

CASE NO.

218

NORTHERN DISTRICT

PARAGE DEL ARROYO GRANT

JOSEFA CARRILLO DE FITCH, ET AL.

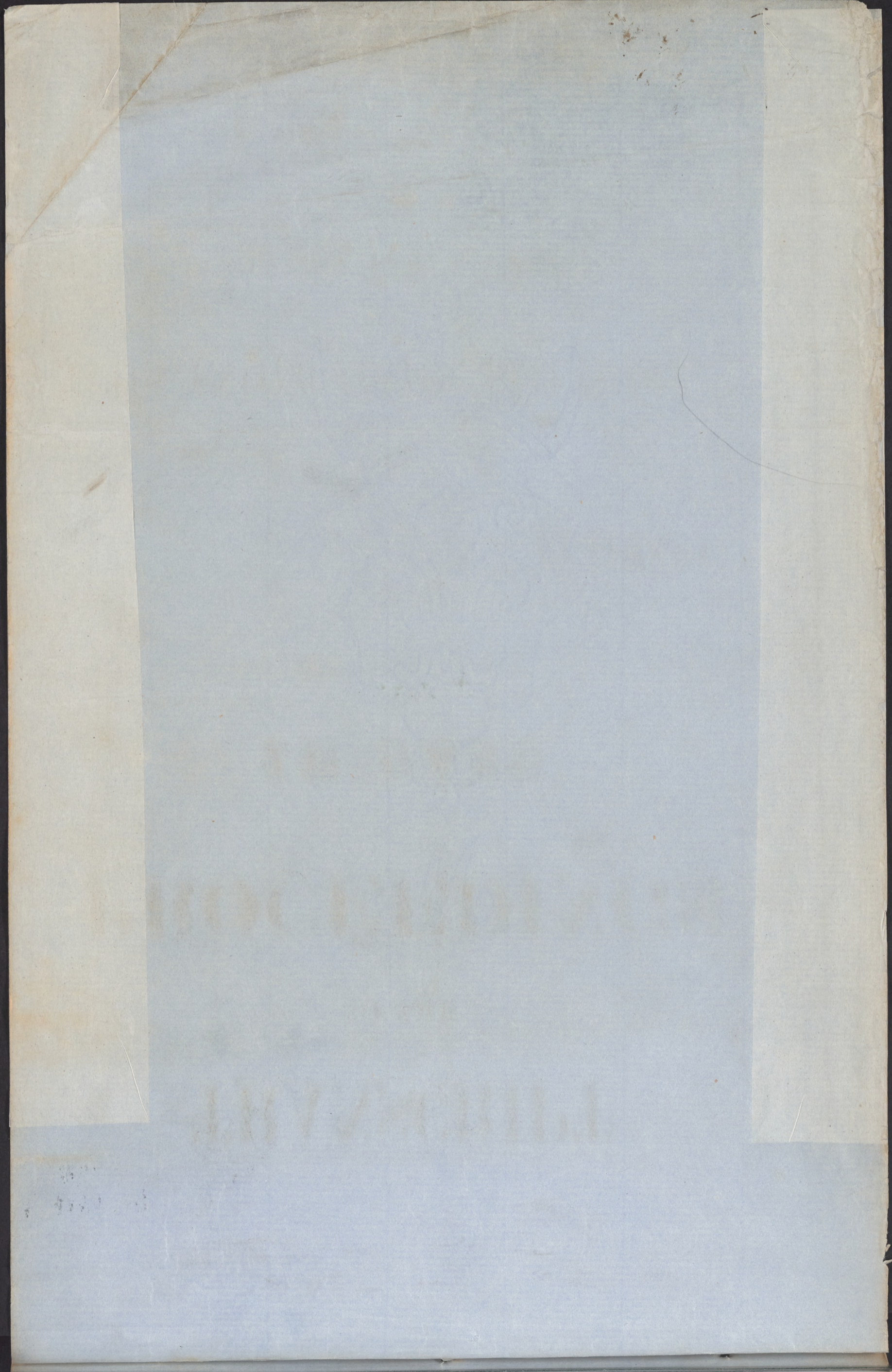
CLAIMANT

LAND CASE 218 ND. 30 PAGES

NOV 7 1962

ALSO AVAILABLE ON MICROFILM

268



TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 268

Josefa Carrillo de Fitch, et al. CLAIMANT &

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

" *Paraje del Arroyo* "

FOR THE YEAR 1880

THE UNITED STATES DEPARTMENT

OF

INTERNAL

REVENUE

IN COVER

BOOKS

OF

LEAVES

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this tenth day of June
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 Josefa Carrillo de Fitch,
et al: for the Place named
"Parage del Arroyo,"
was presented, and ordered to be filed and docketed with No. 268 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;

Sos Angeles September 11th 1852.
In Case no. 268, Josefa Carrillo de Fitch et al: for
the place named "Parage del Arroyo," the deposition
of Pablo de la Guerra, a witness in behalf of the
Claimants, taken before Commissioner Harry
J. Thornton, was filed.

(Vide page 4 of this Transcript)

San Francisco Sept 28th 1853.
Case no. 268, on motion of the Counsel for the
claimants, was ordered to the foot of the Docket,

San Francisco Sept. 26th 1854.
Case no. 268, on motion of the Counsel for the
claimants, with the consent of the U. S. Law
Agent, was ordered to be placed at the foot of
the 2^d Class Cases on the Trial Docket.

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San Francisco October 24th 1854,
In the same case the Counsel for the Claimants
filed the following notice, to wit:
(Vide page 23 of this Transcript.)

San Francisco, October 31st 1854.
Case no. 268 was submitted under the Rule of
March 21st 1854.

San Francisco November 7th 1854.
In the same case Commissioner S. B. Farwell
delivered the opinion of the Board rejecting the
claim.

(Vide page 25 of this Transcript.)
and the following order made, to wit:
(Vide page 26 of this Transcript.)

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N.

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Petition

To the Honorable Commissioners of the Public
Land Claims in California

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The Petitioners Josefa
Cecilia de Fitch widow and Henry Edward
Fitch Rudrick Fitch William Fitch Josefa Fitch
Joseph Fitch Isabel Fitch John Fitch Charles Fitch
and Anna Fitch Children of the late Henry D
Fitch now deceased and Josefa Maria de Poloman
widow and Jose Augustin Poloman Francis
Poloman and Victoria Poloman Children of the
late Francis Gunn Poloman now deceased
respectfully shew

That on the 24 day of July
AD 1846 Pío Pico Governor of California by virtue
of authority in him vested granted to the aforesaid
said Henry D Fitch and Francis Gunn
Poloman (also called Francis Gunn) the
tract of land called Paraje de Anzoategui
situated in San Francisco situated in the County
of San Francisco containing one half
a square league of land as set forth in the
title papers

all of which is shown in the Espe-
diente a certifica of which is submitted herewith
marked A with translation marked B,
and in the formal title and approved a copy
of which is submitted herewith marked C with
translation marked D

That immediately
after said Grant was made the said Fitch and
Gunn Poloman took possession of said tract
of land but were interrupted in their improve-
ments by the operations of the war and the
occupation of the land by the military forces
of the United States

That on the 14th day of
January AD 1849 the said Henry D Fitch
died at San Diego in California and that on
the day of July AD 1851 the said Francis
Gunn Poloman died at San Francisco
California leaving the Petitioners their heirs
and the

Petitioners further shew that the said tract
of land has not been surveyed by the Sur-
veyor General of the United States but that the

land is definite in quantity and its locality is fully described in the title papers and will show that they have no conflicting claim that they rely for confirmation of title upon the original papers copies of which are submitted herewith upon the records and minutes in the archives in charge of the Survey and upon such other and further proofs as they may be advised as necessary

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When further they may the commissioners confirm to them the aforesaid tract of land

By their attorneys
Hatchek Peabody & Billings

Filed in office June 10th 1852

George Fisher
Secretary

Recorded in Record of Petitions Volume 1st
Page 136

George Fisher Secretary

Deposition
of Pablo de la
Guerma

Appoi of the Board of California Land Com-
missioners Los Angeles September 15th 1852
on this day before Henry S. Montemore of the
commissioners for ascertaining and settling
Private Land Claims in California

Pablo de la Guerra author produced in behalf of
the claimants Josefa Camillo de Petch et al
whose Petition is numbered 268 in the Docket of the
Board and was duly sworn his evidence being
given in English

The Law agent was notified and did attend

Question What is your name age and place of
residence

Answer My name is Pablo de la Guerra my
age is about thirty two years I was born in San Joaquin
County and have lived in California all my
life

Question Examine the papers before you marked
numbers and file in this Deposition and say if
the signatures are genuine and the documents genuine
+ and original

of Jose Camillo de Petch and Jose de la Guerra et al
+ the papers are genuine and the

5

Answer I am acquainted with the signatures
of Jose Venturo Marrero and Pio Pici their
signatures to these papers are genuine and the
papers themselves are to the best of my knowl-
-edge and belief genuine

Pablo de la Sierra

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United States Law Agent Present
Surrendered and subscribed before me this 10th
of September 1852

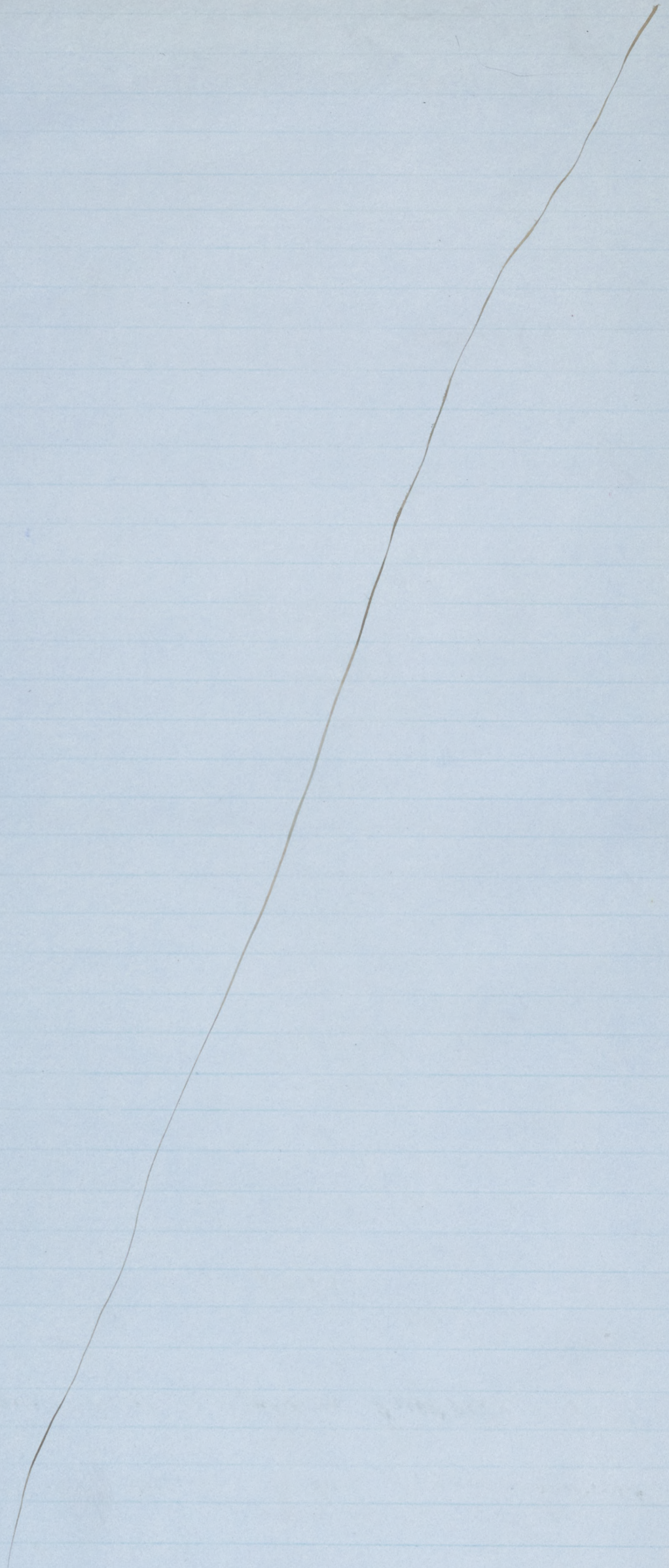
Henry J. Munton
Commissioner

Filed in Office September 11th 1852

George Fisher
Secretary

Recorded in Land Office Volume 2 Page 13
George Fisher
Secretary

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(15.276)

7

(15. De)

1846.

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Parage en el Presidio de San Francisco concedido
à Henrique Pitech y Francisco Guerrero.

A.

Esquidante

Nº 378.

2507

Government Seal.
Ang: Junio. 5 de 1846.
Vuelva este expediente a los
interesados para que los sirvan
al conocimiento del Sr. Prefecto
del 2o Distrito para que tome
los informes necesarios y vuelva
al Gobierno para resolver.

Exmo Sr Gobernador del
Departamento de las Californias
Enrique Fitch, naturalizado
en la Republica Mexicana
y Francisco Guerrero Mexicanos
por nacimiento, acudidos en
el Departamento ante V. E.
con el respeto debido hacen presente

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Pico.
en el punto del precipicio de S. Francisco, el cual hasta la
la pta no esta ocupado por ninguna persona y siendo
propio un arrollo que se halla casi en el centro de otro.
porage propio para establecer una moiguena, para florino
y otros peducos para formar algunas tierras y la mayor
parte, chumisal y monte segun V. E. se imponeria por
el alideno que acompañan, siendo el mencionado terreno
tereno de ochientos y medio poco mas o poco menos, colind
- ante al sur con los ranchos de los indios Francisco
de Baro y José de Jesus Moé al E. S. E. con la fision
de S. Francisco al E. con Terexbuena y al N. y O. con el
margen del mar, haciendo le saber a V. E. que
los que representan no tratan de perjudicar a ninguna
persona que se halle viviendo, o que la halla obtenido
su correspondiente titulo para que en tal concepto solo
recibir la gracia de tres mil varas que pueda haber
en otro arroyo, para establecer una mina y entonses
tener compesicion con el que resultare elueno, y si
por la dignidad de V. E. son agraciados los esponentes
dejando en salvo, hasta los efectos de la poblacion de
Terexbuena aunquero, estan nombrados, pues con la
concecion del terreno, resultarian beneficiado algunas
personas, y no perjudicariolos los que representan, por
otro q. - obtenga alguna parte en propiedad del
mencionado terreno pr poca estension de peducos de
tierra favorable y si mucho en montoy areal. P. E.
A. V. E. Suplican respetuosamente se dignen el concederles
lo que solicitan, segun lo encontrare por conveniente
que elavolore satisfechos, con la resolucion de V. E. quando
lo necesario. Se: poniendo en papel lornun por no
haber del Sellado que le corresponde.

2507

2507

Terexbuena Mayo 13. de 1846.

En D. Fitch. Francisco Guerrero.
Exmo. Sr. Gob. por

Siendo un concepto de esta Prefectura cierto y

Terexbuena a cuenta en este expediente para la...

9
y bastante el informe que da el Juez de Paz 1º de la
Yerbabuena y cuenta en este expediente hay de opinion
que V. S. si lo á bien puede conceder les á los suplicantes
el Arroyo y tierras de labor que solicitan en estension
de medio sitio de ganado Mayor.

Monterrey. Junio 28 de 1846.

Manuel Castro.

José de Jesus Noé, Juez de Paz y propietario de la
Jurisdiccion de Yerbabuena.

Certifico en cuanto debo: Con relacion á la
solicitud que hacen los ciudadanos Francisco Guerrero
y Enrique Dominguez Piche, que la parte del terreno
que piden esta baldio hasta la fha. que aunque tiene
otros pretendientes y sus peticiones estan en tramites: el
objeto con que los ultimos lo piden siendo de establecer
una maquina esta sera util al publico y ademas los
esposuolos se limitan a cierto numero de varas es
sin perjuicio á la obcion de los otros interesados en caso
que el Supº Gobierno tenga á bien agraciarse á uno u otro
con el terreno indicado. Y para los fines que convengan
á los interesados: Di el presente en Yerbabuena, á 13
de Mayo de 1846. J. de Jesus Noé.

6524 Jor. Juez de Paz 1º propietario de San Francisco.

Enrique Ficht naturalizado Mexicano y Francisco
Guerrero Mexicano por nacimiento Vecinos del Departº
ante V. S. acen presente que habiendo solicitado el purage
y consabedores a purage halla baldio al contorno del
predio de San Francisco y habiendo representado al
Excmo. Sr. Gobernador de otro Departamento cuya
representacion acompaño V. S. en vista de recibir
un verificado segun el estado que quando otro purage
porage, y recibiendo esta gracia, se devuelvan el documento
necesario con otra representacion por darle el giro que
corresponde.

AV. pues suplican las expones
lo que solicitan. Turavolo lo necesario. D. D. No siendo
esto en papel sellado por no haberlo.

Yerbabuena. Mayo. 13. de 1846.

Francisco Guerrero. N. D. Fitch.

7524 Honorable Asamblea Departamental.

En la Alta California. = Los ciudadanos
N. D. Fitch naturalizado en la Republica Mexicana y
Francisco Guerrero Mexicano por nacimiento ante V. S. S.
representan que habiendo obtenido la gracia del
Excmo. Sr. Gobernador, primer Magistrado del Departº

la gracia de averles concedido el terreno que se halla en los
contornos del Presidio de San Francisco aunque sitio y
diseño que acompañen á esta honorable Asamblea. Sup-
lican los esponentes el recibir el favorecimiento de la aprob-
acion de otro titulo de concecion. A. M. E. pues con
el debido respectan esperan obtener lo espuesto en la presente
Juramento lo necesario de de. Y no siendo la actual
representacion en papel del sello que le corresponde por
no haberle. y sirviendo a ceptan en el presente segun lo esta-
blecido en el pais. R. D. Fitch. Fran^{co} Guerrero.

8.5.50

Senor.

La Comision de terrenos valdies enargada a examinar.

9.5.50

Pio Pico, Gobernador Constitucional del Departamento de
California.

Por cuanto los Sres. Don Enrique Domingo Fitch
y D^o Francisco Guerrero, Mejicanos han sollicitado
para su beneficio personal y el de sus familias el parage
en el Presidio de San Francisco: practicadas previamente
las averiguaciones y diligencias que han sido necesarias
he venido por decreto de este dia en conceder a los exp-
resados Sres. el mencionado parage, declarandolo les la
propiedad de el por las presentes letras segun las
facultades con que yo hallo autorizado por el Supremo
Gobierno de la nacion y con arreglo a la ley de 18 de
Agosto de 1824 y reglamento de 21 de noviembre de
1828 a reserva de la aprobacion de la Santa Asamblea
Departamental y bajo las condiciones siguientes.

10.5.50

- 1^o Podrán cercarlo sin perjudicar las traversias
caminos y servidumbres lo disfrutaran libre y esclusiva-
mente abstiniendo al uso y cultivo que mejor les convenga.
- 2^o Sollicitaran del Juez respectivo les de la posesion
Juridica en virtud de este despueho por el cual
se demarcaran los linderos con las respectivas inahonenas.
- 3^o El terreno de que se les hacen donacion es de
medio sitio de ganado Mayor segun resulta el
sitio que corre en el presente. El Juez que les
diere la posesion lo hara medir conforme a ordinanza
arista del distrito que presentaran los interesados.
En consecuencia mandó que teniendo el presente
titulo por firme y valedero se tome rason de el en el
libro a que corresponde y se entregue a los interesados
para su requerido y demas fines. Dado en la
Ciudad de las Angeles en papel comun por no haber

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de sellado a 24 de Julio del año de 1856. Pro Pío.
José M. Moreno. = Sr. Int.

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

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I Samuel D. King Surveyor General of the
United States for the State of California and as such
now having in my office and under my charge
and control a portion of the Archives of the former
Spanish and Mexican Territory or Department of
Upper California do hereby certify that the ten pre-
ceding and hereunto annexed pages of tracing
paper numbered from one to ten inclusive and each
of which is verified by my initials (S. D. K.) exhibit a true
and accurate copy of certain documents on file and
forming part of the said archives in this Office.

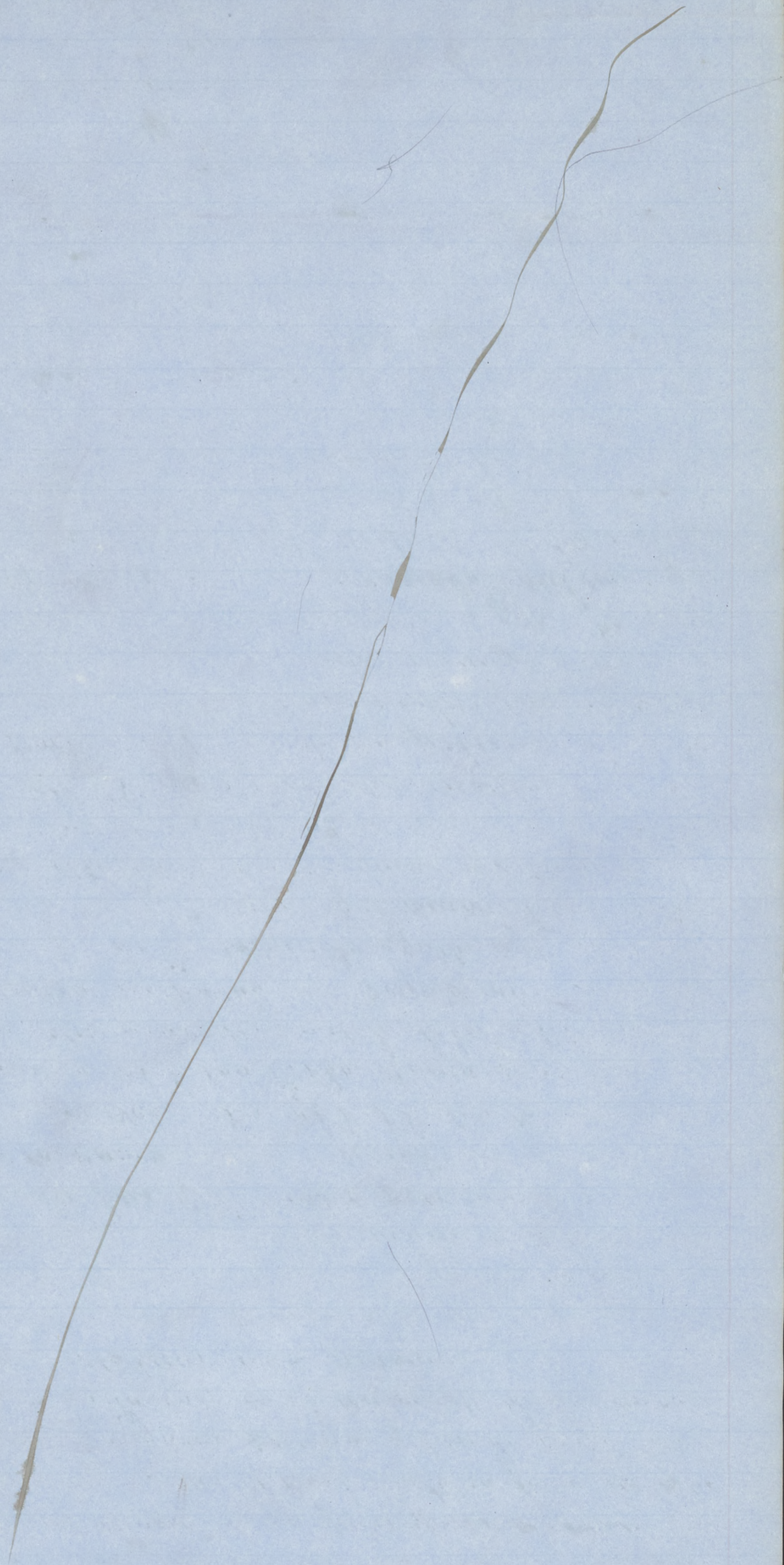
In testimony whereof I have hereunto
signed my name officially and affixed my private
Seal (not having a Seal of office) at the City of
San Francisco Calif^a this 31st day of March 1852.

Samuel D. King.

Surveyor G^l California.

Filed in Office - June 10th 1852

Geo. Fisher. Secy.



Exmo. Sr. Gobernador del
Departamento de las Californias.

(Seal.)

Enrique Fitch, naturalizado en la republica Mexicana
y Francisco Guerrero Mexicano por nacimiento arribado
en el Departamento ante V.E. con el respecto debido hacen
presente: que hallandose un parage en el punto del
Presidio de S. Francisco el cual hasta la fecha no esta
ocupado por ninguna persona y siendo propio un
arrollo que se halla en el centro de dicho parage
propio para establecer una maquina para Molino
y otros pedasos para formar algunos siembras y la
Mayor parte chamisal y monte, segun V.E. se impondra

Document por el diseño que acompaña siendo el mencionado
no. 8 anex^o terrenos medio sitio poco mas ó poco menos, colindante
To the depo. q al Sur con los ranchos de los ciudadanos Francisco de
Pablo de la Herra y José de Jesus Obé al E. S. E. con la Mision de
Guerra. San - Francisco al E. con Yerba Buena y al N. O. con
el margen del mar haciendo saber a V.E. que los
que representan no tratan de perjudicar a ninguna
persona que se halle corriendo o que desista de recibir
la gracia de tres mil varas que puede haber en dicho
arrollo para establecer una maquina y entonses tener
compusicion con el que resultare debido y si por la
disquisicion de V.E. ser agraciados los esponentes dejando
en salvo, hasta los efectos de la poblacion de Yerba
Buena aunque no estan nombrados: pues en la conacion
del terreno resultarian beneficiadas algunas personas y
no perjudicados los que representan, por otro que
obtenga alguna parte en propiedad del mencionado
terreno, y para estension de pedasos de tierra favorable
y si mucho monte y arenal. P. A. V. E. suplican
revidamente se otorgue el concederles lo que solicitan
segundo que escantare por conveniente quedando
satisfechas con la resolucion de V.E. jurando lo
necesario se poniendo en papel comun por no haber
del sellado que corresponde.

Yerba Buena. Mayo 13 de 1846.

H. D. Fitch. Francisco Guerrero.

Ang. Junio. 15 de 1846.

Vuelva este expediente a los interesados para que
lo deven al conocimiento del Sr. Prefecto del 2^o Distrito
para que tome los informes necesarios y vuelva al
Sob^{no} para resolver. Pico.

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Sr. Gobernador.
Siendo en concepto de esta Prefectura cierto y bastante el informe que da el Jefe de Paz 1º de Yerba Buena y como en este expediente soy de opinion que V.E. si le tiene á bien puede concederles á los Suplicantes el arroyo y tierras de labor que solicitan en estension de medio Litio de ganado mayor.

Monterrey. Junio 28 de 1846
Manl Castro.

Jose de Jesus Noé Jefe de Paz 1º propietario de la Jurisdiccion de Yerba Buena.
Certifico en cuanto debo: con relacion á la solicitud que hace los Ciudadanos Francisco Guerrero y Enrique Domínguez Ficht que la parte de terreno que piden estas relaciones hasta la fecha que aunque tiene otros pretendientes y sus peticiones estan en tramites el objeto con que las ultimas la pretenden siendo de establecer una magnitud. Esto será útil al publico y ademas las apruebas se limitan á cierto numero de varas es sin perjuicio abeuidad de los otros interesados en caso que el Supº Gobierno tenga á bien á agraciár á uno ó otro con el terreno indicado. Y para los fines que convenga á las interesadas de el presente en Yerba Buena á 13 de Mayo de 1846.
J. de Jesus Noé.

Sr. Jefe de Paz 1º Propietario de San Francisco.
Enrique Ficht naturalizado Mexicano y Francisco Guerrero Mexicano por nacimiento Vecinos del Departº ante V. hacer presente: que habiendo solicitado el parage que son señalamientos se venen baldio al Contorno del Perimetro del S. Francisco; y habiendo representado al Sr. Gobernador de dicho Departamento cuya representacion á compaños ar. para que en vista se diese dar un certificado segun el estado que quando obitro parage y recibiendo esta gracia se devuelva el documento necesario con otra representacion para darle el giro que corresponde.
At. pues suplican los exponentes lo que solicitan quando lo necesario se no siendo este en papel sellado por no haberlo.

Yerba Buena. Mayo. 13 de 1846.
Francisco Guerrero.

En D. Ficht.

Honorable Asamblea Departamental.
En la Villa de la Alta California

Los Ciudadanos N. D. Fitch naturalizado en la Republica Mexicana y Fran^{co} Guerrero Mexicano por nacimiento ante V. H. preguntan: que habiendo obtenido la gracia del Excmo. S. Gobernador, primer Magistrado del Departamento la gracia de serles concedido el terreno que se halla en los contornos del Presidio de S. Francisco segun titulo y dicen que acompañan a esta Honorable Asamblea suplican los exponenotes el recibir el favorecimiento de la aprobacion de dicho titulo de concecion. Q. V. V. P. P. pues con el debido respeto esperan obtener lo espuesto en la presente Junata lo necesario. A. A.

No siendo la actual representacion en papel del sello que le corresponde por no haberlo y servirlo aceptar en el presente segun lo establecido en el pais.

N. D. Fitch.

Francisco Guerrero.

José Matthias Moreno Secretario interino del despacho del Gobierno Departamental de California.

Certifico que la presente copia, concuerda a la letra con el expediente original que se halla en el archivo que es a mi cargo.

Valga en el presente papel comun comun por falta de sellarlo.

Angeles Agosto. 10 de 1845.

José Matthias Moreno. Sec. Int.

Pío Pico Gobernador Constitucional del Departamento de California.

Por cuanto los Sres. D^{no} Enrique Domingo Fitch y D^{no} Francisco Guerrero Mexicanos han solicitado para su beneficio personal y el de sus familias un paraje en el Presidio de San Francisco: practicadas previamente las averiguaciones y diligencias que han sido necesarias he venido por decreto de este dia en conceder a los espuestos Sres. el mencionado paraje declarandoles la propiedad de él por las presentes letras segun las facultades con que me hallo autorizado por el supremo Gobierno de la Nacion y con arreglo a la ley de 18 de Agosto de 1824 y reglamento de 21 de noviembre de 1828 a reserva de la aprobacion de la misma Asamblea Departamental y bajo las condiciones siguientes.

1^o Podran tenerlo sin perjudicar las transias Caminos y servidumbres, lo disfrutaran libre y escluidamente destinandolo al uso y cultivo que mejor les convenga.

2^o Solicitarán del Juez respectivo les dé la posesión Jurídica en virtud de este despacho por el cual se les demarcaran los linderos con las moyoneras respectivas.

3^a El terreno de que se les hace donación es de medio Sitio para ganado Mayor, según resulta el diseño que corre en el Expediente. El Juez que les otiene la posesión lo hará medir con total arreglo á ordenanza á vista del diseño que presentaron los interesados.

En consecuencia mando que testimoniase el presente título por firme y valedero, se tome raxon de él en el libro a que corresponde y se entregue á los interesados para su resguardo y demás fines. Dado en la Ciudad de los Angeles en papel común por no haber del Sello en veinte y cuatro de Julio de mil ochocientos Cuarenta y seis.

Pío Pico. José Matthias Moreno. Int. Int.

Queda tomada raxon de este Superior despacho en el libro respectivo
Moreno.

(Seal) Pío Pico, Gobernador Constitucional del Departamento de las Californias.

La Exma. Asamblea Departamental en sesión del día 29 de Julio presente tubo a bien decretar lo siguiente.

Se aprueba la concesion hecha á favor de los ciudadanos Henrique D. Fitch y Francisco Guerrero del prarage del Arroyo en la Division de San Francisco para el establecimiento de un molino y le fué concedido por el Sup^{or} Gobierno Departamental, Constante de medio Sitio de ganado Mayor según título librado con fecha 24 del presente y de entera conformidad con la ley de 18 de Agosto de 1825 y Art 5^o del Reglamento de 21 de Sete de 1828.

Y para resguardo de la parte de los ciudadanos Henrique D. Fitch y Francisco Guerrero lo hago así Jurar. Dado en la Ciudad de los Angeles en este papel común por falta del Sello á Treinta de Julio de mil ochocientos Cuarenta y seis.

Pío Pico. José Matthias Moreno. Int. Int.

Filed in Office. Sep^r 11th 1852.

Geo. Fisher.
Secy.

Decy.

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Translation of
of
Espediente

Part of
the Dept of
California

To His Excellency the Governor of
the Department of the Californias

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Enrique Pich naturalized
Angels June 5/846 in the Mexican Republic
Return this Espediente and Francisco Guirra a
to the present situated Mexican by both resident in
that they may bring the Department before you
is to the knowledge of Excellency with due respect
the Gov. Sup of the State representation that
and District that the being capture in the point
may take the case of the President of San Francisco
say information which up to this time has not
and return it to bear occurred by any person
the Government and an array which is almost
to decide in the center of said place being

Signed Pio Pico proper for the establishment of
machinery for a mill and other
pieces to form some farms and the quarter part
(around with thick and bushes (climbed) of Amate)
as your Excellency will be informed by the maps
said land being two and a half square leagues
alittle more or less

bounded on the south by
the Ranchos of citizens Francisco de Haro and
pedregus two on the E. S. E. by the business of
San Francisco. East by Yerba Buena and
south and west by the line of the sea there
whom present making promise to your Excellency
that they have no intention of injury to any
person who may be at this time taking meas-
ures (relative to it) or who may have already ob-
tained the corresponding title for in such case they
should only receive the part of two thousand
varas which there may be in said Array in
order to establish said machinery and then
to make comparison with him who may prove
to be the owner and if the persons representing
are found to your Excellency's dignity they will
accept even the common laws of the Town of
Yerba Buena although they are not named for
it will result that several persons will be benefited
by the grant of land and there also persons
not being injured by any other person who may
obtain any other part in the circumstances of the said land

and as there is but a small extent of good land
but a great deal of the thicket and sand

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Whence
they earnestly pray your Excellency to have the
goodness to grant them that which they solicit
as you may find it convenient they being sat-
-isfied with your Excellency's decision making
what is necessary &c putting this in common
paper for want of the sealed which encompasses

Yuba Buena May 13th 1846
Signed H. D. Fitch signed Francis Guerin
Guin Guerin

The information which the just
justice of the Peace of Yuba Buena gives and
which appears in this certificate being in the
opinion of this Prefecture certain and sufficient
I am of the opinion that your Excellency may
if you think proper grant to the Petitioners the
acres and sowing lands which they request
in extent of a square league

Montejoy June 28th 1846
(Signed) Manuel Castro
Jose de Jesus Nov Regulator of Justice of the Peace
of the Jurisdiction of Yuba Buena

I certify as ought
to do relative to the Petition made by citizens
Francis Guerin and Enrique Domingo Fitch
that the piece of land which they ask for is as yet
vacant that although it is Petitioned for by others
whose Petitions are going through the proper
course yet the object with which it is sought
to be obtained by the last being that of establish-
-ing machines which will be useful to the public
and besides the aforesaid persons limit them-
-selves to a certain number of acres it is with-
-out prejudice to the rights of the other persons
interested in case the Superior Government
should see fit to farm out the other with the
aforesaid land and for the purposes which may
best suit the interests I have given this present
in Yuba Buena on the 13th of May 1846

Signed Jose de Jesus Nov
To the Regular Justice of the Peace of San
Francisco
Enrique Fitch authorized Mexican & Francis

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Eugenio Fitch an American & Francisco
 Guerrero American by both residents of the Depart-
 -ment before you make representation that bearing
 - petition for the place which is at present vacant
 in the neighborhood of the Presidio of San Francisco
 and made representation to His Excellency the Gov-
 -ernor of said Department which representation we
 transmit to you herewith that in view of it
 you may be pleased to give a certificate of the state
 - which stands in and this form being received to
 - to return the necessary documents with some
 representation in order to give it the corresponding
 - direction from you through the persons representing
 request that which they have asked for men-
 - ing whatever may be necessary &c this not
 being on sealed paper because there is some
 Yerba Buena May 13th 1846

Signed Francisco Guerrero
 & J. Fitch

Honorable Departmental Assembly in
 Upper California
 Citizens H. D. Fitch naturalized in the Mex-
 -ican Republic and Francisco Guerrero American
 - by both before your Excellency represent
 - that having
 obtained permits by calling the Government
 - Magistrate of the Department the form of bear-
 - ing granted to them the land which is situated
 - at the neighborhood of the Presidio of San Fran-
 - cisco according to the title and maps which they
 - transmit to this Honorable Assembly those rep-
 - -sentsing pray to receive the form of the appor-
 - -val of said title of grant

From your Excellency
 - thankful the hope with due respect to obtain
 - that which they petition for in this present
 - proceeding whatever may be necessary &c
 - the said representation not being on the
 - stamped paper corresponding because there
 - is some be pleased to accept it in this according
 - to the custom of the country

Signed H. D. Fitch
 " Francisco Guerrero

Sir
 The Committee on vacant lands charged with

the examination
Rio Pico Constitutional Government of the Department
of the Californians

Whereas the Señors Don
Eusebio Domínguez Fitch and Don Francisco
Gómez Mexicano have petitioned in person
benefit and that of their families petitioned
for a plan in the Parish of San Francisco
the measures and examinations which have
been necessary being previously made

Have
in view of this day granted to the aforesaid persons
the above mentioned place according to them the
ownership of it by their presents according to the
forms with which I am authorized by the
Supreme Government of the Nation and in con-
formity with the Law of August 18th 1824 and
Regulation of number 21st 1828 subject to
the approval of the Most Excellent Departmental
assembly and under the following conditions
1 They may enclose it in their property to the
crossings roads and sentinas and enjoy it fully
and exclusively making such use or cultiva-
tion of it as may best suit them

2 They shall request the proper Magistrate to give
them judicial possession in virtue of this
title by which the boundaries shall be numbered
out with the proper bounds

3 The land of which dimensions is made
them is half as much league as shown by the
map which goes in to the Expediente

The mag-
istrate who may give the possession will
cause it to be measured in entire conformity
with the ordinance in view of the map which
the persons interested shall present in conformity
with that the present title being held as firm and
valid note be made of it in the proper book
and it be delivered to the persons interested for
their security and other papers given in the City
of Los Angeles on common paper for want of them
paid on the 24th of July 1846

signed Pío Pico signed J. M. Moreno
Gentil y ad interim
Folia in Officio June 10th 1852 Los Pinos Luz

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2/ Translation
of Title and
Approval

17507

Provisional Constitutional Government of the Department
of California

Government
of the Dept
of California
Whereas the Grantees Don Enrique Dominguez
Witch and Don Francisco Gomez and
others have for their own personal use
for any that of their families asked for a place
in the Presidio of San Francisco the measure and
examine which have been massing being simi-
only made

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I have in decree of this day granted
the aforesaid persons the above mentioned place
declaiming to them the ownership of it by these persons
according to the faculties with which I am entrusted
by the Supreme Government of the nation and in
conformity with the Law of August 18th 1824
and regulation of November 29th 1828 subject to the
approval of the Most Excellent Departmental As-
sembly and under the following conditions

- 1 They may use it without prejudice to the
census roads and sentries and enjoy it fully
and exclusively applying it to such use and culti-
vation as may best suit them
- 2 They shall require the proper magistrate to
give them judicial possession in virtue of this
title by whom the boundaries will be marked
out with the proper bounds
- 3 The land of which mention is made therein is
half a square league as shown by the map which
goes with the expediente The Magistrate who
may give the possession will cause it to be
measured in virtue conformity with the ordinance
in view of the map which these interested shall
present

In consequence hereof that the present title
being held as firm and valid note be made of it
in the proper book and it be delivered to the persons
interested for their security and other purposes

Given in
the city of Los Angeles in common paper for
want of stamped in the twenty fourth day of July
at thousand eight hundred and forty six
Signed Pio Pico
Signed Jose Matias Moreno
Secretary ad interim

Note has been made of this Injurious title in the
proprietor's book

Sequid Narrant
Pio Pici Constitutional Government of the Department
of the Californias

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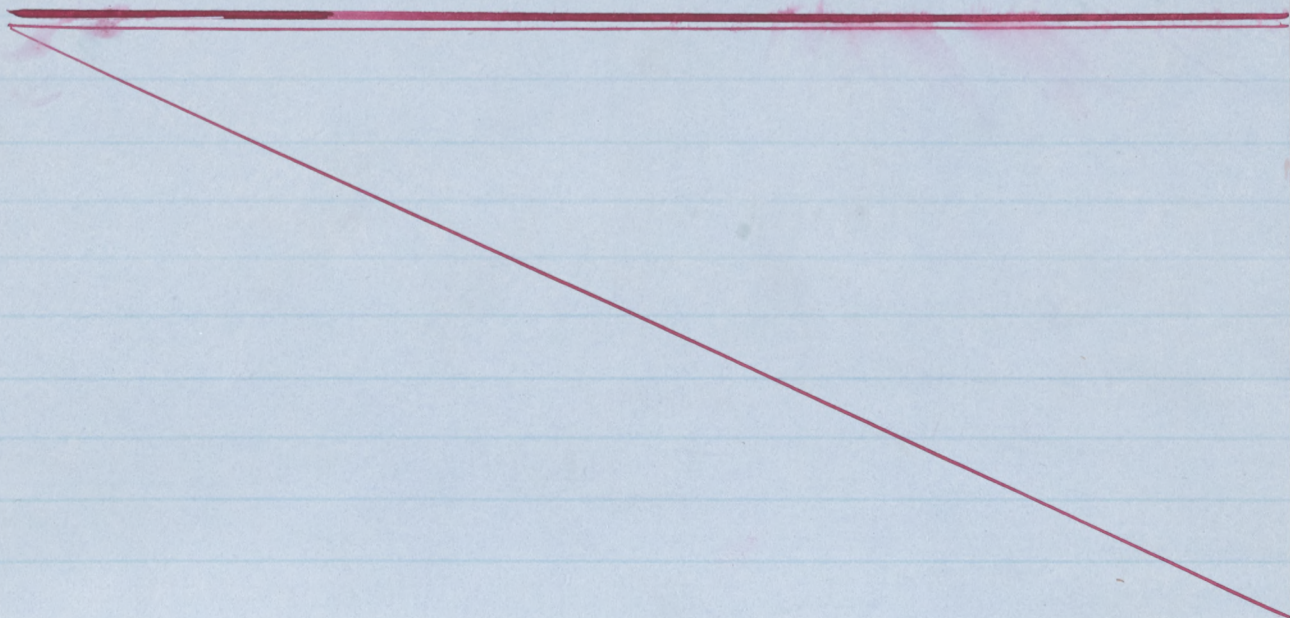
Government of the Department of the Californias
The Most Excellent Departmental
Assembly in session of the 29th
of July instant thought proper

to decree the following
Approved the Grants made in favor of Citizens
Enrique Fitch and Francisco Gomez of the Puerto
de Anaya in the jurisdiction of San Francisco
for the establishment of a Mill which was granted
to them by the former Departmental Government
consisting of half a square league according
to title issued with date the 24th instant and
in entire conformity with the Law of August
18th 1824 and article 5th of the Regulations of Nov
ember 21st 1828

And for the security of the Citizens
Enrique Fitch and Francisco Gomez I there
make it known that in the City of Los Angeles on
this common paper for want of stamps on the 30th
of July instant and eight hundred and forty six

Sequid Pio Pici
Sequid Jose Matias Vinas
Secretary ad actum

Filed in Office June 10th 1852
George Fisher
Secretary



Withdrawal
of Attorneys

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Number 268
Claim of Harris of Fitch and Gunn to the
Parage del Arroyo

To United States Law Agent. Please take notice
that we have withdrawn our names as Attorneys
in the above entitled Claim before the United
States Board of Commissioners

Very Respectfully
your Obedient Servants
Hallack Peachy & Billings

Filed in Office October 24th 1854
George Fustin

Secretary
Recorded in Journal of Volume 4 Page 88
George Fustin
Secretary

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Commi of the Board

Josifa Leauillo del Fitch
et al vs
The United States

Claim for capture
called Passage ad
Civogo from half
square league in the
County of San Francisco

The claimants in this case ask confirmation
of their rights as heirs of Henry D. Fitch and of
Francis Quinn Polman by virtue of a grant
issued to the said Fitch and Polman by Governor
Pio Pici on the 26th day of July 1846 and it is
alleged in the Petition that both of the granters
are deceased

We do not deem it necessary in
this case to determine the fact whether a grant
issued by Governor Pio Pici on the 26th day of
July 1846 would be of any validity or not

Inasmuch
as there is no evidence of the demise of either of the
granters, nor that either of present claimants are
the heirs of either of the supposed deceased granters

Or that
they are interested in any thing from anyone who
has lived before them the claim is without merit
and is hereby rejected

Rejected

Filed in Office Number 7th 1854

George Fisher
Secretary

Decree

Number 268
Josifa Leauillo de Fitch
et al vs
The United States

After hearing the proofs and allegations in this
case it is adjudged by the Board that the claim
herein is invalid and it is hereby ordered that the
same be rejected

Alphons Fitch
N. Aug Thompson
S B Farwell

Commissioners

Filed in Office Number 7th 1854 G. Fisher Secretary

And it appearing to the satisfaction of this Board that the cause hereby adjudicated is situated in the Northern District of California it is hereby ordered that two transcripts of the proceedings and of the decision in this cause and of the papers and evidence upon which the same are founded be made out and duly certified by the Secretary of which transcripts shall be filed with the Clerk of the United States District Court for the Northern District of California and the same be transmitted to the Attorney General of the United States

Office of the Board of Commissioners,

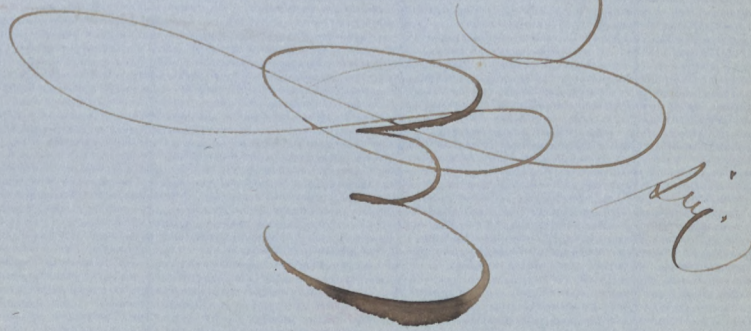
To ascertain and settle the Private Land Claims in the State of California.

I, *George Fisher* — Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *Twenty six* — pages, numbered from 1 to *26*, 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. *268* on the Docket of the said Board, wherein

Josefa Carrillo de Fitch, et al, are the Claimant against the United States, for the place known by the name of "*Paraje del Urnye*" —

In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this *Twenty fifth* — day of *May* A. D. *1853*, and of the Independence of the United States of America the seventy-*ninth*.

Geo. Fisher.



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

No. 218-
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THE UNITED STATES

28.

*Josefa Carrillo de
Fitch, et al*

TRANSCRIPT OF THE RECORD
FROM THE
BOARD OF U. S. LAND COMMISSIONERS,
In Case No. *268*

Filed, *June 2d* 1855
John A. Munroe,
Clerk

218-218

No 218.

United States District Court for the
Northern District of California

The Heirs of Henry De Fitch

vs

The United States

The above named claimants and
appellants in the above entitled cause hereby give notice
that they intend to prosecute an appeal in this court
from the decision of the U.S. Land Commissioners
rejecting the claim.

To the Clerk of the U.S. District Court
for the Northern Dist of California

José Carrillo de Fitch
& other Heirs of Henry De Fitch dec'd
By E. O. Crosby their attorney.

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No. 218.

U. S. District Court for the
Northern Dist of California

The Heirs of Army & Fitch

vs

The United States

Notice of appeal.

Filed November 3, 1855,
by Charles
Deputy.

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E. O. Crosby, Atty
for appellants.

Comments

Rosafa de Caullo de
Fitch et al

vs
The U. S.

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The grant in this case purports to have been made July 26, 1846. No evidence ~~what~~ in support of the claim was offered to the Board, except the deposition of Pablo de la Guerra to the effect that the signatures are genuine.

The original grantees were Enrique Domingo Fitch and Francisco Guerrero.

There is no evidence of the decease of either of these persons, or that any connection or privity of estate between them and the present grantees claimants. The claim was rejected by the Board for this reason in November 1854. No attempt has been made to supply the omission in this Court. The claim in fact seems to have been abandoned.

It is not necessary ^{to consider} the ~~the~~ other objections which might ^{be} urged to its validity.

The decree of the Board must be affirmed.

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Josefa Canillo
de Vilch et al

vs.
The A. S.
Opinion

Filed December 10th 1857

Rajalynne

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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, May 25th 1855 -

J. A. Moore Esq.

Clerk of the U. S. District Court for the
Northern 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. 268 on the Docket of the said Board, wherein Josefa Carrillo de Fitch, et al, are — the Claimant against the United States, for the place known by the name of "Parage del Arroyo" — and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher