

CASE NO.

49

NORTHERN DISTRICT

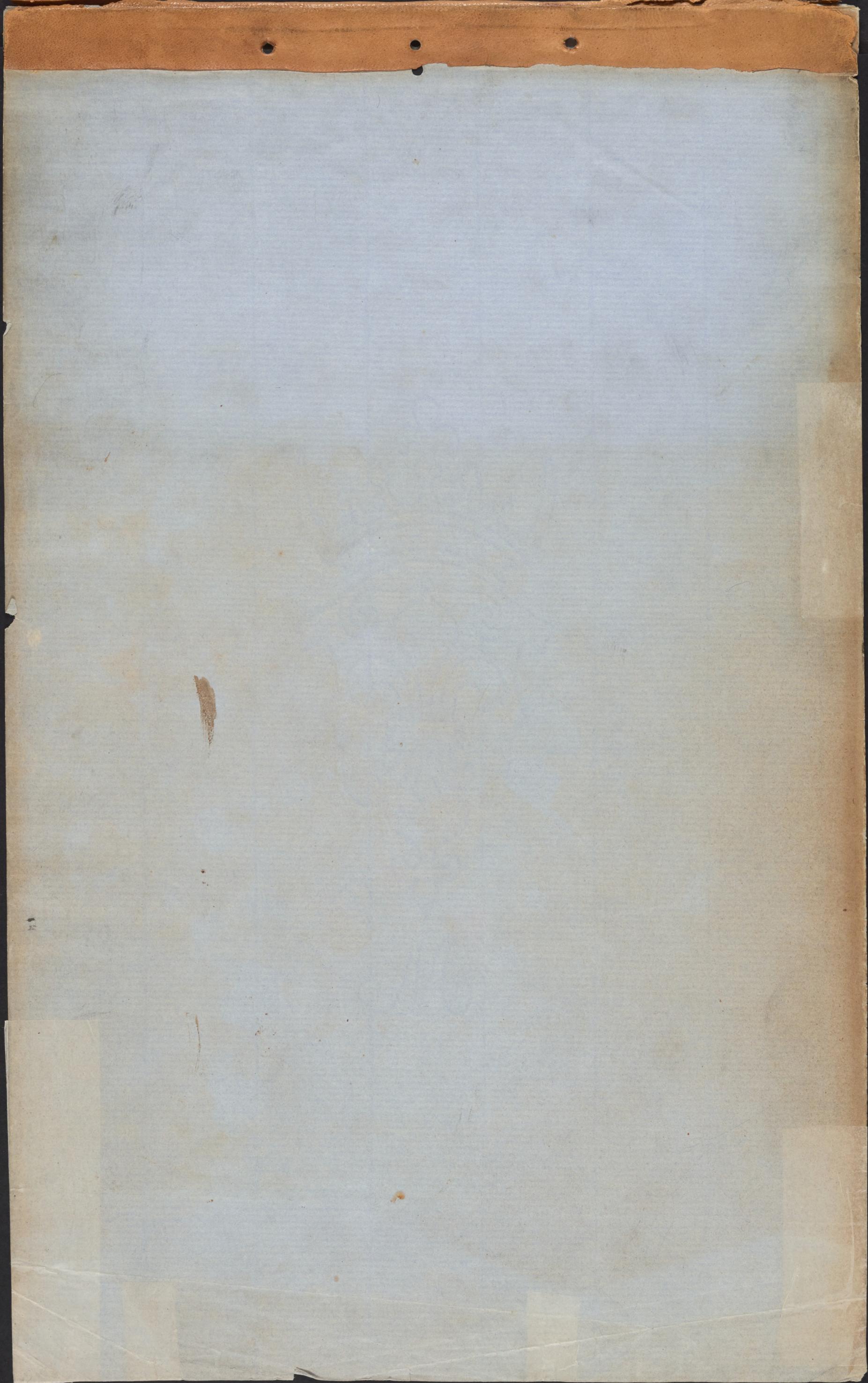
EL CORRAL de TIERRA GRANT

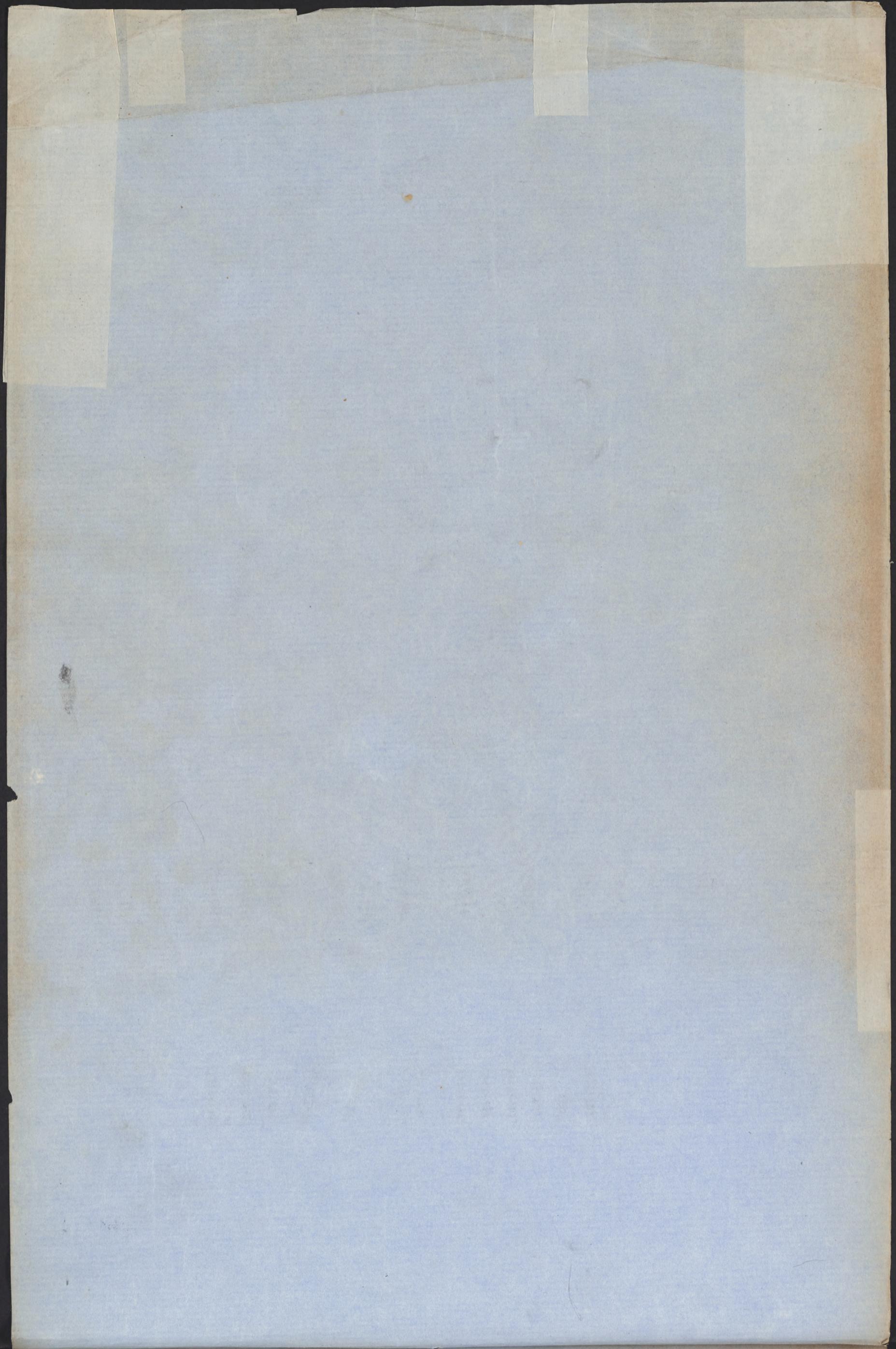
JOSEFA HARO de GUERERO, et al

CLAIMANT

LAND CASE 49 ND pgs. 61

Unmanaged
PLOWER BOND
50% COTTON FIBER
U.S.A.





CASE 49 ND

PAGE 1

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 164.

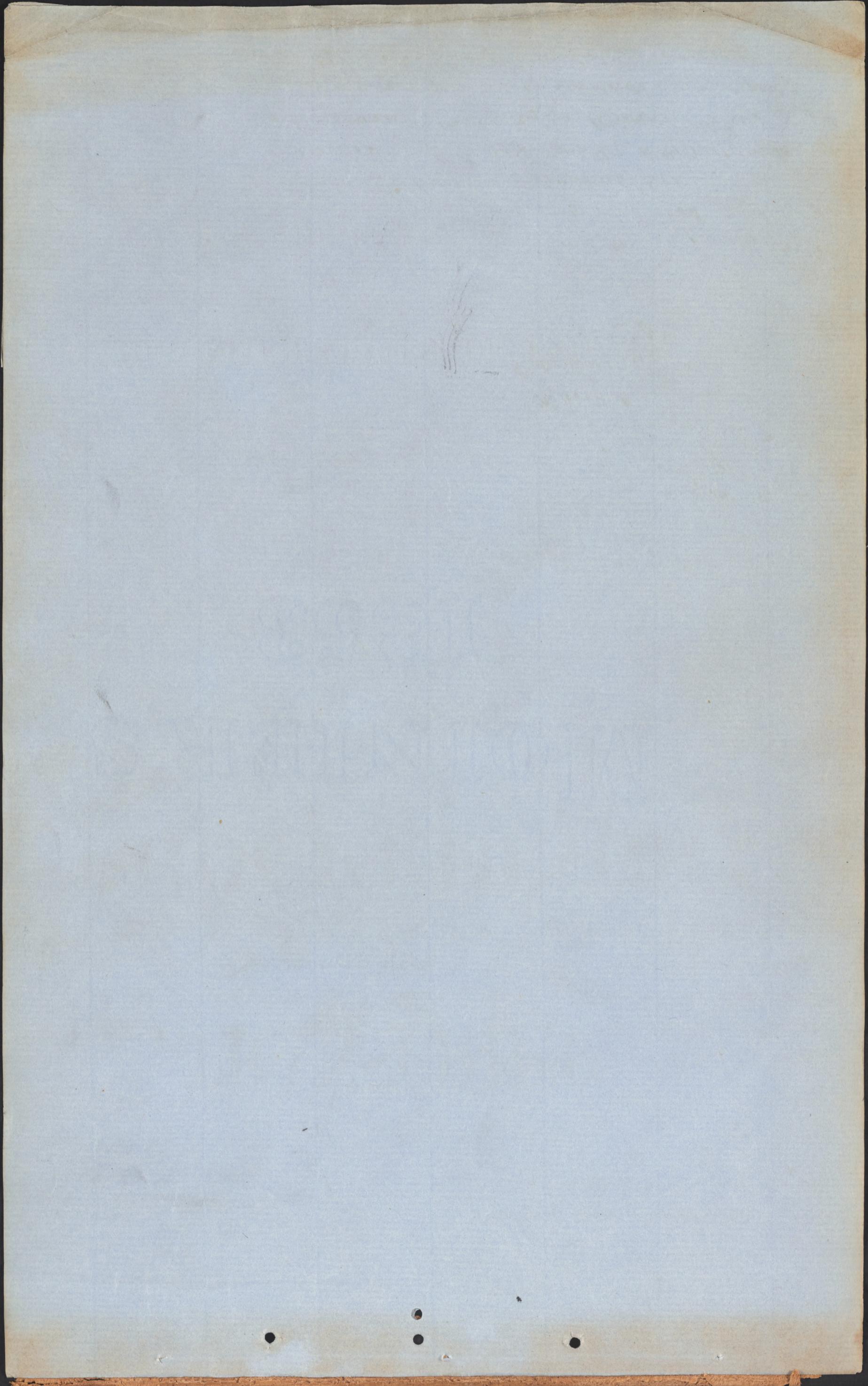
Josefa Haro de Guerrero et al. CLAIMANTS,

