

CASE NO.

43

NORTHERN DISTRICT

CHIMILES GRANT

WILLIM GORDON

AND

NATHAN COMBS

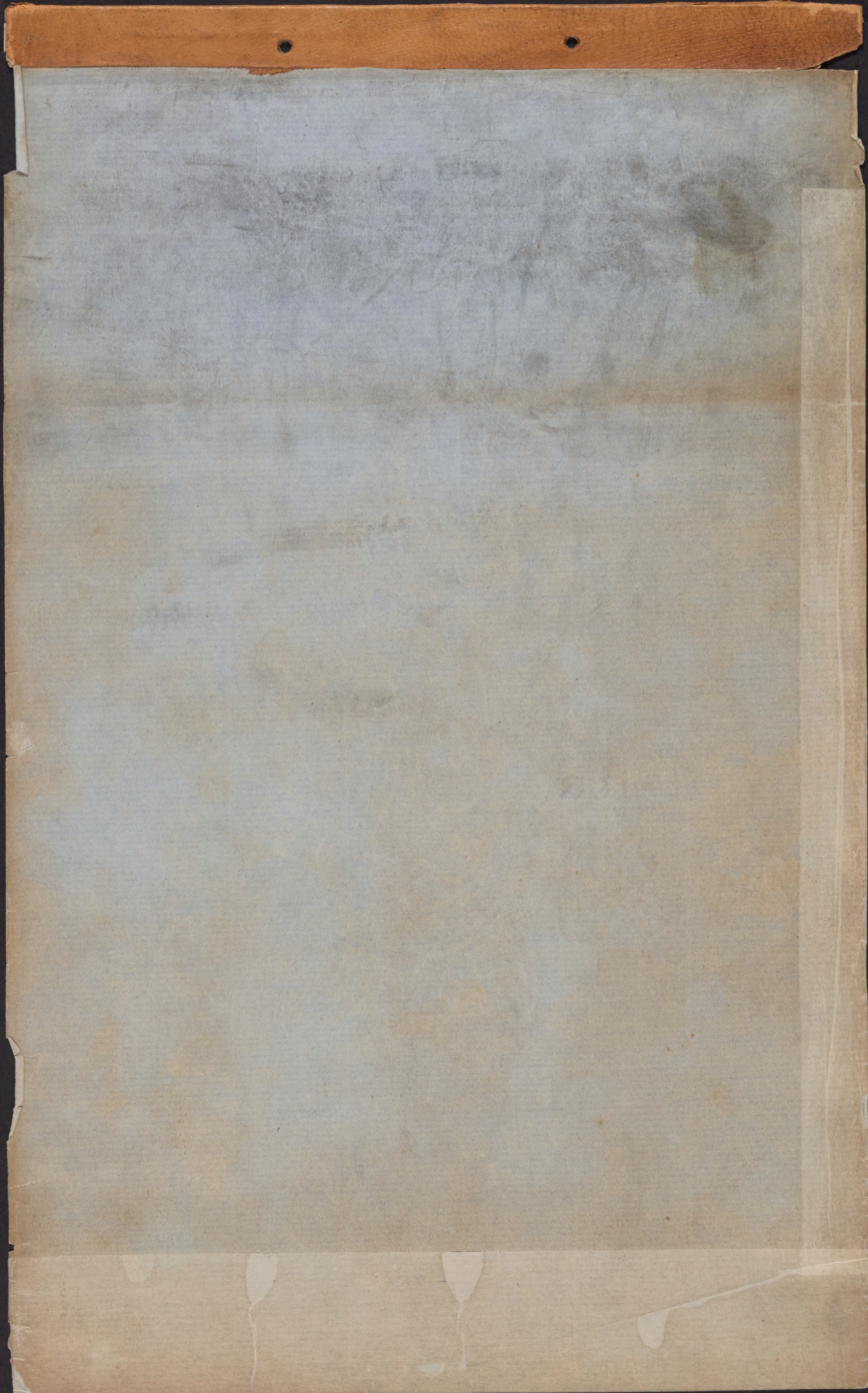
CLAIMANT

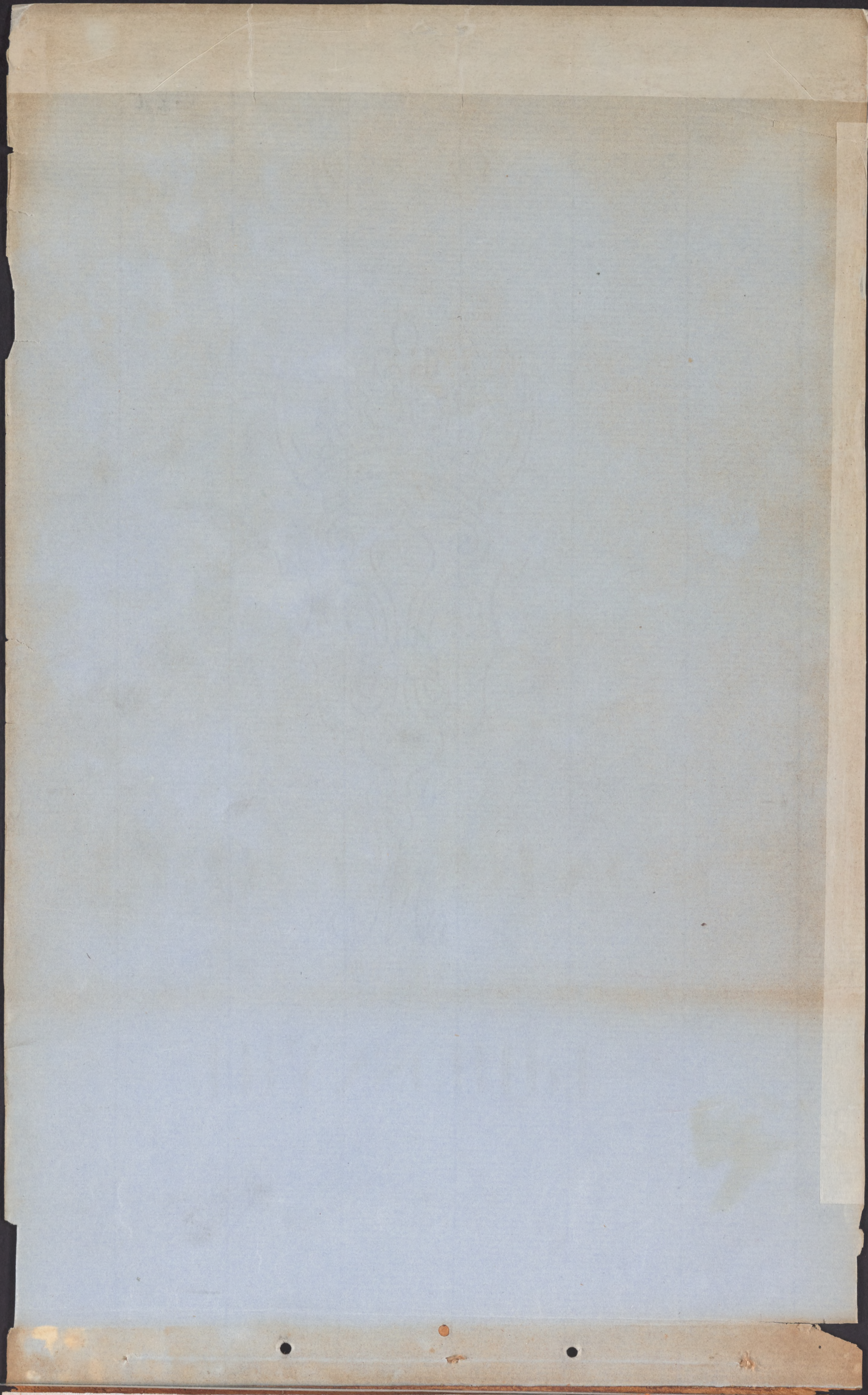
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CASE 43 ND

