

CASE No.

109

SOUTHERN DISTRICT

GUADALUPE AND LLANITO DE LOS CORREOS GRANT

**MARIANO MALARIN, EXECUTOR
OF ESTATE OF JUAN MALARIN**

CLAIMANT

TRANSCRIPT
OF THE
PROCEEDINGS

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IN CASE

NO. 152

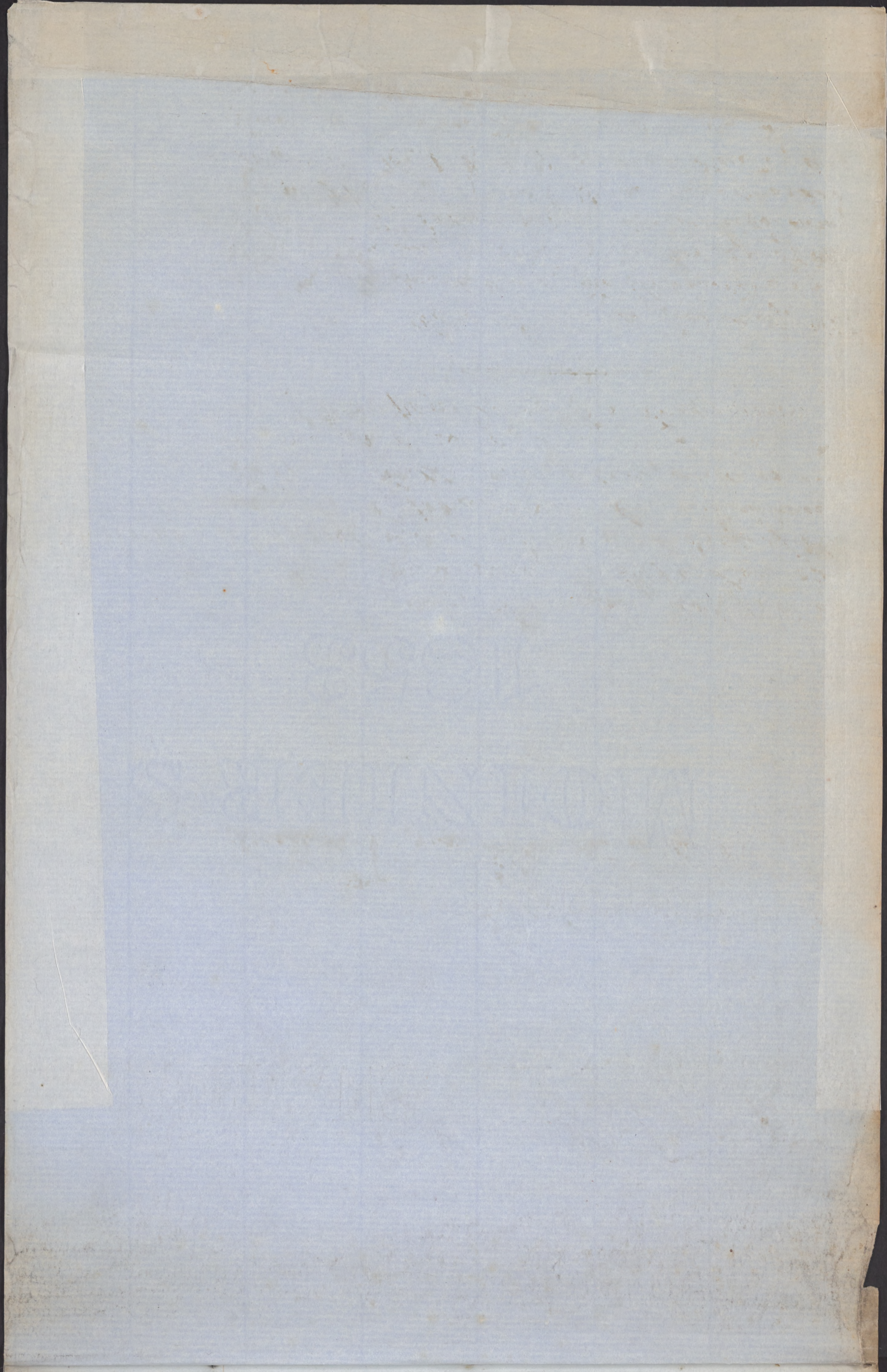
Mariano Malvarin, Ex. &c. CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Guadalupe and Sanito de los Corros."



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 *third day of April*, Anno Domini One Thousand Eight Hundred and Fifty-~~Two~~ *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 *Mariano Malain* Executor, &c. for the Place named "*Guadalupe*" and "*Sanitos de los Corros*," was presented, and ordered to be filed and docketed with No. *152* 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, Apl. 7. 1852.
In the same case, the Deposition of *David Spence*, a witness in behalf of the claimant, taken before Commissioner, *Neiland Hall*, was filed, and is in the words and figures, as follows, to wit.
(Vide page *4* of this Transcript.)

San Francisco, March 29, 1853.
In the same case, the Deposition of *David Spence*, a witness in behalf of the claimant, taken before Commissioner, *H. S. Thoburn*, with Document marked *marked H. S. T. No. 1* annexed thereto, was filed, and is in the words and figures as follows to wit:

(Vide page 5 of this Transcript.)

San Francisco April 11, 1853.
 In the same case, the Counsel for the
 Claimant presented an amended pe-
 tition — Ordered to be filed, and is
 as follows —
 (Vide page 33 of this Transcript.)

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San Francisco, Sept. 23^d, 1853.
 In the same case, the counsel for
 the Claimant filed the following
 motion, to wit:
 (Vide page 54 of this Transcript.)

x
 San Francisco, Feby 21, 1854.
 In the same case, Commissioner,
 Thompson Campbell, delivered the Opinion
 of the Board, confirming the Claim.
 (Vide page 55 of this Transcript.)

x
 San Francisco Sept 23, 1853.
 Case No. 152, Mariano Melarin Esq^r,
 for the place named Guadalupe
 &c, called: Submitted on briefs
 on both sides, and taken under
 advisement by the Board —

San Francisco, Aug. 15, 1854.
 In the same case, on motion of the
 U.S. Law agent, the following Order was
 made, to wit:
 (Vide page 56 of this Transcript.)

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To the Honorable the Board of Commissioners to settle land Claims in the State of California

Petition

Marciano Malvarin Executor of the Estate of the late D. Juan Malvarin of Monterey State of California respectfully represents to your Honorable Body that he claims a tract of land known by the name of Guadalupe in the County of Monterey and aforesaid State granted under the Mexican Government on the twenty second of May Esptimo Hernandez and thirty third by Governor José Figueroa that said grant to the late D. Juan Malvarin was approved by the Territorial Legislature on the twentieth day of May AD 1834 and that Judicial possession of said grant was given to said Juan Malvarin by the Alcalde of Monterey on the ~~thirtieth~~ August AD 1834 and the boundaries agreed to by the neighbors the quantity of land claimed in the grant aforesaid is of less than one square league which was taken by the Title and Judicial possession.

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Your petition also likewise represents that he claims also another tract of land adjoining the above & the extent of said less than half sitio de ganada mayor given by Governor Figueroa in the year 1835 as an addition to the grant just above set forth.

Your petition would represent that ever since he obtained the grants of said lands he has always remained in quiet undisturbed and peaceful possession of the same that there are no conflicting claims to the said lands or any controversy about their boundaries for more than seven years since they were first established -

Your petition also files herewith full copies of the original papers and a translation

of the same to which he would respectfully
refer Com Monros and state that he will present
his original papers and proofs thereof to Com
Monros for their inspection and approval.

Whitford Jones petitioned respectfully
prays Com Hon Board to confirm his grants
aforesaid to the said Guadalupe with the addition
thereof and to declare his title to be valid

And he your petitioned with Com prayer.
San Francisco the 2^d April 1852.

Mariano Melorin.

Filed in Office April 2^d 1852

(Signed)

Geo. Fisher Secy.

San Francisco April 7. 1852

Arthur Day before Notary Public one of the
Commissioners for ascertaining and settling pri-
vate land claims in the State of California
came David Spence a witness produced in
the part of the Claimant in the petition of Mari-
ano Melorin being numbered 152 on the docket
of the Commissioners & was duly sworn.

The Law Agent was notified & atten-
ded by Mr Greenhow.

In answer to questions put in behalf
of the Claimant the witness testified as follows
My name is David Spence my age
fifty three & I reside in Monterey & have resided
there since the year 1824.

I am acquainted with the
hand writing of Jose Pujarros, Augustin &
Gonzales, Manuel Jimenez, Juan B. Alagado
Jose Amador, Jose Maria Estrada, Santiago
Estrada, Juan Arroyo & de la Castilla by the

Deposition
of
David Spence

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Jaco Joaquin Gomez, Juan Malerin Jose M
 Malanada & know their signatures. An original
 of paper now shown me relating to the title and
 Judicial possession of the Claimant contains
 the signatures of the said several persons & I have
 no doubt the signatures are genuine. My own
 original signature also appears upon said paper
 in several places. I have compared said orig-
 inal paper with paper marked "C" filed in this
 case in the office of the Secretary of the Board
 of Commissioners & find that paper "C" is exactly
 copied from the original. I gave Judicial pos-
 session as Alcalde, as appears by said papers.
 The land is divided by a row from one owned
 by me & I am well acquainted with the land
 I have no knowledge of any titling claim
 A substantial adobe house was built on the
 land immediately after judicial possession was
 given which remains still on the land & has been
 constantly occupied to the present time. The claim-
 ant & those claiming under him have been in peace-
 able possession of the land from the time it was
 taken to the present time, using it by cultivation &
 the raising of stock.

D. S. Spence.

Subscribed & sworn

Before me

William Hall Com.

Filed in Office April 7. 1852.

Esquid
Geo Fisher Secy.

Opposition
of
David Spence

San Francisco March 29. 1853.

On this day before Com N. J. Thornton came
David Spence a witness in behalf of the Claimant
Mariano Malerin petition to the Board and was duly

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sworn his Oath and being given in English.
I answered to questions by the Counsel
for the Plaintiff the witness testified as follows

My name is David Spence, my age is 55
years. I reside in Monterey and have lived in
California about 2 years. I have examined
the document attached to this deposition and marked
Exhibit No. 1 and dated September 1, 1848 and
purporting to be the last will of Juan Malarin
it is a genuine document. It was dictated in my
presence and the signature of R. Spence is my
own signature. All the other signatures are also
genuine. Juan Malarin died a short time after
dictating this will. The widow & children
there mentioned are still living.

The Rancho called "Guadalupe"
and mentioned in this will as containing
a title more than 20 leagues small as of four
separate grants called "Guadalupe", "Plano de
las Conchas", "Sanjoms" and "Chualar" all of
which tracts lie together and constitute the
Rancho called "Guadalupe" My own Rancho
bushel to this land and I am perfectly well
acquainted with it.

D. L. Spence,

U. S. Law Agent present.

Sworn to and subscribed before
me this 29th of March 1853.

Henry J. Thornton Comm.

Filed in Office March 29, 1853.

(Signed) Geo. Fisher Secy.

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Exhibit C^o annexed
to deposition of
D. S. Pence

Concesion y Posesion

del Rancho de Guadalupe y de
la ampliacion que se le concedio al
C. Juan Malarin, conocido por La
mita de Los Correos cuya posesion
se dio en 9 de Diciembre de 1835.

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J

Dellos primeros Seis Pesos: Habilitado
personalmente por la administracion de
la Aduana maritima de Monterey de
la Alta California, para los años de
mil ochocientos treinta y cuatro y mil
ochocientos treinta y cinco

Segueroa

A. Ramirez.

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José Segueroa General de Brigada de
la Republica Mexicana Comandte Gene-
ral Inspector y Jefe Superior Politico
de la Alta California. Por cuanto
D^o Juan Malvarin segundo teniente ho-
norario de la Armada Nacional ha
pretendido p^a su beneficio personal y
el de su familia el terreno conocido con
el nombre de Llano de los Corveos en
ampliacion del parage de Guadalupe
q^d se le concedio por decreto de diez y ocho
de Noviembre de mil ochocientos treinta
y tres q^d le confirmo la Excelentissima
Diputacion Territorial en Diez y siete
de Mayo de mil ochocientos treinta
y cuatro colindante con el Pueblo de la
Soledad, Rancho de Buena Vista,
Rio de Monterey y la Sierra: practicadas
previamente las diligencias y averigua-
ciones concernientes, segun lo dispuesto
por leyes y Reglamentos usando de las
facultades que me son conferidas
à nombre de la Nacion Mexicana por
decreto del dia de hoy he venido en con-
cederle el terreno Llano de los Corveos
en ampliacion del de Guadalupe
al referido D. Juan Malvarin de cla-
rarle la propiedad de el por
las presentes letras, entendiendose

otro. En consecuencia mando of. sirviendole de titulo el presente y teniendose por firme y vale dero se tome raxon en el libro a que corresponde y se entregue al interesado para su resguardo y demas fines. Dado en Monterey a Diez de Febrero de mil ochocientos treinta y cinco.

José Segueros Agustín L. Zamorano ^{Srio}
 Queda tomada raxon de este despacho en el Libro de asientos de Titulos sobre adjudicaciones de terrenos a fojas sesenta y dos numero sesenta of. obra en la secretaria de mi cargo. Monterey Febrero Diez de mil ochocientos treinta y cinco. Zamorana.

Dello Sereno Dos Reales. Habilitado provisionalmt. por la Administracion de la Aduana maritima de Monterey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Segueros Rafael Gonzalez
 De aprueba la concesion hecha al Ciudadano Juan Malarin del Terreno nombrado Sanjones hasta el de Guadalupe con cedido en Veinte y dos de Mayo de mil ochocientos treinta y tres de entera conformidad con lo prevenido en la ley de diez y ocho de Agosto de mil ochocientos veintey cuatro y el articulo quinto del Reglamento de Veintey uno de Noviembre de mil ochocientos veintey ocho. Monterey diez y siete de Mayo de mil ochocientos treinta y cuatro. En ocasion de este dia se aprobó por la Excelentissima Diputacion la proposicion ante cedente mandando se devuelva el expediente al Señor Jefe superior Politico para los fines

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consequientes. José Figueroa. Juan
 Bautista Alvarado secretario. Monterey
 Junio once de mil ochocientos treinta y
 cuatro. En Vista de la aprobación otorgada
 en diezy siete de Mayo ultimo por la Excele
 ntísima Diputación Territorial: librese
 testimonio de este decreto a la parte de D.
 Juan Malarin en confirmación de la
 concesión del terreno de Guadalupe que
 obtuvo en diez y ocho de Mayo del año pasado
 de mil ochocientos treinta y tres. El señor
 Don José Figueroa General de Brigada
 comandante General Inspector y Jefe
 superior Politico del territorio de la Alta
 California así lo mando decreto y firmo
 de que doy fee. José Figueroa // Agustín
 U. Zamorana Secretario. Con cuerda
 a la letra con su original del cual huse
 car el presente testimonio para resguardos
 de la parte interesada en Monterey a once
 Junio de mil ochocientos treinta y cuatro.
 siendo testigos los ciudadanos Agustín U.
 Zamorana y Bernardo Navarete de esta
 vecindad. En testimonio de Verdad

José Figueroa

Agustín U. Zamorana. Secretario.

Cello tercero Dos Reales. Habilitado provi
 sionalmente por la administración de
 la aduana maritima de Monterey para
 los años de mil ochocientos treinta y cuatro
 y mil ochocientos treinta y cinco.

Figueroa

Rafael Gonzales

Por Alcalde constitucional

El Sr. Juan Malarin Segundo Teniente
 graduado de la Armada Nacional ante
 N. dice. Que habiendo obtenido la consecución

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propria del terreno conocido con el nombre del Rincon de Guadalupe ocurra ante el J. P. que se sirva darle la posesion juridica conforme esta prevenido en el arto. 4.º del titulo de dicho terreno que se le espidio en 22 de Mayo del año pp.º que debidamente a compañia e igualmente la confirmacion respectiva a J. P. que todo obre los efectos deseados. Por tanto. C. U. C. se sirva ponerlo en la posesion que solicita en lo que se sirva justicia. V. C. Monterey Junio 18 de 1834

Juan Malarin

Monterey 18 de Junio de 1834.

En virtud de la antecedente solicitud procedase por mi el presente Juez a la medicion señalamiento de linderos y posesion judicial que solicita el intercedido en este expediente señalandose para su ejecucion el día once del mes proximo venidero de Agosto para lo cual se citaron con Voletas de comparendo a los colindantes. Asi yo el Juez de 1.ª instancia decreté, mandé y firmé con los de asist. con quienes actué por receptoria por falta de Escribano publico que no lo hay seg.º derecho. Doy fe. Manuel Jimeno Casarin
Juan B. Alvarado ^{asa} # José Arneste. ^{asa}
En la fha presente D.º Juan Malarin se le notificó el auto que antecede y de el entendido Dijo: Que lo Oyo y se deba por citado y lo firmó conmigo y los testigos de Asist. Casarin # Juan Malarin

Juan B. Alvarado ^{asa} # José Arneste.

En la fha se libraron las Voletas que se mandan (Sello Terceero Dos Reales).

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

Sequeroa Rafael González
 en el antecedente auto y lo rubricó por auto.

En el rancho de Guadalupe a los once días del mes de agosto del año de mil ochocientos treinta y cuatro en cumplimiento del auto de fecha de Junio diez y ocho y del corriente año concurrieron los ciudadanos Mariano Echada, Juan Ameguita y Prudencia Espinosa el segundo con poderes amplios y bastantes por parte de la Misión de la Soledad, y el tercero se presentó también con poderes bastantes por parte de la Misión de San Carlos, y todas las dichas tres personas se presentaron como colindantes de este rancho y estados para la medición, señalamiento de linderos y posesión nombre por medidores a los Ciudadanos Guadalupe Cantúa y Juan Pinos quienes previa la aceptación y juramento prosederan al desempeño de su encargo. Así y el Alcalde lo decretó mandó, y firmó con los de mi asistencia. Así con

Juan Arroyo ^{ase} // Santiago Echada A.º
 En la fecha se les notificó el auto que antecede a los colindantes, y entendidos dijeron que lo oyeron y firmó solamente D.º Mariano Echada por no saberlo hacer los otros dos, conmigo y los testigos de asistencia

Basarin José Mariano Echada
 Juan Arroyo ^{ase} // Santiago Echada de A.º
 En la fecha y en el expresado rancho se les notificó el auto que antecede de medidores a

Ciudadanos Guadalupe Cantua y Juan
 Piro y entendidos dijeron que aceptan y a-
 ceptaron dicho encargo, y juraron por Dios
 nuestro señor, y la señal de la Santa Cruz
 de usarlo fiel y legalmente à todo el mundo
 saber y entender sin faltarle contra perso-
 na alguna, y no firmaron. Dello tercero
 Dos Reales. Habilitado provisionalmente
 por la Aduana Maritima de Monterey
 para los años de mil ochocientos treinta
 y cuatro y mil ochocientos treinta y cinco
 Teodoro (Rafael Gonzalez)
 porque dijeron no saberlo hacer lo hizo y
 con los testigos de asistencia. Cabarin
 Juan ^{De age} Torroyo # Santiago Estado A.
 Incontinente y el referido Dues mande
 hacer à mi presencia el cordel con que se
 han de medir las dichas tierras y q. los
 medidores lo midan de cincuenta va-
 ras, y lo forme con los de asistencia
 Cabarin. # Juan Torroyo de Aca. #
 Santiago Estado D. casa # Inconti-
 nente, en presencia de mi el espresado
 Dues, los medidores mencionados, tomaron
 un cordel de mecate y con una vara de
 medir usual mexicana teniendola en
 la mano midieron cincuenta varas para
 hacer la referida medicion y para que
 conste lo rubro que. En la misma fha
 y en el referido rancho siendo como las
 ocho de la mañana. Yo el espresado
 Dues mande à los medidores nombra-
 dos se pongan para las medidas de
 tierra que se han de hacer à Don Juan
 Malarin y puesto en el P. lugar del
 lindero de Comengo la medida ten-

duendo el Cordel al Or se llegó hasta el Arroyo del Rincon de Guadalupe hasta el cual hubo doscientos ocho cordeles de à cincuenta varas y luego se prosiguió con la dicha medida corriendo de N. N. E. hasta llegar al Rio hasta donde hubo treinta cordeles de à cincuenta varas que reducidos los dichos cordeles à varas declararon los referidos medidores no llegar las dichas tierras à un sitio de ganado mayor, por debersele dar un sitio de ganado mayor, veinte y cinco millones de varas que abracladas y habiendose puesto en el lindero del P. por señal una casa arriada del mencionado Don Juan Malarin, y la señal del lindero del Or se mandó que fuera en la cañada Arroyo de Guadalupe, y la señal de la parte del Sur, que (Dello Terceiro Doreales Habilitado provisionalmente por la admistracion de la Aduana Maritima de Monterey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Higuera (Rafael Gonzalez)
fuera las lomas del dicho rancho y la señal de la parte del Norte fuera la Culla del Rio, se dispuso se formaron mojoneras en cada uno de las referidas señales acompañando à este expediente el diseño que figura la forma del sitio medido para constancia lo firme por ante los testigos de asistencia.

Las arinas. Queros Arroyo # Santiago Bohada
con el referido rancho y en el mismo día y año D. Juan Malarin vecino de

Monterey acompañado del Juez de pri-
 mera instancia de este puerto de Monterey
 y testigos. dijo dicho D.^o Juan Malariñ
 que abriendo se midió las tierras de este
 rancho según consta en la inteligencia
 anterior tomaba y tomó la verdadera
 y corporal posesión de dichas tierras
 medidas, pues le pertenecen con justos
 títulos que obtuvo de la concesión que
 de ellas le hizo con fecha veinte y dos de
 Mayo del año próximo pasado el Sr.
 Jefe superior político del Territorio
 por las facultades que le son conferidas
 en decreto de 31 de Enero último y de
 la aprobación que de este hizo la Excm.
 Diputación de este Territorio, con fecha
 diez y siete de Mayo del corriente año
 en lo y paso por ellas, arañó y erbas co-
 pareció puñados de tierra rompió ramas
 de los árboles e hizo otras ceremonias
 y actos de posesión en señal de lo que
 dijo tomar y tomaba de dichas tierras
 mandó el citado Juez de 1.^a instancia
 que desde entonces lo tubiesen y reco-
 nociesen por verdadero señor y poseedor
 de ellas. De todo lo referido pidió dicho
 Don Juan Malariñ que para memoria
 en lo venidero y conservación de sus de-
 rechos por mí el repetido juez le fuese
 extendida una constancia lo que
 fue así autorizada con los testigos de
 asistencia y lo formaron los Sr.^{os}
 Santiago Estada y Juan Corroyo con
 quienes actuó en receptoria à falta de
 Escribano Público q.^e no lo hay según
 otro. Dayfee. Casarín.

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Juan Arroyo # Santiago Estada
Dello Tercero Dos Reales. Habilitado
provisionalmt. por la administracion
de la Aduana maritima de Monterey
para los años de mil ocho cientos treinta
y cuatro y mil ocho cientos treinta y cinco
Seguieroa

Rafael Gonzalez

la fha de devolvir este expediente al
interesado con ocho fojas utiles y para
constancia lo puse por nota que rubrique

Sello Tercero

Dos Reales

Para los años de mil
seis y ochocientos

ochocientos veinte y
veinte y siete

Proposicion de la comision Testimonio

De aprueba la consecion hecha al Sr Juan
Malarin del paraje nombrado los "Correos"
ampliacion al Rancho de Guadalupe con
cedido en diez de Setiembre de mil ocho cientos
treinta y cinco. José Castro.

Acuerdo de Monterey veinte i nueve de Agosto
la E. Dipu^{ca} Sto de mil ocho cientos treinta y
cinco. En sesion de hoy se aprueba el dictamen
de la Comision con la proposicion antee-
dente en q. concluye, i se acuerdo, pase al Sr
Jefe Politico p. a su conclusion. José Castro
José M^a Maldonado Seco. Monterey veinte
y nueve de Agosto de mil ocho cientos treinta
y cinco. En vista de la aprovacion otorgado
en el dia de hoy p. la E. Diputacion Terri-
torial librese testimonio de ella i de este
decreto a la parte Sr Juan Malarin en
Decreto del, confirmacion a la consecion del
S. S. Politico terreno conocido con el nombre
de Guadalupe con el ausnento del llano
de los Correos cuya primera consecion
la obtuvo por decreto de diez y ocho de

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Mayo de mil ochocientos treinta y tres i heci
 la segunda con la ampliacion de dholl
 no de los correos en diez de febrero de mil
 ochocientos treinta y cinco. El Sr. D. Jose
 Figueroa Jefe Politico del Territorio de
 la Alta California asi lo mandò de creto
 i firmò de lo que doy fe. Jose Figueroa
 Jefe del Castillo Negro de Cerro. Con-
 cuerda à la letra con su Original
 que queda archivada en esta Secretaria
 de mi cargo, del Gobierno Politico en el
 legajo de Expedientes sobre terrenos apro-
 vados por la Excm. Diputacion se-
 ñalado con el numero uno al que me
 remito. Monterey à dos de Septiembre
 de mil ochocientos treinta y cinco

Jefe del Castillo Negro.

