CASE NO.
453
NORTHERN DISTRICT

PORTION of RANCHO de NAPA GRANT
JOSEPH FAY
CLAIMANT

LAND CASE 453 ND pgs. 286

FEB 6 1963

No. 453

U. S. District Court,

DISTRICT OF CALIFORNIA.

In re petition of

Joseph Fay

vs.

for Confirmation Claim of

portion of Rancho de Napa

IN ADMIRALTY

PAPERS IN THE CASE.

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE DISTRICT OF CALIFORNIA.

Joseph Fay

vs

The United states

To the Honorable Ogden Hoffman,

Judge of said Court.

Your Petitioner, Joseph Fay, of Napa County, California, respectfully represents to this Honorable Court that he is a claimant to a portion of the lands known as the Rancho de Napa, situated in Napa County, State Of California.

That under and by authority of the provisions of an act of Congress, approved June 20th I884, entitled "An Act authorizing claimants to the "Rancho de Napa, in Napa County, California, to prove up their title," and an act of Congress passed March 3rd I85I, entitled "An Act to ascertain and settle private land claims in the State of California", your petitioner herewith presents his claim to a portion of said lands to this Honorable Court for ~~an~~ examination and confirmation.

That your petitioner in support of his said claim respectfully represents and alleges: That on the 2Ist day of September I838, Juan B. Alvarado, the Political Chief and Governor of what was then known as Upper California, under and by virtue of the power vested in him by the Government of ~~Mexico, granted~~ Mexico, granted to one Salavador Vallejo, the tract of land situated in Napa County, California, now known and designated as the Rancho de Napa,

being the same land mentioned in said Act of Congress, approved June 20th I884.

That said grant was duly presented to the Departmental Assembly of said Upper California and by that body duly and legally approved on the 23rd, day of September, I838.

That on the 8th day of February, I844 juridical possession of the lands granted, as aforesaid, was given to Salvador Vallejo, said Mexican grantee, and the boundaries of said grant designated, measured and defined.

That said tract of land so granted to said Salvador Vallejo, was never presented as a whole to the Board of Land Commissioners created by said Act of Congress, passed March 3rd, I85I, for confirmation, but portions of said land have been so presented and finally confirmed.

That on, or about, the month of October, I859, the exterior boundaries of said Rancho de Napa were finally surveyed by one C. C. Tracy, a United States Deputy Surveyor, under instructions from the United States Surveyor General, for California, and the survey thereof was finally approved by the proper Authorities.

That the exterior boundaries of said Rancho de Napa as established by said survey are as follows: Commencing at a large dead oak standing on the right ~~ban Arro of the~~ bank of the Arroyo Napa established by the Mexican Authorities at the time of giving Juridical possession ~~as~~, as one of the corners of said Rancho; thence (variation I6° E.) South 22½° W. along the division line between the Rancho de Napa and the Entre Napa, 302.6I Chains to the center of Carneros Creek, the center of said Creek at said point being the common corner of said Rancho de Napa and Rancho Entre Napa; thence up

the center of said Creek, following its meanderings, to a stake marked "N. No. 3" in a mound of stones, which stake is set where the old trail from Napa to Sonoma crossed the said Creek at the upper crossing; thence N. I4½° E. 427 chains to the South West corner of the Caymus Rancho; thence N. 45¼° E. I40 chains to the center of Napa River; thence down the center of Napa River, following its meanderings to the junction of Napa River--and Napa Creek--and thence up Napa Creek to the point of baginning.

That the boundaries thus established by said survey conformed to the boundaries of said Rancho de Napa, as defined in the original grant to said Salvador vallejo.

That by said survey, said Rancho de Napa was segregated from the Public domain, and the boundaries established thereby now are, and ever since said survey have been, recognized by the United States and by all person as the true exterior boundaries of said Rancho.

That said Petitioner and claimant is the owner of that portion of said Rancho de Napa described as follows: to wit; Beginning at a point in the center of Napa Creek, in Brown's Valley, where the lands of R. S. Thompson, and D. E. Thompson corner, thence S. 40 and a half degrees W. I50 chains to a meander post from which a live Oak Tree I2 inches in diameter bears N. I8 and a half degrees W! II3 links distant, thence South 40 and a half degrees W. 8.50 chains; thence South 73 and a half degrees W. 4.45 chains; ~~thn~~ thence South 57¾° W. 3.70 chains; thence S. 73° W. 15.40 chains thence S. 7¼° W. 8.50 chains; ~~th~~ thence S. 7¼° W. I7.50 chains; thence North 87½° E. 7.40 chains; thence South 58½° E. 3.I0 chains to the center of a deep Ravine or gulch thence down the center of said gulch or Ravine, and following the meanderings thereof to the center of Napa Creek aforesaid; thenc up the center of said Napa Creek and following the meanderings

thereof to the place of beginning, containg One Hundred and six acres more or less.

That said last described tract of land is situated in Napa County, California, and lies within the exterior boundaries of said Rancho de Napa as established by said survey.

That said petitioner deraigns title to said last described land through Salvador Vallejo, said Mexican grantee of said Rancho, and that petitioner's claim to said Rancho and those of his predecessors in title have not been hithertopassed upon by proper authority.

That Exhibit "B" hereunto annexed, and made a part of this petition, shows the deraignment of title from said Salvador Vallejo to said Petitioner.

That sais Petitioner and his said predecessorsin ~~the~~ titlehave been in the quiet undisturbed and peaceable possession of said last mentioned land ever since said Rancho was granted to said Salvador Vallejo, as aforesaid, and ~~judicial~~ juridical possession thereof given.

That there are no valid claims to said last mentioned land existing under the preemption, homestead, or other laws of the United States(other than that of your petitioner)and there were no such claims at the passage of said Act of Congress, approved June 20th, 1884, a copy of which Act is hereunto annexed ~~and~~, marked Exhibit "A" and made a part of this petition.

That there is not now, nor has there ever beenany valid adverse claim of any kind to said last described land, to the knowledge of said Petitioner.

That the claim of said orignal grantee, Salvador Vallejo, was good and valid under the Mexican laws relating to such cases. That there are no persons entitled to releases from said Petitioner.

That the title of said original grantee to the last described land is now vested in said Petitioner.

Wherefore, said Petitioner prays for a decree of this Honorable Court confirming the claim of said petitioner to the said lands owned by him, as aforesaid, and heretofore described, and for such other and further relief in the premises as may seem meet to this Court.

And your Petitioner will ever pray, etc.

A. O. Colton
Attorney for said Petitioner
Joseph Hay

An Act authorizing claimants to the Rancho de Napa, in Napa County, California, to prove up their title.

Be it enacted by the Senate and House of Representatives of the U.S. of America in Congress assembled, That the claimants to the lands situated in Napa County, California, known as the Rancho de Napa, who deraign title through the original Mexican grantee of said Rancho, and whose claims or those of their predecessors in title have not been hitherto passed upon by proper authority, are hereby permitted and authorized to present their claim to said lands to the District Court of the United States for the District of California within one year next after the passage of this Act, and not afterward, for examination; and if upon the hearing of said case it shall appear to said Court that the claim of the original grantee was good and valid under Mexican laws relating to such cases, and that the claimants are entitled to have such confirmation, the said Court shall by decree confirm said claim: Provided, That no lands shall be confirmed to said claimants to which there are any valid claims existing under the pre-emption, homestead, or other laws of the United States at the date of the passage of this Act; nor shall any decree of confirmation affect any valid adverse right of any other person or persons, or give to the confirmees, or any of them, any claim upon the U.S. for compensation for any land such confirmees may loose by pre-emption, homestead, or other claims or rights as aforesaid: Provided further, that said claimants, before filing their claim shall execute releases to any person who may have or hold any portion of said lands under valid claims under the pre-empt-

ion, homestead, or other laws of the U.S., at the date of the passage of this Act, to the portions of said lands so held respectively; and before rendering a decree of confirmation the said Court shall ascertain that said releases have been duly executed.

Section 2. That the United States and any party in interest are hereby granted the right of appeal to the Supreme Court of the United States, within six months next after any decree shall be entered, in the manner allowed in other cases of appeal; and the said Court in the examination of the claims presented by any person under this Act shall be governed, so far as applicable, by the provisions of the Act passed March 3rd., A.D. 1851, entitled "An Act to ascertain and settle private land claims in the State of California".

Section 3. That the United States surveyor-general for California is hereby directed, upon the filing in his office by said claimants of a certified copy of a final decree of confirmation under the provisions of this Act, to cause said claim to be surveyed as other claims of like nature are now surveyed under existing laws; and upon the approval of said survey by the proper authority a patent shall issue to said claimants in the usual form.

Approved June 20, 1884.

E X H I B I T . B .

Deraigment of Title from Salvador Vallejo to Joseph Fay.

Said Joseph Fay deraigns title to one portion of the land owned by him, as follows:

Salvador Vallejo

to Deed dated December 20th 1851

H. Wohler

H. Wohler

to Deed dated February 18th 1852.

H. H. Lawrence and J. N. Edmondston.

~~H~~

H. Hawrence

to Deed dated Jan. 2nd, 1854.

~~Frederick Ogden and Mary L. Ogden~~

Electa J. Reeve.

Frederick Ogden and

Mary L. Ogden his wife

to

Electa J. Reeve Deed dated Oct. 16th 1855

Geo. F. Reeve and

E. J. Reeve his wife Deed dated May 18th 1857.

to

Thomas Gihon.

Thomas Gihon and

Lydia F. Gihon, his wife

to Deed dated December 7th 1859

Robert S. Thompson.

Robert S. Thompson and

Emma J. Thompson his wife

to Deed dated December 13. 1877

Joseph Fay.

To another portion of said land so owned by Joseph Fay as aforesaid title is deraigned as follows:

James N. Edmondston

Deed dated October 23rd 1852

to Garrett Swindel

Garrett Swindel and

Sarah J. Swindel his wife

to Deed dated Jan. 13th 1853.

A. G. Turner.

A. G. Turner and wife

to Deed dated Nov. 3rd. 1853.

Mary L Jacks.

George F. Reeve and

E. J. Reeve his wife Deed dated Oct. 15th 1855.

to Mary L. Ogden

F. Ogden and

Mary L. Ogden (Nee Mary L Jacks)

his wife

to Deed dated October 27. I855

John Wixon.

John Wixon t

to Mortgage dated Jan.20th.I858.

Charles Goodwin.

7th District Court Napa Co. Action to foreclose mortgage

J. M. Millikem and Decree of foreclosure and sale

F.M. MILLIKEN

vs

John Wixon etal

John Wixon by Sheriff

to Deed dated February 7th I863 6

T. P. and D. W. Kleinhaus.

John Wixon and

Electa Wixon his wife

to Mortgage dated July-I855

T. P. and D. W. Kleinhaus.

7th District Court, Napa County

T. P. and D. W. Kleinhaus. Action to foreclose mortgage

vs Decree of foreclosure and sale

John Wixon et.al.

John Wixon by Sheriff

to — Deed dated Feb. 7th 1863.

T. P. and D. W. kleinhaus.

John Wixon by Sheriff

to — Deed dated Dec. 13th 1862

H. N. Amesbury.

H. N. Amesbury

to — Deed dated Dec. 23rd. 1862.

T. P. and D. W. Kleinhaus.

Probate Court, Sacramento Co. Cal.

Estate of T. P. Kleinhaus, deceased. — Will of T.P.Klienhaus and decree of distribution

Sarah A. Barton

Philip Barton and

Peter Kleinhaus

to — Power of Attorney dated Jan. 2nd. 1868.

C. T. Wheeler.

Philip Barton, Sarah Barton,

Peter Kleinhaus, by their Attorney in fact C. T. Wheeler, D. W. Klienhans and Elizabeth Kleinhans, legatess and devisees of T.P.Kleinhans Deceased

to — Deed dated Feb. 16th. 1868.

J. D. Thompson.

D. W. Klienhans

to Deed dated June 7th 1867.

J. D. Thompson.

J. D. Thompson t

to Deed dated Nov. 2nd. 1870

R. S. Thompson.

R. S . Thompson

to-Deed dated Dec. 13th 1877

Joseph Fay.

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In the U. S.
District Court
of California

Petition of
Joseph Fay
for confirmation
of Part of Rancho
de Napa

Filed June 19th 1885
Southard Hoffman
Clerk
By R. D. Grimwood
Deputy Clerk

A. C. Colton
Attorney
for Petitioner

In the District Court of the United States District of California

Joseph Gray
vs
The United States

Now comes the United States the defendant herein by S. G. Wilson its Attorney and answers the petition of plaintiff filed herein and denies generally and specifically each and every allegation in said petition contained.

S. G. Wilson
United States Attorney

453.

In U.S. Dist Court
Dist of California

Answer of the United States to petition of Joseph Lang for confirmation & lieu of portion of Rancho de Napa

Filed June 25th 1885
Southard Hoffman Clerk
By R. D. Grimwood
Deputy Clerk

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S. G. Wilson
U.S. Atty

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

Joseph Fay
Plaintiff
vs
The United States
Defendant

It is hereby stipulated that the certified copies of the Map of the Rancho de Napa and of the documents on file, with the Surveyor General of the United States for the State of California, introduced in evidence in this case on the part of said Plaintiff and marked Plaintiffs Exhibits Nos 1-2-3 and 4 be admitted in evidence herein with like effect as if the original Map and documents of which said exhibits are copies had been produced and offered in evidence

San Francisco October 8th 1885

S. G. Hilborn
United States District Atty

No. 453

District Court
State of California

Joseph Fray
vs.
The United States

Stipulation

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Filed Oct 8 1885
Lorenzo Hoffman
Clerk

Juzgado 1.º de Sonoma

Espediente

Instruido p.ª medir y dar posesion de cuatro sitios de ganado mayor en el Rancho de "Napa" al Capitan D. Salvador Vallejo.

Febrero 8 de 1844.

Testigos de ass.ia

D. Victor Prudon
D. Damaso Rodrig.z

El Ciudadano Juan B. Alvarado Gefe Politico interino de la Alta California

Por cuanto Dn Salvador Vallejo, ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de Napa dentro de los linderos del diseño que acompaño a su solicitud; practicadas previamente las diligencias concernientes segun lo dispuesto por las leyes y reglamentos de la materia, usando de las facultades que me son conferidas á nombre de la Nacion Mejicana, he venido en concederle el terreno mencionado declarandole la propiedad de él por las presentes letras entendiendose dicha concesion con entera conformidad a las leyes á reserva de la aprobacion ó desaprobacion de la Exma Diputacion y bajo las condiciones siguientes.

1a El agraciado ni sus herederos podrán dividir ni enagenar el que se les adjudica, imponerle censo, vinculo, fianza, hipoteca, ni otro gravamen aunque sea por causa piadosa ni pasarlo á manos muertas.—

2a Podrá cercarlo sin perjudicar las travecias, caminos y servidumbres; lo disfrutará libre y esclusivamente dedicandolo al cultivo y usos que le acomode.

3a Quando se le conceda la propiedad solicitará del Juez respectivo le de la posesion juridica en virtud de este despacho por el cual se demarcarán sus linderos y pondrá sus mohoneras.

4a El terreno de que se hace donacion es puramente el que se espresa en la solicitud del ci-

teresado y se demarca en el diseño; el Juez que lo posecione, pasará aviso á este Gob.no del numero de sitios que comprehende.

En consecuencia mando que sirviendole de titulo el presente y teniendose por firme y valedero se le tome razon en el libro que corresponda y se entregue al interesado para su resguardo y demas fines convenientes.

Es dado en Santa Barbara a veinte y uno de Septiembre de mil ocho cientos treinta y ocho.

Juan B. Alvarado
Rubrica

Queda tomada razon en el libro respectivo
Fran.co C. Arce.
S. G. Rubrica

El Ciudadano Juan B. Alvarado Gefe Politico interino de la Alta California

La Exma Asamblea Departamental en sesion de hoy ha acordado lo siguiente:- "Se aprueba la concesion hecha p.r el Sup.r Gobierno del Departamento en titulo librado con fecha veinte y uno del corr.te en favor del Ciud.o Salvador Vallejo, del terreno de Napa, con entera conformidad con la ley de 18 de Agosto de 1832 y el art.o 5 del reglamento de 21 de Noviembre de 1828."

Y para resguardo del interesado lo hago asi saber. Es dado en S.ta Barbara á veinte y tres de Septiembre de mil ocho cientos treinta y ocho

Juan B. Alvarado
Rubrica

Fran.co C. Arce
S.G. Rubrica

3.

Sello Cuarto Dos Reales

Habilitado provisionalmente por la aduana marítima del Puerto de Monterey, en el Departamento de las Californias para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco

Michel Torena
Rubrica

Pablo de la Guerra
Rubrica

Sor. Juez de 1a Nominación

Salvador Vallejo, vecino de esta jurisdicción, dueño del rancho de Napa, como mejor proceda de dro. ante V parezco y digo: q como consta del titulo q presenta con la solemnidad y juram.to nec.o tengo en mi dho rancho cuatro sitios de ganado mayor, dentro de los linderos q espresa dho titulo y p.a q.e en todo tiempo conste hasta donde llegan dhos linderos y se me perjudican alg.s de los circunvecinos ó yo á estos, suplico á V se sirva mandar q.e precediendo las dilig.cias acostumbradas de identidad, vista de ojos, y reconocim.to etc: se proceda con citacion de los circunvecinos á la medida de mis dhas tierras, p.a cuyo efecto nombro desde ahora y p.a cuando el caso llegue, p.r medidor á Paulino Vasquez vecino de esta juris.d.n inteligte en esta materia y q.e los demas q.e fueren interesados, nombren p.r la suya otros medidores, y habiendolo hecho asi, los q.e nombren y el referido Paulino Vasquez, p.r mi nombrado aparezcan, acepten y juren y en su conformidad, se proceda á dhas medidas. P. J.

A V. suplico q.e habiendo p.r presentado dho docum.to se sirva mandar hacer como llevo

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pedido y fho q^e sea, se me devuelvan dhos documentos con las dilig^cias originales q^e se hicieren p^a en guarda de mi derecho, este escrito y todo lo necesario etc.

Sonoma Feb^ro 4. 1844

Salvador Vallejo
Rubrica

Juzgado 1° de Sonoma

Diligencia de la presentacion del Memorial.

En el Pueblo de Sonoma, á los cuatro dias del mes de Feb^ro de mil ochocientos cuarenta y cuatro, ante mi Jacob P. Leese, Alcalde 1ª Nominacion de esta Jurisdiccion, se leyó la peticion antecedente; y vista, la tuve p^r presentada con el documento q^e espresa; y mando q^e con citacion de los circunvecinos se haga informacion de identidad, vista de ojos y reconocim^to de dhas tierras, a q^e estoy pronto á asistir personalm^te; asi lo provei, mande y firmé con los de mi assa.

Jacob P. Leese
Rubrica

assia.
V^or Prudon
Rubrica

De asistencia
Dam^o A Rodriguez
Rubrica

Declaracion del 1° Testigo Nazario Berreyesa

En el espresado pueblo á los cinco dias del mismo mes y año, yo el referido Alcalde 1° con los de mi ass^ia para proceder á la informacion de identidad, hize comparecer ante mi al Ciud^o Nazario Berreyesa vecino de esta jurisdiccion de oficio Labrador, y casado; del cual recibi juram^to q^e hizo p^r Dios y la

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señal de la cruz en forma; á cargo del cual prometió decir verdad; y siendo preguntado pr el conocimiento delas tierras y parages, terminos y linderos pertenec.tes al rancho de Napa Dijo: qe hace diez años es vecino de esta jurisdic.on y sabe qe las tierras pertenec.tes á dho rancho son del Capitan D. Salvador Vallejo, y tiene pr linderos al N. E. el Rio de Napa, al S. el arroyo de los Carneros al N. O. el del rancho de Genuth y al S. E. el de Nicolas Higuera; las cuales ha visto y reconocido varias veces, y qe desde qe las posee el referido D. Salvador Vallejo, las há labrado, cultivado, y han pacido en ellas sus ganados; y pa prueba de lo qe tiene dicho, está pronto á ir á dhas tierras con el presente Juez y señalarle los parages, terminos y linderos donde llegan; y qe lo qe lleba dicho es la verdad, pr el juram.to qe tiene hecho, en qe se afirmó y ratificó. Declaró ser de cincuenta y seis años de edad, y no tocarle las generales de la ley. Firmó conmigo y los de assia.

Jacob P. Leese
Rubrica

Nasario Berrellesa
De assistencia

Dam. A. Rodrigz
Rubrica

Vo Prudon
Rubrica
Asstia

Declaracion del 2° testigo Rafael Narvaez.

En el mismo pueblo, dia, mes y año yo el referido Alcalde 1° hize comparecer ante mi y los de mi asistencia al Ciud.o Rafael Narvaez vecino de esta jurisd.on de oficio Labrador, del cual recibí juram.to en forma, de decir verdad, y siendo preguntado

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pr el conocim.to de las tierras y parages, terminos y linderos pertenec.tes al Rancho de Napa dejo: q. hace seis años es vecino de esta jurisd.on y sabe q. las tierras pertenec.tes á dho rancho, son del Capitan D. Salvador Vallejo, y tiene pr linderos; al N.E. el Rio de Napa, al S. el arroyo de los Carneros, al N.O. el del rancho de Smith y al S.E. el de Nicolas Higuera, las cuales ha visto y reconocido varias veces y q. desde q. las posee el referido D. Salvador Vallejo, las ha labrado, cultivado y han pacido en ellas sus ganados: y pa prueba de lo qe tiene dicho está pronto á ir á dhas tierras con el presente Juez y senalarle los parages, terminos y linderos donde llegan; y q. lo qe lleva dicho es la verdad pr el juram.to q. tiene hecho, en qe se afirmó y ratificó. Declaró ser de cuarenta y nueve años de edad no tocarle las grales de la ley y.

Jacob P. Leese
Rubrica

Rafel Norbass
Rubrica

Ass.ta
Vor Prudon.
Rubrica

Ass.ta
Dan.l A Rodrigez
Rubrica

Declaracion del 3o testigo Felipe Gomez

Acto continuo, hize comparecer ante mi y los de mi ass.ta al Ciud.o Felipe Gomez vecino de esta jurisdiccion, del cual recibi juram.to en forma de decir verdad y siendo preguntado pr el conocim.to de las tierras y parages, terminos y linderos pertenec.tes al rancho de Napa dejo: q. hace cinco años habita en esta frontera y sabe q. las tierras pertenec.tes á dicho rancho, son del Cap.n D Salvador Vallejo, y tiene por linderos

7.

al N.E. el rio de Napa; al Sur el arroyo de los Carneros al N. O. el del rancho de Smith y al S.E. el de Nicolas Higuera; las cuales ha visto y reconocido varias veces: y q^e desde q^e las posee el referido D. Salvador Vallejo, las ha labrado, cultivado y han pacido en ellas sus ganados; y para prueba de lo que tiene dicho esta pronto á ir á dhas tierras con el presente Juez y señalarle los parages terminos y linderos donde llegan, y q^e lo q^e lleva dicho, es la verdad p^r el juram^to q^e tiene hecho, en q^e se afirmó y ratificó. Declaró ser de cincuenta y dos años de edad. y no tocarle las grales de la ley. y p^r no saber firmar hizo una señal de cruz de q doy fé.— Jacobo P. Leese
Felipe Gomez. †

Rubrica

Danl A. Rodrig^z
Rubrica

ass^ta
V^or Prudon
Rubrica

Reconocimiento

Estando en el campo, en el parage nombrado arroyo de Napa lindero de Nicolas Higuera, el dia cinco de Febr^o del pres^te año; yo el Alcalde 1° actuando p^r receptoria con dos testigos de ass^ta p^r falta de Escribano publico, los testigos p^r mi examinados pres^te el Capitan D. Salvador Vallejo, dueño de dichas tierras, y C.C. George Smith, y Nicolas Higuera, colind^tes y circunvecinos, procedi á ver y reconocer los tierras de dho Rancho; y p^a mayor claridad puesto á caballo, en compañia de todas las partes, y testigos referidos mande á los susodichos me señalasen los parages, terminos y lin-

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deros de ellos segun las señales q^e han declarado en sus deposiciones; y en su conformidad guiaron al S. hasta llegar al arroyo de los Carneros el q^e me mostraron, y desde alli proseguio el reconocim^to y vista de ojos de dhas tierras rumbo N. O. hasta llegar al lindero del rancho de Yuuth, camino de arriba, de alli continuando al N. N. O, siguiendo el mismo arroyo llegamos al camino de arriba q^e va para el rancho de Yuuth desde donde me enseñaron una parte de tierra intransitable hasta llegar al lindero de Yuuth, desde donde tomando rumbo N. N. E, llegamos al rio de Napa y bajando dicho rio rumbo S. E. llegamos al Arroyo de Napa, el cual subimos siguiendo el rumbo O hasta encontrarnos en el mismo punto de donde se empezo el reconocim^to y dejaron ser todos los terminos y linderos de los espresados tierras pertenec^tes á D Salvador Vallejo, cuyos parages, yo el repetido Alcalde 1° vi y reconoci con los de mi ass^ia testigos ecsaminados, y papeles presentados; y cotejados con estos el referido reconocim^to ser cierta la identificacion de las mencionadas tierras, segun y como lo declararon dhos testigos y p^a q^e conste se puso p^r deleg^cia y lo firme con los de mi ass^ia y demas q^e supieron de q^e doy fé.

De ass^ia

Dam A Rodrig^z
Rubrica

Jacob P. Leese
Rubrica

Nasario Brellesa
Rubrica

Rafel Narbaes
Rubrica

Felipe Gomez +

Ass^ia
V^or Prudon
Rubrica

9.

Notificacion al interesado p.a q.e ratifique el nombramiento de medidor.

Inmediatam.te yo el Alcalde 1.o p.a proceder á las medidas contenidas en estos autos mando q.e se notifique á dho D. Salvador Vallejo, dueño de las tierras p.a q.e ratifique el nombram.to de medidor, como asi mismo q.e de acuerdo todos los Colindantes nombren p.r su parte el suyo, habiendo de ser inteligente en materia de medidas y los q.e fueren nombrados, parezcan acepten y jureu, y hecho esto, estoy pronto á señalar dia p.a dhas medidas. Asi lo proveí mandé y firme con los de mi ass.ia

Jacob P. Leese
Rubrica

De asistencia
Dam.n A Rodrig.z
Rubrica

ass.ia
V.r Prudom

Ratificacion del nombram.to de medidor.

En el mismo dia, mes y año yo el Alcalde 1.o leí y notifique el auto de su uso segun y como en el se contiene al Capitan D. Salvador Vallejo, y á sus colind.tes en sus personas q.e conozco habiendolo oido y entendido, dijeron lo oyen, y el primero dijo q.e ratifica su nombram.to en el cud.o Paulino Vasquez y los segundos nombrain á Francisco Higuera ambos inteligentes y de legalidad, á quienes notifique parezcan, acepten y jureu; y a consecuencia se proceda á dhas medidas como está mandado, y lo firmaron los q.e supieron ante mi y los de ass.ia de q.e doy feé.

Jacob P. Leese
Rubrica

Nasario Berellesa
Rubrica

Paulino Vasquez
Rubrica

10.

Felipe Gomez +

ass.ta
Vr. Prudon
Rubrica

De ass.ta
Dam A Rodrig.z
Rubrica

Notificacion a los medidores y su juram.to

Inmediatam.te yo el referido Alcalde l.o lei y notifique el auto de su ecco, y nombram.to de medidores á los C.C. Paulino Vasquez y Francisco Higuera, vecinos de esta jurisd.n en sus personas q. conozco y habiendolo oido y entendido dijeron q. aceptan el encargo de medidores q. se les confia, y juran á D. N. S. y la señal de la S ✠ q. usarán de su encargo fiel y legalm.te segun su leal saber y entender, y dichas medidas las verificarán con fidelidad y exactitud como es de su obligacion, y á satisfaccion de todos los interesados, y habiendo asi respuesto lo firmaron conmigo y los de ass.ta de que doy fé.

Paulino Vasquez + Jacob P. Leese
Rubrica

De asis.ta
Dam A Rodrig.z
Rubrica

ass.ta
Vr. Prudon
Rubrica

Asignacion del dia de las Medidas.

En seguida yo el referido Juez, habiendo visto la aceptacion y juram.to hecho p.r los C.C. Paulino Vasquez y Francisco Higuera nombrados p.a medidores; dije q. p.a proceder á dhas medidas, asignaba y asigné el dia ocho del prest.e mes á las ocho de la mañana, y q. se haga saber asi á los mencionados medidores, citandose al efecto tambien a los circunvecinos colind.tes

11.

así lo provei, mande y firmé con lo de mi ass.ia

Jacob P. Leese
Rubrica

Ass.ia
V.ente Prudon
Rubrica

De ass.ia
Dam.l A Rodrig.z
Rubrica

Notificacion del auto anterior.