PAGE 1

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 202

William Gordon
and
Nathan Combs

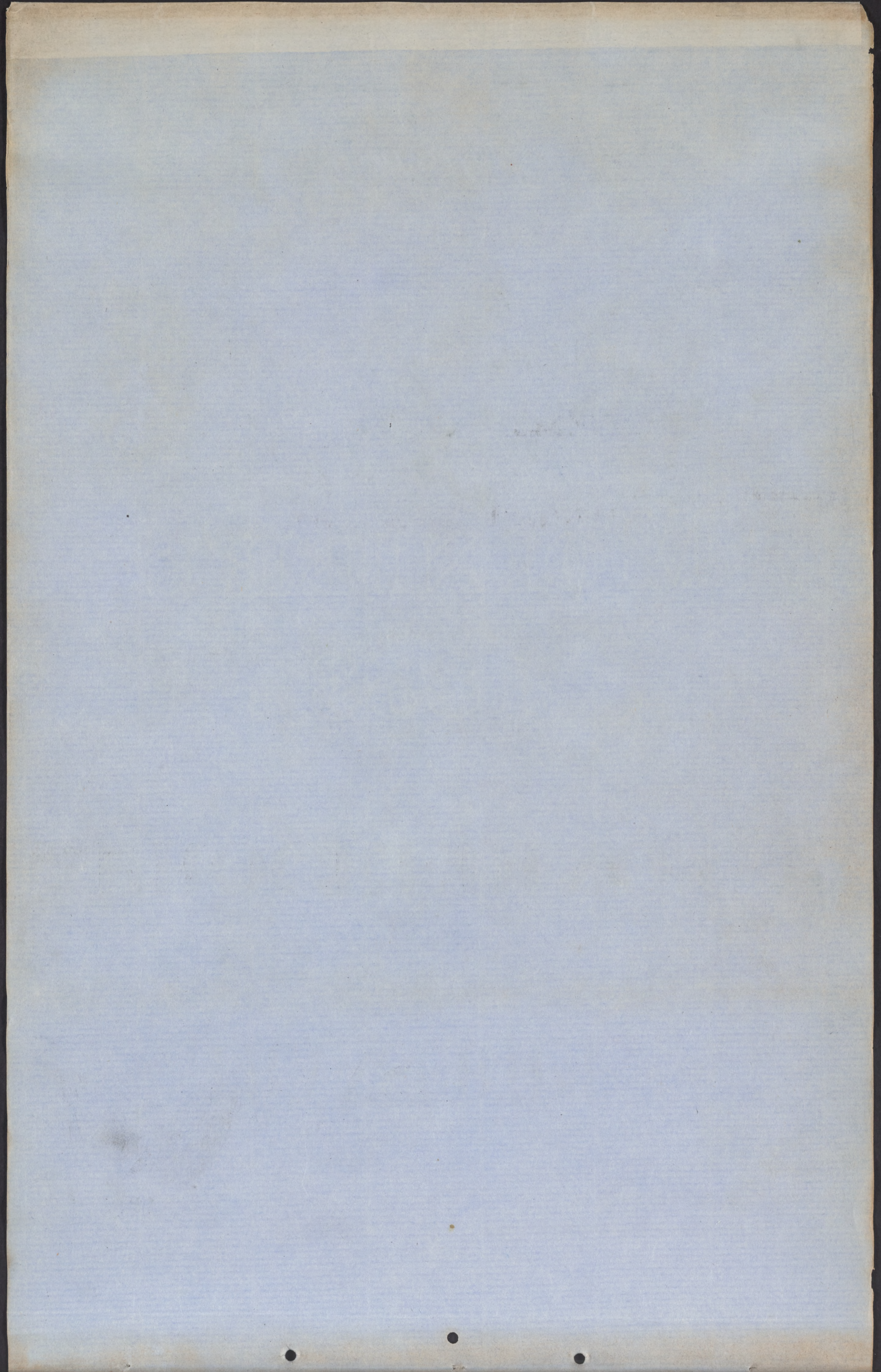
CLAIMANTS

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Chimiles



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Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims
IN THE STATE OF CALIFORNIA.

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

The Petition of William Gordon & Nathan Combs
for the Place named
"Chimiles"

was presented, and ordered to be filed and docketed with No. 202 and
is as follows, to wit;

(Vide page 3 of this Transcript.)

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

San Francisco Dec 23rd 1852

In Case No 202 William Gordon and Nathan
Combs for the place named "Chimiles," the
Deposition of Jose S Berceyasa a witness in
behalf of the claimant taken before Commissioner
Henry S Thornton was filed, and is in the words
and figures as follows to wit
(Vide page 3 of this Transcript)

San Francisco Feb. 28th 1853.

In Case No. 202 William Gordon and Nathan Combs
for the place named "Chimiles", the Counsel for the claimants
filed the following Motion, to wit:
(Vide page 4 of this Transcript)

trial

Valed

San Francisco Mar. 2, 1853

In Case No. 202, William Jordan and Nathan Coombs, for the place named "Chimiles" the Counsel for John Wooden presented a Supplemental petition, which was ordered to be recorded and filed among the papers in the case; which petition is in the words and figures as follows to wit:
(Vide page — of this Transcript)

San Francisco Mar. 2, 1853

In same case, the Counsel for Salvador Vallejo presented a Supplemental Petition which was ordered to be recorded and filed among the papers in the Case; which petition is in the words and figures as follows to wit:
(Vide page — of this Transcript)

Valed

San Francisco Mar. 14, 1853

Ordered, on motion of the United States Law Agent that Case No. 202 be placed on the Trial Docket.

San Francisco April 11, 1853

In Case No. 202 Wm Jordan and Nathan Coombs for the place named "Chimiles", the Counsel for the claimants presented the following motion to wit: (Vide page 24 of this Transcript)

San Francisco April 11, 1853

In Case No. 202 William Jordan, Nathan Coombs et al, for the place named "Chimiles" Commissioner Mary J. Thornton delivered the Opinion and decree of final confirmation which Opinion and Decree are as follows, to wit:
(Vide page 25 of this Transcript.)

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To the Hon the Board of Commissioners for settling private land claims in California.

Petition

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The petition of William Gordon and Nathan Coombs respectfully submits unto your Hon Board the accompanying title papers of a grant of four leagues of land granted to Jose Ignacio Benyusa by Gov. Pio Pico on the 2nd May 1846 by virtue of the Colonization Laws of Mexico, that said Benyusa sold and conveyed said land to your petitioners by deed dated 25 day of May 1851, that said land is situated in the County of Blanco and Comandada by the Ranchar of the Benyusas, Arroyo, Cayetano Anaris & the hills in the direction of San Baeo and there is no conflicting claim to it as known to your petitioners.

Your petitioners further show that said land has been occupied & cultivated from the date of the grant to the present time as will be proved by testimony to be produced before your Hon Board.

All which is respectfully submitted for such action as to the nature & Justice of the Case may require.

Robt Rose
for Petitioners

- Cepidant marked B.
- Translation " C.
- Transfers " D.
- " " E.
- " " F.
- " " G.

Filed in Office April 28th 1852.
(Signed)

Geo Fisher Secy.

Deposition

J. S. Bemis

Office of the Board of Land Commissioners for California:
San Francisco, Oct. 19th 1852.

On this day before me Henry Thornton, one of the Commissioners for ascertaining and settling Private Land Claims in California came John S Bemis a witness produced in behalf of the Claimants Wm Gordon and

Nathan Coombes whose petition is No 202. on the docket of said Commission. The witness being duly sworn testified as follows.

Deposition of Jose S. Berysa in Claim No 202.

Witness states that he is 34 years of age & resides in Monterey, that he is acquainted with Wm. Gordon and Nathan Coombes the Claimants herein & knows that they said Gordon and Coombes bought from his Brother, Jose Agnacio Berysa, the Rancho "Los Chimilis" which is situated at the head of the Salinas Valley and on the head waters of the Rio de las Pintas in Solano County, that a grant was made of said Rancho to his said Brother sometime in May 1846 by Gov. Pio Pico, that he built a house on said land & occupied it in the same year he also had a corral on it & ground in cultivation, besides stock of cattle & horses, & that said land has been occupied without interruption to the present time.

Jose S. Berysa,

Notary accepted, B. Graham.

U. S. Law Agent.

Sworn to and subscribed before me on this 27th of Novr 1852.

Nancy J. Thomson Com. & C.

Filed in Office Decr 28th 1852.

(Signed)

Geo Fisher Secy

5

no 202

S.D.K.

1846

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Expediente promovido por el
Ciudadano Don Jn. Perroyeda
en solicitud de Cuatro Sitios de
ganado mayor en el parage conocido
con el nombre de Chimiles en
la Jurisdiccion de Sonoma

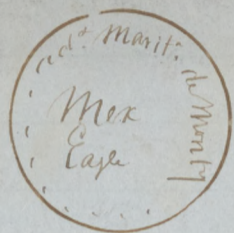
no 549

H1

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Ello quinto medio real
Fabilitado provisionalmente por la Aduana
Maritima del puerto de Monterrey, en el
Departamento de las Californias, para los años
de mil ocho cientos cuarenta y cuatro y mil
ocho cientos cuarenta y cinco.

Micheltorena Pablo de la Guerra



Por Suo 1.º de esta front.
de Sonoma

Juzgado 1.º de
Sonoma Dic.
29. 1844

Ju. J.º Berruena Vecino
del Pueblo de S. J.º J.º y a la
bes de Sonoma, con toda Subordi-
nacion de Representar dice:

Expediente

El terreno que
Solicita el
Interesado en
mi Concepto
no tiene ninguna
inconveniencia
en que el intere-
sado pueda
ocupar el que
Solicita provi-
sionalmente
que concorra
los tramites
legales bajo su
responsabilidad
Jacob P. Lase

que, allandose del todo resuelto
a establecer y radicarse en
esta front. con sus bienes semo-
vientes; y no pudiendo verifi-
carlo p. falta de un terreno
propio p. el efecto Suplico a
V. me permita ocupar Cuatro
Sitios de ganado mayor en el parage
conocido con el nombre de Chimilas
q.º esta en el intermedio del rancho
de los Berruena del Sr. Armijo
Callezano Quans y los lomas
del rancho del Sr. Baca p. lo
terreno esta baldio y pertenece
a persona alguna, jurando en
todo lo necesario. Por tanto

A V. encarecidam. Suplico
se Sirba acceder a esta mi
Solicitud, y permitirme dar
principio a la fundacion inter-
tanto ocurri.º al Gov. del Depar-
tam.º p. el Titulo correspon-
diente, de cuya gracia le

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Don Ignacio Berroyera

Angelis Mayo 2 de 1846

Vista la peticion con que dá principio este expediente, el informe del Alcalde 1.º de Sonoma, con todo lo demas que se tubo presente y ver con vino, de conformidad con la ley de 18 de Agosto de 1824 y Reglamento de 21 de Noviembre de 1828, declaro á Don Don Ignacio Berroyera, dueño de Cuatro Sitios de ganado mayor en un terreno situado en Sonoma colindando con el rancho de los Berroyeras, Armijo, del Sr. Baca y Suarez, Libre de el título correspondiente y reservase el expediente para someterlo á la aprobacion de la E. Asamblea Departamental. Pío Pico Gobernador Constitucional del Departamento de California así lo mande, decrete y firme de que doy fe.

Pío Pico

Don Matias Moreno
Srio. int.

Refollon armijo

73 S.D.K.

libre reconocido
Sonoma Dhe 29 de 1844
Dhe Ignacio Berroyera

Angelus Mayo 2 de 1846

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PAGE 8

Vista la peticion con que da principio este expediente, el informe del Alcalde 1.º de Sonoma, con todo lo demas que se tubo presente y ver con vino, de conformidad con la ley de 18 de Agosto de 1824 y Reglamento de 21 de Noviembre de 1828, declaro a Don Jose Ignacio Berroyera, dueño de Cuatro Sitios de ganado mayor en un terreno situado en Sonoma colindando con el rancho de los Berroyeras, Armijo, del Sr. Baca y Suarez, Librele el titulo correspondiente y reservase el expediente para someterlo a la aprobacion de la E. Asamblea Departamental. Pío Pico Gobernador Constitucional del Departamento de California asi lo mande, decrete y firme de que doy fe.
Pío Pico

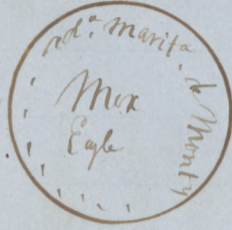
Dhe Matias Moreno
Srio. int.

Refollow asmap

S. S. D. K.

Dello quinto medio real
Habilitado provisionalmente por la Aduana mari-
-tima del Puerto de Monterrey, en el Departamento
de las Californias, para los años de mil ocho
Cientos Cuarenta y cuatro y mil ocho Cientos
Cuarenta y cinco

Micheltorona Pablo de la Guerra



Sr Dico Gobernador Constitucional
del Departamento de Californias

Por cuanto el Ciudadano Don
Ignacio Perreyera, Vecino de San José Guada-
-lupé, ha pretendido para su beneficio personal
y el de su familia un terreno situado en la
jurisdicción de Sonoma, conocido con el nombre
de Chimiles, que contiene cuatro sitios de ganado
mayor; practicadas previamente las averigua-
-ciones concernientes, usando de las facultades
que me son conferidas á nombre de la Nación
Mexicana, he venido por decreto de este día
en concederle el expresado terreno, declarándole
la propiedad de él por las presentes letras, de
conformidad con la ley de 18 de Agosto de 1824,
y Reglamento de 21 de Noviembre de 1828, á
reserva de la aprobación de la misma Asamblea
Departamental y bajo las condiciones siguientes:

- 1^a Podrá cercarlo sin perjudicar las travesías,
Caminos y Servidumbres; lo disfrutara libre y
exclusivamente destinándolo al cultivo que mas le
acomode
- 2^a Solicitara del Pura respectivo de de la
posesion jurídica en virtud de este Despacho,
por el cual se demarcaran los linderos con las
Medidas necesarias.
- 3^a El terreno de que se hace donacion
es de la estension de Cuatro Sitios de ganado
mayor, el mismo que explica el dicho que
obra en el expediente y colinda con el
rancho

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3 no 202
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de los Perreyeras, Arrijo, Cavetano Juarez
y las lomas del rumbo del de a Señor Baca.
El Jura que lo posesione lo hará medir con arreglo
a ordenanza.

En consecuencia mando que teniendo
el presente título por firme y valedero, se tome razón
de el en el libro respectivo y se entregue al interesado
para su resguardo y demas fines. Dado en la
Ciudad de los Angeles en este papel comun
por falta del Sello, a dos dias del mes de Mayo
de mil ocho Cientos cuarenta y seis

Office of the Surveyor General of the
United States for California

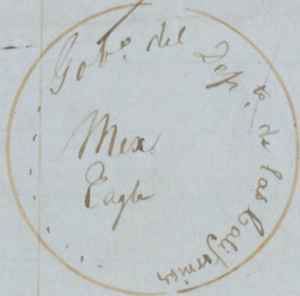
I, Samuel D. King, Surveyor General
of the United States for the State of California
and as such now having in my office and under my
charge and control a portion of the archives of the
former Spanish and Mexican Territory or Depart-
ment of Upper California do hereby certify that
the six preceding and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

In testimony whereof I have here-
unto signed my name, officially, and affixed
my private seal (not having a seal of office) at
the City of San Francisco, Cal, this first day
of May 1852

Sam D. King
Surv Gen. Cal

250
Filed in office Decem 13th 1852
Geo. Fisher
Sec

Don Tico, Gobernador Constitucional del
Departamento de las Californias



Por cuanto Don Don Ignacio Berreyesa vecino de San José Guadalupe ha pretendido para Subvencio personal y de su familia, un terreno situado en la jurisdiccion de Sonoma conocido con el nombre de Chimiles que contiene cuatro sitios de ganado mayor, practicadas previamente las averiguaciones convenientes, usando de las facultades que me son conferidas a nombre de la Nacion Mexicana, he venido por decreto de este dia en concederle el espresado terreno declarandole la propiedad de el por las presentes letras, de conformidad con la ley de 18 de Agosto de 1824 y reglamento de 21 de Noviembre de 1828, a reserva de la aprobacion de la misma Asamblea Departamental y bajo las condiciones siguientes.

1^a Podrá cercarlo sin perjudicar las trabesias, Caminos y Servidumbres, lo disfrutará libre y exclusivamente destinandolo al cultivo que mas le acomode.

2^a Solicitara del Ouz respectivo le de la posesion juridica en virtud de este despacho, por el cual se demarcaran los lindes con las mojoneras necesarias.

3^a El terreno de que se ha hecho donacion es de la estension de cuatro sitios de ganado mayor, el mismo que explica el dibujo que obra en el expediente y colinda con el rancho de los Berreyesas, Arriji, Cayitans Juars y las Lomas del rumbo al del Señor Baca.

El Ouz que lo posesione lo hara medir con arreglo a ordenanza.

En consecuencia mando que teniendo el presente titulo por firme y valido se tome razon de el en el libro respectivo y se entregue al interesado para su resguardo y demas

75202

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firmas. Dada en la Ciudad de los Angeles en
papel comun por falta del sellado, a dos dias
del mes de Mayo de mil ocho Cientos cuarenta
y Seis.

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Pio Pico
Dn^o Mateo Moreno
Sno int^o

Queda tomada razon de este Superior
despacho en el libro respectivo. fha ut supra
Moreno

Here follows a map

Filed in office April 28. 1859
Geo: Fisher,
Sec

75

Power of
Attorney

Doy poder a Don Salvador Vallejo, para que
a mi nombre y el de mis herederos, venda
un sitio de ganados mayor situado al norte
de mi casa en el rancho de Chimiles, entre
medio del rancho de Ine de Jesus Berreyza
y el que suscribe. contiene varios planos
propios para labranza, y lomas para cría de
ganado vacuno, caballos, lanas &c. Y
para seguridad doy el presente en Sonoma
a 20 de Setiembre de mil ocho cientos cuarenta
y siete.

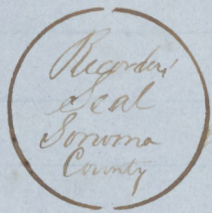
Ine Ignacio Berreyza
Sonoma, Setiembre 22 de 1849,
Recibi el valor de ocho cientos pesos por el
presente poder, y declaro desde hoy la propiedad
en favor de Don Salvador Vallejo
Ine Ignacio Berreyza

State of California }
County of Sonoma }

I hereby certify the
foregoing to be a true copy of the Record in
this office as exhibited on page 53 of
Book "F".

Witness my hand and
official seal at Sonoma this
February 17th AD 1853

John Hendley Recorder
of Sonoma County by
John A Brewster Deputy



Filed in office March 21 1853

Geo. Fisher
Secy

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Translation
of Expediente

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Translation of
Expediente
Court of 1st Juv
of Sonoma Dec 29
1844, the land
which the intended
person solicits in
my conception has
no incumbrance
so that the intended
party may occupy
-ing what he solicits
provisionally at
his own risk
whenever he takes
through the legal
steps

Señor Judge of the Frontier of Sonoma,
Don Ignacio Berryessa a resident of the
Puerto of San Jose Guadalupe & Alcalde
of Sonoma with all submision presents him-
self & says, that being fully resolved to
establish himself & to settle on the Frontier
with his cattle and not being able to acco-
mplish it for the want of land suitable
for the purpose I entreat your Ex^{ca} to permit
me to occupy four square leagues in the
place known by the name of "Chumiles,"
which is between the Ranchos of the Torre
yeras, of Armijs Cayetana Suarez & the
hills in the direction of the Señor Waca
which land is vacant & does not belong
to any person, making oath in the usual
manner

Jacob P. Leese

Wherefore I humbly pray your Ex^{ca} to
accede to my petition & to permit me to
establish a beginning whiter I apply to the Departmental
Government for the corresponding title for which favor I
will be grateful

Sonoma December 29 1844
Don Ignacio Berryessa

Angels May 2^d 1846

Hearing seen the Petition with which
this Expediente begins, the Report of the 1st Alcalde of
Sonoma and all the rest which has been presented & seen
to be proper in conformity with the law of the 18th of
August 1824 and the Regulations of 21st Nov 1828
I declare Don Don Ignacio Berryessa owner in fee of
four square leagues to a trace of land situated in Sonoma
bounded by the Ranchos of the Berryessas of Armijs of
Señor Waca & Suarez - Let the corresponding title be

ipsum una let the Expediente be resumed for the approbation
of Exce Departmental Assembly. Pio Pico Constitutional
Governor of the Department of the Californias thus I
Command, decree & sign which I atted

Pio Pico

Jose Maria Morino

Sec Inter^o

Pio Pico Constitutional Governor of the Depart of the Californias

Whereas the Citizen Jose Ignacio Berruyesa
Resident of San Jose Guadalupe has petitioned for his per-
sonal benefit & that of his family a tract of land situated
in the jurisdiction of Sonoma known by the name of
"Lhorniles", which contains four square leagues the enqui-
ries concerning it being previously made using the
faculties which are conferred on me in the name of
the Mexican Nation I have come by a decree of this
day to grant him the said land declaring in him the
proprietorship of it by these present letters in conformity
with the law of the 18th of August 1824 & the Regulation
of the 21st Nov 1828 on condition of the approval of
the most Ex^o Departmental Assembly under the
following conditions

- 1 He may enclose it without prejudice to the crops
& roads & servitudes he shall enjoy it fully & exclu-
sively destining it to the culture which best
suits him
- 2 He shall solicit of the respective judge to give him judi-
cial possession by virtue of this dispatch by whom
shall be marked the boundaries with the necessary
land marks
- 3 The land of which donation is made is of the extent
of four square leagues as is explained by the map
which is annexed to the Expediente & is bounded by
the Rancho of the Berruyesas Arrijo Bayetano
Juarez & the hills in the direction of the Senior

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Por lo que el Juez que shall give him Proyeccion shall
measure it according to the Ordinance

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Wherefore I Command that holding this
present title as firm & valid entry be made in the proper
book & it be delivered to the interested person for his
Security & for other purpose Given in the City of Los
Angeles on this Common paper for the want of sealed
paper on the 2^d May 1846

I Certify the foregoing to be a true & correct Translation
of an Authenticated fac-simile Copy of the Original
Spanish Document on file in the Office of the U S
Surveyor Genl. which Authenticated Copy is on file in
this Office in lease N^o 202 William Gordon et al for
the place called "Chimules"

Geo Fisher

Filed in Office Dec 13^o
1852

Geo Fisher

Secy

Secy

Pio Pico, Constitutional Governor of the
Department of both Californias -

17
C

Government of the
Department of both
Californias

Whereas Don Jose Ignacio, Beny
also a resident of San Jose, Guadalupe
has made application for his own personal

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Benefit and that of his Family for a tract of land situated
in the Jurisdiction of Sonoma known by the name of
Chimils, which contains four leagues de ganada mayor
the Coganis Concerning it being previously made, using
the Authority Confided upon me, in the name of the Mexican
Nation I have by a Decree of this day conceded to him
said land declaring the ownership of it to him by these
present letters in Conformity with the Law of the 18 August
1824 & according to that of the 21 Nov. 1828 Subject to the
approval of the Most Excellent Depart. Assembly under
the following Conditions.

1. He may Enclave it without prejudice to the crossing
roads & Servitudes he may enjoy it freely & exclusively
destining it to the Cultivation which best suits him.
2. He shall solicit the respective Judge that he may
give him Judicial possession in virtue of this title by
whom the Coganis shall be marked out with the
necessary Comin parts.
3. The land of which mention is made is of the extent
of four square leagues (Setias de ganada mayor), the
same as is represented by the map which accompanied
this Expediente & is bounded by the Rancho of the Benyeras
Amigo, Capitano Juans & the hills in the direction of
& that of San Bacia.

The Judge who may give him possession
shall cause it to be measured according to the ordinance.

Wherefore I order that this title being held as
firm & valid. Entry be made of it in the proper book
& be delivered to the interested person for his security &
other purposes.

Given in Los Angeles, on common
paper for the want of stamped paper, on the 2nd of May
1846.

Pio Pico,
Jose Maria Moreno, Secy ad interim.

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Entry has been made of this Sapino Title
in the proper book under date as above.

Moreno Cl. R. P.

I hereby Certify the foregoing to be a true & correct
translation of the original Spanish documents filed
& now on file in this Office in Case No. 202, William Gordon
& al for the tract called Chimel.

Geo. Fisher Secy.

Filed in Office April 25th 1852.

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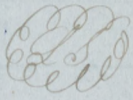
B

Transfer

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This Indenture made this Twelfth day of Sep-
 tember AD 1850 between Jose Ignacio Benjisa of
 Napa County California of the first part and John
 Woodson of the same place of the second part. Witnesseth
 that the said party of the first part for & in consideration
 of Two thousand dollars to him in hand paid the receipt
 whereof is hereby acknowledged hath granted conveyed
 sold & conveyed and doth by these presents grant convey
 gain sell & convey unto the said party of the second part
 a certain portion of the Rancho of Chimils in or adjoining
 said County known & ascribed as the Corral valley or
 the valley of Chimils, which valley is bounded on all
 sides by the mountains & borders towards the South
 West upon the Rancho of Cayetano Innes taking in the
 whole of said valley with the Cattle belonging to the said
 party of the first part now on hand being thirty head of
 Cattle more or less & containing in all Two miles Square of
 land more or less. Together with all & singular the heredit-
 aments & appurtenances therunto belonging or appertaining
 and the rents issues & profits thereof & also all the estate
 right title interest property claim & demand whatsoever
 both at law & in Equity of the said party of the first part
 in or out of the said lands tenements & hereditaments. To
 have and to hold the same with all the appurtenances
 unto the said party of the second part his heirs & assigns
 to their sole & only proper use benefit & behoof forever.
 And the said party of the first part for himself his heirs
 executor & administrators doth covenant & agreed to and
 with the said party of the second part that the said
 lands & tenements & hereditaments are free & clear and
 free of all equities of aid from all former gifts grants
 conveyances sales & estates whatsoever had or made by the
 said party of the first part or by any person lawfully
 claiming or to claim under him by his act. And the said
 party of the first part doth covenant and agree with
 the said party of the second part his heirs & assigns
 that all and singular the aforesaid lands tenements
 and premises and every part thereof he well and his
 heirs and assigns shall warrant and defend against the
 claim or claims of all and every person lawfully claiming
 the same by these presents.

In Witness whereof the said party of the first part
hath hereunto set his hand and seal the day and year
just above written.

Jas. G. Bemisa 

Signed, Sealed & delivered in
the presence of.

J. C. Drabutt.
William Russell.

State of California

Napa County 3 p. Sept. 12, 1850.

Personally appeared before me Recorder of
Napa County, Jas. G. Bemisa to me known to be the
person who executed the above and acknowledged
that he executed the same for the uses and purposes
therein expressed.

M. H. A. Kennedy
Recorder.

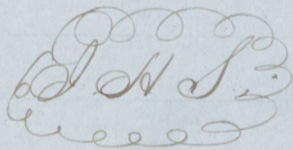
State of California

County of Napa 3 p.

I, John H. Searcell County Clerk
of Napa County do hereby certify that I have compared
the foregoing with the original and made by Jas. G.
Bemisa to John Wooden and found it to be
a true copy of the same.

Given under my hand and private
Seal, there being no seal of Court yet provided, this the
11 day of May AD 1850.

John H. Searcell Clerk
of Napa County.



Filed in Office March 2^d 1853.

(Signed)

Geo. Fisher Secy.

21
Conveyance

CASE 43 ND
PAGE 21

This Indenture made the twenty fifth day of May in the year Our thousand Eight hundred and Fifty one between Jose Ignatio Benyua of the City of San Jose in the County of Santa Clara of the first part & William Gordon of Cash Creek & Nathan Coombes of Napes Valley in the State of California of the second part Witnesseth. That the said party of the first part in consideration of the sum of One thousand Seven hundred & fifty dollars to him duly paid before the delivery hereof, hath conveyed and sold, and by these presents doth grant and convey to the said parties of the second part, their heirs and assigns forever, All That Certain tract of land being part of a Tract granted to said party of the first part, on the second day of May in the year 1846 by the Mexican Government and being the whole of said Tract except four square miles now occupied by John Gordon & one square liaga hitherto conveyed to Salvador Valley and more especially that certain valley in which the party of the first part hitherto lived & in which his dwelling house now is said valley lying south of the land mentioned as having been conveyed to Salvador Valley and east of the land now occupied by said Gordon, the said Tract of land containing about Twenty three square miles in all.

And I also by these presents grant to the said parties of the second part, all the right of dower and all interest of any kind and nature, that may my wife had or might have by law in and to the above described premises and also by virtue of a power of attorney given to me by my said wife Maria Paulina Pinto on the 12th of August A.D. 1850, with the appertinances, and all the Estate, title and interest of the said party of the first part therein. And the said party of the first part doth hereby covenant and agree with the said parties of the second part, that at the time of the delivery hereof, the said party of the first part is the lawful owner of the premises above granted and seized thereof in fee simple absolute and that he well warrant and defend the above granted premises in the quiet and peaceable possession of the said parties of the

Second part. their heirs and assigns forever.
In Witness Whereof the said party of the
First part, hath hereunto set his hand and Seal the
day and year first above written.

José G. S. Bemysa
Paulina Pinto
Caramé José G. Bemysa

Sealed and delivered in the
presence of
J. C. Braetish
John Walker.

State of California }
County of Napa } Personally appeared before me
W. W. Culver a Notary Public in & for said County, José
G. S. Bemysa to me known to be the person who executed
the within and as well for himself as for his wife under a
power of Attorney from his wife Paulina Pinto Sagarin
and acknowledged to me that he signed the same freely
and voluntarily and for the uses and purposes therein
Expressed.

Given under my hand and private Seal
having not been able to procure a Notarial Seal, this
27th day of May AD 1851.

W. W. Culver
Notary Public.

State of California }
County of Napa } I, John W. Searns County
Clerk of Napa County do hereby Certify that this
is a true Copy of the original and executed by José
Ignacio Bemysa to Wm Gordon and Nathan
Coombs.

Given under my hand & private Seal
there being no Seal of Court yet procured this 1st day
of May AD 1852.

John W. Searns Clerk of
Napa County.

Filed in Office March 21st 1853
(Signed) Geo Fisher Secy

23

Translation
of
Power of
Attorney.

CASE 43 ND
PAGE 23

I give power to Don Salvador Valljo, that
in my name and in that of my heirs, he may sell one
square league of land situated at the north of my
house in the Rancho of Chimel's between the middle
of the Rancho of Jose de Jesus Benjesa & that of
the man signed, containing various plans suitable
for cultivation & the list for the raising of horned
Cattle, horses sheep &c & for this assurance I give these
presents in Sonoma on the 20th of Sep. 1846.

Jose Ignacio Benjesa.

Sonoma Sept. 22nd 1849.

Received the value of Eight hundred
dollars for this power & I declare from this day the
property thereof in favor of Don Salvador Valljo.

(Signed)

Jose Ignacio Benjesa.

I Certify the foregoing to be a true & correct Transla-
tion of an Office Copy of the Records, authenticated
by the Recorder of the County of Sonoma State of
California, on file in this Office in Case No 202,
William Gordon & al for the place called Chimel's.

Geo Fisher

Secy

Filed in Office March 21st 1853

(Signed)

Geo. Fisher Secy

Gordon & Coombs }
 vs } Motion -
 United States } No 202.

Motion

"By way of amendment to the original petition in the above case a motion is here by made to this Hon Board to add as Claimants Salvador Dallyp & Hodder who are also owners of a portion of said grant & together with the above named Claimants claim the whole thing as tenants in common interested to the extent and quantity as set forth in their respective ads. (see motion in 30).
 Ordered, That the amendment above moved be made & that the names of Salvador Dallyp & Hodder be added to said petition as Joint Claimants to portions of said grant as accorded with the Supplemental petitions filed with this Board on the 2^d March 1853 by said Dallyp & Hodder which are permitted to be withdrawn.

Filed in Office April 11th 1853.

(Signed) Geo Fisher Secy.

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CASE 43 ND
PAGE 25

U. S. Land Commission for California.
San Francisco to José "Chimiló"

William Gordon Nathan Coynles
Salvador Gallego and John Woodin
Apostolic of José Ignacio Benyusa
vs.

The United States.

Opinion by Commissioner Thornton.

Opinion

The Claim in this case is presented by assignees a right to the entire tract granted, under various misnomers Conveyances for distinct and different parcels thereof as shown by this respective title deeds from the original grantee, José Ignacio Benyusa to whom the grant was made on the 22^d of May 1846 by Pio Pico Governor of California in virtue of the decree of the 14th of August 1824 and of the ordinances of the 21st of November 1828 of the Mexican Government by a legally authenticated Transcript from the Archives of the former Government of the Country, a Statement of the Custodian thereof admitted as Evidence in the case from the Documentary Evidence and other testimony on file it fully appears that the grant was duly made by competent Authority, approved on the 22^d of May 1846 by the Departmental Assembly, and that the premises have been in the undisturbed possession of the grantee and those claiming under him from the date of the grant to the present time. The only objection urged by the U. S. Law Agent against the Confirmation of the Claim, is the want of Judicial possession and measurement of the land which has been overruled by this Board in various cases heretofore decided. The grant is for four square leagues of land or 4 Sietas de ganada Mayor. In accordance with the principles of decision prescribed for our government in the 11th Section of the Act of the 3^d of March 1851, the Claim is held to be valid, and we proceed to make the following Act of Confirmation.

Commissioner Wall Concern in the usual
Henry Thornton.

This Board upon full consideration of the various grounds affecting the validity of the said claim, having come to the conclusion that the same is valid,

Therefore now proceeds to make and do hereby make the following decree or report of final confirmation &c.

It is decreed that the said claim be confirmed to the claimants to the extent and quantity of four square leagues of land, or 11 sitios de ganada mayor and for no more except the same land described in the grant and Cofundante referred to therein and of which the possession has been had and enjoyed under the said grant by the grantee and the claimants. Provided that the said quantity of land granted and now here confirmed be contained within the Comarcas 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 Comarcas then we confirm to the claimants that less quantity to be as apparent that said quantity exceeds the minimum of two hundred varas as prescribed by the ordinance of the 21st of November 1818.

Witness our hands this 11th day of April 1853.

Helena Hall } Comissarios

Henry Thornton }
}

Filed in Office April 11th 1853.

(Signed)

Geo. Fisher Sicey

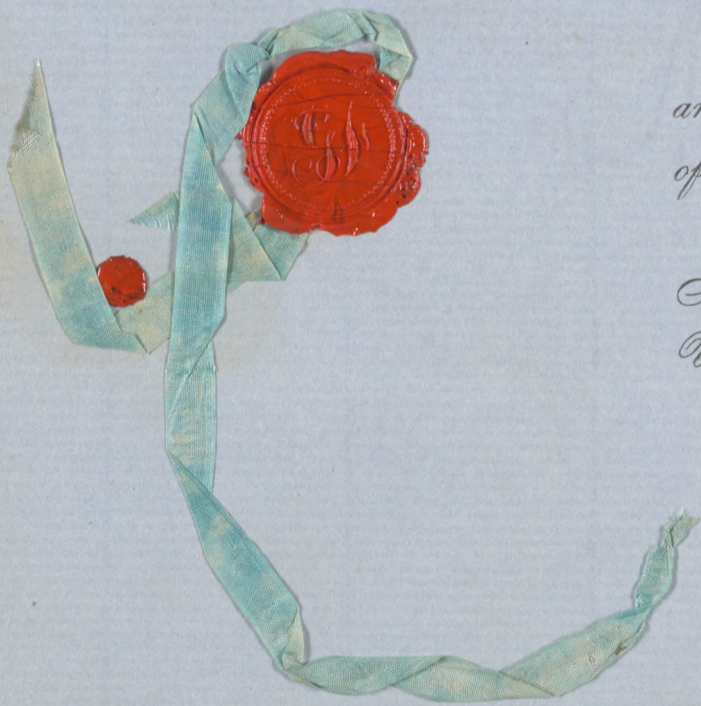
Office of the Board of Commissioners,

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 *twenty six* pages, numbered from
1 to *26*, 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. *202* on the Docket of the said Board,
wherewith *William Gordon & Nathan Combs*
are
the Claimants against the United States, for the place known by
the name of *Whinnides* —

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

Geo. Fisher.
G. Fisher



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Nº 202

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CASE 43 ND

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No. 202.

Office of the Attorney General of the United States,

Washington, 11th September 1854.

William Gordon & Nathan Combs,

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 30th 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.

Leahy

Attorney General.

No 43
U. S. Dist. Court,

The United States
— vs —
William Gordon,
et al.

Notice to prosecute
Appeal,

Filed Oct: 21. 1854,

Jno. A. Monroe,
Clerk,

CASE 43 ND

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

The United States

Appellants

No. 43.

William Gordon &
Nathan Coombs

The Petition of the United States by their
Attorney represents: that this cause is an
Application for a review of the decision of
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 that the
land claimed lies in the said District.

That the said Claim is invalid.

Wherefore Appellants pray that the said
decision of the Board be reversed
and that this Court decree the said
Title to be invalid.

Respectfully

A. Hassell

Asst. U.S. Atty

U.S. Dist. Court

No. 43.

The U. States

vs

William Crockett

Nathan Coombs

Petition

Filed July 6, 1855,

by Cheever

Deputy

CASE 43 ND

PAGE 31

Hassell

CASE 43 ND
PAGE 32

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 *27th* day of
July in the year of our Lord one thousand
eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v
William Gordon and
Nathan Coombs

D. C. 43; L. C. 202

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

On motion of the
District Attorney it is Ordered Adjudged
and decreed that the appeal taken
to this Court from the decision of the
U. S. Land Commission be dismissed
and that claimants have leave to
proceed under the decree of the said
Commission heretofore rendered in
their favor, as under Final Decree,

Ogden Hoffman,
U. S. District Judge

43

United States District Court, Northern
District of California.

The United States

VS.

*William Gordon and
Nathan Coombs*

ORDER.

Dismissing appeal

Filed

July 27, 1857

John S. Minnie,

CLERK.

By

W. H. Chever

DEPUTY.

CASE 43 ND

PAGE 33

CASE 43 ND

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

The United States

William Gordon
Nathan Coombs

D.C. 43; L.C. 202

In pursuance of a notice
from the U.S. Atty General, herewith annexed,
it is hereby stipulated and agreed that the
appeal taken from the decision of the U.S. Land
Commission be dismissed; that the notice of
intention to prosecute said appeal, filed in
this Court, be withdrawn and that claimants
have leave to proceed under the decree of
said Land Commission heretofore rendered
in their favor as under Final Decree.

San Francisco July 27th 1857
S. Della Torre

S. Della Torre

CASE 43 ND

PAGE 35

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

Sir: In the case of the claim of
William Gordon and Nathan
Combs, confirmed to the claim-
ants by the Commissioners, Case
No. two hundred and two, (202),
appeal will not be prosecuted by
the United States—

I am,
Respectfully,
Ours,

Wm. B. Stanford Esq
U. S. Attorney
San Francisco—

43
202

The United States

William Gordon &
Nathan Coombs

Stipulation

Filed July 27, 1857,
W. H. Cheverus,
Deputy.

CASE 43 ND
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U. S. District Court.

The United States

v.

Gordon & Coombs.

3 No. 43; L. C. 202.
"Chimela"

B. C. Whitman being duly sworn says, that he resides in Bessico, and that he is attorney for J. Franklin Houghton, who claims part of the land confirmed in this case by mesne conveyances, from Jose Ignacio Berreyesa, the original grantee under the Mexican government; that affiant is informed and believes that the survey lately made under final decree of the U. S. Surveyor General for Calo does not include within it the land so conveyed by said Berreyesa to said Houghton by mesne conveyances, and is therefore erroneous. And further affiant saith not.

Sworn to before me

this 9th Dec, A.D. 1859

W. H. Cheever,

B. C. Whitman

U. S. Court,

No. 43.

U. S. Dist. Court.

The United States,

vs -

W. Gordon,
et al.

affid of B. C. Whitman
on motion to
return surry.

Filed Dec: 9, 1859,

W. A. Devis,

Clerk

CASE 43 ND

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CASE 43 ND
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At a Term of the District Court of the
UNITED STATES OF AMERICA, for the Northern District of
California, held at the Court House, in the City of SAN FRANCISCO,
on the day of
..... in the year of our Lord one thousand
eight hundred and fifty-nine,

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

vs.

Gordon Combs

N^o. 43: L.C. 202
"Chimieles"

Upon affidavit made upon
information and belief by B. C. Whitman Esq
that the survey in this case, made under
final decree by the U. S. Surveyor General for
California is erroneous, filed by Tully K. Wise Esq
Acting U. S. Attorney, it is ordered, under
the rule heretofore adopted by the Court, that
the U. S. Surveyor General for California return
to this office a certified copy plat of his
official survey of the ~~land~~ land claimed
herein, made under final decree.

Dated San Francisco Dec 9. 1859.

W. H. Cheves
Clerk

U S Marshal's Office
San Francisco, Dec 9th 1859

I have this day made personal service of this
Order on James W Mandville W S Surveyor
General for California

J D Solomon
U S Marshal

(23)

District Court of the United States

IN AND FOR THE

Northern District of California.

James W Mandville

vs.

John D. Solomon

Order

John D. Solomon

Filed

Dec 9th

1859.

By

W H Clewett Clerk.

Deputy.

CASE 43 ND
PAGE 411

Clerk's Office,
of the said Court.

I hereby Certify the foregoing to be a true copy from the Minutes

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

Deputy.

By

Clerk.

CASE 43 ND
PAGE 41

Office of the Board of Commissioners,

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

San Francisco, July 13, 1854

John S. Monroe Esq.

Clerk of the U. S. District Court for the

Northern District of California.

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 202 on the Docket of the said Board, wherein William Gordon & Nathan Coombs - the Claimant against the United States, for the place known by the name of Chimiles and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher