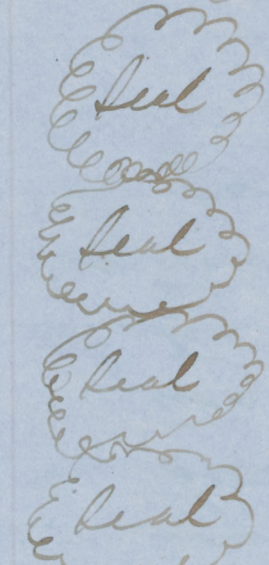
En testimonio de verdad -

José Figueroa

Agustín C. Zamorano
Sro.

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4. Sello Tercero  Dos Reales.
Para los años de mil ochocien-
tos veinte y seis y ochocientos
veinte y siete -



Por Alcalde Constitucional -
Guillermo Eduardo Hart-
nell ante U. Compañero y di-
ce: Que habiendo obtenido la
concesion propia de la tierra
parte del terreno conocido
con el nombre del Alisal
incluso tambien el terreno
que comprubunde desde la loma en fran-
te de la Casita antigua del C. Aguilar,
hasta el ojo de agua donde antes habia
presa inclusive; ocurre á U. para que
le sirva darle la posesion juridica con-
forme esta provencion en el art. 4.º del
Titulo de dho. terreno que se le espuso
en veinte y seis de Junio del año pre-
sente, que debidamente acompañado, é i-
gualmente la confirmacion respectiva
para que todo obre los efectos deseados -
P. J. A. U. Suplico se sirva poner

me en la posesion que solicito en lo que recibire justicia, &c.

Monterey 30 de Octubre de 1834.

Guill^o Ed^o Hartwell

Monterey 1.^o de Diciembre de 1834.

En virtud de la antecedente solici-
tuda procedase por mi el presente Juez
de primera instancia a la medicion
señalamiento de lineros y posesion ju-
dicial que solicita el interesado en este
Espejalito señalandose para ejecutarlo
el dia diez y ocho de Diciembre del
corriente año para lo que se citaron
con boleta de comparendo a los colin-
dantes. Asi go el mencionado Juez lo
decrete, mande y firmo con testigos de
asistencia con quienes actuo por accep-
toria por falta de Escribano Publico. Dry
fe.

Mand. Jimeno Casarin

de test.

de test.

José Castro.

Juan B. Alvarado.

En la fecha presente Don Guillermo
Eduardo Hartwell se le notifico el auto
que antecede y de el entendido dijo:
lo oyo que seaba por citado y firmo
conmigo y los testigos de asistencia.

Casarin

Guill^o Ed^o Hartwell

de test. José Castro.

de test. Juan B. Alvarado.

En la fha. se libraron las boletas y
se mandaron en el antecedente auto y

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para que conste lo rubricado.
(Rubric)

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En el Rancho del Alizal á los diez y ocho dias del mes de Diciembre de mil ochocientos treinta y cuatro en cumplimiento del auto de primero de dicho mes y año concurren los Ciudadanos, Mariano Estrada, David Spence, y Mariano y Feliciano Sobornos Colindantes de este rancho y citados para la medicion, señalamto de linderos y posesion nombre por medidores á los Ciudadanos Vicente Cantua y Basimiro Soto quienes previa la aceptacion y juramto procederan al desempeño de su encargo. Asi yo el dho. Juz. lo averte mande y firme con testigos de asistencia.

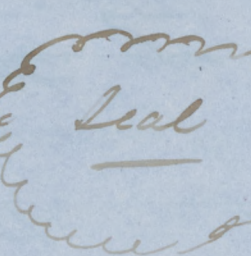
Mand. Jimeno Casarin.

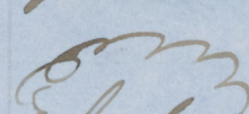
de atto.
Jose Cantua.

Das. Spence

de atto.
Mand. Butron.

En =

Sello Nuevo  Dos Reales.
Para los años de mil ochocientos treinta y seis y ochocientos treinta y siete.

 = la fha. se les notifico el auto que antecede á los colindantes y utinados dijeron. Les lo oyeron y firmaron conmigo y los testigos de atto.

4508 1837
AD

Seal

Casimiro

Mariano Soleranus
Feliciano Soleranus.
Jose M. Estrada.
Dn. O. Spence

de test. de test.
Jose Castro. Manuel Putron

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En la fha. ya en el expresado ran-
cho se les notificó el auto en el que
aparecen nombrados medidores a los
ciudadanos Vicente Cantua y Casi-
miro Soto y entendidos dijeron: Que
aceptan y aceptaban dicho encargo
y juraron por Dios Nuestro Señor, y
la señal de la Santa Cruz de usarlo
fiel y legalmente a todo su real sa-
ber y entender sin dolo o fraude con-
tra persona alguna y firmó solamente
dicho Soto porque dicho Cantua dijo no
saberlo hacer, lo hizo yo con los testigos
de asistencia

Man. Jimenez Casarin.

Casimiro Soto.

de test.
Jose Castro.

de test.
Man. Putron

6. Sello Tercer
Para los años
veinte y seis y
y siete.

Seal

Dos Reales.
de mil ochocientos
ochocientos veinte

Seal
Seal

= Continente yo el referido juez
mandé traer a mi presencia
el corral con que se han de
medir las tierras y que los me-

En el B didoros lo midan de cien varas
 y lo firmé con los de asistencia.
 Manuel Jimeno Casarín.
 de atto
 José Castro. Manuel Putron.

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En la misma en presencia de mí el
 respetado juez los representados medidores to-
 maron un cordel de medido y con una
 vara de medir usual Mexicana tomaron
 nota de la misma midieron cien varas
 para hacer la referida medición y para
 constar lo obrigué.

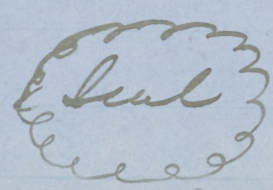
(Rubric)

En la misma fecha y en el referido
 rancho siendo las ocho de la mañana
 yo el presente Alcalde mandé á los
 medidores nombrados se profun para
 las medidas de tierras que se ha hecho
 del todo el terreno conocido por del Ali-
 zal, y dividir despues la tercera parte
 para que el mencionado Don Guillermo
 E. Hartman tome posesion de ella y
 jurados en la Encina de las tres Cru-
 ces situada en el paraje llamado el
 Costadero del Encinal se contemplaron
 con dos cordels rumbo al N. hasta
 dar con la Sierra, vuelto á otra Enci-
 na y tomando el rumbo O. N. O. al N. se
 midieron cien cordels hasta la Laguna
 grande: Desde el medio de dicha
 Laguna del lado del N. O. rumbo O. N. O.
 hasta la punta de la Laguna junto al
 camino oral del Alizal se midieron

treinta cordeles. Desde dicho punto rumbo
 N. N. E. hasta el portugués lindero de
 Manuel Patron se midieron ochenta
 cordeles. Desde otro portugués rumbo
 S. E. se contemplaron doscientos cordeles.
 Hecha esta medicion declararon los re-
 ferdos medidores haber como dos sitios
 de ganado mayor. Por convenio mutuo
 entre los Señores Sobranes y el Sr.
 Hartull se convino en que los linderos
 7- del ultimo sean desde la Sierra Alta
 que esta al N. de la Encina de las tres
 conchas en el Matadero del Encinal. To-
 do el lindero de Buena Vista desde otro
 Matadero hasta pasado la Laguna
 Grande. Y desde la orilla de otra Lagu-
 na de la parte del N. O. tirando una
 linea derecha rumbo N. E. hasta dar
 en la mediania de la Segunda Cañada
 despues de la misma hacia la Soledad,
 y antes el Arroyo Grande del Alizal
 desde la Cienquinta para arriba rum-
 bo al N. y otra Cienquinta es decir to-
 do el terreno comprendido al oriente del
 Arroyo y al N. y Oriente de la Lomeria
 que corre desde la Cienquinta hasta
 dar con la mediania de la Segunda
 Cañada de la misma hacia la Soledad,
 perteneciendo al referido Sr. Hartull los
 Epos de Agua y Lagunas que en otro ter-
 reno que le corresponde consisten. Habiendo
 hecho el señalamiento de linderos man-
 dió formaran en

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Sello Terreno Dos Reales.
 Para los años de 1791 mil ochocientos



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Veinte y seis y ochocientos veinte y siete -
= fomeras y le dibujara un di-
stino de la parte del terreno q.
le corresponden al mencionado
Señor Martines para constan-
cia y se firmó por ante los tes-
tigos de asistencia segun ddo.

