CASE NO.
327
NORTHERN DISTRICT

PART OF AUGA CALIENTE GRANT
JOSEPH HOOKER
CLAIMANT:

LAND CASE 327 ND 72 pgs.

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 739.

Joseph Booker CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR part of THE PLACE NAMED

"Agua Caliente"

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, *that on this* second day of March, *Anno Domini One Thousand Eight Hundred and Fifty-*three, *before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;*

The Petition of Joseph Hooker, *for* a part of *the Place named* "Agua Caliente", *was presented, and ordered to be filed and docketed with No.* 739 *and is as follows, to wit;*

(Vide page 3 *of this Transcript.)*

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

San Francisco April 11 1854.

Case no. 739 Joseph Hooker for a part of "Agua Caliente" was ordered to be placed at the foot of the 1st Class Cases on the Trial Docket.

San Francisco July 18 1854.

Case no. 739 was submitted under the Rule of March 21 1854.

San Francisco Aug. 1 1854.

In the same case Commissioner Alpheus Felch delivered the Opinion of the Board rejecting the claim.

(Vide page 5-5 of this Transcript.)

San Francisco October 24 1854.

In the same case the Counsel for the Claimant filed the following Petition, to wit.

(Vide page 13 of this Transcript.)

which, having been considered, was granted, and the

following order, was made, viz:

(Vide page 43 of this Transcript.)

San Francisco February 21st 1855.

In the same case the Counsel for the Claimant filed the following Stipulation, viz:

(Vide page 44 of this Transcript.)

San Francisco March 22d 1855.

Case no. 739 was assigned for hearing on the 30th day of April next.

San Francisco March 29th 1855.

In the same case the Counsel for the Claimant filed the following Affidavit, viz:

(Vide page 15 of this Transcript.)

San Francisco April 3d 1855.

Case no. 739 was submitted without argument and taken under advisement by the Board.

San Francisco April 24th 1855.

In the same case Commissioner S. B. Farwell delivered the Opinion of the Board confirming the claim:

(Vide page 57 of this Transcript.)

N. And the following order was made, viz:

(Vide page 59 of this Transcript.)

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Petition

To the Honorable Commissioners to settle Private Land Claims in California

The petitioner Joseph Hooker respectfully represents that on the 13th day of July A.D. 1840 Juan B Alvarado Governor of California by virtue of authority in him vested granted to Lazaro Pina the tract of land called "Laguna Calabacita" in the present County of Sonoma with the boundaries described in the grant and the map in the Expediente filed in the archives of the former government now in charge of the Surveyor General of the United States for California, which grant was approved by the Departmental Assembly and the possession given in due form.

That a part of said Land was afterwards conveyed by proper Mesne Conveyances to the petitioner as is more particularly conveyed in said Conveyances all of which will be shown by the Original title papers and Expediente, and the Original Mesne Conveyances which will be adduced in Evidence to Establish this Claim

And the petitioner further represents that he and those under whom he claims have been for some fourteen years or fifteen years, and that he now is in the quiet possession and Occupation of said tract of Land and knows of no Conflicting Claim

Wherefore he prays the Commissioners on the final hearing of his petition and the

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PAGE 5

evidence he may adduce, to confirm to him the land conveyed to him as aforesaid

By his Atty
Hallock Peachy & Billings

Filed in Office March 2. 1853
(Signed) Geo. Fisher Secy

Recorded in Vol 2 of Petitions on page 136
(Signed) Geo Fisher Secy

M. S Land Com.

Stipulation Joseph Hooker vs The United States } No. 739

It is hereby stipulated and agreed between the United States Land Agent and the Counsel for the claimant that the Expediente of the Proceedings had under the Mexican Government and certified from the Archives Nacional in the Custody of the United States Surveyor General for the State of California and on file in Case 760 shall be taken and considered as on file in this Case and read as evidence in the same ~~shall be taken and as~~ ~~stated~~, being part of the same tract of land known as "Agua Caliente" and granted to Segundo Pina, as also the proceedings and certificate of approval by the Departmental Assembly on file in said Case No. 760

It is also stipulated that the Copies of Mesne Conveyances on file from the said grantee down

to the present claimant be considered and taken as proved in the Case, and it is also agreed that the certificate from the Office of the Surveyor General of Mexico that there is no record in the Archives of any formal Titulo or grant of the said tract of land to the Original grantee shall be taken as evidence of that fact and further that any depositions of witnesses taken in No 760 or in 775 may be considered taken as of evidence in this Case, this and those two Cases being for parts of the same Rancho

Louis Blanding
Asso. Law Agent

Feb. 21. 1855

Filed in Office Feb. 21. 1855
Signed
Geo. Fisher Secy

Recorded in Journal Vol 4 p 260
Geo. Fisher Secy

Deposition Juan B Alvarado

United States Land Commission
San Francisco March 29. 1856

On this day before Commissioner S. B Farwell Came Juan B Alvarado a witness on behalf of the Claimant Thaddeus M Leavenworth in Case No. 760 who often being duly sworn deposed in Spanish as follows his evidence interpreted by the interpreter for the Bank I Dwesten.

What is your name and place of residence?
Answer.

Juan B Alvarado, age forty six

residence Contra Costa County
2d. Question.

Look at the document now shown you marked "A" and purporting to be a certificate of approval of the Departmental Assembly of a part of a place called "Agua Caliente" to Segundo Pina, upon which is Endorsed a writing purporting to be a Conveyance from M. G. Vallejo to Andrew Hoppenn of said land, and state upon your acquaintance with the signatures thereto allowed, and if so are they the genuine signatures of the persons they purport to be?

Answer.

I am acquainted with the signatures of Pio Pico, Jose Ma Covarrubias M. G. Vallejo and Jacob P Leese, I have often seen them write and then signatures where they occur in and upon the said document referred to in the question and now before me are the genuine signatures of the persons respectively.

3d. Question

Do you know anything of the issuance of the grant referred to in the said document if so state what you know in regard to the same?

Answer.

The title of grant for the place of "Agua Caliente" was issued to Segundo Pina in the year 1840 by myself. I then being Governor of California

4th. Question—

Do you know what the contents of the said grant were if so please state them?

Answer.

It was a grant for a tract of

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Land in the neighborhood of Sonoma to the said Lagunas Pina being in length two leagues and a half, and One fourth of a league in width, bounded On One side by the Arroyo de Petaluma, On an other by the lands of the Vicendar of Sonoma On another side by the Rancho Cullen Bellocas belonging to a Mr. Wilson and on the other side by a range of hills that divide this Rancho from that of Mr. Yoeme 5th Question.

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

Answer

The grant referred to as well as I remember was upon the usual form and and I think with the accustomed Conditions Observed in making grants of land while I was Governor.

Cross Examined by U. S Land Agent

1st Question. How often did you see the said grant after signing it.

Answer.

I never saw it after signing it

2d. Question.

How many times did you read the said grant before you signed it

Answer.

I remember to have read it One time

3d Question.

Can you from memory describe Each grant you made in this year Has you have this if Not why and how Can you recollect the Contents of the One in question so well.

Answer.

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

4th. Question.

Who was present when you signed it?

Answer.

I do not remember who was present or whether any one was. I think no one was

5th Question.

Was the signature of the Secretary affixed before you signed it?

Answer.

No it was not

6th. Question.

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

Answer.

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

7th. Question.