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"El Conal de Tierra."



164
Office of the Board of Commissioners,

CASE 49 ND

PAGE 2

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, that on this Sixth day of April, 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 Josefa Maria de Guerrero et al,
of Francisco Guerrero Palomares for the Place named
"El Corral de Tierra"
was presented, and ordered to be filed and docketed with No. 164 and is as follows, to wit;

(Vide page 5 of this Transcript.)

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

Los Angeles Sept 9th 1852

In Case No 164 Josefa Maria de Guerrero et al for the place called "El Corral de Tierra" The Deposition of Pablo de la Guerreroa Witness in behalf of the Claimant taken before Commissioner Henry J. Thornton was filed and is in the words and figures as follows to wit
(Vide page 7 of this Transcript)

San Francisco Jan 4th 1853

In Case No. 164 Josefa Maria de Guerrero, et al: heirs of Francisco Palomares, for the place named "Corral de Tierra" the deposition of W. H. Teschemaker, a witness in behalf of the claimants, taken before Commissioner Henry J. Thornton was filed and is in the words and figures as follows to wit: (Vide page 7 of this Transcript)

San Francisco Feb. 11th 1853

In Case No. 164 Josefa Maria de Guzman et al. for the place named "El Canal de Siena" the deposition of José Maria Corambias, a witness in behalf of the Claimants, taken before Commissioner Henry J. Thornton, was filed and is in the words and figures as follows to wit:

vide page 8th of this Transcript.

San Francisco March 5th 1853.

In Case No. 164 heirs of Francisco Guzman de Salomans for the place named "El Canal de Siena", the Counsel for the Claimants filed the following Stipulation to wit: (vide page 37th of this Transcript)

San Francisco Apl. 9th 1853.

On motion of the United States Associate Law Agent, Ordered, that Case No. 164 be placed on the Trial docket

San Francisco Apl. 11th 1853.

Case No. 164 Josefa Maria de Guzman for the place named "El Canal de Siena" called; the Counsel for the Claimant, Mr. Hallack, read the petition and the papers in evidence; the United States Ass^{te} Law Agent filed his Brief - submitted and taken under advisement by the Board.

3

CASE 49 ND
PAGE 4

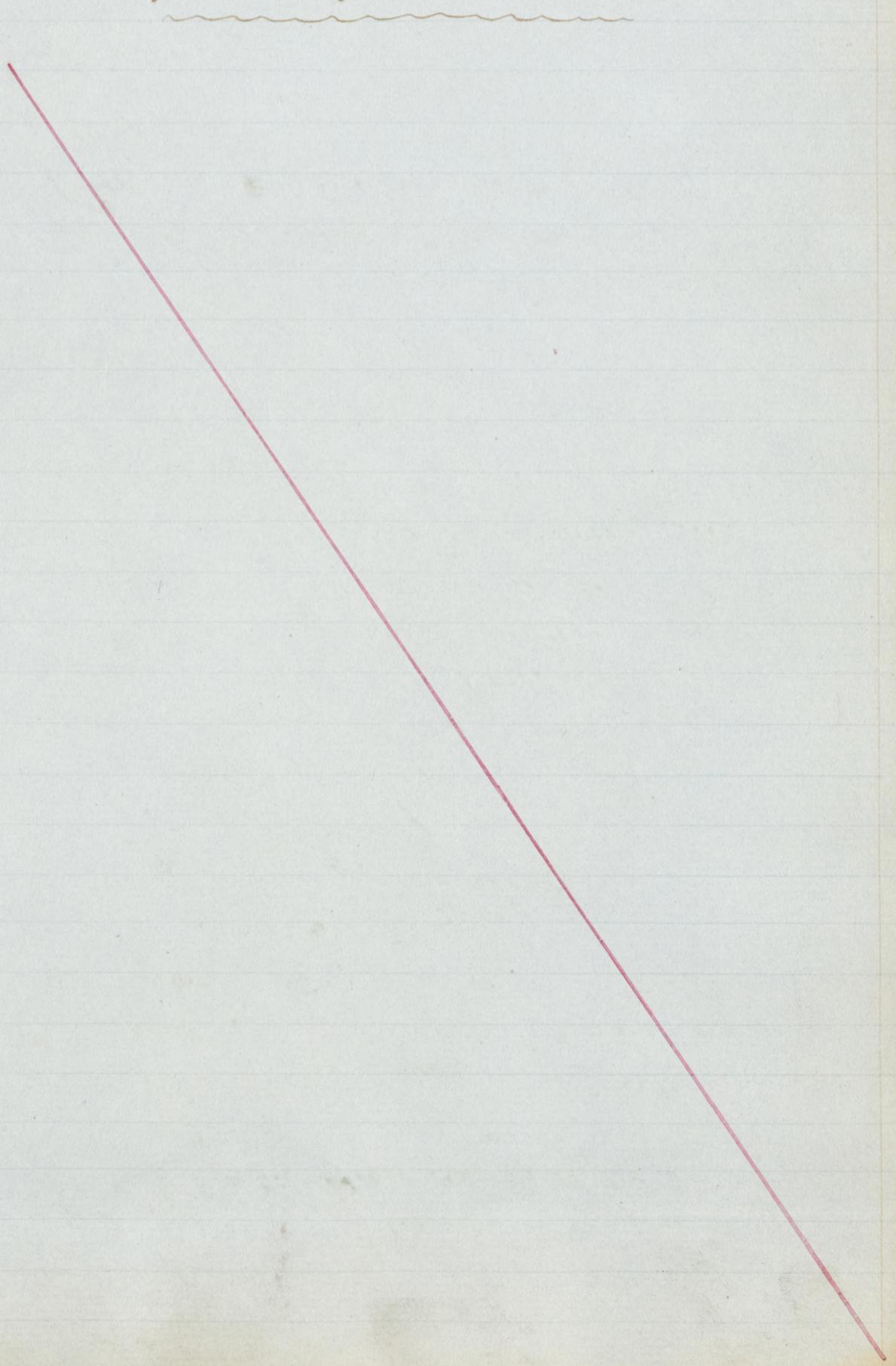
San Francisco April 22nd 1853.

A Statement was read by Commissioner Wiland Hall, in behalf of the Board, accompanied with the opinion and Decree of the Board in Case No. 164 (and others therein mentioned) which Statement is in the words and figures as follows to wit:

(Vide page 39 of this Transcript)

And which Opinion and Decree are in the words and figures as follows to wit:

(Vide page 41 of this Transcript)



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

Petition.

CASE 49 ND
PAGE 5

The petitioners, Dona Josefa Juan de Guerra, widow, and Augustin Palomares, Victoriano Palomares, and Francisco Palomares, children of Francisco Guerra Palomares, deceased, respectfully show:

That on the 16th day of October A. D. 1839 Manuel Jimeno, Governor ad interim of California, by virtue of Authority in him vested, granted to the said Francisco Guerra Palomares the tract of land called "El Corral de Sierra, situate in the present County of San Francisco, containing one square league with the boundaries described in the title papers:

That on the 22nd day of May A. D. 1840 the said grant was approved by the Departmental Assembly of California;

That on measuring the said tract of land as described in the Grant, and map, it was found to contain about one league and three quarters, whereupon the said Guerrero, applied to the proper Authority for the surplus, being $\frac{3}{4}$ of a league more or less; and on the 1st day of May A. D. 1844, Manuel Michelena, Governor of California, by virtue of Authority in him vested, granted to the said Francisco Guerrero Palomares the said tract of $\frac{3}{4}$ of a square league of land; which grant was confirmed by the Departmental Assembly of California on the 12th day of June 1846; all of which is shown in the Expediente, a certified copy of which is submitted herewith marked "A" with a translation marked "B"; the petitioners also submit herewith a copy of the first title papers marked "C," with a translation marked "D", and also a copy of the second title papers marked "E", with a translation marked "F";

That on the day of A. D. 1851 the said Francisco Guerrero Palomares died at San Francisco, California, intestate, leaving the

petitioners, his wife, and only children:

That the aforesaid tract of land has not been surveyed by the Surveyor General of the United States, but that its boundaries are fully defined in the grants, and shown upon the corresponding map, and are well known;

That the said Francisco Guerrero Salomera and the petitioners have been for more than 12 years, and the petitioners now are, in the quiet, peaceful and undisputed possession and occupation of the said tract of land;

That they know of no conflicting claim;

That they rely for confirmation of title upon the original papers copies of which are submitted herewith; upon the minutes and records in the Archives now under charge of the Surveyor General; and upon such other and further proofs as they may be advised are necessary;

Wherefore they pray the Commissioners to confirm to them the aforesaid tract of land.

By their Attorneys

Haddock, Peachy & Billings

Filed in office April 6th 1852

Geo. Parker

Secy.

Office of the Board of the
California Land Commissioners
Los Angeles Sept. 9th 1852,

Deposition
of
Pablo de la Guerra,

CASE 49 ND
PAGE 7

On this day before Henry J Thornton one of the Com-
missioners to ascertain & settle private land claims
in California, came Pablo de la Guerra, a witness
procured in behalf of the claimants Josefa Maria
de Guerrero et al, whose petition is No. 104 on the docket
of the Board & was duly sworn, his evidence being
given in English.

The U. S. Land Agent attended.

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

Ans - My name is Pablo de la Guerra; my age is
about 32. I reside in Santa Barbara and am a
native of California

2nd Question: Examine the documents marked
No. 11 and attached to this deposition and say whether
you know the signatures?

Ans. I am acquainted with the signatures of
Manuel Jimeno, Francisco C. Arce, Pio Pico, Jose
Matias Moreno, & Manuel Melchorena; their signatures
to these documents are genuine, & the documents
themselves are to the best of my knowledge and
belief, genuine.

U. S. Land agent present. Pablo de la Guerra.
Sworn to & subscribed before
me this 9th day of Sept. 1852
Henry J Thornton
Comm^r

Filed in office Sept. 9th 1852.
Geo. Fisher Secy.

Deposition
of
Fred. Jeschmacker,

San Francisco Jan 4th 1853

On this day before Commissioner Henry J. Thornton
came, N. J. Jeschmacker, a witness in behalf of
the claimants Josefa Maria de Guerrero, et al, heirs
of Francisco Guerrero Palomares, petition No. 164,

and was duly sworn, his evidence being given in English.

The U. S. Associate Law Agent was present. My name is Medincho Teschemacher; my age is 30 years. I know the rancho called "Corral de Siena" here claimed by the heirs of Francisco Guerrero Salomeres. It is situated in the County of San Francisco, I was first on it about six years ago; it was then occupied by the granee Francisco Guerrero, he had a house, and cattle & horses on it. I was last there since Guerrero's death; it was occupied in the same way by the widow & heirs. Guerrero died in 1851.

U. S. Law Agent present }
Sworn & subscribed before me }
this 4th January 1853. }

Mary J Thornton
Comm^{rs}

Filed in office January 4th 1853

Geo. Fisher, Secy

San Francisco Feb. 11 1853

Deposition of
Jose M^o. Covarrubias.

On this day before Comm^{rs} Mary J. Thornton, came Jose M^o. Covarrubias, a witness produced in the behalf of the Claimants Josefa Maria de Guenno et al, - Petition No. 164, and was duly sworn, his evidence being interpreted by the Secretary.

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

My name is Jose Maria Covarrubias, my age is 44 years; and I have lived in California 17 years. I know the Rancho called "Corral de Siena" claimed by the heirs of Francisco Guerrero. Guerrero occupied this land in 1839; he built a house on it, and put cattle & horses on it; he and his family have occupied it ever since. Guerrero died in 1851, leaving a widow, Dona Josefa, and three little children.

U. S. Law Agent present, }
Sworn to & subscribed before me }
this 11th of Feb. 1853 }

Mary J Thornton
Comm^{rs}

Filed in office Feb. 11th 1853

Geo. Fisher Secy

9
4

CASE 49 ND
PAGE 9

*Expediente promovido por el Ciudadano
Francisco Guerrero Palomares.*

Año de 1837.

180

No. 10000. Sr. Gobernador de la Alta California,
 1839. Fran^{co} Guerrero Palomares, Abogado por
 la conformidad con las peticiones y recibos de la D^{ca} Misión de S^{ta} Rosa
 leyes y reglamentos con la mas recta pervision base presente
 de la materia, informo a V. S. que desde el año de treinta y cinco
 el Ayuntamiento de S^{ta} Rosa esta poniendo un pie de Ganado, para
 si el intermedio cuenta subsistir y como este se halla en el estado
 de solicitar obtener la orden de la Misión para tener un terreno
 -civiles necesarios para adonde ponerlo; solicite con V. S. el pie si le
 ser atendido, si tiene puede adjudicar el paraje nombrado
 bienes de Cong. ocupa Corral de tierra reconocida por el S^{no}
 el terreno, si es valido Francisco el que esta quedando valido por
 si es no, pertenencia que se ha sacado la mayor parte de ganado
 a la propiedad de algunos ser muy poco el que quede en dos sitios
 individuos, corporacion ambulante de no reconocer proveer. Por
 puesto, si han estado lo que a compromiso a V. S. el terreno del
 pertenencia al algun terreno vicario el pedimento de la extension
 las Misiones se halla de seguir y media poco mas o poco
 estado de adjudicaciones, de largo, y tres cuantos de ligua
 -arse entodo novicia, de uncho, desde el cuerto de San Pedro
 conforme a las leyes hasta el arroyo impudico al rodeo de
 Tracuada esta por equidistancia, y desde la orilla del mar, hasta
 -malidad pasara la suma de las abejas.

el expediente e informe a V. S. Suplico revidando el solicitante
 del Ayuntamiento de la extension conforme en consideracion este representa
 de Dolores. -cion de lo que recibira merced y gracia

juramento no ser de malicia y lo necesario
 Alvarado. No asiendose en papel sellado por no
 haberlo.

San Juan 8 de Julio de 1838.

Fran^{co} J. Palomares.

En mi Soc.

En cumplimiento de lo prevenido por el superior decreto
 de 6 de Mayo del presente año, que se haya al margen

De la solicitud que hace en la memoria el ciudadano Fr^{co} Guerrero, del paraje nombrado Corral de Tierra; el t^{to} que tiene de esta demarcacion en consecuencia dice con respecto al este individuo; que obtiene los requisitos prevenidos por ley para poderlo tener indiferente bienes de campo p^o ocupar lo; y aunque D^{to}. paraje se ha reconocido p^o de la Misión de S. Francisco y ha ocupado con Ganado en la actualidad de haya Diez y como valdeo; pues el corte de lo de Ganado que el tiene, esta irreducto y mas reuses; por cuyas circunstancias y las de tener la Misión de S. Francisco y ha por ay^l rumbo, infucioso terreno para el mantenimiento del corte numero de Ganado q. p^o cree no haber mayor inconveniente, para que el citado D^{to} ha acordado con la concesion del que p^o.

In S. Francisco. Febrero. 14. de 1839.

Francisco de Navarro.

Promocion al C^o.

José Rodriguez.

Monte Abril 17 de 1839.

Cese este expediente a informe de la Prefectura del 1^{er} Distrito para que provea lo conveniente.

Alvarado.

Para el administrador de Volones, q^e informen.

S. Francisco 22 de Mayo de 1839.

Castro.

En cumplimiento de lo mandado por el sup^o Decreto q. p^o de 22 de Mayo del año corriente delo de ver que en el paraje que ha pedido S. Francisco Guerrero llamado el Corral de Tierra; que hasta, ahora ha reconocido por cuyo este establecimiento, se mantiene aun algunos ganados va como aunque mantenerse algunos

de la propiedad, y allí agosta la caballada menuda de que se sirve para sus trabajos; no obstante si provea según jusque de Justicia a la solicitud de que se hace mención? Establecimiento de Dolores. 25 de Junio de 1839.

José de la C. Sanchez.

Pueblo de San Juan de Castro. Junio 28 de 1839.

Visto lo condeado en esta instancia, elevese al Excmo Sr. Gobernador del Departamento ante quien por vena de informe espongo: que el interesado es arriero a ser admitido; que el terreno que pretende puede serle concedido en propiedad aunque se renuncie por propiedad del establecimiento de Dolores que a la fecha no lo necesita, sin perjuicio de que el encargado de sus intereses, puesta en todo tiempo ocurrir por el ganado veyano de que hace mención en el informe que oí a pedimento de esta prefectura.

José Castro.

Monterrey. 16 de 8^{bre} de 1839.

Vista la petición con que da principio este expediente el informe del Sr. Alcalde del Puerto de San Juan el del Alcaide del mismo nombre y el del Sr. Prefecto del 1^o Distrito con todo lo demás que se tubo presente y ver convenio de conformidad con lo dispuesto por leyes y reglam.^{tos} de la materia Declaro a Dⁿ Francisco Guerrero Dueño en propiedad del terreno conveido con el nombre de Corral de tierra en la cunta de San Juan, que esta por la parte del norte, colindante con el pie de la cunta de San Pedro, el Mar, el arroyo del Prodes de su end. -ero y la Lomeria, libre se el Despacho correspondiente y tomese razon en el libro respectivo. El Sr. Dⁿ Manuel Jimeno Casarin, primer vocal propietario

De la Exma. Junta Del Departam^{to} de las Californias
en ejercicio del Gob^{no} del mismo, asi lo mandó
decretó y firmo de que doy fe.

Manuel Jimeno.

Man^{co} C. Arce. oficial Primero.

Monteney. Mayo. 19 de 1840.

Laudo cuenta a la Sr. Junta Departamental amos
en sesion de este dia que pase a la comision de
agricultura.

José L. Fernandez. Seco.

En veinte y dos del mismo se elevó su comision
con el dictamen que acompaña.

Monteney 21 de Junio de 1840.

En vista de la aprobacion de
otorgada a veinte y dos del mes p^{ro} p^{ro} por la l.
Junta Departamental, librese el testimonio de ella
a la parte de Dⁿ Francisco Guerrero Palomares en
conformidad del tenore de Corral de tierra que
está en diez y seis de octubre de mil ochocientos
treinta y nueve. El S. Dⁿ Juan B. Alvarado, Gob.
-ernador Constitucional del Departam^{to} de las
Californias asi lo proveyo y firmo. De que doy fe.
Alvarado.

Exmo. Sr.

CASE 49 ND
PAGE 14

La comision de agricultura en carga de Determinar sobre la concepcion ceba del paraje Corral de Tierra en la es. mision de 1^{ra} Prun^{ta} en la persona del C. Fran^{co} Guerrero en visto de lo abruado la comision pone a la deliberacion de V. E. los articulos siguientes.
Articulo 1.^o Se aprueba la concepcion ceba por el Sr. Gobernador interino D^{no} Manuel Jimeno del terreno Corral de Tierra en la persona del Sr. D^{no} Fran^{co} Guerrero.
Art. 2.^o Este expediente bolbera al Gobierno Departamental para los fines convenientes.

