

CASE No.

395

NORTHERN DISTRICT

CANADA del CORTE de MADERA GRANT

DOMINGO PERALTA

CLAIMANT

LAND CASE 395 ND PAGES 216

JAN 2 1963

U.S.A.
25% COTTON FIBER
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PAGE 1

TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. *306*

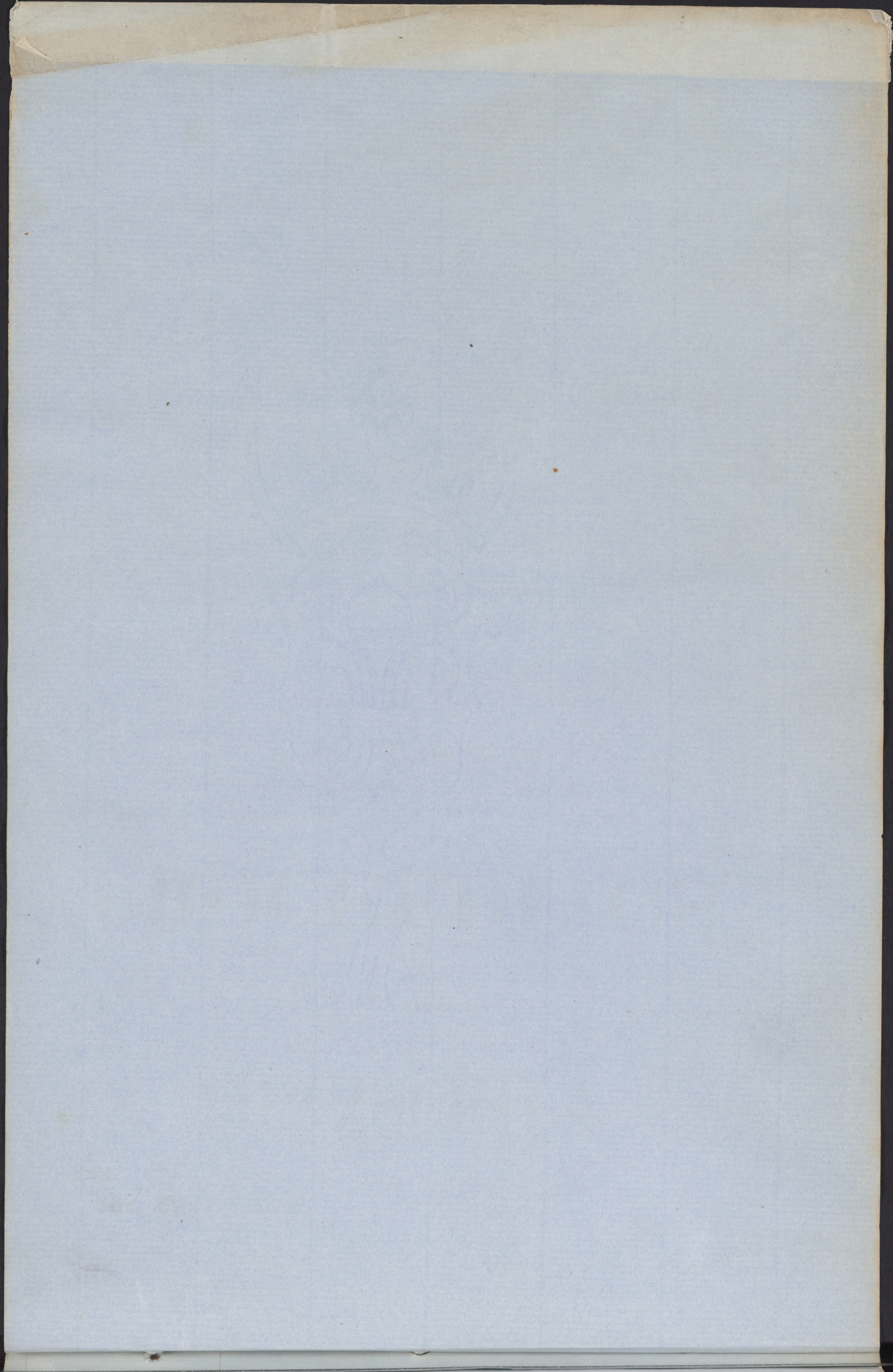
Domingo Peralta — CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Comunidad del Norte de Madera



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 fourteenth day of August, 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 Domingo Peralta
for the Place named
"Carrada del Corte de Madera";
was presented, and ordered to be filed and docketed with No. 306 and is as follows, to wit;

(Vide page 5 of this Transcript.)

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

San Francisco June 10, 1854
In case No 306, Domingo Peralta for the place named "Carrada del Corte de Madera", the Counsel for the Claimant filed the following stipulation, to wit;

(Vide page 68 of this Transcript)

San Francisco November 28, 1854
Case No 306 was ordered to be placed at the foot of the 3^d class cases on the trial docket.

San Francisco December 26, 1854
Case No 306, was ordered to be placed at the foot of the 4th class cases on the trial docket.

San Francisco January 16, 1855.
Case No 306, was submitted under the Rule of 21, of March 1854

San Francisco January 23^d 1855

In the same case the Counsel for the claimant filed the following stipulation, to wit;

(Vide page 67 of this Transcript)

In the same case the deposition of Antonio Bernal, a witness in behalf of the claimant, taken before Commissioner Peter Lott in accordance with the stipulation annexed hereto, was filed.

(Vide page 7 of this Transcript)

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San Francisco January 29, 1855.

In the same case the deposition of Antonio M^o. Pico, a witness in behalf of the claimants, taken before Commissioner Peter Lott, was filed.

(Vide page 8 of this Transcript)

San Francisco February 9, 1855.

In the same case the counsel for the claimant filed the following Affidavit in accordance with the stipulation annexed thereto.

(Vide page of this Transcript)

San Francisco August 14, 1855

In the same case the U. S. Assos. Law Agent, filed the following motion and affidavit, to wit;

(Vide page 69 of this Transcript)

which motion was taken under advisement.

In the same case the Counsel for the claimant filed the following affidavit, to wit;

(Vide page 71 of this Transcript)

San Francisco August 21, 1855.

In the same case Commissioner R. Big Thompson delivered the opinion of the Board upon the motion of the U. S. Assos. Law Agent filed on the 14th instant, granting the same.

Whereupon it is

3
Ordered, That this case be restored to,
and placed at the foot of, the Trial docket.

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San Francisco Aug 31, 1855

In the same case the deposition of Juan B. Alvarado, a witness in behalf of the United States, taken before Commissioner Alpheus Felch, was filed.

(Vide page 74 of this Transcript)

San Francisco Sept 18, 1855

Case No 306 was submitted without argument and taken under advisement by the Board.

San Francisco Oct 2^o 1855

In the same case Commissioner Alpheus Felch delivered the opinion of the Board, rejecting the claim.

(Vide page 77 of this Transcript)
and the following order was made, to wit:
(Vide page 78 of this Transcript)

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5 Petition

To the Honorable the Board of United States
Land Commissioners for the State of California

The petitioner Domingo Peratta
respectfully represents that in the year 1833
General Figueroa then Governor of California
granted to Maximo Martinez in jointure with
this petitioner a tract of vacant land situated
in the now County of Santa Clara called
"Rancho de Cota Mecame" and bounded by
the Mexican Landes of Santa Clara, the Rancho
de las Pulgas and the ridge of the Santa
Leary Mountains as well more fully appear from
the original Expediente and map now filed
in the Office of the Surveyor General a certified
copy of which together with the transla-
tions will be filed in this case, and the
Originals proved as shall be required

This petition further shows that
said grant was made to this petitioner in
consideration of long Military services; that
it was duly approved by the departmental
assembly; that possession was properly given
and that all the conditions of said grant
were faithfully complied with according
to Law.

This petitioner knows of no conflict-
ing claim or title, except as follows:
during the administration of Governor
Mecherore the said Co-jointer Maximo
Martinez petitioned for and obtained a grant
for two additional leagues, under and by
virtue of which said Martinez now petitions
to be confirmed in the sole ownership of the
Lands originally granted to him and this
petitioner.

Your petitioner relies for the valid-
ity of this claim upon the Original title
deeds and their subsequent approval and
Confirmation, upon the treaty, the principles
of Equity, the decisions of the U. S. Supreme
Court the Laws and Comity of Nations, and
the Laws usages and Customs of Mexico.

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6
Wherefore he prays that his title may be
confirmed to the undivided one half of
the Saco grant of the "Comuna de Santa
Marta" in the extent and with the
boundaries indicated by the original
Espeiente and design.

By his attorney
A. W. Carpenter.

Filed in Office Aug. 14th 1852

Geo. Fiska Secy

Recorded in Record of Petitions
Vol 1 page 199

Geo. Fiska Secy

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Deposition of United States of America
Ant. Bernal State of California 34

San Francisco January 20. 1855

This day came before Peter Gott Commissioner
for taking Testimony to be used before the
Board of U. S. Land Commissioners in said
State Antonio Bernal a witness on behalf
of the claimants Domingo Peratta & Maximo
Martinez in Case No. 306 on the docket of said
Board and said witness being sworn deposed
in Spanish which was interpreted by the
interpreter of said Board as follows:

The U. S. Law Agent was present

Questions by Mr Carpenter for Claimants

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

Answer. My Name is Antonio
Bernal My age 30 years, My residence in
Santa Clara County California

2^d Question. Are you acquainted
with the Rancho granted to Domingo
Peratta and Mariano Martinez and known
as the Rancho del Cate Macasis and if
you what is it situated

Answer. Yes, I know the
Rancho named, if it is situated in the
County of Santa Clara, it is near the source
of the San Francisco Creek.

3^d Question. State what you
know concerning the occupation of said
Rancho by Domingo Peratta the Claimant?

Answer. Domingo Peratta and
Maximo Martinez built a wooden house
on the place, I cannot say exactly when
but it was before the Americans came.
Domingo Peratta lives in the house when
I was a boy. The house was built on a
small hill between the Arroyo Matacans
and San Francisco. I think it is about
15 years since I was, I was then in Peratta's
Employment.

4th Question. Did Domingo Peratta

8
Cultivate any part of said Rancho?

Answer. He did cultivate and
and plant the land, and had a fence
enclosed. He had Cattle and horses on
the place, some 500 head of Cattle. I was
employed there by Peratta to herd Cattle

5th District. State where the
Anoyos Matucano and San Francisco
are?

Answer. The Rancho is between the two
creeks. I suppose it touches both creeks
but I do not know the boundaries of the
Rancho

Antonio Peratta

Subscribed and sworn to before
me this 20th day of January A.D. 1855

Peter Lott Commissioner

The foregoing deposition maybe considered
in evidence with the same force & effect
as though taken and filed before the
Submission

J. S. McKim

U. S. Agent

Filed in Office Jan. 23. 1855

Geo. Fisher Secy

Recorded in Ev. B Vol 11 p 257

Geo. Fisher Secy

Deposition of
Anlo. M. Pico

United States of America
State of California

San Francisco January 27. 1855

This day came before Peter Lott Commissioner
for taking testimony to be used before the
Board U. S. Lane Commissioner in said
State Antonio Maria Pico a witness on
behalf of the Claimants Domingo Peratta
in Case No 306 on the Docket of said
Board, and said Pico being sworn
deposed in Spanish, which was interpreted
by the interpreter to said Board as follows

The U. S. Agent is present

Questions by Mr. Carpenter for Claimant
1st District. What is your name age
and place of residence?

9
Answer. My name is Antonio Maura Pico
My age is forty five years and I reside in
the City of San Jose?

2d. Question. How long have
you lived in California, and what offices
if any have you held under the Spanish
government?

Answer. I have lived in Califor-
nia all my life, and have held the offices
of Alcalde of the jurisdiction of San Jose
and deputy & Elector of the Electoral College.

3d. Question. State whether you
are acquainted with the hand writing of
Jose Figueroa and Augustin V Zamorano
and whether or not you have ever seen
them write?

Answer. I am acquainted with their
hand writing and signatures and I have
seen them write.

4. Question. Examine the document
now shown you purporting to be a grant in
in the Spanish language to Maximo
Martinez & Domingo Perilla which docu-
ment is marked "Doc. H. J. T. N. 1" annexed
to the deposition of Wm. Richardson before
Com. H. J. Thornton" and is filed in Case No 36
before the Board of L. & Land Commissioners
and a certified copy of which is filed in
this Case No 36. Marked B 4 and state
whether or not the signatures on said
document, of Jose Figueroa, Augustin
V Zamorano and Zamorano, and their
genuine signatures?

Answer. I have examined the
document described in the foregoing question
and the signatures thereon are the genuine
signatures of Jose Figueroa and Augustin
V Zamorano.

5. Question. State what official
positions if any, the said Figueroa and
Zamorano held in California in the years
1833 & 1834.

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Answer. In 1833 and 1834 Jose Figueroa was Gobernador and Comandante General and Teodoro was Secretary of the Territory of Upper California.

6th Question. Examine the Document now shown you being a document in the Spanish language marked Exhibit No 3 to deposition of Wm. A. Richardson taken in No 36 U. S. Land file in Case No 36 before the Board of U. S. Land Commissioners, a certified copy of which is filed in this Case No. 306 marked "B 3" and state whether you are acquainted with the deposition signatures of Jose Beneyra, Jose Ma. Alysa, Ygnacio Martinez, Jesus Chuboyu, Juan de Prado Mesa, Manuel Pena, and Dolores Pacheco, and whether or not you have seen them write, and if you state whether the several signatures to said document are genuine signatures respectively of the said persons?

Answer. I have examined the document described in the foregoing question and the signatures thereof are the genuine signatures respectively of the persons named in said interrogatory. I have seen them write and am acquainted with their signatures.

7. Question. Look again upon said document, and state whether you are acquainted with the scribbles used on official papers by Jose Casto, Nicolas Gutierrez, Angel Ramirez & Jose Figueroa. If you state whether the scribbles on said documents attached to the names Casto, Gutierrez, Angel Ramirez, A Ramirez, Ramirez and Figueroa, are the genuine signatures of said persons?

Answer. I am acquainted with the scribbles commonly used by the persons named in the foregoing interrogatory, when signing official papers, and I find the scribbles mentioned in said interrogatory to be their

11
genuine signatures.

8th. Question. What office if any did José María Belvis hold in the year 1836?

Answer. He was Constitutional Alcalde of the Pueblo of San José Guadalupe 9 Decem. Examine the Document now shown you marked "S49" and filed in this Case No 306. (Said document purporting to be a true Copy of an Original Expediente in the Office of the Surveyor General and as such certified by the late Surveyor General state whether the signatures thereto are the genuine signatures of the persons who purport to have signed it?

Answer. I have examined the document described in the foregoing interrogatory and I find the signatures thereto to be genuine true signatures respectively of José María Basques, José Figueroa, Leguista y Samorano, Solvó Pacheco, Estrada, Fr. Francisco García Leego, Rafael González, Carlos Antonio Carillo José y Ortega, José A. Estrella, José Castro Juan B. Alvarado. I have seen some persons write and know their signatures.

10. Question. Do you know the Rancho called "Canales Verde de Madua" if yea, where is it situated?

Answer. I do know it. It is situated some four or five leagues North Westwardly from San José in Santa Clara County.

11. Question. State what you know of any thing concerning the occupancy of this Rancho by Domingo Peraltá.

Answer. Immediately after the Concession of the Rancho by the Governor, Domingo Peraltá occupied it in Company with Maximo Martínez. They built a house of woods upon the Rancho and lived in it, with their families. They also kept upon it herds of Cattle and droves of horses, and had Corrales and fences. A portion of the land was cultivated by them.

They built the house upon the land and occupied the same, and cultivated the same, before the grant was made, and were then in possession and occupying the land at the time of the Concepcion Domingo Peratta. Continued to live there after the Concepcion was made about two or three years.

Crop Examined by the U. S. Associate Survey Agent.

1 Question. Describe the house which your say was built on said land and state the extent of the cultivation

Answer. The house was a temporary one. It was about 15 varas in length and 10 varas wide. The planting was in several places about 400 or 500 varas square more or less.

Antonio de Pico

Subscribed and sworn to before me on the 27th day of January A.D. 1855

Juan Lotte Commissions

The foregoing deposition is recorded in accordance with the same force and effect as though the same had been taken and filed before the notary public of the case, No 306

Juan's Blancey
Asso. Survey Agent

Filed in Office Jan. 29. 1855.

Geo. Fisher Secy

Recorded in Ev. B. Vol 11 p 383

Geo. Fisher Secy

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I George Fisher Secretary of
the Board of U. S. Land Commissioners
Do hereby certify the foregoing to be
a full, true and correct copy of a Map
on file in Case No 36. Maximilian
Martinez Claimants and that the same is on file
among the Archives of said Board
and in my care and custody, as such
Secretary.

Witness my hand this third
day of January, A. D. 1855.

signed Geo. Fisher

Secretary

Filed in Office Janry. 23rd 1855

sig: Geo. Fisher Secretary

14.

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Jurisdiccion del Pueblo. n^o 4. Año de
de S. José Guadalupe. 1833.

H. I.

Expediente.

Exhibited in the Depoⁿ
of Antonio M^o Pico
in case n^o 306 in 4th
question in chief
therein.

January. 24. 1855.
P. Lott. Com^r.

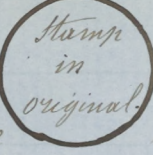
Expediente

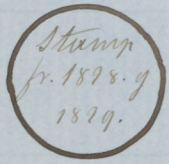
Sobre el paraje nombrado Cañada del Corte
de Madera, solicitado p.^a su cultivo por
Maximo Martinez y Domingo Peratta.

6.

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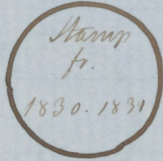
3. LDH.

Sello terrenal  Dos Reales.
Puri los años de mil ochocientos veinte y seis y
ochocientos veinte y siete.

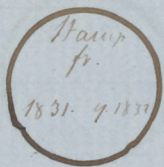


Sor Comandante Gal y. Geje' Sup^{or} Politico.
Los ciudadanos Maximo Martinez y Domingo
Peralta vecinos del Pueblo de San Jose Guad

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aluse y naturales del Presidio de San Fran^{co}
hijos Inetos de fundadores de la tierra, de la
Religion Catolica apostolica Romana sus hijos
labradores ante V. S. con el mas debido respeto
y sumision comparece alla lugar en derecho
a se presenta q. abienlose presentado con
fecha de 16 de Diciembre del año proximo



pp^a al Sor. Comandante Militar, Ciudadano Agustín
Vicente Ramonau, como consta del papel que lepus
cutante acompañar a V. S. en solicitud del parage
llamado la Cuada del corte de Maclera que
tiene los linderos que se espesan en el citado papel
p^a fomentarlo con agricultura de labores, y poner
sus cortos bienes que de este modo poder ocurrir
a las necesidades de sus crecidas familias en el
los terminos que lla espesa el repetido memorial.
acompañando tambien a V. S. el diseño del citado
parage que V. S. se voriente: In siguiendo a V. S. abor
ambos servido a la nacion con onraotes: el primero
once años en la caballeria y cinco en la milicia de
artilleria. Yel segundo aberse lastimado en el servicio
por culpa causa le dieron sustancia asiluramente
se sentan difuso y molestar la ocupaciona atencion
de V. S. me esteveria mas però conociendo la atta
penetracion de V. S. con su gran benignidad esperamos
se digne su superioridad atender a nuestra peticion
por que a mas de no perjudicar a nadie nos era
felices. Por tanto A. V. S. pedimos y suplicamos
se digne poder en haber si asi lo allowe en justicia
en que recibiremos gracia y merced.

3. LDH.

Arroyo de los vitiguados. firma. José Maria Basques.

Monterrey Abril 24. de 1833.

De conformidad con las leyes de la materia suprime el Ayuntamiento del Pueblo de San José Guadalupe, si los interesados tienen los requisitos necesarios para ser atendidos en su solicitud. Si el terreno que pretenden esta comprendido en las veinte leguas limitrofes o litorales que expresa la ley de diez y ocho de agosto de mil ochocientos veinte y cuatro se ha pertenecido o pertenece a propiedad particular corporacion o Pueblo de donde por baldio con todo lo demas que sea conveniente a ilustrar la materia.

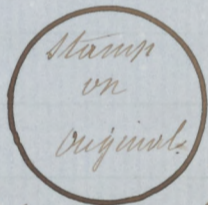
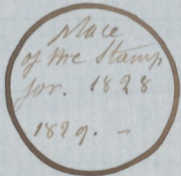
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Digueros. et Justín P. Ramonero. Srto.

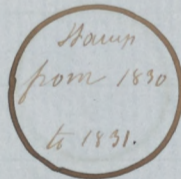
Cumpliendo con el sup^{or} decreto debo decir que las partes interesadas son vecinales del pais vecinas pertenecientes en este conoscielas de curules laboriosas con 200. 40. cabezas de venes de campo y el terreno que solicitan estos y ha estado desocupado no tiene el numero de leguas litorales ni las 20 limitrofes mas con todo esto no se perjudiquen los coluantes por el sabrado campo que tiene este sitio.

5023K.

Sello Tercero Dos Reales.
Para los años de mil ochocientos veinte y seis y de mil ochocientos veinte y siete. Pueblo de S. José Guadalupe. Ab 30 de 1833.

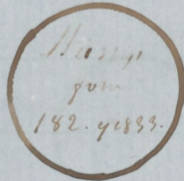


6124K.



Salvo Pacheco.

Sello cuarto una Cuartilla.
Habilitado provisionalmente por la Comisaria Subalterna Interina del puerto de Monterrey de la Alta California por los años de mil ochocientos treinta y uno y ochocientos treinta y dos.
Victoria. Extraola.



Sr. Comandante Militar.

Monterrey. 19 de Dbre de 1833.

Los señores donos Mercedes Martínez y Domingo Peraltá, con la mayor sumision y debido respeto que deben a V. se presentan así como la

Pueden los citados a los efectos de esta instancia

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hacer sus Siembras en el parage q. repieren en el concepto de no perjudicar a los colonos - antes q. tubieron y ademas circularian de hacer su gestion con los requisitos de ley a la vez y se pres- ente en el Territorio el Sr. Jefe Superior Politico quien resolvera en la materia lo q. tubiere por conveniente.

Zamorano.

7. D.H.

la solicitud del parage nombrado la Cruzada del corte de madera el que esta entre los linderos de la Mision de Santa Clara y el del finado Capitan Ciudadano Don Luis Antonio Arguillo para fomentarlo con agricultura de lino y otros cortos bienes: pues tengo consultado con varios Coludantes y prometen no poner mas embargo aho. reduciendolos desde la punta del Saunal de la Laguna asta los linderos de Santa Clara con las lomas que tiene al Sur y poniente asta la Laguna de Dillevo teniendo el merito de haber sido nuestros padres Yaguas fundadores de la tierra y personas a seruida de buena conducta en la epoca en el servicio de las armas, dicha solicitud a seros en calidad de prestado, que dando sujetos a presentor nos despues conforme la lei por tanto

a V. Suplicamos se sirva proveer a favor de los intereses a los de que le servirán reconocidos.

Pueblo de San José de Guadalupe 16 de Diciembre de 1837.

arruego de los interesados. firma.

Don Ma^a Berreyesa.

8. D.H.

Certifico que mi antecesor el Sr. P. Fr. José Viades dio permiso a los Sres. Don Mariano Martinez y Don Domingo Peratta para que ocuparan un terreno que esta al Poniente de esta Mision y se llama la Cruzada del corte de Madera. No mismo certifico que segun los informes que he tomado, no perjudique a ninguno Rancho a la Mision de mi cargo antes por el

3. 19
Contrario puede ser muy útil: por los serlos que le pres-
-enden sujetos honrados y puros los efectos que conuigo
doy la presente en la Misión de Santa Clara. a 14 de
Marzo de 1833.

9. 104.

Fr. Fran^{co}. Garcia Diego.

Here follows map or plan.

3

10. S. D. K.

Sello Cuarto de Oficio.

Habilitado provisionalmente por la administración
de la aduana Maritima de Monterrey de la alta
California para el bien de mil ochocientos treinta y dos
y mil ochocientos treinta y tres.

Piqueras.

Papel Jorales.

Monterrey. 18 de Mayo de 1833.

Vista la petición con que da principio este expediente
el informe de la autoridad Municipal del Pueblo de
San José Guadalupe, certificado del padre Ministro
de la Misión de Santa Clara con todo lo demás que
se tuvo presente y ver conuino de conformidad por
lo dispuesto por las leyes y Reglamentos de la
Materia se declaró a los ciudadanos Narciso
Martinez y Domingo Peralta dueños en propiedad
del terreno conocido con el nombre de la Cañada de
Corte de Madera colindante con otra Misión y el rancho
de las Pulgas sujetos a las condiciones que se estipularon
librese el despacho correspondiente, tomese razón en el
libro respectivo y dirijase este expediente por la debida
aprobación a la Junta. Deputación Territorial en cuyo
caso los interesados a quienes se le hará saber un decreto
presentaran nuevamente su título para que lo revale
El Sr. Don José Piqueras, Comandante General Inspector
y Jefe Superior Político del territorio de la alta California
a lo nuevo decretó y firmó. Dox fee.

José Piqueras.

Agustín V. Kraussano.

Seo.

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11. S.D.H.

el cuatro del mismo año habiendo ocurrido Maximo Martinez por si y a nombre de su compañero Domingo Peralta a esta Secretaria de mi cargo se lo tengo al antecedente decreto del Sr. Jefe Superior Politico y entiendo de el digo que lo oye y por no saber escribir lo signo con una cruz.

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12. S.D.H.

Agustin N. Huamran.

Jose Piguerra General de Brigada de los Ejercitos Mexicanos, Comandante General Inspector y Jefe Superior Politico del Territorio de la Alta California.

Por cuanto Maximo Martinez y Domingo Peralta han pretendido para su beneficio personal y el de sus familias el terreno conocido con el nombre de la Cañada del Corte de Madera Colindante con la Misión de Sta Clara, Rancho de las Pulgas y tierra de Sta Cruz: practicadas previamente las diligencias y averiguaciones convenientes segun lo dispuesto por leyes y reglamentos: usando de las facultades que me son conferidas a nombre de la nacion Mexicana he venido en concederles el terreno mencionado, declarando les la propiedad de el por las presentes letras sujetandose a la aprobacion o desaprobacion de la Exma Diputacion Territorial y del Supremo Gob^{no} y bajo las condiciones siguientes.

1.^a Que se someteran a los que estableciere el reglamento que se ha de formar para la distribucion de terrenos baldios y que entretanto si el agraciado o sus herederos podran dividir ni enagenar el que se les adjudica: imponer censo, vinculo, fianza hipoteca ni otro gravamen aunque sea por causa piedadosa ni pasarlo a manos muertas.

2.^a Podran cercarlo sin perjuiciar las traversias Caminos, y servidumbres: lo disfrutaran libre y esclusivamente, destinando lo al uso o cultivo que mas le acomode: pero dentro de un año a lo mas fabricaran casa y estara habitable.

13.

Cuando se le confirió la propiedad solicitada

21)
14 SDH

14 SDH

del Juez respectivo que les dé posesion Juridica en virtud de este despacho por el cual se demarcaran las lindas en cuyos limites, podrian o unas de las montañas algunas arboles frutales o silvestres de alguna utilidad.

1º El terreno de que se les hace donacion es de una legua cuadrada segun explica el decreto que corre en el expediente. El Juez que diere la posesion lo hara medir conforme a ordenanza para señalar los linderos que conste el sobrante que resalte a la Nacion para los usos convenientes.

5º Si contraviniere a estas condiciones perderá su derecho al terreno y será denunciado por otro.

En consecuencia mandó que se le diese de titulo el presente y se le diese por firme y valioso se tome razon en el libro a que corresponde y se entregue a los interesados para su resguardo y otros fines. Dado en Montevideo a diez de Junio de 1833.

14 SDH.

Las Comisiones de colonizacion y terrenos baldios a quienes se pasa el expediente, en la formacion probatoria por parte de los Ciudadanos Maximino Martinez y Domingo Penatta hicieron del paraje nombrado Catriasta del Corte de Churra lo han enmendado con la circunspeccion y correccion de fecho al mismo tiempo presente la ley de 18 de Agosto de 1824 sus concordantes y las disposiciones generales que en 24 de Noviembre de 1828 dictó el Supremo Gobierno de la Nacion para el mejor cumplimiento de la primera; del examen del expediente se ha penetrado la comision de la opinion que se ya tenia de la esenpulsividad y tiro con que el Sr. Jefe Superior Politico lo mandó instruir: de suerte que ni en su formacion se estaba algun requisito testimonial de los practicados.

Por lo dicho concluye la comision ofreciendo a la deliberacion de esta Exma. D. diputacion la siguiente proposicion. 1º Se aprueba la concesion hecha a los Ciudadanos

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Masfiano Martinez y Domingo Peratta del parage nombrado Cahuada de la Corte de Madera concedido en 10 de Junio de 1833 de entera conformidad con lo prevenido en la ley de 18 de Agosto de 1822 y el art 5º del reglamento de 21 de Noviembre de 1828.

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Monterrey. Mayo 1º de 1834.

José J. Ortega. Carlos Antº Carrillo.
José A Estudillo. José Castro.

15. Idm. Monterrey. 14 de Mayo de 1834.

En Sesion de este dia se aprobó por la Exma. Diputacion la preparacion del dictamen antecedente mandandole se devuelva el expediente al Sr. Jefe Superior Político para los fines consiguientes.

José Figueroa. Juan B. Alvarado. Frio.

16 Idm. Sello tercero (seal) Dos Reales.

Para los años de mil ochocientos veinte y seis y mil ochocientos veinte y siete.

(seal pr. 1828. 1829) Monterrey. Junio 11 de 1834.

(seal. for 1830. 1831) En vista de la aprobacion otorgada (seal pr. 1832. 1833) en 14 de Mayo de ultimo por la (seal pr. 1834. 1835) Exma Diputacion Territorial:

Librese testimonio de ella y de este decreto a la parte de Don Masfiano Martinez y de D. Domingo Peratta en confirmacion a la concesion del terreno de la Cahuada del Corte de Madera que obtuvieron en 5º de Junio de 1833. El Sr. Don José Figueroa General de Brigada Comandante General Inspector y Jefe Superior Político de la iltta California asi lo mandó decretó y firmó de que doy fe. José Figueroa.

Agustin V. Canónico. Frio.

17. Idm.

Testimonio

Se aprueba la concesion hecha a los Ciudadanos Masfiano Martinez y D. Domingo Peratta del parage nombrado Cahuada del Corte de Madera, concedido en 10 de Junio de 1833 de entera conformidad con lo prevenido en la ley de 18 de Agosto de 1822 y el artículo 5º del Reglamento de 21 de Noviembre de 1828. ~~Monterrey~~

Monterrey 14 de Mayo de 1834. En sesion de este dia se aprobó p^a la Ex^{ta} Diputacion la proposicion del ob^{te}carren aut^ocedente, mandando se devuelva el es^o - riente al Sr. Jefe Superior Político para las fines conseq^u - entes. = José Piqueroa. =

Juan B. Hernandez. Secretario.

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Monterrey. Junio 11. de 1834. = En vista de la aprobacion otorgada en 14 de Mayo ult^o por la Ex^{ta} Diputacion Territorial: h^orese testimonio de ella y de este decreto a las partes de D. Maximo Martinez y Don Domingo Penalta en confirmacion a la concesion del terreno de la C^omad^a del corte de Madera que obtuvieron en cinco de Junio del año pp^o. El Sr. D. José Piqueroa General de Ob^ogata, Comandante Gen^l Inspector y Jefe Superior Político de la Alta California así lo mandó decretó y firmó de que doy fe. =

José Piqueroa. Agust^o V. Zamorano. Secretario.

Concuerda a la letra con su original del cual h^ose sacar el presente testimonio para resguardarlo de la parte interesada en Monterrey a 11 de Junio de 1834. = Siendo testigos los ciudadanos Agustín V. Zamorano. y Bernabé Navarrete de esta ciudad.

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

I Samuel D King, Surveyor General of the United States for the State of California and as such now having in my office and under my charge and control a portion of the archives of the former Spanish de Mexican Territory or Depart^o - ment of Upper California, Do hereby certify that the Seventeen preceding and herewith annexed page of tracing paper numbered from one to seventeen inclusive and each of which is verified by my initials (S. D. K.) exhibit a true and accurate copy of certain documents now on file and forming part of the

24

Said archives in my office.

In testimony whereof I have herewith signed my name officially and affixed my private seal (not having a seal of office) at the City of San Francisco this 11th day of September, A.D. 1851.

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Samuel D. King.

Secretary Genl. California.

Filed in Office. Jan. 23. 1855.

Gen. Fisher. Secy.

Translation of Jurisdiction of the Pueblo of San Jose
Espediente. Guadalupe. The year 1833

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Record of Proceedings for the place called
"Canada del Cauce de Madras" soleceda for
cultivation by Maximo Martinez and
Domingo Peratta.

Stamp
1828
1839

Stamp
1830
1831

Stamp
1832
1833

Shua Seal Stamp in Two Shillings
For the years Original One thousand eight hundred
and twenty six and eight hundred
and twenty seven.

Señor Comandante General and Political Chief
The citizens Maximo Martinez
and Domingo Peratta residents of the Pueblo
of San Jose of Guadalupe and natives of
the Presidio of San Francisco, Sons and
grand sons of the pioneers of this country,
of the Roman Apostolic religion and laborers
by occupation with the most due respect
and the submission that is right and proper
represent to your Honor, that having presen-
ted under date of the 16th December of the
past year, to the Señal Military Comandante
Cetezen Augustin Vicente Zamorano as appears
by the Document which they beg to accomp-
any to your Honor in soleceda for the
place called the "Canada del Cauce de Madras"
which has the boundaries which are men-
tioned in the said Document, for the purpo-
ses of agriculture, and to place upon
their small herd of Cattle, and in this
manner to be able to meet the necessities
of their increased families in manner and
form as expressed in said Memorial, also
be accompanying to your Honor the map of
the said said place in order that your
Honor may be informed concerning it
remincing your Excellency that they have
both been since the Nation with honor
the former for eleven years in the Cavalry and

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five years in the artillery, and the latter having
been wounded in the service, on account of
which he received a full discharge. We
are not disposed to become disagreeable and to
trouble the much occupied attention of
your Honor we could extend our remarks,
but knowing the great penetration of your
Honor, and your great kindness, we hope that
your Honor will deign to accede to our
petition, because in addition to its not
prejudicing any one it will make us
happy.

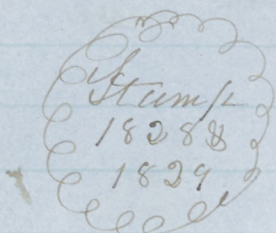
Therefore we pray and supplicate
your Honor that your Honor will deign
to dispose favorably if thus it shall
appear just, in which case we shall
receive favor and kindness
at the request of the parties interested—
(Signed) Jose Maria Basques

Monterey April 24. 1833

In conformity with
the Decree in this matter let me Ayuntamiento
into of the Pueblo of San Jose Guadalupe
report whether the interested parties possess
the qualifications necessary to the granting
of their petition, whether the land for which
they petition is included within the twenty
boundary leagues, or the ten territorial leagues
mentioned in the laws of the eighteenth of
August Eighteen hundred and twenty four,
whether it has belonged or now belongs
to the property of any individuals, corporation
or pueblo or is considered vacant with
whatever else may be calculated to
illustrate the matter.

Se queda
al requesta y Honorano de ay

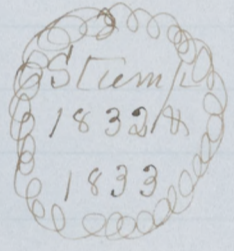
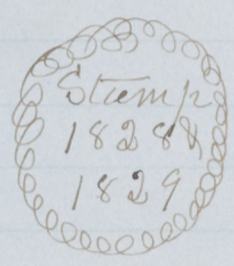
Complying with the Superior decree I must
say that the interested parties are natives of
the country and good permanent residents of



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known honesty, laborious with 200 to 400
head of cattle, and the land which they
select is, and has been in a piece, in not
within the number of better leagues
of the 20 boundary leagues, Moreover the
contiguous neighbors, will not be prej-
udiced, on account of the rich land which
the site contains.

Pueblo of San Jose Guadalupae April 30.
1833 - Salvio Pacheco



Stamp in Original
Third Seal Three Shillings
For the years One thousand Eight hundred
and twenty six and Eight hundred twenty seven

Fourth Seal Three cents
Furnished provisionally for the temporary Seal
for the period of the port of Monterey in
Upper California for the years One thousand
Eight hundred and thirty one and Eight hun-
dred and thirty two.

Victoria Estrella

Senior Military Commandant
The citizen Maximo Martinez and Domingo
Peralta with the greatest solemnity and
due respect present themselves before you
selecting the place named the "Llanada del
Cerro de Medina" which is between the bound-
aries of the Mision of Santa Clara and
those of the deceased the Citizen Don Luis
Antonio Arguello, to occupy it with the
labors of agriculture and with their few
cattle, for I have consulted with both
of the contiguous neighbors and they prom-
ise not to interpose any obstacle limiting
us from the point of the well known of the
Lagoon up to the boundaries of Santa Clara
including the low hills which are at the
South and West as far as the Lagoon of
Guillermo, having the merit of our fathers
and grandfathers having been promoters of the

to country, and ourselves having served with
good conduct in the Epoch in the Service
of the Army.

We make due petition in the
quality of a temporary grant and remaining
to present ourselves in conformity to Law
Wherefore we pray that you will be pleased
to dispose in favor of the interested parties
of which they will live gratified
Pueblo of San Jose Seca de fecha 16 December
1833 - At the request of the interested parties
(Signed) Jose. Mca. Basquez

Monterey 19 of Dec. 1833.

The parties interested in this
application can make their crops upon the
place to which they refer on condition of not
prejudicing the Colominces neighbors who
own them may be, and moreover they shall
take care to present their petition with the
requisites of the Law as soon as the Super-
ior political Chief may present himself
in the Territory, who will determine as he
may think proper in the matter.

Lamorano

I certify my preceptor the Rev. Father
"Fria" Jose Valdez gave permission to the
Señores Don Maximo Martinez and Don
Domingo Parilla to occupy a tract of land
which is to the West of this Mission and
is called the "Cana de la Santa Madre"

I also certify that according to the
information which I have received, this
New Rancho will not prejudice the
Mission of my charge, but on the contrary
may be very useful to it, since those who
select it are honorable persons and for the
purposes which may be convenient I give
this in the Mission of Santa Helena the 17th
of March 1835

Fria "Francisco Garcia Diego

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Proceed provisionally by the Administration
of the Maritime Custom House of Monterey
of Alta California for the years One thousand
Eight hundred and thirty two and Eighteen
hundred and thirty three
Figueroa Rafael Gonzalez

Monterey May 18. 1833

Having seen the petition with which this
record of title begins, the report of the
Municipal Authority of the Pueblo of
San Jose Guadalupe the certificate of the
Father of the Mission of the Mission of
Santa Clara with all the rest which was
present and which it was convenient to
see in conformity with that which is de-
termined by the Laws and regulations in the
matter, the Citizens Maximo Martinez and
Domingo Parilla are declared Owners in fee
of the tract of Land known by the name
of the "Lanada del Valle de Macana" born
des by Juan Mepion and by the Ranch of
Las Pulgas, subject to the conditions which
may be stipulated

Let the Corresponding despatch be issued
let a note be taken in the respective Book
and let this record of proceedings be trans-
mitted for its due approval to the Excel-
lent Territorial Department, in which case
the interested parties who shall be informed
of this Decree will present their title anew
in Order that it may be confirmed -

The Senor Don Jose Figueroa Comandante
General and Inspector and Superior Political
Chief of the Territory of Alta California
thus Ordered decreed and signed it
I certify

Jose Figueroa
Inspector y Comandante

On the fourth day of July of the
same year having come for himself and
in the name of his Companion Domingo Parilla

to this office of the Secretary under my
Charge, the preceding decree of the Honor
Superior Political Chief was read to him
and being possessed of its contents, he said
that he read it and not knowing how
to write he signed it with a cross X

Acquiesced by Samorano

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José Figueroa Brugada General of the Mexican
Arms Commandant and Inspector General
and Superior Political Chief of the Terri-
tory of Alta California.

Whereas Mariano
Montoya Domingo Parilla have petitioned
for their own benefit and for that of their
families for the tract of Land known by
the name of the "Lanada del Cortado Madra
bounded by the Mapin of Santa Lucia
the Rancho of the Las Pulgas and the
high Mountain of Santa Lucia the proper
inquiries and investigations having been
previously had according to that which
has been provided by the laws and regu-
lations, respecting the papers which were
confused upon me in the decree of the fifth
of the present month, I have determined to
grant them the lands mentioned declaring the
full ownership of it to be theirs by these
presents, said grant being understood to be
in entire conformity to that which is Comman-
ded by the Laws, subject to the approval
or disapproval of the Most Excellent
Territorial Deputation and of the Supreme
Government Under the following conditions

1st That they shall submit themselves to
those which the regulations may establish
which will be made for the distribution
of vacant Lands and that meanwhile
neither the grantees nor their heirs can divide
or alienate that which is appropriated to
them, impose quit rent, entail, reversion

Mortgage, or any other burden even though it may be for a pious purpose.

22. They may enclose the Land without injury to the ways roads and sometimes they may enjoy it freely and exclusively, reserving it to the use of a Cultivation which may best serve them, but within One Year at the furthest they shall build a house and it shall be inhabited.

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23. When the property shall be confirmed to them they shall petition the proper Judge that he will give them judicial possession by virtue of this patent, by whom the boundaries shall be marked out, at the Extremities of which they shall place besides the Monuments some fruit trees or forest trees of some utility.

24. The Land of which donation is made is One Spanish League in extent as is shown by the Map which runs with the Espectante. The Judge who shall give the possession shall cause it to be measured according to the Ordinance in Order to designate the boundaries, the Overplus which may result remaining to the Nation for its convenient use.

25. If they violate the Conditions they shall lose their right to the Land and it shall be alienable by another.

Wherefore I command and shall upon the present serving them for a title and being held as firm and valid let it be recorded in the Corresponding Book and let it be delivered to those in interest for their security and for other ends.

Given in Montevideo the tenth of June 1833.

The Commissioners of Colonization and Vacant Lands to whom was referred the Record of proceeding annexed to the petition which the Celeros Maximo Montuzy and Domingo Perilla made for the place named Comandancia de la Sierra de Macanea, have Examined with the Circumspection which was due to it, having present at the same time, the Law of 18th of August 1824, its regulations and the general provisions which the Supreme Government of the Nation decreed on the 24th of November 1828 for the better carrying into effect of the former Law. From an Examination of the Expediente the Commission has been presented with the Opinion of which it already has of the said Expedientes and proceeded with which the Supreme Political Chief has Commanded to be enforced, so that neither in its formation has any special requisite been neglected nor in the investigations

Wherefore the Commission comes decided by Officers for the celebration of this Most Excellent Deputation the following proposition.

1st The grant of the place named Comandancia de la Sierra de Macanea made to the Celeros Maximo Montuzy and Domingo Perilla on the 10th of June 1833 in virtue Conformity to the requirements of the Law of 18th August 1824 and the 5th article of the regulation of Nov. 21. 1828 is approved

Montuzy. May 10. 1834.
Jose Ortega
Jose A Estrada

Señor Ant. Canillo
Jose Castro

Montuzy May 17. 1834

In this Sepcion of this day was approved by the Most Excellent Deputation the foregoing resolution, Commanding that the Expediente be returned to the Supreme Political Chief of the Consuecra

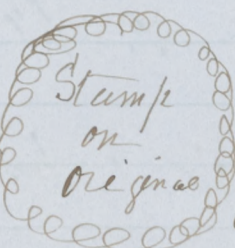
purposes.

Jose Figueroa

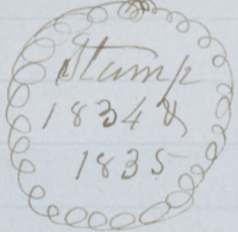
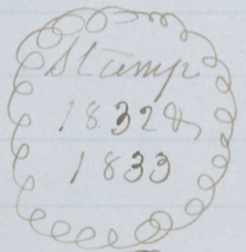
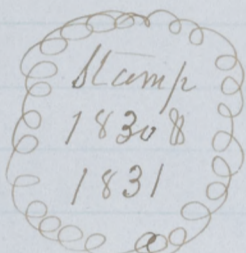
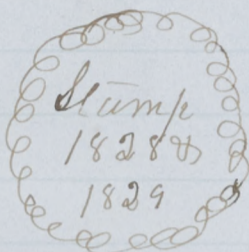
Juan B Alvarado Secy

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Seal This
For the years one
and twenty six
twenty seven.



Two Shillings
thousand Eight hundred
and Eight hundred and
twenty seven.



Monday June 11 1834.

In view of the approval given on the 17th of May last by the Most Excellent Provincial Deputation let a testimonial of the decree be issued to the parties Don Maximo Martinez and Don Domingo Peratta a confirmation of the grant of the Land of the Comada del Valle de Medera which they obtained on the 5th June 1833. The Don Jose Figueroa General of Brigade, Commandant General & Inspector & Superior political Chief of Alta California, thus Commanded decreed and signed which I certify.

Jose Figueroa

Augustin V Zamora

Testimonial

The grant to the citizens Maximo Martinez and Domingo Peratta of the place named Comada del Valle de Medera made on the 10th of June 1833 in entire conformity to the requirements of the Law of 18th Sept 1824 and article 9th of the regulation of No. 21 1828 is approved

Monday May 17. 1834

In the Session of this day the proposition of the foregoing resolution was approved by the Most Excellent Deputation directing the Expediente to be returned to the Superior political Chief of the consequence in case Jose Figueroa Juan B Alvarado Secy

Monterey June 11. 1834

In view of the approval given on the 17 of May last by the Most Excellent Territorial Deputation, let a Testimonial of it and of this decree be issued to the parties of Don Maximo Martinez and Don Domingo Puente in confirmation of the grant of the lands of the Canales del Valle de Madera which they obtained on the 7th of June of the past year.

The Srn Don Jose Figueroa General of Brigades and Inspector General and Superior Political Chief of Alta California thus ordered decreed and signed in which I certify
 Jose Figueroa
 Augustin V Zamorano Secy

It agrees to the letter with its Original from which I caused the present testimonial to be taken for the security of the interested party in Monterey the 11 of June 1834 being witnesses, the Citizens Augustin V Zamorano and Bernardo Navarrete of this place

Filed in Office Jun 23rd 1855

Geo. Fisher Secy

Sello Primero Seis pesos.

Habilitado provisionalmente por la administracion de la Actuaria Maritima de Monterrey para los años de mil ochocientos treinta y tres y mil ochocientos treinta y cuatro.

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Figueroa.

José Rafael Gonzales.

José Figueroa, General de Brigada de las Ejercitas Mexicanas, Comandante General Inspector y Jefe Superior Político del Territorio de la Alta California.

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(S. L.) Por cuanto Máximo Martínez y Don Domingo Peratta han pretendido para su beneficio personal y el de sus familias el terreno conocido con el nombre de la Cañada del Corte de madera colindante con la Misión de Santa Clara, Rancho de las Pulgas y Sierra de Santa Cruz: practicadas previamente las diligencias y averiguaciones concernientes según lo dispuesto por leyes y reglamentos: uso de las facultades que me son conferidas, en virtud del título del Corriente a nombre de la Nación Mexicana, he venido en concederles el terreno mencionado ~~de la~~ declarando les la propiedad de él por las presentes letras, teniendo dicha concesión con entera conformidad a lo dispuesto por las leyes a reserva de la aprobación o desaprobación de la Reverendísima Diputación Territorial y del Supremo Gobierno y bajo las condiciones siguientes.

Primera. Que se someterán a las que estableciere el reglamento que se ha de formar para la distribución de terrenos baldíos y que entretanto ni los agraciados ni sus herederos podrán dividir ni enajenar el que se les adjudicó: imponer censo, vínculo, finca, hipoteca ni otro gravamen, aunque sea por causa pía ó para su propio uso.

Segunda. Podrán cercarlo sin perjuicio de las trovas, caminos y servidumbres: lo disfrutará libre y esclaramente destinándolo al uso o cultivo que mas les acomode: pero dentro de un año fabricará casa y estera casa habitada.

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Tercera. Cuanto se les conferiere la propiedad Sabiduría del Juey respectivo que les dé posesion Juri'dica en virtud de este despacho por el cual se demarcarán los terrenos en cuyos límites podran á mas de las matorras, algunos arboles frutales ó árboles de alguna utilidad.

Quarta. El terreno de que se hace donacion es de una legua cuadrada segun explica el dicho que corre en el expediente. El Juey que diere la posesion lo hará medir conforme á ordenanza quehubo el sobrante que resalte á la Nacion para los usos convenientes.

Quinta. Si contraviniere á estas condiciones perderán su derecho al terreno y será inalienable por otro.

En consecuencia mando que teniendose por firme el titulo y teniendose por firme y valido se tome razon en el libro á que correspondan y se entregue á los interesados para su resguardo y demas fines. Dado en Monterrey á diez de Junio de mil ochocientos treinta y tres.

José Piquero. Agustín V. Zamorano. Sec. Queda tomada razon en el libro de asientos de Titulos sobre adjudicacion de terrenos a foyas ocho numero ocho que obra en la Secretaria de mi cargo. Monterrey. Junio diez de mil ochocientos treinta y tres. Zamorano.

I George Fisher. Secretary to the U.S. Land Commission to ascertain and settle private land claims in the State of California hereby certify the foregoing to be a true and correct copy of a document in case n^o 36 Murray Chanting v. S. the United States for the place named "Carranca del Corte de Madena" now on file in this office.

In testimony whereof I have hereunto signed my name at office, at the City of San Francisco

7. 37

my name at office, at the City of San Francisco
This 2^d day of January. 1855.

Gen. Fisher. Secy.

N^o 36.

Maximo Martinez.

Ciudad del Norte de Madena.

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Doc. H. S. N^o 1. annexed to the Depo. of W^m A. Reidson
before Comr. H. T. Whouston.

Filed in Office. Feby. 8. 1853.

Gen. Fisher. Secy.

Recorded in Record of Ind^{es} Vol. 6 pages 364. 365.

Filed in office. Jan'y 28. 1855.

Gen. Fisher. Secy.

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Translation of
"Title B 3"

Jose Figueroa General Brigade of the
Mexican Armies, Commanding General Inspec-
tor & Superior Potestatal Chief of the Territory
of Alta California.

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Whereas, Maximo Mut-
inez and Domingo Peratta have solicited for
their personal benefit and that of their fam-
ilies the land known by the name of the
Lanada del Monte de Madona, bounded
by the Mission of Santa Clara Rancho of
Las Pulgas and Sierra of Santa Cruz,
having previously taken the necessary steps
and informations concerning it, according
to the Laws and regulations; using the
powers vested in me by a decree of the
15th of the current month, in the name
of the Mexican Nation I have determined
to grant them the maintenance land declaring
to them the property thereof by these present
letters, it being understood said concession
to be in entire conformity with the provisions
of the laws, subject to the approval or disap-
proval of the Most Excellent Territorial
Deputation, and that of the Supreme Govern-
ment, and under the following conditions

First. That they shall submit themselves to
that which may be established by the
Regulation made for the distribution of
New Land, and that in the mean-
while neither the grantees nor their heirs
shall divide or transfer that which is
allotted to them, impose servitude,
encumbrance, bond, hypothecate or other
burden not even if it be for a religious
cause nor put it into mortmain

Second. They may fence it without prejudicing
the paths, roads, and servitudes; they shall
enjoy it freely and exclusively, destining
it to the use or cultivation which suits
them best; but within the space of one

year at the furthest, they shall construct a
house and it shall be inhabited

Third when the property shall be conveyed
to them they shall select of the respectable
people that he give them judicial possession
by virtue of this Decree, by which the
boundaries shall be marked, on whose
limits they shall place besides the cones
marks some fruit trees or well ones of
some utility.

Fourth. The lands of which donation is
made to them is of one league league
as the plan which is in the Expediente
Expressing. The people who will give the pop
e spin will have it measured according to
the Occurrence to show the boundaries,
keeping the boundaries which may result
for the Nation for convenient uses.

Fifth. If they contravene with these conditions
they shall lose their right to the lands and
it will be denounced by another

Consequently I order that
these presents shall serve them as a title
holding it as firm and valid, that it
be registered in the Book to which it
corresponds, and that it be delivered
to the interested parties for their safety
and other ends

Given in Monterey June tenth eight
hundred and thirty three

(Signed) Jose Aguirre
(Signed) Gregorio N. Zamorano Secretary

Registry has been taken in the Book of
titles for the Expediente of Sanas
Folio Eight. Number Eight; which is in
the Secretary's Office under my Charge
Monterey June tenth eight hundred and thirty three
(Signed) Zamorano.

#1

I certify the foregoing to be a true and correct translation from the Original Spanish Document on file in this case No. 306 Mariano Martinez of the place named "Canales del Gate de Madara" (Signed) Geo. Fisher Secy.

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I George Fisher Secretary to the U.S. Board of Land Commissioners do hereby certify the foregoing to be a true and correct copy of a document marked "Translation of name by Jose Tequenon, being marked S. P. S. No. 1 and annexed to the depo. of Wm A. Richardson before Commissioner H. S. Thurston and filed in Office February 8. 1853 in case No. 36 United by name this 30th day of December 1854

Geo. Fisher Secy

Filed in Office Jan 23. 1855

Geo. Fisher Secy

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8. 43

Juzgado Constitucional }
de S. José de Guadalupe. } Año de 1836.

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B.2.

Expediente instruido p^o medir y dar posesion
de un sitio de Ganado Mayor al C. Maximo Martinez
del terreno conocido con el nombre de la Cañuela
del corte de Maidera.

Jues el Alcalde Constitucel
de dicho Pueblo.

Asistencia
Jose Berreyra.
Ygnacio Martinez.

Sello Cuarto una Cuartilla.

Habilitado provisionalmente por la Aduana Marítima de Monterrey de la Alta California por los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Castro.

Angel Ramirez.

Revalidado por el bienio de 1836 y 1837.

Guatemala.

A. Ramirez.

Sr. Alcalde Constitucional.

El C. Maximino Martinez ante V. como unos huera lugar en derecho dijo: que habiendose me concedido por la Excm. Deputacion Territorial, el terreno conocido con el nombre de la Canchala del Corte de Maestra segun lo acredita el titulo que respectivamente acompaño y diseño que le sigue: pido a V. se sirva dar me la posesion Juridica de el que es de un sitio como las formalidades de la ley pa evitar todo perjuicio.

A. V. S. Suplico se sirva proveer como pido por ser de Justicia q. imploro y Juro lo necesario. L.

S. José de Guadalupe. 13 de Febrero. de 1836

Arruego del interesado.

José Berreyera.

Por presentada esta peticion con los documentos q. espresa citeuse a los colibrantes y hayase informacion de identidad, vista de ojos y reconocimiento de dichas tierras. El C. José Maria Alvisu Alcalde Constitucional al Pueblo de S. José Guadalupe actuando por receptoria con dos testigos de asistencia a falta de embargo, et Publico an lo propio, actuó y firmó con los de mi asistencia.

José M^o Alvisu. as^o José Berreyera.

Ignacio Martinez.

En el expresado Pueblo a las quince dias del mismo mes y año el C. Alcalde Constitucional con los de su asistencia pa proceder a la informacion de identidad q. espresa el auto de su uso, hizo comparecer al C. Luis Chaboya en su persona q. concurso, le cito

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Vecino de este pueblo de oficio labrador, casado al cual se le recibo juramento que hizo por Dios nuestro Señor y la señal de la Santa Cruz por el que prometió decir verdad: y habiendolo lo hizo sobre el convenio q. tenga de las tierras y parajes, terminos y linderos pertenecientes al rancho nombrado la Cerrada del Corte de Madera: dijo que hace mas de veinte años que es vecino de este pueblo y sabe positivamente que las tierras por que se le preguntan han pertenecido al C. Maximiano Martínez y tiene por linderos conocidos el Arroyo de S. Maniquito: con el arroyo del matadero, los cuales a visto y reconocido varias veces, y desde que las posee otro. Martínez las ha labrado y cultivado plantando en ellas sus ganados y que para prueba de lo que tiene otro. esta pronto a ir a otros. tierras con el presente Alcalde y señalarle los parajes terrenos y linderos donde llegan: que lo que llevo otro es la verdad por el juramento q. tiene hecho en que se afirmó y ratifico, leida que le fue esta declaracion, habiendo ser de edad de cuarenta y cuatro años que las generales no le tocan y lo firmó con el presente Alcalde y los de su asistencia.

José M^a Albizu. aka. José Berreyra.
Luis Chaboya. Ignacio Martínez.
Inmediatamente lo el mencionado Alcalde con los de. =

Sello Cuarto una Cuartilla.

Habilitado provisionalmente por la Notaria Marit^a de Monterrey de la Alta California para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Castro. Angel Ramirez.
Revalidado para el bienio de 1836 y 1837.

Puertorrey. A. Ramirez.
mi asistencia me comparecer ante mi Juan Soto en su persona que conocemos vecino de esta Jurisdiccion de oficio labrador, casado al cual se le

10. H 7

y Tierra alta que corre de norte a sur, las cuales
ha sido y reconocido varias veces, y desde que las
posee Dho. Martinier las ha labrado y plantado en
ellas sus ganados y que para prueba de lo que
y conocimiento de cuanto tiene Dho. esta pronto a ir
a otras tierras con el presente Alcaide y señalarle
los parages, terminus y linderos donde lleguen que
lo que tiene dicho es la verdad a cargo de lo que
prestado en q. se apruebo y ratifico, leida que le fue
esta exposicion, diciendo ser de edad de veinte y
siete años y que las leyes de la ley no le tocan; un
firmamento por no saber pero lo unifico el Alcaide
con los de su asistencia. app.

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José Maria Albizu. José Berreyra.
Maximo Martinier.

En el expresado pueblo en el mismo dia, mes y año
se libraron boletas de comparendo a los coludantes
Padre Ministro de la Misión de Sta Clara y Dona
Soledad Ortega.

Sello Cuarto una Cuartillo.

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

Figueroa. A. Ramirez.

Provalidado para el bienio de 1836 y 1837.

Gutierrez. A. Ramirez.

para que comparen sus rayonamientos en el Rancho
titulado La Cuñada del Conde de Madera para que
el dia diez y ocho del presente mes y enterados ambos
de este auto contestaron de que asi lo ejecutarán
y se dan por citados, firmando lo con el presente
Alcaide y los de su asistencia.

José M^o Albizu. D^o. José Berreyra.

Ignacio Martinez. Juan de Pablo Mesa.
Manuel Pena.

Estando en el campo en el parage que les llaman
La Cuñada del Conde de Madera, en diez y ocho de

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* del presente mes y cuarenta y seis de este año contados
 * fueron ~~ya~~ de febrero de mil ochocientos treinta
 y seis: Yo el Alcalde Constitucional actuando por cap-
 toria con dos testigos de asistencia o falta de escriban
 publico, los testigos jurados enmendarados, presente el
 dicho Francisco Martinec ee. Juan Pablo Mesa y
 Leonardo Pelones ambos Mayordomos de las partes.
 Circunvecinos, procedi a ver y recorrer las tierras de
 dicho rancho y pa su mayor claridad iba o por
 puesto a caballo en compania de todas las partes
 y testigos referidos, mande a los susodichos me-
 scualosen los parages, terminos y linderos de ellas,
 segun las señales que han declarado en sus dipos-
 -iciones y en su conformidad quarian a la parte
 del norte hasta llegar a una haguera permanente
 a linea de unas penascas del arroyo de San
 Francisco de alli se procedio al reconocimiento
 y vista de ojos, acia al O. caminando por la orilla
 de dicho arroyo, hasta llegar a la parte de las ramas
 bajas y ser terminos y linderos de las espedas tierras
 de la finca del norte de manera: desde dicho
 parage se contina dicha, vista de ojos caminando
 acia al S. hasta llegar al arroyo del mataolero
 termino y linderos de las susodichas tierras: y de
 alli se procedio al reconocimiento y vista de ojos y
 acia al N. hasta llegar al Rincon que hace la Sierra
 alta por ultimo linderos de las mencionadas tierras
 cuyos parages Yo el Alcalde Constitucional vi y
 recorri con los de mi acta. testigos espedados y
 papeles presentados y cotizando dicho reconocimiento
 con ellos halli ser cierta su indentificacion de las mencionadas
 tierras segun y como declaran dichos testigos, y
 por que lo pongo por diligencia y lo firmo con
 los de mi asistencia y demas que supieren. doy fe.

José M^a Albu.
 asst. José Berreyeta. Ignacio Martinec.
 Juan de Pablo Mesa.
 Manuel Peña.

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En el mismo día, mes y año Yo el Alcalde constitucional digo que para proceder a las medidas contenidas en estos autos cuando se notifique a Dho. C. Maximino Martínez a que los medidores nombrados son los ciudadanos Dolores Pacheco y Manuel Peña, presenten en materia de medidas y en su consecuencia elijo lo oye y que combiene en dho. nombramiento por lo cual cuando dho. Alcalde se notifique a los expresados medidores nombrados el día ochavo y ocho. nueve. Sello Cuarto una cuartilla.

Elabillado provisionalmente por la Administración de la Notaría Marítima de Monterrey de la Alta California para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Figueroa.

J. Ramirez.

Revalidado para el bienio de 1836. y 1837.

Gutierrez.

A. Ramirez.

del corriente para proceder a las medidas de dichas tierras, y en consecuencia cuando se diese a saber a dhos. medidores p^a que pongan, acepten y juren en debida forma: y para que conste lo firmo con las de mi asistencia

José M^o Albisa.

Abá. José Berreyesa.

Ignacio Martínez.

Juan de Prado Mesa.

Manuel Peña.

En seguida se hizo saber a los citados y medidores día veinte del corriente, al parage nombrado la Cañada del Corte de Madera, para proceder a las medidas de dichas tierras e impuestos todos de este auto dijeron lo oyen y se dan por citados firmados los que supieron para constancia doy fe.

José Maria Albisa.

Ignacio Martínez.

José Berreyesa.

Juan de Prado Mesa.

Manuel Peña.

Dolores Pacheco.

En el presente titulado la Cañada del Corte de Chadera a veinte y dos de Febrero de mil ochocientos treinta y seis, presente el C. Maximino Martínez y circunscritos

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a dichas tierras, hize comparecer ante mi y las afe
mi asistencia a los cc. Dolores Pacheco y Manuel Peña
medidores nombrados a los cuales mande alistar
un cordel y nioblan cincuenta varas con vara de
medir de cuatro palmas castellanas y con efecto
los susodichos en mi presencia mediaron un cordel tor
-cido y bien tirado con una vara mexicana en
toda forma hacen el numero de cincuenta varas
la cual medida se hizo fiel y legalmente

Sello Cuarto una quartilla.

Habilitado provisoriamente por la Administracion
de la Lotuana Maritima de Monterrey de la citta
Californica para los años de mil ochocientos treinta
y cuatro y mil ochocientos treinta y cinco.

Castro.

Angel Ramirez.

Revalidado para el bienio de 1836 y 1837.

Putterrey.

A. Ramirez.

-mente a vista erencia y paciencia del interesado
y circunvecinos en cuya atencion mande lo ponga
por obligacion

José M^a Albán. asá José Berreyera.

Ignacio Martiney.

Juan de Prado Mesa. Manuel Peña

Dolores Pacheco.

= Estando en el campo

y tierras pertenecientes al Rancho de la Ciénaga del
Corte de Madena hoy veinte y dos de febrero de
mil ochocientos treinta y seis, Yo el Alcaide Constitu
-cional del Pueblo de S. José de Guadalupe, actu
-ando por receptancia con los testigos de asistencia a falta
de escribano publico: Presente el c. Dolores Pacheco y
Manuel Peña medidores nombrados: mande proce
-derse a la medida de un sitio de ganado mayor
que toca y pertenece al Rancho de la Ciénaga del
Corte de Madena. Segun el titulo y Deseo presentados
en cuyo obediimiento habiendolo buetto o medir
y reconocer el cordel dieron principio a dicha medida
desde el Rincon de la Sierra: que sura aia al
N. caminando por este rumbo hasta llegar a una

permanente ó línea de unas pocas varas del arroyo de S. Francisco quedando este por lindero: desde allí se siguió la medietad hacia al O. por la orilla del mismo rumbo hasta donde rematar las lomas bajas: quedando estas por lindero, con la Medición de Santa Clara: desde este parage se tomó el rumbo hacia el S. hasta el arroyo del matadero quedando este igualmente por lindero de la susodicha medición: y no habiéndose completado en este la legua se le añadieron los diez y ocho cordales hacia el O que es las últimas lomas bajas: desde este parage se tomó el rumbo hacia el Sudoeste abreviando algunas lomas hasta el Pie con de la Sierra, donde se comenzó á medir y se completó el sitio de Ganado mayor: que se le concedió al repetido Martínez con la licencia por haberla pedido el interesado y no perjudicar á nadie de manera que:

Se lo cuarte una cuarta.

Habilitado provisionalmente por la Administración de la Aduana Marítima de Monterrey de la Alta California para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Castro.

Angel Ramírez.

Revalidado para el bienio de 1836 y 1837.

Gutiérrez.

A. Ramírez.

el referido sitio de ganado mayor de que consta el Rancho de la Cañada del corte de Mocolera perteneciente al C. Mariano Martínez forma un cuadrado de veinte mil varas castellanas y regulado por otros medidores declararon estar el referido C. Mariano Martínez enterado de las tierras que le corresponden a su rancho: según el título del sitio que obra en la librería de este expediente: sin que se perjudicase á tercero: por lo cual arrancó otro Martínez varias raíces y hierbas arrojadas a los cuartos viejos, en señal de su legal y legítima posesión: en tal estado remitió al C. Alcalde

que para permanencia y claridad de los linderos que han expresados hiciere a su cuenta y mencion unas mohoneras de piedra y cal en altas de unas de una mano para que en todo tiempo cuente se observe y guardan por terminos y linderos de sus tierras por las demas circunstancias de ellas; y de habense ejecutado dichas medidas quieto y pacificamente sin contradiccion de persona alguna, lo pido por testimonio: y yo el Alcalde Constitucional del Pueblo de San José de Guadalupe actuando por receptoria con dos testigos de asistencia a falta de Escribano Publico: lo oyo de haber pasado como dicho es: y que las expresadas medidas han sido hechas a todo el leal saber y entender de los medidores segun depusieron, sin dolo, fraude y engaño ni contra de ninguna persona y para mas seguridad ratificaron el juramento que tienen hecho: y lo firmaron con el repetido Alcalde, los de su asistencia y las demas que supieron y se hallaron presentes.

José M^a Albisu.

José Berreyesa.

Ignacio Martinez. Manuel Pena. Dolores Pacheco.

* En virtud de hallarse concluidas estas Obligaciones compare a la ordenanza y de la mat ena entreguese originales a la parte del C. Maximo Martinez, con los documentos que presento para los usos que le convenyan. El C. José Maria Albisu Alcalde Constitucional del Pueblo de San José de Guadalupe actuando por receptoria con dos testigos de asistencia a falta de Escribano publico, asi lo proveyo, mandó y firmo hoy veinte y tres de Febrero de mil ochocientos treinta y seis.

José M^a Albisu.

assa.

José Berreyesa.

Ignacio Martinez.

I George Fisher, Secretary to the U. S. Land Commission to ascertain and settle private land

land claims in the State of California, hereby certify
the foregoing to be a true and correct copy of a document
in case n^o 36 wherein Maximo Martinez is the
claimant against the United States for the place
named "Cañada del Corte de Madera" now on file
in this office.

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In testimony whereof I have hereunto
signed my name at office at the City of San Francisco
Cal. this 3^o day of January A.D. 1855.

Geo. Fisher. Secy.

N^o 36.

Maximo Martinez.

Cañada del Corte de Madera

Exhibit n^o 3. to deposition of W^m A. Richardson
taken in n^o 36.

H. F.

Filed in office. Feby 8th 1853.

signed Geo. Fisher. Secy.

Recorded in Record of Tr. id^e Vol. 6. pages 366. & 372.

Filed in office. Jan. 23. 1855.

Geo. Fisher. Secy.

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Translation of Constitutional Justices Court
Popopem Of San Jose de Guaymas 3
B1 3 Jun 1836

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Record of Proceedings for measuring and giving
popopem of one sitio de ganado Mayor to the
Citizen Maximo Martinez of the Land known
by the name of the Concesos del Corte de Madua

Justices: The Constitucional Alcaldes
of said Pueblo 3. Assistants
Jose Berreyesa. and Ignacio Martinez

Honorable Constitucional Alcaldes
of the Citizen Maximo Martinez before you in
the most just way say, that having been granted
by the Excellence Viceroy and Captain General the land
known by the name of Concesos del Corte de
Madua according to the title which I enclose
respectfully annex and the sketch which follows
it, I ask you to be pleased to give me the price
and popopem of the same, being one square
leagues, with the formalities of Law in order
to avoid all injury

Therefore I pray you to be
pleased to decree as I ask because it is just and
convenient, and I make the necessary oath etc

San Jose de Guaymas 13 of February 1836
at the request of the interested party.

Jose Berreyesa

This petition with the documents thereon quoted
being presented, let the Viceroy and Captain General
be cited, and let information of identity, peculiar
rights and recognition be taken of said land
The Citizen Jose Maria Aloisio Constitucional
Alcalde of the Pueblo of San Jose Guaymas
acting as Deputy and interim, thus does cleared
Order and sign with his true assisting letters for
for record of a Notary Public

Jose Maria Aloisio
ass. Jose Berreyesa. Ignacio Martinez

In the said Pueblo on the 15th day of the same month and year the Catezo Constable Alcalde with his assistants in order to proceed to the information of indentity which the decree alleges, summoned the Catezo Lucas Chaboya in person, whom we know, a resident of this Pueblo a husbandman by profession, married to whom was administered an Oath which he made by God our Lord and the Sign of the Holy Cross, on which he promised to speak truth, and up the knowledge he may have of the same and of its location, borders and boundaries, appertaining to the Rancho called Canales del Cortado Madres, he said, that it is more than twenty years, that he is a resident of this Pueblo, and he knows positively that the land in question, has belonged to the Catezo Mariano Martinez, and has for known boundaries the Arroyo de San Jose, the Arroyo de Mataduro, which he has seen and recognized. Besides Tomas, and Senor Dices Martinez for as much as he has labored and cultivated it, has cattle pasturing thereon, and to prove what he has said, he is ready to go to the said land with the present Alcalde and designate to him the location, the land and the boundaries, and then extend, that which he has said is the truth. On the Oath he has made which he affirmed and ratified, this declaration being read to him, he said that he was 44 years old, that the disabilities of the Law do not affect him, and he signed, with the present Alcalde and his witnesses

Jose M. Aloiza
Ass. Jose Benayza. Lucas Chaboya Jp. Martinez
Immediately I the mentioned Alcalde with my assistants, summoned Juan Goto in person whom we know, resident of this jurisdiction a husbandman by profession, married to whom was administered Oath according to Form on which he promised to speak truth, and

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on his knowledge of the land and its location extent and boundaries appertaining to the Rancho called la Canada del Cante de Madona he said, That it is more than ten years since he became a resident of this jurisdiction and that he knows that the land belonging to the said Rancho has been possessed by the citizen Mariano Martinez and has for its known boundaries the Arroyo de San Francisco to the Arroyo de Matadero, which he has seen and recognized at various times, and since said Martinez possesses it he has cultivated and pastured his Cattle on it, and as proof of the knowledge of what he has said he is ready to go to said land with the present Alcalde and to assign to him the location extent, and boundaries to them, and that what he has said is the truth under oath which he has taken, affirmed, ratified, this declaration having been read to him, saying that he was forty eight years old, that the disabilities of the Law do not affect him and not knowing how to sign, he made the sign of the cross, and the Alcalde signed with his initials.

Jose Ma Alvarez
Ass. Jose Berenguer. Ignacio Martinez

In continuance the citizen Francisco Palomares personally appeared, whom we know to be a resident of this jurisdiction, a husbanded man by profession, married, to whom the Customary Oath was administered, and under which he promised to speak the truth, and being questioned as to his knowledge he had of the land, the location extent and boundaries appertaining to the Rancho called la Canada del Cante de Madona, he said that it is more than ten years, that he is a resident of this Pueblo, and knows that the land belonging to said Rancho has been possessed by the citizen Mariano Martinez, and it has for its known

boundaries two creeks, one towards the North
and one to the South, low hills, and a high
Mountain which runs from North to South
which he has seen and recognized at various
times, and since Donce Dacia Martinez has cultivated
it and pasture his cattle on it, and as proof of
the knowledge of which he has said, he is ready
to go to Dacia Dacia with the present Alcalde
and designate to him its location extent and
boundaries as far as they extend, that what
he has said is the truth on the oath taken, which
he has affirmed, this statement being read
to him saying that he was 27 years old, and
that the disabilities of the Law do not affect him
Not signing because he did not know how
but the Alcalde and his Alcaides did so

Jose M. Alveza
Ignacio Martinez Jose Berreyra

In the same Pueblo on the same day month
and year was issued summons to the ^{business} land
owners, Felicitas Menester of the Mission of Santa
Catalina and Don Soledad Ortega, that their
Maya Doms should appear on the rancho named
La Caneada del route de Madona on the 18th
of the present month, and both being apprised
of this decree answered, that they should comply
with it, and they consecrated themselves cited,
signing this with the present Alcalde and
his Alcaides

Jose M. Alveza
Alcaides. Jose Berreyra. Ignacio Martinez
Juan de Prado Mesa. Manuel Pena

Being in the place in the place called
La Caneada del route de Madona on the 18th
day of February 1836. The Constitutional
Alcalde acting as Deputy ad interim, with two
assisting Alcaides for want of a Notary Public
the Alcaides by one Examinado, the Dacia Man-
ano Martinez, the Catezo Juan Prado Mesa
and Theodoros Flores both Maya Doms of the

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adjoining neighbors being present, I proceeded
 to receive and recognize the lands of the said
 Rancho, and for greater accuracy on horse back
 in company of all the parties and said witnesses
 as I ordered the aforesaid that they should
 show me the location of the boundaries of
 according to the marks they have declared in their
 depositions and in conformity thereto, they proceeded
 one towards the North until arriving to a permanent
 point Saguon in the line of some rocks of the
 creek of San Francisco, from whence the
 reconnaissance and actual survey was proceeded
 with towards the West travelling by the margin
 of said creek until arriving at the point of
 the loco hills, and being the extent and boundary
 of said land of la Comunidad de la
 de Pánuco, from said place continued, the
 said actual travelling towards the South
 until arriving to the Arroyo de Madroñal (creek
 of Hueyter place) extent and boundary of the
 above named land, and from whence proceeded
 the reconnaissance and actual survey towards
 the South East until arriving to the same
 which makes the Sierra Alta, the last bound-
 ary of the said land; which location I
 the Constitutional Alcalde, saw and recog-
 nized with ~~the~~ ^{my} witnesses, with the said
 witnesses and papers present, comparing said
 reconnaissance and with them I formed a
 certain identification of the said land, in
 conformity with and according to the declara-
 tions of the said witnesses, and in testimo-
 ny whereof, I sign with my witnesses, those
 others who knew how, to which I attest,

Jose M. Alvarez

Ass. Jose Beneyesa; Ignacio Martínez
 Juan de Prado Mesa. Manuel Pena

On the same day month and year I the
 Constitutional Alcalde say; that in order to
 proceed to the measurements contained in
 those decrees. I ordered that the Sr. D. Teodoro
 Mariano Martínez should be notified

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that the appointed measurers are the Citizens Dolores Pacheco, and Manuel Pena shall see in matters of measurement and in consequence said he heard it, and that he acquiesced since appointment, therefore the said decree ordered these measurers to be notified appointing the 19th day Inst to proceed to the measurements of said land and in consequence I ordered said measurers to be notified of it, that they may appear accept and take the oath in due form, and in faith whereof I signed with my assistants

Jose M. Aloisa
Ud. Jose Benayosa. Ignacio Martinez
Juan de Prado Mesa Manuel Pena

Immediately the the Citizens Dolores Pacheco and Manuel Pena appointed measurers were summoned and made acquainted with the above decree, they said they accept the above appointment, and in consequence thereof, they swore by the Sacred God and the Sign of the Holy Cross to fulfill said appointment well and faithfully to the best of their knowledge and constant duty and will make these measurements faithfully and legally as is their obligation without fraud or deception against any of the parties. Thus they answered and signed which I attest.

Jose M. Aloisa
Ud. Jose Benayosa. Ignacio Martinez
Juan de Prado Mesa. Dolores Pacheco
Manuel Pena

In continuance that of the interested parties and measurers were informed on the 20th Inst. at the place called La Canada del Sente de Madana, to proceed to the measurement of said land, and all being present of this decree they said they heard it and considered themselves etc. those who could

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requiring, in testimony of which I certify
Jose M. Alvarez
Ullé. Jose Beneyesa Ignacio Martínez
Juan de Prado Mesa, Manuel Pena
Dolores Pacheco.

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In the Rancho called la Manada del Corte
de Madua On the 22^a February 1836 the
Citizen Maximo Martínez and the Neighbors
surrounding said Land being present I
Ordered the Citizens Dolores Pacheco and
Manuel Pena appointed, Measurers to appen-
teague me and my witnesses, whom I ordered
to prepare a line, and to measure fifty varas
with a vara measure of four Castellian
Polamars, and to this effect the above named
in my presence measured a line
and well stretched, with a Mexican vara
the whole of it making the number of fifty
varas, which measurement was made with
freely and legally in sight, before witnesses
of the interested party and the surrounding neigh-
bors, in attestation of which I ordered them
to be joined their signatures

Jose A. Alvarez
Ass. Jose Beneyesa. Ignacio Martínez Juan
de Prado Mesa. Manuel Pena. Dolores Pacheco

Being in the field and the land belonging to the
Rancho of la Manada del Corte de Madua
today the 22^a of February 1836 I the constable
General of the Pueblo of S. Jose de
Saca a slope acting as Deputy and interim
with the following witnesses, In name of a
Notary Public, the Citizens Dolores Pacheco
and Manuel Pena appointed measurers
being present, I ordered them to proceed to
the measurement of seven leagues (Sete
de ganados Mayas) which joins and appar-
tains to the Rancho la Manada del Corte
de Madua according to the presented title,
and sketch, in obedience to which having

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a gain measured and re-organized the line they
 commenced the Swiss Measurement, from the
 point of the Mountain (Pico de Sierra)
 which looks towards the North, following
 this Course until arriving to a permanent Lagoon
 in a line with some rocks of the arroyo de
 San Francisco leaving this for boundary
 From thence the measurement was continued
 towards the West along the origin of
 Swiss Arroyo until the termination of the lower
 hills, leaving these as boundaries of the
 origin of Santa Elena, from this place
 took the Course towards the South unto
 the Arroyo de Inocencia, leaving this to be
 use as boundary of the above named Inocencia
 line not having completed here the league
 they passed 18 Cables towards the West
 which are the last lower hills to the point
 of the Sierra where we commenced to
 measure, and the square league was
 completed, which is granted to the named
 Mariano Martinez with the high land, the interested
 party having asked for it, and not to
 prejudice any body in such a manner
 that the Swiss Siles de ganado Mayor
 which makes the ranchos of La Concepcion
 de Calle de Madera belonging to the Citizen
 Mariano Martinez, forms a square of
 twenty thousand Arrostalian Venegas, and
 regulated by Swiss measures, they declared
 the Swiss Citizen Mariano Martinez, to be
 approprietor of the same, which appertains
 to his Rancho according to the title deed
 and sketch which is annexed at the
 back of this record of proceedings without
 prejudicing a third party.

Wherefore the said
 Martinez pulled off some dry twigs and grass
 casting them towards the four Cardinal points
 as a sign of his legal and legitimate possession
 in all such steps of the proceedings the
 Alcalde ordered that for the sake of forma

permanence and cleanness of the boundaries
 running as aforesaid, he should cause to
 be made at his own Expense some lanes
 marks of stone and lime more than one
 league in length in order that in all time
 they may appear, be observed and respec-
 ted as lines and boundaries of his lands by
 the other surrounding neighbors thereof
 and having executed said measurements
 quietly & peacefully without contradiction
 of any person he solicited testimony thereof
 and of the Constable and Alcalde of the
 Pueblo of San Jose de Guadalupe, acting
 as Judge and intendant with two assisting
 Alcaides for want of a Notary Public
 give it as a fact as stated and that the
 said measurements have been made to
 the best of the measurers ability and
 understanding as they disposed, without
 imposition, fraud, and deceit against any
 person, and for greater security, they notified
 the oath which they have made and
 signed it with the said Alcalde, his
 assisting Alcaides, and others who were
 present and knew how to write
 Jose M. Alvarado
 Alca. Jose Benavente Ignacio Martinez
 Dolores Pacheco. Manuel Ponce

In consequence of these proceedings being
 concluded according to the ordinance
 upon the matter, let these required proceedings
 be delivered to the Citizen Mariano Man-
 riza with the documents he presented for
 the purposes that may suit him. The
 Citizen Jose Maria Alvarado Constable and
 Alcalde of the Pueblo of San Jose de Guadalupe
 acting as Judge and intendant with
 the two assisting Alcaides for want of
 a Notary Public thus decided & caused
 and signed this 23rd day Feb. 1836
 Jose M. Alvarado

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Mel. Jose Benavisa. Ignacio Martinez

I certify the fore going to be a true and
correct amended translation from the original
Spanish document on file in this office
in Case No. 36 Mariano Martinez

(Signed) Geo. Fisher Secy

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I Geo. Fisher Secretary to the ^{U.S.} Board
of Land Commissioners do hereby certify
the fore going to be a true and correct
copy of a document marked "A Doc. N
3" to the Dept of LM & Reclamation
on file in Case No 36 Mariano Martinez
of the place named "La Canada del
Calle de Madona".

Witness my hand this 24. day of January
1855

Geo. Fisher Secy

Filed in Office Jan 23rd 1855

Geo. Fisher Secy

65-

Affidavit of Board of United States Land Commissioners
of California.

Lorenzo Ferrata Case No. 306 of part of
The United States Mexican

County of Alameda sp:

Lorenzo Ferrata being
dearly sworn deposes and says that he is the
claimant in this case, that the grant of
the Land Mexican as Comandante de la
"Mexican" was made to him, and Maximo
Martinez conjointly, that he has never sold
or conveyed his half of the same or any part
thereof, or interest or interest therein except
a small portion which was sold by him
since the filing of this claim before this
Board, and that from the date of said grant
he has been and still is the claimant and
owner except as above stated of the concerned
part of said Rancho, and further this
deponent says not.

Jose Domingo Ferrata

Subscribed and sworn to this 7th day of
February 1855, before me

A. S. Squire
Notary Public

This affidavit may be filed and con-
sidered in this case with the same force and
effect as if it had been sworn to before
a Commissioner of this Board and filed
before the above entitled case was sub-
mitted.

J. H. McKane
U. S. Survey Agent

Filed in Office Feb. 9. 1855

Geo. Fisher Secy

Recorded in Ev. B Vol 11 p 360

Geo. Fisher Secy

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Stipulation

In the House of United States

Stipulation

In the Board of United States
Land Commissioners

Lorenzo Peratta
vs
The United States

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No 306. for a part of
"Manada del Monte de Macana"

It is stipulated by the parties hereto
that the Copies of the five certain Documents
filed in Case No. 306. Mariano Martinez claimant
and mentioned in a stipulation heretofore
filed in this Case, may be filed herein with
the like effect as if filed before the sub-
mission of said Case, said Copies being
duly marked B1. B2. B3. B4. B5

It is further stipulated that said
copy marked "B.1" of Doc. N. 1 of No 3
by the deposition of Genl A. Richardson
"Sucesos de papel" being a translation of
the Original Record of Sucesos de papel
filed in said Case No. 306 and marked Exhibit
No 3 to deposition of Genl A. Richardson taken
in No. 306 N. 1. to be annexed by the
Secretary of the Board, so as to correspond to
its Spanish Original

And it is further stipulated that
a true and correct Copy of the Original Especiente
for the Land claimed in this Case marked
B. 6. certified by the late Surveyor General
to be a correct Copy of its Original, contained
among the Archives in his Office, together
with the translation thereof may be filed
by the Claimant and considered by the
Board with the same force and effect
as if they had been filed before the
submission of this Case.

J. H. McKune
U. S. Land Agent.
H. W. Carpenter City for Claimant
Filed in Office Jan 23. 1855
Geo. Fisher Secy

Recorded in
Journal Vol 1
page 185
Geo. Fisher Secy

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Stipulation

Board of U. S. Land Commissioners for the State of California

Lorenzo Peratta

vs

No. 306

The United States

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It is agreed between the Special Agent on the part of the United States and the Claimant, that the following documents now on file in Case No 306 of Maximino Martinez vs The United States may be used and considered in Case No 306 Lorenzo Peratta Claimant, with the same force and effect as if originally filed in the said case mentioned Case

1. Document marked "Map annexed to the deposition of Com. A Richardson before Com. Thornton"
2. Document marked "Exhibit No 3 to deposition of Com A Richardson in No 306 S I S"
3. Doc. marked "Doc. S I S No annex to the depo of Com A Richardson before Com. S I Thornton"
4. Doc. marked "Of Doc. S I S No 3 to the depo of Com A Richardson before the deposition translation"
5. Doc. marked "Translation of same by Jose Figueroa being marked S I S No 1 & annex to the depo of Com A Richardson before Com S I Thornton and filed in Office Feb. 8 - 1853" Copies of said documents to be furnished in Case No 306 by Claimant.

June 10. 1854.

J. H. McKinn

Special Agent

M. M. Carpenter for Claimant

Filed in Office June 10. 1854

Geo. Fisher Secy

Recorded in Journal Vol 3 page 678. 679

Geo Fisher Secy

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U.S. Land Commission
August 14, 1855.

Motion

Motion is hereby made before the Board of U.S. Land Commissioners that the case No 306 Domingo Perelta claimant be restored to the Docket - That further evidence may be taken & additional documents be filed by both parties to the same.

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Leois Blanding
Ass^o. Law Agent,

Filed in Office Aug 14, 1855
Geo. Fisher Secy.

Affidavit
of
Asso Law Agent

Leois Blanding Associate Law Agent being duly sworn deposes and says - That the claim of Mexico Martinez No 36, for the Rancho called Cañada del Norte de Medara, containing one square league was prepared for submission and was decided as valid - and had passed from this Commission to the U.S. District Court for adjudication a long time before he became connected with the Commission as its Associate Law Agent.

That he was in no way called to investigate the same, and therefore had no knowledge of the papers that constituted the case in the said claim - nor what connection the said claim might have with any other before the Board.

That he has recently become acquainted with the fact of which he had no knowledge before, that the papers in the said claim have a material bearing upon the claim of Domingo Peralta No 306, for an undivided half part of the same Rancho and which has been submitted for decision.

That he had no opportunity of ascertaining this fact until recently as the law Agent Mr McKune had had exclusive control and management of this claim in its preparation.

So much so that the affiant has not seen the papers in the case until quite recently; and after they had passed into the hands of the Board for adjudication.

That the law Agent stipulated with the Claimants Counsel in No 306 for the Admission in Evidence in the said case of certain depositions and documents on file in case No 36.

That by some mistake or oversight in the press of business the Document on file in No 36 marked No 1, annexed to the deposition of José Abrego and purporting to be a certificate of relinquishment and transfer by Domingo Peralta of his entire interest in the said Rancho was omitted among the Documents which were admitted by stipulation and filed as evidence in Case No 306.

That the said Document is material and necessary in the judgement of this

affiant to a correct decision in the case
No 306, now before the Board for Adju-
dication and that the same cannot be
decided with justice to the rights of the
U.S. as defendants in the case unless
the said Document is admitted in Evi-
dence, or the Case be restored to the
Docket and opened for the taking of
further Depositions, and the filing of
Additional Documents.

Lois Blanding

Sworn & Subscribed

Before me Aug 14' 1855.

R. Aug Thompson. Comr.

Filed in Office Aug 14' 1855.

Geo. Fisher

Sec

306

Board of U.S. Land Commrs

Honorable Peralta

The United States

Horace W. Carpenter

Affidavit
of
H. W. Carpenter
Sen.

Attorney for the Claimant in the
above entitled case being duly sworn
says that before the said Case was
submitted to this Board this Depo-
ment called upon the U.S. Law Agent
J. H. McKune Esqr and requested
him to sign a Stipulation that all
the Depositions and Documents taken
or on file in case No 306, of Maximo
Martinez might be considered in evidence
in the Determination of this case with
like effect as if originally taken and

filed herein which the said Law Agent for reasons best known to himself declined and refused to do.

That the said Law Agent finally consented to stipulate for the Admission of certain papers on file in said case No 36. to be specifically set forth and described in the agreement on condition that copies thereof should be furnished by this Depoent and filed in this case, which was accordingly done.

That said Case of Maximio Martinez has already been submitted on appeal in the U.S. District Court and is held under advisement under a suggestion from this Affiant in order that a transcript of the papers in this case immediately upon its Decision by this Board may be taken to said Court by consent of parties and that the whole matter may there be decided at once upon its merits.

That as this Depoent is informed by his Client the Claimant in this case, and believes the Document referred to in the affidavit of the Associate Law Agent this day filed herein, and described as Document No 1, annexed to the deposition of Jose Abrego is false & fraudulent and that this affiant is informed and believes on the representations of his said Client that he will be able before the said District Court to prove said Document to be fraudulent as aforesaid.

That said Document as this Depoent believes is not necessary to a due

and just determination of this case, but
that as this case rests for its confirmation
upon the original grant a copy of which
is filed herein and as such grant
has already been declared valid by
this Board by its decision in said
case No 36. By which the ownership
of the land claimed is decreed, without
prejudice to third parties, to be in
private persons and not in the United
States, a denial of the motion made
herein can in no wise prejudice
the rights of the United States or
operate unjustly.

W. W. Carpenter

Subscribed & Sworn to

Before me Aug 14/1855,

R. Aug Thompson,
Clerk

Filed in Office Aug 14. 1855
Geo. Fisher Sec.

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300
U.S.United States of America
State of California

San Francisco August 31 1855.

This day came before me Alpheus Felch Notary, Juan B. Alvarado a witness on behalf of the United States in Case No 300 on the Docket of the U.S. Land Commission &c &c, who being duly sworn testified in Spanish which was interpreted by the Interpreter to the Board as follows:

Deposition

of
Juan B. Alvarado Counsel for Claimant.

Questions by the U.S. Associate Land Agent.

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

Answer. My name is Juan B. Alvarado, my age 40 years and I reside in Contra Costa County California.

2 Question. Look at the Document now shown you marked "Doc No 1" annexed to the Depo of Jose Abrego taken and filed in Case No 30 on the Docket of this Commission and herein referred to and state if you know in whose hand writing the body of said Document is and whether the signature of Domingo Peralta thereto is genuine or not, if yes how do you know it?

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Answer. I have examined the said Document and find the body thereof to be in the hand writing of Salvo Pacheco, and the said signature of Domingo Peralta thereto is his genuine signature with which I am well acquainted and I have often seen him write and have recently received letters from him.

(Mr Carpenter objects to the foregoing question and answer.)

Cross. Examined by Mr Carpenter

1st Question. Do you speak of the genuineness of Domingo Peralta's signature by any other means than a general recollection of his hand writing.

Answer. I call it genuine because it has the appearance of the hand writing usually used by the said Peralta and this signature is similar to sundry others I have seen of the same person.

Juan. B. Alvarado

Subscribed & sworn to before me this 31st day of Aug. A.D. 1855

Alphens Gulch
Comr.

Filed in Office Aug 31, 1855
Geo. Fisher
Sec.

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Opinion of
Board by
Com. Seech

Domingo Peralta

vs
The United States

For one undivided
half of the place
called Rancho del Corte
de Madero in Santa
Clara County containing
One square league of land

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The claimant bases his right to an undivided half of the Rancho named, on a grant made to him and one Maximo Martinez jointly by Governor Figueroa on the 10th day of June 1833. This grant is given in evidence, and in connection with the other proof on the part of the petitioner is sufficient to establish prima facie the rights claimed by him.

But testimony is introduced on the part of the Government which shows that on the 13th day of May 1834 the present claimant ceded by written instrument all his interest in the premises to his Co-tenant Maximo Martinez.

Whereby this became the sole owner of the premises Martinez obtained in his own name the precatory possession of the place from the proper authorities on the 22^d of February 1836 and has subsequently obtained from this Commission a decree confirming to him the entire premises.

Filed in Office
Oct. 2 - 1855
Geo. Fisher
Secy

The proof is clear that Martinez became the owner from the time of the conveyance from Peralta to him of the interest of the latter under the grant made to them jointly and that the entire premises were properly confirmed to said Martinez (See case No 26) The petitioner has therefore no subsisting interest in the property and his claim must be rejected.

Repete

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Decree

Domingo Peratta
vs
The United States

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In this case on hearing the proofs and allegations it is accepted by the Commission that the claim of said petitioner is not valid, and it is therefore decreed that his application for a Confirmation thereof be denied.

Alphus Felch

R. Aug. Thompson

Commissioners

Filed in Office Oct. 3rd 1855

Geo. Fisher Secy

And it appearing to the satisfaction of the Board that ^{the} same hereby accepted is situated in the Northern District of California It is hereby ordered that two transcripts of the proceedings and decision in this case and the papers and evidence upon which the same are founded be made out and duly certified by the Secretary, one of which shall be filed with the clerk of the United States District Court for the Northern judicial District of California and the other be transmitted to the Attorney General of the United States.

Office of the Board of Commissioners,

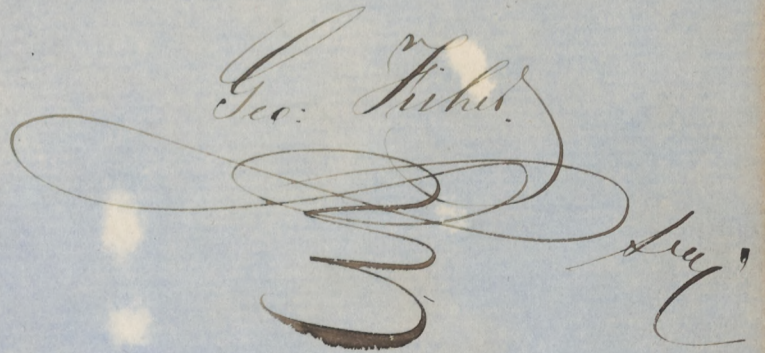
To ascertain and settle the Private Land Claims in the State of California.

I, *George Fisher* — Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Twenty eight* — pages, numbered from
1 to *78*, 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. *316* on the Docket of the said Board,
wherein

Gamingo Peralta is —
the Claimant against the United States, for the place known by
the name of *Cañada del Monte de Madera*.

In Testimony Whereof, I hereunto set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
Twenty sixth — day of *January*
A. D. *1850*, and of the Independence of the
United States of America the seventy-*ninth*.

Geo. Fisher



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U. S. DISTRICT COURT,
Northern District of California.

No. ~~395~~ 395

THE UNITED STATES,

vs.

Domingo Perabla

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS.

In Case No. *306*

Filed, *January* 1856

J. A. Monroe
Clerk

United States District Court for the
Northern District of California.

Domingo Peraltá
Appellant.
vs
The United States
Appellee.

Notice of intention to
prosecute the appeal
from the decision of the
Board of U. S. Land Com-
missioners.

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Domingo Peraltá the claimant of the un-
divided ^{one half} of the Rancho of the "Cañada del
Corte de Madera" situated in the County of
Santa Clara, and in the Northern District
of California, hereby gives notice of his in-
-tention to prosecute an appeal from the
decision of the Board of United States
Land Commissioners rendered in his claim
for the said land, which was presented
by him to the said Board of Commissioners
and by them rejected; his claim being
that which was numbered on the docket
of said Board of Commissioners as N.º 306.
The transcript whereof was filed in the
Clerks office of this court is numbered
395.

Horace W. Carpenter
Attorney for Appellant

PA
U. S. Dist. Court for the
Northern Dist. of California.

No. 395. of land cases

Domingo Peraltā
Appellant.

vs
The United States.
Appellee.

Notice of intention to
prosecute appeal.

Filed July 23. 1856.

Charles
Deputy.

①

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United States District Court for the
Northern District of California.

Domingo Peraltá

Appellant.

Petition of the Appellant
praying the Court to review
the decision of the U. S.
Land Commissioners.

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The United States

Appellee.

Your petitioner, Domingo Peraltá, respectfully shows unto this honorable Court, that in December 1832 your petitioner together with one Massimo Martinez applied to the proper authorities for a grant in temporary possession of the place or Rancho called "Cañada del Corté de Madera" situated in the territory of Upper California in the Jurisdiction of San José Guadalupe, and in the now-County of Santa Clara in the State of California, which petition was granted by an order dated Decr. 19. 1832 by Augustín V. Yamarant then exercising the powers of political chief ad interim in the Department of California, with the condition that the petitioners should present their petition anew so soon as the political Chief should arrive in the territory. That they entered into the possession of and occupancy of said land under said order and continued to occupy and cultivate the same continuously to the present time. That afterwards they presented their petition anew to the Governor for a final grant in full ownership of said land, and that on the 18th day of May 1833. José Figueroa then Governor and political Chief of California

by virtue of authority in him vested, and in due conformity to the requirements of the Laws in this matter, granted to the said Domingo Peralta, and Marcimo Martinez in equal undivided parts, the aforesaid tract of land with the description and the boundaries, mentioned in the grant.

That on the 17th day of May 1834, the said Grant was duly approved by the most excellent Territorial Deputation of Upper California.

That on the 10th of June 1834, a document of final title was issued by the aforesaid Governor of California and delivered to the said Domingo Peralta & Marcimo Martinez whereby their title to the said land was made definitively valid, and wherein the land granted was declared to be to the extent of one square league, more or less, according to the boundaries therein mentioned, and as shown in the Map, which was referred to in the said final title, and was attached to the Expediente.

Your petitioner further shows that the said Grantees, under the aforesaid permission of temporary occupation entered into the occupancy and possession of the said land, and were in possession of the same from that time, until the said final title was issued to them, and that they have continued thereafter to the present time in possession of the said land, and are now in the possession thereof.

That all the conditions and require-

ments of the said grant were faithfully performed and complied with by the said Grantees, and that the said Rancho is situated in the now Northern District of California and wholly within the Jurisdiction of this Court.

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Your petitioner further shows that on the 14th day of August A.D. 1852, he presented his claim for the said undivided moiety of the said land before the United States Land Commissioners, appointed under the Act of Congress passed on the 3^d of March 1851 entitled, "An Act to ascertain and settle private land claims in the State of California", when sitting as a board, and prayed the said Board to confirm the same.

That on the 2nd day of October 1853, the said Board of Commissioners decided upon the validity of your petitioners claim, and rejected it, which decision your petitioner avers was unjust and a denial of rights acquired, and held in good faith by your petitioner.

Your petitioner therefore prays that the Transcript of the Record, and report of the Board of Commissioners on the claim presented to them as aforesaid, and of the documentary evidence, and testimony of the witnesses on which it was founded, which is filed with the Clerk of this Court as directed by the 12th section of the Act of Congress passed on the 31st of August 1852, entitled, "An Act making appropri-

- tions, for the civil + diplomatic ex-
- penses of the Government for the year
ending the 13th of June 1853. and for
other purposes" may be held and con-
- sidered as a part of his petition, and
your petitioner appealing from the said
decision of the said Board of Commis-
- sioners, presents this his petition, and
prays this Honorable Court to review
the said decision of the said Board
of Commissioners, and to decide anew
upon the validity of his said claim,
and to confirm the same.

A. N. Carpenter
attorney for the Appellant

No. 395. of Land Cases.

Domingo Pirallá
appellant.

vs

The United States
appellees.

For a part of the
"Cañada del Corti de Madera"

Petition on Appeal.

Filed July 29. 1856.

Chas
Deputy.

(2)

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In the District Court of the United States
for the Northern Dist. of Cal.

The United States }
vs } D. C. 395 : L. C. 306.
Domingo Peralta }

The United States by
their attorney deny the validity of the title
set out in the petition of the appellant
and pray that the decision of the U. S. Land
Commission be affirmed and that the said
title be decreed invalid.

San Francisco, Feb 12 1857

Wm Blanding
U. S. Atty.

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The United States

vs

Domingo Peralta

Answer

Filed Feb 12. 1857,
W. H. Chew, Jr.,
Deputy.

(3) 395 ND
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Mont Blauding
atty for U.S.

Certifico q. la propiedad y derecho que tengo en la Solici-
tud del paraje nombrado la cañada del Corte de Madena q. se
en hucion del vecino Maximo Martinez se hizo ago defuacion
de toda eya. Reliandome con todos mis muebles al pito de mis
Padre y Rediendoela al dho individuo y q. lo que en sola pro-
piedad. q. nando como solo dueño. y p. los jines q. combenija
le doy el presente docum. to en el Pueblo de S. Jose Guadalupe
na 1.º de Mayo de 1754.

Domingo Gerales
D

Translation

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I certify that the property and right which I have in the solicitation of the place called the Canada del Corte de Madera, which jointly with the neighbor Maximo Martinez, I made, I have and hereby do relinquish all of it, retiring with all my goods to the residence of my father and delivering it to the said individual that he may alone enjoy the property thereof and command as sole owner and for the purposes which may suit him, I give him the present document in the Pueblo of San-Jose' Guadalupe, 12th of May, 1834

(signed J. Domingo Peralta.)

I certify the foregoing to be a true and correct translation of the Annexed Spanish document on file in this Office in Case N^o 36. Maximo Martinez.

Geo. Fisher

[Signature]
Sey



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

I, JOHN C. HAYS, Surveyor General of the United States for the State of California, and as such, having on file in my office, and in my charge and custody the Records and papers, of the late Board of United States Commissioners to ascertain and settle the private land claims in California, by virtue of the power vested in me by law, Do hereby Certify, that the two preceding, and hereunto annexed page of tracing paper, numbered from one to two inclusive, exhibit a true and accurate copy of a document entitled, "No. 35 - Maximus Mastung - Canada del Norte de Madra Dor, No 1, annexed to the deposition of Jose Abrego taken before Com. W. J. Thornton - Filed in office Dec. 28, 1852 - Geo. Fisher Det. - Recd. in record of evidence Vol. 6 pages 363 & 364. - Geo. Fisher Det. exhibited in the deposition of J. B. Abregado taken and filed in case No. 306 Aug. 31, 1855" and now on file in this office

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this second day of April - 1857



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

Extract from the 2nd Section of the Act of Congress "providing for the Survey of Public Lands in California, and for other purposes," Approved, March 3d, 1855.

"The Secretary of the Interior is hereby authorized to cause an official Seal to be prepared for the Office of the said Surveyor General, [California] and any copy or extract from the plats, field notes and other records and documents on file in his office, when attested as such by the said Seal and the signature of the Surveyor General, shall, in all judicial matters, have the same force and effect as the original."

N^o 395

U. S. District Court.

The United States.

vs

Domingo Peralta.

Relinquishment of
Domingo Peralta,
and Translation.

Filed April 18, 1857.

W. H. Chever, Deputy.

From 8375-86 In Juvenile.

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1844

3

Expediente promovido por Don
Maximo Martinez en prodeccion
del parage nombrado Cañada del
Conte de Madera

366

SELO CUARTO DOS REALES

nalmente por la Aduana marítima del puerto de Monterrey, en el Departamento de los
os años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

Micheltorena.

Pablo de la Guerra.

[Handwritten flourish]

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[Handwritten flourish]



Excmo. Sr. Gobernador

Maximo Martinez natural de este
Departamento y residente en el Pueblo
de Monterrey, me de S. José Guadalupe ante la justifi-
cación de V. E. y como mas halla lugar
en dicho dicto. que en el año de 1833 se
me concedió por el Gob^{no} de este Depar-
tamento en compañía de D. Domingo
Peralta, un sitio de ganado Mayor co-
nocido con el nombre de la Canada,
sitio del Corte de Madera, en la Sierra que
corre para Sta Cruz y Nacimiento del arro-
yo llamado S. Francisquito, y habiéndome
concedido el Sr. Peralta en 19 de Mayo de
1834 su dicto al mencionado terreno, como
lo acredita por el documento que debidamente
acompañó, y por el cual se me dio pro-
secución jurídica en 23 de Febrero de 1836.

Mas teniendo yo una crecida fa-
milia y no serme para su subsistencia
suficiente este pequeño terreno que en
la actualidad poseo, suplico a V. E. se

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digne en atencion a lo que llebo sup-
lico, Concederme dos sitios mas que
hallan valdios junto a mi re-
ferido terreno cerno se ve en
el disenyo que acompaño, lin-
dando por el Norte, con el Rancho de D.
Soledad Ortega, por Oriente, con el de
D. Jose' Pena, por el Poniente, con D.
Encarnacion Valencia, y por el Sur, con
el Indigena Gorgonio, se me estienden
un solo titulo de tres sitios de ganado
Mayor en solo mi' derecho.

P. F. A V. O. pido se digne proveer como
llebo dicho en lo que recibire gracia,
y justicia, jurando no ser de mali-
cia, y lo necesario &c.

Pueblo de S. Jose Guadalupe, Marzo,
21. de 1844.

Maximo Martinez

Como—

Dispone el Excmo. Sr. para esta instancia a
Sr. Alcalde N.º del Pueblo de San José, para que
informe sobre su contenido, previa estacion de los respec-
tivos evidentes, y diga todo cuanto crea conveniente

Monterey Marzo 29 de 1844

Man. Jimeno

En atención al superior decreto de 29 del p.º p.º
Marzo y la orden del Sr. Secretario del Despacho,
q.º con la misma p.º. se me para Dijo q.º el inte-
resado en la presente instancia, tiene todo, los acqui-
sitos q.º confiere la Ley, para ser agraviado con el
terreno q.º solicita, tanto p.º su modo de vivir cono-
cido y honesto, como p.º sus servicios hechos a la Na-
ción. Mas tendria q.º supetarse a los linderos del
rancho del finado D.º Martin Puelna. El cual
to puedo p.º mi parte informar a cerca de esta so-
litud

Pueblo de S. José Abril 10 de 1844.

Antonio M. Jimeno



El Excmo =

Sor. Gobernador.

El terreno que solicita el Sor. Martinez, segun demuestra el diceno respectivo, parece que esta baldio y en estado de adjudicarsele, en atencion a sus servicios que presto en la carrera de las armas, sujetandose a los linderos del finado Buena, mas P. Q. con su acostumbrado tino resolvera lo que fuere de su agrado.

Monterey Abril 27 de 1844.

Mano Jimenez

Monterey Abril 27 de 1844

Conf. y expedir articulo.

Micher

Monterey 27 de Abril de 1844

Vea la peticion con que da principio este expediente los informes que presenten con todo lo demas que se tenga presente y sea Combin de Conformidad con las leyes y Reglamentos de la materia dedens si al Ciudadano Mariano Martinez dueño del paraje nombrado Cañada del Coste de Madera con los linderos que demuestra el titulo, y en

extencion de tres sitios de ganado mayor
que forma todo el terreno. El C. S. Goddard
asi lo mando decretar y firmo Doy fe

C7

C

Certifico: que la propiedad
y derecho que tengo en la solistitud
del paraje nombrado la Cañada
del Cortado de Madero; que en union
del vecino Maximo Martinez se hi-
so: pago defacion de toda ella con
todas mis sumas, ab sitio de mi
Padre y sediendole ab otro indi-
viduo y que lo goze en sola pro-
piedad y Mande Como solo dueño
y para los fines que Conengan
se doy el presente documento en
el Pueblo de S. José de Guadalupe
a 19 de Mayo de 1834 =

C
Es copia de su original sacada
por la Tia de G. M. hoy veinte y nueve
de Abril de mil ochocientos treinta y
Cuatro -

Mano Jimeno

S

SELLO TERCERO DOS REALES.

Habilitado próviciionalmente por la Administracion de la Aduana Maritima de Monte rey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco,

Figueroa

Rafael Gonzalez.

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Se aprueba la concesion echa á los ciudadanos Matias Martinez y Domingo Pesalta del paraje nombrado cañada del corte de madera concedido en diez de Junio de mil ochocientos treinta y tres de entera conformidad con lo provnido en la ley de diez y ocho de Agosto de mil ochocientos veinte y cuatro y el artículo quinto del Reglamento de veinte y uno de Noviembre de mil ochocientos veinte y ocho.

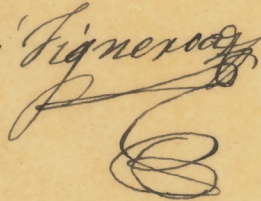
Monte rey diez y siete de Mayo de mil ochocientos treinta y cuatro = En sesion de este dia se aprovo por la lecelentisima Diputacion la proposicion del dictamen antecedente mandando se devuelva el expediente al señor Jefe Superior Político para los fines coniguientes = José Figueroa = Juan Bautista Alvarado = Secretario

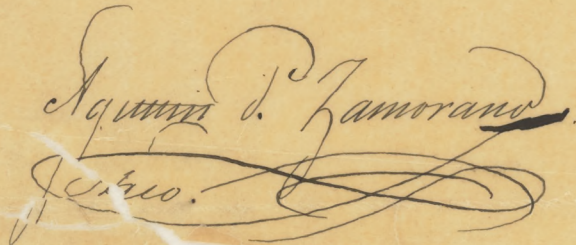
Monte rey Junio once de mil ochocientos treinta y cuatro = En vista de la aprobacion otorgada en diez y siete de Mayo último por la lecelentisima Diputacion Territorial: librese Testimonio de ella y de este Decreto á las partes de Don Matias Martinez y Don Domingo Pesalta en confirmacion á la concesion del terreno de la cañada del corte de madera que obtuvieron en cinco de Junio del año proximo pasado. El Señor Don José Figueroa general de Brigada Comandante general Inspector y Jefe Super-

-cion Político de la Alta California así lo mando
decretó y firmó de que doy fe = José Figueroa
Agustín V. Zamorano = Secretario

Concuerda a la letra con su original del cual hice sacar el
presente Testimonio para resguardo de la parte interesada, en Mon-
terrey a once de Junio de mil ochocientos ~~veinte~~ y cuatro, siendo
testigos los ciudadanos Agustín V. Zamorano y Bernardo ~~Xavier~~
de esta vecindad.

In Testimonio de verdad

José Figueroa


Agustín V. Zamorano


TRACT - CAÑADA del Corte de MADERA
DISEÑO

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P. 96.

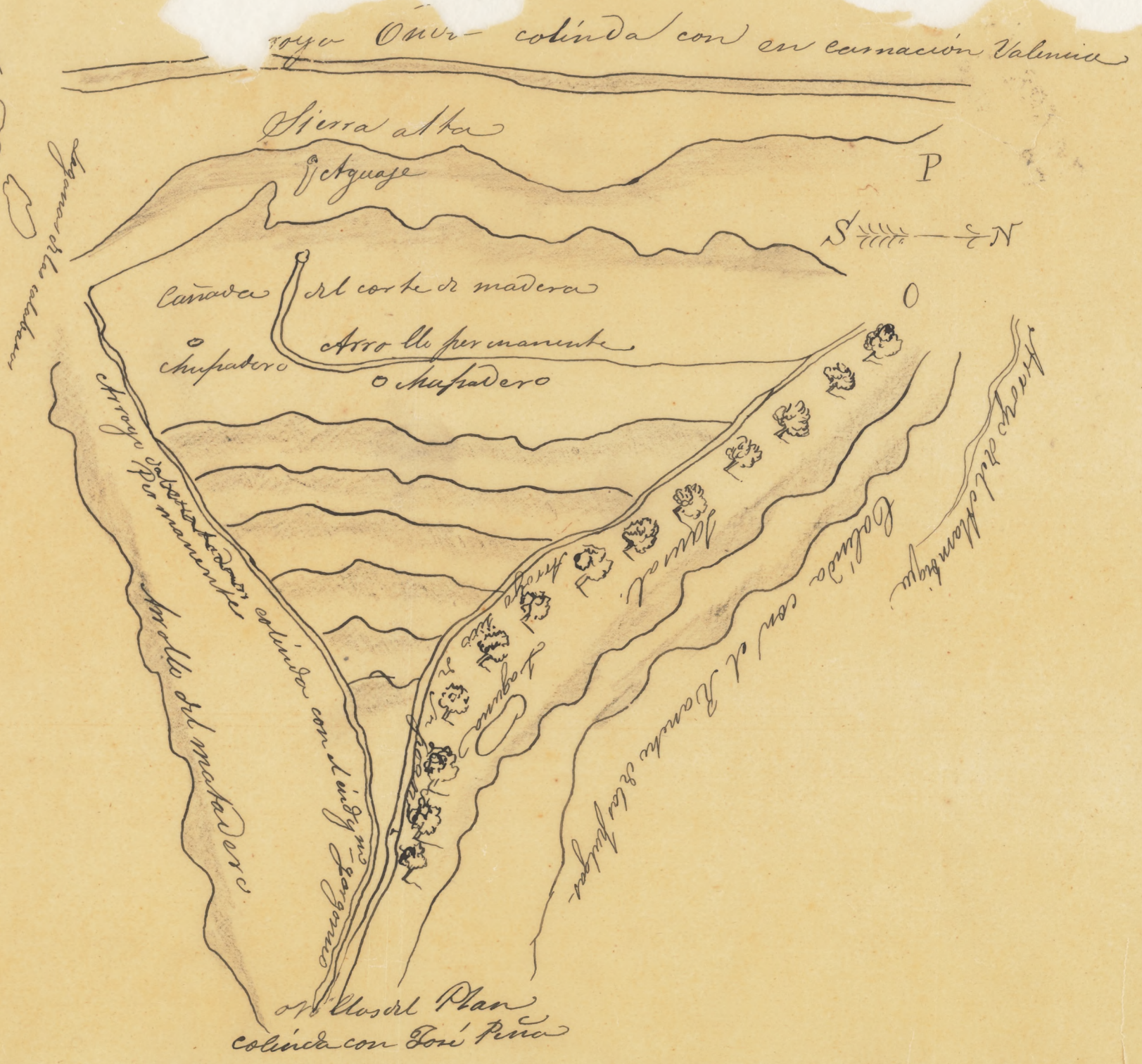
"CAÑADA del Corte de MADERA"

DOMINGO PERALTA, Clint

SAN MATEO Co.

845-R

La P. unida de San Martin
de la parte del Sur
de la cañada



P
S — N

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inv^{no} Man^l Michelo^a Gr^o de Brigada del
Ejército Mexicano y un^{to} Gr^o de la Plana mayor
mismo Señor Comandante Gr^o e Inspector del D^o C^o
Departamento de California

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PAGE 97

Por cuanto el Sr^o Maxcimo Martinu
ha pretendido p^a su beneficio persona y d^e
de su familia el aumento de dos Sitios de
ganado mayor a continuacion del que se
tiene consido desde 10 de Junio de 1833 y
habiendole practicado las dilig^o y abeig^o na
ciones consiguientes seg^u lo dispuesto por le
yas y regl^oam^otos v^ol^o de las facultades
que me son conferidas a nombre de la
Nacion Mexicana he venido en concederle
el aumento referido, siendo el terreno de todo
el terreno tanto del Benfado como del que
actualmente se concede, con los ranchos de D^o Jose
Tena, con el de las Pulgas; con el del indio
Gorgonio y con la Sierra de Sta Cruz. Sige
tandose a la aprobacion de la C. Asamblea De
partamental y a las condiciones sig^{tes}

1^a No podra venderse enagenarse, imponer cano
vinitos, fianza, ni otro gravamen alguno

2^a Podra cercarse sin perjudicar las traberías,
caminos y servidumbres, lo disputado libre
y esclusivam^{te} destinandole el uso o cultivo

que mas le combenga por dentro de un año fabricara casa y estara habitada

3^a Solicitara del Jues respectivo que le de posicion Juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondra a mas de las mojoneras algunos arboles frutales o silvestres de alguna utilidad.

4^o El terreno de que se hace donacion en cumento al que ocupa, es de dos sitios de ganado mayor y poco mas o menos, bajo los linderos mencionados y sin perjudicar las limites del terreno que pertenecen a la tercamentaria del finado Antonino Buelna, El Jues que diere la posicion le medira conforme a ordenanza guardando el sobrante que resulte a la Nacion por los usos convenientes.

5^o Si contrabiviere a estas condiciones perdona su derecho al terreno y sera denunciado por otro.

En consecuencia mando que sirviendole de utulo el presente, y teniendose por firme y la ordena se tome razon de el en el libro respectivo

y se entregue al interesado para su resguardo y demas fines dados en Mont a primero de Mayo de mil ochocientos cuarenta y cuatro = Mart. M. Chelto = Mart. Jimenez Juv =

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

I, JOHN C. HAYS, Surveyor General of the United States for the State of California, and as such, having in my office and 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 power vested in me by law, Do hereby Certify, that the ~~enclosure~~ preceding, and hereto annexed page of tracing paper numbered from one to ~~two~~ inclusive, exhibit a true and accurate copy of a ~~certain document~~ entitled Expediente promovido por Don Maximino Montano en pretension del suage nombrado ~~canada~~ del ~~condado~~ de Nevada — now on file and forming part of the said records in this office

In Testimony Whereof, I have hereto signed my name officially and caused my Seal of Office to be affixed, at the City of San Francisco, this twenty first day of April 1857



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

Extract from the 2nd Section of the Act of Congress "providing for the Survey of Public Lands in California, and for other purposes," Approved, March 3d, 1855.

"The Secretary of the Interior is hereby authorized to cause an official Seal to be prepared for the Office of the said Surveyor General, [California] and any copy or extract from the plats, field notes and other records and documents on file in his office, when attested as such by the said Seal and the signature of the Surveyor General, shall, in all judicial matters, have the same force and effect as the original."

355-

From 87 to 100 Inclusive.

Don Maximino Martin
\$15.00

No. 395.

U. S. District Court.

The United States.

vs ad vs

Domingo Peralta.

Certified Document from
U. S. Surveyor Genl' Office.

Filed April 22, 1857.

W. H. Cheney,
Deputy.

A.

From 101 To 114 Inclusive.

Dr. G. J. ...

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Juzgado Constituc.^l Año 1836.
 a S. José y Guad. ^l

Expediente iniciado p.^a media y
 dar posesion en un sitio de Guad
 mayores al C. Maximo Martinez,
 al terreno conosci con el nombre
 de la Cañada del corte de madera

Fuer, el Alcalde Constituc.^l Asistencia, José Be-
 a dicho Pueblo — y. ^l rreyera, y. Jonacio
 Martinez.

SELLO CUARTO UNA CUARTILLA.

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

Castro.

Angel Ramirez

Reralidad para el biemo de 1836 y 1837.

Gutierrez.

A. Ramirez

Sr. Alcalde Constituc.

El C. Maximo Manáñes, ante V. como mas haya lugar en derecho digo: que habiendose me concedido p. la Exma. Diputacion Territorial, el terreno conocido con el nombre de la Cañada del Corte de maderas, segun lo acredita el titulo q. respectivamente acompaño, y diseño q. le sigue; pido a V. se sirva darme la posesion juridica de el. q. es de un sitio, con las formalidades de la Ley p. evitar todo perjuicio.

A. V. Suplico se sirva proveer como pido por ser de justicia, q. imploro, y p. lo necesario

S. José de Guad. 13. de Feb. de 1836.
Aruego al interesado

José Berreyra

Por presentada esta peticion con los documentos q. espresa citense a los circunvecinos, y hagase informacion de identidad, vista de ofos, y Reconocim. de dichas tierras. El C. José M. Albisu Alcalde Constitucional del Pueblo de S. José Guadalupe, acudiendo p. Receptorio con dos testigos en asistencia a falta de Escribano publico, asi lo proveyó, mandó y firmó con los orsu asistencia. Asist.

José M. Albisu

José Berreyra

En el expresado Pueblo los quince días del mismo mes y año, el C. Alcalde Constitucional con los y su asistencia, p.^a proceder a la información e identidad q.^e espresas el cuento en su uso, hizo comparecer al C. Luis Chaboya, en su persona q.^e conocemos, vecino de este Pueblo, de oficio Labrador, casado, al cual se le recibió juramento que hizo por Dios nuestro Señor, y la Señal de la Santa Cruz, p.^e el q.^e prometió decir verdad; y habiéndolo sido sobre el conocimiento que tengo de las tierras y parajes, terminos y linderos pertenecientes al Rancho nombrado la Cañada del Corro de madera: Dixo, q.^e hace mas de veinte años es vecino de este Pueblo, y sabe positivamente q.^e las tierras p.^e q.^e se le preguntan han pertenecido al C. Maximino Martinez, y tiene p.^e linderos conocidos el arroyo de S. Francisquito: con el arroyo del matadero, los cuales a visto y reconocido varias veces, y desde que las posee Dho. Martinez las ha labrado y cultivado, pastando en ellas sus Ganados, y q.^e p.^e pueblo de lo q.^e tiene Dho. esta posesion ha sido a dichas tierras con el presente Alcalde, y señalaste los parajes, terminos y linderos donde llegan: que lo que lleba dicho es la verdad p.^e el juramento q.^e tiene hecho en q.^e se afirmó y ratificó, leyda q.^e le fue esta declaracion, diciendo ser de edad de cuarenta y cuatro años, q.^e las generales no le tocan, y lo firmó con el presente Alcalde y los y su asistencia —

Assit.
Jose M. Albisuz
Jose M. Albisuz
Ygnacio Martinez

Jose Berreyra
Luis Chaboya

Y mediatementes yo el mencionado Alcalde con los y

SELLO CUARTO UNA CUARTILLA.

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

Castro,

Angel Ramirez

Revalidado para el bienio de 1836 y 1837.

Gutierrez.

A. Ramirez.

395 ND

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mi asistencia hice comparecer a Juan Soto, en su persona q. convenimos, Vecino en esta jurisdiccion, de oficio Labrador, Casado, al cual se le recibio juramento segun forma, por el q. prometio decir verdad, y siendolo p.^a el conocimiento de las tierras y parajes, terminos y linderos pertenecientes al Rancho nombrado la Cañada del corte de madera: Dixo, que hace mas de diez años es Vecino en esta jurisdiccion, y sabe q. las tierras pertenecientes al expresado Rancho han sido poseidas p.^a el C. Maximo Martinero, y tiene p.^a linderos conocidos el arroyo de S. Francisquito, hasta el arroyo de los mataderos, los cuales ha visto y reconocido varias veces, y q. desde q. las posee dicho Martinero ha labrado y arado: y pastado en ellas sus ganados: y q. p.^a prueba y conocimiento de cuanto tiene dicho esta pronto a ir a dichas tierras con el presente Alcaide, y señalando los parajes, terminos y linderos donde llegan, y q. esto q. hebo dicho es la verdad a cargo del juramento prestado en que se afirmo y ratifico, leyda q. le fue esta declaracion: diciendo sea de edad de cuarenta y ocho años: q. las g.^{ales} no les tocan, y p.^a no saben firmar hizo la señal de la Cruz, y lo firmo el Alcaide con los de su asistencia.

Jose M.^a Alcaide
Ygnacio Martinero

AVI.^a
Jose Bermejo

Y incontinente comparecio el C. Juan Palomares en

su persona q. conosco vecino de esta jurisdiccion de ofi-
 cio Labrador, casado, al qual se le recibio juramento
 segun costumbres, p.^o el q. prometio decir verdad, y
 siendo preguntado p.^o el conocim.^{to} de las tierras y pa-
 rajes, terminos y linderos, pertenecientes al Rancho
 nombrado la Cañada del corte de maderas: Dixo, que
 hace mas de diez años, q. es vecino de este Pueblo, y sa-
 be q. las tierras pertenecientes al expresado Rancho
 han sido poseidas p.^o el C. Mascimo Martinez, y tie-
 ne p.^o linderos conocidos dos arroyos, uno acia el N.^o
 y otro al S. lomas bajas y cierras altas q. corren en
 Norte a Sur, las cuales ha visto y reconocido varias
 veces, y desde q. las poseso dho. Martinez las ha labra-
 do, y puesto en ellas sus Ganados, y q. p.^o prueba y cono-
 cimiento de quanto tiene dicho, era pronto ha traído a
 dichas tierras con el presente Alcalde, y señalaa
 los los parajes, terminos, y linderos donde llegan: q. lo q.
 tiene dicho es la verdad, a cargo del juramento presta-
 do, en q. se afirmo y ratifico leyda q. le fue esta espo-
 sicion, diciendo ser de edad de veinte y siete años, y
 q. las gr.^{as} de la Ley no le tocan, no firmando p.^o ni sa-
 ber, pero lo verifico el Alcalde con los vesu asistencia.

Jose M.^a Albisay
 Ygnacio Martinez

Asist.
 José Berrayera

En el expresado Pueblo en el mismo dia, mes, y año, se
 libraron boletas de compasendo, a los calindantes, Padre
 Ministro en la Misión de Sta. Clara, y D.^a Soledad Ortega

y son terminos y linderos de las expresadas tierras es la Cañada del Corte de maderas: desde dicho paraje se continuo dicha vista de ojos caminando asi al S. hasta llegar al arroyo del matadero termino y linderos de las susodichas tierras; y se halló se procedió el Reconocimiento y vista de ojos asi al N. hasta llegar al Rincon que hace la cierra de la p. ultimo linderos de las mencionadas tierras: cuyos parajes yo el Alcalde constitucional vi y Reconoci con los de mi asistencia, testigos expresados y papeles presentados, y cotejado dicho Reconocimiento con ellos hallé ser bien la identificacion de las mencionadas tierras, segun y como lo declaran dichos testigos, y p. que conste lo prongo por diligencia, y lo firmo con los de mi asistencia y demas que supieron, doy fe

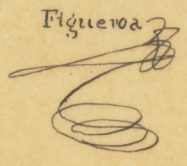
José M.^a Allier Asist^a
Ygnacio Martinez José Berreyra

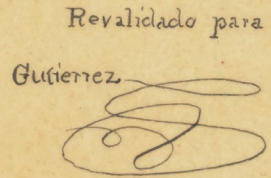
Juan de Prado Alvarado
Manuel Peña

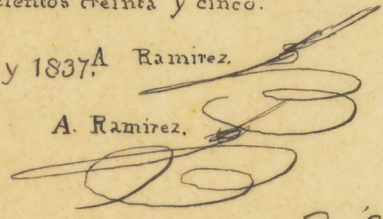
En el mismo día, mes, y año, yo el Alcalde Constitucional, digo, que para proceder a las medidas contenidas en estos autos, mande se notifique a dicho C. Maximiliano Martinez de que los medidores nombrados son los Ciudadanos Dolores Pacheco, y Manuel Peña, p. inteligentes en materia de medidas, y en su consecuencia, dijo lo hoye, y q. conviene en dicho nombramiento, por lo cual mando dicho Alcalde se notificase a los expresados medidores, nombrando el día diez y nueve

SELLO CUARTO UNA CUARTILLA.

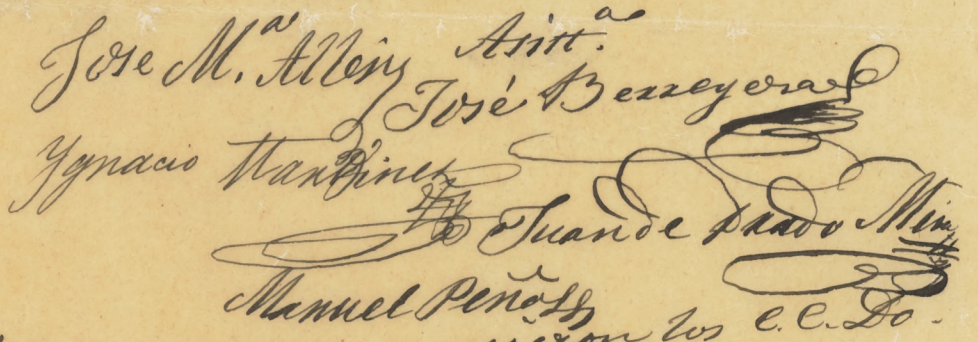
Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterrey de la alta California para los años de mil ochocientos treinta y cuatro y ochocientos treinta y cinco.

Figueroa


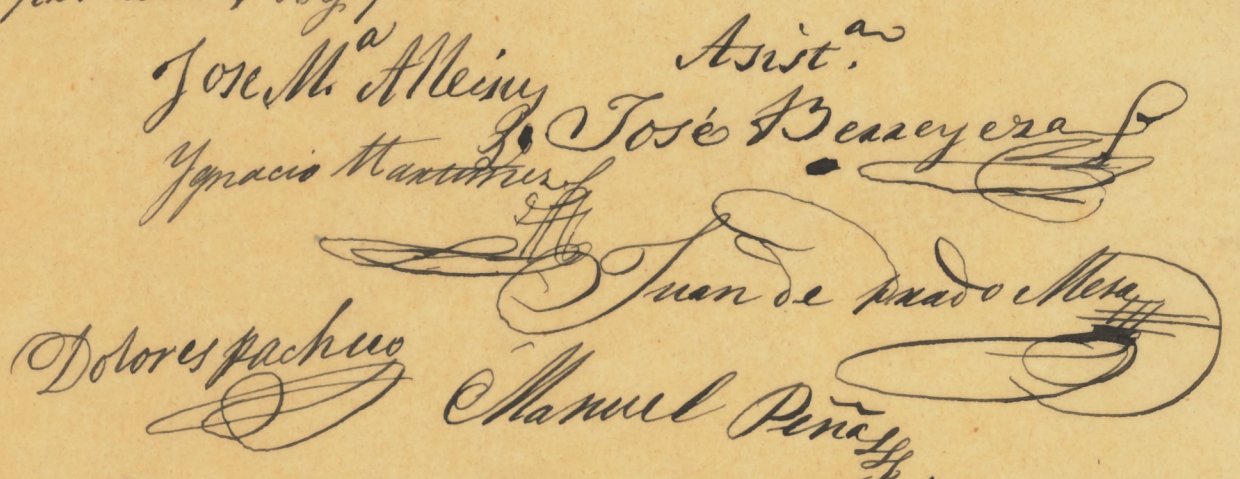
Revalidado para el bienio de 1836 y 1837.
Gutiérrez


A. Ramirez.
A. Ramirez.


el corriente para proceder a las medidas de dichas tierras, y en consecuencia mandó se diese a saber a dichos medidores, p.^a q.^a pasasen, acepten y fuesen en debida forma; y para que con- te lo firmo con los r. me asistencia.

Jose M.^a Almey Asist.^o
Jose Berceyera
Ygnacio Martines
Juan de Prado Mina
Manuel Peña


Ynmediatamente comparecieron los C. C. Do- lores Pacheco y Manuel Peña, medidores nom- brados, y hecho saber el auto en su usa, dijeron aceptan el encargo susodicho, y en su vista Ju- raron por Dios nuestro Señor y la Señal de la San- ta Cruz, a que usaran bien y fielmente el encar- go referido, a todo su leal saber y entender, y q.^e hazan dichas medidas fiel y legalmente como es de sus obligaciones, sin fraudes ni engaños en con- tra ninguna de las partes: esto respondieron y firmaron, doy fé

Jose M.^a Almey Asist.^o
Jose Berceyera
Ygnacio Martines
Juan de Prado Mina
Dolores Pacheco
Manuel Peña


En seguida se hizo saber a los interesados y medidores dia veinte del corriente, al parage nombrado la Cañada del corte en

maderas, para proceder alas medidas de dichas
tierras, é impuestos todos en este auto, dife-
ren lo oyen, y se dan por citados, firmamos
los que supieron, para constancia doy fe.

José M. Alencar Asist.
Ygnacio Martin José Benavente
Juan de Prado Meras
Mamuel Peña
Dolores Pacheco

En el Rancho titulado. La Cañada del Con-
te de madera á veinte y dos de Febrero de
mil ochocientos treinta y seis, presente el C.
Maximo Martin y Circumbecinos á dichos
trece, hice comparecer ante mí y los ví en
asistencia á los C.C. Dolores Pacheco y Ma-
muel Peña medidores nombrados, a los cua-
les mande distar un cordel, y midan cir-
cuente varas, con vara de media de cuatro
palmas Castellanas, y con efecto los suodichos
en mi presencia midieron un cordel torcido
y bien tirado con unas varas Mexicanas en
toda forma hacen el numero de cincuenta
varas; la cual medida se hizo fiel y legal-

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

Castro.

Angel Ramirez

Revalidado para el bienio de 1836 y 1837.

Gutierrez.

A. Ramirez.

mente á vista de creencia y paciencia de
interesados y circunvecinos: en cuya
atencion manda se ponga por diligen-
cia. José M. Almey, Arist.

José Berreyra,
Ygnacio Martinier,

Juan del Prado Mesa,
Manuel Peña,
Dolores Pacheco.

Estando en el campo y tierras pertene-
cientes al Rancho de la Cañada del cor-
te de maderas hoy veinte: y dos de Fe-
brero de mil ochocientos treinta y seis,
yo el Alcalde constitucional del Pueblo
de S. José de Guadalupe, actuando por
Receptorías con los testigos de asistencia:
á falta de Escribanos Públicos; presente el
C. Dolores Pacheco. y Manuel Peña medi-
dores nombrados: mandé procediesen á
la medida de un sitio de Ganado mayor,
que toca y pertenece al Rancho de la
Cañada del Corte de maderas, segun el
titulo y dicción presentados; en cuyo
obedecimiento. habiendo buuelto á media

y Reconocer el Cordel, dieron principio a dicha medida, desde el Vincon de la Cienras, que mira asiá el N. caminando por este rumbo hasta llegar a ~~una~~ ^{lagunas permanente a ligia v. una penascónes} del arroyo de S. Francisquito, quedando este por lindero: desde allí se siguió la medida asiá el O. por las orilla del mismo arroyo, hasta donde rematan las lomas bajas: quedando estas por lindero, con la Misión de Santa Clara, desde este paraje se tomó el rumbo asiá el S. hasta el arroyo del matadero, quedando este igualmente por lindero de la susodicha Misión; y no habiéndose completado en este la legua, se le añá dieron los diez y ocho cordeleros hacia el O. que es la ~~parte~~ ^{parte} de las ultimas lomas bajas: Desde este paraje se tomó el rumbo asiá el Sudueste atravesando algunas lomas hasta el Vincon de la Cienras, donde se començo a medir, y se completó el sitio de Ganado mayor: que se le concedió al Repetido Martinier con las lomas por haberla pedido el interesado y no perjudicar a nadie; de manera que

SELLO CUARTO UNA CUARTILLA.
Habilitado provisionalmente por la Administración de la Aduana Marítima de Monterrey de la Alta California, para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.
Castro.

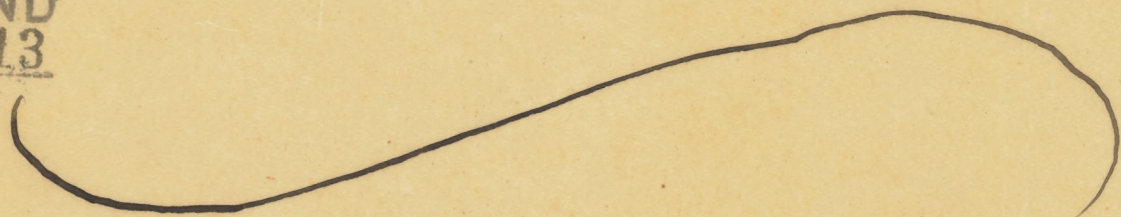
Angel Ramirez

Revalidado para el bienio de 1836 y 1837.

Gutiérrez

A. Ramirez.

el Repetido sitio de ganado mayor en que consta el Rancho de la Cañada del Corte de madera, perteneciente al C. Maximo Martinez, forma en cuados de veinte mil varas Castellanas, y regulado por dichos medidores declararon estar el Repetido C. Maximo Martinez enterado de las tierras que le corresponden a su Rancho: segun el título y diceño que obra a la cabeza de este expediente, sin que se perjudicase a tercero; por lo cual acordando dicho Martinez, varias Ramas y Herbas, arrojandolas a los cuatro vientos; en señal de su legal y legitima posesion: en tal estado mandó el C. Alcalde que para permanencia y claridad de los linderos que van expresados hubiese a su costas y menciones muy mo honexas de piedras y cal, en altos de mas de una vara, para que en todo tiempo conste, se observe, y guarden por terminos y linderos de sus tierras, por los demas circunvecinos de ellas; y de haberse ejecutado dichas medidas quietas y pacificamente; sin contradiccion de personas algunas, lo pidió por testimonio; y yo el Alcalde constitucional del Pueblo de San



Jose de Guadalupe. actuando por Receptor-
ia con dos testigos de asistencia a falta de
Escritano publico, lo doy de haber pasado
como dicho es; y que las expresadas medi-
das han sido hechas a todo el bial saber y en-
tender de los medidores segun depusieron,
sin dolo, fraude y engaño en contra de ningun-
na persona; y para mas seguridad Pacifica
con el juramento que tienen hecho; y lo firmas-
ron con el Repetido Alcalde, los de su asistencia
y los demas que supieron y se hallaron presentes.

Jose M.^a Alencuz *Asist.^a*
Jose Beneyora

Ygnacio Martinez

Dolores Pacheco Manuel Penayo

En virtud de hallarse concluidas estas dili-
gencias conforme a la ordenanza de la materia
entreguese originales a la parte del C. D. Ignacio
Martinez, con los documentos que presento pa-
ra los vos que le combengan. El C. Jose M.^a
Alencuz Alcalde Constitucional del Pueblo de San
Jose de Guadalupe actuando por Receptoria con
dos testigos de asistencia a falta de escribano pu-
blico asi lo proveyo mando y firmo hoy veinte y
tres de Febrero de mil ochocientos treinta y seis

Jose M.^a Alencuz *Asist.^a*
Jose Beneyora
Ygnacio Martinez

Office of the Surveyor General,)
Of the United States, for California.)

I, JOHN C. HAYS, Surveyor General of the United States for the State of California, and as such, having on file in my office, and in my charge and custody the Records and papers, of the late Board of United States Commissioners to ascertain and settle the private land claims in California, by virtue of the power vested in me by law, Do Hereby Certify, that the ~~thirteen~~ preceding, and hereunto annexed page of tracing paper, numbered from one to thirteen - inclusive, exhibit a true and accurate copy of a document, indexed "No 36, - Exhibit, No. 3, to deposition of Wm. A. Richardson & others re No 36. - H. J. L. - Maximo Martiny - Canada del coto da Madeira - Filed in office Feb. 8. 1853 - Geo. Arisba Det. - Printed in record of evidence Vol 6. page 366 to 372 - Geo. Arisba Det. - Exhibited in deposition of Antonio Maria Pico, in case No. 306. in District C. Merced, Jan. 27. 1855. Geo. Arisba Det. - P. L. L. com. - and now on file in this office. -

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this twenty fourth day of April - 1857



John C. Hays

U. S. Surveyor General for California.

Extract from the 2nd Section of the Act of Congress "providing for the Survey of Public Lands in California, and for other purposes," Approved, March 3d, 1855.

"The Secretary of the Interior is hereby authorized to cause an official Seal to be prepared for the Office of the said Surveyor General, [California] and any copy or extract from the plats, field notes and other records and documents on file in his office, when attested as such by the said Seal and the signature of the Surveyor General, shall, in all judicial matters, have the same force and effect as the original."

No 395

U. S. District Court.

The United States.

— address —

Domingo Peratta.

Certified Copy of Judicial
Possession from U. S.
Surveyor General.

Filed April 25. 1857.

W. H. Cheves,
Deputy.

(6)

1844

Expediente

Presented and forwarded by Do^o Maximo Martinez
requesting the grant of the site designated
"Cañada del Corte de Madera" "386"

Most Excellent Sir Governor.

Monterey on the
29th day of March
1844.

Let the Secretary
of State report
thereon, he causing
other reports to be
delivered to him,
if he should think
it fit
Michel Tenorio

Maximo Martinez, a native of this Depart-
ment and residing at the Pueblo de San José
Madalupa, do say and repose unto your
Excellency upon trusts and according to all
due forms of laws and rights, that in the
year 1833, I obtained from the Government
of this Department, conjointly with Don
Domingo Pratta the grant of one "Sitio de
ganada mayor" known under the
denomination of "la Cañada del Corte de
Madera" on the Mountain covered with
trees (Sierra) a ridge of mountains lying
in a direction towards Santa Cruz, and
the source of the brook or creek designated
"de San Francisco" and Don Pratta
having ceded and surrendered to me on the
19th day of May 1834, his right to the aforesaid
land, as I am prepared to prove, and I do
prove by the means of the accompanying documents
and in virtue of which juridical possession was
awarded to me in the 23rd day of February 1836

But inasmuch as I happen to have a
numerous family, and such a small and
limited extent of land as that which I
possess at present is not sufficient for their
support, I request (Y. E.) that in account
of what I have just reported, you may
be good enough to grant to me two
other "Sitios" that at the present time

are vacant, adjoining my aforesaid ~~piece~~ piece of lands as it appears from the accompanying sketch, and bordering towards the North with the Rancho de La Soledad Arizos towards the East on that of San José Peña towards the West on that of La Encarnación Valencia, and towards the South on that of the Native Gorgonio, and I request that there may be delivered to me one and single title deed comprising the three aforesaid "Sitios de ganada mayor" in my own right.

Therefore I request V. E. to be pleased to provide towards the accomplishment of my petition, and by your so doing, I shall receive both mercy and justice. I swear not to proceed moved by any sense of malice or rancor, and I also swear to every thing to be sworn to in what concerns forms of law.

Pueblo de San José Guadalupe, March
the 21st. 1844

(Signed) Mariano Martinez.

Let this memorial be transferred to the Senior Alcalde 1^{mo} del Pueblo de San José, as the Most Excellent Sr. Ordng, in order that said Alcalde may report concerning its contents, after due summons to the respective bordering land owners, and that he may declare whatever he may find to the purpose in the matter.

Monterey, March the 29th 1844

(Signed) Manuel Jimeno

In compliance to and in account of the Superior Decree of the 29th day of last March, and the order of the Sr. (Secretario del Despacho) a Secretary of State which has been directed to me under same date, I proceed to report as follows: The party concerned with the memorial in question proposes all the

requisites, which the law specifies in order to enable him to obtain the gift or grant of the land he requests to get as much an account of his acknowledged honest behavior and deportment as because of the services he has rendered to the Nation. But in case of the grant being made he shall have to be subject to and bound by the boundaries of the Rancho of the deceased Don Antonio Buena. (What precedes, constitutes all the information that I possess on the subject)

Pueblo de San José April 10th 1844
(Signed) Antonio Pico

Most Excellent Sir, Governor

The parcel of land the grant of which is solicited by Don Martinez appears from the sketch thereunto relating, to be vacant, and therefore it is susceptible of being awarded to him, on account and in consideration of the services he rendered to the Nation in the Military career, under due subjection and according to the boundaries of the deceased Buena, but your Ex^{ty} with your usual discernment will decide what you may think fit.

Monterey April the 27th 1844.
Signed Manuel Jimeno

Approved, and let the } Monterey, April the 27th 1844
Patent be issued } Signed Michelto.

Monterey, April the 27th 1844.

After due notice of the petition at the beginning of this Record of proceedings, and of the preceding reports, together with what else it was thought convenient to attend to, in accordance to the laws and regulations in the matter, I hereby declare the Citizen Maximo Martinez, owner of the location designated "Cañada del Canto de Madera" having

for its boundaries those specified in the title deed, and of an area of three "sitios de ganadería Mayor" which forms or includes all the land thereof. The Sr. Governador did order, decree and sign it to the purpose and I attest it.

I certify that the property and right which I have through and in virtue of the memorial in solicitation of the location designated as "La Cañada del Monte de Madera" which was made conjointly with the neighbor Mariano Martinez I make a total Cession of it, with all my moveables in the property of my father surrendering all my said rights to the grant to the aforesaid individual, and let him enjoy it as the owner, and let him dispose over it as the only master thereof, and for his convenience ends and purposes I give to him the present document in the Pueblo de San José de Guadalupe on the 19th day of May of 1834.

The preceding writing is a copy of the original document, which copy has been made by the Secretaryship of the Government, on this day the 19th of April 1844.

Signed Manuel Jimeno

The grant made to the Citizens Mariano Martinez and Domingo Peralta of the location designated as "Cañada del Monte de Madera" granted on the 10th day of June of the year 1833, in complete conformity to the purport of the law of August the eighteenth 1824, and the 5th Article of the Regulation of the 21st day of November 1828, relating to the matter is hereby approved of

San Antonio May the 19th 1834. In this day's sitting did the most Excellent the Deputation approve of the proposition of the preceding Opinion, ordering

as at the same time that the Expediente be sent back to the ^{Señor} ~~the~~ ^{Superior} ~~the~~ ^{Político} for due ends and purposes.

Signed José Figueroa. Juan Bautista Alvarado, Secretary

Monterey June the 11th 1834. After due notice of the approval awarded on the 17th day of last May by the most Excellent the Deputation of the Territory, and in virtue thereof, let an attestation of it and of this decree be delivered unto the parties concerned Don Mariano Martínez and Don Domingo Peralta, as a confirmation to the grant of the lands of ~~the~~ "La Secuñada del Cerro de Madera", which they obtained on the 5th day of June of last year.

The Señor Don José Figueroa, General de Brigada Commandante General, Inspector of Cape Superior Político de la Alta California, ordered, decreed, and signed it towards the purpose - all of which I attest,

Signed / José Figueroa

Signed / Agustín Zamorano,

Secretary.

In literal conformity to the original thereof out and paid which I had the present attestation taken and drawn for the concerned party's security, in Monterey on the 11th day of June 1834, the Citizens Agustín V. Zamorano and Bernardo Navarrete, dwellers in this neighborhood acting as witnesses

In testimony of truth.

Signed / José Figueroa

Signed / Agustín Zamorano

Secretary.

The Citizen Manuel Michelt^a General of Brigade of the Mexican Army, Adjutant General of the Staff of the same, Governor Commandant General and Inspector of the Department of California

Whereas the Citizen Mariano Martínez has solicited for his personal benefits and that of his

family the additional grant of two "sitios de ganaderia Mayor" in continuation and as an annexation to that of which has the grant since the 10th day of June 1833, and all due investigations and requirements having been performed in conformity to the purport of the laws and regulations on the subject, in the exercise of the powers conferred on me in the name of the Mexican Nation, I have found it fit to grant to him the addition he requests; the boundaries of all the lands, as much that part already occupied and settled as that which by the presents is being granted, to be the Rancho of Don José Peña, that of Las Pulgas, that of the Indian Gregorio and lastly the Mountain covered with trees (Sierra) or ridge of Santa Cruz, subject to the approval of the Excellent the Assembly of the Department and to the following conditions:

- 1^o He shall not be able to sell it, alienate it, set mortgage on it any ("Censo") annuity, ("incento") entail, ("fianga") bond, or any other ("gravamen") incumbrance.
- 2^o He may and is free to fence it, without any prejudice therefore proceeding to the paths, roads, and servitudes, he will enjoy it freely and exclusively, destining it to the usage or culture that may best suit him, but within a year he must build a house, which is to be dwelt in.
- 3^o He is to solicit from the respective Judge to give him judicial possession in virtue of this document, by whom the boundaries are to be settled, on the limits of which he is to set besides the land marks some plants of trees either fruit bearing or forest, but of some utility.
4. The extent of land granted in addition to that which he is occupying at the present time, is of two "sitios de ganaderia Mayor" more or less and within the aforementioned boundaries, and without any encroachment or prejudice to the ("hereditaria") or "testamentary execution" of the deceased Antonio

Buelna. The judge who may give him possession is to have it measured and surveyed according to ordinances, and the remainder if there should happen to be any, is to be left to the disposal of the Nation for any convenient uses.

5th Should he fail to fulfil any of these conditions he shall lose his right to the land, and it shall be denounceable by any other party.

Consequently I order that holding these presents as a firm and valid title, it shall be entered in the proper book, and then let it be delivered over to the party concerned for his security and any suitable purposes.

Given in Monterey on the 11th day of May 1844.

(Signed) Manuel Michetto

Manuel Jimeno

Secretary

I certify the foregoing to be a true and correct translation, revised and corrected of the Ex. C. No. 110
 The single copy of the original Expediente on file in the U.S. Surveyor General's Office, and which Facsimile authenticated by the said Surveyor General, is on file in this Office in case No. 36. Mariano Martinez,

Geo. Fisher

Secy.



I place to keep in U.S. Surveyor Gen. for California, and as such having in my charge and custody the papers of the late Board of Land Commissioners "to ascertain and settle the private land claims in California" do hereby certify the foregoing from papers, to be a correct copy of the papers on file in my office numbered No. 36 Mariano Martinez Ranchos del Cerro de Madera, C. — Translation of — C — Expediente, — Recorded —

in Record of Evidence Vol 7 page 367-370. -
Filed in office Feb. 12, 1852 - Geo. Arthur Esq.

Given under my hand and official
Seal at the city of San Francisco this twenty second
day of April 1857

John D. Wray
U. S. Sen. and C. J.

395

W. J. Attorney General

The Justice State

made in

Downing Penalties

Immolation of
Ed. Hutchins.

Filed April 27, 1857

W. H. A. Cherris

Reports

7

395 ND
PAGE 123

George C. Johnson

36

Constitutional Justice's Court } Year 1836
of S. José de Guad. . . }

395 ND
PAGE 124

Record of proceedings for measuring and giving possession
of One Sitio de Ganada Mayor to the Citizen Maximo
Martinez of the land known by the name of the Cañada
del Corte de Madera.

Justice: the Constitutional } Assistants, José Berreyra
Alcalde of said Pueblo } and Ignacio Martinez.

Honorable Constitutional Alcalde.

I, the Citizen Maximo Martinez, before of H. in the
most just way, say, that having been granted by the
Excellent Territorial Deputations, the land known by the name
of Cañada del Corte de Madera, as accredited by the title
which I hereby respectfully annex, and the sketch which
follows it, I ask you to be pleased to give me the juridical
possession of the same, being one square league, with the
formalities of law, in order to avoid all injury.

Therefore I pray you to be pleased to decree as I ask,
because it is justice I implore, and I make the necessary
oath &c.

San José de Guad. 13th of February 1836.

At the request of the interested party

José Berreyra

This petition with the documents, therein quoted being
presented, let the surrounding neighbors be cited, and
let information of identity, ocular view, and cognizance be
taken of said lands. The Citizen José María Alvarado, Constitu-
tional Alcalde of the Pueblo of San José Guadalupe,
acting as Judge ad interim, this did decree, order, and
sign, with his two attesting witnesses, for want of a Notary
Public. José María Alvarado

ap. José Berreyra. Ignacio Martinez

(In)

In the said Pueblo on the 15th day of the same month and year, the Citizen Constitutional Alcalde with his assistants in order to proceed to the information of identity which the decree directs, summoned the Citizen Luis Chabaya in person, whom we know, a resident of this Pueblo, a husbandman by profession, married, to whom was administered an Oath, which he made by God our Lord, and the sign of the Holy Cross in which he promised to speak truth, and upon the knowledge he may have of the land, and its location, bades and boundaries appertaining to the Rancho called la Cañada del Cate de Madera, he said that in more than twenty years that he is a resident of this Pueblo, and he knows positively that the land in question has belonged to the Citizen Mariano Martinez, and has for known boundaries, the Arroyo de San Francisco, the Arroyo del Matadero, which he has seen and recognized various times, and since said Martinez proposes it he has labored and cultivated it, his cattle pasturing thereon, and to prove what he has said, he is ready to go to the said land, with the present Alcalde, and designate to him the location, the land, and the boundaries and their extent; that what he has said is the truth in the Oath he has made, which he affirmed and ratified - this declaration being read to him, he said that he was 44 years old, that the disabilities of the law don't affect him, and he signed with the present Alcalde and his witnesses

José M. Albisa

ap. José Beneyosa. Luis Chabaya. Ignacio Martinez

Immediately the mentioned Alcalde with my assistants summoned Juan Soto in person, whom we know, resident of this jurisdiction, a husbandman by profession, married, to whom was administered Oath according to form, as which he promised to speak truth, and in his knowledge of the land

and its location, extent and boundaries appertaining to the Rancho called la Cañada del Cate de Madera, he said, that it is more than ten years since he became a resident of this jurisdiction, and he knows that the land belonging to the said Rancho has been possessed by the Citizen Maximo Martinez, and has for its known boundaries: the Arroyo de San Francisco, quite to the Arroyo del Matedero, which he has seen and recognized at various times, and since said Martinez possesses it, he has cultivated and pastured his cattle in it, and as proof of the knowledge of what he has said, he is ready to go to said land with the present Alcalde, and to designate to him the location, extent, and boundaries to their extent, and that what he has said is the truth under oath which he has taken, affirmed and ratified, this declaration having been read to him, saying that he was 48 years old, that the disabilities of the law do not affect him, and not knowing how to sign he made the sign of the Cross, and the Alcalde signed with his bertuques

Jose Ma Aloia

Mrs. Jose Berengosa - Ignacio Martinez

In continuance the Citizen Francisco Palomares, personally appeared, whom we know to be a resident of this jurisdiction, a husbandman by profession, married, to whom the customary oath was administered, and under which he promised to speak the truth, and being questioned as to the knowledge he had of the land, the location, extent, and boundaries appertaining to the Rancho called la Cañada del Cate Madera, he said, that it is more than ten years that he is a resident of this Pueblo, and knows that the land belonging to said Rancho has been possessed by the Citizen Maximo Martinez, and it has for its known boundaries two creeks (arroyos) one towards the North, and one to the South, low hills and a high mountain which runs from North to South (which)

which he has seen and recognized at various times, and since said Martinez proposes it he has cultivated it, and pastured his cattle in it, and as proof of the knowledge of what he has said, he is ready to go to said land with the present Alcalde, and designate to him its location, extent and boundaries as far as they extend, that what he has said is the truth on the oath taken, which he has affirmed and ratified, this statement being read to him, saying that he was 27 years old and that the disabilities of the law do not affect him, not signing because he did not know how, but the Alcalde and his witnesses did so.

José M. Alviso Ap. José Beneyosa
Ignacio Martinez

In the said Pueblo, on the same day month and year was issued summons to the bordering land owners, father minister of the Mission of Santa Cruz, and Don Soledad Ortega, that their mayordomos should appear on the Rancho named La Cañada del Cate de Madera on the 18th of the present month, and both being apprised of this decree, answered that they should comply with it, and they considered themselves cited, signing this with the present Alcalde and his witnesses.

José M^a Alviso
Ministros José Beneyosa - Ignacio Martinez,
Juan de Prado Mera Manuel Pena.

Being in the field in the place called La Cañada del Cate de Madera, on the 18th day of February 1836, I the Constitutional Alcalde, acting as Judge ad-interim, with two attesting witnesses for want of a Notary Public, the witnesses by me examined, the said Mariano Martinez, the legitimo Juan Prado Mera and Theodorio Flores, both mayordomos of the
(adjoining

adjoining neighbors being present, I proceeded to view and recognize the land of the said Rancho, and for greater accuracy on horseback, in company of all the parties and said witnesses, I ordered the aforesaid tract to be shown me the location, the extent and boundaries of it according to the marks they had declared in their depositions, and in conformity thereto, they guided me towards the North until arriving to a permanent Sagon in the line of some rocks of the creek of San Francisco, from whence the recognition and ocular survey was proceeded with towards the West, travelling by the margin of said creek, until arriving to the point of the low hills (lomas bajas) and being the extent and boundaries of the said land of la Cañada del Canto de Madera; from the said place continued the said ocular survey travelling towards the South, until arriving to the Arroyo del Matadero (creek of Slaughter-place) extent and boundary of the above named land and from whence proceeded the recognition and ocular survey towards the South East until arriving at the Cumbre which makes the Sierra Alta the last boundary of the said land, which locations I the Constitutional Alcalde saw and recognized with my witnesses, with the said witnesses and papers present, and comparing said recognition with them, I found a certain identification of the said land, in conformity with and according to the declarations of the said witnesses, and in testimony whereof I sign with my witnesses, and those others who know has to which I attest.

José M. Alviso

ap- José Berroza - Ignacio Martínez

Juan de Prado Mera - Manuel Peña.

On the same day month and year I the Constitutional Alcalde, say that in order to proceed to the measurements contained in these decrees, I ordered that the said
(Citizens)

Citizens Mariano Martinez, should be notified that the appointed measurers and the citizens Dolores Pacheco and Manuel Peña, skilful in the matters of measurement, and in consequence he said, he heard it, and that he acquies to the said appointment, therefore the said Alcalde ordered said measurers to be notified, appointing the 19th day instant to proceed to the measurements of said lands, and in consequence I order said measurers to be informed of it, that they may appear, accept, take the Oath in due form, and in faith whereof I signed with my witnesses

José M. Alviso Wit. José Berreyosa
Ignacio Martinez Juan de Prado Mesa
Manuel Peña.

Immediately the citizens Dolores Pacheco and Manuel Peña appointed measurers were summoned, and made acquainted with the above decree; they said they accept the said appointment, and in consequence thereof they swore by the Lord and God and the sign of the Holy Cross to fulfil said appointment well and faithfully to the best of their knowledge and understanding, and will make said measurement faithfully and legally as is their obligation, without fraud or deception against any of the parties, this they answered and signed which I attest.

José M. Alviso Wit. José Berreyosa
Ignacio Martinez Juan de Prado Mesa
Dolores Pacheco. Manuel Peña.

In continuance thereof the interested parties and measurers were informed on the 20th instant at the place called La Cañada del Cate de Madera, to proceed to the measurement of said land, and all being apprised of this decree, they said they heard it, and considered themselves cited, those who could signing in
(attestation)

attestation, of which I give testimony.

José M. Alviso

Mrs. José Berreyoga

Ignacio Martínez

Juan de Prado Mesa

Manuel Peña

Dolores Pacheco

In the Rancho called La Cañada del Cate de Madera on the 22^d of February 1836, the citizen Mariano Martínez and the neighbors surrounding said land being present I caused the citizens Dolores Pacheco and Manuel Peña appointed measurers to appear before me and my witnesses, whom I ordered to prepare a line and to measure fifty varas with a vara measure of four Castilian palmas, and to this effect the above named in my presence measured a twisted line and well stretched with the whole of it making the number of fifty varas a Mexican vara, which measurement was made faithfully and legally, in sight, belief and patience of the interested party and the surrounding neighbors, in attestation of which I ordered them to subscribe their signatures

José M. Alviso -

ap. José Berreyoga

Ignacio Martínez

Juan de Prado Mesa

Manuel Peña

Dolores Pacheco

Being in the field and the land belonging to the Rancho La Cañada del Cate de Madera to day, the 22^d of February 1836, I the Constitutional Alcalde of the Pueblo of S. José de Guadalupe, acting as judge ad interim, with the attesting witnesses for want of a Notary Public, the citizens Dolores Pacheco and Manuel Peña appointed measurers, being present I ordered them to proceed to the measurement of one square league (sitio de ganada Mayor) which joins and appertains to the Rancho La Cañada del Cate de Madera, according to the presented title and sketch, in obedience to which having again measured and recognized the line, they commenced the said measurement from the Point of

(the)

Mountain (Rincon de la Sierra) which looks towards the
 North following this course until arriving to a permanent
 lagoon in a line with some rocks of the Arroyo de San
 Francisco, leaving this for boundary, from thence
 the measurement was continued towards the West
 along the margin of the said Arroyo until the termi-
 nation of the low hills; leaving these as boundary
 with the Mispin of Santa Clara; from this place we
 took the course towards the South unto the Arroyo
 del Matadero, leaving this likewise a boundary of
 the above named Mispin, and not having completed
 here the league, they added 18 Cords towards the
 West, which are the last low hills; from this place we
 took the course towards the Southwest crossing some
 hills to the point of the Sierra where we commenced to
 measure, and the square league was completed, which
 is granted to the named Martinez, with the highland,
 the interested party, having asked first, and not to
 prejudice anybody; in such a manner that the said
 Sitio de ganada Mayor, which makes the Rancho
 of la Cañada del Cate de Madera, belonging
 to the Citoyen Maximo Martinez, forms a square of
 twenty thousand Castellian Varas, and regulated by
 said measures, they declared the said ~~Citoyen~~ Maximo
 Martinez to be appurisd of the land which appertains
 to his Rancho, according to the title deed and sketch
 that is annexed at the head of this record of proceedings
 without prejudicing a third party, wherefore the
 said ~~Maximo~~ Martinez pulled off sundry twigs
 and grass, casting them towards the four Cardinal
 points as a sign of his legal and legitimate possession
 At such stage of the proceedings the Alcalde ordered
 that for the sake of permanence and clearness of the
 boundaries running as aforesaid he should cause
 to be made at his own expense some land marks
 of Stone and lime more than one vara in height in
 (order)

order that in all time time they may appear, be observed and be respected as meets and bounds of his lands by the surrounding neighbors thereof, and having executed said measurements quietly and peaceably, without any contradiction of any person, he solicited testimony thereof, and I the Constitutional Alcalde of the Pueblo of San José de Guadalupe, acting as Judge ad-interim, with two attesting witnesses for want of a Notary Public, give it as a fact as stated and that the said measurements have been made to the best of the measurers ability and understanding as they deposed, without imposition, fraud, and deceit against any person, and for greater security they ratified the oath which they have made and signed it with the said Alcalde, his attesting witnesses and the others that who were present at who knew how to write

Jon M. Alviso

Mrs. Jose Beneygoz - Ignacio Martinez,
Dolores Pacheco - Manuel Peña.

In consequence of the proceedings being concluded according to the ordinance upon the matter let these original proceedings be delivered to Citizen Mariano Martinez with the documents he presented for the purpose that may suit him - The Citizen José M. Alviso Constitutional Alcalde of the Pueblo of San José de Guadalupe acting as Judge ad-interim with two attesting witnesses for want of a Notary Public, thus decreed, ordered and signed this 23^d day of February 1834.

Jon M. Alviso

Mrs. Jose Beneygoz - Ignacio Martinez.

I Certify the foregoing to be a true and correct amended translation from the
(Original)

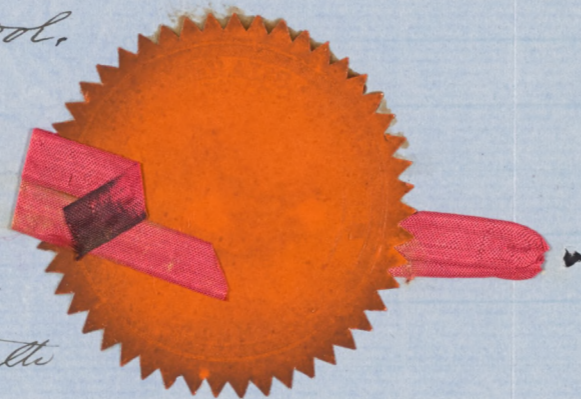
Original Spanish document on file in this Office in case
No 36 Massimo Martinez

Geo. Fisher
Secy.

W. S. Sawyer, Esq. offic.
San Francisco Cal.

April 27th 1857

I John C. Hayes, W. S. Sec. Esq. for California
under such viewing in my custody the papers
of the late Board of Land Commissioners to "ascertain
and settle the private land claims in the
State of California", do hereby certify the foregoing
true pages to be a correct copy of the papers
on file in my office under No. 36 Massimo
Martinez Canado del Corte de Madera - Of Doc.
H. J. No. 3 to the deposition of W. A. Richardson
Judicial possession - Translation - Filed in office
Feb. 8th 1853 - Geo. Fisher Sec.
Recorded in Record of Evidence vol.
7 p. 372 Geo. Fisher Sec.



Given under my hand and
Official Seal, at the City of
San Francisco this twenty seventh
day of April 1857.

John C. Hayes
W. S. Sec. Esq. Cal.

395-

395.

U. S. Dist. Court.

The United States.

— ads —

Domingo Peralta.

Translation of
Judicial Possession.

Filed April 27, 1857.

W. H. Chew,
Deputy.

⑧

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Translation of Judicial
Possession.

U. S. Dist. Court. Northern Dist. of Calia.

No. 395.

The United States

vs

appellee,

Domingo Peralta.

appellant.

It is stipulated that the date of the document contained in a paper filed in this case, April 18, 1857, and purporting to be a transcript of part of a record in the Surveyor General's office, should be "19th of May 1834." instead of "12th of May 1834." as shown in the translation contained herein.

Wm Blanning
Dist Atty.

H. W. Carpenter
atly for appellant

No 395

U. S. District Court
Northern District California

United States

vs

Domingo Peralta

Stipulation

Filed May 4, 1857,

W. H. Chevers,

Deputy.

9.

395 ND

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UNITED STATES DISTRICT COURT,
Northern District of California.

San Francisco, Aug 18 1857.

ON this day, before *Cutter McLister* a
Commissioner of the United States for the Northern District of California, duly
authorized to administer oaths, &c., &c., came

Juan Peratta a witness produced on behalf of the
Claimant

in Case No. *395*, being an appeal from the Board of Commissioners to ascer-
tain and settle the Private Land Claims in the State of California, in Case
No. *306* on the Docket of the said Board of Commissioners, and was duly
sworn and testified as follows — his evidence being interpreted by

Robert Simons a sworn interpreter

PRESENT:

H. H. Carpenter for Claimant
and *U.S. Dist Atty*

QUESTIONS BY

Atty for Claimant

Quest. Your name, age, & place of
residence?

Ans. *Juan Peratta* - I am 31 yrs
old. I live in Alameda County.

Quest What do you know, if any,
thing concerning the possession by
(Domingo Peralta of the Rancho
called "Cañada del Corte de
Madera" in Santa Clara County?

Ans I know that my Father lived
in that Rancho, & that I lived
there with him there about 1833 &
1834. My Father is *Domingo Peralta*

to the claimant in this case. I was a boy at the time - My Father had at that time some where about 800 head of cattle grazing upon the Rancho at that time - My Father afterwards went to live in Contra Costa, he has lived in Contra Costa ever since - After my Father went to live in Contra Costa, Maximino Martinez had the Rancho -

I know that my Father has demanded possession of Maximino Martinez of his share of this Rancho. My Father & Don Maximino had the Rancho half and half -

The manner in which my Father demanded his share of the Rancho was, that he put me in his place to demand from Don Maximino that part of the Rancho which belonged to him -

I went to the Rancho as the agent of my Father to demand possession taking bearing a letter from my Father to Don Maximino whereupon Don Maximino became enraged and threatened to beat me -

My Father wished to go upon the land at this time for the purpose of possessing it, and for the purpose of building a house upon it, and planting a vine yard on it and also for the purpose of putting Cattle on it -

I so explained my Father's desire when I ~~so~~ made the above demand for possession.

The only answer which Don Maximo made was a threat to beat me if I ever came back again. This demand I made happened in the year 1841 or 1842. At that time I was about 16 years old.

About the year 1844 my Father deputed me to make a demand before the Judge in San Jose for the possession of his part of the Rancho. The Judge was Antonio Maria Rio he refused to take jurisdiction of the case and referred me to the Government.

He did not refer it to the Government because at that time the Californias were in revolution against the Government. It was the time they drove out Micheltorena. On the last mentioned year previous to going before the Judge, I again demanded the possession of the Rancho from Don Maximo personally, he refused to give it.

In the Year 1833 my Father had
3 legitimate children who are
now alive, they are myself Juan
Peralta - my Sister Maria de
los Angeles Peralta, and my
Sister Maria Antonio Peralta
my first named Sister is about
33 years old & the my second named
sister is about 28.

My Father also has other
legitimate children born since 1834.

My Father has always up to
this time claimed his right to one
half of the Rancho -

Cross Examination
Sworn by U.S. Dist Atty -

My Father first sent me to demand
possession in the year 1841 or 1842 -

I do not know that my
Father ever sold his portion of the
Rancho to Don Maximino -

I do not know that Don Maximino
ever claimed that my Father
had sold him his portion of the
Rancho -

Subscribed & sworn Juan T. Peralta
to before me this 18 Aug 1854
Carter McAllister
U.S. Comm.

Mary
Mary
El pan
El pan

No 395.

District Court of the
U.S. for the Dist. of Cal.

The United States

vs

(Domingo Peratte

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Dep of Juan Peratte a
Witness produced on be-
half of Claimant -

Filed September 14 1857

John St. Monroe Clerk

By Fitzgerald Deputy

(10) Fee - \$ 5.70 -

UNITED STATES DISTRICT COURT,
Northern District of California.

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San Francisco, September 28th 1857

ON this day, before *Geo. Pon: Johnston* a
Commissioner of the United States for the Northern Districts of California, duly
authorized to administer oaths, &c., &c., came *Antonio Maria Peralta*
a witness produced on behalf of the

Claimant
in Case No. *395*, being an appeal from the Board of Commissioners to ascer-
tain and settle the Private Land Claims in the State of California, in Case
No. *306* on the Docket of the said Board of Commissioners, and was duly
sworn and testified as follows — his evidence being interpreted by *Cipriano*
Shurn a sworn interpreter

PRESENT:

*The U.S. Dist Atty on behalf of the United
States and Horace Carpenter on behalf of Claimant.*

QUESTIONS BY

*Horace Carpenter Esqr
on behalf of Claimant.*
Question No: 1. — "What is your name age, and place
of residence?"

Ans: 1. — "My name is Antonio Maria Peralta, I
am fifty five year of age, and my place of
residence is San Antonio Cal."

*The writing down of the questions herein reviewed. —
"I know Domingo Peralta, the claimant in
this case; I know his signature, I have seen
him write."*

The witness is here shown a certain paper on file in Case No. 36, before the Land Commission enclosed "Doc No. 1. annex to the Depo of José Abrego, taken before Comr H. J. Thornton" - being a document in the Spanish language purporting to be signed by Domingo Pralta - a copy of which is filed by the U.S. in this case; the witness is asked the question, "Is the signature to the document shown you, the correct and genuine signature of Domingo Pralta?"

Ans. - "It is not; - the letters of the name are not like those of a genuine signature of Domingo Pralta; also the name of José is wanting to the signature, and Domingo Pralta always wrote his name José Domingo Pralta, and the rubric in the signature now shown me is different from the rubric of Pralta's genuine signature; - the letters to the signature shown me seem to be written by some one who was trying hard to imitate Pralta's signature and, are forced and falsely made. -"

(The Atty for the U.S. objects to the last part of the answer being taken dem sig; so much as refer to the character of the letters in the signature. -)

"Domingo Pralta had no other grant of lands from the Mexican Govt except the lands granted in this case, and at the date of the instrument above described, as 'Doc No. 1. annex to the Depo of José Abrego to'

he owned no other lands; - at the time
of the date of the "Doc No 1. &c" referred to,
to Domingo Peralta had three legit-
imate children who are now alive,
and he has also several legitimate
children born since that time. -"

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Orde Examination. -
Questions by Atty on behalf of the U. S.
"Domingo Peralta, is about sixty
year of age, I have known him for
about the last fifty year; for about
two year of the last thirty he lived
on the land in this case for the re-
mainder of that period, he has lived
at San Antonio; the two year he lived
on the land in this case I think were
between the year 1820 & 1830, but I
am not certain about it; he has lived
in San Antonio for the last twenty five
year; and during that time he has
been engaged in working for his sub-
sistence, and in taking care of country
property, horses, cattle, to some six or
seven thousand head altogether: - the
cattle he belonged to the family in general,
there were four brother: - I don't know
whether Domingo Peralta, has visited
the land, in this case during the

last twenty five year or not. -

(The Atty for the Claimant here objects to all such questions as are not directly in the nature of a cross examination.)

Domingo Peralta, and I have lived for the last twenty five year, on the same tract of land, at the distance of one or two leagues apart. - I have known Maximo Martiney for a good many year but don't know anything about his character. - I have compared the signature to the Document heretofore spoken of with one genuine signature of Domingo Peralta; I was applied to by the Atty for the Claimant in this case, to know if I had letter or other documents with the signature of Domingo Peralta, at first I thought I had not but on searching I found one document with his signature to it, and have brought it to compare it with the one shown me but without such comparison, I would have known the signature shown me as being false and not the genuine signature of Domingo Peralta; - the signature to the one document I have in my possession was written about a year ago; I have not seen Domingo Peralta write for the

last five year, because we have lived

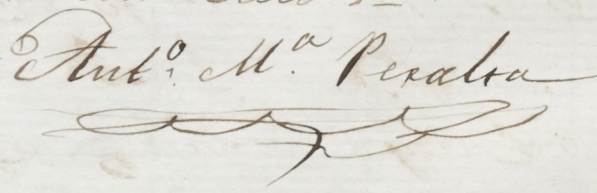
last five years, because we have lived
so far apart: - I may have seen him
write in the last fifteen years but I
don't recollect the date, - I don't know
whose handwriting the body of the
document is to which the signature
of Domingo Peralta now shown me is
attached. -

"Do you know the handwriting of Sal-
vio Pacheco?"

Objected to by Atty for Claimant. -

Ans: I do know the handwriting of Salvio
Pacheco - I don't know whether he wrote
the body of the document referred to or not: -
there is no part of the rubric to the docu-
ment shown me like any rubric of
Domingo Peralta, I ever saw. -

Seen to & subscribed by }
before me this 28th }
day of September }
A. D. 1857. }
Gen: Pini Johnston }
U. S. Commissioner }



U. S. District Court
Northern District of Cal^{ca}

No. 395

The United States

vs

Demingo Prallan

Deposition of Antonio
Maria Prallan, a witness
produced on behalf
of the claimant.

Filed October 6th 1887

J. Edgar Payne
Deputy

7. 65

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United States District Court }
Northern District of California }

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San Francisco, Janth 14 1858.

On this day, before Geo. Perin Johnston, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths to and receive evidence, came Antonio M^a Peralta, a witness produced on behalf of the Claimant in Case No. 395, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 306, on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows - his evidence being interpreted by Cipriano Thurn a sworn interpreter. -

Present:

The U. S. District Attorney on behalf of the United States, and Horace Carpenter Esqr on behalf of Claimant. -

Direct Examination. -

Questions by Atty for Claimant. -

Ques. 1. - "What is your name, age, and place of residence?"

Ans 1. "My name is Antonio M^a Peralta, my age is Fifty five years, and I reside at San Antonio California. -"

Ques. 2. "Have you heretofore been examined, as a witness in this case?"

Ans. 2. - "I have."

Ques. 3. - "Have you found amongst your papers, any documents, signed by Domingo Peralta, between the year 1830 and 1840, if so, please produce them?"

Ans. 3. "I have found one such paper, which I now produce: -" (The paper now produced, and is marked "Exhibit No. 1. G.P.D" and filed, herein. - Johnston U.S. Commr) "the paper I produce is a letter from him to me; at the time of the date of the letter, it was received, by me: - "the letter bear date October 3rd 1834."

Ques. 4. "Has this letter been in your possession from the time it bear date until the present time?"

Ans. 4. - "It has."

Ques. 5. - "In whose handwriting is this letter?"

Ans. 5. - "It is in the handwriting of my brother José Domingo Peralta, the claimant in this case, there is no other Domingo Peralta."

Ques. 6. - "Is the signature to this letter the genuine signature of Domingo Peralta?"

Ans. 6. - "It is."

Ques. 7. "State whether you have seen many signatures of Domingo Peralta, and if, yes, whether this is the same as all of his genuine"

nine signatures?"

Ans. 7. I have seen many signatures of Domingo Peraltas and the one affixed to this letter is like all of the others.--

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Ques. 8. - Is this signature like, or unlike the signature which appears upon a document referred to in your deposition, heretofore taken before Geo. Par. Johnston W. S. Commr, in this case, and therein described as a certain paper, on file in Case No. 36 before the Land Commission endorsed, "Doc No. 1. annex^d to the Depo of J. A. Abrigo, taken before Comr St. J. Thornton "re"?"

Ans. 8. It is unlike the signature which appears on that document. - It is very much unlike that signature. -

Ques. 9. - "Up to what time, or about what time did Domingo Peralta continue to live in the Rancho of Corte Madeira, claimed in this case?"

Ans. 9. - "He continued to live there up to a time later than the date of the letter I have produced, Oct 3^d 1834."

Ques. 10. - "Was the Rancho, Corte de Madeira, known by any other name?"

Ans. 10. "It was also after being granted called San Emillio. -" Just M. Peralta
Prom to & subscribed
before me this 14th

day of January A. D. 1858.

Gen. Br: Johnston
U. S. Commissaries

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San emidio 3 de octubre de 1834

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A S.^{er} Antonio Maria Peraltta

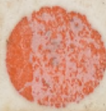
es timado hermano Presbitero de ustedes en las q.
me a Puran que me balla para bernos juntos
antier estube en la casa y ledige a mi padre
que nomas y ba a ser un polo de gaban al Prar
cho de Señor Carlos q. viniendo de alla me
me iria de Paso dile a bisente que no ledige
nada a Prar Fel Soto por q. la Careta que esto ll
a Cabando es parca el Pero q. me siem ^{bre} una Fa
nega de trigo bien sembrada No laire a cose Char
mi padre me digo q. le mandara el Prabi Caro
Creer q. ba a berlos y nomas y ustedes Presbiteros
de suer mano q. todo bien les desea

Oct. 3. 1834 Jose Domingo Peraltta

Al S.^{or} Antonio maria Geraltta
en su Rancho de San Antonio

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Exhib
No 1.
B.O.D



San Emidio October 3^d 1834
To Mr Antonio Maria Peratta

Dear brother

I received yours in which you urge me to come in order that we may be together; Yesterday I was at the Casa and told my father, that I only would make a little soap at the Ranch of Señor Carlos and that returning from there I would go directly. Tell Vicente that I did not say any thing to Rafael Soto, because the Cart that I am just finishing is for him, but that he sow for me a fanega of wheat, well sown, I will go to harvest it. My father told me to send him the white-tailed horse, I think that he goes to see you, that is all.

Receive the Compliments of your brother who wishes your good.

Jose' Domingo. Peratta

Translation by Interpreter Cipriano Thum,
of "Exhibit No. 1. S.P. 3".

Jos. Par. Johnston
U. S. Commissioner

No: 395
U.S. District Court
North^r Dist of Cal^y

The United States
^{vs}
Domingo Peraltas

Deposition of Antonio
Ma Peraltas a witness
produced on behalf
of Claimant.

Filed Jan^y 14, 1858,
W. A. Chivers
Deputy.

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Filed 8th 1858

(12)

U. S. District Court Northern District of
 California
 Domingo Peralta } Case No. 395.
 vs appellant }
 The United States } For part of "Cañada"
 Appellees } del Corte de Madera"

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Jose' Domingo Peralta being
 duly sworn, says that he is the party
 Claimant in this Case, and that since
 the perfection of the appeal herein, he has
 sold and Conveyed his entire interest in
 this suit and in and to all the land and
 property claimed herein to Cipriano Thurn
 and Horace W. Carpentier, and he prays
 that in the further prosecution of this
 Case the said grantees may be substituted
 as Claimants in his place.

Sworn to & subscribed, } Jose Domingo Peralta
 before me, this 13th }
 day of January A.D. 1858. }

Geo. Pm. Johnson
 Clerk C.C. U.S. & U.S. Commissioner
 for the Dist of Cal^a

U. S. District Court.

Sand Cases No. 395.

Domingo Peralta
vs App^t

The United States
App^{ees}

Affidavit of Claimant

Filed July 18, 1858,
W. H. Chivers,
Deputy Clerk

(13)

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U.S. District Court Northern District of California.

Domínguez Peralta

vs.

Appellant

The United States

Appellee

Case No. 395.

For part of "Cauada

del Corte de Madrid."

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In filing the affidavit of claimant, and copies of conveyances the originals of which were produced and duly proven, and it appearing therefrom to the satisfaction of the Court, that Cipriano Thum and Horace W. Carpenter have, since the perfection of the appeal herein, duly succeeded to all the rights, claim and interests of Domínguez Peralta the appellant in this case, and the District Attorney consenting thereto; It is ordered that the said Thum and Carpenter be substituted in the place of the said Peralta as claimant herein, and that this suit be further prosecuted in their names.

Edw. Hoffman
Dist. Judge

No. 395
U. S. Dist. Court.

Domingo Peralta
vs. Applt.

The United States
Apples

Order of Substitution

Licid Jay 18. 1858,

W. D. Chenevix,
Dep. clk.

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(16)

UNITED STATES DISTRICT COURT,
Northern District of California.

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San Francisco, January 19 1858

ON this day, before *José G. G. G.* a
Quint *superior* appointed by the Dist Court
Commissioner of the United States for the Northern District of California, duly
authorized to administer oaths, &c., &c., came *José Domingo Peralta*
a witness produced on behalf of the
Claimant
in Case No. 395, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 306 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows — his evidence being interpreted by *Herman Wheeler* a sworn interpreter

PRESENT: *The U. S. Dist Atty & H. W. Carpenter for Claimant*

QUESTIONS BY *Claimant's counsel*

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

1. Ans My name José Domingo Peralta, 61 years old, and I reside in Alameda County.

2nd Ques Do you know the rancho called *Cañada del Corte de Madera*?

2. Ans Yes Sir — I know it well — I do not know whether it is in Santa Clara or San Mateo County not knowing the County lines.

3rd Ques Do you know to whom said *rancho* County was granted, if you state to whom?

3rd Ans *Das* To myself and Maximino Martínez —
4th Ques Have you any interest now in said rancho or in the event of this suit?

4th Ans - I have no interest whatever -

5th Ques - Have you conveyed your interest, if so to whom?

5th Ans - I have sold it - one half to Horace W Carpenter and the other half to Cipriano Thurn

6th Ques - State whether you ever sold or gave your interest in said ranches or any part thereof to any person previous to your sale to present claimants

6th Ans - I never did to anybody -

7th Ques - The witness is here shown a certain paper in file in Case No 36 before the Land Commission endorsed "Doc No 1 annexed to the Depo of Jose Abrego, taken before Com: H. J. Johnston" being a document in the Spanish language purporting to be signed by Donnings Puerta, a copy of which is filed by the United States in this case and the witness is asked "Examine the document now shown you and state whether you ever signed it? and whether the signature thereto is in your handwriting?"

7th Ans - It is not my signature and I never signed it and it is not my rubric - It is better written than I ever wrote - This is written with a free & light hand but I cannot write so - I write a heavier hand as if I was cutting paper

8th Ques - the witness is now shown a document marked "Exhibit No 1. G. P." annexed to the deposition of Antonio Maria Puerta taken before Commissioner Geo. Pe. Johnston filed in this case and is asked in whose handwriting the said document & whose is the signature thereto?

8th Ans - I wrote it - it is my signature -

I wrote it on the 3rd of October 1834 and I can recite the letter by memory now -

9th Ques - State in what respect your genuine signature on the last mentioned document

differs from the signature that appears on the first herein mentioned document?

9th ans. In making my rubric I make sometimes two turns sometimes three but never more than three - then I finish it in making the ^{hook} ~~turn~~ as I show you now in this second document, whereas the rubric that appears in the first mentioned document is made with a large number of little turns with a hook to the end of it such as I never made. It also differs in this that my genuine signature to document No 2 - is signed Jose Domingo Peralta as I always sign my name, whereas the signature to No 1 - is signed Domingo Pualta I have never signed my name Domingo Pualta I always sign Jose Domingo Peralta. I have all my life so signed it -

10 Ques State what you know concerning the settlement & occupation of said ranch?

10th ans. I lived on the ranch in the year 1833 & 1834 and I cultivated some of the land. I took down a house from Santa Clara to the rancho - It was a wooden house - where I built it. It was a pretty good house I lived in it up to the end of October 1834. I was in possession of said rancho from the beginning of 1833 until the time when I left in October, ¹⁸³⁴ as I have before said. I built corrales there - had my cattle there and had a large quantity horses, both wild

And same.

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I myself paid six dollars to buy the stamped paper ^{on} which the grant was written - Maximo Martinez paid no part of it -

Maximo Martinez lived with his family in the Pueblo of San Jose during the time I lived on the rancho - and he only came there on a visit occasionally - He was then "Regidor" of the Pueblo -

11th Ques - State whether you have always ever since you left said rancho in 1834 claimed to be the half owners of said rancho up to the date of your sale to the present claimants

11th Ans. Yes Sir. I have always claimed it. I have never thought of abandoning it.

12th Ques. Who has occupied the rancho since 1834

12th Ans. Maximo Martinez - I considered that I held possession of the rancho for Maximo Martinez myself under our joint grant from the Government up to the latter part of 1834 and since then that he held possession of said grant for both of us under said grant.

13th Ques. Did you ever receive anything from Maximo Martinez for your interest in said rancho or did he ever pay you any portion of the money which you expended in making improvements on the rancho where you settled upon it?

13th Ans. He never paid me a cent - He

13th Ans- He never paid me a cent- He never paid me any portion of the expenses I always considered myself half owner of the ranch and I never claimed ^{of him} to pay me back his share of the expenses I made in settling the ranch-

Maximo Martinez lived in my house when he came on the ranch-

14th Quer Did you ever have any other land granted to you from the Mexican Government?

14th Ans- I never had -

15th Quer- What other lands did you own in May 1834

15th Ans. I had no other land-

16th Quer Why ~~did~~ you leave your ranches of Corte Madera in 1834?

16th Ans Because it was the desire of my father and of my brothers that we should all live together on the same ranch - portion of which I am occupying now - It was the rancho of my father - They desired me to live there to ^{help them} take care of the Cattle and improve it - I have continued ever since to live on said ranch - A portion of it has been given to me by my father -

17th Quer- Was the rancho Corte Madera known by any other name?

17th Ans- We also called it ~~Saint~~ "San Emedio"

Sworn to & subscribed before me this 19th day
of December 1858

J. G. G. G. G. G.

Special Commissioner -

Jose Domingo Peratta

J

No 395.

U. S. Dist Court

Domingo Peralta

vs

The United States

Deposition of Jose Domingo
Peralta -

Filed January 23^d 1868

W. D. Chever,
Clerk.

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PAGE 165

Lubery.

Cipriano Thom et als

vs

The United States

No. 395

"Canadá del Corte de
Madera"

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In this case, the genuineness of the grant, the regularity of the proceedings and the fulfillment by the grantees of all the conditions are established by abundant proofs - and admitted ^{on the part of} by the U. S.

The proceedings up to the issuance of the final title and including an approval of the grant by the departmental assembly were conducted in strict conformity to the regulations of 1828 - and on the 11th June 1834 the final documents required by those regulations was issued to the applicants Maximino Martinez & Domingo Peratta - The present claim is by the representatives of the latter for one half of the rancho - Maximino Martinez has also presented his claim - from which

however embraced the whole
rancho - To establish his title
to the ~~La~~ share of his co-grantee
he gave in evidence an alleged
conveyance dated May 19. 1834
from Pratta to himself -

As this conveyance seemed prima
facie to show the whole title
to be in Martines the claim
to the whole was confirmed ^{to him} by
the Board and by this Court
Domingo Pratta ^{also now} presents ~~his~~
his claim. ~~and~~ ^{the} ~~only~~ ^{objection}
and would clearly be entitled
to a confirmation of one 1/2
the land had not the U.S
put in evidence the conveyance
^{alleged to have been} made by him to Martines as
above stated.

Many objections to this docu-
ment were urged on the
part of the claimant; both
its genuineness and supposed
legal effect were strenuously
denied -

The district Attorney declined
to argue the questions ~~allud~~
^{discussed} ~~ed~~ by claimants observing

that the controversy was one in which the U. S. had not the slightest interest that the grant was unquestionably valid and the land had already been confirmed to ^{the appeal in which case had been dismissed by order of the Attorney General} Martineau. He further observed that no decision of this Court could in any way affect the determine private rights inter partes, to land admitted not to belong to the U. S. — and to which the full legal and equitable title was already vested in three ^{separate} private individuals —

The District Attorney was understood to say that he interposed no objection to a confirmation to the present claimants if the Court was of opinion that such a decree should be entered.

~~There~~ It is perhaps —

It has heretofore been decided by the Board and by this Court that 3rd persons, who have no right to interpose in

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PAGE 169

in these proceedings to ascertain whether the lands claimed under titles derived from the former government is public or private land — As the decree of this Court and the patent issued under its ^{order} ~~have~~ ~~to~~ affect the rights of any parties except the U. S. and the claimants it seemed manifestly improper to allow an inquiry instituted to ascertain the rights of the U. S., and to determine what was private land and what public land — to be converted into complicated series of cross examinations and objections between various private claimants — and this where the decision of the Court could not in any way decide the right to be held before it —

The only course therefore to be adopted was to confine to the claimant whenever the title by a disquisition of title *prima facie* regular showed

himself to be the representa-
 tive owner of a valid grant.

This mode of proceeding in-
 volved ^{it is true} the apparent anom-
 ly of confining in some cases
 the same land to different
 persons claiming under the
 same original grant.

But as each suit was separ-
 ate and as the Court could
 not enter into question of ad-
 verse private rights, ~~it~~
 this anomaly was not to
 be avoided.

Had the present claimant
 been permitted to introduce
 in the case of Martines he
 perhaps might have shown
 as he claims to have done
 in this case that the alleged
 conveyance to Martines was
~~so~~ fabricated or inoperative.
 But that he as he was
 not permitted to do so
 it seems equally in proper
 to allow that conveyance
 to be introduced into this

Case nominally on the part of the U. S. but really on the part of Martines to defeat the claim of Peratta to a confirmation which if it were not for that conveyance he would be clearly entitled to -

Besides if the validity of that conveyance is to be passed upon by this Court Martines should be heard and allowed to introduce testimony - The District Attorney has neither any interest or power to represent him - To the United States it is indifferent whether the land belongs to both the original grantees or to Martines alone -

To refuse to confirm this claim is a recognition of the validity of ^{the} conveyance which ^{may be} liable to grave objections - But to confirm the claim is merely to give to the claimant a right to ^a deed

from the U. S. relinquishing &
quitclaiming any supposed
title it might have been
deemed to possess, and the
reception of which merely puts
the claimant on ^{an} equal foot-
ing with his adversary &
enables him to contend with
equal evidence of title from the
U. S. than a donee ought to be
fore the ordinary tribunals -
I think that the only course
to be adopted is to confirm
this claim - and to leave
the question of ownership be-
tween parties to be litigated
before the tribunals having
jurisdiction over the subject
matter of the controversy -

A decree must be entered
accordingly -

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Domingo Rualta

vs

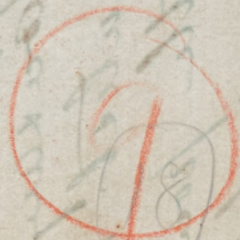
The United States

Pinion

March 16th

Filed March 17, 1858.

W. H. Church
Clerk.



395 ND

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United States District Court for the
Northern District of California.

Cipriano Thurn &
Horace W. Carpenter } Decree N^o 395
vs. Appellants }
The United States } Stated Term
Appellees } March 17th 1858.

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This cause came on to be heard at a stated term of this Court on appeal from the final decision of the Commissioners to ascertain and settle private land claims in the State of California under the Act of Congress approved March 3, 1851 upon the transcript of the proceedings and decision and the papers and evidence on which the said case was founded and the further evidence taken in this Court and papers filed herein, and it appearing to the Court that the said transcript has been duly filed, and that the land is situated within the territorial jurisdiction of this Court, and Counsel for the respective parties having appeared and the Court being sufficiently advised in the premises, and it appearing to this Court that there was error in the decree of said Commissioners, and the Attorney for the United States consenting thereto

It is hereby ordered, adjudged and decreed that the decree of said Commissioners rejecting the claim herein be and the same is

in all things reversed and annulled

~~And the Attorney for the United States consenting thereto,~~ it is further ordered adjudged and decreed that the claim of the said appellants Cipriano Thurn and Horace W. Carpentier herein is valid, and the same is hereby approved and Confirmed

The land of which Confirmation is hereby made is the equal undivided one half part of all that certain tract of land situated in the County of San Mateo or the Counties of San Mateo and Santa Clara and in the Northern District of California, and known by the name of "Cañada del Corte de Madera", and lying between and bounded by the Rancho "Las Pulgas", the Santa Cruz range of Mountains and the Mission of Santa Clara, as the same was known and understood in 1833, the date of the grant herein, provided that there be not found more than the quantity of one square league of land within said boundaries, and if there be contained within said boundaries more than one square league of land, then there is hereby Confirmed to said Claimants, Thurn and Carpentier, the undivided one half of a tract of land equal in quantity to one square league of land to be so located within said boundaries as to include the original settlement of the grantees herein after

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named, the land of the undivided moiety of which Confirmation is hereby made being the same which was granted under the name of "Cañada del Corte de Madera", by Governor José Figueroa to Maximo Martinez and Domingo Peralta Conjointly by decree of Concepcion dated May 18. 1833, and by formal grant dated June 10. 1833 and Approved May 17. 1834, and which was occupied by them, reference for further description of said boundaries being had to the grant and Map forming part of the "Expediente" a traced Copy of which was filed before the board of land Commissioners, in this case.

Ogden Hoffman
U. S. Dist. Judge

395

U. S. Dist. Court

The United States

vs
Domingo Peraltá

Decree

Filed April 6, 1858.

W. H. Chewers,

Clerk

395 ND

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(79)

At a Stated Term of the District Court of the
UNITED STATES OF AMERICA, for the Northern District of
California, held at the Court Room, in the City of SAN FRANCISCO,
on *Saturday* the *seventh* day of
18th August in the year of our Lord one thousand
eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

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The United States

v.

Cipriano Thurn and
Horace M. Carpenter.

D. C. 395: L. C. 306

In this case on application
of P. Della Torre, ^{Ex. Atty.} it is ordered that an
appeal in behalf of the United States from the
final decision of the Court, rendered in said
^{cause} Court at the December 1857 term, be and the same
is hereby granted, and that a certified transcript
of the pleadings, evidence, depositions and proceedings
in the said cause be sent to the Supreme Court
of the United States without delay; and the
appellants are ordered to serve the usual
citation according to law.

Ogden Hoffman
Dist. Judge

395

United States District Court, Northern District of
California.

The United States

vs.

Cipriano Thurn et al

ORDER.

granting appeal

Filed *Aug: 7* 1858
W. H. Church

CLERK.

395 ND

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By

DEPUTY.

20

United States of America,
To Cipriano Thurn and
Horace W. Carpenter.

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Greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States to be holden in Washington on the first Monday in December next, pursuant to an order of appeal granted on the seventh day of August A. D. 1858, by the District Judge of the District Court of the United States for the Northern District of California, in a certain suit wherein the United States are plaintiffs and you are defendants on appeal, to show cause, if any there be, why the decision in the said appeal mentioned should not be corrected, and speedy justice should not be done to the parties in that behalf.

Witness my hand and seal at San Francisco, this seventh day of August in the year of our Lord one thousand eight hundred and fifty eight.

Allen Stanford
District Judge



395

U. S. District Court

The United States

v.

Liporians Thurn, et al.

Citation

Due service of within
citation, by copy, by U. S.
Marshal admitted this
11th day of Aug 1858.

H. W. Carpenter

Filed Aug: 11. 1858,

W. H. Chevers,

Clerk

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At a Stated Term of the DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room in the CITY OF SAN FRANCISCO, on Wednesday the 22nd day of January in the year of our Lord one thousand eight hundred and sixty two.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Cipriano Thum &
Horace W. Carpenter

D. C. 395.

L. C. 306.

And now come the said Claimants Cipriano Thum & Horace W. Carpenter and present the mandate of the Supreme Court of the United States, affirming the Decree of this Court in the above entitled Cause, and move that the same be filed herein,

Whereupon it is ordered that the said Mandate be filed in this Court.

And it is further ordered, adjudged and decreed that the said Claimants have leave to proceed under the decree of this Court heretofore entered herein and affirmed by the Supreme Court of the United States, as under final decree, and that the U. S. Surveyor General for California make a survey of the land confirmed to the Claimants in said decree.

O. Hoffman
District Judge

395.

UNITED STATES DISTRICT COURT

Northern District of California.

The United States

v.

Thum & Carpenter

Order to file Mandate &c.

Filed January 22 1862

W. O. Cheney

Clerk.

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Domingo Pratta
v
The United States

District Court
of the United
States for the
Northern District
of California,

395 ND
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To Messrs W Carpenters & Ellis
Williams / Thornton att^y for Carpenters
You will take notice that
upon the 12th day of June 1888
at the opening of the Court above
named on the said day or as soon
thereafter as I can be heard
I will make an application to
the District Judge of said Court
at the Court House of said Court
Battery Street, between Jackson & Mad-
-ison Street to set aside and to vacate
a decree which was made in the above
Cause on the 18th of January 1888
substituting Messrs W Carpenters &
Cipriano Thum in the place & stead
of Jose Domingo Pratta. That
such motion will be made upon
the annexed affidavits, a copy
of which is hereby served on you,
also upon the papers on file in the said
Cause

R. H. Ryan Att^y
for Frank Cunningham
adm^r of the Estate
of Jno W. Brattle
Hereinafter

1 of June 1876

Domingo Peralta appellant	District Court of the United States, for the District of California
vs The United States appellee	

395 ND
PAGE 186

Frank Cunningham of lawful age being first duly sworn deposes and says that he is the duly qualified administrator of the estate of Jose Domingo Peralta deceased that he has discovered within and amongst that Homer W Carpenter did on the 18 of January 1887 obtain a deed of the District Court of the United States for the District of California substituting him and Cipriano Thurn as parties to said proceedings with peace and stand of Jose Domingo Peralta under and pursuant to that the said Jose Peralta had sold and conveyed to them all the interest of Jose Peralta in the Rancho El Canada de Colada Madera Case 395. That the said deed was obtained by said Carpenter

and Thurn under misrepresentation

That both of the said parties Thurn and Carpenter claimed at the time the depositions made in said cause to be the agent and attorney of the claimant Jose R Piralla

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That Carpenter had a written contract with Piralla made in 1834, under which he undertook to secure the title to the Rancho El Canada del Coto Madera, to obtain possession thereof and to bring actions for and to recover the rents of the said land from all parties in possession thereof at his expense and risk and without any expense to the said Piralla. That if he did complete these contracts for Piralla he must have a conveyance of one quarter interest in the said land as he is informed

That the said Carpenter was and had been in the habit of getting Piralla to sign papers as he is informed the contents of which were not made known to him without effect or purpose & that he finds that on the 31 of Decr 1857

he Carpenter obtained a conveyance of one quarter of the interest in said

he Carpenter obtained a conveyance
from Pratta of $\frac{1}{4}$ interest in said
Ranch. That no consideration was
paid therefor and that the same was,
as he is informed & believes, made by
Pratta under inducements of
Carpenter that it was necessary to
secure Pratta as to do so, that
it was never meant or intended to
convey the said land,

That the consideration
which is expressed in the said conveyance
of $\frac{1}{4}$ interest was \$25,000 but none was
paid by Carpenter to Pratta & therefore

Applicant further sets forth
that Cipriano Thomas another useful
or attorney of Juan Pratta and wholly
alike fraudulent intent and purpose
he induced Pratta to execute a
conveyance of $\frac{1}{4}$ of said land to
him Aug 20. 1857 in consideration
of \$1000 that none was paid, that
when Pratta discovered the said fraud
on him he compelled the said Thomas
to convey to him back the said land
that at the said conveyance was
made July 10. 1860. That at the death
of Pratta's death the said interest
stood in his name of record, and it now
is in his name of record, and the same

in part of the said Estates of deceased,
That among the papers in
file in said action he finds an
affidavit purporting to have been
Signed by Jose Domingo Peraltta
setting forth that he had had con-
veyed away his interest in ^{Canada & the Gulf de} San
^{Madera} Ramon to Thoun & Carpenter
That he has reason to believe and
that he does believe from information
which he believes to be true, that the
signature to said affidavit is
not the genuine signature of
said Peraltta, and that if it may
his signature it was obtained
by misrepresentation from him.

That he has shown the signature to
persons who were acquainted with
it and they pronounced it not to be
his signature. That he has called
upon Peter Johnson before whom
the said affidavit purports to have
been sworn who informed applicant
that he did not know Peraltta
could not tell him from any other
Spaniard who made affidavits
in cases in the said Court.

That it is not unlikely
that Peraltta would have made such
an affidavit if the truth be
told.

that I shall make name made and
an affidavit of the same that he
had been denouncing Carpenters
and Thurns for frauds which he
charged they had committed upon
him in diverting him of his
property from the date of the making
of said affidavit up to the date of
his death

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Know all & Subscribed Mark Cunningham
before me this 6th day
of June A.D. 1876
at Grimwood
Connecticut Dist. Circuit
Court District of California

severely and enjoy of the
million admitted this 6 day
of June 1876

Blad of Camp S. A. H. R. J. J. J.
Frank Cunningham of Camp
as being just duly sworn before and says
that upon the 6th day of June, A.D. 1876
he served Thomas W. Carpenter with
a copy of the million notice & affidavit
by delivering the same to a clerk
of the said Carpenter in his office
in the City of San Francisco, County of
San Francisco and State of Calif
and not before the hour of
8 o'clock a.m. and 4 o'clock
P.M. of the said day. The said Carpen-
ter being absent therefrom.
I promise to subscribe
before me this 12 day

of June the 1876

Frank Cunningham

David Lynn
Com. p. p. in "H. C. in R. Court
D. H. of California

The United States

vs

In re: Patent

affidavit & notice
" " " " " "

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Filed June 13th 1876
L. J. and W. J. J. J. J.

395.

Land Case - N. H.
395

Domingo Peralta
vs
The United States
District Court
of the United
States for the Dist
of California

To Horace W. Carpenter

You will take notice
that upon Tuesday the 15th day of
September A.D. 1874, at the opening of
the District Court of the United
States for the District of California
^{on the Bakery Shed San Francisco}
or as soon thereafter as I can be he-
ard I will make an application to
said Court to set aside an order of
this Court made 17 March 1858, to
set aside an order and a decree
made in the above cause substituting
Horace W. Carpenter & Cipriano Thurn
as and in the place and stead of
Jose D. Peralta deceased as claimants of
the land in the petition set forth.

And you will take notice
that such application will be made
upon the annexed petition upon
the papers heretofore served on you
and on the papers filed & files and
minutes of the said Court and on

Domingo Puatto
vs

Appellant

The United States

appellee

District court
of the united
states District
of California

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To the Hon. Ogden Hoffman
The Petition of Frank Cunningham respec-
tfully sets forth and shows to your
honor that Jose Domingo Puatto was
the claimant of the land in the pro-
ceedings in this case sets forth as Le-
Canada del Corte de Madara partly
situated in the counties of San Mateo
and Santa Clara

That the deed in this case
annexed to Jose Domingo Puatto the said
land That Jose D. Puatto made a
contract with Horace W. Carpenter on
the 10th day of August AD 1852 a copy
of which is attached to this petition
in and by which the said Horace W.
Carpenter contracted and agreed with
Jose Domingo Puatto to secure his title to
said land in all of the courts and
to Procure him a patent and also

to secure to him the possession of said land under a contract for a portion of said land

That the said Horace W. Carpenter entered upon the performance of ^{the} said contract and he remained attorney for said Jose Domingo Perotto up to the date of his death ~~which happened~~ ^{and that upon the 17th of March 1858 Carpenter obtained an order of the Court declaring that he and Thurn acquired} ~~Prullus Little & Thurn~~

That Cipriano Thurn was also employed as the agent and attorney of Jose Domingo Perotto

That during the lifetime of ^{said} Jose Domingo Perotto he was induced by Horace W. Carpenter and Thurn under the pretence that they would secure his title to the said land and obtain him the possession thereof to make to them respectively conveyance of the said land

That is to say that said Jose D Perotto was induced to make to Horace W. Carpenter the undivided one fourth of said land Dec 31/1857

And also to make to Cipriano Thurn on the 20th of August A.D. 1857 a quit claim of one half part

of said land which Perotto did

of said land which Perotto did
That the said Horace
W. Carpenter caused his conveyance
to be recorded on the 17 of Feb Febury
1858 in book 1 of Deeds of the county
of San Mateo and that the said
Thurn caused the conveyance to him
to be recorded in Book 1 of Deeds of
said county Jan 13. 1858

That no consideration
was paid by either of the said parties
of to said conveyance to said Perotto.

That said conveyance was
obtained from the said Jose Domingo
Perotto by the said Thurn and Carpenter
for the sole purpose of Enabling the
said Jose D Perotto to become a witn-
-es in the said cause and on the
suggestion of the said carpenter &
Thurn that it would be necessary to
Enabling carpenter to prosecute the
said cause in said court and while
the both of said parties were attorney
of Jose Domingo Perotto That the Real object
was to defraud him That the said conveyance of
to them ^{if they were made} were made were only
in trust by Jose D Perotto.

That so far as Cipriano Thurn was
concerned a written declaration of trust

was declared by him to Jose Daurgo Perotto showing the object of said conveyance to be a trust,

That said Thurn afterwards upon the 10th of July 1860 made and executed a conveyance back to Jose D. Perotto of the land he had acquired under said before mentioned conveyance and that therefor he became re-invested back with the real Estate with & which he had parted with as aforesaid,

That Jose D. Perotto died in the county of Alameda state of California on the 3^d of April A.D. 1865 and that his will was duly admitted to Probate in the Probate Court of said county of Alameda May 17 A.D. 1865

That letters of administration with the will annexed duly issued out the said court to petitioner upon the 1 day of May A.D. 1876 out of said Probate Court and which are in full force and are unrevoked and not set aside

That as administrator of the Estate of Jose Daurgo Perotto deceased he has ^{an} interest in said land as part of the Estate of deceased

That said order of this court of Wash

land as part of the estate of deceased
That said order of this court of March
17. 1858 was granted as he believes
under the representation of Caspenti's
and Thurn for the purpose of cutting
off Jose Dauge Perotto interest therein
and for this purpose they purposely had
the said Jose Domingo Perotto to make
an affidavit on the 13th of Jan 1858 that
he had conveyed all his interest in the
said land to Caspenti's & Thurn

That the said Jose D
Perotto was in the habit of signing
papers with out knowing what he
was doing, or what their contents were
That for several years prior to his death
he was not of sound mind and was
there fore easily influenced and imp-
osed upon.

He there fore prays that
the order in this cause made on the
17 of March 1858, be set aside and
vacated and that he may be allowed
to prosecute the proceedings in this action
in the ~~in~~ the place and stead of
Jose D. Perotto deceased

And he also prays for
such other and further orders as may
be just

and he makes a title that
the matters set forth in the petition are
true Frank Cunningham
administrator of the Estate
of Joe Danze Rosetta deceased
By R. J. Ryan and atty

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Sworn to & Subscribed G. Cunningham
before me this 6 day
of September 1907

David Lyon
Commissioner U.S. Circuit Court
Dist. of California

1 which they pretend to have acquired under the said several conveyances aforesaid.

2 That such of them as are in possession of said land, account to plaintiff for the value of the
3 said rents of said land. And that the right and title of the said several defendants to the land
4 in the Complaint may be declared fraudulent and void, and that the title of the same be declared
5 in the plaintiff, in trust for the benefit of all interested in said estate.

6 That the defendants, or any of them, who have sold any of the lands in the complaint, pay
7 the value of the same sold by them respectively, and the rents and profits thereof. That they
8 discharge by a day to be named all incumbrances, clouds, conveyances, mortgages and liens on
9 said property by them, or either of them, made.

10 The plaintiffs, Abel and Virginia Peralta, also pray that the following conveyances may be set
11 aside:

12 1st. The one made by them, while they were minors, to the Berkeley Land and Improvement
13 Company on the payment to it of what they received, which was nothing.

14 2d. That all conveyances made by their father to his children, who are specially set forth in
15 the complaint, may be set aside, and that they have their just share of said property.

16 And the plaintiffs further pray for such other and further relief as they may be entitled to
17 receive under the facts set forth, or which may be disclosed, and which equity and good con-
18 science requires, and they also pray for their costs and disbursements in this action.

19 395 ND
20 PAGE 200

R. F. RYAN,
Attorney for the Plaintiffs,
640 Clay Street, San Francisco.

22 STATE OF CALIFORNIA, }
23 City and County of San Francisco. } ss.

24 Frank Cunningham, one of the plaintiffs in this action, being duly sworn, deposes and says,
25 that he has heard the foregoing complaint read; that he knows the contents thereof; that the
26 same is true of his own knowledge, except as to the matters therein stated on information and
27 belief, and as to those matters he believes it to be true.

28 Sworn to and subscribed before me, this day of June, A. D. 1876.
29
30

31 WILL OF JOSE D. PERALTA, DECEASED.

32 Now the soul makes its last testament and disposition in the following form:

33 My God, You that have in Your hands the concealed keys of my life, death, and eternity,
34 You know in what year, day, and hour I ought to die; I know that I have to die, but when, how,
35 and where, I do not know; if it is Your will that I shall die this month, I will not refuse death;
36 I shall die to see You, and live eternally with You; but first, I wish to make, declare, and sign
37 my last will and testament—a will that I wish to be according to Your own. In the name of the
38 Father, the Son, and the Holy Ghost, I, most miserable sinner, redeemed with the most precious
39 blood of my Lord, Jesus Christ, do protest before You, most omnipotent Triune God, and before
40 heaven and earth, that I wish to die in the Catholic faith, that the Holy Roman Church confesses—I do
41 protest that I wish to die with my spirit animated with a firm hope in the divine piety and love of my
42 God and Lord, and if that which God does not permit, should happen at the hour of my death, which
43 shall have been caused by sickness, or instigation of the devil, I should direct or do anything
44 contrary to this, my purpose and last will from this moment, I wish to revoke and make it null,
45 for not having done or thought of, and I wish that every respiration I make would be as a signi-
46 fication or repetition of the acts of my very strong faith, firm hope, and ardent charity, and wish
47 with all my heart, and humbly ask for the honor of God to be succored in that last hour with the
48 holy "Sacraments" of confession, eucharist, and extreme unction, as follows: in the name of the
49 most blessed Trinity, God the Father, God the Son, and God the Holy Ghost, three distinct per-
50 sons and true God, and in the presence of the Blessed Virgin Mary, and Archangels, Saint
51 Michael, Saint Raphael, Saint Gabriel, and the angel of my worship and devotion, and as this
52 mortal life is uncertain, I do dispose this my testament, in the best form, and declare it my last
53 will, as follows: In the first place I command to my wife and sons to bury my body at the Old

1 Mission of Santa Clara, where I was born and baptised, and where my parents are buried, taking
 2 me to the church, placing me in the same frame where my neighbors are placed, with all possible
 3 humility, and a mass to be performed, my body being present, and afterwards and before burial;
 4 for suffrages of my soul, the responses that may be possible, which my wife and sons will pay,
 5 together with the mass—I likewise declare for my first and last will, that I do leave in my place,
 6 representing my person, as owner and mistress, my wife, Maria Edubjes Garcia, that she may in my
 7 stead, as representative to my person, divide among the family, the interests that are known to be
 8 mine, in the Ranchos called San Antonio, San Ramon, and San Emidio; in these two Ranchos of
 9 San Ramon, I have two contracts with Carpentier, in regard to the titles of San Ramon and San
 10 Emidio, which he has not performed for the space of thirteen years and six months, for which
 11 he may by divine and human law be considered without any right whatever. I say that these
 12 divisions which my wife shall make, will be good if made according to the will of those sons that
 13 may have obeyed me—Luis, particularly, and she who may not consent to take that which she
 14 may give in any place that she may choose, and refuse to receive it in the place that she will give
 15 him, will lose his right to it, for not having been satisfied and obedient to my last dispositions.
 16 I say that my wife has in my stead the power to reserve for herself the house and sufficient land
 17 for herself, and for those sons that may be obedient and live with her; she will do this with all
 18 the land which I have left. In regard to debts, my wife and Luis know all about them; they
 19 have the management of contracts, receipts, and everything. Lastly, I command all my sons to
 20 be, maintain, and live in the fear of God, and obedience to their mother, and all the elder
 21 brothers; that God may bless them as I bless them, in the name of the Father, the Son, and the
 22 Holy Ghost, Amen. And I do declare that this is my last will and testament, dictated, written,
 23 and signed by myself. In witness whereof, I have hereunto signed this, my testament, this eighth
 24 day of February, one thousand eight hundred and sixty-five, at my house and residence, on the
 25 Rancho of San Antonio.

26 JOSE DOMINGO PERALTA.

27 Assisting Witnesses:

29 ANTONIO M. PERALTA,

30 VICENTE PERALTA,

31 YGNACIO PERALTA.

32 Endorsed: Filed May 17th, 1865.

33 A. M. CHURCH, Clerk,

34 By G. E. SMITH, Deputy.

35 " EXHIBIT E. "

36 By the present instrument know that I, Domingo Peralta and Horace W. Carpentier, have
 37 entered into (celebrated) an agreement obliging ourselves strictly to observe the following con-
 38 ditions:

39 First. I, Domingo Peralta, name and appoint Horace W. Carpentier, that he may present be-
 40 fore the Commissioners of the United States the title to the property that obtained to the Rancho
 41 named Canada del Corte de Madera, situated in the County of Santa Clara, between the limits of
 42 the Old Mission of Santa Clara and the Rancho de las Pulgas, which title was granted to myself
 43 and Don Maximo Martinez, by Governor Don Jose Figueroa, in conformance with the prayer
 44 (pidimento) of us both.

45 Second. In compensation of all the services under this instrument, Horace W. Carpentier
 46 obliges himself punctually to the performance of the stipulated conditions thereof. I give and
 47 transfer to said Carpentier all my rights to the one-half of the land that to me legitimately be-
 48 longs, in conformance with the prayer (pidimento) and concession I obtained.

49 Third. I, Horace W. Carpentier, oblige myself to present before the Commission the titles of
 50 the property that Don Domingo Peralta has to the said lands, by practicing all due diligence,
 51 until the obtaining of the approbation of the Commissioners appointed by the United States.

52 Fourth. In the same manner I oblige myself to bring suit against Maximo Martinez for the
 53 possession of the part of the land that corresponds to Don Domingo Peralta, obliging myself to

1 practice all convenient diligence, and employing all my professional force and services, and also
 2 to bear all the costs that may arise in these questions, till the fulfillment of the expressed con-
 3 ditions of this instrument, without at any time recovering from Don Domingo Peralta other pay
 4 or recompence for costs or services employed in this suit, other than half of the part of said land
 5 that he may recover on the legal partition of said lands with Don Maximo Martinez; understanding
 6 that said suit shall be established by Carpentier, if necessary.

7 For the true compliance we oblige ourselves in all legality and right, to conform to the laws
 8 of the State, and to observe truly these conditions.

9 Signed for this effect two copies of this instrument, of the same tenor and the same effect.

10 HORACE W. CARPENTIER,

11 JOSE DOMINGO PERALTA,

12 EDUBJES ^{Her} X GARCIA DE PERALTA.
 Mark.

State of California City & County of San
Francisco

395 ND
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Frank E Cunningham of lawful
age being first duly sworn deposes &
says that he is of lawful age. That
in the month of Sept 1876 he served Thomas
W Carpenter with a copy of the
annuity papers, by delivering the
same to him in his office in the
City of San Francisco County &
State aforesaid, between the hours
of 8 O'clock A.M. & 4 P.
M, of said day in a conspicuous
place therein to my immediate
said Thomas W Carpenter no
person being present and the office
being open

Subscribed & sworn to

before me this 7 day
of September the
1876

F. E. Cunningham

J. H. Greenwood
Commissioner of the Circuit
Court Dist of Cal.

395
In the District Court
of the United States
for the District of
California

James Peratta
of the United States

petition of Frank
Cunningham, Administrator
of the Estate of only
Jose Domingo Peratta
to set aside order of
court

395 ND

PAGE 203

Filed September 7th 1894
at San Francisco
California
J. H. Wood
Clerk

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

395 ND

PAGE 204

Moniege Peratta

v

The United States

On the papers filed in this cause and a motion of R. F. Ryan Attorney for Frank Cunningham a duly qualified administrator of the estate of Jose W. Peratta deceased. It is hereby ordered that Donac W. Carpenter show cause before this Court on Tuesday the 19 of September next 1876 at 11 o'clock of said day at the Court House Room of this Court, why the order which was heretofore made in this cause on the 17 of March A.D. 1858 substituting Donac W. Carpenter and Cipriano Thurn as claimants in the place and stead of Jose W. Peratta deceased should not be set aside and be vacated, and also why Frank Cunningham administrator of the estate of Jose W. Peratta

drawn and should not be published
in said draw in this place and
stead

September 11. 1876

John Hoffman
Dist Judge

Office U.S. Marshal
Dist of California

I hereby certify that I have personally served
the within order by copy on James W. Carpenter
herein named personally at the City & County of
San Francisco in this District this the 12th day
of Sept 1876

San Francisco }
Sept 12. 1876 }

E. D. Marshall U.S. Marshal
By C. H. Wood Deputy

395.

U.S. District Court
Dist of Cal.
Original

Domingo Peralta
vs

The United States

Order on W. Carpenter

to show cause why order
of March 17 1858 sub.
Shubing Cipriano Thoma
W. Carpenter as claimant
in place of Jose D Peralta did
should not be set aside

This Sept 12 1876

Author of mean
Clerk

By W. Greenwood
Deputy Clerk

United States District Court. District of California.

395 ND
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Cipriano Thum et al. } No. 395
vs. } of Land Claims.
The United States. }
}

State of California

City & County of San Francisco s: Horace W.

Carpenter being sworn says that it is true that he made a contract with Downing, Peralta in 1852 concerning the land claimed in this case, but that it is not true that he ever made the alleged contract described in the affidavit of Frank Cunningham, ^{as therein set forth} or that the pretended copy thereto annexed is a true copy of any contract ever made by him, or that this affiant continued to be the attorney of the said Peralta in this case up to the date of his death, or that he was such attorney after about the year 1857, or that the said Peralta ~~or either~~ was induced by Cipriano Thum and this affiant or either of them to make the conveyances in the said affidavit mentioned, or that any ^{such} conveyance was ever made to them or either of them without consideration, or was obtained from said Peralta for the purpose of enabling him to become a witness, or on the suggestion that it would be necessary to enable this affiant to prosecute the said or any cause, or that this affiant and Thum were attorneys for Downing, Peralta in manner as alleged by said Cunningham, or that the object of this affidavit

ever was to defraud the said Peralta or that he ever in any manner did do, or that the said conveyance or any conveyance whatever was ever made to him in trust by said Peralta. That this affiant knows nothing of any trust declared by the said Thum showing the object of such conveyances, and on information and belief he denies the same, and he says that he had no community or joint interest with the said Thum in the title or ownership of said Rancho, and that his interest therein was several and not joint with the said Thum or any other person. That it is not true that the said Cunningham has any interest in said land in any manner or that they constitute any part of the estate of Downing, Peralta.

That upon the affidavit of the said Downing Peralta, sworn before the clerk of this court and filed herein, that he had sold and conveyed to the said Cipriano Thum and this affiant all his interest in the land claimed in this case, and on his written petition that they be substituted in his place and stand as parties claimant in this case, and upon the production to the court of the original deeds of conveyance duly acknowledged by the said Peralta, conveying to the said Thum and this affiant, in undivided moieties, all his interest in said land, on the 18. day of January 1858, this court duly made and entered the order of substitution herein. That it is not true, but

is greatly untrue, that he and Thum or either of them had the said Peralta make the said affidavit or any affidavit for the purpose of cutting off his interest in said Rancho, or that any order or decree was ever entered for such purpose.

That it is not true that the said Peralta was in the habit of signing papers without knowing what he was doing or what were their contents, or that he was of unsound mind, and this affiant says that he never knew the said Peralta to sign any paper without knowing and understanding its contents, that the said Peralta never signed any paper prepared by this affiant or for him or in his presence or at his instance or request, or with his knowledge or consent, without fully understanding the contents thereof nor without having it, if in the English language, fully translated and explained to him.

And this affiant, on information and belief, says that on or about the 21. day of August 1857, the said Downing Peralta conveyed to Cipriano Thum, since deceased, by his deed of Conveyance then duly executed, acknowledged and recorded, the undivided one half of all his right, title and interest in and to the said Rancho Cañada del Corte de Madera and all the lands and property claimed in this case, and that as to whether or not the said Thum continued to be the owner of the said undivided ^{half} to the time of his death, this affiant ~~does not know nor care~~ is not credibly

informed and does not know nor care.

And this affiant says that on ~~the~~ or about the 31 day of December 1857, the said Downings Peralta for a full and valuable consideration duly sold and conveyed to this affiant, by deed then duly executed, acknowledged and recorded, and which is now again produced for the inspection of this Honorable Court, the undivided one half of all his right, title, share and interest in the said Rancho of Corte de Madera and of all the lands and interests claimed in this case, that the said deed was final and absolute and was so intended to be by the said Peralta, that there was no reservation, condition, limitation or trust of any kind, secret or declared, express or implied, connected with the said sale or conveyance, and that this affiant ever since has been and now is the absolute owner in his own right of all the lands, rights and interests, if any, conveyed by the said deed, without any trust affecting or concerning the same, and without any obligation, liability or duty whatever on his part towards the said Peralta, his heirs, executors or administrators, and that everything done or proposed to be done by him, connected with the said conveyance and the confirmation of said claim, was and is fair, just and equitable, without fraud, disguise, misleading or concealment towards the said Peralta or towards this Honorable Court or any other officer or person.

And this affiant further says that after the said claim of the said claimant, herein was finally confirmed to them by the Supreme Court of the United States, a suit was brought in the District Court of the 12th Judicial District in and for the County of San Mateo (afterward transferred to the City and County of San Francisco), by one Maximo Martinez, as plaintiff against Cipriano Thurn and Horace W. Carpenter as defendants, to quiet his, the said Martinez, title to the lands claimed herein, and to obtain a decree against the said Thurn and Carpenter that their claim of title derived ~~from~~ ^{through} the said Domingo Fialta was inequitable and invalid, in which said action the said Martinez alleged that the said Fialta had, on the 19. day of May 1834, sold and conveyed to him all his interest in the said lands and Ranchos of Corte de Madera. That this affiant, at great cost and expense, employed able counsel learned in the law to help defend such actions and caused the same to be thoroughly and exhaustively defended in said Court, and that such proceedings were had therein that, to-wit, January 7. 1865, a final decree was entered in said cause in favor of the said plaintiff and against the said defendants, Thurn, whereby it was adjudged in substance that the said alleged conveyance of May 19. 1834 was a genuine and valid conveyance, that the said Martinez was the lawful owner of the said lands and Ranchos and of all the right and title therein ever held or owned by the said Domingo Fialta, that the title of the said defendants, derived through

The said Peralta was inequitable and void,
and that neither the said defendant, nor the said
Peralta had any right or interest in or to the said
lands and Rancho. That in the trial of said cause
a host of witnesses were called and examined,
and among the witnesses so examined was the said
Domingo Peralta, who denied his signature to the
said alleged conveyance of May 9, 1834, and testified
that the same was false and fabricated and was
not signed by him, but was contradicted by the
testimony of other witnesses, and that, although
this affiant may entertain the ~~firm~~ opinion that
the conclusion arrived at by the learned Court
was erroneous and against the weight of evidence,
he has nothing to allege against the finality
and conclusiveness of its decision and judgment.

And this affiant says that this ap-
plication is vexatious and malicious, and
utterly without merit; and he further
refers to the records and files of this court in
this cause.

Subscribed & sworn to H. W. Carpenter
before me this 25th

day of September 1876
Sam. P. Murphy
Notary Public

395.

U.S. District Court
Dist of Cal

The United States

vs

Cipriano Thum et al

Affidavit of Horace W.
Carpenter

Filed October 17th 1876.
Southard Hoffman Clerk
By W. Grimwood
Deputy Clerk.

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At a stated term of the District Court of the United States of America, for the District of California, held at the Court Room, in the City of San Francisco, on Tuesday the 17th day of October in the year of our Lord, one thousand eight hundred and seventy six.

Present:

The Honorable OGDEN HOFFMAN, Judge.

The United States

vs

Domingo Peralta

No. 395

The order on Horace W. Carpenter to show cause why the order which was heretofore made in this cause substituting Horace W. Carpenter and Cipriano Thurn as claimants in the place and stead of Joseph D. Peralta deceased should not be set aside & vacated, and also why Frank Cunningham Administrator of the estate of Jose D. Peralta deceased should not be substituted in their place & stead, coming on to be heard upon affidavits filed and the records of this cause, was argued by R. J. Ryan Esq^r Attorney for Frank Cunningham Administrator of the estate of Jose Domingo Peralta, and by Horace W. Carpenter Esq^r in person, and it appearing to the Court that the application of said Frank Cunningham is unsupported by the facts and the record herein, and is without merit, it is ordered that the said rule to show cause be discharged and the motion and application thereon denied. To which ruling Mr Ryan then and there excepts.

No. 395

United States District Court,
DISTRICT OF CALIFORNIA.

The United States
vs
Domingo Peralta

order discharging rule
on H.W. Carpenter to
show cause. &c &c

Filed October 17th 1876

Southard Hoffman Clerk.

By *A. D. Spinwood* Deputy.

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I hereby certify that the foregoing is a full, true and correct copy of an original order made and entered in the above entitled action.

Attest my hand and seal of said District Court,
this _____ day of _____ A. D. 187

By _____ Deputy Clerk.
Clerk.

Deed of Conveyance
description ⁱⁿ of ~~the~~ ~~papers~~.

The tract known by the name of
San Ramon adjacent to the Rancho
of San Antonio and the place
or lands called El Humo Norte
de Diablo Two Square leagues
more or less.

395 ND

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395 ND
PAGE 216

Office of the Board of Commissioners,

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

San Francisco, *July 26* 1856

Sir;

I am directed by this Board to transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 316. on the Docket of this Board, wherein

Domingo Peralta is
the Claimant, for the place known by the name of
"Cañada del Corte de Madera"

Which Transcript I have the honor to accompany herewith, and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher
Geo. Fisher

To the Hon. *J. A. Monroe Esq*

Attorney General of the United States,

Washington, D. C.

*Clerk of the U. S. Dist. Court for the
Northern Dist. of California*