CASE NO.
118
NORTHERN DISTRICT

PART OF NAPA GRANT

JOHN TRUBODY,
CLAIMANT

LAND CASE 118 N.D. 51 pages

127

Northern District

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 727

John Truboody — CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Napa

/

118 ND
PAGE 2

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, *that on this* fourth 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 John Trubody, *for the Place named* "Napa", *was presented, and ordered to be filed and docketed with No.* 727, *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. 727, John Trubody for part of "Napa," the Counsel for the Claimant filed the following Stipulation, to wit:

(Vide page 22 of this Transcript)

San Francisco April 4th 1854.

Case 727 was submitted on briefs and taken under advisement by the Board.

San Francisco, April 10 1854.

In the same Case the Counsel for the Claimant filed the following Stipulation, to wit:

(Vide page 23 of this Transcript)

2

San Francisco, April 11th 1854.

In the same Case Commissioner Alpheus Felch delivered the Opinion of the Board confirming the claim;

(Vide page 25 of this Transcript)

San Francisco, Aug. 18th 1854.

In the same Case, on motion of the U. S Law Agent, the following order was made, to wit:

(Vide page 30 of this Transcript)

3

Petition

118 ND
PAGE 4

To the Honorable the Board of Comrs for settling private land claims in California.

The petition of John Frisbey respectfully shows.

That on the 21st Sep 1838 Juan B Alvarado Governor of California by virtue of authority in him vested by the laws of Mexico granted to Salvador Vallejo a certain tract of land called Napa situate in the present County of Napa with the boundaries discribed in the Grant & accompanying map which original grant & map with the approval of the Diputation & act of Judicial possession are filed in Claim No 495 in the Office of the Secretary of this Hon Board Reference to & proofs to be taken as a part of this petition.

That on the 12th March 1851 said Salvador & wife sold & conveyed to Your petitioner by their Attorney John E Brown thereunto duly authorised & empowered by virtue of a power of attorney to him executed on the 22nd December 1850 as set forth in said power a certified copy of which is herewith submitted marked B. a certain portion of said tract more particularly discribed in the deed of conveyance a certified copy of which is herewith submitted marked C.

That said portion of land contains one hundred and twenty seven (127 89/100) acres.

Your petitioner further shows that on the 23d of April 1857 said Salvador sold & conveyed to Nathan Coombs a certain portion of said tract more particularly set forth in the deed of conveyance, a certified copy of which is herewith submitted marked D.

That on the 19th of April 1850 said Thomas & Isabella his wife, sold & conveyed said land to Your petitioner as set forth in the deed of conveyance a certified copy of which is herewith submitted marked E.

That said portion of land contains Two Hundred and Sixty Eight 16/100 acres (268 16/100) Your petitioner further show that on the 20th Dec 1849, said Salvador sold & conveyed to Phebe Ingersol a certain portion of said tract more particularly set forth in the deed of conveyance a certified copy of which is herewith submitted marked F.

That on the 6th November 1849 said Phebe Ingersol sold & conveyed said land to Leo S B Slusser as shown in the deed of conveyance, a certified copy of which is herewith submitted marked G.

That on the day of Feb 1850 said Leo S B Slusser sold & conveyed said portion of land to Your petitioner as set forth in the deed of conveyance a certified copy of which is herewith submitted marked H.

That said portion of land consists of Four Hundred acres (400).

Your petitioner further shows that said portion of said tract of land have been for some fifteen years & is now in the quiet & undisputed possession of Your petitioner & those under whom he claims. That he knows of no conflicting claim. That he relies for confirmation of his claims to said portions of land upon the original title papers above referred to & upon such other & further proofs as he may be advised are necessary. Wherefore he prays confirmation of his title to said tracts of land. Rose for claimant

Filed in Office March 2, 1853.
(Signed)
Geo. Fisher
Secy.

5

"B"

Power of attorney.

118 ND
PAGE 6

Power of Attorney.

Salvador Vallejo & wife to Jno E Brown
Filed for Record Dec. 28. AD 1850. at 20 minutes past 2. O'clock P.M.

Know all men by these presents that we Salvador Vallejo and Ana Lopez Carrillo his wife of the City of Sonoma in the County of Sonoma and State of California have constituted and appointed and by these presents do make constitute and appoint Jno E Brown of the City of Napa of the County of Napa and State aforesaid our true and lawful attorney for us & in our names place and stead to enter into and take possession of all such lands tenements hereditaments and real Estate whatever in the County of Napa aforesaid to which we are or may be entitled or interested and to grant, bargain and sell the same or any part or parcel thereof for such sum or price and on such terms as to him shall seem meet and for us and in our names to execute acknowledge and deliver good and sufficient deeds and conveyances for the same either with or without covenants of warranty and until the sale thereof to let and devise said real Estate for the best rent that can be procured for the same to collect and recover and receive all sums of money which shall become due and owing to us by reason of such bargain and sale lease or demise, and we do further authorize this our said attorney to survey or to procure the survey of all lands lying in said County now remaining unsurveyed in said County of Napa. Giving and granting unto our said attorney full and power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and

about the premises as fully and to all intents and purposes as he might or could if personally present with full power of substitution and revocation hereby ratifying and confirming all that my said attorney or his substitute shall do or cause to be done by virtue hereof.

Witness our hands and seals at the city of Sonoma aforesaid this 27th day of December AD 1850.

Salvador Vallejo (Seal)
Ma Luz Carillo (Seal)

Signed sealed and delivered in presence of us.
John Hendley.

State of California }
County of Sonoma }

On this 21st day of December AD 1850 before me the undersigned County Clerk of the County of Sonoma personally appeared Salvador Vallejo and Ma Luz Carillo his wife and are personally known to me to be the persons who subscribed and executed the foregoing instrument who acknowledged that Executed the same freely & voluntarily and for the purposes therein mentioned and the said Ma Luz Carillo upon being examined separate and without the hearing and apart from her said husband says that she signs and executes the same freely and without any fear and compulsion from her said husband and that she does not wish to retract the execution of the same.

Given under hand with private seal affixed there being no seal of Office

7

Set provided at Office in the City of Sonoma this 27 day of Dec AD 1850.

(Seal) John Henaly Clk.

State of California }
County of Napa }

I John H Seawell County Recorder in and for said Napa County hereby certify that the foregoing is a full true and correct copy of the Record of a power of attorney from Salvador Vallejo and Ma Luz Carrillo his wife to John E Brown as Recorded in Book A pages 257 & 258 of the Records of said Napa County.

118 ND
PAGE 8

(Seal)

Witness my hand and Official Seal at Napa City this 15th day of February AD 1853.

John H Seawell Recorder.
By C S. Caffarsberry Dep Recorder

Filed in Office March 2. 1853.
(Signed) Geo Fisher
Sec

"C"
Deed

This Indenture made and Entered into this the 12th day of March in the Year of our Lord one thousand Eight hundred and fifty one by and between Salvador Vallejo and Ma Luz Carrillo his wife by their agent John E Brown of the County of Napa and State of California of the one part and John Trubody of the County of San Francisco of the other part Witnesseth.

That the said Salvador Vallejo and Ma Luz Carrillo his wife by John E Brown agent party of the first part for and in consideration

of the sum of five hundred and fourteen dollars in hand paid by the said John Trabody party of the second part the receipt whereof is hereby acknowledged and confessed have granted bargained sold and conveyed and by these presents do grant bargain sell and convey unto the said John Trabody party of the second part & his heirs and assigns forever all our right title interest and estate in and to a certain tract or parcel of land situated lying and being in the County of Napa and State of California adjoining the land now owned by the said Trabody Lot Harrison and the fence of Salaps. bounded and described as follows to wit, commencing at Baggs South west corner and runs south fifty four degrees thirty six seconds west nine chains & sixty eight links. Thence north fifty five degrees & fifty three minutes East nineteen chains along Salaps line fence thence north twenty one degrees & thirty eight minutes East seventy eight chains and thirty one links thence north sixty nine degrees & thirty minutes west Eleven chains and forty links to his corner, thence South twenty five degrees and thirty eight minutes west Eighty seven chains & 9 links containing 127 89/100 acres. To have and to hold the above described piece or parcel of land to the p only proper use and behoof of the said Trabody his heirs and assigns forever And the said Salvador Vallejo and Ma Luz Cazillo his wife by their agent and attorney John E Brown do hereby covenant and agree with the aforesaid John Trabody his heirs and assigns to forever warrant and defend the said premises and every part thereof against the lawful claim or claims of all and every person whatsoever claiming the same.

9

In Witness whereof we have hereunto set our hands and affixed our seals by our agent John E Brown on the day and date above written

Salvador Vallejo (Seal)
Ma Luz Carillo (Seal)
By John E. Brown agent (Seal)

Signed Sealed and delivered in presence of.
N H Lansum.

State of California }
County of Napa }

On this 15th day of March AD 1851 personally appeared before me George N Cornwell Deputy Recorder of Napa County John E Brown known to me to be the person described in and who executed the foregoing instrument who acknowledged to me that he executed the same freely and voluntarily and for the use and purposes therein mentioned.

M H Kending Recorder of Napa Co
By George N Cornwell Deputy Recorder.

State of California }
County of Napa }

I John H Seawell County Recorder in and for said Napa County hereby certify that the foregoing is a full true and correct copy of a deed from Salvador Vallejo to John Stubody. Recorded in Book A pages 274 and 275 in the Records of said Napa County.

Witness my hand and Official Seal at Napa City this 25th day of January AD 1853.

(Seal)

John H Seawell Recorder.
By C. S. Coffin Deputy Recorder

Filed in Office March 2, 1853
(Signed) Geo Fisher Secy.

10

"D"

Deed

118 ND
PAGE 11

Know all men by this writing that I Don Salvador Vallejo of Sonoma Upper California have in consideration of the sum of Four hundred thirty two dollars paid to me in hand to my full satisfaction by Nathan Coombs of the District of Sonoma aforesaid bargained and sold and by these presents do bargain, sell release, and deliver and confirm unto the Sd Coombs his heirs and assigns forever all of that piece or parcel of land lying and being in Sd district of Sonoma described as follows to wit, Commencing on Napa Creek at the South Easterly corner of land which Capt. John Grigsby bought of me the present year thence S 29° 8' W on said Grigsbys line to Sd Grigsbys South westerly corner, Thence S E. 24 Chains 83 1/2 links to a stake, thence on a line parallel to the first described line to Wm Boggs North Easterly corner, thence South Easterly on said Boggs North Easterly line so far as that a line extended S 29° S E until it intersects Napa Creek will include fifty acres between Sd Boggs N E line and said creek, thence meandering up the creek to the place of beginning containing two hundred sixty Eight and sixteen hundredth (268.16) acres.

To Have and To hold the above described land or premises with all the previlges and appertenances to the same belonging to his and their proper use and benefit forever. And I the Sd Vallejo for myself my heirs, my Executors and administrators do covenant and agree to and with the Sd Coombs that (until the signing and sealing of these presents) I am the only lawful and rightful owner of the afore granted premises that I have good right and lawful authority to sell and convey

the said land and that I will warrant and defend the same to the said Coombs his heirs and assigns against the lawful claims and assigns against the lawful claims and demands of all persons whosoever.

In Testimony whereof I do this twenty third day of April in the year of our Lord one thousand Eight hundred and forty seven subscribed my name and affix my seal.

Salvador Vallejo.

In presence of.
Ed. Hall Crosby
John Ingsby

Personally appeared before me John H Nash Justice of the Peace in and for the District of Sonoma Don Salvador Vallejo who acknowledged that he signed sealed and delivered the aforegoing deed on the day and the year therein mentioned for the purposes therein set forth.

Given under my hand at office this the 23rd day of April AD 1847.

John H. Nash J.P.

Fees for recording $3.(11).

I do hereby certify that the within deed was received at office on the 23rd day of April AD 1847 and recorded by me on the same day in Book A and on pages 38 & 39.

John H Nash J.P.

State of California
County of Napa

I John H Seawell County Recorder in and for said Napa County hereby certify that the foregoing is a full true and correct copy of a deed from Salvador Vallejo to Nathan Coombs. Recorded in my office for

Record on the 12th day of February AD 1853 at 9½ O'Clock A.M. and now on file for record.

Seal

Witness my hand and Official Seal at Napa City this 14th day of February AD 1853.

Jno H Tagwell Recorder.
By C. S. Coffman Dep Recorder

Filed in Office March 2, 1853.
Signed, George Fisher Sec

"E."

Deed

This Indenture made this thirteenth day of April AD 1850 between Nathan Coombs and Isabella his wife of Napa Valley, Napa County, State of California parties of the first part and John Tribody of the City of San Francisco in said State party of the second part. Witnesseth that in consideration of the sum of seven thousand dollars in hand paid to said parties of the first part by the said party of the second part, the said parties of the first part do hereby grant bargain sell release and quit claim unto the said party of the second part his heirs and assigns forever all of their right title interest claim and demand of in and to the following described land and premises situate lying and being in said Napa County, State of California bounded and described as follows to wit: Commencing on Napa creek at the South Easterly corner of land which Capt John Grigsby bought from Don Salvador Vallejo in the year Eighteen hundred forty seven, running thence S. 29° 8 West on said Grigsbys line to said Grigsby's South westerly corner thence S.E. 24 chains 63½ links to a

Stake thence on a line parallel to the first described line with Gov. Boggs North Easterly course thence South Easterly on said Boggs North Easterly line so far as that a line to mark N. 29° E. until it intersects Napa Creek will include fifty acres between said Boggs North East line and said Creek thence meandering up said Creek to the place of beginning containing about two hundred sixty eight and and sixteen hundredth (268.16) acres of the same more or less being the farm & premises now occupied by said parties of the first part to have and to hold the above described premises with the appurtenances unto the said party of the second part his heirs and assigns forever.

In testimony whereof the said parties of the first part have hereunto set their hands seals the day and year first above written.

Nathan Coombs. (Seal)
Isabella Coombs (Seal)

Signed sealed and delivered in presence of.
Joseph W Brackett.

State of California
County of Napa } Nov 11. 1856.

Personally appeared before me Recorder of Napa County. Nathan & Isabella Coombs to me known to be the persons who executed the same freely & voluntarily for the use and purposes therein mentioned. And the said Isabella wife of said Coombs being examined separate and apart from her said husband by me acknowledged that she executed the same freely & voluntarily & without fear or compulsion on the part of said husband.

In & Ex Recorder.

State of California }
County of Napa }

I, John H Seawell County Recorder in and for the County of Napa and State of California. hereby certify that the foregoing is a full true and correct copy of a deed from Nathan Coombs and Isabella his wife to John Trabody. Recorded in Book A pages 156 and 157 in the Records of said Napa County.

Witness my hand and official seal at Napa City this 28th day of January AD 1853.

Seal

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

Filed in Office March 2. 1853.
(Signed)
Geo Fisher Secy.

"F"

Deed

Having on the 20th day of December in the year of our Lord, one thousand Eight hundred and forty seven Executed to Chester Ingersoll an obligation to convey to him a certain tract of land in Napa Valley upon the payment of four hundred and Eight dollars and the said Chester having on the 10th day of January AD 1848 paid the sum of four hundred and Eight dollars into my hand, and having been assured that said land was purchased by the said Chester for separate use of his wife Phebe and the administration of the Estate of said Chester. A B Brooks having deserted me to convey said lands to him. Now therefore know

all men by these presents that I Salvador Vallejo for and in consideration of said sum so paid as aforesaid do hereby grant bargain sell release and confirm unto the said Phebe Ingersol her heirs and assigns said land hereto fore mentioned. The boundaries to which are as follows. commencing at the South East corner of a certain tract heretofore granted by me to A. W. Boggs Esqr and running rather North of East in such a direction as to bring two certain trees on the line which two trees were agreed upon between the said Chester and myself as on the line here intended to be described in the presence of John Gregsby. Nathan Coombs and others. And said line running past said Trees to a point within at least fifty yards from Napa creek in a direct line from the starting point thence running up and parallel with said creek & with its meanderings in a Northwardly direction to the line of N Coombs thence running with and along the line of said Coombs on a westwardly course to the aforesaid tract of said Boggs. thence along the line of said Boggs & Southwardly to the starting point. said boundaries being supposed to include about four hundred acres.

To have and To hold said premises so described free of all dower or other incumbrances to her the said Phebe Ingersoll her heirs and assigns forever. And I hereby covenant to warrant and defend the said Phebe her heirs and assigns in the full and quiet enjoyment of the premises hereby conveyed.

In Witness whereof I have hereunto set my hand and seal this 22 day of November in the year of our Lord 1849

Salvador Vallejo (Seal)

Signed and delivered
in presence of.
John Grigsby
C. A. Friend.

Personally appeared before me
Wm Fuller Alcalde of Sonoma, Salvador
Vallejo and acknowledged the above instru-
ment to be his free act and deed and executed
for the purposes therein mentioned.
Wm. M Fuller Alcalde.
Recorded in the Office of the Alcalde
in Book L of deeds pages 211 & 212
February 1st AD 1850 at 12 O'clock M.
A. B. Bonnett Rec. Clerk.

State of California
County of Napa } ss.

I, John H Seawell
County Recorder in and for said Napa County
hereby certify that the foregoing is a full true
and correct copy of a deed from Salvador
Vallejo to Phineas Ingersoll recorded in Book
B. pages 37 in the Records of said Napa County.
Witness my hand and Official
Seal of Napa City this 28th day
of January AD 1853.
Jno H Seawell Recorder.
By C. S. Coffman Dep Recorder

(Seal)

Filed in Office March 2. 1853.
(Signed)
Geo Fisher Secy.

This Indenture made this twenty sixth day of November in the Year of our Lord Eighteen hundred and forty nine (1849) between Phebe Ingersoll widow of the late Chester Ingersoll of the first part and Levy S.B Slusser of the second part witnesseth that for and in Consideration of the Sum of twenty four hundred dollars in hand paid by said party of the second part to said party of the first part at and before the Ensealing and delivery of these presents with said party of the first part has granted bargained sold released and Confirmed and by these presents doth grant bargain sell release and confirm unto the said party of the second part his heirs and assigns a certain tract of land situated lying and being in Napa valley and being the same land which was bargained by Salvador Vallejo to the late Chester Ingersoll on the twentieth day of December AD 1844 and for which the said Chester Ingersoll paid on the tenth day of January AD 1848 and for which a title was Executed by said Salvador Vallejo to the said party of the first part on the twenty second day of this present month by Consent of A B Brooks administrator of the Estate of said Chester Ingersoll upon proof that said lands were purchased by the said Chester Ingersoll for the separate use of his wife the said Chester Ingersoll who is the first party to the indenture the boundaries of said land running as follows to wit Commencing at the South East Corner of a certain tract of land heretofore granted by said Salvador Vallejo to L B Boggs Esq and running rather North of East in such a direction as to

being two certain trees on the line which two trees were agreed upon by the said Salvador Vallejo and the said Chester Ingersoll in the presence of John Grigsby and N Coombs as marked upon the boundary of said land, and said line running in a direct line from the starting point past said trees to a point fifty yards from Napa Creek thence running upon a parallel with said creek and with its meanderings northward to the line of N. Coombs thence running with and along the line of aforesaid Coombs in a westwardly course to the aforesaid track of said Boggs thence along the line of said Boggs southwardly to the starting point. Said boundaries being supposed to include about four hundredacres. To Have and To Hold said premises so described with the hereditaments and appurtenances thereof to him the said party of the second part his heirs and assigns forever and the said party of the first part hereby covenants to warrant and defend the said party of the second part his heirs and assigns in the title and quiet enjoyment of the premises hereby conveyed forever. In Witness whereof the said party of the first part has hereunto set her hand and seal the day and year above mentioned.

Phebe Ingersoll (Seal)

Sealed and delivered
in presence of.
C A Ingersoll.
Jas Hemright.

Territory of California
District of San Francisco } ss.

On this 26th day of November AD 1849, personally appeared Phebe Ingersoll to me known & who signed and sealed the foregoing instrument & acknowledged the same to be her free act and deed for the purposes therein mentioned

John H Geary,
First Alcalde
Dist of San Francisco
U.C.

Recorded in the Office of the Alcalde for the District of San Francisco in Book "L" of Deeds page 212 & 213. Feb. 11th, AD 1850, at 12 o'clock M.

A. C. Bonnell
Rec. Clk.

State of California
County of Napa } ss.

I, John H Seawell County Recorder in and for said County of Napa hereby certify that the deed from Phebe Ingersoll to Levi S B Slusser Recorded in Book B pages 38 and 39 in the Records of said Napa County.

Witness my hand and official seal at Napa City this 28 day of January AD 1853.

(Seal)

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

Filed in Office March 2, 1853.
(Signed) Geo Fisher Secy.

Warranty Deed.

Know all men by these Presents That I Levi S B Slusser of Sonoma State of California in consideration of Five thousand dollars to me paid by John Trubody of San Francisco in the same State the receipt whereof is hereby acknowledged do by these presents give grant bargain sell and convey unto the said John Trubody his heirs and assigns all that tract or parcel of land situated lying and being in Napa County Valley in the State of California bounded and described as follows to wit Commencing at the South East corner of a certain tract of land heretofore granted by one Salvador Vallejo to J W Boggs and running rather North of East in such a direction as to bring two certain trees on the line which two trees were agreed upon by the said Salvador Vallejo and Chester Ingersoll in the presence of John Bigsby and R Coombs as marked upon the bound ary of said land and said line running in a direct line from the starting point just fifty yards from Napa Creek thence running upon a parallel with said creek and with its meanderings northwards to the line of R Coombs thence running north and along the line of said Coombs in a westwardly course to the aforesaid track of said Boggs thence along the line of said Boggs southwardly to the starting point & said Coombs supposed to include about four hundred acres To Have and To Hold the above granted premises with the privileges and appurtenances thereto belonging to the said John Trubody his heirs and assigns to his & their use

and assoo of forever. And I the said Levi S B Slasser for myself and my heirs exec=utors and administrators do hereby cove=nant with the said John Trubody his heirs and assigns that I am lawfully seized in fee of the afore granted premises that they are free from all incumbrances. That I have good right to sell and convey the same to the said John Trubody as aforesaid and that I will and my heirs executors and administrators shall warrant and defend the same to the said John Trubody his heirs and assigns forever against the lawful claims and demands of all persons.

In Witness whereof I the said Levi S.B Slasser hereunto set my hand and seal this day of February in the year of our Lord Eighteen hundred & fifty —

Levi S.B Slasser.

Signed Sealed and delivered
in presence of
John M Vickar
Amos Merrill

State of California }
County of Napa }

I. John H. Seawell County Recorder in and for said Napa County hereby certify that the forgoing is a full true and correct copy of a deed from Levi S B Slasser to John Trubody Recorded in Book pages 39 and 40. in the records of said Napa County.

Seal

Witness my hand and official seal at Napa City this 28th day of January AD 1853.

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

State of California
San Francisco District } February 11, 1850.

Then personally appeared the within named Levi S.B Hanser known to me to be the person who Executed and acknowledged the within instrument to be his free act and deed before me John McVeigh
Notary Public.
San Francisco District

Recorded and Entered with Deeds. Lib Vol.

Filed in Office March 2, 1853.
(Signed)
Geo Fisher Secy.

A. Trubody }
vs. } Claim. No 127.
U. States }

Stipulation

The above Claim being a portion of & derived from the original grant, No. 495 filed before the Board of Land Comrs. it is agreed between the U. S. Law Agent & Claimants Counsel that the testimony taken in the above original Claim may be used as Evidence in this Claim
Rose for Claimt
R. Grantson Asst Law Agent

Filed in Office March 9th 1853.
(Signed)
Geo Fisher Secy.

23

John Treadey
vs.
The United States } No 727.

Stipulation

It is hereby agreed between the parties hereto by their respective Attorneys that the original paper filed in Claim No 495 marked "A" & translation marked "B" may be considered as filed and may be read in Evidence in this Case and also that the transfers marked D & E, shall be deemed and taken as proved and read in Evidence in this Case which is a part of the Rancho de Zapa Confirmed in No 495.

J. H. McKune
Law Agt.

Filed in Office April 10th 1854.
(Signed)
Geo Fisher Secy.

John Trabody.
vs.
The United States } For three parcels of land containing in all about 194 acres part of the Rancho called Napa in Napa County.

Opinion

The land claimed in this case is alleged to be part of the Rancho called Napa originally granted to Salvador Vallejo from whom through several mesne conveyances the present claimant derives title.

By written stipulation between the Law Agent and the attorney for the claimant, the testimony and certain original documents filed in case No 195 which relates to the same original grant are to be used as evidence in this case. By these proof is made of the original grant by Governor Alvarado bearing date December 21. 1838 the approval of the Departmental assembly on the 23d day of the same month and the giving of judicial possession to the grantee on the 5th day of February 1844. They also show that said grantee went into possession of the land in 1838 or 1839, and occupied the same built a house, had horses and cattle on the place and cultivated the land. This proof is sufficient to establish Vallejos right to the land designated in his grant and to enable him to transfer his title by conveyance to another.

In proof of title in himself to the parcel of land part of said Rancho first described in the claimants petition he has given in evidence a deed thereof from said Vallejo and wife to himself, made on the 12th day of March

1851. This deed is Executed by the attorney of the grantors. whose authority is shown by a certified copy of his power of attorney from the Recorders Office.

The title to the second parcel of land described in said petition is derived from said Vallejo by deed thereof from him to Nathan Coombs dated April 23 1847 and conveyance from said Coombs and wife to the Claimant on the 13th day of April 1850.

The title to the third parcel of land described in said petition is derived from said Vallejo by deed thereof from him to Phebe Ingersoll bearing date November 22. 1849. a deed from said Phebe Ingersoll to Levi S. B Slusser dated November 26. 1849. and a deed from said Slusser to the present claimant dated February 1850.

The proof of these conveyances together with the Evidence above mentioned is sufficient to Establish the right of the claimant and a decree of confirmation will be Entered.

Confirmed.

Filed in Office April 11. 1854.
(Signed) Geo Fisher Secy

27

John Peabody,
vs.
The United States

Decree

118 ND
PAGE 27

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 confirmation is hereby made are a part of the place known by the name of Napa which was granted to Salvador Vallejo which place is bounded and described as follows to wit commencing on the arroyo of Napa at the corral of Nicolas Higuera thence following a southerly to the lower pass of the arroyo de las Carneros six thousand varas to a peak of stones thence towards the north west along the arroyo six thousand varas 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 Barth, four thousand six hundred varas. thence continuing on the same course to the boundary of said Barth by estimation two thousand varas thence towards the north, north east. three thousand two hundred varas 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 twenty five varas. and thence following the same arroyo westwardly two thousand six hundred varas to the place of beginning containing four sqaure leagues of land agreeably to the grant to said Vallejo and the official measurement thereof.

That portion of the above mentioned and described premises of

which Confirmation is hereby made as born and described as follows to wit. Commencing at Boggs South west Corner and runs south fifty four degrees thirty six seconds west nine chains and sixty Eight links thence North fifty four degrees and fifty three minutes East ninteen chains along Salazs new fence, thence North twenty one degrees and thirty Eight minutes East seventy Eight chains and thirty one links thence North sixty nine degrees and thirty minutes west Eleven chains and forty links to his corner thence South twenty four degrees and thirty Eight minutes west Eighty Seven chains and 9 links containing 127 ^{59}/$_{100}$ acres being the same land described in a deed from said Vallejo and wife to said Tubbedy, dated March 12, 1851.

Also another portion of said tract called Napa bounded and described as follows to wit Commencing on Napa creek at the South Westerly Corner of land which Capt. John Grigsby bought from Don Salvador Vallejo in the year Eighteen hundred and forty Seven running thence South 29°8' west on said Grigsby's line to said Grigsby's South westerly corner thence S.E. 24 chains 63½ links to a stake thence on a line parallel to the first discribed line to Boggs Northeasterly line so far as that a line extended North 29° S.E. until it intersects Napa creek will include fifty acres between said Boggs North East line and said creek then meandering up said creek to the place of beginning containing about two hundred sixty Eight and sixteen hundredth (268.16) acres be the same more or less being the same

Same land described in a deed from Nathan Coombs and wife to said Peabody dated April 13. 1850.

Also another portion of said tract called Napa bounded and described as follows to wit Commencing at the South East corner of a certain tract of land heretofore granted by one Salvador Vallejo to L W Boggs and running rather North of East in such a direction as to bring two certain trees on the line which two trees were agreed upon by the said Salvador Vallejo and Cristo Sugersold in the presence of John Grigsby and N Coombs as marked upon the boundary of said land and said line running in a direct line from the starting point fifty yards from Napa Creek thence running upon a parallel with said creek and with its meandrings northwards to the line of N Coombs in a westwardly course to the aforesaid tract of said Boggs thence along the line of said Boggs southwardly to the starting point and said boundary supposed to include about four hundred acres being the same land described in a deed from Levi S B Slusser to said Peabody dated February 1850.

Alpheus Felch
Thompson Campbell
R. Aug. Thompson
Commissioners

Filed in Office April 11. 1851.
(Signed)
Geo Fisher Secy

And it appearing to the satisfaction of the Board that the land herein applied for is situated in the Northern District of Cal. it is hereby ordered that two transcripts of the Proceedings and of the decision in this case and of the papers and evidence upon which the same are founded be made and duly certified by the Secretary of which transcripts shall be filed with the Clerk of the United States District Court for the Northern District of California and the other be transmitted to the Attorney General of the U. S.

118 ND
PAGE 31

Office of the Board of Commissioners,

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

I, George Fisher Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing — thirty — pages, numbered from 1 to 30, 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. 727 on the Docket of the said Board, wherein

John Trubody is —

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

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

Geo: Fisher.

118 ND

U. S. DISTRICT COURT,

Northern District of California.

No. — 118 —

THE UNITED STATES,

vs.

John Trubody

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 727

Filed, November 2nd 1854

Wm A Monroe

Clk

Office of the Attorney General of the United States,

Washington, 10th February 1855.

John Fremody
vs.
The United States. } 727.

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.

Cushing

Attorney General.

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

The United States

vs

John Truebody.

No — 118 —

Notice of Appeal.

Filed, March 20. 1855.

John A. Monroe.
Clerk

Office of the Attorney General of the United States,

Washington, 10th February 1855.

John Fuebody
vs.
The United States. } 727.

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. N.

No 118

U.S.D. Court N. Dist.

The United States
vs.
John Toubony.

Appeal Notice.

Filed May 5, 1855,
by Chelvers,
Deputy.

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

United States } On appeal from
vs. No 118 } the U.S. Board of
John Trubody } Commissioners to ascertain & settle private
land claims in the State of California

On the inspection of the record in this case it is agreed that by stipulation of counsel, that the original papers in in Case No 495. before said Board marked A, & translation marked "B." were considered & filed as evidence in this case, & also the transfers marked D. & E. were to be considered as proved, & that the record is now defective in not giving said original papers marked "A." in case 495. and said transfers marked in said case D. & E. — and in that the record is imperfect — facts agreed.

A. Wasseall
Asst U.S. atty
C. B. Stode
Counsel for Trubody.

On reading the above agreed Statement of facts, on ~~motion~~ suggestion of diminution of record and motion to have the same returned to be perfected, It is ordered that the record be returned to the Hon. Board of U.S. Commissioners in order that the same may be made perfect, by a transcript the transcers marked "D. & E." in case No. 495. before said Hon Board, and also the original papers in said case.

Feb 9th 1856

Ogden Hoffman Atty of
U. S. Dist Judge

US.
v
J. Prudy

order to amend
the record

118 ND
PAGE 38

No. 118.

U. S. Dist. Court.

The United States.

vs.

John Trumbody.

Stipulation and order to amend Record.

Filed Febry 7. 1876.

J. Chenes,
Deputy.

To the Hon Dist Court of the U.S. in & for the Northern Dist of Cala

The United States
v.
John Truebody } D.C. 118; L.C. 727

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 title of the appellee was confirmed as will appear by reference to the record in the case: that a transcript of said record was filed in this Court on the 2d day of Nov 1854; that a notice of appeal was filed on the 20 day of Mch 1855; that the land claimed lies in this District and that said title is invalid.

Wherefore appellants pray that the said decision be reversed and that said title be decreed invalid by this Court.

San Francisco Jy 13. 1857

Randolph
USA

118

U. S. Dist Court

The United States

v

John Truebody

Petition

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

118 ND
PAGE 41

Blanding
Afa

At a Stated Term of the District Court of the United States of America, for the Northern District of California, held at the Court Room in the City of San Francisco, on Monday the Second day of March in the year of our Lord One thousand eight hundred and fifty seven

Present:

The Hon: Ogden Hoffman, Dist Judge,

The United States

v. } No. 118: L.C. 727

John Truebody } Decree

This cause came on to be heard on appeal from the final decision of the Board of Commissioners to ascertain and settle the private land claims in the State of California, under the Act of Congress approved on the 3 of March, A.D. 1851, upon the transcript of the proceedings and decision of the said Board of Commissioners, and the papers and evidence on which the said decision was founded; and it appearing

to the Court that the said transcript has been duly filed according to law; and the cause having regularly come to a hearing, it is by the Court hereby ordered adjudged and decreed that the said decision be, and the same is hereby in all things affirmed, and it is likewise ordered adjudged and decreed that the claim of the appellees is a good and valid claim and the same is hereby confirmed.

The lands of which confirmation is hereby made are part of four square leagues known by the name of "Napa" granted Salvador Vallejo, and are bounded and described as follows:

Commencing at Boggs' South west corner and runs south fifty four degrees and thirty six seconds west nine chains and sixty eight links; thence North fifty five degrees and fifty three minutes East Nineteen chains along Jalaps new fence; thence North twenty one degrees and thirty eight minutes East seventy Eight chains and thirty one links; thence North sixty nine degrees and thirty minutes west Eleven chains and forty links to his corner; thence South twenty five degrees and thirty eight minutes west

Eighty seven chains and nine links, containing One hundred and twenty seven 89/100 (127 89/100) acres, being the same land described in a deed from said Vallejo and wife to said Truebody, dated March 12, 1857.

Also another portion of said tract commencing on Napa Creek at the South Easterly corner of land which Capt John Kegsley bought from Don Salvador Vallejo in the year 1847, running thence South twenty nine degrees and Eight minutes west on said Kigsly's line to said Kigsly's South westerly corner - thence South East twenty four chains sixty three and a half links to a stake, thence on a line parallel to the first described line to George Boggs northeasterly line, so far as that a line extended North 29° South east until it intersects Napa Creek will include fifty acres between said Boggs North East line and said Creek, then meandering up said creek to the place of beginning, containing about two hundred and sixty eight and sixteen hundreth (268 16/100) acres, be the same more or less, being the same land described in a deed from Nathan Coombs and wife to said Truebody, dated April 13, 1850.

Also another portion of said tract, commencing at the south east corner of a certain tract of land heretofore granted by Salvador Vallejo to L. W. Boggs, and running rather North of East in such a direction as to bring two certain trees on on the line; which two trees were agreed upon by the said Salvador Vallejo and Chester Ingersoll in the presence of John Grigsby and N. Coombs, as marked upon the boundary of said land and said line, running in a direct line from the starting point just fifty yards from Napa Creek, thence running upon a parallel with said Creek and with its meanderings northwards to the line of N. Coombs in a westwardly course to the aforesaid tract of said Boggs, thence along the line of said Boggs Southwardly to the starting point of said boundary; supposed to include about four hundred (400) acres, being the same land described in a deed from Levi S. B. Slusser to said Tonebody dated February 1850.

Ogden Hoffman
U. S. Dist Judge

This decree is correct.
Wm Blanding
Dist Atty.

118

U. S. Dist Court

The United States

v

John Ironebody

Decree

Filed March 2. 1857.
W. H. Chevis.
Deputy.

California Land Claims
Attorney General's Office
29 Jany, 1857.

Sir:

In the case of the claim of John Peabody, confirmed to the claimant by the Commissioners, Case no. seven hundred and twenty-seven, (727), appeal will not be prosecuted by the United States.

I am,
Respectfully,
Cushing

Wm. T. Sanders Esq
U. S. Attorney,
San Francisco.

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

The United States

v

John Truebody

D.C. 118: L.C. 727.

In pursuance of a notice from the Attorney General of the United States, hereunto annexed it is hereby stipulated and agreed that no further appeal be prosecuted in this case on the part of the United States, and that claimant have leave to proceed under the decree of this Court heretofore rendered in his favor, as under Final Decree.

San Francisco June 1 1857

Wm Blanding
Dist Atty

C M Stow

118
727

U. S. Dist Court

v

John Truebody

Stipulation

Filed June 5. 1857.
W. W. Chevers
Deputy.

118 ND
PAGE 50

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

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States
v
John Truebody

D.C. 118: L.C. 727.

The Attorney General of the United States having given notice that no appeal will be taken in this case; and a stipulation to that effect having been entered into by the U. S. Attorney:

On motion of the District Attorney it is ordered adjudged and decreed that claimant have leave to proceed under the decree of this Court heretofore rendered in his favor, as under Final Decree.

Ogden Hoffman
U. S. Dist Judge

118

United States District Court, Northern District of California.

The United States

vs.

John Truebody

ORDER.

Dismissing appeal

Filed June 5, 1857

John A. Morrow,

Clerk.

By W. H. Chevers

Deputy.