Dis: 12^o pago Dello tercero Dos Reales:
 Habilitado provisionalmente por la ad-
 ministracion de la aduana maritima
 de Monterey de la Alta California, para
 los años de mil ochocientos treinta y
 cuatro y mil ochocientos treinta y cinco
 Casho.

Angel Ramirez

Sr. Alcalde Constitucional
 Juan Malvarin, segdo. Teniente de la
 Armada nacional ante V. dice: Que
 havendo obtenido la concesion propia
 del terreno conocido con el nombre del
 llano de los correos, ocurre ante V. para
 que se sirva darle la posesion juridica
 conforme esta prevenido en el articulo 4^o
 del titulo que se le espicio en diez de fe-
 brero de este año que devidamente a-
 compañía e igualmente la conformacion
 respectiva y posesion del de Guadalupe

para que todo obre los efectos deseados. Por
tanto C. U. se sirva ponerlo en la pose-
cion que solicita en lo que se citara jus-
ticia. Monterey 30 de Oct. de 1835
Juan Malarin. # Monterey Die: 1.º de 1839.
Por presentado y admitido procedase p.
mi el Alcalde P. Constitucional a la
medicion señalamto. de linderos y proce-
cion judicial que solicita el interesado
en esta instancia señalando se para efe-
ctarlo el dia nueve del presente mes,
para lo q. se citaron con boleto de com-
parendo a los colindantes. Asi yo, el Alcalde
P. constitucional de esta demarcacion
lo decreté, mandé y firmé con los de as.

J

as.

David Spence

asa

José Maria Maldonado # José Joaquin Gomez
En la fha se le notifico el antecedente
auto al B. Juan Malarin y entendi do dijo
lo que se da por citado y q. no tiene
colindante a quien el Juzgado cite y lo firmo
conmigo y los de as.

M.

David Spence # Juan Malarin
José Maria Maldonado # José Joaquin Gomez
En el Rancho de Guadalupe a los nueve
dias del mes de Diciembre de mil ocho
cientos heintaycinco en cumplimiento
del auto de 1.º de Nov.º nombre por medi-
dores a los ciudadanos Guadalupe Can-
tua y Vicente Teely quienes previ a la
aceptacion y juramento (Dello ter cero Dos
Reales) Habilitado por provision alnt.º por la
administracion de la Aduana Maritima
de Monterey de la Alta California para
los años de mil ocho cientos heintaycinco
y mil ocho cientos heintaycinco.

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M.

Basto # Rafael Angel Ramirez
procederan al desempeño de su encargo
y para que conste lo firme con los de a.s.^a

De a.s.^a Opence

Jose Maria Maldonado # Jose Joaquin Gomez
En la misma fha se les notifico a los medi-
dores el auto de su nombramiento y en-
tendidos dijeron lo oyen y aceptan y a-
ceptaron dicho encargo y juraron por
dios nuestro Señor y la señal de la Santa
Cruz de usarlo fiel y legalment^e a todo
sulleal saber y entender sin fraude con
la persona alguna y no firmaron por
no saber lo hizo yo y los de a.s.^a

M

De a.s.^a Opence

Jose Maria Maldonado # Jose Joaquin Gomez
Incontinento yo el referido Alcalde man-
de, haber a mi presencia el cordel con
que se han de medir las tierras y que los
medidores lo midan de cincuenta varas
y lo firmo con los referidos testigos de
asistencia. Opence.

M.

De a.s.^a

De a.s.^a

Jose Maria Maldonado # Jose Joaquin Gomez
Inmediatamente, en presencia de mi
referido Juez, los expresados medidores
tomaron un cordel de mecate y con una
vara de medir usual mexicana a midie-
ron cincuenta varas para hacer la refe-
rida medicion y para constancia lo
anote y rubrico. En el mismo parage
dia mes, y año siendo las diez de la ma-
ñana yo el presente alcalde de primer
nominacion de Monterey mande a los
medidores nombrados se dispongan
para la medida de tierras de amplia-
cion q^e se le han de hacer al Ciudad.

R.

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Juan Malarin y puestos en el Arroyo nom-
brado Rincon de Guadalupe linderos del
mismo Rancho comensó la medicion para
Sello Tercero (Dos Reales) Habilitado pro-
visionalmt. por la Administracion
de la Aduana Maritima de Monterey de
la Alta California, para los años de
mil ochocientos treinta y cuatro y mil
ochocientos treinta y cinco.

Castro.

Angel Ramirez
el Este hasta el Arroyo de los correos y
hubo sesenta cordeles de à cincuenta
varas, y para medir el ancho se comenzo
desde la Villa del Rio al acabar el llano
de los correos siguiendo del Norte para el
Sur, hasta llegar à la Sierra y hubo cua-
renta y seis cordeles de la misma medi-
da con cuyas mediciones, mande se for-
masen las mojoneras correspondientes
q. señalen los linderos q. le pertenesen.

El terreno medido de ampliacion cor-
responde à un poco menos de medio sitio
de ganado mayor, y lo firmo con los citados
testigos de asistencia. David Spence
José María ^{u.s.a.} Maldonado # José Joaquín ^{u.s.a.} Gomez

En el terreno de ampliacion nombrado
el llano de los correos à los nueve dias
del mes de Diciembre de mil ochocientos
treinta y cinco, yo el nominado
alcalde de primera nominacion D.
David C. Spence, despues de practica-
das las medidas del terreno que se le
ha conoedido en ampliacion por las q.
resulto tener poco menos de medio sitio
de ganado mayor, con lo demas que
consta de autos mande q. enrase

J

el C. Juan Malarii en pacifica posesion del nominado terreno bajo las medidas citadas y formalidades acostumbradas en estos casos; lo que verifico de luego a luego arrancando yerbas, esparciendo puñadas de tierra y haciendo otras ceremonias y actos de posesion en señal de lo q. dijo tomar y q. tomara de otras tierras cuya validacion lo autorisó y firmo con los testigos de as^a.

David Spence

^{asa} José Maria Maldonado / ^{asa} José Joaquín Gómez
Monterey 10 de Diciembre de 1835
Tomese razon en el libro de posesiones y devuélvase este expediente Original al interesado p^a q. (Delo tercero Dos Reales) Habilitado provisional^{te} por la administracion de la Aduana Maritima de Monterey de la Alta California para los años de mil ocho cientos treinta y cuatro y mil ocho cientos cuarenta y cinco.

Castro. #. Angel Ramirez,
le surra de titulo. Asi yo el alcalde de primera nominacion de esta Capital lo decreté, mandé y firmo con los de as^a.

David Spence

^{asa} José Maria Maldonado / ^{asa} José Joaquín Gómez
En la misma fha se tomo razon de este titulo en la # 9^a del libro respectivo y se devolvio el exped^{te} orig^l al C. Juan Malarii en cumplimiento del auto antecedente y para constancia lo anoto y rubrico
Filed in Office Ap^o 2nd.

Geo. Fisher Secy.

Seal of the First Class. Six dollars.

Prometation

"D"

Authorized provisionally by the Collector of
the Custom House of Monterey, Upper California
for the year. One thousand Eight hundred and
thirty four and one thousand Eight hundred and
thirty five.
(signed) Figueroa. (signed) A. Remirez.

José Figueroa Brigadier General of the Mex-
ican Republic, Commandant General Inspector
and Superior Political Chief (Governor) of Upper
California.

Whenas Don Juan Malerin a second
Lieutenant of the National Militia has solicited
for his personal Compté and that of his family
the land known by the name of "Tierras de los Comas"
as an addition to the land called "Guadalupe"
granted to him by a decree of Eighteenth Novem-
ber One thousand Eight hundred and thirty three
which was confirmed to him by the most Excellent
Supreme Deputation on seventeenth of May one
thousand Eight hundred and thirty four Com-
and by the Pueblo de la Soledad the ranchos of
Buenavista the river of Monterey and the
mountains the requisite proceedings and inves-
tigations having been previously taken and
made in conformity with laws and regulations
I have in virtue of the powers conferred upon
me in the name of the Mexican Nation by a decree
of this date granted the said land of Tierras de
los Comas as an addition to that of Guadalupe
unto the said Juan Malerin declaring unto him
the ownership thereof by these present letters
it being understood that said grant of addition
is made in entire conformity with the regu-
lations of the laws subject to the approval

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or disapproval of the most Excellent Provincial
Regulation, and of the Supreme Government and
on the following Conditions.

1st. That he submit to those which may be es-
tablished by the Regulations to be made respec-
ting the Distribution of vacant Lands and that in
the meantime neither the grantee nor his heirs shall
divide nor alienate the land granted to him impro-
perly (without Cause) Contract (without), Concession
(without), Mortgage, or any other encumbrance al-
though it may be for pious purposes nor transfer
it to Mortmain.

2^d. He may enclose it without prejudice to the
Crossings, roads and privileges he shall enjoy, public
and Ecclesiastical, assisting it to the use and Cultiva-
tion which may suit him; but within one year
at farthest he shall cause a fence and it must
be inhabited.

3^d. When the ownership of the addition is
confirmed to him he shall obtain the respective
Magistrate to give him Judicial possession in
virtue of this title and said Magistrate shall
designate the boundaries and the limits which he
shall cause the land marks place some fruit trees
or cold and of some utility.

4th. The land value of addition is made to him
and that granted before Ancestors of two years
before (was then the Governor Major) a title
incurable as appears by the plot Annals to
the proceedings. The Magistrate who gives
possession shall cause it to be measured according
to law in order to designate the boundaries and
the Surplus which may result shall remain
for the Mexican Nation for the next ten years.

5th. If he transgresses these Conditions he shall
lose his right to the land and it may be alienated
and

by another & consequently Command that this
present being him as a title and being had to be
firm and valid be observed in the ensuing book
and returned to the party interested for his safety
and further ends. Given in Montevideo on the
tenth day of ~~November~~^{February} and thousand Eight hundred
and thirty four.

(Signed) Figueroa, Lynch, Augustin Zamorano Secy.

A record of this title has been made in
the books of Entries of Titles upon the assigna-
tion of lands at folio Sixty two hundred Sixty
which is kept in the Secretary's office under
my charge. Montevideo, tenth of February
thousand and thirty four.

(Signed) Zamorano.

Seal of the third class. Two reals.

Authorized provisionally by the Collector of
the Custom House of Montevideo for the years
Eight hundred and thirty four and Eight hundred
and thirty five.

(Signed) Figueroa. (Signed) Rafael Ansarola

Proposals of the Commission on vacant
lands appointed by the Most Excellent Dipu-
tation.

Read. The grant made to Citizen Juan
Malarin of the land called Sanjones under
that of Guadalupe granted on the twenty second
of May Eight hundred and thirty three
in virtue conforming with the law of Eighteenth
of August Eight hundred and twenty four
and with the article fifth of the regulations
of twenty first of November Eight hundred
and twenty eight is approved.

Resolution of the Most Excellent Diputacion
Montevideo, thirteenth of May Eight hundred

thirty four. In the Session of to day the most Excellent Representation approved the proposal which class the preceding opinion of the Committee and it was resolved that this Cedula be returned in order to be concluded to the Superior Political Chief - Jose Figueroa. Juan Pantoja Alvarado Secretary.

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Order of the Political Chief -
Montuys Eusebio of June Eighteen hundred and thirty four. In view of the approval granted on the twentieth day of last May by the most Excellent Provincial Representation in a testimony thereof and of this order be given to the party of Mr Juan Malon in confirmation of the grant of the land called Guadalupe which he obtained on the eighteenth day of May Eighteen hundred and thirty three. D. Jose Figueroa Superior Political Chief of Upper California. D. D. Thus Commanded Order and Sign Mine of. I give testimony Jose Figueroa. Augustin Zamorano Secretary.

The foregoing is a tutrial copy of the original from which I made the present copy to let take for safety to the party interested. Montuys Eusebio of June Eighteen hundred and thirty four. Witnessed by Citizens Augustin Zamorano and Bernabe Navarro of this my neighborhood. In testimony of truth (Signed) Jose Figueroa (Signed) Augustin Zamorano.

Seal of the Third Class. Two seals.
Authorized provisionally by the Collector of the Custom House of Montuys Upper California for the years Eighteen hundred and thirty five. (Signed) Figueroa.

(Signed) A Ramon.

At the Alcalde of Monterey.

Juan Malarin a Mexican Citizen, Captain & Lieutenant of the National Militia, says. That having obtained the proper grant of the land known by the name of Rincon de Guadalupe he requests that you would be pleased to give him judicial possession thereof in conformity with the requirement of the 3^d article of the Title to said Land which was given on the twenty sixth and of May Eighteen hundred and thirty three and which is duly accompanied together with the respective approvals in order that the whole may produce the desired effect. Therefore I request that you would be pleased to give me the possession which I solicit, whereby I shall receive favor and justice &c.

Montreal June the 14th 1834.

(Signed) Juan Malarin.

Montreal 15th of June 1834. In virtue of the preceding petition of the present Judge will proceed to the measurement, designation of boundaries, and judicial possession solicited by the party interested in this petition being as the day for putting it into execution the Eleventh of August. in order of which the neighboring land holders shall be summoned. Thus I the Judge of first Instance did Acero Command and sign with the assisting witnesses. Attest

(Signed) Manuel Jimeno Casarin
Assisting witness - assisting witness

Quemob Alacran. José Amato.

In this date Citizen Juan Malarin was notified of the foregoing decree, and having understood it said that he heard it and asked and himself as summoned signing it with

me and the Assisting Witnesses - Signed Casarin
 (Signed) Juan Malerin
 Assisting Witness Assisting Witness
 Juan B. Alvarado Jose Amador.

On the same day the Summons served in
 the foregoing decree were dispatched and
 in testimony whereof I wrote it down and
 sign with my Seal or flourish.

(Signed) with the Alcalde's Seal.

In the Rancho of Guadalupe, on the Eleventh
 the day of August Eighteen hundred and thirty
 four in fulfillment of the decree of Eighteenth
 of June of the present year being present cit-
 izens, Mariano Estrada, Juan Amargueta, and
 Prudencio Espinosa the second with a power
 of attorney of the Mission of La Soledad and
 the third also with that of the Mission of San
 Carlos and all these three persons were present
 there as owners of the adjoining ranchos, sum-
 moned to witness the measurement, designation
 of boundaries and possession. I appointed
 as measurers Citizens Guadalupe Cantua
 and Juan Ruiz who after accepting the
 appointment, and taking oath were proceed to
 comply with their Commission.

Thus I the Alcalde did decree and
 and sign with the Assisting Witnesses -

(Signed) Casarin -
 Assisting Witness Assisting Witness
 Juan Arayo, Santiago Estrada.

On the same date the foregoing decree was
 notified to the adjoining land owners who
 having understood the same said that they

heard it and signed with me and the assisting
witnesses - signed - Casarin.

Assisting witness signed, Jose Mariano Estrada
Santiago Estrada assisting witness.
Juan Arroyo.

Auto I saw Auto the foregoing decree of
appointment of measurers and notified to City-
ens Guadalupe Cantua and Juan Rios who
having understood it said that they accepted it
and did accept it and sworn by the Lord
our God and the sign of the Cross that they would
exercise the functions of said appointment faith-
fully and legally to the best of their knowledge
and ability without fraud towards any person
and they did not sign because they said that
they could not write and I signed with the
assisting witnesses.

(signed) Casarin.
Assisting witnesses assisting witness
Juan Arroyo Santiago Estrada.

At the same moment I the said Judge or
and the end where with the land was to be mea-
sured to be brought into my presence and that the
measurers should make it of the length of fifty
varas and signed with the assisting witnesses

(signed) Casarin -
Assisting witness assisting witness
Juan Arroyo Santiago Estrada.

Immediately in presence of me the said Judge
the said measurers took a humphead and
with a common Indian vara rod measured
off fifty varas to make the measurement with
in testimony whereof I affixed my seal.

(signed) with the Alcalde's seal.

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On the same date and Rancho being at eight
o'clock in the morning the said Judge com-
manded the appointed measurers to get ready to
measure the land granted to City in Juan Malerin
and placing themselves on the west the place
of the landmarks the measurement was com-
menced going Eastward until the Cross of San
de Guadalupe, to whose tree hundred and eight
ends of fifty varas ^{were} counted, then following with
the said measurer and running from the South
to the North until the River to whose thirty ends
of fifty varas were counted and the said measurer
is declared that the land measured is less than
one square league (San Pedro de Guadalupe Mayor)
because one (San Pedro de Guadalupe Mayor) has twenty
four millens of square varas and the land
mark of the West was a round hole to Mr.
Juan Malerin and the land mark of the East
the said Cross of Guadalupe to the South the
ends of the said Rancho and to the North the
banks of the River at which points I ordered
the corresponding land marks to be formed. Being
annexed to these proceedings the plan of the land
measured in testimony whereof I signed it with
the assisting witnesses -

(Signed) Casimiro
Assisting witness Casimiro
Juan Anayo Santiago Estrada.

On the said Rancho and on the same day
and year, Mr. Juan Malerin of Montefacem
Jefe of the Suage of first Instance of this
part of Montefacem and witnesses, said the said
Mr. Juan Malerin that being measured the
land of this Rancho as aforesaid he took and
did take the true and legal possession of

1931

the said lands measured. Because they belong to him by right title which he had of the grant made to him by the Superior Political Chief of the Territory on the 22^d day of May of last year in virtue of the promise conferred on him on the 3^d of January of last year and by the appellation made of it by the most Excellent Deputation of this Territory on the 14th day of May of the present year he walked on them sown up grass and made other demonstrations and acts of possession by which he said he took possession of the land. And the said Judge of 1st Instance ordered that from that time the said Juan Malerin was considered as owner and possessor of the land. The said Juan Malerin asked the Judge of first Instance for a decree of all the proceedings as a memory of the ^{time} to come and a preservation of his rights which was thus authorized with the existing witnesses and was signed by Citizens Santiago Estrada and Juan Arroyo, with fact by delegation (reception) for want of notary public according to law.

Attest (signed) Casarín
 Assisting witness Assisting witness
 Juan Arroyo. Santiago Estrada.

On this date this Expedient was returned to the party interested with 8 useful folios in testimony whereof I wrote down with my scroll.

(signed) With the Judge's scroll.

Seal of the third class. Two marks.

For the years Ciptun humana and twenty six, and Ciptun humana and twenty seven

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Testimony.

Real for 1828 & 1829

Proposals of the Committee on vacant lands appointed by the Most Excellent Representation.

Real for 1830 & 1831

The grant made to Citizen Juan Malvarin of the land called Las Comas as an addition to the

Real for 1832 & 1833

Sancho of Guadalupe granted on the 18th of September Eighteen Hundred and thirty five is approved. - Jose Castro.

Real for 1834 & 1835

Resolution of the Most Excellent Representation. Montevideo twenty ninth of August Eighteen Hundred and thirty five. In the Session of to day the Most Excellent Representation approved the proposals which pass the preceding opinion of the Committee and it was resolved that this Expediente be returned in order to be concluded to the Political Chief. Jose Castro Jose Maria Maldonado Secretary.

Decree of the Political Chief.

Montevideo the ninth of August Eighteen Hundred and thirty five. In view of the approval granted in the Session of to day by the Most Excellent Representacion, Let a testimonny thereof and of this Decree be given to the party of Citizen Juan Malvarin in confirmation of the Grant of the land known by the name of Guadalupe with the addition of that of Las Comas having obtained the first grant on the Eighteenth of May Eighteen Hundred and thirty three and the second with the addition of the said Llanos de las Comas on the tenth of February Eighteen Hundred and thirty five - D. Jose Pujana

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Political Chief of Upper California did thus Com-
mand Alvaro and Iyer which I attest. José
Piquero. Francisco de Castells by note Secretary.

The foregoing is a tutored copy of the
original filed in this Secretarys Office of the
Political Government in the Ciudad of Espejan-
tes. Respecting lands approved by the most
Excellent Deputation marked number one
which I refer. Montroy September the second
Eighteen Hundred and thirty four.

(Signed) Francisco de Castells by note

Seal of the third Class. Two marks.

Authority provisionally by the Collector
of the Montroy Custom house of Montroy Upper
California for the years Eighteen Hundred and
thirty four and Eighteen Hundred and thirty
four.

(Signed) Castro, (Signed) Anjel Ramon.

To the Alcalde of Montroy.

Juan Malerin Servo Intendant of the National
flut says. That having obtained the proper
grant of the land known by the name of Llano
de las Cruces he requests that you would be
pleased to give him judicial possession thereof
in Conformity with the requirements of the 14th
Article of the Title to said land which was given
on the tenth day of February of the present year
and which is duly accompanied together with the
respective Approvals and possession of that of
Guadalupe in order that the whole may produce
the desired Effect. And therefore I request that you
would be pleased to give me the possession
which I solicit whereby I shall receive favour
and justice. Montroy 30th of October 1835

(Signed) Juan Malerin.

Monteuy 1st of December 1855

Considered as presented and admitted
 I the present Alcalde took prece to effect the
 measurement, designation of boundaries and
 judicial possession, solicited by the party inter
 Estad in this petition, filing as the day for putting
 it into execution the ninth of the present month
 in order of which the neighboring land holders
 shall be summoned. Thus the Constitutional
 Alcalde of this township, did decree command
 and sign with the assisting witnesses -

(Signed) David Spence,

Assisting witness

Jose Maria Maldonado

Assisting witness

Jose Jaquin Gomez

On the same date Citizen Juan Malerin was no
 tified of the foregoing decree and having under
 stood it said that he heard it and considered
 himself as summoned and that there is no neighboring
 land holder to be summoned by the Decree, sign
 ing it with me and the assisting witnesses.

(Signed) David Spence

(Signed) Juan Malerin,

Assisting witness

Jose Maria Maldonado

Assisting witness

Jose Jaquin Gomez

In the Rancho of Guadalupe on the ninth
 day of December Captain General and thirty
 five in fulfillment of the Decree of the 1st
 of November I appointed as measurers Citizens
 Guadalupe Cantua and Vicente Gil, who after
 accepting the appointment and taking oath will
 proceed to comply with their Commission and I
 signed with the Assisting witnesses -

(Signed) Spence,

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Assisting Witness
Jose Maria Maldonado

Assisting Witness
Jose Joaquin Gomez

On the same date the Oath of Appointment was sworn to the Messengers and having understood it said that they heard it that they accepted it and did accept it and swore by the Lord our God and the Sign of the Cross that they would Exercise the functions of said appointment faithfully and legally to the best of their Knowledge and ability, without fraud towards any person and they said did not sign because they said that they could not write and I signed with the Assisting Witnesses
(Signed) I June.

Assisting Witnesses

Assisting Witnesses

Jose Maria Maldonado Jose Joaquin Gomez

Immediately after the said Alcaldes order to the Cord where with the land was to be measured to be brought into my presence and that the measurers should make it of the length of fifty varas and I signed with the Assisting Witnesses -
(Signed) I June.

Assisting Witnesses

Assisting Witnesses

Jose Maria Maldonado Jose Joaquin Gomez

Immediately in presence of me the said Judge the said Messengers took a Limpun Cord and with a Common Mexican vara red measured off fifty varas to make the measurement with testimony whereof I affixed my seal.

(Signed) With the Alcaldes seal.

On the same spot day month and year being at the October of the day. I the said Alcaldes of the first Annuation of Montevideo

the appointed measurers to get ready to measure the land of addition to Citizen Juan Malerin and placing themselves on the track called Rincon de Guadalupe. the Comandante of said Rancho the measurement was commenced going Eastward until the brook of Las Conchas to where sixty cords of fifty varas were counted and for measuring the width the measurement was commenced from the banks of the river going from the North to the South towards the hills and forty six cords of fifty varas were counted. these measures made I ordered the corresponding land marks to be formed for the designation of the boundaries belonging to him. The land of addition measured corresponds to little less than half sitio a ganada mayor. and I signed with the assisting witnesses.

(Signed) David Spruce.

Assisting Witnesses Assisting Witness
Jose Maria Maldonado Jose Saaguin Gomez.

On the additional land called the Lano de las Conchas on the ninth day of December eight hundred and thirty five. I the Alcalde of the just government Citizen David Spruce after having concluded the measurement of the land of addition granted which gave a result of less than half (sitio a ganada mayor) with all that appears in the proceedings I Commanded that Citizen Juan Malerin should enter into peaceful possession of said Rancho according to the aforesaid measurement and the former Customary in like cases which he put into Execution immediately tearing up grass and making demonstrations as owner of the land. with which he said that he took

and ditto possession of said lands the
validity of which I authorize and sign with
the assisting witnesses.

(signed) David Spence,
Assisting Witness Assisting Witness
Jose Maria Maldonado Jose Joaquin Gomez

Montreal 10th of December 1855

Let a record be made in the
book of possessions and let this original
Espediente be returned to the party interested
that it may serve him for a title. Thus I the
Alcalde of the said nomination of this Cas-
tles did here command and sign with
the assisting witnesses

(signed) David Spence,
Assisting Witness Assisting Witness
Jose Maria Maldonado, Jose Joaquin Gomez.

On the same date a record was made of this
title in the 5th folio of the respective book
and the original Espediente was returned to
Citizen Jean Malan in fulfillment of the
preceding decree in testimony whereof I do
to draw and sign with my scroll,

(signed) with the Alcalde's scroll.

Filed in Office April 2nd 1852.

(signed) Geo. Fisher Secy.

