

CASE No.

254

SOUTHERN DISTRICT

ALISAL GRANT

W. E. HARTNELL

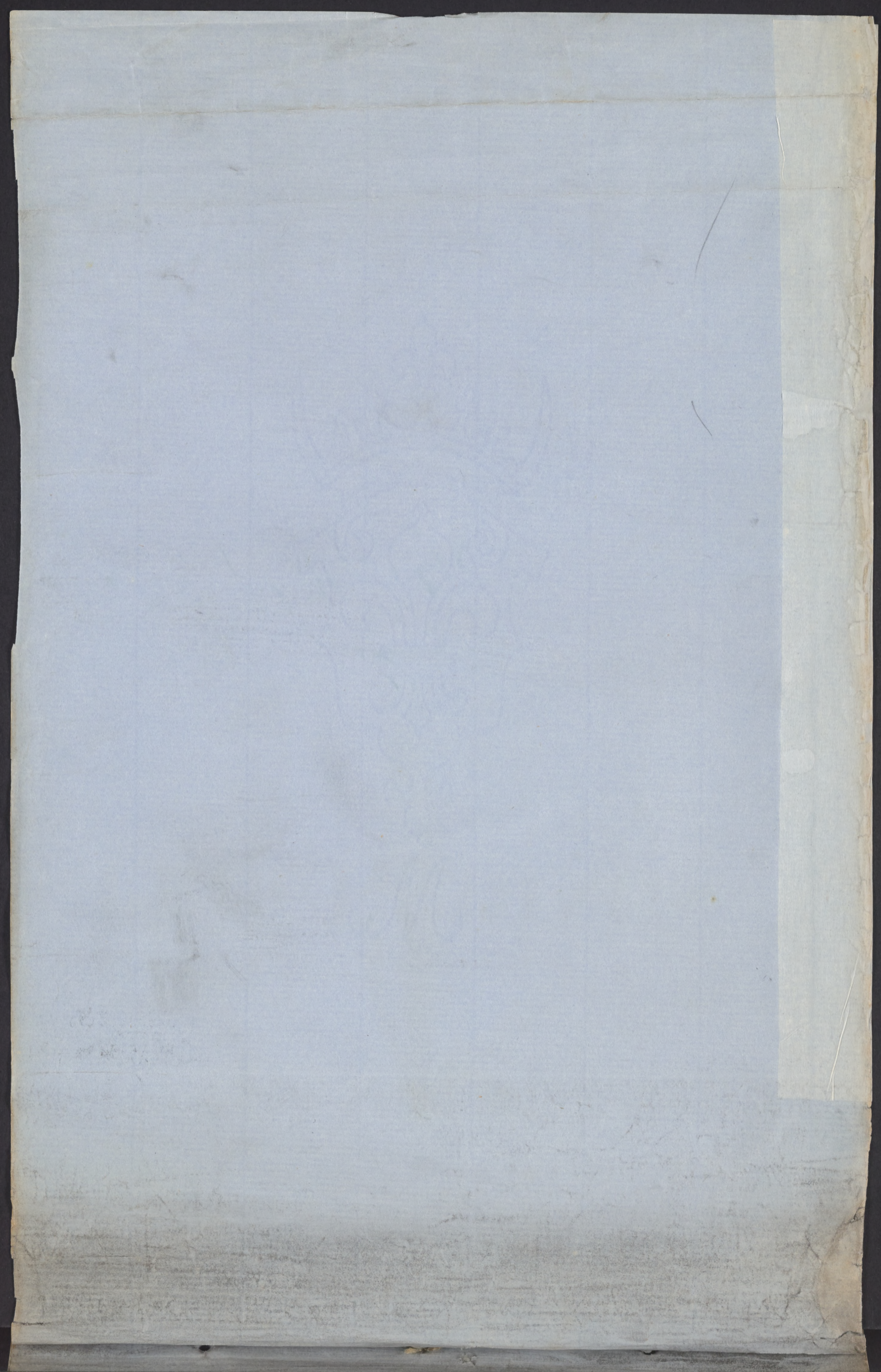
CLAIMANT

LAND CASE 254 SD 104 pgs.

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264



TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 264.

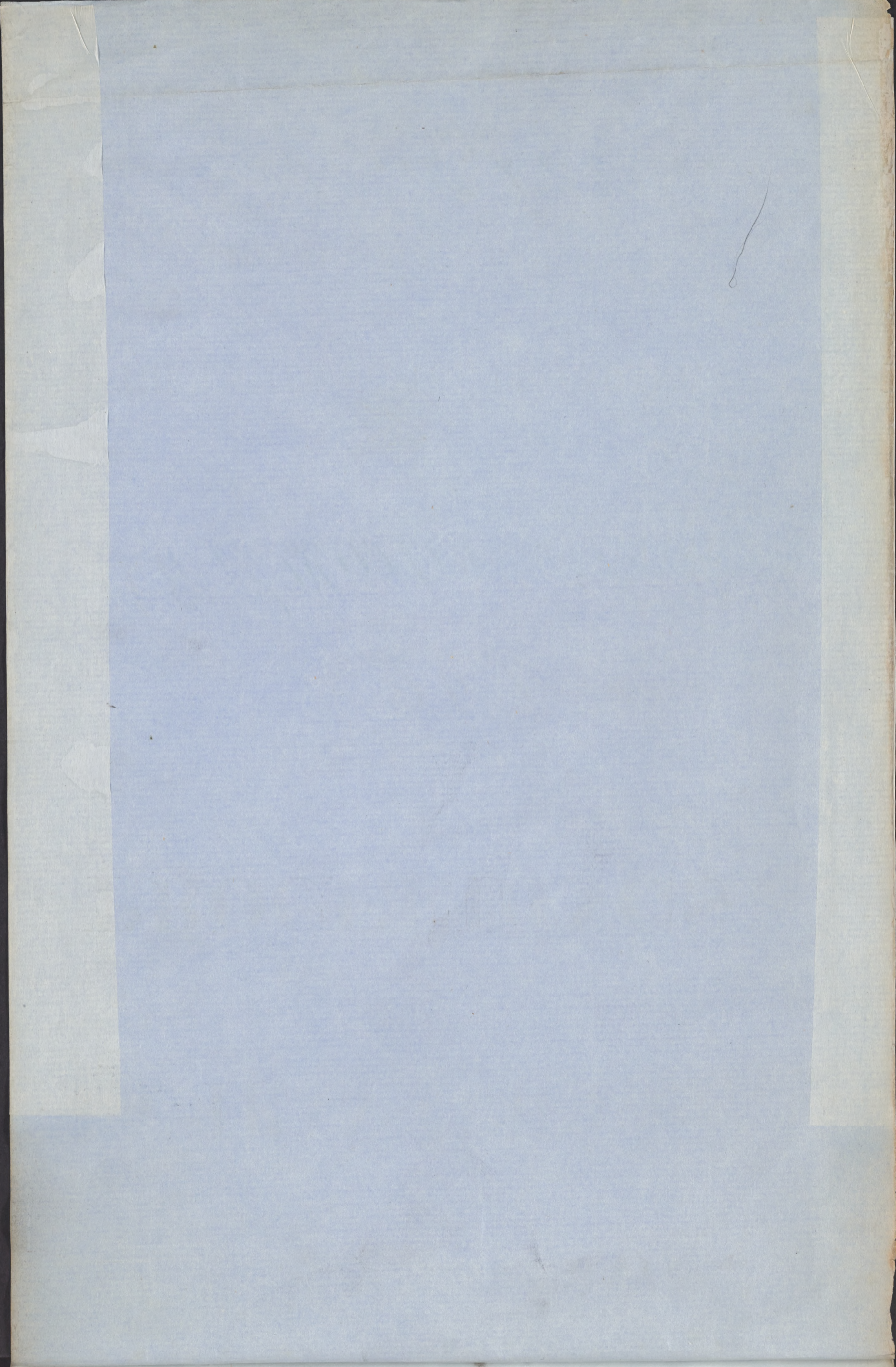
W. E. P. Hartwell CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Alisal"



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this *tenth day of June*, 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 *W. E. P. Hartnell*,
for the Place named
"Misal",
was presented, and ordered to be filed and docketed with No. *264* 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 January 24th 1853.
In case No. 264, *W. E. P. Hartnell* for the place named "*Misal*", the deposition of *Mariano Jimeno*, a witness in behalf of the claimant, taken before Commissioner *Harry J. Thornton*, with argument marked *H. J. T. no. 1*, annexed thereto, was filed;
(Vide page *4* of this Transcript.)

San Francisco, Sept. 23rd 1853.
Case No. 264 called, on motion of the counsel for the claimant, ordered to the foot of the Docket.

San Francisco, October 28th 1853.
In the same case the deposition of *David Spence*, a witness in behalf of the claimant, taken before Commissioner *Alpheus Felch*, was filed;
(Vide page *7* of this Transcript.)

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San Francisco April 18th 1854.

In the same case the counsel for the claimant filed the following motion, to wit:

(Vide page 4 of this Transcript.)
which motion having been granted, it is ordered that the case be revived in the names of the heirs and testimony be taken in the premises.

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San Francisco July 10th 1854.

In the same case the deposition of Pablo de la Guerra, a witness in behalf of the claimants, taken before Commissioner Peter Satt, was filed:

(Vide page 8 of this Transcript.)

San Francisco July 11th 1854.

In the same case on motion of the counsel for the claimant, the following order was made, to wit:

(Vide page 4 of this Transcript.)

San Francisco September 12th 1854.

Case no. 264 was submitted without argument.

In the same case the counsel for the claimant presented the following Petition, to wit:

(Vide page 5 of this Transcript.)
which upon motion was granted and ordered to be filed among the papers in the case.

San Francisco October 31st 1854.

In the same case Commissioner R. Aug. Thompson delivered the opinion of the Board concerning the claim:

(Vide page 5 of this Transcript.)

and the following order was made to wit:

(Vide page 7 of this Transcript.)

To The Honorable Commissioners, to settle
Private Land Claims in California.

The Petitioner N. E. P. Hartwell, respectfully shows: That on the 26th day of June A. D. 1834 José Figueroa, Governor of California, by virtue of Authority in him vested, granted to the Petitioner the tract of land called "Alisal" situate in the present County of Monterey, with the boundaries more particularly described in the Grant; a copy of which Grant and approval is submitted herewith marked "A" with a translation marked "B"

That on the 18th Day of December A. D. 1834, the said tract of land was duly surveyed and the judicial possession of it given to the Petitioner in due form; a copy of which act of possession is submitted herewith marked "C" with a translation marked "D"

That the said Land has not been surveyed by the Surveyor General of the United States, but was duly surveyed at the time of giving the Judicial possession, and its boundaries marked out;

That the Petitioner has been for eighteen years, and now is in the quiet, peaceful, and undisputed possession of 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 Archives now in the charge of the Surveyor General, and upon such other and further proofs as he may be advised are necessary

Petition

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

By his Atty
Walter Peachy & Billings

Filed in Office June 10th 1852.

Geo. Fishers Sec.

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No 264

" 228.

Order

Ordered that leave be granted to amend
amend the Petition by making the widows
E. P. Hartness parties therein.

Filed in Office July 11, 1854.

Geo. Fishers Sec.

Cases No 264 & 228.

Motion
The Counsel for the Claimant
in these cases suggest the death of the Claimant, W
E. P. Hartness since the filing of the Petitions
therein and move this Hon^{ble} Commission
for an order that the said Claims may
be recorded in the names of the heirs
at law of the said Claimant to be proved
by testimony hereafter to be taken
18th April 1854.

Walter Peachy & Billings

Filed in Office April 18, 1854.

Geo. Fishers Sec

5-

To The Honorable Commissioners to Settle Private Land Claims in California,
In Claim No 264 of W. E. P. Hartnell,
to Alisal.

And now come the Claimants Teresa de La Guerra, widow, and Guillermo A. Juan, Adilburto, Teresa, José, Matilda, Ana, Magdalena, Pablo, Aldariz, Amelia, and Silvester, Children and Pablo de La Guerra and the aforesaid Maria Teresa de La Guerra de Hartnell, executors of the last will of W. E. P. Hartnell deceased and respectfully represent,

That since the filing of the petition in this case the Claimant W. E. P. Hartnell aforesaid, died at Monterey in California on the second day of February A. D. 1854, leaving the petitioners, his widow and children, and executors of his last will and Testament:

They therefore pray this Honorable Board to confirm to them the tract of land called "Alisal" described in the petition of W. E. P. Hartnell which was filed in the Secy's Office on the 10. of June 1850, and in the other documents and papers filed in this case.

By their Atty
Walleck Macky & Billings

Filed in Office Sep^r 12. 1854.
Chas. Fisher Sec.

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Supplemental
Petition,

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San Francisco, Jan'y 27, 1853.

On this day before Court Harry D. Thornton
came Manuel Jimeno, a witness in
behalf of the Claimant. W. E. P. Hartnell
petition No 264 and was duly sworn, his
evidence being interpreted by the Sec-
retary.

In answer to questions propounded
by Claimant's Counsel the witness testified
as follows.

My name is Manuel Jimeno; my
age is 49 years; I have lived in
California 24 years.

I am acquainted with the hand writing
of José Figueroa, Agustin V. Zamorano,
W. E. P. Hartnell, José Castro, Juan B.
Alvarado, David Spence, Manuel Burton,
Manuel Soberanes, Feliciano Soberanes,
Cosimiro Doto; their signatures to the
paper before me marked No 1 & filed
herewith, are genuine; the signature of
Manuel Jimeno Casarin is my own;

Juan B. Alvarado's signature is genuine,
I know the land described in these
papers; Mr Hartnell, the Claimant occupied
this land with a house, cattle & horses pre-
vious to the date of this Title & has occupied
it ever since.

Manuel Jimeno
U.S. Land Agent Present.

Sworn to and subscribed

Before me this 27th Jan'y 1853.

Harry D. Thornton Court

Filed in Office Jan'y 27, 1853.

Geo. Fisher Sec.

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Deposition
of
Manuel Jimeno

Office of the Board of Commissioners etc

This day before Court Alphens Felch
came David Spence a witness in behalf
of Claimant Wm E. P. Hartnell. No. 204.
who after being duly sworn deposed as
follows;

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Questions by Mr Hallecks Attorney for
Claimant

Deposition
of
David Spence

1 Question. What are your name
age and Place of residence?

Answer. My name is David
Spence, my age is fifty five years
and I reside in Monterey California.

2. Question. Do you know
the Rancho called "El Alisal" claimed by
W. E. P. Hartnell? if yea, state what you
know of its occupation and improvements?

Answer. I know the Rancho
perfectly well. It adjoins my own.
I was there the first time in the year
1835.

At that time Mr Hartnell the claim-
ant was there, living in an adobe house
on the place with his family.

The house was two stories high, He had
also at that time a College there for the
education of boys which was conducted
by himself and Father Shuk.

He had a Garden and a large piece of
the Land fenced in and cultivated.
He had also on the place a considerable
stock of cattle and horses;

He has continued in constant posses-
sion and occupation from that time
to the present, a part of his family
constantly living on the place.

He has been a part of the time in

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Office which called him to Monterey.
He has made other improvements at
different times on said place.
He built a second Adobe house on the premises
L. Spence.

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Mr Greenham Associate Land Agent
was present at the taking of this depositions
but propounded no Interrogatories,
Subscribed and Sworn,
To Before me this 28th day
of October A.D. 1853,
Alpheus Felch
Commissioner

Filed in Office Oct 28, 1853,
Geo. Fisher Sec.

United States of America }
State of California }
}

San Francisco July 10. 1854

Deposition
of
Pablo de la Guerra

This day personally came before Peter
Ladd, Commissioner for taking testimony
to be used before the Board of U.S. Land
Commissioners in said state, Pablo de
La Guerra, a witness on behalf of
Claimants in Case No 264;
Wherein W. E. P. Hartwell is Claimant
and said witness being duly sworn on
oath deposed in English as follows;

The U.S. Land Agent is present.

Questions by Claimants Counsel.

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

Answer, My name is Pablo de la Guerra, My age 34 years, My residence Santa Barbara County California.

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2. Question, Was you acquainted with the late William E. P. Hartnell Claimant in this Case, and also Claimant in Case No 228, if yea, state when he died, and whether he left a widow, and what children if any; and whether he died testate or intestate?

Answer, I was acquainted with said Hartnell. He died on the second day of February A.D. 1854, at Monterey. Leaving a will, he also left a widow and children.

The widows name was Teresa de la Guerra and the Childrens names were, Guillelmo, Juan, Adelberto, Teresa, José Matilda, Ana, Magdalena, Pablo, Aldarico, Amelia, and Silvestre.

He left no other child or descendant of any other child, than those named, Pablo de la Guerra,

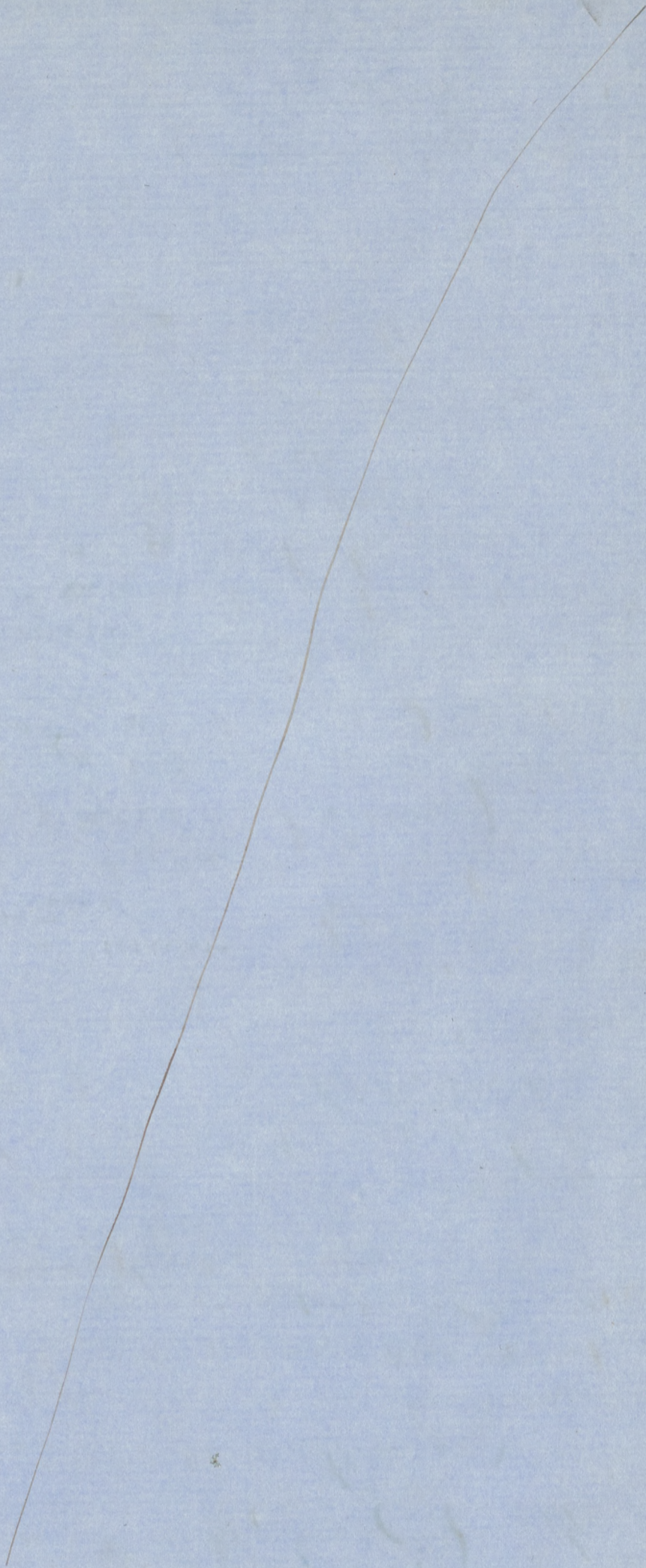
Subscribed and sworn to
Before me on this 10. day
of July, A.D. 1854.

Peter Galt, Commissioner &c

Filed in Office July 10, 1854,
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Copy of
Record.

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Numero 32. José ^{III} Quiroga Gen. de Brigada de los Ejercitos Nacionales Mexicanos Com. Gen. Inspe. y Jefe supor politico de la Alta California. Por cuenta Don Guillermo Eduardo Hartwell ha pretendido para su beneficio personal y el de su familia una parte del terreno conocido con el nombre del Alizal = colindante con la Sierra el Encinal Rancho de buena Vista y con la parte que ocupan los ciudadanos Feliciano y Mariano Soleranes acia el Cauzal; practicada previamente las diligencias y averiguaciones concernientes 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 por las presentes letras en decreto de 19 de Diciembre de 1893 que modifico el 18 de Mayo del mismo año al citado Hartwell, la propiedad de una tercera parte del repetido terreno ademas el que comprende desde la loma en frente de la casita antigua del Ciudadano Aguilar hasta el Ojo de Agua donde antes habia presa inclusive; entendiendose dicha concesion con entera conformidad a lo dispuesto por las leyes y a reserva de la aprobacion o desaprobacion de la Exma. Deputacion Territorial y del Supremo Gobierno y bajo las condiciones siguientes

1ª. Que se sometera a las que estableciere el Reglamento q. se ha de formar para la distribucion de terrenos baldios y que entretanto ni el agraciado ni sus herederos podran dividir ni enajenar el que se les adjudica imponer senos, vinculo, fianza o hipoteca ni otro gravamen aun que sea por causa piedadosa ni pasarlo a menos muertes.

2ª. Podra cercarlo sin perjudicar las haciendas, caminos y servidumbres; lo disputara libre y esclusivamente destinandolo al uso o cultivo q. mas le acomode; pero dentro de un año a lo mas fabricara casa y estara habitada

3ª. Cuando se le conforme la propiedad el solicitara del juez respectivo le de posesion

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que le de la posesion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites por cuo a mas de las mofoneras algunos arboles frutales o silvestres de alguna utilidad.

2º El terreno de que se hace donacion es de dos tercios de sitio de ganado Mayor pero mas segun explica el disenyo que corre en el Expediente y la seccion of. hacen en su favor los referidos soberanos. El prez que diere la posesion lo hara medir conforme a Ordenanza quedando el sobrante of. reculte a la Estacion para los usos convenientes.

3º Si contuviere a estas condiciones perder su derecho y sera denunciabile por otro.

En consecuencia mando of. ovi rendible de titulo el presente y teniendo se por firme y vale dero se tome razon de el en el libro a que corresponde y se entregue al interesado para su resguardo y demas fines. Dado en Monterey a 26 de junio de 1834
Jose Segueroa, Secretario
Agustin V. Zamorano.

Queda tomada razon en el libro de asiento de ^{el} titulos sobre adjudicacion de terrenos a pagas treinta y cuatro numero treinta y dos que obra en la Secretaria de mi cargo. Monterey Junio 26. de 1834.
Zamorano

Office of Surveyor General of the United States for California.
J. John C. Hays, Surveyor General of the United States for the State of California and as such, having in my Office since in my charge and custody a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California by virtue of the powers vested in me by law, Do hereby certify that the two preceding and hereto annexed pages of tracing paper numbered from One

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to two inclusive, exhibit a true and accurate
copy of an Entry on folio No 34. of a certain
book entitled a "Titulo" which book forms
a part of the said Archives in this Office

Seal In Testimony Whereof I have
hereunto signed my name Officially
and caused my seal of Office to be af-
fixed, at the City of San Francisco, this
Twenty ninth day of September 1853.

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John C. Hayes
U. S. Surveyor General
for California

Filed in Office Nov: 9th 1853

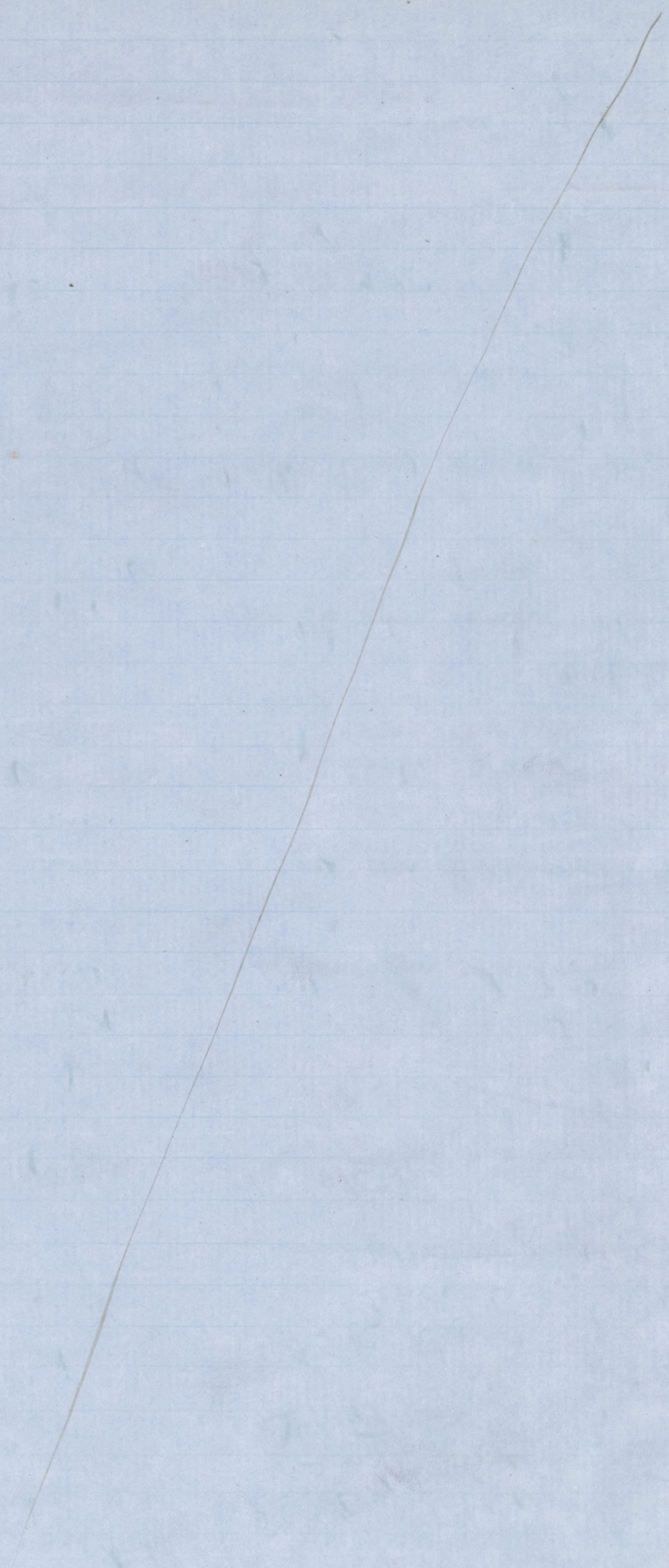
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No 39

Jose Figueroa Brigadier General of the Mexican Army Commandant General Inspector and Superior Political Chief of Upper California.

Whereas Don Guillermo Eduardo Hartnell has solicited for his personal benefit and that of his family a part of the land known by the name of the "Alisal" bounded by the mountains, the "Encinal" (oak grove) Rancho of Buenavista, and the part occupied by citizens Feliciano & Mariano Soberanes towards the Darsal: the many steps and investigations having been previously taken and made according to the requirements of laws and regulations: by virtue of the powers conferred upon me in the name of the Mexican Nation I have determined to grant to said Hartnell by these present letters in a Decree of the 19th of December 1833, which modified that of the 28th of May of the same year the ownership of a third part of the said land besides that comprehended between the hill opposite to the old house of citizen Aguilar and the spring of water where there was formerly a dam inclusive: it being understood that said grant is made in entire conformity with the provisions of the laws and subject to the approval or disapproval of the most Excellent Territorial Deputation and of the Supreme Government and under the following conditions:

1st That he shall submit to those (conditions) which may be established by the regulations to be formed for the distribution of vacant lands, and that in

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Translation

Copy of Record.

the mean time neither the grantee nor his heirs, shall divide nor alienate that which is granted to him, impose land tax, entail reversion, mortgage, or any other incumbrance although it be for pious uses, nor transfer it in mortmain,

2nd He may fence it without prejudice to the crossings, roads and servitudes, he shall enjoy it freely and exclusively, destining to the use or cultivation which may best suit him, but within a year at the furthest he shall build a house and it shall be inhabited.

3rd When the ownership is confirmed to him he shall request the respective judge to give him juridical possession by virtue of this title by which the boundaries shall be marked out at the limits whereof he shall place besides the land marks some fruit trees or wild ones of some utility.

4th The land of which donation is made consists of two thirds of a square league a little more as appears by the sketch which accompanies the Expediente, and the cession made in his favor by the said Sovereign; the Judge who may give possession will cause it to be measured according to ordinance in order to designate the boundaries, leaving the surplus which may result to the Nation for the necessary uses,

5th If he contravene these conditions he shall loose his rights to the land and it may be denounced by another.

I consequently command that these presents serving him for a title and

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and being held as firm and valid be recorded in the corresponding Book and be delivered to the interested party for his security and other purposes.

Given in Monterey the 26th of June 1834
Jose Figueroa

Agustin V. Zamorano
Secretary.

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Due note has been made in the book of entries of Titles on adjudications of Lands on page thirty four, number thirty two, kept in the Secretary's office under my charge.

Monterey June 26th 1834,
Zamorano

I George Fisher Secretary to the Board of U.S. Land Commissioners to settle private Land Claims in the State of California, do hereby certify that the foregoing is a true and correct translation of a Spanish document filed in case No 264 on the books of said Board. W. E. P. Hearnell Claimant for the place called "El Alisal" which document is a fac simile copy certified by John C. Hay's U.S. Surveyor General for California, and filed in this Office

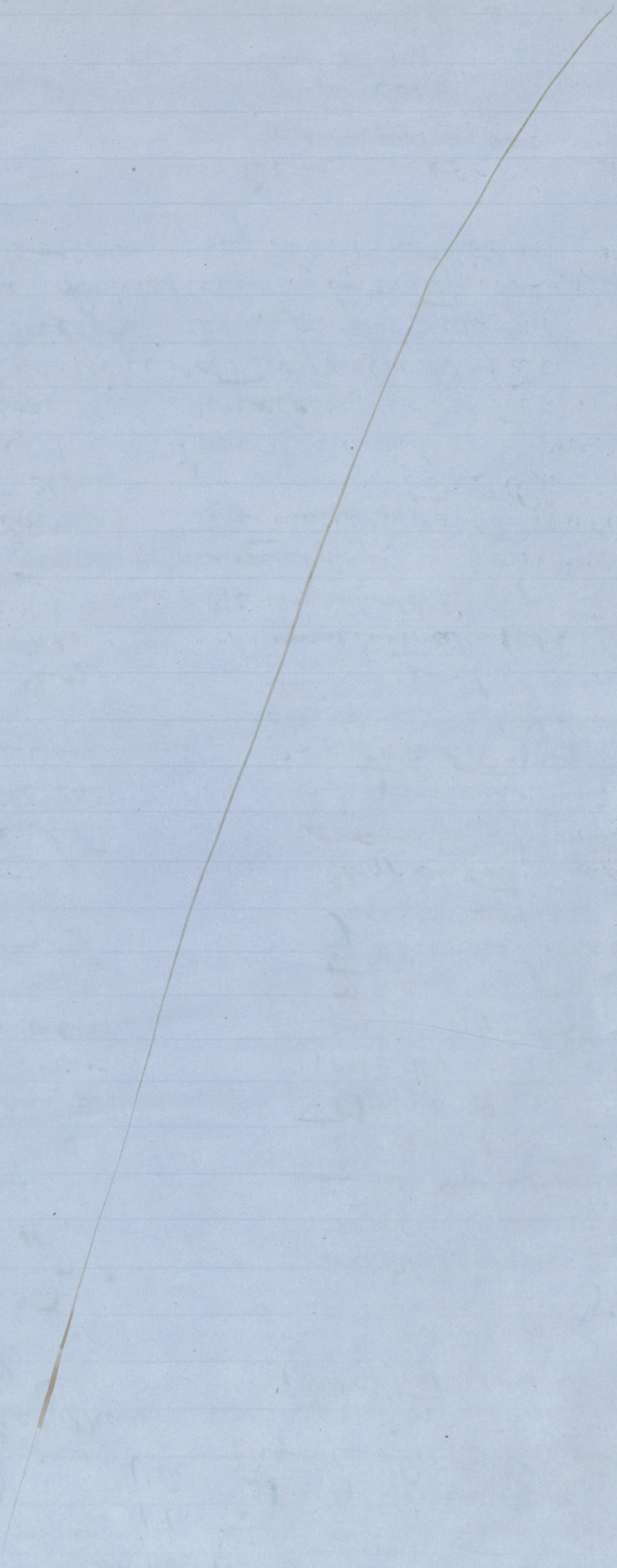
Filed in Office Nov 9th 1853.

Sept 12th 1853

In Witness whereof I have hereunto signed my name at Office in the City of San Francisco.

Geo. Fisher
Sec.

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1 Sello Segundo Doca Reales:

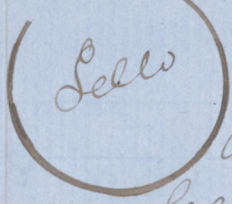
Habilitado provisionalmente por la Administracion de la Armada Maritima de Montevideo los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco

^{uy} Figueroa

Rafael Gonzalez.

Doc: A. J. J. Jose Figueroa General de Brigada de la No. 1 Armada Republica Mexicana, Comandante General to the Depo of Inspector y Jefe superior politico del territorio mand. Imenio de la Alta California.

Taken before Comt. H. J. Thorton.



Por cuanto Don Guillermo Eduardo Hartwell ha pretendido para su beneficio personal y el de su familia una parte del terreno conocido con el nombre del Alizal colindante con la sierra el Encinal, Rancho de Buena Vista y con la parte que ocupan los ciudadanos ^{uy} de clieci ano y Mariano Doberano aca el Causal

practicados previamente las diligencias y averiguaciones consiguientes segun lo dispuesto por las leyes y reglamentos; usando de las facultades que me son conferidas a nombre de la Nacion Mexicana he venido en concederle por las presentes letas en decreto de diez y nueve de Diciembre de mil ochocientos treinta y tres que modifico el de diez y Ocho de Mayo del mismo año el citado Hartwell la propiedad de una tercera parte del repetido terreno y ademas el que comprende desde las lomas enfrente de la Casita antigua del ciudadano Aguilar hasta el Ojo de agua donde antes havia presia incluyente; entendiendose dicha concecion con entera conformidad a lo dispuesto por las leyes y a reserva de la aprobacion o desaprobacon de la Excelentisima Diputacion territorial y del supremo Gobierno y bajo las condiciones siguientes:

Que se sometara a las que estableciere el Reglamento que se ha de formar para la distribucion de terrenos baldios y que entre tanto ni el apaciado ni sus herederos podran dividir ni enajenar el que se les adjudica

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30x

imponer censo Vinculo, fianza hipoteca ni otro gravamen aun que sea por causa pactual ni pasarlo à manos meretas:

2^a Podrà cercarlo sin perjudicar las herencias comunis, y servidumbres: lo disputara libre y exclusivamente destinandolo al uso y cultivo que mas le acomode; pero dentro de un año à lo mas fabricara casa y estara habitada.

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3^a Quando se le conforme la propiedad solicitada del juez respectivo le de posesion juridica en virtud de este despacho por el cual se demarcaron los linderos en sus limites pondrà à mas de las mojoneras algunos Arboles frutales, ò silvestres de alguna utilidad.

4^a El terreno de que se le hace donacion es de dos tercios de sitio de ganado mayor pero mas se explica el diseño que corre en el Espectiente y la donacion que hacen en su favor los referidos Gobernadores; El juez que diere la posesion lo harà medir conforme à Ordenanza para señalar los linderos; quedando el sobrante que resulte à la Eracion para los usos continentales.

5^a Si con temiere à estas condiciones perdiera su derecho al terreno y sera demorable por otro.

En consecuencia à mandado que sobreviendo de ^{el} título el presente y veniendo de por firme y valdero se tome razon en el libro à que corresponde y se entregue al interesado para sus respuestas y demas fines. Dado en Monteray à veinte y seis de junio de mil ochocientos treinta y quatro.

José Berqueroa

Sito.

Agustin V. Zamorano.

2 Queda tomada Razon en el libro de asientos de títulos sobre adjudicacion de terreno de Real à Josefus treinta y quatro numero treinta y dos q. oha en la secretaria de mi cargo.

Monteray junio veinte y seis de mil ochocientos treinta y quatro

Zamorano

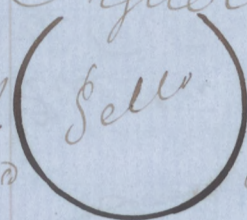
3 Sello tercer Dos Reales.

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

J. Guerrero

Rafael Gonzalez

Doc: H. D. G. No 1. continuo



Dado cuenta a la Excelentisima Diputacion en sesion de quince del corriente con el dictamen presentado

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en Ocho del mismo, aprorro las dos proposiciones en que concluye y son del tenor siguiente.

Primera. Se aprueba la concesion hecha en favor de los ciudadanos Feliciano y Mariano Sobrantes del paraje nombrado el Alizal por decreto de diez y Ocho de Mayo de mil ochocientos treinta y tres y reformado por decreto de diez y nueve de Diciembre del mismo año.

Segunda. Se aprueba la concesion hecha en favor de Don Guillermo Eduardo Hartwell de la parte del terreno del paraje del Alizal que se le concedio por decreto de diez y nueve de Diciembre de mil ochocientos treinta y tres de que habla el articulo anterior:

Y en su consecuencia se debe elve el Coche a cuenta al señor Jefe superior politico para su curso. Monterrey Julio diez y seis de mil Ocho-cientos treinta y cuatro. L. J.

Jose Guerrero # Jose Maria Maldonado Monterrey Julio veinte y cuatro de mil Ocho-cientos treinta y cuatro. En Vista de la aprobacion obrada en diez y seis del presente mes por la Excelentisima Diputacion Territorial; libese testimonio de ella y de este decreto a las partes de los Ciudadanos Feliciano y Mariano Sobrantes y de Don Guillermo Eduardo Hartwell en confirmacion a la concesion del terreno del Alizal que obtuvieron por decreto de diez y nueve de Diciembre de mil Ocho-cientos treinta y tres que reformo el de diez y Ocho de Mayo del mismo año. El señor Don Jose Guerrero General de Borja, Comandante General Inspector y Jefe superior politico de la Alta

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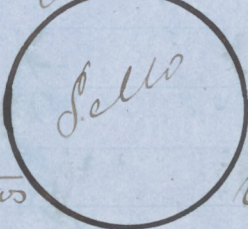
California así lo mando, decreto y firmo de
dey. fee.

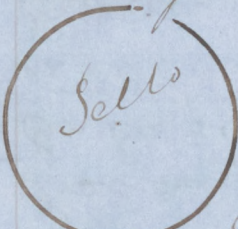
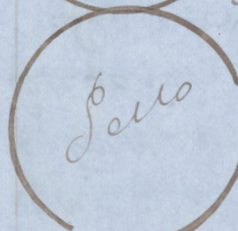
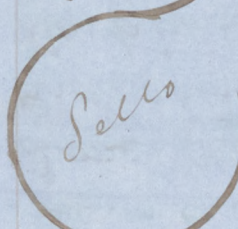
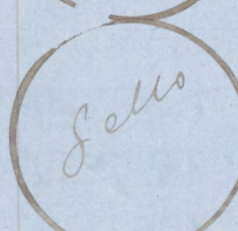
Jose Figueroa
Agustin. U. Zamorano Cto.

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Concuerda a la letra con su Original
del cual hizo sacavel presente testimonio pa-
ra esguardar y demas fines de la parte de Don
Guillermo Eduardo Hartwell en Monterey
a veinte y cuatro de julio de mil Ochocientos
veinta y cuatro: siendo testigos los ciudadanos
Bonifacio de Madariaga y ^UFrancisco de
Aramp. de esta Vecindad el.

En testimonio de Verdad
Jose Figueroa
Agustin. U. Zamorano Cto.

4. Sello tercero  Dos Reales
para los años de mil ochocientos veinte y
veinte y siete.

 Don Alcalde Constitucional
Guillermo Eduardo Hartwell ante U.
comparece y Dice: Que habiendolo obten-
 do la concesion propia de la tercera par-
te del terreno conocido con el nombre
del Alisal, meluso tambien el terreno
 que comprende desde la loma en frente
de la Casita antigua del C. Aguilari
hasta el Ojo de agua don de antes
habia presa incliusive: ocurre a U.
para que se sirva darle la posesion
 juridica conforme esta prevenido
en el Art. 2º del titulo de otro terreno
que se le espido en 26 de Junio del
año presente que debidamte acompaño
è equalmte la confirmacion respectiva para
que todo obre los efectos deseados.

P. D. A. U. suplico se sirva ponerme en la
posesion que solicito en lo que recibire pro-
tectoria &c.

Monterey, 30 de Octubre de
1881.
Guill. Ed. Hartwell

Monterey 1.º de Dhe de 1834.

Doc: J. J. L.
N.º 1. continúe

de la antecel.ª solicitud poseída se por mi el presente juez de primera instancia a la medición, señalamiento de linderos y posesión judicial que solicita el interesado en este Expediente señalamose para efectuarlo el día diez y ocho de Diciembre del corr.º año para lo que se citaron con Voletá de comparendo a los colindantes: así y el mencionado juez lo decretó mandé y firmé con testigos de asistencia con quienes o a falta de Escribano público Doy fee.

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De aso. Manuel Jimeno Casarin. De aso. José Castro. # Juan B. Alvarado. En la fha presente Dr. Guillermo Eduardo Hartuell se le notificó el auto que antecede y de el entendido: Dijo lo Oye que se daba por citados y lo firmó conmigo y los testigos de asistencia Casarin # Guillo: Ed. Hartuell.

De aso José Castro De aso Juan B. Alvarado

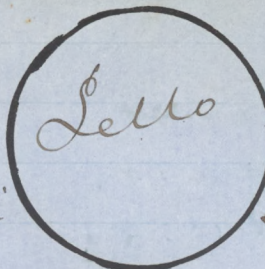
5. En la fha se libraron la Voletas que se mandan en el antecel.ª auto y para que conste lo rubrique

En el Rancho del Alizal a los diez y ocho días del mes de Dhe de mil ochocientos treinta y cuatro en cumplimiento del auto de primera de dicho mes y año concurrieron los Ciudadanos, Mariano Estada, David Opena y Mariano y Feliciano Soberanes colindantes de este Rancho y citados p.ª la medición señalada de linderos y posesión nombre por medidores a los Ciudadanos Vicente Cantua y Gasimiro Soto quienes previa la aceptación y jurament.º procedieron al desempeño de su encargo. Así y el dicho Juez lo decretó mandé y firmé con testigos de asistencia

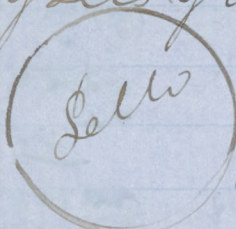
Manuel Jimeno } David Opena
Casarin } De aso
De aso José Castro # Manuel Anton

En

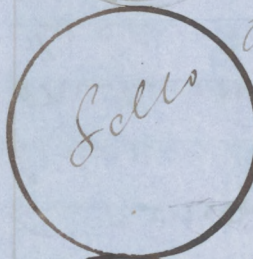
Sello tercero
para los años
y seis y ochovei



Dos Reales:
de mil ochocientos veinte
y siete



En la fha se les notifico el auto que ante
cede a los colindantes y entendidos di-
jeron: Que lo oyeron y firmaron con mi go
y los testigos de asistencia.



Casarin # Mariano Soberanes
Feliciano Soberanes #

Jose Da. Estada # David Opence
De casa De casa



Jose M. Estada # Man. Puton

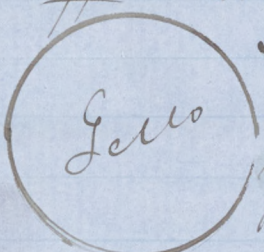
En la fha y en el espresado Remicho
se les notifico el auto en el que aparece con
nombados medidores a los ciudadanos Vicente
Lentria y Casimiro Soto y entendidos dijeron
que aceptan y aceptaban dicho en cargo y ju-
raron por Dios nuestro señor y la señal de
la Santa Cruz de usarlo fiel y legalmte a todo
su leal saber y entender sin dolo o fraude en
tra persona alguna y firmo solemnemte dicho Soto
por que leantia dijo no saberlo hacer lo hizo
yo con los testigos de asistencia

Memuel Jimeno Casarin

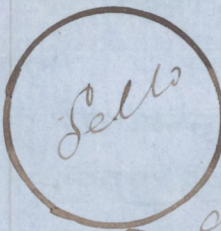
De casa. Casimiro Soto. De casa

Jose Castro # Man. Puton.

