

CASE NO.

134

NORTHERN DISTRICT

CORTE DE MADERA DE NOVATO GRANT

JUAN MARTIN

CLAIMANT

LAND CASE ND 134

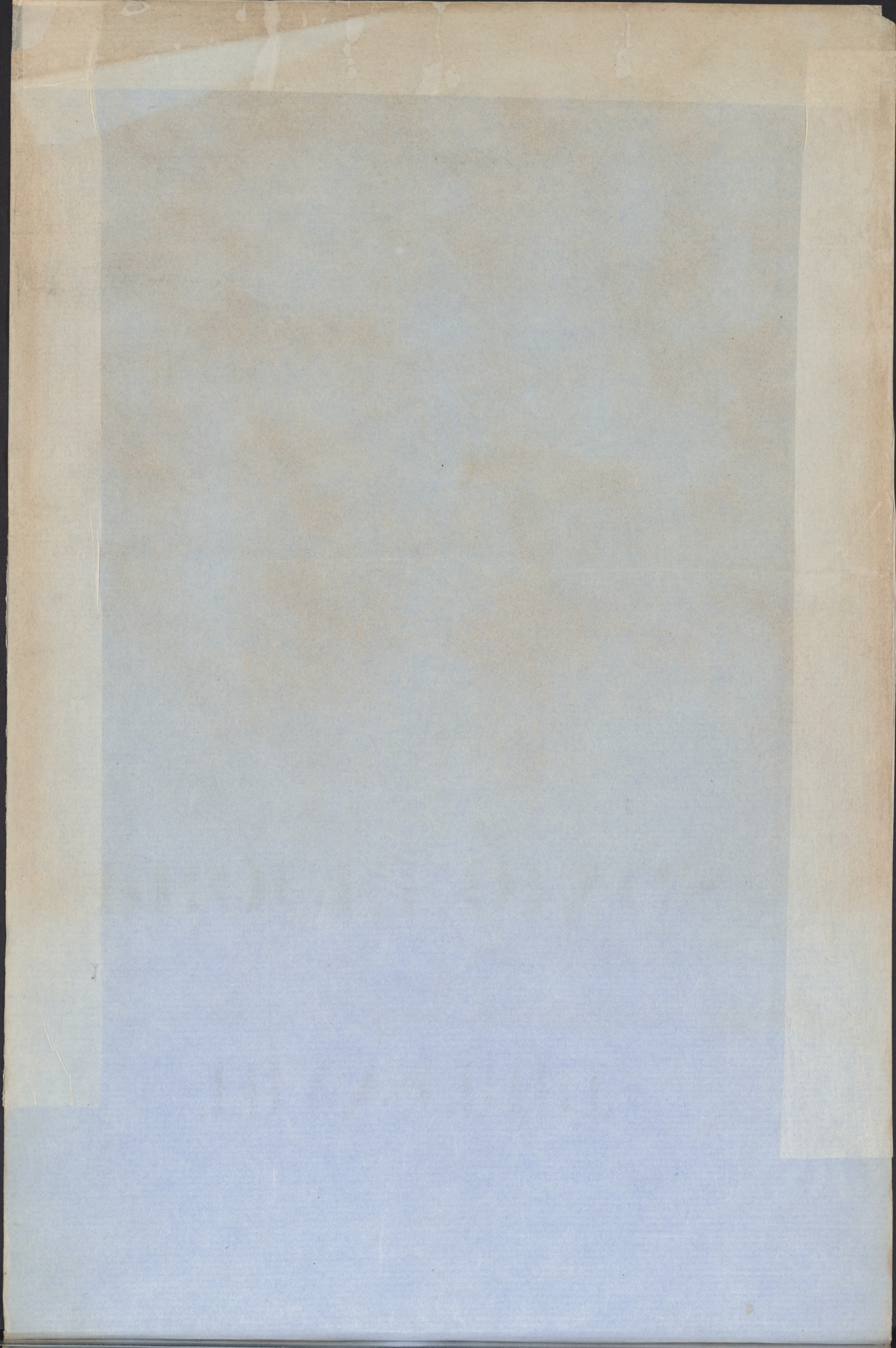
47 pages.

OCT 24 1962

Permanised
FLOWER BOND
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U.S.A.

