

CASE NO.

34

NORTHERN DISTRICT

LA JOTA GRANT

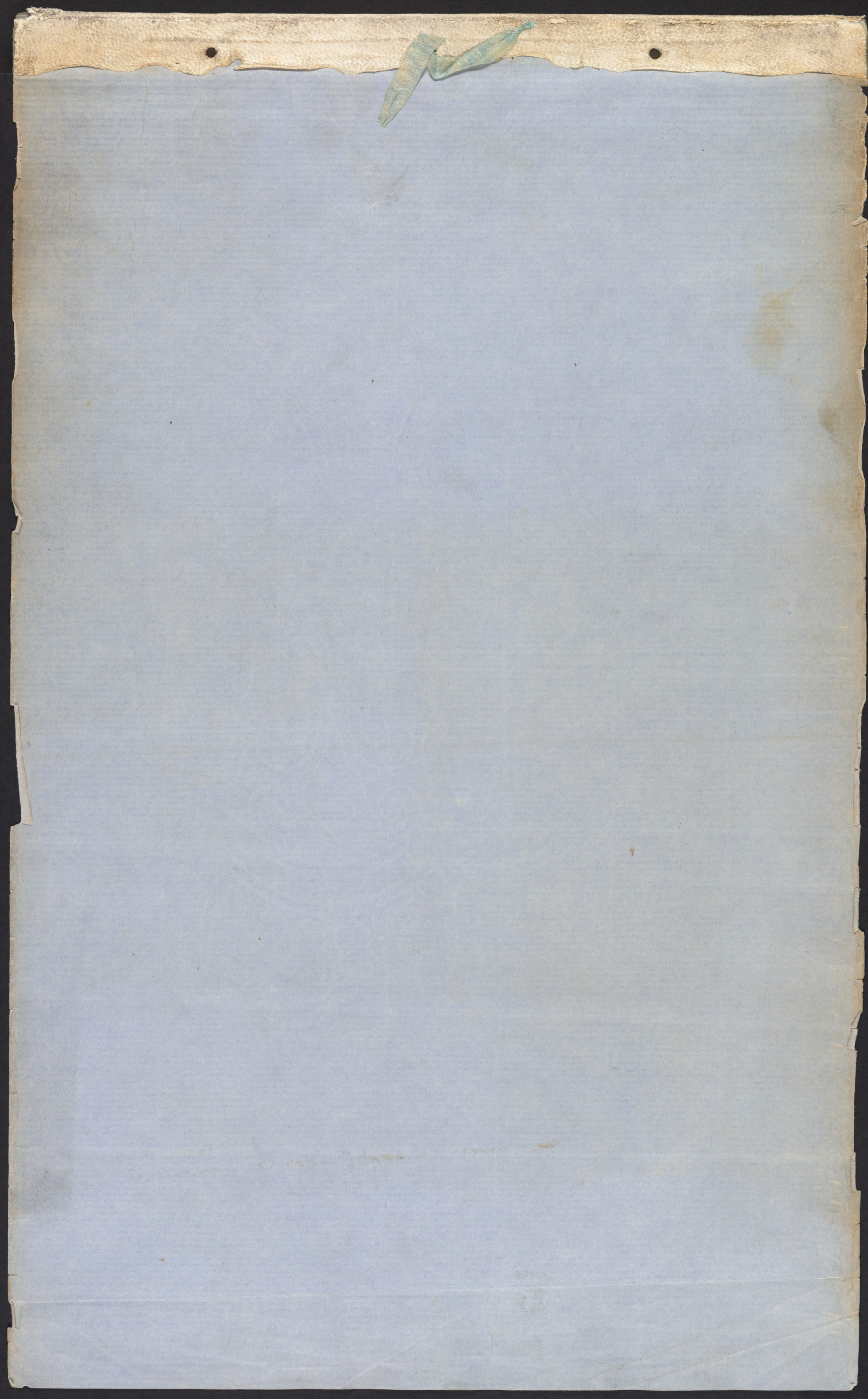
GEORGE C. YOUNT

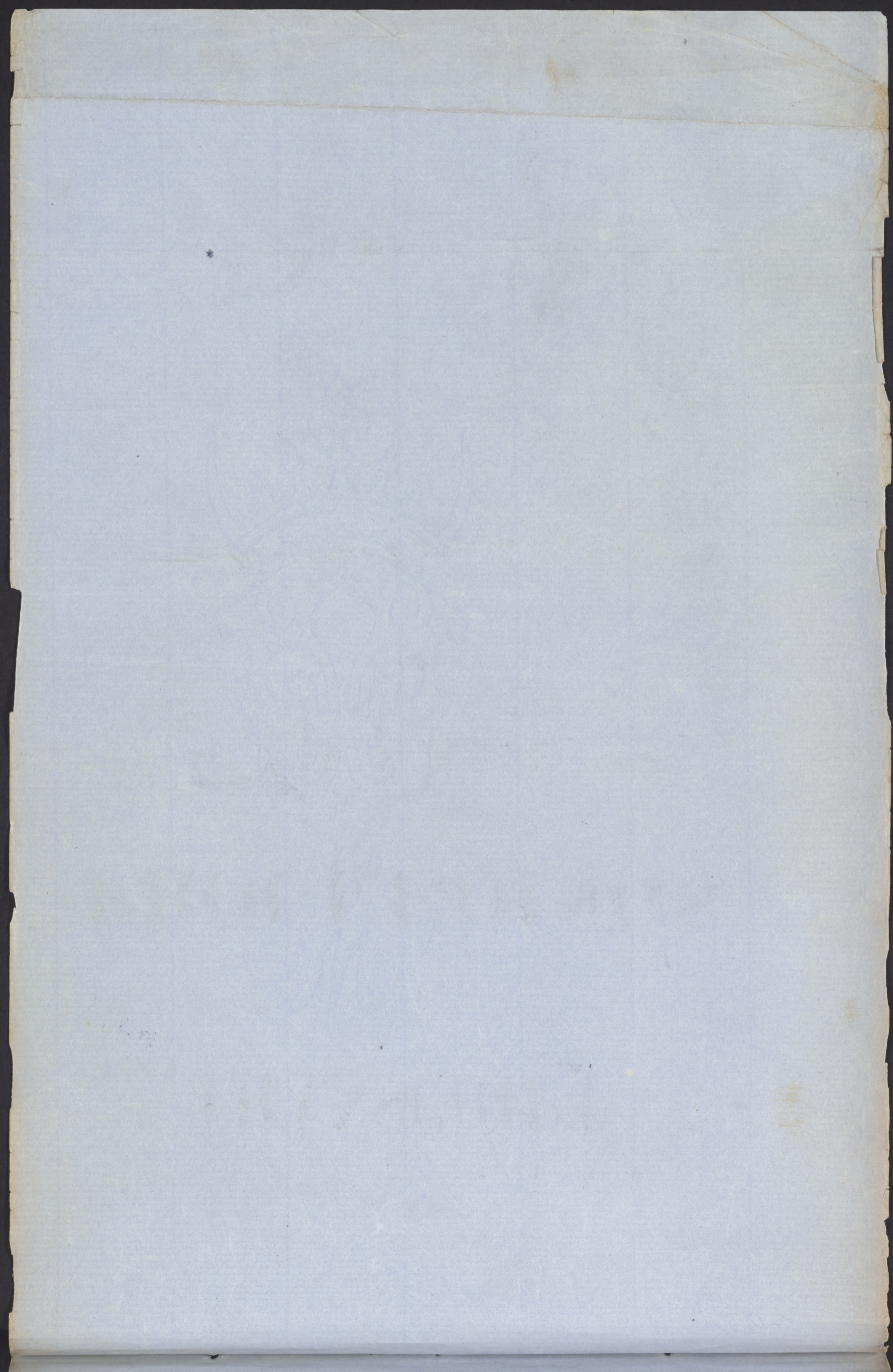
CLAIMANT

LAND CASE 34 ND pgs. 89

FEB 21 1963

Government
PROVER BOARD
25% COTTON FIBER
U.S.A.





TRANSCRIPT

CASE 34 ND

PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 169

George C. Yount.

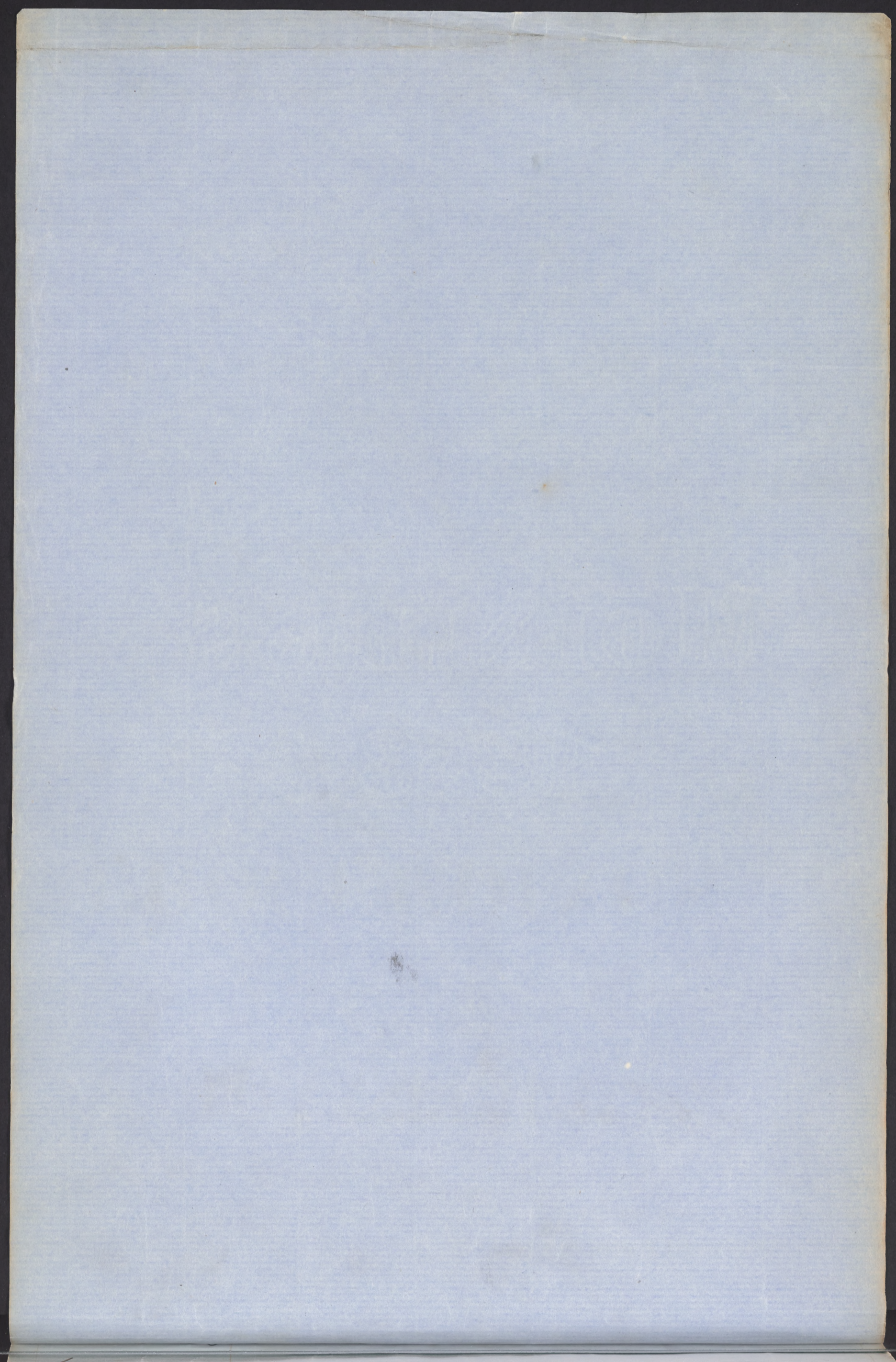
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"La Jota."



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 August*, Anno Domini One Thousand Eight Hundred and Fifty-*two*, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

The Petition of *George C. Yount* for the Place named "*La Jota*" was presented, and ordered to be filed and docketed with No. *160* and is as follows, to wit;

(Vide page *4* of this Transcript.)

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

San Francisco April 28th 1852.
In Case no. *160* Geo. C. Yount the deposition of *Wm. E. P. Hartnell* a witness in behalf of the claimant, taken before Commissioner *Mary J. Thornton* was filed.

(Vide page *5* of this Transcript)

San Francisco May 27th 1852.
In the same Case the deposition of *Mariano S. Vallejo* a witness in behalf of the United States introduced by the Law Agent, taken before Commissioner *Mary J. Thornton* was filed.

(Vide page *5* of this Transcript)

In the same Case the deposition of *Thomas Croftson*, a witness in behalf of the claimant

taken before Commissioner Harry J. Thornton
was filed;

(Vide page 7 of this Transcript)

San Francisco May 29th 1852

In the same case the deposition of Jose de la Rosa
a witness in behalf of the claimant, taken
before Commissioner Harry J. Thornton was
filed;

(Vide page 8 of this Transcript)

In the same case the deposition of Victor Duran
a witness in behalf of the claimant taken
before Commissioner Harry J. Thornton was filed;

(Vide page 9 of this Transcript)

San Francisco Dec^r 21st 1852

In the same case the deposition of Jasper C. Fer-
rell a witness in behalf of the claimant, taken
before Commissioner Helena Hall, with docu-
ment marked H. H. No. 1 was filed;

(Vide page 11 of this Transcript)

San Francisco Feb. 14/1853.