Seal

Seal

Seal

Manuel Jimeno Casarin.

Seal

de test. de test.

José Castro. Manuel Putron.

En la fha. qe el indicado juez
mandé que en vista de haberse medi-
do el terreno y haberse hecho el inventa-
rio de linderos se proveyó en posesion
juridica el Sr. D. Guillermo E. Martines
y notifiquese a los Colindantes, y
firmó por ante los testigos de asist.

Manuel Jimeno Casarin.

de test.

de test.

José Castro.

Manuel Putron.

En la misma se les notificó á los
colindantes D. Mariano Estrada, D. Ja-
vier Espens, D. Mariano Sobranos y á
D. Feliciano Sobranos el =

8.

Sello Terreno

Dos Reales.

Para los años de Seal mil ochocientos
veinte y seis y ochocientos veinte y siete -

Seal

= auto anterior y utendidos di-
jeron que lo oyen y lo firmaron
conmigo y los testigos de asist.

Seal

Casarin.

Mariano Sobranos

Seal

Escrito

Mariano Estrada
Dn. S. Spence
Feliciano Sobranes.

de test. de test.
Jose Castro. Manuel Putron.

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En el rancho del Alizal (a) el Patrocinio siendo como las diez de la mañana del mismo dia mes y año. El Sr. D. Guillermo Eduardo Martell vecino de Monterey acompañado del juez de Primera Instancia y testigos en animo segun dijo dho. Sr. Martell de tomar la verdadera, corporal y real posesion del espresado terreno del Alizal (a) Patrocinio por haberle pertenecido con justos titulos que obtuvo del Gobierno Político de este Territorio con fha. veinte y seis de junio de mil ochocientos treinta y cuatro y la aprobacion de la Excelentisima Diputacion Territorial con fha. diez y seis de Julio de mil ochocientos treinta y cuatro, entró y pasó por ellas, arrancó yerbas, espació puñados de tierra, rompió coronas de los arboles e hizo otras ceremonias de verdadera posesion en señal de lo que dijo tomar y que tomaba de dichas tierras. Y mandó el citado juez que desde entonces le tubieren y reconocieran al mencionado Sr. Martell por verdadero Sr. y poseedor de ellas. De todo lo referido el referido Sr. Martell que para memoria en lo venidero y conservacion de sus derechos, por mi

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el Juez le fuere estudiada una
constancia, lo que asi fue autori-
zada siendo testigos de asistencia
Don José Castro y D. Manuel Putron
con quienes actuo =

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Sello Terreno Dos Reales -
Para los años de ~~1823~~ mil novecientos
veinte y seis y ~~1824~~ ochocientos
veinte y siete -

~~1823~~ = tus en receptoría á falta
~~1824~~ de Escribanos públicos que no
~~1825~~ lo hay segun dichos. Doy fé.
~~1826~~ Manuel Jimeno Casarin
~~1827~~ de ~~1828~~ de ~~1829~~
~~1830~~ José Castro. Manuel Putron.

~~1831~~ En la fha. se devulva este
~~1832~~ Especimene al interesado con
nueve fojas utiles y para constancia
lo puse por nota que rubricó -
(Rubric)

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

~~1833~~ Por cuanto Don Guillermo E.
~~1834~~ Hartness ha pretendido para
su beneficio personal y el
de su familia la ampliacion del ter-
reno que posee en el Alizal agrgan-
dole la Cañada que conforma por
mas ó menos desde el Aguajito del
Patrocinio, rumbo N. N. E. hasta la Sierr
ra junto al Gabilan dos millas;
desde dicho Aguajito rumbo N. E. has-

ta a Roble solo dos y media milla,
 y desde el mismo punto rumbo E.
 hasta la cumbre del Pinal igual
 distancia, corriendo un Arroyo por
 medio de dicha Ciénaga practicadas
 previamente las diligencias y averi-
 guaciones concernientes segun lo dis-
 puesto por leyes y reglamentos suse-
 ds de las facultades que me son con-
 feridas a nombre de la Nacion
 Mexicana, he venido en concederle
 el mencionado terreno declarandole la
 propiedad de el, por las presentes letras,
 sujetandose a la aprobacion de la
 Exma. Junta Departamental y a
 las condiciones siguientes -

1.^a Podrá crearse sin perjudi-
 car las trovecias, caminos y servi-
 dumos; lo disfrutará libre y solu-
 tivamente destinandolo al uso ó cul-
 tivo que mas le acomode.

2.^a Solicitara del Juez respectivo
 que le dé posesion juridica en virtud
 de este despacho por el cual se demar-
 caran los linderos en cuyos limites
 pondra avas de las mojoneras al-
 gunos arboles frutales ó silvestres
 de alguna utilidad -

3.^a El terreno de que se hace
 mención para ampliacion al que
 posee es de la estension que esplica
 el diseño que corre en el Expediente.
 El Juez que diere la posesion lo hará
 medir conforme a ordenanza, quedan-
 do el sobrante que resulte a la nacion pa-

ra los usos comunales -

4^a Si contravinieren á estas condiciones pagará su derecho al terreno y será denunciado por otro -

En consecuencia mandado que teniendo por firme y valioso este título se tome razón de él en el libro á que corresponde, y se entienda al interesado para su resguardo y demás fines. Dado en Monterrey á ocho de Mayo de mil ochocientos treinta y cinco -

Juan B. Alvarado -
 Juan J. Jimenez
 Frio. del Despacho.

Titulo tomado razon de este título en el Libro de acientos sobre adjudicacion de terrenos baldios á f.º 7 -

Jimenez -

Filed in Office Jan'y 27th 1853 -
 Geo. Fisher

Lucy -

Translation
 of
 Title -

Seal of the Second Class Twelve Paces. Authorized provisionally by the Administration of the Maritime Custom House of Monterrey for the years eighteen hundred and thirty four and eighteen hundred and thirty five -

(Signa) Figueroa (Signa) Rafael Gonzales -

Jose Figueroa Brigadier General of the Mexican Republic, Commandant General, Inspector and Superior Political Chief of the Territory of Upper California -

God seal

Whereas William Edward Hartnell has solicited for his personal benefit and that of his family a part of the land known by the name of the Elizal, bounded by the Mountains, the Encinal (oak grove) Rancho of Buena Vista and the part occupied by the citizens Filiciano and Mariano Loberanes towards the Sausal - The necessary steps and investigations having been previously taken and made according to the requirements of laws and regulations, I have by virtue of the powers conferred upon me granted to said Hartnell by these present letters in a decree of the nineteenth of December eighteen hundred and thirty three which modified that (decree) of the eighteenth of May of the same year, the ownership of a third part of the said land besides that comprehended between the hill opposite to the old house of citizen Aguilar and the Spring of water where there was formerly a dam inclusive; it being understood that said grant is made in entire conformity with the provisions of the laws and subject to the approval or disapproval of the Most Excellent Territorial Deputation and of the Supreme Government and under the following conditions -

1st That he shall submit to those (conditions) which may be established by the

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regulations to be formed for the distribution of Vacant lands and that in the meantime neither the grantee nor his heirs shall divide nor alienate the land granted to him; impose land rent (*censos*), entail (*vinculo*), reversion (*fianza*), mortgage or any other burthen although it may be for pious purposes nor transfer it in mortmain.

