

CASE No.

296

NORTHERN DISTRICT

PART OF LOS CARNEROS GRANT

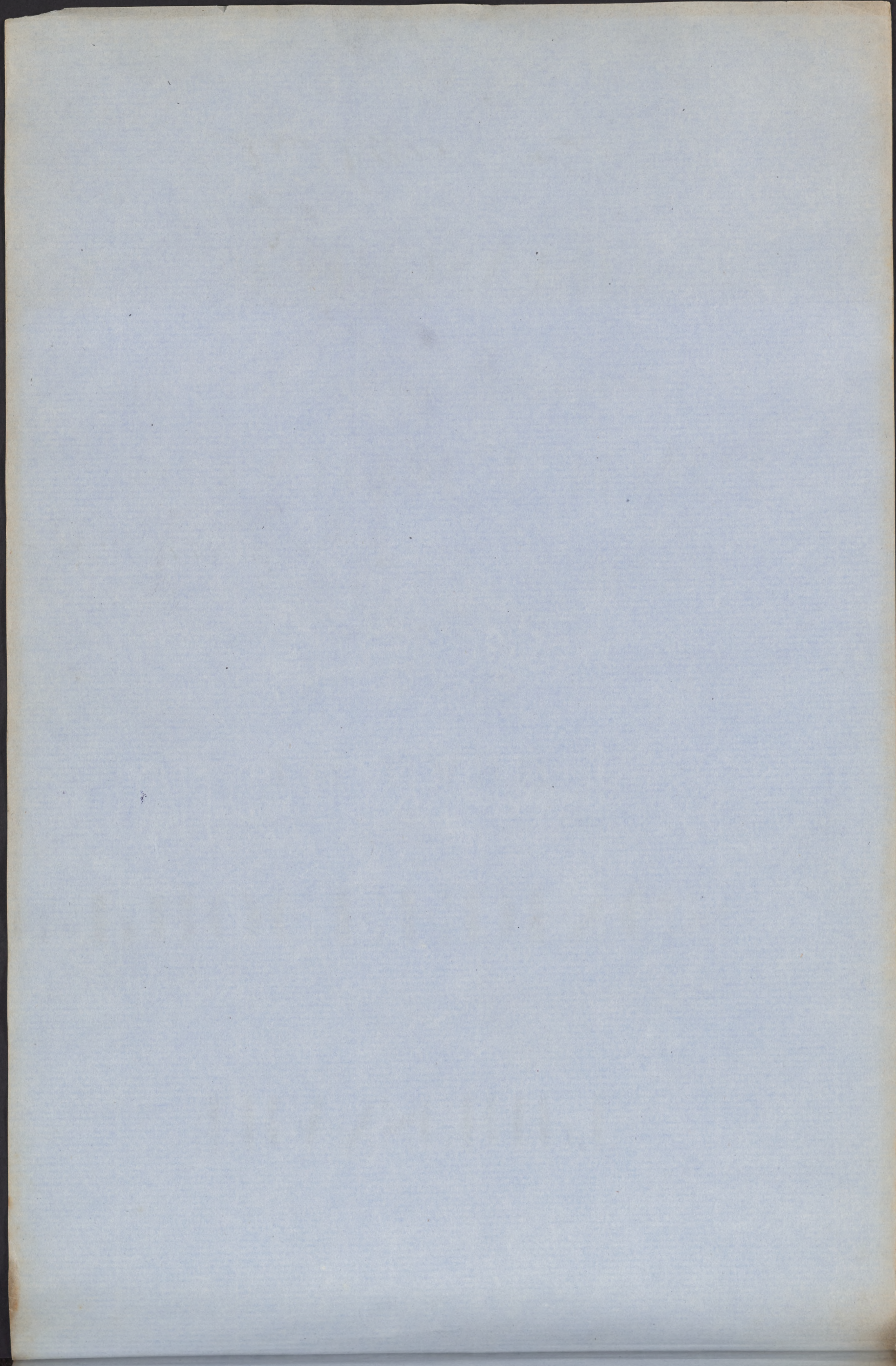
REUBEN M. HILL

CLAIMANT:

NOV 21 1962

U.S.V.
FOR COLON INBEN
BROKER BOND
[Signature]

801 Dup



TRANSCRIPT
OF THE
PROCEEDINGS

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IN CASE

NO. 801.

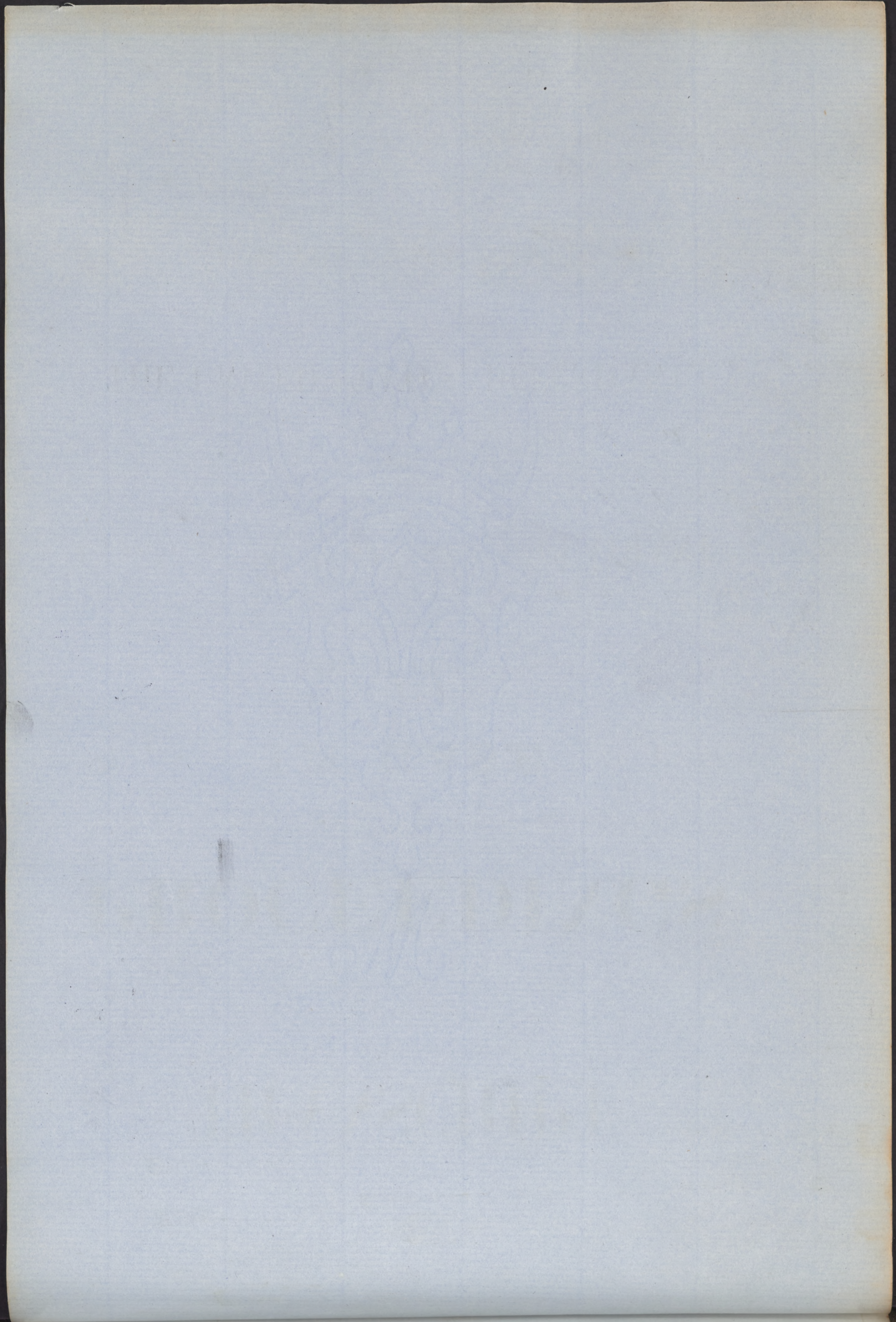
Ruben M. Hill — CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

A part of
FOR THE PLACE NAMED

Los Carnes



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, that on this *third* day of *March*, 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 *Reuben M. Hill* *in*
for the ^{part of} Place named
"Los Carneros."
was presented, and ordered to be filed and docketed with No. 801 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 14' 1853.
In Case no. 801, *Reuben M. Hill* for the place named *"Los Carneros,"* the deposition of *Gilbert M. Grant*, a witness in behalf of the Claimant taken before Commissioner *Alpheus Seloh*, was filed;

(Vide page *5* of this Transcript.)

San Francisco January 9' 1855.
Case no. 801 on motion of the Counsel for the Claimant with the consent of the U. S. Land Agent was ordered to be placed at the foot of the 4th class Cases on the Trial Docket.

San Francisco Jan'y 23' 1855.
Case no. 801 was submitted under the Rule of *March 21' 1854.*

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San Francisco February 27 1855

In the same case Commissioner Alpheus Felch
delivered the Opinion of the Board respecting the
claim;

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N.

(Vide page 11 of this Transcript.)

And the following order was made, to wit:

(Vide page 12 of this Transcript.)

mm

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

Petition

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Your petitioner Ruelin M
Heid of the County of Napa respectfully
represents, that on the Ninth day of May 1836, Manuel Chico then Governor of Upper
California granted and conveyed to Nicholas
Hegana a tract of land called Entre Napa
of three square leagues now situate in the County
of Napa and described as follows.

Commencing at the house towards
the East on Napa Creek thence running along
said creek to its Junction with Napa river
thence down said river to the Mouth of Car-
narus Creek thence up said Carnarus creek
to the Corral at the lower Pass (Paso de
Alejo) thence North to the said Napa Creek
which said grant was duly confirmed ac-
cording to the laws and usages of the Govern-
ment of Mexico all which will more fully ap-
pear by reference to the Archives now in the pos-
session of the Surveyor General of the United
States for the State of California in the City of
San Francisco and to which Your petitioner
prays leave to refer and produce and prove
and that on the twenty first day of January
1851 the said Nicolas Hegana by Act
of that State a copy whereof is annexed marked
A' conveyed to Archer C. Cassy and Bernard
Pollard a part of said land described as
follows -

Commencing at the North East Corner
of the lands of W. Coombs on which the Town
called Napa City is laid out at the small
creek called Napa Creek and running thence
Southwardly on the west line of Coombs
land five hundred Lands thence in a line

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perpendicular to this first line westwardly
five hundred yards thence in a line parallel
perpendicular to the line just mentioned
Northwardly to the said small creek thence
down the Channel of said creek to the
place of beginning containing five hundred
yards square by the same more or less.

That on the thirtieth day of
July 1853.

Said Petitioner further shews
that afterwards but on what day he does not
know the said Remond Gollner by deed
conveyed to said Jasso all his right and title
to said land but your petitioner is unable
to submit the same or a copy thereof but
prays leave to produce and prove the same.

That on the 30th July 1853
the said Jasso and wife by deed of that
date a copy whereof is annexed conveyed
said lands to said petitioner who since that
time has had possession thereof that the
lands are not claimed by any other person
to the knowledge or belief of said
petitioner and he therefore prays that his
Petition may be confirmed -

Richard M. Hill
by R. M. Morrison
his atty. 3

Filed in Office March 3. 1853

Clyde J. Fisher Secy

Office of the Board of U. S.
Land Commissioners &c.

San Francisco December 14, 1853.

Deposition
of
Gilbert A Grant

This day before Commissioner Alpheus
Felix came Gilbert A Grant a witness in behalf
of claimant Ruben McNeil Petitioner and
having duly sworn deposed as follows.

Questions by Judge Morrison Attorney for
Claimant -

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1st 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 claimed by this petitioner
situated within the Siquera Grant called Centro
Rapa?

Answer.

It is a portion of it is - perhaps
all - There is a dispute about boundaries.

Gilbert A Grant.

Mr Graham Associate
Law Agent was present but
propounded no questions -

Subscribed and Sworn to
before me this 14th day of December 1853.
Alpheus Felix
Commissioner

Filed in Office Dec 14, 1853.

(sgd) Geo Fisher Secy.

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Deed "B"

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Deed
From
Jesse
To
Heil -

A Deed To Reuben Mc Hill, Heil
for Recd August 11th 1852 at 4 O'Clock P.M.

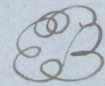

This Indenture made and Entered into
this 30th day of July AD 1852 between Archer C
Jesse and Mary Jesse his wife of the County
of Yolo in the State of California of the first
part and Reuben Mc Heil of the County of
Napa in the State of California of the second
part. Witnesseth that the said party of the first
part for and in consideration of the sum of
Five thousand Dollars (\$5000.) to them duly
paid before the delivery hereof have bargained and
sold and by these presents do grant and convey
unto the said party of the second part his heirs
and assigns forever all that certain tract of land
lying in Napa County in the said State and
described as commencing at the north west corner
of the land of N Coombs on which the Town
of Napa City is laid out at the small creek
called Napa Creek and running thence South-
wardly on the west line of Coombs land five
hundred yards thence in a line perpendicular
to this first line westwardly five hundred
yards thence in a line parallel to the line first
mentioned northwardly to the said Creek thence
thence down the Channel of said Creek to
the place of beginning containing five hundred
yards square.

This deed being given for the
same tract of land that was deeded by
Nicholas Hayward and Bernard Wolmer and
Archer C Jesse by and bearing date the 21st
day of January AD 1851 to the appearance
and all the Estate right title and interest of

the said parties of the first part do hereby

and all the estate right title and interest of
 the said parties of the first part therein, and
 the said parties of the first part do hereby
 Covenant and agree with the said party of the
 second party that they will maintain and defend
 the above granted premises in the quiet and
 peaceable possession of the said parties of the
 second part their heirs and assigns forever sub-
 ject to however to the conditions of a certain
 bond or instrument in writing executed and
 delivered by the said Heil to the said Jesse which
 said bond bears date the 3^d day of April 1852

In WITNESS whereof the said parties
 of the first part have hereunto set their hands
 and seals the day and year first above written

A C Jesse 
 Mary Jesse 

Executed and delivered
 in presence of
 J. D Bristol
 D. M. Graham

State of California }
 County of Napa } 3

On this 30th day of July
 1852 Personally appeared before me
 John H. Sewell Recorder in and for said
 County A C Jesse and Mary Jesse wife of the
 said A C Jesse both known to me to be the
 persons described in and who executed the
 foregoing instrument who acknowledged to me
 that they executed the same freely and volun-
 tarily and for the uses and purposes therein
 expressed, and the said Mary Jesse on Exam-
 ination by me apart from and without the
 hearing of her said husband and the contents
 of the foregoing instrument at the same time

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being known to her a knowledge that she
executed the same freely and voluntarily with
out fear or compulsion from her husband and
that she does not wish to retract the execution
of the same the day and year above written -

[Signature]

Given under my hand and seal
of Office the 30th day of July
1852 at Napa City -

John W. Sawett Recorder
by D. M. Graham Deputy Recd -

"Deed No. 4"

St. Heiguro To A C Jessy Julia for
Recd January 20th 1851 at 11 O'Clock
and 10 Minutes P.M.

Recd
From
Heiguro
To
Jessy

This Indenture made the Twenty first
day of January in the year One thousand
Eight hundred and fifty one between Nicholas
Heiguro of Napa County California of the first
part and Archer C Jessy and Bernard
Hollmer of the same place of the second part
witnesseth that the said party of the first part
in consideration of the sum of Five hundred
dollars to him duly paid before the delivery here
of hath conveyed and sold and by these
presents doth grant convey sell and convey
to the said parties of the second part their
heirs and assigns forever all that certain
tract of land lying in Napa County Califor-
nia described as commencing at the North
west corner of the land of R Coombs on which
the town called Napa City is laid out at
the small creek called Napa Creek and

[Faint text at the bottom of the page]

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The Small Creek Called Napa Creek and
Running thence Southwardly on the west line of
Coombs land five hundred yards thence in
a line perpendicular to this first line west-
wardly five hundred yards, thence in a line
parallel to the line first mentioned, north-
wardly to the said Small Creek thence down
the Channel of said Creek to the place of by m-
ing containing five hundred yards square
at the same more or less.

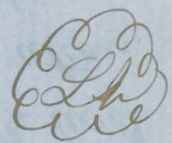
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This and being given for
the same tract of land for which a deed was
formerly given to said Perry and Rollner on
the 5th day of September 1849 which deed was
accidentally destroyed by fire with the appar-
tances and all the estate title and interest of
said party of the first part therein -

And the said party of the first
part doth hereby Covenant and agree with the
said parties of the second part that at the
time of the delivery hereof the said party of the
first part is the lawful owner of the premises
above granted and seized thereof in fee sim-
ple absolute and that he will warrant and
defend the above granted premises in the quiet
and peaceable possession of the said parties
of the second part their heirs and assigns
forever -

In Witness whereof the said party
of the first part hath hereunto set his hand
and seal the day and year first above writ-
ten -

The words "of the fourth part" in the 4th
line from the top interlined before signing -

Nicholas Higgins 
Rede la River
Agent

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Sealed and delivered
in presence of
P D Bailey -

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State of California
Napa County

Personally appeared
before me Recorder of Napa County by depu-
tation Nicholas Heigara to me personally
known to be the person described in and who
executed the within instrument who acknowledged
to me that he signed the same freely and vol-
untarily and for the uses and purposes therein
expressed.

Given under my hand and seal of
Office at Napa City January
31st 1851.

P. D. Bailey Deputy
Recorder of Napa Co.,
M. H. Knudig Recorder

State of California
County of Napa
County Recorder in and for the County and
State aforesaid. hereby certify that the foregoing
are full true and correct copies of the Record
of deed from Nicolas Heigara to Archer C
Jussy and Bernard Proctor as recorded in
book A pages 241 & 242 in the records of Napa
County and from Archer C Jussy and Mary
Jussy his wife to Ruden M. Hill as recorded
in Book B pages 244 and 245 in the records of
said County of Napa -

Attest my hand and seal of Office
at Napa City this 30th day of December
1852.

John H. Sewell Recorder
by C. S. Coffinamy Dy Recorder

Filed in Office
March 3 1853
(sgd)
Geo. Fishers
Secy

Opinion of Board

Reuben M Hill

vs

The United States

For a part of the Rancho called Los Lunas in Napa County.

In this case no proof is presented to establish the issue of any grant or the existence of any right or title derived from the Spanish or Mexican government, to the land claimed. The decree must consequently be a decree to the claimant.

Rejete.

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Filed in Office Feb. 27. 1855

Geo. Fisher Secy

Recorded in Record of decisions Vol 2 page 548

Geo. Fisher Secy

Reuben M Hill

vs

The United States

In this case on hearing the proofs and allegations, it is adjudged by the Commission that the claim of the said petitioner is not valid, and it is therefore decreed that his application for a confirmation thereof be denied.

Alpheus Selch

R. Aug. Thompson

S. B. Farnell

Filed in Office Feb 27. 1855

Geo. Fisher Secy

Recorded in Record of decisions Vol 2 page 548

Geo. Fisher Secy

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It appearing to the satisfaction of the Board
that the said hereby executed is executed
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 well and
clearly certified by the Bank Secretary, one
of which shall be filed with the Clerk
of the United States District Court for
the Northern District of California
and the other be transmitted to the Bank
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.

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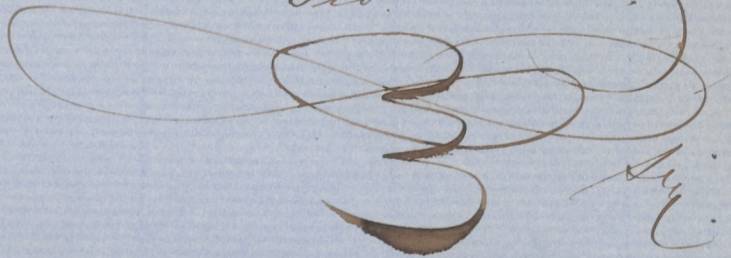
George Fisher Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing Twelve pages, numbered from
1 to 12, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and 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. 811, on the Docket of the said Board,

in
Reuben M. Hill is

Claimant against the United States, for the place known by
the name of "Part of Los Barreros"

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 first day of August
A. D. 1855, and of the Independence of the
United States of America the seventy-eighth

Geo. Fisher.



U. S. DISTRICT COURT,

Northern District of California.

No. *296* **296**

THE UNITED STATES,

vs. **MD**

Ruben M. Hall

TRANSCRIPT OF THE RECORD

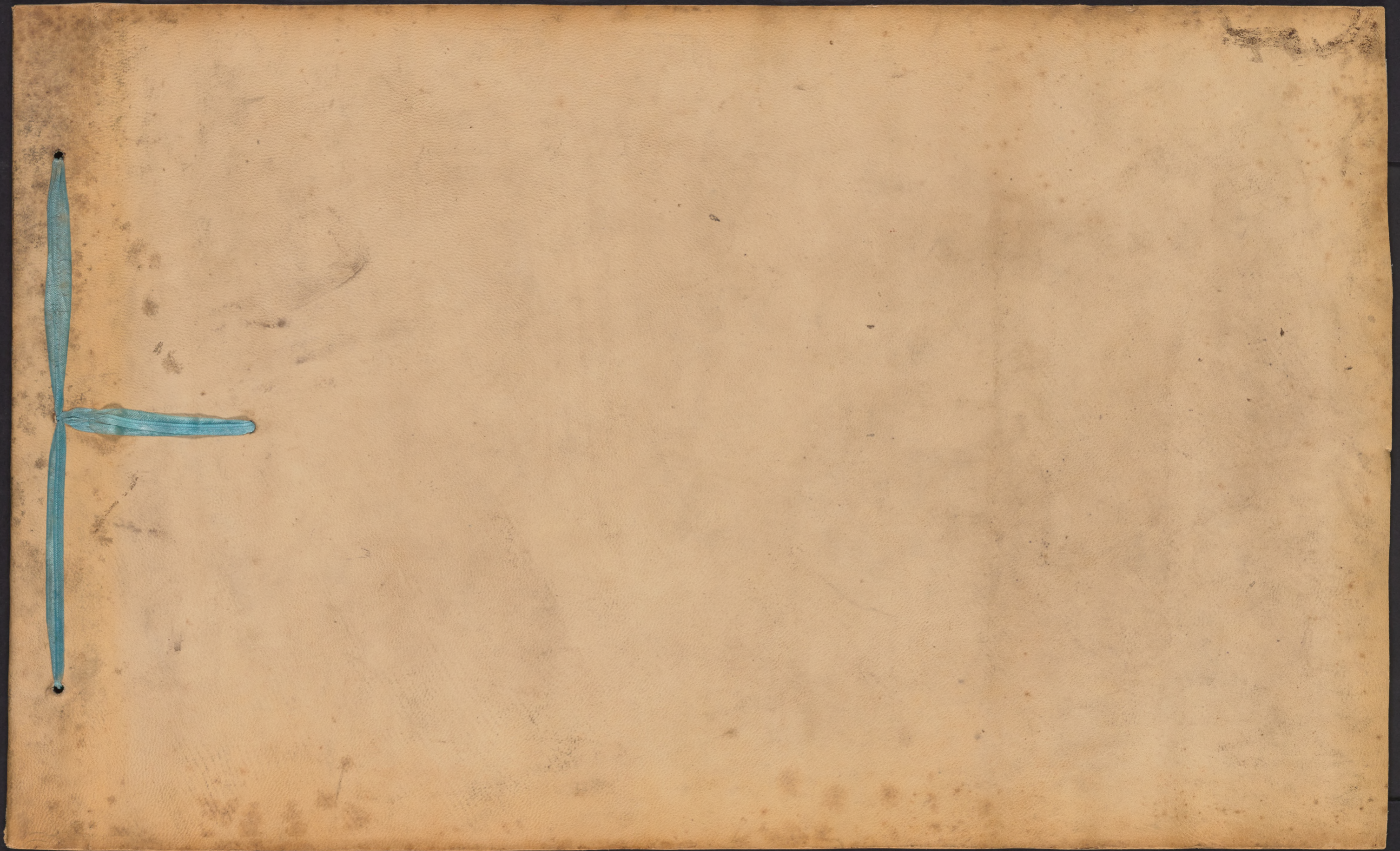
FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *801*

Filed, *October 1* 185*5*

J. A. Monroe,
Clk



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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, August 21st 1855.

J. A. Monroe 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. 871, on the Docket of the said Board, wherein

Reuben M. Hill is

the Claimant against the United States, for the place known
by the name of "Part of Los Carreros"

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher

