

CASE NO.

326

NORTHERN DISTRICT

SAN MIGUEL GRANT

MARCOS WEST

CLAIMANT

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PAGE

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TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. 257.

Marcos West

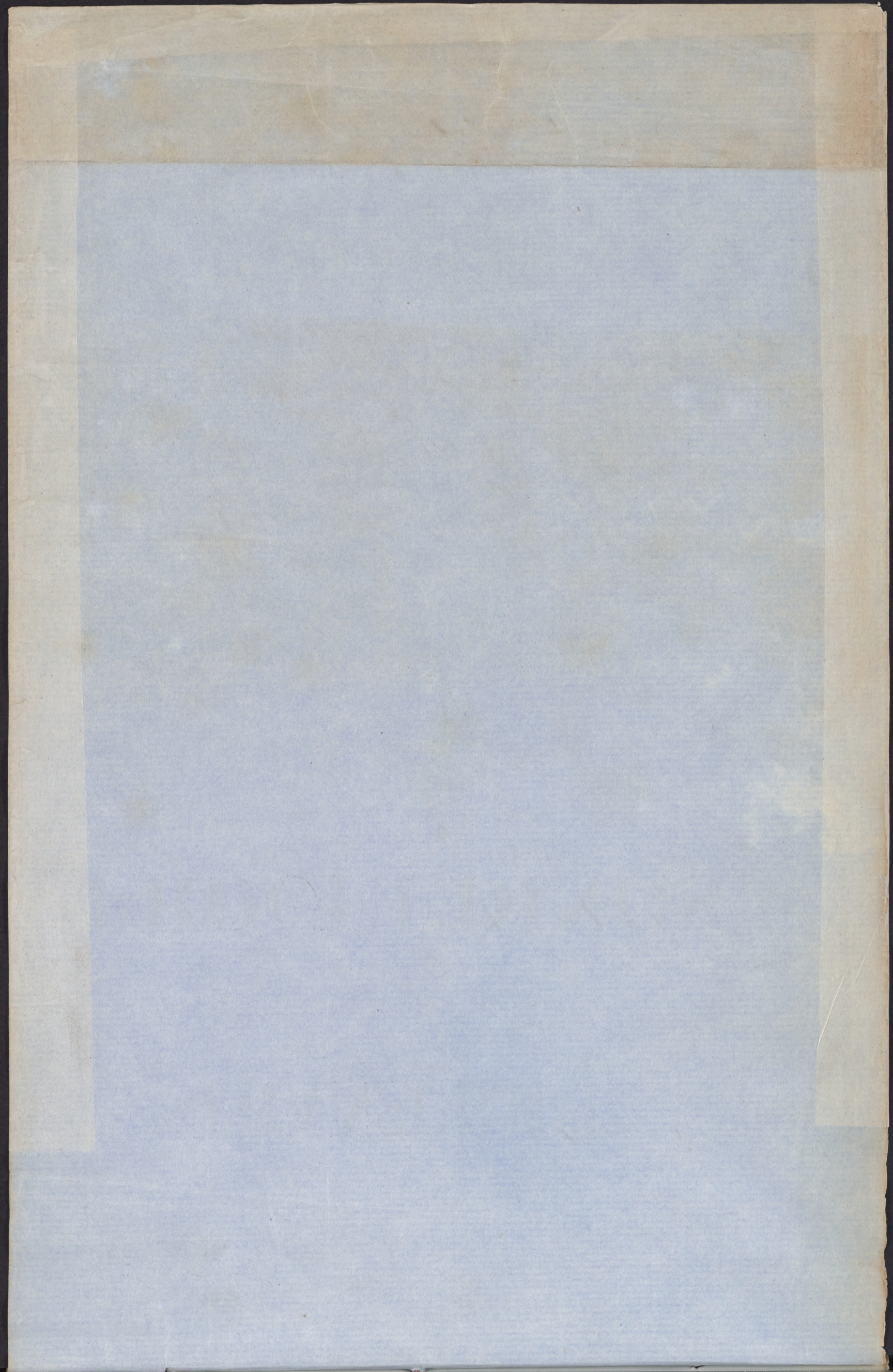
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"San Miguel"



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this *thirty first day of May*, Anno Domini One Thousand Eight Hundred and Fifty-~~two~~, 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 *Marcos West* for the Place named "*San Miguel*" was presented, and ordered to be filed and docketed with No. 251 and is as follows, to wit;

(Vide page 5 of this Transcript.)

Upon which Petition the following subsequent Proceedings were had in their chronological order, to wit;

San Francisco August 6' 1852.
In Case no. 251, Petition of Marcos West for the place named "San Miguel," the deposition of M. G. Vallejo, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton, was filed.

(Vide page 6 of this Transcript.)

San Francisco Sept. 23' 1853.
Case no. 251 was ordered, on the motion of the Counsel for the claimants, to the foot of the Docket.

San Francisco January 30' 1854.
In the same Case the deposition of Mariano G. Vallejo, a witness in behalf of the claimants, taken before Commissioner R. Aug. Thompson, was filed.

(Vide page 8 of this Transcript.)

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San Francisco July 10th 1854.

In the same case the deposition of Pablo de la Guerra, a witness in behalf of the United States, taken before Commissioner Peter Sott, was filed;

(Vide page 9 of this Transcript.)

San Francisco September 19th 1854.

Case no. 251 was ordered to be placed at the foot of the 2^d Class Cases on the Trial Docket.

San Francisco October 30th 1854.

In the same case the deposition of J. J. Warner, a witness in behalf of the United States, taken before Commissioner Peter Sott, was filed;

(Vide page 13 of this Transcript.)

San Francisco October 31st 1854.

In the same case the counsel for the claimants filed the following appearance, to wit:

(Vide page 31 of this Transcript.)

San Francisco November 7th 1854.

Case no. 251 was ordered to be placed at the foot of the 3^d Class Cases on the Trial Docket.

San Francisco November 27th 1854.

In the same case the deposition of Jose de la Rosa, a witness in behalf of the claimants, taken before Commissioner Peter Sott, was filed;

(Vide page 20 of this Transcript.)

San Francisco December 1st 1854.

In the same case the deposition of James M. Hudspeth, a witness in behalf of the United States, taken before Commissioner Peter Sott, was filed;

(Vide page 25 of this Transcript.)

San Francisco December 26th 1854.

Case no. 251 was ordered to be placed at the foot

of the 3^d class cases on the Trial Docket.

of the 3^d Class Cases on the Trial Docket,

San Francisco March 13th 1855.

Case no. 251 was submitted on briefs and taken under advisement by the Board.

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San Francisco March 30th 1855.

In the same case the deposition of Victor Prudon, a witness in behalf of the claimants, taken before Commissioner Peter Sott, was filed, in accordance with the stipulation annexed thereto;

(Vide page 32 of this Transcript.)

San Francisco April 24th 1855.

In the same case Commissioner S. B. Farnell delivered the Opinion of the Board rejecting the claims,

(Vide page 66 of this Transcript)

and the following order was made, to wit:

(Vide page 70 of this Transcript.)

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Notes on the mammals of California
by John L. Baird

To the Honorable Commissioners to settle private land claims in California.

Petition

The petitioners Guadalupe Vazquez de West widow and Marcos West, Guadalupe West, Adalaida West, children of Marcos West deceased respectfully show,

That on the 2^d day of November AD 1841 Juan B. Alvarado Governor of California by virtue of authority in him vested granted to the said Marcos West the tract of land called 'San Miguel' in the Jurisdiction of Sonoma with the boundaries described in said map all of which is shown by the Expediente a copy of which is submitted herewith marked "A" with a translation marked B.

That finding an Error in the aforesaid title respecting the extent of land mentioned therein the said West on the 19th day of September petitioned for a new patent which was accordingly issued to him by said Manuel Puchatoma Governor of California by virtue of authority in him vested on the 14th day of October AD 1854 a copy of which petition and title is submitted herewith marked C with a translation marked D.

That the said grant was subsequently approved by the Departmental Assembly of California.

That on the day of AD 1854 the said Marcos West died leaving the petitioners his widow and children as his heirs.

That the said tract of land has not been surveyed by the Surveyor General of the United States but that its boundaries are fully described in the title papers and set forth in the corresponding map.

That from the year 1840 to the time of his death the said Marcos West occupied the said tract of land and that since his

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death the petitioners his widow and children
have been and now are in the quiet possession
and occupation of said tract of land.

That they know of no conflicting claim
That they rely for confirmation of title
on the original papers copies of which are sub-
mitted herewith and upon such other and further
proof as they may be advised are necessary.

Wherefore they pray the Commission
to confirm to them the aforesaid tract
of land.

By their Attys.
Hallidick, Peachy & Pillsbury

Filed in Office May 31, 1852.

(Signed)

Geo Fisher Secy

San Francisco, April 7, 1852.

Deposition
M. G. Vallejo

On this day before Hiland Keenan of the Com-
missioners for ascertaining and settling private
land claims in the State of California came
Mr. G. Vallejo a witness produced on the part
of the claimants: Heine of Marcus West, whose
petition is No 251, on the docket of the Board, &
was duly sworn. His Oath being given in
the Spanish was interpreted by the Secretary.

The U. S. Law Agent attended.

1st Question.

What is your name age and place
of residence?

Answer.

My name is Mariano Guadalupe
Vallejo. My age is 45 years. I reside in Sonoma
and have resided in California.

2d Question.

Do you know the Rancho of San

7
Enquired claimed by the heirs of Marcos West
and if so say what you know about its owner-
ship and occupation and where it is situate,
Answer.

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I have known this' Rancho some
20 years. It is situate in the County of Sonoma
about 4 or 5 leagues from Sonoma. It was
first occupied by Marcos West about the
year 1838. he received a grant for this land
in 1840 from Governor Alvarado which grant
was revalidated by Governor Micheltorina in
1844. Marcos West occupied this land from 1838
to the time of his death in 1844 and it has ever
since been occupied by his Widow and Children
West first built a House on the land in 1838
and afterwards several other Houses. He also
occupied the land with Cattle and horses
and cultivated a part of it. He had about
300 horses and some 2000 Cattle on the land
and cultivated about 200 acres with grain
and vegetables.

3^d Question.

Are you acquainted with the signatures
of Marcos West Jacob P. Lugo, Manuel
Micheltorina and Manuel Jimeno and if so say
whether their signatures to the papers before you
marked (A) are genuine and whether the papers
are genuine and originals?

Answer.

I am well acquainted with the signa-
tures of Marcos West, Jacob P. Lugo, Manuel
Micheltorina and Manuel Jimeno having
often seen them write their signatures to the papers
before me are genuine and the papers are
genuine and originals -

M. G. Vallejo.

I decline Cross Interrogation -

Geo W. Woolsey W, S. Law Agent

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The above deposition was sworn
to and subscribed before me the
10th August 1852.

Henry J. Thornton
Comm^r &c.

Filed in Office August 6, 1852.

(Signed)

Geo Fisher Secy.

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United States Land Commission
San Francisco Jan 20. 1854.

Deposition
M. G. Valley
On this day before Commissioner R. Aug
Thompson called Mariano G. Valley a witness
in behalf of Claimants "Guadalupe Casquez de
Mest et al No 251" who after being duly sworn
deposed as follows his evidence being interpreted
by the Secretary.

Present, Claimants Atty and
R. Greenhow Esq U.S. Asst Law Agent.

Witness states his name is Mariano G. Valley
age forty six years and resided Sonoma
Calif.

Question by Claimants Atty.

State if you know the name of the Widow and
Children of Marcos Mest. died and of so name
them.

Answer.

I know their names. the Widow of
sd Mest is called Guadalupe Casquez de Mest.

The children are Marcos.

Adelaida, Guadalupe, Juan, Guillermo, Carlos
Geronimo and Maria del Carmen.

Tested by same.

Do you know the Comendario of the
Rancho of San Miguel claimed by the Petitioners

Ranch of San Miguel claimed by the Petitioner
in this case and of so describe them with refer-
ence to the map contained in the true and copy
of the Escondido filed in the case,
Answer.

All the North West is bounded by the
Arroyo Seco to its Junction with Russian
River and by the last mentioned River to the
line of Adolphus Ranch thence with said line
to a stream which is the outlet of the Laguna
Grande de La Rosa the Indian name of which
is "Potigonio". Thence along said stream and
the Laguna de La Rosa to the line of Carlos
Thence along said line in an easterly direction
to a Spring on the side of the Mountain. Thence
along the Chain of Mountains called the Sierra
Chinan by a marked line to a large oak mar-
ked as a corner on the hill side near the arroyo
Seco which is the point of beginning.

The grant was made for six
leagues but from my knowledge of the boundaries
I do not think it contains over four and a half
though some have estimated as high as five
leagues.

M. G. Vallejo
Sworn to and Subscribed
before me San 30th 1854,
R. Aug Thompson Comr.

Filed in Office San 30. 1854.

(Signed)
Geo Fisher Secy

Deposition
Pablo de la
Guerra.

United States of America
State of California, }
San Francisco July 10. 1854.

This day personally came before John Lott
Commissioner for taking Testimony to be used

Before the Board of U. S Land Commis-
sioners in said State Pablo de la Guerra a
Witness on behalf of the United States in
Case No 251 where in Guadalupe Basquez
de Huet et al are Claimants and said witness
being duly sworn, on oath deposed in English
as follows.

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Claimants Counsel is present.

The U. S. Law Agent is present and pro-
pounded the following questions.

1st Question.

What is your name age and
residence?

Answer.

My name is Pablo de la Guerra
my age 34 years my residence Santa Barbara
California.

2^d Question.

Are you acquainted with the
subrics and signatures of Manuel Michetto-
rma former Governor of California, Manuel
Amino his Secretary and with the Rubric of
Pablo de la Guerra former Collector of Customs
at Monterey California if you state your
means of knowledge thereof and look at docu-
ment marked "Document 14" attached to
the deposition of M J Vallejo taken before Com-
missioner H. J. Thornton and filed in this
case August 6th 1852 and state whether the
rubric under the printed name of Michettorma
and the rubric under your name both on the 1st
page of the 5th leaf of said document also
at the names of said Michettorma and Manuel
Amino subscribed to the same writing as they
appear on the two next succeeding pages
and state whether they are genuine rubrics

Answer.

I am acquainted with

and state whether they are genuine rubrics

and signatures?

Answer.

I am acquainted with the rubrics and signatures of all the persons named I have frequently seen said Micheltorina & Jimino write their names and make their rubrics and the other one referred to is that of myself.

The Rubric of Micheltorina on said 1st page 3rd leaf I think is not genuine and I do not think this is my rubric under my name I think I never made it as to the names of Micheltorina and Jimino on the two following pages I cannot vouch for their genuineness. I feel very doubtful about them I do not think they are true, tho I cannot exactly say they are not.

Pablo de la Guerra.

Subscribed and sworn to before me this 10th day of July AD 1854.

Peter Lott Commissioner &c.

Filed in Office July 10 1854.

(signed)

Geo Fisher Secy.

Notice

Case No 251.

Before the United States Board of Land Commissioners to ascertain and settle private land claims in California.

Petition of the heirs of Marcus West for Land in Sonoma County.

To the Claimants and their Attorneys.

Take notice that on the 15th day of October 1854 at the hour of 11 A M or as soon as there after as the matter can be reached before a proper Commissioner at the Court Room of

the Commissioners in the City of San Francisco shall proceed to take the depositions of J. J. Harmer and J. M. Hudspeth to be read in Evidence on the trial of the above Entitled Cause

Respectfully
J. H. McKim
U. S. Law Agent.

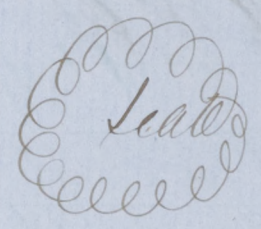
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State of California
Sonoma County

Before me a Notary Public within and for said County personally appeared James Frewitt and being by me first duly sworn deposes and says that he served Copies of the Within upon M. G. Dallye admr of the Estate of W. Marcus West died also an Guadalupe Basquez de West Maria and Guadalupe West and Adelaide West and Marcus West Children of the said W. M. West died by delivering Copies of the Within to them personally.

James Frewitt

Sworn to and Subscribed
Before me this 11th day of
October AD 1854.



Witness my hand and
Notarial Seal
W. Ross Notary Public.

The Heirs of Marcus West
as
The United States

Do, Before the U. S. Board of Land
Commissioners

To the above named Claimants
and to their Attorneys.
Healuck, Beachy & Billings

Gentlemen,

Take Notice that on the 26th day of October 1854 at the hour of 10 O'clock A.M. or as soon thereafter as the matter can be reached before a proper Commissioner at the Court room of the Commission I shall proceed to take the dispositions of J. M. Hudspeth and J. J. Warner to be had in evidence on the trial of the above entitled case on the part of the United States.

J. H. McKim
U. S. Law Agent.

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J. H. McKim says on a oath that he has received no notice of the substitution of any other attorney instead of Healdick Beachy and Bellings and that he served A. C. Beachy with the return notice by delivering him a true copy at the Court room of the Commission on the 26th day of October 1854.

J. H. McKim
U. S. Law Agent.

Subscribed and sworn to
before me this 26th day of
October 1854.

Myhus Fitch Commissioner

Deposition
of J. J. Warner.

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

San Francisco Oct 28, 1854

This day came before Peter Lott Commissioner for taking to be used before the Board of U. S. Land Commissioners in said State J. J. Warner a witness on behalf of the United States in Case No 251 on the docket of said Board wherein Guadalupe Vasquez de Host et al are claimants and said witness being sworn deposed as follows.

D.H.

The Counsel for Claimants is present
Questions by U. S. Law Agent.

1st Question.

What is your Name age and
Residence.

Answer.

My Name is J. J. Harnis My age
46 years. My Residence San Diego California.

2^d Question.

Are you acquainted with the hand
writing of Manuel Micheltorina former Governor
of California and with the writing of Jimeno
his Secretary if you state your means of knowl-
edge.

Answer. 2^d Question objected to by Claim-
ants Counsel as leading and incompetent.

Answer.

During the Residence of Governor
Micheltorina in California I frequently saw
him and his Secretary Jimeno write their names
and have seen numerous decrees and documents
which I know them to write.

3^d Question.

Look at document marked
"A L" Exhibited in this deposition upon
the first page thereof and at the order therein
written signed by Micheltorina and state whether
the order and the Signature therein appear to
have been written by the same hand and with
the same pen.

Answer.

I have looked upon the document
and writing referred to in the question and they
were evidently written with the same pen and
apparently by the same person.

4th Question.

Is or is not said hand writing

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of Micheltorona. It bears no resemblance to his hand writing. The signature has some resemblance to the signature of Micheltorona but there are some apparent differences.

The angles of the letters are too sharp or acute, a line across the top of the M as well as the crossing of the "t" does not appear as much like those made by Micheltorona as they resemble similar lines in the body of the order or decree.

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According to my collection Micheltorona, in crossing the "J" of his name did not remove the pen from the paper after making the "J" before crossing the same, but kept the pen upon the paper and continued the line from the bottom of the "J" up to the cross mark upon the line made in carrying the pen down, and then a short horizontal line from one side of the J.

The Rubric below the signature has no so little resemblance to that usually made by Micheltorona that I should doubt its having been made by him.

There is but one coarse or heavy horizontal line when in his genuine Rubric there are two heavy lines.

5th Question.

Are you acquainted with the names of said Micheltorona and Pablo de la Guerna former Collector of Customs at Monterey

If you state your means of knowledge and look at the Rubric under their respective names near the top of the first page of the fifth leaf of said document at the head of the document purporting to be a grant from said Governor to Marcus West of Six Square leagues of land and say whether they are genuine.

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Answer.

I have seen both the parties mentioned in the question make their respective rubrics. that of Don Pablo de la Guerra was somewhat intricate and as the only Office which he held under the Mexican Government was connected with the Customs and having no business at any time with that Department I did not study the form used by him so much as that used by many other Officers of Government.

I have doubts about the Rubric under the name of Pablo de la Guerra having been made by him. That under the name of Micheltorona has no close resemblance to his genuine rubric. I should not think it was made by Micheltorona.

Let Justice.

Look at the signature of said Micheltorona and Jimeno as they appear signed to said paper purporting to be a grant and say whether they are genuine.

Answer.

I have examined the signature referred to in the preceding question and should not think them genuine.

Let Justice.

Look at the hand writing of the body of the last mentioned document and say whose hand writing it appears to be an attempt to imitate.

Answer.

It has some resemblance to the hand writing of Jimeno. I do not recognize the hand writing. It may have been attempted as an imitation of that of Jimeno.

Let Justice. I have your reasons for believing that it is not the hand writing of Jimeno.

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5th Question.

Give your reasons for believing that it is not the hand writing of Jimeno.
Answer.

In the second line of the first page there is a grammatical error in the use of the word Naturaliza which Jimeno would not have made.

The letter "r" is most usually made in this document in the form used by Spanish writers while Jimeno according to my recollection made the letter "r" in the English manner.

J. J. Warner.

Subscribed and sworn to.
Before me on this 25th day
of October AD 1854.

Peter Lott Commissions

On this 21st day of November 1854. the above witness J. J. Warner again appeared and the United States Law Agent agreed with B. S. Brooks Esq. who appeared as attorney for the claimants that said witness should be cross examined upon the foregoing examination in behalf of Chief Wm. pro tunc and that this disposition might be signed for that purpose.

Whereupon the following cross examination was made before me Peter Lott the said Commissions for taking testimony &c at the Chambers of said U. S. Law Agent in the U. S. said Commissions building at San Francisco aforesaid and said witness being again sworn testified as follows.

Cross Examined by Claimants Counsel
B. S. Brooks Esq.

Question 1st.

State more particularly your means of knowledge of the hand writing of Micheltorneo and Jimeno and your opportunities of acquiring the same.

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Answer.

I have never held any office under either of those Officers but as a resident of the County I have had business with those Officers both in their official and individual character in which I have seen them write.

Question 2^d.

It is your opinion that the signature and the marginal order on the first page are written by the same hand as the rubrics under the printed heading to the grant dated Oct 14. 1844 and attached to the Expediente filed in this case.

Answer:

It is not my opinion that they were made by the same person.

Question 3^d.

Is the marginal order on the first page and the body of the grant or titles referred to in the preceding question in the same hand writing.

Answer:

There is a similarity in the writing of the two documents but I do not recognize the writing and cannot say with certainty that they were both written by the same person.

Question 4.

Did you know Rafael Sanchez who was in the Government employ, if so what was his position and are those documents referred to in question second in his hand writing

Answer to in question second in his hand writing

Answer. I know Rafael Sanchez he was whom I know him in Los Angeles in the winter of 1842. B. a writer in the Military branch of the government of California. I am not sufficiently conversant with his hand writing not to attempt him write for more than two years to say whether it is his or not. I never saw but little of his writing.

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5th Question.

Did you know Victor Pruden and was you acquainted with his hand writing if you state your means of knowledge?

Answer.

I know said Pruden. I think he lived somewhere about Sonoma, and I do not know what his occupation was at the time I know him in 1844.

I had not been conversant with his hand writing since 1835 and could not know how identify it.

6th Question.

Look at the two petitions in said document "A. P. L." and say whether you recognize them as said Pruden hand writing?

Answer.

I cannot say that I do.

7th Question.

Are you acquainted with the hand writing of Jacob P. Lewis if you know it and state whether the marginal report on the second petition in said document is in his hand?

Answer.

I do not know his hand writing by having often seen him write and received letters from him.

The body of this report I think

is not in his hand writing The Signature there
to I believe to be his genuine signature.
8th Question.

Was Manuel Jimeno an Edu-
cated Man and what was his position in life
before he became Secretary to the Government.
Answer.

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So far as I know he was a Man
of good Education I did not know his posi-
tion in life before he became Secretary.
I J Warner.

Subscribed and sworn to
before me on this 21st day
of November AD 1854,

Peter Lott Commins

Filed in Office Oct 30, 1854.

(signed)

Geo Fisher Secy

United States of America
State of California
San Francisco Nov 22, 1854.

This day before Peter Lott Commins
for taking testimony to be used before the
Deposition Board of U. S. Land Commissions in
Jose de la Rosa, said State Jose de la Rosa, a witness in
behalf of the Claimants, Guadalupe Vasquez
de Mesa et al in Case No 251 on the docket
of said Board, and said witness being sworn
uposed in Spanish which is interpreted by
the interpreter to said Board as follows.

The U. S. Associate Law Agent, is present.

Questions by Mr Brooks for Clamant
1st Question.

What is your name age and resi-
dence?

Answer.

My name is Jose de la Rosa My
age 63 years My residence in Sonoma California
2^d Question.

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Do you know the hand writing of
Manuel Micheltonna Jacob J Lazo and
Manuel Jimeno if you state your means of
knowledge and look at the document now shown
to you and marked "B J L" as an Exhibit
to this deposition and state whether their signa-
tures whenever they occur in said document
are genuine or not.

Answer.

I do know the hand writing of
the three persons named. I have frequently
seen them all together and the signatures and ini-
tials of said Lazo and Jimeno are genuine
in said document.

3^d Question.

Had you any position or intima-
cy which gave you means of frequent inter-
course with those persons?

Answer.

I was intimate with all of them
because I was then Printer to the Government
and all the printing in this document was my
own work done by me for the Government.

4th Question.

In whose hand writing is the body
of the writing in the first and second petitions
in said document?

Answer.

They are both in the handwriting
of Victor Pardo. I have seen him write and

am well acquainted with his hand writing.
5th Question.

In whose hand writing is the body of the marginal decree on the first page of said document and how do you know it.
Answer.

It is in the hand writing of Manuel Michettonua. I know it because I have seen him write.

6th Question.

Do you know the hand writing of Marcus West if you what are your means of knowledge and is his signature in said document genuine?
Answer.

I have seen him sign his name in Monterey and although I am not well acquainted with his hand writing generally still I know his signature and I believe his two signatures in this document to be both genuine.
7th Question.

In whose hand writing is the 8th informed on the 5th page of said document and how do you know it.

Answer.

I am not sure but it looks like the hand writing of Domingo Padriquiry an Officer of the Army who is now dead.

I saw him in 1841, twice in Monterey. He lived at Sonoma in that year. He died in 1846 after the Americans took possession of California -

8th Question.

In whose hand writing is the instrument commencing on the 9th page of said document and how do you know it?
Answer.

I think it is in the hand writing of

I think it is in the hand writing of

Rafael Sanchez. I have seen him write and know his hand writing. It has been a long time since I saw him write but I think this is his. He was employed by Micheltorna in 1844, in the office of the Secretary.

4th Question.

Are said Micheltorna and Simon now living.

Answer.

No they are both dead according to my best information.

10th Question.

What was Simon's Education.

He was a student intelligent in the laws and understood Latin and was esteemed a man of good Education for one in his position.

11th Question.

In the instrument on the 4th page is said to be a grammatical error of some word state whether such an error in the writing of said Rafael Sanchez would be remarkable and state whether there is any such error in the use of the word "Naturalya" in the second line of said instrument?

Answer.

There is no grammatical error in said instrument. The words "Mexicano por Naturalya" mean, "a Mexican by Naturalization" and it is properly and grammatically expressed in the Spanish language.

12th Question.

Look attentively at the Marginal Acre on the first page of said document and say whether in the form of the letters in the line across the top of the "M" or in crossing the "J" you notice any difference between it and the genuine hand writing of said Manuel

Michittorna.

Answer.

No I see no such difference. It is evidently in Michittornas genuine hand writing. I have often seen him write, and know it well.

13th Question.

Look at the Rubrics of said Michittorna under the printed heading on said 1st page, and under his name under said Marginal Annex and state whether you see any difference the two which would justify or create any doubt of the genuineness of either?

Answer.

I see no such difference. The difference of the pen or the pulse, and the different times of making them might naturally vary the appearance of the rubric, but these are both the genuine rubrics of Michittorna.

These rubrics under the printed captions were made in great numbers at a sitting, and the others in the documents were made at such times as they happened to be presented to the Governor and might naturally vary.

Cross Examined by U. S. Associate Law Agent.

14th Question.

Was the Mexican paper used in letter writing different from that used in making grants?

Answer.

All correspondence was written upon the same kind of paper. There was no other kind in use the same as this in this document. Sometimes the size was a little

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different,
2nd Question.

Did you ever see Michittomna sign his name to a grant?

Answer. Yes I have seen him sign some at 3rd Question.

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Did you ever notice a difference between his signature to private letters and to public documents.

Answer. No. I never saw any difference. He always signed it much the same way.

4th Question. Did he sign his name rapidly or slowly.

Answer. He wrote it very quickly.

Re Examined by Claimants Counsel.
5th Question.

In whose hand writing are the words in the map in said document before referred to?

Answer. They are I think in the hand writing of Castaneda, a Captain of Cavalry who was drowned January 22nd 1853 in the gulf of Sonoma.

Rose de la Rosa

Subscribed and sworn to before me this 22nd day of November A.D. 1854.

Peter Lott Com. J.

Filed in Office Nov 24, 1854.

(Signed)

Geo Fisher Secy

United States of America
State of California 3 fs.

San Francisco Nov 30. 1854.

Deposition of
J. M. Hendspeth

This day came before Peter Lott a Com-
missioner for taking testimony to be used
before the Board of U. S. Land Commissioners
in said State James M. Hendspeth, a
Attorney on behalf of the United States in
Case No 257 on the docket of said Board
whom Guadalupe Casquez de Hurt Et al
are Claimants and said Witness being
duly sworn on his oath deposed as follows.

Mr Brooks Claimants Counsel is
present.

Questions by the U. S. Law Agent.

1st Question.

What is your name age and
residence?

Answer.

My name is James M. Hendspeth
My age 48 years, My residence Sonoma County
California.

2d Question.

Were you acquainted with
Marcus Hurt the person who claimed to be the
original grantee of the land claimed in this
Case if you did you ever converse with him
respecting his right to the said land and if
you state the time place and substance
of said conversation?

Answer.

I was acquainted with said
Marcus Hurt, I first knew him I think in
1845 and whilst I was surveying said land
for him in October 1847.

I had a conversation

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with him in which he told me he had his title papers for two or two and a half leagues but that he had no papers for the six additional leagues which he had petitioned for.

That he had made and forwarded his petition but that the man by whom he sent it had died some where about Santa Cruz, and that the petition was lost and never reached the Governor and no grant had ever been issued upon it, nor received by him. That is about all I recollect substantially of our conversation upon that subject.

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Cross examined by Mr Brooks for claimants.

Q Look at the document now shown to you marked "A. P. S." Exhibit to this deposition and filed in this case August 6, 1852 and state whether the map therein contained is a map of the same land which you surveyed in October 1847.

Answer.

When I surveyed said land, Mr West showed me no map. I surveyed it under his direction. I cannot now say how far this map may correspond with or differ from the map which I made of my survey.

This map represents the land I surveyed in this respect that it shows that the land embraced within the red line lies between the Rancho of Fitch on the northernly side and that of Santa Rosa on the south and east and touches the Russian River and lands of Cooper on the west, running into the range of hills called "Chimon", on the east.

The Laguna de Santa Rosa also forms a part of the Western boundary so

far as this Map calls for those Objects and bounding lands it corresponds with the history of My Survey.

2^d Question.

Were the lands embraced within those boundaries at the time of your Survey in the occupation of Marcus West, if you state all you know of the length of time he had so occupied them and the Character of said occupation.

Answer.

Yes, Marcus West lived on the land with his family when I made the Survey I do not know how long he had been living there before that time. He had a farm house there Corns and a farm enclosed in fence and cultivated, He had also a grist mill on the place, he had horses and cattle some 4 or 5 hundred head of cattle and some 50 horses and mares, He continued to occupy the place thus till the time of his death.

3^d Question.

Did you or did not said West live on said place when you first knew him?

Answer.

I do not know whether he did or not altho I know Mr West I never was on said place till the time I made the Survey.

4th Question -

What appeared to be the age of the buildings and improvements on said place when you first saw them?

Answer.

I should think three or four years old.

5th Question.

Look again at the document

before shown to you "N. J. and State
 whether you are acquainted with the hand
 writing of Marcus that if you state your
 means of knowledge and also state whether
 his signature when Leon is occurs in said doc-
 ument is genuine.

Answer.

I am not sufficiently acquainted with
 his hand writing to identify it. I do not recognize
 anything in this signature to enable me to testi-
 fy of its genuineness.

4th Question.

Did said Marcus that tell you
 by whom he sent his petition which he said
 was lost?

Answer.

He told me the name was
 at the time but I do not recollect now
 remember the name. I recollect he was a
 Spaniard.

5th Question.

Did not said that state to you
 that he did not know what became of said
 petition?

Answer.

He stated to me that it was lost
 those were his precise words.

6th Question.

Do you mean to be understood
 as testifying that Marcus that said to you
 that his said petition did not come to the
 Governor's hands?

Answer.

I do so understand me that
 he did not tell me positively that they
 did not reach the Governor but I
 inferred it from what he told me.

9th Question -

What was it which said that told you from which you drew this inference?

Answer.

I saw his saying that the Spaniard by whom he said there had died and that the papers were lost.

Re Examined by W. S. Law. Esq. int.

1st Question -

Did Marcus West at the time of your Survey live on the original two leagues or on the six additional leagues which he afterwards petitioned for?

Answer.

He lived on the original grant of two or two and a half leagues.

Cross Examined by Claimants Counsel.

1st Question

What were the boundaries of the tract mentioned in your last answer?

Answer.

I can state them as far that told them to me, I did not see the design. They were the Santa Rosa line on the South, the Laguna de Santa Rosa on the West, the creek (which we always called the "Marcus West creek" on which he lived, on the North and the hills (Chimon) on the East.

2nd Question.

Was not his corral and his cattle on the North side of said creek?

Answer.

I think there was a corral on that

I think there was a corral on that

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side his estate I'm thro of course.

3^d Question.

Look at the document now shown to you marked "B B L" Exhibited in this deposition purporting to be a traced copy of an Esquidemo filed in this case May 31. 1852 and state whether the plat of land described in the Map on the 4th leaf of traced paper therein is not identical with the plat described in the Map before Exhibited to you in this deposition and whether the said Maps are not alike, or if they differ state wherein.

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Answer.

In the main the Maps are alike and represent the same tract of land they may differ in minor particulars I think one was copied from the other.

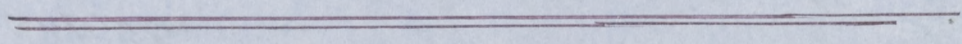
A. M. Hudspeck.

Subscribed and sworn to
before me on this 30th day
of November A.D. 1854.

John Lott County Clerk

Filed in Office Dec 1. 1854.

(Signed)
Geo Fisher Secy.



Board of Land Commissioners
of the United States.

Notice of
Appearance

Guadalupe Nieto et al

vs
The United States.

You will please to note my
appearance in this case for the claimants in
the place of and stead of Keallick, Peachy
and Bellings and Park who have withdrawn
from this case. Number 257.

Dated San Francisco October 31. 1857.

Yours &c.

Prof. S Brooks

Att'y for Claimant.

To.

George Fisher Esq

Secretary U. S. Comm^r.

Filed in Office Oct 31. 1857.

(Signed)

Geo Fisher Secy.

32
Deposition of United States of America }
Victor Freedom State of California }

San Francisco. Dec. 15. 1854

This day came before Peter Cott
Commissioner for taking testimony to be
used before the Board of U. S. Land
Commissioners in said State Victor
Freedom, a witness on behalf of the
Claimant Guadalupe Vasquez in case
No 251 on the Docket of said Board
wherein said witness being sworn
testified as follows:

The U. S. Law Agent is present -

Questions by Mr. Brooks of Claimant
1st Question.

What is your name age
and residence?

Answer. My name is Victor
Freedom, my age 14 years, my residence
San Francisco California.

2^d Question.

Look at the Document now
shown to you marked "A P L" as an
Exhibit to this deposition and heretofore
filed in the Case, and state whether
you are acquainted with the kind
writing of Manuel Micheltrea, Pablo
de la Guerra, Manuel Jesus Jacobo
P. Leese, and Manuel Jimeno, and if
yes, state your means of knowledge
and also whether their respective signa-
tures whenever they occur in said
Document are genuine?

Answer. I am acquainted

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with the signatures of all the persons named except Marceus Meise. I have seen all the other four persons write on the first page the rubrics of de la Guana and Mechellona, and the signature of the latter I believe Seese's signature on the 5th page is genuine - The rubrics of de la Guana and Mechellona under the printed heading on the tenth page look different from their other rubrics and I do not think them genuine. Mechellona's signature on the 10th page I believe to be genuine - The signature of Seneno on the 11th page looks different from my recollection of his signature, but I cannot testify as to its genuineness
3^a Decem.

Do you know in whose hand writing the different papers forming this document are, if you, state who those persons were, and where they are now
Answer.

The body of the document on the 1st, 2^d & 3^d pages and also on the 5th, 6th & 7th pages were written by me on the days on which they bear date - One Castaneda a Captain, who sometimes sees employed to write in the Guanas Office I think wrote the marginal decree on the first page which is signed by Mechellona - The marginal decree on the 5th page which is signed by Seese I believe I do not recognize - I am sure it is not Seese's - The body of the document on the 9th, 10th & 11th pages I believe to have been written by David Castaneda

It is now dead.

4th. Question. Was it necessary that the Copy of the grant which was presented with the Expediente should be written upon stamped paper?

Answer. It was necessary that it should be written on stamped paper & the explanation had to be made of the want of stamped paper in the grant given to the interested party, but it was not necessary that the Copy to be preserved in the Archives should be upon stamped paper.

5th. Question.

Where did Castaneda reside in 1844?

Answer. He was most of the time in Monterey.

6th. Question.

Look at the map in the document already shown to you and state whether you recognize the name written on it?

Answer. I do not recognize it. It is formed in the manner of an English letter, it is not Castaneda's.

7th. Question.

State what you know of the Occupation of the premises described in said document, and whether their title and occupancy of the land were ever questioned prior to the conquest by the Americans?

Answer. I know that when I went to settle in Sonoma in 1841, Marcos Blesa and his family were living on the place - I do not know how long

they had been there then. He continued
in that occupancy all the time till now
I never knew any thing about his title
being questioned, nor his ^{being questioned} "occupancy"
at any before or after the conquest.

Crop Examined by U. S. Law Agent
J. C. Decester.

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When did you last see
Mechellena write?

Answer. In Monterey
Sometime in 1844.

Q. Decester. Did you ^{ever} know or see
Mechellena's signature to an order or
decree written in so fine a hand as
this, and did he not usually write
a quick bold hand?

Answer.

He generally wrote in a bold
hand, but I believe I have in my pos-
sion documents, orders and other official
documents which I know to have been
signed by him, and his signatures to
them very very much. I have never
examined particularly to ascertain if
any of them was as fine as this and
cannot state, but I believe this to be
his genuine signature.

Q. Decester.

Is not the hand writing
of the grant on the 9th 10th & 11th pages
an attempt to emulate the hand writing
of Lema?

Answer. I do not think it is
for it is in a very different form of
writing. It looks like a freely written
hand and I think it is least Lema's

being - it looks like a pretty good
used hand.

4th. Question. Look at the Jim Jimeno's name and say whether it is not written shorter than he usually wrote it?

Answer. I have not noticed this particularly particularly, but I believe have not observed any great irregularity in Jimeno's signature. I have seen his signature with a much longer J but I have already said this signature looks different from Jimeno's and that I cannot testify as to its genuineness.

5th Question. Do you believe it possible to counterfeit Mechtloren's hand writing so that it would appear as near like it, as those signatures appearing in said Exhibit?

Answer.

That is a difficult question to answer when we consider that there are persons who can counterfeit any names, and do it so well that we can hardly detect them and although I have stated and do believe these to be Mechtloren's genuine signatures yet I must say it is possible in my opinion to counterfeit his name successfully as well as the name of other persons both Question.

Would not the fact of the forgery of the Rubrics of Mechtloren and Jimeno at the head of the document lead you to doubt the genuineness of Mechtloren's signature at the end of said document?

Answer. If I knew the said Rubrics to be forged the fact would lead me to examine more

preceded only the signature at the end
of the document, but I would not
conceive it a necessary consequence that
if the recitals were false, the said
signature must be also non vice versa
Though as to the matter of fact in this
case, if the recitals were false to my
knowledge, it would not shake my
belief that this is Michellton's genuine
signature.

And further that if the final
signature and Recital were so well
forged as to deceive me in Michellton's
hand, the recital at the head might
have also been made uniformly good.
The falsity of the recital at the head
ing would only prove the genuineness
of the recital at the end, the first being
so badly made and the latter so
well made.

Re Examined by Beaumont's Counsel
vs Deustan.

During the existence of the
former Government, was stamped paper
sold by Government, Agents upon which
the recitals were made by persons other
those whose names were printed above
them?

Answer. I have heard that it
has been done sometimes when there was
a great quantity of paper to sign and
that it was done without any special
intent, only to expedite the
preparation of the paper of official
use.

vs Deustan.

State the different forms in which Semons
signed his name, so far as you
recollect them?

Answer. Sometimes the
Capital S in Semons is plain and
sometimes it has more of a flourish in
the first line of the letter. The capital
J in Semons is sometimes a long one
going far below the line of the writing
and sometimes it is curled up on a
line with the writing.

The foregoing examination was made
by Clements Counsel after the Law Agent
left the room and under the impression that
his copy examination would close the
deposition - The deposition was laid
aside by me at the close of the day
expecting the parties to return and con-
clude it - but neither the testimony
the Counsel for the Clements Mr Brooks
nor the Law Agent were called up
the matter again, and I now file
the deposition in an unfinished form
Peter Sott

I consent that the deposition may be
filed & considered in evidence
J. M. McKee
U. S. Law Agent

Filed in Office March 30. 1855 -

Geo. Fisher Secy

Recorded in Ev. B. Vol 11 p 675

Geo. Fisher Secy

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40. 1.2.2.12

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Expediente

Promovido por el C^{no} Marcos Weston
Solicitud del terreno que Expresa

1820

213

W. Weston

2. L. D. R. Sello tercero Dos Reales.

Habilitado provincialm^{te} por la Aduana
Maritima del puerto de Monterey en el Depar
tamento de las Californias para los años de
mil Ocho cientos cuarenta y mil Ocho cientos
cuarenta y uno.

Alvarado

Antonio M^a Osio.

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(J^{no})

Don Prefecto

Marcos West natural de la Cui
dad de Londres en Inglaterra, ante

V. O. como mas halla lugar en derecho me
presento y dice. Que el ad

B. P. L.

Exhibito de Don Juan B^{ta}
no: of Das. m 15 de Octubre de
Huelo petto. 1840.

juicio auseno que he pedido
no me gusto y ahora suplico
V. O. que me de esta favor

Nov. 30. 1837 pase esta instam^{ta}

blemente el nuevo ortu

cia al Sr Comand^{te} que acompaña estos docu
Gral para que in = mentos q^{ta} por el Sr D. Juan
forme sobre el con^{te} alupe Valles es conocido
tenido en ella y era valido por serlo a V. O.
cuando que sea bien suplico humildem^{te} q^{ta}
va para proveer. me concede este petto in

Jose^{ll} Leasto

favor q^{ta} espero de la conve
da bondad de V. O.

Monterey 15. de Octubre de 1840.

por ausencia del interesado firmo

Jorge Allen

L. L. D. R. Sonoma Oct. 20 de 1840.

Don Prefecto.

El paraje que solicita Marcos West es
balcon y no pertenece a propiedad particu
lar alg^{no} es de Resadio y temporal y
no esta comprendido en las veinte leguas
limitrofas ni en las 10 literales que las leyes
prohiben p^{ta} la colonizacion. Es cuanto
puede informar respecto del terreno que
V. O. se sabe pedir en su decreto de 13 del
corriente.

M^{no} J. Valles.

L. L. D. R.

Como Don Gobernador

El interesado en esta solicitud obtiene
los requisitos legales para ser atendido
y el terreno que pretende puede serle con

el terreno que meten de puede serle con

#2

cedido, dejandolo la Prefectura al Comandante de H. C.

Monterey 30 de diciembre de 1840
Jose. J. Castro

Monterey 2 de Noviembre de 1840.

Vista la peticion con que da principio este expediente el informe del Comandante militar de la frontera del Norte y de el prefecto del primer Distrito con todo lo demas que se tuvo presente y que convino de conformidad con las leyes y reglamentos de la Materia declaro a Mercedes Westamien en propiedad del paraje que se demuestra señalado en el diccionario que corre anexado en este Expediente en su terreno se haya situado en los linderos llamados de los Carrillos la Orena de Chino y dos Arroyos que demuestra el mencionado diccionario siendo la Estension de ^{terreno} dicho y medio de ganado Mayor comencando desde los linderos ya expresados de Los Carrillos hasta el arroyo que esta inmediato al presidio Viejo. Con ese razon del Sr. D. D. Ruespacho que esten de al interesado a quien se le entregara para su resguardo dirigiendose este Expediente a la Comision Juntas Departamental para su aprobacion. El Sr. D. Manuel Jimeno Casarin primer Vocal de la Comision Junta del Departamento de las Californias asi lo formo y decreto de que doy fe.

Jimeno
Jose G. Fernandez Sec. Int.

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251-1-8

Exp. d. P.
continued

6. L. D. R

Here follows
Map.

J. D. R. Juan B. Alvarado Gobernador Constitucional del Departamento de las Californias.

Por cuanto el Ciudadano Marcos West ha pretendido para su beneficio personal y el de su familia el terreno que se halla situado en los linderos llamados de los Carrillos la Orena de Obicini y por las margenes de dos Anos segun se demuestra en el disenyo que se halla en el Expedite practicadas previamente las diligencias y averiguaciones con cerimientos segun lo dispuesto por leyes y Reglamentos usando de las facultades que me son conferidas a nombre de la Etacion Mexicana he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras sujetandole a la aprobacion de la Comenta Junta Departamental y a las condiciones siguientes.

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1ª Que se cercarlo sin perjudicar las heredades camineras y servidumbres; lo disputa libre y exclusivamente destinandolo al uso o cultivo que mas le acomode, pero dentro de un año publicara casa y estanca habitada.

2ª Solicitara del juez respectivo que le de posesion juridica en virtud de este Despacho por el cual se demarcan los linderos en cuyos limites pondra a mas de las mojoneras algunos arboles pitales o silvestres de alguna utilidad.

J. D. R.

3ª El terreno de que se hace mencion es de un sitio y medio de ganado mayor poco mas o menos segun explica el disenyo que apegado con el Expedite respectivo. El juez que diere la posesion lo hara medir conforme a Ordenanza quedando el sobrante que resulte a la Etacion para los usos convenientes.

4ª Si contravinere a estas condiciones perdera su derecho al terreno y sera de nunciabile por otro.

renunciabile por otro.

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257-2-X

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10. L. D. R

Here follows,
Map.

Jurisdicción
de
Sonoma

Año de 1840

Expediente

Procurado por el Sr. Marcos West
en solicitud del terreno que copreca

1840

Office of the Surveyor General
of the United States for California

I Samuel D. King Surveyor
General of the United States for the State
of California and as such now having
in my Office and under my charge and
control a portion of the Archives of the former
Spanish and Mexican Territory or Depart-
ment of Upper California do hereby certify
that the ten preceding and hereunto annexed
pages of tracing paper numbered from One
to Ten inclusive and each of which is ve-
rified by my initials (S. D. K.) Exhibit
true and accurate copies of certain do-
cuments on file and forming part of
the said Archives in this Office.

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In Testimony whereof I
have hereunto signed my name of-
ficially and affixed my private
seal not having a seal of Office
at the City of San Francisco Cal^a this
12th day of April 1852

Saml. D. King
Surveyor Gen^l Cal

Filed in Office May 3rd 1852.

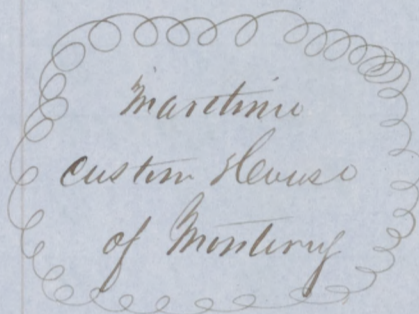
Geo. Lisha Dean

Provisionally authorized by the Maritime
Custom House of Monterey in the Department
of the Californias for the years one thousand
Eight hundred forty and one thousand Eight
hundred forty one.
(signed) Alvarado.

(signed) Antonio Maria Cisneros.

B⁶
Translation
of the
Expediente

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Senor Prefect:

J. Marcos first native
of the City of London in England
before your Honor as I least may in law, present
myself and say, that I do not like the annexed
map which I have asked for and I now ask
your Honor to direct to me favorably the new place
which accompanies these documents which is
known by D. Guadalupe Dallyo to be vacant.

Wherefore I humbly pray your
Honor to grant me this request a favor which I
expect from your known goodness.
Monterey Oct. 15, 1840.

In the absence of the party interested
signed by.

(signed) Jorge Allier.

In the Margin

San Juan Bautista Oct 15, 1840.

Pass this petition to the Commanding General
to report upon its contents and this being done
let him return it that I may decide.

(signed) Jose F. Castro.

San Juan Oct 20th 1840.

Senor Prefect.

The place which Marcos first

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solicits is vacant and does not pertain to any private ownership it is unoccupied and dependent on the sea as ge. it is not included in the twenty leagues from the boundary nor in the ten from the sea shore which the law prohibits being colonized.

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This is all I can report relative to the land which Your Excellency was pleased to ask for in decree of the 13th instant.

(Signed) Mariano G. Vallejo.

To His Excellency the Governor.

The person interested in this petition possesses the legal qualifications to be attended to and the land petitioned for may be granted, this Prefecture leaving it to Your Excellency's Judgment.

Montreux Oct 30, 1840.

(Signed) Jose F. Castro.

Montreux, Nov 2nd 1840.

Having seen the petition with which this Expediente commences the report of the Military Commandant of the Northern frontier and that of the Prefect of the first district with all other matter which was borne in mind and proper to be considered in conformity with the laws and regulations on the matter I declare Marcos first owner in fee of the place shown marked out on the map which goes with this Expediente which land is situated between the boundaries called those of the Canillas, the Sierra of Chusino and two brooks shown by the said map. the extent of the land being one and a

of the same extent as the land which

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Map the extent of the land given and a
half square leagues commencing from the
aforementioned boundaries to the stream which
is near the the Presidio here.

Let Note be made of the title
which is issued to the person interested to whom
it shall be delivered for his security submitting
this Expediente to the Most Excellent Departmental
Junta for its approval.

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Senior Don Manuel Jimeno Casarin
Senior Member of the Most Excellent Junta
of the Department of the Californias thus
Signed and decreed to which I Certify.

(signed)

Jimeno

(Signed)

Jose J. Fernandez

Secretary ad interim

E. C.

R. P.

Filed in Office May 31, 1852.

(signed)

Geo Fisher Secy

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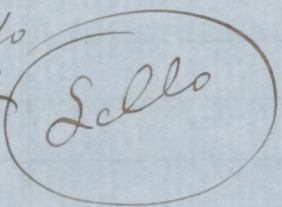
manutención del puerto de Monterrey en el Depo-
sitario de Cabo Calafurnias para los años de

Sello Cuarto Dos Reales:

Habilitado provisionalmente por la Aduana
maritima del puerto de Monteray, en el Depar-
tamento de Ca. California para los años de

Doc: A alta mil ochocientos cuarenta y cuatro
ed to the Depo. Micheltrena Pablo de la Sierra

of m. G. Vallejo
taken before
Com: H. J.
Thornton



C. J. Gobernador

marco West Ciudad de la
gran Bretana naturalizado

Monteray Oct. mepeano del oficio Carpintero ca
13. de 1844 } dado con mepeana y radicado
al O. O. del } en esta frontera del Norte.
despacho p.º q.º } ante U. C. con el mas profundo
estienda el titulo } respeto me presento y espongo.
en los terminos q.º } Que hace cuatro años me concedio
solicita el inte } el Gob. Departamental el ter-
reosado. } rreno conocido con el nombre de Sr.

Michelt. } Miguel limitado al E. N. E.
con la Sierra de Chinar al O.

O. con la Laguna grande de St. Rosa y An-
dreo de D. Juan Cooper al E. O. con el Av-
iso seco lindero del Capn. Smith, y al O. E. con
el Lindero de los Carrillos enyo terreno compren-
de una estension de seis sitios de ganado ma-

A. P. L.

Exhibits to Depo p.º p.º mas o menos y habiendose servido U.
of J. J. Wama } indicarme varias nulidades en el
Oct. 28^{ta} 1854 } titulo que le presente p.º que tuviese a bien
mandar seme revalidase, suplico a U. C.
se sirva admitirme esta nueva instancia
p.º q.º en virtud de ella y atendiendo al
derecho que me asiste para solicitarlo se
cupe mandado seme otorgue el titulo legal
de concecion del referido paraje en toda
forma p.º que pueda cumplir con los de-
mas requisitos que previene la Ley y ase-
gurar p.º mi y mis herederos la propiedad
del terreno mencionado en que se pueda
en ningun tiempo molestar ni a mi ni a
ellos en el goce y usufructo de el.

p.º U. C. luego tenga la benigni-
dad de atender a esta mi suplica y si
lo tiene a bien se sirva mandado de eretar
como pido en lo que recibire merecer y

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justicia.

Quo lo necesario
Sonoma septbre 19 de 1844.
Marcos West.

Jugado de 1^o m.

minacion. Sonoma } D^o Alcalde 1^o de
20 de Oct^o de 1844 } Sonoma

El terreno que se solicita es el aldi jurisd en ante V. comparece no pertenece a pto. y espone. Que teniendo of. corporacion ni para elevar a manos del G. O. titular alguno solo Gobernador la adjunta en el interesado lo tiene y tenencia a V. suplico se ocupado con sus bienes para imponerse de su con nes asi enato eno. Tenido y en vista de la mas no se cabe la es. justicia of. asiote al Co. tencion del terreno ponente tenga a bien m que haba Valdivo. Formas que el parage of. sin embargo puede solicita es de su propie concederle al m. dad p. haberle sido en Teresado su getando ^{de 4 años de sus cuyo tiempo} edicto p. el G^{no} Depar se a los lindes de ^{de 4 años de sus cuyo tiempo} fundamental na el mas, el en los colindantes. plicante lo ha ocupado Jacobo P. Leese, labrado, cultivado y apa centado en el sus ganados

y el motivo de solicitarlo ahora ni elevam^{to} es el de correjir varios defectos que contiene el titulo que le mando otorgar el G^{no} de aquella p^{ta}. P. O. a. V. suplico se oir va informar como pide si lo tiene p. justo pues siendo requisito preciso se ahorra al esport^o el tener que esperar el tiempo considerable que seria menester p. que su adjunta instancia viniese a informe desde Monterey a ese jugado del Causo de V. regresaria a aquella Capital lo of. o sesionaria al suplicante grandes gastos y grave perjuicio.

Quise V. dispensarle el uso del papel com^u p. no haberlo en esta frontera del sell. que corresponde.

Quo lo necesario
Sonoma ¹⁹ de 20 de 1844
Marcos West

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mantener el privilegio de Monterey en el de...
partamento de las Calitimas para el...

Dello primero Ocho Pesos:

Habilitado provisionalmente por la Aduana
maritima del puerto de Monterey en el de-
partamento de las Californias, para los años
de mil ochocientos cuarenta, ^{cuatro} y mil ochocien-
tos cuarenta y cinco.

Michel Torona Pablo de la Guerra

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Doc. A

Continued

Manuel Michel Torona General
de Brigada del Ejercito Mexicano Ayudante
general de la plaza mayor del mismo Go-
bernador, Comandante General e Inspector
de ambos Californias.

Por Cuanto D. Marcos West
mexicano por naturaleza y casado con mexi-
cana ha solicitado de este Gobierno la Reva-
lidacion del Titulo que se le estendio en do-
ce de Noviembre de mil Ocho Cientos cuarenta
al concedersele el terreno conocido con el
nombre de San Miguel en la frontera
del Norte del Departamento en extension
de seis sitios de ganado Mayor por lo mas o
menos que tiene por linderos la Dena de
Chinan la Laguna grande de Santa Rosa
el lindero de D. Inacio Coopes el Arroyo de Co.
lindero del Capitan Jeth y el de los Canil-
los; teniendo en consideracion las razones
que espone el interesado y en Vista del
informe del Alcalde primero de Sonoma
practicadas previamente las demas dili-
gencias concernientes, segun lo dispuesto
por leyes y reglamentos; usando de las
facultades que me son conferidas et
nombre de la Nacion Mexicana he venido
en revalicarle el dicho Titulo y concederle
el terreno mencionado dentro de los linderos
que se expresan sujetandose a las condi-
ciones siguientes.

1^a podra cercarlo sin perjudicar las ha-
vecias, caminos y servidumbres lo dispu-
tara libre y esclusivamente destinandolo
al uso o cultivo que mas le acomode.
pero dentro de un año fabricara casa y
estara habitada.

2^a Solicitara del p[re]s respectivo le de pose-
-cion juridica en virtud de este Despacho
por el cual se demarcaren los linderos en cuyos
limites poncha a mas de las mofoneras al-
gunos arboles pu[er]tales o olivales de algu-
na utilidad.

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3^a El teneno de que se ha ce mención
es de seis sitios de panado mayor poco mas
o menos segun explica el dicho que corre
en el Expediente. El p[re]s que le diere
la posesion lo hara medir conforme a Orde-
nanza quedando el sobrante que resulte
a la Nacion para los usos convenientes

En consecuencia mando que
teniendo se por firme y valedero este Titulo
se tome razon de el en el libro que correspon-
de y se entregue al interesado para su rea-
guendo y demas fines. Dado en Monterrey
a catorce de Octubre de mil ochocientos
cuarenta y cuatro.

Mant. Michelas

Queda tomada razon de este Superior Des-
pacho en el libro respectivo. pha ut supra
Mant. Jmenio

Here follows
{ Map. }

Filed in Office Aug. 6th 1852

Geo: Washed Deery

Originals retained with Martins

Provisionally authorized by the Maritime
Custom House of the Port of Monterey in the
Department of the Californias for the years and
thousand eight hundred and forty four and
thousand eight hundred and forty five.

(Signed)

(Signed)

Micheltorna

Pablo de la Guerra.

Translation

of
petition for
New Title &c

Maritime
Custom House
of Monterey

Manecos that born in Great
Britain a Mexican by Natural-
ization Carpenter by trade Mar-
ried to a Mexican female and
resident on this Northern frontier.

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Before Your Excellency appears
with the most profound respect and representa-
tion makes.

That four years ago the Depart-
mental Government granted me the land known
by the name of San Miguel bounded on the
North North East by the "Sierra of Chimán" on the
South West by the "Laguna grande de Santa
Rosa" and the Rancho of Don Juan Cooper
on the North West by the Arroyo Seco and the
Rancho of Captain Fitch and on the South
East by the Rancho of the Carillos which
land contains an extent of six lotios de ganada
Mayor" little more or less. And as your Excellency
has been pleased to point out various informants
in the Title which I presented in order that
your Excellency might be pleased to remit I
now beg your Excellency to be pleased to renew
this Title petition in order that by virtue of it
and in consideration of the right which I
have to ask it. You may be pleased to direct
to be given to me the legal title of the grant of the
aforesaid piece in due form so as to be in conformity

with all the requisites of the law and to secure to me and my heirs the ownership of the aforementioned land without that in any future time any one can molest either me or them in the use and enjoyment of it.

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Wherefore I pray Your Excellency to have the goodness to attend to this Petition and should you be so pleased to order it decided as I ask by which I should receive Justice and grace.

I make the Messany death &c.
Sonoma Sept 10. 1844.

(Signed) Marcus West.

(In the margin)

Montreal Oct 13th 1844.

Referred to the Secretary of State to make out the title in the terms asked for by the party interested.

(Signed) Micheltreua.

To the pt Alcalde of Sonoma.

Marcus West resident of this Jurisdiction before Your Honor and represents.

That being having to transmit to the hands of His Excellency the Governor the aforesaid petition he begs you to be so good as to examine the contents and in view of the just rights of the petitioner be so good as to report that the place which he asks for is his property and that it was granted to him more than four years ago by the Departmental Government since which time the petitioner has occupied it worked on it cultivated it and raised his estate on it and the Motive of now asking for it is to annul various defects of the title given him by

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the government of that state.

Wherefore he prays your Honor to be pleased to report according to his request: if you deem it Just, since it is very necessary in order to save the petitioner from having to wait the considerable time which would be necessary for the amended petition to come to be reported on from Monterey to this Court in charge of your Honor, and to go back again to that Capital which would occasion the petitioner great expence and serious prejudice.

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May your Honor be pleased to pardon the use of common paper as there is none of the proper stamp in this frontier.

I make the necessary oath &c.
Sonoma September 20th 1844.

(Sgd) Marcos West.
(In the Margin)
Court of pt. Nominations.
Sonoma Oct 20th 1844.

The land asked for is vacant does not belong to any Public Corporation or individual but only to the petitioner who has occupied it for four years with his property although the extent of land which is vacant is not known and without doubt the grant can be made to the party interested subject to the conditions of the Coludants.

(Sgd)
Jacob P Leise.

Stamp First Eight Dollars.

Provisionally authorized by the Maritime Custom House of the Port of Monterey in the Department of the California for the years one thousand eight hundred and forty four

5-27

and one thousand Eight hundred and forty
five
(Signed) Michetoreua
(Signed) Pablo de la Guerra.

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Manuel Michetoreua General of Brigade
of the Mexican Army. Adjutant General
of the Staff of the Late Governor Comandante
General and Inspector of both Californias.

Whereas Don Marcos that a Mexican
by Naturalization and married to a Mexican
Woman has asked of this Government the main-
tenance of the Title which was made to him the
2^d of November 1840 granting to him the land
known by the name of San Miguel in the frontier
of the North of this Department in extent Six Datas
de granada Mayor (Six Square leagues a little
more or less which has for its boundaries the
Sierra de Chinan La Laguna grande de Santa
Rosa" the boundary of Don Juan Cooper the
arroyo Seco boundary of Captain Fitch and
that of the Carrillos taking into consideration the
reasons set forth by the petitioners and seeing the
report of Just Alcaide of Sonoma the other
measures concerning it having been previously
made as required by the laws and regulations
using the faculties conferred on me in the name
of the Mexican Nation I have revalidated said
title and granted to him the aforesaid land
within the expressed limits and subject to the
following conditions.

1st He may enclose it without prejudice to
the crossroads, roads and servitudes. Enjoy it
fully and exclusively making such use or
cultivation of it as he may see fit. but within and

year he will build a house and it shall be
inhabited.

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2^a He will ask the respective Magistrate
to give him Judicial possession in virtue of this
Dispatch for which purpose the boundaries shall
be marked and in their limits he will place
closed the monuments some fruit trees or wild
acres of some utility.

3^a. The aforesaid land is in status de ganada
Mayor in Estate title more or less as is shown
by the map which goes with the Despatches.

The Magistrate who may give
the possession will have it measured according
to ordinance leaving the Surplus which results to
the Nation for its common uses.

In consequence I order that
this title being held as firm and valid note be
taken of it in the corresponding book and that
it be given to the party interested for his security
and other purposes.

Given in Montevideo the 11th of October
1814.

(signed) Manuel Michelena.

Note is taken of this Superior Despatch
in the corresponding book date as above.

(signed) Manuel Jimeno

Filed in Office May 31st 1832.

(signed) Geo Fisher Secy.

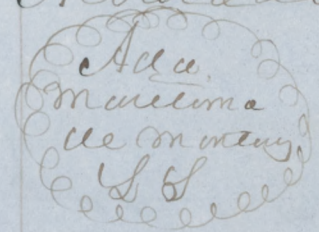
Certified copies
of Mr. Mark West's
will, & Probate
Court Order of
Sonoma County

Ello Trono dos Reales

Habilitado por la Administracion de la
Real Audiencia Maritima del Puerto de Monterey,
de la Alta California, para los años de
mil ochocientos treinta y seis y mil ochocientos
treinta y siete
Afectuoso
Angel Ramirez

Valga para los años 1839 y 1840
Alvarado Antonio Vna Osio

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I William Mark West, a Subject
or Citizen of the Mexican Republic
being about to depart from

my place of residence in Monterey in the
Department of Upper California hereby
and by these presents bequeath unto my
wife Susana West, all and singular
all and every, my personal & Real Estate
situate and being the said Department
of the Republic aforesaid, to wit, my
dwelling house & lot of land on which
it stands & the house hold furniture in
said house, and all other personal and
Real property belonging to me in said dep-
artment of any and any kind whatsoever
Except the debts due and being or to
become due & being unto me in said
Department in consequence of any trans-
actions or business done by me or my
Agents previous to this date.

This will shall take effect as a power
of Attorney, to empower my said wife
to act as my Attorney & Trustee in my
absence, and my Executor and heir at
Law in case of my death. It is however
my will that in case of my decease
all my said property shall descend
to my Child & Son Do

In witness whereof
I in said name have hereunto affixed
my sign manee this 2^{da} day of April in
the year 1840.
In presence of Thomas J. Faresaw. Jeremiah Jones

Sello Tercero dos Reales

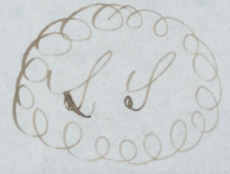
Habilitado por la administracion de la
Aduana de Puerto de Monterey de la Alta
California, desde los años de mil ochoci-
entos treinta y seis y mil ochocientos treinta
y siete.

Guatemala

Angel Ramirez

Valya por los años de 1839 y 1840
Alvarado

Antonio Ma Pico



Filed for Record October 19th 1850 at 2 1/4
O'clock P. M.

Wm. M. Boyce Recorder by
R. B. Butler Deputy.

Recorded in Book F page 1

Wm. M. Boyce Recorder by
R. B. Butler Deputy

Filed for probate October 10th 1851

J. Hennessy Clerk Probate Court

State of California
County of Sonoma

I hereby certify the foregoing transcript
to be a correct copy (pages 1 & 2) of the
Will of Wm. Mark Chase, filed for
Probate in the Probate Court in Sonoma
County, and Recorded also in Book F
page 1 of Sonoma County Records -

Witness my hand and official
Seal at the City of Sonoma,
this 28th day of July A.D. 1852
John Hennessy Clerk and
Recorder of Sonoma County
by John A. Brewster Deputy



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In the matter of the
 Will of Wm. Mark West dec'd
 The Court
 orders that upon hearing of the proofs of
 the Will of Wm. Mark West, that James G
 Spratt Esq. be appointed to represent,
 Maurice Pio, & Adelaida Medrano,
 infant heirs and legatees under the Will
 of Wm. Mark West dec'd. and also appoints
 R. A. Maccepin Esq. to represent Maria
 Ignacia Juan Lorenzo, Guillermo G, Jose
 Carlos, Maria Gertrudis & Maria Camela,
 the other minor heirs of Wm. Mark
 West

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 PAGE 60

(Made October 29th A.D. 1851)

In the matter of the Will
 of Wm. Mark West dec'd
 Now on this day
 upon the Will of Wm. Mark West being
 brought up for probate, Comes R. A.
 Maccepin Jdy. & Sebastian del Toro, for
 said infant heirs of Wm. Mark West
 since files has objected to the approval
 of the said Will, also Comes J. G. Spratt
 Jdy. & Sebastian for Maurice Pio & Adelaida
 Infant heirs of Wm. Mark West.

The Court
 after hearing the evidence & agreement
 of the Wills Decides that the instrument
 of writing filed as the Will of Wm. Mark
 West dec'd. for Probate, is not proven
 or allowed as the Will of the said
 Wm. Mark West dec'd

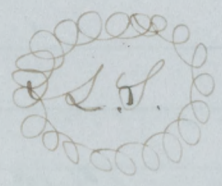
(Made October 30th A.D. 1851)

State of California
 County of Sonoma
 I hereby certify the
 foregoing to be a true Copy of Two Orans
 in the matter of the Will of Wm. Mark
 West (deceased) made at the October
 Term of the Probate Court of Sonoma
 County A.D. 1851. as appears upon the

5725

The Minutes of said Court -

And, private Seal (having no Seal of Court provided) at Office in the City of Sonoma this 28th of July A.D. 1850



John Hennessy Clerk of Sonoma County & Ex Officio Clerk of the Probate Court - By John A. Breckenridge Deputy

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To the Probate Court in and for Sonoma County, State of California.

Mrs. Genevieve Mest a resident of said County states, that she is the Widow of Wm. Maurice Mest deceased: that said William departed this life A.D. 1849 and as she solely believes in estate, and was at the time of his death, a resident of the County of Sonoma aforesaid. Her Estate has never been administered upon - and she petitions this Honorable Court to grant letters of administration thereon to her, to the end that it may be disposed of according to Law

Genevieve Mest by her Atty
Bryce & Macopin

November 1st 1851

Filed November 1st 1851

John A. Breckenridge Clerk Probate Court

In the Matter of the Estate of William Mark Mest

Proof was taken as to the publication of Notice of Application of Genevieve Mest for Letters of Administration upon said Estate - And thereon, the Court orders that Letters of Administration upon the Estate of William Mark Mest be granted to Genevieve Mest

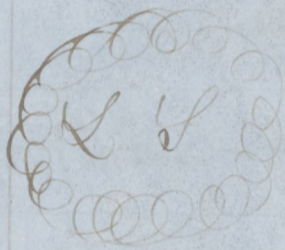
64

State of California }
County of Sonoma }

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I here by certify the foregoing to be a true
Copy of the Petition for Letters of Admin-
istration "filed in the Probate Court
of Sonoma County by Mrs. Guadalupe
Allest Nov. 1st. 1851 and the Order of
said Court granting the same, made
by said Court Nov. 18th A.D. 1851
as appears by record in this Office

Witness my hand and
judicial Seal (having no Seal of Court
provided) at the Office in the City of
Sonoma this 29th day of July A.D. 1852



John Stinson, Clerk of
Sonoma County & Ex officio
Clerk of the Probate Court
By John A. Brewster Deputy

Filed in Office Oct. 20. 1854

Geo. Fisher Secy

65-

100

100

Handwritten text at the bottom of the page, partially obscured by the binding.

Minutes
of the
Board

His of M West died } For a place called
of } Saw Negro in
The United States } the County of Lawrence
} containing six
} square leagues

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In this case the petitioners have presented and affixed in evidence a true and correct copy of an expedition to a grant for a league and a half of land supposed to be a part of the place above named and also a true copy from the archives of the Grant issued in pursuance of said expedition by the Governor then acting. In view of the copy of the expedition bearing date the 30th day of October and that of the grant the 2nd day of November 1844 from and about league of land.

Also a document that purports to be an original expedition an additional grant for the price of land above named and also what purports to be the usual formal return many proceedings procuring the issue of a grant and also what purports to be a grant from Governor Hutchinson for the place by its name dated the 15th day of October 1844 and calling for six leagues of land.

The second expedition alleges that there were numerous errors in the first grant and asks the issue of the second for the purpose of correcting said errors but does not show in what the errors consisted.

There is no proof of the existence of the first alleged grant except the fact that a copy of it appears on file in the archives of state and in the absence of any proof of the authority

of the bank was not full as it was
to print any receipt as evidence of the
in the alleged bank

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The genuineness
of the supposed bank of the date of 1844
of Michelturina is called in question
by the San Agent which we are calling
upon to determine from the documents
in the case.

Mr. G. Talley a witness in the
case on inspection of the documents
says he is well acquainted with the
handwriting of all the persons whose
names appear in the documents and
says they are all genuine and that the
whole document is original and
genuine.

José de la Rosa also a witness
public part of the Petitioners swears that
the signatures and rubrics of Michelturina
found in the said document are all genuine
says that the handwriting in the heads
of the first and second Petition are
the handwriting of Peter Prudon and
the head of the Marginal decree on
the first page is in the handwriting of
Michelturina and the handwriting
in the head of the 9th page is that of
Rafael Sanchez.

Doctor Prudon also a
witness public Petitioners states that
the signatures and rubrics of Michelturina
found in the said document are all genuine
and the signatures of
José P. de la Rosa and Michelturina are
also genuine. But the rubric of
Michelturina and Garcia under
the heading in the 9th page look
different from these and does not
think them genuine thinks the signature
of Michelturina on the 10th page to be
genuine but does not think the signature

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PAGE 65

of Gunnis on the 11th page to be genuine
Witness says that the heads of the contents
of the pages 5, 6, & 7 was written by him
The Marginal decree on the first page
witness thinks was written by one Custard
an officer in the Army who was
sometimes employed in the office of the
Governor to write and he thinks signed
by Mictuttuma

J. J. Warner avers
on the part of the Government & says
that during the time Mictuttuma was
Governor he saw him and Gunnis his
Secretary write was well acquainted
with both men, writing

Witness the
order and the Marginal of the first page
is written by the same person with the
same pen and by the same person and
at the same time does not believe
the Marginal is the same writing
of Mictuttuma nor the signature but
the signature resembles his more than
the name. Head of the writing has
notification in saying that the mar-
ginal order is written

Does not think the
traces of either Mictuttuma or Pabode
La Barra on the first page is genuine
does not believe the signature of either
Mictuttuma on the closing page to be
genuine to be the Grant Indian docu-
ment to be genuine

Pabode La Barra
averts for the Government & says
that the rubric on the first page pro-
prietary to Curtis is not his and does not
believe made it is well acquainted
with the signatures of all the Indians
and does not think them genuine
Nor the rubrics From the Testimony
in this case we are led to the conclusion

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that the document upon which the
claim is based is in its main parts
a forgery in addition to the testimony
of the witnesses who testify as to their
opinions as to the genuineness of the
documents we have the testimony of

Heaspeck in relation to a
communication which he had made
West the alleged grantee in which West
said to him in a short time before
his death that he never had seen the
one from any of the public League
any where.

That he had seen a communication
an application from the bank and
in the Sept League and that the person
to whom he made the communication
said that he had seen the same
where.

That part of the document
which purports to be the grant and the
signature of James D. Webb 11th page
of the same we have Mr. Heaspeck's
in saying as a forgery.

From the papers
before us and in comparing the same
with the various documents before us
we are of the same opinion that the
signature of James D. Webb is not
the same as the one which is not valid
any where will be entirely respecting
the same.

(Reflected)

Filed in Office April 24th 1853

Signed

Geo Fisher

Secretary

Records in Records of Sessions Vol
ume 2 page 633

Signed

Geo Fisher

Secretary

Heirs of M. West, decd
vs
The United States

For a place called San
Miguel in the County of
Sonoma containing six
square leagues

In this case the petitioners have presented and offered in evidence a traced copy of an espediente asking for a Grant for a league and a half of land supposed to be part of the place above named and also a traced copy from the archives of a Grant issued in pursuance of said espediente by M. Jimeno then acting governor, the copy of the espediente bearing date the 30th day of October and that of the Grant the 2nd day of November 1840 for one and a half league of land.

Also a document that purports to be an original espediente an additional Grant for the piece of land above named and also what purports to be the usual formal preliminary proceedings preceding the issue of a Grant and also what purports to be a Grant from Governor Micheltoarena for the place by its name dated the 14th day of October 1844 and calling for six leagues of land.

The second espediente alleges that there were numerous errors in the first Grant and asks the issue of the second for the purpose of correcting said errors but does not show what the errors consisted.

There is no proof of the existence of the first alleged grant except the fact that a copy of it appears on file in the archives of state and in the absence of any proof of

the authority [end of page one] of the Grant we do not feel disposed to give it any weight as evidence of title in the alleged Grantee.

The genuineness of the supposed Grant of the date of 1844 of Micheltorena is called in question by the Law Agent which we are called upon to determine from the documents in the case.

M. G. Vallejo a witness in the case on inspection of the documents says he is well acquainted with the handwriting of all the persons whose names appear on the documents and says they are all genuine and that the whole document is original and genuine.

José de la Rosa also a witness on the part of the petitioners swears that the signatures and rubrics of Micheltorena, Jacob P. Leese, and Jimeno are all genuine says that the handwriting in the body of the first and second petition are in the handwriting of Victor Prudon and the body of the marginal decree on the first page is in the handwriting of Micheltorena thinks the handwriting on the body of the 9th page is that of Rafael Sanchez.

Victor Prudon also a witness for the petitioners states that the signatures and rubrics of Micheltorena and Guerra on the first page are genuine and the signature of Jacob P. Leese and Micheltorena are also genuine but the rubrics of Micheltorena and Guerra under the heading on the 9th page look different from these and does not think them genuine thinks the signature of Micheltorena on the tenth page to be genuine but does not think the sign

signature [end of page two] of Jimeno on the 11th page to be genuine Witness says that the body of the contents of pages 5 6 & 7 was written by him The marginal decree on the first page witness thinks was written by one Castañeda an officer in the army who was sometimes employed in the office of the governor to write and he thinks signed by Micheltorena.

J. J. Warner a witness on the part of the Government says that during the time Micheltorena was Governor he saw him and Jimeno his secretary write was well acquainted with their handwriting.

Thinks the order on the margin of the first page is written by the same person with the same pen and by the same person and at the same time does not believe the marginal is the handwriting of Micheltorena nor the signature but the signature resembles his more than the main body of the writing has no hesitation in saying that the marginal order is not his.

Dont think the rubrics of either Micheltorena or Pablo de la Guerra on the first page is genuine does not believe the signatures of either Micheltorena on the closing page to what purports to be the Grant in said document to be genuine.

Pablo de la Guerra a witness for the government swears that the rubric on the first page purporting to be his is not his and dont think he ever made it is well acquainted with the signatures of all the balance and does not

think them genuine nor the rubrics From the testimony
in this case we are led to the conclusion [end of page ^{three} 4]
that the document upon which the claim is based is in its
main parts a forgery in addition to the testimony of the
witnesses who testified as to their opinions as to the
genuineness of the documents we have testimony of [J.M.]
Huspeth in relation to conversation which he had with
West the alleged grantee in which West said to witness
a short time before his death that he never had but the
one grant and that for a league and a half.

That he had made out an application for another grant
covering the six leagues and that the person to whom he
sent it to the governor never delivered it that he died
and the papers were lost.

That part of the document which purports to be the
grant and the signature of Jimeno on the 11th page of said
we have no hesitancy in saying is a forgery.

From the proofs before us and on comparing the same
with the various documents before us bearing the same
signatures the genuineness of which there is no doubt the
claim we think is not valid and a decree will be entered
rejecting the same.

(Rejected)

Filed in the office April 24, 1855

Signed

Geo. Fisher
Secretary

Recorded in the record of decisions volume 2 page 6c33

Signed

Geo. Fisher, Secretary

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Number 231
Petition of Mr. West
of
The United States

Decree

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

R. G. Thompson
J. S. Harwell
(Commissioners)

Filed in Office April 24th 1855

Signed
Geo. Fisher
Secretary

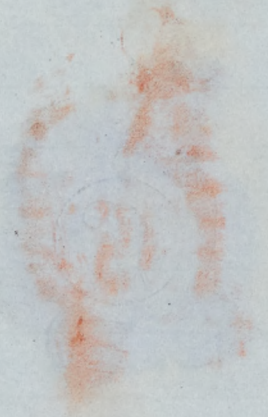
Record in Record of Decisions Volume
Page 635

Signed
Geo. Fisher
Secretary

And it appearing to the satisfaction of the Board that the claim made and patented 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 and of the papers and evidence upon which the same are founded be made and sent by certified to the Secretary and of which transcripts shall be filed with the Clerk of the District Court for the Northern District of California and the other be transmitted to the Attorney General of the United States.

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PAGE
ND



NYSE
ME

Office of the Board of Commissioners,

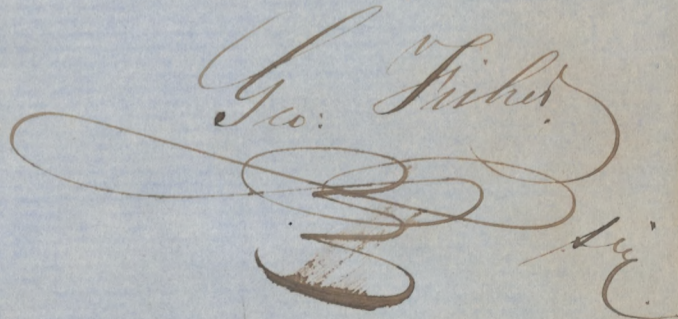

To ascertain and settle the Private Land Claims in the State of California.

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 *Seventy* pages, numbered from
1 to 70, 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. 257, on the Docket of the said Board,
wherein

Marcos West is
the Claimant against the United States, for the place known by
the name of "*San Miguel*."

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~~ *eighty eighth*

G. Fisher



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

No. *326* -

THE UNITED STATES,

326

vs.

MD

Marcos West

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *257*

Filed, *November 7th* 185*5*-

John A. Moore,
Clk,

U. S. District Court

Guadalupe West & others
app^{ts} of Marcus West dec^d

The United States

You will please take
notice that the claimant appeals from the decision of
the U. S. Board of Commissioners to ascertain and
settle private land claims in the state of California
respecting the claim

To
Sam^l W. Inigo Esq
Asst. Dist. Atty

P. S. Brooks,
Atty for Clam^{ts}

Jan^y 14th 1856.

Petition duly filed same day.

No. 326

U. S. District Court

Guadaloupe West & others
vs
reps. of Mexico West deceased

The United States

Notice of appeal

B. Brooks
atty for Mexico

Filed July 14, 1856,
by Charles
deputy

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me

U. S. District Court
for the Northern District Court.

Guadalupe Vasquez de West
widow and Marcos West & their
children and heirs at law of
Marcos West dec'd.

vs
The United States.

To the Honorable
the District Court of the United States for the Northern
District of California

The petition of the above named claimants
and respectfully shows.

That this cause is a proceeding by
petition by the said claimants to obtain the confirmation
to them as the widow and heirs at law of Marcos West de-
ceased to obtain confirmation of the title which they claim
to have received from the Mexican Government, to certain
lands particularly set forth in the petition filed by these
claimants before the U. S. Board of Land Commissioners
to ascertain and settle private land claims in the state
of California on the thirty first day of May A. D. 1852. being
six leagues of land more or less. Known as the Rancho de
San Miguel situated in Sonoma County in the Northern
District of California to which petition for a more accurate
description of the said land and for a
of their title shunts. Your petitioners specially refer this
Honorable Court.

Your petitioners further show that
after the filing of said petition various documents were
put in evidence before said Board and the testimony of a
number of witnesses was taken and the case was submitted
to the Board upon written arguments and on the
24th day of April 1855 Commissioner J. B. Farwell delivered

The Opinion of the Board rejecting the claim
Your petitioner therefore pray
that the said decision of the said board be reversed
and that this Honorable Court may confer the title
of your petitioners to the land
And your petitioner will ever pray &c.

J. S. Brooks
Atty for App'ts.

19 326

U. S. District Court

Guadalupe Nieto & others
App'ts. of Mexico West demand

The United States

Petition

Brooks
Atty for Claim

Filed July 14 1856.
J. S. Brooks
deputy

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mo

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No. 362.

United States of America
State of California
The Heirs of Marcus West -
Deceased

United States District
Court for the Northern
District of California

vs
The United States

We the undersigned heirs of
Marcus West Deceased hereby authorize, and
appoint ~~Ross & Temple~~ and ~~E. C. Crosby~~
to act for us as our attorneys in the above en-
titled action with full power and authority
to conduct, manage, prosecute and control
our interests in said action, and respectfully
request that their names may be substituted
upon the records of said Court as our attorneys
of record in said action. And we do hereby
revoke, annul, cancel and make void all
power authority or right whatsoever by which the
present attorney or attorneys of record or any other
person or persons whomsoever act or may act
for us or in our names in the prosecution
of said action hereby intending to confer
the full and exclusive management of said action
upon the said ~~Ross & Temple~~ and ~~E. C. Crosby~~
Sonoma County April 8th 1856

Guadalupe Nargues West
Her + Mark

Marcus West, Adelaida West
Guadalupe West, Juan West
Guillermo West, Carlos West
Genoviva West, Maria del
Carmel West. By P. J. Voorn Guardian

We hereby associate E. O. Crosby of San Francisco
with us as Counsel in the within described
Suit, authorising him in our absence to act as
one of the attorneys of record the same as we
could do, for and on behalf of the within named
claimants

Rose & Simpson

~~326~~ 326
U.S. District Court for the

Northern District of California

The heirs of Marco West,
appellants

vs

The United States,

Substitution of Attorneys

Filed Aug 4, 1876
J. W. A. McNamee
Clerk

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Rose & Simpson

claimants Attys

Here

To The Hon^{ble} The Judge of the
United States District Court for the northern
District of California.

The United States }
Appellee } No 326.
ads }
The Heirs of Marcus West }
Appellants }

The petition of Guadalupe
Vasquez de West, the widow of Marcus West
deceased, and one of the heirs in interest
in the above entitled cause in her own right
and behalf and Berthold How the Guar-
dian of, and on behalf of Marcus West,
Adelaida West, Guadalupe West, Juan
West, Guillermo West, Carlos West, Genoviva
West, and Maria del Carmel West,
minor children and heirs at law of the
said Marcus West deceased and respect-
fully represent that they are informed
and believe that the said Marcus West did
during his lifetime, to wit on or about the
month of November AD 1840 receive from
the then acting Governor of California under
the Mexican Government a grant of land
now situated in the County of Sonoma, in
said State of California and within the

jurisdiction of this Court, of the extent of one and one half leagues of land more or less called San Miguel and more particularly described in the original papers and maps relating to said grant of land now in the custody of U.S. States Surveyor General for California, and in the transcripts from the board of U.S. Land Commissioners of their proceedings, now filed in this cause, reference being had to all said papers and transcripts as part of this petition.

And your petitioners further represent that the said Guadalupe Vasquez de West, soon after the death of her said husband gave to M. G. Vallejo all the title papers in her possession relating to the said ~~Ranch~~ grant and title to the said Rancho San Miguel for the purpose of having the claim of said heirs of said Marcus West prosecuted before the board of U.S. Land Commissioners appointed to settle private land claims in California under the provisions of the Law of Congress approved March 3rd 1857 that your petitioners ~~Guadalupe~~ Guadalupe Vasquez de West being unable to read or write is and was ignorant of the contents of said papers, so delivered by her to said

M. G. Vallys

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And your petitioners further represent, that they are informed and believe that a claim in behalf of said heirs of said Marcus West ~~deed~~ was presented to the said board of U. S. Land Commissioners wherein was claimed a much larger tract of land than that herein above set forth, and as your petitioners are informed and believe various papers and proofs were filed and taken to substantiate said claim to the extent of six leagues of land or thereabouts, all of which said papers and proofs were introduced in said proceedings before said Board by the parties having control of said proceedings without the said heirs being acquainted with the contents of said papers or the substance of said proofs until within a short time they have learned the same by information which they believe to be correct.

And your petitioners further represent that on the hearing of said claims before said Board, and in the opinion of said Board, and the final decrees made by them, a portion of said papers introduced as proofs to substantiate said large claims of lands were pronounced fraudulent and

void, and the whole claim of said heirs
declared by said Board to be invalid

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and your petitioners further asse-
rue that as to said papers declared frau-
dulent by said Board your petitioners
have no knowledge, but that your petiti-
oners are advised and believe they have a
good and valid claim to one and one
half leagues of land more or less, part
and parcel of said tract so claimed
before said Board, as herein before set forth
and referred to in this petition

Wherefore your petitioners pray
that they may be allowed to take and
introduce further proofs to substantiate
their claim to said tract of one and one
half leagues of land more or less and
that this Court may decree their said
claim to be valid and for general relief.

Guadalupe ^{per} + N de West
mark

Markos West Adelaide West
Guadalupe West Inan West
Genevieve West Carlos West
Guillermo West Maria del
Carmel West. By Berthold
Aven their Guardian

State of California
County of Sonoma

Before me A.M.C.

Menefer Clerk of said County and
ex officio Clerk of the District Court
of the seventh judicial district in
and for said County personally
appeared Guadalupe Vasquez de
West widow of Marcus West decd, and
Berthold Horn Guardians of the minor
children of said Marcus West decd, and
being duly sworn depose and say that
they are the parties described in said
^{who} present the foregoing petition, that they
have heard said petition read and know
the contents thereof, that the same is
true of their own knowledge except the
matter therein stated on their information
and belief and that as to those matters they
believe it to be true.

Guadalupe + Vasquez de West
wrote

Berthold Horn

In witness whereof I have
hereto set my hand and
affixed the seal of the Dist.
and Court this 3rd day of
June A.D. 1856.

A.M.C. Menefer, Clerk,
By Joel Miller Deputy Clk.



No. ~~262~~ 326.

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

The Heirs of Marcos West.
appellants.

vs

The United States
appellees

Petition of appellants.

Filed Aug 4th 5-6
J. Moore
clm

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four

Ross & Sample

Atty's for appellants

In the District Court of the United States
for the Northern Dist of Cal

The United States }
vs } D.C. 326 ; L.C. 257.
Marcus West }

The United States by
their attorney deny the validity of the
title set forth in the petition of the
appellant, and pray that the decision
of the U. S. Land Commission be affirmed
and that the said title be decreed
invalid.

San Francisco July 12, 1857

Wm Blanding
U. S. Atty

326

W. S. Dist Court

The United States

vs

Marcus West

Answer

Filed February 12, 1857,

W. H. Chivers,

Deputy.

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~~for~~
Wm Blanding
W. S. atty

UNITED STATES DISTRICT COURT,
Northern District of California.

San Francisco, March 13 1857.

ON this day, before *Cutter McAllister* a
Commissioner of the United States for the ~~Northern~~ Districts of California, duly
authorized to administer oaths, &c., &c., came

Jose, S. Berryessa a witness produced on behalf of the
Claimants

in Case No. 326, being an appeal from the Board of Commissioners to ascer-
tain and settle the Private Land Claims in the State of California, in Case
No. 257 on the Docket of the said Board of Commissioners, and was duly
sworn and testified as follows — ~~his evidence being interpreted by~~
~~a sworn interpreter~~

PRESENT: *Messrs Ross & Crosby for Claimants*
and the U.S. Dist Atty —

QUESTIONS BY *Atty for Claimants*

Quest 1 What is your name, age, and place of
residence —

Ans 1 *Jose S. Berryessa, 38. Martinez in Costa Rica*
Costa I am a native Californian —

Quest 2 Do you know Juan B. Alvarado, Antonio
M. Osio — Manuel Simens — Jose L. Hernandez
and have you seen each and all of them
write —

Ans 2 I know them all, and I have seen all of
them write —

Quest 3 Please look upon the paper now shown you
appended to, made a part of this deposition
and marked "A" ~~Chas. B.~~ "purporting to be
a grant from Manuel Simens to Marcus

Process Book, dated the 2^d day of November A.D. 1840, and state, if the signatures of Alvarado, Osio, Manuel Simens, and José L. Fernandez, upon said paper are their genuine signatures - respectively -

Ans 3. All of them I think are genuine -

~~Ques 4~~ I have seen them all write and sign their names -

Subscribed & sworn to before me this 13. March 1857.

Cutter McAllister

Urbour

José L. Fernandez

Folio 1º seis y setenta

Capitulado provisionalmente por la Aduana marítima de Monterey para los años de 1839 y 1840 Antonio M. Ruiz

Alvarado 326 ND
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Manuel Jimeno Carera primer vocal de la Excm. Junta del Departamento de las Californias en ejercicio del Gob. del mismo

Por cuanto Don Marcos West Mexicano por naturaleza ha pretendido para su beneficio personal y el de su familia el terreno que se haya situado entre los linderos de los Camachos, las Sierrita de Chimic y dos Arroyos en extensión de dos sitas y media segun el plano traído en el plano que camo agregado en el expediente respectivo: practicadas previamente las diligencias y averiguaciones concernientes, segun lo dispuesto por leyes y reglamentos, usando de las facultades que me han conferidas, a nombre de la Excm. Mexicana, he venido en conferirle el terreno mencionado, declarandole la propiedad de el por las presentes letras, y sujeto a la aprobación de la Excm. Junta Departamental, y a las condiciones siguientes:

1ª Podrá cercarlo sin perjudicar los traviesos, barridos y servidumbre: lo disputará libre y exclusivamente, destinandolo al uso o cultivo que mas le acomode; pero dentro de un año fabricará casa y estera habitada.

2ª Solicitara del que respectivo a la posesion juridica, en virtud de este despacho, por el qual se demarcaran los linderos, en cuyos términos

"A. M. R."

"C. de Ind. Ind."

pendrá a más de las Mejoneras, algunos
árboles frutales o siberros de alguna utilidad.
3.^a El terreno de que se hace mención es de
dos fillos y medio de ganado mayor, poco más
o menos, según esplica el decreto que corre en
el expediente. = El juez que le diere la po-
sición lo hará medir conforme a ordenanza,
quedando el sobrante que resulte, a la nación,
para los usos convenientes.

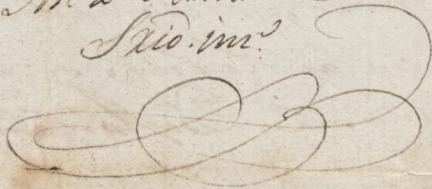
4.^a Si contraviniese a estas condiciones, per-
dará su derecho al terreno, y será denunciado
por esta.

En consecuencia, mando: que torrien-
dose por firme y Valido este título,
se tome razón de él en el libro de que cor-
re su parte, y se entregue al interesado, para
su resguardo y demás fines. Dado en Ma-
drid a dos de noviembre de mil ochocientos
septenta y cinco.

Mano Jimeno

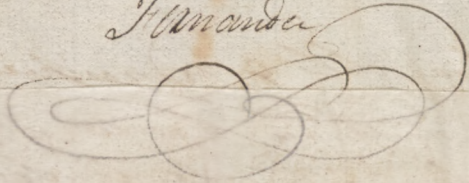


M. L. Fernandez
Srio. int.^o



Queda tomada razón de este título en
el libro de terrenos adjudicados a folios 2. v.
sta. ut supra.

Fernandez



District Court of the
United States Northern
District of California
No 326

The United States

vs

The Heirs of Marcus West

Deposition of Jose S. Berry
as a Witness produced on
behalf of the Claimants

Took March 16, 1857,

W. H. Chew,

Deputy.

326 ND

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United States District Court for
the Northern District of California

The Heirs of Marcos West: }

vs

The United States. }

No. 326.

On motion of William Ross
an attorney of this court, that he be sub-
stituted as the attorney of record in this
cause and on leaving the said William
Ross together with his proofs, and B. S. Brooks
the late attorney of record in this cause having
been heard, It is ordered by this court
that the said William Ross, be substituted
as the attorney of record in place of the said
B. S. Brooks in the further prosecution
of this cause.

Ogden Hoffman
U. S. District Judge

No 326.

U. S. Dist. Court.

Marcus West.

—As—

United States.

Substitution
of
Attorneys.

Filed March 23, 1857.

W. H. Chivers.

Deputy

326 ND

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Sevens

UNITED STATES DISTRICT COURT,
Northern District of California.

Marcus West,
of the United States.

San Francisco, March 13, 1857.

ON this day, before John A. Monroe, a
Commissioner of the United States for the Northern District of California, duly
authorized to administer oaths, &c., &c., came Martin C. Cooke,
Claimant, a witness produced on behalf of the

in Case No. 326 being an appeal from the Board of Commissioners to ascer-
tain and settle the Private Land Claims in the State of California, in Case
No. 251 on the Docket of the said Board of Commissioners, and was duly
sworn and testified as follows — ~~his evidence being interpreted by~~

~~a sworn interpreter~~

PRESENT: B. D. Brooks, and William Ross of
counsel for the Claimants, and H. Blaucling,
Esq., U. S. Dist. Atty.

QUESTION BY Claimants

What is your name, age, place of residence,
Answer,

Martin C. Cooke, 23 years of age, reside in
Sonoma County, Cal.

2d.

Are you acquainted with Madelupe Vasquez
de West, widow of Marcus West, deceased,
and the children of the said Marcus West?

Answer,

I am, and have known them for about
seven years last past.

3d.

Can they, or either of them, read, or
write the English, or Spanish languages?

Answer,

I have done a great deal of business for

them, and know they can neither read, nor write, I answer in the above manner, because I have had much business to do with and for them, and they have told me they could neither read nor write. Neither have I ever seen them do either

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Cross examined by the United States,
District Attorney.

I know the land claimed in this case, I believe the Widow, and ^{of Marcus West} her own, at this time, the said land, they have resided on the place ever since I know them, and continue to do so at this time. They have their cattle on the place, occupy, and cultivate it. I think I have seen the title papers, do not have any personal knowledge of the quantity of land ~~business~~ in the rancho. I saw Mrs. West in General Vallip's office, which adjoined my room. She had a great many papers with her, and in a bundle by themselves which she said were the title papers of the rancho. I did not see the papers, they were tied up in a cloth, nor did I read them. From one Blas Peña, who married a bastard daughter of Mrs. West, was in the room at the time with Vallip, and Mrs. West. I believe the title papers, were that day given to Blas Peña, for the purpose of handing them to Messrs. Fallick, Raby, and Billings to be presented before the Board of Land Commissioners.

General Vallejo was at that time
Administrator of the estate of Marcos
West, deceased, Blas Peña. Can neither
read, nor write.

Newton E. Brooke

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Sworn to & subscribed
March 13th, 1857, before me.

J. A. McQuinn

M. S. Commisr.

W. B. G. S. P. 1857

N^o. 326.

U. S. Dist. Court,

Marcus West,

vs
The United States,

Deposition of
Martin E. Cooke,

Filed March 25, 1857,
W. H. Cheves,
Deputy.

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UNITED STATES DISTRICT COURT,
Northern District of California.

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San Francisco, March 24 1857.

ON this day, before *Curtis McAllister* a
Commissioner of the United States for the Northern District of California, duly
authorized to administer oaths, &c., &c., came

N. H. Wallick a witness produced on behalf of the
United States

in Case No. 326, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 257 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows — ~~his evidence being interpreted by~~

~~a sworn interpreter~~

PRESENT:

Messrs. Ross & Crosby, Attys for Claimants —

QUESTION BY *U. S. Attorney.*

Ques Please state whether you have ever seen the Grant or Grants to Marcus West, at what time, and what you know about them —

Ans 1. The paper purporting to be a Grant by Governor Schembtorena to Marcus West for six leagues of land, was received by the law firm of which I am a member from Guil Vallejo in the year 1851 to be presented to the Board of Commissioners, the paper purporting to be a grant by Governor Simeus to Marcus West for two leagues and a half of land now attached to the deposition of

Jose S. Bernyera in this case, I first saw in the hands of Capt John. B. Smith in the City of San Francisco, a short time after I had withdrawn my name as Counsel in the claim.

I presented to the Board of Commissioners the first mentioned paper, and the claim for the land which it purported to grant.

The claim was rejected by the Board on the ground that that paper was not genuine - I withdrew from the case before any testimony was taken on the part of the United States against the claim, -

Ques 2. Why did you withdraw?

Ans 2 - I answer, having been Counsel in the case I decline to answer except with the consent of the present Counsel for claimants - - -

- Claimants Counsel consents that the question may be answered -

Ans 2 I withdrew because I believed the first mentioned title paper purporting to be signed by Micheltona was not genuine and I declined to continue to prosecute the claim under the grant signed by Jimeno because I believed that "un sitio" in the original had been changed to "don sitio" I had no doubt nor have I now of the genuineness of this latter paper except the alteration alluded to -
Cross Examination

Ques 1 Please State if you know by whom the first grant was made and the alterations in the second of

which, you have spoken, and whether the present claimants, the Widow and Heirs of Marcus West deceased had any knowledge or participation in such alteration - ?

Ans 1 I do not know by whom the first grant was made, nor by whom the alteration in the second was made I do not believe either one of the claimants, had any connection with or knowledge of the fraud, as they are very ignorant people, and I believe no one of them can either read or write - I had no communications with them, in relation to this claim until I notified them of my withdrawal as Attorney in this Case, and I received no answer to my notice of withdrawal except a Verbal Communication from Genl Vallejo, that the notice had been received -

Direct Examination resumed

Ques 1 Please state who employed you to present this Claim to the Board - ?

Ans 1 Genl Vallejo, -

Ques 2 Did you receive the six league grant from him

Ans 2 - My partner Mr Billings received the papers from Genl Vallejo as I understood Genl Vallejo spoke to me personally about prosecuting the claim in the Commission under the six league grant - Genl Vallejo was acting as the Administrator of the Estate of Marcus West deceased at least he represented himself

as such.

June 3

Who presented to you the 2^d Grant, was
it given to you to be presented ~~at~~ the Board

Aug 3

It was given to me by Capt John B.
Grisbie to be presented to the Board of
Commissioners, and I received it for
that purpose, but on discovering the
alterations of which I have spoken, I
declined to present it to the Commis-
sioners and returned it to him.

Subscribed & sworn to

A. W. Allen

before me this 24 March, 1857.

Butler McAllister

US Commissioner

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PAGE

United States District
Court Northern District
of California—

No 326

The United States—

vs

The Heirs of Marcus Hess

deposition of W. M. Walleck
a witness produced on
behalf of the United States

Filed March 25, 1857.

H. H. Chenevix
Deputy.

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Nine

Ad District Court
for the Southern District of California

John A. Harris of Maine was

v
The United States

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PAGE 99

In this District of California }
City of San Francisco } Bethune Phelps of
San Francisco being duly sworn says
that he well knew John West in his
lifetime - in August or September 1848
deponent had a sloop launch which he
wished to buy upon a crew and deponent
then asked him about his property and
he stated that he had a large ranch at
a near Santa Rosa with 1000 or 1500
head of cattle. He told deponent as
to the quantity of land which
he had which deponent does not pre-
cisely recollect - but deponent thinks it
was 6 or 8 leagues - deponent had no
interviews on this subject - and was satisfied
from their statements of his responsibility.
deponent is positive that the quantity
claimed was much more than a
league and a half or two leagues. Depo-
nent made enquiries at the same time
of other parties and was satisfied of the
truth of his statements and so deponent

must be per me this

31 day of March 1837 }
W. D. Cheever,
Deputy Clerk

Bethune Phelps

N. S. District Court.

326.

Widow & Heirs of Marcus West

vs

United States.

Deposition of
Bethuel Phelps.

Filed April 6, 1857.
W. H. Cheever,
Deputy.

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US District Court for
the Northern District of Calif }

Indio and heirs of Marc West }

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The United States }

San Francisco District of California }
City of San Francisco } John B. R Cooper
of the City of Monterey, being duly sworn says
that he is the owner of the Rancho "El Molino"
in Fresno County which was originally
granted to him in 1835 and was the
first settler there... West came a year or
two afterwards and got a grant in this
place for the land lying between the Mark
West creek - the ^{line of the road} Santa Rosa Ranch and my
line. Sometime afterwards about 1838 or 1840
West spoke to me about the land on the
east side of the Laguna Santa Rosa and
asked me how much I intended to ask
for. I told him that I did not intend
to ^{take} ~~ask~~ for any ^{more} of it. He then told me that
he should petition for the land lying between
the land then held by him and my Rancho
on Laguna - and the Rancho of Titolo
I ~~know~~ that he instituted proceedings to obtain
the title - and that the expedient was
commenced. I did not reside permanently
on my Rancho, my family resided in
Monterey and I usually resided there
but I frequently visited my Rancho.
After this time ~~we~~ know that West occupied
the land up to the Titolo line with his
cattle, and always claimed it as his
and his neighbors respected his claim and

I never knew of any one disputing it.
The land between the Santa Rosa Ranch
my Ranch. Fitch's Ranch and the
hills contains ^{about} six leagues of land - This
was the land which was claimed as his

from the purchase of this

31st day of March 1837 }
Jno A. Monroe

John B. Cooper

U.S. Commiss.

United States Dist. Court

326.

Widow Heirs of Marcus West

vs

United States.

Deposition of

John B. R. Cooper.

Took April 6. 1857,
N. H. Cheney,
Deputy.

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Allen

U.S. District Court, for the
Northern District of California

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Heirs of Mark Waver

The United States

Northern District of California, John B. Foster of
the County of Valleys, being duly sworn says
that sometime in the year 1833 but at
what particular time of that year de-
ponent cannot state he happened by chance
to ~~be~~ ^{enter} in the office of General W. Valleys
at Sonoma, being then on his way to
San Francisco. That Mrs. Guadalupe Vazquez
de Waver was either then when he entered or came
in with him and some one he thinks
took out of a bundle of papers wrapped
up in handkerchiefs a piece of cloth a paper
which General Valleys requested this deponent
to deliver to Halleck Peckey & Billings. This
deponent received the said paper and
as requested carried it to Halleck
Peckey and Billings. The paper purported
to be a grant for 2^{1/2} leagues of land
to Ware Waver, and deponent has no
other knowledge of the paper than what
is here stated. The fact as it was delivered
by Mrs. Waver in the same condition as was
by him delivered to Halleck Peckey
& Billings and this was at any time
after the claim in this case had been
filed before the Board of U.S. Land Commissioners
and as to the other papers filed in this case he knows nothing about them.

Subscribed and sworn to before me

20 day of April 1837 }
N. H. Cheever,
Deputy Clerk.

John B. Foster

326.

Admitted Court for the United States
District of California

Hon. of Marc Hall

The United States

App of Court & Justice

L. Hall April 6, 1857
W. H. Chivers,
Deputy.

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Active Property
C. H. H.

U.S. District Court
for the District of California

326 ND
PAGE 105

Indorsed & Heirs of Mark West

The United States

At the District of California
City of San Francisco } Thaddeus M
Leavenworth of being duly sworn says that
about on the 5th day of October AD 1848.
he entered into a contract with Mark West
for the purchase of a league of land in his
Rancho of San Miguel which contract
is in writing and is recorded in the County
Recorder's office of San Francisco County in
Book M of Deeds pages 499 & 500 ^{on the same day} ~~at that~~
~~at that time~~ ~~Mark West~~ ~~was~~ ~~granted~~
to a tract of land containing six leagues
at least. I think he said that it con-
tained six leagues. This was only a
few months prior to his death. I depose
at the time inquired of the Colindantes
as to the title of the said Mark West to
the said six leagues of land and was
told by them that his title thereto was
good beyond a doubt. At the time that
West entered into the contract of sale
with me he gave as his reason for
selling that he had more land than
he needed and could well spare that
league. That the balance of the
land was a sufficient provision for his
family. One of the Colindantes of whom
I inquired was Juan Nelson who
was granted and then owner of the

Quilicis utrum venias ad San Luis
 Obispo. Also of Capt Cooper.. also of
 Judge Hitch his grounds of El Navarino
 which bounds west on his northern side
 also of Judge Hitch's vaquero. Moses Casson
 know to be in the this
 month of April 1857 } M. Branchwith
 W. H. Cheever,
 Deputy Clerk.

326.

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

Thomas & Meris of New York

The United States

J. M. Leavensum of Pa

Prothonary

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Filed April 6. 1857
 W. H. Cheever,
 Deputy.

[Signature]

U.S. District Court
for the Northern District of Calif. }

Guadalupe Vasquez de Weir and

The United States.

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Northern District of California.

City of San Francisco.

Julio Cantillo of

Santa Rosa being duly sworn says that
on the 29th day of March instant he went at
the request of Genl Wm Vallejo to the Rancho
San Miguel to obtain the attendance of the
claimant Guadalupe Vasquez de Weir in San
Francisco to make a deposition in this
case. That said Guadalupe readily con-
sented to accompany ^{him} ~~the~~ ~~party~~ and
proceeded with him on the way. That while
passing through Santa Rosa, said Wm. West
met Judge Ross, who accented Wm. West
and told her not to go. He told her that Genl
Vallejo and his language were endeavoring to rob
her of her property. Deponent further says
that when he had arrived at Deponent dwelling
with said Wm. West, Mr. Santa Rosa came
there and taking Wm. West into a private
room had much conversation with her which
deponent did not hear. After which Wm.
West refused to proceed further and returned to her
own home. While at Deponent's house Wm.
West proposed to Judge Ross that they should
proceed together to San Francisco but he refused
to do so.

Deponent further swears that he has lived
in the neighborhood of Rancho San Miguel since
~~1839~~ 1839. upon the Rancho Cabeza de Santa

Rosa who is contiguous to a colindente with
said Rancho San Miguel - Depment knew
said was in his life time... was frequently on
his Rancho during his life time. Depment
knew well and positively knew said
was during his life time claimed the whole
of said Rancho as represented on the maps
called the Rancho of his leagues. He occupied
the whole of it with his cattle and his possession
of the whole Rancho was never disputed by any
of his neighbors. Depment was present when
Judicial possession was given of the Titch
Rancho. which bound the Rancho San
Miguel on the north side. between which and
the Mark West creek is the disputed land.
at which time Mark West was also present
and at that time the line was run between
the two Ranches according to the his league
claim. and all the other Ranches bounding
on it were located and always occupied
in the same way. that is recognizing the
claim of Mark West to the his leagues.
Depment further says that he has frequently
conferred with Mrs West since her husband
deaths on the subject. and she has at
all times claimed the land as well
between the creek and the Titch line as
between the creek and the Santa Rosa
line. Depment further says that the line between
the Titches and Mark West did not follow the
meanderings of the arroyo seco, but starting from
its junction with the Russian River ran in a
straight line to the hills. falling somewhat
inside of the arroyo and touches the branches of
the arroyo in the hills.

deponent further says that the land claimed by Mark West in his life time were the lands bounded on the ^{Southwest} side by the Cabeza de Sauleo River on the westerly side by the Rancho el Molino of Juan B. R. Cooper - on the northwesterly side by the Rancho Sotogome of Henry White on the easterly side by the Hills - River on the easterly side of the hills - which is a small valley a portion of which is included in said Rancho

deponent further says that on the proceedings of judicial possession before referred to deponent was present as an assisting witness. Garber O. Farrell the Government surveyor ran the line. Jacob P. Leese the Alcalde of Sonoma was the magistrate Ramon Carrillo - ~~Al~~ Alexander - Mrs. Marietta Thayer (who is now dead) - a man nicknamed Pickens whose true name I do not recollect and several others whom I do not recollect. West was very particular in defining his boundaries and would not permit me to cross his line in search of my cattle and frequently quarrelled with the other neighbors on that subject but they never disputed his boundaries

At the time West petitioned for the land there was plenty of vacant land in that region and there was no difficulty in obtaining enclosures from the government and if said West had asked for eleven leagues which were vacant, ^{I believe} it would have been granted within. The Government was anxious to have the parts of the territory settled and frequently assisted the colonists not only in settling

them in their way but supplying them with
cattle and necessaries wherever they
required them.

My age is now 31. next August.

Wm. H. Cheever
March 31st 1857

Julio Carrillo

W. H. Cheever
Deputy Clerk

U. S. District Court

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Widow & Heirs of Marcus West

vs

United States

Deponent of
Julio Carrillo

Filed April 6, 1857
W. H. Cheever
Deputy

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fourteen

U.S. District Court

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Heirs of Mark West
Appellants

The United States
Respondent

Northern District of California

City of County of San Francisco. Gaspar O'Farrell
being duly sworn deposes and says that
he was government surveyor under the late
government. That he attended in that capa-
city on the proceedings in delivering judicial
possession of Fitch's Ranch which was separated
from the lands of Mark West by the Arroyo
Seco shown upon ~~the~~ map. That in giving
said judicial possession West's land were
considered and treated as running up to
said Arroyo Seco. West claimed up to
that line as shown in his claims, and
no one disputed his claim ^{to the best of his knowledge and belief}. He claimed
seven and one half a eight leagues of land
He had some document or documents
which called for six leagues from an alcalde
a provisional grant. Dependent never saw
in his possession any grant from the
Government for six leagues but is certain
that said West had some license or
provisional grant of six leagues from an
alcalde or Prefect. Also a grant from the
Government on sealed paper for two leagues
or one and a half leagues of land being
no land he first settled upon and on which
he built his house and improvements

Gaspar O'Farrell

326.

U.S. District Court

Heirs of Mark West

v

The United States

App. of J. O'Farrell

Filed April 17, 1857.
W. H. Church,
Deputy.

fifteen 326 ND
PAGE 112

Proctor
atlas

Adm. to Mark West
before me April 17, 1857
J. O'Farrell
Deputy Clerk

United States District Court for the
Northern District of California

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The United States
appellus
vs

Docket No. 326.

The Heirs of Marcos

West deceased.
appellants.

Transcript No. 257-

Stated Term, June ^{2nd} 1857.

This cause coming on to be heard on appeal
from the decision of the board of land commissioners
appointed to settle private land claims in Cali-
fornia under the act of Congress approved March
3^d 1851. upon the Transcript of proceedings and
decision of said board and the papers and evi-
dence upon which said decision was founded
all of which have been duly filed in this court
and upon further proceedings and evidence
taken in this cause by order of this court, and
counsel for the respective parties having been
duly heard. It is ordered adjudged and decreed
that the decision of said board rejecting said
claim be vacated and set aside, and it is further
ordered adjudged and decreed that the claim of
the said Heirs of Marcos West deceased, be and the
same is hereby confirmed and their said title decl-
ared a good and valid one to the extent
herein after mentioned

The lands of which confirmation are hereby made are known by the name of "San Miguel" situated in the present County of Sonoma in said District and State containing one and one half square leagues of land, reference being had for more particular description of said land to the original grant attached to the deposition of J. S. Burryessa taken in this court for the boundaries of said land but not for the quantity, and the Expediente relating to said land filed in the archives of the Mexican Government in California of the date of 1840. which said Expediente is now in the custody of the U. S. Surveyor General for California

Wm. H. S. J. S.
Dist. Judge

This decree is in accordance with the decision of the District Court.

Wm. Blanding
Dist. Atty.

437

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U. S. Dist Court

The United States

Heirs of
Marcos West

Decree

Filed June 2nd 1857
W. H. Chever, Deputy.

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System

22 Howard 326

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

eight hundred and fifty ~~seven~~ eight.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

vs.

Guadalupe Vasquez de West
widow of Marcos West, deceased, &
Marcos, Adelaide, Guadalupe, Juan,
Guillermo, Carlos, Gerardo & Maria
del Carmel West, children and
minor heirs of Marcus West, dec.,
by Berthold Horn their guardian

D. C. 326; L. C. 257.

In this case on application
of P. Della Torre Esq., U. S. Attorney, it is ordered
that an appeal in behalf of the United States from
the final decision of the Court rendered in said
Court at the June, 1857, term, be and the same
is hereby granted, and that a certified transcript
of the pleadings, evidence, depositions and pro-
ceedings in the said cause be sent to the Supreme
Court of the United States without delay; and the
appellants are ordered to serve the usual
citation according to law.

Ogden Hoffman
Dist Judge

326 mo

United States District Court, Northern District of
California.

The United States

vs.

Hein Marco West

ORDER.

granting appeal

Filed

July 1st 1858,

W. H. Cheney

CLERK.

By

DEPUTY.

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PAGE 117

United States of America,

326 ND
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To Guadalupe Vasquez de West, widow of Marcos West, deceased, and Marcos Adelaide, Guadalupe, Juan, Guillerms, Carlos, Gevinoa and Maria del Carmel West, children and minor heirs of Marcos West, deceased, by Berthold Horn their guardian:

Greeting;

You are hereby cited and admonished to be and appear at a Supreme Court of the United States to be holden in Washington on the first Monday in December next, pursuant to an order of appeal granted on this thirtieth day of June, A. D. 1858, in open Court, by the District Judge of the District Court of the United States for the Northern District of California in a certain suit wherein The United States are plaintiffs and you are defendants on appeal, to show cause, if any there be, why the decision in the said appeal mentioned should not be corrected, and speedy justice should not be done to the parties in that behalf.

Witness my hand and seal at San Francisco this thirtieth day of June in the year of our Lord one thousand eight hundred and fifty eight.

Ogden Hoffman
Dist. Judge



326. Three

U. S. District Court

The United States

vs

Heinr Marcos West

Citation

Due service of copy within
citation admitted this
26th Day of July 1858.

W. Ross. Atty
for Defn

Filed July 29. 1858,
W. H. Chevers,
Clerk

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[Faint handwritten notes on the right side of the page]

This Indenture, Made the fourth day of March
in the year of our Lord one thousand eight hundred and fifty-eight

Between Guadalupe Vasquez de West, widow of the late Marcos West of the County of Sonoma, State of California of the first part, and
Master J. Smith of the County of Solano, State aforesaid, party

of the second part Witnesseth, That the said party of the first part, for and in consideration of the sum of Two Thousand Dollars ————— lawful money of the United States of America, to her in hand paid by the said party of the second part, at or before the ensembling and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents doth grant, bargain, sell, alien, remise, release, convey and confirm unto the said party of the second part, and to his — heirs and assigns forever,

All the undivided half of or much of the Rancho "San Miguel" as may be hereafter be confirmed in the United States Courts or otherwise over and above the one and a half leagues or sitios which have been already confirmed; being the undivided half of four and a half leagues or sitios, more or less, of the said Rancho "San Miguel" situate partly or wholly in said county of Sonoma State of California, which was granted to the said late Marcos West by Manuel Micheltoreno Governor of California on the fourteenth day of October A. D. 1844 as shown by the record and transcript of Case No 326 of Land Cases for the United States District Court for the Northern District of California

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; And also all the estate, right, title, interest,

————— property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part, of, in or to the above described premises, and every part and parcel thereof, with the appurtenances. To Have and to Hold, all and singular the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, his heirs and assigns forever. And the said Guadalupe V West — for herself, her heirs, executors and administrators, doth hereby covenant, promise and agree, to and with the said party of the second part, his heirs and assigns, that she has not made, done, committed, executed or suffered, any act or acts, thing or things whatsoever, whereby or by means whereof the above mentioned and described premises, or any part or parcel thereof, now are, or at any time hereafter shall or may be impeached, charged or incumbered, in any manner or way whatsoever.

In Witness Whereof, the said party of the first part, hath hereunto set her hand and seal the day and year first above written.

Signed, Sealed and Delivered in presence of

(Signed) John Benson

(Signed) Guadalupe + Vasquez de West

This Indenture, Made the fourth day of March in the year of our Lord one thousand eight hundred and fifty-eight.

Between Guadalupe Vasquez de West, widow of the late Marcos West of the County of Sonoma, State of California of the first part, and Master J. Smith of the County of Solano, State aforesaid, party

of the second part Witnesseth, That the said party of the first part, for and in consideration of the sum of Two Thousand Dollars lawful money of the United States of America, to her in hand paid by the said party of the second part, at or before the executing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents doth grant, bargain, sell, alien, remise, release, convey and confirm unto the said party of the second part, and to his heirs and assigns forever,

All the undivided half of or much of the Rancho "San Miguel" as may hereafter be confirmed in the United States Courts or otherwise over and above the one and a half leagues or sitios which have been already confirmed; being the undivided half of four and a half leagues or sitios, more or less, of the said Rancho "San Miguel" situate partly or wholly in said county of Sonoma, State of California, which was granted to the said late Marcos West by Manuel Micheltoreno, Governor of California, on the fourteenth day of October A. D. 1844 as shown by the record and transcript of Case No 325 of Land Cases for the United States District Court for the Northern District of California

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders,

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State of California,
CITY AND COUNTY OF SAN FRANCISCO.

ss.

On this Eight day of March A. D., One Thousand Eight Hundred and Fifty-eight before me, JOHN BENSON, a Notary Public, in and for said City and County, duly commissioned and sworn, personally appeared

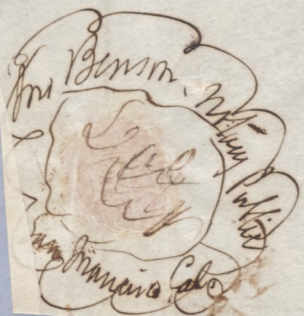
Guadalupe Vasquez de West

satisfactorily proven to me by the oath of Manuel Torres a competent and credible witness for that purpose, by me duly sworn to be the individual described in and who executed the annexed Instrument, and the said Guadalupe V de West acknowledged to me that she executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand and affixed my official Seal the day and year in this certificate first above written.

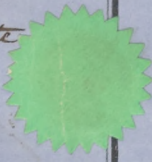
(Signed) John Benson

Notary Public.



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State of California,

County of

} ss.

On this _____ day of _____ A.D., One Thousand Eight
Hundred and Fifty= before me, a Notary Public in and for said County, personally appeared

known to be the individual described in and who executed the foregoing Conveyance, and acknowledged
that _____ executed the same freely and voluntarily, for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand and affixed
my Official Seal the day and year first above written.

Notary Public.

No 326

Deed.

Guadalupe V de West

to

Martin T. Smith

March 8, 1858.

Received for Record this 12th day of March 1858 at 12 o'clock P.M. and recorded at request of Effie's Agent, Joel Miller (signed) Recorder of Sonoma County by Deputy.

Recorded 13th day of March A.D. 1858 at 11 o'clock and 30 min A.M. in Book No. 6 of Deeds Sonoma County Record on page 577 1/2

Joel Miller

Recorder of Sonoma County

[signed] Adam [unclear] Deputy

U.S. Dist. Court.

Guadalupe de West, et al

vs

The United States.

copy of Deed to Martin T. Smith.

Filed Dec: 4, 1858,

W. St. Charles,

Clk

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W. S. Dist Court
Northern District of California.

Guadaloupe Vasquez de
West, widow of Marcos
West dec'd & others, claimants
of the Rancho of San Miguel
and appellants

vs
The United States, appellees.

It is hereby stipulated that
Martin T. Smith on filing
a copy of his deed of conveyance
of a part of the Rancho of San
Miguel from Guadaloupe V.
de West one of the above named
claimants, be made ^{a party} to the above
intitled cause as one of
the claimants therein, and
that an order to that effect
be made.

Calhoun Pugham atty for Smith

P. Della Torre

U. S. atty.

Let the order be entered ac-
cordingly —

December 1st 1858

Edw Hoffman
Dist Judge

No. 326,
five

U. S. Dist. Court,

Guadalupe de West,
et al,

- vs -

The United States,

Stipulation to make
Martin J. Smith
a claimant &c,

Filed Dec: 4, 1858,

M. A. Cheves,
Clerk

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At a stated term of
the District Court of
the United States for
the Northern District
of California held at
the Court-room in the
City of San Francisco
on Monday the seventh
day of June in the year
of our Lord one thousand
eight hundred and fifty
eight.

Present:

The Honorable
Ozden Hoffman,
District Judge.

~~A copy of the deed to~~
Guadeloupe Vasquez de
West, widow of Marcos
West dec'd & other heirs
of said Marcos West claimants
of the Rancho "San Miguel"
and appellants

The United States of America
appellees.

A copy of a deed executed
by the above mentioned Guadeloupe Vas-
quez de West in favor of Martin J.

Smith conveying to him a portion of
The Ranch of "San Diego" having
been duly filed in accordance with
a stipulation between the Attorney
of the United States and the Attor-
ney of the said Smith it is ordered
that the said Smith be and he is
hereby made a party to the above-
intituled cause

No. 326, City
U. S. Dist. Court
San Diego, Cal.

Quadrangle bearing
S. West & S. W. 1/4

~~of the~~

~~The State~~

~~of the~~

Order making
Martin, J. Smith
a party to the cause,

Filed Dec: 4, 1858,

J. H. Chenevix,
Clerk

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 *Saturday* the *fourth* day of
December in the year of our Lord one thousand
eight hundred and fifty-*eight*.

Present:

The Honorable OGDEN HOFFMAN, ~~Jr.~~, District Judge.

The United States.

vs.
Mrs. of Marcos West,
Deceased.

No. 326.

On motion of Calhoun
Benham Esq. Counsel
for Martin T. Smith
one of the Plaintiffs
herein, it is ordered

That an appeal be and is hereby granted
in behalf of the said Martin T. Smith, to
the Supreme Court of the United States on
his giving bond with sufficient securities
in the sum of one hundred and fifty dollars.

No. 326.

United States District Court, Northern

District of California.

The United States,

—vs.—

Estate of
Marcus West,
decd.

Order granting appeal,
and fixing amount
of appeal Bond.

Filed th December 4th 1858,

H. St. Cheney

Clerk.

Deputy.

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District Court of the United States
Northern District of California,
The United States

vs. Appellee
The Heirs of Marcos Nieto dec'd.
Appellants

D. C. No. 326
L. C. No. 251

Know all men
by these presents that we Juan M. Lucas,
and José Leandro Lucas of the State of Califor-
nia are held and firmly bound to the
above named United States in the sum
of One hundred and fifty Dollars, for the
payment of which well and truly to be made
we bind ourselves, and each of us, our heirs,
each of our heirs, executors, and adminis-
trators jointly and severally by these presents

Sealed with our seals and dated the
Ninth day of December A. D. 1858.

Whereas Martin J. Smith one
of the above named Claimants and Appell-
ants has prosecuted an appeal to the Su-
preme Court of the United States at the City
of Washington in the District of Columbia
by virtue of an order of said Court made
on the 4th of December A. D. 1858. granting such
appeal in behalf of the said Martin J.
Smith one of the Claimants and Appellants
aforesaid, to reverse the decree rendered
in the above suit by the District Court

of the United States for the Northern District of California.

Now therefore the condition of this obligation is such that if the above named Martin P. Smith, one of the Claimants and Appellants aforesaid shall prosecute his appeal to effect and answer all damages, and costs if he fails to make his appeal good then this obligation shall be void otherwise to remain in full force and virtue.

Juan M. Lucio

Jose Leandro Lucio

United States of America
Northern Dist. of California.

Juan M. Lucio

and Jose Leandro Lucio parties to the above stipulation being duly sworn do depose and say each for himself that he is worth the sum of One Hundred and Fifty Dollars over and above all his just debts and liabilities —

Juan M. Lucio

Jose Leandro Lucio

Sworn to, and subscribed
before me this 9th December, 1888

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338
130
338

W. A. Chever
N. C. Comm.

Approved.

John Hoffman
Dist Judge

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No. 326 ^{with}
~~to~~

U. S. Dist. Court.

The United States.

- vs -
Eirs of Marcos
Wid. decd.

Appeal Bond.

Filed Dec: 9. 1858.

W. H. Church
Clerk

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At a Stated Term of the DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room in the CITY OF SAN FRANCISCO, on ~~Thursday~~ ^{Wednesday} the 15th day of January in the year of our Lord one thousand eight hundred and sixty two.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

The widow and heirs of
Marcus West deceased

N. 326

And now come the claimants above named, by their Counsel W. W. Stow, and present the mandate of the Supreme Court of the United States affirming the decree of this Court in this cause, as more particularly appears by reference to the said mandate. Whereupon and on motion of said claimants, by their said attorney, it is ordered that the said Mandate be filed, and made a part of the record of the Court in this cause. And that the said claimants may proceed under said Mandate and under the decree of this Court as thereby affirmed, as under final decree.

Ogden Hoffman
U. S. District Judge

No 326

UNITED STATES DISTRICT COURT

Northern District of California.

The U. States

v.

Widow & heirs of
Marcus West, dec'd

Order to file
Mandate U.S.
Supreme Court

Filed January 15, 1862.

H. A. Chevers,
Clerk.

326 ND
PAGE 134

Vertical text on the left side of the page, including "326 ND" and "PAGE 134", likely from the reverse side of the document.

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THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Honorable the Judges of the District Court
of the United States, for the Northern District
of California _____



greeting:

Whereas, lately, in the District Court of the United States, for the Northern District
of California _____ before you, _____ in a cause

between the Widow and heirs of Marcus West, deceased,
appellants and the United States, appellees, the
decree of the said District Court was in the fol-
lowing words, viz: -

"It is ordered, adjudged and decreed
that the decision of said board rejecting said
Claim be vacated and set aside; and it is
further ordered, adjudged and decreed, that the
Claim of the said heirs of Marcus West, deceased,
be, and the same is hereby confirmed, and their said
title declared a good and valid one to the extent
herein after mentioned.

"The lands of which confirmation
is hereby made are known by the name of San
Miguel, situated in the present County of Sonoma,
in said District and State, containing one and one
half square leagues of land, reference being had
for more particular description of said land to the
original grant attached to the deposition of J. J.
Berreyesa, taken in this Court, for the boundaries of
said land, but not for the quantity, and the expediente
relating to said land filed in the Archives of the
Mexican Government in California, of the date of 1840,
which said expediente is now in the custody of the U. S.
Sawyer of California". - _____

OFFICE OF THE CLERK OF THE SUPREME COURT OF THE UNITED STATES

THE PRESIDENT OF THE UNITED STATES OF AMERICA



as by the inspection of the transcript of the record _____
_____ of the said *District*
Court, which was brought into the Supreme Court of the United States, by virtue of *an appeal*
agreeably to the act of Congress, _____
_____ in such case made and provided, fully and at large appears.

And whereas, in the present term of *December*, in the year of our Lord one thousand eight hundred and *fifty nine* the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and was argued by counsel: On consideration whereof, it is now here ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be and the same is hereby affirmed. ~ 27 Feb 7

You, therefore, are hereby commanded that such further proceedings be had in
said cause, _____

as according to right and justice, and the laws of the United States, ought to be had, the said appeal
notwithstanding:

Witness the Honorable Roger B. Taney Chief Justice of said Supreme Court, the
first Monday of December in the year of our Lord one thousand eight hundred
and fifty nine.

COSTS OF _____
Clerk.....\$ _____
Attorney....\$ _____
\$ _____

Paid by

Wm. H. Carroll
Clerk of the Supreme Court of the United States.

326.
No. 75, December Term, 1859

MANDATE
SUPREME COURT UNITED STATES.

W. H. Carroll

Filed January 15, 1862.
W. H. Carroll
Clerk.

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District Court of the United States
for the Northern District of California

Marcus West
vs
herin to

⁴
United States } "San Miguel"

The petition of the United States
shows that the survey of the land
herin confirmed was approved
August 20th 1842, and is erroneous.

That the first publication
thereof took place in the journal
Democrat at Santa Rosa in this
State, September 14th 1842, and
the last in the "Alta California"
October 4. 1842.

Whereupon petition prays
the said survey be ordered to be
returned into this court, for adju-
dication.

Wm. P. Sharp

U. S. Atty.

Let the survey above mentioned be returned as
prayed for.

Richard W. Chambers
San Francisco Co. October 8. 1842

326.

U. S. Dist. Court.

The United States

vs.
Miss of
Marcus Chest.

Return of M. C. atty.
for return of Surrey.

Filed Oct. 9th. 1862.
M. St. Chenevix.
Clerk

326 ND

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141
PAGE

District Court of the United States
in and for the Northern District
of California.

326 ND
PAGE 141

Maxim Writ. here
United States
claiming "San Miguel"

And now comes the United States and
accepts of the survey herein made
and for causes of exception avers:

1. That said survey is not made
in a compact form as required
by law and the regulations
of the Department of the Interior.

2. That the western line of the land
surveyed should run in a South-
easterly direction, thence at right
angles until reaching the Eastern
line, thence in a north westerly
direction to the Marum West
Creek

3. That all the land included within
the lines of the plot returned, ~~to~~ and
south of the two points thereon
marked "Post of M. N. 9" and "Holmes"
"House" should be excluded

Wherefore it is prayed that

Last page to reject, and a
new page added in conformity
with the suggestions herein contained

W. H. Nash
U. S. Atty.

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[Handwritten notes and signatures in the lower right quadrant]

326 ND

No 326.

U. S. Dist. Court
M. Wash. D. C.

4
United States

^o
Exception to jury
on part of U. S.

Filed Oct. 10, 1862,
A. H. Chesnut,
Clerk

326 ND
PAGE 144

United States of America,)

ss.

Northern District of California.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,
To the Marshal of the United States for the Northern District
of California,

GREETING:—

WHEREAS, objection has been made to the official survey and location of the land finally confirmed, in case No. 326, to *Heirs of Marcus West*, known as "*San Miguel*", and situated in the County of *Sonoma* in said District.

NOW THEREFORE YOU ARE HEREBY COMMANDED, in the name of the President of the United States of America, to give due notice to all parties having, or claiming to have, an interest in such survey and location, that they be and appear before the District Court of the United States for said District, sitting in Land Cases, on or before Wednesday, the *29th* day of *October* A. D. 186*2*, at 11 o'clock, A. M. (if that day shall be a day of jurisdiction, and if not, on or before the next Wednesday thereafter,) then and there to intervene for the protection of such interest, or their defaults will be taken. And what you shall have done under this writ do you then and there make return thereon.

WITNESS, the Hon. OGDEN HOFFMAN, Judge of said Court, at San Francisco, in said District, this *9th* day of *October* A. D., 186*2*.

W. A. Cleverly

CLERK.

The within Motion was received by me on
Thursday the 9th day
of October 1862, and in obedience thereto
I have given due notice, as therein commanded, by causing
the publication of said notice, for 3 consecutive
Wednesdays, in the San Francisco Herald, commencing
on the 10th day of October 1862
~~but not published on~~
~~1862, and for~~ ~~consecutive~~ ~~Sundays, in the~~
~~the paper published nearest the land, commencing on the~~
~~same inadvertency occurred~~
~~day of~~ 186
~~by the absence of the~~
~~the Marshal~~
Dated San Francisco, 186

C. W. Knud
U. S. Marshal.

J. B. Harts

Publication of the within, in
"paper nearest the land"
was omitted through some
inadvertency connected
with the absence of the
Marshal, & otherwise unknown
to the undersigned

J. B. Harts
Deputy U. S. Marshal

No. 326

UNITED STATES DISTRICT COURT,
Northern District of California.
IN LAND CASES.

THE UNITED STATES.

V.

Heir's Success West.

MONITION.

Returnable 29th Oct. 1862

Issued 9th Oct. 1862

Filed October 29. 1862

W. H. Cheever

Clerk.

326 ND
PAGE 145

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 *Thursday* the *9th* day of *October* in the year of our Lord one thousand eight hundred and sixty-*three*,

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States,

v.

Quis Marcos Nest,

IN LAND CASES.

District Court No. *326,*

Land Com. No. *251,*

AND now at this day on application of *Am. St. Sharp* Attorney for *The United States,* IT IS ORDERED, that the Surveyor General of the United States for California return into this Court, on or before Wednesday, the *29th* day of *October* A. D. 186*2* his Official Survey and Plat of the land finally confirmed in the above entitled cause, known as *"San Miguel"*, and situated in the County of *Sonoma* in said District; AND IT IS FURTHER ORDERED, that the United States Marshal for this District serve upon the said Surveyor General, without delay, a certified copy of this order, and make due return hereon.

I hereby certify that I served the
within order by delivering a copy thereof personally
on the Chief Clerk of the Surveyor
General on the ninth day of October
1862. Charles W. Rance, U.S. Marshal
Dated San Francisco Oct 9th 1862

No. 326.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

Mrs. Marcus West,

ORDER TO RETURN SURVEY.

Returnable 29th Oct. 1862

Issued 9th October 1862

Filed October 29. 1862

H. A. Cheever,

Clerk.

326 ND

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At a Stated Term of the DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room in the CITY OF SAN FRANCISCO, on Wednesday the 29th day of October in the year of our Lord one thousand eight hundred and sixty-two.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States.

v.

Heirs of Marcos West.

326.

And now at this the Marshal having returned the Motion heretofore issued herein, and it appearing that he has failed to make the publication required by the rules, now on motion of H. H. Sharp, Esq., U. S. Dist. Atty., it is ordered by the Court that an Alias Motion issue herein, returnable on the 19th November next.

No 326,

UNITED STATES DISTRICT COURT

Northern District of California.

The United States,

v.

Heirs of Marcus West,

*Order for alias
Mortgage.*

Filed *October 29,* 1862

M. St. Charles,
Clerk.

326 ND
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United States of America,)

SS.

Northern District of California.)

THE PRESIDENT OF THE UNITED STATES OF AMERICA,
To the Marshal of the United States for the Northern District
of California,

GREETING:—

WHEREAS, objection has been made to the official survey and location of the land finally confirmed, in case No. 326, to *Heirs of Marcos West* known as *San Miguel*, and situated in the County of *Southern* in said District.

NOW THEREFORE YOU ARE HEREBY COMMANDED, in the name of the President of the United States of America, to give due notice to all parties having, or claiming to have, an interest in such survey and location, that they be and appear before the District Court of the United States for said District, sitting in Land Cases, on or before Wednesday, the *19th* day of *November* A. D. 1862, at 11 o'clock, A. M. (if that day shall be a day of jurisdiction, and if not, on or before the next Wednesday thereafter,) then and there to intervene for the protection of such interest, or their defaults will be taken. And what you shall have done under this writ do you then and there make return thereon.

WITNESS, the Hon. OGDEN HOFFMAN, Judge of said Court, at San Francisco, in said District, this *29th* day of *October* A. D., 1862

H. A. Cheever,

CLERK.

The within Motion was received by me on
Wednesday the *29th* day
of *October* 186*2*, and in obedience thereto
I have given due notice, as therein commanded, by causing
the publication of said notice, for *3* consecutive
Wednesdays, in the *San Francisco Herald*, commencing
on the *9th* day of *October*
186 ; and for *2* consecutive Saturdays, in the
"*Santa Rosa Democrat*
a paper published nearest the land, commencing on the
6th day of *November* 186*2*

Dated San Francisco, *Nov 19th* 186*2*

Chas W Nass
U. S. Marshal.

per Hauto
Depts

No. 326.

UNITED STATES DISTRICT COURT,
Northern District of California.
IN LAND CASES.

THE UNITED STATES.

v.

Heirs Marcos West,

alias MONITION.

Returnable *19th November* 186*2*

Issued *29th October* 186*2*

Filed *November 19th* 186*2*

W. H. Chesler,
Clerk.

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At a Stated Term of the DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room, in the CITY OF SAN FRANCISCO, on *Wednesday* the *19th* day of *November* in the year of our Lord one thousand eight hundred and sixty-*two*,

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,

v.

Heirs of Marcus West,

IN LAND CASES.

District Court No. *326,*

Land Com. No. *251,*

AND now at this day ^{*alias*} the United States Marshal having made return upon the Monition heretofore issued in this cause, that he had given due notice as therein commanded; on motion of *W. St. Sharp,* Attorney for *The United States.* proclamation was made that all parties having, or claiming to have, an interest in the survey and location of the land finally confirmed in the above entitled cause, appear and intervene for the protection of such interest;

W. St. Sharp, Esq., U. S. Dist. Atty appeared in behalf of *The United States,* and *John B. Williams, Esq.,* in behalf of *The Claimants,*

No other parties appearing

whereupon IT IS ORDERED, that the default of all parties not appearing as aforesaid be and the same is hereby entered.

No. 326,-----

UNITED STATES DISTRICT COURT
Northern District of California.
IN LAND CASES.

THE UNITED STATES,

v.

Heirs Marcos West,

ORDER ON RETURN OF MONITION.

Filed, November 19, 1862

W. H. Cheas, Clerk.

[Faint handwritten notes and signatures, including a large signature on the right side.]

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At a Stated Term of the District Court of the
UNITED STATES OF AMERICA, for the Northern District of
California, held at the Court Room, in the City of SAN FRANCISCO,
on *Monday* the *30th* day of
November in the year of our Lord one thousand

eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Heirs of Marcos Mest.

No. 326 : L.C. 207.

In this case on application
of P. Della Torre Esq. U. S. Attorney, made in open
Court, it is ordered by the Court that an appeal
in behalf of the United States from the final
decision of this Court rendered in said cause
at the present term, be and the same is hereby
granted - and that a certified transcript of
the pleadings, evidence, depositions & proceedings
in the said cause be sent to the Supreme Court
of the United States without delay.

326 One

United States District Court, Northern District of
California.

The United States

vs.

Heirs of Marcos Pesh

ORDER.

Granting appeal

Filed Nov 30th 1857

Lucas Moore

CLERK.

By

DEPUTY.

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PAGE 155

Scrutton

Know all men by these presents that I William Mark West of the District of Sonoma in the Territory of California for and in consideration of the Sum of Six hundred Dollars to me in hands paid by John Lewis, Nicholas Carrager, and Joseph Wardlow of the District of Sonoma in the Territory aforesaid the receipt whereof is hereby acknowledged have this day granted Bargained and Sold and by these presents doth hereby grant Bargain and sell unto the Said John Lewis Nicholas Carrager and Joseph Wardlow and to their heirs and assigns forever a certain Tract or parcel of land lying being and situated in the rancho of St. Michael District and Territory aforesaid and bounded as follows: Beginning at a point on said Wests Mill Creek where Capt John Coopers line strikes the same thence in a Southerly course one mile and a half english Measure thence making a right angle and running in an easterly direction three miles thence making a right angle and running in a northerly direction to the said Mill Creek one mile and a half, thence in a Westerly direction down with the meanders of said Creek to the point of beginning so as to include in the whole survey one half league or three miles by one and a half miles containing twenty eight hundred & Eighty acres more or less. To have and to hold the said granted and Bargained premises unto them the said John Lewis Nicholas Carrager and Joseph Wardlow and to their heirs and assigns

forever together with all and singular the rights
privileges and appurtenances thereunto belonging and the
said William Mark West for himself and his heirs and
assigns Conveants to and with the said Lewis
Carrager and Wardlow their heirs and assign-
-ees to warrant and forever to defend the title
to the said tract of lands from the lawful
claim or demand of any person or persons
whatever claiming or to claim the same

Given under my hands and seal at
Sonoma in said Territory this Eleventh day
of October A.D. 1844

W^m Mark West

Territory of California

District of Sonoma personally appeared before
me the undersigned Alcalde of the said district
William Mark West who is known to me to be the person
whose name is subscribed to the foregoing deed as having
executed the same and acknowledged the same to
be his act and deed for the purposes therein mention-

-ed Given under my hands at office this 11th
day of October 1844

L W Boggs

326 ND
PAGE 158

State of California, } SS.
COUNTY OF SONOMA:

I, Thomas H. Pyatt, County Recorder in and for said County and State, hereby certify that the above and foregoing as hereto annexed, is a true, full and correct copy of an Instrument of Record in my office, as the same appears recorded in Liber C m of Deeds & Alcalde Records pages 1 & 2 of Sonoma County Records, now remaining in my custody as such Recorder.

In witness whereof I have hereto set my hand and affixed my official seal,

at office on this the Third (3rd)

day of May A. D. 1862 (1862)

Thomas H. Pyatt, Recorder Sonoma County.

By Ym C Bonds, Deputy Recorder.



Deed 326.

William Mark West

to

John Lewis Esq

Dated October 11. 1847

Certified Copy

U. P.

no

Heis Marcus West,

Filed April 20. 1863.

W. H. Cheves,

Clerk.

Know all men by these presents that I William Mark West of the Territory of California District of Sonoma for and in consideration of the sum of Eight hundred Dollars to me in hand paid have this day granted Bargained and sold and by these presents Doth hereby grant Bargain and sell unto Thomas Spriggs of the Said district and Territory a certain Tract or parcel of lands lying being and situated in the rancho St Miguel in said District and bounded as follows to wit Bounded on the West a distance of three miles by a tract of lands sold by said West to John Lewis W. Carrager and Joseph Wardlow by deed bearing date the 11th day of October 1847, on the North one mile by a creek called Oclitomi, East by the tract belonging to the Said West, three miles and on the South by the Santa Rosa farm one mile, containing three square miles more or less. To have and to hold the Said granted and Bargained premises unto him the Said Thomas Spriggs and to his heirs and assigns forever, and the Said William Mark West for himself his heirs and assigns Doth hereby covenants and with the Said Spriggs his heirs and assigns to Warrant and to defend ^{forever} the title to the Said tract of lands from the lawful claim or demands of any person or persons whatever claiming or to claim the Same

Given under my hand and seal at Sonoma
this twelfth day of October. A.D. 1847

W. M. West
J. Seal

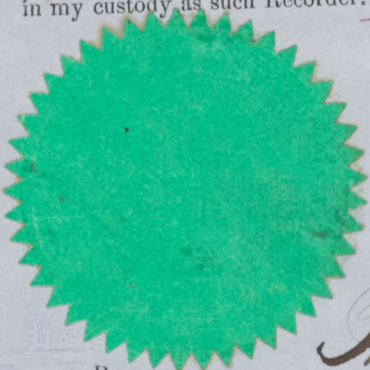
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Territory of California }
District of Sonoma } personally appeared
before me the Undersigned Alcalde of said
district William Mark West whose name is
subscribed to the foregoing Deeds as having executed
the Same and acknowledged the Same to be his
act and Deed for the purposes therein mentioned
Given under my hands at office in
Sonoma, this 12th day of October A.D. 1847
L. M. Boggs

326 ND
PAGE 162

State of California, } SS.
COUNTY OF SONOMA:

I, Thomas W. Pratt, County Recorder in and for said County and State, hereby certify that the above and foregoing
as hereto annexed, is a true, full and correct copy of an Instrument of Record in my office, as the same appears recorded
in Liber C of Deeds to Alcalde James page 2 & 3 of Sonoma County Records, now remaining
in my custody as such Recorder.



In witness whereof I have hereunto set my hand and affixed my official seal,
at office on this the Third (3rd)
day of June A. D. 1862 (1862)

Thos. W. Pratt, Recorder Sonoma County.

By W. H. Bond, Deputy Recorder.

Deed 326.

William West
to
Thomas Sprigg

Dated October 12, 1847

Certified Copy

U. S.
vs
Shirley Marcus West.

Filed April 20, 1863,
N. J. Chever,
Clerk

U. S
H

No 326
326 ND

The Heirs of Macos West died }

The official survey ^{in this case} is objected to on the part of certain persons who appear in the name of the U. S. on the ground that it is not in a sufficiently compact form

landed early for the heirs

It is not pretended that the location is not within the exterior ~~bound~~ boundaries of the grant or that it embraces a larger quantity of land than was confined to the claimants.

But it is urged that the location ^{it should} should be made so as to cover the lands conveyed by William Mack to John Lewis & Thomas Spiggs by deeds dated Oct 11th & Oct 12th 1847 -

On recurring to these deeds it is I think evident that the general intention of the grantor was to convey by that of Oct 11th a tract on the hook which forces

2 The northern boundary, three miles in length and ^{by} one mile $\frac{1}{2}$ in depth —

and by the deed of Oct 12th to convey a tract ~~manually~~ adjoining the first on the East one mile along the brook by 3 miles in depth —

It seems however to have been supposed that the course of the creek was from East to West.

The first tract is therefore described as beginning at a point on the creek where Cooper's line strikes the same thence southerly one mile and a half thence Easterly and at right angles three miles, thence northerly and at right ^{angles} one mile $\frac{1}{2}$ to the creek thence with the creek to the place of beginning. As the course of the brook is from North East to South West these calls could not be followed — For if a line be drawn due East from the termination of the first line its extremity will be at a much

3 greater distance than one
mile & $\frac{1}{2}$ from the brook
and the quantity of land
embraced considerable more
than the one half league
intended to be conveyed -
To meet this difficulty one
of two modes must be adopted -
Either to disregard the
courses given for the side
lines and run them at right
angles to the general course
of the brook - or else preserve
their directions as given
in the deed to disregard
the course therein designated
for the back line and run
it by off-sets at the average
distance of one mile & $\frac{1}{2}$ from
the brook

The latter of these methods
has very properly been adopted
for independently of other
considerations, if the East
line be run at right angles
to the brook there will be
left between it & the due
North and South line which
forms the western boundary

4

of the adjoining Rancho a narrow and wedge like piece of public land ^{unconceded} and unavailable for the U. S.

326 ND

PAGE 167

The track conveyed by the I Dec'd was as has been stated intended to be located immediately to the East of the first but its depth was 3 miles or twice as great as that of the first while its length along the creek was only one mile -

It appears however to have been thought that the back line run at the distance of three miles from the creek would coincide with the northern boundary of the Santa Rosa claim which is accordingly called for as the southern boundary of the track.

The survey has ^{therefore} accordingly been made so as to reach this boundary but ~~the~~ ^{the} depth of the track has ^{perhaps} thereby been somewhat increased and ^{the} excess

5

compensated for by a corresponding diminution of the ~~boundary~~ depth of the westerly portion -

326 ND
PAGE 168

If this location were objected to on the part of those claiming under the 2^d deed their objection would have great force - They would have a right to claim that the right of election of the claimants should not be so exercised as to include lands conveyed by them to purchasers for value

But both the claimants as well as the purchasers in ~~an~~ these are content with the official survey.

The only objection comes from parties claiming under the 1st S. The location appears to have been made in accordance with the general understanding of all parties interested under the grant.

The deeds are dated, Mar 1847 and it does not appear but ^{that} the grantees' occupation &

6

to the deeds

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PAGE 169

The practical interpretation
 given by all parties have
 been in accordance accordance
 with the location which
 with the consent of all the
 Surveyor General has made
 The claimants have as is
 conceded the right of electing
 their location within the ex
 posed boundaries. The natural
 limitations on this right are
 that it shall include their
 houses & cultivations, and also
 lands already conveyed by them
~~subject~~ to third parties.
 As to these it may justly be
 said that their election is
 already made. But if they
 and those parties are agreed
 the U. S. have no further
 interest in the matter except
 to see that the location does
 assume a shape necessarily
 convenient or injurious to
 the adjacent public land.

If then in this case the
 Eastern portion of the
 land be surveyed according
 to the calls of the deed and
 bounded on the East & West

7 by north & south lines, while
the call for the Santa Rosa
farm is rejected, the survey
will assume a shape but
little more compact than
that adopted by the Surveyor
General while the election
of the parties who are exclusively
interested will be disregarded.

On the whole I see no
reason for disturbing the loca-
tion that has been made ex-
ceptually as the objections seem
to come not from the U. S
or to be made in their interest
but in the interests of parties
who have settled within the
exterior boundaries of the grant
and who use the name of
the U. S. ^{for their} protection ~~the~~ interests.

And as it does not appear
but that any change of loca-
tion would include other ^{similar}
parties ~~similarly~~ who are now
excluded but who may have
an equal right to protection
with those who have obtained
I think therefore that the
survey should be approved.

No 326

U. S. Dist. Court

The United States

The Heirs of Marcos West.

Opinion approving survey.

Filed June 10th 1863.

W. H. Cheever,
Clerk

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PAGE 171

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 fifteenth day of June in the year of our Lord one thousand eight hundred and sixty-three.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

The Widow & Heirs of
Marcos West, dec'd.

No. 326.

This cause came on to be heard on the exceptions of the United States to the official survey of the land confirmed to the claimants, which survey is shown by the certified copy plat filed April 10, 1863; and counsel for the respective parties being present and heard, and due deliberation had in the premises, It is now ordered, adjudged and decreed that the said exceptions be and the same hereby are overruled. And it is further ordered, adjudged and decreed, that the survey approved by the Surveyor General of the U.S. for Cal. on the 20th day of August 1862, and shown by the plat filed April 10, 1863, is a good and valid survey of the land confirmed to the claimants herein, and that the same be and hereby is approved. And it is further ordered that the said plat filed April 10, 1863 and marked "Approved June 15th 1863, Ogden Hoffman, Dist. Judge" be attached to and made a part of this decree for a more full and particular description of the land now finally confirmed to the claimants.

Ogden Hoffman
District Judge

No 326 ND

251 B9

UNITED STATES DISTRICT COURT

Northern District of California.

The United States

v.

Widow of Marcos West

Final Decree

Filed *June 15.* 1863.

W. H. Cheever,
Clerk.

326 ND

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At a special term of the District Court of this United States for the Northern District of California, held at the Court House in the City of San Francisco, on the 15th day of June, 1863, the following decree was rendered: ...

U. S
B
Trancos West }

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Map for U. S

offus two deeds -

Deed dated 11 Dec 1847 for a
tract one mile by 3 (English)
described by meters & bounds
Also deed dated 12th Dec 1847
for a tract one mile by 3.
described by meters and bounds



H. S.

W

Marcos Wash

Notes of testimony

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[Faint, illegible handwritten notes on the left side of the page.]

[Faint, illegible handwritten notes in the center of the page, overlapping the printed text.]