

CASE No.

325

**NORTHERN DISTRICT**

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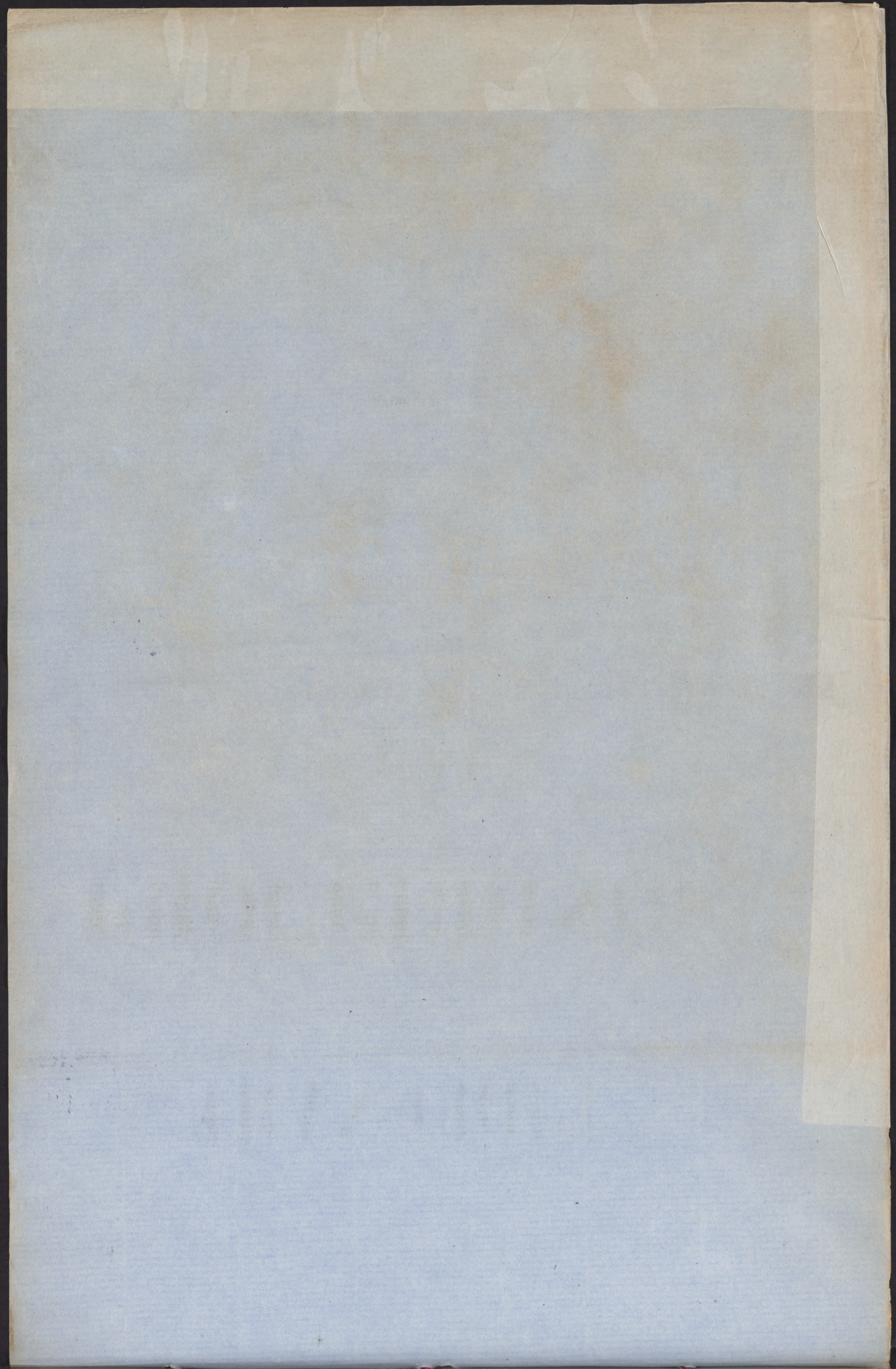
PART OF AGUA CALIENTE GRANT

C. P. STONE

CLAIMANT.

775

Duf



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PAGE 1

# TRANSCRIPT

OF THE

# PROCEEDINGS

IN CASE

NO.

775

*C. P. Stone*

CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

*Spain*  
FOR THE PLACE NAMED

*Aguila Caliente*

1871

1872

1873

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 *second 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;

The Petition of *C. P. Stone*,  
~~~~~  
~~~~~ <sup>part of</sup> for the Place named  
~~~~~ "*Aqua Caliente*,"  
~~~~~ was presented, and ordered to be filed and docketed with No. 445 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 March 9<sup>th</sup> 1853.  
In Case no. 445, *C. P. Stone* for a part of "*Aqua Caliente*," the Counsel for the Claimant filed the following Stipulation, to wit;

(Vide page *3* of this Transcript.)

~~~~~  
San Francisco March 15<sup>th</sup> 1854.  
In the same case the Counsel for the Claimant filed the following Stipulation, to wit;

(Vide page *3* of this Transcript.)

~~~~~  
San Francisco Jan'y 9<sup>th</sup> 1855.  
Case no. 445 was ordered to be placed at the foot of the 4<sup>th</sup> class cases on the Trial Docket.

~~~~~  
San Francisco February 21<sup>st</sup> 1855.  
In the same case the Counsel for the Claimant filed the following Stipulation, to wit;

(Vide page *6* of this Transcript.)

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San Francisco March 3<sup>d</sup> 1855.

In the same case the counsel for the claimant filed the following stipulation, to wit,

(Vide page 7 of this Transcript.)

~~~~~

San Francisco March 22<sup>d</sup> 1855.

Case no. 995 was assigned for hearing on the 3<sup>d</sup> day of April next.

~~~~~  
San Francisco April 3<sup>d</sup> 1855.

Case no. 995 was submitted without argument and taken under advisement by the Board.

~~~~~  
San Francisco April 24<sup>th</sup> 1855.

In the same case Commissioner S. B. Powell delivered the Opinion of the Board confirming the claim;

(Vide page 9 of this Transcript.)