223

Northern District



TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 223

Juan Martin

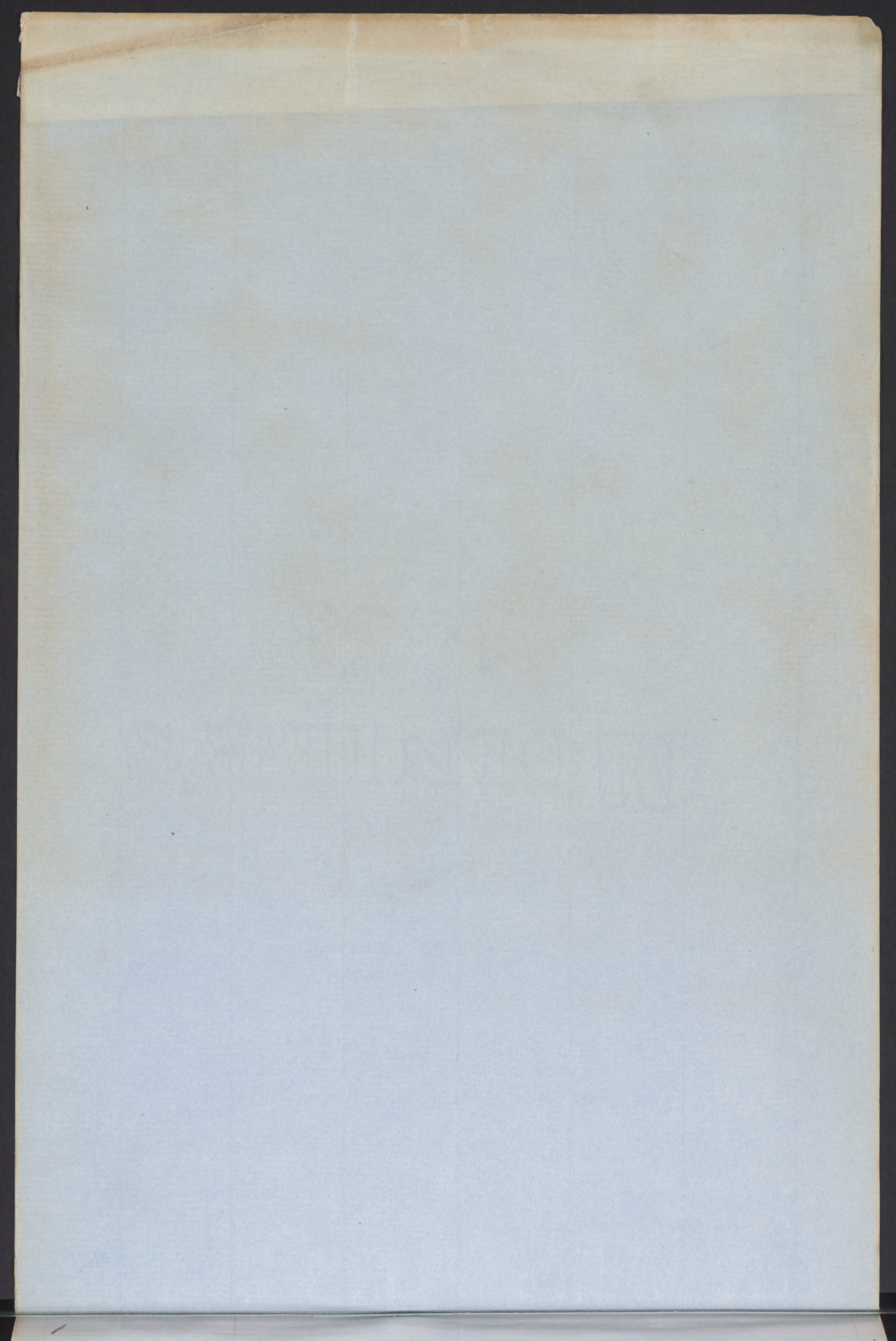
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Corte de Madera de Novato."



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, that on this *eightth day of May*, Anno Domini One Thousand Eight Hundred and *Fifty-Two*, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

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The Petition of *Juan Martin* for the Place named "*Corte de Madera de Novato*," was presented, and ordered to be filed and docketed with No. 223, and is as follows, to wit;

(Vide page *3* of this Transcript.)

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

San Francisco January 22^d 1853.

In Case No. 223, *Juan Martin* for the place named "*Corte de Madera de Novato*," the deposition of *Nicolas A. Den*, a witness in behalf of the claimant, taken before Commissioner *Henry J. Thomson* with document marked *H. J. T. no. 1*, annexed thereto was filed;

(Vide page *3* of this Transcript.)

San Francisco March 5. 1853.

In the same case the deposition of *Bartolo Bojorquez*, a witness in behalf of the claimant, taken before Commissioner *Henry J. Thomson* was filed;

(Vide page *6* of this Transcript.)

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San Francisco September 6th 1853
Case no. 223, called; The Counsel for the claimant read the evidence, argued, submitted and taken under advisement by the Board,

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San Francisco Feb. 14th 1854,
In the same case Commissioner R. Aug. Thompson delivered the opinion of the Board confirming the claim;

(Vide page 24 of this Transcript)

Petition of
Juan Martin

To the U. S. Land Commission for the ascertaining and settling of Private Land Claims in California
 The petition of Juan Martin a resident of the County of Marin and State of California respectfully sheweth, that on the 16th of October 1839 he made and presented his petition in writing to Jose Castro then Prefect of the Just. District, stating therein, that he, the said Martin had been in the quiet possession of a certain tract of Land known under the name of Rancho del Monte Maadero de Novato, and soliciting for himself the grant of such Land.

That said Castro on the 16th of October aforesaid transmitted said petition with a favorable report thereon to the Governor of California

That a decree issued on the same day under the signature of Manuel Simeno, Just. Vocal of the Departmental Assembly declaring your petitioner the lawful Owner of said Land and directing the proper documents to be executed.

That a formal grant issued to your petitioner on the day aforesaid, constituting him the legal Owner of said Land

That on the 19th of May 1840 said grant was presented to the Departmental Assembly at Monterey for Confirmation and according to a report made in its favor by the Committee on Agriculture and Waste Land, approved and confirmed on the 22^d of said month.

And your petitioner further saith, that the petition reference, report, decree a duly certified copy of the Original grant and map, and the act in relation there upon by said Departmental Assembly are on file in the Archives of California now in the office of the

U. S. Surveyor General for the State of California and
 that duly certified Copies, and translations of the
 same are herewith submitted to your Honor inspect
 on and prayd to be made part of this petition
 That the Original grant itself is in the hands of your
 petitioner and ready to be offered in evidence
 whenever required -

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And your petitioner further states, that said land is
 situated in the State of California and in the County
 of Marin near the Ex Mission of San Rafael - That
 it is known under the name of "Corte de Madera de
 Novato" and is bounded as follows:

- On the South by the "Canales de Poniponi"
 - On the North by the immediate Canales (Valley) to
the low hills
 - On the East by the Sierra Ana
 - On the West by the Opening of the Sierras. Contain
ing altogether two square leagues more or less -
- And your petitioner further saith that he entered
 into the possession of said land nearly two years
 before he obtained the grant aforesaid and continued
 in the quiet and undisturbed possession thereof up to
 this day being not aware of the existence of any
 title conflicting with or paramount to his own
 He therefore claims to be the lawful owner of said
 land and prays that your Honor will confirm
 and validate his claim and title thereto

