

CASE No.  
158

SOUTHERN DISTRICT  
SALINAS GRANT

THE HEIRS OF GABRIEL ESPINOZA, ET AL

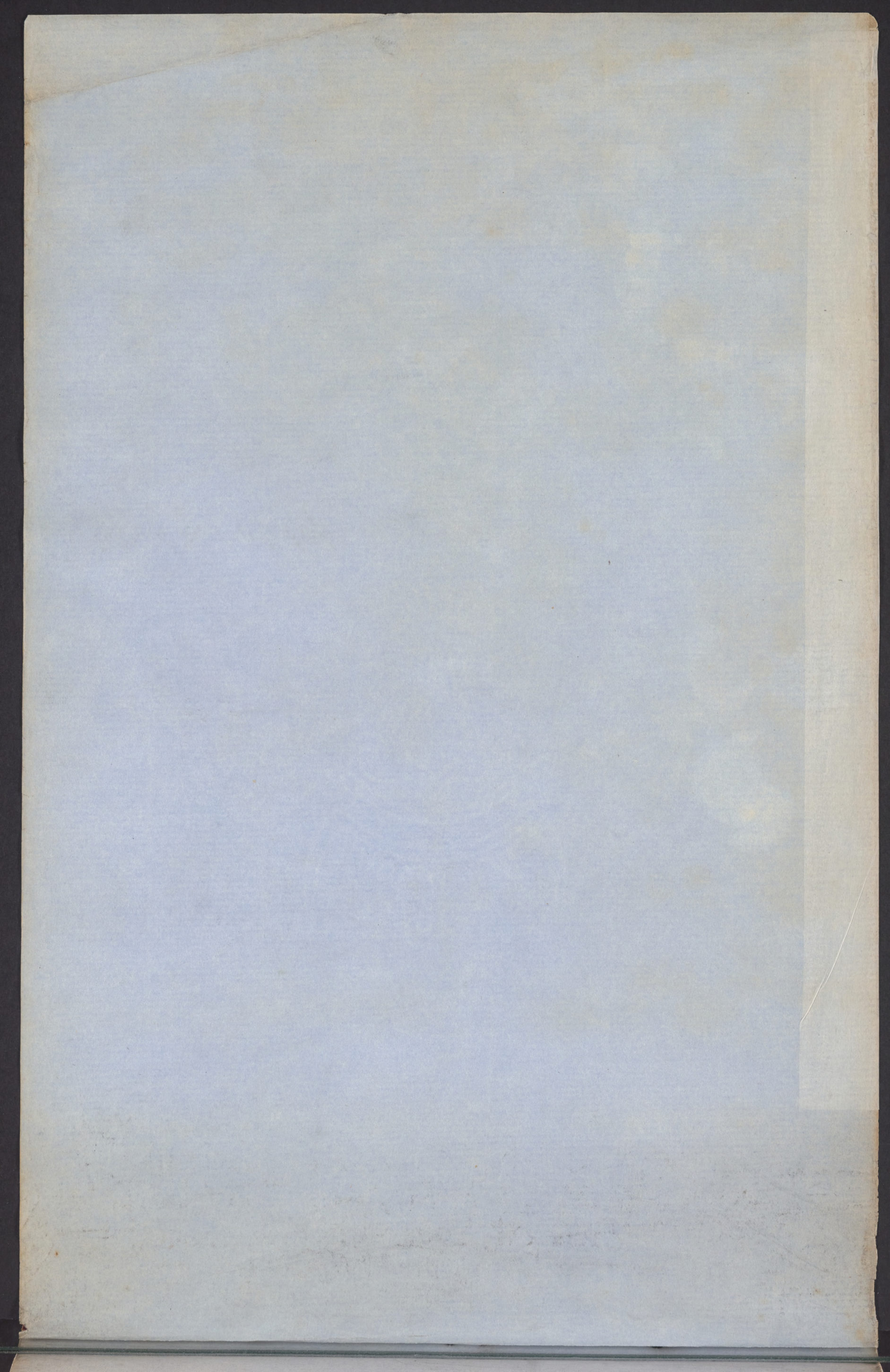
CLAIMANT

LAND CASE 158 SD pgs. 68

MAR 6 1963

PLUMER BOND  
*(Faint, illegible handwriting)*

570



TRANSCRIPT  
OF THE  
PROCEEDINGS

IN CASE

NO. 570

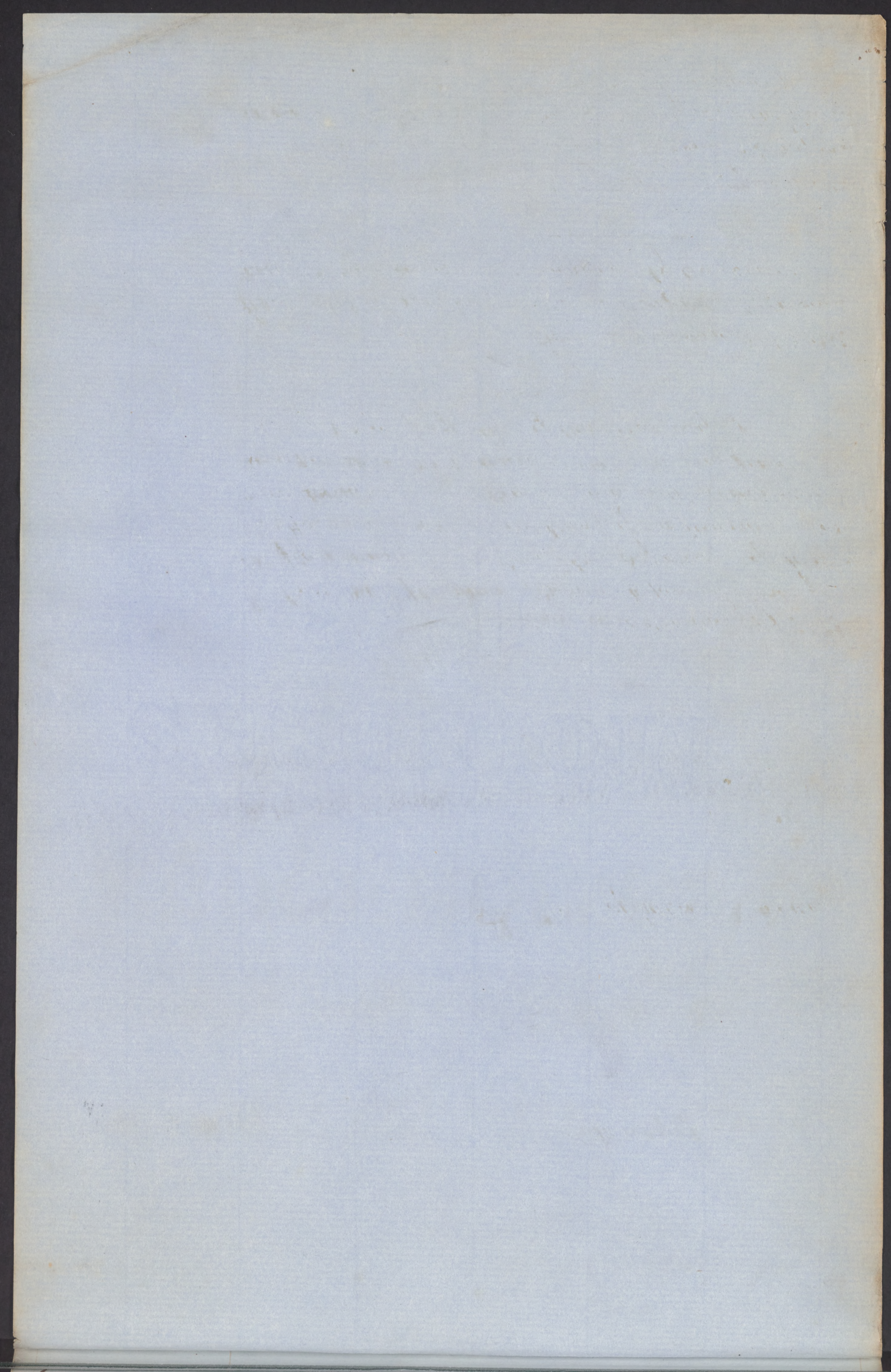
*The Heirs of Gabriel Espinoza et al* CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Salinas."*



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

158 SD  
PAGE 2

Be it Remembered, that on this *ninth day of February*, Anno Domini One Thousand Eight Hundred and Fifty-Three, 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 *The Heirs of Gabriel Espinosa et al;* for the Place named "*Salinas*," was presented, and ordered to be filed and docketed with No. 570 and is as follows, to wit;

(Vide page 3 of this Transcript.)

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

San Francisco, February 17 1853.  
In Case no. 570, Heirs of Gabriel Espinosa, et al; for the place named "Salinas," the deposition of W<sup>m</sup> E. P. Martnell, a witness in behalf of the claimant, taken before Commissioner Steana Hall, with document marked H. H. No. 1, annexed thereto, was filed;

(Vide page 4 of this Transcript.)

San Francisco, Oct. 3 1853.  
Case no. 570, was submitted on Briefs on both sides and taken under advisement by the Board,

San Francisco, April 4 1854.  
In the same Case Commissioner R. Aug. Thompson delivered the opinion of the Board rejecting the claim;  
(Vide page 5 of this Transcript.)

San Francisco, Aug. 15<sup>th</sup> 1854,  
 In the same case, on motion of the United States  
 Land Agent, the following order was made, to-wit:  
 (vide page 2) of this Transcript.)

158 SD  
 PAGE 3

And it appearing to the Satisfaction of  
 this Board that the Land hereby adjudi-  
 cated is situated in the Southern District  
 of California it is hereby  
 Ordered; that two  
 Transcripts of the Proceedings and of the  
 Decisions in this case, and of the papers  
 and evidence upon which the same are  
 founded be made out and duly certified  
 by the Secretary, one of which Transcripts  
 shall be filed with the Clerk of the United  
 States District Court for the Southern  
 Judicial District of California, and the  
 other be transmitted to the Attorney  
 General of the United States,



## Petition

To the Board of Commissioners for  
ascertaining and settling private land claims  
in California.

The petition of the heirs of  
Gabriel Espinosa & Lucinda & Pogue of  
Monterey County respectfully represent.

That on or about the 15<sup>th</sup> of April  
1836 Nicholas Gutierrez, Governor of Upper Califor-  
nia granted a tract of land of about one square  
league in extent (in the County of Monterey) and  
bounded as follows. By the River Salinas on the  
South East, by the lands of Christina Adyada  
on the North West, the lands of Romon on the  
South East, and the Salt Lakes inclusive on the  
South. that said grant made as aforesaid, was  
confirmed by the Territorial Deputation on or  
about the 9<sup>th</sup> of August 1836. That on or about  
the 7<sup>th</sup> of October 1836, the said Gabriel Espinosa  
received Judicial possession of the said land  
That the said Gabriel Espinosa died intestate on  
or about the 16<sup>th</sup> of November 1850. That after  
he left several legitimate children his heirs to wit  
Manuel, Maria Francisca (wife of Antonio Valenzuela),  
Jose Maria, Maria Jesus, Barbara  
Lucille, Juan, Jose Jesus & Jose Manuel That  
the said tract of land granted as aforesaid de-  
scended to the said heirs. That Juan petitioned  
Lucinda & Pogue has acquired all the man-  
dado, right title and interest of two of the said  
children of said Gabriel Espinosa heirs to said  
tract of land to wit, Manuel Espinosa, and Maria  
Francisca (wife of Antonio Valenzuela) by deed  
of conveyance of the date of 1<sup>st</sup> of November  
1852. Copies of which original grant, confirma-  
tion, Judicial possession with translation & deed  
of transfer, are herewith presented.

The premises considered, Your

petitioners the said heirs of Gabriel Espinosa and Lucrecia B. Louque. Allowing the individual share of the said Manuel & Maria Francisca may that the said grant may be confirmed and that they have no objection in their favor and general relief.

158 SD  
PAGE 5

As in duty bound,  
S. Ord. atty for Petitioners.

Filed in Office July 9, 1853.  
(signed) Geo. Fisher Secy.

Deposition  
of  
Martinez

San Francisco July 17, 1853.  
On this day before Comr Richard Keall came  
Wm E. P. Martnell a witness in behalf of the  
Claimants, heirs of Gabriel Espinosa et al  
petition No 570, and was duly sworn his evidence  
being given in English.

The U. S. Associate Law Agent was present.  
My name is W. E. P. Martnell, my age fifty five  
years & I reside at Monterey.

I was acquainted with the hand writing & signa-  
tures of Nicolas Gutierrez, Francisco del Castillo  
Negrete, Jasi R. Espada, Jose M. Maldonado do. Pet-  
ronimo Rias & Celso their signatures wherever  
they appear on a paper now shown me marked N  
N. No 1. & hereto attached to be genuine. I know  
the land described in the said papers. It has been  
occupied from about the year 1836 by Gabriel  
Espinosa & family until recently. I believe he  
is dead & that the family he left still reside there.

W. E. P. Martnell.

Sworn & Subscribed Before me  
Richard Keall Comr.

Filed in  
Office  
July 9, 1853  
(signed)  
Geo Fisher  
Secy

5

[ 1 ]

Expediente

Año de  
1835

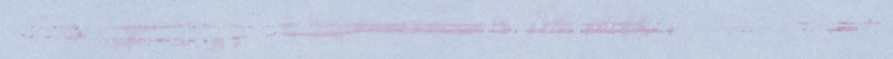
158 SD  
PAGE 6

Expediente  
sobre el terreno que  
solicita Gabriel Espinosa  
inmediato a las Salinas

~"~

13

~"~



6

Sello Terceero Dos Reales

Habilitado provisionalmente por la Admi-  
nistracion de la Aduana Maritima de  
Monterrey de la Alta California, para  
los años de mil ochocientos treinta y  
cuatro y mil ochocientos treinta y cinco

158 SD  
PAGE 7

Figueron

A Ramirez

Sr Jefe Sup. Politico

El Ciudadano Gabriel  
Monterrey Agosto Espinosa ante V.S. como más  
12 de 1835 - haya lugar en derecho espone  
De conformi- lo siguiente ( de conformidad  
dad con las leyes con la ley de colonizacion )  
y reglamentos de que hallandose un terreno  
la materia in baldio en el margen del rio  
forme el Y. Aym- nacional hacia las Salinas  
tamiento de este rancho de la Señora Cristina  
Capital si el cuyo diseño acompaño y  
interesado en esta tiene de latitud media le-  
instancias obtiene qua y de longitud un  
los requisitos pre- cuarto de legua con el  
venidos para ser objeto de plantar en el  
atendido en su labores para la subsistencia  
solicitud si el de mi familia que son  
terreno q. pretende 11 hombres y siete mugeres  
está comprendido espero, Sr, se sirva hacerme  
en las 20 leguas esta gracia teniendo presente  
limitrofes ó 10 catorze años de servicio a  
litorales que la Patria en clase de  
espresa la ley soldado enaado y nacido

7

de 18 de Agosto de. en este Territorio, y mi  
1824; si pertenece defunto padre fundador  
a la propiedad de de él. Por tanto

[3]

alguna particular  
mision, corporacion  
o pueblo, o si reconoce  
por baldio, con todo  
lo demas que sea  
conduciente a ilustrar  
la materia.

N.S. suplico se sirva  
prover en su favor de lo que  
recibirá justicia y juras  
lo necesario

Monterrey 11 de Agosto  
de 1835

Gabriel Espinoza

El Sr D. José

Figueron General de Brigada, Comandante Gral  
Inspector i Jefe Superior Político del Terri-  
torio así lo mando dicuto i firmo de lo que  
doy fe -

José Figueron

Sno

Jco del Castillo Negrete

Monty Agto 29 / 835

Con fha de hoy acordó el Y Ayunta-  
miento pase a la Comision de Terrenos

José Maria Maldonado  
Sno

[4]

Lello Cercero Dos Reales

Habilitado provisionalmente por la Adminis-  
tracion de la Aduana Maritima de Monterrey  
de la Alta California, para los autos de mil  
ochocientos treinta y cuatro y mil ochocientos  
treinta y cinco

Figueron

A Ramirez

Y Ayuntamiento

La Comision de terrenos baldios ha visto la

158 SD  
PAGE 8

8

158 SD

PAGE 9

solicitud que hace al S. Jefe Superior Politico el Sr. Gabriel Espinosa pretendiendo el parage q se halla valdies cerca del rancho de las Satinas de la propiedad de la Srta. Cristina Delgado, y en cumplimiento del Sup. decreto de 12 del pp.º la Comision informa; que el interesado obtiene los requisitos para ser atendido en su solicitud; que el terreno q pretende no está comprendido en las 20. leg.º limítrofes y si en las 10. litorales que espresa la ley de 18 de Agosto de 1824; q. no pertenece a la propiedad de ningun particular y si a los egidos de este Pueblo segun lo solicitado p.º este Ayuntamiento; que tiene las tres circunstancias de ser, de regadio, temporal y abrevadero aunq. todo en poca cantidad a virtud de su cortedad. Por lo espuesto la Comision presenta á la deliberacion de esta Y. Corporacion la proposicion siguiente -

Puede concederse al Sr. Gabriel Espinosa el parage q se halla junto al rancho de las satinas q solicita p.º su cultivo, sugitandose ( en caso de pertenecer á los egidos) a pagar el canon q corresponda -

Monterey 5 de Ate 1835 -

José Joaquín Gomez Miguel Avila

Monterey Ate 5 de 1835.

En sesion de este dia aprobó el Y. Ayuntamiento - [ 5 ] la antecedente proposicion, y se acordó se pase el expediente al S. Jefe Politico con el dictamen agregado como resultado del informe

9

que se sirve pedir á esta Corporacion -  
D.º Espence -

José Maria Maldonado  
Srno.

570  
~~567~~

158 SD  
PAGE 10

Monterey Setiembre 9 de 1835

Pase al Sr. Alcalde de esta Capital ante  
quien la parte de Gabriel Espinosa producirá  
una informacion de tres testigos idoneos q.  
serán interrogados sobre los puntos siguientes -  
Primero si el solicitante es de Mexicano por  
nacimiento, si es casado i tiene hijos i si es  
de buena conducta, segundo si el terreno que  
pretende pertenece á la propiedad de algun  
particular Mision o' pueblo, si es de regadio  
temporal o' abrevadero i q' si tiene con que  
poblarlo o' posibilidad de adquirirlos - En  
cuando estas diligencias vuelvan el expediente  
p.º su resolucion - El Sr. D.º José Castro  
primer vocal de la C. Departamto. Judicial  
i jefe politico interino del Territorio de la Alta  
California así lo mando decreto y firmo  
de lo q' dio fé -

Srno

José Castro -

José del Castillo }  
Negrete }

Mon =

Here follows a sketch or  
rough map marked } [ 5. ]

[ 7. ]

[ Sello Terceiro Dos Reales  
Habilitado provisionalmente por la admi-  
nistracion de la Aduana Maritima de





guntado; y siendolo p<sup>r</sup> su nombre, estado, edad patria y religion dijo: llamarse como queda referido: que es soltero, de veinte y siete años, de esta Capital y de A. R.

Preguntado - Por el interrogatorio q<sup>e</sup> se contiene en el superior decreto de 9 de Setiembre dijo:

A lo 1<sup>o</sup> - Que si es Ciudad<sup>o</sup> Mexicano; que es casado y tiene once hijos y q<sup>u</sup>e es de buena conducta y responde

A lo 2<sup>o</sup> - Que no pertenece mas q<sup>u</sup>e a los ejidos de esta poblacion; que es de abrevadero y que su estension sera' de una legua, y contesta

A lo 3<sup>o</sup> - Que si tiene bienes de campo; q<sup>u</sup>e lo dicho es la verdad a cargo del juramento que tiene hecho en el que se afirmo' y ratifico' leida que le fue su declaracion y no firmo' p<sup>r</sup> no saber, lo hice yo y los de as<sup>o</sup>

David Espence

De as<sup>o</sup>

De as<sup>o</sup>

José Maria Maldonado

José Joa<sup>n</sup> Gomez

En la misma fha presento Felipe Villota se le recito juramento en forma de derecho, bajo el cual = [ 9 ]

[ Sello Tercero Dos Reales,

Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterrey y de la Alta California para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco -

Castros.

Angel Ramirez ]

158 SD

PAGE 13

= ofreció decir verdad en lo q supiere y  
fuere preguntado y siendolo por su nombre  
estado, edad, patria, y religion; dijo: se  
llama como queda referido; que es casado,  
de cuarenta y tres años y C. A. R. —

Preguntado — Por el orden q lo fue el anterior  
testigo — Dijo —

A lo 1<sup>o</sup> Que es Ciudad Mexicano p nacimiento  
que es casado, tiene hijos y buena  
conducta y responde. —

A lo 2<sup>o</sup> Que no pertenece a particular mision  
ni Pueblo; que es de temporal y  
q su extension sera de tres leguas  
y contestas —

A lo 3<sup>o</sup> Que si tiene bienes de campo; q  
lo dicho es la verdad a cargo del  
juramento q tiene hecho en el q  
se afirmo y ratifico leido q le fue  
su declaracion y no firmo p no  
saber — David Espino

De as<sup>o</sup> José Maria Maldonado      De as<sup>o</sup> José Joaquin Gomez

En la fha presente Joaquin Alcarado se le  
recibió juramento en forma de dno por el cual  
ofreció decir verdad en lo q supiere y fuere  
preguntado, y siendo por su nombre, estado  
edad, patria, y religion Dijo: llamarse como  
queda dicho; que es casado de treinta y seis  
años, natural del Pueblo de los Ang<sup>os</sup> y  
de A. R. y —

Preguntado — segun lo fueron los anteriores  
testigo Dijo: — — —

Alo 1º Que si es Ciudadano Mexicano por nacimiento que es casado tiene hijos, y es de buena conducta, y contestó-

Alo 2º Que el terreno q se pretende sale por oida que pertenece á los egidos de esta Municipalidad; que es de temporal; y que su estension será de una legua y contestó

Alo 3º Que si tiene bienes de campo: que lo dicho es la verdad á cargo del juramento que tiene hecho en el que se afirmó y ratificó liado que le fué en declaracion y lo firmó y los do así

David Espene

Long<sup>n</sup> Alvarado

De así

De así

José Maria Maldonado José Louquín Gomes

Concluida esta informacion se devuelve el expediente al S. Jefe Politico y para constancia lo anoto y rubrico

R.



Sello Terceero Dos Reales

Habilitado provisionalmente por la administracion de la Aduana Maritima de Monterrey de la Alta California, para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco -

Castro

Angel Ramirez

Monterrey Dto 17 de 1835.

Vista la peticion con q dá principio este

158 SD  
PAGE 14

Drs 12 p.

158 SD  
PAGE 15

Expediente el informe de la autoridad Municipal en todo lo de mas q. se tubo presente i ver conuino de conformidad con las leyes i Reglamentos de la materia se declara a Gabriel Espinoza dueño en propiedad del terreno inmediato a las Salinas que solicita sujeto a las condiciones que se estipularon; pase este expediente a la deliberacion de la Exma Don Territorial i buelta a esta oficina p<sup>a</sup> su conclusion - El Sr. D<sup>no</sup> José Castro vocal de la Exma D<sup>na</sup> i Jefe Político interino asi lo mando decreto i firmo de que doi fe -

J<sup>co</sup> del Castillo  
Negrete  
Srio

José Castro

Monterrey Dic<sup>no</sup> 19 de 1835

En sesion de este dia se mandó pasar a la Comision de terrenos baldios

José Castro

En =

[ 12 ]

25 de Julio se mandó pasar a la comision de Colonizacion

Maldonado

Srio

E. Srio

La comision de Colonizacion a' que se pasó el expediente q' formó la concesion hecha p<sup>a</sup> el Sr. Jefe Político al Sr. Gabriel Espinoza del terreno que se halla inmediato a las salinas, ha visto con detenimiento el informe de los testigos visibles en las p<sup>as</sup> 4, 9, 9. etc y como

se advierte que pertenece a' los egidos de esta  
municipalidad, creó la comision que su  
adjudicacion deve ser sujetandose a' pagar  
el canon que le corresponda, y en esta virtud  
sujeta a' la deliberacion de la E. Diputacion  
la siguiente proposicion —

Se aprueba la concesion hecha p<sup>o</sup> el S.  
Jefe Politico del terreno q se halla inmediato  
a' las salinas, al Sr. Gabriel Espinosa, en 17  
de Diciembre del año pp.<sup>o</sup> sujetandose a'  
pagar el canon q. corresponda p<sup>o</sup> pertenecer  
a' los egidos de esta municipalidad Monterrey  
Agosto 8 de 1835

Jose Joaquin  
Gomez }

David Spence

[ 13 ]

Lello Tercero de Reales

Habilitado provisionalmente por la Adminis-  
tracion de la Aduana Maritima de Monterrey  
de la Alta California, para los años de mil  
ochocientos treinta y cuatro y mil ochocientos  
treinta y cinco

Castro

Angel Ramirez

Monterrey Agosto 9 de 1835

En sesion de este dia aprovo' la E. Diputacion  
la proposicion en q. concluye el antecedente  
dictamen, y se acordó se devuelva el expediente  
al S. Jefe Politico p.<sup>o</sup> su conclusion

Juan B. Alonádo  
Presidente }

José Maria  
Maldonado Sro

Monterrey Setiembre 28 de 1835

En vista de la aprobacion otorgada

158 SD  
PAGE 16

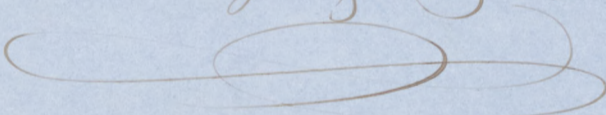
en 8 del pasado Agosto por la Exma Dipu-  
tacion Territorial: librese Testimonio de este  
Decreto a la parte de Gabriel Espinosa en  
conformacion de la concesion del terreno de  
las salinas que obtuvo en 17 de Diciembre  
de 1835 - El Sr. D. Me - - - [14]  
- colas Gutierrez, Teniente Coronel de Ejercito  
Comandante Gral Inspector y Jefe Politico  
de la Alta California asi lo mando' decreto'  
y firmo' de que doy fe' -

158 SD  
PAGE 17

Nicolas Gutierrez  
Manuel M<sup>o</sup> Gonzalez  
Int<sup>o</sup>

Monterrey Setiembre 27 de 1835

En esta fha se le dio Testimonio -  
segun lo mandado en el antecedente decreto  
siendo testigos los CC Mariano Bonilla  
y José M<sup>o</sup> Ramirez -

Gonzalez -  


Office of Surveyor General  
of the United States for  
California -

I, John C. Hay, Surveyor General  
of the United States for the State of  
California, and as such, having in my  
office and in my charge and custody

17

a portion of the Archives of the former Spanish and Mexican Territory or Department of upper California, by virtue of the power vested in me by law, do hereby certify, that the Hs. preceding, and herewith annexed pages of tracing paper, numbered from one to fourteen inclusive, exhibit a true and accurate copy of a certain document now on file and forming a part of said Archives in this office

158 SD  
PAGE 18

L.S.

In testimony whereof I have herewith signed my name officially and caused my seal of office to be affixed, at the City of San Francisco this third day of November 1853

(Signed) John C. Hoays  
U.S. Surveyor General  
for California

—

Extract from the 2<sup>nd</sup> section of the act of Congress providing for the Survey of Public Lands in California, and for other purposes approved, March 3<sup>d</sup> 1853.

"The Secretary of the Interior is hereby authorized to cause an official seal to be prepared for the office of the said Surveyor General (California) and any copy or extracts from the plats, field notes, and other records and documents on file in his office, when attested as such by the said

18  
seal and the signature of the Surveyor  
General, shall, in all judicial matters,  
have the same force and effect as the  
original. ”

158 SD

PAGE 19

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Filed in office December 3<sup>rd</sup> 1853

(Signed) Geo. Fisher  
Secy

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*[Large decorative flourish]*



Year 1835

Expediente relativo to the land petitioned  
for by Gabriel Espinosa forming the Salinas.  
No 13.

Translation  
of  
Espediente.

Seat third class, two reals.  
Provided Provisionally for the administra-  
tion of the Maritime Custom House of Monterey  
of Upper California for the years 1834 & 1835  
Tiquiroa. A. Ramirez.

158 SD

PAGE 20

To the Superior Political Chief,  
The citizen Gabriel Espinosa respectfully ap-  
pears before you & represents in conformity  
with the law of colonization, that there being  
a piece of vacant land on the banks of the river  
of the Nation as also to the Salinas Ranch of the  
Senora Christina, a map of which accompanies  
this petition, which is of the extent of a half  
league in breadth by a fourth of a league  
with the object to cultivate it for the support  
of my family which consists of four males and  
seven females, I hope that Your Excellency will  
grant me this favor having been fourteen years  
in the service of the Country as a soldier & being  
a citizen by birth of this Territory and my de-  
ceased Father having been one of the founders  
of it.

Wherefore I solicit this favor by which  
I will receive justice and swear what is ne-  
cessary &c.

Monterey 11th August 1835.

Gabriel Espinosa.

Monterey August 12, 1835.

In conformity with the laws  
and regulations upon the subj. et. the Assenta-  
miento of this Capitol will report whether  
the present petitioner possesses the necessary  
qualifications to have his petition granted and

if the land petitioned for is within the twenty  
leaguas of the border (Límites) or ten leagues  
of the Coast (Litoral) as expressed by the Law  
of the 18th of August 1824 and whether it  
belongs to any Person, Mission, Corporation  
or town and if it is vacant and all that may  
be necessary to shed light on the subject. The  
Exct. Don José Figueroa General of Brigade  
Commandante General and Inspector & Super-  
ior Political Chief of the Territory thus Com-  
mands & decrees Signs in faith -  
José Figueroa.

Fr. del Castillo Secf.

Montreux Augt 29. 1835.

On this day the Illustrisimo Ayuntamiento  
agreed to pass this to the Committee  
on lands.

Jose' Maria Maldonado Secf.

Seal of third Class. Two 1/2 at 1/2.

Provisionally for the administration  
of the Maritime Custom House of Montreux  
Upper California for the years 1834 & 1835.  
Figueroa A. Ramirez.

Illustrisimo Ayuntamiento -

The Committee on vacant lands having seen  
the petition to the Superior Political Chief of  
the City to Gabriel Espinosa asking for the  
piece called which he says is vacant and  
near the Rancho of Salinas the property of  
Mrs Christina Delgado, and in pursuance of  
the Superior Decree of the 12th ulto the Com-  
mittee report, that the petitioner possesses the ne-  
cessary qualifications to have his petition granted  
that the land asked for is not within the 20  
border leagues, and is within the 10 Sea Coast  
leagues as expressed by the law of the 18th

of August 1824, that it is not the property of any private person & that it appertains to the common land (Cejidos) of this town according to the solicitation of this Ayuntamiento that it has the three qualities of irigable dependant upon the seasons & pasture land although in small quantities as he says. Wherefore the Committee presents to the Illustriss<sup>ima</sup> Corporation for its deliberation the following proposition -

The place may be granted to the City in Gabriel Espinosa which adjoins the Rancho of Salinas, solicited by him for cultivation subject (in case it belongs to the common lands) to the payment of the annual sum of \$100 (Cenon) Montreux 9th Sept 1835 -

Jose' Saaguin Carmen Miguel Arta  
Montreux July 9. 1835 -

In the Session of this day the antecedent proposition was approved and it was resolved to pass the Expediente to the Political Chief with the aggregated resolve as the result of the report asked for of this Corporation -  
David Spence.

Jose' Maria Maldonado Secy.

Montreux Sept 9. 1835.

Let this be passed to the Alcalde of this Capital before whom on the part of the Gabriel Espinosa will appear three proper witnesses who shall be interrogated upon the following points -

First. Is the petitioner a Mexican by birth? If he is married & has children & is of good conduct!

Second. If the land asked for belongs to any individual, Mission or Town and is irigable, dependant upon the seasons or is pasture land and what is its extent?

Third. If he has any allegations things to put on the record likely to have them?

Having done this let the Expediente be returned for its decision. The Citizen Don Jose Castro first vocal of the Excellent Departmental, Territorial & temporary Political Chief of Upper California thus Commanas decree & gives faith -

Jose Castro.

Fr del Castillo Negro de Dey.

Seal of the third Class two Reals Provided provisionally for the administration of the Maritime Custom House of Monterey Upper California for the years 1834 & 1835. Castro. Queje Domingo.

Monterey September 10. 1835.

Sept. - Let the interested party be notified to present himself with witnesses to be examined upon the points required by the foregoing Superior Decree and after receiving the information required let the Expediente be returned to the said Chief - Thus I the 1st Constitutional Alcalde decree and sign with assisting witnesses.

David Spence.

Assistance of. Jose Maria Maldonado  
Assistance of. Jose Joaquin Cromer.

On the same date Gabriel Espinosa was notified of the foregoing decree & he presented for witnesses Felipe Aguirre, Felipe Vella & Joaquin Alvarado who did not sign not knowing how to sign with assisting witnesses

David Spence.

Asst.

Jose Maria Maldonado Jose Joaquin Cromer

Asst.

In the Capitol of the Territory on the 2<sup>d</sup> of November 1835, present Filipe Aguilera who having been sworn according to law to speak the truth was asked his name condition age country & religion, said his name as before said that he was married, 27 years of age of this Capitol & a Roman Catholic.

158 SD  
PAGE 24

In answer to the interrogatories contained in the Supreme Decree of the 9<sup>th</sup> of September he said, Question 1<sup>st</sup>. That he was a Mexican Citizen, that he is married and has seven children, and is of good conduct, and answers to question 2<sup>d</sup>. That it belongs only to the Commons of this Town, that it has only watering places for cattle and of the extent of one square league & answers to Question 3<sup>d</sup>. That he had agricultural things, and that what he has said is the truth under the oath he has made, and that he heard it read & ratifies & confirms it as his declaration he does not sign, not knowing how to sign with the assisting witnesses.

David Prince,

Asst. - Jose Maria Maldonado

Asst. - Jose Joaquin Coronado.

At the same date present Filipe Villa & having been sworn to law upon which Seal of the 3<sup>d</sup> Class 2 Reals, provided provisionally for the administration of the Maritime Custom House of Monterey of N. Califa for the years 1834 & 5.

leastro  
Offered to tell the truth of what he knew of what of might be asked, was asked his name condition age country and religion said his name is before written that he is married that he is 43 years of old & a Roman Catholic.  
By the order as given to the foregoing witness

He said, Question 1st. That he is a Mexican  
 by birth, that he is married, has  
 children & is of good Character. Answered to  
 the Question 2<sup>d</sup>. That it does not belong to any  
 individual, Mission or Town, that it is de-  
 pendent upon the Seasons and is of the extent of  
 about three square leagues, and is of the same  
 to the Question 3<sup>d</sup>. That he has Agricultural  
 things, which I say is the truth according to the  
 oath I have made, which I rectify & confirm the  
 declaration read to me. I do not sign, not know  
 any how.

David Spence.  
 assist. Jose Maria Maldonado  
 assist. Jose Joaquin Leroux.

On the same day present Joaquin Alvarado  
 who having been sworn according to law offered  
 to tell the truth in answer to all questions was asked  
 his name, condition age Country & religion said  
 his name is as before said, that he is married and  
 thirty six years old and is a native of the Town  
 of Las Angeles & is a Roman Catholic.

As the foregoing witnesses were asked he  
 said, Question 1st. That he is a Mexican citizen  
 by birth, that he is married, has children & is of good  
 Character, and answers to Question 2<sup>d</sup>. That the  
 land which is asked for he knows by hearsay  
 to belong to the Common lands of this Municipality  
 that it is dependent upon the Seasons and  
 that it is of the extent of about one square  
 league, and answers to Question 3<sup>d</sup>. That he  
 has agricultural things which he says is the  
 truth according to the oath he has taken  
 which he affirms & ratifies having read this  
 declaration he signs with me and the assisting

Witnesses.

Diego Spence.

Joaquin Alvarado.

Asst. Jose' Maria Maldonado.

Asst. Jose' Joaquin Cromer.

This Examination being concluded it is returned to the Political Chief, in testimony I sign with my flourish,

158 SD  
PAGE 26

Seal of the third Class Two Reals.  
Provided provisionally for the administration  
of the Maritime Custom House of Monterey of  
Upper California for the years 1834 & 1835.  
Castro. Miguel Ramirez.

Monterey December 17. 1835.

(see p. 12.) Having seen the petition which is the  
beginning of this Expediente, the report of the  
Municipal Authorities and all besides, which is  
presented, I have concluded in conformity with  
the laws and regulations on the subject to declare  
Gabriel Espinoza owner in fact Property of the  
land forming the Salinas which is asked for  
subject to the enactments which may be stipulated  
Let this Expediente be passed to the Excellent  
Dept. Territorial for its deliberation to be returned  
to this Office for its conclusion.

Jose' Castro Vocal of the Excellent Dept  
& temporary Political Chief thus Commends orders  
and gives faith

Jose' Castro.

Fr. del Castillo Negro to Secy.

Monterey December 19. 1835.

In the Session of this day it was ordered that  
this be passed to the Committee on Colonization.  
Maldonado. Secy.

Excellent Sir -  
 The Committee on Colonization to whom  
 was passed the Expediente which forms the  
 Cession made by the Political Chief to the  
 Citizen Gabriel Espinosa of the land which  
 immediately adjoins the Salinas have seen  
 with attention the report of the Illustrations  
 Ayuntamiento of this Port and the depositions  
 of the Witnesses present as appears in the 115<sup>th</sup>  
 pages and as they say it belongs to the Common  
 Lands of this Municipality the Committee decided  
 that it ought to be subject to the payment of  
 the corresponding tax (Canon) Wherefore they  
 submit to the deliberation of the Excellent  
 Deputation the following Proposition -

They approve the Cession  
 which has been made by the Senior Political Chief  
 of all the land which immediately adjoins  
 the Salinas to the Citizen Gabriel Espinosa on the  
 15<sup>th</sup> of December of the year past. subject to the  
 payment of the corresponding tax (Canon) for  
 it belongs to the Common Lands of this Municipal  
 ity.

Monterey August 8. 1836.

Jose Joaquin Cuervo

David Spruce.

Seal of the 3<sup>rd</sup> Class. Two Reals.  
 Provided provisionally for the administration  
 of the Mexican Maritime Custom House of  
 Monterey Upper California for the years 1836  
 & 1835  
 Castro Angel Ramirez.

Monterey August 9. 1836.

In the Session of this day was approved



27

by the Excellent Deputation the Proposition  
which includes the foregoing report & is or-  
dered that the Expediente be returned to the Senior  
Political Chief for his conclusion.

Juan B. Alvarado.

Pres.

Jose' Maria Maldonado Secy.

158 SD

PAGE 28

Monterey September 28. 1836.

In view of the approbation authorized by  
the Excellent Territorial Deputation of the 8th  
of August last by the coming of this there be  
given to Gabriel Espinosa a confirmation  
of the Cession of the land of the Salinas  
which he obtained on the 17th of December, 1835.

The Senior Don Nicolas Gutierrez  
Lieut Coly Commandant General Inspector  
of Political Chief of Upper California thus  
Commands deo & ego. I give faith.

Nicolas Gutierrez.

Manuel Ma Gonzalez Secy. pro tem.

Monterey September 29. 1836.

On this day delivered the Cedeance in accor-  
dance with the Command of the foregoing chere  
by the witnesses the Citizens Mariano Bonilla  
Jose' Ma. Ramirez.

Gonzales.

Filed in Office Dec. 3. 1853.