45

1894

1894

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Exhibit No 1 annexed
to deposition of S
Spencer

⁴
Testamento de Juan Malvar
otorgado el 1.^o de Septiembre de
1848.

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En el nombre de Dios Todopoderoso. Amen
Yo Juan Malarin, natural de la ciudad
de Lima y vecino de este puerto hijo legi-
timo de legitimomatrimonio de D. Nicolas
Malarin y de Doña Cecilia Aron, di-
funtos naturales tambien de Lima
hallandome por la Divina misericor-
dia bueno y sano, y en mi entero juicio
creyendo y confesando, como firmemente
creo y confieso el misterio de la Trinidad
Padre, hijo y Espiritu Santo tres personas
que aunque realmente distintas, tienen
los mismos atributos, y demas misterios
y sacramentos que cree y confiesa nuestra
Santa madre la Iglesia Catolica
apostolica Romana en cuya verdede
ca fe y creencia he vivido, vivo y protesto
morir, como catolico fiel cristiano, toma-
do por mi intercesora y protectora a la
siempre Virgen e inmaculada Reina
de los Angeles maria Santisima
madre de Dios y Señora nuestra
del Santo Angel mi custodio, los do
mi nombre y devocion, y demas de la
corte celestial para que impehen de
nuestro Señor y Redentor Jesu Cristo
que por los infinitos meritos de su pre-
ciosa vida, pasion y muerte me
perdone todas mis culpas, y lleve mi alma
a gozar de su presencia. temeroso de la
muerte, que es tan natural y precisa
a toda criatura humana, como incierta
su hora por estar prevenido con disposi-
cion testamentaria cuando llegue:
resolver con maduro acuerdo y reflexion
todo lo concerniente al descargo de mi

conciencia; evitar con claridad las dudas y pleitos que por su defecto pueden suscitarse despues de mi fallecimiento y no tener à la hora de este algun cuidado temporal que me obste pedir à Dios de todas veras la remision que espero de mis pecados: otorgo, hago, y ordeno mi testamento en la forma siguiente: Encomiendo mi Alma à Dios nuestro Señor, que de la nada, lo erio y mandò el cuerpo à la tierra de que fue formado; el cual hecho cadaver, quiero se amortage del habito de nuestro Orapico Padre San Francisco y sepulte en donde mis dolientes conozcan. Es mi voluntad que el dia de mi entierro siendo hora y si no en el inmediato se celebre por mi alma Misa cantada de cuerpo presente. Declaro me hallo casado legitimamente con D^a. Josefa Estada en cuyo matrimonio hemos procreado y tenemos por nuestros hijos legitimos à Isabel, Mariano, Concepcion, Ramona, Urbano, Maria, Refugio, Josefa Christina y Ignacio Malario, menores en la edad pupilar, menos el Lic: mi hijo Mariano, y Concepcion que es casado de los cuales y de los demas que procrearemos constante el, usando de las facultades, que me confiere la ley 3^a tit: 16 de la Partida 6. nombro à mi hijo el Lic: D. Mariano Malario por tutor y curador de mis menores hijos: Por lo q^{ue} suplico el señor Juez ante quien se presente testimonio de esta clausula apruebe y confirme este nombramiento.

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Declaro tener una casa en esta poblacion
 que es en la que habito. Item Declaro
 tener un rancho llamado Guadalupe
 el cual contiene seis sitios poco mas
 de ganado mayor, con dos casas de
 adobe una techada con teja y la otra
 con tule, y dos corrales. Item Declaro
 tener tres mil reses poco mas o menos
 entre rodeado y chichiguis. Item. De-
 claro tener en poder de D. Anastasio
 Carrillo setenta y seis Yeguas, las que
 tiene con la tercera parte de la na-
 ciencia desde el año de 1843. y consta
 por su carta que esta incluida en este
 mi testamento. Item. Declaro tener
 en poder del hijo de Juan Rosales
 una manada aburrada por el sueldo
 que consta en el libro de cuentas del
 Rancho y todos las Yeguas, mulas
 y caballos que tengan mi fierro. son
 de mi propiedad, menos el burro
 que pertenece a D. Antonio Ma. Osio
 Item Declaro de bono el Gobierno
 Mexicano la cantidad de Sete mil
 doscientos ochenta y dos pesos, seis re-
 ales tres gr. como consta por el certifi-
 cado del D. Tesorero que va incluido
 en este mi testamento. Item Decla-
 ro tener en mi rancho quinientas boti-
 egas de mi pertenencia y setenta
 que estan unidas a las mias son de
 la propiedad D. David Spencer.
 Para cumplir todo lo que contiene
 este testamento, nombro por mis al-
 baceas testamentarios, a mi Esposa
 D^a Josefa Estada a mi hijo el Sr

Don Marciano Malarii y à mi hijo Político D. Rafael Estrada que se halla casado con mi hija Concepcion y cada uno en solido y les confiero amplio poder para que luego que fallezca se opoderen de mis bienes. Hago presente à mis referidos albaceas que si posterior à la fecha que otorgo este testamento adquiere alguna deuda, ya sea p. documento mio ò que aunque en este lo acredite persona de conocida propiedad con quien pueda tener cuenta convenientemente sea pagado de mis bienes. Sustituyo por mis sucesores y universales herederos à los expresados, Isabel, Mariano, Concepcion, Ramona, Urbano Maria, Refugio, Josefa Cristina y Ignacio Malarii mis diez hijos, y de la referida Doña Josefa Estrada mi mujer: y à los demas descendientes de legitimo matrimonio que tubiese al tiempo de mi muerte y deban heredarne, para que los hayan y lleven por su orden y grad segun su representacion y lo dispuesto por las leyes, con la bendicion de Dios y la mia. Y por el presente revoco y anulo todos los testamentos y demas disposiciones testamentarias que antes de ahora he formalizado por escrito, de palabra ò en otra forma, para que ninguno valga ni haga fe judicial ni extrajudicial excepto este testamento que quiero y mando se estime y tenga por tal y se observe y cumpla todo lo contenido como mi ultima debida voluntad ò en la ra y forma que

mejor lugar haya en derecho: Asi lo otorgo y firmo à primero de Setiembre de mil ochocientos cuarenta y ocho; siendo testigos de su otorgamiento los vecinos de este lugar D. David Spence, D. Santiago Watson, Don José, Amesto, D. Salvador Murras, y D. Rafael Sanchez.

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D. Spence # Juan Malario.
Santiago Watson # Rafael Sanchez
Salvador Murras. # José de Amesti

Filed in Office March 29th 1853

Geo. Fisher Secy

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Juan Malanin
will

Translation

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In the name of Almighty God Amen.
 I, Juan Malanin born in the City of
 Lima, and a resident of this port legitimate
 Son of the lawful wedlock of Don Nicolas
 Malanin and of Doña Celdia Piron deas-
 ed, natives also of Lima, being by the grace of
 God of sound mind and full judgement do
 hereby confess as I firmly believe and
 confess, the mystery of the Trinity, Father, Son
 and Holy Ghost three persons, who although re-
 ally distinct have the same attributes and the
 other mysteries and sacraments which I believe
 and confess, our Holy Mother the Catholic Apos-
 tolic Roman Church in whose true faith and
 belief, I have lived, live and hope to die as a faith-
 ful Catholic Christian, taking for my intercessor
 and protector the Ever Virgin and immaculate
 Queen of the Angels, Mary most Holy, Mother of
 God and our Lady, of the Holy Angels my Guardian
 those of my home and Abode and the others
 of the Christ's Court, that they impetrate of our
 Lord and Redeemer, Jesus Christ, that by the
 infinite merits of his precious life, passion and
 death, he pardon me all my sins and take my
 soul to enjoy his presence, fearing death which
 is natural and necessary to every human creature
 and as its hour is uncertain, in order to be prepared
 and with a testamentary disposition when to come
 to resolve with mature deliberation and reflection
 whatever rests on my conscience to avoid with
 clearness the doubts and disputes which may
 arise for want of it after my death and not to
 have at the hour of my death, any temporal
 care which might interfere with my asking of the
 God of all truth the remission which I hope of
 my sins, I declare make and ordain my will
 in the following form. Recommending my

EXOF

soul to God our Lord, who made it from nothing
 and consigning the body to the earth of which
 it was formed, which body I desire may be en-
 shrouded in the dress of our Seraphic Father
 San Francisco and buried when my soul remains
 may consign it.

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It is my will that on the day of
 my burial if I am permitted & if not on the next day
 there be celebrated for my soul "Missa Cantada ad
 Corpus Presente". I declare that I am legitimate
 by marriage to Dona Josefa Estrada in which
 I make it in law legitimate and have as legitimate
 children Isabel, Mariano, Emerencio, Ramona
 Urbano, Maria, Refugio, Josefa, Cristina and
 Agustin Malerin, minors subject to Guardian
 Ship. Except the Legitimate, my son Mariano and
 Emerencio, who is married, of whom and those
 whom I may legit but known, I assign the power
 and command on my day Dec. 3. 1844 of Portada to
 appointing my son the Legitimate Ben Mariano
 Malerin tutor and Guardian of my minor chil-
 dren. Wherefore I pray the Judge before whom tes-
 timony of this clause may be presented to approve
 and confirm this appointment. I declare that
 I own a house in this town which I now inhabit
 I own. I declare that I own a rancho called
 "Guadalupe", which contains a little more than six
 square leagues, with two adobe houses, one covered
 with tile, and the other with tule and two corrales.
 I own. I declare, that I have three thousand
 head of cattle, a little more or less, including great
 & small.

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I own. I declare that I have in the possession
 of Don Antonio Carillo twenty six mares of which
 he is to have one third of the increase since 1843
 as shown by his letter which is retained in

this my will.

Item - I declare that I have in the possession of the son of Juan Pasalus a band of mares with foals as shown by the entry in the Book of accounts of the Rancho, and all the mares, mules and horses which have mijion are my property except the foals which belong to Don Antonio Maria Osio.

Item - I declare that the Mexican Government owes me the sum of \$7,252. 1/2, as shown in the Certificate of the Treasurer included in this my will.

Item - I declare that I have in my rancho 500 Sheep belonging to me and 1/2 with the others which belong to Don David Sance.

To carry into effect what is contained in this will I appoint for my testamentary Executors my wife Dona Josefa Estrada, my son the Lieutenant Don Mariano Malerin and my son in law Don Rafael Estrada, the husband of my daughter Concepcion and each one in solidum, and I confer on them ample powers to take possession of my property immediately after my death.

I direct my said Executors that if subsequent to the date of this will any debt is contracted whether by my written documents or proved by the testimony of a person of known probity, its be paid from my property.

I constitute as my only and general heirs the said Isabel, Mariano Concepcion Ramona Mariano Maria Refugio, Josefa, Cristina and Ignacio Malerin, my two children, and my said wife Dona Josefa Estrada and the other legitimate descendants which I may have at the time of my death, and who may be entitled to inherit, to have and to hold according to the

order grade and representation of each and as
provided by law with the blessing of God and of
me.

And I revoke and annul all wills and tes-
tamentary dispositions made by me and hitherto
in writing, by word of mouth or in any other manner
that they shall have no validity in Court or extra
Judicially except this will alone which I pray
and direct to be considered, viewed and observed
in all its parts as my last will, in the way & form of
Law.

Thus I order and sign, this just day
of September 1818, being witnesses of its
execution, the residents of this place, Don David
Spence, Don Santiago Watson, Don Jose
Amato, Don Salvador Munras, & Don Rafael
Sanches,

Juan Malasón

David Spence
Santiago Watson
Salvador Munras
Jose Amato
Rafael Sanches

Filed in office April 9. 1858.

(Signed) Geo. Fisher Secy.

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560E
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48 I. O. D. N. Numero 1. José Figueroa General de
Brigada de los Ejercitos Nacionales
Mexicanos, Comandante General Inspector
y Jefe superior Politico de la Alta Ca-
lifornia. Por cuanto D. Juan Malo-
sin segundo Teniente honorario de la Ar-
mada Nacional ha pretendido para su
beneficio personal y el de su familia el
terreno conocido con el nombre de Guadalu-
pe colindante con el Rancho de Langones
y Mision de Nuestra Señora de la Soledad
practicadas previamente las diligencias
y averiguaciones concernientes segun lo dis-
puesto por leyes y reglamentos: usando de
las facultades q. me son conferidas; en
decreto de diez y ocho del corriente à nombre
de la Nacion Mexicana he venido en conce-
derle el terreno mencionada declarandole
la propiedad de el por las presentes lehas
entendiose dicha concesion en entera con-
formidad à lo dispuesto por las leyes sin
perjuicio de los terrenos q. ocupa la mision
de D. Carlos con sus ganados à reserva de la
aprobacion ò desaprobacion de la Coma
Diputacion Territorial y del Supremo Go-
bierno y bajo las condiciones siguientes.
Primera. Que se someterà à las q. establi-
ciere el Reglamento q. se ha de formar p.
la distribucion de terrenos baldios y q. entre
tanto ni el agraciado ni sus herederos po-
dran dividir, ni enagenar el q. se les ad-
judica: imponer censo, vinculo, fianza,
hipoteca ni otro gravamen, aunque sea por
causa pactual ni pasarlo à manos muertas
Segunda; Podrà cercarlo sin perjudicar
las havesias, caminos y servidumbres: lo

disputará libre y exclusivamente desti-
nándolo al uso ó cultivo *qf.* mas le acomodare
pero dentro de un año ^{á lo más} fabricará casa y es-
tará habitada: Tercera. Quando se le con-
firmé la propiedad solicitará del juez
respectivo *qf.* le de posesión jurídica en virtud
de este despacho por el cual se demarcarán
los linderos en cuyos límites pondrá á mas
de las maderas algunos arboles frutales
ó silvestres de alguna utilidad. Cuarta
El terreno de *qf.* se hace donacion es de una
legua cuadrada poco mas ó menos según
explica el diceño que corre en el expediente.
el Juez *qf.* diere la posesion lo hará medi-
conforme á Ordenanza para señalar los
linderos quedando el sobrante *qf.* resulte
á la cracion para los usos convenientes:
Quinta Si contraviere á estas condiciones
perderá su derecho al terreno y será denun-
ciable por otro: En consecuencia mando
qf. sirviéndole de título el presente y temien-
dose por firme y valdero se tome razon
en el libro á *qf.* corresponde y se entere que al
interesado para su resguardo y demas
fines. Dado en Monterey á veinte y dos de
Mayo de mil ochocientos treinta y ~~ocho~~ tres.
José Tequeroa # Agustín B. Zamorana,
Secretario. Queda tomada razon de este
despacho en el libro de asientos de títulos
sobre adjudicaciones de terrenos á fojas
una numero uno *qf.* obra en el Archivo de la
Secretaria de mi cargo. Monterey mayo
veinte y Dos de mil ochocientos treinta y
tres. Zamorana.

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 Custody a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California, do hereby certify that the preceding, and herunto annexed, pages of tracing paper numbered ~~from~~ one and two, exhibit true and accurate copies of the first two pages in a book denominated "Titulos," now on file and forming a part of the said Archives in this Office.

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In testimony whereof I have hereunto signed my name Officially and affixed my private seal (not having a Seal of Office) at the City of San Francisco Cal. the 31st Day of January 1853.

Saml. D. King
Survey. Genl. Cal.

Filed in Office April 9th 1853

Geo. Fisher. Secy

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Translation
of
Records

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Number 1. Jose Piquero. General of Brigade
of the Mexican National Armies. Commandant
General Inspector and Superior Political Chief
of the California, & Thomas Don Juan Malerin
Second Honorary Lieutenant of the National Armada
was petitioned for, for his personal benefit and that
of his family the land known by the name of
Guadalupe bordering with the Rancho of Simpsons
and the Mission of Our Lady of Soledad, the
proceedings and Claimations being previously
made as directed by the laws and Regulations us-
ing the powers conferred on me by decree of the
18th of the present month in the name of the
Mexican ^{Republic}. I have granted to him the said land
declaring to him the fee of it by these present letters
said grant being understood to be in conformity in con-
formity with what is directed by the laws with-
out prejudice to the lands which the Mission
of San Carlos occupies with the cattle, subject
to the approbation or disapprobation of the Excel-
lent Territorial Deputation and of the Supreme
Government, and under the following condition
First. He will be subject to the Regulation to be
formed for the distribution of vacant lands and
in the meantime neither the grantee nor his heirs
can divide or alienate that which is adjudica-
ted to him, nor assign, take certain mortgage, nor
gage or other Encumbrance although for a pious
purpose nor pass it in mortmain.
Second. He may enclose it without prejudice
to the crossings, roads and Servitudes. He will
enjoy it freely and exclusively making such
use and cultivation of it as may best suit him
but within one year at most he will build a
house and it shall be inhabited.
Third. When the fee is confirmed he will ask of
the respective Magistrate who will give him the

juridical possession in virtue of this Dispatch by whom the boundaries shall be marked out in the limits of which he shall place besides the marks some fruit trees or well as of some utility - Fourth. The land of which grant is made is one square league, a little more or less as the map which goes in the Expediente explains, the Magistrate who gives the possession will have it made conformably to ordinance in order to mark out the boundaries leaving the surplus which belongs to the nation for its eminent uses.

Fifth. If he shall transgress these conditions he will lose his right to the land and it will be alienable by another.

Wherefore I order that this present writing as a title and being had as a firm and valid to be recorded in the books and be delivered to the party interested for his security & other purposes.

Given at Monterey the 22^o of May 1833.

Jose Figueroa
Augustine J. Gamorano Secretary.

Record is made of this Dispatch in the Book of records of Titles on the adjudication of lands at leaf one hundred one which is in the archive of the Secretary's office in my charge.
Monterey. May 22, 1833.

Gamorano.

Filed in Office April 9, 1853.

Geo. Foster Secy. S

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To the Honorable Commissioners to
settle private Land claims in California,

The Amended petition of Mariano Inula
in Executor re m claim No 152.

Amended
Petition.

The Petitioners Josefa Estrada
widow, and Gabes Mariano Concepcion Puma
Urbano, Maria Refugio, Josefa Cristina and Ygnacio
Inulain children of Juan Malerin dec'd do
respectfully represent.

That on the 22nd day of May 1833
Jose Figueroa Governor of California by vir-
tue of authority in him vested granted to said
Juan Malerin the tract of land called Guadalupe
which grant was approved on the 17th day of
May 1834, and judicial possession given in
the month of Aug 1834, that on the 10th day
of February 1835 the said Jose Figueroa
made a new grant to the said Juan Malerin
including the place called "Pomo de las Corras"
making in all two square leagues a little
more or less, which second grant was approved
on the 29th day of August 1835 and the
judicial possession given in the following
Decree all of which is fully shown by the
original papers on file in this case.

And the Petitioners further repre-
sent that the said Juan Malerin and in the
latter part of 1848, disposing his whole property
to the Petitioners by his last Will and Testament
which original is now on file in this case.

And the Petitioners further represent
that the said Juan Malerin and the Petitioners
have been since the date of these grants and
that the Petitioners have since in the quiet and
peaceful possession of the said tracts of land.

The Petitioners rely for confirmation

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of title upon the original title papers filed
in this case upon the records of the former Gov.
Erment upon the evidence already adduced
and upon such other and further proofs as
they may be advised are necessary.

Wherefore they pray the Commissioners
to confirm to them the said tracts of land.

By their attys.

Hallett, Peachy & Bellings.

Filed in Office April 11. 1853

(signed)

Geo. Fisher Secy.

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No 152.

Claim of M. Malerin. Executor &c.

Moved: That the annexed petition
filed in this case on the 11th of April 1853
be admitted and embodied as a substitute
for the original petition.

Hallett, Peachy & Bellings
Atts for Claimant.

Filed in Office Sept. 28. 1853.

(signed)

Geo. Fisher Secy.

SVCE

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Josefa Estrada widow and
 Grace, Marciano Crucifion
 Ramona, Melano Monica Refugio
 Josefa, Cristina and Ignacir
 Malarin, children of Juan
 Malarin deceased.

"Guadalupe"

The United States.

The Claimants in this case set forth and allege in their petition that on the 22^d day of May 1833 Governor Figueroa granted to Juan Malarin a tract of land called "Guadalupe", that on the 17th day of May 1834 said grant was duly approved, and that in the month of June 1834, Judicial possession of the land granted was duly given.

It is further alleged in said petition that on the 10th day of February 1835 Governor Figueroa made a new grant to the said Juan Malarin, including the place called "Llano de las Comas", making in all two square leagues that on the 29th day of August 1835 said grant was duly approved, and that the Judicial possession of the same was duly given in the following December. It is also alleged in said petition that the said Juan Malarin and with the latter part of his arising his whole property to the petitioners in this case.

In support of the foregoing arguments and allegations the petitioners have placed on file.

First. A traced copy of the grant alleged to have been made on 22^d day of May 1833, taken from the book of titles and the Certificate of the Surveyor General of the United States for the State of California in whose custody said book is deposited. Secondly, The records of

Simon

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approval and Judicial possession, both properly proved and authentic.

Thirdly. That said placed on file the original grant for the place called "Llanos de las Conchas" dated the 10th of February A.D. 1835.

Fourthly. The record showing that the same was duly approved, and that Judicial possession was duly given. All the foregoing documents are satisfactorily proved to be genuine. In addition to the foregoing title papers the petitioners have placed on file two testimonials of title issued by Governor Figueroa to Juan Malvarin. The first was dated the 11th of June 1834 and is for the place called "Guadalupe", this testimony contains a plain mistake as to the date of the grant, it should be the 23rd instead of the 11th of May 1833. The second testimony is in the following words to wit.

Montreux the 9th of August 1835.

In view of the approval granted in the Session of today by the most Excellent Provincial Deputation to a testimony thereof, and of this decree being given to the party, Citizen Juan Malvarin in confirmation of the grant of the land known by the name of "Guadalupe" with that of "Las Conchas" having obtained the first grant on the Eighteenth of May Eighteen hundred and thirty three, and the second with the addition of the said "Llanos de las Conchas" on the tenth of February Eighteen hundred and thirty five.

The parties have also placed on file the original will of Juan Malvarin, the genuineness of which is established by the testimony of witnesses.

It is proved by the deposition of David Spence that the Rancho called

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"Guadalupe" and Intimido in the title of Juan Malerin as containing a title more or less than six leagues, is made up of four separate grants called "Guadalupe", "Plano de las Conchas", "San Jons" and "Chualar." all of which tracts put together and constitute the ranchos called "Guadalupe". It is proved by the deposition of the same witnesses that an adobe house was built on the level immediately after judicial possession was given, which still remains there, and has been constantly occupied. He further states, that the Claimants (Meaning the original grantee) and those claiming under him, have been in peaceable possession of the land from the time it was taken possession of by cultivation and the raising of stock.

The material question in this case is whether the Governor possessed the power, under the law, to make grants in any mutation or an addition to the first grant, where the aggregate did not exceed the maximum of the law. The last grant made in 1835 for the place called "Plano de las Conchas" is made in addition to the place called "Guadalupe". The Governor in the final title paper which he is said to the party, on the 9th of August 1835, recites that it is in confirmation of the grant of the land known by the name of "Guadalupe" with the addition of that of "Las Conchas".

Both grants are by the terms of this document merged in one title paper and although the grants were made at different periods, the Governor clearly considered them as one grant and for that reason embraced them both on the same final document which was intended to serve the party as a title for both tracts.

The evidence shows that the Rancho Guadalupe was made up of four separate

grants. The claim hereof is made up of the original grant called Guadalupe and the grant called "Las Cruces"; The two other two grants are pretended separately. Where the additional grant was for land contiguous to the first grant and in augmentation of it and of opinion that it was within the power of the Government to make such grants and that they could both be embraced in the same title paper. In the case under consideration the proofs shows that substantial improvements were made on the land within the time prescribed by the conditions of the grant and that the land has cultivated from the time it was titled. This testimony covers the whole claim in the case and establishes a substantial compliance with the conditions of the law.

The petitioners are proved to be the heirs of Juan Malerin the original grantee and as the real possessors of the property in conformity with the law. It is not material whether the Claimant's title as devisees or as heirs, merely. The amended petition which the parties were allowed to file is in the name of the Widow and heirs of the original grantee A decree of Confirmation will be entered in conformity with the prayer of the petitions and according to their respective rights.

Filed in Office Feb. 21. 1857.

(Signed)

Geo. Fisher Secy.

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Josefa Estrada widow
and Gracia Mariano Mercedes
Ramona Moreno Maria Refugio
Josefa, Cristina and Ignacio
Matalin heirs of Juan Matalin
deceased.

11.

The United States

In this case on hearing the
proofs and allegations it was judged by the
Commission that the claim of the said petition
ers is valid and it is therefore decreed that the
same be confirmed. The lands of which claim
inaction are hereby made are known by the
name of Guadalupe and Llano de los Hornos
and are known and described as follows.
to wit. 1st. the place called Guadalupe has
the following boundaries commencing on
the western boundary of said rancho and running
Eastward, in the said four hundred varas to
the brook of Rincon de Guadalupe, thence run-
ning north, one thousand and five hundred
varas. The said Rancho being bounded on
the West by a land house owned by Juan Matalin,
on the East by the brook of Guadalupe
on the South by the hills of the said rancho
and on the north by the banks of the river
containing in all less than one square league.