and the following order was made, to wit,

(Vide page 10 of this Transcript.)

~~~~~

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A.

1855  
100

3 Petition

To the Hon. the Board of Commissioners for settling private land claims in California.

The petition of C. P. Stone respectfully shoves.

That on the 13th of July 1840 - Governor of California by authority of the Legislature of Mexico granted to Luzuro Pena a certain tract of Land called Agua Caliente situate in the present County of Sonoma with the boundaries described in the pure which Original given with the approval of the Departmental Assembly together with translations thereof are filed in claim No 739. in the Office of the Secretary of this Board hereby referred to and prayed to be made a part of this petition.

That on the 4th Dec. 1839 Lucia Pena sold and conveyed to M. G. Vallejo said tract of Land more particularly described in the deed of conveyance, a certified copy of which with the translation is herewith submitted marked Translation B & C.

That on the 12th day of August 1846 Lucia Vallejo sold and conveyed said land to Amos Stoppard as set forth in the deed of conveyance a certified copy of which with the translations is herewith submitted marked D. Translation E.

That on the 4th Dec 1847 Lucia Stoppard conveyed to Charles Glenn a certain portion of said tract more particularly described in the deed conveyance a certified copy



of which is herewith submitted  
marked F.

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That on the 14th of October  
1848 Isaac Glen sold and conveyed  
said portion of land to Chas M. Lee  
as set forth in certified copy of the  
deed of conveyance herewith submitted  
marked G.

That on the 10th of Febru-  
ary 1853 Isaac Lee sold and con-  
veyed said portion of land to John  
Cumplee and A. J. Smith as set  
forth in the deed of conveyance co.  
certified copy of which is herewith  
submitted marked H.

That said  
portion of land consists of three  
hundred (300) acres.

That on the 15th  
April 1853 said Cumplee and Smith  
sold and conveyed to your petitioner  
said portion of land as set forth in the  
deed of conveyance a certified copy  
of which is herewith submitted marked I.

Your petitioner further shows  
that said land has been ever since  
the date of the grant and is now in  
the quiet and undisturbed possession of  
your petitioner and those under whom  
he claims.

That he relies for confirmation  
upon the papers above referred to and  
upon such other and further proofs  
as he may be advised are necessary.

Wherefore he prays confir-  
mation of his title to said land.

Rose

In Command

Filed in Office March 24. 1853

Geo. Fisher Secy

5  
Stipulation C. P. Stone }  
                  res                  } Claim No. 775  
The U. States }

The above Claim being a portion of  
I derived from the Original Claim No. 739  
filed before the Board of Land Com.  
It is agreed between the U. S. Land  
Agent & Claimants Counsel that the  
testimony taken in said Original Claim  
may be used as evidence in this Claim

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Rose for Claimant  
Robert Greenhow  
U. S. Land Agent

Filed in Office March 9. 1853  
(Signed) Geo. Fisher Secy

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Stipulation C. P. Stone }  
                  res                  } Claim 775  
The U. States }

It is agreed between  
the parties hereto by their respected  
Attys that the Original papers & trans-  
lation filed in Case No. 739 marked  
No. 1 N. I. T. shall be consecrated and taken  
as filed in this Case and read as evidence  
in the same, also the transcript marked  
B to L I G H may be taken as proved  
and read in evidence in the same,  
being for part of the agreed Valentin  
Claim.

J. H. McKune  
Land Agent  
A. Rose Atty for Claimant

Filed in Office March 15. 1854  
(Signed) Geo. Fisher Secy

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United States Land Commission to

C. P. Stone

res  
The United States } Stipulation  
No. 775

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Whereas heretofore, two stipulations, one of which was filed on the 9th March 1853 and the other in March 1844, were entered into in this case between the U.S. Land Agent and the Counsel for the Claimants in which mistakes were accidentally made

Stipulation

It is therefore now here stipulated that this agreement shall be substituted for those

It is hereby stipulated and agreed between the U.S. Land Agent and the Counsel for the Claimant that the Expediente of the proceedings had under the Mexican Government and certified from the Archives now in the custody of the United States Surveyor General for the State of California and on file in Case No. 760 shall be consecrated and taken as on file in this case and read as evidence in the same being for part of the same tract of land known as Agua Caliente and granted to Luzano Pena as also the proceedings and certificate of approval by the Departmental Assembly on file in the said Case No. 760.

It is also stipulated that the copies of Mesne Conveyances on file from the said grantee down to the present Claimant be consecrated and taken as proved in the case, and it is also agreed that the certificate from the Office of the U.S. Surveyor General of California that there is no

record in the said Archives of any former Grants or grants of the said tract of

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record in the said Archives of any former  
Title or grant of the said tract of  
Land to the Original grantee shall be  
admitted as evidence of that fact  
and further that any depositions of  
Witnesses taken in Nos. 760 or in 739  
may be considered and taken as of  
evidence in this Case, this and those  
two Cases being for parts of the same  
Ranch.

Lucas Blumberg  
Asso. Secy Agent

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Filed in Office Feb. 21. 1855

(Signed) Geo. Fiska Secy

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U. S. Land Commission do

No. 775. § Stipulation

Stipulation It is hereby stipulated that the affidavits  
taken as in No. 739 (being for part of the  
same Land with this) of the copy of  
the Original grant to Luzano Pena  
be agreed to be taken as made also in  
this Case

Lucas Blumberg  
Asso. Secy Agent

Filed in Office March 3. 1855

Geo. Fiska  
Secy

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*[Faint, illegible handwriting covering the majority of the page]*

1854

San Francisco, March 27, 1854

Deposition  
of Juan B  
Alvarado

United States Land Commission  
San Francisco March 29. 1855

On this day before Commissioner S B  
Furber came Juan B Alvarado  
a witness on behalf of the Claimant  
Thaddeus M Seamanworth in case No.  
760 who after being duly sworn  
deposed in Spanish as follows his  
evidence being interpreted by the inter-  
preter to the Board

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1 Question.

What is your name age and  
place of residence?

Answer.

Juan B Alvarado, age forty  
six years, residence Contra Costa County  
2 Question.

Look at the Document now  
shown you make it and purporting  
to be a certificate of approval of the  
Departmental Assembly of a grant for  
a place called Agua Caliente to Luzano  
Pena upon which is enclosed a writing  
purporting to be a Comynce from M G  
Wallejo to Andres Stoippina of said land  
and state if you are acquainted with  
the signatories thereto attached and  
if so are they the genuine signatories of  
the persons they purport to be

Answer.

I am acquainted with the signa-  
res of Pio Pico, Jose Maria Covarrubias  
M G Wallejo and Jacobo P Leese  
I have often seen them write and their  
signatures where they occur in and  
upon the said Document referred to  
in the question and now before me are  
the genuine signatures of the said  
persons respectively—

3d. Question.

Do you know anything of the appearance of the grant referred to in the said document also state what you know in regard to the same?

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Answer.

The title of grant for the place of "Agua Caliente" was issued to Luzuro Pena in the year 1840 by myself I then being Governor of California 4th. Decesion

Do you know what the contents of the said grant were also please state them.

Answer.

It was a grant for a tract of land in the neighborhood of Sonoma to the said Luzuro Pena being in length two leagues and a half, and one fourth of a league in width and being bounded on one side by the Arroyo de Petaluma, on another by the banks of the Vivian of Sonoma, on another side by the Rancho called Guilicas belonging to a Mr. Lelison and on the other side by a range of hills that divided this Rancho from that of Mr. Yount.

This as well as I remember is substantially what the said grant contained

5th. Question.

State as near as you can remember what was the form of the said grant?

Answer.

The grant referred to as well as I remember was issued in the usual form and I think with the accustomed conditions observed in

in mapping grants of land...

9 11  
in making grants of land while I  
was Governor.

Crop Examined by U. S. Law Agent  
1<sup>st</sup> Question. How often did you see  
the said grant after signing it?

Answer.

I never saw it after signing it  
2<sup>d</sup> Question.

How many times did you  
recall the said grant before you  
signed it?

Answer.

I remember to have recalled it one  
time before signing it.

3<sup>d</sup> Question.

Can you from memory  
describe each grant you made in that  
year as you have this, if nay why and  
how can you recollect the contents of  
the one in question so well?

Answer.

I cannot remember each grant  
as referred to in the question so well  
as to describe it, but I remember this  
one from the fact that the grantee  
was about two years an officer in  
the guards, and Drill Sergeant of the  
National Militia of which I was  
Colonel and was a worthy man and  
I remember the pleasure it afforded  
me to confer upon him the favor he  
asked, these circumstances impressed  
the matter upon my mind.

4<sup>th</sup> Question.

Who was present when  
you signed it?

Answer.

I do not remember who was



present, or whether any one was I think  
No one was  
5th Decemr.

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Was the Signature of  
the Secretary affixed before your Signature  
Answer.

No it was not  
6th Decemr.

Who presented you the grant  
to sign and in whose hand writing  
was it.

Answer.

I think it was presented by  
Francisco Ace who was just Clerk  
in the Office of the Secretary and I  
believe it was in the hand writing  
of the said just Clerk.

7th Decemr.

How many and what  
were the Conditions in the grant and  
how are you enabled to remember the  
Details of the Conception.  
Answer.

I would not now undertake to  
state verbatim the Contents of the Condi-  
tional part of said grant. Nor can I  
state positively how many Conditions  
it contained, and as well as I can  
remember was that prohibiting, how  
from conveying it in Mortmain, Selling  
or mortgaging it in &c. that requiring  
him to ask the proper Secy to give  
him percellal possession thereof and  
I think other various inserted Conditions.

I Remember the details of  
the Conception as I have said before  
before, because it afforded me a  
pleasure to compare & compare upon  
the said grant as a person of merit

8th Decemr. To whom did you receive

8th Question.

To whom did you deliver the letter?

Answer.

I believe I delivered it to the before mentioned Just Clerk Francesco Cice.

9th Question.

Were you present at the last Session of the Departmental Assembly in 1843, or do you by any means know on what day the Assembly held its last Session in that year?

Answer.

I was not present at the said last Session, nor do I by any means know on what day the said Assembly held its last Session.

10th Question.

When did Lorenzo Pena leave your Service and what did he then do and where did he go?

Answer.

I think it was about the latter part of 1839 the said Pena left my Service and he then went to Sonoma and remained a Militaire.

11th Question.

How many Officers and Soldiers have you in your year name each, state what was your Object in having a guard, what Service did it perform, what did the guard do during the year next after you made the guard?

Answer.

It was generally composed of about ten Soldiers to more according to the necessity, the said guard was released previous day and I cannot show you their better names than Soldiers.

or defencers of their Country

Juan B Alvarado

Sworn to and subscribed  
before me this 29th day  
of March A D 1853

S. B. Farnell Comr.

Filed in Office March 29. 1853

Geo. Fiska Secy

Recorded in Ev. B Vol 10

Geo. Fiska Secy

Deposition  
of  
S. Vallejo

United States Land Commission

San Francisco March 30. 1853

On this day before Commissioner R. A. Key  
Thompson came Salvador Vallejo a  
Witness on behalf of the Claimant  
in Case No. 760 who after being duly  
sworn deposed as follows his evi-  
dence being interpreted by the interpreter  
to said Board -

Present Claimants Atty and U S  
Suro Agents

In answer to questions Witness  
states that his name is Salvador Vallejo  
his age forty years and residence  
Napa County California

1st Question by Claimants Counsel  
Do you know Lagunas Pena  
if you how long have you known him  
Answer.

I have known him for more  
than twenty years in Monterey and  
Sonoma he resided in that Valley on the

Witness called upon to testify in the year 1851 & 1852 and at the time

13-  
Rancho called Agua Caliente from  
the year 1839 or 1840 until a short time  
before the American Occupation of  
California.

3d. Question. by same

What improvements  
of any kind you make on said Ranch  
since what was the Character of his  
Occupation?

Answer.

In the year 1840 he built an adobe  
house on the land on which he lived  
with his family - he enclosed fields  
in the same year and sowed them in  
Wheat Corn and beans - he had the  
year before erected Corals and had  
just about three hundred head of  
Cattle on the place.

3d. Question by same

Do you know the  
Arroyo formerly called the Arroyo de  
Rancho de Petaluma  
Answer.

Yes I know it, it is now known  
as the Rio de Sonoma and crosses the  
Rancho of Petaluma from the Town  
of Sonoma and from the Rancho of  
Agua Caliente.

Group Examined by U. S. Land Agent

1st Question.

Do you know the bounda-  
ries of said Rancho of Agua Caliente  
and if you have as you know them  
Answer

Yes I know them - before Don  
Macle's petition for the land I  
went on the place with him for the  
purpose of examining and fixing the  
boundaries

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In Question.

Examine the map contained in the Expediente now shown you marked Exhibit No. 1 R.T. and locate annexed and point out on the same, position of the house and improvements described in your answer to question No 2 Examination in Chief?

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Answer.

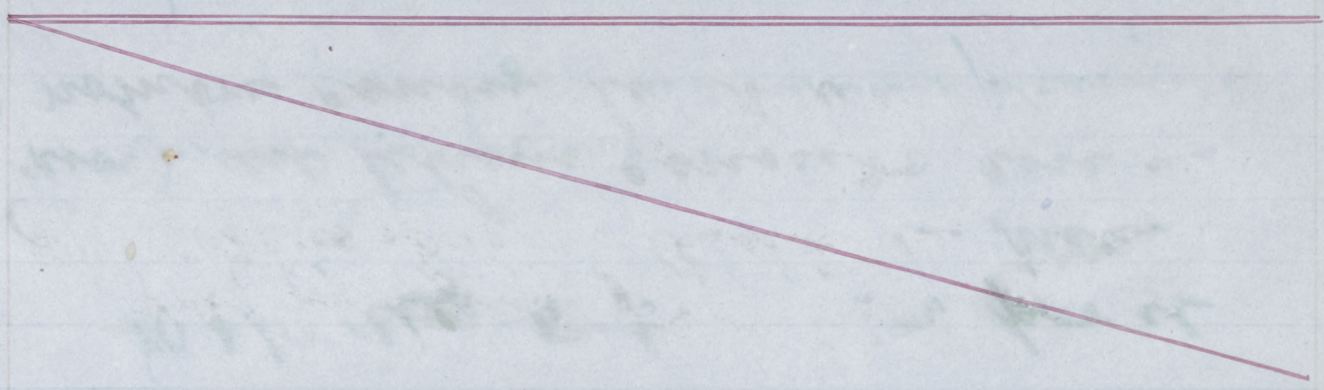
The house was situated near what the word "Casa de Rancho" occur on the map, on the right hand side of the road leading from the Pueblo of Sonoma and about 400 yards from San Rafael and 600 or 1000 yards from the Arroyo that runs between the house and the Pueblo.

The Sawing mill on the opposite side of the road near the river and near the Southern Corner of the Rancho.

Salvador Vallejo  
Witness to and sealed  
before me March 30th 1855  
A. C. Thompson Com.

Filed in Office March 30. 1855  
Geo. Fisher Secy

Recorded in Ev. B Vol page  
Geo. Fisher Secy



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(L.N. 1)

Exhibit No. 1.  
R.T. to depo.  
of  
S. Vallejo =

Expediente promovido por el  
Ciudadano Lazaro Pina en preten-  
sion del terreno conocido con el  
nombre conosci la Agua Caliente -

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(L.N. 2)

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Excmo. Sr. Gobernador.  
Visto lo con-  
tando en esta in-  
stancia y el  
pauen del le-  
onandante fral.  
devese al Excmo.  
Sr. Gob.<sup>o</sup> del  
Departamento en-  
te quien por via  
de informes es-  
pongo: Que el  
interesado en es-  
ta solicitud ob-  
tiene los requisi-  
tos legales para  
ser atendido, y  
que el terreno q.  
pretende se ha-  
lla baldio y  
pueda serle con-  
cedido en propie-  
dad dejandolo  
a la deliberati-  
dad de V.E.

San Jose de  
Castro 9 de Julio

Sr. Prefeto del 1<sup>o</sup> Distrito  
en la Alta California -  
Lazaro Pina me-  
jicano por nacimiento,  
Sargento 2.<sup>o</sup> de Artilleria  
Permanente y residente  
en este Departamento ha  
veintim años, ante V.E.  
como mas haya lugar en  
derecho digo: Que habi-  
endome concedido por  
el Sr. Comandante fral.  
(a reserva de solicitar del  
Gobierno los titulos de estilo  
como consta del documen-  
to que acompaño) el ter-  
reno conocido con el nom-  
bre de la Agua Caliente,  
y deseando para mi  
mayor resguardo y se-  
curidad, recibir la  
propiedad del citado ter-  
reno cuyo disco tambien  
acompaño, a V.E. su-  
plio se sirva proveer  
en justicia a fin de q.  
me sea librado por el

18  
de 1840  
Jose M<sup>a</sup> Villar.

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Gobierno del Departamento  
el título de propiedad del  
terreno que solicito; y  
sirviendose admitirme  
este en papel común por  
no haber en este punto  
del sello que corresponde. Juro lo ne-  
cesario Pa.

Sonoma Junio 23 de 1840  
Lazarus Pina -

(L.D.N. 3)

Sonoma Octubre  
13 de 1839 -

Se conde  
al interesado el  
terreno que soli-  
cita á reserva  
de solicitar del  
Gob<sup>no</sup> Político  
los títulos de esti-  
lo.

M<sup>no</sup> J. Vallijo -

Sr. Comandante Gral.  
Lazarus Pina Sen-  
queto 2<sup>o</sup> de Artilleria -  
Permanente ante V.S. con  
el debido respeto y en la  
mejor forma me presento  
y digo: Que hallandome  
con numerosa familia,  
y teniendo algunos bienes  
de campo, careco de  
un terreno en que poder  
dedicarme para asegu-  
rar en lo futuro la  
precisa subsistencia  
en cuanto me sea posi-  
ble; para cuyo efecto he registrado y  
solicito un terreno en la estension de  
dos leguas y media y un cuarto de le-  
gua de ancho conocido con el nombre  
de la Agua Caliente, situado al N.O. de  
San Solano, lindando al Sud este con  
el arroyo que separa la propiedad del  
Sr Comandante Gral. D. Mariano Gua-  
dalupe Vallijo, al Sud este con la Fab.

lacion de Sonoma al norte con las So-

19  
lacion de Sonoma, al norte con las So-  
mas y Cerros que median y dividen  
el Rancho de Jorge Yount, y al nor-  
este, con el Rancho de Juan Wilson.

7  
Por lo tanto á V. suplico se sirva  
acceder á mi solicitud en lo que reci-  
bre merced y gracia. Juro no ser de  
malicia y lo necesario &c.

Sonoma Octubre 14 de 1839 -

Lozano Pina -

Mon =

Por no haber papel  
sellado viene en común -

(Here follows the map)

(L.D. No. 6) = Tercy 13 de Julio de 1840.

Vista la peticion con que  
da principio este Expediente, el parecer  
del Sr. Comandante General y el infor-  
me del S. Prefecto del 1.<sup>o</sup> Distrito, con to-  
do lo demas que se tuvo presente y en  
convinio de conformidad con las leyes  
y reglamentos de la materia del caso al  
Ciudadano Lozano Pina dueño en propie-  
dad del paraje conocido con el nombre  
de Agua Caliente, colindante al Sudeste  
con el Arroyo del Rancho de Petaluma,  
al S.E. con el Pueblo de Sonoma, al N.  
con las Somas y Cerros que median y  
dividen el rancho de Jorge Yount -  
y al N.O. con el Rancho de Don Juan  
Wilson - Librese el despacho correspondiente -



(L.N. 7)

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pondiente, tomese razon en el libro res-  
pectivo y dirigase este Expediente á la Ema.  
Junta Departamental para su aproba-  
cion - El Sr. D. Juan B. Alvarado Gob-  
ernador Constitucional del Departamento  
de las Californias, asi lo mandó duc-  
to y firmó hoy fe -

Ayuntamiento 3 de 1845.

Dada cuenta en sesion de hoy  
con este Expediente á la Excm. Asamblea  
Departamental, se mandó pasar á la  
Comision de Terrenos Baldios -

Pio Pio -  
Presid<sup>te</sup>

Agustin Olvera  
Srio.

(L.N. 8)

La Comision de Terrenos Baldios ha  
visto con el necesario detenimiento el Espe-  
diente promovido por el Ciudadano Leguro  
Pina en pretension del paraje conocido  
por de "la Agua caliente" y no existen en to-  
do el otro documento que indique la es-  
tension del paraje dicho, sino la solicitud  
del interesado, pues el diseño que corre en  
el Expediente no se halla sujeto á escala  
alguna y el decreto de concesion no expresa  
la cantidad de sitios de que feó hecha, la  
Comision funda su dictamen de apro-  
bacion en solo la estension solicitada que  
es de dos y media leguas de largo y un cuar-  
to legua de ancho, pues no es de suponerse  
haya apropiado el Gobierno al interesado un  
mayor estension que la solicitada, y por

consequente la Comision convida á

consequently la Comision conuete á la decision de V.E. la proposicion siguiente:

Se aprueba la concesion hecha por el Superior Gobierno del Departamento con fecha 13 de Julio de 1843 en favor del Ciudadano Lazaro Pina del paraje de las aguas Calientes en estension de dos y media leguas de largo y un cuarto de legua de ancho.

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(S.N. 9)

Sala de Comision Angles  
Octubre 7 de 1843 -

Franco de la Guerra  
Narciso Botello -

Angles Octubre 8 de 1843 -

En sesion de hoy se aprobó por la Exma. Asamblea Departamental la proposicion del dictamen precedente, mandando se devuelva el Expediente original al E.S. Gobernador para los fines convenientes -

Pio Pico

Presid<sup>te</sup>

Agustin Olvera

Seco.

En la fecha se libró á la parte la copia respectiva -

Office of the Surveyor General of the United States for California -

I Samuel D. King Surveyor General of the United States for the State

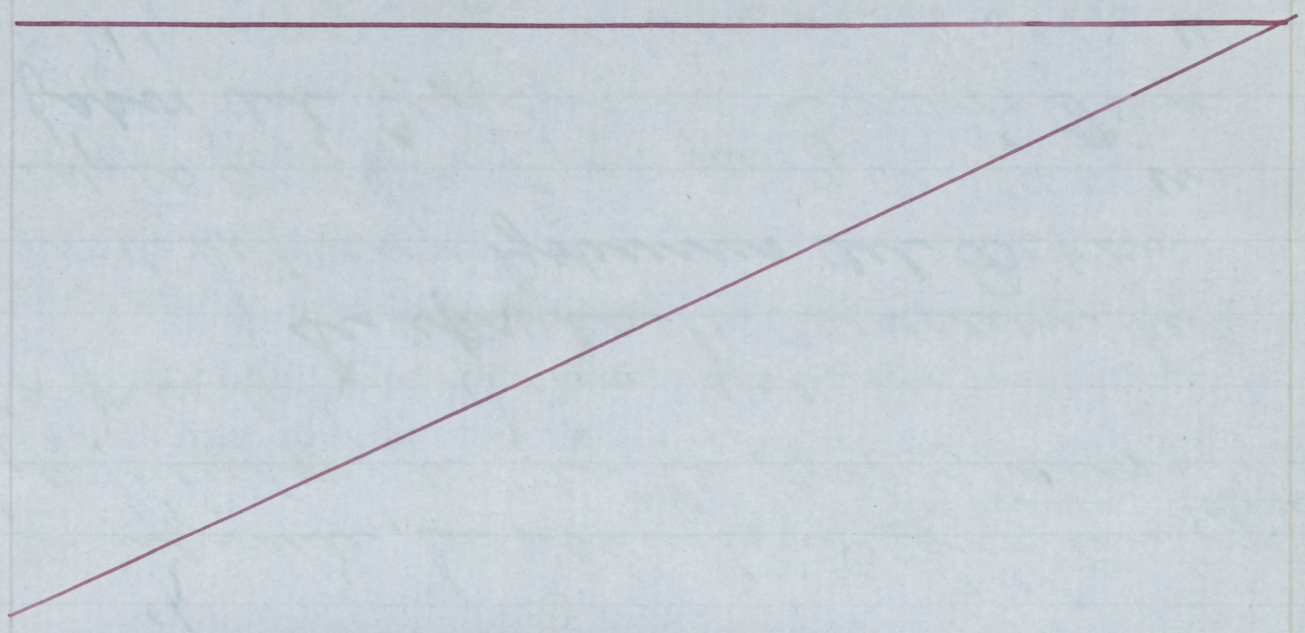
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of California and as such now having  
in my office and under my custody  
a portion of the Archives of the former  
Spanish and Mexican Territory or De-  
partment of Upper California do here-  
by certify that the nine preceding and  
hereto annexed pages of tracing  
paper numbered from one to nine  
inclusive and each of which is verified  
by my initials (S.D.K.) exhibit true  
and accurate copies of certain docu-  
ments on file and forming part of the  
said Archives in this Office -

In testimony whereof I have  
hereto signed my name  
officially and affixed my  
private seal (not having a  
seal of office) at the City  
of San Francisco Cal, this  
29<sup>th</sup> day of January 1853 -  
Saml D. King  
Sur. Gen. - Cal.

S.D.K.

Filed in Office July 20, 1853 -  
Geo. Fisher  
Clerk -



Pl. 23  
Translation  
of  
Grant in  
No. 760.

Record of Proceedings at the  
instance of the Citizen Lorenzo Pena Solici-  
ting the title of Land known by the  
name of La Agua Caliente  
229

325 ND  
PAGE 23

Sir Prefect of the 1<sup>st</sup> District in  
Upper California. I Lorenzo Pena a  
Mexican by birth and Sergeant in the  
permanent Artillery and resident of this  
Department for 21 years, before your  
Honour as best may be consistent with  
Law say— That having by the Com-  
mandante General been appointed  
(under reservation of selection of the  
Government the several little papers  
as is shown by the document I accom-  
pany) the title of Land known by  
the name of La Agua Caliente, and  
desiring for my better safety and secu-  
rity to complete the Ownership of said  
Land the sketch of which I also  
accompany I pray your Honour to be  
pleased to provide in justice for  
the purpose of being issued to me  
by the Departmental Government the  
little title of Ownership of the Land  
I solicit being pleased to admit this  
on common paper, on account of  
stamped paper not being here  
in this place. I desire the necessary to  
Sonoma June 25<sup>th</sup> 1840  
Lorenzo Pena

(In the Margin)

Excellente Su Gobierno

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PAGE 24

In view of the Contents of this Instance and the Opinion of the Commandante General let it be forwarded to the Excellente Su Gobierno of the Department before whom by way of report I show, that the interested party in this Instance proposes the legal requisites in order to be attended to and that the land he solicits is vacant and can be granted him in Occursion leaving it to your Excellency's deliberation

Jose Ma Villa

San Juan de los Rios  
9th July 1840

Su Comandante General

I Santiago Jona de Sergeant of the Firm and Military before your Honor with due respect and in the best form present myself and say  
That finding myself with a numerous family and having some Country stock I need a tract of Land on which I can devote myself to secure in the future the necessary subsistence as far as it may be possible for me, to which effect I have surveyed and selected a tract of Land of the Extent of two leagues and a half and one quarter of a league in length known by the name of Agua Caliente Situate to the North West of San Solano bearings

25 25

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PAGE 25

to the South West on the Creek separating  
the property of the Commandante General  
Don Mariano Gueadalupe Vallejo to the  
South East on the Village of Sonoma  
to the North on the tops and rock hills  
intermediate of land belonging the Rancho  
of Jose Yacente, and to the North West  
on the Rancho of Don Juan Mieson

Therefore I pray your Honor  
to be pleased to accede to this my  
Solicitation wherley I shall receive  
favor and mercy -

I swear that is no  
malice herein, and to what else necessary  
Sonoma Oct. 14th 1839

Laguna Pena

(In the margin)

Sonoma October 18th 1839

The interested party is hereby granted the  
use he solicits under reservation of  
Soliciting of the Political Government  
the Successor title papers -

M<sup>ro</sup> G Vallejo

His want of stamped paper it goes  
on common paper

Monterey July 13th 1844

In view of the petition  
with which this Expediente Commences  
the Opinion of the Commandante  
General and the report of the Prefect  
of First Instance District with anything  
else to be borne in mind and was to the  
purpose in conformity with the Laws  
and regulations on the subject

I declare the citizen Laguna  
Pena owner in his own right of the

Sept 26

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PAGE 26

location known by the name of Agua Caliente bounding to the South West on the Creek of the Rancho of Petaluma to the South East on the Pueblo of Sonoma to the North and to the hills and rock hills intermediate of and dividing the Rancho of George Yocente and to the North West on the Rancho of Don Juan Wilson.

Let the corresponding document be issued, enter it in the respective Book, and let this Expediente be directed to the Excellent Departmental Assembly for its approbation.

Don Juan B Alvarado  
Constitutional Governor of the Department of both Californias thus did on an decree and sign of which I bear testimony

Having in to days before given notice to the Excellent Departmental Assembly of this Expediente it was ordered sent to the Committee on Vacant Lands.

Pio Pico - Present  
Augustin Obena  
Secretary.

Excellent Sir

The Committee on Vacant Land has seen with the necessary circumpection the Expediente at the instance of the Citizen Saguro Pena on soleccation of the location known by La Agua Caliente and thus not existing in the whole of it any other document to indicate the extent of said location but the soleccation of the interested party for the sketch attached to the said Expediente is without any scale

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PAGE 27

and the decree of Concepcion does not  
Express the Amount of leagues granted,  
The Committee bases its Opinion of appro-  
bation Only On the Extent Solecetees  
which is two and a half leagues in  
length and One quarter of a league in  
breadth, because it is not to be supposed  
that the government has advanced to  
the interested party a larger Extent than  
that Solecetees and Consequently the  
Committee submits to your Excellency's  
decision the following proposition

It appears of the part made  
by the Superior Government of the  
Department in an date 18th of July  
1840 in favor of the Citizen Lazaro Peña  
of the location of a new Solecete in  
Extent two and a half leagues in  
length and One quarter of a league  
in breadth.

Hall of Committee  
Angels October 7th 1845  
Francisco Botello

Angels October 8th 1845  
On to days before  
the Excellent Departmental Assembly  
appeared of the proposition in the  
preceeding Opinion Ordering the Expedi-  
ente to be returned to the Excellent  
Gobernador for convenient purposes  
Dio Pico Presidente  
Agustin Olvera Secretary

Under the same date the respective Copy  
was made out to the party

Filed in Office Feb. 20. 1855  
Geo. Fisher Secy



26 28

*[Faint, illegible handwriting covering the right side of the page]*

1891  
1892

*[Faint handwritten notes or markings]*

*[Faint handwriting at the bottom edge of the page]*

24  
Pio Pico Gobernador interior del Departamento de las Californias -

~~Grant~~  
B

Copy Deed  
to  
Koeppner -

La Exma. Asamblea Departamental en sesion de hoy ha acordado lo siguiente:

"Se aprueba la concesion hecha por el Superior Gobierno del Departamento con fecha 13 de Julio de 1840 en favor del Ciudadano Lazaro Piña, del paraje de la Agua Caliente en estension de dos y media leguas de largo y un cuarto de legua de ancho."

Y para resguardo de la parte del Ciudadano Lazaro Piña lo hizo así saber. Dado en la Ciudad de los Angeles en este papel comun por falta de sellado á ocho de Octubre de mil ochocientos cuarenta y cinco -

Pio Pico -

Jose M. Carrubias  
Fris.

El que suscribe certifica: que habiendo comprado legitima y formalmente al C. Lazaro Piña el terreno de la Agua Caliente, á que se refiere la anterior aprobacion de la Asamblea Departamental de la Alta California, cedo y traspaso todos los derechos que tengo al mencionado terreno, en favor de D. Andrés S. Koeppner, quien hará del el uso que mas le convenga. Y para los fines y usos necesarios doy

este en Sonoma á 12 de Agosto de  
1846 -

M. G. Vallijo -

(Testigos)

A. A. Henderson

Assist Surgeon

U.S. Ship Portsmouth

Jacob P. Luce -

325 ND  
PAGE 29

Recorded in Monterey Exam In 3, 1849,  
& the order for a title the within approba-  
tion in the proper a map from them - A.

Filed for Record Dec. 29 - 1848 -

L. W. Boyss,

Alcalde -

Recorded in Book "C."

L. W. Boyss -

page 85.

Filed in Office Feb. 20, 1855 -

Geo. Fisher

Seig -

29 31

Translation of  
Approval  
of  
Grant in  
No. 760

Translation

Pio Pico Governor and Captain of the  
Department of both Californias

The Excellent Departmental  
Assembly in Session of today has  
agreed to the following

"It appears of  
the grant made by the Superior Govern-  
ment of the Department under date 13th  
of July 1840 in favor of the Citizen Sagua  
Pena of the location in extent two and  
a half leagues in length and one quarter  
of a league in breadth. And for the  
security of the party the Citizen Sagua  
Pena I thus make it known -

Given in the City of Los Angeles  
On this Common paper full value of  
Stamped paper on the 4th of October  
1845

Pio Pico

Jose Ma. Covarrubias  
Secretary.

The undersigned certifies that having  
bought legitimate and formally of  
Citizen Sagua Pena the Land of Sa-  
agua Caliente, to which the foregoing  
approval of the Departmental  
Assembly of Alta California refers, I  
cede and transfer all the rights I have  
to said Land in favor of Sr Sagua  
Amoré Hoepfner who will make the  
use of it that best may suit him  
And for the necessary ends  
and purposes I give this in Sonoma  
On the 12th of Decr 1846.

M G Vallejo

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PAGE 30

Bu 32

Ulenapes

A. A. Hencuson

Assistant Surgeon of the  
U. S. Ship Portsmouth

Jacob P. Seese.

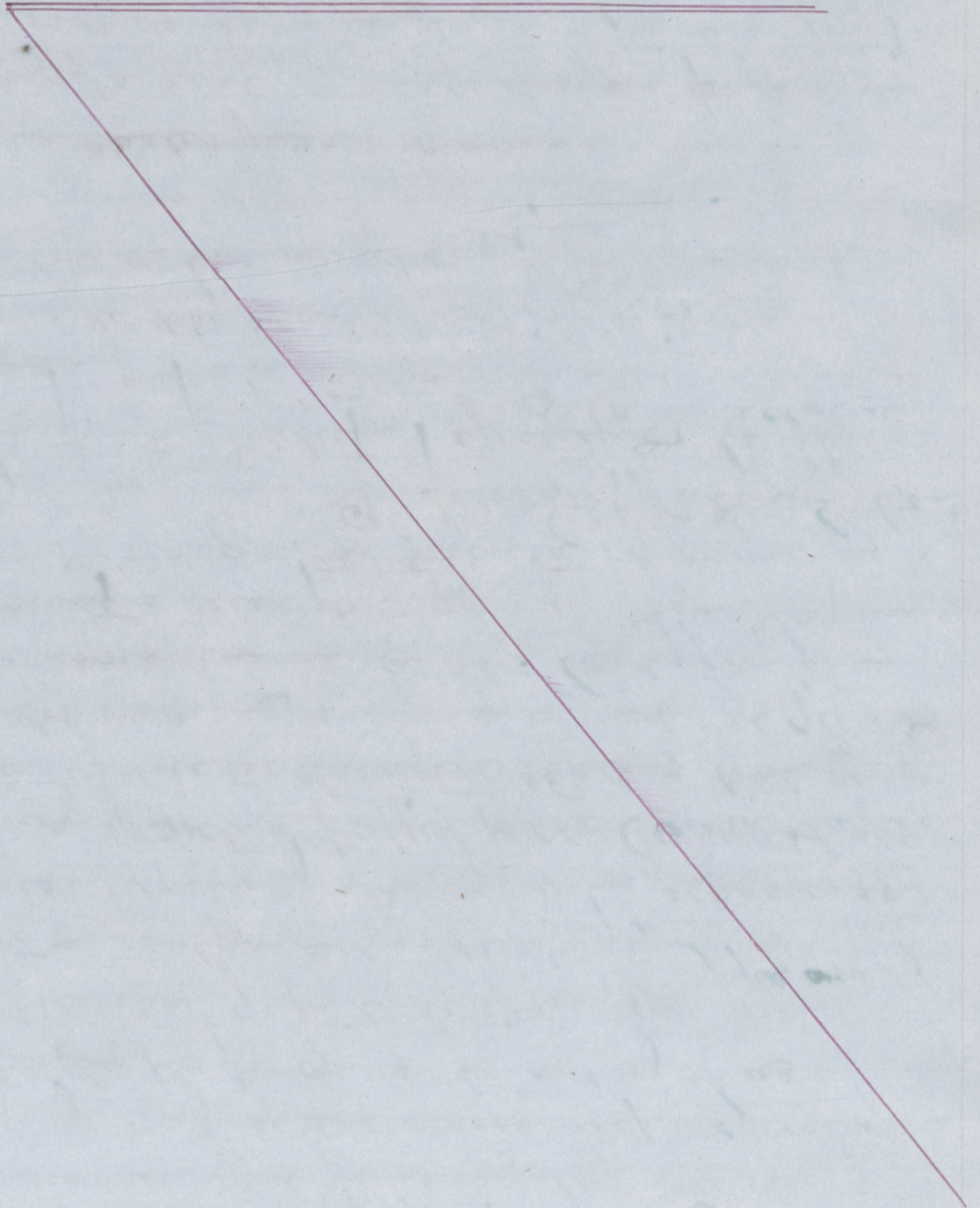
325 ND  
PAGE 31

Filed in Office Feb 20. 1855

Signed

Geo. Fisher

Secy



FILE  
NO 31

Alto Terreno dos Reis - Para os

Deed from  
Lazaro Piña

to

M. G. Vallejo

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PAGE 32

Sello Tercero dos Reales = Para los años de mil ochocientos veinte y seis y ochocientos veinte y siete = Valga para los años de mil ochocientos veinte y ocho y mil ochocientos veinte y nueve = Valga para los años de mil ochocientos treinta y mil ochocientos treinta y uno = Valga para los años de mil ochocientos treinta y seis y mil ochocientos treinta y siete = Valga para los años de mil ochocientos treinta ocho y mil ochocientos treinta y nueve = En el Pueblo de Sonoma de la Alta California á los cuatro dias del mes de Diciembre de mil ochocientos treinta y nueve ante mí el Capitan D. Salvador Vallejo Comandante Militar, ejerciendo la jurisdiccion civil y testigos: D. Lazaro Piña vecino de dho. Pueblo dijo: Que por sí y en nombre de sus herederos, hijos y sucesores y de quien ellos hubiere título, voz y causa en cualesquiera manera: vende y da en venta real y mageneracion perpetua por jurd de heredad para siempre jamas al Sr. D. Mariano G. Vallejo vecino tambien del mismo Pueblo ay a los suyos el terreno de la Agua Caliente en cantidad de dos leguas y media de largo y un cuarto de ancho, poco mas ó menos segun explica el título que acompaña esta escritura, los que le pertenecen en posesion y propiedad colindante con los Guilacos, Pitcheuna, la Poblacion de Sonoma, y la Serrania al Norte segun consta por dichos títulos de pertenencia

respectivos por los cuales le corresponde  
 en posesion y propiedad al otorgante, el  
 cual declara y asegura no tenerla ven-  
 dida, ni empeñada, y que está libre  
 de tributo, memoria, Capellanía, vin-  
 culo, Patronato, fianza, y de otro gra-  
 vamen perpetuo, temporal, especial,  
 general, tacito y expreso, y como tal  
 se lo vende con todas sus entradas, sa-  
 lidas, fabrica, usos, costumbres, regalías,  
 servidumbres, y demas cosas anexas, q,  
 ha tenido, tiene, y le pertenecen segun  
 derecho, por dos mil pesos que tiene  
 recibidos en pesos fuertes y bienes se-  
 movientes, siendo estos últimos entregados  
 por Francisco Galapa, lo que el mismo  
 confiesa haber recibido, mita por mi-  
 tad: anuncia la Ley 9.<sup>a</sup> tit. 1.<sup>o</sup> partida  
 5.<sup>a</sup> y asimismo declara que el justo pre-  
 cio y verdadero valor del referido terreno  
 es la cantidad antes dicha de dos mil  
 pesos, y que no vale mas, ni halló  
 quien tanto le haya dado por el, y si  
 mas vale ó valer pudiese, del exceso un  
 poca ó mucha suma, hace á favor  
 del comprador y de sus herederos y  
 sucesores gracia y donacion pura,  
 perpetua é irrevocable, en sanidad con  
 insinuacion y demas firmezas legales, y  
 anuncia la Ley 2.<sup>a</sup> tit. 1.<sup>o</sup> L. 1.<sup>o</sup> N.R. que  
 trata de los contratos de venta, trueque y  
 de otras en que hay lecion un mas ó  
 menos de la mitad del justo precio,  
 y los cuatro años que profina para  
 pedir su rescision ó suplemento á su

justo valor, los que da por pasados como si efectivamente lo estuvieran. Y desde hoy en adelante para siempre se desahoga, desista, quite y aparta y á sus herederos y sucesores del dominio ó propiedad, posesion, tutela, voz, recurso, y otro cualquiera derechos que le compete al enunciado terreno de la Agua Caliente. Les cede, renuncia, traspasa en las acciones reales y personales, útiles, mixtas, directas y indirectas en el comprador y en quien la suya represente, para que lo posea, goce, cambie, enajene, usa y disponga de ella á su eleccion como de cosa suya adquirida con legitimo y justo titulo. Y le confiere poder irrevocable, con libre, franca, y general administracion y constituye procurador, actor en propia causa, para que de su autoridad entre y se apodere del nominado terreno, y preseinda la real tenencia y posesion que por derecho le compete: Y para que no necesite tomarla, me pido que le de copia de esta escritura, con la cual sin otro acto de aprehension sea de ser visto habiendola tomado, aprehendiendo y transferido; y en el interim se constituya su inquilino tenedor y precario poseedor en legal forma. Y se obliga á que dicho terreno será cierto, seguro y efectivo al comprador y nadie le inquietará ni moverá pleito sobre su propiedad, posesion, goce, y disfrute, ni contra



aparecerá gravamen alguno; y si se le inquietan, noviere ó apareciere, luego que el otorgante y sus herederos sucesores sean requeridos conforme á derecho saldarán á su defensa y lo seguirán á sus espensas en todas instancias y tribunales, hasta ejecutoriarlo, y dejar al comprador y á los suyos en su libre uso y quinta y pacífica posesion; y no perdiendo conseguirlo, le darán otro igual en valor de fabrica, sitio ventu y comodidades, y en su defecto le restituirán la cantidad que ha desembolsado, las mejoras utiles, precisas y voluntarias que á la sazón tenga el mayor valor y estimacion que con el tiempo adquiriera, y todos los costos, gastos, daños, intereses, ó menoscabos, que se le siguieren ó irrogaren; por todo lo cual se le ha de poder ejecutar solo en virtud de esta escritura y juramento del que la posea, ó de quien le represente en quien defiere su importe y lo releva de otra prueba. Y á la observancia de todo lo referido obligu su persona y bienes hubidos y por haber; y confiere amplis poder á los Señores Jueces y Tribunales de la Nacion que de este negocio deban conser conforme á derecho, para que le apremien á su cumplimiento, como por sentencia definitiva de juez competente, pasada en autoridad de cosa juzgada y consentida que por tal lo recibe = Lozano Piña = Ante mi = Salvador Callejo =

De asistencia - Cayetano Joares - De -  
asistencia - Francisco Jalapa - Miguel  
Alvarado = Juan N. Padilla -

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PAGE 36

State of California }  
County of Sonoma } ss:

I hereby certify the  
foregoing to be a true and correct copy of  
the Records in this Office as exhibited  
on pages 41 and 42 of Book "F"

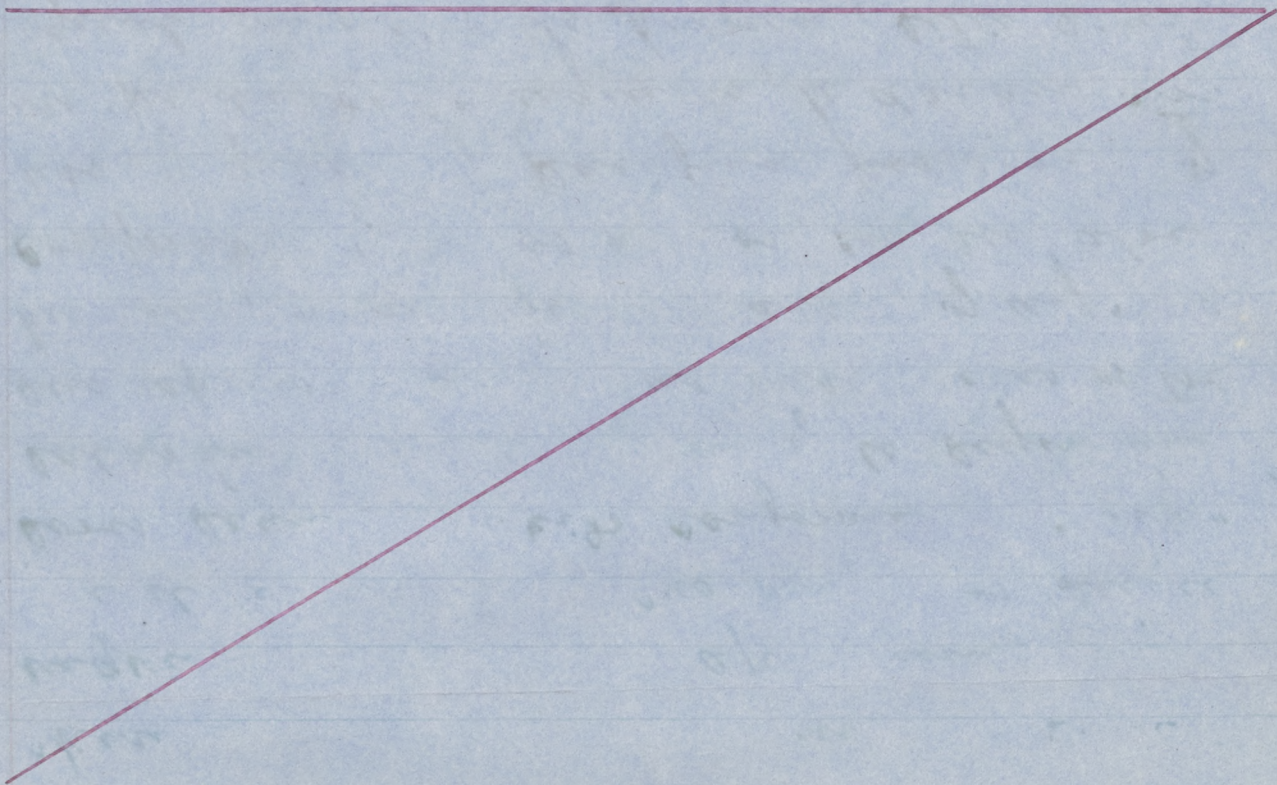
Witness my hand and seal  
of Office at Sonoma this  
9<sup>th</sup> day of February A.D.  
1853 -

John Wendley, Recorder  
of Sonoma County by  
John A. Brewster,  
Deputy,

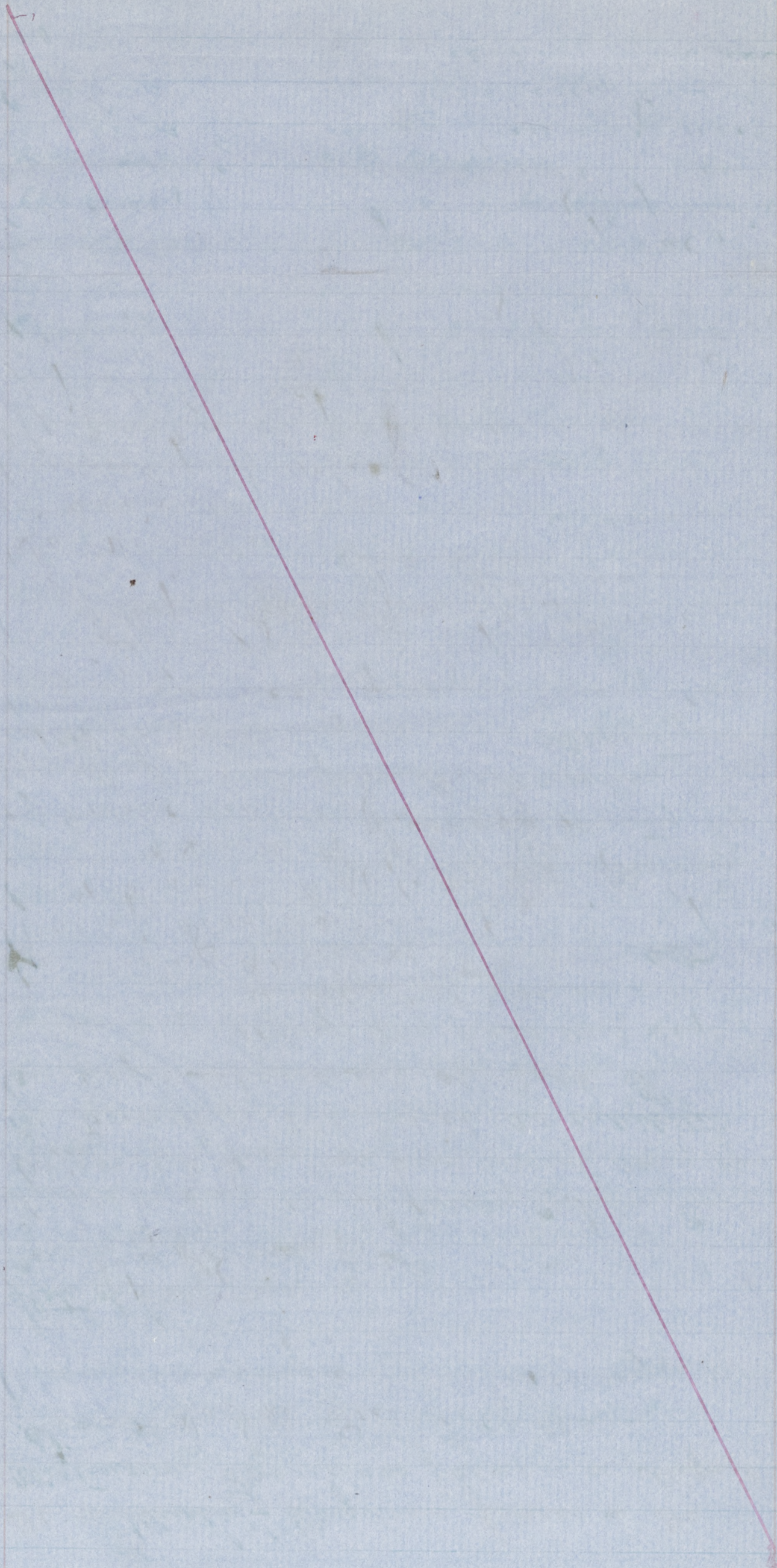
L.S. }

Filed in Office Feb 20, 1855.

Geo. Fisher,  
Secy -



Aug 38



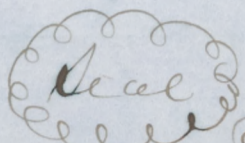
TRANSLATION

TRANSLATION

Blk 39

Translation  
of Conveyance  
from  
Pablo to  
Vallejo  
in No 7600

Translation



In the Pueblo of Sonoma in  
Upper California on the 14th day of  
the month of December 1849 before  
me Captain D. Salvaan Vallejo  
Exercising Civil jurisdiction, and I testify  
as D. Luzano Donadescote of said  
Pueblo, says that for himself and his  
heirs Sons and Successors, and whom  
of them might have title vote and  
Cause in any manner whatsoever he  
sells and gives in real sale and proper  
real alienation, by receipt of inheritance  
for always and ever to D. Mariano  
Vallejo also Rescator of the same Pueblo  
of Sonoma and to his heirs the  
tract of Land of La Agua Caliente  
in extent two and a half leagues in  
length and one quinta in width, a  
little more or less as is shown in the  
title deed accompanying this writing  
which belong to him in possession and  
Ownership bounding on Los Guadalupe  
Petrolina the Village of Sonoma and  
La Teranica to the North as is shown  
in said Rescator's title deed of  
Ownership by which it belongs to him  
the quinta in possession and Own-  
ership, who declares and opens not  
to have sold or pledged it and  
that it is free from any tribute, toll  
benefice entail patronate or any other  
incumbrance, perpetual temporal,  
Especial, general Cattel and Exemption  
and as such he sells it with all its  
Rescator's Exemption bounding uses  
Customs privileges, Jurisdictions and other  
Appurtenances which it has had and

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325 ND  
PAGE 38

has and belongs to it according to Law  
of two thousand dollars which he  
has received in lawful Money and  
Necessary property being this Case  
Delivered by Francisco Galapa which  
the same he Confesses to have received  
half by half

He renounces the Law of  
9th. tit 1<sup>o</sup> partida 5th. and he likewise  
declares that the just price and true  
value of the said Land is the value  
said sum of Two Thousand dollars  
and that it is not worth more, nor  
will he find any body willing to give  
him so much for it, and if it may  
or can be worth more of the excess  
in a little or large sum he makes in  
favor of the purchaser and his heirs,  
and Successors, gift and entire donation  
perfect and irrevocable in Regu with  
public Exhibition, before a Judge  
and other legal witnesses and he renoun-  
ces the Law De dato 1<sup>o</sup> de 1<sup>o</sup> de R  
treating of Contracts of sale Exchange  
and others in which there is a damage  
and the four years preceding to commence  
its Reciprocity or Supplement to its just  
value which he consents as if they  
were Effectively repealed

And from to day hence  
forward favor his dispositions releases  
quits and parts himself and his heirs and  
Successors of the dominion or ownership  
possession title vote recourses and any other  
right whatsoever which might stand in  
competition to the said title of Land of  
La Laguna Caliente

He consents renounces  
transfers it in the real personal useful  
Mingre and all and Executive excesses of  
action in the purchase and in whom may

may possess enjoy exchange alienate use  
may dispose of it as he pleases

Blg H1

represent his cause in order that he  
may possess enjoy Exchange absolute use  
and dispose of it at his option as a  
thing of his own acquired by legitimate  
and just title. and he Confess on him  
irrevocable power of full independent  
and general administration and constitutes  
him Attorney proctor in his own cause  
that concerning his authority, he may enter  
and possess himself of the aforesaid  
Land and Seize the real tenancy and  
possession which by right belongs in  
opposition to him, and that he shall not  
need to take it, he asks me to give him  
a copy of this writing with which  
without any other act of seizure has  
to be looked upon as being taken  
Seize and transferred, and in the  
meantime he is constituted its tenant  
holder and possessor in legal form.

325 ND  
PAGE 39

And I bind myself  
that said Land shall be calm secure  
and effective to the purchaser and  
no body shall disturb him nor institute  
Laws Suits upon his ownership possession  
or enjoyment and usufruct nor  
aggravate, or appear any incumbrance  
and if he shall be disturbed, seized  
or that shall appear any incumbrance  
the grantor and his heirs and success  
ors may presently be required conformable  
to Law to rally to his defence and  
follow it up at their Expenses as in  
all instances and trials until executed  
and to leave the purchaser and his  
heirs assigns in its free use and quiet  
and peaceable possession, and not  
being able to obtain it they shall give  
him other Equivalent in value of  
building site rent and Commodities  
and in default thereof they shall

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PAGE 40

restore the sum he has disbursed the  
case fees necessary and voluntary improve-  
ments on reus on hereof he may have  
to the highest value and estimate at  
the time required and with all the  
Costs Expenses Damages interests  
or decorations consequent thereon for  
all of which he will have to be enabled  
to execute solely in virtue of this writing  
and merely by him who may possess it  
or whom may represent him to whom is  
granted its empire, and he is released  
from all other proof -

And for the obser-  
vance of all the foregoing he binds  
his person and property which he has  
or may have and he vests full power  
in the Judges and tribunals of the  
Nation who accept to take cognizance  
of this affair conformable to Law that  
they may construe him to its fulfillment  
by definitive sentence of a competent  
Judge passed in authority of said  
empire and consented which as  
such he admits it.

Sequo Tama

Refugio me

Salvador Vallejo

Attestung Alitnapas

Captains Juan

Francisco Salas

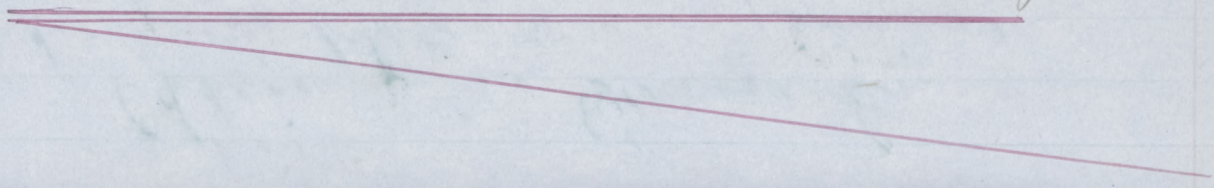
Mejia Alvarado

Juan R Padilla

Certificate

Filed in Office Feb 20. 1855

Geo. Fisher Secy



certificati

Office of the Surveyor General  
of the United States for California

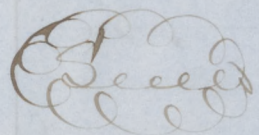
XXX 43  
Certificate  
Of  
Gen. General  
in  
No. 739

325 ND  
PAGE 41

Office of the Surveyor General  
of the United States for California

I John C Hayes Surveyor General of  
the United States for the State of  
California and as such having in  
my Office and in my Charge and  
Custody a portion of the Archives of the  
former Spanish and Mexican Territory  
or Department of Upper California do  
hereby certify that having made  
diligent search in the said Archives  
there appears no Books of Record of  
grants for the year 1840 and that no  
grant to Luzius Pena for "Agua Caliente"  
purporting to have been made during  
that year is registered in any of the  
Record Books now on file among  
said Archives.

In testimony whereof I  
have hereunto signed my name Officially  
and caused my Seal of Office to be  
affixed at the City of San Francisco  
Cal this twenty sixth day of February  
A.D. 1855

 John C Hayes  
U. S. Surveyor Genl. Cal.

The foregoing certificate may be read  
in the same vein with the same force as  
though the matter were reduced to the  
form of a deposition.

M. K. Stone  
Survey Agent

Filed in Office March 2. 1839

Geo. Fesku Secy



Ms A H H

*[Faint, illegible handwriting covering the majority of the page]*

MS. A. H. H.  
1840

MS  
Translation  
"E"

Pio Pico Gov. ad interim of the  
Departement of the Californias

The Most Excellent Departem-  
ental Assembly in Session of to day has  
passed the following.

It approves the  
Concepton made by the Superior  
Government of the Departement on the  
13th July 1840 in favor of the Departem-  
ental Citizen Lazaro Pena of the place of  
"Agua Caliente" of the extent of two  
leagues and a half in length by a  
quarter of a league in breadth and for  
the security of the party the Citizen  
Lazaro Pena hereby make it known  
Given in the City of  
Los Angeles on Common paper for the  
want of Sealed paper on the 8th  
October 1840

Pio Pico

Jose Maria Covarrubias  
Secretary

I the undersigned certify that having  
purchased legitimately and formally  
of the Citizen Lazaro Pena the  
Landa of Agua Caliente to which  
the foregoing Approbation of the  
Departamental Assembly of the  
Californias I give and transfer all  
which I have to said Landa in  
favor of Don Andres Horppner  
who shall have such use of it  
as may best suit him and for  
the necessary ends and uses I give  
this instrument in Sonoma on the  
13th Decr. 1840

Witness

M. G. Vallejo

A. A. Stearns

XXX HC

Asst Surgeon  
U. S. Ship Salsmouth  
Jacob P Seese

325 ND  
PAGE 43

Filed in Office 28. 1853

(Signed) Geo. Fisher  
Secy

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ND  
ND

44-47  
Deed from  
Hooppner  
To  
Carlos Glen

325 ND  
PAGE 44

This Indenture made and concluded  
this fourth day of December in the year  
of Our Lord One thousand Eight hundred  
and forty seven between Andreas  
Hooppner of Sonoma in the District  
of Sonoma Northern Department in  
Upper California of the One part and  
Carlos Glen of the Town and District  
of St. Francisco of the Other part  
Witnesseth that the said Andreas  
Hooppner for and in consideration of  
the sum of Eight hundred dollars  
well and truly paid at or before  
the Ensigning and delivery hereof the  
receipt whereof is hereby acknowl-  
edged, hath granted bargained  
sold transferred and conveyed and  
by these presents doth grant bargain  
sell transfer and convey unto the  
said Carlos Glen his heirs and  
assigns forever all his right title and  
interest of in and to all that certain  
tract and parcel of Land containing  
three hundred acres more or less being  
a portion of the Rancho named  
Alpaca Colorado as transferred to the said  
Andreas Hooppner by M G Valle's the  
said three hundred acres being more  
particularly described and bounded  
as follows to wit; On the West side by  
Sonoma Creek, On the East side by the  
Kupa Hills On the North by Yellows Jun  
Creek On the South by the lands of Ernest  
Reefers. To Have and to hold all and  
singular the above bounded and  
described tract and parcel of Land  
as aforesaid together with all the rights  
profits privileges and appurtenances  
whatsome soever belonging or to be  
and the same well and so forever

by the said Andreas Hoopner as a free  
said unto the said Charles Stein his  
heirs and assigns to the only proper use  
benefit and behoof of the said Charles  
Stein his heirs and assigns forever

In witness whereof the  
said Andreas Hoopner has hereunto  
set his hand and seal the day and  
date above mentioned

Andreas Hoopner

deposed sealed and  
delivered in presence of us

H. J. Chapman

Robert F. Riley

Personally came before me the undersigned  
Alcalde the above named Andreas Hoopner  
and acknowledged the above instrument  
of writing to be his true act and deed  
Dec. 4. 1847

George Hyde

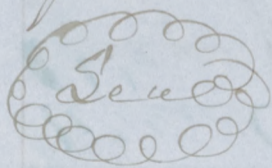
1<sup>st</sup> Alcalde de St. Francisco

State of California }  
County of Sonoma }

I hereby certify that  
the foregoing to be a true copy from  
pages 26 and 27 of Book 11 of the Records  
of Sonoma County in this Office

In witness my hand and  
Official Seal at Sonoma this 22<sup>d</sup> day  
of February A.D. 1853

John Kendall



Recorder of Sonoma County  
by John A. Brewster Deputy

Filed in Office March 3. 1853

(Signed)

Geo. Fisher Secy

Book 49

Deed from  
Chas. Glein

To  
C. M. Mellen

This Indenture made and concluded this  
Nineteenth day of October in the year of  
Our Lord One thousand Eight hundred  
and forty Eight between Carlos Glein of  
San Francisco Northern Department of  
Upper California of the One part and  
Charles M Mellen of the Other part  
Witnesseth

325 ND  
PAGE 46

That that the said Carlos  
Glein for and in consideration of the  
sum of sixteen hundred and twenty five  
dollars well and truly paid to him the  
receipt whereof at and before the sealing  
and delivery hereof the receipt whereof  
is hereby acknowledged hath granted  
bargained sold transferred and conveyed  
and by these presents doth grant being  
and sell transfer and convey unto the  
said Charles M Mellen his heirs and  
assigns forever all his right title and  
interest of in and to all that certain  
tract and piece of Land containing  
three hundred acres more or less being  
a portion of the Rancho named "Agua  
Caliente" as transferred to the said Carlos  
Glein by Andrew Stoppner and transferred  
to the said Andrew Stoppner by M. G.  
Vallejo said piece of Land being more  
particularly described and bounded  
as follows

On the West by Napa Hills  
On the North by Ytter Farm and on the  
South by the land of Ernest Reeser  
being the same Lot transferred to the  
said Carlos Glein by Andrew Stoppner  
by deed bearing date December the 4th  
A.D. 1847 and Recorded in San Francisco  
on page 294 Book A of Land titles  
To have and to hold all  
and singular the above described lot or

1857

325 ND  
PAGE 47

parcel of Land as aforesaid together with  
all the rights profits, privileges and  
appurtenances whatsoever thereto belonging  
as fully as the same was held and  
possessed by the said Carlos Klein as  
aforesaid unto the said Charles M  
Wheeler his heirs and assigns to the only  
propria use benefit and behoof of the  
said heirs and assigns forever -

In witness whereof the said  
Carlos Klein hath hereunto set his hand  
and seal in the Town of San Francisco  
the day and year before mentioned

Carlos Klein

Signed Sealed and delivered  
in presence of

J. M. Leavenworth  
M. S. Callan

Territory of California }

Personally appeared  
before me the undersigned Alcalde, Carlos  
Klein Delescribey the above Indenture  
and being under oath acknowledged the  
same to be his true act and deed

J. M. Leavenworth, Alcalde  
Dist. San Francisco

Recorded on page 37 & 38. Book "C" Archives  
of Land Titles San Francisco -

Filed for Record on February 14. 1852  
at 10 O'clock A.M.

J. H. Hensley Recorder  
Sonoma County -

57

State of California }  
County of Sonoma. } ss.

325 ND  
PAGE 48

I hereby certify the foregoing to be a true copy from page 57 of Book 14 of Sonoma County Records in this Office  
Witness my hand and official seal at Sonoma this February 2nd 1853

John H. Conally Recorder  
of Sonoma County  
by J. A. Brewster Deputy

Filed in Office March 2. 1853.

(Signed) Geo. Fiska Secy

Deed "H0"  
From Mellen  
To  
Campbell &  
Smith

This Indenture made this tenth day of February in the year of Our Lord One Thousand Eight hundred and fifty two between Charles M. Mellen of the Town of Stockton County of San Joaquin State of California of the first part and John Campbell & S. Army and Allen & Smith of the second part.

Witnesseth that the said party of the first part in consideration of the sum of One thousand and ninety dollars (\$1090.) to him in hand paid by the said parties of the second part the receipt whereof is hereby confirmed and acknowledged, has bargained and sold remised and quit claimed and by these presents does bargain sell remise and quit claim unto the said parties of the second part, and to their heirs and assigns forever all his right title and interest of in and to the



following described piece or parcel of land situated lying and being in the County of Sonoma State of California containing three hundred acres of land more particularly bounded and described as follows, on the West by Sonoma Creek on the East by Napa Hills on the North by the farm formerly owned by one Joseph Letton and on the South by the land formerly owned by one Ernest Reppes being a portion of the Rancho named "Agua Caliente" originally granted to Citizen Lorenzo Peña by Pio Pico Governor of California and approved by the Departmental Assembly of California Oct. 8th A D 1845 transferred by Citizen Peña to M G Vallejo by M G Vallejo to one Andreas Hoepfner by Hoepfner to Charles Glen by deed bearing date 4th day of December A D 1847 Recorded in San Francisco page 294 Book "A" of land title and by the said Charles Glen transferred to said Charles M. Allen by deed bearing date 19th day of October A D 1848 On Record on page 37 and 38 Book "C" Archives of Land Titles San Francisco.

Together with all and singular the hereditaments and appurtenances thereto belonging or in any wise appertaining and the revenues and revenues remainders and remainders rents issues and profits thereof and all the Estate right title interest claim and demand whatsoever of the said party of the first part within Law or Equity of or in accordance to the above contained premises with the said hereditaments and appurtenances

To have and to hold the said piece or parcel of land to the

and assigns of the said and only proper

5-3

Said parties of the second part then has  
and signs to the said and only proper  
benefit and behoof of the said parties  
of the second part then has and signs  
therein.

325 ND  
PAGE 50

In witness whereof the party  
of the first part has hereunto set his  
hand and seal the day and year  
first above written

Charles M. Allen

Signed sealed and delivered  
in presence of

Edw<sup>d</sup> Dawson

State of California }  
County of San Joaquin }

On this 10th day of February 1852 person-  
ally appeared before me the undersigned  
a Notary Public duly commissioned and  
sworn in and for the County of said  
Charles M. Allen who is personally  
known to me to be the individual  
who is described in and who has sub-  
scribed his name and affixed the  
seal of the foregoing instrument and  
acknowledged to me that he executed  
the same freely and voluntarily for the  
uses and purposes therein mentioned

In testimony whereof I  
have hereunto set my hand and  
Notarial Seal the day and date  
above mentioned

Edw<sup>d</sup> M. Dawson  
Notary Public

Filed in Office on Feb<sup>y</sup> 14th 1852  
at 10 o'clock A M

John Hendley Recorder

State of California }  
County of Sonoma }

325 ND  
PAGE 51

I hereby certify the foregoing to be a true copy from pages 63. 64 and 65 of Book No of the Records of Sonoma County in this Office

Witness my hand and Official Seal at Sonoma this 24th day of February A.D. 1853

John Stacey Recorder  
of Sonoma County by  
J. H. Brewster Deputy

This Indenture made this Twentieth day of April in the year of our Lord One thousand eight hundred and forty two between Dr John Campbell Sr. & Co and Mayr Albert & Smith & Co. of the first part and Capt. Chas. Stone & Co of the second part

Witnesseth that the said parties of the first part in consideration of the sum of Three thousand Dollars to them in hand paid by the said party of the second part the receipt whereof is hereby confessed and acknowledged have bargained sold remised and quit claimed and by these presents do bargain sell remise and quit claim unto the said party of the second part and to his heirs and assigns forever all their right title and interest of in and to the following described piece or pieces of Land situate lying and being in the County of Sonoma State of California containing three hundred acres of Land more or less, more particularly described and begun as follows: On the West by Sonoma Creek On the East by Napa

But 35

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PAGE 52

Hill, on the North by the same formerly  
 owned by One Joseph Yulean and on the  
 South by the same formerly owned by  
 One Ernest Rogers being a portion of the  
 Rancho named "Agua Caliente" given  
 away by the said Citizen Laguna to  
 Pio Pico Governor of California and  
 approved by the Departmental Assembly  
 of California October 8th 1845 trans-  
 ferred by Citizen Laguna to M G Vallejo  
 May M. G. Vallejo to One Andreas Hoopman  
 by Hoopman to Carlos Glen by deed  
 bearing date 4th day of December  
 A.D. 1847 Recorded in San Francisco  
 page 294 Book A of Land titles and  
 by the said Carlos Glen transferred  
 to Charles M. Allen by deed bearing date  
 19th day of October A.D. 1848 and  
 Recorded on page 37 and 38 Book  
 to Archives of Land Titles San Fran-  
 cesco and by Charles M. Allen trans-  
 ferred to Dr John Campbell U.S. A  
 and Maj. Allen & Smith U.S. A.  
 by deed bearing date 10th of February  
 A.D. 1852 and Recorded in Book  
 4 pages 63, 64 and 65 of Land titles  
 Sonoma County.

Together with all and  
 singular the hereditaments and appurten-  
 ances thereto belonging or in any  
 wise appertaining, and the revenues  
 and revenues, rents, issues and profits thereof and all  
 the Estate right title interest claim and  
 demand whatsoever of the said parties  
 of the first part either in Law or  
 Equity of or and to the above benamed  
 premises with the said hereditaments  
 and appurtenances. To Have and to  
 hold the said piece or parcel of land

to the said party of the second part his heirs and assigns for the sole and only proper benefit and behoof of the said party of the second part his heirs and assigns forever

325 ND  
PAGE 53

In witness whereof the parties of the first part have hereunto set their hands and seals the day and year hereunto appoised

John Campbell U S A  
Albert J Smith U S A

In presence of  
Fred Stone

State of California  
County of Sutter Sp.

Personally appeared before me this seven  
teenth day of April A.D. 1852 Dr. John  
Campbell known to me to be one of the  
parties mentioned in and who executed  
the above instrument of writing and  
acknowledged that he executed the same  
freely and voluntarily and for the uses  
and purposes therein mentioned

Witness my hand and  
private seal no Notarial seal having  
been provided

Seal

Sam B Smith Notary Public  
in and for Sutter County

State of California  
County of Solano Sp.

Personally appeared  
before me on this twenty first day of  
April in the year Eighteen hundred and  
fifty two Albert J Smith known to  
me to be one of the parties mentioned  
in and who executed the foregoing  
deed of conveyance and acknowledged

Bill 37

before me that he executed the said deed  
freely and voluntarily for the uses and  
purposes therein mentioned

Witness my hand and  
private seal No Notarial Seal having  
yet been procured, the day and year  
and the place above mentioned

John Leary  
Notary Public in and for  
said County of Solano

Filed for Record on the 7th of June  
1853 at 4 o'clock P.M.

John Hendley Recorder

State of California  
County of Solano

I hereby certify the foregoing to be a  
true Copy from pages 131-132 & 133  
of Book No of Sonoma County  
Records in this Office

Witness my hand and  
Official Seal at Sonoma  
this February 25th A.D. 1853

J. Hendley Recorder of  
Sonoma County  
By J. W. Brewster Deputy

Filed in Office March 2. 1853

(Signed) Geo. Fisher Secy

325 ND  
PAGE 54

5708  
AD

July 5-8





1860

Number 775

C. P. Stone

15

The United States

Decree  
of  
Confirmation

2  
2  
2  
2  
2  
2  
2

In this case after

hearing the proofs and allegations it is  
adjudged by the Commission that the claim  
of the petitioner is valid and it is therefore  
decreeing that his application for a confirma-  
tion of the same be granted.

325 ND

PAGE 56

The land of which  
confirmation is hereby given is situated in  
the County of San Bernardino and is a part of the  
place called Agua Caliente contained  
in three hundred and seventy five acres  
as follows to wit:

On the West by San Juan  
Creek on the East by Chapin hills on  
the North by the same family owned by  
one Joseph Belton and on the South by  
the same family owned by one Rufus  
Reynolds being more particularly  
to the documents aforesaid.

R. C. Thompson  
S. B. Farnell

Commissioners

Filed in office April 24th 1860

For Justice Secy

Records in Record of Deeds Vol 2 p 26

For Justice Secretary

And it appearing to the satisfaction of the  
Board that the land here described is  
situated in the Northern District of California  
it is hereby ordered that two transcripts of the  
proceedings and of the decision in this case  
& of the papers & evidence upon which the same  
are founded be sent out and duly certified by  
the Secretary of which transcripts shall be filed  
with the Clerk of the US 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.

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 *sixty* pages, numbered from  
1 to *60*, both inclusive, to contain a true, correct and full Tran-  
script of the Record of the Proceedings and of the Decision of the  
said Board, of the Documentary Evidence and of the Testimony  
of the Witnesses, upon which the same is founded, on file in this  
Office, in Case No. *775* on the Docket of the said Board,  
wherein

*C. P. Stone* is  
the Claimant against the United States, for the place known by  
the name of "*Part of Agua Caliente*"

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 seventh* day of *October*  
A. D. 1855, and of the Independence of the  
United States of America the *seventy-eighth*.

*Geo. Fisher*  
*Geo. Fisher*



325

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

No. 325-

325 1

THE UNITED STATES,

vs.

MD

*C. P. Stone*

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No.

*775-*

Filed, November 7<sup>th</sup> 1853

*John A. Monroe,*

*Clerk.*

Office of the Attorney General of the United States,

Washington, 3 December, 1853.

775-] "Aqua Caliente"

C. P. Stone. 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 20th day of November, 1853, the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Christy

Attorney General.

No. 325-

United States  
C. P. Stone,

Attorney of Appeal in  
Case no. 745.

Filed Febry 11, 1856,  
of Clerk  
Deputy.

325 ND  
PAGE 59

To the Hon District Court of the U. S.  
in and for the Northern Dist Cala

The United States

3  
2 D.C. 325 : L.C. 775.

Charles P. Stone

The petition of the United States by their Attorney represents that this cause is an application for a review of the decision of the U. S. Land Commission whereby the title of the appellee was confirmed, as will appear by reference to the record in the case; that a transcript of said record was filed in this Court Nov 7, 1855, and a notice of appeal Jan 11, 1856; that the land claimed lies in said District and that said title is invalid,

Wherefore appellants pray that this Court reverse the said decision of the Commission and decree said title invalid

San Francisco, Feb 21. 1857

Standing  
vfa

325  
D.C. 775

U. S. Dist Court

The United States

vs  
Charles Stone

Petition

Filed Feb 21, 1857.  
W. A. Stevens,  
Deputy.

325 ND  
PAGE 61

Blanding  
msa

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 *Monday* the *Second* day of *March* in the year of our Lord one thousand eight hundred and fifty-*Seven*.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

vs

C. P. Stone

No. 325.

This cause coming on this day to be heard upon the transcripts of the proceedings and decision of the Board of Land Commissioners and of the papers & evidence on which the same were founded, and the pleadings filed in this Court and counsel having been heard on the part of the United States and for Claimant. In consideration of all which, the Court is of opinion that there is no error in the decision of the said Board, and that the same should be and is hereby affirmed -

And this Court doth adjudge, order and decree that the title of the said Claimant to the land described in said transcripts is valid and the same is hereby confirmed.

The land of which Confirmation is hereby made is situate in the County of Sonoma and is a part of the place called Agua Caliente containing three hundred acres and bounded as follows to wit; On the west by Sonoma Creek and on the East by Napa Hills, on the North



by the farm formerly owned by one Joseph Titon, and on the south by the lands formerly owned by one Rufus, reference being had for further particulars to the documents on file

Ogden Hoffman  
U. S. Dist Judge

This decree is correct.

Wm Blandiney  
Dist Atty

No. 335.

United States District Court, Northern  
District of California.

The United States.

vs.  
Chas: P. Stone.

Decree

Filed March 2. 1857

John A. Mumme,

CLERK.

S. M. H. Chivers

DEPUTY.

325 ND

PAGE 63

California Land Grant.  
Attorney General's Office  
6 Feby 1857.

Sr.

In the case of the claim of C.  
P. Stone, confirmed to the claim-  
ant by the Commissioner, case  
no. seven hundred and seventy  
five, (775), appeal will not be  
prosecuted by the United States.  
I am,

Respectfully,  
Cushing

Wm. P. Landing Esq  
U. S. Attorney  
San Francisco.

ON FILE  
PAGE 325

325 ND  
PAGE 65

In the District Court of the U.S.  
Northern District of California

The United States  
v  
Charles L. Stone

L. C. 325; L. C. 775.

In pursuance of a notice  
from the U.S. Attorney General, herewith  
annexed, it is hereby stipulated and agreed  
that no further appeal be taken in this  
case on the part of the United States, and that  
claimant have leave to proceed under  
the decree of this Court heretofore rendered  
in his favor, as under Final Decree.  
San Francisco March 31st 1857

Wm Blanning  
Dist Atty.

Redd. A. Sawyer  
atty for Claimant

325  
775

U. S. District Court

The United States

Charles P. Stone

Stipulation

Filed March 31, 1857,  
W. H. Chevers,  
Deputy.

17

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 *Tuesday* the *31st* day of *March* in the year of our Lord one thousand eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States  
or  
C. P. Stone.

D. C. 325; L. G. 775.

The Attorney General of the United States having given notice that appeal will not be prosecuted in this case, and a stipulation to that effect having been entered into by the U. S. Attorney:

On motion of the District 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. Dist Judge

325

United States District Court, Northern  
District of California.

*The United States*

vs.

*Charles P. Stone.*

ORDER.

*Final Decree*

Filed *March 31* 1857,

*John A. Monroe,*

CLERK.

By *W. H. Cheever*

DEPUTY.

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 Monday the second day of March in the year of our Lord one thousand eight hundred and fifty seven.

Present:

The Honorable Ogden Hoffman  
District Judge.

The United States

vs.

C. P. Stone

No. 325.

This cause coming on this day to be heard upon the transcript of the proceedings and decision of the Board of Land Commissioners and of the papers & evidence on which the same were founded, and the pleadings filed in this Court and Counsel having been heard on the part of the United States and for claimant, In con-

consideration of all which, the Court is of opinion that there is no error in the decision of the said Board, and that the same should be and is hereby affirmed.

And this Court doth adjudge, order and decree that the title of the said claimant to the land described in said transcript is valid and the same is hereby confirmed.

The land of which confirmation is hereby made is situate in the County of Sonoma and is a part of the place called Agua Caliente containing three hundred acres and bounded as follows to wit: On the West by Sonoma Creek and on the East by Sapa Hills, on the North by the farm formerly owned by one Joseph Titon, and on the South by the lands formerly owned by one Rufus, reference being had for further particulars to the documents on



file.

Ogden Hoffman  
U. S. Dist. Judge

This decree is correct.

Wm. Blanding

Dist. Atty.

325 ND  
PAGE 71

Endorsed:

Filed March 2<sup>d</sup> 1857

John A. Monroe Clerk  
By W. H. Chevers Deputy.

William H. Chevers Clerk of the  
District Court of the United States  
for the Northern District of California  
do hereby certify the foregoing to be  
a full true and correct copy of the  
original "Decree" now on file and  
remaining of record in my office  
in the cause entitled The United  
States vs. Chas. P. Stone No. 325.

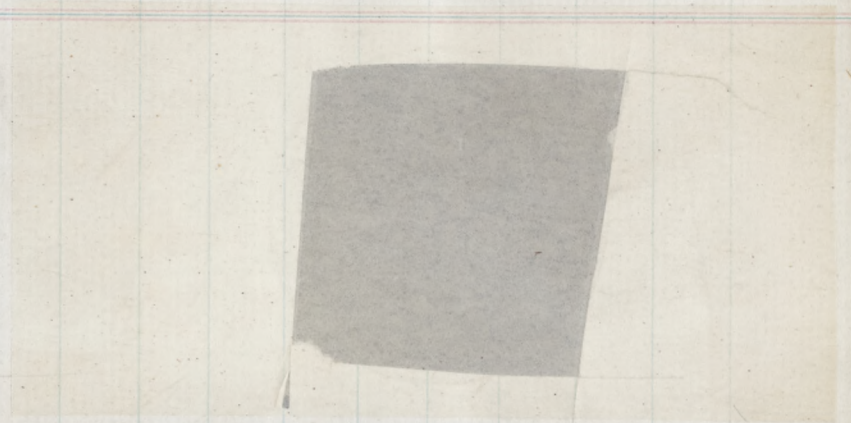
In testimony whereof  
I have hereunto set  
my hand and affixed  
the seal of said Court  
this 6<sup>th</sup> day of August  
A. D. 1864.

W. H. Chevers

Clerk

930  
M

325  
no



325 ND  
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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, Oct. 27<sup>th</sup> 1855

J. D. 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. 775 on the Docket of the said Board, wherein

C. P. Stone is

the Claimant against the United States, for the place known  
by the name of Part of Agua Caliente

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher