

CASE NO.

111

NORTHERN DISTRICT

PART OF NAPA GRANT

HANNAH McCOOMBS

CLAIMANT

LAND CASE

ND 111

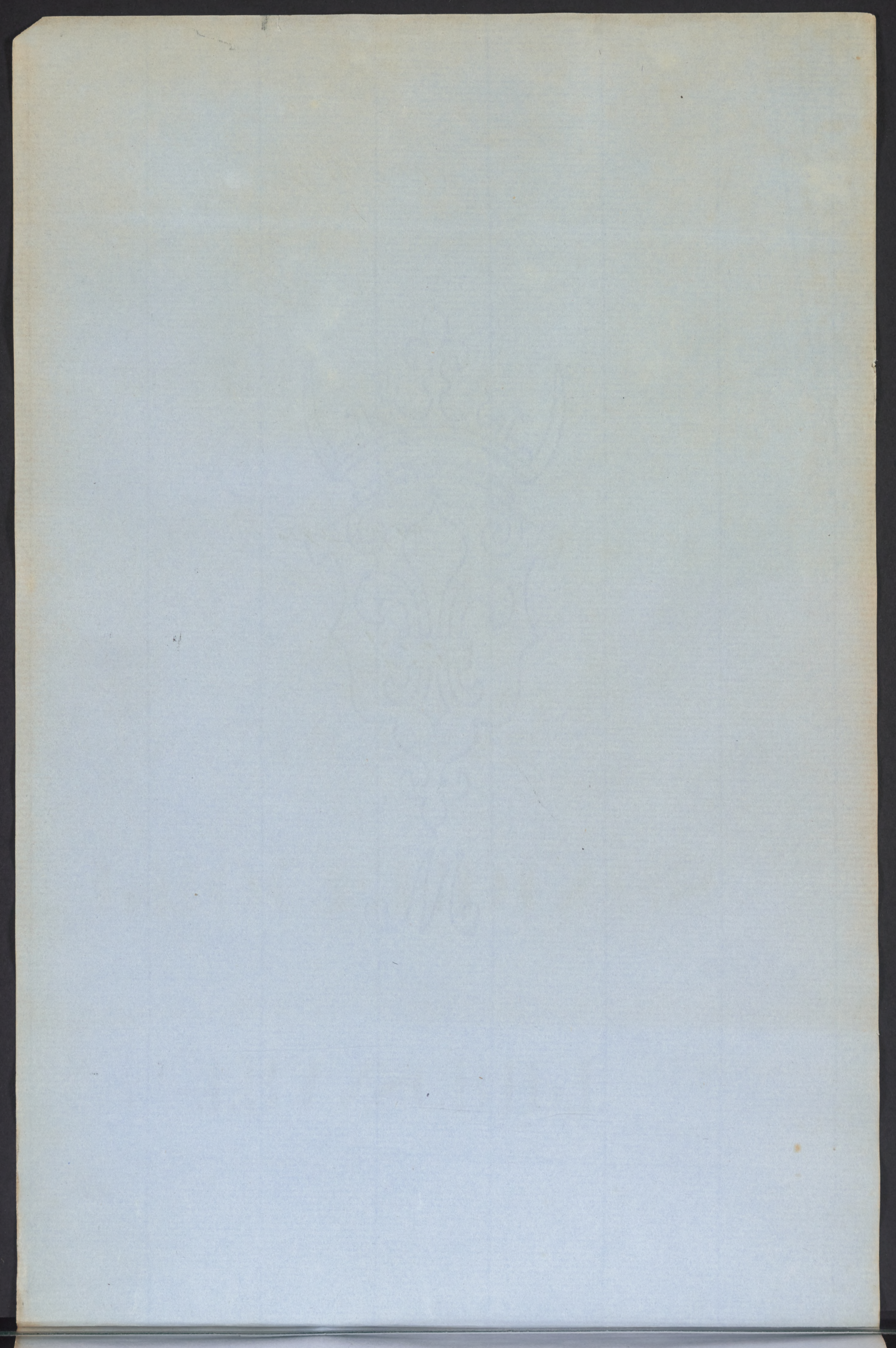
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722

