

CASE No.
200

SOUTHERN DISTRICT

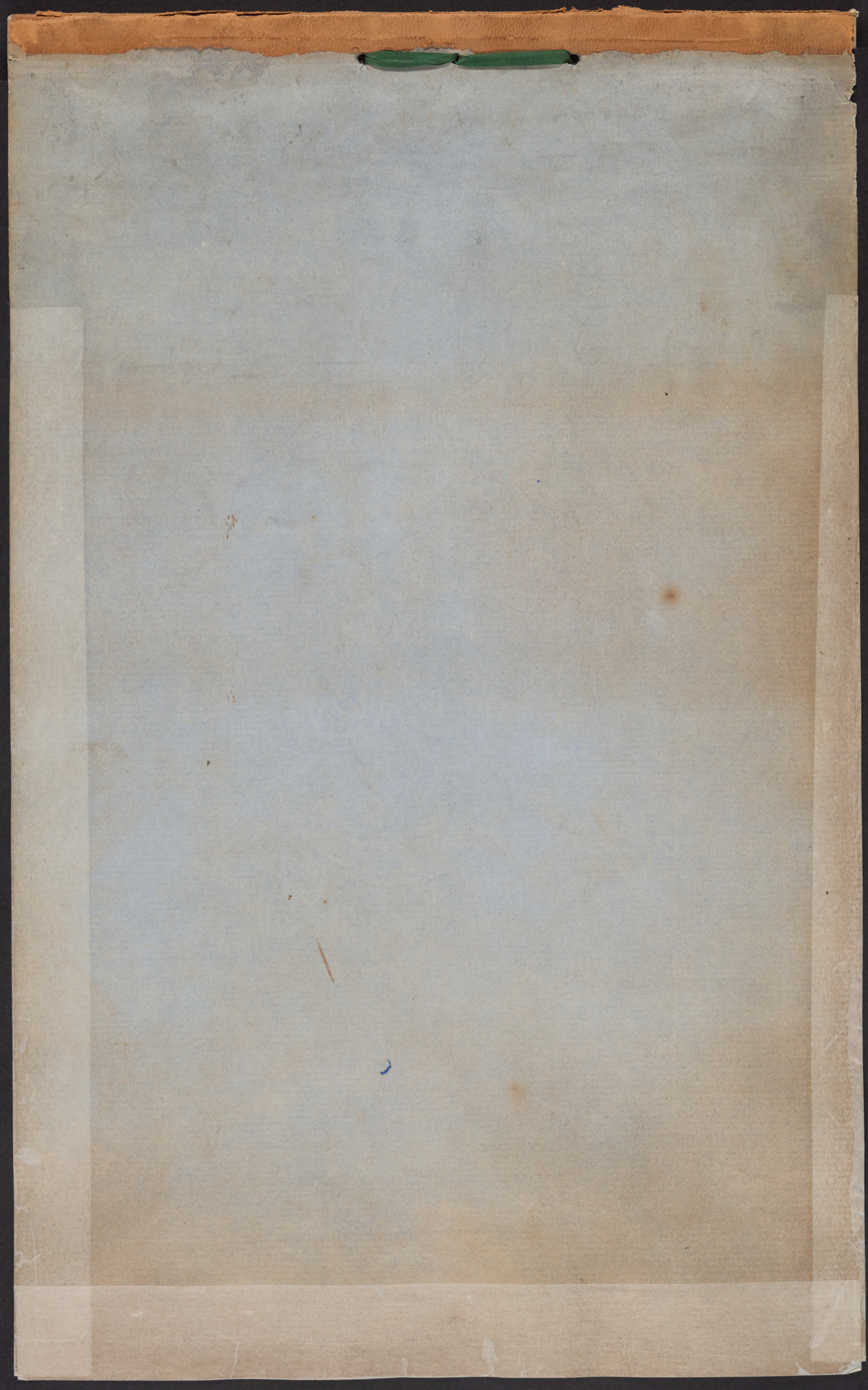
TINACAL GRANT

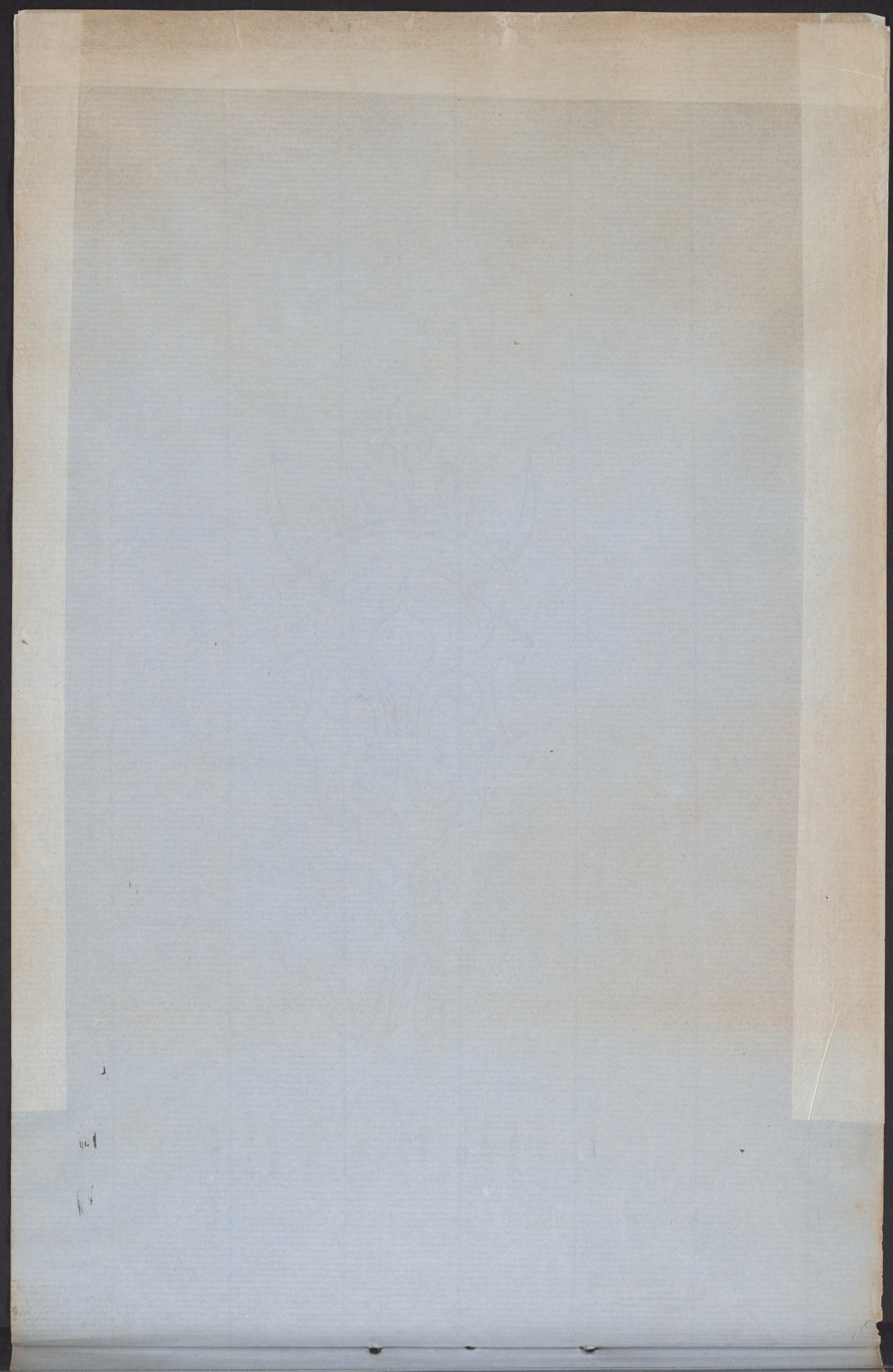
WILLIAM D. FOXEN

CLAIMANT

MAR 11 1963

REV
23N COLTON BLDG
FOLK ROAD
⑤





TRANSCRIPT

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OF THE

PROCEEDINGS

IN CASE

NO. *259*

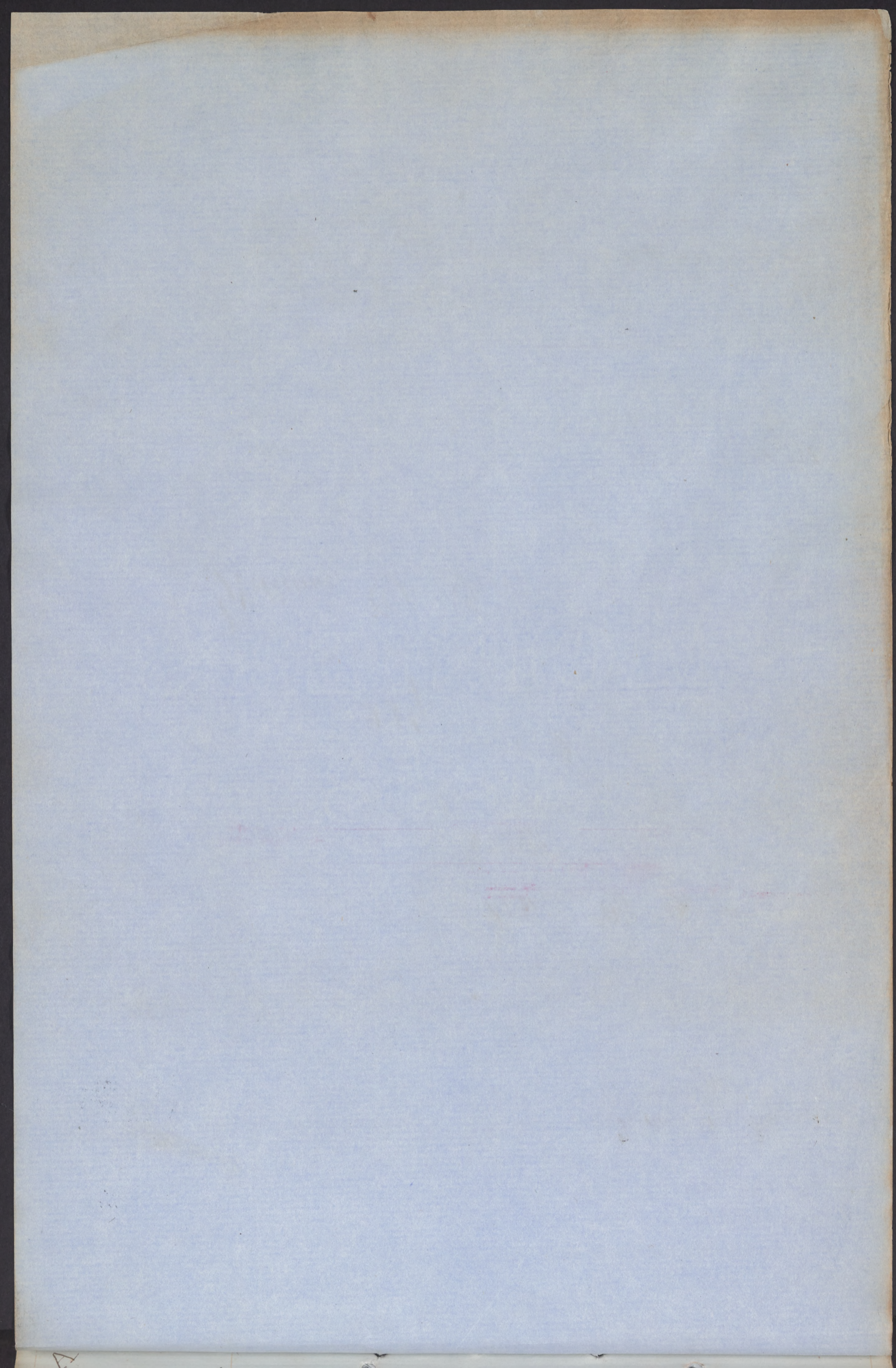
William D. Foxen CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Tinacal"



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 seventh day of May, 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 William D. Foxen
for the Place named
Pinacal

was presented, and ordered to be filed and docketed with No. 219, and is as follows, to wit;

(Vide pages 3 & 4 of this Transcript.)

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

Saturday. May. 8th. 1852.

In Case N^o 219. William D. Foxen, the Deposition of Pablo de la Guerra, a witness in behalf of the claimant, taken before Commissioner Philand Hall, was filed and is in the words and figures as follows to wit: (Vide pages of this Transcript 5, 6 and 7.

Friday Sept. 3rd. 1852.

In Case N^o 219. W. D. Foxen, from the place called Pinacal the parties litigant filed the following Stipulation, relative to placing this case on the Trial Docket, which is as follows, to wit;

We agree that the above entitled cause be put on the Trial Docket, with the stipulation which is hereby entered into, that either the Land agent or the Claimant may introduce

further testimony previous to the argument of the case.

Halleck, Peachy & Billings,
Attys for Claimant.
Geo. W. Cooley,
U. S. Land Agent.

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Friday Sept^r 3^d 1852.

The following Case, was ordered to be placed on the Trial Docket, subject to the stipulations filed by the parties litigant, to wit:

N^o 219. W. L. Foxen. "Fincaal".

Friday. Jan'y. 28th 1853.

Case N^o 219. Guillermo Domingo Foxen from the place named "Fincaal", called, and was submitted by M^r Halleck, counsel for the Claimant, with the papers in Evidence, by the consent of the United States Associate Land Agent, without argument: and taken advisement by the Board.

Monday. February. 7th 1853.

In Case N^o 219. Guillermo Domingo Foxen, for the place named 'Fincaal' Commissioner Harry S. Thornton delivered the opinion and the Decree of Final Confirmation of this Board:

Ordered that the Opinion and the Decree of Final Confirmation of this Board, Delivered this day, in this case be recorded in the Journal.

Which Opinion and Decree are

in the words and figures as follows, to wit:
(Vide pages of this transcript.) 36. 37 and 38.

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Petition.

To the Honorable Commissioners to
Settle Private Land Claims in California.

The Petitioner, William Domingo
Foxen, respectfully represents:

That in the month of May, A. D. 1837, he
received from Juan B. Alvarado, the then Gover-