(signed)

Geo. Fisher  
Secy

1400

(Signed) H. H. No 1

Sello Segundo Doe Reales

Document  
H. H. No 1  
anno to the  
deposition of  
Wm V. P. Hart-  
nell

Heabilitado provisionalmente por la administra-  
cion de la Aduana Maritima de Monterey  
de la Alta California para los años de mil  
ochocientos treinta y cuatro y ochocientos  
treinta y cinco

Figueron

A Ramirez

Revalidado para el tenio de 1835 y 1837

Gutierrez

A Ramirez

158 SD  
PAGE 29

Nicolas Gutierrez Teniente Coronel de  
Caballeria permanente, Comandante General  
Inspector y Jefe Politico interino de la  
Alta California



Por cuanto el Co Gabriel Espinosa  
Meycano por nacimiento ha pre-  
tendido p<sup>a</sup> su beneficio personal y  
el de su familia un cuarto de legua para labor  
inmediato a las salinas y cercar tres cuartos de  
legua para su ganado que el total forma un  
sitio escaso de ganado mayor; practicadas pre-  
viamente las diligencias y averiguaciones con-  
cernientes segun lo dispuesto por las leyes y  
reglamentos de la materia, usando de las  
facultades que me son conferidas en decreto  
de este dia he venido en declararle la propi-  
edad del mencionado terreno a reserva de la  
aprobacion de la Exma Diputacion y bajo  
las condiciones siguientes

Que se someterá a las que estableciere  
el reglamento que se ha de formar para la  
distribucion de terrenos baldios y que entre-  
tanto ni el agraciado ni sus herederos podran

Drs 10 p<sup>a</sup>

dividir ni enagenar el que se le adjudica ~  
imponer censo, vinculo, pianza, hipoteca ni otro  
gravamen aunque sea por causa piadosa ni  
pasarle a manos muertas ~

2<sup>o</sup> Podrá cercarlo sin perjudicar las  
travercias caminos y servidumbres destinandolo  
al uso y cultivo que mas le acomode pero  
dentro de un año a lo mas fabricara casa  
y estara habitada ~

3<sup>o</sup> Solicitara del juez respectivo  
que le dé la posesion juridica en virtud de  
este despacho por el cual se demarcaran los  
linderos en cuyos limites pondran a mas de  
los mironeras algunos arboles frutales de  
alguna utilidad ~

4<sup>o</sup> El terreno de que se hace do-  
nacion es de poco menos de un sitio de  
ganado mayor segun esplica el diseno que corre en  
el expediente. El juez que diere la posesion lo hara  
medir conforme a ordenanza, quedando el so-  
brante que resulte a la Nacion para los usos  
convenientes ~

5<sup>o</sup> Si contraviere a estas condi-  
ciones perderá su derecho al terreno y sera  
denunciabile por otro.

En consecuencia mando que  
sirviendole de titulo el presente y teniendose  
por firme y validero se tome razon de él en  
el libro que corresponde y se entregue al inte-  
resado para su resguardo y demas fines ~  
Dado en Monterrey a los quinze dias del mes  
de abril de mil ochocientos treinta y seis ~

(Signed) Nicolas Gutierrez  
(Signed) Fco del Castillo Negro Pno.

Dño 5 p.<sup>o</sup>

Queda tomada razon á fojas 105 y señalado  
 con el No 101 del libro que corresponde y  
 obra en la Secretaria de mi cargo  
 Monterrey Abril 15. de 1835  
 Castillo

158 SD  
 PAGE 31

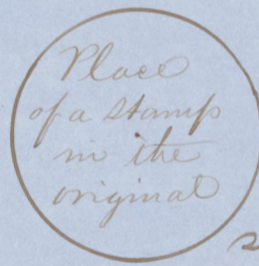
Monterrey

1835

Concesion y posesion Judicial del  
 terreno inmediato á las Salinas al  
 Sr. Gabriel Espinosa

Sello Tercero

Para los años de  
 treinta y seis y  
 y

Dos Reales

mil ochocientos  
 ochocientos treinta  
 siete

Se aprueba la concesion echa por  
 el Sr. Jefe Politico del terreno que se halla in-  
 mediato á las Salinas al Sr. Gabriel Espinosa  
 en 17 de Diciembre del año pp.<sup>o</sup> sujetandose  
 á pagar el canon que corresponde por pertenecer  
 á los egidos de esta municipalidad. Monterrey  
 Agosto 8 de 1835 - José Longino Gomes - David  
 Spence - Monterrey Agosto 9 de 1835  
 En sesion de este dia aprobó la Excelentissima  
 Diputacion la proposicion en que encluye el  
 antecedente dictamen y se acordó se devuelva  
 el expediente al Sr. Jefe Politico para su con-  
 clusion =

Juan B. Alvarado Presidente - José María  
 Maldonado <sup>Monteney</sup> Sr - Septiembre 28 de 1835  
 En vista de la aprobacion otorgada en 8 de  
 pasado Agosto por la Excelentissima Diputacion  
 Territorial libre testimonio de este Decreto á  
 la parte de Gabriel Espinosa en confirmacion  
 de la concesion del terreno de las Salmas  
 que obtuvo en 17 de Diciembre de 1835 -  
 El Sr D<sup>o</sup> Nicolas Gutierrez, Teniente Coronel  
 de Ejercito Comandante Gral Inspector y  
 Jefe Político de la Alta California, así lo  
 mandó, decretó y firmó, de que doy fe -  
 Nicolas Gutierrez - Manuel M<sup>o</sup> Gonzalez -  
 Por ausencia del Sr -

Concuerda á la letra con sus originales  
 de los cuales hice sacar el presente tes-  
 timonio en Montenerz á veinte y siete  
 de Setiembre de mil ochocientos treinta  
 y seis, siendo testigos los C. E. Mariano  
 Bonilla, y José M<sup>o</sup> Ramirez de esta  
 vecindad de que doy fe -

(Signed) Nicolas Gutierrez  
 Manuel M<sup>o</sup>  
 Gonzalez  
 Sr<sup>o</sup> int<sup>o</sup>

### Sello-Tercero Dos Reales

Habilitado provisionalmente por la Admi-  
 nistracion de la aduana Maritima de Montenerz  
 de la Alta California, para los años de mil  
 ochocientos treinta y seis y mil ochocientos  
 treinta y siete -

Gutierrez

A Ramirez

158 SD

PAGE 32

D<sup>o</sup> L<sup>o</sup>

Dño 12 p<sup>o</sup>

Gabriel Espinosa vecino de esta jurisdiccion ante V. como mas haya lugar en derecho parece y dice: que habiendo obtenido la concesion propia del terreno que se halla inmediato a las Salmas ocurre á su autoridad con el fin de que se sirva darle la posesion judicial conforme se previene en el Art. 3<sup>o</sup> del titulo q<sup>o</sup> original junto con el Atestimonio de la aprobacion de la E. Diputacion y diseño, devidamente acompaño P. F.

A. V. suplica se sirva proveer como lleo pedido en lo que recibirá merced jurando lo necesario &c.

Nope firma

Monteney 1<sup>o</sup> de Octubre de 1838

Por presentado y admitido en cuanto há lugar en derecho, procedase p<sup>o</sup> mi el presente Alcalde á la medicion, señalamiento de linderos y posesion judicial que solicita el interesado en esta instancia señalándose para ejecutarlo el día 7 del presente mes para lo que citarán en boleta de comparendo á los colindantes. Asi yo el Alcalde 1<sup>o</sup> Constitucional de esta Demarcacion lo decreté mandé y firmé con los de asistencia

F. (Ligued) José R. Estrada

De as<sup>o</sup>De as<sup>o</sup>

(Ligued) José Maria Maldonado

Petrucio Rios

En la fha presente el C. Gabriel Espinosa se le notificó el antecedente auto y de él

entendido - dijo lo oyó y q. se dá por citado  
y no firmó por que dijo no saber, lo hice  
yo y los de asistencia

Ello (Signed) Estrada

De as<sup>o</sup>


De as<sup>o</sup>

(Signed) José María  
Maldonado

(Signed) Petronio Rivas

158 SD  
PAGE 34

En la misma fha se libraron las bolitas  
que se mandan y para constancia lo puse  
por nota que subies

R. 

### Sello Tercero Dos Reales

Habilitado provisionalmente por la Adminis-  
tracion de la Aduana Maritima de Monterrey  
de la Alta California, para los años de mil  
ochocientos treinta y seis y mil ochocientos  
treinta y siete -

Gutierrez

A Ramirez

En el rancho de las Salinas á los siete dias  
del mes de Octubre de mil ochocientos treinta  
y seis, en cumplimiento del auto de to del  
corriente presentes Antonio Romero y Ma<sup>ta</sup>  
Cristina Delgado colindantes del terreno q.  
se va á dar posesion y citados para la  
medicion y señalamiento de linderos -  
nombré por medidores á los Ciudadanos  
Gabriel Espinoza y José Arce, quienes previa  
la aceptacion y juramento procederán al de-  
sempeno de su encargo - Asi yo el Alcalde  
de primera nominacion lo decreté mandé y  
firmé con los de as<sup>o</sup>



H. (signed) José R. Estrada

De as<sup>a</sup>

De as<sup>a</sup>

(signed) José María Maldonado

(signed) Petronilo Rios

158SD  
PAGE 35

En la misma fha se les notificó a los cobindantes el auto antecedente y entendidos dijeron lo oyen, y no firmaron p<sup>r</sup> no saber, hiceloy con los de as<sup>a</sup>

M. (signed) Estrada

De as<sup>a</sup>

De as<sup>a</sup>

(signed) José María Maldonado

(signed) Petronilo Rios

En el mismo día mes y año se le notificó el auto de su nombramiento a los C. Gabriel Espinosa y José Arce, y dijeron que aceptaban y aceptarían dicho encargo y juraron por Dios nuestro Señor y la señal de la Cruz de usarlo fiel y legalmente a todo su leal saber y entender sin fraude contra persona alguna y no firmaron por que dijeron no saber, lo hice yo con los de as<sup>a</sup>

M. (signed) Estrada

De as<sup>a</sup>

De as<sup>a</sup>

(signed) José María Maldonado

(signed) Petronilo Rios

Sello Cercero

Para los años de treinta y seis y

Place of a stamp in the original

Dos Reales

mil ochocientos

ochocientos treinta

y siete

Inmediatamente en presencia de mi el

repetido juez, los espesados medidores tomaron un cordel de mecate y con una vara de medir usual mejicana midieron cincuenta varas para hacer la medida que se relaciona y lo firmé con los de as<sup>o</sup>

