

CASE NO.

123

NORTHERN DISTRICT

PART OF NAPA GRANT

HART AND McGARRY

CLAIMANT

LAND CASE N D 123

41 pages.

OCT 22 1962

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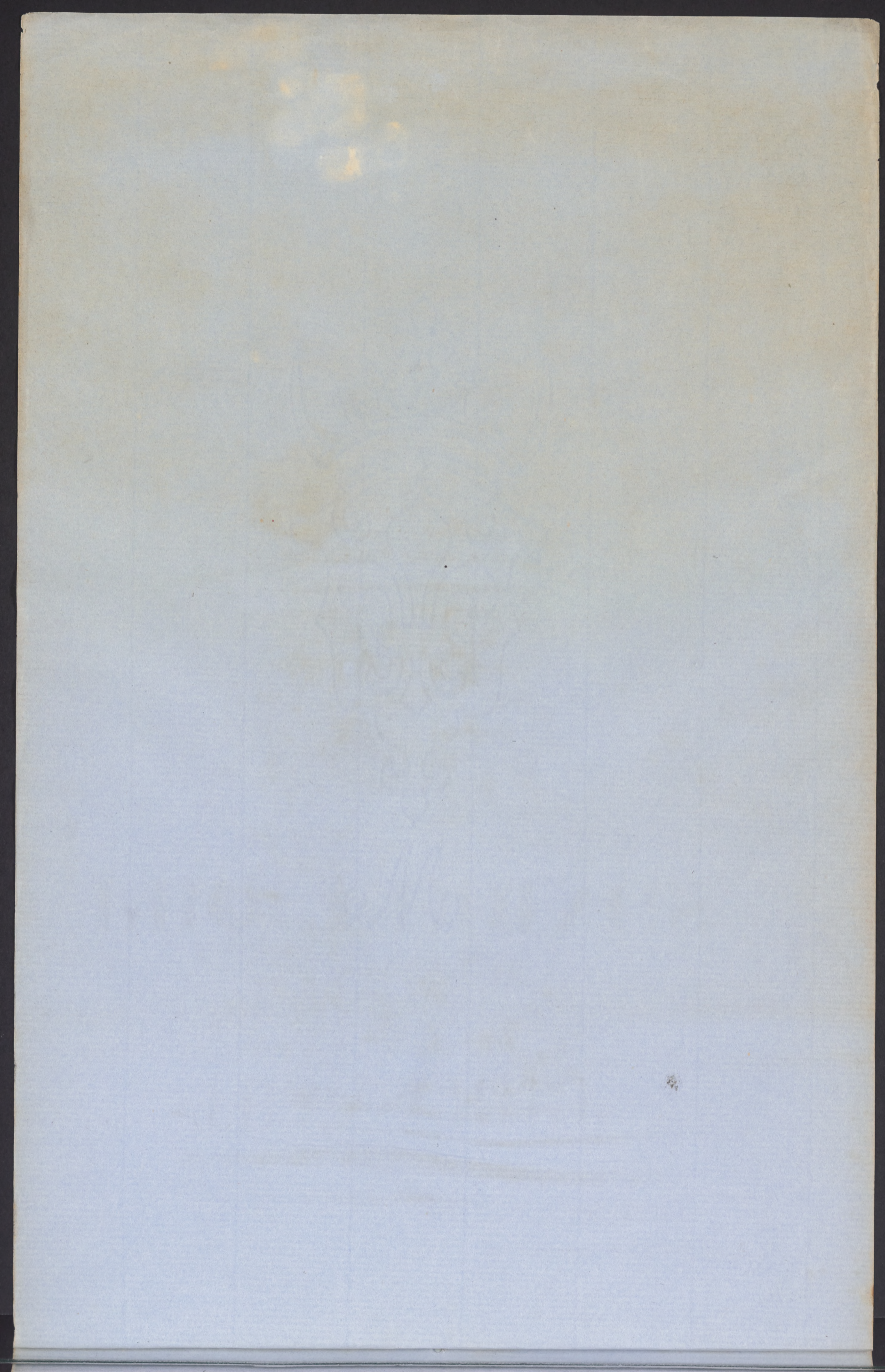
PLOVER BOND

25% COTTON FIBER

U.S.A.

