

CASE NO.

8

NORTHERN DISTRICT

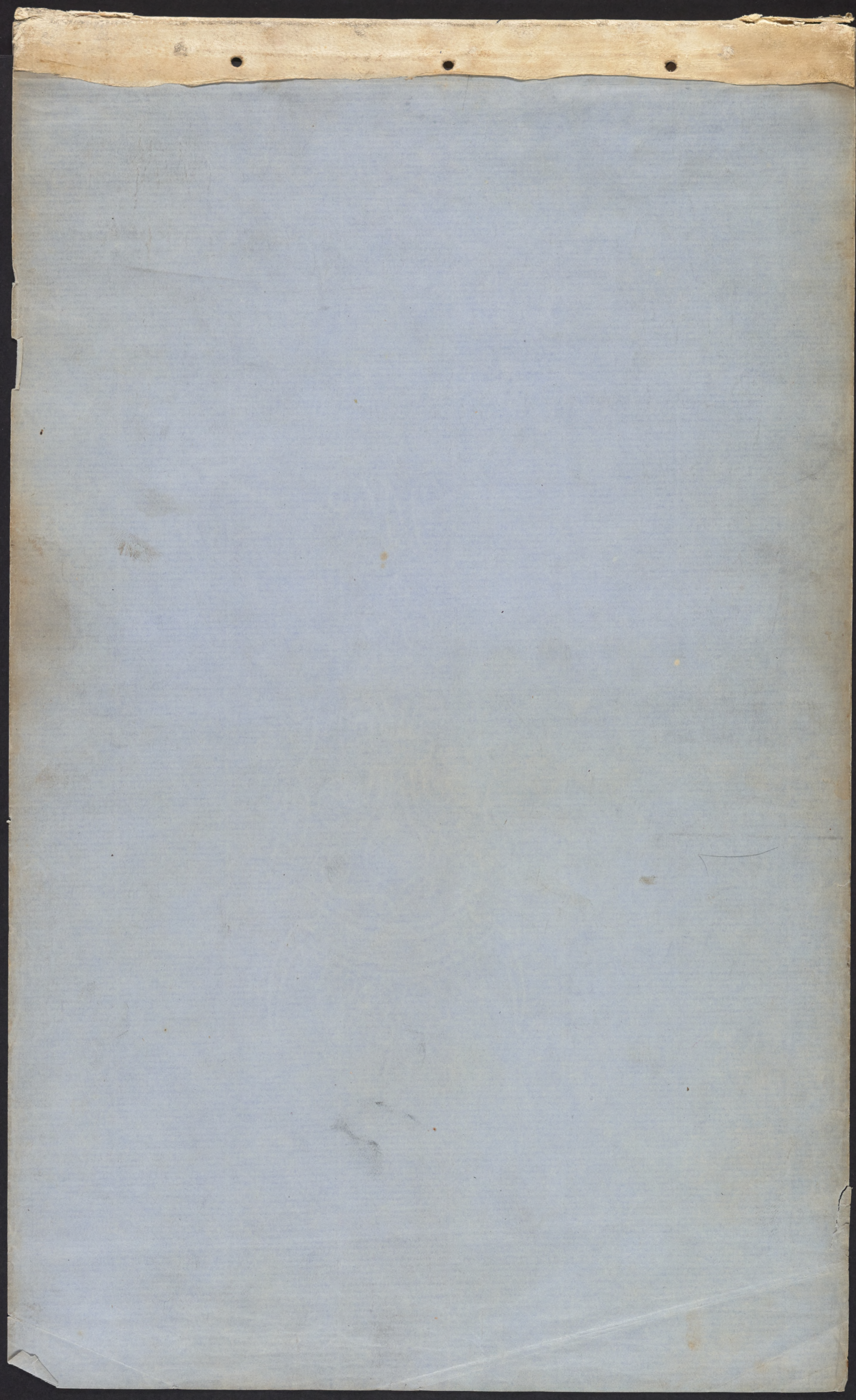
LUP-YOMI GRANT

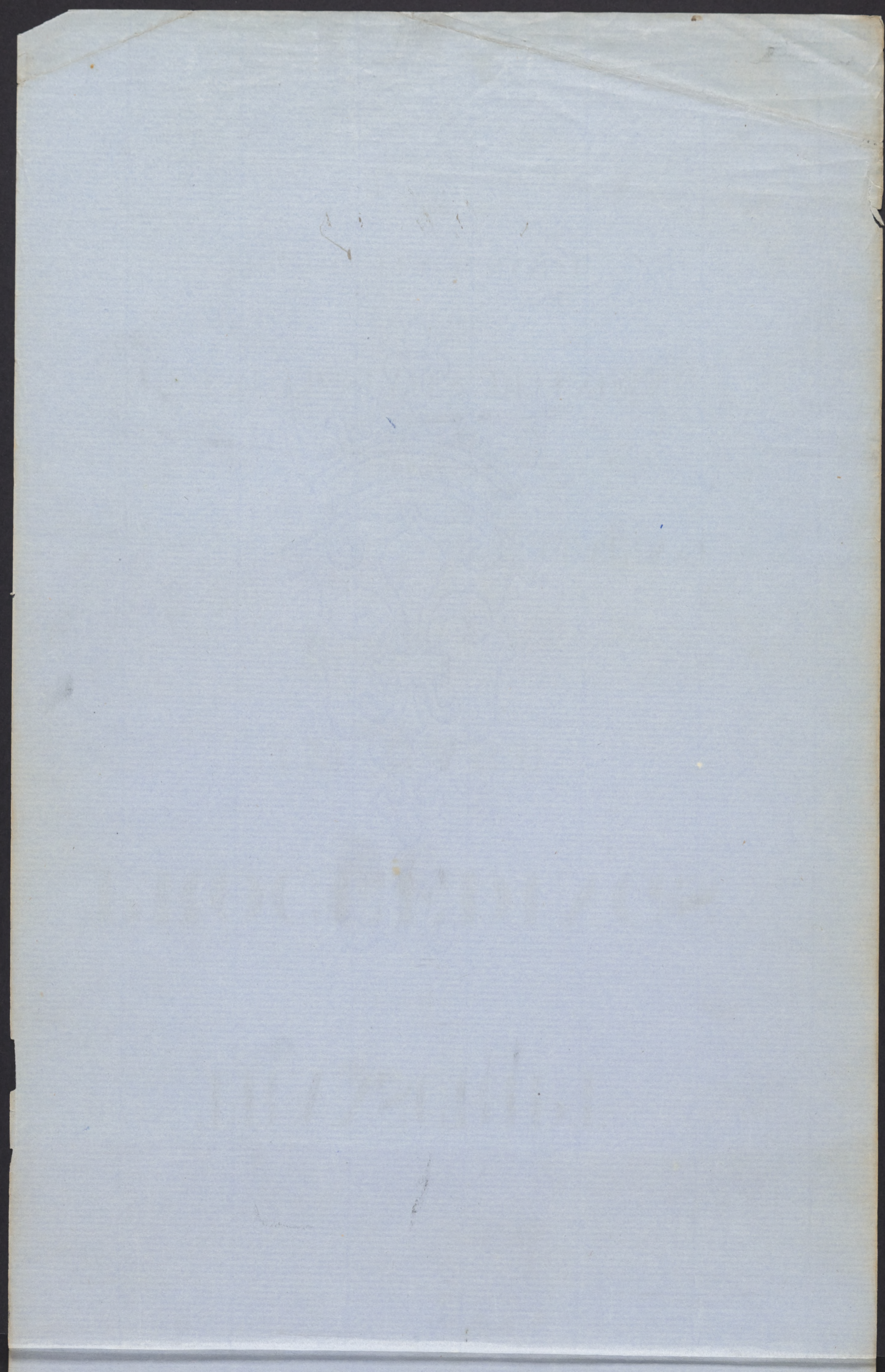
H. F. TESCHMAKER ET AL.

CLAIMANT

ALSO AVAILABLE ON MICROFILM

58% COTTON FIBER  
PROVER BOND  
Reinforced





# TRANSCRIPT

CASE NO. 8 ND

PAGE NO. 1

OF THE

# PROCEEDINGS

IN CASE

NO. 507

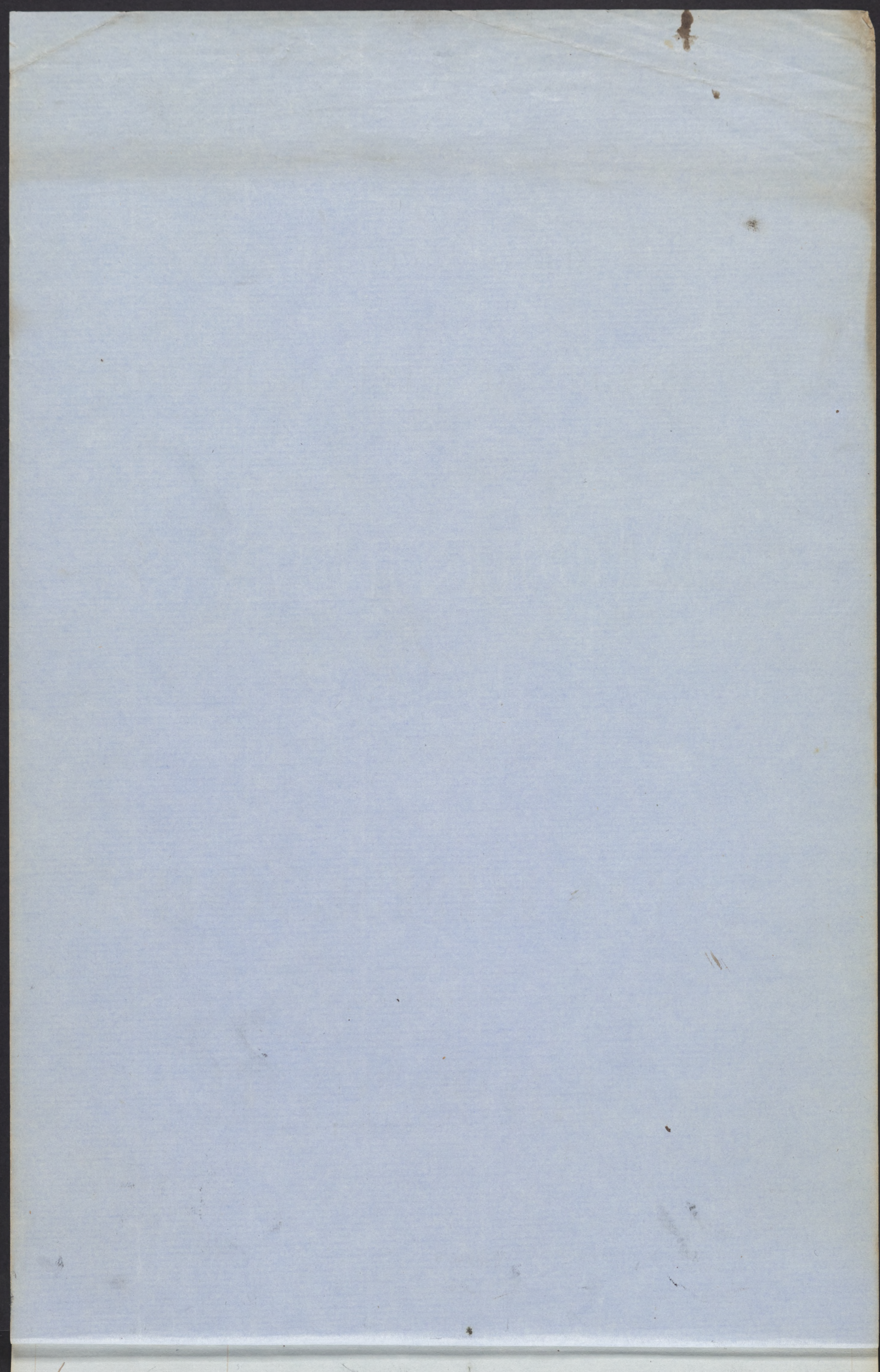
*G. F. Teschmaker et al* CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"*Lup-Yomi*"



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 fifth day of January 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 N. J. Teschemacker et al; for the Place named "Sup-Yomi" was presented, and ordered to be filed and docketed with No. 507 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 January 10<sup>th</sup> 1853.  
In Case No. 507 N. J. Teschemacker et al; for the place named "Sup-Yomi" the deposition of Juan Custaneda, a witness in behalf of the claimants, taken before Commissioner Melan Wall with documents marked N. J. Nos. 1, 2, 3 and Translations thereof marked annexed thereto was filed.

(Vide page 4 of this Transcript.)

San Francisco Jan. 15<sup>th</sup> 1853.  
In the same case the deposition of Salvador Vallejo, a witness in behalf of the claimants, taken before Commissioner Melan Wall, with documents marked N. J. No. 1 annexed thereto was filed;

(Vide page 5 of this Transcript.)

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San Francisco January 19<sup>th</sup> 1853.

In the same case the deposition of Wm. D. McKenney  
a witness in behalf of the claimants taken before  
Commissioner Henry J. Thornton was filed,  
(Vide page 6 of the Transcript)

San Francisco Sept. 6<sup>th</sup> 1853.

Case no. 507 called. The counsel for the  
claimants read the Evidence; argued, submitted  
and taken under advisement by the Board.

San Francisco Dec<sup>r</sup> 13<sup>th</sup> 1853.

In the same case Commissioner Alpheus  
Fitch announced the opinion of the Board  
respecting the claim;  
(Vide page 25 of the Transcript)



To the Board of Commissioners for ascertaining  
& settling private land claims in the State of Califor-  
-nia.

Petition v.

Your petitioners Henry F. Teschemacher, Joseph  
P. Thompson, Geo. H. Howard & Julius K. Rose of San  
Francisco city & County in the State of California respect-  
fully represent to your honorable board that they claim  
a certain tract of land called *Sierra Yome*, containing  
fourteen leagues more or less, situated in the County of  
Napa in said State of California, that they claim the  
same in fee by virtue of a grant made to Salvador  
Vallejo & Juan A. Vallejo under the authority of the  
Mexican Government by Manuel Michelena Mex-  
-ican Governor of the Territories of the California,  
bearing date the 5<sup>th</sup> day of September A. D. 1844 &  
approved by the Territorial Deputation on the

Your petitioners further represent that the  
said grantee Juan A. Vallejo on the 30<sup>th</sup> day of De-  
-cember A. D. 1849 transferred his right in said  
land to the said Salvador Vallejo & on the 25<sup>th</sup> day  
of August A. D. 1852 the said Salvador Vallejo &  
M<sup>rs</sup> Luz Casulle Vallejo, his wife conveyed the same to  
your petitioners. The original deed of conveyance  
from Juan A. Vallejo to Salvador Vallejo & also the  
original deed from Salvador Vallejo & wife to your  
petitioners are herewith presented.

Your petitioners would further represent that  
the said original grantee took the possession of said  
tract of land soon after obtaining the grant; the  
boundaries thereof are well designated & defined & that  
they & those claiming under them have been in the  
peaceable possession thereof ever since; & that they  
have no knowledge of any interfering claim.

Your petitioners present herewith the original  
grant of said land in the Spanish language  
together with a translation of the same, & will

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make further proof of title if required by the board.  
Your petitioners pray your honorable board to  
take into consideration their claim to said tract of  
land & decree their title to be valid, & confirm the  
same.

And your petitioners will ever pray.

By James Wilson.

Their Agent & Attorney.

San Francisco Cal,  
January 4<sup>th</sup> 1853.

Filed in Office Jan'y 5<sup>th</sup> 1853.

Geo: Fisher.  
S'cy.

San Francisco Jan'y 10<sup>th</sup> 1853

Disposition of  
Juan Castañeda.

On this day before Comr Midland Hall, came  
Juan Castañeda, a witness in behalf of the claimant  
H. F. Teschmacher et al, petition No 5074 was  
duly sworn, his evidence being interpreted by the Sec-  
retary.

The U.S. Associate Law Agent was present.

In answer to inquiries by counsel for the claimant -  
the witness testified as follows.

My name is Juan Castañeda, my age is  
forty four years & I reside in the County of Sonoma  
in this State.

I know that the rancho called La Puente  
was granted to Salvador Vallejo & Juan Antonio Vallejo  
by Governor Micheltorena, somewhere about the year  
1844 or 1845. Immediately after the grant they

3/5/27

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proceeded to occupy the land with cattle & to build a house on the land as understood. I went from Sonoma about half way to the ranch with the cattle they drove to it. The cattle were taken from Napa. I was never on the land.

I am acquainted with the handwriting of Salvador Valles, Juan A. Valles & M. G. Valles & also with that of Manuel Micheltona & Francisco Arce.

The signatures of the said several persons on a paper now shown me purporting to be an application of Salvador & Juan A. Valles for a grant of land & a grant to them from Gov. Micheltona dated Sept 5, 1844, I believe to be their genuine signatures. Said paper is hereto attached & marked H. H. No 1.

A paper is also shown me purporting to be a transfer from Juan A. Valles to Salvador Valles & dated 30 Dec 1849. The signatures of Juan A. Valles, Jose Ant. Estrada & Juan Sobrones, with which I am acquainted, appearing on said paper, I believe to be genuine. It is hereto annexed & marked H. H. No 2.

A document is also shown me purporting to be a conveyance from Salvador Valles & his wife to Henry F. Teschemacher, Joseph P. Thompson, George H. Howard & Julius R. Rose, dated 25 of August 1852. My name is on said document as a subscribing witness, - I was present & saw said Salvador Valles & his wife make her mark on the same as & for her signature. Said document is hereto attached and marked H. H. No 3.

J. de Castaneda.

Sworn & subscribed  
Before me

Richard Hall

Filed in Office Jan'y 10<sup>th</sup> 1853. Corner

Geo. Fisher Secy

41507  
San Francisco June 15<sup>th</sup> 1853.

On this day before Comr William Hall, came Salvador Vallejo, a witness in behalf of the claimant H. F. Tschumacher, petition No. 507 & was duly sworn, his evidence being interpreted by the Secretary. The United States Associate Law Agent was present.

Deposition of Salvador Vallejo  
In answer to inquiries by counsel for the claimant the witness testified as follows

My name is Salvador Salvador, my age forty years & reside in Sonoma.

I know the rancho San Yome I have known it from the year 1836 - I first became acquainted with the place when I was an officer of the Mexican Army on an expedition against the Indians. I was pleased with it & took possession of it by leaving some houses on it. My brother M. G. Vallejo, was at that time director of Colonization on the Northern frontier, where the land is situated. Myself & my brother Juan A. Vallejo, made an application to the said M. G. Vallejo for permission to occupy the land which was granted in 1839. Immediately after such permission was granted we placed on the land about one thousand head of cattle, between three & four hundred horses & mares & from 800 to 1000 hogs. - We built a house on the land the same year & also corrales. We left an overseer & servants there in charge of the place and stock.

We afterwards applied to Governor Micheltorena for a title to the land which was granted to us. A paper purporting to be such a grant dated 5<sup>th</sup> of September 1844 now shown me, is the title paper issued to us. Said paper is attached to the deposition of Juan Castaneda, hitherto taken in

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this case. A paper is now shown me purporting to be a map or sketch of the land. It is a faithful representation of the land. I cannot say whether it is the identical paper presented to the Governor when the title was applied for, or not. It is here attached & marked H. H. No. 1. Our petition to the Governor was accompanied by a map of the land asked for. I believe the map now here was one made by myself & that the map which was furnished with the petition was one made by Jasper O. Fenell from this. A paper is also shown me purporting to be a conveyance from Juan A. Vallejo, to me dated 30<sup>th</sup> of December 1849. It is a general instrument of conveyance executed by my brother. His signature to it is genuine. Said paper is attached to the deposition of Juan Castañeda & heretofore taken in this case & marked H. H. No. 2. My brother & myself continued to occupy the land with stock until he conveyed to me as above, & I continued a similar occupancy until I sold to Henry F. Teckmaher & others a few months ago.

In answer to inquiries by Associate Law Agent the witness says -

I was an officer in the Mexican Army from 1836 until the country was conquered by the United States. I was a Captain of Cavalry. My brother Juan A. Vallejo was not in the Army. It was customary as the Mexican Government had no money to pay the officers for their services, on the application of the officers to grant them lands which they were to occupy with the consent of the civil Magistrate. The title papers from Gov. Micheltorena was received by me in a packet by a courier, or express & was not delivered me by the Governor -

0/307

Sworn & subscribed  
Before me  
Salvador Vallego.  
Notary Public.

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Filed in Office Jan'y 15<sup>th</sup> 1853.  
Geo. Fisher.  
Secy

San Francisco Jan'y 19<sup>th</sup> 1853

On this day before Comr Harry J. Thornton  
Deposition of came Wm D. M. Howard, a witness on behalf of  
Wm D. M. Howard the claimant vs H. F. Teschmacher, et al, petition  
No 507, & was duly sworn, his evidence being  
given in English.

The U. S. Associate Law Agent was present.

Questions by Claimant

Quest 1. What is your name, age & place of residence  
& how long have you lived there -

Answer. My name is William D. M. Howard, my  
age is thirty three years & my residence San Francisco  
California, where I have resided between eleven and  
twelve years.

Question 2. Are you acquainted with the handwri-  
ting of M. G. Vallego, Manuel Micheltona, and  
Francisco D. Arce. If you look upon the document  
here shown to you, & marked exhibit No. 11.  
No 1. to the deposition of Juan Castaneda before  
taken on this case, & state whether the names of  
these persons when they are written & signed in it  
upon said document are their genuine signatures.

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One I am acquainted with the hand writing of these persons named above, having seen them write. I have examined the said document & state that the signatures of these persons on & to the same are their genuine signatures.

W. S. Law Agent present. Wm D. M. Howard.  
Seen & subscribed before me  
this 19<sup>th</sup> day 1853.

Wm D. M. Howard.

Filed in Office Aug 19<sup>th</sup> 1853.  
Geo: Fisher. Secy.

E.  
Map & Letter  
from Gaspar  
O'Farrell.

Analy / Bodega / Nov 30<sup>th</sup> / 52

F. Teckmaker Esqr

Dear Sir,

I have at length succeeded after a long & tedious search in finding the annals to the original design of Don Salvador Vallejo's grant depts. of Salvador at Clear Lake.

Vallejo - before  
Commr Hall, Aug  
1853.

I can if necessary certify that Sal. Vallejo gave me the enclosed map for the purpose of having it copied, which I made (keeping the original) & sent to him, & which he ought to have, however I presume this will be of more value to you, & I hope will be all sufficient.

I am dear Sir Yours Truly  
Gaspar O'Farrell.

Filed in Office Aug 5<sup>th</sup> 1853.  
Geo: Fisher. Secy.

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Have you seen a small black  
bird?



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Doc. 1414

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Doc. 1414

N.º 1.

annexed to the  
Deposition of  
Juan Castañeda

507

Por Comandante General y Director  
de la Colonizacion de esta frontera.

Sonoma Mayo  
15 de 1839.

Los interesados  
en la presente instancia  
pueden ocupar las  
tierras que solicitan  
en la laguna de  
Lupugomi; en  
concepto de que  
esta concesion se  
sujeta a pedir  
la confirmacion  
del Gov. Departam.  
ental, quien  
entendera los  
títulos de costumbre.

Los mismos interesados  
curaran reducir  
el caracter agrario  
de los indios, as-  
gurandoles que  
desa el Gov. su  
trato y amistad.

M. J. Vallejo  
Director de la  
Coloniz. de la  
frontera de Sonoma

Galvador y Juan Anto.  
Vallejo ante V. como mejor  
haya lugar en dho. exponen.  
que desean establecer  
un rancho en la Laguna  
de Lupugomi que se haya  
al Norte de este lugar  
veinte leguas, cuyo terreno se  
haya aun inculto y en  
poder de multitud de Tribus  
Salvajes; las q. han cau-  
sado y causan diariamente  
tantas depredaciones como  
a V. le consta, y q. seria  
largo referir por ser constantes,  
y estando ambos satisfechos  
de no pertenecer a ningunas  
corporacion ni particulares,  
solicitan de V. q. en  
virtud de sus facultades  
les conceda ocho leguas  
de tierra a cada uno en  
dho. lugar, ofreciendo  
domesticar aquellas tribus  
y reducirlos por medios  
suaves, si es posible, a mejor  
systema de vida. Fines  
ademas el primero de los  
exponentes q. observar a  
V. q. estando en actual  
serv. en la clase de  
Capitan de Caballeria  
y no habiendo recibidos  
sus pagas, ofrese dos  
mil y quinientos ps. por

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la parte q. se le conceda, asegurando q. sin hacer meritos de sus servicios, hara cuanto le sea posible p. reducir aquellas tribus al orden, p. cuyo fin a invertido grandes sumas, como a V.S. le consta, a fin de conseguir tal proposito. P. F. A. V. S. reitira el pedido q. menciona esperando se sirva decretar de conformidad, de cuya gracia se viviran reconocidos. Sonoma Octubre 11 de 1838.

Salvador Vallejo  
Juan A. Vallejo.

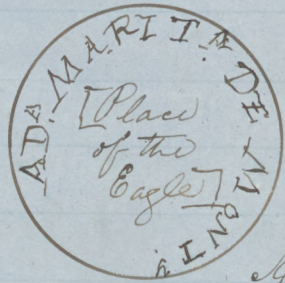
(Endorsed)

Deed for the Rancho of Lupa y Orani

Filed for record Nov. 27, 1850 at 2 o'clock P.M. & recorded in Book A. pages 209 archives of Napa County.

Recording fee \$4.00

Ello quinto un real  
Habitado provisionalmente por la Admora Maritima del puerto de Monterey en el Departamento de las Californias, para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco Micheltorena. Pablo de la Guerra



Marmel Micheltorena General de Brigada del Ejercito Mexicano Ayudante general de la Plana Mayor del mismo, Gobernador y Comandante Jeneral e Inspector del Departamento de las Californias Por cuanto los ciudadanos Salvador y Juan Antonio Vallejo han

507 of Don Juan's  
2 of 2

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pretencidas para su beneficio personal el terreno conocido con el nombre de la Laguna de Lupyomi al Norte de Sonoma; practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por las leyes y reglamentos: usando de las facultades que me son conferidas a nombre de la Nacion Mijicava, he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras sujetandose a las condiciones siguientes.

1<sup>a</sup> No podran venderlo ni enagenarlo, hipotecarlo ni otro gravamen alguno.

2<sup>a</sup> No impediran el cultivo y demas beneficios que han disfrutado y disfrutan los indigenas que actualmente se hallan establecidos.

3<sup>a</sup> Podran cercarlo sin perjudicar las transias, caminos y servidumbres: lo disfrutaran libre y esclusivamente, destinandolo al uso que mas les acomode.

4<sup>a</sup> Solicitaran del Juez respectivo que les de la posesion juridica en virtud de este despacho, por el cual se demarcaran los linderos en cuyos limites se pondran las mojoneras y algunos arboles frutales de alguna utilidad.

5<sup>a</sup> El terreno de q. se hace donacion es de diez y seis sitios de ganado mayor poco mas o menos, segun explica el disenio respectivo. El Juez q. dara la posesion lo hara medir conforme a ordenanza.

En consecuencia, mando que sirviendoles de titulo el presente y terminandose por firme y valedero, se tome razon de el en el libro respectivo, y se entregue a los interesados para su resguardo y demas fines. Dado en El Montezuma a cinco de Setiembre del año

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de mil ochocientos cuarenta y cuatro.  
Man. Michelta

Queda tomada razon de este des-  
pachó en el libro respectivo a fs. cuatro  
Por enfermedad del Com.  
Franc. C. Arce.

(Endorsed)  
Deed

Mariane Micheltorina to Juan Ar-  
to Salvador Vallejo.

Filed for record Nov. 27. 1850 at 2  
O'clock P.M. & recorded in Book A.  
pages 209 & 210 Archives of Napaleo.

Recording fee - \$4.00

Filed in Office Jan. 10<sup>th</sup> 1853.  
Geo. Fisher  
Secy.

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Sonoma, March  
15<sup>th</sup> 1839

Senior Commandant General &  
Director of the Colonization of this  
Frontier —

The interested parties in the present instance, can occupy the lands they petitioned for in the Depto of Sonoma - for the acquisition of which they petitioned before Comdr. Richard Hall.

The Salvador & Juan Antonio Vallejo, before your honor, as best we may in law represent; that desiring to establish a Rancho in the Laguna de San Yermo, situated twenty leagues North of this place, which tract of land is still uncultivated & in the power of a multitude of savage tribes who have committed & daily commit so many depredations, as is known to your honor & to which it would be too much to refer to as they are self evident, & being both of us satisfied that it does not belong to any company or individuals, we earnestly intrust your honor, in virtue of your faculties, to grant to each of us eight leagues of land in said place, we offering to domesticate those tribes & to convert them, by gentle means assuming them that if possible, to a better system of life. The first of the petitioners, has now ever to serve to your honor, that being in actual service, in the quality of Captain of Cavalry, & not having received his pay, he offers twenty five hundred dollars for the portion which you may grant him, assuming you that, not claiming any merit for his services, he will do all

in his power to bring these tribes to law & order, for which purpose he has inclosed large sums, as your honor well knows, in order to obtain such purpose.

4/507  
Whence to your Honor we reiterate our demand  
hoping that you will be pleased, to decree conformably  
for which favor we will remain grateful &c.

Senoma, October 11<sup>th</sup> 1838.

(Signed) Salvador Vallejo.  
( ) Juan A. Vallejo.

Stamp Fifth, one Real.

Provisionally authorized by the Maritime Customs House  
of the Port of Monterey, in the Department of the Californias,  
for the years 1844 & 1845.

(Signed) Micheltona. Pablo de la Guerra.

~~Real~~  
Manuel Micheltona, General of Brigade of  
the Mexican Army, Adjutant General of the staff of the  
same, Governor & Commandant General & Inspector  
of the Department of the Californias.

Whence the citizens Salvador & Juan  
Antonio Vallejo, have for their own personal benefit,  
petitioned for the tract of land known by the name of  
La Laguna de San - Jose - North of Senoma; the proper  
steps & investigations being previously taken, as required  
by laws & regulations; having the faculties conferred on  
me, in the name of the Mexican Nation, I have gran-  
-ted them the aforesaid land, declaring unto them the  
ownership of it by their parents, they submitting them-  
-selves to the following conditions.

1<sup>st</sup> They may not sell or alienate it nor mortgage it  
with any other incumbrance -

2<sup>d</sup> They will not prevent the cultivation & other ben-  
-efits which have been & are enjoyed by the Indians  
actually established there -

3<sup>d</sup> They may enclose it without injuring the cross-  
-ings, roads & similitudes: they may enjoy it freely &

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exclusively, making such use or cultivation of it as they may see fit -

4<sup>th</sup> They shall request the proper Magistrate to give them the judicial possession, in virtue of this patent, by whom the boundaries will be marked out, in the limits of which he shall place the bounds & some fruit trees of a useful character. -

5<sup>th</sup> The land of which donation is made, is sixteen square leagues (catorce de ganado mayor) more or less, as shown by the respective map. The Magistrate who may give the possession, will cause it to be measured, in conformity with the ordinance.

In consequence, I order that this present among them for a title, & being held as firm and valid, note be made of it in the respective book, & it be delivered to the interested parties for their security and other purposes.

Given in Monterey on the 5<sup>th</sup> of September of the year 1844.

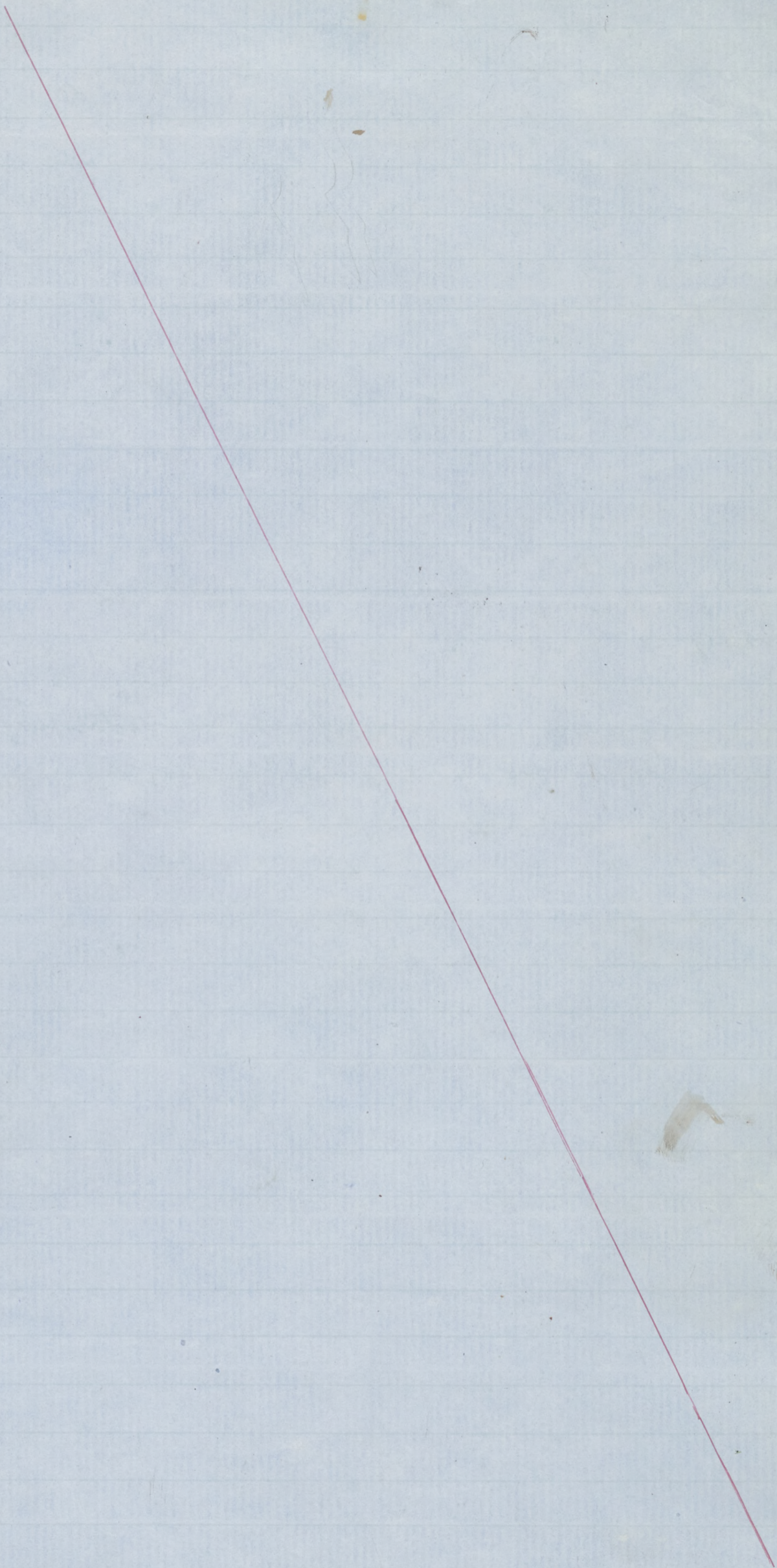
(Signed) Mond Micheltona.

Note has been made of this Decree in the proper book on folio 4.

In the absence of the Com.  
(Signed) Fran<sup>co</sup> C. Arce.

Filed in Office Jan'y 10<sup>th</sup> 1853.  
Geo: Fisher

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1st 28670

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Document  
76.76. N.º 2.

Deed from  
Juan A. Vallejo  
to  
Salvador Vallejo.

En el pueblo de Monterey de la Alta California a los treinta dias del mes de Diciembre del año de mil ochocientos cuarenta y siete yo Juan Antonio Vallejo dijo: que por si y en nombre de mis hijos, herederos, sucesores y de quien ellos hubiere título, voz y causa en cualquier manera vendo y doy en venta real, y enajenacion perpetua por finis del heredades para siempre jamás al Sr. Dn. Salvador Vallejo vecino del pueblo de Sonoma y a los suyos, el terreno de la Laguna de Sup-yomi en cantidad de ochos sitios de ganado mayor q. me pertenecan en posesion y propiedad, segun consta por los títulos de pertenencia cuya consecucion la obtubimos en este mismo pueblo el dia cinco de Setiembre del año de mil ochocientos cuarenta y cuatro, por el Sr. Governador del Departamento. D. Manuel Micheltorena, por los cuales corresponde Corresponde en posesion y propiedad al otorgante, declaro no tenerla vendida ni empeñada y q. esta libre de tributo Memoria, Capellanía, Patronato, fianza, de otro gravamen, por pitua, temporal especial, general, tacito y expreso, y como tal se lo vendo con todas sus entradas salidas, usos, costumbres, regalías, servidumbres, y demas cosas anexas q. ha tenido tiene y le pertenecen segun derecho, por cantidad recibida innumerata pecunia. Y desde hoy en adelante por siempre se desapodera, desiste, junta y aparta, y a sus herederos y sucesores del dominio o propiedad, posesion, título, voz, recurso y otro cualquier derecho q. se compete al renunciado terreno de Sup-yomi; lo cedo renuncia y traspara con las acciones

reales, temporales, y personales, útiles, mixtas directas y ejecutivas en el comprador y en quien la suya represente, p. q. la posea, goze, cambie, enajene, use y disponga de ella a su elección como de cosa suya adquirida con legitimo y justo título. Y le confiere poder irrevocable con libre franquea y general administración y constituya Procurador, actor en su propia causa, p. q. de su autoridad entree y se apodere del mencionado terreno y proceda la real tenencia y posesion q. por derecho le compete.

Juan A. Vallejo

Fertig  
 José Ant. Estrada.      Fertig  
 Juan Gobernans.

(Endorsed.)

Deed

Juan A. Vallejo to Salvador Vallejo.

Filed for record Nov: 27, 1850 at 2 o'clock  
 P.M. & recorded in Book A. pages 210 + 211  
 Archives of Napa County.

Recording fees \$/ 3.00

Filed in Office Jan'y. 5<sup>th</sup> 1852  
 Geo: Fisher  
 Secy.

DB

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Translation of  
Doc. No. 2  
ann<sup>d</sup> to the Depo  
of Juan Castañeda  
before Comr. H.  
Hall Jan'y 10<sup>th</sup>  
1853.

At the pueblo of Monterey of the Upper California on  
the thirtieth day of the month of December in the year  
one thousand eight hundred & forty nine - I, Juan An-  
tonio Vallejo hereby declare - That for myself & in  
the name of my children, heirs, executors, & of whom-  
soever of them who may acquire right power & cause  
in any way whatsoever I hereby sell & grant in actual  
and perpetual alienation perpetually & forever unto  
Senior Don Salvador Vallejo, a resident of the pueblo  
of Sonoma, his heirs, administrators & assigns, the  
tract of land of the Laguna de San Yome - on the  
extent of eight sitios de ganado mayor, pertaining  
to me by possession & fee, as appears from the titles of  
right of property, which grant we obtained at this same  
pueblo on the 5<sup>th</sup> day of September in the year 1844  
from Sr Governor of the Department, Don Manuel  
Micheltourna; by which titles the same pertains in  
possession & fee to the vendor - I declare not having  
sold it or pledged, & that it is free from taxes, charges,  
Ecclesiastical tribute, patronage, usury, & other  
incumbrances perpetual, temporal - Special, gen-  
eral, tacit or express; & as such I sell it with all  
its right of ingress & egress, uses, customs, privileges,  
casements & other appurtenances, which the same  
has had & has, & which belong thereto according to law,  
for the sum received in numerata pecunia -  
And from this day hereforward & forever he despo-  
ses himself & his heirs & successors from the do-  
main or fee, possession, right, resources, & any  
other right whatsoever appertaining to the said tract  
of land of San Yome - And he yields, relinquishes,  
& transfers the same with the actual, temporal and  
personal actions useful, mixed, direct & exclusive  
unto the vendee or whomsoever may represent him,  
that he may possess, enjoy, exchange, alienate, use  
& dispose of it at his discretion as of his own property

acquired by legitimate right title - And hereby he  
confers upon him irrevocable power with full and  
general administration, & constitutes him attorney  
of plaintiff in his own cause, that he may of his own  
authority enter & possess himself of the said tract of land  
& to hold actual possession thereof as pertaining to him  
according to law.

(Signed) Juan A. Vallejo

Witness

Witness

(Signed) José Ant<sup>o</sup> Estrada,

(Signed) Juan Sobranes

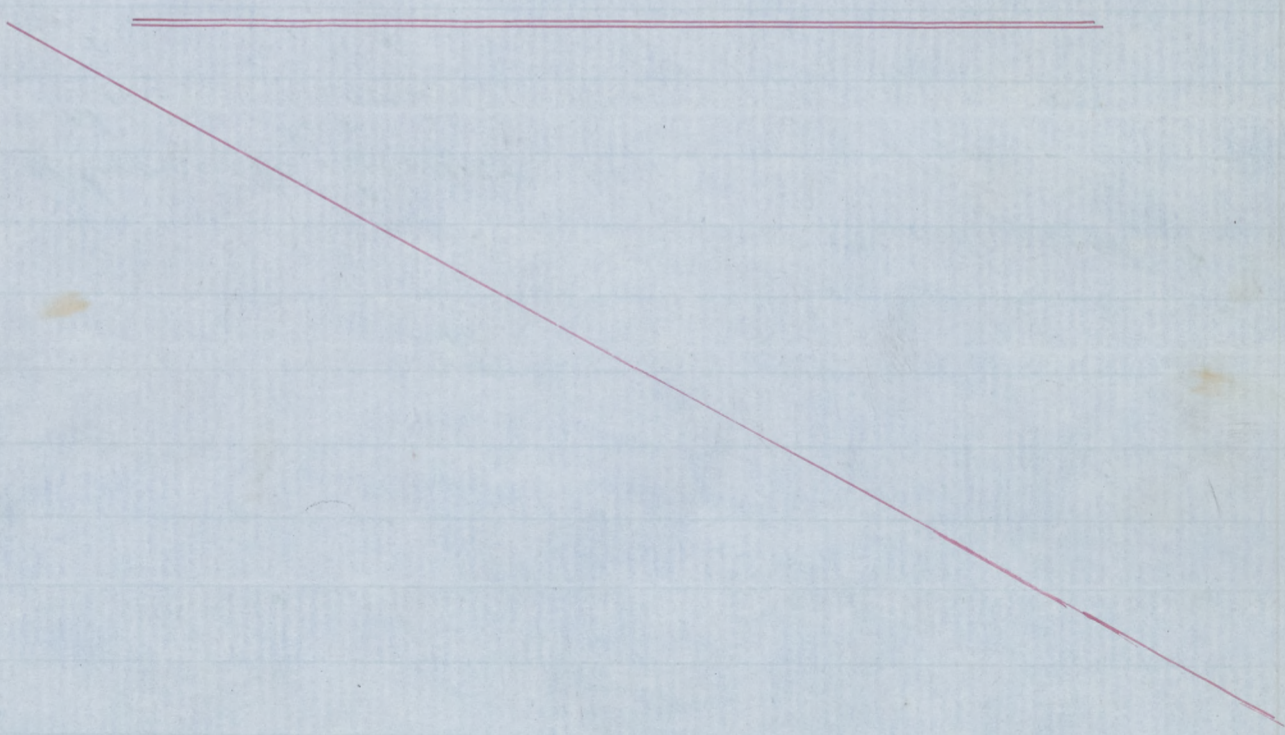
I hereby certify that the foregoing is a true and  
correct translation of a Spanish document in case  
No 507 now on file in this office.

Office of the Secretary of the U. S. Land  
Commission Washington & San Francisco  
Cal<sup>a</sup> this 9<sup>th</sup> day of December A. D. 1853.

Geo: Fisher  
Secy.

Filed in Office July 10<sup>th</sup> 1853

Geo: Fisher  
Secy



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CASE NO. 8 ND  
PAGE NO. 22

Henry F. Jeschmacher et al. vs The United States. For the place called El Sipi Yomi containing 3 fourth square leagues of land situated in Napa County.

The claimants allege that the land in question was granted by Governor Manuel Micheltorena to Salvador Vallejo & Juan A. Vallejo on the 5<sup>th</sup> day of September 1844; - that said Juan A. Vallejo by deed dated December 30<sup>th</sup> 1849 conveyed his interest to said Salvador Vallejo, who by deed dated August 25<sup>th</sup> 1852 executed by himself & wife, conveyed the entire premises claimed in the case to them. The two deeds above mentioned are given in evidence. The entire premises granted are alleged to contain sixteen square leagues of land: four of which are conveyed to & claimed by the petitioners.

In proof of the grant from the Government to Salvador & Juan A. Vallejo, the claimants have given in evidence, duly proved, an original petition signed by them, dated October 11<sup>th</sup> 1838, directed to the Commandant General & Director of Colonization of the Frontier & a written permission in accordance therewith by said Director, to occupy the land until they could apply to the proper authorities for a grant of it; which permission of occupancy bears date on the 15<sup>th</sup> day of March 1839.

They have also given in evidence the original grant to said Salvador & Juan A. Vallejo, issued by Governor Micheltorena, dated September 5<sup>th</sup> 1844. In their petition to the Director of Colonization it appears that the land is in the Country possessed by the Indian tribes, whom they propose to domesticate & if possible to convert to a better system of life, & in the concession the Director enjoins upon them the

performance of this duty. One of said applicants also alleges that the government is indebted to him for services & he proposes to pay twenty five hundred dollars for the portion which may be granted to him. No testimony is given of any pecuniary payment or allowance for the grant, nor indeed of any connection between the allowance of the temporary occupancy by the Director & the grant by the Governor is any allusion made in the latter to the former, or to anything done under it as a consideration for the grant. The title issued by Governor Micheltouna, contains no unusual condition, except the reservation of the right of cultivation & other benefits enjoyed by the Indians actually established there.

This grant must then be regarded as one issued under the Colonization Law of 1824 & the Regulations of 1828, & the rights of parties under it must be adjudicated by the ordinary rules applicable in such cases.

It has been several times heretofore decided by this Commission that every grant of land under the regulations of 1828 implied a condition to inhabit or cultivate it, & that this was to be done, when no specific period was mentioned within a reasonable time.

The deposition of Salvador Vallejo shows that he first knew the land, when on an expedition into the Indian Country in 1836, & he then left upon the premises some horses. He & his brother subsequently applied for a grant of the premises to the Director of Colonization for permission to occupy the land which was granted in 1839, & they immediately afterwards placed upon it, about one thousand head of cattle, between three & four hundred horses & mares, and from eight hundred to a thousand hogs - that they built a house on the land the same year & also corals & left an overseer & cowards there in charge

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CASE NO. 8 ND  
PAGE NO. 24

of the place & the stock. He adds that they afterwards applied to Governor Michelton & obtained the grant which is given in evidence, & that they continued to occupy the land with stock until they disposed of their respective interests therein. The witness Castaneda also speaks of cattle being taken there by the grantee, but he never was at the place & has no personal knowledge about it. The whole case, so far as proof of occupation of the premises is concerned, rests on the testimony of Salvador Vallejo as above recited.

From this proof it is evident that neither of the grantees ever lived on the land claimed, & no portion of it appears ever to have been cultivated by them. The facts that they had cattle, horses & hogs on the land, with servants to take care of them is all that is made out by the proof. The grant, it seems to me, contemplated something more than this. Under the Mexican law the grantees could have done all this on any part of the National domain without a grant. The right to the common use of the vacant land for this purpose justained to every citizen of the Republic. By the Laws of the Indies the pastures, mountains, and waters in the Provinces were made common to all the inhabitants thereof with liberty to establish their corrales & herds men's huts & houses freely to enjoy the use thereof: & a penalty of five thousand ounces of gold was imposed on every person who should interrupt this common right. 2 White's Rep 36.

It is said by the witness that a house was built on the premises in 1839, but it is evident from the testimony that it was never occupied by either of the grantees nor is there anything to indicate that they ever designed to occupy it. It was built the same year in which the temporary occupancy was given & at the time the cattle were taken onto the place.

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PAGE NO. 25

The inference from the whole case is irresistible that the house was intended for the use of the herdsmen in their temporary occupancy of the place, & was a structure of the very character which the law gave every citizen the right to erect for his herdsmen on the national lands. And the claimants have not shown that even this structure continued on the premises up to the time that the grant was obtained or that any other improvements were made on the place under the grant.

The object of granting title to individuals of portions of the vacant lands, to hold by exclusive right of full property, was to secure the settlement & cultivation of the country. This was the consideration of the grant; & the larger & more important the tract of land conceded the more imperative would seem to be the obligation to perform the conditions. In this case the quantity conceded, sixteen square leagues, is large & it is ascertained by the grantees as a desirable portion of the country. They first obtained a permission of temporary occupancy in 1839 then a grant from the Governor in 1844, yet during the whole period from that time to the present, an interval of some fifteen years, nothing more is shown to have been done by the grantees than was done by them before the grant from the Governor was obtained, & nothing more than every Mexican citizen had a right to do on any portion of the unconceded public lands.

The claim of the Vallejos under the grant was not a title to the land: it was inchoate & incomplete & was at most a mere equity. They appear to have no title in the performance of the conditions contemplated by the grant to entitle them to be made owners of the land. They have obtained no title in law & have earned no claim to one in equity either from the



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Mexican Government or the American.

But there is another insuperable objection to a confirmation of this claim. Its location and boundaries are not given with sufficient definiteness to identify the premises.

The recital in the grant states that the petitioner had solicited the land known by the name of La Laguna de San Yome; the grant is made with the specification that "the land of which donation is made is either square leagues more or less as shown by the respective map." The grantee is required to request the judicial possession of the proper Magistrate, who shall cause it to be measured & the proper land marks to be placed & some fruit trees planted to designate the limits.

There are no monuments or boundaries specified in description other means of locating the land granted, in the region of uncultivated land occupied by the Indian tribes, & separating it from the great wilderness. Two sources only remained for ascertaining and defining the land which the grantee could be entitled to call their own. The first was the map to which reference was made in the grant for a description of the premises, & the second an actual measurement on the ground according to the terms of the grant by a Magistrate authorized under the Mexican law to give the judicial possession to the grantee of the land he might hold in full property with its lines clearly defined & its permanent monuments established.

To designate the land the claimants offered in evidence on the hearing a map purporting to contain a delineation of the place designated in the grant. It was objected by the law agent, that it was not proved in such a manner as to entitle it to be regarded as proof in the case, - It was secured subject to the objection & we are not to decide whether it is entitled to be

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regarded as proof in the case or not.

The only testimony relative to the maps is found in the deposition of Salvador Vallejo. He states, in substance, that the map or sketch is a faithful representation of the land: he cannot say whether or not it is the same that was presented to the Governor, but one was presented with the petition for the grant; he believes this map was made by himself & that the map furnished with the petition was one made by Jusepe O'Farrell from this.

This testimony does not show that the map here presented is the one which was before the Governor when he made the grant & which is referred to in it. On the contrary the witness believes that this was made by himself & the other was made by O'Farrell. He does not say that O'Farrell's was a copy of this, or that he saw O'Farrell make his map from this, or that he ever compared the two. The identical map which was before the Governor, is by the reference in the grant made a part thereof & the proof which shall give the claimants the benefit of the description of the land as delineated therein, must be proof of the identical map constituting a part of the Expediente which was before him when the concession was made. Another map although accurate to be an accurate delineation of the premises, does not do for this purpose. For the description of the land granted we can go only to the grant or where reference is made in it to another document for such description to that document itself, or if lost or destroyed to legal evidence of its contents. The proof in this case does not show that the map offered in evidence is either the identical map referred to in the grant, or a copy of it. It cannot therefore be regarded as such evidence, and without it the description in the grant is not sufficient to describe & locate the land granted or separate any

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section under the grant from the national domain.  
Nor has the segregation nor been made by judicial  
measurement & delivery possession of their lands with  
ascertained boundaries to the grantees as contemplated  
by the conditions of the grant. The case is barren of all  
evidence on the subject.

For these reasons then, first the want of equity grow-  
ing out of the non performance of the duty of the grantees  
in reference to settlement & cultivation of the land &  
secondly, the want of proof of proper boundaries, identity  
& segregation of the premises granted, the claimants  
have failed to sustain the claim of the grantees to the  
premises. They took under their deed of conveyance  
no greater interest or more perfect right than they per-  
-ceived, & have proved no additional equities founded  
on any action of their own.

They cannot therefore be entitled to a title to  
the property.

Claim Rejected.

Filed in Office Dec 13<sup>th</sup> 1853.

Geo. Fisher  
Suy.

Deeds

Henry F. Tschumacher et al.  
vs  
The United States.

In this case on hearing the  
proofs & allegations it is adjudged by the Com-  
-mission that the said claim of the petitioners is  
not valid, & their application for a confirmation  
thereof is therefore denied.

Alschur Felch. 5  
Thompson Campbell. 3  
R. Aug. Thompson. 3 Commissioners.

8/307

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Filed in Office Dec 13<sup>th</sup> 1853.

Geo. Fisher  
Sey.

74 folios  
CASE NO. 8 ND  
PAGE NO. 29



Office of the Board of Commissioners,

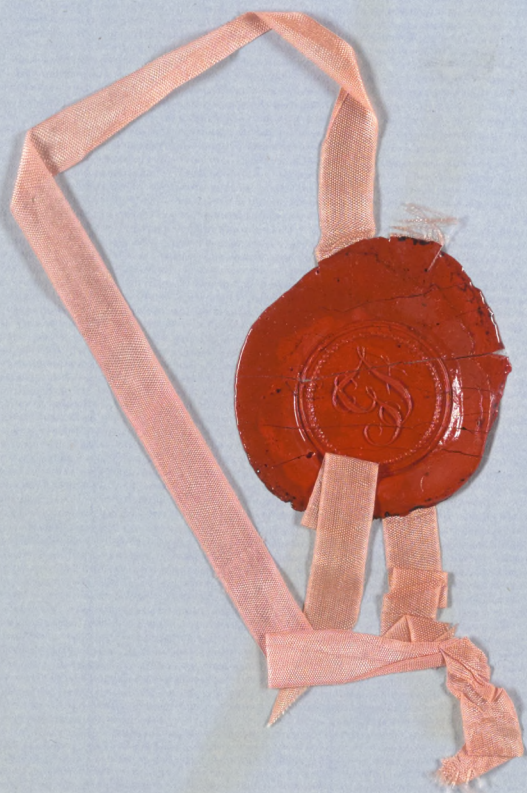
To ascertain and settle the Private Land Claims in the State of California.

CASE NO. 8 ND

PAGE NO. 30

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 *thirty two* pages, numbered from 1 to *32*, 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. *507* on the Docket of the said Board, wherein

*H. F. Tschmacker et al* are the Claimant against the United States, for the place known by the name of *Lup-Yoni*



In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this day of

A. D. 1854, and of the Independence of the United States of America the seventy-ninth

*Geo. Fisher*

*[Signature]*

.8 M

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

No. 8

THE UNITED STATES,

vs.

*H. W. Teschmaker*

TRANSCRIPT OF THE RE  
FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,  
In Case No. 507

Filed, *Sept 13* 1854

*Geo. A. Monroe.*  
Clerk.

No 507

of the United States

Clerks Office of the District Court for  
The Northern District of California -

CASE NO. 8 ND  
PAGE NO. 33

Whereas the Commission, constituted for the purpose of ascertaining and settling private Land Claims in the State of California by the Act of Congress of the United States of America - Approved on the 3<sup>d</sup> of March 1851 - Entitled "an Act to ascertain and settle the private Land Claims in the State of California", did on the thirteenth day of December 1853 by their decision of that date decide against the Claim presented by the undersigned to the said Commission - Which Claim is for Land lying in the said Northern District, and is No. 507 - on the Docket of Claims - before said Board - and the said Claimants being desirous that the said District Court should reverse the said decision now hereby file this Notice, in the said Clerks Office of their intention to prosecute an Appeal, as is provided by the 12<sup>th</sup> Section of an Act entitled "an Act making appropriations for the Civil and Diplomatic expenses of the Government for the year ending the thirtieth of June Eighteen Hundred and fifty three and for other purposes, which said Act was approved on the 31<sup>st</sup> of August 1852.

To the Clerk of the District Court  
of the U. States for the Northern  
District of California  
Decr. 24. 1853

A. F. Teschmakers  
Joseph P. Thompson  
George H. Howard  
Julius H. Rose  
by Thornton & Williams  
their Attorneys -

U.S. District Court  
Land Claim No.

CASE NO. 8 ND  
PAGE NO. 34

H. H. Schumaker

Chal. App<sup>ts</sup>

vs

The United States  
Appellee

Notice of Appeal

(one) two

Filed Dec 24, 1833

J. A. Murray  
Clerk



To The Hon<sup>ble</sup> District Court of the United States  
in & for the Northern District of California

Your Petitioners Henry F. Teschmaker, Joseph P. Thompson, George H. Howard and Julius K. Rose respectfully represent to this Hon<sup>ble</sup> Court, that they did heretofore, as will fully appear by the Transcript of the proceedings had before the Board of Commissioners to ascertain & settle the private Land claims in the state of California, now on file in this Court, present before the said Board, whilst holding its session in the city of San Francisco, a claim for the Land, lying and being in the State of California and Northern District thereof, and described in the said Transcript being claim No 50<sup>th</sup> of the list of Claims presented to the said Board, under and by virtue of the act of Congress approved on the 3<sup>rd</sup> of March 1851. The claim of these Petitioners is founded upon a Grant, made by Manuel Micheltorena, under authority of the Mexican Government, as Governor of the Department of the Californias, on the 5<sup>th</sup> day of September 1844, to Salvador Valles and Juan A. Valles, and upon the following Mesne conveyances, to wit, the deed of Juan A. Valles to Salvador Valles for his undivided portion of said tract, dated the 30<sup>th</sup> day of December 1849 and on the deed of the said Salvador Valles and M<sup>rs</sup>. Lucy Carrillo his wife to these petitioners dated on the 25<sup>th</sup> day of August 1852, for the said tract of Land, only with the exception & reservation therein contained - all of which, said grant & conveyances are fully set forth with the proof and testimony <sup>in the Transcript</sup> aforesaid\*. Your Petitioners respectfully represent that their said claim has been rejected by the said Board and they now here humbly pray this Hon<sup>ble</sup> Court, to review the

Decision of the said Board, and to decide on the  
validity of their claims -

Henry F. Teschmacher }  
Joseph P. Thompson }  
George H. Howard }  
Julius K. Rose - }

CASE NO. 8 ND

PAGE NO. 36

By their Counsel -

Thornton Williams

J. D. & Granger

I acknowledge due service of the  
above Petition in }  
September 1854 } J. W. W.

After the words "Transcript aforesaid" fourth line from bottom  
page 1<sup>st</sup> insert the following -

And your Petitioners would further state  
that on the 13<sup>th</sup> day of September 1854 the said Transcript,  
and on the 21<sup>st</sup> day of September of same year and previously on  
the 24<sup>th</sup> day of December 1853, Notice of their intention to pro-  
secute an appeal, as required by Law, were filed  
in the Clerk's Office of this Honorable Court, as will  
appear by the Record -

Thornton Williams

Amended by consent.

June 13. 1855.

A. Glassell

Acting U.S. Dist. Atty. &c.

<sup>No 8 -</sup>  
In District Court

Henry F. Teschmacker

vs No 50<sup>th</sup>

The United States -

Petition

Made Sept 21. 1854

In witness

at

thine

CASE NO. 8 ND ~~De~~  
PAGE NO. 37

Thornton & Williams

Clerk's Office of the District Court of the United States for  
The Northern District of California in

Whereas the Commission constituted for the purpose of ascertaining and settling private land claims in the state of California by the act of Congress of the United States of America approved on the 3<sup>rd</sup> of March 1851, entitled, "An Act to ascertain and settle the private land claims in the state of California" did on the 13<sup>th</sup> day of December 1853, by their decision of that date, decide against the claim presented by the undersigned, to the said Commission, which claim is No: 507, on the docket of claims before said Board, and is for land lying in the said Northern District, and the said claimant being desirous that the said District Court should review the said decision, now hereby files this notice in the said Clerk's Office of his intention to prosecute an appeal as is provided by the 12 section of an act entitled "an act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30<sup>th</sup> of June 1853 and for other purposes" which said act was approved on the 31<sup>st</sup> of August 1852-

Henry F. Teschmaker

Joseph P. Thompson

George W. Howard

Julius K. Rose

By their counsel - Scott & Granger  
Thornton Williams

<sup>No 8</sup>  
In The district Court

H. F. Teschner vs. Dale

as No. 527

The Circuit Court

Notice of Appeal

Made Sept. 21. 1834

In and among

of

CASE NO. 8 N<sup>o</sup>

PAGE NO. 39

~~three~~

four

At a *Special* 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,

CASE NO. 8 ND  
PAGE NO. 408

on *Saturday* the *23<sup>d</sup>* day of  
*September* in the year of our Lord one thousand  
eight hundred and fifty-*four*.

Present:

*J. S. K. Ogden*  
The Honorable ~~OGDEN HOFFMAN, Jr.~~ District Judge.

*Henry J. Teschemacher, et als.*  
*vs*  
*The United States.*

On motion of counsel  
for the Plaintiffs in the above cause, and  
with the consent of the U. S. Dist. Atty.  
Ordered by the Court, that leave be  
granted to <sup>all</sup> the parties to take further  
evidence in this cause, upon reasonable  
notice before the U. S. Comm<sup>r</sup> of this  
Court.

U. S. Dist. Court,

N. J.

A. J. Teschemacher,  
et alz

— vs —

The United States,

Order allowing further  
evidence to be taken,

Filed Sept: 23<sup>d</sup> 1854.

Not returned

CASE NO. 8 IN D. B.

PAGE NO. 41

five

The United States,

vs  
Benj. F. Teschner, et al.

Testimony taken in behalf of Claimants,  
taken before John A. Monroe, U. S. Com<sup>r</sup>,  
for the Northern District of California,  
this 19th day of October, A. D. 1854.  
Present,

The Claimants by their Attorneys, and  
the U. S. Dist. Atty. by Andrew Glassell,  
Bedney, F. McDonald being first duly  
sworn, deposes, and says,

Question 1st

What is your name, age,  
and place of residence.

Answer.

Bedney, F. McDonald, forty six  
years of age, I reside in Santa Cruz Co.,  
California.

Question 2d.

What is your business, and what  
office, if any, do you now hold.

Answer.

I am a civil engineer by profession,  
I am a Deputy U. S. Surveyor for California.

Question 3<sup>d</sup>

Do you know the tract of land  
called "La Laguna de San Comi." If you  
state whether or not you ever surveyed it,  
and where it is situated.

Answer.

I know the so called tract of land  
"La Laguna de San Comi" as it was pointed  
out to me by Salvador Vallejo, and Ramon  
Carillo, I surveyed it, and commenced



The survey, I think on the 2<sup>d</sup> day of June 1854, and completed it I think, on the 30<sup>th</sup> day of the same month, and year. It is situated on Clear Lake, north of Napa City about sixty miles.

Question 4<sup>th</sup>.

In making this survey, who pointed out to you the boundaries of the said Rancho, "San Geronimo"?

Answer.

Salvador Vallis, and Ramon Carillo pointed them out to me, and I surveyed the land according to the information derived from them. Salvador Vallis was with me about a day and a half, and Ramon Carillo about a day.

Question 5<sup>th</sup>.

Was any map made of this land according to your survey?

Answer.

There was. I had one made from the field notes of my survey. The map was made by Eugene Kessey, and compared with the field notes by myself, and is correct.

Question 6<sup>th</sup>.

Where is this map?

Answer. Here it is. I have it here with me. (Witness here produces a map marked ~~C. A. M.~~ A. M. No. 1, and is hereby annexed to this deposition).

Question 7<sup>th</sup>.

Look upon the map, which has just been produced by you, and marked as above (C. A. M. No. 1), and state whether or not it is an accurate, and correct

map of the land, pointed out to you by the said Salvador Valles, & Ramon Carrillo, of you, describe the boundaries of the said Rancho, in reference to ~~it~~,  
Answer.

It is an accurate, and correct map of the said Rancho, It is bounded all around by the Mountains, There are only two places by which you can get out of it, I commenced my survey at the point marked "A" on the Lake at the mouth of Kelsey's Creek, and ran along the foot of the Mountains, as indicated by the yellow line on said map, to the point marked "H" on the Creek called "Cahool Piclomi." From point "H", I meandered said Creek to the Lake, and from there I meandered the Lake, as indicated by the yellow line, to the point of beginning.  
Question 8th.

State what quantity of land is contained within the boundaries, first described by you.

Answer. There are fifty two thousand, four hundred and fifty five  $\frac{22}{100}$  acres, being ~~between~~ a little more than twelve leagues.

Question 9th.

Give a general description of the boundaries, and the situation of this land.

Answer.

The boundaries ~~on one side~~ all around are high mountains, except where it is bounded by the said creek, and lake, The boundaries, are natural boundaries, and cannot well be mistaken.

Cross examined by A. S. Dist. Attorney,

Question 1st.

What data were furnished you for making this survey,

Answer.

The data were the boundaries as pointed out to me by Salvador Vallip & Ramon Carillo. I had no map, or other data than the information given me by those gentlemen.

Question 2<sup>d</sup>.

How was that information given you,

Answer.

By their riding around, and pointing out to me the corners, and boundaries.

Benedict J. McDonald  
1st Deputy Surveyor

Salvador Vallip being duly sworn, deposes and says,

Question 1st.

State your name, age & residence.

Answer.

My name is Salvador Vallip, my age is forty two, and my residence is in Napa County, California.

Question 2<sup>d</sup>.

Are you acquainted with the Rancho called "La Laguna de San Yomi", if yes, how long have you known it, and where is it situated.

Answer.

I am acquainted with said Rancho, I have known it since the year 1840. It is situated in Napa County, California.

Question 3<sup>d</sup>.

Are you acquainted with the boundaries of said Rancho, if you, State them.

Answer.

I do know them. They commence at the mouth of the creek, "Sup Yomi," now called Kelsey's Creek. Thence in a southerly direction to some pine trees, thence to the hill of the Springs, thence to the Divisadero, thence to the Green Valley, thence to the "Laguna del Pato," thence along the edges of the hills to the river, which forms the head of the Lake, thence to the down the river to the Lake, and from thence along the margin of the Lake, to the mouth of Kelsey's Creek. The place of beginning.

Question 4<sup>th</sup>.

By what name has the land which you have described been called, and known, and for what length of time, has it been so called, and known,

Answer.

By the name of "Sup Yomi," I have known it since 1840, or 1841. It has been called by that name, ever since I have known it.

Question 5<sup>th</sup>.

State the character of its boundaries.

Answer.

It has natural boundaries. The mountains on one side, and the Lake on the other.

Question 6<sup>th</sup>.

Did you ever point out these boundaries to any individual with a view to a survey of this Rancho, if so to whom, and when.

Answer.

I did, to Mr Mc Donald, the same gentleman, who gave his deposition this morning, I am not positive as to the time, but I think about four months since.

Question 7th.

What boundaries did you point out to Mr Mc Donald, as the boundaries of this Rancho.

Answer.

The same boundaries which I have described as above, as being the boundaries of this Rancho.

Question 8th.

Could you trace those boundaries on a map.

Answer.

I could, (The map is here shown the witness, marked "I. A. M. No. 1," and which is annexed to the deposition of Bidney J. Mc Donald.)

Question 9th.

Look upon the map which is now shown you, and designate the boundaries of said Rancho.

Answer.

I have looked upon the map. The yellow line marked thereon, correctly describes the boundary of this land, and is in accordance with the information which I gave Mr Mc Donald, as above stated.

Question 10th.

State what you know in regard to the occupation and cultivation of this Rancho of San Yomi by the original grantee of the same.

Answer.

My brother Juan Antonio, and myself were the original grantees of this land. In the year 1842 or 1843, I placed cattle on said Rancho, built a house, and corrals, I also placed horses there. After this I made a solicitation of the Governor for this land, and in the year 1843, or 1844, I received the Title for this land. I lived during this time on the place. I was frequently absent visiting my horse, and lot in Sonoma, and my other farms, and always had a Mayor Domo on the Rancho. During the above time I cultivated beans, corn, pumpkins, water-melons &c. The last house I built on the place, was just about the time this Country was invaded by the Americans. During the above periods, I had on the Rancho from 1500 to 2000 head of cattle, from 500 to 600 head of horses & mares, & from 1500 to 2000 head of hogs. My brother Juan Antonio and myself were equally interested in the above property. My brother Juan Antonio frequently visited the Rancho, but resided in Monterey.

Question 11th.

Did you, and your brother ever receive Judicial possession of this land.

Answer.

We never did.

Question 12th.

Did you, or your brother ever apply for Judicial possession of this land. If so, when, and to whom.

Answer.

I applied for Judicial possession

To Jose de la Rosa, at that time Alcalde of Sonoma, in the year 1845. He was the said Rosa, Alcalde of the District in which said land is situated.

Question 13th.

Why was it, that you did not obtain Juridical possession of said land, when you applied for it.

Answer.

The Alcalde was afraid to go out to the Rancho, on account of the Indians. That was the only reason that I knew of that prevented him from going there.

Question 14th.

What were the means by which you determined the boundaries you have described, and their application to the said Rancho.

Answer.

There was a meeting of seven Rancheros to whom I pointed out the boundaries of my farm, that they might know it & recognize it as my property. Those seven Rancheros were my nearest neighbors. I knew those were the boundaries, because the mountains were, on one side, and the Lake on the other.

Question 2<sup>d</sup>.

Were those your only means of knowing, and ascertaining those boundaries to be correct, and if not, state what other means you had.

Answer.

Those were not the only means I had of knowing those boundaries. My other means were, that they were

Cross

pointed out to me by the Chief of the Indian tribes, named Miuae, who was my Compadre.

"Sup Yomi" signifies in the Indian language, "Town of Stones" and this place was so named by the Indians.

Question 3<sup>d</sup>

Did your brother Juan Antonio ever build a house on said Rancho? Did he own any of the Stock, and if yea what portion.

Answer.

He never built a house. He owned one half of the Stock.

Question 4<sup>th</sup>

How has your brother ever disposed of ~~that~~ his portion of the Stock.

Answer.

He has never disposed of his portion of the Stock. Most <sup>the whole of</sup> of said Stock was stolen and driven off by Indians and Emigrants. I pitched in, and saved about fifty cows. The balance of the Stock was lost.

Question 5<sup>th</sup>

Did you ~~have~~ ever divide with your brother, the Stock that was saved.

Answer.

I never did. I have no interest whatever in this claim of "Sup Yomi."

Direct resumed.

Question 1<sup>st</sup>

Upon whose account, or at whose expense were the said houses built upon said Rancho.

Answer.

On account of both my brother & myself.



Question 2d.

What was the state of the Country on the Rancho, and was it safe for families to live there during the time that you occupied this Rancho.

Answer.

There were constant revolutions among the Indians at the time, and it was unsafe for families to live there.

Cross examination resumed.

Question 1st.

Would it not have been safer for two brothers to live there, than for one to live alone.

Answer.

No Sir, I consider myself man enough to live any where.

Question 2<sup>d</sup>.

How much, and what kind of expense were you, or your brother at, in building said houses.

Answer.

A great deal of meat, & Spunk.

Alvador Salas

The evidence of the last named witness was given in the Spanish language, and interpreted into English by Francis Melles, Esq. who was duly sworn as such Interpreter.

José Ramon Carrillo being duly sworn  
deposes and says

Question 1<sup>st</sup>

State your name age Residence  
Answer

My name is José Ramon Carrillo, my  
age thirty years, I reside in Santa Ana, County  
of Los Angeles.

Question 2<sup>d</sup>

Are you acquainted with the Rancho  
called 'La Laguna de San Jomi' if you how long  
have you known it and where is it situated.  
Answer.

I do know the Rancho, have known it  
since the year 1840, it is situated in the County  
of 'Mesa' State of California.

Question 3<sup>d</sup>

Are you acquainted with the boundaries  
of said Rancho if yes state them.  
Answer.

I do know the boundaries of said Rancho,  
Commences at the mouth of 'San Jomi' Creek  
now known as Nelson's Creek when it enters the lake,  
at which place there is a large Mountain of black  
rocks, from thence in a southerly direction to some  
pine trees, from thence in a northerly direction to  
the hill of Springs, from thence to the 'divisadero',  
from thence to the Green Valley, from thence to the lake  
of the Pintos, from thence to the river which empties  
into the Lake, from thence back again along the edge  
of the Lake to the mouth of the Creek of San Jomi

Question 4<sup>th</sup>

By what name has the land which you  
have described been called and known and

for what length of time within your Rancho  
edge has it been so known and called.

Answer

CASE NO. 8  
PAGE NO 53

It has been known by the name of *Lup  
Gomi* and so known since I first knew it in  
1840.

Question 5<sup>th</sup>

Of what language are the words *Lup  
Gomi* and what is their meaning.

Answer.

Of the Indian language; *Lup* means  
stone and *Gomi* town.

Question 6<sup>th</sup>

State the general character of the bound-  
aries of this Rancho.

Answer

The boundaries are natural, consisting of  
the Lake and the Mountains and the river, at the  
base of the Mountains the line runs.

Question 7<sup>th</sup>

How do you know that the tract of land  
contained in these boundaries is called *Lup Gomi*?

Answer.  
I know it from *Menac* the chief of the  
tribe, who in conversation told me his town was  
called *Lup Gomi* as also his land pointing out  
the land as described by me; passing over the Moun-  
tain on the Northwestern side there is another  
valley with another tribe but the name of the land  
I do not remember, nor do I know of any other  
land called *Lup Gomi*; the adjoining lands have  
different Indian names, such as *Masutaque*,  
*Nimangua*, *Yojai* etc

Question 8<sup>th</sup>

Did you ever point out the boundaries  
of this Rancho *Lup Gomi* with a view to its survey

to whom and to whom.  
Answer,

I did point out the boundaries, to Mr. Mc. Donald the same man who has testified in this case, about four months since.

Question 9<sup>th</sup>

What boundaries did you point out to him.

Answer

The same boundaries which I have above described.

Question 10<sup>th</sup>

Could you trace these boundaries on a map of said land.

Answer.

I could;

Question 11<sup>th</sup>

Look upon the map now shown you marked T. A. No. 1 and heretofore annexed to the deposition of Peary J. Mc Donald taken in this case and designate the boundaries ~~and~~ ~~say~~ of this land.

Answer

I have looked and find the boundaries correctly designated by the yellow lines

Question 12<sup>th</sup>

State what you know with regard to the occupation and cultivation of this Rancho of 'Luz Yoni' by the original grantee of the same.

Answer.

I saw the Rancho of 'Luz Yoni' occupied with cattle, horse plantings, horse etc. within the year 1842, or 1843, by Salvador Calles and Juan Antonio Calles, Salvador Calles built several houses, the last of which was built

either in the year 1844 or 1845, it was an Adobe house, of two rooms one large and the other small, there were plantings of Corn, beans, pumpkins and water melons, the house was built by the Servants of Salvador & Juan Antonio Ballejo.

Question 13<sup>th</sup>

Who Resided on the Rancho during the years 1844, 1845 & 1846

Answer.

Salvador Ballejo, Juan Antonio Ballejo, their Magordomo and Servants, there were generally four or five white men on the farm and sometimes as many as eight or ten, there were also during this period plantings carried on as above stated.

Cross Examined by United States Attorney.

Question 1<sup>st</sup>

Was Juan Antonio Ballejo present when those houses were built as ~~he~~<sup>you</sup> has described, and if yes, what part if any did he take in the works.

Answer,

As I was residing on the place I saw Juan Antonio Ballejo at different times during the building of the houses as also after their erection, when he would be occupied giving directions about the different works going on on the farm.

Question 2<sup>d</sup>

What was your business there at the time those houses were building.

Answer,

At times I was on Campaigns against

the Indians, at times I was helping them  
brand their Cattle and Horses.

Question 3<sup>a</sup>

Have you any interest in this claim  
in any event whatever.

Answer.

I have none of any kind.

Witness

Juan A. Monroe José Ramon <sup>his</sup> Carrillo  
U.S. Commiss. Mark

The evidence of the above named witness  
was given in the Spanish language and  
interpreted into English by Francis Mellus Esq  
who was duly sworn as such interpreter

José de la Rosa being duly sworn  
says I am.

Question First

State your name your  
age and place of residence -

Answer My name is José de  
la Rosa - aged sixty three years  
and reside in Sonoma -

Question 2<sup>d</sup>

Do you know who was  
Alcalde of Sonoma in 1845,  
if so state who

Answer I was Alcalde of  
Sonoma from the 22<sup>d</sup> of June  
1845 to the 9<sup>th</sup> of February 1846  
First Alcalde -

Question Third -

Were you ever applied to in your official capacity to give Judicial possession to the Rancho known as the Rancho Lupionni if so by whom and when.

Answer I was - by Salvador Vallejo on the 25<sup>th</sup> of June three days after being Alcalde.

Question Did you give judicial possession of said Rancho if may state the reason why?

Answer. I did not for the reason on account of a large revolution there was among the Indians of all the frontiers - The Lupionni - Cas la Mission. and other Indian Tribes whose names I do not remember.

Question - Do you know of any other reason save those stated why possession was not given

Answer - No - That was the only reason -

Cross Examination

Question - How long did that revolution continue?

Answer -

Until the middle of August.

Did those Indians

Question. Did those Indians  
kill any white persons at  
that time about that place?

Answer No. We asked  
assistance of the Commandante  
Don Sol and we went out  
and calmed them down.

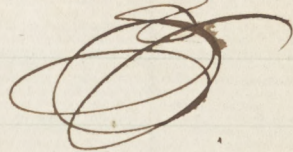
Question Would you have  
been afraid to make the sur-  
vey with the usual number  
of persons who would have  
accompanied you

Answer - I would not have  
been afraid if there were a  
sufficient number of men  
but there were not.

Question Have you any interest  
in this question -

Answer I have not.

José de la Rosa



The evidence of the above named witness was  
given in the Spanish Language and interpreted  
into English by Francis Mellus Esq. who was  
dearly sworn as such interpreter

Subscribed before me this  
29<sup>th</sup> day of Oct. AD 1834  
J. M. Morrison  
M. J. Conroy



United States of America, }  
Northern District of California. } ss.

I, *John A. McCreary* a commissioner duly appointed by the District Court of the United States, for the Northern District of California, under and by virtue of the Acts of Congress, entitled "An Act for the more convenient taking of Affidavits and bail in civil causes, depending in the Courts of the United States," passed February 20th, 1812, and the Act of Congress, entitled "An Act, in addition to an Act, entitled 'An Act for the more convenient taking of affidavits and bail in civil causes, depending in the Courts of the United States,'" passed March 1st, 1817, and the Act entitled "An Act to establish the Judicial Courts of the United States," passed September 24th, 1789, **Do hereby Certify**, That the reason for taking the foregoing *deposition* is, and the fact is, the witnesses *are* \_\_\_\_\_ material and necessary in the cause in the caption of the said deposition named, and that ~~in~~ *the said depositions were taken in pursuance of an order of said District Court made on the 23<sup>rd</sup> day of September A.D. 1834*

~~I further Certify, That \_\_\_\_\_ notification of the time and place of taking the said deposition signed by me, was made out and served on the~~

CASE NO. 8 [ N ]

PAGE NO. 59

~~to be present at the taking of the deposition and to put interrogatories, if he or they might think fit~~

I further Certify, That on the *19<sup>th</sup> & 20<sup>th</sup>* day of *October* in the year of our Lord one thousand eight hundred and *fifty four* I was attended by *the Attorneys for the Claimants & the U.S. Dist. Attorney who appeared by Andrew Blase* and by the *witnesses* who were of sound mind and lawful age, and the *witnesses being* by me first carefully examined and cautioned, and sworn to testify the truth, the whole truth, and nothing but the truth, and the *depositions being* by me reduced to writing, in the presence of the *witnesses* and from *their* statements and after carefully reading the same to the *witnesses they* subscribed the same in my presence. I have retained the said *depositions* in my possession for the purpose of *delivering*

the same with my own hand *to* \_\_\_\_\_ the Court for which the same *were* taken.

**And I do further Certify**, That I am not of Counsel nor Attorney for either of the parties in the said *depositions* and caption named, nor in any way interested in the event of the cause named in the said caption.

In testimony whereof, I have hereunto set my hand and seal, this *21<sup>st</sup>* day of *October* in the year of our Lord one thousand eight hundred and *fifty four* and of the Independence of the United States the *seventy ninth*.

*John A. McCreary*

Vol.

No.

United States *Dist* Court,  
For the *Southern* District  
of *California*

*The United States*

vs.

*A. S. Leschmader*  
*Ex aet*

Deposition on the part of the

*deponent* taken before

*J. S. Monroe*

United States Commissioner, on the

*19 & 20* day of *Oct* 1854

Filed the *20* day of *Oct* 1854

*J. S. Monroe*  
*CB*

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CASE NO.

PAGE NO.

CASE NO. 8

PAGE NO. 61

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

ND

The United States  
Appellees

Ass.

Henry F. Geschmacher  
Joseph P. Thompson et al  
Appellants

The United States by their Attorney  
deny the validity of the title set  
out in the petition of the said  
Appellants; and pray that the  
decision of the Board of Commis-  
sioners be affirmed, and that the  
said title be deemed to be invalid.

A. Russell

Asst. U.S. Dist. Atty. &c

<sup>No 8</sup>  
U. S. District Court  
Northern District  
of California.

---

The United States

- vs -

Henry F. Teshmacher  
Joseph P. Thompson  
et. al.

---

Answer.

Filed June 14, 1855,  
by W. H. Cheever  
Deputy.

CASE NO. 8 [ND

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seven

CASE NO. 8 ND  
PAGE NO 63

*Part of*

# TRANSCRIPT

OF THE

# PROCEEDINGS

IN CASE

NO. *507.*

*W. F. Jeschmacker, et al,* CLAIMANT *S.*

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Luzon-Yomi"*

*Omitted in Original Transcript*

Q  
Ded.

From Salvador part Witnesseth: That the said parties of Vallejo to H. the first part, for and in consideration of the F. Feschmacher, sum of Fourteen Thousand Dollars, to them et al - paid by the said parties of the second part,

at or before the inscaling and delivery of these Dec. H. H. No presents, the receipt whereof is hereby acknowledged to the edged, have granted, bargained, sold and conveyed of Juan Noyd, and by these presents do grant, bargain, Castaneda to sell and convey unto the said parties of the Ken before Comr. second part, and to their heirs and assigns Midland Hall, All that certain tract piece or parcel of land June 10<sup>th</sup> 1853 situate, lying and being in the County of

Napa, and upon the shores of Clear Lake, commonly known and called the "Rancho de San Yome", being the same Rancho or tract of land granted to the said Salvador Vallejo and Juan A. Vallejo by Manuel Michel Comr. by grant bearing date the fifth day of September in the year one thousand eight hundred and forty four, and being the same premises the one half part whereof was conveyed by the said Juan A. Vallejo to the said Salvador Vallejo by deed bearing date the Thirtieth day of December one thousand eight hundred and forty nine, excepting and reserving one Tract of Three miles square lying within the original boundaries of the said Rancho, which has been heretofore sold to one Spratt, and another Tract of Three miles

square also lying within the boundaries aforesaid which has been heretofore sold to one George, this deed being intended to convey the whole of the said Rancho except the said two tracts each three miles square; Together with the tenements, hereditaments and appurtenances thereunto 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, power and right of donor, property, possession, claim and demand whatsoever of the said parties of the first part of, in and to the same, and every part and parcel thereof; To have and to hold the hereinbefore granted and described premises with the appurtenances unto the said parties of the second part, their heirs and assigns, to their sole use, benefit and behoof forever. — And the said Salvador Vallejo for himself, his heirs, executors and administrators hereby covenants to and with the said parties of the second part, their heirs and assigns, that the said premises are free and clear of and from all, and all manner of former and other bargains, sales, gifts, grants, rights, titles, charges, liens and encumbrances whatever had, made, committed, done, or suffered in anywise whatsoever by the said parties of the first part, or either of them, or any other person by them, or either of them therewith lawfully authorized and enforced, except as aforesaid.

In witness whereof, the parties of the first part have hereto set their hands and seals, the day and year first above written —

(Signed) Salvador Vallejo (seal)

(Signed) M<sup>ra</sup> Luz Carrillo de Vallejo  
+ her mark (seal)

Sealed and delivered  
in presence of  
(Sigs) W. W. Culver.  
(Sigs) J. de Custaneda.

State of California  
County of Napa. 388 On this twenty fifth  
day of August A. D. 1852, before me, a No-  
tary Public, in and for the said County, per-  
sonally appeared Salvador Vallejo and M<sup>ra</sup>  
Luz Carrillo his wife, to me known to be the  
persons described in and who executed the above  
deed, and acknowledged that they executed the  
same freely and voluntarily, for the uses and  
purposes therein mentioned. And the said M<sup>ra</sup>  
Luz Carrillo first having been by me made  
acquainted with the contents of the said In-  
strument, acknowledged, in an examination  
apart from and without the hearing of her  
said husband, that she executed the same  
freely and voluntarily, without any fear or  
compulsion or under influence of her said  
husband, and that she did not wish to retract  
the execution of the same.

Witness my hand and official  
seal.

(Signed) William W. Culver (seal)  
Notary Public.

Filed for Record August 25<sup>th</sup> A. D. 1852, at  
9 1/2 o'clock A. M. and recorded in Book 13,  
pages 197, 198, and 199. of the Archives of  
Napa County.

(Signed) John H. Sewell. Recorder  
By J. M. Graham. Dy. R.



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CASE NO. 8<sup>ND</sup>

PAGE NO. 67

fees for Recording paid -

Filed for Record August 28<sup>th</sup> 1852, at 9 o'clock A.M. and recorded on folios 55, 56, 57 of Liber "A" of Deeds, Records of Yolo County -

[Signed] H. Griffith

8 folios paid -

Recorder

State of California  
County of Colusa.

Recorder's Office.

Recorded for Record Aug. 30<sup>th</sup> A. D. 1852, at 9 1/2 o'clock A.M. and this original deed is fully, truly and faithfully recorded on our Register of Deeds Book A. pages 266, 267, and 268. and is hereby so certified.

[Signed] E. D. Wheatley, Recorder

W. M. Blde. Special Dep. Recd.

fees 9 fol. \$4.00. Paid -

Filed for Record September 1<sup>st</sup> 1852, at 11 o'clock A.M. and recorded in Book E. pages 592, and 593. of the Records of Edmunds County.

[Signed] Sarah B. Bynum.

Fee \$4.00 -

County Recorder.

Recorded in Record of Evidence Vol 8, p. 182.

[Signed] Geo: Fisher,  
Clerk.

Filed in Office Aug 5<sup>th</sup> 1853.

[Signed] Geo: Fisher,  
Clerk.

Office of the Board of Commissioners,  
to ascertain and settle the private land  
claims in the State of California -  
George Fisher, Secretary to the Board of

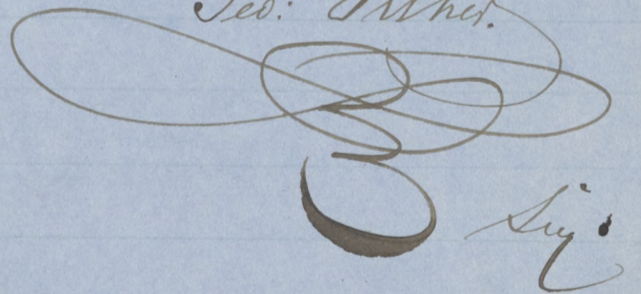
5.

CASE NO. 8<sup>ND</sup>  
PAGE NO. 68

Commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing Four pages, numbered from one to four inclusive, to contain a full, true and correct copy of an "Original Deed" forming part of Transcript of the Record of the Proceedings in Case No 307, on the docket of said Board, wherein H. F. Fuschmacker, et al, are claimants for the place named "Suep-Yemi" against the United States, whereof a Transcript of said Case No 307, was Filed in the United States District Court for the Northern Judicial District of California, September Thirtieth, Eighteen hundred and fifty four, -

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 fifth day of June A. D. 1853, and of the Independence of the United States of America the twenty ninth -

Geo. Fisher.



No 8

U. S. Dist. Court,  
N. D. of California,  
A. H. Veschemacher,  
et al,

vs

The United States

Part of Transcript from said  
Court in case No 507

et al

Filed June 25, 1855

J. M. a. Monroe,  
Clerk

By W. H. Cheever,  
Deputy

CASE NO. 8 ND

PAGE NO. 89

Office of the U. S. Land Commission  
San Francisco, June 25-1855.

CASE NO. 8 ND

PAGE NO. 70

John A. Monroe Esq  
Clk U. S. Dist Court  
Northern Dist of  
California.

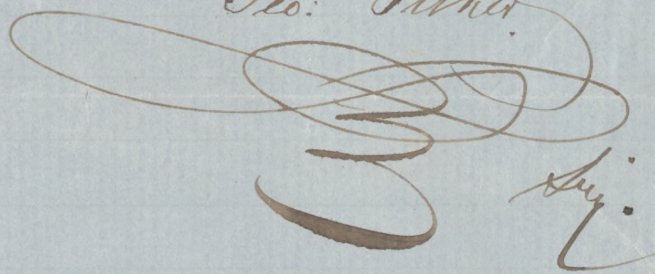
Sir.

Accompanied herewith please  
receive Part of Transcript of the Proceedings in Case  
No 507. H. F. Feschmacker, et al, Claimants vs The  
United States Defendant, for the place named "Susi-  
Momi" omitted in the Original Transcript by an over-  
sight.

Please file the same with the Original.

Respectfully

Geo. Fisher



No 8

U. S. Dist. Court.

---

H. F. Reschemacher,  
et als.

vs  
The United States.

---

Letter from Secretary  
of Land Com

---

Dated June 20, 1855.

by W. H. Cheverus,  
Deputy

CASE NO. 8 / ND

PAGE NO. 71

Prime

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

CASE NO. 8 ND.

PAGE NO. 72

Henry F. Teschmaker & al

vs

The United States

This cause coming on this day to be heard, upon the Readings, the Certified Transcript of the proceedings and decision of the Board of Commissioners on private Land Claims in California, and upon the further evidence, taken under the order of this court, and the argument, of Counsel being heard on the part of the Claimants, and of the District Attorney on the part of the United States. In consideration whereof, The Court is of Opinion that the decision of the said Board of Commissioners, respecting said Claims is erroneous and the same is hereby reversed.

And this Court doth adjudge, order and decree, that the title of Claimants, to the tract of Land known as La Laguna de San Yome <sup>and sit both</sup> as described in the record is valid, and the same is hereby confirmed to the extent of sixteen square leagues, the quantity specified in the original grant set forth in the record, and for no more.

Provided that the said quantity of Land granted and now here confirmed, be contained within the boundaries of the said tract of

Land known as San Yoni to which the said grant & proceedings refer; and if there be less than the said above named quantity within the said Bounds, then there is hereby confirmed to the said claimants that less quantity. It being apparent that the said quantity exceeds the maximum of two hundred varas square, as prescribed by the ordinance of the 21<sup>st</sup> of November 1828, of the Mexican Government

No 8

H. F. Teschmacher vs

The United States

Deceit

CASE NO. 8 FND

PAGE NO. 74

June 27<sup>th</sup> 1855



CASE NO. 8<sup>th</sup> ND  
PAGE NO. 75

At a *Stated* Term of the District Court of the  
United States of America, for the Northern District of California,  
held at the *fourth house* in the City of SAN FRANCISCO,  
on *Thursday* the *28<sup>th</sup>* day of  
*June* in the year of our Lord one thousand

Present:

*Ben: M. St. McAlister, Circuit Judge,*  
and *The Honorable OGDEN HOFFMAN, JR., District Judge.*

*The United States, Appellants,*  
*vs.*  
*St. J. Teschmacher, et al.,*  
*Appellees.*

*No 8*

In this case, on Application of the United States Attorney  
made in open Court. It is ordered by the Court that an appeal  
on 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, and  
pleadings proceedings in the said cause be sent to the  
Supreme Court of the United States without delay.

No 8—

U. S. Dist. Court,

---

The United States,  
Appellants,

— vs —

A. J. Veschnacher,  
et al.,  
appellees.

---

Order granting appeal,

Filed June 28, 1853,

by Cheever,  
Deputy

CASE NO. 8 *twelve* ND

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CASE NO. 8 NE  
PAGE NO. 77

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

A. F. Teschemacher

et. al

Appellants

vs

The United States.

Sir: The United States intend  
to appeal from the final  
decree of the Court in this  
Cause.

W. J. G.

U. S. Dist. Atty.

To John A. Mauro Esq  
Clerk.

No 8  
U. S. Dist. Court

M. F. Teschemacher  
Et. al

vs

The United States.

Notice of Appeal

Filed June 27, 1855  
by W. H. Cheever  
Deputy

CASE NO. 8 - ND

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CASE NO. 8 ND  
PAGE NO. 79

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

H. F. Teschemacher

Et. al.

Appellants

vs

The United States

Sir: The United States intend to  
Appeal from the final decree of  
the Court in this Cause.

J. W. Lyon  
U. S. Dist. Atty.

To. Thornton & Williams Esqrs

I served this Notice in person  
by copy on Thornton & Williams  
this 27<sup>th</sup> day of June 1853 -

W. H. Richardson Esq, M

By J. C. Servey  
dep

CASE NO. 8 FND

PAGE NO. 80

No 8

U. S. District Court.

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W. F. Teschemacher  
Et. al.

vs

The United States.

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Notice of Appeal

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Filed June 28, 1855,  
by Cheever

to putty

CASE NO. 8 [ND]

PAGE NO. 81

To. of  
Thorn & Williams  
Atty &

H. F. Teschmaker del } District Court of  
 vs No. 8 - } The United States  
 The United States - } Northern Dist. of California

The Petition in this case coming on to be heard, it is by the consent of the United States District Attorney, ordered and decreed that the prayer of the Petitioners be allowed; that this case be opened and that the decree heretofore entered <sup>and the decree is hereby</sup> be set aside, and in lieu thereof a decree be entered confirming to H. F. Teschmaker, Joseph P. Thompson, George H. Howard and Julius K. Rose Fourteen leagues of the tract of Land known as 'Lup Torni' and to Salvador Vuller; The remaining two leagues of said Rancho -

Agden Hoffman  
 U. S. Dist Judge



No 8

U. S. Dist. Court.

The United States.

- No -

A. J. Eschmacher,  
et al

Order allowing  
modification of  
Decree.

Filed March 2, 1857,

W. H. Chewis,

Deputy.

CASE NO. 8 F ND

PAGE NO. 83

Henry F. Teschmaker et al vs The United States } District Court  
U. States Northern }  
District of California }  
Stated Term, March 2, 1857.

This cause coming on this day to be heard and being argued by Counsel, the Court is of Opinion that the decision of the Board of Land Commissioners rejecting this claim is erroneous and the same is hereby reversed -

And this Court doth adjudge order and decree that the title of the Claimant to the tract of Land known as "La Laguna de Sup Yomi" as described and set forth in the record is valid; and it is further adjudged ordered and decreed that there be confirmed to the the said H. F. Teschmaker, Joseph P. Thompson George H. Howard & Julius R. Jore Fourteen square leagues, part of the said tract of Land known as the Rancho La Laguna de Sup Yomi and to Salvador Valcijo, as claimed in ~~this Petition~~, Supplemental Petition, the quantity of Two square leagues, being the remainder of the said Rancho -

The Land of which confirmation is <sup>hereby</sup> made contains sixteen square leagues, the quantity specified in the original Grant set forth in the record, and for no more; Provided that the said quantity of Land so granted and now here confirmed be contained within the boundaries of the said tract of Land known as La Laguna de Sup Yomi, to which the

Said Grant and proceedings refer-  
And if there be less than the said  
above named quantity within the  
said boundaries then there is  
hereby confirmed to the claimant  
that less quantity. It being apparent  
that the quantity exceeds the minimum  
of two hundred varas square as  
prescribed by the Ordinance of 21<sup>st</sup>  
November 1828 of the Mexican  
Government -

Agden Hoffman  
U. S. Surveyor

No: 8 <sup>254</sup>  
U. S. District Court  
H. F. Teschmacher sole

The United States

---

Amended Decree

---

J  
Filed March 2, 1857.  
W. A. Cheverus,  
Deputy.

CASE NO. 8 ND

PAGE NO. 86

pastor

To the Honorable, The Judge of the United States District Court, for the Northern District of California —

CASE NO. 87 NDF

PAGE NO. 87

Henry F. Teschemacher Joseph P. Thompson, George H. Howard & Julius K. Rose the claimants in this case being No 8 on the docket of Land claims in this Court together with Salvador Vallejo, respectfully represent to your Honor by this their petition in the nature of a bill of review, that in the record and final Decree had in this case a mistake has occurred, which we humbly pray may be corrected by the opening of the said case and upon rehearing, that the final decree be amended, so as to do complete justice to the parties interested. Your Petitioners humbly pray that the said Salvador Vallejo, one of the original Granters, in the grant presented in this case, be made a party, and that the decree be so amended, as to confirm to him two leagues of the sixteen leagues which were originally granted and which have been confirmed by this Honorable Court to the said Teschemacher & others.

The Records now in this Honorable Court shew that there was pending at the same time with the claim of the said Teschemacher and others, for fourteen leagues of the said grant as claimants by <sup>their</sup> conveyances from the said Vallejo, a further claim by the said Vallejo for two leagues part of the said original grant, which claim by Vallejo was presented by way of supplemental petition to the claim of the

said Teshmages and others to be adjudicated in the same case, all which will fully appear by reference to the records of this Honorable Court, and for convenience a certified copy of the said Supplemental petition, transmitted to this Court from the Board of Land Commissioners, is herewith filed and prayed to be taken and considered as a part of this case. The claim of said Vallejo for the said two leagues, was not regarded and attended to as a separate and distinct case of claim, from that of Teshmages and others, the same as a Supplement to that claim, which it was by its terms, it should have been attached to it and have formed a part thereof. In fact the terms of the decree rendered in this case, embrace the whole land contained in the Mexican Grant, and your Petitioners now humbly pray your honor to open the case and to amend the record and decree, so as in effect to consolidate the claims, imprudently separated, by the Secretary of the Land Commission and to remodel the decree so as to conform to the Record, as it ought really to exist that is by conforming to Vallejo's Grant to Teshmages & others, fourteen leagues and the remaining two, to the said Vallejo according to the terms of his said Supplemental Petition.

And your Petitioners will ever pray

H. P. Thompson

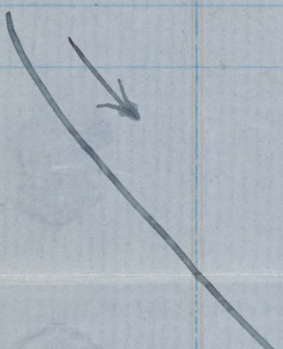
Joseph P. Thompson

Geo. H. Howard

Julius H. Rose

Salvador Vallejo

CASE NO. 8. NDE  
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Salvador Vallejo's  
By his Attorney  
James Wilson

8 ND  
PAGE 88 A

Ms P.

U. S. District Court.

The United States.

~ vs ~

A. F. Teschmacher, et als.

Petition to modify  
Decree.

Filed March 2, 1857.

W. H. Church,  
Deputy.

CASE NO. 8 ND

PAGE NO. 89



UNITED STATES OF AMERICA, ss.

CASE NO. 8 ND

PAGE NO. 90

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 Henry S. Feschmaker, Joseph P. Thompson, George  
H. Howard, Julius K. Rose and Salvador Ballajo,  
appellants and the United States appellees, the decree  
of the said District Court was in the following  
words viz:—

"The Court is of the opinion that the decision of  
the Board of Commissioners rejecting this claim is  
erroneous, and the same is hereby reversed.—

"And this Court doth adjudge, order and decree, that  
the title of the claimants to the tract of land known as  
"La Laguna de Sup. Yorni," as described and set  
forth in the record, is valid, and it is further adjudged,  
ordered and decreed that there be confirmed to the  
said H. F. Feschmaker, Joseph P. Thompson, George  
H. Howard and Julius K. Rose, fourteen square  
leagues, part of the said tract of land known as the  
Rancho La Laguna de Sup. Yorni, and do to  
Salvador Ballajo, as claimed in his Supplemental  
petition, the quantity of two square leagues being  
the remainder of said Rancho.—

"The land, of which confirmation is hereby made,  
contains fifteen square leagues, the quantity specified  
in the original grant set forth in the record, and

for no more: provided that the said quantity of  
land so granted, and now here confirmed, be contained  
within the boundaries of the said tract of land known  
as La Laguna de San Yorn, to which the said  
grant and proceedings refer, And if there be less  
than the said above named quantity within the boundaries  
then there is hereby confirmed to the claimants that  
less quantity; it being apparent that the quantity exceeds  
the minimum of two hundred varas square, as  
as prescribed by the ordinance of 21<sup>st</sup> November  
1828, of the Mexican government."

CASE NO. 8 ND

PAGE NO. 91

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 reversed, and that this cause be and the same is hereby remanded to the said District Court for further proceedings to be had therein in conformity to the opinion of this Court.

12. March

You, therefore, are hereby commanded that such *of further* proceedings be had in said cause, *in conformity to the opinion & decree of this Court* 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... \$         
\$       

*Signed by*

*Geo. Middleton*

Clerk of the Supreme Court of the United States.

Duplicate  
*Issued 6<sup>th</sup> June 1864*

No. 8  
No. 2 December Term, 1859.

MANDATE  
SUPREME COURT UNITED STATES.

The States vs Geschonaker & al

Filed April 10<sup>th</sup> 1860  
Geo. C. Gorham Clk  
By Daniel Sullivan  
Deputy

CASE NO. 8 ND  
PAGE NO. 94

U. S. District Court, Hoffman J.  
Rejection of the Lup Gomi Claim  
at Clear Lake, U. S.

Leschemachus et al

#8  
8 NU

CASE NO. 8 ND  
PAGE NO. 95

On the 4<sup>th</sup> January 1853  
the said claimants petitioned  
the Board for a confirmation  
of their claim to the place  
known as Lup Gomi, <sup>containing</sup> ~~by~~ <sup>four</sup>  
said sixteen square leagues  
more or less.

In support of this claim a  
grant was produced dated  
September 5<sup>th</sup> 1844 and purporting  
to be signed by Manuel Michel  
torrena and Conoyung to Silvia  
Hador and Juan Antonio Valle  
jo the land known as the Sa  
guna de Lup Gomi to the extent  
of 16 square leagues "as shown  
by the ~~reference~~ respective map"  
On the map which accompanied  
this grant ~~was~~ a large tract <sup>distinct</sup>  
of country embracing the whole  
of what is now known as Clear

Handwritten notes in the left margin, including the word "proceedings" written vertically.

2  
Lake together with a considerable tract around it was judely delineated —

No evidence whatever from the Archives was offered and the ~~data~~<sup>mem:</sup> at the end of the grant to the effect that note of it had been taken in the proper book, was found on consulting the book to be false. The proofs of possession & occupation were also unsatisfactory. The ~~claim~~ decision of the District Court was therefore reversed and the cause remanded for further testimony. It is now ~~the case~~ submitted on the testimony that has since been taken in this Court.

It is contended that the Archive evidence the absence of which was one of the chief reasons assigned by the Supreme Court for refusing to confirm the claim has

3 Since seen supplied—

It appears that in 1855 one Jose Santos Romayesa deposited in the Suboyor General's office an expediente purporting to contain a concession and the proceedings preliminary thereto, of the place called San Yonin.

The only this document is stated by Vicente P. Gomez to have been in the office of the Secretary of State at Monterey from its date up to the year July 1846 when it was taken to the Custom House with other papers. It then passed into the possession of the witness (but how or by what right is not explained) and so remained until 1854 or 1855 when Mr. Domingo Marks at the instance as he said of Jose Santos Romayesa procured the loan of it before giving it to Marks, deas as



4 he says tore off the signature  
of Manuel Micheltorrea  
to the degree of Procession  
The only reason he assigns  
for so doing ~~was~~ that "he  
"very much feared he would  
"never see it again.

The document thus mutilat-  
ed was no doubt soon after  
deposited in the archives by  
Dereyesa.

The expediente thus presented  
to our notice contains

1 a petition signed Salvador  
Vallejo and dated May 23. 1844.  
Soliciting for himself, and for  
Don Juan Antonio Vallejo Rosales  
Olvera and Marcos Juarez "who  
"join with him in the petition"  
"the tract of land situated to  
"the south of the lake which  
"lies at a distance of 40  
"leagues a little more or  
"less to the north of this  
"place" (Sonoma), and he asks

5  
 that as these individuals  
 are in company with him  
 there be granted 8 square  
 leagues to each, "mitting for  
 at the present to furnish the or  
 a responding map it being in  
 as possible to have the correct  
 as by made for want of the  
 as company knowledge of the  
 as land"

On the 31<sup>st</sup> May 1844 this petition  
 was referred to the Secretary  
 with directions to obtain the  
 necessary informs -

It was accordingly passed by  
 Council on the 20<sup>th</sup> June 1844  
 to the J<sup>st</sup> Justice of Sonoma for  
 his report

The Justice seems to have  
 made a favorable report but  
 at what date does not ap-  
 pear as his signature & the  
 date are torn off. The  
 handwriting of the report is  
 however in the opinion of

5

~~That if~~  
On the 24<sup>th</sup> July 1844 the  
Justice Cayetano Suarez reported  
in favor of the petition of the  
4 citizens Salvador Vallejo Juan  
4 Ant<sup>o</sup> Vallejo Rosalia Ochoa  
"And Marcos Suarez"

On the 21<sup>st</sup> August Francisco  
Ace. Chief Clerk, Juvenal being  
ill as the reports state, trans-  
mits these informes to the  
Governor with a recommenda-  
tion that the grant be made  
to thus follows in the ex-  
pediente a decree of con-  
cession dated August 31  
1844 purporting to grant in  
the property to the petitioners  
the lands they ask for ac-  
cording to the map.

This decree is in the signature  
handwriting of Vicente F. Gomez  
and the signature of the  
Governor if you attached has  
been torn off. As appears by

J. ~~Board~~

Exhibits

~~with respect to~~

Such as the contents of the expediente now for the first time offered in evidence.

Submitting two questions as thus presented.

1. Is the expediente admissible in evidence

2. What is its effect as proof in the case—

1. The claim presented to the Board and afterwards submitted to the Supreme Court was for 14 leagues of land alleged to have ~~to~~ been granted to Salvador and Juan Ant<sup>o</sup> Ballico on the 5<sup>th</sup> September 1844—

The land thus granted was sworn stated by Salvador Ballico himself to be a well known tract embraced within ~~the~~ great natural boundaries which he had pointed out to a surveyor.

CASE NO. 8 - NDE  
PAGE NO. 102

and which was found to contain 12 leagues.

This claim was the only one presented to the Supreme Court. That Tribunal finding the evidence unsatisfactory remanded the case for further <sup>proofs</sup> ~~presented~~. The expediente now <sup>produced</sup> shows, if it shows anything a conception made, not on the 5<sup>th</sup> September, but on the 30<sup>th</sup> August. The grants are not the Vallejos alone, but two other persons besides, and the land granted is not 16 square leagues but thirty two — so far from this evidence being further evidence in support of the title claim and title presented to the Supreme <sup>Court</sup> it seems almost incompatible with the genuineness of the latter —  
If on the 30<sup>th</sup> August the

ML

\_\_\_\_\_

9  
# Gomez  
Made a concession of 32 leagues to the Pallijos, # Rosalia Shocra and Marcos Juarez it seems highly improbable that a few days afterwards he would have granted 1/2 of the same land to the Pallijos alone - No explanation of this circumstance is offered by Pallijo, who in his deposition taken in support of the rule of September 5<sup>th</sup> speaks of a petition by himself & his brother and a grant to them of 16 leagues. All mention of his application for 32 leagues for himself his brother, Shocra & Juarez, if the proceedings throw light of the alleged concession found in the expediente - These facts serve to corroborate the testimony of M<sup>r</sup> Nof Oms who swears that in his opinion (& it is attested to great consideration) the signature of M<sup>r</sup> Melitona to the grant of Sept. 5 is spurious



It appears to be thought by the Council for the claimants that the expediente can be treated as the record of the proceedings preliminary to the grant of Sept 5<sup>th</sup>.

I am unable to perceive how it can be so regarded — Ballyo Ashnelly asserts that he petitioned for himself and his brother & obtained ~~on~~ the grant of Sept 5 for 16 leagues — No such petition is found in the Archives — The petition found in the <sup>expediente</sup> ~~archives~~ is by or behalf of 4 persons & for 32 leagues of land — It could hardly have been seen the foundation and that petition if the expediente be genuine was granted — I cannot <sup>see</sup> ~~perceive~~ how these proceedings <sup>can be</sup> considered preliminary to a grant of 16 leagues to the two Ballyos alone —

<sup>1/2</sup>  
The claim now presented  
therefor to which alone this  
expediente can give any sup  
port <sup>would seem</sup> ~~is~~ or more inconsistent  
with that heretofore ~~made~~ <sup>presented</sup>—  
It differs from it in every parti-  
cular— It leaves a different date  
is in favor of different persons  
and is for a different tract  
of land—

It may well be doubted  
whether ~~it~~ under the <sup>order</sup> mandate  
requiring the cause for further  
proofs as to the genuineness of  
the title submitted to the  
Supreme Court, evidence can  
now be received of a new  
independent and <sup>apparently</sup> inconsistent  
title—

2 But it is not necessary to  
rest the case on this point  
for it is clear <sup>that</sup> the expediente  
totally fails to meet the re-  
quirement of the rigorous but  
just & salutary rule of the sup

3

11  
" same Court which exacts  
archive testimony as indispen-  
sable to a Confirmation.  
The expediente in no sense  
can be called archive testimony.  
It was not placed among  
the records until 1855. Having  
thereby it comes therefore from  
private custody, as much so  
as if now produced by Gomez  
himself.

Whether it was in the  
Secretary that it was in the  
Secretary of <sup>State's</sup> ~~Department's~~ Office  
we have no evidence except  
the unsupported testimony  
of Gomez. No other witness  
pretends to have seen it there  
and Salvador Vallejo when  
testifying in support of the title  
of Sept. 5 suppresses all mention  
of it or of the proceedings it  
purports to record.

It is hardly necessary to show  
that the character of Gomez

It is too notorious, to permit the Court to place any reliance upon his uncorroborated ~~evidence~~ <sup>testimony</sup>. But even if this expedient had been found in the Archives it would fail to afford the requisite evidence in support of the claim —

That a petition for 32 leagues, was ~~and~~ was presented, and some orders of reference & informes made thereon may be admitted — But that these proceedings terminated in a decree of concession the expediente finishes but slight evidence — The signature of Michel Torrens to the pretended decree of concession has been torn off — we cannot therefore ascertain its genuineness by inspection — The only evidence that it was ever attached to the concession is the statement of Gomez — But the

13 Whole Decree is in Goussier's handwriting - The expedite, ~~made~~ in all probability was distinctly attracted by him from the Archives if it was ever there, remained in his possession during 8 years - If, as is quite possible it only contained originally only the petition & des of reference and reports he could at any time have written the Decree of Concession and signed Michel Comen's name. That he did not do so we have only his own word but the hypothesis under which may account for his tearing off the signature when he gave the document to Mich. The reason assigned by him viz that he was afraid he might now see it again is absurd - We thus see that not only

14 That this expediente does not come from the Archives but that the genuineness of the document, without which the expediente is valueless as proof rests upon the testimony of Gomez alone —

If ~~to~~ in addition to this we consider the total silence of Pallyo and other witnesses as to every fact supposed to be disclosed by this expediente, and that the claim to a Confirmation was rested upon another grant which must now be abandoned — together with the fact that no note of either exists in the Tomo de Casow, Lincuo's index or any other document found among the Archives we are led to the conclusion that the proofs of the genuineness of the 32 league grant are

15 at least as defective &  
unsatisfactory as those rules  
fore offered in support of  
the 15 league title, and  
which the supreme court  
declared to be insufficient.  
Other objections to the con-  
firmation of this claim might  
be urged.

The evidence wholly fails to  
identify the 32 leagues now  
alleged to have been con-  
ceded: or to show in what  
part of the mine's tract  
embraced within the limits  
of the claims it is situated.

These objections are however  
are of minor importance  
for on the grounds already  
stated it is clear that  
the claim must be rejected.

Huffman J.



No 8

U. S. D. Court

Wor: Dist: Cal<sup>ca</sup>

The United States

H

H. F. Tschuemaker

vs  
Orrin Hoffman  
Rejecting Claim

Filed Sept 22<sup>nd</sup> 1866

Geo. C. Gorham Clk

By Paul S. Sullivan  
deputy

CASE NO. 8 - ND

PAGE NO. 111

Office of the Board of Commissioners,

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

CASE NO. 8 ND  
PAGE NO. 112

San Francisco, Sept 13<sup>th</sup> - 1854

J. A. Mouroe, Esq.

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

Sir;

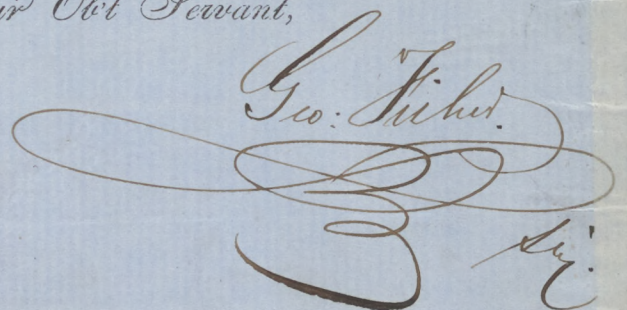
I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 37 on the Docket of the said Board, wherein W. F. Teschemacher, et al, is the Claimant against the United States, for the place known by the name of "Lupa Loma,"

and request your receipt for the same.

I am, Respectfully,

Your O<sup>b</sup>t Servant,

Geo. Fisher.



In the District Court of the United States,

CASE NO. 8 ND FOR THE NORTHERN DISTRICT OF CALIFORNIA.

PAGE NO. 113

The United States,

IN LAND CASES.

Dist. Court, No. 8

Land Com., No. 577

*H. J. Teschemacher*

BE IT REMEMBERED, that on this *9th* day of *June* A. D. 186*6*, at *San Francisco* in the District aforesaid, before me DANIEL T. SULLIVAN, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared *Wm Fowler* a witness produced in behalf of *Claimant* in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows :

PRESENT : *G. E. Whitney Esq for Claimant and Delia Lake Esq for United States*

QUESTIONS IN BEHALF OF THE  
Question 1st,

Ques. 1.

What is your name, age, occupation and place of residence?

Ans.

My name is William Fowler, I am forty nine years of age, a hunter by occupation, and reside in Sapa County.

Ques 2.

When did you come to California?

Ans.

In 1843.

Ques 3.

Where have you resided since you came to this Country?

Ans.

I lived in Sonoma from 1843. to 1845. since then I have been living about twenty six miles from Sapa in Sapa County.

Ques 4.

Do you know Salvador Vallejo, if yes, when did you first become acquainted with him and where?

Ans.

I know Salvador Vallejo. I first became acquainted with him in 1843, at Sonoma. I lived at

about two hundred yards from  
 Genl Vallejo's house. I worked  
 for Salvador Vallejo for a long  
 time, doing carpenter's work. I  
 have known Salvador Vallejo  
 ever since then.

Ques 5.

Did you ever know of Salvador  
 Vallejo having a grant of land or  
 Rancho near Clear Lake? if so  
 when did you first hear of it and  
 from whom?

Ans.

Yes sir. I did. I heard it in 1843,  
 and 1844, at Sonoma. Everybody  
 talked about it. I heard it from  
 Salvador Vallejo himself and from  
 several others.

Ques 6.

Were you ever upon the lands said  
 to be granted to Salvador Vallejo,  
 if so state as near as you can where  
 they are situated, and when you were  
 there?

Ans.

I do not know when I was there, I  
 have been there so many times that  
 I do not remember when it was.

I think it was in 1843, or 1844. I have been as often as two and three times a year. I have been there perhaps fifty times. I was there in the spring of 1845 and in the fall of ~~1844~~ 1846. Between those times, I was absent from California. Salvador Vallejo had an adobe house near Kelsey Creek. I don't know whether this house belonged to Salvador Vallejo or Kelsey at that time. The house originally belonged to Salvador Vallejo, but sold to Kelsey sometime in 1847 or 1848. The land ran <sup>partly</sup> south of Clear Lake and extended along over the hills.

Ques 7.

What improvements were on this Rancho, and what was their character when you were there in 1844 & 1845.

Ans.

An adobe house and a corral about a half mile from the house. There was not more than one corral that I know of. The house was about twenty or thirty or forty feet long and about twenty feet

wide, a two story house. It would have been a very good house if it had been completed. - It was almost completed. It was as good an adobe house as there were about any of the Rancho, and it was higher. There was no other house but that.

Ques 8.

What use was made of the land?

Ans.

It was a range for cattle and horses that's all.

Ques 9.

How many horses and cattle did Salvador Vallejo had on the Rancho?

Ans.

He had about fifteen or sixteen hundred heads of horned cattle, I don't know how many horses he had, but I reckoned he had about three, four or five hundred.

Ques 10.

How do you know it was Salvador Vallejo's cattle.

Ans.

I knew they belonged to Salvador

Vallejo, the cattle was branded with Vallejo's brand. I knew the brand. It was a large Rancheria, and <sup>there were</sup> about three or four hundred Indians. There were about twelve vaqueros, perhaps more. This was there at or before the spring of 1845.

Cross Examination  
By Mr. R. F. Morrison Attorney  
for the United States.

Ques 1.

When did Salvador Vallejo first put cattle on that land?

Ans.

I think it was in the ~~fall~~ summer of 1844. I think he had <sup>put</sup> on about fifteen hundred head of cattle at that time.

Ques 2.

When did Kelsey and Stone first ~~go~~ <sup>go</sup> there?

Ans.

I think I first saw them in 1844 or 1845. Ben Kelsey and I hunted bears there.

Ques 3



Did Salvador Vallejo lived  
on the land with his family.  
Ans.

No sir. He was backwards &  
forwards there; but he lived in  
Sonoma. Ques 4.

Do you know Juan Antonio  
Vallejo?

Ans.  
I don't think I do  
~~remember~~ ~~not~~. If I ever saw  
him, I have no recollection.

Ques 5.  
~~Down to what time <sup>did</sup> Salvador  
Vallejo <sup>did</sup> visit this place back  
wards & forwards~~  
Down to what <sup>time</sup> <sup>did</sup> Salvador  
Vallejo continued to visit this  
land.

Ans.  
I think down to 1848. and  
not after. That is the time, I  
think when he sold out to  
Kelsey. I think Vallejo had  
no interest in the stock or the  
land after that time.

June 9th 1866.

Wm. Fowler

U. S. Dist Ct  
Nor. Dist. Cal

The United States  
vs.  
N. F. Teschemacher  
No 8.

Dep. of W<sup>m</sup>  
Fowler

CASE NO. 87ND

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U.S.  
vs.  
Teschmacher et al

On the 4<sup>th</sup> January 1853  
the claimants petitioned the  
Board for a confirmation of their  
claim to the place known as  
Lup Yomi containing fourteen  
square leagues more or less.

In support of this claim  
a grant was produced dated  
September 5<sup>th</sup> 1844 purporting  
to be signed by Manuel Michel  
Porrena and conveying to Salva-  
dor and Juan Antonio Vallejo the  
land known as the Laguna de  
Lup Yomi to the extent of 16  
square leagues "as shown by  
the respective map". On the map  
which accompanied this grant  
a large district of country  
embracing the whole of what  
is now known as Clear Lake  
together with a considerable  
tract around it was rudely

delineated.

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PAGE NO. 122

No evidence whatever from the archives was offered and the men: at the end of the grant to the effect that note of it had been taken in the proper book was found on consulting the book to be false. The proofs of possession and occupation were also unsatisfactory. The decision of the District Court was therefore reversed and the cause remanded for further testimony — It is now submitted on the testimony that has since been taken in this Court.

It is contended that the archival evidence the absence of which was one of the chief reasons assigned by the Supreme Court for refusing to confirm the claim has since been supplied —

It appears that in 1855 one Jose Santos Puyessa deposited

in the Surveyor General's office  
an expediente purporting to  
contain a concession and the  
proceedings preliminary thereto  
of the place called San Yoni.  
This document is stated by  
Vicente P. Gomez to have been  
in the office of the Secretary  
of State at Monterey from its  
date up to July 1846 when  
it was taken to the Custom  
House with other papers - It  
then passed into the possession  
of the witness (but how or by  
what right is not explained)  
and so remained until 1854  
or 1855 when W. Linnings Marks  
at the instance as he said of  
Jose Santos Bureyesa procured  
the loan of it - Before giving  
it to Marks, Dias as he  
says tore off the signature  
of Manuel Michel Torrendo to  
the decree of concession -  
The only reason he assigns for  
so doing is, that he very much

feared he would never see it  
again."

The document thus mutilated  
was no doubt soon after depos-  
ited in the archives by Perreyea.

The expediente thus presented to  
our notice contains

- 1 A petition signed Salvador  
Vallejo and dated May 23 1844  
soliciting for himself and for  
Don Juan Antonio Vallejo Rosalia  
Olivera and Marcos Juarez "who  
join with him in the petition  
"the tract of land situated to the  
"South of the lake which lies at  
"the distance of 40 leagues a  
"little more or less to the  
"North of this place (Sonoma)  
"and he asks that as these  
individuals are in company  
with him there be granted 8  
square leagues to each,  
"omitting for the present to fur-  
"nish the corresponding map  
"it being impossible to have one  
"correctly made for want of

"the necessary knowledge of  
the land"

On the 31<sup>st</sup> May 1844 this  
petition was referred to the  
Secretary with directions to  
obtain the necessary informes

It was accordingly passed  
by Jimeno on the 20<sup>th</sup> June  
1844 to the 2<sup>d</sup> Justice of So-  
noma for his report.

On the 24<sup>th</sup> July 1844 the  
Justice Cayetano Juarez reported  
in favor of the petition of "the  
Citizens Salvador Vallejo Juan  
Antonio Vallejo Rosalia Olivera  
and Marcos Juarez"

On the 21<sup>st</sup> August Francisco  
Arce chief clerk, Jimeno being  
ill as the report states, trans-  
mits these informes to the Gov-  
ernor with a recommendation  
that the grant be made.

There follows in the expedi-  
ente a decree of Concession  
dated August 30 1844 pur-  
porting to grant in property

to the petitioners the lands  
they ask for according to the  
map -

This decree is in the hand-  
writing of Vicente P. Gomes and  
the signature of the Governor  
if ever attached has been torn  
off.

Such are the contents of the  
expediente now for the first  
time offered in evidence.

Two questions are thus pre-  
sented.

1. Is the expediente admis-  
sible in evidence

2. What is the effect as  
proof in the case

1. The claim presented to  
the Board and afterwards  
submitted to the Supreme  
Court was for 14 leagues  
of land alleged to have been  
granted to Salvador and  
Juan Antonio Vallejo on the  
5th September 1844.

The land thus granted was



stated by Salvador Vallejo himself to be a well known tract embraced within great natural boundaries which he has pointed out to a surveyor and which were found to contain 12 leagues

This claim was the only one presented to the Supreme Court — That tribunal finding the evidence unsatisfactory remanded the cause for further proof — The expediente now produced shows, if it shows anything a concession made not on the 5th September but on the 30th August — The grantees are not the Vallejos alone, but two other persons besides, and the land granted is not 16 square leagues but thirty two — So far from this evidence being further evidence in support of the claim and titulo presented

to the Supreme Court, it seems almost incompatible with the genuineness of the latter -

If on the 30th August the Governor made a concession of 32 leagues to the Vallejos Rosalia Olivera and Marcos Juanes it seems highly improbable that a few days afterwards he would have granted  $\frac{1}{2}$  of the same land to the Vallejos alone - No explanation of this circumstance is offered by Vallejo who in his deposition taken in support of the titulo of September 5th speaks of a petition by himself and his brother and a grant to them of 16 leagues but omits all mention of his application for 32 leagues for himself, his brother Olivera & Juanes, of the proceedings thereon and of the alleged concession found in the expediente - These facts

serve to corroborate the testimony of Mr. Hopkins who swears that in his opinion (and it is entitled to great consideration) the signature of Michel Torrena to the grant of Sept. 5 is spurious -

It appears to be thought by the counsel for the claimants that the expediente can be treated as the record of the proceedings preliminary to the grant of Sept. 5<sup>th</sup>

I am unable to perceive how it can be so regarded. Valleso distinctly asserts that he petitioned for himself and his brother & obtained the grant of Sept 5<sup>th</sup> for 16 leagues. No such petition is found in the archives - The petition in the expediente is on behalf of 4 persons and for 32 leagues of land and that petition if the expediente be genuine was granted -

I cannot see how these proceedings can be considered preliminary to a grant of 16 leagues to the Vallyo's alone.

The title therefore to which alone the expediente can give any support would seem inconsistent with that heretofore presented - It differs from it in every particular - It bears a different date, is in favor of different persons and is for a different tract of land -

It may well be doubted whether under the order remanding the cause for further proof as to the genuineness of the title submitted to the Supreme Court, evidence can now be received of a new independent and apparently inconsistent title. But is not necessary to rest the case on this point for it is clear that

The expediente utterly fails to meet the requirement of the rigorous but just and salutary rule of the Supreme Court which exacts archive testimony as indispensable to the confirmation -

The expediente can in no sense be called archive testimony - It was not placed among the records until 1855 - It comes therefore from private custody as much so as if now produced by Gomez himself.

That it ever was in the Secretary of State's office we have no evidence except the unsupported testimony of Gomez - No other witness pretends to have seen it there and Salvador Vallejo when testifying in support of the titulo of Sept. 5 suppresses of all mention of it or of the proceedings it purports to record.

It is hardly necessary to observe that the character of Gomez is too notorious to permit the Court to place any reliance upon his uncorroborated testimony -

But even if this expediente had been found in the archives it would fail to afford the requisite evidence in support of the claim -

That a petition for 32 leagues was presented and some orders of reference and informes made thereon may be admitted - But that these proceedings terminated in a decree of concession the expediente furnishes but slight evidence - The signature of Michelborrena to the pretended decree of concession has been torn off - We cannot therefore ascertain its genuineness by inspection - The only evidence

that it was ever attached to the concession is the statement of Gomez — But the whole decree is in Gomez handwriting — The expediente in all probability clandestinely abstracted by him from the archives if it was ever there remained in his possession during 8 years —

If as is quite possible it contained originally only the petition, orders of reference and reports, he could at any time have written the decree of concession and signed Micheltorrenas name — That he did not do so we have only his <sup>own</sup> word but the hypothesis may account for his tearing off the signature when he gave the document to Marks — The reason assigned by him viz: that he was afraid he might never see it again is absurd —

We thus see ~~that~~ not only that this expediente does not come from the archives but that the genuineness of the document, without which the expediente is useless as proof rests upon the testimony of Gomez alone -

If in addition to this we consider the total silence of Vallego and other witnesses as to every fact supposed to be disclosed by this expediente, and that the claim to a confirmation was rested upon another grant which must now be abandoned - together with the fact that no note of either exists in the Zona de Razon, Jimeno's index or any other document found among the archives, we are led to the conclusion that the proofs of the genuineness of the 32<sup>d</sup> league grant are at least as defective



and unsatisfactory as those heretofore offered in support of the 10 league title and which the Supreme Court declared to be insufficient - other objections to the confirmation of this claim might be urged.

The evidence wholly fails to identify the 32 leagues now alleged to have been conceded: or to show in what part of the immense tract embraced within the limits of the diseño it is situated -

These objections, however, are of minor importance for on the grounds already stated it is clear that the claim must be rejected.

8 N.D.  
U.S. Dist. Court

No. Dist. Cal.

The United States

v  
H. F. Teschemacher  
et al

Opinion

CASE NO. 8 ND

PAGE NO. 136

In the District Court of the United States,  
FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

IN LAND CASES.

CASE NO. 8  
PAGE NO. 137

vs.

*H. J. Teschemaker*

Dist. Court, No. *8*

Land Com., No. *507*

BE IT REMEMBERED, that on this *5th* day of *May*  
A. D. 186*6*, at *San Francisco* in the District aforesaid, before me  
DANIEL T. SULLIVAN, a Commissioner duly appointed by the Circuit Court of the  
United States for the Districts of California to take acknowledgments of bail and affidavits,  
and also to take depositions of witnesses, in civil causes depending in the Courts of the  
United States, pursuant to the Acts of Congress in that behalf, personally appeared  
*Cayetano J. Quarez* a witness produced in behalf of  
*Claimant* in the above entitled cause, now  
pending in said Court under the Acts of Congress to ascertain and settle the private land  
claims in the State of California, who, being duly sworn, testified as follows:

*His evidence being interpreted by Thomas M. Jewett, a sworn interpreter*

PRESENT:

*Delos Lake H. S. Attorney  
and C. Hartson & G. E. Whitney  
Esqrs for claimant*

QUESTIONS IN BEHALF OF THE

Question 1st,

Ques 1.

What is your name, age and place of residence?

Ans.

Cayetano Juarez, I am fifty six years of age and reside in the County of Napa.

Ques 2

How long have you resided in Napa and Sonoma?

Ans.

From the year 1827. to the year 1842. when I established myself permanently in Napa, and in 1843 or 1844. I was elected Alcalde for the District of Sonoma.

Ques 3.

How long did you hold the office of Alcalde?

Ans.

I was Alcalde for about seven or eight months more or less, when I resigned the office.

Ques 4.

What were the limits or boundaries of the District for which you were Alcalde?

Ans.

I know nothing in regard to boundaries particularly, except that it was the

land lying on the north of the bay.

Ques.

Are you acquainted with Salvador Vallejo; how long have you known him?

Ans.

I am, I have known him ever since we were boys.

Ques.

Look at paper now shown you marked Exhibit L No 1. see if you recognize the signature of Cayetano Juarez?

Ans.

That is my signature and name, I wrote it with my own hand.

Ques 7.

At what time did you write it?

Ans.

I signed the name when I was Alcalde in the year 1844. at the time the document bears date.

Ques 8.

Do you know how the instrument was torn?

Ans.

I do not know.

Ques 9.

Was it perfect and complete when you signed it.

Ans.

It was perfect and complete.

Ques 10th.

Were you acquainted with the persons named in said document, ~~namely~~,

Ans.

Yes sir -

Ques 11th.

Do you know of Don Salvador Vallejo occupying the lands described in this Expediente with stock or otherwise, if so state when, and how?

Ans.

Yes sir, he did. He occupied it with horned cattle and horses, sometime in April or May 1845. He had hogs also. He took about seven or eight hundred heads of cattles, about two hundred horses and about one hundred hogs.

Ques 12th.

How long did they remained there?

Ans.

I heard, as late as 1848 or 1849, that he had cattle in those lands?

Ques 13th.

Who went with the stock to this Ranch Lupa Loma?

Ans  
I assisted in taking the cattle, also  
George Court, Francisco Miguera,  
Ygnacio Miguera, the last three being  
now dead, and about twenty vaqueros.

Ques 14th.

Who remained with the stock?

Ans.

Paulino, Pedro and many other  
vaqueros.

Ques 15th

What improvements were made at  
that time upon the lands.

Ans.

Two corrals and a large substantial  
log house. This was in 1845.

Ques 16th

Where were the corrals and house  
established, pointed out on the map?

Ans.

Near the lake, at the point marked  
Rancheria, on the map.

Ques 17th

Were there many Indians in the Ran-  
cheria?

Ans.

Great many, about one thousand -

Ques 18.

Were these indians hostile afterwards  
hostile?

Ans.

At that time they were peaceable,  
but afterwards they became very  
hostile.

Cross-Examination  
By Delor Lake H. S. Attorney.

Ques 1

At what time did you first assist  
in driving cattle to the Ranch.

Ans.

Sometime in 1845.

Ques 2.

Was the land entirely unoccupied  
and vacant prior to that time?

Ans.

It was unoccupied, but there  
were indians.

Re-Examined By ~~the~~  
~~State~~ Attorney for Claimants

Ques 1.

Did you go to any other place  
designated but that of designated



by you, as the Rancharia?

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ND

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Ans

Did, on this side of the Rancharia,  
and in various other parts of the  
Rancho, among the hills.

Have acknowledged  
before me this  
5<sup>th</sup> day of May 1862  
J. M. Sullivan  
R. L. Corn

Cayetano Trease  
J. M. Sullivan

U.S. Dist Ct  
Nor. Dist. Cal

The United States

A. F. Techemacher  
No 8.

Dep. of Cayetano  
Juarez

CASE NO. 8 ND

PAGE NO. 144

In the District Court of the United States,  
FOR THE NORTHERN DISTRICT OF CALIFORNIA.

CASE NO. 8  
PAGE NO. 145

The United States,

IN LAND CASES.

vs.  
*Henry F. Schneider et al*

Dist. Court, No. *8*  
Land Com., No. *507*

BE IT REMEMBERED, that on this *12th* day of *May*  
A. D. 186*6*, at *San Francisco* in the District aforesaid, before me  
DANIEL T. SULLIVAN, a Commissioner duly appointed by the Circuit Court of the  
United States for the Districts of California to take acknowledgments of bail and affidavits,  
and also to take depositions of witnesses, in civil causes depending in the Courts of the  
United States, pursuant to the Acts of Congress in that behalf, personally appeared  
*R. C. Hopkins* a witness produced in behalf of  
*Claimants* in the above entitled cause, now  
pending in said Court under the Acts of Congress to ascertain and settle the private land  
claims in the State of California, who, being duly sworn, testified as follows :

PRESENT :

*Messrs Whitney & Miller  
for Claimants & S. Lake Atty  
for the United States*

QUESTIONS IN BEHALF OF THE

*Claimants*

Question 1st,

Q<sup>nd</sup> What is your name, age  
residence & occupation

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Answer -

My name is R. C.  
Hopkins, age 26 years &  
occupies residence San  
Francisco & occupation  
Keeper of the Spanish  
Archives, during the  
last eleven years in San  
Francisco -

Q<sup>nd</sup> Look at paper marked  
Exhibit "L No. 1" & state if  
you have ever seen that  
paper before & if so  
when & where?

Answer - I have seen  
this paper frequently  
in the Archives since  
the 13<sup>th</sup> November  
1853 -

Q<sup>nd</sup> State by whom it was  
deposited & under  
what circumstances?

Answer

It was deposited  
by Jose de las Saulos  
Berreyesa on the said  
13th Nov. 1855, and  
was so deposited for  
the security of the  
same and that it  
might become a portion  
of the Archives to which  
it properly belonged -  
there is an endorse-  
ment on it signed  
by Alexander Hanson  
who was at that  
time Chief Clerk  
of the office of the  
Surveyor General  
in this State show-  
ing that said docu-  
ment was there de-  
posited and aside  
from this endorse-  
ment I remember  
the fact that Berrey-  
esa deposited the  
document on that  
day -

Ques: What is that instru-  
ment in form & e  
(object to G. Dent Atty)

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Answer - This is an  
expedient in rela-  
tion to a place called  
"Luz Yorni" -

3<sup>rd</sup> Quest:

Are you from your  
position as keeper of  
the archives familiar  
with the form of such  
documents gener-  
ally and also with  
the handwriting of  
the person of whom the  
document purports  
to have been made?

Answer - I am -

Ques: State whether or not  
the document exhibits

"No 1" is in the usual  
regular form of  
expedient of grant  
of land made by the  
former governments?

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Answer - It is in the  
usual form so far  
as it goes - This ex-  
pedient goes no farther  
than the decree of ex-  
cession; generally the  
expediente makes a  
copy of the grant or  
title to that party. This  
copy is not found at-  
tached to this expediente  
I will state however  
that there are many  
expedientes in the  
archives, that go no  
farther than this,  
the form of the concession  
is in substance, such  
as concessions, <sup>generally</sup> are tho'  
different in verbiage.

CASE NO.

CASE NO.

Hunt: I wish your attention  
 to the handwriting of the  
 petition, the Marginal  
 Decree of preference  
 the order of preference  
 of the Secretary of State  
 after report of Comptroller  
 general, justice of peace  
 of the District of  
 Columbia, the re-  
 port of the Secretary  
 of State & the Decree  
 of Concession as far  
 as shown & stated in  
 whose handwriting  
 they are respectively?

Answer: The petition  
 is in the handwriting  
 of Saloader Valley &  
 signed by him; the  
 Marginal order dated  
 May 31 1844 is in the  
 handwriting of Governor  
 General McKim, & is  
 signed by him -  
 who was at that time  
 political chief of the



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California clothed with  
extraordinary powers  
including that of Govern-  
or - The order of reference  
dated June 20<sup>th</sup> 1844  
is in the handwriting  
of Manuel Jimeno, who  
was at that time Sec-  
retary of State. The report  
of the Justice of the Peace  
of Sonoma, dated July  
24<sup>th</sup> 1844, is in the hand-  
writing of Cayetano Jaco-  
s, signed by him. The  
report being one  
of the justices of Sonoma,  
The report of the Sec-  
retary of State to the  
Government dated August  
20<sup>th</sup> 1844, is in the hand  
writing of Francisco  
Arce who was at that  
time Clerk of the  
office of Secretary of  
State. This report  
is made by Arce as  
stated by himself in  
the same, on account

of the Chief of the Secretary  
of State Jimenez whose  
duty it was to make  
the report - The decree  
of Congress dated Mon-  
day August 25 1874  
is in the handwriting  
of Vicente Perfecto Gorney  
who at that time was  
a Clerk in the Treasury  
Department & who was  
required when not  
occupied by the duties  
of the Treasury office  
to write in the office  
of Secretary of State  
Hence we find that  
many documents from  
the office of the Secretary  
of State at that time  
are in the handwriting  
of the said Gorney -  
This Decree of Rem-  
ission is unsigned or  
rather the signature of  
the Governor is torn off  
or has that appearance  
together with the latter  
portion of the decree & the

part of the report of the  
justice of the Peace at Toronto.  
The Map found in the es-  
pedients appear to have  
been made by Gaspar  
Farrell, as shown by  
the execution & also by  
bearing his name.

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The Just: I do not know your  
familiarity with the  
handwriting of these various  
persons, as compared  
with documents  
acknowledged to be  
genuine made  
at or about the  
dates of the various  
ports of this es-  
pedient, the same  
were written at or  
about the time that  
they purport to have  
been made.

Answer

Answer - As to the hand-  
writing of General  
Mikhailovska, former  
Minister of State, they  
are so characteristic  
& so marked, & I have  
examined them so  
much, that I can  
assure that I think  
they were written at  
the time, the year  
and - As to the hand-  
writing of Salvador  
Valley, Bayeloro  
Garcia, Arce & Gomez  
(I would wish to see)  
a further examina-  
tion before answering  
the question -  
As to my being written  
at the time I prefer to  
make a further examina-  
tion, tho' without expressing  
any doubt but out  
of abundance of cau-  
tion - "I am indeed your friend General

(May 12 1866)

June 23rd 1866  
 Cross Examination of R. C.  
 Hopkins.

Ques

Have you examined the Spanish archives of which you are the custodian, as stated by you in your examination, in chief, with the view of ascertaining whether there was any record in said archives, of a grant <sup>or the lands</sup> ~~to~~ the claimed in this case?

Ans.

I have examined said archives for that purpose and have found therein no record of the grant referred to, save the expediente therein before described which was deposited in said archives on the 13th day of November 1855;

Ques.

Was it customary for the Mexican authorities when grants were made of lands in California to deposit a copy of a grant or to preserve any evidence thereof in the archives of the government? State what was the practice in that respect if you know?

Ans.

When an expediente or the proceedings had in obtaining a grant were completed, it was customary to file the same in the archives in the office of the Secretary of State. A copy of the grant or title deed was generally attached to the Expediente; but there are many exceptions to this rule, and also I have seen

And also there genuine expedientes that were not filed in the archives, showing that sometimes expedientes were not filed in the archives at all, or if filed that they were withdrawn and not returned again.

Ques.

Was there any evidence in the archives referred to by you in the last answer, relating to this Lupitoni grant. Prior to the 13th of November 1855?

Ans.

Nothing that I have ever been able to find.

Ques

Have you examined the archives with the view to ascertain whether Manuel Jimeno, Secretary of State, was transacting his official business on the 21st of August 1844.

Ans.

I have made examination for that purpose, and I find in an expediente numbered 379 <sup>official</sup> an order and <sup>a</sup> report in the handwriting of and signed by Manuel Jimeno on the 21st day of August 1844 the time spoken of in the report of Francisco Arce, when as stated in said report Manuel Jimeno, Secretary of State was sick.

Ques.

Are these papers well or badly written?

Ans.

They are well written, and in his usual handwriting

Ques

Book at paper marked B.C.  
H, and state what it is & pur-  
ports to be?

Ans.

It purports to be a grant  
from Gov. Manuel Micheltovena  
to Salvador and Juan Antonio  
Vallejo for the places named  
Laguna de Lupiyomi dated  
the 5th of September 1844.

Quer.

Was that paper used by the  
claimants before the Board  
of Land Commissioners as  
evidence of title to the Lupi-  
yomi rancho?

Ans.

It was.

Quer.

Are you acquainted with the  
handwriting in which that paper  
is written, if you state by whom  
it was written?

Ans.

I am. This paper is in the  
hand of one Juan de Castañeda  
I think the name Manuel  
Micheltovena signed to the paper



is in the same handwriting -  
That is my opinion.

The name "Francisco Arce,"  
on the paper, I don't think  
is written by him. My opinion  
is that it is not his hand  
writing.

These Quere.

Look at the certificate on said  
paper purporting to have  
been signed by Francisco  
Arce, and representing that  
said pap the title is registered  
in the respective book <sup>in</sup> of the  
office of the Secretary of State  
on leaf 4, and state whether  
that certificate is true or  
false.

True

The tomo de ragon for  
1844, is now on file in the  
office of the archives of the  
Office of the Surveyor General,  
and contains no record of  
that grant referred to in the  
certificate.

Quere.

Do you know Vicente P.  
Gomez, and his general reputation

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for truth and veracity of you  
state whether it is good or bad?

Ans.

I know Vicente Gomez,  
and I think his reputation  
before the Courts is not good.

H. C. Hopkins

U. S. Dist Ct  
Nor. Dist. Cal

The United States

N.

A. J. Teschemacher

No 8

Dep. of R. C.  
Hopkins

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In the District Court of the United States,

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

CASE NO. 8 NDT

PAGE NO. 162

The United States,

vs.

H. F. Teschemacher

IN LAND CASES.

Dist. Court, No. 8

Land Com., No. 547

BE IT REMEMBERED, that on this fifth day of May A. D. 1866, at San Francisco in the District aforesaid, before me DANIEL T. SULLIVAN, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Vicente P. Gomez a witness produced in behalf of Claimant in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: His evidence being interpreted by Thomas M. Jewett, a sworn interpreter.

PRESENT:

Delos Lake Esq. U. S. Attorney - and C. Hartson Esq. for Claimant

QUESTIONS IN BEHALF OF THE

Question 1st,

Ques 1st.

What is your name, age and place of residence?

Ans.

Vicente Gomez, forty four years of age and place of residence Monterey, but stopping at present in San Francisco.

Ques 2

Were you at any time engaged in the service of the Mexican Government, if yes, what office did you hold, and in what year?

Ans.

I was Chief Clerk in the Treasury Department, and ~~clerk~~ directed by the government to assist as Clerk in the Department of State. I was employed from 1843. to 1845.

Ques 3.

Have you seen this Document now shown you, marked Exhibit L. N<sup>o</sup> 1. if yes, when and where? did you first see it?

Ans.

I have seen it, in Monterey in 1844. I first saw it in the office of the Secretary of State.

Ques 4.

Where How long did it remain  
in the office of the Secretary of State,  
and where has it been since?

Ans.

It remained in the office of Secretary  
of State until July 1845 when  
the American flag was hoisted at  
Monterey. Afterwards it remained  
at the Custom House among the  
papers which were left by the  
American soldiers. From that time  
it ~~has~~ remained ~~Ques 5.~~ in my pos-  
sion, with other papers which were  
scattered about. It remained

afterwards in my possession until  
a few days before the fire that  
destroyed the St. Francis Hotel in  
San Francisco, in 1854 or 1855.

Afterwards Mr Domingo Marks  
had the loaned of it as he said at  
the instance of <sup>Jose de los</sup> Don Santos Berreyesa

Mr Jose de los Santos Berreyesa  
threatened and molested me very  
often on account of having this  
document in my possession.

In consenting to give this docu-  
ment to Mr Marks, I destroyed

the signature of General Michel  
 trend, for I very much feared  
 that I would never see it again.

This occurred, as I said before,  
 a few days before the St. Francis  
 Hotel was destroyed by fire

Ques 5th

Did you read this document  
 before it was mutilated?

Ans.

I read it and wrote it at the  
~~order~~ instance of General Michel  
 torrea -

Ques 6th

What was it?

Ans

The ~~last~~ decree of conception made  
 by the Governor in this case and  
 signed by him.

Ques 7th

Who was the governor that signed  
 this decree of conception?

Ans.

General Manuel Micheltorrea.

Ques 8th

Did you see this decree of conception  
 signed?

Ans.

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Yes sir - I saw him when he  
signed the same.

Dear G<sup>th</sup>

Can you repeat the words con-  
tained in the part torn off?

Sirs.

No sir - It was written in the  
usual form of decrees.

Secret of fact was the Vicar of St. John's  
on the 5th day of May

Wm  
David Sullivan  
L. C.



U. S. Dist Ct  
New York. Cal

The United States

N. J. Teschemacher

No 8.

Dep. of P.  
Gomez.

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In the District Court of the United States,

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

~~CASE NO.~~

~~PAGE NO.~~

CASE NO. 8 ND The United States,

PAGE NO. 168

vs.

*H. F. Teschemacher*

IN LAND CASES.

Dist. Court, No. *8*

Land Com., No. *507*

BE IT REMEMBERED, that on this *30th* day of *June* A. D. 186*6*, at *San Francisco* in the District aforesaid, before me DANIEL T. SULLIVAN, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared *J. Chiles* a witness produced in behalf of *Claimant* in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows :

PRESENT :

*Delor Lake Ey H. F. Attorney and S. E. Whitney Ey for Claimant*

QUESTIONS IN BEHALF OF THE

Question 1st,

Ques 1.

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What is your name, age and place of residence?

Ans.

My name is J. B. Chiles, my age is 56 years, Napa County, my occupation is that of a farmer.

Ques 2.

Do you know Salvador Vallejo, if yea, how long have you known him and where?

Ans.

I have known him since 1841. I first knew him in and about Napa Valley and Sonoma, and have been acquainted with him ever since then.

Ques 3.

Where did you reside from the year 1841 to 1846?

Ans.

In Napa.

Ques 4.

Paper marked Exhibit L. A<sup>o</sup> 1. referred to in the Report of Vicente P. Gomez, and Cayetano Jubrez here before taken in this case, is placed in the hands of the witness, and his attention <sup>called</sup> to the contents therein con-

tained. I hope if you recall the lands mapped out on this <sup>map</sup> diseno and if you have seen the same or have ever been on them, when, and under what circumstances?

Ans.

I know a large plain south of the upper lake, I was there in 1846. I know of this Creek since called Kelsey Creek, but marked on this map Rio de San Simon.

I do recall the land as the same visited by me in 1846.

I was then a soldier and was ordered there by Lieut. Revere from Sonoma.

Ques 5.

What was the occasion of your being ordered to this land?

Ans.

Revere told me it was to look out for the Indians that were destroying Cattle - Salvador Vallejo's Cattle.

(Objected to by Mer. Morrison as being hearsay)

Quest 6.

State what you saw there on that occasion?

Ans.

I saw great many indians, and some cattle, a log cabin, one or two corrales, a large one, signs of good deal of stock but did not see many cattle. There were several of Salvador Vallijo's vaqueros riding his horses. They had been using up the stock as they admitted, but promised not to do so in future.

Quest 7.

How do you know to whom the horses and cattle belonged?

Ans.

They had his brand and mark. I had known the marks and brands by seeing them on his stock at Hapa. I knew his mark and brand well. I have been among his stock ever since I came to the country more or less.

Quest 8.

Specify by reference to the map attached to the Exhibit marked L. N<sup>o</sup> 1. the route which you took in going to this Ranch, and in leaving it on this expedition?

Ans.

We came on to the valley by the most direct trail from Socomoma and went up to the north and east of Kelsey's Creek south of the lake and crossed the creek about two miles from the ~~west~~ lake. We passed along up to the south of the lake, to a trail leading to Felix on Russian River, passing through the section marked Chernisale on the map.

Ques 9.

State if you ever heard of Salvador Vallejo having a Ranch up in the region of Clear Lake before you went there in 1846?

Ans.

I did. I have heard it from so many sources, that I could hardly tell from whom

I heard it from Salvador Vallejo himself, and it was generally understood by every body.

I lived near the route from Napa to Clear Lake. Vallejo's people and stock passed near my house in going to and from Clear Lake, though I did not see the cattle, but I know by general rumor that a large herd was drove out there some time before I went there in 1846.

Ques 10th.

What do you know in regard to the hostilities of the Indians, in that region, in the region of Clear Lake.

Ans.

It was reported that they were destroying Salvador Vallejo's cattle. That was the occasion of our going out there.

We found the cattle scattered and the Indians gathered together. They acknowledged that they had been killing the cattle, but

promised they would not do any more. Lieut. Revere said he thought it would be best not to chastise them, but to kill a bullock for them and keep them friendly.

Ques 11.

Where was Salvador Talleyo at this time, do you know?

Ans.

He was in Sutter's fort a prisoner to the United States forces.

His Spanish men had left through fear of the Indians and left the cattle in charge of the Indian vaqueros.

Ques 12.

How many men composed ~~you~~ the party of soldiers under Lieut. Revere that visited Clear Lake?

Ans.

From twenty five to thirty. I don't recollect the exact number.

Deposited & Examined by  
Delos Lake

Quest.

In what month in the year



1846 you went to Clear Lake?

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Ans.

About August I think.

Ques. 2.

Did not Salvador Vallejo state to you that he did not own the Clear Rancho in his own name?

Ans.

I do not recollect.

Ques. 3.

Do you know when Salvador Vallejo sold his stock on the Clear Lake Ranch, and if so to whom did he sell it to?

Ans.

He sold it to the Kelseys and to a man by the name of Stone. I cannot give the date, but I suppose it was some where in the latter part of 1848. The Kelseys and Stone drove most of the cattle to the Mines in the latter part of 1848, or early in 1849, and the balance they sold to Price and Sterling.

Soon after Kelsey was killed  
by the Indians on the Ranch  
in the game house that I saw  
there in 1846. He was reputed  
to have been killed because  
his brother had taken the  
Indians to work on the mines.

Ques 4.

What became of the Ranch  
after the cattle was sold and  
driven away?

Ans.

Sterling and Price remain-  
ed there for some time, and  
were driving cattle and horses  
back and forth.

Ques 5.

Do you <sup>know</sup> of Salvador Vallejo's  
having anything to do with the  
Ranch after the sale of the  
cattle, to the Kelseys & Stones?

Ans.

I do not, up to the time  
he sold to Joseph Thompson

Ques 6.

Do you know of Salvador

Vallejo being on the ranch  
offered he sold <sup>the cattle</sup> ~~it~~ to the Kelseys  
& Stones?

Ans.

I do not.

Does J.

Have you any interest in this  
Ranch.

Ans.

I have not.

Sworn to and sub-  
scribed before me  
this 30th day of June  
A. D. 1844.

J. C. Huley

U. S. Dist Ct  
Nor. Dist. Cal

The United States

v.

A. F. Teschemacher

No 8

Dep. of J. Childs

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PAGE NO. 178

Proceedings  
In relation to Lupyomi,

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Deposited in the archives of the  
Office of the U. S. Surveyor General for  
California, San Francisco November 13<sup>th</sup>  
1853. by José S. Berreyesa-

Leander Rawson  
Acting Sec. Gen'l. Cal.

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

McMillen,

Pablo de la Guerra,

(L. S.) J. Salvador Vallejo, a Mexican Cit-  
izen, a native of Monterey of Alta California,  
and established on the frontier of Sonoma,  
before Your Honor, in due form of law, appears  
and says:— That three Aguas Legales of  
land, have been granted to me, by the

Government, and this tract, not being sufficient for the maintenance of the stock that I now possess, I solicit permission to settle and occupy, the tract of land situated to the south of the lake (Laguna) which lies at a distance of forty leagues, a little more or less, to the north of this place; Don Juan ~~Fall~~ Antonio Vallejo, Rosalva Olivera and Marcos Soares joining me in this petition, which individuals being in company with me, we ask for eight square leagues, for each person, omitting, for the present, to furnish the corresponding map, it being impossible to have one correctly made, for want of the necessary knowledge of the lands, obliging myself to forward the same by the first opportunity, and obtain the corresponding title in property -

Wherefore, I pray Your Honor to be pleased to decree in my favor, if you should deem it proper, assuring your Honor, that the land is vacant; that it adjoins no land, heretofore granted, and that it belongs altogether to the Government - which grace I hope to receive and for which I will be ever grateful, Swearing, that I do not perjure in bad faith, and whatever may be

necessary

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PAGE NO. 181

Sonoma, May 23<sup>o</sup> 1844,  
Salvador Vallejo.

Maritimey, May 31<sup>o</sup> 1844.

Let the Señor Secretary of State report, first causing such reports to be made as may be necessary.

Michel Lorena.

As directed by His Excellency the Governor, let this petition be passed to the Secuna Justice of Sonoma, in order that he may furnish an exact and careful report, in relation to the same.

Maritimey, June 20<sup>th</sup> 1844,  
Man<sup>l</sup>. Jimenez.

2<sup>o</sup> Juzgado of  
Sonoma.

To the Señor Secretary of State.

In conformity with the foregoing decree of Your Honor, I have to report; that the land petitioned for by the Citizens Salvador Vallejo, Juan Ant<sup>o</sup> Vallejo, Rosalva Olivera and Marcos Suarez, is vacant, and that it is not recognized as the property of any

individual, Corporation or pueblo; that  
it is not included within the twenty leagues  
bordering on a foreign territory, nor the  
ten leagues, bordering on the Sea Shore,  
mentioned in Article 4 of the Law of  
the 18<sup>th</sup> of August 1824; wherefore, it is  
in a condition to be adjudicated in  
Colonization, and that the individuals  
petitionary for the same

Tom out, in the original -

CASE NO. 8-ND  
PAGE NO. 182

Sonoma, July 24<sup>th</sup> 1844,  
Rayetano Suarez.

To His Excellency, the Governor.

By the report of the Justice of the  
Jurisdiction of Sonoma, it is shown that  
the land petitioned for in this Expediente,  
is vacant; and the petitioners being Mexican  
Citizens, and worthy of the favor that they  
ask, the Secretary's Office, under my  
charge, on account of the illness of  
the Senior Secretary of State, believes it  
but just, if Your Excellency should  
think proper to do so, to concede



to each one of the petitioners the number  
of leagues that they ask.

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Marbury August 21<sup>st</sup> 1844

Francisco Arce,

Chief Clerk.

Marbury August 30<sup>th</sup> 1844

In accordance with  
the report of the Señor Secretary of  
State, I grant in property to the  
petitioners, the lands that they ask  
according to the map.

*Tom out in the Original.*

Translation  
— of —  
Expediente  
— of —  
Luyyami  
—

Exhibit "R,  
Co. H." to Dep.  
of R. C. Hopkins

8 ND  
507 Bd

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