158 SD  
PAGE 36

Mé. (signed) Estrada  
De as<sup>o</sup>

De as<sup>o</sup>

(signed) José María } (signed) Petronila Rios  
Maldonado }

En el mismo parage que se halla inmediato a' las Salinas y en el propio día mes y año yo el presente Alcalde mandé a' los medidores nombrados se dispongan para la medida de tierras que se han de hacer al Sr. Gabriel Espinosa y puestos en el chamusal de la Laguna de la Sal, se comenzó la medida hasta llegar a' la orilla del río donde se contaron treinta cordeles de a' cincuenta v.<sup>o</sup> cuya medición es lo largo del terreno, se procedió a' medir el ancho y puestos en el lindero de Cristina Delgado se tiró el cordel hasta el lindero del Sr. José Antonio Romero y resultaron cuarenta cordeles; en cuyos puntos mandé se formen las mojoneras correspondientes a' mas de la plantación de árboles frutales y silvestres de alguna utilidad para que así estos como aquellos señalen los linderos que le pertenecen — El terreno medido corresponde a un poco menos de un sitio de ganado mayor y lo firmé con mi go el coludante Romero, no haciéndolo el interesado y la Sr<sup>a</sup> Cristina por no saber

Dr. (signed) José R. Estrada

De asu: (signed) José M. Maldonado } De asu Petronilo Rios

158 SD PAGE 37

En el sitio concedido a Gabriel Espinosa a los siete dias del mes de octubre de mil ochocientos treinta y seis, yo el Alcalde t.º C. José Ramon Estrada, despues de practicados las medidas por las q. resultó tener poco menos de un sitio de ganado mayor, y presentes los colindantes, siendo conformes con todo lo mas q. consta de autos mandé que entrase el =

[Lello Tercero] Dos Reales

Para los años de mil y seis y mil ochocientos treinta y siete

Place of a stamp in the original

= C. Gabriel Espinosa en pacifica posesion del terreno medido (o quien a pedimento del interesado se nombra) bajo las medidas citadas y formalidades acostumbradas en casos semejantes, que verificó en el momento arrancando yerbas y haciendo demostraciones como dueño de lo q.º se le ha dado en posesion, cuya validacion la autorizo y firmo con los de asistencia y colindante que lo supo hacer, y no haciendolo los demas p.º no saber

F. (signed) José R. Estrada De asu (signed) José Maria Maldonado } De asu (signed) Petronilo Rios

Monterrey Octubre 10 de 1830  
Fomese razon en el libro de posesiones que existe en el Archivo del Juzgado t.º de esta Capital y hecho demuelrase este expediente original a la parte de Gabriel Espinosa

los usos que le convengan - Asi yo el  
expresado Alcalde lo determiné y formé con  
los de as.<sup>o</sup>

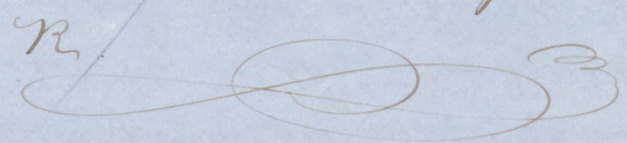
F. (signed) José R. Estrada  
De as.<sup>o</sup>

De as.<sup>o</sup>

(signed) José María Maldonado } (signed) Petronilo Rios

158 SD  
PAGE 38

En la misma fha se tomó razon en la  
fija 9.<sup>o</sup> del libro que se manda en el  
auto que antecede, y se devolvió el expediente  
al Sr. Gabriel Espinosa constante de 8 fs  
útiles en el papel correspondiente y para  
consta lo auto y rubrico

R. 

Filed in Office February 17<sup>th</sup> 1853

(signed) Geo. Fisher  
Secy.

Seat of the Second Class, 12 Reals.

Authorized provisionally by the Maritime  
Custom House of Monterey of Upper California  
for the years 1834 & 1835 -

Translation  
of  
Census  
Judicial  
Profession

(Seguid) Figueroa, received for the years 1836 & 1837.  
(Seguid) Gutierrez. A Ramirez.

Nicholas Gutierrez. Lieutenant of the Standing  
Cavalry. Capt-General Inspector & Governor  
of Upper California -

158 SD  
PAGE 39

Civil Govt of  
Upper Calif

Whereas the Citizen Gabriel  
Espinosa a Mexican by birth has  
solicited for his personal benefit and that of his  
family a quarto of a league for soving near  
to the Salinas & another quarto of a league  
for his cattle in all about a league the previous  
investigations and measures having been made  
agreeably to the laws and regulations on the  
subject using the facultis conferred on me in  
the decree of this day I declare him the owner of  
the land mentioned, subject to the approbation of  
the Excellent Representation and the following condi-  
tions -

1st. That he shall submit to the regulations  
that may be established for the distribution of  
vacant lands and that in the meantime he will  
not for his heirs, divide alienate impose land  
rent, entail, reversion mortgage or impose any  
other burden even for pious purposes nor  
convey it in any manner -

2d. He may enclose it without prejudice to  
the crossings highways & privileges or servitudes  
he shall enjoy it freely and he may dispose of it  
to the use or cultivation which may best suit  
him but within a year he shall build a house

and it shall be inhabited -

3<sup>o</sup>. He shall solicit the respective Judge to give him legal possession in virtue of this title by whom the Coanagers shall be traced out in the limit of which he shall put besides the land marks, some fruit trees or wild ones of some utility -

4. The land of which donation is made is a title less than one league as the respective map explains. The Judge who gives possession shall cause it to be measured according to law and the Coanagers shall remain to the nation for the necessary uses.

5. If he shall violate these Conditions he shall forfeit his right to the land and it may be denounced by another -

I Comsejantly Command that these presents serving as a title & being firm and valid & that a record thereof be made in the respective books and they be delivered to the party interested for his security and further Enosse. Given in Montevideo the 15<sup>th</sup> of April 1836.

(signed) Nicolas Gutierrez

" Fr. del Castillo Regente de ley }

A record of this title has been made at folios 105 & margin with the No. 101 of the Comsejant's book under my charge in my Office.

Montevideo April 15, 1836.

(signed) Castillo, 1836,

Dias 5<sup>ta</sup>

Montevideo }

The Grant and Judicial possession of the land near the Salinas to the Citizen Gabriel Espinosa

Clas 3<sup>o</sup> Class. Excepc. Two Reals for the years 1836 and 1837.

The grant is approved. made by the Govt. of the land which is immediately adjacent to the Salinas to the City in Gabriel Espinoza on the 17th of December of the present year. Subject to the payment of the (Ceniza) tax belonging to the common lands of the town of Monterey -

158 SD  
PAGE 41

Monterey August 8, 1836. Jose Joaquin Gomez  
David Spence. Monterey August 9, 1836.

In session of this day the Excellent Deputation approved of the concluding proposition of the foregoing report and return the Expediente to the Governor being thus concluded.

Juan B. Alvarado President  
Jose Maria Maldonado Secy.

Monterey September 28, 1836.

On Examining the approbation of the 8th of the past month of August by the Excellent Territorial Deputation. Pass this decree with that of Gabriel Espinoza in confirmation of the land of the Salinas which he obtained on the 17th of December 1835. The Governor Archobas Gutierrez Lieut Col Capt Genl & Inspector & Governor of Alta California thus Command decree sign & give faith -

Nicholas Gutierrez - Manuel Ma Gonzalez,  
Secy pro tem, Compared & Copied from the originals in Monterey this 21st of September, 1836 being witnesses the Clerks Mariano Benito and Jose Ma Ramirez, of this place of which I give faith -

(Signed) Nicholas Gutierrez

( ) Manuel Ma Gonzalez. Secy pro tem.

Seal 30 Class. 2 Pass.

Authorized provisionally for the administration of the Maritime Custom House of Monterey Upper California for the year

1836. & 1837.

Guatemala

A Ramirez.

158 SD  
PAGE 42

To the 1st Constitutional Alcalde.

Gabriel Espinoza a citizen of this district appears and says that having obtained the proper title to the land which adjoins the Salinas presents himself before you & begs that you will give him judicial possession in conformity to the Article of the original title & the accompanying approbation of the Excellent Deputation. He prays this swearing it is necessary &c. He cannot write.

Monterey 1st of October 1836.

Considered as presented & admitted. I the present Alcalde will proceed to the measurement designation of boundaries & judicial possession asked for by the party interested in this petition being for the Election thereof the 1st of the present month that the neighboring land holders may be cited. Thus I the 1st Alcalde Constitutional of this District decree and sign with the assisting witnesses

(signed) Jose R. Estrada

(signed) assisting Jose Maria Maldonado  
witnesses } Feltronillo Nios.

On the same date the citizen Gabriel Espinoza was notified of the foregoing & having understood it he said that he had heard it and considered himself cited and not knowing how to sign, I did so with the assisting witnesses

(signed) Estrada.

assg } Feltronillo Nios.

witnesses } " Jose Maria Maldonado.

On the same day the citations were sent. In testimony whereof I sign with my seal.



Seal 3<sup>o</sup> Class. 2 Reals.

Authorized provisionally for the administration of the Maritime Custom House of Upper California for the years 1836 & 1837.  
Gutierrez - A Ramirez.

158 SD  
PAGE 43

In the Rancho of the Salinas on the 7<sup>th</sup> of October 1836 in pursuance of the decree of the 1<sup>st</sup> of this month present Antonio Romero & Maria Christina Delgado adjoining land owners I proceeded to give possession & mark the boundaries naming as witnesses the Citizens Gabriel Espinoza & Jose Arce who on accepting the charge of taking oath did proceed to do their duty. Thus I the first Alcalde Commandant do here & sign with the assisting witnesses.

(Signed) Jose R Estrada,  
assg. witness } (Signed) Jose Maria Maldonado  
( " ) Perronillo Dias.

On the same day the adjoining land owners were notified as aforesaid who said they heard & understood it. They did not sign not knowing how. I sign with assisting witnesses

(Signed) Jose R Estrada,  
witnesses } (Signed) Jose Maria Maldonado  
( " ) Perronillo Dias.

On the same day the adjoining land owners were notified as aforesaid who said they heard & understood it. They did not sign not knowing how. I sign with assisting witnesses

(Signed) Estrada  
assisting } (Signed) Jose Maria Maldonado  
witnesses } ( " ) Perronillo Dias.

On the same day month & year I notified the Citizens Gabriel Espinoza & Jose Arce of their appointment who said they accepted it & swearing by the Lord our God and the sign of the cross

that they would Obey it faithfully & legally  
to the best of their Knowledge without fraud  
against any one and did not sign not knowing  
how I signed with the assisting witnesses -

(Signed) Estrada,

Assisting } (Signed) Jose Maria Maldonado  
Witnesses } ( ) Petronillo Nolas.

