CASE

CASE NO.
121

SOUTHERN DISTRICT

AZUZA GRANT

HENRY DALTON
CLAIMANT

LAND CASE 121 SD 197 pgs.

FEB 27 1963

FEB 28 1963

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 364

Henry Dalton CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Azuza".

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* twenty ninth day of September, *Anno Domini One Thousand Eight Hundred and Fifty=* Two, *before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;*

The Petition of Henry Dalton *for the Place named* "Azuza"

was presented, and ordered to be filed and docketed with No. 364 *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 October 23d 1852

In case No. 364 Henry Dalton for the place named "Azuza" the deposition of Abel Stearns a witness in behalf of the claimant, taken before Commissioner Heland Hall was filed!

(Vide page 9 of this Transcript)

In the same case the deposition of Ygnacio del Valle, a witness in behalf of the claimant, taken before Commissioner Heland Hall, with documents marked M. N. O. P. R. T. with translations marked 1. 2. 3 annexed thereto was filed!

(Vide page 6 of this Transcript)

San Francisco Sept. 21st 1853.

Case No. 364 called. The counsel for the Claimant read the evidence, argued, submitted and taken under advisement by the Board.

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San Francisco Jan 31 1854

In the same case Commissioner Alpheus Felch delivered the Opinion of the Board confirming the Claim.

(Vide page 76 of this Transcript)

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Petition of Henry Dalton

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To the Honorable the United States Commissioners for the settlement of California Land claims

Your Petitioner Henry Dalton resident of the of the County of Los Angeles and State of California respectfully represents - That he is the owner in fee simple of the Rancho called Azusa situated in the County and State aforesaid, which said rancho he purchased of Luis Arenas on the 24th of December A D 1844 - That said Rancho was originally granted to the said Luis Arenas in two different grants both in fee simple, the former by Juan B Alvarado Const. Gov. of the Dep. of the California on the 14th of March 1840 being a grant jointly with to Ignacio Palomares, Ricardo Vejar and Luis Arenas by which said grant the said Luis Arenas came into possession of the lands which constitute one part of the present Ranch of Azusa, under said grant juncticial possession was given to the aforesaid three persons jointly - That on petition of said Luis Arenas the balance of the present Ranch of Azusa was given to him by grant of Manuel Jimeno legally exercising the powers of the government of the California on the 8th of November 1841. Judicial possession being given to said Luis Arenas under said grant of the augment to his former grant. That both of the grantors had ample powers in the premises to cede to said Luis Arenas the lands of said Ranch That said grantee occupied cultivated & possessed said Ranch from the time of the said grant to the date of its conveyance by him to your petitioner since which time your petitioner has had the same in peaceable and uninterrupted possession to said Ranch That all the conditions of said grant have been fulfilled, there are no interfering claims thereto, it has not been surveyed by the Surveyor General of the

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United States for Realeyanco. By a Covenant entered into between all the parties interested the said tract granted to the persons aforesaid jointly, a division of the joint tenancy was effected and judicial possession to each one given of the part assigned to him by the Judge on the 6th day of February A D 1846 whereby the limits of the Ranch of Azusa are easily defined and are as follows to wit (see the Diagram made at the time as well as the former one) Beginning at the hill called San Felipe at a Land mark in said Diagram Marked A running South 31° West to a land mark G distance 2100 varas; thence South 36° East distance 6325 Varas to a point called "Lendero Colorado" Thence East 18° North to a live Oak distance 3600 varas, thence N. 10° E. distance eleven hundred varas to land mark called U; Thence 34° 15' South distance 5325 varas to the land mark called H. Thence North 32° 15' East distance 6525 Varas to a place and Land mark in the Mountain which point is Marked X Thence Westerly following said mountain so as to return in the Courses to the place of Beginning, containing three leagues more or less of grazing land. For the support of his claim your petitioner has filed with the the Secretary of your Honorable Board the following documents as evidence, to wit:

1st Copy of Espediente in the case Marked A

2d Copy of Grant to the said Palomares, Vejar and Arenas Marked B

3d Copy of the act of Judicial possession to the said Palomares Vejar and Arenas Marked C

4th Copy of the Grant to Arenas of Augment to Azusa Marked D

5th Copy of Act of Judicial possession of said Augment to the same marked E

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6. Copy of deed of conveyance of Arenas to your petitioner Marked F

7. Copy of Judicial possession and partition to your petitioner Marked G

The above papers in the Spanish tone are accompanied by faithful translations into the English Language Marked 1. 2. 3. 4. 5. & 6

Your petitioner will rely further upon such other Documentary and parol evidence as may serve to sustain his claim –

And your petitioner prays that your Hon. Board will in the Spirit of justice and Law confirm him in his title and possession to said Ranch of Agua and as in duty bound &c –

Henry Dalton by
Scott & Granger
his Attys

Filed in Office Sept. 29th 1852
Geo. Fisher Secry

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Deposition of Ign. del Valle

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Los Angeles Oct. 23rd 1852

On this day before Solano Stall one of the commissioners for ascertaining and settling private Land claims in California Came Ygnacio del Valle a Witness produced in behalf of the claimant Henry Dalton whose petition is No. 364 on the docket of the Board and was duly sworn his evidence being interpreted by the Secretary –
The U. S Law Agent was notified and attended

In answer to questions by the Counsel for the claimant the witness testified as follows
My name is Ignacio del Valle my age is forty four years and I reside in Los Angeles & I have resided in California twenty seven years –
I am acquainted with the hand writing and signatures of Juan B Alvarado & Victor Prudon
A paper is now shown me purporting to be a grant to Ignacio Palomares and Ricardo Bejar dated April 15. 1837 – together with the approval of the Territorial Deputation April 19. 1837 – The names of said Alvarado & Prudon at the foot of each of said papers I believe to be their genuine signatures said papers Exhibit, the in this case Alvarado held the Office of Governor and Prudon was the Secretary ad interim at the date of said papers
I am also acquainted with the hand writing and signatures of Jose Sepulveda & Marcoso Botello
A paper is now shown me purporting to be the proceedings of giving Judicial possession to Ignacio Palomares & Ricardo Bejar dated 16th November 1837 – The signatures of said Sepulveda and Botello appearing on said paper I believe to be genuine Said Sepulveda was Alcalde at the

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date of said paper and he was also Alcalde during the Month of August of the same year, said paper is Exhibit N filed in this case-

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I am also acquainted with the hand writing and signatures of Manuel Jimeno Tibureio Tapia Nareso Botello and Felipe Lugo-

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A paper is now shown me purporting to be a grant to Ignacio Polamares & Ricardo Bejar & Luis Arenas dated 14th March 1840 with certificate attached and also an Official Copy of the proceedings of judicial possession certified May 18. 1840 The signatures of said Alvarado as Governor of said Jimeno as Secretary of said Tapia and Botello & Felipe Lugo as Alcalde wherever they appear on said paper I believe to be genuine- Alvarado was Governor, Jimeno was Secretary, Tapia was prefect & Botello Secretary & Lugo was Alcalde at the dates to which their signatures are respectively attached said paper is Exhibit O filed in this case

I am also acquainted with the hand writing and signatures of Jose L Fernandez Santiago Arguello Jose R Arguello, Jose L Sepulveda, Basilio Aguilar & Ignacio Coronel

A paper is now shown me purporting to be a grant to Luis Arenas dated November 8th 1841 with certificates attached, together with an Official Copy of proceedings in giving judicial possession certified April 27th 1842- The signatures of Jimeno, Fernandez, Arguello, Jose R Arguello, Basilio Aguilar and Ignacio Coronel wherever they appear on said paper I believe to be their genuine signatures- At the date of said grant said Jimeno was Acting Governor and Fernandez Secretary and Santiago Arguello who signs Arguello was Prefect, Jose R Arguello was Secretary and Jose L Sepulveda was Alcalde at

dates of the several papers to which their names are attached, said paper is Exhibit P filed in this case
I am also acquainted with the hand writing and signatures of Manuel Requena, Cristoval Aguilar & Ignacio Coronel. A paper is now shown me purporting to be an Official Copy of an instrument of Conveyance Luis Arenas to Henry Dalton executed 27th December 1844 - the names of Manuel Requena Cristoval Aguilar & Ignacio Coronel appearing at the end of said paper I believe to be their genuine signatures - Said Requena at the date of said instrument was exercising the Office of First Alcalde said paper is Exhibit R filed in this case
I am also acquainted with the hand writing and signatures of Juan Gallardo and Ignacio Coronel a paper is now shown me purporting to be an Official Copy of a Record of proceedings of a division of lands between Ignacio Palomares, Ricardo Beyer & Henry Dalton dated at the Commencement of the paper February 27 1846 - together with a map attached to the same - The names of Juan Gallardo & Ignacio Coronel appearing at the foot of said Official Copy and also the signature of said Gallardo appearing on said map I believe to be their genuine signatures - Said Gallardo held the Office of First Alcalde at the date of said papers - Said paper is Exhibit T filed in this case

Ygnacio del Valle

Sworn and subscribed before me

Melanie Hall Clerk

Filed in Office Oct. 23rd 1852

Geo. Fisher Secy

Dep
Abel Stearns

Los Angeles Oct. 23rd 1852

On this day before Com. Stl and Hall came Abel Stearns a witness in behalf of the claimant Henry Dalton, petition No. 364. and was duly sworn his evidence being given in English. The U. S. Associate Law Agent was present In answer to questions by Counsel for the claimant the witness testifies as follows

My name Abel Stearns. My age is fifty four I resided in Los Angeles and have resided in California over twenty three years-

I know the Rancho called Azusa It is situated in the County of Los Angeles and adjoining the Rancho San Jose. It was occupied by Luis Arenas in the year 1841. He built a house there and lived in it with his family for most of the time- His cultivation of the land was quite extensive- and he had stocks of cattle and horses- The land is now occupied by Henry Dalton It has been continually occupied since the year 1841 by said Arenas or Dalton by themselves or by their agents

Questions by the Associate Law Agent

What was the general opinion in the country in regard to the restriction in the grants of the governors of California against alienation

Answer. It was generally considered a superfluous condition, being contrary to the Statute Law of Mexico to deprive its citizens of the right to dispose freely of their property

Abel Stearns

Sworn and subscribed before me

Melanco Hall Com

Filed in Office Oct. 23rd 1852

Geo. Fisher Sec'y

Dnsi cale
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A.

Espediente.

Espediente
promovido por los Ciudadanos Ignacio Palomares.
Ricardo Bejar. y Luis Arenas en solicitud
del terreno nombrado Sn José.

Numero. 141.

Espediente.
Promovido por los Ciudadanos Ignacio Palomares Ricardo
Bejar y Luis Arenas en solicitud del paraje
llamado Sn José.

1837.

(121.)

Ciudad de los Angeles
30 de Mzo de 1837.

Informe el Ytte
Ayuntamiento de la ciudad
de los Angeles si las ins-
-ancias cuenta en mi Ranchito y caballada de nuestra propiedad, en lo
cual entonces obtienen todo haber p.a el transtento de nuestras familias, los
los requisitos legales p.a que à la vez existen en un sitio muy corto y
en esta solicitud, si el provisional en el cual son las atrasos y sufimos
tenemos que pretende es y ~~hallarnos~~ oyamos baldio un parage convecino con
baldio, si pertenecen à tal el nombre de D.n José en cual dista de como
propiedad particular de seis leguas, poco mas ó menos de la ex-mision
algun individuo puedo ó de S.n Gabriel. Cuyo dicho pondremos en conocimto
Mision. si pertenecienda de V.E. a la verdad posible. A V.E. suplicamos
a algunos de estos ultimos suplicamos se digne conceder nos el parage
se halla en el caso de arriba referido, sirviendose tomar en cuenta de consid
-erarse conforme á tolerancia en las escasez de sitio en q.e nos halla-
leyes de colonizacion. -mos p.r cuyo causa nos dirigimos á la acred

Fraternidos estas informe citada bondad de V.E. en lo que recibiremos
-mes volvera el espediente Gracia y Justicia, jurando lo necesario y
al Gobierno para su resolu admitiendo no este en papel comun por no
-cion.

haber del sellado respectivo = Ytte ren.s =
al = rale = Ciudad de los Angeles. Marzo
29 de 1837. Por mi y por cuido rejar que
no sabe escribir.

Alvarado.

Ignacio Palomares.

Ang.s abril 1.o de 1837. = Dado cuenta al Ytte
Ayuntamiento de esta ciudad en sesion de hoy
con esta inst.a y decreto del Sor. Gobernador Jefe
del estado, acordó pasará à la comision de
terrenos baldios p.a que produsca el informe
que se le requiere.

Gell. Nuñez. P.te. Ramiro Boletto.
Sria.

Ytte Ayuntamiento

La comision de terrenos baldios dice que amp

Cumpliendo con el decreto que antecede del Sor. Gobernador Intº del estado informa que los interesados en este expediente son ciudadanos Mejicanos pr nacimiento, han prestados repetidos servicios à esta Jurisdiccion y tienen un considerable numero de bienes de campo entre ganado y caballada, los cuales les son muy suficientes para cubrir el sitio que pretenden conforme à la ley de la materia, aunque bienes actualmente los tienen en un sitio provisional y muy corto que en union de otros vecinos de esta Ciudad se les concedio el cual es bastante escaso de agua y pastos. El parage Sn José que se refiere en este expediente à la ftta. se halla baldio porque no pertenecido à la ex-Mision de Sn Gabriel, la comision esta bien impuesta y le consta de que no existe en el, una vez de dicha comunidad, por lo que cree la comision, se haya en estado de adjudicarse conforme à las leyes de colonizacion.

Ciudad de los Angeles. Abril 7. de 1837.

Macario Valdez. Felipe Lugo. Franco Portojo.

Angeles. Abril 8 de 1837.

Siendo aprobado por este Ilte Ayuntamto, remitase al Sor Gobernador del estado el presente Expediente, pa que en su vista obre los efectos convenientes. Lit Haro. Vicente de la Osa. Sn Intº.

Santa Barbara. Abril 15 de 1837.

Vista la peticion con que da principio este expediente informe del Y. Ayuntamto. de la Ciudad de los Angeles con todo lo demas que se tuvo presente y ver conviene de conformidad con las leyes y reglamentos de la materia, se declara à los ciudadanos Ignacio Palomares y Ricardo Bejar dueños en propiedad del parage llamado Sn José, conforme al disenio que acompañaron à la solicitud y dentro de los linderos que en el se espresan. Librese el despacho correspondiente, tomese razon en el libro respectivo y dirijase este expediente à la Sama. Diputacion para su debida aprobacion. Asi yo Juan B. Alvarado Gobno Intº del Estado y Decidente de la Sama. Diputacion, lo decreté mandé y firmé de que doy fee. Juan B. Alvarado.

"Ramo Son." La Comision de terrenos baldios en inspecto

del expediente promovido por los Ciudadanos Ygnacio Palomares y Ricardo Bejar en solicitud del parage llamado Sn José pone á la deliberacion de V.E. la siguiente proposicion. Se concede á los ciuos Ygo Palomares y Ricardo Bejar el parage nombrado Sn José pa que lo posean en propiedad por tener los requisitos necesarios conforme á la ley de 18 de agosto de 1824 y el artículo 5o del reglamento de 21 noviembre de 1826. Sta Barbara. Abril 16 de 1837.

Antonio Buelna. (Srio) José de la Guerra y Carrillo.

Sta Barbara. Abril 19 de 1837.

En sesion de este dia se aprobó por la corporacion, las proposiciones en que concluye el dictamen antecedente disponiendo quedara el expediente al Gabno para los fines que son consigtes. Alvarado.

Victor Pinder. Sra. Monterey. 14 de Marzo de 1840.

Por cuanto los ciuos Ignacio Palomares, Ricardo Bejar y Luis Arenas, han convenido mutuamte y solicitado á beneficio de los tres, el parage llamado Sn José que fué adjudicado á los dos primeros por decreto de 18 de Abril de 1837. Con aumento de un sitio de ganado mayor por la parte del Norte contiguo á la Sierra de San Gabriel; practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por las leyes y reglamentos de la materia y usando de las facultades que me han conferidas á nombre de la nacion Mejicana, les declaró dueños en propiedad del mencionado parage Sn José, con el aumento de un sitio de ganado mayor. El Sor. D. Juan B. Alvarado Gobno Constitucional de los Cfos así lo mando decretó y firmó de que doy fee.

Sera sellado mas en Adelante.

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Sor. Prefecto Int.º de este Distrito.

Angeles. Diciembre 20 de 1839.

Luis Arenas natural de Hermosillo en el Departamento de Sonora y vecino de esta ciudad ante Ud. con el respeto debido y conforme a dro. hace presente. que el actual Excmo. Sor. Gob.nor D.n Juan Bautista Alvarado le concedio desde el año pasado el derecho a un terreno parte del conocido con el nombre de S.n José que ocupando el interesado en ella, y por este hecho asociado con los ciudadanos Ignacio Palomares y Ricardo Bejar concediendo para beneficio de los tres una legua cuadrada de terreno p.r aumento del que á la presente poseen, que colindan hacia el rumbo de la mision de S.n Gabriel cuyo deseo presentaran a V.S. á la mejor heredad. Por tanto a V.S. suplico acceder a su solicitud, decretando la de conformidad en lo que reputen merced y justicia, sirviendose admitir lo en este papel comun por no haber del sellado que corresponde.— Angeles Diciembre 16 de 1839.

Luis Arce.

Sor. Prefecto de este Distrito.

Los que suscriben Ignacio Palomares, Ricardo Bejar y cumpliendo con el superior marginal decreto de V.S. que antecede y en la parte que les toca dicen: que ambos unicamente han convenido admitir como socio en el rancho de S.n José que actualmente poseen el interesado en el presente expediente

Papiá.
Marcado Botello.
Vera.

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ciudadano Luis Arenas por haber lo así nominado el E. Gobernador D. Juan Bautista Alvarado por una carta que pasó al primero, ofreciendo para ello conceder una legua mas de terreno en aumento del sitio hacia al rumbo que se llama Sur hacia la mision de Sn Gabriel por ser la parte mas apropósito para la suscitada estension.

Gpo. Palomares. Mgz. Dbre. 21. de 1839. Ricardo Bejar.

Sn Gabriel y Enero 20 de 1840.

Habiendo recibido el dia de hoy en esta administracion el precedente expediente hoy se informa segun se previene por la Prefectura de este distrito. El parage que se pretende por estension ha pertenecido y pertenece al Sor. Gabriel.

Juan Bandini.

Exmo. Sor. Gobernador.

La Prefectura de este 2º distrito impuesta de la instancia con que da principio este expediente é informes que anteceden, cree que es de acordarse á la solicitud del interesado si así fuere del superior agrado de V. E. pues aunque el Sor. Amor. de la mision de Sn Gabriel, Dn Juan Bandini, espresa pertenecer al terreno, solicitado, aquel establecimto se halla enegualitado á los demas que deude mas distancia llamarnos corresponderlos porque hasta ahora no lo tiene ocupado, y dista de la mision como sinco á seis leguas. Ubaldo Lapia. Manuel Boletto.

Monterey. abril 11 de 1840

Visto la peticion con que da principio este expediente el informe del Señor Prefecto del 2º Distrito Consta de lo demas que se tubo presente y ser conforme de conformidad con las leyes y reglamentos de la materia, se declara á los ciudadanos Gpo Palomares, Ricardo Bejar y Luis Arenas, dueños en propiedad de un sitio de ganado mayor en aumento al llamado Sn José que fué adjudicado á los dos primeros. Líbrese nuevamente el titulo de propiedad al enunciado parage en el aumento referido á favor de los tres individuos mencionados y regrese este Expediente al Promovido Dn Palomares y Bejar para la debida atencion y constancia de cuyo contenido á la

á la Exma Diputacion para su aprobacion en la parte que representa el ayuntamiento especial tomando se la razon correspondiente. Así yo. Juan B. Alvarado, Gobnor Constitucional del Departo. de las Californias, así lo mandó y firmo. Alvarado.

Sello tercero Dos reales.

Habilitado provisionalmente por la Aduana maritima del Puerto de Monterey en el Departamento de las Californias, para los años de mil ochocientos Quarenta y mil ochocientos Quarenta y uno.

Al mismo. Antº. María Osio.

(Real) Angeles. Agto. 19 de. Sr. Prefecto del Distrito.

1841. De conformidad con las leyes de la mat- ria, informe el Juez que haya lugar Compareseo y dijo: que hall- ndose por si el terreno que solicita al mismo posee, un pedaso de terreno valdio y sin ningun corresponda á comunidad, corporacion ó particular y si es valdio por mando el Lindº con el Rio de San Gabriel Con todo lo demas que y el camino de San José y su estension le parece conveniente. menos de una legua, el cual pido se me dé al entrar la materia. agregue en propiedad al q sitio que poseo pa y agregado el dicho que mis bienes de campo pueden sin intervencion correspondiente para al extenderse á causa de que el que poseo el algo J. Sad. Alto de la misma es caso de pastos: por lo que sirva V. S. infor de Sn Gabriel para que mar sobre este asunto lo que crea conveniente reproduzca el suyo en y elevar la presente acuerdos del Excmo. Sor. Gotor Encarto a quella comuni a fin de que su E. con su acreditado justifi- cacion, y vuelva por la cion, se digne si fuere de su agrado conce- demos fines que sean conforme lo que llevo expuesto y por tanto

0017 convenientes. A. V. S. suplico en concediendo se sirva acceder á

Argüello. mi solicitud en que recibiré gracia. Sirvo lo necesario.

Narciso Boretto. Angs. Agto. 17 de 1841.

Srio. Luis Arenas.

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Sor. Prefecto.

En cumplimiento al superior decreto que en al margen en esta instancia, pasen personas a examinar el terreno que pide el interesado, el cual aunque pertenece á la mision del Sn Gabriel se halla baldio y en su mayor parte lleno de chamizo por lo que si V.E. tiene abien se le puede conceder. —

Sello tercero 2 reales.

Habilitado provisionalmente por la aduana maritima del Puerto de Monterey en el Departamento de las Californias por los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno. Jimeno. Ant.o Maria Osio.

Angeles Agosto 21 de 1841.

Ygnacio Mª Alvarado.

San Gabriel. Septbre 7 de 1841. = Con respecto a estas tierras provisionales la llegada del Ilte. Señor Obispo de esta California y no sabiendo que espetomaron las Casas Consa primera ds.a ni lo que su Ilte. Con acuerdo del Supremo Gob.o de este Departo hara de los terrenos de las misiones ya concedidos, nada puedo informar yo en asunto al que solicita el interesado pues es perteneciente á la Mision. Fr. Tomas Estenaga. Samuelon.

La presente solicitud en ampliacion del terreno q. ocupa D. Luis Arenas, se hayá enteramente valdio, por ser todo lo mas montuoso y sin ningun agua, sin embargo del informe del D. ministro que cree con la venia del San. Obpo. hasta las tierras concedidas pr el Gobno se han de quitar; es de opinion esta Prefectura si V.E. lo tuviese á bien se le conceda pues segun esto y informando la solicita solo con al fin de conceder el terreno de su sitio pque nos presenta bentas ó ningunas pr otra Causa; sin embargo de lo espuesto V.E. se servira resolver lo que fuere de su superior agrado. Angeles 8bre 17 de 1841. S. Argüello. Narciso Botello. Sno.

Monterey. Noviembre 8 de 1841.

Vista la peticion con que dá principio este Espediente el informe del Señor Prefecto del Segundo Distrito y del Juez 2. de la ciudad de los Angeles con todo lo demas que se tubo presente y ser conforme de conformidad con las leyes y regl.tos de la materia, se declara á D.n Luis Arenas

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Bueno de un sitio de Ganado mayor en aumto del terreno que se le concedio en 12 de Mzo del año p.p.do Cuyos linderos se reconocen en el Rio de Asuna, camino de San José y el terreno de este nombre. Librese el correspondiente despacho, agreguese este Expediente al que promovieran los Ciud.os Ygnacio Palomares y Ricardo Bejar, tomese razon en el libro respectivo y dirijase este Expediente á la Suma. Junta Departamental para su aprobacion. El Sor. D. Manuel Jimeno, Casarin Vocal, propietario de la Suma Junta departamental en ejercicio del Gobierno del mismo, así lo mandó, ordenó y firmó de que doy fé. Jimeno. José Z. Fernandez. Sr. Int.

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

I, Samuel D. King, ~~General~~ Surveyor General of the United States for the State of California and as such now having in my office and under my charge and control a portion of the archives of the former Spanish and Mexican Territory a Department of Upper California, do hereby certify that the twenty one preceding and hereunto attached pages of tracing paper numbered from one to twenty one inclusive

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and each of which is verified by my initials (S.D.S.) exhibit true and accurate copies of certain documents on file and forming part of the said archives in this Office.

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In testimony whereof, I have hereunto signed my name officially and affixed my private seal not having a seal of office at the City of San Francisco Cal. this 9th day of September A.D. 1853.

Samuel D. King.
Surveyor Genl Calfa.

Filed in office. Sept. 29. 1852.

Geo. Fisher.
Secy.

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Translation of Espediente

Most Excellent Senor Governor

The citizen Palomares and Ricardo Vejar before Y. Ex. in the most proper form of Law appear saying: That counting now a considerable number of of stock of the plain consisting of horned cattle and horses on our property, the only thing we have for the support of our families and which at this time are pastured (n exist) on one (solo) tract very small and poorly given, in which we suffer heavy losses: and the place known by the name of San Jose is unoccupied, which consists of about six leagues a little more or less of the Ex Mission of San Gabriel, the Diagram of which we will present to the notice of Y. Ex. at the earliest opportunity - We humbly pray your Excellency will deign to grant us the place referred to, being pleased to take a moment of consideration in regard to the smallness of the tract on which we are on at present situated, for which cause we apply to the noteo goodness of your Exc'y, that we may receive favor and justice, making oath that it is necessary to admit this on common paper for want of the proper sealed = entre = sengl = vale = City of Los Angeles March 27th 1837 -

For myself and for Don Ricardo Vejar
who cannot write -
Ignacio Palomares

Endorsed on the above

City of Los Angeles March 30th 1837

In form the Illustrious Ayuntamiento of the City of Los Angeles; that it may be seen whether the parties interested in this petition possess all the requisites of the Law to be attended to in their petition, whether or the land which they ask is unoccupied whether it does not pertain to the particular property of any individual town or Mission or if pertaining

to any of the last named, it is in the State of being adjudicated conformably with the Laws of colonization - These formalities have been gone through return the Espediente to the Government for its resolution

Alvarado

Angeles April 1st 1837 -

Copy given to the Illustrious Ayuntamiento of this City, in sesion of to day, of this petition and decree of the Sr. Governador interino of the State - Resolved to pass it to the Committee on unoccupied Lands that it may report the information referred to -

Gil Ybarra
Pres.t

Narciso Botello Secretary

To the Illustrious Ayuntamiento

The committee on unoccupied lands in compliance with the preceding decree of Sr. Governador interino of the State, reports that the parties interested in this Espediente are Mexican Citizens by birth, have lent repeated services to this jurisdiction and have a considerable number of Stock of the plain consisting of Cattle and horses which are fully sufficient to cover the tract which is being asked in conformity with the Law on the matter; which they have on a tract provisionally given and very small, which was granted them jointly with other residents near this City, and which is very scare of Water and pasturage - The place of San Jose which is referred to in this Espediente, at a date is unoccupied although it has pertained to the Ex Mission of San Gabriel. The Committee is well informed that it appears that not one head of Stock of that Establishment exists in such place and therefore the Committee

believes that it is in a State to be adjudicated (to another) in conformity with the Laws of Colonization
City of Los Angeles April 7th 1837

Felipe Lugo

Bucelio Valdez Francisco Partojo

Angeles April 8th 1837

The foregoing decision being approved by the Illustrious Ayuntamiento let the preceding Espediente be returned to the Sr Governor, that upon his Examination it may effect the desired purposes

Gil. Ybarra

Vicente de la Ossa Secy ad int.

Santa Barbara April 15th 1837

Having seen the petition with which this Espediente goes beginning the report of the Ayuntamiento of the City of Los Angeles with very other steps all of which has been done in conformity with the Laws and regulations upon the subject, the citizens Ignacio Palomares and Ricardo Vejar are to be owners in property of the place called San Jose agreeably to the Diagram which they accompanied with their petition and within the boundaries therein expressed I give the corresponding dispatch, take account in the respective Book and deliver this Espediente to the Most Excellent Deputation for the proper approbation. The Sr. Juan B Alvarado Governor ad interim and President of the M E Deputation decreed ordered and signed which I attest

Juan B Alvarado

Excellent Sir

The Committee on unoccupied Lands being informed of the Espediente moved by the citizens Ignacio Palomares and Ricardo Vejar petitioning for the place called San Jose lays before you for deliberation the following proposition. Let the place called San Jose

be granted to the citizens Ygo. Palomares and Ricardo Vejar that they may possess it by having the necessary requisites conformably to the law of the 18th of August 1824 and art. 5th of the regulation of the 21st of November 1828 –

Santa Barbara April 16th 1837

Antonio Buelna Jose de la Guerra Noriega

Santa Barbara April 19th 1837

In sesion of to day the proposition by which the foregoing decision concluded was approved by the corporation directing directing the Espedente to be returned to the Government for further purposes

Nicto Freedon Secy Alvarado

Monterey 14th of March 1840

Whereas the citizens Ignacio Palomares Ricardo Vejar and Luis Arenas have mutually agreed and asked for the benefit of the three the place called San Jose, which was assigned to the first two by decree of 18th of April 1837 with an augment of a League of grazing land on its western part contiguous to the Mountain of San Gabriel; the proceedings and relative investigations having been gone through with according to the direction of the Laws and regulations on the subject, and Exercising the powers which are conferred upon me, in the name of the Mexican Nation, I declare them owners in right of property of the aforesaid place of San Jose with the augment of one league of grazing land –

The Sr. Don Juan B Alvarado Constitutional Governor of the California, thus I ordered it decreed & signed which I attest

Sr. Prefect ad interim of the District
Luis Arenas, native of Sarmosello in the Departmente and resedent of this City before Y. S. with proper respect and conformably to Law represents. That S. E. the acting Governor Juan Bautista Alvarado granted him from the past year the right to the third part of the Land known by the name of San Jose leaving him by this Act associated with the citizens Ignacio Palomares and Ricardo Vejar S. E granting for the benefit of the three one leagues more of land as an augment to that which at present Polamares and Vejar possess. To have him admitted as partner of those two gentlemen he who subscribes was recommended by the same Governor by means of a letter directed Palomares of that date.
Various circumstances have prevented him who subscribes to have presented the matter in form & opportunely until now, supplicating Y. E. may be pleased to grant him the Leagues of Land required to, and that part called the Susa towards the direction of the Mission of San Gabriel the diagram of which will be presented to your E. at the Earliest notice
Wherefore he supplicates your E will accede to his petition decreeing in such manner that mercy and Justice may be received, being pleased to admit this on Common paper for want of the corresponding sealed paper
Angeles Dec. 16th 1839

Luis Arenas

(Endorsed on the above)

0025 Angeles Dec. 20th 1839

Pass the present instance (or petition) to the citizens Ignacio Palomares & Ricardo Vejar that they may be informed of its contents and thereupon pass it to the Administrator of the Mission of San Gabriel that on his part he may show what suits him under the

intention that the party interested shall attach to it his diagram relating to the Land and return it for proof.

Yapico

0026

Narciso Botello Sec'y

Sr. Prefect of this District

Those who subscribe Ignacio Palomares and Ricardo Vejar complying with the Superior Marginal decree of Y. S. which precedes and upon the part which refuse them, say, That both have agreed to admit us a partner in the Ranch of San Jose which they actually possess, the person interested in the present Espediente the Citizen Juan Arenas, for so recommended this. E'y Gov. Juan Bautista Alvarado by a letter addressed to the former Offering for it to grant one leagues more of land, as augment to the tract which is called Jesus Maria as the Mission of San Gabriel as being the most appropriate for such extension Acq. Dec 21-1839

Ygn: Palomares Ricardo Vejar

San Gabriel Dec 1840

Having yesterday received in this Office of Administration the foregoing Espediente, the undersigned reports that which has been done, to the Prefecturate of this District, That the place which is asked for has belonged and does belong to San Gabriel

Juan Bandini

Most Excellent Governor

The Prefecturate of the 2d District being advised of the petition by which this Espediente commences and the foregoing reports believes that it is proper to grant the request of the party interested if thus it should agree with the superior pleasure of Ye. although the Sr. Administrator of the Mission

of San Gabriel Don Juan Bandini reports that the same Land solicited belongs to that Establishment; but it is in the same state of others which at a greater distance they say belong to it, because until now it does not occupy said tract, and it is distant from the mission about five or six leagues — Tiburcio Tapia

Narciso Botello

Sec'y

Monterey March 11th 1840

Having seen the petition by which the Espediente commences the Report of the Sr. Prefect of the 2do District, with the further steps which have been presented and it appearing that the whole is in conformity with the Laws and regulations on the subject, the Citizens Yguac. Palomares Recaredo Vejar and Luis Arenas are declared Owners by right of property of one leagues of pasture lands as an augmente to that land called San Jose which was adjudged to the first two - Issue a new title in right of property of the aforesaid place with the augmente referred to, to the three individuals aforesaid - Attach this Espediente to that moved by Palomares and Vejar for deed preserved in, and pass the whole to the Excellent Departmental Assembly for its approval, as to the part of the augmente aforesaid; account corresponding thereto being taken - Thus I. Juan B Alvarado Governor of the Department of the California decreed it and signed

Alvarado

Seal of the Third class 25¢

0027 Duplicate provisionally, the Maritime Custom House for Monterey in the Department of the California for the years 1840 and 1841

Lemeno

Antonio Maria Osio

Sn. Prefect of the District

The citizen Luis Arenas resident of the City of Los Angeles, before Y. S. in the most proper form appears and says, That having conveyed myself to the Western part of the trace which contained a piece of unoccupied land and destitute of water, the greater part composed of desert Shrubbery That such Land forms a small tongue bounded by the river of San Gabriel and the rivers of San Jose that its extent will not be more than one leagues which I request may be added to me in property joined to the trace which I possess, in order that my grazing stock may be extended without interception, for the reason that what I possess is somewhat scarce of pasture; on account of which, I hope it will please Y. S. to inform himself on the subject as to what he shall deem proper, and that you will forward the present to the hands of S. E. the Governor to the end that S. E. in his known sense of justice, may deign if it be his pleasure, to grant me that which I have explained - Wherefore I supplicate Y. S. fervently to accede to my request that I shall receive favor. I swear it necessary &c -

Angeles August 19th 1841 Luis Arenas

(Endorsed on the above)

Angeles August 19th 1841

In conformity with the laws on the matter, report to the 2d Judge of the Peace, whether which the party interested solicits pertains to a Community, or possession a individual and whether it is unoccupied, with any further information that appears necessary to illustrate the subject, and the corresponding diagram being attached, pass it to the Future Minister of the Mission of San Gabriel in order that he may be

produce his Own, whatever pertains to that Commu-
nity; and return it for the further ends that may
be convenient

Narciso Botello Sec'y Arguello

In fulfilment of the Superior decree which appears
on the margin of this petition, pass in person to Examine
the land which the party interested asks, which
although it belongs to the Mission of San Gabriel is
unoccupied, and the greater part thereof is full of
desert Shrubbery - by which if you deem it proper
the land may be granted. Angeles Aug. 21st 1841

Ygno. Ma. Alvarado

San Gabriel Sept. 17th 1841

Since the approach of the Illustri-
ous Sr. Bishop of this California, and not knowing
what aspect matters may assume, in his presence, or how
what his Illustrious Grace in unison with the Supreme
Government of this Department may do concerning
the Lands of the Missions already granted - I can
inform the party interested nothing more in the subject
than that it is an appurtenance of the Mission

Fray Thomas Estenaga

Most Excellent Sir

The present petition asks the enlarge-
ment of the lands which Don Luis Arenas occupies,
that it is entirely unoccupied, the greatest part being
full of the chaparral and without any Spring Water
Notwithstanding the report of the Father Monester
that it will be upon the of Sr. Bishop, that
the tracts granted by the Government will be taken
away, this Prefecture is of the Opinion it may be
granted him, if your Ex. should deem it well;
Accordingly I am informed that he alone solicits it

"for the object of accommodating to the land of a
tract (sitio) because it presents no advantage for any
0030 thing else. But notwithstanding this Explanation
Y. E. will design to resolve what may be of his superior
pleasure

Angeles Oct. 17th 1841 S. Arguello

Narciso Botello Secy

Monterey Nov. 8th 1841

Having examined the petition
which gives beginning to this Expediente, the report
of the Prefect of the 2d District and that of the 2d
Judge of the peace of the City of Los Angeles with
the further steps which have been taken all of which
are seen to be in conformity to the laws and regula
tions on the subject, Don Luis Arenas is declared
Owner of the One league of grazing land in extension
of the land which had been granted to him on the 14th
of March of the past year, the boundaries of which
shall be defined by the river of Ayuso the road
of San Jose and the Land of this name. Spring
the corresponding dispatch; Attach this Expediente
to that which the citizens Ignacio Palomares and
Ricardo Vejar caused, take account in the respec
tive Book and direct this Expediente to the M Ex
Departmental Assembly for its approval -
The Sr. Manuel Jimeno, Vocal 1st proprietary member
of the M. E Dep. Assembly in exercise of the Govern
ment of the same thus Ordered decreed and signed
it, which I attest

Jimeno

Jose L Fernandez
Secy ad interim

Filed in Office Sept. 29th 1852
Geo. Fisher Secy

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El Ciudadano Juan Bautista Alvarado, Gobernador Intº de Estado y Presidente de la Excma. Diputacion del mismo.

Por cuanto los CC. Ygnacio Palomares y Ricardo Bejar, mejicanos por nacimiento han pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de Sta. José dentro de los linderos del diseño que acompaña a su solicitud, practicados fielmente las diligencias y averiguaciones, segun lo dispuesto por leyes y reglamentos de la materia; atendido de las facultades que me son conferidas á nombre de la nacion Mejicana he venido en conceder le el terreno mencionado declarando le la propiedad de él por las presentes letras, entendiendose esta titulo concesion con entera conformidad á las leyes é espera de la aprobacion de la Excma Diputacion y bajo las condiciones siguientes.

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Grant.
Exhibit M.

1ª Los agraciados ni sus herederos podran dividir, ni enagenar el que se les adjudica, imponer le censo, censo, prenda hipoteca ni otro gravamen aunque sea por causa piadosa ni pasarlo á manos muertas.

2ª Deberá cercarlo sin perjudicar las transitas caminos y servidumbres, lo cual quedará libre y exclusivamente destinado al uso ó cultivo que mas le acomode.

3ª Cuando se les confirme la propiedad solicitará del Juez respectivo, que le dé posesion y quedará en virtud de este despacho por el cual se demarcaron sus linderos y pondran sus mojoneras.

4ª El terreno de que se les hace donacion es puramente el que se espera en la solicitud de los interesados y se demarca en el espediente que acompaña y el Juez que lo posesionará pasará aviso á este Gobierno del numero de varas que comprende.

En consecuencia mando que servirá de les de titulo el presente y teniendose por firme y valedero se tome razon en el libro á que corresponda y se entregue á los interesados para su resguardo y demas fines convenientes. Dado en esta Ciudad de Sta Barbara a 15 de Abril de 1839.

Juan B. Alvarado. Victor Prudon. Srio.

0031

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Santa Barbara. Abril 19 de 1839.

En sesion de hoy aprobo la Suma Diputacion la proposicion del dictamen de la Comision de terrenos baldios que es á la letra como sigue.

0032

"Se aprueba á los C.C. Ygnacio Palomares y Ricardo Bejar el parage nombrado San José por tener los requisitos necesarios conforme á la ley de 18 de Agosto de 1824 y el articulo 5º del reglamento de 21. de Novbre de 1824.

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José Ant.º de la Guerra. y Carrillo.

Antonio Buelna. Alvarado Pte. Victor Prudon. Srio.

La parte interesada deberá reponer el papel sellado que corresponde agregado, tajado a este despacho el pliego del valor de Seis pesos.

Alvarado.

Filed in Office. Feb. 23d. 1852.

Geo. Fisher.

Secy.

En la Ciudad de los Angeles de la alta California, á los seis días del mes de Agosto de mil ochocientos treinta y siete, ocurrió á la Solicitud de los Sres. Ygnacio Palomares y D. Ricardo Vejar apin de que se les dé la correspondiente posesion del terreno sitio y Rancho llamado Sn José concedido por el Supo Gobierno de este territorio y habiendo convenido con el agrimensor D. Carlos Barsi para que verificara el enunciado terreno con total arreglo á las primeras medidas que se han practicado cuyo terreno agregaron los interesados al expediente pasese por mi y los testigos de mi asistencia al presente sitio y procediese á dar la posesion indicada, arreglandose al titulo ó documento que se les ha conferido por la Legatura con quien de abril ultimo.= El Ciudadano Sepulveda Alcalde 1o Constitucional de esta especial Ciudad, así lo decretó, mandó y firmó con los testigos de mi asistencia en este papel comun por no haber del sello respectivo. Doy fé. = José Sepulveda.= Asta Narciso Botello.= Asta. Pablo Vejar.= En el mismo dia, mes y año estando en la Ha-Mision de Sn Juan Gabriel, el Juez que suscribe pase aprecio al Sor. de Dha. Mision Ciudadano José Perez manifestandole el objeto a que me dirijia al punto de Sn José como que pertenecia este o aquella Comunidad, pues iba á remediarlo y poner en posesion de el á D. Ygnacio Palomares y Don Ricardo Vejar; no haviendo manifestado especies, ni jemas que suspendieron las medidas le dije: que iba a proceder á ellas, lo que pongo por diligencia que autorisó y firmó con los testigos de asistencia. Segun Dn. Doy fé. José Sepulveda.= Narciso Botello = Asta. Pablo Vejar.= En el Rancho de Sn José a trece de Agosto de mil ochocientos treinta y siete yo el propio Juez, para la practica de estas diligencias, nombré dos oficiales Carreteros, que por no saber firmar se omitieron sus nombres, bajo de Juramento que otorgaron ofreciendo desempeñar fiel y legalmente la encargo, lo que autorisó y firmó con los testigos de mi asistª Segun Dn. = José Sepulveda.= Asta. Narciso Botello= Asta. Pablo Vejar.= En el mismo dia, mes, y año estando en el parage á la punta de las lomas llamadas de Sta Ana

a efecto de verificar las remedidas y posesion que corresponda
á los Sores. D. Ygnacio Palomares y Ricardo Vejar del sitio no
-mbrado S.n José, previos todos los requisitos de ley y estando am
mi los testigos de asistencia, los oficiales Cordeleros y el agrimensor
Don Carlos Barié, hice medir un cordel que contiene cien varas
el cual fué examinado y reconocido por el agrimensor enunciado
y ha dado á sus estremos unos Sauces de madera, para su observacion
y calculo del repetido Agrimensor para su disposicion, se tiró el cordel
al pié de un Sauz chino el cual se tomo por mohonera, poniendo
entre sus brazos un palo seco; en figura de una cruz, rumbo Norte á
Oeste, se midieron y contaron mucho mil setecientas varas hasta
al pié de las lomas llamadas de la puente, poniendo por moh
-onera un nogal grande que esta á la ladera de una lomita pequ
-eña que se haya á la orilla del camino que pasa del repetido
Rancho de S.n Miguel José al de la puente, haciendole la cruz
caladura en un brazo con un machete. En seguida tirando
el cordel rumbo Sur al norte, se midieron y contaron diez mil
Cuatrocientas varas las que remataron en la punta del S.n José
al punto de un cerro alto; Donde se señala por mohonera:
un cerino grande en el que se encajo una cabeza de vaca y se le
dieron unos machetazos en unos de sus brazos. En seguida se
tiró el cordel rumbo Oeste á Este y se midieron y contaron
diez mil seiscientas varas las que remataron en el arroyo del S.n
Antonio poniendose por mohonera dos adobes nuevos que se hayan
juntos en los que se grabaron dos cruces en las caras. De alli
se tiró la cuerda rumbo Norte Sur, y se midieron y contaron
nueve mil setecientas varas las que remataron al mismo pié
del Sauz chino de donde comenzaron las remidadas y que hace
el quinto rumbo Este Oeste; con lo que se concluyeron las medidas
de este sitio á satisfaccion de los interesados á los que se orden
pusiesen las correspondientes mohoneras en los puntos donde
correspondé y quedaron entendidos, haciendo marcado ay
-udo en señal de posesion, lo que pongo por diligencia
y que autorise y firmé con el agrimensor y testigos de asis
tencia Segun Dto. José Sepulveda = Carlos = Barié = asto.

asso. Narciso Botello = asso. Pedro Bejar. = Angeles. Agosto catorce de mil ochocientos treinta y siete. = Doy el testimonio á las partes de las presentes diligencias en papel comun por no haber del sellado que corresponde. José Sepulveda Alcalde 2.º constitucional de esta ciudad y su Jurisdiccion, así lo decretó, mandó y firmó con los testigos de asistencia. Lego Dno. = José Sepulveda = asso. Narciso Botello. Pablo Vejar. = Concuerda con las diligencias originales que se refieren y existen en los archivados publicos en el que van protocolados y constantes desde fa. 9. 1a. hasta 12. 1a. ato fielmente sacado y corregido escritos en estas tres fojas de este papel comun por no haber del sellado respectivo que autorizó y firmó con los testigos de mi asistencia que autorizó y firmó con los testigos de mi asistencia en la ciudad de los Angeles a diez y seis de Nbre de mil ochocientos treinta y siete. Entre renglones. = Pachegado = Camino = José = Entre renglones = no vale.

En testimonio de verdad.

José Sepulveda = asso. Narciso Botello. = Pablo Vejar.

Filed in office Oct. 23. 1852.

Geo. Fisher
Secy.

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Expediente
de una legua mas de terreno que se agrega al
Rancho de S. José, Palomares.

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Año de 1840.

Sello 1º Seis pesos.
Habilitado provisionalmente por la Aduana Marítima
de Monterey para los años de 1839 y 1840.
Alvarado Antonio Mª Osio.

(Seal) Juan B. Alvarado, Gobernador Constitucional del Departa-
mento de las Californias.

Por cuanto los ciudadanos Ygnacio Palomares y
Ricardo Bejar y Luis Arenas, han convenido mutualmente
y solicitado á beneficio de los tres, el parage conocido con el
nombre de San José que fué adjudicado á los dos primeros por
decreto de 15 de abril de 1837 con aumento de un sitio de ganado
mayor por la parte del poniente contigua á la sierra de San Gabriel
practicadas previamente las diligencias y averiguaciones concernientes
segun lo dispuesto por leyes y reglamentos de la materia, us-
ando de las facultades que me han conferido á nombre
de la nacion Mejicana, he declarado diserto en propiedad del
mencionado terreno, sujeto á la aprobacion de la Excmª Asamb-
lea departamental y á las condiciones siguientes.

1º Podrá cercarlo sin perjudicar las heredades caminos
y servidumbres, lo disfrutará libre y exclusivamente destinandolo
al uso ó cultivo que mas le acomode, pero dentro de cuatro
0036 años á lo mas fabricará casa y estará habitada.

2º El terreno de que se hace donacion es el llamado
concedido por decreto de 15 de abril de 1839 y un sitio
de ganado mayor de aumento como consta as heredades
que corre agregado al expediente respectivo. El Juez que active
la posesion lo hará medir conforme á ordenanza quedando

Expdte 0.

el sobrante que resulte á la nacion para los usos convenientes.

2. Cuando se les confiere la propiedad, solicitará del Juez respectivo que le dé posesion judicial en virtud de este despacho por el cual se amojonarán las linderos en sus límites, poniendo á una de las mohoneras, algunos arboles frutales ó silvestres de alguna utilidad.

0037

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3.º Si contravinieren á estas condiciones, perderá su derecho al terreno y será denunciable por ello.

En consecuencia mando que sirviendo les de titulo el presente y teniendose por firme y valedero, se tome razon de él en el libro respectivo y se entregue al interesado para su resguardo y demas fines convenientes. Dado en Monterrey á catorce de Marzo de mil ochocientos cuarenta. Juan B. Alvarado.

Manuel Jimeno. Srio. Queda tomada razon de este despacho en el libro de ocientos sobre adjudicacion de terrenos baldios af. 2. Jimeno. Angeles. Abril 20. 1840. Con esta fha. queda tomada razon de este titulo en el libro respectivo, llevado en esta Prefectura af. 2.º en tal virtud los interesados ocurrirán á uno de los Jueces de esta Capital solicitando la correspondiente posesion del sitio q. les refiere.

Ciburcio Lapiá. Manuel Boletto. Srio.

Sello Tercero Dos reales.

Habilitado provisionalmente por la administracion de la aduana maritima del puerto de Monterrey en el Departamento de las California para los años de mil ochocientos ~~cuarenta~~ treinta y tres y mil ochocientos treinta y uno.

Ciburcio Lapiá. Angel. Ramirez Srio.

Valga para los años de 1839 y 1840. Alvarado.

Antonio Mª Osio.

Sor. Juez de paz.

Ygnacio Palomares, Ricardo Vejar y Luis Arenas ante V. S. en la mejor forma y por el curso respectivo decimos que en el titulo que respectuosamente, acompañamos existe un decreto de la Prefectura Sus fecha de ayer por el que se les nos indica ocurramos á uno de los Juzgados de Paz de esta Ciudad

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para que se nos dé la correspondiente posesion lo que tendrá V. a bien dar nos segun la formula de titulo. Por tanto a V.S. suplicamos acceda á nuestra Solicitud por ser de justicia juramos lo S. Angeles. Abril 3 de 1840.

Ygnacio Palomares. Luis Arenas.

Angeles. Abril 3 de 1840. Por presentado y admitido en aumento ha lugar en Dro. para á dar la posesion que se solicita los mencionados. Así yo el Juez que subscribe decretó mandó y firmé con los testigos de asistencia. Segun Dro.

Felipe Lugo.

En la Ciudad de los Angeles del Departamento de las California á las siete horas del mes de Mayo del año mil ochocientos cuarenta y cuatro á la solicitud de los C.C. Ygnacio Palomares, Ricardo Bejar y Luis Arenas á fin de que se les dé la correspondiente posesion en el aumento de una legua mas de terreno en el Rancho nombrado S.n José por la parte del poniente conocido por el Gobierno del Departamento cuyo titulo acompañamos en inserta de Solicitud, dispuesto que se pase mi por el Juez que subscribe y testigos de asistencia al expresado sitio; y procedase á dar la posesion judicial previa citacion de colindantes, arreglandose al repetido titulo ó despacho que se le ha conferido por el S. Gobernador con fha. Octubre de chanza de mil ocho-cientos cuarenta. Yo C. Felipe Lugo Juez 1.o de Dos y de 1a instancia de esta Ciudad así lo decreté, mandé y firmé con testigos de mi asistencia con quienes actuo por ausencia en este papel comun por no haber del sellado respectivo. Doy fé.

Felipe Lugo = asta. Ygnacio Coronell. Zumariano Ayala.

En la fecha yo el presente Juez, doy comparece al D. D. de la Nicion de S.n Gabriel y a D. José de Jesus Linares y los colindantes quienes impuesto del objeto que guiaban y no haviendo manifestado excepcion ninguna, les dije procedió á la medida lo que pongo por diligencia que autorisó y firmó con los de mi asistencia. Segun Dro. Felipe Lugo =

Ygnacio Coronel. = Zumariano Ayala. = En el Rancho

Compañero

de Sn José á los siete dias del mes de marzo de mil ochocientos
cuarenta y el propio Juez para la practica de las diligencias
nombre dos oficiales cordeleros que para no saber firmar, los
omisen sus nombres quienes se les hace saber su nombramiento
el que aceptaran á cargo de juramento que entregaron ofreciendo
desempeñar fielmente su encargo, lo que autorisó firmó con
los de mi asistencia segun Dto. = Felipe Lugo. = Ygnacio
Coronel. = Yamonia Ayala actuo. = En el mismo dia, mes
y año estando en el antiguo lindero del Rancho de Sn José
al pié de un encino que se puso corte por mohonera y abas
tante distancia de la casa á efectuar las medidas y posesion
correspondiente y á favor de los CC. Ygnacio Palomares y Ascencio
Tejada, y Luis Arenas, de la legua mas de tierra que es nombrada
Cauca á previos todos los requisitos de la ley y estando ante
mi los testigos de asistencia y los oficiales cordeleros, hice medir
un cordel que contiene cien varas y haciendo unos jancos de
madera previa observacion y cuenta por mi diligencia Dio posesion
se tiró el cordel dentro de la direccion del encino rumbo Este á Oeste
que se midieron y contaron cinco mil varas, las que remataron
en la punta de una lomita que se marcó por mohonera en
cuyo parage comparecieron el Mayordomo de la mision de Sn
Gabriel, Sor. Dor. Bartolomeo Ex-gov el padre por estar colindantes
con este rumbo con el poniente. De ahi tirando el cordel rumbo
Sur al Norte se midieron y contaron cinco mil varas, las que se
remataron al pié de una lomita colorada que se nombra la
loma de San Felipe donde se marcó por mohonera. De alli
se tiró el cordel de Este á Oeste y se midieron y contaron cinco
mil varas remantando en el antiguo lindero del rancho de Sn
Sn José y donde habia comparecido el S. José de S. Luis Sandoves
con lo que se concluyeron las medidas. y quedaron en pleno
posesion los interesados. Lo que autorisó y firmó con los de
mi asistencia. Segun Dto. = Felipe Lugo. = Ygnacio Coronel.
actuo. Yamo Ayala.

Angeles. Sale 1840. De este testimonio á las partes de las pre
sentes diligencias que se hallan concluidas en este papel comun

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A. 9

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f.t

por no haber del sellado respectivo. Felipe Lugo. Juez 2º de paz y de 1ª instancia, así lo decreté, mandé y firmé segun decreto. Felipe Lugo. asn. Ygnacio Coronel. Ges. testa. = nota. Hoy. dies de ocho de Mayo de mil ochocientos cuarenta se procedu este instrumento y se dio testimonio á las interesados y para constancia lo autorigué. - autorigué = Concuerda con su original que me remito lo cual esto fiel y legalmente sacado, corregido y confrontado del libro de instrumentos publicos del año de mil ochocientos cuarenta. y va. en 5 fas = En testimonio de verdad.

Felipe Lugo.

Filed in office. Oct. 23.d 1852.

Geo. Fisher.
Secy.

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Exhibit.
P.

Título de Posesion de Dn Luis Arenas
en Atusa.
año de 1842.

Sello 1º seis pesos.

Habilitado provisionalmente por la Ocurrencia marítima de Monterey para los años de 1839 y 1840.

(Seal) Alvarado. Antonio Mª Osio.

Valga para los años de 1841 y 1842. Jimeno. Antº Mª Osio.

Manuel Jimeno, Cesario Jimeno vocal propietario de la Sexta Junta Departamental en ejercicio del Gobierno del mismo.

Por cuanto el ciudadano Luis Arenas ha pretendido ensanchar el paraje que ocupa un sitio de ganado mayor por la parte del Poniente, en un terreno montuoso, colindante con la tierra con el camino de San José, río de Arroyo y linderos del ciudadano Duarte: practicadas previamente las diligencias y averiguaciones convenientes segun lo dispuesto por leyes y reglamentos, cuando de las facultades que me son conferidas á nombre de la nacion mejicana, he venido en concederle el terreno mencionado declarandole la propiedad de él por las presentes letras y sujetandolas á la aprobacion de la Junta departamental y á las condiciones siguientes.

1ª Deberá cercarlo sin perjuicio de las travesías caminos y servidumbres, lo disfrutará libre y exclusivamente destinandolo al uso ó cultivo que mas le acomode.

2ª Solicitará del Juez respectivo que le dé la posesion Judicial en virtud de este despacho por el cual se le amojonarán los linderos en cuyos límites, pondrá á unas de las esquinas algunos arboles frutales ó silvestres de alguna especie.

3ª El terreno de que se hace donacion es de un sitio de ganado mayor segun explica el diseño que acompaña que se agregará al expediente respectivo. El Juez que asistirá

0041

la posesion lo hará con medir conforme á ordenanza quedando el sobrante que resulte á la nacion para los usos convenientes.

0042

5.ª Si contravinieren á estas condiciones, perderá su derecho al terreno y será desmerecido por otro. = En consecuencia mando que teniendose por firmé y valiedero este titulo se tome razon de él en el libro respectivo y se entregue al interesado para su resguardo y demas fines. Dado en Monterey, á ocho de noviembre de mil ochocientos cuarenta y uno. Manuel Gimeno José L. Fernandez. Srio. = Queda tomada razon de este ~~Departamento~~ Despacho en el libro de asientos sobre adquisiciones de terrenos baldios. á fs 8. Fernandez.

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El Excmo. Sor. Gobernador Int.º ha dispuesto, se tome razon de esta concesion en la prefectura del segundo distrito. Fernandez. Queda tomada razon de este despacho á fl. 1º del libro respectivo llevado en la Prefectura del Segundo Distrito. Angel Pedroeno, 9 de 1852. José R. Argüello. Rag.

En la ciudad de los Angeles del Departamento de las California á los veinte y seis dias del mes de abril de mil ochocientos cuarenta y dos, en vista á la solicitud verbal del ciudadano Luis Arenas apoderado que se le dé la posesion de un sitio mas ó menos mayor en ampliacion de su rancho llamado Atusa, concedido por el Supor Gob.no de este Departamento cuyo titulo presente original. Parese por mi y testigos de asistencia al espresado sitio y procedase á dar la posesion material, previa citacion de colindantes, anegandose al respectivo titulo ó despacho que se le ha concedido por el Excmo Gov. Gobernador con fha. ocho de Noviembre de mil ochocientos cuarenta y uno. El Excmo Ciudadano José Sepulveda Juez 1.º de paz así lo decreté mandé y firmé por auto los espresados testigos de mi asistencia con quienes actuo por ausencia en este papel comun por falta del sellado respectivo. = José Sepulveda = asistencia. Nat.l Coronel. Fernando Cota. = En la misma fha. Yo el presente Juez pasé aviso á la citacion correspondiente á los Señores colindantes D. Andreas Duarte y D. Julian Weyman, manifestandolo el objeto á que me dirijia

al punto de Atrusa, pues iba a medir la ampliacion que pide quienes por no haber manifestado escepciones mis gentes, les dije proceder á ellas, lo que pongo por diligencia que autorisa y firmé con los de asistencia segun dio. José J. Sepulveda. = Atto Antonio Coronel = de asta Leonardo Cota = En el ranchorie Atrusa á las veinte y seis dias del mismo mes y año; yo el propio Juez para la practica de estas diligencias nombré dos oficiales cordeleros á quien les hice saber su nombramiento y aceptaron bajo de juramento, ofreciendo desempeñar fielmente su encargo, lo que autorisé y firmó con los de mi asistencia segun Dho. = José J. Sepulveda = Ata. Anastasio Coronel. = Leonardo Cota. = En la misma fecha estando en el sitio llamado Atrusa punto á la Minas que el antiguo lindero que se halla bajo del Sote, á efecto de verificar las medidas y posesion que corresponde al ciud.° Luis Arenas de la ampliacion del sitio ya nombrado: para todos los requisitos de ley y estando asi mi y los testigos de asistencia y los oficiales cordeleros, hice medir un cordel que contenia cien varas y atando á los estremos unos sauces de madera puesta observacion y estando por mi disposicion se tiró el primer cordel desde el pié de la lomerita y dividiendose por el camino real del Sr José se contaron y midieron siete mil quinientas varas que remataron en cuatro alamitos que estan al poniente los mismos que se marcan por mohonera. De este punto se tiró el cordel la segunda medida con direccion al norte, y se midieron y contaron seis mil varas que remataron cerca de la loma donde se mandó poner una mohonera. De este punto se tiró la tercera medida con direccion al Este y se midieron y contaron quinientas varas que remataron en una lomita colorada que se marca por mohonera. De este ultimo punto se tiró el cordel con direccion al Sur y se midieron y contaron seis mil varas que remataron en la misma ahisiada donde se le mesuro. Con la que se concluyeron las medidas de estos sitios á satisfaccion de los interesados esto en obscuro y calurosamente, mandando que pusiese buenas las mohoneras

respectivas en señal de posesion. lo que autorizé y firmé.
Segun Dto. = Jose L. Sepulveda = Anastacio Coronel. = ante
Leonardo Cota. ,,,, ,, Angeles Abril 27. de 1852. = Desde

Un testimonio á la parte de las presentes diligencias que se hallan ya concluyadas con papel comun por falta de sellado respectivo. Jose L. Sepulveda. = Anastasio Coronel. Leonardo Cota. = "hay" En la ptra. se libro el testimonio que se refiere. = rubrico = En el auto antecedente.

Concuerda con su original que con se refiere queda existente en el libro de instrumentos publicos, del año presente del cual esta fielmente sacada, corregida y confrontada en estas seis fojas de papel comun por falta de sellado.

En testimonio de verdad. José L. Sepulveda.

Ignacio Coronel. ante. Camilo Ayala. Sr.

Filed in office. Oct. 23d 1852.

Geo. Fisher.

Secy.

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Escritura de Venta del Rancho de Azusa.

Ang.s año de 1844. J.

Exhibit R.

En la ciudad de los Angeles del Departamento de las California á los veinte y cuatro días del mes de Diciembre de mil ochocientos cuarenta y cuatro ante mi Miguel Regena alcalde 1o Constitucional y por ante mi los testigos de asistencia con quienes actuo por receptoría á mas de los instrumentales que fin se nombrarán compareció Don Luis Arenas de esta vecindad á quien doy fé conozco y dijo: que existe en este Juzgado la escritura de venta que ha hecho del rancho llamado Azusa y sus pertenencias en favor de Don Enrique Dalton y pide que dicha escritura hecha entre particulares entre los testigos Don Juan Banini, Don Abel Stearns, y Don Juan Mario, se legalice protocolizandola en el dicho Juzgado y yo el Juez apreciado la bondad recibí la orden del ~~decreto~~ ~~Juzgado~~ Sor Gobernador del Departamento para prestar á los Señores Comandantes de escuadron Don José Mot Carrillo, Don Pio Pico y Capitan Don Andres Pico los auxilios que pidan para una Comision del Servicio publico: veinte hoy oficio de dichos señores, pidiendoles auxilios de autorizar la referida escritura por convenir así á los objetos de su comision; en cuya virtud autorizo y hago judicial y valedero la mencionada escritura otorgada por el presente Don Luis Arenas la cual unido al oficio indicado se agregará al protocolo, puesto hallarse la primera en papel del sello que corresponde y librandose Copia al comprador para de ella las citas que le convengan; advirtiendose que aunque esto proveido por el Supremo Gobierno del Departamento en cuatro de Agosto del presente año, que no se autorizen las ventas

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de terrenos; la presente autorizacion es como promovido por el mismo Gobierno y repite Don Luis otremas, cuanto es preciso la enunciada escritura. En cuyo testimonio así lo otorgo y firmó con migo y con los de asistencia segun derecho. fueron Instrumentales los Vecinos Carillo, Aguila = Manuel Requena = Luis otremas = otro. Ignacio Coronel = Juan Domingo = instrumental Aguila = José Lopez = Siguien las documentas = rubricó. —

El Sumo Señor Gobernador y Comandante General de este Departamento a oficio y ocho de Noviembre ultimo se ha servido facultarnos para que tomemos todas las providencias que creamos necesarias y oportunas afin de auxiliarlo y sofocar una conspiracion que ha dado sus inmediaciones de Chouseney, lugar en que actualmente reside dicho Gefe en concepto que todos ellos seran de la completa aprobacion de S.S. pues para el efecto lo transcribe á las autoridades de esta Duracion, Santa Barbara y San Diego; gastando en la precisa Veninidad de auxiliar lo una fuerza de ciudadanos que voluntariamente se prestan hacer este servicio, con cual se les fiel te matario, suficiente para se habitar la existencia de su familia primero del transito y bajas suficientes para hacer lo ayo hasta el punto que ocupe las premiados; para a cuando de la dia de oyer y apercibimiento de los toros. Don Luis otremas, Don Enrique Dalton, hemos dispuesto en virtud de ella, las facultades q. á nombre del Gobierno Departamental permitir al primero la renta del rancho de esta propiedad llamada Atuga, en forma del es Legislado, para que con las formalidades de estilo pueda Cerder su derecho q. demos con que Jorge el respectivo titulo esta expedido por el mismo respectivo Gobierno, pues de esta providencia resulta que el especulador Sor. otremas pone á nuestra disposicion la cantidad de un mil pesos que legalmente debe el erario nacional en el unicas erario con que contamos para equipar la fuerza que se obligue para ingresar á las filas del precitado Gefe. En tal concepto suplicamos á V. se digne autorizar la escritura de renta indicada en los terminos citados, á Legislado bien lo mas conveniente. = Para que el Juez cado de su cargo y la persona del q. quedan á salvo de toda responsabilidad, firmamos el presente documento como ayer hemos

otiene, á nombre del Gobierno Superior del Departamento que se
ha dignado facilitarnos para ello, esperando que no tendra
lo desde de su aprobacion. Aprobamos la presente oportunidad po
ofrecer á las seguridades de nuestra consideracion y aprecio. Dios
y Libertad = Angeles 24 de Diciembre de 1844. José Ant.o Carillo
Diez = Antonio Diez. Juzgado de 1a instancia de esta Ciudad = En la
Ciudad de nuestra Señora de los Angeles en el Departamento de
las California á diez y nueve de Diciembre de mil ochocientos
Cuarenta y cuatro yo Luis Arenas natural del Departamento
de Sonora y actual vecino de esta ciudad digo que por mi y
á nombre de mis herederos sucesores y de quien de ellos hubiese
titulo ó causa en cualquiera manera, vendo y doy en venta
real y enagenacion perpetua y por juro de heredad para siempre
jamas al Sor. Don. Enrique Dalton actualmente avecindado de
esta ciudad y á los suyos el terreno del rancho de conocido con
el nombre de Muha, con las casas, corrales, bienes, y mejoras que
existen en dicho rancho segun consta por un inventario formado
y firmado como sigue: Setecientos Cincuenta bueyes = Setecientos
borregas = Veinte y cinco vacas = ochenta yeguas = con sus crias.
Cuarenta caballos = trece y medio yuntas de Bueyes = cien fanegas
maiz = quince fanegas trigo = cuatro carretas = con todas las semillas
sembradas y por sembrar, instrumentos utiles de agricultura
con el fierro y señal como conste en el margen y cuatro cientos
en dicho rancho cediendo todos los derechos que me corresponden
tanto en agua, como en el rancho de S.n José segun consta por
los documentos que á la letra siguen: Juan B. Alvarado, Gob-
-ernador Constitucional del Departamento de las California = Por cuanto
Los ciudanos Ignacio Palomares, Ricardo Beyar y Luis Arenas
han concedido mutualmente y solicitado á beneficio de los tres,
el parage llamado S.n José que fué agraciado á los dos pri-
-meros por decreto de 15 de Abril de 1839 con aumento de un
Sitio de Ganado mayor por la parte del poniente contigua
á la tierra de San Gabriel; practicadas previamente las diligencias
y averiguaciones concernientes segun lo dispuesto por las leyes

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y reglamentos de la materia, usando de los poderes que me son conferidos á nombre de la nacion mexicana les declaro dueños en propiedad del mencionado parage, sujetándose á la aprobacion de la Exma. Junta Departamental y á las condiciones siguientes.

1º Deberá cercar los sus pertenencias con travesaños caminos y sus dimbres, lo disfrutará libre y exclusivamente, destinándolo ó al uso ó cultivo que mas le acomode, pero dentro de un año fabricará casa y estará habitada. 2º El terreno de que se les hace donacion es llamado S.n José. concedido por decreto de 15 de abril de 1834 y un sitio de ganado mayor de aumento como consta en las diligencias que corren agregadas al expediente respectivo. = El Juez que obtiene la posesion lo hará medir conforme á ord. - anza dejando el sobrante que resulte á la nacion para los usos convenientes. 3º Cuando se les confiere la propiedad solicitará del Juez respectivo que le dé la posesion practicándose de este despacho por el cual se demarcan los linderos en cuyos límites, pondrán á marcar las mojoneras algunos árboles frutales ó silvestres de alguna utilidad. 4º Si contravinieren á estas condiciones, perderá su derecho al terreno y será denunciable por otro. En consecuencia mando que sirva este de título el presente, y terminándose por firmé y valerse se tome razon en el libro respectivo y se entregue al interesado para su registro y demas fines. Dado en Chontenego á catorce de marzo de mil ochocientos cuarenta. Doy testimonio = Manuel Jimeno. Casarin Primer Vocal propietario de la Exma Junta Departamental en ejercicio del Gobierno del mismo. Por cuanto los ciudadanos Luis Arenas ha pretendido para su beneficio personal y el de su familia la ampliacion del terreno conocido con el nombre de Chuna, anteriormente ganado mayor, por la parte del poniente encuentra mon - tuoso, colindante con la Sierra, con el camino de S.n José Rio de Chuna, y lindero del Ciud.o Durante; practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por las leyes y reglamentos, dando cuando de las facultades

de las facultades que me son conferidas á nombre de la nacion Mejicana he benido en conceder le el terreno mencionado, dedu-cendole la propiedad de el por las presentes letras. Sujetandose á la aprobacion de la Sama Diputacion Departamental y á las condiciones siguientes. 1º Podra cercarlo sin perjudicar las tran-sitas caminos y servidumbres, lo disfrutará libre y esclusivamente destinandolo al uso ó cultivo que mas le acomode. 2. Solicitará del Juez respectivo que le dé posesion Juridica en virtud de este despacho por el cual se deslindaron los linderos en cuyos limites, pondrá á mas de las moho neras algunos arboles frutales ó silvestres de alguna utilidad. 3.º El terreno que se hace donacion es de un sitio de Ganado Mayor, segun esplica el diseño que conste agregado al espediente respectivo. El Juez que diere la posesion lo hará medir conforme á ordenanza quedando el sobrante que resulte á la nacion para los usos convenientes. 4º Si contravinieren á estas condiciones perderá su derecho al terreno y será denuncia-ble por otro. En consecuencia mandó que teniendose por fir-me y valedero este titulo, se tome razon de el en el libro respectivo y se entregue al interesado para su resguardo y demas fines. Dado en Monterrey á ocho de Noviembre de mil ochocientos cuarenta y uno. Manuel Gimeno = José G. Fernandez. Los Sres. = Por cuyos titulos me corresponde esta posesion y propiedad el cual declaro y aseguro no tener la vendido, enagenado, ni empe-ñado y esta libre de tributo, memoria, capellania, vinculo, patronato, fianza y otro gravamen, real, perpetuo, temporal especial, general, tacito y expreso y como tal se lo vendo con todos los entrados, salidas, pastos, abrevaderos, montes vejas, derechos, aguajes, regalias, servidumbres y demas cosas anexas que he, tenido, tengo recividos y pasaran á mi poder real y efe-ctivamente segun contratos firmados, en esta fecha, en cuyo entrego y recibo me doy por satisfecho, y confiesto haber sido vendido como pagado de él á mi voluntad. Por tanto renuncio la ex-cepcion que pudiese oponer por no constar de presente la ley, nuevo, titulo uno particular y eficazato de pago que á su

Legislacion concluyo; yo mismo declaro que el justo precio
y verdadero valor del referido terreno y bienes son los siete mil
pesos que no vale mas, ni hay quien tanto mas haya ofrecido
por ellos, y no mas vale o valer puede; ocurso en poco ó mucho lesion
0050 hago favor al comprador y sus herederos y sucesores, gracia y
donacion, pura perfecta ó irrevocable en santidad con insi-
121SD
PAGE 50 nuacion y demas formales legales: y renuncio á la ley 2. titulo
uno libro diez novisima recopilacion que trata de los contratos
de venta, trueque y de otras en que hay lesion en mas ó menos
de la mitad del justo precio, y los cuatro años que prefija para
pedir su remision ó suplemento su justo valor, los doy
por pasados, como si efectivamte lo continuaran, y desde
hoy en adelante para siempre me desapodero, desisto, quito
y aparto á mis herederos y sucesores del dominio o propiedad
posesion titulo voz recurso y otro cualquiera derecho que tengo
del enunciado terreno y bienes les cedo, renuncio y traspaso
con las acciones reales y personales, utiles mistas directas
y efectivas en el comprador y en quien lo suyo represente, para
que la posea, goce, cambie, enagene, use y disponga de ella
a su eleccion, como de cosa suya adquirida con legitimo
titulo, les confiere poder irrevocable con libre franca y general
administracion y me constituye procurador, actor en propia
causa para que de su autoridad ó judicialmente entre y
se apodere del nominado terreno y del tome y proceda la real
tenencia y posesion que por derecho le compete; con el mal
fin otro acto de aprehension ha de ser visto, haberlo tomado
aprendido y transferido y en el interior me constituyo
aquerido tenedor, y precario poseedor en legal forma que
obligo a que dicho terreno sera cierto seguro y efectivo al compra-
dor, y nadie le inquietara, movera pleito, sobre su
propiedad posesion, goce y de parte ni contra dicho, aparecere
gravamen alguno y si le inquietara moviere o apareciere
alguno que el otorgante y sus herederos y sucesores seran sey
-ui vicios conforme á derecho, saldrie á su defensa y le
seguira á sus expensas en todas instancias y tribunales hasta quedar

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y dejar al comprador y á los suyos en libro uso, quieta y pacífica posesion, y no pudiendo conseguirlo, le otorgaré otro igual en valor de fabrica, sitio, renta y comodidades y á su defecto le restituiré la cantidad que ha desembolsado, las mejoras utiles precisas y voluntarias que á su razon tengan el mayor valor y estimacion y con el tiempo adquieran y todas las costas, gastos, intereses, ó menos cabos que se les siguieren ó ocasionen por todo lo cual se le ha de poder, ejecutar en virtud de esta escritura y juramento del que lo pide, ó de quien le represente en quien difiere su importe y le relevo de otra prueba. Y á la observancia de todo lo referido obligo mi persona y bienes habidos y por venir con las leyes en mi favor de prueba con la general del derecho de forma y confiere amplio poder á los señores Jueces que de este negocio deban conocer conforme á derecho, para que me apremien á su cumplimiento como por sentencia definitiva de Juez competente pasada en autoridad de cosa juzgada y consentida y que por tal lo pido y firmo con migo. Siendo los testigos los señores Don Juan Bandini Don Abel Stearnes, y Don Juan Mauro de esta vecindad asi como de conformidad los señores socios del Rancho de S.ta José; Don Ygnacio Palomares, Don Ricardo Vejar; = Luis Arenas. Presente.= Juan Bandini.= Presente.= Abel Stearnes= Juan Mauro.= Ygnacio Palomares.= Angeles. Diciembre 28 de 1844. Nota. Don Ricardo Bejar, hace presente que esta conforme en la venta que hace Don Luis Arenas, pero opina que el terreno se deslinde y se le dé á cada una parte que le toca, y no firmó por no saber, lo hice con las de mi asistencia segun derecho.= Manuel Requena = Ygnacio Coronel= Juan Domingo.= Vejar.= Juan Domingo = no v.e

Concuerda con su original de que se remite y se halla en el libro de instrumentos publicos de este año del que se saco, cotejo y confronto con estas ocho fojas de papel comun por no haber del sellado. Angeles. Diciembre veinte y siete de mil ochocientos cuarenta y cuatro.

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Manuel Reguera

0052 ass. Cristo. Arguila ann. Ygnacio Coronell.

Filed in office. Oct. 23d. 1852.

Geo. Fisher.
Cly.

Copia a favor de Don Enrique
Dalton del paraje de S.n José. Año de 1846.

Juan Gallardo, Alcalde primero y Juez de Primera instancia de la Ciudad de los Angeles.

Exhibit. I.

Certifico que en el protocolo de este año a fojas cuarenta y Dos Vuelta se hayan mas ai ligencias del tenor siguiente. nota.= Hoy veinte y siete de Febrero de mil ochocientos cuarenta y seis, que se concluyo el arreglo del espediente del reparto del Rancho de San José, suplicaron las partes se agregase el Protocolo y el Juez acreditando acciendo á la solicitud, mandó que hoy dia de la fecha se agregue al citado protocolo como efectivamente consta agregado y lo pongo por ai ligencia que autorizé y firmé con los de mi asistencia legal derecho= Juan Gallardo asa. Ygnacio Coronel. asso. Luis Jordan = En la fecha que arriba consta se agregó el espediente de Dalton y socios = Rubrica. Por Juez y alcalde primero de esta Ciudad.= Ricardo Vejar y Henrique Dalton vecinos de esta Jurisdiccion y dueños del Rancho de San José, ante V. en toda forma y con arreglo á derecho, nos presentamos esponiendo, que estando reconocida la propiedad de tres acciones, perteneciendo una á la parte de Don Ygnacio Salomarres y teniendo los intereses de los que representamos hacer la division de terrenos en el mencionado rancho, esperamos se sirva V. ordenar la practica conforme á las leyes para que cada uno de los propietarios fije los linderos respectivos como requisito esencial en los titulos de adquicion= Por tanto á V.S. Sor Juez pedimos haya de conformidad con nuestra peticion sometiendonos á pagar los derechos que de justicia á cada uno nos corresponda. Juramos lo necesario. y esperamos admita V. la presente en papel comun por falta del sellado en el lugar = Angeles Noviembre diez y siete de mil ochocientos

cuarenta y cinco. Amigo de Don Ricardo Vejar para
Bandini. = Enrique Dalton. Angeles Noviembre diez
y ocho de mil ochocientos Cuarenta y cinco. Impresentadas
y admitidas en cuanto haya lugar en derecho hagase comparecer
al Sor. Don Ygnacio Palomares, como uno de los escesistas en el
terreno que se menciona, como igualmente á los solicitante; para que
impuesto el Juez de sus expresiones, proceda á practicar las diligen-
cias respectivas, con arreglo á derecho. Así yo Vicente Sanchez
alcalde Primero y Juez de primera instancia decretó mande y
firmé con los de mi asistencia Legal de derecho = Vicente Sanchez
Antonio F. Coronel. = Dolores Sepulveda. = Angeles Diciembre diez
de mil ochocientos cuarenta y cinco = En la fecha compareció
Don Ygnacio Palomares y como no estaba en este punto les
Calificadores se les notifico la antecedente solicitud de los Sen-
ores Dalton y Vejar, impuesto de su contenido dijo: que el
no se opone á la particion del Rancho de San José como si
se manifiesta, dando le la parte que le pertenesca; pues el se con-
forma con el reparto por reconocer su propiedad legitima
pero si se opone á pagar los gastos que por su parte le toque
a consecuencia de haber echo mujeres por que conseguir el
referido Rancho por cuyo motivo si los Señores Vejar y Dalton
las infugen del reparto que se haya, esto pronto que se verifique
cuando gusten; esto contesto y firmo con migo y las de asistencia.
Vicente Sanchez = Ygnacio Palomares = Ant.º F.co Coronel. —
esto. Luis Jordan. = Angeles Diciembre tres de mil ochocientos
cuarenta y cinco. = En la fha compareció Don Enrique Dalton
por no aparecer el Sor. Vejar he impuesto de lo que dá al Sor
Palomares contesto: que no puede por su parte ser responsable
á los derechos que les corresponden al Sor. Palomares, pues por
su causa nos es erogado este Señor mui un gasto. Ninguno obligado
por los que por su parte le corresponda. Esto dijo: y firmó
con migo y las de asistencia = Vicente Sanchez = Enrique
Dalton = Ant.º Coronel. = asa Luis Jordan. = Angeles Enero diez
y nueve de mil ochocientos cuarenta y seis. Habiendo llegado los Sores
Don Enrique Dalton y Don Ricardo Vejar se efectue el reparto del rancho

de San José, y asesé juer mi y testigos de asistencia efectuase la repartición del Rancho y si aparece que el Sor. Don Ygnacio Salomanes, satisfaga los gastos de la otra posesion se repartiria la justicia á quien le tenga. Asi yo Juan Gallardo, actuado primero y Juez de 1a instancia, decreté y firmé con testigos de asistencia. Segun derecho.= Juan Gallardo.= Asta. Ygnacio Coronel. = Francisco Boelstos. = En seis de Febrero de mil ochocientos cuarenta y seis, pasé oficio á los Señores Colindantes, manifestandole que se iba hacer una medicion del rancho de S.n José, con objeto de levantar diagrama y hacer el reparto del sitio á los señores Don Enrique Dutton, Don Ygnacio Salomanes y Don Ricardo Vejar. y no habiendo manifestado ningunas esperiencias se pone por diligencia.= Juan Gallardo = Asta. F. Coronel Basilio Valdez. = acto continuo nombre atos oficiales cordeleros que le fueron Don Diego Sepulveda y Don Ygnacio Reyes á los que se tomo juramento por el que ofrecian desempeñar fiel y legalmente el cargo que se les habia dado y se pone por diligencia.= Juan Gallardo.= Asta. F. Coronel = Basilio Valdez = En Segundo y en vista de ser el agrimensor Gaspar Farnell el que iba por peticion de los interesados con objeto de medir escrupulosamente el terreno que levantar el diagrama ó diseño respectivo lo hize comparecer ante mi y los testigos de asistencia y lo recibi juramento en forma de derecho bajo el cual ofrecio desempeñar fiel y legalmente su oficio y hacer las medidas con la exactitud en cuyo testimonio firmo con migo y los de mi asistencia Segundo. Juan Gallardo = Gaspar O'Farrell = Antonio F. Coronel. Basilio Valdez. = En Segundo y hallandose ya en los terrenos de S.n José con los oficiales cordeleros y el agrimensor Don Gaspar Farnell, para comenzar las remidas y el reparto respectivo á los Sores Don Enrique Dutton, Don Ygnacio Salomanes y Don Ricardo Vejar, hice medir un cordel compuesto de ciento cuarenta varas al que se ataron á sus estremos unos sancos de madera, y por mi disposicion se ha á tirar el primer cordel, enseguida el agrimensor manifiesto que como la línea al mencionado Rancho

del Sr. José y otro tiene diferentes suertes y por cuya causa
creí necesario una medida tubiese y ir multiplicando las varas
cuadradas que tubiese la superficie del terreno; suplicaba al
presente Juez observando el acto que devia el plano General
con su aplicacion respectiva; Entonces el Juez que subscribe cambio
el sabo del agrimensor que iba echando los cordeles respectivos
hasta que llego la noche que se suspendio el acto y se pone por
diligencia que autorisé y firmé con los de asist.a segun derecho.
Juan Gallardo = Jasper O'Farrell = Ant.o F. Cronell. = Basilio Valdez
Ramon = El dia siete se comensaron y siguieron las medidas
como el dia anterior, suspendiendose á la entrada de la noche
Autisa = El dia ocho de Febrero del mismo año siguieron
las medidas como el dia anterior y se suspendieron por se
la entrada de la noche = Autisa = En nueve del mismo mes y
año continuaron las medidas bajo el mismo orden y se suspendieron
por entrada de la noche. Autisa. = En dies de Febrero de
propio año, se continuaron las medidas, bajo el mismo orden
y en los propios terminos y se anota para constancia = Autisa.
En este buelta se ocupo en levantar los el diagrama o plano General
del Rancho y cuyo plano se haya agregado a fojas 5 del Protocolo
y su esplicacion es la siguiente se comensaron las medidas en
las tunas — de San Felipe nohonera a. g. a. b. c. d. e. f. g. h. i. k
segun aparece alli en las letras minusculas que resulta por
medida recta como de menos una linea. A. B. (mayusculas) veinte
y un mil setecientas sesenta varas rumbo S. 13° grados 15
minutos al S. lo cual lindando por aqui hasta el arroyo de San
Antonio letra B. = En este lindero se cambio el rumbo y se toma
una medida oblicua como lo manifiestan las letras K. L. M.
correspondiente al nuevo monte que tenia el terreno, dando por resultado
es á medida en su linea recta C. D. el tomando de dies y siete mil
ocho sesentas varas de largo rumbo S. 13° grados al O. que concluy
-enos en la piedra que se haya en una lomita mayonera. D. y.
lindando con el rancho de China. = de este punto se tiró esta med
-ida oblicua: por equivoco de los individuos que cuidaban
las lindaras, y esta demostrada con las letras m. n. ñ. que dio

por verdadera tomaron sesenta y seis mil quinientas varas, rumbo
E. = 39° grados al N. y se señaló en las letras F.E. que concluy-
-eran en un Portezuelito donde esta una piedra por mojonera
de este lugar se tomó el rumbo E. 38 grados N. y resultaron tres mil
novecientas veinte varas que concluyeron en un nogal que
esta á la falda de una lomita que es lindero con José de la Cruz
Linares línea E. p. del Nogal se tiró el rumbo N. 70° grados, 25
minutos oy diez en el encino de la linaja, y se contaron seis mil
doscientas noventa varas que remataron en el expresado encino segun
se demuestra en la línea p. q. de este encino de la linaja con mojo-
-nera marcada se tomó el rumbo de O. 38 grados al S. pasó la
orilla del camino que va á S.t José y se contaron dos mil sesentas
varas que remataron en la mojonera lomita colorada, línea
marcada con que de esta lomita colorada se tiró (por equivoco)
la mojonera un poco dentro del lindero segun demuestran las
letras F.S. pero se conoció el equivoco se tomó el lindero
que resultaron por medida verdadera, seis mil trescientas y
cinco varas, rumbo N. 36° grados al O. que concluyeron en la es-
quina del corral que esta en una lomita donde se haya la
casa del Rancho de Teresa. = de este punto S. se tiró la medida
esta un poco dentro del lindero, por venir así la anterior; pero
tomada la línea recta. S.O. resultaron dos mil cien varas V.
rumbo N. 21. grados al E. que se concluyo en la lomita donde se
dio principio á las medidas. = En seguida manifesto el señor
agrimensor, que las letras mayúsculas son las que marcan los mo-
-janeras linderos y las minúsculas p. q. N. pero las demas min-
-úsculas no hacen mas de manifestar las medidas que se
tomaron segun los motivos expuestos antes. Ult. = Con esta nacion
del decreto practicado por agrimensor, que la variacion de rumbo en el
espacio de Diagonal es de 18° grados al Norte con que se concluyo
el acto á satisfaccion de las partes; lo que pongo por diligencia
que firmó con los de asistencia segun derecho.
Juan Gutierrez = Gaspar O'Farrell. = Antonio F. Coronel. = Basilio
Bardey = Y enseguida procedi al reparto y procedimiento del

del terreno á cada uno de los tres Socios Don Enrique Dalton, Don Ygnacio Palomares y Dn Ricardo Vejar y todos se conformaron menos Don Ygnacio Palomares, al cual dió la urbanidad y respetos debidos se marcó diciendo que no era conforme y solo se tomó posesion á los mídicados Dalton por medio de su apoderado Don Hugo Reid y á Don Ricardo Vejar los que quedaron conformes con la Serena parte del Rancho de San José y poseedores de las tres litres con lo que se dió por final acto que autorise y firmé con las de asistencia segun derecho = Juan Gallardo = Ant. D. Coronel. = Basilio Valdez = Angeles. Febrero doce de mil ochocientos cuarenta y seis. Dese testimonio á las partes que lo solicitan para su seguridad y resguardo. Así yo Juan Gallardo Alcalde 1o y Juez de 1a instancia decreté, mandé y firmé con las de asistencia segun derecho = Juan Gallardo = Antonio P. Coronel. = asistencia Basilio Valdez. = Nota al fin de este Expediente se coloca el diagrama á que alude que se anota fº constancia = Rubrico = Rahon = Se dió testimonio en la fha = en merituado = Decio. Vº Concuerda con su original á que me remito y se halla en los protocolos de este atrio del que de saco cotejo y confronto á estas siete fojas de papel sellado el diagrama que se agregará á continuacion en un pliego papel sellado comun por falta del sellado.

Juan Gallardo – Ygº Coronel. = Juan Bareda.

Filed in office. Oct. 23d 1852.

Jas. Fisher.

Secy.

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No 3.
Translation of Grant to Palomares
&c

exp 20

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Seal of the First Class Six Dollars
Sealed provisionally for the Maritime Custom House
Of Monterey for the Years 1839 and 1840

Alvarado Antonio Mª Osio

Juan B Alvarado Constitutional Governor of the Department of the California

Whereas Citizens Ignacio Palomares Ricardo Beyra And Luis Arenas have mutually agreed and solicited for the benefit of the three the place called San Jose which was adjudged to the two first by decree of the 15th of April 1837 with an addition of one league of grazing land upon the Western part contiguous to the mountain of San Gabriel, the previous proceedings having been gone through with and the relative examinations according to the requirement of the law upon the subject using the authority conferred on me, in the name of the Mexican Nation I declare them Owners in property of the aforesaid place subject to the approbation of the Most Excellent Departmental Assembly and on the following conditions

1st They may enclose it without prejudice to the crop roads and easements – They may farm it freely and exclusively, destining it to that use or cultivation that may most suit them; but within one year they shall build a house and it shall be inhabited

2d The land which is granted them is that called "San Jose" ceded by decree of the 15th of April 1837 and one additional league of grazing land as appears from the Diagram which accompany the proper Espediente. The Judge who shall give the possession shall cause it to be measured conformably with the Ordinance leaving the Overplus that results to the Nation for convenient uses

0059

3 When the property is confirmed to them they shall solicit of the respective Judge to give the judicial possession by virtue of this despatch - by which the shall be designated in the limits of which there shall be placed in addition to the Land Marks some fruit or forest trees of some utility

If that shall neglect these conditions they shall lose their right to the land and it shall be subject to denouncement by another -

Whereupon I order that the present serving them for a title and be considered fair and valid, account thereof shall be taken in the respective books and be delivered to the parties interested for their security and further ends - Given at Monterey the fourteenth (14) of March One thousand Eight hundred & forty

Manuel Jimeno — Juan B Alvarado
Secretary

Let account of this despatch be preserved in the book of requisites concerning the denouncement of unoccupied lands at page 2do

Jimeno

The most Excellent Governor orders that account of this title be taken in the prefectorate of the second District

Angeles, April 2do 1840 -

At this date account of this despatch remains taken in the respective Book kept in this Prefectorate at p 2do Other dee in virtue of which the parties interested may want upon one of the Judges of this City - soliciting - the corresponding possession of the land referred to — Ildefonso Tapia

Filed in Office Sept. 29th 1852

Geo. Fisher Dery

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No 3.
Translation of act of Jud. pos. to

In the City of Los Angeles of the Department of the California on the 7th day of the Month of May One thousand Eight hundred and Forty, complying with the request of the citizens Ignacio Palomares Ricardo Bejar and Luis Arenas, to the end that there may be given them the corresponding possession in the addition of one league more of land to the Rancho Called San Jose in the Western part, granted by the Governor of the Department whose letter is accompanied by those who make request; Ordered that it be proceeded by me, the Judge that subscribes and assistant witnesses to the aforesaid tract and commence to give the possession indicated after previous citation of the adjoining neighbors governing myself by the aforesaid letter or despatch that has been conferred by S. E. Governor dated the fourteenth of March One thousand Eight hundred and forty The citizen Felipe Lugo 1st Justice of the peace of the 1st Instance of this City thus I decree order and sign in presence of the Witnesses of my assistance with whom I act, as certifies in this common paper in default of the proper seales which I attest Felipe Lugo = Ass = Ignacio Coronel. Januario Abila At the same date I the present Judge caused the Ronuard Feliz of the Mission of San Gabriel to appear and Jose de la Linares they being adjoining neighbors, who informed of the Object which I have in view and they not having manifested any objection - I told them that I would proceed to the measurements which fact I set down in the proceedings (see delegence) which I authorize and sign with my assistants According to Law = Felipe Lugo Ass. Ignacio Coronel = Ass = Januario Abila

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0062

In the ranch of San Jose on the seventh day of the
month of May One thousand Eight hundred and
forty I the proper Judge for the fulfilment of these
proceedings appointed two Official End bearers
whose names are Omitted because they could not
write them - whom I caused to know the appoint
ment - which they agreed to offering to discharge
their trust faithfully all of which I authorize and
sign with my assistants according to Law - Felipe
Sugo = Ass Ignacio Coronel ass Januario Abilo
On the same day month and year being upon the
Old boundary of the Ranch of San Jose at the foot
of an evergreen Oak, which was formerly taken (or
fixed) as a land mark and at great distance from
the house with the Object of verifying the remea
surements and corresponding possession in favor of
the Citizens Ignacio Palomares Ricardo Vejar and
Luis Arenas, of the League adjoining of the land called Agua Dulce
all the previous requisites of the Law
having been discharged, being in my presence the
assistant witnesses and the Official End bearers
I caused a End to be measured which contained
One hundred varas; after previous observation and
calculation for my government the End was stretched
from the direction of the evergreen Oak in a course
East to West and there were measured and counted
5000 Varas which terminated at the point of a
small hill which was marked for a Land mark
at which place appeared the Mayordomo of the
of the Mission of San Gabriel, Antonio Balenzuela
sent by the Father as being an adjoining neighbor in
this direction with the Inside Thence stretching the
End course South to the North there was meas
ured and counted 5000 Varas which terminated
at the foot of a small red Hill which was called

the hill of San Felipe where a land mark was fixed or which was fixed for a land mark - Thence the end was stretched from East to West and there were measured 5000 varas terminating at the old boundary of the Ranch of San Jose and where had appeared Jondelaluz Linares at which the measurements were concluded and the parties interested left in full possession, all of which I authorize and sign with my assistants according to Law Felipe Lugo Ass Ignacio Lorenel Ass Francisco Avila
Angeles May 8th 1840

Give testimony to the parties interested of the present proceedings (diligencia) which are now concluded on this common paper for the want of the sealed Felipe Lugo 1st Judge of the Peace of the 1st Instance. Thus I decreed ordered and signed with my assistant Witnesses according to Law Felipe Lugo Ass Ygo. Lorenel Francisco Avila

Note - This Eighteenth day of May One thousand Eight hundred And Forty, this instrument was recorded, and testimony is given to the parties interested to perpetuate it I give the Public - Yates -

Agrees with the Original remitted to me which is faithfully taken, Corrected and Compared from the Book of Public instruments of the year One thousand Eight hundred and Forty

In testimony of the truth
Felipe Lugo

Filed in Office Sept 29th 1852
Geo. Fisher Secy

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No. 4
Translation of
Grant &c

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Seal of the First Class $6 -
Qualified provisionally for the Maritime Custom
House of Monterey for the years 1839 and 1840
Alvarado Antonio Ma. Osio
Answers for the years 1841 and 1842
Jimeno Antonio Ma Osio

Manuel Jimeno Casarin 1st proprietary member
of the Most Excellent Departmental Assembly in
exercise of the Government of the same -
Whereas Citizen Luis Arenas has asked in accor
dance to the place which he occupies a leage of
pasing land on its Western part in a tract covered
with the ckels joining the Mountain the road of
San Jose, river of San Gabriel and the boundary
line of the Citizen Duarte, having previously gone
through with the proceedings and relative inquiries
according to the direction of the Laws and regulati
ons using the authority conferred upon me in the name
of the Mexican Nation, I have concluded to grant
him the addition asked declaring it to be his
property by the present letters, subject to the approval
of the M. Ex. Dep. Assembly &c. to the following condi
tions 1st He may enclose it without prejudice to the
crossroads and easements he may form it freely
and exclusively devoting it to that use or culture
that may best suit him
2d He shall request of the proper Judge Judicial
possession by Virtue of this despatch whereby the
boundaries shall be designated, in the limits whereof
he shall place in addition to the Land marks some
fruit or forest trees of some utility
3d The land of which grant is made consists of one
leage of pasing land as the diagram which
accompanies the respective Expedente explains

0064

The Judge who shall give him possession shall cause it to be measured agreeably to the Ordenance reserving the Overplus which results to the Nation for its convenient uses-

4th If he shall violate these conditions he shall loose his right to the lands and it shall be leable to denuncation by another-

Wherefore I Order that the present serving him for title and being held firm and valed a account thereof be taken in the proper Book and be delivered to the party interested for his protection and purchasers

Given at Monterey Nov. 8th 1841

Manuel Jimeno

Jose R Fernandez Sec. ad interim

Account remains taken of this despatch in the Book of entries on the adjudicating of unoccupied lands at leaf 8

Fernandez

The M. E. Sr Governor ad int has ordered account of this concession to be taken in the Prefecturate of the 2do Dist-

Fernandez

Angeles Feb 9th 1842

Take account

Arguello

Account of this title remains taken at leaf 15 of the respective Book kept in the Pref in 2do Dist-

Angeles Feb. 9th 1842

Jose R Arguello Secy

Filed in Office Sept 29th 1852

Geo. Fisher Secy

15

N5.
Translation of Jud. pos. de

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In the City of Los Angeles in the Department of the California on the twenty sixth day of the month of April in the year One thousand eight hundred and forty two in Compliance with the verbal request of the Citizen Luis Arenas that I might give him possession of one league more for large Cattle (Ganados) in addition to his Farm (Rancho) called Ayusa granted by the Government of this Department, which title he presents in Original Pap with a assistant Witnesses to the aforesaid place & proceed to give the possession indicated previously summoned the Neighbors according the aforesaid title & despatch conferred to him by his Excellency the Gov. on date the Eighth of November One thousand Eight hundred and forty One - The citizen Sepulveda 2 Justice of the peace, thus I decree Order and sign before the aforesaid assistant Witnesses with whom I proceed as Actuary in this Common paper for want of the respective Stamped - Jose Sepulveda ass Antonio Coronel = ass Leonardo Cota

On the same date I the present Justice passed a notice & the corresponding summons to the neighbors = Andres Duarte and Julian Workman manifesting my Object in directing myself to Ayusa, that I went to remeasure the addition asked for whom not having made any Objection I told them to proceed which I put for despatch which I authorize and sign with my assistant, according to Law - Jose Sepulveda = Assistant Leonardo Cota ass. Ygnacio Coronel - End (Rancho) the Farm of Ayusa in the twenty sixth day of the same month and year -

0066

I the same Justice in Order to proceed with these duties name two line bearers to whom a note for cause of their appointment was made which they accepted under Oath to Comply faithfully with their appointment which I authorize and sign with my assistant

Witnesses according to Law Jose L Sepulveda.
Assistant Antonio Lenmel Ass. Leonardo Leiva
0067 On the same day being in the place called Agua
close to a small table Land Contiguous to the Eastern
boundary for the purpose of accomplishing the meas
urement and possession which corresponds to the citizen
Luis Arenas, the addition of the leagues (sitio) be for
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named prem to all the requisites of the Law be fore
me and assistant Witnesses and line bearers - I caused
to be measured a line which contained One hundred
Varas and fastened to its extremities poles of wood
First making Observation and Calculation by my an
angement the first line was run from the of the
small table land and coming along the high road
to San Jose we counted & measured seven thousand
five hundred Varas which terminated in four small
Sycamore trees which are to the Westward, the same
one left for Land mark from this place we ran
the second measure in a North direction and meas
ured and counted six thousand Varas which term
inated near dam where we ordered a land mark
to be placed - from this place we ran the third
measure the direction East and measured and
counted five hundred Varas, which terminated
on a small red Hill which was marked for a land
mark, from this last place we ran the lines in the
direction South and we measured and counted
six thousand Varas which terminated in the
same table land where we commenced - Which
concluded the measurement of this place (sitio) to
the satisfaction of the parties interested, that is,
Owners and neighbors, commanding Arenas to place
the Land marks in proof of possession - which I
authorize and sign according to Law - Jon L Sepulveda
Ass. Ant. Lenmel. Ass. Leonardo Leiva

Ass. Ant. Coronel. Ass. Leonardo Cota

67

Angeles April 29th 1842

Give testimony to the party of these documents which are now furnished in Comm on paper for want of the respective Stamp

Jose L Sepulveda

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Ass. Antonio Coronel — Ass. Leonardo Cota

Note. On same date the testimony was given as referred to in the foregoing despatch

Signed with letters in half sign

Corresponds to the Original to which I refer which exists in the Book of Public Documents of the present year which is faithfully copied corrected and compared in these six foleos of Common paper for want of Stamped.

In testimony of the truth

Signed Jose L Sepulveda

(Signed) Ig.o Coronel Signed Ap. Castelo Aguilar

Filed in Office Sept. 29th 1852

Geo. Fisher Sec'y

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No 6.
Translation of
Act of Jud. pos.
to Vejar & Dalton

Juan Gallardo 1st Alcalde and Judge of the 1st Instance of the City of Los Angeles &c.

I certify that in the record (protocol) of this year at page 42 Other side are some proceedings of the following tenor.

Note. To day the 29th of February 1846 that in order to conclude the regulation of the Espedientes concerning the petition of the Ranch of San Jose, the parties supplicated that it be joined to the record (protocol) I the Jude according to the request this the day of the date it be joined to the said record (protocol) so as to appear fully attached, and I set it down as part of the proceedings (diligences) which I authorize and sign with those of my Assistance According to Law Juan Gallardo = Ass. Ignacio Lenome Ass. Luis Jordin On the date which appears above the Espedientes of Dalton and partners was attached - Rubric = Senor Judge and Alcalde 1st of this City

Ricardo Vejar and Henriquez Dalton inhabitants of this Jurisdiction and owners of the Ranch of San Jose before your Honor in all due form and conformably to law present ourselves expressing that the property be recognized in three shares (acciones) one appertaining to Ignacio Palomares, and agreeing for the interest of this we represent to make a division of the Lands in the aforesaid Ranch, we hope you will be pleased to order the partition conformably to the Laws, that each one of the proprietors may fix the respective boundaries, as a requisite expressed in letters of acquisition - Wherefore we pray your Honor to grant our request subjecting ourselves to pay the expenses which justly corresponds to each one We swear what is necessary &c. And we hope Y. H. will admit the present on common paper for want of the sealed in the place Angeles November 19th 1845

0069

By request of Ricardo Bejar, Juan Bandeno Enrique Dalton - presented and admitted so far as it may be lawful - Ignacio Palomares to appear, who is one of those that object in the land which is mentioned - likewise the petitioners in order that the Judge, informed of them Explanations, may proceed to execute the proceedings agreeably to Law. Thus I Vicente Sanchez 1st Alcalde and Judge of the 1st Instance decree order and sign with the Assistance according to Law Vicente Sanchez = Ass. Ant. Florencio Ass. Dolores Espulveda

Angeles December 2d 1845

At date appeared Ignacio Palomares and as the petitioners are not present at this time, he was notified of the proceedings request of Mess. Dalton & Bejar I am informed of its Contents, he says, that he does oppose the partition of the Ranch of San Jose as a share holder, giving him the part that belongs to him but he is agreed to the partition in order to know his lawful property; And if he is opposed to paying the Expenses which would attach to his part, it was in Consequence of having made improvements for the purpose of Obtaining the aforesaid ranch for which reason if the Mess. Bejar and Dalton should not agree in the partition, he is ready to have it verified when he wishes. This he pleaded and signed with me and the Assistant Witnesses Vicente Sanchez = Ignacio Palomares = Ass. Antonio Franco Lorenzo Ass. Luis Lodon

Angeles December 13th 1845

At date appeared Enrique Dalton, Ricardo Bejar did not appear. I am informed of that which Palomares pleaded. That for his own part he could not be responsible for the rights which belong to Palomares, for his own part he (himself) remains

Obligated to pay those which corresponds to his part
this he said and signed with me and the assistants
Enrique Dalton Vicente Sanchez
Ass. Antonio Francolemel. Ass. Luis Jordan
The Mejors. Enrique Dalton and Ricardo Bejar having
requested that a partition of the Ranch of San Jose
be effected. Let it be proceeded by me and my assis
tant Witnesses, let the partition of the Ranch be
effected. And if it appears that Ignacio Palomares
defrayed the expenses of the former possession let justice
be granted to whom it is due. Thus I Juan Gallardo
1st Alcalde and Judge of the 1st Instance decree and
sign with the assistants according to Law
Juan Gallardo = Ass. Ignacio Lemel
Ass. Francisco Baltesteros.
On the 6th of February 1846 - I gave notice to the gentle
men adjoining neighbors, manifesting that I were
to make a new remeasurement of the Ranch of San
Jose, with the Object of forming a diagram, and of
making a partition for the Mejors. Enrique Dalton
Ignacio Palomares, and Ricardo Vejar and no obsta
cle having been shown it is set down for part of the
proceedings - Juan Gallardo - Antonio Flemel
Ass. Vasilo Baldez -
In continuation I appointed two Cordeaers which
were Diego Sepulveda and Ignacio Reyes to whom
Oath was given by which they offered to discharge
faithfully and legally the trust given them - And this
is set down for part of the proceedings = Juan Gallardo
Antonio Flemel ass - Ass. Basilio Baldez
In continuation, and the Surveyor Gaspar Farrel com
ing in sight who went by request of the parties interes
ted with the Object of measuring with cane the land
and forming a diagram a proper design (desire) I
caused him to appear before me and assistant

witnesses, and took Oath in form of Law by which he Offered to discharge faithfully and legally his duties and to make the measurements with exactness in testimony of which he signed with me and assistant Witnesses according to Law. Juan Gallardo = Gaspar O Farrell. Ass. Ant. Flornel Ass. Basilio Valdez

In continuation and being now on the lands of San Jose with the Official cord beams and Surveyor Gaspar Farrell, to commence the measurements and the respective partition to the Mesns. Enrique Dalton, Ignacio Palomares and Ricardo Vejar. I caused a cord to be measured consisting of 50 varas to the extremeling of which were attached stakes; and for my direction I went to stretch the first cord, when the surveyor showed that the mountain of the afresaid Ranch of San Jose and Agua has different turns (inclinations) and for which cause it was necessary to make a crop and to go multiplying the square varas which the surface of the land contained, he asked the present Judge that he would observe the work, and he would give the general plan with the proper explanation Then the Judge travelled by the side of the surveyor who went extending the several cords until the night closed on which suspended the work, and it is set down as part of the proceedings, which I authorize and signed according to Law with my Assistant Witnesses. Juan Gallardo - Gaspar O Farrell Ass - Antonio Flornel Ass. Basilio Baldez = Rasm

The day of the 7th the measurements were commenced and continued as the day before, being suspended at the entrance of night = Rubric =

The day of the 8th of February of the same year the measurements continued as on the same days, and were suspended by the approach of night = Rubric =

On the 9th of the same month and year the measurements continued in the same order and were suspended by the approach of night = Rubric = On the 10th of February of the proper year, the measurements were continued in the same order and in proper terms and and it is noticed for perpetuating it. The Eleventh day was occupied in forming the diagram or general plan of the ranch and the same plan has been attached to page 96 of the record (protocol) and its explanation is the following

The measurements were commenced at the hills from San Felipe, land mark A and a, b, c, d, e, f, g, h, i, k. as there appears in the small letters and resulted in a straight measurement as the line were show A. B. C. the capital letters 21760 Varas, Course East 12° and 15' South concluding from here unto the creek of San Antonio letter B at this boundary line the course was changed and an oblique measurement was taken as the letters k, l, m, show, by reason of much under bush which the land contained, giving as the result in a straight line C D the size of 17.700 Varas in length course South 13° West which terminated at the stone placed on a small hill as a land mark D and boundary line of the Chino From this point an other measurement was taken obliquely for mistake of the persons who indicated the boundary lines, and it is shown by the letters m n o p which gave for a true size 66.500 Varas (there is evidently a mistake for 6.650) Course East 37 North and it is marked by the letters D. E. and which terminated at a small gap (Portezuela) where there is a stone for a land mark From this place the course was taken East 38° North and resulted in 3920 Varas which terminated at a walnut tree which is at the slope of a small hill which is the boundary line with Jose de la Cruz

Linarez line E. p. From the walnut tree the course was taken North 24° 35 West and the direction to an evergreen Oak of the "Tenaya" and there were counted 6290 Varas which terminated at the aforesaid evergreen Oak, as is shown by the line p. q. From this evergreen Oak of the Tenaya as a marked land mark the course was taken West 18° South, to the edge of the road that goes to San Jose and there counted 2600 Varas which terminated at the land mark, a little red hill line marked by q. From this little red hill the measurement was taken by mistake a little within the boundary line as the letters "V. S shows, but the mistake being rectified the boundary line was taken and there resulted for a true measurement 6325 Varas Course North 36 West which terminated at the Corner of a corral, which is on a small hill where is situated the house of the Ranch of Agusa From the point S the measurement was taken a little within the boundary line, for thus the former Carr but taking a straight line G. A. there resulted 2100 varas, Course North 21° East which terminated at the small hill where the Commencement of the measurements began.

In continuation the Surveyor Explained that the capital letters are those which mark the true boundary lines between the small letters p q r but the other small letters do no more than Explain the measurements that were taken in accordance with the reasons before expressed. In accordance with the reasons before expressed In In addition the aforesaid Surveyor explained that the variation of the Course (or needle) is 12° to the North East with which the work was Concluded to the satisfaction of the parties which I set down as part of the proceedings and which I

authorize and sign with my apostant Witnesses according to law. Juan Gallardo - Gaspar O'Farrell Ass. Antonio Ygnacio Ass. Bueno Valdez

Immediately I proceeded to the partition and possession of the land giving to each one of the three partners Eduequio Dalton - Ignacio Palomares and Ricardo Vejar and all agreed except Ignacio Palomares who without politeness and the usual courtesy marched away saying that he was not agreed, it would not conform. And I alone gave possession to the entitled Dalton by his Attorney Diego Rico and to Ricardo Vejar who remained satisfied each with their part of the Ranch of San Jose and remained possessors of those tracts (Solos) with which the final act (of judicial possession) was completed - which I authorize and sign with my apostanes according to Law Juan Gallardo. Ass. Antonio Ygnacio Ass. Bacilio Valdez

Angeles February 12th 1846 - Give testimony to the parties that request it, for their protection and security thus I Juan Gallardo First Alcalde and Judge of the First Instance decreed ordered and signed with my apostants according to Law

Juan Gallardo

Ass. Antonio Ygnacio Ass. Bacilio Valdez

Note. At the end of this Instrument is attached the diagram - And this fact is noted to perpetuate it = Rubric = Noted. Testimony was given at the date - It agrees with the original returned me and is placed in the records (protocol) of this year from which it is faithfully taken and compared in these seven leaves of common paper

the Diagram included which paper is put com
mon for defaulte of the sealed

Juan Gallardo

Ass. Igo. Cromel Ass. Juan Bouit

Filed in Office Sept. 29th 1852

Geo. Fisher Secy

76

Henry Dutton vs The United States } In the place called Azusa in Los Angeles County Containing

121 SD
PAGE 77

The petitioner claims the land in question under a deed of Conveyance Executed to him by Luis Arenas. The title of Arenas is alleged to have been derived from the Mexican Government under two grants each for a seperate portion of the premises conveyed to Dutton One of said grants being made directly to himself and the other to Ignacio Palomares Ricardo Vejar and himself jointly. It is further alleged that a partition of the property held jointly by the three grantees was subsequently had and the portion which is embraced in the conveyance from Arenas to Dutton the claimant assigned by metes and bounds to the former

In support of the title of Arenas in the property thus originally held jointly with said Palomares and Vejar, the claimant has presented. First. A grant made by Governor Juan B Alvarado to Ignacio Palomares and Ricardo Vejar dated April 15th 1837. The property granted is designated by the name of San Jose. The traced copy of the Expediente which is filed in the case shows that this concession was approved by the Territorial Deputation on April 19. 1837. Juridical possession under this grant is proved by the usual testimonial of the officer act to have been given to the grantees on the 3d day of August 1837. Second A grant made by
0077 Governor Alvarado to Ignacio Palomares, Ricardo Vejar and Luis Arenas dated March 14. 1840. This grant covers the land conceded by the grant above mentioned made to two of the grantees together with One Square League more of land in addition to

the former grant. Both the grant and Expediente show that this second grant made to the three grantees conjointly with an increased quantity of land was made in accordance with an arrangement entered into by the parties. Juridical possession of the one league additional to the former grant appears to have been given to the grantees on the 7th day of May 1840 - The additional land is designated by the name of Ayuso

Third. A document in the usual official form showing a conveyance from Juico Luis Arenas to said Henry Dalton of all his interest in the premises on the 24th day of December 1844

Fourth. A testimonial of the proceedings in making partition of the land between the three owners Palomares, Yeger and Dalton which was completed and the seperate portion of each assigned to them on the 12th day of February 1846 - This was a Judicial proceeding before the First Alcalde and Judge of the First Instance of the Jurisdiction within which the land is situated the parties being all present - a regular Survey of the premises being made and a formal record signed by the Judge the Surveyor and the assisting Witnesses, being filed in the Office of the Juzgado. The document here presented is the official Copy duly proved of the protocol. The seperate portion of each owner is clearly laid down and designated on the map which is made a part of the record and would seem to obviate all difficulty in defining the boundaries of the premises assigned to each - It is proven by the deposition of Abel Stearns that Juan Arenas went into occupation of the of the portion of the premises known by the name of Ayuso comprising the premises now claimed by Dalton under the conveyance made by Juan Arenas,

1844

to him in 1841 - that he built a house there and lived on the place cultivating the land extensively and keeping a stock of cattle and horses upon it. The testimony is deemed sufficient to establish the interest of Arenas in the premises and to enable him to convey that interest to the present claimant. As to this portion of the land claimed I have no doubt of the propriety of entering a decree of confirmation in favor of the petitioner.

But the claim of the petitioner covers another parcel of land adjoining that above mentioned which was granted directly to said Arenas and is embraced also in the conveyance from the latter to the former - This grant is given in evidence and is duly proved. It is signed by Manuel Jimeno acting Governor of California and bears date November 8. 1841 - The land granted is one square league in extent and was solicited as an addition to the place then occupied by said Arenas and to which it was contiguous. The record of juridical possession, which is given in evidence, shows that he obtained the official demarcation of the boundaries, and was put into possession of the premises on the 26th day of April 1842 -

The portion of the Rancho San Jose which was assigned to said Dalton as his individual portion of it in the partition, seems to have been informally assigned to said Arenas soon after the grant to the three Indians and to have been occupied by him in severalty. Neither of the grants above mentioned designate the land granted by the name Alisal and that name seems to have been applied to the place occupied first by Arenas, and then by Dalton his grantee, and to have comprised both the portion of San Jose and the additional league of land which was granted

by the grant made to said Arenas alone. The testimony in relation to occupancy and improvement of the land by Arenas, does not specify on which portion of the premises called Azusa the improvements were made by said Arenas, but it shows that he lived on the place as early as 1841 and cultivated the land and made ~~and~~ extensive improvements upon it. I think there is sufficient to show such a compliance with the requirements of the law as to entitle the claimant to a confirmation of the entire claim.

The partition which was made between the parties embraced the portion of the land which was granted to Arenas alone as well as his share of the joint property. The papers do not show why this was done, and it is perhaps of no importance to enquire at this time. A decree describing the land according to the map annexed to the record of partition will give to the claimant the premises to which he is justly entitled and such a decree will be entered

Confirmed

Filed in Office January 31st 1854
Geo. Fisher Secy

80

Henry Dutton
vs
The United States

Decree

121 SD
PAGE 81

In this case on hearing the proofs and allegations it is adjudged by the Commission that the said claim of the petitioner is valid and it is therefore hereby decreed that the same be confirmed. The land of which confirmation is hereby made is that known by the name of Ayuso situated in Los Angeles County, and now in the occupancy of said petitioner and is bounded as described as follows to wit. According to a map of the same annexed to the testimonial showing a portion of the place called San Jose between Ignacio Palomares, Ricardo Vejar and said Henry Dutton which is on file in this case, which map is made a part of this Decree; the land hereby confirmed being the portion thereon designated as the land of Eduardo Dutton, Beginning at the hill called San Felipe at a land mark in said map or diagram marked G distance two thousand one hundred varas; thence South, thirty six degrees East six thousand three hundred and twenty five varas to a point called "Lendero Colorado", thence East Eighteen degrees North to a live Oak tree distance two thousand six hundred varas; thence North ten degrees East Eleven hundred varas to a point marked "A" thence East thirty four degrees fifteen minutes South four thousand, three hundred and twenty five varas to the land mark, marked II thence North thirty two degrees fifteen minutes East six thousand five hundred and twenty five varas to a place and land mark in the mountain which point is marked X thence Westwardly

0081

81

0082

following said mountains so as to take in the
Canadas to the place of Beginning Containing
three Square leagues of Land more or less

Alpheus Felch
Thompson Campbell
R. Aug. Thompson
Commissioners

121 SD
PAGE 82

Filed in Office Jany 31st 1854
Geo. Fisher Secy

Office of the Board of Commissioners,

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

I, George Fisher, Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing Eighty-one pages, numbered from 1 to 81, 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. 364 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 "Azuza"

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

Geo: Fisher

121

U. S. DISTRICT COURT,

Southern District of California.

No. 121, Docket

THE UNITED STATES,

vs.

Henry Dalton

Appeal 121

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 364

Filed, November 8th 1854.

C. C. Carr.
Clerk.

0084

121

No. 364

Office of the Attorney General of the United States,

Washington, 17th January 1855.

Henry Dalton
vs.
The United States } 364.

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 13th day of September 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.

S.C

No 121.

U.S. District Court
Southern District

The United States
vs.
Henry Dalton.

Notice of appeal from Atty. Gen.

Filed Feby 27th 1855.

C. E. Carr
Clk.

121.

Office of the Attorney General of the United States,

Washington, 17th January 1855.

Henry Dalton
vs.
The United States. } 364.

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 13th day of September 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 121.

U. S. Dist Court,
Southern Dist of Cal.

The United States,

vs.

Henry Dalton.

Appeal to Trac.

Filed March 8th 1855.
C. E. Carr
Clk.

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

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

Henry Dalton

121 SD
PAGE 88

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 8th day of November 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

P. Ord. U. S. Dist. Atty. for the Southern Dist. of California, praying the Court to review the decision of the U. S. Land Commissioner, of the date of May 31st 1854, confirming your claim to the tract of land called "Azusa," situate in this County & State, & which has been appealed to this Court by the Attorney General of the United States.

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 each of you, and the prayer of the said petitioner will be granted, with costs.~~ the Pltff 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 twelfth day of November in the year of our Lord one thousand eight hundred and fifty-five at Los Angeles aforesaid.

J. Egan

Clerk.

Marshals cost
Coping Summons .50
Serving Summons 3,00
Serving Petition 3,00
$6,50

United States of America,

Southern District of California,

U. S. District Court.

Henry Dalton Appellee

ads. } No. 121

vs.

The United States

Appellant

SUMMONS.

Recd Nov 13th 1855

Edward Hunter

U. S. Marshal

I served this summons along with the proper copy of the petition upon J. R. Scott Attorney for Henry Dalton by delivering to him a true copy of the same

Los Angeles

at Los Angeles in the Southern District of California on the twentieth day of November A. D. 185 5.

Sworn to and subscribed before me, Nov 21. 1855.

J. E. Lane Clerk. C. C. P.

Edward Hunter U. S. Marshal.

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

Henry Dalton
Appellee
vs
The United States
Appellant

Case No. 121

Transcript 364.
"Azusa"

And now comes the above-named Appellee, by Jonathan R. Scott, his Attorney, and for answer to the Petition for Review filed in this cause by the Appellant says;

That his title to the Lands claimed in this case is good and valid.

Wherefore he would pray the Judgment of this Honorable Court, that the decision of the United States Board of Land Commissioners may be affirmed, and his title to the Lands claimed in this case may be decreed to be valid, and for his costs in this behalf expended, and for such other or further and general relief as may be agreable to Equity and good conscience and the nature of his case may require.

J R Scott
Attorney for Appellee.

Marshals cost for service
$3.00

Case No. 121.
U. S. Dist. Court. South
District of California

Henry Dalton
Appellee
vs
The United States
Appellant.

Answer

Filed Nov. 24, 1855.
C. E. Carr.
Clk.

J. R. Scott. Atty for Appellee

Served this Answer on Pond M.S. Atty by delivering to him a copy of the same at his office this 30 day of 1855
Edward Hunter
U.S. Marshal

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

Henry Dalton.
~~Isaac Foster~~
Appellee
vs
The United States
Appellants

Case No 121
"Bruce"
Transcript 364

Notice having been given by the Attorney General of the United States, that the appeal in this cause to the Supreme Court will not be prosecuted by the United States, and a stipulation having been entered into between the District Attorney of the United States and the attorney of the Claimant, that the former order of this Court granting an appeal herein to the Supreme Court, may be vacated, and that the decree of this Court heretofore entered in this cause, may, by order of this Court be made final;

It is ordered, That the order of this Court heretofore made on the day of A.D. granting an appeal to the Supreme Court from the decree of Confirmation of this Court filed on the 6th day of March A.D 1854, be, and hereby is vacated; and that the Claimant

have leave to proceed under Joint Decree as under a final Decree

Thus done and signed in open Court this 4th day of June 1859

Isaac S. K. Ogden

Case No 121
U.S. Dist. Court, South. Dist.

Henry Dalton
Assignee
vs
The United States
Claimant

Motion vacating Arrest

Filed 4 June 1859
E. H. Hyde
Clk

In the District Court of U. S. for Southern District of California.

Henry Dalton
vs.
The United States } Exceptions to Survey.

I do not find any evidence showing incorrectness of survey. An order may be entered overruling exceptions to survey in this case. And as cause was not argued or briefs filed leave is given to apply at next term for a rehearing upon giving ten days notice of such intention by the claimant.

F. M. Haight
Judge U. S. Dist Court for
Southern District of California

no 121

Henry Mallow

vs

The United States

Opinion filed

By Hon H.H. Haight

filed December 8th 1884

John Wonder Clerk

By

Robert Haight Dep

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

Henry Allen
vs
The United States

This cause coming on to be heard on exceptions to survey made & filed by said Claimants, B. C. Whiting U. S. Dist Atty appearing on the part of the United States and no appearance for the Claimants -

It is hereby ordered adjudged and decreed that the said exceptions to survey be and the same are hereby overruled with leave given to the Claimants to apply at the next term of this Court for a rehearing of the same upon giving ten days notice of such Intention.

Fletcher M. Haight

This done and signed in open Court this 9th day of December A.D. 1854

no 121

U States Court of Claims

Henry Allen

vs

The United States

Opinion

filed Decr 9th 1874

John Lowder
Clerk

By
Robert Haight
Dep

In the United States Dist Court Southern District of California

Henry Dalton
Appellee
vs
The United States
Appellants

Case No 121
"Benda"
Transcript 364

It is admitted that the verbal errors as set forth in the annexed statement exist & that they may be corrected as therein set forth. And it is further admitted that the Deed of Conveyance (being in some parts unintelligible) marked "Exhibit R." in said Transcript is sufficient to convey the title of Aneas to Dalton, without admitting however, that Dalton had the legal capacity to acquire & hold the land claimed —

In Expediente

Page	line			
11.	6	Cuita en mi	for	(?)
"	8	omifzion		
"	21	rio	"	nos
12	6	fredendo	"	fventenden
13	10	Corporacion	"	Deputacion
14	24	heredad.	"	oportunidad (?)
"	9	fazo	"	faze
16	17	Compreme	"	Comprende
"	23	el	"	es
"	30	encaredicamente	"	encare~~et~~cedamente
"	15	al	"	el
17	2	fazen	"	Faze en
19		Seal of Surveyor General omitted in certificate.		

In Exhibit "O."

35	28	1839	for	1837
37	7	aumento	"	cuanto
"	17	acompañamos	"	acompañaron
38	29	I Jose de S. Luis	"	I. José de la Cruz.

In Exhibit "R"

44	7	Miguel Regena	for	Manuel Requena
"	11	digo	"	dijo
"	14	entre	"	extra
"	16	omission after el (?)		
"	24	(?)	"	extra judicial
"	25	invido	"	(?)
45	5 & 6	Signature wrong		
"	24	forma	"	favor
"	25	fuedo	"	fuede
46	3	desde	"	(?)
"	4	ofrecio	"	aprecio

Page	line			
46	5+6	Signatures wrong —		
	12	da	for	doy
	20	Gantas	"	Gantas
	21	Fo retigo.	"	Fanegas de trigo
	23	Iron dors not appear in margin.		
48	23	Vemido	"	vendido
	"	enagenarlo	"	enagenado
	24	empeñarlo	"	empeñado
	28	Carsas	"	Casas
	last	omission and unintelligible		
49	1	Conclugo	for	Conduzca
	3	wrong, omission (?)		
	4	ocurso	"	del ecseso
	5	ō or en omitted		
	7	firmales	"	firmesas
	8	Eata	"	trata
	9	tugue	"	trueque
	10	Prefia	"	Prefina
	11	"de" omitted		
	12	Continuaron	"	estuvieran
	13	desiste	"	desisto
	15	nocepete	"	nos compete
	22	me	"	le
	24	apodre	"	apodera
	27	interior	"	interin
	"	me	"	le
	31	apo~~x~~redorca	"	aparecerá
	34	reqnividos	"	requeridos
	35	last word		(?)
50	7	omission (?)		
	13	omission		
	14	decreto de	"	derecho en
	22	Signatures wrong		
	31	el que de	"	al que me

Case No. 121, Henry Dalton Appellee vs. The United States.

31	Ut que de		Ut que de

Case No. 124, Henry Dalton Appellee ~~in the~~ United States.

It is hereby stipulated between Parrish and Atty for the United States & J. R. Scott Atty for the claimant in the above case that all the errors assigned in the transcript in this case that are above set forth and that they shall stand amended & be considered to read as above stated. in capital letters & Exhibit "O" and that the deed of conveyance from Lewis Sharpe to Henry Dalton the appellee in this case which is presented in the transcript marked Exhibit "R" shall be taken & considered by this court as a good, valid, & sufficient deed, the grantor not admitting, ~~for~~ reserving, however, ~~the question of the legal~~ capacity of Henry Dalton, the claimant in this case, to acquire and hold the ~~the~~ land herein claimed, at the date of the alleged title of said Dalton.

P. M.
Dist Atty.

Feby 18. 56.

J. R. Scott
Atty for Appellee

Case 121.

U. S. Dist Court South^n
Dist of Calif^a

Henry Dalton
Appellee
vs
The United States
Appellants.

~~Order to return Transcript~~
Stipulation

Filed Feby 19th 1856.
J. E. Carr
Clk.

In the Dist Court of the United States for the
Southern Dist of Cal.

Henry Dalton, Appellee
vs
The United States, Appellant

No. 121.
Transcript
No. 364.
"Agusta"

It is hereby agreed & consented to by the Appellee in the above entitled cause that copies of the ~~depositions~~ testimony, certified by the Clerk of this Court, of Daniel Sexton, and I. S. — Mallard, taken and used in evidence by the appellee in the cause of Henry Dalton, appellant vs The United States Appellee, No. 22 on the Docket of this Court, may be ~~used~~ admitted and used in evidence in this cause by the Appellant, ~~the~~ subject to the same objections and exceptions, to the rulings of the Court, of ~~Appellant~~ appellee, as therein taken, the same as if the ~~same~~ said ~~Depositions were~~ evidence of said Sexton and Mallard, for said Appellee, were taken originally in this cause.

J. R. Scott
Atty for Appellee

No 121.

U S Dist Court.
South Dist of Cal.

Henry Dalton,
appellee

vs.

The United States,
appellant.

Stipulation.

Filed Feby 25th 1856
J. E. Carr
Clk

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

Henry Dalton
Appellee
vs
The United States
Appellants

Case No. 121
Transcript 304.
"Azusa."

Translation of Grant marked "Exhibit M," see page 30 of Transcript.

The Citizen Juan Bautista Alvarado Governor pro tem. of the State, and President of the Most Excellent Deputation of the same.

Inasmuch as the Citizens Ignacio Palomarez and Ricardo Vejar, Mexicans by birth, have applied, for their personal benefit and that of their family, for the tract of land known by the name of San José; within the boundaries of the Map which accompanies their petition, the proceedings and investigations having first been gone through with according to the directions of the Laws and Regulations on the matter, using the powers that are conferred upon me in the name of the Mexican Nation I have come to grant them the said tract of land, declaring to them the fee thereof by the present letters, this Grant being understood to be in entire conformity with the Laws; with the reservation of the approval of the Most Excellent Deputation

and under the following conditions.

1st Neither the Grantees, nor their heirs shall have power to divide nor alienate that which is assigned them, nor impose on it pension, entail, bond, mortgage, nor other encumbrance, although it may be for pious purpose, nor pass it into mortmain.

2nd They shall have power to inclose it without prejudice to the cross-roads, highways and rights of way, they shall enjoy it freely and exclusively, devoting it to the use or cultivation that may best suit them.

3d When the ownership is conferred to them, they shall petition the proper Judge to give them juridical possession in virtue of this Patent, by whom the boundaries shall be fixed and the land-marks placed.

4th The tract of land of which donation is made to them is purely that which is expressed in the Petition of the interested parties, and represented in the Map in the Espediente which it accompanies; and the Judge who gives possession of it will advise this Government of the number of square leagues which it comprises.

Wherefore, I order, that these presents serving them for a title, and being held as firm and valid, record be made in the Book to which it belongs and it be delivered to the interested parties for their security and other fitting ends. Given at the City of Santa Barbara, April 15th 1837.

Juan B. Alvarado.

Victor Prudon.

Secy.

Santa Barbara, April 19th 1837.

In session of this day the Most Excellent Deputation approved the proposition of the report of the Committee on Vacant Lands, which is, literatim, as follows;

"The tract of land named San José is approved to the Citizens Ignacio Palomares and "Ricardo Vejar, as having the necessary requisites in conformity with the law of August "18th 1824, and Article 5th of the Regulation of November 21st "1828.

José Ant.o de la Guerra y Carrillo.
"Antonio Ruelas".

Juan B Alvarado.
Victor Prudon. Sec.ry

The interested party is to annex the stamped paper of the proper denomination, defacing for this Patent a sheet of the value of Six Dollars.

Alvarado.

Translation of Act of Judicial Possession marked "Exhibit N," on Page 32 of Transcript.

At the City of Los Angeles, in Upper California, on the 2nd day of the month of August, 1837, in compliance with the Petition of the Señores Ignacio Palomares and Ricardo Vejar, to the end that I should give them the corresponding Possession of the tract, place and Rancho called San José, granted by the Superior Government of this Territory,

and having agreed with the surveyor Don Carlos Barry to remeasure said land in entire conformity to the first measurements which have been made; which tract the interested parties annexed to the Expediente; let me and my assisting witnesses go to said place and proceed to give the aforesaid Possession, it being done in conformity with the Title or Patent which has been conferred upon them by the Chiefship, date 15th of April last. = I, the Citizen Sepulveda, 2nd Constitutional Alcalde of the aforesaid City, so decreed, ordered and signed with my assisting witnesses ~~according to law~~ on this common Paper, there being none of the proper stamp. Attest; = José Sepulveda = ass.t wit., Narciso Botello = ass.t wit., Pablo Vejar =

On the same day, month and year being at the Ex-Mission of San Gabriel, I, the undersigned Judge, gave official notice to the Administrator of said Mission, Citizen José Perez, making known to him the object for which I was directing myself to the Point of San José, inasmuch as it had belonged to that community; viz., that I was going to remeasure it and place Don Ignacio Palomarez and Don Ricardo Vejar in Possession of it: and he not having made any objections that I should suspend the measurements, I told him that I should proceed with them. Which I make note of and authenticate and sign with the assisting witnesses, according to law. Attest = José Sepulveda = ass.t wit., Narciso Botello = ass.t wit. Pablo Vejar

At the Rancho of San José, August 3d 1837, I, the proper Judge, for the carrying into effect of these proceedings, nominated two official line-bearers, whose names will be omitted, as they do not know how to write; under oath which they took offering to discharge their trust faithfully and legally;- which I authenticate and sign with my assisting witnesses, according to law.= José Sepulveda = asst. wit., Narciso Botello, = asst. witness. = Pablo Vejar =

In the same day, month and year being on the tract, at the point of the Hills called of Santa Ana, for the purpose of carrying into effect the remeasurements and the corresponding possession to the Sres. Don Ignacio Palomarez and Don Ricardo Vejar of the place named San José, all the requisites of law having been first performed, and being before me the assisting witnesses, the official line-bearers, & the surveyor Don Carlos Barie, I caused a cord to be measured, containing one hundred varas, which was examined and approved by the aforesaid surveyor, and stakes of wood having been fastened to its extremities, after observation and calculation by said surveyor, by his directions the cord was stretched to the foot of a curly willow (Saux chino) which was taken for a land mark, placing in its branches a dry stick in the figure of a crop; course East to West, there were measured and counted 9700 varas to the foot of the Hills called of the Puente, placing for landmark a large nut tree that stands on the slope of a small hill by the side of the road leading from the said

Rancho of San José to that of the Puente; making a blaze on one of its limbs with a hatchet. Thence, stretching the cord from South to North, there were measured and counted 10,400 varas which ended at the edge of San José in front of a high hill, where was pointed out as a landmark a large live-oak, in which was stuck a bullock's skull, and hatchet-cuts were made on some of its limbs. Thence the cord was stretched West to East and there were measured and counted 10,700 varas, which ended at the arroyo of San Antonio, two young sycamores standing together being placed as a land-mark, two crosses being stamped in their bark — Thence the cord was stretched North to South and there were measured and counted 9700 varas which ended at the foot of the Curly willow, whence the measurements commenced, and which forms the S.E. Corner. With which the measurements of this place were concluded to the satisfaction of the interested parties to whom I gave directions to place the proper land-marks in the proper places ~~where it was understood they were to be placed~~ and they remained understood; it having been marked in token of possession; which I make note of and authenticated and signed with the surveyor and assisting witnesses according to law. = José Sepulveda = Carlos Varie = ass.t wit. Narciso Botello = ass.t wit. Pedro Vejar =.

Angeles August 14th. 1837. Let a testimonial of the present notes of Proceedings be given to the

interested parties, on common paper, there being none of the proper stamp. - I. José Sepulveda, 2nd Constitutional Alcalde of this City and Jurisdiction to decreed, ordered and signed with the assisting witnesses according to law. José Sepulveda = ass.s wit. Narciso Botello = ass.s wit. Pablo Vejar -

It agrees with the original Notes of Proceedings, which are referred to, & which exist in the Public Archives in which they are registered, appearing from leaf 9, reverse, to leaf 12, reverse; it is faithfully copied and corrected, written on these three leaves of this common paper, there being none of the proper stamp, which I authenticate and with my assisting witnesses ~~according to law~~ at the City of Los Angeles on the 10th of November 1874.

In testimony of truth.

José Sepulveda.

Ass.t
Narciso Botello.

Ass.t
Pablo Vejar.

Translation of Deed of Conveyance &c. marked "Exhibit R." See page 44 of Transcript.

Deed of Sale of the Rancho of Azusa, Angeles, Year 1844.

At the City of Los Angeles in the Department of the Californias, on the 24th day of the month of December 1844, before me Manuel Requena, 1st Constitutional Al-

8

Calde, and being before me the witnesses of assistance, with whom I act by commission, besides the instrumental witnesses whose names will be given at the end, appeared Don Luis Arenas of this neighborhood, whom I attest I know, & said;

That there exists in this Court the Deed of Sale which he has made of the Rancho called Azusa and its appurtenances in favor of Don Enrique Dalton, and he requests that said Deed, made extra-judicially before ~~before~~ the witnesses Don Juan Bandini, Don Abel Stearns & Don Juan Manso, may be legalized, registering it in the Archives of this Court; and I, the aforesaid Judge having received the order of the Señor Governor of this Department to lend to the Señores Commanders of Squadron Don Jose Antonio Carrillo, Don Pio Pico and Captain Don Andres Pico, the aid they may ask as a Commission of Public Service, and having this day received official notice from said gentlemen, requesting my assistance to authorize the aforesaid Deed of Sale, as being in conformity with the objects of their Commission; In virtue thereof, I ~~hereby~~ authorize and make judicial and valid the aforesaid extra judicial Deed which Don Luis Arenas presents, which in ~~accor~~ virtue of the said official notice will be annexed to the Record; it being noted, that the Deed is upon ~~the~~ paper of the proper stamp; and a Copy issued to the purchaser for the uses which may suit him, noticing, that although it was provided by

the Supreme Government of the Department on the 14th day of August of the present year, that sales of Real Estate should not be officially authorize, the present authorization is, as it were, promoted by the Government itself; and Don Luis Arenas repeats what on the aforesaid Deed expresses.

In testimony whereof, he so executed & subscribed with me and those of assistance, according to law, the instrumental witnesses were the Residents Carrillo, Aguilar.

Manuel Requena

Luis Arenas, ass.d Cg.co Coronel, Juan Domingo
instrumental. Aguila = Jose Lopez.-

The Documents follow.- I make my service.

The M. C. Señor Governor and Commandant General of this Department on the 18th of November last has seen fit to empower us to make all the provisions we may deem necessary and fitting for the end of assisting him in suppressing a conspiracy which has been discovered in the vicinity of Monterey the place where said Chief actually resides, believing that all such provisions ~~would~~ will be entirely approved of by this Ex.cy; and to give it effect he sends copies to the authorities of this Jurisdiction, Santa Barbara & San Diego. and being in the utmost necessity that a force of citizens who may volunteer for this service should assist him, for whom it is necessary to provide for the support of their families

before setting out, and to leave sufficient to make the journey to the point occupied by the insurrectionists by resolution of yesterday and at request of the Señores Don Luis Arenas and Don Henrique Dalton, we have decided, in virtue of our powers and in the name of the Departmental Government, to permit the former to make the sale of the Rancho belonging to him called Azusa in favor of the latter, that he may with all the formalities of style, transfer his right and the rest which by the ~~law~~ respective Title has been conferred upon him by the aforesaid Government; inasmuch as from this arrangement it results that the aforesaid Señor Arenas places at our disposal the sum of one thousand dollars, which he lawfully owes the national treasury, being the money on which we count to equip the force which may think fit to enlist in the ranks of the aforesaid Chief. In such conception we beg you to see fit to authorize the aforesaid deed of sale in the aforesaid terms or as you may believe most fitting.

And in order that the Count under your charge and your person may remain harmless from all responsibility, we execute the present document as we have already done in the name of the Supr. Government of the Department which has seen fit to empower us for it, expecting that it will meet its approbation.

We avail ourselves of the present opportunity to offer assurances of our considera-

tion & esteem - God and Liberty - Angeles
December 24th 1844

José Antonio Carrillo

Pico - Andres Pico

To
the Señor Judge of 1st Instance of this City.

In the City of Our Lady of Los Angeles in the Department of the Californias on the 19th day of December 1844, I. Luis Arenas, native of the Department of Sonora, and actual Resident of this City, declare, that for myself and in the name of my heirs successors and of whomsoever of them may have title voice or cause in whatever manner, I sell and grant in real Sale and perpetual alienation and by right of inheritance forever to Señor Don Enrique Dalton actual Resident of this City and to his heirs and successors, the land of the Rancho known by the name of Azusa with the houses corrals stock and improvements upon said Rancho, as appears by an Inventory drawn and signed as follows, 350 head of cattle 200 Sheep, 25 Swine 80 Mares with their foals, 40 horses, 13 ½ Yoke of Oxen, 100 fanegas Corn, 15 fanegas Wheat, 4 Carts, with all the seed down and for sowing utensils of agriculture, with the mark and brand as appears in the margin and four hundred (2) on said Rancho, granting all the rights belonging to me as well in Azusa as in the Rancho of San José as appears by the documents that follow ad literatim

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

Inasmuch as the Citizens Ignacio Palomares Ricardo Vejar & Luis Arenas have agreed mutually and solicited for the benefit of the three the tract called San Jose which was assigned to the first two by Decree of April 15. 1837. with an augmentation of one square league on the western side adjoining the Sierra of San Gabriel, the investigations and verifications concerning the subject having first been made, as directed by the Laws and Regulations on the matter, using the powers conferred upon me in the name of the Mexican Nation, I declare them owners in fee of said tract of land, subject to the Approval of the H. E. Departmental Junta & to the following conditions. 1st He shall have power to enclose it without prejudice to the cross-roads, high ways & rights of way, he shall enjoy it freely & exclusively devoting it to the use or cultivation which may best suit him, but within a year he shall build a house and it shall be inhabited. 2nd The lands of which donation is made, are called San Jose granted by decree of April 15th 1837 and one square league in augmentation as appears in the Maps which are annexed to the respective Expediente. The Judge who gives the possession shall cause it to be measured according to ordinance

the surplus that may result remaining to the Nation for the fitting uses. 3d When the ownership shall be conferred upon them they shall solicit the proper Judge to give them Judicial Possession in virtue of this Dep't Patent, by whom the boundaries shall be designated, at the extremities of which they shall place, besides the landmarks, some fruit trees or useful forest trees. 4th If he contravene these conditions he shall lose his right to the land and it shall be subject to denouncement by another. Therefore I order that the present serving him for title and being held for firm and valid, record be made in the proper Book & it be delivered to the interested party for his security and other ends. Given at Monterey on the 14th of March 1840

Juan Alvarado.

Manuel Jimeno Casarin, 1st Proprietory Member of the M. E. Departmental Junta in exercise of the Government of the same.

Inasmuch as the Citizen Luis Arenas has claimed for his personal benefit & that of his family the extension of the tract of land known by the name of Azusa, one square league, towards the West in a wooded tract, bounded by the Sierra by the Road of San José, River of Azusa and boundary of Citizen Duarte, the proceedings and investigations having previously been made as required by the laws & Regulations, using the powers that are conferred upon me in the name of the Mexican

Nation, I have come to grant him the afore-
said tract of Land declaring to him the pro-
thereof by these presents, subject to the
approval of the Mt. L. Dep. ~~Ter~~ Deputation
and to the following conditions. 1st He
shall have power to enclose it without
prejudice to the cross-roads, highways or
rights of way, he shall enjoy it freely and
exclusively devoting it to the use or cul-
tivation which may best suit him. 2nd
He shall petition the proper Judge to give
him Judicial Possession in virtue of this
Patent, by whom the boundaries shall be
marked out, at the extremities of which
he shall place besides the land-marks
some fruit or useful forest trees. 3d The
Lands of which donation is made are one
square league according as the Map ex-
plains, which is annexed to the respective
Expediente. The Judge who shall give the pos-
session will cause it to be measured ac-
cording to ordinance the surplus that
may result remaining to the Nation for
the appropriate use. 4th If he contravene
these conditions he shall lose his right to
the land, and it shall be subject to de-
nouncement by another. Therefore I order
that this Title being held for firm and va-
lid, record thereof be made in the proper
Book, & it be delivered to the interested
party for his protection and other ends.
Given at Monterey Nov 8. 1841.

Manuel Jimeno

Jose Y. Fernandez Secry

The original is in the hands of the
[illegible] to be assigned
to the [illegible]

By which Titles this possession and ownership belong to me, which I declare and warrant not to have sold, alienated nor mortgaged, & it is clear of tribute, bequest, church dues, entail, trust, bond, and other encumbrance, real, perpetual, temporary, special, general, implied and express; & as such I sell it him with all the entrances, exits, pastures, meadows, woods, plains, rights, brooks privileges, & rights of way, and other appurtenances which I have held and hold (for the sum of seven thousand dollars which have been received and passed to my hands really and in fact, according to contracts this day signed. With which delivery and receipt I acknowledge myself satisfied, & confess to have received them as said to my satisfaction. Therefore I renounce the exception I might oppose, for the Law 9. Title 1, Div. 5, not appearing to be present, (I formalize in favor of the purchaser the most complete) and efficacious letter of payment that to his security may conduce, and also declare that the just price & true value of the said land and property is the seven thousand dollars, that they are not worth more, nor have I found anyone who has offered me so much for them; and if they are or can be worth more, of the excess whether in small or great amount, I make in favor of the purchaser his heirs and successors, gift and donation, pure, perfect, and irrevocable, in same mind, with official acknowledgment and other legal guarantees; and I renounce the Law 2. Title 1 Book 10, Newest Recopilation, which treats of contracts of sale, exchange, and others in which there

is damage in more or less than the half of the just price; and the four years that it prescribes for demanding amendment or the deficiency in the just value, I give as part, as though the actually were so; and from this day henceforward forever, I desist, remove & deprive myself, my heirs & successors of the dominion and ownership, possession, title voice, demand, & whatever other right pertains to us in the said land and property, I grant renounce and transfer them with the ~~real and personal~~ actions, real and personal, useful, mixed, direct and executive, to the purchaser, and to whomsoever may represent him, in order they may possess, enjoy, exchange, alienate, use, and dispose of it at their pleasure as of a thing of their own, acquired by lawful title; I confer on them free, unreserved and general administration, and I constitute him prosecuting attorney in his own cause in order that, of his own authority or judicially, he may enter and take possession of the said land, and of it may take and seize the real tenancy and possession which by right may belong to him. (And that he may not need to take it, he asks that there be given him an authenticated copy of the present writing) ~~with~~ by which without other writ of seizure, it can be seen ~~that~~ to have been taken seized and transferred to him; and in the interim I constitute him its lessee and tenant at will in form of law, and bind myself that said land shall be safe, secure, and available to the purchaser, that no one shall disturb him or bring suit against his ownership, possess-

sion, use and enjoyment, nor shall any encumbrance appear upon it; and should any one disturb or bring suit against him, or should any encumbrance appear (immediately) that this Grantor & his heirs & successors shall be required according to Law, they shall proceed to his defence, & prosecute it at their expense in all suits and tribunals, until they obtain judgment and leave the Purchaser and his (heirs and assigns) in free use, quiet and peaceable possession, or, failing to obtain this they shall give him another (tract) equal in value of buildings, situation, rents and convenience, or in default thereof, they shall restore the sum he has disbursed, the improvements, useful, necessary and voluntary which at the time may have the greatest value & estimation which with time they may acquire. and all the costs, expenses ~~and~~ interest and damages which have been caused to and sustained by them for all of which they are to have power to have execution in virtue of this instrument and the oath of whomsoever may be in possession or his Representative ~~and~~ to whom its value shall be submitted, and he is relieved from further proof —

And to the observance of all the aforesaid I bind my person, my property present & future, and renounce the laws in my favor and defense; & the general defense of Law in form, and confer full power upon the Tenores Judges, who of this matter should have cognizance according to law, that they may compel me to its performance, as by the final sentence of a competent Judge.

passed in authority of a Cause judged and
ajusted to, and that for such I receive it,
& sign with me the witnesses being Don Juan
Bandini, Don Abel Stearns & Don Juan
Manso, of this place; as well as the joint
owners of the Rancho of San José, Don Igna-
cio Palomares & Ricardo Vejar.

Luis Arenas

Wit. Juan Bandini - Wit. Abel Stearns
Wit. Juan Manso. Ignacio Palomares.

Angeles Dec 22. 1844.

Don Ricardo Vejar, makes known that he consents to the sale that Don Luis Arenas makes, but asks that the land be divided and there be given to each the part belonging to him; and did not sign, not knowing how - I did it, with my assisting witnesses according to law. Manuel Requena

Ignacio Coronel. Juan Domingo

It agrees with its original to which I refer & which is in the Book of Public instruments of this year, from which it was taken, corrected and compared on these eight leaves of common paper, there being no stamped.

Angeles. December 27. 1844.

Manuel Requena.

Ass.t Ass.t
Cristoval Aguilar Ygnacio Coronel.

Case 121
U. S. Dist Court South^n
Dist of Cal^a

Henry Dalton
Appellee

vs

The U. States
Appt^s

Translations wanting
in Transcript from Com^r.

Filed February 25. 1856.
J. E. Carr
Clk

Henry Dalton appellee
ads.
The United States appellants

No 22.
"San Francisquito"

J. J. Mallard being duly sworn in the above entitled cause this 15th day of September AD 1855. on the part of the United States, testifies in open Court as follows.

1st Ques. What is your name, age, residence, & occupation

Ans My name is J. J. Mallard, residence San Gabriel, my age is 39. and a Merchant by occupation.

2d Ques. How long have you resided in California & in Los Angeles County

Ans I have resided in Calif. five years, and in Los Angeles County the same length of time with the exception of four months.

3d Ques. Do you know Henry Dalton, & how long have you known him.

Ans. I know him & have known him since January 1850 as a resident of Los Angeles Coty.

4th Ques. Do you know the Rancho of San Francisquito.

Ans. I dont know that I do, only from report.

5th Ques. Do you know the County of Mr Daltons birth.

Ans. I do not.

6th Ques. Do you know whether or not Mr Dalton the appellee in this case is a native of Mexico and if not, state generally how you know the fact? (objected to by Counsel for appellee on the ground of the subject matter.)

Ans. Some time in the year 1853 I heard Mr Dalton say that he claimed not to be a citizen of the United States nor of Mexico. I know it was in a Court of Justice. I think he was called as a juror (the Court reserve their decision) I think he was under oath but am not certain. I think it was in the Court of Sessions whilst I was sitting as an associate Justice, but I am not certain if it was in that Court or in a justices Court, whilst I was a judge of both Courts.

7th Ques. Was he excused on that ground?

Ans. I think he was.

8th Ques. Did you ever hear Mr Dalton say on any other occasion that he was not a naturalized citizen of Mexico?

Ans. I do not recollect that I ever did.

Cross Examined by Counsel for

1st Ques. Did he say anything more than that he claimed not to be a citizen

Ans. My answer is that he did

2d Ques. State what more was said by Mr Dalton

Ans. My recollection is that he stated that while in Mexico he had either applied to become a citizen or had some papers made out, and from some reason which I do not recollect, the business of his naturalization was not completed.

3d Ques. Did he not say this, that the papers had been made out in Mazatlan, but that they had not reached him?

Ans. It might have been so, but my recollection was that the action had not been completed, and that for that reason Mr Dalton said he did not consider himself a Mexican citizen

(signed) C. E. Carr
CCR

I Charles E Carr Clerk of the District Court of the United States for the Southern District of California hereby certify the above foregoing to be a true and correct copy of the original deposition on file in my office.

In testimony whereof I have hereunto set my hand and affixed the seal of said Court at Los Angeles this 25th day of February A D 1856.

C. E. Carr
CCR

No 121

U.S. Dist Court
South Dist of Calif.

Henry Halton
appellant

vs

The United States
appellees

Certified copy of deposition
of L. J. Mallard taken in
Case No. 22.

Filed July 25th 1856.

J. E. Carr
Clk

Henry Dalton appellee
vs
The United States appellants

No 22

Daniel Sexton sworn & says

1st Ques What is your name age place of residence and occupation?

Ans. My name is Daniel Sexton. my age about 37. I reside in San Gabriel. I am a farmer

2d Ques. How long have you lived in California

Ans. I have lived in this part of California. County of Los Angeles since the fall of 1841.

3d Ques. Do you know or not Henry Dalton the appellee in this case.

Ans I do.

4th Ques. How long have you known him

Ans I have known him since the latter part of 44 or beginning of 45

5th Ques. Do you know how long he has resided in California

Ans Yes. since the latter part of 44 a beginning of 45.

6th Ques Do you know the country of his birth?

Ans He has frequently to to me. he was an Englishman.

7th Ques Do you recollect the last time he told you so?

Ans Yes. In may I think it was in 1847. I was coming in company with Mr Dalton from Azusa to Santa Anita. He told me that he was an Englishman. that he never was a Mexican Citizen and never intended to be an American Citizen

8th Ques Do you know the tract of land in controversy in this case

Ans. I know it perfectly well. It lies East from the Mission of San Gabriel about a mile or a mile and a half from that mission

9th Ques How long have you known it

Ans. I have known it since 1841. There is not a year since that time that I have not travelled over it except the year 1849.

10th Ques What was the condition of that land as to its occupation during the year 1845

Ans I passed by there in 845. and there was a corral which I understood Mr Dalton had built. but there was no gate put to it. no fastening and I don't think it was ever used.

11th Ques When was the land first occupied and by whom?

Ans. It was never occupied by Mr Dalton, nor by any person in his employ that I know of The first occupation was by the squatters or settlers The first occupation was since the year 1848 since the gold mines were discovered.
It was unoccupied when I left for the Gold mines in the Spring of 1849. and when I returned there was people living on the land
It has been continued to be occupied up to the present time by some five or six families.

12 Ques How many claimed the land under preemption

Ans about five a six claiming under
preemption

13 ques Describe the character of the land

Ans It is all good arable land, ~~suitable~~
~~for cultivation by Indians~~ most of which
appears to have been under cultivation by
the ~~Indians~~ Mission

14 ques Was that good arable land suitable for
cultivation by Indians in the years 44 & 45-
46. and was it deficient in water at
that time?

Ans It was suitable land for Indians and well
irrigated at those periods as the ditches show
that the lands have been mostly cultivated

15th ques. How much of that land was irrigable
in those years

Ans The whole of it from the waters of San Gabriel

16th ques Do you know the Rancho of Azusa

Ans I do

17 Ques. Who claimed that Rancho in 44 or 5.

Ans Henry Dalton

18th Ques Where is it?

Ans. It is on the east side of the San Gabriel
River on East from and adjacent to
San Francisquito

19th ques Do you know about the extent of that
Rancho of Azusa

Ans I do not positively but have understood it was three leagues

20th Ques. Do you know how much of the Azusa Rancho is irrigable

Ans I should suppose that one half of this Rancho could be irrigated

21st Ques From what source

Ans From the River San Gabriel

22d Ques About how far is this land from the sea Coast

Ans On a direct line I should suppose it was about 28 miles or 25 miles

Cross examined by Counsel for appellee

Ques. Previous to the year 1845 did you ever know of your own knowledge of any of this land being irrigated if so by whom

Ans I did not

Ques How do you know that it had ever been cultivated or irrigated

Ans By the ditches which shewed that the land had been irrigated & cultivated

Ques. By what waters did they appear to have been irrigated.

Ans. By the waters of the San Gabriel and the water from the mountains.

Ques. From what place do you know the Rancho of Azusa to be watered

Ans From the same River

Ques. About what a tract of Azusa did you know to be irrigated.

irrigated.

Ans. A small tract about 20 acres. irrigated by Luis Arenas

Ques. How far above the Rancho of San Francisquito do the waters of the San Gabriel sink in dry weather

Ans. In dry weather the River sinks about the upper line of San Francisquito as it runs thru through a bed of sand.

Ques Was not this ditch discontinued when you first came to the country.

Ans It was.

Ques Were not all the ditches leading to the San Francisquito Ranch discontinued before you came to the country.

Ans They were.

Reexamined

Ques. When you say the ditches were discontinued what do you mean?

Ans That they were not used for irrigation, that there was no water running in them at that time.

(Signed) Daniel Sexton

Taken in open Court this 15th of Sept. 1855.

C. E. Carr
Clk

I Charles E. Carr Clerk of the District Court of the United States for the Southern District of

California, hereby certify the above and foregoing to be a true and correct copy of the original deposition on file in my office

In testimony whereof I have hereunto set my hand and affixed the seal of said Court at Los Angeles this 25th day of February A.D. 1856

C. E. Carr
Clk.

No 121

U.S. Dist. Court
South Dist. of Iowa

Henry Patton
appellee
vs
The United States
appellants

Certified Copy of Deposition
of Daniel Sexton taken
in Case No 22.

Filed Feby 25 1856
C. E. Pan
Clk

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

Henry Dalton,
Appellee
vs
The United States
Appellants

Case No. 121.
"Azusa" etc.

This cause coming on to be heard on Appeal from the final decision of the United States Board of Land Commissioners to ascertain and settle the private land claims in the State of California, under an Act of Congress, approved March 3d 1851; on a Transcript of the Proceedings and Decision of said Board, and of the Papers and Evidence upon which said Decision was founded; and it appearing to the Court that said Transcript and the Notice of Appeal have been duly filed according to law, and Counsel for the respective parties having been heard;

It is ordered, adjudged and decreed that the said Decision of the said Board of Commissioners be and the same hereby is affirmed, and it is further adjudged and decreed that the claim of the above named Appellee is good and valid, and the same is hereby confirmed to him, the land of which confirmation is made being as follows;

One equal undivided third part of the lands of "San Jose," granted by Juan B. Alvarado, Governor of California to Ignacio Palomares and Ricardo Vejar on the 15th day of April 1837, and regranted by said Governor Juan B. Alvarado on the 14th day of March, 1840 to the said Palomares and Vejar and to Luis Arenas; according to the boundaries described in the grant first-mentioned and the map to which the same refers, which boundaries more fully appear from the Act of Judicial Possession, as follows; Commencing at the foot of a black willow tree, which was taken for a corner, and between the limbs of which a dry stick was placed in the form of a cross thence westerly nine thousand seven hundred (9700) varas to the foot of the hills called "Las Lomas de la Puente", taking for a land mark a large walnut tree on the slope of a small hill on the side of the road which passes from the said "San Jose" to the Puente, making a cut (Caladura) on one of its limbs with a hatchet; thence Northerly, ten thousand four hundred (10,400) varas, to the creek (arroyo) of San Jose, opposite a high hill where a large oak was taken as a boundary, in which was placed the head of a beeve, and some of its limbs chopped; thence easterly ten thousand six hundred (10,600) varas to the Creek (arroyo) of San Antonio, taking for a landmark two young cottonwoods which stand near each other, on the bank of which crosses were made; thence southerly nine thousand

seven hundred (9700) varas to the place of beginning.

Also, one undivided third part of the lands granted to Ignacio Palomares, Ricardo Vejar, and Luis Arenas, in addition to the lands above described, by Juan B. Alvarado, Governor of the Department of the Californias, according to the boundaries described in said Grant and the map to which the Grant refers; to the extent of one square league of land and no more within the boundaries given in the Act of Judicial Possession; ~~Commen~~ as follows, to wit, Commencing at an oak which is a landmark in the ancient western boundary of "San Jose"; thence westerly five thousand varas (5000) to the point of a small hill, where a land-mark was placed, thence northerly, five thousand (5000) varas to a small red hill called the "Loma de San Felipe", which was designated for a landmark; thence Easterly, five thousand (5000) varas to the old boundary of San Jose.

And also, all the lands granted to Luis Arenas, by Manuel Jimeno Governor pro tem. of the Department of the Californias on the 8th day of November, 1841, to the extent of one square league of land and no more, within the boundaries described in the Grant and Map to which the said Grant refers, to wit, the Sierra on the north, the western line of the lands last above described on the ~~West~~ East, the road of San Jose on the South, the River of Azusa and the boundary of Andres Duarte on the West.

Chas. L. Ogier
U. S. Dist. Atty

Case No. 121.
U. S. Dist. Court
Dist. of Cal.
Henry Dalton
Appellee
vs
The United States
Appellant
Decree —
Filed March 6th 1856.
Chas. Chan Clerk
by C. Morgan
Deputy
Recorded in book 112

121 SD
PAGE 135

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

United States
vs
Henry Dalton

Case No 121
Transcript No 364

In pursuance of a notice from the Attorney General of the United States hereunto annexed it is hereby stipulated and agreed that by consent of Parties an Order of this Court may be Entered ~~of General~~ in this case, vacating the order of appeal heretofore granted in this case; and that the claimant have to proceed under the decree of this court heretofore rendered in his favor as ~~a~~ final Decree.

J. R. Scott
Atty for Claimant

P. Ord Distrct Atty

No. 121.

Henry Dalton
Appellee
ads
The U. States
Appellants

Stipulation

Filed 4 June 1857
A. D. Taylor
Dep. Clk

California Land Claims.
Attorney General's Office
27 Jany 1857.

Sir:

In the case of the claim of Henry Dalton, confirmed to the claimant by the Commissioners, case no. three hundred and sixty-four, (364), appeal will not be prosecuted by the United States.

I am,
Respectfully,
Cushing

Pacificus Ord Esq
U. S. Attorney,
Los Angeles.

No. 121

121

Filed 4 June 1902
A. S. Taylor
Dep. Clk.

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

CITY AND COUNTY OF LOS ANGELES--STATE OF CALIFORNIA.

Henry Dalton, appt.
vs.
The United States, appt.

Docket No. 121.

Transcript No. 364

121 SD
PAGE 140

TO THE HON. ISAAC S. K. OGIER, JUDGE:

The Petition of **Pacificus Ord**, *a resident of said City, County, and State, Attorney of the United States for the Southern District of California, who petitions in this behalf for the United States, and being present here in Court, in the name and behalf of the United States, represents as follows: That heretofore, to wit: on or about the 29th day 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, when sitting as a Board, claiming a tract of land called Azusa situate in the County of Los Angeles — State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the 31st day of January A. D. 1854, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 8th day of November A. D. 1854, a duly certified transcript of the proceedings and decision of the said Commissioners in said cause, and the papers and evidence on which the said decision was founded, 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. 364; reference to which it is prayed may be had and made part of this petition. That on or about the 13th day of September A. D. 1854, the Honorable Caleb Cushing, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and*

evidence on which said decision was founded. That thereafter, to wit: on about the 27th day of February A. D. 1855, the said Attorney-General of the United States filed, or caused to be filed, in behalf of the United States, a notice with the Clerk of said District Court of the United States, that the appeal in said cause from the said decision of the said Commissioners, in the District Court of the United States for the Southern District of California, would be prosecuted by the United States. Your petitioner further represents, that the land claimed, as aforesaid, is situate in the Southern District of California, and within the jurisdiction of this Honorable Court. Your petitioner further represents and insists, that the said claim is invalid; and the said decision of said Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for many errors and imperfections of law and evidence, apparent in said certified transcript of the proceedings and decisions of said Commissioners in said cause, filed and appealed from as aforesaid. And your petitioner denies all and singular, each and every allegation in the said petition of said claimant, presented as aforesaid to said Commissioners. And your petitioner further denies that the said claimant has any valid right or title to said land claimed as aforesaid, or any part thereof.

And no sufficient proof having been made of the allegations in said petition to said Commissioners, or in support of the said claim, no decision confirming the same should have been made by said Commissioners; but the

said claim should have been rejected by them. And the said claimant, having no valid right or title derived from the Spanish or Mexican Governments, to the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by, and it now belongs to the United States, by virtue of conquest, and the Treaty of peace, friendship, limits and settlement, between the United States and the Republic of Mexico, made at the City of Guadalupe Hidalgo, February 2d, A. D. 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 3d, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said claimant, or his attorney may be served with a copy of this petition; and that this Honorable Court will review the said decision of said Commissioners, and reverse the same; and decide on the validity of the same, and decree the alleged title to be invalid: with costs and general relief.

P. Ord

Attorney of the United States for the Southern District of California.

No 121.

U S Dist Court.
South Dist of Cal.

Henry Dalton
appee

vs.

The United States.
appl.

Petition for review.

Filed Nov 8th 1855

J. Hare
Clk

P. D. Wendte

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

Henry Dalton
Appellee
vs
The United States
Appellant

No. 121.
"Azusa"
Transcript No. 364

121 SD
PAGE 144

It being suggested to the Court, that the survey of the land claimed in this case, made under final decree, and approved by the United States Surveyor General for California, does not conform to said decree, and is erroneous, and that said survey will be to the injury of the party applicant; on application of J. R. Scott, attorney for the claimant,

It is ordered, That the said Surveyor General return to this Court the plat of said survey and that the claimant be allowed twenty days from and after the return thereof, to file exceptions thereto; and it is further ordered, that a certified copy of this order be served upon the said Surveyor General for his information.

Thus done and signed in open Court
This day of AD 1860.

No. 121.

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

Henry Dalton
Appellee

ads

The United States
Appellant.

Order to return Survey.

Filed in Office this
the 6th March 1860
C. Sims
Clk

A. R. Scott,
Atty for Appellee.

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

Henry Dalton — No 121
appellee
vs — "Azusa"
The United States
Appellant. — Transcript No. 364.

Now comes the above named appellee, Henry Dalton, by ~~J. R.~~ Shaw & Scott, his atty, and represents to the Court that the lands called Azusa, claimed in this case have been finally confirmed, and a survey of the premises claimed, has been, as he is informed and believes, made and approved by the Surveyor General of the United States for California; but suggests to the Court that such survey is not made in conformity with the final decree in the cause, and that the party making this application will be injured thereby.

And he therefore moves the Court to grant an order, directing said Surveyor General to return such survey into this Court forthwith for its further action.

Shaw & Scott
Attorneys for Appellee

No. 121.

In U. S. Dist. Court
South Dist. California

Henry Dalton
Appellee
ads
The United States
Appellant.

Motion to return plat
of Survey —

Filed in Office this
the 6th March 1862
C. Limsch

J. R. Scott.

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

Henry Dalton
Appellee
vs
The United States
Appellant.

No. 121
"Azusa"
Transcript 364

Now comes the above-named Appellee, Henry Dalton, by J. R. Scott and J. H. Lander his attorneys, and suggests that the survey of the lands claimed in this cause has been approved by the Surveyor General of the United States for California, and that said survey is not in conformity with the final decree in this case, and that the Appellee, the party now making this application, will be injured thereby;

And the said Appellee therefore prays for an order of this Hon. Court or of the Judge thereof, that the said Surveyor General return said survey into this Court for its further action.

J. R. Scott.
& James H. Lander
Attorneys for Appellee.

No 121.

In U. States Dist. Court
Southern District

Henry Dalton
Appellee

vs

The United States
Appellants

Application for return
of Survey

Filed this 17th Sept
1860

C. Sims
Cl

121 SD
PAGE 149

J. R. Scott
J. A. Landers

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

Henry Dalton
Appellee
vs
The United States
Appellant,

No 121
"Azusa"
Transcript 364

121 SD
PAGE 150

It being suggested to the Court that the Survey of the land claimed in this case, made under final decree, and approved by the United States Surveyor General for California, does not conform to said decree and is erroneous, and that said Survey will be to the injury of the party applicant; on application of J. R. Scott and J. H. Lander, attorneys for the Claimant,

It is ordered,

That the said Surveyor General return to this Court the plat of said Survey and that the Claimant be allowed twenty days from and after the return thereof, to file exceptions thereto; And it is further ordered, that a certified copy of this order be served upon the said Surveyor General for his information.

No 121.

In U. S. Dist. Court
South. Dist. Cal.

Henry Dalton
Appellee
vs
The United States
Appellt.

Order to return Survey.

Filed this 17th Sept
1860

C. Sims
Clk

121 SD
PAGE 151

D.R. Scott
H.W. Sander

UNITED STATES DISTRICT COURT,
FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

Henry Dalton appellee
vs
The United States appellant

No. 121.

("Azusa")
Transcript 364

121 SD
PAGE 152

It being suggested to the Court that the survey of the land claimed in this case, made under final decree, and approved by the U. S. Surveyor General for California, does not conform to said decree and is erroneous and that said survey will be to the injury of the party applicant.

on application of J. R. Scott & J. H. Landers, attys for the Claimant it is ordered that the said Surveyor General return to this Court the plat of said survey, and that the Claimant be allowed twenty days, from and after the return thereof, to file exceptions thereto; and it is further ordered that a certified copy of this order be served upon the said Surveyor General for his information.

I. S. K. OGIER, U. S. District Judge.

UNITED STATES OF AMERICA, SOUTHERN DISTRICT OF CALIFORNIA.
COUNTY OF LOS ANGELES.

I, C. Sims, Clerk of the United States District Court for the Southern District of California, do hereby certiy that the above and foregoing is a full true and correct copy of the original order, made and entered on the 17th day of September 1860, in said case, No. 121 on the docket of said Court, wherein Henry Dalton is claimant against the United States, as appears of record in my office.

In witness whereof I herewith set my hand and affix the seal of said Court this the 22nd day of September 1860.

C. Sims, Clerk.

UNITED STATES OF AMERICA,
SOUTHERN DISTRICT OF CALIFORNIA.
THE PRESIDENT OF THE UNITED STATES,
To. J. W. MANDAVILLE, U. S. Surveyor General, for California—Greeting:

You are hereby notified that the United States District Court, for the Southern District of California, at the August Term of said Court, 1860, in case No. 121 on the docket of said Court, wherein Henry Dalton is claimant against the United States, made and caused to be entered an order, of which the above and foregoing is a certified copy herewith transmitted to you for your information, and you are hereby required to take notice of the same.

Witness the Hon. ISAAC S. K. OGIER, Judge of the United States District Court, for the Southern District of California, this the 22nd day of September 1860.

Attest my hand and the seal of said Court the day and year last above written

C. Sims, Clerk.

No 121

I hereby certify that I have this day made personal service of this order on J W Mandeville U.S. Surveyor Genl for California by leaving with him a copy of the same San Francisco Oct 3rd 1860 James C Pennie U S Marshall by A W Buchanan Dept Marshall

Filed this 10th day Oct 1860

J Sims Clk

Marshals fees
for service $2,00
" mileage 30,00

In the Dist Court of the U States South^n Dist of California

Henry Dalton vs The United States	No 121 "Azusa."

It is agreed and stipulated that the Claimant may have until December 30th 1860, in which to file his Exceptions to the Survey returned into Court by the U States Surveyor General

J M Ketchell
U S Dist Atty

Case 121

U. S. Dist. Court.

Henry Dalton

vs

The United States

Stipulation

Filed this 18th

Nov. 1860

C. Sims

Clk

In the Dist Court of the United States
Southern Dist of California.

Henry Dalton
vs
The United States

121.
Ainza —

Now comes the Claimant by J R Scott & H W Sander his attys and prays the Court to be allowed further time, until Dec 30th 1860 wherein to file his exceptions to the plat of Survey returned by the U S Surveyor General and filed in this Court —

J R Scott
James H. Sander
Attys for Claimt

121

In U.S. Dist. Court
South Dist. - Cal.

Henry Dalton

vs

U. States -

Motion for further
time to file exceptions
to survey

Filed this 18th day Dec.
1860

Sims
Clk

2

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

Henry Dalton
vs
The United States } No 121.

Now comes the above named Claimant, and Appellee herein, Henry Dalton and files his exceptions to the survey of a portion of the lands claimed and confirmed in the case, the plat of which survey has been returned into this Court by the U. States Surveyor General; in manner following,

He excepts to each and every line of said survey as marked on the said plat; and to the whole location of the lands ~~in said~~ said plat, and in lieu thereof claims the following as a location and survey of that part of the lands claimed in this case which was granted to his Ancestor by the Grant of the Governor pro tempore of the Californias, Manuel Jimeno, of date November 8th 1841, on file in this Case - averring that the whole of the lands included within the lines he now claims, are within the limits of the said Grant -

Commencing at Kin, which claimant is informed by Antonio F. Coronel one of the assisting witnesses in the Judicial Possession given of the lands

which information he believes true, is the hill called "San Filipe", ~~and was of~~ mentioned in the papers and records in this case as one of the boundaries of these lands; and said by said Coronel, which claimant believes true, to have been a point in the judicial possession aforesaid;

1 Thence, S 5¼, E to Hill of Arena 48.04 chains,

2 Thence S 29°42' E, in a direction to the Lomita Colorada, which as claimant is informed by said Coronel, which he believes true was a point in said judicial possession, and mentioned in the records herein as a boundary. but shortening the distance and not running to said Lomita Colorada or small red hill, in order to avoid excess of quantity; distance 174.07 chains,

3. Thence, S 64°16' W, 211.41 chains to road from Mission of San Gabriel to San Jose, mentioned in the grant as a boundary, and where east^n boundary of claimants olive field joins road.

4 Thence, along northern side of said road N 89°47' W. 93.64 chains,

5 Thence North 10 chains,

6 Thence N. 26°37' E 262.94 chains,

7 Thence N 7°01' E 163.68 chains

8 Thence N 68°18' E 27.14 chains.

9 Thence South 10 chains to old tanna or dam.

10 Thence West 5.13 chains
11 Thence South 71.57 Chains
12 Thence S. 45°02' E 40.18 Chains
13 Thence S 37¼° E 9 chains.
14 Thence S 22° E 4.85 chains to place of beginning

Station 5 on Station at which the Course above numbered 4 ends, and the course above numbered 5 commences, being a Section Corner of the U. States Surveys, to wit, of Sections 8, 9, 16 and 17, of Township 1 South Range 10 West, San Bernardino Base line & Meridian

The courses above being the true courses, using a correction for easterly magnetic variation of 14 degrees. and the same & the distances being according to the information to claimant given by George W Lift, which claimant believes true.

And claimant says that according to the information given him by said Coronel, and which he believes true, the hill marked on the plat of the Surveyor General filed in Court as the hill of San Felipe, is not the hill of San Felipe, but that the same is as appears in the above survey now claim

And claimant, says, that he will be greatly damaged should the patent for the lands claimed under the grant upon said issue according to the plat re-

turned into Court by the Surveyor General, and prays that the survey and patent be decreed to conform to the lines above claimed.

James H. Landers
Claimt's Atty.

United States of America
Southern Dist California

Henry Dalton the Claimant in the above case being duly sworn, says he has heard the foregoing exceptions read and knows the contents thereof and that the same is true of his own knowledge except the matters therein stated on information and belief and as to those matters he believes them to be true.

Sworn to & subscribed before me this 29th day of December 1860

Henry Dalton

J. Sonn Clk
By John D. Wheelock

To/

Joseph R Citchee Esqr
U.S. Dist Atty
Ndn Dist Calif

Sir

Take notice that the above exceptions will be brought to hearing before the Court in 30 days after the ~~hearing~~ service thereof on you or so soon thereafter as Counsel can be heard.

James H. Lander
Atty for Claimant

121 —

U. S. Dist Court

H. Dalton

vs

U. States

Exceptions to Survey

Filed Dec 29, 1860

L. Sonne clk

by John C. Whaley Dep

In District Court of United States
for Southern District of California

Henry Dalton — No 121
121 SD — Appellee
PAGE 164 — vs — "Bruce" &c
The United States
Appellants

In this cause on motion of Appellee, and no objection being made by the Appellants, It is ordered.

That the Appellants have ~~four~~ thirty days wherein to file their objections to amendments to survey of the land in this case filed from the U.S. Surveyor General's office.

Hetchen M. Haight
U. S. District Judge
Southern District of
California —

No. 121

U. S. Dist Court
South Dist Ala

Henry Dalton
vs
The United States

Order for leave to file
Exceptn

Filed Oct 2 1862
John D Wheeler
Clk

In the United States District Court
Southern District of California

Henry Dalton
vs.
The United States

To
B. C. Whiting Esq
U. S. Dist. Atty.

Sir:

You will please to take notice that on Monday the Fourteenth day of August, A. D., 1865, at 10 o'clock a. M., or as soon thereafter as Counsel can be heard, at the Court Room of this Court, Henry Dalton the Claimant in the above entitled Cause will move the Court to vacate the Order made on the 9th December, A.D., 1864, in said Cause over-ruling the Exceptions made to the Survey herein, and the order made in said Cause on July 10, 1865, that the Maps be forwarded from the files of this Court and returned to the U. S. Surv. Genl., and will move the Court to set aside and modify the said Survey in order to conform the same to the re-

quirements of the Decree of Confirmation herein and the election of the Claimant

Said Motion will be founded upon the Affidavit, a Copy of which is hereto annexed, and will be based upon the papers on file, and on the grounds set forth in the Exceptions heretofore made by the said Claimant to the said survey.

San Francisco
July 31-1865

J. B. Felton
Atty for Claimant

In the United States District Court
Southern District of California

Henry Dalton
v.
The United States

State of California
City & County of San Francisco } ss. —

F. L. A. Pioche being duly sworn makes oath that he is interested with the Claimant Henry Dalton in the Rancho "Aguza" which is the subject of the above entitled Cause, and is authorized by the said Dalton to represent him and to act on his behalf in the matter of the Survey thereof.

That neither this affiant nor the said Dalton had any notice or information that the Exceptions to the Survey in said Cause were to be ~~overruled~~ heard at the last Term of this Court. That neither the said Dalton nor this affiant nor any other person having any interest in the said premises was represented at the hearing of the said Exceptions by reason of a mistake or misunderstanding in reference to the Employment of an

attorney to take charge of the said matter on behalf of the said Dalton and of this affiant. That J. R. Gitchell, Esq. was employed by this affiant to superintend the matter of claiming a new survey and a selection on behalf of the Claimant and this affiant supposed that the said Gitchell was taking care of the proceedings in this Court in reference to the same. That this affiant ascertained very lately to wit on or about the 15th day of July, 1865, that action had been taken and an Order of this Court made in the premises and that the said Gitchell was not attending to the said proceedings and did not consider himself employed therein. That neither the Claimant nor this affiant nor the said Gitchell resides at Monterey nor have any Agent or attorney residing there. That this affiant now believes that the said Gitchell paid no attention to the said proceedings not from any neglect thereof but because he the said Gitchell supposed that the matter of the said survey was transferred

to J. B. Felton Esq the attorney of this affiant and that this affiant was not depending upon any further assistance from him the said Gitchell. That by reason of the mistake aforesaid and not from any other cause the Claimant was not represented in the said proceedings.

And this affiant further says that he and the said Dalton have good and substantial objections and exceptions to the survey heretofore made herein and that this notice + motion are not made for delay but in good faith. And this affiant further says that the said Dalton is not at present in the City and County of San Francisco or residing therein and this affidavit is for that reason made by this affiant.

Subscribed & sworn before me this 31 July 1865

W. S. Howard
Notary Public

F. R. a Fiche

U. S. Dist. Court
So. Dist. of Cala.

Henry Dalton
vs.
The United States

Affidavit

121

U. S. Dist. Court
So. Dist. of Cal.

Henry Dalton
"Agnea"
vs.
The United States

Notice of Motion
and
Affidavit

Due service of a copy of the within Notice and affidavit this day admitted.
August 3d 1865 —

B. C. Whiting
U. S. Atty.

Filed Aug. 3d 1865
John O Wheeler
Clk

Jno B Felton
Clt's atty

United States District Court
Southern District of California

Henry Dalton
vs
The United States

No 121, "Ogas"

On this Fourteenth day of August 1865 being part of the July Term of this Court on motion of ~~John B. Felton~~ John B. Felton Esq Attorney for Claimant after notice to the United States District Attorney, in pursuance of the order made at the last term of this Court, It is ordered that the order made herein on December 9th 1864 overruling the exceptions made to the Survey in the ~~with~~ above entitled Cause be and the same is hereby vacated and set aside, and ~~it is ordered that the maps in said cause be returned to the files of this Court pending the of fice of the United States Surveyor General~~ and that the order made ~~of~~ on July 10-1865 ordering the maps in said cause to be returned to the Surveyor General's Office be and the same is hereby vacated and set aside and that the said maps be returned to the files of this Court pending office of the Surveyor General

And on motion of John B. Felton Esq it is ordered that the Claimant

have ~~Leave~~ leave within 30 days from date to file any further exceptions to the Survey.

And it is further ordered that Parties have leave to take such evidence as they may deem necessary in the Matter of the said Survey & of the exceptions thereto.

It is ordered that a ~~certified~~ Copy of this order be transmitted by the Clerk to the Office of the U. S. Surv Gen

No. 121
U. S. Dubuque
South Dakota

Henry Dalton
v
The United States

Order for the return of
Plat on rehearing

Filed Aug. 14. 1865
John S. Wheeler Clk

121 SD
PAGE 175

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

Henry Dalton
v.
The United States

On reading and filing the affidavit of F. L. A. Pioche hereto annexed, and on motion of Edward J. Pringle, of Counsel for Claimant,

It is Ordered that the claimant have twenty days from this date in which to file his amendments to the Exceptions to the Grazing in the above Entitled Cause.

Sept.r 13th 1865

J. M. Wright
Dist. Judge of U. S. for
Southern Dist of California

U.S. Dist. Court
Southern District
of California

Henry Dalton
vs.
The United States

Order

~~Stay of pro~~
add'l time to file
amd'ts

Filed Sept 13/65
John D Wheler
Clk

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

Henry Dalton
vs
The United States } No 121

Now comes the above named Henry Dalton the Claimant and appellee herein and by leave of the Court first heretofore had and filed this his amended exceptions to the survey of the lands claimed and confirmed in the case the plat of which survey has been returned into this Court by the United States Surveyor General.

The Claimant excepts to each and every line of that portion of said survey marked "addition to San Jose" on said plat and to the whole location thereof and in lieu thereof claims the following as a location and survey of that part of the lands claimed as the Addition to San Jose alleging that the whole of the lands included within the lines he now claims are within the limits of said grant to wit Commencing at the hill called "San Felipe" which is mentioned in the decree, judicial possession and grant as one of the boundaries thereof, 1st thence running north 87¼ East 288 chains, - thence south 8½ West 178 chains - thence south 83 West 181 chains, thence North 29¾ West 156 chains

thence North 5¾ West to the place of beginning

And for further exceptions to said survey as returned to this Court by the Surveyor General the claimant excepts to the northern line marked No 6 in the plat marked Rancho de San Jose, and in lieu thereof claims the following as the true boundary lines of said Rancho of San Jose to wit commencing at a point in said official survey marked "Live Oak (old landmark) thence running north 8½ East 260 chains. thence East 8,50 chains.

Thence South 55 East 153 Chains
Thence North 84½ East 40 Chains
Thence North 70 East 30 Chains
Thence North 20 East 25 Chains
Thence South 81½ East 105 Chains
Thence South 23 East 10,50 Chains
Thence South 50 East 70 Chains
Thence South 88 East 32,50 Chains
Thence North 69 East 25 Chains
Thence North 72 East 123 Chains
Thence North 46 East 180 Chains
Thence South 82 East 29,50 Chains
Thence South 14 West 325 Chains to a point in said official Map of Surveyor General marked "Stake in Mound and the Claimant farther says that to the best of his information and belief all the lands within

lines now claimed are ~~included~~ within the grant, judicial possession and the decree of this Court in this case And further Claimant adopts and make part of these exceptions the exceptions to survey filed in the Office of the Clerk of this Court on the 29th day of December 1860. And Claimant says that he will be greatly damaged should the patent for the lands claimed under the grants aforesaid be issued according to the plat returned into court by the Surveyor General and therefore prays that the survey may be so amended as to conform to the lines above claimed

J. Mitchell
Atty for Clmt

J. B. Felton
of Counsel

United States of America
South Dist of California
Los Angeles County

Henry Dalton being duly sworn says that he has heard the foregoing exceptions read and knows the contents thereof and the same are true of his own knowledge except the matters and things stated on information & belief & as to those matters he believes them true

Henry Dalton

Sworn & subscribed before this 24th day of August 1865
W. H. Peterson
Justice of the peace

U S Dist Court
Southn Dist Calif

Henry Salton
ads
The United States

Exceptions to Survey

Filed Oct. 3. 65
J. Wheeler
Clk

In U. S. Dist. Court
Southern Dist. of Cala

Henry Dalton
v.
The United States

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

F. L. A. Pioche being duly sworn deposes and says that in order to prepare the amendments to the Exceptions of the Claimant in the above entitled Cause, & in pursuance of the order entered herein on August 14th 1865, he has communicated with the above named Henry Dalton in order to obtain from the said Dalton a certain survey or the notes thereof heretofore made by the said Dalton and this affiant in support of the Exceptions of the claimant; that the said Dalton resides beyond the reach of immediate postal or Express Communication and for that reason some delay has been occasioned in receiving an answer from the said Dalton. That this affiant is now informed that a certain package sent by the said Dalton in reference to the above proceedings was addressed

by him to Monterey instead of to San Francisco, and this affiant immediately on learning the same despatched instructions to Monterey to have the package forwarded to him at San Francisco, and he is now awaiting the same

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that for the reasons herein set forth this affiant has been unable to prepare and file the amendments to the Exceptions to the survey, within the time allowed by the said Order of August 1st 1865.

Subscribed & sworn to
before me this 13th Sept
1865.

Geo L Shox
Not Pub

F. R. a Broche

U. S. Dist. Court
Southern Dist
of California

Henry Dalton
v.
The United States

Affidavit

Filed Oct. 13th 1865
John D Wheeler clk

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

The United States
vs. 4. C. 131.
Henry Walton

In the matter of the Survey and location of the Rancho Augusta and additions to San José &c.

To John B. Felton Esq.

Sir:

You will please take notice that on Friday next at the opening of said Court, or as soon thereafter as Counsel can be heard, I will move the Court to dismiss the above case, and survey; first, for want of prosecution.

Second, Because the Court has no jurisdiction, to hear and determine the same under the act of Congress approved June 14th 1860, said Survey having been made and approved prior to the passage of said act, and returned into Court, under an

order of the District Court of the United States for the Southern District of California, entered on the 17th day of September 1860. Said motion will be made on the record in the Case.

Yours Respectfully.

San Francisco, August 31st 1867. } Delos Lake U. S. Atty

Service of a Copy of the foregoing made on me this 31st day of Aug. 1867.

John B. Felon
Atty for deft.

U.S. District Court
California

121. S.D.

The United States
vs.
Henry Walker

Motion

Filed Sept 16. 1867
Geo. Gilman
Clk
by Spencer
Dep

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

Henry Dalton
Appellee
vs
The United States
Appellant

Case No. 121.
Transcript No. 364.
"Azuza".

Index of Transcript.

12. Decree of concession by Gov. Alvarado, to Palomares & Vejar, of the tract called San José — order passing the same to the Deputacion for approbation — dated April 15, 1837.

13. Proceedings of approval of Grant by the Departmental Junta, dated April 16th & 19th 1837 —

13. Decree of concession by Gov. Alvarado to Palomares, Vejar & Armas for the tract called San José, with an addition of one league, dated March 14, 1840.

Between 13. & 14. Map (No 17.) of the above mentioned addition of one league —

Pages 14. to 16. Expediente in Spanish, of proceedings in favor of Palomares, Vejar & Armas for an addition of one league to the tract called San José —

14. Petition of Luis Armas for himself, Palomares & Vejar for an addition of one league to the tract called San José, made to the Prefect ad interim of the District of Los Angeles (Tapia) — dated Dec. 16, 1839.

14. Order of Prefect ad interim referring petition to Palomares & Vejar & the Administrator of San Gabriel dated Dec. 20. 1839.

14. to 15. Reports of Palomares & Vejar, the Administrator of San Gabriel & the Prefect ad interim dated respectively, Decr 21. 1839. & Jany 20. 1840.

15. to 16. Decree of concession by Gov. Alvarado to Palomares, Vejar & Arnas of the addition of one league. ~~dated~~ with order to attach the same to the original expediente in favor of Palomares & Vejar, and that it be sent to the Assembly Department for its approval dated April 11. 1840. (Should be March 11. 1840).

Pages 16 to 18. Expediente in Spanish of proceedings in favor of Luis Arnas for a further addition of one league to the land already granted.

16. Petition of Luis Arnas to the Prefect (Arguello) - dated Aug. 17. 1841. and order of the Prefect referring petition to the 2d Justice of the Peace & the Priest of San Gabriel, dated Aug 19. 1841.

16. to 17. Report of the 2d Justice of the Peace & the Priest of San Gabriel, dated respectively Aug 21. 1841. & Sept 7. 1841 — and Report of the Prefect — dated Oct 17. 1841.

17. to 18. Decree of concession by Jimeno (Gov. ad interim) to Luis Arnaz for a further addition of one league to the lands granted March 11. 1840. and that the same be attached to the Expediente of Palomares & Vejar, & that it be sent to the Departmental Assembly for its approval — dated Nov. 8. 1841.

Between p.p. 17. & 18. Map (No 18) of the last mentioned addition of one league —

" " 17. & 18. Map (No. 19.) of the Rancho of San José.

Pages 20 to 23. Translation of Expediente of proceedings in favor of Palomares & Vejar for the tract called San José —

20. to 20. Petition of Palomares & Vejar to the Gov. Alvarado for the tract called San José — dated March 27. 1837. and order of the Gov. referring

petition to the Ayuntamiento of Los Angeles — dated March 30, 1837.

21. to 22. Proceedings of the Ayuntamiento dated April 1, 7 & 8, 1837 —

22. Decree of concession by Gov. Alvarado to Palomares & Vejar of the tract called San José — order sending same to the Junta Departamental for its approval. dated April 15, 1837.

22. to 23. Approval of the Junta Departamental, dated April 16 & 19, 1837.

23. Decree of concession by Governor Alvarado to Palomares, Vejar & Armas for the tract called San José & one league in addition, dated March 14, 1840.

" 24. to 26. Translation of Expediente of proceedings in favor of Palomares, Vejar & Armas to the Prefect ad interim (Tapia) for an addition of one league to the tract called San José,

24. Petition of Luis Armas for himself, Palomares & Vejar for an addition of one league to the tract called San José, made to the Prefect ad interim of the District of Los

Angeles (Topia) dated Dec 16. 1839.

24 & 25. Order of Prefect ad interim referring to Palomares & Vejar, and Administrator of San Gabriel, dated Dec. 20. 1839.

25. to 26. Reports of Palomares & Vejar the Administrator of San Gabriel & the Prefect ad interim – dated respectively Dec. 21. 1839. and ~~Jany 26~~ Dec. 1840. (showed be Jany 20. 1840).

26. Decree of concession by Gov. Alvarado to Palomares, Vejar & Armas of the addition of one league, to the tract called San José – with order to attach the same to the original Expediente of Palomares & Vejar, and that it be ~~attached~~ sent to the Junta Departamental for its approval, dated ~~January~~ March 11. 1840 –

Translation of

Pages 27 to 29. Expediente of proceedings in favor of Luis Armas for a further addition of one league, to the land already granted,

27. Petition of Luis Armas to the Prefect (Arguello). dated Aug 17. 1841 –

27. to 28. Order of the Prefect pertaining to the 2d Justice of the Peace & the Priest of San Gabriel, dated Aug 19. 1841.

28. to 29. Report of the 2d Justice of the Peace & the Priest of San Gabriel and the Prefect – dated respectively Aug 21. 1841 – Sept 17. 1841. (shown by Sept 7. 1841.) and Oct 17. 1841.

29. Decree of concession of Jimeno (Gov ad interim) to Luis Arnaz for a further addition of one league, to the lands granted March 11. 1840. and order that the same be attached to the Expediente of Palomares & Vejar, and that it be sent to the Departmental Assembly for its approval – dated Nov 8. 1841.

Page 30. X Original Grant in Spanish by Gov. Alvarado
⊖ to Palomares & Vejar for San José – dated April 15. 1837 –

" 31. X Approval of the Assembly – dated April
⊖ 19. 1837 –

" 32. 33. & 34. X Testimonial of judicial possession in
⊖ Spanish. by José Sepúlveda, Alcalde, dated Aug 2d & 3d. 1837.

P.P. 35. to 36. Original Grant in Spanish by Gov. Alvarado
to Palomares, Vejar & Armas for San José and an addition
of one league to the said tract called San José,
dated March 14, 1840. and certificate of
record in the office of Secretary of State &
the Prefecture of the 2d District - dated
April 20, 1840.

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" 36. to 39. Testimonial of possession in Spanish, in
favor of Palomares, Vejar & Armas, by
Felipe Lugo first Justice of the Peace, of the
addition of one league to the tract
called San José - dated April 3d & 7th May, 1840 -

" 40. & 41. Original Grant in Spanish by Gov. Jimeno
(Gov. ad interim) to Luis Armas of the
addition of another league, to the land
theretofore granted - dated Nov. 8. 1841,
and certificate of record in the office
of the Secretary of State & Prefecture of the
2d District - dated Feby 9, 1842.

" 41 to 43. Testimonial of possession, in Spanish,
by José L. Sepulveda, Alcalde, in favor
of Luis Armas, for the last mentioned
addition of one league - dated April
26th & 27th 1842.

" 44. to 51. Deed, in Spanish, from Luis Arenas to Henry Dalton of the tract called "Azuza", dated December 24. 1844. executed before Manuel Requena Alcalde.

" 52. to 57. Copy from the archives of the Juzgado of Los Angeles of the testimonio of partition of the above mentioned tracts of land, between Palomares, Vejar & Henry Dalton, in Spanish — dated from Nov 17. 1845. to Feby 10. 1846 —

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Between 57. & 58. Map (No 20). of the division of the lands called San José and Azuza between Palomares, Vejar & Dalton, made by Jaspar O'Farrel, Surveyor —

P.P. 58. to 59. Translation of Grant by Gov. Alvarado to Palomares, Vejar & Arenas of the tract called San José with the addition of one league — dated March 14. 1840. and certificate of record by the Secretary of State and the Prefect of the District, dated April 2. 1840.

" 60 to 62. Translation of judicial possession by Felipe Lugo of the addition of one league to the tract called San José in favor of

Palomares, Vejar & Armas — dated 7th May 1840.

" 63 & 64, O — Translation of Grant by Manuel Jimeno (Gov. ad interim), to Luis Armas, of the last mentioned addition of one league — dated Nov. 8, 1841. and certificates of record in office of Secty of State & Prefecture of 2d District. Feby 9, 1842.

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" 65 to 67, O. — Translation of testimonio of possession in favor of Luis Armas for the last mentioned addition of one league, given by Jose L Sepulveda, Alcalde, dated April 26th 1842.

" 68 to 75. — Translation of testimonio of division of the Ranchos San Jose & Azusa, between Palomares, Vejar & Dalton, by Juan Gallardo, Alcalde, dated from Nov 17, 1845 to Feby 10, 1846.

" 76 to 79. X — Opinion of the Commissioners —

" 80 & 81. X — Decree confirming the claim —

No. 121.

U. S. District Court
Southern Dist of California

Henry Dalton
Appellee
vs
The United States
Appellant.

Brief of Transcript.

W. Dalton
4
M. J.

The two maps returned herein by the Surveyor Genl. I have this day taken to place them in his custody pursuant to the decree of dismissal of the proceedings this day entered.

Edmund L. Gould

Nov 21. 1864