In motion of the U. S. Associate Law Agent Case no. 160
was ordered to be placed on the Trial Docket.

Case no. 160 called, the counsel for the claimant
Mr. Malleck, read the evidence; The Associate
Law Agent filed his Brief; Case submitted
and taken under advisement by the Board.

San Francisco April 22nd 1853.

Commissioners Hall & Thornton returned to the
Secretary the the papers appertaining to Case no. 160

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PAGE 4

(and others) which they had under advisement, without making decisions thereon; after which act pursuant to a notice in the National Intelligencer, they withdrew and ceased to act as members of this Board.

San Francisco July 9th 1853.

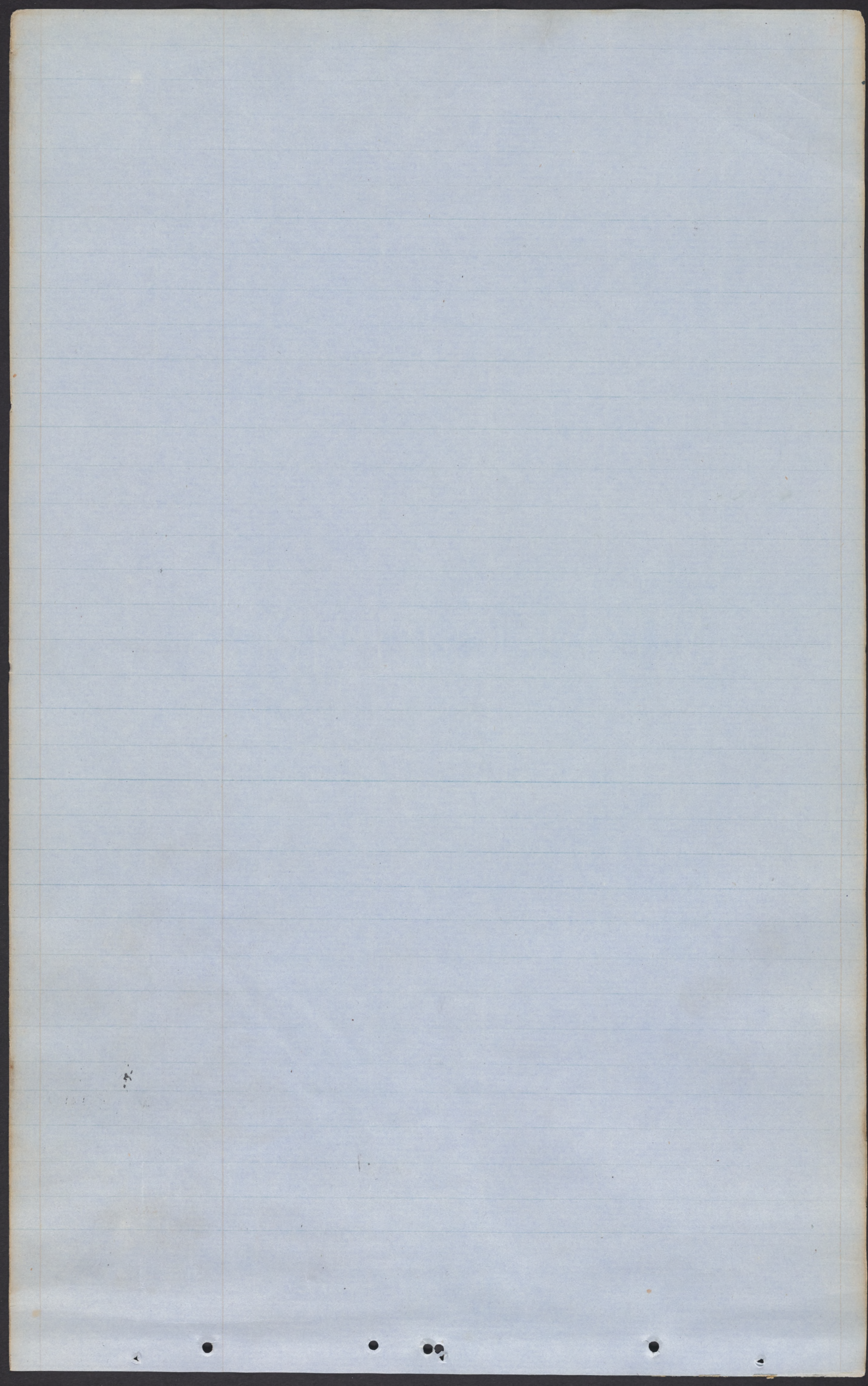
On motion of the United States Law Agent Case no. 160 was ordered to be placed on the Trial Docket.

San Francisco July 29th 1853

Case no. 160 called; The counsel for the claimant read the Evidence; submitted on better trials on both sides and taken under advisement by the Board.

San Francisco Oct 21st 1853

In the same case Commissioner Alpheus Titch announced the opinion of the Board rejecting the claim;
(vide page 28 of the Transcript)



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To the Honorable Commissioners to settle Private Land Claims in California

Petition of George B Grant.

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The petitioner George B Grant respectfully shews: That on the 22nd day of October A.D. 1843 Manuel Michelena General of California, by virtue of the authority in him vested, granted to the petitioner a tract of land called "La Lota Grande" in the then jurisdiction of Sonoma and now County of Napa containing one square league of Land; a copy of which grant is submitted herewith marked A with a translation marked B.

That in order to recovering the said grant he was, ever since has been, and now is, in the quiet, peaceful and undisputed possession, and occupation, of the said tract of land.

That the said land has not been surveyed by the Surveyor General of the United States, that that it was surveyed by the then duly authorized Surveyor of the Northern District of California, a copy of which survey is submitted herewith marked "C" showing the boundaries of said land.

That he knows of no conflicting claims.

That a part of the papers and Records connected with the title to said land have been lost or destroyed and cannot be found.

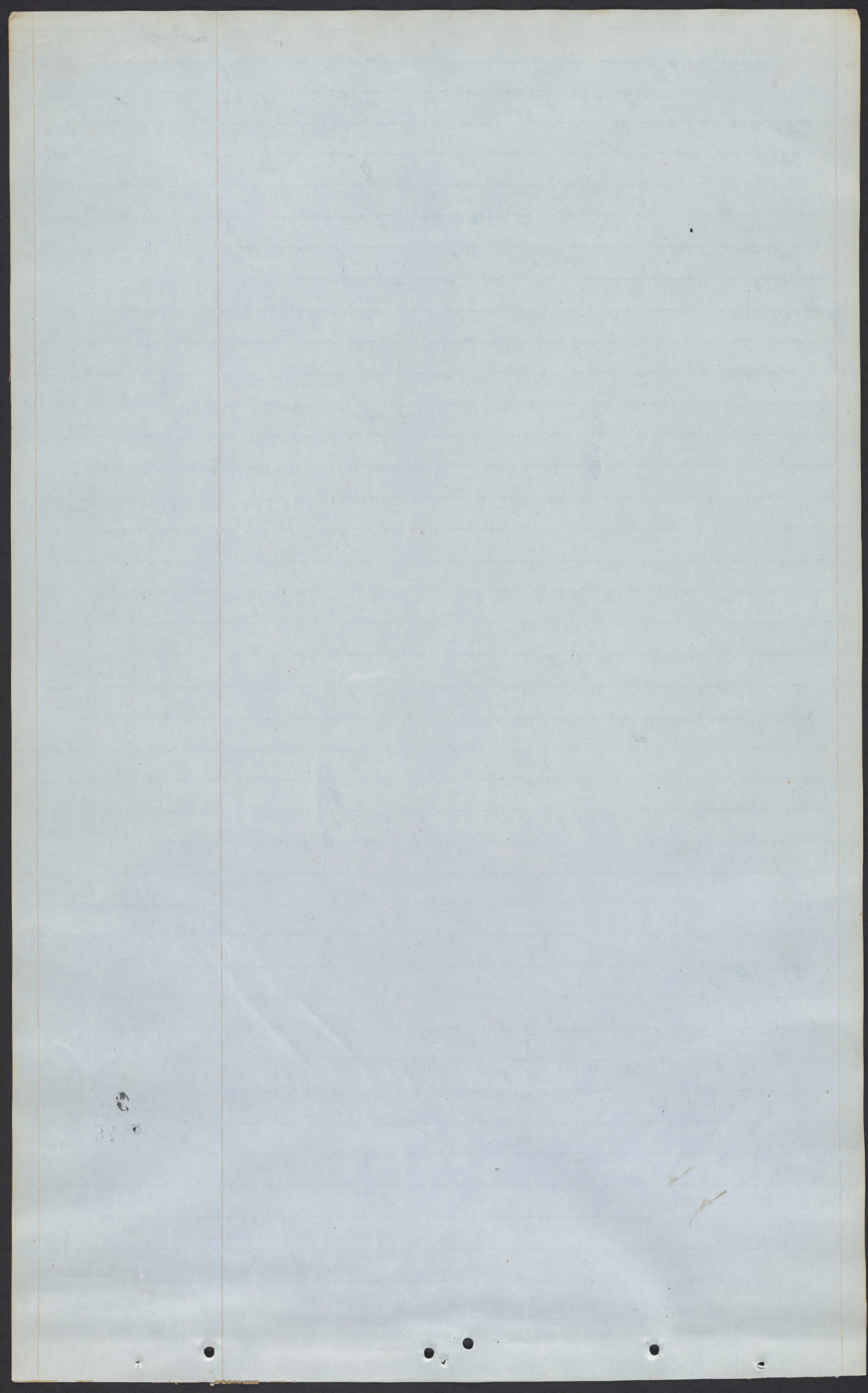
That he relies for confirmation of title upon the original papers, copies of which are submitted herewith; upon the records and minutes in the Archives in the charge of the Surveyor General; and upon such other and further proofs as he may be advised are necessary.

Wherefore he prays the Commissioners to confirm to the petitioner the said tract of land.

Yours Obedtly
Gulick Peckh & Billings

Filed in Office April 5th 1852

Geo. Fisher Secy



Deposition of W. E. P. Hartwell

Office of the Board of Commissioners of Private Land Claims in California - San Francisco. April 28th 1852

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On this day before me Harry J. Thornton one of the Commissioners for ascertaining and settling Private Land Claims in California came Wm. E. P. Hartwell a witness produced in behalf of the Claimant George L. Yount whose petition is No. 160 on the docket of said Commissioners. The witness being duly sworn testified as follows. The Law Agent of the United States was notified and attended by Mr. Greenhow

1st Question. What is your name age and place of residence

Answer. My name is W. E. P. Hartwell, my age is 54 years. I reside in Monterey, and have resided in California 30 years.

2^d Do you know the signatures of Manuel Micheltorena and Manuel Jimeno, and if so whether their signatures to the document before you are genuine and whether the document is genuine and Original and whether the paper marked "A" filed in claim No. 160 in the Office of the Secy of the Commissioners is a correct copy of this Original

I am acquainted with the signatures of Manuel Micheltorena and Manuel Jimeno, their signatures to the document before me are genuine and the Document itself is genuine and an Original. The document is in my own hand writing, it was signed and delivered at the time it purports to be. I have compared it with Exhibit A in claim No. 160 filed in the office of the Secretary of the Commissioners and find the latter to be a correct copy of this Original

W. E. P. Hartwell

The United States Law Agent declined to cross-examine the witness. Sworn to and subscribed before me this 28th April 1852. Harry J. Thornton Com. do
Filed in office April 28th 1852. Geo. Fisher Secy

Office of the Board of Land Commissioners for California
San Francisco May 27th 1852

Deposition of Maria
No. 1 Vallejo

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On this day before me Harry J. Thornton one of the
Commissioners for ascertaining and settling private
Land Claims in California, came Mariano Guadalupe
Vallejo a witness produced in behalf of the
United States claimant petition being No. 160. in the
District of said Commissioners, and after being duly sworn
testified as follows

The Counsel for the claimant being present.
Questions propounded to the witness of the U.S. by the
Law Agent.

Question 1. What is your name age and place of residence
Answer. My name is Mariano Guadalupe Vallejo, my age
is Forty Four and have resided in California all my life
Question 2. Do you know the claimant G. L. Young?
Answer. I do

Question 3. Do you know the relative situations of the
Ranchos called "La Lotia" and "La Mos" situated in
Napa Valley and alleged to be owned by the present claimant
Answer. They are separated about four or five miles. The
Rancho "La Lotia" being north west from the "La Mos"
Between the nearest points of the two there is about four
miles distance.

Question 4. What is the distance between the nearest point
of "La Lotia" to any bay of the Ocean or to the Sea Coast?
Answer. It is about thirty miles from Napa Bay, which is
the nearest bay and fifty or sixty from Sea Coast
M. Vallejo

The Counsel for the claimant present

Sworn to and subscribed before me
this 27th of May 1852 Harry J. Thornton Commissioner

Filed in office May 27th 1852 Geo. Fisher Secy.

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Office of the Board of Land Commissioners for California
for California. San Francisco. May 27th 1853

Depositor of
Thomas Chopson

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PAGE 8 (eight)

On this day before me Harry J Thaxter
One of the Commissioners for ascertaining and settling private
Land claims in California, came Thomas Chopson
a witness proceeded in behalf of the Claimant G. C. Yount
whose petition is No. 166. on the docket of said Commis-
sioners, and after being duly sworn testified as follows
The Law Agent of the United States was duly notified
and attended

Questions by the Claimant.

1st Question. What is your name, age and place
of Residence

Answer. My Name is Thomas Chopson, my age
is near (30) thirty years; I reside on Mr Yount's Rancho
in Napa County. I have lived in California since
1849.

2nd Question. What do you know about the ranch
claimed by Mr George C Yount called "La Lota"
or the Mountain tract; when was it occupied and
by whom?

Answer. I have known that tract of Land since 1849.
it is situated some 8 or 9 miles in a North or North
Westerly direction from the house where Mr Yount
lives. Mr Yount has Cattle on it now and has had
ever since 1849; there are a log house a frame
house and a mill on the land built by contract
with Mr Yount, as Mr Snow told me in regard to
the mill. Mr Snow occupies the land for Mr Yount
and takes care of his Cattle on it. Mr Snow has told
me himself that he was occupying it for Mr Yount
I have seen the Cattle of Mr Yount on the land, but
don't know how many he has on it I never counted them

Cross Questions by U. S. Law Agent

Question 1. How near is the nearest point of the Rancho
called "La Lota" to the Rancho alleged to be owned by Mr
Yount the claimant, called Bay Meadows

Answer. I don't know, but I would think the distance

between the nearest points of the two is about four or five miles along the wagon road. I do not know where the South East point of the Lota is

Thomas Chopson

The U.S. Law Agent present
Sworn to and subscribed before me
this 27th May 1852

Henry J. Thuntin Clerk

Filed in office May 27th 1852

Geo. Fisher Secy

Deposition of Jose
de la Rosa

Office of the Board of Land Commissioners for California
San Francisco May 29th 1852

On this day before me Henry J. Thuntin one of the Commissioners for ascertaining and settling private Land Claims in California; came Jose de la Rosa, a witness produced in behalf of the claimant George LeYount whose petition is No. 100. On the Oath of said Commissioners and after being duly sworn testifies as follows. His evidence being given in the Spanish Language and interpreted by George Fisher, Secretary. The Law Agent of the United States was notified & attended.

Questions by the Claimant's Counsel

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

Answer. My name Jose de la Rosa. Sixty one (61) years of age, my place of residence is Sonoma in the County of Napa, where I have resided for the last twelve years.

2^d. Do you know the Rancho called "La Lota" claimed by George LeYount and if so, by whom, and how long has it been occupied?

Answer. I do know it, it is situated about eight leagues to the North West of Sonoma. I have known it since 1838. And it has ever since been occupied by George LeYount, building a house, a grist and saw mill, living on the land and carrying on the lumber business, farming and stock raising. The land was surveyed by authority of the Government by one O'Farrell Government Surveyor.

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Questions by the Law Agent
1st When was the house built?

Answer. I do not recollect the year. But I do recollect that it was immediately after grant was made

2^d To what extent was the land cultivated?

Answer. I cannot tell to what extent the land was cultivated, but I should think about five hundred varas were cultivated

3^d How far is the land from its most northerly point from the gulph of Sonoma.

Answer. I do not know exactly, it may be ten leagues more or less.

4th Was this land occupied by an Mission on the 31st of November 1828.

Answer. It was not. I understand it belonged to the Government
Jose de la Rosa

The Law Agent present
Sworn to and subscribed before me
this 29th of May 1852

Henry J. Thornton Comr. &
Filed in Office May 29th 1852
Geo. Fisher Secy

Office of the Board of Land Commissioners for California
San Francisco May 29th 1852

Deposition of
Victor Piedad

On this day before me Henry J. Thornton one of the Commissioners for ascertaining and settling Private Land claims in California, came Victor Piedad a witness produced in behalf of the claimant George le Vount whose petition is No. 160. On the Oath of the said Commissioners and after being duly sworn testified as follows, his evidence being given in the Spanish Language and interpreted by Fisher Secretary. The Law Agent for the United States was notified and attended

Questions by Claimant's Counsel

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

Answer. My name is Victor Piedad, My age is forty three (43) and my place of residence is Sonoma County of Napa

2^d Do you know the Rancho called "La Lota" claimed by George Yount, and if so, say what you know respecting the grant of the said Rancho.

Answer. I do know the above Rancho. About the year 1841 or 1842 I myself drew up the petition for Mr Yount asking the Government of California for a league of land in a place called "Lota" for the purpose of establishing there a Saw Mill. I took the petition to Monterey and handed it to Governor Alvarado and brought the grant to Mr Yount.

Questions by the Law Agent

Question 1. State whether or not the tract of Country called "Lota" extended down as far as to the Northern by line of the Rancho claimed by Mr Yount called "Leay Meas"

Answer. I do not know whether it did or not

Question 2^d Do you know when the house was built

Answer. I saw the house about a year after the grant was made

Question 3^d Do you know what the conditions of the grant were?

Answer. They were the same as the general conditions of Mexican Grants, and as one of the conditions it required the approval of the Departmental Assembly

4th How long and when did you hold official stations in California, and what were they?

Answer. Since the year 1834 to 1837 I was Director of the Normal-Lancastrian School which appointment I received from the General Government of Mexico. In 1838 I was appointed by the Governor of this State Secretary

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of the Government; and in 1842 I was appointed by the General Government of Mexico Secretary of the War Department of this State, received a brevet of Lieutenant Colonel of the Army and came back to California with Governor Micheltorena. Since 1843 to 1846 I had several Military Commissions
Vie. Preson

The Law Agent Present
Sworn to and subscribed before me
this 29th of May 1852 James J. Thornton Comr &

Filed in Office May 29th 1852. Geo. Fisher Secy

San Francisco Dec. 31st 1852

Deposition of
Gasper O'Farrell

On this day before me, Heiland Heall Comr Gasper O'Farrell a witness in behalf of the claimant George L. Grant, petition No. 160 and was duly sworn, his evidence being given in English.

The U.S. Associate Law Agent was present

In answer to inquiries by Counsel for claimant the witness testified as follows

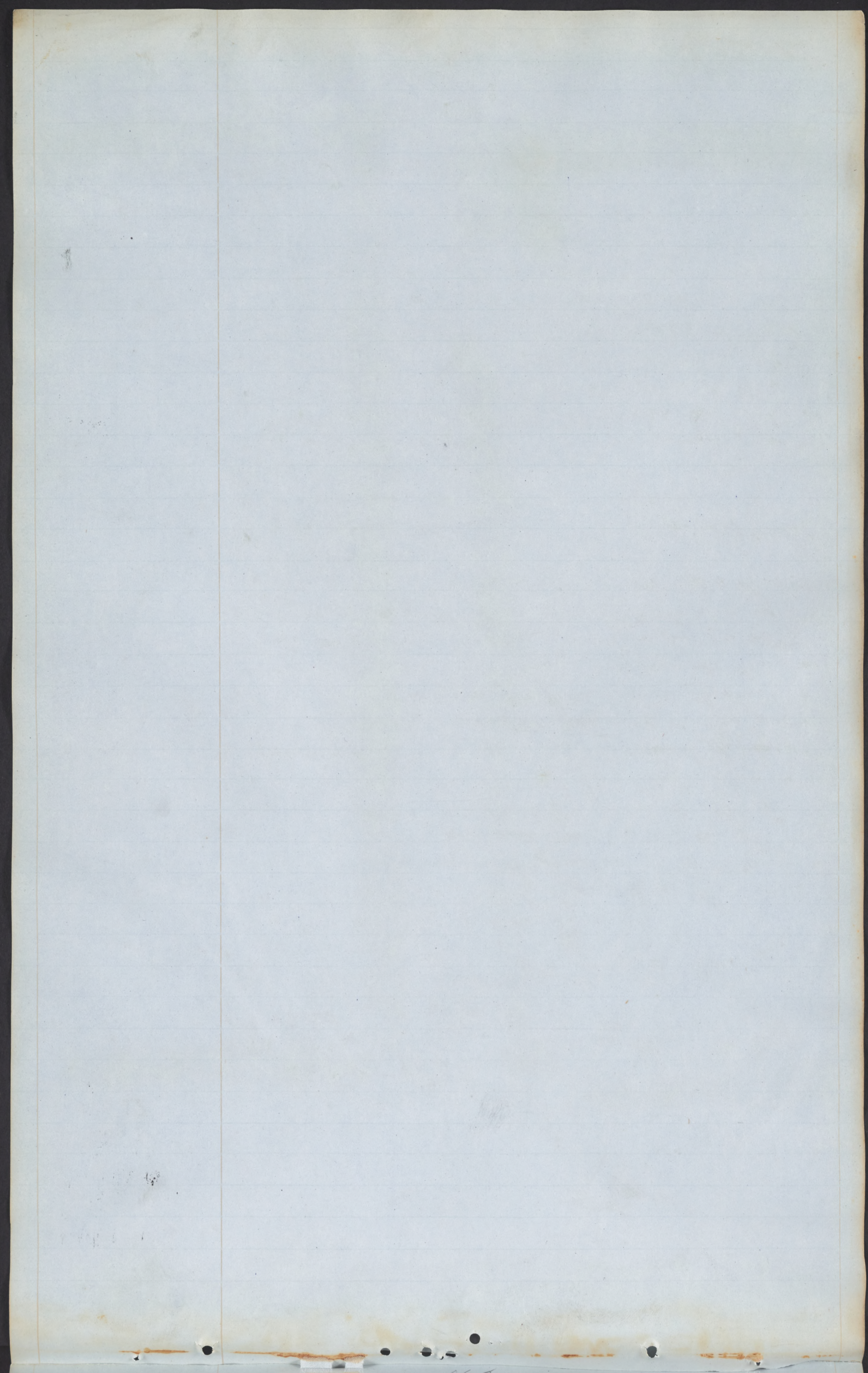
My name is Gasper O'Farrell. My age is 35 years; and I have resided in California 9 years. My profession is a Surveyor and Civil Engineer. I was appointed a Land Surveyor in California by Governor Micheltorena in 1844 and received a Commission from Governor Mason in 1847. In 1848 I surveyed the Rancho called "La Lota" belonging to Mr. Grant; the maps attached to this deposition and marked Ho Ho No 1 is the map made by me of such survey and bears my official signature

No questions on the above Gasper O'Farrell

R. Greenhow
Asst. Law Agent

Sworn and subscribed before me Heiland Heall Comr

Filed in Office Dec. 31st 1852. Geo. Fisher Secy



Titte

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The original of which
The annex is a copy
and is referred to in
The Deposition of Wm
C. P. Hartnell, is on
file in this office.

(Signed) Geo. Fisher,

Secy,

Sello Tercero, M. Pso.

Habilitado provisionalmente por la Aduana
Maritima del Puerto de Monterey, en el Depar-
tamento de las Californias. Para los años de
mil ochocientos cuarenta y cuatro, y mil
ochocientos cuarenta y cinco.

Micheltorena,

Pable de la Guerra.

Padre
Merit^o de Manuel Micheltorena General de Brigada,
Mont^o del Ejercito Mexicano. Ayudante Gen-
eral de la Plaza Mayor del mismo. Gobernador
Comandante General, e Inspector del Depar-
tamento de las Californias.

Por quanto Jorge de la Concepcion Yount, Mexicano
por Naturalizacion ha pretendido la estension
de un sitio de ganado mayor en la Sierra
inmediata a su rancho, nombrada la Sta,
y habiendose practicado las diligencias, y aver-
iguaciones concernientes segun lo dispuesto
por leyes y reglamentos, Mando de las facul-
tades que me son conferidas a nombre
de la Nacion Mexicana, he venido en conce-
dirle un sitio de ganado mayor en otra,
Serrania sugetandose a la aprobacion de la
Exma Asamblea Departamental y a las con-
diciones siguientes.

- 1.^a No podra vender, enagenar, ni hipotecar
el terreno, que se le confiere, imponer censo,
vinculo, a otro gravamen alguno, y ni impe-
dira el corte de madera a los colindantes, ni
a los vecinos de alguna poblacion inmediata.
- 2.^a Podra cercarlo sin perjudicar las traversias,
caminos y servidumbres, lo disputara libremente
distirandolo para el objeto que lo ha pretendido.
- 3.^a Solicitara, del Jefe respectivo que le de la
posesion juridica en virtud de este despacho
por el cual se demarcaran los linderos en
cuyos limites pondra las correspondiente mo-
joneras.
- 4.^a Si contraviniese a estas condiciones
perdara su derecho al terreno y sera den-
unciado por otro.

En consecuencia Mando que sirviendole
de titulo el presente, se tome razon en el libro

respectivo, y se entriene al interesado para
su resguardo y demas fines. Monterey
23 de Octubre de 1843.

Manuel Michelt^a

Manuel Jimeno
Sr^o.

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Meda tomada razon de este Despacho en el
libro respectivo a' folj^o 2 del libro de este año.
Jimeno.

Filed for Record, 23^d of August, 1848.
L. W. Boggs.

Recorded in Book Co. Page 45.
Sonoma August 24, 1848.
L. W. Boggs,
Alcalde.

Filed in office July 29th, 1853.
(Signed) ~~L. A.~~
Geo. Fisher,
Secty.

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Expediente

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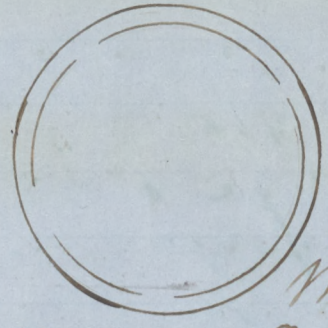
Removido por el Ciudadano naturalizado "George C. Gount" en Solicitud del una legua en la Sierra nombrada "Jota"

20

No.
340



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Caño J.º Gobernador
George C. Joint natibo de
los Estados Unidos del N.º.

S. D. H. N.º 1

Mejicano por naturalizacion y
Monterey Cal. } habiendo en esta frontera
9 de 1843 — } hase 13 años ante V. E con
Inf. A. S. — } el mayor respeto hace pre-
sio: del des- } sente.

Expediente

pacho tamado } que siendo Carpintero de
al efecto los q. } oficio y estando Valdis una
erea conveniente } Tierra inmediata a su
S. Michelt. } rancho conocida con el
nombre de Ota, Solicita de V. E. se sirva
conceder le una legua de dicha Tierra a
para establecer en ella un aserradero
de Madera unica utilidad q. puede
proporcionar el espresado legua colindan-
te por el S. con el Rancho de Doctor
Bely Chap. al E. con el de las animas
y al N. con los mallarias.

No acompaña el Suplicante el Diseño
Correspondiente por estar ausente la
unica persona inteligente que pueda
formarlo aqui, y ofrece remitirlo oportu-
namente, rogando a V. E. q. por allarse
avanzada la estacion de las lluvias
y ser muy costoso el tiempo q. se queda
para poder continuar en aserradero se
sirva dispensarme por a ora de pronto el diseño
P. J. A. V. E. mega se digne acceder a
esta su humilde Suplica en lo que recivi-
ra merced la q. Solicita en papel comun
por no haberlo de ningun sello en esta
frontera.

Donoma Septiembre 14 de 1843
George C. Joint.

270

Como dispondre el Caño Señor Goberna-
dor pase la presedente instancia al
S.º Prefecto del primer Distrito.

para que informe sobre el contenido de ella pasandolo despues al Sr. Coronel D.º M.º G. Vallego p.º que emita su opinion y concluido que sea, Vuelva a esta Secretaria para cumplir con lo prevenido en el superior decreto de fha de haller Monterey: Octubre 10. de 1843.
Manl. Jimeno.

Informe el Sr. Coronel Don Mariano Guadalupe Vallejo sobre el contenido de esta instancia, haciendo las explicaciones necesarias de estilo para que esta Prefectura pueda verificarlo con certidumbre al Sr. Orio del Despacho Monterey Otre 16 de 1843
Jose R. Estrada.

Sr. Prefecto. El terreno q.º pretende D. George Yount es una Serrania que esta situada al Norte de Sonoma y q.º no pertenece a propiedad particular. Asi mismo esta entre la gentilidad brava y conveniria q.º se concediera q.º se amansaran d.ºhos Indios: el interesado es hombre de una conducta irreprehensible y tiene concluido un aserradero en las inmediaciones del parage que solicita.

Monterey Oct.º 18 @ 1843
M. G. Vallego

Sr. Orio del despacho

260
Visto el informe que antecede no encuentra embaraz esta Pref.ª para que al interesado en esta representacion se le conceda en propiedad el terreno que solicita propio unicamente para el objeto a que se contrae. En cuanto tiene que decir esta Pref.ª en contestacion al decreto de O. S. fha 10 del corriente.

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Monterey Obre. 19 de 1843.
José R. Estrada
Excmo Señor Gobernador.

En las Solicitudes que se han presentado es una la presentada que dirige D. George C. Guntwempe se han negado por que el darles à las particulares los montes principalmente donde hacen corte de maderas es perjudicar à las poblaciones y dueños de Ranchos, pues es claro empesandose à repartir los montes se escaciaran las maderas y se hara un monopolio de este ramo tan importante en el país; por lo que entiendo que lo unico que se puede conceder al Solicitante es una licencia por determinado tiempo, entendiendose que siempre que las aserraderas que ponga sea con el objeto de vender maderas para fuera del país que estara obligado a pagar el derecho municipal este es un informe que me ha parecido dar en cumplimiento al Superior decreto de 9 del corriente mas Q. B. determinara lo que encontrere por conveniente.

Monterey Octubre 21 de 1843

Manl. Jimeno



Monterey Oct. 21. de 1843

Como se tiene una sola Legua el pedido del interesado estendiendole el titulo con la condicion de no impedir cortar la Madera p^o su gusto los colindantes al terreno y demas requisitos q^o opina el Sr. O. del despacho.

Michel^o

250

Monterey 23 de Obre de 1843.
Vista la peticion con que da principio
este expedite los informes que se le
con todo lo demas que se tuvo presente y
ver con vino de conformidad con las
leyes y reglamentos de la Materia de-
claro al referido D.ⁿ George C. Yount
dueno en propiedad de una Legua en
la Sierra inmediata al Rancho nom-
brado Jota, con la condicion de no po-
derlo vender enagenar ni poner en su
vinculo ni otro gravamen y ni impedir
el corte de Madera a los colindantes ni
a los vecinos de alguna poblacion inme-
diata. Librese el correspondiente despacho
tomese razon en el libro respectivo diriji-
dose este expediente a la Com.ⁿ Junta
Departamental para su aprobacion.

El Excmo Sr. Gobernador asi lo decre-
to y firmo.

Manuel Micheltorena General de
Brigada del Ejercito Mexicano Ayudante
General de la Plana Mayor, Coman-
dante Gral y Gobernador del Departa-
mento de las Californias.

250 Por Cuanto D.ⁿ George C. Yount
Mexicano por naturalizacion, ha preten-
-ido la estencion de un Sitio de gana-
-do Mayor, la Sierra inmediata a su
rancho nombrado la Jota y habiendose
practicadas las diligencias y averigua-
-ciones consermentes segun lo dispuesto
p.^r leyes y reglam^{to} usando de las facul-
-tades que me son conferidas a nombre
de la Nacion Mexicana he venido en
concederle un Sitio de ganado Mayor.

en dicha Terrania sujetandose à la apro-
-bacion de la Asamblea Departamental
y à las condiciones sigtes

1^o No podra vender, enagenar ni hipotecar
el terreno que se le confiere, imponer censo
vinculo ni otro gravamen alguno y ni im-
-pedir el Corte de Madera à los colindantes
ni à los vecinos de alguna Poblacion in-
-mediata.

2^o Podra cercarlo sin perjudicar las
travesas, Caminos y servidumbres; lo dis-
-putara libremente destinandolo p^o el objeto
que lo ha pretendido.

3^o Solicitara del Juez respectivo que le
de posesion juridica en Virtud de este
despacho por el cual se demarcaran los
linderos en cuyos limites pondra las Mojo-
-neras Correspondientes.

4^o Si contraviniere à estas condiciones
perdera su derecho al terreno y sera
denunciabile por otro.

En consecuencia mando que teniendose
por firme y valedero este Despacho se
tome rason de el en el libro respectivo
y se entregue al interesado para su res-
-guarda y demas fines.

Dado en Monterey @ 23 de Ove de 1843

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

J. Samuel D. King Surveyor
General of the United States for the
State of California and as such now
having in my Office and under my charge
and Control a portion of the Archives
of the former Spanish and Mexican
Territory or department of Upper Ca-
-lifornia do hereby Certify that the

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CASE 34 ND
PAGE 21

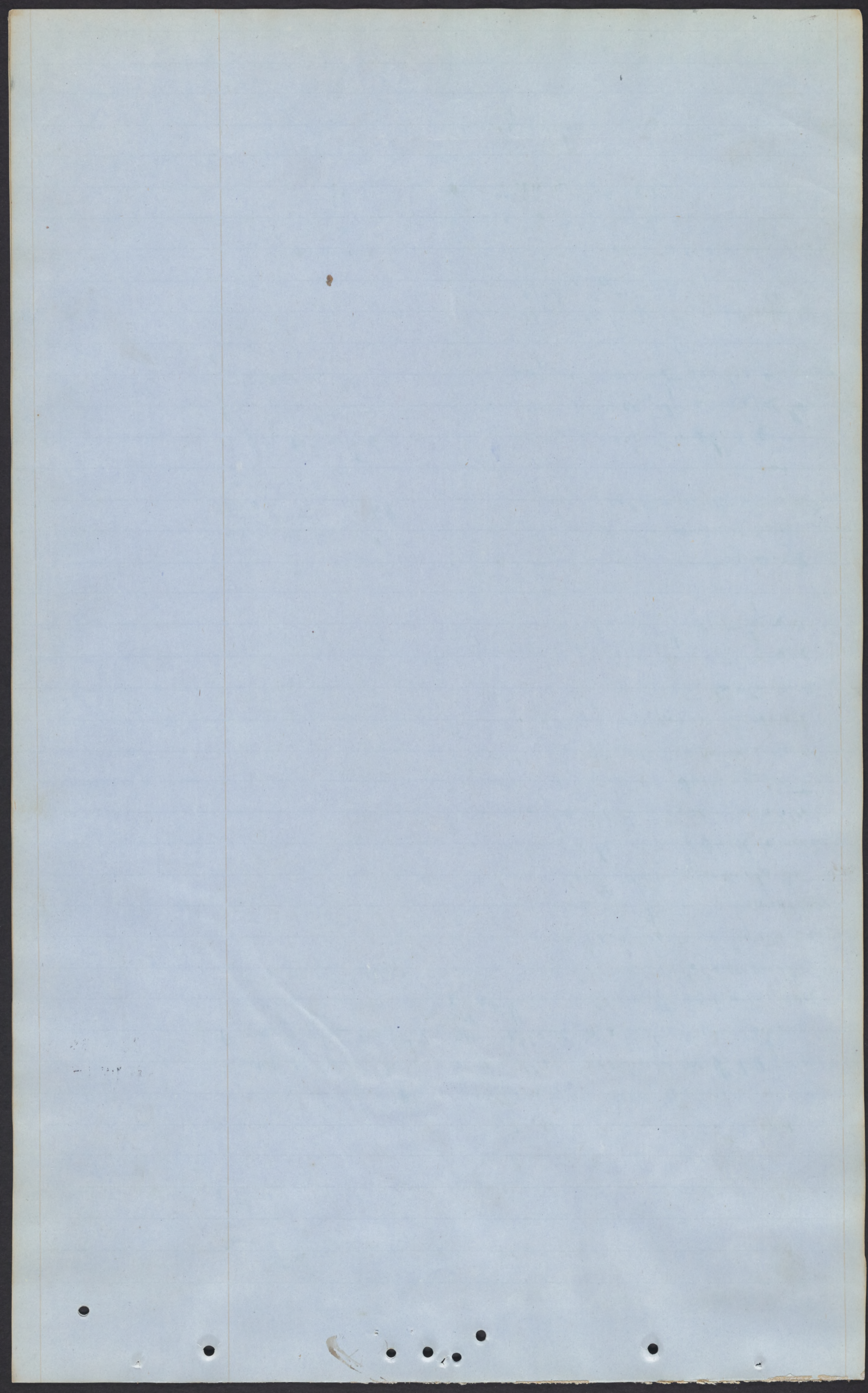
Ten preceding and hereunto annexed
pages of tracing paper numbered from
One to ten inclusive and each of which
is verified by my initials (S.D.K.) exhibit
true and accurate copies of certain Do-
cuments on file & forming part of the said
Archives in this Office.

In Testimony whereof I have
hereunto signed my Name officially
and affixed my private Seal. (not having
a seal of Office) at the City of San
Francisco Cal. the 9th day of June
1852.

Saml. D. King
Surv. Genl. Cal.

Filed in Office
June 10th 1852.
Geo. Fisher
Secy

90
14.00



19

Govt. of the Dept. of California
To his Excellency the Governor

Translation of Espe
Decree of G. G. Yount

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PAGE 22

Monterey Oct. 9th 1843.
Let the Secretary of State
report, taking such
measures as he may
deem proper for that
purpose
Sgt. Micheltorona

George Le Yount a Native of the
United States of the North American
a Mexican by Naturalization and for
13 years a resident of this frontier
before your Excellency with the great
est respect makes representation
That being a carpenter by trade, and
there being vacant a place in the
Mountains near his Rancho known
by the name of Jota he prays your
Excellency to have the goodness to
grant him a league of Suedi Mountain
in land for the purpose of establish
ing in it a place for sawing timber
the only use which can be made of
Suedi place, bounded on the South
by the Rancho of Doctor Bale and
Napa, on the East by that of Las
Animas, and on the West by Los
Mallamas.

The petitioner does not transmit the corresponding maps
because the only person here who understands and can
make one is absent, and he promises to remit it at a fit
time, praying your Excellency that as the rainy season
is far advanced and there remains but a short time
for him to construct a sawing place, you would be
pleased to excuse the maps at present for the foregoing
reasons.

Wherefore he prays your Excellency to have the goodness to
accede to this his humble supplication, in which he
will receive favor the which he requests on common paper
there being none of any stamp on this frontier.

Sonoma September 14th 1843

(Sgn) Geo. Le Yount

As directed by his Excellency the Governor, let ^{the} foregoing expediente pass to his Lord the Prefect of the First District that he report upon its contents, afterwards referring it to the Colonel Don Mariano G. Vallejo that he may make known his Opinion, and this being concluded let it be returned to this Office, that the provisions of the Superior decree of Yesterday's date may be complied with
Monterey October 10th 1843
(Signed) Manuel Jimeno

Let the Senor Colonel Don Manuel G. Vallejo report upon the contents of this petition making the necessary explanations in form that this Prefecture may be able to report with certainty to the Senor Secretary of State.
Monterey October 16th 1843
(Sgd) Jose R. Estrada

Senor Prefect.

The land which Don George Yount petitions for is a mountain ridge situated to the north of Sonoma, and does not pertain to any private Ownership: it is also between the settlements and the war like unchristian indians and it would be well to grant it in order that said indians may be reduced: the person interested is a man of irreprehensible conduct and has finished a saw mill in the neighborhood of the place which he petitions for
Monterey October 18th 1843
(Sgd) M. G. Vallejo.

Senor Secretary of State

Having seen the foregoing Report this Prefecture (Sees) no objection to granting to the person interested in this representation, the land which he asks for, not only for the object for which he wishes it
This is all this Prefecture has to say in answer to your Decree of the 10th Instant.

Monterey October 19th 1843
Sgd. Jose R. Estrada

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CASE 34 ND
PAGE 24

Exco. Sr. Honor. Gobierno

The petitions like the foregoing which
is sent by Don Jorge de Ysunt which have been presented have
always been denied because the granting to individuals of
forests especially those where timber is cut, is in prejudice of
the towns and owners of Ranchos, for it is evident that when
the forests are begun to be divided timber would become
scarce and a monopoly of this business, so important to this
Country, would be made; from which I think that the
only thing which can be granted to the petitioner is premises
for a determinate time; it being understood that if the
Saw Mills which he may put up, are for the purpose of
selling lumber to go out of the Country, he shall be obliged
to pay the Municipal tax. This is a report which I have
thought proper to make in compliance with the Superior
decree of the 9th instant but your Excellency will determine
that which you may think proper

Monterey October 31st 1843

(Signed) Manuel Jimeno

Report of the Dept
of California

Monterey Oct. 31st 1843

As the petition of the person interested is limited to a
single league, let the title be issued, with the condi-
tions that he shall not hinder the colindantes of the
Luna from cutting lumber for their own use, and with
such other requisites as the Junta Secretaria may think
proper

Signed Micheltorena

Done in office Luna 10th 1843

(Signature)

Montrey October 33rd 1843

Having seen the petition with which this expediente commences, the reports which precede, with all other information which was ^{presented} and deemed proper to be considered, in conformity to the laws and regulations on the matter I declare the afresaca George G. Mount owner in fee of One league in the Mountains near the Rancho named Lotta, with the condition that he may not sell, or alienate it, subject to the tax, entail or other incumbrance, and that he shall not hinder his colindantes nor the descendants of any neighboring town from cutting wood. Let the corresponding title be issued let note be made in the proper book directing this expediente to his Most Excellent Departmental Junta for its approval. His Excellency the Governor thus Ordered decreed and signed

G. G.
R. P.

[For translation of title see Exhibit "B"]

I certify the foregoing to be true and correct translation from the Las Amelas Copy of Spanish Document on file in this office in case No. 1163 Geo. G. Mount

Geo. Fisher Secy

Filed in office June 10th 1853

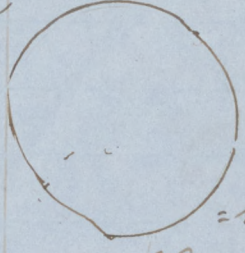
Geo. G. Fisher Secy

CASE 34 ND
PAGE 26

Jello Tercero un Pese

Habilitado provisionalmente por la adu-
-ana maritima del puerto de monterey
en el Departamento de las Californias

Orig^o Grant para los años de mil ocho cientos cuarenta
refered to in the y cuatro, y mil ochocientos cuarenta y cinco
Dep. of U^m - Micheltoena. Pablo de la Guerra
E. P. Hartwell



Manuel Micheltoena General
de Brigada del Ejercito Mexica-
-no Ayudante General de la Pla-
-na Mayor del mismo, Gobernador Co-
-mandante General e Inspector del
Departamento de las Californias.

Por cuanto George de la concepcion
Gount Mexicano por naturalizacion ha
pretendido la estencion de un sitio de
ganado Mayor, en la Sierra inmediata
a su rancho, nombrada la Pota, y habien-
-dose practicado las diligencias y averigua-
-ciones concernientes segun lo dispuesto
por leyes y reglamentos; usando de las
facultades que me son conferidas a
nombre de la Nacion Mexicana, he
venido en concederle un Sitio de ganado
Mayor en dha Sierra. Sugeriendose
a la aprobacion de la Junta o Asamblea
departamental y a las condiciones si-
-guientes.

- 1^o No podra venderlo, enagenar, ni
hipotecar el terreno que se le confiere im-
-poner censo, vinculo ni otro gravamen
alguns y ni impedir el corte de maderas
a los colonos, ni a los vecinos de
alguna poblacion inmediata.
- 2^o Podra cercarlo sin perjudicar las
travesias, caminos, y servidumbres.

lo disputara libremente destinando lo para el objeto que lo ha pretendido.

3^o Solicitara del Juez respectivo que le dé la posesion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondra las correspondientes mojoneras.

4^o Si contraviniese à estar con dichas condiciones perderà su derecho al terreno y será denunciabile por otro.

En consecuencia mando que sirviendole de titulo el presente se tome razon en el libro respectivo y se entregue al interesado para su resguardo y demas fines.

Monterey 23 Octubre de 1843

Mant. Michel^{ra}

Mant. Jimeno Rio.

140
390

Queda tomada razon de este Despacho en el libro respectivo a fog: 2 del libro de este año.

Jimeno.

Filed in Office July 29th 1853

Geo. Fisher Secy.

Translation of Title

map 6

CASE 34 ND
PAGE 28

Stamp Third One Dollar

Previously 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
(Signed) Micheltorrea

(Signed) Pablo de la Guerra

Maritime
Custom house
of Monterey

Manuel Micheltorrea General of Brigade of the Mexican Army Adjutant General of the Staff of the same, Governor Commanding and Inspector of the Department of Californias Alhucas George de la Concepcion Quinte, a Mexican by naturalization, has petitioned for an addition of one square league (sitios de ganado Maya) in the Sierra next to his Rancho named La Jota the proper measures and examinations being previously made as required by laws and regulations, using the fuertes which are confided to me in the name of the Mexican Nation, I have granted him one "sitio de ganado Maya" (one square league) in said range of hills (Sierrita) subject to the approval of the most Excellent Departmental Assembly and the following conditions

1. He may not sell, alienate or mortgage the land which is confided to him, subject it to any tax, entail or other incumbrance, and he may not hinder the colonos nor the residents of any neighboring town from cutting wood
2. He may enclose ~~enclose~~ it without prejudice to the crossings roads and servitudes, and enjoy it freely, using it for the purpose for which he petitioned for it.
3. He will request the proper Magistrate to give him judicial possession, in virtue of this title, by whom the boundaries will be marked out, in which he will place the corresponding bounds

If he contravenes these conditions, he will lose his right to the land, and it will be denounceable by another person In consequence I order that this present being him for a title, note be made in the respective book, and it be delivered to the person interested for his security & other purposes

20

Stamp Third One Dollar

Translation of Title

map 6

Provisionally Authorized by the Maritime Custom house of the port of Monterey in the Department of California for the years one thousand eight hundred and forty four and one thousand eight hundred and forty five (Signed) Micheltorrea

(Signed) Pablo de la Guerra

CASE 34 ND

PAGE 28

Maritime Custom house of Monterey

Marcosel Micheltorrea General of Brigade of the Mexican Army Adjutant General of the Staff of the same, Governor Commanding and Inspector of the Department of California. Whereas George de la Concepcion Quinte, a Mexican by native birth, has petitioned for an addition of one square league (sitio de ganada mayor) in the Sierra next to his Rancho named La Jota the proper measures and examinations being previously made as required by laws and regulations, using the faculties which are conferred on me in the name of the Mexican Nation, I have granted him one "sitio de ganada mayor" (one square league) in said range of hills (Sierrita) subject to the approval of the Most Excellent Departmental Assembly and the following conditions

1. He may not sell, alienate or mortgage the land which is conferred on him, subject it to any tax, entail or other incumbrance, and he may not hinder the Emplazantes nor the Residents of any neighboring town from cutting wood
2. He may enclose ~~en~~ it without prejudice to the crossings roads and servitudes, and enjoy it freely, using it for the purpose for which he petitioned for it.
3. He will request the proper Magistrate to give him judicial possession, in virtue of this title, by whom the boundaries will be marked out, in which he will place the corresponding bounds

If he contravenes these conditions, he will loose his right to the land, and it will be denounceable by another person. In consequence I order that this present being him for a title, note be made in the respective book, and it be delivered to the person interested for his security & other purposes

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CASE 34 ND
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Monterey October 23rd 1843

(Signed) Manuel Micheltaino

(Signed) Manuel Jimeno
Secretary

Note has been made of this letter in the proper Book on
Folio 2 of the book of this year

(Signed) Jimeno

I certify the foregoing to be a true and correct transla-
tion from the Original Spanish Document on file in
this office in Case No 160 Geo. LeYonne

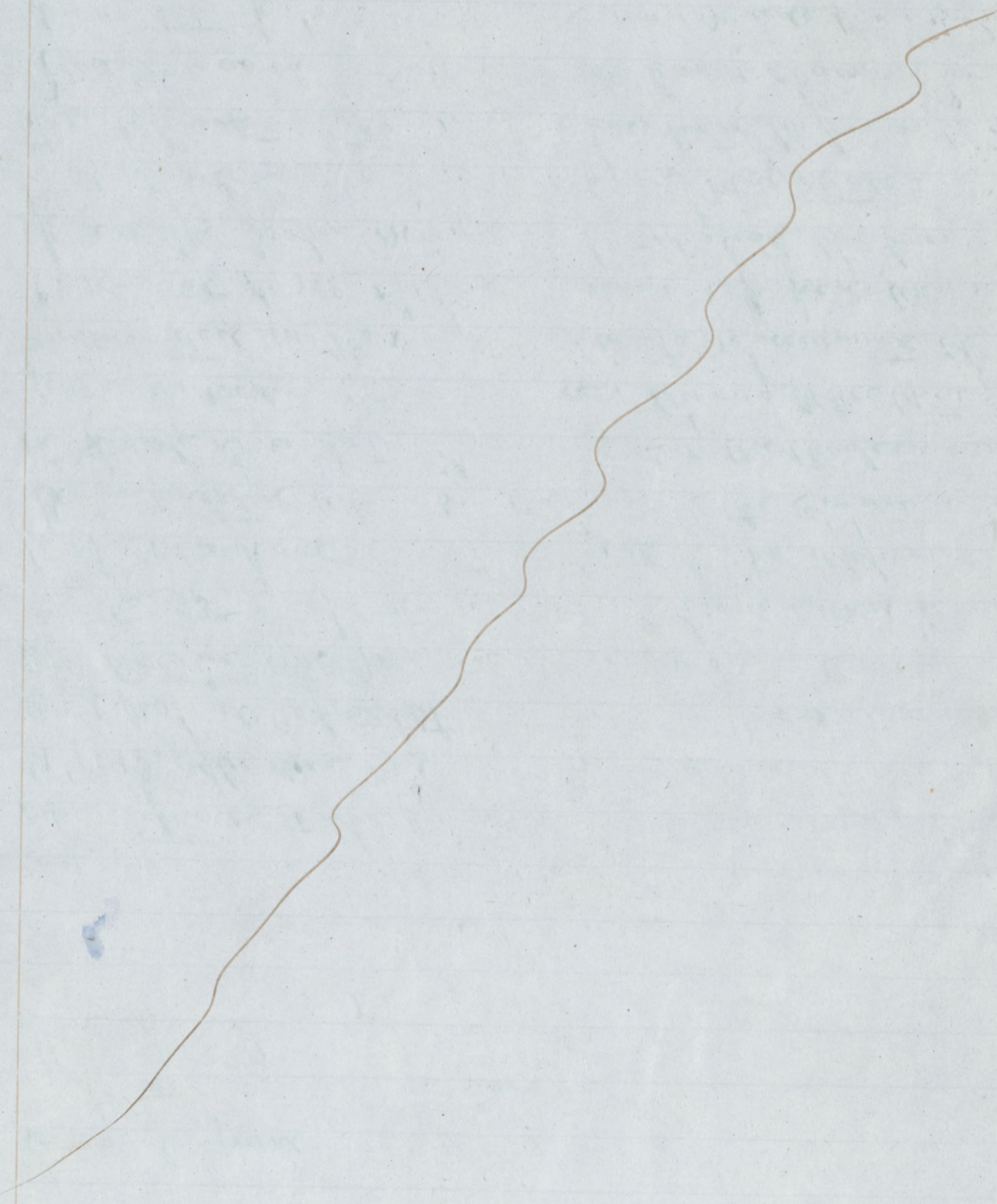
Geo. Fisher

Secy

Filed in office April 5th 1853

Geo. Fisher

Secy



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George G. Yount } For the place called "La Lota" being
 65 } One square league of land in
 The United States } Napa County

Opinion

CASE 34 ND
PAGE 30

A trace a copy of the Espondiente from the Archives, which is filed in the case shows that the claimant made his petition to the Governor for the grant in September 14 1843 ^{that} after due reference of the same for information and several reports thereon Governor Micheltorens on the 21st October 1843 made his Order for a Concesion and on the 23rd of the same month issued and delivered to the claimant a grant, subject to the approval of the Departmental Assembly, and under the conditions usual in such documents, This grant duly authenticated is given in evidence in the case. Among other things enumerated in the conditions is the requirement that the claimant shall obtain judicial possession and shall place the proper monuments to designate the boundaries that shall be marked out by the Magistrate.

The depositions taken in the case tend to prove that Yount was in possession of the land claimed by him, and that he erected a mill and made other improvements thereon, and that a Mr Howell occupies the land for him at the present time. I shall not however discuss the question whether the proofs in the case are sufficient in other respects to establish an Equity in the claimant upon which the claim might be confirmed, as we are of opinion there is no sufficient description of the premises intended to be granted, to locate and define the same. The petition for the grant alleges that the petitioner is a Carpenter, and there being in the Mountains, known by the name of "Lota" which are near his Rancho a vacant place, he prays his Excellency to grant him a league of said Mountain Land for the purpose of establishing a Saw Mill thereon. Some confusion appears in the subsequent papers in the case relative to the application of the name "Lota" but an examination of the Original in the Spanish Language makes it clear that in the petition it is used as the name of the Mountain

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CASE 34 ND
PAGE 31

region, in which the land solicited was located, and the above is all the description of the land prayed for in the petition, except a reference to some neighbouring rancho bordering, not the square league land solicited, but a large tract of broken or mountainous country, within that tract was located, and from which it was supposed to separate it by judicial survey. In the Order of Concepcion by Governor Michelena no words descriptive of the land conceded are given, In a more formal Order of Concepcion found in the Expediente, the premises granted are described as one league in the mountains near the rancho named "Lota". This Order appears to have been prepared for the signature of the Governor, but was never signed by him, and is perhaps not entitled to much consideration. The grant however bearing the same date as this Concepcion and duly executed by the Governor must be regarded as showing the true description of the land which he conceded. This grant recites that said Yvonne has petitioned for an addition of one square league in the Sierra next to his rancho, named "La Lota" and proceeds to declare as follows. I have granted him one square league in said Range of Hills"

In none of these several descriptions is there to be found any boundaries or monuments, lines or angles by which the location of the land granted can be identified or the premises surveyed. In the first description above cited it is designated only as a square league of land which the petitioner desires to obtain in a large tract of mountain range, which bears the name of Lota, near the Rancho of the applicant. In the last two it is designated only so far as to denominate it one league of land in the mountains near or next to the petitioner's rancho named "Lota". The land a confirmation of which is asked of this Board, is denominated in the application to this Commission, the tract of land called "La Lota". The land granted in no where in the documentary evidence emanating from the former government, designated by that name, but on the contrary seems by the terms used to be excluded from the place thus designated. It is not "La Lota" which is granted but lands to the extent

CASE 34 ND
PAGE 32

The land granted is nowhere in the documentary evidence emanating from the former government, designated by that name, but on the contrary seems by the terms used to be excluded from the place thus designated. It is not "La Tota" which is granted but lands to the extent of one league which adjoins it "La Tota". If the claimant possessed an other place known as "La Tota" in the Mountain Region, the designation in the concession and grant would so far identify the land granted as to show that it was contiguous to it. but there is no such proof in the case. This claim is for the Rancho of "La Tota" while the grant introduces as the evidence of his title to it by the claimant, shows that it was not the Rancho known by that name which was intended to be conceded, but lands out side of its limits although adjoining or in immediate contiguity to it. It is also proved that the claimant lives on his Rancho, which is called "Caymas," the nearest point of which to the land claimed is some four or five miles, and his residence some eight or nine miles from it by the road. But if the description were sufficient to show that the premises covered by the grant were adjoining to the property owned and occupied by the claimant as a homestead, this would not be a sufficient description to identify the land. It might still be located on the north, the south, the east or the west side of such homestead. It might be contiguous in a ^{portion of} very small and insignificant extent, and that at any point in the whole circumference, and still satisfy the description. It might be surveyed in any possible form and cover any portion of the surrounding land and be within the requirements of the grant. But this is not sufficient to satisfy those legal requirements which have been settled in numerous decisions of the Supreme Court on the subject. Such a description cannot be regarded as so defining the premises granted and fixing the rights of the claimant to a specified portion of the

national domain as to charge it with individual rights in the claimant and to entitle him to a confirmation of it. In making parts of smaller portions of land to be located within large tracts of country which were described by general external boundaries, the Mexican government anticipated the necessity of perfecting the right of the party by a separation of the premises conceded from the map. Hence the Express condition that he should procure it to be done by a sworn officer, having power to make a survey, define the limits, direct the placing of the monuments, and give the judicial possession. In this case the party has neglected to have it done and therefore has failed to separate the land from the public domain. And there being nothing in the case which can aid in fixing the location or enable a survey by admitted calls of the title papers to be now made, so as to ascertain its true limits and position he cannot have a confirmation.

A map is given in evidence made by Jasper O'Farrell who testifies that he made the survey in 1848 of the Rancho called "La Lota". This map and ^{the} survey were made some two years after the cession of the country to the United States. They can have no official character which can aid the claimant in obtaining title to the land. And indeed the map is so vague and indefinite unaccompanied as it is with field notes, descriptions of monuments or other explanations as to afford in any event, little or no aid in defining the location of the land surveyed or giving it definite boundaries and lines. Without examining the other questions which are presented in the case, we find the above mentioned difficulties insurmountable, and the claim must be rejected.

Filed in Office Oct. 21st 1850

Geo. Fisher Secy

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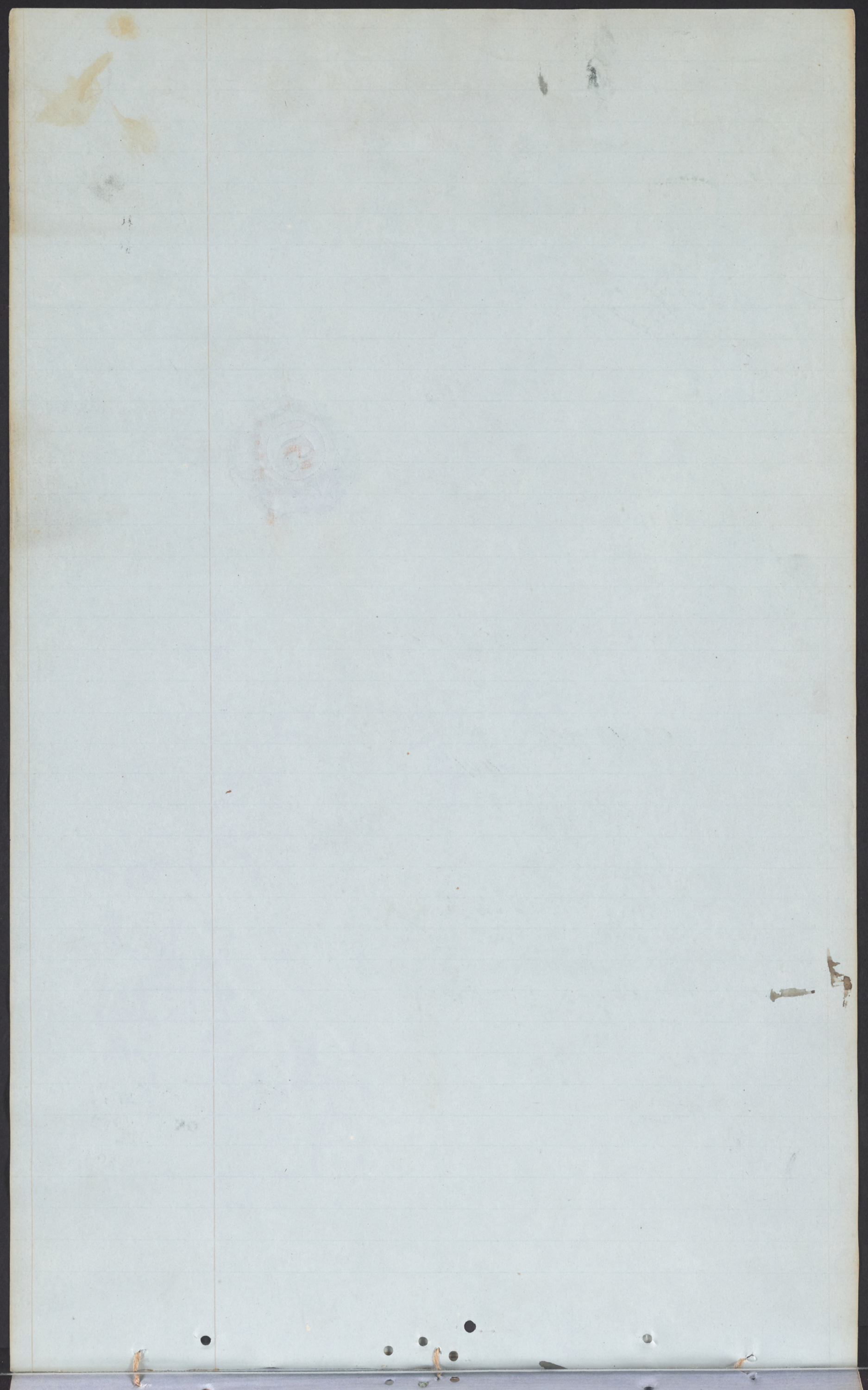
George le Yount }
vs }
The United States }

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

Alpheus Felch }
Thompson Campbell }
R. Aug. Thompson }
Commissioners

Filed in Office Oct-21st 1853

Geo. Fisher Secy



Office of the Board of Commissioners,

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

I, *George Fisher*, Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *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. 109 on the Docket of the said Board, wherein *George C. Yount* is

the Claimant against the United States, for the place known by the name of "*La Jota*".



In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office), at San Francisco, California, this *fifth* day of *August* A. D. 1854, and of the Independence of the United States of America the seventy-*eighth*.

Geo. Fisher
G. Fisher
Sey

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U. S. DISTRICT COURT,

Northern District of California.

No. ~~10~~ 34 ~~100~~

THE UNITED STATES,

vs. 34

Geo. W. Grant

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 100

d. August 5th 1854

Wm. A. Morse, CLK.

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100

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

CASE 34 ND

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George L. Gount
vs $\frac{3}{4}$ Consent Rules
The United States

Upon Motion it is ordered
that leave be given to both parties, to
take further evidence in this case, upon
reasonable notice, before the United States
Commissioner of this Court

District Court
No 34 Three

George G. Yount
vs $\frac{3}{4}$ No. 165
The United States

Order to take further
evidence -

Filed May 15th 1854.
G. Scheroc

CASE 34 ND
PAGE 37

To the Hon^{ble} The District Court of the United States for the Northern District of California

CASE 34 ND

PAGE 38

Your Petitioner George L. Mount respectfully represents to this Hon^{ble} Court, that he did, heretofore, as will fully appear by the transcript of the Proceedings had before the Board of Commissioners, to ascertain and settle the private Land Claims in the State of California, now on file in this Court, presented 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 within the Northern District thereof, and described ~~proceeding~~ in the said Transcript, being Claim No 110 of the list of claims presented to the said Board, under and by virtue of the Act of Congress approved on the 3rd of March 1851. The claim of your Petitioner is founded on a grant of the property in fee made to him by Governor Manuel Micheltorena then acting as Governor of California, dated on the 23rd day of October 1843, all of which is fully set forth in the Transcript aforesaid, together with the proofs & testimony — *

That his claim has been rejected by the said Board, and he now humbly prays this said Hon^{ble} Court, to review the decision of the said Board, and to decide on the validity of his said claim —

(* Here insert the following ~~proof~~)

And your Petitioner would further state that on the 5th day of August 1854 the said Transcript, and on the 31st of August 1854, notice of his intention to prosecute an appeal as required by law were filed in the Clerk's Office of this Hon. Court, as will appear by the Record —

Thornston Williams
for claimant

Done in service of the above acknowledged
May 15th 1854

Amended by consent

June 13. 1855.

A. Russell

Asst. U.S. Dist. Att^y

W. J. May

U. States District Court
Northern District -
No. 34

Jord,

George le Gount

vs

The United States -

Petition for Review

CASE 34 ND

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Filed May 15, 1834
by Scheewe

Service acknowledged
Aug 30th 1834. S. M. Page

Thornton Williams

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

CASE 34 ND

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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 3rd of March 1851, entitled, "An Act to ascertain and settle the private land claims in the State of California" did on the 21st day of October 1853, by their decision of that date, decide against the claim presented by the undersigned, to the said Commissioners which claim is for land lying in the said Northern District, and is No. 160 on the docket of claims before said Board - 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 thirtieth of June eighteen hundred and fifty three and for other purposes" which said Act was approved on the 31st of August 1852 -

George Le Gouart, Claimant

August 30. 1854 - J. P. Morrison & Williams

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

No. 34
George L. Mount

vs
Four,

The United States

In District Court

Notice of Appeal

Filed Aug. 31. 1889

Pro & in said clerk

CASE 34 ND

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Thornton & Williams

CASE 34 ND
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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,
on *Tuesday* the *21st* day of
November 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.

George C. Yount.
— vs —
The United States.

No 34.

On motion of
Counsel for Appellant, and with the
consent of the U. S. Atty, Ordered that
leave be granted to all parties to take
further evidence in this cause, upon
reasonable notice, before a U. S. Commissioner
of this Court.

Five
U. S. Dist. Court,

No 34 -
"
"

Geo. C. Yount,

- vs -

The United States,

Order permitting
evidence to be taken.

Filed Nov: 21, 1857.

John. A. Monroe,

Clerk.

CASE 34 ND

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UNITED STATES DISTRICT COURT,
Northern District of California.

San Francisco, Nov^r 28th 1854.

ON this day, before *W. A. Chevers* a
Commissioner of the United States for the Northern District of California, duly
authorized to administer oaths, &c., &c., came *Ralph S. Kilburn* a witness produced on behalf of the
Claimant

in Case No. *34*, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. *160* on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows — ~~his evidence being interpreted by~~

~~a sworn interpreter~~

PRESENT: *John J. Williams, Claimant*
Counsel, and the U. S. Dist. Atty
by A. Glassell, Esq.

QUESTIONS BY *Claimant's atty.*

Question 1st.

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

Answer,

My name is Ralph S. Kilburn. My age, 45 years. I reside in Napa County, Cal.

Question 2^d.