The addition called Llano
de los Hornos is bounded as follows. to wit
commencing at the Brook called Rincon
de Guadalupe and running Eastward
three thousand varas to the brook of Las
Coneas, commencing to measure the width
of said track from the banks of the river and
running from the north to the South two
thousand three hundred varas towards the

the hills, containing in all a tract less than
a half a square league.

And it is hereby further
decree'd that Confirmation to the aforesaid
tracts of land is made to the ^{said} petitioners in
the following proportions to wit.

To Josefa Estrada the Meadow of the said
Juan Malerin deceased the one undivided
half of the tracts of land called Guadalupe
and Llano de las Cornes, and to the other pe-
titioners and legal heirs of the said Juan
Malerin deceased the remaining ~~undivided~~
half of said tracts of land as described in
this decree of Confirmation to hold the same
as tenants in common.

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Alphus. Fitch

Thompson Campbell

R. Aug. Thompson

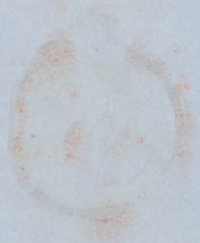
Commissary

Gilda in Office Feb 21, 1851.

(Signed)

Geo Fisher Secy.

And it appearing to the satisfaction of
this Board that the land hereby adjudicated
is situated in the Southern District of California
it is hereby ordered that two transcripts of
the proceedings and of the decision in this case
and of the papers and evidence upon which
the same are founded be made out and duly
certified by the Secretary of which Trans-
cripts shall be filed with the Clerk of the
Southern District Court for the Southern
District of California and the other be trans-
mitted to the Attorney General of the United
States



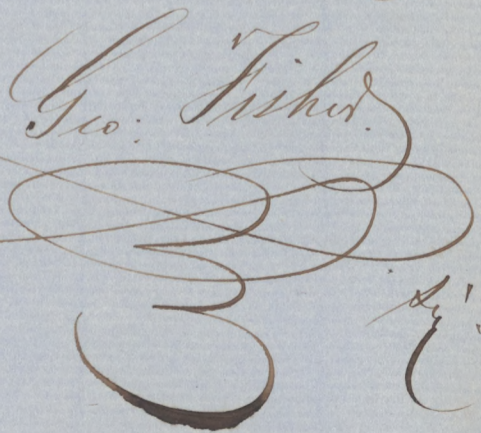
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Office of the Board of Commissioners,

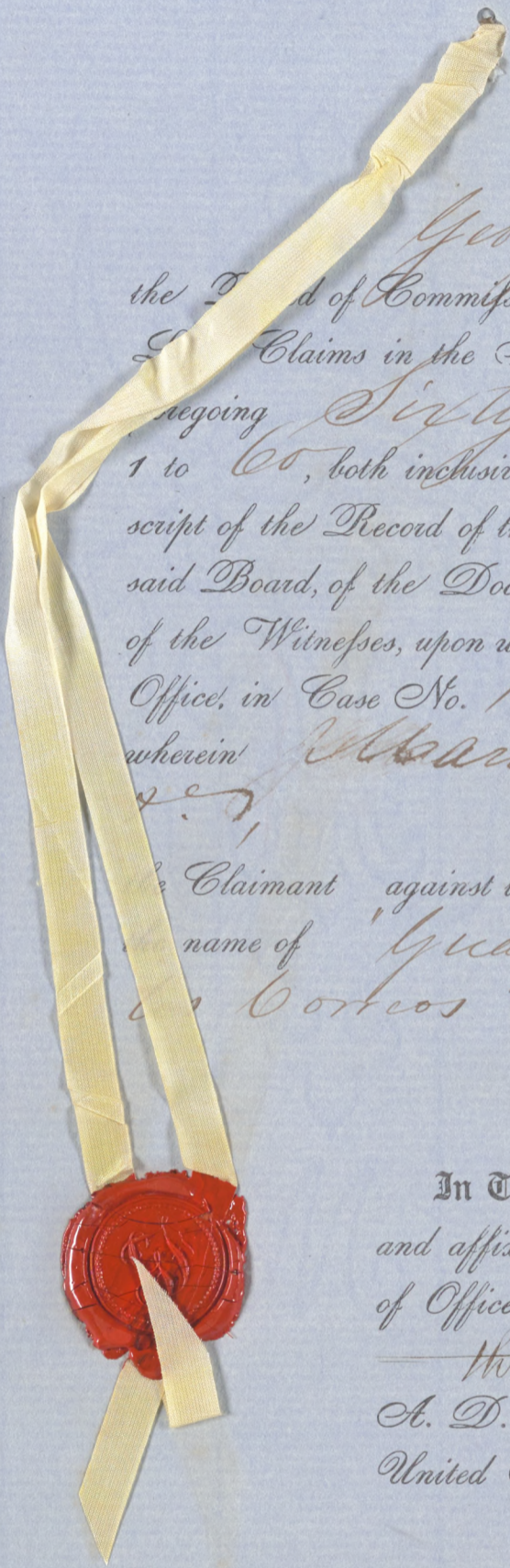
To ascertain and settle the Private Land Claims in the State of California.

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
following *Sixty* pages, numbered from
1 to 60, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
said Board, of the Documentary Evidence and of the Testimony
of the Witnesses, upon which the same is founded, on file in this
Office, in Case No. 132 on the Docket of the said Board,
wherein *Mariano Malarin, Ev.*
is the Claimant against the United States, for the place known by
the name of "Guadalupe" & "Isla de
San Marcos"

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.

Geo. Fisher


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

No. 109. *Docket*

THE UNITED STATES,

vs.

Mariano Malarin

Ex. No. 109

"Guadalupe y Sanitode los Coneros"

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 152.

Filed, *November 8* 1854.

f. e. m.
K

109

No. 125

Office of the Attorney General of the United States,

Washington, 17th January 1855.

Mariano Malain exr. }
vs. } 15-2.
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 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.

Clatsing

Attorney General.

S.C.

No 109.

U. S. District Court
Southern District

United States

vs

Mariano Malvarino,
Ex -

Notice of Appeal from the Atty
General of the United States.

Filed Feb 27th 1855.

J. E. Jarr
clk.

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Office of the Attorney General of the United States,

Washington, 17th January 1855.

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Mariano Malvarin Esr. }
vs. } 152.
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 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.

Cushing

Attorney General.

No. 109.

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

The United States,

vs.

Mariano Malvarin, Exr.

Appeal Notice.

Filed March 8th, 1835.

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J. E. Carr
clerk.

~~No 109~~

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

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~~The United States, Appellants~~

No 109.

Transcript No 15-2.

~~vs~~
Mariano Malarin, Exr. &
The Heirs of J. Malarin, Appellees

~~The United States, app.~~

The petition of Pacificus Ord, Attorney of the
United States for the Southern District of California, for
and in behalf of the United States, respectfully represents:

That on or about the 2^d day of April A D 1852,
Mariano Malarin, executor of the estate of Juan
Malarin, petitioned the United States Land

Commissioners for the state of California claiming
in Monterey County, ~~of the extent of~~ "of the extent of less than one" square league,
the tract of land called "Guadalupe" and ~~also~~

~~also~~ "a tract of land called of the extent of little less than half a square league"
"Llano de los Corcos" an amended petition
Wife Estrada, Widow Isabel, Mariano, Concepcion, Ramona, Urbano, Maria Refugio, Josefa, Cristina, & Gracia Malarin
in the name of ^{ally} Heirs of said Juan Malarin

claiming the said ~~land~~ tract of land called "Guadalupe" ^{and} ~~also~~ ^{additional}
~~for the same lands being~~ filed on or about the
tract called "Llano de los Corcos", making in all two square leagues a little more or less,
on or about
11th day of April A D 1853; That on or about the

21st day of February A D 1854 the said commissioners
confirmed the said claim; That thereafter, to wit,

on or about the 28th day of September A D 1854 the Hon^{ble}
Caleb Cushing, Attorney General of the United States,

received a duly certified transcript of the
proceedings with the evidence and decision
of said commissioners in said cause. That

thereafter, to wit, on or about the 27th day of Feb^ry
1855 the said Attorney General of the United

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states filed, or caused to be filed with the clerk of this Honorable court, a notice of the intention of the United States to prosecute the appeal in said cause. That on or about the 8th day of November A.D. 1854 the said Commissioners filed or caused to be filed in the office of the clerk of this Honorable court a duly certified transcript of their proceedings with the evidence and decision of said cause. That the land claimed lies in the southern district of California and within the jurisdiction of this Honorable court.

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^{The allegations in said petition to said Commissioners}
And this petitioner denies generally, ~~that~~
^{and petitioner denies further denies, that}
the said claimants have any valid right or title to said lands, claimed as aforesaid.

Wherefore the said petitioner prays that the said Mariano Malarin, Exequias, and Josefa Estrada de Malarin, Ysabel Malarin, Mariano Malarin, Concepcion Malarin, Ramona Malarin, Urbano Malarin, Maria Malarin, Refugio Malarin, Josefa Malarin, Cristina Malarin and Ygnacio Malarin, the alleged widow & children of Juan Malarin, ^{or their attorney, may} ~~may~~ be served with ^{Copies} ~~copies~~ of this petition; and that after due proceedings had, the said decision of the said Commissioners may be reviewed, reversed & set aside, and that this Honorable court will decree the said claim or title to be invalid; with costs & general relief.

P. O. S.
Attorney for the United States
for the Southern District of California

No 109

~~The United States~~

Manans Malaniy Eg. &
The Heirs of J. Malasin -

^{vs.}
The United States
Petition of U. States
for Review

Filed Oct^r 12th 1855

C. C. Paw atk
By J. W. Ross dep

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R. Ord. M. S. Atty

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

The United States, appellants

vs.

The Heirs of Juan Malarin, appellees

} Answer of appellees.

Mariano Malarin executor of the estate of Juan

Malarin & Josefa Estrada de Malarin, widow, and Ysabel
Malarin, Mariano Malarin, Concepcion Malarin,
Ramona Malarin, Mercedes Malarin, Maria
Malarin, Refugio Malarin, Josefa Malarin,
Cristina Malarin, and Ygnacio Malarin, children
and heirs of Juan Malarin deceased, the
appellees, appear by their Attorneys and for
answer to the petition of the United States
filed herein, say:

That their title to the lands called "Guadalupe"
and "Llano de Las corneas" as set forth and
described in their amended petition to the
Board of Commissioners, and in the documentary
and other evidence filed in this case is
a good & valid title. The land claimed is
situate in the Southern District of California.

Wherefore they pray this Honorable
Court to affirm the decision of the Board of
Commissioners, and to decree their title to be
valid.

Walter Peushy & Billings
Attys for appellees.

Manuscript not for answer

A 3, 00

I served this answer on P. C. and Atty by delivering to him
a true copy of the same at his office this
Dec 5th 1855

Edward Hunter
W. D. Marshal

No 109

The Master of the Court, Appellate
21.

The Clerk of the Court, Appellate

Answer of Appellee

This Oct 20th 1855.

D. B. Carr Clerk
By J. M. [Signature]

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William Mackay & J. B. [Signature]
Attys for Appellee

No. 109

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

The United States Appellant

vs

Mariano Malvarin Esr. Appellee

—

Claim for Guadalupe y Sanito
de los Corrales.

And now on this 24th day of December AD
1853 the parties appear, the appellant by
P. Ord U. S. Dist. Atty for the Southern District
of California, and the appellee by his
atly Andrew Pillsbury, and on motion
of the Appellee Atty, it is

Ordered, that either party may take
such further testimony as they may
wish in the above entitled cause

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No. 109

The United States
Appellate

vs

Morris Mulsam
Appellee

Appellee

Order allowing further
testimony.

Filed Dec 21st 1855

J. E. Carr Clerk

by Morgan [unclear]

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Halliburton & [unclear]
Attys for Appellee

Jurisdicción de
Monterrey

N.º 1.º 60

Año de
1831

Expediente.

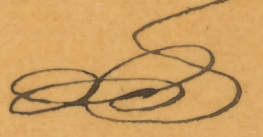
Sobre el paraje nombrado Guadalupe
solicitado p.^a su beneficio por el Segundo Tenien-
te honorario de la Armada Nacional Don
Juan Malaxin.

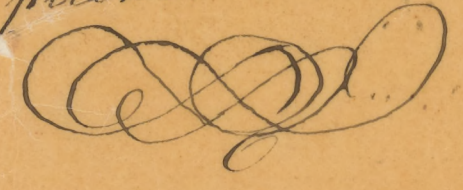
21"

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Sello 3º dos reales

Habilitado provisionalmente p.^a la Comis.^a subalt.^a int.^a del
puerto de Monterrey p.^a los a.^{os} de 1831 y 1832

Cromer


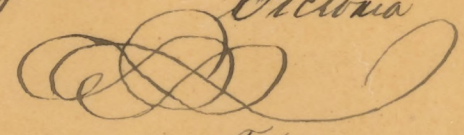


Sr Jefe Sup.^{OR} Político

Monterrey Sep 23 de
1831.

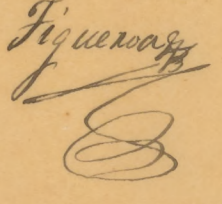
Concedo provisionalmente
al interesado en esta instan-
cia el terreno q.^e pretende
para su aprovechamiento y ob-
jeto de mantener allí sus
ganados y hacer su labo-
r en el concepto de no
perjudicar a propiedad de
Nación, Rancho nacional
o posesion particular al-
guna.

Victoria



Monterrey Febro. 27. de 1833.

No obstante el decreto q.^e
antecede, informe el Ilustre
Ayuntamiento de este lugar.

Figueroa


El Cuid.^o Juan Malasín 2º

Fuente grad.^o de la Armada Nacio-
nal, ante la notoria justificacion
de V.S. como mejor el derecho le
permite comparece y dice: Que
hallandose en el dia con un pie
de seaca de 300 Caberas; vacas
de vientres y mas (q.^e y mas) q.^e tie-
ne q.^e recoger ya comprados; tres
manadas de Yeguas dos Burros
maestros, todo con el objeto de
sostenerse con su numerosa familia
y no teniendo un sitio en que
poderlos mantener p.^a su fomento

Suplica a V.S. se sirva conce-
derle el terreno q.^e esta demarca-
do en el adjunto dicenso Compre-
nido desde la Casa arruinada
o Sanjones hasta el parape
conosido con el nombre de Gua-
dalupe sobre la vega del Rio

de Monterrey comprendiendo
una superficie de 2. Leguas de Lon-
gitud por trescientas e mil y qui-
nientas varas en su mayor Lat-
y se halla valdío; sin per-
judicar a' Corporacion ni propie-
dad particular alguna; todo
provisionalmente entre tanto
se tomare en consideracion
sus meritos; se hace acceder
ala propiedad P. F.

A. V. S. Suplica se sirva acceder a su
solicitud en que recibira merced
y gracia protestando no ser de
malicia y lo mensario B.

Monterrey Febrero 10/
1831

Juan Malaximf

La Comisión Nombrada p^a haber dictamen en los asuntos de Colonización y Terrenos baldíos ha visto con el detenim^{to} q^e corresponde la petición del Ferriente de la Armada Nacional Cuid.^o Juan Malarin y echo cargo de ella y decreto q^e le acompaña base las reflexiones de ser el 1.^o Cuid.^o Mexicano; q^e el Terreno q^e solicita está enptuado de las 20 leguas limitrofes y comprendido en las 10. lito- rales y se reconoce por Valdivo aunque en el (en el) se ve la ruina de una Casa q^e fué habitada muchos años ha por la Misión de San Carlos pero en el Dia está abandonada; bajo este concep- to y en el de q^e el objeto del solicitante es (ha juicio de la Comisión) cultivar en pequeño y no Colonizar ofrece á la deli- veración del Ilustre Ay.^{to} la siguiente proposición

Puede considerarse al interesado el Terreno q^e solici- ta con tal q^e acredite con justificante fe ha- ciente q^e este ultimo no pertenese á Misión al- guna?

Monterrey Marzo 15 de 1833.

José Arista José Antonio Romero

En Sesion ordinaria del dia 16 del presente aprubó el Y. Ayuntam^{to} de esta capital el dictamen que antecede y proposición en que concluye. acordando se pase al Sr. Jefe Superior Político como resultado del informe

6.

(6)

que deve dar sobre la materia de q. se trata.

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Monterrey Marzo 18. de 1830.

Marcelino Escobar
[Signature]

José Maria Maldonado.

[Signature]
Seco.

Monterrey 3 de Mayo de 1833.

Informe al R. P. Ministro de la Mision
de S. Carlos

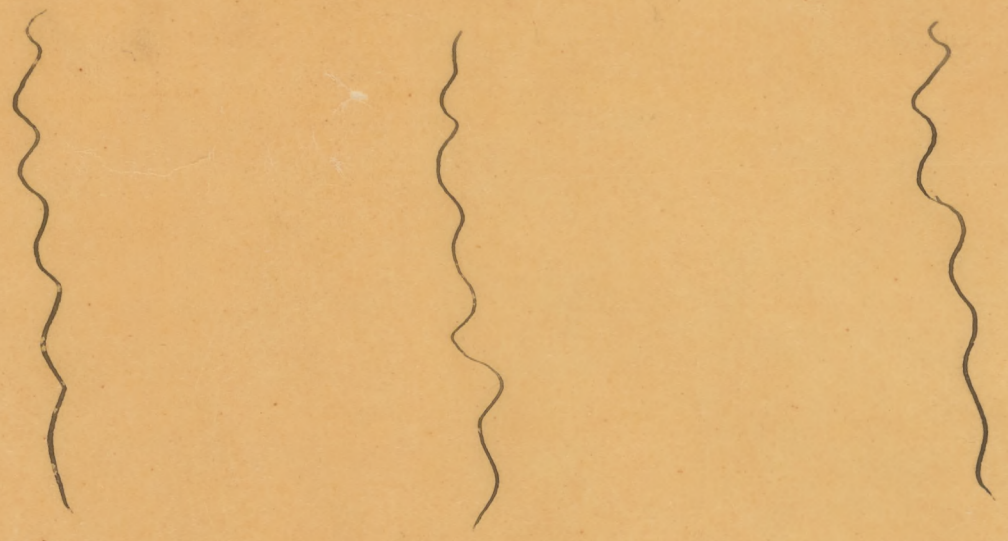
Figueroa
[Signature]

Agustin V. Zamorano
[Signature]

Y enoro cuales son las tierras de la mision, p. no habense me
dado à conocer. En cuya causa no puedo informar.

S. Carlos Mayo 6 de 1833

Jr. Prof. Moreno
[Signature]



Señor D. Juan Malanin.

Mayo 2/1833 S. Miguel 1.º de Octubre de 1832

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Agreguese al expediente de la materia
Figueroa

Mi estimado Socayo. Por la de V. del 23 del pp.º que-
do enterado del estado de sus asuntos Rancheros, y en contex-
tacion al q. me suplica en ella le dire ingeniam. que; Navi-
endome preguntado el P. Sarría si podía o no deshacerse la
Mision de la Soledad del paraje llamado Guadalupe, y ceder
rela a V. le dije q. no; p.º q. la Mision lo necesitaba p.º San-
cho de Borregas, en tanto q. alg. años teniamos q. pasarla
h.ª el Paraje llamado Zanfones como V. mismo habra visto el
conal.

Quando el Sr. Victoria vapo me hablo sobre el particu-
lar y lo mismo le dije, y p.º favorecer a V. quedamos q. dho
paraje de Guadalupe se quedara p.º la Soledad y q. no habria
incombeniente el q. V. pusiera su casa en dho paraje y
la Mision el forral de las Borregas tirando una linea divi-
sonia p.º q. V. tubiera sus Bienes rumbo a Zanfones, y las
Borregas pasaran rumbo p.º la Soledad. Es quanto se puedo
decir sobre el asunto y contextacion a la suya.

Me alegro mucho de su nueva casa, y deseo la dis-
frute muchos años con su familia, agradecido p.º el ofrecimien-
to q. me hace del Quanto.

Es muy cierto q. los hombres necesitan esplayar
su espíritu, y no dudo de sus deseos p.º verificarlo, en cuyo

8

(5.)

Concepto sabe q. tiene un Amigo, y un tocayo q. le servira
en el particular.

Saludeme p. a la familia y mande a su
f. Juan Caboto

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[Faint, illegible handwriting in the center of the page, possibly bleed-through from the reverse side.]

[A faint red line or scribble at the bottom of the page.]

9

(9.)

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A.D. Juan Malain del Comercio

Montorey

el

[Faint, mostly illegible handwritten text in Spanish, likely a letter or document.]

S. Carlos Mayo 6 de 1833.

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Sr. General D. José M. Figueroa

Mi estimado Sr. he procurado saber los limites de esta mision y no me ha sido posible conseguirlos, unica m^{te} encontré un cuaderno (q. no hace fei en juicio) en donde dice q. el año de 1801 accedió el Govier no á que la dha mision pasiera un rancho en San Joses, donde en su afha ha tenido posesion del dho. terreno esta mision. Si por esto, la mision ha adquirido dominio, el terreno q. pide D. Juan es de la mision. si no ha adquirido, entonces no hay caso.

En fin yo deoco complacer á V.S. ya si disponga del dho. lugar como mejor le pareciere en justicia.

Dios que la vida de V.S. m. a. y mande quanto guste á su affmo. Am. y Capellan J. B. S. M.

Monterrey 8 de Mayo de 1833. Fr. Raf. de Jesus Moreno

Agreguese esta carta al expediente de la materia
Figueroa

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11

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Al Sr. General D. J. Forest
Figueras

Monteney

Mon #

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(12)

Terray Mayo 10. de 1833

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Place of a
Stamp in
the original

Para mejor proveer, recibase una infor-
macion de testigos fidedignos interrogados
sobre los puntos siguientes: primero, si saben
que el terreno de que trata este Expediente es
de la Misión de S. Carlos; segundo, si dicha
Misión lo ocupa en algun uso; tercero, si
es terreno de pan llevar, si tiene beneficio
de riego o solo es bueno p.^a abrevadero
de ganado. El Sr. Jefe Politico de este Ter-
ritorio así lo Decreto y firmo, doy fe.

Figueroa

Agustin P. Zamorano
Jefe

El dia once de Mayo de mil ochocientos
treinta y tres. presente D. Juan Ma-
larin. Me hizo saber el anterior Decreto
y enterado dijo lo oye y cumplira y p.
q. conste p.^a diligencia lo firmo con el
Sr. Jefe Politico de q. Doy fe.

Figueroa

Juan Malarin

En

el Puerto de Monterrey a Trece de Mayo
de mil Ochocientos Treinta y tres, compa-
recio D. Jose Tiburcio Castro y en su
persona q. doy fe y conosco _____
recibi Juramento que hizo por _____
Dios Nuestro Señor y la Santa de _____
la Cruz p.^a el cual ofrecio decir verdad en
lo q. supiere y fuere preguntado y sien-
do sobre los puntos a que se contrae
el decreto de diez del Consiente dijo: con
respecto al primer punto, que el terreno
de que trata este expediente jamas ha
pertenecido a la Mision de S. Carlos ni
a la de la Soledad: que siendo Soldado de
la Comp.^a previdial de este puerto tiene
presente, que la Caballada de dicha Comp.^a
acia a los años de mil setecientos noventa
y siete en adelante pastava en aquel
paraje reconocido p.^a valdis o realengo;
q. acia a el año de Ochocientos uno, pu-
co mas o menos supo q. a solici-
tud del P.^e Fr. Jose Vinales concedio
el Capitan (que entonces Alferes) D. Jose
de la Guerra y Noriega dho. Ferrero
en calidad de prestado a la Mision
de S. Carlos q. lo ocupó con algun ga-
nado y introduxo en el paraje de San-
jones, donde tambien fabricó una Ca-
sa y Capilla; pero que no sabe que
era concecion y de qual disposicion,
hubiesen tenido la aprovacion del
Superior Gobierno. Sobre el seg.^{do}

(11/1)

Place of
a stamp in
the original

punto dijo: Que sabe que de mu-
chos años a esta parte abandono la
Mision el terreno de que se trata
en terminos que en el dia las Casas y Ca-
jillas estan arruinadas, que no hay ha-
bitantes ni ganado en el Campo, y que
solo subsiste parte de este perteneciente a
la Mision, desde la margen del rio a-
cia el rumbo de los Albitos donde per-
manecen los Baqueros abitando aquel
paraje; pero que p.^a el rumbo de Gua-
dalupe se halla enteramente baldio,
Al tercero dijo: que no es terreno de
pan llevar, que tampoco tiene aguas
para riego y que unicamente sirve
p.^a abrevaderos de Ganado. Leida que
le fue esta su declaracion, expuso q.
no tiene mas q. decir: que es vo-
cal de la Coma. Diferutacion Territor.
de estado Casado de cincuenta y nueve
años de edad de ejercicio Labrador y
que no le tocan las generales de la
Ley con lo que termino esta diligen-
cia q. firmo con el Sr. Jefe Politi-
co y yo el presente Secretario de q.
doy fe.

Jose Figueroa

Jose Tiburcio Castro

Agustin Zamorano

11/1

(15.)
 el mismo día Mes y año compareció
 Juan Arroyo y en su persona q. doy fe
 y conoseo le recibí juramento que hizo
 p.^r Dios Nuestro Señor y la
 Señal de la Cruz por el cual
 ofreció decir verdad en lo que
 supiere y fuere preguntado y siéndolo so-
 bre los puntos a q. se contrae el Decreto
 del día diez del corriente Dijo. Que no
 sabe que el Ferrero o parage de Guada-
 lupe sea de la Misión de S. Carlos; que
 lo q. sabe es q. el parage de Sanjones se
 fué prestado a Dha Misión en cuyo pa-
 rage subsisten sus ganados desde la vega
 del Rio p.^r todo el llano hasta contra
 las Lomas acia el Pumbo de los Alcites
 pero q. desde dicha vega p.^a la parte de la
 costa y p.^a la parte de Guadalupe esta
 valdío sin ocupacion, expto una casa q.
 se puso desde el principio y q. hoy
 se halla arruinada p.^r haberla abando-
 nado p.^r no tener nada que cuidar
 en su inmediacion: Que en tiempo q.
 fué Comisario Prefecto el P. Fr. Mariano
 Payeras señaló los linderos de la Mi-
 sion de S. Carlos y los de la Soledad que
 se dividieron desde el parage nombrado
 los correos linea recta al Norte cortando
 el llano hasta la Cañada de los Cluy-
 deros: Sobre el Segundo punto Dijo
 Que la Misión del Carmelo no ocu-

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Place of
a stamp in
the original

pero para nada el terreno q. com-
prende desde la casa de Sanjony hasta
el de Guadalupe desde la Vega del rio
pa la Sierra de la Costa. Al tercer
punto dijo. Que hay en el parase algunos
manchones de tierra de pan llevar, pero q.
no podran servir cosa mayor, y no tiene
agua p. riego y q. unicamente sir-
ve de abrevaderos de Ganado. Leida q.
se fue esta su declaracion expuso q. no
tiene mas q. decir, que es Casado, de cin-
cuenta y un años de edad, de oficio
Labrador y que no le tocan las generales
de la Ley con lo que termino esta diligen-
cia q. firmo con el Sr. Jefe Politico y
yo el presente Secretario de q. doy fe

José Figueroa
[Signature]

Juan Arroyo
[Signature]

Agustin V. Zamorano
[Signature]

Monteury Mayo 18 de 1833.

Vista la peticion con q. da principio este espe-
diente, el informe de la Autoridad Municipal,
de esta Capital, el del Sr. Ministro de la
Nacion Sr. Carlos. las exposiciones de los testigos
con todo lo de mas q. se tuvo presente y ver com-
pino: de conformidad con lo dispuesto por las

17

(111)

leyes y reglamentos de la materia se declaran
 a D. Juan Malasin 2.º Ten. honorario de la Ma-
 gada Nacional deueno en propiedad del Ferrero
 conocido con el nombre de Guadalupe
 colindante con el rancho de Sanjosef
 q. ocupa la Mision de S. Carlos y con
 la de M. S. de la Soledad, sin perjuicio
 del Ferrero q. ocupa con sus ganados aquella mi-
 sion y sujeto a las condiciones q. se estipularen: libe-
 re el Despacho correspond. tomese razon en el libro
 respectivo y dexarse este expediente q. la devida
 aprobacion ala Ema. Diputacion Territorial, en
 cuyo caso, el interesado a quien se le haga saber
 este decreto y presentara nueva. su titulo q. q.
 se deva. El S. D. Jose Figueroa Comand. en Cab.
 Inspector y Jefe Superior Politico del Territorio
 de la Alta California, asi lo mando, decreto y
 firmo de q. doy fe.

Jose Figueroa

[Signature]

Agustin P. Zamorano
[Signature]

El dia veinte de Mayo de Mil ochocientos treinta y
 tres, habiendo ocurrido D. Juan Malasin a
 esta Secretaria de mi cargo se le leyó el ante-
 cedente decreto del Sr. Jefe Superior Politico, y
 enterado de el, dijo q. lo oyo y firmo.

Agustin P. Zamorano
[Signature]

Juan Malasin
[Signature]

José Figueroa General de Brigada de los Ejercitos Nacionales Mexicanos, Comandante General Inspector y Jefe Superior Politico de la Alta California.

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Por cuanto D. Juan Malatin Segundo teniente honorario de la Armada Nacional ha pretendido p.^a su beneficio personal y el de su familia el terreno conocido con el nombre de Guadalupe colindante con el Rancho de Sanjone y Misión de N.^a 1.^a de la Soledad: practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto p.^a leyes y Reglamentos: usando de las facultades q. me son conferidas; en decreto de 18 del corriente a nombre de la Nacion Mexicana he venido en concederle el terreno mencionado declarandole la propiedad de el p.^a las presentes letras entendiendose dha. concecion en entera conformidad con las leyes a lo dispuesto p.^a las leyes sin perjuicio de los terrenos q. ocupa la Misión de S. Carlos con sus ganados o desaprobacion de la Cenia Diputacion Territorial y del Supremo Gobierno y bajo las condiciones siguientes.

1.^a Que se someterá a las q. estableciere el Reglamento q. se hable de formar p.^a la distribucion de terrenos baldios y q. entre tanto ni el agraciado ni sus herederos podran dividir ni enajenar el q. se le adjudica: imponer censo vinculo, fianza, hipoteca ni otros gravamen alguno que sea p.^a causa p.^a p.^a ni pararlo a manos muertas

2.^a Podrá cercarlo sin perjudicar las travesias, caminos y servidumbres: lo disfrutará

libre y exclusivamente destinandolo al uso y cultivo q. mas le acomode; pero dentro de un año a lo mas, fabricará una casa q. estará habitada.

3.^a Quando se le confirme la propiedad solicitará del juez respectivo que le dé posesion jurídica en virtud de este despacho p.^r el cual, se demarcaran los linderos en cuyos limites pondrá a mayor de las Mohoneras, algunos arboles frutales o silvestres de alguna utilidad.

4.^a El terreno de que se hace donacion es de una legua cuadrada poco mas o menos segun explica el diseno q. corre en el expediente: el juez q. diere la posesion lo hará medir conforme a ordenanza p.^a señalar los linderos quedando el sobrante q. resulte a la nacion p.^a los usos convenientes.

5.^o Si contraviniere a estas condiciones perderá su derecho al terreno y será denunciabile p.^r otro.

En consecuencia mando q. sirviendole de titulo el presente y teniendose p.^r firme y valedero se tome razon en el libro a q. corresponde y se entregue al interesado p.^a su resguardo y demas fines. Dado en Montevideo a 22 de Mayo de 1833 = J. P. =
A. V. L. S.

(20.)
Las comisiones de Colonizacion y Terrenos Valdios
a quienes se pasó el expediente cuy formacion pro-
boco por pretension q.^e el C.^{no} Juan Malarin hizo
al terreno robado desde la Casa de Sanjones has-
ta el paraje conocido con el nombre de Guadalu-
pe, lo han examinado con la circunspeccion
q.^e corresponde, teniendo al mismo tiempo pre-
sente la Ley de 13 de Agosto de 1824. Sus
concordantes y las disposiciones Generales q.^e en
21 de Nov.^r de 1828 dicto el Supremo Gobierno
de la Union p.^a el mejor Cumplim.^{to} de la
de la primera; Del examen. del Expediente se
ha penetrado la Comision de la opinion q.^e haya
tenia de la es culpabilidad, y tino con q.^e el
Sr. Jefe Politico lo mando instruir, de suerte
q.^e ni en su formacion se estrabia algun
requisito esencial ni de los practicados

Por lo dicho concluye la Comision ofreciendo a
la deliberacion de esta Ex.^{ca}. Diputacion
la siguiente proposicion.

1.^o Se aprueba la Concesion hecha al C.^{no}
Juan Malarin del Terreno nombrado Sanjones
asta el de Guadalupe Concedido en 22 de Mayo
de 1833, de entera Conformidad con lo preve-
nido en la Ley de 13 de Agosto de 1824 y el
articulo 5.^o del Reglam.^{to} de 21 de Nov.^r de 1828
Monterey Mayo 10 de 1834.

Jose Y Ortega
Jose A. Estudillo
Santo Am.^o
Dami N.
Jose Casta.
Mon

Perrey 17 de Mayo de 1834.

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En sesion de este dia se apruvo
p. la Exma. Diputacion la proposicion del
dictamen antecedente mandando se descol-
va el expediente al Sr. Jefe Sup. Polt.
para los fines consiguientes.

Jos. Figueroa
f. d.

Juan B. Alvarado
Secret.

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(L2)

SELLO TRACERO DEL REAL

Este documento es propiedad de la Administración de la Archidiócesis de Mérida y no debe ser utilizado para fines comerciales y sin el consentimiento escrito de la misma.

San Juan 11 de Mayo

En vista de la denuncia obrante en el expediente
por la tenencia de un arma de fuego sin licencia
de venta de pólvora en la ciudad de Mérida en un
delo cometido el día 11 de Mayo de 1953 el Sr.
Jefe de Policía General de Mérida ordena que
se proceda a la detención de la persona que
se indica en el presente y se le imponga la pena
de prisión de 30 días y multa de \$500.00

Señor Jefe de Policía General

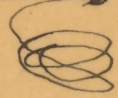
Antonio L. Zamora
Jefe de Policía

Mon

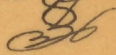
SELLO TERCERO DOS REALES.

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

~~Figueroa~~



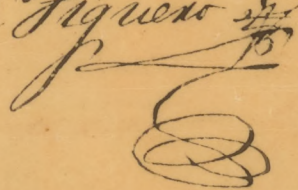
Rafael Gonzalez



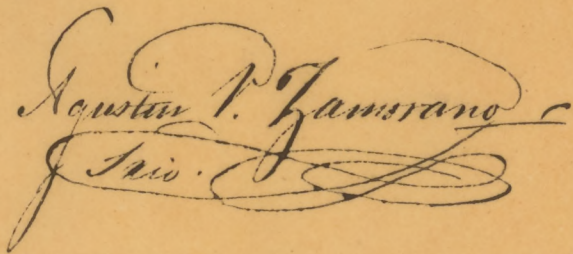
Monterrey Junio 11. de 1834.

En vista de la aprobacion otorgada en 17. de Mayo ultimo por la lema Diputacion Territorial: librese Testimonio de este Decreto ala parte de D. Juan Malanin en confirmacion de la concecion del Terreno de Guadalupe que obtuvo en 18. de Mayo del año pasado de 1833. El Sr. Don José Figueroa general de Brigada comandante general Inspector y Jefe Superior Político de la Alta California así lo mando decretó y firmó de que doy fe.

José Figueroa



Agustín P. Zambrano



Testimonio

(24.)

Monterrey 17 de Mayo de 1834 =
 # En sesion de este dia se aprobó por
 la E^{ma}. Deputacion la proposic.ⁿ an-
 tercedente mandando se devuelva el Ex-
 pediente al Sr. Jefe Superior Político
 p.^a los fines consiguientes = José Fig^a
 Comisario y Juan Bautista Alvarado = Secretario -
 Se aprueba la concecion Ocha al C^{no}
 Juan Malarin del Terreno Nombrado
 Sanfong hasta el de Guadalupe con
 cedido en 22 de Mayo de 1833 de
 entera conformidad con lo prevenido
 en la Ley de 18 de Agosto de 1824
 y el art.^o 5.^o del Reglamento de 21 de
 Noviembre de 1828

Monterrey Junio 11 de 1834 = En
 vista de la aprobacion otorgada
 en 17 de Mayo ultimo por la E^{ma}.
 Deputacion Territorial; librese Testi-
 monio de este Decreto a la pante de
 D. Juan Malarin en confirmacion de
 la concesion del terreno de Guadalupe
 q. obtuvo en 18 de Mayo del año
 pasado de 1833. El Sr. D. José Fi-
 gueroa gen.^l de Brigada Comand.^{te}
 g.^l Insp.^{or} y Jefe Superior Político
 de la Alta California en lo mandó
 decreto y firmó de g. doy feé =
 José Figueroa = A. V. Zamora

Concuerda a la letra con su original del
cual hice sacar el presente testimonio pa-
resguardo de la parte interesada en el Mon-
terrey a once de junio de 1834; siendo
Testigos los Ciudadanos Agustín V. Lamorand y
Bernardo Navarrete de esta vecindad.

José Figueroa

Jurisdicción de
Monterrey

N^o 60.

(26)
Año de
1834

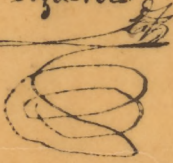
Expediente

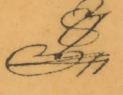
Sobre el paraje nombrado Los Correo,
en ampliacion del Rancho de Guadalupe,

solicitado por
D. Juan Malavin.

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

José Rafael Gonzales.

Figueroa




Sr' Gefe Superior Politico.

Monterrey et mayo 9.
de 1834.

Juan Malaxim 2º Teniente honorario de la Arma

Informe el Ayuntamiento de esta Capital. El Sr. D. José Figueroa General de Brigada, comandante q. Inspector y Gefe Superior Politico del Territorio de la Alta California an lo mando decretó y firmó de que doy fe.

da nacional y poseedor del Rancho nombrado Guadalupe, ante la notoria justificacion de V. S. como mejor el derecho le permita comparece y dice: que havindosele concedido el expresado rancho por el superior decreto de V. S. de 18. de Mayo del anterior y siendo tan limitado en su estension que no dá abasto para fomentar los ganados, en el tiene introducidos y necesitado de una legua mas para el efecto, pide á V. S. se amplie esta estension hasta comprender el Manito q. Usman de los correos que manifiesta el adjunto disegno suplicando á V. S. se sirva si lo tubiere á bien mandar sele estienda otro titulo q. comprenda la ampliacion q. pretende. Por tanto

José Figueroa

Agustin P. Zamorano
Srío

A V. S. Suplico se sirva acceder á su solicitud en la q. recibirá merced protutando no ser de malicia y lo necesario.

Monterrey Mayo 9 de 1834.

Juan Malaxim

En -

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Señor de hoy pasó este expediente a la Comisión de Colonización y terrenos baldíos
Monterrey Mayo 15. de 1834

José María Maldonado

#

v. secas.

S.º Jefe Superior Político.

El J. Ayuntamiento de esta Capital con el objeto de cumplir con el superior Decreto de V. de 9. del presente, pasó este expediente a la Comisión de Colonización y terrenos baldíos, quien en sesión de hoy presentó el dictamen, q. después de aprobado se mandó agregar, acordándose en seguida se informe a V. que la legua mas de terrenos q. pide se le amplie el C. Juan Malarián hasta comprender el Manito q. llaman los Corcos, no encuentra título q. embanase su ampliación. En tal virtud lo verifico el acuerdo de dha. Corporación y en cumplimiento del ya citado Superior Decreto de V.

Monterrey Mayo 24. de 1834.

Por ausencia del propietario

José Antonio Romero

#

José María Maldonado

v. secas.

SELLO TERCERO DOS REALES.

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

Figueroa

Rafael Gonzalez

Y Ayuntamiento.

La comision en cargada de Colonizacion y terrenos Val-
dios abito la Solicitud q^a presenta el 2^o teniente honora-
rio de la Armada Nacion Ciudadano Juan Matarin, sobre
que se le aumente el terreno por no ser suficiente el que le
de sus ganados el que tiene concedido; con una legua mas
que comprende el parage nombrado el Manito de los correos,
y para dar cumplimiento al superior Decreto q^e acompa-
ña dictaminas q^e el mencionado Matarin tiene los re-
quisitos q^e exige la Ley p^a ser atendido en su solicitud
que dicho terreno es baldio, es de temporal y atrebadero
y se halla comprendido en las diez Leguas litorales y en
en las veinte Limitrofes, de que habla la Ley de 18 de
Agosto de 1824, por cuyo motivo la comision ofrece
a este Y. Ayuntamiento la siguiente proposicion.

Puede adjudicarse al Ciudadano Juan Ma-
tarin el terreno pretendido pues no perjudica
sino al contrario fomenta la agricultura.

Monterrey 17 de Mayo de
1834

Jose Antonio Romero
Jose Aguilar

Mon.

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Acaey Junio 5 de 1834.

Informe al Padre Ministro de la Misión
de la Soledad.

Figuearoz

[Faint, illegible handwritten text, possibly bleed-through from the reverse side of the page]

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tt
Sr. Conde Gen. D. Josef
Tigueroa
Mi ven. Sr. y Dueño,
Dixiso a V. en esta p. el
informe del Llanito de
los Conzejos. Acompañó
los 3 papeles q. llegaron
aquí sobre el asunto. Y una
carta del P. Juan Cabot Mi-
nistro q. fue de esta Mis.
a quien pedi también yo
mismo me informase so-
bre el particular, con una
advertencia q. hago sobre
lo q. dice aquel p. para
la debida inteligencia de
lo q. contesta. Queda mi-
a disposic. de V. su mui
at. Cap. n. y obsecuente
W. de S. Don. g. B. SM

W. de S. Don. g. B. SM
A cargo de Fr. Vicente Juan Co.
la Soled. de Santiago
Int. 18
1834

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son

Sobre la solicitud del Sr. Teniente honorario D. Juan Malaxin del sitio llamado Llanito de los Conejos, de g. me pide su informe: Debo decir con la veracidad q. pide mi estado y profesion, y q. no menos lo exige lo delicado del asunto, q. se padece equivocacion en creerse o haberse creido ser tierra Baldia o sitio ópanaje. Consultemos p. esto el Diccionario Castellano p. saber p. él la legitima propiedad de aquella voz ó termino, pues seg. ella debe regularse la inteligencia de la Ley 5 Leyes q. hablen en este respeto, y concretamente al presente caso de la reparticion de tierras Baldias.

El Diccionario del año 1823, (lo mismo creo, a lo menos substancialm. q. digan otros Diccionarios, y esto a quel por ser bastante moderno, y haberme sido obvio) dice asi: „Baldio q. se aplica a la tierra ó terreno comun de alg. conego ó pueblo q. no se labra ni esta adhesado,„ Por lo q. se ve q. dos cosas se requieren para ser Baldia una tierra, a saber no labrarse ni estar adhesada. Es verdad q. el Llanito de los Conejos no se ha labrado en tiempos q. yo sepa, p. si ha estado adhesado, esto es destinado, y lo esta aun, p. el pasto del ganado de esta Misión de N. S.ª de la Soledad con sus respectivos limites concedidos de los inteligentes de aquel parage, pues Dehesa es segun el mismo Diccionario: „Parte ó porcion de tierra acotada destinada regularm. p. pasto de ganado,„ Y esto ha sido desde casi los principios de la Misión, ó Fundacion de ella.

En el año ultimo de 833 sacamos de aquel rumbo el ganado lanar (escasam. hace el año) p. la novedad q. ocurrio de lo cedido al Sr. D. Juan Malaxin, sin saber yo bien ciertam. hasta donde llegasen los limites de lo concedido. Por q. aqui nada se nos comunico p. via ó disposicion publica ni oficial, y solo privadamente se me dijo. Y esto tan mal, q. lo q. yo entendí fue q. lo concedido llegaba hasta la Laguna de los Palos, seg. Naman. Desuente q. en dho. mi intely. no quedaba nada (ni p. tanto el Llanito de los Conejos) q. estuviere mas allá de la Laguna de los Palos q.

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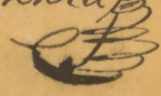
no se llevasen. Sin embargo de esto hace algunos años
 q^e ha permanecido y permanece aun en el mencionado sitio
 o Llanito de los Corrales alguna porcion considerable de
 ganado vacuno de esta Misⁿ q^e se retiró por allí, y tal
 como p^r tpo de aguas, estan muy excedido el río, es motivo
 semejante y no podense bien traer el ganado q^e debia
 matarse, de otra parte; y aun de allí y de su contorno se
 dio quando el S^r. Echeandia pidió el año 829 una cantida
 de ganado a todas las Misiones, q^e aqui correspondio
 80 cabezas; asi me ha dicho el Caporal de Vagueros q^e ha
 sido estos años ultimos. Permanece pues aun, segun se me ha
 dicho, + buena cantidad del ganado asi retirado; y basan
 do la lomenia y contornos a beber agua a aquel sitio
 ganados de la Misⁿ q^e p^r allí andan. Pero tampoco desde
 ahora tengo p^r desamparado (sabido lo q^e hai) aquel pa
 nage o sitio en respecto al ganado lanar, a no ser
 q^e la publica autoridad despues de bien informada de
 terminase otra cosa. Pues por lo q^e se me ha asegura
 do, aquel ganado ^{lanar} en el panage q^e ha habido q^e ponerse,
 y se halla ahora hace mal tercio al ganado maior,
 cuyo sitio de pasto es, y viniendo allí a beber, por en
 contran y atalado el campo, lo hace retirar, y de conse
 guiente es natural amontarlo; a saber al ganado maior
 q^e dije. Y asi se vé q^e segun indiqué arriba y es cosa
 constante la Misión ha tenido por sitio destinado
 al ganado lanar el rumbo donde esta ubicado el
 sitio del Llanito de los Corrales, y esto desde casi los prin
 cipios de la Misión o Fundación de ella. No quiero
 decir en esto, q^e el tal ganado se estrechase p^r
 aquella parte al nominado Llanito, sino q^e con lo
 adyacente de mar allá hasta el sitio de los Zanja
 nes y aun tambien algo demas p^a acá, p^r la
 Misión, mudandose y corriendo, como es regular
 el ganado adonde respectivamente encontrase mar
 vestido el campo de yerba o pasto por aquel pa
 nage, hacia de el la dehesa de la Misión en la for
 ma sus indicada. Pero a veces no era bastante todo
 lo bien por la estrechez del terreno, seco del año, u bi
 en por q^e se cria p^r allí en ciertos tiempos, una yer
 va q^e hace morir a aquel ganado, como muchas veces
 lo he oido asegurar y era menester sacarlo para otras
 partes, como p^r exemplo al otro lado del río, para el

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paraje conocido con el nombre de Zanjonet (nomina-
do S^m Bernardino) con el beneplacito de los PP. de la Mi-
sion de S^m Carlos, segⁿ dice el P. Juan Cabot en la adju-
ta suia, y lo mas extraño alguna vez o algⁿ tiempo
hasta el de la Natividad, cerca de la Misión de San
Juan Bautista, con la permission como supongo de
los PP. de aquella Misión: todo lo q^e arguye las
necesidades de esta Misión en el respecto q^e tra-
tamos. Para mas Continuar lo dicho me he visto con
algunos Indios de esta Misión de los q^e por su refer-
encia o otras circunstancias podian instruirme en el parti-
cular. Y lo q^e se me ha dicho de ellos es q^e el primer rancho
q^e tuvo la Misión fue en el paraje llamado ahora Gua-
dalupe en el sitio q^e tiene ahora el S^m Dⁿ Juan Malanin
su casa o sea siembra. El ganado lanar pacia por alli,
el ganado maior o vacuno, q^e estuvo algⁿ tiempo con-
tiguo a aquel, pacia por la parte de mas acá de
su este q^e entre uno y otro ganado respectivamente ocu-
paban todo aquel rumbo o paraje, q^e a mas de Gua-
dalupe se llama actualm^{te} Llanito de los Conejos, Pa-
raje de Sanchez, S^m Genovino hasta las inmediaci-
ones de la Misión. Declaran q^e nunca se han abando-
nado otros sitios, si pasaba el ganado a la otra par-
te del rio volvia a sus respectivos tpos, a esta, segⁿ di-
caba la necesidad del pasto, crecientemente del rio conti-
guo de. Item declaran q^e la señal divisionaria q^e p^a la
parte de allá tenia aquel paraje o rumbo de la Mi-
sion estaba ubicada en el mismo lugar en q^e la habi-
an tenido cuando eran Gentiles, con lo de la parte q^e
ahora llaman Zanjonet, esto quedandose p^a la parte
de allá, y ellos a saber los Excelentes (q^e asi se llama-
ban los del sitio mismo de esta Misión) p^a la de acá
viniendo a caer dicha señal donde se halla ahora la
casa del S^m Malanin o bien la siembra segⁿ q^e indi-
que arriba... Algo de mas particular me refirió sobre
esto Losio, q^e es uno de los q^e van, quien ayudo al P.
Maxiano p^a pagar a renovar posteriormente aquella
señal en el mismo lugar de antes a un ladito, por q^e
los pastores ^{la} traian a veces, de lo q^e los corrigio
justam^{te} el P. p^a particularm^{te} no defaxe de decir
q^e el viejo Rogelio, otro de los q^e van, expone sex-
guella su mena tierra. Sabe bastante Castilla, y a-
un p^a maior espedicion, si algo se le quiere preguntar.