158 SD

PAGE 44

Then Afterwards I the said Alcalde  
ordered that a cable be brought with which  
the land was to be measured and that said  
measurers take it & measure fifty common  
varas according to law -

(Signed) Estrada,

Assisting } (Signed) Jose Maria Maldonado  
Witnesses } ( ) Petronillo Nolas

Real 3<sup>o</sup> Class. E. Real<sup>o</sup> Tago Reals for the  
years 1836 & 1837.

Immediately afterwards in presence of me  
the said Judge, the said measurers took the  
rope & with a common Mexican vara they mea-  
sured fifty varas to measure with and signed  
with assisting witnesses.

(Signed) Estrada,

Assisting } (Signed) Jose Maria Maldonado  
Witnesses } ( ) Petronillo Nolas

In the same place at the Palmas and  
on the said day month & year I the present Alcalde  
did command the measurers to get ready for  
the measurement of the lands of the Citizen Ga-  
briel Espinosa and standing at the Cusbis  
(Chemisal) commenced the measurement & mea-  
sured to the Bank of the River Seventy Ropes  
(Cordils) of fifty varas which is the length of the  
land & then measured the breadth standing at  
the line of Christina Delgado carried the rope to

the line of the Citizen Jose Antonio Romero  
a distance of forty ropes (cables) at which  
points I ordered the corresponding land marks  
besides the planting of fruit trees or wild ones  
of some utility, that the Commanders might be  
known - The land measured was a tract  
less than a league I signed with me the ad-  
joining land owners, Romero, The petitioner  
& Mrs Christina not denying, not knowing had  
( signed ) Jose R Estrada.

Assisting ( signed ) Jose Maria Maldonado  
Witness ( " ) Petronillo Rios.

At the place granted to Gabriel Espinosa  
under date of September 1836, I the Notary  
Citizen Jose R Estrada, having done what was  
required, found that there the land measured was  
less than one league, the land owner ad-  
joining being present. I commanded,

Seal 3<sup>rd</sup> class. Each, Two Reals.

for the years 1836 & 1837

That the Citizen Gabriel Espinosa enter into the  
possession of the land measured, and which had  
been petitioned for by the party, according to the  
said measurements and customary formalities,  
in like cases, he did, pulling up grass and making  
amministrations of being the owner of the land  
whereof Judicial possession has been given to  
him, the validity of which I authorize & sign  
the assenting land owners not knowing how to  
sign -

( signed ) Jose R. Estrada,  
Assisting ( signed ) Jose Maria Maldonado,  
Witness ( " ) Petronillo Rios.

Monterey, October 10<sup>th</sup> 1836,  
Let a record be made in the book of

possessions in the Archives of the Judge  
of the 1st Instance of this Capital & let  
this original Expediente be returned to Gabriel  
Espinoza for the Ends which may best suit  
him.

Thus I the said Alcalde de Crd &  
Sign with the Assisting witnesses -

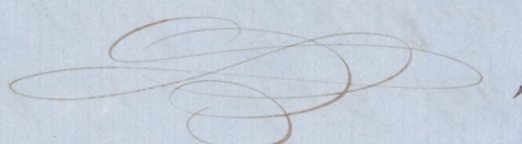
(signed) Jose R Estrada.

(") Petronillo Rios.

Assisting witnesses -

On the same day and date and record was  
made in folio P of the Record and this Expediente  
was returned to the Citizen Gabriel  
Espinoza - Done on the corresponding book.

In testimony of & of which I sign with  
my flourish -

(signed) 

Filed in Office Feb 9. 1853.

(signed)

Geo. Fisher  
Dece

158 SD  
PAGE 46

Recd

158 SD  
PAGE 47

Know all men by these presents that we Manuel Espinoza and Maria Francisca Espinosa and Antonio Valizuela her husband of the first part and Salinas & Pogue of the second part all of Monterey County State of California. Witnesseth that for and in consideration of the sum of three hundred dollars cash in hand paid by the parties of the first part the receipt whereof is here by actual delivery have granted, conveyed and sold and by these presents doth grant convey and sell unto the party of the second part all their right title interest Estate claim and demand both at law and in Equity as well as in possession as in description of in and to all that certain farm or piece of land situate in the County of Monterey State of California and bounded as follows by the lands of the late Christina Belgada on the West by the Rio Salinas on the North by the Salt Lacks on the South and the East by the lands of Romero being all the land granted to Gabriel Espinosa by Nicholas Antonino Governor of California of the date of April 15. 1836 Judicial possession of which was given to the said Gabriel Espinosa on the 1st of October 1836 by Jose B Estrada, containing one league a little more or less with all and singular the hereditaments and appurtenances thereto belonging To have and to hold the above described premises together with the appurtenances unto the said party of the second part her heirs and assigns forever.

In Witness whereof we have hereunto set our hands and seals this first day of November 1852 at

Montreal California  
Mamuel <sup>hus</sup> Espinosa <sub>marito</sub> B

Maria Francisca <sup>her</sup> Espinosa <sub>marito</sub> B

Witness Antonio <sup>hus</sup> Valenzuela <sub>marito</sub> B  
" Pacificus Ord  
" Pacificus Ord.  
" Pacificus Ord.

158SD  
PAGE 48

State of California  
County of Montreal Co. sp.

On this first day of November  
1852 before me Ricardo in and for said  
County personally came Mamuel Espinosa  
and Antonio Valenzuela to me known to be  
the persons described in and who executed the  
foregoing and or instrument of emphyteuse  
and they acknowledged to have executed  
the same freely and voluntarily and for the  
use and purposes therein expressed, and  
also on the same day before me appeared  
Maria Francisca wife of the said Antonio  
Valenzuela to me also known as one of the gran-  
tees described therein who being summoned by me  
separately and apart from her said husband  
and being made acquainted with the contents  
thereof declared that she had executed the  
said deed freely and without fear or  
undue influence of or from her said husband  
and did not desire to retract the execution  
thereof.

Done at Montreal date last aforesaid.

Edualdo

W. S. Johnson Recorder of  
Montreal Co.

Filed in Office Oct. 21. 1853. Geo. Fisher Sec. of

158 SD  
PAGE 49

Transfer

Know all men by these presents that we Manuel Espinosa and Francisca Espinosa and Antonio Valenzuela her husband of the first part and Lucinda & Rogas of the second part all of Monterey County State of California. Witness that for and in consideration of the sum of three hundred dollars cash in hand paid to the parties of the first part the receipt whereof is hereby acknowledged have granted bargain and sold unto the party of the second part all their right title interest estate claim and demand both at law and in equity as well as in possession as in expectancy of law and to all that certain farm or piece of land situated in the County of Monterey State of California and bounded as follows by the lands of the lady Christina Delgado on the West, by the River Salinas on the South by the Salt Lakes on the South and the East by the lands of Romon being all the land granted to Gabriel Espinosa by Nicholas Gutierrez Governor of California of the date of April 15<sup>th</sup> 1836 judicial possession of which was given to the said Gabriel Espinosa on the 7<sup>th</sup> of October 1836 by Jose R Estrada containing one league a little more or less with all and singular the hereditaments and appurtenances thereto belonging To Have and to hold the above described premises together with the appurtenances unto the said party of the second part her heirs and assigns forever.

In Witness whereof we have hereunto set our hands and seals this first day of November 1852 at Monterey California

Manuel <sup>his</sup> Espinosa (Seal)  
Francisca <sup>her</sup> Espinosa (Seal)  
Antonio <sup>his</sup> Valenzuela ex <sup>her</sup> (Seal)

Witness, Pacific Ord.

State of California  
County of Monterey sp.

On this 1st day of November  
AD 1852 before me Recorder in and for said  
County personally came Manuel Espinosa  
& Antonio Valenzuela to me known to be the  
persons described in and who executed the  
foregoing deed or instrument and they acknowl-  
edge to have executed the same freely and volun-  
tarily and for the use and purposes therein ex-  
pressed. Also on the same day before me appeared  
Maria Francisca wife of the said Antonio Valen-  
zuela to me also known as one of the grantors  
described therein, who being examined by me  
separately and apart from her said husband  
and being made acquainted with the contents  
thereof, declared that she had executed the said  
deed freely and without fear or undue influence  
of or from her said husband and did not  
desire to retract the execution thereof.

Done at Monterey, state last aforesaid.  
Eual (signed) W. S. Johnson  
Recorder of Monterey Co

Filed in Office Feb'y 9. 1853.  
(signed) Geo Fisher Secy.

---



Heirs of Gabriel Espinosa et al.  
 vs. "Salinas"  
 The United States, } one sq league in  
 Monterey Co.

Opinion

158 SD  
PAGE 51

This claim is founded on a grant made to Gabriel Espinosa by Governor Nicholas Gutiérrez on the thirtieth of April 1836. duly approved by the Territorial Deputation on the 9th of August 1836. and a certificate of such approval in confirmation of the grant dated September 26. 1836. was delivered to the grantee. Judicial possession of the land was given by the proper Officer in due form of law on the 9th of October 1836.

The original grant approved of by the Deputation and certificate of the same together with the Record of Judicial possession are all found in the Case and their genuineness properly authenticated and proven.

It is also in proof that the land granted was occupied by the grantee and his family until very recently. The case is sufficiently made out so far as the question of the validity of the title is concerned and there would have been no difficulty in entering a decree of confirmation had there been any impediment connecting the present claimants with the title either as heirs or aliens of the original grantee.

The petition sets out that Gabriel Espinosa died intestate on or about 16th of Nov<sup>r</sup> 1850. That he left several legitimate children his heirs to wit - Manuel Maria, Francisca, wife of Antonio Valizuela, Jose Maria, Maria Jesus, Barbara Lucilla

158 SD  
PAGE 52

Juan, Josi Jesus, and Josi' Manuel. That the said tract of land granted as aforesaid descended to said heirs. That the petitioner Saemida Pogue has acquired all the undivided right title and interest of Manuel Espinosa and Maria Francisca wife of Antonio Valenzuela two of said children by deed of conveyance dated Nov. 1st 1852. In support of these allegations of the petitioner no proof whatever is introduced except a certified copy of the last mentioned deed of conveyance and a statement by one witness that he believes Gabriel Espinosa is dead.

There is no proof whatever that the persons named in the petition are the children and heirs of the grantor or that they have any priority of title with them. There is therefore an entire failure to show in the present claimants any right or title derived from the Sultan or Spanish Governments to the lands claimed. The claim must therefore be rejected.