Inmediatam.te se hizo saber el auto q.e antecede á la parte interesada, Cap.n D. Salvador Vallejo, á los medidores Paulino Vasquez y Francisco Higuera; y entendidos dijeron q.e se dan p.r citados y no firmaron con el preste Juez y los de ass.ia

Jacob P. Leese
Rubrica

Paulino Vasquez +

De ass.ia
Dam.l A Rodrig.z
Rubrica

ass.ia
V.ente Prudon
Rubrica

Libram.to de boletos de comparendo.
Enmendado Nicolas. vale.

En el mismo dia mes y año, se libraron boletos de comparendo á los Colind.tes C.C. George Gault y Nicolas Higuera, p.a q.e comparezcan el dia citado y á la hora asignada; en el mencionado Rancho de Napa; y p.a constancia lo firme con los de mi assia

Jacob P. Leese
Rubrica

ass.ia
V.ente Prudon
Rubrica

De ass.ia
Dam.l A Rodrig.z
Rubrica

12.

Medida del Cordel.

En el Rancho de Napa, a los ocho dias del mes de Feb.ro de mil ocho cientos cuarenta y cuatro Presente el Capitan D. Salvador Vallejo y ciu-

cunvecinos á dhas tierras hize comparecer ante
mi y los de mi ass.ia á los C.C. Paulino Vasquez
y Francisco Higuera, medidores nombrados á
quienes mandé tomasen un cordel de hilo
y midiesen cincuenta vas con vara de medir
de cuatro palmos castellanos, y en efecto
los referidos medidores en mi presencia mi-
dieron en un cordel torcido, bien tirado, con
v.a de medir castellana Mejicana y sellada
el numero dicho de cincuenta varas. Lo q.e
verificaron fiel y legalm.te a vista y presencia
del interesado y circunvecinos; y p.a q.e conste
mando se ponga p.r diligencia, y se proceda
á dhas medidas, como está mandado; lo q.e
certifico asi mismo firmandolo con los de
mi ass.ia

Jacob P. Leese
Rubrica

Ass.ia
V.r Prudon
Rubrica

De ass.ia
Dam.o A Rodrig.z
Rubrica

Medida del Rancho

Estando en el campo y tierras pertenec.tes al ran-
cho de Napa del Cap.n D. Salvador Vallejo hoy
dia ocho de Feb.o de mil ocho cientos cuarenta
y cuatro, yo el Alcalde 1.o de esta jurisd.on ac-
tuando p.r receptoria con dos testigos de ass.ia
p.r falta de escribano Publico presentes los C.C.
Paulino Vasquez y Francisco Higuera medido-
res nombrados p.r la parte interesada y cohiid.da
mande procediesen á la medida de cuatro
sitios de ganado mayor q.e poco mas ó me-
nos, tocan y pertenecen al rancho dicho,
segun el titulo y diseño presentado, en cuyo

13.

obedecim.to haviendo vuelto á medir y reconocer
el cordel, dieron principio á dha medida
empezando p.r el arroyo de Napa, lindero
de Nicolas Higuera desde donde siguiendo
rumbo S. hasta llegar al paso de abajo del ar-
royo de los Carneros se midieron ciento
veinte cordeles de cincuenta varas, que son
seis mil varas. Alli levantó el interesado un monton de pie-
dras en señal de mohonera q.e pondria en efecto; de este punto
siguiendo la medida hacia el N. O. p.r todo
el arroyo, hasta el camino de arriba q.e va p.a
Napa se contaron ciento veinte cordeles
(seis mil v.s) y puso el interesado la corres-
pond.te señal p.a poner alli tambien la mo-
honera respectiva. Siguiendo el mismo
arroyo N. N. O. hasta el camino de arriba
q.e va p.a el rancho de Yuuth se conta-
ron noventa y dos cordeles (cuatro mil
seiscientas v.as) y no pudiendo pasar adelante
p.r ser una serrania intransitable se calcu-
ló á vista de ojo hasta el lindero de Yuuth
doscientos cordeles (diez mil varas) donde
asi mismo puso otra señal p.a poner
otra mohonera; y continuando hacia el
N. N. E. hasta el rio de Napa se midieron
sesenta y sinco cordeles (tres mil doscientas
cincuenta varas) donde pondria igualm.te,
q.e en las anter.s la correspond.te mohonera.
Siguiendo el mismo rio, rumbo S. E. hasta
el Arroyo de Napa se midieron tres ciento
tres y medio cordeles, (quince mil ciento
setenta y cinco varas) puso la señal
de Mohonera y siguiendo el mismo

14.

arroyo, rumbo O llegamos al punto de donde se dió principio á las medidas, y se contaron cincuenta y dos cordeles (dos mil seiscientas vas) de manera q. dandose p.r concluida la medida del terreno q. comprende el rancho de Napa resulta una circunferencia de (cuarenta y siete mil seiscientas veinte y cinco vas) poco menos de lo q. corresponde á cuatro sitios de ganado mayor; y declararon los enunciados medidores estar enterado el Capn D. Salvador Vallejo de las tierras q. le corresponden, segun el titulo y diseño q. se hallan á la cabeza de este Espediente. Por todo lo cual y en señal de verdadera posesion y ceremonial acostumbrado, arranco piedras y yerbas, y tiró p.r los cuatro vientos en manifestacion de su legal y legitima posesion q. tomó p.r si En consecuencia mandé q. p.a mas claridad de los linderos q. van espresados, hiciese á su costa y mansion unas mohoneras de piedra y cal en altos de mas de vara p.a q. en todo tiempo conste, reconozcan y queden p.r terminos y linderos de sus tierras p.r los demas circunvecinos de ellas, y de haberse ejecutado dhas medidas quedá y pacificam.te sin contradiccion de persona alguna. Lo pidió p.r testimonio, y yo, el referido Alcalde 1.o con los de mi ass.ia lo doy de haber pasado como dho es; y q. las espresadas medidas han sido practicadas á todo el leal saber y entender de los medidores segun depusieron sin dolo, fraude

15.

ni engaño en contra de ninguna persona y p.a mas seguridad y ratificacion del juram.to que tienen hecho firmaron conmigo y los de mi ass.ia de q.e doy fee.

Jacob P. Leese
Rubrica

Paulino Vasques +
De ass.ia
Dam.l A Rodrig.z
Rubrica

ass.ia
V.or Prudon.
Rubrica

Diligencia p.a la entrega del expediente al interesado.

En vista de hallarse concluido este esped.te en q.e consta habersele dado posesion jurídica del rancho nombrado Napa á distancia de cuatro leguas de este pueblo, al Cap.n D. Salvador Vallejo, q.e la tomo p.r sí. Entreguese á la parte el original p.a los usos q.e le convengan con los documentos q.e presentó. El Ciud.o Jacobo P. Leese Alcalde 1.o de esta Jurisd.on actuando p.r receptoria con dos testigos de ass.ia p.r falta de escribano Publico asi lo provei, mandé y firme á doce de Feb.ro de mil ochocientos cuarenta y cuatro.

Jacob P. Leese
Rubrica

Ass.ia
V.or Prudon
Rubrica

De ass.ia
Dam.l A Rodrig.z
Rubrica

(Endorsed)

No. 495. A Napa Filed Jur.l Possession – Filed in office Dec. 21st 1852 Geo Fisher Secy Exhibit no. 1. annexed to the Deposition of Jose de la Rosa in N° 495. Geo Fisher Secy.

16.

Office of the Surveyor-General,

Of the United States, for California.

I, Surveyor-General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the **Archives** of the former **Spanish** and **Mexican** Territory, or Department of **Upper California**, as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, **Do Hereby Certify**, that the 16 preceding, and hereunto annexed pages of ~~tracing~~ paper numbered from one to Sixteen inclusive, exhibit a true, full and correct copy of the original.

Title on Juridical Possession filed in Case No 495 Joseph P. Thompson Napa as the same appears in the Docket of the foresaid Board of Commissioners. said documents being marked Exhibit A. as filed in the said case together with endorsement thereon.

and now on file in this office, and in my custody; that I have carefully compared the same with said original, and that the same is a correct transcript therefrom, and of the whole of such original.

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this 26th day of June 1885

W. H. Brown

U. S. SURVEYOR-GENERAL FOR CALIFORNIA.

U.S. Dist. Ct. Dist. Col.
L.C. 453 ND.
Petitioner Exhibit 1.

Filed October 13 1885
Stonhard Hoffman
Clerk

Civil Gov. of
Upper California

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

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

1st. Neither 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 encumbrance, even for pious purposes, or convey it in mortmain.

2d. He may enclose it, without prejudice to the crossings, roads and servitudes; he will enjoy it freely and exclusively, making such use and cultivation of it, as may best suit him.

3rd. 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.to The land of which donation is made, is solely, that described in the petition of the person interested, 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 as 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 of September, one thousand eight hundred and thirty eight.

Signed / Juan B. Alvarado

Note has been made in the proper book
/ Signed / Francisco Ortega
Secy. ad int.

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

The illust Excellent Departmental Assembly, in session of this dep.t has resolved the following.

"Approved the grant made

by the Superior Government of the Department, in title issued with date the twenty first instant, in favor of Citizen Salvador Vallejo, of the land of Otapa, in entire conformity with the law of August 18th 1832, and Article 5th of the regulation of December 21st 1828."

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

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

(Signed) Juan B. Alvarado

(Sgd. Francisco C. Ord.

Secretary ad interim.

Stamp Fourth Two Reales.

Provisionally authorized by the maritime Custom house of the Port of Monterey in the Department of the California, for the years one thousand eight hundred forty four, and eighteen hundred and forty five

(Signed, Ellis Atherton.) (Signed) Pablo de la Guerra

Custom house.
Seal.

To the Alcalde of 1st Nomination

I, Salvador Vallejo, resident of this jurisdiction owner of the rancho of Otapa, as I may best 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

3

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 the neighbors, or they me. I pray you to have the goodness to order, that after taking the customary measures of identity view, and examination &c, the measurement of my said lands be proceeded to, the colindantes being summoned, for which purpose, I appoint measurer now, and for when the time may arrive, Paulino Vasquez, a resident of this jurisdiction, 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 whom they may appoint, and the said Paulino Vasquez, be my appointed, appear, accept and take the oath, and in conformity therewith, proceed to said measurements.

Therefore, I pray you, that admitting this document, you will be pleased to order 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 may be made for the security of my right, this petition and whatever else may be necessary etc.

Sonoma, February 4th 1844.

(Signed) Salvador Vallejo.

4

Of the presentation of the memorial.

First Court of Sonoma.

In the Pueblo of Sonoma on the 4th,

day of the month of February, one thousand eight hundred and forty four, before me, Jacob P. Leese, alcalde of 1st 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 colindantes, information be taken of identity, view, and examination of said lands, at which I am ready to assist personally. I thus provided, ordered and signed with those of my assistance.

(Sgd) Jacob P. Leese

Asstg Witnesses.
Wm Prado ow.
Damaso A. Rodriguez.

Declaration of Mr. Mariano Rosario Berreyesa

In the afforesaid Pueblo, on the fifth of the same month and year, I the afforesaid 1st alcalde, with those of my assistance in order to proceed to the information of identity, caused to appear before me, citizen Rosario Berreyesa, a resident of this jurisdiction, by occupation, a laborer, and married, of whom I received an oath which he made by God, and the sign of the cross, in due form, under 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 Chapa, he said, that for ten years, he has been a resident of this jurisdiction, and knows

5.

that the lands pertaining to the ranchos of Chapa, are the property of the Captain Don Salvador Vallejo, and have for boundaries on the East, the river of Chapa. South the arroyo de las Carneros, North West, the rancho of Novato South East, that of Nicholas Higuera, the which, he has seen and examined on various occasions, and that, since the said Salvador Vallejo has possessed them, he has worked and cultivated them, and his cattle has 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 places, terminations and boundaries, how far they extend, and that what he has said, is true, by the oath which he has made, ~~in~~ which he confirms and ratifies. He declared, that he was fifty six years of age, and that the legal exceptions do not affect him. He signed with me, and those of assistance

Assisting witnesses, Jacob P. Leese.
(Sgd) Damaso A. Rodriguez. Cesario Berrellesa.
(") J. Prudon.

Declaration of Witness Rafael Narvaez.

In the same Pueblo, day month and year, I, the said M. Alcalde, caused to appear before me, and those of my assistance, Citizen Rafael Narvaez, a resident of this jurisdiction by occupation, a labor, of whom I received the oath, in (due) form, to speak the truth, and being asked, for the knowledge (which

6.

which he has of the lands and places, terminations and boundaries, pertaining to the rancho of Chapa, he said, that he has been for six years, a resident of this jurisdiction, and knows that the lands pertaining to said rancho, and the property of the Captain Don Salvador Vallejo, and it has for boundaries on the North East, the river of Chapa, on the South, the Arroyo of Los Camerosi; on the North West, that of the Rancho of Yuruch; and on the South East, that of Nicholas Higuera; the 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 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 affirms and ratifies. He declared that he was forty nine years of age, that the legal exceptions do not affect him.

(Signed) Jacob P. Leese

Assisting Witnesses. Rafl. Narvaez.

(Sgd) Juan A. Rodriguez.

" " V. Prudon.

Declaration of 3d. Witness Felipe Gomez.

On continuation, I caused to appear before me, and those of my assistance, Felipe Gomez, resident of this jurisdiction, of whom

I received said, in (due) form, to speak the truth, and being asked for (his) knowledge of the lands and places, terminations and boundaries, pertaining to the ranchos of Chapa, he said, that he has lived on this frontier for five years, and knows that the lands pertaining to said ranchos, are of the Captain Don Salvador Vallejo, and it has for boundaries, on the S.E. the river of Chapa, S. the arroyo de las Canas; N.W. that of the rancho Yoscuch, and on the S.E. that of Nicolas Higuera, the 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 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 affect him, and not knowing how to write, he made a sign of the Cross, to which I certify.

(Sgd) Saml P. Leese

Felipe Gomez +

Assisting Witnesses,

(Signed) Damaso Rodriguez,

(") V. Prudon.

8.

Examination.

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PAGE 45

Being in the field, in the place, named Arroyo de chapa, the boundary of Nicolas Sequera, the fifth day of February of the present year, I, the Ptt. 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 Vallejo, owner of said lands and citizens George Spunch, and Nicolas Sequera, colindantes and neighbors, I proceeded to see and examine the lands of said rancho, and for greater clearness, being on horse back, in company with all the parties and witnesses referred to, I ordered the fiscal (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 conformity therewith, they led the way, to the South, until they reached the Arroyo de los Camerons, which they showed me, and thence continued the examination and view of said lands, in a direction North West, to the bounding of the rancho of Spunch, the upper road; thence continuing N. N. W. following the same Arroyo, we reached the upper road, which goes to the rancho of Spunch, from which place, they pointed out to me an impassable tract of land as far as the boundary of Spunch, whence taking the direction N. N. E. we reached the river of chapa, and going down said river, course S. E., we reached the

9.

arroyo of Chapa, 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 Vallejo, which places, I the said 1st Alcalde, saw and examined with those of my assistance, the witnesses examined, and papers presented, and the said examination being compared with the letter, the identification of the said lands, proves to be certain, according to the declarations of said witnesses, and in testimony, it was officially noted, and I signed with those of my assistance, and others who knew how, to which I certify.

(Signed) Jacob P. Leese
(") Casarco Bernellesa
(") Rafael Carvaya.
Assisting witnesses.) Felipe Gomez. +
(Sgd) Damaso A. Rodriguez.
(") Victor Prudon.

Notification to the person interested to ratify the appointment of measurers

Immediately, I, the 1st Alcalde, in order to proceed to the measurements referred to, in these acts, I order that said Don Salvador Vallejo, owner of the lands be notified to ratify the appointment of measurer, as also that all the Colindantes, by common consent appoint theirs on their part, they having to be skilful in matters of measurements, and that those who may be

appointed appear, accept, and take oath, and this being done, I am ready to designate a day for said measurements, I thus provided, ordered and signed, with those of my assistance

(Sgd) Jacob P. Leese,

Assisting Witnesses,
(Sgd) Damaso A. Rodriguez.
(") V.ente Prudon.

Ratification of the appointment of measurers.

On the same day, month and year, I the said 1st Alcalde, read and made known the act referring to them, as it then appears, to Captain Salvador Vallejo, and his Colindantes in their persons, which I know, and having heard and understood it, they said they heard it, and the first said that he notifies his appointment of Citizen Paulino Vasquez, and the latter appoint Francisco Higuera, both skilful and legacy appointed, whom I notified to appear, accept and take the oath, and in consequence, proceed to said measurements as is ordered, and they signed with me, who knew how, before me and those of assistance, to which I certify,

(Sgd) Jacob P. Leese.
(") Paulino Vasquez. +
(") Cesareo Berrellesa
(") Rafael Chaveyes.
Assisting Witnesses (") Felipe Gomez. +
Sgd Damaso A Rodriguez
(") V.ente Prudon.

11.

Notification to the measurers, and their oath

Immediately, I the aforesaid 1st. Alcalde read and made known the act referring to them, and their appointment to Citizens Paulino Vasquez, and Francisco Sequera residents of this jurisdiction, in their persons, which I know, and having heard and understood it, they said that they accept the office of measurers, 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 and exactness, as is their obligation, and to the satisfaction of those interested, and having them replied, they signed it, with me and those of assistance, to which I certify.

(Signed) Jacob P. Leese

Assisting witnesses. Paulino Vasquez, +

(Sgd) Ignacio A. Rodriguez.

(") Wm. Pridon

Designation of the day for the measurements

In continuation, I the aforesaid magistrate, having seen the acceptance and oath made by citizens Paulino Vasquez, and Francisco Sequera, appointed measurers, I said that in order to proceed to said measurement, I was designating and I designated, the eighth day of the present month, at eight o'clock in the morning, and that it be

12.

made known to the said measurers also, summoning for that purpose the neighbors bounding on him, I, thus provided, ordered and signed with those of my assistance

(Signed) Jacob P. Leese

assisting witnesses,
(Sgd) Dam. A. Rodriguez.
" " Jgo Prudon

Notification of the foregoing act.

Immediately the foregoing act was made known to the party interested, Captain Don Salvador Vallejo to the measurers, Paulino Vasquez; and Francisco Higuera, and having understood it, they said that they consider themselves summoned, and they signed with the present magistrate, and those of assistance. (Signed) Jacob P. Leese
(Sgd) Dam. A. Rodriguez " " Paulino Vasquez +
" Jgo Prudon.

Issuing of written summons.

On the same day month and year written summons was issued to citizens George Yount and Nicolas Higuera, to appear on the day expressed and at the designated hour on the said rancho of Chapa and in testimony I signed it with those of my assistance assisting witnesses.
(Sgd) Damaso A. Rodriguez. Sgd. Jgo Prudon.
Sgd Jacob P. Leese

Measurement of the Cordel

In the rancho of Chapa, on the eighth day of the month of February, eighteen hundred and forty four, present Captain Don Salvador Vallejo, and the neighbors to said lands. I caused to appear before me and those of my assistance citizens Paulino Vasquez and Francisco Higuera and measurers appointed, whom I ordered to take a cordel of hemp and to measure off fifty varas with a vara measure

13.

of four Castellian palms, and in effect the said measurers, in my presence, measured off the aforesaid number of fifty varas, on a cordel, twisted and well stretched, with a stamped Mexican Castellian vara 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

(Sgd) Jacob P. Leese

Assg witnesses
(Sgd) Juan Rodriguez
(") Jos. Prudon.

Measurement of the rancho

Being in the field and lands pertaining to the rancho of Petaluma, of the Captain Don Salvador Vallejo, this eighth day of February, eighteen hundred forty four, I the 1st Alcalde of this jurisdiction, acting in virtue of my office, with two assisting witnesses, for want of a Notary Public, present Citizen Paulino Vasquez and Francisco Segura, measurers appointed by the party interested, and Colindantes. I ordered them to proceed to the measurement of four square leagues, which, a little more or less, belong and pertain to the rancho aforesaid, according to the title and map be seated in obedience to which, having

measured and examined the cordel, they commenced said measurements, beginning at the arroyo of Chapa, bounding of Nicolas Higuera, from which place, following a southerly direction, to the lower pass of the arroyo de los Comeros, they measured one hundred and twenty cordeles of fifty varas each. Then the person interested raised a pile of stones, a sign for a land mark, which he uses place; from this point, continuing the measurement towards the S. W. along the arroyo to the upper road, which goes to Chapa one hundred and twenty cordeles (six thousand varas) were counted, and the party interested, placed the corresponding mark, in order to fix that also the respective bound. Following the same arroyo, S. S. W. to the upper road which goes to the ranches of Apuntu, ninety two cordeles, (four thousand six hundred varas) were counted, and not being able to pass forward, because it is an impassable mountain range, it was estimated by eye, that there was two hundred cordeles (ten thousand varas) to the bounding of Apuntu, where he also placed another mark, in order to fix another bound; and continuing towards the S. S. E. to the river of Chaka sixty five cordeles (three thousand two hundred and fifty varas) was measured, where he placed as in the former points the corresponding bounds. Going

15.

down the same river, course S.E. to the arroyo of Chapa, three hundred three and a half cordels were measured (fifteen thousand one hundred and seventy five varas) he placed the mark for a bound, and following the same arroyo W. we came to the point where the measurement was commenced, and they counted fifty two cordels (two thousand six hundred varas); so that considering as finished the measurement, of the land included in the ranchos of Chapa, there results a boundary of forty seven thousand six hundred twenty five varas, a little less than that which corresponds to four square leagues; and the witnessed measurers declared that Captain Don Salvador Vallejo was informed of the lands which correspond to him, according to the title and map, which are bound at the head of this expediente.

For all which, and in sign of true possession and accustomed ceremonial, 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 expenses, bounds of masonry in height more than a vara, that in all time, it may appear, let them be recognized, and remain as limits and boundaries of his lands, by the others.

16.

neighbors there to; and that said measurements were executed quietly and peacably, without contradiction of any person, he prays for a testimony, and I the aforesaid 1st. Alcalde 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 deposed, without craft, fraud, or deceit, against any person, and for greater security and the satisfaction of the oath which they have made, they signed with me, and those of my assistance, whom I certify.

(Sgd) Jacob P. Leese
" Prudencio Vasquez. +

Assisting witnesses.
(Sgd) Damaso Rodriguez.
" Ygn. Prudon

Act of the delivery of the Espediente to the person interested

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

I, Citizen Jacob P. Leese, 1st. Alcalde of this jurisdiction, acting in virtue of my office, with two assisting witnesses

for want of a Notary Public, thus provided, ordered and signed, on this the fifth of February, eighteen hundred and fifty four.

(Sgd) Jacob P. Leese

Attesting Witnesses:

(Sgd) Ramon A. Rodriguez

Wm Braden

(Endorsed)

"No. 49 = B = Napa = Translation of title, and Juridical Possession = Filed in Office Decr. 21. 1852. = Geo Fisher Secy = Recorded in Ex B. Vol 1 pp 130 to 138 in Ex B. G. Geo Fisher Secy."

453 ND
PAGE 55

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

I, Surveyor-General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the **Archives** of the former **Spanish** and **Mexican** Territory, or Department of **Upper California,** as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the powers vested in me by law, **Do Hereby Certify,** that the 18 preceding, and hereunto annexed pages of ~~tracing~~ paper numbered from one to Eighteen inclusive, exhibit a true, full and correct copy of the ~~original.~~

Translation of Title and Juridical Possession Marked B Napa, which document was filed in case No 495 Joseph P. Thompson Napa as designated on the Docket of the foresaid Board of Commissioners with endorsement thereon.

and now on file in this office, and in my custody; that I have carefully compared the same with said original, and that the same is a correct transcript therefrom, and of the whole of such original.

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this Fourth day of July 1885

W. H. Brown
U. S. SURVEYOR-GENERAL FOR CALIFORNIA.

U.S. Dist. Ct. Dist. Col.
L. C. 453. N. D.
Petitioner Exhibit No. 2

Filed Oct. 13th 1885
Donald Hoffman
Clerk

Field notes of the Exterior Boundaries of the Rancho de Napa.

Commencing at a large dead oak standing on the right bank of the Arroyo Napa, pointed out to me by Don Cayetano Juarez, as the beginning corner established by the Mexican authorities at the time of giving juridical possession of the Rancho de Napa, at which time he was present on the ground as witness of said juridical possession.
Thence the variation of the magnetic needle being 16° E.
I run on the dividing line between Ranchos of Napa and enter Napa as follows.
Variation 16° E.

1	S. 22½ W.	22.32	To road from Browns-Valley to Napa, Course

	S. 65 1/2 E.
23.14	Cross the same.
28.00	Gentle ascent.
36.00	Abrupt.
67.17	Summit.
68.00	Descend.
110.00	Bottom.
119.35	White house on right bears S. 49° W. House on left S. 5° E.
130.00	Cross road from Napa to Sonoma, course N. E., thence following road.
130.75	Cross dry branch, 25 lks wide, course East.
137.06	Corner of fence on left of road, house on right N. 35 3/4 W. House on left S. 5° 3/4 E thence along fence.
138.70	Oak tree 2 1/2 ft. dia on line
141.32	To corner of fence, course S. 18 E.
142.00	Leave Sonoma road, course S. E. over rolling hills.
186.00	Enter Sonoma road, course S. 22 1/2 W. and follow on the East side, leaving hills.
205.25	Cross dry branch 20 lks

	wide, course E.
213.00	House 2 chs 50 lks, to left.
223.67	Leave road, House S. 70 1/4 W. on right.
235.60	Same house, Mr Goodrich N. 21 1/4 W.
244.75	To dry Lake
247.30	Cross same, cross Sonoma road, course S. E.
279.00	Cross Sonoma road, course S. W.
291.00	Cross road to Suscol course E.
293.16	Cross fence, and enter Mc Clellans garden.
294.16	Mc Clellans House 25 lks to right.
294.54	To orchard.
301.10	Cross fence.
301.86	To old stump, on left bank of Carneros Creek,
302.61	The original corner, established by juridical possession, corner to the Ranches of Napa, and entes Napa. To center of Carneros Creek, I established the corner at this point. Post

marked N. No 2. from which an Alder Tree 18 in dia, bears N. 1° W. 52 lks. an Alder S. 21¾ W. 25 lks.
Thence following up the middle of Carriso Creek the boundary of this grant, according to the Juridical possession according to the following courses and distances viz.

2	N. 5° E.	2.50
3	N. 16¼ E.	2.75
4	N. 36° W.	9.00
5	N. 16° E.	6.00
6.	N. 15½ W.	11.40
7.	N. 89 W.	11.66
8	N. 17¼ W	5.20
9	N. 48 W.	8.50
10	S. 84 W.	5.00
11	N. 4 E.	10.71
12	N. 35½ W.	10.00
13	N. 46 W.	28.50
14	N. 3½ W.	9.00
15	N. 23¼ W.	6.00
16	N. 72¼ E	4.82
17	N. 25¼ W.	4.50

(At 2 chs on this course pass under bridge at crossing of Sonoma road

18	N. 56 W.	13.00
19	N. 27 W.	7.00
20	N. 46 W	22.00
21	N. 60½ W	15.30
22	N. 40 W	8.50
23	S. 67 W.	4.44
24	N. 44½ W	28.00
25	N. 70½ W.	8.68
26	N. 51¾° W	10.00
27	N. 49½ W	16.00
28	N. 6¼ E.	5.00
29	N. 34¼ W	11.00
30	N. 54 W	14.00
31	N. 22 W	4.00
32	N. 43 W	11.00
33	N. 7¼ W	8.50
34	N. 45¼ W.	8.50
35	N. 22¼ E	9.25
36	N. 38½ W.	13.00
37	N. 3¼ W.	6.50
38	N. 4¾ W	5.00
39	N. 28½ W	14.00
40	N. 4 W	3.15
41	N. 28½ W	7.00
42	N. 32¾ W.	7.50
43	N. 45¼ W	14.50
44	" 31 "	15.00
45	" 39¼ "	20.00
46	" 26¼ "	10.00

At 8.50 intersected the North Boundary of T. 5 N. R. 5 W. 19 chs

			West of the corner to Sec's. 2-3-34 and 35
47	N. 14½ W.	21.00	
48	" 25¾ W.	33.00	To the upper crossing of Carneros Creek where the old trail from Napa to Sonoma passed being the point mentioned in the act of juridical possession. I placed here a stake marked N. No 3, in a mound of stones, between two oaks trees, oak 12 in dia bears N. 71½ E. 4 lks. Oak 18 in dia, bears S. 53 W. 3 lks. — From this point, I run according to the calls of the juridical possession, over the mountains, to the S. W. corner of the Gasanus Rancho as follows:
49	N. 14½ E.		Ascending from corner.
		22.50	Cross ravine, course S. W.
		38.50	" road " N. W
		52.00	Summit and dense chaparral, thence over a deep mountain gorge course S. E.

This deep gorge intervening between this and the opposite ridge, and it being impracticable to measure with the chain, at 52.40 - I set a flag and placed witness post in mound of rock, and crossing the gorge to a point on line, I measured a base at right angles of 20 chs, and from thence the flag bore S. 29° 39' W. and gave the distance 73.82 to flag.

126.22 To opposite side of gorge where I set a witness post in mound of rocks.

130.47 Cross road, course N. and ascend.

183.22 To top of ascent, and edge of another mountain gorge, course S.E. and covered with dense chaparral. This deep gorge being likewise impracticable, I set a flag on line, and a witness post in mound of rocks, and proceeded forward

to a point on line, on the opposite mountain ridge, and run a base at right angles, of 16 chs, when the flag bore S. 3° 45' E. giving the distance to the flag of 47.80 where I placed a witness post in mound of rocks.)

231.02 Across mountain gorge and road, course S.E. on summit of ridge, thence descending.

247.25 Come to the gorge of Dry Creek, course S.E. and covered on both sides with dense and impassable chaparral. I set witness post in mound of rock and flag at this point. From a point on line, on the summit, on the opposite side of the gorge, I ran a base at right angles of 20 chs. from end of which the flag bore S. 28° 22' W. giving the distance 78 Chs, 46 lks. Here I set a

			witness post in mound of rock)
		325.71	To top of ridge on opposite side of gorge, thence descending.
		380.71	Bottom, Cross gulch, Course N.E. and ascend.
		388.71	Summit and descend.
		427.00	To station at the S.W. Corner of the Cayamos Rancho, Established the N.W. Corner of the Rancho de Napa, a White Oak, 18 in dia marked C. 3, which I marked N. No 4. Thence along the Southern boundary of the Cayamos Rancho
50	N. 45¼ E.	140.00	
51	S. 85¼ E	5.03	
52	" 55 "	9.00	
53	" 66 "	16.60	
54	" 57 "	7.00	
55	South	15.00	
56	S. 8¾ E.	5.90	
57	" 27¼ "	20.08	
58	" 3½ W	15.25	At 10 chs 25 lks, on this line, intersect the North Boundary of Tp. 6 N. R. 4 W. 25.50 west of the corner to secs 5 and 6.

59	S. 8½ W	6.00
60	" 16¼ E.	14.50
61	" 21¼ W	6.50
62	South	8.50
63	S. 21 W.	9.00
64	South	5.00
65	S. 14¼ E.	23.00
66	" 57½ "	11.00
67	South	9.50
68	S. 36¾ E	5.00
69	" 16 E	6.00
70	" 29 "	9.00
71	" 50 "	5.00
72	N. 88¼ "	1.60
73	S. 84 "	11.50
74	" 79½ "	48.75
75	" 5. "	3.20
76	N. 86¼ "	2.00
77	S. 88½ "	3.40
78	N. 59¾ "	2.75
79	S. 59½ E	8.40
80	S. 80. E	6.40
81	S. 44¾ E.	10.10
82	S. 74½ E.	4.30
83	S. 47 E	24.20
84	S. 20¾ E.	13.00
85	S. 54¾ E.	6.40
86	S. 25¼ E.	8.42
87	S. 70½ E.	3.39
88	S. 21¾ E.	10.14
89	S 45½ E.	10.44

90	S. 5¼ E	11.60
91	S. 25½ W	8.80
92	S 12¾ E.	4.33
93	S. 47½ E	8.27
94	S 22¾ E	16.30
95	S. 41° E	14.50
96	S. 76½ E	7.50
97	S. 41° E	17.30
98	N. 67½ E.	2.20
99	S. 35½ E	19.50
100	S. 47½ E	9.00
101	S. 11½ E	26.75
102	S. 62¼ E	8.81
103	S. 0½ W.	31.30
104	S. 45 E.	15.53
105	S 11½ E.	12.00
106	S 62½ E.	7.20
107	S. 15° E.	3.96
108	S 25¼ W	3.75
109	N. 71¾ W	4.12
110	S. 19½ W	5.75
111	S 35¾ E	15.75
112	South.	16.01
113	S 31¾ W	6.95
114	S 10¾ E	14.65
115	S 63 W	6.83
116	S. 11 W	8.85
117	S. 32¼ E	5.68
118	S. 6¾ E	7.45
119	S. 28 E.	4.86
120	S. 16¾ E.	15.60

121	S. 69 E.	11.88	
122	S. 47 E.	8.65	
123	S. 42 E	4.00	At 0.88 chs of corner intersect 1st Standard
124	S 49½ E.	2.30	North, east of corner to secs 34-35, 2 & 3, Tp-5 and 6 N. R. 4 W.
125	S. 12 W.	5.00	At 0.88 chs, intersect 1st Standard N. 17.65 East of Cor to secs, 34 & 35, R 4 W.
126	S 33¾ W.	11.62	
127	S. 49¼ E.	8.00	
128	S 19¼ W.	4.67	
129	S 28½ W.	20.00	
130	S 37¼ W.	21.50	
131	S 0¾ E.	13.00	
132	East	0.75	
133	N. 4° E.	11.50	
134	N. 71¼ E.	6.19	
135	S 33 E	12.50	
136	S 6½ E.	14.50	
137	S 10½ W.	6.88	
138	S 79 W	3.75	
139	N. 76 W	9.44	To center of bridge and road
140	N. 12 W.	1.25	Cross to right bank, and along the same.
141	S. 86½ W.	1.93	
142	S 65¼ W.	6.80	
143	S. 79½ W.	2.72	
144	S 31½ W.	1.50	
145	S 17½ E.	2.50	
146	S 14 W	0.57	To junction at the Center

			of Napa River and Creek.
147	N. 60 3/4 W.	2.50	Thence along center of Napa Creek.
148	N. 5 1/4 E.	2.50	
149	N. 44 3/4 W.	1.50	At 60 lks, pass center of bridge, and road.
150	N. 2 3/4 W.	1.50	
151	N. 75 1/4 W.	1.77	
152	S. 80 3/4 W.	4.65	
153	N. 64 W.	2.00	
154	N. 49 W.	3.00	
155	N. 28 3/4 W.	2.10	
156	S. 42 3/4 W.	2.20	
157	N. 72 3/4 W.	4.50	
158	S. 72 3/4 W.	4.34	
159	N. 39 1/4 W.	6.00	
160	N. 45 1/2 E.	3.00	
161	N. 25 1/2 W.	4.00	
162	S. 75 W.	4.65	
163	S. 28 1/4 W.	7.00	
164	S. 70 1/2 W.	5.86	
165	S. 30 1/4 W.	5.46	
166	S. 76 1/4 W	2.50	
167	S. 21 1/4 W.	2.50	
168	N. 83 W	1.13	
169	N. 27 1/4 W.	4.92	
170	N. 83 1/2 W	2.94	
171	S. 31 W.	3.35	
172	N. 62 3/4 W.	5.81	
173	N. 65 1/2 W.	4.24	
174	N. 34 W.	4.50	

175	N. 54¼ W.	2.37
176	S. 33½ "	2.87
177	N. 55¾ "	2.31
178	" 57½ "	4.71
179	S. 58¾ "	4.46
180	" 82 "	1.87
181	N. 49¾ "	3.30
182	" 72¼ "	4.50
183	" 54½ "	7.50
184	N. 23½ "	4.50
185	" 65½ "	5.70
186	" 82 "	8.88
187	" 37¾ "	4.68
188	" 50 "	6.70
189	S. 86½ "	4.50
190	N. 59¾ "	2.39

U. S. Surveyor-General's Office,

SAN FRANCISCO, CALIFORNIA.

I hereby certify that the foregoing transcript has been correctly copied from the original field notes as the same appear of record and on file in this office.

In testimony whereof I have hereunto signed my name officially and caused my seal of office to be affixed this 25th day of June 1885.

W. H. Brown
U. S. SURVEYOR-GENERAL
For California.

U.S. Dist. Ct. Dist. Col.
L.C. 453. N.D.
Petitioners Exhibit No. 3.

Fred Butler 13 1885
Donald McDougall
Clerk

Deed

Salvador Vallejo To Herman Wohler
Filed for record December 20th A.D. 1851
at 10 o'clock A.M.

"

This Indenture made this twentieth day of of December A.D. 1851 Between Salvador Vallejo of the County of Napa & State of California of the first part, and Herman Wohler of the City and County of San Francisco in said State of the second part, Witnesseth, that the party of the first part, in consideration of the sum of ten thousand three hundred Dollars, to him in hand paid, the receipt whereof is hereby acknowledged, hath granted, bargained, sold & conveyed, & by these presents doth grant, bargain, sell and convey unto the said party of the second part, his heirs and assigns, all his right title & interest in & to all the land belonging to the Rancho de Napa, or all the land appertaining to the Rancho of that name granted to the said party of the first part by the Mexican Government, which has not been before the date of this instrument sold & conveyed by the said party of the first part by deeds which have been heretofore duly recorded in the office of the Recorder of the County of

Napa. To have & to hold all of the above described lands without reservation unto the said party of the second part, with the appurtenances thereunto belonging & to his heirs & assigns forever, & to his & their sole & only benefit & behoof.

In Witness Whereof the said party of the first part hath hereunto put his hand & seal the day and year first above written.

Signed Sealed & Delivered in presence of
J. N. Edmondston
E. W. McKinstry

Salvador Vallejo L.S.

State of California } ss.
County of Napa } On this the Twentieth day of December A.D. one thousand eight hundred & fifty & one personally appeared before me the undersigned Recorder in & for the County aforesaid, Salvador Vallejo known to me to be the person described in & who executed the foregoing instrument who acknowledged to me that he executed the same freely & voluntarily & for the uses & purposes therein mentioned

In Witness Whereof I have hereunto

set my hand & seal of office at Napa City this the day & year in this Certificate first above written

L.S. H.H. Lawrence Recorder

by J.N. Edmondston Dep. Rec

STATE OF CALIFORNIA, }
County of Napa. } ss.

I, HENRY BROWN, County Recorder of said County and State, do hereby certify the foregoing to be a full, true and correct copy of a Deed recorded in Book B of Deeds page 109 as the same appears of record in my office.

WITNESS my hand and official seal this 2nd day of July A. D. 1885

Henry Brown County Recorder.

By ..... Deputy.

U. S. Dist. Ct. Dist. Cal.
L. C. 453. N. D.
Petitioner Exhibit No. 5.

Filed Oct. 13, 1885
Donald Hoffman
Clerk

Deed

Herman Wohler to Henry H. Lawrence and James N. Edmondston— Filed for record February 19th A.D. 1852 at 3 o'clock P.M.

Know all men by these presents, That I Herman Wohler of the County of San Francisco, State of California, for and in consideration of Six Hundred Dollars to me in hand paid by Henry H. Lawrence and James N. Edmondston both of the County of Napa and State aforesaid the receipt whereof I do hereby acknowledge have granted, bargained sold and conveyed and by these presents do grant, bargain, sell and convey unto the said Henry H. Lawrence and James N. Edmondston their heirs and assigns all that certain lot piece or parcel of land lying and being situated in the County of Napa and State aforesaid and bounded and described as follows, to wit: Commencing at a point on the Arroyo de Napa where a small gulch intersects said Arroyo, it being the North West corner of the land heretofore conveyed by Cripps Bristol & Edmondston to Henry H. Lawrence by deed bearing date the 19th day of July A.D. 1851 and recorded in Book

B. pages 31 & 32 Archives of Napa County, thence running up the arroyo de Napa a distance of Two hundred and fifty four rods, thence in a direct line to the South West corner of said Lawrences land, thence down the center of the aforementioned gulch to the place of beginning, to contain all the land within said bounds be the same more or less, Which said premises were conveyed to me by Salvador Vallejo.

To have and to hold all and singular the herein before granted and described premises with the appurtenances unto the said Lawrence and Edmondston, their heirs and assigns to their sole use, benefit and behoof forever - And I, the said Herman Wohler for myself, my heirs, executors and administrators do hereby covenant and agree to and with the said Henry H. Lawrence and James N. Edmondston their heirs, executors administrators and assigns that I am lawfully seized of the aforegranted premises in fee simple, and that I have good right to sell and convey the same in manner aforesaid, and that I will, and my heirs executors and administrators shall forever warrant and Defend the

same unto the said Henry H. Lawrence and James N. Edmondston their heirs and assigns against the lawful claims and demands of all persons whomsoever.

In Witness whereof I have hereunto set my hand and seal this Eighteenth (18) day of February A.D. one thousand eight hundred and Fifty two.

Signed Sealed & Delivered in presence of Chas. Jas. Hughes } Herman Wohler (L.S.)

State of California
County of San Francisco ss.

On this 18th day of February A.D. 1852 before me a Notary Public in and for said County and State duly commissioned and sworn, personally appeared Herman Wohler to me known to be the person described in and who executed the foregoing & within Instrument, and acknowledged that he executed the same freely and voluntarily & for the uses & purposes therein mentioned.

Witness my hand and Official Seal

(L.S.)

Chas. Jas. Hughes
Notary Public

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same unto the said Henry H. Lawrence and James N. Edmondston their heirs and assigns against the lawful claims and demands of all persons whomsoever.

In Witness whereof I have hereunto set my hand and seal this Eighteenth (18) day of February A.D. one thousand eight hundred and Fifty two.

Signed Sealed & Delivered in presence of } Herman Wohler (L.S.)

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STATE OF CALIFORNIA, } ss.
County of Napa.

I, HENRY BROWN, County Recorder of said County and State, do hereby certify the foregoing to be a full, true and correct copy of a Deed recorded in Book B of Deeds page 131 as the same appears of record in my office.

WITNESS my hand and official seal this 2nd day of July A. D. 1885

Henry Brown County Recorder.

By ..... Deputy.

U. S. Dist. Ct. Dist. Col.
L. C. 4 5-3. N. D.
Petitioner Exhibit No. 6.

Filed October 13 1888
Douglas Hoffman
Clerk

Deed

Henry H. Lawrence To Electa J. Reeve

"

This Indenture made the second day of January eighteen hundred and fifty four Between Henry H. Lawrence of the City of San Francisco in the State of California of the first part and Electa J. Reeve 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 two thousand five hundred dollars to him in hand paid by the said party of the second part, the receipt whereof is hereby confessed, has bargained sold ~~confessed~~ quit claimed and conveyed, And by these presents does bargain sell quit claim and convey unto the said party of the second part and to her heirs and assigns forever all that certain tract of land described as follows namely Being the divided half or share of the said party of the first part of certain premises conveyed by Herman Wohler to the said party of the first part and one James N. Edmondston by deed bearing date the 18th day of February 1852 and recorded or filed for record or both on the 19th day of February 1852 and recorded at the same time in Book B. Page 131 of the Archives

of Napa County in said State described in said deed as follows, commencing at a point on the Arroya de Napa, where a small gulch intersects said Arroya, it being the North Western corner of the land heretofore conveyed by Cripps Bristol & Edmundston to Henry H. Lawrence by deed bearing date the 19th day of July A.D. 1851 and recorded in Book B. pages 31 & 32 Archives of Napa County, thence running up the Arroya de Napa a distance of two hundred and fifty four rods, thence in a direct line to the South West corner of said Lawrence's land, thence down the center of the aforesaid Gulch to the place of beginning, containing all the lands within said bounds be the same more or less, which premises were conveyed by Salvador Vallejo to Herman Wohler. The land hereby conveyed is the lower half and North West half of the above described premises, and is more particularly described by a survey and division of said premises made by the County Surveyor of Napa County between the said party of the first part and James N Edmondston by consent of parties on file in the

To have and to hold the said premises hereby sold to the said party of the second part with the appurtenances, and to her heirs and assigns forever.

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 in presence of
J. S. Glover
W. H. N. Rendey

W. H. Lawrence (L.S.)

State of California } ss.
County of San Francisco }

On this 3rd day of January A.D. 1854 before me Wm. A. Cornwell a Notary Public in and for said County personally appeared W. H. Lawrence known to me to be the individual described in and who executed the foregoing instrument, who acknowledged that he executed the same freely and voluntarily for the uses and purposes therein mentioned

Witness my hand and Official Seal

(L.S.)

Wm. A. Cornwall

Received for Record January 6th 1854 at 9 o'clock A.M. and recorded at the request of Reeve.

453 ND
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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 in presence of J. S. Glover } H. H. Lawrence (L.S.)

453 ND
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STATE OF CALIFORNIA, County of Napa. } ss.

I, HENRY BROWN, County Recorder of said County and State, do hereby certify the foregoing to be a full, true and correct copy of a Deed recorded in Book 6 of Deeds page 28 as the same appears of record in my office.

WITNESS my hand and official seal this 2nd day of July A. D. 1885

Henry Brown County Recorder.

By ..... Deputy.

U. S. Dist. Ct. Dist. Cal.
L. C. 453. N. D.
Petitioner Expd. No. 7

Filed October 13 1885
Dwight Hoffman
Clerk

Deed.

Frederick Ogden & Wife To Electa J. Reeve.

"

Know all men by these presents that we Frederick Ogden and wife L. Ogden residents of the County of Napa and State of California parties of the first part in consideration of the sum of Twenty five dollars to us in hand paid by Electa J. Reeve of the place above specified the receipt whereof we hereby acknowledge have bargained sold and quit-claimed and by these presents do bargain sell and quit claim unto the said Electa J. Reve and to her heirs and assigns forever all of our right title interest estate claim and demand both at law and in equity and as well in possession as in expectancy of in and to all that certain piece or parcel of land situate lying and being in the County and Township of Napa and State of California known and described as the Eastern portion and half the lands hereinafter described to wit; Commencing at a point on the arroyo de Napa where a small gulch intersects said arroyo it being the North East corner of the land heretofore conveyed by Cripps Bristol & Edmonston to H Lawrence by deed

bearing date July 19th A.D. 1851 recorded in Book B. Pages 31 & 32 Archives of Napa County thence up the Arroyo de Napa a distance of two hundred and fifty four rods, thence in a direct line to the South West corner of said Lawrences land, thence down the center of the aforementioned gulch to the place of begining said Eastern half of the above described land as now held and occupied by the said party of the second part and her husband G.F. Revee with all and singular the hereditaments and appurtenances thereunto belonging.

In Witness Whereof We have hereunto set our hands and seals the fifteenth day of October A.D. eighteen hundred and fifty five

Sealed and Delivered in presence of C. Hartson

Frederick Ogden
Mary Louisa Ogden

State of California }
County of Napa } On this 17th day of October A.D. 1855 personally appeared before me C. Hartson County Judge in and for said County Frederick Ogden and Mary ~~Louisa~~ Ogden known to me to be the persons described

in and who executed the within conveyance and who acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein contained

Given under my hand and the seal of the County Court the day and year first above written

(L.S.) C. Hartson
County Judge

Filed for record October 20 AD 1855 at 11 o'clock A.M. and recorded at the request of C. Hartson.

453 ND
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STATE OF CALIFORNIA, }
County of Napa. } ss.

I, HENRY BROWN, County Recorder of said County and State, do hereby certify the foregoing to be a full, true and correct copy of a Deed recorded in Book 6 of Deeds page 351 as the same appears of record in my office.

WITNESS my hand and official seal this 2nd day of July A. D. 1885

Henry Brown County Recorder.

By ..... Deputy.

U. S. Dist. Ct. Dist. Col.
L. C. 4-3. N. D.
Pet. Exhibit No. 8.

Filed October 13 1885
Donald Hoffman
Clerk

Quit Claim Deed, No. 2.

453 ND 93 PAGE

This Indenture, Made this Eighteenth day of May A. D. One thousand eight hundred and fifty Seven **BETWEEN** George F. Reeves and his Wife Electa J. Reeves of the County of Napa and State of California Parties of the First part and Thomas Gibson of the County of San Francisco in said State party of the second part, **Witnesseth**, That the said parties of the first part, for and in consideration of the sum of One Thousand (1000) Dollars, lawful money of the United States of America, to them in hand paid, by the said party of the second part, at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, have remised, released and quit-claimed, and by these presents doth remise, release and quit-claim, unto the said party of the second part, and to his heirs and assigns forever, all of that Certain tract of land Situate in the Township and County of Napa in Said State known and described as follows to wit that portion of the Lands belonging to the parties of the First part lying between a large Ravine or Gulch running from Napa Creek to ~~[illegible]~~ about Ten Rods West of the Dwelling House of the Said parties of the First part to the Hills in a South westerly direction between Said Ravine and Lands belonging to one Vexin containing about Sixty Acres Said Tract herein Conveyed is more particularly described as bounded on the West by Lands of Said Vexin on the East and South by the Centre or middle of Said Ravine and on the North by Napa Creek

Should it be found on Survey that Said Ravine does not extend to the Western line of the lands of the parties of the First part then the Measurement shall be the same as though it did extend to Said Western Boundary and shall extend to a Stake to be planted by said parties

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

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

In Witness Whereof, the said parties of the first part, hath hereunto set their hands and seals the day and year hereinbefore written.

Sealed and delivered in the presence of

C. Masten

W. W. Estabrook

George F. Reeve

E. J. Reeve

Printed and sold by Wm. B. Cooke & Co., California Law Blank Establishment, North East corner of Montgomery and Merchant Streets.

State of California
County of Napa } on this 20th day of May AD 1857
personally appeared before me C Harrison County Judge
in & for said County and State George F. Reeves & his wife
Electa J Reeves known to me to be the persons des-
-cribed in and who executed the within instrument and
who acknowledged to me that they executed the
same freely and voluntarily and for the uses and
purposes therein described and the said E. J Reeves
knowing the contents of the within instrument on an exam
-ination separate and apart from her said husband and within
his hearing acknowledged to me that she executed
the same freely and voluntarily without fear or compulsion
or undue influence on the part of her said husband and
that she does not wish to retract the execution of
the same

Witness under my Hand and
the Seal of the County Court
this 20th day of May AD 1857

C Harrison
County Judge

DEED.

Mr & Mrs Reeves

TO

Thomas Gibson

Dated May 18 1857.

Filed for record May 20 1857 at 1 o'clock & 30 minutes P.M. and recorded in book "D" of Deeds on pages 153 & 154 records of Napa county

A. J. Watson
Recorder

453 ND
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Fees Paid $2.75

Fees Paid 13th 1885
Entered on T.R.

U.S. disch. Oil Co.
L.C. 4 n 10 Rs. 9
Pat = Ex Pat

This Indenture, Made this Seventh day of December in the year of our Lord one thousand eight hundred and Fifty Nine

Between Thomas Gihon and Lydia Gihon his Wife of the County of Napa and State of California, Parties of the first part, and Robert S. Thompson of the County and State aforesaid

Party of the second part,

Witnesseth, That the said parties of the first part, for and in consideration of the sum of Twenty two Hundred (2200) Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, at or before the ensealing and delivery of these Presents, the receipt whereof is hereby acknowledged, have remised, released and quit-claimed, and by these Presents do remise, release and quit-claim, unto the said party of the second part, and to his heirs and assigns forever, All of that certain tract or parcel of Land Situate in the Township and County of Napa and State of California, Known and described as being bounded on the West by the lands of John Wixon, on the South and East by a deep Ravine Separating it from Lands of George F. Reeve and on the North by Napa creek. and more particularly described as the tract of Land conveyed by Said George F. Reeve and Electa J. his wife to the Said Thomas Gihon party of the first part the Instrument of which conveyance is Recorded in Book "D" on pages 153 and 154 of the Records of Deeds in the county and State aforesaid and dated May Eighteenth A.D. One thousand Eight Hundred and fifty Seven. and also as being the Premises on which the parties of the first part now reside, and containing about Sixty (60) acres more or less

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

And, also, all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of, in or to the above described premises, and every part and parcel thereof, with the appurtenances.

To Have and to Hold, all and singular the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, his heirs and assigns forever.

In Witness Whereof, The said parties of the first part, have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of
Henry Edgerton
Thomas P. Fowler

Thos. Gihon
Lydia A. Gihon

Ke[illegible] in and for
th[illegible] AD 1859 at
29[illegible] 6 & 27.
[illegible] Cokinson
[illegible] Deputy

No. 1.

Printed and Sold by Wm. B. Cooke & Co., Law Stationers, 158 Montgomery Street, San Francisco.

State of California, } ss. On this Seventh day
COUNTY OF Napa

of December A. D. One Thousand Eight Hundred and Fifty nine before me Thomas P. Stoney a Notary Public, in and for said County, personally appeared Thomas Gibson and Lydia F. Gibson his wife, personally known to me to be the individuals described in and who executed the annexed Instrument as parties thereto, and acknowledged to me that they executed the same freely and voluntarily, and for the uses and purposes therein mentioned. And the said Lydia F. Gibson wife of the said Thomas Gibson having been by me first made acquainted with the contents of said Instrument, acknowledged to me on examination, apart from and without the hearing of her husband, that she executed the same freely and voluntarily, without fear or compulsion, or undue influence of her husband, and that she did not wish to retract the execution of the same.

In Witness Whereof, I have hereunto set my hand and affixed my Official Seal, the day and year in this Certificate first above written.

Thomas P. Stoney
NOTARY PUBLIC.

Recorded in the Office of the County Recorder in and for the County of Napa the 10th day of December AD 1859 at 2 3/4 o'clock P. M. in Libro F of Deeds on pages 26 & 27.

Robert Crouch Co Recorder
by R. Schedwodsky Depy

6

DEED.

Thos. Gibon & Wife

TO

Robert S. Thompson

Dated December 7th 1859

U.S. Dist. Ct. Dist. Cal.
L.C. 453 N.D.
Pet. Exhibit. 10.

Recorded at the request of Robert S. Thompson 10th December 1859 at 2 3/4 o'clock P.M. in Liber F of Deeds p.p. 26 & 27.

Filed October 13th 1868
Deputy Clerk

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Pa X

Deed.

James N. Edmondston To. Garrett Swindel

"

Know all men by these presents That I James N. Edmondston of the County of Napa and State of California, for and in consideration of the sum of Eight hundred Dollars ($800.00) to me in hand paid by Garrett Swindel of the County & State aforesaid, the receipt whereof I do hereby acknowledge, have granted, bargained sold and conveyed, and by these presents do grant, bargain sell and convey unto the said garret Swindel his heirs and assigns, the one equal undivided half of all that certain lot piece or parcel of land lying and being situate in the County of Napa and State aforesaid and bounded and described as follows to wit: Commencing at a point on the arroyo de Napa where a small gulch intersects said arroya it being the North West corner of the land heretofore conveyed by Cripps Bristol & Edmondston to H. H. Lawrence, by deed bearing date "the 19th day of July A.D. 1851" and recorded in Book "B" pages "31 and 32" archives of Napa County, thence running up the arroyo de Napa, a distance of two hundred and fifty four rods thence in a

direct line to the South West corner of said Lawrence's land, thence down the center of the aforementioned gulch, to the place of beginning, to contain all the land within said bounds be the same more or less.

To have and to hold all and singular the hereinbefore granted and described premises with the appurtenances unto the said Swindel his heirs and assigns forever, to their sole use benefit and behoof.

And I the said James N. Edmondston for myself, my heirs Executors and Administrators do hereby covenant and agree to and with the said Garrett Swindel his heirs Executors and Administrators to Warrant and defend the title to the said property, against the lawfull claims of any person or persons claiming from through or by me, but against none other.

In Witness Whereof, I have hereunto set my hand and seal this ~~21st~~ Twenty third (23rd) day of October A.D. 1852.

Signed Sealed and Delivered in presence of E. B. Lockley } J. N. Edmondston (L.S.)

State of California
County of Napa ss } On this the twenty

third day of October A.D. 1852 before me the undersigned Notary Public in and for said County & State duly commissioned & sworn personally appeared James N. Edmondston known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned

Witness my hand and private seal not having a Notarial Seal.

Edw Mc Garry seal
Notary Public

Received for Record Jan 13th 1853 at 11½ o'clock A.M. and recorded at the request of Garrett Swisdel

third day of October A.D. 1852 before me the undersigned Notary Public in and for said County & State duly commissioned & sworn personally appeared James N. Edmondston known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned

Witness my hand and private seal not having a Notarial Seal.

STATE OF CALIFORNIA,
County of Napa. } ss.

I, HENRY BROWN, County Recorder of said County and State, do hereby certify the foregoing to be a full, true and correct copy of a Deed recorded in Book B of Deeds page 293 as the same appears of record in my office.

WITNESS my hand and official seal this 2nd day of July A. D. 1885

Henry Brown County Recorder.

By ..... Deputy.

U.S. Dist. Ct. Dist. Col.
L.C. 45-3. N.D.
Pet. Exh. 11.

Filed October 13 1885
Donald H. Jueas
Clerk

Deed

Garrett Swindal and Wife to Albion G. Turner.

"

Know all men by these presents that we Garrett Swindal and Sarah Jane Swindal his wife of the County of Napa and State of California, for and in consideration of the sum of Fifteen hundred dollars ($1500) to us in hand paid by Albion G. Turner of said County and State the receipt whereof is hereby acknowledged, have granted bargained & sold, and by these presents do grant bargain and sell unto the said Albion G. Turner his heirs and assigns the one equal and undivided half of all that certain parcel of land, lying & being situate in the County aforesaid, and bounded and described as follows to wit, Commencing at a point on the arroya de Napa where a small gulch intersects said arroya, it being North West corner of the land heretofore conveyed by Cristopo Bristol & Edmondston to H H Lawrence by Deed bearing date July 19th A.D. 1851, and recorded in Book B. pp 31 & 32 Archives of Napa County, Thence running up the Arroya de Napa a distance of two hundred and fifty four rods, thence in a direct line to the South West corner of said Lawrence's

land - thence down the center of the aforementioned gulch to the place of beginning to contain all the land within said bounds be the same more or less.

To have and to hold all and singular granted and above described premises, with the hereditaments & appurtenances thereto belonging, unto the said Albion G. Turner his heirs and assigns forever, to their sole use benefit and behoof. And we the said Garrett Swindal & Sarah Jane Swindal for ourselves, our heirs Executors & administrators do covenant & agree to & with the said Albion G. Turner his heirs and assigns to Warrant and defend the title to the said property against the lawful claims of every person claiming under or from us but against none other.

In Witness Whereof we have hereunto set our hands and seals this thirteenth day of January A.D. 1853.

Signed Sealed and delivered in presence of Chas. S Coffenberry	Garrett Swindal (L.S.) Sarah J. Swindal (L.S.)

State of California } On this 13th day of
County of Napa S.S. } January A.D. 1853 personally appeared before me County Recorder in and for the County aforesaid

Garrett Swindal and Sarah J. Swindal 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 and volunteerily and for the uses and purposes therein mentioned. And the said Sarah J. Swindal being by me made acquainted with the contents of said instrument acknowledged on examination apart from and without the hearing of her husband that she executed the same freely and voluntarily without fear or compulsion or under influence of her husband, and that she does not wish to retract the execution of the same Witness my hand and seal of Office at Napa City the day and year above written

(L.S.)

Jno H Seawell Recorder
By C. S. Coffinberry Dy Recorder

Received for Record Jan 13th 1853 at 3½ o'clock P.M. and recorded at request of Albion G. Turner

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Garrett Swindal and Sarah J. Swindal known to me to be the persons described in and who executed the foregoing instrument who acknowledged to me that they executed the same

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STATE OF CALIFORNIA, }
County of Napa. } ss.

I, HENRY BROWN, County Recorder of said County and State, do hereby certify the foregoing to be a full, true and correct copy of a Deed recorded in Book B of Deeds page 295 as the same appears of record in my office.

WITNESS my hand and official seal this 2nd day of July A. D. 1885

Henry Brown County Recorder.

By ..... Deputy.

U. S. Dist. Ct. Dist. Col.
L. C. Hoff. N. D.
Pat. Et al. vs.

Filed October 13th 1885
Douthard Hoffman
Clerk

Deed

Albion G. Turner 2nd Wife To Mary L. Jacks

Know all men by these presents that we Albion G. Turner and Emma Turner his wife of the County of Napa and State of California for and in consideration of the sum of Two Hundred Dollars to us in hand paid by Mary L. Jacks of said County and State the receipt whereof is hereby acknowledged have granted bargained and sold and by these presents do grant bargain & sell unto the said Mary L. Jacks her heirs and assigns the one equal and undivided half of all that certain parcel of land lying and being situated in the County aforesaid and bounded and described as follows to wit: Commencing at a point on the Arroya de Napa where a small gulch intersects said Arroya it being North West corner of the land heretofore conveyed by Cripps Bristol & Edmondston to H. H. Lawrence by deed bearing date July 19th A.D. 1851 and Recorded in Book B. pp 31 & 32 Archives of Napa County, thence up the Arroya de Napa a distance of two hundred & fifty four rods, thence in a direct line to the South West corner of said Lawrence's

land, thence down the center of the aforementioned gulch to the place of beginning, to contain all the lands within said bounds be the same more or less. to have and to hold all and singular granted and above described premises, with the hereditaments and appurtenances thereto belonging, unto the said Mary L. Jacks, her heirs and assigns for ever, to the sole use benefit and behoof. And we the said Albion G. Turner and E Emma Turner for ourselves our heirs Executors and administrators do covenant and agree to and with the said Mary L. Jacks her heirs and assigns to warrant and defend the title to the said property against the lawful claims of every person claiming under or from us but against none other.

In Witness Whereof we have hereunto set our hands and seals this third day of November A.D. 1853

Signed Sealed and Delivered in the presence of } A G. Turner (L.S.) Ellen E Turner (L.S.)

State of California
County of Napa } S.S.

Be it remembered that on this the 5th day of November A.D. 1853 before me the undersigned Justice of the Peace in and for the County aforesaid personally

came A.G. Turner and Ellen E. Turner his wife known to me to be the person who executed the foregoing Instrument, And said A.G. Turner acknowledged that he signed & executed the foregoing instrument for the purposes therein expressed, and the said Ellen E. Turner wife of the said A.G. Turner upon a private examination separate and apart and without the hearing of her said husband acknowledged that she signed the foregoing conveyance freely and voluntarily without any compulsion on the part of her said husband fully knowing and understanding the contents thereof.

J. H. Hatch (Seal)
Justice of the Peace

Received for record December 21st. 1853 at 9½ o'clock P.M. and recorded at the request of A.G. Turner

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came A. G. Turner and Ellen E. Turner his wife known to me to be the person who executed the foregoing Instrument, and said A. G.

453 ND
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STATE OF CALIFORNIA, }
County of Napa. } ss.

I, HENRY BROWN, County Recorder of said County and State, do hereby certify the foregoing to be a full, true and correct copy of a Deed recorded in Book C of Deeds page 216 as the same appears of record in my office.

WITNESS my hand and official seal this 2nd day of July A. D. 1885

Henry Brown County Recorder.

By ..... Deputy.

A]

U. S. Dist. Ct. Dist. Cal.
L. C. 453. N. D.
Petr. Exhibit. 13.

Filed Oct Dec 13 1885
Samuel Hoffman
Clerk

Deed

George F. Reeve & Wife To Mary L. Ogden

Know all men by these presents, That we George F. Reeve and wife Electa J Reeve residents of the County of Napa and State of California parties of the first part, in consideration of the sum of Twenty five Dollars to us in hand paid by Mary L. Ogden a resident of the same place, the receipt whereof we hereby acknowledge have bargained, sold and quit-claimed and by these presents do bargain sell and quit claim unto the said Maria L. Ogden and to her heirs and assigns forever all our right, title, interest, Estate, claim and demand, both at law and in Equity and as well in possession as in expectancy, of, in and to all that certain piece or parcel of land lying and being situated in the County and Township of Napa and State of California and known and described as the Western portion and half of the lands hereinafter described to wit: Commencing at a point on the arroyo de Napa where a small gulah intersects said arroyo, it being the North West corner of the land heretofore conveyed by Cripps Bristol & Edmonston to H Laurence by deed

bearing date July 19th A.D. 1851 & recorded in Book "B" pages 31 & 32 Archives of Napa County, thence up the Arroyo de Napa a distance of two hundred and fifty four rods thence in a direct line to the South West corner of said Lawrences land thence down the center of the aforementioned gulch to the place of beginning, said Western half of the above described land is now held and occupied by Frederick Ogden and the party of the second part, with all and singular the hereditaments and appurtenances thereunto belonging.

In Witness Whereof we have hereunto set our hands and seals the fifteenth day of October A.D. Eighteen hundred and fifty five.

Sealed and delivered in presence of C. Hartson } George F. Reeve (Seal) Electa J. Reeve (Seal)

State of California } County of Napa } On this 17th day of October A.D. 1855 personally appeared before me C. Hartson County Judge in and for said County George F. Reeve and Electa J. Reeve known to me to be the

persons described in and who executed the within Conveyance, and acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein contained.

Given under my hand and the seal of the County Court the day and year above mentioned.

L.S.

C. Hartson
County Judge

Filed for record Octr 20th A.D. 1855 at 11 o'clock A.M. and recorded at the request of C Hartson

STATE OF CALIFORNIA,
County of Napa. } ss.

I, HENRY BROWN, County Recorder of said County and State, do hereby certify the foregoing to be a full, true and correct copy of a Deed recorded in Book 6 of Deeds page 349 as the same appears of record in my office.

WITNESS my hand and official seal this 2nd day of July A. D. 1885

Henry Brown County Recorder.

By ..... Deputy.

U.S. Dist. Ct. Dist. Col
L.C. 453. N.D.
Pat. Cases. 14.

Filed October 13 1885
Douglas Hoffman
Clerk

Deed

Frederick Ogden & Wife To John Wixon

This Indenture, Made the Twenty Seventh day of October in the year one thousand eight hundred and fifty five Between Frederick Ogden and Mary L. Ogden his wife residents of the County of Napa and State of California party of the first part to John Wixon resident of Placer County in said State party of the second part Witnesses, that the said party of the first part for and in Consideration of the sum of Four thousand dollars lawful money of the United States of America to them in hand paid by the said party of the second part at or before the ensealing and delivery of these presents the receipt whereof is hereby acknowledged Hath granted, bargained, sold, aliened, remised released conveyed and confirmed and by these presents Do grant, bargain, sell alien remise, release convey and confirm unto the said party of the second part and to his heirs and assigns forever, All of their right title and interest to and in that certain piece or parcel of land lying and being situated in the Township of Napa County of Napa and State of California known and described as follows to wit the western portion and half of the tract of land described and bounded as follows, to wit commencing at a point on the arroyo de Napa where

a small gulch intersects said Arroyo, it being the North Western corner of the land heretofore conveyed by Cripps Bristol and Edmonston to H. Lawrence by deed dated July 19th AD 1851 and recorded in Book B. pages 31 & 32 archives of Napa County, thence up the Arroyo de Napa a distance of two hundred and fifty four rods, thence in a direct line to the South Western Corner of said Lawrences land, thence down the center of the aforementioned gulch to the place of begining, Said westerm half of said tract is now occupied by the said party of the first part and containing one hundred and thirty — Together with all and singular the tenements, hereditaments and appurtenances thereunto belong or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, And also all the Estate, right, title, interest, property, possession claim and demand whatsoever, as well in law as in equity of the said party of the first part, of, in, or to the above described premises and every part and parcel thereof with the appurtenances; To have and to hold all and singular

the above mentioned and described premises together with the appurtenances unto the said party of the second part his heirs and assigns forever. And the said Frederick Ogden & Mary L. Ogden for themselves, their heirs executors and administrators do covenant promise and agree to and with the said party of the second part his heirs and assigns, that they have not made, done, committed, executed or suffered any act or acts thing or things whatsoever whereby or by means whereof, the above mentioned and described premises or any part or parcel thereof now are, or at any time hereafter shall or may be impeached charged or encumbered, in any manner or way whatsoever.

In Witness Whereof the said party of the first part have hereunto set their hands and seals the day and year first above written.

Sealed and Delivered in the presence of F. B. Gilmore C. Hartson	Frederick Ogden (seal) Mary Louisa Ogden (seal)

State of California
County of Napa } On this 27th day of October A.D. 1855 personally appeared before me C. Hartson County Judge in and

for said County, Frederick Ogden and his Wife Mary L. Ogden known to me to be the persons described in and who executed the within conveyance, and who acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein contained. And the said Mary L. Ogden having been by me made acquainted with the contents of the within conveyance, on an examination separate and apart from and without the hearing of her husband Frederick Ogden, acknowledged to me that she executed the same freely and voluntarily, and for the uses and purposes therein contained, and that she does not wish to retract the execution of the same.

Given under my hand and seal of office this 27th day of October A.D. 1855.

L.S.

C Hartson
County Judge of
Napa County

Filed for Record October 27th A.D. 1855 at 3 o'clock P.M. and recorded at the request of Fred Ogden

Wm. J. Pratt Co. Rec.
By Pratt

Filed October 13 1885
Court at Hoffman
Deputy

453 ND
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for said County, Frederick Ogden and his Wife Mary L. Ogden known to me to be the persons described in and who executed the within conveyance, and who acknowledged to me that they executed the same freely and voluntarily

STATE OF CALIFORNIA,
County of Napa. } ss.

I, HENRY BROWN, County Recorder of said County and State, do hereby certify the foregoing to be a full, true and correct copy of a Deed recorded in Book 6 of Deeds page 354 as the same appears of record in my office.

WITNESS my hand and official seal this 2nd day of July A. D. 1885

Henry Brown County Recorder.

By ..... Deputy.

Filed October 13 1885
Daniel Hoffman
Clerk

John Nixon
To
Chas. Goodwin

This Indenture, Made the 20th day of January in the year of our Lord one thousand Eight hundred and fifty eight

Between John Nixon of the County of Placer in the State of California party of the first part and Charles Goodwin of Sacramento in said State party of of the second part Witnesseth That the said party of the first part for and in consideration of the sum of Two Thousand (2000) Dollars to him in hand paid by the said party of the second part Doth grant, bargain, sell and confirm unto the said party of the second part, and to his heirs and assigns, All of the Western portion & half of a certain tract of land situate in the Township and County of Napa in the State of California known, described and bounded as follows to wit: Commencing at a point on the arroyo de Napa where a small gulch intersects said arroyo, it being the North Western Corner of the land heretofore conveyed by Crisps Bristol et al in the year 1851 Recorded in Book B. pages 31 & 32 archives of Napa County, thence up the Arroyo de Napa a distance of 254 rods, thence in a direct line to the South West corner of of said Lawrence's land,

thence ~~xxxxx~~ down the center of the aforementioned gulch to the place of beginning Said Western half of said tract is now occupied by Capt. Nichols, and containing one hundred & thirty acres of land.

Together with all and singular the tenements hereditaments and appurtenances thereunto belonging or in any wise appertaining.

This Conveyance is intended as a Mortgage to secure the payment of the sum of Two Thousand Dollars, according to the terms & conditions of a certain note of even date herewith, given by the said party of the first part for said sum payable in one year from date with interest at the rate of two per cent per month, interest payable monthly to the said party of the second part and these presents shall be void if such payment be made, But in case default be made in the payment of the principal or interest, as above provided then the party of the second part his executors administrators and assigns, are hereby empowered to sell the premises above described with all and every of the appurtenances, or any part thereof in the manner prescribed by law, and out of the money arising from such sale to retain the said principal and interest, together with

the costs and charges of making such sale and the overplus if any there be shall be paid by the party making such sale, on demand to the party of the first part his heirs and assigns.

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

Signed Sealed and Delivered in presence of
C Hartson
John Newman

John Nixon (seal)

State of California } ss.
County of Napa }

On this Twenty Third day of January A.D. one thousand eight hundred and fifty eight before me Robert Crouch County Clerk in and for said County personally appeared John Nixon, to me personally known to be the individual described in and who executed the annexed Instrument and acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In Witness Whereof I have hereunto set my hand and affixed my Official Seal

the day and year first above written

(seal)

Robert Leroux
County Clerk

A true copy of an original recorded at the request of John Wixon Jany 23d 1858 at 10¼ o'clk a.m. the word "Thence" erased by me.

Robert Leroux
Recorder

U.S. Dist. Ct. Dist. of Cal.
Lot No. 4 of Sub-Div. Plat No. 16.
Ass Dec 13th 1860
Thomas Hoffman
Deputy

STATE OF CALIFORNIA,
County of Napa. } ss.

I, HENRY BROWN, County Recorder of said County and State, do hereby certify the foregoing to be a full, true and correct copy of a Mortgage recorded in Book B of Mortgages page 281 as the same appears of record in my office.

WITNESS my hand and official seal this 2nd day of July A. D. 1885

Henry Brown County Recorder.

By ..... Deputy.

Filed Dec 13th 1885
Thomas Hoffman
County Clerk

State of California } ss. In the Seventh Judicial
County of Napa } District Court

John M. Milliken & Theodore M. Milliken — Pl'ffs
vs
John Wixon
Theodore P. Kleinhans & D. W. Kleinhans — Def'ts

The above named plantiffs Complain of the said defendants, and for cause respectfully represent to the Hon'd Court.

That heretofore to wit, on the 20th day of January A.D. 1858. John Wixon, one of said defendants, being justly indebted for borrowed money to one Charles Goodwin to the amount of Two thousand dollars, did make, execute, and deliver unto said Goodwin, his certain promissory note which is herein set forth in words and figures following, to wit:

(Copy of Note)

"$2.000.00 Napa City. Cal., Jany 20th A.D. 1858.
" One year after date for value received
" I promise to pay Charles Goodwin or
" order, the sum of Two Thousand (2000)
" Dollars, with interest at the rate of two
" per cent, per month, interest payable

(over)

at the end of each period of one month, and if not so paid, to become a part of the principal, and thereafter bear the same rate of interest. (Signed) John Nixon,

And plaintiffs say, that said defendant, "Nixon" then and there became bound, and in consideration of the premises, undertook and promised to pay the said "Goodwin" the said sum of Two thousand dollars, with interest thereon at the rate of two per cent per month, according to the tenor and effect of said promissory note-

Plaintiffs aver, that contemporaneous with the execution of said promissory note, and for the purpose of securing the payment of the same with the interest which might accrue thereon, the said defendant John Nixon duly made, executed and acknowledged and delivered to said "Goodwin", a certain Deed commonly called a Mortgage Whereby he granted bargained and sold unto him the said Goodwin, the following described property to wit:

"All of the Western portion and half of a certain tract of land, situate in the Township and County of Napa in the State of California, known, described

(over)

and bounded as follows, to wit:
Commencing at a point on the Arroyo de Napa, where a small gulch intersects said Arroyo, it being the North Western corner of the land heretofore conveyed by Cripps & Bristol - et al, in the year 1851. Recorded in Book B. pages 31 and 32. Archives of Napa County. Thence up the Arroyo de Napa a distance of 254 rods Thence in a direct line to the South West corner of said Lawrence's land; thence down the centre of the aforementioned Gulch, to the place of beginning. Said Western half of said tract, is now occupied by Capt Nichols and contains one hundred and thirty acres of land."

Which Mortgage was duly filed for Record in the Office of the County Recorder of Napa County on the 25th day of January 1858 at 10½ o'clock A.M. and duly Recorded in Book A. of Mortgages on pages 281 & 282. All of which will fully appear by reference to said Mortgage and the Certificate of the County Recorder of said County thereto attached.

Plaintiffs Alledge - that on the 31st day of December A.D. 1860. said Charles Goodwin, for value received - did assign

Sell and transfer to them, for a valuable consideration, to wit the sum of two thousand Dollars, all his right in and to the aforesaid Note and Mortgage, and delivered the same to plaintiffs as aforesaid. Whereby they then became, and now are, the bona fide, legal holders, and owners of said Note & Mortgage.

Plaintiffs aver that That at the date of the execution, and filing of the Mortgage as aforesaid, the same became, and has since been, a good, valid and subsisting Lien and encumbrance on the above described premises for the purposes aforesaid; and they have the right to have the same foreclosed, and said property sold to satisfy the said debt, with the interest which has accrued, and may accrue thereon, and the costs and expenses of this suit.

Plaintiffs Alledge, that after the execution and Recordation of said Mortgage, as aforesaid the said John Nixon, executed to the other above named defendants, another Mortgage on the same premises, and plaintiffs say that the Mortgage made to said defendants, Theodore P. Kleinhans and D. W. Kleinhans, was and is subsequent and subject to the Mortgage & Lien of the plaintiffs

as aforesaid, and taken by the said defendants, with full and legal notice of the said Mortgage lien and rights of the Mortgagee, thereby acquired.

And, further, Plaintiffs alledge, that the said promissory note, above and herein set forth, and owned by them, has long been due and payable, and although often requested so to do, yet the said defendant John Wixon, has not paid the same, or the interest which has accrued thereon, since the 20th day of August A.D. 1860, and that there is now due and unpaid upon said note and Mortgage, including interest, the sum of Two Thousand, one hundred and eighty Six 58/100 Dollars ($2186 58/100) to January 5th 1861, for which amount plaintiffs ask judgment against said defendant John Wixon with interest thereon from this date until paid, according to the terms of said note, and as against both of said other defendants, the costs of this action.

And Plaintiffs pray, that this Hon. Court, in consideration of the premises, Will Order, Adjudge and decree, that the Mortgage of the plaintiff against the said Wixon be foreclosed

and the mortgaged premises hereinbefore particularly described, be sold by the Sheriff of Napa County, according to law, and the practice of this Hon Court, and that the proceeds arising from such sale, or so much thereof, as may be necessary to satisfy the same, be applied to the payment and satisfaction of the debt and claim of these plaintiffs against the said Wixon after first paying the costs of this suit, and expenses of such sale; and Then,

That, the Sheriff pay to the plaintiffs or to their Attorney the proceeds of the said Sale to the extent of their said claim, and take a receipt therefor, and make a report of his proceedings to this Hon Court, That, the said plaintiff and all other persons be allowed to purchase said property at such sale, that the Sheriff shall execute to such purchaser or purchasers a certificate of Sale as required by law, for said premises and also, at the expiration of the time allowed by law, for redemption of said premises (if the same be not redeemed) said Sheriff shall make execute and acknowledge, in due form of law, and deliver unto the legal and proper

holder of such Certificate, a good and sufficient conveyance for said premises, and that all persons to whom said premises may be conveyed as aforesaid, have a writ of assistance, to enable him, or them, to obtain the immediate possession thereof, and that in case the proceeds of such sale be insufficient to pay the whole of plaintiffs claim, as aforesaid, that he have execution issue against the property of said Defendant "Wixon" for any such balance as may remain unpaid, And plaintiffs further ask that this Honorable Court, will Order, adjudge and Decree, the Mortgage of the said defendants Theodore P. and D. W. Kleinhaus, taken as aforesaid, to be subsequent and subordinate to the Mortgage lien, and the rights of these plaintiffs and as against their lien, null and void, and of no effect, and to give plaintiffs such other just and equitable relief as they may require in the premises

Theodore J. Milliken &
John M. Milliken
By their Atty at Law
Frank F. Taylor
Sacramento, Cal.

(Endorsed) Filed 15 Jany 1861
Robert Crouch Clerk

John M. Milliken &
Theodore J Milliken

Vs.

John Wixon
D. W. Kleinhans &
Theodore P. Kleinhans

(Copy)

Complaint

453 ND
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F. F. Taylor
Attorney at Law
Sacramento Cal

14 p

In the District Court of the
Seventh Judical District
Of the State of California.
In and for the County of Napa

John M. Milliken and Theodore M. Milliken vs John Nixon, T. P. Kleinhaus & D. W. Kleinhaus Defendants	Plaintiffs Decree of Foreclosure and Sale In Open Court June 5 A.D. 1862.

This cause having this day been brought on to be heard upon the complaint filed therein, taken as confessed by the defendant, John Nixon (whose default for not answering thereto has been duly entered,) and upon due proof of filing of notice of the pendency of this suit upon the day of the commencement thereof, and upon the Report of Robert Crouch referee to compute the interest due from which it appears that there was due to the plaintiff at the date of the said referees report to wit, on the Fifth (5th) day of June A.D. 1862 for principal and interest upon the debt and mortgage mentioned and set forth in the complaint, the sum of

Three Thousand Sixty four 84/100 Dollars, and on motion of Wm C Wallace of counsel for the plaintiffs John M. Milliken and Theodore M. Milliken.

It is Ordered, Adjudged and Decreed, That all and singular the mortgaged premises mentioned in the complaint in this cause, and hereinafter described, or so much thereof as may be sufficient to raise the amount due to the plaintiff for the principal and interest and costs in the suit and expenses of sale, and which may be sold separately without material injury to the parties interested, be sold at public auction by or under the direction of the Sheriff of the County where said mortgaged premises are situate, that said sale be made in said County; that said Sheriff give public notice of the time and place of such sale, according to the course and practice of the Court and the law relative to sales of real estate under execution, and that the plaintiff or any of the parties to this suit may become the purchaser at such sale, and that the said Sheriff, after the time allowed by law for redemption has expired, execute a deed to the purchaser or purchasers of the mortgaged premises on the said sale.

And it is Further ordered, adjudged, and decreed. That the said Sheriff, out of the proceeds of said sale retain his fees, disbursements and commissions on said sale and pay to the plaintiff or his attorney out of said proceeds, his costs, in this suit, taxed at $22.05 and also the amount so reported due as aforesaid together with interest thereon at the rate of two per cent. per month, interest to compound monthly from the date of this Decree, or so much thereof as the said proceeds of sale will pay of the same. And that the said Sheriff take receipts for the amount so paid and return the same to this Court, with his report, and that he bring the surplus money arising from said sale, if any there be, into Court within five days after such surplus shall have been received and shall be ascertained, to abide the further order of this Court.

And it is further ordered, adjudged and decreed, That the defendants and all persons claiming or to claim from or under them, and all persons having liens subsequent to said mortgage by judgment or decree upon the land described in said mortgage and his or their personal representatives

and all persons claiming under them, be forever barred and foreclosed of and from all equity of redemption and claim of, in and to said mortgaged premises and every part and parcel thereof, from and after the delivery of the said Sheriff's deed.

And it is further ordered, that the purchaser or purchasers of said mortgaged premises from the time of such sale until a redemption, or if there be no redemption, until the execution and delivery of the Sheriff's deed, and the redemptioner, from the time of his redemption until another redemption shall be entitled to receive from the tenant in possession the rents of the property sold or the value of the use and occupation thereof.

And it is further ordered, adjudged and decreed, that the purchaser or purchasers of said mortgaged premises at such sale be let into possession thereof, and that any of the parties to this cause who may be in possession of said premises or any part thereof, and any person who since the commencement of this suit has come into possession under them or either of them, deliver possession thereof to such purchaser or purchasers on production of the Sheriff's deed for such premises.

And it is further ordered and decreed, that if the moneys arising from the said sale, shall be insufficient to pay the amount so reported due to the plaintiff, with the interests and costs, and expenses of sale, as aforesaid, that the Sheriff specify the amount of such deficiency in his report of said sale, and that on the coming in and confirmation of said report, judgment be docketed against the defendant John Nixon who is personally liable for the payment of the debt secured by the said mortgage, in the amount of such deficiency with interest thereon at the rate of two (2) per cent. per month, interest compounded monthly from the date of the last mentioned report, and that the plaintiff have execution therefor.

The description and particular boundaries of the property authorized to be sold under and by virtue of this decree, so far as the same can be ascertained from the mortgage above referred to, or from the complaint filed in this cause, are as follows, Viz: All of the Western portion and half of a certain tract of land situate in the Township and County of Napa and State of California known described and bounded as follows to wit:

Commencing at a point on the Arroyo de Napa where a small Gulch intersects said Arroyo it being the North Western corner of the land heretofore conveyed by Cripps and Bristol and others in the year 1851 Recorded in Book "B" pages 31 & 32 archives of Napa County.

Thence up the Arroyo de Napa distance of Two hundred and fifty four (254) rods. Thence in a direct line to the South West corner of said Lawrences land thence down the center of the afore mentioned gulch to the place of beginning. Said Western half of said tract is now occupied by Capt Nicholas and contains one hundred and thirty acres of land. Together with all and singular the tenements hereditaments and appurtenances thereunto belonging or in anywise appertaining

E. N. McKinsley
Dist Judge

Judgement and Decree entered this 6th day of June A.D. 1862.

Now Therefore, you the said Sheriff of the County of Napa are hereby commanded and required to proceed to notice for sale, and

to sell the premises herein before described, to apply the proceeds of such sale to the satisfaction of said judgment, with the interest thereon, and costs, together with your fees, and to make and file your report of such sale to the Clerk of the said District Court within Forty (40) days from the date hereof, and to do all things according to the terms and requirements of the said Judgment, and the provisions of the Statute in such case made and provided.

Witness, the Hon. E. W. McKinstry
Judge of the District Court
of the Seventh Judicial District
of the State of California,
and the Seal of said Court,
this the 10th day of June
A.D. 1862

Seal

Rob Crouch
Clerk

(Endorsed) Filed on return this
21st day of July A.D. 1862
Rob Crouch
Clerk

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to sell the premises herein before described, to apply the proceeds of such sale to the satisfaction of said judgment, with the interest thereon, and costs, together with your fees, and to make and file your report of such sale to the Clerk of the said District Court within Forty (40) days from the date hereof, and to do all things according to the terms and requirements of the said Judgment, and the provisions of the Statute in such case made and provided.

Witness, the Hon. E. W. McKinstry
Judge of the District Court

STATE OF CALIFORNIA, }
County of Napa. } ss.

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I, N. L. Nielsen, County Clerk in and for the County of Napa, State of California, and ex-officio Clerk of the Superior Court in and for said county, do hereby certify the foregoing to be a full, true and correct copy of the Complaint and Decree of Foreclosure and Sale, in the cause of John M. Milliken & Theodore J. Milliken Vs John Nixon & W. Kleinhans & Theodore P. Kleinhans as the same appears of record in my office, with the original of which ..... said copies have been compared by me and are correct transcripts therefrom.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Court, at my office in the City of Napa, this 2nd day of July A. D. 188 5.

N. L. Nielsen County Clerk.

By ..... Deputy Clerk.

SUPERIOR COURT
NAPA COUNTY, CAL.

No 319

In the District
Court of the
7- Judicial District

J. M. Milliken et al
vs
John Wilson

(Copy)
Order of Sale

Filed October 13 1880
Thos A. Hartman
Clerk

U.S. Dist. Ct. Dak. Ter.
Lic. 453. n.d.
Pet. 4 Ent. No. 1

Wm C. Wallace
Attorney for Plffs

Accrued costs on
Judgment & Decree
$8.75
Rob Lowndes
Clerk

453 ND
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Decree of Foreclosure
and sale
in Open Court.

John Wixon by C. H. Allen Sheriff
To
Kleinhaus T.P. & D.W.

This Indenture made and executed this seventh day of February A.D. 1863 By Charles H. Allen Sheriff of the County of Napa in the State of California, Witnesseth, That Whereas in and by a certain order of sale issued out of the District Court of the Seventh Judicial District, in and for Napa County of the said State of California, in the action of John M. Milliken and Theodore M. Milliken Plaintiffs against John Wixon T.P. Kleinhaus and D.W. Kleinhaus defendants duly attested the tenth day of June A.D. 1862 and to me as such Sheriff duly directed and delivered, I was commanded to Sell the property hereinafter described at Public Auction, according to law and to apply the proceeds of such sale towards the satisfaction of the Judgment in said action amounting to the sum of Three Thousand and Sixty four & 84/100 (3064 84/100) dollars, and the interest thereon and costs of suit and expenses of sale as by the said Order of sale reference being thereunto had, more fully appears. That Whereas in pursuance of said order of sale, I did duly levy on and on the Seventh day of July A.D. 1862 at 12 o'clock Noon at the

Court House door in the County of Napa in said State I did duly sell the premises hereinafter described at Public Auction according to law to T. P. Kleinhans and D. W. Kleinhans who were the highest bidders therefor for the sum of Three thousand two hundred and twenty 82/100 (3220 82/100) dollars which was the whole price paid by them for the same I having first given due notice of the said sale by the publication of the said time and place thereof and of the description of said property hereinafter set forth once in each week for twenty-one days in the Napa County Reporter a weekly newspaper Published in said County and posting copies of such notice and description daily for the same period in three public places of the Township of Napa of said Napa County wherein the said premises are situated And whereas the time allowed by law for the redemption of said property has expired without such redemption having been made. Now therefore I the said Charles H. Allen Sheriff of said County of Napa in pursuance of the said order of sale and of the statute in such case made and provided and for and in

consideration of the payment to me of the said sum of three thousand two hundred twenty 82/100 (3220 82/100) Dollars so bid as aforesaid the receipt whereof is hereby acknowledged have granted bargained sold conveyed and confirmed and by these presents do grant bargain sell convey and confirm unto the said T. P. Klemhaus and D. W. Klemhaus their heirs and assigns the Real Estate in said order of sale described as follows to wit All of the Western portion and half of a certain tract of land situate in the Township and County of Napa and State of California known described and bounded as follows to wit, Commencing at a point on the Arroyo de Napa where a small gulch intersects said Arroyo it being the North Western corner of the land heretofore conveyed by Cripps and Bristol and others in the year 1851 Recorded in Book B pages 31 and 32 Archives of Napa County thence up the Arroyo de Napa a distance of two hundred and fifty four (254) rods thence in a direct line to the South West corner of said Lawrences land thence down the center of the aforementioned gulch to the place

of beginning Said Western half of said tract is now occupied by Captain Nicholas and contains one hundred and thirty acres of land – together with all and singular the tenements hereditaments and appurtenances thereunto belonging or in any wise appertaining.

To have and to hold the same unto the said F. P. Kleinhans and D. W. Kleinhans their heirs and assigns forever.

In Witness Whereof I the said Sheriff have hereunto set my hand and affixed my seal the day and year first above written

Signed, Sealed and Delivered in presence of — Chas. H. Allen (seal) Sheriff of Napa County

State of California } ss
County of Napa } On this seventh day of February A.D. one thousand eight hundred and sixty three Before me Robert Crouch Clerk of the County Court in and for said County personally appeared the within named Charles H. Allen Sheriff of Napa County whose name is subscribed to the annexed Instrument as a party thereto personally known to me to be the individual described in and

who executed the said annexed Instrument and he duly acknowledgid to me that he executed the same freely and volumtarily and for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Court at office in Napa City the day and year last above written.

Seal

Rob Crouch Clerk

A true copy of an original recorded at request Wm C Wallace 7th February 1863 at 35 min past 10 o clock A.M.

Rob Crouch
Co Recorder

STATE OF CALIFORNIA, }
County of Napa. } ss.

I, HENRY BROWN, County Recorder of said County and State, do hereby certify the foregoing to be a full, true and correct copy of a Deed recorded in Book 76 of Deeds page 74 as the same appears of record in my office.

WITNESS my hand and official seal this 2nd day of July A. D. 1885

Henry Brown County Recorder.

By ..... Deputy.

N. J. Dist. Ct. Dist. Cal.
L. C. 453 N.D.
Pat. Eld. No. 18.

Filed October 13 1885
Bernhard Hoffman
Clerk

In the District Court of the seventh Judicial District, of the State of California in and for the County of Napa

John Nixon & Wife Ads T. P. & D. W. Klemhans	Decree of Foreclosure and Sale In Open Court June Sixth A.D. 1862.

This cause having this day been brought on to be heard upon the Complaint filed therein, taken as confessed by the defendants, Electro L. Nixon John Barber, B. Seaman Joseph Umible O.L. Shafter J.M. McShafter and T.N. Park, (whose defaults for not answering thereto have been duly entered,) and upon the answer filed thereto by the defendant John Nixon and upon due proof of filing of notice of the pendency of this suit upon the day of the commencement thereof, and upon the Report of the Referee Robert Crouch from which it appears that there was due to the plaintiffs at the date of the said Referees Report to wit, on the Sixth day of June A.D. 1862 for principal and interest upon the debt to wit upon a promissory note set out in Pltffs Complaint and Mortgage mentioned and set forth in the Complaint, the sum of Three Thousand three hundred and seventy

$\frac{08}{100}$ Dollars, besides one hundred and fifty Dollars, amount provided for Attorneys fees in Plaintiffs Mortgage and on motion of Wm. C. Wallace of Counsel for the plaintiffs T.P. & D.N. Kleinhans and upon consent of John Nixon in open Court first had and obtained.

It is Ordered, Adjudged and Decreed, That all and singular the mortgaged premises mentioned in the complaint in this cause, and hereinafter described, or so much thereof as may be sufficient to raise the amount due to the plaintiff for the principal and interest and costs in the suit and expenses of sale, and which may be sold separately without material injury to the parties interested, be sold at public auction by or under the direction of the Sheriff of the County where said mortgaged premises are situate, that said sale be made in said County; that said Sheriff give public notice of the time and place of such sale, according to the course and practice of the Court and the law relative to sales of real estate under execution, and that the plaintiff or any of the parties to this suit may become the purchasers at such sale that the said Sheriff, after the time allowed by law for redemption has expired, execute a deed to the purchaser or purchasers of the mortgaged premises on the said sale,

And it is Further ordered, adjudged and

decreed, That the said Sheriff, out of the proceeds of said sale retain his fees, disbursements and commissions on said sale and pay to the plaintiffs or their Attorney, out of said proceeds their costs in this suit taxed at $115.$\frac{45}{100}$, and also the amount so reported due as aforesaid, together with $150.00 Counsel fee & interest thereon at the rate of 2½ per cent. per month Compounding monthly from the date of this Decree, or so much thereof as the said proceeds of sale will pay of the same, And that the said Sheriff take receipts for the amount so paid and return the same to this Court, with his report, and that he bring the surplus money arising from said sale, if any there be, into Court within five days after such surplus shall have been received and shall be ascertained, to abide the further order of this Court, And it is further ordered, adjudged and decreed, That the defendants and all persons claiming or to claim from or under them, and all persons having liens subsequent to said mortgage by judgment or decree upon the land described in said mortgage, and his or their personal representatives, and all persons having

any lien or claim by or under such subsequent judgment or decree, and their heirs or personal representatives, and all persons claiming under them be forever barred and foreclosed of and from all equity of redemption and claim of, in and to said mortgaged premises and every part and parcel thereof, from and after the delivery of the said Sheriff's deed, And it is further ordered, that the purchaser or purchasers of said mortgaged premises from the time of such sale until a redemption, or if there be no redemption, until the execution and delivery of the Sheriff's deed; and the redemptioner, from the time of his redemption until another redemption shall be entitled to receive from the tenant in possession the rents of the property sold or the value of the use and occupation thereof. And it is further ordered, adjudged and decreed, that the purchaser or purchasers of said mortgaged premises at such sale be let into possession thereof, and that any of the parties to this cause who may be in possession of said premises or any part thereof, and any person who since the commencement of this suit has come into possession under them

or either of them, deliver possession thereof to such purchaser or purchasers on production of the Sheriff's deed for such premises.

And it is further ordered and decreed, that if the moneys arising from the said sale, shall be insufficient to pay the amount so reported due to the plaintiff, with the interest and costs, and expenses of sale, as aforesaid, that the Sheriff specify the amount of such deficiency in his report of said sale, and that on the coming in and confirmation of said report, Judgment be docketed against the defendant who is personally liable for the payment of the debt secured by the said mortgage in the amount of such deficiency with interest thereon at the rate of - per cent. per month from the date of the last mentioned report, and that the plaintiff have execution therefor.

The description and particular boundaries of the property authorized to be sold under and by virtue of this decree, so far as the same can be ascertained from the mortgage above referred to, or from the Complaint filed in this cause, are as follows, viz: All those certain pieces, parcels or tracts of land situate lying and being in the County of Napa in the State of California and more —

particularly described as follows to wit: First: the western portion and half of the tract of land described and bounded as follows, to wit: Commencing at a point on the arroyo de Napa where a small gulch intersects said arroyo, it being the North Western corner of the land heretofore conveyed by Cripps Bristol and Edmondston to H Lawrence by deed dated 19th July 1851 recorded in Book "B" p. 31 & 32 Archives of Napa County, thence up the arroyo de Napa a distance of (254) two hundred and fifty four rods, thence on a direct line to the South western corner of said Lawrences land thence down the center of the aforementioned gulch to the place of beginning, said land being the same premises being the same land conveyed by Frederick Ogden & Wife to John Wixon on 27 of October 1855 and recorded in Book "C" of Deeds of Records of Napa County on pages 354 and 355, to which reference is hereunto made for a more particular description, Containing (130) one hundred and thirty acres more or less. Second - Tract number one (1) situate in said County of Napa in State aforesaid commencing on the bank of the west branch of Napa creek at a Madrone tree marked "L" and running with the western line of

a tract of land belonging formerly to Turner, South seven (7) degrees west 77 chains 74 links to said Turners former South corner, thence North 60 degrees 27 minutes 438 chains thirty nine links to G. Sackretts former North Eastern corner, thence North 24° 52' E 73 chains 70 links to the aforementioned Creek, thence following the meanders of said creek and in the center thereof to the place of beginning containing 103½ acres more or less being the same land conveyed by William Houser to said John Nixon on 31st august 1857 as per deed recorded in March 15th 1858 @ 12½ P.M. in Liber D. of Deeds on page 463 for a more particular description of which said lands reference is hereunto made. Third tract of land in said Napa County Commencing at a Madrone tree marked "B." near the left bank of the western branch of Napa Creek, and running thence North 81° 50' E. 10 chains 68 links, thence North 45° 06' West 44 chains 75 links, thence South 69° 30' West 16 chains thence South 70° West 19 chains 92 links to the aforementioned Creek thence following a small branch South 67° 30 west 9 chains 09 links, thence South 84° West 4 chains 69 links - Thence South 49° 28' west 25 chains 78 links to the eastern line of land

now or formerly belonging to Smith and Sackett, thence with said line South 28° 15' East 28 chains 35 links thence North 49° 28' East 36 chains 83 links to said west branch of Napa Creek, thence following the meanders thereof, to the place of beginning containing (228 $\frac{83}{100}$) two hundred and twenty eight eighty three hundredths acres being the same land conveyed by W. A. Seawell and John H Seawell to Electy Louisa Wixon on the 19th day of May 1858 and recorded in Liber E. of deeds of the records of Napa County on pages 46 and 47, and to which for a more particular description reference is hereunto made and this last described tract of land being also the same land was intended to be conveyed to be conveyed by same grantors to same grantees by deed bearing date the 31st December 1855 and recorded on Book "C" of Deeds pages 404 & 5 in the Recorders office in said County. Including in the three above described tracts of land five hundred and fifty two (552) acres more or less. Together with all and singular the tenements hereditaments and appurtenances thereunto belonging or in any wise appertaining

E. W. McKinstry
District Judge.

Decree and Judgment entered this 7 day of June A.D. 1862.

Now, Therefore, you the said Sheriff of the County of Napa are hereby commanded and required to proceed to notice for sale, and to sell the premises herein before described, to apply the proceeds of such sale to the satisfaction of said Judgment, with the interest thereon, and costs, together with your fees, and to make and file your report of such sale to the Clerk of the said District Court within Forty days from the date hereof, and to do all things according to the terms and requirements of the said Judgment and the provisions of the statute in such case made and provided.

Witness, the Hon E. W. McKinstry Judge of the District Court of the Seventh Judicial District of the State of California, and the Seal of said Court this the 10th day of June A.D. 1862

(Seal)

Rob Crouch Clerk.

(Endorsed) Filed on return this 21 day of July A.D. 1862

Rob Crouch Clerk,

E. W. McKinstry
District Judge.

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Decree and Judgment entered this 7 day of June A. D. 1862.

Now, Therefore, you the said Sheriff of the County of Napa are hereby commanded and required to proceed to notice for sale, and to sell the premises herein before described, to apply the proceeds of such sale to the satisfaction of said Judgment, with the interest thereon, and costs, together with your fees, and to make and file your report of

STATE OF CALIFORNIA, } ss.
County of Napa.

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I, N. L. Nielsen, County Clerk in and for the County of Napa, State of California, and ex-officio Clerk of the Superior Court in and for said county, do hereby certify the foregoing to be a full, true and correct copy of the Decree of Foreclosure and Sale and Order of Sale in the Cause of T. P. Klemhans et al vs John Nixon as the same appears of record in my office, with the original of which ..... said copy has been compared by me and is a correct transcript therefrom.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Court, at my office in the City of Napa, this 30th day of July A. D. 1885

N. L. Nielsen County Clerk.

By ..... Deputy Clerk.

U. S. Dist. Ct., Dist. Col
L. C. 453 N. D.
Pet'r Exhibit No. 19

Filed October 13th 1885
Dorothea Hoffman
Clerk

John Wixon by C.H. Allen Sheriff
To
J.P. Klemhans & D.W. Klemhans

This Indenture made and executed this seventh day of February A.D. 1863 by Charles H. Allen Sheriff of the County of Napa in the State of California Witnesseth,

That whereas, in and by a Certain Order of sale issued out of the District Court of the Seventh Judicial District in and for the County of Napa of the said State of California in the action of J.P. Klemhans and D.W. Klemhans Plaintiffs against John Wixon Electa L. Wixon, John Barber, B. Seaman, Joseph Kimble, O.L. Shafter J.McM. Shafter and T.W. Park Defendants duly attested the tenth day of June A.D. 1862 and to me as such Sheriff duly directed and delivered, I Was commanded to sell the property hereinafter described at Public Auction, according to law, and to apply the proceeds of such sale towards the satisfaction of the Judgment in said action, amounting to the sum of Three thousand three hundred seventy 98/100 (3370 98/100) Dollars, and the interest thereon and costs of suit and expenses of sale as by the said Order of sale, reference being

thereunto had more fully appears, That Whereas, in pursuance of said Order of sale, I did duly levy on and on the seventh day of July A.D. 1862 at two o'clock after noon at the Court House door in the County of Napa in said State I did duly sell the premises hereinafter described at public auction, according to law to T.P. Kleinhans and D.W. Kleinhans who were the highest bidders therefor for the sum of Three thousand eight hundred forty five 36/100 (3845 36/100) Dollars, which was the whole price paid by them for the same, I having first given due notice of the said sale by the publication of the said time and place thereof, and of the description of said property, hereinafter set forth, once in each week for twenty-one days in the Napa County Reporter a Weekly Newspaper published in said County and posting copies of such Notice and description daily, for the same ~~time~~ period, in three public places of the Township of Napa of Napa County aforesaid wherein said premises are situated.

And Whereas, the time allowed by

law for the redemption of said property has Expired without such redemption having been made,
Now. Therefore, I the said Charles H. Allen Sheriff of said County of Napa in pursuance of the said Order of sale, and of the Statute in such case made and provided and for and in consideration of the payment to me of the said sum of three thousand eight hundred forty five 36/100 (3845 36/100) dollars so bid as aforesaid, the receipt whereof is hereby acknowledged have granted bargained, sold conveyed and confirmed and by these presents do grant bargain sell convey and confirm unto the said T. P. Kleinhans and D.W. Kleinhans their heirs and assigns the real Estate in said Order of sale described as follows to wit: All those certain pieces parcels or tracts of land situate lying and being in the County of Napa in the state of California and more particularly described as follows to wit: First, The western portion and half of the tract of land described and bounded as follows to wit, Commencing at a point on the Arroyo de Napa where a small gulch intersects said Arroyo it being the Northwestern corner of land heretofore

conveyed by Cripps Bristol and Edmondston to H. Lawrence by deed dated 19th July 1851 recorded in Book B. pages 31 and 32 archives of Napa County, thence up the Arroyo de Napa a distance of (254) two hundred and fifty four rods, thence on a direct line to the southwestern corner of said Lawrences land, thence down the centre of the afore mentioned gulch to the place of beginning said land being the same premises being the same land conveyed by Fredrick Ogden and wife to John Nixon on 27th of October 1855 and recorded in Book C, of Deeds of records of Napa County on pages 354 & 355 to which reference is hereunto made for a more particular description containing (130) one hundred and thirty acres more or less.

Second Tract Number One (1) situate in said County of Napa in the State aforesaid commencing on the bank of the west branch of Napa Creek at a Madron tree marked "L" and running with the western line of a tract of land belonging formerly to Turner South 7° (Seven) west 79 chains 74 links to said Turners former South corner, thence North 60° 27 minutes and thirty eight chains 39 links to G. Sackett's

former North Eastern corner, thence North 24° 52' east 73 chains 70 links to the aforementioned Creek thence following the meanders of said Creek and in the Center thereof to the place of beginning Containing 103½ acres more or less, being the same land conveyed by William Hoeser to John Nixon on 31st August 1857 as per deed recorded March 15th 1858 @ 12½ PM in Liber D. of Deeds on page 463 for a more particular description of which said lands reference is hereunto made.

Third. Tract of land in said Napa County commencing at a Madrone tree marked "B" near the left bank of the western branch of Napa Creek and running thence North 81° 50' East 10 chains 68 links thence North 45° 6' west 44 chains 75 links, thence South 69° 30' west 16 chains, thence South 70° West 19 chains 92 links to the aforementioned Creek, thence following a small branch South 67° 30' west 9 chains 09 links thence South 84° west 4 chains 69 links, thence south 49° 28' west 25 chains 78 links to the eastern line of land now or formerly belonging to Smith and Sackett, thence with said line

South 28° 15' east 28 chains 35 links, thence North 49° 28' east 36 chains 83 links to said west branch of Napa Creek, thence following the meanders thereof to the place of beginning containing (228 83/100) two hundred and twenty eight eighty three hundredths acres, being the same land conveyed by W M Seawell and John H. Seawell to Eleda Louisa Wixon on the 19th day of May 1858 and recorded in Liber E of deeds of the records of Napa County on pages 46 and 47 and to which for a more particular description reference is hereunto made, and this last described tract of land being also the same land which was intended to be conveyed by same Grantors to same Grantees by Deed bearing date the 31st December 1855 and recorded in Book C. of Deeds pages 406 and 5 in the Recorders office in said County Including in the three above described tracts of land five hundred and fifty two (552) acres more or less.

Together with all and singular the tenement hereditaments and appurtenances thereunto belonging or in anywise appertaining.

To Have and to Hold the same unto

the said T. P. Kleinhans and D. W. Kleinhans their heirs and assigns forever

In Witness Whereof, I the said Sheriff have hereunto set my hand and affixed my seal the day and year first above written.

Signed Sealed and Delivered in presence of } Chas H Allen (Seal) Sheriff of Napa County

State of California } ss.
County of Napa } On this Seventh day of February A.D. one thousand Eight hundred and sixty three before me Robert Crouch Clerk of the County Court in and for said County personally appeared the within named Charles H Allen Sheriff of the County of Napa whose name is subscribed to the annexed instrument as a party thereto personally known to me to be the individual described in and who executed the said annexed instrument and he duly acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Court at office in Napa City the day and year last above written.

(Seal) Rob Crouch Clerk

A true copy of an original recorded at W C Wallace 7 Feby 1863 at 30 min past 10 o'clock a.m.
The words "District said & in" interlined by me
Rob Crouch Co. Recorder.

the said T. P. Kleinhans and W. Kleinhans their heirs and assigns forever

In Witness Whereof, I the said Sheriff have hereunto set my hand and affixed my seal the day and year first above written.

Signed Sealed and Delivered in presence of } Chas H Allen (Seal) Sheriff of Napa County

State of California } ss.
County of Napa } On this Seventh day of

STATE OF CALIFORNIA, County of Napa. } ss.

I, HENRY BROWN, County Recorder of said County and State, do hereby certify the foregoing to be a full, true and correct copy of a Deed recorded in Book H of Deeds page 72 as the same appears of record in my office.

WITNESS my hand and official seal this 31st day of July A. D. 1885

Henry Brown County Recorder.

By ..... Deputy.

N.D. Dist. Ct. Dist. Cal.
L. C. 43-3. N. D.
Pat. 4-11-20.

Filed Oct 13 1885
Dorothea Hoffman
Clerk

John Wixon by Sheriff
To
H. N. Amesbury

To all to whom these presents shall come: I, Charles H. Allen Sheriff of the County of Napa send Greeting: Whereas on the fifth (5th) day of April A.D. 1862, the People of the State of California recovered judgment in Justice A.A. Hunnewell's Court of Napa Township in and for the County of Napa and State of California, against the Real Estate and Improvements (hereinafter described) and assessed to John Wixon together with an Order of Sale against the real estate particularly mentioned and described in the hereinafter mentioned execution and Order of Sale, and of which said real estate the hereinafter particularly described pieces, parcels or tracts are a part for One hundred seventy nine dollars, and two cents, in a suit for the recovery, in the manner provided by Statute, of delinquent taxes which had attached and become a lien, due and unpaid, on the premises described in said Execution and Order of Sale, and the further sum of forty seven Dollars, eighty five cents, costs and all accruing costs, which said judgement

interest, and all costs amounted, on the day of the sale hereinafter mentioned, to the total sum of Two hundred eighty five Dollars, and whereas ~~whereas~~ on the 23rd day of April A.D. 1862 a transcript of said judgement was filed and docketed in the office of the County Clerk of said County as required by law, And, Whereas, afterward on the twenty fourth (24th) day of April A D 1862 a writ of Execution and order of sale to me directed issued out of the office of the County Clerk in and for said County and State upon the said Judgement hereinbefore described and by me received on the twenty fourth (24th) day of April A.D. 1862 by which I was commanded to levy and cause to be made out of the ~~personal property of the said~~ and if ~~sufficient personal property cannot be found then out of the~~ real property described in said Execution and Order of Sale and of which the hereinafter particularly mentioned and described parcels are a part as will by said Writ more fully appear reference being thereto

had. And whereas after the receipt of the said Writ of Execution and Order of Sale by me and before the ~~said writ of Execution and Order of Sale by me and before the said Writ of Execution and Order of Sale by me and before the~~ day of the return thereof I did by virtue of the said writ of Execution and order of sale levy on seize and take the lands therein particularly described to satisfy the said Judgment costs and charges and did give the legal notice of the time and place of the sale thereof, according to the Statute in such case made and provided and upon the day of such sale, to wit, The nineteenth (19th) day of May A.D. 1862 at 11 o'clock A.M. sold the lands hereinafter more particularly described, according to the Statute in such case made and provided, to H. N. Amesbury for the sum of Two hundred eighty five 00/100 Dollars, that sum being the total amount as aforesaid of the Judgment and all costs then due; and said H. N. Amesbury being the bidder who would take the least quantity of the property

described in the aforesaid Execution and Order of Sale and pay the Judgment and all costs, and the hereinafter particularly described tracts or parcels being the least quantity of the property described in said Execution and Order of sale which any purchaser would take and pay the Judgment and all costs, and whereas six months have expired since the day of said sale, and whereas no redemption has been made of said premises, or any part or portion thereof, Now Therefore Know Ye, That I Charles H Allen the Sheriff aforesaid by virtue of the aforesaid Writ of Execution and order of sale and of the Statute in such case made and provided And in Consideration of the aforesaid sum of Two hundred eighty five 00/100 Dollars and ~~cents~~ to me the Sheriff as aforesaid in hand paid by the said H. N. Amesbury the receipt whereof is hereby acknowledged, Have granted bargained and sold and by these presents do grant bargain and sell unto the said H. N. Amesbury and to his heirs and assigns forever All the real estate and improvements described

in aforesaid Execution as follows; Commencing at a point in the Arroyo de Napa where a small gulch intersects said Arroyo it being the North western corner of land heretofore conveyed by Bristol Cripps and Edmondston to H. Lawrence by deed dated July 19th 1851 and recorded in Book B pages 31 and 32 records of Napa County, thence up the Arroyo de Napa the distance of 254 rods thence in a direct line to the South western corner of said Lawrences Land thence down the center of the aforementioned gulch to the place of beginning said land being the same premises conveyed by Frederick Ogden and Wife to John Wixon on the 27th day of October 1855 and recorded in Book C pages 354 and 355 County records of Napa County to which reference is hereby made for a more particular description containing one hundred and thirty acres more or less.

Second tract Commencing at the bank of the west branch of Napa Creek at a Madrone tree Marked I and running with the western line of a tract of land formerly belonging

to Turner South 7° West 79 chains 74 links to said Turners former South corner thence North 60°27' and 38 chains 39 links to Sacketts former north Eastern corner thence North 24° 52' East 73 chains 70 links to the aforementioned Creek thence following the meanders of said Creek in the center thereof to the place of beginning containing one hundred ninety three and one half acres more or less being the same land conveyed by William Heesser to said John Wixon on the 31st day of August A.D. 1857.

Third tract commencing at a madrone tree marked B near the left bank of the western branch of Napa Creek and running thence North 81° 50' East 10 chains and 68 links thence North 45° 6' west 44 chains 75 links thence South 69° 30' west 16 chains thence South 70° west 19 chains 92 links to the aforementioned Creek thence following a small branch South 67° 30' west 9 chains 69 links thence South 84° 00' West 8 chains 69 links thence South 49° 28' West 25 chains 78 links to the Eastern line of land now or formerly belonging to Smith and Sackett thence with said line South 28° 15' East 28 chains and 35 links thence North 49° 28' East 36 chains

83 links to said west branch of Napa Creek thence following the meanders thereof to the place of beginning containing 228 $\frac{83}{100}$ acres.

Fourth Tract commencing at an oak tree on the border of a small spring branch in Napa County near where the road leading to the saw mill formerly belonging to Hardman crosses said branch and running South 49° 28' West 62 chains 40 links to G. Sacketts former North west corner thence with said sacketts northern line South 28° 15' East 28 chains 48 links to the South western corner of tract No 3 thence with the western line of said tract North 49° 28' East 25 chains 78 links thence North 84° East 44 chains 69 links thence North 69° 30' East 9 chains 9 links to the western branch of Napa Creek thence across said Creek North 70° East 19 chains 92 links to a stake thence North 69° 30' East 16 chains to a stake thence North 45° 6' West 45 chains 91 links to the place of beginning Containing 227 1/3 acres more or less the foregoing described real estate being lying and situate in the County of Napa and State aforesaid.

Together with the appurtenances

to have and to hold the said described property and every part thereof with the appurtenances unto the said H. N. Owesbury his heirs and assigns forever as fully and absolutely as I the said Charles H. Allen as Sheriff aforesaid and under the authority and by reason of the premises aforesaid may can or ought to sell and convey the same.

In Witness Whereof I have hereunto set my hand and seal this 13th day of December A.D. 1862

Signed Sealed and Delivered in the presence of } Chas H. Allen (seal) Sheriff of Napa County

State of California } ss
County of Napa }

On this thirteenth day of December A.D. one thousand eight hundred and sixty two before me Robert Crouch Clerk of the County Court in and for said County personally appeared the within named Charles H. Allen Sheriff of the County of Napa whose name is subscribed to the annexed instrument

as a party thereto personally known to me to be the individual described in and who executed the said annexed Instrument and he duly acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In Witness Whereof I have hereunto set my hand and affixed the seal of said Court at office in Napa City the day and year last above written.

(Seal)

Rob Crouch Clerk

A true copy of an original recorded at request of H. N. Amesbury 8th January 1863 at 23 mins past 12 P M

Rob Crouch

Co Recorder

By J C Pennell Dept

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as a party thereto personally known to me to be the individual described in and who executed the said annexed Instrument and he duly acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In Witness Whereof I have hereunto set my hand and affixed the seal of said Court at office

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STATE OF CALIFORNIA, }
County of Napa. } ss.

I, HENRY BROWN, County Recorder of said County and State, do hereby certify the foregoing to be a full, true and correct copy of a Deed recorded in Book 16 of Deeds page 37 as the same appears of record in my office.

WITNESS my hand and official seal this 31st day of July A. D. 188.5

Henry Brown County Recorder.

By ..... Deputy.

U.S. Dist. Ct. Dist. Cal.
L.C. No 3. N.D.
Pet. Exhib. No. 21.

Filed October 13th 1885
Reinhard Hoffman
Clerk

H. N. Amesbury
To
J. P. & D. W. Kleinhans

This Indenture made this Twenty third (23rd) day of December in the year of our Lord Eighteen hundred and sixty two Between H. N. Amesbury of the County of Napa and State of California party of the first part, and J. P. Kleinhans and D. W. Kleinhans of the City and County of Sacramento State of California parties of the second part, Witnesseth, That the said party of the first part, for and in consideration of the sum of Three Hundred and twenty ($320 00/100) Dollars lawful money of the United States of America, to him in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, does hereby grant, remise, release and quit claim unto the said parties of the second part, and to their heirs and assigns forever, All of the following described tracts of land lying and being situate in Napa County State of California known and described as follows, to wit: Commencing at a point in the Arroyo de Napa where a small gulch intersects said Arroyo, it being the Northwestern corner of land heretofore conveyed by Bristol Cripps & Edmondston to H.

Lawrence by Deed dated July 19th 1851, recorded in Book "B" pages 31 & 32 Records of Napa County, thence up the Arroyo de Napa the distance of 254 rods, thence in a direct line to the Southwestern corner of said Lawrences land, thence down the center of the aforementioned gulch to the place of beginning. said land being the same premises conveyed by F. Ogden & wife to John Wixon on the 24th day of October 1855 and recorded in Book "C" pages 354. 355 County Records of Napa County to which reference is hereby made, for a more particular description, containing one hundred and thirty acres more or less.

2d Tract. Commencing at the bank of the West branch of Napa Creek at a Madrone tree Marked "L" and running with the western line of a tract of land formerly belonging to Turner South 7° West 79 chains 74 links to said Turners former South Corner, thence North 60 37' & 38 chains 39 links to Sacketts former North Eastern corner, thence North 24° 52' East 73 chains 70 links to the aforementioned Creek, thence following the meanders of said

creek in the center thereof to the place of beginning containing one hundred ninety three & one half acres more or less, Conveyed by Wm Heuser to John Nixon on the 31st day of August A.D. 1857.

Third Tract. Commencing at a Madrone tree Marked "B" near the left bank of the western branch of Napa Creek and running thence North 81° 50' East 10 chains 68 links thence North 45° 06' West 44 chains 75 links, thence South 69° 30' West 16 chains, Thence South 70° West 19 chains 92 links to the aforementioned creek thence following a small branch South 67° 30 West 9 chains 69 links, thence South 84° West 4 chains 69 links, thence South 49° 28' West 25 chains 78 links to the eastern line of land now or formerly belonging to Smith & Sackett, thence with said line South 28° 15' East 28 chains 35 links, thence North 49° 28' East 36 chains 83 links to the said west branch of Napa Creek, thence following the meanders thereof to the place of beginning containing 228 83/100 acres, according to the tenor of a certain Bond executed by said party of the first part to said parties of the second part hereto

Nov 12th 1862 & Recorded in Book "B" on pages 224 & 225 Miscellaneous Recd Napa Co.

Together with all and singular the tenements hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remainder and remainders, rents issues and profits thereof. And also, all the estate, right, title, interest, property, possession, Claim and demand whatsoever as well in law as in equity of the said party of the first part, of in or to the above described premises, and every part and parcel thereof with the appurtenances.

To Have and to hold all and singular the above mentioned and described premises together with the appurtenances unto the said parties of the second part their heirs and assigns forever,

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

Signed Sealed and Delivered in the Presence of } H. N. Amesbury (seal)

State of California } ss
County of Napa } On this Eighth (8th) day of January A.D.

one thousand eight hundred and sixty three before me Robert Crouch Clerk of the County Court in and for said County personally appeared the within named H.N. Amesbury whose name is subscribed to the annexed Instrument as a party thereto personally known to me to be the individual described in and who executed the said annexed Instrument and he duly acknowledged to me that he Executed the same freely and volintarily and for the uses and purposes therein mentioned

In Witness Whereof I have hereunto set my hand and affixed the Seal of said Court, at office in Napa City the day and year last above written

(Seal)

Rob Crouch Clerk

A true copy of an original recorded at request of P.W.S. Rayle 23rd January 1863 at 25 min past one o'clock P.M. The word individual erased by me

Rob Crouch
Co Recorder

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one thousand eight hundred and sixty three before me Robert Crouch Clerk of the County Court in and for said County personally appeared the within named H. N. Amesbury whose name is subscribed to the annexed Instrument as a party thereto personally known to me to be the individual described in and who executed the said annexed Instrument and he duly acknowledged to me that he Executed

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STATE OF CALIFORNIA, }
County of Napa. } ss.

I, HENRY BROWN, County Recorder of said County and State, do hereby certify the foregoing to be a full, true and correct copy of a Deed recorded in Book H of Deeds page 63 as the same appears of record in my office.

WITNESS my hand and official seal this 31st day of July A. D. 1885

Henry Brown County Recorder.

By ..... Deputy.

N. J. Dist. Ct. Dist. Col.
L. C. v. U. S. N. D.
pet. v. Ex. Ld. v.

Filed October 13, 1885
Donham Hoffman
Clerk

I Theodore F. Kleinhans do make and declare this my last will and testament

I give and bequeath to Cyrus F. Wheeler my horse and buggy

I give and bequeath to my Sister Sarah Parton of Belvidere New Jersey the one sixth (1/6) of my Real and personal property

I give and bequeath to my Father Peter Kleinhans of New Jersey the rents and profits of one sixth (1/6) of my Real and personal estate for the term of his life, with remainder after his death to Daniel W. Kleinhans of Belvidere New Jersey for uses and trusts hereinafter mentioned.

I give and bequeath one twelfth (1/12) of my personal estate to John Kleinhans of San Francisco, California

I give and bequeath to Mary Ramsey of Ramseyburg New Jersey one twelfth (1/12) of my personal property.

I give and bequeath one third (1/3) of my Real estate to Daniel W. Kleinhans of Belvidere New Jersey

All bequests hereinbefore mentioned to Daniel W. Kleinhans are for the following purposes and trusts, and

expressly charged with the payments of the following legacies.

Said David W Kleinhans shall pay to my cousin Mary Craig of Pennsylvania the sum of Five Hundred Dollars Also to Emma Cresler and Anna C. Cresler daughters of David Cresler of Scranton Pennsylvania the sum of Five Hundred Dollars each. And it is my desire and request that the said David W. Kleinhans shall kindly assist and aid my friends, out of the residue and value of said bequests to him according to his best judgement and their necessities.

The residue of my estate both real and personal I give and bequeath to my beloved wife Elizabeth Kleinhans

I hereby appoint Cyrus T. Wheeler Newton Booth and Joseph T. Glover my executors, and authorize them to execute the provisions of my foregoing will as my Attorneys in Fact

Witness my hand this twelfth day of July Eighteen Hundred and Sixty-seven.

T. A. Kleinhans

Signed by T. P. Kleinhans who is personally known to us, as his last will and testament and declare it to be made in our presence and signed by us in his presence and in the presence of each other.

July 10th 1867

W. R. Clemens
J. B. Newland

Endorsed
Filed July 17th 1867
E. L. Shirland, Clerk
By Matt Clarkson D.C.

Signed by F. P. Kleinhaus who is person-

Office of the County Clerk,
COUNTY OF SACRAMENTO.

I, A. A. WOOD, County Clerk of the County of Sacramento, State of California, and ex officio Clerk of the Probate *Court in for said County and State aforesaid, hereby certify that I have compared the foregoing copy with the original*

Last Will & Testament

filed in my office on the 17th *day of* July *A. D. 187*7*, and that the same is a full, true, and correct copy of such original, and of the whole thereof.*

ATTEST *my hand and seal of said Court, this* 10th *day of* June *A. D. 187*7

A. A. Wood *Clerk.*

By A. J. Douglass *Deputy Clerk.*

Certified Copy
of
Last Will and
Testament
of
Theodore P. Kleinhans

Files Oct Dec 13/85
Douglas Hoffman
Clerk

U.S. Dist. Ct. Dist. Cal.
L.C. 45-3, N.D.
Pet'r, Exhibit 23.

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Recorded at request
of R. S. Thompson Dec
13 A.D. 1877 at 15 mins
past 4. P.M. in Book
A. of Wills: Records
of Napa Co. Cal. page 15
J. M. Ward Jr Co Recorder
By W. E. Dewees Deputy

$1 70 pd

Probate Court Sacramento August 19th. 1867.

Estate of Theodore P Kleinhaus Deceased.

The petition of Cyrus T. Wheeler heretofore filed in the above entitled matter praying for admission to probate of a document purporting to be the last will and testament of said deceased and to be appointed executor of said estate and that letters testamentary thereon be granted to petitioner this day regularly coming on to be heard and due proof being made to the satisfaction of the Court that notice has been given of the time appointed for proving said will and for hearing of said petition and that citations have been duly issued and served as required by the previous order of this Court and it appearing to the Court that notice has been given according to law to all parties interested and after examining the petitioner the witnesses produced in behalf of said petitioner whose

testimony have been reduced to writing and filed from which it appears that said document is the last will and testament of said T. P. Kleinhans deceased. that it was executed in all particulars as required by law. and that the testator was of sound mind at the time of its execution That said T. P. Kleinhans died on the 11th. Day of August. 1867. being a resident of the City of Sacramento in said County at the time of his death and leaving real and personal. estate, the personal estate being of the value of about five thousand Dollars. and the real estate being of the value of about twenty five thousand dollars. and producing an average monthly income of three hundred Dollars and John. T Barrett. the attorney appointed by the Court. to. represent. the minor heirs and persons. residing out. of the County being present. and. Consenting and. no. objections. being made or filed and said applicant being competent. to serve as such. executor. It is

ordered that the paper heretofore filed
purporting to be the last will and
testament of Theodore P Kleinhans
deceased be admitted to Probate
as the last will and testament of
T.P. Kleinhans deceased that Cyrus
T. Wheeler be and he is hereby
appointed executor and that Letters
Testamentary thereon issue to said
C T Wheeler upon giving a bond
in the sum of fifteen thousand
Dollars for the faithful execution
of his duty as such executor
with sufficient sureties to be
approved by this Court and upon
taking the oath required by law.
It is further ordered that notice
to the creditors of said Estate
be given by publication in the
"Daily Bee" a newspaper printed
and published in Sacramento
County It is further ordered
that Julius Wetzler Cyrus T. Coffin
and R. W. Wilcox be appointed
to appraise said Estate

Robt C. Clark.
County Judge

Endorsed Filed August 19. 1867
E.D. Thirlon Clerk By Matt Clarkson DC

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ordered. that the paper heretofore filed
purporting to be the last will and
testament of Theodore P Kleinhaus
deceased be admitted to Probate
as the last will and testament of
T.P. Kleinhaus deceased. that Cyrus
T. Wheeler be and he is hereby
appointed executor and that Letters
Testamentary thereon issue to said
C T Wheeler upon giving a bond
in the sum of fifteen thousand
Dollars for the faithful execution
of his duty as such executor
with sufficient sureties to be
approved by this Court and upon

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Office of the County Clerk,
COUNTY OF SACRAMENTO.

I, WILLIAM B. HAMILTON, *County Clerk of the County of Sacramento, State of California, and ex-officio Clerk of the Superior Court held in and for said County and State aforesaid, hereby certify that I have compared the foregoing copy with the original* Order Admitting Will and Appointing Executor in the Matter of the Estate of T.P. Kleinhaus Dec'd *filed in my office on the* 19th *day of* August *A.D. 18*67*, and that the same is a full, true and correct copy of such original, and of the whole thereof.*

ATTEST *my hand and the Seal of said Court, this* 9th *day of* October *A.D. 188*5.

W. B. Hamilton *Clerk.*

By E. J. Rayter *Deputy Clerk.*

Endorsed Filed August 19. 1867.
E.D. Shirland Clerk. By Matt Clarkeu DC

U. S. District Court - L.C. 453 - N.D.
Petitioners Exhibit No. 24
Filed Oct 13th 1875 Nathan Sheffner Clerk

Estate
of
T. P. Kleinhans
Decd

Order Admitting
Will and
appointing
Executor.

"A"

Schedule - property appraised, per Inventory filed Dec. 17. 1867 of Estate of Thea F. Kleinhans - deceased

No 1	And ½ Lot 1. K. L. 3 & 4 - N ½ of W ½	4000 —	
" 2	" " S ½ W ½ Lot 8. I. J. 3 & 4	5000 —	
" 3	" " E ¼ Lot 3 J. K. 2 & 3	1000 —	
" 4	" " S ½ N ½ Lot 8. J. K. 3 & 4	150 —	
" 5	" " W ¾ Lot 2 J & K. 7 & 8	3000 —	Sold for $6160. in a/c of Surviving partner. " " $5580.50 " " " " "
" 6	" " S ½ Lot 1 L - M - 1. 2	2000 —	
" 7	" " Lot 4. N & O. 14. 15	75 —	
" 8	" " Lots 1. 2. 3. 4. F & G. 17. 18	300 —	
" 9	" " Sanford Ranch. Sac Co	750 —	
" 10	" " Gilbert Claim "	160 —	
" 11	" " Hermance tract "	250 —	
" 12	" " Tivoli tract "	175 —	
" 13	" " Napa Ranch —	3000 —	Sold for $9632.45 in a/c Surviving partner
" 14	" " Hancock Tract	400 —	Do " $1000 — " " " "
" 15	" " Tract Tp 5 S F Co	150 —	
" 16	" " Kennedy & De Merritt tract Colusa Co	300 —	
" 17	" " Note - Lehmann & Schroth	1500 —	Paid in full in a/c Surviving partner
" 18	— 3500 - U S. 7. 30s	2625 —	Sold for $2712.50 See a/c C. T. W. admr
" 19	— Cav Sac Co & County Bonds	3750 —	
" 20	— 10 shares Belvidere Nat. Bank	450 —	
" 21	— Sac Co Coupons	360 —	Collected. See a/c C T W. admr
" 22	— Debt due from P Kleinhans	325 —	
	Total	$29.620 —	
	Property received by admr subsequent to above - viz		
No 23	1900 U S. 5-20 Bonds val	1182 —	
" 24	20 shares Cosala M. Stock.	0 00	
		$31,802 00	

Note — Item three (3) is Inventoried incorrectly, should be the West ½ of East ½ Lot 3. J. K. 2 & 3d

Note — Inventory - item Sixteen (16) should read Southwest quarter Sect 7 instead of Northwest quarter &c —

Estate T P Kleinhans Decd in a/c with —

1867

July	20	To paid Klink & Marfeld —	medicines	Voucher	1	5 75	
"	"	" " L K Hammer —	Rent of piano		2	10 —	
"	27	" " L Elkus —	Clothing		3	29 75	
"	"	" " J H Combrié —	Undertaker		4	207 —	
"	"	" " F S Malone —	House keeping		5	15 —	
Aug	10	" " Dr Cluness —	Medical sers		6	85 —	
"	15	" " J Remmel —	for loan		7	10 —	
"	19	" " Same Cross —	Offs &c		8	3 —	
"	21	" " Rev Stamps for wills			9	11 —	
"	26	" " Library dues			10	2 50	
Sept	12	" " Same Cross			11	3 50	
"	18	" " Notary Public fees			12	5 —	
Nov	4	" " Dr Frey —	Medical Services		13	10 —	
"	25	" " Income tax 1866 (57 65)	in coin		14	42 08	
1868							
March	7	" " H H Hartley —	Atty fees		15	150 —	
"	26	" " Frank Spyeam —	loan &c		16	14 25	
April	24	" " Library dues			17	2 50	
May	23	" " do do			18	2 50	
July	30	" " Allowance of Court to widow of deceased			20	2400 —	
Aug	15	" " A Comte —	Atty fees		21	50 —	
"	"	" " Comr of Admr C P Wheeler			22	1325 52	
July	30	" " L Elkus —	Clothing		19	48 —	
			Balance on hand			548 92	
						992 47	

State of California. County of Sacramento. SS

C P Wheeler being duly sworn

deceased: the annexed and foregoing account being filed as and for the final account of of my knowledge, information and belief, contains a full true and particular account of from the commencement of my administration thereof down to the date of filing hereof and of all been received by any other person by my order or authority for my use; and I do not know of any I further state that the items of expenditure, not exceeding twenty dollars, for which no vouchers when, and to the parties to whom the said payments are stated in said accounts to have been and that there are no debts which have been duly presented and allowed which remain

Subscribed and sworn to before me
this 15th day of August 1868 —

Notarial Seal

A Comte Jr Notary Public —

C T Wheeler — Executor — Final Account —

July 16	By Coupons — Int on U S Bonds			91 98
Nov 4	" " " " "			48 28
Dec 11	" Sac County Coupons	#21		36 00
1868 April 11	" Int on U S Bonds			75
May 29	" do do do			90 70
" "	" proceeds $3,500 U S Bonds	77½ ct #18		2713 50
July 16	" ½ balance on final settlement a/c of J Kleinhans dec'd by surviving partner			441 66
" 25	" ½ rent Waters & Co for June			30
" 30	" ½ " J H Harris " July			75
Aug 4	" ½ " Odd Fellows " "			40
" 8	" ½ " Waters & Co "			30
" 14	" Balance personal a/c of D W Kleinhans to F P Kleinhans in currency 2,673 09 adjusted at 73 ct			1951 35
				9,921 47
Aug 15	By Balance due Estate			5,489 12

State of Iowa } ss
County of Sac }

C T Wheeler being duly sworn on oath deposes and says: I am the executor of the last will and testament of F P Kleinhans. my administration of the said estate is in all respects just and true and according to the best all my receipts and disbursements on account of the said estate of F P Kleinhans deceased. sums of money belonging to said estate, which have come into my hands as such executor, or which have error or omission in the said account to the prejudice of any of the parties interested in the said estate: are annexed or produced have actually been paid and disbursed by me at the place where, the date made respectively, and I further state that the said account exhibits all the debts which have been paid unpaid —

C T Wheeler —

"B"

Mr D W Kleinhans. Surviving partner

In Acct with Kleinhans & Co

1867		Dr		
July	11	To Bal a/c this date	6120	62
	"	" Cash Pd J Anthony & Co	5	
	"	" " " for Telegraphing	11	
	26	" " " Grading K st	317	20
Aug	9	" " " Slave Cross	5	
"	23	" " " A F Durney	17	
	24	" " " Reps 3 & K	16	75
	31	" " " Pac Ins do	11	40
Sept	28	" " " Trpt on Barley	34	75
	"	" " " Reps Front St	17	75
Oct	5	" " " " 3 & K	25	
	"	" " " " " & J	25	
	"	" " " Grading St	241	80
	29	" " " for Reps 3 & J	3	50
Nov	2	" " " " " 2d fst	49	25
"	"	" " " " Grading K st	40	
	7	" " " Cosala McCo Ass^ts	20	75
	15	" " " for Reps 3 & K	1	50
	"	" " " " Map of K st prop	2	50
	18	" " " " State & Co taxes	1124	81
	20	" " " " Reps 3 & K	17	50
Dec	3	" " " Napa Co taxes	73	23
	10	" " " Booth & Co Int on note	731	25
	14	" " " Repairs 3d & J	36	
	17	" " " Booth & Co Note	1000	00
	20	" " " Grading sts	212	20
	21	" " " for Reps 3 & J	3	
	28	" " " " " 2d fst	15	50
	"	" " " " " " 3 & K	11	
	"	" " " " " " 3 & J		75
1868 Jany	14	" " " J D Thompson (13)	688	69
	27	" " " Cosala Assessment	20	75
	29	" " " Reps Front St	12	
	31	" " " Napa Co Surveyor	16	50
Feby	1	" " " Reps 3d & J	9	50
	"	" " " " P L Barker's note	3000	
	"	" " " " " " Int "	270	
	11	" " " " Rev stamp		75

1867		Cr		
July	11	By Cash, Booth & Co balance	1236	95
	13	" " for Wheat sold	352	12
	15	" " Odd Fellows rent to Aug 15	8	0
	22	" " J Harris " " " 1	15	0
Aug	1	" " Waters & Co " " date	6	0
	"	" " Lehmann & Schrodt Int	4	5
	3	" " Ireland rent to 1	9	0
	15	" " Odd Fellows " " Sept 15	8	0
	20	" " J Harris " " " 1st	15	0
Sept	3	" " Waters & Co " " " "	6	0
	"	" " Lehmann & S Int " " "	4	5
	7	" " Ireland rent " " "	9	0
	12	" " Odd Fellows " " Oct 15	8	0
	16	" " Van Heusen " " Aug 10	16	0
	20	" " J Harris " " Oct 1	15	0
	25	" " 1011 7/8 lbs Barley 1 60	167	94
	"	" " 1485 lbs Wheat 1 65	24	50
	"	" " 2129 lbs Barley 1 70	36	19
	"	" " 2364 lbs Barley "	40	19
	"	" " 1311 lbs "	22	29
Oct	1	" " Cash Lehman & S Int to date	4	5
	"	" " Waters & Co rent " "	6	0
	3	" " Ireland " " Oct 1	9	0
	24	" " Odd Fellows " " Nov 15	8	0
	25	" " J Harris " " " 1	15	0
Nov	2	" " J L Huntoon " " " "	9	0
	"	" " Lehman & S Int " " "	4	5
	8	" " D W Earl rent " " "	20	0
	9	" " Waters & Co " " " "	6	0
	20	" " J Harris " " Dec 1	15	0
	22	" " Odd Fellows " " " 15	8	0
Dec	3	" " J L Huntoon " " " 1st	9	0
	"	" " Lehman & S Bal due on note	3000	
	"	" " " " Int " "	4	5
	4	" " Napa land sold	1797	75 = 13
	"	" " Chapman's rent to date	10	0
	"	" " D W Earl " " 1st	15	0
	"	" " Waters & Co " " "	6	0

Feby	15	To Cash Pd 4 Sc Rev Stamp	3 38	
	25	" " " Exp on Pac Co Bonds	6 90	
Mch	7	" " " H H Hartley	48 50	
"	10	" " " Eli Mayo	100	
"	17	" " " Same Cross	36 50	
	21	" " " Pac Ins Co	65 21	
	28	" " " Reps 3 & J	4	
	30	" " " 16 Rev Stamp	4 50	
Apric	18	" " " Robt Allen	2 5	
May	6	" " " Pac Ins Co	131 34	
	14	" " " Same Cross	16	
	"	" " " City taxes	5 11	
	28	" " " Rev Stamp 2 50	1 88	
	30	" " " Pac Ins Co	108 20	
June	5	" " " Reps Putterville Road	4	
	13	" " " " 3 & K	2 5	
	20	" " " " "	1 0	
	27	" " " " "	2 0	
	29	" " " Rev Stamp 1 50	1 13	
July	14	" " " " " 3 00	2 25	
		Balance	883 3 32	

Dec	9	By Cash. Napa land sold	7000	-13
	13	" " J Harris rent to Jany 1/68	150	
	14	" " Odd Fellows " " 15	80	
	28	" " Collections on a/c Booth, Kleinhans & Co	3516 68	
1868 Jany	2	" " Van Houzen rent to Jany 10	200	
	3	" " D W Earl " " " 1st	150	
	4	" " J L Hunton " " " "	90	
	11	" " Waters & Co " " " "	60	
	14	" " J Wetzler rents collected to date	759 60	
	17	" " Hedenberg & Co on per for property	1000	-5
	"	" " Odd Fellows rent to Feby 15	80	
	25	" " J Harris " " " 1st	150	
Feby	1	" " D W Earl " " " "	150	
	8	" " Waters & Co " " "	60	
	14	" " Odd Fellows " " Mch 15	80	
	25	" " J Harris " " " 1st	150	
Mch	3	" " D W Earl " " " "	150	
	12	" " Waters & Co " " " "	60	
	17	" " Odd Fellows " " Apric 15	80	
	30	" " J Harris " " " 1	150	
	"	" " Hardy House " " " "	30	
	"	" " Hedenberg & Co for prop	5000	-5
Apric	1	" " D W Earl rent to date	150	
	3	" " Waters " " 1st	60	
	7	" " J Wetzler " Coll to date	431 90	
	14	" " Odd Fellows " to May 15	80	
	30	" " J Harris " " " 1	150	
May	1	" " Waters & Co " " date	60	
	9	" " D W Earl " " 1st	150	
	14	" " Odd Fellows " " June 15	80	
	15	" " Hedenberg & Co in full for 202 for property	160	-5
	25	" " " Land sold Chapman	1523 39	-13
	28	" " J L Hunton for 204 for Prop	2580 50	-5
June	1	" " J Harris rent to date	150	
	4	" " D W Earl " " 1st	150	
	"	" " Waters & Co " " "	60	
	9	" " J Wetzler " Coll to date	516 25	
	13	" " J W H Campbell Wheat sold	228 59	
	16	" " Odd Fellows rent to July 15	80	

			25	By Cash for swamp & overflowed land	100 — 14
			30	" " J Harris rent to July 1st	150
			July 7	" " Van Heusen " " date	62 50
			8	" " land sold S A Boutwell	900 — 14
			11	" " D W Earl rent to 1st	150
		3316734			3316734
To D W Kleinhans 1/2		441666	By Bal a/c		883332
" Est. P P Kleinhans deceased 1/2		441666			
		883332			883332

State of Cal^a
Co of Sacramento } ss

D W Kleinhans surviving partner of the late firm of Kleinhans & Co. being duly sworn, says, that the foregoing a/c is a true full & correct a/c of all partnership business & transactions of the late firm of Kleinhans & Co & of affiant as the surviving partner thereof from July 11th 1867 to date —

Subscribed & sworn to before me this 16th day of July 1868 }

A Comte for
Notary Public

Notarial Seal

Danl W Kleinhans

Examined and approved by me this 18 July A.D. 1868.

C T Wheeler
Admr Est of P P Kleinhans, dec^d

"D"

Computation of Comr of Executor

Receipts Cur	9.921.47
Appraised Value of Realty unsold	14.310.—
" " " P. Property "	5.907.—
	30.138.47

7 p/c 1st Ct	1000.	70.	
5 p/c	9000.	450.	
4 p/c Balance	20.138.47	805.52	
		1.325.52.	

State of California } In the Probate Court -
County of Sacramento }

In the matter of the Estate }
of }
P P Kleinhans. Deceased. }

To the Hon. the Probate Court of said County:

C P Wheeler, the executor of the last will and testament of P P Kleinhans, deceased, presents this his report accompanying his final account in the matter of said estate and shows as follows: That more than eleven months have expired since he was appointed executor of said last will and testament, and since he duly qualified and entered upon the discharge of his duties as such executor: that more than eleven months have elapsed since the first publication of the notice to the creditors of said estate and of said deceased according to law.

That the total value of property received as per Inventory and appraisement filed in this Court on the 17th day of December A.D. 1864 is $29.620. the items of which are shown per Schedule hereunto attached - marked - "A" - from Nos 1 to 23 therein inclusive - which said Schedule is hereby made a part hereof and of the final account accompanying

That the value of the property discovered and received since the filing of said Estate's Inventory and Appraisement as aforesaid is $1.482.00 and the items thereof marked 23 and 24 in said Schedule-"A": that he this Executor of said Estate has examined and found correct and approved the account of D W Kleinhans. Surviving partner of the firm of Kleinhans & Company herewith filed. by which it will be seen that the amount due said deceased was $4.416.66. which has been received from said Kleinhans. Surviving partner and duly accounted for, which said account is marked-"B"- and is hereby made a part hereof and of said final account. Your Executor has also received from said D W Kleinhans the sum of $1951.35 being for $2673.09 in currency at 73 cts - due said P P Kleinhans. deceased, on personal account. The items marked 5. 13. 14. 17. in Schedule-"A"- aforesaid were sold by surviving partner aforesaid and proceeds were applied by him in payment and liquidation of debts. as per account marked-"B"- as aforesaid. which said property specified in said items and so sold by said surviving partner were appraised at $7.900. and realized by said sale $10.437.97. to which said sales the devisees and legatees and heirs of said estate duly give their consent and in the conveyances of which they joined.

The final account accompanying herewith shows that there is cash on hand due the estate $5.489.12 — There remains unsold and for distribution (less costs

of closing administration) in accordance with the provisions of the last will and testament of said deceased. items as per Schedule "A" as follows — Real estate - 1. 2. 3. 4. 6. 7. 8. 9. 10. 11. 12. 15. 16. of which the appraised value is $14.310^{00} and personal property items 19. 20. 22. 23. 24 of which the appraised value is $5.907^{00}. Total for distribution $25.706.12.

Your petitioner shows that there occurs in the description of property in the Inventory and appraisement two errors. Viz: items 3 and 16 in Schedule "A". which errors are corrected by note to said Schedule "A". All the debts due by the firm of Kleinhans & Company have been paid and its business settled and closed: all the debts against said deceased. and the estate have also been paid in full. and your petitioner knows of no claims or demands against either said firm or said estate either legal or equitable. That the computation of fees of executor is attached hereto and marked - "D" - and made a part hereof. Said executor further shows that he has charged himself in said accounts with the whole of the estate of said deceased. which has come to his possession at the value of the appraisement contained in the Inventory. and increase. interest. profits and income of said estate and excess of appraised value where sales were made. That he has collected all the debts due the said deceased and his estate.

Wherefore said executor prays a settlement of his administration. and for the approval of the account

of said surviving partner. and asks that this Court appoint a day for the settlement of said final account. and that after due and legal notice given thereof. said final account be settled. approved and allowed by the Court.

August 17. 1868. — C T Wheeler
Executor of the last will and testament of T D Kleinhans - deceased

State of California }
County of Sacramento } ss -

C T Wheeler. being duly sworn on oath deposes and says that he has heard read the foregoing report and knows the contents thereof. that the same is true of his own knowledge except as to the matters therein stated on information and belief. and that as to those he believes it to be true.

Subscribed and sworn to before me this 15th day of August 1868 } C T Wheeler

A Comte
Notary Public

Notarial Seal

(Endorsed)
Filed August 17. 1868
W. B. C Brown. Clerk -
By Terence McAsterson. D.C.

of said surviving partner. and asks that this Court appoint a day for the settlement of said final account. and that after due and legal notice given thereof. said final account be settled. approved and allowed by the Court.

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August 17. 1878. — C P Wheeler
Executor of the last will and testament of P P Kleinhans — deceased

State of California
County of Sacramento } ss.

C P Wheeler. being duly sworn on oath deposes and says that he has heard read the foregoing report and knows the contents thereof. that the same is true of his own knowledge except as to the matters therein stated on information and belief. and that as to those he believes it to be true.

Office of the County Clerk,
COUNTY OF SACRAMENTO. } 453 ND PAGE 213

I, A. A. WOOD, County Clerk of the County of Sacramento, State of California, and ex officio Clerk of the Probate Court in for said County and State aforesaid, hereby certify that I have compared the foregoing copy with the original

Final Account. Report of Executor and Account of surviving partner in the matter of the Estate of P P Kleinhans deceased

filed in my office on the 17th day of August A. D. 1878, and that the same is a full, true, and correct copy of such original, and of the whole thereof.

ATTEST my hand and seal of said Court, this 11th day of December A. D. 1877

A A Wood Clerk.

By J H Parnell Deputy Clerk.

Probate Court

County of Sacramento

In re the Estate

of

J. D. Kleinhans. deceased

Copy.

Final account and

Report of Executor &c

Account of surviving partner

U. S. Dist. Ct. Dist. Cal.
L. C. 453. N. D.
Pt. 24 bl. 25.
Pt. 4 1885

Filed Feb 13 1885
Wm. M. Van Winkle
Clerk

State of California
County of Sacramento } In Probate Court

453 ND
PAGE 215

In the matter of the Estate
of
T P Kleinhans Deceased.

C P Wheeler the executor of the last will and testament of T P Kleinhans, deceased having heretofore "to wit" on the 24th day of August A D 1868 filed in this Probate Court his petition setting forth the matters required by law and all the necessary averments, and praying for a decree of distribution of the residue the estate in his hands to the parties named in the will of said deceased and said Court having thereupon made an order on said 24th day of August A D 1868 directing all persons interested in the said estate to appear before this Court on the 28th day of September 1868 at ten o'clock in the forenoon of that day at the Court room of said Court at the City of Sacramento County and State aforesaid then and there to show cause why an order of distribution should not be made of the residue of said estate among the devisees and legatees of said T P Kleinhans deceased as prayed for by said executor and directing a copy of said order to show cause to be published for four successive weeks in the "Sacramento Daily Union" a newspaper printed and published at the City of Sacramento County and State aforesaid and at the said hour on the said

28th day of September 1868 upon proof by the
affidavit filed in this Court of Lauren E Crane
chief clerk and book keeper in the office of said
newspaper of the due publication of said order to
show cause as directed and as by law required;
and Daniel W Kleinhans. Elizabeth Kleinhans.
John Kleinhans. Peter Kleinhans. Sarah A Barton.
(and P Barton her husband) having filed an instrument
in this Court waiving service on them of all notices
by law required and agreeing and consenting that
distribution of said estate might be made as prayed
for by said Executor in his said petition; and H C
McCreary Esq. as the guardian ad litem and
attorney duly appointed by this Court to represent
Mary Ramsey. Mary Craig. Emma Cresler.
Anna Cresler and the other absent and non resident
persons interested in this estate having filed his consent
that this decree be granted and that distribution be
made as prayed for in said petition and the said
Executor appearing in person and by his counsel
A Comte Jr and the inventory and appraisement
and the final account and account of surviving
partner; the orders allowing and settling the same
and the decree of due publication of notice to creditors,
together with other documentary and record proofs
were offered, and put in evidence, and competent
witnesses having been examined in open Court under
oath; and it having been duly established to the

satisfaction of this Court it accordingly finds: That said C T Wheeler was duly appointed executor of said last will and testament of said T P Kleinhans, deceased, by this Court on the 19th day of August A.D. 1867: that on said last named day ~~said executor~~ duly qualified as such and entered upon the discharge of his duties in the administration of said estate, and has ever since continued to administer on the same: that on the 17th day of December 1867 he duly filed his inventory and appraisement of said estate, real and personal, which had come to his hands: that on the 22nd day of August 1867 he duly published the notice to creditors to present their claims against the deceased in the manner and for the period prescribed by law and the order of this Court: that more than one year has elapsed since his said appointment as such executor and that more than ten months have elapsed since the first publication of said notice to creditors: that on the 17th day of August 1868 he filed his final account as such executor, together with a report of his administration, which said account was accompanied by the account of the surviving partner of said deceased, and that after due hearing and notice said accounts were settled, allowed and confirmed: and the estate is now in a condition to be closed finally: that said T P Kleinhans died at the City of Sacramento, County and State aforesaid on or

about the 11th day of July 1867: being at the time of his death a resident of said County and leaving estate, both real and personal therein: that he left his last will and testament which was duly proved and admitted to Probate in this Court and is now on file and of record therein: that by said last will and testament he, said P. F. Kleinhans, deceased, gives and bequeaths to said executor C. T. Wheeler his horse and buggy: that he gives and bequeaths to Sarah Barton of Belvidere, New Jersey one sixth of his real and personal property: that he gives and bequeaths to his father Peter Kleinhans of New Jersey the rents and profits of one sixth of his real and personal property for the term of his life with remainder after his death to Daniel W. Kleinhans of Belvidere, New Jersey for the uses and purposes hereinafter named: He gives and bequeaths one twelfth of his personal estate to John Kleinhans of San Francisco California. He gives and bequeaths to Mary Ramsay of Ramseyburg, New Jersey one twelfth of his personal property. He gives and bequeaths one third of his real estate to Daniel W. Kleinhans of Belvidere, New Jersey. All said bequests hereinbefore recited to Daniel W. Kleinhans are for the following purposes and trusts and expressly charged with the payment of the following legacies, to wit: said Daniel W. Kleinhans shall pay to the Cousin of said deceased Mary Craig of Pennsylvania the sum of five hundred dollars: also to

Emma Chesler and Anna C Chesler. daughters of David Chesler of Scranton. Pennsylvania the sum of five hundred dollars each. And said deceased by his said last will and testament expresses his desire and request that the said Daniel W Kleinhans shall kindly assist and aid the friends of said deceased out of the residue of said bequests to him said Daniel W Kleinhans according to his best judgment and their necessities. He gives and bequeaths the residue of his estate both real and personal to his wife Elizabeth Kleinhans. Schedules "A" and "B" hereunto annexed are hereby referred to and made a part hereof for the purpose of the description of the property subject to distribution both real and personal, The account accompanying the petition of executor filed August 24. 1868 marked therein exhibit "B". showing rents and profits is hereby allowed. approved and confirmed and no objection having been made by any person - but all parties interested having consented thereto. It is hereby ordered. adjudged and decreed and this Court by virtue of the power and authority herein vested does order, adjudge and decree as follows: That all the acts and proceedings of said executor as reported to this Court and as appearing upon the records thereof be and the same are hereby approved and confirmed and that the residue of the estate of said T P Kleinhans. deceased. now remaining in the hands of such executor and as described in Schedules "A" and "B" hereunto attached

be and the same is hereby distributed, assigned, transferred and set over as follows: to wit: To C S Wheeler one horse and buggy. To Sarah A Barton one undivided one sixth (1/6) of all real estate as per schedule marked "A" Nos 1. 2. 3. 4. 6. 7. 8. 9. 10. 11. 12. 15. 16. also one sixth (1/6) of the personal property as per schedule marked "B" Nos 19. 20. 22. 23. 24: also one sixth (1/6) of cash on hand, said one sixth being $914.85 To Peter Kleinhans an undivided one sixth (1/6) of all the real estate as per schedule "A" Nos 1. 2. 3. 4. 6. 7. 8. 9. 10. 11. 12. 15. 16. also one sixth (1/6) of the personal property as per schedule marked "B" Nos. 19. 20. 22. 23 24. also one sixth (1/6) of cash on hand said one sixth being $914.85 of which last named sum $473.22 only is payable to him, the same being "rents and profits" and the balance being rents of sale of real estate. All of said property both real and personal distributed to said Peter Kleinhans except said sum of $473.22 to be retained by him said Executor in trust for said Peter Kleinhans during his life or until some other trustee or agent is appointed. said property being only a life estate in said Peter Kleinhans, the "remainder" to go to and belong absolutely on his death to Daniel W Kleinhans and it is decreed accordingly—

To John Kleinhans one twelfth (1/12) of the personal property as per schedule marked "B" Nos 19. 20. 22. 23. 24. This interest is subject however to a charge of $272.65 which is to be deducted by the executor before payment

over to said John Kleinhans.
To Mary Ramsey one twelfth (1/12) of the personal property as per Schedule "B" Nos 19. 20. 22. 23. 24. This interest is subject however to a charge of $ 272 65 which is to be deducted by the executor before payment over to said Mary Ramsey.
To Daniel W Kleinhans the undivided one third (1/3) of all the real estate as per Schedule "A" Nos 1. 2. 3. 4. 6. 7. 8. 9. 10. 11. 12. 15. 16. also the sum of $ 2920 31 the same being one third of the surplusage of the real estate sold.
To Elizabeth Kleinhans, widow of said deceased — The undivided one third (1/3) of all the real estate as per Schedule "A" Nos 1. 2. 3. 4. 6. 7. 8. 9. 10. 11. 12. 15. 16. Also one third (1/3) of the personal property as per Schedule "B" Nos 19. 20. 22. 23. 24. also the balance of cash on hand when the aforesaid amounts due from John Kleinhans and Mary Ramsey shall have been paid in. said balance being $ 1.284 42 And it is further ordered that the said C T Wheeler executor as aforesaid upon payment and delivery of said property now in his hands to the said devisees and legatees as aforesaid. and upon filing proper vouchers and receipts therefor in this Court be fully and finally discharged from this said trust as such executor. and that his sureties shall thereupon and thenceforth be discharged from all liability for the future acts of said executor. and this decree shall then have the force and

effect of a final discharge. It is further ordered, that said executor be and he is hereby allowed for costs of administration accruing since his final account was filed the sum of $ 68.75 to be deducted from said legacies as by law provided.

Done in open Court Sept 28. 1868

Attest — Robt C Clark

W B C Brown. Clerk Probate Judge

Seal By Terence Masterson. D.C.

Schedule "A"

Real Estate situate in the City of Sacramento County of Sacramento. State of California as designated upon the map of said City —

No 1 The undivided 1/2 of the North 90 feet of West 1/2 of lot No one in square between K and L and Third and Fourth street.

No 2 The undivided 1/2 of South half of West half of lot No 8 in square between I and J and Third and Fourth street

No 3 The undivided 1/2 of the West half of the East half of Lot No 3 in the square between J and K and Second and Third streets.

No 4 The undivided 1/2 of South quarter of North half of lot No 8 in square between J and K and Third and Fourth streets

No 6 The undivided 1/2 of the South half of lot No 1 in square between L and M and Front and Second streets.

No 7 The undivided 1/2 of lot No 4 in square between N and O and Fourteenth and Fifteenth streets

No 8 The undivided 1/2 of lots Nos 1. 2. 3 and 4 in the square between F and G and Seventeenth and Eighteenth streets.

And the following real estate being situate in the said County of Sacramento.

No 9 The undivided 1/2 of 650 31 acres of land in sections 3. 27. 28. and 34 in Townships 7 and 8. N. R. 4. East Mt Diablo base and meridian. known as the Sandford Ranch and being more particularly described in a certain patent from the State of California issued on the 29th day of April 1862. being the land described in swamp and overflowed land survey No 154 for said County of Sacramento to which patent and survey reference is hereby made and the same are hereby made a part hereof. Also described in patent from said State issued on same day for lands described in swamp and overflowed land survey No 150 for said County of Sacramento. reference to which is hereby made and the same are hereby made a part hereof. said first named patent having been issued to T P and D W Kleinhans and the last named also.

No 10 The undivided 1/2 of the West 1/2 of Section 13. T 9. N. R. 4 East Mount Diablo base and meridian known as the Gilbert claim.

No 11 The undivided 1/2 of a tract of land known as the Hermance Tract. being the same land described in three patents from the State of California to T P and D W Kleinhans issued on the 29 day of April 1862. one for 206 acres being described in swamp and overflowed land

Survey No 141 for said County. Another for 315 Acres being described in Swamp and overflowed land Survey No 139 for said County; and another for 320 Acres described in Swamp land Survey No 143 for said County; also a patent from said State to Theodore Hermance dated August 2d 1858 being also described in Swamp land Survey for said County No – reference, to which said patents and surveys is hereby made and the same are made a part hereof.

No 12 The undivided 1/2 of what is known as the Tivoli tract, being particularly described in a deed from John Oschwald to T P Kleinhans and D W Kleinhans recorded in pages 568 and 569 in Book No 36 of Deeds of Records of said County of Sacramento; also in a deed from Robert Robinson to T P and D W Kleinhans recorded in Book R of Deeds pages 107 and 108 of records of said County reference to which said Deeds and the Records thereof is hereby made and the records thereof and said Deeds are hereby made a part hereof.

Also

No 15 The undivided 1/2 of the undivided 1/3 of the North East quarter of section 24 and the Westerly half of the South East quarter of section 13 all in Township No 2 North Range 6 West Mount Diablo base. being in San Francisco County California; and a strip of land lying North of and adjoining the last above described quarter section three hundred feet wide running East and West

the whole length of said quarter section.

Also

No 16 The undivided 1/2 of the South West quarter of section 7 and the North West quarter of section 18. Township 9 North Range 1 West. known as the Kennedy and Domenetti tract. Containing 304 acres. and being situate in Yolo County. California.

Finis of Schedule "A"

Schedule "B"

No 19 $6000. Sacramento County Bonds Value $ 3.750.-

No 20 10 Shares Belvidere National Bank — " $ 450.-

No 22 Debt due from P. Kleinhans " $ 225.-

No 23 $1900. W S Bonds " $ 1.483.-

No 24 50 Shares Cosala Mining Company's Stock = Value nothing

Finis of Schedule "B"

(Endorsed)

Filed September 28th 1868
W B C Brown, Clerk
By Terence Masterson. D.C.

Schedule "B"

No 19 $6000. Sacramento County Bonds Value $ 3,750.-

No 20 10 Shares Belvidere National Bank — " $ 450.-

No 22 Debt due from D. Kleinhans " $ 225.-

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No 23 $1900. W S Bonds " $ 1.482.-

No 24 50 Shares Cosala Mining Company
Stock = Value nothing

Finis of Schedule "B"

Office of the County Clerk,
COUNTY OF SACRAMENTO.

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I, A. A. WOOD, County Clerk of the County of Sacramento, State of California, and ex officio Clerk of the Probate Court in for said County and State aforesaid, hereby certify that I have compared the foregoing copy with the original

Decree of Distribution

filed in my office on the 28th day of September A. D. 1878, and that the same is a full, true, and correct copy of such original, and of the whole thereof.

ATTEST my hand and seal of said Court, this 10th day of Dec. A. D. 1877

A. A. Wood Clerk.

By C. G. Horsfall Deputy Clerk.

V

Probate Court

Sacramento

In the matter of the
Estate of
F. P. Kleinhans
Deceased

U. S. Dist. Ct. Dist. Cal
C. C. 4-3 n. s.
Pet. Exhib. No. 26.

Decree of Distribution
Filed October 13th 1885
Reuben Soffman
Clerk

Recorded at request
of R. S. Thompson Dec
13 A. D. 1877 at 16 mins
past 4 P. M. In Book
"X" of Deeds Page 360
Records Napa Co Cal
J. W. Ward Jr Co Recorder
By W. E. Deweese Deputy

$1 10 pd

Pd A 1/10

19

453 ND
PAGE 230

$1. Stamp
1868
S.B.P.B
P.S.

Sarah Bartow
To
C. T. Wheeler

Know all Men by these Presents, That we Sarah Bartow wife of Philip Bartow who joins herein with his said wife and consents hereto, and Peter Klinhaus, all of the Town of Belvidere County of Warren State of New Jersey have made, constituted and appointed, and by these presents do make, constitute and appoint Cyrus T. Wheeler of the City of Sacramento and State of California our true and lawful Attorney for us and each of us, in our names place and stead, to enter upon, take possession of manage control and dispose of in his discretion or Bargain Sell and convey by deeds or other instruments of writing properly executed in our names, any and all Real Estate or interest therein belonging to us, or to which we or either of us may be entitled as heirs or legatees of the late Theodore P. Klinhaus now deceased, situated lying and being in the Counties of San Francisco, Napa, Sacramento, Yolo, Sutter and Placer Counties or either of them, or in any other part of the State of California, Also to employ Counsel learned in the law to appear in our names and give our consent to the granting of the necessary orders by Courts of competent jurisdiction authorizing the sale of any Real Estate belonging to said estate,

Giving and Granting unto our said Attorney full power and authority in and about the premises; and to use all due means, course and process in law, for the full, effectual and complete execution of our business and in our names to make and execute due acquittances and discharges, and for the premises to appear and the person of us the constituents to represent before any Governor, Judges, Officers, or Ministers of the law Whatsoever, in any Court or Courts of Judicature, and there on our behalf to prosecute for debt, fraud and any manner of claim the constituents may have against any person or persons, and to answer, defend and reply unto all actions causes, matters and things whatsoever, relating to the premises. Also to compound and settle, or submit any matter in dispute respecting the premises to arbitration, or otherwise, with full power to make and substitute for the purposes aforesaid, one or more Attorneys under our said Attorney and the same again to revoke at pleasure. And generally to say, do, act, transact, determine, accomplish and finish all matters whatsoever, relating to the premises, as fully, amply and effectually, to all intents and purposes as we might or could do if personally

present, although the matter should require more special authority than is herein comprised, hereby ratifying, confirming and holding valid all that our said Attorney or his ~~substitute, or substitutes~~ shall lawfully do, or cause to be done by virtue of these presents.

In Witness Whereof, we have hereunto set our hands and seals the Seventh day of January one thousand eight hundred and sixty eight.

Signed, Sealed and Delivered in the Presence of
Edw Shippen
Thos. J. Hunt

Sarah A. Bartow (seal)
Philip Bartow (seal)
Peter Kleinhaus (seal)

State of Pennsylvania } ss.
City & Co of Philada. }

Be it remembered that on this Seventh day of January, one thousand eight hundred & Sixty eight before me the undersigned Edward Shippen a Commissioner for the State of California resident in said City of Philadelphia, personally appeared the within named Philip Bartow and Sarah Bartow his wife and Peter Kleinhaus who are personally known to me to be the persons described in and who executed the foregoing Power

of Attorney and acknowledged that they executed the same for the purposes herein expressed. And the said Sarah being by me privately examined separate and apart from her said husband, acknowledged that she executed the same freely and without any fear or compulsion of her said husband.

In Witness Whereof, I have hereunto set my hand hand & affixed my official Seal as such Commissioner at said City the day & year aforesaid

Seal

Edw Shippen
A Com - for California

A true copy of an original recorded at request of P.W.S. Rayle May 21st A.D. 1868 at 15 mins. past 9 A.M. the words "of the necessary" interlined by me before signing -

J.H. Howland
Co Recorder

of Attorney and acknowledged that they executed the same for the purposes herein expressed. And the said Sarah being by me privately ex-

STATE OF CALIFORNIA, }
County of Napa. } ss.

I, HENRY BROWN, County Recorder of said County and State, do hereby certify the foregoing to be a full, true and correct copy of a Power of Attorney recorded in Book A of Power of Attorney page 170 as the same appears of record in my office.

WITNESS my hand and official seal this 2nd day of July A. D. 1885

Henry Brown County Recorder.

By ..... Deputy.

50¢ Stamp
Dec 7th
1867
D.W.K.
by S.C.

50¢ Stamp
Dec 7th
1867
D.W.K.
by S.C.

50¢ Stamp
Dec 7
1867
D.W.K.
by S.C.

$2. Stamp
Dec 7
1867
D.W.K.
by S.C.

D. W. Kleinhans
To
J. D. Thompson

This Indenture, made and entered into the Seventh day of December A.D. 1867 by and between Daniel W. Kleinhans of the first part and John D. Thompson of the second part, Witnesseth, said party of the first part for and in consideration of the sum of Three thousand five hundred dollars to him in hand paid in gold coin by the said party of the second part, the receipt whereof is hereby acknowledged Has granted bargained and sold and by these presents does grant, bargain and sell to the said party of the second part and to his heirs and assigns the undivided one half of the following described real estate situated in the County of Napa, in the State of California bounded as follows to wit, Begining at a point in the middle of Napa Creek in Browns Valley in said County where the line between the lands of R. S. Thompson, and Messrs Kleinhans strikes the center of said Napa Creek and running thence in a true course south 48° 30' West 51.50 chains along the fence dividing said lands to an angle in the same, thence North 58° 30' West 3.10 chains thence South 87° 30' West 7.40 chains thence North 73° West 7.50 chains to a white oak tree on the bank of a dry creek said tree being marked as a line tree and thence down

said dry creek Northerly to a post in the middle of said dry branch, said post forming the North West corner of the land of D E Thompson and from which post a white oak tree 2½ feet in diameter marked BT bears South 16° 30' West 84 links distant and thence along B. Seamans line North 24° 45' E 12 chains to a post in the middle of the West branch of the Napa Creek, from which a burned Laurel tree three feet in diameter marked BT bears North 57° West 1.20 chains distant thence down the center of said creek to the place of beginning containing Two hundred and twenty nine and 18/100 acres more or less, and the said party of the first part binds himself to deliver the immediate possession of said land and every part thereof to the said party of the second part.

In Testimony Whereof the said party of the first part has hereunto set his hand and seal the day and year above written.

The word "and" in the first line of the second page interlined before signed

Daniel W Kleinhans (seal)

State of California } ss
County of Sacramento } On this 7th day of December A. D. one thousand eight hundred and sixty seven

before me Samuel Leros a Notary Public in and for said State and County, duly commissioned and sworn personally appeared the within named Daniel W Kleinhans whose name is subscribed to the annexed instrument as a party thereto, personally known to me to be the individual described in and who executed the said annexed instrument, and he then & there acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand and affixed my Official Seal the day and year in this Certificate first above written.

Seal

Samuel Leros
Notary Public

A true copy of an original recorded at request of R. S. Thompson Dec 13th A.D. 1867 at 2 mins past 4 P.M.

J. A. Howland
Co Recorder

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before me Samuel Cross a Notary Public in and for said State and County, duly commissioned and sworn personally appeared the within named Daniel W Kleinhans whose name is subscribed to the annexed instrument as a party thereto, personally known to me to be the individual described in and who executed the said annexed instrument, and he then & there acknowledged to me that he executed the same freely and voluntarily.

453 ND
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STATE OF CALIFORNIA, }
County of Napa. } ss.

I, HENRY BROWN, County Recorder of said County and State, do hereby certify the foregoing to be a full, true and correct copy of a Deed recorded in Book R of Deeds page 269 as the same appears of record in my office.

WITNESS my hand and official seal this 1st day of October A. D. 188 6

Henry Brown County Recorder.

By ..... Deputy.

NAPA COUNTY RECORDER

U. S. District Court.

L. C. 453 – N. D.

Petitioner's Exhibit
No 28.

Filed October 13 1885
Domitian Hoffman
Clerk

Philip Barton & Wife et als
To
J. D. Thompson

This Indenture made and entered into this Sixth day of February A.D. 1868 by and between Philip Barton and Sarah Barton his Wife Peter Kleinhans D.W. Kleinhans and Elizabeth Kleinhans Widow of the late T. P. Kleinhans Deceased said named persons being the sole heirs legatees & devisees under the Will of the late T. P. Kleinhans Deceased parties of the first part and J. D. Thompson of San Francisco County California party of the second part Witnesseth. That the said parties of the first part for and in consideration of the sum of Thirty four hundred and thirty dollars in gold Coin of the United States to them paid by the party of the second part at or before the ensealing and delivery of these presents the receipt whereof is hereby acknowledged have granted bargained and sold and conveyed and by these presents do grant bargain sell and convey unto the said party of the ~~said party of the~~ second part and to his heirs and assigns forever all the undivided one half interest owned or possessed

$1. Stamp D.W.K. Feby 7 1868.

50ct Stamp Feb Fe D.W.K.

50c Stamp by S.

50 Stamp Febr 6to by S

50ct stamp February 6 K by

50ct Stamp JR TS

by the late F. P. Kleinhans at the time of his decease or which has descended to or become in any manner vested in said parties of the first part as heirs legatees, devisees or otherwise of said F. P. Kleinhans deceased, in and to that certain piece or parcel of land situate lying and being in the County of Napa and State of California described as follows, to wit, Commencing at a point in the middle of Napa Creek in Browns Valley where the lines between the lands of one Thompson and the Mesr Kleinhans strikes the center of said creek running thence on a true course S. 48° 30' W. 51.50 chains thence N. 58° 30' W. 3.10 chains, thence South 87° 30' W. 7.40 chains thence N. 73° W. 7.50 chains to a white Oak Tree on the Bank of a dry Creek Thence down said dry creek and Northerly to a post in the middle thereof Thence North 24° 45' E 12 chains, Thence down Napa Creek to the point of beginning and containing Two Hundred and seven 1/100 acres of land, together with all and singular the tenements hereditaments and appurtenances thereunto belonging with the rents issues and profits

thereof and all the estate right title interest, property, possession, claim and demand whatsoever as well in law as in equity of the said parties of the first part of in or to the above described premises to the extent of the one undivided half as aforesaid with the appurtenances.

To have and to hold the said undivided half of said premises with the appurtenances unto the said party of the second part his heirs and assigns forever.

In Witness Whereof the said parties of the first part have hereunto set their hands and affixed their seals the date above written.

Signed Sealed and Delivered	Elizabeth Kleinhans (Seal)
in presence of	Daniel W. Kleinhans (Seal)
Note the word "Thirty"	Philip Barton (Seal)
in the 15th line from	by C. T. Wheeler Atty in fact
the top of 1st page	Sarah Barton by (Seal)
written over erasure	C. T. Wheeler Atty in fact
before signing	Peter Kleinhans by (Seal)
Jas E Smith	C. T. Wheeler Attorney in fact

State of California } ss
County of Sacramento } On this Seventh day

of February A.D. one thousand eight hundred and sixty eight before me James E. Smith a Notary Public in and for said County personally appeared Cyrus T. Wheeler personally known to me to be the same person described in and who executed by Power of Attorney dated January 7th 1868 and recorded in Sacramento County Records, the annexed Instrument as the Attorney in fact of Philip Barton Sarah Barton and Peter Kleinhans named in the annexed Instrument as a parties thereto and therein described as the party executing the same by their said Attorney; and the said Cyrus T Wheeler acknowledged to me that he executed the same freely and voluntarily as, and for the act and deed of the said Philip Barton, Sarah Barton and Peter Kleinhans and for the uses and purposes therein mentioned.

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

Seal

Jas E. Smith
Notary Public
Sac. County

State of California } ss.
County of Sacramento } On this seventh day of February A.D. one thousand eight hundred and sixty eight before me Jas E. Smith a Notary Public in and for said Sacramento County, duly commissioned and sworn personally appeared the within named Daniel W. Kleinhans and Elizabeth Kleinhans whose names are subscribed to the annexed Instrument as parties thereto personally known to me to be the individuals described in and who executed the said annexed instrument and who each acknowledged to me that they each executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

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

Seal

Jas E. Smith
Notary Public Sac County

A true copy of an original recorded at request of R. S. Thompson Feby. 22nd A.D. 1868 at 43 minutes past 2. P.M. the words "whatsoever" and "appeared" interlined by me before signing

J. H. Hoveland
Co Recorder

453 ND
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State of California } ss.
County of Sacramento } On this seventh day of February A.D. one thousand eight hundred and sixty eight before me Jas E. Smith a Notary Public in and for said Sacramento County, duly commissioned and sworn personally appeared the within named Daniel W. Kleinhans and Elizabeth Kleinhans whose names are subscribed to the annexed Instrument as parties thereto personally known to me to be the individuals described

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STATE OF CALIFORNIA,
County of Napa. } ss.

I, HENRY BROWN, County Recorder of said County and State, do hereby certify the foregoing to be a full, true and correct copy of a Deed recorded in Book K of Deeds page 360 as the same appears of record in my office.

WITNESS my hand and official seal this 1st day of October A. D. 188-5

Henry Brown County Recorder.

By ..... Deputy.

COUNTY RECORD NAPA COUNTY CAL.

U. S. District Court.

L. C. 453 – N. D.

Petitioner's Exhibit No.

29.

Filed October 13th 1885

Dorilus H. Hoffman

Clerk

This Indenture,

made the Second day of November in the year of our Lord one thousand eight hundred and ~~sixty~~ Seventy

BETWEEN

John D. Thompson of the County of Warren and State of Illinois party of the first part and R. S. Thompson of the County of Napa and State of California party

of the second part, Witnesseth, that the said party — of the first part, for and in consideration of the sum of One Dollar lawful money of the United States of America, to him in hand paid by the said party of the second part, at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, Hath remised, released, and quit-claimed, and by these presents, Doth remise, release and quit-claim unto the said party of the second part and his heirs and assigns forever All that certain piece parcel and tract of land lying and being situate in Brown's Valley in the Township and County of Napa and State of California bounded and described as follows, to wit, Beginning at a point in the centre of Napa Creek at the upper corner of lands of said R. S. Thompson and running thence South 48½° West 49,85 Chs. Thence North 58½° West 3,10 Chs. Thence South 87½° West 7,40 Chs. Thence North 7¼° East 17,50 Chs. to a Stake from which a forked live Oak tree 10 inches in diameter bears South 23½° East 92 links distant, Thence North 71° East 8,50 Chs. Thence North 73° East 15,40 Chs. Thence North 57¾° East 3,70 Chs. Thence North 73½° East 4,45 Chs. Thence North 40½° East 8,00 Chs. to a meander post (from which a live Oak Tree 12 inches in diameter bears N. 18½° W. 113 links distant) - 10,00 Chs. to the centre of said Napa Creek, Thence down the centre of said creek to the place of beginning and Containing Sixty 1 85/100 acres of land.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

And also, all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part, of, in or to the above described premises, and every part and parcel thereof, with the appurtenances.

To Have and to Hold all and singular the above mentioned and described premises, together with the appurtenances, unto the said party of the second part his heirs and assigns, forever.

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

Signed, sealed, and delivered in the presence of

G. W. Towle

John D. Thompson (Seal)

State of California,

County of } ss.

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State of California,
County of Napa } ss

On this Second day of November A. D. one thousand eight hundred and seventy ——— personally appeared before me, G. W. Towle a Justice of the Peace in and for the said Napa County, John D. Thompson

whose name is subscribed to the annexed instrument as a party thereto, personally known to me to be the person described in and who executed the said annexed instrument, as a party thereto, who ——— acknowledged to me that ——— he ——— executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In Witness Whereof, *I have hereunto set my hand and affixed my Private Seal (having no seal of office), the day and year in this certificate first above written.*

G. W. Towle SEAL.
Justice of the Peace

In Witness whereof, *I have hereunto set my hand and affixed my Official Seal the day and year in this Certificate first above written.*

Notary Public.

County duly commissioned and sworn, personally appeared the within named

whose name subscribed to the foregoing Instrument as part thereto, personally known to me to be the individual described in and who executed the said annexed Instrument, and acknowledged to me that executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In Witness whereof, I have hereunto set my hand and affixed my Official Seal the day and year in this Certificate first above written.

Notary Public.

Deed.

John D. Thompson

TO

R. S. Thompson

Dated Nov. 2nd 1870

Recorded at request of

R. S. Thompson

Nov. 2nd A.D. 1870

at 20 min. past 9 A. M. in

Liber "N" of Deeds on page 188,

Records of Napa Co

G. M. Cornwall Co. Recorder

By Pierson Dept.

Rec'd Nov 13 1885

Paid

W. J. Dist. Ct. Dist. Cal.
L. C. Hurd, Nov. 20
Pub. Auditor

This Indenture, Made the thirteenth day of December in the year of our Lord one thousand eight hundred and seventy seven

BETWEEN Robert S. Thompson and Emma J. Thompson, his wife, both of the County of Napa and State of California, parties of the first part and Joseph Fay, of the County and State aforesaid

the party of the second part, WITNESSETH: That the said parties of the first part, for and in consideration of the sum of (-$10000.-) Ten Thousand Dollars, in gold coin of the United States of America to them in hand paid by the said party of the second part, at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, Have granted, bargained, sold and conveyed and by these presents Do grant, bargain, sell and convey unto the said party of the second part, and to his heirs and assigns forever

ALL

those certain lots, pieces or parcels of land, situate, lying and being in the county of Napa and State of California, and bounded and particularly described as follows, to wit:

All that portion of the Napa Rancho granted by the Mexican Government to Salvador Vallejo Beginning at a point in the center of Napa Creek in Brown's Valley, where the lands of R. S. Thompson and D. E. Thompson corner, thence S 40½° W. 1.50 chains to a meander post from which a live Oak Tree 12 inches in diameter bears N. 18½° W. 113 links distant, thence S. 40½° W 8.50 chains thence S. 73½° W. 4.45 chs, thence S 57¾° W

3.70 chains; thence S. 73° W 15.40 chains thence S. 71° W 8.50 chains, thence S 71/4° W 17.50 chains, thence N 87 1/2° E. 7.40 chains thence S. 58 1/2° E. 3.10 chains to the center of a deep Ravine or gulch, thence down the center of said gulch or Ravine and following the meanders thereof to the center of Napa Creek aforesaid, thence up the center of said Napa Creek and following the meanderings thereof to the place of beginning, containing One Hundred and Six acres more or less. X

also the following described tract adjoining the above described piece or parcel of land: Beginning at a point in the middle of the South fork of Napa Creek near the Northeast corner of the land claimed by R. S. Thompson of Thomas Thomson thence N. 10 1/2° W. 3.18 chains to a black stump, thence N. 45 3/4° W 4.85 chains to a live Oak 30 inches in diameter 15 feet of line at 8.55 chains a witness post on bank of deep gulch at 9.50 chs middle of creek, thence down to the place of beginning containing one acre 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, remainder and remainders, rents, issues and profits thereof.

AND ALSO, all the estate, right, title, interest, homestead property, possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of, in or to the above described premises and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances, unto the said party of the second part his heirs and assigns forever.

in and for the

personally appe

ated the same.

OF, I have hereunto set my

and affixed my Seal, at my

office in the County of

the day and year

in this Certificate first above written.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

AND ALSO, all the estate, right, title, interest, homestead property, possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of, in or to the above described premises and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances, unto the said party of the second part his heirs and assigns forever.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

R S Thompson
E. L. Thompson

STATE OF CALIFORNIA, }
COUNTY OF NAPA, } ss.

On this twelfth day of December in the year One Thousand Eight Hundred and Seventy-Seven before me, **LOUIS BRUCK**, a Notary Public, personally appeared R. S. Thompson known to me to be the person whose name is subscribed to the annexed instrument, and he acknowledged to me that he executed the same.

WITNESS my hand and official seal.

Louis Bruck
Notary Public.

LOUIS BRUCK NOTARY PUBLIC NAPA CO. CAL.

[illegible] examination, without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such execution.

WITNESS my hand and official seal.

Louis Bruck
Notary Public.

LOUIS BRUCK NOTARY PUBLIC NAPA CO. CAL.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

AND ALSO, all the estate, right, title, interest, homestead property, possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of, in or to the above described premises and every part and parcel thereof, with the appurtenances.

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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 forever.

in and for the County of

personally appeared

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State of California, } ss.
COUNTY OF NAPA.

On this thirteenth day of December in the year one thousand eight hundred and seventy-seven before me, **LOUIS BRUCK**, a Notary Public, personally appeared Emma J. Thompson wife of R. S. Thompson known to me to be the person whose name is subscribed to the annexed instrument, described as a married woman; and upon an examination, without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such execution.

WITNESS my hand and official seal.

Louis Bruck
Notary Public.

LOUIS BRUCK NOTARY PUBLIC NAPA CO. CAL.

DEED.

R. S. Thompson
and
Emma J. Thompson
TO
Joseph Fay

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Dated Decr 13 A. D. 1877

Filed Jan 13 1888 - Land Title Report

N. S. Bush Cal. Sup. Ct. 43 N. D. Pat. Publ. No. 31.

Recorded at the Request of

Geo. H. Thompson

on the 28 day of Dec A. D. 1877

at 12 minutes past 9 A M.

in liber "X" of Deeds, page 387

Records Napa Co Cal.

J. W. Ward Jr Co Recorder

By W. E. Deweese Deputy

$2 33 pd N.A.P.A, - - - CAL,

1

United States District Court
District of California.

In re.
Petition of Joseph Fay for confirmation to him of a portion of Rancho de Napa.

L.C. 453
N.D.

September 29th 1885.
Present: A. O. Colton, Atty for Petitioner
S. G. Hilborn U.S. Dist Atty
and witnesses

Mr. Colton, attorney for petitioner offers in Evidence an Act Entitled "an act authorizing Claimants to the Rancho de Napa, to prove up their title"
Approved June 20th 1884
Statutes of 1883 & 1884, page 49.

Petitioner offers in Evidence a certified copy of the following documents. 1st. Document Entitled "(1839) Expediente, promovido por Don Salvador Vallejo

En pretencion del paraje nuembado de Napa (200)" and,

2nd. Document entitled: "Nazzado 1º de Sonoma. Expediente Instruido p.a medir y dar posesion de cuatro sitios de ganado mayor en el Rancho de Napa, al Capitan D. Salvador Vallejo, Febrero 8 de 1844

Testigos de ass.a D. Victor Prudon
D. Damaso Rodriguez."

and a certified translation of the foregoing documents

Original document marked as Petitioners Exhibit No. 1

Certified Copy of translation is marked Petitioners Exhibit No. 2

Petitioner offers in ~~evi~~ Evidence a certified copy of the original field notes of the survey of the Exterior boundaries of the Rancho de Napa.

Marked Petitioners Exhibit No. 3

Petitioner offers in Evidence a certified copy of the map

entitled: "Plat of the Rancho de Napa, surveyed under instructions from the U.S. Surveyor General by C.C. Tracy, Depy Surr. October 1858, containing 26.378 8/100 acres"

Marked Petitioners Exhibit No. 4

Petitioner offers in Evidence a certified copy of a deed from Salvador Vallejo to Herman Wohler, dated December 20th 1851, and recorded in Book B of Deeds, page 109, Records of Napa County.

Marked Petitioners Exhibit No. 5.

Petitioner offers in Evidence a certified copy of a deed from Herman Wohler to Henry H. Lawrence and James N. Edmondston, dated February 18th 1852, and recorded in Book B of Deeds, page 131, Records of Napa County.

Marked Petitioners Exhibit No. 6

Petitioner offers in Evidence

a certified copy of a deed from Henry H. Lawrence to Electa J. Reeve, dated January 2nd 1854 and recorded in Book C. of Deeds, page 28, Records of Napa County.

Marked Petitioners Exhibit No. 7

Petitioner offers in Evidence a certified copy of a deed from Frederick Ogden and wife to Electa J. Reeve, dated October 15th 1855, and recorded in Book C. of Deeds, page 351, Records of Napa County.

Marked Petitioners Exhibit No. 8.

Petitioner offers in Evidence a deed from George F. Reeve and Electa J. Reeve, his wife to Thomas Gihon, dated May 18th 1857, and recorded in Book D of Deeds pages 153 and 154. Records of Napa County.

Marked Petitioners Exhibit No. 9.

Petitioner offers in Evidence a deed from Thomas Gihon and

Lydia Gihon, his wife to Robert F. Thompson, dated December 7th 1859, and recorded in Book R. of Deeds, pages 26 and 27, Records of Napa County.

Marked Petitioners Exhibit No. 10

Petitioner offers in Evidence a certified copy of a deed from James N. Edmondston, to Garrett Sevindel, dated October 23rd 1852, and recorded in Book B of Deeds, page 293, Records of Napa County.

Marked Petitioners Exhibit No. 11

Petitioner offers in Evidence a certified copy of a deed from Garrett Sevindel and wife to Albion G. Turner, dated January 13th 1853, and recorded in Book "B" of Deeds, page 295, Records of Napa County.

Marked Petitioners Exhibit No. 12

Petitioner offers in Evidence a certified copy of a deed from Albion G. Turner and wife

to Mary L. Jacks, dated November 3rd 1853, and recorded in Book C of Deeds, page 26, Records of Napa County.

Marked Petitioners Exhibit No. 13

Petitioner offers in evidence a certified copy of a deed from George F. Reeve, and Electa J. Reeve, his wife, to Mary L. Ogden, dated October 15th 1855 and recorded in Book C of Deeds, page 349. Records of Napa County.

Marked Petitioners Exhb. No. 14

Petitioner offers in Evidence a certified copy of a deed from Frederick Ogden, and Mary L. Ogden, his wife, to John Wixon, dated October 27th 1855 and recorded in Book C of Deeds, page 354, Records of Napa County

Marked Petitioners Exhibit No. 15

Petitioner offers in Evidence a certified copy of a mortgage

from John Wixon to Charles Goodwin, dated January 26th 1858, and recorded in Book B of Mortgages, page 281, Records of Napa County.

Marked Petitioners Exhibit No. 16

Petitioner offers in evidence a certified copy of the complaint and decree of foreclosure and sale, in the case of John M. Milliken and Theodore M. Milliken, assignees of Charles Goodwin, versus John Wixon, Theodore P. and D. W. Kleinhans, in the Seventh Judicial District, County of Napa, State of California, Complaint, Endorsed: Filed January 16th 1861, and decree dated June 5th 1862, Records of Napa County.

Marked Petitioners Exhibit No. 17

Petitioner offers in evidence a certified copy of a deed from John Wixon, by C. H. Allen, Sheriff, to T. P. and D. W. Kleinhans

dated February 7th 1863, and recorded in Book H of Deeds, page 74, Records of Napa Co.

Marked Petitioners Exhibit No. 18

Petitioner offers in Evidence a certified copy of decree of foreclosure and sale, in the case of T. P & D.W. Kleinhans versus John Wixon, et. al, 7th Judicial Dist. of the State of California, in and for the County of Napa, dated June 6th 1862.

Marked Petitioners Exhibit No. 19

Petitioner offers in Evidence a certified copy of a deed from John Wixon, by C H Allen, Sheriff to T. P and D. W. Kleinhans, dated February 7th 1863, and recorded in Book H of Deeds, page 72, Records of Napa County.

Marked Petitioners Exhibit No. 20

Petitioner offers in Evidence a certified copy of a deed

from John Wixon, by Sheriff, to H. N. Amesbury, dated December 13th 1862, and recorded in Book 1K. of Deeds, page 37, Records of Napa County.

Marked Petitioners Exhi. No. 21

Petitioner offers in evidence a certified copy of a deed from H. N. Amesbury to J. Paul DeW Klemhans, dated December 23rd 1862, and recorded in Book 1K of Deeds, page. 63, Records of Napa County.

Marked Petitioners Exhibit No. 22

Petitioner offers in evidence a certified copy of the Last Will and Testament of Theodore P. Klemhans, dated July 10th 1867, and recorded in Book A of Wills, page 15. Records of Napa County.

Marked Petitioners Exhibit No. 23.

Petitioner offers in evidence a certified copy of the Order admitting Will to probate and appointing Executor.

in the matter of the Estate of Theodore P. Kleinhans, deceased: Probate Court, Sacramento County, dated August 19th 1867.

Marked Petitioner's Exhibit No. 24.

Petitioner offers in Evidence a certified copy of Final Account and Report of Executor, and account of surviving Partner, in the matter of the Estate of T. P. Kleinhans, deceased, in the Probate Court of the County of Sacramento, filed August 17th 1868.

Marked Petitioner's Exhibit No. 25.

Petitioner offers in evidence a certified copy of the Decree of Distribution in the matter of the Estate of T. P. Kleinhans, deceased, in the Probate Court, of Sacramento County, filed September 28th 1868, and recorded in Book X of Deeds, pages 360, Records of Napa County.

Marked Petitioner's Exhibit No. 26

Petitioner offers in Evidence a certified copy of a Power of Attorney from Sarah Barton, Philip Barton, her husband, and Peter Kleinhans, to C. T. Wheeler dated January 7th 1868, and recorded in Book a of Power of Attorneys, page 170, Records of Napa County.

Marked Petitioners Exhibit No. 27

Petitioner offers in evidence a certified copy of Deed from D. W. Kleinhans to J. D. Thompson, dated Dec. 7th 1867. Recorded in Book K of Deeds, page 269. Records of Napa County.

Marked Petitioner's Exhibit No. 28.

Petitioner offers in evidence a certified copy of Deed from Philip Barton and Sarah Barton, his wife, Peter Kleinhans, D. W. Kleinhans and Elizabeth Kleinhans, widow of T. P. Kleinhans, deceased, the sole legatees and devisees of T. P. Kleinhans, deceased, to J. D. Thompson, dated Feb. 6th 1868. Recorded in Book K. of Deeds, page 360. Records of Napa County. Marked Petitioner's Exhibit No. 29.

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Petitioner offers in Evidence a deed from John D. Thompson to R. J. Thompson, dated November 2nd 1870, and recorded in Liber N. of Deeds, page 188, Records of Napa County.

Marked Petitioners Exhibit No. 30

Petitioner offers in Evidence a deed from Robert J. Thompson and Emma J. Thompson, his wife, to Joseph Day, the Petitioner, dated December 13th 1877, and recorded in Liber X of Deeds, page 387, Records of Napa County.

Marked Petitioners Exhibit No. 31.

William E. Devecse, a witness called for Petitioner, being duly sworn, testified as follows:

Q. What is your age, occupation and place of residence?

A. I am 36 years of age, occupation, Searcher of Records, and reside in Napa City, Napa County, California.

2. How long have you resided in Napa County?

A. Twenty-four years.

Q. Do you know the tract of land situated in Napa County, and known as the Rancho de Napa, and if so, how long have you known the same?

A. Yes sir. I have known it for twenty-four years.

Q. State whether or not you are acquainted with the exterior boundaries of said Rancho de Napa, as established by the survey thereof, made October 1858, by U. S. Deputy Surveyor Genl. C. C. Tracy, and as delineated upon the plat of said Rancho offered in evidence in this case, and marked Exhibit No. 4?

A. I am.

Q. State whether or not you are acquainted with the tract of land claimed by the Petitioner in this case, and described in

the deed from Robert J. Thompson and wife to Joseph Hay the Petitioner, dated December 13th 1877 and marked Exhibit No. 31? (Counsel reads the description to the witness)

A. I am.

Q. How long have you known the same?

A. For 22 years, since 1861.

Q. What is the location of that land, with reference to the Exterior boundaries of said Rancho de Napa?

A. It is situated within the Exterior boundaries of said Rancho.

Q. Do you know the Exterior boundaries of the land claimed by the Petitioner in this case?

A. I do.

Q. Who is now in the occupation and possession of the same?

A. Joseph Hay.

Q. Has he been in the Exclusive

occupation and possession of this land since December 13th 1877, the date of his purchase?

A. He has.

Q. By whom has that land been occupied, since you knew the same?

A. By Joseph Fay and his grantors, who derive title from Salvador Valleys, the original grantee.

Q. Do you know the land described in the deed from Herman Wohlser to Henry W. Lawrence and J. N. Edmondston, dated February 13th 1852, and marked Exhibit No. 6?

A. I do.

Q. Do you know the exterior boundaries of the lands described in said Exhibit No. 6?

A. I do.

Q. State, if you know, whether the lands claimed by Joseph Fay, the Petitioner in this case, and which are described in Exhibit

No. 31, are within the Exterior boundaries of the lands described in said Exhibit No. 6.?

A. They are.

Q. State, if you know, whether the lands, described in said Exhibit No. 6, deed from Wohler to Lawrence and Edmondston, are included within any conveyance from Salvador Vallejo, the original grantee, Except a deed to Herman Wohler, dated December 20th 1851, and marked Exhibit No. 5?

A. They are not, ~~to my knowledge.~~ Said land is not included within any other conveyance from Salvador Vallejo, than the one marked Exhibit No. 5.

Q. How do you know that fact?

A. By Examination of the records of Napa County.

Q. State, if you know, whether there are any conveyances or instruments of records in said

County showing title to the land claimed by Petitioner, adverse to petitioners title, as shown by the Exhibits in this case?

A. No sir; there are none.

Q. State whether or not you are familiar with the description of the land mentioned in the Exhibits in this case, and offered in evidence?

A. I am.

Q. State whether, or not, the tract of land claimed by the Petitioner, and described in his petition herein, is included within the boundaries of the lands described in the said Exhibits, and constituting his derajnment of title from Salvador Vallejo, the original grantee?

A. They are.

Q. State, if you know, whether the land claimed by Petitioner, has ever been confirmed or passed upon by proper authority?

18 A. It has not.

Q. Have petitioner, and his predecessors in title been in the quiet, undisturbed and peaceable possession of the lands claimed by Petitioner, since you have known the same

A. Yes sir.

Q. Are there any preemption, homestead or other claims under the laws of the United States to said land, other than that of the Petitioner?

A. No sir; there are not.

Q. Is there any adverse claim to said land, of any kind?

A. No, sir.

Q. State, if you know, what has been the character of the occupation of the land claimed by Petitioner since you have known the same; how and for what purposes it has been used, and what improvements and cultivation has been made

thereon?

A. It has been used for farming purposes; it has been fenced and buildings put thereon, and a greater portion of the same set out for vineyard and orchard.

Q. State, if you know, what is the age of the petitioner, and what family, if any, he has?

A. He is about fifty years of age, and has a wife and two daughters.

Q. Do you know the maiden name of the person described as Mary L. Ogden, wife of Frederick Ogden, in the deed ~~from~~ marked Exhibit No. 15, and other Exhibits?

A. I know by common repute in the neighborhood, and from her relatives, that her name was formerly Mary L. Jacks, prior to her marriage with Frederick Ogden.

Q. Is that the same Mary L. Jacks mentioned as grantee

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A.

in the deed from A. G. Turner and wife to Mary L. Jacks, dated November 13th 1853, and Marked Exhibit No. 13.

I believe her to be the same.

W. E. Dewees

{Cross-Examination waived}

Wednesday October 7th 1885

W. S. Jacks was duly sworn & deposed as follows

Q What is your age occupation Residence

A I am 47 years of age. My occupation Residence Napa City. Where I have lived for the last 33 years.

Q Do you know the Mary L Jacks named as grantee in the deed from Albion G Turner wife & Mary L Jacks, dated Nov 3. 1853 and marked Plaintiff's Exhibit 13

Ans I know Mary L Jacks she is my daughter.

Q State if you know if Mary L Jacks afterwards married if so to whom

Ans She married in the year 1853 Frederick Ogden. I think she married immediately after the deed above referred to was given

Q Is that the same Fred Ogden who made the deed to Thos Brown dated Oct 27th 1855 marked

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Plaintiffs Exhibit 15.

Ans Yes.

W S Jacks

Saturday, October 17th 1885.

Present:

Mr. A. O. Colton, Attorney for petitioner.

Mr. S. G. Hilborn, U.S. Attorney

A. O. Colton, being duly sworn, deposes as follows:-

Q. By Mr Hilborn:- Have there ever been any valid claims upon this land, under the preemption, homestead or other laws of the United States, other than the claimants under the Mexican grant?

A. No sir

Q Were there at the time of the passage of the Act of June 20th 1884, any valid claims to the lands embraced in this petition, under the preemption, homestead or other laws of the United States, other than the claim of the petitioner?

A. There were none.

A. O. Colton

United States District Court
District of California

In re
Petition of Joseph Fay
for Confirmation to him of a
portion of Rancho de Napa } LC 453 ND

I Sunshine Hoffman Commissioner U.S. Circuit Court Dist California to whom was referred the above entitled matter by order of U.S. Dist Ct Dist Cal. respectfully report — I was attended on the 29th day of September and the 7th day of October 1885 by A S Colton Esq Atty for Petitioner, by D.G. Hilborn Esq. U.S. Atty and by witnesses

The testimony by me taken together with the stipulation of the US Atty dated October 8th 1885 and Plaintiff's Exhibits Number 1 to 31 inclusive are respectfully submitted

Sunshine Hoffman
Comm'r U.S. Cir Ct Dist Cal

No 453

453 ND

U. S. District Court

District of California

In the Matter of the Petition of Joseph Fay. for confirmation to him of a portion of the Rancho de Nafa

Report of Commissioner Bernhard Hoffman with Testimony annexed

Filed October 13th 1885

Bernhard Hoffman
Clerk

In the United States District Court, in and for the District of California.

Present: Hon. Ogden Hoffman, Judge.

Joseph Fay.
— vs. —
The United States.

No. 453.

This cause came on regularly to be heard this day, upon the petition of Joseph Fay claiming the lands described in his petition on file herein, under a special Act of Congress of the United States, entitled: "An Act authorizing claimants to the Rancho de Napa, in Napa County, California, to prove up their title"; approved June 20th, 1884, and upon the report of Southard Hoffman, Esqr, the Commissioner herein, and the oral and documentary testimony introduced, A. O. Colton, Esqr, appearing

1.

for said petitioner, and S. G. Hilborn, Esqr. U. S. District Attorney, appearing on behalf of the United States;

And it being shown to the satisfaction of the Court, from the oral and documentary proofs submitted, that the petitioner, Joseph Fay, claimant to the lands situated in Napa County, California, described in his petition, known as a part of the Rancho de Napa, derived title to said lands through Salvador Vallejo, the original Mexican grantee of said Rancho de Napa; that neither the claim of said petitioner, nor that of his predecessors in title has been hitherto passed upon by proper authority; that the claim of the original grantee, Salvador Vallejo, of said Rancho de Napa, was good and valid under Mexican laws relating to such cases, and

that the claimant is entitled to have a confirmation by this Court of his title and claim to the lands described in his petition; that there are no valid claims existing under the preemption, homestead or other laws of the United States to said lands, or any portion thereof, nor were there any such claims existing at the date of the passage of the said special Act by Congress, as aforesaid; that there are no persons entitled to receive releases from the claimant, for any portion of the land described in his petition herein, and consequently the said claimant has not executed to any person or persons any release to any portion of said premises; that the said claimant is now, and he and his predecessors in title have been for more than thirty years last

past, in the sole, exclusive and undisputed possession of the lands described in his petition claiming title thereto, and said claimant, Joseph Fay is now the owner of said lands.

And all and singular the law and the premises being by the Court here understood and fully considered, on motion of A. O. Colton, Esqr. Counsel for the claimant, S. G. Hilborn, Esqr. U. S. District Attorney, being present in open Court and making no objection thereto, it is by the Court hereby Ordered, Adjudged and Decreed that the claim of Joseph Fay, the said petitioner, to that portion of the Rancho de Napa claimed by him and described in his petition, is good and valid, and his claim to the same is hereby confirmed and allowed.

4. The lands of which confirmation

is hereby made to the said Joseph Fay, are a portion of the Rancho de Napa, situate in Napa County, California, and within the exterior boundaries of said Rancho, and are more particularly described as follows, to wit:

Beginning at a point in the center of Napa Creek, in Brown's Valley, where the lands of R. S. Thompson and D. E. Thompson corner, Thence S. 40½° W. 1.50 chains to a meander post from which a Live Oak tree 12 inches in diameter bears N. 18½° W, 113 links distant; thence South 40½° W. 8.50 chains; Thence South 73½° W. 4.45 chains; Thence South 57¾° W. 3.70 chains; Thence South 73° W. 15.40 chains; Thence South. 71° W. 8.50 chains; thence South, 7¼° W. 17.50 chains; thence North, 87½° E, 7.40 chains; thence South, 58½° E, 3.10 chains, to the centre of a deep ravine

an gulch; thence down the centre of said gulch or ravine, and following the meanderings thereof to the centre of Napa Creek aforesaid; thence up the centre of said Napa Creek and following the meanderings thereof to the place of beginning, containing One hundred and six acres, more or less.

Done in open Court this 17th day of October, A.D. 1885.

C. Allen Hoffman
Dist. Judge

No. 453.

U. S. District Court.
District of California.

In re. petition of
Joseph Fay
for confirmation to him
of a portion of the
Rancho de Napa.

Decree of Confirmation.

Filed October 17th 1885.
Southard Hoffman Clerk
By R. D. Grimwood
Deputy Clerk

Entered in RR 2 of Judgments & Decrees at page 531-2