

CASE No.

22

SOUTHERN DISTRICT

SAN FRANCISQUITO GRANT

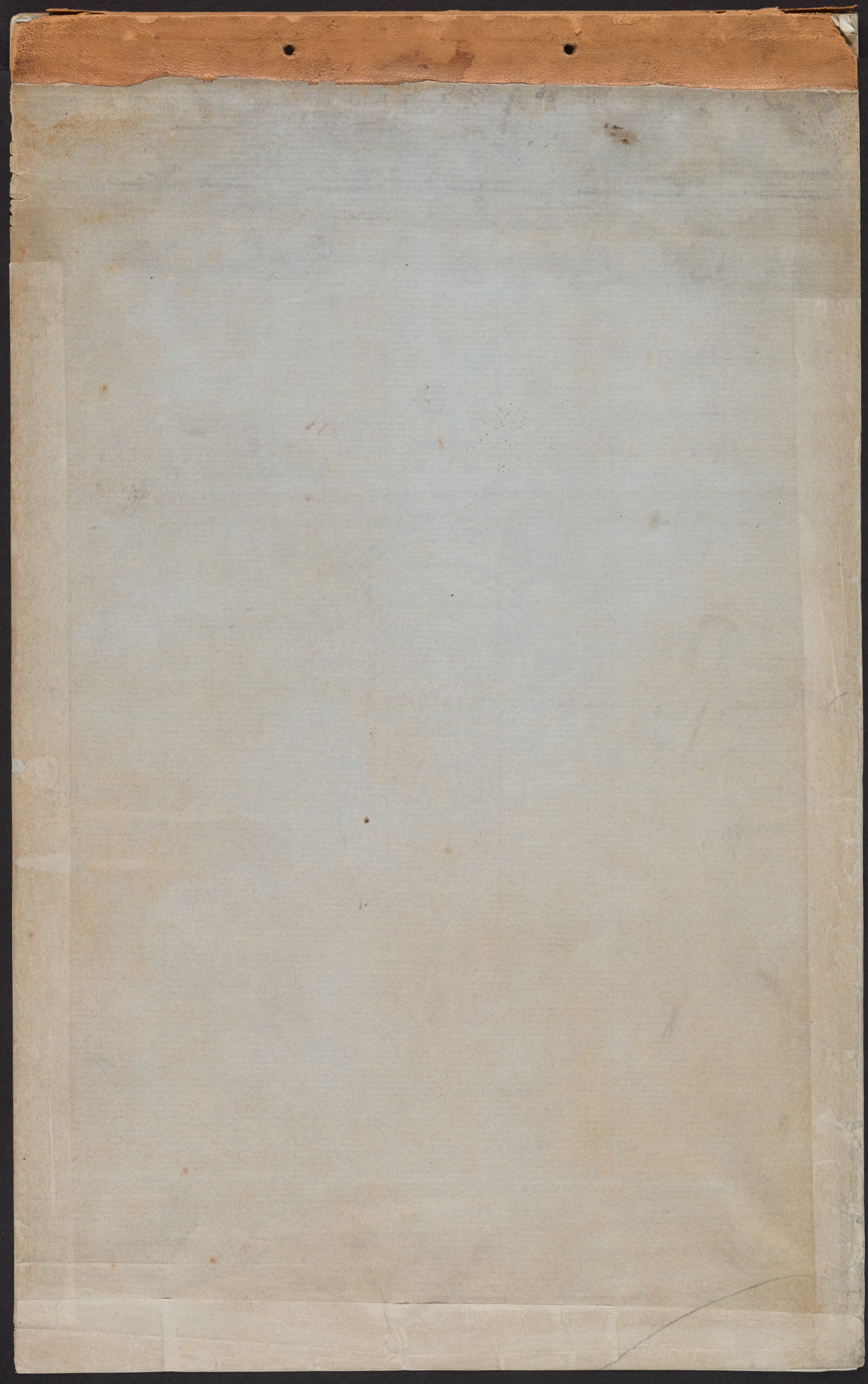
HENRY DUTTON

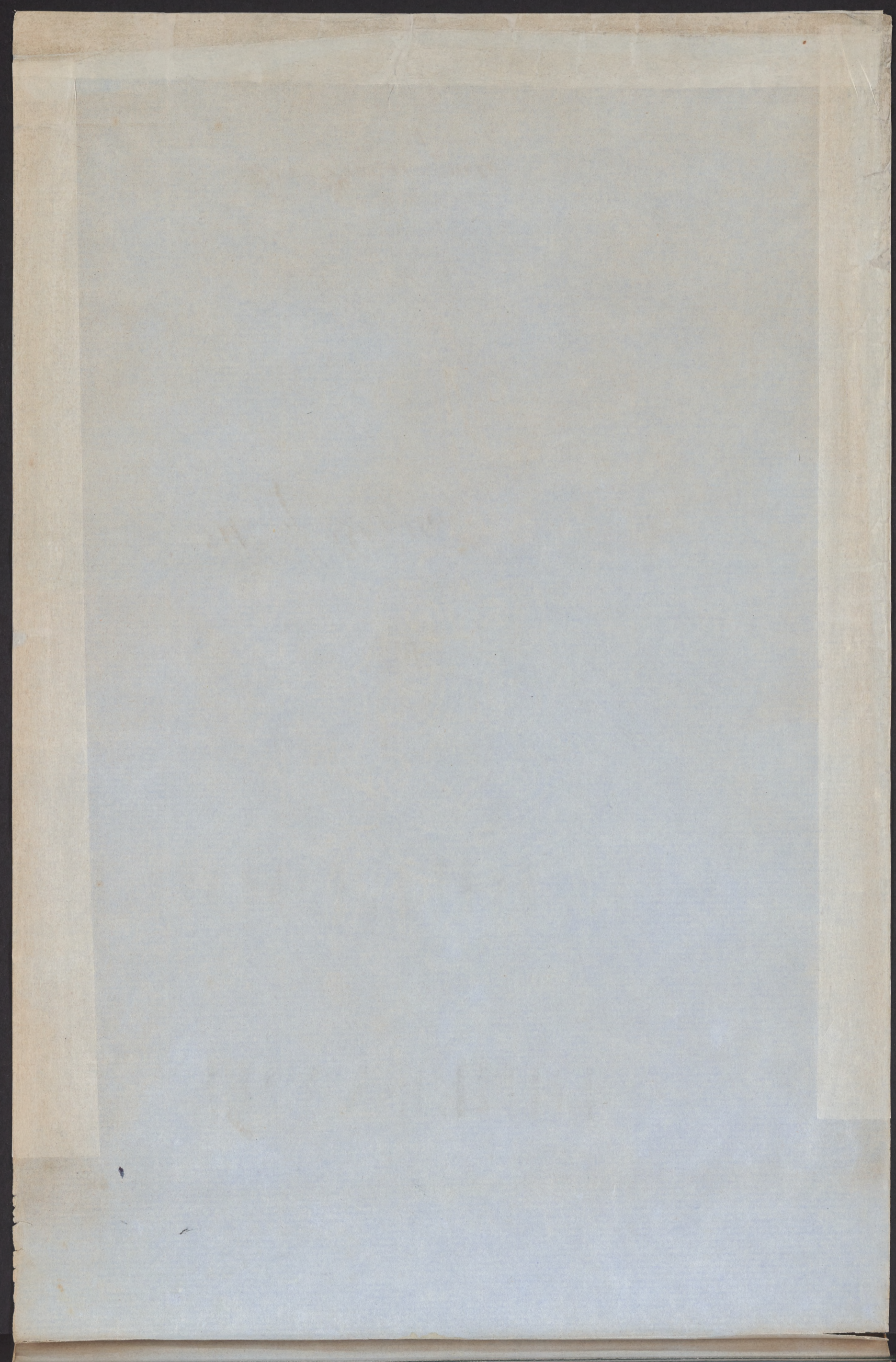
CLAIMANT

LAND CASE 22 SD PAGES 134

FEB 12 1963

U.S.A.
SPIN COTTON FIBER
BLOOMER BOND
Manufactured





TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. 331

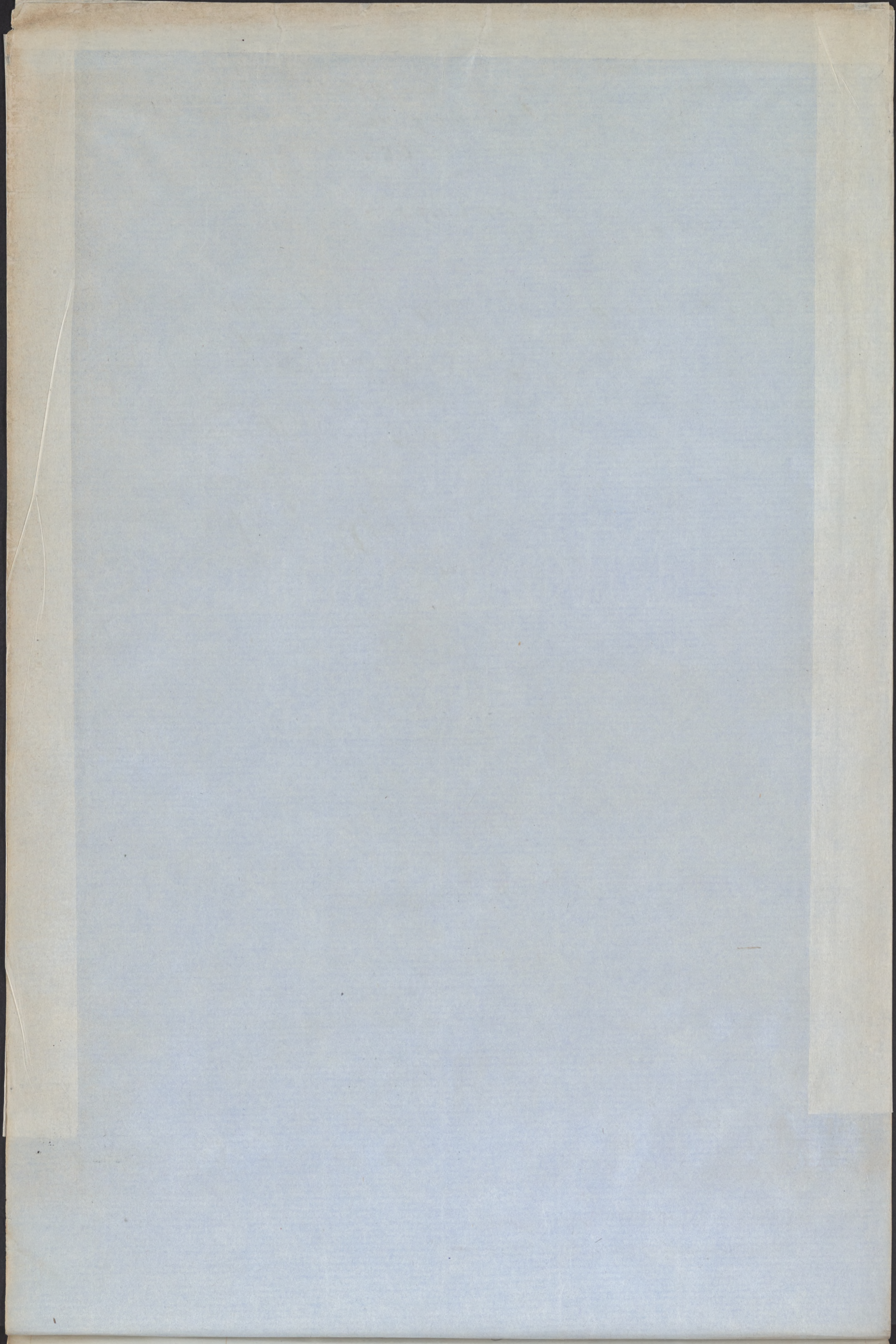
Henry Dalton CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"San Francisco"



331

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this tenth day of 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 Dutton for the Place named "San Francisco" was presented, and ordered to be filed and docketed with No. 331 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 Sept 21st & 22. 1852

In case N^o 331 Henry Dutton for the place named "San Francisco", the Deposition of Manuel Requena a witness in behalf of the claimant taken before Commissioner Melinda Hall with annexed Document marked N^o 1 was filed and is in the words and figures as follows to wit
(Vide page 4 of this Transcript.)

Los Angeles October 8th 1852

In case N^o 331 Henry Dutton for the place named "San Francisco", the Deposition of Juan A. Alvarado a witness in behalf of the

declaimant taken before Commissioner Melana Keale was filed and is in the words and figures as follows to wit
(Vide page 6 of this Transcript)

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Los Angeles October 17th 1852

In Case N^o 331 Henry Dalton for the place named "San Francisco" the learned for the claimant moved to place this case upon the Trial Docket - Motion taken under advisement

San Francisco Feb. 28th 1853.

On motion of the United States Associate Law Agent, it was ordered that case no. 331, Henry Dalton (for the place named San Francisco) be placed on the Trial Docket.

San Francisco April 11th 1853.

In Case no. 331 Henry Dalton for the place named "San Francisco" Commissioner Melan Hall, declined the opinion and the Decree of final Confirmation: which opinion and Decree are in the words and figures as follow to wit:

(Vide page 36 of this Transcript)

Los Angeles, Sept. 22^o 1853

In Case N^o 331 Henry Dalton for the place named San Francisco the Dep^o of Antonio Franco Correal was taken before Com^r Melan Hall and is as follows -
(Vide Page 5 of this Transcript)

To the Hon. the Board of U. S. Land Commissioners
appointed to settle private Land Claims in California.

Petition

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The petition of Jenny Dalton respectfully sheweth; that
he is the Claimant of the Rancho of San Francisco
consisting of two leagues of land in Los Angeles County,
a little more or less, contained within the boundaries
shown on the plan or map accompanying the papers
herewith filed and described as follows: Commencing
at the intersection of a dry creek with the road to S^{ta}
Quita, at a point marked A in said map, Thence E.
34° S. 5670 varas to the point B, Thence N. 37° E 2500
varas to a sycamore tree (aliso) marked C and branded
with petitioners brand & two others, Thence W 29° S 3890
varas to point D on the bank of the river San Gabriel
Thence following the same in its windings (direct course
S. 23° 30' W. 6980 varas) to the point E, Thence along
the Puente road (strait course W. 22° N. 7810 varas) to the
point of meeting of the old and new Puente roads marked
F, e, Thence North 5635 varas to the place of beginning;

2 That the same was granted to your petitioner by Governor
Pío Pico on the 26th day of May A. D. 1845 by virtue
of the colonization laws of Aug. 18th 1824, the instruc-
tions and regulations of November 21st 1828, and
the various laws of Mexico and the customs of the
Country affecting grants of land in California.

Your petitioner further sheweth that on or about
the 14th day of February A. D. 1846, he solicited from
the proper judicial officers possession of said land,
and that judicial possession was accordingly given
to your petitioner by Juan Ballarao Just Alcade
and Judge of Just. instance of said Los Angeles District
as by reference to said proceedings, copies of which are
herewith filed will more fully appear.

Said lands have been surveyed, and there is no
conflicting claim to it known to your petitioner. The
evidence upon which he relies are the records of this
Grant in the office of the U. S. Surveyor General,
original papers, copies of which are herewith filed,
and to which your petitioner craves leave to refer

4 as part of this petition, and the testimony of the witnesses to be produced before your Hon. Board.

Respectfully submitted for such action as the Justice and Nature of the claim may require.

E. O. Crosby
of Counsel for Claimant.

Filed in office Sept. 10th 1852.
Geo. Fisher, Secretary.

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Deposition of
Manuel Reguena.

Office of the Board of Commissioners
of California Land Claims.

Los Angeles Sept. 21st 1852.

5 On this day before Island Hall one of the Commissioners for ascertaining & settling private Land Claims in California, Came Manuel Reguena, a witness produced in behalf of the Claimant Jerry Dalton whose petition is No 331 on the docket of the Board, and was duly sworn, his evidence being given in the Spanish tongue was interpreted by the Secretary.

The U. S. Law Agent was notified & attended.

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

My name is Manuel Reguena, my age is fifty one years & I reside in the City of Los Angeles, where I have resided for the last eighteen years.

I am acquainted with the hand writing & signatures of Pio Pico, Juan Bandini, Juan Gallardo, Ignacio Coronel and Luis Jordan.

6 Their names appearing upon a paper now shown me, purporting to be the original title paper from Governor Pico to Jerry Dalton of a tract of land in addition to two leagues to two leagues known by the name of Asuson dated May 26th 1845, a receipt from Pio Pico, with an official copy of the record of the judicial possession of the same land, are of true and doubt in their handwriting and their genuine signatures;

I believe the paper is genuine & what it purports to be. The officers named in the paper held the official stations specified in the paper at the several dates where their signatures appear to have been made. Said paper is hereto attached & marked no. 1.

In answer to questions by the Law Agent the witness says that he cannot tell whether the land is within ten leagues of the sea coast or not. He does not know that the land has been in the occupation of a Mission, or that the claimant has occupied it. He is not acquainted with the land, having never been on it.

Sworn & subscribed }
Before me }
Isilard Hall }
Commr. }

Manl. Requena.

Filed in Office Sept. 21st 1852.
Sec. Fishes Secy.

Office of the Board of Comm^{rs}
of California Land Claims.
Los Angeles Sept. 22^d 1852.

Deposition of
Antonio Franco
Coronel.

On this day before Isilard Hall one of the Comm^{rs} for ascertaining & settling private land claims in California, came Antonio Franco Coronel, a witness produced in behalf of the claimant, Jenny Dalton, whose petition is No. 331 on the Docket of the Board, and was duly sworn, his evidence being given in the Spanish language and interpreted by the Secretary.

The Law Agent was notified & attended.

In answer to questions by the counsel for the claimant the witness testified as follows.

My name is Antonio Franco Coronel, my age is thirty three years & I reside at Los Angeles and have resided here fifteen years. Paper marked no. 1 and attached to the deposition of Manl. Requena taken on the 21st of September 1852 being shown me I recognize it as a paper which I saw and had in my hands, at

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the time of the giving of the judicial possession to which it relates. I am acquainted with the handwriting of Juan Ballard, Ignacio Coronel & Luis Jordan whose names are signed to said paper and these signatures are genuine. I had it in my hands a short time after it was signed. I made the map which is attached to said paper now marked D. J. — It was made from an original map on file in the Alcalde's office, and it was made for the purpose of being attached to and forming a part of the official copy of the record of the proceedings in the Alcalde's office & said original map and record should now be in the Alcalde's office

Sworn & subscribed } A. N. Coronel
 before me. }
 Melan Hall }
 Commr. }

Filed in office Sept. 22nd 1852
 Sec. Justice Secretary

Office of the U. S. Land Commission
 Los Angeles Oct. 8th 1852

Deposition
 of
 Juan A. Alvarado.

On this day before Melan Hall one of the Commissioners for ascertaining & settling private land claims in Cal^o, came Juan A. Alvarado, a witness produced in behalf of the claimant Henry Dalton, whose petition is no. 331 on the Docket of the board and was duly sworn. His evidence being given in the Spanish was interpreted by the Secretary.

The United States Law Agent was notified & attended. In answer to questions by the Counsel for the Claimant the witness testified as follows:

My name is Juan Nepomuceno Alvarado, my age is sixty three years & I reside in the County of Los Angeles and am a native of California.

I am acquainted with the Rancho San Francisco, claimed by Henry Dalton and have known

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said Dalton to have been in the occupancy of it
about six years. He built a corral on it I think
about five or six years ago, and had cattle & horses
there since

Sworn & subscribed } Juan Apomancino Alvarado,
Before me }
Island Hall }

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Filed in office Oct. 8th 1852.

Geo. Fisher

Secy.

8

1871

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W

1. O. L. K.

1845

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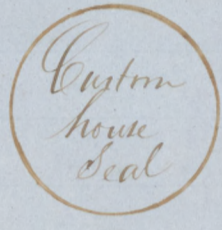
Expediente promovido por Don
Enrique Dalton en pretension de
dos Sitios de ganado mayor,
de las tierras de S^a Gabriel
inmediatas a' Arusa

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Dello Cuarto dos reales
 Habilitado provisionalmente por la Aduana
 Maritima del Puerto de Monterey en el
 Departamento de las Californias para los
 años de mil ochocientos cuarenta y cuatro
 y mil ochocientos cuarenta y cinco
 Micheltreona Pablo de la Jirra

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Como Senor Gobernador interino del
 Departamento

Angelus Marco
 13 de 1845

Informe el
 Reverendo Padre
 Fray Tomas
 Utenega Mtro
 de la Misión de
 S. Gabriel, y
 pase al Ilustre
 Ayuntamiento de
 esta Ciudad para
 q. emita el q. le
 corresponde conforme
 a las leyes y rubricas
 para los demas fines,
 haciendo saber al
 interesado q. presente
 al Gobierno el
 Correspondiente
 dictamen.

Enrique Dalton vecino de esta
 Ciudad ante V. E. en la
 mejor forma y como mas
 haya lugar en derecho se
 presenta diciendo, que como
 trato de aumentar en cuanto
 sea posible el numero de ganado
 y otros animales en el Sitio que
 ahora poseo llamado Arusa, y
 buscando de localidad para mantener
 sin muy poco numero, he observado
 q. la Misión de San Gabriel
 tiene un gran llano que colinda
 con la Puente Arusa, Andres
 Duarte, Santa Anita y la
 misma Misión sin hacer
 uso ninguno de dho Sitio.

Fue tomado a Consideracion
 las razones que expone se obra
 dignar mandar, previo las infer-
 mes de estilo que me de
 en propiedad del Sitio de ganado
 mayor de dho llano de la
 parte que corresponde en lindero
 y en aumento de mi propio Sitio
 de Arusa, estudiandome el
 Correspondiente título y protestando

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de presentar el diccionario tan luego que me don posecion
 Por tanto a V. E. pido y Suplico se digna
 acceder a esta mi Solicitud. Es gracia q. pido,
 juro no ser de malicia y lo necesario &c.

Ciudad de Nuestra Señora de los Angeles
 12 de Marzo 1845.

Enrique Dalton

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Mision de San Gabriel Mexo 26 de 1845
 3 S. D. H.

Vamo Señor

El terreno q. Solicita el S. D. Enrique Dalton
 es de los que los hijos de la Mision no pueden
 cultivar por no tener agua, y en atencion a que
 el S. D. Enrique me ofree entregar de gratifi-
 cacion quinientos pesos en efectivo que repartire
 a estos pobres Indios puebla V. E. Si lo tiene
 ha bien concedule la extension de terreno que
 demuestra el adjunto diccionario q. acco patria

Fr. Thomas Ha trio de Estrean

Here follows a map

An=

S. D. K.

Jels, Marzo 23 de 1845

Dada cuenta al Ilustre Ayuntamiento con la antecedente instancia, se mandó pasar a la Comisión de policía donde están los antecedentes para que informe.

V. Sánchez
PteY. Coronel
Srio22 SD
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Muy Ilustre Ayuntamiento

La Comisión de policía pasó al terreno que hace mención la antecedente instancia y previa citación de Colindantes, a los que siendo presentes, les manifestó la Comisión el objeto de su Sita y que se iba hacer la veduría del terreno conocido con el nombre de Sr. Francisco, por lo que procedió esta Comisión a la indicada veduría y vio que el terreno está absolutamente baldío y sin ocupación alguna, sugiriendo en consecuencia a la deliberación de V. S. el artículo siguiente.

y S. D. K.

Concedasele el terreno que solicita el Sr. D. Enrique Dalton si la Superioridad lo tubiere a bien.

Angelos Abril 12 de 1845
Leonardo Cota Basilio Valdez

Ang. Ab. 14 de 1845

Se dio cuenta al Ilustre Ayuntamiento con el dictamen que antecede y se aprobó, acordándose se eleve a la Superioridad.

V. Sánchez
PteY. Coronel
Srio

Angelo Mayo 26 de 1845

Vista la peticion con que da principio este expediente, el informe que ha sucedido y demas diligencias practicadas se le concede en propiedad el aumento de terreno al de que se le libro antes titulo y agreguese este al primer expediente para que obre los efectos correspondientes de dos sitios de ganado mayor, tomese rason en el libro respectivo y dirijase el expediente a la misma Asamblea Departamental para su aprobacion.

Po Rico vocal mas antiguo de la Honorable Asamblea y Gobernador Interino del Departamento de California asi lo mande decretar y firme. doy fe.
Po Rico Juan Bordini
Srio

Po Rico Gobernador interino del Departamento de California

Por cuanto D. Enrique Dalton ha pretendido para su beneficio personal el aumento de terreno en la estension de dos sitios de ganado mayor al rancho que actualmente posee por jointo titulo conocida con el nombre de Arusa Colindante el parage pretendido con la puente, el mismo Arusa, Andres Duarte, Sta Anita y la Mision de San Gabriel, practicadas previamente las diligencias y averiguaciones necesarias segun lo dispuesto por leyes y reglamentos usando de las facultades que me son conferidas a nombre de la Nacion Mexicana he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras segundose a la aprobacion de la misma Junta Departamental y a las condiciones siguientes
1a Podra cercarlo sin perjudicar las trabesias, caminos y servidumbres; lo disfrutara

q S.D.K.

libre y esclusivamente destinandolo al uso o Cultivo que mas le acomode cumpliendo su oficio en favor de la Comunidad, entregando la cantidad a disposicion u orden del go.^o

2.^o Solicitara del P^o respectivo que le de posesion juridica en virtud de este Despacho por el cual se demarcaran los linderos en cuyos limites pondrá a mas de las mejoras algunos arboles frutales o silvestres de alguna utilidad.

3.^o El terreno de que se hace donacion es de dos Sitios de ganaderia mayor poco mas o menos segun aplica el D^o que corre en el expediente respectivo.

4.^o Si contraviniere a estas Condiciones perderá su derecho al terreno y será denunciado por otro.

En consecuencia mando que teniendo por firme y valdero este titulo se tome razon de él en el libro a que corresponde y se entregue al interesado para su resguardo y demas fines. - Dado en la Ciudad de los Angeles a veinte y Seis de Mayo de mil ochocientos cuarenta y cinco.

Queda tomada razon de este titulo en el libro respectivo

100 S. D. K.

Angeles Mayo 8 de 1845

Dado cuenta en Sesion de hoy con este expediente a la E. Asamblea Departamental, se mando pasar a la Comision de terrenos baldios

Pio Pico

Pres.

Agustin Olvera
D.S.

Señor

La Comision de terrenos baldios a examinado con detenimiento el presente expediente promovido p.^r D. Enrique Dalton

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del aumento de terreno en las tierras de S. Gabriel inmediato a' Nueva q. le fue concedido p. el Sup. Gob. Departam. p. lo que pone a la deliberacion de V. E. la prop.^{ta} siguiente.

Se aprueba la concesion hecha a' D. Enrique Dalton de la ampliacion del terreno q. pide nombrado Nueva segun titulo librado p. el Gob. Departam. en intencion de dar sitio de ganado mayor e indemnizacion q. hizo a' la colision de S. Gab. p. aquella Comunidad de 500 \$ segun la condicion 1.^a del expresado titulo con fecha 8 de Mayo de este año en conformidad con la ley de 18 de Agosto de 1824 y reglamento de 21 de Jho de 1828
 Sala de Com. en la Ciudad de los Anj. Junio 9 de 1846
 S. Argüello

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11 S. D. K.

Office of the Surveyor General of the
 United States for California

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

In testimony whereof I have hereunto signed my name, officially, and affixed my private seal not

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having a seal of office) at the City of San
Francisco Cal, the 27th day of August
1852

Saml D. King
Sur. Gen. Cal

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Filed in office Sept 10th 1852
Geo Fisher
Sec

1852

Minutes of Proceedings instituted upon motion of Don Enrique Dalton, petitioner for two sites for neat cattle, being lands of San Gabriel bordering upon Azusa.

Translation of fac simile copy.

Exhibit D.

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Posth Seal Saw rights of one Dollar.

Issued provisionally by the Maritime Customs of the port of Monterey in the Department of the Californias for the years one thousand eight hundred and forty four and one thousand eight hundred and forty five.

Micheltorena Pablo de la Suena
S. S.

Most Excellent Sir, Governor ad interim of the Department,

Enrique Dalton, a resident of this city before Your Excellency in the most valid form and to the full intent of the Law presents himself saying; That I am endeavoring to increase as much as possible the number of Cattle and other stock upon the premises which I now possess called Azusa, and I lack land to raise more than a very small number. Meanwhile I have observed that the Mission of San Gabriel owns a large plain bounded by la Puente, Azusa, Andres Duarte, Santa Anita and the Rio Alipion, without making any use of such tract.

Wherefore I pray that taking in consideration the reasons above set forth, you will be pleased to order, after the usual reports being made, that two sites for neat Cattle be granted to me in fee on said plain next to and increase of my own tract of Azusa; and that proper Grants be made to me. I promise to present the sketch as soon as I shall receive possession. Wherefore I pray & beseech Your Excellency to vouchsafe this my petition. It is a favor that I crave, making oath that I don't proceed to make and adding the other necessary verifications.

City of our Lady of the Angels Mch 12, 1845
Enrique Dalton.

(Marginal Order on the above)
Angels March 13th 1845. Let the Rev. Father Fray Thomas Estrenga minister of the Mission of San

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Gabriel, make report; then let the matter be brought before the Illustrations Municipal Council of this city for such action as belongs to them according to law, then let return be made for subsequent purposes, the petitioner being notified to present the proper design to the Government.

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Pico

San Gabriel Mission Mar 26th 1845

Your Excellency -

The tract solicited by Mr. Don Enrique Dalton is one of those which the children of the Mission cannot cultivate, because it is deficient in water, and considering that Mr. Don Enrique offers to deliver to me as a gift five hundred dollars in goods which I will divide among those poor Indians, your Excellency may, if so pleased, grant to him the increase of land which the annexed sketch he encloses indicates.

Brother Thomas Clement Estenega

Angles March 23rd 1845

On laying the foregoing petition before the Illustrations Municipal Council, the same was referred to the Committee on Police in whose hands the foregoing documents are placed in order that it may make Report.

J^{te} Sanchez Pres.

J^{no} Coronel Sec.

Most Illustrations Municipal Council -

The Committee on Police repaired to the tract mentioned in the foregoing petition after summons to the neighbors, who being present were informed by the Committee of the object of such summons, and that inspection was going to be made of the tract known by the name of San Francisco, whereupon said Committee proceeded to make such inspection, and saw that the tract was absolutely waste and not in any manner occupied. Wherefore we submit to the deliberation

of your honorable body the following Article. —

Let the tract solicited by Don Enrique Dalton be granted to him if it so please the Superior Government.

Angels April 12th 1845

Leonardo Corta - Basilio Valdez.

Angels April 14th 1845

Said before the Illustrissimos Municipals Council the foregoing report which was approved, and further ordered to be forwarded to the Superior Government.

J^{to} Sanchez Pres.

J^{to} Coronel Sec.

Angels May 26 1845.

In view of the Petition with which these proceedings originate, the foregoing report, and other papers in the cause, full ownership is granted to him of the piece of land additional to that of which title was formerly granted to him; and let this be added to the former minute of proceedings for such purposes as may be meet. Wherefore let a proper title deed be issued to him for two sitios of neat Cattle, let the same be recorded in the proper book and the minute of proceedings be forwarded to the Most Excellent Departmental Assembly for its approval.

Pio Pico, senior member of the Hon. Assembly and Governor ad interim of the Department of this California, has so ordered, decreed and subscribed. Witness my hand.

Pio Pico

Juan Bannino Sec.

(Here occurs the Grant)

Angels May 8th 1846

Said the within before the Most Excellent Departmental Assembly in its session of today and referred to the Committee on waste lands.

Pio Pico Pres.

Augustin Olvera D. S.

Sir -

The Committee on waste lands has examined with deliberation the present minute of proceedings instituted

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instituted on motion of Don Enrique Dalton soliciting an additional grant of certain premises of San Gabriel bordering upon Azusa which was granted to him by the Superior Departmental Government. Wherefore they submit to the deliberation of Your Excellent Body the following Resolution.

We approve the grant made to Don Enrique Dalton of lands additional to the tract he owns named Azusa according to a deed of grant issued by the Government being in extent two sitios for near 38 Caltas; also the indemnity of \$500 made by him to the Mission of San Gabriel for the use of that Corporation, according to the first Condition of the said title dated 8th of May of this year in conformity with the law of August 18th 1824 and Regulation of November 21. 1828

Null of Committed at the City of Los Angeles June 9th 1846.

S. Argüello.

I certify the foregoing to be a true and correct translation from the Authenticated Fac 37 Simile Copy of the Original Spanish Document on file in the office of the U.S. Surveyor General, which Fac Simile Copy is on file in this office in Case No. 331 Henry Dalton for the place named "San Francisco".

Filed in office Sept. 10, 1852. Geo. Fisher

Geo. Fisher sec.

Secy.

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No 331

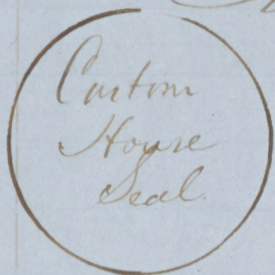
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Posicion
de S. Francisco Arusa

Año de 1846

Sello primero Ochopescos
 Habilitado provisionalmente por la Aduana
 Maritima del puerto de Monterey en el
 Departamento de las Californias, para los
 años de mil ochocientos Cuarenta y Cuatro
 y mil ochocientos Cuarenta y Cinco
 Michel Torera Pablo de la Juma

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Yo D. Jo. Lico, primer vocal de la
 Junta de Abandona y Gobernadores
 Interinos del Departamento
 de las Californias

Por cuanto D. Enrique Dalton
 ha pretendido para su beneficio personal el
 aumento de terreno en la estension de dos Cientos
 de ganado mayor al rancho que actualmente
 posee por junto titulo conocido con el nombre de
 Huisa Colindante el parage pretendido con la
 puente, el mismo Huisa, Andres Duarte, Sta
 Anita y la Misión de San Gabriel, practicadas
 previamente las diligencias y averiguaciones
 necesarias segun lo dispuesto por leyes y reglamentos
 usando de las facultades que me son conferidas, a
 nombre de la Nacion Mexicana he venido en
 concederle el terreno mencionado declarandole
 la propiedad de el por las presentes letras
 sujetandole a la aprobacion de la Junta
 Departamental y a las condiciones
 siguientes.

- 1.^a Podrá cercarlo sin perjudicar las
 traberas, caminos y servidumbres, y lo disfrutara
 libre y exclusivamente destinandole al uso o
 cultivo q.^o mas le acomode, cumpliendo su
 ofrecimiento en favor de la Comunidad entre-
 gando la cantidad a disposicion u orden del
 Gobierno.
- 2.^a Solicitara del Juez respectivo que le de

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proceda jurídica en virtud de este Despacho por el cual se demarcaran los linderos en cuyo límite pondrá á mas de las mojuras algunos arboles frutales ó silvestres de alguna utilidad

3a El terreno de que se hace donacion es de dos citios de ganado mayor poco mas ó menos segun explica el diseño que corre en el expediente respectivo

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4a

Si Contraviniere á estas Condiciones perderá su derecho al terreno y sera denunciado por otro

En consecuencia mando que teniente por firme y validero este título se forme razon de él en el libro á que corresponde y se entregue al interesado para su resguardo y otras fines

Dado en la Ciudad de los Angeles á veinte y seis de Mayo de mil ochocientos Cuarenta y cinco

Poco Rico

Juan Bandini
Srio

Queda tomada razon de este Superior Despacho en el libro respectivo

Angels, pna ut supra

Juan Bandini

Gobierno del Departamento de las Californias

Conste que el Sr Don Enrique Dalton ha satisfecho á la Misión de San Gabriel la cantidad de dos ^{cientos} cincuenta pesos por indemnización que le señaló este Gobierno al concederle el terreno que expresa el antecedente título

Angels Noviembre 29 de 1845
Poco

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Corregida

En la Ciudad de los Angeles del Departamento de California a los trece dias del mes de febrero de mil ochocientos cuarenta y seis, oponente a la solicitud verbal que hizo Don Enrique Dalton por medio de su apoderado Don Hugo Reid para que se le de posesion juridica de un paraje conocido con el nombre de San Francisco y Colinda con Andres Duarte, Santanita y San Gabriel Concedido por el Superior Gobierno Departamental en veinte y seis de Mayo de mil ochocientos cuarenta y seis segun consta del titulo que presento el apoderado: Pase por mi y testigos y procedase a dar la posesion respectiva con arreglo al mencionado titulo. Asi yo Juan Gallardo Alcalde primero y Jefe de primera instancia decreto, mande y firme con los de asistencia segun derecho = No hay papel sellado = Juan Gallardo = asistencia Antonio Franco Coronel = asistencia Basilio Valdez = En la fecha pase oficio a los Senores colindantes manifestandoles el que me dirigia al punto de San Francisco con objeto de verificar los remedidas y dar la posesion que corresponde al Senor Don Enrique Dalton; y no habiendo manifestado excepcion alguna se pone por diligencia = Juan Gallardo = asistencia Antonio Franco Coronel = asistencia Basilio Valdez = Acto continuo nombre dos oficiales cordoberos que lo fueron Don Diego Sepulveda y Don Ignacio Reyes a los mismos que al leerles su nombramiento aceptaron y ofrecieron desempeñar fiel y legalmente su cargo y no faltar al juramento prestado lo que pongo por diligencia que autorice y firme con los que supieron, segun derecho = Juan Gallardo = asistencia Antonio F. Coronel = asistencia Basilio Valdez = Por ser entrada la noche se suspendieron estas diligencias = rubrica = En Catorce de Febrero del mismo año comparecio ante mi y testigos de asistencia el agrimensor

Corregida

Don Gaspar Terrell y como encargado por el interesado para medir el terreno y levantar el Diagrama o diseño respectivo, le recibí el juramento según la forma legal de derecho, por el que ofreció desempeñar fiel y legalmente su oficio y cumplir con el juramento prestado firmando para constancia conmigo y los de asistencia según derecho = Juan Gallardo = Gaspar o Farrell = asistencia Antonio A. Coronel = asistencia Basilio Valdez =

En seguida y hallandome en el paraje de San Francisco, en unión del agrimensor oficiales cordobes y testigos de asistencia hice medir un cordel constante de cincuenta varas, al que se ataron en sus extremos unos paños de anadira y previa observación y cálculo del agrimensor, fue paramos en la orilla de un arroyo seco donde brusa un camino para el Rancho de Santa Anita y lindero de este rancho según consta en el Diagrama agregado a fojas 56 (N) letra A = Se tiro el cordel rumbo E 34° grados S. pasando por el roble de las tres cruces y se midieron y contaron cinco mil Seis Cientos Setenta varas que remataron en medio del llano letra B. donde se puso por mojón una interna una pala y unas cabezas de rez = De este punto se tiro el cordel N. 37° grados E. y se contaron dos mil quinientas varas que remataron en un aliso mojón de los linderos de Santa Anita y Andres Duarte en cuyos linderos comparecieron los interesados sin manifestar objeción alguna; y se distingue la predicha mojón por los fierros que tiene de los tres colindantes con inclusión del Sr. Dalton que tiene allí tierras de posesión mas antigua y se representa en la C. De este punto se tiro la cuerda rumbo O. 29° grados S. y se contaron tres mil ochocientas noventa varas, que remataron en la orilla del río de la Misión de San Gabriel mojón marcada con la letra D. = De este lugar se tiro una medida travesera por requerirlo así el verdadero lindero que es el

Corregida

precitado Rio de San Gabriel marcado en el diagrama con las letras D. A. B. C. E. y resultaron por medida recta al rumbo S. 23° 30 minutos O. Seis mil novecientas ochenta varas que espasa la linea D. E. mojonesa marcada = De aqui y bajo el mismo orden y por permitilo asi el camino que va para el Puente el cual es verdadero lindero y se halla marcado con las letras E. d. c. F. Se tiro la medida recta rumbo O. 22° grados N. y resultaron siete mil ochocientas diez varas que concluyeron a donde se juntan los caminos nuevo y viejo. los mismos que van para el Puente y lo demuestran las letras F. c. = De este lugar se tiro otra medida oblicua por el mucho monte que tiene el terreno y se manifiesta en las letras e. f. y dio por linea recta al enduazar al rumbo la cantidad de cinco mil seiscientas treinta y cinco varas rumbo N. y letras F. A. que remataron donde dio principio la medida = antes de concluir el acto pregunte al interesado si estaba satisfecho y respondiendome que si le di la posesion juridica a nombre de la Nacion Mexicana le intimo pudiese sus mojones de cal y canto y guardar las condiciones del titulo, con lo que se termino el acto que firmo conmigo el apremiado y los de asistencia Segun Derecho = Juan Gallardo = Gaspar O Farrell = asistencia Antonio J. Coronel = asistencia Pacifico Valdez

Concuerda con su original a que me remito y se halla en el protocolo de este año del que se sacó, corrigió y compareció en estas tres fojas de papel coman por falta de sellado, y se agregan en la foja cuarta el Diagrama

ass.
Jg. Coronel

ass.
Luis Jordan

28

2031



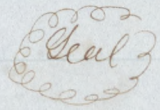
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Handwritten cursive text, possibly a signature or name, written diagonally across the page.

*Filed in office Sept. 21st 1859
Geo Fisher
Sec*

First Stamp Eight Dollars.

13 Issued provisionally by the Maritime Customs of
the Port of Monterey in the Department of the Californias,
for the year one thousand eight hundred & forty-five.
Translation of Micheltorena Pablo de la Sierra -
of Grant & Papefion. Exhibit B.



Pio Pico, senior member of the Honorable
Assembly and Governor ad interim of the Department
of the Californias.

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14 Whereas Mr. Jerry Dalton has solicited
for his personal benefit the addition of two sites
for large cattle to the Rancho which he actually pos-
sesses with just title known by the name of Aruso,
the tract solicited being bounded by the bridge, the
said Aruso, land of Andres Duarte, Santa Anita, and
the Mission of San Gabriel, having previously
taken the necessary steps and inquiries required by
the laws and regulations, using the authority confer-
red upon me in the name of the Mexican Nation;
I have concluded to grant to him said land, decla-
ring it his property by these presents subject to the
approbation of the Honorable the Departmental Council,
and to the following conditions -

- 1st He may fence it without prejudice to the cowpings,
highways and servitudes, he may enjoy it freely &
exclusively destining it to such use or cultivation
15 as may be most convenient to him, complying with
his offer in favor of the Community, delivering the
amount at the disposal or order of the Government.
- 2^a He shall solicit the Judge who has jurisdiction
to give him judicial possession by virtue of this grant,
Such Judge shall designate the boundaries, on the
lines of which, there shall be placed, besides the land-
marks, some fruit trees or wild ones of useful character.
- 3^a The tract hereby granted consists of two sites, for
16 large cattle, a little more or less as explained in the
Diagrams which accompany the respective documents.
- 4th If he should fail to comply with these condi-
tions, he will lose his right to the land, and it may
be denounced by another.

Wherefore Jordan that this title being held as firm, not be taken of it in the proper book, and delivered to the party in interest for his security & other purposes.

Given at the City of Los Angeles this 26th day of May one thousand Eight hundred & forty five,

Juan Bandini

Pio Pico.

Sec'y.

Entry has been made of this Superior Patent
17 in the proper Book.

Angels dated as above.

Juan Bandini.

Government of the Department }
of the Californias. }

I certify that Mr. Jerry Dalton has paid to the Mission of San Gabriel the amount of Two hundred & fifty Dollars, being the amount fixed by this Government to be paid by way of indemnity upon granting the land mentioned in the foregoing title.

Angels November 29th 1845

Pio Pico.

18 In the City of Los Angeles in the Department of California on the 13th day of the month of February one thousand eight hundred and forty six, in compliance with the verbal request made by Mr. Jerry Dalton through his Agent Mr. Hugh Reid, that judicial possession might be given to him of the place known by the name of San Francisco, and bounded by the lands of Andres Duarte, Santa Anita & San Gabriel, granted by the Superior Departmental Government on the twenty sixth day of May one thousand eight hundred & forty six as appears by the title presented by the Agent: Ordered, that I, with my witnesses, repair to said premises and proceed to deliver possession of the same in conformity with the aforesaid

title. So decreed, ordered and subscribed by me, Juan
Ballardo, first Alcalde and Judge in first in-
stance, and attested according to law. There is no
stamped paper.

attest.

Juan Ballardo

Antonio J. Coronel

Basilio Valdez.

20 On the same day I served a notice
on the neighbors informing them that I was going
to San Francisco, with the object of causing new
measurements to be made and deliver possession of the
premises in question to Mr. Jerry Dalton; and
they not having manifested any objection I take
note of the same.

attest

Juan Ballardo

Antonio J. Coronel

Basilio Valdez.

In continuation I appointed
two line bearers Mr. Diego Sepulveda and Mr. Ignacio
Reyes, who on hearing their appointment read, ac-
cepted and promised to discharge their office
faithfully and according to law without violating
their oath, whereof I took note certifying & subscribing
the same with those who were present according to law.

attest.

Juan Ballardo

Antonio J. Coronel

21 Basilio Valdez

Next having arrived these proceedings were
suspended. (a flourish)

On the 14th day of February of the same
year, before me and attesting witnesses appeared Mr.
Gaspar O'Farrel the Surveyor employed by the interested
party to measure the land and make a diagram of
the same. I administered to him the oath in due form
of law, he thereby undertaking to discharge his office
faithfully and according to law, and to observe the
oath he had taken. In testimony whereof he subscribed
22 with me and attesting witnesses according to law.

attest Antonio J. Coronel

Juan Ballardo

" Basilio Valdez Gaspar O'Farrel

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In succession and being at San Francisco together with the Surveyors, assistants, line bearers & attesting witnesses, I caused to be measured a line consisting of fifty varas at the extremities of which wooden handles were fastened. After observation & calculation of the Surveyor we placed ourselves on the edge of a dry creek at the intersection of a road to Santa Anita, this being a land-mark of this farm (rancho) as appears in the diagram annexed page 56 (A) letter A - We ran the line E 34° S. passing the oak tree with three crops, measuring and counting five thousand six hundred and seventy-five varas which terminated in the midst of the plain, letter B where we put for a provisional landmark some sticks & bullock's heads - from this point we ran the line N. 37 degrees E. and counted two thousand five hundred varas which terminated at a ~~Sycamore~~ Sycamore tree, land-mark of Santa Anita and Anares Duarte at which boundary appeared the interested parties without manifesting any objection! the aforesaid landmark is distinguished by being branded with the irons of the three neighbors, including that of Mr. Dalton who has land there under a previous grant - this landmark being designated as C. From this point we ran the line course W. 29 degrees S. and counted three thousand eight hundred and ninety varas which terminated on the bank of the river of the Mission of San Gabriel, land marked distinguished by the letter D. From this place we were compelled to let our measurement run a devious course on account of the said River San Gabriel which is the true boundary and is marked in the diagram with the letters F. a b c E. and resulted in a direct course S 23° 30' W six thousand nine hundred & eighty varas which is distinguished by the line D. G. Land mark marked = There and in the same manner, the road to the bridge permitting such a course, which road is the real land mark or boundary, and is marked with the letters E. a. c. H we ran a

straight course W. 22 degrees N. the result was seven thousand eight hundred and ten varas which terminate at the point of meeting of the old & new roads being those that lead to the bridge; this point is marked with the letters D. C. - From this place we ran another oblique course on account of the large quantity of underwood on the land, which course is distinguished by the letters E. F. This gave on a direct line on re-appearing North five thousand six hundred & thirty five varas letters F. A. which terminated where we commenced the measurement.

Before closing the preceding I asked the interested party if he was satisfied, and he answered yes, I gave him judicial possession in the name of the Mexican nation. I intimated to him to put landmarks of stone and mortar and observe the conditions of the title deed. Here closed the proceedings the surveyor and attesting witnesses signing with me according to law.

Attest

Antonio Florouel

Basilio Valdez

Juan Gallardo

Saspu O'Daniel

A true copy of the original, to which I refer on file in the book of judicial records of this year, from which this was taken, corrected & collated in these three folios of common paper for want of the stamped, and in the fourth folio is annexed the diagram.

Attest

Ignacio Coronel

Luis Jordan

Juan Gallardo

I hereby certify the foregoing to be a true and correct translation of the original Spanish document filed in case No. 331, Henry Dalton for the place named Rancho San Francisco.

Geo. Fisher

Secy

Filed in office Sept. 10th 1852

Geo. Fisher Secy

1902

Opinion.

The claimant Jerry Dalton asks to have confirmed to him a tract of land of two leagues, a little more or less, in extent, called San Francisco, situated in the County of Los Angeles.

It is shown by original documents produced by the claimant & also by official copies from the public Archives, now in the office of the Surveyor General of the United States for California that a grant of the land claimed was made to the claimant by Governor Pío Pico May 26. 1845, and that the same was approved by the Departmental Assembly June 9, 1846.

It is also shown that judicial possession of the land was given to the claimant on the 14th day of February 1846, & that he has continued to occupy it to the present time.

No objection is made or seen to the validity of the claim. Regarding the grant as limited to two square leagues in extent, within the boundaries specified, we confirm it accordingly - Commissions thereon concurring in the result.

Wm. Hall.

No. 331 Jerry Dalton Claimant.

Decree.

This Board on full consideration having come to the conclusion that the claim is valid, now proceeds to make their decree for its final confirmation, as follows, viz -

It is decreed that the said claim be confirmed to the extent & quantity of two square leagues, being the same land described in the grant & of which judicial possession was given; provided that the said quantity of land granted & now here confirmed to the claimant, be contained within the boundaries called for by said grant, and if there be less than that quantity within said bounds, then we confirm to the claimant that less quantity. Given under

37

our hands this 11th day of April 1853,

W. L. S. & all

Harry J. Thornton } Commrs

Filed in office April 11th 1853

Geo. Parker Secy.

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~~~~~

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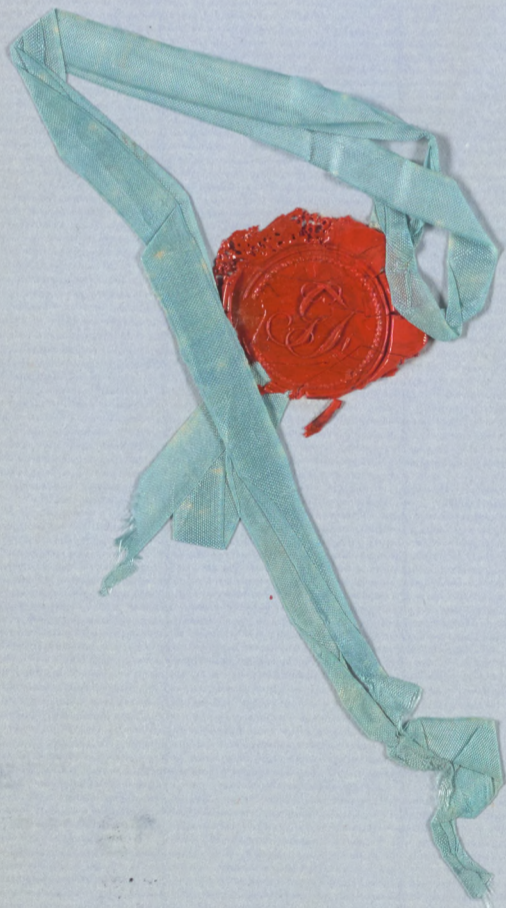
Office of the Board of Commissioners,

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

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I, *George Fisher* Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *thirty seven* pages, numbered from 1 to *37*, 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. *331* on the Docket of the said Board, wherein

*Henry O. Dutton* is the Claimant against the United States, for the place known by the name of *Saw, Francisco*



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 first* day of *June* A. D. *1854*, and of the Independence of the United States of America the seventy=*eight*

*Geo. Fisher*  
*G. Fisher*  
*Secy*

22

22

1881 N

22

22

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Office of the Attorney General of the United States,

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

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Henry Dalton

vs.

The United States.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 30<sup>th</sup> day of June 1854, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Cushing

Attorney General.

No 22.

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

The United States,

vs.

Henry Dalton.

Notice of appeal from Uty. Sec.

Filed Nov. 7<sup>th</sup> 1884.

C. E. Jam.  
Clerk.

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

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Henry Dalton  
Advs.  
The United States

No. 331.

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

The petitioner of Pacificus Ord (of Monterey  
County) 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 his proper person,  
in the name and behalf of the United States  
represents as follows.

That heretofore, to wit, on or about the 10<sup>th</sup> day  
of September AD 1852, Henry Dalton presented  
a petition to the Commissioners to ascertain and  
settle the private land claims in the State of Cali-  
fornia, <sup>claiming two leagues of land,</sup> in the words <sup>and figures</sup> following, to wit, "The petition  
of Henry Dalton respectfully sheweth, that he  
is the claimant of the Rancho of San Francisco  
consisting of two leagues of land in Los Angeles  
County, a title more or less, contained within  
the boundaries shown on the plan or map accom-  
panying the papers herewith filed and described  
as follows; Commencing at the intersection of a  
dry creek with the road to Sta Anita at a point  
marked, A, in said map. Thence E, 34° S 5670  
varas to the point, B. Thence N 37° E 2500 varas"

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"to a Sycamore tree (aliso) marked C and branded  
 "with petitioners brand and two others. Thence  
 "N 29° S 3890 varas to point D on the bank of the  
 "river San Gabriel. Thence following the same in  
 "its windings (direct course S 23° 30' W 6980 varas)  
 "to the point E. Thence along the Puente road (Strait  
 "course N 22° W 7810 varas) to the point of meeting  
 "of the old and new Puente roads marked F. e.  
 "Thence North 5635 varas to the place of beginning.  
 "That the same was granted to your petitioner by  
 "Governor Pio Pico on the 26<sup>th</sup> day of May A D 1845,  
 "by virtue of the colonization laws of Aug 18<sup>th</sup> 1824,  
 "the instructions and regulations of November 21<sup>st</sup>  
 "1828, and the various laws of Mexico and the  
 "Customs of the Country affecting grants of land  
 "in California. Your petitioner further sheweth that  
 "on or about the 14<sup>th</sup> day of February A D 1846 he  
 "solicited from the proper Judicial Officer possession  
 "of said land, and that Judicial possession  
 "was accordingly given to your petitioner by Juan  
 "Gallardo first Alcalde and Judge of First Instance  
 "of said Los Angeles District, as by reference to said  
 "proceedings, Copies of which are herewith filed  
 "will more fully appear. Said lands have been  
 "surveyed, and there is no conflicting claim to  
 "it known to your petitioner. The evidence upon  
 "which he relies are the records of this grant in the  
 "Office of the U S Surveyor General, Original papers,  
 "Copies of which are herewith filed, and to which  
 "your petitioner craves leave to refer, as part of  
 "this petition, and the testimony of the Witnesses to  
 "be produced before your Hon Board, Respectfully  
 "submitted for such action as the Justice and nature

"of the claim may require"



"of the claim may require."

Your petitioner further represents that there-  
after, to-wit, on the 11<sup>th</sup> day of April AD 1853, the said  
Commissioners confirmed by final decree the  
said claim of the said Henry Dalton in the words  
following, to-wit. "N<sup>o</sup> 331. Henry Dalton, claimant.  
"This Board on full consideration having come to the  
"conclusion that the claim is valid, now proceeds  
"to make their decree for its final confirmation,  
"as follows, viz. It is decreed that the said claim  
"be confirmed to the extent and quantity of two  
"square leagues, being the same land described  
"in the grant and of which Judicial possession  
"was given; Provided that that the said quantity  
"of land granted and now here confirmed to  
"the claimant, be contained within the bounda-  
"ries called for by said grant, and if there be less  
"than that quantity within said bounds, then  
"we confirm to the claimant that less quantity.  
"Given under our hands this 11<sup>th</sup> day of April 1853."

(Signed) "Meland Hall"

"Harry J Thornton" Comm<sup>rs</sup>

That thereafter, to-wit, on the 27<sup>th</sup> day of June AD 1854,  
a duly certified transcript of the said decree and  
proceedings, and the papers and evidence on  
which it was founded, in said cause, was filed  
in the Office of the Clerk of the District Court  
of the United States for the Southern District of  
California and marked N<sup>o</sup> 331, reference to  
which it is prayed may be had and made  
a part of this petition.

That on the 30<sup>th</sup> day of June AD 1854, The  
Honorable Caleb Cushing Attorney General of the

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United States, received a duly certified duplicate of said transcript of said final decree, and proceedings, of said Commissioners in said Cause, (No 331) and the papers and evidence on which said decree was founded.

That thereafter, to wit, on the 7<sup>th</sup> day of November AD 1854, the said Attorney General of the United States, filed, or caused to be filed, on behalf of the United States, a notice with the said Clerk of said District Court for the Southern District of California, that the Appeal in said Cause of Henry Dalton vs the United States from the decision of the said Commissioners to ascertain and settle the private land claims in the State of California, 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 said land claimed as aforesaid, is within the Jurisdiction of this Honorable Court.

And your petitioner further represents and insists that the said decree of said Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for many errors and imperfections, of law and evidence apparent in said certified transcript of said Cause now on Appeal from said Commissioners to this Honorable Court.

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

1. That the said Henry Dalton shows no valid title to the said land claimed by him as aforesaid; and it is denied that he has any.

2. That the said alleged grant of Pio Pico, was

2. That the said alleged grant of Pio Pico, was made in violation of the 4<sup>th</sup> Article of the Colonization law of the 18<sup>th</sup> of August AD 1824, in this, that the land granted, as alleged by claimant, was within ten leagues of the Sea Coast, there being no evidence by claimant, that the Supreme general Executive power previously approved of the Colonization of the lands of California within ten leagues of the <sup>Sea</sup> Coast. And it is denied that such previous consent of said Supreme General Executive power of Mexico in such case was ever had.

3. That at the date of the said alleged grant, the said land claimed as aforesaid, was occupied by the Missions of California, and particularly by the Mission of San Gabriel; and could not therefore be Colonized.

4. That the said alleged grant has not the Conditions required by, and is not made in entire conformity with the law of the 18<sup>th</sup> of August AD 1824, and the regulations of the 21<sup>st</sup> of November AD 1828.

5. That the said claimant was, at the date of the said alleged grant a subject of Great Britain, or was by birth a foreigner, and not a naturalized citizen of Mexico, and had not therefore at said time, the capacity to acquire lands under the laws of Mexico, in the manner and form as alleged.

6. That the said land granted as alleged by Governor Pio Pico was not vacant or abandoned at the time of the said grant.

7. That when the said petition of said Henry Dalton of the ~~said~~ date of the 12<sup>th</sup> of March AD 1845, to said Pio Pico for said land, was presented it did not set forth his Country, profession, and religion, and describe

as distinctly as possible by means of a map, the land asked for, as required by law: (Article 2<sup>d</sup> of the regulations of November, <sup>21<sup>st</sup></sup> 1828.)

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8. That the report made by the Priest Estenega of the Mission of San Gabriel, of the date of March the 26<sup>th</sup> AD 1845, that, "the tract solicited by Henry Dalton is one of those which the Children of the Mission can not cultivate, because it is deficient in water," was then, and is now wholly untrue. And it is alleged that the said tract solicited by said Henry Dalton, as aforesaid, was then, and is now, not deficient in water, and the said children (Indians) of said Mission, could then have cultivated said land. And the said report of said Priest Estenega was falsely and wilfully made to defraud the said Indians of their just rights, and to defraud the Government of the said tract of land.

9. That the said Pio Pico, did not, in making the said alleged grant, proceed in exact conformity to the laws on the subject, especially the said law of the 18<sup>th</sup> of August AD 1834, in this, - that he did not obtain the approbation of the Territorial Deputation or Departmental Assembly of California. The paper purporting to be proceedings of the Departmental Assembly, dated June the 9<sup>th</sup> AD 1846 and signed J Arguello, is not an approval or confirmation of the Departmental Assembly of the said grant of land. It appears to be nothing more than a report of the Committee on waste lands. And the said grant of said land to said Claimant never was approved by the said Departmental Assembly.

10. That the said alleged grant of said Pico to said Claimant does not describe the land sufficiently;

and it is in this respect vague and indefinite.

and it is in this respect vague and indefinite; that it does not contain the conditions required by law; that it does not designate a proportionate time within which the grantee should be bound to cultivate or occupy the land, as required by law. (Article 11. of the <sup>regulations of November 21<sup>st</sup> 1828.</sup> ~~Law of the 18<sup>th</sup> of August 1824.~~)

11. That the said tract of two leagues of land granted and claimed as aforesaid, was at the date of the said alleged grant, and is now all irrigable land; and therefore the said Pio Pico exceeded his lawful authority in granting said tract of land of the extent of two leagues. That the law of the 18<sup>th</sup> of August 1824, Article 12<sup>th</sup>, prohibits the granting to, or the ownership by one person of more than one league square of five thousand varas of irrigable land.

12. That the said alleged grant appears to have been made upon a money consideration (\$500) or its equivalent, in favor of the said Mission of San Gabriel and the delivery of the same to the order of the Government; That said grant in consideration of said price was illegal, the said Pio Pico not having at the time any lawful authority to make such a sale or disposition of the Mission, or the public lands in California.

13. That the said alleged grant of said Pio Pico of said date was not a definitive grant such as is required by the 8<sup>th</sup> Article of the regulations for the colonization of the Territory of the Republic of Mexico, of November the 21<sup>st</sup> A.D. 1828.

14. That at the date of said alleged grant of Pio Pico, the said Henry Dalton claimed and possessed a title to a tract or part of a tract of land called Azusa,

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adjacent to the said tract of land called San Francisco, of the extent of about three leagues; and that at least one league of said tract of land called Azuza was irrigable land; and that therefore he<sup>the</sup> said Dalton could not obtain the ownership of more irrigable land; That the said Pio Pico then, at the date of the said grant made by him as aforesaid, knew, or ought to have known, that the said Henry Dalton had acquired by purchase the said tract or part of a tract of land called Azuza adjoining the said tract of land called San Francisco, and that one league or more of the said tract of Azuza, claimed and occupied by said Dalton as aforesaid, was irrigable land, and that therefore the said Henry Dalton could not acquire the ownership of the land granted by him, as alleged.

15. That there is no evidence that the said tract of land called San Francisco was ever cultivated by said Claimant, or that he built a house thereon within one year from the date of the said grant, or that he occupied the land, as required by law. And it is denied that he did so cultivate, improve, and occupy the said tract of land called San Francisco.

16. That the alleged act of Judicial possession and survey by Juan Gallardo, on or about the 14<sup>th</sup> of February AD 1846, was not made according to the ordinance or law; That it was not made according to the said grant of said Pio Pico; that the said Juan Gallardo had no lawful authority to give Judicial possession, or make a survey of the said land, until after the issuance of, and upon presentation

to him by the committee of the definitive grant

to him by the grantee of the definitive grant, wherein it should be stated that the grant was made in exact conformity with the provisions of the law, and with the approval of the Departmental Assembly. Such a title the said alleged claimant did not possess, and the said Alcalde without it, could not lawfully give the Judicial possession and survey the said land, as alleged.

17. That the said Judicial possession, survey and map, of the said land, are not given and made according to the said alleged original grant of said Pio Pico of the said date of the 26<sup>th</sup> of May AD 1845; and that the same are vague and indefinite.

And no proof having been made by said Claimant of the allegations of his said petition, or in support of his said claim filed as aforesaid, no decree ought to have been made or grounded thereon, but the said petition, ought to have been dismissed and said claim rejected by said Commissioners, upon the grounds aforesaid.

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 the laws and Statutes in such case made and provided, prays that the said Henry Dalton, or his Attorney, may be served with a copy of this petition, and that this Honorable Court will review the said decision or final decree of Confirmation of said Commissioners to ascertain and settle the private land claims in the State of California, and decide on the validity of the said

claim of said Henry Dalton for said land claimed and confirmed as aforesaid, and that the same may be decreed invalid. And all such other orders, judgments or decrees as may be just. With Costs: and general relief.

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*F. M.*

Attorney of the United States  
for the Southern District of California



22.

2

N. L. D.

Henry Dalton

Ass.

The United States

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Petition for review of Act of  
Congress,

Filed Dec 21. 1854.

f. & j. m.  
clerk

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

TO

The President of the United States,

22 SD  
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Henry Dalton

GREETING:

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against you, and each of you, in the District Court of the United States, in and for the Southern District of California, on the *Twenty first* day of *December* in the year of our Lord one thousand eight hundred and fifty-*four* at the City and County of Los Angeles, in said District, by

*Pacificus Ord. Attorney of the United States for the Southern District of California, in behalf of the United States, praying the said Court to review, upon the grounds therein set forth, the decision of final confirmation, of the Commissioners to ascertain and settle the private land claims in the State of California, of the claim of Henry Dalton, for a tract of land called San Francisco, in the County of Los Angeles, California, to the extent of two leagues more or less, which said claim was presented by your petitioner to said Commissioners, on or about the 10<sup>th</sup> day of September, A.D. 1852, and by them confirmed on or about the 11<sup>th</sup> day of April, A.D. 1853.*

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 plaintiff will apply to the Court for the relief demanded therein.*

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

*J. E. Farrer*  
Clerk.

Marshals cost -

Copying Summons \$1.90

3.00

Serving Summons 3.00

Serving Petition

\$6.90

United States of America,

Southern District of California,

U. S. DISTRICT COURT.

Henry Dalton,

vs.

The United States,

SUMMONS.

Received Feb 12 - 1855

Edward Hunter

U. S. Marshal

22 SD

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I served this summons along with the proper copy of the petition upon *Henry Dalton* at his residence in the county of Los Angeles by leaving with him personally a true copy of the same

at his residence  
the 28<sup>th</sup> day of March

in the Southern District of California on  
A. D. 1855.

Sworn to and subscribed before me, this 28<sup>th</sup> day of March 1855. *J. E. Carr*, Clerk.

*Edward Hunter*  
U S Marshal.

The United States, Appellant } In the United States Dis-  
Henry Dalton, Appellee. } trict Court, of the South-  
 } ern District of California

22 SD

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Claim for San Francisco.

Land Commission No 331. Docket No 22.

And now comes the above named Appellee, Henry Dalton, by his attorney, J. R. Scott, and for answer to the Petition for review of the Appellant filed in this case, says,

That on the 20<sup>th</sup> day of May, A. D. 1845, Pio Pico, then constitutional and acting Governor of Upper California, and duly authorized by law to make such grant, by his deed of grant of that date, duly executed according to law, did grant and convey unto Henry Dalton, this Appellee, the lands called San Francisco, containing two square leagues a little more or less, which said land was duly admeasured and juridical possession thereof given to this Appellee by the competent judicial authorities of the district wherein said lands were situate, according to law, on the 14<sup>th</sup> day of February, A. D. 1846, where- by this Appellee became seized in fee simple of the lands aforesaid, as this Appellee avers that he has, from the date of the aforesaid grant to the present time, done performed and fulfilled all the conditions that it was necessary by law for him to do, perform and fulfill, to perfect his title to the said lands, and that during all that time he has been in peaceable and quiet possession and occupancy of the same

And this Appellee further says that on the 10<sup>th</sup> day of September, A.D. 1852, he filed before the United States board of Land Commissioners to ascertain and settle the private land claims in California, his Petition setting forth his title and praying for a confirmation to him of the said lands by the said Board, together with certain documentary evidence in support thereof;

And that afterwards, to wit, on the 21<sup>st</sup> and 22<sup>nd</sup> days of September, and on the 8<sup>th</sup> day of October, 1852, he also filed before said Commissioners, certain depositions of witnesses in support of his claim to said lands of San Francisco, all of which Petition, documentary evidence and depositions of witnesses, together with the subsequent proceedings of said Commissioners in the matter are contained in the Transcript now on file in the office of the Clerk of this Court, the whole of which is hereby referred to by this Appellee, and made a part of this his answer.

And this Appellee further states, that the said Board of Commissioners, after hearing the Petition and proofs of this Appellee, did, by their decree and decision made April 11<sup>th</sup> A.D. 1853, confirm said lands to this Appellee.

And this Appellee says he is the legal owner of said lands, and entitled to have the same confirmed to him by this Honorable Court, inasmuch as he has done, performed and fulfilled all things and conditions, necessary to be done, performed

conditions, necessary to be done, performed

and fulfilled to entitle him to such confirmation, particularly by an Act of the Congress of the United States, entitled "An Act to ascertain and settle the private land claims in the State of California," Approved, March 3<sup>d</sup> 1851.

22 SD  
PAGE 53

And this Appellee further states that the said lands are situate in the present county of Los Angeles, in the Southern District of California, and within the jurisdiction of this Honorable Court, and for further answer to the Petition for review filed in this case by the Appellant, this Appellee says that he denies all and singular, each and every allegation therein contained, except what is admitted in this his answer, and he denies that there is anything in said Petition contained either in law or in fact to estop or prevent this Honorable Court from affirming the decision of said Board of Commissioners, and confirming to this Appellee his title for the lands in this case.

And this Appellee would pray the judgement of this Honorable Court, that the decision of said Board of Commissioners may be affirmed, and that his title to the said lands of San Francisco may be confirmed, and that he may be dismissed hence with costs and may have such other and further relief as shall be agreeable to Equity and good conscience, and the nature of his case shall require.

J R Scott  
Attorney for Appellee

I served this answer on Ford U.S. District  
Atty by delivering to him a certified  
Copy of the same at Los Angeles in  
the Southern District of California  
this April 25<sup>th</sup> 1855

Edward Minton  
U.S. Marshal.

Sworn to and subscribed  
before me this 25<sup>th</sup> of April 1855

J. C. Farr,  
Clerk.

Witness my hand

Case No 22.

The United States  
Appellant,

vs  
Henry Dalton  
Appellee.

Answer of Appellee.

Filed April 4<sup>th</sup> 1855.

J. C. Farr  
Clerk.

22 SD

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J. R. Scott.

Att'y for Appellee.

20<sup>th</sup> E. ...  
for ...  
- your ...

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

22 **SD**  
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The United States, Appellant } No. 22  
vs } Claim for Ranch of  
Henry Dalton Appellee } "San Francisco."

And now on this day of  
A.D. 1855, the parties appear in Court, the Ap-  
pellant appearing by P. Ord, United States  
District Attorney for the Southern District  
of California, and the Appellee appearing  
by L. R. Scott, his attorney, <sup>on motion of Appellee</sup> and ~~by Counsel~~  
~~of parties~~ it is ordered that either party may  
take such further testimony as they shall  
wish in the above entitled cause.



Care No. 22

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The United States -

Appellant

vs

Henry Dalton

appellee.

Leave to take further testimony

Filed Sept 11, 1855.

J. E. Sanborn  
Clerk.

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"San Francisco"

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

22 SD

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Henry Dalton } N. 22.  
ad } (N. of Transcript 337.)  
The United States }

On Motion of P. Ord. Atty, of the United  
States for the Southern District of California,  
it is ordered by the Court, that either  
party may take ~~additional~~ <sup>further</sup> additional  
evidence in this cause.  
P. Ord. Atty, for Ad }

4  
N. 22.

Henry Dalton

adv.

The U States.

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Order to take additional  
evidence &c.

---

Filed Sept. 12<sup>th</sup> 1855  
J. E. fan.

~~22~~ SD

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P. Ord. Adv. & M. S.

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

22 SD

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The United States

Appellant } Case No 22.

vs

Henry Dalton

Appellee } Claim for San Francisco

The Clerk will please issue subpoenas in  
the above case to Bernardino Guirado, Lis Lico  
and Francisco Alvarado, witnesses on behalf of  
Appellee, to be and appear at the U.S. District  
Court, City of Los Angeles, on Saturday, Septem-  
ber 15<sup>th</sup> 1833, at 10 o'clock A.M.

J. M. Pratt

Att'y for Appellee

Case No 22.

In U. S. Dist. Court for  
Southern District of Cali-  
fornia.

The United States  
Appellant

vs  
Henry Dalton  
Appellee.

Receipt -  
Issued

Given Sept. 13<sup>th</sup> AD 1853.

O. E. Carr Clerk  
By W. P. DePuy

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J. R. Scott.

Att'y for Appellee

The United States of America.

To, J. B. Mallard, Daniel Sinton

Wm Rowland, J B Barton & Ignacio Salinas

22 SD

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We Command you that all and singular business and excuses being laid aside, you and each of you appear and attend before the Judge of the District Court of the United States of America, for the Southern District of California, at a Special Term of said Court, being held at the Court Room in the City of Los Angeles, in and for the said Southern District of California, on the 12<sup>th</sup> day of Sept<sup>r</sup> at 10 o'clock in the forenoon, to testify and give evidence in a certain cause pending in the said Court and then and there to be tried between Henry Dalton - ad. - The United States, to testify on behalf of the United States. And this you, or any of you, are not to omit, under the penalty, upon you, and every of you of Two Hundred and Fifty Dollars.



Witness, the Hon. Isaac S. H. Ogden Judge  
of the Dist: Court of the United States  
at the City of Los Angeles the 10<sup>th</sup>  
day of September A D 1855,

R. C. Carr Clerk  
By, John N. Robt Deputy

Wm. S. Barton }  
also }  
The United States }  
1855

United States of America

Southern District of California

U. S. District Court

Appearance

Subpoena.

Return Sept 13<sup>th</sup> 1855

In copy of etc

<sup>certified copy of</sup>  
I served this Subpoena personally upon J. S. Mallard at the Mission of San Gabriel, on the 11<sup>th</sup> Sept. at 4 P.M. and upon Daniel Sexton at Mission San Gabriel at 4 1/2 P.M. on the 11<sup>th</sup> Sept. & upon John Rowland at his Rancho in the County of Los Angeles on the 11<sup>th</sup> Sept at 6 P.M. & upon J. R. Barton in the City of Los Angeles at 1 P.M. on the 11<sup>th</sup> Sept. & upon Ignacio Salinas at his Rancho in the County of Los Angeles on the 12<sup>th</sup> Sept 1855 at 6 A.M.

Edward Hunter.

U. S. Marshal.

By R. J. Jones.

Deputy.

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

22 SD  
PAGE 63

The United States  
Appellants  
vs  
Henry Dutton  
Appellee

Case No 22

Claim for San Francisquito

The Clerk will please issue  
a subpoena for George Hanson, to appear at  
the United States Dist. Court House in the  
City of Los Angeles, to testify on behalf of Ap-  
pellee in the above cause, & to bring plots or  
maps necessary to prove the distance of the  
Rancho of San Francisquito, Los Angeles Co,  
from the sea coast.

J R Scott  
Appellee's Att'y.



Case No 22.

The United States  
Appellant

vs

Henry Dalton  
Appellee.

Decree.

Filed Sept 15<sup>th</sup> 1853

Clk Carr c16

By J. W. R. Group

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J. R. Scott.

Appellee's Atty.



Henry Dalton

appellee.

No 22.

adv.

The United States.

Appellants.

Daniel Sexton Brown vs

22 SD

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1<sup>st</sup> Quer — 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.

2<sup>d</sup> Quer — 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.

3<sup>d</sup> Quer — Do you know or not Henry Dalton the Appellee in this case.

Ans — I do.

4<sup>th</sup> Quer — How long have <sup>you</sup> known him.

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

5<sup>th</sup> Quer — Do you know how long he has resided in California.

Ans — Yes, since the latter part of 44 or beginning of 45.

6<sup>th</sup> Quer — Do you know the Country of his birth?

Ans — He has frequently told me he was an Englishman.

7<sup>th</sup> Quer. 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  
of ~~Mr~~ <sup>Mr</sup> Dalton from Azusa to  
Santamita, ~~and on the road~~ He was  
told me that he was an Englishman  
that he never was an <sup>Mexican</sup> American citizen  
and never intended to be an American citizen.

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PAGE 66

8<sup>th</sup> Quer. 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.

9<sup>th</sup> Quer. How long have you known it.  
ans. — I have known it since 1841.

~~10<sup>th</sup> Quer.~~ There is not a year since that  
time that I have not travelled over it,  
except the year 1849.

10<sup>th</sup> Quer. — What was the Condition of that  
land as to its occupation during the year 1845?

ans. — I passed by there in 1845, and there  
was a corral, which understood Mr Dalton  
had built. But there was no gate put to it,  
no fastening, and I don't think it was ever  
used.

11<sup>th</sup> Quer. — 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 48, since the fold

was by the Squatter or letters. The first

occupation was since the 48, since the gold mines were discovered. It was unoccupied when I left for the gold mines in <sup>the Spring</sup> 1849, and when I returned there were people living on the land. It has <sup>been</sup> continued to be occupied up to the present time by some five or six families.

12<sup>th</sup> Ques. How many claimed the land under prescription.  
Ans. About five or six claiming under prescription.

13<sup>th</sup> Ques. Describe the character of the land.  
Ans. It is all good arable land, most of which appears to have been under cultivation by the Mission.

14<sup>th</sup> Ques. Was that good arable land suitable for cultivation by Indians, in the years 22 SD 144/45 & 46, and was it deficient in water at that time?  
PAGE 67

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

15<sup>th</sup> Ques. How much of that land was irrigable in those years.

Ans. The whole of it from the waters of San Gabriel.

16<sup>th</sup> Ques. Do you know the Rancho of Apuzca?

Ans. I do.

17<sup>th</sup> Ques. Who claimed that Rancho in 14 or 5.

Ans. Henry Dalton.

18<sup>th</sup> Ques. Where is it?

Ans. It is on the east side of the San Gabriel River, one east from <sup>adjacent to</sup> San Francisco.

19<sup>th</sup> Ques. Do you know about the extent of that

Rancho of Azusa?

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

20<sup>th</sup> Ques. — Do you know how much of this Azusa Rancho is irrigable?

Ans. — I should suppose that one half  
 22 SD of this Rancho could be irrigated.

21<sup>st</sup> Ques. — From what source

Ans. — From the Riva San Gabriel.

22<sup>d</sup> 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.

~~23<sup>d</sup>~~ 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 know it to be <sup>irrigated</sup> cultivated, & ~~any~~ cultivation of the land previous to these years.

Ques. Ans. I did not.

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

Ans. — By the ditches, which showed that the land had been irrigated & cultivated.

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

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

Ques. — From the last place did you know the Rancho of Azusa to be watered and — From the same River.

Ques. — How large a tract of Azusa did you know to be irrigated.

Ans. — A small tract about 20 acres

did you know to be irrigated.

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

Ques — How far above the Ranch  
of San Francisco or the waters  
of the San Gabriel River in dry weather

Ans. — In dry weather the River dries about  
the upper line of San Francisco, as it runs  
there 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 this San Francisco Ranch dis-  
continued 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.

Daniel Dexter

La Reina Ojala about this 15<sup>th</sup> of Sept. 1855.

J. E. San  
A. H.

22 SD  
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No. 22.

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

Henry Dalton,  
Appel,

vs.

The United States,  
Appel.

Testimony of Daniel Peyton,  
a witness for Appel, taken in  
open Court ~~the 15th~~.

Filed Sept 15th 1855.

J. E. Farr,  
atk.

22 SD

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Henry Dalton  
Ado. Appellee

No. 22,

San Francisco

The U. States,

Appellant

22 SD

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I S Mallard being duly sworn  
in the above entitled cause this 15<sup>th</sup> day of  
September A.D. 1855, on the part of the United  
States testifies in open Court as follows,

1<sup>st</sup> Ques What is your name age residence,  
& occupation —

Ans. My name is I S Mallard. Residence  
San Gabriel. My age is 39. and  
a merchant by occupation —

2<sup>d</sup> Ques How long have you resided in  
California & in Los Angeles City,

Ans I have resided in Cal a few years  
and in Los Angeles <sup>City the same length of time</sup> with the exception  
of four months,

3<sup>d</sup> Ques Do you <sup>know</sup> Henry Dalton & how long  
have you known him.

Ans. I know him. & have known him since  
Jan'y 1850 as a resident of Los  
Angeles City,

4<sup>th</sup> Ques Do you know the Ranch of San  
Francisco.

Ans I don't know what I do, only from  
report,

5<sup>th</sup> Ques Do you know the Country of Mr Dalton's  
birth.

Ans, I do not

6<sup>th</sup> Ques Do you know whether or not Mr Dalton  
the appellee in this case is a man



of Mexico, and if not state generally,  
how you know the fact? (Objected to by  
Ans: Counsel for Appellee on the ground of  
the subject matter)

SD

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Ans: Some time in the year 1853 I heard Mr  
Dalton say that he ~~was~~ <sup>claimed not to be</sup> ~~was~~ a  
Citizen of the United States nor of  
Mexico. I ~~think~~ <sup>know</sup> it was in a Court of Justice  
I ~~think~~ <sup>I think</sup> he was  
~~he having been~~ 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 Justice's Court, whilst I was a  
judge of both Courts.

7<sup>th</sup> Ques. — ~~What was the result was~~  
he excused on that ground?

Ans. — I think he was

8<sup>th</sup> 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

1<sup>st</sup> Ques. — Did he say anything more than  
that he claimed not to be a citizen?

Ans. — My answer is that he did.

2<sup>nd</sup> Ques. — State what more was said by Mr Dalton

Ans. — My recollection is that he stated  
that while in Mexico he had either ap-  
plied to become a citizen or had some papers

made out, and that from some reason

he did not recollect the business

pled to become a citizen or had some papers  
made out, and that from some reason  
which I do not recollect, the business  
of his naturalization was not completed,  
3<sup>d</sup> ques. — Did he not say this, that the  
papers had been made out in Basaltan,  
but that they had not reached him?

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

4<sup>th</sup> ques.

C. E. Jan.  
Ct. K.

No 22

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

Henry Dalton.  
app'ee  
adv.

The United States,  
app't.

Testimony of J. S. Mallard,  
taken in open Court on the  
part of the U. S. -

Filed Sept 15<sup>th</sup> 1855

J. E. San  
Clk.

22 SD

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A. Dalton appraiser  
1822.  
The U.S. apprs.

~~George Hanson~~

George Hanson sworn Oath

1.

Ques. — What is your name, age, place of residence and occupation.

Ans. — My name is George Hanson 32 years, Los Angeles C<sup>y</sup>, Surveyor.

Ques. — Do you know the Ranch of San Francisco, if so how long have you known it.

Ans. — I know it. It is about a year that I surveyed the Ranch of Santa Anita which is bounded on the South West by San Francisco.

Ques. — How far is the Ranch of San Francisco from the Sea Coast.

Ans. — San Francisco is situated as far as I can ascertain in Township one North and Township 1 South, in Range 11, and probably extends to Range 10, of the San Bernardino base line of Meridian — This San Bernardino base line is from 27 to 28 miles from the Coast. The general course of the Coast about that place is about East South East — I do not know the boundaries of San Francisco — but the base line of San Bernardino passes through it.

Ques. — Does the base line of which you speak pass north or south of the town of Lexington?

Ans. — It passes north. I do not know how far.

Ques. — On which side of Mr James house does the base line run —

Ans. — It runs right near to it, but I cannot remember whether it is north or south.

22 SD  
175

Ques. Do you know how far north of the house of Ira Thompson does this line run

Ans. — About one mile.

Ques. — How many miles are there

between Spanish Cañon

Ans. — Twenty six miles & three chains.

Cross examined

Ques. — How far from the Milwa vineyard does this line run?

Ans. — Very near the southern corner of it.

Ques. — How far is it from the base line near the southern corner of the Wilson vineyard, to the northern & western boundary of San Francisco?

Ans. — The southern boundary of Santa Anita which is the northern boundary of San Francisco, runs from the Wilson's garden in an easterly direction about five miles to a mound on the plain, and this point the boundary turns from an elbow, and from this place the Ranch of San Francisco runs northward.

Ques. — How far south of the base line is the <sup>old road to the Puente</sup> ~~south~~ boundary of San Francisco?

Ans. — One league according to the map in the expediente, plus half a mile from my own knowledge.

Key examined

Ques. Taken in open Court September 11<sup>th</sup> 1855.

J. E. Sanborn  
Clerk

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No. 22.

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

Henry Dalton, Appie,

vs.

The United States,  
applt.

Testimony of George Hanson  
a witness for Appellee

Filed Sept. 17<sup>th</sup> 1855

J. E. Lang  
Clerk

Henry Dalton app<sup>er</sup> { No 22. 1.

The United States App<sup>ts</sup> Francisco Alvarado, sworn day

Ques 1. — What is your name, age, and place of residence.

Ans. — My name is Francisco Alvarado, my age 38. my residence, County of Los Angeles.

Ques. — Do you know the Ranch of San Francisco.

Ans. — I do.

Ques. — How long have you known it, and — I have known it all my life.

Ques. — Did you ever know of any cultivation on that Ranch if so how long since.

Ans. — I have never known of any cultivation. I only know a corral which I built for Dalton.

Ques. — In what year did you build that corral.

Ans. — In the year 1846.

Ques. — Was the Ranch occupied in 1846. if so, by whom and in what name.

Ans. — It was, by Henry Dalton, with horses.

Ques. — How many horses did he have on it.

Ans. — I don't know. There were two dozes of mares, and some cattle horses.

Ques. — Previous to 46, did you ever know any part of that Ranch to be occupied, if so how much.

Ans. — I never saw it irrigated.

Ques. — State whether or not there is any source from which that Ranch could be irrigated in the year 1846.

Ans. — There has been no water by which it could have been irrigated since 46.

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PAGE 78

Cross examined

Ques! Do you know how to read and write  
ans. — I do.

Ques. — Where do you live at the present  
time?

Ans. — I live at the Ranch of the Cueros

Ques. — Do you know the boundaries  
of San Francisco to Rancho, claimed  
by Dalton.

Ans. — I do.

Ques. — Were you on that land at any  
time whilst Alvarado, <sup>or Figueroa</sup> was Governor  
of California.

Ans. — I passed there often during that  
time, but cannot remember

Ques. — About that time, how many  
Mission Indians were living on said  
land and cultivating it.

Ans. — There were no Indians on or cultivation  
of the land that I saw.

Ques. — Were the remains of the old  
irrigating ditches <sup>upon the Rancho</sup> visible at any time whilst  
Micheltoreno was Governor of Cal.

Ans. — Many years before the times of  
these Governors I saw signs of ditches there

Ques. — Did you see signs of cultiva-  
tion also.

Ans. — No.

Ques. — How many years is it since  
you last saw the remains of those  
ditches?

Ans. — I do not remember now — but I  
was very small when I first saw  
them — on the edge of the timber where the  
road goes to San Bernardino

Ques. — Have you ever seen the  
water running in those ditches

22 SD  
PAGE 79



was given to San Bernardino

Ques. — Have you ever seen the water running in those ditches  
Ans. — No.

Ques. — How far is it from the mouth of the Cañon of San Gabriel below the same where the water sinks?

Ans. — I do not know.

Ques. — Cannot all or nearly all of the Rancho of San Francisco be cultivated and crop grown without artificial irrigation?

Ans. — I do not know, having no knowledge about these matters.

Ques. — Is not the land of the Rancho moist all the year round?

Ans. — There is part of it timbered that is damp.

Ques. — Have not large crops of corn been raised there without irrigation in the last two or three years?

Ans. — I have.

Ques. — How do you know that Mr Dalton has horses on San Francisco in 46.

Ans. — They were under my charge as Mayor Domo.

Ques. — How long were those horses kept here on that Rancho?

Ans. — I do not remember.

Ques. — Was it a week or months?

Ans. — They were there a considerable length of time. ~~Where did you~~

Ques. — Where did you live at that time?

Ans. — At the Rancho of Ayoza.

Ques. — At that time, where did you corral the horses which belonged to Mr Dalton.

Ans. — In the Corral of the Rancho of Azusa, and when they brought the horses to the Rancho of San Francisco, they were then corraled at San Francisco.

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Ques. — When you built a corral at San Francisco, was it not a temporary one.

Ans. — It was a large good Corral, it was with the object of putting a Rancho of Cattle there.

Ques. — Did you finish that Corral.

Ans. — I did, I placed the main horses there.

Ques. — Did you not leave the gate unfinished, and was not the entrance to the Corral left open.

Ans. — It had bars — When anything was in the bars they were up, and vice versa.

Taken in open Court Sept 17th 1854

J. E. Jan. Ck.

No. 22.  
U. S. Dist Court,  
South Dist. of Cal.

Henry Dalton, affli

vs.  
The United States  
apply.

Testimony of Francisco  
Alvarado, for Appellee

Given Sept 17th 1854  
J. E. Jan.  
Ck.

Amy Dalton, Appée.

ans.

No 22.

The United States, Applt. } Ignacio Palomas being sworn, says  
1<sup>st</sup> Ques. What is your name, age, and place of  
22 SD residence.

PAGE 83

ans. My name is Ignacio Palomas.  
I live in the County and am forty five years  
of age.

2<sup>nd</sup> Ques. — Do you know the Ranch of  
San Francisco, if so how long have  
you known.

ans. — I do, and for many years.

3<sup>rd</sup> Ques. — Did you ever know of any part  
of it ~~being~~ being irrigated. If so, when  
and how much of it.

ans. — I know that part of it has been  
irrigated, that was in the year 1824, and  
that was only a part of the land.

4<sup>th</sup> Ques. — State more or less how much.

ans. — He only saw irrigation on the  
land but cannot tell the quantity.

5<sup>th</sup> Ques. — State whether or not any of it was  
ever irrigated since the year 1824.

ans. — Since 1824, I have not seen any  
part of the land irrigated?

6<sup>th</sup> Ques. — State if you know why they  
ceased to irrigate it at that time.

ans. — I do not know.

7<sup>th</sup> Ques. — State whether or not you have  
any knowledge of there being a failure  
of water about that time, with which  
the said place had been irrigated, if  
so, state all you know about it.

2.  
Ans. — I only knew the fact of the land  
having been irrigated, but where the  
water came from I did not know.  
Ques. — How far is this land situated  
from the sea shore, more or less.

Ans. — I think it is <sup>about</sup> Eleven leagues.

Ques. — Are you acquainted with the Rancho  
of Azusa.

Ans. — I am.

Ques. — How much of that can be  
irrigated.

Ans. — I think it could all be irrigated  
if there was water enough in the river.

Ques. — When you say that it could  
all be irrigated do you mean to say that  
there was water enough to irrigate it which  
could be brought over to irrigate.

Ans. — I do not mean to say that there  
is water enough to irrigate it all because  
the water often fails, nor do I mean  
to say that if there were sufficient water,  
it could be brought over all the land.

Ques. — Of the Rancho of Azusa people  
how much land more or less, is there,  
water to irrigate that could be carried  
on to the land?

Ans. — I cannot say more or less  
what quantity can be irrigated.

Cross-examined by Counsel for U. S.

Ques. — In ordinary seasons is there not water  
enough in the River San Gabriel to irrigate  
about one half of the Rancho of Azusa,

Ans. — Yes there is in ordinary seasons

enough to irrigate one half, that is a part

22 SD  
PAGE 24

ans. — Yes there is in ordinary seasons

enough to irrigate one half, that is a part of the Rancho.

Ques. — Is not the River San Gabriel one of the Boundaries of the Rancho of Azusa.

ans. — I do not know.

Reexamined

Ques. — When you say a ~~part~~ <sup>part</sup> of the Rancho do you mean to say a small portion of it can be irrigated.

ans. — I wish to say that in a very regular year, a part, less than a half can be watered.

Ques. — State whether or not any part of the Rancho belonged to the Rancho of San Jose, if so, what part of it.

ans. — Yes, a large part of it formerly belonged to San Jose.

Ques. — State whether or not any part that formerly belonged to San Jose can be irrigated.

ans. — No.

Ques. — What proportion of the balance which did not belong to San Jose could be irrigated.

ans. — I do not know what was the balance.

Taken in open Court this 17<sup>th</sup> of Sept 1855

J. E. San  
C. H.

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No 22

~~Palomares~~

No 22.

U. S. District Court.  
South. dist of Cal.

Henry Dalton,  
appe.  
vs.  
The United States,  
applr.

Deposition of Ignacio  
Palomares,

Filed Sept 17<sup>th</sup> 1855.

J. E. Farns  
clerk.

22 SD

George Dalton, appellee

No 22

Testimony of George Dalton, taken

The United States, Appellate

in Open Court

Ques. - What is your name, age, and place of residence?

Ans. - George Dalton age 49, residence Los Angeles County.

Ques. - How long have you resided in Cali.

Ans. - 4 years & a half

Ques. - Do you know the Ranch of San Francisco?

Ans. - I do, a part of it.

Ques. - Do you know where Ira Thompson lives, if so, state how far he lives from the south line of said Ranch?

Ans. - I do, I believe it to be on the line or near about.

Ques. - Are you acquainted with the Ranch of Azusa, if so, how long, and what opportunities have you had of becoming acquainted with it.

Ans. - I do, having lived on the Ranch over four years.

Ques. - State what quantity of that Ranch can be irrigated.

Ans. - On an average season I should not like to try more than one hundred acres.

Ques. -

Cross exam

Ques. - Are you a relation of the Appellee in this case?

Ans. - I am, his brother -

Ques. - Where were you born -

Ans. - In London England.

Ques. - Are your parents alive -

Ans. - They are not.

Ques. - Is there a mill on the Ranch of Azusa.

Ans. - Yes -

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PAGE

Ques. — How far is that Mill below the water dam —

Ans. — about one mile —

Ques. — About what is the fall of water from the water dam to the mill.

Ans. — I cannot <sup>say</sup> positively — about 18 or 16 feet.

Ques. — How many barrels of flour do you make at the Mill — or hundred pounds in 24 hours.

Ans. — Not over 1500 pounds.

Ques. — Do you run night a day —

Ans. — I do not.

Ques. — How far is that mill from the River San G. at its nearest point.

Ans. — I suppose it is about one mile.

Ques. — Does not the water of the River San Gabriel run very near the surface of the ground below the dam —

Ans. — It does.

Ques. — Is not the dam of the Azuga Ranch the highest dam on the river San G.

Ans. It is.

Ques. — In ordinary seasons about what quantity of water could you take from that dam.

Ans. — I could take sufficient to irrigate about 100 acres.

Ques. — How much of the land of Azuga lies below the level of the water dam?

Ans. — I should think about one third.

Ques. — What is the average depth of the irrigating ditch which now supplies the mill with water.

Ans. — From a foot to 18 inches.

2250  
1866



with water.)

Ans. From a foot to 18 inches  
Ques. — Are there any deep cuts in that  
ditch.

Ans. — Not to any extent.

James Dalton

I now to & subscribed  
before me this 17<sup>th</sup> day  
of Sept. 1855.

J. E. Farr  
clerk.

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No. 22.

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

Henry Dalton,  
appellee,

vs.

The United States,  
applt.

Testimony of George Dalton,  
a witness for appellee, taken in  
open Court, &

Filed Sept 17<sup>th</sup> 1855

J. E. Lewis  
Clerk.

Henry Dalton, app'ee.

No 233

Quest.

The United States, app't.

Bernardino Guirado sworn says

What is your name, age, & place of residence.

Ans. — Bernardino Guirado, my age, 52 years & upwards, residence in the County of Los Angeles.

Quest. — How long have you resided in the County of Los Angeles.

Ans. — I've been one year.

Quest. — Do you know the Rancho of San Francisco, if so, how long have you known it.

Ans. — I do, I have known it for 20 years.

Quest. — State anything you know about any portion of said Rancho having been irrigated, <sup>within that time</sup> within your own knowledge.

Ans. — I never saw any part of it under irrigation.

Quest. — State any knowledge you have concerning the facilities for irrigating the same, what part thereof can be irrigated if any, and how much.

Ans. — At this time I do not think any part can be irrigated because there is no water.

Quest. — State any knowledge you have of the failures of water with which that Rancho might in former years have been irrigated.

Ans. — ~~I understand a former~~ I don't know.

Quest. — Are you acquainted with the Rancho of Azusa?

Ans. — I do.

Quest. — What portion of that can be irrigated?

Ans. — The meizaid enclosed by Mr Dalton and about 600 <sup>varas</sup> ~~varas~~ below.

Quest. — How many acres more or less

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can be irrigated on the Rancho of the ...  
Answer. — I am not acquainted with  
the measurement of an acre

Ques. — Do you know the south line of  
San Francisco?

Ans. — Yes, it is the old road that  
goes from the mission to the Puente.

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~~Is that the road that Ira  
Thompson~~

What road does Ira Thompson  
live on —

Ans. — I do not know.

Ques. — State whether or not during the  
time you have known the Rancho of  
San Francisco, was there water  
from any source by which the same  
could be irrigated.

Ans. — There was not  
Cross exam. by U.S. atty.

Ques. — Do you know the boundaries  
of the Rancho of San Francisco  
and if you state them —

Ans. — I know the boundary line on  
the south and on the side with the  
mission of San Gabriel, and also the  
boundary formed by the River San Gabriel

Ques. — Do you know the northern boundary  
line of the Rancho San Francisco?

Ans. — I know that there is an oak  
tree, where the line of Andres Duarte  
joins the Rancho of San Francisco.

Ques. — Do you know the point of place  
on the San Gabriel River, where the northern  
boundary line intersect the said River —

Ans. — I do not know it

Ques. — Do you know the South boundary of the Andres Duarte Ranch,

Ans. — Yes. the oak I have mentioned.

Ques. — How far is that oak from the San G. River.

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Ans. — It is a considerable distance off, & it must be where Duarte's land ends towards the southern corner of the <sup>of Duarte's</sup> ~~land~~ which comes to the north.

Ques. — Do you know all the boundaries of the Azusa Ranch if you state them?

Ans. — Yes. On the west the River of San G. On the south by the hills which are the head of the puente from the east towards San Jose, on the north by a valley which I think is called San Dimas, and on some rocks on the mountain there is a cross

Ques. — What is the extent or about how many leagues does the Rancho of Azusa contain.

Ans. — I believe four leagues a half, but I am not positive.

Ques. — Do you know where the water dam is which supplies the water for the Rancho of Azusa?

Ans. — I do. It is within the ravine of the mountain out of which comes the San G. River around a little bend.

Ques. — Do you know whether or not there are any water dams established above that of the Azusa Rancho.

Ans. — I do not know that there are any

*John Knowlton*

R. Villavieja } Not set aside default,  
No. 8. } No allowed - claim  
} paying court costs =

Antonio Maria Lugo }  
ads - } No. 9  
The United States }

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22 SD  
95  
Ques. — Do you know how much water  
can be taken at that Dam of Arzaga  
Ranch.

Ans. — When the river is full all  
the water could not be drawn off, at  
this season of the year, all the water could  
be drawn off.

Ques. — What Ranch bordering on the  
Arzaga River, has the first right or  
privilege of taking water from the dam.

Ans. — The Ranch of Arzaga.

Ques. — In ordinary seasons, is there not  
water enough, at the Arzaga Dam to  
irrigate a large quantity of land?

Ans. — The irrigable land is a long distance  
from the dam, and much water is lost  
in reaching it, Arzaga has only a narrow  
strip that can be irrigated, the other portions  
being sand hills, covered with prickly  
pear and sage brush. If a good dam were  
built a large quantity of water could be taken.

Ques. — How much land of the Arzaga  
Ranch lies below the level of that dam.

Ans. — All that strip of land which I  
have described perhaps would reach  
one league and a half.

Ques. — Is there any irrigating ditch  
now, on the Ranch of Arzaga, if you  
what is its length.

Ans. — I do not know.

Ques. — Do you know if there is a mill  
upon said Ranch.

Ans. — Yes.

Ques. — How far is that mill from the water  
dam.

Ans. - I do not know.

ques. - Is the Mill a large or small one -

Ans. - It is a large flour Mill.

ques. - How much of the land of Puyas is susceptible of irrigation without regard to its quality?

Ans. - I cannot tell, but it is a large quantity below the Mill.

ques. - Is it two leagues -

Ans. - No, I think about 500 yards in length and quite narrow -

ques. - Is that small piece of 500 yards in length bad or good land.

Ans. - It is not good for sowing and that is the reason it is not sown -

Re exam?

ques! - Are there not two roads that run from the river San G. in an easterly direction if so, how far are they apart?

Ans - There were two roads formerly but I dont know now - The roads are apart about one league, when they go to the River, one going to the Puente, and one to San Jose. -

Re cross exam -

ques. - How long is it since you have seen those Roads?

Ans. - I think it was just a little before the American troops came here, I have not seen them since -

ques - Can water be taken from the River San G. at the point or place where the San Jose Road from the Mission of San G. crosses - so as to irrigate the land lying to the South and South west of the San Gabriel River?

Ans - I think not, because the river runs

MS. A. 9. 2. 23



about west of the San Gabriel River

Ans. - I think not, because the river runs  
Yes. - Can it be taken at a point above  
and near where the road crosses, & if so  
at what distance.

22 SD  
PAGE 17

Ans. - I cannot say.

Yes. - Does not the water of San Gabriel  
run again at a point below where the  
road passes.

Ans. - Yes, but a great distance  
below, where the other road crosses going to  
the Puente. There it begins to spring out.

Yes. - About how much of the San Juan  
cigueta Rancho can be cultivated in ordinary  
seasons so as to raise good crops of wheat  
and corn without irrigation.

Ans. - I do not know. I have not passed  
there since the Americans have been culti-  
vating the same. I know there is a great  
deal of damp land in that vicinity <sup>of</sup> the Rancho  
which would not require irrigation.

Taken in Open Court this 14<sup>th</sup> of Sept. 1855.

J. E. San  
J. E. San

No 22  
Kansan

No 22.  
U.S. Dist Court.  
South Dist of Cal.

Henry Dalton  
appellee

vs.  
The United States,  
appellant.

Deposition of Ber-  
nardino Casado  
a witness for appellee

Filed Sept 17, 1855

J. E. Han-  
cock

The President of the United States.

F. Daniel Sexton  
Secretary.

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We command you that all and singular business and excuses being laid aside you appear and attend <sup>for the</sup> before the Judge of the District Court of the United States of America for the Southern District of California, at a Regular Term said Court now being held, at the Court House in the City of Los Angeles, in and for the Southern District of California, to testify in certain causes now pending before said Court, on the part of the United States.

And herein fail not under penalty of Two Hundred and fifty Dollars.

Witness the Hon Isaac S. K. Ogier, Judge of the District Court of the United States for the Southern District of California. Los Angeles  
Dec 3<sup>d</sup> Ad. 1855.

J. J. [Signature]  
C. J.

Served this subpoena on Daniel Saylor  
personally by delivering to him a true  
copy of the same at his residence  
in the county of Los Angeles  
this December 3<sup>d</sup> 1855

Edward Henton  
N. S. Marshal.

U. S. Dist Court,  
South. Dist. Cal.

Subpoena.

vs Daniel Saylor,

Returnable forthwith,

On the part of the U.S.

David Galt -  
Treas. U.S.

} District Court for the  
} Southern District of  
} California

The United States, appellants }  
vs }  
Henry, Dalton, appellee }

This Case coming on to be heard at the  
regular December term of the Court at the City  
of Los Angeles, on an appeal from the final decision  
of the Commission to ascertain and settle private  
land claims in the State of California, under  
an act of Congress passed on the 3<sup>rd</sup> of March 1851, on  
a transcript of the proceedings and decision of  
the papers and evidence on which said decision  
was founded, and upon further evidence taken  
before this Court, and it appearing to the Court  
that said Transcript has been duly filed according  
to law, and Counsel for both parties having been  
heard; It is ordered adjudged and decreed that  
the said ~~issue~~ <sup>decision</sup> of the said Commission, be and the  
same is hereby reversed, and it is further  
ordered adjudged and decreed; that the  
claim of the Appellee, ~~to the~~ and the same is  
hereby rejected

Thos. S. Ogden

U S Dist Judge

for the S. Dis California

The United States

by

Henry Dalton

1022

Secrecy

Filed December 3<sup>d</sup> 1855

J. E. Lang,  
Clerk

Recorded on Page 177

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

Henry Dalton

Appellee

Case 7<sup>o</sup> 22

22 SD

ad

PAGE 103

The United States

Appellants

San Francisco

December term, 1855.

Upon the trial of this Cause the United States District Attorney appeared to prove by Daniel Sexton <sup>and J. S. Mallard</sup> and witnesses called on the part of the United States, that Henry Dalton the Appellee in this case was not at the time of the grant of the land to him in this case a citizen of Mexico but was an alien & subject of Great Britain which proof was objected to by J. R. Scott, Counsel for Appellee, but His Honor the Judge overruled the objection and permitted the evidence to be given to which the Appellee by his Counsel excepted, and prays the Court to sign this his bill of exceptions and make the same part of the Record in the case, which is accordingly done

Wm. S. Smith, Judge

Case No 22  
U.S. Dist Court Southern  
Dist of Cal.

Mary Dalton  
Appellee

vs

The U. States  
Appellants

Appellus Ex ceptions.

Filed Feb 25<sup>th</sup> 1856.

C. E. Jan.  
clerk



In the United States District Court, Southern  
District of California

Henry Dalton

Appellee

Case No 22

22 SD

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207

The United States

Appellants

San Francisco.

And now comes the above named  
Appellee by Jonathan R. Scott his attorney  
and moves the Court to grant an appeal to  
the Supreme Court of the United States,  
from the decision rendered in this Court in  
the above entitled cause on the 3<sup>d</sup> day of De-  
cember 1855 -

J. R. Scott  
Atty for Appellant

Case No 22.  
U. S. Dist. Court, South  
Dist. of Cal.

W. Dalton

Appellee

vs

The U. States.

Appellants.

Motion for Appeal.

Filed Feb 25<sup>th</sup> 1886.

J. E. Jones  
Clerk

In the United States District Court  
Southern District of California.

22 SD  
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Henry Dalton }  
Appellee }  
vs }  
The United States }  
Appellants }  
Case No 22  
Manuscript 331  
San Francisco

On motion of Jonathan R. Scott, attorney for the above named Appellee, it is ordered that an appeal be granted said Appellee to the Supreme Court of the United States from the judgment rendered in the above entitled Cause, rendered December 3<sup>d</sup> 1855.

Jan 21<sup>o</sup> 22.  
U.S. Dist. Court, Southern  
Dist of Cal<sup>a</sup>.

Mary Dalton  
Appellee

vs  
The United States  
Appellant.

Writ & order for Appeal

Filed Feb 25<sup>th</sup> 1836.

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J. R. Scott.

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

Henry Dalton Appellee } Case 22

vs

The United States, App<sup>t</sup> } S<sup>m</sup> Francisco.

22 SD

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Know all Men by these Presents, that we Henry Dalton, as principal, and Jonathan R. Scott, as surety, are jointly and severally held and firmly bound unto the United States of America, in the just and full sum of Two Hundred Dollars, for the payment whereof, well and truly to be made we bind ourselves jointly and severally firmly by these presents.

The Condition of this obligation is this, Whereas the said Principal has appealed to the Supreme Court of the United States from ~~and~~ the final decision rendered in the District Court of the United States for the Southern District of California in a certain cause above entitled,

Now therefore, if the said Henry Dalton shall well and truly pay all costs that may be adjudged against him on the said Appeal by the said Supreme

Court, then this obligation to be void  
otherwise to remain in full force and  
virtue.

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In Witness Whereof, we have  
hereunto set our hands and seals <sup>at</sup> the  
City of Los Angeles California, on this  
sixth day of March, A.D. 1856.

Henry Dalton  
J. R. Scott

State of California }  
County of Los Angeles } ss.

Jonathan R. Scott  
being duly sworn deposes and says, that  
he is the surety on the foregoing bond that  
he is a Resident of the City of Los Angeles  
California, and is worth the sum of  
Two hundred Dollars over and above  
all his just debts and liabilities exclusive  
of property exempt from execution.

J. R. Scott

Sworn to and subscribed before me  
this 6<sup>th</sup> day of March A.D. 1856.

J. E. Fox  
J. R. Scott  
Approved James R. Ogden  
Notary Public

Jan 22<sup>nd</sup>  
U.S. Dist Court, South<sup>th</sup>  
Dist. of California

Nenny Dalton  
Appellee

vs

The United States  
Appellant.

Bond on Appeal.

J. M. McKelvey

C. E. Gay

By Attorney  
Deputy

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

Henry Dalton

Appellant

vs

The United States

Appellee.

No 20

San Francisco

Transcript 331

Now comes the above named Henry Dalton, and prays the Court for an order granting him an appeal to the Supreme Court of the United States from the decree of this Court entered in this case December 3<sup>d</sup> 1835, for the reason that the appeal hereinbefore taken by said Dalton, has not been duly prosecuted before the Supreme Court according to the requirements of the law;

J. R. Scott

Attorney for Henry Dalton Appellant

22 SD

PAGE 112



No 22  
W D Smith for the  
Sons of Ben Caldwell  
Wm Dalton  
applt  
vs  
The U States

Motion for leave to  
appeal

Filed in office this  
the 13<sup>th</sup> Sept 1859  
C. J. Sims  
Clerk

22 SD  
PAGE 113

Not to be appointed

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

Henry Dalton

No 22

appellee

vs

"San Francisco"

The United States

appellant

Transcript 331

The above named appellee, Henry Dalton prays an appeal now in open Court from the decree heretofore passed by this Court on the third day of December A.D. 1855,

and is appearing satisfactorily to this Court, that the appeal heretofore taken by said Dalton from the decree aforesaid, was not duly prosecuted according to the requirements of the law, therefore the appeal of said Dalton as now prayed by him is hereby allowed.

Thus done and signed in open Court  
this 13<sup>th</sup> day of September A.D. 1855.

James M. Ogden  
U.S. District Judge

No 22

U.S.D. Court  
South Dist of  
Colo

Henry Dalton  
vs  
U.S. States

Order allowing  
appeal

Filed in office  
13<sup>th</sup> Sept 1849  
C. J. Smith

Supreme Court of the U. States  
Southern Dist of California.

Henry Walton

No 22

Attorney

for

San Francisco

The United States

Appel<sup>t</sup>

To Joseph R. Gitchell Esq. U. S. Dist. City  
of said District

Sir,

Please take notice  
that the appeal in the above case  
to the Supreme Court of the United  
States, will be brought on for hear-  
ing before said Court at Washing-  
ton, D. C. on the first day of the  
next December 1839, Term of the  
said Court or as soon thereafter  
as the same can be heard -

Scott Sanders

of Counsel for

Henry Walton

I acknowledge service of the above

notice by copy delivered, Los Angeles October

18. 1839

J. R. Gitchell  
U. S. Dist. Atty

22

U. S. Dist Court  
South Dist Cal

Henry Dalton  
Appan

vs

The U. States  
App<sup>ts</sup>

Notice of Hearing

Filed in Office this  
the 18<sup>th</sup> Day of Oct  
A.D. 1859  
C. S. S. J. C. H.

22 SD

PAGE 117

Scott & Handen

Know all men by these presents, That We  
W A Potter, and Francis Mellus  
as sureties of Henry Dalton are jointly and severally  
held and firmly bound unto the United States of America  
in the just and full sum of Two Hundred Dollars for the  
payment whereof well and truly to be made we hereby bind  
jointly and severally ourselves, our heirs, Executors and Ad-  
ministrators

The Condition of this obligation is as follows  
Whereas the said Henry Dalton has appealed to the Su-  
preme Court of the United States from the final decree of  
the District Court of the United States for the Southern Dis-  
trict of California, in a certain Cause wherein said  
Dalton was Plaintiff and Appellant, and the United  
States Defendant and Appellee, on the 3<sup>d</sup> December  
AD 1855, said Cause being No 22 on the Land Docket  
of said District Court, and No 331 on the Docket  
of the late United States Land Commission to ascertain  
and settle the private Land Claims in the State of  
California for lands called "San Francisco".

Now therefore if the said Henry Dalton shall well  
and truly pay all Costs that may be adjudged against  
him on the said appeal in the said Supreme Court, then  
this obligation shall be and become null void and of  
no effect, otherwise to be and remain in full force  
and virtue

Witness our Hands and seals this 14<sup>th</sup>  
day of October AD 1859.

W A Potter

Francis Mellus

United States of America  
Southern District of California  
County of Los Angeles

22. SD  
PAGE 119

H A Potter & Francis Mellus  
the sureties on the bond foregoing, being duly sworn  
say each for himself, and not one for the other that he is  
a resident householder in the County of Los Angeles, State  
of California, and is worth the sum of Two Hundred Dol-  
lars, over and above his debts and liabilities. & claims  
of property exempt from execution  
H A Potter

Given to and subscribed before  
me this 14<sup>th</sup> day of October  
A D 1859.

Francis Mellus  
As Just Court for  
Southern Dist of Calif

The within and foregoing  
bond is approved  
Gauss St. Officer  
U S District  
for the S Dist of Calif



No 22

In U S Dist

Court Dist of

Calif

H Dalton  
appears

for the United

States

Appeal Bond

Filed in Office this  
the 18<sup>th</sup> Dec 1854

Spencer  
Clerk

22 SD

PAGE 120



UNITED STATES OF AMERICA, SS.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

22 SD  
PAGE 121

To the Honorable the Judges of the District Court  
of the United States, for the Southern District  
of California \_\_\_\_\_

greeting:

Whereas, lately, in the District Court of the United States, for the Southern District  
of California before you, \_\_\_\_\_ in a cause  
between The United States, appellants and Henry  
Haltow, appellee, the decree of the said District  
Court was in the following words, viz: -

"It is ordered, adjudged and decreed  
that the said decision of the said Commission  
be, and the same is hereby reversed; and it is  
further ordered, adjudged and decreed, that  
the claim of the appellee be and the same  
is hereby rejected." \_\_\_\_\_

And whereas, in the present term of December, in the year of our Lord one thousand eight hundred and fifty nine the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and was argued by counsel: On consideration whereof, it is the opinion of this Court that the title of the petitioner is a good and valid one and that the same should be and hereby is confirmed - Whereupon it is now here ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be and the same is hereby reversed and annulled, and <sup>that</sup> this cause be and the same is hereby remanded to the said District Court with directions to enter a decree in conformity to the opinion of this Court. - 23<sup>d</sup> April

22 SD  
PAGE 122

as by the inspection of the transcript of the record \_\_\_\_\_  
\_\_\_\_\_ of the said District  
Court, which was brought into the Supreme Court of the United States, by virtue of an appeal  
agreeably to the act of Congress, \_\_\_\_\_  
\_\_\_\_\_ in such case made and provided, fully and at large appears.

You, therefore, are hereby commanded that such further \_\_\_\_\_ proceedings be had in said cause, in conformity to the opinion and decree of this court as according to right and justice, and the laws of the United States, ought to be had, the said appeal notwithstanding:

Witness the Honorable Roger B. Taney Chief Justice of said Supreme Court, the Fifth Monday of December in the year of our Lord one thousand eight hundred and fifty nine.

COSTS OF \_\_\_\_\_  
Clerk \$ \_\_\_\_\_  
Attorney \$ \_\_\_\_\_  
\$ \_\_\_\_\_

Trusted by

Wm. H. Carroll  
Clerk of the Supreme Court of the United States.

No. 3, December Term, 1859.

MANDATE

SUPREME COURT UNITED STATES.

Delivered in M. States

Filed Oct 2 1861

John M. McKim

Att

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

22 SD

PAGE 124

Henry Dalton }  
Claimant } No 22  
vs } "San Francisco"  
The United States }  
Defendant. }

In This Cause, The Claimant Henry Dalton having presented and filed in This Court, the Decree and Mandate of The Supreme Court of The United States, in the words and figures following,

"United States of America, vs"

"The President of The United States of America

Seal of Supreme Court of U.S. "To The Honorable The Judges of The District Court of The United States

"for the Southern District of California, greeting;

"Whereas, lately in The District Court of The United States for the Southern District of California, before you, in a Cause between The United States, Appellants, and Henry Dalton, Appellee, the Decree of The said District Court was in the following

"wonders, viz,

"It is ordered, adjudged and decreed

"that the said decision of the said Com-

"mission be, and the same is hereby re-

"versed; and it is further ordered adjud-

22 SD

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"ged and decreed that the claim of the Ap-

"pellee be and the same is hereby rejected.

"As by the inspection of the transcript of

"the Record of the said District Court,

"which was brought into the Supreme Court

"of the United States, by virtue of an appeal

"agreeably to the Act of Congress in such

"case made and provided, fully and at large

"appears.

"And whereas in the present term of Decem-

"ber, in the year of our Lord, one thousand

"eight hundred and fifty nine, the said

"Cause came on to be heard before the said

"Supreme Court, on the said transcript of

"the record, and was argued by Counsel;

"On consideration whereof, it is the opinion

"of this Court that the title of the petitioner is

"a good and valid one, and that the same

"should be, and hereby is confirmed, where-

"upon it is now here ordered adjudged

"and decreed by this Court, that the Decree

" of the said District Court in this Cause  
" be and the same is hereby reversed and  
" annulled, and that this Cause be and the  
" same hereby remanded to the said Dis-  
" trict Court with directions to enter a De-  
" cree in Conformity to the opinion of this  
" Court. (23<sup>d</sup> April)

" You therefore are hereby comman-  
" ded that such further proceedings be had  
" in said Cause in Conformity to the opinion  
" and decree of this Court, as according to  
" right and justice and the laws of the U-  
" nited States, ought to be had, the said appeal  
" notwithstanding.

" Witness the Honourable Roger B. Taney, Chief  
" Justice of said Supreme Court the first  
" Monday of December, in the year of our  
" Lord one thousand eight hundred and  
" fifty nine.

" (Signed) Wm<sup>m</sup> Thos. Carroll.

" Clerk of the Supreme Court of the United States

And the said Claimant now praying  
for final decree, as directed in said man-  
date; now therefore, by virtue of, and in  
obedience thereto

It is ordered adjudged and decreed

by the Court here, That the <sup>title</sup> Claim of  
said Henry Dalton to the lands called  
San Francisco, claimed in this case  
is good and valid, and the same are  
hereby confirmed to him.

22 SD  
PAGE 127

The lands hereby confirmed are those  
known as "San Francisco," in the Coun-  
ty of Los Angeles, of the extent of two  
square leagues <sup>and no more</sup> within the boundaries  
mentioned in the Grant of <sup>Gov<sup>r</sup></sup> Rio Rico  
to the Claimant, of date May 20, 1845  
and set forth in the Expediente and map  
to which the Grant refers: provided  
that should the quantity of land  
within said boundaries be less than  
two (2) square leagues, then confirma-  
tion is hereby made to Claimant, of  
such less quantity. Reference being  
also made to the Act of Judicial pos-  
session ~~and the same to be inserted~~  
~~in the~~ of file.

This done & signed in Open Court  
this 3<sup>rd</sup> day of October 1852

Walter M. Haigley  
Judge of the District Court of Santa Fe

22.

Dist Court of U.S.  
The Dist of Cal.

Henry Patton

vs

The United States

Decree.

Filed Oct 3, 1862

John Wheeler  
clerk

240

436

453

388

22 SD

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The United States of America.

D. Bernardino Guizado

Pio Pico and Francisco Alvarado. Executors

22 SD  
PAGE 129

We command you, that all and singular claims  
and demands being laid aside, you & each of  
you appear before the Dist Ct of the U S on  
Saturday next the 15<sup>th</sup> Sept<sup>r</sup> to give evidence  
in the cause then pending  
Wherein the United States is Appellant  
and Henry Dalton Appellee

And this you <sup>and every of you</sup> are in  
no wise to omit under the penalty  
of Two Hundred & fifty Dollars

~~~~~  
~~~~~  
~~~~~



Witness the Hon Isaac St
Ogier Judge of the District
Court of the United States
at the City of San Francisco
this 13th day of Sept^r A D 1855

O C Carr clerk
By John W Ross
Deputy

No 22

Henry Dalton

also -

The United States

Minister of Finance
San Francisco

Open

Mexico

Bernardino Guerra
San Pedro and
Marques Alvarado

22 SD

PAGE 130

Sept 15th 1855

I served his subpoena, upon Pio Pico & Bernardino Guerra by delivering to each of them personally a certified copy of the same in the County of Los Angeles on the 13th day of September 1855.

E. Hunter

By P. J. Marshall

Deputy

Served on Francisco Alvarado Sept 14th 1855
By ~~Edward Hunter~~ delivering to him in person a copy of the same and explaining the same to him

Edward Hunter
P. J. Marshall

The President of The United States. To,

David Lewis

Greetings

22 SD

PAGE

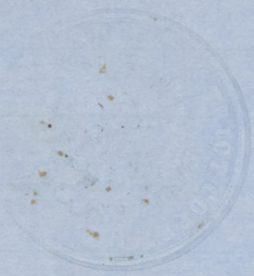
131

We command you, that all and singular
jurors and excuses being laid aside, you and
each of you appear and attend before the Judge
of the District Court of the United States of America
for the Southern Dist of Cal^a at a Special Term
of said Court, to be held at the Court Room
in the City of Los Angeles in & for the Southern Dist
of Cal^a, on the 15th day of September, at 10
o'clock A.M. to testify on behalf of the United
States in the cause now pending in said
Court wherein, Henry Dalton ads of the
United States

And this you in no wise omit
under the penalty of Two Hundred & fifty Dollars

Witness the Hon Isaac S. H. Ogden
Judge of the Dist. Court of the
United States, at the City of
Los Angeles this 12th day of
September A.D. 1855,

O. C. Carr Clerk
By Wm N. Bass Deputy



I served the within writ on David Lewis
this day Los Angeles Sept 12th A.D. 1855
Edward Hunter
U.S. Marshal

1st 22

Union State District
Southern District Calif

Henry Dalton

and

The Union State

Subpoena

Henry Dalton
San Francisco

PAGE 22 SD
132

Returnable 15th Sept

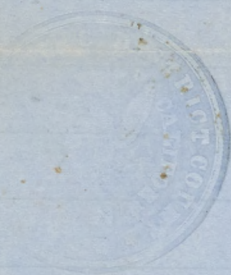
The President of the United States of America
To, George Hanson Gentry - We command
you, that all and singular business and ex-
cuses being laid aside You appear and attend
for the Judge of the District Court of the U.S.
of America for the Southern Dist. of Cal^a &
for Chivith to give evidence in a certain
Cause pending in said Court and then
and then to be tried between Henry Dalton
Appellee and the U.S. appellants on
the part of the Appellee

And this you in no wise omit
under the penalty of Two Hundred and
Fifty Dollars -

Witness My Isaac S K Ogier Judge
of the Dist Ct of the U.S. at the City
of Los Angeles this 15th day of
Sept AD 1835

C. C. Carr Clerk
By John W. Ross Deputy

22 SD
PAGE 133



No 22.

United States of America
Southern Dist. of California

Henry Dalton.
Appellee

vs

The United States
Appellant

Witness
George Hanson

22 SD

PAGE 131

Edw. Northworth

I served a certified copy of the within subpoena upon George Hanson by leaving with him personally a true copy of the original, in the city of Los Angeles, on this 15th day of September, A.D. 1855.

Edward Hunter.

W. G. Jorahat
By R. G. Jones,
Deputy.