Are you acquainted with the tract of land claimed in this case, called "La Jota." If yes, how long have you known it?

Answer,

I am acquainted with said tract of land. I have known it since the winter of 1843, and 1844.

Question 3^d

Describe if you please, its locality, and what are its boundaries.

Answer.

It lays on the top of a mountain between Ogpa Valley, and Pope ranch, or "Sup Yoni". It is bounded by the slope of the mountain, on every side.

Question 4th

State whether or not the said tract of land is generally known by the name of "La Sota", and when it was first so called.

Answer.

It is generally known by that name. It was so called before my knowledge of the tract.

Question 5th

What quantity of land is contained in said tract.

Answer.

Said tract does not contain quite a league of land.

Question 6th

Would there be any difficulty in locating, ascertaining, and surveying said tract of land.

Answer.

Not the least in the world. It is just as easy to ascertain its boundaries, as to ascertain those of Goat Island in the harbor.

Question 7th

In what county is said tract of land situated?

Answer.

Said tract of land is situated in Inpa County.

Question 8th.

Is said tract of land situated north, or south of 37° North Latitude.

Answer.

It is situated north of the 37th degree of North Latitude.

Question 9th.

Has Mr Yount any improvement near to this tract of land, if yes, what is it.

Answer.

He has about ten miles distant from said tract of land, many improvements, a farm, five or six houses on it, a vineyard, an orchard, cattle, horses, a saw mill, and grist mill

Question 10th.

When were the said mills built.

Answer.

The saw mill was built in 1843, but did not start till March 1844, for the want of water. The grist mill was started some months previous to this time. I built them myself, for Mr Yount.

Question 11th.

Is there any road from the tract of "La Lota" to the said mills, if yes, by whom was it laid out, and constructed.

Answer.

There is a road from the tract of "La Lota" to the said mills. It was laid out, and constructed under the direction, and at the expense of Mr Yount, for the purpose of hauling logs to the said mill, and for making his improvements

on said tract of land.

Question 12th.

Where did Mr Yount live at the time he obtained the grant for the tract of land called "La Jota."

Answer.

He lived on a grant of land called "Caymus," near to the said Mills, which are on the same tract, and he has continued to live on the same tract to this day.

Cross examined by U. S. Atty.

Question 1st.

Have you any interest in the court of the confirmation of this claim.

Answer.

I have none whatever.

R. L. Kilburn

Sworn to, and subscribed
before me this 28th day
of November, 1854.

W. H. Chevers

U. S. Comm^r

No 34-

Seven,

U. S. Dist. Court.

The United States.

- vs -

Geo: C. Yount,

Deposition of
R. S. Kilbarn.

Filed Nov^r 28th 1854.

John A. Monroe,

Chk

CASE 34 ND

PAGE 48

UNITED STATES DISTRICT COURT,
Northern District of California.

CASE 34 ND
PAGE 49

San Francisco, Nov^r 28th 1854.

ON this day, before *W. A. Cheever* a
Commissioner of the United States for the Northern District of California, duly
authorized to administer oaths, &c., &c., came *Elias Barnett*

_____ a witness produced on behalf of the
Claimant

in Case No. *34*, being an appeal from the Board of Commissioners to ascer-
tain and settle the Private Land Claims in the State of California, in Case
No. *160* on the Docket of the said Board of Commissioners, and was duly
sworn and testified as follows — ~~his evidence being interpreted by~~

~~a sworn interpreter~~

PRESENT: *John. J. Williams, for Claimant,*
and the U. S. District Attorney by
A. Glassell, Esq.

QUESTION BY *Claimant Attorney.*

Question 1st.

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

Answer,

*Elias Barnett, am 49 years of age, and
live in Napa County, California.*

Question 2^d.

*Are you acquainted with the tract of
land claimed in this case, and called
"La Jota"; If yes, how long have you known
it?*

Answer,

*I am acquainted with said tract of
land, and have known it ever since*

1843.

CASE 34 ND
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Question 3^d

Describe, if you please, its locality, as distinctly as you can.

Answer.

It is on the top of a mountain, what would be called table land. It contains about a league of land, come to square it, it would throw a part of the tract along with the side of the mountain. There is a very pretty living stream of water running through a part of the tract, supplied by springs. I do not think there would be any difficulty in ascertaining its boundaries for the purpose of surveying it, being table land on the top of the mountain and covered with pine trees.

Question 4th

How long within your knowledge has it been called "La Jota," and by whom was it first so called.

Answer.

Ever since I first knew the tract, it was called by that name, which was given it by the Indians.

Question 5th

Is the tract of land so called "La Jota" generally known by that name, and has it well known, generally defined, recognized, and well defined limits.

Answer.

Those who were in that neighborhood at the time, it was granted to Mr. Gault, and the Indians, and Mexicans generally knew it by that name, I consider that it has well defined boundaries

and that a Surveyor would have no difficulty in locating it. Its extent, and limits are generally known.

Cross examined by U. S. Attorney.
Question 1st.

Have you any interest in the event of the confirmation of this claim.

Answer.

None in the world.

Question 2^d.

Did you know when that grant was made, and if so, what were your opportunities for knowing anything about it.

Answer.

I was living at a neighboring rancho of Mr. Gaults, called "Caymas", about ten land can the map which was made of "La Lota", preparatory to making the petition for said tract. The boundaries of the tract as laid down on that map, I do not recollect, not having seen it from that time 1843, to the present.

Elias ^{his} Barnett
Mark.

Sworn to, and subscribed
before me this 28th day
of November, A.D. 1854.

H. St. Chivers
U. S. Com^r.

Six,
U. S. Dist. Court.

No. 34.

The United States.

— vs —
Geo. C. Court.

Deposition of Elias
Barnett,

Toid Nov^r 28, 1854.

In presence
of

CASE 34 ND

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In the District Court of the Uni-
ted States for the Northern District
of Louisiana

The United States
Appellees

vs
George C. Yount
Appellant

The United States by their At-
torney deny the validity of the
title set out in the petition of
the said Appellant. And pray
that the decision of the Board
of Commissioners be affirmed
and that the said title be decreed
to be invalid.

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

U.S. District Court
No 34 Eight

United States
ads
George C. Yount

Answer

Filed June 14, 1855,
by W. H. Chivers
deputy.

CASE 34 ND
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Chapman

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

CASE 34 ND

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eight hundred and fifty-*five*,

Present:

Hon. M. A. McAllister, Circuit Judge,
The Honorable OGDEN HOFFMAN, JR., District Judge.

George L. Goulet
vs
The United States

No 34

Upon Motion of the claimant
by his attorney in the above case, and
with the consent of the District attorney
given in open Court It is ordered that the
record filed in this case be returned to
the Office of the Secretary of the U.S. Land
and Commission, to be by the said
Secretary compared with its original
with the view of correcting errors suggested
upon the record & to return the same
immediately to this Court, duly certified

No 34 -

U. S. Dist. Court,
Maine.

Geo. C. Young,

- vs -

The United States,

Order concerning
errors in transcript
&c.

Filed June 28, 1855,

J. Cheever
Deputy,

CASE 34 ND

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At a *Stated* Term of the District Court of the
United States of America, for the Northern District of California,
held at the *Courthouse* in the City of SAN FRANCISCO,
on *Thursday* the *fifth* day of
July in the year of our Lord one thousand
eight hundred and fifty-

CASE 34 ND
PAGE 57

Present: *Don, M. McArthur*, Circuit Judge,
and *The Honorable* OGDEN HOFFMAN, JR., District Judge.

The United States,
vs
George, C. Yount,

No 34

In this case on the application of the U. S. Dist. Atty. made in open Court, It is ordered by the Court that an Appeal in behalf of the United States from the final decision of this Court rendered in said Cause at the present term, be, and the same is hereby granted, and that a certified transcript of the pleadings, evidence, depositions, and proceedings in the said Cause be sent to the Supreme Court of the United States without delay.

No 34 —

United States District Court, Northern

District of California.

Inclue.

The United States,

—vs.—

Geo. C. Yount,

Order granting
Appeal &c.

Filed

July 5th 1858

John A. Munroe,
Clerk.

by N. H. Cheever
Deputy.

CASE 34 ND

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

CASE 34 ND
PAGE 59

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^d of March 1851, entitled, "An Act
to ascertain and settle the private land
claims in the State of California", did on
the 21st day of October 1853 - by their de-
cision of that date, decide against the
claim presented by the undersigned,
to the said Commissioners, which claim
is for land lying in the said Northern
District, and is No. 165 on the docket of
Claims before said Board - 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 thirtieth of June
eighteen Hundred and fifty three, and for
other purposes", which said Act was ap-
proved on the 31st of August 1852

George C. Yount

To the Clerk of the }
District Court of the } by Thornton Williams
U. States for the Northern } his attorney -
District of California }
Decr. 24. 1853 }

No. 34 one
George C Mount
vs
The W. States

Land Claim No 160

Notice of Appeal

CASE 34 ND
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Dec 24

Filed Dec. 24, 1833
Jno A Murre
Clerk

NORTHERN DISTRICT OF CALIFORNIA.

CASE 34 ND

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UNITED STATES DISTRICT COURT.

Geo: C. Comt.

vs.

The United States.

CLERK'S FEES. No 34.

"La Sota"

1853

Dec: 24 Filing Notice of Appeal. \$ 20

1854

May 12 Filing Manuscript &c. " 20

" 15 " Petition for Review. " 20

" " " Entering order for testimony 1 10

Aug 5 " Manuscript &c. " 20

" 31 " Notice of Appeal. " 20

Nov 21 " Entering order for testimony. 1 10

" 28 " Two depositions. " 40

1855

June 14 " Answer. " 20

" 28 " Entering order concerning error 1 10

July 5 " & " Decree of Confirmation 1 10

" " & " order granting Appeal. 1 10

1857

July 8 Entering Judgment Record 200 fol at 15 45 00

Making Record on Appeal. 200 fol at 15 30 00

Certificate & Seal. " 53

2 Maps at \$5 each. 10 00

Dockets &c. 4 50

Filed Costs. " 15

\$ 97 28

TAXED AT Ninety Seven 28 100 DOLLARS.

John A. Munroe, CLERK.

By W. H. Chivers, Deputy.

United States District Court
Northern District of California.

No. 34.

Justice State,

vs.

Geo. L. Grant.

Clerk's Fees, \$97.28.

Filed January 8, 1857.

W. H. Chivers,

Deputy.

CASE 34 ND
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CASE 34 ND
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At a Stated Term of the District Court of the
UNITED STATES OF AMERICA, for the Northern District of
California, held at the Court Room, in the City of SAN FRANCISCO,
on *Thursday* the *second* day of
April in the year of our Lord one thousand
eight hundred and fifty-seven.

Present :

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States

v

George C. Yount

D. C. 34 : L. C. 160

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

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

*Ogden Hoffman
U. S. Dist. Judge*

34 14

United States District Court, Northern
District of California.

The United States

vs.

Geo C. Yount

ORDER.

*Vacating appeal
Final Decree*

Filed *April 2d* 1857

John A. Munroe,

CLERK.

By *W. H. Chivers,*

DEPUTY.

CASE 34 ND

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In the District Court of the U. S.
for the Northern Dist of Cal

The United States

vs } D. C. 34 ; L. C. 160

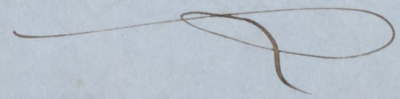
George C. Young

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

San Francisco April 2nd 1857

Wm Blanding
Sish Atty

Thornton Williams & Thornton
Atty's for Claimant



CASE 34 ND
PAGE 66

California Land Claims
Attorney General's Office
23 Feb. 1857.

Sir:
In the case of the claim of
George C. Yount, rejected by the
Commissioners, but confirmed on ap-
peal by the District Court, Case no.
one hundred and sixty, (160), ap-
peal will not be prosecuted by the
United States.

I am,
Respectfully,
Ours,

Wm F. Paudny Esq
U. S. Attorney
San Francisco.

34 13
100

U. S. District Court

The United States

vs

Geo. C. Young

Stipulation

Filed April 2, 1857,
W. St. Charles,
Deputy.

CASE 34 ND

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

CASE 34 ND
PAGE 68

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States.	}	Dist. Court, 32,
George C. Yount.		Sand loan; 243.
		"Baymas."

This day came the said George C Yount by his Attorney and moved the Court to vacate the order herein entered granting an appeal to the Supreme Court of the United ^{States} in favor of M & Ritchie et al, and it appearing to the Court, that the exceptions to the right of the said Ritchie to intervene have not ^{been} decided on, and that the said Ritchie has taken no evidence in this cause, or otherwise appeared thereby filing his petition and exceptions to remove, and is further appearing that no security has been given for costs. It is ordered that said order granting said appeal be and the same is hereby vacated & set aside, reserving to the said Ritchie the right to renew his motion for an appeal, if hereafter it be decided upon the trial of said exceptions, that he has such interest

in the survey, and location of
the above mentioned ranches,
as entitled herein to intervene
under the provisions of the
act of Congress approved June
14, 1860.

Order Hoffman
Debt Judge

No. 32,

UNITED STATES DISTRICT COURT

Northern District of California.

The United States.

v.

Geo. C. Grant.

Order vacating order
granting appeal in
behalf of M. S. Patchey.

Filed October 8. 1861.

M. H. Cheever,

Clerk.

CASE 34 ND

PAGE 69

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

George L. Yount
vs
The United States

This cause coming on this
day to be heard upon the certified Transcript
of the proceedings and decision of the Board
of Commissioners on private Land Claims
in California and the papers and evidence
on which the same are founded, upon the
Pleadings and further evidence taken under
the order of this Court, and the argument
of Counsel being heard: ~

In Consideration whereof the Court
is of Opinion that there is error in the
decision of the said Board of Commissioners
respecting the claim of the said George
L. Yount, and their decree is hereby
reversed and annulled ~

And this Court doth adjudge
order and decree that the claim
of the said George L. Yount is valid
and the same is hereby confirmed

to the extent of one ^{square} league and no more:
to be surveyed and laid off within
the exterior Bounds described in
the grant and Expediente referred
to therein and being the same land
of which the said George Le Gouvt
is proved to have been in the possession
since the date of the grant —

Provided that the said quantity
of one league is contained within the
said exterior bounds — But if there
be less than the said above named
quantity within the said Bounds, then
there is now here 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 the Mexican Government
of the 21st of November 1828 —

No ~~34~~ 34

Dist. Court
U.S.

George L. Hunt —

vs
The United States

alleged
—

CASE 34 ND

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George LeYount
No. 34
The United States

CASE 34 ND
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" " Thomas Chapson	7
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" " James O'Farrell	11
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This case was rejected by the Board for vagueness of description

The Grantee solicited this tract on account of the timber upon it, having erected near by a ~~power~~ saw & split mill. The evidence shows that the mill was erected and the timber upon this tract, used by the Grantee from the date of the grant & sawed at his mill. There is no question as to performance of conditions. The Board supposed that the tract granted was not called La Jota, but the mountains were so called in which this tract was to be found.

A proper construction of the Spanish language ~~shows~~ negates this supposition. The claimant solicited an extension, "la estension" in the Spanish near his Rancho, called La Jota "Nombrada la Jota" "Nombrada" the feminine participle agreeing with the feminine noun "la estension" shows conclusively that the extension or addition for which the grant was solicited, was called "La Jota".

But to remove all doubt on this head an Order was obtained granting leave to take further evidence.

Under this order the Depositions of R. L. Killum and Elias Barnett were taken - by whom it is conclusively shown that the land granted & claimed in this case was called La Jota and is well known by that name having been so called by the Indians previous to the grant. That its limits are well defined, known & recognized by all the neighbors that so difficultly located its bearing and location - being a level tract on the top of a mountain, its boundaries are as well defined as those of an island - that the claimant took immediate possession of it under his grant and has held and enjoyed it to the present time - and lastly that it does not contain more than one league of land, the quantity specified in the grant -

Notice of appeal was duly filed and the pleadings completed before its submission to the court for final adjudication -

George C. Yount

in
The United States

Index
of names

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PAGE

CASE 34 NO

PAGE 75

Thomson & Williams

Office of the Board of Commissioners,

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

CASE 34 ND

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San Francisco, Aug 5, 1854

John H. Monroe Esq.
Clerk of the U. S. District Court for the
Northern District of California.

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 160 on the Docket of the said Board, wherein

George C. Yount is the Claimant against the United States, for the place known by the name of *Su Jota*

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher

George C. Fount

vs

The United States.

CASE 34 ND

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On the hearing of this case the District Attorney ^{made} no argument on its merits was had, but the District Attorney stated that the objections to its validity on which he should rely were those contained in the report opinion of the Board of Commissioners rejecting the claim —

To meet the objections stated in that opinion additional testimony has been taken in this Court and as no other reasons for rejecting it have been presented suggested to us other than those on which it was rejected by the Commissioners ~~on duty~~ is confined to the inquiry how we have now to inquire whether those objections were well founded and whether they have been since removed by the additional testimony taken in this Court —

The ground on which the claim was rejected by the Commissioners and the only objection mentioned in their opinion is that the land was not designated in the original grant with sufficient certainty to effect its severance from the public domain —

No judicial possession of the land was ~~on given~~ — the officer whose duty it was to make it having been delivered

THE COURT

CASE 37 ND
PAGE 78

by fear of the Indians from doing so -

It appears from the Expediente in this case that the claimant made his petition to the Governor for the grant on Sept 14. 1843. After due reference of the same for information and several reports thereon Governor Michelton gave on the 21 October 1843 made his order for a concession and on the 23^o of the same month issued & delivered to the claimant a grant subject to the approval of the Departmental Assembly and under the usual conditions - The grant duly authenticated is given in evidence in the case nor is its genuineness called in question.

The grounds upon which the claimant ~~appeals~~ ^{appeals} are ~~as follows~~ ^{to the validity of the claim.}
The only objection mentioned in the opinion of the Commission declaring the claim to be that the land is not described in the grant with sufficient certainty and that as no judicial possession was given it cannot be identified and removed from the public domain.
In examining the nature and force of ^{to the validity of the claim on which the Commission} this objection it will be necessary to extract some portions of the opinion of the Commission as the same appears in the transcript on file in this Court.

repeated

" The petition for the grant alleges
 " that the petitioner is a carpenter - and
 " there being a vacant place in the
 " mountains known by the name of
 " La Gota, a vacant place he prays
 his Excellency to grant him a
 league of said said mountain land
 for the purpose of establishing
 a saw mill therein. Some con-
 fusion appears in the subsequent
 papers in the case relative to the
 application of the name La Gota
 but an examination of the origi-
 nal in the Spanish language
 makes it clear that it is used
 as the name of the mountain
 region in which the land solici-
 ted was located and the above
 is all the description of the land
 prayed for, in the petition except
 a reference to some neighboring
 cauchos bordering with the square
 league of land solicited but a
 large tract of broken and
 mountainous country within
 which it was to be located & from
 which it was proposed to sep-
 arate it by judicial survey

+++++ + + + + + + + + + +
 " The grant recites that said
 Gomb has petitioned for an addi-
 tion of one square league in
 the Sierra next to his Mancho
 named "La Gota" and proceeds

" to declare as follows 'I have
 " granted him one square league
 " in said range of hills"

+ + + + + + + + + +
 " The land a confirmation of
 " which is asked of this Board
 " is denominated is denominated
 " in the application for ^{to this} ~~confirmation~~
 " Commission the tract of land
 " called 'La Jota' - The land grant
 " ed is nowhere in the document
 " any evidence emanating from the
 " from the former government design
 " nated by that name but on the
 " contrary seems by the terms used
 " to be excluded from the place
 " thus designated - It is not La
 " Jota which is granted but
 " lands to the extent of one lea
 " gue which adjoins it - La Jota -"

Under the view, of ^{facts of the case} the case, indi
 cated in the foregoing extracts
 the Commission rejected the
 claim - regarding it as a grant
 not of any particular piece of
 land but of an unlocated quan
 tity of land to be afterwards
 located with an ^{and, undefined tract} of ^{uncertain} range
 of mountain country.

~~It however should appear~~
 It is insisted however by the Ap
 pellant that this conclusion is found
 ed on a misconception of the

import of the grant - as appears
not only from the terms of the grant
itself and the petition on which it
was founded but also from the
additional testimony taken in this
Court.

CASE 34 ND
PAGE 81

By the testimony of Elias Bennett
it appears that the tract of land
claimed by the appellant was as
early as 1843 and at the time of
the grant, well known under the
name of "La Jota" both by the
Mexicans and ^{also by} the Indians by the
whom its name was originally
given - that the witness has him-
self known the tract since
1843 and that ever since he first
knew it, it was called by the
name of "La Jota" - that it is a
piece of table land on the top
of a mountain - and that its
has ~~well known~~ ^{generally} ~~limits~~ its limits
and extent are generally known
and its ~~limits~~ boundaries well
defined - that a surveyor could
have no difficulty in locating it
its extent being a little less than
a square league -

Ralph S. Kilburn testifies that
he has known the tract of land
called "La Jota" since the winter
of 1843 - 1844 - that it lies on the
top of a mountain between Nap-
pa Valley & Roper's Rancho - and

that is bounded by the slope of the mountain on every side that it contains somewhat less than a league of land and that "it is as easy to ascertain its boundaries as those of Goat Island in this harbor -

He further states that a road was constructed by the claimant from his Rancho of Aymas about 10 miles distant, to La Jota and was used by him for the purpose of hauling logs and making improvements on his tract of land -

~~It is evident from the~~

He further states that this tract is generally known by the name of La Jota - and that it was so known before he became acquainted with it -

It is evident from ^{and the other depositions in the case} this testimony that there is in the vicinity of the Rancho of the claimant called Aymas a tract of land of well defined limits and with generally recognised boundaries - that it was at the time of the grant and previously known under the name of La Jota that it was occupied immedi-

ably after the grant by the ~~fact~~^{fact} claimants and improvements were made upon it - and that it is now known and recognized ~~under~~ the name of La Jota and recognized as the land granted to him -

Nothing appears in the evidence to show that the name La Jota was ever applied to the Sierra or Mountain range in which the tract was situated - or that ~~name~~ that name was ever supposed to include any other land than the well defined tract of about a league square now claimed by the appellant.

Such being the facts of the case we have next to inquire whether the place called La Jota was granted to the claimant -

* The commissioners seem to have thought that the name of La Jota is mentioned in the grant as that of the Rancho near which the granted land was situated and not as that of the granted land itself -

But independently of the fact that the rancho was not called by the name of La Jota but was well known as "Cuymas" a dose

examination of the grant ~~will~~ will show that the ~~the~~ name "La Jota" is applied not to the neighboring Rancho of the appellant but to the sierra or serrania adjoining it.

The original grant recites that whereas George Yount &c has applied for an "estencion" of one square league in the sierra adjoining his Rancho, named "La Jota" In English the term name thus used might well be taken for that of the Rancho - but ^{on} a referring to the original Spanish ~~leaves~~ no doubt it is apparent that the expression nombrada la jota ~~cannot~~ ^{cannot} in the feminine, cannot refer to masculine antecedent Rancho but must relate to the feminine Sierra.

The land granted is afterwards described as one ^{square} league in the said range of hills - "serrania"

In the original petition on which the grant is founded sets forth "that there being vacant una serrania" adjoining the Rancho of the petitioner "conocida con el nombre de La Jota" ~~the~~ ^{the} petitioner solicits one square league of said Sierra &c &c

It is from the petition there for as well as from the grant it appears that the land granted is not a particular place ^{with} known as "La Jota" but one square league in the "Sierra" or the "Serrania" now called "La Jota".

It is urged by the Council for the claimants that the phrase in the recital of the grant "nombrada de La Jota" applies to the "estension" solicited. But whatever ambiguity there might ^{have} been in the recital of the grant ^{is} removed by the words of the granting clause which described the land granted as one "square league in the said ~~mountain~~ range of hills or mountain ridge" as the word Serrania might with equal propriety be understood. The petition too, as has been stated solicited after reciting that there is vacant a "serrania" ^{called La Jota} adjoining the Rancho of the petitioner should note that it is not the place known by that name, but a square league of said "Sierra" or mountain range.

It is clear then that the grant cannot be construed ^{as conveying} ~~to~~ as a grant of a place called La Jota but of a league but as granting a league square in a mountain

idge of that name -
 The true state ^{of facts} of the case we
 we think apparent -

The petitioner undoubtedly intended
 ed to ask for, and probably
 the Governor intended to grant
 a particular piece of land in
 the mountain near ~~the~~ ^{his} rancho
 of the claimant - that piece of
 land was as appears by the testi-
 mony of well known and had
 determinate boundaries - that
 it was what the Petitioner asked
 for is evident from the facts that
 its extent is exactly one square
 league the quantity solicited - that
 he immediately took possession of
 it and made extensive improve-
 ments upon it, and that it con-
 tained pine trees to furnish lumber
 for ~~his~~ ^{the} saw-mill he proposed to
 erect, and that it then bore and
 has ever since retained the name
 of "La Jota" -

Unfortunately however he does not
 as we have seen solicit the
 place called La Jota but a square
 league in the sierra of that name
 and the Governor grants him, not
 La Jota but a square ^{league} in said
 said range of hills ("en dicha serrania")
 The question thus to be determined
 Is then this grant so vague that

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The claim of the Pithou must be rejected -

In the case of Fremont v. the U.S. it was determined that the petitioner claimant had a vested right to the quantity of land named in the grant to be located within the exterior limits mentioned - Those limits embrace a region of country containing more than 100 square leagues -

In the case before ^{us}, the claimant's right is to one square league in the mountain ^{named La Jota} ridge, adjoining his Rancho - The limits within which the grant is to be located are distinctly indicated ^{in your petition} by four lines - for it is stated to be bounded on the south by the Rancho of Dr. Bale and Xapa on the East by that of Las Animas & on the West by Las Mallinas - We have then the exterior limits or boundaries of the league granted as well as the name of the mountain ridge on which it was situated, with the further specification that it (the mountain ridge) is adjoining (immediately) his Rancho of Aymas -

That this description conveyed to those acquainted with the country an accurate notion of the place

solicited appears from the report of Ballajo to whom the Governor referred for information. That report speaks of "the piece of land (el terreno) solicited" as situated north of Sonoma, and as not belonging to any individual per se.

We think the description in the grant and the other facts in this case bring it fully within the principles of the Case of *Freemont v. The U. S.*

No other objection has than that ~~we~~ already discussed has been brought to our notice.

It appears by the testimony of Jose de La Rosa and others that the land has ever since the grant been occupied by the claimant "building a house a grist mill and saw mill, being on the land carrying on the lumber business farming and stock raising" (trans. p. 10)

The conditions seem therefore to have been fully complied with -

The claim must therefore be confirmed -

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George C. Young

vs

Tenn.

The U. S.

Opinion of the
Court delivered
by His Honor
Judge Hoffman
U. S. Dist. Judge

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