2^d He may fence it in without prejudice to the Croppings, roads and privileges, (*servidumbres*); he shall enjoy it freely and exclusively, destining it to the use or cultivation which may best suit him, but within one year at furthest he shall build a house and it must be inhabited -

3^d When the ownership is confirmed to him he shall request the respective Justice to give him juridical possession by virtue of this title and said Magistrate shall designate the boundaries at the limits whereof the grantee shall besides placing the land marks, plant some fruit trees or wild ones of some utility -

4th The land whereof donation is made consists of two thirds of a square league (*dos tercios de sitio de ganado mayor*) a little more as appears by the plot which accompanies the Expediente, and the Cession made in his favor by the said Sovereigns; the Justice who gives possession shall cause it to be measured according to law in order to designate the boundaries, leaving the surplus which may result to the Nation for the necessary uses -

5th If he transgress these conditions

he shall forfeit his right to the land to the land and it may be announced by another.

I consequently command that these presents serving him for a title and being held as firm and valid, be recorded in the corresponding book and be delivered to the party interested for his security and further use - Given in Monterey on the twenty-sixth of June eighteen hundred and thirty-four -

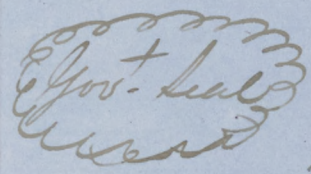
(Signed) José Figueroa,
(Signed) Agustín V. Zamorano,
Secretary -

Recorded in the Book of entries of Titles respecting adjudication of lands at folio thirty four number thirty two kept in the Secretary's office under my charge - Monterey June twenty sixth, eighteen hundred and thirty four -

(Signed) Zamorano.

Seal of the Third Class Two Reales -

Authorized provisionally by the Administration of the Maritime Custom House of Monterey for the years eighteen hundred and thirty-four and eighteen hundred and thirty-five -
(Signed) Figueroa. (Signed) Rafael González -

 The report presented on the eighth of the present month having been laid before the Most Excellent Deputation in the session of the fifteenth instant, the two proposals which conclude said report and are of

the following tenor were approved =

First - The grant made in favor of citizens Feliciano and Mariano Sobranes of the place named the Alizal by decree of the eighteenth of May eighteen hundred and thirty three, and amended by the decree of the nineteenth December of the said year, is approved -

Second - The grant made in favor of William Edward Cartull of the part of the land of the place of the Alizal granted by decree of the nineteenth December eighteen hundred and thirty three, mentioned in the foregoing article is approved -

On consequence whereof the Expediente is returned to the Superior Chief for its continuance - Monterey July sixteenth eighteen hundred and thirty four - José Figueroa - José María Maldonado, Secretary -

Monterey July twenty fourth eighteen hundred and thirty four = In view of the approval granted on the sixteenth of the present month by the most Excellent Territorial Deputation, let a testimony thereof and of this decree be given to the parties interested, citizens Feliciano and Mariano Sobranes and William Edward Cartull in confirmation of the grant of the land of the Alizal which they obtained by a decree of the nineteenth of December eighteen hundred and thirty three which amends the decree of the eighteenth of May of the said year. Senior

Don José Figueroa, Brigadier General, Com-
mandant General, Inspector and Superior
Political Chief of Upper California, did
this command, drew and sign whereof
I give testimony - José Figueroa - Agus-
tín V. Gamorano, Secretary -

The foregoing agrees literally with its
original from which I command the
present testimony to be copied, for the
security and further use of the party
interested, William Edward Hartnell, in
Monterey, on the twenty fourth of July
eighteen hundred and thirty four, be-
ing witnesses citizens Bonifacio Massa-
riaga and Francisco de Arango, resi-
dents of this place -

In testimony of truth -

(Signed) José Figueroa
(Signed) Agustín V. Gamorano,
Secretary -

A true and correct translation
Witness my hand this 10th
June A.D. 1852 -
Geo. Fisher
Secy

Filed in Office June 10, 1852 -
Geo. Fisher
Secy

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Translation
of
Juridical Possession
- sion -

Seal of the Third Seal
For the years eight hundred and twenty six and eighty seven -

Seal

Seal

Seal

Seal

Señor Constitutional Alcalde -
William Edward Hart-
well appears before you and
says: That having obtained the
proper grant of the third part
of the land known by the
name of the Alisal, inclu-
ding also the land comprehended between
the hill opposite to the old house of Citizen
Aguilar and the Spring of water where
there was formerly a dam, inclusive; he
applies to you in order that you would
be pleased to give him juridical possession
in conformity with the provisions of the 4th
Article of the title of said land, granted
on the 26th of June of the present year,
which duly accompanies as likewise the re-
spective confirmations, so that the whole may
produce the desired effect. I therefore re-
quest that you would be pleased to put
me in the possession which I ask for, where-
by I shall receive justice, &c.

Monterey 3rd October 1834 -
(Signed) W^m Edw. Hartwell.

Monterey 1st December 1834 -
On virtue of the foregoing petition,
let me, the present Judge of the First In-
stance, proceed to the measurement, designa-
tion of boundaries and judicial possession.

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NOV 27 1834

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asked for by the party interested in this Expediente, fixing for the execution thereof the eighteenth of December of the present year, to which effect the neighboring land-owners will be cited by means of summons. Thus, I, the said Judge, did decree, command and sign with assisting witnesses with whom I act as Judge Delegate (per receptoria) for want of a Notary Public - I give testimony -

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(Signed) Manuel Jimeno Casarín -
(Signed) José Castro }
(Signed) Juan B. Alvarado } assisting witnesses -

On the same date William Edward Hart-
well being present, the foregoing decree was
notified to him, who, having understood it,
said, that he heard it and considered him-
self as cited, and signed with one and the
assisting witnesses -

(Signed) Casarín - (Signed) W^m Edw. Hartwell -
(Signed) José Castro }
(Signed) Juan B. Alvarado } assisting witnesses -

On the same day the Summons mentioned
in the foregoing decree were dispatched,
in testimony whereof I sign with my flourish -

(Signed) The Alcalde's Flourish -

In the Rancho of the Alisal on the
eighteenth day of the month of December
eighteen hundred and thirty four, in ful-
fillment of the decree of the first of said
month and year, the citizens Mariano Estro-

da, David Spence, and Marianos and Feliciano Sobranes, owners of the adjoining ranchos, and summoned for the measurement, designation of boundaries and possession, appeared, and I appointed as measurers citizens Vicente Cantua and Casimiro Soto, who, after accepting and taking oath, will proceed to exercise their functions. Thus, I, the said Judge, did decree, command and sign with the assisting witnesses -

- (Signed) Manuel Jimeno Casarin -
- (Signed) David Spence -
- (Signed) Jose Castro -
- (Signed) Manuel Butron ³ assisting witnesses -

On the same date the foregoing decree was notified to the adjoining land-owners, who having understood it said, that they heard it, and signed with me and the assisting witnesses -

- (Signed) Casarin -
- (Signed) Marianos Sobranes,
- (Signed) Feliciano Sobranes,
- (Signed) Jose Maria Estrada
- (Signed) David E. Spence,
- (Signed) Jose Castro, ³
- (Signed) Manuel Butron ³ assisting witnesses.

On the same date and in the said rancho, the decree wherein the citizens Vicente Cantua and Casimiro Soto are appointed measurers, was notified to them, and having understood it, they said that they accepted and did accept said appointment and

Sworn by the Lord Our God and the Sign of the Holy Cross, to comply faithfully and legally, to the best of their knowledge and ability, and without deceit or fraud against any person, and said Lots alone signed, because Cantua said that he did not know how - I signed with the assisting witnesses.

(Signed) Manuel Jimeno Casarin.

