

CASE NO.

36

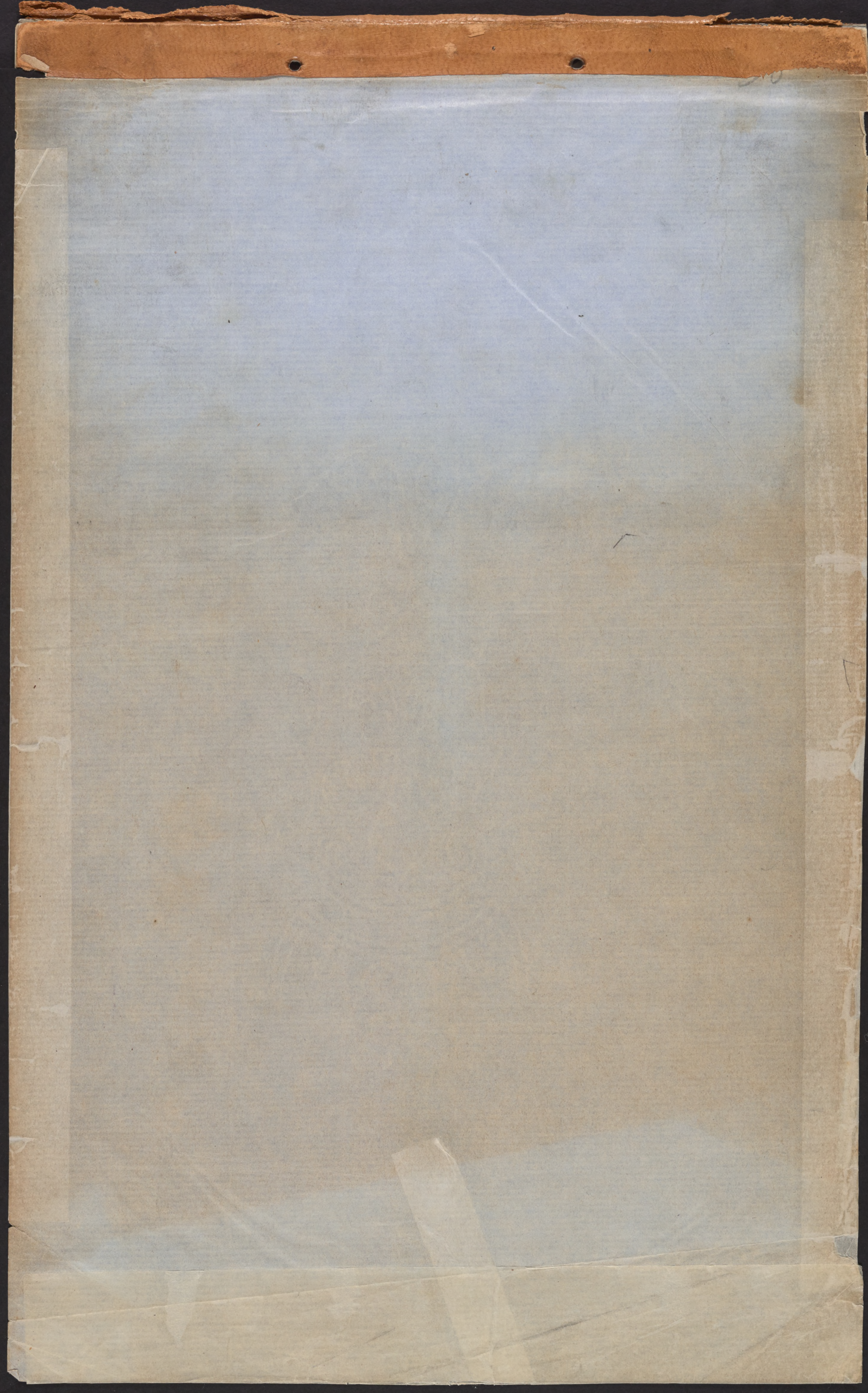
NORTHERN DISTRICT

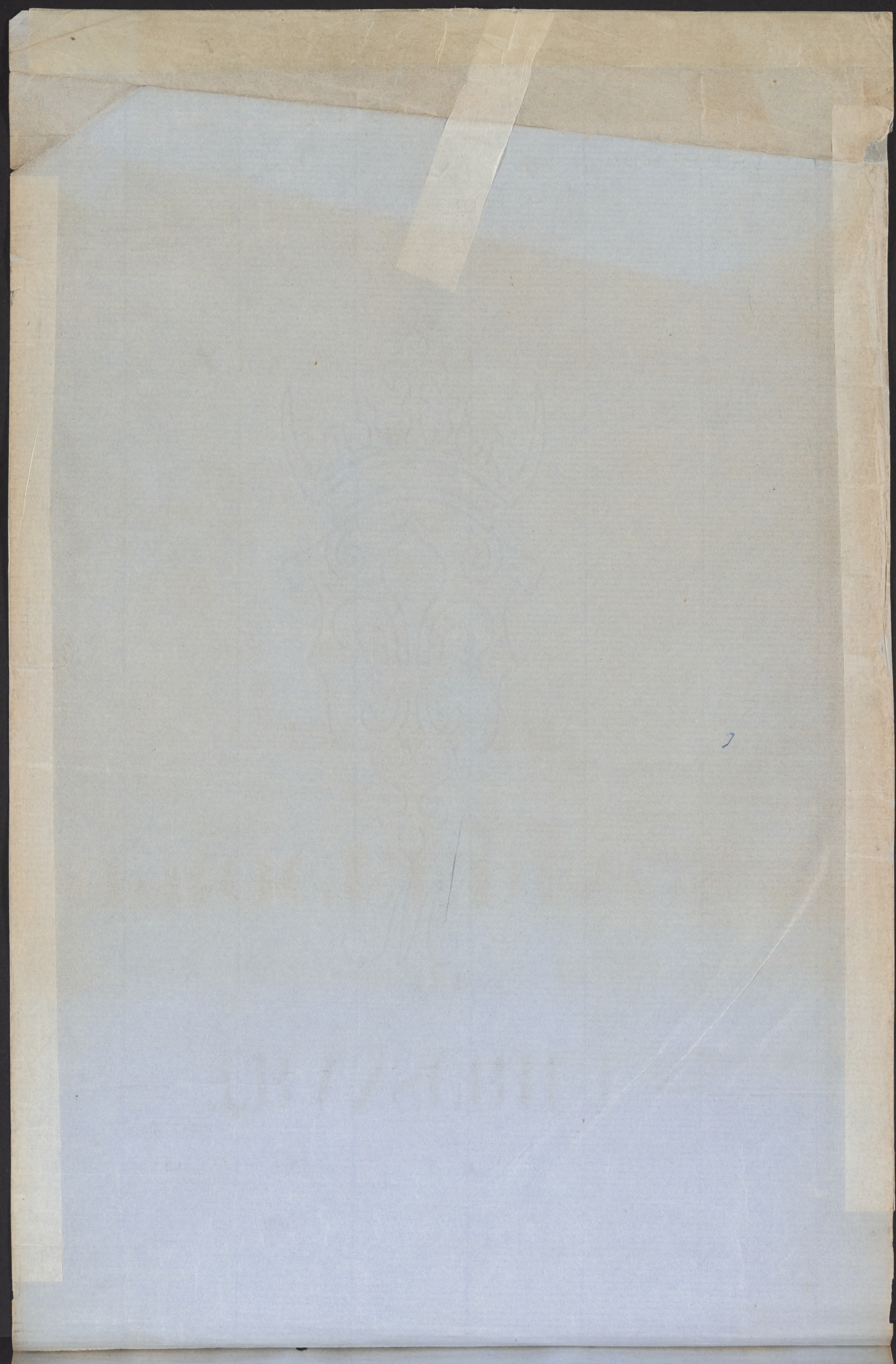
CANADA del CORTE de MADERA GRANT

MAXIMO MARTINEZ

CLAIMANT

COMMERCIAL
PLOWER BOND
52% COTTON FIBER
U.S.A.





TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. 36

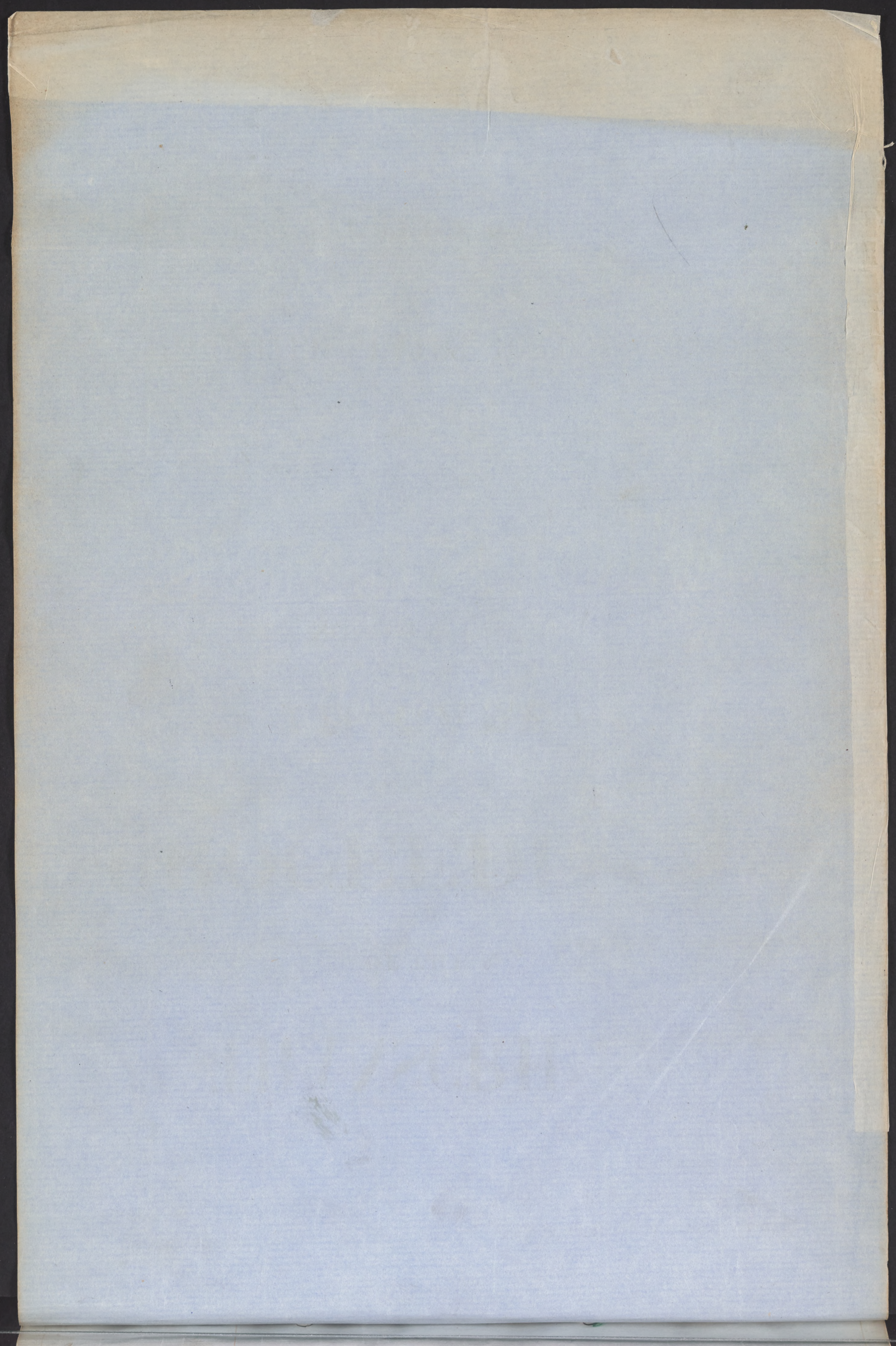
Maximo Martinez CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Canuelas del Corto 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 twelfth day of February 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 Maximo Martinez
for the Place named
Cañada del Corte de Madera
was presented, and ordered to be filed and docketed with No. 36 and is as follows, to wit;

(Vide page 3.) of this Transcript.)