Northern District



111 ND
PAGE 1

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 722

Hannah McCombs

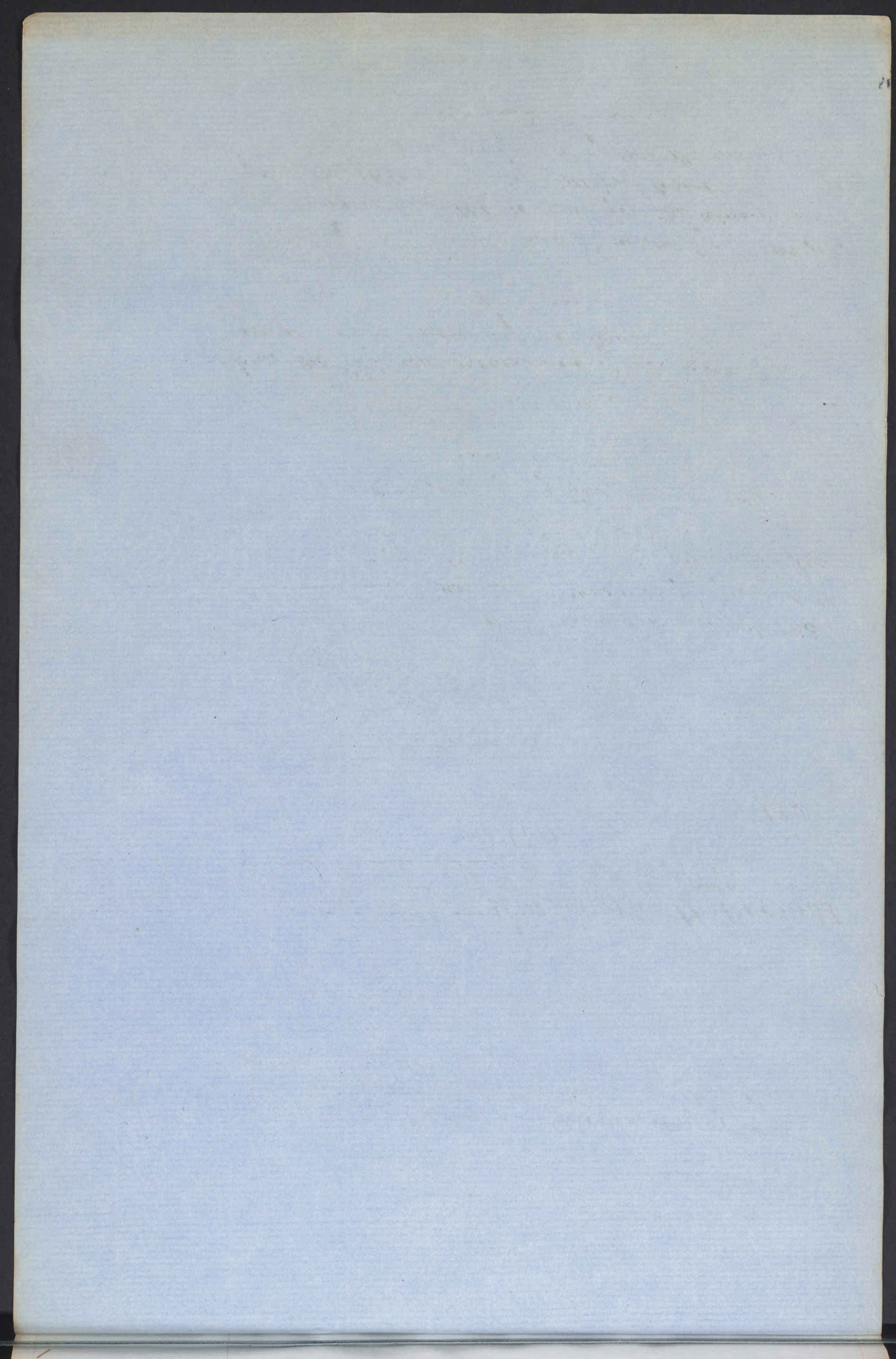
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

Part of
FOR THE PLACE NAMED

"Napa"



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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PAGE 2

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

The Petition of *Hannah McCoombs*,
~~~~~  
~~~~~ <sup>part of</sup> for the Place named  
~~~~~ "*Napa*,"  
~~~~~  
was presented, and ordered to be filed and docketed with No. *722* and is as follows, to wit;

(Vide page *3* of this Transcript.)

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

San Francisco March 9th 1853.
In Case No. *722*, *Hannah McCoombs* for part of the "*Rancho de Napa*", the Counsel for the claimant filed the following Stipulation, to wit;

(Vide page *9* of this Transcript.)

~~~~~

*San Francisco, April 4<sup>th</sup> 1854.*  
Case No. *722* was Submitted on Briefs and taken under advisement by the Board.

~~~~~

San Francisco, April 10th 1854.
In the same Case the Counsel for the claimant filed the following Stipulation, to wit;

(Vide page *10* of this Transcript.)

~~~~~



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PAGE 3

San Francisco, April 11<sup>th</sup> 1854,  
In the same case Commissioner Alpheus Felch  
delivered the opinion of the Board confirming the  
claim;

(vide page 11 of this Transcript.)  
~~~~~

San Francisco, Aug. 15th 1854,
In the same case, on motion of the United States Land
Agent, the following order was made, to wit:
(vide page 14 of this Transcript.)

~~~~~



To The Hon Board of Commissions for settling Private Land  
claims in California

Petition

The Petitioner of Hermosa In County  
respectfully represents

111 ND  
PAGE 4

That on the 21st day of September  
1838, Juan B Alonzo Governor of California by  
virtue of the power in him vested by the law of 1824  
and Instructions of 1828 granted to Salvador Valdejo  
the tract of land called Marea detrate in the present  
County of Napa, with the boundaries described in  
the Grant and a accompanying map which original  
grant and map with the approval of the Deputacion  
and the act of Judicial possession with the translations  
there of are filed in claim No 495 in the Office of  
the Secretary of this Hon Board here by request to and  
prayed to be taken as part of this Petition

That on the  
29th of September 1851, said Salvador Valdejo and  
Marian Luz, his wife, sold and conveyed to Antonio  
Cassagutami portions of said tract more particu-  
larly described in the deed of conveyance, a certified  
copy of which is herewith submitted marked B

That on the 29th of September 1851, said Antonio  
Cassagutami and his wife Maria Jesus, sold and conveyed to  
Yon Petitioner said portions or lots 23, 24, 33+34  
containing in all one hundred and sixty acres a  
certified copy of which deed of conveyance is herewith  
submitted marked C

Yon Petitioner further shews  
that said tract of land has been for some fifteen  
years and now is in the quiet and peaceable possession  
of Yon Petitioner and those under whom she holds

That she knows of no conflicting claim  
That she claims  
for compensation of her claim upon the original



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PAGE 5

Papers above referred to and upon such other proofs  
as she may be advised me necessary

Whomfore the Prings

Confirmation of her said tract or parcels of land

Revol  
for claimant

Filed in Office March 27 1853

Geo Fisher

Secretary



5 B  
Deeds

111 ND  
PAGE 6

This Indenture made the 29th day of September in the  
year one thousand Eight hundred and fifty one between  
Salvador Gallego and Ma Luz Canillo Gallego his  
wife of the County of Napa and State of California  
of the first part and Archibald Wallace of the County  
and State aforesaid of the second part Witnesseth That  
the said Party of the first part for and in consideration  
of the sum of Two Thousand Dollars to them in hand paid  
by the Party of the second part the Receipt whereof they  
do hereby acknowledge hath granted bargained sold  
aliened released conveyed and confirmed and by these  
 Presents do grant bargain sell alien release release  
convey and confirm unto the said Party of the second  
part unto his heirs and assigns forever the following  
described real Estate being situate in Napa County  
and State aforesaid to wit Lots numbered Thirteen (13)  
twenty three (23) twenty four (24) thirty three (33) and  
thirty four (34) containing in each Lot Forty Acres  
of land in the Public Land of the United States according to the  
Survey and Plan of the same as made by James H. A. S.  
- both together with all and singular the tenements  
buildings and appurtenances thereto belonging  
or in any wise appertaining with the reversions  
- remainders rents issues and profits thereof and also  
all the estate right title interest power and right of  
dower property possession claim demand and where  
- ever as well in law as in equity of the said Party of  
the first part of in and to the above described Premises  
- and every part and parcel thereof with the appurtenances  
to have and to hold all the above described  
Premises together with the appurtenances unto the said  
Party of the second part his heirs and assigns forever  
- and the said Salvador Gallego for himself and his  
heirs executors and administrators do covenant  
with the said Archibald Wallace his heirs and assigns  
- that at and unto the sealing of these Presents



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PAGE 7

I was well seized of the said premises as of a good and indisputable estate in fee simple and have good right to bargain and sell the same in any manner and form appraised and that the same is free from all incumbrance whatsoever and for that I do by these presents bind myself and my heirs to warrant and forever defend the above grantor and his heirs and assigns unto the said Archibald Wallace his heirs and assigns against all claims and demands whatsoever, In testimony whereof the said Salvador Vallajo and Maria Lopez Vallajo the wife of the said Salvador Vallajo by George M Southwick and E Ad Hancock their attorneys have hereunto set their hands and seals the day and year above written The words of the said instrument being signed

Salvador Vallajo Seal  
Maria Lopez Vallajo Seal  
in the presence of Johnson Harrill, Geo Southwick and E. M. The R. meeting  
E. Ad Hancock  
State of California } agents and attorneys  
County of Santa Cruz }

On this the Thirtieth day of Sept AD One Thousand Eight hundred and fifty one before me the undersigned County Recorder of said County personally appeared Geo Southwick & E. Ad Hancock

known to me to be the persons discussed in and who executed the foregoing instrument who acknowledged to me that they executed the same (as agents & attorneys) in part of Salvador Vallajo and Maria Lopez Vallajo wife of the said

Vallajo freely and voluntarily & for the uses and purposes therein mentioned, I then under my hand and seal of office (and) in Santa Cruz this the day and date last above written by J. H. Edmundson Day H. H. Lawrence Recorder State of California

Geo H Jewell County Recorder County of Santa Cruz and for said County hereby certifies that the foregoing is a full true & correct copy of a deed found and returned by me to Salvador Vallajo & Maria Lopez Vallajo his wife to Archibald Wallace Recorded in

Book B Pages 50 & 51 in the Name of said Santa Cruz County Witnesses my hand and official seal at Santa Cruz this 27 day of January 1853 J. H. Jewell Recorder

Filed for Record  
September 30 AD  
1851 at 4 O'clock PM  
Recorded in Book  
B Page 50 & 51  
of Santa Cruz County  
H. H. Lawrence  
Recorder  
J. H. Edmundson  
Day

Filed in Office  
March 20 1853  
Geo Fisher Day

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7  
Deed

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This Indenture made the 29th day of September in the year one thousand eight hundred and fifty one between  
 Michael Jesse and Mary Jesse his wife of the County  
 of Yuba and State of California of the first part and  
 Hannah Mc Cormick of the County and State aforesaid  
 of the second part witnesseth That the said party of the  
 first part for and in consideration of the sum of eight  
 hundred dollars to them in hand paid (before the  
 signing and sealing of these presents) by the said party  
 of the second part the receipt whereof is truly acknowl-  
 edged hath granted bargained sold aliened conveyed  
 conveyed and confirmed and by these presents do give  
 bargain sell alien remise release convey and confirm  
 unto the said party of the second part and to her heirs  
 and assigns forever all the following described real  
 estate to wit Lots No (23) twenty three twenty four (24)  
 twenty five (25) and twenty six (26) containing in each  
 Lot forty acres of land in the Pueblo de Yuba or acor-  
 ding to the survey and plan of the same as made by James  
 H. Smith being situated in Yuba County and State aforesaid  
 together with all and singular the tenements hereditaments  
 and appurtenances thereto belonging or in any way  
 appertaining with the persons remaining rents  
 issues and profits thereof and also all the estate right  
 title interest power and right of donor property possess-  
 ion claim and demand whatsoever as well in law as  
 in equity of the said party of the first part of us and to  
 the above described premises and compound or parcel  
 thereof with the appurtenances To Have and To Hold  
 all the above described premises together with all the app-  
 urtenances unto the said party of the second part her  
 heirs and assigns forever and the said Michael Jesse  
 for himself his heirs executors and administrators  
 do covenant with the said Hannah Mc Cormick her  
 heirs and assigns that as and until under the sealing  
 of these presents I was well seized of the said premises as



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of a good and independent estate in full value and have  
good right to bargain and sell the same in manner  
and form as aforesaid & that the same is true from all  
incombrance whatsoever & further I do by these presents  
bind myself and my heirs to warrant & forever defend the  
above premises and bargain and convey unto the said  
Hannah the County of Humboldt and all rights appurtenant all  
claims & demands whatsoever, In testimony whereof  
the said Arthur G. Jesse & Mary Jesse his wife have  
hereunto set their hands & seals the date first above  
written

A. G. Jesse *Seal*  
Mary Jesse *Seal*  
in the presence of  
J. N. Edmondston

State of California }  
County of Napa }  
and fifty one }  
Before me the undersigned Recorder of  
Napa County (personally appeared) Arthur G. Jesse & Mary his  
wife known to me to be the persons described in and who  
at 10 o'clock A.M. read & entered the foregoing instrument who acknowledged to me  
that they executed the same freely & voluntarily for the uses  
& purposes therein mentioned & the said Mary wife of the said  
Arthur being examined by me separate & apart from her said  
husband acknowledged to me that she executed the same  
freely & voluntarily & without fear or compulsion on the  
part of her said husband Given under my hand and  
seal of office at Napa City this 27th day  
of January 1853

*Seal* J. N. Edmondston  
State of California }  
County of Napa }  
in and for the County of Napa & State of California truly  
certifies that the foregoing is a full true & correct copy of a deed  
from Arthur G. Jesse & Mary Jesse his wife to Hannah M. County  
Recorded in Book B Pages 31 & 32 in the archives of said County  
John H. Lawrence Recorder  
1853

Filed for Record  
October 12 1851  
at 10 o'clock A.M.  
Book B Pages 31 & 32  
Archives of Napa  
County  
H. H. Lawrence  
Recorder  
J. N. Edmondston  
Deputy

Filed in Office  
March 2 1853  
J. N. Edmondston

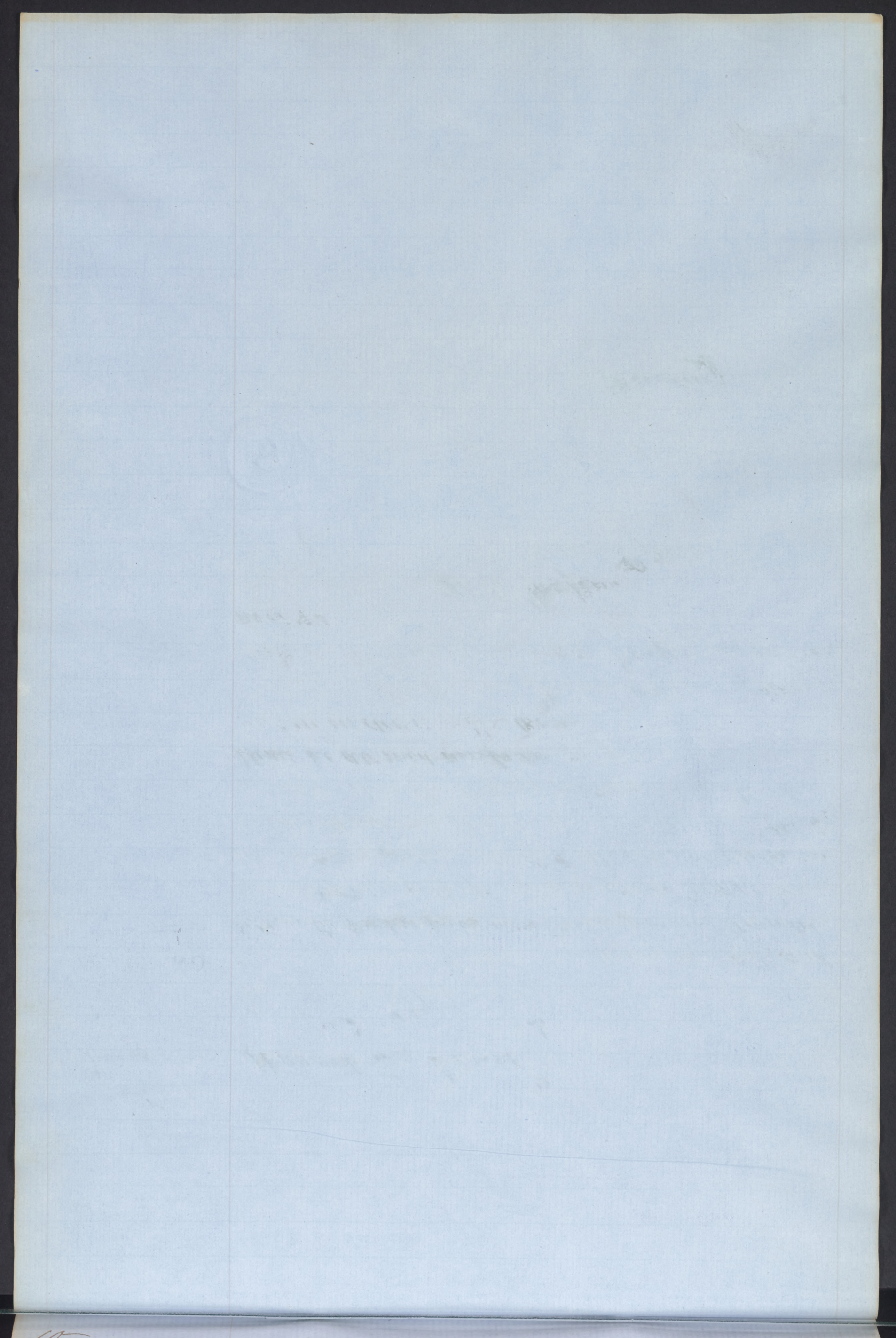
207

John H. Lawrence Recorder  
1853











No 722

Stipulation Hannah Mc Cormick  
vs  
The United States

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3  
3  
3

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PAGE 11

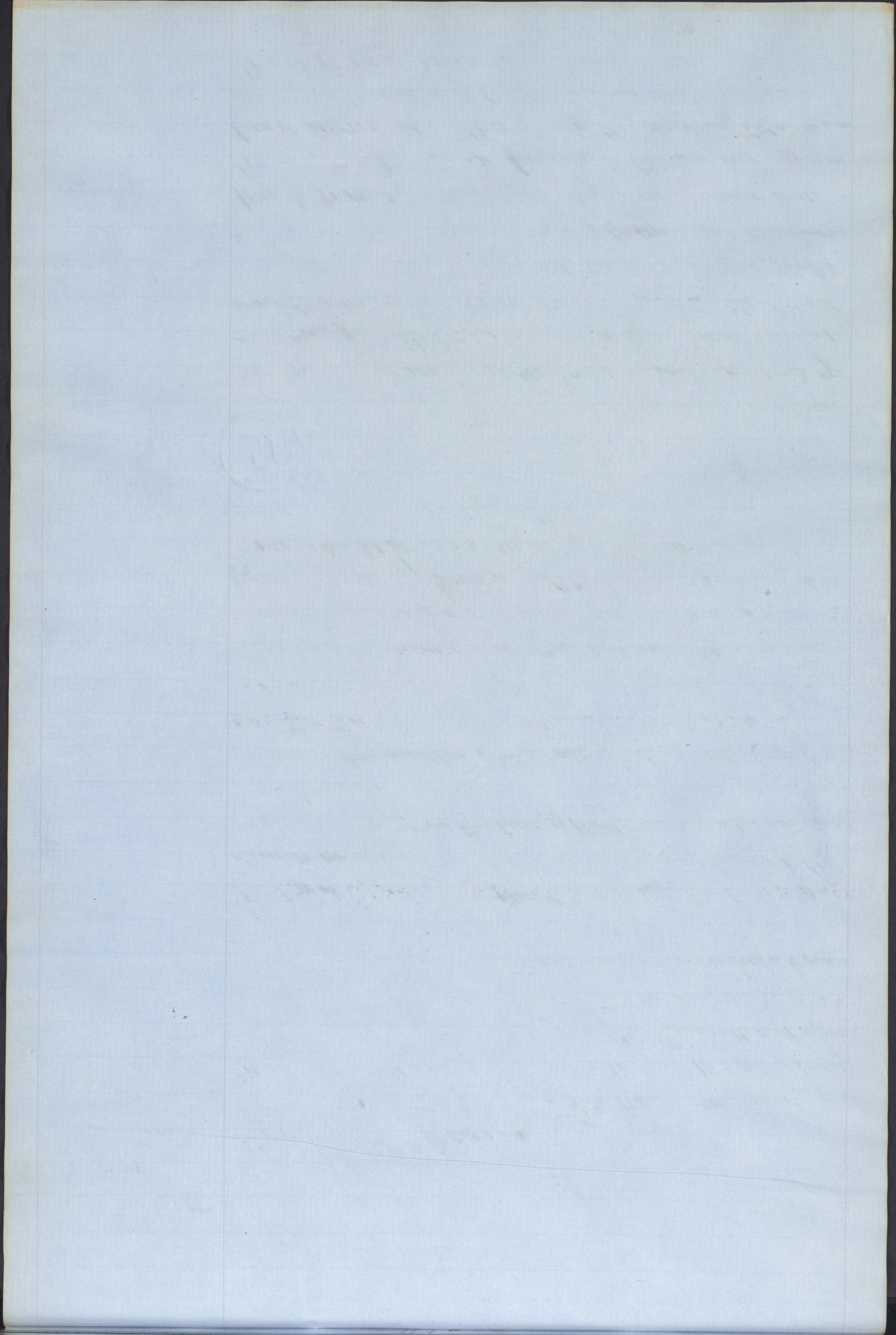
It is hereby agreed by and between the parties hereto and their respective counsel that the original papers filed in claim No 493 marked A and translation marked B may be considered as filed and may be read in evidence in this case and also that the transcript marked C in this case shall be deemed and taken as proved and may be read in evidence in this case.

The claim claimed being a portion of the Rancho de Masabonquian in Case No 495

J H McKinn  
Law Agent

Filed in Office April 10th 1854  
Geo Fisher  
Secretary







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Commission of the  
Board

722 Hannah M<sup>e</sup> Coombs

vs  
The United States

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PAGE 12

}  
} For a parcel of land  
} containing 160 acres being  
} parts of the place called Napa  
} and also known as lots 23. 24. 33  
} and 34 situate in Napa County

The land claimed in this lease is alleged to be a part  
of the Rancho called Napa originally granted to Sal-  
vador Valdez and the title of the claimant is derived  
from him

By written stipulation between the Law Agent  
and the Attorney for the claimant the testimony and  
contents of an original document filed in Case No 495 which  
relates to the same original grant are to be used as  
evidence in this lease. By these proof is made of the ori-  
ginal grant by Governor Alvarado bearing date  
December 21<sup>st</sup> 1838 the approval thereof by the De-  
partmental Assembly on the 23<sup>d</sup> day of the same month  
and the giving of judicial possession to the grantee  
February 8. 1844

They also show that the said grantee  
went into possession of the land in 1838 or 1839  
and soon had the same built a house and horses  
was located on the place and cultivated the land  
This proof is sufficient to establish Valdez's right  
to the land designated in his grant and to enable  
him to transfer his title by conveyance to another  
To establish title in himself to the portion of the  
land claimed in this lease the present claimant  
has given evidence of the following conveyances to wit  
First A deed from said Valdez and wife by them



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PAGE 13

attorneys) to the probate of Jesse dated September  
29th 1857

Second A deed from said Jesse and his wife to Hannah  
McLoomis the Patent claimant dated also on the  
29th day of September 1857

On this proof the Petitioner  
is entitled to a Confirmation

"Confirmed"

Filed in Office April 11th 1854

Geo Fisher

Deputy

13



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Decree  
of 722 Annals Th<sup>l</sup> Court by  
Confirmation of  
The United States

111 ND  
PAGE 14

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

The lands of which the confir-  
mation is hereby made are a part of the Rancho known  
by the name of Napa in Napa County, which was granted  
to Salvador Gallego which Rancho is bounded as follows  
beginning at the corner of the Rancho of Napa on the boundary of Nicolas Herrera  
thence following a line through an arroyo to the lower  
pass of the sierra de Los Coahueros six thousand and one  
to a pile of stones; thence to the North West  
along the Arroyo six thousand and one to the upper  
road which goes to Napa thence along the same  
Arroyo North North West to the upper road which  
goes to the Rancho of Yuma from thence and six thousand  
and one: thence continuing on the same course  
to the boundary of said Yuma by estimation ten  
thousand and one: thence to the North North East  
three thousand and two hundred and fifty one to the  
River Napa thence down the same River course  
South East to the arroyo of Napa fifteen thousand  
one hundred and seven by five one as used then  
following the same Arroyo Westwardly two thousand  
six hundred and one to the place of beginning con-  
taining four square Leagues of land adjacent to the  
grant to said Gallego and the judicial measurement  
thereof, The portion of the above described premises



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PAGE 15

of which Confirmation is truly made is from an  
and discussed as follows to wit

Being Lots Number  
twenty three (23), twenty four (24), thirty three (33)  
and thirty four (34) containing in each Lot  
forty acres of land in the Pueblo de Sabaleros  
according to the survey and plan of the same as  
made by James H. Adams with being later also in Santa  
Barbara County and the same premises described in a deed  
from Michael J. J. and wife to David H. Adams and  
brothers dated September 29th 1851

Alphonsus Fitch

Thompson Campbell

Alonzo Thompson

Commissioners

Filed in Office March 11th 1854

Geo. Fisher

Secretary

And it appearing to the satisfaction of the Board  
that the land hereby advertised is situated  
in the Southern District of California it is hereby  
ordered that the transcripts of the Proceedings  
and of the decision in this case and of the names  
and address upon which the same are founded  
be bound out and duly certified by the Secretary  
one of which transcripts shall be filed with the  
Clerk of the United States District Court for the  
Southern District of California and the other be  
transmitted to the Atty. Genl. of the U.S.



Office of the Board of Commissioners,

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

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PAGE 16

I, *George Fisher*, Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *fourteen* pages, numbered from 1 to *14*, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. *722* on the Docket of the said Board, wherein *Hannah McCoombs* is

the Claimant <sup>Part of</sup> against the United States, for the place known by name of "*Napa*"

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

*G. Fisher*





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

No. — 111 —

THE UNITED STATES,

vs.

*Hannah M Coombs*

TRANSCRIPT OF THE RECORD

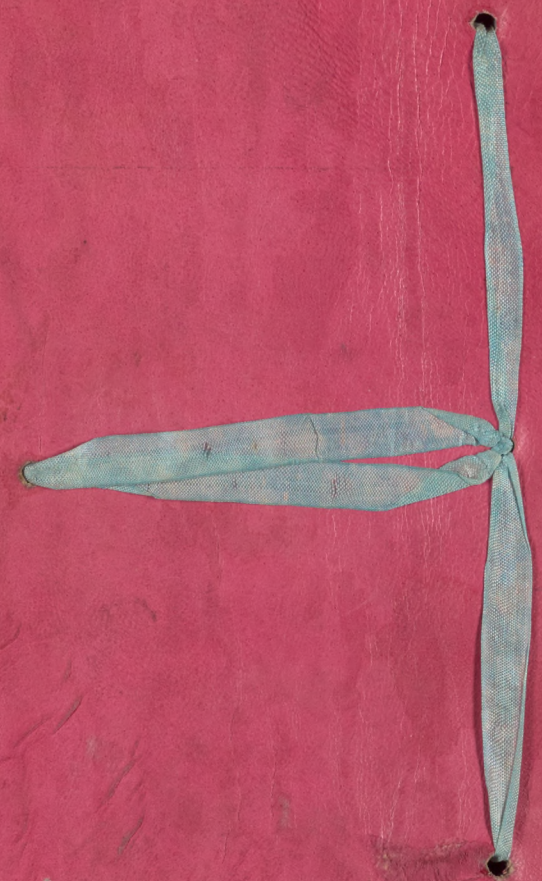
FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *722*

Filed, *November 2<sup>d</sup>* 1854

*Pro Amourre*  
*Mc*

*No 722*





Office of the Attorney General of the United States,

Washington, 10th February 1855.

Hannah Mc. Combs }  
vs. } 722.  
The United States. }

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 12th day of November 1854, the appeal in the district court of the United States for the Northern Judicial district of California will be prosecuted by the United States.

Clun King

Attorney General.



U. S. District Court for  
Northern District, Cal.

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The United States

vs

Hannah McComb

No. 111

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Notice of appeal,

Filed March 20, 1850,

Thos. A. Monroe,

Clerk



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PAGE 19

Office of the Attorney General of the United States,

Washington, 10th February 1855.

Hannah Mc. Coombs

v.

The United States.

} 722.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 12th day of November 1854, the appeal in the district court of the United States for the ~~Northern~~ district of California will be prosecuted by the United States.

Cushing

Attorney General.



C. 111  
No 111

U.S.D. Court N. Dist.

The United States

vs.

Kannah McCoombs

Appeal Notice.

Dated May 5, 1855,  
J. Chivers,  
Deputy.



To the Hon Dist Court of the U. S. in and  
for the Northern Dist of Calan

The United States }  
Hannah- v }  
- McCombs } . 3

D. C. 111 : L. C. 722

The petition of the United States by their Attorney represents that this cause is an application for a review of the decision of the U. S. Land Commission, whereby the claim of the appellee was confirmed, as appears by reference to the record in the case. That a transcript of said record was filed in this Court on the 2<sup>d</sup> day of Novr 1854; that a notice of appeal was filed on the 20<sup>th</sup> day of March 1855, and that the land claimed lies in the said District. That the said claim is invalid.

Wherefore appellants pray that the said decision of the Commission be reversed and that this Court decree the said title invalid

San Francisco, Feb 13. 1857

Stanley  
U. S. A.



111

U. S. Dist Court

The United States

v  
Hannah McComb

Petition

Filed 13 Feby. 1857.  
W. H. Chew  
Deputy.

111 ND  
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Standing up



At a Stated Term of the  
 District Court of the United States  
 for the District of California, held  
 at the Court Rooms of said Court in  
 the City of San Francisco on the 20<sup>th</sup>  
 day of ~~December~~ <sup>January</sup> A. D. ~~1879~~ 1880.

Present Hon. Ogden Hoffman - Judge

|                       |                        |
|-----------------------|------------------------|
| The United States     | } No. 111-             |
| vs                    |                        |
| <u>Hannah McCombs</u> |                        |
|                       | Decree of Confirmation |
|                       | Part of Kapa           |

It appearing to the Court  
 upon inspecting the minutes and entries in  
 the Register of the Clerk on the 2<sup>nd</sup> day of  
 March A. D. 1857, that an order was made  
 by the Court affirming the decree of the Board  
 of Land Commissioners made in the above  
 cause and confirming to the claimant therein  
 the lands set forth and described in said  
 decree. It further appearing that said order  
 of confirmation was made on an appeal duly  
 taken from the decision of the said Board of  
 Land Commissioners and was made with  
 the consent of the District Attorney in open



court: and it further appearing to the court that by neglect or omission of the claimant's Attorney, no formal decree of confirmation was presented to the court for signature, and that no such decree has been signed by the Judge or filed of record, and it being suggested to the court by Philip Seare Esquire, United States Attorney, that the Surveyor General has informed him that it was necessary for the prosecution of public surveys, that a decree in the said cause, describing and defining the boundaries of the land so confirmed as aforesaid, should be entered, and it further appearing to the court, from statements of the District Attorney that no objection exists to the entry of the decree of confirmation of the said lands of claimant, Nunc pro tunc, as of the day when said order of confirmation was made as shown by the entry in the minutes and in the Register of the clerk.

Now therefore on the motion of Philip Seare, District Attorney, it is ordered that a decree of confirmation in said cause, be entered, Nunc pro tunc, as of said day.

Wherefore in consideration of



the premises, it is hereby ordered, adjudged and decreed that the said decree is hereby affirmed, and it is further ordered, adjudged and decreed that the claim of the said appellee is a good and valid claim and the same is hereby confirmed.

The lands of which confirmation is hereby made are a part of the place known by the name of Kapa, in Kapa County, which was granted to Salvador Vallejo, which place is bounded and described as follows to wit:

Commencing on the Arroyo of Kapa on the boundary of Nicolas Heiguera thence following a Southerly direction to the lower pass of the Arroyo de los Carneros, six thousand varas to a pile of stones, thence toward the North West along the Arroyo, six thousand varas to the upper road which goes to Kapa, thence along the same Arroyo North North West, to the upper road, which goes to the Rancho of Yunk four thousand six hundred varas, thence continuing on the same course to the boundary of said Yunk, by estimation, ten thousand varas, thence towards the North North East, three thousand two hundred and fifty varas



to the river Napa, thence down the  
same river course South East to the arroyo  
of Napa, fifteen thousand one hundred and seventy  
five varas, and thence following the same  
Arroyo westwardly two thousand six  
hundred varas, to the place of beginning,  
containing four square leagues of land,  
agreeable to the grant, to said Vallejo and  
the Judicial Measurement thereof.

The portion of the above des-  
cribed premises of which confirmation  
is hereby made <sup>bounded and</sup> described as follows  
to wit: being lots number twenty three  
(23), twenty four (24), thirty three (33),  
and thirty four (34), containing in each  
lot 40 acres of land in <sup>the</sup> Pueblo de Sal-  
vador, according to the survey and plans  
of the same as made by James Hudspeth  
being situated in Napa County, and the  
same premises described in a deed from  
Archer C Jesse and wife to said Honniah  
Mc Coombs dated September 29<sup>th</sup> A.D. 1851.

John H. Hoffmann  
Dist. Judge



No 111

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

The United States

vs.

Hannah M<sup>c</sup> Coombs

Decree of Confirmation

Filed January 20<sup>th</sup> AD 1880, as  
of March 2<sup>nd</sup> AD 1857. nunc  
pro tunc.

Southard Hoffman Clerk

By Wm D Grimwood  
Deputy Clerk.

Recorded in Rn of Judgments  
& Decrees at p. 257.

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Lodged in Clerk's Office  
U.S. Dist Court Dist of  
Cal January 6<sup>th</sup> 1880.

Southard Hoffman Clerk

By Wm D Grimwood  
Deputy Clerk.