Clarke Taylor & Beck
 Atty's for Petr

Filed in Office May 8. 1852
 Geo. Fisher Secy

San Francisco July 22 / 53

5
Deposition of
Nic. A. Den

On this day before Com Harry J Thornton came
Nicholas A Den. a witness in behalf of the claimant
Juan Martin - petitioner No 223 and was duly sworn
his evidence being given in English

The U. S. Associate Law Agent was present
Questions by Claimant

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

Answer. My name is Nicholas A Den my age is
forty years and my residence is Santa Barbara
California -

Quest. 2nd Look upon the Original Document now shown
you marked Exhibit 1 and now attached to your
deposition, purporting to be a desino of the land
petitioned for in this case. A copy of a portion of the
Expediente officially certified by Manuel Jimeno and
a grant of said land from Manuel Jimeno to the
petitioner Juan Martin dated the 16th of October 1839
State what you know of the genuineness of said docu-
ments and of the several signatures thereto.

Answer. I have examined the Document above Exhibited
marked No 1 and filed with this deposition I have
no doubt of its genuineness - I am acquainted with
the hand writing of Manuel Jimeno and Francisco
Arce having seen them write, and state that their
signatures in and upon said Document are their
genuine signatures.

N. A. Den

Sworn to and subscribed before
before me this 22nd of July 1853 - Com. Harry J Thornton
Harry J Thornton Com. &

Since acknowledged - Robert Greenhow
Asst. Law Agent -

Filed in office July 22nd 1853. Geo. Fisher Secy

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San Francisco March 5. 1853

Deponent of
B. Boyages

On this day before Comr S. J. Stanton came Bartolo Boyages a witness on behalf of the claimant Jean Martin - petition N^o 223 & was duly sworn his evidence being interpreted by the secretary

Interrogation by Claimant

Quest. 1st What is your name age and residence?

Ans. My name is Bartolo Boyages my age is twenty six and my residence is California

Quest. Are you acquainted with the Rancho of Novato claimed by the Jean Martin if you state what you know about the Occupation of said place

Ans. I know the said Rancho and have known it for upwards of twenty years. It has all the time been occupied by Jean Martin who had a house upon it and lived on it with his family from the time it was granted to him until now being cultivated by him and stocked with cattle

Bartolo ^{his} Boyages
mar 12

U.S. Law Agent present

Sworn to and subscribed before me
this 5th of March 1853

Harry J. Stanton Comr

Filed in Office March 5-1853

Geo. Fisher

Secy

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L.S.D. 12.

1839

Expediente

Promovido por el C^{no} Juan Martin en pretencion del terreno que se expresa

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2. G. D. R. Sonoma marzo } Por Commandte. General
9 de 1839 que } Juan Martin de Nacion Bohan
Puede el inte- } gera, radicado en esta frontera
resado en esta } del Norte desde el año mil ochos
solicitud, porca } cientos hem ta y dos ante. U. S
el paraje que men, } como mas haya lugar espone;
cuna hacienda } que hace un año, y seis meses
desde luego la } que se haya poseindo el lugar del
licitud de Estio } paraje nombrado el Corte de
ante el Gob. Po } Madera de Lobato, el que viene
litico Departam } marcado en el diseño adjunto
mental. }
Valleyo } mas como para poder contar
le faltan aquellos } en propiedad con este terreno
requisitos de }
los que en U. S. }
espera se los }
conceda, pues el }
objeto principal }
de su pretencion }
no es con }
mas fin que el }
tener un terreno }
que propio }
que cultivar y }
le proporcione }
la subsistencia }
de su familia y }
la de tener seguros }
sus bienes semo- }
rentes que tiene. }
Por tanto }
a. U. S. suplica }
se sirva con- }
cederle aten- }
diendo a esta }
solicitud con su }
acostum- }
brada benignidad }
de que viva etern }
am.º }
reconocido. }
Sonoma 1.º de }
Marzo de 1839 }
Juan Martin + }
Por no haber }
papel sellado, }
viene en comun }

[Faint handwritten signature]

[Faint handwritten signature]

9
L. S. D. 14 S. Juan 16 de
Ebre 1827 y un
Ocurra el inte-
resado al Excmo.

2234

Don Gobernador
seguro de q. p.
los informes q.
esta Prefect^a ha
tomado y creydo
convenientenohay
obstaculo p.
consecucion del
terrens que so-
licita.

Jose Castro

q. solicita conforme a Ley de Colonizacion
p. q. y bajo de sus auspicios sepan se me conceda
la propiedad de el de lo q. recibiere reconocido
Duro lo necesario. S. Juan de Caro 18 de Ebre 1837
Por no saber firmar. Jose M. Bravo.

S. S. D. 14

Monterey 16 de Ebre de 1837.
Vista la peticion con que da principio este
esped^{to} la consecucion provisional del D.
Comand^{te} G^{ral} el informe del D. Prefect^o;
con todo lo demas que se tubo presente
y ver con vino: de conformidad con las
leyes y reglamentos he venido en conce-
derle el terreno conocido con el nombre
de Novato, colindante al Sur con la Ca-
ñada de Ponipone al Norte con la Cañada
inmediata a las Lomas bajas, al O. con
la Sierra y al N. E. con el Portesuelo de
las Sierritas. El Don Dⁿ M^o Inmenso Ca-
sarin primer local propietario de la
Excmo Junta del Departamento de las
californias. asi lo mando, decreto y firmo

6. S. D. 14

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Doy feè. Manuel Jimeno
Teranense Col. Arce Oficial Primero
Monterey Mayo 19 de 1840

Dada cuenta à la Exma Junta departa-
mental en sesion de este dia o cordero que
pase à la comision de Agricultura

Jose L. Fernandez Oro

En 22 del mismo lo devolvio la concesion
con el dictamen que se acompaña. Fernandez
Monterey Mayo veintey dos de mil ocho-

4. S. D. R. ciento cuarenta. En lista de la aprovacion
otorgada en Veintey dos del mes p.º p.º por
la Exma Junta Departamnt. libre ce-
testimonio de ella à la parte de D.º Juan
Martin en conformacion del terreno de
Novato que obtuvo en diez y seis de Octubre
del año p.º p.º por la Exma Junta depar-
tamental. El Sr Don Juan B. Alvarado

8. S. D. R. Gobernador del Departamento de las Ca-
lifornias asi lo proveyo y firmo. Alvarado
Juan B. Alvarado Gobernador Constitucional
del departamento de las Californias
Por cuanto el Ciudadano Juan Martin
ha pretendido para su beneficio personal
y el de su familia el terreno conocido con
el nombre de Novato, colindante al Sur
con la Cañada de Pompiene, al N.º con
la Cañada inmediata à las Lomas
bajas al N.º con la Sierra y al P.º con el
Puertuelo de los surritos, practica das pre-
viamente las diligencias y averiguaciones
consernientes segun lo dispuesto por leyes
y Reglamentos usando de las facultades q.
me son conferidas à nombre de la Nacion
Mexicana he venido en concederle el terreno
mencionado declarandole la propiedad de el

por las presentes lehas segetandose à la a-
 provacion de la Exma Junta departamental
 y à las condiciones siguientes. 1.ª Podrá
 ser cado sin perjudicar las traversas cami-
 nos y servidumbres; lo disputará libre y
 exclusivamente destinandole al uso o culti-
 vo que mas le acomode pero dentro de un año
 fabricará casa y estará habitada 2.ª Si
 licitara del Dñe respectivo que le de posesion

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9. S. D. 12

juridica en Virtud de este despacho por el
 cual se demarcarán los linderos en cuyos li-
 mites pondrá à mas de las mojones algunos
 arboles frutales ó silvestres de alguna utilidad

3.ª El terreno de que se hace mencion es de dos
 sitios de ganacdo Mayor segun explica el
 diceño que corre en el Expediente respectivo
 quedando el sobrante que resulte à la ma-
 cuon para los usos convenientes. 4.ª Si con-
 traviere à estas condiciones perderá su
 derecho al terreno y será denunciado por otro.

En consecuencia mando que teniendo sep-
 firme y valiendo este titulo se tome razon del
 en libro respectivo y se entregue al interes adop-
 tivo resguardado y demás fines. Dado en Monte-
 rey a diez e Diebe de Octubre de mil ochocientos

10. S. D. 12

veintay Nueve. Exmo Sor. La comision
 de Agricultura y Comercio unidas encargadas
 p. V. C. de dictaminar los Expedientes q.
 en la Decion anterior acompañó el Exmo
 Sor Gobernador y concedido p. el mismo
 y encontrandolos conformes segun lo actua-
 do è informes y demás q. ver se ha podido
 proponer à la deliberacion de V. C. los articu-
 los siguientes. Art. 1.º Se aprueba la conse-
 ccion hecha p. el Sor. Departament.º confo
 16. de Torre de 1839. en la persona del Cuid.º.

13
Juan Martin del parage nombrado "Novato"
2. Que se vuelva al Excmo. Sr. Gobernador
el Expediente p^a los fines convenientes.

Monterey Mayo 21 de 1840. / S. Aronclloff

11. S. D. 14 José Rafael Gonzalez. Monterey 22 de
Mayo de 1840. En sesion de este dia a=
probo' la Cámara Junta Departamental
los dos Articulos con que concluye el de=
tamen anterior.

Man. Jimeno Pres. José L. ^{Srio} Hernandez
Office of the Surveyor General of the ~~Uni~~
ted States for California. I Samuel D
King Surveyor General of the United States
for the State of California and as such
now having in my Office and under my charge
and control a portion of the Archives of
the former Spanish and Mexican Territory
or Department of Upper California do
hereby certify that the Eleven preceding and
hereto annexed pages of paper number=
ed from One to Eleven 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 hereto
signed my name Officially and affixed
my private (not having a Seal of Office
at the City of San Francisco Cal. this 30th
day of April 1852.

Saml. D. King

Survey. Genl. Cal

Sealed in Office May 8th 1852

Geo. Fisher Secy.

13

Sir Commander General

Translation of
Expediente

C

Juan Martin of Foreign extraction established in this frontier of the North since the year 1832 before your Honor in the best manner represents that it is one year and six months since that I have been possessed of the location called El Monte de Madras de Roberto, which runs as marked in the accompanying sketch; but as in order to possess in fee said land I want those requirements of Custom, which I expect your Honor will grant me, since the principal object of my solicitation has no other purpose than to have a land of my own to cultivate and appropriate to the support of my family and to secure the small movable property I have -

Therefore I pray you to be pleased to grant attending to this solicitation with your customary benignity whereby I shall everlastingly feel grateful
Sonoma 1st March 1839

Juan Martin

Not having stamped paper it is made out in common

(In the margin) Sonoma March 9th 1839

The party interested in this petition may possess the mentioned location, making from this moment lawful solicitation before the Political Departmental Government -
Vallejo

Sir Prefect of the 1st District

Juan Martin a naturalized citizen of the Republic and 7 years established in it, married to a native woman and with an increased family solicits according to right, the ownership of the land that under date first of March he asked from the Commander General, on which land he finds himself established by provisional conceptions of the same

gentleman, which appear on the top of the memorial
which is hereto adjoined, also from the sketch of
the land which I solicit conformable to the laws
on Colonization by which and under whose auspices
I expect the ownership of it will be granted to me
whereby I shall feel grateful - I make the
necessary Oath -

San Juan de los Rios 16th of October (1839) 1837

Petitioner not knowing how to sign

Jose M Bravo

(In the margin) San Juan 16th of October (1839) 1837
Let the interested party apply to the Escribano, and
be sure that according to the information this prefe-
ture has taken and thought convenient, there is no
obstacle in granting the land he solicits

Jose Castro

Monterey 16th of October (1839) 1837

Having seen the petition with which this Expediente
commences, the provisional concession by the Comm-
ander General, the report of the Prefecto with what
ever else was born in mind and was tending to the
purpose, in conformity with the laws and regulations
I have concluded to grant him the land known by
name of Novato, bordering to the South on the
Canales de Ponisone, to the North on the Canales
immediately adjoining to the low hills, to the East
on the Sierra and to the West on the gap of the
Sierritas - Manuel Jimeno First Member of the
Most Excellent Assembly of the Department of both
Californias thus ordered decreed and signed which
I certify

Manuel Jimeno

Francisco de Arce Chief Clerk

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Monterey May 19th 1840

This Expediente having been submitted to the most Excellent Departmental Assembly, in their session to day, it was ordered to be referred to the Committee on Agriculture -

Jose Fernandez - Secretary

On the 22nd of the same month the Committee returned it with the accompanying Opinion

up
Fernandez

Monterey May 22nd 1840

In view of the approbation issued on the 22nd of the present month by the Excellent Departmental Assembly, let testimony of it be issued on behalf of Don Juan Martin in confirmation of the land of Novato which he obtained on the 16th of October last year by the most Excellent Departmental Assembly

Don Juan B Alvarado Governor
of the Department of both Californias thus provided
and signed - Alvarado

Juan B Alvarado Constitutional Governor of the Department of both Californias
Whereas Citizen Juan Martin has solicited for his personal benefit and that of his family the land known by the name of Novato, bordering to the South on the Canadas de Ponson, to the North on the immense Canadas (Valley) to the low hills, to the East on the Sierra and to the West on the gaps of the Sierritas after having previously taken the necessary steps and made the necessary investigations, in exercise of the powers vested in me in the name of the Mexican Nation, I have concluded to grant him the said land, declaring him to be the owner of it by the present letters patent, subject to the approbation of

the Excellent Departmental Assembly and to the following Conditions -

1st He may fence it without prejudice to the crops, roads and servitudes, he will enjoy it freely and exclusively appropriating it to the use or culture that best may suit him, but within one year he shall build a house to be inhabited -

2^a He shall select of the respective Judges to give him judicial possession in virtue of this document by whom the boundaries are to be fixed, at the limits of which, he will put besides the land marks, some fruit trees or wild ones of some usefulness

3^a The mentioned land is two square leagues (sitios de ganado Mayor) a little more or less, according to the sketch which accompanies the respective Expediente leaving the surplus that may result to the nation for convenient purposes -

4th If he should violate these conditions he shall lose his right to the land which may be denounced by any other party -

Consequently I order that the title deed being held as firm and valid it be entered in the respective books and be delivered to the interested party for his security and other purposes

Given in Monterey 16th of October 1839

Most Excellent Sir

The Committee on agriculture and Commerce jointly commissioned by your Excy to express an opinion upon the Expediente which the most Excellent Sr Governor transmits to the preceding Sesion bearing grant made by himself; and officiating them conformable to the proceedings reports and whatever else could be seen proposes to you

and whatever else comes in your way
Concys deliberation the following articles
1st They approval of the concepsion made by the Depart
mental Government under date 16th of October 1839
to the person of the citizen Juan Martin of the place
called Novato.

2^d That the record of proceedings be returned to the
Excellent Su Gobierno for convenient purposes
Monterey May 21st - 1840

J. Arguello

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Monterey May 22nd 1840

The Excellent Departmental Assembly in its session
today, approved of the two articles wherewith
the foregoing Opinion concludes

Manuel Jimeno President

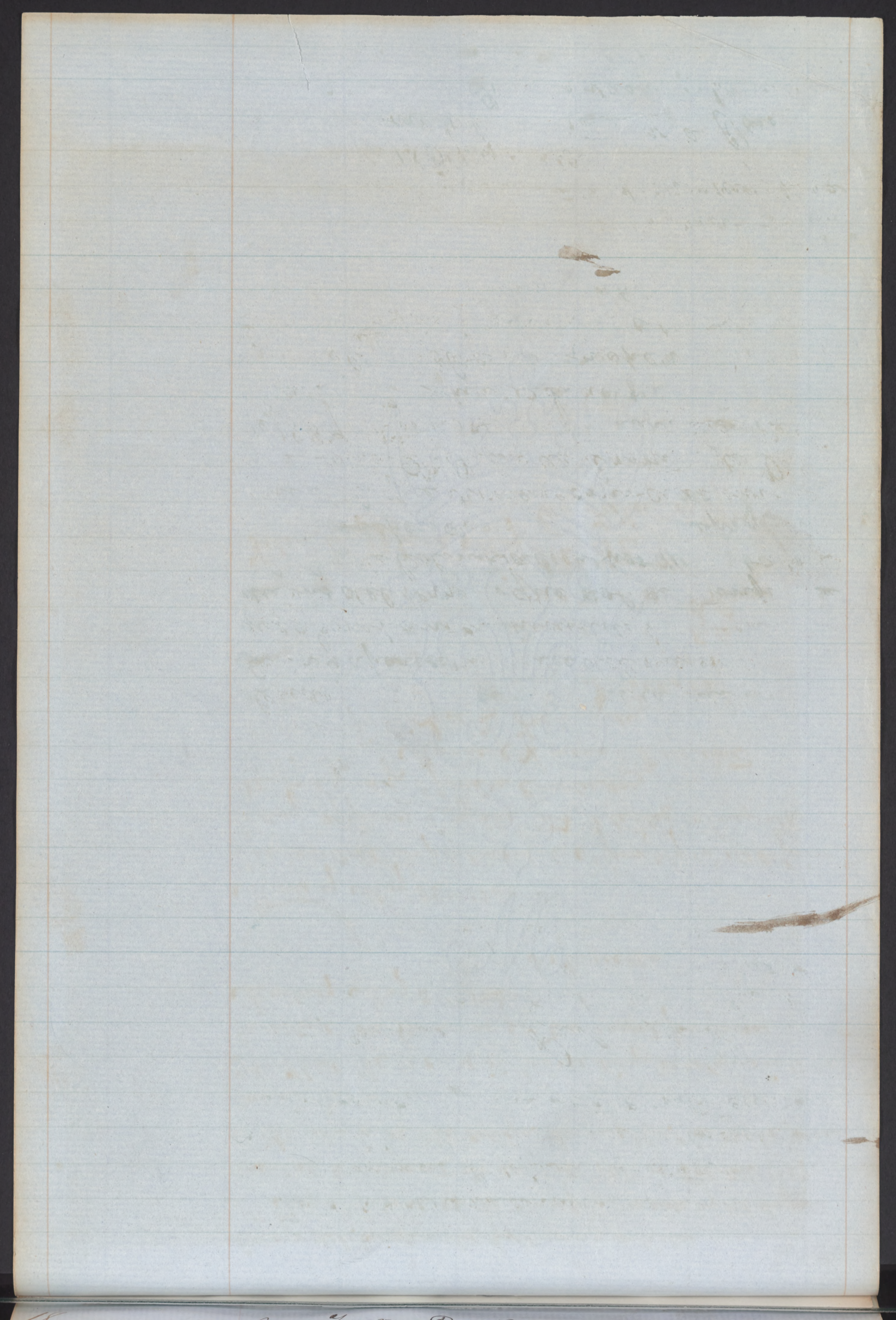
Jose L. Fernandez

Secretary

E. G.
R. P.

Filed in office May 8th 1852

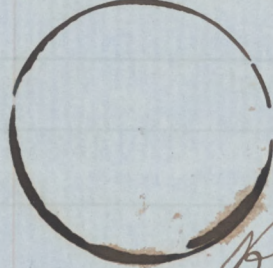
Geo Fisher Secy



225-2

Sello Tercero Dos Reales: Habilitado provi-
cionalmente por la aduana maritima del puerto
de Monterey en el departamento de las Cali-
fornias, para los años de mil ochocientos cua-
renta y cuatro y mil ochocientos cuarenta
y cinco.

Michelarena Pablo de la Guerra

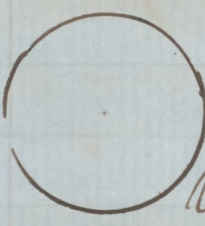


Interno: Guill. E. Hartwell
Cor prefecto del primer distrito quem
Martin Lund. Naturalizado en la
Republica con diez y siete años esta-

blecido en ella, casado con una hija del Pais
Corregid^o y con una crecida familia: soli-
cita segun derecho la propiedad del terreno
que con fecha 10 de Mayo peticio al Cor Coman-
dante Gal en ello terreno se halla esta-
blecido por consecion interna del mismo
Señor y aparece al balce del memorial
que acompaño enchiuido tambien del
diseño del terreno que solicito conforme
a la ley de colonizacion por que, y bajo sus
ospicuos espero se me conceda la propiedad
de el de lo que irvere reconocido por lo
necesario. Sr. Juan de Castro 18 de Octubre
de 1837. Por no saber firmar. José M.
Bravo. Escopia sacada fielmt^o de su
Original que obra en el Expedt^o respectivo.
En Monterey a diez y siete de Octubre de mil
ochocientos cuarenta y cuatro.

Man. Jimeno.

Sello 1.º seis pesos. Habilitado provisional-
mente por la Aduana maritima de Monterey, para
los años de 1839. y 1840.



Alvarado Antonio M.º Osio
Manuel Jimeno Casarin primer
Vocal propietario de la Caena Junta

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del Departamto. de las Californias en ejercicio del Gobierno del mismo. Por cuanto D^o Juan Martin ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de Novato colindante al Sur con la Cañada de Ponpone al N. con la Cañada inmediata à las Lomerias bajas al O. con la Tierra y al O. E. con el Portesuelo de la Sierra: practicadas previamente las diligencias y averiguaciones convenientes segun lo dispuesto por leyes y reglamentos usando de las facultades que me son conferidas à nombre de la nacion Mexicana he venido en concederles el terreno mencionado declarandole la propiedad de el por las presentes letras sujetandose à la aprobacion de la Excm^a Junta Departamental y las condiciones siguientes. 1^a Podrá cercarlo sin perjudicar las hacendas, caminos, y servidumbres; lo disputará libre y esclusivam^{te} destinando al uso ó cultivo q^u mas le acomode; pero dentro de un año fabricará casa y estará habitada. 2^a Cuando se le confirme la propiedad solicitará del juez respectivo que le de posesion juridica en virtud de este despacho por el cual se demarcarán los linderos en cuyos limites pondrá à mas de las mojoneras algunos arboles frutales ó silvestres de alguna utilidad. 3^a El terreno de que se hace donacion es de dos sitios de ganancia mayor ó menor segun explica el diccno que corre en el expediente el juez que diere la posesion lo hará medir conforme à Ordenanza para señalar los lin

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deros en cuyos limites se pondrán las señales respectivas quedando el sobrante que resulte a la Nación para los usos convenientes y si contrariere a estas condiciones perderá su derecho al terreno y será denunciable por otra. En consecuencia mando que sirviendole de titulo el presente y ^{se entregue al interesado} ^{para su resguardo,} teniendose por firme y vale dero se tome razon en el libro respectivo y demas fines. Dado en Monterey a diez y seis de Octubre de mil ochocientos treinta y nueve.

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Man: Jimeno
Francisco Arce. Oficial primero
Sede en Office Navy 2^{na} 1853

Geo: Fisher Secy.

Queda tomada razon de este despacho en el libro de decretos sobre adjudicacion de terrenos al dia a fojas 12.
Arce.

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Translation of
Grant No. 1

To the Prefect of the First District Juan Martin a citizen naturalized in the Republic of, for seventeen years established in it, married to a daughter of the Country and with an numerous family solicits according to rights the ownership of the land which on the 10th of March he asked of the Comandante General in which land he is already established by the provisional concession of said office which appears at the foot of the accompanying memorial, attached also to the map of the land which he solicits, conformably to the law of Colonization, according to which and under your auspices I hope the property of the same will be conceded to me whereby whereby I shall be gratified. I swear the necessary, Sr Juan de Castro 18th October 1837. As I do not know how to sign. Jose Ma. Prado

This is a copy taken faithfully from its original which is contained in the respective Expediente. In Monterey the seventeenth of October on thousand eight hundred and forty four - Manuel Jimeno

Translation of Grant

Manuel Jimeno Cassaro since member of the most Excellent Assembly of the department of the California in exercise of the Executive powers of the same Whereas Don Juan Martin has solicited for his personal benefit and that of his family, the land known by the name of Novata bounded on the south by the Cañada Foncepome, on the north by the Cañada immediate to the low hills, on the west by the Sierra and on the East by the Portezuelo of the little mountain having previously practiced the requisite action and investigation according to the requirements of the laws &

regulations, using the faculties; which are conferred upon me in the name of the Mexican Nation, I have come to grant him the lands mentioned, declaring it his property by the present letters subject to the approbation of the most Excellent Departmental Assembly and to the following Conditions

1st He may enclose it without prejudice to the crossings roads and servitudes, he will enjoy it freely and exclusively, appropriating it to the use or culture most convenient to him, but within one year he shall build a house and it shall be inhabited

2nd When the Ownership shall be confirmed he will solicit of the respective Judge to give him Judicial possession in virtue of this despatch by whom will be marked the boundaries upon whose limits he will place for the land marks some trees either fruit bearing or wild ones of some utility

3rd The land of which donation is made is of two square leagues a little more or less as is shown by the map contained in the Expediente the Judge who may give the possession will have it measured according to Ordenances for the measuring of boundaries on the limits of which the respective marks will be placed the surplus which results remaining to the Nation for its convenient uses

4th If he shall violate these Conditions he will lose his right to the lands, and it will be denounceable by another -

Therefore I command that these presents serving him for a title, and being held as firm and valid account be taken thereof in the respective books, and the same delivered to the interested party for his security and other uses -

23

Given in Monterey the sixteenth day of October Eighteen hundred and thirty nine

Manuel Jimeno

Francisco de Ace. Just. Offical

A Note has been taken of this despatch in the book of Entries relative to the adjudications upon Vacant Lands at Folio 12 -

(Signed) Ace

134 ND

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I certify the foregoing to be a true and correct translation of the Original Spanish on file in this office in Case^{no} 223

Geo. Fisher

Secy

Filed in office Feby 2^d 1854

Handwritten text, possibly bleed-through from the reverse side of the page. The text is faint and difficult to decipher but appears to include the words "The Journal of" and "with" followed by some illegible characters.

Juan Martin }
 vs }
 The United States } El Cote de Madera Novato
 } Claim for two square leagues
 } in the County of Marin

Opening of Board
 by Comr. Thompson

It appears from the trace a copy of the Expediente from the Archives, filed in this case, that on the 15th of March 1839 Juan Martin the present claimant presented his petition to the Commandant General setting out that he had, for the preceding year and six months been in possession of the location called El Cote de Madera de Novato as shown by the accompanying sketch and praying for a grant of the land. Upon this petition a marginal decree signed by Vallejo dated March 9th 1839 is entered granting the land provisionally to the claimant and directing him to make the proper solicitation before the Political Departmental Government. On the 16th of October of the same year he presented his petition to the prefect of the 15th District praying for a grant of the land conformably to the Colonization Laws. Upon this petition the prefect reports formally to the Governor, and a decree of Concesion was entered and a formal grant issued by that officer on the same day. On the 19th of May 1840 it was presented to the Departmental Assembly for its approval, and on the 22nd of the same month it was duly approved by that body and a certificate of the same issued to the grantee. No juridical possession appears to have been had but the description in the grant together with the map or deseno contained in the Expediente, to which reference is made in the grant, are sufficient to locate and identify the land. The quantity granted is two

square leagues a little more or less with the usual reservation of the sobrante or surplus to the nation. By applying the scale of distances which appears on the map, to the boundaries as delineated therein, the land is shown to be a little over two leagues in length with an average width of about one league and is very clearly a grant by metes and bounds. The evidence shows that the grantee has lived upon, occupied and cultivated the land from a period anterior to the date of the grant, to the present time. This is considered a sufficient compliance with the grant to entitle him to a confirmation.

Filed in Office Feb. 14. 1854
Geo. Fisher Secy

Juan Martin }
 vs } Corte de Madera de
 The United States } Nobato

Decree

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claimant is valid, and it is therefore decreed that the same be confirmed. The land of which confirmation is made, is situated in the County of Marin and is known by the name of "Corte de Madera de Nobato" being the same which has been held and occupied by the claimant since the year 1839 to the time of filing his petition before the Board. It is bounded on the South by the "Canales de Pompeoni" on the North by the Canales immediate to the low hills, on the West by the Sierra and on the East by the Pulquelas of the little Mountain on the Rancho of Fernando Felix, containing two square leagues a little more or less. Reference for a more particular description to be had to the original grant and the map contained in the Expediente, a copy of which together with said grant are filed with the papers in the case

Alphus Felch }
 Thompson Campbell }
 Riley Thompson }

Commissioners

Filed in Office Feb. 14 - 1854

Geo. Fisher Secy

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And it appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Northern District of California it is hereby ordered: that two Transcripts of the Proceedings and of the Decisions in this case and of the papers and evidence upon which the same are founded be made out and duly certified by the secretary one of which Transcripts shall be filed with the Clerk of the United States District Court for the Northern District of California, and the other be transmitted to the Attorney General of the United States.

Office of the Board of Commissioners,

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

I, *George Fisher*, Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *twenty six* pages, numbered from 1 to 26, 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. 223 on the Docket of the said Board, wherein *Juan Martin* is

the Claimant against the United States, for the place known by the name of "*Corte de Madera de Novato*."

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

G. Fisher.



134 AD

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

No. — 134 —

THE UNITED STATES,

v.s.

Juan Martin

TRANSCRIPT OF THE RECORD
FROM THE
BOARD OF U. S. LAND COMMISSIONERS.
In Case No. *223*

Filed, *November 2^d* 1854

Juan Martin
et al

No 223

Blue tape repair on the right side of the cover.

Office of the Attorney General of the United States,

Washington, 17th January 1855.

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Ivan Martin

vs.

The United States.

} 223.

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 28th day of September 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 134

U. S. District Court
Northern District

The United States
vs.
Juan Martin.

Filed Feb. 20. 1835
In Amurro
CJ

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Office of the Attorney General of the United States,

Washington, 17th January 1855.

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Juan Martin

vs.

The United States.

} 223.

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 28th day of September 1854, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Clarking

Attorney General.

No ~~202~~

U. S. District Court.
Southern Dist of Cal.

134 ND
The United States,

vs.

Juan Martin.

appeal notice.

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Filed March 8th 1838.

C. E. Carr
clerk.

In northern dist.

District Court of the United States
Northern District of California

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The United States
Appellants
vs
Juan Martin

No. 134 (S. C. Docket No. 223)

Juan Martin the Appellee
and claimant in the above entitled cause
avers and says that his title to the land therein
~~filed~~ ~~avers~~ ~~and~~ ~~says~~ claimed is valid

He therefore prays that the
decision of the Board of Land Commission-
ers be affirmed and the title of the said
claimant be decreed to be valid

J. Clarke Atty.
for Claimant.

U. S. District Court

No 134

The United States
Appellants

^{vs}
James Martin

134 ND

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Answer

Filed June 27, 1858,
by Cheever
Deputy.

J. Clarke Atty for
Appellants.

U. S. District Court

No. 134

The United States
Appellants

vs
Juan Martin

Petition

Filed June 27, 1850,
by Chevers
Deputy.

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S. Glassell
Att. U. S. Atty.

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 Tuesday the 9th day of September
in the Year of our Lord one thousand
eight hundred and fifty seven.

Present:

The Hon: Owen Hoffman, District Judge.

The United States

v
Juan Martin

Case No 134; Transcript 223.

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

Owen Hoffman
U.S. District Judge

U. S. District Court

The United States

v

Juan Martin

Case No 134
Transcript 223

order

Filed Sept. 8: 1857

Grammar
Club

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California Land Claims

Attorney General's Office

29 Nov 1851

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Sir:

In the case of the claim of Ivan
Martin, confirmed to the claimant by
the Commissioners, case no. two hundred
and twenty-three (223), appeal will
not be prosecuted by the United States.

I am

Respectfully

Yours

Wm Blanding Esq.

U. S. Attorney,

San Francisco

In the District Court of the United States,
Northern District of California.

The United States

v
Juan Martin

Case No. 134; Transcript 223

In pursuance of a notice from the Attorney General of the United States, hereunto annexed, it is hereby stipulated and agreed that no further appeal shall be taken in this case on the part of the United States, and that the Claimant have leave to proceed under the decree of this Court heretofore rendered in his favor as under Final Decree.

P. Della Torre

U. S. Atty.

J. Clarke
Atty for Claimant

U. S. District Court

The United States

v.
Juan Martin.

Case No. 134
Transcript 223

Stipulation

Filed Sept 8th 1857

Prothonotary
Clerk

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U. S. District Court
Northern District of California

The United States
vs
Juan Martin

No. 134.

Case's docket No 223

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to 12

" 13 to 14 Translation of Expediente.

" 18 and 19 Original grant

" 21-203 Translation of Grant

" 5 Dep. of N. A. Sec. proving genuineness of Documents

" 6 Dep. of B. B. J. showing residence improvement and cultivation by claimant from date of grant

" 24 Opinion of Board

" 26 Secm of confirmation

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J. Clarke c. c.;

U.S. Dist Court
North Dist of Cal.

The U.S. States

vs

Juan Martin

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J. C. Clarke

The Commission must be
entirely

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N 134

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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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San Francisco,

1854

John A. Mearse, 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. 233 on the Docket of the said Board, wherein

Juan Martin is

the Claimant against the United States, for the place known by the name of "Corte de Madera de Novato,"

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher.