Monterrey. Mayo. 20 de 1820.

José Rafael Gonzales.
J. Arguello.

Monterrey. 22 de Mayo. de 1820.

En sesion de este dia aprueba la E. Junta Departamental los dos articulos conque conlize el Dictamen anterior.

Man^l Jimeno.
Pres. de la

José F. Fernandez.
Sec.

Manuel Jimeno Casarin primer vocal de la Santa Junta Departamental en ejercicio del Gob^{no} del intmo.

Por Cuanto el ciudadano Francisco Guerrero Salomares ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de Corral de Tierra, colindante con el pie de la cuesta de San Pedro, el Mar, el arroyo del roco de enmedio y la lomeria; practicadas previamente las diligencias y averiguaciones convenientes segun lo dispuesto por leyes y reglam^{tos}; usando de las facultades que me son conferidas a nombre de la Nacion Mexicana he venido en concederle

17

CASE 49 ND
PAGE 15

el terreno mencionado, declarandole la propiedad de
el por las presentes letras, sujetandose a la aprobacion
de la S. Junta Departamental y a las condiciones sig
uientes.

1.^o Pochá sercarlo sin perjudicar las heredades
coniguas y servidumbres, lo disfrutará libre y exelus
ivamente destinandolo al uso o cultivo que suus
le acomode, pero dentro de un año fabricar un
casa y estará habitada.

2.^o Solicitara del Juez respectivo que le dé
posesion juridica en virtud de este despacho por
el cual se denunciaron los linderos en cuyos lmites
povohá cuñas de las majoneras, algunos arboles
frutales o silvestres de alguna utilidad.

3.^o El terreno de que se hace mencion es
de de Sanato Mayor poco mas o
menos segun explica el oficio respectivo. El
Juez que le diere la posesion lo hará medir, conf
orme a ordenanza que daudo el sobrante que
resulte a la uncion para los usos convenientes.

4.^o Si contraeniere a estas condiciones pud
-era su derecho al terreno y sera denunciabile
por otro.

En consecuencia mandado que teniendose
por firmi y validero este titulo se toue razon
de el en el libro respectivo y se entregue al
interesado para su resguardo y demas fines.
Dado en Montoney a diez y Seiz de Ota de
mil ochocientos treinta y nueve. Manuel Jimeno
Jose L. Hernandez. Seco.

Exmo. Sr. Gobernador de las Californias.

CASE 49ND
PAGE 16

Monterrey
Nº 30
de 1844

Ynfr. el
S. Srío del
Despacho
Michelt.^a

Fran^{co} Guerrero Mexicano por nacimiento y aborinado en el punto de S^{ra} Fran^{co} con la mas recta Sumision se presenta ante V.E. habiendolo solicitado el paraje nombrado Corral de tierra desde el año de mil ochocientos treinta y ocho segun el expediente y Diseno que se hallan en el archivo de Gobierno de Monterrey, habiendolo pedido el exponente una legua y media de largo por lo mas o menos, y como fue agraciado solo por un sitio de Gauado mayor y quedando una corta parte de terreno entre el rancho de Corral de tierra y el de D^{no} Tiburcio Vasquez como tres cuartos de legua; Solicita de V.E. se le conceda por estar comprados en el estado de ante de que se halla en el referido Diseno.

V.E. Suplico respetuosamente el que deher de serle concederle esta Gracia por V.E. pues el dia Dies de Junio de mil ochocientos cuarenta y uno, represente al Gobierno del Departam^{to} sobre esto mismo y no supe el por que valotio anni ocuro, por no que juro no ser de malicia y lo necesario; No Liendo en papel sellado de n^{ra} correspondencia por no haberle.

S^{ra} Francisco. Abril de 1844.

Francisco Guerrero.

Exmo. Sr. Gobernador.

El terreno que se pretende es muy corto y por los informes que dan los vecinos Domingo Pelis y Ramon Haro, resulta que el terreno esta baldio por lo que no en cuanto inconveniente p^o informar a V.E. que se puede conceder en aumento al paraje que se le ha concedido al Sr. Guerrero. La Sup^{or} disposicion de V.E.

89

CASE 49 ND
PAGE 17

sera la que mejor convenga.

Monterrey Abril. 30. de 1844.

Manuel Jimeno.

Monterrey Mayo. 1^o de 1844.

Espiolase el titulo.

Nichett.^{ca}

Honorable Junta Departamental de la Alta California.

Fran.^{co} Guerrero, Mexicano por nacimiento y habiendado en el puerto de San Fran.^{co} de Asis; Ante V. S. E. representa que habiendo sido agraciado, por el Gobierno de este Depart.^{to} segun los dos titulos y acompaño del paraje nombrado Corral de tierra, con los linderos al N. cuesta de S. Pedro, al S. robleo a arroyo de entre medio; al O. el mar oceano, y al E. la sierra pues primero se me concedio un sitio de Ganado mayor, habiendo solicitado mas que hera lo que comprende el diseño que corre en este expediente y despues obtube la parte que faltava de tres cuartos de legua pero mas o menos, y hallandose un articulo admasente en mis citados titulos, de pasar la aprobacion de la honorable junta; vengo pero recibio la gracia de que sean aprobados.

A. S. E. rendidamente suplico el exponente de recibir este beneficio, jurando no ser de malicia y lo necesario.

Yerba Buena. Abril. dos de mil ochocientos Cuarenta y seis.

Fran.^{co} Guerrero.

nota. La presente no va en papel del sello que le corresponde por no haberle.

La comision de terrenos baldios a examinado el proyecto promovido por el Ciudadano Francisco Guerrero Palomares de la ampliacion del terreno que posee Corral de tierra q. le fue concedido por el Sup^{or} Gob^o Departamental conforme a las leyes de la materia en este concepto, pone a la Deliberacion de V. E. la proposicion siguiente.

Se aprueba la concecion hecha al Ciudadano Francisco Guerrero Palomares, la ampliacion del terreno al q. posee nombrado corral de tierra jurisdiccion de San Francisco y en extension de tres cuartos de legua poco mas o menos segun titulo librado por fha. 1^o de mayo de 1814 de conformidad con la ley de 18 de Agosto de 1814 y art^o 5 del reglamento de 21 de Agosto de 1828. —
Sala de Com.^o en la Ciudad de los Angeles Junio 9.
1846.

J. Argüello.

Office of the Surveyor General of the United States for California.
I, Samuel D. King, Surveyor General of the United States for the State of California, and as such now having in my office and under my charge and custody a portion of the Archives of the former Spanish and Mexican territory in Department of Upper California, Do hereby Certify that the seven unpreceding and hereunto annexed pages of tracing paper numbered from one to seven inclusive, and each of which is verified by my initials (S. D. K.) exhibit true and accurate Copies of certain Documents on file and forming part of the said archives in this Office.

In testimony whereof I have herunto subscribed my name officially and affixed my private seal (not having a Seal of Office) at the City of San Francisco, Cal. this twentieth Seventh day of February 1852. Samuel D. King.

Surveyor General California.
Filed in office April 6th 1852. — Geo. Fisher. Secretary.

21

To His Excellency the Governor of Upper California -

B.
Translation of
Espediente.

CASE 49 ND

PAGE 19

Francisco Guenaro Palomares; a Mexican by birth and resident of the Ex-mansion of San Francisco with the most proper submission, makes representation to your Excellency - that since the year thirty five he has been keeping a few cattle for his subsistence, and^{as} they are scattered over said Ex-mansion, he having no land on which to put them, he requests your Excellency to see if there can be granted to him the place named corral de tierra, recognized as belonging to San Francisco, the which is remaining vacant, because the greater part of the cattle have been removed from^{it}, and there are very few remaining, these which are wild from not being accustomed to "rodeos" - He therefore transmits to your Excellency the map of the land; that petitioned for being an extent of one and a half leagues long and three fourths of a league wide, from the ridge (cuesta) of San Pedro to the Arroyo near the central "rreo" - and from the sea shore to the hills of "Las Arras" (the vultures or gentle breezes). And he (the petitioner) earnestly prays your Excellency to take this expediente under consideration from which he will receive favor and grace, - swearing that he does not act from malice and what ever else may be necessary, &c.

This is not done on stamped paper because there is none. San Francisco Dec. 8th 1838.

(signed) Francisco S. Palomares.

(Marginal Order)

Santa Barbara Jan. 6th 1839.

In conformity with the laws and regulations on the matter, let the Ayuntamiento of San Francisco report whether the person interested in this petition possesses the necessary qualifications for his petition to be attended to - whether he has property with which to occupy the land - whether it is vacant - whether it belongs to any individual, corporation or pueblo - whether having belonged to one of the missions it is in con-

action to be granted in colonization, in conformity with the laws. This formality being complied with, this expediente will be referred for a report to the Administrator of the Ex-Mission of Dolores.

(signed) Alvarado.

In compliance with the requirements of the Superior Decree of January 6th of this year, which is found on the margin of this petition, made by citizen Francisco Suñero, for the place named "Corral de Sierra"; The Ayuntamiento of this demarcation, in consequence says with regard to this person; that he possesses the qualifications prescribed by law for possessing it - he has sufficient stock to occupy it, and although said place has been recognized as belonging to the Mission of San Francisco which has occupied it with cattle, at present it is deserted, and as it were, vacant; for the few Cattle seen in it are unbranded and wild; for which reasons, and because the Mission has sufficient land in that direction for the maintenance of the few Cattle it possesses, it believes there is no great objection to the person interested aforesaid, being favored with the grant he asks for.

San Francisco, February 19th 1839

In the absence of the Sec.

(signed) Francisco de Narro
(signed) José Rodríguez.

Montreux, April 17th 1839.

Pass this expediente for the report of the perfection of the first district, that he may inform that which is proper.

(signed) Alvarado.

This is referred to the administrator of Dolores, that he may report.

San Juan, May 22nd 1839 (1837)

(signed) Castro.

In compliance with that ordered in the preceding Superior decree of May 22nd of this year, I have to say-

CASE 49 ND
PAGE 21

that in the place which Don Francisco Guenoro has asked for, called the "Corral de Tierra", which up to this time has been recognized by this establishment as its own - there are still some neat cattle of its ownership, although wild and unmarked: - and the tame horses which are used for its labor, are pastured there: - Meritxelles Your Honor will provide as you may think just relative to the petition referred to.

Establishment of Dolores. June 25th 1839.

(signed) Jose de la C. Sanchez.

Pueblo de San Juan de Castro

June 28th 1839.

Having seen that contained in this document - let it be sent up to His Excellency the Governor of the Department for whose information I report - that the person interested is entitled to be attended to - that the land he petitions for may be granted to him in fee, although it is recognized as the property of the establishment of Dolores, which at this time does not need it, he not preventing the person in charge of the interests of said Mission from going there to take off the unmarked cattle, referred to in the report he made to this prefecture relative to this petition.

(signed) Jose Castro.

Monterey 16th of Oct 1839.

Having seen the petition with which this expediente commences, the report of the Alcalde of the Port of San Francisco, that of the administrator of the same name (of San Francisco), that of his Honor the Prefect of the 1st District, with all other information, presented and deemed proper to be seen, in conformity with required by laws and regulations on the matter, I declare Don Francisco Guenoro owner in fee of the land known by the name of "Corral de Tierra" on the Coast of San Francisco, in the North, bounded by the fort of the "Cuenta" of San Pedro, the sea, the Arroyo of the Micaela "rider" - and the hills - let the corresponding title be issued and let note be made in

the proper book.

Senor Don Manuel Jimeno, Casarin, senior
proprietory member of the Most Excellent Departmental
Junta of the Californias, acting as Governor of the
same, thus ordered, decreed and signed - to which I
certify -

(signed) Manuel Jimeno.

(signed) Francisco C. Arce.

Just Clerk.

Monterey May 19th 1840.

Having been reported to the Excellent Departmental
Junta, it was resolved that it be papered to the Committee
on Agriculture

(signed) Jose G. Fernandez
Secretary.

On the twenty-second of the same, the committee
returned it with the following report.

(signed) Fernandez.

Monterey June 11th 1840

In view of the approval given on the twenty second
of last month by the Most Excellent Departmental
Junta, as a testimony of it be issued to the party,
Don Francisco Suero Palomares, in confirmation
of the land of "El Corral de Siena" which he obtained
on the sixteenth day of Oct. one thousand eight, him-
and thirty nine.

Senor Don Juan B. Alvarado, Constitutional
Governor of the Department of the Californias, thus
provided and signed, to which I certify.

(signed) Alvarado.

Most Excellent Sir -

The committee on Agriculture charged to report
upon the grant of the place, "Corral de Siena" in
the Mission of San Francisco, made to Citizen Fran-
cisco Suero - in view of all that has been done, the
Committee present for the decision of Your Excellency,
the following Articles -

25

CASE 49 ND
PAGE 23

Article 1st. The grant made by His Excellency the Governor *ad manum* Don Manuel Jimeno of the land "Corral de Sierra," to Citizen Francisco Guerrero is approved.

Article 2nd. This Expediente will be returned to the Departmental Government for the convenient purposes.

Monterey May 20th 1840,
(signed) José Rafael Gonzalez,
(signed) S. Argüello.

Monterey May 22nd 1840,

In session of this day - the Excellent Departmental Junta, approved the two Articles with which the foregoing report concludes.

(signed) José F. Hernandez,
(signed) Manl. Jimeno
Secretary,
President.

To His Excellency the Governor of the California,

Francisco Guerrero, a Mexican by birth, and settled in the Port of San Francisco with due submission represents before Your Excellency, that in the year eighteen hundred and thirty-eight, having asked for the place named "Corral de Sierra" according to the Expediente and map which exist in the Archives of the Government at Monterey - the petition solicited one and a half leagues (more or less in length, and was favored with one square league, leaving a small piece of land, about three quarters of a league, between the Rancho of "Corral de Sierra" and that of Tiburcio Vasquez - he now prays Your Excellency to grant him this, which is included in the map referred to.

Wherefore he earnestly prays Your Excellency to have the goodness to grant him this favor, for on the tenth of June, one thousand eight hundred and forty one, he made a representation to the Government of the Department relative to the same - but he

never knew what was done with his petition - Therefore he swears this is not done with evil intent - and whatever else may be necessary - This is not executed on the corresponding stamped paper because there is none,

San Francisco April 1842,

(signed) Francisco Guerrero.

(Marginal Order)

Monterey April 30th 1844. Let the Secretary of State report.

(signed) Micheltorena.

To His Excellency the Governor -

The land petitioned for is very small, and from the reports given by the residents Domingo Felix & Remon Vaso, is proved to be vacant, for which reason I find no inconvenience to report to Your Excellency, that there may be granted the addition of land to the place already granted to Senor Guerrero.

Your Excellency's Superior disposition, will be the most proper - Monterey April 30th 1844

(signed) Manuel Jimeno.

Monterey May 1' 1844.

Let the title be issued,

signed Micheltorena.

To the Honorable Departmental Junta of Upper California.

Francisco Guerrero, a Mexican by birth, and resident in the port of San Francisco de Asis; before Your Excellencies represents - that having been favored by the Government of this Department, as appears by the two titles he transmits herewith, of the place named "Corral de Sierra" with the boundaries - on the North the ridge (Cuesta) of San Pedro; on the South the "ruido" or middle arroyo; on the West the Ocean, and on the East the Sierra - for in the first place there was granted him one square league, he having asked for more, that is, all

27

CASE 49 ND
PAGE 25

included in the map which goes in the expediente; -
and afterwards he obtained the part which was wanting,
three quarters of a league more or less; and there being
in my aforesaid titles an article referring to the
approval of the Honorable Junta - I apply to receive
the favor of having them approved.

Wherefore he, the petitioner, earnestly prays Your
Excellencies that he may receive this benefit -
Swearing that this is not done from malice, and
what can else may be necessary.

Yerba Buena, April 25, 1846.

(signed) Francisco Suero.

N.B. The present petition is not made on paper
of the corresponding stamp because there is none
(Rubric of Francisco Suero.)

Most Excellent Sirs -

The Committee on vacant
lands has examined the present expediente, made
by Citizen Francisco Suero Palomares, for the ad-
dition to the land he possesses, "El Corral de Sierra",
which was granted by the Superior Departmental
Government, in conformity with the laws on the
matter; and this being the case, reports for Your
Excellency's decision the following proposition -

They approve the grant made to citizen Fran-
cisco Suero Palomares, of the addition to the land
which he possesses named "Corral de Sierra" in the
jurisdiction of San Francisco, in extent three
quarters of a league, more or less, according to the
title issued on the 1st of May 1844, in conformity
with the law of August 18 1824 and article 5 of the
regulation of No 21 1828.

Hall of the Committee in the City of Los Angeles
June 9 1846.

(signed) J. Arguella.

I certify the foregoing to be a true and correct
translation from the Authenticado Pac Simil
Copy of the Spanish Document on file in the office

CASE 49 ND
PAGE 26

of the office of the U. S. Surveyor General; which
Authenticated copy is on file in this office in case
No. 104, Josefa de Naro Guernero for the place named
"Corral de Siena"

Geo. Fisher,
Secy.

Filed in office April 6th 1852

Geo. Fisher, Secy.

Case (1611) exactly
33 pages \$5.90.

(29)

CASE 49 ND
PAGE 27

Sello 1.º Seis Pesos.

Habilitado provisionalmente por la Aduana marítima de Monterrey para los años de 1839 y 1840.

Alvarado.

Antonio M^o Osio.

{ Seal } Manuel Simeno, Casarín primer vocal propietario de la Extra Junta Del Departamento de las Californias en ejercicio Del Gobierno Del mismo.

Document Por cuanto D^o Francisco Guerrero ha pretendido para su N^o 10. Anexo beneficio personal y el de su familia, una parte del terreno de la Descri- couvuelto con el nombre de Corral de tierra, en la costa de S^o tin y Pallo Puan^o Colindente con la Cuesta de San Pedro, con la Sierra, de la Guana con el mar y con el Arroyo Del Corral de empedrado, practicadas previamente las Diligencias y averiguaciones convenientes segun lo Dispuesto por leyes y reglamentos, usando de las facultades que me son conferidas a nombre de la Nacion Mexicana, he venido en concederle el terreno mencionado declarandolo de el terreno en la propiedad de el por las presentes letras, sujetandose a la aprobacion de la Extra Junta Departamental y a las condiciones siguientes.

1^o Podrá llevarlo sin perjudicar las traversas comunas y Terriales, lo disfrutará libre y exclusivamente destinandolo al uso o cultivo que mas le acomode, pero dentro de un año fabricará Casa y estará habitada.

2^o Cuando se le confiere la propiedad se le otorgará Del Jues respectivo que le dé posesion jurídica en virtud de este Despacho por el cual se demarcaron los linderos en cuyos limites, promedia o mas de las matorras algunos arboles frutales o silvestres de alguna utilidad.

3^o El terreno de que se le hace Donacion es de un sitio de Ganado Mayor solo mas o menos segun explica el Diceno que corre en el expediente. El Juez que otorga la posesion lo hará medir conforme a ordenanza para señalar los linderos quedando el sobrante que resalte a la Nacion para los usos convenientes.

1^o Si contraveniere a estas locuciones, perderá su derecho al terreno y será Denunciabile por otro.

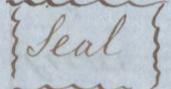
En consecuencia mando que serviendo lo de título el presente y teniendo por firme y valedero, se tome razón en el libro respectivo y se entregue al interesado para su resguardo y demás fines. Dado en Monterey a Diez y seis de Octubre de mil ochocientos treinta y nueve.

Man^l Jimeno.

Francisco C. Arte, oficial primero.

Queda tomada razón de este título en el libro de cuentas Sobre adjudicación de terrenos baldíos a f.^o 12.

Arte.

 Dío Pico, Gobernador Constitucional del Departamento de las Californias.

La Exma Asamblea Departamental en sesión del día 22 de Mayo del año de 1840 tubo a bien Declarar lo siguiente. Se aprueba la concesion hecha por el Sor. Gobernador interino D. Manuel Jimeno del terreno Corral de Tierra en la persona del Sr. Don Fran^{co} Guerrero, y para resguardo de la parte de D^o Francisco Guerrero lo haya así saber. Dado en la Ciudad de Los Angeles en este papel común por falta del sellado a trece de Junio de mil ochocientos Cuarenta y Dos. Inco. M^o

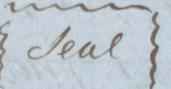
Dío Pico. José M^o Moreno.

Sello Tercero un Peso.

Habilitado provisionalmente por la Aduana marítima del Puerto de Monterey en el Departamento de las Californias para los años de mil ochocientos Cuarenta y cuatro y mil ochocientos Cuarenta y cinco.

Micheltorena.

Dallo de la Guerra.

 El ciudadano Manuel Micheltorena, Gen^l de Brigada del Ejército Mexicano, Agente Pl^o de la Plaza Mayor del mismo, Gobernador Cruzado General e Inspector del Departamento de las Californias. Por cuanto D. Francisco Guerrero ha pretendido

para su beneficio personal y el de su familia la estension de tres cuartos de legua por lo mas o menos, entre el rancho Del Ciudadano Tiburcio Vazquez y el del Corral de tierra que se le tiene Concedido Desde Dia Diez y seis de Octubre de mil ochocientos treinta y nueve, y habiendose practicado las Diligencias y averiguaciones Conseruientes de la materia o nombre de la Nacion Mexicana, he' veudo en conseru de la estencion mencionada, Sujetandose a la aprobacion De la Suprema. Asamblea Departamental y bajo las condiciones siguientes.

1.^a No podra venderlo, enagenarlo, ni hipotecar lo, imponer censo, vinculo, fianza hipoteca ni otro gravamen alguno.

2.^a Podra tenerlo sin perjuiciar las hueras, lomas y sembraduras, lo disfrutara libre y esclusivamente de su uso o cultivo que mas le aconuole.

3.^a Solicitara Del Juy respectivo que le de la posesion Judicial en virtud de este Despacho por el cual se demarcaran las linderos en cuyos limites, podran o mas de sus mojoneras, algunos arboles frutales o silvestres de alguna utilidad.

4.^a El terreno de que se hace Donacion es de tres cuartos de legua por lo mas o menos segun demuestra el expediente respectivo. El Juy que tiene la posesion lo hara medir conformi a ordenanza que daudo el Sabante que resulte a la nacion para las usas convenientes.

5. Si Contraviniere a estas condiciones perdera su Derecho al terreno y sera denunciado por otro.

En conseru en mandado que seruido lo de titulo el presente y teniendose por firme y validero el presente se tome ragon de el en el libro a que Conespondia y se entregue al interesado p^a su resguardo y Demas fines. Dado en Monterrey a Trece de Mayo de mil ochocientos Cuarenta y Cuatro.

Mano Firmada. Sr. D.

Manuel Michelt?

queola tomada ragon de esta Concesion en el libro respectivo
a fol. 8. Si meuv.

Pro Dico Gobernador Constitucional Del Depar-
tamento De las Californias.

La Suñia Asamblea Departamental en Sesion Del dia 19 del
presente Junio tubo a bien Secretar lo siguiente. Se aprueba
la Concesion hecha al Ciudadano Francisco Guerrero Pala-
mares la ampliacion Del terreno al que posee nombrado
Conal De tierra, Jurisdiccion de San Francisco y en estension
de tres Cuantas de legua pero mas o menos segun titulo
litrado con fha. 1^a de Mayo de 1844. De conformidad
con la ley de 18 de Agosto de 1824 y articulo 5^o del
reglamento de 21 de Noviembre de 1828.

Y para resguardo de la parte Del Ciudadano Francisco
Guerrero lo hizo asi saber. Dado en la ciudad de Los
Angeles en papel comun por un habido del Estado
a doce de Junio de mil ochocientas Cuarenta y seis.

Pro Dico.

José Martiñá Navarro.

Inco. Int^o

Filed in office, Sept. 9th 1852.

Geo. Fisher.

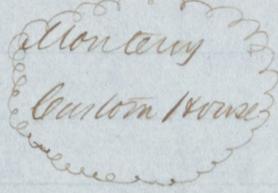
Secretary.

Stamp First. Six Dollars.

Provisionally authorized by the maritime Custom
House of Monterey for the years 1839 and 1840.

D.
Translation of
First Title no.

(Signed) Alvarado. (signed) Antonio Maria Osio.



Manuel Jimeno, Casarin, senior pro-
curator member of the Most Excellent
Junta of the Department of the Californias, acting as
Governor of the same. —

CASE 49 ND

PAGE 31

Whereas Don Francisco Sueno has, for his own personal benefit and that of his family, petitioned for a part of the land known by the name of "Coral de Siena" on the coast of San Francisco bounded by the "Cuesta de San Pedro", by the Siena, by the Sea, and by the arroyo of the middle coral; the proper measures & examinations being previously made as required by the laws and regulations, using the faculties con-
ferred on me in the name of the Mexican Nation, I have granted to him the aforesaid land, declaring to him the ownership of it by these presents, subject to the approval of the Most Excellent Departmental Junta and to the following conditions: —

1st He may enclose it without prejudice to the cropping, roads and servitudes, and enjoy it freely and exclusively, making such use or cultivation of it, as he may see fit, but within one year he shall build a house on it, and it shall be inhabited.
2nd When the ownership is confirmed to him he shall request the proper magistrate to give him judicial possession in virtue of this order, by whom the bound-
aries will be marked out in the limits of which, he shall place, besides the bounds, some fruit or forest trees of a useful character.

3rd The land of which donation is made is one square league, (un sitio de ganado mayor) a little more or less, as shown by the map which goes with the expediente; the magistrate who may give the possession will cause it to be measured in conformity with the ordinance, in order to mark out the boundaries —

leaving the surplus which may result to the Nation for its convenient uses.

If th - If he shall contravene these conditions he will lose his right to the land and it may be alienated by another person.

In consequence of order, that this present serving him for a title and being held as firm and valid - note be made in the proper book - and it be delivered to the person interested for his security and other purposes. Given in Monterey on the sixteenth of October, one thousand eight hundred and thirty nine.

(Signed) Manuel Jimeno.

(Signed) Francisco C. Arce
Chief Clerk.

Note has been made of this Title in the book of entries of grants of vacant lands at folio 12.

(Signed) Arce.

Pio Pico, Constitutional Governor of the Department of the Californias.

{ Civil Book of }
{ the Californias }

The most Excellent Departmental Assembly in session of the 22nd of May of the year 1840, saw fit to decree the following:

Approved, the grant made by His Excellency the Governor *ad interim*, Don Manuel Jimeno, of the land "Corral de Sierra," to Senor Don Francisco Guerrero."

And for the security of the party, Don Francisco Guerrero, I thus make it known. Given in the City of Los Angeles, on this common paper pursuant of stamps, on the thirteenth of June one thousand eight hundred and forty six.

(Signed) Pio Pico

(Signed) José Matias Moreno
Secretary *ad interim*.

I certify the foregoing to be a true and correct translation

from the original Spanish Document on file in this office in Case No. 104 Francisco Guerrero Salmones, for the place named "Corral de Sierra", annexed to the disposition of Pablo de la Guerna.

Geo. Fisher Secy.

CASE 49 ND

PAGE 33

Filed in office in April 6th 1852.

Geo. Fisher Secy

F.

Translation of
2nd Title 26 -

This Stamp, One Dollar.

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

(signed) Micheltourno. (signed) Pablo de la Guerna,

Monterey
Custom House

Citizen Manuel Micheltourno, General of Brigade of the Mexican Army, Captain General of the Staff of the same, Governor, Commanding General and Inspector of the Department of the Californias.

Whereas, Don Francisco Guerrero, has, for his own personal benefit and that of his family, petitioned for an addition of three quarters of a league, more or less, between the Rancho of Citizen Tiburcio Vasquez and that of "El Corral de Sierra", which was granted to him on the sixteenth of October one thousand, eight hundred and thirty nine, and the proper measures and examinations having been taken in the matter, in the name of the Mexican Nation I have granted him the aforesaid addition, subject to the approval of the most Excellent Departmental Assembly, and under the following conditions: -

1st - He may not sell, alienate or mortgage it, subject it to any tax, entail pledge, mortgage or other incumbrance whatsoever -

2nd He may enclose it without prejudice to the existing roads and servitudes, and enjoy it freely & exclusively making such use or cultivation as he may see fit -

3rd He will request the proper Magistrate to give him judicial possession in virtue of this title, by whom the boundaries will be marked out, in the limits of which he will place some fruit or forest trees of a useful character.

4th The land of which donation is made is three quarters of a league, a little more or less, as shown by the respective expedients. The magistrate who may give the possession will cause it to be measured in conformity with the ordinance, leaving the surplus which may result to the Nation for its convenient use.

5th If he shall contravene these conditions he will lose his right to the land and it will be subject to announcement by another person.

In consequence of which, that this present serving him for a title and being held as firm and valid, note be made of it in the corresponding book, and it be delivered to the person interested for his security and other purposes. Given in Monterey on the first of May one thousand eight hundred and forty four.

(Signed) Manuel Michelena,

(Signed) Manuel Jimeno

Secretary.

Note has been made of this order in the proper book at folio 8.

(Signed) Jimeno.

Don Pío, Constitutional Governor of the Department of the Californias.

(Coral Coast of
Upper Cal.)

The Most Excellent Departmental Assembly in session of the 12th of this month (June) thought fit to decree the following:

"Approved the grant made to Citizen Francisco Guerrero Salomares of the extension of the land, which he possesses named "Coral de Tierra" in the jurisdiction of San Francisco, and in extent

37

CASE 49ND
PAGE 35

three quarters of a league, a little more or less, according to the title issued, dated May 1st 1844, in conformity with the law of Aug. 18th 1824, and article 5 of the regulation of Nov. 21st 1828."

And for the security of the party, Citizen Francisco Guerrero, I thus make it known. Given in the City of Los Angeles, on common paper for want of stamped, on the thirteenth of June, one thousand eight hundred and forty six.

(Signed) Pio Pico,

(Signed) José Matias Moreno,
Secretary Provisorio

I certify the foregoing to be a true and correct translation from the original Spanish document on file in this Office in Case No. 164, Decis of Francisco Guerrero Palomares, for the place named "Corral de Sierra" - annexed to the Disposition of Pablo de la Buena.

Filed in office April 6, 1852. Geo. Fisher, Secretary.
Geo. Fisher, Sec.

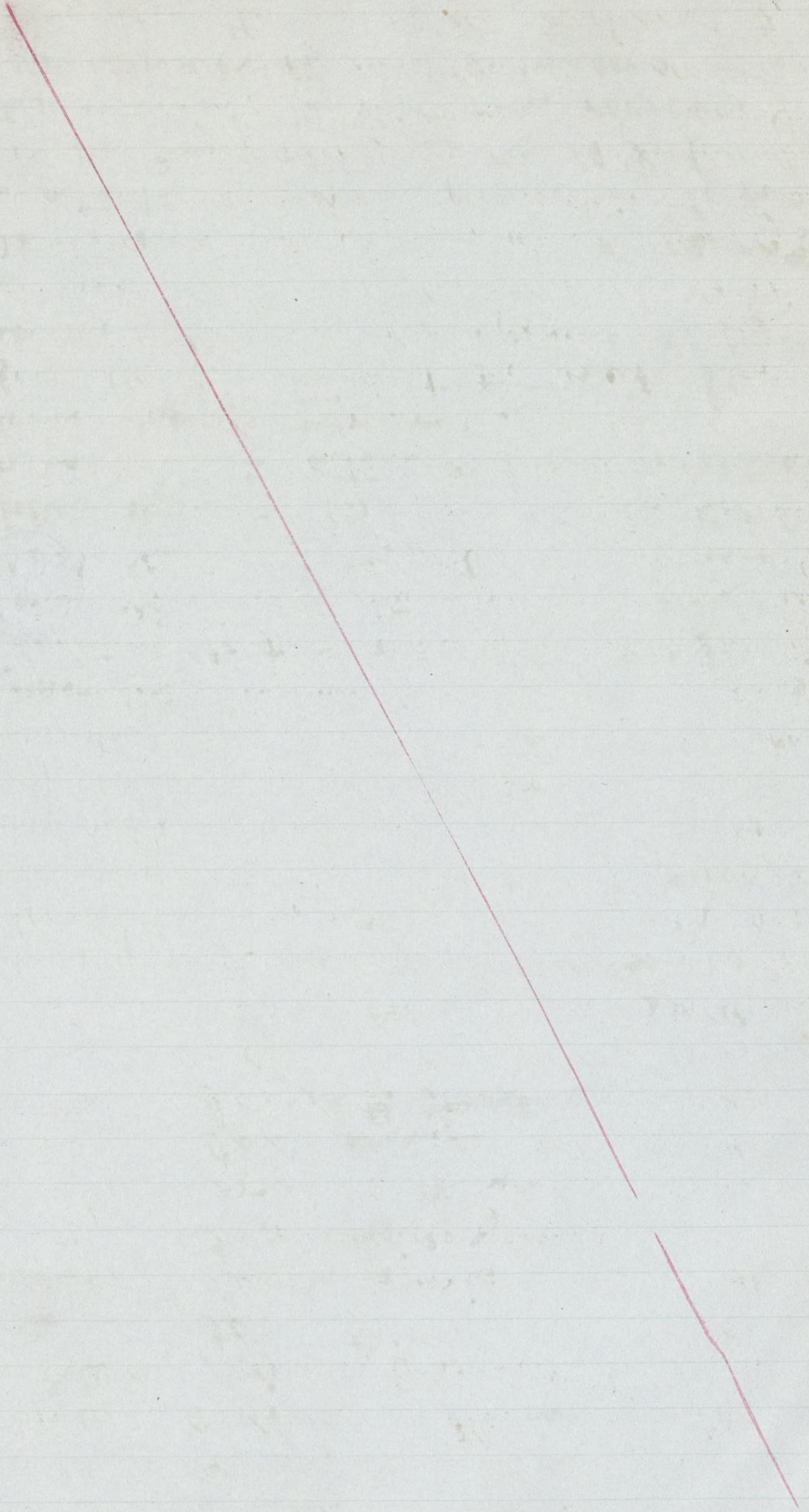
No. 164

Stipulation.

Before the U. S. Land Commission,
In the claim of Decis of Francisco Guerrero de Palomares
to
"El Corral de Sierra".

In this case it is agreed between the counsel of the claimants and the Law Agent of the U. S. that all the laws, decrees, ordinances and regulations, whether of Spain or Mexico, and especially the colonization law of Mexico passed on the 18th of Aug. 1824 and the regulation made by the Supreme Executive power of Mexico on the 21st November 1828, shall be considered as having been offered in evidence in this case and duly proven.

Filed in office March 8th 1853.
Geo. Fisher, Secy.
Wallack, Beachy & Billings
Counsel for Claimants
R. Greenhow
Asst. Law Agent.



164

The following cases were submitted for our decision as Commissioners of California Land Claims on the 11th day of April 1853. Viz:

No 16	Heirs of Henry D. Fitch claimants	
" 164	Heirs of J. Pluenero	do
" 166	Heirs of Edward A. Bale & others	
" 218	John Wilson	do
" 146	Samuel Morris	do
" 49	José Carrillo & others	do
" 165	Jacob P. Leese	do
" 220	John Wilson	do
" 86	Laspen C. Frauell	do

In all of these cases opinions & decrees were formed and written out by us as Commissioners & signed by the Commissioner who wrote them, prior to any notice whatever of our removal, and were held up for delivery until Monday the 18th instant, the day appointed by us for their entry, when according to our established course of doing business, the blanks which had been left for the dates would have been filled up, and the signature, if not before made, of the other Commissioners would have been appended.

On the 15th instant the mail Steamer arrived bringing newspapers stating that we had been removed from office by successors appointed, and on the 19th instant a notice purporting to be signed by the Chief Clerk of the Department of the Interior, stating our removal & the appointment of our successors was also seen by us in the National Intelligencer. No other knowledge

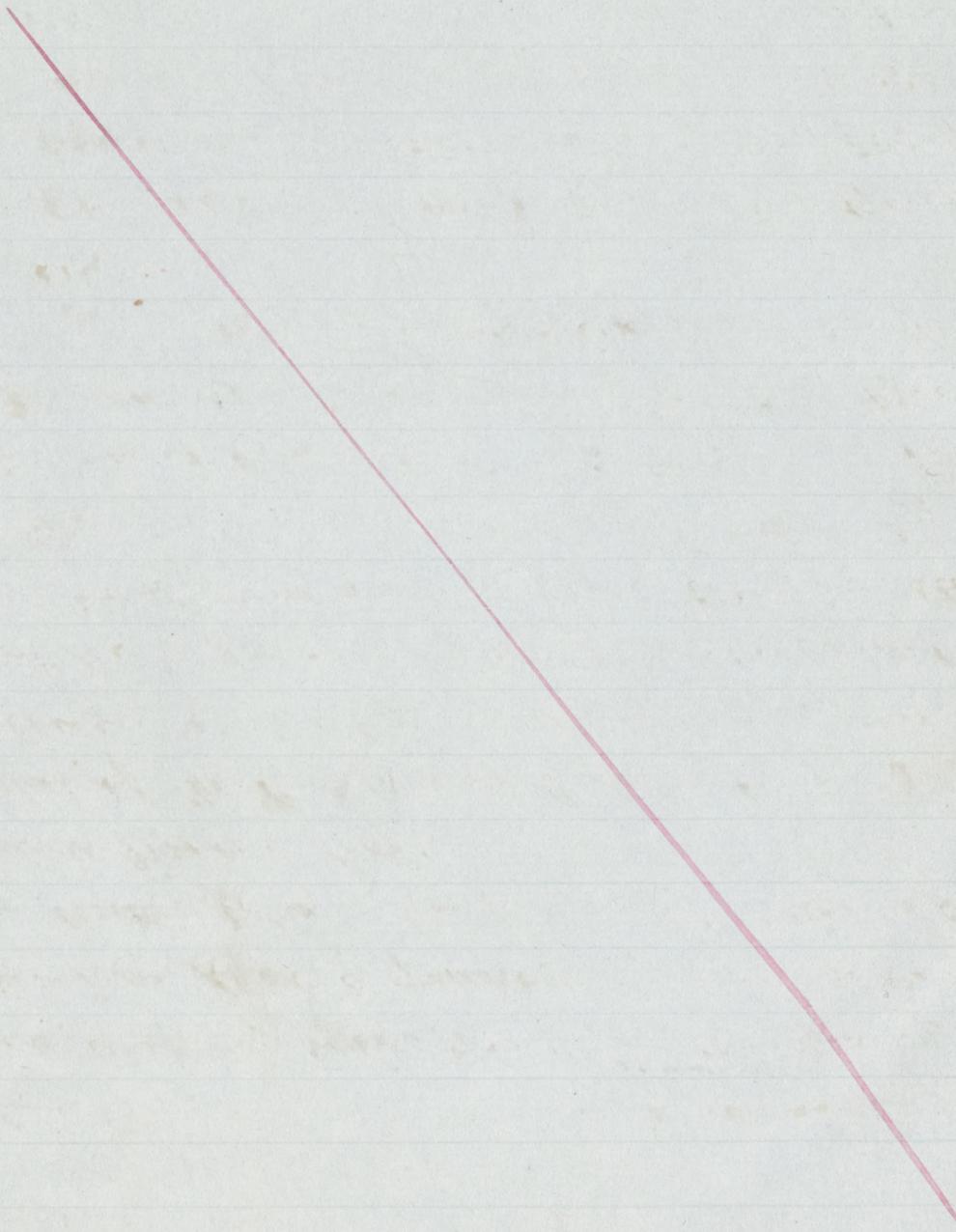
411

CASE 49 ND
PAGE 37

on notice of our removal has come to us. Under this state of facts we this 22nd day of April 1853, complete the signatures of said decrees as of the days they were intended to have been made and file them with the Secretary of the Board. Filing also with the Secretary this statement for the information of all concerned.

Holland Hall
Harry J. Thornton,

Filed in Office April 22nd 1853.
Geo. Fisher
Secy



41

No. 164. Heirs of Francisco Guenero claimants.

Opinion

CASE 49 ND
PAGE 38

The claim is for a tract of land of one league and three quarters in extent situated in the County of San Francisco and called "El Corral de Sierra".

It is shown by original documents produced by the claimants, and by corresponding ^{documents} remaining in the public Archives that a grant was made to Francisco Guenero, under whom the present petitioners claim, by Manuel Jimeno, Governor, ad interim, of the Department of the California October 16, 1839 of one square league of the land now claimed, and that the grant was approved by the Departmental Assembly May 22, 1840; that on the first day of May 1844 another grant was made to said Guenero by Gov. Micheltorena of an extension to the former tract of three quarters of a league, and that this grant was approved by the Departmental Assembly on the 13th of June 1846.

It is also shown that Guenero, the grantee, built a house on the land in 1839 and occupied it until his death in 1851; and that it continues in the occupation of his widow and children to the present time.

The land borders on the Sea Coast, and there is no evidence that judicial possession of it was ever given; which constitute the only objections that are made to the claim - But these objections we hold, as we have heretofore done, to be insufficient to invalidate the claim, and we accordingly confirm it. - Commissioner Johnston concurring in the result.

Miland Hall,

No. 164 Heirs of Francisco Guenero, claimants.

Decree.

This Board on full consideration, having come to the conclusion that the said claim is valid, does now make its final decree for the confirmation of the same as follows, viz: -

It is decreed that the said claim under the grant given in evidence dated Oct. 16th 1839, be confirmed to the extent of one square league, being the same land described in the grant and of which the possession was proved to have been long enjoyed - provided that the said quantity one square league be contained within the boundaries described in said grant, and if there be less than said quantity within said bounds, then we confirm to the claimants that less quantity - And it is further decreed that the said claim under the grant given in evidence dated May 1st 1844 be confirmed to the extent of three quarters of a square league, being the same land described in the grant; provided that the said quantity of three quarters of a square league be contained within the boundaries described in said grant, and if there be less than that quantity within said bounds, then we confirm to the claimants that less quantity,

Given under our hands this 18th day of April 1853,

William Hall }
Henry J. Thornton } Commissioners

Filed in Office April 22^d 1853,

Geo. Parker, Secy.

Office of the Board of Commissioners,

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

I, *George Fisher* Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *forty-two (42)* pages, numbered from 1 to 42, 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. 164 on the Docket of the said Board, wherein *Josefa Haro de Guernot et al:* are the Claimants against the United States, for the place known by the name of "*El Conal de Tuna*"



In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this *fifteenth (15)* day of *July* A. D. 185 , and of the Independence of the United States of America the seventy=*ninth*,

Geo. Fisher.
G. Fisher
Secy.

W
ND
49,
U. S. DISTRICT COURT,

District of California.

No. 49-49 ND

THE UNITED STATES,

No. 49.

Joséfa Haro & Guero et al

49

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS.

In Case No 164

Filed, July 26 - 1854

Proct. & sworn out
by A. M. Shell

49

4

Office of the Attorney General of the United States,

Washington, 11th September 1854.

Josefa Haro de Guerrero et al.

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 30th 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.

49.

U. S. Dist. Court.

The United States.

- vs -

Josefa Haro de Guerrero,
et al.

Notice to prosecute
Appeal.

Filed Oct: 21, 1854.

John A. Monroe,
Clerk.

CASE 49 ND

PAGE 42

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

The United States
Appellants
vs
Josepha Haras de Guerrero
et al

49

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 decree the said title
to be invalid. Respectfully,
Abbasell
Assistant

U.S. Dist Court

No. 49.

The U. States

vs

José Guerrero de
Guerrero et al

Petition

Filed July 6, 1855,

by Cheever,
Deputy

CASE 49 ND

PAGE 44

Wassell

No 49

United States Dist Court
Northern Dist of Cal.

The United States, appellants
vs.

Heirs of Francisco Guerrero Palomares
appellees

Answer of appellees

Filed Nov. 10, 1855,
J. Cheever
Deputy,

CASE 49 ND

PAGE 46

Hallam Beachy & Billings
Attys for Appellants.

valid claim, and that the said claim be, and the same is hereby confirmed to the extent and quantity of one and three quarters square leagues, being the same land described in the grants and of which possession was proved to have been long enjoyed. Provided that the said quantity of one and three quarters square leagues now confirmed to the claimants be contained within the boundaries called for in the said grants and the map to which the grants refer; and if there be less than that quantity within the said boundaries then we confirm to the claimants that less quantity.

Eden Hoffman
N. J. District Judge

No 44

United States Dist. Court
Northern Dist. of Cal.

The United States, appellants
vs.
Heirs of Francisco Guerrero Palomares
appellees

veree

Filed March 24, 1856,
H. St. Chivers,
Deputy.

CASE 49 ND

PAGE 49

California Land Claims.

Attorney General's Office

7 Nov^r 1856.

Sir:

In the case of the claim of Josefa
Haro de Guerrero, Heirs of Francis-
co Guerrero Palomares, confirmed to the
claimant by the Commissioners, case no.
one hundred and sixty-four (164), appeal
will not be prosecuted by the United
States.

I am

Respectfully

Closing

Yours Obediently

W. G. Atty San Francisco.

N^o 49,
United States
District Court

The United States

v

Josefa Haro de Guerrero
Heirs of J. G. Polonares

Case No 49
Transcript 164

Stipulation

Filed Dec: 24, 1856,
W. H. Chever,
Deputy Clerk.

CASE 49 ND

PAGE 52

CASE 49 ND

PAGE 53

At a *Stated* Term of the District Court of the UNITED STATES OF AMERICA, for the Northern District of California, held at the *Court Room* in the City of SAN FRANCISCO, on *Wednesday* the *24th* day of *December* ~~November~~ in the year of our Lord one thousand eight hundred and fifty-*six*.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States
v.
Josefa Navarro Guerrero
Heirs of J. G. Polonares.

Case No 49
Transcript 164

The Attorney General of the United States having given notice that no appeal to the Supreme Court of the United States will be prosecuted in this case, and a stipulation having been entered into by the District Attorney that no further appeal shall be taken on the part of the United States, and for leave to the claimants to proceed under the decree of this Court heretofore rendered in their favor.

On motion of the District Attorney, it is ordered, adjudged and decreed, that the claimants have leave to proceed under the decree of this Court heretofore rendered in their favor as on Final Decree.

Ogden Hoffman
U. S. Dist Judge

No. 49.

United States District Court, Northern
District of California.

The United States

vs.

*Josefa Haro de Guerrero
Heirs of S. G. Polonares*

*Case No 49,
Transcript of
order*

Filed *December 24, 1856,*

John A. Munsie,

CLERK.

J. W. A. Chery

DEPUTY.

CASE 49 ND
PAGE 54

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

I, J. W. MANDEVILLE, United States Surveyor General, for the State of California, do hereby certify that the Rancho "Corral de Mesa" confirmed to the heirs of J. G. Domases has been surveyed by this office, and that the survey and plat was approved by the U. S. Surveyor General, on the fourth day of February 1861; that I have caused to be published, once a week, for four weeks successively, in two newspapers, to wit: the "San Mateo County Gazette" published in the County of San Mateo, State of California, being the newspaper published nearest to where the said Rancho is located, the first publication being on the eighth day of September, 1860, and the last, on the 29th day of September 1860; also, in the "San Francisco Herald" a newspaper published in the City and County of San Francisco, State aforesaid, the first publication being on the fifth day of September, 1860, and the last on the 26th day of September, 1860, a notice that the said land had been surveyed, and a plat made thereof, and the survey and plat approved by me. And I do further certify, that the said survey and plat were retained in my office during all of said four weeks, and until the expiration thereof, subject to inspection; and I further certify, that no order for the return thereof to the U. S. District Court, has been served upon me.

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of office to be affixed, at the City of San Francisco, this thirteenth day of November, 1860



J. W. Mandeville,
U. S. Surveyor General for California.

A full, true and correct copy of the original, as the same appears of record in this Office, witness my hand and seal, at San Francisco, this 26th of February, A.D. 1866

L. L. Johnson
U. S. Surveyor General

U.S. Dist Court
Northern District

The United States
vs
Josefa Vano de Guerrero
et al

Certificate U.S.
Darya Senau

Filed February 27th 1866
Geo. C. Gorham Clerk
By Dan W. Sullivan deputy

The United States
vs
Francisco Guerrero

CASE 49 ND
PAGE 57

It appears from the Expediente on file in the archives that on the 8th Dec. 1838 the claimant petitioned Governor Alvarado for the place called "Corral de tierra" of the extent one & a half leagues long & 3/4 of a league wide - After the usual informes or reports from the officers to whom the petition was referred the Governor ^{ad interim M. Jimeno} on the 16th Oct. 1839 made a Concession of the land ^{but of the extent of only 1 square league} solicited. - And the Expediente having been sent to the Departamental Assembly it was by that body approved on the 22^d May 1840 -

In April 1842 the claimant presented another petition to Michel Tomena the then Governor soliciting an extension

or an additional grant of a small piece of land about $3/4$ of a league lying between the Rancho ^{of the} Corral de Sierra & that of Libuncio Vasquez - After the usual references for information the Governor on the 1st May 1844 ordered the title to issue - and the ~~document~~ title bearing that date is produced by the claimant as also that previously obtained by him for one square league ~~on~~ ^{after} receiving the 2^o grant the claimant on the 2^o April 1846 petitioned the Departmental Assembly for its confirmation and the Expediente contains a favorable report of the Committee on vacant lands to ~~whom~~ ^{which} it was ^{referred} dated June 9th 1846 - The Expediente contains no evidence of the final passage of the resolution of approval as reported by the Committee - but the original title produced by the

claimant has attached to it the usual certificate of approval by the Departmental Assembly on the 12th June and signed by the Governor Rio Pico and Jose Matias Moreno Secretary

The genuineness of the documents produced by the claimant is established by proof and is corroborated by the production of the Expediente and by the notorious and long continued occupation of the land by the claimant and his family since 1839 the date of his first grant.

We see no reason to doubt the entire validity of this claim and we think it should be confirmed -

A decree affirming the decision of the Board must therefore be entered -

49
The U. S. 3

St
Francisco Guerrero

Spinoza —

N.B.

Claimant dead - no
order reviving suit
name of heirs —

CASE 49 ND

PAGE 60

CASE 49 ND
PAGE 61

Office of the Board of Commissioners,

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

San Francisco, July 26th 1854

Esq.

Clerk of the U. S. District Court for the
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. 164 on the Docket of the said Board, wherein

Josefa N. de Guerrero et al. are

the Claimants against the United States, for the place known by the name of *Corral de Piedra*.

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher
