

CASE NO.

231

NORTHERN DISTRICT

PART OF ENTRE NAPA GRANT

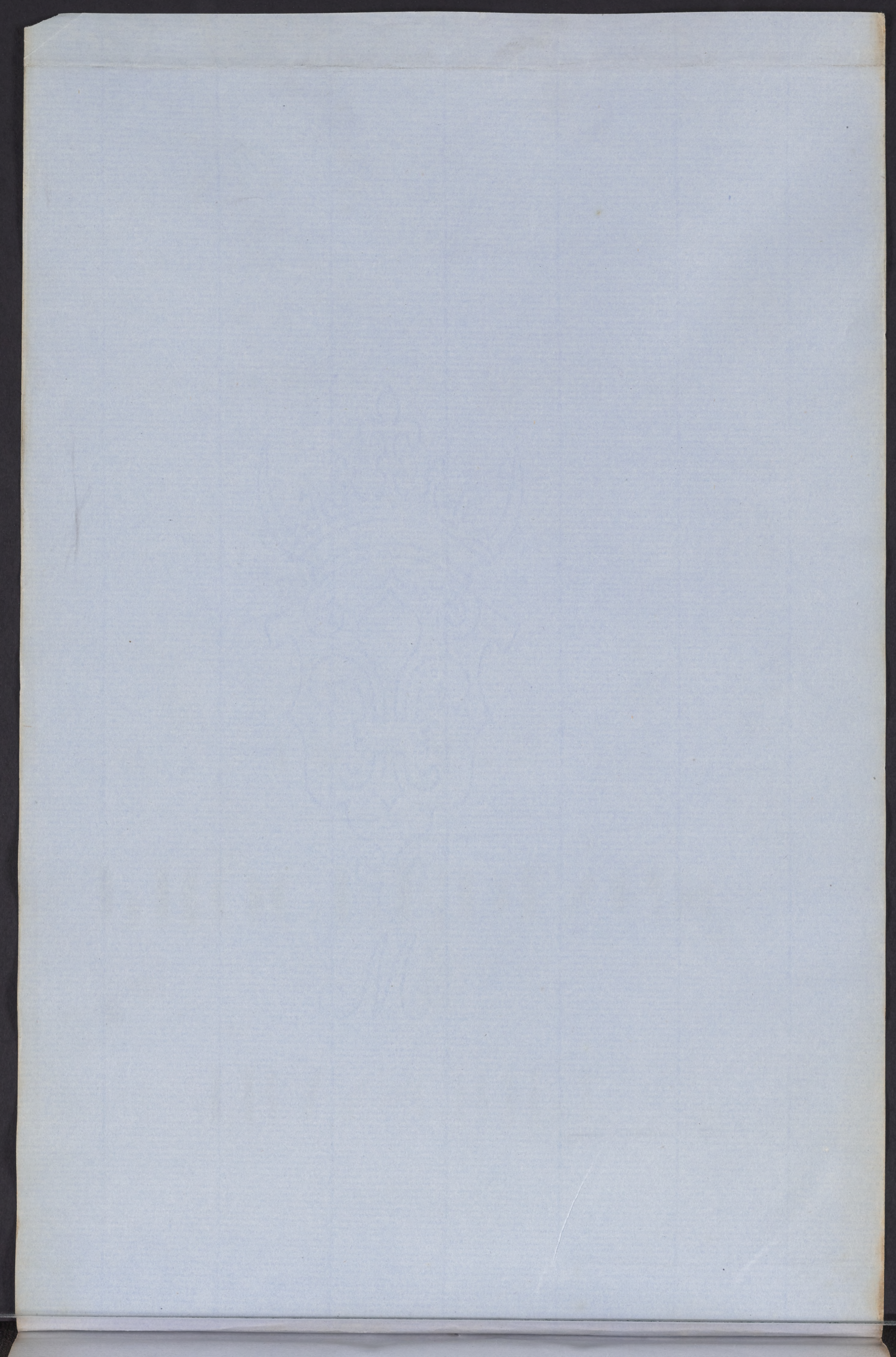
JOEL P. WALKER

CLAIMANT

LAND CASE 231 ND. 22 PAGES

NOV 9 1962

378



TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO.

578

Joel P. Walker

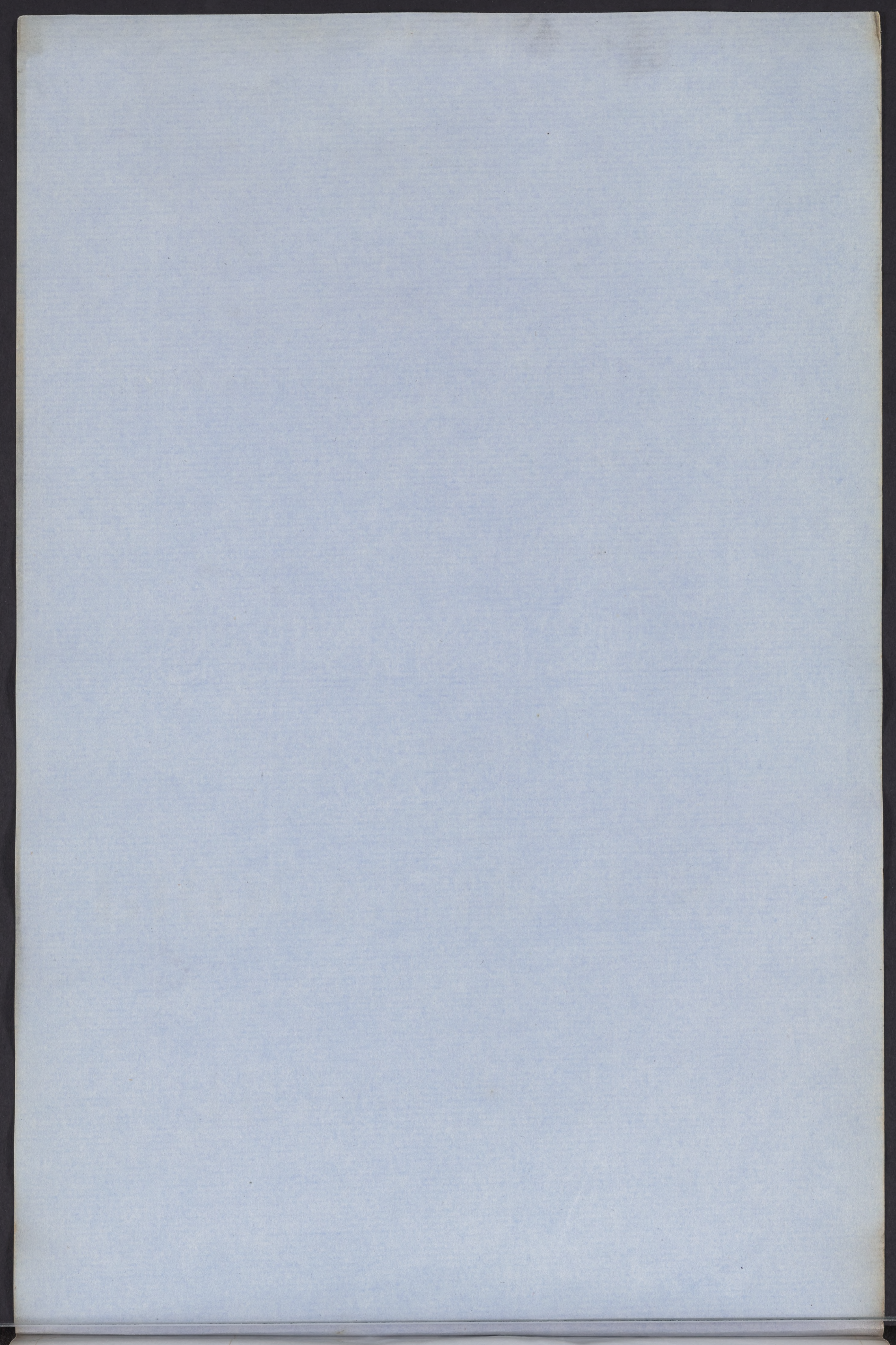
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

Agent of
FOR THE PLACE NAMED

"*Entre Napa*"



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 eleventh day of February, Anno Domini One Thousand Eight Hundred and Fifty-three, 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 Joel P. Walker, ^{part of} for the Place named "Entre Sapa," was presented, and ordered to be filed and docketed with No. 578 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 April 7th 1854.
In Case no. 578, Joel P. Walker for part of the place named "Entre Sapa," the deposition of Em. A. d'Hernecourt, a witness in behalf of the claimant, taken before Commissioner Peter Sott, was filed;

(Vide page 5 of this Transcript.)

San Francisco December 5th 1854.
Case no. 578 was ordered to be placed at the foot of the 3^d Class Cases on the Trial Docket.

San Francisco December 19th 1854.
Case no. 578 was submitted under the Rule of March 31st 1854 and taken under advisement by the Board;

San Francisco December 21st 1854.
In the same case the counsel for the claimant filed the following Stipulation, to wit;

(Vide page 9 of this Transcript.)

San Francisco December 26 '1854;

In the same case Commissioner Alphens Felch delivered
the Opinion of the Board confirming the claim;

(Vide page 11 of this Transcript.)

And the following order was made, to wit:

(Vide page 14 of this Transcript.)

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To the Hon the Board of Land  
Commissioners of the United States for the  
Settlement of Private Land Claims in  
California -

Petition  
in

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Your petitioner Joel P  
Walker of the County of Yuba respect-  
fully represents that on the 5th day of  
May 1836 Manuel Chico then Governor  
of Upper California made a grant of  
one square league of land in "Entre  
Yuba" now in the County of Yuba to  
Nicolas Requena since deceased bounded  
as follows, commencing at the house towards  
the East on Yuba Creek thence running  
along said Creek to its junction with  
Yuba River thence down said River to  
the mouth of Carnarua Creek thence up  
said Creek to the Canal at the lower pass  
(pasado abajo) thence North to said  
Yuba Creek that said grant was duly  
confirmed according to the law and usage  
of the Mexican Government and juridical  
possession of said land was given to  
said Nicolas Requena as well more  
fully appear by the several papers and  
Entries touching the same remaining in  
the archives now in the Office of the Surveyor  
or General of the United States for the  
State of California and to which your  
petitioner craves leave to produce in evidence  
if it be necessary to do so -

And your petitioner  
further shows that the said Nicolas Re-  
quena took possession of said land  
thence granted, and your petitioner further  
shows that on the 5th day of April 1844  
said Nicolas Requena by a deed  
of that date a copy whereof is annexed

H

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marked 34 sold and conveyed all that certain portion of said lands to your petitioner which is described as follows commencing at a point on the creek called Nicolas Creek branch (a Napa araho) where the line of Salvador Dallos's land cups the same - thence out from said point south along said line five hundred yards thence in an easterly direction six hundred yards to a point five hundred yards south of said creek thence north five hundred yards to the said creek thence up said creek with its meanders to the point of beginning - that in pursuance of said conveyance to your petitioner he took possession of said lands as aforesaid conveyed to him and still holds the same that he knows of no other claimant of said lands or any part thereof and that on the production of such proofs as may be deemed necessary your petitioner pray that his title thereto may be confirmed -

And I Witness

Wm. R. Morrison  
his atty.

Filed in Office Feb. 11, 1853

(signed)

Geo. Fisher  
Secy.

3  
United States of America }  
State of California } 32.

Deposition  
of  
Emile A  
d'Hermeourt  
witness.

San Francisco April 4. 1854.  
This day personally came before Peter  
Lott - a Commissioner for taking Testimony  
to be used before the Board of W. S. Land  
Commissioners in said State Emile A d'  
Hermeourt a witness on behalf of the  
Claimant in Case No 578 on the docket of  
said Board in which Joel P Walker  
is Claimant and the said witness being duly  
sworn on oath deposed in English as follows.

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The W S Law Agent is present -  
Questions by R R Morrison Esq attorney  
for Claimant -  
1st Question -

What is your Name age  
residence and occupation?

Answer -

My Name is Emile A d'Hermeourt -  
Court. My age 38 years. My residence in  
Yuba County, California and I am by  
a occupation a Surgeon -

2d Question -

Are you acquainted with  
the boundaries of the Rancho Cañada Centro  
Yuba in Yuba County formerly granted to  
Nicolas Weyburn. If you describe them? -

Answer -

I am acquainted with them. It  
is bounded on the North & West by Sal-  
vador Ballif's ranch. on the East by the  
Yuba river and on the South by the  
Carnaras Creek -

6  
3<sup>d</sup> Question - Have you Examined the description of land in the Claim of Jost P Walker in Case No 548 on the docket of the Board of U S Land Commissioners if you state whether the land therein claimed is embraced within the said Rancho of "Entre Napu"?

Answer - I have examined the papers in this case and I know the land claimed is embraced within the grant of "Entre Napu" above named - I have surveyed all around said Walker's claim and know the claim well - Em A d Hancock -

Subscribed and sworn to  
before me on this 4<sup>th</sup> day of  
April AD 1854,  
Peter Lott Commissioner  
for Taking Testimony &c.

Filed in Office April 4, 1854.  
(Signed) Geo Fisher  
Secy

7  
Know all Men by these presents that  
I Nicolas Heigueria of the District of  
Sonoma and Territory of California for  
and in consideration of the sum of Six  
Hundred dollars in hand paid the receipt  
whereof is hereby acknowledged have this  
day bargained and sold and by these pres-  
ents doth hereby grant bargain sell alien and  
convey unto Joel P Walker of same Dis-  
trict and Territory a certain tract or parcel  
of land lying being and situated in Napa  
Valley in said District being a part of said  
Heigueria Rancho bounded as follows to wit -

Commencing at a point on the  
creek Nicolas branch Napa as also where  
the line of R M Salvador Vallejo's land  
Cuts the same thence out from said point  
South along said line Six Hundred yards  
thence in an Easterly direction Six Hundred  
yards to a point Six hundred yards South  
of said creek and thence North five hundred  
yards to the said creek thence up said  
creek with its meanders to the point of be-  
ginning so as to make Six Hundred yards  
in width -

To Have and To Hold the  
said granted and bargained premises unto  
him the said Joel P Walker and to his  
heirs and assigns forever and the said  
Nicolas Heigueria for himself his heirs  
and assigns doth hereby covenant so and  
with the said Joel P Walker his heirs  
and assigns to warrant and defend the title  
to the same from the lawful claim or de-  
mand of any person whatever -

Given under my hand and

"H"

Conveyance -

8

and Seal at Sonoma this  
Eleventh day of April A.D.  
1849.

Nicolas <sup>his</sup> Haywood  
Marr.

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Witness -  
J. N. Boggs }  
William Andrews }

Territory of California }  
District of Sonoma }

Personally appeared  
before me the undersigned Alcalde of said  
District Nicolas Haywood whose Name  
is subscribed to the foregoing deed as having  
executed the same and acknowledged the  
same to be his act and deed for the uses  
and purposes therein mentioned -

Given under my hand at  
Office in Sonoma this  
11th day of August A.D. 1849.  
L. N. Boggs -

Filed for record August 11, 1849.

Recorded in Book D page 8  
Records of Sonoma -

Filed in Office Feb. 11, 1850

(Record) Geo Fisher  
Clerk.

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Saml P. Walker.

The <sup>vs.</sup> United States } 111 acres of  
Land. Centro  
Pape.

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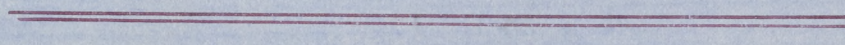
Separation

It is hereby agreed and stipu-  
lated that the deposition of Jose de la Rosa  
taken in Case No 5110 may be deemed taken  
and used in evidence in this cause with the  
same force and effect as if the original was  
taken in this case, claimant furnishing  
and filing a copy of said deposition with the  
papers in this case.

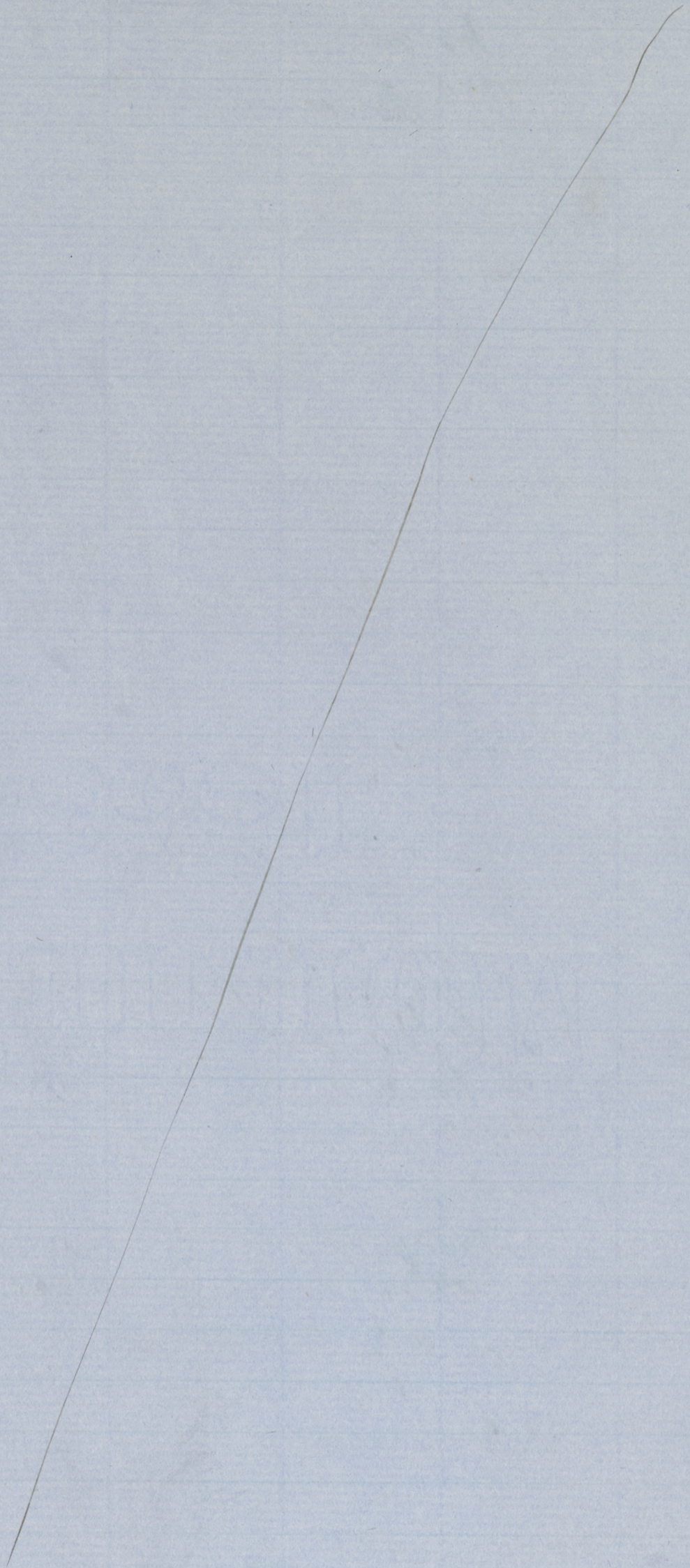
J. H. McKinnon }  
W. S. Law Agent }

Filed in Office Dec 21, 1851.  
(Signed)

Geo Fisher Secy.



AD



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John Walker

The United States } For less acres  
} of land part of  
the place called  
Entro Rapo in  
Rapn County.

Opinion  
by  
Comr  
Felch  
in

By stipulation the proofs and certain original documents filed in Case No 223 heretofore decided by the Commission are to be used as Evidence in this -

To establish the grant of the Rancho Entro Rapo of which the premises here claimed are proved to be a part to Nicholas Heynra by Governor Manuel Chico on the 4<sup>th</sup> day of May 1836 the giving of Judicial possession under the grant January 11. 1842 and the full performance of the conditions imposed on the grant by inhabitation and Cultivation of the premises granted -

The right of the present Claimant is derived from said Heynra by deed of the portion of the land described in the petition executed April 11. 1849 which deed is given in Evidence -

The claim is sustained by the proofs and a decree accordingly will be entered -

Confirmed -

Filed in Office Dec 26. 1854.

1 signed  
Geo Fisher  
Secy

Jacob P. Hacker  
 vs  
 The United States

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Decree

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the petitioner is valid and it is therefore decreed that the same be confirmed.

The lands of which confirmation is hereby made are a part of the place known by the name of Estero Napa which was granted to Nicolas Heiquira, which place so granted is situated in Napa County and is bounded and described as follows to wit -

Commencing on the Estero East of the house where said Heiquira lived and on the East side of the said Rancho thence crossing the Estero towards the South to the Arroyo de las Carreras and thence following up said Arroyo to the corner of the lower pass, thence in a Northerly direction where three bounds were placed in giving Judicial possession of said land to said Heiquira in 1842 to the Arroyo of Napa at a point where the last bound was placed thence by said Arroyo and Estero to the place of beginning as the same was measured and located in the Judicial Measurement when the possession was given to said Heiquira under his said grant to the testimony of which on file with the Secretary of this Commission reference is to be had.

That portion of the above described premises of which confirmation

A 3

is hereby made is bounded and described  
 as follows to wit Commencing at a point  
 on the creek called Nicholas branch  
 (or Papa abash) where the line of  
 N. M. Salvador Bally's land crosses  
 the same, thence out from said point  
 South along said line five hundred  
 yards thence in an easterly direction six  
 hundred yards to a point five hundred yards  
 South of said creek thence North five hundred  
 yards to the said creek thence up said  
 creek with its meanders to the point of  
 beginning so as to make six hundred  
 yards in length by five hundred in width  
 being the same land conveyed by said  
 Nicholas Heyward to said Joel F  
 Walker Admont by his deed dated August  
 11. AD 1844.

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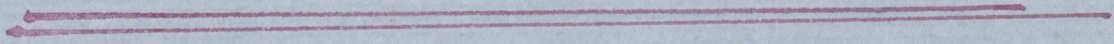
Alphus Titch

R. Aug Thompson

Comd

Filed in Office Dec 26, 1854.

(Signed) Geo Fisher  
 Secy.



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and it appearing to the satisfaction  
of the Board that the land hereby  
indicated is situated in the Northern  
District of California is hereby ordered  
that two transcripts of the proceedings  
and of the decision in this case and of  
the papers and exhibits upon which  
the same are founded be made out  
and duly certified by the Secretary  
of the Northern District of California  
with the title of the Northern District  
Court for the Northern District of  
California and the other be transmitted 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.

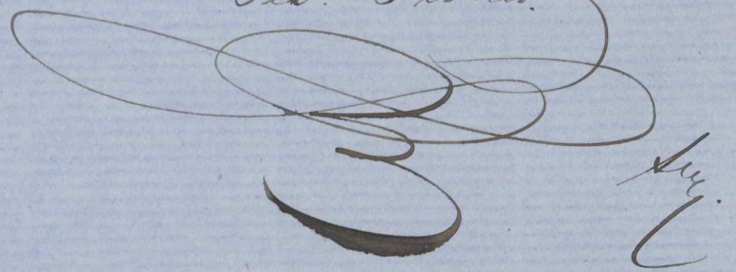
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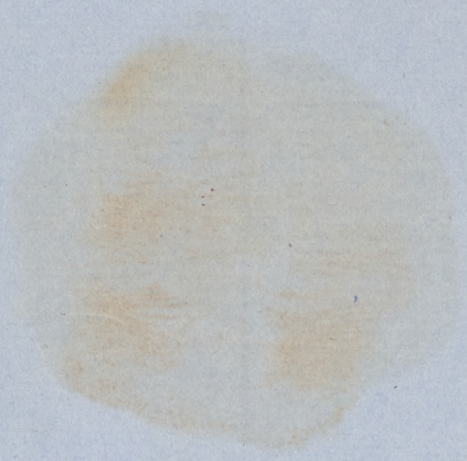
I, *George Fisher* — Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *Fifteen* — pages, numbered from 1 to 14, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. 578 on the Docket of the said Board, wherein

*Joel Walker* is —  
the Claimant against the United States, for <sup>a part of</sup> the place known by the name of *Entre Napa*.

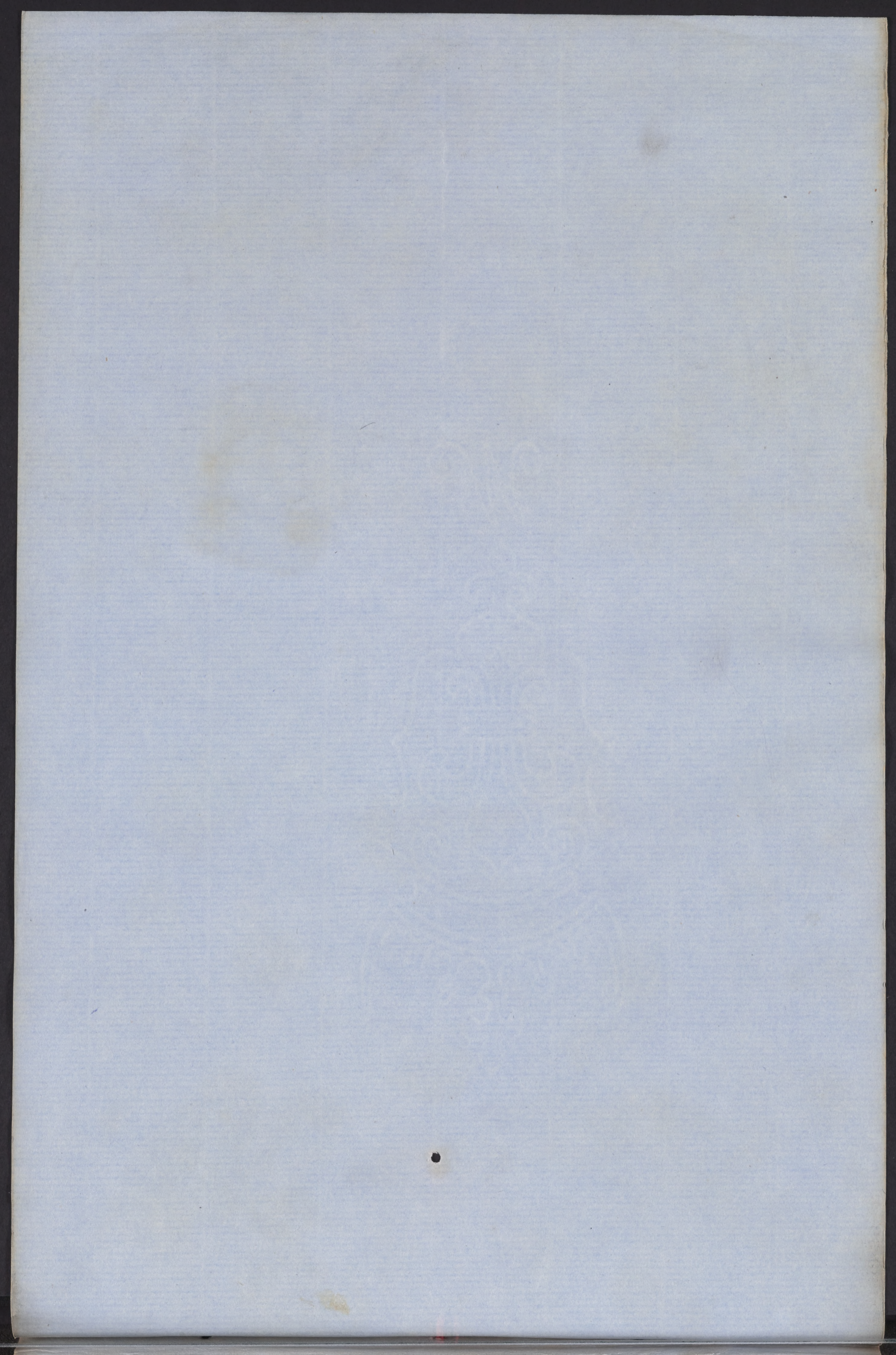
In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this *Twentieth* — day of *June* A. D. 1855, and of the Independence of the United States of America the seventy-*ninth*

*Geo. Fisher*











U. S. DISTRICT COURT,  
*Northern* District of California.

No. ~~231~~ + 231  
THE UNITED STATES,

vs.

*ND*

*Joel P. Walker*

TRANSCRIPT OF THE RECORD  
FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,  
In Case No. *578*

Filed, *June 20* 185*5*  
*John A. Munroe,*  
*Clerk*

*86,911*



Office of the Attorney General of the United States,

Washington, 29 June 1855.

5785 "Extra Maps"

Jos. P. Walker, 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 14<sup>th</sup> day of June 1855, the appeal in the district court of the United States for the ~~Northern~~ district of California will be prosecuted by the United States.

Cushing

Attorney General.

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United S. District Court  
Northern District of Cal "

United States

"

Joel P. Walker,

Notice of appeal  
in case no. 578

Filed Sept 6, 1855,  
by Chivers,  
Deputy,

231 N.D

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At a Stated Term of the District Court of the  
UNITED STATES OF AMERICA, for the Northern District of  
California, held at the Court Room, in the City of SAN FRANCISCO,  
on *Wednesday* the *23rd* day of  
*September* in the year of our Lord one thousand

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eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Israel P. Walker.

No. 231; L. C. 578.

The attorney General of the  
United States having given notice that ap-  
-peal will not be prosecuted in this case;

On motion of P. Della Torre Esq. U.S.  
Attorney, it is ordered, adjudged and decreed  
that claimant have leave to proceed under  
the decree of this Court heretofore rendered  
in his favor, as under Final Decree.

Ogden Hoffman  
U. S. District Judge

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United States District Court, Northern District of  
California.

*The United States*

vs.

*Joel P. Walker*

ORDER.

*Vacating appeal*

Filed *December 28<sup>th</sup> 1857*

*John A. Monroe* CLERK.

By *Praguer* DEPUTY.

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At a Stated Term of the District Court of the  
UNITED STATES OF AMERICA, for the Northern District of  
California, held at the Court Room, in the City of SAN FRANCISCO,  
on *Wednesday* the *23rd* day of  
*December* in the year of our Lord one thousand

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eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Joel P. Macker

N<sup>o</sup>. 231: L. C. 578.

This cause came on to be heard on appeal from the final decision of the Board of Commissioners to ascertain and settle the private land claims in the State of California under the Act of Congress approved on the 3<sup>d</sup> of March A. D. 1857, upon the transcripts of the proceedings and decision of the said Board of Commissioners, and the papers and evidence on which the said decision was founded: and it appearing to the Court that the said transcript has been duly filed according to law, it is by the Court hereby ordered, adjudged and decreed ~~with~~ the Attorney of the United States consenting thereto, that the said decision be and the same is in all things hereby affirmed: that the claim of the said Appellant is a good and valid claim, and that the same is hereby confirmed in accordance with the decree of the said Board of Commissioners.

Ogden Hoffman  
U. S. Clerk Judge

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United States District Court, Northern District of  
California.

*The United States*

vs.

*Loel P. Walker*

~~ORDER~~

*Decree of Confirmation*

Filed *December 23rd* 1857

*John A. Mound* CLERK.

By *Edgar Guymer* DEPUTY.

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Office of the Board of Commissioners,  
To ascertain and settle the Private Land Claims in the State of California.

San Francisco, June 20<sup>th</sup> 1855

J. A. Murray Esq.  
Clerk of the U. S. District Court for the  
Northern District of California.

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 378 on the Docket of the said Board, wherein Joel P. Walker is <sup>a part of</sup> the Claimant against the United States, for the place known by the name of "Entre Napa"

and request your receipt for the same.

I am, Respectfully,  
Your Obedt Servant,

Geo. Fisher  
