

CASE NO.

244

NORTHERN DISTRICT

PART OF ENTRE NAPA GRANT

MARTA FRIAS DE HIGUERA

CLAIMANT

LAND CASE 244 ND 37 pgs.

NOV 10 1962

Government
BLOVER BOARD
SAY COTTON FIBER
U S A

587

L

THE UNITED STATES

DEPARTMENT OF THE INTERIOR

OFFICE OF THE

LAND OFFICER

WASHINGTON, D. C.

1880

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 587.

Marta Frias de Higuera CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

part of
FOR THE PLACE NAMED

"*Entre Napa*"

FOR THE BEST

THE LATEST STYLE

1777

1777

1777

1777

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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PAGE 2

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;

The Petition of *Marta Frias de Miguera*,
for the Place named
Entre Napa,
was presented, and ordered to be filed and docketed with No. 587 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 December 11, 1853.
In Case no. 587, *Marta Frias de Miguera* for part of the place named "Entre Napa," the deposition of *Gilbert A. Grant*, a witness in behalf of the claimant, taken before Commissioner *Alpheus Welch*, was filed.
(Vide page 5 of this Transcript.)

San Francisco December 5, 1854.
Case no. 587 was ordered to be placed at the foot of the 3^d class cases on the Trial Docket.

San Francisco December 19, 1854.
Case no. 587 was submitted under the Rule of 21st March 1854.

San Francisco January 8, 1855.
In the same case the counsel for the claimant filed the following Stipulation, to wit;

(Vide page 15 of this Transcript.)

San Francisco January 9th 1855.

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

(Vide page 17 of this Transcript.)

And the following order was made, to wit:

(Vide page 21 of this Transcript.)

~~~~~

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3 Petition

To the Hon. the Board of Land Commissioners  
of the United States for the Settlement of private  
Land Claims in California

244 ND  
PAGE 4

Your petitioner Martin  
Frias de Higuera respectfully represents that on  
the Ninth day of May A.D. 1836 Manuel Chico  
Governor of Upper California granted to Nicolas  
Higuera the father of your petitioner one league  
of Land in which were called "Entre Napa"  
described as follows, commencing at the house  
towards the East on Napa Creek thence runn-  
ing along Saez Creek to its junction with Napa  
River, thence down said river to the mouth  
of Leannos Creek, thence up said Leannos  
Creek to the Canal of the lower pass (passo de  
abajo) thence North to the Saez Napa Creek  
which Saez grant was duly confirmed  
According to the Surveys and Mesajes of Mexico  
all of which will more fully appear by the  
Survey papers remaining on file in the office  
of the Surveyor General of the United States  
for the State of California, and which  
your petitioner may desire to produce and  
prove

That on the Eighteenth day of April  
A.D. 1851 said Nicolas Higuera by a deed  
of that date a copy whereof is annexed  
marked "A" conveyed a part of said lands  
to Ramon G de la Riva, and that on the  
Seventh day of February A.D. 1852 said  
Nicolas Higuera and wife by a deed of  
that date a copy whereof is annexed  
marked "B" conveyed another part of said  
lands to said Ramon G de la Riva, and  
that on the twenty eighth day of March A.D.  
1852, said Ramon G de la Riva by a deed  
of that date a copy whereof is annexed  
marked "C" conveyed the whole of said  
lands to your petitioner and also her sister  
Incaruacion Lecho de Higuera, and that  
on the 13th day of October A.D. 1852 the said  
Incaruacion Lecho by deed of that date a  
copy whereof is annexed marked "D" conveyed  
to your petitioner that part of lands so as  
aforesaid conveyed to them by said Rivas

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PAGE 5

boundaries as follows, Commencing at a green tree on the bank of Larners Creek marked with three hicks on the East Side and some Old oak marks, thence running in an Easly direction to a rock on the hill side about forty yards from an Old Canal, thence in the straight line to Napsu Creek, thence down Napsu Creek to the mouth of Larners Creek, thence up Larners Creek to the place of beginning, which said James last mentioned your petitioner is now in the quiet and peaceable possession of and claims title thereto under the several Conveyances hereon set forth, and knows of no other claimant to the same or any part thereof and therefore respectfully prays that the same may be confirmed to her

Martin James Stogerson  
by Paul N Monson her attorney

Filed in Office Feby 11. 1853

Geo. Fisher Secy

Recorded in Vol 1 of Petitions on pages 572. 573

Geo. Fisher Secy

5 Deposition of Office of the Board of U. S. Land Commissioners  
Gilbert A Grant

San Francisco December 14th. 1853

This day before Commissioner Alpheus Felch  
came Gilbert A Grant a witness in behalf of  
Claimant Maria Ficus Heigera Petition No. 587  
and being duly sworn deposed as follows

Questions by George Monson Attorney for Claimant

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

Answer. My name is Gilbert A  
Grant, my age is thirty six years and I reside  
in San Francisco California

2 Question. Is the land described  
in the petition filed in this case as claimed  
by the petitioner, a part of the grant of land  
to Nicolas Heigera, known by the name of  
Entre Napo?

Answer. It is.

Gilbert A Grant

Mr Greenhow Associate  
Law Agent was present at the  
taking of this deposition but  
propounded no interrogatory

Subscribed and sworn to before me  
this 14th day of December 1853

Alpheus Felch  
Commissioner

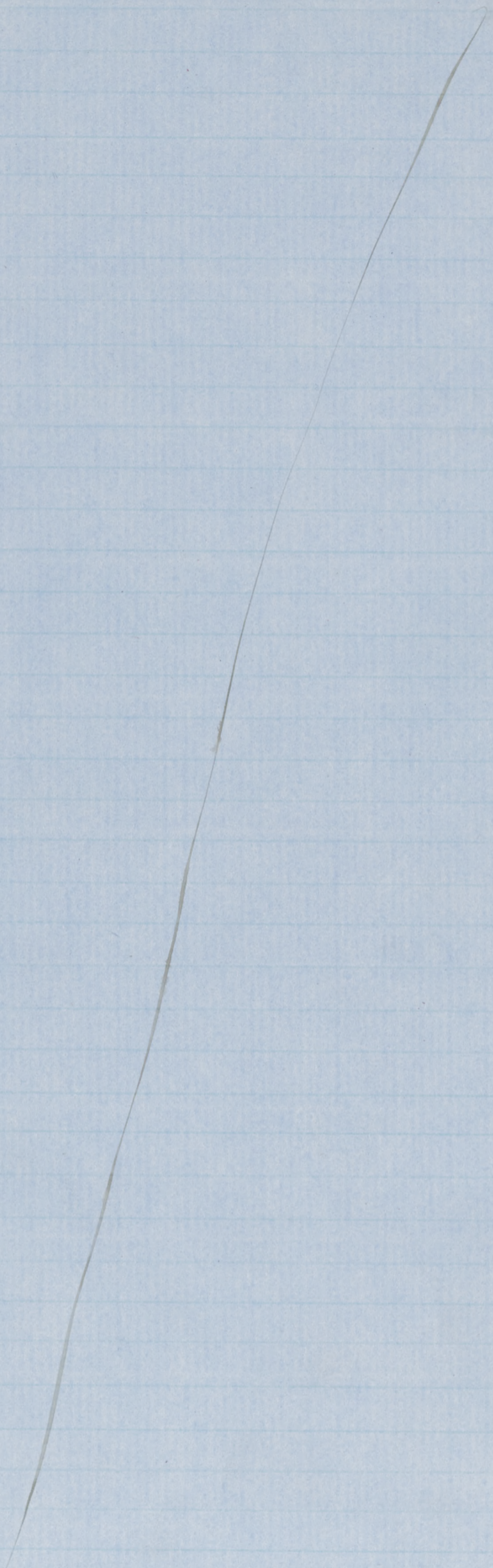
Taken in Office December 14th 1853

Geo. Fisher Secy

Recorded in Cor B Vol 3 p 537

Geo. Fisher Secy

6



"A"

Nicolas, Figueroa to R. L. de la Riva y Flores for  
the cost of the ... of ...

7  
"A"

Deed

Nicolas Figueroa to R. G. de la Riva filed for  
Record this 18th day of April A.D. 1851 at 15 minutes  
past 5 O'clock P.M.

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PAGE 7

Know all men by these presents that I Nicolas Figueroa of the County of Napa and State of California in consideration of One thousand two hundred dollars to me in hand paid by Ramon G. de la Riva of the County and State aforesaid the receipt whereof I do hereby acknowledge do hereby give grant bargain sell and convey unto the said Ramon G. de la Riva all the following described real Estate (to wit) commencing at the mouth of Learneras Creek the running up Learneras Creek one half mile, thence across to Napa Creek to a point one and a half miles above the mouth of Learneras Creek, thence down said Napa Creek to the place of beginning by way of being situate in the County of Napa and State aforesaid with all the privileges and appurtenances thereto belonging or in anywise appertaining. To have & to hold the above granted premises with the appurtenances and all things thereto belonging pertaining to the only proper use benefit and behoof of him the said Ramon G. de la Riva his heirs and assigns forever and I the said Nicolas Figueroa do for myself my heirs Executors and Administrators Covenant with the said Ramon G. de la Riva his heirs and assigns, that I am lawfully seized in fee of the above granted premises and that I have good right and full power & Authority to sell and convey the aforesaid premises to the said Ramon G. de la Riva aforesaid and that I will & my heirs shall forever warrant and defend the aforesaid premises to the said Ramon G. de la Riva his heirs and assigns forever against the lawful demands of all persons whatever.

In testimony whereof I the said Nicolas Figueroa have hereunto set my hand and seal this 18th day of April A.D. 1851

Signed Sealed & Delivered in presence of  
Nicholas <sup>de</sup> Figueroa  
Johnson Storee

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State of California }  
County of Napa } 3rd

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Personally appeared before me the undersigned  
Recorder of Napa County by Deputee Nicholas  
Sequeira known to me to be the person described  
in and who executed the aforesaid deed of con-  
veyance who acknowledges to me that who acknow-  
ledges to me that he executed the same freely  
& voluntarily for the uses and purposes therein  
expressed

Given under my hand and seal of  
Office at Napa City this 18th day of April A.D. 1851

(Seal)

George N. Comstock  
Deputy Recorder

State of California }  
County of Napa } 3rd

I John H. Sewell Recorder in and for  
the County of Napa and State of California  
hereby certify that the foregoing is a full true  
and correct copy of the Record of a deed from  
Nicholas Sequeira to Ramon G. de la Pared as  
Recorded in Book 4 page 296 in the Record  
of said Napa County

Witness my hand and  
Official Seal at Napa City  
this 20th day of January A.D. 1853

John H. Sewell Recorder  
By E. S. Coffinberry Dep. Recorder

Filed in Office Feb. 11. 1853

Geo. Fisher  
Secy

9

"B"

Deed

Nicholas Sequera and Ma. Antonia Vasquez to Ramon G de la Riva filed for Record March 9th A.D. 1852 at 3 O'clock P. M.

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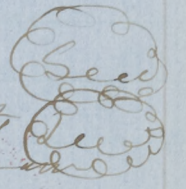
Know all men by these presents that we Nicolas Sequera and Ma. Antonia Vasquez of the County of Napa and State of California for and in Consideration of the sum of fifteen hundred dollars to us in hand paid by Ramon G de la Riva of the County and State aforesaid the Receipt whereof we acknowledge hereby do by these presents give grant bargain sell and convey unto the said Ramon G de la Riva his heirs and assigns forever the following described Real Estate to wit Commencing at a house formerly occupied by the said Nicholas Sequera on the North side of the Arroyo de Napa, thence running, towards the East to Napa Creek thence down said Creek to the mouth of Cannons Creek and following up said Creek Eighteen thousand Nears containing one league more or less.

To have and to hold the above granted premises with all the privileges and appurtenances thereunto belonging to the said Ramon G de la Riva his heirs and assigns forever saving and reserving to Matthew Treas de Sequera & Mercaderes in Cacho de Sequera the Assignees of the said Nicholas Sequera the right of Action against John Walker and John E. Brown for the recovery of Certain Sums purporting to have been conveyed to the said Walker and Brown by deed bearing date the fifteenth day of April A.D. 1850 and recorded in the Archives of Napa County and also reserving all other Sums heretofore lawfully sold and conveyed within said County.

In testimony whereof we have hereunto set our hands and affixed our Seals this the seventeenth day of February A. D. 1852

Signed Sealed and  
delivered in presence  
of Jas. W. Packard  
Washington Earle

Nicholas<sup>his</sup> Sequera  
Ma. Antonia<sup>his</sup> Vasquez



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State of California }  
 County of Napa }  
 Johnson Howell, County Judge of Napa County  
 Nicholas Steger and Maria Antonia Berguez known  
 to me as the person who executed the foregoing deed of  
 Conveyance and acknowledged they signed the same  
 freely and voluntarily for the uses and purposes therein  
 expressed and contained, the Maria Antonia Berguez  
 being examined by me separately and apart from  
 and out of the hearing of the said Nicolas Steger  
 and declared that she signed the same of her own  
 free will without fear or compulsion on the  
 part of the said Nicolas Steger  
 Given under my hand this 7th day of  
 February A.D. 1852

Johnson Howell County Judge  
 Napa County

State of California }  
 County of Napa }  
 The undersigned County Clerk  
 of Napa ss }  
 do hereby certify that  
 Johnson Howell whose name appears above subscribed  
 to the within Certificate was at the time of taking  
 the same County Judge of Napa County within  
 and for the said State duly commissioned and  
 qualified that I am well acquainted with his  
 hand writing and really believe that his signature  
 to the within Certificate is genuine In testimony  
 whereof I have here to set my hand and official  
 seal at Napa City this the 13th day of March  
 A.D. 1853

H. H. Lawrence Clerk

By J. N. Edmonston Dep Clerk

State of California }  
 County of Napa }  
 ss }  
 Recorder in and for the said County  
 of Napa and State of California hereby certify that  
 the foregoing is a full true and correct copy of the  
 Record of a deed from Nicholas Steger and Maria  
 Antonia Berguez to Ramon G de la Riva as recorded  
 in Book B pages 141 and 142 in the records of  
 said Napa County

Witness my hand and official  
 seal at Napa County this 20th day of January  
 A.D. 1853.

Jno. H. Lawrence Recorder

By G. S. Coffinberry Dep Recorder

In office Feb 11, 1853

Geo. Fisher Secy



Dece

"10"

R. G. de la Riva to Santa Feas de Sequera and  
Incaracion Cocho de Sequera filed for Record  
March 29th. A. D. 1852 at 9 O'clock A.M.

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Know all men by these presents that I Ramon G de  
la Riva in consideration of Twenty Seven hundred  
Dollars to me in hand paid by Santa Feas de  
Sequera and Incarnacion Cocho de Sequera of the  
County and State aforesaid, the receipt whereof I do  
humbly acknowledge do hereby give grant bargain sell  
and convey unto the said Santa Feas de Sequera  
and Incarnacion Cocho de Sequera, all the following  
described Real Estate (to wit) Commencing at the Mouth  
of Carreras Creek, running thence up Carreras Creek  
one half mile, thence across to Napu Creek to a  
point one and a half miles above the Mouth of  
Carreras Creek thence down said Napu Creek  
to the place of Beginning; Also the following des-  
cribed Real Estate (to wit) Commencing at a house form-  
erly occupied by Nicholas Sequera (of County &  
State aforesaid) on the North side of the Arroyo de  
Napu thence running down said Creek to the  
Mouth of Carreras Creek and following up said  
Creek Eighteen thousand Varas to an Old Canal  
at the lower end, thence on a North line to Napu  
Creek being twenty four thousand Varas containing  
one league of Land Mas a lep. To have and to  
hold the above granted premises with all the privileges  
and appurtenances thereto belonging to the only  
proper use benefit and behoof of the said Santa  
Feas de Sequera and Incarnacion Cocho de  
Sequera their heirs and assigns forever saving  
and reserving all other lands heretofore lawfully  
sold and conveyed within said boundary by  
Nicholas Sequera previous to the seventh day  
of February A. D. 1852 and I the said Ramon G de  
la Riva do for myself my heirs Executors and  
Administrators Covenant with the said Santa Feas  
de Sequera and Incarnacion Cocho de Sequera  
their heirs and assigns that I am lawfully seized  
in fee of the above granted premises, and that I have  
good right and full power and Authority to sell  
and convey the aforesaid premises to the said Santa  
Feas de Sequera and Incarnacion Cocho de Sequera

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aforsaid and that I will and my heirs shall  
forever remain and defend the aforsaid prem  
ises to the Saies Martha Juas de Sequera and  
Incarnacion Cocho de Sequera their heirs and assigns  
forever against the lawfull demands of all persons  
whatsoever. In testimony whereof I the Saies Ramon  
G de la Riva have hereunto set my hand and  
seal this twenty Eighth day of March A.D. 1853  
In presence of J R. G de la Riva S. J.  
J. M. Eamonston }  
Joseph Green } 3

State of California } On this the twenty Eighth day of  
County of Napo ss } March A.D. 1853 before me  
the undersigned Recorder in and for the County aforesaid  
personally appeared Ramon G de la Riva known to  
me to be the person described in and who executed  
the foregoing instrument, who executed the foregoing  
instrument acknowledged to me that he executed  
the same freely and voluntarily and for the uses and  
purposes therein mentioned. Given under my hand  
and seal of Office at Napo City this the day  
and year in this Certificate first above written  
Attest Lawrence Recard  
By J. M. Eamonston Dep. Rec.

State of California } I John H. Sewell County  
County of Napo ss } Recorder in and for the County and State aforesaid  
hereby Certify that the foregoing is a true full and  
correct Copy of the Record of a deed from Ramon  
G de la Riva to Martha Juas de Sequera  
and Incarnacion Cocho de Sequera as recorded  
in Book B pages 149 and 150 in the records of  
Saies Napo County. Witness my hand and seal  
of Office at Napo City this 30th day of January  
A.D. 1853  
Jno. H. Sewell Recorder  
By G. S. Coffinberry Dep. Recorder

Filed in Office Feb 11. 1853

Geo. Fisher  
Secy

13

20

Deed

Incarnacion Locho Hequera to Martha Ficus Hequera filed for Record Oct. 13<sup>th</sup> 1852 at 3 o'clock P.M.

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PAGE 13

Know all men by these presents that I Incarnacion Locho Hequera of the County of Napo and State of California, in consideration of a deed of Conveyance made sealed and delivered to me for a certain piece or parcels of land described and set forth in the said deed and agreed by Martha Ficus Hequera, I do hereby bargain sell and convey unto the said Martha Ficus Hequera and to her heirs and assigns all my right title interest claim and demand either in Law or Equity to the following described Real Estate (to wit) Commencing at a green tree on the bank of Cameros Creek Mark with three hacks on the East side and some Old Ore marks - Thence running in an Eastern direction to a rock on the hill side about fifty yards from an Old corner Thence in a straight line to Napo Creek Thence down Napo Creek to the mouth of Cameros Creek thence up Cameros Creek to the place of beginning; To have and to hold said Real Estate to the sole use benefit and behoof of her the said Martha Ficus Hequera and assigns forever.

In Testimony whereof the said Incarnacion Hequera has hereunto set her hand and seal this 13<sup>th</sup> day of October A.D. 1852

Signed sealed and delivered in presence of  
Johnson Horrell  
John S. Gossion  
Incarnacion Locho Hequera  
Martha Ficus Hequera

Witness in office

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State of California }  
Napa County }

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On this 13th day of October A.D. 1853  
personally appeared before me John Howell  
Deputy of the County Court within and for  
said County Napa County in and among Cocho  
Higueras to me known to be the person who  
executed the foregoing deed, acknowledged  
that she freely and voluntarily executed the  
same for the uses and purposes therein expressed

John Howell  
County Deputy of Napa County

State of California }  
County of Napa }

I John H. Sewell County Recorder in and  
for the County of Napa and State of Calif  
ornia hereby certify that the foregoing is a  
true and correct copy of the Record of  
a deed from Marciano Cocho Higueras  
to Martha Fies Higueras as Recorded in  
Book B Pages 334 and 335 in the Records  
of said Napa County.

Witness my hand  
and Official Seal at Napa City this fourth  
day of January A.D. 1853

John H. Sewell Recorder  
By G. S. Coffinberry  
Dep. Recorder

Filed in Office Feb 11. 1853

Geo. Fisher Secy

U. S Land Commissioners

Marta Trias Siguera }  
vs } No. 587  
The United States }

Stipulation

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It is hereby stipulated by the Law Agent and the Attorney for the Claimants above named, that the Original title papers filed in the case of Suleys Martin No. 303 including the depositions of Jose de la Rosa Jose P. Alcala, Roman G. de la Rosa & Emedeo de Alameida be considered as real & legitimate in this & shall be regarded as evidence in this case to the same extent & effect as if the Original documents were actually on file among the papers in this case

Roel M. Moreson  
Atty for Claimant

Loeas Blainding  
Asst Law Agent

San Francisco  
Jan 8th. 1855.

Filed in Office Jan 8. 1855

Geo. Fisher Secy

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Marta Juas de Figueira 23 de Junho de 1950

17  
Opinion

Marta Ficus de Figueroa }  
vs }  
The United States }  
} In a piece of land  
} being part of the  
} place called "Entre  
} Napa" in Napa County

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The Land claimed in this case is a part of the Rancho called Entre Napa originally granted to Nicolas Figueroa by Governor Manuel Chico

The proofs establish the making of the grant on the 9th day of May 1836 and the giving of the deed with a proper designation of boundaries, on the 11th day of January 1842. The conditions of the grant are proved to have been performed by building a house on the Land and by personal occupancy and cultivation thereof.

In deciding title from said grantee to himself the petitioner has given evidence of the following conveyances:

First. Two conveyances of the portion of the Rancho in which the Land claimed is situated to Ramon G. de la Riva the first made by said Nicolas Figueroa on the 18th day of April 1851 and the second by said Figueroa and wife executed February 7th 1853.

Second. A deed from said de la Riva to Marta Ficus de Figueroa dated March 29, 1853.

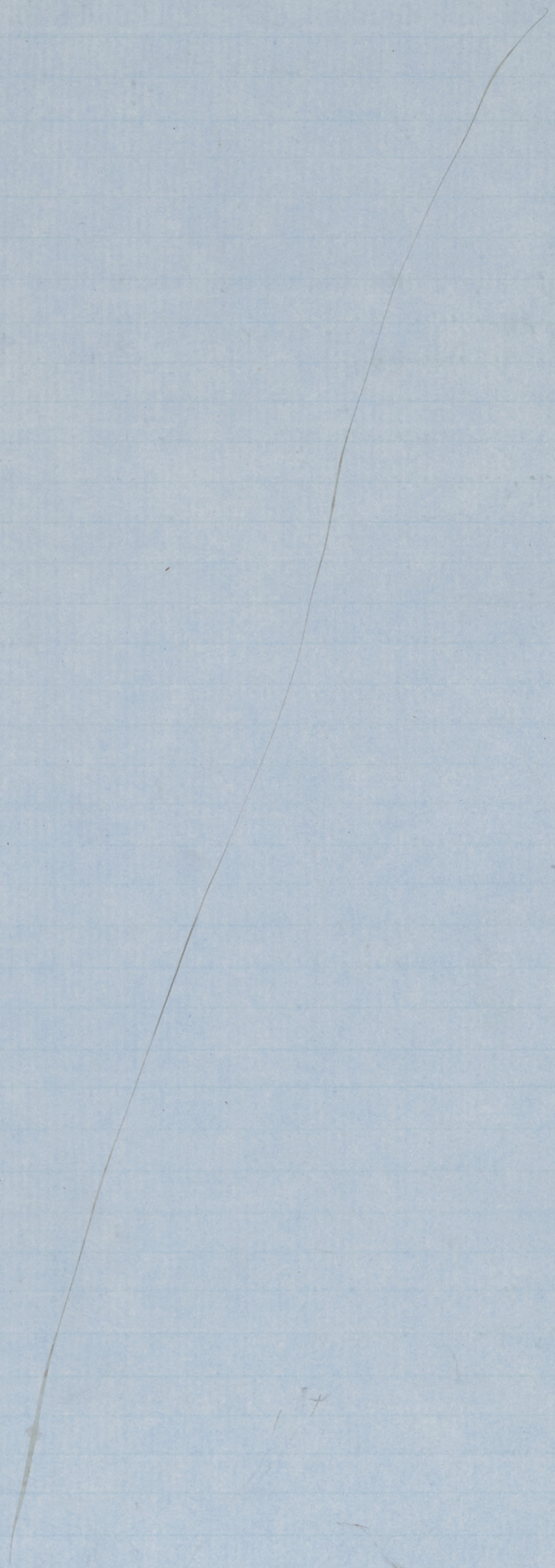
Third. A deed from said Inmaculacion Cecho Figueroa to the present claimant relinquishing all the interest of the former in portion of Land claimed in this case to the latter, her name in common and now the claimant before this Commission. This deed bears date October 13, 1853.

The title of the petitioner is sustained by the proofs and a decree of confirmation will be entered.

Confirmed

Witness in Office Jun 9. 1855  
Geo. Fisher Secy

18



18  
Lecies

Museo Ficus de Arqueología



19  
Decree

Merced Francis de Siquero }  
1848 }  
The Venetian States } 3

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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 Land of which Confirmation is hereby made and a part of the place known by the name of Entre Napo which was granted is situated in Napo County and is bounded and described as follows, to wit Commencing on the Estero East of the house of Don Luis Siquero west and on the East side of Don Luis Rancho thence Coasting the Estero towards the East South to the Arroyo de los Carrizos and thence following up said Arroyo to the corner of the Lower part, thence in a Northward direction where three bound lines were placed in July 1843 to the Arroyo of Napo at a point where the last bound line was placed; thence by said Arroyo and Estero to the place of beginning; as the same was measured and located and the present measurement, when the measurement was given to Don Luis Siquero under his said grant; to the testimonial of which on file with the Secretary of the Commission reference is to be had

That part of the <sup>above</sup> ~~land~~ described premises of which Confirmation is hereby made is bounded and described as follows to wit; Commencing at a green tree on the bank of Carrizos Creek marked with three marks on the East side and some old iron marks, thence running in an Easterly direction to a rock on the hill side about fifty yards from an old Corral, thence in a straight line to Napo Creek thence down Napo Creek to the mouth of Carrizos Creek; thence up Carrizos Creek to the place of beginning being the same land described in a deed from Mariano Cacho Siquero to

20

Martha Lewis Segeno refused dated October  
13th. A.D. 1853

Alpheus Felch }  
R. Wiley Thompson }  
J. B. Farwell }

244 ND  
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Filed in office Jan. 9. 1855

Geo. Fishw  
Secy

And it appearing to the Select Committee of the Board  
that the same hereby adjudicated is returned  
in the Northern District of California, It is hereby  
Ordered that two Transcripts of the proceedings  
and 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  
one of which shall be filed with the Clerk  
of the District Court of the United States for  
the Northern Judicial District of California  
and the other be transmitted to the Attorney General  
of the United States

Office of the Board of Commissioners,

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

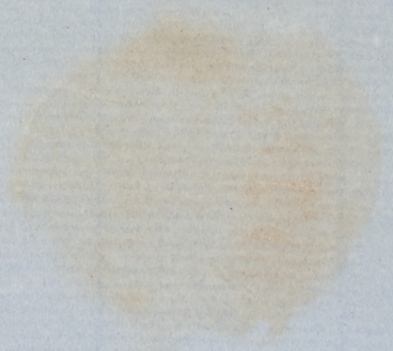
*J. George Fisher* — Secretary to  
the Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
foregoing *Inventory* — pages, numbered from  
1 to *20*, both inclusive, to contain a true, correct and full Tran-  
script of the Record 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. *587* on the Docket of the said Board,  
wherein

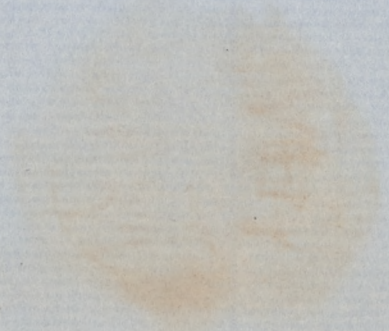
*Marta Frias de Higuera* is —  
the Claimant against the United States, for the place known by  
the name of "*Part of Entre Napa*" —

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

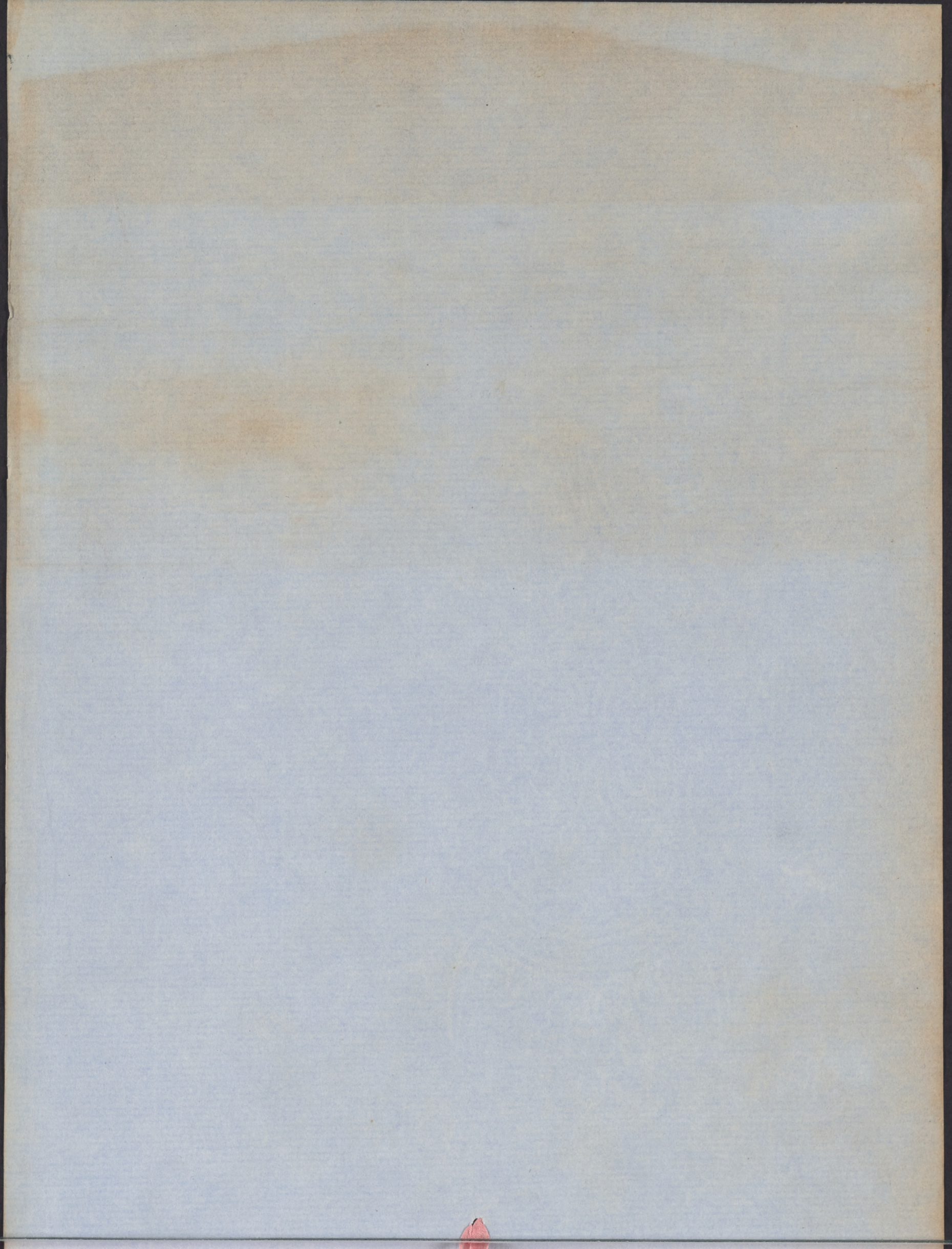
*J. G. Fisher*







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

No. 244 - 244

THE UNITED STATES, *ND*

vs.

*Marta Francis de  
Higuera*

TRANSCRIPT OF THE RECORD

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *5-87*

Filed. *July 7th* 1855

*John A. Croome,  
Clerk*

*5-87*





Office of the Attorney General of the United States,

Washington, 10 October, 1855.

587 / "Entre Papa"

Marta Frías de Figueroa, 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 1st day of August 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.

No. 244.

W. S. District Court  
Northern Dist of Cal<sup>or</sup>

United States

vs  
Marta Francis de Requena,

Notice of Appeal in Case

No. 587

Filed Nov: 22. 1855.  
J. Cheves,  
Deputy.

United States of America } District Court  
State of California } Northern District

No. The United States }  
244 as Appellants } No 244  
Martha Fourn De Sigueras }

said district court. To the Honorable  
The petition of the  
United States by their attorney requests  
that this court is an application for  
the review of the decision of the  
Board of Commissioners whereby  
the claim of the said appellants  
was confirmed as appears by reference  
to the records in this case; that a  
transcript of the said Records was  
filed in this court on the  
day of 1855, that a notice  
of appeal was filed on the  
day of 1855, & that the  
law claimed lies in the said  
District - that the said claim  
is invalid, wherefore appellants  
pray that the said decision of the  
Board be reversed, & that the  
court decree the said title to  
be invalid -

Respectfully  
A. Hassell,  
Asst. U.S. Dist. Atty.

No 244

The U. S.

vs

Martha Denis de Nequena

Petition

Filed March 21. 1856,  
Okeover,  
Deputy.

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O. Russell

No  
244

The United States District Court  
vs Appellants Northern District  
Martha Wade Sigman } of California  
Respondents }

244 ND  
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The said respondent for answer to the petition filed in said cause denies that said claim is invalid, but avers that the same is just & valid & they therefore pray this honorable court to affirm the decree of the Board of Land Commissioners confirming the same -

Crocker & Robinson  
Attys for Respdt.

6000  
7500

No 244

The U. S.

vs

Martha Floras de Requena

Answer -

Filed March 21, 1856,  
Cheves,  
Deputy.

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Crocker & Robinson

The United States } No 244 in the  
vs } District Court for the  
Martha Frias de Figueroa } Northern District of California

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It is hereby stipulated & agreed that certified copies of the following original papers, filed in the case of The United States vs Julius Martin No 177 in this court, may be filed in this case, to wit-

1. The original grant of "Centre Ape" to Nicholas Figueroa.
2. The translation of said grant.
3. The Spanish expediente giving juridical possession of said tract.
4. The translation of said Expediente giving juridical possession.
5. The deposition of Jose de la Rosa, taken Jan. 15, 1853.

And it is further agreed that that said copies when thus filed shall be regarded as evidence in this cause to the same extent & with the same force & effect as if the original documents were on file, & made as evidence in this cause.

San Francisco March, 15, 1856.

Crocker & Robinson  
Attys for claimant.

A. Glassell,  
Asst. U.S. Dist. Atty.

No 244

The United States

vs

Martha Fina de Figueroa

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Stipulation

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Sua May 2, 1856,  
Cherico,  
Deputy.



In the District Court of the United States  
for the Northern District of California.  
Stated Term February 13<sup>th</sup> 1857

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The United States }  
vs Appellant. } Decree No 244.  
Marta Frias de Niguera }  
Appellee. } ~~Stated Term~~  
February 13<sup>th</sup> 1857.

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 an act of Congress approved  
March 3<sup>rd</sup> 1851

This Cause came on to be heard at  
a stated Term of the Court on appeal from the  
decision of the Said Board of Commissioners upon  
the transcript of the proceedings and decision  
of the Said Commissioners and the papers and  
evidence on which said decision was founded;  
and it appearing to the Court that the Said  
transcript has been duly filed according to law,  
and Counsel for the respective parties having  
been heard, It is by the Court Ordered, adjudged,  
and decreed, that the said decision be, and the  
same is hereby in all things affirmed; and it  
is likewise further Ordered, adjudged, & decreed,  
that the claim of the Appellee is a good and valid  
claim, and that the said claim be and the  
same is hereby confirmed to the said Appellee  
Marta Frias de Niguera to a portion of the  
Ranchos of Entre Napa which was granted  
to Nicholas Niguera situate in Napa County  
in said State, described and bounded as

follows, Commencing in the Esters East of the house where said Neguera lived and on the East Side of said rancho thence coasting the Esters towards the South to the Arroyo de los Carreros and thence following up said Arroyo to the Corral of the lower pass thence in a southerly direction where three bounds were placed in giving judicial possession of said land to said Neguera in 1842 to the Arroyo of Kapa at a point where the last bound was placed, thence by said Arroyo and Esters to the place of beginning, as the same was measured and located in the judicial measurement when the possession was given to said Neguera under his said grant - to the testimonial of which on file with the Surveyor General of the U. S. for the State of California reference is to be had, -

That portion of the above described premises of which confirmation is hereby made is bounded and described as follows, to wit, Commencing at a green tree on the Bank of Carreros Creek marked with three hacks on the East side and some old axe marks, thence running in an Easterly direction to a rock on the hill side about forty yards from an old Corral, thence in a straight line to Kapa Creek, thence down Kapa Creek to the mouth of Carreros Creek, thence up Carreros Creek to the place of beginning - being the same land described in a deed from Incarnacion Bacho Neguera to Santa Frias Neguera aforesaid, dated October 13<sup>th</sup> A. D. 1852.

Edwin Hoffman  
Dist Judge

587

No. 244.

U. S. Dist. Court.

The United States

vs

Marta Frias de Figueroa

Decree.

Filed June 10. 1858,

W. H. Chew,

Clerk

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No 244-

The United States } District Court  
vs } Northern District  
Martha Frias de Nijera }

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Claim to part of "Entre Napa".

Claimant's Brief-

Martha Frias de Nijera, filed her petition before the Board of Land Commissioners claiming a small tract of land, described in her petition, being a portion of a grant originally made to her father Nicholas Nijera & called "Entre Napa". This tract was conveyed to different persons, who have each filed their separate claims for the portions owned by them.

The papers & transcript in this case shows that on the 9<sup>th</sup> day of May, 1836 a grant was duly executed by Governor Lechiv to Nicholas Nijera, containing the usual conditions. (See copy on file among the papers)

On the 10<sup>th</sup> day of January 1842 a judicial survey was made definitely locating the land a copy of which with a translation is filed among the papers. The due execution of the original is proved by the deposition of Jose de la Rosa a copy of which is also filed.

The original papers relating

to this grant being in the possession of other claimants & having been filed with their claims, copies were filed in this case under a stipulation executed by counsel, & agreed to be used as evidence the same as the originals - (see stipulation filed Transcript page 15)

The deposition of Jose de la Rosa also shows that the original grantee took actual possession of the land, built a house & corral on it, kept his stock of cattle & horses there & cultivated a portion of it, & that he continued to reside on the land up to the time of his death in 1852 -

This evidence clearly establishes a valid title to the land in Nicholas Higuera - & the only remaining question is, has that title been conveyed to the claimant for that portion claimed by her - The following is her chain of title -

1<sup>st</sup> 2 deeds from Nicholas Higuera & wife to Ramon G. de la Riva dated April 18, 1851 & Feb. 17, 1852. (Transcript p. 7 to 10)

2<sup>d</sup> Deed from Ramon G. de la Riva to Martha Frias & Encarnacion Cacho de Higuera dated March 28,

1852. (Page 11 & 12)

3. Incarnacion Cutho de Niguera  
to the present claimant, for the  
specific tract claimed by her  
dated Oct. 13, 1852 - (Page 13 & 14)

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These deeds clearly vest the  
title to the tract claimed in the  
present claimant, & the Board  
of Land Commissioners therefore  
correctly confirmed the claim (Page  
17) & we ask this court to  
affirm that decision -

Crocker & Robinson  
Attys for Claimant -

No 244

The United States

vs

Mattheo Tomas de Aguiar

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Claimants Brief

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Crocker & Robinson  
Attys for Claimant