CASE NO.
409
NORTHERN DISTRICT

SAN MATEO GRANT

Wm. D M. HOWARD
CLAIMANT

Land Case 409 ND

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TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 559.

Wm D. McHoward — CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

San Mateo.

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Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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

The Petition of Wm. D. M. Howard *for the Place named* 'San Mateo,' *was presented, and ordered to be filed and docketed with No.* 559 *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, February 23 1853.

In case No. 559, William D. M. Howard for the place named "San Mateo," the deposition of Wm. H. Clark, a witness in behalf of the Claimant taken before Commissioner Leland Hall, was filed;

(Vide page 8 of this Transcript)

San Francisco March 10 1853.

In the same case the deposition of Lucas Arnas, a witness in behalf of the Claimant, taken before Commissioner Leland Hall, was filed;

(Vide page 16 of this Transcript)

In the same case the deposition of Cayetano Arenas, a witness in behalf of the Claimant, taken before Commissioner Leland Hall, with document marked H. H. No. 1, annexed thereto, was filed;

(Vide page 14 of this Transcript)

San Francisco April 13 1853.

In the same case the deposition of Henry F. Teschemaker, a witness in behalf of the claimant, taken before Commissioner Henry S. Fitzhugh, was filed;

(See page 11 of this Transcript.)

San Francisco December 6 1853.

Case no. 559, on motion of claimants Counsel, was ordered to the foot of the docket.

San Francisco, May 8 1854.

In the same case the deposition of Pio Pico, a witness in behalf of the claimant, taken before Commissioner S. S. Burnell, was filed;

(See page 26 of this Transcript.)

San Francisco March 21 1855.

In the same case the deposition of José de la Cruz Sanchez, a witness in behalf of the United States, taken before Commissioner Peter Lott, was filed;

(See page 29 of this Transcript.)

San Francisco March 27 1855.

Case no. 559 was submitted on briefs and taken under advisement by the Board.

In the same case the depositions of Frank Turk, Henry F. Teschemaker, George Hyde, and E. J. C. Kewen, witnesses in behalf of the claimant, taken before the commissioners sitting as a Board, the first with document marked G. K. no. 1, and the second with document marked G. K. no. 2, annexed thereto, were filed;

(See pages 41½, 46, 51, & 53 of this Transcript.)

In the same case the deposition of Nicolas de Poyster, a witness in behalf of the United States, taken before Commissioner Peter Lott, was filed;

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(Vide page 35 of this Transcript.)

In the same case the Counsel for the Claimant filed the following Affidavit of Thomas E. Evershed, to wit:

(Vide page 95 of this Transcript)

San Francisco April 3rd 1855.

In the same case the U. S. Land Agent filed an authenticated copy of document marked A. P. L. Exhibit to the deposition of José de la Cruz Sanchez filed in Case No. 69 in accordance with the Stipulation annexed thereto;

(Vide page 63 of this Transcript)

San Francisco Sept. 18th 1855.

In the same case Commissioner S. B. Farwell delivered the Opinion of the Board confirming the claim;

(Vide page 57 of this Transcript)

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

(Vide page 59 of this Transcript)

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To the Board of Commissioners for ascertaining and settling private land claims in the State of California.

Petition

409 ND
PAGE 5

Your petitioner William D M Howard of San Francisco in the State of California respectfully represents to your Honorable Board that he claims a certain tract of land called the Rancho of San Mateo containing two leagues of land more or less situated in the County of San Francisco in said State of California and bounded as follows to wit.

On the North by the Rancho of Sanchez. On the South by the Ranch known as Los Pulgas. On the East by the Bay of San Francisco and on the West by the Mountains.

That he claims the same in fee by virtue of a grant made to Cayetano Arnas then a Mexican citizen under the authority of the Mexican Government by Pio Pico in his Official capacity as Governor of the Territory of Upper California bearing date the 5th or 6th day of May 1846.

That the boundaries thereof have been duly designated and defined & all proceedings had in conformity with the laws and usages of Mexico necessary to vest a complete and valid title under and by virtue of said grant.

That on the 23° day of April 1847 the said Arnas for a good and valuable consideration conveyed the said Ranch to Henry Mellus and your petitioner and that they thereupon took possession of the same.

That on the 20th day of June 1850, the said Mulas sold and conveyed his right, title and interest in and to said Ranch to your petitioner and that your petitioner has since continued to hold the peaceable occupation and possession of said Ranch & still does hold such occupation and possession thereof.

And your petitioner states the said original grant from Pio Pico to Capitano Thomas was at the time of the fire in San Francisco of the 10th of May 1851 in the Office and in the care of William Hallock of said City in the building on the corner of Clay and Montgomery Streets.

That at said fire the said building was burned and destroyed together with nearly the whole contents and as your petitioner is informed by said Clerk and believes all the papers in the Office of the said Clerk including this original grant were destroyed and burned.

That the book of records kept by the former Government of California for the year 1846 & which contained a record of this grant as appeared by a Memorandum at the foot thereof — your petitioner is unable to find among the archives —

That therefore this petitioner is unable to present herewith a copy of the said original title.

That there is no conflicting claim to the said track of land to the

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knowledge of Your petitioner.

And your petitioner further states that the contents of said original grant were as near as he can describe them as follows.

The said grant stated that the same was made to the said Capetano Arenas a Mexican citizen, in consideration of services rendered in the Secretaryship of the Governor.—

The land granted was described therein in the following words:
"Consta de dos sitios de ganado mayor, poco mas ó menos, y linda al Norte con el rancho de los Sres. Sanchez, al Sur con el rancho de las Pulgas, al oriente con la Bahia del Puerto de San Francisco, y el Poniente con la Sierra."

Which translation means "Consisting of Two leagues a little more or less and bounded on the North by the Ranch of the Senores Sanchez. On the South by the Ranch of Las Pulgas. On the East by the Bay of the port of San Francisco and on the west by the Mountains".

The said grant contained no conditions except that the said Arenas should not obstruct the highways and that the said grant was made subject to the approval of the Departmental Assembly.

The said grant was signed by Pio Pico as Governor and also contained at the foot a certificate that it had been recorded in the proper book. which certificate of record was signed by Jose M

Morino then Secretary.

The general form and language of said grant was in accordance with that of grants then usually made in California by the Governors of said Territory.

Your petitioner therefore prays that he may be permitted to introduce proofs of the loss of said document and evidence of the contents thereof and to maintain his title and that his title to the said tract of land as above discribed may be decreed valid and confirmed to him by Your Honorable Board.

And Your petitioner will ever pray &c.

San Francisco Feby 1. 1853.

W. D. M. Howard by
his Attorney
James Wilson

Filed in Office Feby 1. 1853.
(signed)
Geo Fisher Secy.

Deposition of W. H. Clark

San Francisco Feby 23. 1853.

On this day before Lemr Hetland Hall came William H. Clark a Witness in behalf of the Claimant W. D. M. Howard petition No 554 and was duly sworn his evidence being given in English.

The U S District Law Agent was present.

In answer to Enquiries by Counsel for the Claimant the Witness testified

as follows.

My Name is William H. Clark My age is thirty three years and I reside in San Francisco.

In the fall of the year 1851 or early in the following winter Mr. D M Howard left in my Office which was in Wells building at the corner of Clay and Montgomery Streets the original Spanish papers of the grant of the Rancho called San Mateo.

I am a Member of the legal profession and the papers were left with me for examination and for the purpose of taking my advice in regard to the title.

I examined the original papers and compared it with an English translation which Mr Howard had procured made and which accompanied the papers.

I was sufficiently acquainted with the Spanish language to enable me to read the papers in that language.

The building in which was my office was destroyed by the fire of May 1851. My books papers and every thing in my Office were destroyed and among the said papers of Mr Howard.

In regard to the original title paper before mentioned I remember that it purported to be signed by Pio Pico as Governor and was made to Capitano Arenas.

I think it was dated at Los Angeles sometime in the Spring of the

year 1846. It purported to be a grant made to said Arenas in compensation for his services rendered in the Secretaryship of the Government and it had also the signature of Moreno as Secretary.

It purported to convey the Ranch or land of San Mateo. It was described as bounded North by the Rancho of Jose Sanchez, east by the bay of San Francisco South by the San Mateo creek and west by the Sierras.

It stated the quantity of land to be two leagues poco mas o menos.

There was a memorandum on the grant that it was recorded in the proper book or records to that effect.

I examined the document carefully reading it in Spanish by accasionally referring to the Spanish dictionary and the contents are strongly impressed on my memory.

There was among the papers a conveyance from said Arenas to the said Howard of the same land by the same description as that in the original grants which was also destroyed in the fire before mentioned.

I have seen memorigmal Mexican grants of lands in California.

This Grant was in the usual form of such grants and on such paper as was used in other grants & had on my appearance of being a genuine document tho I cannot testify positively to the signatures not being sufficiently familiar with the hand writing of the said Pico & Moreno.

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I have signed resided in California since the month of September 1849.

I first saw the Rancho of San Mateo in the Spring of 1851 when Mr Howard was in possession of it.

He has a house on it and a considerable portion of it is fenced.

In answer to Enquiries by the Associate Sam Agent the Witness says he thinks the Conveyance from Arenas to Howard has not been recorded in the County Clerks Office though he is not certain.

Wm H Clark

Sworn & Subscribed
Before me
Heiland Hall Comr
Filed in Office Feb 23. 1853.
(Signed) Geo Fisher Secy

Deposition of H. F. Teschmacher.

San Francisco April 13. 1853.
On this day before Comr Henry I Thornton came Henry F Teschmacher a Witness on the part of the Claimant Wm D M Howard petition No 559 and was duly sworn his Evidence being given in English.

Questions by Claimant

Quest 1.

What is your Name age and place of residence & how long have you resided there.

Answer.

My Name is Henry F Teschmacher

My age is thirty three years My residence is San Francisco California and I have lived in California eleven years.

Question.

Are you acquainted with the Rancho claimed in this case called San Mateo and if yes state what you know concerning any grant being made of the land and to whom if any.

Ans.

I am acquainted with the said Rancho. In the latter part of the year 1846 I saw a grant which was signed by Pio Pico as Governor of California made to Capitano Armas for the quantity of two leagues which described the said land also by boundaries.

The Northern boundary being the Sanchez Ranch called Bim Bim The Eastern boundary was the bay of San Francisco. I am not distinct in my recollection of the other boundaries mentioned but I think the Southern boundary was on the Sulfas creek of San Mateo. On reflection I remember that the western boundary named was the Sierra.

The date of this grant I cannot say. I remember having read it but once but I think it was in May 1846.

This grant was to the best of my knowledge and belief written in the usual form or like those which I have often seen for lands in this Country.

I am and was well

acquainted with the hand writing of Pio Pico have often seen him write and say that his signature to the grant above mentioned was his genuine signature.

Quest.

Do you know anything of any sale or conveyance being made by the original grantee of this Ranch and if yes to whom and when was that sale made.

Ans.

I do know that a sale was made in the Spring of 1847 the exact time I do not remember. I was at the time of this purchase a clerk of Mr Mellus and intimate with the business of both Mellus and Howard.

Question.

Do you know anything of the occupation of this place if so state when and by whom and how it was occupied.

Ans.

As early as I know of any occupation of this Ranch was in 1848 when Mr Howard put horses upon it, but to what further extent he used or occupied the place prior to 1850 I do not know since that time it has been improved by a large house &c and fencing to a considerable extent as well as cultivation being stocked with horses cattle hogs and sheep.

Quest.

Did you or not ever hear of any conflicting title to this place.

Ans.

I have not heard of any other title.

Questions by U S Law Agent

Quest.

Did you Ever Know of any occupation of this place by the original grantee.

Ans.

I did not Know of his having occupied it. but I know that it in 1846 he Started to do so and was prevented by the Civil commotion in the Country and the War. I saw him in July or August of that year I think at San Jose when I learned from him the intention above mentioned, tho as to the time and place of the conversation I am not distinct in my recollection.

H. F. Teschemaker.

U S Law Agent present.

Sworn to & Subscribed
before me this 13th of April 1853.

Harry I Thornton
Comr &c.

Filed in Office April 13th 1853.
(Signed)
Geo Fisher Secy.

Deposition of C. Ames.

San Francisco March 10th 1853.

On this day before Comr Willard Hall came Capt Ames a Witness on the part of the Claimant Wm D M Howard petition No 559 and was duly sworn his Evidence being interpreted by the Secretary.

The U S Associate Law Agent was present.

In answer to Enquiries by Counsel for the Claimant the Witness testified as follows.

My Name is Cayetano Arnas My age is twenty six years and I reside in Stockton in this State.

I was a Clerk in the Office of the Secretary of the Government of California in the year 1846. I cannot recollect the length of time I was such Clerk. I think it was about one year.

On the 6th of May 1846 I received a grant from Governor Pio Pico of the Rancho of San Mateo situated near San Francisco and in the vicinity of the Mission Dolores.

My father sold the Rancho to Howard and Mellus. I was under age & My Father sold it as My Father and the sale was made with My Consent and was good and valid.

The sale was in the year 1847 and the title papers received from Governor Pico were delivered to Howard and Mellus at the time of the sale.

The grant was made to me in Consideration of My services as Clerk in the Secretary's Office for about one year.

A paper is now shown me purporting to be a deed of Conveyance from Myself to W. D. M. Howard dated July 29. 1851 which paper is here attached and marked H. H. No 1. My genuine Signature is upon said paper and the paper is my true and genuine deed.

In answer to questions by the

Associate Law Agent the Witness says he cannot say whether the grant was approved by the Departmental Assembly or not.

The land was not occupied by my father or myself previous to the Sale. I do not know whether it was occupied by others or not. I was on the land before it was sold.

Cayetano Arenas.

Sworn & Subscribed
Before me
Heland Hall Comr.
Filed in Office March 10 1853.
(Signed)
Geo Fisher Secy

San Francisco March 10, 1853.

Deposition of Luis Arenas.

On this day before Comr Heland Hall came Luis Arenas a Witness on the part of the Claimant W & M Howard petition No 559 and was duly sworn his evidence being interpreted by the Secy.

The U. S Associate Law Agent was present.

In answer to Enquiries by the Claimants Counsel the Witness testified as follows.

My Name is Luis Arenas My age is fifty seven years and I reside in Stockton.

In 1826 I resided in Los Angeles. My son Cayetano Arenas was a

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Clerk in the Office of the Secretary of the Government of California.

Gov Pio Pico requested me to allow him to go into the Office saying he would pay me for his services & I consented to his going in.

He was in the Office about a year & received no compensation whatever for his services and I told him to ask the Governor for a grant of land and he petitioned for a grant of land called San Mateo which was made him by the Governor I think the date of the grant was the 6th or 7th of May 1846.

I sold the lands as Tutor of my son and with his consent to Mellus & Howard in the year 1847 in the month of April as I think.

I came here to take possession of the land before the sale to Howard and Mellus but I did not take possession for fear of the Americans but went away.

At the time of the sale the original title papers from Governor Pico were delivered to Howard and Mellus.

In answer to Questions by the Land Agent the Witness testified as follows.

I was acquainted with the land before the grant was made. It was unoccupied and was so when it was sold to Howard and Mellus. If it had been occupied I should have known it as I frequently passed by it.

Luis Arenas.

Sworn & Subscribed before me
Hedland Hall Comr.

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Filed in Office March 10. 1853.
(Signed)
Geo Fisher Secy.

United States of America
State of California } ss.
San Francisco April 14. 1854.

Deposition of J. L. Folsom.

This day personally came before Peter Lott Commissioner appointed to take Testimony to be used before the Board of U S Land Commissioners Joseph L Folsom a Witness on behalf of the claimant in case No 18 on the docket of the said Board wherein are claimants, and said Witness being sworn on oath deposed in the English language as follows to wit.

The U S Land Agent is present.

1 Question.

What is your name age and present residence?

Answer.

My name is Joseph L Folsom My age 35 years My residence San Francisco.

2 Question.

State whether at any time you obtained from the Spanish archives of this State a Book of Records of Titles from the years 1836 to 1844 if so when and for what purpose and where is that book now or what became of it.—

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Answer.

A few weeks before the occurrence of the May fire of 1851 in this City a Book of Spanish Records was put into my hands by a Staff Officer of Gen Persifer F Smith of the U S Army then the Commanding General in California to be used as evidence in a Suit then pending in the Supreme Court of this City between Pease and Bailey vs Clark. The book was brought from Benicia where the Archives were then kept and it formed a portion of those Archives.

It was used in Evidence in the case referred to was afterwards in a few days returned to me and afterwards was destroyed by fire on the 30 of May 1851 with nearly all the contents of my Office.

To the best of my recollection it contained Entries as far back as the year 1837 and down as late as 1844 of synopses of grants of lands embracing names of grantees dates description of grant by name or in brief &c being an more Synopsis.

The book was Offered in Evidence on the trial spoken of as I suppose as a matter of Opinion in support of some claim whereof the book bore record of some grant in which the parties were interested. My business was merely to identify the book as being of the archives which I did.

I was at that time a staff Officer in the U S Army on duty in this City and as such the Book was

Entrusted to me.

Cross Examined by U S Law Agent.
1 Question.

What Officer placed the book in your possession
Answer.

Capt Fredrick G Stutz an aid de Camp of Gen Smith.
2 Question.

Is the fact of that Officer placing that book in your possession and the information he gave you the only means you have of knowing the book to be an authentic Record?
Answer.

The only personal means of knowledge. I never saw the book before.
3 Question.

How long was the book in your possession.
Answer.

Perhaps one week perhaps 3. I cannot tell precisely. It was in the hands of the Court about 10 days.

It may have been some five or six weeks from the time I received it till it was destroyed.
4th Question.

Did you at that time understand well the Spanish language if you state to what extent you Examined the book.
Answer.

I could then with some little difficulty read the the Spanish

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language, but I made no examination of the book except to glance through it cursorily to find the record of the case which was in question in the Court. I did that as a matter of curiosity merely and had no interest in the case.

5 Question.

Describe what kind of a book it was.

Answer.

It was a volume about the size of foolscap paper say about ½ inch thick. I do not think it would have contained over 200 pages. It was bound in pasteboard covers with either cloth or leather on the outside. It was not apparently newly bound but seemed soiled by use. It was written on a yellowish paper such as was in use among the Spanish people.

6 Question.

What other grants do you recollect besides the one mentioned as being entered in the book.

Answer.

I do not recollect a single one. The entries were in the nature of an abstract each entry embracing some 6 or 8 lines. I looked at it once in my office and again in the Court with reference to the case spoken of and made no other examination of it.

The mode in which the book was kept struck me with some force as it was the first book of the Spanish archives I had ever seen.

7 Question.

Having examined but one

Case how did you learn the points of time within which the record was embraced as before stated by you.
Answer.

It was because I was struck with the small size of the book and in looking through it, according to my present recollection there were entries in it running from 1837 to 1844.

The book struck me as peculiar in its form and appearance as a book of record being so different from those I had been accustomed to see.

There was some writing on a fly leaf of the book and my impression is that I gave some indication of what the book contained.

My actual examination of the book was hurry cursory and I can now only give my impressions of its contents not feeling being positive as to the minute particulars of its contents.

The grant for which the book was used in evidence on that occasion was of a date before 1840.
5th Question.

What was the character of the entry you examined.
Answer.

It was a mere synopsis of the date names of grantor or officer granting and the grantee, the name or description of the place granted the quantity of land and its locality &c embracing in all perhaps 6 or 8 lines of writing —

Re Examined by attorney for Claimant.

1 Question.

Do you recollect whether you was required by a Subpoena or otherwise Officially to produce the book before the Court.

Answer.

I was notified by some Officer of the Court my impression is it was the Clerk of the Court when the book would be required.

I do not recollect certainly how I was called upon but I understood myself to be required Officially to produce the book.

The Clerk said he would be responsible for its safe keeping while in the hands of the Court and he returned it to me when they were done with it.

2 Question.

Where is Capt Frederick G Stule of whom you have spoken.

Answer.

I do not know. I think he is not in California. I believe he is some where in New York and still in the Army.

Cross Examined by the U S Law Agent.

1 Question.

How was the grantor designated and was name as such in the Entry which you examined.

Answer.

I cannot tell now whether it gave the name of or title of the grantor and do not recollect who was the grantor!

2 Question.

How could you ascertain from those entries whether the grants were made by Governors or Alcaldes.

Answer.

I do not profess to know how they were made in this particular case. I recollect there was something about it which caused to my mind the idea and left the impression that the grant emanated from head quarters at Monterey the I cannot now remember what that was.

The Alcalde grants I have seen have been a full record of the grant and the entries in this book were in brief as I have before stated.

I saw no full records in this book spoken of.

3 Question.

Can you state the contents of the entry mentioned in relation to the grant to Luco and Vallejo as to where the land was situated and by to him the grant was made!

Answer.

I do not remember by to him the entry represented the grant to have been made.

I have before answered as to my impression upon that point.

The place or situation

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of the land I can recollect was called or described as at the Russian Landing or Embarcadero as embracing some hundreds of varas and being on the Bay shore. It was granted to Jacob P Leese and Don Salvador Vallejo.

J. L. Folsom.

Subscribed and sworn to before me on this 14th day of April AD 1854.

Peter Lott Commissioner for taking testimony.

It is hereby stipulated and agreed by and between the U S Law Agent and Volney O Howard Esq Attorney for Claimants in Case No 74 that the foregoing deposition may be considered as taken and may be used and read in Evidence in Cases No 74 and No 11 on the docket of the Commission

San Francisco April 14 1854.

I George Fisher Secretary to the U S Land Commission to ascertain and settle private land claims in the State of California hereby certify the foregoing to be a true and correct copy of a document in Case No 18. Antonio Maria Osio vs The United States for Angel Island now on file in this Office.

In testimony whereof I have hereunto signed my name at Office at the City of San Francisco Cal this 24th day of January AD 1855.

Geo Fisher Secy.

It is hereby agreed that the above copy of the deposition of Jos L Folsom taken in case No 18 on the docket of the Board of Land Commissioners to settle private land claims in California may be filed and considered in evidence in Cause No 559 Wm D M Howard as The United States for the Rancho of San Mateo the deposition to have the same force and legal effect as though taken originally in case No 559.

James Wilson
Atty for Claimant

A. H. McKinne
U S Land Agent.

Filed in Office April 14. 1854.
(Signed)
Geo Fisher Secy.

Deposition of Pio Pico.

Office of the Commissioner G. Tompson Burrill at Los Angeles. California.

Before me G. Tompson Burrill Commissioner duly qualified for the taking of testimony to be used before the Board of Commissioners to ascertain and settle the private Land claims in the State of California personally appeared Pio Pico a Witness in behalf of Wm D M Howard claimant for the land named Rancho San Mateo Numbered on the docket of the said Board with No 559 who upon oath declareth and saith as follows.

Questions asked by Counsel for Claimant.

Question No 1.

What is your name age and place of residence?

Answer.

My name is Pio Pico. I am fifty three years of age. I reside in the County of Los Angeles.

Question No 2.

Are you interested in the result of this claim.

Answer.

I am not.

Question No 3.

In what official character did you act in California in the Month of May in the year 1846.

Answer.

I was Governor at that time —

Question No 4.

Did you or did you not acting in that capacity make the grant of land to one Capitano Arenas if so state about when said grant was made what and how much land was granted and what was the consideration of the grant.

Question objected to by C. C. Thorn Acting Law Agent.

Answer.

I did make the grant to him acting as Governor think it was in the Month of May in the year 1846 the tract of land called San Mateo near San

Francisco. I do not recollect the quantity.

It was a small number of sitios the motives of the grant were those prescribed by the laws and regulations then in force and the further motive that the Government was owing him for his services as Clerk in the Secretary's Office of Government for which services I am not aware that he received any other payment.

Question No 5.

Do you know if the Departmental Assembly took any action upon this grant if so state what that action was.

Answer.

I do not recollect whether they did or not.

Pio Pico.

Sworn to and Subscribed before me this 19th day of April 1841.

G. Tompson Burrill
Comr.

I hereby certify that C. E. Thom Esqr was present at the time that the above and foregoing testimony was taken acting for in behalf of and by the authority of J. H. McKinne Esqr Law Agent.

Los Angeles April 14. 1844

G. Tompson Burrill
Comr.

Filed in Office May 5, 1871.
Geo Fisher Secy

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United States of America
State of California } ss.
San Francisco March 21. 1855.

Deposition of José de la Cruz Sanchez.

This day came before Peter Sott Commissioner for taking testimony to be used before the Board of U S Land Commissioners in said State José de la Cruz Sanchez a witness on behalf of the United States in case No 554 on the docket of said board wherein William D M Howard is claimant and said Witness being sworn deposed in Spanish which was interpreted by the interpreter to said Board as follows.

Gen Wilson appears as Counsel for Claimant.

Questions by U S Land Agent.

1 Question.

What is your name age and residence?

Answer.

My name is José de la Cruz Sanchez My age 57 years My residence in San Francisco County California —

2 Question.

Are you acquainted with the Rancho of San Mateo claimed in this case if you state how far you have lived from it. and what do you know about it.

Answer.

I am acquainted with said Rancho. I have known it ever since I was a small boy. I have lived

about a league and a mile from its nearest boundaries to my fathers house. I used to be very often on said Rancho before the Americans took possession of the Country but since that have not been so much on it.

Who has occupied it since you have known it and to what use has it been devoted.

Answer.

From 1836, it was occupied by some Indians who were there with my permission.

Being the owner of the place the Indians remained there till most of them died a few of them still have a small house on said land and they cultivate lands of the Sanchez.

The Americans now have the possession of the most of the lands of said Don Mateo.

8th Question.

Look at the document now shown to you filed in case No 672 on March 1. 1853 and marked as an Exhibit "A P L" in this deposition and state what you know of the genuiness of any which or each of the signatures therein and your means of knowledge and state also whether the proceedings were actually had as therein recorded.

Answer.

The signature "Castro" on the 1st page seems to me to be that of the father of Genl Jose Castro who at

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the time said document was written Alcalde was Prefect of Monterey. I know never saw him write. I do not know certainly whether it is that of Gen Jose Castro or his father. It has been so long since it was done I cannot now remember. The signature of Jose de la Cruz Sanchez on the same page is his own genuine signature.

On the 8. & 9th pages Francisco de Haro, Juan Miguel Anzar Manuel Jimeno and Francisco Arce on page 10 Alvarado 11. Micheltorena 12th Francisco Guerrero 21. Guillermo Hencklay and Candelario Valencia 22°. Jose de Jesus Noe and 23° Jose Bernal are all genuine signatures.

I have seen them all write and know their signatures well The document is a true record of the proceedings which were had at the time and according to the best of my knowledge every thing occurred as therein stated.

Cross Examined by Genl Wilson for Claimant.

Genl Wilson enters his objection generally to the admission of the foregoing testimony on the ground of the interest of the Witness.

1st Question.

Which house is nearest to the Northern boundary line of San Mateo ranch your own or that of your brother Chimo Sanchez?

Answer.

Chimos house is the nearest

2° Question.

How far is Chris house from said boundary?

Answer.

It is probably about a league though I never measured it and am not certain as to the exact distance.

3 Question.

How far is it from Chris house to the bridge over San Mateo creek at du Pinsins place?

Answer.

I do not know how far it is.

4 Question

Look at the map contained in the document before exhibited to you herein A B L and state whether the Pindno de Buri Buri and the Arroyo de San Mateo are correctly laid down on said map.

Answer.

I suppose them to be correct I asked for a league and a half long and a league and a half wide between these boundaries.

5th Question.

Was there a large adobe building on the North side of the San Mateo Creek and near to it if yes how long have you known it to be there?

Answer.

There was and is still such a building there and I cannot say how long it has been there. It was there some

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I could first recollect and I have understood it was there in the time when the Country was under the rule of the King of Spain.

I think it was about 1826. I lived some three years in it and after that some Indians lived in it. In 1846 some Indians were living in it who were supported by me.

6th Question.

When did you know of William D M Howard or of Howard and Mellus claiming and taking possession of said Rancho.

Answer.

In 1846 when the Americans came to the Country said Howard presented his title to Bartlett claiming this Rancho and I presented mine to Francisco Guerrero at the same time Bartlett decided that Howard had no right to the land but that I had the preference, Guerrero handed my title to Bartlett who had both documents when he made the decision of Justice.

Has said Howard been in possession of San Mateo Ranch Ever since that time.

Answer.

When Howard presented his claim to Bartlett there were 4 or 5 Americans living in the house they lived there one or two years I do not know when Howard took possession of it but it was a year or two after this trial took place that Howard built his house on San Mateo.

8th Question.

Was there before 1846 and is there still an enclosed field which has been in cultivation ever since the Americans took possession of the country situated 3 or 4 hundred varas above said adobe house on the San Mateo creek.

Answer.

There was such an old enclosed field cultivated but I do not know whether it is now there or whether it has been cultivated since the Americans came.

9th Question.

Have you heretofore filed a claim for said Rancho of San Mateo. If yes is it your intention to prosecute said claim and to obtain a reclamation.

Answer.

I delivered my papers to my attorney to have them filed I shall have to consult with my attorney as to whether I shall prosecute it for the purpose of a reclamation.

10th Question.

Have you ever made any arrangement with William D. M Howard or with his agent in charge of said Rancho to give to them any cattle or beef for the privilege of your stock to range on said Rancho.

Answer.

I never have made any such arrangement.

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Re Examined by U S Law Agent.
1 Question.
What title was it which Howard presented to Bartlett for this Rancho?

This 1st Question and answer objected to as calling for writings which are not produced.
Answer.
I do not know all I know about it is that Bartlett required of me my papers and I sent them to him through the Sub Prefect Gamero and they were returned to me by Gamero about 8 days afterwards.

N. de la C Sanchez.
Subscribed and sworn to before me on this 21st day of March AD 1855.
Peter Sott Commissioner
Filed in Office March 21. 1855.
(signed)
Geo Fisher Secy.

United States of America
State of California } ss
San Francisco March 23/53

Deposition of N. de Peyster.

This day came before Peter Sott Commissioner for taking testimony to be used before the Board of U S Land Commission in said State Nicolas de Peyster a Witness on behalf of the United States in Case No 539 on the docket of

Said Board whereon William D M Howard is claimant and said Witness being sworn deposed as follows.
Genl Wilson appears for Claimant.

Questions by U S Law Agent.
1 Question.
What is your name age and residence?
Answer.
My name is Nicholas de Pepster my age 31 years My residence in San Francisco County California.
2 Question.
Are you acquainted with the land claimed in this case if yes how long have you known it.
Answer.
I know the land and have known it since September 1849.
3d Question.
When did Mr Wm D M Howard first take possession of that place.
Answer.
Some time after June 1850 I cannot say precisely what time.
4th Question.
How by whom and for whom was it then occupied.
Answer.
There was a dwelling house put up by Dr Tolt the father in law of said Howard as I understood for said Howard though I am not certain whether it was for him or for him and Mullus with whom he was then in partnership in business, Dr Tolt moved

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into the house with his family after it was finished –

5th Question.

How long whom and for whom was it occupied previous to that time.

Answer.

The place was occupied by myself from September 23d 1849 till after Hennands people came there. I had a store and public house on the place and I had two partners from my first settlement there till May 1850. One man named Brown and one Cyrus Dipkman. I occupied the place for myself. I first went there and took possession without any body's permission.

Cross Examined by Genl Wilson for claimant.

1 Question.

Had you understood before you went on to the San Mateo Rancho in 1849 that Howard or Howard and Mulus or Howard & Green claimed it under a Mexican grant.

Answer.

No I had not.

2 Question.

How long had you been in the country before you went on to the Rancho?

Answer.

From July 1849 from July 10th

3d Question

Was you acquainted with Said Howard Green or Mulus before

you went on to said Rancho.
Answer.
Does not.
6th Question.
How soon after you went on to the Rancho did you learn that they or either of them claimed it.
Answer.
Shortly after I move there I learned it from Mr Mullus.
5th Question
What did Mullus tell you about it?
5th Question
Objected to by Law Agent as hearsay new matter statiments of claimant &c.
Answer.
He told me he would get me off of the place or some words to that effect. He was just passing in the Stage and I do not recollect of his saying any thing more.
6th Question.
Did you afterwards ever learn from Hermard or Mullus that they or either of them claimed the San Mateo Rancho under a Mexican grant if you state when how and from whom you learned that fact?
6th Question. Same objection as to 5th.
Answer.
Some time after I went there Hermard told me that he had a grant to the land but although I asked him what it was he would not

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deign to give me any information or satisfaction respecting the Nature of his Claim. This was while I was living on his place.

Qt Question.

Where did you first live on said Rancho.

Answer.

In the Old adobe buildings which were unoccupied when I went there. It is near the San Mateo creek on the County Road.

Qt Question.

Were there any lands Enclosed and cultivated on the place when you went there if yea by whom were they cultivated?

Answer.

Yes there were lands Enclosed and cultivated by Indians. There was an Indian Ranchiria on the place about a mile and a half back South west from the adobe buildings around the hills.

The Ranchiria has been there from my first knowledge of the place till lately and the Indians have lived about and worked there in the same fields where they formerly did till I left the place late in 1850 or Early in 1851 and some two or three of them are still there.

Q Question.

When you left the San Mateo Rancho how far did you move from said adobe building.

Answer.

About a quarter of a mile

I just moved across the San Pablo Creek. Built a house and live there yet.
10th Question.

Has the field been cultivated on that ranch by Howard and those occupying under him ever since you first knew it.
Answer.

I never knew any body to occupy it under Howard. The Indians told me they owned the land themselves and warned me off from it as their land. I supposed they cultivated it as their own.
11th Question.

Have you understood from that time when you left the Ranch that the Indians were occupying and cultivating that land on their own account.
Answer.

Part of the time I believe it was cultivated on Howards account while it was occupied by Porter.
12th Question.

Do you not know that while Porter occupied the place that the Indians were employed in ploughing the field gathering a crop of barley and bringing it to the house for the benefit of the farm and that one of the Indian boys lived at Porters house having the care of horses and being in Porters employ.
Answer.

Yes the Indians worked there for Porter and an Indian Boy lived with them and worked for Porter.

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15th Question.

How far is Chino Sanchys house from the San Mateo creek.

Answer.

I think it is a little over two miles.

16th Question.

Is the road fenced most of that distance if you have and when was it built.

Answer.

Along the old road there was a fence built and said fence good strong fence and it is still there though not in good repair.

That fence was built about 1852 or 1853 by Howard The fence ran all the way from San Mateo creek to the Waters of the Bay near Sausky when it was first built. That fence formed an enclosure on that side of the road of which the Bay and San Mateo creek formed the other sides of the enclosure, which was all in one field

17th Question.

When that fence was built was there any body living on or cultivating within said enclosure?

Answer.

I know of no one living there or cultivating at that time. Excepting Alfred Wheeler who hired the land he had a house there and employed people to live there and cultivate the land. I understood that Wheeler hired the land of Howard

There were no other

houses on said land at that time.
Neth Dustin.

When did the Squatters begin to settle on the land after you went there.

Answer.

There was no Squatting of any account there till a little over a year ago. then they came in pretty thickly all over the Ranch.

H. De Puyster.

Subscribed and Sworn to before me on this 23 day of March AD 1855.

Peter Lott
Commissioner.

Filed in Office March 27. 1855.
(Signed)
George Fisher Sec

United States Land Commission.
San Francisco March 27. 1855.

Deposition of G. Hayde.

On this day before the Commissioners sitting as a Board came George Hayde a Witness on behalf of the Claimants Wm D M Howard i. case No 559 who after being duly sworn deposed as follows.

Questions by the Claimants Counsel.
Quest 1.

What is your name age and place of residence?
Ans.

My name is George Hayde. thirty

fifty years of age and resides in San Francisco.

Quest 2.

What Office did you hold in San Francisco in the year 1847?

Ans.

I held the Office of first alcalde of the District of San Francisco

Quest 3.

Do you Know the Rancho of San Mateo if so when did you first become acquainted with it.

Ans.

I do; I first became acquainted with it in the year 1846.

Quest 4.

Please to State whether you Know any thing in regard to Judicial possession of said Rancho to any person if so State the time at whose request and to whom said possession was given and all that you recollect in relation to it.

Ans.

I recollect that when I was Alcalde in the Month of June or July I think June 1847 Wm D M Howard and Henry Mellus applied to me officially as Alcalde to give them the possession of the said property I accordingly went out with them on to the property onto the land itself and gave them possession and made a Record of the fact on some paper I do not recollect whether it was the grant or not but it was some paper exhibited at the time.

Cross Examined by the U S Law Agent.

Cross Qst 1.

How long have you been living

in California.
Ans.
Since July 1846 with a temporary absence from March 20th 1852 to May 4, 1854.
Cross Int 2.
How by whom and when were you appointed Alcalde.
Ans.
I was appointed by General Kearney by Commission on the 1st June 1847.
Cross Int 3.
Who went with you to give Juridical possession.
Ans.
There was a party. I think Mr Howard Mr Mellus Mr Leidesdorff and I do not remember any one else.
Cross Int 4.
How long were you absent from San Francisco when you gave Juridical possession and what formula did you employ in the act.
Ans.
I did not return immediately to San Francisco. I went down to Monterey but on the same day that I left San Francisco I gave this possession. the formula was not any particular set formula but merely the act of going on the land with them and saying to them I give them the possession afterwards my impression is I wrote out a certificate to that effect and gave it to them but I cannot particularly state to which of them. Mr Howard or

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Mr Mullus.
Cross Int 5.

How long after you gave them possession before you separated from them and went to Montreal?
Ans.

Perhaps one half of an hour perhaps more or less.
Cross Int 6.

Did you make out the certificate before or after you went to Montreal.
Ans.

I made out the certificate just before we separated.
Cross Int 7.

At what place and how long were you preparing the certificate.
Ans.

I suppose the place was about six hundred yards from the North boundary it might have been more it was a small distance. I was a few moments in writing the certificate.
Cross Int 8.

How do you know where the boundary was?
Ans.

It was pointed out to me. I know it also by general reputation. I could not say by whom it was pointed out but it was by a variety of persons.
Cross Int 9.

What did the certificate contain?
Ans.

To this effect that I have given them the possession on that day to the

Rancho called "San Mateo". I cyn not tell that I used the words "San Mateo".
Cross Int 10.

How did you know what were the limits of this Rancho?
Ans.

Probably they read them to me out of the papers but I cannot remember distinctly.
Cross Int. 11.

What grant did this use and who read the description?
Ans.

I say I do not remember about the grant distinctly.
Cross Int. 12.

Under what law did you proceed and what object had you in view in using your Office for such a purpose?
Ans.

I cant say and under what law but receiving information from various Californians that such things were required. I supposed it was my duty to do.
Cross Int. 13.

Was any paper produced on the occasion of your act?
Ans.

I said before I am not clear upon that subject. I think a title paper was produced but I cannot state the character of the said paper whether it was the original grant or a transfer.

I dont know the object

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unless it be to point out to me the particular land of which was possession needs be given.
Cross Int 14.

How did that paper point out the land?
Answer.

I cannot now state. I can only remember giving possession to Howard and Mullus at that time.
Cross Int 15.

Did you ever know before you gave possession that the land had been granted if yea how did you know it and what kind of evidence did you require of ownership in Howard and Mullus before you acted officially in the premises.
Answer.

I cannot say definitely now I know nothing of its being granted except by hearsay. I have heard that much had been granted and I had also heard that Messrs Howard and Mullus had purchased it from the person to whom it had been granted.

This was some months before I became Alcalde that I heard this I cannot say now that I required any evidence of it having been granted before I acted officially in the premises.
Cross Int 16.

Did you understand it to be your duty as an Alcalde to give judicial possession to land to him it had not been granted or to another than the grantee, if may why did you act for Howard

and Mellus.

Answer.

I did not understand it to be my duty as an Alcalde to give judicial possession of land to him it had not been granted. I remember well the fact of giving Howard and Mellus possession and I presume that they satisfied me that they had a grant or a right although I do not remember what Evidence they produced or the character of it.

George Hyde.

Subscribed and sworn to
before the Commissioners
sitting as a Board this
27th day of March 1855.

Attest

Geo Fisher Secy.

Filed in Office March 27. 1855.
(signed)
Geo Fisher Secy.

Deposition of E. J. C. Kewen

United States Land Commission,
San Francisco March 27. 1855.

On this day before the Commissioners sitting as a Board came E. J. C. Kewen a witness on behalf of the Claimant Wm D M Howard in Case No 559 who after being duly sworn deposed as follows.

Questions by the Claimants Counsel.

Question 1.

What is your name age and place of residence?

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Ans.

C A C Keeyn thirty years of age residence in San Francisco.

Quest 2.

Do you know the Rancho of San Mateo in the County of San Francisco if you state how long you have known it.

Ans.

I have known the Rancho of San Mateo ever since December 1849.

Quest 8.

Please state the circumstances of your becoming acquainted with it and what you know in regard to the title papers thereto when you first saw them when they were put in your hands what action you caused to be had in regard to them and their contents so far as you can recall to your memory.

Ans.

In Dec 1849 I was en route to San Jose in company with Talbot H Green when we breakfasted in the above house on the North side of San Mateo Creek. I was admiring the prospect surrounding the place. Mr Green informed me that the Rancho belonged to the firm of Hermann and Mellus of which he was a member.

He said further more that there were a few squatters on the place of whom they were anxious of getting rid and that they would pay handsomely to any person who would dispossess them He stated the compensation and I undertook to do it.

A few months thereafter April

or May the title papers were placed in my possession by authority of Messrs Howard and Mullus. I employed a Translator and had them translated retained them in my possession for about six or eight months, in the mean time my partner in San Francisco commenced suit against some of the parties in possession.

Subsequently finding that my business would not allow me to attend to the case I yielded the papers to Messrs Howard and Mullus.

I remember that the grant was from Pio Pico to a Spaniard whose name I do not recollect dated I think it was the sixth of the month of May I think 1846. purporting to convey a piece of land bounded on one side by the Bay of San Francisco by the Sanchez Rancho by the Hills, or Sierras and by the Pulgas Rancho purporting to contain two leagues in quantity by the name of Salinas Rancho but I am not positive as to this name. I have known it by the name of San Mateo. It was granted in consideration of services but of what I do not recollect.

Cross Examined by the U S Law Agent.
Cross Inty 1.

How many pages of paper was written on the title papers you had in your possession to the Rancho in this case and what kind of paper was it?
Ans.

I think there were two pages and

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a part of the third page written on with a margin in blank of probably one and a half or two inches in width on each page.

The paper was of the kind usually used in California for title papers of Foolscap size and of dingy color.

Cross Int 2.

How many conditions were annexed to the grant?

Ans.

I dont recollect the number of the conditions, there were some. but I can not state them. I recollect something about the highways. I was more familiar with the boundaries and the data from the fact there were many enquiries and doubts relative to grants made by Pio Pico at that time and their validity I think there were fewer conditions in this grant than was usual in other cases.

Cross Int 3.

In what part of the grant were described the boundaries?

Ans.

I think the boundaries were described on the first and part of the second pages.

Cross Int 4

What other matter was written on the first page besides the description of the boundaries.

Ans.

It is impossible for me to describe more fully than I have already stated

My recollection is not positive as to the minute particulars The conditions may have preceded the description of the Commissioners.

Cross Intg 5.

Was anything said in the grant about the Judicial possession?

Ans.

I do not recollect.

Cross Intg 6.

Was that grant in the usual form,

Ans.

I think so with the Exceptions I have already stated in relation to the Number of the Conditions.

Cross Intg 7.

What was written on the second and third pages?

Ans.

Unless I could recollect the contents of the whole document it would be impossible for me to state.

Cross Intg 8.

Could you recognise a copy of the said Title if you were shown it by what Indorsements.

Ans.

But the general tenor of the document my memory would be refreshed.

Cross Intg 9.

Was there any thing in the grant concerning the approval of the Departmental Assembly if so what was it?

Ans.

I think there was something about

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the Departmental Assembly but what it was I cannot say.
Cross Interr 10.
Did the grant purport to be made in accordance with the law of 1824 and the regulations of 1828?
Ans.
I do not recollect.

C. A. C. Irwin.

Subscribed and sworn to before the Commissioners Sitting as a Board this the 27 day of March A.D. 1855.
Attest
Geo Fisher Secy

Filed in Office March 27. A.D. 1855.
(signed)
Geo Fisher Secy

Deposition of H. F. Teschmacher.

United States Land Commission.
San Francisco March 27. 1855.

On this day before the Commissioners Sitting as a Board came Henry F Teschemacher a Witness on behalf of the Claimant Wm D M Howard in Case No 559 who after being duly sworn deposed as follows.

Questions by the Claimants Counsel.
Quest 1.
What is your name age and place of residence.
Answer.
My name is Henry F Teschemacher age thirty two years resident

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San Francisco:

Quest 2.

Please look at the deed now shown to you purporting to be a deed from Talbot H Green and Sarah Green his wife to Wm D M Howard bearing date the 12th day of April 1851 and the release by Mrs Green dated on the 19th day of April 1851 and state was the said deed executed in your presence and did you see said Talbot H Green and Sarah Green sign and execute the said instrument and did you place your name thereon as a subscribing witness.

Ans.

Yes. I did see Talbot H Green and Sarah Green execute the said deed & I signed the same as a witness at the time of the date of the said deed.

Quest 3.

Have you compared the copy hereunto annexed and marked Exhibit G T No 2 with the said original deed here exhibited to you now and is the said copy a true and correct copy of the said original.

Ans.

I have compared the said copy and I find that it is not a true and correct copy of the said original there are a few mistakes.

Quest 4.

Look at that part of the said copy which relates to the San Mateo Rancho and state whether it is a correct copy —

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Ans.

I have examined that part and find it correct. The deed refers to other property also, and the mistakes are in reference to no other property.

The U S Law Agent being present declines cross interrogating the Witness.

H. F. Teschemacher.

Subscribed and Sworn to before the Commissioners Sitting as a Board this 27th March AD 1855.

Attest

Geo Fisher Secy

Filed in Office March 27. 1855.

(signed) Geo Fisher Secy

United States Land Commission
San Francisco March 27. 1855.

Deposition of Frank Turk

On this day before the Commissioners Sitting as a Board came Frank Turk a Witness on behalf of the Claimants in case No 559 who, after being duly Sworn deposed as follows.

Questions by the Claimants Counsel.

Quest 1.

What is your name age and place of residence!

Ans.

My name is Frank Turk my age thirty two residence San Francisco —

Quest 2°.

Please look at the deed now

Shown to you purporting to be a deed from Henry Mellus and Anita T Mellus his wife to Wm D M Heyward and Talbot H Green dated on the twentieth day of June 1850 was executed in your presence and did you sign your name thereto as a Witness?

Ans.

It was Executed in my presence and I signed my name to it as a Witness at the request of Mr Mellus.

Quest 3.

Have you compared the said original deed with the copy herewith Exhibited marked G T No 1 and is the copy a true copy of the original —

Ans.

I have compared it and I find it to be a true copy of the said original.

The U S Law Agent being present declines cross interrogating the witness.

Frank Turk.

Subscribed and Sworn to before the Commissioners Sitting as a Board this 27 day of March AD 1855.

Attest.

Geo Fisher Secy

Filed in Office March 27. 1855.

(signed)

Geo Fisher Secy.

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Doc: H.H.
No. 1. annex
to Depo: of Cay
Lemo Arenas

Esta Escritura ha sido en la Ciudad de San Francisco en California en el Veinte Nueve dia de Julio en el año de mil Ocho cientos cincuenta y uno por Cayetano Arenas de Stockton; certifica que habiendole consedido al supremo Gobierno del Departamto de Alta California en el seis de Mayo de mil Ocho cientos cuarenta y seis, el Rancho llamado San Mateo del Miguel de Dolores, en Recompensa de servicios que prestó en la secretaria de dicho Gobierno y por Respecto del supo padre Don Luis Arenas' el cual Rancho consta de dos sitios de ganado mayor, poco mas ó menos y linda al Norte con el Rancho de los Señores Sanchez; al Sur con el Rancho de las pulgas, al Oriente con la Bahia del puerto de San Francisco; y al poniente con la mesa 'como consta del titulo original y el dicho Cayetano Arenas habiendo vendido y transpendo en el año de mil ocho cientos cuarenta y seis el dicho Rancho al señor Guillermo D. M. Howard de San Francisco por el suma o precio de un mil y quinientos pesos entonces pagados por el al satisfaccion del dicho Cayetano Arenas, al que tiempo el dicho Cayetano Arenas fue un menor de edad y ahora y ahora siendo de mayor edad el dicho Cayetano Arenas en consideracion del dicho mil y quinientos pesos entonces pagados y de mil pesos ahora pagado por el dicho Guillermo D. M. Howard al dicho Cayetano Arenas y el Recibo de que confesa el dicho Cayetano Arenas dice que por si y en el nombre del supo, herederos y sucesores y de quien de ellos hubiere titulo, Dog y causa en cual quiera manera, vende y da en Venta real y enagenacion perpetua por puro de

heredad para siempre al dicho Guillermo D. M. Howard y à los herederos sucesores y substitutos de el, el Rancho expresado llamado San Mateo de dos sitios de ganado mayor poco. mas ò menos, colindante al Norte con el de los señores Sanchez al sur con el Rancho de Las pulgas, al Oriente con la Bahia de San Francisco y al poniente con la sierra

Haber y tener el dicho Rancho de San Mateo à el dicho Guillermo D. M. Howard sus herederos y sucesores y substitutos por su uso por siempre.

En fe de que, el dicho Cayetano Arenas, pone el suso signatura y sello à esto, el dia y año primero sobre mencionado

Signed sealed and delivered in presence of
Chas. R. Bond
Thos. B. Park

(seal)

Cayetano Arenas

State of California } ss.
County of San Francisco }

On this twenty ninth day of July One thousand Eight Hundred and Fifty One Before me a Notary public in and for said County, personally appeared Cayetano Arenas personally known to me to be the person described in and who executed the within Instrument and who acknowledged that he executed the same as his own free act and Deed.

(seal) Witness my hand and seal of Office this twenty ninth day of July One thousand Eight hundred and fifty one

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William Stemwood
Notary public
County of San Francisco

Recorded in the Office of the County Recorder of San Francisco in Liber H of Deeds page 650. July 29th 1851 at 2 O'C. P.M.

John A. McGlynn
County Recorder
By Jas: D. Grady Deputy

Filed in Office March 10. 1853.

Geo: Fisher Secy

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H. H. No 1.

Translation of Doc H H No 1 annexed to deposition of Capitano Arenas.

This deed made in the City of San Francisco on the twenty ninth day of July one thousand Eight hundred and fifty one by Capitano Arenas of Stockton.

Witnesseth. That the Supreme Government of the Department of Upper California on the sixth day of May one thousand Eight hundred and forty six having granted to him the Rancho called San Mateo de la Mission de Dolores" in compensation for services which he rendered in the Office of the Secretary of the said Government and through respect to Don Luis Arenas his father, the said Rancho contains two square leagues dos sitios de ganado mayor, a little more or less and is bounded on the North by the Rancho of the Señores Sanchez, On the South by the Rancho de los Pulgas. On the East by the Bay of the Port of San Francisco and on the West by the Sierra as appears from the original title and the said Capitano Arenas having sold and transferred to Guillermo D M Howard of San Francisco in the year one thousand Eight hundred and forty six the said Rancho for the sum or price of one thousand five hundred dollars to him then paid by the said Guillermo D M Howard to the satisfaction of the said Capitano Arenas at which time the said Capitano Arenas was a minor not of age, for and that being now of age for and in consideration of the said

one thousand five hundred dollars, to him paid and one dollar to him the said Captaino Arenas this day paid by the said Guillermo D M Howard the receipt whereof is hereby acknowledged the said Captaino Arenas declares that for himself and in the name of his heirs and and successors and of whomsoever of them might have title voice and cause in any manner whatever he sells and gives in real sale and perpetual alienation in perpetum forever to the said Guillermo D M Howard and to his heirs successors and assigns the said Rancho called San Mateo" of two Square leagues a little more or less adjoining the Lomas Sanchez on the North, on the South the Rancho de las Pulgas, on the East the Bay of San Francisco and on the west the Sierra"

To have and To hold the said Guillermo D M Howard unto himself his heirs successors and assigns and unto their behoof forever, the aforesaid "Rancho de San Mateo".

In Testimony whereof the said Captaino Arenas signed his name and affixed his seal on the day and year first above written —

(signed) Captaino Arenas

Signed Sealed and delivered in presence of
(signed) Chas R Bond.
(signed) Thos B Park.

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I George Fisher Secretary to the U S Land Commission to ascertain and settle private Land claims in the State of California hereby certify the foregoing to be a true and correct translation of a Spanish document in Case No 559 wherein William D M Howard is the Claimant against the United States for the place called "San Mateo" now on file in this Office.

In Testimony Whereof I have hereunto signed my name. Office of the Secretary of the above named Commission at the City of San Francisco Cal this 24th day of September A D 1854.

(signed) Geo Fisher Secy

Filed in Office Sept 24. 1854.
(signed) Geo Fisher
Secy.

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Copy of Expediente in No. 672 & "Exhibit A P.L." to depo. of José de la C. Sanchez in same -

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Pueblo de San Juan de Castro - Mayo 20/8 -

Informe lo conveniente el Sor. Alcalde de San Francisco; pida el diseño respectivo y devuelva el Expediente á esta Prefectura -

Castro -

Sor Gefe Politico -

El Ciudadano José de la Cruz Sanchez vecino del Presidio de San Francisco y natural del Estado de su residencia, á V.S. en debida forma hace presente que teniendo dueño de algun numero de ganado mayor, vacuno y caballar, necesita para su seguridad y establecimiento de la propiedad de un terreno en tal virtud ocurre á V.S. á fin de que en uso de sus facultades se digne concederle el terreno pedido, entre el que posee D. José Sanchez (mi padre) de Burlburri al Nte y el de las Pulgas de Da Soledad Ortega al Sur; que llaman de San Mateo -

Por tanto á V.S. suplico provea conforme á justicia en mi presente solicitud q. hago en papel comun por no haber del sellado correspondiente - pero lo necesario etc - San Francisco 22 de Dbre. de 1836 -

José de la Cruz Sanchez -

(Here follows the map)

Informe -

En cumplimiento de lo prevenido en el superior decreto que se halla al margen de la solicitud que hace el Ciud.o José de la Cruz Sanchez por el paraje de San Mateo en 22 de Diciembre de 1836, informa con respecto á las circunstancias que favorezcan á este interesado, debo decir. Que el pretendiente obtiene los requisitos de ley para ser atendido, que aunque el terreno que pide lo ha reconocido por pertenencia suya las Ex-Mission de San Francisco, esta solo ha ocupado una pequeña parte de el en labores para trigo y maiz, ta, pero sin ne-

cesidad, porque anteriormente en las inmediaciones de la misma Mision se hacian estas, como lo acreditan las señales de los labrados y aun la publica voz de las gentes mayores: y si ahora se verifican alli sera causa la ambicion de acumular terrenos los antiguos misioneros; y lo mas del terreno ha estado vacio de bienes semovientes de pertenencia de la Mision = Su estension N. S. sera de una legua poco mas ó menos y P. P. igual á la dicha con poca diferencia. Lindo á N. con el rancho de Puilaurí de D. José Sanchez, y hay mas de las circunstancias dichas este rancho y el llamado Laguna de la Merced de D. Francisco de Haro intermitados, de manera que el espresado de San Mateo queda desprendido mas de cuatro leguas de terreno del circumferente á la Mision; al Sur linda con el rancho de Las Pulgas de Dª Soledad Ortega —

El deseo del espresado parage de San Mateo es el que se acompaña, del cual, asi como del presente informe, hará S. S. el uso que convenga.

Establecimiento de Dolores — Abril 20 de 1839 —
Francisco de Haro —

San Juan de Castro
Octubre 1º de 1839 —

Elevese al Excmo. Sor. Gobernador interino del Departamento para que S. E. se sirva resolver lo que estime de justicia —
En ausencia del Sor. Prefecto
Juan Miguel Anzar —

Monterey 4 de Nbre. de 1837 —
En vista de lo que representan los Indios de San Francisco para que no se les quite el parage de San Mateo que ha pretendido D. José de la Cruz Sanchez en instancia de 22 de Dbre. de 1836, he venido por decreto de este dia disponer: Que no ha lugar á la solicitud del susodicho Sanchez, unicamente le asistirá el derecho de preferencia á otro en caso que se disponga en algun tiempo poderse

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adjudicar el dicho terreno á algun particular.
El Sor. D. Manuel Jimeno Casarin primer vocal propietario de la E. Junta del Departamento de las Californias en ejercicio del Gobno. del mismo, así lo mandó decretó y firmó.
Manl. Jimeno
Franco. E. Arce, Oficial 1o.

Monterey 5 de Octubre de 1839
Devuelvase el Espediente al interesado para que lo presente cuando á su derecho le convenga.
Jimeno.

San Juan. Julio 3 de 1840.
Siendo el interesado en este Espediente preferido en la concesion del Paraje de San Mateo en caso de darse á alguna particular y hallandose el Gobno. dispuesto á disolver la Comunidad de la Mision de San Franco. ofreciendo á los Neofitos que se radiquen en el para que puedan vivir como hombres libres el interesado será atendido en la solicitud que hace siempre que proceda la voluntad de los Indigenas, á quienes en presencia de testigos reunirá el Juez de Paz de aquella municipalidad y les pedirá su libre y espontanea voluntad en el momento en que se ordene la disolucion indicada dando el mas circunstanciado informe á continuacion de este decreto para en vista de todo resolver lo conveniente.
Alvarado.

Monterey Abril 29 de 1844.
Chfe. el Sor. Secretario. del Despacho.
Michelta.

Señor Juez de Paz.
José de la C. Sanchez vecino de esta Jurisdiccion ante V. en debida forma comparesco y expongo: que habiendo solicitado de la Superioridad Departamental la concesion del terreno de San Mateo, en consecuencia de su reconocida pertenencia de la Mision

de San Francisco de Asis; y estarles destinados para sus labores á la Neofita; esto sin duda ha sido el obstaculo para que no se me haya concedido. Mas teniendo un decreto á mi favor expedido por el Sor. D. Manuel Jimeno un tiempo que fué Gobernador Ynto. sobre dicha pretension el cual obra en mi poder; y ultimamente obteniendo el oportuno conocimiento de la Neofita misma para que pueda ocupar atendida mi protesta de no perjudicarles en sus labores en tal concepto y en el de ratificarme en mi proposito, recurro á V. á fin de que se sirva hacer comparecer los necesarios en el juzgado de su cargo, y ante los testigos de esta instrya la correspondiente informacion sobre su dicho consentimiento, para que este documento me sirva de seguridad en los consiguientes cursos que á consecuencia de la citada investigacion, debo hacer ante la Superioridad Departamental, derecho que me sea este documento y lo en el actuado.

Por tanto á V. suplico haga como pido en mi presente solicitud, lo que hago en papel comun por no haber del sello correspondiente. Pero lo necesario Ete.

Mision de S. Franco de Asis 13 de Mayo de 1840.

José de la Cruz Sanchez.

Fue el Establecimto. de Dolores á los 25 dias de Mayo de 1840.

Ante mi Franco. Guerrero Juez de Paz de esta jurisdiccion hice comparecer á los Neofitos del Establecimto. de Dolores para hacerles saber la presente solicitud, y que dijesen sin perjuicio de sus personas y hogares lo que tuvieren que oponer con respecto á dicha solicitud, y respondieron en voz alta su ultima voluntad el ceder el paraje de San Mateo en favor de D. José de la C. Sanchez, con tal de que no se les perjudicara en las partes donde ellos ha-

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Extmo.-

ten, y que lo quesian de un Compañero con ellos; y habiendoles hecho varias reflexiones con respeto á su adimiento se ratificaron conmigo, el Alcalde Crisp, y todos sus Subditos, en lo que han dicho antes, siendo delante de D. Manuel Sanchez, por lo que doy el presente al interesado.-

Fran.co Guerrero.-

Sello Cuarto 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 cuatro y mil ochocientos cuarenta y cinco.-

Michaltorena.- Pablo de la Guerra.-

L.S.