723

Northern District



TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 723

Hart & McGarry

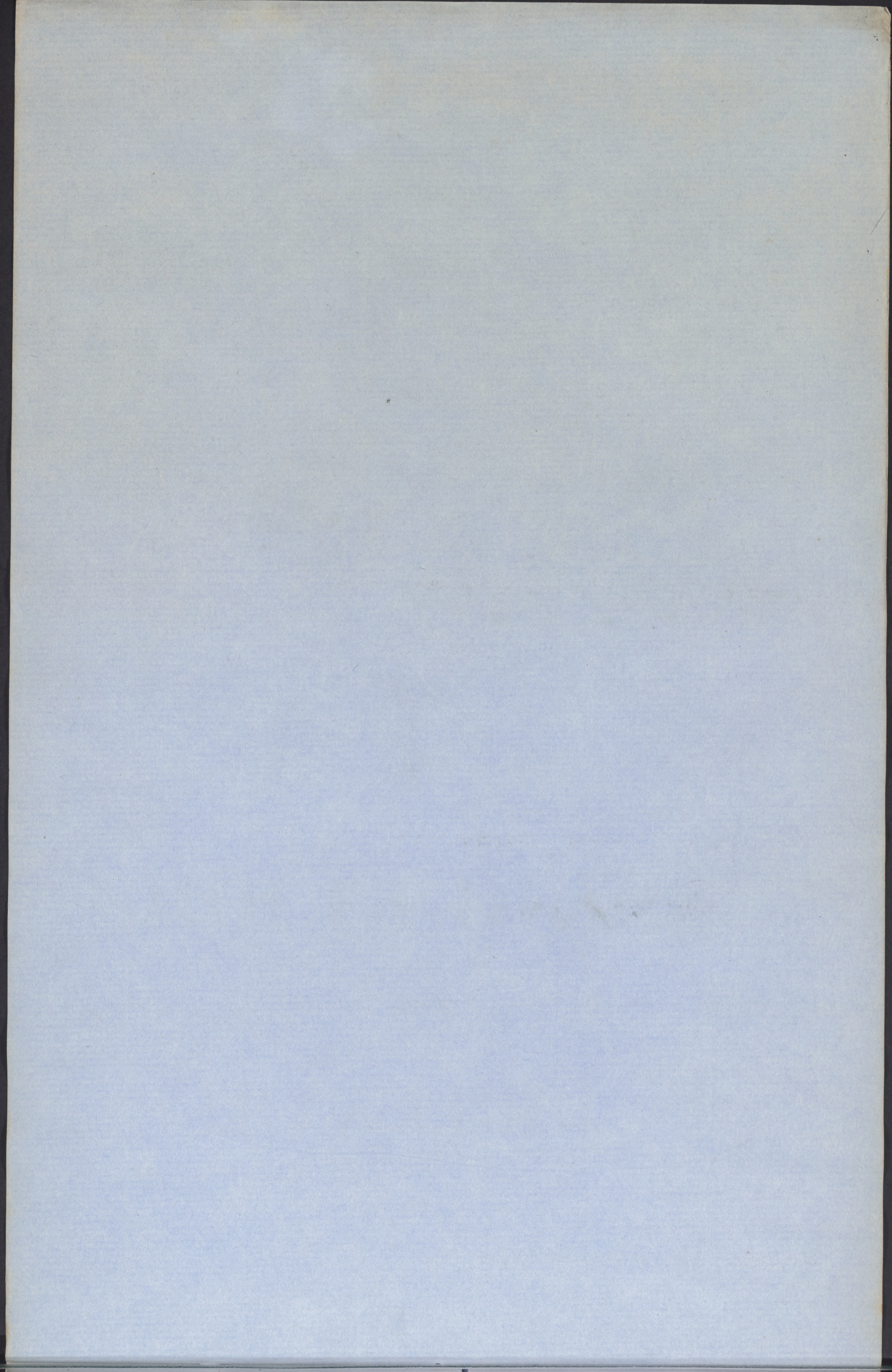
CLAIMANT

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.

Be it Remembered, that on this ~~15~~ ¹⁶ second day of March, Anno Domini One Thousand Eight Hundred and Fifty-~~Two~~ ^{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;

123 ND
PAGE 2

The Petition of Wart & McGarry, ^{part of} for the Place named "Napa," was presented, and ordered to be filed and docketed with No. 723, 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. 723, Wart & McGarry for part of "Rancho de Napa," the Counsel for the claimants filed the following Stipulation, to wit;

(Vide page 22 of this Transcript.)

San Francisco, April 4th 1854.
Case no. 723, was submitted on Briefs and taken under advisement by the Board.

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

(Vide page 22 of this Transcript.)

San Francisco, April 11th 1854.
In the same case Commissioner Alphens Felch
delivered the opinion of the Board confirming the
claim;

(Vide page 23 of this Transcript.)

San Francisco, Aug. 15th 1854.
In the same case, on motion of the U. S. Law Agent,
the following order was made to wit;

(Vide page 26 of this Transcript.)

To The Hon^{ble} the Board of Commrs^{rs},
for settling private Land claims in Cal-
ifornia.

The Petition of Charles E. Mark
and Edward M. Cusny respectfully
shows, That on the 21st Sep^r 1838,
Juan B. Alvarado, Governor of California
by virtue of the Law of 18th of August 1824,
& the Instructions of the 21st Nov^r 1828,
granted to Salvador Vallego a certain
tract of land called Tapa situated in
the present County of Tapa, with the
boundaries (described in the grant &
accompanying map, which original grant
& map, with the approval of the Deputation
& act of judicial possession together
with the translations thereof are filed
in claim No. 495 in the Office of
the Secretary of this Hon^{ble} Board, hereby
referred to & prayed to
be taken as part of this petition,

That on the 16th of June 1851,
said Salvador sold & conveyed to Herman
Wohler a certain portion of said tract,
more particularly described in the deed of
conveyance, a certified copy of which is
herewith submitted marked "B"

That on the 26th Nov^r 1851, said
Wohler sold and conveyed to David H.
Steele a certain portion of said land
consisting of five hundred acres more
or less, as set forth in the deed of
conveyance, a certified copy of which
is herewith submitted marked "C"

That on the 3rd of January 1852,
said Steele sold & conveyed the undivided
half of said five hundred acres, to John
J. Horsh, as is more particularly set forth
in the deed of conveyance, a certified
copy of which is herewith submitted
marked "D"

That on the 9th Sep 1852, said John
J. Horsh sold & conveyed to William Horsh
the said undivided half of said land,

123 ND

PAGE 4

Petition

4

as set forth in the deed of conveyance a certified copy of which is herewith submitted marked E.

That on the 13th of Sep. 1852, said William Dusk sold & conveyed to Ch. Phelps, said undivided half of said land, as set forth in the deed of conveyance, a certified copy of which is herewith submitted marked "F."

That on the 19th of January 1853, said Phelps sold & conveyed to your petitioners said undivided half of said land, as set forth in the deed of conveyance, a certified copy of which is herewith submitted marked "G."

That on the 18th of January 1853, the above named David H. Steele sold and conveyed to your petitioners the other undivided half of said portion of land, as set forth in the deed of conveyance, a certified copy of which is herewith submitted marked H.

That your Petitioners claim five hundred acres more or less,

Your Petitioners further show that said track of land has been for some fifteen years, and is now in the quiet & undisputed possession of your Petitioners, and those under whom they hold

that they know of no conflicting claim. That they rely for confirmation of their claim upon the original Title papers above referred to, and upon such other and further proofs as they may be advised are necessary.

Wherefore they pray confirmation of their Title to said land,

Rose for Claimant

Filed in Office March 2nd 1853.

Geo. Fisher Sec

5
Deeds,
Salvador Vallejo to Herman Wohlers
Filed for Record Jan'y 17, A.D. 1857,
at 3 o'clock P.M.

This Indenture made this sixteenth / 16 /
day of June A.D. One Thousand eight
hundred and fifty one, between Salva-
den Vallejo, of the County of Sapa and
state of California party of the first
part and Herman Wohlers of the
same place party of the second part,
Witnesseth that the said party of
the first part for and in consideration
of the sum of four thousand dollars
to him in hand paid, the receipt
whereof is hereby acknowledged, &
confessed, hath granted bargained
sold & quit claimed and by these presents
doth grant bargain sell & quit
claim unto the said party of the second
part all that certain piece or parcel
of land lying and being situated in the
County of Sapa and state of California,
known & described as follows to-wit:
Commencing at a stake at the South East
Corner of Messrs Tracy & Delarmoles
land and running with the line of the
Pueblo de Salvador N. $79^{\circ} 35'$ E 62 chains
85 links, thence along the eastern
line of the property of Mr Luz Caswell
N. $32^{\circ} 6'$ W, 208 chains 48 links
to Harrison's South line S. $67^{\circ} 30'$ W
71 chains 50 links to Rickers line,
thence along said line S. $22^{\circ} 30'$ E
52 chains 65 links to Tracy and
Delarmoles west line, thence along
said line N. $67^{\circ} 30'$ E, 10 chains 19
links to said Tracy & Delarmoles N. E.
Corner, thence along said Tracy and
Delarmoles western line S. $35^{\circ} 30'$ E
48 chains 87 links, to the place of
beginning, containing in all one

"B"
Copy of
Deeds.

123 ND

PAGE 6

6

Thousand three hundred and thirty one
acres, granting and conveying unto the said
parties of the second part, all my right
title interest Estate claim & demand
in and to the aforesaid described premises
with all the hereditaments thereto be-
-longing or in any wise appertaining
in witness whereof I have here-
-unto set my hand and seal this day
& date before written at the City of Sapa
& State aforesaid.

123 ND
PAGE 7

M. M. Culver

Salvador Valley's
M^{rs} Luz Carrillo
The State of California }
Napa County }

Be it remembered that Salvador Valley's
who is personally known to me the
subscriber a Notary Public to be the person
whose name is subscribed to the foregoing as
party thereto this day appeared before me
& acknowledged the execution of the same to be
made freely & voluntarily for the purposes therein
expressed & for the full and entire relinquish-
-ment of all right & title to and in and to, in
anywise belonging to his wife M^{rs} Luz Carrillo
given under my hand and private seal
as I have no Notarial Seal this 17th
day of June A. D. 1857,

M. M. Culver Seal
Notary Public,

State of California }
County of Napa } I, John H. Seawell County

Recorder in and for the
County of Napa State of California, hereby certify
that the foregoing is a full true and correct copy
of the record of a deed from Salvador Valley's and M^{rs}
Luz Carrillo his wife to Herman Wohler as
recorded in Book "B" page 1 in the records
of said Napa County, witness my hand & official
seal at Napa City this 22nd of February A. D. 1853,

Filed in Office
March 2nd 1853,
Geo. Fisher
Sec.

J. H. S.

John H. Seawell, Recorder
By C. S. Coffinbury Dep. Recorder

Deed

Herman Wohler To David H. Steele,
Filed for Record December 8th A.D. 1857
at 1 o'clock P.M.

This Indenture made the twenty sixth
day of November, One Thousand Eight
Hundred and fifty one between
Herman Wohler of the City of San Francisco
& State of California of the first part &
& David H. Steele of the County of Napa
& State aforesaid of the second part
witnesseth That the said party of the
first part for and in consideration of
the sum of Three Thousand Five Hundred
Dollars lawful money of the United States
to him in hand paid by the said party
of the second part at or before the execut-
ing or delivery of these presents, the
receipt whereof is hereby acknowledged,
and the said party of the second part his
heirs executors and Administrators
forever release & discharge from the same
by these presents, has granted, bargained
sold, aliened, released, remised, conveyed
& confirmed, and by these presents does
grant, bargain sell alien remise, release
convey & confirm unto the said party of
the second part & to his heirs and
assigns forever all that certain piece
or parcel of land situate and being in
the County of Napa & known and described
as follows, commencing at a stake at
the South East corner of Messrs Frey &
de Vanders Land, thence on the line
of the Pueblo de Salvador N 79° 35' E, 62
chains 75 links. thence along the western
line of the property of Ma Luz Carrillo N.
32° 6' West 80 chains. thence South
79° 35' West 74 chains, thence South
35° 31' East 80 chains to the place of
beginning containing in all Five hundred
acres more or less, Together with
all and singular the tenements heredit-
ments

"C"
Copy of Deed,

123 ND

PAGE 8

8
& appurtenances therunto belonging or in
anywise appurtenant & the reversion and
reversions & reversions remainders & remainders
rents issues & profits thereof and also
all the estate right title interest, property
possession claim & demand whatsoever
as well in law as in equity, of the said
part of the first part of in & to the
same & every part & parcel thereof with the
appurtenances.

123 ND
PAGE 9

So Have & To Hold the above granted
and described premises, with the appur-
tenances unto the said part of the second
part, his & assigns to his & theirs
own proper use, benefit & behoof
forever.

And the said part of the first
part for himself & for his (heirs Executors)
& Administrators, does hereby Covenant
grant & agree to & with the said part
of the second part his heirs & assigns
that the said at the time of the
sealing & delivery of these presents, is
lawfully seized in his own right of
a good, absolute & indefeasible estate of
inheritance in fee simple & in all
and singular the above granted & descri-
bed premises with the appurtenances
therunto belonging & has a good a good
right, full powers and lawful author-
ity to grant bargain sell & convey
the same in manner aforesaid, and
thus the said part of the first part his
heirs & assigns shall and may at all
times hereafter peaceably & quietly have
hold use occupy possess & enjoy
the above granted premises & every part
and parcel thereof with the appurtenances
withouth any let such molestation ejection
or disturbance of the said part of the first
part his heirs or assigns or of any
other person or persons lawfully
claiming or to claim the same, and
that the same may are free clear discharged

9

& unencumbered & from all former and other grants titles charges Estates Judgements Taxes assessments & encumbrances of what nature or kind soever.

And also that the said party of the first part & his heirs & all & every person or persons whomsoever lawfully or equitably deriving any estate right title or interest of in or to the herebefore granted premises, by, from, under or interest, for him or them, shall and will at any time or times hereafter upon the reasonable request & at the proper cost & charges in the Law of the said party of the second part his heirs and assigns make, do & execute or cause to be made assurances in the Law for the better & more effectually vesting & confirming the premises hereby granted on so interested to be in & to the said party of the second part his heirs and assigns forever, as by the said party of the second part his heirs or assigns, or his other Counsel learned in the Law, shall be reasonably advised or required. And the said party of the first part his heirs, the above described & hereby granted & aliened premises of every part & parcel thereof with the appurtenances unto, the said party of the second part his heirs and assigns against the said party of the first part & his heirs & against all & every person & persons whomsoever lawfully claiming or to claim the same, shall & will warrant & by these presents forever defend.

In witness whereof the parties to these presents have hereunto interchangeably set their hands & seals the day & year first above written,

Herman Wohler *H.S.*

Sealed & delivered in presence of
J. W. Osborn
J. G. W. Beckwith,

123 ND
PAGE 10

10
State of California }
County of San Francisco } p.

On this twenty sixth day of November A.D. One Thousand eight Hundred & fifty one before me a Notary Public in and for the State of California aforesaid personally appeared Herman Wohler, well known to me to be the person described in and who duly executed the foregoing instrument & who acknowledged to me that he did the same freely & voluntarily & for the uses & purposes therein contained. In witness whereof I have hereunto set my hand & affixed my seal of Office the day & year first above written.

E. M. Taylor Notary
San Francisco Cal. Public

State of California }
County of Sapa } p.

I, John H. Sewell County Recorder in and for said Sapa County hereby certify that the foregoing is a full true and correct copy of the Record of a deed from Herman Wohler to David N. Stee as recorded in Book B, Pages 102. and 103, in the records of said Sapa County.

Witness my hand and official seal at Sapa City this 2nd day of February A.D. 1853.

John H. Sewell Recorder
By E. S. Coffinbury
Clerk

Filed in Office March 2nd 1853,
Geo. Fisher
Secy

"Deed"

David H. Steele to John J. Dorsh,
Filed for Record January 5th A.D.,
1852. at 9 o'clock A.M.

This Indenture made this third / 3rd /
day of January A.D., 1852, between
David H. Steele of the County of Napa
and State of California of the first part
& John J. Dorsh of the said County & State
of the second part (witnesseth),

That the said party of the first
part, for and in consideration of the
sum of seventeen hundred & fifty dollars
to him in hand paid by the said
party of the second part the receipt
whereof is hereby acknowledged, hath
granted bargained, sold aliened, remise
released, conveyed & confirmed & by these
presents does grant, bargain sell
alien remise, release, convey, and
confirm unto the said party of the
second part, & to his heirs and assigns
forever, the undivided moiety of all
that certain piece parcel or tract of
land situate and being in the County
of Napa which said piece parcel
or tract was heretofore conveyed to
the said party of the first part by
Herman Wohler of the City of San
Francisco in said State & is known
& described as follows: Commencing
at a stake at the South East Corner
of Messrs. Aray & Gamole's Land
thence on the line of the Pueblo de
Salvador N. 79° 35' East 62 chains
75 links - thence along the western
line of the property of M^{rs}. Luz Camillo
N. 32° 6' West 80 chains thence
South 79° 35' West 74 chains thence
South 35° 31' East 80 chains to the
place of beginning, containing five
hundred acres more or less together

123 ND
PAGE 12

"10"
copy of deed.

with all and singular the Tenements
hereditaments & appurtenances, thereto
belonging or in any wise appertaining
& the reversion or reversions, remainders
and remainders, rents issues and profits
thereof, and also all the estate, right
title interest property possession
claim & demand whatsoever as
well in Law as in equity of the
said party of the first part of in
& to the same, with the appurtenances

To Have & to hold the above granted
bargained & described premises with the
appurtenances unto the said party of the
second part his heirs & assigns, to
his & their own proper use benefit
& behoof, forever. And the said party
of the first part for himself & for his
heirs Executors & Administrators, does
hereby covenant grant & agree, to &
with the said party of the second part
his heirs and assigns that the said
party of the first part, at the time
of the sealing & delivery of these presents,
is lawfully seized in his own right
of a good absolute & indefeasible of
inheritance in fee simple, of & in all
and singular the above granted &
described premises with the appur-
tenances, thereto belonging & has a
good right, full, power & lawful
authority to grant bargain sell
and convey the same in manners
aforesaid.

In witness whereof the said party
of the first part, has hereto seth
his hand & seal the day & year first
above written.