nor of California, a grant for the tract of
Land, called "Fincael".

That on the 29th Day of April A. D. 1842
Juan B. Alvarado, Governor of California,
by virtue of authority in him vested, made a
new grant of the said tract of land called,
Fincael, situate in the then jurisdiction
and now county of Santa Barbara, more
particularly defining its boundaries and speci-
fying its extent, the same being two square
leagues; all of which is fully shown in the
Especiente, a certified copy of which is submit-
ted herewith marked "A", with a translation
marked "B." and also a copy of the second
title marked "C." with a translation marked
"D."

That on the 13th Day of June A. D.
1842. the said tract of Land was duly
surveyed by the proper authority and the
Juridical possession of it, given to the petition-
er, a copy of which act of possession is submit-
ted herewith marked "E" with a translation
marked "F."

That the said tract of Land

has not been Surveyed by the Surveyor General of the United States, but that it was duly surveyed and the boundaries marked out by the proper authority in 1812 as aforesaid.

That the petitioner has been since the beginning of the year 1837, and now is in the quiet peaceful and undisputed possession and occupation of the said tract of Land:

That he knows of no conflicting claim:

That he relies for confirmation of title upon the original papers, copies of which are submitted herewith: upon the records and minutes in the Office of the Surveyor General and upon such other and further proofs as he may be advised are necessary.

Wherefore he prays the Commissioners to confirm to him the said tract of Land.

By his Atty^s.

Halleck, Peckyp & Billings

Filed in Office. May 7th 1852.

Ge^l Fisher.

Secretary.

Deposition of
Pablo de la Guerra.

Office of the Board of Com^{rs}
of California Land Claims.
San Francisco. May 7th 1852.

On this Day before me Hillard Tball, one of the Commissioners for ascertaining and settling the Private Land Claims in the State of California, came Pablo de la Guerra, a Witness produced in behalf of the Claimant, William L. Foxen, whose petition is number 219, on the Docket of the Board, and was duly sworn. The Land

Agent was notified and attended.

In answer to questions put by the Claimants counsel, the witness testified as follows.

1st Question. What is your name, age and place of residence?

Answer. My name is Pablo de la Guerra: my age 32 years: I reside in Santa Barbara, and have resided in California all my life.

2nd Question. Do you know the signatures of Juan B. Alvarado, Manuel Simeno, Joaquin Carrillo, Francisco Cota, and J. R. Mado. If so, say whether their signatures to the Documents before you are genuine, whether the Documents are genuine and originals and whether the papers marked exhibits "C." and "E." filed in claim N^o. 219. in the Office of the Secretary of the Commissioners are true copies of these originals?

Answer. I am well acquainted with the signatures of Juan B. Alvarado, Manuel Simeno, Joaquin Carrillo, Francisco Cota, and J. R. Mado; their signatures to the papers before me are genuine and the papers are genuine and originals: I have compared them with exhibits "C." & "E." filed in claim N^o. 219. in the Office of the Secretary of the Commissioners, and find the latter to be true copies of these originals.

3rd Question. What do you know about the possession and occupation of the Rancho of "Tinmeal", referred to in the claim of W. D. Foxen, as above numbered?

Answer. I know the said Rancho and know that it has been occupied by William D. Foxen for many years; he has had a house on it, has occupied it with cattle and horses and cultivated some portion

6.

of the land. He occupies it at the present time and has cattle and horses on it. I never have heard his title to it disputed. I think he has occupied the land even since the date of his first grant in 1837.

In answer to questions put by the Land Agent the witness says he thinks Foxen was living on the land in his dwelling house in 1837. He continued there until about the year 1847 and 1848, where his family removed in consequence of fear of the wild Indians.

The farm has since been occupied with cattle and still is. He and his son frequently go there to see to their cattle.

The land has been sufficiently cultivated to furnish supplies for his family, but has been principally used as a cattle farm. The land may be within ten leagues of the coast and may not be. It is about that distance. - I cannot tell the precise distance.

Pablo de la Guerra.

Sworn & Subscribed

Before me

Hilland Hall.

Com^r.

Filed in Office. May 8th 1852.

Geo. Fisher.

Secy.

Sello Primero. Seis pesos.

Habilitado provisionalmente por la Notuana Maritima de Monterrey para los años de 1812 y 1813.

Alvarado.

Anton: M^o: Osio.

Original of
Spanish Documents
C. & F.

annexed to deposition
of P. de la Guerra.



Juan B. Alvarado, Gobernador
Constitucional del Departamento
de las Californias.

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Por cuanto D^o Guillermo Domingo Foxen, naturalizado en la Republica Mexicana, ha pretendido para su beneficio personal y el de su familia el parage conocido con el nombre de Sinagua, colindante con el Arroyo Seco por el rumbo del Oeste y al Sur y al Norte con las lomas de Sinagua, siendo los limites por el rumbo del Este, el monte inmediato a la casa que actualmente esta construida practicadas previamente las Diligencias y averiguaciones consiguientes, 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, sujetandose a la aprobacion de la Exma Junta Departamental y bajo las condiciones siguientes.

1^o Podra sercuar lo sin perjudicar las travesas, caminos y servidumbres, lo disfrutara libre y exclusivamente, destinandole al uso o cultivo que mas le acomode, pero dentro de un año fabricara casa y estara habitada.

2^o Solicitara del Juez respectivo que le de la posesion juridica en virtud de este Despacho por el cual se demarcaran los linderos en cuyos limites, pondra cunas de las mojoneas, algunos arboles frutales o silvestres de alguna utilidad.

3^o El terreno de que se hace Donacion es de los sitios de ganado mayor segun esplica el diccionario que corre agregado en el expediente respectivo. El Juez que diere la posesion lo hara medir

conforme á ordenanza, quedando el Sobrante que resulte para los usos convenientes.

1.^a Si contraviniere á estas condiciones perderá su derecho al terreno y será denunciado por otro.

En consecuencia mando que teniendo por firme y valedero el presente título, se tome razón de él y se entregue al interesado para su resguardo y demás fines. Dado en Monterrey a veinte y nueve de Abril de mil ochocientos cuarenta y dos.

Juan B. Alvarado.

Man^l Jimeno. Secretario.

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Que-
La tomada razón de este Despacho en el libro de
acientos sobre adjudicación de terrenos baldíos a
fo 11. v^o

Jimeno.

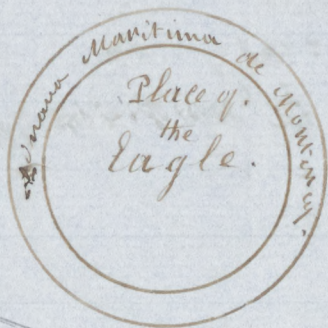
El Excmo. Sr. Gobernador ordena se tome razón de
esta concesión en la Prefectura del Segundo Distrito.
Jimeno.

Sello Tercero Los Reales.

Habilitado provisionalmente por la Autoridad
Marítima del Puerto de Monterrey en el Depa-
rtamento de las Californias, para los años de
mil ochocientos cuarenta, y mil ochocientos
cuarenta y uno.

Alvarado.

Antonio M^o Osio.



Habilitado provisionalmente por la
misma para el año de mil ochocie-
ntos cuarenta y dos.

Alvarado.

Antonio M^o Osio.

See following map or plan.

9.
El que suscribe, Secretario del Departamento, certifica que el d'ceno que se demuestra a la vuelta es igual al original que existe en la Secretaria de mi cargo.

Monterrey, Abril 29. de 1842.
Man^l Linares.

Por Juez de Paz.

Sta Barbara 27.
de Mayo de 1842.

Guillermo Domingo Foxen ante V.
En virtud con el debido respeto comparece y dice; de la antecedente que habiendo obtenido de este gobierno solicitud por el presente Finaguas, Dado en 29. de Abril del Mes a la mencion presente año que debidamente acompaña ^{ante} de lincios ^{ante} prona.

y posesion Juridica Suplica a V. se sirva (cuando q. solicita el interese lo permitan sus ocupaciones) dar ade en este especie la correspondiente posesion Juridica este, señalando segun esta mandado en el referido p^o p^o el tres titulo. P.F. A. V. encarecidamente de Junio del ruego tenga la bondad de acceder corriendo un para a sus deseos, sirviendose admitir lo que se citaran este en papel comun por no haber con voluta de compra aqui del Sello correspondiente.

recido a los colios Santa Barbara. 27 de Mayo
antes asi yo el de 1842.

mencionado Juez Guill^o Domingo Foxen.

lo Decreto, unido
y firmo con los testigos

de asistencia con
quienes actua p^o

resistoria a falta de escritura publico. Doy fe. as^o.

J. R. Malo.

Joaq^o Carrillo. as^o Fran^o Cota.

En la fha presente D. Guillermo Domingo Foxen se le notifico el auto antecedente y de el entendido Dijo lo vllé que para p^o citado, y lo firmo con miyo y los testigos de asistencia.

J. Carrillo. Guillermo D. Foxen.

En la misma fha se libraron las voletas q. se mandan en el antecedente auto y p^a que conste lo rubrique.

En el Rancho de Jimaguea a los trese Dias del mes de Junio de mil ochocientos cuarenta y Dos en cumplimiento del auto de veinte y siete del mes pasado concurrio el Ciud.^{no} Tomas Olivera como Colindante de este Rancho y citado p^a la medicion Señalamiento de linderos y posesion nombre por medidores a los ciudadanos José Maria Valenzuela y Guadalupe Olivera quienes previo la aceptacion y juram^{to} procedieron al Descuento de su cargo asi yo el Dho Juez lo decreté, mandé y firmé con los testigos de asistencia.

J. Carrillo.

as^o Fran^{co} Cota.as^o J. R. Malo.

En la fha se les notifico el auto q. antecede a los Colindantes y entendidos dijeron q. lo olieron y juraron con miyo y los testigos de asistencia, no habiendo comparecido en el encargo de Sr. Juez.

J. Carrillo.

Tomas Olivera.

as^o J. R. Malo.as^o Francisco Cota.

En la misma fha y en el espresado Rancho se les notifico el auto en el q. aparece nombrados medidores a los Ciud.^{es} José M^o Valenzuela y Guadalupe Olivera y entendidos dijeron q. aceptan y aceptaban Dho encargo y juraron p^a Dios nuestro Sr. y la Señal de la S^{ta} Cruz aser lo fiel y legalm^{te} a todo su leal saber y entender sin Dolo o fraude contra persona alguna y por no saber firmar hicieron una señal de Cruz y firmé yo con los testigos de asistencia.

José M^o Valenzuela.

J. Carrillo.

as^o J. R. Malo.

Guadalupe Olivera X.

as^o

Francisco Cota.

Incontinentemente yo el Juez mande traer a mi presencia el cordel q con qui se a de medir bastiones y q los medidores lo median de cincuenta varas y lo firmé con los de asistencia.

A Corillo.

as.^a

J. N. Malo.

as.^a

Frau.^a Cota

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En la misma fha en presencia de mi el referido Juez los expresados medidores tomaron el cordel de reata y con una vara Mojicana de medir tomando la en la mano, medieron cincuenta varas p^a aser la referida medicion y p^a constancia lo rubrique.

En la misma fha. y en el referido Rancho siendo las siete de la mañana yo el presente Juez mandé a los medidores se pongan p^a la medicion q se a de aser del terreno conocido con el nombre de Sinaguai p^a que el mencionado Dⁿ Guillermo Domingo Forte, tome posesion de el y para dos serca de la boca de la cañada contigua al Arrollo seco empueraron las mediciones, tomando el rumbo del este hta pasar el monte de Sinaguai, en donde habiendo llegado dijeron haber Docientos cordeles; en seguida parado en la cuevilla de las lomas de Sinaguai situados rumbo al Sur en donde se clavo un palo, se tiro el cordel rumbo al Norte p^a las lomas de Sinaguai hta. el picacho mas alto de la cuevilla, se medieron sien cordeles habiendose concluido esta medieron resulto Dos citios de ganado Mayor y habiendose echo el señalam^{to} de linderos en la boca de la cañada contigua al Arrollo seco delante del monte de Sinaguai en la cuevilla rumbo al Sur de Sinaguai y en la cuevilla del picacho de Sinaguai rumbo al Norte, mandé formarse mojeneras y p^a constancia lo firmo p^r auto con los testigos de asistencia.

J. R. Malo.

Francisco Cota.

En la misma fha. yo el indicado Juez mande q. en virtud de haberse medido el terreno y habese echo el señalam^{to} de linderos se ponga en posesion juridica por D. Guillermo Domingo Forte y notifique se les a los colindantes y firmé p^r auto con los testigos de asistencia.

Us.^a

J. Carrillo.

us.^a

J. R. Malo.

Francisco Cota.

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En la fha se les notificó a los colindantes Tomas Olivera como Dueño del Rancho del Acossusque el auto y entendido Dijo q. lo hacia y firmó con miyo y los de asistencia

J. R. Malo.

Tomas Olivera.

Francisco Cota.

En Rancho. De Sinaguine siendo como a las cuatro de la tarde del mismo, Dia, mes y año el Sr D^o Guillermo Domingo Forte Resino de S^{ta} Barbara acompañado del Juez y testigos con ánimo segun Dijo de tomar la verdadera corporal y real posesion del espresado terreno de Sinaguine p^r haber le pertenecido con justo titulo y obtuvo del Gobierno Politico de este Departamento con fha 29 de Abril del corriente año entro y paso p^r Dho terreno arriancos yerbas esparcio pñados de tierra rompio ramas de arboles uso otras sermouias de Verdadera posesion en señal de lo q. Dijo tomar y q. tomaba de dichas tierras q. mande yo el citado Juez q. Desde entonses le tuvieren y reconociesen al mencionado Sr Forte p^r Verdadero Dueño Sr. y poseedor de ella de todo lo referido pidio el Sr referido Forte, y para memoria en la Veridero y conservacion de sus Derechos p^r mi el Juez

Joaquin Carrillo. le fuese estendida una Constancia loq. asi fue
us.^a Fran^{co} Cota. autorizada siendo testigos de asistencia los Ss. Braanon Malo
Filed in office D. 29. 1854 Francisco Cota con quienes actuo en reseptoria a falta de escri
J. Fisher Secretary Varro publicos q. no lo hay segun Dho. Doy fe. as.^a J. R. Malo. x

Provisionally authorized by the Maritime Custom
house of Monterey for the years 1842 and 1843.
Signed. Alvarado. Sgnol.) Antonio M^a Osio.

"D."

Translation of
Title.

Monterrey
Custom House

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

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Whereas, Don Guillermo Domingo Foxen, na-
turalized in the Mexican Republic, has for
his own personal benefit and that of his
family, petitioned for the place known by the
name of Tinagua, bounded by the Arroyo Seco
on the West, on the South and North by the
hills of Tinagua, the limits on the East being
the Thicket (Monte) near the house which
is at present, built there, the proper measures
and examinations being previously made as requi-
red by laws and regulations, using the faculties
which are conferred on me in the name of the
Mexican Nation, I have granted him the
aforesaid land, Declaring to him the ownership
of it by these presents, Subject to the approval
of the Most Excellent Departamental Junta and
under the following conditions. Viz:

1^o He may enclose it without prejudice to the
crossings, roads and Servitudes, and enjoy it
freely and exclusively making such use or cultiva-
tion of it, as he may see fit, but within
one year, he shall build a house on it
and it shall be inhabited.

2^o He shall request the proper Magistrate to
give him, juridical possession, in virtue of this
order, by whom the boundaries will be marked
out in which, besides the bounds, he shall
place some fruit, on forest trees of some utility.

3^o The land of which Donation is made

is two Square leagues, as shown by the Map which goes with the Expediente.

The Magistrate who may give the possession, will cause it to be measured in Conformity with the Ordinance, leaving to the Nation for its convenient uses, the Surplus which may result.

14.^m If he shall contravene these conditions he will lose his right to the Land and he will be subject to Depoiment by another person.

In Consequence I order that the present title, being held as firm and valid, note be made of it and it be delivered to the person interested for his Security and other purposes.

Given in Monterrey on the twenty ninth of April. One thousand eight hundred Forty Two.

Signed. Juan B. Alvarado

Signed. Manuel Jimeno

Secretary.

Note has been made of this title in the Book of entries of grants of vacant lands at folio 11-over.

Signed. Jimeno.

His Excellency the Governor orders that note be made of this grant in the Prefectura of the Second District.

Signed. Jimeno.

Filed in Office May 7th 1852.

Geo. Fisher.

Secretary.

"F"

Translation of J.^{ta} Barbara. May 27th 1842.

To the Justice of the Peace.

Guillermo Domingo Foxen, before you with due respect appears and says: foregoing petition having obtained from this Government of the present Mag the title of the place called Lingua-estate.

will proceed to the measurement given on the 29th of April of the present year, which he duly transmits, he real possession and prays you to be pleased (when your Designation of bounds permit) to give him Daries, which the the corresponding the Juridical person interested in- session as Directed in the aforesaid this Expediente require title wherefore he earnestly prays the Designating for you to have the goodness to accede the purpose of carry to his wishes, being pleased to sing it into effect, the admit this on common paper, there thirteenth Day of being none of the Corresponding Stamp June of this year, for here.

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such written Summons will be issued to the Colonies.

Thus I the aforesaid Magistrate Decree ordered and signed with the assisting witnesses with whom I act in virtue of my office for want of a Notary Public. I certify.

Signed: }
Joaquin Carrillo,
assisting witnesses
Sgt. J. R. Malo.
" Fran^{co} Cota.

Santa Barbara. May. 27.

1812.

Signed. Guillermo Domingo Foxen.

On the same Day, present Don Guillermo Domingo Foxen, he was notified of the preceding order and having understood it he acknowledged notice and signed it with me and the assisting witnesses.

Sgt. Guillermo D. Foxen.
" Joaquin Carrillo.

assisting witnesses.
Sgt. J. R. Malo. Sgt. Francisco Cota.

On the Same Date, the written Summons ordered in the foregoing act were issued, and in testimony I signed it in rubrick.

(Rubrick of Joaquin Carrillo.)

In the Rancho of Linaguac, on the thirteenth Day of the month of June, one thousand eight hundred and forty two, in compliance with the order of the twenty seventh of last month, there appeared Citizen Tomas Olivera as colindante of this Rancho and Summured to attend the measurement, marking of boundaries and possession, I appointed measurers Citizens Jose Maria Valenzuela and Guadalupe Olivera will proceed to Discharge (the Duties of) their office. - Thus I, the Said Magistrate, Deceed, ordered and Signed with the assisting witnesses.

Assisting Witnesses. (Sgd.) J. Carrillo.

Sgd. J. R. Malo.

" Fran^{co} Cota.

On the Same Date the foregoing order was notified to the colindantes, and having understood it, they Said that they heard it, and signed it with me and the assisting witnesses, the person in charge of Santa Ines not having appeared.

Sgd. Tomas Olivera.

Assisting Witnesses. " J. Carrillo.

Sgd. J. R. Malo.

" Francisco Cota.

On the Same Date and in the aforesaid Rancho Citizens Jose Maria Valenzuela and Guadalupe Olivera were notified of the order in which they appear, appointed measurers and having understood it, they Said that they accepted and they did accept said office and made oath by god, and our Lord and the sign of the Holy Cross, to perform (its Duties) faithfully, to the best of their knowledge

and belief, without Deceit or fraud against any person and not knowing how to write they made a sign of the Cross. and I Signed with the assisting witnesses.

José Maria + Valenzuela.

Guadalupe + Olivera.

Signed.) J. Carrillo.

Assisting witnesses.

Sgd. J. R. Molo.

" Francisco Cota.

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Immediately, I the Magistrate ordered the cord to be brought to my presence, with which the lands are to be measured. and that the Measurers mark off fifty varas, and I Signed it with those of assistance.

Asstg. Witnesses.

Signed. J. R. Molo.

Signed. Joaquin Carrillo.

" Fran^{co} Cota.

In the same Date, before me, the aforesaid Magistrate the said measurers took a rope of hide (cordel de recata) and with a Mexican vara measure, taking it in the hand, they measured off fifty varas with which to make the aforesaid measurement, and in testimony I Signed it in rubrick.

(Rubrick of Joaquin Carrillo)

In the same Date, and in the aforesaid rancho, being about Seven o'clock in the morning, I the present magistrate, ordered the measurers to prepare for the measurement which has to be made of the land known by the name of Pinaguine, in order that the said Don Guillermo Domingo Foxen, may take possession of it, and standing near the mouth of the cañada, near the Dry brook (stro-yo Seco) they commenced the measurements, taking an Easterly Direction, until they passed the thicket (abonte) of Pinaguine, which Distance they said

was two hundred cordels. Thence standing on the ridge of the hills of Linaguia, situated on the South where a Stake was driven, the cord was drawn Northwardly to the hills of Linaguia, to the highest peak of the ridge, and one hundred cordels were measured. This measurement being thus concluded there proved to be two square leagues and the boundaries having been designated as, in the mouth of the cañada, near the "croyo See" in front of the further side of the "Monte de Linaguia" in the ridge of the peak of Linaguia on the North. - I ordered that bounds be formed and in testimony I signed it officially with assisting witnesses.

Sgt. J. Carrillo.

Ass'tg. witnesses.

Signed. J. R. Malo.

" Francisco Cota.

On the same date, I the aforesaid Magistrate, ordered that in virtue of the land having been measured and the boundaries designated Don Guillermo Domingo Foxen be put in judicial possession and that the Colindantes be notified, and I signed this officially with the assisting witnesses.

Assisting witnesses. Sgt. J. Carrillo.

Sgt. J. R. Malo.

" Francisco Cota.

On the same day the Colindantes Tomas Olivera owner of the Rancho of Acopusque, was notified of the Act, and having understood it he said that he heard it, and signed with me and those of assistance.

Sgt. J. Carrillo.

Assisting witnesses.

Tomas + Olivera.

Sgt. J. R. Malo.

" Francisco Cota.

In the rancho of Tuaguine about four O'clock
 afternoon of the same Day, month and year, Don
 Guillermo Domingo Foxen, resident of Santa
 Barbara, accompanied by the Magistrate and witnesses
 with the intention as he said of taking the true
 corporeal and real possession of the aforesaid land
 of Tuaguine, as it belongs to him by a Just title
 which he obtained from the Political Government
 of this Department on the 29th of April of this year
 entered upon and walked over said land, pulled
 up grass, scattered hands full of earth, broke branches
 of trees and made other ceremonies of true possession
 in sign of that which he said he took, and which
 he did take of said lands. And I the aforesaid
 magistrate, ordered that from that time forth the
 before mentioned Señor Foxen, be held and recognis-
 ed as the true owner and possessor of it.

And the said Señor Foxen prayed that
 for a future testimony and the preservation of
 his rights, a certified copy of all the foregoing be
 issued to him by me, the Magistrate, which was
 so authorised, the assisting witnesses being the
 Señores Pramon Malo and Francisco Cota, with
 whom I act in virtue of my office for want of a
 notary Public, there being none according to law.

I Certify.

Sgt. Joaquin Carrillo.

Assistg. witnesses.

Squad. J. M. Malo.

" Francisco Cota.

Filed in Office May. 7. 1852.

Geo. Fisher.

Secretary.

Espediente.

1. S. D. K.

*Promovido por D. Guillerino Domingo Foxen
en solicitud del parage conveido con el nombre de
Tinaaal.*

200 SD
PAGE 21

año de 1837.

272.

22.

C. S. D. H.

A.

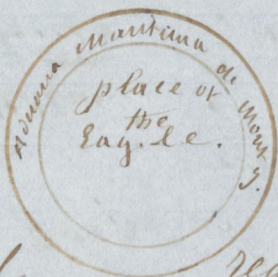
Rancho de
Linneal.

Sello Cuarto. una cuartilla.

Habilitado provisionalmente por la Aduana Maritima del puerto de Monterrey en el Departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

Alvarado.

Antonio M^a Osio.



Exmo. Señor Gobernador.

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PAGE 22

El C. Guillermo Domingo Foxen natural del Reino de Inglaterra y arribado en este territorio como Diez y Seis años y casado en el mismo ante V. E. con el debido respeto y conpuncion haya lugar en Derecho Digo. que hallandose en posibilidad de fomentar y cultivar un terreno q. se halla baldio en el Cuadrado de Linneal, este parage no reconoce propiedad particular de ninguno individuo o pueblo y por consiguientes, se halla baldio y en estado de adjudicarse en Colonizacion conforme a las leyes acompañando el Dicho Conespondiente. P. P. A. V. E. Suplico se Sirva proveer como pido en lo que recibire merced y gracia, jurando no ser de malicia, y lo necesario S.

Junta Barbara. 12 de Mayo de

1837.

Guillermo Domingo Foxen.

Monterrey. Abril 29. de 1842.

Estando ocupando D^o Guillermo Domingo Foxen el terreno de que hace mencion esta instancia Desde el año de 1837 y no habiendo inconvenciente ninguno para su consecion, le Declaro Bueno.

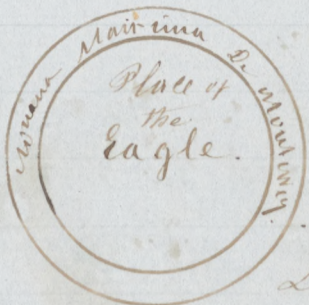
S. S. D. H.

[Sello cuarta una Cuartilla.

Habilitado provisionalmente por la Aduana Maritima del Puerto de Monterrey en el Departamento

de las Californias para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

Alvarado. Antonio M^o Osio.



200 SD

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Y Del parage nombrado Vinacul en conformidad à las leyes y reglamentos de la materia = agreguese el Dicho correspondiente, y extenderase el Dicho Despacho Dirigiendose el Expediente a la Santa Junta Departamental para su aprobacion. El Sr. Sr. Gobernador asi lo mandó, Decretó y firmó de que Soy fée.

S. J. D. K.

El Ciudadano Juan B. Alvarado, Gobernador int.^o del Estado libre y soberano de la Alta California y Presid^{te} de la Santa Dip^{ta} erigida en Congreso Constituyente.

Por cuanto el Sr. Guillermo Foxeu, natural de la Gran Britania y naturalizado en los Estados Unidos Mexicanos, ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de Vinacul Dentro de los límites del Dicho q. acompaño à su Solicitud, practicadas previamente las Diligencias concernientes segun lo Dispuesto p^r las leyes y reglamentos de la materia usando de las facultades q. me son conferidas a nombre de la Nacion Mexicana he venido en concederle la propiedad del terreno q. solicita, entendiendose Dicha. Concesion con entera conformidad a las leyes à reserva de la aprobacion ó Desaprobacion de la Santa Diputacion, y bajo las condiciones siguientes.

1^o Los acrecidos ni sus herederos podran Dividir ni enagenar el q. se les adjudica, imponer lo censo, vinento, fianza, hipoteca, ni pasarlo à manos muertas.

2^o Podra cercar lo, sin perjudicar las traversias Caminos y servi Dumbres, lo Disputara libre y esclusivamente, Destinando lo al cultivo

y uso qe mejor le acomode.

2.^o Cuando se le confiera la propiedad Solicitará del Juez respectivo la de la posesion legitima o juridica, en virtud de este Despacho por el cual se Demarcaran los linderos y pondran las motoneras.

3.^o El terreno de que se le hace Donacion es puramente el q. se expresa en la Solicitud del interesado y se Demarca en el Breve q. corre agregado al expediente, y el Juez q. los posesionase pasara aviso a este Gobno del numero de sitios q. comprende.

En consecuencia, mandado q. revienole de titulo el presente, y teniendo p^r firme y validero se tome razon en el libro q. correspondia, y se entregue al interesado pa su resguardo y Demas fines.

Dado en la Ex. Mission de Sta Barbara, a 16 de Mayo de 1837.

Juan B. Alvarado.

Victor Prudon

Secretario.

Map Follows

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

I Samuel L. King, Surveyor
General of the United States for the State of California
and as such now having in my office and under
my charge and control a portion of the Archives
of the former Spanish and Mexican Territory
or Department of Upper California, Do hereby
certify that the eight preceding and hereunto annexed
pages of tracing paper, numbered from One to
Eight inclusive and each of which is Verified by
my initials (S. L. 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 having a seal of office)
at the City of San Francisco, Cal
this 31st Day of March, 1852.
Sam^l. L. King.
Surveyor G^l. Calif.

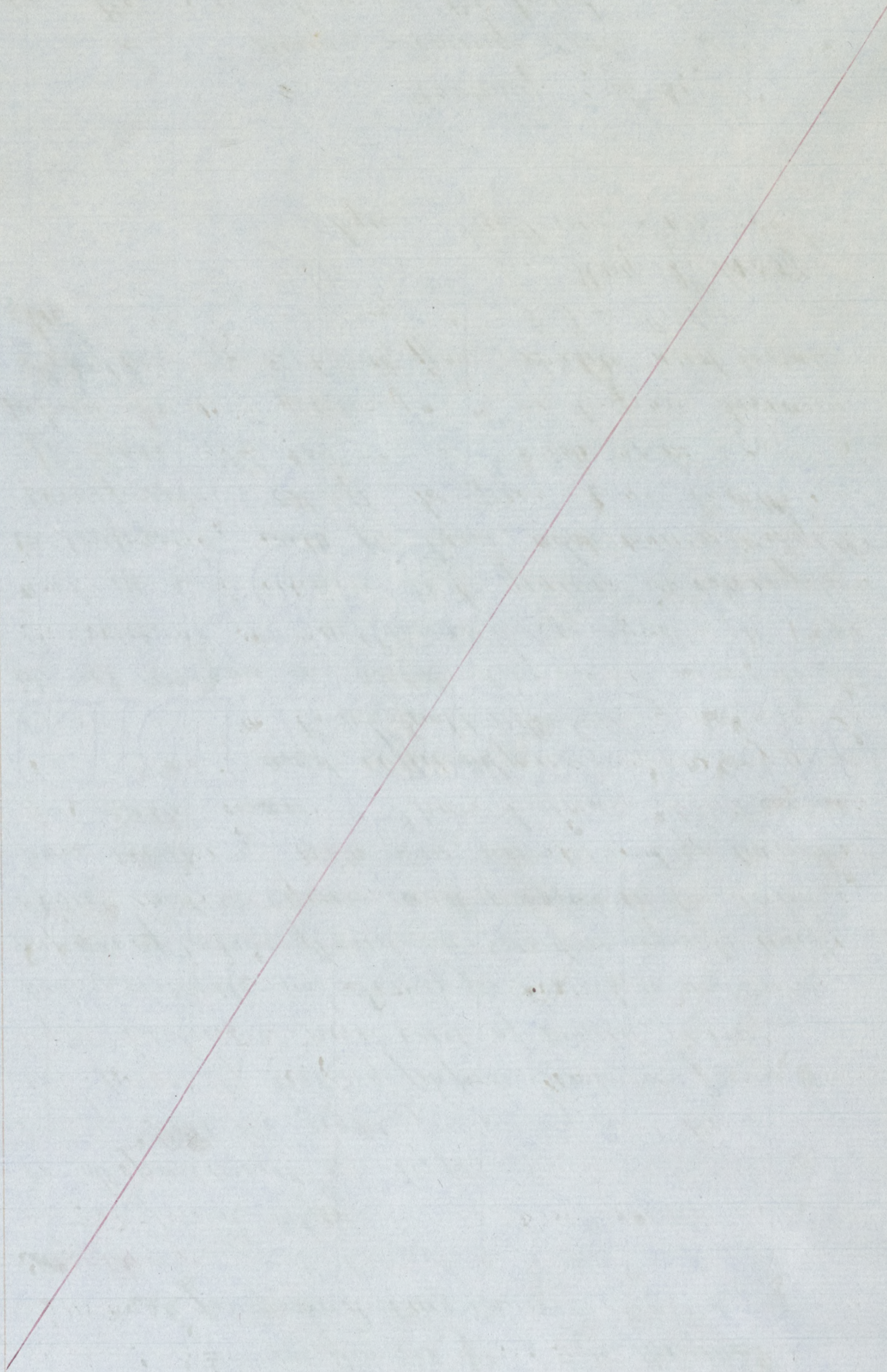
Filed in Office May 7th 1852.

Geo. Fisher.

Secretary.

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PAGE 25

map 2



Stamp Fourth. One Cuartilla.

Provisionally authorized by the Maritime Custom House of the Port of Monterey, in the Department of the Californias for the years One thousand eight hundred forty and One thousand eight hundred forty one.

"B"

Signed. Alvarado.

Signed. Antonio M^a Osio.Translation of
Expediente.

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PAGE 26

Monte-
reney
Custom House.

To his Excellency the Governor.

Citizen Guillermo Domingo Foxen, a native of the Kingdom of England, a resident of this Territory about sixteen years and married in the same, before your Excellency with due respect and in the most favorable manner in law. Says, that being able to improve and cultivate a land which is vacant in the Canada of Linares. - which place is not recognized as the property of any private individual or pueblo, and consequently is vacant and in a condition to be granted in colonization in conformity with the laws, and transmitting the corresponding maps, he prays your Excellency to have the goodness to decide as he requests in which he will receive favor and grace, swearing that he does not act from malice and whatever else may be necessary. D. D. D.

Santa Barbara. May. 12th 1837.

Signed. Guillermo Domingo Foxen.

Monte-
reney. April 29. 1842.

Don Guillermo Domingo Foxen, having been in the occupation of the land mentioned in this petition since the year 1837, and there being no objection to granting it, I Declare him owner of the place named Linares, in conformity with the laws and regulations on the matter.

Let the corresponding map be annexed to let the proper title be issued, Directing this Expediente to the Most Excellent Departmental Junta for its approval.

His Excellency the Governor thus ordered, Decreed and Signed to which I certify.

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PAGE 27

Citizen Juan B. Alvarado, Governor ad interim of the Free and Sovereign State of Upper California, and President of the Most Excellent Deputation formed into a Constituent Congress.

Whereas, Señor Guillermo Domingo Lopez native of Great Britain and naturalized in the United States of Mexico, has for his own personal benefit and that of his family, petitioned for the land known by the name of Tinalca, within the boundaries (shown by) the map which accompanied his petition, the proper measures being previously taken as required by the laws and regulations on the matter, using the power which are conferred on me, in the name of the Mexican Nation, I have granted him the ownership of the land. Solicited, said grant being understood to be in entire conformity with the laws, subject to the approval or disapproval of the Most Excellent Deputation and under the following conditions to wit:

1. Neither the Grantee nor their heirs may divide or alienate that which is granted them, subject it to any tax, entail, pledge, mortgage or convey it in mortmain.

2. He may enclose it without prejudice to the crossings, roads and servitudes, and enjoy it freely and exclusively, making such use and cultivation of it as may best suit him.

3. When the ownership is conferred on him, he shall request the proper Magistrate to give

him legitimate or juridical possession in virtue of this order by which, the boundaries will be marked out and the bounds placed.

4. The land by of which Donation is made is solely that referred to in the petition of the person interested and marked out on the Map which goes attached to the Expediente, and the Magistrate who may give the possession, will inform this Government of the number of leagues it contains.

In consequence I order that this present serving him for a title, and being held as firm and valid, note be made of it in the corresponding book and it be declared to the person interested for his security and other purposes.

Given in the Ex. Mission of Santa-
Barbara on the Sixth Day of
May, 1837.

Signed: Juan B. Alvarado.

" Victor Prudon.

Secretary ad Interim.

Opinion and
Decree.

William L. Foxen, Claimant

vs.

The United-States.

Commission for ascertaining
and settling Private Land Claims
in the State of California, Session
at San Francisco.

"Lineal". N^o 219. Decision by H. J. Thornton.

The claim presented in this case is founded on a grant made on the 29th of April 1842 under and in virtue of the Decree of the Mexican Government of 18th of August 1824, and of the ordinance of the Federal Executive of Mexico of the 21st of November 1828, by Juan B. Alvarado, Governor of California

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200 SD
PAGE 29

to the Claimant for two Square leagues of land; of which land it appears a grant had been previously made; viz: In the month of May 1837 but with no Definitive Description of locality and quantity of the land so granted, a measurement was made and possession delivered in the manner in which at that time, those acts were usually Done. Possession of the land, continued residence upon it, and its use for pasturage and cultivation, have been had and enjoyed by the grantee, since about the year of the first above named grant down to the present time.

Of the authority of Alvarado to make the grant, and of its genuineness no Doubt is suggested. All those facts are fully proved, by an Expediente regularly authenticated from the public Archives of the former Governments of the Country, by Documentary evidence, and the testimony of witnesses in the case. The Objection that the Governor Does not appear, to have Submitted his grant to the Departmental Assembly, and obtained their approval of it, as well as all other objections which may be urged against the confirmation of this claim, have been fully considered and overruled by the Board in the case of Cruz Cervantes and others, heretofore Decided. According to the principles of Decision prescribed for our government in the 11th section of the Act of the 3^d of March 1851, this claim is Declared to be valid, and we proceed to enter the following Decree of final Confirmation In this Commissioner Hall concurs.

H. J. Thornton.

This Board upon full consideration of the various grounds affecting the validity of the Said claim, having come to the conclusion that the Same is valid therefore now proceeds to make, and Does hereby make the following Decree of final Confirmation viz: it is Decreed that the Said claim be Confirmed to the claimant, to the extent and quantity of Square leagues or Sitios de ganado mayor and for no more, being the Same land Descrbed in the grant and

being the same land granted in the grant and
 expediente referred to therein; and of which the
 possession was had under the same grant: Provided
 that the said quantity of land granted and now
 here confirmed, be contained within the boundaries
 called for in the said grant and map referred to there-
 in; and if there be less than the said above named
 quantity within the said bounds, then we confirm
 to the claimant that less quantity, it being apparent
 that said quantity exceeds the minimum of two
 hundred varas, prescribed in the Ordinance of the
 21st of November 1828.

Given under our hands this 7th February
 1853.

Wiland Hall. }
 Harry J. Thornton. } Commissioners.

Filed in Office Febry. 7th 1853.

Geo. Fisher.
 Secretary.

Recorded in Journal Vol. 3. page 137.

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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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PAGE 31

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 two* pages, numbered from
1 to 32, 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. 219 on the Docket of the said Board,
wherein *William O. Foxen* is —
the Claimant - against the United States, for the place known by
the name of *Tinacal*

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

Geo. Fisher
Secretary



U. S. District Court
200
Southern District of California

No. 200.

200
The United States.

vs

William D. Foxen.
"Tinacal."

Transcript of the Record
from the
Board of U. S. Land Commissioners,
in case No. 219.

Filed February 5th 1855.

J. E. Foxen
clerk.

200

I, John A. Monroe Clerk of the
United States District Court for the Northern District
of California, do hereby certify that I have received of

George Fisher
Secretary of the Board of Commissioners to ascertain and settle
the Private Land Claims in the State of California, a docu-
ment purporting to be a Transcript of Record of the Proceedings
and of the Decisions of the said Board of the Documentary Evi-
dence and of the Testimony of the Witnesses upon which the same
is founded, in Case No. 219 on the Docket of the said
Board, wherein Guillermo Domingo Forero is

the Claimant against the United States for the
place known by the name of "Finacal"

to be filed in accordance with the provisions
of the Act of Congress, approved August 31st, 1852, with the
Clerk of the United States District Court for the District of
California in which the Land claimed is situated.

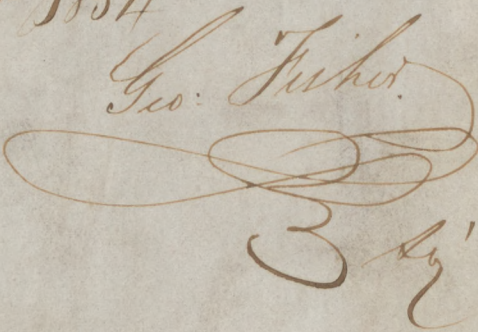
In Testimony Whereof, I have hereunto set my
hand and affixed the Seal of the said Court, in the
City of San Francisco, the thirteenth day of
April A. D. 1854,

John A. Monroe Clerk
by Alex. M. Scheel Deputy

N^o 173

Receipt
of
the Clerk of the
U. S. Dist. Court
for
Northern District
for
Transcript. N^o 219.

Filed in Office April
13th 1854

27 Geo. Fisher.


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Registered

in Santa Barbara Co.

200 SD

PAGE 34

Attorney General's Office,
10th August 1854.

W. D. Fowen, Claimant

vs.

The United States

} 219-

You will please take notice that an appeal in the above case (a transcript of the proceedings in which was received in this office on the 27th of April 1854), from the decision of the Commissioners to ascertain and settle the private land claims in the State of California, to the District Court of the United States for the Southern District of California, will be prosecuted by the United States.

Attorney General.

^{No 200.}
U. S. Dist. Court
No 200.
South. Dist. of Cal.

W. D. Foxen

The United States
for No. 219

Notice of Appeal from
atty. genl. 10 Aug. 54

No.

Rec^d at Monterey 22^d Sept 54

Atty Gen
Sgt. Clerk

The U.S. vs. W. D. Foxen, appellee.

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The transcript contains

- II Petition to commissioners pp 3 & 4
- III. Deposition of Pablo de la Guerra pp 4.5 & 6
proves signatures to original title and juridical
possession. Knows that Foxen has occupied
this land for many years with a house, cattle
& horses & has cultivated portions of it; he
still occupies; witness thinks Foxen has occupied
the land ever since the date of his first
title in 1837. Thinks he lived in his
dwelling house on the land in 1837 & continued
there till 1847 or 8 when he was driven
out by Indians; occupies it still with cattle.
- III. Original grant. pp 7 & 8. dated April 29th 1842.
- IV. Juridical possession pp 8 to 12.
- V. Translation of grant pp 13 & 14.
- VI. Translation of juridical possession pp 14 to 19
- VII. Expediente. pp 21 to 25.
- VIII. Translation of Expediente pp 27 to 29.
Expediente contains Foxen's petition May 12th
1837. copy of title ~~granted~~ dated May 16th 1837
and decree of title dated April 29th 1842.
and map.
- IX. Opinion of commissioners pp 29 & 30
- X. Decree of confirmation pp 30 & 31.

Proceedings in U.S. Dist Court

- | | | |
|-----------------|-----------------------|---------------------------|
| 1 st | Transcript filed | Feb 5 th 1855 |
| 2. | Notice of appeal " | sept 22. 1854 |
| 3 ^d | Petition for review " | Oct 4 th 1855 |
| 4 | Answer - - - - - " | Oct 4 th 1855. |

The N.S. appellants
vs.

W. S. Tixer, appellee

Judges of case.

Filed Oct 4th 1855.

6.5 Jan
Oct

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

Hon. Isaac S. H. Ogier Judge.

William D. Foxen } N^o 200.

vs

{ (Transcript N^o 219)

The United States

The petition of Pacificus Ord, Attorney
of the United States for the Southern
District of California, for and in behalf
of the United States, respectfully represents,

That on or about the 7th day of May AD
1832, William ~~Hennings~~ Foxen petitioned
the United States Land Commissioners for
the State of California, claiming two
Square leagues of land, called 'Sinacal',
situate in the County of Santa Barbara
State of California. That on or about
the 7th day of February AD. 1833, the said
Commissioners confirmed the said claim.

That thereafter, to wit, on or about the
27th day of April AD 1834, the Hon^{ble}
Caleb Cushing Attorney General of the
United States received a duly Certified
transcript of the proceedings, with the
evidence, and decision of the said Com=
~~missioners~~missioners in said cause.

That thereafter, to wit, on or about the
22nd day of September AD. 1834, the said

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Attorney general of the United States
filed, or caused to be filed, with the
Clerk of this Hon^{ble} Court, a Notice of
the intention of the United States to prose-
cute the appeal in said Cause.

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PAGE 39

That on or about the 5th day of February
A.D. 1855, the said Commissioners filed
or caused to be filed in the Office of the
Clerk of this Hon^{ble} Court, a duly certified
transcript of their proceedings, with the
evidence, and decision in said Cause.

That the land claimed ~~is~~ lies in
the Southern District of California, and
within the jurisdiction of this Hon^{ble} Court.

And this petitioner denies, generally,
that the said Claimant has any valid
right or title to the said land.

Wherefore the said petitioner prays that
the said William D. Foxen, or his
Attorney, may be served with a Copy
of this petition, and that, after due pro-
ceedings had, the said decision of the
said Commissioners may be reviewed,
reversed and set aside; and that this
Hon^{ble} Court will decree the said claim
or title to be invalid. With Costs and
general Relief.

P. D. D.

Attorney of the U.S. for the
Southern Dist of California

N^o 200.

Wm D. Foxen,

ads,

The United States.

Petition of W. H. Foxen, for
review.

Filed Oct 4th 1855.

J. E. Foxen,
Clerk.

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P. D. Foxen,

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

200 SD
PAGE 41

The United States, appellants }
vs. } Answer of Appellee.
W. S. Foxen, appellee }

William Domingo Foxen, appellee, appears
by his attorneys, and for answer to the
petition of the United States filed herein, says:

That his title to the land called "Linard",
as set forth and described in his petition to
the Board of Commissioners and in the
documentary and other evidence filed in
this case, is a good and valid title;

and he prays this Honorable Court to
affirm the decision of the ~~said~~ Board
of Commissioners, and to decree his title
to be valid. The land claimed lies in the southern
district of California

Hallibur Peabody & Billings
Attys for appellee.

No 200

The United States, appellants

vs.

W. D. Foxen, appellee

Answer of appellee

Filed Oct 4th 1853

J. E. Foxen
clerk

200 SD

PAGE 42

The United States appellants }

vs.

W D Foyen appellee }

200 SD

PAGE 43

The claim in this case is founded upon a grant from Governor Alvarado to the present claimant dated 29th of April 1842. The original grant is produced in evidence, together with the petition of the Appellee to Governor Alvarado asking for the grant, and the expedientes of all the proceedings had thereon. The Act of judicial possession is also in the record. These form the documentary evidence in the case. Their genuineness and authenticity is fully proven. The oral testimony on occupation of the land by the claimant since 1837 & that he built a house upon about that time in which and his family lived until 1847 when they removed from fear of the wild Indians since then the land has been occupied with cattle & stock.

The grant seems never to have been submitted to the Departmental Junta for their approval. They nevertheless already decided our not of it self invalidate a grant otherwise good.

The land is remarkably well defined in the grant, map, and act of judicial possession. The quantity granted is two leagues with an express reservation of the sobrante.

The claimant is therefore entitled to a confirmation of his claim to that extent.

And a decree will therefore be entered affirming the decision of the Commissions.

No 200.

William D. Foyen
Appellee

vs

The United States,
Appellants.

Opinion by
Judge Ogden.

Filed Oct 3rd 1855

C. E. Canaan
By J. W. Ruf Dep

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No
United States

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

Special Term Sept 1855,

San Angeles.

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PAGE 45

Wm D. Foxen, app. } N^o 200.
vs. }

The United States, app. (Manuscript 219.)

On motion of P Ord Attorney of the
United States for the Southern District
of California, it is, ordered by the Court,
that an appeal be granted the United
States, to the Supreme Court of the
United States, from the judgment of
this Court against the United States,
in the above entitled cause, rendered
on or about the 3^d day of October
AD 1855.

P. Ord

Ch. Dillaly

PAGE

No 200.

U.S. District Court
Southern District of Cal

The United States appellee

vs.

William A. Bryan Appellee

Order of appeal to Supreme
Court on Motion of Ford
U.S. attys.

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Filed Oct 9th 1855

C. C. Canan
By W. R. R. S. P.

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

Hon Isaac S. H. Jew. Judge

December Term 1856

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The United States
Appellants

vs
William D. Foxen
Appellee

Book No. 200

Transcript from the Record of said Commissioner No. 219.

The Attorney General of the United States having given
Notice that the Appeal to the Supreme Court from the
Decision of this Court in the above entitled Cause will
not be prosecuted by the United States, and a Stipulation
having been entered into by the United States District
Attorney and the Attorney of the Claimants that the
Order granting an appeal to the Supreme Court heretofore
made in this Cause be vacated, and that the Decree
of this Court heretofore rendered in this Cause may
by order of the Court be made final, it is,
Ordered, adjudged and decreed, That the

Order granting an appeal to the Supreme Court
heretofore made in this cause be and the same
is hereby vacated, and that the claimant have
leave to proceed under the decree of this
Court heretofore rendered in this cause as
under a final decree

James M. Ogden
U.S. Dist. Judge

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

No 200

The United States

Appellants

vs

William D. Foyen

Appellee

Order

Vacating Appeal

Filed Feb 5th 1857

James
M. Ogden

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California Land Claims.

Attorney General's Office

11 September 1856.

Sir:

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PAGE 49

In the case of the claim of William D. Foxen, confirmed to the claimant by the Commissioners, Case no. two hundred and nineteen (219), and also confirmed on appeal by the District Court, appeal in the Supreme Court will not be prosecuted by the United States.

I am

Respectfully
Olewing

Pacificus Ard Esq.

U. S. Atty for the

Southern Dist. of California.

200

William O. Foxton

219

200

Rec. Oct. 21, 1856

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

Hon. Isaac S. Wilson, Judge.

November Term 1856

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PAGE 51

The United States

Appellants

vs
Wm D. Foster

Appellee

Reckut 2/0 200

Transcript from the Record of said Commission of 219

In pursuance of a letter from the Attorney General
of the United States, hereunto annexed, giving notice
that in the above cause, the appeal in the Supreme
Court will not be prosecuted by the United States; they
thereby stipulated and agreed, by and between the
parties that the order granting an appeal to the
Supreme Court heretofore made in the above cause
be vacated, and that the decree of the Court
heretofore rendered in this cause may by order
of the Court be made final

J. M. D. Atty.

Herluckeuch A. Irving,
Atty of appellee

U.S. District Court
South District Cal.

No 200

The United States
Appellant

^{vs}
M. D. Foster
Appellee

Stipulation
to vacate order of
Appeal to Supreme Court

Dated this 5th February
1857
Witness etc
J. McColman
Dep

200 SD

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Office of the Surveyor General of the United States, }
FOR CALIFORNIA.

~~J. W. Mandeville~~

J. J. W. MANDEVILLE, United States Surveyor General, for the State of California, do hereby certify that the Rancho "Siaguai"

confirmed to H. D. Foster,

has been surveyed by this office, and that the survey and plat was approved by the U. S. Surveyor General, on the 3^d day of December, 1859; that I have caused to be published, once a week, for four weeks successively, in two newspapers, to wit: the "Santa Barbara Gazette" published in the County of Santa Barbara, State of California, being the newspaper published nearest to where the said Rancho is located, the first publication being on the 13th day of August, 1860, and the last, on 2nd day of September 1860; also, in the "Los Angeles Star", a newspaper published in the County of Los Angeles, State aforesaid, the first publication being on the 25th day of August, 1860, and the last on the 15th day of September, 1860, a notice that the said land had been surveyed, and a plat made thereof, and the survey and plat approved by me. And I do further certify, that the said survey and plat were retained in my office during all of said four weeks, and until the expiration thereof, subject to inspection; and I further certify, that no order for the return thereof to the U. S. District Court, has been served upon me.



In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of office to be affixed, at the City of San Francisco, this 31 day of May 1861

J. W. Mandeville

U. S. Surveyor General for California.

A full, true and correct copy of the original on file in this office.

H. J. Smith, Clerk of Office,
San Francisco, Cal.
June 11th 8^o 1861

W. S. Surveyor Gen

U.S. Dist. Court
District of California

The United States

v.
Wm D. Faxon

Certif. of Inv. Genl

Filed 8th Jan 1868

Geo. C. Whitney
Clerk