(Signed) Basimiro Loto.

(Signed) Jose Castro - $\frac{3}{3}$ assisting witnesses -
(Signed) Manuel Putron - $\frac{3}{3}$ assisting witnesses -

Immediately afterwards, I, the said Judge, ordered to be brought into my presence the cord where with the land was to be measured, and that the measurers should measure off one hundred varas, and signed with the assisting witnesses -

(Signed) Manuel Jimeno Casarin.

(Signed) Jose Castro. $\frac{3}{3}$ assisting witnesses -
(Signed) Manuel Putron $\frac{3}{3}$ assisting witnesses -

On the same day, in the presence of me, the said Judge, the said measurers took a hempen cord, and, taking a common Mexican Varas rod in their hands, measured off one hundred varas to make the said measurement with, in testimony whereof, I signed with my flourish -

(Signed) The Alcalde's Flourish -

On the same date, and in the said Rancho, it being eight o'clock in the morning, I, the present Alcalde, commanded the measurers appointed to place themselves in

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order to measure the whole of the land known as the Alizal and divide afterwards the third part, for the said William Edward Hartwell to take possession of, and standing at the oak tree of the three Crosses, situated in the place called the Matadero del Encinal, twelve cords were calculated towards the North to the Mountains; returning to said oak tree and taking the direction of W. 4 N. one hundred cords were measured to the great Lagoon; from the middle of said Lagoon on the N. W. side, in the direction of W. N. W. to the point of the Lagoon, near the high-road to the Alizal, thirty cords were measured; from said point in the direction of N. N. E. to the mountain pass (Portezuelo) the boundary of Manuel Butron, eighty cords were measured; from said Portezuelo in the direction of S. E. two hundred cords were calculated. Having made this measurement, the said measurers declared that there were about two square leagues (como dos sitios de ganado mayor). By mutual agreement between Messrs. Soberanes & Mr. Hartwell, it was stipulated that the boundaries of the latter shall be from the high mountain to the N. of the oak tree of the three Crosses in the Matadero del Encinal; all the boundary line of Punta Vista from said Matadero to the other side of the large Lagoon, and from the edge of said Lagoon on the N. W. side drawing a straight line in the direction of N. E. until arriving at the middle of the second glau (Carrado) on the other side of the mine towards the Sol-

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dad, and besides the great Creek of the Alisal from the Swamp upwards towards the North and said Swamp, that is to say, all the land comprised to the East of the Creek, and to the North and East of the hills which run from the Swamp to the middle of the second glen below the mine towards the Soledad, the Springs of water and Lagoons in the land corresponding to said Martnell to belong to him. Having designated the boundaries, I ordered land-marks to be formed and a plot to be made of the part of the land belonging to said Martnell as a proof thereof, and signed in presence of the attesting witnesses, according to law.

(Signed) Manuel Jimeno Casarin.
(Signed) Jose Castro. }
(Signed) Manuel Butron } assisting witnesses -

On the same date, I, the said Judge, did command that the land having been measured and the boundaries designated, William E. Martnell should be put in judicial possession, and the neighboring landholders be notified, and signed with the assisting witnesses -

(Signed) Manuel Jimeno Casarin.
(Signed) Jose Castro. }
(Signed) Manuel Butron } assisting witnesses -

On the same date, the owners of the adjoining ranchos, Don Mariano Estrada, Don David Spurr, Don Mariano Soberanes and Don Feliciano Soberanes were notified of the foregoing deed, which having under-

stood, they said, that they heard it, and signed with me and the assisting witnesses.

(Signed) Casarín -

(Signed) Mariano Sobranes

(Signed) David Spence

(Signed) Mariano Estrada

(Signed) Feliciano Sobranes -

(Signed) José Castro.

(Signed) Manuel Putron ³ assisting witnesses -

On the Rancho of Alizal alias the Patrocinio, it being about ten o'clock in the morning of the said day, month and year, Mr. William Edward Hartwell, a resident of Monterey, accompanied by the Judge of the First Instance and witnesses, with the design, as said Hartwell said, of taking true, corporal and real possession of the said land of the Alizal, alias the Patrocinio, it belonging to him by just title which he obtained from the Political Government of this Territory on the twenty sixth of June, eighteen hundred and thirty four, and the approval of the Most Excellent Territorial Deputation on the sixteenth of July eighteen hundred and thirty four; he entered and walked on said lands, pulled up grass, scattered handfuls of earth, broke off boughs of trees and performed other ceremonies of true possession which he said he took and did take of said lands. And the said Judge did command that said Hartwell should thenceforth be held and acknowledged as true lord and possessor thereof. Of all the beforementioned, said Hartwell requested

that I, the said judge should give him a certificate for future memory and the conservation of his rights, which was thus authorized, the assisting witnesses being Don Jose Castro and Don Manuel Butron, with whom I act as Judge Delegate for want of a Notary Public (there being none) according to law. I give testimony -

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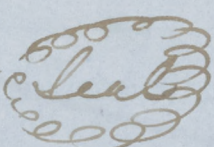
(Signed) Casarin -
(Signed) Jose Castro } assisting witnesses -
(Signed) Manuel Butron }

On the same date, this Expediente is returned to the party interested on nine useful folios, in testimony whereof I made this note, and signed with my flourish,
(Signed) The Alcalde's Flourish.

I certify the foregoing to be a true and correct translation
Geo. Fisher
Secy -

Filed in Office June 18th 1852.
Geo. Fisher Secy.

No 264 -

Translation of the grant of application to  Legal, forming part of Doc. No. 1 to depo of Manuel Jimeno -
Juan B. Alvarado Governor, ad interim of the Department of the Californias -
Whereas Don Guillermo Es. Hartnell, for his personal benefit and that of his family, has petitioned for an augmentation of the tract of land

which he proposes in El Alizal adding
thence the valley (Cañada) which em-
braces, a little more or less, from the "Aqua-
jito del Patrocinio", direction N. N. W. to
the Sierra, adjoining the Gavilán two
miles; from the said Aquajito, course
N. E. to the Lone-Sak, two miles and a
half, and from the same "Aquajito",
course E. to the Summit of the Pinal,
the same distance, an arroyo run-
ning through the center of the said
Valley - The proceedings and investigations
relative thereto having been previously had
and made as provided by laws and reg-
ulations, in the exercise of the powers in
me vested, I have concluded in the name
of the Mexican Nation to grant him the
land aforesaid declaring unto him the
ownership thereof by these present letters
subject to the approval of the Departmental
Junta and to the following conditions:

1st He may enjoy it without pre-
judice to the crossings roads and ser-
vitudes; he shall enjoy it fully and
exclusively, appropriating it to the use or
cultivation he may deem proper -

2^d He shall request the respective
Judge to give him judicial possession there-
of in virtue of this Patent by which the
boundaries shall be designated in the lim-
its of which he shall plant, besides the
land marks, some fruit trees or wild
ones of some utility -

3^d The land indicated as the aug-
mentation to that which he proposes is of

the extent described in the diseno which forms a part of the Especimante - The Judge who shall give the possession will cause it to be measured according to ordinances the surplus remaining to the Nation for its proper use -

4th If he contravene these conditions, he shall lose his right to the land and it may be denounced by another -

Therefore, this title being held as firm and valid, I command that it be entered in the proper Book and delivered to the grantee for his security and other purposes - Given at Monterey on the eighth of May, eight hundred and thirty nine -

(Signed) Juan B. Alvarado
(Signed) Manuel Jimeno
Secretary of State -

This title is entered in the Book of Registry of adjudicated Vacant lands on folio 7th -
(Signed) Jimeno -

I certify the foregoing to be a true and correct translation -

Witness my hand this 27th Jan'y
1853 -

Geo. Fisher,
Scrij -

Filed in Office Jan'y 27th 1853 -
Geo. Fisher, Scrij -

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Motion.

Cases 264 & 228.

The Counsel for the claimant in these cases suggest the death of the claimant, W. E. P. Hartnell, since the filing of the petitions therein, and move this Hon. Commission for an order that the said claims may be revived in the names of the heirs at law of the said claimant, to be proved by testimony hereafter to be taken.

Helluck Peasey & Billing

18th April 1854.

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Filed in office April 18, 1854.

Geo. Fisher, Secy.

Order.

Nos. 264-228.

Ordered that leave be granted to amend the petition, by making the widow, the Executors, the devisees and heirs of W. E. P. Hartnell, parties therein.

Filed in office, July 11, 1854.

Geo. Fisher, Secy.

No. 264

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

Petition of
Widow, Chil-

In Claim No. 264 of W. E. P. Hart-
nell to Alisal.

dren, and Ex-
ecutors of W. Teresa de la Guerra, widow,
E. P. Hartnell, decd.

And now come the claimants,
Teresa de la Guerra, widow, and Guillen-

and A. Juan, Adelberto, Teresa, José, Ma-
tilda, Ana, Magdalena, Pablo, Uldarico,
Amelia, and Silvestre, Children, and
Pablo de la Guerra and the aforesaid Maria
Teresa de la Guerra de Hartnell, Executors
of the last Will of W. E. P. Hartnell, de-
ceased, and respectfully represent:

That since the filing of the petition
in this case, the Claimant W. E. P. Hart-
nell, aforesaid, died at Monterey in Cal-
ifornia on the second day of February
A.D. 1854, leaving the petitioners, his
widow and Children, and Executors of
his last will and testament;

They, therefore, pray this Honorable
Board to confirm to them the tract of
land called "Alisal," described in the
petition of W. E. P. Hartnell, which was
filed in the Secretary's Office on the 10th
of June 1850, and in the other docu-
ments and papers filed in this case.

By their Attorneys-

Hallist Peachy & Billings.

Filed in Office Sept. 12, 1854.

Geo. Fisher, Clerk

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No 228 Heirs of Wm E. P. Hartwell

The United States

For a place
called Todos Santos
and San Antonio sit-
uate in the County of
Santa Barbara and containing
five square leagues and also
for a place called Casumins
situate in the County of Sacra-
mento, and containing six leagues.

Opinion

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This case was filed in this Commission in the name of Wm. E. P. Hartwell and is based upon two grants, one issued by Governor Alvarado, on the 28th day of August 1841, for the place called Todos Santos and San Antonio, containing five square leagues, and also one issued by Governor Micheltorena on the 3^d day of November, 1841, for the place called Casumins for seven square leagues, which said grants have been filed in this case, together with traced copies of the expedientes and maps attached to the same, upon which said grants were issued, all of which are properly authenticated and made evidence in the case. The proofs show that juridical possession was given to the place called Todos Santos on the 4th day of October, 1841, and that the conditions of the colonization laws in reference to occupation and cultivation were properly completed with in the part of the grant. The aforementioned documents were presented to the departmental assembly, for their action, and that body approved the grant for the place called Todos Santos, and for the place called Casumins to the extent of six leagues allowing the grantee to select the same with the exterior boundaries named in the expediente and set forth by the plat accompanying the same.

The evidence is such as to leave no doubt of a right to confirmation to the place called Todos Santos, and we think that under

the ruling of the Supreme Court in the case of
 Fremont the claimants are also entitled to
 a confirmation for six leagues to be located
 with in the boundaries specified in the sub-
 sequent grant for the place called Casimiro.
 And it appearing that since the filing of the
 petition herein the said W. E. P. Hartwell
 has departed this life, leaving a wife and
 children heirs to his estate and for whose
 benefit a confirmation is now sought, and
 a decree will be entered accordingly.

Filed in office August 7. 1855

(signed)

Geo. Fisher Gray

Heirs of W^m E. P. Hartwell
 vs
 The United States

Decree

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 their application for a con-
 firmation be attended.

The land of which con-
 firmation is hereby given consists of a
 place called Todos Santos and San Antonio
 containing five square leagues, situate in
 the County of Santa Barbara and to be located
 within the following exterior lines and bounds:
 On the east by the Alamos, on the west by
 the beach of San Antonio, on the south by
 the hill of La Purissima, and on the north by

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the plain La Saiga.

Also a place called Co-
sumas situate in the county of Sacramento
and containing six square leagues and to be
located within the following boundaries; the
Rivier Casumas on the north opposite the
rancho of Sheldon, on the west the rancho
of Don Anastacio Chaboya, on the south by
the vicinity of Dry Creek, and on the east
by the vicinity of the Sierra Mountains.

Reference being had to the
grants and maps accompanying the expediente
on file in the case

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R. Aug Thompson

S. B. Farnell

Commiss

Filed in Office August 7, 1855

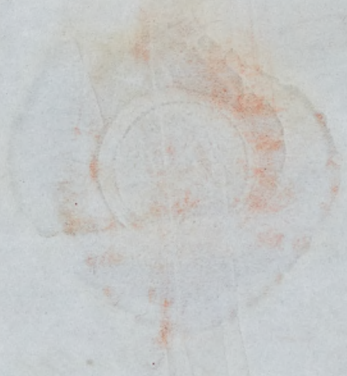
(signed)

Geo Dehu Gray

1072 Order

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And it appearing to the satisfaction of the Board that the land hereby adjudicated is situated in the Northern & Southern districts of California, it is hereby ordered that three transcripts of the proceedings and of the decision in this case, and of the papers and evidence upon which the same are founded, be made and duly certified by the Secretary, one of which transcripts shall be filed with the ^{U.S.} District Courts for the Northern & Southern districts 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.

362 ND

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George Fisher

Secretary to

the Board of Commissioners to ascertain and settle the Private Claims in the State of California, do hereby certify the foregoing One hundred & seventy two pages, numbered from 1 to 172, 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. 228, on the Docket of the said Board,

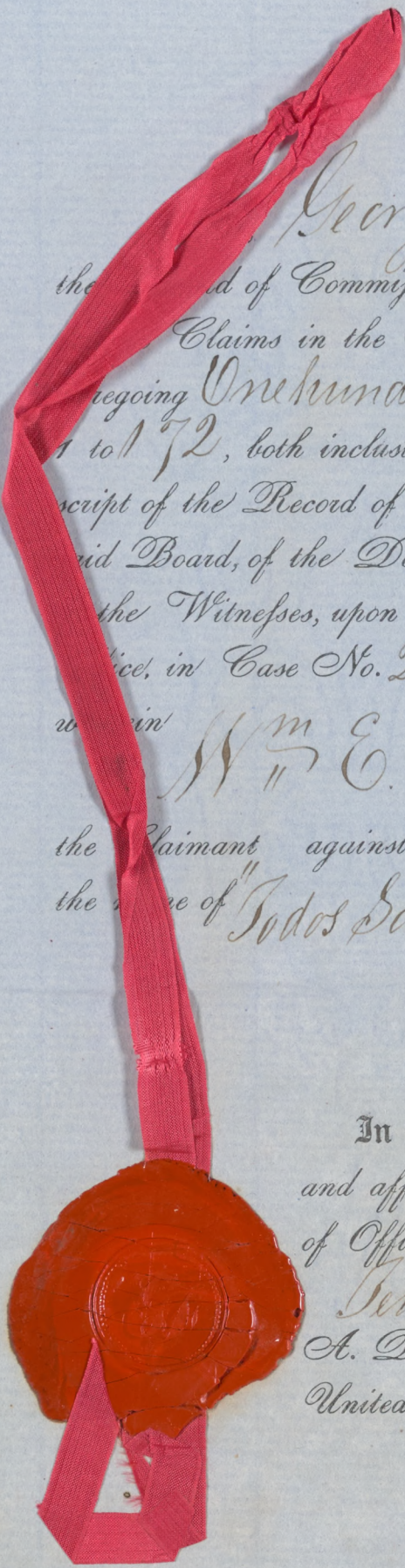
to wit

Wm E. P. Martnett is

the Claimant against the United States, for the place known by the name of "Todos Santos y San Antonio" Cosumnes.

