

CASE No.
238

SOUTHERN DISTRICT

AGUA HEDIONDA GRANT

JUAN MARIA MARRON

CLAIMANT

ofilm

SD

Land Case 238 SD

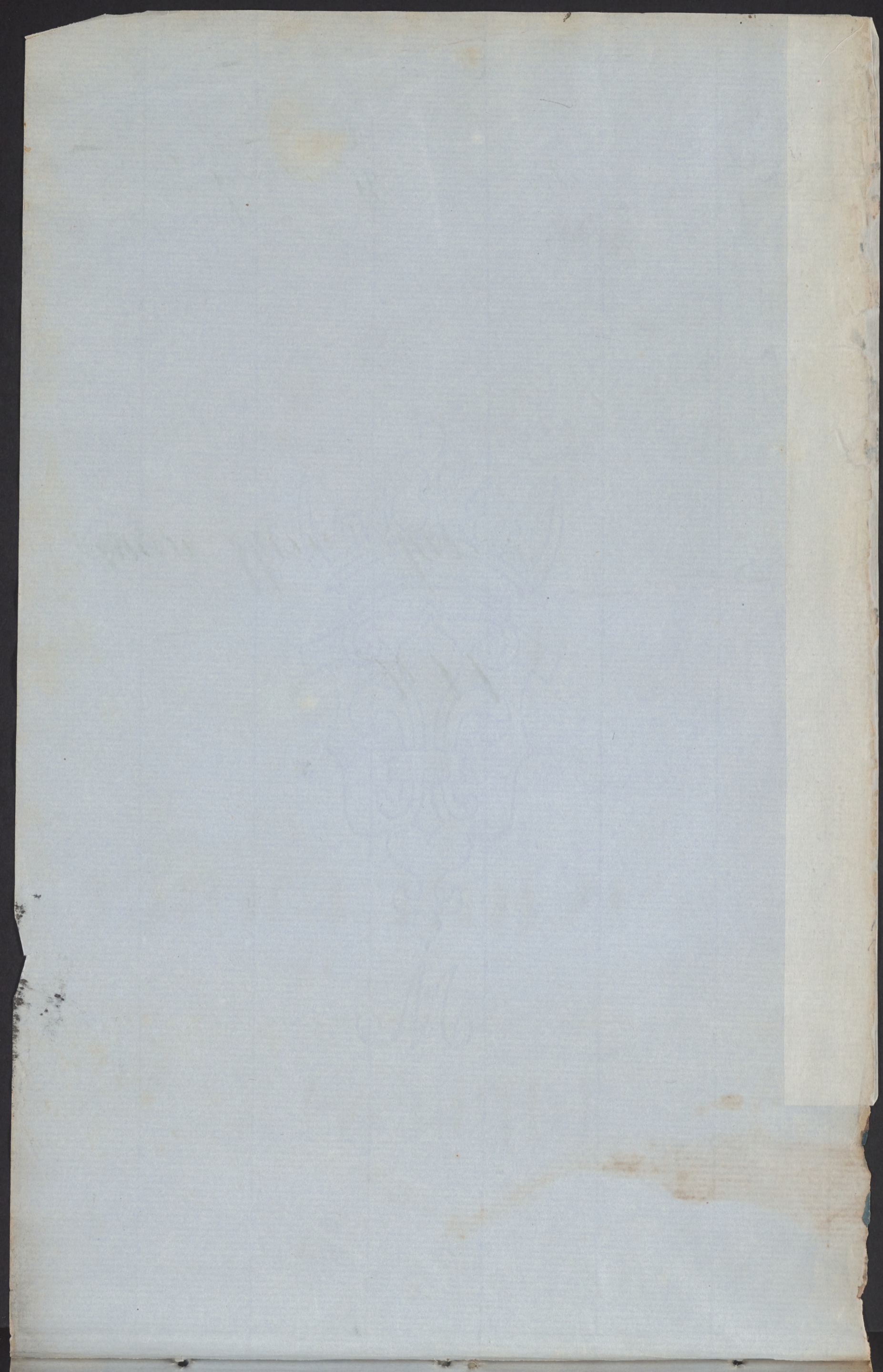
ALSO AVAILABLE ON MICROFILM

HOWARD
GERMANY CO.

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411





TRANSCRIPT

— 238 SD

PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 411.

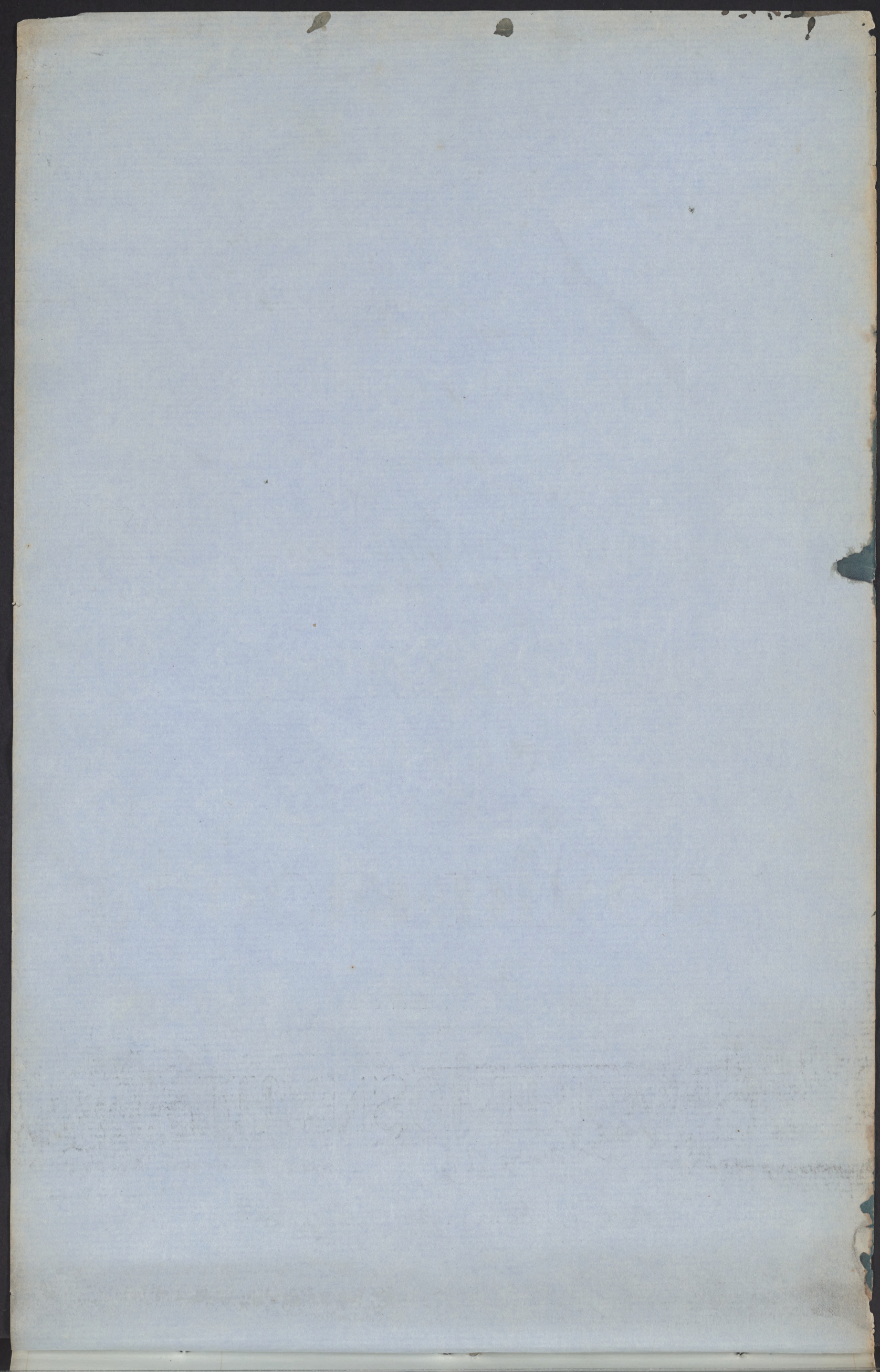
Juan Maria Marron CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"*Agua Hedionda*"



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 *Twenty Third day of October*, Anno Domini One Thousand Eight Hundred and Fifty-~~th~~th, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

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The Petition of *Juan Maria Marron*,
for the Place named
"*Agua Hedionda*,"
was presented, and ordered to be filed and docketed with No. 411 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;

Sos Angeles October 30th 1852.

In case no. 411, *Juan Maria Marron* for the place named "*Agua Hedionda*," the deposition of *Abel Stearns*, a witness in behalf of the claimant, taken before Commissioner *Helena Hall*, with document marked *H. N. no. 1*, and translation thereof, annexed thereto was filed;

(Vide page 4 of this Transcript.)

Sos Angeles November 10th 1852.