L. H. Steele Seal
Sealed & delivered in
the presence of
G. M. Comwell
E. W. McKinstry,

State of California
 County of Napa
 I, J. H. Lawrence Recorder in & for the County aforesaid David M. Steele known to me to be the person described in & who executed the foregoing instrument who acknowledged to me that he executed the same freely and voluntarily & for the uses & purposes therein mentioned Given under my hand & Seal of Office at Napa Cal this the day & date in this Certificate first above written.

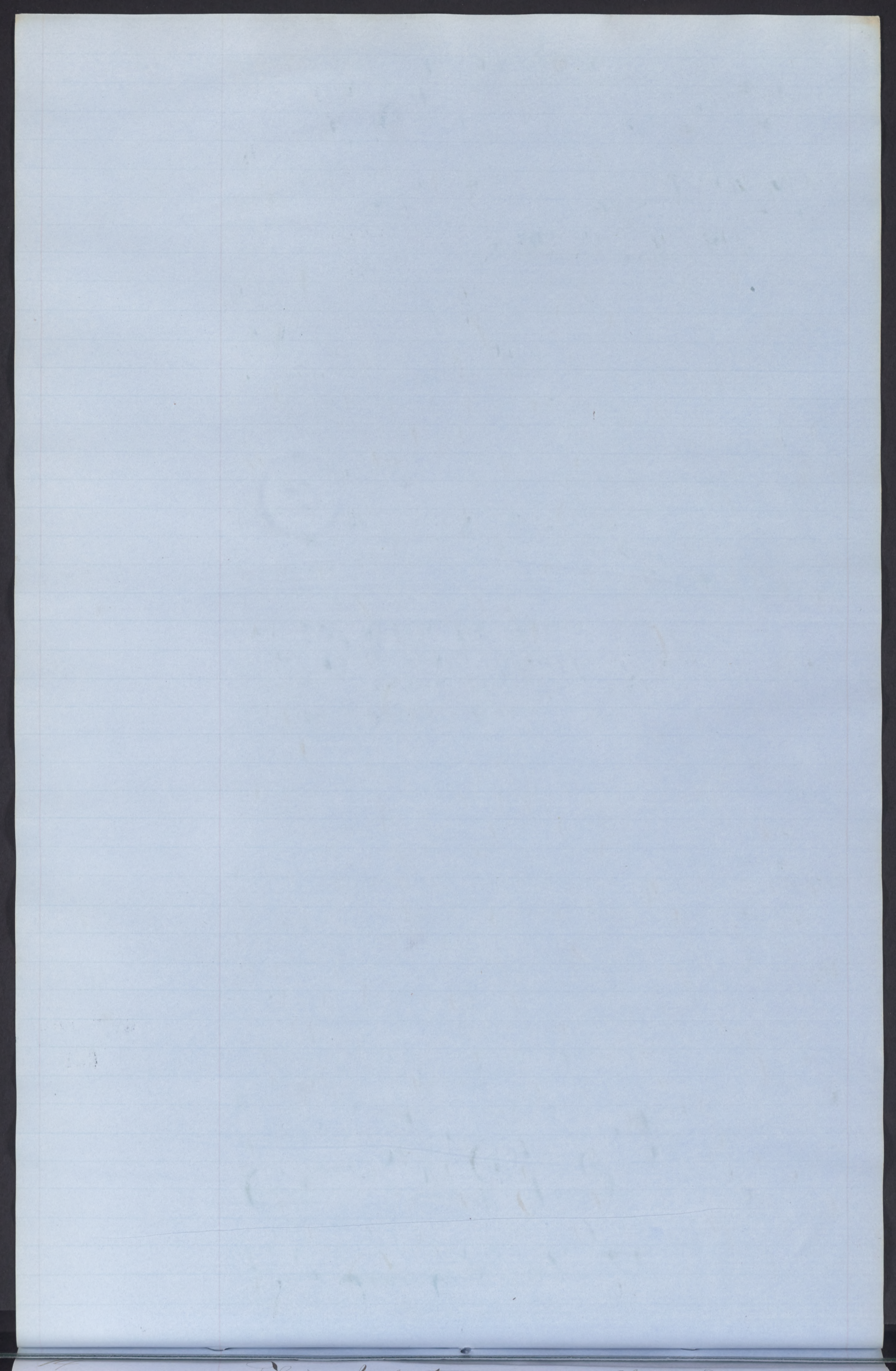
[Signature] H. H. Lawrence Recorder
 By J. N. Edwardston
 Dep Recorder.

123 ND
 PAGE 14

State of California
 County of Napa
 I John H. Seawell County Recorder in & for said Napa County hereby certify that the foregoing is a full true and correct copy of the Record of a deed from David M. Steele to John S. Fisher as recorded in Book "B" pages 110 and 111 in the Records of said Napa County. Witness my hand and Official Seal at Napa Cal this 3rd day of January A.D. 1853.

J. H. Seawell Recorder
 By C. S. Coffinbury
 Dep Recorder

Filed in Office March 2nd 1853.
 Geo. Fisher
 Sec.



This Indenture made this 9th day of September 1852, by & between John J. Gorsh of the County of Napa & State of California of the first part and William Gorsh of the City & County of San Francisco in said State of the second part. Witnesseth: That said party of the first part for and in consideration of the sum of Two Thousand dollars in hand paid by the party of the second part the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed & confirmed unto the said party of the second part, & unto his heirs & assigns forever, the undivided half or moiety of all that certain piece, parcel or tract of land, situate in the County of Napa, known & described as follows, to wit: Commencing at a stake at the South East corner of the land formerly owned by Gray & Gamble, thence on the line of the Pueblo de Salvador N. 79° 35' East 62 chains 75 links, thence along the western line of the property of Mr. J. W. Carrillo N. 32° 6' West 80 chains, thence S. 79° 35' West 74 chains thence S. 35° 31' East 80 chains to the place of beginning, containing five hundred acres more or less, together with all & singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining & the reversion or reversions remainders & remainders, rents issues and profits thereof, and all estate, right, title, interest, proper possession, claim and demand whatsoever in Law & Equity of the said party of the first part in & to the same & the appurtenances.

To Have & to hold the above granted, bargained & described premises with the appurtenances unto

123 ND
PAGE 15

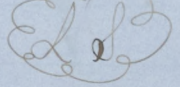
"E"

"Deed"

13

The said party of the second part, his heirs and assigns, to his and their sole & proper behoof forever,

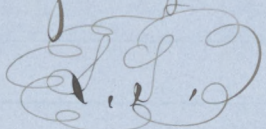
In virtue whereof the said party of the first part, has hereunto set his hand & seal the day and year first above written,

John J. Fosh, 
signed sealed and delivered in presence of "the words party of the interlined" before signing

E. M. McKinstry
J. N. Edmonston,

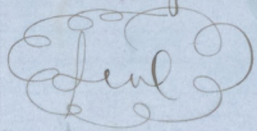
State of California }
County of Napa } ss.

On this 9th day of September A.D., 1852 before me the undersigned County Clerk of Napa County personally appeared John J. Fosh known to me to be the person described in and who executed the foregoing deed and acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

Witness my hand and seal of Office the day & year above written,
 John H. Seawell Recorder
By L. M. Graham Dep Rec.

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 deed from John J. Fosh to William Fosh recorded in Book B, pages 201 and 202 in the Archives of said Napa County. Witness my hand and Official Seal at Napa City this 30th day of February A.D., 1853.

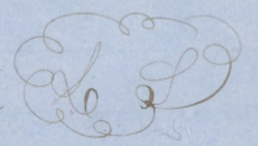
 John H. Seawell, Recorder
By C. S. Coffinbury Dep Rec.

Filed in Office March 2nd 1853,
Geo. Fishers Sec.

123 ND
PAGE 16

This Indenture made this 13th day of September A.D. 1852 by & between William Forth of the City & County of San Francisco in the State of California of the first part & Ch. Phelps of the County of Yuba in said State 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 him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged has granted bargained & sold & by these presents does grant bargain & sell unto the said party of the second part & to his heirs & assigns forever (all his rights title & interest in & to) the undivided half or moiety of all that certain tract of land situated in Yuba County & bounded & described as follows, that is to say: commencing at a stake at the south east corner of Gray & Amoles land, thence on the line of the Pueblo De Salvador N 79° 35' East 62 Chains 75 links, thence along the western line of the property of M^{rs} Luz Camillo N 32° 6' West 80 Chains, thence S 79° 35' West 74 Chains, thence S 35° 31' East 80 Chains to the place of beginning, containing five hundred acres more or less, together with all and singular the hereditaments & appurtenances thereto belonging To have and to hold the above granted & bargained & (the right title & interest of the said party of the first part in) the undivided half of the above described premises unto the said party of the second part his heirs and assigns to his and their proper use benefit & behoof forever. In witness whereof the said party of the first part has hereunto set his hand & seal the day and year first above written,

William Forth 
signed sealed & delivered

Deed

"A"

123 ND

PAGE 17

in presence of "all his right
title & interests in and to" and
"the right title and interests of said
party of the first part in" interests
before execution

Grace P. Jones,

State of California
County of San Francisco

123 ND
PAGE 18

I do hereby certify that on this 13th day of
September A.D. 1852 before me (a Notary Public in
and for said County duly commissioned & sworn)
personally appeared the within named Grace P. Jones
known to me to be the same person whose name is
subscribed to the foregoing instrument as a subscri-
ber. Being witness who being by me duly sworn deposed &
said that he resides in the City of San Francisco
that he was present and saw William Forth known
to him to be the same person described in & who
executed the within instrument sign and execute the
same freely & voluntarily for the uses & purposes there-
in mentioned and that he the deponent thereon
subscribed his name as a witness thereto.

In witness whereof I have hereunto set my hand
& Official Seal this 13th day of September A.D.
1852.

[Signature]

James P. Boyd
Notary Public

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 William Forth to Ely Phelps Recorded in Book
B, Pages 301, and 302 in the Archives of said
Napa County.

Witness my hand and Official Seal at Napa
City this 3rd day of February A.D. 1853.

John H. Seawell Recorder
By C. S. Spink
Clerk Recorder,

Filed in Office March 2nd 1853, Geo. Fisher Secy

This Indenture made and entered into this 19th day of January A.D. 1853, by and between Ely Phelps, of the County of Napa and State of California of the first part, and Charles E. Stark and Edward McCarry of the same place and State of the second part,

Witnesseth; That the said party of the first part for and in consideration of the sum of five thousand Dollars to him in hand paid, by the parties of the second part, the receipt whereof is hereby acknowledged, has granted, bargained & sold, and by these presents does grant bargain & sell unto the said parties of the second part, their heirs and assigns forever, the undivided half of all that certain piece or tract of land, situate in the County of Napa, known and described as follows,

& To-wit; Commencing at a stake at the South East Corner of the land formerly owned by Gray and Samolere, thence on the line of the Pueblo de Salvador N 79° 35' East 60 chains & links, thence along the western line of the property formerly of Ma Lery Cabildo N 33° 6' West 80 chains, thence S 79° 35' West 74 chains thence S 35° 31' East 80 chains to the place of beginning containing five hundred acres more or less, together with all and singular the tenements, hereditaments and appurtenances thereto belonging.

To have and to hold the undivided half of the above described land to the said parties of the second part their heirs and assigns, for their own use and behoof forever.

In witness whereof I have hereunto set my hand and seal the day and year first above written.

Ely Phelps *[Signature]*

In presence of
C. Hartson *[Signature]*

123 ND
PAGE 19

"C"

Deed.

State of California
County of Napa

On this nineteenth day
of January A.D. 1853, personally appeared
before me County Recorder in and for the County
and State aforesaid Ely Phelps known to me
to be the person described in & who executed
the foregoing Instrument and acknowledged
to me that he executed the same freely voluntarily
and for the uses and purposes therein mentioned,

Witness my hand and Official Seal
at Napa City the day and year above
written

[Signature]

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

123 ND
PAGE 20

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
Ely Phelps to Charles E. Nash and Edward McSany
recorded in Book "D" pages 300 & 301,
in the records of said Napa County.

Witness my hand and Official Seal at Napa
City this 3rd day of February A.D. 1853.

[Signature]

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

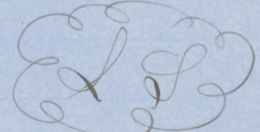
Filed in Office March 2nd 1853.

Chas. Fisher Sec

This Indenture made this 18th day of January A.D. 1853, between David H. Steele of the County of Napa and State of California of the 1st part, and Charles C. Hark & Edward McLean of the same County & State of the 2^d part, Witnesseth; That the said party of the first part for and in consideration of the sum of five hundred Dollars to him in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain and sell unto the said parties of the second part, and to their heirs and assigns forever, the undivided half, or moiety of all that certain tract of land situate in Napa County, and bounded and described as follows: Commencing at a stake at the South East Corner of Pirey & Lambers land, thence on the line of the Pueblo de Valadero N 79° 35' East 62 chains 75 links, thence along the western line of M^o Luis Carrillo's land N. 32° 6' West 80 chains, thence S 79° 35' West 74 chains, thence S 35° 31' East 80 chains to the place of beginning, containing five hundred acres more or less, together with all and singular the hereditaments and appurtenances thereto belonging.

To Have and to hold the above granted and bargained & the Undivided half of the above described premises unto the said parties of the second part, their heirs and assigns, to their proper use, benefit & behoof forever.

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

David H. Steele 

In presence of
 J. M. McKinstry
 C. S. Coffinbury,

123 ND

PAGE 21

"76"

Seed.

State of California
County of Napa

On this 18th day of January A.D. 1853, personally appeared before me County Recorder in and for said County David H. Steele 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 seal of office at Napa City this 18th day of January A.D. 1853.

[Signature]

J. H. Seawell Recorder
By C. S. Coffinbury Secy Recorder

123 ND
PAGE 22

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 David H. Steele to Charles E. Clark and Edward McSarry, Recorded in Book "B" pages 299, and 300 in the Archives of said Napa County.

Witness my hand and official seal at Napa City this 3rd day of February A.D. 1853

[Signature]

J. H. Seawell Recorder
By C. S. Coffinbury Secy Recorder

Filed in Office March 2nd 1853,
Geo. Fisher Secy

No. 723,

Mark & McCreary vs The United States

It is hereby agreed between the parties hereto by their respective Attorneys that the Original papers filed in Claim No 495 marked A, & Translation marked "B" may be considered as filed, and may be read as evidence in this case,

This claim is a part of the *Dancho de Napa* confirmed in No 495,

J. H. McKune
Land Agent

Filed in Office April 10, 1854,

Stipulation

123 ND
PAGE 23

Mark & McCreary
vs
United States

The above claim being a portion of & derived from, the original claim No 495 filed before the Board of Land Comm^{rs} it is agreed between the U.S. Land Agent & Claimant's Counsel that the testimony taken in said Original Claim, may be used as evidence in this claim,
Case for Claimant

A. Greenhow
Asst Land Agent

Filed in Office March 9, 1853, Geo Fisher
Sec

Stipulation



No. 23.

Charles E. Hart vs

The United States

} Aora parcel of land
 containing 500 acres,
 being a part of the place
 Kapa in Kapa County.

123 ND

PAGE 24

Opinion by
 Commissioner
 Alpheus Felch

The Land Claimed in this case is alleged to be part of the Rancho called Kapa originally granted to Salvador Vallejo from whom through several mesne conveyances, the present Claimants derive title.

By written stipulation between the Land Agent and the Attorney for the Claimants the testimony and certain original documents filed in Case No. 495 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 31, 1838, the approval thereof by the Departmental Assembly on the 23rd day of the same month and the giving of Judicial possession to the grantee on the 8th 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 Vallejo'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 themselves to the portion of the land claimed in this case, the present claimants have given evidence of the following conveyances thereof

First. A deed from Salvador Vallejo to Herman Wohler dated June 16, 1859.

Second A deed from said Wohler to David

He, Steele dated November 26, 1851.

Third. A Deed from said Steele to John J. Forsh of one undivided half of the premises described in the Deed last mentioned, dated January 3rd 1852.

Fourth. A Deed from John J. Forsh to William Forsh of said undivided moiety, dated September 9th 1852.

Fifth. A Deed from said William Forsh to Ely Phelps of said moiety, dated September 13, 1852.

Sixth. A Deed of said moiety from said Phelps to the present Claimants Forsh and McSarry dated January 19, 1853.

Seventh. A Deed from said David H. Steele to said Claimants of the other undivided moiety of the land claimed, dated January 18, 1853.

On this proof the Petitioners are entitled to a Decree of Confirmation
Confirmed.

Filed in Office April 11th 1854.

Geo. Fisher

Sec

723,

Charles E. Nash et al
vs
The United States.

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.

123 ND
PAGE 26

Decree

The lands of which confirmation is hereby made are a part of the place known by the name of Napa, in Napa County which was granted to Salvador Valleyo, which place is bounded and described as follows, to wit, commencing on the Arroyo of Napa at the boundary of Nicolas Figueroa, thence following a southerly direction to the lower pass of the Arroyo de las Carneros six thousand varas to a pile 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 Yuntz four thousand six hundred varas; thence continuing on the same course to the boundary of said Yuntz by Estimation ten thousand varas; thence towards the North-Northeast three thousand two hundred & 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 agreeably to the grant to said Valleyo and the judicial measurement thereof.

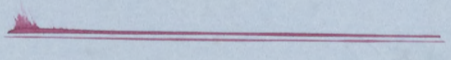
That portion of the above described premises of which Confirmation is hereby made is known and described as follows, to wit, commencing at a stake at the South

each corner of the land formerly owned by
 Gray and Lamolin, thence on the line of
 the Pueblo de Salvador N. $79^{\circ} 35'$ East
 62 chains, 75 links, thence along the
 western line of the property formerly of Ma
 Sery Carrillo N. $32^{\circ} 6'$ West 80 chains,
 thence S. $79^{\circ} 35'$ West 74 chains thence
 S. $35^{\circ} 31'$ East 80 chains to the place
 of beginning containing five hundred
 acres more or less, being the same
 land conveyed by Ely Phelps to the claimants
 by his deed, bearing date January 19,
 1853, and deed from David H. Steele
 to them dated January 18, 1853, to
 which reference may be had.

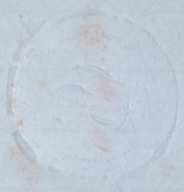
123 ND
 PAGE 27

Alphens Delch
 Thompson Campbell
 P. Aug. Thompson
 Commissioners

Filed in Office April 11' 1854,
 Geo. Fisher Secy.



And it appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Northern District of California this hereby
Ordered; that two Transcripts of the proceedings and of the Decisions in this case and of the papers and evidence upon which the same are founded be made 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 Northern District of California, and the other be transmitted to the Attorney General of the United States.



Office of the Board of Commissioners,

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

123 ND
PAGE 29

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 *twenty six* pages, numbered from 1 to *26*, 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. *733* on the Docket of the said Board, wherein *Heart & McGary* are

the Claimant ^{Part of} 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 *thirtieth* day of *October* A. D. 185*4*, and of the Independence of the United States of America the seventy=*ninth*.

Geo. Fisher
Geo. Fisher

123

U. S. DISTRICT COURT, *ND*
Western District of California.

No. — *123* —

THE UNITED STATES,

vs.

Wm *vs* *McGarry*

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *723*

Filed, *November 2^a* 1854

J. A. Monroe *ck*

Office of the Attorney General of the United States,

Washington, 10th February 1855.

Hart and Mc. Garry }
vs. } 723.
The United States.

123 ND
PAGE 30

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.

Quitting

Attorney General.

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

The United States

vs

Hart and McGarry.

No. 123 -

Notice of Appeal,

Filed March 20, 1855 -

Geo. A. Mousie,
Clerk

123 ND
PAGE 31

Office of the Attorney General of the United States,

Washington, 10th February 1855.

123 ND

PAGE 32

Hart and Mr. Garry

vs.

The United States.

723.

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.

en
No 123

U. S. Court N. Dist.

The United States

vs

Kart & McGary

Appeal Notice.

Dated May 5, 1855,

J. N. A. Chevers,
Deputy.

123 ND
PAGE 33

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

The United States }
v } D.C. 123 : L.C. 723.
Hart & McGarry }

123 ND
PAGE 34

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 appellees 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 2^d day of Nov 1854; that a notice of appeal was filed on the 20th day of Mch 1855; that the land claimed lies in said 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 July 13, 1857

Handing nja

123

U. S. Dist Court

The United States

vs
Hart & McGarry

Petition

Filed July 13. 1857.

W. H. Cheverus,
Deputy

123 ND

PAGE 35

Blending nfa

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 20th
day of ~~December~~ ^{January} A. D. ~~1879~~ 1880

Present Hon. Ogden Hoffman - Judge

The United States } No. 123-
vs } Decree of Confirmation
Hart vs McGarry } Part of Map
159-

It appearing to the Court
upon inspecting the minutes and entries in
the Register of the Clerk on the 2nd 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, hunc pro hunc, 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, hunc pro hunc, 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 ~~at~~ ^{on} the Arroyo of Kapa at 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 toward the North North East, three thousand two hundred and fifty varas

to the river Xapa, thence down the
same river course South East, to the arroyo
of Xapa 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.

That portion of the above des-
cribed premises of which confirmation
is hereby made is described as follows
to wit: commencing at a stake at the
South East corner of the land formerly
owned by Frey and Samalite thence on the
line of the Pueblo de Salvador North 79°
 $35'$ East, 62 chains 45 links, thence along the
western line of the property formerly
of Ma lutz Carrillo North 32° $06'$ West, 80
chains, thence South 79° $35'$ West 74 chains
thence South 35° $31'$ East 80 chains to the place
of beginning, containing 500 acres more or less
being the same land conveyed by Ely Phelps
to the claimants by ^{his} deed bearing date January
19th A.D. 1853. and deed from David H.
Steele to them, dated January 18th 1853
to which reference may be had,

Q. de. Hoffman
Dist. Judge

No. 123-

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

The United States

vs.

Hart and Mc Garry

Lodged in Clerk's Office
U.S. District Court Dist of
California January 6th 1880
Southard Hoffman Clerk
Pyet D. Grimwood
Deputy Clerk

Decree of Confirmation

Filed January 20th AD 1880 as
of March 2nd AD 1857 nunc pro
tunc.

Southard Hoffman Clerk

Pyet D. Grimwood
Deputy Clerk.

Recorded in Bk 2 of Judgments
Decees at p. 264

123 ND

PAGE 40

123

Office of the Board of Commissioners,

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

123 ND

PAGE 41

San Francisco,

1854

John A. Monroe, Esq.

Clerk of the U. S. District Court for the
Northern District of California.

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 723 on the Docket of the said Board, wherein Hart & McGarry are the Claimants against the United States, for the place known by the name of ^{part of} Napa.

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

G. Fisher