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

Geo. Fisher



241/ago

362

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

No. 362.- 362 ND
THE UNITED STATES,

vs.

Wm. E. Westcott

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS.

In Case No. 228

Filed, December 24 1855

J. A. Moore
Clk.

Office of the Attorney General of the United States,

Washington, 11. Feb. 1856.

L. 28. } "Todos Santos y. San Antonio & Cosumnes."

Wm C. P. Starnell. 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 1st day of January 1856, the appeal in the district court of the United States for the ~~Northern~~ district of California will be prosecuted by the United States.

Centring

Attorney General.

No 362

United States

- ad -

W. E. P. Hartnell

Appeal Notice

No - 228 -

Filed April 4. 1856

Cheney,

Deputy.

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28

To the Honorable District Court of the United States in and for the Northern District of California.

The United States, appellants.

Case n^o. 362

v

Heirs of N. E. P. Hartnell, appellees

Transcript 228

The petition of the United States by their attorney represents that this cause is an application for a review of the decision of the Board of Commissioners whereby the claim of the said appellees was confirmed, as appears by reference to the records in the case. That a transcript of the said Records was filed in this Court on the twenty fourth day of December, A.D. 1855 that a notice of appeal was filed on the fourth day of April, A.D. 1856 and that the land claimed lies in the said District. That the said claim is invalid.

Wherefore appellants pray that the said decision of the Board be reversed and that this Court decree the said title to be invalid.

Respectfully,

Wm B. Manning
Dist. Atty

362 2
Transcript 228

U. S. District Court

The United States
appellants

v
Heirs of W. E. P. Hartnell
appellees.

Petition of appeal.

Filed Dec: 15, 1856,
W. H. Chever,
Deputy Clerk.

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Am Blandin
U. S. Dist Atty

No 362

In the United States Dist Court, Northern Dist of Cal.

The United States, appellants
 vs
 Heirs of W. E. P. Hartnell, appellees } Transcript No 228.

Pablo de la Guerra and Teresa de la Guerra y Hartnell, Executors of last will and testament, and Teresa de la Guerra y Hartnell widow, and Guillerme Antonio Hartnell, Juan Hartnell, Adelberto Hartnell, Teresa Hartnell, Jose Hartnell, Ana Hartnell, Magdalena Hartnell, Pablo Hartnell, Melchor Hartnell, Silvestre Hartnell and Amelia Hartnell, children, of W. E. P. Hartnell deceased, appellees in the above entitled cause, appear by their Attorneys, and, for answer to the petition of the United States filed herein, say:

That their title to the tract of land called "On the River Comunes", or "Rancho de Hartnell", granted to the said W. E. P. Hartnell by Governor Micheltoreno on the 3^d day of November A.D. 1844, as set forth and described in the petition to the Board of Commissioners and in the documentary and other evidence filed in this case, is a good and valid title; and that the land so claimed and described is situate in the Northern Judicial District of California and within the jurisdiction of this Honorable Court;

That their title to the tract of land called "Todos Santos y San Antonio" granted to the said W. E. P. Hartnell by Governor Alvarado on the 28th day of August A.D. 1841, as set forth & described in the petition to the Board of Commissioners and in the documentary and

other evidence filed in this case is a good and valid title; and that the land so claimed and described is situate in the Southern Judicial District of California and without the jurisdiction of this Honorable court.

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And they pray this Honorable court to affirm so much of the decision of the Commissioners as confirms to them their claim to the said tract of land called "on the River Cosumnes" or "Rancho de Hartnell", and to decree their title thereto to be valid; and to dismiss so much of the appeal in this case as relates to the said tract of land called "Todos Santos of San Antonio" because the said tract of land so claimed lies in the Southern District Judicial District of California, and within the jurisdiction of this Honorable court; and for general relief.

Spencer Peasby & Billings
Atty's for Appellees.

No 362 ³
In the U.S. Dist Court
Northern Dist. of Colo.

The U. States, appellants
vs
Heirs of W. E. P. Hartwell, appellees

Answer of Appellees

Filed Dec: 15, 1886,
W. F. Adams,
Deputy Clerk.

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Hallen & Billing
Attys for Appellees.

No 362

In the United States District Court Northern Dist
of California

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PAGE 177

The United States, appellants
vs.

Pablo de la Guerra and Teresa
de la Guerra de Hartnell, executors
of the last will and Testament,
and Teresa de la Guerra de Hartnell,
widow, Guillermo Antonio Hartnell,
Juan Hartnell, Adelberto Hartnell,
Teresa Hartnell, Jose Hartnell,
Ana Hartnell, ^{Matilde Hartnell} Magdalena Hartnell
Pablo Hartnell, Melchorico Hartnell,
Silvestre Hartnell, and Amelia
Hartnell, children, of William
& P. Hartnell, deceased,
appellees

Transcript No 225.

Stated Term, May 14th 1857

On appeal from the final decision of the
Board of Commissioners to ascertain & settle
Private Land claims in the State of California.

Decree

This cause came on to be heard at a
stated term of the court on appeal
from the final decision of the
Board of Commissioners to ascertain and

Settle Private Land claims in the State of California under the Act of Congress approved on the 3^d of March A.D. 1857, upon the Transcript of the proceedings and decision of the said Board of Commissioners and the papers and evidence on which the said decision was founded; and it appearing to the court that the said Transcript has been duly filed according to law, and counsel for the respective parties having been heard; It is ordered, adjudged and decreed that so much of the appeal heretofore taken in this cause by the United States as relates to the tract of land set forth and described in the petition to the Board of Commissioners by William S. P. Hattwell and in the documents and other evidence in the case, as "Todos Santos and San Antonio", he and the same is hereby dismissed, it appearing to the court and being admitted by the District Atty of the United States that the said tract of land lies in the Southern Judicial District of California and wholly without the jurisdiction of this court.

And it is further ordered, adjudged and decreed that the decision of the said Board of Commissioners declaring valid and confirming the claim of the above named appellies to ~~the tract~~ six square leagues of the tract of

land set forth and described in the Petition of William E. P. Hartnell to the said Board and in the documentary and other evidence in this case as, "Cosumnes", "On the River Cosumnes", or "Rancho de Hartnell" be and the same hereby is affirmed, and that the title of said appellees to six square leagues of the said tract of land called "Cosumnes", "On the River Cosumnes", or "Rancho de Hartnell", is a good and valid title.

The land of which confirmation is ^{hereby} made is of the extent of six square leagues and no more, and to be located within the following boundaries: The River Cosumnes on the north opposite the rancho of Sheldon, on the west the rancho of Don Anastasio Chahoya, on the south the vicinity of the Arroyo de las Uvas, and on the east the vicinity of the Sierra Mountains, reference being had to the grant and to the map accompanying the expediente on file in this case.

And as to all other land set out and claimed in the petition and in the documentary and other evidence filed in this case, it is hereby ordered, adjudged, and decreed that the claim to the same is not valid, and the same is therefore rejected.

John Hoffman
U. S. District Judge

No 362

54

In the United States District Court
Northern Dist of Cal.

The United States
as Plaintiff

vs

Executors & Heirs of
William E. P. Hartnell, deceased,
as Defendts

Decree

Filed May 14, 1857.

W. A. Chivers
Deputy

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No 362

in the United States Dist Court for the
Northern District of California

362 ND

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The United States, appellants
vs
~~The Executors, administrators and~~
Heirs of W. C. P. Bartwell deceased
appellees

} Transcript
No 225

Order.

In this case on the application of the
attorneys of the appellees made in open
court, it is ordered by the court
that an appeal in behalf of the
claimants, the appellees, from the final
decision of this court rendered in said
cause at the present term be and
the same is hereby granted, and that
a certified transcript of the pleadings
evidence, depositions and proceedings
in the said cause be sent to the
supreme court of the United
States, without delay.

Ogden Hoffman
U. S. Dist Judge

362. ~~6~~

U. S. Dist. Court.

The United States.

— vs —

W. E. P. Hartwell.

Order granting
Appeal.

Filed May 18. 1857.

W. H. Chivers,
Deputy.

362 ND

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At a Stated Term of the District Court of the UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room, in the City of SAN FRANCISCO, on *Thursday* the *30th* day of *July* in the year of our Lord one thousand eight hundred and fifty-seven.

Present :

The Honorable OGDEN HOFFMAN, District Judge.

The United States
appellants

The Executors, Widow and Heirs
of Mr. E. P. Hartnell, deceased
appellees.

D. C. 362 : L. C. 228.

In this case, on the application of the U. S. Attorney made in open Court, it is ordered by the Court that an appeal in behalf of the United States from the final decision of this Court rendered in said cause at the December 1856 term, be and the same is hereby granted, and that a certified transcript of the pleadings, evidence, depositions and proceedings in the said cause be sent to the Supreme Court of the United States without delay.

362-7

United States District Court, Northern
District of California.

The United States
appellants

vs.

The Exor widow & heirs
of W. E. P. Hartnell
appellees

ORDER.

granting appeal

Filed

July 30th 1857

John A. Munsie,

CLERK.

By

A. A. Cheever

DEPUTY.

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At a *Statute* Term of the District Court of the
UNITED STATES OF AMERICA, for the Northern District of Cali-
fornia, held at the *Court Room* in the City of SAN
FRANCISCO, on *Thursday* the *13th* day of
May, in the year of our Lord one thousand
eight hundred and fifty *eight*.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,
vs
Mr. E. P. Hartnell,

No. 362,

And now at this
day comes the said
Claimant by his Counsel, and moves
the Court to fix the amount of
Appeal Bond herein. Whereupon
it is now here ordered by the Court
that the said Appeal be allowed on
Claimants giving bond in the sum
of \$500, with sufficient surety to be
approved by the Court.

362 87

United States District Court, Northern
District of California.

The United States,

vs.

Am. E. P. Hartnett,

*Order fixing amount
of appeal Bond at \$500.*

Filed *May 13,* 1858,

N. H. Chivers

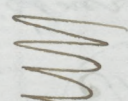
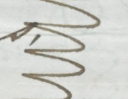
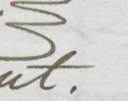
CLERK.

DEPUTY.

362 ND

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District Court of the United States of America
for the Northern District of California

The United States.  No. 362,
vs. Appellants,
H. E. P. Hartnell, 
Appellant. 

Know all men by these
presents, that Thomas. O. Sartin, and
Phillip. A. Roach,
of the State of California are held and firmly
bound to the above named United States in
the sum of **Fine Hundred**
Dollars to be paid to the said United States,
for the payment of which well and truly to
be made, we bind ourselves, and each of us,
our, and each of our heirs, executors and
administrators, jointly and severally by these
presents, sealed with our seals and dated the
fourteenth day of May in the year of our
Lord one thousand eight hundred and fifty
eight.

Whereas the above named appellants
have prosecuted an appeal to the Supreme
Court of the United States, at the city of
Washington, in the District of Columbia, to
reverse the decree rendered in the above suit
by the District Court of the United States for

the Northern District of the State of California. Now therefore the condition of this obligation is such, that if the above named appellants shall prosecute their appeal to effect and answer all damages and costs if they fail to make their appeal good, then this obligation shall be void otherwise to remain in full force and virtue;

Witness our hands and seals the day and year above written,

Sealed & signed

Thomas O. Sarkin

in presence of

H. H. Cheves,

Philip A. Roach



Thomas O. Sarkin, & Phillip A. Roach, parties to the above Bond being duly sworn each for himself, says that he resides in the city of San Francisco, in the State of California, and that he is worth the sum of Five Hundred dollars over, and above all his just debts, and liabilities,

sworn to and subscribed

May 14, 1858, before me,

H. H. Cheves,

Thomas O. Sarkin

N. J. Commissioner,

Philip A. Roach

I hereby approve of this Bond,
May 14, 1858.

John Hoffman
U. S. Dist Judge

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ND
1858



1858

362. 9

U. S. Dist. Court.

The United States,

vs.

W. C. P. Hartwell,

Appeal Bond.

Filed May 14, 1858,

W. H. Chevers,

Clerk.

362 ND

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THE PRESIDENT OF THE UNITED STATES OF AMERICA,

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

greeting:

Whereas, lately, in the District Court of the United States, for the Northern District
of California _____ before you, _____ in a cause

between The United States, appellants and The Widow,
Heirs and Executors of William E. P. Hartnell, deceased,
appellees, the decree of the said District Court was in
the following words, viz:—

"It is ordered, adjudged and decreed,
that so much of the appeal heretofore taken in this cause
by the United States as relates to the tract of land set forth
and described in the petition to the board of Commissioners
by William E. P. Hartnell, and in the documentary and
other evidence in the case, as Todos Santos and San Antonio,
be, and the same is hereby dismissed, it appearing to the Court,
and being admitted by the District Attorney of the
United States, that the said tract of land lies in the
Southern Judicial District of California, and wholly
without the jurisdiction of this Court.

"And it is further ordered, adjudged and
decreed, that the decision of the said board of Commissioners,
declaring valid and confirming the claim of the above
named appellees to six leagues of the tract of land set
forth and described in the petition of William E. P.
Hartnell to the said board, and in the documentary
and other evidence in this case, as "Cosumnes," "on the
river Cosumnes," or "Rancho de Hartnell," be and the same
is hereby affirmed, and that the title of said appellees

to ~~say~~ Six Square leagues of the said tract of land called "Cosumnes," "on the river Cosumnes," or "Rancho de Hartnell," is a good and valid title.

"The land of which conferment is hereby made is of the extent of Six Square leagues and no more, and to be located within the following boundaries:

"The river Cosumnes on the north, opposite the rancho of Sheldon; on the west the rancho of Don Anastacio Chaboya; on the south the vicinity of the Arroyo de las Ujas, and on the east the vicinity of the Sierra Mountains; reference being had to the grant and to the map accompanying the expediente on file in this case. And as to all other land set out and claimed in the petition, and in the documentary and other evidence filed in this case, it is hereby ordered, adjudged and decreed, that the claim to the same is not valid, and the same is therefore rejected".

as by the inspection of the transcript of the record _____

_____ of the said District

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

agreeably to the act of Congress, _____

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

And whereas, in the present term of *December*, in the year of our Lord one thousand eight hundred and *fifty nine* the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and was argued by counsel: On consideration whereof, *it is now here ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be and the same is hereby affirmed.*

12 March

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

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

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

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

Taxed by

Wm. H. Carroll
Clerk of the Supreme Court of the United States.

No. 562
No. 100, December Term, 1859.

MANDATE
SUPREME COURT UNITED STATES.

W. State of Vermont's heirs

of
the State of Vermont
vs. Wm. H. Carroll
by Daniel H. Sullivan
Attorney

In the District Court for the United
States for the Northern District of California
The United States.

— 25 —
The widow, Heirs and Executors
of William E. S. Hartnell, deceased.

362 ND
PAGE 195

And now this day come
the claimants by their attorney, and pre-
senting the mandate of the Supreme
Court of the United States, affirming
the final decree of this court heretofore
entered in this cause, and move that the
same be filed herein; and therefore it is
ordered that the said mandate be filed as
a part of the record in this case, and
that the said claimants have leave to pro-
ceed under said decree so affirmed as afore-
said as under final decree.

John Hoffman
Dist. Judge

U. S. Dist. Court

No-362

The United States

^{vs}
The widow and heirs
of

William C. P. Hartnett

Final order.

Filed March 29th 1864
Circuit Court
By Paul Sullivan
deputy

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Commiss

United States

vs
W. E. P. Hartwell - }

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PAGE 197

The land claimed by the
appellee before the Land Com
Mission was a tract of 5
leagues in Santa Barbara
County called "Todos Santos y
San Antonio" and a tract of
11 leagues on the river Cosumnes
in Sacramento County -

The Commissions confined
to the claimant the 5 league
tract and six leagues of
the Cosumnes tract - making
11 leagues in all -

From this decision the Uni
ted States appeal - It is
insisted on the part of
the claimant that the claim
to the whole of the Cosumnes
tract should be confined
and that the limitation of it
to 6 leagues is erroneous -

The transcript as filed in
this Court embraces both claims
The Todos Santos tract ~~however~~

is situated in the Southern district — On that part of the case the Court has therefore no jurisdiction —

It appears ~~from~~ from the proofs that the grant for the Todos Santos Tract was duly issued — and that it was occupied and cultivated by the grantee — and that judicial possession of it was formally given —

It ~~was~~ ^{was} not however approved by the Assembly for reasons which will presently be stated.

The grant of the Todos Santos Tract is dated August 25th 1841

On the 3^d Nov. 1844 Nathell obtained another grant from Melchiorana of 11 leagues on the Cosumnes —

The genuineness of both these grants is not disputed

On the 16th March 1846 both of these two concessions were referred by the Assembly to the Committee on vacant

lands. On the 13th April following the Committee reported "that as the decree of concession for the Todos Santos Tract does not express the number of leagues granted & as another expediente has been presented for approval for 11 leagues on Cosumnes River granted to the same party Nov. 3. 1844 - that the two expedientes be united and as the law gives 11 leagues as the maximum - that the petitioner be required to present his title for the first named tract in order that the number of leagues may be ascertained & that the party may then apply for such 11 leagues in the two tracts as may suit him best."

This report was approved by the Departmental Assembly on the 22^d April of the same year -
The directions given to the petitioner were not complied

with — not as suggested
 by his Counsel because it
 was the Governor's duty to
 submit the expediente for
 approval — for the report
 expressly requires the "peti-
 tion" to present his title
 for the Todos Santos tract
 but probably because
 residing at a distance
 he had no opportunity
 in the few months which
 intervened before the sub-
 session of the Mexican
 Authority, ~~of~~ to comply with
 or perhaps even leave the
 the order which the Assem-
 bly had made. —

At all events no further
 action was had in the
 Assembly on either grant
 The grantee appears to have
 occupied his land by placing
 a tenant in possession of it —
 by whom it was cultivated
 soon after the date of the
 grant — He has also conveyed
 to various persons portions ^{of it}
 There is nothing in the case —

5⁴ which any intention to abandon the land can be presumed unless his permission present his ^{grant for Indios Santos} ~~grants~~ ^{required} to the Assembly as ~~several times~~ can be so construed - But such a construction is obviously inadmissible -

The only question in the case is as to the extent to which the Colonies title should be confined -

It is urged that the ^{limita} ~~restriction~~ ^{restriction} of ~~the~~ ^{the} quantity of land which the Governor was authorized to grant did not apply to grants made to Mexican citizens - and ^{it is} ~~it is~~ ^{that} the full power given to Michelmena ~~enabled~~ ^{enabled} him to disregard the restriction -

It is unnecessary to enter into a discussion of these points for the Supreme Court has in unmistakable language recognized the restriction of the powers of the Governor - ~~which is decided~~

In The U. S. v. Larkin XVIII How. p. 561

The Court in speaking of the decree of the Court below limiting the quantity of land to 11 leagues say. "Especially, should this construction be given as the power of the Governor to grant to a single person was limited so as not to exceed this quantity according to the 12 § of the decree of the Mexican Congress of August 1824".

The grant in that case was made by Gov. Micheltonne Nov. 4. 1844 - only one day after that under consideration.

It is urged that Independently of this decision of the Supreme Court I should have no difficulty in reaching the same conclusion. It is urged that Santa Anna was at that time in possession of absolute legislative and executive authority and that his delegation of all his power to Micheltonne conferred upon the latter ^{authority} ~~power~~ superior to that of any existing law.

But the power of the most abso-

make regulations on the subject must be deemed to have remained in force until they are expressly abrogated.

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PAGE 204

The action of Michel Comens himself in submitting these grants to the Assembly is an unmistakable proof that he considered the colonisation laws were to be observed by him in form and in substance - and the refusal of the Assembly to approve a grant for more than 11 leagues is an emphatic declaration of what was the received construction of the law, and their legislative idea of the Governor's authority.

There is no reason to suppose that the refusal of the Assembly to approve for the reason assigned was by any one considered an erroneous construction of the law or an unwarrantable encroachment on the extraordinary powers of the Governor - It is zealously urged by the

The Counsel for the appellees that this is no longer an open question in this Court and that grants have already been confirmed in this Court for a greater quantity than 11 leagues - such may possibly be the ^{fact} case - It is enough ^{nowing} to say that in the case alluded to (that of Petaluma) the decision of the Board was affirmed by this Court without examination and on the statement of the District Attorney in open Court that no valid objection to a confirmation existed - It is also to be observed that in that case the grant was for 10 leagues, and the additional 5 leagues was acquired by purchase - the grantee having paid to the Government a considerable sum of money for the land -

I am not aware that until the present case it has ever been claimed in this Court that Gov. Richardson or any

9

other Governor had authority
to make a gratuitous con-
cession of land more than
11 leagues of land to a single
individual — in fact no thing
to that effect has been made.
and even if it had, ^{been} the con-
stitution given to the law by
the Departmental Assembly
and the Supreme Court would
~~be~~ sufficient to uppose it in
consequence.

362 ND

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It ~~is~~ alleged to appear from the record that Haultwell had before the grant issued for the Cosumnes tract obtained a grant for $2\frac{1}{2}$ ds of a league in a place called Alisal - This land however he seems to have purchased and he the grant was probably obtained to strengthen the title previously acquired - The Commissioners do not appear to have noticed this grant but confirmed the claim for ^{the} 5 leagues in Todos Santos and 6 leagues in Cosumnes - I do not think the proofs ~~that~~ sufficiently clear as to the Alisal tract to authorize the quantity thereby deduction of the quantity mentioned in that grant from the 6 leagues of Cosumnes confirmed to the appellee -

A decree must be entered confirming the claim to Cosumnes to the extent of 6 leagues.

57 362.4

72
Hartwell

Spinnow

May 14. 1857

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[Faint, illegible handwritten text, likely bleed-through from the reverse side of the page]

W.S. v W.E.P. Hartwell
L. C. 228, D. C. 362

Nov 3 1844

Cosumme 11. l. W.E.P.H. by M^a
admitted to be genuine

362 ND
PAGE 209

Confirmed by Hoffman to C. - remain
in rejected because record show
he had a grant for 5 leagues in
the Southern District.

Sp. (nine) He should have the remainder been
1. ~~The~~ limitation does not apply
to Indians
2. The Governor's grant stands
good until disapproval by
Esp. Assembly is affirmed
by Supreme Court.
3. Non constat that the
grant for land in South
ern District will be con-
firmed.

Alizal
Santos San Antonio
Cosumme

367 ND

Proe

Lonco

y
Fuentes

Garcia

West

Tico

Hartnell ♀

Abraido

(De) Schenelack



APR 1890
U.S. MD

W. E. P. Hartnell
Alizal Grant for $\frac{2}{3}$ league 1834
" " about a league more 184

362 ND
PAGE 210

~~~~~  
Admitted to W. E. P. H.  
eleven leagues  
approved for eleven by Commission  
" " seven " Court  
then appealed by claim

516



Hastull

Cosumme

357 5D

362 ML

362 ND

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