How many and what were the Conditions in the grant and how are you enabled to remember the words of the Concession

Answer.

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I would not now undertake to state verbatim the contents of the conditional part of said grant, nor can I say positively how many conditions it contained, but as well as I can remember was that prohibiting him from conveying it in mortgage, selling or mortgaging it &c. thus requiring him to cultivate the proper Tract to give him the peaceable possession thereof and I think other usually usual conditions

I remember the details of the concession as I have said before because it afforded me a pleasure to confer a benefit upon the said grantee as a person of merit

8th. Question.

To whom did you deliver the title?

Answer.

I believe I delivered it to the before mentioned first Clerk Francisco Arce.

9th. Question.

Were you present at the last session of the Departmental Assembly in 1845, or do you by any means know on what day the Assembly had its last session in that year.

Answer.

I was not present at the said last session nor do I by any means know on what day the said Assembly held its last session in the said year

10th. Question.

When did Lazaro Pérez leave your service and what did he then do and where did he go?

Answer.

I think it was about the latter

part of 1838 or the first of 1839 that the said Pico left my service and removed a Mulino

11th. Question

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

Answer.

It was generally composed of from about ten Soldiers to more according to the necessity, the said guard was relieved periodically and I cannot now give them by name nor their Solemn or designing of their Country

Juan B Alvarado

Sworn and subscribed before me this 29th day of March A.D. 1855

S. B. Farwell Com.

Filed in Office March 29th 1855

Signed Geo. Fisher Secy

Recorded in Evidence B Vol 11 p 673

Geo. Fisher Secy

United States Land Commission
San Francisco March 30. 1855

Deposition of Salvador Vallejo —

On this day before Commissioner R Aug Thompson came Salvador Vallejo a Witness on behalf of the Claimant in Case No. 760 — who after being duly sworn deposed as follows his evidence being interpreted by the interpreter for the Board —

Present Claimants Atty & U S Law Agent

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

1st Question by Claimants Counsel
Do you know Lazaro Peña if so, how long have you known him?

Answer.
I have known him for more than twenty years in Monterey and Sonoma he resided in that Valley on the Rancho Called Agua Caliente from the year 1839 or 1840 until a short time before the American Occupation of California

2d Question. by same
What improvements if any did he make on said Rancho and what was the character of his occupation

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

3d Question. by same.
Do you know the arroyo formerly called the arroyo del Rancho de Petaluma

Answer.
Yes I know it – It is now known as the Rio de Sonoma and divides the Rancho of Petaluma from the town of Sonoma and from the Rancho of Agua Caliente

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Cross Examined by the U. S. Law Agent
1st Question by Same

Do you know the boundaries of said Rancho of Agua Caliente and if you know do you know them?

Answer.

Yes. I know them, because Pena made his petition for the Land I visited the place with him for the purpose of Examining and fixing upon the boundaries 2d. Question.

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

Answer

The house was situated near where the words "Casa del Rancho" occur on the map on the right hand side of the road leading from the Pueblo of Sonoma and about 400 yards from said Road and 600 a 1000 yards from an arroyo that runs between the house and the Pueblo

The sowing were on the opposite side of the Road near the River and near the southern corner of the Rancho

Salvador Vallejo

Sworn and subscribed
before me March 30th 1855
R Aug Thompson

Filed in Office March 30. 1855
Geo. Fisher Secy

Recorded in E. B Vol 11 p. 674
(Signed) Geo Fisher Secy

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739 To the Honorable Board of United States Land Commissioners for ascertaining and settling private land claims in the State of California

Petition to reinstate on Docket

Your petitioner Joseph Hooker respectfully represents that he is claimant in the case of Joseph Hooker against the United States being No 739 on the docket of said Commission and for a part of the place known as "Agua Caliente", that upon the withdrawal of the attorney of record from this cause, on the day of , he was advised to employ Judge Harry I. Thornton to attend to the same before said Commission, that at the time he was not personally acquainted with the said Thornton, and spoke to another person, which he supposed and believed to be the said Thornton and did employ him to attend to this case, and do all that was necessary to be done, towards the preparation of the same in order to procure a confirmation thereof by this Honorable Board. That the said person did not inform this petitioner of his mistake but undertook the conduct of his case, and promised to do all that was necessary and proper in the matter as his attorney. That this petitioner did not discover his mistake till after the adjudication of his claim, but up to that time thought that he had secured the services of faithful counsel and that his rights were being attended to. That said person, so mistaken for the said Harry I. Thornton, wholly neglected this case, as will be perceived by the record, in consequence of which your petitioner's claim, as he believes, has been rejected and he greatly injured

Your petitioner further represents that he purchased this land for good and valuable consideration, entered upon it, took and now holds possession of the same and has put upon it extensive and very costly improvements, that he has been advised

his title to the same is valid and protected by the law of nations and the treaty of Guadalupe Hidalgo. That said case was submitted for adjudication in his absence without the attendance of any counsel and as he is informed under a rule of this Honorable Board regulating the submission and trial of claims presented before it

By reason of all which your petitioner has been surprised in the rejection of his claim and greatly injured and therefore prays this Honorable Board in the exercise of its sound discretion and equitable jurisdiction and for the promotion of justice, that the said submission may be set aside, and also the said decree, if the same has been entered and that the said case may be returned to the docket as though it had never been submitted for further proceeding. And Your Petitioner will ever pray &c &c

Jas. Hooker

Subscribed and sworn to before me this 8th day of September, A.D. 1854.

Alphuno Dilek
Com

Filed in office Oct. 24. 1854

(signed) Geo Parker Fay

N5 — 739 United States Land Commission &c.,

Haaku
vs
The United States } No 739

Affidavit of Joseph Haaku

This day personally appeared before me the undersigned Commissioner &c. Joseph Haaku who is the claimant in this case, and makes oath, that he has been informed and believes that if there were any other documents of title or grant for the land claimed than those now on file in this case or stipulated to be so considered, they were either lost out of the possession of Pena the original grantee, or taken off with his people to Mexico, when the said Pena had been residing long before this affiant purchased any part of the said land or ranch of Agua Caliente. He this affiant verily believes, that from his inability to hear any thing from his vendor, or any one else of the existence of any further instrument of title than as above stated, and after making enquiry for the same of all persons who he supposes could give him any information, the said Título or general grant is either lost, or out of his power to procure it

Joseph Haaku

Subscribed and sworn to before me, on this 29th day of March, A.D. 1855.

Peter Tait
Commissioner

Filed in office March 29, 1855

(Signed) Geo. Parker Fay

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(L.D.N. 1)

Exhibit No. 1
R.T. to Deps.
of
S. Vallejo —

(L.D.N. 2)

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Espediente promovido por el ciudadano Lazaro Piña en pretension del terreno conocido con el nombre conoci la Agua Caliente —

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Exmo. Sor. Gobernador.

Visto lo contenido en esta instancia y el parecer del Comandte. Gral. del Departamto. ante quien por via de informes expongo: Que el interesado en esta solicitud obtiene los requisitos legales para ser atendido y que el terreno que pretende se halla baldio y puede serle concedido en propiedad dejandolo á la deliberalidad de V. E.

San José de Castro 9 de Julio de 1840

Jose Mª. Villar.

Sor Prefecto del 1er Distrito en la Alta California —

Lazaro Piña Mejicano por nacimiento Sargento 2º de Artilleria Permanente y residente en este Departamento ha veintiun años ante V. E. como mas haya lugar en derecho dijo: Que habiendosele concedido por el Sor. Comandante Gral (á reserva de solicitar del Gobierno los titulos de estilo como consta del documento que acompaño) el terreno conocido con el nombre de la Agua Caliente y deseando para mi mayor resguardo y seguridad acubar la propiedad del citado terreno cuyo diseño tambien acompaño á V.S. suplico se sirva proveer en justicia á fin de que me sea librado por el Gobierno del Departamento el titulo de propiedad del terreno que solicito; y sirviendose admitirme este un pa-

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(S.D. No. 3)

pel Comun por no haber en este punto del sello que corresponde. Pues lo necesario &a.

Sonoma Junio 25 de 1840.

Lazaro Pina

Sor. Comandante Gral.

Lazaro Pina Sargento 2º de Artilleria Permanente, ante V.S. con el debido respeto y en la mejor forma me presento y digo: Que hallandome con numerosa familia y teniendo algunos bienes de Campo carezco de un terreno en que poder radicarme p.a asegurar en lo futuro la precisa subsistencia en cuanto me sea posible para cuyo efecto he registrado y solicito un terreno en la estension de dos leguas y media y un cuarto de legua de ancho conocido con el nombre de la Agua Caliente situado al N.O. de San Solano lindando al Sudoeste con el arroyo que separa la propiedad del Sor. Comandante Gral. D. Mariano Guadalupe Vallejo, al Sudeste con la Poblacion de Sonoma al Norte con las Lomas y Cerros que median y dividen el Rancho de Jorge Lento y al Noroeste con el Rancho de Juan Wilson.

Por lo tanto á V.S. suplico se sirva acceder á mi solicitud en lo que recibiré merced y gracia. Juro no ser de malicia y lo necesario &a.

Sonoma Octubre 14 de 1839.

Lazaro Pina.

Sonoma Octubre 13 de 1839.

Se concede al interesado el terreno que solicita á reserva de solicitar del Gob.no Politico los titulos de estilo.

M. G. Vallejo

(S.D. No. 4)

Lazaro Pina.

Mon.

Por no haber papel sellado vale en comun.

(Here follows the map)

Aesta la peticion con que

(Here follows the map)

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(S.D.N.6.) = Tercy 13 de Julio de 1840 –

Vista la peticion con que da principio este Espediente, el parecer del Sor. Comandante General y el informe del S. Prefecto del 1.o Distrito con todo lo demas que se tuvo presente y ver convino de conformidad con las leyes y reglamentos de la materia declaro al Ciudadano Lazaro Piña dueño en propiedad del paraje conocido con el nombre de Agua Caliente colindante al Suduoeste con el Arroyo del Rancho de Petaluma, al S.E. con el Pueblo de Sonoma, al N. con las Lomas y Serros que median y dividen el Rancho de Jorge Hunt y al N.O. con el Rancho de Don Juan Wilson – Líbrese el despacho correspondiente tomese razon en el Libro respectivo y dirijase este Espediente á la Excma. Junta Departamental p.a su aprobacion. El Sor. D. Juan B. Alvarado Governador Constitucional del Departamento de las Californias asi lo mandó decretó y firmó doy fé.

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(S.D.N.7)

Angeles Octubre 3 de 1845 =

Dada cuenta en session de hoy con este Espediente á la Excma. Asamblea Departamental se mandó pasar á la Comision de Terrenos Baldios –

Pio Pico
Presid.te

Agustin Olvera
Srio.

(S.D.N.8)

La Comision de Terrenos Baldios ha visto con el necesario detenimiento el Espediente promovido por el Ciudadano Lazaro Piña en pretension del paraje conocido por la ag=

na Caliente" y no existen en todo el otro documento que indique la estension del parage dicho sino la solicitud del interesado, pues se dice que corre en el Espediente no se halla sugeto á Escala alguna y el decreto de concision no espresa la cantidad de sitios de que fué hecha la Comision funda su dictamen de aprobacion en solo la estension solicitada que es de dos y media leguas de largo y un cuarto de ancho pues no es de suponerse haya agraciado el Gobierno al interesado en mayor estension que la solicitada y por consiguiente la Comision somete á la decision de V.E. la proposicion siguiente:

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

Sala de Comision Angeles Octubre 7 de 1845=

Francisco de la Guerra
Narciso Botello —

Angeles Octubre 8 de 1845=

En sesion de hoy se aprobó por la Excma. Asamblea Departamental la proposicion del dictamen precedente mandando se devuelva el Espediente Original al E.S. Gobernador para los fines convenientes=

Pio Pico = Presidte. Agustin Olvera
Secto=

pia respectiva —

En la foja se libro á la parte la copia respectiva —

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

I, Samuel D. King Surveyor General of the United States for the State of California and as such now having in my Office and under my custody a portion of the Archives of the former Spanish and Mexican Territory or Departments of Upper California do hereby certify that the nine preceding and hereunto annexed pages of tracing paper numbered from one to nine inclusive and each of which is verified by my initials (S.D.K.) exhibit true and accurate copies of certain documents on file and forming part of the said Archives in this Office —

In testimony whereof I have hereunto signed my name officially and affixed my private seal (not having a seal of Office) at the City of San Francisco Cal this 29th day of January 1853 —

L.S.

Saml. D. King
Surv. Genl. Cal. —

Filed in Office Feby 20. 1855 —
Geo. Fisher
Agt.

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Translation of Exhibit No 1

Record of Proceedings.

In the instance of the Citizen Lazaro Peña soliciting the tract of Land known by the name of la Agua Caliente.

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Sir Prefect of the 1st District in Upper California:

I Lazaro Peña a Mexican by birth 2d Sergeant in the Permanent Artillery and resident of this Department for 21 years before your Honor as best may be consistent with Law, say That having by the Commandante General been granted (under reservation of soliciting of the Government the ~~[illegible]~~ ~~[illegible]~~ title papers, as is shown shown by the document I accompany) the tract of Land known by the name of la Agua Caliente, and desiring for my better safety and security to complete the ownership of such land, the sketch of which I also accompany – I pray your Honor to be pleased to provide in justice, for the purpose of being issued to me by the Departmental Government the title deed of Ownership of the Land I solicit, being pleased to admit this on common paper on account of stamped not being here in this place

I swear to the necessary &c

Sonoma June 25th 1840

Lazaro Peña

(In the margin)

Excellent Sir Governor

In view of the Contents of this instance and the Opinion of the Commandante General let it be forwarded to the Excellent Sir Governor of the Department, before whom, by way of respect, shall, That the interested party in this instance possesses the legal requisites in order to be attended to and that the land he solicits is vacant. And Can be granted him in Ownership leaving it to your Excellency's cultured in

San Juan de Castro 9th July 1840
Jose Ma. Villa

Sir Commandante General

I Lazaro Peña 2d Sergeant of Permanent Artillery Corps given Arms with due respect and in the best form present myself and say: That finding myself with a numerous family and having some Country Stock I need a tract of Land on which I can circle myself to secure in the future the necessary subsistence as far as it may be possible for me, to which Effect I have surveyed and solicit a tract of land of the Extent of two leagues and a half and One League of a league in width known by the name of Agua Caliente situate to the North East of San Francisco to the South West on the Creek separating the property of the Commandante General D. Mariano Guadalupe Vallejo, to the South East on the Village of Sonoma, to the North on the tops and rocky hills intermediate of and

of Geo. Guin Nelson.

divading the Rancho of Jorge Yoime and to the North West on the Rancho of Don. Juan Wilson.

Therefore I pray your Excellency to be pleased to grant to this my Solicitation, whereby I shall receive Favor and mercy — I swear there is no malice herein and to what is necessary —

Sonoma October 11th 1839

Lazaro Peña

(In the margin) Sonoma October 13. 1839

The interested party is hereby granted the land he solicits of the Political Government under reservation of soliciting of the Political Government the granted title papers —

Jno G Vallejo

In want of stamped paper it goes on common paper.

Monterey July 13th 1840

In view of the petition with which this Expediente commences, the Opinion of the Common Agente General and the Report of the Prefect of the first district with every thing else to be borne in mind and was to the purpose, in conformity with the Laws and regulating on the subject, I declare the Citizen Lazaro Peña Owner in his own right of the location known by the name of "Agua Caliente" bounding to the South West on the creek of the Rancho of Petaluma, to the South East on the Pueblo of Sonoma, to the North on the tops and rock hills intermediate of and divading the Rancho

of Juan Young and to the North West on the Ranchos of Don Juan Wilson.

Let the Corresponding Document be issued and Enter it in the respective book and let this Expediente be directed to the Excellent Departmental Assembly for its approbation.

Don Juan B Alvarado Constitutional Governor of the Department of both California

Thus city Angeles Aug 6th 1839 of which I have testimony

Having in to day begun given notice to the Excellent Departmental Assembly of this Expediente it was ordered sent to the Committee On Vacant Lands

Pio Pico President
Augustin Olvera Secretary

Excellent Sir

The Committee on Vacant Lands has seen with the necessary circumspection the Expediente at the instance of the citizen Juan Pico in solicitation of the location known by "la Agua Caliente" and there not existing in the whole of it any other document to encircle the Extent of said location but the solicitation of the interested party, for the sketch attached to the Expediente is without any scale and the decree of Concession does not Express the Amount of leagues granted, the Committee bases its ~~opinion~~ opinion of approbation only in the Extent solicited which is two and a half leagues in length and one quarter of a league in width because it is not to be supposed that the Government has awarded to the interested party a larger Extent than that

solicited, and consequently the Committee submits to your Excellency's decision the following proposition

It appears the the grant made by the Superior Government of the Department under date 18th of July 1840, in favor of the Citizen Lazaro Peña of the location of Agua Caliente in extent two and a half leagues in length and one quarter of a league in width —

Hall of Committee Angeles October 7th 1845 —

Geo. de la Guerra
Narciso Botello

Angeles October 8th 1845

In to day sessions the Excellent Departmental Assembly approved of the proposition in the preceding Opinion, having the Expedient to be returned to the Excellent Sri Governor for Convenient purposes

Pio Pico President
Augustin Olvera Secretary

Under the same date the respective copy was made to the party —

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

Recorded in Ex. B Vol 17 p 587
(Signed) Geo Fisher Secy

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Fuente de las California —

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Grant-

Pio Pico Gobernador interino del Departamento de las Californias -

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

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

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

Pio Pico.

José Mª Covarrubias
Srio.

El que suscribe certifica: Que habiendo comprado legitima y formalmente al C. Lazaro Piña el terreno de la Agua Caliente á que se refiere la anterior aprobacion de la Asamblea Departamental de la Alta California, cedo y traspaso todos los derechos que tengo al mencionado terreno en favor de D. André L. Hoppener quien hará de él el uso que mas le convenga. Y para los fines y usos necesarios doy esta en Sonoma á 12 de Agosto de 1846 -

M. G. Vallejo.

30

Testigos: A. A. Henderson
Assistant Surgeon
U. S. Ship Portsmouth -
Jacob P. Leese -

Recorded in Monterey Cty Jan 3, 1849 and the order for a title the within approbation in the Book a Map from thence A.

Filed for Record Dec. 29, 1848 -
L. W. Boggs
Alcalde -

Recorded in Book "C"
L. W. Boggs -
Page 85 -

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

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31 Translation of Approval

Translation

Pio Pico, Governor ad interim of the Departmente of both Californias

The Excellente Departmental Assembly in sessions to day has agreed to the following:

"It approves of the grant made by the Supreme Government of the Departmente under date 13th of July 1840 in favor of the Citizen Lazaro Peña of the location of La Agua Caliente in Extent two and a half leagues in length and One quarter of a league in breadth"

And for the security of the party the Citizen Lazaro Peña I thus make it known.

Given in the City of Los Angeles on this Common paper for want of stamped paper on the 8th day of October 1846

Pio Pico

Jose Ma Covarrubias Secretary

The subscriber certifies that having bought legitimate and formally of Citizen Lazaro Peña the land of La Agua Caliente to which the foregoing approbation of the Departmental Assembly of Alta California refers, I cede and transfer all the rights I have to said land in favor of D Andres Stoppenbach who will make the use of it that best may

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may deem him —
And for the necessary
Ends and purposes I give this in
Sonoma On the 12th of August 1846

M. G. Vallejo

Witnesses
A. A. Henderson Surgeon
of U. S Ship Portsmouth
Jacob. P. Leese

Filed in Office Feb. 20 1855
Geo. Fisher
Secy

Recorded in Ev. B. Vol 17 p 543
Geo. Fisher
Secy

A.
Copy Deed
— to —
Vallejo

Sello Tercero dos Reales = Para los años de mil ochocientos veinte y seis y mil ochocientos veinte y siete = Valga para los años de mil ochocientos treinta y mil ochocientos treinta y uno = Valga para los años de mil ochocientos treinta y siete = Valga para los años de mil ochocientos treinta y ocho y mil ochocientos treinta y nueve = En el Pueblo de Sonoma de la Alta California á los cuatro dias del mes de Diciembre de mil ochocientos treinta y nueve ante mi el Capitano D. Salvador Vallejo Comandante Militar ejerciendo la jurisdiccion civil, y testigos; D. Lazaro Piña vecino de dicho Pueblo dijo: Que por si y en nombre de sus herederos hijos y sucesores y de quien ellos hubieren titulo voz y causa en cualesquiera manera vende y da en venta real y enagenacion perpetua por juro de heredad para siempre jamas al Sor. D. Mariano G. Vallejo vecino tambien del mismo pueblo de Sonoma y á los suyos el terreno de la Agua Caliente en cantidad de dos leguas y media de largo y un cuarto de ancho poco mas ó menos, segun esplica el titulo que acompaña esta escritura, los que le pertenecen en posesion y propiedad, colindante con los Guilicos, Petaluma, la Poblacion de Sonoma y la Serrania al Norte segun consta por dichos titulos de pertenencia respectivos por los cuales le corresponde en posesion y propiedad al otorgante, el cual declara y asegura

no tenerlo vendido ni empeñado, y que
esta libre de tributo, Memoria, Capellania,
vinculo, patronato, fianza y de otro gra-
vamen perpetuo, temporal, especial gene-
ral, tacito y espreso, y como tal se lo
vende con todas sus entradas, salidas,
fabrica, usos, costumbres, regalias, ser-
vidumbres y demas cosas anexas que
ha tenido, tiene y le pertenecen segun
derecho por dos mil pesos que tiene re-
cibidos en pesos fuertes y bienes semo-
vientes siendo estos ultimos entregados
por Francisco Jalapa lo que el mismo
confiesa haber recibido mitad por mitad:
renuncia la Ley 9a Let.o 1.o Partida 5.a y
asimismo declara que el justo precio
y verdadero valor del referido terreno es
la cantidad antes dicha de dos mil pesos,
y que no vale mas, ni hallo quien tanto
le haya dado por el, y si mas vale ó va-
ler pueda del exceso en poca ó mucha
cantidad hace á favor del comprador
y de sus herederos y sucesores gracia
y donacion pura, cierta, perfecta é ir-
revocable en santidad con insinuacion
y demas firmezas legales y renuncia la
Ley 2a Let.o 1.o L. 1.o N. R. que trata de los
contratos de venta trueque y de otras
en que hay leccion ~~sobre~~ en mas ó me-
nos de la mitad del justo precio y los
cuatro años que prefija para pedir
su recision ó suplemento á su justo
valor, los que da por pasados como si
efectivamente lo estuvieran. Y desde
hoy en adelante para siempre se

desapodera desista quita y aparta y á
sus herederos y sucesores del dominio
é propiedad, posesion titulo voz recurso
y otro cualquiera derecho que le com-
pete al nunciado terreno de la Agua
Caliente, lo cede renuncia traspasa
en las acciones reales y personales utiles
mixtas directas y ejecutivas en el com-
prador y en quien la suya represente
para que lo posea goce cambie ena-
gene use y disponga ello ~~como~~ á su
eleccion como de cosa suya adquirida
con bpitimo y justo titulo, y le confiere po-
der irrevocable con libre franca y gene-
ral administracion y constituye procu-
rador actor en propia causa, para que
de su autoridad entre y se apodere del
nominado terreno y prescinda la real te-
nencia y posesion que por derecho le compete:
y para que no necesite tomarla me pide q.
le copia de esta escritura con la cual
sin otro acto de aprehension ha de ser vis-
to haberla tomado aprehendido y trasferi-
dole y en el interin se constituye su
inquilino tenedor y precario poseedor en
legal forma - Y se obliga á que dicho
terreno será cierto seguro y efectivo al
comprador y nadie le inquietará ni
moverá pleito sobre su propiedad pose-
sion, goce y disfrute ni contra apa-
recerá gravamen alguno y si se le
inquietare, moviere ó apareciere luego
que el otorgante y sus herederos suce-
sores sean requeridos conforme á de-
recho saldrán á su defensa y lo sig-
uirán á sus expensas en todas instan-

cias y tribunales hasta ejecutoriarlo, y dejar al comprador y los suyos en su libre uso y quietud y pacífica posesion, y no pudiendo conseguirlo le darán otro igual en valor de fabrica, sitio, renta y comodidades, y en su defecto le restituirán la cantidad que ha desembolsado, las mejoras utiles, precisas y voluntarias que á la fecha tenga el mayor valor y estimacion que con el tiempo adquiera y todos los costos gastos daños intereses y menoscabos que se le siguieren y erogaren por todo lo cual se le ha de poder ejecutar solo en virtud de esta escritura y juramento del que la posea ó de quien la represente en quien defiere su importe y lo relevan de otra prueba - Y á la observancia de todo lo referido obliga su persona y bienes habidos y por haber y confiere amplio poder á los Señores Jueces y tribunales de la Nacion que de este negocio deban conocer conforme á derecho para que le apremien á su cumplimiento pasando autoridad de cosa juzgada y consentida que por tal la recibe = Lázaro Piña = ante mi - Salvador Vallejo = De asistencia - Cayetano Juarez = De asistencia - Francisco Jalapa = Miguel Alvarado = Juan N. Pacillas =

State of California }
County of Sonoma } ss:

I hereby certify the foregoing to be a true and correct copy of

the Records in this Office as exhibited on pages 41 and 42 of Book "F."

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

John Hendley Recorder
By John A. Brewster Dep'y -

Filed in Office March 2d 1853
Geo. Fisher -
Secy -

On the Wheels of Locomotives

39

Translation of Grant Conveyance from Piña to Vallejo

Translation

(Above the seal)

In the Pueblo of Sonoma in Upper California on the 4th day of the month of December 1839 before me Captain D. Salvador Vallejo Military Commander Exercising civil jurisdiction and witnesses, D. Lugano Piña resident of said Pueblo says:

That for himself and his heirs, sons and successors and whom of them might have title vote and cause in any manner whatsoever, he sells and gives in real sale and perpetual alienation by weight of inheritance for always and ever to D. Mariano G. Vallejo also resident of the same pueblo of Sonoma and to his assigns, the tract of land of la Agua Caliente, in extent two and a half leagues in length and one league in width a little more or less as is shown in the title deed accompanying this writing, which belong to him in possession and ownership bordering on las Gallinas Petaluma, the village of Sonoma and la Sonanie, to the North as is shown in said respective title deeds of ownership by which it belongs to him the grantor in possession and ownership, who declares and opens not to have sold or pledged it, and that it is free from any tutelage, bell bene fice entail, patronate bond or any other encumbrance perpetual temporal especial general civil and expressive, and as such he sells it with all its revenues expenditures buildings uses, easters privileges servitudes and other appurtenances

which it has had, has and belongs
to it according to Law for two
thousand dollars which he has
received in Europe money and more
able property being the last delivered
by Francisco Salazar, which the
same he confesses to have received
half by half - He renounces the Law
9th tit. 1º partida 5ª and he likewise
declares that the just price and
true value of the said land is the
expressed sum of two thousand dollars, and that it is not worth more
nor does he find any body willing to
give so much for it, and if it may
or can be more worth, of the excess in
a little or large sum, he makes in
favor of the purchaser and his being
heirs and successors gift and extra contract
in perpetual and irrevocable, in regard
with public exhibition before a judge
and other legal formalities and he
renounces the Law 2d tit. 1º L. 1º
N R treating of contracts of sale
exchange and others in which there is
damage in more or less than the half
of the just price and the four years
preferring to demand its rescission or
supplement to its just value, which
he considers as if they were effectively repealed, and from to day hence
forward from he disposes, releases
quits and parts himself and his
heirs and successors of the common
or ownership possession title vote
recourse, or any other right whatever
might might have in competition
to the said house of Sand of la
Agua Caliente - He also renounces
transfers it in the real personal,
useful mingled direct and executive

respect mingled dress and the colour

#1

Causes of action in the purchaser and in whom may represent his cause, in order that he may possess enjoy Exchange alienate use and dispose of it at his option as a thing of his own acquired by legitimate and just title — And he confers on him irrevocable power of free independent and general administration and constitutes him Attorney proctor in his own Cause, that under his authority he may Enter and possess himself of the aforesaid land and seize the real tenury and possession which by right stands in opposition to him, and that he shall not need to latere, he asks me to give him a Copy of this writing with which, without any other act of seizure has to be looked upon as being taken, seized and transferred and in the mean time he is Constituted its tenant hoeder and possessor in legal form — And I bind myself that said land shall be called secure and Effective to the purchaser, and nobody shall disturb him in a suitable law suit upon his Ownership, possession, enjoyment and usufruct, nor against it appear any incumbrance, and if he shall be disturbed, seized or there shall appear any incumbrance the parties and his heirs and successors may personally be required Conformable to Law to rally to his defence and follow it up at their Expense in all instances and tribunals until Executed and to leave the purchaser and his offspring in its free use and quiet and peaceable possession, and not being able to obtain it, they shall give him

other equivalent in value of building site, rent and commodities and in default thereof, they shall restore the sum he has disbursed the useful necessary and voluntary improvements which on reason hereof he may have to the highest value, and estimate at the time required and with all the costs expenditures damages interests and retributions consequent thereon, for all of which he will have to be enabled to execute solely in virtue of this writing and merely by him who may possess it, or whom may represent him, to whom is yielded its full impart and he is released from other proof and for the observance of all the formality he binds his person and property which he has or may have and he resides full power in the judges and tribunals of the Realm who ought to take cognizance of the affair conformable to law that they may constrict him to its fulfilment as by definitive sentence of a competent judge passed in authority of ~~Juzgado~~ said arrangement and consented which as such he admits it—

Lazaro Peña before me
Salvador Vallejo—Witnessing witnesses
Cayetano Jiménez
Francisco Salgosa
Miguel Alvarado. Juan N Pacheco

Certificate

Filed in Office Feb 20. 1855
Geo. Fisher Secy
Recorded in Ev. B Vol 17. p 540
Geo. Fisher Secy

43

Order of Revival

Joseph Hooker
vs
The United States

No 739
Aqua Calienta
Upon petition to set aside decree &c.

327 ND
PAGE 40

Upon the hearing of the petition heretofore filed in this Case by Joseph Hooker the Board are of Opinion that the prayer of the same should be granted and do adjudge Order and decree that the decree repealing the said claim heretofore Contained in this Case be set aside that the case be restored to the docket & placed at the foot of the fourth Class and leave be given to the said claimant to tetro further Evidence in his behalf

Filed in Office Oct. 24. 1854
(Signed) Geo. Fisher Secy

No. 739
Claim of Joseph Hooker
To
Part of Aqua Caliente

Notice

To the U. S. Land Agent.
Sir
Please take Notice that we are no longer Attys for the Claimant in this Case and that we hereby withdraw our names from the Record
Very Respectfully
Your Obt Svts
Hallock Peachy & Billings

44

Recorder notice

R Greenhow Late Land Agent

Filed in Office Feb. 14 1854

Signed. Geo. Fisher Secy

H 5

Certificate of Sur General

Office of the Surveyor General of the United States for California

I John C. Hays Surveyor General of the United States for the State of California and as such having in my Office and in my Charge and custody a portion of the Archives of the former Spanish and Mexican ~~Government~~ Territory or Department of Upper California do hereby certify that having having made diligent search in the same Archives there appears no Book of Record of grants for the year 1840 and that no grant to Luzmo Pace for "Agua Caliente" purporting to have been made.

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

Seal

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

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

McKune
Law Agent

Filed in Office March 2. 1855
Signed Geo. Fisher
Secy

46

United States Land Commission &c

Hooker
vs
The United States } No. 739

This day personally appeared before me the undersigned Commissioner &c. Joseph Hooker who is the Claimant in this Case, and makes Oath that he has been informed and believes that if there were any other Claimants of of title or grant of the Land Claimed than those filed in this Case or stipulated to be so Considered, they would either lose out of the possession of Peña the Original grantee or return off with his property to Mexico where the said Peña has been residing long before this Affiant purchased any part of the said land or Ranch of "Agua Caliente" He this Affiant truly believes that from his inability to hear any thing from his Vendor or any One else of the Existence of any further movement of title than as stated stated, and after Making Enquiry of the Name of all persons who he supposed could give him any information, the said Titulo or Original grant is either lost or out of his possession to procure it.

Joseph Hooker

Subscribed and Sworn to
Before me On this 24th day
of March A. D. 1855
Peter Tait Commissioner

Filed in Office March 29. 1855
(Signed) Geo. Fisher Secy

47

Deed from Stoppenbach to Hopkins

This Indenture made and Concluded this fourteenth (14) day of November A.D. 1846 between Andres Stoppenbach of the One part and Jacob Hopkins of the other part both of the Town of Yuba Buena

Witnesseth:

That the said Andres Stoppenbach for and in Consideration of Eight hundred dollars well and truly paid hath granted bargained transferred and Conveyed and doth hereby grant bargain transfer and Convey unto the said Jacob Hopkins his heirs and assigns forever, One mile square of Land English measure Containing Six hundred and forty Acres situated lying and being in the District of Sonoma and being part and parcel of all that Certain tract of Land Called Agua Caliente formerly taken up by Lazaro Pena by a grant from the government and later purchased from the said Lazaro Pena by Mariano Guadalupe Vallejo and granted by the said Mariano Guadalupe Vallejo unto the aforesaid Andreas Stoppenbach, together with all and singular the advantages profits privileges and appurtenances which Women legal title and interest of the said Andreas Stoppenbach of in and to the same belonging or in any wise pertaining To Have and To Hold all and singular the above described tract of Land Containing Six hundred and forty Acres English Measure as fully as the same was held and possessed by the said Andreas Stoppenbach as aforesaid unto the said Jacob Hopkins his heirs and assigns to the

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only proper use and benefit of the said John Jacob Dopkin his heirs and assigns forever

In witness whereof I have hereunto set my hand and seal the day and date above written

Andrew Stoppenbach

Signed sealed and delivered in presence of us George Fryer
H. A. Helms

Magistracy of San Francisco
Yuba Bluff Nov. 14th 1846

Personally appeared before me the above named Andrew Stoppenbach personally known to me to be the person executing the above instrument and acknowledged that said instrument is his entire and voluntary act and deed for the purposes therein mentioned, and further as soon as said land by said instrument conveyed can be surveyed and marked and the exact location a new deed shall be given to John Jacob Dopkin which shall more fully describe the metes and boundaries and quantity of said one mile square or six hundred and forty acres of land

In proof whereof the said Andrew Stoppenbach has signed this certificate before me day and date aforesaid

Andrew Stoppenbach

has signed this certificate before me day and date aforesaid

Andrew Stoppenbach

Wm. A. Bartlett
Magistrate.

Filed in Office Feb 21. 1856 Geo. Fisher Secy

Filed in Office Feb 21. 1858 Geo. Fisher Secy

49

Deed from Dopkin to Rogers and Bennett—

This Indenture made and Concluded this thirtieth day of September A.D. 1847 between Jacob Dopkin of the One part and Ezekiel Rogers and William Bennett of the other part Witnesseth that the said Jacob Dopkin for and in consideration of the sum of Two Thousand Dollars well and truly paid hath granted bargained transferred and Conveyed and doth hereby grant bargain transfer and Convey unto the said Ezekiel Rogers and William Bennett their heirs and assigns forever One Mile Square of Land English measure Containing Six hundred and forty acres Situated lying and being in the District of Sonoma and being part and parcel of all that Certain tract of Land Called "Agua Caliente" formerly taken up by Lazaro Pena by a grant from the Government of Mexico and lately purchased from the said Lazaro Pena by Mariano G Vallejo and granted by the said Vallejo unto Andres Hoppner and subsequently granted by said Hoppner to said Dopkin by deed bearing date the fourteenth day of November 1846 together with all and singular the rights privileges and appurtenances thereunto belonging or in anywise appertaining whatsoever right title and interest of the said Jacob Dopkin in and to the same belonging or in any wise appertaining

To Have and to hold the said granted and bargained premises unto the said Ezekiel Rogers and William Bennet as fully as the same was held

and possessed by the said Jacob Hopkin into the said Earnest Rogers and William Bennett and to their heirs and assigns forever.

In testimony whereof I have hereunto set my hand and affixed my seal at Sonoma in the Territory of California this day and year before written

J Jacob Hopkins (Seal)

Territory of California
District of Sonoma

Personally appeared before me the undersigned Alcalde of the District of Sonoma the within named Jacob Hopkin whose name is subscribed to the foregoing instrument operating as having Executed the same and acknowledged the same to be his act and deed for the purposes therein mentioned.

Given under my hand at Office in Sonoma this 13th day of Sept. AD 1847

Lee Boggs Alcalde

Filed in Office Feb 21. 1855
Geo. Fisher Secy

57

Deed from Bennetz and wife to E Rufus

This Indenture made and Concluded this twenty fourth day of April in the year of our Lord One thousand Eight hundred and forty nine between William Bennetz and Josephine Bennetz his wife in the District of Sonoma Northern Department of Upper California of the One part and Ecomist Rufus of the Said District of the other part

Witnesseth that the Said Bennetz and wife for and in Consideration of the Sum of Fifteen hundred Dollars well and truly paid to & before the Ensealing and Delivery of these presents hereof the receipt whereof is hereby acknowledged have granted bargained Sold Transferred and Conveyed and by these presents do grant bargain Sell transfer and Convey unto the Said Ecomist Rufus his heirs or Assigns forever all their right title and interest of in and to all that certain lot of Land situate and being in the Valley and District as aforesaid, to wit, One Equal undivided half of a certain tract of land lying on Sonoma Creek Containing One Square Mile or Six hundred and forty Acres, the said half being three hundred and twenty Acres — It being the same tract of land purchased by said Bentz of Jacob Hopkin by deed bearing date the 13th of September 1847 and by said Hopkin from Andrus Hoppenn by deed dated November 1846 and by said Hoppenn from M G Vallejo, and by said Vallejo from Lazaro Pena ~~from the~~ and by said Pena from the Mexican Government —

To have and to hold all and singular the above bounded and described lot of ground as aforesaid together with all the rights, profits privileges and appurtenances whatsoever thereunto belonging as fully as the same were held and possessed by the said William Beatty wife as aforesaid unto the said Ebenezer Rufus his heirs and assigns to their only proper use benefit and behoof

In Witness whereof the said William Beatty and wife have hereunto set their hands and seals the day and date above mentioned

William Beatty (Seal)

Territory of Alabama
Destrict of } ss

Personally appeared before me the undersigned Judge of the said District William Beatty & his wife both being known to me as the persons whose names are subscribed to the foregoing deed as having executed the same and acknowledged the same to be their act and deed for the purposes therein mentioned and the said being by me first made acquainted with the contents of the said deed and examined separate and apart from the said husband whether she executed the same and relinquished her dower therein mentioned voluntarily and freely without compulsion or undue influence of her said husband answered that she executed the same voluntarily and relinquished her dower to the lands and tenements therein mentioned freely without compulsion or undue influence of her said husband

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Given under my hand at Office in Sonoma this 24 day of April A. D. 1849.

L Lee Boggs

Filed in Office Feb. 21. 1855
(Signed) Geo. Fisher Secy

Deed from Reefes to Stooker

Know all men by these presents that I Ernest Reefes of Sonoma County State of California in consideration of thirty three hundred dollars do hereby grant bargain sell and convey unto Joseph Stooker of U. S. Army and his heirs and assigns, to his and their use forever a certain piece of land situated in said County of Sonoma and containing One English mile square or six hundred and fifty acres being the same piece of land sold xxx by Andres Soppend to J Jacob Dopkin by a document dated the 14th day of November A.D. 1846 and recorded in the Recorders Office of said County of Sonoma in Book B pages 188 & 189 which said Document is referred to and made a part hereof and by the said Dopkin conveyed to me and William Benity by deed dated the 13th of September A.D. 1847 and recorded in said Book C pages 190 & 191 which said document is referred to and made a part hereof and by the said Dopkin conveyed to me and William Benity by deed dated the 13th of September A.D. 1847 and recorded in said Book C pages 190 & 191 — and then afterwards the said Benity conveyed to me his undivided

half thereof by deed dated the 24th day of April A.D. 1849 and also recorded in Book C pages 192. 193. 194. the said piece of land being the portion of the tract known as the Agua Caliente And I do hereby Covenant for myself my heirs Executors and administrators to warrant and defend the title of the above granted premises unto the said Stobie his heirs and assigns forever against the lawful claims or demands of all persons whomsoever

In witness whereof I have hereunto signed my name and affixed my seal this the fourth day of December A.D. Eighteen hundred and fifty One

Earnest Rufus (Seal)

State of California }
County of Sonoma }

On this 4th day of December A.D. 1851 before me the undersigned County Clerk of Sonoma County personally appeared Earnest Rufus known to me to be the person described in and who Executed the foregoing Instrument and acknowledged that he Executed the same freely and voluntarily for the uses and purposes therein mentioned

In testimony whereof I have hereunto set my hand and seal of Court at Office in the City of Sonoma this day and year last above written

(Seal)

John Hendley Clerk

Filed in Office Feb. 21. 1855.

Geo. Fisher Secy

55

No 739

Joseph Hooker
vs
The United States

For a part of the place called "Agua Caliente" situated in Sonoma County.

1st Decision

Opinion of the Board delivered by Commissioner Alpheus Felch

The petitioner alleges that a grant was made of the place called "Agua Caliente" to Lazaro Piña by Governor Juan B. Alvarado, in the 13th day of July 1840, a part of which was subsequently conveyed to the present claimant.

No grant is presented and no evidence given tending to show either a title in Piña, or any conveyance to or title in the claimant.

A decree rejecting the claim must consequently be entered.

Filed in office Aug 1, 1854

(Signed)

Geo Fisher Grey,

56

No. 739

Joseph Hooker
vs
The United States

Piere

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

Alphens Felch
R. Aug. Thompson
S. R. Farwell
Commissioners

Filed in office Aug 1, 1854

(Signed)
Geo Pickin Jeas

5-7

No 7/39

Joseph Hooker
vs
The United States

For a part of a place called "Agua Caliente" in the County of Sonoma one square mile

2d Division

Opinion of the Board delivered by Commissioner S. B. Farwell

The claimant in this case has offered in evidence by written stipulation of the Law Agent the evidence of title filed in the case 7/60 which has this day been confirmed and also a chain of title derived from Lazaro Piño, the original grantee as follows; to wit;

A deed from the said Piño to M. G. Vallejo dated December 4th 1839, also a deed from the said Vallejo to Andrew Hoeppner, dated August 2d 1846, and from the said Hoeppner to Jacob Dapkin, dated the 14th day of November 1846, and a deed from the said Dapkin to Ernest Rufno and William Bennett dated the 13th day of September, 1847 of his interest to the said Rufno, and also a deed from the said Rufno to the present claimant dated the 4th day of December, 1851.

All of which documents are duly authenticated

From the proofs and allegations we are of the opinion that this claim is valid, and a decree of confirmation will be entered

Filed in Office April 24. 1855
(Signed)
Geo Fisher Gray

5-8

No 739

Decree of Confirmation

Joseph Hooker
vs
The United States

In this case after hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioner is valid and it is therefore decreed that his application for a confirmation thereof be allowed

The land of which confirmation is hereby given is situated in the County of Sonoma and known as a part of the place called "Agua Caliente" and contains one square mile, reference being had to the documents on file for further particulars

R. Aug: Thompson
S. B. Farnell
Commissioners

Filed in office April 24. 1855

(Signed)
Ed Duker Secy

5-9

Order

And it appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Northern District of California, it is hereby ordered that the transcripts of the proceedings and of the decisions in this case, and of the papers and evidence upon which the same are founded, be made out and duly certified by the Secretary, one of which transcripts shall be filed with the clerk of the United States District Court for the Northern District of California, and the other be transmitted to the Attorney General of the United States.

Office of the Board of Commissioners,

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

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 Fifty nine — pages, numbered from 1 to 59 both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. 739 on the Docket of the said Board, wherein Joseph Walker is —

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

In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this Eighth — day of November A. D. 185~~1~~, and of the Independence of the United States of America the ~~seventy-~~ eighteenth.

Geo: Fisher
Sec.

327

U. S. DISTRICT COURT,

Northern District of California.

No. 327

327

THE UNITED STATES,

vs.

N

Joseph Hooker.

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

No. 197

Filed, November 7th 1853

W. Monroe,

Clerk.

Office of the Attorney General of the United States,

Washington, 3 December, 1855.

739 J – "Agua Caliente" –

Joseph Hooder, Claimant

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 20th day of November, 1855, the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Cushing

Attorney General.

No 327

United States
vs
Joseph Hooker.

Notice of Appeal in
Case no. 739.

Filed Febry 11. 1856
J. Chevers
Deputy.

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

The United States

v

Joseph Hooker

D.C. 327 : L.C. 739

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

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

San Francisco Dec 21, 1857

Blanding
U.S.A.

327

L.C. 739

U. S. Dist Court

The United States

v

Joseph Hooker

Petition

Filed Feby 21, 1857.
W. Pr Chevis
Deputy.

Blanding

At a Stated Term of the District Court of the UNITED STATES OF AMERICA, for the Northern District of California, held at the Court House in the City of San Francisco, on Monday the Second day of March in the year of our Lord one thousand eight hundred and fifty-Seven

Present: The Honble M. Hall McAllister Circuit Judge & *The Honorable* OGDEN HOFFMAN, *District Judge.*

The United States vs Joseph Hooker } No 327 } Appeal from the final decision of the Commissioners to ascertain and settle private Land Claims in California —

This cause coming on this day to be heard, was argued by Counsel, and thereupon the Court is of opinion that there is no error in the decision of the said Commissioners concerning this claim and the said decision is hereby affirmed. And this Court doth adjudge order and decree that the claim of the said Joseph Hooker as set forth in the Transcript of the proceedings and decision of the said Commission is valid and that the same be and is hereby affirmed — The Land of which confirmation is made is a part of the Land known as "Agua Caliente" situated in the County of Sonoma, and containing One mile square, being the same land described in the mesne conveyances, copies of which are contained in the said Transcript, and through which title to the said One mile square is transferred and conveyed to the said Joseph Hooker, and of which Land the said Hooker has been in the enjoyment and possession under said Conveyances —

Ogden Hoffman
U. S. Dist Judge

No. 327.

United States District Court, Northern District of California.

The United States

vs.

Joseph Hooker

Decree of Confirmation

Filed March 2d 1857

John A. Monroe,
CLERK.

By H. H. Ahevers
DEPUTY.

This Decree is correct.
Rob't Blandine
District Atty

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

Sir:

In the case of the claim of Joseph Hooker, confirmed to the claimant by the Commissioners, Case no. Seven hundred and thirty-nine, (739), Appeal will not be prosecuted by the United States.

I am,
Respectfully,
Cushing

Wm. T. Sanding Esq
U. S. Attorney,
San Francisco.

In the District Court of the U. S.
for the Northern District of Cala

The United States
v
Joseph Hooker } D.C. 327; L.C. 739

In pursuance of a notice from the Attorney General of the U.S. hereunto annexed, it is hereby stipulated and agreed that no further appeal be taken on the part of the United States and that claimant have leave to proceed under the decree of this Court heretofore rendered in his favor, as under final decree

San Francisco Mar 25th 1857

Wm Blanding
Dist Atty.

Thornton Williams & Thornton
Atty for Claimant

327
739

U. S. District Court

The United States

v

Joseph Hooker

Stipulation

Filed March 29 1853
John A. Monroe
Clk
by W. H. Owens
Deputy.

At a Stated Term of the District Court of the UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room, in the City of SAN FRANCISCO, on Friday the 27th day of March in the year of our Lord one thousand eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States
vs
Joseph Hooker

D.C. 327; L.C. 739.

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

On motion of the District Attorney it is Ordered adjudged and decreed that claimant have leave to proceed under the decree of this Court heretofore rendered in his favor, as under Final Decree.

Ogden Hoffman
U. S. Dist Judge

327

United States District Court, Northern District of California.

The United States

vs.

Joseph Hooker

ORDER.

Final Decree

Filed March 27th 1857

John A. Monroe

Clerk.

By N. D. Chevers

Deputy.

At a Stated Term of the District Court of the United States of America, for the Northern District of California held at the Court House in the City of San Francisco on Monday the second day of March in the year of our Lord one thousand eight hundred and fifty seven.

Present:
The Hon.ble S. Hall McAllister
Circuit Judge
& The Honorable Ogden Hoffman
District Judge.

The United States
vs.
Joseph Hooker } No. 327.

Appeal from the final decision of the Commissioners to ascertain and settle private Land Claims in California.

This cause coming on this day to be heard, was argued by Counsel, and thereupon the Court is of opinion that there is no error in the

decision of the said Commission=
=ers confirming this claim and
the said decision is hereby af=
=firmed.

And this Court doth
adjudge order and decree that
the claim of the said Joseph
Hooker as set forth in the
Transcript of the proceedings
and decision of the said Com=
mission is valid and that the
same be and is hereby affirmed.
The land of which confirma=
tion is made is a part of
the land known as "Agua
Caliente" situated in the
County of Sonoma, and con=
taining one mile square, being
the same land described in
the mesne conveyances copies
of which are contained in the
said Transcript, and through
which title to the said one
mile square is transferred and
conveyed to the said Joseph
Hooker, and of which land
the said Hooker has been in
the enjoyment and possession

under said conveyances.

Ogden Hoffman
U. S. Dist. Judge.

This Decree is correct.

Wm. Blanding
Dist. Atty.

Endorsed:

Filed March 2nd 1857.
John A. Monroe Clerk
By W. H. Chevers Deputy.

I, William H. Chevers Clerk of the District Court of the United States for the Northern District of California do hereby certify the foregoing to be a full true and correct copy of the original "Decree of Confirmation" now on file and remaining of record in my office in the cause entitled "The United States vs. Joseph Hooker No. 327."

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

W. H. Chevers
Clerk.

327

Office of the Board of Commissioners,

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

San Francisco, Oct 27th 1855

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

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 739 on the Docket of the said Board, wherein Joseph Hooker is ——— the Claimant against the United States, for the place known by the name of "Part of Agua Caliente"

and request your receipt for the same.

I am, Respectfully,
Your Obt Servant,
Geo: Fisher