CASE NO.
86

SOUTHERN DISTRICT

SANTA ANITA GRANT

HENRY DALTON

CLAIMANT

LAND CASE 86 SD page 109

FEB 20 1963

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 345

Henry Dalton CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

0001 FOR THE PLACE NAMED

"Santa Anita."

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/

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Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, *that on this* fourteenth day of Septr, *Anno Domini One Thousand Eight Hundred and Fifty=*four, *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 Henry Dalton *for the Place named*

"Santa Anita"

was presented, and ordered to be filed and docketed with No. 343 *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;

Los Angeles September 23d 1852.
In Case No. 343 Henry Dalton for the place named "Santa Anita", on Motion of the Counsel for the Claimant the following Order was made to wit:

(Vide page 48 of this Transcript)

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Los Angeles November 6th 1852
In the same Case the deposition of Abel Stearns, a witness in behalf of the Claimant taken before Commissioner Edwin Hall with documents marked A. B. Nos. 1, 2, & 3 and translations marked No 1 annexed thereto was filed:

(Vide page 7 of this Transcript)

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San Francisco Sept. 21st. 1853.

Case No. 343. Called; The Counsel for the Claimant and the Evidence - Argued, Submitted and taken under advisement by the Board.

San Francisco January 17 1854.

In the same Case Commissioner Alpheus Felch delivered the opinion of the Board confirming the Claim;

(See page 50 of this Transcript)

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Petition

To the Honorable the U S Commissioners for the adjudication of California Land Claims

Your Petitioner Henry Dalton resident of the county of Los Angeles State of California respectfully represents, That he claims as owner in fee simple a tract of land in said county situate, known by the name of the Ranch of Santa Anita said tract of land was originally granted provisionally to Rufusto Argüello by Manuel Alvarado constitutional Governor of the Departments of the Californias by act of concession bearing date the 16th of April AD. 1841. at Monterey which provisional concession was renewed by Manuel Micheltorena Governor of California on the 8th day of July AD 1843, accompanied by an order of the said Micheltorena Governor as aforesaid to the grantee the said Reid to appear before him in future and obtain a title in fee simple to said lands. That the administration of said Micheltorena being soon after succeeded by that of Pio Pico Governor ad interim of the Departments of Californias and as such vested by the Mexican Government with sufficient and extraordinary powers in the premises upon application by the said Reid to him the said Pio Pico Governor as aforesaid he executed a title in fee simple to the said Rufusto Argüello of the said lands by grant or deed of conveyance bearing date the 31st day of March AD 1845 The said Reid was put in Indicial possession of the said lands on the 22 day of April AD 1845, by the municipal authorities of the Partido of Los Angeles which he held uninterruptedly and peacably from the date

of said act) and for more than three years
before he had quiet & peaceable possession
thereof) until the time of the transfer of
said lands to your Petitioner That the
aforesaid grant in fee simple of said lands
to said Reid was confirmed by the Department
of the Assembly of California in their session
in the city of Los Angeles of the 7th day of May
AD, 1845. That said tract of land was granted
& conveyed by the aforesaid Prefect Hugo Reid
to your Petitioner by deed of conveyance bearing
date the 29th of May AD 1847 said tract of
land contains three square leagues of grazing
land, a little more or less according
to the diagram which accompanied said grant
& is embodied in the Expediente herewith filed
The bounds ones of said land are well known
& defined & are described in the act of Judicial
possession as follows (following the translation
faithfully rendering the Spanish text into English)
to wit The first cord was extended from the Sierra
at a point which can be supposed course South
west & there were counted and measured 7500
varas which terminated in the plain where I
ordered a land mark to be placed [This is the
dividing line between said lands & the rancho
of Andres Duarte] From this point & changing
the direction for a west course the second cord
was extended xxxxx and there were counted &
measured 10.500, varas which terminated bearing
North at a point which forms a line with
the garden of the aforesaid Don Hugo, From
here the third cord was extended in a direction
towards the Sierra (mountain) xxxxx & there
were measured & counted 7.500 varas which

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5

terminated at the same mountain from him changing the direction we ought to have run the fourth measurement for the interior of the mountain & the ravines (Cañadas) which belong to Santa Anita but not being able to do it from the broken nature & inequalities of the land the measurement was taken along the exterior line & there were measured and counted 10.500, varas which terminated at the place of beginning it being understood that the right to the ravines which are within the limits of Santa Anita is reserved to Don Hugo Reid to complete with them the area which the land ought to have. All of said tract lies in the county of Los Angeles, joining at its southern line with the lands of the Mission of San Gabriel. That said land has been in the actual possession of your Petitioner from the date of said conveyance to him to the present time, That the conditions of the grant of said land to said Reid have all been faithfully fulfilled, said land has never been surveyed by the Surveyor General, Your Petitioner knows of no existing adverse claim to said tract of land. As evidence in support of his claim your Petitioner relies upon the original Expediente Diagram and provisional grants of said Governors Alvarado & Micheltorena & are similar copies of which taken & certified by the Surveyor General are herewith filed. The grant of Pio Pico a copy of which is filed, the act of Bidwell possession and the act of confirmation by the Dep: Assembly true copies of which are also filed. The deed of conveyance from said Reid to your Petitioner

0006

a true copy of which is herewith filed all of the above papers (heretofore also mentioned) as this petition being in the Spanish language are accompanied with true translations into the English (except the last paper) which are also submitted for convenience and he will rely upon such parol proof as may be necessary to show a full compliance with all the requisits of the law to perfect title to said lands and he will pray that the same be confirmed to the extent of the boundaries above set forth and that a patent may issue therefore to your petitioner and as in duty bound &c

Henry Dalton
by
Scott and Granger
Attys

Angeles Sept 13th 1852

Filed in Office Sept 14th 1852
Jas Fisher
Clerk

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3/343

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Los Angeles November 6th 1852

On this day before Leon Stand Hall came Abel Stearns a witness in behalf of the Claimant Henry Dalton petition No 343 and was duly sworn his evidence being given in English

Deposition of Abel Stearns

The Ass't Associate Land Agent was present

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In answer to questions by Counsel for the Claimant the witness testified as follows

My name is Abel Stearns my age is fifty four years and I reside in Los Angeles I have resided in California over twenty three years, I am acquainted with the hand writing & signatures of Pio Pico Juan Bandini Vicente Sanchez Ignacio Coronel and Luis Jordan

A paper is now shown me purporting to be a grant to Rufino Hugo Reid of a tract of land called Santa Anita dated 31. March 1845. to which is attached a testimonio of Judicial Possession dated in April 1845.
The signatures of the said several persons appearing on said paper I believe to be genuine

Vicente Sanchez was acting Alcalde at the date of said possession and authorized to give it Said paper is hereto annexed and marked H H No 1

0008

A paper is also shown me purporting to be a certificate of the approval of said grant by the Departmental Assembly dated May 18th 1845. The signatures of said Pico and Bandini on said paper I believe to be genuine It is hereto annexed

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and marked H H No 2

0009

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A paper is now shown me purporting to be an instrument of sale from Perfecto Hugo Rios to Henry Dalton of the Rancho of Santa Anita dated May 29th 1847 certified by Enrique Avila as Alcalde and witnessed Leonardo Cota and Ignacio Coronel I am acquainted with the hand writing and signatures of the said several persons and believe those attached to said paper to be genuine Said Avila was acting as alcalde at the date of said instrument and authorized to sanction and certify the same, I was knowing to the sale from Rios to Dalton. Said paper is hereto annexed and marked H H No 3.

Mr Rios was in possession of the Rancho Santa Anita under some provisional title before the grant before mentioned was made had a house there which was inhabited and he cultivated land and had several hundred head of cattle on the land

He continued thus to occupy the land living on it himself a portion of the time until he sold to Dalton — Dalton has occupied the land in a similar manner from the time of his purchase to the present time

Abel Stearns

Sworn and subscribed before me

Helenus Hace

Comr

260

Filed in Office November 6th 1852

Geo Fisher Clerk

Dwr. Cwe 3A3.

9

1845.

Espediente promovido por Dn Perfecto Hugo Reid en solicitud del parage llamado Sta Anita.

Concluido.

126.

Exmo. Sor. Gobernador.

(Sellos) Certifico Hugo Reid, Mejicano por naturaleza, casado con Mejicana y radicado en la Mision de S.n Gabriel ante V.E. respectuosamente y como mas haya lugar me presento y alego: que por no tener mas que un titulo provisional á mi rancho llamado Santa Anita (que se halla agregado) unicamente me han dado posesion jurídica sin mas entrega por parte de la Mision en tiempo de la administracion de D.n Juan Banolini. V.E. observará que el titulo especificado espresa que esta Valido provisional cedido provisionalmente, sujetandose á pagar el canon que me imponga si resultase pertenecer á los propios del establecimiento de San Gabriel, cuando se haga el arreglo general de los limites; V.E. me permitirá imponerle 1.o que dicho rancho no entrará en sus limites 2.o que el mismo Gobierno ha cedido despues, titulos en propiedad del terreno tan cercano á esta mision como el mio! 3.o que los titulos á que refiere han sido dados á particulares cuando yo tengo manderuno por ser casado con una hija del mismo mision quien trabajó generalmente, ellas sus padres y primer marido de el fomento de dicho establecimiento = tan poca seguridad tengo, si una posesion y titulo como es debido que en el mismo año de. Andres Duarte pidio un terreno hacia esta mision é incluyeron parte de mi Rancho antes dicho por no tener posesion jurídica y para no emprender cuestiones tuve que ceder al despojo, llevando mi certificado del Juez del lugar y que tambien acompaño. A V.E. pido que se sirva mandar me libren un titulo en propiedad por tres sitios de ganado mayor, quedando me obligando despues de recibir la posesion por el Juez de presentar un diseño exacto de la entregue para archivarlo donde le corresponda. Por tanto suplico á la recta justificacion de V.E. que se sirva ceder á esta mi solicitud, jurando lo necesario admitiendome lo presente en papel comun por no haber en el lugar del sello correspondiente. San Gabriel Junio 2 de 1843. Respecto Hugo Reid. Mision de S.n Gabriel Junio 5. de 1843.

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se le puede conceder al interesado el titulo de propiedad del terreno que llaman Sta Anita por hallarse enteramente valido en precio de los servicios enagenados en beneficio de esta Mision pr su esposa y por su finado marido D. Pablo que dio tanto ser á Dha. Mision. D. Thomas Estenaga. Mte Gabriel 5 de 1843. — Oor las notorios y preferentes atenciones de este Gobno no puedo por ahora extenderle titulo; pero sirvo de provisionalmente con la obstacion de ocurro ay. en los escritos en forma, cuando representa que razonado defenitivamente este Gobno. Mtr Beltrena.

(Seal) Juan B. Alvarado, Gobernador Constitucional del Departamento de las California.

Por cuanto Don. Defecto Mugo. Reid, naturalizado y casado con Mejicana, ha pretendido para su beneficio personal y el de su familia el parage conocido con el nombre de Santa Anita practicadas previamente las diligencias y averiguaciones concerni-entes segun lo dispuesto por leyes y reglamentos; usando de las facultades que me son conferidas, he venido por decreto de este dia concederle provisionalmente el mencionado parage, sujetan-dose á pagar los ru. que se le impongan, se resultare pertenecerá las propias del establecimiento de San Gabriel usando se haga el amejo general de limites y haga las concesiones de no impedir el curso de las aguas y maderas al mencionado establecimiento y sin perjudicar las travesias caminos y servidumbres. — En consecuencia tomese razon de esta concesion provisional en el libro respectivo y entreguese al interesado para su resguardo y demas fines. Monterey diez y seis de Abril de mil ochocientos cuarenta y uno. Juan B. Alvarado. Manl Jimeno Secr.

Nota tomada razon de esta concesion provisional á en el libro respectivo afs. Jr. Jimeno.

Sello tercero. Dos reales.

Habilitado provisionalmente por la aduana maritima del puerto de Monterey en el Departamento de las California, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno

Jimeno. Mtr. Ma Ofr.

Ygnacio Palomares, Juez 1º de Paz en la ciudad de los Angeles de 1ª instancia en la cabecera de 2ª Distrito D.º Certifico que en todo tiempo de alrededor que el año ochocientos presente hallandose en un paraje de la mision de S.n Gabriel llamado la mesa Blanca el cual se halla inclusos en el titulo y posesion de Don Andres Duarte como de esperarse las medidas dos Ciudadanos D. Hugo Reid y el Coronado Duarte sobre la pertenencia del terreno y despues de algunas diferencias lo que gré enviar los reconocenda ambos Reid y Duarte; por linea divisoria en sus linderos de Atzuza y Santo nita un Roble que se halla al norte de Atzuza a cuyo Roble se dieron una mohonera, siendo estos linderos ó limites apreciados por los concedente. Y para que en la sucesivo no halla otra conflicto de igual naturaleza pedió D. Hugo del reconocimiento de ambos linderos, me certifica que es el presente dado hoy mes de Junio de mil ochocientos cuarenta y uno firmandolo con mis testigos de asistencia.

Sello tercero Dos reales

Habilitado provisionalmente por la aduana marítima del Puerto de Monterey en el Departamento de las California, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno. Primero. Antonio Maria Lugo.

Segundo. Doy fé. Ygnacio Palomares Fran.co Arce.

Santo Dor Gobernador

Respecto Hugo Reid, Mejicano por nacimiento, casado con Mejicana y vecino en la Ex-Mision de San Gabriel, ante V.E. respectuosamente en la mejor forma y conforme hura lugar en derecho se presenta diciendo que segun los documentos que acompaño V.E. se dignaria á decir que notiendo mas titulo para mi rancho llamado Santa Anita que un titulo provisional dado por el Sor Gobernador Don Juan Bta Alvarado el dia 16 de abril de 1841, segun mera representacion al Señor Gobernador Don Manuel

Angeles, Marzo 11 de 1845. Devuelvase al interesado para que presente la obra pendiente dentro fijandole los limites fa concederle las colindantes inmediatas.

Rico.

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Angeles. Marzo de 94 en Rosario Junio de mil ochocientos 913 pidiendo
de 1865. Le concede que se manolará libre en título de propiedad
al interesado la propie para dicho parage concediendo seis Leguas
-dad de tres Leguas de de Guancado chayar que en la misma fecha
ganado menor en el pidiese informe mere al padre Otro de
parage de Santa Anita esto chicuas qui en á las Cinco días del mismo
por cuya virtud se me mes y año informo á favor de V.S. Le ingrandra
el correspondiente título por el decreto á la razon por que el Gobno
con arreglo al decreto no me entendio luego el Referido título
que se acompaña y de que en por que ya Lallaba por Salen las perentos
-dado el presente expedi del norte, pero me impuse las obligaciones
-ente para los efectos de volver por este documento tan luego como
que sean necesarios. Dispense que dicho Gobierno se hallará radicado
no Pedro Gobernador definitivamente. que desde aquella fecha hasta
de las Californias lo ahora ignoraba si el Gobierno se hallara ausente
decreté mandé es diputado aun, y por lo mismo tomo avisar
firmé. Doy fé. — escribi viejo trabajo para conocer que el Gobno
y esta establecido y con voluntad de abrir
en todo lo necesario para el bien del país
me presento ante V.E. Jr que se digne mandar
librar el título en propiedad que tan
Justamente pido; por que por falta de la
posesion necesaria se miran de gacetas
y remedientes á tenencias baldias hagan las
mencionadas, o curo de hacer los, de dugar á observancias es
pleytes. Por tanto Suplico á la recta justificacion de V.E. que
se digne acceder á esta mi Solicitud. Sirviendo lo necesario
admitiendo la presente en papel comun por no haber de
ello que corresponde. Sn Antonio de San Gabriel. Marzo
veinte de mil ochocientos treinta y cinco.

00014

Respecto Rugo Reid. Santiago Senor Gobernador.

En virtud de cumplir con el decreto de V.E. fha. 13 del actual
se concede el terreno del rancho, fijando los límites
y calcinda ante V.E. desearia que se firmado el documento del

de Este á Oeste de tal manera que abrazo afuera todas las dehesas y posesiones de Jacales y otros con los terrenos que pudiran ganar ahora o despues las respectas de la ciudad para cultivar no quedando adentro de un Sitio ningun pozo ni manantial, tomando las ciénegas por linderos que surten el agua necesaria para dar riego de la posesion. Y cuya agua corre al Sur tal vez por no decirlo daba poco mas de los tres sitios que pido sin embargo, del rumbo ya mencionado de Este al Oeste no abraza todo el terreno desde los limites del Rancho del Ciudadano Antonio Duarte hasta la cuesta del Aire con inclusa; avanzé una vista el Ciudano que esta suscribe la noticia que tomara al Señor Jacinto del terreno que pido De San Gabriel R.G. Se servirá admitir la presente en papel comun por no haber en el lugar del sello que corresponde. San Gabriel Marzo 17 de 1845. Narciso Hugo Reid

queda Despachado en esta Ofna. Mayor. Chuaro 31 de 1845
Juan Bandini Sno. Angeles Abril 25 de 1845.
Devuelto Cuenta anterior de hoy con este Expediente Le pasé á la comision de terrenos baldios. Rio Dico. Agustin Olvera.

Lean la nueva solicitud

Santa Fe.

La comision de terrenos baldios ha visto y examinado con toda la atencion que se ha dado posible el expediente formado del terreno Santa Anita concedido al Señor Don Perfecto Hugo Reid para que enterandose en conocimiento de hallarse practicado todas las diligencias que aparecen, con lo que sobre el particular dispone las leyes

propiedad en el terreno al interesado, la convierta en virtud de este pase á la deliberacion del respetable Cuerpo la proposicion siguiente. "Se aprueba la concesion hecha el Ciudad.º Prefecto Reid del paraje nombrado Santa anita concedido provisionalmente desde 16 de abril de 1842 y en propiedad el dia 31 de dho del presente año de entera conformidad con lo prevenido en la ley de diez y ocho de Agosto de 1824 y reglamentaria cuarta 2da del reglamento de veinte y cinco de Noviembre de mil ochocientos veinte y ocho. Angeles Mayo 3. de 1843. y 33.º del Valle. = Narciso Botello = Secretario. Mayo diez de noviembre de mil ochocientos cuarenta y cinco. = En sesion de este dia se aprobó por la Excma Asamblea Departamental la proposicion del dictamen antecedente, mandando se devuelva el expediente al Excmo Sor Gobernador para los fines consiguientes. Pio Pico. Agustin V. Olvera. Srio. = Angeles Marzo diez de mil ochocientos cuarenta y cinco. = En vista de la aprobacion otorgada en Junio del presente ~~año~~ mes, por la Excma Asamblea de este departamento, devuelve testimonio de mas de este decreto al parte del Dn Prefecto Mayo Reid en confirmacion á la concesion del terreno de Santa anita q. por legal titulo obtuvo del Supremo Gobierno Intº del Departamento de las Californias, así lo mandó decretó y firma de que doy fé. Pio Pico. Juan Bautista Guerra. Remitida razon de este titulo en el Libro respectivo.

Office of the Surveyor General of the United States for California

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 custody a portion of the archives of the former Spanish and Mexican Territory or Department of Upper California, do hereby certify that the eighteen preceding and hereunto annexed pages of drawing paper numbered from one to eighteen and each of which is initialed by my initials (S. D. K.) contain true and accurate copies of certain documents on file and forming part of the said archives

in this office. In testimony whereof I have hereunto
sign my name officially and affixed my private seal
(not having a seal of office) at the city of San Francisco
Cal. this 24. Day of August. 1852.

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Samuel B. King
Surveyor Gl.
Cal.

Filed in office Sept. 16th 1852.
Geo. Fisher
Secy.

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B

Translation of Expediente

Most Excellent Governor

Pedro Stego Rico a Mexican by naturalization married to a Mexican woman an Indian established in the Mission of San Gabriel before Y.E. respectfully & at the most opportune occasion presented himself and says That having nothing more than a possessory title to my Ranche called Santa Anita which is joined with this, they have never given me Juridical possession except a delivery on the part of the Mission, in the time of the administration of D. Juan Bandini. Y.E. will observe that the title referred to expresses, that it is under provisionally, subjecting me to pay the fee which may be imposed on me if it results that it appertains to the property of the Establishment of San Gabriel whenever there may be a general regulation of its limits Y.E. will permit me to represent 1st That said ranch will not enter those limits 2d That the Government has since granted lands in property of lands as near to this Mission as mine are 3d That the titles to which I refer have been given to private individuals, when I have a better right from being married to a daughter of the Mission aforesaid who worked personally both she her parents & former husband in the foundation of said Establishment. So little security I have I without a possession & title that is mere That in the same year the citizen Antonio Dezante petitioned for unoccupied land of the Mission so as to include part of my Ranche in his Diagram by my not having Juridical possession and not engaging in disputes he had

the denunciation practised taking out a certificate from the Judge of the act and which also accompanies this, I beg your Excellency to command me to be supplied with title in propriety for three leagues of pasture land leaving me obligated after having received the possession by the Judge to present a Diagram exact of the dividing to be filed among the proper Archives Therefore I solicit of the correct payment of U.E. that you will deign to grant me this my petition swearing that it is necessary &c and me the present on common paper for want in its place of the sealed that corresponds

San Gabriel June 2d 1843

Rafaelo Hugo Reid

Mission of San Gabriel June 5th 1843

The title of property in the land which they call Santa Anita can be granted to the interested party because it is unoccupied entirely and for the reason of services rendered for the benefit of this mission by his wife and her late husband Pablo who served so much services to said Mission

Fray Thomas Estenaga

July 5th 1843.

On account of the noted and increasing business of this Government it cannot not to the present time attend to the title the present may serve him provisionally with the obligation to appear again to obtain for himself a grant in form when this Government is definitively established

Micheltorena

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Juan B Alvarado Governor Constitutionally of the Department of the California to wheas Don Rufeito Stego Rico a naturalized citizen and married to a Mexican woman has petitioned for his personal benefit and that of his family, the place known by the name of Santa Anita, the proceedings & relative investigations having been gone through with, according to the direction of the laws and regulations exercising the authority confided upon me I have concluded by a decree of this day to grant him provisionally the aforesaid land the fee that may be imposed, if it shall belong to the lands of the Establishment of San Gabriel whenever a general regulation of its limits is made & under the condition that he will not prevent the use of the waters & timber to the aforesaid Establishment, and without his prejudicing the cross roads & the servitudes to whom before take copy of this provisional grant in the proper Book and deliver it to the party interested for his security and further ends

Monterey 16th of April 1841.

Juan B Alvarado

Manuel Jimeno

Lee

Copy is taken of this provisional grant in the proper Book at leaf 3. the other side

Jimeno

00020

Lent of the 3d class 25 c

Inscribed provisionally for the Marazine Custom House of the Port of Monterey for the years 1840 and 1841

Jimeno Antonio Maria Osio

300

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I Ignacio Palomares 1st Justice of the Peace of the city of Los Angeles and of the 1st Instance in the Capital of the 2nd District &c

I certify by every form of law that on the 8th inst. I was in a plane of the Mission of San Gabriel called the White Cable land which is included in the title & possession of Don Manuel Duarte in the settlement of the Survey of the land Don Hugo Reid and the said Duarte disputed in regard to the ownership of the land and after some differences, they came to an agreement both Reid and Duarte acknowledging for a dividing line in the bounds of Azusa & Santa Anita an Oak tree which is at the west of Azusa at which Oak tree were given some hatchet cuts, those limits being respected by the contestants and because in the incidents nothing else was recognized of equal nature Don Hugo requested a certificate of the recognition of both boundaries which the present is given to day the 9th of June 1841. I signing it with my assistant witnesses according to law

I attest
Ignacio Palomares

Asst Ignacio Coronel

Asst Francisco Ocampo

His Excellency the Governor ad interim of the Department

Prefecto Hugo Reid a mexican by naturalization married to a mexican woman and established in the Ex Mission of San Gabriel before V.E. most respectfully in the best form and most proper in law presents himself.

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Stating that according to the accompany documents Y.E. will be informed that having no more title for my rancho called Santa Anita than a provisional one, granted by the Governor Juan B Alvarado the 16th June 1841. I made a new representation to his Excellency the Governor Manuel Micheltorena on the 2nd June 1843 praying that he would order me to be given a title in property for said Rancho containing three leagues of grazing land That on the same date the Father Minister of the Mission was asked for a new report who on the 6th day of the same month & year reported favorably Y.E. will be informed by the decree of the reason that the Government did not immediately extend the desired title to me: that it was then about to move to point north but it imposed on me the obligation to return for the desired document as soon as I heard that the Government was definitively established that from that date until now I have been ignorant whether the Government was definitively established or not and for the same reason I did not undertake a journey so distant But as the Government is as it appears now established and with a will to operate in every necessary manner for the welfare of the country I present myself before Y.E. that you will deign to execute to me the title in property which I respectfully request, Since for want of the necessary possession other persons asking unoccupied lands will be impeded in making their pretensions or in case of making them upon to my will be occasioned for disagreements & law suits wherefore I pray that the corresponding of Y.E. will deign to accede to this my petition

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00022

swearing that it is necessary to admit the petitioner on common paper for want of the respective sealed in its place

Ex. Mission of San Gabriel March 13. 1845

Rafaelo Hugo Reid

(Endorsed)

Angeles March 13. 1845.

Let this be returned to the party interested that he may present the corresponding Map or Diagram fixing the limits so as to know the immediate adjoining claimants

Pico

[Also endorsed on the same is the following]

Angeles March 27. 1845

To the Party interested is granted the property in three leagues of grazing land in the plain of the Santa Anita by virtue of which let the proper title be issued to him agreeably with the Diagram which accompanies it. Then bill in the outlines the present Expediente for necessary purposes

Thus I Pio Pico Governor ad interim of the Department of California decreed ordered and signed it

I attest

Pico

His Excellency The Governor

In the due fulfilment of the Decree of Y. E. dated 13 inst I present the Diagram of the ranch fixing its limits & adjoining neighbors Y. E. will observe that I have extended my boundary from East to West in such manner as to exclude the fields and all the possessions of Indians and others with the lands they could now enjoy or that the Neophites of the Mission

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could hereafter cultivate not leaving by this course any spring within my tract taking for a boundary the swamps (ciénegas) which supply the water necessary for the irrigation of said Mission from the dam, the water of which runs to the South

Possibly my diagram will encompass a little more than the leagues which I asked notwithstanding of the course per mentioned of East to West all the land is included from the limits of the ranch of the citizen Andres Duarte to the table land of the Rincon (range of the mountains) inclusive which terminates the boundary which I left as belonging to the Mission and which Mr Larkin will take in the lands which he has asked for San Pascual

Y.E. will please to admit the present on common paper for want of the proper sealed in its place San Gabriel March 17th 1845

Prefecto Hugo Reid

(Endorsed)

The Despatch is received and filed on this date Angeles March 21. 1845.

Juan Bautista

Sec

[Endorsed also]

Angeles April 25th 1845.

A copy of this Expediente was given in session of to day and was passed to the committee on unoccupied lands

Pio Pico

Agustin Olvera Seq

Sir

The Committee of unoccupied lands has seen and examined with all the attention that has been possible, the Expediente formed respecting the land Santa Anita, granted to Pedro Hugo Reid, having informed itself that all the proceedings have been gone through with, as they fully appear and as the laws thereon concerning the particular and that it would be superfluous to give to the newly interested property in the land the consideration which they deserve, submits to the deliberation of Your Honorable Body the following proposition

The grant made to the Citizen by naturalization Pedro Hugo Reid of the Rancho called Santa Anita is approved which was granted to him provisionally from the 16th of April of the year 1841, and in propriety on the 31. day of March of the present year in entire conformity to the provision in the law of the 18th of August 1824 and the 8th article of the Regulation of the 21. November 1828.

Angeles May 3rd 1845

Ignacio del Valle
Vasani Botello

Angeles May 7. 1845.
In session of this day the proposition of the foregoing resolution is approved by the Honorable Departmental Assembly and it is further ordered That the Expediente be returned to the most Excellent Governor for convenient purposes

Pio Pico
Agustin Olvera Secy Pro tem

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Angeles March 10th 1845.

Upon sight of the approbation of the Most Excellent Assembly of this Department delivered on the 7th of the present month let testimony thereof be issued to the Party Prefecto Hugo Reid in confirmation of the grant of the land of Santa Anita which by a legal title he obtained of the Superior Government

Pio Pico the oldest member of the Honorable Assembly Governor ad interim of the California this ordained decreed and signed which I attest

Pio Pico

Juan Bandini

Secretary

Copy of this title remains taken in the Respective Book

Filed in Office September 14. 1852

Jno Fisher

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Venta
del Rancho de S.ta Anita

Año de

1847

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H. H. No. 3

Document H. H. No. 3 annexed to the deposition of Abel Stearns

1 En la Ciudad de los Angeles de la Alta California a los veinte y nueve dias del mes de Mayo de mil ocho cientos cuarenta y siete antemí Enrique Avila, Alcalde Segundo y fungiendo de primera instancia interino, y por mis testigos de asistencia con quienes actuo por receptoría a falta de escribano público a mas de los instrumentales que al fin se nominaran, compareció Don Perfecto Hugo Reid, de esta vecindad, a quien doy fe conozco y dijo: que por sí y a nombre de sus herederos, sucesores y de quien de ellos hubiere título, voz y causa en cualesquiera manera, vende y dá en venta real y enagenacion perpetua por juro de heredad para siempre jamas, al Sor Don Enrique Dallen y á los suyos, el rancho conocido con el nombre de Santanita, constante de tres sitios de ganado mayor, con casas, corrales y algunas plantas frutales; esceptuandose unicamente un terreno que se halla a la espalda de la huerta y viña del otorgante, al cual se le incluye una casa nueva recien fabricada y concluyen pasado un poco la presa del agua con que riega la viña; de suerte que queda tambien incluida la misma presa y sirviendo de lindero para dividir la propiedad: El terreno que aquí menciona está situado á espaldas de la Mision de San Gabriel, y del que presentó el título respectivo: que por tanto le corresponde en posesion y propiedad,

2 por lo cual declara y asegura no tenerlo vendido, enagenado ni empeñado, y está libre de toda memoria, tributo, capellanía, vinculo, patronato, fianza y de otro gravamen real, perpetuo, temporal, especial, general, tácito y espreso; y como tal se lo vende, con todas las entradas, salidas, pastos, abrevaderos, montes, vegas, dehesas, aguajes, regalías, servidumbres y demas cosas anexas que ha tenido y tiene y le pertenecen segun derecho, por dos mil setecientos pesos, que tiene recibidos y pluzaron a su poder real y efectivamente, segun convinieron particularmente, de cuya entrega y recibo se dá por satisfecho, y confiesa haberlos recibido como pagados á su voluntad: Por tanto re=

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=nuncia la excepcion que pudiera oponerse por no constar de presente la ley nueve, titulo uno, parte cinco; formaliza a favor del comprador la mas firme y eficaz carta de pago que a su seguridad conduzca; y asi mismo declara que el justo precio y verdadero valor del referido terreno y demas fincas, son los dos mil seiscientos pesos, que no vale mas, ni hallo quien mas le diese, y si mas vale o valer pueda, del exceso en poca o mucha suma, hace a favor del comprador y sus herederos sucesores, gracia y donacion, pura, mera, perfecta e irrevocable, en sanidad con insinuacion y demas firmezas legales: renuncia la ley dos, titulo uno, lib. 10 novisima

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3 recopilacion, que trata de los contratos de venta, trueques, y de otros en que hay lesion en mas o menos de la mitad del justo precio, y los cuatro años que prefina para pedir su rescision ó suplimiento a su justo valor, los que dá por pasados como si efectivamente lo estubieren. Y desde hoy en adelante para siempre, se desapodera, desiste, quita y aparta, a sus herederos sucesores, del dominio, propiedad, posecion, titulo, voz, recurso, y otro cualesquiera derecho que le compete al enunciado rancho, lo cede, renuncia y traspasa, con las acciones reales, personales, utiles, mistas, directas y ejecutivas en el comprador o en quien la suya represente para que la posea, goze, cambie, enagene, use y disponga de ello a su eleccion como de cosa suya adquirida con legitimo y justo titulo: le confiere poder irrevocable con libre, franca y general administracion, y le constituye procurador actor en su propia causa, para que de su autoridad o judicialmente entre y se apodere del repetido rancho y del tome y prenda la real tenencia y posesion que por derecho le compete: con lo cual sin otro auto de aprehension ha de ser visto haberla tomado, aprehendido y transferidole, y en el interin se constituye su inquilino tenedor y precario poseedor en legal forma: y se obliga a que dicho rancho será cierto, seguro y efectivo al comprador, y nadie le inquietará

4 ni moverá pleito sobre su propiedad posecion, goze y disfrute: ni contra ello aparezca gravamen alguno, y si se le inquietare ó moviere, luego que

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el otorgante y sus herederos sucesores sean requeridos conforme a derecho, saldran a su defensa y le seguiran en todas instancias y tribunales hasta ejecutoriarlo, y dejar al comprador y á los suyos en libre uso, quita y pacifica posesion; y no pudiendo conseguirlo, le daran otro igual en valor, fabrica, sitio, renta y comodidades; y en su defecto le restituiran la cantidad que ha desembolsado, las mejoras utiles precisas y voluntarias que a la sazon tengan el mayor valor y estimacion que con el tiempo adquiera, y de todas las costas, gastos, intereses o menoscabos que se le siguieren é irrogaren; por todo lo cual se le ha de poder ejecutar en virtud de esta escritura o juramento del que la posea o en quien dijiere su importe y la relevo de otra prueba. Y á la observancia de todo lo referido, obliga su persona y bienes habidos y por haber, y con ellos se somete al fuero y jurisdiccion de los señores Jueces que de este negocio deban conocer conforme a derecho, para que le compelan y apremien a su cumplimiento, por todo rigor de derecho y via ejecutiva, como por sentencia definitiva de Juez competente, pasada en autoridad de cosa juzgada consentida y sin mas recurso, renuncia su propio fuero, domicilio y vecindad, las leyes de su favor y defensa con la general del derecho en forma. en cuyo testimonio así lo otorgó y firmó, conmigo y los de asistencia. Fueron los instrumentales, los ciudadanos Jose Vicente Guerrero y Casildo Aguilar, presentes y vecinos, doy fé. No hay papel sellado. — Enrique Avila = Perfecto Hugo Reid = asistencia Ignacio Cormel = asistencia Jose Mª Ramirez = instrumental Casildo Aguilar = instrumental, Jose Vicente Guerrero = Nota aclaratoria = El terreno de que se hace mencion tras de la casa de huerta, conocido con el nombre de una espina es de quinientas varas de fondo al Oeste de dicha propiedad y de largo ochocientas cincuenta de Sur á Norte = Avila.

Concuerda con su original a que me remito y se halla en el libro de instrumentos públicos de este año del que se sacó, corrigió, y confronté fiel y legalmente en estas cinco fojas de papel comun por falta de sellado, doy fé, = fecha ut supra.

Enrique Avila

Corrigió

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assa
Leonardo Cola

assa
Sgt. Coronel

Filed in office Novr 6th 1852
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Translation of Document 44 No 3

Deed of Sale of the Rancho of Sta Anita In the year 1847

At the City of Los Angeles upper California on the twenty-ninth day of the month of May one thousand eight hundred and forty seven Before me Enrique Avila the Second Alcalde acting of the 1st Instance for the time being and before my attending witnesses with whom I act by commission for want of a notary Public besides the subscribing witness at the foot hereof named appeared Don Rafaelo Hugo Reid of this vicinity whom I identify I know and state that, For himself and in the name of his heirs and successors of whomsoever of them who may acquire right power and cause in any way whatsoever he doth hereby sell and grant in actual sale and perpetual alienation perpetuity and for ever unto Senor Don Enrique Dalton his heirs executors administrators and assigns the Rancho known by the name of Santa Anita consisting of three square leagues (tres de gracia mayor) together with the houses corrals and some fruit trees excepting only a half of land lying backwards of the orchard and vineyard of the Vendor which embraces a house recently built and stands a little beyond the trench of water with which the vineyard is irrigated so that the same trench is also included therein serving as a boundary to divide the property, the tract of land herein mentioned is situated backwards of the

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mission of San Isabel and of which he the said Rufeto Hugo Reid produced the property title whereby it pertains to him in possession and fee to him upon the said Rufeto Hugo Reid hereby declares and assumes not having sold it alienated or mortgaged and that the same is free from all charges taxes ecclesiastical incomes entail patronage tithes and other encumbrances save perpetual temporal usufruct general tacit and expressed and as such it is hereby sold together with the right of ingress and egress use of pasture, watering places woods streams commons streams privileges servitudes and other appurtenances, which the same has had and has pertaining thereto according to law for Two thousand and seven hundred dollars which the said Rufeto Hugo Reid did receive and they "and they" were delivered to him actually and effectually as they have agreed satisfactory of the delivery and said purchaser he the said Rufeto Hugo Reid is satisfied contented having received them to his satisfaction therefore he relinquishes the right which the law 9 title 1 partida 5th might afford him for the payment and delivery not having been verified at the present time he executes to the vendee a most firm and effective discharge that may serve for his safety, and likewise he declares that the said Two Thousand and seven hundred dollars is a fair price and the real value of the said tract of land and of the improvements thereon that the same is not worth more nor can be found any one who would

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have offered more, and that if it is or may be worth more, the vendee thereof whether great or small he confers for the benefit of the vendee his heirs and successors as a pure mere perfect and irrevocable grant and donation freely with the production of these presents before any competent Judge for the interposition of a judicial decree and with other legal securities, he relinquishes the law 2, tit. 1 lib. 10. Novissimas Recopilaciones relating to contracts of sale barter &c., where there is a fraud more or less of the moiety of a fair price and he grants as by fixed as if it actually were the term of four years determined for demanding a rescission or adjustment of a fair price and from henceforth for ever the said Prefecto Stuyk Reid dispossesses himself relinquishes quits and withdraws and separates from himself and his heirs and successors the dominio fee possession right title and becomes and any other right whatsoever appertaining to the said Rancho and transfers the same unto the vendee his heirs executors administrators and assigns together with the said personal usufruct and executive actions in order that he may possess it enjoy barter alienate use and dispose of the same as his disinterested as of his own property acquired by a legal and right title and the said Prefecto Stuyk Reid hereby confers upon the said Enrique Dalton irrevocable power with free and general administration and constitutes him attorney and plaintiff in his own cause that he the said Enrique Dalton may of his

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own authority or judicially enter upon
and occupy the said Rancho and have &
hold the actual tenancy and occupation of
the same which by right it pertains to him either
by any other act of possession is to be considered
as having been had held and transferred
unto him and in the interim he constitutes
himself the tenant holder and becomes
possessor in legal form of him the said Enrique
Dalton, and the said Pedro Hipolito
hereby promises and agrees that the sale of
the said Rancho shall be sure secure and
effective to the vendee and that nobody
shall dispute, nor move an action against
him in respect to the ownership possession
and enjoyment nor shall there be any
other disturbance whatsoever and if the said
Enrique Dalton should be disturbed or
an action should be brought against him
as soon as he the vendor, his heirs or assigns
be required to recognize him he or they
shall come forward in defence or prosecute
another in all courts and tribunals until
he shall obtain a judgment in favor of
him the vendee and leave him his heirs
executors administrators or assigns in
free enjoyment and quiet commodious
possession and in case he shall not obtain
it he or they shall give the said Enrique
Dalton another Rancho equal in value
situation utility and convenience and
in defaults whereof he or they shall return
to the said Enrique Dalton the sum
which he has paid with all the useful
and necessary improvements which at

that time may have the highest value and price to be obtained opportunely and pay all costs charges interests or damages that may be occasioned thereby for all of which the said Enrique Dalton may have an execution by virtue of this Deed or of an affidavit and for the due performance of all the above mentioned the said Perfecto Hugo Rivas bind himself and his present and future estate and therewith he submits to the judicial power and jurisdiction of the courts which ought to take cognizance of a similar subject according to law, that they may compel him to the fulfilment thereof by all ways of law and in an executive mode as if by a definitive judgment of a competent court passed by authority of a third cause consented to and without further recourses, and lastly he relinquishes his own privileges and right acquired by his residence, the laws in his favor and defense and the general one of right. In testimony whereof the said Perfecto Hugo Rivas appeared before me and signed his name with me and the attending witnesses Licenciados José Vicente Jerez and Basilio Aguilar being the subscribing witnesses which I attest there is no stamped paper

Enrique Avila Perfecto Hugo Rivas

00036 attending witness Ignacio Coronel attending witness José Ma Ramirez subscribing witness Basilio Aguilar subscribing witness José Vicente Jerez Ex planitory note, The tract of land of which mention is made to be lying bounds of the

or chard's house known by the name of "Una tecpin" (Gosebumus) is of five hundred varas in breadth to the westward of said property and of length eight hundred and fifty varas from the South to the north aforesaid

This agrees with the original to which I refer and it is in the Book of Public Instruments of this year from which the same is taken correctly and compared faithfully and legally in these five sheets of common paper for want of stamped which I affix Date as supra.

(signed) Enrique Avila

Witness (signed) Leonardo Cota

Witness (signed) Ygs Comme

I George Fisher Secretary of the United States Land Commission to ascertain and settle the Private Land Claims in the State of California do hereby certify that the foregoing is a true and correct translation of a Spanish document in Case No 343. wherein Henry Dalton claims the Rancho of Santa Anita now on file in this office In testimony whereof I have hereto signed my name Office of the Secretary of said Commission

San Francisco California this 13th day of January A.D. 1854

Geo Fisher

Secretary

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H. H. No. 2

Se aprueba la concesion hecha al Ciudadano por naturalisacion Perfecto Hugo Reid del parage nombrado Santa Anita, concedido provisionalmente desde 16 de Abril del año de 1844 y en propiedad el 31 de Mayo del presente año de entera conformidad con lo prevenido en la ley de diez y ocho de Agosto de 1824 y el articulo quinto del reglamento de veinte y uno de Noviembre de mil ocho cientos veinte ocho = Angeles Mayo Siete de mil ocho cientos cuarenta y cinco = En sesion de este dia se aprobó por la Honorable Asamblea Departamental la proposicion del dictamen antecedente mandando se devuelva el espediente al Señor Señor Gobernador para los fines consiguientes = Pio Pico = Presidente = Agustin Olvera = Secret.º = Angeles Mayo diez de mil ocho cientos cuarenta y cinco = En vista de la aprobacion otorgada en Siete del presente mes por la Señ.ª Asamblea de este Departamento, librese testimonio de ella y de este decreto á la parte de D.n Perfecto Hugo Reid en confirmacion a la concesion del terreno de Santa Anita que por legal titulo obtuvo del Superior Gobierno. Pio Pico, Vocal mas antiguo de la Honorable Asamblea y Gobernador interino del Departamento de Californias, asi lo mandó, decretó y firmó, de que doy fee = Pio Pico = Juan Bandini Secret.º

Concuerda a la letra con su original que corre en el espediente respectivo del cual hice sacar el presente testimonio para resguardo del interesado, en la ciudad de los Angeles, capital del Departamento, á diez de Mayo de mil ocho cientos cuarenta y cinco, siendo testigos los ciudadanos Francisco Lopez é Ignacio del Valle

En testimonio de verdad

Pio Pico

Juan Bandini

Srio

Document H. H. No. 2 annexed to the deposition of Abel Stearns

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Filed in Office Nov. 6th 1852

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Translation of grant

Pio Pico Governor ad interim of the Department of the Californias

Whereas Don Rufeto Hugo Rico has asked for his personal benefit and that of his family three leagues of pasture lands known by the name of Santa Anita and designated in the Diagram which accompanies his petition the preliminary respective proceedings having been performed according to the direction of the laws and regulations on the subject exercising the authority conferred upon me in the name of the Mexican Nation I have concluded to grant him the three leagues of pasture land before mentioned declaring it to be his property by the present letters it being understood that said grant be in entire conformity with the laws and reserved for the approval of the next Excellent Departmental Assembly and subject to the following conditions

1st He may enclose the land which is adjudicated to him without prejudice to the cross roads and lateral ones he may form it freely and exclusively devoting it to that culture and use that may be convenient

2nd He shall require of the respective Judge to give him judicial possession by virtue of this despatch whereby the bounds shall be designated and he shall fix his land marks

3rd The land of which grant is made consists solely of three leagues of pasture land the Judge who shall give the possession thereof shall cause it to be measured in conformity with the ordinance leaving the overplus

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that results to the nation for convenient purposes
Wherefore I order that the prisoner serving him for life and being held fast and valid account thereof be taken in the corresponding Book and be delivered to the party interested for his security and further purposes

Given in the city of Los Angeles Capitol of the Department the 31. of March 1845.

Pio Pico

Juan Bandini

Secy

Account of this Superior Despatch remains taken in the respective Book
Angeles date as above
Bandini

Filed in Office Sept 14th 1852
Geo Fisher
Secy

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Posesion

a favor de Don Hugo Reid

Año de 1845

Document H. H. No. 1 annexed to the deposition of Abel Stearns

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H. H. No. 1

Pio Pico, Gobernador interino del Departamento de California.

Porcuanto D. Perfecto Hugo Reid ha pretendido para su beneficio personal y el de su familia tres Sitios de ganado mayor en el terreno conocido con el nombre de Santa Anita y demarcados en el diseño que acompañó á su solicitud; practicadas previamente las diligencias consecuientes segun lo dispuesto por las leyes y reglamentos de la materia, usando de las facultades que me son conferidas á nombre de la Nacion Mejicana, he venido en concederle los tres Sitios de ganado mayor mencionados declarandole la propiedad de ellos por las presentes letras, entendiendose dicha concesion con entera conformidad de las leyes, a reserva de la aprobacion de la Soma Asamblea Departamental, y bajo las condiciones siguientes.

1ª Podrá cercar el terreno que se le adjudica, sin perjudicar las travecias, caminos y servidumbres; lo disfrutará libre y esclusivamente dedicandolo al cultivo y usos que le acomode.

2ª Solicitará del Juez respectivo le dé la posesion jurídica en virtud de este despacho por el cual se demarcaran sus linderos y pondrá sus mojoneras.

3ª El terreno de q. se hace donacion es puramente de tres Sitios de ganado mayor; el Juez que lo posesione lo hará medir conforme a ordenanza dejando el sobrante que resulte á la Nacion para los usos convenientes.

En consecuencia mando que sirviendole de titulo el presente, y teniendose por firme y valedero, se tome razon de él en el libro que corresponde y se entregue al interesado para su resguardo y demas fines.

Dado en la Ciudad de los Angeles, Capital del Departamento, a 31 de Marzo de 1845

Pio Pico

Juan Bandini

Srio

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2 Queda tomada razon de este Superior despacho

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en el libro respectivo.
Angeles fecha ut supra
Bandini

= En

3 Sello Primero ocho pesos
Habilitado provisionalmente por la Aduana marítima del puerto de Monterey, en el departamento de las Californias para los años de mil ochocientos cuarenta y cuatro, y mil ochocientos cuarenta y cinco.
Michel Torena Pablo de la Guerra

Adª. marítª. de Monty

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5 = La Ciudad de los Angeles del Departamento de California á los veinte y dos días del mes de Abril de mil ochocientos cuarenta y cinco, a resuelto á la
00043 Solicitud verbal que ha echo el Señor Don Hugo Reid para que se le dé posesion jurídica del terreno conocido con el nombre de Santa Anita, concedido por el E. Sor Gobernador del Departamento segun lo muestra el despacho que presentó a este Juzgado; pasese

Conrado

por mí y testigos de asistencia al mencionado Sitio, y procedase a dar la posesion indicada, previa citacion de colindantes, arreglandose para ello al titulo referido, el cual tiene fecha de treinta y uno de Marzo de este año. Así yo Vicente Sanchez Alcalde 1º y Juez de 1ª instancia decreté, mandé y firmé con los de asistencia segun derecho = No hay papel sellado = Vicente Sanchez = assa = Ignacio Coronel = assa Agustin Olvera = En la misma fecha, pasé oficio á los Señores Colindantes, para que ocurrieran en sus linderos, y les manifesté el objeto á que me dirijia al punto de Santa Anita, pues iba á poner en posesion al Señor Don Hugo Reid del Citado Santa Anita: de esto quedaron entendidos y se pone por diligencia, que autorizé y firmé con los de asistencia segun derecho Vicente Sanchez = Ignacio Coronel = assa = Agustin Olvera = En seguida estando en Santa Anita, nombré dos oficiales Cordeleros, que lo fueron los vecinos Manuel Antonio y Prospero, á los que habiendoles hecho saber su nombramiento, aceptaron y ofrecieron desempeñar fiel y legalmente su encargo, lo que pongo por diligencia no firmando por no saber = Vicente Sanchez = assa = Ignacio Coronel = assa = Agustin Olvera. = En la misma fecha y estando en los linderos de Andres Duarte (el que no manifestó obstaculo alguno) hice medir un Cordel Constante de Cien varas, y hallandose ante mí los testigos de asistencia y los oficiales Cordeleros, mandé atar al precitado cordel unos Sancos de madera, y previa observacion y calculo por mi disposicion se tiró el primer cordel, desde la Sierra en la parte que podia medirse rumbo Sur Oeste, y se contaron y midieron Siete mil y quinientas varas que remataron en el llano donde se mandó poner una mojonera. Desde este punto y cambiando de direccion por el rumbo Oeste, se tiró el segundo cordel a la vista del enviado de San Gabriel quien no hizo oposicion ninguna y se contaron y midieron diez mil quinientas varas que remataron hacia el Norte en un punto que forma linea con la huerta del Citado Don Hugo. De aquí se tiró el tercer cordel con direccion a la Sierra; pero al comenzarse el primer cordel se suscitaron algunas diferencias

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entre el señor Don Manuel Garfias dueño del rancho de San Pascual y Don Hugo Reid; mas luego convinieron y celebraron un contrato jurídico por el que arreglaron sus negocios, y continuando en medir se midieron y contaron siete mil quinientas varas que remataron en la misma Sierra: de aquí cambiando la dirección y deviendo tirar la cuarta medida por lo interior de la Sierra y las cañadas que corresponden á Santa Anita; mas no pudiendose hacer por los quebrados y escabrocidades del terreno, se tiró la medida por la parte esterior, y se midieron y contaron diez mil quinientas varas que remataron donde se comenzó: entendiendose que guarda el derecho á las cañadas que estan dentro de los límites de sta. Anita el citado Don Hugo Reid por haberse completado en esas la area que debe tener el terreno, concluyendose el acto á satisfaccion de las partes, lo que pongo por diligencia que autorizé y firmé con los de asistencia segun derecho = Vicente Sanchez = assa = Ygnacio Coronel = assa = Agustin Olvera = = Estando concluidas estas diligencias, dosele testimonio á la parte para su resguardo. Asi yo Vicente Sanchez Alcalde 1°. y Juez de 1ª instancia, decreté y firmé con los de asistencia segun derecho = Vicente Sanchez = assa = Ygnacio Coronel = assa = Agustin Olvera = Razon = En la fecha se dió el testimonio respectivo = rubrica = entre renglones = Sierra = Vº.

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Concuerda con su original á que remito, y se halla en el libro de instrumentos publicos de este año del que se saco, corregió y confronto en estas cuatro fojas de este papel por no haber otro; yendo el titulo del rancho á la cabeza de esta copia fecha ut supra.

Vicente Sanchez

assa
Ygº Coronel

assa
Luis Pordan

00045

Filed in office Nov 6th 1852
Geo: Fisher
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44

Translation of Judicial Possession

The City of Los Angeles of the Department of California April 22nd 1845. Complying with the verbal request which Don Hugo Reid has made, that Judicial possession of the land known by the name of Santa Anita may be given him which was granted by his Excellency the Governor of the Department as the Diagram shows which he presented to this Court ordered that I and my assistant witness pass to the aforesaid tract and proceed to give the desired possession, notice being previously given to the adjoining Proprietors and being governed in it by the title referred to which bears date the 31 March (1845) of the same year. Thus I became Juez by Hugo of the 1st Instance decreed ordered and signed with my assistants according to law. There is no senior Antonio Vicente Sanchez asst Ignacio Lorenzana asst Agustin Olvera, At the same date I sent official notice to the adjoining land proprietors, that they should agree as to their boundaries and showed to them the object that directed me to the point of Santa Anita to wit that I went to place in possession Don Hugo Reid of the aforesaid Santa Anita of which they "they" left well understood and the act is set down for part of the proceedings which I authorize and signed with my assistants according to law Vicente Sanchez asst Ignacio Lorenzana asst Agustin Olvera In continuation being at Santa Anita I appointed two Official corabemas who were the neighbors named Antonio Ord Prosperi to whom this appointment was made known which they accepted engaged

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to exchange this time faithfully and legally which fact I set down as part of the proceedings they not knowing how to write do not sign Vicente Sanchez Jose Ignacio Lorenzo Jose Agustin Olvera. At the same date and being at the bounding lines of Andres Duarte who presented no obstacle I caused a cord to be measured which contained 100 varas was present were the assistant witnesses and the opposite cord bearers. I ordered stakes to be attached to its ends and having previously having made observation and calculation for my direction the first cord was extended from the Lima, to a point which can be surveyed, course South West and there were counted and measured 7500. varas which terminated in the plain where I ordered to place a lime mark. From this point and changing the direction for a Western course the second cord was extended in the presence of a person sent from San Fabrie who made no objection and there were counted and measured 10.500 varas which terminated bearing North at a point which forms a line with the garden of the aforesaid Don Hugo. From here the third cord was extended in a direction towards the (Lima) mountain but when the first cord of this measurement was stretched some differences occurred between Don Manuel Larios owner of the ranchos of San Pascual & Don Hugo Rios, soon however they came to an understanding and executed a judicial contract wherein the business was arranged and containing the Lands there were measured

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15/343

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and counted 7500. varas which terminated at the same mountain. From time changing the direction, we ought to have run the fourth measurement for the interior of the mountain and the savanas which belong to Santa Rita but not being able to do it from the broken nature and inequalities of the land. The measurement was taken along the exterior part and there were measured and counted 10.500. varas which terminated at the place of beginning It being understood that the right to the savanas which are within the limits of Santa Maria is reserved to Don Hugo Reid to complete with these the area which the land ought to have. The act having been concluded to the satisfaction of parties set in down as part of the proceedings all of which I authorized and signed with my assistants according to law

Vicente Sanchez and Ignacio Lorenzana and Agustin Olvera

These proceedings having been concluded gave testimony to the parts interested for his security Thus I Vicente Sanchez Juez Rural and Justice of the Peace acting and signed with my assistants according to law Vicente Sanchez and Ignacio Lorenzana and Agustin Olvera Notice At this date the respective testimony was given

Rubric

(Entre renglones) within lines) (Sanchez) &c

86 SD
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It agrees with its original to which I refer and is placed in the Book of Public Instruments

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of this year which was taken off (copied) compared and compared on these 4 leaves of this paper for some of other the title of the the Rancho being heard at the hour of this copy Date as above

Vicente Sanchez

Asa
Jos Cornel asa
Louis Indan

Filed in Office Sept 14, 1852
Lee Porter
Secretary

13/343

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Office of the Board of U S Land Commissioners of California Land Claims
Los Angeles Sept 23. 1852

Order of Survey

In the Case of Henry Dalton No 343 Ranchos of Santa Anita, on motion of the Counsel for the claimant the following order was made, to Wit:

For the purpose of determining with precision and certainty the limits and boundaries of the land claimed by Henry Dalton in his petition No 343. pending before the commissioners it is on motion of the Counsel for the claimant ordered, That an Initiatory Survey under the superintendance of the U S. Surveyor General of California be made of the land known by the name of Santa Anita situate in the county of Los Angeles and bounded as follows

Beginning at a point of the Coast Mountain called the Mountain of San Gabriel where the face of the ground will admit of measurement, running south westerly along the boundary line of the Canada of Mendez Quarte 7500 varas to a land mark in the high Range thence Westerly bearing a little north 10. 500. varas to the North Western corner of the huerta of Hazo Rein, Thence to the same Mountain northerly according as the nature of the ground will admit 7500 varas then from this point along the mountain so as to include the lumber and timber therein to the place of beginning containing Three Square leagues of grazing land a little more or less

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within said boundaries
But this order is not in any manner to determine against the United States either the question of title, the construction of the grant, the location boundaries or extent of the land to which the claimant may be entitled

Filed in Office September 23. 1852
Lew Fisher
Secretary

6

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Henry Patton
vs
The United States

For the place called Santa Anita in Los Angeles County containing three square leagues of land

Opinion

The grant of the land claimed in this case made to Prefecto Stearns and the original grantee is given in evidence is dated March 31. 1845, and signed by Governor Pico. The land granted is described as three leagues of pasturage lands in the lands known by the name of Santa Anita as designated in the diseño accompanying his petition the measurement and boundaries of which were to be made and given by the Judge ordinary to give judicial possession. This measurement as appears from the documentary proofs in the Case was given to Juan Reid by the proper officer on the 22d of April 1845. The description of the bounds and monuments in the record of the measurement is not so definite as could be desired and extraneous evidence ought to have been given in aid of it in order to present a more clear and definite view of the land segregated from the grant. It is however clear that the survey was made within the boundaries & keeping with the grant and we think on a fair comparison of the whole case we can so describe the land in a decree as to identify it and enable the Surveyor to retrace the original boundaries. The present claimant derives his title to the land by a conveyance from Juan Reid

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duly executed before an Alcalde the testimonial of which in due form is given in evidence bearing date May 29th 1847 This deed excepts from the conveyance to Dalton a small lot, a portion of the original grant on which the grantee had erected a house

The deposition of Abel Stearns shows that Rico was in possession of the premises before the Grant was made by Governor Pico and had a house thereon which was inhabited and cultivated a portion of the premises, keeping his cattle there and that he continued to occupy and cultivate living a portion of the time himself on the premises until he sold it to Dalton

He has clearly perfected in himself a right to the premises under his grant which he was at liberty to transport to his grantee and the latter's intention a confirmation of the land originally granted to Rico with the exception of the small portion which was reserved to the latter in his deed to Dalton

Decree accordingly

Filed in Office Jany 17th 1854
Lee Archer
Clerk

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Decree

Henry Patton
vs
The United States

In this cause on hearing the proofs and allegations it is adjudged by the Commissioners that the said claimant of the petitioner's claim and it is therefore hereby decreed that the same be confirmed The land of which confirmation is hereby made is the same known by the name of Santa Anita now owned by said claimant and is bounded and bounded as follows Beginning in the bound ary line of Andres Duarte at a point at the Sierra which can be imagined and running south west seven thousand five hundred varas to a point in the peak thence in a western course ten thousand five hundred varas terminating towards the north at a point which forms a line with the garden of Hugo Reid thence in a direction towards the mountains and to the same parallel to the first mentioned line seven thousand five hundred varas thence eastwardly ten thousand five hundred varas to the place of beginning containing three square leagues of land by a rough and assuming the form a piece of the land by any bounds of the orchard and vineyard of Hugo Reid (the original grantee of the land) which embraces a house built about the year 1847

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00054

and ends a little beyond the trunk of water with which the vineyard is irrigated so that the same trunk is also embraced therein Reference for the description of said entire premises to be had to the record of Indian possession thereof on file in this case and for the portion of said entire premises hereby reserved from the confirmation to the conveyance made by said Stuyvesant to said Stuyvesant on the 29th day of June 1847 a duly certified copy of which is also on file in the case

Alphens Felix
Thomas Lemphere
R Guy Thompson
Commissioners

Filed in Office Jany 17th 1854
Lin Fisher
Secretary

Office of the Board of Commissioners,

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

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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 fifty-three pages, numbered from 1 to 53, 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. 343 on the Docket of the said Board, wherein Henry Dalton is

the Claimant against the United States, for the place known by the name of "Santa Anita".

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

Geo: Fisher
Sy.

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U. S. DISTRICT COURT,

Southern District of California.

No. 86. Docket 86

THE UNITED STATES.

vs. 86

Henry Dalton

"Santa Anita."

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 343

Filed, September 20th 1854

W. Carter

Clk

00057 86

86.

Office of the Attorney General of the United States,

Washington, 30th November 1854.

Henry Dalton
vs.
The United States. } 343.

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 30th day of August 1854 the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Cushing

Attorney General.

No. 86. 1

U. S. District Court

Southern District

The United States

vs.

Henry Slaton.

Appeal Notice.

Filed Jany 10th 1855.

T. E. Cave.
Clk.

In the District Court of the United States, for the Southern District of California
Los Angeles County. State of California

Henry Dalton
ads
The United States } No 86. (Transcript No 343)

To the Honorable Isaac S.K. Ogier, Judge of the District Court of the United States for the Southern District of California.
The petition of Pacificus Ord (of Los Angeles County) attorney of the United States for the Southern District of California, who petitions in this behalf for the United States; and being here in Court in his proper person, in the name and behalf of the United States, represents as follows.
That heretofore to wit, on or about the 13th of September A.D. 1852. Henry Dalton presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, claiming the tract of land called Santa Anita, in the County of Los Angeles, in the words and figures following viz.
" Your petitioner Henry Dalton resident
" of the County of Los Angeles & State of

" California respectfully represents, that he
" claims as owner in fee simple a tract of
" land in said County situate, known by the
" name of Ranch of Santa Anita said tract of
" land was originally granted provisionally
" to Prefecto Hugo Reid by Juan B. Alvarado
" Constitutional Governor of the Department of
" the Californias by act of Concession bearing
" date the 16th of April A.D. 1841, at Monterey
" which provisional Concession was renewed
" by Manuel Michelterena Governor of Califor-
" nias on the 5th day of July A.D. 1845. accom-
" panied by an Order of the said Michelterena
" Governor as aforesaid to the grantee the
" said Reid to appear before him in future
" and obtain a title in fee simple to said
" lands, That the Administration of the said
" Michelterena being soon after succeeded by
" that of Pio Pico Governor ad interim of the
" Department of Californias and as such ves-
" ted by the Mexican Government with
" sufficient and extraordinary powers in the
" premises upon application by the said
" Reid to him the said Pio Pico Governor
" as aforesaid he executed a title in fee simple
" to the said Prefecto Hugo Reid of the said
" lands by grant or deed of Conveyance

" bearing date the 23rd day of March A.D.
" 1845 The said Reid was put in juridical
" possession of the said lands on the 22d day
" of April A.D 1845, by the Municipal Au-
" thorities of the Prefectorate of Los Angeles
" which he held uninterruptedly and peacea-
" bly from the date of said act (and for
" more three years before he had quiet and
" peaceable possession thereof) until the time
" of the transfer of said lands to your petitioner
" That the aforesaid grant in fee simple of
" said lands to said Reid was Confirmed
" by the Departmental assembly of California
" in their session in the City of Los Angeles
" of the 7th day of May A.D 1845. That said
" tract of land was granted & Conveyed by
" the aforesaid Prefecto Hugo Reid to your
" petitioner by Deed of Conveyance bearing
" date the 29th of May A.D. 1847 said tract
" of land Contains three Square leagues
" of Grazing land, a little more or less
" according to the Diagram which accom-
" panied said grant & is embodied in the
" Expediente herewith filed The boundaries
" of said land are well known & defined
" & are described in the act of juridical
" possession as follows (following the trans-
" lation faithfully rendering the Spanish

" text into English) to wit the first Cord was
" extended from the Sierra at a point which
" Can be Surveyed Course South West & there
" were Counted and measured 7500 Varas
" which terminated in the plain where I
" ordered a Lank mark to be placed [This
" is the dividing line between said lands
" & the ranch of Andreas Duarte] From
" this point & changing the direction for
" a west Course the second Cord was extended
" XXXXX and there were Counted & measured
" 10.500 Varas which terminated bearing
" North at a point which forms a line
" with the Garden of the aforesaid Don
" Hugo, From here the third Cord was exten-
" ded in a direction towards the Sierra
" (Mountain) XXXXX & there were measured
" and Counted 7.500 Varas which termina-
" ted at the same Mountain From here
" changing the direction we ought to have run
" the fourth Measurement for the
" interior of the Mountain & the ravines
" (Cañadas) which belong to Santa Anita
" but not being able to do it from the
" broken nature and irregularites of the
" land the measurement was taken along
" the exterior part & there were measured

" and Counted 10.500 Varas which termina-
" ted at the place of beginning. it being
" understood that to the right of the Ravines
" which are within the limits of Santa Anita
" is reserved to Don Hugo Reid to Complete
" with them the area which the land ought
" to have, All of said tract lies in
" the County of Los Angeles, joining at
" its Southern line with the lands of the
" Mission of San Gabriel, That said land
" has been in the actual possession of
" Your petitioner from the date of Said
" Conveyance to him to the present time,
" That the Conditions of the grant of said
" land to said Reid have all been faithfully
" fulfilled, Said land has never been Survey-
" ed by the Surveyor General. Your
" petitioner knows of no existing adverse
" Claim to said tract of land, as evidence
" in support of his Claim Your petitioner
" relies upon the original expediente
" Diagram and provisional grants of
" said Governors Alvarado & Michelterena
" fac simile Copies of which taken & certified
" by the Surveyor General are herewith
" filed, The Grant of Pio Pico a copy
" of which is filed, the act of Juridical
" possession and the act of Confirmation

" by the Dep: Assembly true copies of which
" are also filed the deed of Conveyance
" from said Reid to your petitioner a
true copy of which is herewith filed all
" of the above papers (heretofore also mentioned
" in this petition being in the Spanish
" language are accompanied with true
" translations into the English (except the
" last paper) which are also submitted for
" Convenience and he will rely upon such
" parol proof as may be necessary to show
" a full Compliance with all the requisits
" of the law to perfect title to said lands
" and he will pray that the same be Con-
" firmed to the extent of the boundaries
" above set forth and that a patent may
" issue therefore to your petitioner, and
" as in duty bound &c."

Your petitioner further represents that thereafter, to wit; on the 17th day of January A. D. 1854 the said Commissioners Confirmed by final decree, the said Claim of the said Henry Dalton in the words, and figures, following, to wit.

" On this Case on hearing the proofs and
" allegations it is adjudged by the Commis-
" sion that the said Claim of the petitioner

" is valid and it therefore hereby decreed that
" the same be confirmed The land of which
" confirmation is hereby made is the same
known by the name of Santa Anita now
occupied by said claimant and is described
" and bounded as follows Beginning in
" the boundary line of Andreas Duarte at
" a point of the Sierra which can be sur-
" veyed and running South west Seven thousand
" five hundred varas to a point in the plain
" thence in a Western course ten thousand
" five hundred varas terminating towards
" the north at a point which forms a line
" with the garden of Hugo Reid thence in
" a direction towards the mountains and
" to the same parallel to the first mentioned
" line Seven thousand and five hundred
" vars thence Eastwardly ten thousand five
" hundred vars to the place of beginning
" containing three square leagues of land
" excepting and reserving therefrom a
" piece of the land lying back of the
" Orchard and Vineyard of Hugo Reid (
" the original grantee of the land) which
" embraces a house built about the year
" 1847 and ends a little beyond the
" trench of water with which the Vineyard
" is irrigated so that the same trench

" is also embraced therein Reference for the
" description of said entire premises to be
" had to the record of Juridical possession
" thereof on file in this Case and for the
" portion of said entire premises hereby
" reserved from the Confirmation to the
" Conveyance made by said Hugo Reid to
" said Henry Dalton on the 29th day of
" May 1847 a duly authenticated Copy
" of which is also on file in the Case

" Alpheus Felch
" Thompson Campbell
" R Ang Thompson
" Commissioners."

That thereafter, to wit, on the 20th day of September A.D. 1854, a duly Antified Copy transcript of the said decree, and the proceedings and the papers and evidence on which it was founded in said Cause, was filed in the Office of the Clerk of the District Court of the United States for the Southern District of California, and marked No 84 (Transcript No 343); reference to which it is prayed may be had and made a part of this petition.

That on the 30th day of August A.D. 1854, the Honorable Caleb Cushing

Attorney General of the United States received a duly Certified duplicate of said transcript of said final decree and proceedings of said Commissioners in said Cause (No 343) and the papers and evidence on which said decree was founded.

That thereafter, to wit on the 10th day of January A. D. 1855, the said Attorney General of the United States, filed or caused to be filed, on behalf of the United States, a notice with the said Clerk of said District Court, for the Southern District of California, that the appeal in said Cause of Henry Dalton, vs. The United States for the Southern District of California, would be prosecuted by the United States.

Your Petitioner further represents that the said land claimed as aforesaid is within the jurisdiction of this Honorable Court.

And your Petitioner further represents and insists that the said decree of said Commissioners is erroneous, and ought to be reversed, reversed, and set aside, for many errors and imperfections of law and evidence, apparent in said Certified transcript of said Cause, now on appeal from said Com-

missioners to this Honorable Court.

And your Petitioner further represents that the said Claim is invalid, and the said decree erroneous, on the following grounds.

I. And the said Attorney denies all and singular each and every allegation in the said petition of the said Claimant to said Commissioners of said date. And he further denies that any grant for said land was ever made as alleged in said petition. And he denies further that the said Claimant has shown any or sufficient evidence of the validity of the said Claim.

II. That the said alleged grants of Juan B. Alvarado, and Manuel Micheltorena, and Pio Pico, were made in violation of the 4th Article of the Colonization law of Mexico of the 18th day of August A.D. 1824, in this; that the land granted, as alleged by Claimant, was and is within ten leagues of the Sea Coast; and there is no evidence shown by Claimant, that the Supreme General Executive power of Mexico, previously approved of the Colonization of the public lands in Upper California, lying within ten leagues of

the Sea Coast. And it is denied that such previous Consent of said Supreme General Executive power of Mexico in such Case was ever had.

III. That at the date of the said alleged grants, the said land claimed as aforesaid, was occupied by, and the possession of the Missions of the Territory of Upper California; and it was held and occupied, particularly, by the Mission of San Gabriel, and Could not therefore be colonized.

IV. That the said alleged grants have not the Conditions required by, and are not made in entire Conformity with the laws of Mexico of the 18th day of August A.D. 1824, and the regulations for the Colonization of the Territories of Mexico of the 21st of November A.D. 1828.

V. That the said alleged provisional grants of Juan B. Alvarado and Manuel Micheltorena; and the grant in fee simple by Pio Pico, dated March 31st 1845, Contains no sufficient description of the locality, extent and boundaries of the land claimed, by which it Can be identified and surveyed; And the said grant or grants are void for uncertainty. That the Map or diagram referred to therein, is also vague and

indefinite.

VI. That the said claimant fails to show a good and sufficient title for said land under a definitively valid grant to Prefecto Hugo Reid the alleged original grantee.

VII. That the said alleged juridical possession of the said tract of land given on the 22nd of April A.D. 1845. to the said Prefecto Hugo Reid, was unlawful; for the reason that the said alleged grant of said date, had not then been approved by the Departmental assembly of California, or the Supreme Government of Mexico.

VIII. That the said alleged juridical possession of said date, was not made according to the said alleged grant, and the map referred to therein; nor according to the ordinance, or law: and it is vague, indefinite, and void.

IX. That the said tract of land, alleged to have been granted as aforesaid contains more than one league square, of five thousand varas, of irrigable land; that it is all, or nearly all, irrigable land, and that the said Governor Pio Pico, had no lawful authority to grant, and the said Prefecto

Hugo Reid had no lawful capacity to acquire from said Governors more than one league square of irrigable land.

X. That there is no sufficient evidence that the said Prefecto Hugo Reid was a Naturalized Citizen of Mexico at the date of the said alleged grant. And the said Reid was, at the date of the said alleged grant or grants, an alien, and had not then the lawful ~~Capacity~~ Capacity to acquire, hold, and Convey the said tract of land.

XI. That there is no sufficient evidence that the said Prefecto Hugo Reid, performed faithfully all the Conditions of the said alleged grant. And it is denied that he faithfully performed all the Conditions of the said alleged grant.

XII. That there is no evidence that the said Prefecto Hugo Reid built a house upon the said tract of land, within one year from the date of the said alleged grants of said Alvarado, Michelterena and Pio Pico, and that it was inhabited, and that he Cultivated the said tract of land. And it is denied that he built a house on said tract of land within one year from the date of the said alleged grant or grants, and that

it was inhabited; and that he cultivated the said tract of land.

XIII. That the alleged Deed of Conveyance of said land from said Reid to said Claimant, dated the 29th of May 1847, contains no description of the land by which it can be identified and surveyed, and it does not appear by said Deed that it is the same tract of land, with the same alleged locality, extent and boundries, pretended to have been granted to said Reid provisionally by said Juan B. Alvarado, and Manuel Micheltorena and in fee simple by Pio Pico on the 21st of March 1845.

XIV. That the said alleged grant of said Pio Pico, of said date, is not executed upon the lawful stamped paper; and it is therefore void.

XV. That the said alleged approbation of the Departmental Assembly of said alleged grant dated 18th of May 1845, is not executed upon the lawful stamped paper; and it is therefore void.

And no sufficient proof having been made by said Claimant of the allegations of his said petition, or in support of

of his said Claim filed as aforesaid, no decree ought to have been made, or grounded thereon; but the said petition ought to have been dismissed, and said Claim rejected by said Commissioners, upon the grounds aforesaid.

And the said Claimant having no valid right or title, derived from the Spanish, or Mexican Government, to the said land claimed by him, as aforesaid, the lawful right, or title in and to the said land, was acquired by, and it now belongs to the said United States, by virtue of the treaty of Peace, Friendship, Limits, and Settlement, with the Republic of Mexico, dated at the City of Guadalupe Hidalgo, February 2nd 1848.

Wherefore the said Pacificus Ord, attorney of the United States for the Southern District of California, for and in behalf of the United States, by reason of the premises, and in pursuance of the act of Congress entitled "An act to ascertain, and settle the private land claims in the State of California" approved March 3rd A.D. 1851, and the laws and statutes in such Case made and provided, prays that the said Henry Dalton may be

served with a copy of this petition; and that this Honorable Court will review the said decision, or final decree of confirmation, of said Commissioners to ascertain and settle the private land claims in the State of California, and decide on the validity of the said claim of the said Henry Dalton, for said land claimed and confirmed as aforesaid; and that the same may be decreed invalid. And all such other orders, judgments, or decrees, as may be just, with costs, and general relief.

P. Ord

Attorney of the United States
for the Southern District of Calᵃ

No. 86

U. S. Dist Court
S. Dist of Ala.

Henry Dalton

vs

The U States

Petition of the U States for Review

Filed Aug: 13th 1855

C. E. Carr,
clk.

P. Ord Dist atty

In the United States District Court, in and for the Southern District of California.

The United States, Appellant, vs. Henry Dalton Appellee.	Case No. 86. Transcript No. 343. Claim for "Santa Anita".

And now comes the above named Appellee, Henry Dalton, by J. R. Scott, his Attorney, and for answer to the Petition filed in this case by the Appellant, avers that his title to the lands of "Santa Anita", mentioned in said Petition is good and valid; and he denies each and every allegation to the contrary in said Petition contained.

Therefore he prays the judgement of this Honorable Court, that the decision of the Board of Land Commissioners in this case may be affirmed, and that his title to the lands in the case may be decreed to be valid, and for costs and general relief.

J R Scott
Atty for Claimant

It is hereby admitted that the land claimed in the above entitled cause, is within the jurisdiction of the Court, & that the transcript was rec'd by Atty Genl, & notice of appeal filed, as alleged in petition for review

J. R. Scott
Atty for Appellee

Case No. 86.

In the U.S. Dist. Court for the South^n Dist. of California

Henry Dalton -
Appellee -
vs
The United States
Appellant.

Answer of Appellee.

Filed Sept. 24th 1855
C. E. Carr Clerk
By John W. Roff Dep.

00082 86 SD
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J. R. Scott
Atty. for Appellee

United States of America, } SS.
Southern District of California.

TO **The President of the United States,**

Henry Dalton

GREETING:

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against you, ~~and each of you~~, in the District Court of the United States, in and for the Southern District of California, on the Thirteenth — day of August — in the year of our Lord one thousand eight hundred and fifty-five at the City and County of Los Angeles, in said District, by Pacificus Ord atty. of the U.S. for the Southn Distr. of Calia in behalf of the U.S. praying to said Court to review upon the grounds therein set forth the decision of final confirmation of the Commrs to ascertain and settle the private land claims in the State of Calia of the claim of Henry Dalton for a tract of land called Santa Anita in the County of Los Angeles Calia to the extent of three square leagues which said claim was presented by you to the Commrs on or about the 13th day of September AD 1852, and by them confirmed on the 17th day of January AD 1854

and that you, ~~and each of you~~, are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said petition, or ~~that judgment by default will be taken against you, and if served in one of the said petitions will be granted, with cos~~ The plaintiff will apply to the Court, for the relief demanded therein

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of the said Court, this Fourteenth — day of September — in the year of our Lord one thousand eight hundred and fifty-5, at Los Angeles aforesaid.

C. E. Carr Clerk.
By John H. Roe Deputy

00079

No 86.

Marshals fees
Copying summons $.50
Serving " 3.00
" Petition 3.00
6.50
Mileage 1.48
$7.98

United States of America,

Southern District of California,

U. S. District Court.

Henry Dalton,

vs.

The United States.

SUMMONS.

Received Sept 14th 1855
Edward Hunter
U. S. Marshal

86 SD 00080

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I served this summons along with the proper copy of the petition upon Henry Dalton by delivering to him personally a copy of the same

at Los Angeles on the 17th day of September A. D. 1855.

Sworn to and subscribed before me,

Clerk.

in the Southern District of California on

Edward Hunter
U. S. Marshal.

In the United States District Court, for the Southern District of California

Henry Dalton Bernalles vs The United States Appellant	Case No 86 Transcript 343 "Santa Anita"

On motion of J. R. Scott, Attorney for Appellee, it is by the Court

Ordered, That either party may take additional evidence in the above cause.

Case No 86 -

U.S. Dist. Court. Southern District of California

Henry Dalton
Appellee

vs

The United States
Appellant.

Order for additional testimony

Filed Oct 15th 1855

J. E. Carr
Clk.

The United States appt.
vs.
Henry Dalton. appee } Santanita.

Deposition of Abel Stearns, a witness on the part of Appellee taken before me Charles R. Carr. US Commissioner for the Southern Dist of California, at Los Angeles, this 18th day of Oct. 1855. to be read in evidence on the trial of this cause, Present. P. Ord. U.S. Atty. I R. Scott atty for appellee.

Abel Stearns being duly sworn, to questions of Counsel answers as follows.

Ques. What is your name age & place of residence.
Ans. My name is Abel Stearns, my age is fifty seven years, my residence Los Angeles.
Ques. ~~Examine~~ Were you acquainted with Manuel Jimeno, and ~~do you~~ have you seen him write, and do you know his signature.
Ans. I was acquainted with him, have seen him write and know his signature.
Ques. Examine the paper now shown you marked "A. S. J." hereto annexed, and state whether the signature of Manuel Jimeno where it appears on said paper is his genuine signature
Ans. I have looked at the paper, and pronounce his signature to be genuine.
Ques. At the date of that paper what office did Jimeno hold.
Ans. He held the office of Secretary of State and I think at the time Ex officio Governor

Abel Stearns

No 86.

6

U.S. Dist Court.
South. Dist of Cal.

Henry Dalton appee

vs.

The United States
Applt.

Santanita.

Deposition of Abel Stearns

Filed Oct 18. 1855.

J. E. Carr
Clk.

In the United States District Court, for the Southern District of California.

Henry Dalton
Appellee
ads.
The United States
Appellant.

Case No. 86

Transcript No. 343.
"Santa Anita".

Translation of Testimonial of Approval of Departmental Assembly, see Transcript page 36. "H.H. No. 2"

The Concession is approved made to the naturalized citizen Perfecto Hugo Reid of the tract named Santa Anita, granted provisionally since the 16th of April in the year 1841, and in fee on the 31st May of the present year, in entire conformity with what is provided in the Law of Eighteenth of August, 1824, and the Fifth Article of the Regulation of twenty-first of November, one thousand Eight hundred and twenty eight.

Angeles, Seventh of May 1845.

In sesion of today the Proposition of the foregoing Report was approved by the Honorable Departmental Assembly, ordering that the Espediente be returned to the Most Excellent Señor Governor for the ends consequent.

Pio Pico, President
Agustin Olvera, Secretary

Angeles, May 10th 1845.

In view of the Approval passed on the 7th of the present month, by the Most Excellent Assembly of this Department, let a testimonial thereof and of this Decree be issued to the party Don Perfecto Hugo Reid in confirmation of the grant of the tract of Santa Anita, which he obtained from the Superior Government.— Pio Pico, senior member of the Honorable Assembly, and Governor ad interim of the Department of Californias so ordered, decreed, and signed, which I attest.

Pio Pico.

Juan Bandini, Secy

It agrees to the letter with its original, which appears in the proper Expediente, from which I caused the present testimonial to be taken, for the security of the interested party, at the City of Los Angeles, Capital of the Department on the 10th May 1845; the Citizens Francisco Lopez and Ygnacio del Valle being witnesses.

In testimony of the truth.

Pio Pico.

Juan Bandini, Secy

No 86. 7

U. S. Dist. Court, Southern District of California.

Henry Dalton,
Appellee

vs.

The United States,
Appellant.

Translation of Testimonial of Approval.

Filed Oct 19th 1855
J. E. Carr,
Clk.

00091

In the United States District Court for the Southern District of California

Henry Dalton
Appellee
vs
The United States
Appellant.

Case No. 86.
Transcript, 343.
"Santa Anita"

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14	15	Order to issue testimonial of Approval to party
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16	17, 18	Translation of Petition No. No. 3.
17	18	do Consent of Padre " 4
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Copies from Archives.

Case No 56.
In U. States Dist Court
South'n Dist California

Henry Dalton
Petitioner
vs
The United States
Appellant.

Order of Transcripts.

Filed Dec 23 1877
J. G. Pace Clk
By Geo. Pendergast

In the U States District Court for the Southern District of California —

Special Term Sept 1855.

Los Angeles.

Henry Dalton vs. The United States	No. 86. (Transcript No. 343) Appeal from U S Land Commr.

On motion of P Ord Attorney of the United States for the Southern District of California, it is, Ordered by the Court, that an appeal be granted the United States, to the Supreme Court of the United States, from the judgment of this Court against the United States, in the above entitled cause, rendered on or about the ~~22d day~~ 24th day of October AD. 1855.

P. Ord
U S Dist Atty.

No. 86.

U S District Court
South.n Dist: of Cal:

The United States.
Appt.

vs

Henry Dalton. Appellee

Order of appeal to the S.C.
on motion of Pord. U.S. atty

Filed October 24th 1855.

A. E. Cancan
By J. W. Roy Dep:

In the District Court of the United States
Southern District of California

Henry Dalton
Appellee
vs
The United States
Appellants

Case No. 86
"Santa Anita"
Transcript 343

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The Attorney General of the United States having given notice that the appeal to the Supreme Court of the United States from the decision of this Court in the above-entitled cause, will not be prosecuted by the United States; and a stipulation having been entered into by the United States District Attorney and the Attorney for Claimant, that the order of this Court granting an appeal to the Supreme Court heretofore made in this cause, be vacated, and that the decree of this Court heretofore rendered herein, may, by order of this Court, be made final;

It is ordered; that the order of this Court, made on the 24th day of October 1855 granting an appeal in this cause to the Supreme Court, be, and the same hereby is, vacated and that the ~~Decree of this~~ Claimant have leave to proceed under the decree of this Court, entered on the 23d day of October, 1855, as under a final decree.

Ogden
Judge

00095

No 86

Henry Dalton
appl'ee

vs

The U. States
Appellants.

Order vacating order
granting appeal

Filed Feby 23d 1859

A Smith
Clk

86 SD
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00096

California Land Claims

Attorney General's Office

16 September 1854.

Sir:

86 SD
PAGE 93

In the case of the claim of Henry Dalton, confirmed to the claimant by the Commissioners, Case no. three hundred and forty three (343), and also confirmed on appeal by the District Court, appeal in the Supreme Court will not be prosecuted by the United States.

I am

Respectfully

Cushing

Pacificus Ord Esq.

00092 U. S. Atty for the

Southern Dist. of California

86

ny Dalton

343

86 SD

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Oct 21 1836

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

Henry Dalton
Appellee
vs
The United States
Appellants

Case No 86
Santa Anita
Transcript 343

In pursuance of a letter received from the Hon. the Attorney General of the United States, hereto annexed, giving notice that in the above cause the appeal in the Supreme Court will not be prosecuted by the United States,

It is hereby stipulated and agreed between the parties that the order of this Court granting an appeal to the Supreme Court heretofore made herein on the 24th day of October 1855, may be vacated, and the Decree of this Court heretofore rendered herein on the 25th day of October 1855, may by order of this Court be made final

Delaby
J. R. Scott
Atty for Appellee

No 86

Henry Dalton
Appellee

vs

The United States
Appellts.

Stipulation to vacate
Order of Appeal.
& Letter

Filed Feby 5 1853

Clerk
SCR

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

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Henry Dalton
Appellee
vs
The United States
Appellants

Case No 86
"Santa Anita"
Franciscan 343.

To
the Hon. Isaac S. K. Ogier
District Judge of the United States for the Southern District of California

The Petition of Benjamin D. Wilson respectfully represents,

That in the above case a Decree of Confirmation in favor of the Appellee of the lands called "Santa Anita" claimed in this case, situate in the County of Los Angeles, Southern District of California, to the extent of three square leagues, was entered in the above entitled Court October 24, 1855, from which an appeal was granted, on motion of the appellants above named, to the Supreme Court of the United States, on the same day; which last mentioned order was vacated, and said Decree made final on February 23d 1857; all which will more fully appear by the records of Your Honorable Court in this Case, to which Petitioner prays to refer and to make the same a part of this his Petition.

And Your Petitioner further represents

that thereupon the parties Claimant in this Case procured a Survey of said lands to be executed and approved by the Surveyor General of the United States for California, and to be forwarded to the proper Office at Washington, whereon to procure a Patent; but Your Petitioner avers that said Survey is not in Conformity with the said Decree of the Court in this Case, and was made against the protest of the predecessor in interest of Your Petitioner, hereinafter named.

And Your Petitioner further shows that he is the owner of a certain other parcel of land, lying adjoining to, and to the west of the said lands of "Santa Anita", known as "San Pascual", the title to which was confirmed to his predecessor and Grantor, Manuel Garfias, in Case No 173, on the Land Docket of Your Hon. Court by Decree entered March 7, 1856, which Decree also was made final February 23, 1857; to the records of the Court in which last named Case Petitioner also prays to refer and to make the same a part of this his petition.

And Petitioner avers that the said parties Claimant in this Case have caused the western boundary of the said lands of "Santa Anita" to be established & approved by said Surveyor General, so as to include a large portion of the Rancho aforesaid called "San Pascual",

in this, that they have taken, and caused to be surveyed and reported as their western boundary line, a line commencing at a black oak tree, fifteen inches in diameter, standing on the western side of a stream of water, eight links in width, and running from said tree, course North 18° 24' East to the Sierra; Whereas, as Petitioner avers, the true boundary line between said two Ranchos to wit is an Arroyo which runs out of the Sierra course South-easterly, and crosses the Southern boundary of said Ranchos at a point a long distance to the eastward of said tree, to wit, one miles, more or less.

And Petitioner represents that he is contesting the title of the claimants in this case to the lands lying west of said Arroyo that are claimed by them; by having entered suit against the present owners of said Rancho of Santa Anita, in the District Court of the First Judicial District of the State of California, for Los Angeles County, the Court having jurisdiction of the subject-matter, to procure the restitution in him of the title of said disputed tract, and to fix and establish the said Arroyo as the boundary line between said Ranchos of Santa Anita and San Pascual

And Petitioner shows that the successors and Grantees of the above named appellee Henry Dalton, and present ow-

ners of said Rancho of "Santa Anita", are William M. Corbett and Albert Dibblee.

Wherefore he prays that Your Honor will appoint a day for hearing and determining this petition and proceed to hear and determine the same, and order the same to be served on the said Corbett & Dibblee, and that upon the hearing hereof Your Honor will grant an injunction restraining the above named Appellee & all claiming under him from suing out a Patent for the lands in this case, until the title to the same shall have been finally decided, and for general relief agreable to Equity etc and for costs.

And as in duty &c

Robt. S. Sanders,
Atty for Petitioner

United States of America
Southern District of California } ss

Having read and considered the annexed petition of Benjamin D Wilson the same is set for hearing before the undersigned District Judge of the United States for the Southern District of California, at his Chambers in the City of Los Angeles, on the 21st day of March 1853 at 11 o'clock A.M.

~~day of~~ March 1859 at 11 o'clock A.M.

And it is further ordered that service of a copy of the above petition and of this order be made on William M. Corbitt and on Albert Dibblee, at least thirty days before the day above appointed for the hearing of the above petition

Isaac S K Ogden
U S Dist Judge
for the S Dist of Cal

Case No. 86.
U. States Dist. Court
South^n Dist. Calif^a.

Henry Dalton
Appellee
vs
The United States
Appellants.

Petition for Injunction
& order

Filed Feby 3, 1859
J. D. Sims Clk.
by W. H. Stetson
Deputy Clk

Scott & Lander

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

Henry Dalton
Appellee
vs
The United States
Appellant.

Case 86.
"Santa Anita"
Transcript 343.

Now comes Benjamin D. Wilson, petitioner for an injunction to stay the issuance of a patent by the United States for the lands called "Santa Anita" in Los Angeles County claimed in this case, by Scott and Lander his attorneys and enters his discontinuance of all proceedings under his said Petition for injunction

Scott & Lander
Attys of Benj. D Wilson

No 86.

In United States District Court, South^n Dist. Cal^a.

Henry Dalton
Appellee
ads
The United States
Appellant

Discontinuance by Benj. D Wilson of proceedings for injunction

Filed April 12. 1860.
C Pine
Clk

~~Filed~~

00098

86 SD
PAGE 104

Coats & Lander

In the United States District Court, for the Southern District of California

Henry Dalton Appellee vs The United States Appellant	Case No 86. Transcript No 343. "Santa Anita"

Translation of Naturalization Papers of Perfecto Hugo Reid.

(Seal) Manuel Jimeno Casarin, Senior Proprietary member of the Most Excellent Junta of the Department of the Californias, in exercise of the Government of the same

Perfecto Hugo Reid, ~~a~~ immigrant from England, having complied with the conditions & requisites, which the Law of the 14th of April, 1828, by the Nation Congress, provides, which Law regulates the manner in which letters of naturalization shall be granted to foreigners;

I declare the said Perfecto Hugo Reid, by these Presents, naturalized in the Republic of Mexico, by virtue of the authority which is conferred upon me by the same law.

Monterey August 1st 1839.

Manuel Jimeno

Recorded page 9

Francisco Arce
1st Officer

Case No. 86. 4

U.S. Dist. Court. in Southern District of California.

Henry Dalton
Appellee
vs
The United States
Appellant.

Translation of Reid's Naturalization Papers

Filed

D. Manuel Jimeno Casarin primer vocal propietario de la Exma. Junta del Departamento de las Californias en ejercicio del Gobierno del mismo.

Reg.do f.a 9.

Habiendo Perfecto Hugo Reid procedente de Inglaterra, cumplido con las condiciones y requisitos que previene la ley de 14 de Abril de 1828 del Congreso Nacional, que arregla el modo con que deve concederse la carta de naturaleza, á los estrangeros, declaro al referido Perfecto Hugo Reid, por las presentes naturalizado en la República Mejicana, en virtud de la autoridad que por la misma ley se me confiere.

Monterey Agosto 1º de 1839.

Man.l Jimeno

Francisco Arce
Oficial 1º

1839 5

Carta de Naturalización

a f. 8. f.

Pulcod

The United States. appellants
vs
Henry Dalton . appellee

The claim in this case is founded on a grant from Governor Pio Pico. to One Hugo Reid bearing date 31st March 1845. the original grant was offered in evidence before the Commissioners who ~~decided~~ confirmed the claim. its genuineness was fully proven. and a copy of the original grant ~~to~~ is filed with the transcript forms part of the documentary evidence in the case before this Court.

The grant is for three square leagues of ~~land~~ land. within the lands called Santa Anita. the boundaries of which are described on the map which accompanies the petition - the grant was approved by the departmental assembly and judicial possession was given by the proper officer - ~~the judicial~~

The map shews distinctly enough the boundaries of the ~~lands~~ tract within which the land granted was to be located. the judicial possession was of land within those boundaries, but upon a computation of the quantity of land contained within the lines run by the officer who gave the possession, there is found to be more than ~~the~~ three leagues. to which quantity the ~~grants strictly~~ words of the grant particularly restrict the grantee, the officer who gave the possession therefore exceeded his power when he measured more than the quantity called for in the grant. ~~and in act.~~ ~~the~~ and his acts to that extent are void, the claimant could only take the quantity called for to wit three square leagues: therefore the decree of confirmation must only be for that extent —

No. 86.