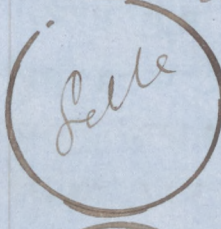
6 Sello tercero
para los años
veinte y seis
y siete.



Dos Reales
de mil ochocientos
y ochocientos veinte y
siete.



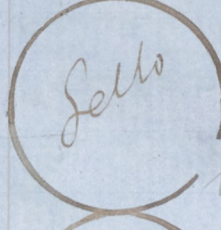
Incontinentemte yo el referido juez man-
de traer a mi presencia el cordel con el
se han de medir las tierras y que los me-
didores lo miden de cien varas y lo fir-
me con los de assista



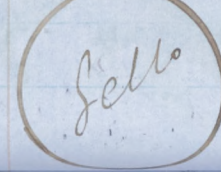
Memuel Jimeno Casarin

De casa De casa

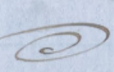
Jose Castro. Man. Puton.



En la misma en presencia de mi el repi-
tado juez los espresados medidores
tomaron un cordel de Mequite y con
una vara de medir usual mexicana



tomemela de Cas Memos mi dieron

cien varas para hacer la referida medición y para consta lo rubrico. 

4

En la misma fecha y en el referido Rancho siendo las ocho de la mañana y el presente Alcalde mandó a los mididores nombrados se pongan para las medidas de tierras que se ha hacer del todo el terreno con sielo por el Alisal y adivici de spues la tercera parte para que el mencionado Don Guillermo C. Hartwell tome posesion de ella y para ados en la Encina de las tres cruces situada en el paraje No. 1. continuado llamado el Mataadero del Encinal se contemplan doce cordales rumbo al N. hasta dar con la sierra, vuelto a dicha Encina y tomando el rumbo $N\frac{1}{4}$ al E. se midieron cien cordales hasta la Laguna grande. Desde el medio de dicha Laguna del lado del N. O. rumbo O. E. hasta la punta de la Laguna junto al camino real del Alisal se midieron treinta cordales. Desde dicha punta rumbo N. E. hasta el portezuelo lindero de Manuel Burton se midieron Ochenta Cordales. Desde dicho portezuelo rumbo S. E. se contemplaron doscientos cordales. Hecha esta medición declararon los referidos medidores como dos sitios de ganacho mayor. Por convenio mutuo entre los señores Soberanos y el Sr Hartwell se combinó en que los linderos del ultimo sean desde la Sierra Alta que esta al E. de la Encina de las tres cruces en el mataadero del Encinal. Todo el lindero de Buena Vista desde dicho Mataadero hasta pasado la Laguna grande y desde la Orilla de dicha Laguna de la parte del N. O. tirando una linea derecha rumbo N. E. hasta dar en la medianera de la segunda cañada despues de la mina hacia la Soledad y unas el Arroyo grande del Alisal desde la Bienegrita para arriba rumbo al E. y dicha Bienegrita es de cri toreo el terreno con preñ dicho al Oriente de la Lomeria que corre desde la Bienegrita hasta dar con la medianera de la segunda cañada de la Mina hacia

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Doc. J. J. & No. 1. continuado

1. La Soledad perteneciendole al referido Sr Hartwell los Qps de Agua y lagunas que en dicho terreno que le corresponden existen. Habiendose hecho el señalamto de linderos man de forma en mo =

Sello tercero Dos Reales para los años de mil ochocientos veinte y seis y ochocientos veinte y siete

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Sello = jeneras y se dibujara un diseño de la parte del terreno que le corresponde al mencionado Sr Hartwell para constancia y lo firme por ante los testigos de asistencia segun chv.

Sello Manuel Jimenez

De assa. Casarin De assa José Castro # Manuel Butron

Sello En la fha y ocl referido prez mande que en vista de haverse medido el terreno y haverse hecho el señalamto de linderos se ponga en posesion juridica el Sr Dr Guillermo C. Hartwell

Sello y notifiqueseles a los colindantes y firme por ante los testigos de assa. Manuel Jimenez

De assa Casarin De assa José Castro # Manuel Butron

En la misma se les notifico a los colindantes Sr Mariano Estada, Sr David Spence Sr Mariano Soberanes y a Sr Feliciano Soberanes el

8. Sello tercero Dos Reales para los años de mil ochocientos veinte y seis y ochocientos veinte y siete

Sello auto anterior y entendidos dijeron que lo oyeron y firmaron conmigo y los testigos de asistencia

Sello Casarin: Mariano Soberanes David Spence # Mariano Estada De assa De assa

Sello José Castro # Manuel Butron Feliciano Soberanes

Sello En el Rancho del Alisal (a) el patio cino siendo como las diez de la mañana del mismo dia, mes y año. & C

Don Dr. Guillermo Eduardo Hartwell Oceri
 on de Montenegro, acompañado del juez de prime
 ra instancia y testigos, con omisión según dijo
 dicho Sr. Hartwell de tomar la verdadera, cor
 poral y real posesión del expresado terreno del
 Alizal (a) el patrocinio, por haberle pertenecido
 con justos títulos que obtuvo del Gobierno políti
 co de este Territorio con fecha veinte y seis de
 junio de mil ochocientos treinta y cuatro y
 la aprobación de la Cerna Diputación Ter
 ritorial con fecha diez y seis de Julio de
 mil Ochocientos treinta y cuatro; entro y pase
 por ellas, arance y albas espaciales para el de
 tierra, rompió canchales de los árboles y hizo
 otras ceremonias de verdadera posesión en
 señal de lo que dijo tomar y que tomaba
 de dichas tierras. Y mandó el citado juez
 que desde entonces le tubieren y re con o ciden
 al mencionado Sr. Hartwell por verdadero
 Sr. y poseedor de ellas. De todo lo referido pidió
 el referido Sr. Hartwell que para memoria
 en lo venidero y conserva en de sus derechos
 por mi el juez le fuese extendida una constan
 cia. lo que he si fue autorizado siendo testi
 gos de asistencia Dr. José Castro y Dr. Ma
 nuel Butron con quienes actuo

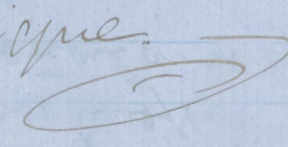
254 SD
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del Sello Lacerado Dos Reales
 para los años de Sello Mil ochocientos ve
 nte y seis y ochosientos veinte y siete

Sello en Recaptura a falta de Escritura
 pública que no lo hay según derecho
 Doy fee.

Sello Manuel Jimeno
 De asca. Casarín De asca
 José Castro # Manuel Butron

Sello En la fha se devuelve este esped.
 al interesado con nueve copias útiles
 y para constancia lo puse por nota
 que rubricó.

Sello. 

Don P. Alvarado Gobernador interino del
Departamento de las Californias.

5^o Por cuanto Don Guillermo Edw.
Hartwell ha pretendido para su benefi-
cio personal y el de su familia, la am-
pliacion del terreno que posee en el Alisal
agregandole la Cañada que comprende po-
co mas o menos desde el Aguajito del patio
enfo, rumbo N. N. O. hasta la Sierra punto
al Gobierno dos millas; desde dicho Agua-
jito rumbo N. O. hasta el Roble solo dos y
media milla, y desde el mismo aguaje rumbo
E. hasta la cumbre del pinal y a la distancia
correnel un Curvo por medio de dicha Cañada
practicada precisamente las diligencias y a-
veriguaciones convenientes segun lo dispuesto
por leyes y reglamentos y sancho de las facultades
que me son conferidas a nombre de la Nacion
Mexicana he venido en concederle el menciona-
do terreno declarandole la propiedad de el por los
presentes letrados sujetandose a la aprobacion
de la Coma Junta Departamental y a las
enmiendas siguientes.

1^a Noche crearlo sin perjudicar las travesias
caminos y servicios que lo disputara libre
y esclusivamente destinandole al uso o culti-
vo que mas le acomode.

2^a Solicitara del juez respectivo que le de
posesion juridica en virtud de este despacho
por el cual se demarcaran los linderos en cuyos
limites por ahora a mas de las mencionadas
gomas arboles putales o silvestres de alguna
utilidad.

3^a El terreno de que se hace mencion para
ampliacion al que posee, es de la Estension
que esplica el disenyo que este agregado
al Especto. El juez que tiene la posesion
lo hara medir conforme a ordenanza; que
dando el sobrante que resulte a la nacion
por los usos convenientes.

4^a Si continuare a estas condiciones
perdera su derecho al terreno y sera denuncia-
ble por otro.

29

En consecuencia memo que teniendose por primer Valedero este titulo se tome razon de el en el libro a que corresponde y se entere que al interesado para su resguardo y demas fines.

Dado en Monterey a Ocho de mayo de mil ochocientos treinta y nueve
Diam. B. Alvarado

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Mano Jimeno
Cno del Despacho

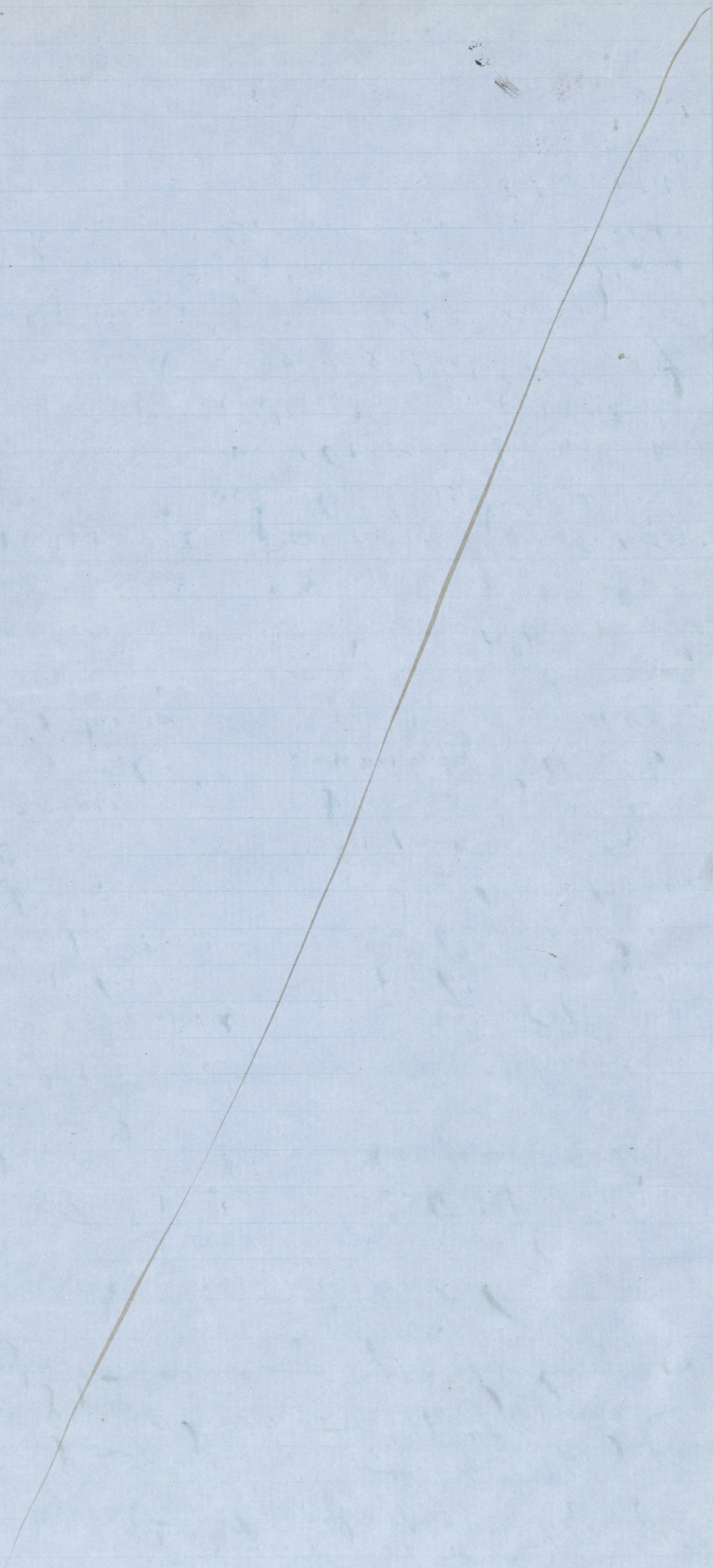
Queda tomada razon de este titulo en el libro de Asientos sobre adjudicacion de terrenos baldios a f.º 44

Jimeno

Wileam Office Damp 2^u/₁₂ 1853

Geo. W. W. W. W. W.

31



Seal of the Second class, twelve Reales.

Authorized provisionally by the Administration
of the Maritime Custom House of Monterey
for the years eighteen hundred and thirty four
and eighteen hundred and thirty five,
(signed) Figueroa / signed) Rafael Gonzales.

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"B"

Translation
of
Title.

José Figueroa Brigadier General of the
Mexican Republic, Commandant General
Inspector and Superior Political Chief of
the Territory of Upper California.

Goat Seal
Whereas William Edward
Keatnell has solicited for his
personal benefit and that of his family a
part of the land known by the name of
the Alisal, bounded by the mountains,
the Encinal / oak grove / Rancho of
Buenavista and the part occupied by
Citizens Feliciano & Mariano Soberanes
towards the Sausal; the necessary steps
and investigations having been previously
taken and made according to the requir-
=ments, of laws and regulations, I have
by virtue of the powers conferred upon
me granted to said Keatnell by these
present letters in a decree of the nineteenth
of December eighteen hundred and thirty
three which modified that decree of
the eighteenth of May of the same year,
the ownership of a third part of the
said land besides that comprehended
between the hill opposite to the old
house of Citizen Aguilar and the spring
of water where there was formerly a
dam inclusive; it being understood
that said grant is made in entire

conformity with the provisions of the laws and subject to the approval or disapproval of the Most Excellent Territorial Deputation and of the Supreme Government and under the following Conditions.

1st. That he shall submit to those (Conditions) which may be established by the regulations to be formed for the distribution of vacant lands and that in the mean time neither the Grantee nor his heirs shall divide nor alienate the land granted to him, impose land rent Censo, entail (vinculo) reversion (fianga) mortgage or any other burden although it may be for pious purposes nor transfer it in mortmain.

2nd. He may fence it in without prejudice to the crossings, roads and privileges (servidumbres): he shall enjoy it freely and exclusively, destining it to the use and cultivation which may best suit him, but within one year at farthest he shall build a house and it must be inhabited:

3rd. When the ownership is confirmed to him he shall request the respective Justice to give him juridical possession by virtue of this title and said Magistrate shall designate the boundaries at the limits whereof the Grantee shall besides placing the landmarks, plant some fruit trees or wild ones of some utility,

4th. The land whereof donation is made consists of two thirds of a square league (dostercios) de sitio de ganado

mayor) a little more as appears by the plot which accompanies the Expediente, and the Cession made in his favor by the said Soberanes; the Justice who gives possession shall cause it to be measured according to land in order to designate the boundaries, leaving the surplus which may result to the nation for the necessary uses.

5th If he transgress these conditions he shall forfeit his right to the land and it may be denounced by another.

I consequently Command that these presents, serving him for a title and being held as firm and valid be recorded in the corresponding Books and be delivered to the party interested for his security and further ends.

Given in Monterey on the twenty sixth of June, eighteen hundred and thirty four.

(Signed) José Figueroa.

/ signed / Agustín W. Zamorano
Secretary.

Recorded in the Book of entries of Titles respectively adjudication of lands at folio thirty four, number thirty two kept in the Secretary's Office under my charge Monterey June 26. Eighteen hundred and thirty four.

(Signed) Zamorano

Seal of the Third Class Two Reals,
Authorized provisionally by the Administration of the Maratón's Customs House of Monterey for the years Eighteen hundred,

34

and thirty four and eighteen hundred and thirty five.

(Signed) Frigueroa

(Signed) Rafael Gonzales.

Book Seal

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The report presented on the eighth of the present month having been laid before the Most Excellent Deputation in the Session of the fifteenth Instant, the two proposals which include said report and are of the following tenor were approved.

First. The grant made in favor of citizens Feliciano and Mariano Soberanes of the place named the Alisal, by decree of the eighteenth of may eighteen hundred and thirty three, and amended by the decree of the nineteenth December of said year, is approved.

Second. The grant made in favor of William Edward Hartwell of the part of the land of the place of the Alisal, granted by Decree of the nineteenth December eighteen hundred, and thirty three, mentioned in the foregoing Article is approved.

In consequence whereof the Expediente is returned to the Superior Chief for its continuance.

Monterey July sixteenth eighteen hundred and thirty four.

José Frigueroa

José Maria Maldonado
Secretary.

Monterey July twenty fourth Eighteen hundred and thirty four.

In view of the Approval granted on the sixteenth of the present month of the Most Excellent Territorial Deputation, let a Testimony thereof and of this Decree be given to the parties interested, Citizens Feliciano & Mariano Soberanes and William Edward Hartwell in Confirmation of the grant of the Land of the Alisal which they obtained by a Decree of the nineteenth of December eighteen hundred and thirty three which amended the Decree of the eighteenth of May of the same year.

General Don José Figueroa Brigadier General, Commandant General, Inspector & Superior Political Chief of Upper California did thus Command, decree & sign whereof I give testimony,

Jose Figueroa

Agustin V Zamora
Secretary

The foregoing agrees literally with its original from which I commanded the present testimony to be copied, for the security and further ends of the party interested. William Edward Hartwell in Monterey on the twenty fourth of July eighteen hundred and thirty four, being witnesses Citizens Bonifacio de Madriaga and Francisco de Arango residents of this place.

In testimony of truth
(signed) José Figueroa
(signed) Agustín V Zamora
Secretary.

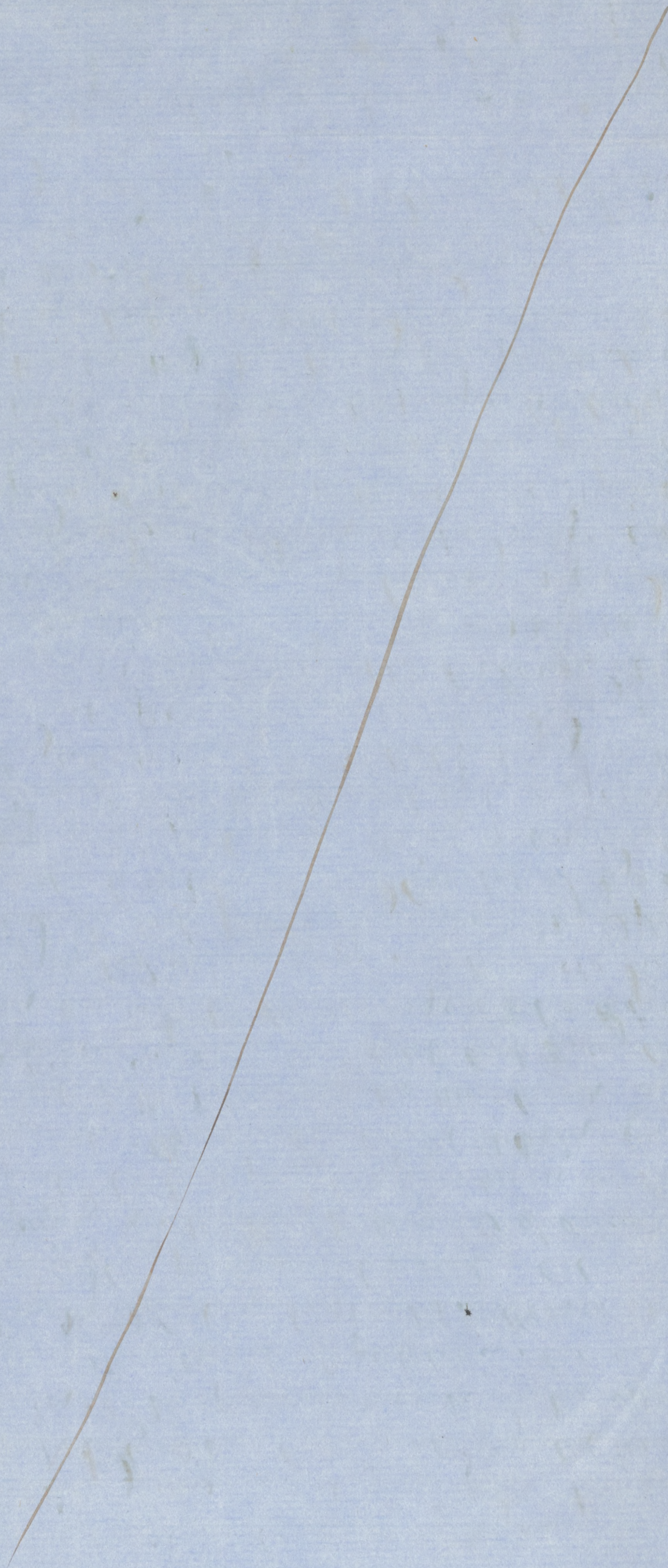
Filed in Office June 10, 1854. Geo. Fisher, Sec

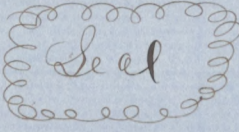
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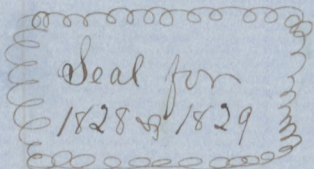
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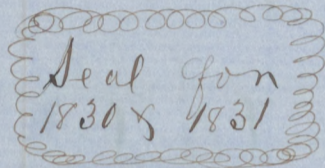


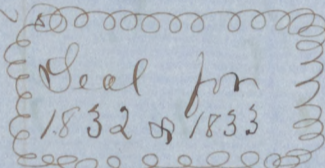
Seal of the Third Class. Two Reales.
For the years  Eighteen hundred
and twenty six and eighteen hundred
and twenty seven.

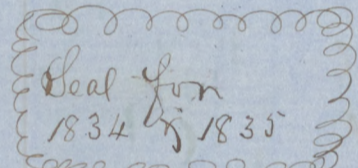
Señor Constitucional Alcalde

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 Seal for
1828 & 1829

 Seal for
1830 & 1831

 Seal for
1832 & 1833

 Seal for
1834 & 1835

"L"
Translation of
Judicial possession

William Edward Hartnell appears
before you and says that having
obtained the proper Grant of
the third part of the Land known
by the name of the Alisal, including
also the land comprehended between
the hills opposite to the old house
of Citizens Aguilar & the Spring
of water where there was
formally a dam inclusive;
He applies to you in order
that you would be pleased to give him
judicial possession in conformity with
the provisions of the 4th Article of the
Title of said Land, granted on the 26th of
June of the present year, which duly
accompanies, as likewise the respective
confirmation so that the whole may
produce the desired effect.

I therefore request that you would
be pleased to put me in the possession
which I ask for whereby I shall receive
justice &c,

Monterey 30th October 1834,

(Signed) W^m Edward Hartnell.

Monterey 1st December 1834,

In virtue of the foregoing peti-
tion let me the present Judge of the
Spanish Instance, proceed to the measurement

designation of boundaries and judicial possession asked for by the interested in this Expediente fixing for the execution thereof the eighteenth of December of the present year, to which effect the neighbouring land owners will be cited by means of Summons.

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Thus I the said Judge did decree Command & Sign with assisting witnesses with whom I act as Judge Delegate / per receptoria / for want of a Notary Public

I give testimony
(Signed) Manuel Jimenez Casarin
(Signed) Jose Castro
(Signed) Juan B. Alvarado } Ass't witnesses.

On the same date William Edward Hartnell being present, the foregoing decree was notified to him, who having understood it said, that he heard it and considered himself as cited, and signed with me and the assisting witnesses.

(Signed) Casarin (Signed) W^m Edw^d Hartnell
(Signed) Jose Castro
(Signed) Juan B. Alvarado } Assisting witnesses.

On the same day the Summons mentioned in the foregoing decree were dispatched. In testimony whereof I sign with my flourish.
(Signed) The Alcalde Flourish.

In the Rancho of the Alisal on the eighteenth day of the month of December Eighteen Hundred and thirty four in fulfillment

of the Decree of the first of said month and year, the Citizens Mariano Estrada, David Spence, and Mariano y Feliciano Soberanes owners of the adjoining Ranchos and summons for the measurement, designation of boundaries, & possession appeared, and I appointed as measurers Citizens Vicente Cantua & Casimiro Soto, who after accepting and taking oath will proceed to exercise their functions.

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Thus I the said Judge did decree, command & sign with the Assisting witnesses.

(signed) Manuel Jimeno Casarin
(signed) David E. Spence
(signed) Jose Castro
(signed) Manuel Butson } Assist Witnesses

On the same date the foregoing Decree was notified to the adjoining land owners, who having understood it said, that they heard it, and signed with me and the Assisting witnesses.

(signed) Casarin
(signed) Mariano Soberanes (signed) Feliciano Soberanes
(signed) José Maria Estrada (signed) David E. Spence
(signed) Jose Castro
(signed) Manuel Butson } Assist Witnesses

On the same date and in the said Ranchos, the Decree wherein Citizens Vicente Cantua & Casimiro Soto are appointed measurers was notified to them, and having understood it they said they accepted and did accept said appointments, and swore by the Lord our God and the sign of the Holy Cross to comply faithfully

and legally to the best of their knowledge and ability without deceit or fraud against any person, and said Soto alone signed because Ventura said that he did not know how. I signed with the assisting witnesses.

(signed) Manuel Quiroga Casarin

(signed) Casimiro Soto.

(signed) José Castro.
(signed) Manuel Butson } Assisting Witnesses

Immediately afterwards I the said Judge ordered to be brought into my presence, the cord wherewith the land was to be measured, and that the measurers should measure off one hundred varas, and signed with the assisting witnesses,

(signed) Manuel Quiroga Casarin

(signed) José Castro

(signed) Manuel Butson } Assisting Witnesses

On the same day in presence of me the said Judge, the said Measurers took a hempen cord and taking a common Mexican Vara rod in their hands measured off one hundred varas to make the said measurement with, in testimony whereof I signed with my flourish
(signed) The Alcalde Flourish.

31 On the same date and in the said Rancho, it being 8 o'clock in the morning, I the present Alcalde commanded the measurers appointed to place themselves in order to measure
30 the whole of the land known as the

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Alisal & divide afterwards the third pass, for the said William Edward Hartnell to take possession of, and standing at the Oak tree of the Three crosses situated in the place called the Matadero del Encinal twelve cords were calculated towards the North to the mountains; returning to said Oak tree, and taking the direction of N. $\frac{1}{4}$ N one hundred cords were measured to the Great Lagoon; from the middle of said Lagoon on the N.W. side in the direction of N. N. W. to the points of the Lagoon near the high road to the Alisal, thirty cords were measured; from said points in the direction of N. N. W. to the mountain pass (portezuelo) the boundary of Manuel Batron eight cords were measured; from said portezuelo in the direction of S. E. two hundred cords were calculated.

Having made this measurement the said measurers declared that these were about two square leagues (comodas sitios de ganado mayor). By mutual agreement between Messrs Sobesanes & Mr Hartnell it was stipulated that the boundaries of the latter shall be from the high mountains to the N of the Oak tree of the three crosses in the Matadero del Encinal all the boundary line of Buena Vista from said Matadero to the other side of the large, and from the edge of the said Lagoon on the N.W. side drawing a straight line in the direction of N. E. until arriving at the middle of the second Glen (Canada) on the other side of the mine towards the Soledad,

and besides the great creek of the Alisal from the Swamp upwards towards the north of said Swamp, that is to say, all the land comprised to the east of the Creek, and to the north and east of the hills, which ran from the Swamp to the middle of the second Glen below the Mine towards the Soledad, the Springs of water and Lagoon in the land corresponding to said Hartnell to belong to him.

Hearing designated the boundaries I ordered landmarks to be formed and a plot to be made of the part of the land belonging to said Hartnell as a proof thereof, and signed in presence of the Assisting Witnesses according to law.

(signed) Manuel Juvenal Casarin,

(signed) José Castro

(signed) Manuel Butson } Assisting witnesses.

On the same date I the said Judge did command that the land having been measured and the boundaries designated, William E. Hartnell should be put in Judicial possession and the neighbouring land holders be notified and signed with the Assisting witnesses,

(signed) Manuel Juvenal Casarin,

(signed) José Castro,

(signed) Manuel Butson } Assist. witnesses.

On the same date the owners of the adjoining Rancho Don Mariano Estrada, Don David Spence, Don Mariano Soberanes and Don Feliciano Soberanes were notified of the

foregoing decree which having understood
they said that they heard it and signed
with me and the assisting witnesses,

(Signed) Casarim.

(Signed) Mariano Goberanes

(Signed) Mariano Estrada

(Signed) David Spence, (Signed) Feliciano Goberanes,

(Signed) Jose' Castro

(Signed) Manuel Butson / Assisting witnesses,

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In the Rancho of the Alisal alias
the Patrocinio it being about ten o'clock in
the morning of the same day, month and year
Mr William Edward Hartwell a resident
of Monterey accompanied by the Judge of the
first Instance and witnesses with the
design as said Hartwell said, of taking
true, corporal and real possession of
the said land of the Alisal alias the
Patrocinio it belonging to him by just
Title which he obtained from the Political
Government of this Territory on the twenty
sixth of June eighteen hundred and thirty
four, and the approval of the most
Excellent Territorial Deputation on the
sixteenth of July eighteen hundred and
thirty four; he entered and walked on
said lands, pulled up grass, scattered
handfulls of earth, broke off boughs of
trees and performed other ceremonies
of true possession which he said he
took and did take of said lands, and
the said did command that said Hartwell
should thenceforward be held and ac-
knowledged as true lord and possessor
thereof. Of all the beforementioned,
said Hartwell requested that I the

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said Judge should give him a certificate for future memory and the conservation of his rights which was thus authorized, the Assisting Witnesses being Don Jose Castro and Don Manuel Butron with whom I act as Judge Delegate, for want of a Notary Public (there being none) according to Law.

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I give Testimony
(signed) Casarum.

(signed) Jose Castro
(signed) Manuel Butron } Assisting Witnesses

On the same date this Expediente is returned to the party interested on nine useful folios, in testimony whereof I made this note and signed with my flourish.

(signed) The Alcalde's Flourish.

Filed in Office June 10, 1852.
Geo. Fisher Sec.

Last Will and Testament of W. E. P.
Hartnell of Monterey State of California

In the name of the Most Holy Trinity
Father, Son and Holy Ghost. I William
Edward Petty Hartnell, being at this moment
/ thanks be to God / in perfect good health
and of sound mind and memory, do declare
this to be my last will and Testament,

In the first place I declare it is
my desire to live and die in the bosom
of the Holy Roman Catholic and Apostolic
Church, and I request that when
it may please the almighty to call me
out of this world my funeral be
conducted in as plain and modest a
manner as possible, and without any
unnecessary pomp.

Item. I declare that the property
which I possess and the debts owing
by and to me will be found expressed
in the adjoining list signed with my
name.

I do further declare that I do hereby
constitute and appoint as my sole Exec-
utors and as Tutors and Guardians to
such of my children as may remain
under age at the time of my death
my dearly beloved wife Maria Teresa
de La Guerra and her brother and
my good friend Don Pablo de La Guerra
requesting that they will as soon after
my demise as possible pay off my
debts and satisfy my bequests it is
likewise my desire that my debtors be
not in any way distressed on account
of the amounts they may owe but that
they be merely requested to pay, and

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Certified Copy
of the Will of
Hartnell.

that whatever they may choose to pay be received in full of all demands.

I do furthermore declare that it is my desire that on my decease, my wife do enter into and take possession of all my property, both real and personal Estate and that she have the sole management and controul thereof during her natural life (excepting such parts as I may hereinafter dispose of) for her use and benefit and for the maintenance of our dearly beloved Children, Guillermo Antonio, Juan Adelhesto, Teresa, and José Matilda, Ana, Magdalena, Pablo, Medarico, Silvestre, Amelia, Arnulfo and any others which the Lord may yet be pleased to bless us with; And on the death of my said wife, it is my desire that all said property be equally divided amongst our said Children in the manner which may seem most equitable to my Brother-in-law Don Pablo de la Guerra should he survive my wife, or in case of his previous death to the person who my wife may by will appoint in his stead without any responsibility, bond or guarantee whatsoever on the part of either of my Executors respecting the fulfillment of this my last will and Testament for my principal object is to prevent any member of the law from having anything whatever to do with my property or with my executors or heirs.

I moreover give and bequeath unto my sister Mary on in case of

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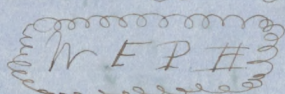

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her death to my Sister Hannah or to
whichever of my Brothers George or
Nathaniel may be in most want there-
of the Amount of One Thousand Dollars
which I request my executors to remit
in a good Bill of Exchange on England
to my Brother Nathaniel, residing at
No 1 Hagley Place, New Kent road,
London. I furthermore desire that
another Bill of Exchange of the same
description for the Amount of Six Hun-
dred Dollars be forwarded to the Right
Rev^d Doctor Henry B. C. Bishop,
Belfast, or in his Absence to the Rev^d
James Killen P. P. Ballymacarrett,
Belfast Ireland, for him to distribute
to the persons about whom I have written
to him in proportion to their necessities.

It being understood that should I in
my lifetime be enabled to make remittance
of the two before mentioned Amount of
\$1000 and \$600, then these two beque-
sts to be null and void,

I give and bequeath unto my son
Guillermo, my large family Warming
ring; unto my son Juan, my
old Silver watch; unto my son
Adelberto the ring which I wear; and
to my daughter Luisa; my mother's
Likeness; to the rest of my Children I
give and bequeath my Library to
be divided amongst them, as their
mothers may see fit;

And to the whole of them I give my
paternal blessing in the name of
the father and of the Son and of the
Holy Ghost, Amen, Signed, Sealed

and delivered in the City of Monterey this
 Sixth day of December in the year
 of our Lord One Thousand Eight hun-
 dred and fifty in the presence of
 the Subscribing Witnesses,
 W. E. P. Hartnell  

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We the undersigned do hereby certify that
 the foregoing document was signed by
 W. E. P. Hartnell in our presence and
 then and there declared by him to be
 his last will and Testament,
 Manuel Jimenez residente en la Ciudad de
 Monterey, D. Spence residente in the
 City of Monterey, La. McKinley residente
 in the City of Monterey,

Leish of property belonging to me this
 day, and of the debts owing to and
 by me referred to in my foregoing will
 and Testament,

1st My dwelling house in Montezuma Street
 with the lot annexed of the dimensions
 expressed in a document signed by
 Walter Colton on the 17, March 1847
 (less 30 yards square sold John
 Gorman & 15 y front by 30 y deep
 sold J. B. Mason.)

2nd A Lot of 40 yards front & 56 y
 in depth opposite my said dwelling
 house as per deed signed by W. Colton.
 9 April 1847,

3rd A Lot of 160 yards front and
 100 y in depth / less 25 y front by
 40 y in depth sold John Morris
 and the same quantity of land sold to

W. H. (Halleck) situate in Chanati
Street as per deed signed by W. Colton
3rd March 1847,

4th A Lot near the Huerta Viega
of 25 y front by 50 y in depth as per
deed given by Marcedonio Pardilla 31th
December 1849.

5th Five Lots in South San Francisco
as per deed signed by John Townsend and
C de Boon the 30th September 1849.

6th My Rancho of the Alisal (now called
Patrocino) as per deed signed by José
Figueroa the 26th June 1834 with two
houses on the same.

7th Augmentation of said Rancho as per
deed signed by Juan B. Alvarado 8th May
1839.

8th My Rancho of Podos Tantes and
San Antonio as per deed signed by Juan
B. Alvarado 28th August 1841.

9th My Rancho of the Cosumnes
(less the sections No 10 & 12 sold to W.
T. Sherman No 14 sold to W. D. Wilson
No 16 sold to Lered Sheldon, and the
lower half of No 13. Sold to Mr. Austin
as per map surveyed by W. T. Sherman
and deposited in the Archives of the
Recorders Office at Sacramento City
as per deed signed by Manuel Michelena
3rd Nov^r 1844.

10th My personal property consisting a
little more or less in one thousand head of
Cattle, fifteen horses, eight mules, two car-
riages, one waggon, a library, household
furniture etc. W. D. Wilsons obligation
for \$ 1963 due Nov^r 2nd. J. C. Austin
Note for 900 \$ due 22nd of Nov^r on

Debt: / in the hands of A.C. Manson Sac-
ramento City for Collection / Wilsons note
for 2250 \$ due 2nd February 1851. John
Morises Obligation for \$ 1200 past due.
Manang Soleranes owes me in Cash
\$ 79. Joaquin Estudillo owes according
to my Acc^t some \$ 900 but he denies
the greater part, José Anto Carrillo
owes about \$ 1000.

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Debts owing by me
I am indebted to George Aikin of
San Francisco, as Agent for John Yates
of Liverpool \$ 1297. 37/2⁰ to Mr. L.O.
Howard of San Francisco, some \$ 600 to
José Ant^o Aguirre of San Diego \$ 915. #1.
to Alex Forbes of Santa Clara (as agent for
Barrow Forbes & Co of Tepic 400 \$.
Monterey Cal^a December 1850.

W.E.P. Hartnell
So. W. Hastings of Sutter is likewise in-
debted to me, the amount of five thousand
dollars (5000 \$) for a lot or parcel
of land which he sold for me to Mr J.
Sheldon and received the Cash for and
as this was a breach of Trust on his
part I desire that he may be proceeded
against to the rigor of the Law.
Monterey Cal^a December 1850 W.E.P.
Hartnell.

Probate Court Monterey County
State of California,
Monday 27th Feby 1854.

David Spence upon being sworn deposeseth
and saith that he was acquainted with

W. E. P. Hartnell deceased, that he is now dead, that he died on the morning of the 2nd of this month and year, upon being shown the last will and Testament of W. E. P.

Hartnell says that he has known the hand writing of W. E. P. Hartnell for many years and that the writing and signature to the will is that of W. E. P. Hartnell's that he David Spence was a witness to the signature at the time the will was signed by the late W. E. P. Hartnell; says that the signature which he David Spence has sworn to is the signature affixed to an instrument purporting to be the last will and Testament of W. E. P. Hartnell;

says that it is his (David Spence) signature as witness to the signature of W. E. P. Hartnell affixed to said instrument; says that W. E. P. Hartnell deceased signed the same in his presence and at the same time mentioned in deponent's presence, that it was his signature to his last will and Testament, says that he signed the same as witness in the presence of W. E. P. Hartnell and at his presence of W. E. P. Hartnell and at his request says that at that time he knows that W. E. P. Hartnell deceased was of sound mind and of disposing memory.

That Manuel Jimenez and James McKinley were also subscribing witnesses to the signature of W. E. P. Hartnell as shown in his last will and Testament, at the time the deponent subscribed to the same.

That according to his deponent's best information said Manuel Jimenez died in Mexico not long since, that he is

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therefore not now in this Country,
Upon being shown the Signature of
Manuel Jimenez as a subscribing witness
to the Signature of W. E. P. Hearnell states
that it is his Manuel Jimenez's Signature
and signed in deponents presence, states
that he is acquainted with James McKinley
and that the signature of said McKinley is
a subscribing witness to the signature of W.
E. P. Hearnell as shown in his last will
and Testament is the signature of James
McKinley and that said James McKinley
signed the same in his deponents presence,
says that according to the best of his
information that said McKinley has been
absent from this Country some months
and that he is now supposed to be in the
County of San Luis Obispo according to the
best information that is in the posses-
sion of deponents L. S. Spence.

Subscribed and sworn to before me in
open Court this 2nd day of February 1854
James H. Gleason Clerk of the Probate
Court Monterey County pr. Edw^d L.
Williams Deputy, Lillo,

Probate Court Monterey
County, State of California

of February 1854.

Regular Term
On reading the Last Will and Testament
of W. E. P. Hearnell proved to be such
by the Testimony of David Spence one of
the subscribing witnesses and it appear-
ing to the satisfaction of the Court by
the Testimony of the said Spence that

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the testator at the time of the execution was of sound mind, and not under restraint, the Court therefore orders that the said will be admitted to probate and that Letters testamentary with a copy of the will annexed be issued to the executors named in said Will. To wit, Pablo de la Guerra, and Maria Teresa de la Guerra de Martnez Given under my hand and the seal of the Court affixed this 20th day of February A.D. 1854.

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Josiah Merritt, Probate Judge of Monterey County. (Seal of the Probate Court)

Received for Record Feby 9. 1854,
I, James H. Gleason, Clerk of the Probate Court in and for the County of Monterey State of California do hereby certify that the foregoing exhibits a true and correct copy from the records of the Probate Court in and for said County in Book of Wills, pages from 25 to 32 inclusive.

Given under my hand and the seal of said Court affixed this day,

May 1. A.D. 1854,
James H. Gleason
Clerk of said Court.

Seal

Filed in Office July 10, 1854,
Geo. Fisher Sec.

(Spandee follows)

57



rest
80

No 264

The Heirs of W. E. P. Hartwell

The United States

Part of the "Alisal"

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This claim was originally filed in the name of W. E. P. Hartwell, but he having died since the filing of the Petition it has been revived and now stands in the name of his widow and heirs.

This is founded on a grant made by Governor Figueroa to said Hartwell on the twenty sixth day of June 1834 and duly approved by the Territorial Legislature, on the 16th of July following.

The grant is for a little more than two thirds of a square league, being part of the land known by the name of the Alisal.

It appears from the original record of the Act of Jurisdiction measurement and possession executed by Manuel Jimenez Casarim, Judge of the first Instance on the 18th of December 1834 that a survey of the whole tract called Alisal was made, and the part granted to Hartwell laid off by proper metes and bounds.

The genuineness and authenticity of all the original documents and monuments of title and a full compliance with the conditions of the grant, are established by the testimony.

A decree of confirmation will be entered.

Filed in Office Oct 31, 1854.
Geo. Fisher Sec.

Heirs of of W. E. P. Hartwell,
 vs
 The United States

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the Petitioner is valid and it is therefore decreed that the same be confirmed to Teresa de la Guerra Widaw and Guillermo Hartwell Juan Hartwell and others Children and Heirs of William E. P. Hartwell deceased according to their respective rights and interests under the last will and Testament of the said William E. P. Hartwell deceased, a duly certified copy of which is filed among the papers in the case.

The land of which confirmation is made is a little more than two thirds of a square league being part of a tract situated in the county of Monterey known by the name of Alisal as described in the original grant, and defined and laid off in the act of Judicial possession executed by Manuel Jimeno on the 18th of December, 1834. For a more particular description reference to be had to said original documents both of which are filed in the case.

Alphens Delch
 R. Aug Thompson
 S. B. Darwell
 Commissioners

Filed in Office Oct 31, 1854,
 Geo. Fisher Sec

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Decree

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And it appearing to the Satisfaction of
this Board that the Land hereby adju-
-dicated 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 Tran-
-scripts 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.

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Office of the Board of Commissioners,

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

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I, *George Fisher* — Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Fifty seven* — pages, numbered from
1 to *57*, 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. *264* on the Docket of the said Board,
wherein *W. E. P. Hartnell* is —
the Claimant against the United States, for the place known by
the name of "*Alisal*."



In Testimony Whereof, I hereunto set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
Twentieth — day of *June*
A. D. 1855, and of the Independence of the
United States of America the seventy=*ninth*.

Geo. Fisher
Geo. Fisher

U. S. DISTRICT COURT,

Southern District of California.

No. *254*

254

THE UNITED STATES,

vs.

W. E. P. Russell

'Alisal'

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TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *264*

Filed, *July 2* 185*5*

W. E. Carr
Clerk

A. H. ...
by

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Office of the Attorney General of the United States,

Washington, June 13th 1855.

254.) Alisal -

W. E. P. Hartwell, Claimant

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 9th day of April 1855 the appeal in the district court of the United States for the ~~fourth~~ district of California will be prosecuted by the United States.

Very Respectfully,
C. C. Smith

Attorney General.

No. 254,

W. S. District Court
Southern District of Cal^{if}

United States

vs

W. E. P. Hartwell,

Notice of Appeal,
in Case No. 264,

Filed July 21, 1855,
L. E. Lean
Clerk
By A. H. Clark
Deputy

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

TO *W. C. P. Hartnett,*
The President of the United States, —

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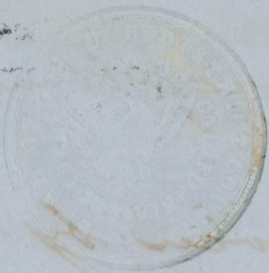
PAGE 56

GREETING :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against you, and each of you, in the District Court of the United States, in and for the Southern District of California, on the *28th* day of *September* in the year of our Lord one thousand eight hundred and fifty-*8*, at the City and County of Los Angeles, in said District, by

and that you, and each of you, are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said petition, or that judgment by default will be taken against you, and each of you, and the prayer of the said petitioner will be granted, with costs.

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of the said Court, this, *28th* day of *September* in the year of our Lord one thousand eight hundred and fifty-*8* at Los Angeles aforesaid.



C. C. Carr Clerk.

By John W. Ross

Marshals fees

Copying 14

Summons 90 X 8 40

Swearing 14 Summons 3 Dollars ea 42, 00

Swearing 14 petitions 3 Dollars ea 42, 00

9 2.40

United States of America,
Southern District of California,
U. S. DISTRICT COURT.

M. C. P. Hartnell et al

vs

The United States

SUMMONS.
Recd Sept 28th 1857

Edwards Hunter
U. S. Marshal

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I served this summons along with the proper copy of the petition upon *H W Halleck*
by showing the same to him
and his acknowledging same

at *Los Angeles*
the *28* day of *Sept.*

in the Southern District of California of
A. D. 1857.

Sworn to and subscribed before me,

Clerk.

Edwards Hunter
U. S. Marshal.

I acknowledge service by the
U. S. Marshal on the within 14 Summons
on petitions this Sept 28th 1857
H. W. Halleck
Att'y for appellants

In the District Court of the United States
 for the Southern District of California
 Hon Isaac S. K. Ogier Judge,
 William E. P. Hartnell vs. N. 254.
 and heirs of
 a ds. } (Transcript N. 264.)
 In the United States.

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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 10th day of June
 A.D. 1832, William E. P. Hartnell, petitioned
 the Board of United States Land Commissioners
 for the State of California, claiming the
 place called "Alisal" in the County
 of Monterey, State of California, ^{a little more than 2/3rd of a square league of land}. That
 thereafter, to wit on or about the 12th
 day of September 1854, a supplemental
 petition was filed ~~requesting~~ suggesting the
 death of said Hartnell, & ^{alleging} ~~praying~~ that
 they - namely - Teresa de la Guerra, Widow, and Guillermo
 Pablo, Ursula, Azucena, and Silvestre Chitron & Pablo de la Guerra & the said
 Maria de los Angeles de Hartnell, ^{the last will & testament of said}
 A. Juan del Burto, Teresa, Jose Matilla, Ana Maria de la Guerra
^{were} ~~made~~ parties claimants, ^{praying} and that the
 the claim to said tract of land be confirmed
 to them. That on or about the 31st
 of October A.D. 1854, the said claim

S. Hartnell's case.

was confirmed by said Commissioners
in favor of the Heirs of said Wm. S. P.
Hartwell. That on or about the 2nd
of July A.D. 1833, the said Commissioners
caused a Certified Transcript of their
proceedings, with the evidence, and decision
in said cause to be filed in the Office
of the Clerk of this Hon^{ble} Court.
That ^{or about} on the 9th of April A.D. 1833, the
Hon^{ble} Leake Cushing, Attorney General
of the United States received a Certified
Transcript of the proceedings evidence and
decision of said Commissioners in said
cause. That thereafter to wit, on or
about the 25th of July 1833, the said
Attorney General filed or caused to be
filed in said Clerk's Office a Notice
of intention of the said United States
to prosecute the appeal in said cause.
That the land claimed lies in the
Southern District of California, and
within the jurisdiction of this Hon^{ble}
Court. ^{That the said claimants have a valid title to said land,} And the said United States, denies generally,
Wherefore the petitioner prays that
the said claimants, or their Attorneys
may be served with Copies of this
petition; and that after due proceedings

The said decision of the said + +
Commissioners in said Cause, may
be reviewed, reversed, and set aside,
And that the said claim or title
may be decreed to be invalid,
And general relief.

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P. M.

Attorney of the A. States for
the South Dist of Cal.

N^o. 254.

Wm. E. P. Bartwell, Agent.

ads.

The United States.

Petition of W. States for
Review &c.

Filed Sept^r 28th 1855-

C. C. Canell

By J. W. Ross

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Com. Ad. Jus.

No 254.

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

The United States appellants. }
vs. } Answer of appellee
W. E. P. Hartnell, appellee. }

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Maria Teresa de la Guerra, widow, and Guillermo A. Juan
Adelberto, Teresa, Jose, Matilda, Ana,
Magdalena, Pablo, Melchior, Amelia, and
Silvestre, children, and Pablo de la Guerra
and the aforesaid Maria Teresa de la
Guerra de Hartnell, executors of the
last will, of W. E. P. Hartnell deceased,
the appellees, appear by their attorneys,
and for answer to the petition of the
United States filed herein, say:

That their title to a part of the land
called "El Alisal," as set forth and
described in the petitions to the Board
of Commissioners and in the documents
and other evidence in this case, is a good
and valid title; and they pray this
Honorable court to affirm the decision
of the Board of Commissioners and to decree
their title to be valid.

Hallam Beachy & Pillsbury
Attys for appellees.

No 254

The United States
appellants

vs.

W. E. P. Hartwell
appellee

~~~~~  
Assess of appellees.

Filed Sept 28th 1855-

O. E. Carver  
By W. P. Proffers

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Hartwell Peaching & Billing  
Atty for appellees

In the U.S. District Court for the  
Southern District of California,  
Special Term Sept 1853,  
Los Angeles.

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PAGE 64

Wm. E. P. Merrill (Plaintiff)  
vs. App<sup>ee</sup> } N<sup>o</sup> 254.  
The United States. }  
App<sup>t</sup> } Bancible N<sup>o</sup> 264

On motion of J. 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, entered  
on or about the 3<sup>rd</sup> day of October  
A.D. 1853.

J. Ord  
U.S. Dist. Atty.

No 254.

U. S. District Court  
South District of Cal.

The United States apper.

vs

W. E. P. Marshall et al appes

Order of Appeal to the Supreme  
Court on Motion of P. Ordway  
v. s. atty.

Filed October 18<sup>th</sup> 1855.

C. C. Can. C. M.

By D. M. P. and Dep.

254 SD

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

Hon' Isaac S. Allen, Judge,

254 SD

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December Term 1856

The United States

Appellants

vs

Hon' of W. C. P. Marshall  
Appellees

Wicket No. 254

Transcript from the Record of said Commission No. 261

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 Attorneys of the Claimant 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

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

No 254

The United States  
Appellant  
vs  
John W. E. Planchette  
Appellee

Order  
Vacating Appeal

Filed Feb 5<sup>th</sup> 1887

Wm. H. R.  
Clerk

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

Wm. H. R.  
Clerk



California Land Claims.

Attorney General's Office

10 September 1851.

Sir:

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In the case of the claim of W. C. J. Hartnell, confirmed to the claimant by the Commissioners, case no. two hundred and sixty-four, (264), 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

Clauting

Jefferson Ord Esq.

U. S. Atty for the

Southern Dist. of California

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PAGE

E. J. Hartnell

264

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Dec 21 1836

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

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Hon. J. S. K. C. Judge

December Term 1856

The United States

Appellant

vs  
Messrs of W. C. P. Marshall

Appellees

Rockets No 254

Transcript from the Board of Land Commissioners No 264

In pursuance of a letter from the Attorney General  
of the United States. Herewith annexed giving notice that  
in the above cause the appeal in the Supreme Court  
will not be prosecuted by the United States; this hereby  
stipulated and agreed by and between the parties that  
the order granting an appeal to the Supreme Court here-  
tofore 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. W. D. D. D.

Collects each Billing  
attys of appellees

U.S. Dist Court  
South Dist Cal,  
No 254

The United States  
Appellants  
vs  
<sup>104</sup>  
Hess of W. C. Hatchell  
Appellees

Stipulation  
to vacate order of  
Appeal to Supreme Court

Filed this 5th February  
1857  
Edwin Calk  
J. H. Gleason  
dep

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In the United States District Court for  
the Southern District of California, June  
Term AD 1862.

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Maria Teresa de la Guerra Hostuel  
& others, heirs of Wm E. P.

Hostuel, dec'd,

Appellants

vs

The United States

Appellants

No 254.

"Rancho Alisal"

On return of survey.

State of California

Monterey County

Before me John O.

Wheeler, Clerk of the

United States District Court for the Southern Dis-  
trict of California, personally came D. V. Gregory,  
this day, who being duly sworn deposes and  
says, that he has recently, say about two or three  
weeks since, been retained by appellants in the  
above cause, as an attorney & counselor at  
law to contest the survey of the tract of land  
heretofore made and approved by the United States

254 SD

PAGE 73.

Surveyor General: that said Surveyor was, in ac-  
cordance with a previous order of this Court,  
returned into this Court, on the 26th day  
of August last; that since said time last  
mentioned this deponent has been much  
occupied in said Court with other busi-  
ness, on account of which, as well as  
on account of his inability to consult  
with the said Appeller, ~~or presence of~~  
he has been unable to prepare & file ex-  
ceptions to said Survey; that the place of resi-  
dence of any of the appellants who reside near-  
est this place is about 30, or 35 miles;

that deponent is desirous of seeing E.  
Conway Esq. Chief Clerk in the office of  
said Surveyor General, for the purpose  
of consulting with him about said Survey.  
before filing said exceptions, which he re-  
quests to be able to do if a reasonable time  
should be granted by this Hon Court.

Deponent further says that this application  
for an extension of time to file said excep-  
tions is not made for the mere purpose  
of delay, but that he may prepare more in-  
telligibly & correctly said exceptions - &  
for the personal convenience of deponent,  
who is desirous of visiting San Francisco  
soon, & who fears, that if he should do so

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before filing exceptions to said decree, that  
the time limited by the rules of this Court  
will have expired before he can return  
& prepare & file said exceptions.

Wherefore defendant prays that a reason-  
able time may be granted him, in addi-  
tion to the time allowed by said rules,  
for the purpose of preparing & filing said  
exceptions.

D. T. Gregory

Sworn to & subscribed  
and before me this  
the 4th day of Sep-  
tember, A.D. 1862

John D. Whelan, Clerk  
of the District Court

No. 254.

Wills of Hortwell

vs.

The United States

N.D. Dist Court.

Southern Dist

Applicant for extension  
of time.

Filed Sept 4. 1862

J. M. D. White  
clk

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D. J. Gregory. atty.



In the United States District Court for  
the Southern District of California,  
June Term ad 1862.

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Maria Teresa de la Guerra Hornell,  
doctress, Heirs of J. P. } No 254.  
Hornell, deceased, }  
appellant, }  
vs. }  
The United States, }  
appellee }  
} Claim for  
} the Rancho "Al-  
} isol", some  
} times called  
} "El Potrero"

On return of survey.

On motion of D. Gregory, attorney  
for appellant & constants of survey, in the  
above Court, now in open Court made, &  
on reading of filing his affidavit showing  
good cause therefor, & the United States  
District attorney now being present in Court.

It is ordered, by the Court, that the  
said appellant, or their said attorney,  
have until the 15<sup>th</sup> day of October ad,  
1862. in which to file & certify to the  
Survey heretofore made & approved by

the United States Surveyor General for  
said State, said survey having been re-  
turned into office in this Court on the  
26th day of August last past—  
and the time for filing said exceptions  
is hereby extended to the said 15<sup>th</sup> day  
of October A.D. 1862.

Mitchell M. Haight  
U.S. District Judge for Calif

No. 2574

John D. Hays

vs.

The United States

U.S. Dist. Court.

Prayer for Extension

Filed Sept 4, 1862

John D. Hays  
Clerk

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J. D. Hays acc.

In the United States District Court for  
the Southern District of California  
June Term AD 1862.

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Maria Teresa de la  
Guesa Honnell &  
others, heirs of W. P.  
Honnell dec'd

Appellants

v.

The United States

Appellees

No 254.

Claim for "Ali-  
sol"

On return of  
Jury

On motion of D. J. Gregory, Counsel  
for said Appellants, now in open Court  
made, & the United States, District  
attorney now being present,

It is ordered by the Court that  
the said appellants <sup>& the said appellees</sup> have leave to take  
further testimony, after the exceptions  
<sup>offered</sup> ~~the~~ the return in said case shall  
be filed.

Fletcher M. Daugherty  
U.S. District Judge

No 254.

Maria Teresa Hortwell

& others

vs.

The United States.

On return of survey  
order to take further  
testimony

Filed Sept 8, 1862

John Whelan clerk

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D. J. Gregory, atty

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

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Maria Teresa de la  
Guerra Harrell et al.

Appellus,

vs.

The United States

Appellants

Docket no 254

Transcript no 264.

Rancho "Alisal"

Now come the Appellus and Claimants  
in the above entitled Cause and except  
to the final survey heretofore made by  
the United States Surveyor General for  
the State of California, of the lands claimed  
in this case and known as the Rancho  
Alisal, a map of which said sur-  
vey is now on file in the Office of the  
Clerk of said Court among the papers  
in said Cause.

The lines of said Survey which are  
hereby excepted to are designated on  
said map, and are as follows:

1. The line beginning at an oak tree, marked H.1. on said map, near a spring of water, and being the initial point of said survey, and running thence South  $34\frac{1}{4}$  degrees West, 247. chains and 50 links to a cotton wood tree near the edge of a dry lagoon, & marked H.2.

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2. The line beginning at said cotton wood tree, and running thence South  $67\frac{1}{2}$  degrees East, 172 chains & 50 links, to a post marked H.3. on said map:

3. The line beginning at said post H.3. as indicated on said map, and running thence North, (magnetic variation 15 degrees East) 348. chains and 30 links, to a post, marked Post H.4. on said map.

4. The line beginning at the most northerly point of said survey as indicated by said map, at an oak tree marked thereon W.I. H.

5. and running thence South  $65\frac{1}{4}$  degrees West, 7 chains & 37 links; and thence South  $47$  degrees West, 24 chains; thence South  $76$  degrees West, 24 chains; thence South  $84\frac{3}{4}$  degrees West, 15 chains; and thence South  $46\frac{1}{2}$

degrees West, 7 Chains & 2 Co. links, to a point on said map, designated as H.10.

254 SD All of which said lines the said appellants  
PAGE 81

say are incurred, and are not in accordance with the decree of this Court, the original title papers in said cause and the act of judicial prohibition -

Wherefore the said Appellants pray that the said Survey may be rejected and set aside, that a new Survey of the said tract of land may be ordered by this Court, that the said Appellants may have such other & further relief in the premises, as may be equitable & just.

D. J. Gregory  
Att'y for Appellants.

State of California }  
Monterey County } D. J. Gregory being by me  
3 } duly sworn deposed and  
said that he is the attorney for the appellants in the foregoing entitled cause, on the return of Survey; that he is informed and verily believes, that and on such information alleges the foregoing exceptions to certain lines of the Survey therein mentioned to be true.

Sworn to & subscribed before  
me this the 14<sup>th</sup> day of

October A.D. 1862

Chas. Hayward

Dep. Clerk

D. S. Gregory

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To B. C. Whiting Esqr.

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

Sir,

You are hereby  
notified that the hearing of the above and  
foregoing exceptions in the case therein entitled  
will be brought on to a hearing before said  
Court, within thirty days after the service upon  
you of a copy of the same, or as soon thereaf-  
ter as counsel can be heard.

Monterey, 14<sup>th</sup> October A.D. 1862.

D. S. Gregory

Atty for Appellants.



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I hereby acknowledge service of  
a copy of the foregoing exceptions  
Oct 23<sup>d</sup> 1862      R. C. Whiting  
U. S. Dist atty for  
The Southern Dist. Cal.

No. 254

J

Maria Teresa Hartwell  
et. al.

vs

The Union Store,

Exemptions to Sines,

Filed Oct 14<sup>th</sup> 1862  
John C. Whaley Clerk  
per Charles Sawyer  
Dep. Clerk

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D. J. Gregory  
att'y

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

W. E. P. Hartnell

of  
The United States

No 254

"Alisal"

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Testimony taken before Robert Haight  
Deputy Clerk of Circuit Court and ex officio  
U. S. Commissioner for the Southern  
District of California.

Present J. J. Gregory Attorney  
for Claimant & B. C. Whiting U. S. Dist Attorney.

José Abrego was sworn in as Interpreter,  
Manuel Maturana being duly sworn  
in answer to questions asked says

Questions by J. J. Gregory U. S. Dist Atty.  
Q. What is your name and place of  
Residence -

Ans My name is Manuel Maturana, my  
place of Residence the Rancho Alisal in  
Monterey Co -

Q. Do you know the tract of land situated  
in Monterey County, known as the Alisal & formerly  
occupied by W. E. P. Hartnell?

Ans Yes -

Q. Do you know the boundaries of said  
Rancho as established by the Survey of the  
United States Government, between El Encinal  
de las tres Cruces del Matadero? and la Laguna  
grande?

Ans Yes -

Ques Do you know an alamo tree as  
fixed by said survey as one of the  
boundaries of said Rancho? if you do  
state about how far it is from La Laguna  
Grande?

Ans I do, It is about a mile and a half  
or more from La Laguna Grande?

Quest State whether or not the said Alamo  
tree is between the Laguna Grande &  
la Encinal de las Tres Cruces?

Ans Yes.

Question Did you ever hear Bruno Bernal  
say, that a portion of the land  
that was granted to Mr. Washell  
had been given to him said (Bruno  
Bernal) under a survey of the  
United States government, and that  
it did not belong to him the said  
Bernal?

(Objected to by the United  
States attorney as being incompetent proof to  
establish that fact—)

Ans Yes—

Questions by Dist Atty

Quest Are you the husband of the widow  
of W. E. P. Washell, the Claimant  
in this case?

Ans Yes.

Questn Do you now reside with her on that Ranch the Alisal?

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Ans Yes.

(All of the foregoing deposition objected to by B. C. Whiting U. S. Dist Atty, on the ground of the witness being interested.)

Manuel Maturana says that he has heard read the foregoing deposition and that the same is true of his own knowledge & belief except as to those matters stated on information and belief and as to those matters he believes it to be true, Manuel Maturana

Sworn and subscribed to  
before me this 12<sup>th</sup> day of April 1865.

Robert Haight  
Deputy Clerk *ex officio* U. S. Court

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

W. E. P. Hartnett

vs  
The United States

Depositions of  
Manuel Maturana

Filed April 12<sup>th</sup> 1865

John O. Wheeler Clk  
Robert Healey  
Deputy

United States District Court Southern  
District of California  
W. E. P. Hartnell  
vs  
The United States } No 254

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Deposition of David Spence taken  
before Robert Haight Deputy Clerk U. S.  
Circuit Court ex officio U. S. Commissioner  
for the Southern District of California, this the  
Twentieth day of April A. D. 1865.

Tested by D. S. Gregory and present  
B. C. Whiting U. S. Dist Attorney.

Question 1<sup>st</sup> What is your name age and place  
of residence?

Ans. My name is David Spence my age  
66 years and my residence Monterey.

Question, Do you know the tract of land in  
Monterey County called the Alisal formerly  
occupied by W. E. P. Hartnell?

Ans. I do! It is adjoining my lands. The  
Rancho Buena Esperanza & Rancho de Buena Vista.

Question Please state what you know about the  
boundaries of the first named tract of  
lands as established by the United States  
Surveyor General or his deputy?

Ans. I was notified by the deputy

of the U. S. Surveyor General that on a certain day they were going to survey the Rancho Alisal. I went to the Lausde where they had their camp. I was told that they had left in the morning. I returned to look for them on the plain, and at last found them at a place on the middle of the plain, called the Lagunita de las Gaucitas there they were making a Cottonwood tree, which forms the corners of the two Ranchos Encinal y Buena Esperanza, the Rancho Alamo de Buena Vista & the <sup>southerly</sup> line of Alisal Rancho,

Question, When was this as near as you can recollect?

Ans, It might be about the years 1858 or 1859 but I cannot precisely recollect, the deputy Surveyor, Mr Terrill was the person who had in charge the survey.

Question. Please state whether or not you know, where the Laguna Grande is, and also whether or not you know the place called Las tres Cruces del Matadero? If you do state whether or not the Cottonwood tree you have spoken about is between the Laguna Grande and Las tres Cruces del Matadero,

Ans. I do know where the Laguna Grande is and the three crosses at the Matadero. The Cottonwood tree already mentioned <sup>stands</sup> between them, the three crosses are called in Spanish

Las tres Cruces.



las tres Cruces.

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Question. State whether or not you know the character of the land between the Cottonwood tree and the three crosses, if you do what is its quality as compared with other lands on the said Rancho Alisal? as embraced in the judicial possession of said Rancho?

Ans. Where the line runs between the three crosses and the Cottonwood tree, the land is inferior to other portions of the Rancho Alisal as formerly given by judicial possession. I have not seen any water out upon the Plains between those two points but there are some springs near the foot hills.

Questions by B. C. Whiting  
(Cross Examination)

Question? Do you know the lines of the Alisal Rancho run by the Deputy Surveyor Mr. Terrell?

Ans. I know the line from the Cottonwood tree, it runs through the middle of the Laguna Grande towards the Laguna de las Positas, as this line adjoins my land I was present, but I was not present at the running of the other lines.

Question. Was you present when the judicial possession was given to the Rancho Alisal confirmed to Hartnell, and the Rancho Alisal confirmed to Bernal?

Ans. I was present at the Commencement  
at the Three Crosses, until they ran the line  
to the leguilla de las Saucis where the  
Cottonwood tree stands. then I left and  
went no further. I was then as a  
colindante until they passed the line of  
Buena Esperanza.

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Quest<sup>n</sup>. Do you know whether possession was  
given to the Bernal Rancho and the  
Hartnell Rancho at the same time &  
whether both of them were included  
in one Ranch?

Ans. I think Judicial possession was  
given of both at the same time, for  
they then belonged to the Brothers Don  
Mariano & Feliciano Loberanes.

Quest<sup>n</sup>. Do you know anything about the  
division of the two Ranches the Hartnell  
& the Bernal Rancho?

Ans. I understand there was a division  
made but I do not know the lines.

Quest<sup>n</sup>. Do you know whether the Judicial  
~~possession~~

Question Do you know the boundary established  
by the said Deputy between that  
portion of the Rancho <sup>called</sup> occupied by  
Hartnell and that portion occupied  
by the Loberanes Brothers?

Ans. I do not

By the Foreman & Jurors,

Ans. I do not.

D. J. Perce

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Sworn and Subscribed before me this 20<sup>th</sup>  
day of April AD 1865.

Robert Haight  
Dep. Clk. of Dist Ct. of Dist Cal.

Albert Court  
Justice Dist Calu.

W. E. P. Hartness  
M

The United States

Deposition of  
David Spence

Filed April 20<sup>th</sup> 1865

John B. Wheeler Clk

Robert Maughly

Dep

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United States District Court, South Dakota  
Regular October Term A.D. 1865  
December 9<sup>th</sup> 1865

M. E. Hartwell

The United States

No 254  
"Abuel"

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Now at this day this Cause coming on to be heard, upon the Exceptions filed by Claimants to the approved plat of survey of the lands claimed herein, and the argument of Counsel having been heard and this now here ordered adjudged and decreed that the said Exceptions be and the same are hereby overruled and denied, and it is further hereby ordered adjudged and decreed that the said approved plat of survey, approved by the Surveyor General of Cal: on the Fourth day of November 1859 be and the same is hereby affirmed.  
Done in open Court Dec 9. 1865

Fletcher M. Haight  
Judge of the Court South Dakota

No. 254  
U.S. Dist Court  
South Dist Cal

W. E. R. Hartnett

"

The United States

Decree overruling Sept 5  
to Survey

Filed Dec 9 1865.

John D. Wheeler  
clerk

Ent

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Watsonville,

May

23-4

1863.

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Mr. John O. Wheeler

To "THE PAJARO TIMES," Dr.

District Court of United States,  
Southern District of California.

THE UNITED STATES VS. U. E. P. HART-  
WELL—"ALISAL" NO. 254.

NOTICE IS HEREBY GIVEN THAT THE  
final survey of the lands claimed by the par-  
ties to the record in this case has been returned  
into Court and objected to. All parties in interest  
in said lands, are therefore hereby admonished to  
appear and intervene for the protection of their  
interests, under the rules of the Court.

Monterey, May 5, A. D. 1863

JOHN O. WHEELER,

Clerk U. S. District Court, Southern

District California.

m9-3w

To Publishing legal  
notice & execution

\$ 8.00

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U.S. District Court, S.D.C.

Watsonville, Aug 3. —

1863.

To "THE PAJARO TIMES," Dr.

For publishing "United States vs P Hartwell," 3 weeks \$8 00

Received payment

District Court of United States, Southern District of California.

THE UNITED STATES VS. U. E. P. HARTWELL—"ALISAL" NO. 254.

NOTICE IS HEREBY GIVEN THAT THE final survey of the lands claimed by the parties to the record in this case, has been returned into Court and objected to. All parties in interest in said lands, are therefore hereby admonished to appear and intervene for the protection of their interests, under the rules of the Court.

Monterey, May 5, A. D. 1863

JOHN O. WHEELER,

Clerk U. S. District Court, Southern

m9-3w

District California.



Jas B McQuillan

Subscribed and sworn to before  
me this is <sup>the</sup> day of August 1863

John Weeks  
Justice of the Peace

United States  
vs  
Hurtwell

} U.S. Dist Court for  
the South District  
of Alabama

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For a tract of land called El  
Abasco -

And now comes the Claimant  
a suggests to the court that the  
first survey herein is not in  
conformity with the Decca survey  
& that it will be required thereby  
of the Court

Attorney for Claimant  
decd -

No 254

United States

by  
Hartwell

-----  
Suggestion for  
the return of the  
survey of El  
Alisal -  
-----

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The United States Appellants }  
v }  
Mr. E. P. Hartnell Appellee }

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The claim in this case is founded upon a grant made by Governor Figueroa to the Claimant Hartnell on the 26<sup>th</sup> of June 1834 and was confirmed by the Departmental Deputation on the 16<sup>th</sup> of July following.

The grant was for two ~~thirds~~ thirds of a square league being part of a tract known as Aliso, a judicial survey of the whole tract was made and the part granted to Hartnell was measured and set off to him.

Genurers of all the original documents offered in evidence ~~is~~ establish, the usual testimony shows occupation by Hartnell and a full compliance with all the conditions of the grant.

An amended petition is filed in this case in the name of the heirs of the original grantee who died after the case was presented to the Commissioners, the will of Hartnell is offered in evidence to show their interest which is fully established by these documents and other testimony. The claim must be confirmed and a decree will be entered affirming the decision of the Commissioners.

The N. Y. Appellant vs. W. C. P. Hartnell.

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The Transcript contains:

- I. Petition to commissioners: p. 3.
- II. Amended petition in name of executors, widow & children p. 4 & 5
- III. Deposition of Manuel Jimeno p. 6.  
proves signatures to original grant and proceedings of judicial possession, also that Hartnell occupied this land with a house, cattle & horses previous to the date of the grant & ever since.
- IV. Deposition of David Spence p. 7 & 8.  
proves character of Hartnell's occupation in 1835; he had a two story house on the land & kept a college; had a garden, a large piece of land fenced and cultivated; and a considerable stock of cattle & horses; he or his family have been in possession and occupation of it ever since, has built a new adobe house and made other improvements.
- V. Deposition of Pablo de la Guerra, pp 8 & 9.  
proves death of Hartnell and names of widow & children.
- VI. Record of title from office of Coneyor General pp 11 to 13.
- VII. Translation of Record pp 15 to 17.
- VIII. Original grant, and proceedings of marking boundaries and giving judicial possession. pp 19 to 29.
- IX. Translation of grant and proceedings of judicial possession. pp 31 to 44.
- X. Suly certified copy of will and proceedings in Probate court

~~XXII~~ Opinion of Commissioners pp 55 & 56.  
~~XXIII~~. Decree of confirmation p 56.

It will be observed that the title (dated June 26<sup>th</sup> 1834 & approved July 15 1834) is for a part of the tract known as "El Alisal", being  $\frac{2}{3}$  of a square league a little more or less, the boundaries being described in the grant. It is also described as one third part of the whole tract called "el Alisal".

The whole tract was duly surveyed immediately after the grant and the part belonging to Hartwell set off by metes & bounds. The remainder of the tract was granted to Mariano & Feliciano Soberanes & is presented by their assign in a separate petition, being 279 in this court.

Proceedings in N.Y. Dist Court.

- |                                   |                            |
|-----------------------------------|----------------------------|
| 1 <sup>st</sup> Transcript filed  | July 2 <sup>d</sup> 1855   |
| 2 <sup>d</sup> Notice of appeal " | July 21 <sup>st</sup> 1855 |
| 3. Petition for Review "          | Sept 28. 1855              |
| 4. Answer "                       | Sept 28. 1855              |

No 254

The N. S. appellants  
vs.

Mr. E. P. Hartwell

Index of case.