In the same case the deposition of *S. Arguella*, a witness in behalf of the claimant, taken before Commissioner *Helena Hall* with document marked *H. N. no. 1* annexed thereto, was filed;

(Vide page 5 of this Transcript.)

San Francisco Sept. 19th 1853.

Case no. 411 was called on motion of the counsel for the claimants, ordered to the foot of the Docket,

San Francisco Oct. 22nd 1853.

In the same case the deposition of J. J. Warner, a witness in behalf of the claimant, taken before Commissioner Thompson Campbell, was filed;
(Vide page 6 of this Transcript.)

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San Francisco Sept. 5th 1854.

Case no. 411 was ordered to be placed at the foot of the 2^d class cases on the Trial Docket.

San Francisco October 14th 1854.

In the same case the deposition of Jesus Moreno, a witness in behalf of the claimant, taken before Commissioner Peter Lott, was filed;
(Vide page 7 of this Transcript.)

San Francisco, October 14th 1854.

Case no. 411 was submitted on briefs and taken under advisement by the Board.

In the same case the counsel for the claimant filed the following Amended Petition, and motion to wit:
(Vide pages 30 of this Transcript.)
which having been considered was granted, and
Ordered, That the said petition be amended in accordance with the said motion.

San Francisco, October 24th 1854.

In the same case Commissioner Alpheus Felch received the opinion of the Board confirming the claim.

(Vide page 39 of this Transcript.)
and the following order was made, to wit:
(Vide page 43 of this Transcript.)

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To the Board of Commissioners
for ascertaining and settling private Land
Claims in the State of California -

Petition

Your Petitioner Juan Maria
Mamon of the County of San Diego in the
State of California respectfully represent to
Your Honorable Board that he claims
a certain tract of land called Agua Hedion
da containing three square leagues more or
less situated in the County of San Diego aforesaid that he claims the same in fee by virtue
of a grant made to him under the authority of
the Mexican Government by Juan P. Alvarado
Governor of the Department of California
bearing date the tenth day of August one
thousand Eight hundred and forty two -

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Your petitioner would further
represent that Judicial possession of said
tract of land was given to him on the seventh
day of October one thousand Eight hundred
and forty two and the boundaries thereof dis-
tinguished and defined and that he has been in
the peaceable possession thereof ever since
and that he has no knowledge of any interfering
claim -

Your petitioner presents herewith
a certified copy of the grant of said land
in the Spanish language with a translation
of the same and the Certificate of Judicial
possession and will make further proof
of title if required by the Board.

Your Petitioner prays Your
Honorable Board to take his claim to
said tract of land and decree his title to
be valid and confirm the same, and as in
duty bound &c -

Seethaland & Carr
attys for Petr -

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Filed in Office Oct 23. 1852.

Exhibit 1
Geo Fisher Deed

Las Angeles Oct 30th 1852.

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Deposition
of
Abel Stams

On this day before Lemm Hedland Heall
came Abel Stams a witness in behalf of
the Claimant Juan Maria Marron settler
No 1111 and was duly sworn his evidence
being given in English -

The U S Associate Law Agent was present.

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

My name is Abel Stams my age is
fifty four & I reside in the City of Los Angeles
I have resided in California over twenty three
years.

I am acquainted with the hand writing
of Jose Matias Moreno & Jesus Moreno.

A paper is now shown me pur-
porting to be a Certificate of Jose Matias More-
no Secy ad interim dated 12 June 1844 of the
existence in the Office of the Secretary of California
of a certain title paper therein Copied. Said Signa-
ture of Moreno I believe to be genuine. Said
paper I do not recollect & marked H H No 1.

I know the Rancho Agua Hedonada
It is in the County of San Diego about three
leagues from the Mission of San Luis Rey

I have frequently passed the Ran-
cho & stopped at the house since the year 1845

I always found it occupied by
Juan Maria Marron or his servants. He had

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a stock of cattle & Horses and Ship on it
He was occupying at the past Summer when
I was last there.

Abel Stearns.

Sworn & Subscribed
Before me

Widand Keall
Comm. }

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Filed in Office Oct 31. 1852

(Signed) /
Wm Fisher
Secy

Las Angeles Nov 11. 1852.

Deposition
of
Santiago
Arguello

On this day before Comr W. Keall came
Santiago Arguello a witness in behalf of the
Claimant Juan Maria Manon stating
to all and was duly sworn his Evidence being
interpreted by the Secretary.

The W. & Associate Law Agent was present

In answer to Arguello's legal Counsel
for the Claimant the witness testified as follows.
My name is Santiago Arguello
my age is sixty years & I reside in San Diego.
A paper is now shown me
purporting to be a testimonial of Judicial
possession to Juan Maria Manon given in
October 1842 & The signature of Jose A
Gonzalez Jesus Moreno & Jose Ma Alvarado
appearing on said paper I decline to be sworn
I am acquainted with their signatures, said
Gonzalez was acting as a Justice of the peace

Place in October 1843, said paper is hereto
annexed & marked No No No 1.

I know the rancho Agua
Nedionda. It has been occupied by said
Manon ever since the year 1839 or 1840 & is
now occupied by him. He had a house
on it in which he lived. he had cattle & culti-
vated some of the land.

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S. Arguello,
Sworn & Subscribed
Before me
Heliamd Keab Comr.

Filed in Office Nov 14, 1832.

Wesley
Geo. Fisher
Secy.

Office of the Board of
Commissioners &c &c.

Deposition
of
J. J. Warner

This day before Comr Simpson Campbell
came J. J. Warner a witness in behalf of claim-
ant Juan Maria Manon No 111, who after
being duly sworn deposed as follows.

What is your name age and place of residence

My name is J. J. Warner I am forty five
years of age and I reside at San Diego

Do you know the Rancho called Agua
Nedionda and if so, state all you know of its
occupation by the grantee in this case.

I know said Rancho, I believe as Early

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as since 1843 Marron was living a quiet
with his family had an acre or more, canals
cultivated fields and a respectable stock of
cattle, and horses and continued to occupy
it up to the time of his death in 1853. His
family residing there during the summer and
fall and usually in San Diego during the
winter. He had continued to occupy it in
the same manner I have described he occupied
it in 1843.

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J. J. Warner,
Associate Law Agent Present.

Sworn to & Subscribed
before me this 22nd day of
October AD 1853.

Timpson Campbell
Comm.

Filed in Office Oct 22. 1853.

(signed) Geo Fisher Secy.

United States of America
State of California 3 p.

San Francisco Oct 12. 1854.

This day came before Peter Gott a Commis
sioner for taking testimony to be used before
the Board of U. S. Land Commissioners in
said State Jesus Morony a witness on behalf
of the Claimant Juan Maria Marron in case
No 411 on the docket of said Board and
said witness being sworn depused in Spanish
which was interpreted by the interpreter to said
Board as follows.

The U. S. Associate Law Agent is present

Deposition
of
Jesus
Morony

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Questions by Judge Sutherland attorney for
Claimant.

1st Question -

What is your name age and
residence?

Answer.

My name is Jesus Moreno my
age 45 years my residence in San Diego Cali-
fornia -

2^d Question -

Look at the document now shown
to you marked A B Exhibited to this deposition
and heretofore filed in this case and state
whether your name wherever it appears as
Subscribed therein is your own proper signature?

Answer -

Yes the several signatures of my
name here are my own writing done by me at
the time possession of the land was given.

3^d Question

Are you acquainted with the
boundaries of the Rancho of 'Agua Verdinda'
of your state what they are and how you know
them?

Answer.

I know the boundaries the place
is bounded on the northern side by the Punta
del Tule and the skirt of the hills along
the Cañada de Buena Vista and on the north
eastly part by the Chamisal on the side of
a hill on the eastly side by the hills (Cimas)
to the Patiquitos which is on the South East
ly part there is planted a Maquoy plant
and also by the Cañada de las Patiquitos and
on the South or rather South Westly by the
Sea. There was a wooden cross placed to
mark the boundary near the Punta del Tule

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I know the boundaries because I saw them established at the Judicial measurement.

2th Question -

What quantity of land is embraced within these boundaries as described by you.

Answer.

Three square leagues.

3th Question.

State if you know of the death of Juan Maria Marron the grantee of you when did he die and also state whether he left a widow and children if you give their names.

Answer.

Said Marron died Sept 11th 1853 He left a widow and children who are still living the widow's name is Felice Asuna de Marron and the children are José Cayetano, Juan José y Maria de los Rios.

Cross Examined by W. S. Associate Law Agent -

1st Question.

State what is the shape of this Rancho in question and its average length and breadth!

Answer.

It is nearly in a square form a little longer one way than the other It is about 2000 varas in breadth and in length from Cañada de Buena Vista to the Cañada de las Salinas de las Batiquitas about 2 or 2 1/2 leagues -

2^a Question.

How were the boundaries measured at the Judicial Survey?

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Answer.

They measured them with a cord
511 varas long riding round on horseback
32 Justin -

Is your acquaintance with this
family such that you can speak without
doubt of the names of the children?

Answer.

Yes I was intimate
with the family and know the names of the
children well.

1st Justin -

What is the length of
the Cuada de Salinas de Batiquitos -

Answer.

It may be about 3 or 4 leagues
more or less - It is quite a long Cuada -

Jesus Moreno.

Subscribed and sworn to
before me on this 12th day
of October 1854.

Peter Lopp

Counsellor &c.

Filed in Office Oct 11 1854.

Witnessed by

Geo. Fisher

Secy. }

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Especiente Promovido por el Ciudadano
Juan Maria Marion en solicitud del parage
conocido con el nombre de Laguna heolionola.

Ags.

Juan B. Alvarado Gobernador Constitucional del Departamento de las Californias.

Por cuanto el Ciudadano Juan Maria Marion ha pretendido para su beneficio personal y el de su familia el parage conocido con el nombre de la etgua hectionola, colindante con la Cañada de este nombre con el Mar, con el terreno llamado de Buena Vista y con la Cañada de los Nutaquillos: practicadas previamente las diligencias y averiguaciones convenientes segun lo dispuesto por leyes y reglamentos de la materia, usando de las facultades que me son conferidas a nombre de la Nacion Mexicana he venido en concederle la propiedad de él por las presentes letras sujetandose a la aprobacion de la Junta Departamental y a las condiciones siguientes.

1.^a Podrá cercarlo sin perjudicar las tierras comunales y servidumbres lo dispusiera libre y esclusivo destinandolo al uso o cultivo que mas le acomode pero dentro de un año publicará casa y estará habitada.

2.^a Solicitara del Jefe respectivo que le otorgue posesion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites podria a mas de las matorras algunos arboles frutales o Alvestes de alguna utilidad.

3. El terreno de que se hace mención es de tres sitios de ganado Mayor pero mas o menos segun esplica el diseño que corre en el expediente respectivo.

El Jefe que otorgue la posesion lo hará en conformidad a ordenamiento, quedando el sobrante que resulte a la Nacion para los usos que le convengan.

4.^a Si contraviere a estas condiciones perderá su derecho al terreno y será denunciado por otro.

En consecuencia mandó que teniendose por firmada y valido este titulo se tome razon de él en el libro respectivo y se entregue al interesado para su resguardo y demas fines. Dado en Monterrey a 10 de Agosto de 1812.

Sor. Prefecto.

Juan M^o Marion vecino del Pueblo de San Diego ante V. S. con el debido respeto y con los terminos que me son correspondidos segun el derecho me presento y digo que hace el tiempo de dos años que tengo pedido al Gobierno Departamental el parage

Ang. Julio. 15 de 1859. de la at que hevlionda y Batequitos que
Elevase la pres- empresa el diseño que acompaña con sup-
-ente solicitud a -ediente y siendo la Prefectura del cargo
manos de E. Sor. de N. S. el conlucto por donde se debe
Gobernador del dirigin al Gobierno todo ocuso o
Departamento por petición lo hago en la presente para que
que en su vista S. S. se sirva ocurrir al Gobierno por mis
Sirva determinar papeles para de este modo saber si
lo que converga ateniendo algun estrabio para aver
en el particular. nuevo pedido por aunque hase algun
tiempo que en el referido parage tengo
mis bienes de campo no puedo fabricar
en el casa ni poner bienes de raices y
Narciso Boletto. por esta razon puedo decir que aun no
Srd. tengo segura la subsistencia para poder
trabajar en el parage citado.

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Argüello.

Angles Oct- 1^o de 1859. P. T. A. N. S. Suplico Reuoludamente
se sirva decretar en justicia lo que fuere
y por me el Sr. Sor. de su agrado. Temiendo no ser de
de Paz del Puerto realicia, sirviendose tanto admitir
de San Diego sobre el esta en papel comun por falta del
Contenido en otra Sello que corresponde.

distancia y tengo San Juan Capistrano. Julio 1^o de
pasé al Sr. Adm. 1851. Juan M^a Marron.
trador de la Misión Sr. Jefe del segundo distrito.
de San Luis Rey por el Ciudadano Juan M^a Marron de esta
que le hago en la ciudad ante V. S. con el mas profundo
parte que lo haga. respeto y como mejor haya lugar en
derecho parese y oise que haya a mi
Narciso Boletto. dueño de un numero considerable
Srd. de bienes de campo y careciendo de
un terreno para su fomento y mantener
Puerto de San Diego por este medio la subsistencia de mi
27 de Set de 1859. crecida familia A. V. S. Suplico se
obigne concederme el parage conocido
en vista del Superior con el nombre de la Angua hevlionda
decreto de V. S. que pertenece al rancho de la Misión
interesado para que de San Diego Rey, teniendo a bien con
como Alcalde de -edente el parage de las sitias de
esta Municipalidad ganado Mayor, dispensando no acom-
y por me sobre el - para por ahora el correspondiente
terreno solicite dire diseño que haré en otra vez.

que el sobrante y Por tanto A. V. S. pido y suplico.
el terreno mencionado Reuoludamente se sirva aceder a mi

que el sobrante y Por tanto A. V. S. pido y suplico.
el terreno mencionado Reuoludamente se sirva aceder a mi

que el sobrante y Por tanto A. V. S. pido y suplico.
el terreno mencionado Reuoludamente se sirva aceder a mi

no está comprendido en que recibire gracia, teniendo bien
 en las veinte leguas admitir en papel común por falta del
 limitrofos y otros sellado que corresponde. Junio 2^a
 litorales que espuso San Diego Octubre 5 de 1839.

Dicha ley el mes de. Juan Maria Murron.
 navo parage por San Luis Rey. Abre. 6 de 1839.
 - enciente a la Mision En vista del Superior decreto de 1^o de
 de San Luis por Oct^o que antecede dijo que el terreno
 tiempo è visto poner conocido con el nombre de Agua
 grande Menor. Seccionada pertenece a la Mision de
 Es Cuanto tengo San Luis Rey que dista del establecimiento
 que decir. tres leguas que el Gobierno si lo tubiera a
 bien puede cederlo al interesado con
 tal que las puertan que deben extenderse
 no sean para el rumbo de la espasada
 Mision. Pio Pico.

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Juan Moyuna.

San. Sr. Gobernador.

La Prefectura de este distrito impuesta de los informes
 que anteceden se que es de acedirse a la solicitud del
 - estado si asi fuere del Superior de U. E. y bajo las terminos
 que espresa el Señor Administrador de la Mision de
 San Luis Rey. Sr. Pio Pico.

Angeles. Noviembre 14 de 1839.

Libreio Tapia.

Narciso Botello. Secretario.

Monterey Diciembre 22 de 1839.

Vuelva este expediente al Señor Prefecto para que informe
 si las medidas que demuevan el adjunto dibujo estan o
 no comprendidas en los terminos que cubren el Administrador
 de San Luis Rey en su anterior informe.

Alvarado.

Manuel Jimeno. Sr. del Despacho.

Ang^s Dbre 29 de 1839.

Pate el presente expediente
 al Señor Suer de Par del puerto de San Diego y luego
 al Sr. Administrador de la Mision de San Luis Rey
 para que en cumplimiento del Superior decreto que
 antecede espresen si el terreno que demuestra el dibujo
 esta comprendido en las tres leguas que espresa el Sr.
 Administrador. Tapia

Narciso Botello. Sr.

Puerto de San Diego. Enero 5. de 1840.

En cumplimiento al Superior decreto que antecede
 dijo que el parage que manifiesta el dibujo no se
 haga comprendido en las tres leguas que menciono

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el Sor. Administrador de San Luis Rey. N. D. Pico.

San Luis Rey. Enero 7. de 1850.

En vista del Superior decreto de 22 de Diciembre que ante
cede digo que el terreno demarcado en el presente terreno
no comprende las tres leguas p^a el rumbo de la Misión
de San Luis Rey. Pío Pico.

map 5

here follows a map or plan.

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Sor. Gobernador.

Mayandose ya evacuado el requisito que fue devuelto
el presente Expediente segun aparece por los antecedentes
suprimes lo paso a las Superiores manos de V. E. p^a su
conocimiento y resolución.

Atuques. Enero. 13. de 1850.

Fernando Tapia.

Narciso Botello. Sub.

Monterrey. 10 de Agosto de 1852.

Vista la peticion con que al principio este Expediente
los informes que preceden con todo lo demas que se
tuvo presente y ver conmino de conformidad con las leyes
y reglamentos de la materia, declaro bueno en propiedad
del terreno conocido con el nombre de Agua Salada
al Ciudadano Juan Maria Marron Coludante con la
Cauvota de este nombre con el Mar con el terreno
llamado Buena Vista y con la Cauvota de los tequitos
hidrese el correspondiente despacho tomese razon en
el libro respectivo y dirijase este Expediente a la Junta
Gente para su aprobacion. El Sor Gobernador
asi lo decreto y firmo.

Office of the Surveyor General, of the United States for Calif
 I Samuel L King, Surveyor General
 of the United States for the State of California and
 as such now having in my office and under my control
 a portion of the Archives of the former Spanish and
 Mexican Territory or Department of Upper California
 under and by virtue of the second section of the Act
 of Congress approved on the third day of March 1853
 providing for the Survey of public lands in California
 and for other purposes. Do hereby certify that the
 twelve preceding and hereunto attached pages of tracing
 paper numbered from one to twelve inclusive and
 each of which is verified by my initials (S. L. K.) exhibit
 a true and accurate copy of a document on file and
 forming 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 in lieu of the seal of office
 which has not been received at the city of San
 Francisco Calif^a this 7th day of July. 1853.

Samuel L. King.
 Surveyor General. Calif^a

Filed in Office. Oct. 17. 1854

Geo. Fisher.
 Secy.

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17 Expediente had by Citizen
Juan M^a Marron on application
for the place known by the name of
"Agua Hedionda".

(295)

Translation
of
Espediente.

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Juan B. Alvarado, Constitutional
Governor of the Department of California
Whereas Citizen Juan M^a Marron
has petitioned for his personal benefit
and that of his family the place known
by the name of "Agua Hedionda" bounded
by the Valley of this name by the sea, by the
tract called "Barra Vista" & by the Patague
to Valley, all the proceedings and investigations
concerning therein having been first had
according to the requirements of the law and
regulations in the premises exercising the powers
conferred upon me in the name of the Mexican
Nation I have granted to the said Juan M^a
Marron the above mentioned tract of land
declaring to him the ownership thereof & these
present letters, to be subject to the approval
of the Int House the Departmental Junta
and to the following conditions -

1st - He may Enclave it without detriment
to the passages roads and easements, enjoy
the same fully and exclusively, applying it
to such use or cultivation as may best
suit him but within one year he shall build
a house and it shall be inhabited -

2^d - He shall apply to the proper officer
to give judicial possession by virtue of this
Title by whom the boundary lines shall be
marked out at the limits of which he shall

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place besides the land marks some fruit
or useful forest trees.

2^{da}. The tract of land wherof mention is
hereby made is of thro' "Loteis de ganada
mayor" a tract more or less as shown in the
plan attached to the Expediente relating thereto.

The Officer who may give
the possession shall cause it to be measured
according to ordinance, the surplus thereof to
remain to the Nation for such use as may best
suit it!

4^{ta} - If he shall contravene these conditions
he shall forfeit his right to the tract and it
shall be liable to be denounced by another.

Therefore I do command that
this title being held firm and valid it may be
registered in the proper book and be delivered
to the party concerned for his safety and other
purposes. Given at Mexico on the 10th of
August 1842.

^{yo}
To the Prefect.

Don Juan Ma. Manon a resident of the
Town of San Diego before your worship
with due respect & in form of law appear and
say that it is the period of two years ago
that I have petitioned to the Departmental
Government for the place called "Laguna Verde in
da, and "Batigintas" as shown in the plan
attached to the Expediente and as the Prefect
two years since the charge of your worship is the
channel through which all applications or pe-
titions are to be transmitted to the Govern-
ment I make the present application to

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1111

the End that Your Worship will please to
 apply to the Government for my papers, that
 I may thus know whether they were missing
 and may petition anew for although it is
 some time since I have kept my Cattle
 stock in the said place, I could build no
 house there nor make other improvements
 and for this reason I may say that I can
 not have yet a sure Subsistence for my
 family as I stand in need of a permission
 to work on the said place.

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Therefore I humbly pray
 Your Worship will be pleased to provide
 what may be deemed fit - I swear it is not
 from evil intention and that this petition may
 be admitted on common paper for want of the
 proper stamped paper.

San Juan Capistrano, July 11 de 1841,
 Juan Ma Marron.

The following order was written on the margin
 of the above petition -

Los Angeles July 15th 1841.

Let the present application be for-
 warded to H. C. the Governor of the Department
 that he may be pleased in view thereof to direct
 what is expedient on the subject.

Arnello,
 Carlos Botello
 Secy.

To the Prefect of the Second District
 Citizen Juan Ma Marron of this place
 before Your worship with all due respect

and as the law may best support him appears
and faith, That being the owner of a Consider-
able number of Cattle Stock and standing in
need of a tract of land to breed them and thus
to secure a subsistence of my numerous family
I pray your worship will be pleased to grant
me the place known by the name of "Cueva
higüera" now belonging to the Mission of
San Luis Rey. the grant to be of three square
leagues in the said place. dispensing with
my presenting now the plot thereof which I will
do next time.

Therefore I humbly pray your
worship will be pleased to grant my appli-
cation wherefore I shall be grateful and to admit
it on common paper for want of the proper stamped
paper. I swear &c.

San Diego October 5th 1833. —
Juan Cua Munon —

August Oct 11. 1834.

Let the Justice of the Port
of San Diego report on the contents of this petition
and afterwards let it be transmitted to the
Director of the Mission of San Luis Rey that
he may do the same as far as he concerns.
Fascia

Francisco Botello
Secy.

Port of San Diego October 24th 1834.
In view of the foregoing Superior order of your
worship to me as Town Judge of this Munic-
ipality to report on the tract of land under appli-
cation I have to state that the petitioner has
at the requisites provided by the law to be atten-
ded to in his application. And the said tract is

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not embraced in the twenty continuous leagues but in the ten lateral ones mentioned in the said law the said tract pertains to the Mission of San Luis. I have seen several titles (they) put shup (thru)

This is all of Cau Stato.

Juan M Osuna.

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San Luis Rey November 6th 1834.

In view of the preceding Sup^r order of 10th of Octo. I have to state that the tract of land known by the name of "Agua Hedionda" pertains to the Mission of San Luis Rey that it lies three leagues distant from the Establishment that the Government if admit fit may grant it to the petitioners provided that the measurement to be made thereof be not in a direction towards the said Mission -

Pi Pico -

The Prefect of this District upon the foregoing reports is of opinion that the application of the party concerned can be granted if it so please Your Excellency and on the terms mentioned by the Director of the Mission of San Luis Rey Mr Pi Pico -

Angels November 12th 1834.

Francis Tapia,

Carasco Botello

Secy.

Montreal November 22nd 1834.

Let this Expediente be returned to the Prefect in order to report whether the measurement marked out in the plot attached thereto is or not embraced in the limits indicated by the Director of San

Luis Rey in his preceding report -
Alvarado.

Manuel Jimeno,
Lieut of the Department.

Angulo Decr 29th 1834.

In this Expediente (to be forwarded to the Justice of the Peace of the Port of San Diego and afterwards to the Director of the Mission of San Luis Rey) that they may in pursuance of the foregoing Superior order state whether the tract of land as shown in the plot is embraced in the three leagues mentioned by the said Director.
Folio -

Francisco Botello,
Lieut.

Port of San Diego January 5, 1840
In pursuance of the foregoing Superior decree I understand that the place shown in the plot is not embraced in the three leagues mentioned by the Director of San Luis Rey.
H. N. Dutch -

San Luis Rey January 4, 1840.
In view of the Superior order of 22nd of December I have to state that the tract here-
stipulated marked out in the present plot does not embrace the three leagues towards the direction of the Mission of San Luis Rey.
Pro Pico -

(Here follows a plot)

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411

To the Governor.

The investigation for which the present Expediente was returned to me having been concluded as appears from the foregoing reports I beg to transmit it to V. E. for your knowledge and determination -

Mexico January 13th 1811.
Felicis Tapa -
Marcos Botello Secy.

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Montreux 11th August 1812 -

Upon seeing the petition wherein this Expediente begins the foregoing reports and all other matters which were represented and proposed to be viewed in pursuance of the law of and regulation in the premises I hereby declare that Juan Marin Mason owner of right of the place known by the name of Agua "Medicinal" Laguna and by the valley of this name by the sea by the tract called "Bama Vista" and by the valley of los "Patequitas" -

Let a corresponding title be issued a registry be made in the proper book and this Expediente be returned to the Mr. Donde Santea for its approval.

His Excellency the Governor thus did order and sign it -

D.

I George Fisher Secretary of the Board of the State Land Commission for ascertaining and settling private Land Claims in the State of California do hereby certify that the foregoing is a true full and correct

translation of a fac simile of a Spanish
 document of the purport as above set forth pur-
 porting to be an Expediente filed in case No
 411 on the docket of the said Board now
 in this Office -

In testimony whereof I have
 hereunto subscribed my
 name -

Office of the Secretary of
 said Commission San
 Francisco, State of California
 this 20th day of October AD
 1854.

Geo Fisher
 Secy

Filed in Office October 21, 1854.

Witness my hand
 Geo Fisher
 Secy.

Sello cuarto Dos Reales.

Habilitando provisionalmente por la etatucana Maist⁺ del puerto de Monterrey en el Departamento de las Californias para el año de mil ochocientos cuarenta y tres.

México Mexicana. Manuel Castañones.

En el pueblo de San Diego a los cinco dias del mes de Octubre de mil ochocientos cuarenta y dos ante a la solicitud del Ciudadano Juan Maria Navarro afin de que se le diese la correspondiente posesion del sitio y rancho llamado la Laguna Hedionda, con el - iolo por el Gobierno de este Departamento con el título acompaño a su indicada solicitud, pasase por mi y testigos de asistencia al espresado sitio y procedase a dar la correspondiente posesion previa citacion de colindantes arreglandose al repetido título o despacho q. se le ha conferido por el Sr. Gobernador con fecha de 10 de Agosto. El Ciudadano José Antonio Gonzaga fue de Paz de esta jurisdiccion así lo provei mandé y firmé por ante los testigos de mi asistencia con quienes actua segun derecho. Oloy fe. José A. Gonzaga.

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H.H. No. 1
Annexed to
depo. of S.
Argüello

de Paz de esta jurisdiccion así lo provei mandé y firmé por ante los testigos de mi asistencia con quienes actua segun derecho. Oloy fe. José A. Gonzaga. D. A. Jesus Moreno. D. A. José Maria Navarro.

A los seis dias del mes de Octubre de mil ochocientos cuarenta y dos Yo el presente Juez, por el aviso y citacion correspondiente a los Sres. Don José Antonio Estudillo y Sr. Juan Soto y el Señor Andres Narva, manifestando les el objeto a que me dirigia el punto de la Laguna Hedionda, pues tubo i remedir y poner en posesion del a Don Juan M^a Navarro quienes no abiendo manifestado objecion ninguna les dije que procedia a ellas lo que pongo por diligencia que autorizo y firmo con los testigos de mi asistencia segun derecho Oloy fe. - José A. Gonzaga.

D. A. Jesus Moreno. D. A. José M^a Navarro.

En el Rancho de la Laguna Hedionda a los seis dias del mes de Octubre de mil ochocientos cuarenta y dos. Yo el propio Juez para la practica de estas diligencias nombré dos oficiales condeinos llamados José Ybarra y Leonardo Osuna que por no saber firmos se omitieron sus nombres a quienes les este saber sus nombramientos el que aceptaron bajo el juramento que otorgaron, especificando al respecto fielmente su encargo lo que autorizo y firmo con los

de mi asistencia segun derecho de que soy fe. —
 D. A. Jesus Moreno. José A. Gorgora.

José Maria Alvarado.

En el mismo día mes y año estando en el parage de
 la Laguna Hedionda a efecto de verificar las dem-
 -arcaciones y posesion que corresponde a D^o Juan Maria
 Marron del sitio nombrado la Laguna Hedionda poria
 todas las requisitos de ley y estando ante mi los testigos
 de mi asistencia y oficiales Concluidos hice medir un
 corral que contenia treceenta varas a los extremos unos
 saucos de madena poria observancia y calculo por
 mi disposicion se tiro el corral desde la punta del
 tute Cañada de Buena Vista al Norte Cuatro mil
 Varas que remataron a orillas de un charquial Cuyo
 lugar se fijo por mononera un arbol, al Norte al
 Sur once mil Varas las que remataron en las salinas
 de las Vasequitas en cuyo lugar se fijo por mononera un
 manchon de mangles habiendo comparecido en este
 punto José Ybora quien asistio mi pongueador a este
 rumbo el sitio de su propiedad, con esta fueron con-
 -cluidas las demarcaciones del manchon de la Laguna hed-
 -ionda a satisfacion del interesado al cual se ordeno
 pusiera las respectivas mononeras en los puntos donde
 corresponde y quedo entendido haciendo marcaado
 aquellos en señal de posesion lo que autoricé y
 firmé con los testigos de mi asistencia segun derecho
 soy fe. José A. Gorgora.

D. A. Jesus Moreno.

D. A. José Maria Alvarado.

A Diez y Ocho de octubre de mil ochocientos y tres. Alaudose
 Concluidas las diligencias de este expediente puse en
 al manchon de la Laguna Hedionda obesele testimonio
 a D^o Juan Marron interesado en ellas para su seguridad
 y los que le combengan. El C. José Agosto Gorgora Jefe de
 Paz asilo prorei, mandé y firmé con los testigos de
 mi asistencia segun derecho soy fe.

José A. Gorgora.

D. A. Jesus Moreno.

José Maria Alvarado.

Razon. A los siete dias del mes de Octubre de
 1853 quedo librado al interesado el testimonio que
 se refiere con el auto anterior y para constancia lo
 rubrique.

Filed in Office. Oct. 23. 1853.

Geo. Fisher. Secy.

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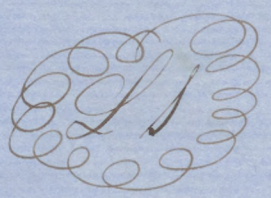
Stamp North. Two Seals.

Provisionally authorized by the Custom House of Monterey in Upper California in the Department of the California for the year one thousand eight hundred and forty three -

"B"
Translation
of
Amicable
Possession

(signed) Puchettormo
(signed) Manuel Castaneda

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At the Pueblo of San Diego on the fifth day of the month of October one thousand eight hundred and forty two in attention to the petition of citizen Juan Maria Marron for the corresponding possession of the site and rancho called "La Agua Heidronda" granted by the Governor of this Department to be given to him the title to which he accompanies with his said petition. Let me go to the said site with assisting witnesses and let the said possession be proceeded to be given having been previously cited the adjoining proprietors. I citizen Jose Antonio Gougera Justice of the Peace of this jurisdiction in conformity with the aforesaid title or patent which the same Governor has confirmed upon him of date of the tenth of August thus decreed ordered and signed it in presence of the aforesaid assisting witnesses with whom I act according to law - I certify -

(signed) Jose A Gougera
Assisting witnesses
(signed) Agus Moreno
(signed) Jose Maria Morado

On the Sixth day of the Month of October
one thousand Eight Hundred and forty two I the
proper Justice issued the corresponding notice
or citation to the Señors Don José Antonio Estro-
cillo, Don Domingo Loto and Señor Andrés
Yeana manifesting to them the object for which
I was going to the point of "La Agua He-
dinda" that I was going to measure it
and put Don Juan María Manera in pos-
session thereof who having made no objection
whatsoever I notified them that I was going to
proceed thereto which I enter as an act
which I authorize and sign with the assisting
witnesses according to law - I certify.

(signed)

José A. Longora.

Assisting witnesses.

(signed)

José Murino.

(signed)

José María Miranda.

On the ^{same} rancho of "La Agua Hedinda"
on the fifth day of the Month of October
one thousand Eight Hundred and forty two
I the proper Justice for the performance of
these proceedings appointed two end-beans
called José Yeana and Leandra Osuna
whose names are omitted in consequence of
not knowing how to write to whom I notified
their appointments which they accepted under
oath which they made offering to discharge
faithfully their trust which I authorize and
sign with my assisting witnesses according
to law - I certify -

(signed)

José Longora.

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Assisting Witnesses.
(Signed) Jesus Moreno.
(Signed) Jose Maria Murado.

On the same day, month and year,
being at the place of "La Agua Hedionda"
for the purpose of verifying the proper measure-
ments and possession with Don Juan
M^e Mamon of the Site, named "La Agua
Hedionda" all the requisites of the law having
been previously observed being before me the
assisting witnesses and end of cause I caused
a cord to be measured the length of fifty
varas and fastened to either end thereof a
wooden stake after having taken observations
and made calculations by my direction the
cord was stretched from the "Punto del Tule"
along the "Cañada de Buena Vista" locust
locally four thousand varas which terminat-
ed at the edge of a Chamisal (Thicket of
Chamizo) at which place a tree was es-
tablished as the land mark thence from north
to South eleven thousand varas which
terminated at the edge Salinas de las Batiquo-
tas, where a patch of mangles was designat-
ed as a land mark, having appointed at
this point Jose Corra who there assisted in
consequence of the place belonging to him being
in this direction.

The measurement of the rancho
of "La Agua Hedionda" was here concluded
to the satisfaction of the interested party,
whom I ordered to place the proper land
marks at their corresponding points and
he understood it, having marked the above
mentioned points in sign of possession which
I authorize and sign with my assisting wit-
nesses according to law. I certify

(Signed) Jose A Gongora.

Assisting witnesses -
 (Signed) Jesus Moreno
 (Signed) Jose Ma Mnada.

San Hugo October Seventh one thousand Eight Hundred and forty two
 Having been concluded the proceedings of
 the Esquante relating to the rancho of La
 Agua Hedionda. Let there be delivered to Don
 Juan Maria Manon the interested party
 therein, an authenticated copy thereof for his
 security and the use which may suit him

Thus I certify Jose Antonio
 Gongora Justice of the Peace did read or
 read and signed with my assisting witnesses
 according to law - I testify -

(Signed) Jose A Gongora.

Assisting Witnesses
 (Signed) Jesus Moreno
 (Signed) Jose Ma Mnada.

Note. The authenticated copy (Testo =
 minor) which is referred to in the preceding
 act was issued to the interested party on the
 seventh day of the month of October one
 thousand Eight Hundred and forty two
 and in testimony thereof -

(I subscribed)

(Signed)

(Rubric)

I George Fisher Secretary to the
 W. S. Land Commission. to ascertain and
 state private land claims in the State of Cali-
 fornia hereby certify the foregoing to be a
 true and correct translation of a Spanish
 document in case No 411 wherein Inac
 Maria Mamon is the Claimant, against
 the United States for the place named "Cerro
 Redondo" now on file in this Office.

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In testimony whereof I have
 hereunto subscribed my hand
 Office of the Secretary of
 the above named Commission
 at the City of San Francisco
 Cal. this twentieth day of
 October A.D. 1851.

(signed)

Geo Fisher
 Secy.

Filed in Office Oct 11, 1851.

(signed)

Geo Fisher
 Secy.

José Matthias Moreno, Secretario Interior del Despacho de Gobierno del Departamento de California certifica: que en la secretaria de mi cargo se halla un expediente marcado con el numero 295 promovido por Don Juan Maria Marron en solicitud del pargaje de la etgua hedionda y en el al folio 1º existe un documento cuyo literal es el que copio Secretario.

Juan B. Alvarado Gobernador Constitucional del Departamento de las Californias. Por cuanto el Ciudadano Juan Maria Marron, ha pretendido para su beneficio personal y el de su familia el pargaje conocido con el nombre de etgua hedionda, colindante con la cañada de este nombre con el Mar, con el terreno llamanado de Buena Vista y con la cañada de los Vallecitos: practicas previamente las diligencias y averiguaciones convenientes segun lo dispuesto por leyes y reglamentos de la materia, usando de las facultades que me son conferidas a nombre de la Nacion Mexicana he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras, sujetandose a la aprobacion de la Junta Departamental y a las condiciones siguientes. 1º Podrá llevarlo sin perjudicar las traversias caminos y servidumbres lo disfrutará libre y exclusivamente destinandolo al uso o cultivo que mas le aconviene pero dentro de un año fabricará casa y estará habitada. 2º Solicitara del Jefe respectivo que le dé la posesion definitiva en virtud de este despacho por el cual se demarcan los linderos en cuyos limites podrá a mas de las mencionadas algunos arboles frutales o setos de alguna utilidad. 3º El terreno de que se hace donacion es de tres sitios de ganado mayor, por el mas o menos segun explica el diseño que corre en el expediente respectivo. El Jefe que obtiene la posesion lo habrá medido con forma a ordenanza quedando el sobrante que resulte a la Nacion para los usos convenientes. 4º Si el interesado en estas condiciones perdiera su derecho al terreno y sera denunciado por otro. En consecuencia cuando que tomándose por firme y valiendo este titulo se tome razon de el en el libro respectivo y se entregue al interesado para su resguardo y deudas firmes. Dado en Monterey a diez de Agosto de mil ochocientos Cuarenta y dos.

Juan Bautista Alvarado. Manuel Jimeno. Sec.

Expediente
B.

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Y Apedimento de la parte interesada por haber
justificado ante el Gobierno el estavio casual de su
titulo y de orden del Excmo Señor Gobernador Constitu-
cional de este Departamento, le estando la presente
certificacion que le servira de titulo en forma en este
propel comun por falta del sellado correspondiente
en la Ciudad de los Angeles a las once dias del mes de
Novio de mil ochocientos cuarenta y seis.

José Matthias Moreno. Sr. Int.

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Fidel in office. Oct. 23rd 1854.

Gen. Fisher.
Sery.

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C.
Translation
of
Espediente

Jose Mattias Gormo Secretary at
interim of Government Espediente of the Depart-
ment of California do certify, that in the Secre-
taryship under my charge there exists a title man-
red with the number 295 without for by Don
Juan Maria Marmon in solicitude of the place
of a new "Hacienda" and in it at folio 1st et-
cetera a document of which the following is a
literal copy.

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Secretaryship
{
Stamp } Don Pantista Alvarado
Constitutional Governor of the
Department of the California

Whereas the Citizen
Don Maria Marmon has claimed for his per-
sonal benefit and that of his family the
place known by the name of Aynu Hacienda
bounded by the Canada of that name by
the sea, by the land known as Buanista
and by the Canada delos Patiquitos he having
previously taken the steps and made the exami-
nations respecting it, in virtue of the powers
conferred upon me in the name of the Mexican
Nation I have determined to grant the
land mentioned declaring it to be his prop-
erty by these presents subject to the approba-
tion of the excellent Departmental Junta
and to the following conditions:-

- 1st He may Enclose it without prejudicing the
ditches public roads and servitudes. He shall
make use of it Exclusively devoting it to the
use and Cultivation most convenient to him
but within a year he shall build a house
and the ordinary buildings -
- 2nd - He shall apply to the proper Judge to give
him Judicial possession by virtue of this instru-
ment, so that the lines may be marked out within

which exceeds the land marks he shall plant fruit trees or useful forest trees.

3d. The tract which is granted contains three leagues a little more or less as explained in the map in the warrant. The Judge who shall give possession will do so in the way laid down in the ordinance giving the residue to the Nation for Government use.

4th. If he should contravene these conditions he shall be deprived of his land and will be liable to be denounced by others.

It is therefore ordered that holding these presents as his title and regarding it as firm and valid it shall be noted in the proper book records and be delivered to the party interested for his security and further ends.

Given in Mexico the tenth day of August one thousand eight hundred and forty two.

Juan Bautista Alvarado
 Mayor and Intero Secretario.

And upon the petitioning of the party interested and having testified before the Government the provisional issue of his Title and by order of his Excellency the Constitutional Governor of this Department there is, extended to him the present Certificate that it may serve him for a formal title upon this same paper there being no corresponding said paper in the City of Los Angeles this tenth day of the Month of June one thousand eight hundred and forty two.

Jose Mattias Moreno

Secy. - ad intm.

Filed in Office Oct 23, 1852.

(Signed) Jo Fuchio Secy.

37
No 411

Before the Board of Land Commissioners
for ascertaining and settling Private Land
Claims in California -

In the Matter of the Confirmation of the
title to the Ranch of "Agua Hedionda".

And now comes Felipe Osuna
de Manon widow of Juan Ma Manon
Claimant in this case and Juan Jose Caye-
tano, Jose Jesus, and Maria de la Luz
Manon children of the said Juan Ma Manon
and show to this Honorable Board that since
the filing of the petition in the above cause the
said Juan Maria Manon has departed this
life - They therefore pray that the petition on
file in said cause may be amended by inser-
ting the names of the widow and heirs instead
of the name of the said Manon and that the
title may be confirmed to them as said
heirs -

Pro M Sutherland,
Atty for Claimants -

Filed in Office Oct 17, 1854.
Ceyna,

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Motions

Amended
petition

Before the Board of Commissioners
for ascertaining and settling private land
claims in the State of California.

Your petitioners Felipe Osuna
de Manon widow of Juan Maria Manon
deceased and Jose Cayetano Juan Jesus
and Maria de la Luz children of the said
Manon residing in the County of San Diego
and State of California respectfully represent
to Your Honorable Board that they claim

as widow and heirs of said a certain tract of land called "Liqua. Heidinda" containing three square leagues more or less situated in the County of San Diego aforesaid that they claim the same in fee by virtue of a grant made to Juan Maria Marron under the authority of the Mexican Government by Don B. Alvarado Governor of the Department of California bearing date the tenth day of August one thousand and eight hundred and forty two.

Your petitioners would further represent that Judicial possession of said tract of land was given to the said Juan Maria Marron on the seventh day of October in the year one thousand eight hundred and forty two and the boundaries thereof designated and defined and that the said Marron has been during his life in peaceable possession and that your petitioners now are in peaceable possession of said premises and that they have no knowledge of any conflicting or interfering claims.

Your petitioners present herewith a certified copy of the grant of said land now on file in the papers of this cause in the Spanish language with a translation of the same & the Certificate of judicial possession and a copy of the Expediente as found in the Surveyor General's Office and will make further proof of title if required by the Board. Your petitioners pray your Honorable Board to take their claim to said tract of land and accord their title to be valid and confirm the same and as in duty bound &c.

Thos M Sutherland atty for Petrs.

Filed in
Office Oct
14, 1852.
(yds)
Geo Fisher Secy

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Juan Maria Mason

vs. The United States } For the
} place called
} Agua Hedionda
} in San Diego
} County containing
} three square leagues
} of land -

Specimen
of

Comm.
Check

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Since the filing of this petition the death of Juan Maria Mason has occurred and an application an order was entered giving the case in the name of his widow and children his heirs at law.

The necessary proofs of the death of the original claimant and the representative character of the present claimants are given.

A traced copy of the Expediente from the Archives is presented which shows that the land was conceded to said Mason August 4th 1812. The original grant issued to the party is not produced but a document purporting to be genuine issued by Jose Maria Moreno Secretary of the Government ad interim is presented. This document contains a certified copy of the grant from the Archives with the Official Certificate that the interested party had produced before the Government the previous issuing of the title papers to him and that before the Government "there is extended to him the present Certificate that it may serve him for a formal title." The particular reason why the copy was issued by the party is not disclosed but it seems evident that the subject of its loss or other accident to the original was investigated by the Government and this document ordered to be issued as evidence of the title of the

Grant - A testimonial of Judicial possession which was given October 5, 1852 is presented in evidence and by this it appears that the original title papers was in the hands of the grantee at that time. There could scarcely be a mistake under the proofs in the case about the issuing of the grant a duly certified copy of which is before us and we shall regard the evidence of it as sufficient.

The proof shows also that the grantee occupied and cultivated the land before the grant was made and continued to do until his death.

The claim appears to be meritorious and will be confirmed.
Confirmed,

Filed in Office Oct 24, 1852.
(Signed) Geo. Fisher Secy.

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Wills of Jose Maria Manon.

411

The United States.

Beene

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In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said widow and heirs of said Jose Maria Manon is valid, and it is therefore decreed that the same be confirmed to them, their respective interests therein to let the same to which they are by law entitled in the real estate of said deceased.

The land, of which confirmation is hereby made is situated in San Diego County and known by the name of "Cajon Viejo" being the same which was occupied by said Manon in his life time and located and described as follows:

Commencing at the Punta del Palo and running thence along the Cañada de Buena Vista, Westwardly seven thousand varas terminating at the edge of a channel at a tree which was established as a land mark when Judicial possession of said premises was given to said Manon in 1842. thence from North to South eleven thousand varas to the Salinas de San Felipe where a patch of Manyle was assigned as a land mark when said Judicial possession was given thence by the Cañada de las Batiquitas to the Shore of the Pacific Ocean and thence along said Shore to the place of beginning containing three square leagues of land a title more or less depending for the same and further description thereof to be had to the grant and testimonial of Judicial possession and the map thereof which

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are on file in the case.

Alpheus Tick.

R. Aug. Thompson

S. B. Parwell

Comm of Amos

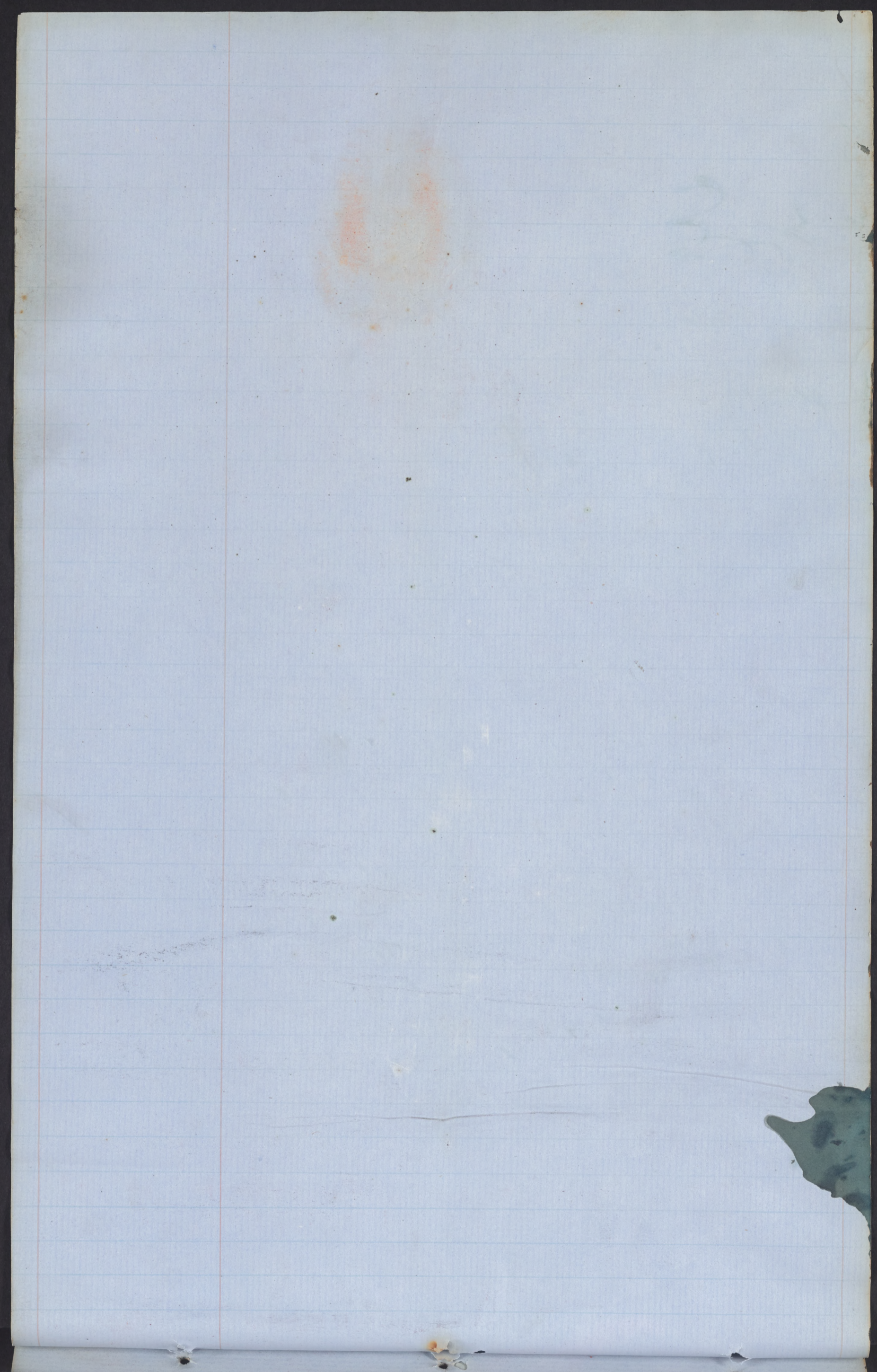
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Filed in Office Oct 14, 1857,
(Signed) Geo Fisher
Secy.

43.

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And it appearing to the satisfaction
of the Board that the land hereby
indicated is situated in the Southern
District of California it is hereby ordered
that five transcripts of the Proceedings
and of the decisions in this case and of
the papers and evidence upon which the
same are founded be made and sent
and deposited by the Secretary of
which transcripts shall be filed with
the Clerk of the U.S. District Court
for the Southern District of California
and the other transcripts to the
Attorney General of the U.S.



Office of the Board of Commissioners,

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

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I, *George Fisher* Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Forty three* pages, numbered from
1 to *43*, 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. *411* on the Docket of the said Board,
wherein

Juan Maria Murron is

the Claimant, against the United States, for the place known by
the name of *Agua Hedionda*

In Testimony Whereof, I hereunto set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
Twenty fifth day of *May*
A. D. 1855, and of the Independence of the
United States of America the seventy=*ninth*.

G. Fisher



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

No. 238. *Car*

THE UNITED STATES,

vs. 238

Juan Maria Marron
"Aqua Medion do."

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *411*

Filed, *June 6th*

185 *5*

C. E. Carr.
Clk.

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185 5

Office of the Attorney General of the United States,

Washington, June 13th 1855.

411.) *Aqua Hedionda.*

Juan Maria Marron, Claimant,

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 15th day of March 1855, the appeal in the district court of the United States for the *Southern* district of California will be prosecuted by the United States.

Very respectfully,
Canting

Attorney General.

No. 238,

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

United States

vs

Juan M^o. Marron

Notice of Appeal
in Case no. 411.

Filed July 21 1855
C. E. Carr
clerk
By A. H. Clark
deputy

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C. S.

In the U. S. District-Court for the
Southern District of California

Hirs of Juan M. Marron

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vs

No. 238.

The United States.

(Transcript: No. 411.)

To the Hon. Isaac S. H. Ogden, Judge.

The petition of Pacificus Ord attorney of the United States for the Southern District of California for and in behalf of the U States respectfully represents: That on the 23^d day of October 1852. Juan M. Marron petitioned the Board of U States Land Commissioners claiming 3 Square leagues of land called "Agua Hedionda" in San Diego County California. That on the 17 day of October A.D. 1854. the Hirs of Said Juan M. Marron by their attorney suggested the death of the said Juan M. Marron in a Supplemental petition filed with the Secretary of Said Board and thereupon Said Board ordered said case to be revived and prosecuted in the name of the said Hirs of Juan M. Marron. That on the 24th day of October A.D. 1854, the Said Commissioners confirmed the Said claim. That on the 6th day of June A.D. 1855. the Said Commissioners caused a transcript of their proceedings and decision in said cause to be filed in the office of the Clerk of this Hon. Court

That on ^{or about} the 16th day of March A.D. 1855, Abel C. Cushing Attorney Genl of the U States received a certified transcript of the proceedings and decisions of Said Board of Commissioners in Said Cause. That thereafter to wit on or about the 21st day of July - A.D. 1855 the Said Attorney Genl of the U States filed or caused to be filed a notice of intention of the United States to prosecute the appeal in Said Cause. That the land claimed is in the Southern District of California and within the jurisdiction of this Hon^{ble} Court. And ^{the said claimant's right a title to the said lands,} the Said United States denies generally the validity of the

Wherefore this petitioner prays that the Said decision of the Said Commissioners may be reviewed, reversed, and set aside and that this Hon^{ble} Court will deem the Said claim or title to be invalid, and for general relief in the premises -

J. Ord
Att^y of the U States for the
Southern Dist^{ct} of Cal^{if}

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N^o 238.

Juan Maria Marron, Heirs of
adrs,

The United States &

Petition of Marron for
Owning.

Filed Oct 2^o 1855.

J. E. Con.
clerk.

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P. Ord all ynd.

U.S. District Court for the
Southern District of California

Heirs of Juan McMorro

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vs

} No. 238.

The United States

} (transcripts No. 411.)

The respondents for answer to the petition
filed in this cause answer and say - It is true
that the land mentioned in said petition and in
said transcript of the proceedings before the said Board
of Commissioners lies within said Southern District
of California and within the jurisdiction of this
Court.

But these respondents deny that their title to
the said land is invalid, and aver that the same
is valid, and pray that the decision of the said
Board of Commissioners be affirmed - and their
title be decreed to be valid -

Thos. W. Lutherland
Atty for respondents;
E. S. Crosby of counsel

No. 238

U. S. District Court for the
Southern District of California

Heirs of Juan M. Morron

vs

The United States

Answer of Respondent

Filed Oct 2^d 1855

J. E. Carr
Clerk

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E. Crosby }
of counsel }
Thos. W. Lutherland
Atty for respondent

U.S. District Court for the
Southern Dist. of California

The Heirs of Juan M^o. Marrou

vs

No. 238.

The United States.

(Transcript No. 411.)

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- Page 3. Claimant's Petition to Board U.S. Land Commission
Page 37. Amended Petition suggesting the death of Claimant and asking for a revival of this case in the name of heirs.
Page 11. } (Spanish) Expediente from office of Suroyo General.
to 16. } containing Petition to Governor, orders, informations & decrees.
Page 18. } Commences translation of the Expediente from archives in
to 24. } the office of Suroyo General, altho. not in regular order of dates of each document.
Page 33. Copy original grant by Alvarado. Date Aug. 10, 1842.
Page 35. Translation of grant by Alvarado. " " "
Page 25. (Spanish) Juridical Possession.
Page 27. } Translation of Testimonial of Juridical Possession
to 32.)
Page 4. Deposition of Abel Starnes. proves genuineness of papers and occupation
Page 5. Deposition of Santiago Arzullo. proves Testimonial Juridical possession and also occupation -
Page 6. Deposition of J. J. Warner. proves occupation &c.
Page 7. Deposition of Jesus Moreno proves papers boundaries, quantity
to 10. of land - death of Claimant Marrou. &c.
Page 39. Opinion of Commissioners confirming claim -
Page 41. Decree of Confirmation by Commissioners -

No. 238.

U.S. District Court for the
Southern District of California

The Heirs of Juan M^a Marron
vs

The United States.

Index to Transcript.

Filed Oct 9th 1855
@ E Can cen
By W. Rob Dep

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Lathrop & Crosby
Attys for respondents.

In the U. States District Court for the
Southern District of California,
Special Term Sept 1853,
Los Angeles.

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Man Maria Marron, App^{ee}
vs.
The United States, App^t } No. 238.
(Docket No. 411)

On motion of P. Ord Attorney of the
United States for the Southern District
of California, it is 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 United States,
in the above entitled cause, rendered
on or about the 4th day of October
A. D. 1853.

P. Ord
Clerk of Court.

No 238.

U. S. District Court
Southth Dist. of Calth

The United States Appets.

05

Juan Maria Manonaplac

Order of appeal to the Superior
Court on motion of Pord
U. S. atty: —

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Filed October 18th 1855

A. E. Cancen

By W. W. P. P. P.

California Land Claims.

Attorney General's Office

1 October 1856,

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Sir:

In the case of the claim of Juan Maria
Narron, confirmed to the claimant by the Com-
missioners, case no. four hundred and eleven,
(411), 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

Yours

Pacific Ord Exp

U.S. Attorney

Los Angeles.

vv

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Juan Maria Marrun
411

Filed 24 February 1857
Casius est
J. H. Coleman
Dep

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Rec'd No 4 1836

The United States appellants }
vs. }

The heirs of Juan Maria Marron, appellee }

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The claim in this case is founded on an alleged grant from Juan Bautista Alvarado Constitutional Governor of Upper California to Juan Maria Marron on the 10th of August 1842.

The present claimants are shown by evidence in the record to be the legal heirs of the said Juan Maria Marron who died after the claim was presented to the commission a supplemental petition was filed with ^{the} Commission suggesting the death of the original grantee and asking that the case be continued in the name of the present claimants, the Commission allowed the substitution ~~of the parties and the suit is before the tribunal~~ in the name of and the evidence shows that they are the proper parties to this suit.

The documentary evidence in the record consists of the ~~expediente of all the proceedings had upon~~ of the petition of the Original Grantee to the Prefect of the district, and the ~~expediente of all the proceedings~~ had upon that petition, the decree of concession and a copy of the ^{final} Original Grant issued to original grantee ~~the copy of the grant is~~ the original act of judicial possession, and a certificate of Jose Matias Moreno ^{Serg. of State} of which we have occasion to speak here after.

The Original Grant to Juan Maria Marron is not given in evidence and the claimants rely upon the secondary evidence of the ~~expediente~~ and the certificate of Jose Matias Moreno, to show that the grant was made.

In order to introduce the secondary evidence a foundation must be laid, by proving that either

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the formal title did never issue to Manon. or that if it did that it is lost and can not be found —

The Certificate of Moreno the Secretary of State is to the effect that among the archives of the Government under his charge as Secretary of State there exists an expediente, (the words in the original, *are*: *de halla un expediente*) in the translation expediente is ~~made~~ to mean title, which we conceive to be erroneous, as an expediente is not the title, but consists of all the original proceedings and documents, had and issued upon a petition for a grant of land, up to the time of issuing the final grant, and formal contains a note of the fact of the final grant having issued) ~~in~~ which No 295. of the proceedings had upon the petition of Don Juan Maria Manon for the place called "Agua Hediondo" and that on the first folio of such expediente is a document of which he gives a literal copy, this document purports to be a grant a copy of the original final grant from the Governor to Manon, which in this case is made a part of the expediente, the document is exactly the same as that contained in the certified copy of ^{the} expediente, obtained from the Surveyor General's office, after reciting the document the Secretary goes on to say, that at the petition of the party interested, he having proven to the Governor, (*el extrajo casual de su titulo*, is the original, the translation given of these words in the records which seemed to be relied on by Council both for the United States and the claimant, (the provisional issue of his title) this translation appears to the Court evidently ~~wrong~~ ^{wrong} ~~and~~ ~~the~~ words mean in our opinion, the accidental loss of his title.) the accidental loss of his title, this Certificate is given to him that it may serve ^{there} as a title in form, the translation we have given

to this certificate removes the objection raised by the Patent attorney to the introduction of the secondary testimony offered in support of the claim, this difficulty being gotten over we have next to consider the force of the secondary evidence offered; this consists of the ^{copy of the} certificate taken from the Archives in possession of the Surveyor General. This we think is the next best evidence to the original final grant itself & therefore sufficient to sustain the claim, particularly as it is fortified by the act of judicial possession which refers to the original grant which was exhibited to the Office who gave the possession, at the ^{time} of doing so, by the Register Major.

The said evidence in the case shows a substantial compliance with the conditions of the grant, the land is sufficiently well defined by meters and bounds in the copy of the grant, the relation the act of judicial possession and the map to fix its locality the quantity granted is three leagues & an express reservation of the one plus if any, to the Government, the claimant is therefore entitled to a confirmation of his grant to that extent and a decree will be entered affirming the decision of the Commission.

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Juan M. Manow

Opinion

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