Filed in April 4, 1854.  
(Signed) Geo Fisher Secy.

Heirs of Gabriel Espinosa et al  
The United States } Salinas.

Diene.

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the petitioners is not valid and it is therefore decreed that his application for a confirmation thereof be denied.

Aspheus Felch }  
Thompson Campbell } Comrs.  
R Aug Thompson }

Filed in Office April 4, 1854. Geo Fisher Secy

Office of the Board of Commissioners,

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

158 SD  
PAGE 53

I, *George Fisher*, Secretary to  
Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
foregoing *fifty one* — pages, numbered from  
1 to *51*, both inclusive, to contain a true, correct and full Tran-  
script of the Record of the Proceedings and of the Decision of the  
said Board, of the Documentary Evidence and of the Testimony  
of the Witnesses, upon which the same is founded, on file in this  
Office, in Case No. *570* on the Docket of the said Board,  
wherein *The Heirs of Gabriel Espinoza*  
*et al* are

the Claimant against the United States, for the place known by  
the name of *"Salinas"*

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

*G. Fisher.*



And it appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Southern District of California it is hereby Ordered; that two Transcripts of the Proceedings and of the Decisions in this case and of the papers and evidence upon which the same are founded, be made out, and duly certified by the Secretary, one of which Transcripts shall be filed with the Clerk of the United States District Court for the Southern District of California and the other be transmitted to the Attorney General of the United States.



PAGE \_\_\_\_\_  
\_\_\_\_\_ 20

158

U. S. DISTRICT COURT,

*Southern* District of California.

No. 158. *Docket*

THE UNITED STATES,

vs. 158

*The Heirs of Gabriel Espinoza  
et al.*

*"Salinas."*

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 570.

*1, November 8th 1854.*

*C. E. Farr,  
Clerk.*

158

*158-70*

Heirs of Gabriel Espinoza } In the district Court  
et al Appellants } of the United States for  
vs } the Southern district of  
The United States } the State of California.  
Appellees } No 570.

158 SD

PAGE 55

Please take notice that in the above entitled cause decided by the Commissioners to ascertain and settle the private land claims in the State of California, against the claimants, a transcript of which was filed in the office of the district Court of the United States for the Southern district of California on the 8<sup>th</sup> day of November A.D. 1854, the appeal in the said district Court will be prosecuted by the claimants.

Myron Proctor  
Atty for claimants.

No 158.  
U. S. District Court  
Heirs of Gabriel Espinoza  
et al. Appellants

vs

The United States  
Appellees

notice of appeal

Wynon Norton  
Atty for Appellants

Filed March 12<sup>th</sup> 1855.

J. E. Lawrence  
clerk.



In the District Court of the United States for the  
Southern District of California, <sup>with</sup> Hon. J. P. K. Ogden Judge.

Gabriel Espinoza, Heirs of. Appellants.

158 SD

PAGE 57

vs,

No. 158.

The United States Appeller } Trans. N. 570.  
The petition of

Heirs of ~~land~~ of Gabriel Espinoza, and Lucinda E.  
Boque, assignee of Manuel Espinoza <sup>Marin</sup> & Francisca Wife of Manuel  
Valenzuela Heirs of said Espinoza, respectfully represent  
that on the 7<sup>th</sup> <sup>15<sup>th</sup></sup> day of ~~February~~ <sup>April</sup> 1836, Gov.  
Gutierrez granted to Gabriel Espinoza, the tract of  
land called called Salinas, in the County of Monterey  
Cal: in the South Dist of Cal: That the said  
grantor died intestate on or about the 16<sup>th</sup>  
day of November 1830. That he ~~left~~ <sup>the children and legal heirs</sup> ~~left~~ <sup>to wit</sup>  
the said Manuel, <sup>Marin</sup> Francisca, & Josi Maria, Maria Jesus,  
Barbara Lucille, Juan Josi Jesus, & Josi Manuel,  
That on or about the 9<sup>th</sup> day of Feb<sup>y</sup> 1833. the said  
Claimants filed before the Land Comm<sup>r</sup>. a petition  
claiming said land. That on or about the 4<sup>th</sup>  
day of April 1834 the said Comm<sup>r</sup>. rejected  
said claim. That on or about the 8<sup>th</sup> day of  
the said November 1834, the said Comm<sup>r</sup>. caused  
a Transcript of their proceedings in said Cause to be  
filed with the Clerk of this Court. That on or  
about the 12<sup>th</sup> day of March 1835, the said  
Appellants filed with the said Clerk a notice

of their intention to prosecute the said Appeal in  
Your petitioners Obedt to said Commission, for a description of the land claimed,  
said Cause; Wherefore your petitioners pray  
that the said decision of said Comm<sup>rs</sup> may  
be reviewed and reversed, and that said  
Claim may be declared valid, and general  
relief.

Fredrick Killings  
Atty for petitioners Claimants.

N<sup>o</sup> 168.

Heirs of Gabriel Espinoza  
vs  
appellants

The U.S. States  
Appellees.

Petition for Review.

Filed Feb 6<sup>th</sup> 1857

Spina  
ChR

In the District Court of the United States for the Southern  
District of Cal. - New York S. C. New Judge.

Gabriel Esquivos, heirs of

Appellants;

} N. 158.

vs,

The United States. Appellee } Trans N. 570.

158 SD

PAGE 59

The answer of Cameron E. Thom, Acting Attorney  
of the United States for the Southern District of Cal.,  
for and in behalf of the United States, to the  
petition of review of appellants, denies  
all and singular each and every allegation  
in appellants petition. And further appellee  
denies generally, the validity of the alleged  
title of appellants & claimants. And prays  
that the Court will affirm the decision  
of the Board of Land Commrs, and  
decree the alleged title to be invalid -  
And general relief -

Cameron E Thom  
Acting Attorney of the  
United States for the  
Southern Dist of Cal.

It is hereby admitted that ~~the death of the~~ Gabriel  
Espinoza, the alleged original grantee is deceased  
~~and that his lawful heirs, named in and~~  
that the persons named in claimants petition  
are the lawful heirs and assigns of said  
Espinoza, as alleged in said petition.

Cameron E. Thorne  
Acting Atty of the State.

July 6. 1857.

N. 158.

Heirs of Gabriel Espinoza,  
Appellants,

vs.

The United States,  
Appellee.

Answer & admission  
of Atty, as atty.

Filed, Feb. 6<sup>th</sup> 1857  
C. W. R.

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

December term 1856.

Gabriel Espinoza, heir of - Appellant,

vs,

The United States,

Appellee

N<sup>o</sup> 158.

Trans N<sup>o</sup> 570.

An appeal from the  
Land Comm<sup>r</sup>.

158 SD

PAGE 81

This Cause coming on to be heard this day  
on an appeal from the decision of the Commis-  
sioners to ascertain and settle the private land  
claims of the State of California, under the act  
of Congress approved March 3<sup>d</sup> 1851, upon the  
transcript of the proceedings and decision and  
the papers and evidence on which said decision  
was founded, and on additional evidence in this  
Court, and it appearing that the said Transcript  
has been duly filed according to law, and  
Counsel for the respective parties having been  
heard. It is ordered, adjudged, and decreed  
that the decision of the said Commissioners  
be reversed, and that the claim of the Heirs  
of Gabriel Espinoza is good and valid, and  
the same is hereby confirmed to them to the  
~~extent of a little less than one square league, and~~  
~~no more.~~ And that the one undivided two  
sevenths be confirmed to Lucinda E. Pogue, and  
to José Maria, Maria Jesus, Barbara Lucille,  
Juan-Maria Jesus, & José Manuel Espinoza Children  
and heirs of said Gabriel Espinoza the remaining  
undivided five sevenths, in the proportion of one  
undivided seventh to each.

The land hereby confirmed is the tract of land  
called 'Salinas', in the County of Monterey, Cal<sup>a</sup>  
granted to Gabriel Espinoza, on the 15<sup>th</sup> of April 1836,  
by Nicolas Gutierrez, and is of the extent of a little  
less than one square league, and no more, as

described in the grant said grant, and the  
map referred therein. Reference being also  
had to the act of judicial possession of the date  
of the 7<sup>th</sup> of October 1836. appearing in the said  
Transcript.

February 6<sup>th</sup> 1857.

Samuel McGee  
W J our bridge  
for the S Div of Cal

158 SD

PAGE 62

No 158

W. D. M. C. M. C.  
Sout. D. C. C. C.

Deem

W. D. M. C. M. C.  
apptd

W

W. D. M. C. M. C.

Filed Feb 6<sup>th</sup> 1837

W. D. M. C. M. C.  
C. C. C.

Record in page 161

158 SD

PAGE 63

UNITED STATES OF AMERICA, ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

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



158 SD

PAGE 64

Greeting:

Whereas, lately, in the District Court of the United States, for the Southern District  
of California before you, in a cause

between The Heirs of Gabriel Espinoza dec'd et al, appellants,  
and The United States, appellees (N<sup>o</sup> 158, for  
"Salinas") wherein the decree was rendered in favor  
of the said appellants

No 158



UNITED STATES OF AMERICA

THE DISTRICT COURT OF THE UNITED STATES OF AMERICA



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.

158 SD

PAGE 65

And whereas, in the present term of *December*, in the year of our Lord one thousand eight hundred and *sixty three* 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,~~ *on the motion of Mr Attorney General Bates and of counsel for the appellants, it is now here considered, ordered, and decreed by this Court that this cause be and the same is hereby dismissed.* 19 Feb.

158 SD  
PAGE 66

No. 128

You, therefore, are hereby commanded that such further proceedings be had in  
said cause,

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  
first Monday of December in the year of our Lord one thousand eight hundred  
and sixty three

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

Trusted by

Geo. Middleton

Clerk of the Supreme Court of the United States.

No. 158

No. 149. December Term, 1863.

MANDATE

SUPREME COURT UNITED STATES.

Filed October 26<sup>th</sup> 1864

John C. Butler Clerk  
by Wm. H. Beatty Sps

U. States vs. Cepinosa's heirs

Office of the Attorney General of the United States,

Washington, 17th January 1855.

158 SD

PAGE 68

The Heirs of Gabriel Espinoza Etal.

vs.

The United States.

{ 870.

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

*Clark*

Attorney General.

*Secretary of State*

158