

CASE NO.

76

NORTHERN DISTRICT

---

PART OF NAPA GRANT

---

JAMES McNEIL

CLAIMANT

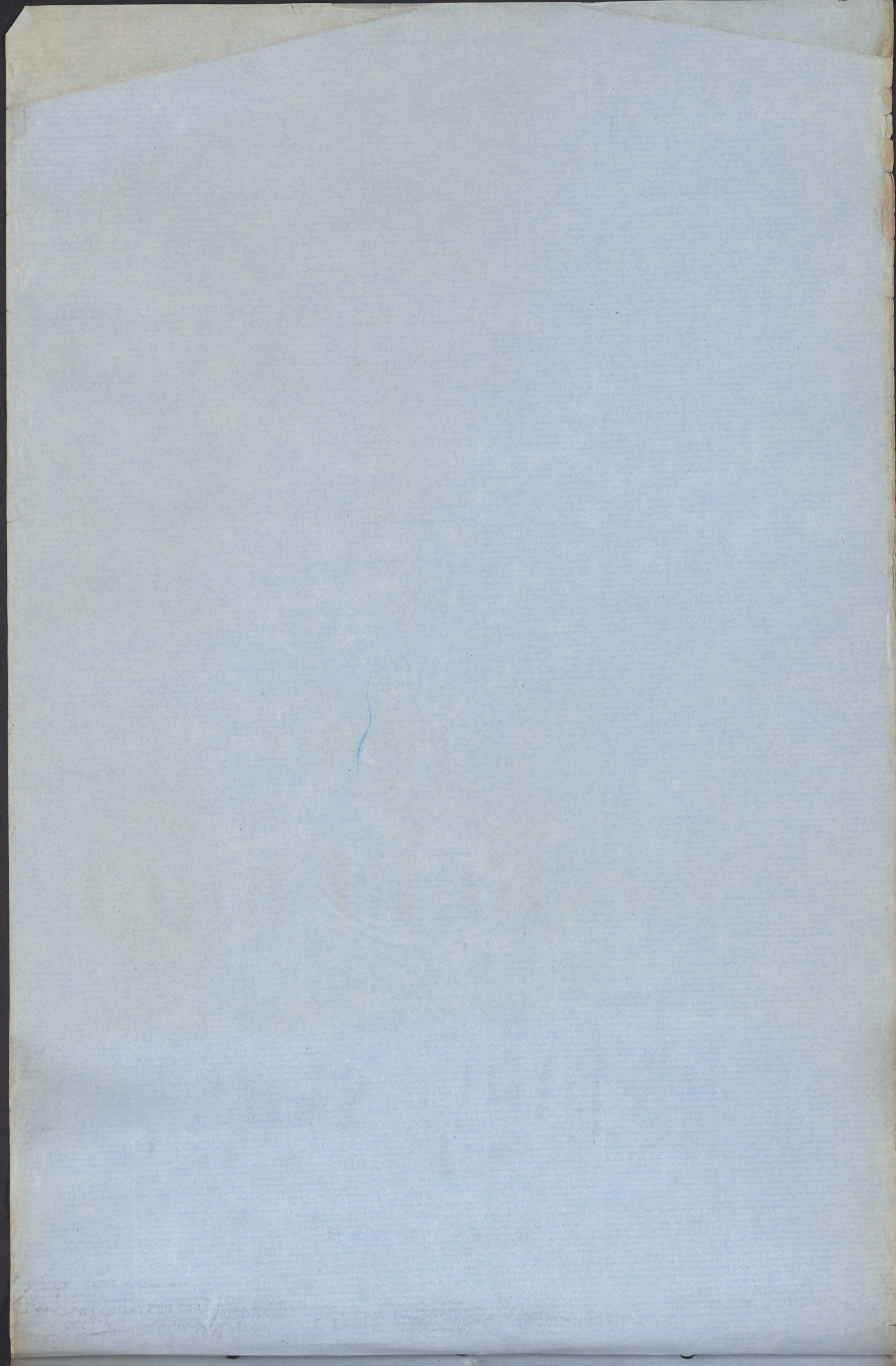


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736







# TRANSCRIPT

OF THE

# PROCEEDINGS

IN CASE

NO.

*736.*

*James McNeil*

CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR <sup>part of</sup> THE PLACE NAMED

*"Napa."*



900 5



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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

The Petition of *James M. Neil*  
for <sup>part of</sup> the Place named  
*"Napa"*  
was presented, and ordered to be filed and docketed with No. 736 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 Sept. 13<sup>th</sup> 1853.*

In case no. 736 James M. Neil for part of the place named "Napa" the deposition of Gen. A. D. Menocourt, a witness in behalf of the claimant taken before Commissioner Alpheus Fitch, was filed.  
(Vide page 5 of this Transcript.)

*San Francisco Oct. 8<sup>th</sup> 1853.*

In the same case the answer for the claimant filed the following Stipulation, to wit:  
(Vide page 30 of this Transcript.)



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San Francisco Oct. 25<sup>th</sup> 1853.

In the same case the Counsel for the claimant  
filed the following stipulation to wit;  
(vide page 36 of the Transcript)

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San Francisco Oct. 31<sup>st</sup> 1853.

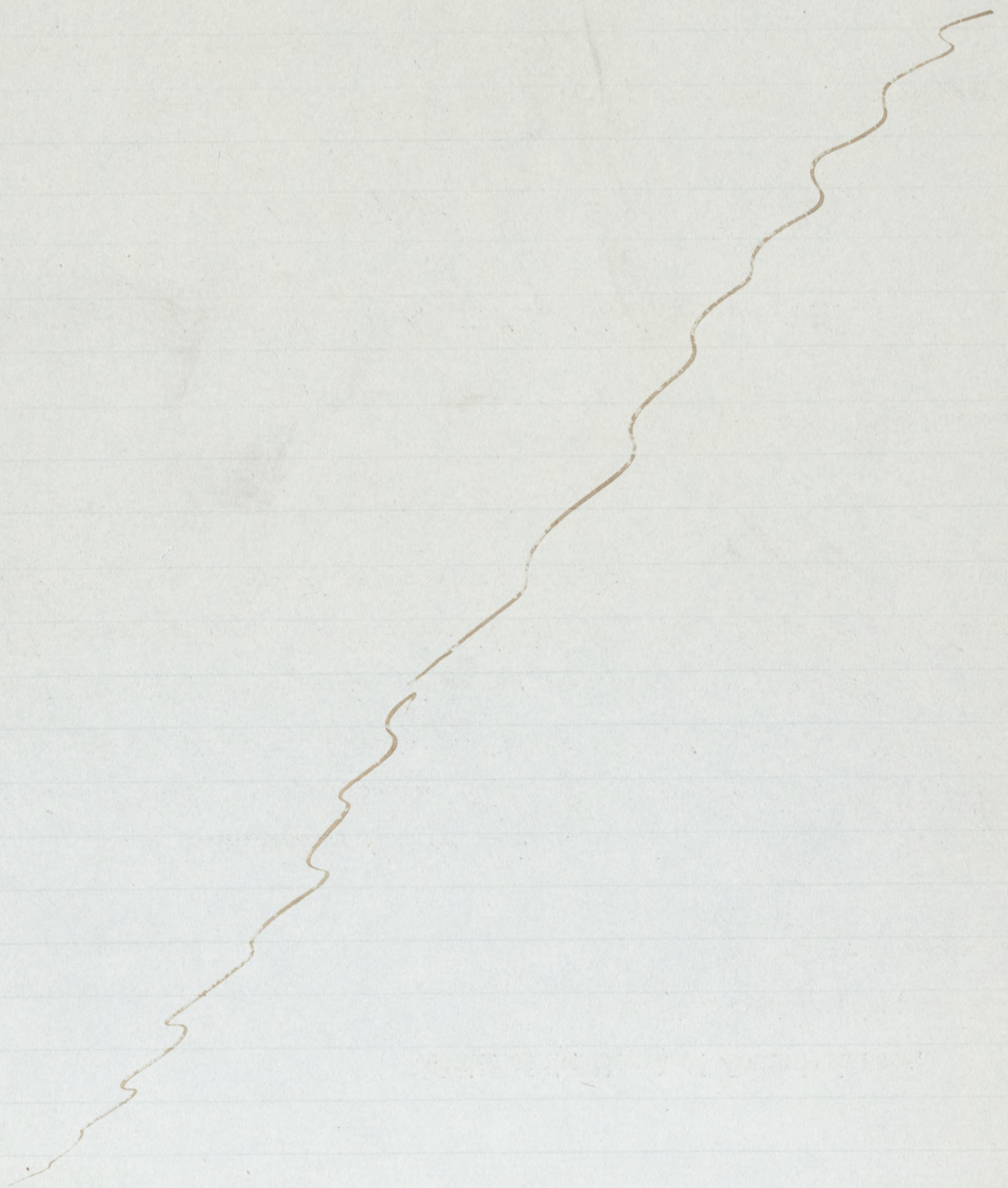
Case No. 736 called; Submitted on both sides  
both sides and taken under advisement;

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

In the same case Commissioner Alphon  
Fitch declined the opinion of the Board con-  
firming the claim;  
(vide page 37 of the Transcript)

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

Petition.

