

CASE NO.

80

NORTHERN DISTRICT

PART OF ENTRE NAPA GRANT

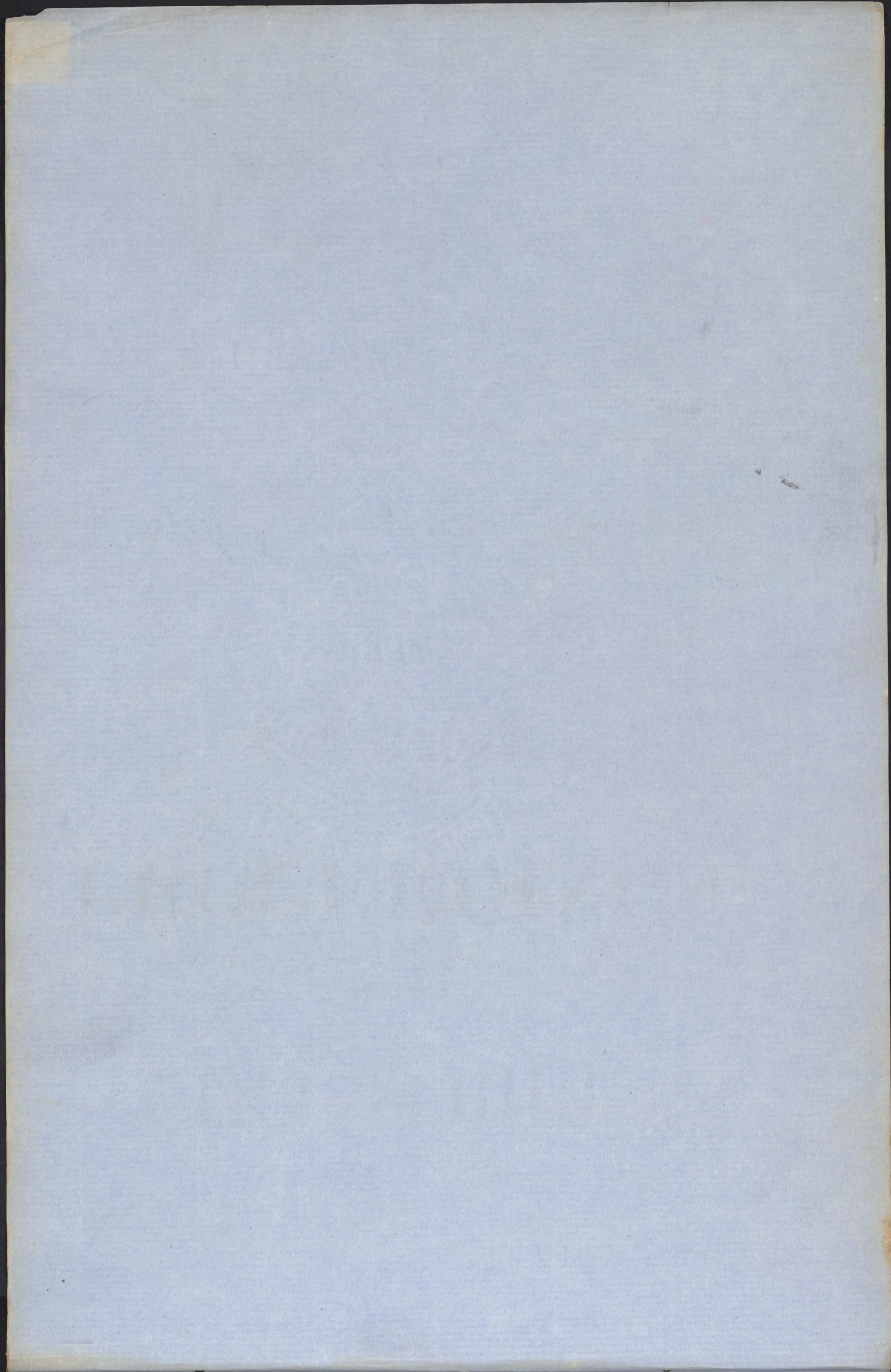
JOSEPH P. THOMPSON

CLAIMANT

U.S.A.  
25% COTTON FIBER  
FLOWER BOND  
Commercial

334

Round Entry (writing)



TRANSCRIPT  
OF THE  
PROCEEDINGS

IN CASE

NO. 334

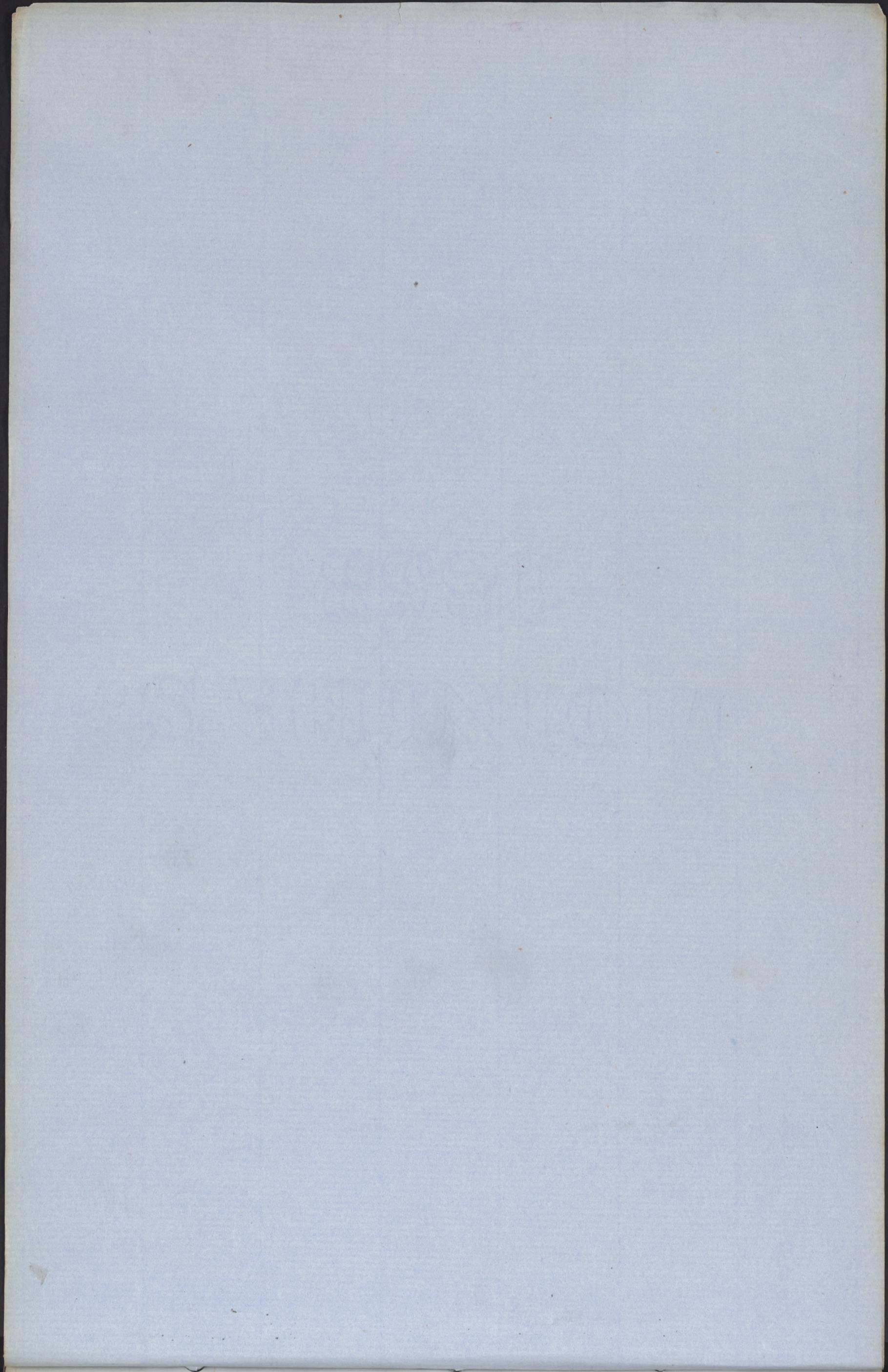
*Joseph P. Thompson* CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Entre Napa"*



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

The Petition of Joseph P. Thompson

for the Place named

Entre Napa

was presented, and ordered to be filed and docketed with No. 334 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 Jan. 15<sup>th</sup> 1853.

In case no. 334 Joseph P. Thompson for the place named "Entre Napa" by deposition of José de la Rosa, a witness in behalf of the claimant, taken before Commissioner Henry J. Thomson, was filed;

(Vide page 4 of this Transcript)

San Francisco Sept. 12<sup>th</sup> 1853.

In the same case the deposition of Em. A. Mennecourt, a witness in behalf of the claimant, taken before Commissioner Alpheus S. Felch, was filed;

(Vide page 5 of this Transcript)

San Francisco September 13<sup>th</sup> 1853.  
Case No. 334, Calced; Submitted in papers on both  
sides and taken under advisement.

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San Francisco December 13<sup>th</sup> 1853.  
In the same case Commissioner Alpha Fitch  
declined the opinion of the Board confirming the  
claim;  
(vide page 30 of this Transcript).

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

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Petition.

The petitioner Joseph P. Thompson, respectfully shows: That in December U. S. 1835 Nicolas Niquera petitioned for the tract of land in the present County of Napa, called "Entre Napa", which Manuel Chico then Governor of California, by virtue of authority in him vested, granted to said Niquera on the ninth day of May U. S. 1836. all of which is shown in the original expediente on file in the archives of the former government of California, a certified copy of which is on file in the office of the Secretary of this Board in claim No 323, & prayed to be taken as a part of this petition; - the petitioner submits herewith a translation of said expediente marked A, a copy of the original title marked B, with a translation marked C. - That the said grant was duly approved by the Territorial Deputation & the possession given in due form, a translation of which act of judicial possession is submitted herewith marked D. That on the twenty ninth day of November U. S. 1848 the said Niquera sold & conveyed to this petitioner, a certain portion of the aforesaid tract twelve hundred varas long & five hundred varas wide, as is more particularly described in the conveyance, a copy of which is submitted herewith marked E. with a translation marked F. which tract of land is more particularly defined by a new conveyance from said Niquera dated November 26<sup>th</sup> 1849, a copy of which is submitted herewith marked G. That on the 24<sup>th</sup> day of May 1849, the said Niquera sold & conveyed to the petitioner an addition to the aforesaid piece of land, more particularly described in the conveyance itself, a copy of which is submitted marked H. with a translation marked I. The petitioner submits herewith marked J. a map of survey of the land conveyed in the aforesaid conveyances more particularly showing the boundaries thereof. And the petitioner further represents that the said Niquera & the petitioner have been for more than sixteen years, & that the petitioner now is in the quiet & undisputed possession & occupation of the said tract of land. That he knows of no conflicting claim. That he relies for confirmation of title upon the original papers, copies of which are submitted herewith;

upon the original papers now in the hands of the heirs of said Niquera, & which he expects to be able to produce on the hearing of his claim, & upon the records & minutes in the archives of the former government of California, & upon such other & further proofs as he may be advised are necessary.

Wherefore he prays the Commissioners to confirm to him the aforesaid tract or parcel of land.

By his Atty  
Walleck, Paehy & Bellings.

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

San Francisco July 15<sup>th</sup> 1853.

Deposition of  
Jose de la  
Rosa.

On this day before Comr Harry J. Thornton came Jose de la Rosa a witness in behalf of the claimant Joseph P. Thompson petition No 334 & was duly sworn, his evidence being interpreted by the Secretary.

My name is Jose de la Rosa, my age 61 years, I reside in Sonoma & have resided there over 21 years. I know the Rancho called Entre Napa, it is Napa Valley & was granted to Nicholas Niquera in 1836. Niquera first occupied this Rancho in 1836: he built a house on it, & corrales, had cattle & horses on it & cultivated a portion of the land; he continued to occupy it until his death: he died in 1852; before his death he sold portions of it Joseph P. Thompson & others. I know the signatures of Mariano Chico, Francisco del Castillo Negrete, Salvador Vallejo, Cayetano Guana, Apolinario Miranda, Jacob P. Leese; their signatures to the papers before me marked No 1 in 323 are genuine.

W. S. Linn Agent present. Jose de la Rosa.  
Sworn to & subscribed before  
me this 15<sup>th</sup> of July 1853.

Harry J. Thornton  
Comr

330 Filed in Office July 15<sup>th</sup> 1853. Geo. Fisher. Secy.

Office of the Board of U. S. Commissioners &c

This day before Comr Alpheus Fitch came Em A. d' Herculourt a witness in behalf of claimant Joseph P. Thompson No 334 who after being duly sworn deposed as follows.

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Questions by Mr Halleck Attorney for claimant.

Deposition of Em A. d' Herculourt

1 Question. What are your name, age & place of residence?  
Answer. My name Emile A. d' Herculourt, my age is about thirty seven years, & I reside in Napa City California.

2. Question. What office (if any) do you hold in Napa County & how long have you held it.

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

3. Question. Examine the paper here presented and shew to you marked L. & also with the initials U. F. heretofore filed in this case & purporting to be a survey of part of the Entre Napa Rancho & to be signed by you, & state whether the same was made & signed by you, & if so, what the same is.

Answer. I have examined the paper. It was written & signed by me, It is the survey of two tracts of land according to the two original deeds from Nicholas Wignera to Joseph P. Thompson & another deed of confirmation. The survey was made by me & I own the lines therein described. The plot on said paper is a correct representation of the land & the survey of it as actually made by me, with the lines & measurements correctly laid down. I did not meander the river which is one boundary of the land, but run all the other lines around the land, as represented on the plot.

4 Question. Are or not the deeds to which you refer the same which are filed in this case.

Answer. They are the same.

5 Question. Do you know whether the land represented in this plot is within the boundaries of the judicial survey made by the Mexican authorities.

Answer. It is.

6. Question. When & in what capacity did you make the survey above mentioned of this land.

Answer. I made it in the capacity of County Surveyor

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of the County of Napa on the 13<sup>th</sup> day of January A.D. 1852. The land is situated in Napa County.

Com. W. A. Homecourt

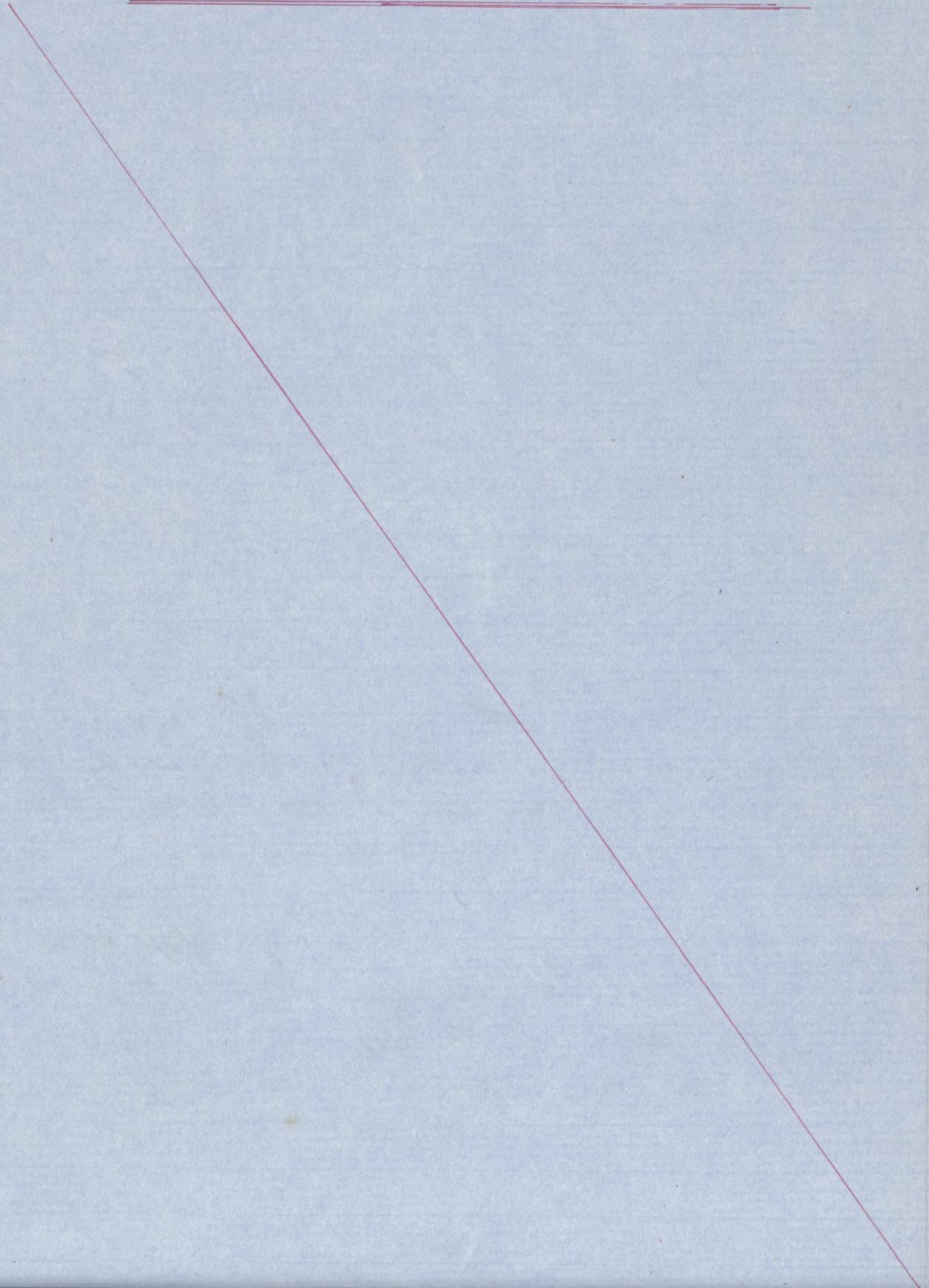
Mr. Gunther Associate San Agent was present at the taking of this deposition but declined to put any questions to the witness.

Subscribed & sworn to before me at San Francisco this 12<sup>th</sup> day of September A.D. 1853.

Alphons Felch  
Commissioner

Filed in Office Sept 12<sup>th</sup> 1853.

Geo. Fisher Secy.



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No 334.

In the matter of the Claim of Joseph P. Thompson  
to a part of Napa Rancho

It is hereby agreed by the Law Agent on the part of the  
United States & the Atty for the claimant that the  
original title papers filed in case No 3234 referred  
to in the deposition of José de la Rosa in this case  
be considered as a part of the aforesaid deposition of la  
Rosa & as being read & submitted in this; & shall be re-  
garded as evidence in this case to the same extent  
as if the said original documents were actually on file  
among the papers in this case.

Hallett, Peckham & Billings  
Atty for Claimant  
Re Greenhow.  
Asst Law Agent.

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Stipulation

200



Stamps Third, Two Reales.

Provisionally authorized by the Administration of the Maritime Custom House of Monterey of Alta California for the years 1834 & 1833.  
(Signed) Castro. (Signed) Angel Ramirez.

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"A"  
Translation of Expediente.

Monterey January 22<sup>d</sup> 1836.  
In conformity to the provisions before your Excellency laws relating to the matter the Ayuntamiento represents: that some time ago of San Francisco will he has removed the stock which report, if the petitioner he had in San Francisco on the possesser the requires other side of the port to this provided in the law of August 28<sup>th</sup> 1824, establishing himself here with his to entitle his petition family, & having need of a private to be attended to if the land for cultivation & for his future land asked for belongs subsistence, & being such that which to any private person, is marked out in the map a Mission, or Pueblo: - if it is irrigable depend- - dent on the seasons, or pasture land, & what maybe its extent. These examinations being finished, this will be passed to the Mayor Don J. of the Ex. Mission of San Francisco in order that he may report what he may deem convenient.

Senior Superior Political Chief. Nicolas Yguera settled in this in the manner provided by law that some time ago he has removed the stock which he had in San Francisco on the other side of the port to this provided in the law of Sonoma for the purpose of August 28<sup>th</sup> 1824, establishing himself here with his family, & having need of a private land for cultivation & for his future subsistence, & being such that which to any private person, is marked out in the map a Mission, or Pueblo: - which comprises one square league in the place of Napa. Your Excellency to be pleased to grant this request with your accustomed benignity, for which he will live withly grateful. Sonoma, December 30<sup>th</sup> 1835.  
(Signed) Nicolas Yguera.

Senior Don Nicolas Gutierrez, Lieut Col of Cavalry in the former army, Commandant General, Inspector & Political Chief of Upper California thus ordered, decreed & signed of which I certify  
(Signed) Nicolas Gutierrez.  
(Signed) Francisco Castille Negrete.  
Secretary.

Senior Superior Political Chief.  
In compliance with the superior decree of the 22<sup>nd</sup> of January of the present year on this

petition of Citizen Biquera, respecting the land of Napa, the Ayuntamiento of this demarcation says the following. That the petitioner possesses the requisites necessary to be attended to: that the land asked for is not comprehended within the 20 border leagues, but is in the 10 littoral leagues; it is irrigable, dependent on the seasons and pasture land; said land was occupied by the Mission of San Solano, but this Ayuntamiento is ignorant whether it is now occupied by that Pueblo; but the Commissioner or Mayor deane of Sonoma can inform.

Pueblo de San Francisco March 11<sup>th</sup> 1836.

(Signed) José Joaquín Cerdillo.  
(Signed) Francisco Sanchez  
Secretary.

Administration of San Francisco.  
de avis.

Under date of the 11<sup>th</sup> of March last the Alcalde of the Pueblo of San Francisco sent my two Expedientes for report in compliance with the Superior decree in the margin of these Expedientes, & as I have no knowledge of these lands inasmuch as they do not belong to my charge & as I know that they pertain to that of the Co-Mission of San Solano. You alone can report upon the matter being the administrator of said (lands) God & Liberty. Pueblo of Dolores, April 16<sup>th</sup> 1836. To the Administrator (Signed) Sam<sup>l</sup> Flores.  
of San Solano. 3

The Administrator of San Francisco de Oro in an official note of the 16<sup>th</sup> of the present month sends me the two Expedientes moved by Citizen Ignacio Pacheco & Nicolas Aguerre, (to report as asked in his said official communication), & in order to facilitate their advancement I will say that the lands asked for are not occupied by the natives of this Pueblo, nor by the stock or cattle under my charge, for the former have their ranchos established in common, & the latter occupy the place of Socol to the Straits of Carquinez when they trouble no one by their location; with respect to the former who petition, they possess the requisites to entitle them to be attended to, & the lands are not included in the twenty border

leagues, but are in the 10 littoral which are referred to in the law of August 18<sup>th</sup> 1824, according to the report of the Ilustrious Ayuntamiento of San Francisco de Oros. The three aforesaid annexed documents, I have the honor to send herewith to Your Excellency for the order which you may please. God & Liberty. Sonoma, April 24<sup>th</sup> 1836.

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(Signed) Antonio Ortega.  
Senor Superior Political Chief of Upper California.

These are true copies of the documents sent to me & incorporated in the Expediente of Ignacio Pacheco. Monterey, May 5<sup>th</sup> 1836. (Signed) Castille.

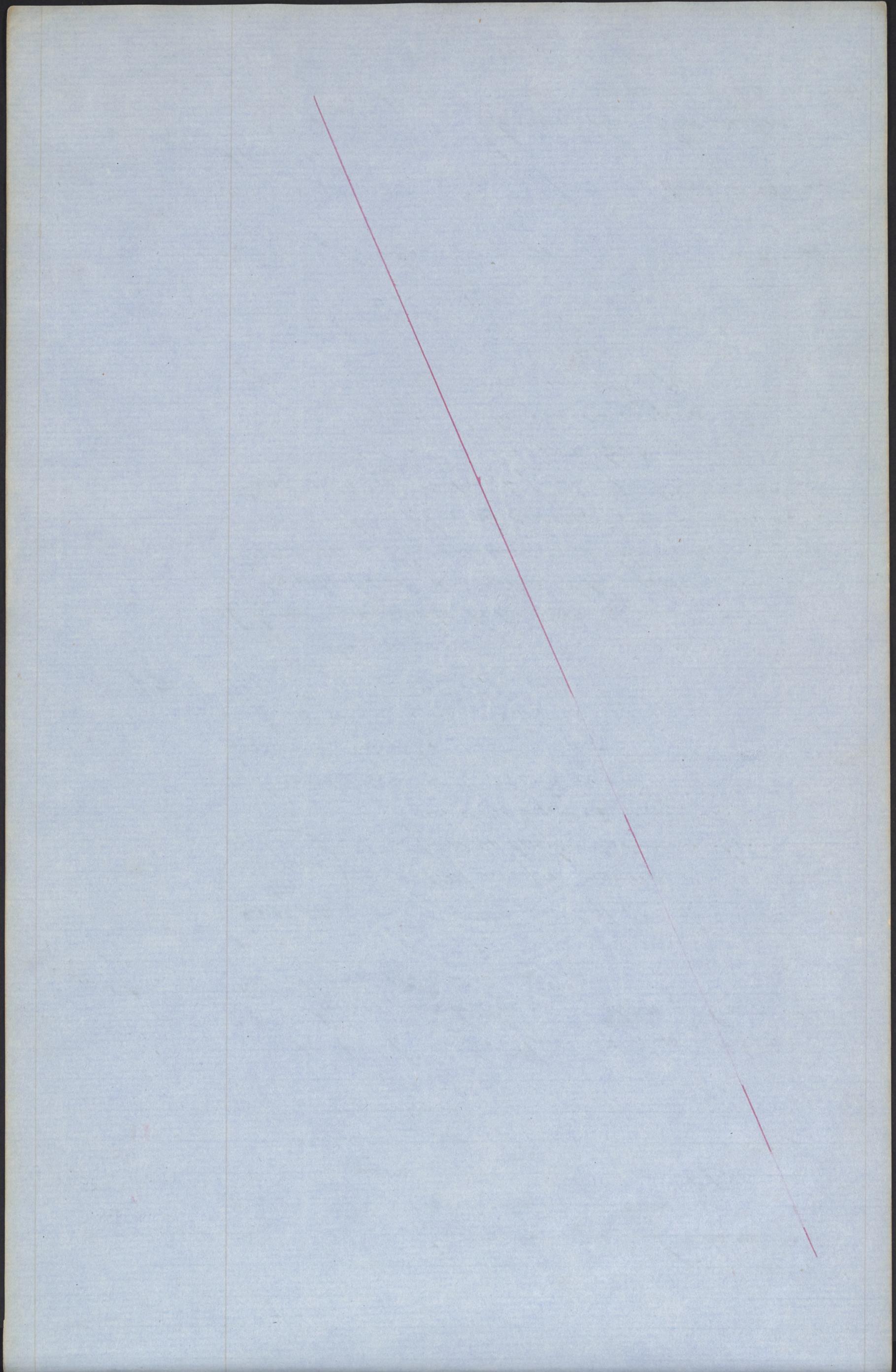
Monterey May 9<sup>th</sup> 1836.

Having seen the petition at the beginning of this expediente, the Report of the Ayuntamiento of San Francisco that of the Administrators of the Missions of San Francisco de Oros, & of San Francisco Solano, with all else presented & proper to be seen. In conformity with what is provided in the laws & regulations on the matter, Nicolas Noguera is declared owner in fee of the land known by the name of "Barro Negro" as explained by the map which goes with the expediente. Let the corresponding despatch issue, take note of it in the respective book, deliver it to the party interested & reserve this expediente in order to report to the Excellent Deputation for its approbation.

Senor Don Mariano Chico, Superior Political Chief of Upper California, thus ordered, decreed & signed, of which I certify. (Signed) Mariano Chico. (Signed) Francisco Castille Negrote - Secretary

On the 30<sup>th</sup> of May passed to the Committee on Vacant Lands. (Signed) Maldonado. Secretary

Filed in Office Sept 11<sup>th</sup> 1832. Gen. Fisher Secy



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Dello primero Seis pesos  
Habilitado provisionalmente por la Administracion  
de la Aduana Maritima de Monterrey de la Alta  
California para los años de mil ocho Cientos treinta  
y Cuatro y ocho Cientos treinta y cinco.

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B

Figueras A Ramirez  
Revalidado para el bienio de 1836 y 1837.  
Sutierrez A Ramirez

Copy of  
Title

A. C. Coronel Mariano Chico, Representante  
de la Nacion, Jefe Superior Politico y Comandante  
General de la Alta California

Gobierno  
Politico de la  
Alta  
California

Dos  
p 20 p.

Por cuanto el Co. Nicolas Figuera,  
Mexicano por nacimiento, ha pretendido  
para su beneficio personal y el de su familia,  
un Sitio de ganado mayor poco mas en  
el parage conocido con el nombre de Napa; practicadas  
previamente las diligencias y averiguaciones convenientes a lo  
dispuesto por las leyes y reglamentos de la materia, usando  
de las facultades que me son conferidas en decreto de este dia  
y a nombre de la Nacion Mexicana he venido en concederle  
el terreno mencionado declarandole la propiedad de el por  
las presentes letras y a reserva de la aprobacion de la Santa  
Diputacion y bajo las condiciones siguientes.

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1<sup>a</sup> Que se sometera a las que estableciere  
el reglamento que se ha de formar para la distribucion  
de terrenos baldios, y que entre tanto ni el agraciado  
ni sus herederos podra dividir ni enagenar el que se le  
adjudica, imponer censo, vinculo, fianza, hipoteca,  
ni otro gravamen, aun que sea por causa piedadosa,  
ni pasarlo a manos muertas.

2<sup>a</sup> Podra cercarlo sin perjudicar los trancios,  
caminos y servidumbres; lo disfrutara libre y exclusivamente  
destinandolo al uso y cultivo que mas le acomode, pero  
dentro de un año a lo mas, fabricara casa y estara  
habitada.

3<sup>a</sup> Solicitara del Pux respectivo  
que le de la posesion juridica en virtud de este despacho,  
por el cual se demarcaran los linderos en cuyos limites

pondran, a mas de las mojoneras, algunos arboles frutales o silvestres de alguna utilidad.

1<sup>a</sup> El terreno de que se hace donacion es de un sitio de ganado mayor poco mas segun explica el diccionario que corre en el expediente. El Sur que tiene la posesion lo hara medir con arreglo a ordenanza quedando el sobrante que resulte a la Nacion para los usos convenientes.

2<sup>a</sup> Si contravinieren a estas condiciones perdera su derecho al terreno y sera denunciado por otro.

En consecuencia mando que sirviendole de titulo el presente y teniendo por firme y valdero se tome razon de el en el libro que corresponde, y se entregue al interesado para su resguardo y demas fines. Dado en Monterrey a nueve de Mayo de mil ochocientos treinta y seis.

Man. Chico

J<sup>co</sup> del Castillo  
Negrete  
Srio

Dros  
10 p<sup>ts</sup>

Cuota tomada razon a fojas 112 y señalado con el numero 108 del libro que corresponde y obra en la Secretaria de mi Cargo. Monterrey Mayo 20 de 1836

Castillo

Filed in Office Sept 11<sup>th</sup> 1852  
Geo: Fisher  
Secy

Stamp First, Six Dollars.

Provisionally authorized by the administration of the maritime Custom house of Monterey of Upper California for the years 1834 + 1835.

Figueras.

A. Ramirez.

Validated for the two years of 1836 + 1837.

(Sgd) Gutierrez.

(Sgd) A. Ramirez.

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C.  
Translation of  
Title.

Citizen, Colonel Mariano Chico, Representative of the Nation, Governor, & Commanding General of Upper California.

Whereas Citizen Nicolas Figuera, a Mexican by birth had for his own personal benefit & that of his family, petitioned for a little more than one square league, in the place known by the name of Napoa, the proper measures & examinations being previously made as required by laws & regulations on the matter, issuing the forms which are enclosed on me, on decree of this day, & in the name of the Mexican Nation I have granted him the aforesaid land, declaring to him the ownership of it by these presents, subject to the approval of the Most Excellent Deputation, & under the following conditions, viz:

Feb 20.

1<sup>st</sup> He shall submit to those (conditions) which shall be established by the regulations which are to be formed for the distribution of vacant lands, & in the meantime neither the grantee nor his heirs can divide or alienate that which is granted to them, subject it to any tax, entail, pledge, mortgage, or other encumbrance on any other purpose, or convey it in mortmain.

2<sup>nd</sup> He may enclose it without prejudice to the crossings, roads & constructs, & enjoy it fully & exclusively, making such use & cultivation of it as may best suit him, but within one year at furthest, he shall build a house & it shall be inhabited.

3<sup>d</sup> He shall request the proper Magistrate to give him the judicial possession in virtue of this title, by whom the boundaries will be marked out, in the limits of which, besides the bounds, he shall place some fruit or forest trees of some utility.

4<sup>th</sup> The land of which donation is made is a little more or less than one square league, as shown by the map which goes in the expediente. The Magistrate who may give the possession will cause it to be measured

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aguably with the ordinance, leaving to the Nation for its  
convenient use the surplus which may result.

3<sup>th</sup> If he contravene these conditions he will lose his  
right to the land, & it will be denounceable by another  
person.

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

Given in Monterey on the 26<sup>th</sup> of May 1836.

(Signed) Manuel Chico  
(Signed) Francisco del Castillo Negrete  
Secretary

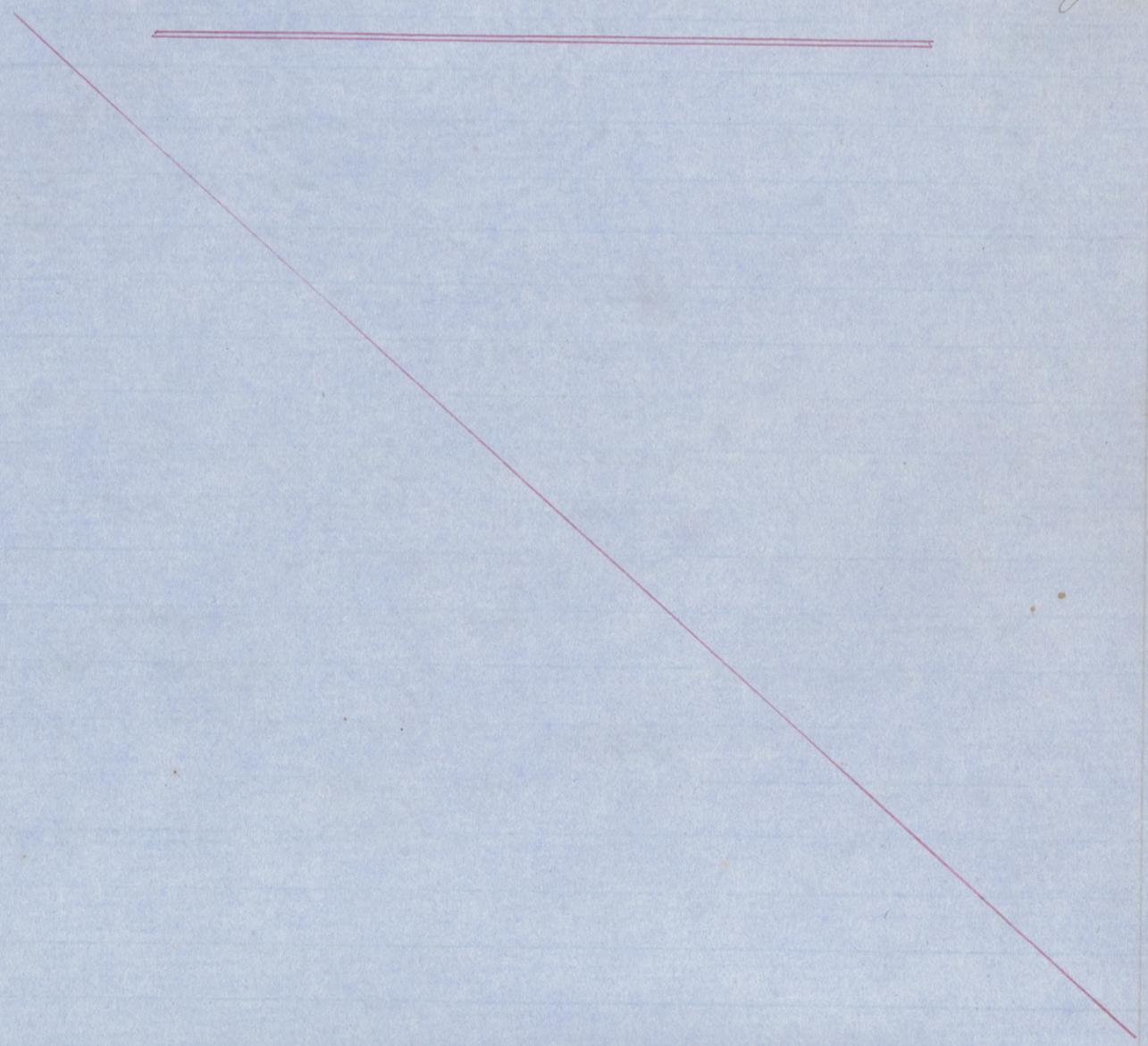
Note has been made on folio 112 & marked with the  
number 108. of the corresponding book which exists  
in the Secretary's office in my charge -

Monterey May 30 1836.  
(Signed) Castillo.

Febr 10.

Filed in Office Sept 11<sup>th</sup> 1839.  
Geo. Fisher  
Secy

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To the Justice of the Peace of the Frontier.

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Translation of  
Judicial  
Possession

I, Citizen Nicolas Hoiquera a resident of this jurisdiction owner of the rancho of Napa Abajo, as I may best proceed in law, before you appear & say: as appears by the title which I present with the necessary solemnity & oath, I have in my said rancho a little more than one square league, within the boundaries mentioned in said title & as it is necessary for me, that it may, in all times appear where they reach to, & whether they prejudice me or I prejudice any of my neighbors; you will please to order that, previously taken the necessary examinations of identity, view & examination, & the colon dantes being summoned, the measurement of my lands be proceeded to, for which purpose I appoint, for this time, & when the time may arrive, as measurer Citizen Rafael Narvaez, resident of this jurisdiction, skilful in this matter of measurements, & let any other person who may be interested appoint another measurer or his part - Having done so, let those whom they may appoint & the aforesaid Rafael Narvaez, by me appointed, appear, accept & take the oath, & in conformity with it let the said measurement be proceeded to - Wherefore I pray you that, admitting said document, you will be pleased to order that what I have asked be done: & being made, that said title be returned to me with the original records which may be made, for the security of my right, this petition & whatever else may be necessary.

At the request of my father -

In the Pueblo of Sonoma on the 10<sup>th</sup> day of the month of January 1842, before me, Citizen Salvador Vallejo, military Commandant & magistrate of this jurisdiction, this petition was read, & being seen, I admitted it, with the document mentioned, & I order that, summoning the colon dantes, information be taken of identity, view & examination of said lands, at which I am ready to assist personally - I thus provided order & signed with those of my assistance.

Assisting witnesses - Salvador Vallejo.  
Apulmarie Miranda.  
Cayetano Suarez.

In the aforesaid Pueblo of Sonoma on the tenth day of

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the same month & year, & the Magistrate aforesaid with those of my assistance, in order to proceed to the information of identity, caused to appear before me the Citizen Ramon Mesa resident of this jurisdiction, by occupation a labourer, of whom I received an oath which he made by the sign of the Holy cross in form of law, by which he promised to speak the truth, & being questioned as to the knowledge he had of the lands & places, terms & boundaries, pertaining to the rancho of Napa abajo, he said, that for eight years he has lived on the frontier & knows that the lands belonging to said place, are (the property) of Citizen Nicolas Figuera, & that their boundaries are the Arroyo de los Carreros, the Arroyo of Napa, & the main road below, a little less, that he has seen & examined said lands, several times & that since the said Figuera has owned them, he has worked & cultivated them, & his cattle have pastured on them - & for a proof of that which he has said he is ready to go to said lands with the present Magistrate & point to him the place, terms & bounds, & far they extend; which he affirmed & satisfied under the oath which he has made. He declared that he was twenty five years old, & that the legal exceptions do not effect him & he signed it with me & those of assistance.

As witness - Ramon Mesa. <sup>his</sup> mark.

Agustino Miranda. <sup>his</sup> mark.

Cayetano Suarez. <sup>his</sup> mark.

Salvador Vallejo.

In continuation I caused to appear before me & those of my assistance, citizen George Roc & having made him take the customary oath, he promised to speak the truth, & being asked for the lands, places, terms & boundaries, belonging to the rancho of Napa abajo, he said that for eight years he has been a resident of this town & he knows that the lands belonging to said rancho are the property of Nicolas Figuera, & that its boundaries are the same which the preceding witness has just declared, that he has seen & examined them several times, & that this is all he has to say, agreeing with the foregoing declaration, & he said that he was forty seven years old, & the legal exceptions not to effect him, & he signed with me & those of my assistance, according to law -

Assisting Witnesses  
Apoliciano Miranda.  
Cayetano Suarez.

Jorge Noe.  
Salvador Vallejo.

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In continuation I caused to appear before me & those of my assistance, citizen Angel Bojorges, & having made him take the usual oath he promised to speak the truth & being asked for the lands, place, terms & boundaries pertaining to the rancho of Napa Abajo he said that for three years he has been a resident of this jurisdiction & knows that the lands pertaining to said rancho are of the ownership of citizen Nicolas Noiguerca & its boundaries are those which the preceding witness has just declared, that he has seen & examined them on various occasions & that this is all he can say - under the oath which he has made, which he affirms & ratifies, he declared that he was thirty years old - & that the legal exceptions do not affect him, & he signed it with me & those of my assistance.

Assisting Witnesses. Angel Bojorges <sup>his</sup>  
Apoliciano Miranda. Salvador Vallejo. <sup>mark</sup>  
Cayetano Suarez.

Being in the field in the place of Napa Abajo on the twentieth day of the month of January one thousand eight hundred & forty two - I the magistrate, acting in virtue of my office with two assisting witnesses for want of a Notary Public; the witnesses by me examined being present, citizen Nicolas Bojorges owner of said lands & citizen Cayetano Suarez & Apoliciano Miranda, the Colonos & freeholders, I proceeded to see & examine the lands of said rancho & for greater clearness, mounting on horseback in company with all the parties & witnesses referred to - I ordered the last named to point out to me the place, terms & bounds of them, according to the signs which they have declared in their depositions, & in compliance they led the way to the east, which looks from said rancho, crossing the Estero beyond the South until we arrived at the Arroyo de los Cameros; thence we continued examining, taking up the Arroyo which runs to the West, to the corral del paso de abajo (corral of the lower pass) thence taking a Northwesterly direction to the Arroyo of Napa on the West - where was concluded the examination

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... of said lands, as far as the witnesses said, were the  
furthest places, limits & boundaries of said lands - which  
places I, the said Magistrate saw & examined with  
those of assistance, the witnesses examined & papers pre-  
-sented & the acts of the aforesaid examinations being com-  
-pared, that the identification of the aforesaid lands was  
certain, according to the declaration of said witnesses,  
& in testimony it was officially recorded & signed  
it with those of my assistance & others who know them.  
I Certify -

Assisting witnesses. Salvador Vallejo  
Apollonio Miranda. Ramon Mesa +  
Cayetano Suarez. Diego Rog +  
Jacob P. Lese.

Immediately I the Magistrate said that in order to  
proceed to the measurements referred to in those acts, I  
order that Citizen Nicolas Hoigura, the owner of the lands  
be notified that he may satisfy the appointments of sur-  
-veys, & also that all the colon dwellers by common  
consent appoint one on their part - it being proper that  
he should be skilled in the matter of measurements, &  
this being done I am ready to designate a day for said meas-  
-urements. I thus provided, ordered & signed, with those  
of my assistance -

Assisting witnesses. Salvador Vallejo.  
Apollonio Miranda.  
Cayetano Suarez.

On the same day month & year I, the aforesaid Magis-  
-trate, read & notified the act referring to them to citi-  
-zen Nicolas Hoigura & his colon dwellers in their presence  
which I know - as it appears above - & having heard  
& understood it, they said that they heard it, having  
appointed Citizen Dolores Cantua as measurer,  
& the aforesaid Hoigura ratified his appointment of  
citizen Rafael Navarro, both skilled in matters of  
measurements, who were notified to appear, accept,  
take the oath, & in continuation proceed to said meas-  
-urements as has been ordered. Thus they signed it  
with a sign of the holy cross, before & those of my assistance  
I certify.

Assisting witnesses Dolores Cantua +

Apuliano Miranda.  
Cayetano Suarez.

Rafael Narvaez.  
Salvador Vallejo.

80 ND  
PAGE 20

In the town of Sonoma, on the same day, month & year, I the Magistrate acting in virtue of my office with two assisting witnesses for want of a Notary Public, read & notified the act & appointment of measurers to Citizens Rafael Narvaez & Dolores Cantua, residents of this pueblo, in their persons, which I know, & having heard & understood it they said that they accept the charge entrusted to them & they made oath by God & a sign of the holy cross, in form of law, that they would exercise their office faithfully & legally, & will satisfy said measurements with fidelity & exactness, as they are bound to do, & to the satisfaction of the parties interested, & having so replied, they signed it with me & those of my assistance.

Assisting Witnesses.

Apuliano Miranda.  
Cayetano Suarez.

Rafael Narvaez.  
Dolores Cantua.  
Salvador Vallejo.

Immediately afterwards the foregoing act was made known to the party interested, Citizen Nicolas Figueroa & the measurers Rafael Narvaez & Dolores Cantua, & having understood it, they acknowledged notice and signed it with the present Magistrate & those of assistance.

Assisting Witnesses

Apuliano Miranda.  
Cayetano Suarez.

Dolores Cantua.  
Rafael Narvaez.

On the same day, month & year, written summons were issued to the colonos Cayetano Suarez, Don Luis Lis, that they should appear on the eleventh day of the month in the aforesaid rancho of Napa Abajo at eight o'clock in the morning of this day for testimony I sign it with those of my assistance.

Asstg. Witnesses -

Apuliano Miranda.  
Cayetano Suarez.

Salvador Vallejo

In the rancho of Napa Abajo, on the eleventh day of the month of January, one thousand eight hundred & forty two, present the parties & the neighbors of said (lands) I caused to appear before me (and) those of

80 ND  
PAGE 21

my assistance citizen Cayetano Suarez of Apulmaric  
 Miranda, those appointed measurers whom I ordered  
 to take a hempen rope, & to measure off fifty varas of  
 four castilian palmos each, which they did in the  
 sight & presence of the persons interested & the neighbors  
 & in testimony I order that it be officially recorded & said  
 measurements be proceeded to, as is ordered: to which  
 I certify: also signing it with those of my assistance.  
 Assisting Witnesses Salvador Vallejo.  
 Apulmaric Miranda.  
 Cayetano Suarez.

Being in the fields on the lands belonging to the rancho  
 of Napa Abajo, this day, Tuesday, of the same month &  
 year, I, the Magistrate of this jurisdiction, acting in virtue  
 of my office with two assisting witnesses for want of  
 a Notary Public, sought the measurers, Citizen Rafael Nar-  
 raez & Dolores Cantuay, appointed by the parties inter-  
 ested & edmandantes, I ordered them to proceed to the mea-  
 surement of one square league, a little more, which  
 corresponds to the rancho of Napa Abajo, according to  
 the title presented, in obedience to which they commenced  
 said measurements, beginning from the house towards the  
 east, coasting the estero towards the south to the Arroyo  
 de los Carreros, & following up the Arroyo westerly to  
 the conal of the lower part, conal del pazo de abajo  
 when now counted eighteen thousand castilian varas  
 thence taking a Northwesterly direction, when three bounds  
 were placed, to the Arroyo of Napa, when the last  
 bound was placed & there now counted twenty four  
 thousand varas, by which was marked out a little more  
 than one square league: finally, & in sign of true pos-  
 session & accustomed ceremony, he pulled up  
 stones & grass & threw them to the four winds in  
 manifestation of his legal & legitimate possession  
 which he personally took; & that it may in all times  
 appear, & they be recognized as the terminations &  
 boundaries of his lands by the others, or neighbors to  
 them, & that said measurements were quietly and  
 peacefully made, he asked for a testimony & I the  
 aforesaid Magistrate with those of my assistance,  
 give it, that every thing passed as has been said; &  
 that the said measurements have been executed to the

best knowledge & understanding of the measures, as they  
deposed, without any fraud or deceit against any per-  
-son - & for greater security & the satisfaction of the  
oath which they have made - they signed with  
me & those of my assistance.

Assisting Witnesses. Rafael Narvaez. <sup>his</sup> mark -  
(Sgd) Apolinario Miranda. Dolores Cantua. <sup>his</sup> mark -  
(Sgd) Cayetano Suarez. (Signed) Salvador Vallejo.

80 ND  
PAGE 22

In view of this expediente being concluded, in which it  
appears that judicial possession of the rancho named  
Napa Abajo, five leagues distant from this Pueblo has been given  
to citizen Nicolas Vergara: let the original with the docu-  
-ments referred to, be delivered to the party for his convenient  
use.

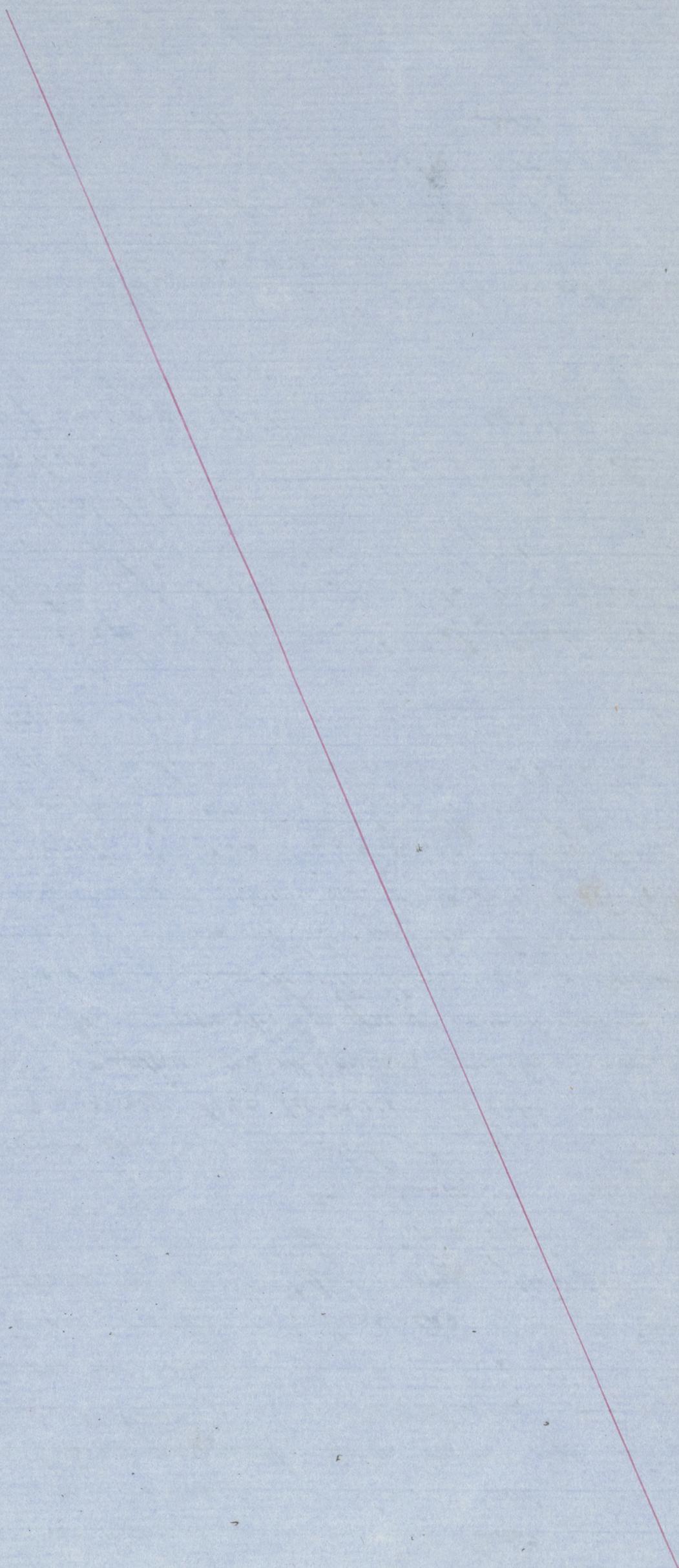
Citizen Salvador Vallejo, military commandant of  
this frontier, & magistrate of this jurisdiction, acting in  
virtue of my office with two assisting witnesses forward  
of a Notary Public, thus provided, granted & signed, on the  
eleventh day of the month of January eight hundred  
forty two.

Assisting Witnesses. (Signed) Salvador Vallejo  
(Signed) Apolinario Miranda.  
(Signed) Cayetano Suarez.

200

Filed in Office Sept 11<sup>th</sup> 1852.

Geo. Fisher.  
Secy.



Yo, el abajo firmado, apoderado general y especial y representante de la persona de Nicolas Figueroa, por el presente declaro Solemne y formalmente que, usando del derecho que me dan los expresados poderes para disponer los intereses de mi poderante, he venido en ceder a favor de Jose P. Thompson, para siempre jamas, mil doscientas varas Mexicanas de largo Sobrequinientas de ancho en el rancho de la propiedad de mi Poderante, Conocido con el nombre de Napa abajo, por el precio y suma de mil doscientos pesos en plata efectiva que recibí a mi entera satisfaccion; comenzando las medidas desde el lindero de los Señores John Grigsby y Nathan Combs, y siguiendo toda la milla del estero rumbo Sur hasta completar las expresadas mil doscientas varas de largo. Asi mismo declaro que yo mis herederos, administradores y quien de ellos tuviere voz y causa garantiremos a Jose P. Thompson la firmeza y Validez de la Concesion susodicha en caso de haber en cualquier tiempo reclamo de Cualquiera persona para perturbar a dicho Jose P. Thompson en la pacifica posesion de dicho terreno; saldremos a defendarlo a nuestras propias costas, hasta restituirlo en pacifico uso y posesion de el.

En fe y testimonio de lo cual hipoteco mis bienes habidos y por haber y firmo la presente en el rancho de mi poderante a los veinte y nueve dias de Noviembre de 1848

Testigos  
(Firmado) Bernard Nollner, Dosto + Perroyeda  
" " H.M. Purce Su Cruz

Aprobado lo arriba hecho por mi apoderado a favor de Jose P. Thompson.

Testigos  
(firmado) H.M. Purce Noviembre 29 de 1848  
" Bernard Nollner Nicolas X Figueroa  
Su Cruz

Acknowledged before me this 9<sup>th</sup> day of January 1849 (Signed) L. W. Boggs Alcalde of Sonoma

Copy of 1<sup>st</sup> Conveyance

80 ND  
PAGE 23

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23

80 ND  
PAGE 24

Filed in office Sept 11<sup>th</sup> 1859  
Geo: Fisher  
Secy

Translation 1<sup>st</sup> of Conveyance.

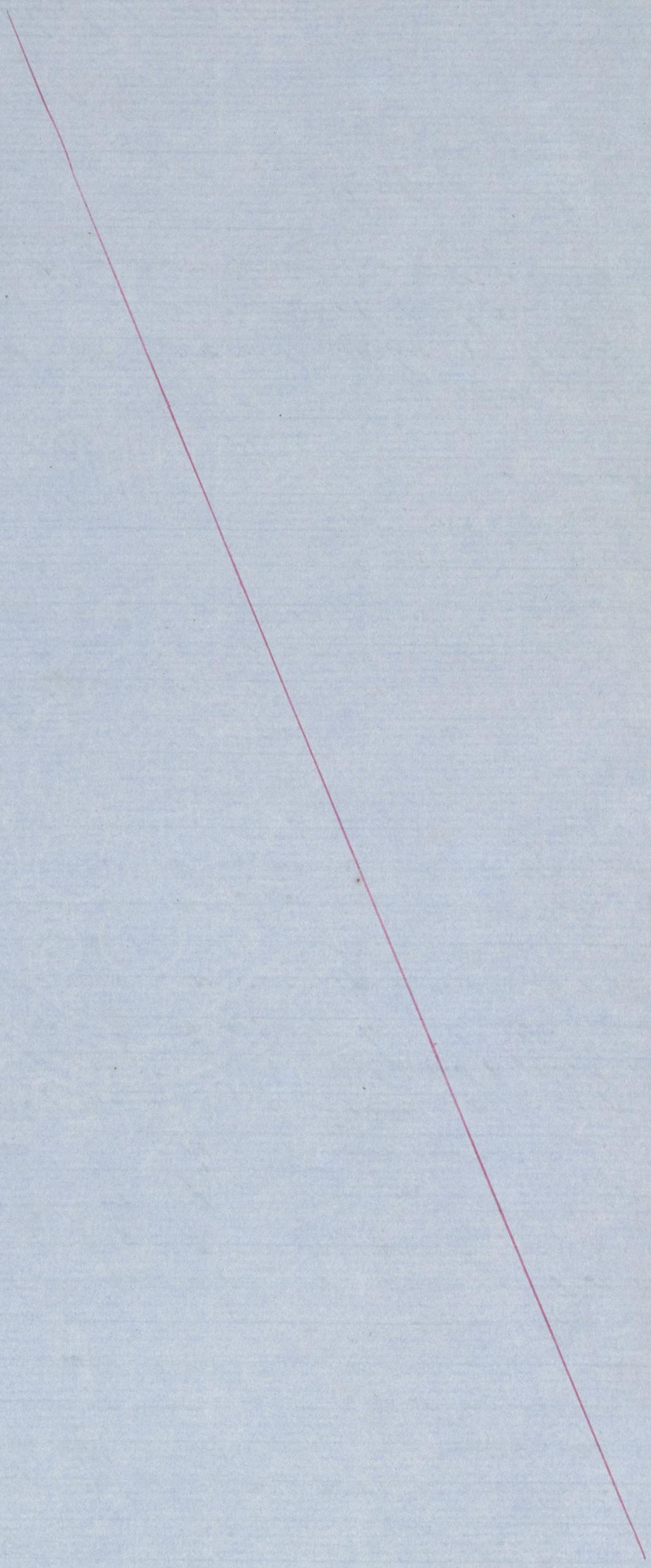
I, the undersigned general & special Attorney-in-fact & representative of the person of Nicolas Miguera, by this present, do solemnly & formally declare that, using the right which the aforesaid persons give me, I have come to grant in favor of Jose P. Thompson for ever one thousand two hundred Mexican varas in length by five hundred wide in the rancho of the ownership of my principal, known by the name of Napa Abajo, for the price & sum of one thousand two hundred dollars in current coin, which I have secured to my entire satisfaction: the measurements commencing from the boundaries of the Senses John Grigby & Nathan Combs, & following all the shore of the Estero, Scuttisly, until the said two hundred varas in length are completed - I also declare that I, my heirs, administrators, & whoever of them may have voice & sight, guarantee to Jose P. Thompson the firmness & validity of the above mentioned concession, in case that in any time any person should bring claim for the purpose of disturbing said Jose P. Thompson in the peaceful possession of said land: we will come forward to defend it at our own cost, until he is restored to the peaceful use & possession of it. In faith & testimony of which, I hypotheate my property, in present possession or hereafter to be obtained, & sign the present in the rancho of my principal on the 29<sup>th</sup> of November 1848.

Witness. (Sgd) Sesto <sup>his</sup> Benyera.  
mark  
(Sgd) Bernard Nollner.  
(c) H. M. Pierce.

I approve the above, executed by my attorney-in-fact in favor of Jose P. Thompson.  
November 29<sup>th</sup> 1848.

Witness (Signed) Nicolas <sup>his</sup> Miguera  
mark  
(Sgd) H. M. Pierce.  
(Sgd) Bernard Nollner.

Acknowledged before me this 9<sup>th</sup> day of January 1849.  
(Signed) S. W. Boggs.  
Alcalde of Sonoma.  
Filed in Office Sept 1<sup>st</sup> 1852.  
Geo. Fisher. Secy



Yo, el abajo firmado, dueño legítimo del rancho conocido con el nombre de Napa Abajo de la estension de un Sitio de ganado mayor, por el presente declaro Solemne y formalmente que, usando de mi derecho de propiedad en el precitado Rancho, que declaro integro y libre de vinculo, hipoteca, gabela ni otro gravamen de ninguna clase, cedo a favor de Don P. Thompson, para siempre jamas, la estension de terreno a losiguiente: Comenzando las medidas desde el punto S. Oeste del terreno comprado por dicho Don P. Thompson de mi en Noviembre de 1848 / por mi apoderado Sisto Berreyosa / y Siguiendo, como a punto la aguja magnetica, S. 66° oeste ciento y noventa yards Inglesas; de alli Siguiendo por la aguja, S. 27° Este mil yards inglesas; de alli Siguiendo, por la aguja, W. 85° Este hasta el Sitio de Napa, de alli Siguiendo toda la orilla del estero hasta el punto S. Este del terreno, antes mencionada, que compro dicho Don P. Thompson de mi en Noviembre de 1848; y de alli Siguiendo todo el lindero Sur de dicho terreno hasta el punto de Comenzar — por el precio y Suma de Mil pesos en plata efectiva que recibí a mi entera Satisfaccion — Asi mismo declaro que yo, mis herederos, administradores, y quicn de ellos tubiere voz y causa, garantizamos a dicho Don P. Thompson la firmeza y validex de la Concesion susodicha y en caso de haber en cualquier tiempo reclamo de cualquier persona para perturbar a dicho Don P. Thompson en la pacifica posesion de dicho terreno, Salvamos a defenderlo a nuestras propias costas hasta reponerlo en pacifico uso y posesion de el. En fe y testimonio de lo cual hipoteco mis bienes habidos y por haber y firmo la presente en el Rancho de Napa Abajo a los veinte y cuatro dias de Mayo de 1849

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Testigos  
 J. E. Brackett  
 Bernard Nollner  
 Nicolas + Figueroa  
 Su Cruz

District of Sonoma  
 Territory of California  
 Napa City November

twenty sixth A.D. 1849. Before me the undersigned  
R. L. Kilburn, Alcalde of the District of Sonoma  
personally appeared Nicolas Aguero to me known  
as the person described in and who signed the above  
instrument, and acknowledged that he signed and  
executed the same for the use and purpose therein  
expressed.

R. L. Kilburn  
Alcalde of Napa

Registrado en libro C pagina 135 Sonoma  
June 4 de 1849  
Rec. fees \$ 5.00.

Received for Record Apr. 29<sup>th</sup> 1850 at  
12 M. and recorded in Book A p. 19  
Archives of Napa Co.

M. H. W. Hendry  
Recorder

Rec. fees of S. C. Brackitt \$ 5.00

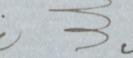
Filed in Office Sept 10. 1853  
Geo: Fisher  
Sec

Translation of  
2<sup>d</sup> Conveyance.

80 ND  
PAGE 28

I, the undersigned, legitimate owner of the rancho known by the name of Napa Abajo, of the extent of one square league, by this present declare, solemnly & formally that, using my right of ownership in the aforesaid rancho, which I declare to be entire & free from entail, mortgage, tax, or any other kind of incumbrance, I cede in favor of Jose P. Thompson forever, the extent of land as follows, the measurements beginning from the South west point of the land purchased by said Jose P. Thompson from me in November 1848 (by my attorney in fact, Sisto Berreyra) & running as the magnetic needle points, S 66° W one hundred & ninety English yards; thence by the needle S. 85° E. to the Estero of Napa, thence following all the shore of the estero to the S. E. point of the land before mentioned which said Jose P. Thompson purchased of me in November 1848, & thence following the Southern boundary of said land to the point of beginning - for the price & sum of one thousand dollars in current coin which I have received to my entire satisfaction - I also declare that I my heirs, administrators & whoever of them may have vice & claim, guarantee to said Jose P. Thompson, the firmness & validity of the foregoing grant, & in case there should be made in any title or by any person a claim for the purpose of disturbing said Jose P. Thompson in the peaceful possession of said land, we will come forward to defend it at our own costs, until he may be replaced in the peaceable use & possession of it.

In faith & testimony of which I hereby declare my property in present possession or which I may hereafter obtain - I sign this in the rancho of Napa Abajo on the twenty fourth day of May 1849.  
 Witnesses. Nicolas Niquera  
 (Signed) J. E. Brackett. his mark  
 (Signed) Demard Nollnez.

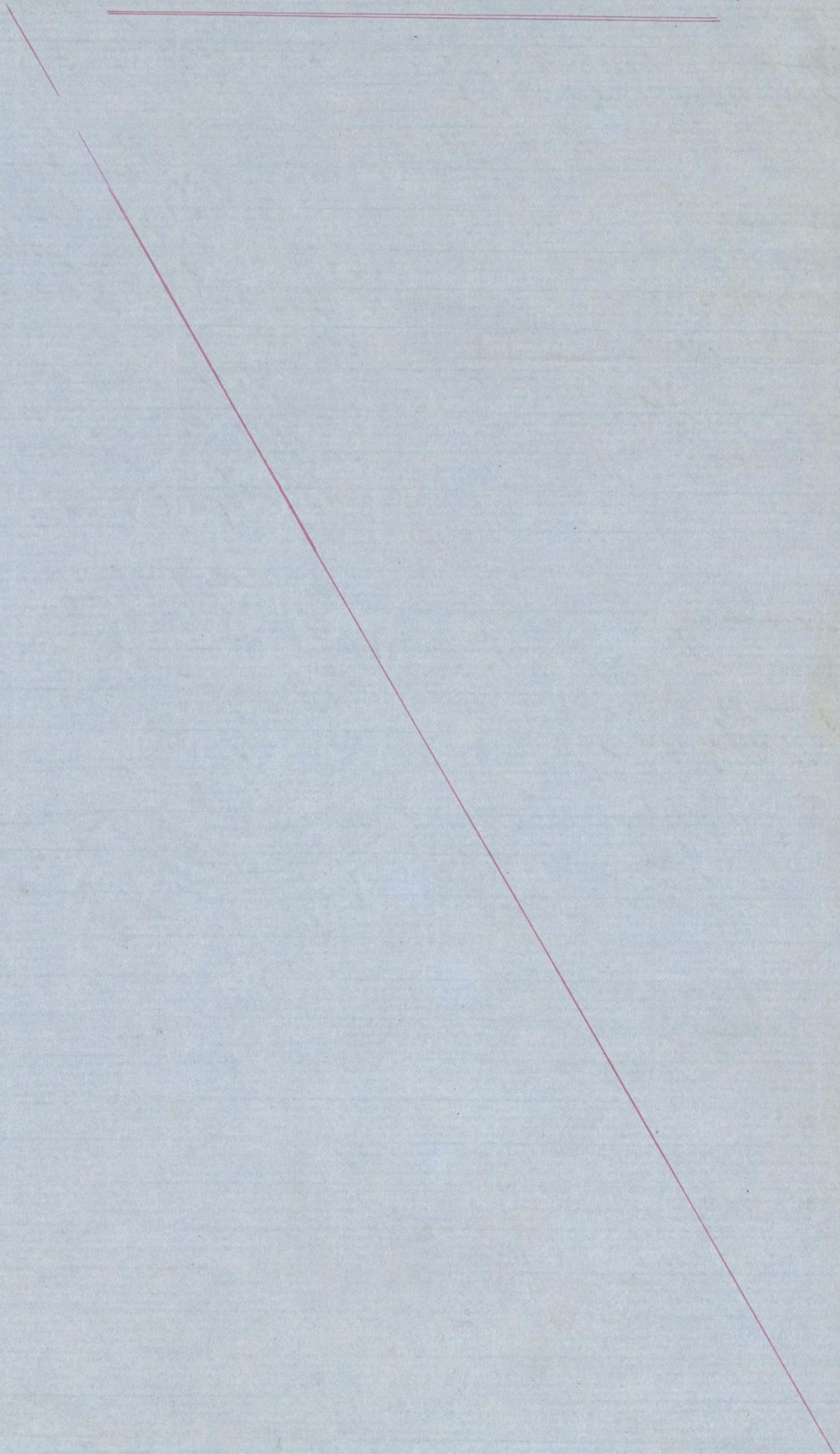
District of Sonoma   
 Territory of California  Napa City. November  
 twenty sixth A. D. 1849. Before me the undersigned  
 R. S. Kilburn, Alcalde of the District of Sonoma,  
 personally appeared, Nicolas Niquera to me known  
 to be the person described in & who signed the above  
 instrument & acknowledged that he signed and  
 executed the same for the use and purposes therein

expressed.

(Signed) R. S. Wilburn.  
Alcalde of Napa.

80 ND  
PAGE 29

Filed in Office Sept-11<sup>th</sup> 1852.  
Geo. Fisher. Secy.



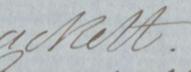
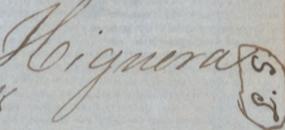
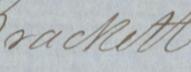
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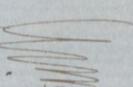
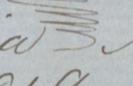
Explanatory  
Deed from  
Higuera to  
Thompson.

80 ND  
PAGE 30

Wherby agree & contract with Joseph P. Thompson of  
Napa Valley in consideration of Five hundred dollars  
to me in hand paid by him that the boundaries of the  
land conveyed by me to the said Joseph P. Thompson  
on the 29<sup>th</sup> day of November A. D. 1848. as surveyed  
by J. C. Brackett in the month of May A. D. 1849.  
& commencing at the South East corner of the land formerly  
conveyed by me to Nathan Combs on the bank of Napa  
Creek & running thence S. 70° 30' W. Five hundred  
English yards thence South Eleven Hundred English  
yards & thence N. 70° 30' E. to the bank of Napa,  
Creek & thence up said creek to the place of beginning.  
The said bearings all being taken by the compass as  
the needle now points; are & shall be considered as  
the fixed & certain boundaries of the land conveyed to  
the said Joseph P. Thompson by the deed before  
mentioned. This agreement being explanatory  
of the said deed.

Witness my hand & seal at Napa Abajo  
this twenty sixth day of November A. D. 1849.

Witnessed by  
Joseph W. Brackett.  <sup>his</sup> Nicolas Higuera   
James W. Brackett.  <sup>mark</sup>

District of Sonoma   
Territory of California  Napa City November  
Twenty sixth A. D. 1849. Before me the undersig-  
ned W. S. Kilburn Alcalde of the District of So-  
noma personally appeared Nicholas Higuera  
to me known as the person described in & who sig-  
ned the above instrument & acknowledged that  
he signed & executed the same for the use and  
purposes therein expressed.

W. S. Kilburn  
Alcalde of Napa Valley

No 334. Recd for Record Apr 29 1850 at 12 M &  
recorded in book A. p. 11. Archives of Napa Co.  
M. H. N. Kending.

Recorder  
Recd fees of J. C. Brackett \$5.00

Filed in Office Sept 30<sup>th</sup> 1853.

Geo. Fisher.  
Secy

Here follows map

30

The United States

acres, part of the place  
called Entre Napa in Napa  
County -

Opinion by Comr  
Alpheus Felch.

80 ND  
PAGE 31  
334-1

The premises claimed in this case are a part of the Rancho known by the name of Entre Napa alleged in the petition to have been granted to Nicolas Heigueru by Governor Manuel Chico on the 9<sup>th</sup> day of May 1836. This grant duly authenticated is given in evidence. It is made subject to the approval of the Territorial Deputation & contains the usual conditions. The claimant has also shown by the proper documentary evidence, that said grantee applied for the judicial measurement of the land granted, & that the same was made by the proper officer & possession of his lands with defined boundaries, was given to him on the eleventh day of January 1842. These boundaries designate & define the premises with sufficient certainty to segregate the land from the national domain. The deposition of Jose de la Rosa shows that the grantee went into the occupation of the land the same year in which the grant was made built a house & corral on it & cultivated a portion of the land & continued to occupy it until his death 1839, having sold however some portions of the rancho before he died. The title of said Heigueru seems by the proof in the case to have been so far perfected under the grant as to entitle him to the premises, & to enable <sup>him</sup> at the time of the alleged conveyances from him to the present claimant, to convey the right by deed to a third person. The title of the present applicant for confirmation of the portions of the land claimed in this case, rests on three deeds of conveyance made by said Heigueru to him which are made a part of the testimony in the case. The first purporting to convey a portion of the land twelve hundred varas in length by five hundred in width bears date November 29<sup>th</sup> 1848, The second, dated November 26 1849 is designed to cover the land conveyed by the deed above mentioned, & to declare & more clearly define the extension line of the premises granted by it and probably to cover some defect in its execution. The third, dated May 24<sup>th</sup> 1849 conveys another portion of said Rancho, adjoining the land conveyed by the deeds above mentioned, describing the premises granted by notes

Joseph P. Thompson.

vs.  
The United States.

For a tract of land containing  
acres, part of the place  
called Entre Napa in Napa  
County —

Opinion by Comor  
Alpheus Felch.

80 ND  
PAGE 31  
334-1

The premises claimed in this case are a part of the Rancho known by the name of Entre Napa alleged in the petition to have been granted to Nicolas Heiguerá by Governor Manuel Chico on the 9<sup>th</sup> day of May 1836. This grant duly authenticated is given in evidence. It is made subject to the approval of the Territorial Deputation & contains the usual conditions. The claimant has also shown by the proper documentary evidence, that said grantee applied for the judicial measurement of the land granted, & that the same was made by the proper officer & possession of his lands with defined boundaries, was given to him on the eleventh day of January 1842. These boundaries designate & define the premises with sufficient certainty to segregate the land from the national domain. The deposition of José de la Rosa shows that the grantee went into the occupation of the land the same year in which the grant was made built a house & corral on it & cultivated a portion of the land & continued to occupy it until his death 1839. Having sold however some portions of the rancho before he died. The title of said Heiguerá seems by the proof in the case to have been so far perfected under the grant as to entitle him to the premises, & to enable <sup>him</sup> at the time of the alleged conveyance from him to the present claimant, to convey the right by deed to a third person. The title of the present applicant for confirmation of the portions of the land claimed in this case, rests on three deeds of conveyance made by said Heiguerá to him which are made a part of the testimony in the case. The first purporting to convey a portion of the land twelve hundred varas in length by five hundred in width bears date November 29<sup>th</sup> 1848. The second, dated November 28 1849 is designed to cover the land conveyed by the deed above mentioned, & to declare & more clearly define the extension line of the premises granted by it and probably to cover some defect in its execution. The third, dated May 24<sup>th</sup> 1849 conveys another portion of said Rancho, adjoining the land conveyed by the deeds above mentioned, describing the premises granted by meters

80 ND  
PAGE 32

& bounds. It is shown by the deposition of E. A. d'None-  
-court that the land described in these deeds are within  
the limits of the land granted to Higuera.  
The claim is confirmed.

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

Geo. Fisher.  
Secy.

Joseph P. Thompson  
vs  
The United States.

Decree of  
Confirmation.

In this case on hearing the  
proofs & allegations, it is adjudged by the Commis-  
-sion that the said claim of the petitioner is valid,  
& it is therefore decreed that the same be confirmed.  
The land of which confirmation is hereby made is a  
part of the place called Entre Napa, in Napa County  
which was granted by Governor Chico to Nicolas Higuera  
the premises hereby confirmed being bounded and  
described as follows: To wit: commencing at the south  
east corner of the land formerly conveyed by said Nicolas  
Higuera to Nathan Combs on the bank of the Napa  
Creek, & running thence South seventy degrees thirty  
one minutes West five hundred English yards -  
thence South eleven hundred English yards & thence  
North seventy degrees & thirty minutes East to the  
Bank of Napa Creek & thence up said Creek to the  
place of beginning as conveyed by J. C. Brackett  
in the month of May 1849; - the said bearings all  
being taken by the compass as the needle then pointed.  
Also the portions of said Rancho Entre Napa, adjoin-  
-ing the land last above described bounded as follows  
viz: Beginning at the South west point of the land  
above described & confirmed & running as the mag-  
-netic needle points south sixty six degrees west  
one hundred & ninety English yards; - thence by  
the needle South twenty seven degrees East one  
thousand English yards; thence by the needle  
South eighty-five (85<sup>o</sup>) degrees East to the Eastern

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Southward - <sup>the Shore of</sup> East to the <sup>the</sup> ~~East~~  
of Napa; - thence following all along the Coast to  
the South East point of the land before mentioned &  
above described as confirmed, & thence following the  
Southern boundary of said land to the point of begin-  
-ning.

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

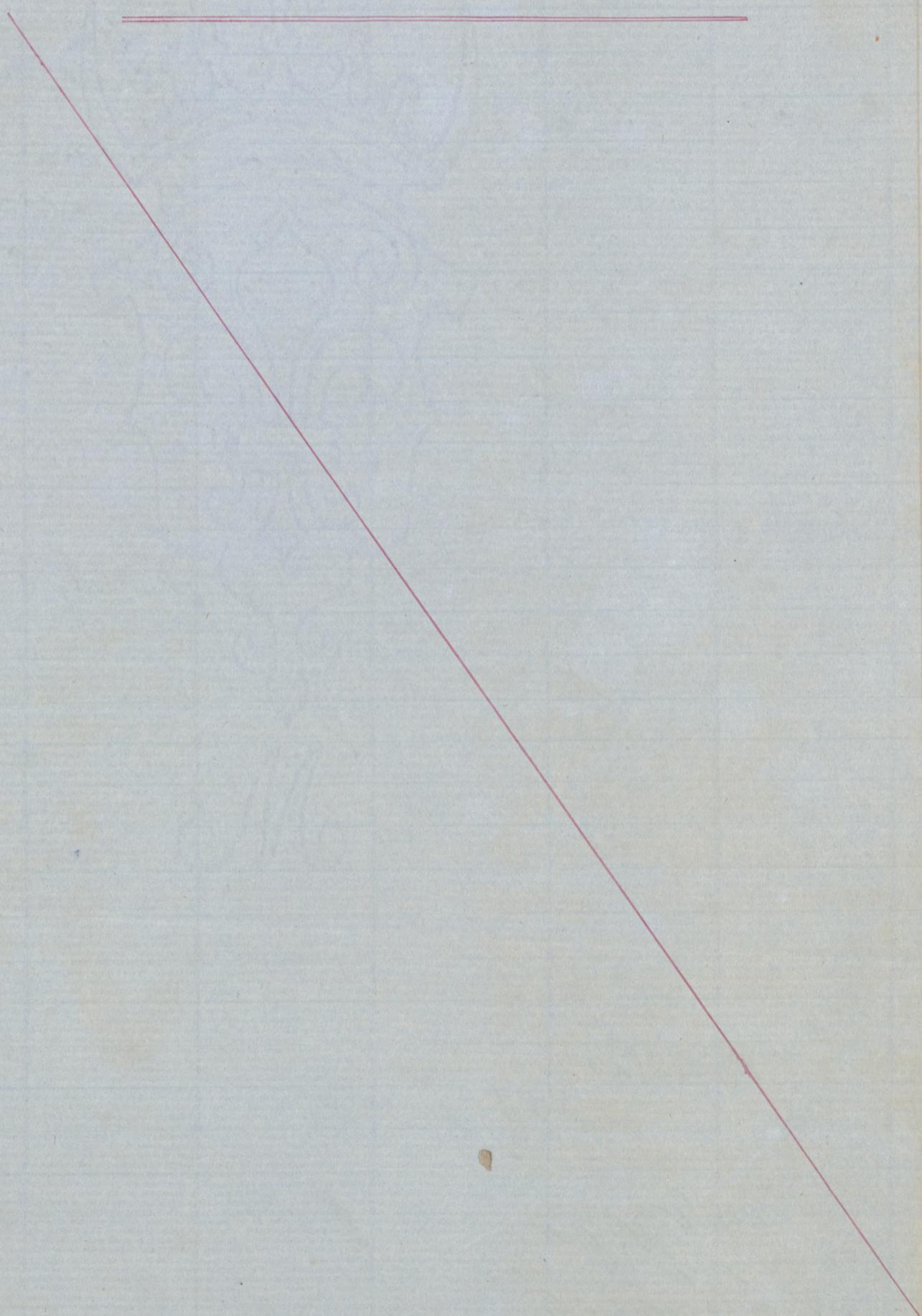
Filed in Office Decr 13<sup>th</sup> 1853.

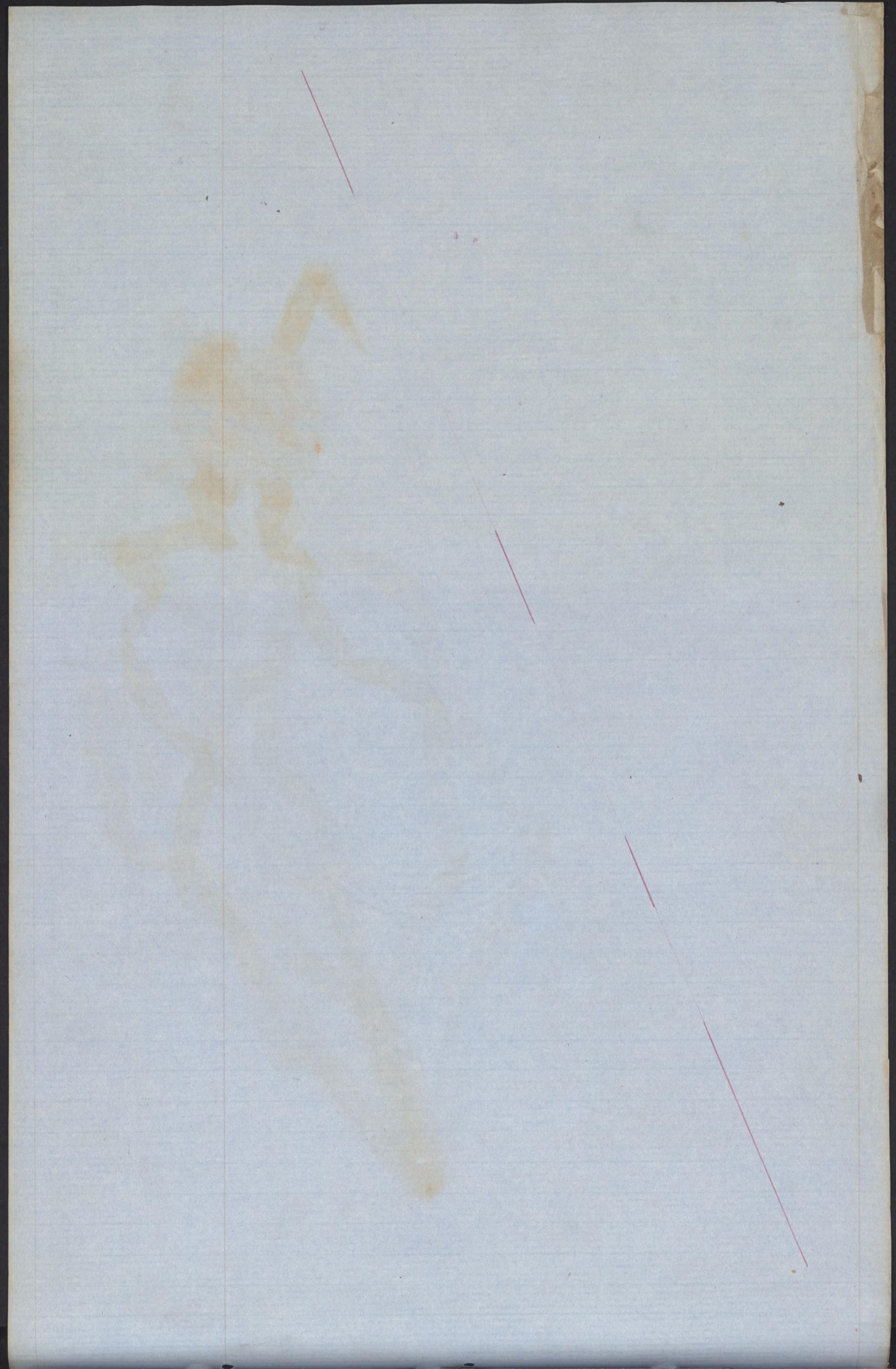
Geo: Fisher.  
Sey.

80 ND  
PAGE 33

S.V

7350 = 73 1/2 fols





Office of the Board of Commissioners,

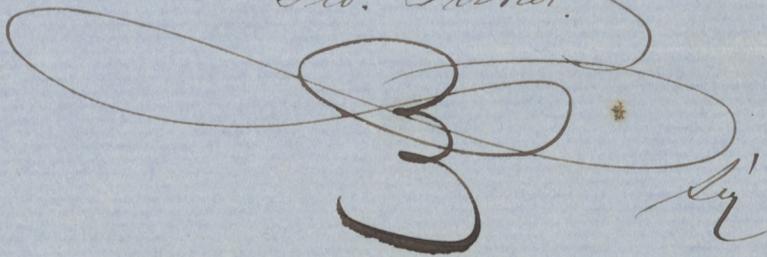
To ascertain and settle the Private Land Claims in the State of California.

I, *George Fisher*, Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *thirty two* pages, numbered from 1 to *32*, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. *334* on the Docket of the said Board, wherein *Joseph P. Thompson* is

the Claimant against the United States, for the place known by the name of "*Entre 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-ninth*

*G. Fisher*



80

80

U. S. DIST

Northern

No. 80

THE UNITED STATES

vs.

Joseph P. Thompson

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 334

Filed, August 23 1854

Proctor & Munnell clerks

Handwritten scribble

No 334



Office of the Attorney General of the United States,

Washington, 30th November 1854.

Joseph P. Thompson

vs.

The United States.

} 334.

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 Northern district of California will be prosecuted by the United States.

Cushing

Attorney General.

x  
No 80 —

U. S. District Court

Northern District

The United States

vs —

Joseph P. Thompson

Appeal Notice —

Filed Jan'y 8<sup>th</sup> 1855,

John A. Monroe,

Clerk

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

The United States  
Appellants

Joseph P. Thompson

No 80

Jan 24 1835

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 15<sup>th</sup> day of  
January. 1835; that a notice of appeal  
was filed on the 1<sup>st</sup> day of Jan. 1835  
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,  
W. H. H. H.  
Asst U S Atty

No 80.  
U.S. Dist Court

The U. States  
vs  
J. P. Thompson  
Petition

Filed August 20 1855.  
G. Cheever,  
Deputy.

80 ND  
PAGE 38

Petition —



claim of the Appellee is a good and valid claim and that the said claim be and the same is hereby confirmed to the extent and with the boundaries described in the several mesne conveyances from the original Grantee to the present Claimant, and of which the possession was proved to have been long enjoyed. Provided that the said tracts of land now confirmed to the Claimant be contained within the boundaries called for in the Grant and the Map to which the Grant refers: and, if there be less than that extent within the said boundaries of the said Grant, then we confirm to the Claimant that less extent —

Edw Hoffman  
U. S. Dist Judge

I consent to the entry of  
this decree.

Wm Blomding  
Dist Atty

No 80  
in the U.S. Dist Court  
Northern Dist of Cal

The U. States, appellants

vs  
J. P. Thompson, appellee

deceit

Filed February 13, 1857.  
W. H. Chivers,  
Deputy.

80 ND  
PAGE 41

W P 813.

California Land Claims  
Attorney General's Office  
4 Feby 1857

Sir: In the case of the claim of  
Joseph P. Thompson, confirm-  
ed to the claimant by the Com-  
missioners, case no. three hun-  
dred and thirty-four, (334),  
appeal will not be prosecuted  
by the United States

I am

Respectfully

Cushing

Wm. Dandridge Eg  
U. S. Attorney,  
San Francisco.

80 ND  
PAGE 43

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

The United States

Joseph P. Thompson

} D. C. 80; L. C. 334

In pursuance of a notice  
from the U. S. Attorney General, herewith annexed,  
it is hereby stipulated and agreed that no further  
appeal be taken in this case on the part of the  
United States, and that claimant have leave  
to proceed under the decree of this Court heretofore  
rendered in his favor, as under Final Decree  
San Francisco April 2nd 1857

Wm Blauding  
Dist Atty.  
Hullab Peck & Billings  
Attys for claimant

80  
334

U. S. District Court

The United States

v

Los P. Thompson

Stipulation

Filed April 2<sup>d</sup> 1857

W. H. Chivers,  
Deputy.

80 ND

PAGE 44

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

Present :

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

*The United States*  
v  
*Joseph P. Thompson*

*D. C. 80: L. C. 334*

*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 claimant have leave to proceed under the decree of this Court heretofore rendered in his favor, as under Final Decree,*

*Ogden Hoffman*  
*U. S. District Judge*

80

United States District Court, Northern  
District of California.

*The United States*

vs.

*Joseph P. Thompson*

ORDER.

*Vac appeal*  
*Jurat Decree*

Filed *April 2<sup>o</sup>* 1857

*John A Monroe*

CLERK.

By *W. H. Cheever*

DEPUTY.

80 ND  
PAGE 46

The United States  
vs  
Joseph P. Thompson }

80 ND  
PAGE 47

The appeal in this case is taken by the United States from the decree of the Board of Commissioners.

The land claimed is part of the Rancho of Entre-Papas originally granted to Nicolas Figueroa by Governor Manuel Chico on the 9<sup>th</sup> May 1836.

The authenticity of the grant is duly proved and the asserdite is produced from the archives of the former Government.

It is also shown that the grantee ~~was~~ occupied the land the same year the grant was made that he built a house & corral upon it that he cultivated a part of it and continued to live on it until his death in 1852. He before his death he had sold a portion of his land to the present claimant - the conveyance to the latter are produced & duly proven.

It is also shown that since by the proper documentary evidence that the grantee applied for judicial ~~possession~~ measurement

and that the same was in  
due form given, and possession  
of the lands with defined form  
and date given to the grantee  
on the 11<sup>th</sup> Jan<sup>y</sup> 1842.

Under these circumstances no  
reason for rejecting the claim  
are perceived - nor have any  
been stated on the part of  
the appellants -  
It must therefore be confirmed

80

Joseph P. Thompson

ad

The U. S.

Prison

2

80 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 31<sup>st</sup> 1854

John A. Munroe 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 31<sup>st</sup>, 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. 334 on the Docket of the said Board, wherein

Joseph P. Thompson is the Claimant against the United States, for the place known by the name of Entre Napos

and request your receipt for the same.

I am, Respectfully,

Your O<sup>bt</sup> Servant,