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

San Francisco February 18th 1852

In Case N^o 36 Maximo Martinez the deposition of Antonio Maria Pico a witness in behalf of the Claimant taken before Commissioner No. Keall was filed and is in the words and figures as follows to wit
(Vide page 9 of this Transcript)

San Francisco August 14th 1852

In Case N^o 36 Maximo Martinez for the place called "Cañada del Corte de Madera," the counsel for Domingo Peratta presented his Petition to Contest the right of the said Martinez to the said place which on Motion of the counsel

was ordered to be filed among the papers in this case and leave granted to intervene in accordance with the additional Regulation of this Board adopted Feby 9th 1852 which Petition is as follows to wit
(Vide page 30 of this Transcript)

San Francisco Dec'r 28th 1852

In Case N^o 36 Maximo Martinez for the place named "Cañada del Norte de Madera," the deposition of Jose Abrego, a witness in behalf of the claimant taken before Commissioner Henry J. Thornton with document marked N^o 1 annexed thereto was filed, and is in the words and figures as follows to wit (Vide page 12, of this Transcript)

San Francisco Feby 8th 1853

Case No 36, Maximo Martinez for the place named "Cañada del Norte de Madera," Called, The Counsel for the claimant Mr. Clarke read the Petition and the papers in Evidence; The United States Associate Law Agent filed his Brief: Case submitted and taken under advisement by the Board

San Francisco Feby 28, 1853

In Case N^o 36, Maximo Martinez for the place named "Norte de Madera," Commissioner Hedard Keall delivered the Opinion and the Decree of Final Confirmation of this Board

Ordered that the Opinion and the Decree of Final Confirmation of this Board delivered this day in this case be recorded on the Journal

Which Opinion and Decree are in the words and figures as follows to wit (Vide page 60 of this Transcript)

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To the Honorable the Commission for settling private Land Claims in California

Petition

A

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The petition of Maximo Martinez, resident of the County of Santa Clara, and State of California respectfully sheweth:

That being a Mexican Citizen by birth, on the tenth day of June A. D. 1833 your petitioner, jointly with Domingo Paralta duly obtained from Jose Figueroa, then Governor of the Department of California, a grant of one sitio de ganado mayor, or square league of land, designated as "La Comandada Costa de Madera," near the sources of the Creek of San Francisco in the Northern part of what is now the County of Santa Clara, and that said grant was duly approved by the Departmental Deputation sitting at Monterey on the 17th day of May 1834.

That on the 19th day of May 1834 the said Paralta duly conveyed to your Petitioner the right & interest of the said Paralta in said land, and that on the 23rd of February 1836 judicial possession of said land was given to your petitioner.

That on the 21st of March 1844 your Petitioner presented to Governor Micheltorena a memorial setting the above recited facts, and asking for a grant of three "sitios de ganado mayor" including the said square league previously granted.

That said memorial was by said Governor referred to the Secretary of State for information, and by him referred to the 1st Alcalde of San Jose, both of whom having reported favorably upon said petition, said Governor by a decree dated April 27th 1844 declared the said Martinez to be the owner of the said three sitios of land, and that on the 1st day of May 1844 the said Governor duly made and delivered to your Petitioner a full and formal grant of said land.

That the said acts of the said Governors were within and were done by virtue of the

power of his office of Governor of the Department of California.

That the originals of said Petitions, references, reports and decrees, and the records of said Action of the Departmental Assembly, with a map of the premises, are now on file among the Archives of California, now in possession of the Surveyor General of the United States for the State of California, and that a duly Certified Copy of said Documents is herewith exhibited, and prayed to be taken as a part of the Petition, and that said original grants, and the said conveyance from Peralta are in the possession of Petitioner, and ready to be offered in evidence when thereunto required;

That Your petitioner has resided upon said land from the year 1833 to the present time, and from the said 19th day of May 1834 to the present time, he has been in exclusive, peaceable, and acknowledged possession of the square league of land, first above specified, and from the said first day of May 1844 to the present time, he has so been in possession of the whole of the three sites granted to him at said last mentioned date as aforesaid.

That the boundaries of said land are as follows:

1st a line running nearly North and South along the summits of a range of mountains known as the Sierra de Santa Cruz lying west of the said Costa Madera;

2^d The arroya del Alambique from the source in said mountains, till it enters the Gran Arroya creek, or other boundary of the Pulgar ranch,

3^d South Easterly along the boundary of the rancho of San Pulgar as the same existed on the 1st of May 1844 to the Rancho of Don Jose Pena,

4th along the boundary of said last named rancho as the same existed at said date to the Rancho of the Indian Yrizar as known at said date,

5th South Westerly along the Southern border of

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the anolla del Madero, thence to the centre of the Laguna de Guillermo at the foot of a rocky peak and thence direct to the first line.

Your petitioner therefore claims to be the owner of the lands above designated and described, and he respectfully asks that your Honor confirm his title and claim thereto.

Clarke, Taylor & Beckh
Solicitors for Maximo Martinez.

Filed in office Feb. 12th 1852.

Geo. Fisher
Sec.

Deposition of
W^m A. Richardson.

San Francisco Feb. 8th 1853.

On this day before Commis^r. W. J. Thornton, came W^m A. Richardson - a witness on behalf of the Claimant Maximo Martinez - petition No. 36, and was duly sworn, his evidence being given in English.

Questions by Claimant.

Question 1st Look upon the original documents now shown you, marked exhibits 1, 2 & 3, and filed herewith: state if you are acquainted with the handwriting of said documents and whether the same are genuine.

Answer. I am acquainted with the signatures of Jose Figueroa and Augustin V. Lamoreaux, having often seen them write. Their signatures upon Exhibit 1. are genuine; I am acquainted with the handwriting of Manuel Mucchettorena, having often seen him write, his signature upon exhibit 2 is genuine. I am also acquainted with the handwriting of Jose Berreyza, Jose M. Alvisa, Juan Piado Meza & Ignacio Martinez, Dolores Pacheco and Manuel Pena upon exhibit 3. The signatures upon Exhibit 3 purporting to be the signatures of those persons respectively are their genuine signatures.

Question 2. State your name, age and place of residence

Ans. My name is W^m A. Richardson, my age fifty eight, my residence Sonoma in Marin Co.

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Will^{ms} A. Richardson

Sworn & subscribed before
me this 8th of February 1853
Mary J. Thurston
Comm^{rs}

Service acknowledged

N. Greenhow

Apt. L. Agent.

Filed in office Feb. 8th 1853

Geo. Fisher
Secy

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Office of the Board of Comm^{rs}
of California Land Claims.

San Francisco Feb 18th 1852

Deposition of
Antonio Maria Pico.

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On this day before Richard Hall one of the Commis-
sioners for ascertaining and settling private Land
Claims in the State of California, came Antonio
Maria Pico, a witness produced in behalf of the
Claimant in the case of the Petition of Maximino
Martinez, being No. 36 on the Docket of the Com-
missioners, & after being duly sworn testified as
follows, his evidence being given in the Spanish
language & interpreted by the Secretary of the Board.
The Law Agent being notified & attending.

Question by Mr. Clark Counsel for Claimant,

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

Answer. My name is Antonio Maria Pico, my
age is forty one, I was born at Monterey and now
reside at the town of San Jose.

2. Question. Do you know Maximino Martinez and
how long have you known him?

Answer. I have known him since my
boyhood.

3. Where does he now reside?

Answer. In his ranch, in the Corte de Ma-
dera, to the North West from San Jose.

4. How long has Maximino Martinez lived where he
now does?

Answer. I think it must be about fifteen
years, more or less.

5. Do you know of Maximino Martinez having had
an addition to his land that he first claimed & occupied?

Answer. There was an augmentation of his land
by Micheltorena at the time I was Alcalde in 1844.

6. Did you take any official action in regard
to that augmentation & what action?

I reported it to the Governor that the land might
be granted to him.

8. What documents were submitted to you at the

time you made your report?

Answer - There was a petition presented to the Governor, who referred it to me for a report, & I reported on it - the report was written on the petition.

9. Look at the paper handed you marked "B," & state whether that is a copy or fac simile of the petition and report? (objected to by Law Agent)

Answer - It is a copy of the original & of my report.

10. Where was the Rancho of Antonio Buelna referred to in your report, situated?

Answer - It was situated to the West from the top of the Sierra.

11. Who bounded Maximino Martinos on the North?

Answer - The Pulgar - It is the San Francisco Creek.

12. Who, at the time of making the report, bounded him on the East?

Answer - Another small Rancho which belongs to Buelna; and also José Peña & Prado Mesa.

13. Who bounded him on the West?

Answer - Antonio Buelna, with his Rancho which is also to the West of the Sierra - on the South he was bounded by Prado Mesa in part & by vacant lands.

14. Upon what part of his original land was the Augmentation obtained?

Answer - Towards the Sierra.

Questions by the Law Agent.

1. In what capacity did you act in making your report?

Answer - In that of Alcalde.

2. How do you know that the paper (marked) B. & shown you, is a copy of the original petition & report; have you compared them?

Answer - Although I have not compared them, I believe it to be a copy of the original, because I recognize my own hand writing & have had the original in my hands, and believe this to be a copy of it made here.

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3. Did you recollect, before you saw this paper, that you had made such a report?

Answer- I did

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3. When was the petition referred to you and when was the report made?

Answer- I do not recollect it, but the date is in the copy. It was in the year 1844.

4. How came you to be acquainted with the boundaries of the Corte Medera?

Answer- I learnt it from the people of the town.

5. How long and during what years was you Alcalde of the pueblo of San Jose?

Answer- One year in 1835 & one year from the 1st of January 1844, is nearly the whole of that year, & about half a year in 1849 I was prefect.

6. When did you obtain the information from the people of the town as to the boundaries of the Corte de Medera?

Answer- In 1835 while I was Alcalde.

7. Did you make any inquiries as to the boundaries at the time you made your report?

Answer- I did ask the parties interested and others.

8. Did you ever at any other time get any information about the boundaries?

Answer- I did.

9. What occasion did you have to learn about the boundaries in 1835?

Answer. Because it was the limit of my jurisdiction as Alcalde.

10. Are you the same witness who gave your deposition in the Pulgas Case this day?

Answer- I am.

Signed & subscribed this
18th day of Feb. 1852 before me
William Hall
Clerk

Antonio Maria Pico.

Filed in office February 18th 1852.
Geo. Fisher
Secy.

San Francisco December 28th 1852

Deposition of
Jose Abrigo.

On this day before Commissioner Harry J. Thornton, came Jose Abrigo, a witness in behalf of the Claimant Maximino Martinez, petition No. 36, and was duly sworn, his evidence being interpreted by the Secretary.

The U. S. Law Agent was present.

Questions by Claimant.

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

Answer- My name is Jose Abrigo, my age forty years, my residence California.

Question 2^d. Look at the documents now shown you, purporting to be a conveyance from Domingo Peralta to Maximino Martinez, of the land known as the "Cañada del Corte de Madera" dated Pueblo de S. Jose Guadalupe 19th of May, 1834, which marked exhibit 1 is attached to your deposition and filed in this cause: State if you are acquainted with the handwriting of Domingo Peralta, and if so whether the signature to said original conveyance, is the genuine signature of the said Domingo Peralta?

Answer- I am well acquainted with the handwriting of Domingo Peralta. His signature to the document is genuine.

The U. S. Law Agent present.

Sworn & Subscribed before
me this 28th Dec. 1852

Jose Abrigo.

Harry J. Thornton
Comm^r.

Filed in office Dec. 28th 1852

Jos. Fisher

Sec.

11 36 11
Dop. 13
Suplemento

B. 36

Sello Cuarto. Los reales.

Habilitado provisionalmente por la Aduana maritima
Del puerto de Monterrey para los años de mil ochocientos
cuarenta y cuatro y mil ochocientos cuarenta y cinco.

Micheltorena

Pablo de la Guerra.

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{ Place of the
Seal. }

Exmo Sor. Gobernador,

Monterrey. Marzo.

22 de 1844.
Inf. d. l. tri-
del Despacho, toma
de otras, si los en
necesario.

Maximo Martinez, natural de este Departa-
mento, y residente en el Pueblo de S. Jose Guadalupe ante la justificacion de V. E. y
como mas halla lugar en Dho Ligo; que
en el año de 1833 se me concedio por el Gob.
de este Departamento en compania de D.
Domingo Peralta, un Sitio de Ganado
Mayor conocido con el nombre de la Canada
del Corte de Madera en la Sierra que corre
para Sta Cruz, y naciemto del arroyo lla-
mado S. Francisquito, y habiendome sedido
el Sr. Peralta en 17 de Mayo de 1834 en
Dho al mencionado terreno, como lo acredita por el Docu.
que debidamte acompaño y por el cual se me dio posesion
juridica en 23 de Febrero de 1836.

Mas teniendo una crecida familia y no
serbre para su substancia suficiente este pequeño terreno
que en la actualidad poseo, suplico á V. E. se digne en
atencion á lo q. llebo expuesto, conceder me Dos Sitios de
mas se hallan valdios punto á mi referido terreno como
se vé en el Dueno q. acompaña, lindando por el Norte
con el Rancho de D.^{na} Soledad Ortega, por Oriente
con el de Don Jose Peña, por el Poniente con D.^{na} Encar-
nacion Valencia y por el Sur con el Indigena Gorgonio
se me estendio un solo titulo de tres Sitios de Ganado Ma-
yor en solo mi Derecho.

P. J.

A. V. pido se Digne proveer como llebo dicho en lo q.
recibire' Gracia y Justicia, jurando no ser de malicia y lo
necesario. D. D.

Pueblo de San Jose Guadalupe. Marzo 21 de
1844.
Maximo Martinez.

B.
Epediente.

Micheltorena.

"Rancho de la
Corte de Madera"

17.

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1844.

Expediente promovido por D.^o Maximino
Martínez en pretención del paraje nombrado Cañada
del Corte de madera.

ng

(366.)

2
B^o como dispone el
Sr. Alcalde 1^o con numero
del Pueblo de S^o Jose para
que informe sobre su
comunicado #

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previa citacion de los respectivos colindantes, y digo todo cuanto
crea conveniente.

Monterrey, Marzo 29 de 1844.
Man^o Jimeno.

En atencion a lo superior Decreto de 29 de p. pro.^{no} Marzo, y la
orden del Sr. Secretario Del Departam.^{to} q. con la misma fin
se me pasa. Digo q. el interesado en la precedente instancia,
tiene todos los requisitos que confiere la ley. para ser agrua-
ciado con el terreno q. solicita tanto por su modo de ser
convido y honesto, como por sus servicios hechos a la
Nacion, mas tendra que sujetarse a los linderos del
Rancho del finado D.^o Antonio Buena. En cua to
puedo por mi parte informar a esta de esta solicitud.

Pueblo de S. Jose. Abril 10 de 1844.
Antonio M^o Pigo.

Sr. Gobernador.

El terreno q. solicita el Sr. Marti-
nez, segun demuestra el Dicho respectivo, parece q.
esta baldio y en estado de adjudicarsele, en atencion
a sus servicios q. presto, en la carrera de las armas,
sujetandose a los linderos del finado Buena,
mas V. G. con su acostumbrado tino resolvera lo q.
fuese de su agrado.

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Monterrey, Abril 27 de 1844.
Man^o Jimeno a.

Monterrey Abril 27 de 1844.

Conf. expedite instruido
Man^o Micheltorina.

Monterrey 27 de abril de 1844

Vista la peticion con q. ia
principio este expediente los informes que preceden
con todo lo Demas que se tubo presente y ver umbino
de uniformidad con las leyes y reglamentos de la
materia, Declaro al Ciudad^o Marcosimo Martin
Duero del paraje nombrado Cañada del Corte

de madera con los linderos que demuestra el título, y en estension de tres sitios de Ganado mayor y forma todo el terreno. El Sr. Gobernador así lo mandó, decretó y firmó
Doy fé.

Sello Cercero dos reales.

Habilitado provisionalmente por la administración de la Aduana marítima de Monterrey, para los años de mil ochocientos treinta y mil ochocientos treinta y cinco.

Figueroa Rafael Gonzales.

"Place of the Seal" Se aprueba la concesion echa a los Ciudadanos Marciano Martinez, y Domingo Peratta del paraje nombrado Cañada del Corte de madera, conocido en diez de Junio de mil ochocientos treinta y tres de entera conformidad con lo prevenido 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.

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Monterrey Diez y siete de Mayo de mil ochocientos treinta y cuatro. En sesion de este dia, se apruvo por la Exma Diputacion la proposicion del Dictamen antecedente, mandando se devuelva el Expediente al señor Jefe superior politico para los fines consiguientes. Jose Figueroa Juan Bautista Alvarado secretario.

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Monterrey Junio. Once de mil ochocientos treinta y cuatro. En vista de la aprobacion otorgada en Diez y siete de Mayo ultimo por la Exma Diputacion territorial, librese testimonio de ella y de este Decreto a las partes de Don Marciano Martinez, y Don Domingo Peratta, en confirmacion a la concesion del terreno de la Cañada de la Corte de Madera que obtuvieron en once de Junio del año p. pasado El Sr. Don Jose Figueroa, General de Brigada, comandante general, Inspector y Jefe Politico de la Alta California, así así lo mandó, decretó y firmó. De que doy fé Jose Figueroa Agustin V. Zamorano. Secretario.

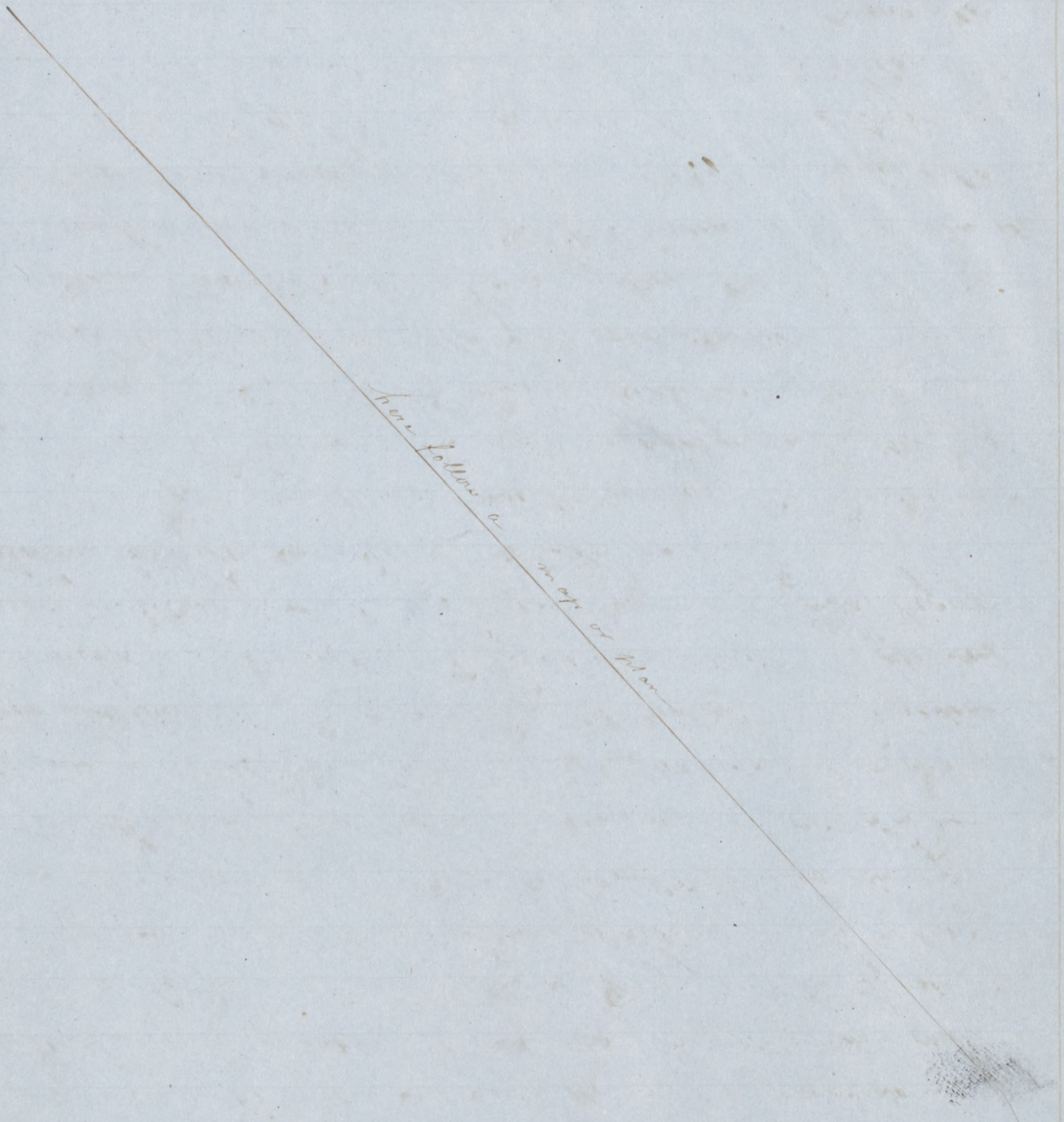
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Concuenda a la letra con su original del cual haze sacar el presente testimonio para resguardo de la parte interesada en Monterrey a once de Junio de mil ochocientos treinta y cuatro siendo testigos los ciudadanos Agustin V. Zamorano

y Bernardo Navarrot, de esta vecindad. En testimony,
de verdad.

José Figueroa
Agustin V. Zamorano Suo

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El Ciudadano Moan^{do} Micheltorena, G^{ral} de Brigada Del
ejercito Mexicano, ayund^{do} G^{ral} de la plaza Mayor del
mismo, Gob^{no} G^{ral} e Inspector del Depart^o de California
Por cuanto el Ciudad^{no} Marcosimo Martinez, ha presen-
tado para su beneficio personal y el de su familia el aumento
de dos sitios de Ganado mayor a continuacion del que se le
tiene concedido Desde 10 de Junio de 1833 y habiendose
prontuado las diligencias y averiguaciones concernientes
seg^{un} lo dispuesto por leyes y reglamentos, usando de las
facultades que me son Confeidas a nombre de la Nacion
Mexicana he venido en concederle el aumento referido
siendo el lindero de todo el terreno, tanto del ocupado
como del que actualmente se enasde. Con los Ranchos

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y Bernardo Navarrot, de esta vecindad. En testimonio,
de verdad.

José Figueroa
Agustín V. Zamorano Sño

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has follows a map of same

El Ciudadano Man^{do} Micheltorena, Gral de Brigada Del
ejercito Mexicano, ayund^{do} Gral de la plaza Mayor del
mismo, Gob^{no} Gral e Inspector del Depart^o de California
Por cuanto el Ciudad^{no} Marcosimo Martinez, ha preten-
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siendo el lindero de todo el terreno, tanto del ocupado
como del que actualmente se enasde. Con los Ranchos

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De Don Señá con el de las Pulgas, con el del indio Gorgonio,
y con la tierra de S^{to} Cruz, sujetando se á la aprobación de
la Ex^{ma} asamblea Departamental, y a las condiciones siguientes.

1^a No podrá venderlo, enagenarlo, imponer censo,
vinculo, fianza, ni otro gravamen alguno.

2^a Podrá cercarlo sin perjudicar las trancías, caminos
y servidumbres, lo disputará libre, y esclusivamente
destinándolo al uso ó cultivo que mas le convenga, pero
dentro de un año fabricara casa, y estara habitada.

3^a Solicitara del Juez Respectivo que le dé posesion
Juridica en virtud de este despacho, por el cual se demarca
con los linderos en cuyos limites, pondrá a mas de las
mejoreras algunos arboles frutales ^{ó sementes} de alguna utilidad.

4^a El terreno de que se hace donacion en aumento
al q^e ocupa, es de dos sitios de Ganado mayor por mas ó
menos, bajo los linderos enunciados y sin perjudicar
los limites de terrenos que pertenece á la Comandancia
del finado Autononima Puchna. El Juez, que diere la
posesion lo medira conforme á Ordenanza, quedando
el sobrante que resulte á la Nacion p^o los usos convenientes.

5^a Si contraviniere á estas condiciones, perdera
su Derecho al terreno, y sera denunciado por otro.

En consecuencia mando que serviendo le
de titulo el presente, y teniendo se por firme y validero,
se tome razon de el en el libro respectivo y se entregue
al interesado p^o su resguardo y demas fines. Dado en
Monterrey á primero de Mayo de mil ochocientos
cuarenta y cuatro.

Man^{te}. Micheltorino, Man^{te}. Jimeno srio.

Office of the Surveyor General of the United States For Cal^o.

I Samuel L King Surveyor General of the
United States, for the State of California, and as such
now having in my office and under my charge, and
custody a portion of the Archives of the former Spanish
and Mexican Territory in Department of Upper Califor^o
Do hereby certify that the twelve preceding and hereunto
annexed pages of tracing paper, numbered from one to

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twelve inclusive and each of which is verified by my initials S. D. R. exhibit true and accurate copies of certain documents now on file and forming part of the said archives in my office

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In testimony whereof I have hereunto signed my name officially and affixed my private seal (not having a seal of office) at the city of San Francisco, this twelfth day of December, 1851.

Samuel D. King,
Surveyor General California

61.

Filed in office Feby 12th 1852.

Geo. Fisher
Secretary.

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"C."

Translation of
the Expediente.

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Most Excellent Sir Governor!

I Maximo Martinez, a native of this Department and residing at the Pueblo de San Jose Guadalupe, do say and expose unto Your Excellency upright-ly, and according to all due forms of law and right that in the year 1833 I obtained from the Government of this Department, conjointly with Don Dominguez Peralta the grant of one "sitio de ganado mayor" known under the designation of "la Comada del Corte de Madra" on the mountain covered with trees (Sierra) or ridge of mountains, lying in a direction towards Santa Cruz, and the source of the brook or creek designated, de San Francisquita, and Senor Peralta 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 do prove by means of the accompanying document, and in virtue of which, judicial possession was awarded to me in the 23^d 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 on account of what I have just exposed, you may be good enough to grant to me two other "sitios" that at the present time are vacant, adjoining my aforesaid piece of land as it appears from the accompanying sketch - and bordering towards the North on the rancho de D^{na} Soledad Ortega, towards the East on that of Don Jose Peña, towards the West on that of Don Encarnacion 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 Y. 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 more

by any sense of malice or wilfulness 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) Maximino Martínez

(Marginal order on the above)

Monterey on the 29th day of March 1844,
Let the Secretary of State report thereon, he causing
other reports to be obtained to him, if he should
think it fit.

Micheltoreno.

Let this memorial be transferred to the Senor
Alcalde Jefe del Pueblo de San José as the Most
Excellent Sir orders, 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 on account of the Superior
decree of the 29th day of last March, and the order
of the Sr. (Secretario del Despacho) or Secretary of
State, which has been directed to me under same date,
I proceed to report as follows - The party concerned
in the memorial in question possesses all the requi-
sites which the law specifies in order to enable him
to obtain the gift or grant of the land he requests to
get as much on account of his acknowledged honest
behaviour 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 Buelna, what precedes
constitutes all the information that I possess on the sub-
ject: Pueblo de San José Apr. 10th 1844

(Signed) Antonio Pico

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Most Excellent Sir Governor:

The parcel of land the grant of which is solicited by Sr. Martinez, appears from the sketch thereunto relating, to be vacant, and therefore 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 accordance to the boundaries of the deceased Buelna; but Your Excellency with your usual discernment will decide what you may think fit

Monterey April the 27th 1844

(Signed) Manuel Jimeno.

Approved, and let the patent be issued

Monterey April 27th 1844

(Signed) Michel Torero.

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 whatever else it was thought convenient to attend to, in accordance to the laws and regulations on the matter, I hereby declare the Citizen Mascimo Martinez owner of the location designated, "Canada del Corte de Madera", having for its boundaries those specified in the title deed and of an area of three "sitios de ganada mayor", which forms or includes all the land thereof. The Senior Governor did order, decree and sign it to the purpose and I attest it.

I certify that of the property and right which I have through and in virtue of the memorial in solicitation of the location designated as "Las Canada del Corte de Madera" which was made conjointly with the neighbour Mascimo 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 sole owner, and let him dispose over it as the only master thereof, and for his convenient ends and purposes I gave to him the present document in the Pueblo de S. Jose 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 Secretary of the Government on this day the 19th of April 1844

(Signed) Manuel Jimeno

The grant made to the Citizens Maximo Martinez and Domingo Peralta of the location designated as "Canada del Corte de Madera", granted on the tenth 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.

Monterey May the 17th 1834. In this days sitting did the Most Excellent the Deputation approve of the proposition of the preceding opinion, ordering at the same time, that the expediente be sent back to the Senor Jefe Superior Politico for due ends and purposes.

(Sgd) Jose 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 Maximo Martinez, and Don Domingo Peralta, as a confirmation to the grant of the lands of "la Canada del Corte de Madera" which they obtained on the 5th day of June of last year. The Senor Don Jose Figueroa, General de Brigadas Comandante General, Inspector y Jefe Superior

26

Políticos de la Alta California, ordeno, decredo &
signed it towards the purpose, all of which I attest,
(Signed) Jose Figueroa
(Signed) Augustin V. Lamorano
Secretary.

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It is in literal conformity to the original thereof
out and from 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 Augustin V. Lamorano & Bernarao Navarrete
dwellers in this neighborhood acting as
witnesses.

In testimony of truth

(Signed) Jose Figueroa,

(Signed) Augustin V. Lamorano
Secretary.

The Citizen Manuel Michelena, General of
Brigade of the Mexican Army, Adjutant General of
the Staff, Commandant General and Inspector of the
Department of California.

Whereas the Citizen Maximino Martinez has so-
licitated for his personal benefit and that of his family
the additional grant of two sitios de ganado mayor
in continuation and as an annexation to that of
which he has the grant since the 10th day of June
1833, and all due investigations and requirement
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 Ranchos of Don Jose Peña, that
of las Pulgas, that of the Indian Jorguico, and
lastly the mountain covered with trees, or ridge of Santa
Cruz, subject to the approval of the Excellent the
Assembly of the Department and to the following.

conditions.

1st He shall not be able to sell it, alienate it, set or impose on it any annuity, entail, bond or any other incumbrance,

2^d He may and is free to fence it without any prejudice therefrom preceeding to the paths, roads & servitudes; he will enjoy it freely and exclusively, destituting 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.^d 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, in the limits of which he is to set beside the land marks some plants of trees either fruit bearing, or forest, but of some utility.

4th The extent of land granted in addition to that which he is occupying at the present time, is of two "sitios de ganado mayor" more or less under and within the aforementioned boundaries, and without any encroachment on or prejudice to, or "testamentary execution" of the deceased Antonio Buelna. The judge who may give 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 at the disposal of the Nation for any convenient use.

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 1st day of May 1844

(signed) Manuel Michelt?

(signed) Manuel Jimeno, Sec.

I certify the foregoing to be a true and correct translation, revised and corrected of the Sac. Similit copy of

28.

the original expediente on file in the office of the
W. S. Serrano General's office, and which Pa. Sim-
ile, authenticated by the said Serrano General, is on
file in this office in Case No. 36. Maximino Martinez,

CASE 36 ND
PAGE - 25

Filed in office Feb. 12th 1852
Geo. Fisher
Secy.
~~~~~

Translation of  
Certificate of  
Manuel Jimenez.  
  
W. J. F. No. 2.

I certify in good faith: That the title of extension  
which was given by General Michelmoreno to Don Max-  
imino Martinez, dated 1<sup>st</sup> May eighteen hundred and  
forty four, having forgotten to set my signature  
as Secretary of the Government, and so that it  
may appear, I sign it to day the 4<sup>th</sup> of November  
1851.

(Signed) Manuel Jimenez

I certify the foregoing to be a true and correct  
translation from the annexed Spanish document  
on file in this office in Case No. 36 Maximino Mar-  
tinez

Filed in office Feb. 8<sup>th</sup> 1853.  
Geo. Fisher Secy.  
~~~~~


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36

Translation of
No. 1 annex
to Deposition of
Jose Abrigo.

I certify that the property and right which I
have in the solicitation of the place called the Can-
ada del Corte de Madera, which jointly with the
Neighbor Maximino Martinez, I made, I have and
herby do relinquish all of it, retiring with all
my goods to the residence of my father, and deliv-
ering 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) Domingo Peralta,

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I certify the foregoing to be a true and correct trans-
lation of the annexed Spanish document, on file in
this office in Case No. 36. Maximino Martinez,

Geo. Fisher
Secy.
Filed in office Dec. 28th 1852
Geo. Fisher
Secy.

D
Petition of
Domingo Peralta
to intervene.

To the Honorable the Board of United States
Land Land Commissioners for the State of California
The petition of Domingo Peralta in intervention
to the suit of Maximino Martinez, against the United
States, respectfully shows, that in the year 1833,
Don Jose Figueroa, then Governor of California,
granted in equal interest, to Maximino Martinez,
and to your Petitioner, a tract of vacant land called
"Canada del Corte de Madera" lying in the now
County of Santa Clara and comprized within
the following boundaries, to wit, Commencing
at the Mexican lands of the Mission of Santa
Clara and extending to the boundary line of the
Rancho de las Pulgas, and to the ridge of the
Santa Cruz mountains, as more fully appears
from the original map and expediente now
of file in the office of the Surveyor General, a

Copy of which with translations will be filed in this case and the originals proved as shall be required.

Your petitioner further shows that said grant was made to your petitioner in part consideration of his long services in the military career, 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 on his part according to law.

This petitioner further shows that the said Martinez having procured from Governor Michelena a grant for an addition of two square leagues, is now prosecuting before this Honorable Board a claim to the whole of the land originally granted to him and to this petitioner as aforesaid, and that he sets up as a ground of said claim that this petitioner has surrendered to him all his right in said land, which this petitioner alleges to be wholly untrue.

Wherefore submitting himself to all orders of your Honorable Court, your petitioner prays that he may be allowed to intervene in the said suit of Maximino Martinez (being No 37 of the Calendar) as a party thereto, in order that full justice may be done in the premises, and that the claim of this petitioner to the said "Canada del Costa de Madera" in the extent and with the boundaries indicated in the map above referred to may be confirmed.

José Paralta
By his Attorney
H. W. Carpenter

Filed in office Aug. 14, 1852.
Geo. Fisher,
Secy.

Sello Primero. Seis pesos.

Se habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterrey para los años de mil ochocientos treinta y tres y mil ochocientos treinta y cuatro.

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6. p.

José Figueroa, General de Brigada de los Ejercitos Mexicanos, comandante General, Inspector y Jefe Político del Territorio de la Alta California.

{ place of the
Seal }

Por cuanto Moises Martínez 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 Abisyon de Santa Clara Pranchito de los Pilgas y Sierra de Santa Cruz: practicadas previamente las Diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos: usando de las facultades que me son conferidas, en Decreto del cinco del corriente á nombre de la Nacion Mexicana he venido en concederles el terreno mencionado, declarandoles la propiedad de él, por las presentes letras entendiendose dicha concesion en entera conformidad á lo dispuesto por leyes y reglamentos, á reserva de la aprobacion ó desaprobacion de la Excelentisima Diputacion Territorial y del Supremo Gobierno y bajo las condiciones siguientes.

Documents H.S.S. No. 21.

7. p.

Primera. Que se someterá á las q. estableciere el Reglamento y se há de formar para la distribucion de terrenos baldios y q. entre tanto ni los agraciados ni sus herederos podran dividir ni enajenar el que se les adjudica; Imponer censo, viculo, fianza, hipoteca ni otro gravamen, hipoteca, aunque sea por causa pialosa, ni pasarlo á terceros muertos.

8. p.

Segunda. Podran cercar lo sin perjudicar las trasiegos caminos y servidumbres; lo disfrutaran libre y exclusivamente destinado lo al uso i cultivo que mas les acomode, pero dentro de un año á lo mas, fabricarian casa y estara habitada.

Tercera. - Cuando se les confirmare la propiedad Solicitaran del Juez respectivo que les de la posesion juridica, en virtud de este Despacho por el cual

Se Demarcaran los linderos en cuyos limites pudiesen
à mas de las Mojoneras, algunos arboles frutales
ò silvestres de alguna utilidad.

Quarta. El terreno de q. se les hace donacion
es de una legua de cuadrada segun esplica el dize
que corre en el expediente: El Juez que tiene la posesion
lo hara medir conforme à ordenanza p^a sea
claros los linderos quedando el sobrante q. resulte
à la donacion p^a los usos convenientes.

Quinta. Si contraviniere à estas condiciones
perderan su derecho al terreno y sera demeritable
por otro.

En consecuencia mandado que sirviendo los de
titulo el presente y teniendo por firme y valedero
se tome razon en el libro a que correspondia y se
entregue à los interesados p^a su resguardo y demas
fines. Dado en Monterrey à diez de Junio de mil
ochocientos treinta y tres.

José Figueroa.

Agustin V Zamorano.
Jefe.

Que esta tomada razon en el libro de cientos de
titulos sobre adjudicacion de terrenos à fojas ocho
numero ocho q. obra en la Secretaria de mi cargo.
Monterrey Junio diez de mil ochocientos treinta y tres.
Zamorano.

Filed in Office 3rd 1853.

Geo. Fisher. Secretary.

(1) (61) folios = Curo - (26)

34

Sello Primero. Voto Pisos.

Habilitado provisionalmente por la Atornada del Puerto de Monterrey, en el Departamento de las Californias para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

Documento N.º 2.

Micheltorena.

Pablo de la Guerra.

Señal de Maclema.

(Place of the Seal)

CASE 36 ND

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El Ciudadano Manuel Micheltorena, General de Brigada del Ejército Mexicano, Ayudante Gral de la Plaza Mayor del mismo, Gobernador Comandante General e Inspector del Departamento de las Californias.

Por cuanto el Ciudadano Maximo Martinez ha pretendido para su beneficio personal y el de su familia el aumento de los Sitios de la Plaza Mayor a continuacion del Sitio que se le tiene concedido desde dias de Junio de ochocientos treinta y tres, y habiendome practicado las Diligencias y averiguaciones convenientes segun lo dispuesto por leyes y reglamentos de la materia usando de las facultades que me son conferidas a nombre de la Nacion Mexicana, he venido en concederle el mencionado aumento siendo el lindero de todo el terreno trazo de lo ocupado, como del q. actualmente se concede con los ranchos de Dr. Jose Peña con el de las Pulgas, con el del indigena Jorgonio y con la Sierra de Sta Cruz. sujetandose a la aprobacion de la Junta Departamental y bajo las condiciones siguientes.

2.

1.ª No podra venderlo, enagenarlo, imponer seuso Vivendi, fianza, hipoteca ni otro gravamen alguno.

2.ª Podra poseerlo sin perjuiciar las traversias Caminos y servidumbres. lo disputara libre y exclusivamente, Destinandolo al uso o cultivo que mas le aconviene, pero dentro de un año, fabricara casa y estara habitada.

3.

3.ª = Solicitara Del Juez respectivo que le de la posesion Juridica en virtud de este Despacho por el cual se demarcaran los linderos en lugares limites, previendo a unas de las moyoneras, algunos

artículos frustales o Libristas de alguna utilidad.
 4^o El terreno que se hace Donación en aumento
 es de Las Sitios De Gaunolo Mayor pero mas o
 menos, bajo los límites, mecer u otros, y sin perjudicar
 los límites Del fuero D^o Antonio Buelva. El Juez
 que Diere la posesion lo hará median conforme a
 proteccion que Daunto el Sobrante que resulte a la
 Nacion p^o los usos Corrientes.

5^o Si contraviniere a estas Condiciones perdere
 su Derecho al terreno y sera Denunciabile por otro.

In consecuencia
 mandado que se emita de título el presente, y servida
 de por firme y raleseno se tome razon de el en el
 libro respectivo y se entregue al interesado para su
 resguardo y Demas fines.

Dado en Montevideo
 a primero de Mayo de mil ochocientos Cuarenta
 y Cuatro.

Mans Michelmorena.

Queda tomada razon de este Despacho en el
 libro respectivo a. fi 8.

Mans Michelmorena

to y. Litta etc. Mariano Martinez.

Filed. 11 Oct. A.M. 12. October 1850. J.D. Richardson.

B.

Recorder.

Recorded in book of Dec. 16. pages 143 & 144. archives of
 Santa Clara County.

J.D. Richardson.

Filed August. 28th - 1850

H. P. Malone. Clk.

611. Mont. D. C.

Filed in office Deby. 8th 1853.

Geo. Fisher.

Secretary.

1/2

Translation of
grant to
Martinez & Paralta

CASE 36 ND

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N. J. No. 1

Jose Figueroa, General of Brigade of the Mexican
Arms, Commandant General, Inspector and Superior
Palmer Chief of the Territory of Alta California

Whereas Maximino Martinez and Domingo Paralta,
have solicited for their personal benefit and that of
their families, the land known by the name of
the Cañada del Corte de Madera, bounded by
the Mission of Santa Clara, Rancho of las Pulgas,
and Sierra of Santa Cruz; having previously
taken the necessary steps and informations concern-
ing it, according to the laws and regulations, using
the power vested in me, by a decree of the 5th of
the present month, in the name of the Mexican
Nation, I have determined to grant them the men-
tioned land, declaring to them the property thereof
by these present letters, it being understood said
Concession to be in entire conformity to the provisions
of the laws, subject to the approval or disapproval
of the Most Excellent Territorial Deputation, and that
of the Supreme Government and under the following
Conditions;

1st That they shall submit themselves to that
which may be established by the regulation made
for the distribution of vacant lands, and that in
the meanwhile, neither the grantees, nor their heirs
shall divide or transfer that which is adjudicated
to them; impose servitude, encumbrance, bond, hy-
potheca, or other burthen, not even if it be for a
pious cause nor pass it into mortmain.

2^d 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 one
year at the furthest they shall construct a house
and it shall be inhabited.

3^d When the property shall be confirmed to them
they shall solicit the respective judge that he
may give them judicial possession by virtue of

this Despatch, by which the boundaries shall be marked on whose limits they shall place beside the landmarks, some fruit trees or wild ones of some utility.

4- The Land of which Donation is made to them is of one square league, as the plan which is in the Expediente explains; The Judge who will give the possession will have it measured according to the ordinance to show the boundaries, keeping the overplus which may result for the Nation for Government uses.

5th If they contravene with these conditions they shall lose their right to the land and it will be denounceable by another.

Consequently I order that these presents shall serve them for 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 South of June eighteenth hundred and thirty three.

(Signed) José Figueroa

Augustin V. Lanuana
Secy.

Registry has been taken in the book of titles for the adjudication of lands, folio eight, - number eight, which is in the Secretary's office under my charge. Monterey June 10th 1833.

Signed Lanuana.

I certify the foregoing to be a true and correct translation from the original Spanish Agreement on file in this Office in Case No. 36, Maximilian Martinez for the place called Canada del Corte de Madera"

Geo. Fisher
Secy.

Filed in office February 8th 1853

Geo. Fisher
Secy.

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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

Revalido para el bienio de 1836 y 1837.

Gutierrez

A. Ramirez

Sr. Alcalde constituc^l

Deposición.
Exhibít n^o 3.

171

El C. Maximino Martinez, ante V. como mas haya lugar en derecho digo: que habiendose me concedido p^o la Exma. Diputación territorial el terreno conocido con el nombre de la Cañada del corte de Madera, segun lo acredita el titulo que respetivamente acompaño; y diseño que le sigue; pido a V. se sirva darme la posesion juridica de el, que es de un sitio, con las formalidades de la Ley p^o evitar todo perjuicio.

A. V. suplico se sirva proveer como pido por ser de Justicia, que imploro, y juro lo necesario.

S. José de Guad^l 13 de Feb. de 1836.

Arruego del interesado

José Berreyesa.

18.

Por presentada esta petición con los documentos que espresa citense a los circunvecinos, y hagase informacion de identidad, vista de ojos, y reconocimiento de dichas tierras. El C. José M^a Albisu Alcalde constitucional del Pueblo de S. José Guadalupe, actuando por receptorio con con dos testigos de asistencia á falta de Escribano publico, asi lo probeyó, mando y firmo con los de su asistencia.

Asist^o

José M^a Albisu

José Berreyesa

Ignacio Martinez.

Jusgado Constituc^l
de S. José de Guad^e

Año de 1836.

19 f.
Expediente instruido p^o medir y dar
posesion de un Sitio de Ganado mayor
al C. Maximo Abertiner, del terreno
conosido con el nombre de la cañada
del corte de madera

Fuer, el alcalde constituc^l } Asistencia, Jose
de dicho pueblo } Berreyera, y Igna-
cio Martiner.

26

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PAGE 36

27

28

En el espresado Pueblo á los quince dias del mismo mes y año, el C. Alcalde constitucional con los de su asistencia, p.^o proceder a la informacion de identidad que espresa el auto de su uso, hizo comparecer al C. Luis Chaboya en su persona que conocemos, vecino de este Pueblo, de oficio Labrador, casado, al qual se le recibió juramento que hizo por Dios nuestro señor, y la señal de la santa Cruz, por el q.^o prometió decir verdad; y habiendo la sido sobre el conocimiento que tenga de las tierras y parages, terminos y linderos pertenecientes al Rancho nombrado la Cañada del Corte de Madera: Dixo, q.^o hace mas de veinte años es vecino de este Pueblo y sabe positivamente q.^o las tierras p.^o q.^o se le preguntan han pertenecido Al C. Maximo Martinez, y tiene p.^o linderos conocidos el Arroyo de San 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.^o p.^o prueba de lo q.^o tiene dho. esta pronto ha hir a dichas tierras con el presente Alcalde, y señalarle los parages, terrenos y linderos donde llegan: que lo que lleba dicho es la verdad p.^o el juramento q.^o tiene hecho en q.^o se afirmo y ractifio, leyda que le fue esta declaracion, diciendo ser de edad de cuarenta y cuatro años, q.^o las generales no le tocan, y lo firmo con el presente Alcalde y los de su asistencia.

Jose M.^a Albisuasist.^o

Ignacio Martinez

Jose Bernyesa
Luis Chaboya.

In mediatamente yo el mencionado Alcalde con los de
Habilitado y oficialmente 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

29.

Revalidado para el finis de 1836 y 1837
Gutierrez A Ramirez

30
31
mi asistencia hice comparecer á Juan Soto, en su persona que conocemos, vecino de esta jurisdiccion, de oficio Labrador, casado, al cual se le recibí juramento segun forma, p^o el q^o prometió decir verdad, y siendo lo p^o 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 de esta jurisdiccion, y sabe q^o las tierras pertenecientes al espresado Rancho han sido poseidas p^o el C. Maximo Martinez, y tiene p^o linderos conocidos el Arroyo de S. Francisquito, hasta el arroyo del matadero, los cuales ha visto y reconocido varias veces, y q^o desde q^o las poses dicho Martinez, las ha labrado y cultivado: y pastado en ellas sus Ganados: y q^o p^o prueba y conocimiento de cuanto tiene dicho esta pronto á hir á dichas tierras con el presente, Alcalde, y señalarle los parajes, terminos y linderos donde llegan; y q^o esto q^o lleva dicho es la verdad acargo del juramento prestado en que se afirmó y ratificó, leyó q^o fue esta declaración: diciendo ser de edad de cuarenta y ocho años: q^o las g^oales no le tocan, y por no saber firmar hizo la señal de la Cruz, y lo firmó el Alcalde con los de su asistencia

Jose Albisu
Ygnacio Martinez

Asist^o
Jose Berreyza

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Incontinenti compareció el C. Fran^{co} Palomares en su persona q^o conocemos vecino de esta jurisdiccion de oficio Labrador, casado, al cual se le recibí juramento segun costumbre, por el q^o prometió decir verdad, y siendo preguntado p^o 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, q^o es vecino de este Pueblo, y sabe

Ignacio Martinez

Juan de Prado Mesa
Manuel Peña.

23.

Estando en el Campo, en el paraje q^e le llaman la Cañada del corte de Madera, en diez y ocho de Febrero de mil ochocientos treinta y seis; yo el Alcalde constitucional actuando por receptorio con dos testigos de asistencia a falta de Escribano publico, los testigos por mi examinados, presente el dicho Maximino Martinez, C.C. Juan Prado Mesa, y Theodosio Flores, ambos mayordomos de las partes circunvecinas, procedi a ver y reconocer las tierras de dicho Rancho, y para su mayor claridad puse a Caballo, en compañia de todas las partes, y testigos referidos mandé a los susodichos me venan a lasen los parajes, terminos y linderos de ellas, segun las señales que han declarado en sus deposiciones, y en su conformidad, quicaron a la parte del Norte hasta llegar a una laguna permanente a linea de unos peñascones del arroyo de S. Francisquito, de halli se procedio al reconocimiento y vista de ojos asta el O. caminando por la orilla de dicho arroyo, hasta llegar a la punta de lomas bajas, y ver terminos y lindero de las expresadas tierras de la Cañada del corte de Madera. Desde dicho paraje se continuo dicha vista de ojos caminando ^{de aqui} ^{terminos y linderos de las susodichas tierras} ^{de maderas} asia el S. hasta llegar al union que hace la tierra alta por ultimo lindero de las mencionadas tierras: cuyos parajes yo el Alcalde constitucional vi y reconocí con los de mi asistencia, testigos expresados y papeles presentados, y cotejado dicho reconocimiento con ellos hallé ser cierta la identificacion de las mencionadas tierras, segun y como lo declaran dichos testigos, y p^o que conste lo pongo por diligencia y lo firmé con los de mi asistencia y demas que supieron, Doy fe.

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Asist:

José M^o Albisu, José Berreyza
Ignacio Martinez, Juan de Prado mesa
Manuel Peña.

El el mismo día, mes y año, yo el Alcalde constitucional, digo, que para proceder a las medidas contenidas en estos autos, mandé se notificase a dicho C. Maximo Martinez, de que los medidores nombrados son los Ciudadanos Dolores Pacheco, y Manuel Peña, p.^o inteligentes en materia de medidas, y en su consecuencia dijo lo oyo, y q.^o combiene en dicho nombramiento por lo cual cuando dicho Alcalde se notificase a los espresos medidores, nombrando el día diez y nueve del corriente para proceder a las medidas de dichas tierras, y en consecuencia mandó se diese a saber a dichos medidores, p.^o q.^o parezcan, acepten y juren en debida forma; y para que conste lo firmo con los de mi asistencia.

Asist.^oJosé M.^o Albisu

José Berreyza

Ignacio Martinez

Juan de Prado Mesa

Manuel Peña.

Inmediatamente comparecieron los C. C. Dolores Pacheco y Manuel Peña, medidores nombrados, y echo saber el auto de uso, dijeron aceptar el encargo susdicho, y en su vista juraron por Dios nuestro Señor y la Señal de la Santa Cruz de que usaran bien y fielmente el encargo referido, a todo su leal saber y entender, y que es de sus obligaciones, sin fraudes ni engaños en contra ninguna de las partes; esto respondieron y firmaron, doy fé.

Asist.^oJosé M.^o Albisu

José Berreyza

Ignacio Martinez

Juan de Prado Mesa

Manuel Peña.

En seguida se hizo saber a los interesados y medidores día veinte del corriente, al paraje nombrado la Cañada del Corte de Madera, para proceder a las medidas de dichas tierras,

et impuestos todos de este auto, dijeron lo oyen, y se dan por citados, firmando los que supieron, para constancia hoy fé.

Asisto,

Jose Mo^o. Albisu.

Jose Berrigera

Ignacio Martinez

Juan de Prado mesa

Manuel Peña

Dolores Pacheco.

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En el Rancho titulado la Cañada del Corte de Madera a veinte y dos de febrero de mil ochocientos treinta y seis, presente el C. Maximino Martinez, y circunvecinos a dichas tierras, hice comparecer ante mi y los de mi asistencia a los c.c. Dolores Pacheco y Manuel Peña mididores nombrados, a los cuales mandé alistar un cordel, y midan cinquenta varas, con vara de media de cuatro palmos castellanos, y en efecto los susodichos en mi presencia midieron un cordel torcido y bien tirado con una vara mexicana en toda forma y hacen el numero de cinquenta varas; la cual medida se hizo fiel y legal.

37
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 a vista creencia y paciencia del interesado y circunvecinos: en cuya atencion mandé se ponga por diligencia.

Jose Mo^o. Albisu

asisto,

Jose Berrigera

Ignacio Martinez

Juan de Prado mesa

Manuel Peña.

Dolores Pacheco.

Estando en el campo y tierras pertenecientes al Rancho de la Cañada del corte de madera hoy veinte y dos de febrero de mil ochocientos treinta

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40.

y seis, yo el Alcalde constitucional del pueblo de S. José de Guadalupe, actuando por receptoria con los testigos de asistencia: a falta de Escribano Público, presente el C. Dolores Pacheco y Manuel Peña medidores nombrados: Mandé procediesen a la medida de un sitio de Ganado mayor que toca y pertenece al Rancho de la Cañada del corte de madera, según el título y diuño presentados, en cuyo obediimiento habiendo buuelto a media y renovar el Cordel, dieron principio a dicha medida, desde el Rincon de la Cuesta, que mira asia el N. caminando por este rumbo hasta llegar a una laguna permanente a linia de unos peñascones del arroyo de S. Francisquito, quedando este por lindero: Desde allí se siguió la medida asia el O por la 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 asia el E. hasta el arroyo del matadero, quedando este igualmente por lindero de la susodicha Misión; y non habiendo se completado en este la legua, se le añadieron los diez y ocho cordeles hacia el O. que es las ultimas lomas bajas: Desde este paraje se tomó el Rumbo asia el Sudueste atravesando algunos lomas hasta el Rincon de la Cuesta donde se comensó a medir, y se completo el sitio de Ganado mayor; que se le concedió al repetido Martínez con la lomeria por haberla pedido el interesado y no perjudicar a nadie; De manera que

41.

Habilitado provisionalmente por la administracion de la Aduana maritima de Monterey de la alta California, para los años de mil ochocientos treinta y cuatro es mil ochocientos treinta y cinco.

Castro

Angel Ramirez

Gutierrez

A. Romeros

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El referido sitio de Ganado mayor de que consta el Rancho de la Cañada del corte de madera, pertenece al C. Maximino Martinez, forma un cuadro de veinte mil varas castellanas, y regulado por dichos medidores declararon estar el repetido C. Maximino Martinez enterado de las tierras que le corresponden a su Rancho: segun el titulo y dicino que obra a la cabeza de este expediente, sin que se perjudicase a tercero; por lo cual aviendo dicho Martinez, varias ramas y llerbas, arrojando las asia los cuatro vientos, en señal de su legal y legitima posesion: En tal estado mando el C. Alcalde que para permanencia y claridad de los linderos que han expresados hiciese a su consta y mencion unas mohoneras de piedra 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 circumbecinos de ellas; y de haberse ejecutado dichas medidas quieta y pacificamente, sin contradiccion de persona alguna, lo pidio por testimonio; y yo el Alcalde constitucional del Pueblo de San Jose de Guadalupe actuando por receptoria con dos testigos de asistencia a falta de Escribano publico, lo doy de haber pasado como dicho es; y que las expresadas medidas han sido hechas al todo el leal saber y entender de los medidores segun depucieron, sin dolo, fraude y engaño en contra de ninguna persona, y para mas seguridad ractificaron el juramento que tienen hecho, y lo firmaron con el repetido Alcalde, los de su asistencia y los demas que supieron y se hallaron presentes.

Jose M^o. Albisu

Asista

Ignacio Martinez

Jose Perreyesa

Dolores Pacheco.

Manuel Peña.

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En virtud de hallarse concluidas estas diligencias conforme a la ordenanza de la materia — entreguese originales a la parte del C. Maximo Martinez, con los documentos que presento para los usos que le incumban. El C. Jose Mo. Albisu Alcalde constitucional del Pueblo de San Jose de Guadalupe actuando por receptoria con dos testigos de asistencia a falta de Escribano publico asi lo proveyo mando y firmo hoy veinte y tres de febrero de mil ochocientos treinta y seis.

Jose Mo. Albisu
 Ignacio Martinez

Asista
 Jose Berrizaga

Filed in office feby 8th 1853.

Geo Fisher
 Secy.

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Translation
of Judicial
proceedings.

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H. J. T. No. 3.

Constitutional Justice Court }
of S. Jose Guadalupe } Year 1836.

Record of proceedings for measuring and giving
proportion of one sitio de ganado mayor to the citizen
Maximo Martinez of the land known by the name
of the Canada del Cerro de Madera.

Justice, the Constitutional Assistants, Jose Berrego-
Alcalde of said Pueblo } isa + Ignacio Martinez.

Honorable Constitutional Alcalde,

I, the Citizen Maximo Martinez, before Y. H. in the
most just way say; that having been granted by
the Excellent Territorial Deputation the land known
by the name of Canada del Cerro 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 judicial proportion of
the same, being one square league with the formal-
ities 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, etc.

San Jose de Guadalupe 13th of Feb. 1836, at
the request of the interested party.

Jose Berregoza.

This petition with the documents therein quoted
being presented, let the surrounding neighbours be
cited, and let information of identity, ocular view,
and cognizance be taken of said land.

The Citizen Jose M^a Alviso, Constitutional Al-
calde of the Pueblo of San Jose Guadalupe, acting
as Judge, ad interim, thus did decree, order and sign
with his two attesting witnesses for want of a Notary
Public.

Asst. Witnesses

Jose Berregoza

Ignacio Martinez

Jose Maria Alviso

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 Chaboya in person, whom we know 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 upon the knowledge he may have of the land, and its location, borders and boundaries, appertaining to the Rancho called la Canada del Corte de Madera, 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 belonged to the Citizen Maximino Martinez, and has for known boundaries, the arroyo de San Francisquito, the arroyo del Mata de p. which he has seen and recognized various times, and since said Martinez propeper 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 on the oath he has made which he affirmed and ratified, this declaration being read to him, he said he was 44 years old, that the disabilities of the law dont affect him, and he signed with the present Alcalde and his witnesses.

Jose M. Alviso

Asst. Jose Berengosa Luis Chaboya Ignacio Martinez

Immediately J. 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, on which he promised to speak truth and on his knowledge of the land, and its location, extent and boundaries appertaining to the rancho called la Canada del Corte de Madera, 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 propeped by the Citizen Maximino Martinez, and has for its known boundaries, the arroyo de San Francisco to the arroyo del Matadero, which he has seen and recognized at various times, and since said Martinez propeped it he has cultivated and pastured 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 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 does affect him, and not knowing how to sign, he made the sign of the cross, and the Alcalde signed with his witnesses
Jose M^o. Alvario

Witness Jose Benegrya Ignacio Martinez.

In continuation 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 Canada del Corte 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 propeped by the Citizen Maximino 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 he has seen and recognized at various times and since said Martinez propeped 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 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 don't affect him, not signing because he did not know how, but the Alcalde and his witnesses did so.

Jose M. Alviso Capt. Jose Benegzon,
Ignacio Martinez

In the said Pueblo on the same day, month and year was issued summons to the bordering land owners, father Ministro of the Mission of Santa Clara and Sr Soledad Orbeaga that their Mayor domas should appear on the rancho named la Canada del Corte 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

Jose M^o. Alviso
witnesses Jose Benegzon - Ignacio Martinez,
Juan de Prado M^o. Manuel Pena.

Being in the field in the place called la Canada del Corte 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 Maximino Martinez, the citizen Juan Pedro Misa and Theodosio Ferris, both Mayor domas of the adjoining neighbors being present, I proceeded to view and reconnoitre the land of the said Rancho, and for greater accuracy on horseback in company with all the parties and said witnesses, I ordered the aforesaid that they should show me the location, 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 lagoon in the line of some rocks of the creek of San Francisco, from whence the recognizance, and ocular survey was continued 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 said land of La Canada del Norte de Madera: from said place continued the said ocular survey, travelling towards the South, until arriving to the arroyo del mata-dero (creek of slaughter-place), extent and boundary of the above named land, and from whence proceeded the recognizance and ocular survey towards the South-East until arriving at the corner which makes the Sierra alta the East 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 recognizance 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, those others who knew how to, which I attest.

Jose M. Alviso.

apt. Jose Berengosa.

Jancio Martinez.

Juan de Pablo Meza.

Manuel Pena.

On the same day month and year, I the Constitutional Alcalde, say, that in order to proceed to the measurement contained in these decrees, I ordered that the said Citizen Maximino Martinez should be notified that the appointed measurers are the citizens, one Dolores Pacheco, and Manuel Pena, skiffful in matters of measurement, and in consequence, he said he heard it, and that he acquiesces 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 land, and in consequence I ordered said measurers to be informed of it, that they may appear, accept, and

take the oath in due form, and in faith whereof, I signed with my witnesses.

Jose M. Alvizo wit. Jose Berengozza
Ignacio Martinez " Juan de Prado Mesa.
Manuel Pena.

Immediately, the citizens Dolores Pacheco and Manuel Pena, appointed measurers, were summoned and made acquainted with the above decree; they said accept the said appointment, and in consequence thereof, they swore by the Lord our God and the sign of the holy cross to fulfill 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.

Jose M. Alvizo wit. Jose Berengozza
Ignacio Martinez " Juan de Prado Mesa.
Dolores Pacheco Manuel Pena.

In continuation thereof the interested parties and measurers were informed on the 20th inst. at the place called la Canada del Corte 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 of which I give testimony.

Jose M. Alvizo wit. Jose Berengozza
Ignacio Martinez " Juan de Prado Mesa
Manuel Pena Dolores Pacheco.

In the Rancho called la Canada del Corte de Madera, on the 22^d of February 1836, the citizen Maximo Martinez, and the neighbours surrounding said land being present, I caused the citizens Dolores Pacheco, and Manuel Pena, 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 a Mexican vara, the whole of it making the number of fifty varas, which measure 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 subjoin their signatures.

Jose M. Alviso	Apt. Jose Berengosa
Ignacio Martinez	Juan de Prado Maza.
Manuel Pena	Dolores Pacheco.

Being in the field and the land belonging to the rancho la Canada del Corte de Madera, today the 22nd of February 1836, J. the Constitutional Alcalde of the Pueblo of S. Jose de Guadalupe, acting as Judge, *ad interim*, with the attesting witnesses for want of a Notary Public, the Citizens Dolores Pacheco, and Manuel Pena, appointed measurers, being present, I ordered them to proceed to the measurement of one square league (*Sites de ganado mayor*) which joins and appertains to the Rancho la Canada del Corte 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 said arroyo until the termination of the low hills; leaving these as a boundary with the Mission of Santa Clara, from this place we took the course towards the South unto the arroyo del Matapero, leaving this likewise as a boundary of the above named Mission, and not having completed here the league, they added 18 cords towards the West, which are to the last low hills; from this place we took the course towards the South West, 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 for it, and not to prejudice any body; in such a manner that the said sitio de ganado mayor, which makes the Rancho of la Canada del Corte de Madera, belonging to the Citizen Maximino Martinez, forms a square of twenty thousand Castilian varas & regulated by said measurers, they declared the said Citizen Maximino Martinez to be apprized 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 Martinez pulled off sundry twigs and gras, 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 that in all time they may appear, be observed and respected as meets and bounds of his lands by the other surrounding neighbors thereof, and having executed said measurements quietly and peaceably, without contradiction of any person, he solicited testimony thereof, and J, the Constitutional Alcalde of the Pueblo of San Jose 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 attending witnesses, & the others who were present and knew how to write,

Jose M. Alviso.

Ignacio Martinez.

Wit- Jose Benegza.

Manuel Penu.

Dolores Pacheco.

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In consequence of these proceedings being concluded according to the ordinance upon the matter, let these original proceedings be delivered to Citizen Maximino Martinez with the documents he presented, for the purposes that may suit him, the citizen Jose M. Alviso, Constitutional Alcalde of the Pueblo of San Jose de Guadalupe, acting as Judge ad interim, with two attesting witnesses for want of a Notary Public thus decreed, ordered and signed this 23rd day of February 1856.

Jose M. Alviso
wit. Jose Benegosa Ignacio Martinez

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

Geo. Fisher
Secy.

Filed in office February 8th 1853.
Geo. Fisher
Secy.

Opinion

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Maximino Martinez asks for the confirmation of his claim to a tract of land called "Canada del Corte de Madera," situated in the County of Santa Clara, containing three square leagues.

In support of the claim it is shown by the original documents, the genuineness of which appears to be fully proved, that a tract of land called the "Canada del Corte de Madera" of the extent of one square league was granted by Gov. Figueroa to Maximino Martinez & Domingo Peralta on the 10th of June 1833; that on the 12th of May 1834 the said Peralta by an instrument in writing transferred all his interest in the land to the said Martinez, & that judicial possession of the land was given to the said Maximino Martinez in the month of February 1836.

It is also shown by official copies from the Public Archives & by original documents, that the Claimant in the month of March 1844 petitioned Governor Micheltourne for an addition of two square leagues of land adjoining the tract before mentioned, and that after the usual reference of the petition and reports on the same a grant was duly issued to him on the 1st of May 1844 for two square leagues, more or less in addition to that which had been formerly granted and which he was then occupying. It appears from other evidence that the Claimant has been in occupation of the tract first granted previous to his being put in judicial possession of it, and that he has occupied the additional tract in connexion with the other ever since it was granted him, & that he still continues to reside on the land.

The objections made to the claim on the want of evidence that the grant has been approved by the Departmental Assembly, the want of giving judicial possession of the last tract, and that the whole tract is within ten leagues of the sea coast - all these objections have been considered by the Board and overruled in cases previously decided, and we now hold them

as we have formerly done, to constitute no valid ~~ob-~~
~~stacle~~ in the way of the confirmation of the Claim.

We confirm the Claim to the first tract to the extent
of one square league, & to the second tract in addition
thereto to the extent of two square leagues - the words
more or less in the latter grant, having, as we have
heretofore held, no effect to enlarge the quantity of
land, the surplus being reserved to the Nation in the
usual form. Commissioner Thornton concurs
in the result.

Richard Dull,

No. 36. Maximo Martinez, Claimant.

Decree.

This Board in full consideration, having come to
the conclusion that the said Claim is valid, now
proceeds to make a decree for its final confirmation
as follows:

It is decreed that said Claim be confirmed to the ex-
tent and quantity of one square league as described
in the grant, given in evidence in this case, of the
Political Chief of California dated the 10th of June
1833, being the same land of which judicial possession
was proved to have been given the Claimant; Provided
that the said quantity of one square league, now con-
firmed to the Claimant, be contained within the
boundaries called for in the said grant, and if there
be less than the said quantity within said bounds, then
we confirm to the Claimant that less quantity; and
it is also decreed that the said Claim be confirmed to the extent
and quantity of two square leagues in addition to the said
tract of one square league before named, being the same
land described in the grant of the Governor of the Califor^{nia},
given in evidence in this case & dated May 1st 1844; Pro-
vided that the said quantity of two square leagues, be con-
tained within the boundaries called for by said last
mentioned grant & map to which the grant refers, and if there
be less than the said quantity within the said bounds, then
we confirm to the Claimant that less quantity, in addition
to the tract first mentioned. Given under our hands this 28th day
of February 1853.

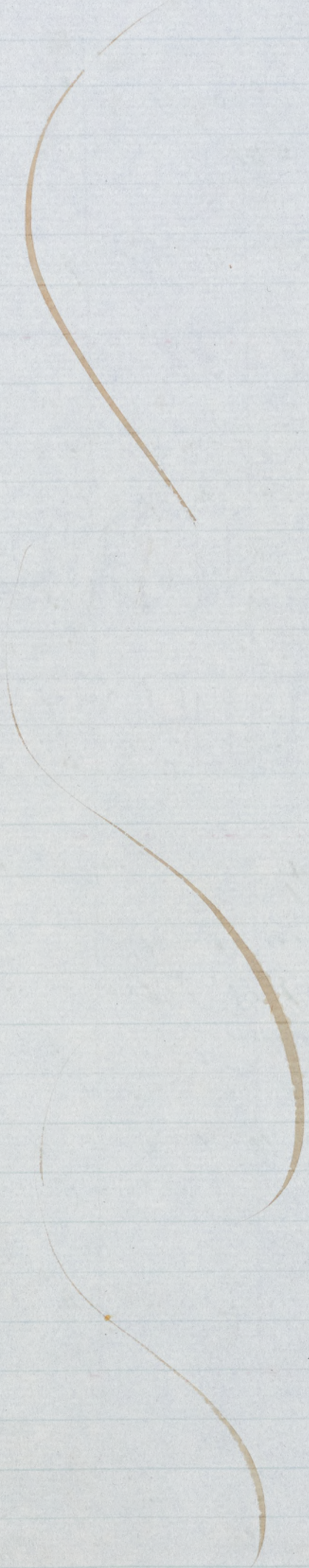
Filed in office Feb. 28th 1853.

Geo. J. Fisher
Secy.

Richard Dull }
N. J. Thornton } Comm^{rs}

4

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Office of the Board of Commissioners,

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

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I, *George Fisher* Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *Seventy one* pages, numbered from 1 to *71*, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. *168* on the Docket of the said Board, wherein *Maximo Martinez* is

the Claimant against the United States, for the place known by the name of *Canada de Corte 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 first* day of *June* A. D. *1854*, and of the Independence of the United States of America the seventy=*eight*

Geo. Fisher.



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36 no

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"El borte di Madera"

Nº 36

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Office of the Attorney General of the United States,

Washington, 11th September 1854.

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Maximo Martinez

vs.
The United States.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 10th day of June 1854 the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Cushing

Attorney General.

No 36
U. S. Dist. Court,

The United States

- no -

Maximo Martinez,

Notice to present
appeal.

Filed Oct: 21. 1854.

John A. Monroe,
Clerk.

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District Court of the United States
Northern District of California

The United States
Appellants
vs
Maximo Martinez

N^o 36 / (L. C. Docket N^o 36)

Maximo Martinez the Appellee and
claimant in the above entitled cause in
answer to the Petition therein filed avers and says
that his title to the land therein claimed is valid

He therefore prays that the de-
cision of the Board of Land Commissioners
be affirmed and the title of the said claim-
ant be decreed to be valid

J. Charles Atty
for Claimant.

U. S. District Court

No. 36

The United States

Appellants

vs

Muyino Martinez

Answer

Filed June 27, 1855.

by Chevers
Deputy

CASE 36 ND

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J. Clarke Atty
for Plaintiff.

To the Honorable District Court of the
United States in and for the
Northern District of California.

The United States
Appellants

vs

Mexico Martinez

No. 26.

The petition of the United States by their
Attorney represents: that this cause is an
application for a review of the decision
of the Board of Commissioners whereby the
claim of the said Appellee was confirmed
as appears by reference to the records in
the case.

That a transcript of the said Records was
filed in this Court on the _____ day of _____
; that a notice of appeal
was filed on the _____ day of _____
and that the land claimed lies in the
said District.

That the said claim is invalid.
Wherefore Appellants pray that the said
decision of the Board be reversed
& that this Court deem the said title
to be invalid. Respectfully
A. Maxwell
Ceset. U.S. Atty

U. S. District Court

No. 36

The United States

Appellants

vs

Mojino Martinez

Petition

Filed June 27, 1885,

by Chivers
Deputy

CASE 36, ND

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J. Glassell
S. U. S. Atty.

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California Land Claims
Attorney General's Office
7 Febr'y 1857

Sir:

In the case of the claim of
Maximo Martinez, confirmed
to the claimant by the Commis-
sioner, Case no. thirty-six, (36),
appeal will not be prosecuted by
the United States.

O Am,

Respectfully,

Andrew

W. T. Blodgett Esq
U. S. Attorney
San Francisco.

CASE 36 ND

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In the District Court of the U. S.
for the Northern District of California

The United States

v

Maximo Martinez

}

D. C. 36 : L. C. 36

In pursuance of a notice
from the U. S. Attorney General herunto annexed,
it is hereby stipulated and agreed that no further
appeal be taken in this case on the part of the
U. S. and that claimant have leave to proceed
under the decree of this Court heretofore rendered
in his favor, as under final decree.

San Francisco April 2nd 1857

Wm Blanding
Dist Atty

J. Clarke
Atty for Claimant

36
36

U. S. District Court

The United States

v

Maximo Martinez,

Stipulation

Filed April 2^d 1857
W. A. Chevers
Deputy.

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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 *Thursday* the *second* day of
April in the year of our Lord one thousand
eight hundred and fifty-seven.

Present :

The Honorable OGDEN HOFFMAN, District Judge.

The United States

Masimo Martinez

D. C. 36; L. C. 36

The Attorney General of
the United States having given notice
that appeal will not be prosecuted
in this case, and a stipulation having
been entered into to that effect by
the U. S. Attorney:

On motion of the
District Attorney it is Ordered adjudged
and decreed that claimant have leave
to proceed under the decree of this
Court heretofore rendered in his favor
as under Final Decree.

Ogden Hoffman
U. S. Dist. Judge

United States District Court, Northern
District of California.

The United States

vs.

Maximo Martinez

ORDER.

~~*Vacating Appeal*~~
~~*Final Decree*~~

Filed *April 2,* 1857

John A. Munroe,

CLERK.

By *W. H. Chivers,*

DEPUTY.

CASE 36 ND

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UNITED STATES OF AMERICA,
STATE OF CALIFORNIA.

CASE 36 ND
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COUNTY OF SAN FRANCISCO.

In the Circuit Court of the United States for the Districts of California.
IN AND FOR THE NORTHERN DISTRICT.

Maximo Martinez

VS.

The United States

The President of the United States of America,

To

Chas M. Webber

GREETING:

You are hereby required, That all and singular business and excuses being set aside, you appear and attend before ^{*Judge R. W. W. [unclear] a Commissioner of the U.S. Court of Claims*} ~~the Circuit Court of the United States for the Districts of California,~~ ^{*his office - corner of Washington & Battery streets*} to be held at ~~the Court House~~ ^{*the Court House*} in the City of San Francisco, on the ^{*14th*} day of ^{*September*} A. D. 1857, at ^{*1*} o'clock, P. M., then and there to testify in the above stated cause now pending in said ^{*U.S. Court of Claims*} ~~Circuit Court~~, on the part of the above named ^{*Deft*}. And for a failure to attend you will be deemed guilty of a contempt of Court, and liable to pay all loss and damages sustained thereby to the party aggrieved.

Witness, The Hon. ROGER B. TANEY, CHIEF JUSTICE OF THE SUPREME COURT OF THE UNITED STATES OF AMERICA, this ^{*11th*} day of ^{*September*} in the year of our Lord one thousand eight hundred and fifty- ^{*seven*} and of our Independence the ^{*eighty second*}.

Attest,

Geo: P. Johnston
Clerk,

By

Rep. Clerk

I hereby specially depute R. A. Fisher
to serve the within subpoena upon Chas
Mr. Webber.
San Francisco Sep 14th 1857.
J. L. Johnson
U.S. Marshal
per C. D. B. Coatsworth
Deputy

(36)
(Original)
Circuit Court of the United States
FOR THE
Districts of California.
NORTHERN DISTRICT.

Maximo Martinez

vs.

The United States

SUBPENA.

In Deft's Witness

Filed this 15 day of
Sept 1857.

Geo. Ross Johnston Clerk.

Cutter McAllister
Deputy.

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Received this within personally
by copy to upon Chas. Mr. Webber in
San Francisco Sep 12th 1857 —
Richard J. Fisher
Special Deputy
Marshal

Office of the Board of Commissioners,

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

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San Francisco, June 13 1854

John A. Monroe Esq.
Clerk of the U. S. District Court for the
Northern District of California.

Sir;

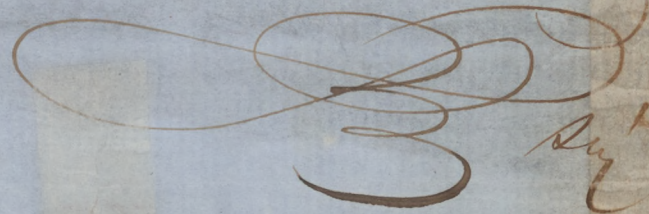
I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 36 on the Docket of the said Board, wherein

Maximo Martinez is the Claimant against the United States, for the place known by the name of Canada del Corte Madera and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

G. Fisher



Losi Martines -

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Record contains Expediente for augmentation of 2 leagues - and with it apparently approval of Assembly for original grant to Martines & Peralta of one league -

It contains ~~copy~~ grant to Martines & Peralta but no expediente thereof
It contains grant to Martines of 2 leagues augmentation.

It contains record of Judicial possession of the 1st grant of one league - but to Martines alone

A. B. No Expediente of 1st grant
No Departmental assent - approval of 2nd grant nor judicial possession under it - but it was given under 1st grant - which was also approved by Dep. Ass.