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The Petitioner, James M. Veil, respectfully represents;  
that on the 21<sup>st</sup> day of September A. D. 1838, Juan  
B. Alvarado, Governor of California, by virtue of  
Authority in him vested, granted to Salvador  
Vallejo, the tract of land called "Napa", with the  
boundaries described in the Map and title, which  
Original, grant, map, approval, and a copy of  
judicial possession are filed in claim No. 495,  
and are hereby referred to and made part of  
this petition, translations of which are sub-  
mitted herewith marked "A";

That on the 16<sup>th</sup> day of June A. D. 1851 the said  
Salvador Vallejo sold and conveyed to B. Fry and  
L. de Lamoignon a tract of eight hundred acres,  
and some smaller lots of said Napa tract, as  
is more particularly shown by the deed of  
transfer, a duly certified copy of which is sub-  
mitted herewith marked "B";

That on the 19<sup>th</sup> day of July A. D. 1851 by a  
deed of partition between said Fry and de Lamoignon,  
the said de Lamoignon became the sole owner  
of four hundred and fifty acres of said eight  
hundred acres, as is more particularly shown  
in the deed of partition, a duly certified copy of  
which is submitted herewith marked "C";

That on the 4<sup>th</sup> day of October A. D. 1857, the  
said de Lamoignon, sold and conveyed the said  
four hundred and fifty acres to David H. Steele,  
as is more particularly shown in the said deed  
of conveyance, a duly certified copy of which  
is submitted herewith marked "D";

That on the 30<sup>th</sup> day of January A. D. 1852



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the said Steele sold and conveyed to the petitioner two hundred and fifty acres of the said four hundred and fifty acres, as is more particularly shown by the original deed of conveyance which is submitted herewith marked "E".

That the petitioner and those under whom he holds have been for some fifteen years, and the petitioner now is in the quiet possession and occupation of the said tract of land as described in his derelictment of title.

Wherefore he prays the Commissioners to confirm to him the said two hundred and fifty acres of land.

By his Atty  
(Signed) Walleck, Macky & Billing.

Filed in Office March 2<sup>d</sup> 1853.

(Signed) Geo. Fisher,  
Secretary.

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Office of Commissioners of  
Land Claims in California.

*S*  
Deposition of This day before Comr. Alpheus Fitch, came  
Em. A. d'Hemecourt. Em. A. d'Hemecourt, a witness in behalf of the  
claimant, James McKel, No. 736 who after  
being duly sworn deposed as follows:

Questions by Mr. Walluck, attorney for  
claimant.

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1<sup>st</sup> question - What are your name, age and  
place of residence?

Answer - My name is Emile A. d'Hemecourt,  
my age is about thirty seven years, and I  
reside in Napa City in the County of Napa  
and State of California.

2<sup>d</sup> question - What office (if any) do  
you hold in Napa County and how long have  
you held it?

Answer - I hold the office of County  
Surveyor; and have held it since the month  
of April A. D. 1852.

3<sup>d</sup> question - Examine the paper here  
presented and shown to you marked "E".  
with the initials A. F. and heretofore filed  
in this case purporting to be a deed of  
conveyance from D. J. Steel to James  
McKel, and say if you know the land  
described in this deed; and if you know  
whether or not it is included within the  
general boundaries of the judicial survey  
of the Napa Ranch as described in  
document marked "A" on file in  
claim No. 495 in the office of the Secretary  
of this Board?

Answer - I have examined the paper  
and I know the land - I have surveyed



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it and it is included in the general bound-  
aries mentioned in the interrogatory.

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(Signed) Em. A. d'Almeida

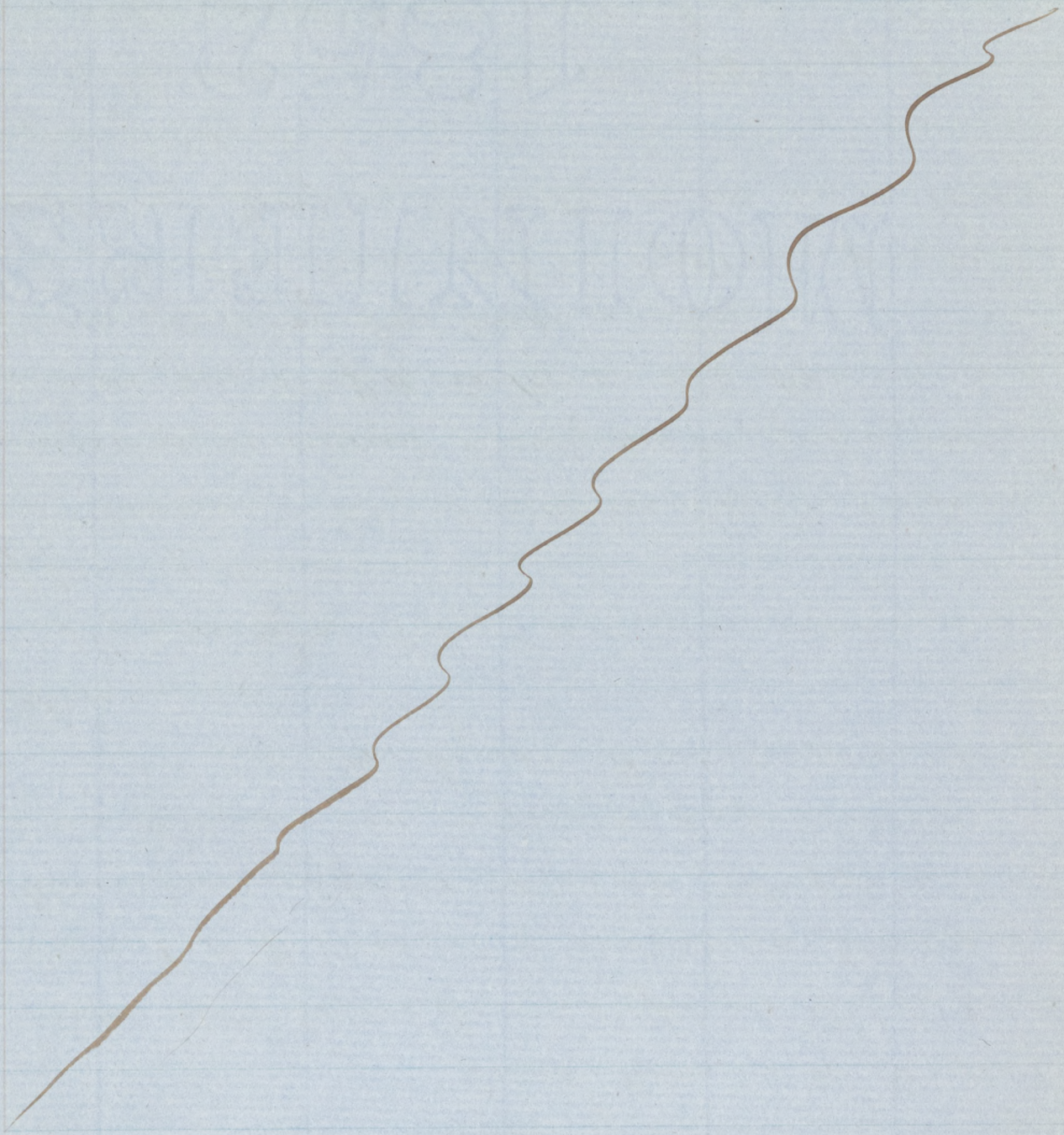
Mr. Greenhow Associate Law Agent was  
present at the taking of this deposition, but  
propounded no interrogatories to the witness.

Subscribed and sworn to  
before me at San Francisco  
this 13<sup>th</sup> day of Sept. A.D. 1853.

(Signed) Alpheus Felch  
Commissioner

Filed in office Sept. 13<sup>th</sup> 1853.

(Signed) Geo. Fisher  
Secretary.





Office of the Board of  
Commissioners No. 16.

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Deposition of  
Geo. C. Grant.

This day before Commissioner Alpheus Fitch came  
George C. Grant, a witness in behalf of the claimant  
Julius K. Rose, No. 732, who after being duly sworn  
deposed as follows —

Questions by Mr. Dulock, attorney for Claimant.

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1<sup>st</sup> Question - What are your name, age and place  
of residence?

Answer - My name is Geo. C. Grant, my age  
is fifty nine years, and I reside in Napa County  
in California. I have lived in California ever since  
February 1831 and in Napa since 1836.

2<sup>d</sup> Question, Do you know the Rancho called  
Napa granted to Salvador Vallejo, if yea where is it  
situated?

Answer. I know the Rancho. It is bounded  
on the north or northwest by my rancho, on which  
I live, on the East by Napa River, on the South by  
Nicholas Neguera, and on the West by Camino  
Creek. It is in Napa County above mentioned.

3<sup>d</sup> State what you know about the occupation  
of the land?

Answer - Salvador Vallejo first occupied it  
in 1837 or 1838; I am not positive which. He had  
houses, cattle and condors upon it. He built an  
Adobe house on it which he occupied with his  
family - the house was built by him the same  
year, that he went there. He cultivated very largely.  
I suppose four or five hundred acres were culti-  
vated in wheat, corn, barley, beans and other  
vegetables. He continued to occupy it until after  
the Americans took possession of the country, he  
had probably four thousand head of cattle



out at that time.

4<sup>th</sup> Question - Do you know whether he sold any of the land? and if so to whom?

Answer - He has sold pretty much the whole valley. He sold some of it to Mr. Rose, an attorney in San Francisco, also some to Mr. Osborn, Mr. Bartlett, Captain Knight & Mrs. Merrill. These persons now occupy the lands purchased by them. They are all fenced in and cultivated.

(Signed) George C. Yount.

Subscribed and sworn to before me at San Francisco, this 6<sup>th</sup> day of Oct. A.D. 1853.

Mr. Greenhorn, Associate Land Agent was present at the taking of the deposition but pronounced no interventions to the witness.

(Signed) Alpheus Felch, Comr.

It is hereby agreed between the Land Agent on the part of the United States, and the Attorney for the claimants that the foregoing deposition may be used as evidence in Claims numbers 733, 734, 735 & 736.

Oct. 6<sup>th</sup> 1853.

Signed Robt. Greenhorn, Asst. L. Agent

J. Geo. Fisher, Secretary of the United S. Board of Commissioners to ascertain and settle the private Land claims in the State of California, do hereby certify, the foregoing to be a full, true and correct copy of a deposition taken in the above case, and now on file among the Archives of said Board, and in my care and custody as such Secretary, Witness my hand this 10<sup>th</sup> day of December A.D. 1853.

Filed in office Dec. 10<sup>th</sup> 1853. (Signed) Geo. Fisher, Secy.

(Signed) Geo. Fisher, Secy.



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"A"  
Translation of  
Title Individual  
possession,

(Civil Government  
of Upper California)

Citizen Juan B. Alvarado, Political Chief and interim  
of Upper California.

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Whereas Salvador Valli has, for his own personal benefit and that of his family, petitioned for the land known by the name of "Napa" within the boundaries of the map, which accompanied his petition, the proper measures being previously taken as required by laws and regulations on the matter, using the power which are conferred on me, in the name of the Mexican Nation, I have granted him the ~~fore~~ said land, declaring to him the ownership of it by these presents; said grant being understood to be in full conformity with the laws, subject to the approval or disapproval of the Most Excellent Deputation, and under the following conditions:

1<sup>st</sup> That the grantee nor his heirs may divide or alienate that which is granted to them; subject it to any tax, entail, pledge, mortgage, or other incumbrance, even for pious purposes, or convey it in mortmain.

2<sup>d</sup> He may enclose it without prejudice to the crossings, roads, and similitudes; he will enjoy it fully and exclusively, making such use and cultivation of it as may best suit him.

3<sup>d</sup> When the ownership is granted to him, he will request the proper magistrate to give him the judicial possession, in virtue of this patent, by whom its boundaries will be marked out, and its bounds placed.

4<sup>th</sup> The land of which donation is made



is solely that described in the petition, and marked out on the map - and the Magistrate who may put him in possession will advise this government of the number of square leagues it contains.

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

Given in Santa Barbara, on the twenty first day of September One thousand Eight hundred and thirty Eight.

(Signed) Juan B. Alvarado.

Note has been made in the proper books

(Signed) Francisco Arce

Secretary ad interim.

Citizen Juan B. Alvarado, Political Chief, ad interim of Upper California

The most excellent Departmental Assembly in session of this day, has resolved the following: "Approved, the grant made by the Supreme Government of the Department, in title issued with date, the twenty first instant; in favor of Citizen Salvador Vallejo, of the land of Napa, in entire conformity with the law of Aug. 18<sup>th</sup> 1832 and Article 5 of the Regulation of Nov. 21<sup>st</sup> 1828."

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

Given in Santa Barbara on the twenty third of September, One thousand Eight hundred and thirty eight.

(Signed) Juan B. Alvarado.

(Signed) Francisco Arce, Secretary ad interim.



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Stamp Fourth, Two Reals.

Provisionally authorized by the Maritime Customs House of the port of Monterey in the Department of the Californias, for the years eighteen hundred and forty four & eighteen hundred and forty five. (Signed) Micheltorena. (Signed) Pablo de la Guerra.

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Seal To the Magistrate of the 1<sup>st</sup> Jurisdiction

Salvador Vallés, a resident of this jurisdiction owner of the Rancho of Napa, as I best may proceed in law, appear and say: that as appears by the title which I present with the necessary solemnity and oath, I have in my said rancho, four square leagues within the limits mentioned in said title, and that it may in all time appear how far said limits extend, and whether I prejudice any of my neighbors, or they me, I pray you to have the goodness to order, that after taking the customary measures of identity, view and examination etc., the measurement of my said lands be proceeded to, the Coloudantes being summoned; for which purpose I appoint measurer now, and for when the time may arrive, Paulino Vasquez, a resident of this jurisdiction, and skillful in this matter, and let the other persons who may be interested appoint another measurer on their part, and this being done, let those they may appoint and the said Paulino Vasquez by me appointed, appear, accept, and take the oath, and in conformity therewith proceed to said measurements.

Wherefore I pray you that admitting this document, you will be pleased to order



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that to be done which I have asked, and being finished that said documents may be returned to me with the original official acts, which maybe made for the security of my right, this petition, and whatever else may be necessary, etc.

Sonoma, February 4<sup>th</sup> 1844,  
(Signed) Salvador Gallego.

Trust Court of Sonoma -

The presentation  
of the memorial.

In the Pueblo of Sonoma on the 4<sup>th</sup> day of the month of February, one thousand eight hundred and forty four, before me, Jacob P. Leese, Alcalde of p<sup>te</sup> nomination of this jurisdiction, the foregoing petition was read, and having been seen, I admitted it with the document it refers to, and I order, that, summoning the levindantes, information be taken of identity, view and examination of said lands, at which I am ready to assist personally; I thus provide, ordered and signed, with those of my assistance

Asst. witnesses. (Signed) Jacob P. Leese.

Dr. Pinaon

Damaso A. Rodriguez

Declaration of p<sup>te</sup>  
Alonso, Nicasio  
Beneyosa.

In the aforesaid Pueblo on the fifth day of the same month and year, I the aforesaid p<sup>te</sup> Alcalde, with those of my assistance, in order to proceed to the information of identity, caused to appear before me citizen Nicasio Beneyosa, a resident of this jurisdiction, by occupation a laborer and married, of whom I received an oath which he made by God our Lord, and the sign of the cross in due form, under



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which he promised to speak the truth, and being asked for the knowledge (he may have) of the lands, places, terminations and boundaries pertaining to the Rancho of Napa, he said; that for ten years he has been a resident of this jurisdiction, and knows that the lands pertaining to the rancho of Napa are the property of Captain Don Salvador Vallejo, and have for boundaries, on the North E. the River of Napa, South the Arroyo de los Carneros, North West the Rancho of Yunt, South East that of Nicholas Figueroa, the which he has seen and examined on various occasions, and that since the said Don Salvador Vallejo has possessed them he has worked and cultivated them, and his cattle have pastured on them, and for the proof of that which he has said, he is ready to go to said lands with the present magistracy and point out to him the places, terminations, and boundaries, how far they extend; and that what he has said is true by the oath which he has made, which he confirms and ratifies, He declared that he <sup>was</sup> ~~is~~ fifty six years of age, and that the legal exceptions do not affect him. He signed with me and three of my assistance.

Assisting witnesses (Signed) Jacob McLeod  
 Damasio Rodriguez " Narciso Benellesa.  
 V. Ornela

Declaration of In the same day, month and year, I the  
 Second witness. said alcalde, caused to appear before me  
 Rafael Navarro. and three of my assistance, Citizen Rafael  
 Navarro, a resident of this jurisdiction, by



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Occupation a laborer, of whom I received an oath in (due) form to speak the truth; and being asked for the knowledge (which he has) of the lands and places, terminations and boundaries, pertaining to the rancho of Napa, he said: that he has been for six years a resident of this jurisdiction, and knows that the lands pertaining to said rancho are of the Captain Don Salvador Vallejo, and it has for boundaries on the North East, the River of Napa, on the South the Arroyo of Los Cameros, on the North West that of the Rancho of Smith, and on the South East that of Nicholas Negiers, which he has seen and examined several times, and that since the said Don Salvador Vallejo has possessed them, he has worked and cultivated them; and his cattle have pastured on them, and for the proof of that which he has said, he is ready to go to said lands with the present magistrate, and point out to him the terminations, places, and boundaries, how far they extend; and that what he has said is true by the oath which he has made, which he affirms and ratifies.

He declared that he was fully nine years of age and that the legal exceptions do not affect him.

Assisting witnesses                      Jacob P. Gueso.  
 Sam. A. Rodriguez                      R. F. Narvaiz.  
 V. Prudon.

Declaration of  
 third witness  
 Felipe Gomez.

In continuation I caused to appear before me and those of my assistance, Citizen Felipe Gomez, resident of this jurisdiction of whom I received an oath in form, to speak the truth and being being asked for his knowledge of the lands and places, terminations and boundaries, pertain-



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to the rancho of Napa, he said: that he has lived on this frontier for five years, and knows that the lands pertaining to said Rancho are of the Capt Don Salvador Vallis, and it has for boundaries, on the N. E. the Rivir of Napa, S. the arroyo de los Carrizos, W. W. that of the rancho of Jimth, and S. E. that of Nicholas Niguera, the which he has seen and examined several times, and that <sup>since</sup> the said <sup>son</sup> Salvador Vallis has possessed them, he has worked and cultivated them, and his cattle have pastured on them: and for the proof of that which he has said, he is ready to go to the said lands, with the present Magistrate, and point out to him the places, terminations and boundaries, how far they extend: and that what he has said is true by the oath which he has made, which he affirmed and ratified. He declared that he was fifty two years old, and that the legal exceptions do not effect him, and not knowing how to write, he made a sign of the cross, to which I certify.

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Assisting witnesses: Jacob P. Geese  
 Damaso Rodriguez Felipe Jimenez T.  
 v. Unknown.

Being in the field in the place named Arroyo de Napa, the boundary of Nicholas Niguera, the fifth day of February of the present year, I, the Pt. Alcalde, acting in virtue of my office with two Assisting witnesses for want of a Notary Public, the witnesses by me examined, present Captain Don Salvador Vallis, owner of said lands, and citizens George Jimth and Nicholas Niguera, colindantes and neighbors, I proceeded to see and examine the lands of said Rancho, and for greater clearness



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being on horseback, in company with all the parties, and witnesses referred to, I ordered the aforesaid (witnesses) to point out to me the places, terminations and boundaries of them according to the signs which they have declared in their depositions, and in conforming therewith they led the way to the South until they reached the Arroyo de los Cameros which they showed me, and there continued the examination and view of said lands in a direction North West to the boundaries of the rancho of Duint, the upper road, thence continuing N. N. W. following the same Arroyo we reached the upper road which goes to the Rancho of Duint, from which place they pointed out to me an impassable tract of land as far as the boundary of Duint, whence taking the direction N. N. E. we reached the River of Napa, and going down said River, course S. E. we reached the Arroyo of Napa, which we ascended following the direction West, until we found ourselves in the same point where the examination was commenced; and they said these were all the terminations and boundaries of the aforesaid lands, pertaining to Don Salvador Valles, which places, I, the said Pt. Alcalde saw and examined with those of my assistance, the witnesses examined, and papers presented; and the said examinations being compared with the latter, the identification of said lands proved to be certain, according to the declarations of said witnesses, and in testimony it was officially noted, and I signed it with those of my assistance, and others who knew how to which I certify.

Assisting witnesses (Signed) Jacob P. Geese.



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Damaso A. Rodriguez (Signed) Mariano Benellisa  
 V. Puaon " Rafael Navarro  
 " Felipe Gomez T.

Notificacion to Immediately I, the 1<sup>st</sup> Alcalde, in order to proceed  
 the person interested to the measurements referred to in these acts, I  
 ratify the appointment of said Don Salvador Valles, owner of  
 the lands, to ratify the appointment  
 of measurer, as also that all the colonists, by  
 common consent appoint them on their part,  
 they having to be skillful in matters of measure-  
 ments, and that those who may be appointed  
 appear, accept, and take oath, and this being  
 done I am ready to appoint a day for  
 said measurements. I thus provided, ordered  
 and signed with those of my assistance.  
 Assisting witnesses Jacobo P. Gese  
 Damaso A. Rodriguez  
 V. Puaon.

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Ratification of On the same day month and year, I, the 1<sup>st</sup> Al-  
 the appointment calde, read and made known the act referring  
 of measurer. to them, as it thus appears, to Captain Don Salvador  
 Valles and his colonists in their person which  
 I know, and having heard and understood it  
 they said that they heard it, and the first  
 said: that he ratifies his appointment of citizen  
 Julian Vasquez, and the latter appoint Francisco  
 Niguera, both skillful and legally appointed,  
 whom I notified to appear, accept and  
 take the oath, and in consequence proceed to  
 said measurements, as is ordered, and those  
 signed it with me who knew how, before  
 me and those of my assistance, to which I  
 certify.



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Assisting witnesses,

Damaso Rodriguez

V. P. P. P.

Jaero P. Geese

Paulino Vasquez +

Nasario Benellesa

Rafael Navarro

Felipe Gomez

Immediately I, the aforesaid <sup>Magistrate</sup> Alcalde read notification to and made known the act referring to them and their appointment to citizens Paulino Vasquez and their Oath, Francisco Sigüera, residents of this jurisdiction, in their persons which I know, and having heard and understood it, they said that they accept the office of measurer which is entrusted to them, and they make oath by God our Lord, and the sign of the Holy Cross, that they will use their office faithfully and legally, to the best of their knowledge and understanding, and will verify said measurements with fidelity & exactness, as is their obligation, and to the satisfaction of all those interested; and having thus replied, they signed it with me and those of my assistance to which I certify.

Assisting witnesses,

Damaso Rodriguez

V. P. P. P.

Jaero P. Geese

Paulino Vasquez +

In continuation, I, the aforesaid <sup>Magistrate</sup> Designation of the having seen the acceptance and oath made by day for the citizens Paulino Vasquez and Francisco Sigüera, measurements appointed measurers, I said that in order to proceed to said measurements, I was designating I designate the eighth day of the present month at eight o'clock in the morning, and that it be so made known to the said measurers, also



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summoning for that purpose, the neighbors bounding on him. I thus ordered, provided, and signed, with those of my assistance.

Assisting witnesses. Jacob P. Geese.  
Damaso A. Rodriguez,  
V. Prudon.

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Notification of the foregoing Act.

Immediately the foregoing act was made known to the party interested, Captain Don Salvador Vallés, to the measurers Paulino Vasquez and Francisco Niguera, and, having read it, they said that they considered themselves summoned, and they signed with the present Magistrate and those of assistance.

Assist. witnesses Jacob P. Geese.  
Damaso A. Rodriguez,  
V. Prudon.

Issuing of written summons.

On the same day, month, and year written summons were issued to citizens George Junck and Nicholas Niguera, to appear on the day aforesaid, and at the designated hour in the said Rancho of Napa, and in testimony I signed it with those of my assistance.

Assist. witnesses. Jacob P. Geese.  
Damaso A. Rodriguez,  
V. Prudon.

Measurement of the cordel.

In the rancho of Napa on the eighth day of the month of February Eighteen hundred and forty four; present Capt. Don Salvador Vallés, and the neighbors to said lands, I caused to appear before me and those of my assistance, citizens Paulino Vasquez, and Francisco Niguera, measurers appointed, whom I ordered to take a cordel of



hemp and measure of fifty varas with a varra  
measure of four Castilian palms, and in effect  
the said measures in my presence, measure of  
the aforesaid number of fifty varas on a errael,  
twisted, and well stretched, with a stamped  
Mexican, Castilian varra measure; which was  
done faithfully and legally, in the sight and  
presence of the party interested and neighbors; and  
in testimony I order it to be recorded officially,  
and said measurements to be proceeded to, as is  
ordered; which I certify also signing it with  
those of my assistance.

Assisting witnesses Jacob D. Leseo.  
Sam. Rodriguez,  
v. Marn

Measurement of  
the Ranch.

Being in the fields and lands pertaining to the  
Ranch of Napa, of the Captain Don Salvador Vallés,  
this eighth day of February eighteen hundred  
and forty four I, the P<sup>te</sup> Alcalde of this jurisdic-  
tion, acting in virtue of my office with two  
Assisting witnesses for want of a Notary Public,  
present Citizens Paulino Vazquez and Francisco  
Niguera, measures appointed by the party in-  
terested and vindantes, I ordered them to proceed  
to the measurement of four square leagues, which  
a little more or less, belong and pertain to the  
Ranch aforesaid, according to the list and  
map presented; in obedience to which, having  
again measured and examined the errael, they  
commenced said measurements, beginning  
at the Arroyo of Napa, boundary of Melchor  
Niguera, from which place following a  
Southern direction to the lower pass of the



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Arroyo de los Carreros, they measured one hundred and twenty cords of fifty varas each. Here the person interested raised a pile of stones as a sign for the land mark which he would place; from this point continuing the measurement towards the N. W. along the Arroyo to the Upper road which goes to Napa one hundred and twenty cords (six thousand varas) were counted, and the party interested placed the corresponding mark in order to fix there also the respective bound. Following the same Arroyo N. W. to the Upper road which goes to the ranch of Jimth, ninety two cords (four thousand six hundred varas) were counted; and not being able to pass forward because it is an impassible mountain range, it was estimated, by eye, that there were two hundred cords (ten thousand varas) to the boundary of Jimth, where he also placed another mark in order to fix another bound; and continuing towards the N. N. E. to the River of Napa, sixty five cords (three thousand two hundred and fifty varas) were measured, where he placed as in the former points, the corresponding bound. Going down the same river, course S. E. to the Arroyo of Napa, three hundred three and a half cords were measured (fifteen thousand one hundred and seventy five varas) he placed the mark for a bound and following the same Arroyo West, we came to the point where the measurement was commenced, and they counted fifty two cords (two thousand six hundred varas) so that concluding as finished the measurement of the land included in the Ranch of Napa, there results a boundary of forty seven thousand, six



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hundred and twenty five varas) a little less than that which corresponds to four square leagues; and the aforesaid measurers declared that Capt. Salvador Vallejo was informed of the lands, which correspond to him, according to the title and map which are found at the head of this expediente.

For all which, and in sign of true possession and accustomed ceremony, he pulled up grass and stones, and threw to the four winds, in manifestation of his legal and legitimate possession which he personally took. In consequence I ordered that for greater clearness of the boundaries which have been described, he should form at his own cost and expense, bounds of masonry, in height more than a vara that in all time it may appear, they be recognized and remain, as limits and boundaries of his lands by the other neighbors thereof. - and that said measurements were executed quietly and peaceably without contradiction of any person, he prayed for a testimony, and I, the aforesaid <sup>pt</sup> Alcaide with those of my assistance, give it, that all passed as has been said, and that said measurements have been executed to the best of the knowledge and understanding of the measurers as they depose: without craft, fraud, or deceit against any person; and for greater security and the ratification of the oath which they have made, they signed with me and those of my assistance, to which I certify.

Assisting witnesses      Jacob P. Deizo  
 Damaso Rodriguez      Paulino Vazquez  
 V. Prudon.



23

Act of the delivery  
of the expediente to  
the person interested,

In view of this Expediente being concluded in which it appears that juridical possession of the rancho named Napa, distant four leagues from this Pueblo, has been given to Captain Don Salvador Teller, who took it in person; let the original be delivered to the party for the uses he may find convenient, together with the document he presented.

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I certify, Jacob P. Deese, P<sup>ro</sup> Alcaide of this jurisdiction, acting in virtue of my office, with his assisting witnesses for want of a Notary Public thus provided, ordered and signed on the twelfth of February 1854,  
Assisting witnesses (Signed) Jacob P. Deese.  
(sgd) Damazo & Rranquez  
" Mr Prudon

I certify the foregoing to be a correct translation of the Original Spanish Document on file in this Office in Case No. 495.

Filed in Office March 2<sup>nd</sup> 1853.

(Signed) Jas. Fisher, Secretary.

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*[Faint, illegible handwriting, likely bleed-through from the reverse side of the page.]*



24

Salvador Vallejo & wife to Frey & De Lamoleu,  
 Filed for record June 20<sup>th</sup> A. D. 1851 at 6 1/2 o'clock  
 P. M.

B.

Conveyance - This Indenture made this Sixteenth (16) day of  
 S. Vallejo to June, One thousand Eight hundred and fifty  
 Frey & De Lamoleu, one, between Salvador Vallejo of the County of  
 Napa and State of California, party of the first  
 part, and B. Frey & De Lamoleu, of the same place  
 parties of the second part, releasing, relinquish-  
 ing, and declaring null and void a certain  
 lease for and to a certain piece of land at present  
 occupied by them under a lease or contract be-  
 tween them and the said Salvador Vallejo dated  
 the 12<sup>th</sup> day of September A. D. 1850, with  
 granted, bargained and sold, and by these presents  
 do grant, bargain and sell, and quit claim  
 unto the said parties of the second part their  
 heirs and assigns, all that certain piece or parcel  
 of land lying and being situated in the County,  
 and State aforesaid, known and described  
 as follows, to wit: Commencing at a point where  
 the North line of the Pueblo de Salvador is inter-  
 sected by the arroyo de Napa, and running  
 on the line of the said Pueblo North  $79^{\circ} 35'$   
 East 62 chains, 85 links, thence North  $35^{\circ} 31'$   
 West 148 chains 87 links, thence South  $67^{\circ} 30'$   
 West 44 chains 38 links, thence South  $22^{\circ} 30'$   
 & 19 chains, 93 links, thence South  $67^{\circ} 30'$  W  
 12 chains, 34 links, thence South  $36^{\circ} 55'$  East  
 115 chains 66 links to the place of beginning,  
 containing Eight hundred acres (800) also  
 those certain pieces or parcels of land lying and  
 being situated in the County and State afore-  
 said, known and described as follows, to wit:

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Lots number six (6) seven (7) eight (8) nine (9) twelve (12) thirteen (13) fourteen (14) and fifteen (15) each lot containing forty acres except lots 9 & 12 which are fractions, all situated and located in the Pueblo de Salvador according to the Survey and plot of the same; granting and conveying unto the said parties of the second part their heirs and assigns all my right, title, interest, claim, demand unto the same, with all the hereditaments thereunto belonging or in any wise appertaining to the aforesaid described premises. In witness whereof I have hereunto set my hand and seal this day and date before written at the City of Napa & State of California.

W. W. Culler (Signed) Salvador Vallejo.  
" M<sup>o</sup> Lug. Canillo,

State of California }  
Napa County }  
p }

Be it remembered that Salvador Vallejo personally known to the Subscriber, a Notary Public, in and for said County to be the person whose name is subscribed to the foregoing deed as party thereto, this day appeared before me, and acknowledged that he executed the same freely and voluntarily for the purposes therein expressed as well as for the full and entire relinquishment of all right and title to dower belonging to his wife M<sup>o</sup> Lug. Canillo, given under my hand and private seal, as I have not been able to procure a Notarial Seal, this 17<sup>th</sup> day of June A. D. 1851.

(Signed) W. W. Culler. Seal



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Notary Public.

State of California }  
County of Napa }

J. H. St. Lawrence, Recorder

in and for the County of aforesaid do hereby certify that the foregoing is a true copy of a deed now on record in this Office in Book B page 5 Archives of Napa County. In testimony whereof I have hereunto set my hand and seal this Twenty ninth day of January A. D. 1852.

(Signed) J. H. St. Lawrence, Recorder  
(Signed) by M. Edmonston, Deputy.

Filed in Office March 2<sup>nd</sup> 1853.

(Signed) Geo. Fisher, Secretary.

"C".  
Deed of Partition.

B. Frey to Leon de Lamoree, Filed for Record this twenty first day of July A. D. 1851 at 10 min-  
utes past 12 O'clock P. M.

This Indenture made and entered into this nineteenth day of July one thousand Eight hundred and fifty one between Benedict Frey of the first part and Leon de Lamoree of the Second part, both of the County of Napa, State of California; Witnesseth, that whereas the said Frey and de Lamoree have and hold in common in equal parts all that piece or parcel of land lying in the County of Napa, State aforesaid, and described as follows, viz: Commencing at a point where the Northern line of the Pueblo de Salvador is intersected by Napa Creek, and running along the line of said Pueblo North  $79^{\circ}35'$  East 62 chains 85 links, thence North  $35^{\circ}31'$  West 148 chains 87



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links; thence South  $22^{\circ} 30'$  East 19 chains. 93 lks. thence South  $67^{\circ} 30'$  West 12 chs. 34 lks, thence South  $36^{\circ} 55'$  East 116 chs 66 lks to the place of beginning; containing Eight hundred acres, also those certain pieces or parcels of ground situated in the County and State aforesaid and known and described as lots number six (6) seven (7) eight (8) nine (9) twelve (12) thirteen (13) + fourteen (14) and fifteen (15) each lot containing forty acres except two lots number 9 + 12 which are fractional, all situated and located in the Pueblo de Salvador according to the Survey and plot of the same. It is covenanted, granted and agreed between the said parties, and each of them grants, covenants and agrees that a division be made of the said lands and premises in the manner and form following, that is to say—

First, - the said Benedict Frey shall from henceforth have, hold, possess and enjoy in severalty, by himself and to himself, his heirs and assigns for his part, property and share of the said lands and premises all described as follows, to wit: Commencing at the point above mentioned where the line of the Pueblo de Salvador is intersected by Napa Creek and running along said line North  $79^{\circ} 35'$  East 62 chains 85 links, thence North  $35^{\circ} 31'$  West 74 chains, ~~84~~ links, thence South  $54^{\circ} 29'$  West 58 chains 08 links, thence South  $36^{\circ} 55'$  East 47 chains. 70 links to the place of beginning; containing Three hundred and fifty acres; also of the lots in the Pueblo de Salvador a fraction of lot number seven containing five acres, and



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a fraction of lot number fourteen (14), also containing five acres, those two fractions to be taken on the Eastern sides of said lots seven and fourteen; also of lots number Eight and thirteen, containing each forty acres, and of fractional lots number nine and twelve, containing together sixty acres, together with all the appurtenances, and the said Leon de Lamoreux doth accordingly grant, release and confirm to the said Benedict Frey, his heirs and assigns to all his right, title and interest in and to the said lands and premises so as aforesaid set apart to the said Benedict Frey, with all and singular the appurtenances thereto belonging—

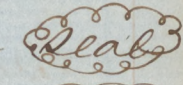
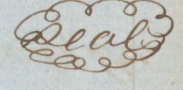
Second: the said Leon de Lamoreux shall from henceforth have, hold, possess and enjoy in severalty, by himself and to him, his heirs and assigns for his half property, and share in the above described lands and premises, all that portion described as follows, to wit: commencing at Frey's North West corner and running along said Frey's north line, North,  $54^{\circ}29'$  East 58 chs 08 links, thence North  $35^{\circ}31'$  West 52 chs 26 links thence South  $67^{\circ}30'$  West 44 chs 38 lks, thence South  $97^{\circ}30'$  East 19 chs 93 lks thence South  $67^{\circ}30'$  West 12 chs 34 lks thence South  $36^{\circ}35'$  East 44 chs 115 links to the place of beginning, containing Four hundred and fifty acres: also the following lots and fraction of lots in the Pueblo de Salrearr, above mentioned, to wit: Lots number Six and fifteen containing each forty acres and fraction of lots seven & fourteen, containing each Thirty five acres to be taken on the Eastern limits of said seven and fourteen— And the said Benedict Frey



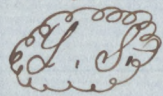
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does accordingly grant, release and confirm  
unto the said Leon de Lamoleire, his heirs and  
assigns all his right, title and interest in and  
to the lands and premises so as aforesaid set  
apart to the said Leon de Lamoleire with and  
singular the appurtenances thereto belonging.  
In witness whereof we have hereto set our  
hands and seals to double acts of the same  
tenure, the day and year first above written.

Signed, Sealed & delivered } (Signed) De Lamoleire   
in presence of } (Signed) B. Frey   
Em. A. d' Hemecont }  
G. A. Connell } witnesses.

State of California }  
County of Napa } On this Twenty first day  
of July A. D. 1851 personally appeared before me, Clerk  
in and for the said County L. de Lamoleire and B. Frey  
known to me to be the persons described in and who  
executed the foregoing instrument, who acknowledged  
to me that they executed the same freely &  
voluntarily and for the uses and purposes therein  
mentioned. In witness whereof I have hereto set  
my hand & seal of office at Napa City



(Signed) J. H. H. Lawrence, Clerk,  
" by G. W. Connell, deputy.

State of California }  
County of Napa }

J. H. H. Lawrence, Recorder

in and for the County aforesaid do hereby certify  
that the foregoing is a true copy of a deed now  
on record in this Office in Book B pages 17, 18 & 19  
Archives of Napa County. In testimony whereof



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I have hereunto set my hand and seal of  
Office at Napa City, this the Twenty ninth  
day of January A. D. 1852.

(Signed) W. N. Lawrence, Recorder  
" by M. Edmondson Dep. Recr.

Filed in Office March 2<sup>nd</sup> 1853.

(Signed) Geo. Fisher, Secretary.

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D.

Need.

de Lamore to  
Steel.

Leon de Lamore to David N. Steel, Filed for  
Record Oct. 6<sup>th</sup> A. D. 1851 at 12 O'clock M.

This indenture made the 4<sup>th</sup> day of October A.  
D. 1851 between Leon de Lamore of the County of  
Napa in the State of California of the first part  
and David N. Steel of the same place of the second  
part, Witnesseth: that the said party of the first  
part for and in consideration of the sum of Twenty  
seven hundred dollars, current money of the  
United States to him in hand paid, by the  
said party of the second part, at and before  
the enacting and delivering of of these presents, the  
receipt whereof I do hereby acknowledge, and  
thereof and therefrom, and of and from  
every part and parcel thereof, do acquit, release  
and exonerate and discharge the said party of  
the second part, his heirs, executors administrators  
and assigns, and every of them by these pres-  
ents, have granted, bargained, sold, aliened, re-  
mised, released and confirmed, and by these  
presents do fully, freely and absolutely, grant  
bargain, sell, alien, remise, release and confirm,  
unto the said party of the second part, and



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him heirs and assigns forever all that certain piece  
 or parcel of land, situate lying and being in the  
 County of Napa aforesaid bounded and described  
 as follows, to wit: Commencing at Benedict Frey's  
 North West corner and running along said Frey's  
 North line, North  $54^{\circ}29'$  East 58 chains and 08 links,  
 thence North  $35^{\circ}31'$  West 52 chains and 26 links,  
 thence South  $67^{\circ}30'$  West 44 chains and 38 links,  
 thence South  $32^{\circ}30'$  East 19 chains and 93 links,  
 thence South  $67^{\circ}30'$  West 12 chains and 34 links,  
 thence South  $36^{\circ}35'$  East 64 chains and 05 links  
 to the place of beginning; Containing Four  
 hundred and fifty acres, also the following  
 lots and fractions of lots lying and being the  
 Pueblo de Salvador in Napa County aforesaid,  
 known and described on the Referred plat of  
 said Pueblo as lots number six (6) and fifteen  
 (15) each containing forty acres, also lots and  
 fractions of lots number seven (7) and fourteen  
 (14) each containing thirty five acres, the afore-  
 said land and lots of land being the same  
 that was conveyed to me the party of the first  
 part by the said Benedict Frey by a deed of  
 partition dated the 19<sup>th</sup> day of July, A. D. 1851.  
 and recorded in Book B pages 17, 18 & 19 of the  
 Records of Napa County; Together with all  
 and singular, the rights, hereditaments, and  
 appurtenances to the said lot and lots of land  
 and premises belonging, or in any wise apper-  
 taining; and the reversion and reversions, remain-  
 der and remainders, rents, issues and profits,  
 thereof, and of every part and parcel thereof;  
 and also all the estate, right, title, interest, property,  
 possession, claim and demand whatsoever as



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well in law as in equity of the said party of the first part, of, in and to the same or any part or parcel thereof; To have and to hold the said lot and lots of land and premises, with then and every of their rights, members and appurtenances unto the said party of the second part, his heirs and assigns forever, to the only proper use, benefit and behoof of the said party of the second part, his heirs and assigns forever; And the said Leon de Samoreu and his heirs, all and singular, the aforesaid lot and lots of land and premises, with then and every of their rights, members and appurtenances hereby granted and released, and every part and parcel thereof, unto the said party of the second part, his heirs and assigns, and against him the said de Samoreu his heirs and assigns, and against all and every other person or persons whomsoever, shall and will from now and forever depend, by these presents. In testimony whereof I have hereunto set my hand and seal the day and year first above written.

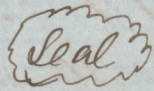
Sealed & delivered } (Signed) Leon de Samoreu Seal  
in presence of }  
C. Hantson & M. Edmonston

State of California }  
County of Napo }

On this sixth day of October A. D. One thousand, Eight hundred and fifty one, personally appeared before me the undersigned, Recorder in and for said County, Leon de Samoreu, known to me to be the person described in and who executed the foregoing instrument, who acknowledged to me that he executed the same freely and voluntarily for the uses and purposes



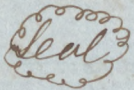
therein mentioned, Given under my hand & seal  
of Office at Napa City this day and date last  
above written.



Signed M. H. Lawrence, Recorder,  
" by J. N. Edmonston Deputy.

State of California }  
County of Napa }

I, John W. Seawell, County  
Recorder in and for said Napa County, hereby certify  
that the foregoing is a full, true and correct copy  
of the record of a deed from Leon de Lamasun to  
David H. Steele as recorded in Book B. pages 60  
& 62 in the records of said Napa County. Witness  
my hand and official seal at Napa City this 9<sup>th</sup>  
day of February A. D., 1853.



Signed) Jno W. Seawell, Recorder  
" C. S. Crippenbury, Deputy.

Filed in Office March 2<sup>d</sup> 1853

(Signed) Geo. Fisher, Secretary.

E

Conveyance  
from Steele to  
McNeil.

State of California }  
County of San Francisco }

This indenture made this  
thirtieth day of January A. D. 1852 between David  
H. Steele of the County of Napa of the first part, &  
James McNeil of the same place of the Second part,  
Witnesseth: That the said party of the first part  
for and in consideration of the sum of Ten thousand  
dollar, lawful money of the United States  
of America, to him in hand paid, (the receipt  
whereof is hereby acknowledged) by the said party  
of the second part, the receipt whereof is hereby



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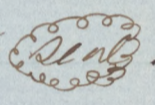
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acknowledged, has bargained, granted, sold and conveyed, and by these presents does bargain, sell, grant and convey to the said party of the second part, and to his heirs and assigns forever, all that certain piece or parcel of land lying and being in the State of California and County of Naples, and known and described as follows, commencing at the North East corner of a piece of land now owned by [ ] Dart, which is part of a tract of land containing 800 acres, conveyed by Salvador Vallejo to Benedict Frey and Leonel Lamoleu, by deed dated the 16<sup>th</sup> day of June A.D. 1851, which said North East corner of said Dart's land, is thirty four chains 25 inches in a course North  $35^{\circ} 01'$  West from the North East course of that portion of said tract, which in the division between Frey and de Samolie, fell to Frey - thence running North  $35^{\circ} 31'$  West forty chains, twenty eight links, thence South  $67^{\circ} 30'$  West forty four chains, twenty eight links, thence  $25^{\circ} 30'$  East, nineteen chains, ninety three links, thence South  $67^{\circ} 30'$  West twelve chains, thirty four links, thence South  $36^{\circ} 55'$  East thirty four chains, eighty one links, thence North  $54^{\circ} 29'$  East fifty eight chains, ninety three links, to the place of beginning; containing Two hundred and fifty acres more or less: Together with all and singular, the tenements, hereditaments, and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainders 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 party of the first part of, in, or to, the above described premises, and every part



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or 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 party of the second part, his heirs and assigns for ever: and the said party of the first part hereby for himself and his heirs, the said premises, in the quiet and peaceable possession of the said party of the second part and his heirs against all and every person whomsoever lawfully claiming or to claim the same, except against the United States of America, and against Salvador Vallin, shall and well warrant and by these presents forever defend. In witness whereof the said party of the first part has hereunto set his hand and seal, the day and year first above written.

Signed, Sealed and delivered } (Signed) D. W. Steele,   
in presence of -

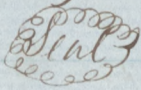
On the 27<sup>th</sup> line of the 1<sup>st</sup> page the word "corner" changed in the word corner -

(Signed) S. W. Beckh.

State of California }  
County of San Francisco }

On this 30<sup>th</sup> day of Jan. A. D. 1852

before me a Notary Public, duly commissioned and sworn, in and for the County and State aforesaid, personally appeared, David H. Steele, known to me to be the person described in & who executed the foregoing instrument; and he acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned. In testimony whereof I have hereunto set my hand and seal of office the day and year first above named.



(Signed) S. W. Beckh, Notary Public.



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No. 736.

Stipulation.

claim of James McNeil to 250 acres, being a part of the Rancho called Napa, granted to Salvador Vallejo.

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It is agreed between the Law Agent on the part of the United States and the Attorneys for the claimant in this case that the testimony of José de la Rosa, taken in case No. 500 shall be read as testimony in this case.

(Signed) Halleck, Peachy & Billings  
Attys for claimant.

(Signed) Robert Greenhow,  
Asst. Law Agent.

Filed in Office Oct. 8<sup>th</sup> 1853.

(Signed) Geo. Fisher Secy.

No. 736.

Stipulation.

In the matter of the claim of James McNeil to part of "Napa" Rancho.

It is hereby agreed by the Law Agent on the part of the United States and the Attys for the Claimant, that the testimony of José de la Rosa, taken and on file in case No. 495 shall be read as evidence in this case.

(Signed) Halleck, Peachy & Billings,  
Attys for claimant.

(Signed) R. Greenhow  
Asst. Law Agent.

Filed in Office Oct. 25<sup>th</sup> 1853.

(Signed) George Fisher, Secy.



*[Faint, illegible handwriting, likely bleed-through from the reverse side of the page.]*



37

James McNeil

The United States

} For a tract of land containing  
250 acres; part of the place  
called "Napa" in Napa County,

Opinion of the  
Board, delivered  
by Commissioner

Alpheus Felch.

The land claimed is a part of the tract called Napa granted by Governor Alvarado to Salvador Vallejo on the 21<sup>st</sup> day of December 1838. The evidence of this grant, of the approval of it by the Departmental Assembly on the second day after its date, and of the judicial possession of the land, which was given to said grantee on the 1<sup>st</sup> day of February 1848, and also the evidence of the occupation of the premises by the grantee, who built a house there very soon after the grant lived there with his family and continued to occupy and cultivate the land until about the time of the cession of the country, is presented in the deposition of Geo. C. Mount, filed in case no. 732 and in two depositions of Jose de la Rosa and the annexed documents filed in cases no. 495 and 500, which depositions are by stipulations on file made a part of the testimony in this case. This proof is sufficient to establish the right of said Vallejo to the land designated in his grant and his authority to sell and convey ~~it~~ the same.

The right of the present claimant to the portion of the land granted to Vallejo, which is described in the petition is substantiated by the following evidence of conveyance to him, which is presented by the petitioner to this Commissioner: viz: 1<sup>st</sup> a certified copy of a deed by the recorder of Napa County, recorded in his Office and bearing date June 10<sup>th</sup>, 1851, made



made by said Vallejo to Frey and de Lamoleu.

Second - a like certified copy of a deed executed by said Frey and de Lamoleu making partition of the land conveyed to them and giving to said de Lamoleu the full title to the premises claimed in this case. Said Deed is dated July 19, 1851.

Third - A like certified copy of a deed from de Lamoleu to David N. Steele, dated October 4<sup>th</sup> 1851.

Fourth - An original deed acknowledged and recorded from said Steele to James McNeil, the present claimant.

These several conveyances deducing title from the original grantee, establish the right of the present claimant, and entitle him to a confirmation of the land. Claim confirmed.

Decree.

James McNeil.

<sup>vs</sup>  
The United States

In this case, on hearing the proofs and allegations, it is adjudged by the Commission that the said claim of the petitioner is valid, and it is therefore decreed that the same be confirmed.

The land of which confirmation is hereby made is a part of the place known by the name of Napa, in Napa County, which was granted to Salvador Vallejo by Gov. Alvarado; the premises hereby confirmed being bounded and described as follows, to wit: Commencing at the North East corner of a piece



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of land now owned by said Dart which is part of a tract of land containing Eight-hundred acres conveyed by Salvador Vallerio to Benedict Frey and Leon de Samolau, by deed dated the sixteenth day of June A. D. 1851, which said North East corner of said Dart's land is thirty four chains twenty five inches in a course North thirty five degrees thirty one ~~inches~~ West from the North East corner of that portion of said tract which in the division between Frey and de Samolau fell to Frey - thence running North thirty five degrees thirty one minutes West, forty chains twenty eight links, thence South sixty seven degrees thirty minutes West forty four chains, thirty eight links, thence South twenty two degrees thirty minutes East nineteen chains ninety three links, thence South sixty seven degrees thirty minutes West twelve chains thirty four links, thence South thirty six degrees fifty five minutes East thirty four chains eighty one links, thence North fifty four degrees twenty nine minutes East forty eight chains ninety three links to the place of beginning, containing two hundred and fifty acres more or less.

(Signed) Alphus Felch

(Signed) Thompson Campbell

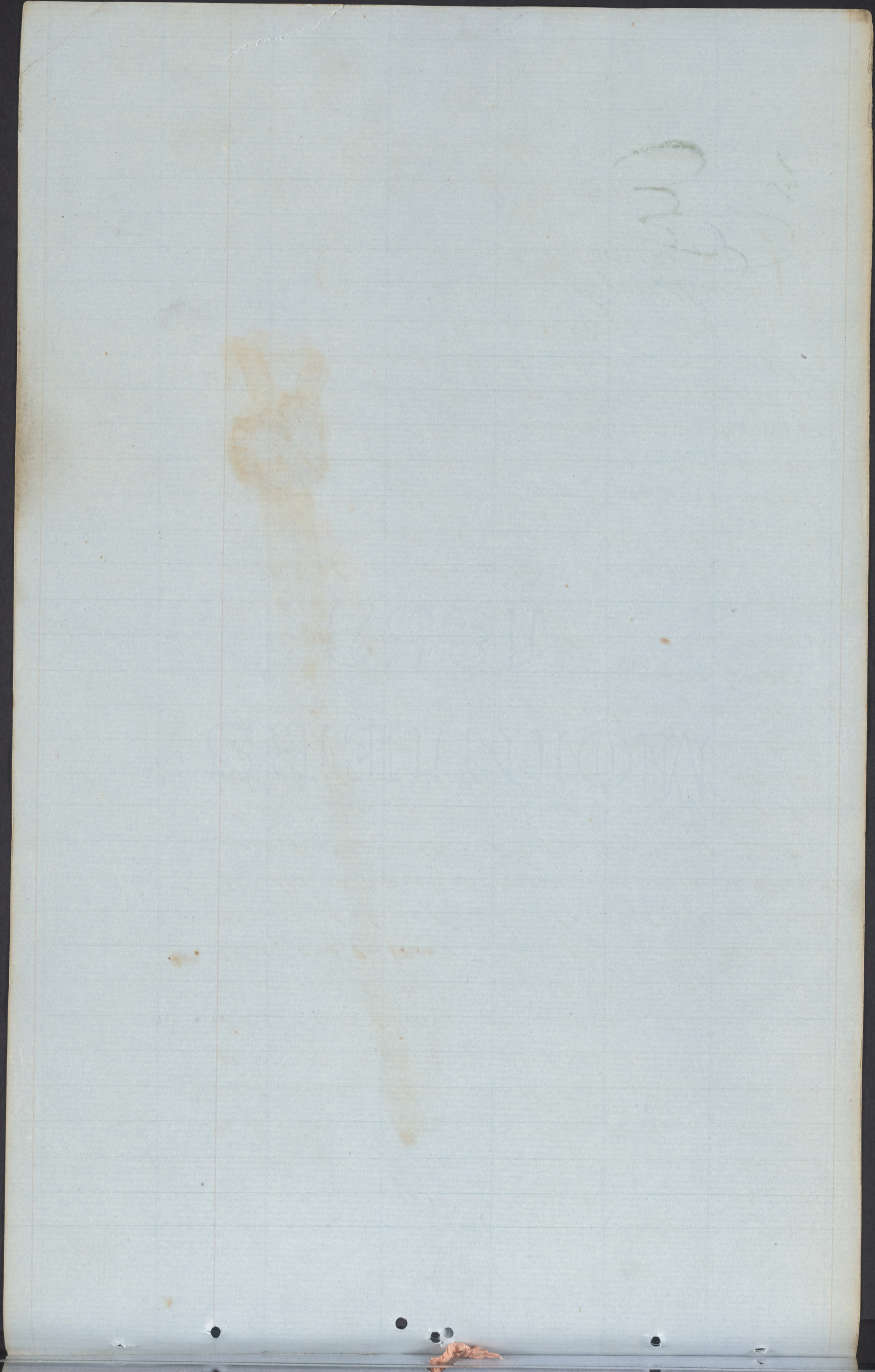
(Signed) R. Aug. Thompson

Commissioners

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

(Signed) Geo. Fisher, Secretary.







Office of the Board of Commissioners,

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

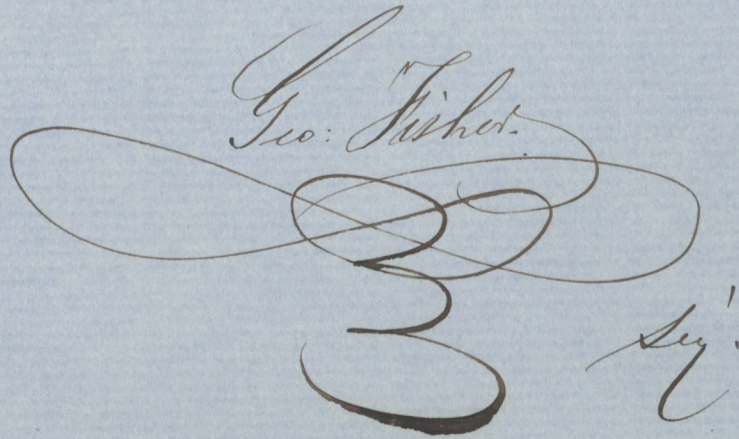
76 ND  
PAGE 41

I, *George Fisher*, Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *Thirty-nine* — pages, numbered from 1 to *39*, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. *730* on the Docket of the said Board, wherein *James McNeil* is

the Claimant against the United States, for the place known by the name of "*Napa*"

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-third* day of August A. D. *1854*, and of the Independence of the United States of America the seventy-*eightth*.

*Geo. Fisher*



*Geo. Fisher*





76 ND

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

No. 76 -

THE UNITED STATES,

vs.

*James McNeil*

TRANSCRIPT OF THE RECORD

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 736

Filed, *August 23* 1854

*John A. Moore,*  
*clerk.*



Office of the Attorney General of the United States,

Washington, 30th Novemr 1854.

James Mc. Neil

vs.

The United States

} 736.

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 18th day of August 1854 the appeal in the district court of the United States for the district of California will be prosecuted by the United States.

*Peck*

Attorney General.



No. 76

U. S. District Court

Northern District

The United States

vs.

James McNeil

Appeal Notice.

Filed October 8, 1855,

J. M. A. Monroe,

Clerk



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

The United States  
Appellants  
vs  
James McNeil } 76.

The Petition of the United States by their  
Attorney represents: that this case 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  
15<sup>th</sup> day of January 1833: that a notice of  
Appeal was filed on the 15<sup>th</sup> day of  
Jan. 1833 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 &  
that this Court decree the said title to  
be invalid. Respectfully  
W. Hassell  
Crest & S. Atty



No 76  
U. S. Dist Court

The U States  
vs  
J. McNeil  
Petition

Laid August 20, 1853,  
by Cheever  
Deputy

76 ND  
PAGE 45

Warrell



San Francisco Co. Dec. 29.

The United States }  
James McNeil }

In this case the transcript contains only a translation of the original grant & judicial measurement.

No ~~words~~ Expediente or evidence of genuineness, & ~~nor~~ of sp. No. Copy of original grant.

The decree of confirmation is based on evidence in 23 other cases which have not been handed to us - and which are designated in the Commission's opinion merely by their numbers on their Dockets.

The Clerk could not turn for aid, those records - their numbers in this Court not being given.



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The U. States

James McNeil

Mem

76 ND  
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Office of the Board of Commissioners,

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

San Francisco, August 23 1854

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

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 736 on the Docket of the said Board, wherein

James McNeil is  
the Claimant against the United States, for the place known by the name of "Napa"

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

G. Fisher  
G. Fisher