Exmo. Sor. Gob.or

José de la Cruz Sanchez vecino de la Jurisdiccion de San Francisco ante V.E. con el debido respeto me presento y digo que por los adjuntos documentos numerados de uno á cuatro vera V.E. las repetidas solicitudes que hize pidiendo en propiedad el Parage llamado San Mateo, y por fin obtuve solo la gracia de ser preferido á otro individuo llegado el tiempo de poderse adjudicar. Hoy ya no se puede considerar como Mision el punto de San Francisco, por el abandono en que está, y por la falta de bienes y brazos = los muy pocos Indios que quedan es voluntad de ellos el que si el Gobierno tiene á bien, se me conceda en propiedad el expresado Parage por la seguridad que tienen del bien que les resulta, y es el de no carecer de alimentos que es lo principal, y poder buscar alli mismo, lo necesa-

Monterey Abr. 30 de 1844.-
Infd. el Sr. Sno. del Despacho conforme á lo que sobre esto mismo se ha acordado.-
Noriega.-

sio para vestir segun sus trabajos - En este supuesto suplico á V.E. se sirva concederme lo que pido, pues con esto yo y mi numerosa familia recibirémos mucho favor, y tambien se lo agradecerán los Indios que lo desean y se hallan sin recurso alguno para vivir entre gentes - Juro lo necesario Ha. Monterey Abril 30 de 1844 -

Excmo Sor.

José de la Cruz Sanchez -

Excmo Sor. Gobernador -

Hace algun tiempo que Don José de la Cruz Sanchez ha pretendido el terreno nombrado San Onofre y nunca se ha podido concedar por que en el tienen los Indios sus casas y labores, unico terreno con que cuentan para subsistir - asi es que soy de opinion que tenga en su poder estos documentos el Sor. Sanchez para cuando esté el parage en estado de concederse. La superior determinacion de V.E. será la mas acertada -

Monterey Abril 30 de 1844 -

Mant. Gomez

Monterey Abril 30, de 1844 -

Conforme - pero advertido q. la menor hostilidad que origine ó procure á los Indios: para hacer aparecer valdio el terreno, por el solo hecho le haga perder toda accion ó derecho y se entienda en retirado y como primer denunciante del parage cuales quiera otro Ciudadano -

Michelt.

Monterey Abril 29 de 1844 -

Unf. el Sr. Sno. del Despacho tomando otras informaciones si las cree necesarias -

Michelt.

Sor. Alc. de 1a Nominacion =

José de la Cruz Sanchez, vecino de esta jurisdiccion ante V. en debida forma compareso y expongo = Que tengo que marchar á

Monterey con objeto de hacer una mas solicitud ante el Superior Govno. del Departamento, que no solamente será beneficio á mi en lo particular, sino que de lograr el buen efecto de ella, resultará tambien favorable á todos por ser la que me inspira el dirijirme á la fuente de la proteccion; pues por ser de algun modo la de que se nos asista con brazos operarios para el fomento de nuestra agricultura y crianza de ganados &a. que nos son de tan primera necesidad para el sostenimiento de nuestras familias y obligaciones nuevas; asi como para el mismo de la jurisdiccion á que pertenecemos; cual es, pretender la libertad de la Neofita que oy (se puede decir) se halla en una caso total inaccion é inutilidad publica en la solicitamente armada expedicion de San Francisco de Asis, y con perjuicio aun de la misma neofita, y siendo este cuanto y palpable con esta probabilidad me he decidido á la indicada pretension, y esperando tener un buen resultado de las rectas consideraciones del Estmo. Sor. Gobernador Gral. en obvio de futuros inconvenientes y pa. allanar los que puedan presentarse, acudo á V. á fin de que en uso de sus atribuciones se sirva instruir una informacion de los testigos necesarios, idoneos que declaren en forma sobre los puntos siguientes:

1º Sobre el estado actual en que se halla la Expedicion á que me contraigo; en cuanto á existencias y haberes para el mantenimiento y sostenimiento de su corta comunidad de indigenas: con que recursos cuenta pa. su fomento y el de los destinados ramos de industria, agricultura y demas, que han estado antes bajo de su proteccion y resortes y por ultimo el estado mismo del corto numero de neofitos de ambos sexos que existen; y en que

Estmo.

son ocupados en lo mas del tiempo; en la actual situacion en que se halla de arruinamiento y esterminio la pre-citada Exmision, con todo aquello que conduzca á la pestificacion en pro de mi intento para los fines ya indicados; y concluidas que sean, se me de lo practicado original para el uso que me convenga=

P. I. A V. pido obre conforme á justicia y se sirva admitir el presente en papel comun, por no haber del sello que corresponde, por lo necesario Sta. S. Francisco de Asis Abril 6 de 1844 -

Jn. de la C. Sanchez -

Juzgado de 1a Nominacion
de S. Franco. de Asis
Abril 12 de 1844

Por presentado y admitido el escrito que antecede y en vista de lo que pide la parte contenida en el; yo el Alcalde de 1a nominacion de la Jurisdiccion Ciudadano Guillermo Keirchly, hize comparecer á D. Francisco Guerrero vecino de la misma jurisdiccion y preguntado en forma sobre los puntos á que se contrae el precedente escrito de que fué enterado, que tenia que decir sobre el particular; dijo que está bien notorio el deplorable estado de arruinamiento en que se halla la Exmission de San Francisco, tanto en sus casas como en sus haberes; pues si existen algunas en pie, es por estar sostenidas por vecinos que las sostienen, á pesar de que se hallan en deplorable estado; y las que ocupan los pocos neofitos que existen (un tipo) están abandonadas lo mas y amenazando ruina. En cuanto á haberes para la sostencion y fomento tambien está notorio su esterminio; pues solo consisten en unas cuantas lleguas viejas, caballos en igual estado; bueyes lo mismo; y una que otra ves mostrencos y aunque ignora que tenga algunas se-

cursos esteriores con que pueda contar para su restablecimiento; los interiores estan á la vista; que no tiene ningunos esquilmos; por consiguiente casi ninguno produce; y lo de sus muy costosas siembras de trigo, apenas pueden subvenir á la manutencion de la mayordomia y su familia; sirviendo esto solo de mero entretenimiento de la muy poca neofita que existe y se emplea en ellas; á que se agrega el fomento de su holgazanería é inutilidad publica; que el resto de neofitos consiste en un corto numero de ella; y los mas de avanzada edad; y en general descontentos por la desnudez que padecen; pues siempre estan envueltos en la miseria de desnudez y hambre, por los ningunos recursos con que cuentan. Sus terrenos estan como baldios, y ocupados con bienes de particulares; pues como ha dicho, la Mision no los posee — que es cuanto que tiene que decir sobre lo que se le ha preguntado, y en fe de ser asi verdad, lo firmó ante mi el presente Juez hoy dia de la fecha.

Francisco Guerrero
Guillermo Hinckley.

Assa.
Francisco de Haro.

Assa.
Candelario Valencia

A continuacion hize comparecer yo, el referido Juez, á D. Jesus Noé, vecino tambien de la Jurisdiccion, y en la misma que el antecedente, habiendo sido preguntado sobre los puntos á que se contrae el escrito que precede, dijo: Que el actual estado en que se halla la Mision de San Francisco de Asis, está á la vista; y es bien notorio su deplorable situacion; que si no cuenta con algunos recursos esteriores para su restablecimiento: los que tienen en el interior son casi ningunos; por solo consisten en una po-

ca de llegada vieja; caballar lo mismo y bueyes por consiguiente; una que otra os mostrenca, y trazos para sus trabajos, muy avanzados y descontentos por los padecimientos de desnudez, hambre y falta de recursos para su mantenimiento; esquilmos no produce casi ninguno y del unico sembrado es de las cortas siembras de trigo que apenas dan la manutencion de la Mayordomia y su familia; y en lo que estan lo mas del tiempo empleados, y siempre ociosos, regularmente: las casas en la Ex-Mision estan abandonadas lo mas y en deplorable estado, y las que ocupan los vecinos son las unicas que estan en mejor pie: que es cuanto tiene que decir, y de ser verdad lo que ha declarado lo firmó ante el presente Juez y los de asta.

J. de Jesus Noé.
Guillermo Hemsley

Asta.
Francisco de Haro.

Asta.
Candelario Valencia.

A continuacion, compareció tambien D. José Cornelio Romal vecino tambien de la Jurisdiccion, y habiendole enterado el escrito que precede, y preguntado sobre que tenia que decir en el particular dijo: ser verdad hallarse la Expresion de San Francisco de Asis muy deteriorada y en una casi total ruina y exterminio: que sino cuenta con aquellos estensos para su restablecimiento: no tiene casi ninguno interiores: pues no quedan mas que unos cortos restos de caballada vieja, unas cuantas yeguas, en el mismo estado, y bueyes y asnos una que otra os mostrenca; esquilmos solo de muy cortas cosechas de trigo que apenas bastan á la manutencion del Mayordomo y su familia; y en cuyas sembras y cui-

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dado se nuplen la Boca neofita que existe siendo esta Causa que esté lo mas del tiempo de ociosa; que dicha neofita está Tambien en muy deplorable estado de desnudez, hambre y miseria por no tener recursos ni libertad para arbitrar su subsistencia lo que motiva su descontento; y por ultimo que los mas de avanzada edad; que es cuanto puedo decir; y de ser asi la verdad, lo firmó ante el presente Juez y los de su asesa. hoy dia de la fha.

José Bernal.
Guillermo Hinckley.

asesa.
Francisco de Haro.

asesa
Candelario Valencia.

Hallandose concluidas estas diligencias, entreguense al interesado para los fines que le convengan. Asi lo decretó y firmé hoy dia de la fecha.

Guillermo Hinckley

de asesa.
Francisco de Haro.

de asesa.
Candelario Valencia.

I, George Fisher, Secretary to the U. S. Land Commission to ascertain and settle private land claims in California, hereby certify the foregoing to be a true and correct copy of "Exhibit A P.L." to the depo. of José de la Cruz Sanchez in Case No. 642, José de la Cruz Sanchez vs. The United States for San Mateo, now on file in this office.

Intestimony whereof I have hereunto signed my name at office, at the city of San Francisco, Cal. this 22d. day of March, A.D. 1855. Geo. Fisher, Secy.

Filed in Office April 3d 1855.
Geo. Fisher
Secy.

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Transcription of Expediente A.P.L. Exhibited to depos. office la le Sanches

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Sr Political Chief

I the citizen Jose de la Cruz Sanchez a resident of the Presidio of San Francisco and native of the State in which I have my residence, represent before you in due form. That being owner of some number of black cattle and horses, I need for its security and Establishment, the Ownership of a place. In consideration hereof I apply to you that in Exercise of your powers you will be pleased to grant me the entire tract of land between that which Jose Sanchez (my father) possesses called Burbani the North and that of Sus Pueblos belonging to Don Soledad Ortega to the South called San Mateo

Therefore I pray you to provide Conformable to justice and this my Solicitation which I make on common paper as the Corresponding Stamped is not to be had. I swear to the necessary

San Francisco 22nd of December 1836. Jose de la Cruz Sanchez

(In the margin) Pueblo de San Juan de Capistrano March 20th 1837. The Alcalde of San Francisco will report what is Convenient and demand the respective plot and return this Expediente to the Prefecture

Plot

Vasco

Report – In Compliance with the provision in the Superior decree of 20th of March last found in the margin of the Solicitation which the Citizen Jose de la Cruz Sanchez makes for the location of San Mateo under date 22nd of December 1836 to report respecting the circumstances which may be in favor of the interested party, I must say, that the petition is popped of the legal qualifications in order to be attended to.

That though the Ex mission of San Francisco recognizes the land asked for as its own property yet this mission has only occupied a small portion of it for sowing of wheat and maize but with out necessity, because this husbandry formerly was carried on in the immediate neighborhood of the mission itself as is proved by the marks of the tillage, and even the public opinion of the oldest people, and if it is now carried on there it will be on account of the Old Missionaries' ambition to accumulate lands, and most of the land has been used of stock belonging to the mission. Its extension to

to North and South will be One league little more or less and to West and East and Equal Extent with little difference. It borders to North on the Rancho of Buenavista belonging to D. Jose Sanchez & besides the foregoing circumstances, this Rancho & that called Laguna de la Merced belonging to Don Francisco de Haro are intermitted in such a manner that the said Rancho of San Mateo is distant more than four leagues of land in circumference to the Mission. To the South of Linares on the Rancho de las Pulgas belonging to Don Soledad Ortega. The plot of the said location of San Mateo is here accompanied, of which as well as of the present report, you will make the use that you may deem fit. Establishment of Dolores April 20th 1839

Francisco de Haro

San Juan de Castro October 1st 1839

Be it transmitted to the Excellent Sr Governor ad interim of this Department, that his Excellency may be pleased to resolve what he shall deem to be just. In the absence of the Prefect. Juan Miguel Anzar

Monterey October 4th 1837.

In view of what is represented by the Indians of San Francisco, so that they be not deprived of the location of San Mateo, which D. Jose de la Cruz Sanchez has solicited in this instance of 22d December 1836. I have concluded by a decree of this day's date to resolve; That there is no occasion for the solicitation of the above named Sanchez; there being the only the right of preference to another party in his favor, in case at any time it shall be resolved that the said land can be adjudicated to any particular individual. Manuel Jimeno Casarin first proprietary member of the Excellent Assembly of the department of both California in excess of the Government of the same this day Order decree and sign it

Manuel Jimeno

Francisco de Haro 1st Official

Monterey 5th of October 1839

Be the Expediente returned to the interested party that he may present it when it may suit him as to his right

Jimeno

San Juan July 3d 1840

The interested party in this Expediente being prefered in the grant of the location of San Mateo in case

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it is given to any particular individual, and the Government being disposed to dissolve the Community of the Mission of San Francisco offering the Converts to settle them, that they may live as free men, the interested party will at any time be attended in the Solicitation he makes when previously the will of the Indians has been known, whom the Justice of the peace of that Municipality will assemble in presence of Witnesses and ask them if then free an spontaneous Will in the moment in which the individual dissolution is Ordered giving the most Circumstantial report in Continuation of this decree, so as in view of all to resolve what is Expedient — Alvarado

Sr. Justice of the Peace

I Jose de la Cruz Sanchez resident of this jurisdiction appear before you in due form and represent: That having Solicited of the Departmental Administration the grant of the house of Land called San Mateo in Consequence of being recognized as the property of the Mission of San Francisco de Asis and to be appropriated to the husbandry of the Converts, has this no doubt been the obstacle if it is not having been granted me, but having a decree in my favor issued by Dn. Manuel Jimeno at the time he was Governor ad interim, and said Solicitation which is in my possession and the Spontaneous Consent of the Converts themselves having at last been Obtained, to the Effect that I can Occupy it, owing to my appurances no to prejudice them in their husbandry — In such an understanding, and that you will validate my design I apply to you, that you will be pleased to summon the necessary persons to appear in the Justices Court in your Charge and before Attesting Witnesses insert the corresponding Copy on their said Consent that this document may serve me as security in the following Application which in consequence of said investigation, I must make to the Departmental Administration, when this document and other acts in the premises may have been transmitted to me. Therefore I pray you to do as asked for in my present Solicitation which I make on common paper as there is no corresponding Stamped paper to be had — I swear to the necessary de

Mexican de San Francisco de Asis 13 of May 1840

Jose de la Cruz Sanchez

In the Estableshment of Dolores on the 25th day of May 1840 Before me Francesco Guerrero justice of the Peace of this Jurisdiction I made to appear the Comerts of the Estableshment of Dolores to make them acquainted with the present Solicitation and that they might say without prejudice their persons and homesteads what they might have to represent with respect to said Solicitation, and they answered in a loud voice that it was their last will that the location of S Mateo be ceded in favor of Don Jose de la Cruz Sanchez, provided that he does not prejudice them in the places where they dwell, and where a Companion of theirs might wish, and they having made various reflections in respect to their Concession they ratifieed it with me, Alcalde Juspo and all his in persons in which they have since above being before D Manuel Sanchez - Whereof no I give the present to the interested party

Francisco Guerrero

Excellent Sir Governor

Jose de la Cruz Sanchez resident of the jurisdiction of San Francisco present myself before your and with due respect say that by the enclosed Document numbered from One to Four your Excellency will see the repeated Solicitations I have made in asking for the Ownership of the Location called San Mateo and at the End I only Obtained the favor to the preference to another individual when the time of his being Capable of Adjudication have arrived. Now at the present the Desire of San Francisco Cannot be considered as a Mission on account of the abandoned State in which it is in - and by want of Stock and hands - The very few Indians remaining are willing that if the Government thinks fit, I be granted the said location in Ownership by reason of the Security they have of the benefit resulting, And which is not to Mente force which is the principal thing and to be enabled to look out for the necessary clothing on the Spot according to their labor - In this supposition I pray your Excellency to be pleased to grant me what I ask for thereby will I and my numerous family receive a great favor & the Indians who wish it, and find themselves without any resources to live between people will also

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be much Obliged for it. I remain Excellent Sir
Your's. Jose de la Cruz Sanchez
Monterey October 30th 1844
(In the Margin) Monterey April 30th 1844
The Secretary of State will report as to what
in this matter has been determined
Micheltorena

Excellent Sir Governor
There is sometime since Don Jose de la Cruz Sanchez
has solicited the tract of land called San Mateo and
it has never been capable of being granted because the
Indians have their houses and tillage on it - the only
land on which they calculate to subsist - Therefore
I am of opinion that Sanchez has in his possession
documents to show when the location is in a state
of being granted -
Your Excellency's superior determination will however
be more appropriate - Monterey April 30th 1844
Manuel Jimeno

Monterey April 1844
Agreeable - On account of having been accused
that Indians derive or procure the least usefulness
from it, and as the lands appear to be vacant, from
this fact alone they will be made to lose all cause
of action or right, and whosoever other citizen
will be understood to be in a position and as the
first denouncer of the location
Micheltorena

In Alcalde of the 1st Nomination - I Jose de la
Cruz Sanchez a resident of this jurisdiction appear
before you in due form & represent - That
I have to go to Monterey for the purpose of making
a solicitation before the Superior Government of the
Department, which not only will be beneficial
to myself in the premises, but also to secure a
successful termination of it; it will likewise
result favorable to all parties, is my intention to
address myself to the fountain of protection is to
promote to a certain extent that which accrues us
with operative hands for the improvement of our
agriculture and breed of cattle etc, which are of
so paramount a necessity for the sustenance of our
families and therewith connected obligations, as well
as for the same causes to the jurisdiction to which we
belong - which is to claim the liberty of the Convents

who at present (so to say) find themselves in almost a total inactivity and public useless in the Notoriously ruined Mission of San Francisco de Asis with prejudice even to the Converts themselves and this being decent and palpable this probability has decided to make the mentioned Solicitation and expecting to attain a good result from the high consideration of the Excellent Sir Governor General in view of future inconveniences and to remove those which might present themselves - I apply to you that in view of your attributes you will be pleased to institute a report of the necessary idoneous Witnesses who will declare themselves formally about the following points -

1st About the Actual State in which the Mission which I contract for, is about the amount of Stock and Chattels for the maintainance & sustenance non of its limited Community of Indians with what resources they reckon to protect it and promote the distant branches of industry agriculture and others, which before had been under its police tion and resort and finally about the very very State of the small number of Converts of both sexes existing, and in what they are occupied for the most time and the actual situation in which the aforesaid Mission is opulent and desolation, together with all those which might be conducive to the justification in favor of my design for the purpose already indicated, and when they may have been concluded to give me the Acts in Original for the use that may suit me -

Therefore I ask you to act conformable to Justice and to be pleased to admit the present on common paper as the Corresponding Stamped paper is not to be had I swear to the necessary etc San Francisco de Asis April 6. 1844

Jose de la Cruz Sanchez

Justices of Peace of first Nomination of San Francisco de Asis April 12th 1844 - The foregoing having been presented and admitted, and in vista of what the party therein mentioned asks, I the Alcalde of the first nomination of this Jurisdiction, the citizen Guillermo Hinckley made the resident Don Francisco Guerrero of the jurisdiction appear and having been formally interrogated as to the points set forth in the

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it is owing to their being occupied by residents, who sustain them in spite of being in a deplorable state, and the most of those, which the few converts, now existing occupy are abandoned and threatened with ruin as to stock for the sustenance and improvement, the desolation is also notorious, for it only consists of some few old mares, horses in an equal condition, oxen like wise, and each animal goes estray as without any owner, and although he is ignorant of whether it may have some external resources on which to calculate its reestablishment yet the internal resources are apparently none - consequently is almost nothing and the crop of the very small wheat fields can scarcely suffice for the maintenance of the superintendant and his family this sowing only serving as mere entertainment for the very few converts existing and employed in the sowing thereof, to which is added encouragement to the public idleness and uselessness of of the rest of the converts therein, consisting in a small number, and most of them in an advanced age and in general being discontented on account of the state of nudity under which they suffer for they are always enveloped in the misery of nakedness and hunger on account of having no means to reckon on their lands are equivalent to being vacant - and are occupied with stock of other persons, for as he has seen before the ex mission does not possess - which is all he has to say to what he has been interrogated about, and in testimony of this being the truth, he signed before me, the present justice the day and year above named Franco. Guerro, Guillermo Sinkey assistants - Francesco de Haro - Candelaria Valencia

In continuance, I the same justice made to appear Don Jesus Noi, likewise a resident of the aforesaid jurisdiction, who, having been interrogated about the points set forth in the preceding writing said that the actual state of the ex mission of San Francisco de Asis is apparently and notoriously a deplorable one, and that it is without any resources on which to calculate its reestablishment, the resources it has in the interior are almost none as they only consist in a few old mares, horses and oxen, in consequence of which each animal goes estray as without any owner and it is abandoned of hands for the labor and who are discontent with their sufficiency from nudity hunger & want

of means for their maintainance, it produces almost no crop, and the only income is from the small wheat fields which scarcely furnish means for the maintenance of the Superintendent and his family and and on which they are for the most time employed and always regularly idle.

Most houses in the Extension are abandoned and in a deplorable condition, and those which the residents occupy are the only ones that are in better repair. Which is all he has to say. And in testimony of the truth of what he has declared he signed this before the present justice and the assistants — Jose de Jesus Noi, Guillermo Hinkley. Assistants Francisco de Haro Candelario Valencia

In continuance Jose Loreto Bernas, also of this juris diction, likewise appeared, and having been made acquainted with the points set forth in the preceding writing and interrogated what he had to say about the matter, he said, that it is true that the Extension of San Francisco de Asis is very much dete riorated, and in an almost total ruin and dissolution, that it has no external resources on which to calculate for its restablishment. That it has almost no internal resources, that there is left but a few heads of old horses a few mares and oxen in the same condition and each animal goes astray as without any owner. Produce only of a very small crop of wheat which scarcely suffices for the maintenance of the Superintendent and his family, and in the sowing & care of which, the few converts existing are employed this being a cause that they for the most time are idle. That said converts also are in a very deplorable condition from nakedness hunger and misery on account of not having neither resources nor others to furnish means for their subsistence, which can be then discontinue, and lastly they are in advanced age.

This is all he can say and in testimony of this being the truth he signed before me the present Justice & the Assistants, the day and year first above written José Bernas. Guillermo Hinckley. Francisco de Haro Candelario Valencia. These acts being concluded let them be delivered to the interested party for the purposes that may suit him. Thus decreed and signed the day and year first above named. Guillermo Hinckley assists. Francisco de Haro — Candelario Valencia

Filed in Office
Oct. 10th 1853
Geo. Fisher Secy

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En la Ciudad de los Ang.s de la Alta California à los 23. dias del mes de Abril de 1847. Ante mi José Salazar Alcalde 1.er juez de 1.a instancia de esta demarcacion y p.r ante los testigos de assa: con quienes actuo à falta de Escribano publico, à mas de los instrumentales q.e al fin se nominaran compareció D.n Luis Arenas y su hijo D.n Cayetano Arenas ambos de esta vecindad à quienes doy fé conozco y dijo el segundo que habiendole concedido el sup.r Gob.no de este departam.to en 5. de Marzo de 1846 el Rancho llamado D.n Mateo de la Mision de Dolores en recompensa de servicios q.e prestè en la Civa de dho Gobierno p.r respeto de su padre D. Luis Arenas p.r cuyo respeto y diligencias se le hizo tambien la espresada concesion, declaro q.e el Referido su D.r padre puede disponer del Rancho espresado como bien profecticio del citado D. Cayetano q.e aun se hallo bajo la patria potestad y q.e ademas es su Voluntad disponga libre y espontaneam.te como fuere de su agrado, del ya citado rancho de los Yn Sanchez al Sur con el Rancho de las pulgas al Oriente con la bahia del puerto de D.n Serenc.e y al pont.e con la sierra, como con esta del titulo Original q.e ha entregado à su referido D.r padre y. D.n Luis Arenas dijo q.e por si y à nombre de sus herederos y sucesores y de quienes de ellos hubiese titulo Voy causa en cualquiera manera, vende y da en Venta real y enagenacion perpetua p.r puro de heredad p.r siempre à los Sres D.n Henrique Mellus y D. Guillermo D. M. Howard y à los sup.s el Rancho espresado llamado D.n Mateo de los

Copy of Orig.l Deed from Arenas to Howard.

sitios de Ganado mayor poco mas ó menos colindante con el de los Sanchez, el de las pulgas, la bahia de S.n Francco y la sierra como lo demuestra el titulo Original q.e entrego desde luego á los compradores; y declara y asegura q.e dho Rancho no esta Vendido ni enagenado; y q.e esta libe de tributo memoria, capellania, vinculo, fianza y de otro gravamen real perpetuo, temporal, especial general tacito y Expreso y como tal se lo vende en cantidad de un mil y quinientos p.s en Esta forma, cuatro. cientos setenta y Ocho p.s en Efectos de Comercio y un mil sesenta y dos p.s en plata y Oro moneda del cuño corriente: cuyas cantidades ha Recibido y se da p.r satisfecho el Espresado S.r D.n Luis Cuenas que confiesa haberlo recibido á su Voluntad que p.r tiempo renuncio la escepcion q.e pudiera aponerse p.a su constan de presente la ley q. titulo 1.o partida 5.a formaliza á favor de los compradores lo mas firme y Eficaz Carta de pago y á su seguridad convenga y asi mismo declara q.e el justo precio y verdadero valor del Rancho S.n Mateo ya referido son los un mil y quinientos p.s q.e no Vale mas ni hallo quien mas le diera p.r el y si mas vale; ó valer pueda, del exceso en poco ó mucho Cantidad hace á favor de los compradores y de sus herederos y sucesores, gracia y donacion pura mera perfecta é irrevocable en sanidad con insinuacion y demas firmezas legales y renuncia la Ley 2 tit.o 1.o libro 10. Novisima Recopilacion que trata de los contratos de Ventas, trueques y de otros en q.e hay lesion en mas ó menos de la mitad del justo precio y los cuatro a. q.e prefine p.r pedir su rescision o suplemento á su justo

valor; los q.e da p.r pasados como si efectiva
m.te lo Estubieron y desde hoy en adelante
p.a siempre se desapodera de este q.te
y aparta à sus herederos y sucesores del
dominio propiedad posesion, titulo, voz
recursos y otro cualesquiera dho q.e le com
pela al enunciado Rancho, lo cede renuncia
y traspasa, con las acciones Reales y persona
les, utiles, mistos, directas y efectivas en
los compradores y en quien usen y dispongan
de el à su Eleccion como de cosa propia
adquirida con legitimo y justo titulo.
Les confiere poder irrevocable con libre fran
ca y gral Administracion y los constituye
procurador, actor: en su propia causa
para q.e de su autoridad ò judicialmente
entren y se apoderen del nominado Rancho
S.n Mateo y de el tomen la Real tenencia y
posesion q.e por dho les compete y p.a q.e no nece
siten tomarlo pide se les de copia autorizada
de la presente Escritura con la cual sin otro
Acto de aprension ha de ser visto haberlo to=
mado aprendido y tener aprendido se les. y se
Obliga el Otorgante à que dho Rancho sera
cierto seguro y efectivo à los compradores y
nadie los inquietara ni movera pleito sobre
su propiedad posesion goze y disfrute ni
contra Ello aparecera gravamen alguno y se
les inquietare ò moviere luego q.e el Otorgante
ò sus herederos y sucesores sean requeridos
conforme à dho saldrem à su defensa y
lo seguirein à sus expensas en todas instancias
y tribunales hta efectoriarlo y dejar à los com
pradores y à los suyos en libre quieta y pac
fica posesion y no pudiendo conseguirlo
les daran otro igual en Valor, sitio, Renta y
comodidades y en su defecto les restituiran

la Cantidad q.e han desembolsado las me
joras utiles precisas y voluntarias que à la
sazon tengan el mayor Valor y Estimacion
que con el tiempo adquiera y de todas los costos
gastos, intereses ò menoscabos q.e se les siguieren
ò ocasionen se ha de poder ejecutar al otorg.te
ò sus herederos, y sucesores, en Virtud de
Esta Escritura y juram.to de los q.e la posee
an ò de quien les represente en quien defiera
su importe y se releva de otra prueva.
Y à la observancia de todo lo referido obligo
el Otorgante su persona, bienes habidos y
por haber, renuncia las leyes de su favor y
defensa con la gral del Dho en forma y confiere
amplio poder à los Sres Jueces y Justicias
q.e de este negocio deveran conocer conforme à
dho p.a q.e le apremien à su cumplim.to
como por sentencia difinitiva de juez competente
pasada en autoridad de Cosa Juzgada y
consentida q.e por tal la resive y lo firmaron
el Otorg.te y su hijo conmigo y los testigos de
assist.a siendo los Instrumentales D.n Casildo
Aguilar y Abelino Leon actuando en papel
comun por falta de sellado respectivo doy
fè.

Cayetano Arenas

José Salazar # Louis Arenas
Asso. Ass.a

Agustin Olvera # Lg.no Coronel

Inst.e Avelino Leon

State of California }
County of Los Angeles } L. Benj.m D. Wilson
Recorder of the County of
Los Angeles hereby Certify, that the foregoing is
a true Copy of a Record in Book Number 1
del año de 1849 (protocolo) pertaining to the
Office of the Recorder of said County
and now in this Office among its Archives

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of documents prior to date of May 1857.

Seal

Witness my hand and Official seal as Recorder of said County hereunto affixed on this 11th day of Aug. A. D. 1857.

Benj. D. Wilson Recorder
By Wilson Jones Deputy

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Filed in Office Sept. 23rd 1857

Geo: Fisher Clerk

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Translation of Copy of original deed from Arenas To Hermann.

At the City of Los Angeles in Upper California on the twenty third day of the month of April one thousand eight hundred and forty seven before me Jose Salazar First Alcalde and Judge of the 1st Instance of this demarcation and before the assisting witnesses with whom I act for the want of a Notary Public besides the instrumental witnesses who for that purpose were cited came Don Luis Arenas and Don Capitano Arenas his son both of this vicinity and who are personally known to me and the latter stated.

That the Supreme Government of this Department having granted to him on the fifth day of May one thousand eight hundred and forty six the Rancho called "San Mateo" de la Mission de Dolores in compensation for services rendered by him in the Office of the Secretary of the Said Government through respect to his father Don Luis Arenas through respect to and by means of whom likewise was the said grant made to him.

He declared that his said Senor Padre could dispose of the said Rancho as the protector of the well being of the said Don Capitano who is still under paternal authority and that furthermore it is his will that he freely and spontaneously dispose of the aforesaid Rancho as he may deem proper the said Rancho contains two square leagues (dos sitios de ganado mayor) a little more or less and is bounded on the

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North by the Rancho of Simon Sanchez
on the South by the Rancho de los Pulgas
on the East by the bay of the Port of
San Francisco and on the West by the
Sierra. as shown by the original title
which he has delivered to his said
Father. and Don Luis Arenas said that
for himself and in the name of his heirs
successors and whomsoever of them might
have title voice and cause in any manner
whatever he sells and gives in real sale
and perpetual alienation by right of inher
itance forever unto the Senores Don
Henrique Melus and Don Guillermo D M
Hammond and unto theirs the said
Rancho called "San Mateo" containing
two square leagues a little more or less
adjoining that of the Simon Sanchez
that of the Pulgas, the Bay of San
Francisco, and the Sierra as shown
by the original title which he immedi=
ately delivered to the vendees and he
declares and guarantees that said Rancho
is neither sold nor alienated and
that it is free from tribute mortgage chat=
lainey entail bond and every other
encumbrance whether real perpetual tem=
poral special general tacit or express
and as such he sells it to them for the
sum of one thousand five hundred dollars
in the following manner. Four hundred
and seventy eight dollars in merchan=
dize. and one thousand and twenty two
dollars, in legal gold and silver coin of
which said sums the said Don Luis
Arenas acknowledges the payment which
he confesses to have received to his

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satisfaction that he therefore renounces the exception which might be plead in consequence of the same not being mentioned as required by Law IX Tit. 1. Part 5th and completes in favor of the vendees the most firm and effectual acquittance that may be necessary to their security and likewise declares that the just price and true value of the Rancho "San Mateo aforesaid are the due thousand five hundred dollars that it is worth no more nor did he find any one who would give him more for it and if it is or may be worth more of the excess be it much or little he makes in favor of the vendees more pure perfect and irrevocable gift and donation in simity with insinuacion and all other legal rights and he renounces the Law 1st Libro 10 tit. Recopolation which treats of contracts of sale & exchanges and of others in which there is a treatise upon more or less than the half of the just value and the four years which it determines for the demand and of the recision thereof or the addition of the ballance of the just value which he admits as expired as much so as if they actually were passed and from this time henceforth forever he desists quits separates and dispossesses himself his heirs and successors from the dominion ownership possession title voice reconse and whatever other right which he may have to the aforesaid Rancho he relinquishes renounces and transfers the same unto the vendees and whomsoever them may represent with the real personal

useful Mixt direct and executive rights that they may possess enjoy exchange and use the same and dispose of it as they may see fit as their own property acquired by legal and just title. He confers upon them irrevocable power with full and ample administration and constitutes this attorneys and plaintiffs in their own cause that they may of their own authority or extra-judicially enter in upon and take possession of the said Rancho San Mateo and that they may thereof sieze the real tenure and possession which accordingly to law belong to them and in order that they may not need to take it he asks that there be extended to them a certified copy of this deed of conveyance with which without any other writ of seizure it is to be seen that it is taken seized and transferred unto them and the said bendor covenants that the said Rancho shall be unto the said bendees certain sure and effective and that no one shall disturb nor bring suit against them for their property or the possession enjoyment and use thereof nor shall there appear against it any incumbrance and if they should be disturbed or sued as soon thereafter as the bendor or his heirs and successors may according to law be required to do so they will appear for the defence and will prosecute the suit at their own expense through all the courts and tribunals until they obtain judgment and have the bendees and theirs in the free quiet and peaceable possession thereof and not being able to secure the same they shall give

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another Rancho Equal in value locality Salubrious and Commodious in default thereof they shall restore unto them the amount that have paid out the useful voluntary and necessary improvements thereon at the rate of the greatest value and Costum which is acquired thereunto by time and all the Costs & Expenses, interests or losses which they may have sustained or paid shall be recoverable from the Vendor or his hers and successors by virtue of this deed and upon the oath of those in whosesoever possession it may be or of whomsoever may represent in whom its value may be deferred and without the necessity of any other proof.

For the performance of all the foregoing the vendor binds his person present and future property renounces the laws in his favor and defence with the general law of right in form and confus, upon the Simples Judges and Courts who according to law ought to take Cognisance of this matter full power to compel him to the fulfillment hereof as by a definitive Sentence passed by a competent Judge in authority of res adjudicata and consented to, that as such he recognises it and the vendor and his son Signed it with me and my assisting witnesses Don Casildo Aguilar and Abelino Leon being the actual instrumental witnesses on common paper for the want of that of the proper stamp –

I Certify.

(Signd) José Salazar.

(Sgd) Cayetano Arenas.

(Sgd) Luis Arenas.

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Assisting witnesses
(signed) Augustin Olvera
(") Ygnacio Coronel
Instrumental,
(signed) Anselmo Leon.

I George Fisher Secretary to the U S Land Commission to ascertain and settle private land claims in the State of California hereby certify the foregoing to be a true and correct translation of a Spanish document in case No 559. wherein William D M Howard is the claimant as The United States for the place called "San Mateo" now on file in this Office.

In Testimony whereof I have hereunto signed my name Office of the Secretary of the above named Commission at the City of San Francisco Cal this 29th day of September AD 1852.

Geo Fisher Secy.

Filed in Office Sep 29. 1852.
(signed)
Geo Fisher Secy.

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Case No 559.

Wm. H. M. Howard
vs
The United States

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Affidavit.

I the undersigned Clerk in charge of the Archives of the former Spanish and Mexican Secretary or Department of Upper California now in the care and custody of the U S Surveyor General for California do hereby certify that at the request of James Wilson Esqr of Counsel in the above entitled cause I have made diligent search among the said Archives and have found no paper or papers records or documents whatsoever purporting to relate to a grant of land made by Pio Pico to Lazaro Arenas of a tract of land called San Mateo in San Francisco County on or about April or May 1846.

The Book of Record of Titles purporting to be from the year 1836 to 1846 and to have existed in said Archives is missing from the said Archives and was never in the care and custody of the U S Surveyor General for California.

(?)

All of the above facts as Clerk in charge of the said Archives I certify to to the best of my knowledge and belief —

Thos. E. Overshed.

San Francisco March 26. 1855.

Subscribed & sworn to before me.

Alphens Felch Comr.

Filed in Office March 27/1855.
Geo. Pashby
Secy

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Deed

Henry Mellus and Wife to Howard & Green

Know all men by these presents that We, Henry Mellus of the City of San Francisco, California, and Anita, his wife, in consideration of a certain agreement made and entered into between the said Henry Mellus of the first part, and William D. M. Howard and Talbot H. Green of the second part, dated the twentieth day of June, one thousand eight hundred and fifty, and in consideration of one Dollar to us paid by the said William D. M. Howard and Talbot H. Green, the receipt whereof is hereby acknowledged, have granted bargained and sold, and by these presents do grant bargain and sell unto the said William D. M. Howard and Talbot H. Green, their heirs and assigns, all our right, title and interest, dower and right of dower, estate, claim, and demand, both at law and in equity, as well in possession as in expectancy, of in, and to all that certain lot, piece or parcel of land, one hundred varas square, situate, lying, and being, in the City of San Francisco, and being the same premises heretofore conveyed to the said Henry Mellus and William D. M. Howard, by James Alexander Forbes, acting for the Hudsons Bay Company by Deed dated the eighteenth day of July, one thousand eight hundred and forty six, and confirmed by Dugald McTavish, agent of the said Company

by Deed dated the Twelfth day of February, one thousand eight hundred and forty seven.

Also all that certain other lot, piece or parcel of land, situate, lying and being in the City of San Francisco, and being the same premises, conveyed to the said Henry Mellus D. M. Howard, by Diego Alexander Forbes and Ana Maria Gabrido, by deed dated the twentieth day of May, one thousand eight hundred and forty six, and recorded in Book of land records of San Francisco, on page eighty eight, the twenty second day of February, one thousand eight hundred and forty seven.

Also all that certain other lot, piece or parcel of Land, one hundred varas square, situate, lying and being in the City of San Francisco and known and described on the Official Map or plan of the said Town as the one hundred vara lot, number thirty one, being the same premises heretofore conveyed to the said Henry Mellus, by the said Talbot H. Green by deed bearing date the twenty fourth day of March, one thousand eight hundred and forty eight.

Also all those certain other lots pieces or parcels of Land, situate, lying, and being in the City of Sacramento in said California, which on the Map or Chart of said Sacramento City, are numbered and described as follows, that is to say

Lots numbered five, seven, and eight in the square between I and J, and Eighth and Ninth Streets: Lots numbered five and eight, in the square between I and J, and Ninth and Tenth Streets; Lots numbered five and six, in the square between I and J, and Tenth and Eleventh Streets; Lots numbered Five and Six and Seven, in the square between I and J, and Thirteenth and Fourteenth Streets; Lots numbered five and eight, in the square between J and K and Eighth and Ninth Streets; Lot numbered eight, in the square between J and K and Ninth and Tenth Streets; Lot numbered seven, in the square between J and K and Eleventh and Twelfth Streets; Lots numbered six, seven and eight, in the square between J and K streets, and Twelfth and Thirteenth Streets; Lot numbered five in the Square between J and K and Thirteenth and Fourteenth Streets; Lots numbered five and seven, in the square between L and M, and Fifth and Sixth streets; Lots numbered five and eight, in the square between L and M, and Seven and Eighth Streets; Lots numbered five and eight, in the square between L and M, and Eighth and Ninth Streets; Lots numbered five and eight, in the square between L and M, and Ninth and Tenth Streets; Lot numbered eight, in the square between L and M, and Tenth and Eleventh streets. Lots numbered six

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and seven and eight, in the square between L. and M. and Eleventh and Twelfth Streets; Lots numbered five, six and eight, in the square between L. and M. and Thirteenth and Fourteenth Streets; Lots numbered five six and eight, in the square between M. and N. and Fifth and Sixth Streets; Lots numbered five and six, in the square between M. and N. and Seventh and Eighth streets; Lots numbered six and eight in the squares between N. and O. and Fifth and Sixth Streets; Lots numbered six and seven, in the square between N. and O. and Sixth and Seventh Streets; Lot numbered eight in the square between N. and O. and Seventh and Eighth streets, Lots numbered five, six, and eight, in the square between N. and O. and and Eighth and Ninth streets; Lots numbered five, six, seven and eight in the square between Q. and R. and Fifth and Sixth streets; Lots numbered five and seven in the square between Q. and R. and Sixth and Seventh Streets; Lot numbered seven, in the square between Q. and R. and Seventh and Eighth streets; Lot numbered eight, in the square between R. and S. and Third and Fourth streets; Lots numbered six, seven, and eight, in the square between R. and S. and Fourth and Fifth streets; Lots numbered five, six,

and eight, in the square between R. and S. and Sixth and Seventh streets Lot numbered eight in the square between R. and S. and Seventh and Eighth streets; Lot numbered seven, in the square between R. and S. and Eighth and Ninth streets; Lots numbered five and seven ~~Lot=~~ in the square between S. and T. and Second and Third streets; Lots numbered five and six in the square between S. and T. and Fourth and Fifth streets; Lots numbered five and six in the square between S. and T. and Fifth and Sixth Streets; Lot numbered six in the square between S. and T. and Sixth and Seventh Streets; Lots numbered seven and eight, in the square between S. and T. and Seventh and Eighth streets; Lots numbered six, seven and eight, in the square between T. and U. and Second and Third streets; Lot numbered eight in the square, between T. and U. and Third and Fourth streets. Lots numbered five and eight in the square between T. and U. and Sixth and Seventh Streets; Lots numbered five, six and eight, in the square between T. and U. and Eighth and Ninth streets; Lot numbered three in the square between U. and V. and Fourth and Second streets; Lots numbered Five and eight, in the square between U. and V. and Second and Third streets; Lots numbered Five and six, in the square between U. and V.

and Third and Fourth streets; Lot numbered six in the square between U. and V. and Fourth and Fifth Streets; Lots numbered six, seven and eight, in the square between U. and V. and Fifth and Sixth streets, Lot numbered seven in the square between U, and V. and Sixth and Seventh streets; Lots numbered five and six in the square between U. and V. and Seventh and Eighth streets; Lots numbered five, six, seven and eight, in the square between V. and W. and Third and Fourth Streets; Lot numbered five in the square between V. and W. and Fourth and Fifth streets; Lots numbered five seven and eight, in the square between V. and W. and Sixth and Seventh streets; Lot numbered seven in the square between V. and W. and Seventh and Eighth streets; Lots numbered five, six and eight, in the square between V. and W. and Eighth and Ninth Streets; Lots numbered three, four, five, and six, in the square between W. and X. and Front and Second Streets; Lots numbered six and seven in the square between W. and X. and Second and Third Streets; Lots numbered seven and eight in the square between W. and X. and Fourth and Fifth Streets; Lots numbered five and eight, in the square between W. and X. and fifth and sixth streets; Lots numbered seven and eight in the

square between W. and X. and Sixth and Seventh Streets; Lots numbered five, six, and eight, in the square between W. and X. and Seventh and Eighth Streets; Lots numbered four and six, in the square between X. and Y. and Front and Second Streets; Lots numbered five and six in the square between X. and Y. and Second and Third Streets; Lot numbered eight in the square between X. and Y. and Third and Fourth Streets; Lot numbered eight, in the square between X. and Y. and Sixth and Seventh Streets; and Lot numbered eight in the square between X. and Y. and Eighth and Ninth Streets;

Also all that certain other lot, piece or parcel of land, one hundred varas square, situate, lying and being in the City of San Francisco and known and described on the Official Map or plan of the said City as the one hundred vara Lot, number Thirty, being the same premises, hereto fore conveyed to the said Henry Mellus and William D. M. Howard, by Thomas O. Larkin and Rachel his wife, by deed bearing date the twenty second day of August, one thousand eight hundred and forty eight.

Also all that certain other lot, piece or parcel of land, one hundred varas square, situate, lying and being in the said City of San Francisco, and known and

described on the official Map or plan of the said Town, as the one hundred vara lot number forty nine.

Also all that certain other Lot, piece or parcel of Land, one hundred varas square, known as number Four, situate lying and being in the City of San Francisco, and being the same premises conveyed to the said Henry Mellus by George Hyde Alcalde of the Town of San Francisco, by grant bearing date the fifteenth day of January, one thousand eight hundred and forty seven.

Also all that certain other Lot, piece or parcel of Land, situate lying and being in the Town of Benecia California, & known and described on the official Map or plan of the said Town, as lot number Fourteen in Block number Thirty Five, being the same premises heretofore conveyed to the said Henry Mellus by Thomas O. Larkin by deed bearing date the first day of January one thousand eight hundred and forty eight, and Recorded in Book of Records of even number of Lots in Benicia, in page ninety one.

Also all that certain other Lot, piece or parcel of land, situate, lying and being in the said town of Benicia, and known and described on the official Map or plan of the said Town as lot number Ten in Block number Thirty five, being the same premises, conveyed to the

Mellus by Thomas O. Larkin

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said Henry Mellus by Thomas O. Larkin by deed bearing date the first day of January one thousand eight hundred and forty eight; and Recorded in book of Records of even number of Town Lots in Benicia on page ninety.

Also all that certain other lot piece or parcel of land situate lying and being in the said Town of Benicia, and known and described on the official map or plan of the said Town as lot number Twelve in Block number Thirty, being the same premises conveyed to the said Henry Mellus by Thomas O. Larkin by deed bearing date the ninth day of September, one thousand eight hundred and forty seven and Recorded in Book of Records of even numbers of Lots in Benicia on page fifteen.

Also all that certain other lot, piece or parcel of land situate lying and being in the said Town of Benicia, and known and described on the official Map or plan of the said Town as lot number sixteen in Block number Thirty, being the same premises heretofore conveyed to the said Henry Mellus by Thomas O. Larkin by deed bearing date the ninth day of September, one thousand eight hundred and forty seven, and Recorded in Book of Records of even numbers of Town Lots in Benicia on page sixteen.

Also all that certain

other Lot piece or parcel of land, situate, lying and being in the town of Martinez, California, and known and described on the map or plan of the said Town as lots number one to eight inclusive in Block number one hundred and ten, being one entire block, two hundred feet square, and being the same premises heretofore conveyed to the said Henry Mellus, by the original Proprietors of the said town of Martinez by deed bearing date the nineteenth day of June, one thousand eight hundred and forty nine.

Also all those certain other lots pieces or parcels of land situate lying and being in the City of San Francisco, and known and described on the official map or plan of the said Town as the Beach and Water Lots, numbers one hundred and sixty six, one hundred and sixty seven, one hundred and sixty eight, one hundred and sixty nine, one hundred and seventy, one hundred and seventy three, one hundred and seventy four, one hundred and seventy five, one hundred and seventy six, one hundred and seventy seven, being the same premises, heretofore conveyed to the said Henry Mellus, and William D. M. Howard, by E. P. Jones, by Deed bearing date the twenty eighth day of January, one thousand eight hundred and forty eight.

Also all those certain other lots, pieces or parcels of land, situate, lying, and being in the City of

San Francisco, and known and described on the official Map or plan of said City as the Beach and Water lots numbers one hundred and eighty one, and one hundred and eighty two, being the same premises heretofore conveyed to the said Henry Mellus, and William D. M. Howard, by Elbert P. Jones and Sarah his wife, by deed bearing date the eighth day of December, one thousand eight hundred and forty seven.

Also all those certain other lots, pieces or parcels of land situate, lying and being in the City of San Francisco, and known and described on the official map or plan of the said Town as the Beach and Water lots numbered one hundred and seventy eight, conveyed to the said Henry Mellus and William D. M. Howard, by George Hyde first Alcalde of San Francisco by Deed bearing date the twenty first day of September, one thousand eight hundred and forty seven.

Number one hundred and seventy nine conveyed to the said Henry Mellus, and William D. M. Howard by George Hyde, First Alcalde of San Francisco, by deed bearing date the twenty first day of October, one thousand eight hundred and forty seven.

Number one hundred and eighty, conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco, bearing date the twenty

first day of October, one thousand eight hundred and forty seven,

Number one hundred and eighty three, conveyed to the said Henry Mellus and William D. M. Howard, by George Hyde First Alcalde of San Francisco, by deed bearing date the twenty first day of October, one thousand eight hundred and forty seven.

Number one hundred and eighty four, conveyed to the said Henry Mellus, and William D. M. Howard, by George Hyde First Alcalde of San Francisco by deed bearing date the twenty first day of October, One thousand eight hundred and forty seven.

Number one hundred and eighty five, conveyed to the said Henry Mellus and William D. M. Howard, by George Hyde First Alcalde of San Francisco, by deed bearing date the twenty first day of October, one thousand eight hundred and forty seven.

Number one hundred and eighty six, conveyed to the said Henry Mellus, and William D. M. Howard by George Hyde First Alcalde of San Francisco, by deed bearing date the twenty first day of October, one thousand eight hundred and forty seven.

Number one hundred and eighty seven conveyed to the said Henry Mellus, and William D. M. Howard, by George Hyde First Alcalde of San Francisco by deed bearing date the twenty first day of October, one thousand eight hundred and forty seven.

Number one hundred and eighty eight, conveyed to the said Henry Mellus, and William D. M. Howard, by George Hyde First Alcalde of San Francisco by deed bearing date the twenty first day of October, one thousand eight hundred & forty seven.

Number one hundred and eighty nine conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco by Deed bearing date the twenty first day of October, one thousand eight hundred and forty seven.

Number three hundred and forty conveyed to the said Henry Mellus and W. D. M. Howard by George Hyde First Alcalde of San Francisco by deed bearing date the twenty first day of October, one thousand eight hundred and forty seven

Number three hundred and forty one conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco by deed bearing date the twenty third day of September, one thousand eight hundred and forty seven.

Number three hundred and forty two, conveyed to the said Henry Mellus, and William D. M. Howard by George Hyde First Alcalde of San Francisco by deed bearing date the twenty first day of October, one thousand eight hundred and forty seven.

Number three hundred and forty three conveyed to the said

Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco by deed bearing date the twenty third day of September, one thousand eight hundred and forty seven.

Number three hundred and forty four conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco by deed bearing date the twenty third day of September one thousand eight hundred and forty seven.

Number three hundred and forty five conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco by deed bearing date the twenty third day of September one thousand eight hundred and forty seven.

Number three hundred and forty six conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco, by deed bearing date, the twenty third day of September one thousand eight hundred and forty seven.

Number three hundred and forty seven conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco, by deed bearing date the twenty third day of September, one thousand eight hundred and forty seven.

Number three hundred and forty eight conveyed to the said Henry Mellus and William D. M. Howard by George Hyde, First Alcalde of San

Francisco, by deed bearing date the twenty third day of September, one thousand eight hundred and forty seven.

Number three hundred and fifty three conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco by deed bearing date the twenty third day of September, one thousand eight hundred and forty seven.

Number three hundred and fifty four, conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco, by deed bearing date, the twenty third day of September one thousand eight hundred and forty seven.

Number three hundred and fifty five conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco by deed bearing date the twenty first day of October one thousand eight hundred and forty seven.

Number three hundred and fifty six, conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco, by deed bearing date the twenty third day of September one thousand eight hundred and forty seven.

Number three hundred and fifty seven conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco by deed bearing date

the twenty third day of September one thousand eight hundred & forty seven.

Number three hundred and fifty eight, conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco by deed bearing date the twenty third day of September one thousand eight hundred and forty seven.

Number three hundred and fifty nine conveyed to the said Henry Mellus and William D. M. Howard, by George Hyde First Alcalde of San Francisco, by deed bearing date the twenty third day of September one thousand eight hundred and forty seven.

Number three hundred and sixty conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco, by deed bearing date, the twenty third day of September one thousand eight hundred and forty seven.

Number three hundred and sixty five conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco by deed bearing date the twenty third day of September one thousand eight hundred and forty seven,

And number three hundred and sixty six conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco by Deed

bearing date the twenty third day of September, one thousand eight hundred and forty seven.

Also all that certain tract piece or parcel of land in Upper California, called the Rancho San Mateo adjoining Sanchez's Rancho, the title papers of which are now in the hands of the Attorney General of this State.

Also all those certain lots, pieces or parcels of land, situate lying and being in the Pueblo de San José now owned by me in common with the said William D. M. Howard;

Also all my right title and interest in and to the Barque or Vessel called the Undine, now owned by me in common with the said William D. M. Howard and Theodore Shillaber.

Also in and to the Barque or Vessel called the Burnham

Also in and to the Launch called the Julia.

Also in and to the Launch called the Don Juan.

Also all my interest in the Stock of the Central Wharf Company, now owned by the firm of Mellus, Howard and Company.

Together with the rights, members, privileges, hereditaments, and appurtenances in any wise belonging or appertaining to all and singular the premises hereinbefore mentioned and described, and every part and parcel thereof;

To have and to hold unto the said William D. M. Howard and Talbot H. Green their heirs and assigns to their sole use benefit and behoof forever.

In witness whereof we have hereunto set our hands and seals this (20th) Twentieth day of June one thousand eight hundred and fifty. The said Anita Y. Mellus by Francis Mellus her Attorney, thereunto lawfully authorized and empowered,

Henry Mellus {Seal}

Anita Y. Mellus {Seal}
by Francis Mellus
her Attorney.

Sealed and delivered in the presence of — Three lines being erased between the words "in" "to Green" inclusive on the first page.

Frank Tuck
Julius K. Rose

1151

State of California
County of San Francisco } ss.

Personally appeared before me this twenty eighth day of June 1850, Henry Mellus to me known to be one of the individuals described in, and who executed the foregoing instrument and acknowledged the same to be his voluntary act and deed for the purposes therein mentioned; And also personally appeared before me, Francis Mellus to me known, and acknowledged that he signed the name of the said Anita F. Mellus thereto as her Attorney in fact, and as and for the voluntary act and deed of his said principal.

Seal

Julius K. Rose
Notary Public

"Recorded in the County Recorders Office in Book A. of Deeds pages 206 to 214 inclusive June 28th 1850. at 20 minutes to 3 o'clock P.M.

John A. McGlynn
County Recorder
by James O. Grady
Deputy"

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"Recorded November 28th 1850. in Book E. of Deeds, pages 479 to 487 inclusive. Records of Sacramento County, California.

L. A. Birdsall
Recorder Sacto Co Cala"

A true copy of an Original recorded at request of Mrs Stanwood, October 11th A. D. 1854, at 12 O. Clock M.

James Grant
County Recorder

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County of San Francisco }
County Recorders Office } ss.

I hereby certify that the foregoing is a full true and correct copy of Record deposited and remaining in this office as will appear by reference to Liber No 41 of Deeds, pages 657, 658, 659, 660, 661, and 662.

Seal

Witness my hand and Official Seal This Thirteenth day of October A.D. 1854.

James Grant
County Recorder

Filed in Office March 27, 1855

Geo. Fisher
Secy.

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559

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Deed
T. H. Green & wife
to
W. D. M. Howard

State of California
City and County } ss.
of San Francisco

409 ND
PAGE 115

This Indenture made and entered into on this twelfth day of April in the year of Our Lord one thousand eight hundred & fifty one, by Talbot H. Green of the first part and William D. M. Howard of the second part, both of the said City, County, and State,

Witnesseth, that the said Green, for and in consideration of the sum of One hundred and forty four thousand two hundred and fifty Dollars to him the said Green in hand paid, the receipt whereof is hereby acknowledged hath bargained sold granted and conveyed and by these presents doth grant, bargain, sell and convey unto the said William D. M. Howard his heirs, executors and assigns forever the one fourth undivided interest to and into the following named and described tracts, pieces, parcels and lots of land, situate, lying and being in the said City, County and State namely:

The undivided one fourth interest in three One hundred vara lots situated on Howard Street in said City with improvements thereon, known on the map of said City as One hundred vara lots thirty 30, thirty one 31, and thirty two 32.

One, one hundred

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vara lot, with improvements thereon on Mifpin Street known on said Map, as One hundred vara lot number four 4.

Three Beach and Water Lots on First Street subdivided and known on the map of the City as lots number three hundred and fifty six, 356, three hundred and fifty seven 357, and three hundred and sixty six 366.

Nine Beach and Water Lots on Mifpin Street known as Water Lots, three hundred and forty 340, three hundred and forty one 341, three hundred and forty two 342, three hundred and forty three 343, three hundred and forty four 344, three hundred and forty five 345, three hundred and forty six 346, three hundred and forty seven 347, three hundred and forty eight 348.

Five Beach and Water Lots on Fremont Street known on the map as lots three hundred and fifty four 354, three hundred and fifty five 355, three hundred and fifty eight 358, three hundred and fifty nine 359, and three hundred and sixty five 365.

Two Beach and Water Lots on Beale Street known as Water lots number three hundred and fifty three 353, and three hundred and sixty 360.

The one fourth undivided interest in the remaining

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undivided one half of the following Beach and Water Lots, the other undivided half having been heretofore sold to Gregory Gale of said City and State, namely, lot two hundred and twenty 220, two hundred and twenty one 221, two hundred and twenty two 222, three hundred and forty nine 349, five hundred and eighty six 586, six hundred and fifty — 650, six hundred and fifty one 651, six hundred and fifty eight 658, six hundred and fifty nine 659, six hundred and sixty two 662, six hundred and sixty three 663, six hundred and sixty four 664, six hundred and sixty six 666, six hundred and sixty seven 667, six hundred and seventy two 672, six hundred and seventy three 673, six hundred and seventy four 674, six hundred and seventy six 676, six hundred and seventy seven 677, six hundred and eighty one 681, and six hundred and eighty six 686.

A certain Lot with a brick building thereon situated on Montgomery Street commencing forty feet South of the South West corner of Montgomery and Clay Streets, and running Southerly on a line with Montgomery Street, twenty nine feet six inches thence Westerly adjoining Argentis building, fifty seven feet six inches thence Northerly, eleven feet three

inches, thence westerly two feet six inches, thence northerly eighteen feet three inches, thence sixty feet on a line with Wells' building to the place of beginning, being a part of lot number one 1, on the City map, and the said brick building being twenty nine and a half feet on Montgomery St, by forty feet deep.

A certain lot commencing ninety feet from the South west corner of Clay and Montgomery Streets, running in a Westerly direction twenty six feet nine inches on Clay Street, thence in a Southerly direction fifty nine feet, thence in an Easterly direction twenty six feet nine inches thence in a Northerly direction, fifty nine feet nine inches, to the place of beginning.

A certain lot commencing fifty seven and a half feet west of the North westerly corner of Commercial and Montgomery Streets, running eighty feet five inches in a Westerly direction on Commercial Street thence Northerly fifty nine feet nine inches, thence easterly eighty feet five inches, thence southerly fifty nine feet nine inches, to place of beginning, being part of said lot number one 1.

A certain lot commencing at a point forty three

feet eight inches West of the Southwesterly corner of Commercial and Montgomery Streets, and running twenty five feet Westerly on Commercial Street thence forty two feet in a Southerly direction thence twenty five feet in an easterly direction thence fifty nine feet nine inches in a northerly direction to the place of beginning.

A certain lot commencing forty feet nine inches west of the North west corner of Montgomery and Sacramento Streets, and running twenty eight feet westerly on Sacramento Street, thence Northerly forty eight feet to an Alley, thence twenty eight feet in an easterly direction on a line with the Alley, thence forty eight feet to place of beginning.

A certain lot commencing eighty feet from the south east corner of Montgomery and Clay Streets, and running thirty nine feet seven and a half inches, easterly on Clay Street, thence fifty nine feet nine inches in a Southerly direction thence thirty nine feet seven and a half inches in a westerly direction thence fifty nine feet nine inches in a northerly direction to place of beginning.

A certain lot commencing at the south east corner of Leidersdorff and Clay Streets, and running one hundred and twenty feet easterly, on Clay street, thence

fifty nine feet nine inches in south-
erly direction, thence one hundred
and twenty feet westerly to Leidersdo
rff Street, thence fifty nine feet nine
inches on Leidersdorff street to Clay
street to the place of beginning, to-
gether with the improvements thereon.

A certain lot
commencing on the north east corner
of Montgomery and Commercial Str-
eet running eighty nine feet six
inches northerly on Montgomery Street
thence fifty feet easterly thence eighty
nine feet six inches on a Southerly
line to Commercial Street thence
westerly fifty feet to Montgomery Street

A certain lot
commencing fifty feet from the
northeast corner of Montgomery and
Commercial Streets, and running
seventy three feet east on Commercial
Street, thence fifty nine feet nine
inches in a northerly direction,
thence seventy three feet in a westerly
direction, thence southerly fifty nine
feet nine inches to place of beginning

A certain lot
commencing on the South westerly
corner of Leidersdorff and Commercial
Streets, and running westerly sixty
nine feet seven and a half inches
on Commercial St, thence southerly
fifty nine feet nine inches, thence
easterly sixty nine feet seven and
a half inches, thence fifty nine feet
nine inches in an easterly direction
on Leidersdorff St to the place of beginning.

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A certain
on Central Wharf commencing thirty
feet east of Leidersdorff Street running
one hundred and seventy one feet
six inches to Sansome Street, thence
fifty nine feet nine inches on San
some street thence westerly one hundred
and seventy one feet six inches thence
northerly fifty nine feet nine inches
to the place of beginning.

A certain lot
commencing on the N. E. corner of
Sacramento and Leidersdorff St, run
ning east on Sacramento St two
hundred and one feet six inches to
Sansome St, thence northerly on
Sansome St fifty nine feet nine inches
thence westerly two hundred and
one feet six inches to Leidersdorff St
thence southerly on Leidersdorff St fifty
nine feet nine inches to place of
beginning.

A certain lot
commencing on the South east corner
of Central Wharf and Sansome Streets
running easterly on the wharf sixty
feet, thence southerly fifty feet, thence
westerly to Sansome Street fifty nine
feet nine inches, thence northerly fifty
feet on Sansome St to place of begin
ning.

A certain lot
commencing sixty feet from Central
Wharf to Sansome St, running one hun
dred and seventy one feet on the
Wharf, thence Southerly, seventy three
feet eight inches, thence westerly

one hundred and seventy one feet, thence northerly seventy three feet eight inches to the place of beginning.

A certain lot commencing one hundred and twenty feet from the south east corner of Clay and Leidersdorff Sts running easterly forty two feet ten inches in Clay St, thence fifty nine feet nine inches in a southerly direction, thence in a westerly direction forty two feet ten inches, thence in a northerly direction fifty nine feet nine inches to the place of beginning.

A certain lot commencing on the East corner of Leidersdorff St and Central Wharf running Easterly on said Wharf forty five feet thence in a northerly direction fifty nine feet nine inches thence in a ~~southerly~~ westerly direction, forty five feet, thence southerly fifty nine feet nine inches to the place of beginning.

A certain lot commencing sixty five feet from the north east corner of Leidersdorff St and Central Wharf, running Easterly ninety seven feet ten inches, thence northerly fifty nine feet nine inches thence westerly ninety seven feet ten inches, thence Southerly fifty nine feet nine inches to the place of beginning.

A certain lot commencing on the South east corner of Sansome and Clay Streets,

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running south one hundred and nine teen feet six inches to Central wharf thence easterly on the wharf two hun dred and seventy five feet to Battery St thence on Battery St one hundred and nineteen feet six inches to Clay St thence westerly on Clay St two hundred and seventy five feet to place of beginning.

A certain lot commencing sixty nine feet from the Northeast corner of Jackson and Dupont Streets, running northerly sixty eight feet thence easterly fifty five feet to Bartlett Street, thence sixty eight feet southerly on Bartlett St, thence fifty five feet westerly to place of beginning.

A certain lot commencing fifty seven feet northerly from the north east corner of Jackson and Bartlett Sts, thence sixty feet easterly, thence eighty feet southerly, thence sixty feet parallel with Jackson Street to place of beginning.

And to the one fourth undivided interest to and into a certain tract or parcel of land, consisting of two leagues, lying and being in the said State and County, known as the San Mattes Rancho, granted in May 1846, by Pio Pico, Governor of Upper California to Cayetano Arrinas, and conveyed by him to Henry Mellus, and the said Howard, and by the said Mellus

and wife to the parties hereto, by deed bearing date on the 20th day of June 1850 and Recorded in San Francisco County on the 28th of June 1850, of the remaining interest of the said Mellus

Shed to the one fourth undivided interest to all and singular the real estate, wheresoever situated in said State held in common by the parties to this indenture or belonging to the firm of Howard and Green, whether the title to the same is in the name of the said William D. M. Howard, or in the name of the party of the first part, and especially to the one fourth undivided interest to all the real estate, not heretofore sold by me as conveyed by the said Mellus to the parties hereto by the said deed of the 20th of June 1850.

To have and to hold unto him the said William D. M. Howard, and to his heirs, executors and assigns, the above described real estate, pieces and parcels of land, together with all and singular the improvements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, the reversions, remainders, rents, issues and profits, and all the estate right, title interest claim or demand whatsoever of him the said party of the first part, either in law or equity, of in and to the above bargained pieces and tracts of land, and every part and parcel thereof to him the

said Howard his heirs, executors and assigns, and to their sole and only proper use and benefit forever.

And in consideration of the premises, the said party of the first part, doth hereby bargain, sell and deliver unto the party of the second part all and singular the interest of the party of the first part to and unto all the personal property belonging to the said firm of Howard and Green of whatever kind and description, and wheresoever situated and more especially the interest of the party of the first part in and unto certain shares of the stock of the Central Wharf Company, being the shares on the books of the Company in San Francisco known as the Central wharf Company whereof Joseph L. Hulsem is President. and which appear on the books of the Company in the name of the firm of Howard and Green, and all right title and interest in a certain Schooner called the Julia, as well as unto all rights and credits due the said firm.

In witness whereof I have hereunto set my hand and seal on this twelfth day of April in the year aforesaid.

Talbot H. Green (Seal)

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Signed, sealed and delivered in the presence of us as witnesses, the erasure in the fifth line of the second paragraph on the fourth page between the words " " and "to", and in the seventh line of the same paragraph between the words "feet" and "to" having been made before signing, and the words "and to the said Howard, on page eight having been interlined.

Yale
H. H. Perchemacher

State of California
County of San Francisco } On this 15th day of April A. D. 1851 personally appeared before me a Notary Public in and for the said County, Talbot H. Green known to me to be the person described in, and who executed the foregoing instrument who acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned. Witness my hand and seal of office on the day and year last above written.

Eugene Murpan
Notary Public County of San Francisco

Seal

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City and County of
San Francisco
State of California } In consideration of the execution of the foregoing Deed of bargain and sale by my husband Talbot H. Green, and the sum of one dollar to me in hand paid, I hereby bargain and sell all my right title and interest, and all dower, and right of dower, to and unto the above described property to the said William D. M. Howard, his heirs and assigns.

Witness my hand and seal on this fourteenth day of April 1851.

Sarah Green {Seal}

Saml I. Hensley
H. F. Teschemacher

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State of California
County of San Francisco } ss.

On the fourteenth day of April in the year of Our Lord, one thousand eight hundred and fifty one, personally came before me a Notary Public in and for said County Sarah Green, and who acknowledged the within conveyance to be her act and deed, and the said Sarah Green being examined by me apart from her husband, acknowledged that she executed the same fully and freely and without any fear of compulsion from her husband, and I certify that I well know the said Sarah Green, and that she is the same person who is described in the within conveyance, and who executed the same.

In witness whereof, I have hereunto set my hand and seal of Office the day and date above mentioned.

William Stanwood
Notary Public
County of
San Francisco

Seal

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Recorded in County Recorders Office of San Francisco April 15th 1851, in Liber No 3 of Deeds, pages 452 to 456, inclusive at 10 O. C. and 50 m A. M.

John A. Mc Glynn
County Recorder
By Jas O. Grady
Dp'y

A true Copy of an original Re-recorded at request of Chas R. Bond, June 7th 1854, at 2½ P. M.

James Grant
County Recorder

County of San Francisco }
County Recorders Office }

I hereby certify that the foregoing is a full true and correct copy of Record deposited, and remaining in this office, as will appear by reference to Liber 41, of Deeds page 257, &c

Seal

Witness my hand and Official Seal this 24th day of August A. D. 1854

James Grant
County Recorder

Filed in Office March 27, 1855
Geo. Fisher
Secy.

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Deed
Anita F. Mellus
To
William D. M. Howard
and
Talbot H. Green

Whereas, Henry Mellus and Anita F. Mellus his wife, the said Anita F. Mellus by Francis Mellus her Attorney by deed bearing date the twentieth day of June, one thousand eight hundred and fifty, granted, bargained and sold unto William D. M. Howard and Talbot H. Green, all their right title and interest, dower, and right of dower, estate, claim and demand both at Law and in Equity, as well in possession as in expectancy, of in and to all that certain lot, piece or parcel of land, one hundred varas square situate lying and being in the City of San Francisco, and being the same premises heretofore conveyed to the said Henry Mellus and William D. M. Howard by James Alexander Forbes, acting for the Hudsons Bay Company, by deed dated the eighteenth day of July, one thousand eight hundred and forty six, and confirmed by Dugald Mc Tavish agent of the said Company by deed dated the twelfth day of February one thousand eight hundred and forty seven, and acknowledged before Washington A. Bartlett, then Chief Magistrate of the Town of San Francisco, on the thirteenth day of February one thousand eight hundred and forty seven.

Also all that other lot piece or parcel of land, situate, lying and being in the City of San Francisco, and being the

same premises conveyed to the said Henry Mellus and William D. M. Howard, by Diego Alexander Forbes and Ana Maria Galindo by deed dated the twentieth day of May one thousand eight hundred and forty six, and Recorded in book of Land Records of San Francisco, on page eighty eight, the twenty second day of February one thousand eight hundred and forty seven.

Also all that certain other lot, piece, or parcel of land, one hundred varas square situate lying and being in the City of San Francisco, and known and described on the official Map or plan of the said town as the one hundred vara lot number thirty one, being the same premises heretofore conveyed to the said Henry Mellus by the said Talbot H. Green, by deed bearing date the twenty fourth day of March one thousand eight hundred and forty eight.

Also all those certain other lots, pieces or parcels of land situated, lying and being in the City of Sacramento in said California, which on the Map or chart of said Sacramento City, are numbered and described as follows; that is to say;

Lots numbered Five, Seven and Eight in the square between J. and J. and Eighth and Ninth Streets.

Lots numbered Five and Eight

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in the square between I. and J. and Ninth and tenth Streets.

Lots numbered Five and Six in the square between I. and J. and Tenth and Eleventh Streets.

Lots numbered Five, Six, and Seven in the square between I. and J. and Thirteenth and Fourteenth Streets.

Lots numbered Five and Eight in the square between J. and K. and Eighth and Ninth Streets.

Lot numbered Eight in the square between J. and K. and Ninth and Tenth Streets.

Lot numbered Seven in the square between J. and K. and Eleventh and Twelfth Streets.

Lots numbered Six, Seven and Eight in the square between J. and K. and Twelfth and Thirteenth Streets.

Lot numbered Five in the square between J. and K. and Thirteenth and Fourteenth Streets.

Lots numbered Five and Seven in the square between L. and M. and Fifth and Sixth Streets.

Lots numbered Five and Eight in the square between L. and M. and Seventh and Eighth Streets.

Lots numbered Five and Eight in the square between L. and M. and Eighth and Ninth Streets.

Lots numbered

Five and Eight in the square between I. and M. and Ninth and Tenth Streets.

Lot numbered Eight in the square between I. and M. and Tenth and Eleventh Streets.

Lots numbered Six, Seven and Eight in the square between I. and M. and Eleventh and Twelfth Streets.

Lots numbered Five, Six, and Eight in the square between I. and M. and Thirteenth and Fourteenth Streets.

Lots numbered Five, Six and Eight, in the square between M. and N. and Fifth and Sixth Streets.

Lots numbered Five and Six in the square between M. and N. and Seventh & Eighth Streets.

Lots numbered Six and Eight in the square between N. and O. and Sixth & Seventh Streets.

Lot numbered Eight in the square between N. and O. and Seventh and Eighth Streets.

Lots numbered Five, Six and Eight in the square between N. and O. and Eighth and Ninth Streets.

Lots numbered Five, Six, Seven and Eight in the square between Q. and R. and Fifth and Sixth Streets.

Lots numbered Five and Seven in the square between Q. and R. and Sixth & Seventh Streets.

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Lot numbered
Seven in the square between Q. and R.
and Seventh and Eighth Streets.

Lot numbered
Eight in the square between R. and S.
and Third and Fourth Streets.

Lots numbered
Six, Seven and Eight in the square
between R. and S. and Fourth and
Fifth Streets.

Lots numbered
Five, Six and Eight in the square
between R. and S. and Sixth and
Seventh Streets.

Lot numbered
Eight in the square between R. and S.
and Seventh and Eighth Streets.

Lot numbered
Seven in the square between R. and S.
and Eighth and Ninth Streets.

Lots numbered
Five and Seven in the square between
S. and T. and Second & Third Streets.

Lots numbered
Five and Six in the square between
S. and T. and Fourth and Fifth Streets.

Lots numbered
Five and Six in the Square between
S. and T. and Fifth and Sixth Streets.

Lot numbered
Six in the square between S. and T.
and Sixth and Seventh Streets.

Lots numbered
Seven and Eight in the Square between
S. and T. and Seventh and Eighth Streets.

Lots numbered
Six, Seven and Eight in the square

between T. and U. and Second and Third Streets.

Lot numbered Eight in the Square between T. and U. and Third and Fourth Streets.

Lots numbered Five and Eight in the square between T. and U. and Sixth and Seventh Streets.

Lots numbered Five, Six, and Eight in the square between T. and U. and Eighth and Ninth Streets.

Lot numbered Three in the square between U. and V. and Front and Second Streets.

Lots numbered Five and Eight in the square between U. and V. and Second & Third Streets.

Lots numbered Five and Six in the square between U. and V. and Third & Fourth Streets.

Lot numbered Six in the square between U. and V. and Fourth and Fifth Streets.

Lots numbered Six, Seven, and Eight, in the square between U. and V. and Fifth and Sixth Streets.

Lot numbered Seven in the square between U. and V. and Sixth and Seventh Streets.

Lots numbered Five and Six in the square between U. and V. and Seventh & Eighth Streets.

Lots numbered Five, Six, Seven, and Eight in the square between V. and W. & Third

and Fourth Streets.

Lot numbered Five in the square between V. and W. and Fourth and Fifth Streets.

Lots numbered Five, Seven and Eight in the square between V. and W. and Sixth and Seventh Streets.

Lot numbered Seven in the Square between V. & W. and Seventh and Eighth Streets.

Lots numbered Five, Six and Eight in the square between V. and W. and Eighth and Ninth Streets.

Lots numbered Three, Four, Five and Six in the square between W. and X. and Front and Second Streets.

Lots numbered Six and Seven in the square between W. and X. and Second & Third Streets.

Lots numbered Seven and Eight in the square between W. and X. and Fourth and Fifth Streets.

Lots numbered Five and Eight in the square between W. and X. and Fifth and Sixth Streets.

Lots numbered Seven and Eight in the square between W. and X. and Sixth & Seventh Streets.

Lots numbered Five, Six and Eight in the square between W. and X. and Seventh and Eighth Streets.

Lots numbered

Four and six in the square between X. and Y. and Front & Second Streets.

Lots numbered Five and Six in the square between X. and Y. and Second and Third Streets.

Lot numbered Eight in the square between X. and Y. and Third and Fourth Streets.

Lot numbered Eight in the square between X. and Y. and Sixth and Seventh Streets.

And Lot numbered Eight in the square between X. and Y. and Eighth and Ninth Streets.

Also all that certain other lot, piece or parcel of land, one hundred varas square, situate, lying and being in the City of San Francisco and known and described on the official map or plan of the said City, as the one hundred vara lot number thirty, being the same premises heretofore conveyed to the said Henry Mellus and William D. M. Howard, by Thomas O. Larkin and Rachael his wife by deed bearing date the twenty second day of August, one thousand eight hundred and forty eight.

Also all that certain other lot piece or parcel of land, one hundred varas square, situate lying and being in the said City of San Francisco, and known & described on the Official Map or plan of the said Town as the one hundred vara lot, number forty nine.

Also all that certain other lot, piece or parcel of land

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one hundred varas square known as number Four, situate lying and being in the City of San Francisco, and being the same premises conveyed to the said Henry Mellus by George Hyde, Alcalde of the Town of San Francisco, by grant bearing date the fifteenth day of January, one thousand eight hundred and forty seven.

Also all that certain other lot, piece or parcel of land situate, lying and being in the town of Benicia California and known and described on the Official Map or plan of the said town, as lot number fourteen in Block number thirty five, being the same premises heretofore conveyed to the said Henry Mellus, by Thomas O. Larkin by deed bearing date the first day of January, one thousand eight hundred and forty eight, and recorded in Book of Records of even numbers of lots in Benicia, on page ninety one.

Also all that certain other lot, piece or parcel of land situate, lying and being in the said Town of Benicia, and described on the Official Map or plan of the said Town as lot number ten in Block number Thirty Five, being the same premises conveyed to the said Henry Mellus by Thomas O. Larkin by deed bearing date the First day of January one thousand eight hundred and forty eight and recorded in Book of Records of even numbers of Town lots in Benicia on page Ninety.

Also all that

certain other lot piece or parcel of land situate, lying and being in the said town of Benicia, and known and described on the official Map or plan of the said town, as lot number Twelve in Block number Thirty, being the same premises conveyed to the said Henry Mellus by Thomas O. Larkin by Deed bearing date, the ninth day of September one thousand eight hundred and forty seven, and Recorded in Book of Records of even numbers of lots in Benicia on page fifteen.

Also all that certain other lot, piece or parcel of land situate, lying, and being in the said Town of Benicia, and known and described on the official Map or plan of the said town, as lot number Sixteen in Block number Thirty, being the same premises heretofore conveyed to the said Henry Mellus by Thomas O. Larkin, by deed bearing date, the ninth day of September one thousand eight hundred and forty seven, and Recorded in Book of Records of even numbers of Town lots in Benicia on page Sixteen.

Also all that certain other lot, piece or parcel of land situate, lying and being in the Town of Martinez California, and known and described on the map or plan of the said Town as lots number one to eight inclusive in Block number one hundred and ten being one entire block, two hundred feet square, and being the same premises heretofore conveyed to the said Henry

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Mellus by the original Proprietors of the said town of Martinez, by deed bearing date the nineteenth day of June, one thousand eight hundred and forty nine.

Also all those certain other lots, pieces or parcels of land situate lying and being in the City of San Francisco, and known and described on the official Map or Plan of the said town as the Beach and Water lots, numbers, one hundred and sixty six; — one hundred and sixty seven; one hundred and sixty eight — one hundred and sixty nine — one hundred and seventy — one hundred and seventy three — one hundred and seventy four — one hundred and seventy five — one hundred and seventy six — one hundred and seventy seven — being the same premises heretofore conveyed to the said Henry Mellus and William D. M. Howard by E. P. Jones, by Deed bearing date the twenty eighth day of January one thousand eight hundred and forty eight.

Also all those certain other lots pieces or parcels of land situate, lying and being in the City of San Francisco, and known and described on the official Map or plan of the said City, as the Beach and Water lots numbers one hundred and eighty one, and one hundred and eighty two, being the same premises heretofore conveyed to the said Henry Mellus and William D. M. Howard, by Elbert P. Jones, and Sarah his wife by deed bearing date

the Eighth day of December, one thousand eight hundred and forty seven.

Also all those certain other lots, pieces or parcels of land situate, lying and being in the City of San Francisco, and known and described on the official Map or plan of the said town as the Beach and Water lots number one hundred and seventy eight conveyed to the said Henry Mellus and William D. M. Howard by George Hyde first Alcalde of San Francisco, by deed bearing date the twenty first day of September, one thousand eight hundred and forty seven; number one hundred and seventy nine conveyed to the said Henry Mellus and William D. M. Howard, by George Hyde First Alcalde of San Francisco, by deed bearing date the twenty first day of October, one thousand eight hundred and forty seven; number one hundred and eighty conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco, by Deed bearing date the Twenty first day of October, one thousand eight hundred and forty seven; number one hundred and eighty three, conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco, by deed bearing date the twenty first day of October, one thousand eight hundred and forty seven; number one hundred and eighty four, conveyed to the said

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Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco by deed bearing date the twenty first day of October, one thousand eight hundred and forty seven; number one hundred and eighty five conveyed to the said Henry Mellus and William D. M. Howard by George Hyde, First Alcalde of San Francisco, by deed bearing date the twenty first day of October, one thousand eight hundred and forty seven; number one hundred and eighty six conveyed to the said Henry Mellus and William D. M. Howard, by George Hyde First Alcalde of San Francisco, by deed bearing date the twenty first day of October, one thousand eight hundred and forty seven; number one hundred and eighty seven, conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco by deed bearing date the twenty first day of October one thousand eight hundred and forty seven; number one hundred and eighty eight conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco, by deed bearing date the twenty first day of October one thousand eight hundred and forty seven; number one hundred and eighty nine conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco by deed bearing date the twenty first

day of October, one thousand eight hundred and forty seven; number three hundred and forty, conveyed to the said Henry Mellus and William D. M. Howard, by George Hyde First Alcalde of San Francisco by deed bearing date the twenty first day of October one thousand eight hundred and forty seven; number three hundred and forty one conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco by deed bearing date the twenty third day of September, one thousand eight hundred and forty seven; number three hundred and forty two, conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco by deed bearing date the twenty first day of October, one thousand eight hundred and forty seven; number three hundred and forty three conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco, by deed bearing date the twenty third day of September, one thousand eight hundred and forty seven; number three hundred and forty four, conveyed to the said Henry Mellus and William D. M. Howard, by George Hyde First Alcalde of San Francisco, by deed bearing date the twenty third day of September, one thousand eight hundred and forty seven; number three hundred

and forty five, conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco by deed bearing date the twenty third day of September, one thousand eight hundred and forty seven; number three hundred and forty six, conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco by deed bearing date the twenty third day of September, one thousand eight hundred and forty seven; number three hundred and forty seven conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco, by deed bearing date the twenty third day of September, one thousand eight hundred and forty seven; number three hundred and forty eight conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco, by deed bearing date the twenty third day of September, one thousand eight hundred and forty seven; number three hundred and fifty three conveyed to the said Henry Mellus and William D. M. Howard by George Hyde, First Alcalde of San Francisco by deed bearing date the twenty third day of September, one thousand eight hundred and forty seven; number three hundred and fifty four conveyed to the said Henry Mellus and William D. M. Howard, by George Hyde First

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Alcalde of San Francisco by deed bearing date the twenty third day of September one thousand eight hundred and forty seven; number three hundred and fifty five, conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco by deed bearing date the twenty first day of October one thousand eight hundred and forty seven; number three hundred and fifty six, conveyed to the said Henry Mellus and William D. M. Howard by George Hyde, First Alcalde of San Francisco, by deed bearing date the twenty third day of September, one thousand eight hundred and forty seven. Number three hundred and fifty seven conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco, by deed bearing date the twenty third day of September, one thousand eight hundred and forty seven; number three hundred and fifty eight, conveyed to the said Henry Mellus and William D. M. Howard by George Hyde, First Alcalde of San Francisco by Deed bearing date the twenty third day of September one thousand eight hundred and forty seven; number three hundred and fifty nine, conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco, by deed bearing date the twenty third day of September one thousand eight hundred and forty seven; number three hundred

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and sixty conveyed to the said Henry Mellus and William D. M. Howard, by George Hyde First Alcalde of San Francisco by deed bearing date the twenty third day of September one thousand eight hundred and forty seven; number three hundred and sixty five conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco, by deed bearing date the twenty third day of September one thousand eight hundred and forty seven, and number three hundred and sixty six conveyed to the said Henry Mellus and William D. M. Howard by George Hyde First Alcalde of San Francisco by deed bearing date the twenty third day of September, one thousand eight hundred and forty seven.

Also all that tract, piece, or parcel of land in Upper California, called the Rancho San Matteo adjoining Sanchez Rancho, the title papers of which are now in the hands of the Attorney General of this State.

Also all those certain lots, pieces or parcels of land situate, lying and being in the Pueblo de San José now owned by me in common with the said William D. M. Howard;

Also all my right title and interest in and to the Barque or vessel called the Undine, now owned by me in common with the said William D. M. Howard and Theodore Shillaber.

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Also in and to the Barque or Vessel called the Burnham.

Also in and to the Launch called the Julia.

Also in and to the Launch called the Don Juan.

Also all my interest in the Stock of the Central Wharf Company now owned by the firm of Mellus and Howard Company

Together with the rights, members, privileges, and appurtenances in anywise belonging or appertaining to all and singular the premises hereinbefore mentioned and described, and every part and parcel thereof.

To have and to hold unto the said William D. M. Howard and Talbot H. Green their heirs and assigns to their sole benefit and behoof forever.

Now know all men by these presents that I the said Anita K. Mellus in consideration of one dollar to me paid, the receipt whereof I do hereby acknowledge, as well as in confirmation of the acts of my said Attorney Francis Mellus in the premises, have remised, released, and forever quit claimed, and by these presents do remise, release, and forever quit claim unto the said William D. M. Howard and Talbot H. Green, their heirs and assigns forever, all my right, title and interest dower and right of dower, estate claim and demand

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both at law and in equity, as well in ~~possession~~ as in expectant, of in and to the premises hereinbefore mentioned and described, and every part and parcel thereof, so that neither the said Anita F. Mellus, my heirs, executors or administrators, or any other person or persons for me or them, or any of them shall have claim challenge or demand or pretend to have claim, challenge or demand, any right title or interest dower or right of dower, estate claim or demand, either at law or in equity of in and to the said premises, or any part thereof, but thereof and therefrom shall be utterly debarred and forever excluded by these presents.

In witness whereof I have hereunto set my hand and seal this twenty fourth day of August one thousand eight hundred and fifty.

Anita Felicita Mellus (Seal)

Sealed and delivered in presence of — The word "First" on page 7; the word "Third" on page 8; and the 13th line on page 10; having been previously interlined.

E. H. Payson
Joseph G. Waters

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Commonwealth of
Massachusetts
County of Essex } ss

Be it remembered that on this twenty fourth day of August A. D. eighteen hundred and fifty, before me Joseph G. Waters Esq. Judge of the Police Court of the City of Salem, came the above named A. H. Mellus, well known to me as the wife of Henry Mellus hereinbefore named, and being of the age of eighteen years and upwards and by me duly examined separate and apart from her husband, and the contents of the said deed being fully made known to her, declared that she did voluntarily seal, execute and deliver the same without any coercion or compulsion of her said husband.

Joseph G. Waters
Judge of the Police
Court of the City
of Salem.

Commonwealth of
Massachusetts, Essex } ss.

I. I. Linton Waters
Clerk of the Police Court for the city of Salem do certify, that Hon. Joseph G. Waters is Judge of the Police Court within and for the District of Salem

and that his signature hereon is genuine

Witness my hand and the seal of said Court at Salem, this twenty fourth day of August A. D. 1850.

J. Linton Waters
Clerk

Seal

The preceding is a true Copy of the original recorded at request of W. D. M. Howard et al, August 30th A. D. 1854 at 11½ O. Clock A. M.

James Grant
County Recorder

State of California
County of San Francisco } ss.
County Recorders Office

I hereby certify that the forgoing is a full true and correct copy of Record deposited and remaining in this office, as will appear by reference to Liber No 5 of Deeds, pages 32, 33, 34, 35, 36, & 37.

Witness my hand and Official Seal this First day of September A. D. 1854.

Seal

James Grant
County Recorder

Filed in Office March 20, 1855
Geo. Fisher
Secy

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Opinion of Board by Com^r Farwell

William D. M. Howard vs The United States } For the place called San Mateo, in the County of San Francisco & containing two square Leagues.

The petitioner in this case claims under one Cayetano Arenas, and alleges in his petition that a grant was issued by Governor Pio Pico on the 8th day of May 1846, and that said grant was destroyed by fire in the city of San Francisco on the 4th day of March 1850.

The testimony shows beyond a doubt that such a grant existed as alleged in the petition and that the same was destroyed as therein alleged which we think is sufficient to lay the foundation for receiving oral testimony of its existence.

The grant is proven to have been genuine, and in the usual form of grants issued about that time, and to have been for the place claimed in the petition and to embrace two square leagues of Land. The place is so defined by the testimony as to leave no difficulty in locating the claim and fixing its boundaries. The petitioner has also established title in himself from the original grantee by a regular chain of mesne conveyance.

We think from the evidence that this is a valid claim and a decree will be entered accordingly

Confirmed

Filed in Office Sept 18 – 1855
Geo Fisher Sec'y

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Decree

William D. M. Howard
vs
The United States

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioner is valid, and it is therefore decreed that his application for a confirmation thereof be allowed.

The Land of which confirmation is hereby given is situate in the County of San Francisco, and is known by the name of "San Mateo", containing two square leagues, and to be hereafter located according to Law, within the following named limits, to wit; On the North by the lands of Sanchez, on the South by the Ranch known as Las Pulgas, on the East by the Bay of San Francisco and on the West by the Mountains,

Alphens Pelch
R. Aug. Thompson
S. B. Maxwell
Commissioners

Filed in Office Sept 18. 1855
Geo Fisher Sec'y

And it appearing to the satisfaction of the Board that the land hereby adjudicated is situated in the Northern District of California. It is hereby ordered that two transcripts of the proceedings and decision in this case and of the papers and evidence upon which the same are founded be made out and duly certified by the Secretary, one of which shall be filed with

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the Clerk of the United States District Court for the Northern Judicial District of California, and the other be transmitted to the Attorney General of the United States.

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims in the State of California.

I, George Fisher, Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the following One hundred & Sixty pages, numbered from 1 to 160, 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. 559 on the Docket of the said Board, wherein

Wm. G. M. Howard is

the Claimant against the United States, for the place known by the name of "San Mateo."

In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this Eleventh day of February A. D. 1856, and of the Independence of the United States of America the ~~seventy-~~ eighteenth

Geo: Fisher.

Sec'y

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U. S. DISTRICT COURT,

Northern District of California.

No. 409 — 409 (U)

THE UNITED STATES,

vs.

Wm. G. M. Howard.

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 59

Filed, February 15, 1856

J. A. Monroe,

Clerk

Office of the Attorney General of the United States,

Washington, 11 February, 1856.

559.) "San Mateo."

Wm D. M. Howard, 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 17th 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.

Cushing

Attorney General.

No 409.

United States

— ads —

W. D. M. Howard

Appeal Notice

No. 559

Filed April 4. 1856.

Clerk,

Deputy.

United States of America

District Court for the Northern District in the State of California

United States Appltn
vs
Wm D. M. Howard Apleeu

District Court Docket No 409

Commissioners Docket No 559

And now the Attorney for the United States Appltn comes and suggests to the Honble Court that since the filing of the transcript in the above cause in this Court by the secretary of the Board of Land Commissioners the said Wm D. M. Howard Claimant has deceased - And it being stipu=lated by the said Attorney for the United States and James Wilson the Attorney for the said claim that the said cause shall be revived and prosecuted to final decree in the names of Agnes Howard Widow of the said Wm D. M. Howard deceased and Wm Henry Howard heir at Law and only child of the said claimant deceased

Wherefore application is made to Honble the Judge of said District Court for an order reviving the said cause in the names of the

said Agnes Howard Widow of the said Wm D. M. Howard original Claimant deceased and Wm Henry Howard heir at Law and only child of the said original claimant and that the said Cause may be prosecuted in the names of the said Agnes Howard and Wm Henry Howard to final Decree according to said Stipulation.

San Francisco Jany 7th 1857 –

Wm Blanding
Dist Atty

James Wilson
Atty for Claimant

United States of America
District Court for the northern
District of the State of California

It being suggested to the Court by the Attorney of the United States that Wm D. M. Howard, the Claimant in Cause No 409 – on the Docket of Land Cases in this Court being Cause No 559 on the Docket of the Board of Land Commissioners, has deceased since the filing here of the Transcript by the Secretary of said Commissioners – And it having been stipulated by the said Attorney of the United States and James Wilson Attorney for said claim that the said Cause shall be revived and prosecuted to final Decree

in the names of Agnes Howard Widow and William Henry Howard heir at Law & only child of the said Wm D. M. Howard original Claimant Deceased as set forth in the foregoing Stipulation of Council

Now therefore It is hereby Ordered & Decreed ~~That the said Cause~~ be revived and ~~That the same~~ may be prosecuted to final Decree in the names of the said Agnes & Wm Henry Howard Widow & heir of the said original claimant accor=
=dingly —

San Francisco Jany
1857

Ogden Hoffman
U. S. Dist Judge

No. 409.

U. S. Dist. Court.

The United States.
—vs—
Agnes & Wm. H. Howard.
Heirs of W. D. M. Howard.

Stip & order reviving suit in the name of Heirs. &c.

Filed Jany 8. 1857.
W. H. Chaves,
Deputy.

UNITED STATES DISTRICT COURT,
Northern District of California.

San Francisco, Feby 12 1857.

ON this day, before Cutler McAllister a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came George Howard a witness produced on behalf of the Claimant in Case No. 409, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 559 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows — ~~his evidence being interpreted by a sworn interpreter~~

PRESENT: Gen. James Wilson Atty for the Claimant and the U.S. Dist Atty

QUESTIONS BY

1st Q. What is your name age and place of residence

Ans 2 My name is Geo. W. Howard, age 30 years, I am a resident of San Francisco –

Ques 2. Were you acquainted with Wm D. M. Howard the Claimant of the San Mateo Rancho in the above cause in his life time. if yes, is the said Wm D. M. Howard still living, and if not, how living state the name of his widow and his surviving Child or Children –

Ans 2 I was acquainted with W. D. M. Howard and the Claimant of the aforesaid

tioned Rancho during his life time he was my Brother, he is not now living. he died on the 19 day of January 1856 in San Francisco — He left a Widow Agnes Howard and but one child Wm Henry Howard they are now both residing in San Francisco, they have been residing in San Francisco on on the said Rancho since the decease of the said Wm. D. M. Howard —

Ques 3 Please to state the amount of the improvements made by the said Wm D. M. Howard on the said Rancho since the said Rancho came into his possession —

Ans 3 The amount expended on that Rancho has not been less than $80,000, these improvements have consisted of, buildings, fences, planting of trees and ornamental grounds &c —

Sworn to & subscribed before me this 12 Feby 1857.

Geo. W. Howard.

— Cutter McAllister
US Commissioner

Evidence of Wm. D. Howard — —

$1.00 fee

District Court of the United States - Northern District of California

No 409.

No 409.

The United States

vs

W. D. M. Howard

Deposition of George Howard a witness produced on behalf of Claimants

Filed March 17. 1857.

W. H. Chevers,

Deputy

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United States of America

District Court for the Northern District in the State of California

United States Aplt. vs. Wm. D. M. Howard Aplee.

Dist. Docket No. 409

Cont. Docket No. 559 —

And now the Attorney of the United States comes and suggests to the Hon.ble Court that since the filing of the transcript in the above cause in this court by the Secretary of the Board of Land Commissioners the said Wm. D. M. Howard Claimant has deceased and it being stipulated by the said Attorney for the United States and James Wilson Attorney for the said Claim that the said Cause shall be revived and prosecuted in the names of Agnes Howard Executrix - Henry F. Teschemacher & George H. Howard Executors of the last will & Testament of the said Wm. D. M. Howard Deceased for the benefit of the heirs and devisees of the said Wm. D. M. Howard deceased.

Wherefore Application is made to the Hon'ble the judge of said District Court for an Order reviving the said Cause in the names of the said Agnes Howard Executrix and Henry H. Teschmacher and George H. Howard Executors of the Last Will & Testament of the said Wm D. M. Howard the original claimant de= =ceased, and that the said Cause may be prosecuted in the names of the said Executrix & Executors to final Decree according to said Stipulation

San Francisco
~~March 23rd 1857~~

Wm Blanding
Dist Atty

James Wilson
Atty for Claim —

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

It being suggested to the Court by the Attorney of the United States that Wm. D. M. Howard the Claimant in Cause No 409 on the Docket of Land Cases in this Court being Cause No 559 on the Docket of the Board of Land Commissioners, has deceased since the filing of the Transcript here by the Secretary of the Board of Land Commissioners — And it being stipulated by the said Attorney and James Wilson Attorney for said Claim that the said Cause shall be revived and prosecuted to final Decree in the names of Agnes Howard Executrix - Henry F. Teschmacher and George H. Howard Executors of the said Wm D M Howard Deceased as set forth in the foregoing stipulation —

Now therefore it is hereby Ordered & Decreed That the said Cause be revived and that the same may be prosecuted to final Decree in the names of the said Executrix & Executors - for the benefit of the Heirs and devisees of the said Wm D. M. Howard deceased

Ogden Hoffman
U. S. Dist Judge

No. 409.

U. S. Dist. Court.

The United States.
vs
Wm. D. M. Howard.

Stipt & order descending order of 8th Jany. 1857, & reviving suit in name of Executors &c.

Filed March 23. 1857.
W. H. Chevers,
Deputy.

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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 Monday the 6th day of April in the year of our Lord one thousand eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States
v.
Executrix and Executors of
William D. M. Howard, dec'd.

D.C. 409; L.C. 559.

The Attorney General of the United States having given notice that appeal will not be prosecuted in this case, and a stipulation to that effect having been entered into by the U. S. Attorney:

On motion of the District Attorney it is hereby Ordered adjudged and decreed that the appeal taken from the decision of the U. S. Land Commission in this case be dismissed, and that Agnes Howard Executrix, Henry J. Teschemaker and George W. Howard Executors of Wm D. M. Howard deceased have leave to proceed under the decree of the said Commission heretofore rendered in favor of said W D M Howard, as under Final Decree

Ogden Hoffman
U. S. Dist Judge

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United States District Court, Northern District of California.

The United States

vs.

Executrix & Executors of Wm D. M. Howard

ORDER.

Dismissing Appeal

Filed April 6, 1857

John A. Monroe,

Clerk.

By W. H. Chevers

Deputy.

California Land Claims.
Attorney General's Office
7 Febry 1857.

Sir:

In the case of the claim of Wm. D. M. Howard, confirmed to the claimant by the Commissioners, Case no. five hundred and fifty-nine, (559), appeal will not be prosecuted by the United States.

I am,
Respectfully,
Cushing

Wm. T. Pending Esq
U. S. Attorney
San Francisco.

In the District Court of the U. S.
for the Northern Dist of Cala

The United States

v. } D.C. 409; L.C. 559

Executrix & Executors
of Wm D. M. Howard, dec.

In pursuance of a notice from the U. S. Attorney General, hereunto annexed, it is hereby stipulated and agreed that the appeal taken from the decision of the U. S. Land Commission in this case be dismissed; that the notice of intention to prosecute said appeal, filed in this Court, be withdrawn, and that Agnes Howard Executrix, ~~and~~ Henry T. Teschemacher and George H. Howard Executors of the late Wm D. M. Howard have leave to proceed under the decree of the said Land Commission heretofore rendered in his favor, as under Final Decree, San Francisco April 3rd. 1859

Wm Blanding
Dist Atty

James Wilson
Atty for Claimants

409
559

U. S. Dist Court

The United States

v

Executrix & Executors
of Wm D M Howard

Stipulation

Filed April 6. 1857
W. H. Chevis,
Deputy.

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims in the State of California.

San Francisco, Feby 11th 1856.

Sir;

I am directed by this Board to transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a 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, in Case No. 559 on the Docket of this Board, wherein Wm D. M. Howard is the Claimant, for the place known by the name of "San Mateo."

Which Transcript I have the honor to accompany herewith, and request your receipt for the same.

I am, Respectfully,
Your Obt Servant,

Jas. Fisher
Sur

To the Hon. J. A. Monroe Esq.
~~Attorney General of the United States,~~
~~Washington, D. C.~~
Clerk of the U. S. Dist. Court for the Northern Dist. of Cal