

CASE NO.

39

NORTHERN DISTRICT

LLAJOME GRANT

SALVADOR VALLEJO

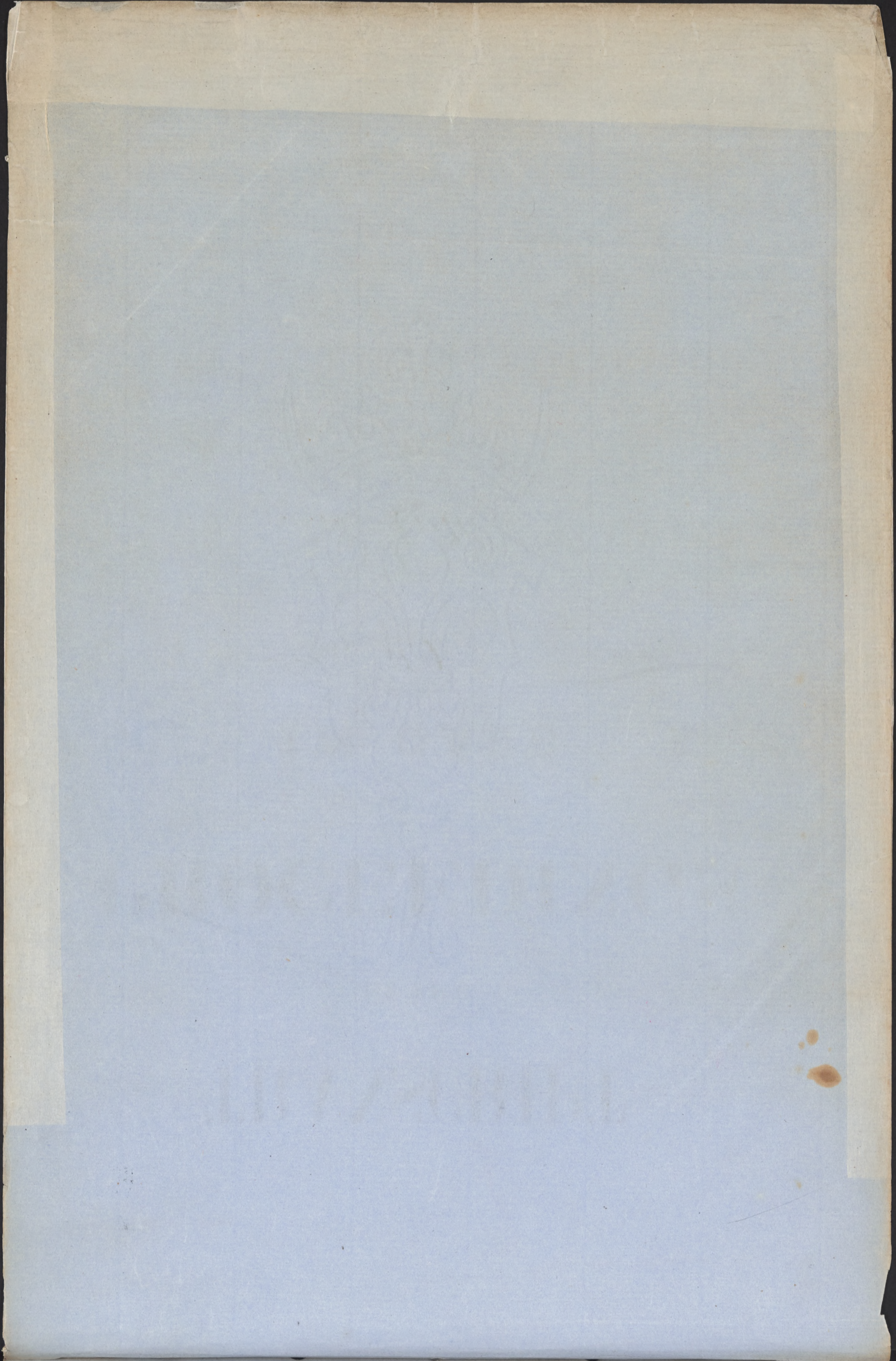
CLAIMANT

FEB 21 1963



Patented  
BLOVER BOARD  
58% COTTON FIBER  
U.S.A.

194



CASE 39 ND  
PAGE 1

TRANSCRIPT  
OF THE  
PROCEEDINGS

IN CASE

NO. 194.

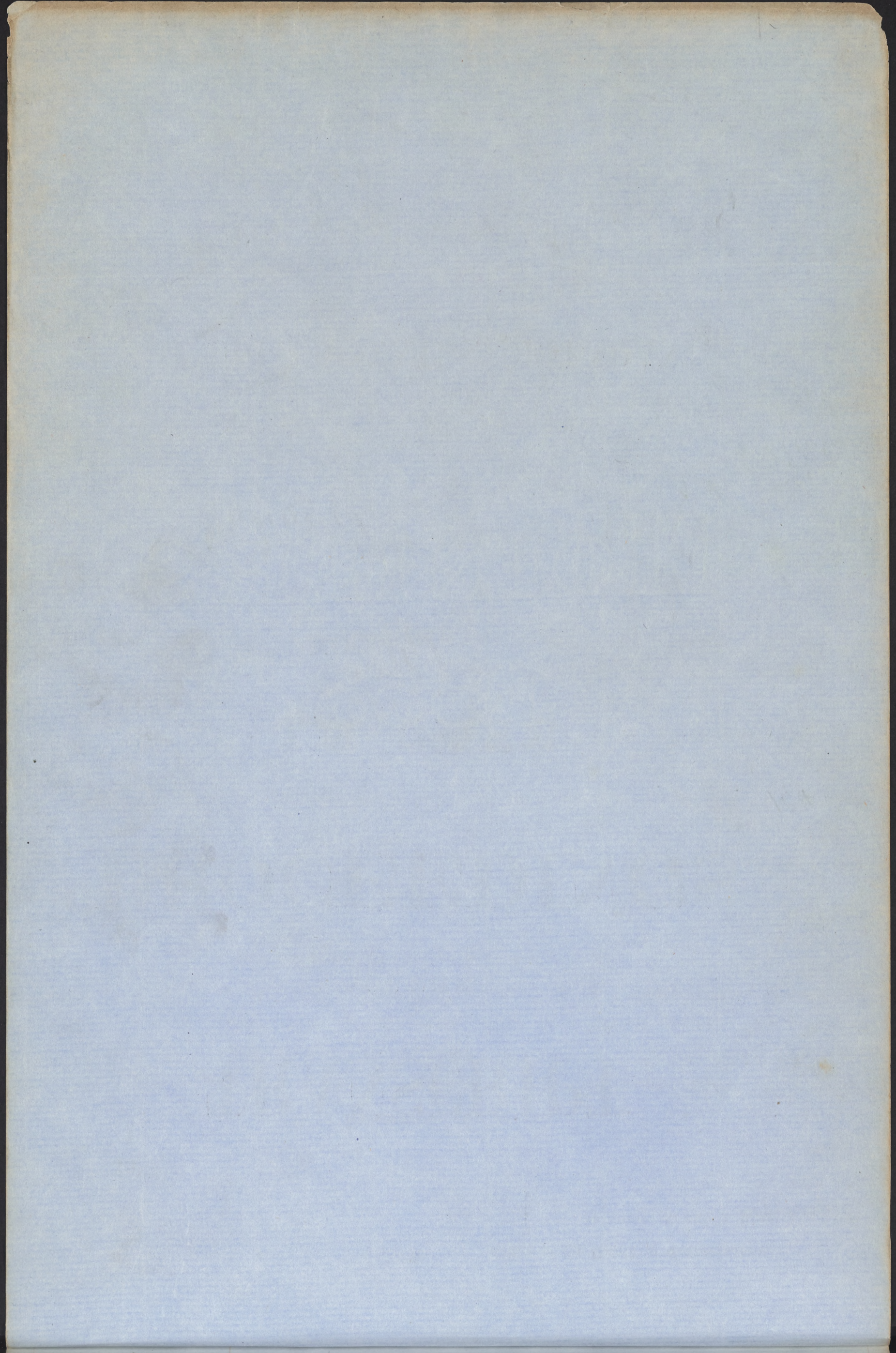
*Salvador Vallejo* CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Lujome"*



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

CASE 39 ND

PAGE 2

Be it Remembered, that on this twentieth day of April, Anno Domini One Thousand Eight Hundred and Fifty-Five, 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 Salvador Vallejo  
for the Place named  
Lajome

was presented, and ordered to be filed and docketed with No. 194 and is as follows, to wit;

(Vide page 35 of this Transcript.)

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

San Francisco June 2<sup>nd</sup> 1852;  
In Case No 194 Salvador Vallejo the Deposition of Mariano Es. Vallejo a witness in behalf of the Claimant, taken before Commissioner Neiland Keale was filed and is in the words and figures as follows to wit: (Vide pages of this Transcript 785.)

San Francisco June 2<sup>nd</sup> 1852  
In the same Case the Deposition of Jose de la Rosa a witness in behalf of the Claimant taken before Commissioner Henry J Thornton was filed and is in the words and figures as follows to wit (Vide pages of this Transcript 89 & 10)

Los Angeles Sept. 28<sup>th</sup> 1852

In case numbered 194 the Counsel for the claimant filed the following motion to wit:

Moved that case No 194, be placed on the Trial Docket,

which motion was taken under advisement

San Francisco Feb 14<sup>th</sup> 1853.

On motion of the U. States Associate Land Agent,

Ordered, that the following case be placed on the Trial Docket to wit: No 194, Salvador Vallejo "Solajome"

San Francisco Feb 14<sup>th</sup> 1853.

Case No 194, Salvador Vallejo for the place named "Solajome", called: The Counsel for the claimant Mr Wallace, read the Petition and the papers in evidence: The United States Associate Land Agent filed his Brief. Case submitted and taken under advisement by the Board,

San Francisco Feb 21<sup>st</sup> 1853.

In Case No 194, Salvador Vallejo for the place named Solajome, Commissioner Henry D. Thornton delivered the opinion and the Decree of Final Confirmation of this Board.



CASE 39 ND  
PAGE 4

Ordered, that the Opinion and the Decree  
of Final Confirmation of this Board, deliv-  
ered this day be recorded on the Journal

Which Opinion and Decree are in  
the words and figures as follow to wit:  
Vide pages of this Transcript  
(53)

4

Original

To the Honorable Commissioners to settle Private Land Claims in California,

CASE 39 ND  
PAGE 5

The Petitioner Salvador Vallejo, respectfully shows:

That on the 1<sup>st</sup> day of January A.D. 1838, and again on the 1<sup>st</sup> day of February A.D. 1839, Donamase Antonio Rodrigues petitioned the Governor for the tract of land called "Lajome" or "Fajome", and that on the 13<sup>th</sup> day of March 1841, Juan B. Alvarado Governor of California, by virtue of Authority in him vested, by Decree granted to the said Donamase A. Rodrigues the said tract of land; and that on the 16<sup>th</sup> day of March A.D. 1841 the said Alvarado issued to the said Rodrigues the formal title for said tract of land called "Fajome", situate in the then jurisdiction of Sonoma and now County of Sapa, containing one and a half square leagues, as shown in the title papers and accompanying map, all of which is fully shown by the Expediente, a certified copy of which is submitted herewith marked "A", with a translation marked "B": the petitioner also submits herewith a copy of the original title and certificate of the approval of the Departmental Assembly of California, marked "C", with translations marked "D"

And the petitioner further shows that on the 18<sup>th</sup> day of December A.D. 1845 the said tract of land was duly surveyed and the judicial possession of it given to the said Rodrigues; a copy of which act of possession is submitted herewith marked "E", with a translation marked "F".

That on the 14<sup>th</sup> day of October A.D. 1842 the said Donamase Antonio Rodrigues sold and conveyed to the petitioner the said

Petition

290

6

CASE 39 ND  
PAGE 6

tract of land, a copy of which conveyance is submitted herewith marked "Q", with a translation marked "H";

That from the date of the aforesaid grant in 1841, to the 18<sup>th</sup> day of December A.D. 1845 the said Rodriguez was in the quiet, peaceful and undisputed possession of the said tract of land; and that since the 18<sup>th</sup> day of September A.D. 1845, the petitioners and those holding under him have been, and now are in the quiet, peaceful and undisputed possession and occupation of the said tract of land;

That the land has not been surveyed by the Surveyor General of the United States but that it was surveyed at the time of giving the judicial possession and its boundaries marked out;

That he knows of no conflicting claim

That he relies for confirmation of title upon the original papers copies of which are submitted herewith; upon the minutes and records in the archives now 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 him the aforesaid tract of land.

By his Attorneys  
Hallett Peasey Billings

Filed in Office April 20<sup>th</sup> 1852.

Geo. Fisher  
Secy

7

CASE 39 ND

PAGE 7

Office of the Board of  
Land Commissioners for  
California.

San Francisco June 2<sup>nd</sup> 1852

Deposition of  
Mariano G.  
Vallejo

On this day before Hoiland Hall one of the  
Commissioners for ascertaining and settling  
private Land claims in California came  
M. G. Vallejo a witness in behalf of the  
claimant Salvador Vallejo being No 194  
on the Commissioners Docket, and  
was duly sworn: The U. S. Land Agent  
present.

In answer to questions by the Counsel  
for the claimant the witness testified as  
follows, My name is M. G. Vallejo, my  
age forty & I reside at Sonoma in this  
State.

I have known the rancho Lajune  
for twenty years. It is situated in Napa  
valley on the East side of Napa river  
It was occupied by Lamas y Rodriguez  
from 1839 until he sold to Salvador  
Vallejo, & it has since been occupied  
by said Salvador to the present.

He built an adobe house on the land  
in 1839, & corral, & the house was in-  
habited.

The original claimant, Rodriguez cultivated  
fifty or sixty acres of the land, & kept some  
two hundred head of cattle & horses on it.

The present claimant has one quarter  
of the rancho or more under cultivation  
being about all the land that is suit-  
able for cultivation, & he has cattle &  
horses on the residence.

In answer to questions by the Land Agent  
the witness testified as follows.

No part of the land is within ten

250

leagues of the Sea Coast.  
It is within ten leagues of Stapa Bay  
The land was not occupied by any Mis-  
sion, nor was it within the limits of a  
Mission on the 21<sup>st</sup> of November 1828.  
I think Rodriguez sold the land to Sal-  
vador Vallejo in 1841.  
M. G. Vallejo

sworn & subscribed

Before me

Neiland Hall

Com<sup>r</sup>

Filed in Office June 2<sup>nd</sup> 1852.

Geo. Fisher  
Secy

Deposition  
of Jose de La  
Rosa

240

Office of the Boards of Commissioners  
of California Land Claims.

San Francisco June 2<sup>nd</sup> 1852

On this day before me Henry D. Thornton  
one of the Commissioners for ascertain-  
ing and settling private Land Claims in the  
State of California came Jose de La Rosa  
a witness produced in behalf of the Claim-  
ant Salvador Vallejo being No 194, on  
the Commissioners docket and was  
duly sworn his evidence being given in  
the Spanish Language and interpreted by  
George Fisher Secretary.

The W. S. Land Agent present

Questions by Claimant

1<sup>st</sup> Question, What is your name age  
and residence?

Ans. My name is Jose de La Rosa; my  
age is 61 years; I reside in Sonoma,  
and have resided there 21 years.

2<sup>nd</sup> Question, Do you know the Rancho

9

CASE 39 ND  
PAGE 9

called "Yajome"; and if so, say what you know about its possession and occupation.

Answer. I know the Rancho called Yajome it is situated in the Valley of Tapa in an easterly direction from Sonoma; Lamaso Antonio Rodriguez occupied it in 1841; he built a small house and corral on it, and had about 100 cattle and a band of mares on it in 1841; I gave him judicial possession of it in 1845, he had sold it to Salvador Valleso, who has occupied it ever since I gave the judicial possession of it as 1<sup>st</sup> Alcalde of Sonoma.

3<sup>d</sup> Question. Examine the papers before you marked "No" and say if they are the original title papers, the act of possession, and the sale by L. A. Rodriguez to Salvador Valleso, and whether the signatures are genuine.

Answer. The papers before me marked "No" contain the original grant by which I gave the judicial possession; the original act of possession and the deed of sale; the signatures to the act of possession and deed of sale are genuine and were written in my presence at the time they purport to be; I am acquainted with the signatures of Juan B. Alvarado, Manuel Jimenez, and Francisco Arce; their signatures to these title papers are genuine.

Questions by the Land Agent

1. Is the whole or any part of the Rancho called "Yajome" within ten leagues of the Sea Coast or any bay of the Ocean?

Ans. It is not.

300

Q. Was the land of this Rancho within  
the limits of, or occupied by any Mis-  
sion in November 21<sup>st</sup> 1828?

Ans. It was not.

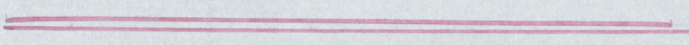
The Land Agent present. Jose de la Parra  
sworn to and subscribed  
before me this 2<sup>nd</sup> of June  
1852.

Henry S. Thornton  
Com<sup>r</sup> & c

Filed in Office June 2<sup>nd</sup> 1852,

Geo. Fisher  
Secy

50



*Faint, illegible handwriting, possibly a signature or name, written vertically.*



11

191

18 f<sup>o</sup> (1/2.)

CASE 39 ND  
PAGE 11

1839.

Exhibit A  
~~A~~

Expediente instruido por  
D<sup>n</sup> Damaso Antonio Rodriguez  
del Sitio llamado Playome

CASE 39 ND  
PAGE 12

Monterrey, Mayo 19. de 1839. El C<sup>mo</sup> Damaso Antonio Rodriguez

M<sup>do</sup> retirado de la Comp<sup>a</sup> de S. Fran<sup>co</sup> ante V.E. con el respeto, y subordinacion  
 Informe el señor q<sup>e</sup> dice le hace presente, há' un año q<sup>e</sup> Prefecto del primer distrito esta poseyendo un sitio llamado en distrito sobre el lingua de Gentiles Plájome el q<sup>e</sup> es conveniente en esta conforma al adjunto diceño q<sup>e</sup> acompaña instancia

paño; y le concedió provisionalmente Alvarado el S<sup>or</sup> Com<sup>te</sup> G<sup>ral</sup> D. Mariano Guad<sup>o</sup> Vallejo, cuyo terreno queda de esta Mis<sup>on</sup> San Juan de Castro al oriente de distancia como de cinco leguas, M<sup>do</sup> 20 1839. y desde aquel t<sup>po</sup> h<sup>ta</sup> ahora lo tiene.

Pase al S<sup>or</sup> ocupado el solicitante con casa, corral, Coman<sup>te</sup> General Ganado mayor Caballada, y labores, para que se sirva todo con el fin de mantener su familia informes lo como p<sup>ro</sup>lo q<sup>e</sup> suplica á V.E. se sirva, si lo niente y vuelta. R<sup>eva</sup> á bien mandar que esta solicitud el expediente á corralos tramites de estilo, y le conceda el esta Prefectura. titulo, y posesion de dho sitio, todo lo que espera de su conocido celo.

Castro.

Por tanto A V S

S<sup>or</sup> Prefecto del 1<sup>o</sup> distrito

Obedientemente pide, y suplica se sirva dispensarle esta, en papel comun p<sup>ro</sup> no haber en esta parte de ningun sello, y de que provea en

El parage de su favor de cuya gracia le quedará Plájome solicitado eternamente reconocido.

por el Alferoz D. Damaso Rodrig<sup>o</sup> es valdío y no pertenece a propietario particular ni pu.

Sonoma feb. 4. de 1839

E<sup>mo</sup> S<sup>or</sup> Gov<sup>or</sup>

Damo. A. Rodrig<sup>o</sup>

ebto alguno. el diceño que acompaña á este solicitud está totalm<sup>te</sup> irregular, y como los colindantes D. Salvador vallejo y D. Cayetano Suarez aun no han formalizado sus posesiones juridicamente, podra causar una nueva cuestion, si no se dan las dimensiones del terreno por medio de un plano exacto.

Por lo respectivo al individuo, es mejicano, con fam<sup>a</sup>, antiguo militar y tiene con que fomentar el terreno que pretende.

Sonoma Mayo 10 de 1839

Vallejo.

Monterrey Marzo 13 de 1841

Vista la petuion con que da principio este expediente, el informe del Sr Comandante militar de Sonoma, con todo lo demas que se tubo presente y ver comvino de conformidad con la leyes y reglamentos de la materia, Declaro á D<sup>n</sup> Damazo A. Rodrig<sup>z</sup> dueño en propiedad del parage conuido con el nombre de Lagome, colindante al O. con D<sup>n</sup> Callotano Suarez al P. con D<sup>n</sup> Salvador Vallejo al Norte con la Sierra y al Sur con el Rio comprendiendo en el paraje la Encenada que está al rumbo del O. y la Cañada hasta el P. colindante con D<sup>n</sup> Jorge Yount, sugerandose á la aprovacion de la Ex<sup>ma</sup> Junta Departamental, y á las condiciones que se estipulen. Librese el correspondiente despacho, tomese razon en el libro respectivo, y dirijase este exped<sup>to</sup> á la misma junta. El Sr D<sup>n</sup> Juan B<sup>ta</sup> Alvarado Gob<sup>o</sup> Constitucio-  
nal del Departamento de las Californias asi lo mando decreto y firmo de que doy fé

Alvarado

Man<sup>o</sup> Jimeno  
Srio.

Sr Gov<sup>or</sup>

Mont<sup>o</sup> 12 de Mayo  
de 1839

Informe el Sr  
Prefecto del 1<sup>o</sup>  
Distrito sobre el  
contenido en esta  
instancia.

El C<sup>no</sup> Damazo Antonio Rueda, alf<sup>z</sup> de la comp<sup>a</sup> de Caball<sup>a</sup> perm<sup>te</sup> de S. Fran<sup>co</sup>, se baja en el servicio p<sup>o</sup> enfermo, y cansado, con la debida subordinacion, y respeto, ante V. S. Le haue presente, estar poseyendo un Sitio llamado el paso de las tranca, el que es

14

CASE 39 ND

PAGE 14

65

conforme al adjunto diseño y acompañio y le concedió provisionalmente, el Sr. conde Gñal D<sup>n</sup> Mariano Guadalupe Vallejo, cuyo terreno queda en esta Misión al oriente, de distancia como cinco leguas, y en la actualidad lo tiene ocupado el solicitante, con casa, ganado mayor, Caballada, y se kombur, todo con el fin de mantener su familia por lo q<sup>d</sup> suplica á V.S. se sirva mandar q<sup>d</sup> esta representación con los tramites de estilo, y le conceda el título, y posesion de el, lo que espera de su celo.

Por tanto

A. V.S. rendidamente, suplica se sirva dispensarle, que esta valla en papel comun por no haverlo en esta parte, de ningun sello, ya q<sup>d</sup> provea del solicitante de cuya gracia le quedará eternamente reconocido.

66

Sonoma En. S.<sup>o</sup> de 1838.

Dam. A. Rodrig.<sup>o</sup>

Juan B. Alvarado Gobernador constitucional  
del Departamento de las Californias.

CASE 39 ND  
PAGE 15

Por Cuanto D.<sup>n</sup> Damaso

Antonio Rodriguez ha presindido para su beneficio personal y el de su familia el terreno conocido con el nombre de Llagome, colindante al Oriente, con el Rancho de D.<sup>n</sup> Calletano Juarez, al pon.<sup>te</sup> con el del D.<sup>n</sup> Salvador Vallejo, al N.<sup>te</sup> con la Sierra, y al Sur con el Rio, comprendiendo en el terreno la Ensenada que se halla por la parte del Oriente, y la cañada que esta al Pon.<sup>te</sup>, colindante con D.<sup>n</sup> Jorge Yount: practicadas previam.<sup>te</sup> las diligencias y averiguaciones consuntivas segun lo dispuesto por leyes y reglamentos, usando de las facultades que me son conferidas a nombre de la Nacion Mexicana he venido en considerar el terreno mencionado, declarandole la propiedad de el por las presentes letras sujetandose a la aprobacion de la Ena Junta Departamental, y a las condiciones siguientes. 1.<sup>a</sup> podra cercarlo sin perjudicar las travesias caminos y servidumbres: lo disfrutara libre y esclusivamente destinado al uso o cultivo que mas le acomode; pero dentro de un año fabricara casa, y estara habitada. 2.<sup>a</sup> Solicitara del Juez respectivo que le de posesion Juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyas limites podra a mas de las majeneras algunos arboles frutales o silvestres de alguna utilidad. 3.<sup>a</sup> El terreno de que se hace mencion de un sitio y medio de ganado mayor poco mas o menos segun explicita el deceno que corre en el expediente. El Juez que diere la posesion, lo hara medir conforme a ordenanza; quedando el sobrante que resulte a la nacion para los usos convenientes. 4.<sup>a</sup> Si contraviniera a estas condiciones, perdera su derecho al terreno y sera denunciado por otro.

En consecuencia mando, que Acusate por firme y validero este titulo se tome rason de el

10

CASE 39 ND

PAGE 16

en el libro á que corresponde y se entregué al interesado para su resguardo y demás fines. Dado en Monterrey día y seis de Marzo de mil ochocientos cuarenta y uno.

Alvarado

*Handwritten signature or name, possibly "Juan Polanco"*

*Handwritten signature or name, possibly "Juan Polanco"*

10 M 25

17

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

CASE 39 ND

PAGE 17

47

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

48

In testimony whereof I have hereunto signed my name, officially, and affixed my private seal, not having a seal of office, at the City of San Francisco, Cal. this 12<sup>th</sup> day of April 1852.

Sam<sup>l</sup>. D. King  
Surv<sup>r</sup> Gen<sup>l</sup> Cal.

Filed in office April 20<sup>th</sup> 1852

Geo. Fisher  
Surv<sup>r</sup>

33  
72  
45

L. & Fisher 1/2





"B"  
Translation  
of Expediente

To His Excellency, the Governor  
 Monterey, March 12<sup>th</sup> 1839. Let the Prefect of the 1<sup>st</sup> District report what may be proper in this petition (signed) Alvarado.

San Juan de Castro March 20<sup>th</sup> 1839. Pass this to the Comog. General that he may be pleased to report what may be proper, and return the expediente to this Prefectura, (signed) Castro.

To the Prefect of the 1<sup>st</sup> District

The place of Bojone solicited by the ensign Don Damaso Rodriguez is vacant and does not pertain to any private property or to any town, the map which accompanied this petition is entirely incorrect and as the colindantes

of the 1<sup>st</sup> District all for the purpose of maintaining his family. Wherefore he requests Your Excellency, to have the Goodness, if you think it right, to order that this petition go through the usual steps, and that the title be granted to him, and possession of the said land all which he hopes from your known deal. Wherefore he earnestly prays Your Excellency to have the goodness to excuse this being on common paper, there being none of any stamp in this place, and to decide in his favor for which grace he will be eternally grateful

Monoma Feby 1<sup>st</sup> 1839. (To His Excellency the Governor) (signed) Don A. Rodriguez

350

Don Salvador Vallejo, and Don Cayetano Juarez have not yet made legal their possessions juridically, a new question may arise, if the distinctive characters of the Land are not given by means of an accurate plot - with respect to the individual, he is a Mexican with a family, and an old soldier, and has wherewith to improve the Land he petitions for.

Sanoma May 10<sup>th</sup> 1839.

(Signed) Vallejo.

Monterey, March 13<sup>th</sup> 1841.

275  
Having seen the petition with which this Expediente commences, the report of the Military Commandant of Sonoma with all other things which were represented and proper to be seen, in conformity with the Laws and regulations on the matter, I declare Don Camargo A. Rodrigues owner in fee of the Land known by the name of Bajome, bounded on the East by Don Cayetano Juarez, on the West by Don Salvador Vallejo, on the North by the Sierra and south by the river, including the place "La Enseñada" which is in an easterly direction, and the Canada on the West adjoining (the lands of) Don Jorge Yount, subject to the approval of the Most Excellent Departmental Junta, and to the conditions which may be stipulated.

Let the corresponding title be issued, let note be made in the respective book, and submit this Expediente to the said Junta.

Senor Don Juan Bautista Alvarado, Constitutional Governor of the Department of the Californias, thus ordered, decreed and signed, to which I certify.

(Signed) Manuel Jimenez Secretary. (Signed) Alvarado

21

Senior Governor

CASE 39 ND  
PAGE 20

Monterey March  
12<sup>th</sup> 1839.

Let the prefect  
of the 1<sup>st</sup> District  
report upon  
the content of  
this petition

Citizen Damasc Antonio Rod-  
ríguez Parish Ensign of the  
company of permanent Cavalry  
of San Francisco discharged  
from service as sick and wound  
out, with due subordination  
and respect, before your  
Excellency, makes represen-  
tation that he is in pos-  
session of a place called  
"El Paso de las Francas" which  
is in conformity with the  
annexed map which he trans-  
mits, and which was provis-  
ionally granted to him by the  
Commanding General Don

280

Mariano Guadalupe Vallejo, which land  
lies to the east of this Mission, distant  
about five leagues, and the petitioner  
has it at present occupied, with a  
house, large cattle, horses, and sowings,  
all for the purpose of maintaining his fam-  
ily for which reasons he prays Your  
Excellency to have the goodness to order  
that this representation go through  
the proper steps, and the title and  
possession of it be granted to him  
which he expects of your zeal.

Wherefore he earnestly prays Your Excellency  
to be pleased to excuse him for sending  
this on common paper, there being none  
of any stamp in this place; and to decide  
in favor of the petitioner who for this  
grace will be eternally grateful.

Sanoma July 1/1838.

(Signed) Damasc A. Ramirez

(Here follows copy of Title, same as trans-  
lated in Exhibit "B")

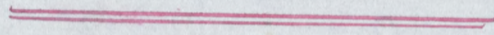
I certify the foregoing to be a true and correct  
translation of the Facsimile copy of  
the Original Paper in the Spanish Language  
in the Surveyor General's office which  
Fac Simile is in this office on file in  
Case No 194, Salvador Valles for the  
place named Yajome.

Geo. Fisher  
Secy

70

Filed in Office April 20<sup>th</sup> 1882

Geo. Fisher  
Secy



Plan follows

Stamp First. Six Dollars

Provisionally authorized by the Maritime Custom House of Monterey for the years 1839 and 1840.

(Signed) Alvarado (Signed) Antonio Maria Osio  
Good for the years 1840 and 1841.

(Signed) Alvarado. (Signed) Antonio Maria Osio

CASE 39 ND  
PAGE 22

"D"  
Translation  
of Title & Ap-  
proval

Custom House  
& Monterey } Juan B. Alvarado, Consti-  
tutional Governor of the  
Department of the Californias

280

Whereas Don Domingo Antonio Rodriguez has, for his own personal benefit and that of his family, petitioned for the land known by the name of Yajome, bounded, on the East by the rancho of Don Cayetano Inares, on the West by that of Don Salvador Valleso, on the North by the Sierra and on the South by the Rivers, the "ensenada" on the east being included in the lands and also a canada on the West which adjoins Don Jorge Yount, 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 the aforesaid lands, declaring to him the ownership of it by these presents subject to the approval of the Most Excellent Departmental Junta, and the following conditions, viz:

1. He may enclose it without prejudice to the crossings, roads, and servitudes; and enjoy it freely and exclusively making such use or cultivation of it as may best suit him, but within one year

at farthest, he shall build a house and it shall be inhabited.

2. We shall request the proper magistrate to give him judicial possession in virtue of this title, by whom the boundaries will be marked out, in the limits of which he shall place, besides the bounds, some fruit or forest trees of some utility.

3. The land of which mention is made is one and a half square leagues, as shown by the map which goes with the expediente. The magistrate who may give the possession will cause it to be measured in conformity with the ordinance leaving the surplus which may result, to the Nation for its convenient uses.

4. If he contravene these conditions he will lose his right to the land and it may be denounced by another person

In consequence I order that this title being held as firm and valid, note be made of it in the corresponding books and it be delivered to the person interested for his security and other purposes.

Given in Monterey on the sixteenth of March one thousand eight hundred forty one.

(Signed) Juan B. Alvarado  
(Signed) Manuel Jimenez  
Secretary

Note has been made of this title in the corresponding Books of lands granted, on folio 3.

Signed Jimenez

X  
Citizen Juan B. Alvarado Constitutional  
Governor of the Department of the Californias.

The most Excellent Departmental Assembly,  
in session of this day, has decreed the fol-  
lowing:

"Approved, the grant made by the Supreme  
Departmental Government, in title issued  
on the sixteenth instant, in favor of citizen  
Damaso Antonio Rodriguez, of the land  
of Yajome, in entire conformity with  
the Law of Aug 18' 1832 (1824) and  
article 5 of the regulation of November  
21' 1828".

And for the security of the party interested  
I thus make it known.

Given in Monterey on the 18<sup>th</sup> of  
May 1841.

(Signed) Juan B. Alvarado  
(Signed) Francisco Arce.  
Secretary Act interim

I certify the foregoing to  
be a true and correct translation from  
the original Spanish document on file in  
this Office in Case No 194. Salvador  
Valley, marked Exhibit No. annexed to  
the deposition of Jose de la Rosa, before  
Court No. 1 Thornton

June 2<sup>nd</sup> 1852.

Geo. Fisher  
Secy

Filed in Office April 20<sup>th</sup> 1852.  
Geo. Fisher





A

Yajome  
Superficie.

Exhibit "Me"

Sello 1.º Seis pesos.

Habilitado provisionalmente por la Aduana marítima de  
Monterrey para los años de 1839 y 1840.

Alvarado

Antonio M.º Osio,

Valga por los años de 1840 y 1841.

Alvarado.

Antonio M.º Osio.

(Seal)

Juan B. Alvarado, Gobernador Constitu-  
cional del Departamento de las Califor-  
nias.

Por cuanto Don Damasco Antonio Prodriguez ha pretendido para su beneficio personal y el de su familia, el terreno conocido con el nombre de Yajome, colindante al Oriente con el rancho de D.º Cayetano Suarez, al Poniente con el de D.º Salvador Vallego, al Norte con la Sierra, y al Sur con el Rio, comprendiendose en el terreno la encerrada que esta por el rumbo del Oriente, y una Cañada que esta por la parte del Poniente, colindante con D.º Jorge Yort; practicadas previamente las Diligencias y averiguaciones convenientes, segun lo dispuesto por leyes y reglamentos; usando de las facultades que me son conferidas, en nombre de la Esacion Mexicana, se ha venido en concederle el terreno mencionado, declarandole la propiedad de el por las presentes Letras, sujetandose a la aprobacion de la Exma Junta Departamental y a las condiciones siguientes.

1.º Podrá cercarlo sin perjudicar las travesias Caminos y Servidumbres; lo disfrutará libre y exclusivamente destinado lo al uso o cultivo que mas le acomode, pero dentro de un año fabricará Casa y estará habitada.

2.º Solicitará del Juez respectivo que le dé la posesion juridica, en virtud de este Despacho por el cual se demarcaran los linderos en cuyos limites a mas de las mojoneras, algunos arboles frutales de alguna utilidad.

3.º El terreno de que se hace mencion es de Dos sitios y medio de Ganado Mayor, segun explica el Dicho que corre en el expediente. El Juez que diere la posesion lo hara medir conforme a ordenanza quedando el sobrante que resulte a la Nacion para los usos convenientes.



Si contraviniere a estas condiciones perderá su Derecho al terreno y será Denunciabile por otro.

In Consecuencia mando que teniendose por firmé y valadero este título, se tome razon de él en el Libro á que corresponde y se entregue al interesado para su resguardo y demas fines. Dado en Monterrey á Diez y Seis de Marzo de mil ochocientos Cuarenta y uno.

Juan B. Alvarado.

Manuel Jimeno.

Srio.

Queda tomada razon de este título en el Libro correspondiente á terrenos adjudicados. á f.<sup>a</sup> 3. v.<sup>a</sup>

Jimeno.

El Ciudadano Juan B. Alvarado, Gobernador Constitucional del Departamento de las Californias.

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

„ Se aprueva la concesion hecha por el Supremo Gobierno del Departamento, en título librado con fha. Diez y Seis del corr.<sup>te</sup> á favor del Ciudad.<sup>o</sup> Damaso Antonio Rodriguez del terreno de Yajome, con entera conformidad con la ley de 18 de Agosto de 1832. y el art.<sup>o</sup> 5.<sup>o</sup> del reglamento de 21 de Noviembre de 1828. „

Y para resguardo del interesado lo hago asi saber.

Dado en Monterrey á 18. de Marzo de 1851.

Juan B. Alvarado.

Fran.<sup>co</sup> Arce. S. J.<sup>co</sup>

Soñ. Juez de 1.<sup>a</sup> Nominacion,  
Damaso Ant.<sup>o</sup> Rodriguez, vecino de esta jurisdiccion, dueño del rancho de Yajome como mejor proceeta en Dho. ante V. porreco y Digo: Que como consta del título q. presento con la solemnidad y juram.<sup>to</sup> necesario tengo en mi Dho. Rancho un sitio y medio de Ganado Mayor dentro de los linderos q. espresa Dho. título y p.<sup>a</sup> q. en todo tiempo consta hta. donde llegan Dhos linderos y si me perjudican algunos

de los circumbenitos o yo a estos, suplico a V. se sirva mandar q. presidiendo las Diligencias acostumbradas vista de ojos y reconocimiento se proseda con citacion a los circumbenitos a la medida de mis Dhas tierras p<sup>a</sup> cuyo efecto nombre desde ahora y p<sup>a</sup> cuando el caso llegue por medidor a Paulin Varguez, vecino de esta jurisdiccion intelig<sup>te</sup> en esta materia y q. los Demas q. fueron interesados nombren por la Suya otros medidores y habiendo lo echo asi los q. nombres y el referido Paulin Varg<sup>z</sup> por mi nombrado aparezcan, acepten y juren y en su conformidad se proseda a dichas medidas.

P. T. de V. Suplica q. habiendo p<sup>a</sup> presentado otro Documento se sirva medir como llebo pedido y Dho q. sea se me devuelvan Dhos Documentos con las Dilig<sup>z</sup> originales q. se hicieron p<sup>a</sup> resguardo de mi Derecho este escrito y todo lo neces-  
-ario.

Sonoma Dbre. 16 de 1845.

Damaso Ant<sup>o</sup> Rodriguez

"Juzgado 1<sup>o</sup> de Sonoma." En el Pueblo de Sonoma a los Diez y seis Dias del mes de Dbre. de mil ochocientos cuarenta y cinco ante mi José de la Posa, Alcalde de 1<sup>a</sup> nominacion de esta jurisdiccion se lijo la peticion antecedente y vista la tube p<sup>a</sup> presentado con el Documento q. espresa y mando q. con citacion de los circumbenitos se haga informacion de identidad, vista de ojos y reconocimiento de Dhas tierras a q. estan pronto a asistir personalmente asi lo proveo, mande y firmé con los de mi assa.

José de la Posa,  
assa. Salvador Vallejo. assa. Cayetano Suarez.

"Declaracion del 1<sup>o</sup> Testigo." En el pueblo de Sonoma a los diez y seis Dias del mes de Dbre de mil ochocientos cuarenta y cinco yo el referido Juez 1<sup>o</sup> con los de mi assa. para poder a la informacion de identidad hizo comparecer ante mi al C. Julian Espinosa, vecino de esta jurisdiccion, de oficio labrador y casado, del cual recibí juramento q. hizo por Dios y una señal de Cruz en forma, a cargo del cual prometió decir Verdad y siendo preguntado p<sup>a</sup> el consentimiento q. tiene del paraje terminos y linderos pertenecientes al rancho de Yajomé Dijo: que hace un año es vecino de este pueblo y sabe q. las t-

tierras pertenecientes al Rancho de Yajome son de D<sup>no</sup> Damasco Antonio Rodriguez y tiene p<sup>o</sup> linderos el arroyo Sarco al Oeste al S.W.<sup>te</sup> Don Salvador Vallejo, al N.W.<sup>te</sup> D<sup>no</sup> Jorge Font y la Sierra al N.<sup>te</sup> q. las a visto varias veces y desde q. las poses el referido D<sup>no</sup> Damasco Ant<sup>o</sup> Rodriguez las a sabrado culti vado y han pasado en mas sus ganados, y p<sup>a</sup> prueba de lo q. tiene D<sup>no</sup> esta pronto a ir a d<sup>has</sup> tierras con el presente pues q. lo q. tiene (echo Declaro ser de edad de treinta y nueve años y no tocar le las generales a la ley firmo con una señal de cruz con miyo y los de mi asca.

José de la Rosa. Julian Espinosa.  
de asca. Salvador Vallejo. de asca. Cayetan Suarez.

"Declaracion del 2<sup>o</sup> testigo." En el mismo, pueblo, dia mes y año y el referido Alcalde hizo comparecer ante mi, el Civl.<sup>no</sup> José Foralta, vecino de esta jurisdiccion de oficio lubrador del cual recibí juramento en forma de D<sup>no</sup> por el cual prometio decir verdad y siendo preguntado p<sup>r</sup> el conoim<sup>to</sup> q. tiene de las tierras pertenecientes al rancho de Yajome dijo q. hace un año es vecino de esta jurisdiccion y sabe q. las tierras pertenecientes a D<sup>no</sup> Rancho son de Damasco Ant<sup>o</sup> Rodriguez y tiene p<sup>r</sup> linderos al N.W.<sup>te</sup> Don Jorge Font al Oeste el arroyo Sarco, al S. y al N. Don Salvador Vallejo y la Sierra q. las a visto y reconocido varias veces y q. p<sup>a</sup> prueba de lo q. D<sup>no</sup> esta pronto a ir con el presente juez y señalarle los linderos. Que lo D<sup>no</sup> esta verdad a cargo del jurament<sup>o</sup> echo, y lo firmo con una señal de cruz ante mi y los de asca.

José de la Rosa. José Foralta.  
de asca. Salvador Vallejo. de asca. Cayetan Suarez.

"Testimonio del 3<sup>o</sup> testigo." Acto continuo hizo comparecer ante mi y los de asca el C. Gabriel Prais, vecino de esta jurisdiccion del cual recibí juramento en forma y prometio decir verdad, y siendo preguntado por el conoim<sup>to</sup> de las tierras y parajes q. tiene y pertenecen al rancho de Yajome dijo: q. hace seis meses es vecino de esta jurisdiccion y sabe q. las tierras pertenecientes a D<sup>no</sup> rancho son de Damasco Rodriguez y tiene p<sup>r</sup> linderos al Oeste el Arroyo Sarco al N.W.<sup>te</sup> D<sup>no</sup> Jorge Font, al Sur y N.<sup>te</sup> D<sup>no</sup> Salvador Vallejo.

y la Sierra, q. las a visto y reconocido varias veces y p<sup>a</sup> prueba de la q. lleba dicho esta pronto a ir con el presente Juez y señal ante los terminos y linderos. q. lo q. lleba dicho es la verdad a cargo del juramento echo y lo firmó con una señal de Cruz con miyo y los de assa. Declaro ser su edad veinte y cinco años y no tocar las generales de la ley.

José de la Rosa.                      Gabriel Ruiz. †  
de assa. Salvador Vallejo.      de assa. Cayetan Suarez.

11  
" Reconocimiento. Estando en el campo, en el arroyo nombrado Suro de Yajome. lindero del C. Cayetan Suarez el Dia Dies y siete deobre del presente año, yo el Alcalde 1.<sup>o</sup> actuando p<sup>r</sup> receptoria, los testigos p<sup>r</sup> mi examinados presente D<sup>n</sup> Damaso Rodriguez, Dueno de D<sup>has</sup> tierras y los C. C. Cayetan Suarez, Jorge Yount, Salvador Vallejo, colindantes y circunve-  
15  
-cinos procedi a ver y reconocer las tierras de D<sup>ho</sup> Rancho y p<sup>a</sup> mayor claridad puerto a caballo en comp<sup>a</sup> de todas las partes y testigos referidos, mandó a los Suro dichos me señalaron los linderos y terminos de D<sup>has</sup> tierras lo q. efectuaron segun las señales q. han declarado en su Disposiciones, cuyos parajes, yo el referido Juez vi y reconocí con los de mi assa. testigos examinados y papeles presentes y lo tejado con estos el referido reconocimiento ser cierta la identificación de las mencionadas tierras segun y como lo declararon D<sup>hos</sup> testigos. y p<sup>a</sup> q. conste se prueba p<sup>a</sup> Diligencia y lo firmé con los de mi assa y demas q. supieron. De q. Soy feé.

26  
José de la Rosa.                      George Yount.  
de assa. Salvador Vallejo.      Dam<sup>o</sup> Ant<sup>o</sup> Rodriguez.  
de assa. Cayetan Suarez.

"Notificacion al interesado p<sup>a</sup> q. ratifique"  
el nombramiento de medidor.

Inmediatam<sup>te</sup> yo el Alcalde 1.<sup>o</sup> p<sup>r</sup> proceder a las medidas contenidas en estos autos, mando q. se notifique a D<sup>n</sup> Damaso A. Rodriguez Dueno de D<sup>has</sup> tierras p<sup>a</sup> q. notifique el nombram<sup>to</sup> de medidor como asi mismo q. se acuerda todos los colindantes nombren por su parte el Suyo habiendo de ser intelig<sup>to</sup> en materia de medidas y los q. nombren parezcan aceptar y jurar y loy.

y echo estos pronto á señalar Días pa d<sup>tas</sup> medidas; así lo firmó, mando, proveo, con los de mi c<sup>ssa</sup>.

José de la Rosa. de c<sup>ssa</sup>. Salvador Vallejo.

" Cayetan Suarez.

CASE 39 ND

PAGE 31

" Ratificación del nombr.

- cimiento de medidores.

En el mismo Día, mes y año yo el Alcalde 1<sup>o</sup> lei y notifiqué el auto de ser bueno, según y como en él se contiene á Don Damaso Rodríguez y á mi colindante en sus personas q. conozco y habiéndolo visto y entendido dijeron les oye, y el primero dijo q. ratifica su nombram<sup>to</sup> en el C. Paulin Vargas, y los segundos nombren á Fran<sup>co</sup> Jalapa, ambos intelig<sup>tos</sup> y de realia quienes notifiqué parecan aceptar y hacen y a continuación se proseda á d<sup>tas</sup> medidas como esta mandado y lo firmaron con una señal de Cruz, ant<sup>e</sup> mi y los de mi c<sup>ssa</sup>. De q. Soy. fe.

José de la Rosa. Fran<sup>co</sup> Jalapa. †

de c<sup>ssa</sup>. Salvador Vallejo. de c<sup>ssa</sup>. Cayetan Suarez.

" Ratificación de los medidores.

y su nombramiento.

Inmediatm<sup>te</sup> yo el referido Juez lei y notifiqué el auto de su buen y nombram<sup>to</sup> de medidores á los C. Paulin Vasq<sup>z</sup> y Fran<sup>co</sup> Jalapa, vecinos de esta jurisdicción en sus personas q. conozco y habiéndolo visto y entendido dijeron q. aceptan y aceptan el encargo de medidores q. se les confía y juran á Dios N. S. y una señal de Cruz que usaron de su encargo fiel y legalm<sup>te</sup> según su leal saber y entender y d<sup>tas</sup> medidas las verificarán con fidelidad y exactitud como es de su obligación y á satisfacción de todos los interesados y habiéndolo así ser pronto, lo firmaron con una señal de Cruz, con miyo y los de mi c<sup>ssa</sup>.

Fran<sup>co</sup> Jalapa. de c<sup>ssa</sup>. Paulin Vasq<sup>z</sup> †

José de la Rosa. de c<sup>ssa</sup>. Salvador Vallejo.

" Asegnación del día de las medidas. En seguida yo el referido Juez habiendo visto la aceptación y juramento echo p<sup>r</sup> los C. Paulin Vasquez y Fran<sup>co</sup> Jalapa, nombrados p<sup>a</sup> medidores dije; q. p<sup>a</sup> poseer á d<sup>tas</sup> medidas asignadas

y asigno el día, día y ocho del presente a los ocho de la mañana, y q. se haya saber, así a los mencionados medidores citando al efecto de los circunvecinos y los colind<sup>tes</sup>, así lo proveo mandé y firmé con los de mi casa.

José de la Rosa.

de casa. Salvador Vallejo. de casa. Cayetan Juárez.

"Mediota del corotel."

21 In el rancho de Yajome' a las ocho de la mañana del día día y ocho de Sete de mil ochocientos cuarenta y cinco. Presente D<sup>no</sup> Damaso A. Rodriguez, circunvecinos y colind<sup>tes</sup> a Dhas tierras hizo comparecer ante mi y los de mi casa, a los C.C. Paulin Vazq<sup>z</sup> y Francisco Salapa quienes mandé, tomaron un corotel de die y medieron cincuenta v<sup>as</sup> de cuatro palmos castellanos, y en efecto se hicieron legalmente de vista y presencia del interesado y circunvecinos, y p<sup>ra</sup> q. cuenta mandé se ponga p<sup>ra</sup> Diligencia y se proseda a Dhas mediotas como esta mandado lo q. certifié así mismo firmando lo con los de mi casa.

José de la Rosa.

de casa.

de casa. Salvador Vallejo. Cayetan Juárez.

"Medida del rancho."

22 Estando en el campo y tierras pertenecientes al rancho de Yajome' de Don Damasco A. Rodriguez, hoy día día y ocho Sete de mil ochocientos cuarenta y cinco, Alcalde 1.<sup>o</sup> de esta jurisdicción actuando p<sup>ra</sup> receptoria con dos testigos de casa. p<sup>ra</sup> falta de escribano publico presentes los C.C. Paulin Vazq<sup>z</sup> y Fran<sup>co</sup> Salapa, medidores nombrados por la parte interesada y colind<sup>tes</sup> mandé proceder a la medida de un sitio y medio de ganado Mayor q. toca y pertenecen al rancho de Yajome' segun el titulo presentando en cuyo obediam<sup>to</sup> dieron principio a Dha medida impesando p<sup>ra</sup> el arroyo Surco linderos al C. Cayetan Juárez siguiendo rumbo N.<sup>o</sup> E.<sup>o</sup> hasta llegar a la Sierra y Corte de madera y se mediaron cincuenta cordeles de cincuenta varas, y de allí siguiendo rumbo N.<sup>o</sup> S.<sup>o</sup> toda la medida falda de la Sierra, llegamos a los linderos de D<sup>no</sup> Jorge Yount con doscientos cincuenta varas cordeles de allí tomando rumbo Sur, llegamos al Rio de Caimos con cincuenta cordeles allí fué el interesado unca



CASE 39 ND  
PAGE 33

mohonera, de allí proseguendo rumbo S. S. E. llegamos al arroyo  
 Suro donde se comenzo, la medida <sup>con 1500 varas de medida q. Damos por</sup> del terreno q. comprehende  
 el rancho de Yajome resultan una circunferencia de treinta  
 mil V. lo q. corresponde a Dos Sitios y medio de Ganado Mayor  
 y Declararon los enunciados medidores estar interesados D<sup>o</sup>  
 Lamase A. Rodriguez a las tierras q. le corresponden segun  
 el titulo q. se haya a la cabeza de este Expediente p<sup>r</sup> todo lo  
 cual y en señal de verdadera posesion y seremonial acostum-  
 brado arrancar piedras, y lleras y tiro p<sup>r</sup> los cuatro vientos  
 en manifestacion de su legal y legitima posesion q. tome p<sup>r</sup>  
 si. En consecuencia mande q. p<sup>a</sup> mas claridad de los  
 linderos, p<sup>a</sup> en todo tiempo p<sup>r</sup> consta y reconoseian los termi-  
 nos de sus tierras p<sup>r</sup> los Demas circunvecinos. Que esta  
 comprendida el rancho de Yajome dentro de los linderos  
 de los C.C. Cayetan Suarez, D<sup>o</sup> Jorge Yount, Don Salvador  
 Vallejo, y la medida faldada de la Sierra, y de haver se  
 efectuado estas medidas quietas y pacificam<sup>te</sup> sin contradic-  
 cion de ninguna persona. Lo p<sup>r</sup> testimonio y yo el  
 referido Alcalde 1<sup>o</sup> con los de mi casa, lo doy de haverse  
 pasado con Dho. y q. las expresadas medidas se han  
 practicado a todo el real, saber y entender de los medido-  
 res, sin dolo, fraude ni engaño, en cuenta de ninguna  
 persona, y p<sup>a</sup> mas seguridad y ratificacion del juramento  
 q. tienen echo firmaron con una señal de cruz con miyo  
 y los de mi casa. De q. Soy fe.

24

25

Franc<sup>o</sup> Salaya. X Paulin Verd<sup>o</sup>  
 José de la Rosa. Jorge Yount, de casa  
 de casa. Salvador Vallejo. Lam<sup>o</sup> A. Rodriguez. Cayetan Suarez.

26

En Vista de allarse concluido este expediente en q. consta hab-  
 erse dado posesion juridica al rancho de Yajome a cuatro  
 leguas de este pueblo al C. Lamase A. Rodriguez q. tome p<sup>r</sup> si  
 entreguese el original a la parte interesada para los usos  
 q. le combengan con los Documentos q. espresa.

El C. José de la Rosa, Alcalde 1<sup>o</sup> de esta Jurisdiccion  
 actuando p<sup>r</sup> receptoria asi lo provi, mande y tiene a Dies y  
 ocho de Otre de mil ochocientos Cuarenta y cinco.  
 José de la Rosa.  
 de casa. de casa.  
 Salvador Vallejo. Cayetan Suarez.

En el Pueblo de Sonoma de la Alta California a los catorce Días  
 del mes de Octubre de mil ochocientos cuarenta y dos, Damoso  
 Antonio Rodriguez Vecino del mismo pueblo Dijo; que por si  
 y en nombre de sus hijos, herederos, sucesores y de quien ellos  
 hubiere título, voz y causa en cualquiera manera, vendé y da  
 en venta real y enagenacion, perpetuo porjuro de heredad para  
 siempre personal al Don Tor Vallejo, Vecino tambien del  
 mismo pueblo de Sonoma y a los suyos el terreno de Yajomé  
 en cantidad de un Sitio y medio de ganado mayor q. le  
 pertenece en posesion y propiedad, Colindante al Este con el  
 Rancho de Luleas, al Norte con Toleras, al Oeste con el  
 Rancho de St<sup>o</sup> Yount y al Sur con el rancho de Pappa, segun  
 consta p<sup>o</sup> el título de pertenencia que adjuntan a esta escritura  
 por los cuales le corresponde, en posesion y propiedad al otorg  
 ante, el cual Declara y asegura no tenerle vendida ni empen  
 ada y q. esta libre de tributo, memoria, capellanía, vinculo  
 patronato, fianza y de otro gravamen perpetuo, temporal,  
 Special, general, tacito y expreso, y como tal se lo vende con  
 todas sus entradas, Salidas, fabricas, usos, Costumbres, regali  
 as servidumbres y demas causas auesas q. han tenido, tiene  
 y le pertenecen segun Derecho por el valor de ochocientos pesos  
 q. tiene recibidos segun el mismo confiesa y renuncia la ley  
 nueva del título particular de quinta y asi mismo Declara q.  
 el justo precio y verdadero valor del referido terreno son seis  
 mil cuatrocientos reales y q. no vale mas, ni halla quien  
 tanto le haya dado por él, y si mas vale y valen, puede  
 el esero en poca o mucha suma hace a favor del comprador  
 y de sus herederos y sucesores gracia y Donacion pura, per  
 feta e irrevocable en e Sanidad con inasmacion y demas firm  
 eras legales, y renuncia la ley segunda, título primero, libre  
 Días y Porisima Precepilacion, q. trata de los Contratos de  
 Ventas, heque y de otros en q. hay Lession en mas o menos  
 de la unidad del justo precio y los cuatro años q. profine  
 para pedir su rescision o Suplemento a su justo valor,  
 los q. da por pagados como si efectivamente les estuvieren y desde  
 hoy en adelante para siempre se desta proclera, desiste, quita  
 y aparta, y a sus herederos, y sucesores del Dominio y propiedad  
 posesion, título, voz, seculo y otro cualquiera Derecho q. le  
 compete el enunciado terreno de Yajomé, lo cede, renuncia  
 y traspasa con las acciones reales, y personales, utiles, mixtas

37

30  
CASE 39 ND  
PAGE 35

Directas y efectivas en el comprador y en quien la suya represente para q. la posea, goze, cambie, enagene, use y disponga de ella a su elección, como de cosa suya adquirida con legitimo y justo titulo. Y le confiere poder irrevocable con libre, franca y general administracion, y constituye procurador, actor en su propia causa; para q. de su autoridad entere y su apoderamiento del nominado terreno y posea la real tenencia y posesion q. p<sup>r</sup> Derecho le compete. Y se obliga a q. dicho terreno sera cierto seguro y efectivo al comprador y nadie le inquietara ni movera pleito, sobre su propiedad, posesion, goze y disfrute, ni contra el apareciera gravamen alguno; y se le in quietare, moviere o apareciera, luego q. el otorgante y sus herederos, sucesores seran reperidos conforme a Derecho, Saldran a su Defensa y lo seguiran a sus espensas en todas instancias y tribunales, hasta efectuar lo y dejar al comprador; y a los suyos en libre uso y quietud y pacifica posesion; y no pudiendo conseguirlo le daran otro igual en valor de fabrica sitio, renta y comodidades, y en su defecto le restituiran la cantidad y ha desembolsado; los mejoras utiles, precias y voluntarias y a la labor tenga, el mayor valor y estimacion q. con el tiempo adquiriese, y todas las costas gastos, danos intereses o menos cuantos q. se le siguieren e irrogaren, por todo lo cual se les hace poder efectuar. Solo en virtud de esta escritura y juramento de que la posea; o de quien le represente en quien dijere su importe, y le releve de otra prueba; y a la aprobacion de todo lo referido obliga su persona y sus bienes habitos a y p<sup>r</sup> haber; y confiere amplio poder a los Señores Jueces y tribunales de la nacion q. de esto negocio deben conocer conforme a Derecho pa q. le apremien a su cumplimiento. Y p<sup>a</sup> q. la venta del terreno enunciado tenga toda la validecion q. espresan las leyes referidas lo firmé ante los Señores Lázaro Peña, y D<sup>o</sup> José de la Rosa q. se hallaron presentes al entender esta escritura.

31

32

33

Dam<sup>o</sup> A<sup>o</sup> Rodriguez.  
Lázaro Peña.

Salvador Vallego.  
José de la Rosa.

State of California.  
County of Sonoma. On this 16<sup>th</sup> Day of May, A.D. 1851. Before me, the undersigned County Clerk, personally appeared D<sup>o</sup> José de la Rosa known to me to be one of

of the persons whose name is subscribed to the foregoing instrument, who acknowledged to me that he signed the foregoing content, as Alcalde 1<sup>st</sup> Judge under the Mexican law, putting D<sup>n</sup> Salvador Valdey in judicial possession of the land conveyed in the foregoing Instrument.

Given under my hand and private Seal there being no Seal of office and received in the City of Sonoma this Day and Date above written.

John Hendley Clerk.

32 folios

30 folios

Filed in Office June 2<sup>d</sup> 1852.

Geo. Fisher

Secretary.

W. H. Hall

To His Honor the magistrate of 1<sup>st</sup> nomination

I, Damaso Antonio Rodriguez, resident of this jurisdiction, owner of the Rancho of Gayome, as I best may proceed in law, before Your Honor appear and say: that as appears by the title which I present with the necessary solemnity and oath I have in my said Rancho one and a half square leagues within the boundaries mentioned in said title, and that it may in all time, appear how far the said boundaries extend and whether the neighbours intrude upon me or I upon them I pray you to have the goodness to order that after taking the usual steps of view and examination, the neighbours being summoned, the measurements of my said lands be proceeded to, for which purpose I now appoint, for when the time may arrive, as surveyor Paulino Vasquez, resident of this jurisdiction, intelligent in this matter and that the other persons interested appoint a surrogate on their part, and this being done that those appointed by them and said Paulino Vasquez appointed by me, appear, accept and take the oath, and the said measurements be proceeded to accordingly.

Wherefore I pray, that admitting said document, you will be pleased to order as I have requested and that being finished, said documents may be returned to me with the original examinations which may be made, for the security of my rights, with this writing and whatever else may be necessary

Sonoma Dec 16' 1845

(Signed) Damaso A. Rodriguez

7<sup>th</sup>  
Translation of  
Judicial Possession

275

First Court of Sonoma.

In the Pueblo of Sonoma on the sixteenth day of the month of December one thousand eight hundred and forty five, before me, Jose de la Rosa, Judge of First nomination of this jurisdiction, the foregoing petition was read, and having been seen I admitted it, with the document referred to in it, and I order that the neighbours being summoned, information be taken of identity, ocular view, and examination of said lands, at which I am ready to assist personally. I thus decided, ordered, and signed, with those of my assistance.

Assisting Witnesses (signed) Jose de la Rosa  
(signed) Salvador Vallejo  
(signed) Cayetano Juarez

275-

Declaration of  
1st Witness

In the pueblo of Sonoma, on the sixteenth day of the month of December one thousand eight hundred and forty five, I, the aforesaid First Magistrate with those of my assistance, in order to proceed to the information of identity, caused to appear before me, Citizen Julian Espinosa, resident of this jurisdiction, by occupation a farmer and married, of whom I received oath, which he made by God and a sign of the cross in God, by which he promised to speak the truth, and being asked for the knowledge which he has of the places, metes and bounds pertaining to the rancho of Yajome, he said: that he has been for one year a resident of this pueblo and knows that the lands pertaining to the rancho of Yajome are (the property) of Don Damaso Antonio Rodriguez, and its boundaries are the "Arroyo Zareg"

on the east, Don Salvador Valleso on the  
S.W. Don Jorge Gault on the N.W. and  
on the North the Sierra that he has seen  
them on various occasions, and <sup>that</sup> since  
the aforesaid Don Damaso A. Rodriguez  
has owned them he has worked and  
cultivated them, and his cattle have pas-  
tured on them, and in proof of what  
he has said he is ready to go to said  
lands with the present magistrate: that  
what he has said is true by the oath  
which he has made, he declared that  
he was thirty nine years of age, and  
that the legal disabilities do not affect  
him: he signed with a cross with  
me and those of my assistance.

Assisting Witnesses

(Signed) Salvador Vallejo (Signed) Julian Espinosa  
(Signed) Cayetano Juarez (Signed) Jose de la Rosa

In the same Pueblo, day, month and year,  
I, the said Alcalde caused to appear before  
me Citizen Jose Peralta, resident of this  
jurisdiction, by occupation a farmer,  
of whom I received an oath in due form  
of Law, by which he promised to speak  
truth, and being asked for the knowledge  
he has of the lands pertaining to the  
rancho of Gayome, he said that he has  
been a resident of this jurisdiction  
for one year and knows that the lands  
belonging to said Rancho are the property  
of Don Damaso A. Rodriguez and its  
boundaries are on the N.W. Don Jorge  
Gault, on the East the "Arroyo Laredo",  
on the South and North, Don Salvador  
Valleso and the "Sierra" respectively,  
that he has seen and examined them  
several times, and for a proof

of what he has said, he is ready to go with the present magistrate and point out to him the boundaries. That what he has said is true by the oath which he has made - and he signed this with a cross before me and those of assistance,  
Assisting witnesses

(Signed) Salvador Valleso      Josex Peralta  
(Signed) Cayetano Juarez      (Signed) Jose de la Rosa

Declaration of  
3<sup>rd</sup> Witness

In continuation I caused to appear before me and those of assistance. Gabriel Ruiz resident of this jurisdiction of whom I received oath in form, and he promised to speak the truth; and being asked for his description of the lands and places which belong to the Rancho of Yajome, he said: that he has been for six months a resident of this jurisdiction and knows that the lands pertaining to said Rancho are the property of Don Darnaso Rodriguez, and its boundaries are, on the East the Arroyo Zarco on the N.W. Don Jorge Yount; on the S & N. Don Salvador Valleso and the "Sierra" respectively, that he has seen and examined them on various occasions that what he has said is true by the oath which he has made, & he signed this with a cross, with me and those of assistance - declaring that he was twenty five years old, and the legal disabilities do not affect him.

Asst. witnesses      Gabriel + Ruiz  
(Signed) Salvador Valleso      (Signed) Jose de la Rosa  
(Signed) Cayetano Juarez

Being in the field at the Arroyo named Zarco in (the Rancho) of Yajome, the boundary with Don Cayetano Juarez, the



Sixteenth day of December of the present year I, the first Alcalde, acting in virtue of my office as a Notary, present the witnesses examined by me, Don Damaso Rodrigues, owner of said lands, and citizens Cayetano Juarez, Jorge Yount and Salvador Vallejo Colindantes and neighbours, I proceed to see and examine the lands of said Rancho, and for greater clearness mounting on horseback, in company with all the parties and witnesses referred to, I ordered the latter to point out to me the boundaries and limits of said lands, which they did according to the signs which they declared in their depositions, which I the said Magistrate, saw and examined, and the papers presented having been compared with the said examination it proved that the identification of said lands was certain as said witnesses declared and in testimony I made note of it officially, and I signed this with those of my assistance who knew how to which I certify

Assisting witnesses (Signed) Jose de La Rosa (Sgd) Salvador Vallejo (Signed) George Yount (Sgd) Cayetano Juarez (Signed) Damaso A. Rodriguez

Immediately afterwards I, the Notification 1st Alcalde, in order to proceed to the person to the measurements referred to interested to in the acts, ordered that Don ratify his Damaso A. Rodrigues, be appointment notified to ratify his appointment of surveyor, and of Surveyor - appointment of surveyor, and also that the Colindantes by common consent, appoint one on their part who must

understand the business of surveying, and that the persons appointed appear, accept and take oath, and this being done I am ready to fix the day for such measurements: I thus provided, ordered and signed with those of my assistance.

Asst. witnesses. Signed, Jose de la Rosa  
(Signed) Salvador Vallejo  
(Signed) Cayetano Juarez

Ratification of the appointment of Surveyors

In the same day, month, and year, I the 1<sup>st</sup> Alcalde read and made known to Don Damasco Rodriguez and his Colindantes in person, whom I know, the order referring to them, and they having heard and understood it said that they heard it and the first that he ratified his appointment of Citizen Paulino Vasquez, and the second party named Francisco Jalapa, both competent and legal, and they were notified to appear, accept, and swear, and in continuation proceed to said measurements, as has been ordered and they signed with crosses, before me and those of my assistance, to which I certify.

270

Assisting witnesses Francisco x Jalapa  
(Signed) Salvador Vallejo (Sgd) Jose de la Rosa  
(Signed) Cayetano Juarez

Notification to the measurers of their appointment

Immediately I, the said Magistrate read and made known the order referring to them and their appointment to Citizens Paulino Vasquez and Francisco Jalapa, residents of this jurisdiction, whom I know, in person, & having heard & understood it they said that they accepted and they did accept said office of

CASE 39 ND  
PAGE 43

Surveyors, entrusted to them, and they made oath by God our Lord and the sign of the Cross, to perform (the duties of) their office faithfully and legally and to the best of their knowledge and understanding, and to verify said measurements with faithfulness and accuracy as they are found to do, and to the satisfaction of all the parties interested, and having replied thus, they signed, each with a cross, before me and those of my assistance.

Assisting Witnesses.

(Signed) Salvador Vallejo

(Signed) Cayetano Juarez Paulino + Vesquez  
Francisco + Lalapa

(Signed) Jose de la Rosa

280

Designation of day for the measurement.

In continuation of, the said mapis-  
trate, having seen the acceptance and oath made by Citizens Paulino, Vesquez and Francisco Lalapa, appointed Surveyors, said that in order to proceed to said measurements I assigned, and did assign the eighteenth day of this month at eight o'clock in the morning, and that it be made known to the said Surveyors, summoning also the neighbours and colindantes; I thus provided, ordered and signed with those of my assistance.

Asstg Witnesses (Signed) Jose de la Rosa.

(Signed) Salvador Vallejo

(Signed) Cayetano Juarez.

Measurement of the Cordel

In the rancho of Yajome at eight o'clock in the morning of the eighteenth of December, eighteen hundred and forty five, present Don Damaso A. Rodriguez, the neighbours and colindantes

of said lands, I caused to appear before me and those of my assistance citizens Paulino Vasquez and Francisco Lalapa, whom I ordered to take a hempen rope, and to measure off fifty varas of four Castilian "palmas" each, which was done legally, in sight and in the presence of the party interested and neighbours, and in testimony I ordered that it be noted officially and that said measurements be proceeded to as ordered, to which I certify also signing it with those of my assistance.

(Signed) Jose de la Raza

Assisting Witnesses

(Signed) Salvador Valleso

(Signed) Cayetano Suarez

Measurement of the Rancho. Being in the field and lands belonging to the Rancho of Yajome of Don Llamas A. Rodriguez, this eighteenth day of December eighteen hundred and forty five, I, the first Alcalde of this jurisdiction acting as a Notary in virtue of my office with the assisting witnesses, for want of a Notary Public: present citizens Paulino Vasquez and Francisco Lalapa, surveyors appointed by the party interested and the colindantes, I ordered them to proceed to the measurement of one and a half square leagues which belong and pertain to the rancho of Yajome according to the title presented, in obedience to which they began said measurement, commencing at the Arroyo Jarco boundary with Don Cayetano Suarez thence in a North Eastly direction to the Sierra and sand pit (Corte de Madera) and they

47

CASE 39 ND  
PAGE 45

caimur

measured fifty cordels of fifty varas each, thence following a N. N. W. Westerly direction, along the slope of the hills, half way up, to the boundaries of Don Jorge Yount, distance two hundred and fifty cordels, thence take a direction southerly, we reached the river Claimas, with fifty cordels, & there the person interested placed a bound. Thence continuing on in a direction S. E. East measuring two hundred & fifty cordels we reached the Arroyo Sarco where the measurement was commenced: so that the survey being considered as finished, the land belonging to the rancho of Yajome proves to be included in a boundary of thirty thousand varas, equal to one and a half square leagues, and the said surveyors declared that Don Damasco A. Rodriguez was informed of the lands which belong to him, according to the title which is found at the head of this Expediente, for all which, and in sign of true possession an accustomed ceremonial he pulled up stones & grass and threw them to the four winds in manifestation of his legal and legitimate possession which he personally took.

I consequently ordered that for greater clearness of the boundaries, and that they may for all time, appear and be recognized as the bounds of his lands, by the other persons, neighbours of them the Rancho of Yajome is included between the boundaries of citizens Cajetan yuares and Jorge Yount, and between Salvador Vallijo and the Sierra, half way up the slope. And that said measurement was affected quietly and peaceably without contradiction from any person, he (the person interested)

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asked for a testimony and I, the first  
Alcalde, with those of my assistance, give  
it that all was done as I has been stated  
and that said measurements were made to  
the best of the Knowledge and understanding  
of the Surveyors without fraud or deceit  
against any person, and for greater security  
and the oath which they have made, they  
signed with me, each making a cross, and  
with those of my assistance, to which  
I certify,

Assisted Witnesses Francisco + Jalapa  
(Signed) Salvador Vallejo Paulino + Resques  
(Signed) Cayetano Juarez (Signed) Jose de la Rosa  
(Signed) George Yount.  
(Signed) Donaso A. Rodriguez

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In view of this Expediente being concluded  
by which it appears that judicial posses-  
sion of the rancho of Yajon, distant four  
leagues from this pueblo, has been given  
to to Citizen Donaso A. Rodriguez, which  
he in person took, let this original be  
delivered to the party interested for the uses  
he may think proper, together with the  
documents referred to. Citizen Jose  
de la Rosa, Alcalde of this jurisdiction,  
acting as a Notary in virtue of his  
office, thus decided, ordered, and signed,  
on the eighteenth of December, one thousand  
eight hundred and forty five,

Assets Witnesses (Signed) Jose de la Rosa  
(Signed) Salvador Vallejo  
(Signed) Cayetano Juarez.

I certify the foregoing  
to be a true and correct translation from  
the original Spanish document on file in  
this office in case No 194 Salvador Vallejo,  
marked No. Annexed to the deposition of Jose  
de la Rosa, before Comr No. 1. Thornton.

Filed in Office  
April 20<sup>th</sup> 1852  
Geo. Fisher  
Secy

June 2<sup>nd</sup> 1852. Geo. Fisher. Secy

Span doc "C" follows

49

CASE 39 ND  
PAGE 47

"No"  
Translation of  
Conveyance

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In the Pueblo of Upper California, on the fourteenth day of the month of October one thousand eight hundred and forty two, Demasio Antonio Rodriguez, resident of the same pueblo, said: for himself and in the name of his children, heirs successors, and whoever of them may have title, voice, and claim in any manner, he sells, and gives in legal sale and perpetual alienation with the rights of inheritance forever to Don Salvador Valles, also, a resident of the same pueblo of Sonoma, and to his the Land of Bajome, in extent one and a half square leagues, which belongs to him in possession and fee, bounded on the East by the Rancho of Dulucay, North by Solenas, West by the Rancho of Mr Yount, and South by the Rancho of Stapa, as shown by the titles of grant which are annexed to this writing by which it corresponds, in possession and fee to the vendors, the which he declares and assures that it has not been sold nor pledged, and that it is free from all tribute, religious & charitable tax, entail, "patronato", pledge, and other incumbrances whether perpetual, temporary, special, general tacit, or expressed and as such he sells it, with all its rights of entry and exit, its buildings, uses, customs, privileges, servitudes and other things pertaining to it which he has had and has, and which belong to him in law for the sum of eight hundred dollars which, as he himself acknowledges, he has received, and he renounces law nine of the first title, partida fifth, and likewise declares that the just price and true value of the said land are six thousand four hundred reales, and that it is not worth more, neither

did he find any one who would give so much  
 for it, and if it is or can be worth more,  
 of the excess, be it a large or small sum,  
 he makes in favor of the Purchaser and  
 of his heirs and successors free gift and  
 donation, pure, perfect and irrevocable,  
 in good faith and with judicial interven-  
 tion and other legal formalities, and he  
 renounces law second, title first, Book Ten,  
 "Novissima Recopilacion" which treats of  
 contracts of sale exchange and others in which  
 there is lesion in more or less than  
 half the just price, and he considers as  
 past as though they actually were, the  
 four years in which to ask  
 restitution of the property or what was  
 wanting of its full value; and from  
 this time forth forever he, for himself  
 and for his heirs and successors, gives  
 up the possession, desists, separates  
 and retires from the dominion or ownership,  
 possession, title, voice, recourse and every  
 other right which he has in the said lands  
 of yajone; and he cedes, renounces and  
 transfers it, with all the actions, real,  
 personal, useful, mixed, direct and  
 effective, to the purchaser and to whoever  
 may represent him that he may possess,  
 enjoy, exchange, alienate, use, and dispose  
 of it, at his pleasure, as of his own  
 property acquired by just and legal title.  
 And he confers on him irrevocable  
 powers, and constitutes him (the pur-  
 chaser) his attorney in his own cause  
 that by his authority he may enter upon  
 and possess himself of the land named,  
 and take the real tenure and possession,  
 which by law belong to him.  
 And he binds himself that said lands,



shall be certain, sure, and effective to the purchaser, and that no person shall disturb him or bring suit against his ownership, possession, enjoyment, and benefit, neither shall any incumbrance appear against it; and if he should be disturbed or suit brought, or an incumbrance appear, so soon as the vendor and his heirs, and successors may be called upon according to law, they will come forward in defence of it, and will follow it at their own expense in all courts and tribunals, until they obtain judgment in his (the purchaser's) favor, and leave him and his in the free use, quiet and peaceable possession: - and if they shall not be able to do so, they will give him another, equal in the value of the building, place, rent and conveniences, and in default of such they will restore him, the sum expended, the useful necessary and voluntary improvements which at the time there may be, the greatest value and estimation which in time they may acquire, together with all the costs, expenses, damages, interests or injuries which may follow or accrue to him - all which which they can be compelled to do solely in virtue of this writing and the oath of him who may possess it or of whoever may represent him, to whom also he leaves it to fix the amount, he relieves him from all other proof; and for the observance of all the foregoing he binds his person, his property in present possession or which he may hereafter obtain; and confers ample power on the Magistrates and Courts of the Nation

who by Law ought to take cognizance of this matter, that they may force him to comply with it. - And that the sale of the aforesaid land may have all the validity which the laws referred to mention I signed it before the Senores Don Lazarus Pina and Don Jose de la Rosa, who were present at the time of making out this writing.

(Signed) Damasco A. Rodriguez

(Signed) Salvador Vallejo

(Signed) Lazarus Pina

(Signed) Jose de la Rosa

State of California }  
County of Sonoma } On this sixteenth day  
of May A.D. 1851

Before me, the undersigned Court Clerk, personally, appeared Don Jose de la Rosa, known to me to be one of the persons whose name is subscribed to the foregoing instrument, who acknowledged to me that he signed the foregoing writing as Alcalde or Judge under the Mexican Law, putting Don Salvador Vallejo in juridical possession of the land conveyed in the foregoing instrument.

Given under my hand and private seal there being no seal of office yet provided at office in the city of Sonoma this day and date above written

(Signed) John Neely, Clerk

I certify the foregoing to be a true and correct translation from the original Spanish Document

Filed in Office as file in this Office in Case No 194, Sal: April 20<sup>th</sup> 1852,  
Chas. Fisher  
Sey

Salvador Vallejo, marked Exhibit "No" annexed to the Deposition of Jose de la Rosa, before Commissioner H. D. Thornton June 2<sup>d</sup> 1852

Chas. Fisher, Secy

53

CASE 39 ND  
PAGE 51

Salvador Valleso Assignee vs The United States  
 U.S. Land Commission for California Session at San Francisco, to 194 "Yajome"

Opinion by H. S. Thornton

Opinion

The claim in this case is founded upon a grant made, in virtue of the Decree of the 18<sup>th</sup> of August 1824, and of the ordinance of the 21<sup>st</sup> November 1828 of the Mexican Government, by Juan B. Alvarado Governor of California, to Llamas & A. Rodriguez. The grant was issued on the 17<sup>th</sup> of March 1841, for one sitio and a half of land, on one and a half square leagues; of which there was obtained an approval by the Departmental Assembly on the 18<sup>th</sup> of March 1841, and a judicial measurement and delivery of possession in the month of December 1840, was had of the premises. The claimant is the Assignee on grant of the right and title of said Rodriguez, by conveyance of the 14<sup>th</sup> of October 1842. The genuineness of the grant and the authority of the grantor are not controverted. All the facts above stated are fully proved by transcripts regularly authenticated from the Public Archives of the former Governments of the Country, by documentary evidence & the depositions of witnesses in the case. All the objections to which this grant is liable, if to any have been fully considered, and overruled in the case of Luis Cervantes and of others, heretofore decided by this Board, and in accordance with the principles of decision laid down for our Government in the 11<sup>th</sup> section of the Act of the 3<sup>d</sup> of March 1851. We think the claim is valid

300

and proceed to enter the Decree of final confirmation. Commissioner Keall concurring in the result.

Henry J. Thornton

Decree

This Board on full consideration of the various grounds affecting the validity of this claim, having come to the conclusion that the same is valid, therefore now proceeds to make and does hereby make the following decree on report of final confirmation, viz;

It is decreed that the said claim be confirmed to the claimant to the extent and quantity of one sitio and a half, or one and a half square leagues and for no more; being the same land described in the grant and expedient referred to therein, and of which the possession was given, and is yet had, under the said grant: Provided that the said quantity of land granted, and now here confirmed be contained within the boundaries called for in the said grant and map to which the grant refers; and if there be less than the said above named quantity, within the said bounds, then we confirm to the claimant that less quantity, it being apparent that said quantity exceeds the minimum of two hundred varas as prescribed in the ordinance of the 21<sup>st</sup> of November 1828. Given under our hands this 21<sup>st</sup> day of July 1853.

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Neiland Keall }  
Henry J. Thornton } Commis<sup>rs</sup>  
Filed in Office July 21<sup>st</sup> 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 *fifty-four* pages, numbered from  
1 to 54, both inclusive, to contain a true, correct and full Tran-  
script of the Record of the Proceedings and of the Decision of the  
said Board, of the Documentary Evidence and of the Testimony  
of the Witnesses, upon which the same is founded, on file in this  
Office, in Case No. 194 on the Docket of the said Board,  
wherein

*Salvador Vallejo* is  
the Claimant - against the United States, for the place known by  
the name of "Elajonu"



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-first* day of *June*  
A. D. *1854*, and of the Independence of the  
United States of America the seventy-eighth

*Geo. Fisher*  
*Secy*



39

39 ND 39  
"Hlayome"

CASE 39 ND  
PAGE 54

Office of the Attorney General of the United States,

Washington, 11<sup>th</sup> September 1854.

Salvador Vallejo

vs.

The United States.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 10<sup>th</sup> day of June 1854 the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

*Clint*

Attorney General.



No 39  
U. S. Dist. Court.

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The United States,  
— vs —  
Salvador Vallijo,

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Notice to prosecute  
Appeal.

Filed Oct: 21, 1854,  
John A. Monroe,  
Clk. U.

CASE 39 ND

PAGE 55

To the Honorable District Court of  
the United States in and for the  
Northern District of California,

The United States  
Appellants  
vs  
Salvador Vallijo } No. 39

The petition of the United States by  
their Attorney represents: that this case  
is an application for a review of the  
decision of the the Board of Commissioners  
whereby the claim of the said Appellee  
was confirmed as appears by reference  
to the records in the case:

That a transcript of the said Records  
was filed in this Court on the  
day of ; that a notice of  
Appeal was filed on the day  
of and the land claimed  
lies in the said District.

That the said claim is invalid,  
Therefore Appellants pray that the said  
decision of the Board be reversed &  
that this Court decree the said title  
to be invalid. Respectfully &c.  
W. H. Russell  
Asst. U.S. Atty.

U.S. Dist. Court  
No. 39.

The U. States

vs

Salomon Vallie

Petitioner

Filed June 7, 1855,

by Charles  
Deputy

CASE 39 ND

PAGE 57

Wassell

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

CASE 39 ND

PAGE 58

The United States  
Appellant  
vs  
Salvador Vallijo  
Appellee



The answer of said Salvador Vallijo respectfully shows - that it is true as alleged in the Petition of Appellant that the claim of this Respondent was confirmed by the Board of U. S. Land Commissioners, and that a transcript and notice of appeal was filed as alleged in said petition, and that the land claimed is in the Northern District.

But this respondent alleges that his claim is valid, as will appear by reference to the records on file, sent from said Commissioners. Wherefore he prays that the decision of said Commissioners be affirmed and that this Court decree the said title to be valid.

Respectfully submitted

*J. Calver*

Att. for Claimant

No 39

The United States

Appellant

vs

Salvador Valdez

Appellee

Juror

Said May 6, 1856,

Cherwell,

Deputy.

CASE 39 ND

PAGE 59

J. Charles Atty for Appellee

CASE 39 ND

PAGE 60

California Land Claims.

Attorney General's Office

23 Nov. 1856

Sr.

In the case of the claims of Salvador Vallejo, confirmed to the claimant by the Commission, case no. one hundred and ninety-four, (194), appeal will not be prosecuted by the United States.

I am  
Respectfully,

Cushing

Wm. Standing Esq  
U.S. Attorney  
San Francisco.

In the District Court of the United States,  
Northern District of California.

The United States

v

Salvador Vallejo

2

Case No. 39  
Transcript 194

In pursuance of a notice from the attorney General of the United States, herewith annexed, it is hereby stipulated and agreed that the appeal heretofore taken in this case from the decision of the United States Land Commission to ascertain and settle private land claims in California be dismissed, and the notice of intention to prosecute said appeal, filed in this Court by the attorney General of the United States be withdrawn, and that the claimant have leave to proceed under the decree of the said Land Commission in his favor, as under Final Decree.

How Blanding  
Dist. Atty.

J. Clarke  
Atty for Claimant

*N<sup>o</sup> 39*  
*U. S. District Court*

---

*The United States*

*v*

*Salvador Vallejo*

---

*Case No. 39*  
*Transcript 194*

---

*Stipulation*

---

*Filed Febry 9, 1857,*  
*W. A. Chivers,*  
*Deputy.*

CASE 39 ND  
PAGE 62



At a stated Term of the District Court  
of the United States of America, for the  
Northern District of California, held at  
the Court Room in the City of San Francisco  
on Monday the ~~11th~~ <sup>12th</sup> day of February  
in the year of our Lord one thousand  
eight hundred and fifty seven.

Present:

The Hon. Owen Hoffman, District Judge.

The United States

v

Salvador Vallejo

By

Case No. 39  
Transcript 194.

The Attorney General of  
the United States having given notice that  
no appeal will be further prosecuted in  
this case, and a stipulation having been  
entered into by the District Attorney of the  
United States for the dismissal of the appeal  
from the decision of the Board of United States  
Land Commission heretofore rendered in  
favor of the Claimant: On motion of the  
District Attorney it is Ordered, adjudged and  
decreed that the appeal pending in this  
Court be dismissed and that the Claimant  
have leave to proceed under the decree  
of the Land Commission heretofore rendered  
in his favor, as under final Decree.

Owen Hoffman  
U. S. District Judge

No. 39  
U. S. District Court

The United States

v

Salvador Vallejo

Case No. 39  
Transcript 194

order

Felic Beby 9. 28. 57.  
D. J. Choate,  
Deputy.

CASE 39 ND

PAGE 64

250  
50  
12500

50  
50  
2500

5000

CASE 39 ND  
PAGE 65

# This Indenture,

Made this Tenth day of

March A. D. One thousand eight hundred and fifty Seven BETWEEN

C Hartson of the County of Napa and State of California  
part of the first part and  
Thomas A Mann of the same  
place party

of the second part, Witnesseth, That the said part y of the first part, for and in consideration of the sum of Nineteen Hundred & fifty three (1953) Dollars, lawful money of the United States of America, to him in hand paid, by the said part y of the second part, at or before the ensembling and delivery of these presents, the receipt whereof is hereby acknowledged, he remised, released and quit-claimed, and by these presents do th remise, release and quit-claim, unto the said part y of the second part, and to his heirs and assigns forever, all of that certain tract of land lying & being in the Township of Napa, County of Napa and State of California known and described as follows to wit commencing above the house occupied by Edward Gage at a point on the Arroyo Seco from which an oak tree burnt on the South Side nearly to the West bears North 18° 25' West distant 89 links and running thence North 18° 25' West twenty six chains, thence Six links to the centre of the Road leading from Napa City to Woodens Valley, thence in the centre of said Road North 40° East one hundred and three chains thirty one links, thence North 31° East seven chains eighteen links, thence North 31° 15' East six chains 90 links to a pile of rocks on the declivity of the Mountains, thence South 21° 45' East ten chains 35 links to a pile of rocks, thence South 11° West fourteen chains 78 links to a pile of rocks, thence South 49° East sixteen chains twenty links to a stake and pile of rocks on the Bank of the aforesaid Arroyo Seco the same forming the Western line of Gayland Secoy Ranch, thence down said Arroyo or Creek along the meanders thereof to the place of beginning containing three hundred & ninety acres  
Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

And also, all the estate, right, title, interest, ..... property possession, claim and demand whatsoever, as well in law as in equity, of the said part y of the first part of, in or to the above described premises, and every part and parcel thereof, with the appurtenances. To have and to hold, all and singular the above mentioned and described premises, together with the appurtenances, unto the said part y of the second part, his heirs and assigns forever.

In Witness Whereof, the said part y of the first part, he hereunto set his hand and seal the day and year hereinbefore written.

Sealed and delivered in the presence of

R. C. Crouch

C Hartson



State of California  
 County of Inyo } On this Tenth day of March  
 A.D. one thousand eight hundred and fifty seven  
 before me A. J. Watson County Recorder in and  
 for said County personally appeared C. Hartson  
 personally known to me to be the person described  
 in and who executed the foregoing conveyance and  
 acknowledged to me that he executed the same  
 freely and voluntarily and for the uses  
 and purposes therein mentioned

In witness whereof I have here-  
 unto set my hand and affixed my  
 Seal of Office at Inyo City in said  
 County the day and year last above  
 written -

A. J. Watson Recorder  
 By P. P. Brouck Dep. Recorder



Exhibit Newwoody  
n.º 5.

**D E E D.**

C. Hartson

TO

Thomas A. Bann

Dated March 10 1857.

Filed for record March  
10<sup>th</sup> 1857 at 2 o'clock &  
40 minutes P. M. and  
recorded in Book D.  
of deeds on pages 89 & 90  
Records of Wapato County  
of Watson Recorder  
By Wilson of Recs

**CASE 39 ND**

**PAGE 67**

File # 250

No 39.  
U. S. Dist Court  
for Dist of Calca

---

The United States

- vs -

Salvador Vallejo

---

Exhibit Dewoody No 5  
Attached to dep. of T. J.  
Dewoody U. S. Marshal.

---

CASE 39 ND

PAGE 68

No 39.  
U. S. Dist Court  
for Dist of Cal<sup>ca</sup>

---

The United States

vs.

Salvador Vallejo

---

Exhibit Demody No 6  
Attached to dep of T. J.  
Demody U. S. Witness

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CASE 39 ND

PAGE 69

CASE 39 ND  
PAGE 70

At a Stated Term of the DISTRICT COURT OF THE  
UNITED STATES OF AMERICA, for the Northern District of  
California, held at the Court Room, in the City of SAN FRANCISCO,  
on *Friday* the *14* day of  
*October* in the year of our Lord one thousand  
eight hundred and fifty-*nine*

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Salvador Vallejo.

No. 39. : D. C. 194

"Slajome"

It being suggested to the Court that the survey of the lands claimed in this case, made and approved by the U. S. Surveyor General for Cal., is <sup>erroneous</sup> ~~not in accordance with the decree of this Court, heretofore entered~~; on application of J. R. Mire Co., Acting U. S. Attorney, it is ordered that the said Surveyor General return to this Court a certified copy of the plat of said approved survey, and that the Acting U. S. Attorney be allowed ~~ten~~ <sup>from and</sup> days after the return thereof, to file his exceptions thereto. And it is further ordered that a certified copy of this order be served upon the said Surveyor General for his information.



39D

UNITED STATES DISTRICT COURT,  
Northern District of California.

The United States

vs.

Salvador Vallejo

Order  
directing return of survey  
following U.S. 10 days to  
file exceptions.

Filed October 14, 1859,

*H. D. Chenevix*

CLERK.

By

DEPUTY.

Towne & Bacon, Printers, 125 Clay Street, corner Sansome.

CASE 39 ND  
PAGE 71

U.S. Marshal's Office  
San Francisco Oct 14 1859

I hereby certify that I  
have this day made  
personal service by  
copy of the within  
Order on J W Madecille  
U.S. Surveyor General  
P L Solomon  
U.S. Marshal

The U. States, }  
 vs } "Yajome"  
 Salvador Vallejo }

The order of the U. S. District Court in this case, is hereby complied with, by filing a certified copy of the Plat, as approved by me.

The Plat and field notes were returned to the General Land Office, on the 5<sup>th</sup> of July, 1859, for a patent —

The decree under which this tract was Surveyed, is to the following effect. — "to the extent and quantity of one sitio and a half, or one and a half square leagues, and for no more; being the same land described in the grant, and Expediente referred to therein," &c.

The grant, with the Deseño as explanatory thereof, therefore governs this Survey. It describes the land confirmed, as follows.

"Bounded on the East, by Don Cayetano Suarez; on the West by that of Don Salvador Vallejo; on the North by the Sierra, and on the South by the

River; the "pušenada" on the East, being included in the land, and also a "Cañada" on the West, which adjoins Don Jorge Yount."

The Surveyor then had within which to locate this tract, three well known and defined boundaries, viz: the Saco Creek boundary with Suarez; the Napa Creek with Vallejo; and the line of the Caymus, with Yount; leaving the back line, the vague undetermined call of the Sierra towards which he must take his line of quantity. — Should the grant and Diseno be found to contain more area than the one and a half leagues confirmed. — It was further found, that the grantee had sold all the land within his boundaries, to different parties, who had again sold to other parties —

Under these circumstances, Sec 9. of the instructions were followed, having due regard to the rights of all purchasers, as far as compatible with Sec 4,

ing; "the location is to be taken within that surface, in a compact form, according to the lines of the Public Surveys"

It was found impossible to give all the parties the land called for in their Deeds, and, at the same time restrict the Survey to one and a half leagues.

The back line was then run, as the line of Quantity, upon the lines of Public Surveys, so as to interfere as little as possible with the rights of all on that line.

Very Resp<sup>l</sup>

Yr obed<sup>t</sup> Serv<sup>t</sup>

J. W. Mendeville

U. S. Surveyor General,  
Cal<sup>a</sup>.

Hon; Ogden Hoffman,  
Judge U. S. Dist. Court,  
Northern Dist<sup>n</sup> of Cal.

No. 39.

U.S. Dist. Court.

The United States.

— vs —

Salvador Vallés.

Statement from  
Sur. General.

Filed Nov: 1. 1859.

W. A. Cherec,  
Clerk.

CASE 39 ND

PAGE 75

U. S. District Court.

CASE 39 ND  
PAGE 76

The United States

v.

3 N<sup>o</sup>: 39: "Llajome"

Salvador Vallejo.

And now come the United States by their acting attorney Jully R. Mice, and except to the survey made of the land claimed herein, under final decree, by C. C. Tracy, Deputy Surveyor, & approved by the U. S. Surveyor General for California July 2, 1859; a certified copy of the plat of which said survey was filed in this Court, pursuant to its order, on the 1<sup>st</sup> day of November, 1859.

And for exceptions to the said survey the U. S. aver:

- 1<sup>st</sup>. That the said approved survey is not in conformity with the final decree under which it was made.
- 2<sup>d</sup>. That the said approved survey is not in conformity with the act of juridical possession, a record of which is on file in the case.

Wherefore the U. S. pray that the said approved survey be set aside, and a resurvey ordered in conformity with the decree and the act of juridical possession.

Jully R. Mice,

Acting U. S. atty.

San Fran: Nov 11, 1859.

39.

U. S. District Court.

The United States

v.

Salvador Vallejo.

---

Exceptions to survey  
by United States.

---

Served copy within our  
jurisdiction Clara Cay by  
leaving it at his office in  
his absence, this 11<sup>th</sup> day of  
November, 10<sup>th</sup> a. m. A. D. 1859.

Jno. B. Williams

---

Filed November 11, 1859.

M. A. Chaves,  
Clerk

CASE 39 ND

PAGE 77

United States of America,) SS.  
Northern District of California.

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

GREETING:—

WHEREAS, objection has been made to the official survey and location of the land finally confirmed, in case No. 39, to Salvador Vallejo known as "Laguna", and situated in the County of Napa in said District.

NOW THEREFORE YOU ARE HEREBY COMMANDED, in the name of the President of the United States of America, to give due notice to all parties having, or claiming to have, an interest in such survey and location, that they be and appear before the District Court of the United States for said District, sitting in Land Cases, on or before Wednesday, the 3d day of October A. D. 1860, at 11 o'clock, A. M. (if that day shall be a day of jurisdiction, and if not, on or before the next Wednesday thereafter,) then and there to intervene for the protection of such interest, or their defaults will be taken. And what you shall have done under this writ do you then and there make return thereon.

WITNESS, the Hon. OGDEN HOFFMAN, Judge of said Court, at San Francisco, in said District, this 27th day of August A. D., 1860.

*W. A. Cheever*

CLERK.



The within Monition was received by me on  
Monday the 27<sup>th</sup> day  
of August 1860, and in obedience thereto  
I have given due notice, as therein commanded, by causing  
the publication of said notice, for four consecutive  
Wednesdays, in the San Francisco Herald, commencing  
on the 29<sup>th</sup> day of August  
1860; and for 4 consecutive Saturdays, in the  
Steph. Times  
a paper published nearest the land, commencing on the  
first day of September 1860.

Dated San Francisco, Aug. 27<sup>th</sup> 1860.

P. L. Solomon U. S. Marshal.

(D)  
No. 39

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

THE UNITED STATES.

v.

Salvador Calleja.

MONITION.

Returnable Oct. 3, 1860.

Issued Aug. 27, 1860.

Filed October 3, 1860.

W. A. Chaves

Clerk.

CASE 39 ND  
PAGE 79

CASE 39 ND  
PAGE 80

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 *third* day of *October* in the year of our Lord one thousand eight hundred and sixty.

Present:

*The Honorable* OGDEN HOFFMAN, *District Judge.*

The United States,

v.

*Salvador Vallejo,*

IN LAND CASES.

*District Court No. 39,*

*Land Com. No.*

AND now at this day the United States Marshal having made return upon the Monition heretofore issued in this cause, that he had given due notice as therein commanded; on motion of \_\_\_\_\_ Attorney for \_\_\_\_\_

proclamation was made that all parties having, or claiming to have, an interest in the survey and location of the land finally confirmed in the above entitled cause, appear and intervene for the protection of such interest;

*Calhoun Graham, Esq., U. S. Attorney, appeared in behalf of the United States, and J. S. Williams, Esq., appeared for the Plaintiff, no one else appearing.*

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

No. 39.

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

---

THE UNITED STATES,

v.

Salvador Vallejo.

---

ORDER ON RETURN OF MONITION.

---

Filed October 3<sup>rd</sup> 1860

M. A. Cheves.

Clerk.

CASE 39 ND  
PAGE 81

In The District Court  
of the United States of America  
in and for the Northern Dis-  
trict of California.

The United States } No. 194. S. C.  
of America }  
vs }  
Salvador Valleyo } No 39.

Exceptions on the part of  
the United States to the Survey  
of the Rancho "Yasome".

And now come the  
United States of America  
by their Attorney Calhoun  
Denham and except to the  
survey of the land claimed  
in the above-entitled cause  
made under final decree, the  
field notes and plat of which  
were approved on the twenty ninth day  
of October A. D. 1859, and a  
certified copy of which plat  
was filed in this Court pursuant  
to order on the 1st day of Novem-  
ber A. D. 1859.

And for specification the said

United States aver that the  
said survey does not include  
land within the exterior bound-  
aries of said Rancho selected  
and located by the grantee or  
his ~~assigns~~ <sup>vendees</sup>, as will appear by  
the deeds of sale and transfer  
made by the grantee or his  
vendees

Calhoun Dinkham  
U. S. Atty

U. S. Dist. Court  
39

The United States

vs

Salvador Valdez

In the matter of  
Inventory (No. 39.)  
of Rancho Yopome

Ex captivis  
of U. S.

Filed Oct. 30. 1860.

W. H. Chevers,  
Clerk

CASE 39 ND

PAGE 84

D. M. Lamm

In the District Court of the  
United States, Northern District  
of California.

The United States } No. 39  
vs. } Gasparus.  
S. Vallejo }

To, Calhoun Bingham Esq.  
U. S. District Court  
Sir,

In this case I had the survey  
ordered into Court in order to see  
if injustice had been done to Mr.  
Milleken who claimed to be  
a sub-grantee. Mr. Milleken  
has made satisfactory arrange-  
ments and is perfectly satisfied.  
No other objection was ever presented  
to me, nor have I heard of any  
that I considered of the slightest  
weight. I state this at the request  
of S. J. Williams Esq.

San Francisco 3rd Aug. 1867.

Julius R. Wise,

Dismiss. The objections are all  
the same, the same, the same  
San Francisco, 3rd Aug. 1867.  
Bingham U.S. Atty.

39

U. S. Dist Court

The U. S.

<sup>n.</sup>  
S. Valley

no 39.

Consent for  
decreed by  
survey

Filed January 11, 1861.  
W. H. Cheverus  
Clerk.

Wm. D. Buchanan  
U. S. Dist Ct



At a Stated Term of the DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room in the CITY OF SAN FRANCISCO, on Monday the 14<sup>th</sup> day of January in the year of our Lord one thousand eight hundred and sixty-one,

CASE 39 ND  
PAGE 87

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,  
v.  
Salvador Vallejo.

No. 39.

On motion of Calhoun Benham, Esq. U. S. Atty. it is ordered by the Court that he have leave to withdraw from the files of the Court in this cause. The stipulation filed by him consenting to a confirmation of the survey herein,

No. 39.

UNITED STATES DISTRICT COURT

Northern District of California.

The United States,

v.

Salvador Vallejo,

Order to withdraw  
consent of U.S. atty  
to confirmation  
of survey.

Filed January 14, 1861.

W. A. Chivers,

Clerk.

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

CASE 39 ND  
PAGE 89

The United States }  
vs } No. 39-  
Salvadoro Vallijo }

And now comes the claimant  
by his attorney ~~vs~~ J. J. Williams  
and excepts to the right of the United  
States to file exceptions in this case in  
behalf of and for Thomas J. Tucker, or  
any other person claiming any portion  
of the land embraced in survey made and  
approved by the Surveyor General and  
returned into this Court under order to  
that effect - or in behalf of any person  
claiming under the original grant con-  
firmed in this case, or under the original  
grant or his assigns -

J. J. Williams  
Atty for claimant -

District Court

39.

The United States

vs

Salvador Valles

Exceptions to the  
right of U.S. to intervene  
in behalf of de

Filed January 24. 1861.

M. A. Cherees,

Clerk.

CASE 39 ND

PAGE 90

At a stated term of the District Court of the United States, for the Northern District of California, held at the Court Room in the City of San Francisco on Monday, February 16th, A. D. 1863.  
Present,

Hon: Ogden Hoffman,  
District Judge,

The United States }  
vs } No: 39-  
Salvador Vallojo }

In the Matter of the survey and location of the Rancho "La Jome."

*[Marginal note:]* the U.S. District Attorney being present and stating to the court that he had no argument to offer in support of the ~~unofficial~~ <sup>unofficial</sup> ~~survey~~ <sup>survey</sup> and that in his opinion the same were not maintainable and that the official survey was correct.

*[Main text:]* This cause came on this day to be heard and ~~was argued~~ <sup>was argued</sup> by ~~both~~ <sup>both</sup> ~~parties~~ <sup>parties</sup> and ~~the court~~ <sup>the court</sup> ~~was~~ <sup>was</sup> ~~in~~ <sup>in</sup> ~~consideration~~ <sup>now</sup> thereof. It is ordered that the exceptions filed to the official survey of said Rancho be and the same are hereby overruled. And it is further ordered, adjudged and decreed, that the said official survey be and the same is hereby approved as a true, correct and final survey of the said Rancho La Jome.

The survey hereby approved contains

Contains Six Thousand Six Hundred  
and fifty two  $\frac{58}{100}$  ( $6652\frac{58}{100}$ ) acres of land,  
being the same made by C. C. Tracy in  
February 1858, a duly certified plat of  
which was filed in the Clerk's Office  
of this Court on the first day of November  
1859, which said plat is herewith at-  
tached as a part of this decree, marked  
"Approved February 16<sup>th</sup> 1863, O. W.  
Hoffman Dist. Judge".

O. W. Hoffman  
U. S. Dist. Judge

No. 39. ND  
194 Bd.

U. S. District Court.

The United States

— v. —

Salvador Vallp.

Deem approving  
official Survey.

Filed February 16, 1863,

W. D. Chevers,  
Clerk.

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

The United States }  
vs. }  
Solomon Vallejo. }

To Messrs. Howard and  
A. C. Church  
Gentlemen,

Take notice that  
the Deponent tomorrow  
morning at the opening of the  
Court on that day or as soon  
thereafter as counsel can be  
had will move the Court  
to strike from the files the  
reception to the survey, <sup>filed by the U.S. States</sup> and  
to confirm the same.

San Francisco 23rd Jan 1861.

J. S. Williams  
atty for Deft.



R. S. De St. C. Currier

12<sup>th</sup> Dec 1861

The United States  
vs.  
Sacerdot Allego

Suma of the within  
notices admitted the  
23<sup>rd</sup> day of July  
1861. L. Aldrich.

J. E. Howard  
per L. Aldrich.

CASE 39 ND

PAGE 95

In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Salvador Vallejo

IN LAND CASES.

Dist. Court No. 39

Land Com. No. 194

To

Thomson & Williams & Thornton

William A. Keeton, N. L. Smith - Henry Austin - James House - Amos Buckingham - L. W. Hardman - Salvador Vallejo - T. L. Briggsly

You are hereby notified that the testimony of the United States in the above entitled cause in behalf of the United States will be taken before me, the undersigned, 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, commencing on Monday the 13<sup>th</sup> day of May A. D. 1861, at 11 o'clock, A.M., and continuing from day to day until finished, at my office, No. 6 U. S. Court Rooms; and you are hereby further notified to then and there appear and propound such questions to the said witness as you may deem fit.

Dated at San Francisco, in the District aforesaid, this 29<sup>th</sup> day of April A. D. 1861.

Casper McAllister

U. S. COMMISSIONER.



Served personally by copy on L. D. Thomas  
for Law partner of J. J. Williams on the  
29<sup>th</sup> April 1861.

Curtis McAllister  
Esq

No. 39.....

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

Salvador Vallejo

NOTICE.

To  
William & Thomas

Curtis McAllister

U. S. COMMISSIONER.

CASE 39 ND

PAGE 97

CASE 39 ND  
PAGE 98

In The United States Dist Court before  
The United States } His Honor Judge Hoffman  
                                  }  
                                  } vs  
Salvador Vallejo }

To Calhoun Benham Esq  
As Dist Atty

The undersigned  
residents of the County of Napa being interested  
in the lands of the Yajami Rancho on  
the Mountain line thereof are satisfied  
with the Gov Survey of the same as it now  
is and request that the same may be  
confirmed without delay

Dated Jan 21<sup>st</sup> 1851

- |                        |                     |
|------------------------|---------------------|
| Third on the line      | John B. Mulliken    |
| Second on the line     | per Thomas J. Stone |
| Fourth on the line     | C. Hartson          |
| Fifth on the line & on | Lewis W. Hardman    |
| Sixth near the line    | J. A. Varner        |
| Seventh on the line    | Jacob Goor          |
|                        | Homon Muller        |
|                        | per C. Hartson      |
|                        | A. Schuchert        |
|                        | Philip Christensen  |
|                        | Samuel B. Wilson    |
|                        | J. W. Little Esq    |

Nicolas Larro  
William Louie  
Rufus Deming  
Christian Westphal  
Samuel Cook

State of California }  
County of San Francisco } SS

J J De Woody being duly sworn deposes and says that he is the County Surveyor of Napa County in said State, that he is acquainted with the Yajoin Rancho therein, that he assisted in making the Government Survey of said Rancho, that the Persons whose names are Signed to the foregoing Petition hold under title derived from Salvador Vallejo all of the lands on the Line of the Government Survey of said Rancho adjoining the Mountains the only uncertain or variable line of said Rancho that the Persons whose names are attached to the foregoing Petition hold under said Vallejo more than nine Tenths of all the lands in said Rancho

Rancho

And that the said Survey according  
to the Judgment of this Department  
Confirms to the Judicial Possession  
of said Rancho as fully and accurately  
as is possible for a Survey (conforming  
in angles with the government direction)  
to do

CASE 39 ND  
PAGE 100

Subscribed and sworn to  
before me this 31st day of  
January A D 1861

J. J. Woody

P. Barry  
Notary Public

United States  
US

Salvador Gallego

Confirmation of Jury

Exhibit Newbery  
N.º 9.

CASE 39 ND  
PAGE 101

Page 101

No 39 N.A.  
U. S. Dist Court  
for Dist of Cal

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The United States  
- vs -  
Salvador Vallejo

---

Exhibit Dewoody No 9  
Attached to dep of F. S.  
Dewoody U. S. District

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CASE 39 ND

PAGE 102



U. S. District Court.

CASE 39 NO  
PAGE 103

The United States }  
vs } "Llajome" Grant  
Salvador Vallejo } Case No.

The U.S. object to the survey of  
said Grant:

1<sup>st</sup> For that a portion of said Survey consisting  
of about 1400 acres is not within the boundaries  
called for in the Grant and Map, which goes  
with the Grant, and that said 1400 acres  
are West, or above the upper boundary of said  
Grant.

2<sup>nd</sup> For that said Defendant Vallejo has elected a  
different location of said Grant by a conveyance  
thereof to Juan A Vallejo dated May 10<sup>th</sup> 1851  
(a copy of which is filed herewith) which con-  
veyance embraces land on the Eastern side  
of said Grant, and within the boundaries  
thereof that is excluded by said Survey:

The Board of Land Commissioners confirmed said  
Grant to Salvador Vallejo "to the extent and quantity"  
of one and one half Square Leagues and for no more;  
provided that quantity is contained within the  
boundaries called for in the Grant and Map which  
goes with the Grant: And if the quantity contained within  
the boundaries is less than 1 1/2 Leagues then we confirm  
that less quantity.

Therefore any survey that goes outside of "the bounda-  
ries called for in the Grant and Map which goes  
with the Grant" cannot be approved by this  
Court.

page 2

CASE 39 NO  
PAGE 104

On the 4<sup>th</sup> of February 1839 Demasot. Rodriguez petitioned the Mexican Government for a Grant of Land known as "Plajime". The petition was referred to M. G. Valli's Military Commander of the Sonoma District for information respecting said Land; and on the 10<sup>th</sup> of May following said M. G. Valli's returned said Petition with a report written on the margin thereof "That the land solicited was unoccupied but that the Map accompanying the Petition was not correct, and as the boundaries of the Colendantes S. Valli's and L. Juarez had not been made certain by judicial possession, it was necessary to make a new Map to show the boundaries of the land granted, and thereby prevent any future controversy between the Colendantes.

There are two maps among the papers in this case which were before the Land Commissioners & are now in the Surveyors General's Office. The incorrect Map which goes with the Petition, is crossed on its face, and marked "Reformada". It does not show any of the boundaries called for in the Grant.

The other map which goes with the Grant shows plainly all the boundaries called for in the Grant and the quantity of land granted;

But it is remarkable, that this correct map, which was made for the express purpose of showing the boundaries was not sent up with the transcript to this Court from the Surveyors General's Office.

A provisional Grant was made to Rodriguez March 13<sup>th</sup> 1841, and there are two papers purporting to be final Grants; both are dated March 16<sup>th</sup> 1841.

Each of these three Grant papers calls for the same Natural boundaries and also the Colendantes L. Juarez & S. Valli's; all of which are represented on the correct map, and correspond with the Calls in the

Grant which are as follows;

- " On the East by Cayetano Juarez, On the West by
- " Salvador Vallejo, On the North <sup>by the</sup> Sierra and on the
- " South by the River. The encenada on the East
- " to be included in the land, and also the Cañada
- " on the West - Colindante con Don George (Garcia)

CASE 39 ND

PAGE 105

These three Grant papers and the Map each and all establish the exterior boundaries of the Grant by the natural features of the country to wit; the "encenada" on the East, the "River" on the South; the "Cañada" on the West; and the "Sierra" on the North.

There is no controversy as to the exterior boundaries on three sides to wit; the "Sierra" the "River" and the "encenada" the only question is as to the upper or what is represented on the Map and in the Grant as the Western boundary.

The Surveyor General committed a great error in supposing that the Lajome Grant must necessarily extend up to the Caymus Grant wherever that might be located by judicial possession.

At the time the "Lajome Grant" was made Don's "Caymus Grant" had no boundaries. His Grant conveyed two leagues "Situate in Mapa Valley" but no boundaries were given to it; and judicial possession of the Caymus Grant was not given until long after the Lajome Grant was made.

It is evident from the provisional & final Grants & Map of the "Lajome" that the "Cañada" was fixed as the western limit of the Grant. and therefore the Decree of the Comisarios limits the Grant to this boundary.

But it is claimed that the judicial possession located this Grant. This however is not the case, and

the Commissioners did not confirm the Grant according to the judicial possession; and for good reasons

The Record shows what purports to be a judicial possession given by the notorious "Jose de la Rosa" (well known to this Court) to Rodriguez in 1845; whereas Rodriguez conveyed all his title and interest in the Grant and gave possession thereof to Salvador Vallejo in 1842.

Rodriguez had not been interested in the Grant or the possession thereof for the period of nearly three years next preceding the alleged act of judicial possession. 2<sup>nd</sup>. The Surveyor General has entirely disregarded the record of judicial possession and has allowed said Rosa and others to point out a judicial possession which differs entirely from the Record. The lines pointed out by Rosa do not correspond with the lines described in the Record of judicial possession either in their courses or distances.

3<sup>rd</sup>. The lines of judicial possession pointed out by Rosa extend up the River above the boundaries called for in the Grant and Map which goes with the Grant.

The Record of judicial possession describes a parallelogram with a line of \_\_\_\_\_ miles on the River side, whereas the lines pointed out by said Rosa and by which the Surveyor was governed in making the Survey form a trapezium extending some \_\_\_\_\_ miles along the River. 4<sup>th</sup>. Judicial possession could not effect the title or location of the grant.

A Tract of Land was granted with definite boundaries and these boundaries are clearly set forth in the provisional and final Grants & Map. and do not embrace more than the quantity of land granted. The Grantee was thereby vested with a perfect title to all the land within these boundaries and no more, and having conveyed his title in fee simple to

Salvador Vallijo newly three years before the alleged act of juridical possession; and as such juridical possession could not effect Vallijo's title, it must have been <sup>given</sup> by Rosa to Rodriguez at Vallijo's instance to enable him to hold fraudulently all the vacant land between the "Llajome" & "Caymus" Grants; and therefore the Commissioners limited him to the ~~the~~ boundaries of the Grant regardless of the lines of juridical possession.

The only hypothesis upon which this survey can be confirmed is to hold that the "Llajome" Grant may extend up the River to any arbitrary line that may be established as the boundary of the "Caymus" Grant. And even in that case there is still a controversy as to the boundaries of the "Caymus", which must first be determined.

It is true the Grant is to include the "Cañada" or the West. "Colendante con Don George Grant" from which it is evident that the "Cañada" is the Western limit of the Grant, and this is shown by the Map, - at the ~~same~~ time this Grant was made Don George "Caymus" Grant had no boundaries. Salvador Vallijo & Cayetano Juarez are marked on the corrected map as "Colendantes". The "Cañada" is also marked on said map, but Grant is not shown on the map, and hence it could not have been intended to make his Grant a boundary as all the boundaries are shown on the map. There can be no difficulty in fixing the Western boundary of the Grant provided the "Cañada" called for in the Grant and represented upon the Map can be identified upon the land.

The U.S. claim that this Cañada has been identified by the natural features of the country and that the present survey embraces over 1400 acres, above or west of this "Cañada" and consequently outside of the Grant.

page 6. Exhibit "N.L.S. No 1" is a certified copy of the corrected map which goes with the Grant, and Exhibit "N.L.S. No 2" is a certified plat of the survey in controversy together with the topography of the Country as established by actual surveys

CASE 39 ND

PAGE 108

" St. L. Squibb witness for the U.S. says he has been engaged in surveying since 1826. that he has resided in Napo Valley since 1832, that he knows the land called "Gajome" and made a survey on that tract in 1852. (See page 1 Deposition)

" That he has been county surveyor of Napo County 4 years and is familiar with the land in controversy (see page 7 Dep) That from actual survey and observation he knows a point of the Mountain approach

"=ing the river near the point marked "Cañada" on Exhibit "A" (N.L.S. No 1) and that the representations on said Exhibit correspond very well with the mountains as they actually exist on the land, (see page 3 Dep).

" The point on exhibit N.L.S. No 1, where four lines cross each other at the western extremity of the map near "C" is the same point marked "Tule" on Exhibit "N.L.S. No 2", (see page 4 Dep)

" The channel of Napo River ceases for a distance at that point, the natural features represented on exhibit N.L.S. No 2, were plotted by me from actual survey (see page 5 Dep)

" I would locate the line on the Western margin of Exhibit "N.L.S. No 1" marked "Salvador Vallejo" at the point marked "A" on Exhibit "N.L.S. No 2"

" J. D. D. Morley witness for U.S. says that he saw the Eastern boundary line of the "Gajome Grant" as Deputy U.S. Surveyor and that Exhibit "N.L.S. No 2" is a correct plat of said survey (see page 3 Dep) -

" That the point marked "B" on Exhibit "N.L.S. No 1" is the same point of Mountains marked "Chimesal"

page 7 " on Exhibit "N.L.S. No 2" (see page 15 Dep) that the place  
" marked "C" on Exhibit "N.L.S. No 1" is the same place  
" marked "Molino" on Exhibit "N.L.S. No 2" The point  
" marked "B" on Exhibit "N.L.S. No 1" near the upper end  
of that map is located about the middle of the  
present survey as shown by Exhibit "N.L.S. No 2" (see  
page 16 Dep)

From the foregoing Deposition it is evident that all that  
portion of the present survey above or northwest of  
the point marked "A" on Exhibit "N.L.S. No 2" is not  
within the boundaries called for in the Grant and  
map which goes with the Grant.

(The Deposition of N.L. Spritt speaks of the point marked  
"A" in "red ink" on Exhibit "N.L.S. No 2" the color changed  
to black as there was black ink on the pen at the same  
time) -

- 2 -

It is a well established rule governing the location  
of Grants, that where the Confeeree has conveyed  
land within the exterior boundaries of the Grant, as  
a portion thereof he is bound by such election and the  
survey of the Grant must include the land so conveyed  
In this case the Surveyor General admits in his  
report of the survey that he has not included all the  
land heretofore conveyed as a portion of the "Lajome  
Grant"

The first conveyance made by the Defendant  
herein of the "Lajome" was to Juan A. Vallis by deed  
dated May 10th 1851 and the land so conveyed, was  
bounded by the "Sierra" "Cajarez" the "River" and  
the "Molino"

The Defendant therefore has located his Grant at least  
to the extent of the tract so conveyed, and being  
the first tract conveyed it must be included

page 8. in the survey.

CASE 39 ND  
PAGE 110

But the testimony of A L Squibb and J D Moody and Exhibit "D Moody No 1" all show that the present survey excludes a portion of this tract so conveyed adjoining the Mountains on the North Eastern side of the Grant.

" A L Squibb testifies that the present survey (as shown by Exhibit "A L S No 2") excludes a strip of land along the mountain on the N.E. side  $\frac{3}{4}$  of a mile wide between the mountain and line of survey (see page 6 Squibb Dep)

" J. D. Moody testifies that the lower or Eastern boundary called for in Exhibit "D Moody No 1" (the Deed from ~~J. D. S. Vallis & Wife~~ to J. A. Vallis) is outside of the present U.S. Survey (see page 3 D Moody Dep)

The Surveyor General therefore in making or accepting the present U.S. Survey committed the gross injustice of excluding land previously sold by Defendant and for which he had received a full compensation and including land (more than 1400 acres) west of the Cañada and consequently outside of the boundaries called for in the Grant & Map.

But the amount of land outside of the Grant and within the survey is much greater and much more valuable than the land within the Grant, & excluded from said survey



From a careful examination of the Grant and reformed map which goes with the Grant, it will be seen that the exterior boundaries of the land granted are as follows: The lower boundary (or that which is represented in the Grant and on the map as the Eastern boundary) is a line running from the river to the mountain so as to include the "encinada" on the East. This line also adjoins Cayton's quarry. The upper line (or that which is represented in the Grant and on the map as the Western boundary) is a line running from the mountain to the River so as to include the "cañada on the West" which is represented on said reformed maps.

The preliminary Grant, and final Grant, each, calls for Salvador Valleys as the "Colinducte on the West" and he is so represented on the reformed map. And the military commander says a new map should be made to show the correct boundary of the "Elijoni" and prevent a conflict with Valleys & quarry - But at present Valleys does not claim any other tract of land on the Eastern side of the River - And hence the presumption ~~is~~ is irresistible, without further proof, that at the time this Grant was made, Salvador Valleys claimed the land West of the Cañada and between that and Yount's "Cayton's" Grant, and since Valleys purchased this

Llajome Grant, he has endeavored to extend its lines above the Cañada so as to embrace the land which he had previously claimed without any title, and to aid him in this he procured Jose de la Rosa, to give Rodriguez possession of this Grant long after Vallijo had purchased and taken possession of it,

As before stated, the amount of land between the place marked "Cañada" on the Comuted map, and Grant's "Caymas" Grant is about 1400 acres but as this "Cañada" is the boundary called for in the "Grant and map" and as the Decree of the Board of Land Commissioners confirms the Confirmation to the boundaries called for in the Grant & map, it is evident that the present survey, if approved would deprive the Government of said 1400 acres of valuable land, saving the almost valueless land along the foot of the mountain which Vallijo has sold as a portion of the Grant and which is excluded from this survey although it is within the exterior boundaries of the Grant.

United States  
vs  
Salvador Valley  
"Tajome" Grant  
Case No

CASE 39 ND  
PAGE 113

Deed

M. Frisius to Justus Struver

The description referred to in the within deed is Recorded immediately following this deed, on this and the next page. A. J. Watson Recorder  
Jan'y 24<sup>th</sup> A. D. 1855

Know all men by these Presents, That I, Martin Frisius of the City of San Francisco State of California in consideration of the sum of <sup>thirteen</sup> hundred and eighty four  $\frac{39}{100}$  Dollars, to me in hand paid by Justus Struver of the County of Napa State of California the receipt whereof I hereby acknowledge have bargained, sold and quit-claimed, and by these presents do bargain, sell and quit-claim unto the said Justus Struver and to his heirs and assigns forever All my right, title, interest, Estate claim and demand, both at law and in equity and as well in possession as in expectancy of, in and to all That certain piece or parcel of land a description whereof by the County Surveyor of Napa County State of California, is hereunto annexed. Said tract of land containing eleven hundred and fifty  $\frac{58}{100}$  acres and being part of the Rancho, Yayome, situate, lying and being in the County of Napa, State of California, with all and singular the hereditaments and appurtenances thereunto belonging.

In Witness Whereof, I have hereunto set my hand and seal the fifteenth day of January A. D. eighteen hundred and fifty five.

Sealed, and delivered in presence of } (S.S.) M. Frisius.

State of California }  
County of San Francisco S.S. } On this Seventeenth day of

January A. D. One Thousand Eight Hundred and fifty five before me J. A. Lynch a Notary Public in and for said County personally appeared M. Frisius to me known to be the individual described in and who executed the annexed Instrument and acknowledged that he executed the same freely and voluntarily for the uses and purposes therein mentioned.

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

(L.S.)

J. A. Lynch  
Notary Public

Description of 1150 <sup>58</sup>/<sub>100</sub> acres of land part of the Yagome Rancho situate in the County of Napa:  
Commencing at a small oak in the bed of Dry Creek at the junction of said creek with the County road leading from Napa City to Howells Mountain, and running with the centre of said road South 9° East three chains eighteen links thence South 10° 30' East forty one chains forty nine links. thence South 44° 45' East thirteen chains seventy five links thence South 8° East twenty one chains thirty nine links. thence South 17° 15' East ten chains fifty two links thence South 3° 15' East sixteen chains sixty nine links to the North Western line of a tract of land. N<sup>o</sup> 4 on the plan of ~~the~~ said Yagome Rancho thence with said line North 65° East sixty nine chains seventy five links to the Western corner of John. B. Millikens four hundred acres of land. thence with said John B. Millikens

The within certified description was attached to the Deed recorded on opposite page 190 and is the same referred to in said deed.

A. J. Watson - Recorder

Jan'y 24<sup>th</sup> 1855

North West line North  $1^{\circ}50'$  East fifty eight chains  
fifty nine links to a stake. thence North  $13^{\circ}55'$  East  
thirty eight chains fifty two links to a pile of rocks  
on the side of the mountains <sup>thence following the side of the mountains</sup> North  $52^{\circ}30'$  West fifty four  
chains eighty one links to a pile of rocks thence North  
 $85^{\circ}30'$  West fifty three chains eighty links to a pile of  
rocks on the bank of Dry Creek thence down said Creek  
and following the meanders thereof to the place of beginning.  
Containing Eleven Hundred and fifty  $\frac{56}{1000}$  acres of land.

I certify that the description on the other side is  
the true description of a tract of land belonging to Justus  
Struver and situated in the Yayoome Rancho as sur-  
veyed by me in the year 1854 for the said J. Struver  
Napa City Jan'y 1855. Em Ad Hemeccourt

County Surveyor Napa County.

I do hereby certify that Em Ad Hemeccourt the maker  
of the above certificate and description is the present  
Acting Surveyor in & for Napa County - State of California,  
and that the above is his signature.

Given under my hand this 12<sup>th</sup> day of January A.D.  
C. Harton

County Judge  
Napa County

(S. S.)

Received for record Jan'y 24<sup>th</sup> A.D. 1855 at 6 o'clock  
P.M. and recorded at the request of Mepr Brooks &  
Somiter.

State of California } S.S.  
County of Napa } J. Robert Crouch County Clerk

CASE 39 ND  
PAGE

and Ex Officio County Recorder do hereby certify the foregoing to be a true full and correct copy of the foregoing instrument as the same appears of record in Liber C of deeds on pages 190<sup>th</sup> and 191. Now remaining in my custody.

Witness my hand and seal this 17<sup>th</sup> day of May A. D. 1861.-

Robert Branch Co. Recorder  
By C. E. Gloyes Deputy



Copy, deed

M. F. Fisk

to

Justus Strever

Recorded in Liber C of Deeds  
Pages 190<sup>th</sup> and 191

Exhibit Newbody  
N. 6

CASE 39 ND  
PAGE 117

See p. 30

95

In the District Court of the United States  
FOR THE *Northern* DISTRICT OF CALIFORNIA.

The United States,

v.

*Salvador Vallejo*

IN LAND CASES.

Dist. Court No. *39*

Land Com. No. *194*

BE IT REMEMBERED, that on this *25<sup>th</sup>* day of *July* A. D. 1861,  
at *San Francisco* in the District aforesaid, before me, <sup>*John M. Allister*</sup> ~~JOHN B. WILLIAMS~~,  
a Commissioner duly appointed by the Circuit Court of the United States for the Dis-  
tricts 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. J. Dewoody* a witness produced in behalf of  
*The United States* 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: *Wm N. Sharp U. S. Atty by*  
*Gen. Harvard C. Hartson for Claim*

QUESTIONS IN BEHALF OF THE *United States*

Question 1st,

*Your name, age, place of residence  
and occupation?*

*Ans.*

*J. J. Dewoody, 36 years of age, my  
residence Napa, my occupation is sur-*



-veyor.

Ques 2.

How long have you resided in Napa?

Ans.

Little over two years.

Ques 3.

Are you acquainted with the land known as Yafine?

ans.

I am.

Ques 4.

State if you know the present boundaries of the last U. S. Survey of the Yafine grant?

Ans.

I am acquainted with them.

Ques 5.

Who ran the Eastern boundary line of that survey?

Ans.

I, as assistant to C. C. Tracy U. S. Deputy Surveyor ran the greater portion of the Eastern boundary line.

Ques 6.

State if you know the place known as Corte de Madera?

Ans.

It has pointed out to me by some of the old Californians.

Ques 7.

CASE 39 ND

PAGE 120

Ans

It has been pointed out to me by some  
of the old Californians -

Ques 7  
State what portion of the boundary survey forms that if any?

Ans  
It forms the corner at the foot of the mountains, at the lower end of the Ranch. The South Easterly corner of said survey, ~~would be for~~ that is the South Easterly corner of Corte de Madera.

Ques 8.  
At what time was the U.S. Survey of Lajomi made?

Ans.  
It was either June or July 1859

(Witness here shown ~~that~~ a traced copy of plat of the survey of Lajomi filed in this cause Nov. 1. 1859.)

Ques 9  
State if that is a correct <sup>plat of the</sup> survey of Lajomi grant?

Ans  
I think it is.

Ques 10  
State where ~~was~~ the Eastern boundary line of that <sup>was</sup> plat ~~ran~~?

Ans

In June or July 1859.

~~Quest 11.~~

CASE 39 ND  
PAGE 122

The witness is here shown a certified copy of Deed. from Salvador Valleso To Juan A. Valleso, dated May 10 1851. |

Quest 11

Read the description of Deed and state if you know the land described therein?

Ans.

I know the lands mentioned therein, It includes ~~all the lands~~

Quest 12.

State if you know the point where said survey crosses <sup>dry</sup> ~~said~~ Creek?

Ans 12.

I do -

Quest 13.

On what <sup>boundary</sup> line of the survey is that point - ?

Ans 13.

It is on the Eastern boundary

Quest 14

Look at the paper marked Exhibit A. L. S. No 2, attached to the deposition of A. L. Squibbs heretofore taken in this case, & state if that

is a correct copy of the plat of said survey?

CASE 39 ND  
PAGE 123

Ans 14

It is.

Ques 15.

Please look at the paper marked "Exhibit Demrody No 1" & state how the Eastern boundary of the tract described in that Exhibit, is located, with reference to the Eastern boundary of the said survey?

Ans 15.

There is no Eastern boundary described in the Exhibit; the word "norte este" in said Exhibit, should read "norte oeste" (North West), by the lands of Molina.

When the Exhibit says "al norte la Sierra", it should read "al norte este la Sierra" with that change in the description the Exhibit would fit the topography of the land.

The upper portion of it would be inside of the survey, & the lower or Eastern portion would be outside of the present survey.

Ques 16

Look at Exhibit A. L. S. No 2 & state how the Eastern boundary of that Survey between the point marked

"B" & the point where the survey crosses "Dry Creek", & state how the line of the survey is located with reference to the foot of the Mountain &

Ans 16

From the Point B about two thirds of the way up to the crossing of Dry Creek, there is an average distance of about 600 yards west of the foot of the Mountain, the remainder of the line runs over waving land that may be called foot hills -

Que 17

State if the description in Exhibit No 1, ~~between the embraces~~ any land between the Eastern Boundary of the Survey & the foot of the Mountain & if so what quantity &

Ans

Ans 17

It does embrace land, probably 320 acres more or less -

Que 18

State if that land is embraced in the U.S. Survey &

Ans 18

It is not

4.  
Ques 19.<sup>c</sup>

~~marked~~ Examine the description in Exhibit Dewoody ~~marked~~ N<sup>o</sup> 2. and state if that is the same land described in Exhibit Dewoody ~~marked~~ N<sup>o</sup> 1?

CASE 39 ND  
PAGE 125

Ans.

It is the same.

Ques 20.<sup>c</sup>

Look in the description of Exhibit Dewoody N<sup>o</sup> 3. and state if that description was contained in the description of <sup>Exhibit</sup> Dewoody Exhibit N<sup>o</sup> 2.?

Ans.

It is.

Ques 21.<sup>c</sup>

Look at the description of Exhibit Dewoody N<sup>o</sup> 4. and state if the land described therein is within the boundaries of Exhibit N<sup>o</sup> 3.?

Ans.

The land herein described is a portion of the land described in N<sup>o</sup> 1 and N<sup>o</sup> 2. and it includes <sup>one of the</sup> tracks of described in Exhibit N<sup>o</sup> 3.

Ques 22.<sup>c</sup>

Look at Exhibit Dewoody N<sup>o</sup> 5. and state if the land described

Therein is contained within the boundaries of Exhibit N.º 4.?

Ans.

This.

Quer 23.

State if the land described in Exhibit Senoody N.º 5. is embraced in said United States Survey?

Ans.

This with the exception of about 25 or 30 acres which is not included.

Quer 24.

Look at Exhibit Senoody N.º 8. and state if the land described therein is embraced in said United States Survey!

Ans.

There is <sup>between</sup> ~~about~~ a hundred and fifty ~~acres~~ and two hundred acres that ~~it~~ is not included within the United States Survey.

Quer 25.

What is the quality of the land described in Exhibit N.º 8. that ~~it~~ is not included in said U. S. Survey, and how is that



portion situated?

Ans.

I should think about 80 acres is good land first rate valley land. The remainder is gravelled foothills - Third rate.

Quere 26<sup>c</sup>.

Look at Exhibit Newwoody N<sup>o</sup> 7. & state if the land described in said Exhibit is embraced in said U. S. Survey?

Ans.

It is, with the exception of about 20 acres.

Quere 27<sup>c</sup>.

Look at the description of Exhibit Newwoody N<sup>o</sup> 6. & state if the land described in that Exhibit is embraced in said U. S. Survey?

Ans.

This land is included, the greater portion, - there may be about 80 acres left out. I don't think there can be more than 80 acres.

Quere 28<sup>c</sup>.

State how the land described in those Exhibits, which is not included in said U. S. Survey, is located with reference to the

Mountain and present line of  
said U. S. Survey?

Ans.

It is Between the ~~land~~ line of the  
survey and the mountain and  
outside of the survey.

( Counsel for the Claimant  
objects to the introduction of  
all deeds ~~because~~ and evidence  
of purchase from the grantee  
or his assigns for the following  
reasons:

1st. Those holding lands under  
such deeds are satisfied with  
the survey, and do not wish ~~that~~ it  
changed or complained of the Survey.

2nd. They ~~never~~ authorized no one  
to complain in their behalf.

3rd. Under the rules of surveying  
for the General Government the  
lines of the survey could not  
agree with the irregular lines  
of the deeds.

4th. That it is impossible for  
lines run North and South,  
East and West to agree with  
the lines of Juridical possession.

5th. There are no reasons why the Government should complain of its own acts, - she not being an injured party.

Sixth: That all the testimony and conveyances introduced are irrelevant

## Cross Examination

Questions by Atty for Claimant

Witness testifies as follows:

I was employed in the survey of the Ranch of Yajome. The general spelling of the name of this Rancho is Yajome though I have seen it spelled Lajome and Yajomi. The upper line of the ~~Ranch~~ survey of the Ranch is the lower line of the Gaymas Ranch.

This Gaymas Rancho is owned by Geo. C. Younts. The upper portion of the Yajome borders on the Younts' Rancho. This South East corner of the Gaymas and the North East Corner of the Yajome

are identical. The North West corner of the Yajome is in the middle of the ~~year~~ river Napa where the lower line of the Caymac crosses the river. The point is marked by witness post on the bank. The North East corner is at the foot of the mountains.

The South East corner, ~~and~~ the Corte de Madera ~~is~~ known as Corte de Madera is situated at the foot of the Mountains.

The valley extends to that point.

The mountains at that point are very abrupt and steep. From the Corte de Madera to Milliskins canon the mountains are abrupt. From that point about 3 miles the mountains run out in foot hills. Thence to the upper end of the Rancho the mountains are very abrupt.

If you run North from Corte de Madera you immediately <sup>run on ~~main~~</sup> <sup>main</sup> get up to the mountains.

Station N. 37 is at the point of ridge on rolling land. It is not in the valley proper. It is on the slope down from the

mountains. State N<sup>o</sup> 36 is similar kind of land as Station N<sup>o</sup> 37. ~~This~~ Station 36 is about 10 chains from the edge of the valley proper. About one quarter of a mile to the steep part of the mountain, but ~~extending~~<sup>ascending</sup> all the way.

Ques.

Is not the mountain or foot hill steep, rough and rocky at some points within thirty rods of Station ~~N<sup>o</sup>~~ 36?

Ans.

It is rocky but not steep. But the bed rock crops out all along. It is about a quarter of a mile to the steep part of the mountains.

Ques

Between Station 36 & the valley what is the character of the surface, I mean with reference to the rocks?

Ans.

The bed rock crops in ~~some~~ places there.

Ques

What is the character of the land

between Station 36 and  
Millikin's canon?

CASE 39 ND

PAGE 132

Ans.

A straight line from said  
Station 36 to said canon would  
run over red, rocky foot hills.

The Canon is <sup>is</sup> about three quar-  
ters of a mile north from Station  
36. By canon we refer to the  
mouth of the canon.

Quer

The land between the Millikin  
valley and the mountains what  
is its character, <sup>is it</sup> "red, rocky &c."  
~~coming~~ from the foot hills?

Ans.

It is.

Quer.

Is this land from the valley  
to the mountains ascending?

Ans.

Yes.

Quer.

Are Stations 32, 30, 28 & 26 in the  
valley?

Ans.

They are not.

Quer.

How far is Station 30 from

the valley proper?

Ans

About a half<sup>00</sup> mile.

Quer.

Does the valley not <sup>run</sup> ~~fit~~ up in or to the mountains Northward at the Millikin's place further than other parts of the Rancho or near?

Ans.

It does. West of the Millikin's place there are stony ridges running down between it and the main valley. East of this is the main ~~Quer~~ mountain.  
How is it in

Quer.

How far? Show us on Exhibit N. L. S. N.º 2. how far up ~~the~~ on said Rancho the land deeded from Salvador Vallejo to Juan extended ~~up~~ ~~to~~ ~~a~~ ~~point~~

Ans.

It extended to a line running across the valley just ~~the~~ below Molino, and thence followed the foot <sup>mountains</sup> ~~hills~~ as marked on the map.

Quer

About how much  
Extending Continuing the  
upper line of the land embraced  
in said deed <sup>from</sup> of Vallejo to  
Juan Vallejo to the Eastern or  
mountain line of the Government  
Survey of said Rancho and  
following the line of said survey  
how much land would be em-  
braced that ~~is~~ not contained  
in said deed?

(Objected to as incompetent  
and irrelevant)

Ans.  
About 400 acres.

Queer  
How is this land designated  
in Exhibit N. L. S. N. 2.?

Ans.  
This marked here as hills or  
mountains and the word "chimelas"  
written on the same.

Queer.  
How is the Govt survey located  
with reference to the mountains  
above this line passing below  
the Molino from that point to  
Yount's South Eastern corner?



Ans.

The line keeps on the Western slope of the mountains except two courses, one of a half mile and the other of a quarter of a mile near Eddingtons house that are in the valley. The rest are all on the slope of the mountains. The mountains on the greater portion of this line are very precipitous and very rocky.

Quer

Is there any Canada on the upper part of this Rancho?

Ans

(Objected to as not responsive to any matter elicited in the direct examination and because it is leading.)

There is.

Quer

Will you describe that Canada and its location with reference to the certified plat of the survey on file in this case?

(Objected to as above)

Ans.

This canada is between the Mountain on the East and some hills on the West. It extends from Station N<sup>o</sup>. 6. down to about Station 15.

Quee

Is there any opening from that canada up towards the North Eastern corner of said Rancho?

Ans.

There is. The canon proper opens out towards the South, but from the head of the canon there is an opening ~~from~~ between the hills on the West and the main mountain. After you get through ~~from~~ between the mountains and the hills there is no obstruction in following along the foot of the mountains to the corner.

Quee.

From the opening out of the hills to the North ~~West~~ <sup>East</sup> corner how far is it?

Ans.

About 50 chains.

Quee

Are there any hills <sup>above or</sup> between said

CASE 39 ND  
PAGE 137

opening and the river <sup>said</sup> Rancho?

Ans.

There are hills both above and below but none directly between.

Ques.

How near to Lount's line <sup>do</sup> said hills extend?

Ans.

About 300 hundred yards.

Ques

Is there an opening between those hills and the mountain at the upper end of the <sup>Yapine</sup> Rancho?

Ans.

There is.

Ques

Is this opening right above the opening ~~at~~ connected with the Canada and between the same ~~at~~ the North East corner of said Rancho?

Ans.

This and is well shown in Exhibit N. L. S. N. 2.

Ques

The South East corner <sup>and Southern line</sup> of Caymas referred to are they the same adopted in U. S. survey of the

Laymas Ranch?

Ans.

In all answers referring to any of these corners and lines I mean those established by U. S. Surveyors.

Quer

Below the point marked Chemiles in Map N. L. S. N. 2, and the Corte de Madera at South Eastern corner who are the persons holding land under the grant?

Ans.

(Objected to as incompetent.)

Portion of the tract <sup>is held</sup> by Nicolas Larco. Christian West Fall, Levy ~~Handberg~~ Hardman, John B. Millikin, C. Hartson, & Thomas A. Vann, those are all that are on that portion of the land in question.

Quer.

How far is the lower part of this grant from Napa City?

Ans.

About a mile more or less.

CASE 39 ND  
PAGE 139

Quer

Who holds the land in the Rancho adjoining Stations No. 38, No. 36, No. 34, No. 32, No. 30, No. 28, No. 26.

Ans.

38. Thos. A. Vann. 36. C. Hartson  
34. John B. Millikin, 32 & 30  
Hardman, 28 & 26 don't know  
of any deed that connects with  
them at all, <sup>they</sup> probably belongs  
to Hartson.

Quer

(Answer objected to as it appears  
this parties hold by deeds  
which is the best evidence)

Quer.

Are these persons above enu-  
merated the same persons mentioned  
in the deeds and copies of  
deeds introduced in evidence  
in this case?

Ans.

They are.

Quer.

Are they the same persons  
mentioned in this Instrument  
marked ~~Deed~~ Exhibit No. 9?

Ans

(The introduction of this <sup>Exhibit N.º 9</sup> paper is objected to as incompetent irrelevant and not properly proved.)

Ans.

They are the same as I find their names in this paper.

Quer.

That Rancho lies on the South <sup>East</sup> of the Yajime and adjoining the same?

Ans.

Tulecay Rancho, originally owned by Cayetano Juarez.

Quer.

Does Exhibit No 1. show the boundary line between the Yajime and the Tulecay Rancho granted to Cayetano Juarez?

Ans.

It does not. Larco Creek the boundary between the two Ranchos is not marked down on this Exhibit N. d. I. N.º 1.

Quer.

From point A. along the <sup>Northern</sup> ~~Western~~ side of Exhibit N.º 1. & along the Eastern margin of said

map there is a row of lines or scratches, what do you understand them to represent?

Ans.

I find the word Sierra, written down on the map, & take it as representing Mountain.

Quee.

Are there any mountains on the South East of the Yajome and between that and the Tulcay as represented on Exhibit N<sup>o</sup> 1?

Ans.

There are not.

Quee.

Is there any creek on the Yajome Rancho, <sup>indirectly</sup> like the one called Arroyo Seco on the map?

Ans.

There is a creek known as Dry Creek, but <sup>it</sup> don't correspond exactly with the one marked Arroyo Seco on Exhibit N<sup>o</sup> 1.

Quee

What is the difference?

Ans.

The Arroyo Seco on the diagram runs nearly South East, on

the ground Dry Creek runs nearly South and emptying into Napa river. The Arroyo Seco empties into the <sup>arroyo</sup> Yajome on the diseno; there is a slough that runs into the Yajome. now known as Milliken Creek.

Queer.

What Rancho lies on the West and South West of the Yajome?

Ans.

Napa Rancho granted to Salvador Vallejo.

Queer

How far up to the Valley in a Northerly direction <sup>does</sup> the Napa Rancho extend?

Ans.

It extends to <sup>the</sup> lower boundary of the Caymas Rancho. \*

Queer.

Does this map show <sup>the</sup> ~~its~~ upper or northern boundary? of the Napa Rancho? ~~Ans.~~

Ans.

It does not.

Queer



Does this map Exhibit N<sup>o</sup>. 1 show all of that portion of Napa Rancho which borders with or Napa river?

Ans.

It does not.

Does this map Exhibit N<sup>o</sup>. 1 N. L. S. show all of the river line between the Napa & the Yajome Ranches?

Ans.

It may ~~be~~ <sup>have been</sup> intended to show it, but it has not the river in the proper shape. The ~~solid~~ <sup>dotted</sup> lines from the point A. along the lower edge of the map to the Eastern end of the same are intended to represent the river as it is marked Rio de las Traucas.

Ans.

Does the river at the point A. run from the Mountains?

Ans.

No sir. ~~They~~ does not.

Examination adjourned <sup>until</sup> to-morrow at 9 o'clock. a.m.

San Francisco  
July 26<sup>th</sup> 1861.

Examination resumed from  
yesterday. Same Attorneys present

Ques.

What evidence have you got that  
the South Eastern corner of the  
Rancho is the Corte de Madera?

Ans.

It was pointed out to me by  
Jacob P. Lease, Jose de la Rosa,  
Ramon Mesa, and Cayetano  
Juarez. - Jose de la Rosa and  
J. P. Lease did not go ~~at~~  
to the place, but to a short  
distance from the place, ~~about~~  
and pointed <sup>at</sup> ~~the~~ the mouth of  
the Canon of the Sarco Creek and  
said that there was the Corte  
de Madera. Cayetano Juarez  
then went to the ground and  
showed me the spot.

(Answer objected to because the  
persons mentioned are all living  
and should be called as witnesses.)

and because the testimony contradicts the grant and juridical survey!

Ques

What is the course & termination of Jarco's Creek and its position with reference to the Tulcay and Yajome Ranchos?

Ans.

This is a boundary line between the Tulcay and Yajome Ranchos and runs in a South Westerly direction and after joining Milkins Creek it empties into Napa river.

Ques.

What is the position of the North East corner with reference to Corte de Madera?

Ans

This is the same as the corner of the Yajome adopted in the survey.

Ques.

What evidence have you that the North East corner of Yajome as established by the survey is the same with that of the Juridical possession? if any?

Ans.  
It was pointed out to me by  
Jacob P. Lease, Josi de la  
Rosa, & Cayetano Juarez,  
at the corner to the two Ranchos  
- Yajome & Zubacay Caymas.

(Objected to as hearsay & incompetent)

Direct ~~ex~~ examination resumed

Ques  
Are you acquainted with the  
topography of the country from  
point A, marked on Exhibit  
N. L. S. South?

Objected to. The objection to the  
question asked by Mr Cornstock  
is ~~because~~ <sup>that</sup> it is <sup>a</sup> repetition

Mr Howard states that  
the question is asked by his  
direction.

Ans.  
I am.

Ques  
Is that topography well repre-

presented on this Exhibit?

Ans.

From the point A. to the place where the line crosses Dry Creek is well represented. ~~But~~ <sup>to the</sup> ~~Therefrom~~ Corte de Madera is imperfect.

Ques

What is the general form of the mountain from Dry Creek South-  
-erly & Southeastern?

Ans

The general course of the mountain is South East, slightly curved.  
~~Between Millstone Creek~~

Ques.

How do you translate Arroyo Seco?

Ans.

Dry Creek.

Ques.

Look upon this map which is Exhibit N. L. S. No 1, attached to the Rep of Squibb, & say if ~~there is~~ a point of ~~mountain~~ the lines represented on the Western side of the map represent a point of hills or mountains approaching the stream?

Ans.

There is a point of the mountains

above Dry Creek that comes down the river but it is not ~~so~~ <sup>as</sup> sharp a point as <sup>the one</sup> represented in the map ~~and~~ which I suppose is intended to represent; <sup>it</sup> but it is not a good sketch of the mountain.

( This point I mark B. on the Exhibit. )

Ques

With reference to the point B. which you have just fixed where would you locate the point "Molino" on the same map?

Ans.

To locate this Molino on this map, in reference to this point there being nothing else ~~represent-~~ ~~ed~~ on the map that represents anything on the ground in that neighborhood, it would be making a location by guess.

Ques

Do you mean to say that you can not locate the Molino on this map?

Ans.

Not with any accuracy, the

map being inaccurate.

Quess.

With reference to point B. on the same Exhibit locate the Molins as near as you can by a mark!

Answer

I print ~~the~~ mark C as the point, being as near as I can locate it on that map.

Quess.

What relation as to distance does the point on the ground coming down towards the river which you have marked B bear to the upper and lower ends of the U. S. Survey?

(Question propounded by Mr Comstock is objected to on the grounds that the map <sup>itself</sup> ~~itself~~ discloses itself with more accuracy than can otherwise be given.)

Question Withdrawn.

Quess

What relation as to distance does the point coming down towards the river which you have marked

B. bear to the upper and lower end of the survey as represented on the Official Survey?

Ans.

The point of hills that come down towards the river as shown in Exhibit N.L.S. N.º 2. is nearly the middle of the survey in respect to lower and upper ends.

Ques.

What is the distance in regard to the <sup>same</sup> point or what you understand to be the same point as represented in Exhibit N.L.S. N.º 1.?

Ans.

The point B. marked on Exhibit N.L.S. N.º 1 is nearly at the upper end of the map.

Ques

Do you understand the map of the official survey as delineating the ridge or

( Question withdrawn )

Ques

At what points on Exhibit N.L.S. N.º 2. are the parties



located to whom you referred yesterday as settled between the line of the Official survey and the slope of the mountain?

( Question objected to because it assumes that the testimony was given by witness that persons settled between the official survey and the mountain; whereas such testimony was not given.)

Ans.

I have never referred to any persons as settled between the line of the official survey and the slope of the mountain in any testimony given yesterday.

Quer.

To whom did you refer ~~to~~ in answer to Question 24?

Ans.

I referred to Mr Millikin who is settled inside of the survey and bought land under the grant, a portion of which is left out.

Quer.

How far is it from the Molins to the upper line of the official

survey in this case?

Ans.

CASE 39 ND  
PAGE 152

Not quite 3 miles and a half.

Quer.

Where is the land embraced in the Deed from Herman Muller to Elliott Francis on Exhibit No 7 located upon Exhibit N. L. S. N. 2?

Ans.

It includes in a small valley among the hills marked "chimelot". It is all inside, except not exceeding 20 acres.

Quer.

On the last exhibit between the point marked B. and Dry Creek how much land is there outside of the line of the Official survey and between that & the line, half way <sup>up</sup> the slope of the mountain?

( Objected to as irrelevant )

Ans.

Half way up the mountain, <sup>there</sup> not being any established line, I have no data from which I can make any estimation.

Cross Examination resumed

CASE 39 ND  
PAGE 153

Quer.

Between B. and Dry Creek ~~the~~  
does the mountain extend  
below the pencil line drawn  
on Exhibit N.L.S. N<sup>o</sup>. 2.?

Ans.

This pencil mark represents  
the line of the first survey  
made by C. C. Tracy which was  
on the side of the mountain,  
and not in the valley as re-  
presented on this map.

Quer.

Between the point

Quer.

Does the course represented  
on Exhibit N.L.S. N<sup>o</sup>. 1. the real  
topography of the country, if not  
where does it differ?

Ans.

It does not. It represents  
the valley as laying East &  
West when it should be represented  
as North West & South East.

Quer.

The point C. which you have

marked in Exhibit N. L. S. N<sup>o</sup>. 1.  
as the place of the Molino is  
the place marked to represent  
it had this been a correct  
map?

Ans.

I marked that point with  
reference to the point B. with-  
out any other points to guide  
me in the location, and do not  
claim that it is accurately loca-  
ted.

Ques.

How far <sup>is it</sup> from point C. in  
Exhibit N. L. S. N<sup>o</sup>. 1 to the upper  
end of the Canada adjoining or  
near the land of Geo: C. Goumt.?

Ans.

The point C. is not on the  
ground, but from the Molino  
(old Mill) to the head of  
the Canon is nearly three miles.

Ques.

Will you describe the Canada  
giving the distance of the lower  
part from the point marked  
"Chemiles" in Exhibit N. L. S. N<sup>o</sup>.  
2. its extent and width?

Ans.

The head of the Canada is about a quarter of a mile North of Eddington's House as shown on the map where ~~it is~~ <sup>about</sup> 600 yards wide and extends from L. Eddington's towards <sup>the</sup> South gradually widening to within about 3 quarters of a mile of the point of the mountains marked Chemiles, where it opens into the main valley, and is a little over a mile wide, and is correctly delineated on this Exhibit N.L.S. N° 1. and nearly two miles and a half long.

Quere

Will you mark on Exhibit N.L.S. N° 2. the head of the Canada?

Ans.

I mark it "D".

Quere

How much land is there between ~~Phillips~~ Hardman's <sup>on</sup> and the Official Survey and Dry Creek?

Ans.

About 80 acres as near as I can estimate it.

Ques.

What kind of land is there  
between the <sup>at the</sup> Canada lower end ~~and~~  
of the river, <sup>and the</sup> mountains down as far  
the point marked <sup>on the map?</sup> Chemules?

Ans.

First rate land, Valley land.

J. P. Woody

Subscribed & sworn to before me this  
26<sup>th</sup> July A.D. 1861.

Curtis Bellister  
U.S. Comm

No 39

U. S. Dist Court  
For Dist of Ga.

The United States

- vs. -

Salvador Vallejo

Deposition of J. P. De-  
Woody U. S. Witness

CASE 39 ND  
PAGE 156

In the District Court of the United States  
FOR THE *Northern* DISTRICT OF CALIFORNIA.

The United States,

v.

*Salvador Vallejo*

IN LAND CASES.

Dist. Court No. *39*

Land Com. No. *194*

BE IT REMEMBERED, that on this *16<sup>th</sup>* day of *May* A. D. 186*1*  
at *San Francisco* in the District aforesaid, before me, *John B. Williams*  
a Commissioner duly appointed by the Circuit Court of the United States for the Dis-  
tricts 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  
*William A. Rector* a witness produced in behalf of  
*U. States* 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 :

*U. S. Attorney by Tolney, C.,  
Howard, Esq.  
Claimant by J. J. Williams*

QUESTIONS IN BEHALF OF THE

Question 1st,

*What is your name, age, place  
of residence & occupation  
Ans  
William A. Rector, 32 years  
old, residence Napa County*

I am a farmer by occupation,

Are you familiar with the  
lands known as "Yajome"

Ans  
Yes I am.

3  
Look at Exhibit N L S 100  
now shown you & state if  
you can tell what lands that  
represents to the best of your  
belief from the representation  
on the Map.

Ans  
From what I can see on the  
Map I should think that  
it represented the "Yajome"  
Ranches.

4  
What natural features of  
the Country do you recog-  
-nize as represented upon  
said Map.

Ans  
I recognize Tapa River  
Dry Creek and the stream  
running down from Mill Kew



Also recognize the point of  
the mountain near the place  
marked "Canada" on said  
Exhibit

The portion of the stream over  
which I now place the letter A  
represents a branch running  
down through Grigsby's farm,

State if from the representation  
on that Exhibit you could  
locate and point out upon  
the land the place marked  
"Canada" on the Map?

Ans-

I do not know that I could  
do that

Q-

Could you in your opinion point  
out the place marked "Canada"  
from this Exhibit

objected to as it is  
the same question  
as the previous one &  
has been answered

Answer

Question withdrawn

Can you identify any land  
with <sup>that portion of</sup> the Description or Map  
marked N. L. S. No 1, & what  
at the points on said Exhibit  
marked "Canada" & if you  
what land does it describe,

Ans  
It represents the "Yafome" Grant  
It is land lying North West  
of the point of the Hill, running  
down towards the River.

Do you know of a Glen  
or Valley (Canada) at  
the point marked "Canada"  
on Exhibit N. L. S. No 1.

Ans  
I do know of such a valley

Look at Exhibit N. L. S. No 2  
& state if you can point  
out the location of that  
"Canada" upon said Exhibit  
No 2.

Ans  
This place on Exhibit N. L. S.  
No 2, <sup>marked</sup> "Canada" with a

Stream running through it  
marked "Arroyo" seems  
to me to represent the place  
marked "Canada" on  
Exhibit No 1

Look at the point on Exhibit  
No 1 & marked "Oak  
No 1" & state if you know  
any natural objects at that  
point.

Ans

I know of a clump of three  
White oak trees standing  
together there,

State if there are any marks  
upon any of those trees & if  
you know state when & by  
whom were those marks  
placed there.

Ans

There are two kinds of Marks  
on them one done by a Surveyors  
Instrument & the other by an  
Axe.

The marks with an axe were  
put on in the Spring of 1857  
by myself. There is a pile of

stones near these trees placed  
there in the Spring of 1853  
by Mr Loring a Surveyor.

12  
At the time you marked  
these trees were there any other  
marks of any kind upon  
those trees.

Ans  
Not that I could perceive.  
The trees have since been  
marked by a Surveyor.

13  
State if there was any other  
pile of stone near that place  
when Loring placed the pile  
there in the Spring of 1853.

Ans  
None that I ever saw.

14  
How far do you live from that  
place & how long have you  
lived there?

Ans  
I have lived about 1 mile  
from that place ever since  
1849.

15.  
In what direction from  
the Oak & pile of stone last  
referred to is the "Canada" of  
which you have been speaking  
Ans

I could not say exactly but  
it lies East or a little South  
of East.

16  
What is the distance between  
the two places.  
Ans

About two miles more or less.

17  
How is that "Canada" situated  
with reference to the Mountain  
marked "Caymans" on Exhibit  
A, L, S, No 1?

"Answer  
It lies betwixt the Mountain  
marked "Caymans" & the ~~two~~ points  
on the Main Mountain marked  
"Chimelas" on Exhibit A 2.

18.  
Do you see any place on  
Exhibit A L S No 1 representing  
the points marked "Chimelas" on  
Exhibit A 2?

Ans  
The point of the Mountain,  
running down towards the  
River, on Exhibit No 1 near  
the point marked "Canada",  
has some resemblance to  
the point marked "Chimela"  
on Exhibit No 2.

Is there any other point of  
the main Mountain extending  
down near the River in that  
vicinity except the one marked  
"Chimela"?

Ans  
Not that I ever saw,

Are you acquainted with the  
character of the Country between  
the point marked "Chimela" &  
the point marked B, along  
the slope of the Mountain, on  
Exhibit No 2.

Ans  
I have been over the Country  
but do not know whether I  
am well enough acquainted  
with it to give correct ideas of it.

it is rolling land, more adapted  
to grazing than agricultural  
purpose it possesses both  
grass and water,

### Cross Examination

21

How far West of the place  
on Exhibit do I mark of  
"Cuiada" does the level  
land extend <sup>across the River</sup> in other  
words how far is it to the Moun-  
tains across the River.

Answer.

A Westerly direction from this  
point would take you up  
Kapa Valley or a little  
across the Valley.

22

Following up the Valley what  
from this place <sup>in</sup> what do you  
understand <sup>to be a Western Cross</sup> how far is it to  
the Mountains,

Ans

It is not more than a quarter  
or half a mile before you reach  
small mountains, but across  
the Valley to the Main Mountains

it is five or six miles.

23

What small mountains do you refer to.

CASE 39 ND  
PAGE 166

Answer.

To the small mountains marked "Caymans" on the east side of the River as shown on Exhibit T. L. S. 22,

24,

Other than that small mountain are there any others in the direction mentioned within a distance of two miles.

Answer.

There is a small mountain in the valley in a westerly direction about 3 or 4 miles from the point marked Caymans

25

How far in a southerly direction is it from this place on Exhibit No 1 marked Caymans before you reach mountains.

Answer.

I do not tell exactly how far directly South there is no



6

Mountain nearer than For 4 miles

CASE 39 ND  
PAGE 167

<sup>26</sup>  
South from this point. What  
is the Character of this  
land.

<sup>Ans</sup>  
The land is level across  
the valley in a southerly  
direction from this place  
for several miles.

<sup>27</sup>  
In a direction of South  
West from this place marked  
"Canada" on Exhibit No 1  
how far is it to the Mountains,

<sup>Ans</sup>  
I should say about 3 or  
3 1/2 miles.

<sup>28</sup>  
What is the Average breadth  
of the valley west of Sapa  
River so far as <sup>Sapa River</sup> it is represented  
on Exhibit A & B No 1,

<sup>Answer</sup>  
At the upper end it is about  
a mile & a half wide & as you  
go down it gets wider and  
down at the lower part it  
must be between four & five.

miles wide & in the Centre  
about 3/4 miles wide.

In ascending the River  
from Aropa how far does  
the River pass through the  
valley where there is Valley  
on each side.

objects & as  
incompetent &  
irrelevant.

Ans  
It is Twenty five miles or  
upwards.

Above the point marked "Simulas"  
on Exhibit A & S No 2. does said  
Exhibit A & S No 2 correctly  
represent the land.

Ans  
According to my view of it,  
it does. My abhorer refers to  
the Mountain Streams and  
objects as they exist on the ground.

H. A. Rectas  
Subscribed and sworn to before me  
this 16<sup>th</sup> day of May A.D. 1861

Cutler McEllister  
Notary

No 39

United States District  
Court,

---

The United States  
" "  
Salvador Valley's

---

Deposition of  
William A. Rector,  
for United States

---

CASE 39 ND  
PAGE 169

In the District Court of the United States  
FOR THE *Northern* DISTRICT OF CALIFORNIA.

The United States,

v.

*Salvador Valleys*

IN LAND CASES.

Dist. Court No. *39*

Land Com. No. *194*

BE IT REMEMBERED, that on this *15<sup>th</sup>* day of *May* A. D. 186*1*  
at *San Francisco* in the District aforesaid, before me, *John B. Williamson*  
a Commissioner duly appointed by the Circuit Court of the United States for the Dis-  
tricts 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  
*N. S. Squibb* a witness produced in behalf of  
*The United States* 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:

*U. S. atty by I. E. Howard,*  
*v J J Williams for Claimant.*

QUESTIONS IN BEHALF OF THE

*United States*

Question 1st,

What is your name, age and  
occupation & place of Residence,

*Ans*  
*Nathanil S. Squibb 60 years old,*  
*Surveyor, reside at Napa*

2

How long have you followed the  
occupation of a surveyor,

Ans

Surveying has been my principal  
business since about 1826.

3

How long have you resided in  
Sapa County,

Ans

Since the Fall of 1852.

4

Are you acquainted with the  
land known as "Sajome"

Ans

I am,

5

Have you made any Survey  
on that tract of land.

Ans

I have,

6

When did you make your first  
Survey on that tract.

Ans

I think in the Fall of 1852,

CASE 39 ND  
PAGE 172.

7  
Have you acted in capacity  
of County Surveyor of Stapa  
County & if so How long—

Ans  
I have served in that capacity  
for four years—

Please look at this paper  
here introduced & marked  
Exhibit T. L. S. A — & state  
if you know what land it  
represents—

Ans  
From the shape of the streams &  
mountains as represented, I  
think it is a random sketch  
of what is called the "Yajime"  
Ranch <sup>or part of it</sup> if the marks are  
meant to represent streams or  
mountains.

9.  
What natural features do you  
recognize as represented on the  
map, as existing upon said  
land—

Ans  
The streams & the mountains seem  
to be a random sketch of those

existing upon the Ground.

CASE 39 ND  
PAGE 173

10,  
Do you see upon that map any representation of the Stream existing upon the land.

Ans  
I see that the shape of the streams on the map are somewhat similar to those actually existing on the land, Dry Creek now empties into the Napa River (Rio de las Travesas)

There is a Slough through which Dry Creek runs in high water something as it is represented on the map.

11  
State if you recognize the points of the Mountain near the point marked "Cañada" on the map.

Ans  
From actual Survey and observation I find that the point of the Mountain approaches the River, near the point marked "Cañada" on Exhibit A.

12

How does the representation on Exhibit A correspond with the Mountain as it actually exists—

Ans

It appears to me that it corresponds very well,

13

How near does the point of the Mountain at that place come to the River,

Ans

I cannot say positively but I think it was a distance of thirteen chains.

14

State if there is any other point of Mountains on that side of the River which will answer the one represented on Exhibit "A" except the one last referred to,

Ans

I do not know of any

15

Do you know of the existence of any place such as that marked "Canada" on Exhibit A



Ans  
From the shape of the Mountain  
and the shape of the River I  
do know of a place similar  
to the one marked "Canada"  
on Exhibit ~~A~~<sup>A</sup> 1.

16

State as near as you can the  
distance from the point of the  
Mountain as represented on  
Exhibit ~~A~~<sup>N<sup>o</sup> 1</sup> to the ~~upper end~~  
point where the stream & the  
mountain seem to connect at  
the western or upper end of  
the map.

Ans

It would be from a mile &  
a half to two miles to where  
the first stream leaves the  
Mountain & about the same  
distance further to the point  
where the main stream or  
branch leaves the Mountain.

17

State if the map marked  
Exhibit ~~A~~<sup>N<sup>o</sup> 1</sup> represents the point  
from whence the main stream  
leaves the Mountain—

Ans

CASE 39 ND  
PAGE 176

The Mountain as represented on Exhibit A seems to close in to the river too soon to represent the main stream as it leaves the Mountain, the main stream is about a mile & a half above, If the Mountain as represented on Exhibit A had held off a mile & a half further the main stream would be represented.

18

When you mean speak of the main stream do you mean Napa River.

Ans

No, I mean a branch which runs into Napa River.

19

Look at the point on the Western Extremity of Exhibit A where the lines representing Napa River, are crossed by two other lines & state what natural objects those lines represent

Ans

They appear to represent the place where that branch connects

with Tapa River,

<sup>2</sup>  
Please look at this map now  
introduced & marked Exhibit  
N. L. S. No 2, & state where  
the point ~~represented~~ mentioned  
in last answer is represented  
on Exhibit N. L. S. No 2, if at  
all,

Ans  
It is represented on Exhibit  
N. L. S. No 2 at the place  
marked "Tule" if repres-  
ented at all,

<sup>2</sup>  
How do the points as rep-  
resented on both maps  
correspond with each other,

Ans  
I think they bear a resem-  
blance to one another,  
From the relative position which  
they bear to the point of the  
mountain & the general course  
of the Tapa River, also  
the course of the stream &  
the point of the mountain,

CASE 39 ND  
PAGE 178

22  
State what is the Character  
of the Channel of the Napa  
River at the place marked  
"Tule" on Exhibit N. S. S.  
No 2.

Ans  
The branch seems to sink and  
form a marsh and the Napa  
spreads

23  
Has the Napa River a dis-  
tinct Channel at that point  
or any Channel at all,

Ans  
I examined the place and  
could not find a Channel  
at that point similar to the  
Channel above or below.

24  
Does Exhibit N. S. S. No 2  
contain a correct representation  
of the Mountains & Streams of  
the Land known as "Yafome"  
or that vicinity.

Answer.  
I ran the lines shaded red with  
the Compass & took observations  
from the different stations on

That line & of the Streams crossing  
it, & the Connection between the  
foot of the Mountain & the  
Valley, & laid down the Streams  
& foot of the Mountain by  
protraction from said obser-  
-vations.

25

Where would the upper or  
Western Extremity as represented  
on Exhibit N. L. S. No 1 be located  
upon Exhibit N. L. S. No 2,  
according to your understanding.

Answer.

If the Mountain held off more  
from the stream or the stream  
bore more to the North <sup>the</sup> <sup>Ext</sup> the resemblance  
would be greater on Exhibit No 1,  
In speaking of resemblances I  
of course speak of Exhibit No 1  
as a Random Map which can  
not be expected to be geometrically  
correct.

26

If you were executing a Survey  
of this Grant according to  
Exhibit No 1 where would  
you locate the upper extremity

of the Grant with reference to  
the objects on the Ground

CASE 39 ND

PAGE 180

Marked

Ans  
If I was to consider the line  
with the words "Salvador Vallis"  
as a part of the map I should  
run that line some where in  
the "Cañada,"

27  
Where should you locate this  
line upon Exhibit No 2,

Answer,  
Near the point which I now  
mark A with red ink on  
Exhibit No 2.

28  
How does Exhibit No 2  
correspond with the map of  
The U.S. Surveyor General  
made in this case,

Answer,  
I suppose this map so far as it  
is shaded with green lines. Is  
the same as the map made by  
U.S. Surveyor General,

29  
On the South <sup>Eastern</sup> part of the  
Ranch & below the Red line  
marked by yourself how far

is it from the Green line to the  
foot of the Mountains, ac-  
cording to Exhibit No 2,

Ans  
At the lower end it would be  
about 3 quarters of a mile,  
by this map, between there  
& Dry Creek I have no  
knowledge, I do not know  
that the Map is correct as  
to the mountains,

Q  
allowing the Mountains to  
be correctly delineated on  
the map what is the distance  
from the Green line to the  
foot of the Mountain ac-  
cording to the map.

Ans  
According to the Map, I should  
think it would average at  
least one quarter of a  
mile, & nearly a half a mile,

Q  
What would be the distance  
from the Green line according  
to the map to a point half  
way up the slope or side of

the Mountain.

Answer,

CASE 39 ND  
PAGE 182

By the appearance of the Map it would be about 3 quarters of a mile taking the distance between the Extreme top of the Mountain & the Green line,

32

Do you know the place called "Corte de Madera" (Saw pit)

Ans,

I do, it is at the point marked "B" on Exhibit No 2.

33

What is the distance from the point marked C on Exhibit No 2 to the Mountain in the direction of the point marked B

Ans

I once made an

34

Is that line as represented there the South Eastern boundary of the Rancho.

Ans

Yes it is the south or South Eastern



boundary as I understand it,

CASE 39 ND  
PAGE 183

Cross Examination  
by Counsel for Claimant

35.  
Do you know the Western  
judicial <sup>possession</sup> boundary of the  
Ranch.

Question Excepted by  
{ US attorney as the judicial pos-  
session is in writing & speaks for  
itself } Answer.

I do not.

36.  
Do you know where the Southern  
boundary line of the "Caymans"  
Grant belonging to Geo. C. Young  
is -

{ objected to as irrelevant  
& the means of knowledge  
not being stated }

Answer  
I do, I know where the U. S

Survey is -

Answer objected to as  
only hearsay

CASE 39 ND  
PAGE 184

27

What is your means of Knowledge,

Ans

I have traced the line having a  
certified copy of the US Survey,  
Mr Seese showed me the South  
East Corner, also Cayetano Juarez.

Statements of Messrs  
Seese & Juarez obj-  
-ected to as they are  
both living

28

When did Mr Seese & Cayetano  
Juarez show you the South Eastern  
Corner -

Question objected to as  
above

Ans

Cayetano Juarez showed it to me  
about two years ago & since that  
time Mr Seese,

29

What point on Exhibit No 2 if  
any did they show you as the South  
Eastern corner of Cayennus Grant  
or Rancho.

Question objected to as  
above by US atty -

Ans

CASE 39 ND  
PAGE 185

The point marked "Oak No 1" -  
it is the point on Exhibit No 2  
where the Red Line commences  
at the Northern End of said  
Map

No

In what direction from that  
point did the Southern line  
of the Caymans Rancho run,  
as represented on Exhibit No 2  
if at all,

Ans

It is the North Western line as  
represented on Exhibit No 1,  
It is the same line shown on  
by Reese & Cayetano Juarez.

No 1

Is the course of the River cor-  
rectly represented on Exhibit  
No 1

Ans

I should think not

No 2

What do the Characters on South  
East side of Exhibit No 1, like

CASE 39 ND  
PAGE 186

links of chain represent,  
From <sup>observation</sup> my knowledge of the  
situation of the surrounding  
land I should take it to be  
random sketch from view of the  
surrounding mountains.

- 412 -

Look at the point near the  
entrance of the Arroyo Yajome  
into the Tapa River & state if  
there is a mountain near that  
point.

Ans

There is a large hill there, it  
might not perhaps be called  
a mountain.

413

How near to the river does this  
hill come,

Ans

I could not say, as I never  
noticed particularly.

414

How far is it across the Hill at  
the point near the Arroyo Yajome.

Ans

I suppose it was three quarters  
of a mile.

45

How far is it from that Hill to  
the mountain on the East,

Ans

I should suppose it would be  
three quarters of a mile

46

What kind of land is there  
between the Hill & the mountain  
spoken,

Ans

It is nearly level land,

47

Between this Hill & the River  
on the West what kind of  
land do you find,

Answer,

Between the Hill & the mouth  
of Sarcos Creek the hill slopes  
down nearly to the River.

48

What is this Creek you call  
Sarcos Creek & is it shown  
on Exhibit No 1,

Ans

I do not think it is clearly  
shown on Exhibit No 1.  
What I mean by Sarcos Creek is

CASE 39 ND  
PAGE 188

The North end of "Cayetano  
Ranch, & Cayetano's name is  
on the map near to where I sup-  
pose Sarcos Creek to be,

H 9  
Can you see Sarcos Creek on  
Exhibit No 1.

Ans

I can see no water there but there  
are marks on Exhibit No 1 which might be put down on a plain  
view to represent Sarcos Creek.

Give the ~~direction~~ ~~direction~~  
& ~~extent~~ of Sarcos Creek,

50

Are those marks which you say may  
represent Sarcos Creek the same as  
those you have referred to as des-  
cribing or representing Mountain,

Ans

No I do not mean the same.  
At the mouth of the Creek, the  
Name of Cayetano, the Junction of  
the Streams & the representation of the  
hills look like the Sarcos Creek  
but farther up it does not.

51

Are "Dry Creek" or "Arroyo  
Seco" correctly represented  
on Exhibit No 1

As  
It seems to be a Random  
Sketch of Dry Creek,  
In all of these answers I  
mean a sketch taken from  
view & not from measurement.

How far above, <sup>or where</sup> the "Arroyo  
Yajome" enters the Napa  
River does Dry Creek flow  
into the same,

Answer,  
To the place where there is a  
connection between it & the  
Napa River it is about Two  
miles or Two miles & a half.

53  
What other streams are there  
between that & the "Yajome  
Rancho's Eastern Boundary.

As  
I think of one, Milliken,

54  
Is the Creek you call as  
Milliken represented on  
Exhibit No 1

As  
I could not say whether it is

CASE 39 ND  
PAGE 190

55  
What does the mark on Exhibit  
No 1 at the extreme Western end  
thereof represent if any thing  
— Ans —

I should suppose it represents  
part of the stream coming from  
Eddington.

Examination in Chief  
Resumed —

56  
Do you know of any boundary  
marks near the ~~point~~ line near  
point marked A on Exhibit  
No 1. —

Answer.

I do not. We examined several  
oak trees & found the one marked  
oak No 1 & chopped a block  
out of it.

Latter part of  
answer objected to as irrelevant &  
incompetent.

on this I am true  
there were two other marks similar  
to the one we chopped into but not  
connected with any line that I



Know of, I thought I could count  
Eighteen growths of Timber  
on this cut which would  
show Eighteen years age,

Is this Block here introduced &  
marked Exhibit A. L. S. No 3  
the one referred to as the one  
you cut.

It is — *Ans*

Examination closed

Nathaniel L. Squibb

Subscribed & sworn to before me this  
15<sup>th</sup> day of May A.D. 1861.

Cutter McAllister

*U.S. Commissioner*

*Land Case*

*1039*

*Childs*

*1035*

*John W. Bull*

In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

S. Vallejo

IN LAND CASES.

Dist. Court No. 39.

Land Com. No.

To

J. S. Williams Esq.

J. S. Dewoodey and J. G. Grigsby, H. Austin & C. Suarez

You are hereby notified that the testimony of the United States in the above entitled cause in behalf of will be taken before me, the undersigned, 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, commencing on Thursday the 25th day of July A. D. 1861, at 11 o'clock, A.M., and continuing from day to day until finished, at my office, No. 6 U. S. Court Rooms; and you are hereby further notified to then and there appear and propound such questions to the said witness as you may deem fit.

Dated at San Francisco, in the District aforesaid, this 3rd day of July A. D. 1861.

Orville McAllister

U. S. COMMISSIONER.

A copy of the within notice served  
on me this 3rd day of July 1861

J. J. Williams  
By James D. Thompson

copy of the within left at the office  
of J. J. Williams the 3 July 1861

(Original No. 39)

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

A. Vallejo

NOTICE.

To

CASE 39 ND

PAGE 193

193

Arthur M. Walker

U. S. COMMISSIONER.

194

In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Salvador Gallego

IN LAND CASES.

Dist. Court No. 39

Land Com. No. 194

To

J. J. Williams

You are hereby notified that the testimony of  
*C. C. Tracey & R. C. Hopkins*  
 in the above entitled cause in behalf of *the United States*  
 will be taken before me, the undersigned, a Commissioner duly appointed by the  
 Circuit Court of the United States for the Districts of California to take acknowledg-  
 ments 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, commencing on *Thursday* the *1<sup>st</sup>* day of *August*  
 A. D. 186*7*, at *10* o'clock, *A.M.*, and continuing from day to day until finished, at  
 my office, No. *6* U. S. Court Rooms; and you are hereby further notified to then  
 and there appear and propound such questions to the said witness as you may deem fit.

Dated at San Francisco, in the District aforesaid, this *26<sup>th</sup>* day of *July*  
 A. D. 186*7*.

*Orville McAllister*

U. S. COMMISSIONER.

Copy of within removed on me  
this day, but ~~objected to as~~  
~~not being legal notice~~

Friday July 26. 1861 William

Original  
No. 39

**UNITED STATES DISTRICT COURT**

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

Salvador Vallejo

NOTICE.

To  
William

CASE 39ND

PAGE 195

C. McAllister

U. S. COMMISSIONER.

CASE 39 ND

PAGE 196

196

In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Sal. Vallejo

IN LAND CASES.

Dist. Court No. 39.

Land Com. No. 194.

To

J. J. Williams Esq.

You are hereby notified that the testimony of *Thos Vann and J. H. Whitton* in the above entitled cause in behalf of *the United States* will be taken before me, the undersigned, 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, commencing on *Saturday* the *27* day of *July* A. D. 186 *7*, at *11* o'clock, *A*M., and continuing from day to day until finished, at my office, No. *6* U. S. Court Rooms; and you are hereby further notified to then and there appear and propound such questions to the said witness as you may deem fit.

Dated at San Francisco, in the District aforesaid, this *17*-day of *July* A. D. 186 *7*.

*Butler McAllister*

U. S. COMMISSIONER.

Copy of the return served on  
me this 17<sup>th</sup> day of July 1861  
Williams

(Original)  
No. ....

**UNITED STATES DISTRICT COURT**

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

*Enl. Vallejo*

NOTICE.

*To J. Williams*

CASE 39 ND

PAGE 197

197

*Cutter M. Walker*

U. S. COMMISSIONER.