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fax va con el su hijo Benito, uno de los ladinos de la Misión,
 on, q^e ha guenido a compañiar a su dho p^e Ygnacio, puede
 servir si bene a bien d^a p^a con los demas q^e van, aun-
 q^e todos se expli^can en su modo lo bastante.
 Dejando otras varias leyes en este respetto, en la ley 8^a
 Art. 3^o del lib. VI. se dice sobre lo mismo. Con mas vo-
 luntad y prontitud se reducirán a poblacion / los Indios,
 si no se les quitan las tierras y ganaxerías, q^e tuvieron
 en los sitios q^e dejaren. Mandamos, q^e en esto no se ha-
 ga novedad, y se les conserven como las huvieren teni-
 do antes, para q^e las cultiven, y traten de su aprove-
 chamiento. Me parece q^e estas leyes y otras concordantes,
 no estan anuladas hasta ahora p^r el presente Gobierno
 en respetto particularmente de esta Mis. y por lo q^e ahora trata
 estado considerando q^e quando llegue el caso de repartir las
 tierras a los Acopi^tos, en donde se les podra proporcionar
 tierra de q^e ellos se puedan aprovechar, pues aqui en to-
 do esto de la Mis. y adyacentes, nada para decirlo en subs-
 tancia, se da sino se riega bien; esto no se obtiene sin la
 zanja corriente; y como la zanja corriente ~~es~~ sin
 Comunidad y algo numerosa, q^e obra con esfuerzo?
 Por lo sucedido este mismo año, se ve lo muy especial del se-
 co del terreno. Pues habiendo Novido tan extraordinariamente
 p^r el Abril, mas por habense llevado la repentina crecien-
 ta casi del fin de las aguas la presa, aun q^e luego q^e se pudo se tra-
 bajo con demedo y se hizo, p^r no siendo tan atp^o como pedia
 lo particular q^e dije del terreno; sera, a lo q^e considero y temo,
 bien ruin la cosecha y aun de hambre, sin embargo de lo mu-
 cho respectivamente sembrado. Asi digo, q^e lo temo. p^r hagase
 en todo la voluntad del Sr. con lo q^e acabo este mi informe,
 supetandome tambien como debo a lo q^e V^a huviere a bien
 disponer. Mis. de N. S. de la Soledad y Julio 18
 de 1834. M. a V^a L. M. su at. Cap^o

Fr. Vic^e. Juan de Sannia


S. Comte Gen^l y Mex. P. S. D. Josef Figueroa

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San Miguel y 25 de Junio de 1834.

Mi apreciable P. Fr. Vicente Fran^{co} de
 Sarría, en contestación a la de V. N. de 23 del
 presente debo decir a V. N. que, no ignora V. N. q^e.
 para poder conceder el parage de Guadalupe
 a Sr. Juan Matarrin, fue precisamente con la
 condición de que ^{sus} animales pastasen de dicho
 parage para sanjones, por la falta que hace
 a las boxregas dicho parage de Guadalupe
 hasta la Misión, y en esos terminos quedé con
 el Sr. Comd. G^l. el Sr. Victoria que lo hea en
 tonces; pues si el sitio está concedido en estos ter-
 minos, no se considera de Guadalupe para
 la Misión batio ningun terreno. Las ruynas
 de los corrales desde Guadalupe hasta el
 parage de Sanchez Dixon, si la Misión a ocu-
 pado o no, todo ese terreno quando lo a necesi-
 tado, y algunos años a sido necesario poner
 las boxregas (con el beneplacito de los PP. de Car-
 melo) en el rincón del parage llamado los
 sanjones como sucedió en mi tiempo y es impo-
 sible que no se vean los vestigios del corral-
 conque
 mi P. Sarría jamás se a mirado por batio el
 parage de los corrales, antes bien muy necesario

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pacen las borregas de la Misión de la Soledad; pues
es solo le queda el Choban para en tiempo de
invierno, y Guadalupe hará la Misión para el
verano, así me manejaba yo, y en tiempo del
P. Antonio Jayme lo mismo.

Me parece que V.R. quedara
satisfecho de lo que me pide; y si se ofrece otra
cosa estoy pronto a complacerle. - Al P. Felipe lo
saluda; y vea lo que ordena a su affmo D. S.

M. M. Juan Cabot

[Faint, illegible handwriting in the background]

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Advierto g.^o lo g.^o el P. dice aqui de la Conce.ⁿ
 necha al S.ⁿ Malanin es en respeto a lo suce-
 dido en tyo del S.ⁿ Victoria, en cuiu tyo pidio otha
 S.ⁿ Malanin el sitio de Tausones y aun Guadalu-
 pe. Cuando paso p.^a aqui el mencionado S.ⁿ
 Victoria la ultima vez p.^a abajo, yo le qu-
 se hablan sobre el asunto, sobre el g.^o ya antes
 me habia escrito, g.^o no quera en ninguna
 cosa perjudican a ninguna Mis.ⁿ p.^o Como
 iba de paisa en aquel viaje, lo despo por la
 vuelta, mas no obstante habiendole yo indi-
 cado alg.ⁿ informe g.^o tenia yo del P. Juan
 Cabot, como Ministro g.^o habia sido de esta
 Mis.ⁿ quando paso p.^a la de S.ⁿ Miguel
 habli del particular con otho p.^o. Este
 le declaro la necesidad de la Mis.ⁿ de
 N. S.^{ra} de la Soledad, mas no obstante la
 propuso un medio, g.^o me parece fue de g.^o
 la Mis.ⁿ habia de tener el Conal en Guadalupe
 p.^a sus animales etc: lo g.^o dice ^{arriba} ~~ahora~~ el P. Juan,
 aun g.^o no dice en todo; no tengo p.^o ahora aqui
 la Carta g.^o me esibio posteriorm.^{te} el P.
 Parece se conformaba el S.ⁿ Victoria con la
 propuesta del P.^o Juan, ya esto alude este
 en lo g.^o dice, pues nosabua lo sucedido despu-
 es con el repetido sitio de Guadalupe.

In V. Fr. de Sanna
 B

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San José, Julio 30 de 1834.

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Señor don Juan Manuel de Obaldia
del Estado de California que preside el
Estado con sus señores la Honorable
Asamblea Legislativa al Sr. D. Juan Manuel de Obaldia
Comandante en Jefe de las Armas de California
que abra el curso de las Armas de California
de este Estado para los cursos que se
hayan de dar en el Estado de California
por el Sr. D. Juan Manuel de Obaldia
Comandante en Jefe de las Armas de California
en la ciudad de San José y firmada de
Juan Manuel de Obaldia

Juan Manuel de Obaldia

Don Juan Manuel de Obaldia
Comandante en Jefe de las Armas de California

La presente es copia de un documento
de y en virtud de lo que se ha
dado a la Honorable Asamblea Legislativa
del Estado de California para que se
decrete y ordenen las Armas de California
que queda conforme a lo que se
decretó en la Honorable Asamblea Legislativa
del Estado de California y firmada de
Juan Manuel de Obaldia

Mon

Facilitado por la Administracion de la Aduana Maritima del Puerto de Monterrey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Figueroa

J. Rafael Gonzalez

Place of a Stamp in the original

Monterrey Julio 30 de 1834.

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Siendo perteneciente a la Mision de la Soledad el terreno del Rancho de los Corrales que pretende D. Juan Malarin: no estando aun secularizadas las Misiones, y teniendo conferida el Supremo Gobierno al Sr. D. Jose Maria Nizan la Comision especial de distribuir estos terrenos: suspendase por ahora el curso de este expediente, y hagase saber a la parte interesada para los recursos que le convengan. El Sr. D. Jose Figueroa General de Brigada, Comandante General Inspector y Jefe Superior Politico de la Alta California, asi lo mando, Decreto, y firmo de que doy fe.

Jose Figueroa

Agustin P. Zamorano
Srio

En primeros de Agosto de mil ochocientos treinta y cuatro presente la parte de D. Juan Malarin se le hizo saber el Decreto q. antecede del Sr. Jefe Superior Politico y enterado de el dijo que lo oye, que queda conforme y pide se le de testimonio del citado decreto para su resguardo y demas fines q. le convengan: esto respondio y para

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devid a constancia lo firmo _____
conmigo el Secretario _____

Agustin P. Zamorano Juan Malasini

Monterrey Enero 5. de 1835

El Comisionado de la Mision de la Soledad asociado con el Mayordomo, informara si el terreno pretendido por D. Juan Malasini en este expediente, le hace falta a dicha Mision y si lo tiene ocupado. El Sr. D. Jose Figueroa general de Brigada, Comandante general Inspector y Jefe Superior Politico de la Alta California asi lo mando decreto y firmo de que hoy fe.

Jose Figueroa

Agustin P. Zamorano
Srio.

A. Comandte Gral

En cumplimiento del antecedente superior Decreto de V.S. informamos los q. subscribimos, q. el terreno q. piden de el Sr. Juan Malasini, ni le hace falta a este Pueblo ni lo tiene ocupado con ning. vienes. Lo q. informamos a V.S. p. su Superior Comerm. y delivacion
Pueblo de la Soledad Enero 12 de 1835.

Jose Estrada
Nicolaj Albisa

SELLO TERCERO DOS REALES.

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

Figueroa

A. Ramirez

Monterrey Febrero 10 de 1835

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Agreguese este expediente al promovido p^{ra} la parte interesada en solicitud de obsequio de Guadalupe y secretese condeseniorde la ampliacion q^{ue} solicita.

Monterrey Febrero 10 de 1835.

Vista la peticion con q^{ue} se principia este expediente el Super me a la autoridad municipal de esta Capital el P. Ministros Comisionado y Mayordomo a la Merion de la Sociedad la exposicion de testigos con todo lo demas q^{ue} se tuvo presente y sea combinado de conformidad con lo dispuesto p^{or} las leyes y reglamentos de la materia se declara a D^{no} Juan Malatin Bueno en propiedad de lo tiene no conocido con el nombre de el Manito a los conseros q^{ue} se le a ampliado obsequio de Guadalupe q^{ue} se le consedio p^{or} secreto de 12 de Nbre de 1833 y apruvo la Com^{ision} D^{on} Territorial en 17 de Mayo de 1834 Coludante con el Pueblo de la Soledad Rancho de Buenavista Rio de Monterrey y la Sierra

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sugeto a las condiciones q^{se} estipularen: lúren el despachito correspondiente quedando agregado al anterior a cuyo diente tomese razon en el libro respectivo y dirijase p^a la debida aprobacion a la E^{ma} D^{na} Territorial en cuyo caso el interesado a quien se le haya sabido este secreto presentara nuevamente su título p^a q^{se} le revalide. El Sr. D^{no} Jose Figueroa General de Brigada Comandante General y Jefe Politico de la Alta California así lo mando secreto y firmo de q^{se} doy fee.

Jose Figueroa

Agustin V. Zamorano
Smo.

45

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SELLO PRIMERO: SEIS PESOS.

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

Figueroa.

José Rafael Gonzalez.

[Handwritten signature]

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[Handwritten initials]

José Figueroa General de Brigada de los Ejercitos Nacionales Mexicanos, Comandante General Inspector y Jefe Superior Político de los Alta California.



Por cuanto D. Juan Malain segundo Geniente honorario de la Armada Nacional ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de Guadalupe colindante con el Rancho de Sanjones y Mission de Nuestra Señora de la Soledad. Practicadas previamente las diligencias y averiguaciones convenientes segun lo dispuesto por Leyes y Reglamentos usando de las facultades q. me son conferidas; en decreto de diez y ocho del corriente a Nombre de la Nacion Mexicana he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras entendiendose dicha concesion en entera conformidad a lo dispuesto por las Leyes sin perjuicio de los terrenos q. ocupa la Mission de San Carlos en sus ganados a reserva de la aprobacion de la Coma. Diputacion Territorial y del Supremo Gobierno y bajo las condiciones siguientes.

Primera: Que se someterá a las q. establece el Reglamento q. se ha de formar para la distribucion de terrenos baldios y q. entretanto en el agraciado ni sus herederos podrán dividir ni ena

genar el que se le adjudica: imponer censo, vinculo, fianza, hipoteca, ni otro gravamen aunque sea por causa piadosa ni pasarlo a manos muertas.

Segunda: Podrá cercarlo sin perjudicar las tradiciones, caminos y sembradumbres: lo disfrutará libre y exclusivamente destinandolo al uso y cultivo q. mas le acomode; pero dentro de un año a lo mas fabricará una casa y estará habitada.

Tercera: Cuando se le confirme la propiedad solicitará del Juez respectivo q. le dé posesion jurídica en virtud de este despacho por el cual se demarcarán los linderos en cuyos limites podrá a mas de las Mokouenas, algunos arboles frutales o silvestres de alguna utilidad.

Cuarta: El terreno de q. hace donacion es de una legua cuadrada poco mas o menos segun explica el diceno q. como en el expediente: el Juez q. dice la posesion lo hará media conforme a ordenanza para señalar los linderos, quedando el sobrante q. remite a la Nacion para los usos convenientes.

Quinta: Si contraviniere a estas condiciones perderá su derecho al terreno y será oponible por otro.

En consecuencia mando q. sirviendole de Titulo el presente y teniendose por firme y ratado, se tome razon en el libro a q. correspondiese y se entregue al interesado para su resguardo y demas fines. Dado en Monterrey a veinte y dos de

Mayo de mil ochocientos treinta y tres.

Jose Figueroa

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Agustin V. Zamorano

Queda tomada razon de este Despacho en el libro de asien-
tos de Titulos sobre adjudicacion de terrenos afo-
jos una buncha uno q. obra en el Archivo de la
Secretaria de mi cargo. El Monterey Mayo veinte y
dos de mil ochocientos treinta y tres.

Zamorano

(48)

José Figueroa, General de Brigada de la República Mexicana, Comandante General Inspector y Jefe Político del Interoio de la Alta California.

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Por cuanto D. Juan Malanin 2.º Teniente honorario de la Armada Nacional ha pretendido para su beneficio personal y el de su familia ~~compra~~ ^{en ampliación} el terreno conocido con el nombre de Manito de los Correo del paraje de Guadalupe q. se le concedió por Decreto de 18 de Nov. de 1833 q. se confirmó la E. Diputación Territorial en 17 de Mayo de 1834: practicadas Colindante con el Pueblo de la Soledad, Rancho de Buenavista, Rio de Monterey y la Sierra: practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y Reglamentos: usando de las facultades q. me son conferidas, a nombre de la Nación Mexicana p. decreto del día de hoy he venido en concederle el terreno del Manito de los Correo en ampliación del de Guadalupe, al referido D. Juan Malanin declarándole la propiedad de el por las presentes letras, entendiéndose dha. concesión de ampliación con entera conformidad a lo dispuesto por las leyes, a reserva de la aprobación o desaprobación de la Ema. Diputación Territorial y del Supremo Gobierno y bajo las condiciones sig. ^{tes}

1.º Que se someterá a las q. establecieron el Reglamento q. se hace formar p. la distribución de terrenos baldíos y q. entre tanto ni el agraciado ni sus herederos, podrán dividir

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PAGE 2

ni enagenar el terreno q. se le adjudica
imponer censo, vinculo fianza hipoteca ni
otro gravamen aunq. sea por causa pia-
dosa ni pasarlo a manos muertas.

2ª Podrá cercarlo sin perjudicar las tra-
vecias caminos y servidumbres: lo disfru-
tara libre y exclusivamente, destinandolo al
uso y cultivo q. mas le acomode; pero dentro
de un año als mas fabricara casa y estara
habitada.

3ª Cuando se le confirme la propiedad de
la ampliacion solicitara del Juez respectivo
que le di posesion juridica en virtud de este
despacho p. el cual se demarcaran los lin-
deros en cuyos limites pondra a mas delay
Alhonoras algunos arboles frutales o silvestres
de alguna utilidad.

4ª El Terreno de q. se se hace donacion
y el q. tiene concedido hacen dos sitios de
ganado mayor poco mas o menos segun
explica el disenõ q. corre en el expediente. El
Juez q. diere la posesion lo hara medir con-
forme a ordenanza p.ª señalar los linderos
quedando el sobrante que resulte a la nacion
p.ª los usos convenientes.

5ª Si contraviene a estas condiciones per-
dara su derecho al terreno y sera denun-
ciable p.ª otros.

En consecuencia mando q. sirviendole
de titulo el presente y tendiendose p.ª firme
y valdoso se tome rason en el Libro a
q. corresponde y se entregue al interesado

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pa su resguardo y demas fines. Da-
do en Monterrey a diez de Febrero de
mil ochocientos treinta y cinco = Jose Fi-
gueroa = Agustin P Zamorano - Seco.

Agosto 27. de 1835.

En sesion de este dia acordó la E. Diputacion
pase a la comision de terrenos baldios

Figueroa

[Signature]

Jose Maria Maldonado

Seco.



Como si

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La comision de terrenos baldios inpuerta del espec^{te}
q. se mandó practicar p^r. solicitud que hizo el Ciudadano
Juan Malasins, del paraje nombrado los Corrales,
en ampliacion del Rancho de Guadalupe no encontran-
do objecion alguna q. hares p^r. hallarse en todo
conforme a la Ley de 18 de Ag^{to} de 1824. Como ab
art. 5. del reglam^{to} de 21. de Nbre de 1828. Ofre-
se a la deliberacion de V.E. la siguiente proposicion.
Se apruebe la concesion hecha al Ciudadano
Malasins del paraje nombrado los Corrales, ample-
acion del Rancho de Guadalupe, concedido a 10.
de No. de 1835.

Monteney 28. de Ag^{to} de 1835

Jose Castano

Mont Ag^{to} 29. / 1835.

En sesion de hoy se apravo el dictamen con la
proposicion en q. concluye, y se acordo pase al
S. Jefe Político p^a su conclusion

Jose Castano

Jose Maria de
Maldonado

Tus

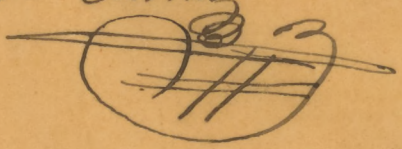
Monterrei 29 de Agosto de 1835

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En vista de la aprobacion otorgada en el dia de hoy p^a la l. Diputacion Territorial, librese testimonio de ella i de este Decreto a la parte de D Juan Malarin en confirmacion a la concesion del terreno conocido con el nombre de Guadalupe con el aumento del Llano llamado de los Correos cuya primera concesion la obtuvo p^a Decreto de 18 de Mayo de 1833; i la segunda con la ampliacion de dho Llano de los Correos en 10 de Febrero de 1835.

El S. D. Jose Figueroa Jefe superior Politico de la Alta California asi lo mando, decreto i firmo de lo que doi fee.

Por enfermedad del S. D. Jose Figueroa estuvo detenido este expediente, mas habi'endo muerto dho Sr lo pongo por diligencia p^a q^d conste firmandolo con su sucesor el S. D. Jose Castro primer vocal de la l. Diputacion i Jefe Politico interino del territorio Monterrei Octubre 1.º de 1835. de lo q^d doi fee.

Jose Castro


Testimonio

(53)

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Se aprueba la concesion echa al C^{no} Juan Malariu al paraje nombrado los corraes ampliacion al Rancho de Guadalupe conserido en 10 de Febrer de 1835 = Jose

Castro
Monterrey Ag^{to} 29 de 1835 = En sesion de hoy se apravo el dictamen con la proposicion en q^e conclu- ye y se acordo para al Jefe Político p^a su conclusion = Jose Castro = Jose M^o Malbonado Srio.

Monterrey 29 de Agosto - 1835 = En vista de la aprobacion otorgada en de dia de hoy p^a la C^{ma} J^{on} Territorial libre testimonio de ella i de este secreto a la parte de D^{no} Juan Malariu en confor macion a la concesion al terreno conuido con el nombre de Guadalupe con el aumento al Llano de los Corraes cuya primera concesion la obtuvo p^a secreto de 18 de Mayo de 1833. i la segunda con la ampliacion de Tho Llano de los Corraes en 10 de Febrer de 1835. El J^{on} D^{no} Jose Figueroa Jefe Político de la alta California así lo mando, secreto i fiamos de q^e voy fee = Jose Figueroa = Fran^{co} del Castillo Negrete Srio.

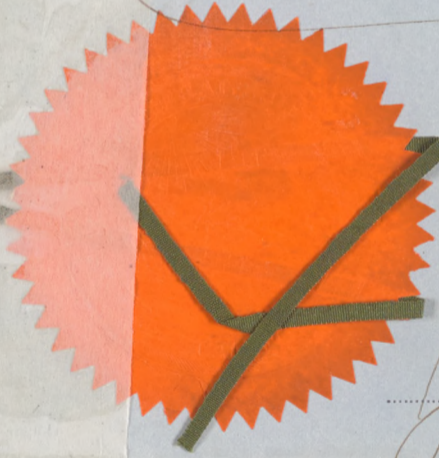
Copia, del q^e se le entrego al interesado

Castillo
E
E
E

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

I, JOHN C. HAYS, Surveyor General of the United States for the State of California, and as such, having in my office and in my charge and custody a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California, by virtue of the power vested in me by law, Do hereby Certify, that the Fifty three preceding, and hereunto annexed pages of tracing paper numbered from one to Fifty three inclusive, exhibit a true and accurate copy of a document entitled "Jurisdicción de Monterrey - N. 1 i 60 - Años de 1831 - Expediente sobre el panga nombrado Guadalupe solicitado para su beneficio por el Segundo Teniente honorario de la Armada Nacional Don Juan Malarino - 21" now on file and forming part of the said Archives in this Office

In Testimony Whereof, I have hereunto signed my name officially and caused my Seal of Office to be affixed, at the City of San Francisco, this Nineteenth day of October 1855



John C. Hays

U. S. Surveyor General for California.

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

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

152 B. 20
No 109 SD

The United States Appellants
vs
Heirs of Juan Malvar, Appellees

Expedientes of "Guadalupe",
and "Llanito de las Corras".



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Filed May 4th 1856
J. E. San
Cek

Handwritten notes at the bottom edge, including "Pa." and "Bill".

1 Jurisdiction of Monterey - No 60 - Year 1831.

Espediente on the place called Guadalupe asked for his benefit by second Lieutenant honorario of the National Armada, Don Juan Malarin.

21.

stamp 3^d - Two Reales

Provisionally authorized by the Subaltern Comisario ad interim of the Port of Monterey for the years 1831 & 1832.

Hornes.

senor Superior Political Chief.

Citizen Juan Malarin 2^d Lieutenant retired of the National Armada before the well known justification of your Excellency in due form appears and says: That having now about 300 head of cattle, breeding cows, and more to collect which are already purchased, three hands of mares with jacks, all for the purpose of supporting himself with his numerous family, and not having a place to keep them in in order to increase them, he prays your Excellency to be so good as to grant him the land which is marked out in the annexed map included between the ruined house of Sanjones to the place known by the name of Guadalupe on the bank of the Monterey River including an area of two leagues in length by from 300 to 1500 varas in its greatest width, and it is wanted.

2.

without prejudice to any corporation or private property; all provisionally, while his merits may be taken into consideration

Wherefore he prays your Excellency to be pleased to accede to his petition by which he will receive favor and grace, protesting it is not for evil intent and what is required &c.

Monterey February 10th 1831.

Juan Malasín.

Monterey September 23^d 1831

I provisionally grant to the party interested in this proceeding the land which he asks for, for his use and for the object of maintaining there his cattle, and making his cultivation, with the understanding that it shall not prejudice the property of any Mission, National Rancho, or private possession.

Victoria

Monterey February 27th 1833.

Notwithstanding the foregoing decree, the Illustrious Ayuntamiento of this place will report.

O Figuera

Illustrious Ayuntamiento

The committee appointed to draw up a report on Colonization and vacant lands has duly examined the petition of the Lieutenant of the National Armada, Citizen Juan Malasín,

was taken charge of it and the decree which accompanies it, and reports: that the first is a Mexican citizen; that the land which he asks for is without the 20 border leagues and included within the 10 littoral leagues; that it is regarded as vacant - although there is seen on it the ruins of a house which was inhabited many years ago by the Mission of San Carlos, but now it is abandoned; under this view and as it is the object of the petitioner, (in the opinion of the Committee to cultivate a little and not to colonise, the committee offers to the deliberation of the Illustrious Ayuntamiento the following proposition:

There may be granted to the party interested the land which he asks for, with the understanding that sufficient proof is adduced that it does not belong to any mission.

Monterey March 15th 1833.

Jose Avila

Jose Antonio Romero

In session ordinary of the 16th inst the Illustrious Ayuntamiento of this Capital approved the preceding report and the proposition with which it concludes; directing it to be proposed to the Superior Political Chief as the report to be given on the matter treated of.

Monterey March 18th 1833.

Marcelino Escobar

Jose Maria Maldonado
Secretary.

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Monterey May 3^o 1833.

The Rev. Father Minister of the Mission of San Carlos will report

Figueras
Agustin V. Zamorano
Secretary.

I am ignorant of what are the lands of the Mission, as I have never inquired; for which reason I cannot report.

San Carlos May 6th 1833.

Señor Rafael Moreno

San Miguel October 1st 1832.

Don Juan Molinari.

My dear namesake.

By yours of the 23^d

ultimo I have become well informed of your Ranch matters, and in answer to what you ask of me in it I will tell you frankly that: Having asked Father Sarria if the Mission of Soledad would or not give up the place called Guadalupe and cede it to you, he said, no; because the Mission wanted it as a Sheep Rancho, inasmuch as some years we have to pass the as far as the place called Tumpines as you yourself have seen the corral.

When Señor Victoria spoke to me on the matter he said, and, to favor you, we agreed, that said place of Guadalupe should remain to the Soledad, and that there would be no objection to your putting your house

May 2^o 1833. Add this to the expediente on the matter. Figueras.

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in said place, and the Misión, the sheep corral, drawing a dividing in order that you might have your stock in the direction of Sanjones and that the sheep might in the direction of Saledad. This is what I have to say on the matter in answer to yours.

I am pleased with your new house, and hope you may enjoy it many years with your family, thanking you for the offer you make me of a room.

It is ~~necessary~~ very certain that mens minds require to be fulfilled, and I have no doubt your desires will be realised, on which account know that you have a friend and namesake who will serve you in this matter.

Give my compliments to your family and Command ~~your~~
Sincerely,
Juan Cabot.

San Carlos May 6th 1833.

Senior General Don José María Figueroa

My esteemed senior.

I have endeavoured to ascertain the boundaries of this Misión and I could not properly ascertain them; I have only found a Memorandum book, (which is not legal evidence) in which it says, that in the year 1801 the Government consented that the said Misión should get a rancho in Sanjones, since which date this Misión has had possession of this said land. If by this the Misión acquired the ownership, the land which Don Juan asks for belongs to the

6
Mision, but if it did not so require it, then
it does not so belong.

Finally I desire that your Excellency
would be pleased to dispose of said place as
may appear just.

God preserve the life of Your Excellency
many years, & you may command ~~as~~
as you please your most affectionate
Friend & Chaplain L. B. S. M.

Señor Rafael de Jesus Morena.

Montrey May 8th 1833.

Add this letter to the Expediente
on the matter.

Figueron

Montrey May 10th 1833

For the better understanding of the matter
let there be taken the testimony of credible
witnesses, interrogated on the following points:
1st: if they knew whether the land treated of
in this Expediente belongs to the Mision of
San Carlos?

2^d if said Mision occupies it for any purpose?

3^d if the land is good for wheat, if irigable, or
only good for pasturing cattle. The Political
Chief of this Territory thus ordered, decreed
& signed, of which I certify

Figueron

Agustin Y. Limonero,
Secretary.

May 11th 1833 appeared Don Juan Malerin,
was notified of the foregoing decree, and

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having understood said he heard it and
would comply, and in proof he signed this
proceeding with the Political Chief, of which
I certify
Figueroa Juan Malasim.

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In the Port of Monterey May 13th 1833
appeared Don Jose Tiburcio Castro in person,
whom I certify, that I know, and was sworn
before God and the Holy Cross to tell the
truth so far as he knew and was asked,
and being asked the interrogatories in
the Decree of the 10th inst, said: that with respect
to the 1st, the land treated of in this
expediente never belonged either to the
Mission of San Carlos or to that of Soledad;
that being a soldier of the Presidential Company
of this Port, he remembers that the horses
of said company pastured on said place since
the year 1797, it being recognized as
vacant and royal lands, that from ~~that~~
~~time till~~ the year 1801, a little more
or less, he knows that at the solicitation of
Father Friar Jose Pinoles, Captain (then
ensign) Don Jose de la Guerra y Nariega
gave said land as a loan to the Mission
of San Carlos which occupied it with some
cattle and went into the place of Sanjones
where it also built a house and little
Chapel, but he does not if this opinion
and other dispositions ever had the approval
of the Superior Government. As to the 2^d
point he says: that he knows that

the Mission has for many years abandoned this land, so that the houses and chapel are in ruins; that there are no inhabitants or stock there; that only a part of it belongs to the Mission, from the bank of the river in the direction of the little ~~bottomlands~~ (Alistos) where the herdsmen live; but that in the direction of Guadalupe the land is entirely vacant. To the 3^d he says: the land is not good for wheat, nor has it water for irrigation, and it is only good for cattle raising. This being read as his declaration he says he has nothing to add; that he is vocal (member) of the Most Excellent Territorial Deputation, is married, 59 years of age, by profession a laborer, and is not disqualified as a witness; with which this proceeding is terminated; and he signed with the Political Chief and J. the secretary being present, of which I certify

Jose Figueroa

Jose Tomas Castro

Ayuntamiento de Zamora
Secretary.

On the same day month and year appeared Juan Arroyo in propria persona whom I certify I know, and was sworn before God and the Holy Cross to tell the truth so far as he knew and was asked, and being asked the interrogatories in the Decree of the 10th inst., he said; that he does not know that the land or place of Guadalupe belongs to the

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the Mission of San Carlos; that what he does know is that the place of Sanjones was loaned to said Mission in which place it pastured its cattle from the bank of the river all along the plain to the hills in the direction of the Alisitos (little buttonwoods); but from said bank towards the coast and towards Guadalupe the land is vacant and without occupation, except a house which was put there at the beginning and which now is in ruins from having been abandoned and having no one near by to take care of it. That when he was Comissary Prefect, Father Fr. Mariano Payeros marked out the boundaries of the Mission of San Carlos and those of Soledad, which were divided, from the place called Los Corneos a right line to the north cutting the plain to the Canada de los Chupaderos: on the 2^d point he said; that the Mission of the Carmelo did not occupy for any thing the land which is included from the house of Sanjones to that of Guadalupe, from the bank of the river to the coast range of mountains. To the 3^d he said; there are in the place some little spots good for wheat, but ^{they} are not of much use, that there is no water for irrigation, and that it is only good for cattle-raising. This being read as his declaration he said he had nothing to add; that he was married, 57 years of age, by profession

a laborer, and not disqualified as a witness;
 with which this proceeding ends, and he signed
 it with the Senior Political Chief and with
 me the present Secretary, of which I certify
 José Pigueraa Juan Arroyo
 Agustín V. Zamorano
 Secretary.

Monterey May 18th 1833.

Having seen the petition with which
 this expediente begins, the report of the
 Municipal Authority of this Capital, that of
 the Reverend Minister of the Mission of
 San Carlos, the testimony of the witnesses
 with all else presented and proper
 to be seen; in conformity with what is
 provided by the laws and regulations on
 this matter, Don Juan Malvarin, 2^d Lieutenant
 honorary of the National Armada is
 declared owner in property of the land
 known by the name of Guadalupe,
 bounded by the Rancho of Sanjones
 which the Mission of San Carlos occupies,
 and by that of Our Lady of Soledad, without
 prejudice to the land which said Mission occupies
 with its cattle, and subject to the conditions
 which are stipulated. Let the corresponding
 despatch issue, take note of it in the respective
 books, and direct this expediente for the
 due approval of the most Excellent
 Territorial Deputation, in which case the
 party interested, who will be notified of this
 decree will present anew his title for

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its revolidation. Senor Don Jose Figueroa
Commandant General, Inspector and Superior
Political Chief of the Territory of Upper
California, thus ordered decreed and
signed, of which I certify.

Jose Figueroa

Agustin V. Zamorano.
Secretary.

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On the 20th of May 1833 appeared Don
Juan Malarin in this Secretary's office
under my charge, and the preceding
decrees of the Superior Political Chief being
read to him he said he heard and
understood it, & signed.

Juan Malarin

Agustin V. Zamorano.

Jose Figueroa General of Brigade
of the Mexican National Armies, Commandant
General, Inspector and Superior Political
Chief of Upper California.

Whereas Don Juan Malarin second
Lieutenant Honorary of the National
Armada has asked for his personal
benefit and that of his family the
land known by the name of Guadalupe
bounded by the Rancho of Sanjones and
Mission of Our Lady of Soledad, the
proceedings and examinations concerning
it being previously made as directed
by the laws and regulations; using the
powers which are conferred on me,

by decree of the 18th inst., in the name of the Mexican Nation I have granted to him the said land declaring to him the ownership of it by the present letters, said grant being understood in entire conformity with what is directed by the laws, without prejudice to the lands which the Mission of San Carlos occupies with its cattle, subject to the approval or disapproval of the Most Excellent Deputation Territorial and of the Supreme Government, and under the following conditions:

- 1st That he will submit to those which the Regulation which is to be formed for the distribution of vacant lands may establish, and in the mean time neither the grantee nor his heirs can divide or alienate what is granted to them, impose tax, entail, pledge, mortgage or other encumbrance even for pious purposes, or pass it in mortmain.
- 2^d He may enclose it without prejudice to the crops, roads, and servitudes; he will enjoy it freely and exclusively by making such use or cultivation of it as may best suit him; but within one year at most he will build a house and it shall be inhabited.
- 3^d When the ownership is confirmed he will ask the respective Magistrate to give him the juridical possession in virtue of this despatch, by whom the boundaries shall be marked out in the limits of which he will place besides the land-marks

some fruit or forest trees of some utility
 4th The land of which grant is made
 is one league square a little more
 or less, as the map explains which goes
 in the Expediente: the Magistrate who
 may give the possession will have
 it measured according to ordinance
 in order to mark out the boundaries,
 leaving the surplus which results to
 the nation for its convenient uses.

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5th If he should contravene these
 conditions he will lose his right to the
 land, and it will be denounceable
 by another.

consequently I order that the present
 serving him as a title and being held
 as good and valid, notes be taken
 of it in the respective book, and it
 be delivered to the party interested for
 his security and other ends. Given
 at Monterey, May 22^d 1833.

A. S. L. J. J.
 S.

The committees on Colonization and
 vacant lands to whom was referred the
 Expediente formed on the petition of
 citizen Juan Malvarin for the land ~~between~~
 from the house of Sanguines to the place known
 by the name of Guadalupe, have
 examined it with due circumspection
 having at the same time before them

the Law of August 18th 1824, its concordants, and the general dispositions which on the 21st of November 1828 the Supreme Government of the Union dictated for the better fulfilment of the first; the Committee from an examination of the expedients is penetrated with the opinion which it entertains of scrupulousness and tact with which the Political Chief has ordered it drawn up, so that neither in its formation nor in its proceedings is any essential requisite wanting. Wherefore the Committee concludes by offering to the Most Excellent Deputation the following proposition:

1st Approved the grant ~~made~~ to which Juan Malariu ^{from} of the land called Sanjones to that of Guadalupe made on the 22^d of May 1833 in entire conformity with what is provided in the Law of August 18th 1824 and Article 5th of the Regulation of November 21st 1828.

Monterey May 10th 1834.

Jose J. Ortega
Jose A. Estudillo

Carlos Antonio Carrillo
Jose Castro

Monterey May 17th 1834.

In vision of this day the Most Excellent Deputation approved the proposition of the preceding report, ordering the Expedients to be returned to the Superior Political Chief for the consequent ends.

Jose Figueron

Juan B. Alvarado
Secretary.

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Monterey June 11th 1834.

In view of the approval passed on the 17th of May last by the Most Excellent Territorial Deputation, let testimony of this decree be issued to the party Don Juan Malvarin in confirmation of the grant of the land of Graduluse which he obtained on the 18th of May of the last year, 1833. Senor Don Jose Figueron General of Brigade, Commandant General Inspector and Superior Political Chief of Upper California thus ordered, decreed and signed, of which I certify.

Jose Figueron

Agustin V. Zamorano,
Secretary.

Testimony.

Approved the grant made to ^{citizen} Juan Malvarin from the land called Sanjones to that of Graduluse granted May 22^d 1833 in entire conformity with what is provided in the law of August 18th 1824, and article 5th of the Regulation of November 21th 1828.

Monterey May 17th 1834. In view of this day approved by the Most Excellent Deputation the preceding proposition, ordering the expediente to be returned to the Superior Political Chief for the consequent ends.

Jose Figueron. Juan B. Alvarado, Secretary

Monterey June 11th 1834. In view of the approval passed on the 17th of May last by the Most Excellent

Territorial deputation, let testimony of this
 decree issue to the party Don Juan
 Malerin in confirmation of the grant
 of the land of Guadalupe which he obtained
 May 18th ~~of~~ last year, 1833. Senior
 Don Jose Figueron, General of Brigade
 Commandant General, Inspector and
 Superior Political Chief of Upper
 California thus ordered decreed &
 signed of which I certify

Jose Figueron. A. V. Lamoran, Secty

A literal copy from the original from
 which I copied this present testimony
 for the security of the party interested,
 in Monterey the 11th of June 1834, being
 witnesses citizens Augustin V. Lamoran
 and Bernardino Nanarette of this
 vicinity.

Jose Figueron.

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jurisdiction of Monterey } No 60 } year 1834.

Expediente on the place called Los Corneos, as an addition to the Rancho of Guadalupe, asked for by Don Juan Malvarin.

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stamp Third - Two Reales.

Provisionally authorized by the Administration of the Maritime Custom House of Monterey for the years 1833 & 1834.

Figueroa

Jose Rafael Gonzalez.

senior superior Political Chief.

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Juan Malvarin, 2^d Lieutenant Honorary of the National Armada, and owner of the Rancho called Guadalupe before the well-known justification of Your Excellency in due form appears and says: that there having been granted to him the said Rancho by the superior decree of Your Excellency on the 18th of May of last year and it being so limited in its extent as not to give sufficient pasture for the cattle which he has on it, and requiring a league more for that purpose, he begs Your Excellency to increase this extension so as to include the llanito, little plain called Los Corneos which the accompanying map represents, praying Your Excellency to be pleased, if you find it proper, to order another title to be issued which shall include the extension asked for.

Wherefore he prays Your Excellency
to be pleased to grant his prayer by which
he will receive favor — protesting it is
not for evil intent & what is necessary

Monterey May 9th 1834

Juan Malvarin.

Monterey May 9th 1834

The Ayuntamiento of this Capital will
report. Senor Don Jose Figueron, General of
Brigade Commandant General, Inspector and
Superior Political Chief of the Territory of Upper
California thus ordered, decreed and signed;
of which I certify.

Jose Figueron

Agustin V. Zamora
Secretary.

In session of this day this expediente was
passed to the Committee on Colonization and
vacant lands.

Monterey May 15th 1834

Jose Maria Maldonado
V. Secretary.

Senor Superior Political Chief.

The Illustrious Ayuntamiento of this Capital
with the object of complying with the superior
decree of Your Excellency of the 9th of the present,
passed this expediente to the Committee on Colonization
and vacant lands, which in to-day's session presented
their report which after being being approved was
ordered to be annexed, directing afterwards

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that report he made to your Excellency that the league more which Citizen Juan Malarin asks as an addition, so as to include the little plain called Los Corrales finds no obstacle in the way of its being granted. In this the resolution of said Corporation and the fulfilment of your Excellency's said Superior decree are verified.

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Monterey May 24th 1834.

By absence of the Proprietary.

Jose Antonio Romero

Jose Maria Maldonado
M. Secretary

Illustrations Ayuntamiento

The committee on colonization and vacant lands has seen the petition which 2^d Lieutenant honorary of the National Armada, Citizen Juan Malarin respecting that the land which he has granted to him, as not being sufficient for his cattle, may be increased, by one league more which includes the place called Llanito de los Corrales, and, to fulfil the superior decree which accompanies hereunto, it reports: That the said Malarin has the requisites, ^{in which the law, requires} to entitle him to be attended to in his petition; that said land is vacant, is dependent on the seasons and pasture land, and is included within the 10 littoral leagues, but not within the 20 herds leagues of which the law, of August 18th 1824 speaks; wherefore the Committee offers to this Illustrations Ayuntamiento the following proposition:

The land asked for may be adjudicated
to Citizen Juan Melara as it will not
prejudice, but the contrary, the increase of agriculture.
Monterey May 17th 1834.

Jose Aquila
Jose Antonio Romero.

Monterey June 5th 1834.

The Father Minister of the Mission of
Soledad will report.

Figueroa

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Señor Comandante General Jose Figueroa.

My venerated Señor & Master.

I this day send you the report on Llanito de
los Corneos, and herewith the 3 papers which
arrived here on this subject. And a letter
of Father Juan Cabot former Minister of this
Mission, of whom I myself asked a report also
on the particular, with a reference which
I make on what the said Father says ~~etc~~
for the due understanding of what he
answered. I remain at the disposal of
Your Excellency as your very devoted
Chaplain and obedient, humble servant,

2 B. S. M.

Our Lady of Soledad July 18th 1834

Francia Vicente Francisco de Parria

+
Ine Jesus.

Señor.

On the petition of 2^d Lieutenant honorary,

Don Juan Mularin, for the place called Llanito de los Corrales, your excellency asks me to report: I must say, with the truth required of my position and profession, that as well as by the delivery of the subject, that there appears to me to be a mistake about said place or situation being ^(Baldio) vacant. Let us consult the Spanish dictionary to see what is the legitimate meaning of that word or term, as according to that we must understand lunas, lands which mean with respect to and concerning the present case of the distribution of vacant lands.

The dictionary of 1823, (I think the same at least substantially, as the other dictionaries say, and I cite this as being sufficiently modern and convenient to me) says: "Baldio, which is applied to the ^{common} ground or land of any council or pueblo which is not cultivated nor dehesado (pasture-land)." Wherefore it is seen that two things are requisite for land to be Baldio (vacant), to wit, neither to be cultivated nor pasture land. It is true that the Llanito de los Corrales has not ^{been} cultivated for I know not how long; but as to being pasture land, it was destined and is even now, for the pasture of the cattle of this Mission of Our Lady of Soledad with its respective limits known by the intelligent persons of that place. Now dehesa, according to the same dictionary, is "a part or portion of land marked out, regularly destined for pasture of cattle." And so it has been almost ever since the beginning or foundation of the mission. Last year, 1833, (and it is now

scarcely a year), we took from that direction the sheep on account of the news which occurred of the grant to Don Juan Mularin, without my knowing very exactly where were the limits of the grant; because here nothing was communicated to us by way of public or official disposition, and it was told to me only privately. And this was so much the worse because I understood that it was granted clear to the "Laguna de los Palos" as it is called: so that with that understanding nothing was left (not even the Llanos de los Corneos) which might be beyond the Laguna de los Palos, which was not taken away.

Nevertheless for some years there have remained and still remain in the said place or Llanito de los Corneos a considerable number of cattle of this Mission which retired there and which have served to butcher for the people of the Mission in the rainy season when the river was much smaller and cattle for butchering could not be brought from other parts; and from there and about there cattle were given when Señor Echeandia asked in the year 1829 asked a quantity of cattle from all the Missions, which for this amounted to 80 head; so the man who for the last years has been corporal of the herdsman tells me. There remains even now, so they tell me, a considerable number of cattle hidden or strayed; and going down the hills and vicinity to drink water in that place, the cattle of the Mission pass by there.

But ~~also~~ ^{neither} from this time ^{do} I hold as abandoned (knowing what that is) that place or locality in respect to the sheep, although the public authority, after being well informed, determines differently. ^{Since} ~~Then~~, from what I have been assured, the sheep in the place where they have been put and now are, do ~~not~~ injury to the cattle whose pasturing place it is, and coming there to drink by meeting them on that side of the field makes them go back and in consequence naturally huddle them up together; I mean the cattle.

It is thus seen and from what is shown above is evident, the Mission has had as a place destined for sheep the direction where is situated the place of Sanito de los Corneos, and this almost ever since the ever since the beginning or foundation of the Mission.

I do not wish to say in this that the sheep were confined in the place called the Sanito, but that in the vicinity as far as the place of the Tanjones, and even somewhat beyond, moving and running about as is usual the cattle go where they find the field best covered with grass or pasture, so that the Mission holds it as dehesa (pasture land) of the Mission in the form I have indicated above.

But at times all that is not sufficient on account of the barrenness of the soil, in a dry year, as at certain times a kind of grass grows there which kills the cattle as I have often heard say, so that it is necessary to remove them to other parts, for example, to the

other side of the river, for the place called known by the name of Sanjones (called San Bernardino) with the consent of the Fathers of the Mission of San Carlos, as Father Juan Cabot says in his annexed letter, and what is still more strange, sometimes even to the Natividad near the Mission of San Juan Bautista, with the permission as I suppose of the Fathers of that Mission with respect to what we are considering.

To continue, I have seen some of the Neophytes of this Mission, those who from the circumstances could best inform me on this matter; and they have told me that the first rancho which this Mission had was in the place now called Guadalupe, in the place where don Juan Malain has his house or it may be his homing; the sheep pastured there, and the cattle which at one time were next to the sheep, pastured on the part further on, so that between the two they respectively occupied all that direction or place which, besides Guadalupe, is now called Sanito de los Corneos, Puraje de Sanchez, and San Yronimo, even to the vicinity of the Mission. They declare that said places have never been abandoned; if the cattle passed the other side of the River, they returned at the respective times to this side, according as the want of pasture, the smelling of the adjacent river &c., dictated. They also declare that the dividing mark which, on that side, that place or direction of the Mission had, was situated in the same place where

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they had it when they were Gentiles (parchis trained Indians), with those of the part in which now they call Tanjones, those (the tanjones) keeping on that side, and these, the excelenes (the name of those where this Mijina is) on this side; said mark falling in ruins where the house or soving of senor Malarina now is, as indicated above.

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For more particulars on this matter I refer to Loisio, (who is one of those who go, and who assisted Father Mariano Payeras in afterwards remembering that mark in the same place as formerly a little one side, because the shepherds sometimes moved it, so that the Father justly connected them; but I will not particularly fail to say that The old Rogerio, another of those who goes, represents that this is his very land. He knows Spanish pretty well, and, if anything is wished to be asked of him, he goes as soon as he can with his son Benito one of the ladinos (interpreters) of this Mijina who has wished to accompany his said father. Your Excellency can also, if you think proper, make use of the others who go, as all can explain themselves pretty well in their way.

Learning other various laws on the matter, in Law 9, Tit 3, of Book VII, it is said on this subject: "The Indians are reduced to towns with more will and promptitude, if the lands and property which they may have in the places which leave are not taken from them: The order that in this nothing new

= be done, and that they be preserved as they
 = formerly have been, in order that they
 = may cultivate them, and provide for their
 = support." It appears to me that this law
 is not yet annulled, for the present govern-
 ment, with respect particularly to this Mission and
 of which we are now treating, many times I
 have been considering that when the case occurred
 for dividing the lands to the Neofites where
 there could be given to them lands with
 which they might support themselves,
 then of all this mission and vicinity there
 is nothing to be given to them, speaking
 in general terms, if it is not capable of good
 irrigation; this cannot be obtained without
 a running ditch, and how can a running
 ditch be deep without a great population
 living in community who work with
 strength? This has happened this very
 year in which the land has been especially
 dry. There having rained so extraordinarily
 in April, rather having rained so
 suddenly, ~~increasing the matter~~ the water
 almost overflowing the dam, although
 they immediately went at work, they could
 do but little, which they did; but not
 being in time, as I have said, for the land,
 there is much fear of the harvest failing
 and famine resulting, notwithstanding
 the respectable sowings. Thus I say if
 fear it; but you will act in all things
 as you please. Thus I conclude my report,
 subjecting myself, as I ought, to what Your
 Excellency may decide.

Mission of Our Lady of Soledad,
July 18th 1834. B à V. S.M.

Your affectionate Chaplain
Fruar Vicente Francisco de Sarria

Señor Comandante General
and Inspector S. Don Josef Tiguera

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San Miguel June 25th 1834

My esteemed Father Fruar Vicente Francisco de
Sarria.

In reply to yours of the 23^d inst
I must say to your Reverence, that
your Reverence is not ignorant that in
in order to grant the place called Guadalupe
to Don Juan Malarin, it was precisely
with the condition that his animals should
pasture from said place towards the
Sanjones, for the deprivation to the sheep
of said place of Guadalupe to the Mission,
and it was in these terms that the Senior
Comandante General Victoria then made
the grant; therefore if the place was
granted in those terms, no land from
Guadalupe to the Mission can be considered
vacant. The ruins of the corrales from
Guadalupe to the Paraje de Sanchez will
say of the Mission, when it required it, occupied
all this land or not, and some years it
has been under the necessity of putting its
sheep, (with the consent of the Fathers of
the Carmelo) in the rincón of the place
called Sanjones as happened in my time,
and it is impossible not to see the remains

of the Corral.

Consequently, my father Sarrin, the place of Los Corrales was never considered as Baldio (vacant), as it was formerly very necessary for the sheep of the Mission of Saledad; then we used El Chicalar in the winter and from Guadalupe to the Mission in the summer; this is the way I managed well it was the same in the time of Father Antonio Joryme.

I think your Reverence will be satisfied with what you ask of me; and if anything else offers I am ready to please you. The father Felipe salutes you and you see at your orders

Your affectionate S. B. S. M.
 Juan Cabot.

I notice ^{that} what the Father says here about the grant made to Senor Malain is in reference to what occurred in the time Senor Victoria, in which time said Malain asked for the place of Sanjos and ~~the~~ ^{the said} Guadalupe. When Senor Victoria passed by here the last time to go below, I desired to talk with him on the subject, on which he had already previously written to me, that he did not wish in any case to injure any Mission, but as he was going in a hurry on that journey he left the matter till his return: nevertheless I having indicated some reports which I had from Father Juan Cabot as former Minister of this Mission, when he passed by the Mission of San Miguel he spoke on the matter with ^{the} Father, the latter declared

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that it was necessary to the Mission of our Lady of Salceda; nevertheless he proposed a compromise which I think was that the Mission was to keep its corral in Guadalupe for its animals, &c; this is what Father Juan now says above, though he does not say all; I have not now with me here the letter which the Father afterwards wrote to me, but I think Senor Victoria agreed to what Father Juan proposed, and it is to this that the latter alludes in what he says, as he did not know what afterwards occurred with respect to the place of Guadalupe.

Thine Friend Fr. de Sarría.

Monterey July 30th 1834.

As the land of the Rancho de las Comas which Don Juan Malvar asks for pertains to the Mission of Salceda, the Missions not yet being secularized, and the Supreme Government having conferred a special commission on Senor Don Jose Maria Hijar for distributing these lands; let the course of this expediente be suspended for the present, and notify the party interested for the measures which may suit him. Senor Don Jose Figueroa, General of Brigade, Commandant General Inspector and Superior Political Chief of Upper California, thus ordered decreed and signed, of which I certify.

Jose Figueroa.

Agustín V. Zamorano
Secretary.

August 1st 1834 appeared son Juan Malacian and was notified of the foregoing decree of the Superior Political Chief, and understanding it he said he heard and agreed to it, and asked that there be given him a testimony of the said decree for his security and other purposes which might meet him: he answered thus and as due proof of it signed with me the secretary.

Agustin V. Zamorano

Juan Malacian

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Monterey January 5th 1835.

The commissioner of the Mission of Salcedo associated with the Mayordoms, will report if the land asked for by son Juan Malacian in this expediente is wanted by said Mission and if it has it occupied. Senor don Jose Figueroa, General of Brigade, Commandant General Inspector and Superior Political Chief of Upper California, thus ordered decreed and signed, of which testify.

Jose Figueroa

Agustin V. Zamorano.

Senor Commandant General.

In compliance with the foregoing superior decree of your Excellency the undersigned report that the land which citizen Juan Malacian asks for, is not wanted by this Pueblo nor is it occupied with any property. This is what we report to your Excellency for your superior information & deliberation.

Pueblo of Salcedo, January 12th 1835

Jose Estrada. Nicolas Alonso

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Monterey February 10th 1835

Annex this to the Expediente to that moved by the party interested asking for the place of Guadalupe, and make out the decree granting him the addition which he asks for.

Monterey February 10th 1835

Having seen the petition with which this expediente begins, the report of the Municipal authority of this capital, that of the Father Minister, of the Comisario and Mayor-domo of the Mission of Soledad, the exposition of witnesses, with all else presented and proper to be seen, in conformity with what is directed by the laws and regulations on the matter, don Juan Malvarin is declared owner in property of the land known by the name of Huerto de los Correas which is in addition to the place of Guadalupe which was granted to him the 18th of November 1833 and approved by the Most Excellent Territorial Deputation on the 17th of May 1834, bounded by the Pueblos of Soledad, the Rancho of Buenavista, Monterey River and the Sierra, subject to the conditions which may be stipulated; let the corresponding despatch issue, the foregoing remaining attached to the expediente, take note of it in the respective book, and let it be directed for the due approval of the Most Excellent Territorial Deputation, in which case the party interested, who will be notified of this decree, will present anew his title to have

it revalidated. Senor Don Jose Figueron
General of Brigade, Commandant General,
and Political Chief of Upper California
thus ordered decreed and signed, of which
I certify.

Jose Figueron
Agustin V. Lamorano
Secretary.

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[Here follows original title to Guadalupe
dated May 22^d 1833, signed by Jose Figueron,
and Agustin V. Lamorano, Secretary, being
in the same words as the copy, with initials,
on pages 18 & 19 of the expediente and translated
on pages 11, 12 & 13 of this translation. The following
note on the original just below the signatures
of the Governor is not in the copy on pages 11
& 12 of expediente.]

Note is taken of this despatch in
the book of matters of titles on
adjudication of lands on leaf one number
one which belongs to the Archives of the
Secretary's office under my charge.
Monterey May 22^d 1833.
Lamorano.

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Jose Fequeron, General of Brigade of the Mexican Republic, Commandant General, Inspector and Political Chief of the Territory of Upper California.

Whereas don Juan Malarin Lieut. honorary of the National Armada has asked, for his own personal benefit and that of his family, the land known by the name of Llanito de las Correas as an addition to the place of Guadalupe which was granted to him by decree of November 18th 1833 which the Most Excellent^o Deputation (Territorial), confirmed the 17th of May 1834 bounded by the Pueblo of Soledad, Rancho of Buenavista, River of Monterey and the Sierra; the proceedings and examinations concerning it having been previously made, as directed by the laws and regulations; using the powers conferred on me in the name of the Mexican Nation, I have by decree of this day granted ~~to him~~ the land of the Llanito de las Correas, as an addition to that of Guadalupe, to the said Juan Malarin, declaring to him the ownership of it by these presents letters, said grant of addition being understood to be in entire conformity with what is directed by the laws, subject to the approval or disapproval of the most Excellent Territorial Deputation and of the Supreme Government, and under the following conditions:

1st He will submit himself to those

which the Regulation to be formed for the distribution of vacant lands may establish, and that in the meantime neither the grantee nor his heirs can divide or alienate the land which is adjudicated to them, impose tax, mortgage, pledge hypothecation or any other incumbrance even though it should be for pious purposes, nor pass it in mortmain.

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2^d He may enclose it without ~~without~~ prejudice to the crossings, roads and servitudes; enjoy it freely and exclusively, making such use and cultivation of it as may best suit him, but within a year at most he will build a house and it shall be inhabited.

3^d When the ownership of the addition is confirmed to him he will solicit of the respective Magistrate to give him the juridical possession in virtue of this despatch by whom the boundaries shall be marked out in the limits of which he shall place besides the landmarks some fruit or forest trees of some utility.

4th The land of which donation is made and that which he has granted amounts to two square leagues a little more or less as the map explains which is in the Expediente. The Magistrate who may give the possession will have it measured according to ordinance in order to mark out the boundaries, leaving the surplus which results to the nation for its convenient uses.

5th If he should contravene these conditions he will lose his right to the land, and it shall be demanable by another.

Wherefore I order that this present serving

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as a title and being held as firm and valid
note be taken of it in the corresponding books
and that it be delivered to the party interested
for his security and other ends. Given
in Monterey February 10th 1835.

Jose Figueroa
Agustin V. Zambrano, Secretary

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August 27th 1835

In view of this day the Most Excellent Deputation
ordered it to be passed to the Committee on vacant
lands.

Figueroa
Jose Maria Maldonado
Secretary.

Most Excellent Señor.

The committee on vacant lands charged with
the Expediente which was ordered to be formed
on the petition of citizen Juan Malvarin for
the place called Las Corneas in addition to
the Rancho of Guadalupe, does not finding
any objection to make, it all being conformably
to the Law of August 18th 1824 and art 5th
of the Regulation of November 21st 1828, offers
to the deliberation of your Excellent Body the following
proposition:

Approved the grant to citizen Juan Malvarin
of the place called Las Corneas in addition to
the Rancho of Guadalupe, made February
10th 1835.

Monterey August 28th 1835
Jose Castro

Monterey August 29th 1835.

In session of this day approved the report with the propositions with which it concludes, and ordered to be passed to the Senior Political Chief for his conclusion.

Jose Castro
Jose Maria Maldonado
Secretary.

Monterey August 29th 1835.

In view of the approval passed by the Most Excellent Territorial Deputation to day, issue testimony of it and of this decree to Don Juan Malerin in confirmation of the grant of land known by the name of Guadalupe with the addition of the Slans called de las Corneas, which first grant was obtained by decree of May 18th 1833, and the second, with the addition of said Slans de las Corneas on the 10th of February 1835. Senor Don Jose Figueroa, Superior Political Chief of Upper California, thus ordered decreed and signed, of which I certify.

On account of the sickness of Senor Don Jose Figueroa this expediente was detained, and said Senor having afterwards died, I place it in the proceedings for testimony, signing it with his successor, Senor Don Jose Castro, first vocal of the Most Excellent Deputation and Political Chief ad interim of the Territory.

Monterey October 1st 1835, of which I certify
Jose Castro.

37.

Testimony

Approved the grant made to Citizen Juan Malarin of the place called Las Corneas an addition to the Rancho of Guadalupe, granted February 10th 1835.

Jose Castro

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Monterey August 29th 1835. In session of this day approved the report with the proposition with which it concludes, and ordered to be passed to the Senor, Political Chief for his conclusion.

Jose Castro

Jose Maria Maldonado

Secretary.

Monterey August 29th 1835. In view of the approval passed by the most excellent Deputation to day, issue testimony of it and of this decree to Don Juan Malarin in confirmation of the grant of land known by the name of Guadalupe with the addition of the Llano de las Corneas, which first grant he obtained by decree of May 18th 1833, and the second with the addition of said Llano de las Corneas on the 10th of February 1835. Senor Don Jose Figueron, Superior Political Chief of Upper California thus ordered, decreed and signed, of which I certify.

Jose Figueron

Francisco del Castillo Negrete

Secretary.

A copy of what was delivered to the party interested.

Castillo.

No 109

The United States, Appellants
vs.
Heirs of Juan Mularin, Appellees

Translation of Es Pedientes
of "Guadalupe" & "Llanito de los Corneos"

Filed Aug 4th 1856.

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J. E. Fox
Clerk

Hullah Peachey & Billing
Attys for appellants

No 109.

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

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The United States, appellants

vs.

Heirs of Juan Malarin, appellees.

} Transcript No 109.

Mariano Malarin, being duly sworn deposes
and says: That he is one of the claimants
in ~~the~~ above entitled cause, and one of
the executors of the estate of his father,
Juan Malarin, deceased, as is shown
by the will of his said father filed in
this cause; that since the death of his
said father he has had in his possession
and under his charge all the papers of
the said deceased Juan Malarin, that
he has faithfully and diligently searched
~~every~~ said papers and elsewhere for
the original grant or title paper of the
land called "Guadalupe" made on the
22^d of May A D 1833 to said Juan Malarin
by Governor Figueroa, and that he
cannot find it, but believes it to
have been lost or destroyed; that
he knows not where it may be found
and cannot procure it or produce
it to this court; that he merely believes
that when his said father received
a new grant from Governor Figueroa
on or about the 10th day of February
A D 1835, for the land called "Llano
de las Corneas" including the said
tract called "Guadalupe", the former

grant of the said "Guadalupe" tract made
as aforesaid on or about the 22^d day
of May A.D. 1833, was either thrown aside
or destroyed as useless; that deponent
has no knowledge of what has become
of it, nor does he know of any
person who does.

Mariano Galarraga

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Sworn to and subscribed to before me
at Monterey this eighth day of November
A.D. 1855.



Alonzo S. Taylor,
Deputy Clerk United States
District Court for the Southern
District of California,
and United States Commissioner

No 109

U. S. Dist Court.
Southern Dist of Colo.

The U. S. Appellants

vs.

Hirs of J. Malarin, appellees

Appt. of M. Malarin

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Filed Jan'y 4th 1856.

J. E. Carr
Clerk.

Walter P. Beachy & Billings
Attys for appellees

No 109

The U.S. Appellants vs. Heirs of Malerin, Appellees.

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The Transcript in this case contains:

- II Petition to commissioners by M. Malerin as executor of his father Juan Malerin deceased. p. 3
- III Amended petition in name of heirs pp 53 & 54.
- IIII Deposition of D. Spence pp 4 & 5.

proves signatures to grant and certificate of approval or final title of "Llano de las Corneas" including "Guadalupe"; and to Records of Juridical possession of both tracts; witness gave the 2^d possession as shown in the papers. A substantial adobe house was built on the land immediately of the possession was given; it has ever since been occupied and still stands on the land; the grantee, Malerin, & his family have ever since been in the possession of this land, using it for cultivation and stock raising.

- IV 2^d Deposition of D. Spence p. 6.

proves Malerin's well and what lands constituted the "Guadalupe Ranch" as mentioned in said will; that it was formed of the several tracts called "Guadalupe", "Llano de las Corneas", "Lanjonas" & "Chicalar".

- V Certified copy of the grant of "Guadalupe" dated May 22^d 1833, taken from Book of Records pp 48 & 50.
- VI Translation of above Record pp 51 & 52
- VII Original grant and certificate of approval, of "Llano de las Corneas" including "Guadalupe" in all two leagues, grants dated Febry 10th 1835. pp 7 to:
- VIII Juridical possession of "Guadalupe" given August 1834, describes boundaries and declares tract to contain less than one league pp

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- XI Juridical possession of "Llano de las Corneas", given December 1835, and describes the boundaries and declares the tract to contain less than half a league p/p.
 - XII Translation of 2^d grant, for "Llano de las Corneas", including "Guadalupe" and of certificate of approval p/p.
 - XIII Translation of Juridical possession of the "Guadalupe" tract p/p.
 - XIV Translation of Juridical possession of "Llano de las Corneas" p/p.
 - XV ~~Will of Juan Malarin~~, the original grantee p/p 38 to 43
 - XVI Translation of Malarin's will p/p 44 to 47
This will gives the names of his widow & children as named in amended petition
 - XVII Opinion of Commissioners p/p 55 to 58
 - XVIII Decree of confirmation p/p 59 to 60

Proceedings in U.S. Dist. Court

- 1st Transcript from Commission — filed Nov. 8th 1854
- 2^d Notice of appeal by U.S. " Feb 27th 1855
- 3^d Petition for Review " Oct 20 1855
- 4th Answer " Oct 20 1855
- 5th Afft of M. Malarin ex est.
swears he cannot produce 1st title to "Guadalupe" and knows not what has become of it.
- 6th Expedientes of "Guadalupe" & "Llano de las Corneas" filed
- 7th Translations of Expedientes "

The expediente for "Guadalupe" contains:

Malarin's petition for the land; a map; provisional grant by Gov. Victoria dated Sept 23^d 1831; Reports of local authorities; testimony of witnesses; Gov. Figueroa's decree of grant in full property, dated May 18th 1833; Copy of title issued by Governor Figueroa dated May 22^d 1833; approval

of Territorial Deputation dated May 17th 1834, and copy of certificate or final title, dated June 11th 1834.

The Expediente of "Llanito de las Corneas" contains:

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Petition of Malarin; Map of land asked for; Reports of local authorities; Decree of grant by Governor Figueroa, dated February 10th 1835; original grant for "Guadalupe" issued May 22^d 1833; copy of same grant for the "Llanito de las Corneas," together with "Guadalupe" as previously, making altogether two square leagues a little more or less, with the boundaries described, dated Feby 10th 1835; approval of Territorial Deputation, dated August 29th 1835 and the Testimony, or copy of final title, same date.

Note. In the second grant, dated February 10th 1835, the "Guadalupe" tract is referred to as having been granted to Malarin on the 18th of November 1833, whereas the certificate of approval or final title which immediately followed refers to that tract as having been granted on the 18th of May 1833. The latter date is correct, as is shown by the entire proceedings in the Expediente of the "Guadalupe" tract, and also in the Expediente of the second tract, except in the copy of the title. [vide proceedings of approval & copy of Testimonio.]. The Record of Judicial Possession also refers to the Guadalupe grant then in Malarin's possession as being dated May 22^d, which could not have been the case if the decree of concession had not been made till November 18th of that year.

The error of ~~date~~ in the second grant in referring to the date of the 1st decree is an immaterial one,

and cannot effect the claim, as the second grant is complete in itself for both tracts, fully describing the land granted, its locality, bounds, and quantity. To show how liable men are to commit errors in referring to dates, it will be remarked that the Board of Commissioners in referring to Don. Figueroa's mistake, make one equally great themselves, saying that May 18th is erroneously used for May 22^d, whereas May 18th is right, but the real error was in saying November 18th instead of May 18th.

When this claim was presented to the Board of Commissioners the archives in the office of the Surveyor General had not been duly arranged and no expedientes could be found. A copy of the 1st grant of "Guadalupe" from the Book of Records was filed to show its contents and that its date corresponded to that mentioned in the Judicial Paper. The expedientes have since been found and are now filed in the case. They fully explain the apparent contradictions in dates, and show that the second grant was intended as a complete title for both tracts mentioned in it.

The maps filed in these expedientes and referred to in the grants remove all difficulties about the boundaries and locality, if indeed any difficulty should be met with in the descriptions in the title & Judicial papers.

It will be noticed that this claim together with Nos 108 & 110 form a single Rancho, as described in Malasia's will,

and the three claims ought properly to
be considered and decided together.

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SD

No 109.
The united States, appellants
vs
Heirs of J. Malanin, appellees

Indy of call

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Filed Jan'y 4th 1856.

G. E. Saw.
clm

Walter Peasey & Billings
Attys for appellees

United States District Court
Southern District of California

December Term 1853

Marcus Malariu
Executor of the Estate of
Juan Malariu Deceased

Appellee

vs
The United States

Appellants

No 109
Transcript from Land Com No 152

The cause coming on to be heard
on an appeal from the decision of the Commissioners to ascertain
and settle the private Land Claims in the State of California under
an act of Congress approved March 3 1851 upon the Transcript
of the proceedings ^{and decision} and the papers and evidence on which said decision
was founded, and it appearing that said Transcript has been filed
to Law, and Counsel for the respective parties having been heard. It is ordered
adjudged and decreed that the decision of the said Commissioners be and
the same is hereby affirmed and ^{that} the claim of the said Appellee
is good and valid, and the same is hereby confirmed to the said
Marcus Malariu Executor as aforesaid to the extent of two square
Leagues and no more within the boundaries described in the
Grants and the respective Maps to which they refer, and more fully
described in the acts of judicial possession. Provided that
if the quantity within said boundaries be of a less quantity than
the said two square leagues then Confirmation is hereby made
of said less quantity

James H. Ogden
U.S. Dist. Judge

No 109

U. S. Dist. Court
South West of Cal.

M. Malan Esq.
appellant

vs
The United States
appellants

Decree

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Filed March 7th 1856.

C. E. Can
Clerk

By *[Signature]*
Recorded July 20th 1857
an pg 88 & 89.

IN THE DISTRICT COURT OF THE UNITED STATES,
FOR THE SOUTHERN DISTRICT OF CALIFORNIA,

Los Angeles, December Term, 1855.

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Manans Malani & Co

APPELLEE, }
VS. }
APPELLANT. }
No. 109.
(No. 152, of Transcript.)
On Appeal from the United States Land Commission.

On motion of P. ORD, Attorney of the United States for the Southern District of California, it is hereby

ORDERED by the Court, that an appeal be granted the United States, to the Supreme Court of the United States, from the judgment of this Court against the said United States in the above entitled cause, rendered on or about the 11, _____ day of *January* A. D. 1856.

P. Ord
Dir. U.S.

No. 109.

W.S. Duffout
Smith & Duffout California

Marcus & Galarin Esq. Etal
appellus

ad
the United States
appellants

Notice of Appeal &c.

Filed March 27 1850

C. E. Case Clerk

By C. Morgan Deputy

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California Land Claims.

Attorney General's Office

25 September 1856,

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Sir:

In the case of the claim of Mariano
Malarin, Esq; confirmed to the claimant by the
Commissioners, Case no. one hundred and fifty-two,
(152), and also confirmed on appeal by the Dis-
trict Court, appeal in the Supreme Court will not
be prosecuted by the United States.

I am

Respectfully

Clatney

Jacifius Ord Esq.

U.S. Atty for the

Southern Dist: appeal.

109

Mariano Malerin Ex

152

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Nov 4 1836

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

Wm Isaac S. H. C. J. Judge,

December Term 1856

The United States

Appellants

Mariano Malarin Est^o

Appellee

ocket No 109

Transcript from the Board of Land Commissioners No 152

In pursuance of a letter from the Attorney General
of the United States. Herewith annexed. Giving notice that
in the above cause the appeal in the Supreme Court will
not be prosecuted by the United States. it is hereby
stipulated and agreed by and between the parties that
the order granting an appeal to the Supreme Court her-
etofore made in the above cause be vacated, and that
the decree of the Court heretofore rendered in this cause
may by order of the Court be made final

J. M. Dist. Atty.

John Stacey Murray
Atty of appellee.

U. S. Dist. Court
Southern Dist. Cal.
No 109

The United States
Appellant
vs
Mariano Malarmé Esq
Appellee

Stipulation
to vacate order of
appeal to Supreme Court

Filed this 5th February
1857
C. S. Clark
of St. Columbian
City

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

Now Please S. H. Chew Judge,

December Term 1856

The United States

Appellants

vs
Mariano Malerin & Co.

Appellees

Booklet No 109

Transcript from the Record of said Commission No 152

The Attorney General of the United States having
given Notice that the appeal to the Supreme Court
from the decision of this Court in the above entitled
Cause will not be prosecuted by the United States
And a stipulation having been entered into by the
United States District Attorney and the Attorneys
of the Claimant that the order granting an Ap=
=peal to the Supreme Court heretofore made in this
Cause be vacated, and that the decision of this
Court heretofore rendered in this Cause may by order
of the Court be made final, it is
Ordered, adjudged and Decreed, That the

Order granting an appeal to the Supreme Court,
therefore made in this cause be and the same is
hereby vacated, and that the Plaintiff have leave
to proceed under the decree of this Court. Therefore
rendered in this cause as under a final decree
Gives R Oyer
H S Over Ridge

U. S. Circuit Court
South Dist. Cal.

No 109

The United States
Appellant

vs
Mariano Malara's Exrs
Appellee

Order
vacating appeal

Witness my hand
this 5th day of July, 1857
Gives
Over

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PAGE

N^o 109,

The Case 109, is a claim for under two grants by Gov. Figueroa the first dated 22^o May, 1833, of 1 sq-league, called Guadalupe, according to ~~map~~ ^{map} its ~~extent~~ ^{extent} bounded by the Rancho of the Sanjimes, & the Mission of the Soledad

That it was approved by D. D. on the 17 May 1834 -

That 2nd paper was given on the 11th Aug. 1834.

and also 1/2 league adjoining above tract, in addition, granted by said Gov. Figueroa, on the year 1835,

Original papers shown in support of claim.

1. Grant of Gov. F., dated 10. Feby. 1835, of the Sanito de los Corcos in augmentation of the place of Guadalupe, which was granted by Decree of the 18th of Nov. 1833, & confirmed by ~~D. D.~~ D. D. Dec 17 May 1834., bounded by the Pueblo of Soledad, Rancho of Buena Vista Monterrey, River, & the Sierra - of the extent of two leagues a ~~including~~ ^{including} little more a lig, including that heretofore granted according to the Map which belongs to the expediente.

2. 2nd paper dated 11. Aug. 1834 of Guadalupe -
208 ^{cordeles E + W} ~~by~~ ^{by} 30 wide N + S. - by Genios

3. 2nd paper dated 09 Dec. 1835,
60 cordels ^{to the party} ~~long~~ ^{by} 46 wide from N to S.
By Genios.

1. That the claimants fail to show the alleged original grant of Gov. Figueroa, dated 18th May 1833 (or 22nd May 1833) for the place called Guadalupe of the extent of 18th league,
2. That no expediente or map is shown of the above named tract of Guadalupe,
3. That the alleged judicial proposicion of said tract of Guadalupe, ~~was~~ dated 11th Aug. 1834, was not made according to the said alleged grant, & the map belonging thereto, that it purports to give more than two leagues in length by about $\frac{1}{4}$ league in width only,
4. That the alleged grant of the Llanito de los Corcos, including the ~~grant of~~ land previously granted called Guadalupe, making in all two square leagues, is vague & indefinite in the description. That there is no expediente or map of the land shown. ~~That~~
~~the~~
5. ~~That~~ That the alleged judicial proposicion dated 19th Dec. 1835, of the Llanito de los Corcos, is not made according to the alleged grant. That it purports to give more than $\frac{1}{2}$ league in length by less than $\frac{1}{2}$ league in width.

The survey should be in the form of a square - & not of in the manner made by the said alcaldes. They had no lawful authority to change the form or shape of the land as described in grants & maps.

N^o 109.

Objections

PAGE

The United States, appellants }
vs }
The Heirs of Juan Malain, appellees }

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The claim in this case is founded upon two grants, from Green Figueroa to Juan Malain the deceased father of the present claimants, the first grant is for a tract of land called Guadalupe: of the extent of one square league; within the boundaries as shown by the map. This grant was approved by the Departmental Assembly on the 17th May 1834, and judicial possession was given in June of the same year. — The second grant was for a tract called: Llanos de los Corcos, within the same boundaries as shown by the map referred to in the first grant and ~~was for one square league in extent~~, it was an augmentation of the first grant, and the third condition limits the extent of land in the two grants to two square leagues, and ordains judicial possession to be given accordingly, It bears date 10th February 1835, and was approved the 29th August 1835, and judicial possession was given in December of the same year —

The original grant made in 1833, has not been offered in evidence, but there is abundant proof in the record, that it was made at the time and in the manner alleged and also of the contents of it.

The original Grant of date of July 10, 1835

is filed in evidence and its genuineness and authenticity fully proven, this grant is in fact a grant for the whole of the land mentioned in both grants to wit Guadalupe an El Llano de los cerros and would without any ^{other} proof of the fact, there is contained in it be sufficient to convey the whole of the land. and the probability is true when it was issued the first grant was assigned otherwise to the Governor, at any rate there is a sufficient foundation here for the introduction of secondary evidence to prove the contents of the grant. The Original grantee is dead and the affidavit of his executor in effect that he took charge of his father's papers immediately upon his death and that he has made search for the original and can not find it, that he does not know where it is, nor can he produce it, this in case of this kind is sufficient to let in the secondary testimony introduced, the testimony is of the best character and proves the contents of the grant.

Both grants refer to the accompanying maps, which are able for a description of the land, these maps are sufficiently definite to enable a surveyor to identify the land, judicial possession of both tracts was given, and the boundaries of the land marked out. The liberality of the claimants is fully shown.

all the other objections to the validity
of the claim being in other cases
been declared insufficient to defeat
a claim otherwise good, the
Claimant is entitled to a confirma-
tion of his claim, according
to the description in the grant
map and acts of judicious possession
and a decree will be entered
accordingly

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United States
by

Henry of Malacca
No 109

Opium

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