

CASE NO.

44

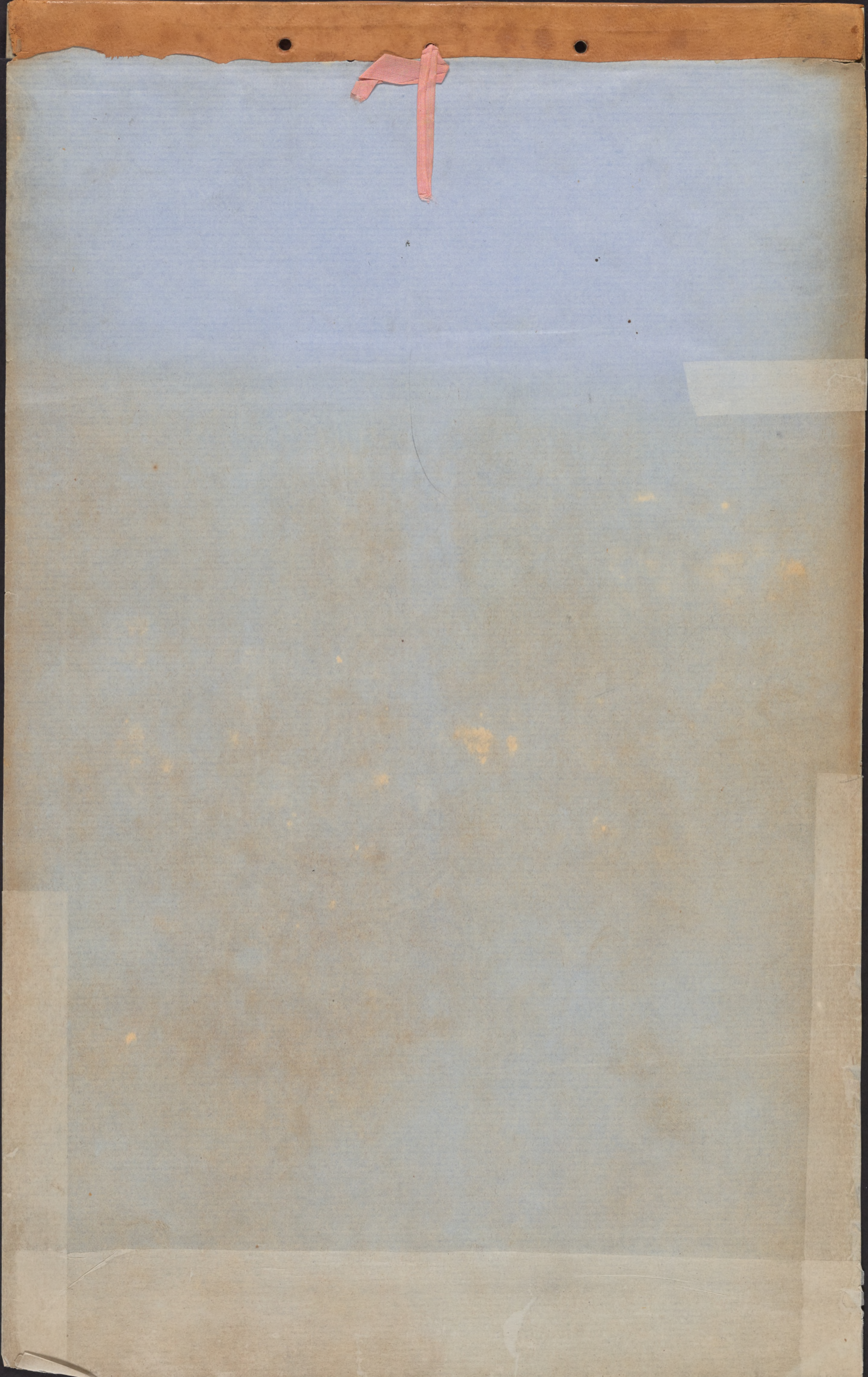
NORTHERN DISTRICT

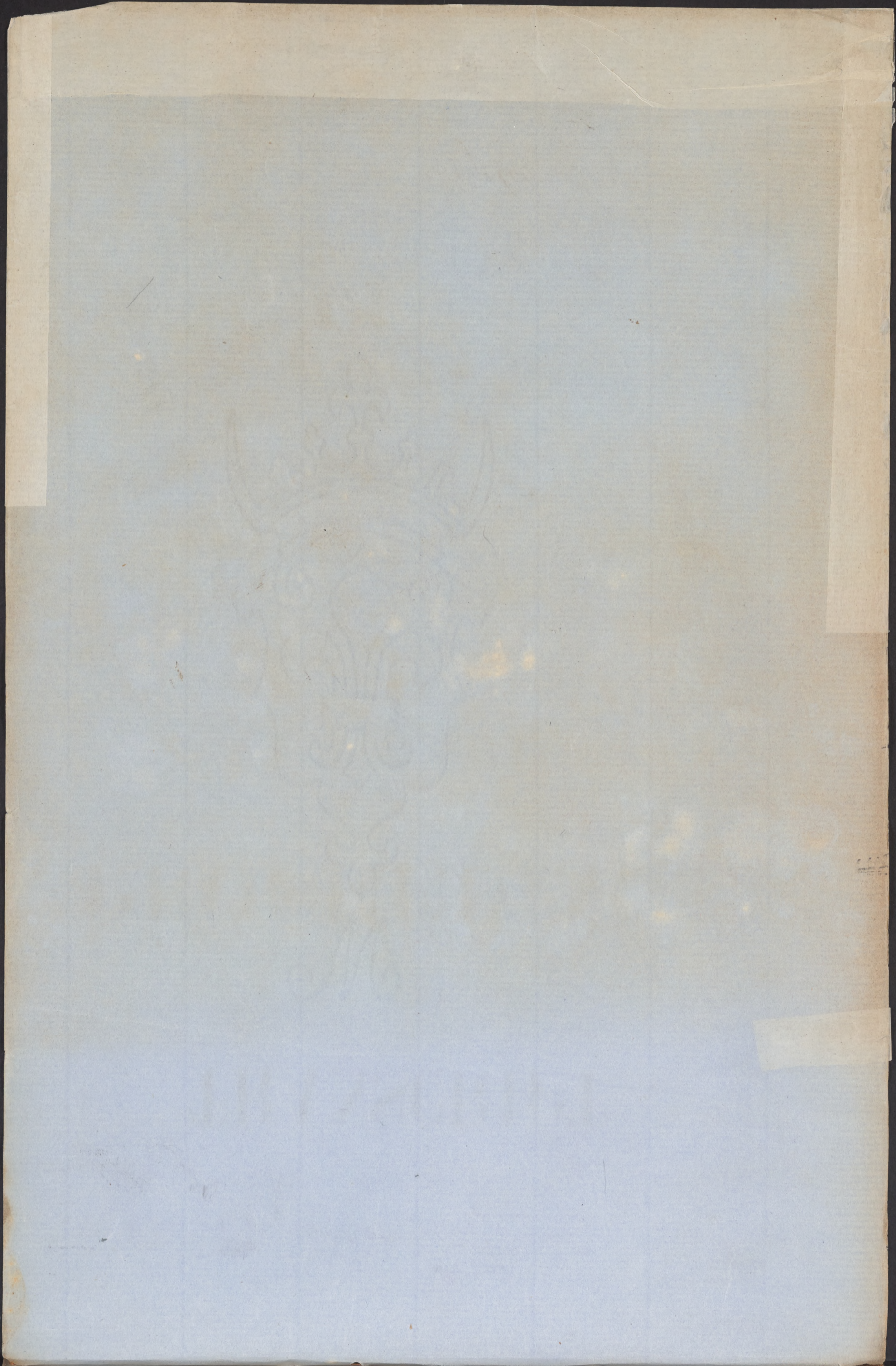
CANADA de POGOLOME GRANT

MARIA ANTONIO CAZARES

CLAIMANT







CASE 44 ND

PAGE 1

# TRANSCRIPT

OF THE

# PROCEEDINGS

IN CASE

NO. 19

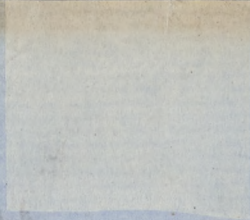
*María Antonia Cazares* CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Canada de Pogolome"*



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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PAGE 2

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

The Petition of Maria Antonia Lazares  
for the Place named  
Cañada de Poyolome  
was presented, and ordered to be filed and docketed with No. 19 and is as follows, to wit;

(Vide page 3 of this Transcript.)

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

San Francisco August 11th 1852

In lease No 19. Antonio Lazares Rancho de Poyolome the deposition of James Black a witness a witness in behalf of the claimant, taken before Commissioner James Wilson was filed and is in the words and figures as follows to wit  
(Vide page 5 of this Transcript)

In the same lease the deposition of Jasper C. Famer a witness in behalf of the claimant taken before Commissioner James Wilson was filed and is in the words and figures as follows to wit  
(Vide page 7 of this Transcript)

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Los Angeles Sept<sup>r</sup> 11th 1852

In Case No 19, Antonio Lezaris for the place called "Canada de Pologome" the deposition of Pablo de la Guerra a witness in behalf of the claimant taken before Commissioner Henry J. Thornton was filed and is in the words and figures as follows to wit  
(Vide page 9 of this Transcript)

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Los Angeles October 11th 1852

In Case No 19 Antonio Lezaris the counsel for the claimant moved to place the same on the Trial Docket Motion taken under advisement

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San Francisco Feby 29. 1853

On Motion of the United States Associate Law Agent it was Ordered that the following case be placed on the Trial Docket to wit No 19 Antonio Lezaris "Canada de Pologome"

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San Francisco Mar. 8th 1853

In Case No 19 Antonio Lezaris for the place named "Canada de Pologome" the counsel for the claimant filed the following stipulation to wit  
(Vide page 24 of this Transcript)

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San Francisco March 28, 1853

Case No 19 Antonio Lezaris for the place named "Canada de Pologome" called, The counsel for the claimant Mr. Heallick read the



Petition and the papers in Evidence The U S  
Assistant Law Agent read and filed his Brief  
Submitted and taken under advisement by  
the Board

---

San Francisco April 11<sup>th</sup> 1853

In Case No 19 Antonio Lezars for the place  
named "Pogolome," Commissioner Henry D  
Thurston delivered the Opinion and Decree  
of Final Confirmation of the Board

Ordered that the said Opinion and Decree  
of Final Confirmation be Recorded on the  
Records of the Board.

Which Opinion and Decree are as follows  
to wit

(Vide page 25 of this Transcript)

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To The Honorable Commissioners to Settle Private  
Land Claims:-

Petition 36  
CASE 44 ND  
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The petitioner, Doña Antonio Cazares, widow of  
the late James Dawson now deceased, respectfully  
shows:

That on the twelfth day of February one thousand  
eight hundred and forty-four, Manuel Mich-  
eltorena, Governor of the Californias, by virtue of  
authority in him vested, granted to the petitioner  
in her own name and subsequent to the death of  
her said husband, for the considerations mentioned  
in the said grant and accompanying papers, and  
within the boundaries therein mentioned, the tract  
of land known by the name of "Canada de Pog-  
lome", and situate in the former jurisdiction of  
Sonoma, and in the present county of Marin,  
comprising two sitios de ganada mayor, or two  
square leagues of land;

That on the twenty sixth day of September  
A. D. One thousand eight hundred and forty-  
five, the Departmental Assembly of California  
approved the aforesaid grant: copies of which  
grant, and accompanying papers, Approval,  
and map are hereto annexed marked A with  
translations marked B:

That at the time said grant was made,  
the petitioner was, and ever since has been, and  
now is, in the full and undisputed possession  
and occupation of the aforesaid land:

That the said land has never been surveyed  
by the Surveyor General of the United States, but that  
it is definite in quantity, and with boundaries which  
are described in the grant and well known.

That she knows of no conflicting claims;

That she has done and performed all the  
requirements of the said grant necessary to make  
the grant aforesaid full, perfect and absolute;

The petitioner relies for confirmation  
of title upon the original papers, copies of which

are hitherto annexed: upon the documents and  
minutes concerning the same in the Archives in  
the possession of the Surveyor General; and upon  
such other proofs as she may be advised are necessary.

Wherefore she prays the Commissioners  
to confirm to her the said title.

By her attorneys,

Wallace, Peckay & Billings.

Filed in Office February 3d. 1852

Geo. Fisher  
Seiry,

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Office of the Board of Commis-  
sioners of California Land Claims,  
San Francisco Aug. 11<sup>th</sup> 1852.

Deposition of  
Gaspar O'Fanel.

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30 On this day before me James Wilson one of the  
Commissioners for ascertaining and settling Private  
Land Claims in the State of California, came  
Joseph O. Fanel a witness produced in behalf of  
the Claimant, Antonia Cazares, whose petition  
is No. 19 on the Docket of the Board, and was  
duly sworn. The Law Agent was notified and  
did attend.

1<sup>st</sup> Question - What is your name, age and place  
of residence?

Answer - My name is Gaspar O'Fanel; my age  
35 years, I now reside in Sonoma County, and  
have resided in California 9 years.

31 2<sup>d</sup> Question - Do you know the Rancho called  
"Canada de Pocolme", and if so, say what you know  
about its situation, ownership and occupation?

Answer - I am acquainted with this Rancho;  
it is situated a little North of West from the town  
of Sonoma, and about 2 1/2 leagues from the bay  
of Bollega; I first knew it in the early part  
of 1844; it was then and has ever since been  
occupied by Mrs. Dawson; she had cattle and  
horses on it, and some 5 or 10 acres under culti-  
vation; she still has cattle and horses on the Ran-  
cho, I have known her to have more than a thou-  
32 sand head of cattle and horses at one time.

In answer to interrogatories propounded  
by the Law Agent, the witness says that she had  
a house and corral on it, she cultivated about  
ten acres of the land, and enclosed it with a fence,  
Aug. 11, 1852. She within

deposition subscribed and  
sworn to before me

James Wilson  
Comm'r

Gaspar O'Fanel

Heard in office Aug 11, 1852.  
Geo. Fishbe Sec.

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Deposition  
of  
James Black.

Office of the Board of Commis<sup>rs</sup>  
of California Land Claims.

San Francisco Aug. 11<sup>th</sup> 1852.

On this day before me James Wilson, one of the Com-  
missioners for ascertaining and settling private Land  
Claims in the State of California, came Jas. Black,  
a witness produced in behalf of the Claimant  
Antonio Cazares, whose petition is No. 19 on the  
Docket of the Board, and was duly sworn.  
The Law Agent was notified and attended.

Questions propounded by claimant.

1<sup>st</sup> Question - What is your name, age, and place  
of residence?

Answer - My name is James Black, my age  
is 42 years; I reside at Nicasio, in Marin Co.  
and have resided in California 20 years.

2<sup>d</sup> Question - Say what you know about  
the Rancho called "Canada de Sogolimi" claimed  
by Mrs. Dawson, its situation and occupation?

Answer - I have been acquainted with this  
Rancho many years; it is situated in the  
County of Sonoma; it was first occupied by  
Santiago Dawson in 1836 or 1837; he built a  
house on it and had on it cattle and horses,  
he continued to occupy it until his death,  
and his widow Mrs. Dawson has occupied it  
ever since. Dawson died, I think, in 1844.

In answer to questions propounded by the  
Law Agent the witness says; He the said Dawson  
occupied it with cattle and horses, he cultivated  
from five to ten acres and enclosed that with a  
fence. The house was built in the year 1838.

Aug. 11<sup>th</sup> 1852. The } James Black,  
within deposition }  
subscribed & sworn to }  
before me }

Jas. Wilson  
Comm<sup>r</sup>

Filed in office Aug 11<sup>th</sup> 1852.  
Geo. A. Kirk see

9

Office of the Board of California Land Commissioners,

Los Angeles Sept 10<sup>th</sup> 1852.

Deposition  
of  
Pablo de la Guerra.

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On this day before me Harry J. Thornton one of the Commissioners for ascertaining and settling private land claims on the State of California, came Pablo de la Guerra, a witness produced in behalf of the claimant, Antonio Cazares, whose petition is No. 19 on the Docket of the Board, and was duly sworn, his evidence being given in the English. The Law Agent of the United States was present and attended.

25

Questions propounded by Counsel for claimant.

1<sup>st</sup> Question - What is your name, age, and place of residence?

Answer - My name is Pablo de la Guerra, my age is about 32 years. I reside in Santa Barbara and have lived in California all my life.

2<sup>d</sup> Question - Examine the papers before you marked No. 4 and filed with deposition and say if the signatures are genuine and the document genuine and original?

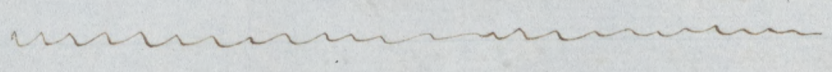
27

Answer. I am acquainted with the signatures of M. J. Vallejo, Manuel Jimeno, Jose L. Hernandez, Manuel Michelmore, Jose R. Estrada, their signatures are to the best of my belief genuine and originals.

U.S. Law Agent present }  
Sworn to & subscribed before } Pablo de la Guerra  
me this 10<sup>th</sup> of Sept. 1852 }  
Harry J. Thornton }  
Comm<sup>r</sup> }  
}

Filed in Office Sept. 11<sup>th</sup> 1852

Geo. Fisher  
Secy.



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C/SE 10  
PAGE





(1) Case-19 - 18. Parker - 3. 24<sup>es</sup>  
1<sup>st</sup> copy of 2 = 3. 24<sup>es</sup>

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Anonima Dic<sup>ta</sup> 24 de 1839. Sor Com<sup>te</sup> Greal.

Doc. No. 4.  
Anexa to the  
deposition of Pablo  
de la Guerra before  
Comm<sup>rs</sup> Thornton.

El interesado en la  
presente solicitud en Santiago Osmon de nacion Ingles y  
efecto se le concedio vecino de esta Demarcacion con el debido  
encomision de las ind<sup>ias</sup> respeto D. E. hace presente q. Desde el  
años que memoria año 34 de que presenta punto con ab.  
el paraje Conouolo-aguaitos y Santiago Blas solicitara  
con el nombre de los tres puntos el paraje de la punta  
citado de la memoria del Esteo del Americano, y en la acta  
con un Dho. general aliada se encuentra con q. abaquitos  
a aquellos, en consqto quiere hechar fuera del Dho. citio.

1-

nevia lo cultivo Sor. Greal. el que presenta tiene  
Desde entonces y en aquel lugar, casa corral una  
cirato cincuenta cuas<sup>ta</sup> con 3500 sepas, una huerta  
to espue sobre cito con mas de 200 arboles frutales,  
la cunta de natural q. 80 cabezas de Ganado mayor y lo  
lo solo cito por mi de caballa a mas hace 85 años  
condueto como auto-gr. esta en la tierra, y ha tipo tambien  
-notad m<sup>ucha</sup>. Desde que ha solicitado Carta De Ciudad<sup>ana</sup>  
el año de 1836 y di a hora hace V. S. todo presente afis  
no la obtieno, ha se que provea toda lo que halla  
-ciclo por causa de punto.

2-

la circunstancias por tanto, A. V. S. recidivase este  
-icas en que se en- pide y suplica provea en favor de  
-contra Desde ayudalo que presenta De cuya gracia le  
fha el pais pero Nevada u conocido.

tiene en su favor Anonima Dic<sup>ta</sup> 24 de 1839.

la razonacion de James Dawson.  
catorce años en  
esta California, y la admision legal como poblador en  
esta frontera por la autoridad en cargo de la  
Colonizacion. Puede el interesado con este Decreto  
presentarse a las autoridades que le conuiza  
pa hacer valer sus Derechos con respeto al terreno  
que se hace mencionad.

3-

En obsequio de la Justicia, la voluntad y  
prelimenito del interesado firmo el presente.

M<sup>te</sup> J. Valleyo. —

Manuel Inmuro Casarin, 1º vocal propietario de la  
Junta Departamental en ejercicio del Gobierno  
Del mismo.

Leg. a G. L.

Marcoselo Santiago Dawson, origin-  
Seal. - ano de Toluca, cumplido con las condiciones  
y requisitos que prescribe la ley de 14 de Abril  
de 1828 Del Congreso General que arregla el modo  
con que debe concederse la carta de naturalidad  
a los extranjeros, y acompañando los documentos  
que lo acreditan Declara al referido Santiago  
Dawson por las presentes, naturalizado en la  
Republica Mexicana, en virtud de la  
autoridad que por aquella ley se me confiere  
Monterrey Diciembre 29 de 1841.

Man<sup>l</sup> Jimeno.

José Z. Pencauliz

Jm<sup>o</sup> In<sup>o</sup>.

4

S. E. el Gobernador Del Departamento de las  
Californias concede carta de naturaliza al Sol-  
-ano Dawson Santiago Dawson. —

Exmo. Sr. Gobernador.

Monterrey Feb<sup>ro</sup> 23.

No 1813.

Santiago Dawson, Irlandes por  
nacimiento Mexicano por natura-  
lizacion, casado con Mexicana  
Despacho de mandado vecino de esta frontera del  
a las lo y. nes Norte ante V. E. con el mas pro-  
-ario punyue - unolo respeto base presente:

que Desde el año de 37  
Micheltorea. Solicito en union de las individuos  
M<sup>o</sup> Intoch y Santiago Plata el  
terreno denominado Istero del  
Americano, en lo dicho acomp-  
-aña y les fue concedido por el  
Sr Director de colonisation del  
Norte, con informe favorable  
para recabar del Gobierno Dep-  
-artamental el titul legal de

5

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6

de concesion; y habiendolo combenido las tres Sociedades  
Congue No<sup>e</sup> Intosh para en arena Capital a loer  
los tramites para obtener Dicho titulo, es lo  
obtuvo en efecto, y en lo que presenta; que fue  
con exclusion De su nombre, pues un cupido  
lo mequir ver el repetido titulo, y ahora el  
titulo No<sup>e</sup> Intosh esta fabricado un molino  
en la parte de terreno, que corresponde al q<sup>e</sup>  
Subscibe y el qual este tiene fabricada su casa  
coral, plantada una viña de 2.000. Sepas  
y situado su ganado a consecuencia de  
haber combenido cuando se arrojaron q<sup>e</sup>  
era parte de terreno, habia de ser la corres-  
pondiente al Suplicante.

D. C. A. V. E. Suplica se Digne tomar  
en consideracion lo expuesto en la presente  
instancia y en la que Sumiramente a Com-  
pania adjunta, y monolow, si lo tiene abien  
sea puesto en posesion Del terreno que le  
corresponde, y en el que se citio desde la fun-  
dacion del precitado rancho, hace seis años  
Dispensando al solicitante el uso del papel  
comun por no haber papel sellado en  
esta frontera.

Verona Septiembre, 18 de 1843.  
Santiago Dawson.

como dispone el Srmo Sr Gobernador para  
este expediente al Sr Puyco Del 1<sup>o</sup> Distrito  
para que se sirva informar sobre el contenido  
Del, y vuelva para dar el que corresponda a esta  
oficia en cumplimiento al Superior Decreto fha.  
De hoy.

Moutrey. Octubre 9. de 1843.  
Man<sup>e</sup> Jimeno.

" Sr Puyco del Despacho "

Esta prefectura ignora  
si la parte del terreno que reclama el Suplicante  
se ha concedido por el Superior G<sup>no</sup> Depart-  
-amental a alguna persona, y por el contenido

9 8

De este Expediente opina en Justicia que de  
qualquiera manera tiene un Dto legal el supli-  
-cante para adquirir pinta y o reparadamiento  
De las lictas que cita el titulo correspondiente del  
terreno indicado que le compete y hoy esta ocup-  
-ado.

Monterrey, Octubre 16 de 1843.

Jose M. Estrada.

Santo. Lot.

El terreno que pretene D. Santiago Dawson  
concedido a Don Manuel Machuistoch por el  
L de Septiembre de 1839 y aprobado por la Santa  
Comta Departamental en 22 de Mayo de 1840  
y aunque por el Expediente respectivo, consta  
una instancia del mismo Machuistoch, mancom-  
-unado con Santiago Dawson y Santiago Oble-  
-pitiendo el terreno de que se trata, pero por  
el informe Del Prefecto Del 1º Distrito, y por  
Decreto del Gobierno contado la Demas que  
en aquel tiempo se tubo presente Declaro solo  
Dueño Del paraje nombrado siteno Amer-  
-icano al repetido Machuistoch, eslayendo  
de esta gracia a Dawson y Oblechi por faltar  
les, el indispensable requisito de naturalizacion  
para que pudieran obtener propiedad en el  
territorio Mexicano, por lo que llebo espuesto  
entruendo no podria acceder a lo que pretene  
el mencionado Santiago Dawson y se le seria  
tener consideracion, luego que le haya pres-  
-encion pº otro; terreno por haberse ya natu-  
-ralizado y casado con Mexicana, mas v. l.  
Dispondra lo que fueri conveniente.

Monterrey, Octubre 17 de 1843.

Manuel Jimeno.

Monterrey Oct 21 de 1843.

Nuevo al interesado pº que  
impuesta De todo el Expediente heque un  
Decreto comprobados. Comptador Micheltorena

9

10

sentado a manifestar

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map 5

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Sello Perceiro. Un Peso.

Habilitado provisionalmente por la aduana de  
antigua Del puerto de Monterey en el Depar  
tamento de las Californias, para los años de mil  
ochocientos Cuarenta y cuatro y mil ochocientos  
Cuarenta y cinco.

Micheltorena.

Cable de la Guerra.

Sea Manuel Micheltorena, General de Brig  
ada Del Ejercito Mexicano, Ayudante General  
De la plaza mayor Del mismo, Gobernador  
Comandante General e Inspector de la alta  
California.

13

Por cuanto D<sup>na</sup> Antonio Cazaes Mexicano  
por nacimiento, viuda de Santiago Dawson  
ha probado bastante a este Gobierno los  
Derechos que tubo si finado esposo para subsi  
-tir el terreno que hoy ocupa, conocido con el  
nombre de Llanada de Dogolome en las  
margues del estero Mexicano americano en esta  
-cion De Dos Sitios de Guadalupe mayor proxi  
mas ó menos, lindando por el Norte y Oeste  
con el rancho de M<sup>e</sup> Intoch por este con el de  
J. Juan Viyet y por el Sur con el rancho Intero  
americano; teniendo en la elevacion las grandes  
perceidas que suprio su esposa al separar de  
M<sup>e</sup> Intoch con quien tubo en compania segun  
manifiesta la escritura, y las buenas informes  
que obran en el expediente adjunto, asi como  
las de la Prefectura de Monterey, Secretaria  
de Gobierno y el Secretario de Colonizacion de la  
frontera Del Norte de Sonora, practicadas  
previamente las diligencias y averiguaciones  
convenientes, segun lo ha punto por leyes y  
reglamentos, usenote de las facultades que  
me han conferidas a nombre De la nacion  
Mexicana, he venido en concederle el terreno  
mencionado, declarando la propiedad de  
el por las presentes letras, segun se sigue a las  
condiciones siguientes.

12

11

13

14

1<sup>o</sup> Para llevarlo sin perjuicio de las transacciones  
comunes y servidumbres, lo disfrutara libre y  
exclusivamente, Destinandolo al uso o cultivo que  
mas le acomode pero dentro de un año fabricara  
Casa y estera habitable.

2<sup>o</sup> Salientava del Duce respectivo de la  
particion Judicial en virtud de este Despacho -  
por el cual se demarcaron las linderas entre las  
lindes para o a unas de las mayoneras, algunas  
arboles frutales o cedales de alguna utilidad.

3<sup>o</sup> El teniente de que se hace mencian  
en de las linderas de Ganado Mayor poco mas  
o menos, segun explica el Decreto que corre  
adjunto en el Expediente. El Duce que oviere  
la posesion lo bane medir conforma a orden  
anza quedando el sabante que resulte  
a la Nacion para los usos convenientes.

4<sup>o</sup> Si contraviniere a estas condiciones  
perderá su Decreto al teniente y sera denunciado  
por otro.

En consecuencia mandoque teniendose  
por firmi y validado este titulo se tome razon  
de el en el libro que corresponde y se entregue  
al interesado para su resguardo y demas  
fines. Dado a Monterey a Doce de  
Diciembre de mil ochocientos Cuarenta y  
Cuatro

Mun. Micheltorena.

queala tomara razon de este Superior  
Despacho en el libro que corresponde. fha  
ut supra.

Dimeus.

(24) Filed for record on the 14<sup>th</sup> November A.D. 1851 at  
8 o'clock A.M. Recorded in Book P. Pages 234. - 235 fol.  
14<sup>th</sup> 1851.

John Healy, Recorder, Sonoma County  
Recorded. - For - 6.00 folios -

Filed in office Sep. 11<sup>th</sup> 1852

Geo. Fisher

Secretary.

18. - [Signature]

To the Commanding General -

James

B.  
Translation of  
Expediente, Bitte  
and Appraisal.

Dawson, a Englishman, and resident of this district, before you with due respect, representation makes, that in the year '37, he (the person who represents) together with Mcintosh and James Black, solicited the place of "la punta del Estero del Americano", and he now finds that Mcintosh wishes to eject him from the aforesaid place.

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General, the person who represents has on that place a house, corral, a vineyard of 3,500 vines, an orchard with more than 500 fruit trees, 380 head of neat cattle and 60 of horses, he has been 15 years in the Country, and it is also some time since he applied for a letter of citizenship, and he now makes this representation that you may decide as you may think just. Therefore he earnestly prays and requests Your Excellency that you will determine in his favor, which grace he will acknowledge.

Sonoma Dec. 27, 1839

(Signed) James Dawson

(Marginal order.)

Sonoma Dec. 27<sup>th</sup> 1839.

The place known by the name of "Estero del Americano" was actually granted to the person, interested in this petition, together with the persons mentioned, he having an equal right with them; in consequence he has cultivated it since that time, and all that he represents on this point is certain. He solicited his letter of naturalization through me, the only Authority, in the year 1836, and that he did not obtain it, must be attributed to the political condition in which the Country was at that time, but there is in his favor a residence of fourteen years in this California, and the legal admission as a settler on this frontier by the authority charged with matters relating to Colonization. The person interested may present himself with this decision to the proper authorities to make valid his rights with respect to the land above mentioned.

For the sake of Justice and Truth, and at the request  
of the person interested I sign these presents.

(Signed) Mrs. J. Vallejo.

Manuel Jimeno Casarin, Senior Regular member  
of the Most Excellent Departmental Junta of the De-  
partment of California, acting as Governor of the  
same.

B.

Govt. of the  
Dept. of Cal.

James Dawson, a native of Ireland, having  
complied with the conditions and requirements of the  
law of the General Congress of April 14<sup>th</sup> 1828, which  
prescribes the manner in which letters of naturalization  
should be granted to foreigners, and having transmit-  
ted the documents which prove the same, I, in virtue  
of the Authority conferred on me by that law, do  
by these presents, declare the aforesaid James Daw-  
son naturalized in the Mexican Republic.

Monterey December 29<sup>th</sup> 1841

(Signed) Manuel Jimeno,

(Signed) José F. Hernandez

Secretary ad interim.

Recorded on folio 4. Rubric of Hernandez.

His Excellency the Governor of the Department of  
the California grants letters of naturalization to the  
native of Ireland James Dawson.

To His Excellency the Governor,

James Dawson, an

fishman, by birth, Mexican by naturalization, married  
to a Mexican woman, and resident on this Northern  
frontier, before Your Excellency with the most pro-  
found respect, makes representation; That in the  
year '37, in company with the individuals M<sup>o</sup> Butosh  
and James Black, he petitioned for the land named  
"Estero del Americano", the map of which he transmits  
herewith, and it was granted to them by the Director  
of Colonization in the North, with favorable report

B.

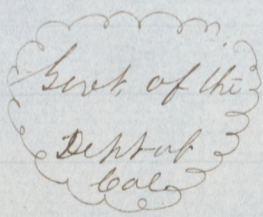


17 to petition the Departmental Government for the legal title of grant, and the three partners having agreed that McIntosh should proceed to the Capital to take the proper steps to obtain said title. He did obtain it, and the person who represents believes that his name was left out, for he has never been able to obtain a sight of the aforesaid title, and now McIntosh aforesaid, is building a mill on that portion of the land which belongs to the subscriber, and where he (the subscriber) has erected his house and corral, planted a vineyard of 4000 vines, and placed his cattle, in consequence of an agreement made at the time of forming the Copartnership that this part of the land should correspond to the petitioner.

18 He therefore prays Your Excellency be pleased to take under consideration, that which is set forth in this petition and in that which he respectfully transmits herewith, and to order - if you think it proper, that he be put in possession of the land which corresponds to him, and on which he has resided since the foundation of the beforementioned rancho six years ago, excusing your petitioner for using common paper, there being no stamped paper on this frontier.

19 Sonoma Sept. 18<sup>th</sup> 1843

(signed) James Dawson.



20 Monterey, October 9<sup>th</sup> 1843.

Let the Secretary of State report, calling for such documents as he may think necessary.

(signed) Micheltoreno.

As directed by His Excellency the Governor, let these proceedings be referred to the Prefect of the First District that he may be pleased to report upon its contents, and let it then be returned to this office in order to give the corresponding one to it, in compliance with the Superior decree of this date.

Montreux October 9<sup>th</sup> 1843

(signed) Manuel Jimenez.

To the Secretary of State -

CASE 44 ND  
PAGE 19

21

His Prefecture does not know that the part of the land which the petitioner claims has been granted by the Superior Departmental Government to any person; and is of opinion, judging from the content of this Expediente, that in justice the petitioner has a legal right to acquire, either in company with the partners aforesaid, or apart from them, the title corresponding to the land referred to, which belongs to him and which he now occupies.

Montreux Oct. 16<sup>th</sup> 1843

(signed) Jose R. Estrada.

To His Excellency the Governor.

B.

22

The land which James Dawson petitions for, was granted to Manuel McIntosh on the 24<sup>th</sup> of September 1839 and approved by the Most Excellent Departmental Junta on the 22<sup>a</sup> of May 1840, and although there appears in the respective proceedings, a petition from the same McIntosh in partnership with James Dawson and James Black, for the land referred to, nevertheless through the report of the prefect of the first District, the decision of the Governor, and other things which at that time were considered, Manuel McIntosh, before referred to, was declared sole owner of the place named "Estero Americano", Dawson and Black being excluded from this favor, as wanting the indispensable requisite of naturalization to enable them to hold property in Mexican Territory.

23

For the foregoing reasons I think that, that which the aforesaid Dawson requests, can not be granted, but that he can be considered, whenever he may petition for another piece of land, he being now naturalized, and married to a Mexican woman; but Your Excellency will direct that which may be deemed proper.

Monterey October 18<sup>th</sup> 1843.

(signed) Manuel Jimeno.

CASE 44 ND

PAGE 20

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Monterey Oct. 21<sup>st</sup> 1843

Let this be returned to the party interested, that being informed of everything contained in these proceedings, he may assert his rights with sufficient proof.

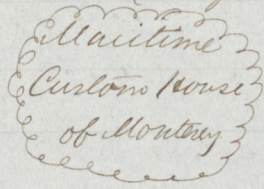
(signed) Micheltorena.

Stamp Third - One Dollar.

B.

Provisionally authorized by the Maritime Custom house of the port of Monterey in the Department of the Californias for the years one thousand eight hundred and forty-four and one thousand eight hundred and forty-five.

(signed) Micheltorena (signed) Pablo de la Buena.



Manuel Micheltorena, General of Brigade of the Mexican Army, Adjutant General of the Staff of the same, Governor, Commandant General and Inspector of both Californias.

Wheneas, Dona Antonia Cazares, a Mexican by birth, widow of James Dawson, has presented to this Government, sufficient proof of the right which her deceased husband had, to petition for the land which she at present occupies, known by the name of "Canada de Pozolomi", on the shores of the Estero Americano, American Creek, in extent two square leagues (dos sitios de ganado mayor), a little more or less, bounded on the North and West by the rancho of Mcintosh, on the East by that of Don Juan Vieget, and on the South by the aforesaid Estero Americano; taking into consideration the great losses which the person interested shows her husband to have suffered on separating himself from Mcintosh, with whom he was in partnership, and the favorable reports contained in the annexed expedient, as well as those of the Prefect

of Monterey, the Secretary of State, and the Director of Colonization on the Northern frontier of Sonoma, the other inquiries relative to the matter being previously made, as required by the laws and regulations, using the faculties conferred on me in the name of the Mexican Nation, I have granted her the aforesaid land, declaring to her the ownership of it by these presents, subject to the following conditions: viz-

1. She may enclose it with<sup>out</sup> prejudice to the crops, roads and servitudes, and enjoy it freely and exclusively making such use or cultivation of it she may think proper, but within one year she shall build a house on it and it shall be inhabited.

2. She shall solicit the proper Magistrate to give her judicial possession in virtue of this order, by whom the boundaries shall be marked out, to which besides the bounds she shall place some fruit or <sup>other</sup> trees of a useful character.

3. The land here mentioned is two Sitios de ganado mayor (two square leagues) as shown by the map which goes attached to the expediente. The magistrate who may give the possession will cause it to be measured in conformity with the ordinance, leaving the surplus which may result, to the Nation for its convenient uses.

4. If she contravene to these conditions she shall lose her right to the land which may be denounced by another person.

In consequence I order that this title being held as firm and valid, note be made of it in the corresponding book, and it be delivered to the person interested for her security and other purposes. Given in Monterey on the twelfth of February one thousand eight hundred & forty four.

(Signed) Manuel Michettoena.

Note has been made of this Superior order in the proper book, date as above.

(Signed) Jimeno.

23

Stamp Third. One Dollar.

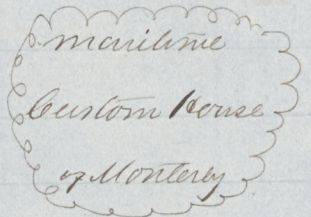
B

CASE 44 ND

PAGE 22

Provisionally Authorized by the Maritime Custom-  
house of the Port of Monterey in the Department  
of the Californias, for the years one thousand  
eight hundred and forty four and one thousand  
eight hundred and forty five.

(signed) Micheltorena (signed) Palo de la Guerra.



Pis Pico, Governor, ad interim of the  
Department of the Californias.

The most Excellent Departmental Assembly  
in Spain of this Day has resolved as follows -

"The grant is approved which was made by  
the Superior Departmental Government, by title issued  
on the twelfth of February of the preceding year,  
in favor of Dona Antonia Cazares, widow of Don  
Santiago Dawson, for two sites de ganada mayor  
two square leagues, in the place known by the  
name of Canada de Pogolimi, in conformity with  
the law of August 18<sup>th</sup> 1824 and regulation of No-  
vember 21<sup>st</sup> 1828".

And for the security of the party, Dona Antonia  
Cazares de Dawson, I thus make it known,

GIVEN in the City of Los Angeles on the 26<sup>th</sup>  
of September 1845.

(signed) Pis Pico.

(signed) Jose M<sup>o</sup> Covarrubias  
Secretary.

I hereby certify the foregoing to be a true &  
correct translation of the original Spanish docu-  
ment filed in Case No. 19, Maria Antonia Blume,  
for the place called "Canada de Pogolimi"

Geo. Fisher  
Secy.

Filed in office February 3<sup>rd</sup> 1852

Geo. Fisher Secy.

24

CASE 44 ND  
PAGE 23

No. 19

Before the U. S. Land Commission,  
In the claim of Antonio Cazares de Dawson.

vs

"Canada de Pozolimi"

Stipulation

In this Case it is agreed between the Counsel of the Claimant and the Law Agent of the United States, that all the laws, Decrees, regulations and ordinances, whether of Spain or Mexico, and especially the Act of organization of Mexico passed on the 18th of Aug. 1824, and the legislation made by the Supreme Executive power of Mexico on the 21st November 1828, shall be considered as having been offered in evidence in this Case and duly proven.

Halleck Peachy & Bellings  
Counsel for Claimants  
R. Greenhow  
Actg. Law Agent.

Filed in office Mar. 8, 1853

Geo. Fisher Seig.

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25

CASE 44 ND

PAGE 24

Opinion

María Antonio Cazarez, widow  
of James Dawson, deceased

The United States

} U. S. Land Commission  
for California, San Francisco,  
"Pogolimi", no. 19  
} opinion by Commr. W. J. Houston.

The claim in this case is founded upon a grant made to the claimant by Manuel Michitrons, on the 12<sup>th</sup> of February 1844, in virtue of the decree of the 18<sup>th</sup> of August 1824 and of the ordinance of the 21<sup>st</sup> of November 1828, of the Mexican Government. The original grant is produced, and its execution, and genuineness fully proved. Possession and a residence on the premises with her husband during his life, and afterwards by the grantee herself, prior to the grant, and down to this time are clearly established. The authority of the grantor to make the grant is not controverted, but the objections urged against a confirmation are, that the land granted is within the ten littoral leagues; that there is not produced any evidence of the approval of the Departmental assembly, and that there was no judicial delivery of possession and measurement of the land as required in one of the conditions attached to the grant. The objection that the land lies within the ten littoral leagues is not sustained by any satisfactory evidence of its locality, but at any rate, that, and also, the other objections have been overruled in the case of Cruz Cervantes, no. 36, and others. It does not appear that this claim is among the archives of the former Government; but its notoriety, the long possession under it, and the circumstances surrounding the grant, relieve it from the suspicion of fraud, or forgery, which might otherwise arise from that fact. The grant is for two sitios de ganada mayor or two (2) square leagues of land. In accordance with the principles prescribed for our government in the 11<sup>th</sup> section of the act of the 3<sup>d</sup> of March 1851 the claim is valid and ought to <sup>be</sup> confirmed. We

therefore enter the following decree of Confirmation.  
Commissioner Hall concurs in the result.

Wm J. Thornton.

Decree.

4 This Board upon full consideration of the various  
 grounds affecting the validity of the Claim here  
 presented, having come to the conclusion that the  
 same is valid; therefore now proceeds to make and  
 does hereby make the following <sup>or report</sup> decree of final con-  
 firmation, viz: It is decreed that the said claim  
 be confirmed to the claimant to the extent and quan-  
 tity of two square leagues, or two sitios de ganada  
 mayor, and for no more; being the same land  
 described in the grant and expedient referred to  
 therein, and of which the possession has been held  
 5 and enjoyed by the grantee before, and under the  
 said grant; Provided, that the said quantity of  
 land granted, and now here confirmed, be contained  
 within the boundaries called for in the said grant,  
 and map, to which the grant refers; and if there be  
 less than the said above named quantity within  
 the said bounds, then we confirm to the claimant  
 that less quantity: it being apparent that said  
 quantity exceeds the minimum of two hundred  
 6 varas, as prescribed by the ordinance of the 21<sup>st</sup>  
 of November 1828. Witness our hands this 11<sup>th</sup>  
 of April 1853

Wm J. Thornton }  
 Wm J. Thornton } Comm<sup>rs</sup>

Filed in Office Apt. 11<sup>th</sup> 1853,

Geo. Fisher,  
 Secy



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CASE 44 ND  
PAGE 26

Office of the Board of Commissioners,

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

*J. George Fisher* Secretary to  
 the Board of Commissioners to ascertain and settle the Private  
 Land Claims in the State of California, do hereby certify the  
 foregoing *twenty six* pages, numbered from  
 1 to 26, both inclusive, to contain a true, correct and full Tran-  
 script of the Record of the Proceedings and of the Decision of the  
 said Board, of the Documentary Evidence and of the Testimony  
 of the Witnesses, upon which the same is founded, on file in this  
 Office, in Case No. 19 on the Docket of the said Board,  
 wherein *Maria Antonia Cazares* is  
 the Claimant against the United States, for the place known by  
 the name of "*Cañada de Pogolome*"



In Testimony Whereof, I hereunto set my hand  
 and affix my private Seal (not having a Seal  
 of Office) at San Francisco, California, this  
*thirteenth* day of *July*  
 A. D. 1854, and of the Independence of the  
 United States of America the seventy=*ninth*

*J. G. Fisher*  
*J. G. Fisher*

Fragment of pinkish paper or tape on the left side of the cover.

44 no  
44

44

CASE 44 ND  
PAGE 27

Office of the Attorney General of the United States,

Washington, 11<sup>th</sup> September 1854.

*Maria Antonio Cazares*

*vs.*

*The United States.*

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 30<sup>th</sup> day of June 1854 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.

Case 44  
U. S. Dist. Court.

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The United States,  
— vs —  
Antonio Cazaras.

---

Notice to prosecute  
Appeal.

Filed Oct. 21, 1854,  
In: A. Monroe,  
Clerk.

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

|                   |   |         |
|-------------------|---|---------|
| The United States | } | No. 44. |
| Appellants        |   |         |
| vs                |   |         |
| Antonio Bazares   |   |         |

The Petition of the United States by their  
Attorney represents: that this case is an  
Application for a review of the decision  
of the Board of Commissioners whereby the  
Claim of the said Appellee was confirmed  
as appears by reference to the records in  
the case: that a transcript of the said  
Records was filed in this Court on the  
day of \_\_\_\_\_; that a Notice  
of appeal was filed on the  
day of \_\_\_\_\_ and that the land  
claimed lies in the said District.

That the said claim is invalid.  
Wherefore Appellants pray that the  
said decision of the Board be  
reversed & that this Court decree  
the said title to be invalid.

Respectfully  
Almasuel  
Asst. U.S. Atty.

U.S. Dist. Court.  
No. 44.

The U. States  
vs  
Antonio Cuzcos  
Petition  
Filed July 6, 1855,  
by Thomas  
Deputy

CASE 44 ND  
PAGE 30

Wassell

No 44

CASE 44 ND  
PAGE 31

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

The United States, appellants } Canada de Pagolimi.  
vs. } Transcript from Board  
M. Antonia Cozars, appellee } of Coms. No 19.

Stated Term March 24<sup>th</sup> 1856

On appeal from the final decision of the  
Board of Commissioners to ascertain and  
settle Private Land Claims in the State  
of California

Decree

This cause came on to be heard at a stated  
Term of the Court on appeal from the  
final decision of the Board of Commis-  
sioners to ascertain and settle the Private Land  
Claims in the State of California under the  
act of Congress approved on the 3<sup>rd</sup> of March  
AD 1851 upon the Transcript of the proceedings  
and decision of the said Board of Commis-  
sioners and the papers and evidence on  
which the said decision was founded; and  
it appearing to the Court that the said  
Transcript has been duly filed according  
to law, and counsel for the respective parties  
having been heard, it is by the Court hereby  
ordered, adjudged and decreed, that the said  
decision be and the same is hereby in all  
things affirmed, and it is likewise further  
ordered, adjudged and decreed that the  
claim of the Appellee is a good and valid  
claim, and that the said claim be and

the same is hereby confirmed to the extent  
and quantity of two square leagues  
being the same land described in the grant  
and of which the possession was proved  
to have been long enjoyed; Provided that  
the said quantity of two square leagues now  
confirmed to the claimant be contained  
within the boundaries called for in the  
said grant and the map to which  
the grant refers; and if there be less  
than that quantity within the said  
boundaries then we confirm to the  
claimant that less quantity.

Ogden Hoffman  
U. S. Dist Judge



No 44

United States Dist Court  
Northern Dist of Colo.

The United States, appellants  
vs.

M. Antonia Cozmes, appellee

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Deceit

Filed March 24. 1856,  
W. D. Chivers  
Deputy.

CASE 44 ND  
PAGE 33

CASE 44 ND

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California Land Claims.

Attorney General's Office

27 September 1856.

Sir:

In the case of the claim of Maria Antonio Lazares, confirmed to the claimant by the Commissioners, case no. nineteen (19), appeal in the Supreme Court will not be prosecuted by the United States.

I am

Respectfully

Clatney

Wm Blanding Esq.

U.S. Atty for the

Western Dist. of Cal.

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

The United States  
vs  
Maria Antonio Bazaes.

Case No. 44  
Transcript No. 19.

In pursuance of  
a notice from the Attorney General of the  
United States, herewith annexed, it is hereby  
stipulated and agreed that no further appeal  
shall be taken in this case on the part of  
the United States, and that the claimant  
have leave to proceed under the decree  
of this Court heretofore rendered in his  
favor as on Final Decree.

Nov 27, 1856.

Thos Blanding  
Dist Atty.  
Hulluk Peckay & Billings  
Atty's for Appellee

<sup>No 44,</sup>  
United States  
District Court.

The United States,

<sup>vs</sup>  
Marin Antonio Bazaes

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Case No. 44

Transcript, No. 19

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Stipulation.

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Filed Dec: 8, 1856,  
W. H. Chever, <sup>clerk,</sup>  
Deputy Clerk.

CASE 44 ND

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CASE 44 ND

PAGE 37

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 *Sunday* the *eighth* day of *November* in the year of our Lord one thousand eight hundred and fifty-*six*.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States  
v.  
Maria Antonio Bazaes.

Case No 44  
Transcript No 19

The Attorney General of the United States having given notice that no appeal to the Supreme Court of the United States will be prosecuted in this case, and a stipulation having been entered into by the District Attorney that no further appeal shall be taken on the part of the United States, and for leave to the claimants to proceed under the decree of this Court heretofore rendered in ~~their~~<sup>his</sup> favor.

On Motion of the District Attorney, it is ordered, adjudged and decreed, that the claimants have leave to proceed under the decree of this Court heretofore rendered in ~~their~~<sup>his</sup> favor as on Final Decree.

Ogden Hoffman  
U. S. District Judge

*N<sup>o</sup> 44,*

United States District Court, Northern  
District of California.

*The United States*

vs.

*Marin Antonio Cazares*

*Case - No. 44  
Transcript No. 19*

*order*

Filed *December 8,* 1856,

*John A. Cronson,*

CLERK.

*J. M. H. Cheves*

DEPUTY.

CASE 44 ND  
PAGE 38

The U. S.

Embassy

vs

Antonia Casares -

It appears that from the documentary evidence in this case that James Dawson the deceased husband of the present claimant on the 27<sup>th</sup> ~~May~~<sup>Dec</sup> 1837 presented a petition to the Commanding General setting forth that he together with Mr Inloch & one James Black had obtained a grant for the place called "la punta del Estero del America no" - that he had built a house upon it & planted a large vineyard and an orchard with more than 200 fruit trees & had placed upon it cattle horses &c. He further represented that the grant had been obtained in ~~common~~ partnership with the two persons mentioned but that Mr Inloch was attempting to eject him - He therefore prayed that he might be protected in his rights

The petition <sup>in the County</sup> that he had long resided, does not appear to have been naturalized at the time of making this petition but the documents show that letters of naturalization were obtained by him on the 29<sup>th</sup> Dec. 1841—

On the 18<sup>th</sup> Sept 1843, he renewed his application to be put in possession of the land ~~but~~ the Governor to whom this 2<sup>d</sup> petition was addressed referred it to the Secretary for information— By the report <sup>of that officer</sup> it appears that altho' the petition for the land had been in the name of the three applicants yet the grant had been made to Mr. McIntosh <sup>solely</sup> as he alone possessed the essential requisite of being a naturalized Mexican citizen— The Secretary therefor suggests that altho' the request of Dawson cannot be granted



yet that inasmuch as he had since seen Nathaniel's and had married a very young woman his application for another piece <sup>of land</sup> should be favorably considered.

The Governor in accordance with this suggestion on the 31<sup>st</sup> Oct. 1843 ordered the proceedings to be returned to the party interested for his information - It is presumed that it was in this way that these documents came into the parties possession and are not now found among the archives -

It does not appear that Dawson petitioned for a tract grant before his death which occurred very soon after but a grant is produced in which it is recited that his widow, the present claimant having successfully proved the right of her deceased

ed husband to petition for the land which she then occupied and in consideration of the great losses sustained by her husband on separating himself from Mr. Putoch & the favorable reports of the Governor grants to her the land solicited known by the name of the Cañada de Pogolime to the extent of two square leagues a little more or less -

It is this land which is now claimed by the Appellee - This grant was issued on the 12<sup>th</sup> February 1844 and it appears to have been <sup>ap</sup>proved by the Departmental Assembly on the 26<sup>th</sup> Sept. 1845 -

The genuineness of the above documents is fully proved and it is also shown that the land was long occupied by Dawson before his decease

5

CASE 44 ND  
PAGE 43

and since then by the present claimant.

Altho' the expediente for this grant is not among the archives yet, as observed by the Commissioners its notoriety, the long possession and the circumstances surrounding it relieve it from any suspicion of fraud or forgery -

The boundaries of the as well as the extent of the land are specified in the grant - & indicated with evident precision on the map to which it refers -

We think therefore that the claim is valid and ought to be confirmed -

44  
The U. S.

W

*Anatomia Casus*

*Opinion*

CASE 44 ND

PAGE 44

CASE 44 ND  
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Office of the Board of Commissioners,

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

San Francisco, July 13 1854

John S. Monroe Esq.

Clerk of the U. S. District Court for the  
District of California.

Sir;

I herewith 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 this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 19 on the Docket of the said Board, wherein

Antonio Cazares is the Claimant against the United States, for the place known by the name of Canada de Poyotome and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher



44

44

