

CASE NO.

141

NORTHERN DISTRICT

PART OF NAPA GRANT

ANN McDONALD, ET AL.

CLAIMANT

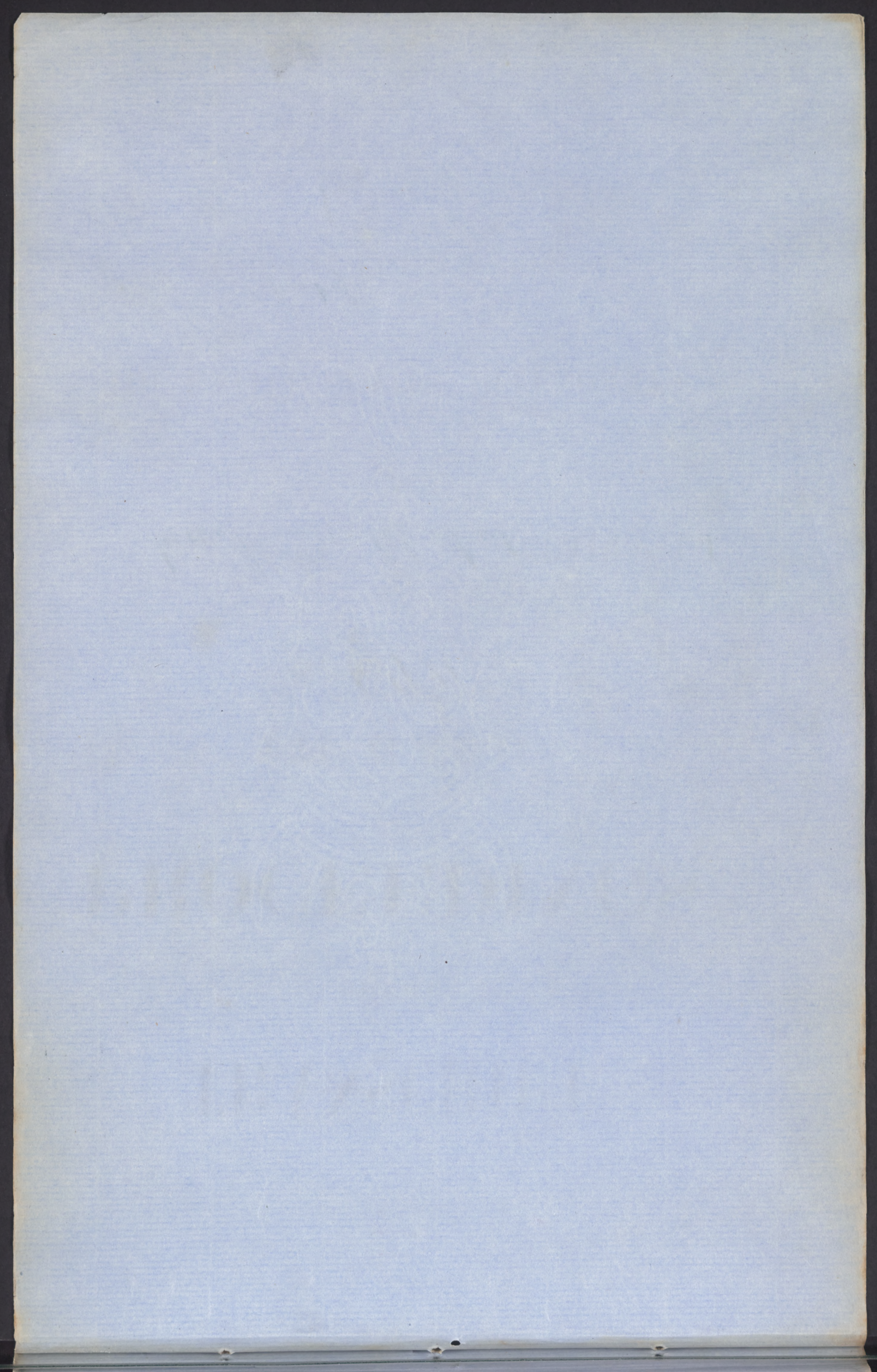
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LAND CASE 141 ND
75 pages.

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PAGE 1

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 694.

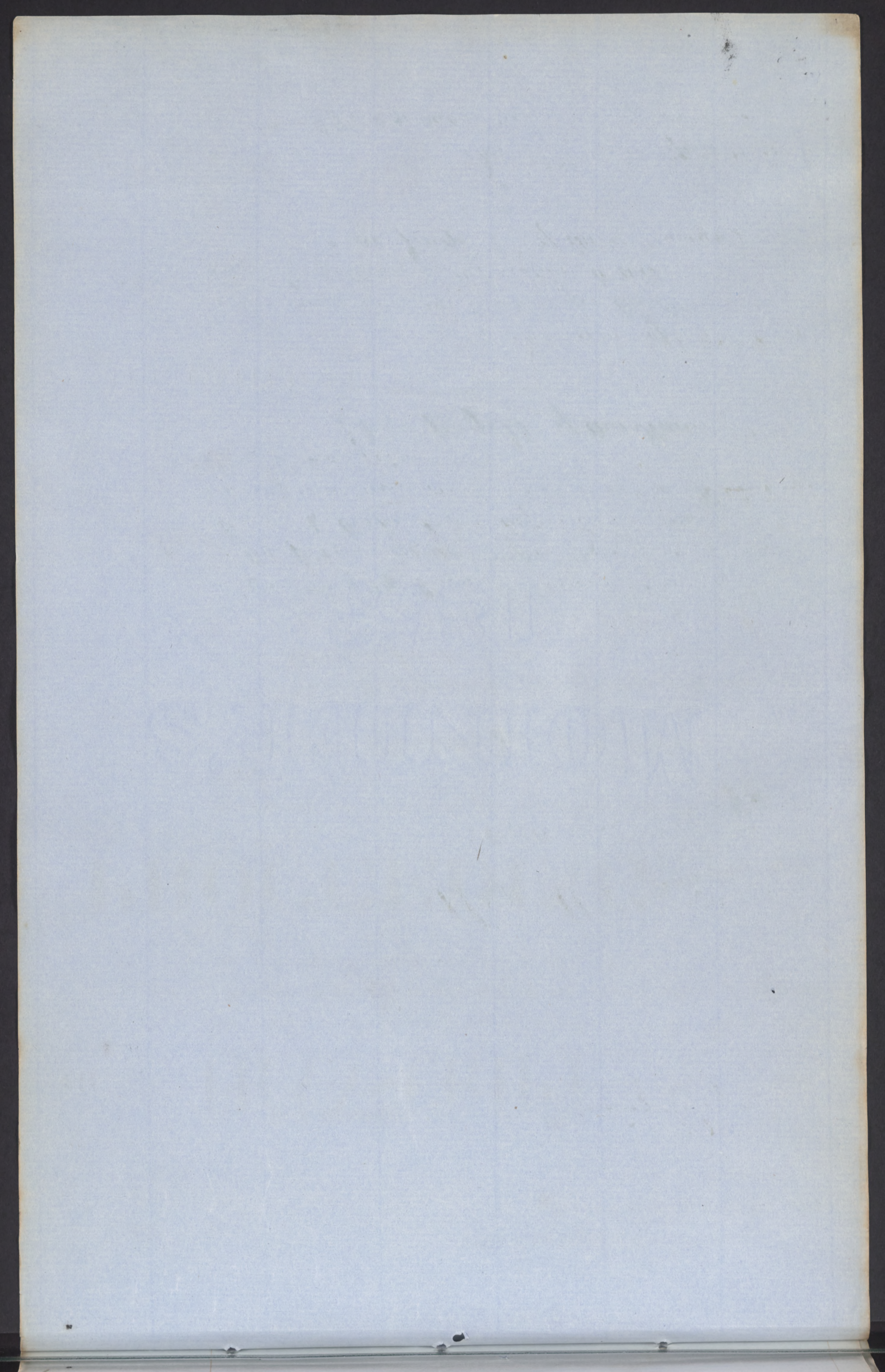
Ann McDonald, et al CLAIMANT S.

VS.

THE UNITED STATES, DEFENDANT,

^{part of}
FOR THE PLACE NAMED

"Naspa."



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

The Petition of *Ann McDonald et al;*
~~~~~<sup>for</sup> the Place named  
~~~~~*"Napa,"*~~~~~  
was presented, and ordered to be filed and docketed with No. *694* 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 Aug. 29th 1853.
In Case no. *694*, *Ann McDonald et al;* for part of the place named "*Napa*", the deposition of *Martin E. Cooke*, taken before Commissioner *R. A. Thompson*, with documents marked *R. A. annex* thereto was filed:

(Vide page *4* of this Transcript.)

San Francisco Sept. 22nd 1853.
In the same case, the counsel for the claimant filed the following Stipulation, to wit:

(Vide page *47* of this Transcript.)

San Francisco, April 18th 1854.
Case no. *694* was submitted on briefs on both sides and taken under advisement by the Board.

2.

San Francisco April 25 1854.

In the same case Commissioner Alpheus Felch delivered the opinion of the Board confirming the claim:

(Vide page 47 of this Transcript.)

San Francisco Aug. 15 1854.

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

(Vide page 51 of this Transcript.)

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Petition

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To The Honl the Board of Commissioners for settling Private Land Claims in California. The Petition of Juan McDonald Aotemesia Pyatt, Elisa Smith James Smith, Heirs of Hiram Smith deceased respect- fully shows.

That on the 21st September 1838 Juan B Alvarado Governor of California by virtue of the Colonisation Laws of the 18th of August 1824 and the instructions of the 21st of November 1828 granted to Salvador Valley's a certain tract of land called Tapa, situate in the present Count of Tapa, with the boundaries described in the grant and accompanying map, which original grant & map with the approval of the deputation, and act of Judicial possession are filed in Claim No 495 in the Office of the Secretary of this Honl Board hereby referred to and prayed to be taken as part of this petition.

That on the 18th of Sept 1847 said Salvador sold & conveyed a certain portion of said tract to Hiram Smith, father of your Petitioners deceased as aforesaid, which said portion of land is more particularly described in the Deed of conveyance a copy of which is herewith submitted marked "B"

That they claim the lands described in the foregoing described deed. Your Petitioners further show that said tract of land, has been for some fifteen years and is now in the quiet and 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 proof as they may be advised are necessary. Wherefore they pray confirmation of their title to said land.

E. O. Crosby of Cervasel

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

Office of Commissioners of Land
Claims in California.Deposition of
Martin E. Cooke

This day before Court Robt. A. Thompson
came Martin E. Cooke a witness in
behalf of Claimants Ann McDonald et al.
Case No. 694, who after being duly sworn
deposed as follows,

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Present E. C. Crosby Atty for claimant

Question by Claimants Attorney.

What is your name, age,
and place of residence?

Ans. My name is Martin
E. Cooke, my age twenty nine, my
residence Sonoma County California.

Question by same. Do you
know the signature of Salvador Valley's and
S. M. Boggs, if so take the paper now
shown you purporting to be a deed from
said Valley's to Hiram Smith, dated 18th
September 1847 and hereto annexed marked
with the initials R. F. and state whether
the signatures thereto are genuine or not.

Ans. I know the signatures of Salvador
Valley's and of S. M. Boggs, I have seen
them both write and I believe their
signatures as they appear on said deed
to be genuine.

Question by same. State if you
know Hiram Smith, whether he is
dead or living, whether he left any
children, and if so what are their names
and where they reside.

Ans. I know Hiram
Smith in his lifetime, I understood
he died near Fort Searaie about a
year ago last June as he was
returning from the Atlantic States with
cattle.

He left five children, Ann now

5-

the wife of Al McDonald, Artemesia now
the wife of Thos P. Pyard, Eliza John
and James. They all live in the
Town of Sonoma in this State, His
wife has been dead several years.

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Question by same. State what
you know of the location and occupation
of the land conveyed in said deed.

Ans. It is situated about four
miles from the Town of Sapa, in the County
of Sapa. It was occupied by Smith
some years before his death, and has been
occupied by his Administrator up to the
present time. There were improve-
ments on the place, and further this
deponent saith not.

Martin E. Cooke
sworn to & subscribed before
me this 25th day of August 1853.
R. Aug. Thompson
Clerk

Filed in Office Aug 29th 1853.
Geo. Fisher
Sec.

Exhibit
"P. R."

Know all men by these presents that I
Salvador Vallejo of the District of
Sonoma and Territory of California for
and in consideration of the sum of Two
hundred and forty dollars in hand paid
the receipt whereof is hereby acknowl-
edged, and the balance being one hundred
and forty dollars to be paid in work
when I called on; have this day
granted bargained and sold unto Nelson
Smith of the said District and Territory
two certain tracts or parcels of land,
lying and being in Sapa Valley District
of Sonoma & Territory aforesaid, and described
as follows to wit: The first tract

6.

being all that tract of land lying between the land sold by said Vallejo to L. W. Boggs, and the tract sold by said Vallejo to Nathan Coombs containing two hundred acres more or less. The second tract to contain forty acres situated adjoining to and west of the west line of the first mentioned tract where a small stream of water crosses the western line of the first mentioned tract thence twenty rods in width on each side of said small stream of water, up said stream a sufficient distance so as to exclude forty acres.

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To Have and to hold the said granted and bargained premises together with all and singular the rights, privileges and appurtenances thereunto belonging unto the said Heiram Smith and to his heirs and assigns forever.

And the said Salvador Vallejo hereby covenents to and with the said Smith his heirs and assigns to warrant and forever to defend the title to the said tract of land from the lawful claim or demand of any person or persons whatever claiming or to claim the same.

Given under my hand and seal at Sonoma this eighteenth day of September A.D. 1847,
Salvador Vallejo

Territory of California }
District of Sonoma }

Personally appeared

before me the undersigned Alcalde of the said District, Salvador Vallejo who is known to me to be the person whose name is subscribed to within deed, as having executed the same, and acknowledged the same to be his act and deed for the purposes therein mentioned.

Given under my hand at Office in Sonoma this 18th day of Sept 1847,

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L. M. Boggs,

Recorded in Book "B" pages 26 and 27
L. M. Boggs Alcalde,

Filed for record Nov^r 5th 1850 at 10 o'clock
P. M., and recorded in Book "A" page
180. Archives of Napa County,

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Filed in Office Aug 29th 1853,
C. S. Fisher Sec.

Copy of Deed
to Smith,

Know all men by these presents that
I Salvador Vallejo of the District of
Sonoma and Territory of California for
and in consideration of the sum of
Two Hundred and forty Dollars,

One Hundred Dollars in hand paid, the
receipt whereof is hereby acknowledged
and the balance being one hundred
and forty dollars to be paid in work
when called on.

Have this day
granted bargained & sold unto Heiron
Smith of the said District & Territory
two certain tracts or parcels of land
lying and being in Napa Valley -
District of Sonoma and Territory afore-
said, and described as follows: To wit;

The first tract being all that tract
of land lying between the land sold by
said Vallejo to L. M. Boggs, and the
tract sold by said Vallejo to Matthew
Dunbar, containing two hundred acres
more or less, the second tract to contain
forty acres situated adjoining to and
west of the west line of the first
mentioned. Where a small stream of
water crosses the western line of the
first mentioned tract, thence twenty

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Roads in width on each side of said small stream of water, up said stream a sufficient distance so as to include forty acres

To have and to hold, the said granted land bargained premises together with all and singular the right privileges and appurtenances thereof belonging unto the said Hiram Smith and to his heirs and assigns forever,

And the said Salvador Vallejo hereby covenants to and with the said Smith his heirs and assigns to warrant and forever defend the title to the said tracts of land, from the lawful claim or demand of any person or persons whatever claims or to claim the same.

Given under my hand and seal at Sonoma, the eighteenth day of September A.D. 1843,
Salvador Vallejo

Territory of California }
District of Sonoma }

Personally appeared before me the undersigned Alcalde of the said District Salvador Vallejo, who is known to me to be the person whose name is subscribed to the within deed, as having executed the same, and acknowledged the same to be his act and deed for the purposes therein mentioned.

Given under my hand at Office in Sonoma the 18th day of September 1843,
L. W. Boggs

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

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On this day before me, ...

San Francisco, Jan'y 15. 1853.

On this day before Hon^r. Harry J. Thornton, came José de la Rosa a witness in behalf of the claimant Josefa P. Thompson petition No 495 and was duly sworn, his evidence being interpreted by the Secretary.

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Deposition
of
José de la
Rosa

My name is José de la Rosa, my age is 61 years, I reside in Sonoma, and have resided there 31 years. I know the Rancho called "Napa" in Napa Valley, which was granted to Salvador Vallejé in 1838. The grantee first occupied it in 1838 or 1839; he built a house on it, & corral, had cattle and horses on it, and cultivated portions of the land, since the Americans took possession of the country he has sold portions of it to various individuals.

I am acquainted with the signatures of Juan B. Alvarado, Francisco Arce, Jacob P. Seese, Victor Pruden, Damaso A. Rodriguez Masario, Beneyesa, & Rafael Navarro; their signatures to the document before me marked Not and purporting to be the Original title, approval and judicial possession are genuine.

José de la Rosa.

U.S. Land Agent present,
sworn to & subscribed before
me this 15th Jan'y 1853.

Harry J. Thornton
Coun^r

Filed in Office Jan'y 15th 1853.

Geo. Fisher Sec

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Office of Commissioners of
Land Claims in California

This day before Comr. Alpheus Fitch
came Em A de Hermeourt a witness
in behalf of claimant Josefa P. Thompson
son No 495 who after being duly
sworn deposed as follows;

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Questions by Mr Halleck
Attorney for the Claimant:

Deposition of
Em A. de Hermeourt.

1st Question, What are your
name age and place of residence?

Answer, My name is
Emile A. d'Hermeourt, my age is about
thirty seven years, and I reside in Napa
City in California.

2^d Question, What office
(if any) do you hold in Napa County -
and how long have you held such
office.

Answer, I hold the Office
of County Surveyor and have held it
since the month of April A.D. 1852.

3^d Question, Examine
the paper here presented and show to
you marked "I" and also with the initials
"A. F." heretofore filed in this case and
purporting to be a survey of a part of
the Napa Ranch and to be signed
by you, and state whether the same
was made and signed by you, and if
so what the same is?

Answer, I have exam-
ined the paper, it was written and

signed by me, it is a survey of a tract of land deeded by Salvador Vallejo to José W. Revere. The survey was made by me and I run the lines as therein described. The plat on said paper is a correct representation of the survey as actually made, with the lines and monuments correctly laid down.

4. Question, Do you know whether the tract of land represented on said plat is within the boundaries of the Juridical Survey of the Napa Tract as represented in Document marked "A" and filed in this case.

Answer, It is within the boundaries of the land described in said Document.

5th Question, When and in what capacity did you make the survey of the land?

Answer, I made it on the twenty ninth day of August A. D. 1852 and in the capacity of County Surveyor as aforesaid, and reported it on the day after it was made.

Ernest de Harcourt

Mr Greenham Associate Law Agent was present at the taking of this deposition but declined to interrogate the witness.

Sworn & subscribed before me this 12. day of Sept A. D. 1853.

Alphens Filch
Coun^r

Filed in Office Sept 12, 1853. Geo. Fisher Sec.

(Appendix follows)

(Seal) El Ciudadano Juan B. Alvarado Jefe
Político Interino de la Alta California.

Por cuanto D^o Salvador Valljo ha' peticionado para su beneficio personal y el de su familia el terreno conocido con el nombre de Chapu dentro de los límites del obispo que acompaño a su solicitud, practicadas previamente las diligencias convenientes segun lo dispuesto por las leyes y reglamentos de la materia, usando de las facultades que me son conferidas a nombre de la Nacion Mexicana he' resuelto en concederle el terreno mencionado declarandole la propiedad de él por las presentes letras autenticandose dicha concesion con entera conformidad a las leyes, a reserva de la aprobacion o desaprobacion de la Junta de Intendencia y bajo las condiciones siguientes.

1.^o El agraciado ni sus herederos podran otorgar ni enajenar el que se les adjudica sin pagarle censo, rindulo, finca, hipoteca ni otro gravamen aunque sea por causa piousa ni pasarlo a manos muertas.

2.^o Podrá crearlo sin perjudicar las Anonias Casinos y Terridumbres: lo que se tendrá libre y esclaramente dedicado al cultivo y uso que mas le convenga.

3.^o Cuando se le conceda la propiedad Solicitara' del juez respectivo le de la jurisdiccion judicial en virtud de este despacho por el cual se demarcan sus límites y probara' sus mejoras.

4.^o El terreno de que se hace mención es puramente el que se espusa en la solicitud del interesado y se demarcará en el obispo: y el juez que lo poseiere pasará aviso a este Pol.^{no} del numero de sitios que comprende.

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En consecuencia mandado que se le devuelva
de titulo el presente y teniendose por firme
y validero se le tome razon en el libro que
corresponda y se entregue al interesado p^o
su resguardo y otros fines convenientes.

Es otorgado en Santa Barbara a
veinte y uno de Septiembre de mil ochocientos
treinta y ocho.

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Juan B. Alvarado.

Queada tomada razon en el libro respectivo.

Fran^{co} C. Arce. S. J.

El Ciudadano Juan B. Alvarado Jefe Politico
Interino de la Alta California.

La Suprema Asamblea Departamental
en sesion de hoy ha acordado lo siguiente:

Se aprueba la concesion hecha por el Sup^o
Gobierno del Departamento en titulo librado
con fecha veinte y uno del corr^{te} en favor del
Ciudad^o Salvador Vallejo del terreno de Napa
con entera conformidad con la ley de 18 de
Agosto de 1832 y el Art^o 5^o de 1828.

Y para resguardo del Interesado
se hizo asi saber.

Es otorgado en Sta Barbara
a veinte y tres de Septiembre de mil ochocientos
treinta y ocho.

Juan B. Alvarado.

Fran^{co} C. Arce. S. J.

Solo tercero Dos Peules.

Rehabilitado provisionalmente por la Abadonia
Maritima del puerto de Monterey
en el Departamento de las Californias para
los años de mil ochocientos cuarenta y
mil ochocientos cuarenta y uno.

Alvarado. Antonio M^o Obis.

Rehabilitado por lo mismo para el año

(Seal) de mil ochocientos cuarenta y dos.

Alvarado.

Antonio M^o Osio.

El que suscribe Secretario del Gob^{no} del Depto^o de las Californias.

Certifica que el dibujo que se demuestra en el Pliego que se acompaña es exactamente igual al original que existe en la Secretaría de mi cargo.

Monterrey, Julio 6 de 1842.

Man^o Jimeno.

Sello cuarto Dos Reales.

Habilitado provisionalmente por la Estacion Administrativa del puente de Monterrey en el Departamento de las Californias para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

(Seal) Micheltorena. Pablo de la Guerra.

Ser. que. de 1.^a nominacion.

Salvador Vallejo vecino de esta jurisdiccion dueño del rancho de Chapu como mejor proceida de cro. auto v. p^o niseo y d^o go: que como consta del titulo que presenta con la solemnidad y juram^{to} necesario tengo en mi otro rancho cuatro sitios de ganado mayor dentro de los linderos que expresa dho. titulo y p^o que en todo tiempo como hasta ahora llegan otros linderos y si me perjudicaren algunos de los circunvecinos o que ya a estos suplico a V. S. sirva manifestar que procediendo las diligencias acostumbradas de identidad, vista de ojos y reconocimiento se proceda con citacion de los circunvecinos a la medida de mis otras tierras p^o cuyo efecto remaneri desde ahora y p^o que cuando el caso llegue p^o medidor a Paulino Vasquez vecino de esta jurisdiccion instruido en esta materia y que las demas

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que fueron nombrado purescan, accepten
y yuren y en su conformidad se proceda a
otras medidas. P. F. A. V. Suplica
que transiendolo pr. presentados otros documentos
de libro manuales hacer como llebo pedido
y pta. que sea de que obrudran otras. documentos
con las diligencias exigidas que se hicieron
para en quanto de mi decreto, este escrito
y todo lo necesario. etc.

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Sonoma. Feb. 4 de 1844.
Salvador Vallejo.

Jurado 1º de Sonoma. " Diligencia de la
Presentacion del Memorial.

En el Pueblo de Sonoma a los cuatro dias
del mes de Febrero de mil ochocientos
cuarenta y cuatro, ante mi Jacobo P. Leese
alcalde de 1.ª nominacion de esta jurisdiccion
se leyó la peticion antecedente y visto la tura
pr. presentada con el documento q. espusa
y manudo que con citacion de las circunancias
se haga informacion de identidad, visto
de vras y reconocimiento de otras tierras
a que estoy pronto a asistir personalmente
asi lo prorei, reconocí y firmé con los de
mi as.ª Jacobo P. Leese.

assa. Victor Puelson. assa. David A. Koolhauser.
" Declaracion del 1º testigo. Mariano Berreycha."

En el espusado pueblo a los cinco dias del
mes de marzo y año yo el referido alcalde
1º con los de mi as.ª para proceder a la
informacion de identidad hizo comparecer
ante mi al Cuol.ª Mariano Berreycha
vecino de esta jurisdiccion de oficio labrador
y casado del cual procebio a recibir juramento
que hizo por Dios y la señal de la cruz
en forma a cargo del cual prometio
decir verdad y decir lo preguntado p.ª

por el conocimiento de las tierras y parajes
terminos y linderos pertenecientes al rancho
de Chapu. Dijo que hace diez años es vecino
de esta jurisdiccion y sabe que las tierras
pertenecientes a dicho rancho son del Capitan
D. Salvador Valljo que tiene por linderos
al N.E. el Rio de Chapu al S. el arroyo de los
Carreros al N.O. el del rancho de Yunta
y al S.E. el de Nicolas Higuera, las cuales ha
visto y recorrido varias veces y que des de q.
las posea el referido D. Salvador Valljo, las
ha labrado, cultivado y han producido en ellas
dos quintos y para prueba de lo que tiene
dicho esta pronto a ir a otras tierras con
Sello Cuanto Dos Reales.

Me He habilitado provisionalmente por la
Aduana Maritima del puerto de Monterrey
en el Departamento de las Californias para
los años de mil ochocientos cuarenta y cuatro
y mil ochocientos cuarenta y cinco.

(Señal) Micheltrean. Pablo de la Guerra.

el presente juez y señalarle los parajes
terminos y linderos que debe llevar: y que
lo que debe dicho es la verdad por el jur-
amento que tiene hecho en que se afirmó
y ratifico: Declaro ser de cincuenta y seis
años de edad y no tocarle las generales
de la ley y lo juré con las de abis.
Jacob P. Lee.

Mariano Berelley. an. Victor Paez.

Daniel Bratnigh. 4. "

Declaracion del 2º testigo. Rafael Narvaez.

En el mismo pueblo, día, mes y año yo el
referido Alcalde 1º hice comparecer ante mi
y las de mi as.º al Ciudadano Rafael Narvaez
Vecino de esta jurisdiccion de apellido
noble del cual recibí juramento en

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en forma de decir verdad y sereno preguntado por el conocimiento de las tierras y parajes terminos y linderos pertenecientes al rancho de Xapa Oligo: que hace seis años es vecino de esta jurisdiccion y sabe que las tierras pertenecientes a otro rancho son del Capitan D. Salvador Vallejo y tiene por linderos al N.E. el rio de Xapa al S. el arroyo de las Carruevas al N.O. el del rancho de Santos y al S.E. el de Nicolas Heiguerra, las cuales ha visto y reconocido varias veces y que dice que las posee el referido D. Salvador Vallejo las ha labrado, cultivado y han producido en ellas sus ganados y pr. prueba de lo que tiene - otro esta pronto a ir a otras tierras con el presente juez y señalarle los parajes, terminos y linderos donde haya y que lo que llevo dicho es la verdad a cargo del juramento que tiene hecho en que se aspiere y ratifico. Declaro ser de cuarenta y nueve años de edad, y no tocarle las generales de la ley. y lo firmo.

Jacob P. Hease. P. el Xapa.

ass. Victor P. Bolton. asst. David S. Rodriguez.

"Declaracion del 3º testigo. Felipe Gomez.

Acto. Continuo hice comparecer ante mi y los de mi asist. al Cuor. Felipe Gomez vecino de esta jurisdiccion del cual recibí juramento en forma de decir verdad y sereno preguntado por el conocimiento de las tierras y parajes, terminos y linderos pertenecientes al rancho de Xapa Oligo: que hace cinco años habita en esta frontera y sabe que las tierras pertenecientes a otro rancho son del Capitan D. Salvador Vallejo y tiene por linderos al N.E. el rio de Xapa al S. el arroyo de las Carruevas

al Sr. D. el del rancho Yonuth y al Sr. el del
 Nicolas Heiguera, las cuales han visto y
 reconocido varios veces y que desde que han
 poseo el rancho D. Salvador Vallejo, las ha
 labrado, cultivado y han pacido en ellas
 sus ganados y para prueba de lo q. tiene
 dho. esta pronto a ir a otras tierras con el
 presente juez y señalarle las parages lind
 eras y terminos donde llegan. y que lo q.
 lleva dicho es la verdad: por el juramento
 que tiene hecho en que se afirmó y ratificó
 Declara ser de edad y dos años de
 edad y no tocarle las generales de la ley.
 y por no saber firmar hizo una señal de
 Cruz de que doy fe. Jacob P. Leese.

Felipe Gomez. David A. Roalrig? V^o Prudon.
 Sello Puente Dos Reales.

Habilitado provisionalmente por la Soliman
 Maritima del puerto de Monterey en el
 Departamento de las Californias para los
 usos de mil ochocientos cuarenta y cinco
 y mil ochocientos cuarenta y cinco.

Micheltorona Pablo de la Sierra,
 Seal. "Reconocimiento." Estando en el
 campo, en el parage conocido Arroyo
 de Napa Lindero de Nicolas Heiguera
 el día cinco de Feb^o del presente año
 y el Alcalde 1.^o actuando preceptoria
 con dos testigos de as.^o por falta de escrib
 -ano publico, los testigos por mi reconocidos
 presente el capitán D. Salvador Vallejo
 dueño de dichas tierras y el George Yonuth
 y Nicolas Heiguera, colonos y circunvecinos
 procedi a ver y reconocer las tierras de
 dho. rancho y para mayor claridad
 punto a caballo en compañía de todas
 las partes y testigos referidos se acordó

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y rumbo a los susodichos, me señalasen los parajes, terminos y linderos de ellos segun las señales que han declarado en sus disposiciones y en su conformidad guiaron al S. hasta llegar al arroyo de los Curueros el que me mostraron y desde alli proseguio el reconocimiento y vista de ojo de otras tierras rumbo N. O. hasta llegar al lindero del Rancho de Youth, camino de arriba de alli continuando N. N. O. siguiendo el mismo arroyo llegamos al camino de arriba que va por el rancho de Youth, desde donde me enseñaron una parte de tierra situable, hasta llegar al lindero de Youth desde donde continuo rumbo N. N. E. llegamos al Rio de Chapia y bajando dicho rio, rumbo S. E. llegamos al Rio de Chapia, el cual tambien siguiendo el rumbo O. hasta encontramos en el mismo punto de donde se empezó el reconocimiento y dejaron a todos los terminos y linderos de las espesadas tierras pertenecientes a D. Salvador Vallejo cuyos parajes yo el repetido Alcalde S. p. y concorde con los de mi as. testigos enamurados y papeles presentados y cotizado con estos el referido reconocimiento ser cierta la cotización de las mencionadas tierras, segun y como lo declararon otros testigos y juran que conste se puso por diligencia que lo firmé con los de mi asistencia y demás q. supieron de que doy fe.

Jacobo P. Leise. deana. Juanes. Prodriguez.
 Gasario Berelera. asu. Victor Prudon.
 Rafael Carras. Felipe Gomez.

Inmediatamente yo el Alcalde S. p. puse a las mencionadas contenidas en estos autos su voto que se le notifique a Dn. Don

a' otro D. Salvador Vallejo, dueños de las tierras
"notificacion al interesado p^o que ratifique el nomb
ramiento de mercederos."

"p^o que ratifique el nombramiento de mercederos
como asi mismo que de acuerdo todos los col
nizantes nombren por su parte el sup^o han
cierto de ser inteligentes en materia de mer
cedes y los que fueron nombrados, pasesen
acepten y juren y hecho esto, estoy pronto a
sentar dia pr. otras mercedes, asi lo proce
dare y firmare con los de mi asna.

Jacob P. Leese. asna. Victor Preston.

asna. Daniel A. Rodriguez.

En el mismo dia mes y año ya el oficio
1^o lei y notifique el auto de su uso segun
y como en el se contiene al Capitan Don Salvador

"Notificacion del nombramiento de mercederos"
"Vallejo y a sus colizantes en sus personas
que conaseo, y nombrado lo auto y entendi
do en un (seal) que lo oye: el primero
Sello Cuarto Los Reales.

Habilitado provisoriamente por la columna
Maritima del Puerto de Monterey en el
Departamento de las Californias para los
años de mil Ocho cientos Cuarenta y cuatro
y mil Ocho cientos Cuarenta y cinco.

Micheltoreur. Pueblo de la Guerra.

oligo: que ratifica su nombramiento en el
Cuid^o Paulino Vasquez y los siguientes
nombren a Francisco Mequerra, ambos
inteligentes y de legalidad a quienes ratific
pasesen acepten y juren y a consecuencia
se proceda a otras mercedes como esto
mandare y lo firmare lo que supieren
ante mi y las de mi of^o de que doy fe.

Jacob P. Leese.

Paulino Vasquez. Narcario Beretta.

Arfael Navarres. Felipe Gomez. asno. Vor Prudon.
De asno David A. Rodriguez.

"Notificacion a los medidores y su juramento.
Inmediatamente yo el referido Alcaide 1.º lei y
notifique el auto de su uso y comunicacion
de medidores a los CC. Paulino Vasquez y
Francisco Higuera, vecinos de esta jurisdiccion
en sus personas que conoseo y haciendo lo
voto y entendido dijeron que acepten el
encargo de medidores que se les confia
y juran a Dios et S. y la señal de la Sta. F.
que usaron de su encargo fiel y legalmente
segun su legal saber y entender y otros. mid-
-idas las salpicaron con fidelidad y exactitud
como es de su obligacion y a satisfaccion de
todos los interesados y haciendo asi expuesto
lo firmaron con miyo y los de asno de que
eloi fei. Jacob P. Leese.

Paulino Vasquez. asno. Victor Prudon.

De asno David A. Rodriguez.

"Asignacion del dia de los medidores."

En seguida yo el referido juez haciendo
visto la aceptacion y juramto hecho por los
CC. Paulino Vasquez y Francisco Higuera
combrados por medidores dijo que para
proceder a otros medidores, asiguro y
asigne el dia octavo de presente mes a los
octavo de la mañana y que se haya
saber asi a los mencionados medidores, en-
-viandose al efecto tambien a los circunvecinos
colindantes asi lo provei, mande y firme
con los de mi asno.

asno. Jacob P. Leese. de asno.

Vor. Prudon. David A. Rodriguez.

"Notificacion del auto anterior.

Inmediatamente se hizo saber el auto q. antecede
a la parte interesada Cap. D. Salvador

Don Salvador Vallejo a los medidores Paulino Vasquez y Francisco Heiguera y entendidos dijeron que le dan por ciertos y lo firmaron con el presente juez y los de asistencia.

Jacob P. Leese.

Paulino Vasquez. atto. Victor Preston.

de atto. David et Rodriguez.

"Libramiento de boletas de comparecencia"

En el mismo día, mes y año se libraron boletas de comparecencia a los esclavos de el George y unth Nicolas Heiguera, para y comparecencia Nicolas Vale comparecencia el día citado y a la hora asignada en el mencionado rancho de Napa y para constancia lo firmé con los de atto.

atto. Jacob P. Leese. de atto.

Victor Preston. David et Rodriguez.

En el rancho de Napa a los ocho días del "Medio de Cordel" mes de Febrero de mil ochocientos cuarenta y cuatro presenté al capitán Don Salvador Vallejo y circunvecinos a otras tierras para comparecer ante mí y los de atto a los cc. Paulino Vasquez y Francisco Heiguera medidores nombrados a quienes suaroté tomaron un cordel de hilo y medieron cincuenta varas con una vara de medir de quatro palmos castellanos y en efecto los referidos medidos en mi presencia medieron en un cordel torcido y bien tirado con v^{ta} de medir (Seal) Sello Cuarto Dos reales.

Habilitado provisoriamente por la Columna Maritima de Monterey en el Departamento de las Californias para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

Micheltoreau. Pablo de la Guerra.

(Seal.) y bien tirado con 1.^o de cuerda castellana
 Mexicana y sellada el numero dicho de
 cincuenta varas. Lo que suscripieron fiel y
 legalmente a vista y presencia del interesado
 y circunstancias y juramento. Conste. unanimes.
 Se ponga por obligacion y se proceda a otros
 medidores como esta sumada lo que conty-
 nen asi mismo, firmandolo con los de mi
 art.^o Jacob P. Leese.

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ada. D.^{no} Prudon. De art.^o David Moring.
 "Medida del Rancho."

Estando en el campo y tierras pertenecientes
 al rancho de Napa del Cap.^o D. Salvador
 Vallejo hoy dia vecho de feb.^o de mil
 ochocientos enarcenta y cuatro Yo el Suble
 1.^o de esta jurisdiccion actuando por
 receptoria con otros testigos de art.^o por falta
 de Escribano publico presentes las C. C.
 Paulino Vasquez y Francisco Niquera
 medidores contratados por la parte in-
 teresada y colindantes mande proceder
 a la medida de cuatro sitios de
 ganado mayor que por el mas o menos
 tocan y pertenecen al rancho dicho
 segun el titulo y orden preservado
 en cuyo obsequio han venido metti-
 o medir y reconocer el cordel, desde
 principio a otra medida empezando
 por el arroyo de Napa, lindero de
 Nicolas Niquera desde donde figuran
 runcho S. hasta llegar al paso de abajo
 del arroyo de las Carneros se midieron
 ciento veinte cordelas de cincuenta
 varas que son seis mil varas. Asi
 levante el interesado un monton de
 piedras en señal de la medida
 y pondria en efecto de este punto

Siguiendo el mismo arroyo N. N. O. hasta
 el camino de arriba q. va para el Rancho
 de Yunta se contaron noventa y dos cordel
 (ciento mil seiscientos varas) y no pud
 iendo pasar adelante por ser una barrera
 insuperable se calcula a vista de ojo hasta
 el lindero de Yunta, ochocientos cordel
 (ochenta mil varas) donde así mismo
 puso otra Señal p^a poner otra mojonera
 y continuando hacia el N. N. E. hasta el
 Rio de Opa se midieron sesenta y
 cinco cordel (tres mil ochocientos cincuenta
 varas) donde se ponian igualmente y en
 las antes. La correspondiente mojonera
 bajando el mismo rio, rumbo S. E.
 hasta el Arroyo de Opa, se midieron
 trescienta tres y medio cordel (quinie
 mil ciento setenta y cinco v^s) puso
 la Señal de mojonera y siguiendo
 el mismo arroyo rumbo N. Lleguemos
 al punto a donde se dio principio a las
 medidas y se contaron cincuenta y dos
 cordel (ochenta mil seiscientos varas) de
 manera que, concluidas por concluir
 la medida del terreno que comprende
 el Rancho de Opa, resulta una cir
 cunferencia de (cuarenta y siete
 mil seiscientos veinte y cinco v^s) poco
 menos de lo que corresponde a cuatro
 lotes de ganado Mayor y declararon
 las encameadas medidas estar enteras
 el Capt^o D. Salvador Valijo de las tierras
 que le corresponden segun el título y planos
 que se hallan a la cabeza de este
 expediente. Por todo lo cual y en tanto
 de ver la plena posesion y consecucion
 acordado, arrancó piedras y yerbas

q' tin' por los cuantos vientos en mudan-
 zacion de su legal y legitima posesion y
 suavito que para mas claridad de los
 linderos que van expresados, hiciera a su
 costa y mancion una mazonera de piedra
 Sello Cuatro Reales.

Habilitado provisionalmente por la
 Aduana Maritima del puerto de
 Monterrey en el Departamento de las
 Californias para los años de mil ochocientos
 cuarenta y cuatro y mil ochocientos
 cuarenta y cinco.

Micheltorena. Pablo de la Guerra.

(Seal) y Cal, en attos de una de vara p^a
 que en todo tiempo conste, reconozcan
 y queden por terminos y linderos de
 sus tierras por lo demas circunstancias
 de ellos y de haberse ejecutado otras med
 idas quietas y pacificas sin contradiccion
 y persona alguna. Lo pido por testi
 monio y yo el referido Alcalde 1.^o
 con las de mi cab.^o lo oyo de haber
 pasado como dicho es y que las expres
 adas han sido practicadas a todo
 el legal saber y entender de las medidas
 segun se de pueron sus olo, prave
 ni enqunio en contra de ninguna persona
 y p^a mas seguridad y ratificacion el
 jurante que tienen hecho firmaron
 con ungo y las de mi as.^o de que
 oyo se.

Jacob P. Lee. an.^o

Paulin Vasquez. Victor Pradon.

de as.^o Daniel A. Prodanquez

En vista de hallarse concluido este
 expediente en que consta haberse dado
 posesion y unioica del Rancho de

remetiendo copia a distancia de cuatro
leguas de este pueblo al Capitan Don
Salvador Valljo que los tiene si. Distinguido
a la parte el original por las usas que
Diligencia p^a la entrega del Expediente
al Intendente.

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que le convenyan con los documentos q.
presenta. El Ciu^d Jacob P. Leese, Alcalde
1^o de esta Jurisdiccion a escritura p^a
receptoría con dos testigos de as^o p^a
falta de Derrama publico, asi lo provey
invariable y firme a doce de Enero
de mil ochocientos treinta y cuatro.

at^o Jacob P. Leese.

Ver. Pruvon. Auto^o V. Rodriguez.

Filed for Record on the 17th day of December
1850 at 8. o'clk. A.M.

M. Chaggs, Recorder.

Sonoma County.

By John Heasley, Depy.

Recorder in Book T. page. 51.

M. Chaggs, Recorder.

By John Heasley, Depy.

Recorder's fee

\$ 6.00.

Filed in Office. Dec^r. 21. 1852.

Geo. Fisher.

Secy.

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

{ Civil Governor }
{ of Upper California }

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

1st Neither the grantee nor his heirs, may divide or alienate that which is granted to them, subject it to any tax, entail, pledge, mortgage or other encumbrance, even for pious purposes, or convey it in mortmain.

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

3^d When the ownership is granted to him he will request the proper magistrate to give him the juridical possession in

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Translation
of
Title and
juridical
possession,
Exhibit No. 1 to depo
of Joaquin Alvarado
Case 495.

virtue of this Patent, by whom its boundaries will be marked out and its bounds placed.

4.th The land of which donation is made is solely that described in the petition of the person interested, and marked out on the map and the Magistrate who may put him in possession will advise this Government of the number of square leagues it contains.

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

Given in Santa Barbara on the twenty first of September, one thousand eight hundred and thirty eight,

(Signed) Juan B. Alvarado

Note has been made in the proper book.

(Signed) Francisco C. Arce.
Secy ad interim

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

The Most Excellent Departmental Assembly in session of this day, has resolved the following.

"Approved the grant made by the Superior

"Government of the Department, in title issued
 "with date the twentyfirst instant, in favor
 "of Citizen Salvador Vallejo, of the land of
 "Napso, in entire conformity with the
 "Law of August 18.th 1832, and Article 5.th
 "of the regulation of November 21.st 1828.

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

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

(Signed)

Juan B. Alvarado

(Signed) Francisco G. Arce

Secretary ad interim.

Stamp Fourth Two Reales.

Provisionally authorized by the
 Maritime Custom House of the Port of Monterey
 in the Department of the Californias for the
 years one thousand eight hundred forty
 four, and one thousand eight hundred and
 forty five.

(Signed) Michel Torano. (signed) Pablo de la Guerra

(Custom House) To the Magistrate of 1.st Jurisdiction
 (Seal)

Salvador Vallejo, resident
 of this jurisdiction, owner of the Rancho
 of Napso, as I may best proceed in law,
 appear and say, that as appears by the title
 which I present with the necessary solemnity,

and oath, I have in my said Rancho four square leagues within the limits mentioned in said Title, and that it may in all time appear how far said limits extend, and whether I prejudice any of the neighbors or they me, I pray you to have the goodness to order, that after taking the Customary measures of identity, view, and examination re. the measurement of my said lands be proceeded to, the Colindantes being summoned, for which purpose I appoint measurer now, and for when the time may arrive, Paulino Vasques a resident of this jurisdiction, skillful in this matter, and let the other persons who may be interested, appoint another measurer on their part, and this being done, let those they may appoint and the said Paulino Vasques by me appointed appear and ~~say~~ accept and take the oath, and in conformity therewith proceed to said measurements.

Wherefore I pray you that admitting this document, you will be pleased to order that to be done which I have asked, and being finished that said documents may be returned home with the original official acts which may be made for the security of my right, this petition, and whatever else may be necessary etc.

Dorinda February 4th 1844.

(Signed) Salvador Vallejo

First Court 3 (Of the presentation of the
of Donoma 3 Memorial)

In the Pueblo of Donoma on the 4th day of
the month of February one thousand eight
hundred and fifty four, before me Jacob
P. Seese, Alcalde of 1st nomination of this
jurisdiction, the foregoing petition was read,
and having been seen, I admitted it with
the document it refers to, and I order that
summoning the residents information be taken
of identity, views, and examination of said
lands, at which I am ready to assist
personally; I thus provided, ordered and
signed with those of my assistance.

Assty Witnesses 1891 Jacob P. Seese.
Vⁿ Prouden
Damaso A. Rodriguez

Declaration of
Witness
Kasario Berreyesa

In the aforesaid pueblo on the fifth
day of the same month and year, I the
aforesaid 1st Alcalde with those of my assistance
in order to proceed to the information of
identity, caused to appear before me
citizen Kasario Berreyesa a resident
of this jurisdiction, by occupation a
laborer, and married, of whom I re-
ceived an oath, which he made by
God and the sign of the cross in due
form; under which he promised to
speak the truth; and being asked for
the knowledge (he may have) of the lands
places, terminations, and boundaries per-
taining to the Rancho of Mapa, he said;
that for ten years he has been a resident

of this jurisdiction, and knows that the lands pertaining to the Rancho of Napa are the property of the Captain Don Salvador Vallejo, and have for boundaries on the N.E. the river of Napa, South the Arroyo de las Carreras, North West the Rancho of Gunt, South East that of Nicolas Heigueras, the which he has seen and examined on various occasions, and that since the said Don Salvador Vallejo has possessed them he has worked and cultivated them and his Cattle have pastured on them, and for the proof of that which he has said, he is ready to go to said lands with the present magistrates and point out to him the places terminations and boundaries, how far they extend; and that what he has said is true, by the oath which he has made, which he confirms and ratifies. He declared that he was fifty six years of age and that the legal exceptions do not affect him,

He signed with me and those of assistance,
Asst. Witnesses, Jacob P. Leese

(Signed) Gaspar Benellesa,

Lamaso A. Rodriguez

(") Victor Poudon,

In the same pueblo, day, month and year,
Declaracion of the said 1st Alcalde. Caused to appear before
of 2nd Witnesses me and those of my assistance, citizen Rafael
Rafael Karvaez Karvaez, a resident of this jurisdiction by
occupation a laborer, of whom, I received
oath in (due) form to speak the truth; and

being asked for the Knowledge (which he has) of the lands and places, terminations & boundaries pertaining to the Rancho of Napa, he said: that he has been for six years a resident of this jurisdiction, and knows that the lands pertaining to said Rancho are (the property) of the Captain Don Salvador Vallejo, and it has for boundaries, on the North East the river of Napa on the South the Arroyo of Las Cameros on the North West, that of the Rancho of Gunth, and on the South East that of Nicolas Figueroa, the which he has seen and examined several times, and that since the said Don Salvador Vallejo has possessed them, he has worked and cultivated them and his cattle have pastured on them, and for the proof of that which he has said, he is ready to go to said lands with the present magistrate, and point out to him the places terminations & boundaries, how far they extend; and that what he has said is true by the oath which he has made, which he affirms and ratifies.

He declared that he was forty nine years of age, that the legal exceptions do not affect him &c.

(signed) Jacob. P. Leese
" R'fel Navay

Assisting witnesses
Jgo. Lem. A. Rodrigues
" / Dr. Poudon.

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Declaration of
3rd Witness
Felipe Gomez.

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In Continuation I caused to appear before me and those of my assistance Citizen Felipe Gomez, resident of this jurisdiction of whom I received oath in (due) form to speak the truth, and being asked for (his) knowledge of the lands & places, terminations & boundaries, pertaining to the Rancho of Mapa, he said: that he has lived on this frontier for five years, and knows that the lands pertaining to said Rancho are of the Captain Don Salvador Vallejo, and it has for boundaries, on the N.E. the river of Mapa, S. the Arroyo de las Cameros, N.W. that of the Rancho of Yumth, and on the S.E. that of Nicolas Heiguera which he has seen and examined several times, and that since the said Don Salvador Vallejo has possessed them he has worked and cultivated them, and his cattle have pastured on them; and for the proof of that which he has said, he is ready to go to said lands with the present magistrate, and point out to him the places, terminations, and boundaries, how far they extend, and that what he has said is true, by the oath which he has made which he affirmed and ratified.

He declared that he was fifty two years old, and that the legal exceptions do not affect him, and not knowing how to write, he made a sign of a cross, to which I certify.

Asstg Witnesses, (sgt) Jacob. P. Leese
Felipe Gomez
Signed/ Camero A. Rodriguez
" / Fr Pondon

Examination.

Being in the field in the place named Arroyo de Mapa, the boundary of Nicolas Heiguera, the fifth day of February of the present year, I, the First Alcalde acting in virtue of my office with two Assisting Witnesses for want of a Notary Public, the witnesses by me examined present Captain Don Salvador Vallejo, owner of said lands, and Citizens George Gunth & Nicolas Heiguera, Colindantes and Neighbors, I proceeded to see and examine the lands of said Rancho, and for greater clearness, being on horseback, in company with all the parties, and witnesses referred to, I ordered the aforesaid (witnesses) to point out to me the places, terminations & boundaries of them, according to the signs which they have declared in their depositions, and in conformity therewith they led the way to the South until they reached the Arroyo de los Carneros, which they showed me, and thence continued the examination and view of said lands, in a direction north west to the boundary of the Rancho of Gunth, the upper road; thence continuing N. N. W. following the same Arroyo we reached the upper road which goes to the Rancho of Gunth from which place they pointed out to me an impassible tract of land as far as the boundary of Gunth, whence taking the direction N. N. E. we reached the river of Mapa, and going down said river, course S. E. we reached the Arroyo of Mapa, which we ascended following the direction west until we found ourselves in the same

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point where the examination was com-
menced; and they said these were all the
terminations and boundaries of the aforesaid
lands pertaining to Don Salvador Vallejo,
which places, I, the said 1st Alcalde
saw and examined with those of my assistance
the witnesses examined, and papers presented;
and the said examination being compared
with the latter the identification of the said
lands proves to be certain, according to
the declarations of said witnesses, and in
testimony it was officially noted, and I signed
it with those of my assistance, and others
who knew how, to which I certify;

Assisting Witnesses, (Signed) Jacob P. Seese.
(sgd) Camero A. Rodriguez (") Cesario Berrellyesa
/ " / Victor Proudon / " / Rafael Navarro
/ " / Felix Gomez +

Immediately I the 1st Alcalde in order to
proceed to the measurements referred to in
these acts. I order that said Don Salvador
Vallejo, owner of the lands; be notified to ratify
the appointment of measurer, as also that
all the Colindantes by common consent,
appoint theirs for their part, they having
to be skilful in matter of measurements,
and that those who may be appointed
appear, accept and take oath, and this
being done, I am ready to designate a
day for said measurements. I thus provi-
ded, ordered, and signed with those of my
assistance.

Asstg. Witnesses, (sgd) Jacob P. Seese
(sgd) Camero A. Rodriguez
/ " / V^r Proudon.

Notification to
the person in-
terested to ratify
the appointment
of measurer

Ratification
of the Appointment
of Measurers

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

(sgd) Jacob P. Seese

Assty Witnesses,

(sgd) Gen A. Rodriguez

" / Dr Poudon,

Paulino Vasquez

" / Masario Benellisa

" / Rafael Navarro

Felipe Gomez

Ratification to
the measurers
their oath.

Immediately I the aforesaid 1st Alcalde, read
and made known the act referring to them
and their appointment, to Citizens Paulino
Vasquez and Francisco Heiguera, residents
of this jurisdiction, in their persons
which I know, and having heard and
understood it they said that they accept
the office of measurers which is entrusted
to them, and they make oath by god
or sword, and the sign of the Holy Cross
that they will use their office faithfully
and legally, to the best of their knowl-
edge and understanding, and will verify

said measurements with fidelity and exactness, as is their obligation, and to the satisfaction of all those interested; and having thus replied, they signed it with me and those of assistance to which I certify
 Asstg Witnesses, (Signed) Jacob P. Seese
 (Sgd) Bern. A. Rodriguez Paulino Vasquez
 / " / V. Poudon,

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In continuation I, the aforesaid Magistrate
 Designation of having seen the acceptance and oath
 the day for made by citizens Paulino Vasquez and
 the measurements Francisco Hejnera, appointed measurers
 I said that in order to proceed to said
 measurement I was designating and I
 designate the eighth day of the present month
 at eight o'clock in the morning, and
 that it be so made known to the said
 measurers, also summoning for that
 purpose, the neighbors bounding on
 him; I thus provided ordered & signed
 with those of my assistance.

Asstg Witnesses (Signed) Jacob P. Seese
 (Sgd) Bern. A. Rodriguez
 / " / V. Poudon,

Immediately the foregoing act was made
 Notification known to the party interested, Captain
 of the foregoing Don Salvador Vallejo, to the measurers
 Paulino Vasquez, and Francisco Hejnera,
 and, having understood it they said

that they consider themselves summoned,
and they signed with the present Magis-
trate, and those of assistance,

Assty Witnesses (sgd) Jacob P. Leese
(sgd) Lemas A. Rodriguez Paulino Vasquez
" / Dr Poudon,

Issuing of
written summons

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On the same day month and year written
summons were issued to citizens George
Grunth, and Nicolas Heigera, to appear
on the day aforesaid, and at the desig-
nated hour, in the said Rancho of Napa,
and in testimony I signed it with those
of my assistance,

(sgd) Jacob P. Leese
Assty Witnesses,
(sgd) Lemas A. Rodriguez
" / Dr Poudon,

Measurement
of the Cordel

In the rancho of Napa on the eighth
day of the month of February eighteen
hundred forty four; Present Captain
Don Salvador Vallejo, and the neighbors
to said lands; I caused to appear before
me and those of my assistance, citizens
Paulino Vasquez and Francisco Heigera
measurers appointed whom I ordered
to take a cordel of hemp and to measure
off fifty varas with a vara measure
of four Castilian palms, and in effect
the said measure, in my presence,
measured off the aforesaid number of
fifty varas on a cordel, twisted, and

well stretched, with a stamped Mexican Castilian vara measure, which was done faithfully and legally in the sight and presence of the party interested and neighbors; and in testimony I order it to be recorded officially, and said measurements to be proceeded to, as is ordered; which I certify, also signing it with those of my assistance.

(Sgd) Jacob P. Seese,

Asstg Witnesses

(Sgd) Bern A. Rodriguez
(") Dr Poudon,

Measurement of
the Rancho

Being in the fields and lands pertaining to the Rancho of Napa, of the Captain Don Salvador Vallejo this eighth day of February Eighteen hundred forty four, I, the ^{1st} Alcalde of this jurisdiction, acting in virtue of my office with two assisting witnesses for want of a Notary Public, present Citizens, Parkins Vasquez and Francisco Heigueso, measurers appointed by the party interested and colidanted I ordered them to proceed to the measurement of four square leagues, which a little more or less, belong and pertain to the Rancho aforesaid, according to the title and map presented, in obedience to which, having again measured and examined the cordel, they commenced said measurements, beginning at the

Arroyo of Napa, boundary of Nicolas Heigues from which place following a southerly direction to the lower pass of the Arroyo de las Cameros they measured one hundred and twenty Cordels of fifty varas each.

There the person interested raised a pile of stones as a sign for the landmark which he would place; from this point, continuing the measurement towards the N.W. along the Arroyo to the upper road which goes to Napa one hundred twenty Cordels (six thousand varas) were counted and the party interested placed the corresponding mark in order to fix there also the respective bound.

Following the same Arroyo N.N.W. to the upper road which goes to the Rancho of Guith twenty two Cordels (four thousand six hundred varas) were counted and not being able to pass forward because it is an impassible mountain range, it was estimated by eye, that there were two hundred Cordels (ten thousand varas) to the boundary of Guith, where he also placed another mark in order to fix another bound; and continuing towards the N.N.E. to the river of Napa, sixty five Cordels (three thousand two hundred and fifty varas) were measured, where he placed as in the former points, the corresponding bounds.

Going down the same river course S.E. to the Arroyo of Napa, three hundred three and a half Cordels were measured (fifteen thousand one hundred and seventy five varas) he placed the mark for a bound, following

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the same Arroyo W. we came to the point where the measurement was commenced and they counted fifty two Cordels (two thousand six hundred varas) so that considering as finished the measurement of the land included in the Rancho of Napa, there results a boundary of (forty seven thousand six hundred and twenty five varas) a little less than that which corresponds ~~with~~ to four square leagues; and the aforesaid measurer declared that Captain Don Salvador Vallejo was informed of the lands which correspond to him, according to the title and map which are found at the head of this Expediente.

For all which and in sign of true possession and accustomed ceremonial, he pulled up grass & stones and threw to the four winds in manifestation of his legal and legitimate possession which he personally took,

In consequence I ordered that for greater clearness of the boundaries which have been described, he should form at his own cost and expense, bounds of masonry in height more than a vara, that in all time it may appear, let them be recognized and remain as limits & boundaries of his lands by the others, neighbors thereto and that said measurements were executed quietly and peaceably without contradiction of any person, he prayed for a testimony and I the aforesaid ^{1st} Alcalde with those of my assistance give it, that

all passed as has been said, and that said measurements have been executed to the best of the knowledge and understanding of the measurers, as they depose without craft or fraud or deceit against any person and for greater certainty security and the ratification of the oath which they have made, they signed with me and those of my assistance to which I certify,

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(sgd) Jacob P. Seese
Asst. Witnesses Paulino Vasquez +
(sgd) Barnaso A. Rodriguez
(") Victor Pruden.

Act of the
delivery of the
Expediente.

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

I Citizen Jacob P. Seese 1st
Alcalde of this jurisdiction, acting in virtue of my office with two assisting witnesses for want of a notary Public. Thus provided ordered and signed on the twelfth of

44

February eighteen hundred and forty
four.

(sgd) Jacob P. Seese

Asstg Witnesses

(sgd) Larraso, A. Rodriguez

/" / Br Poudon,

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Filed in Office Dec. 21, 1852,
Geo. Fisher Sec.

47

No. 694.

U. S. Land Commission

Ann McDonald & others Claimants

Agreement
of Counsel

This hereby agreed by the U. S. Law Agent and Claimants Counsel that the original papers & Depositions taken and on file in case No. 495 before this Board may be read in Evidence and considered on the trial of this case the same as if said original papers were now filed and said Depositions retaken in this case all parties claiming under the same original Title.

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V. E. Howard
E. C. Crosby

Filed in Office Sept 22nd 1853,
Geo. Fisher
Sec.

No. 694. Ann McDonald et al.

Opinion of the
Board by Coun^r
Alphens Felch.

The United States,
From a parcel of land containing about 240
acres, a part of the Rancho called Tapa
in Tapa County.

The land claimed in this case is
alleged to be a part of the Rancho called
Tapa, originally granted to Salvador Valley's
The present claimants represent them-
selves as the heirs at law of Meriam Smith
now deceased, who derived his title to the
land by deed from said Valley's.

By written stipulation between the
Law Agent and the Attorney for the
Claimants, the testimony and certain
original documents filed in Case
No. 495, which relate 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 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 & 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 enable him to transfer his title by conveyance to another.

The Claimants have also given in evidence duly proved a deed of the premises claimed by them, being part of said Rancho of Napa executed by said Vallejo to Hiram Smith on the 18th day of September 1845.

The Testimony also shows that said Hiram Smith died nearly two years since, and that the present claimants are his children and heirs at law, they are entitled as such to the property described in the deed to their father & a decree will be entered accordingly.

Confirmed

Filed in Office April 25/1854,

Geo. Fisher

Sec.

694,

Ann McDonald et al

vs

The United States

Decree of
Confirmation

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 to the said Ann McDonald and the other heirs at Law, of Herman Smith deceased.

The land of which confirmation is hereby made are a part of the place known by the name of Tapa in Tapa County, which was granted to Salvador Valley's; which place is bounded and described as follows; to wit; commencing at the Arroyo of Tapa, at the boundary of Nicolas Rejnera; thence following a south-
east direction to the lower pass of the Arroyo de las Cañeras six thousand varas to the upper road which goes to Tapa, thence along the same Arroyo north north west to the upper road which goes to the Rancho of Gunth, four thousand six hundred varas; thence continuing on the same course to the boundary of said Gunth by estimation ten thousand varas; thence towards the North North East three thousand two hundred and fifty varas to the river Tapa;

Thence down the same river course South - East to the Arroyo of Tapa, 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 Valley's and the judicial measurement thereof.

That portion of the above described premises of which confirmation is hereby made, is bounded and described as follows; to-wit: Being all that tract of land part of said Rancho lying between the land sold by said Valleys to L. M. Boggs and the tract sold by said Valleys to Nathan Combs, containing two hundred acres more or less; Also another parcel of land adjoining to and west of the west line of the tract last above mentioned where a small stream of water crosses the western line of said last above mentioned tract; thence twenty rods in width on each side of said small stream of water, up said stream a sufficient distance so as to include forty (40) acres of land being the said premises which were conveyed by said Valleys to said Herman Smith by deed dated the 18th day of September 1844) reference for further description to be had thereto.

Alphens Felch
Thompson Campbell
A. Aug Thompson
Commissioners

Filed in Office April 25th 1854
Geo. Fisher
Sec.

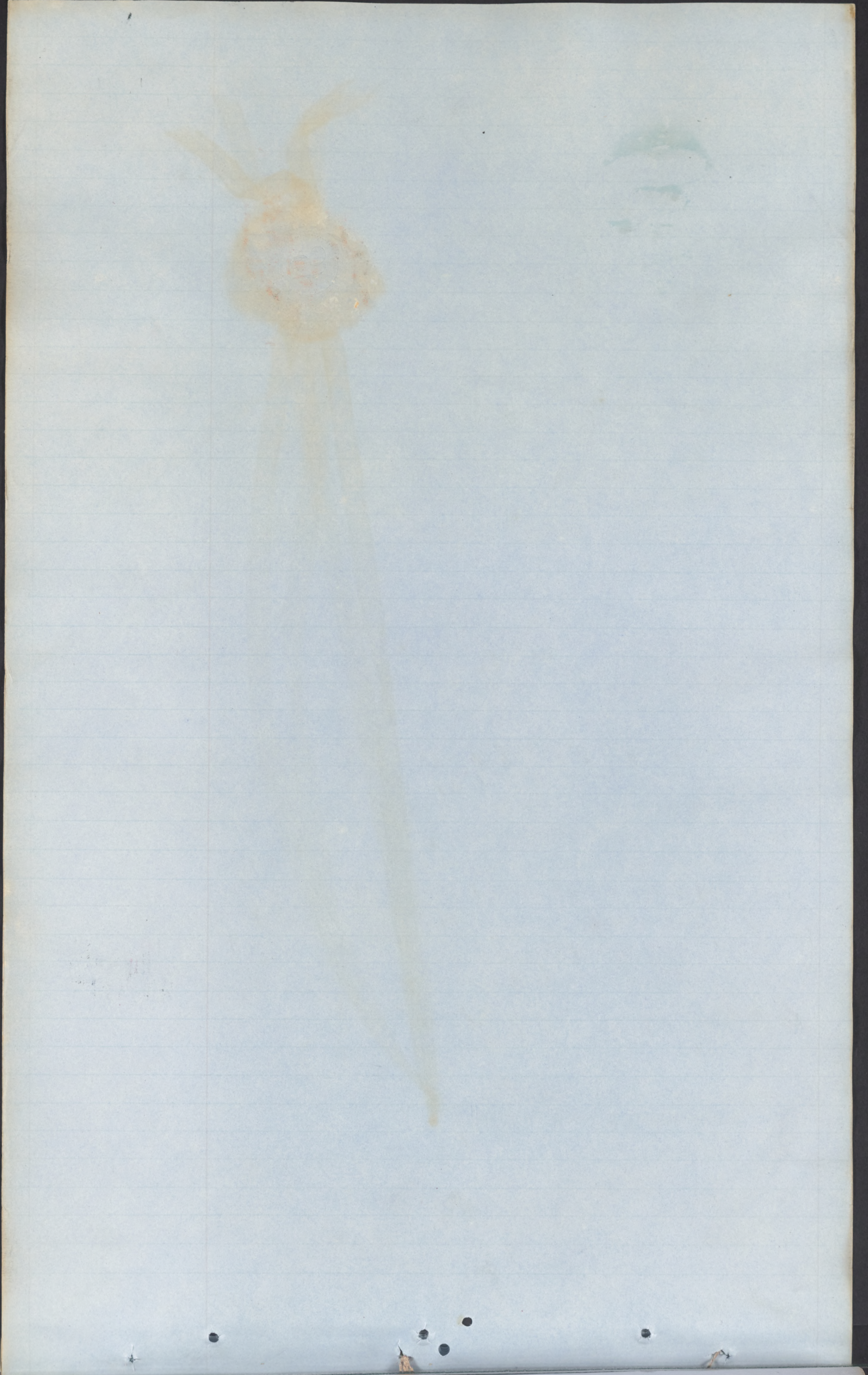
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And in appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Northern District of California it is hereby

Certified

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.

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• Office of the Board of Commissioners,

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

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J. 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 *Fifty one* pages, numbered from
1 to *51*, both inclusive, to contain a true, correct and full Tran-
script 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. 694 on the Docket of the said Board,
wherein Ann McDonald, et al, are
the Claimant against the United States, for the place known by
the name of part of "Nasja."

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



J. G. Fisher.
J. G. Fisher

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

No. — 141 —

THE UNITED STATES,

vs. 141 AID

Ann McDonald, et al

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 694.

Filed, December 4th 1854

W. A. ...

Office of the Attorney General of the United States,

Washington, 10th February 1855.

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Ana Mc. Donald et al.

vs.

The United States.

(694.

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 25th 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.

Clayton

Attorney General.

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

The United States

vs

Ana McDonald, et,

al-

No - 141 -

Notice of Appeal,

Filed March 20, 1855,

John A. Mousser,

Clerk

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Office of the Attorney General of the United States,

Washington, 10th February 1855.

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Ana Mc. Donald et al.

v.

The United States.

} 694

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 25th 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 141

U.S.D. Court N. Dist.

The United States

vs.

Ana McDonald et al.

Appeal Notice.

Filed May 5, 1855,

By W. A. Cheves,
Deputy.

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No. 141.

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

The United States.

vs

Ann Mc Donald et. al.

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It is hereby stipulated by the U. States
District Attorney and Claimants Counsel that the
Transcript filed in this cause from the Board of U.S.
Land Commissioners. Appointed to settle private
land claims in California - may be withdrawn
from the office of the Clerk of this Court, and given
to the Secretary of said Board - that it may be
corrected by him - and refiled with the Clerk of this
Court after such correction - such correction
to be made by and according to the original
record on file in the Office of the said Secre-
tary - Nov. 12, 1855.

A. Hassell

Asst. U.S. Atty.

E. O. Crosby Atty for Claimants.

Let the Transcript in this cause be ~~withdrown~~ sent
from the office of the ^{by the} Clerk of this Court, ^{to the Secretary of said Board} for the purposes
mentioned in the above stipulation -

James M. Ogden
U.S. Dist Judge

No 141.

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

the United States.

vs
Ann McDonald, et al
Stipulation & order to send
Transcript back for correction

Filed November 13, 1885,
by Cheney
Deputy.

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E.O. Crosby
Atty for appellants

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

No. 141.

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The United States
Appellant

vs
Ann McDonald et al.
appellés.

The respondents for answer to the
petition filed in this cause answer and say
It is true that the land mentioned in said petition
and in said transcript of the proceedings before the said
Board of Commissioners lies within said Northern
District of California and within the jurisdic-
tion of this court.

But their respondents deny
that their title to the said lands is invalid
and avow that the same is valid, and pray
that the decision of the said Board be affirmed
and their title be decreed to be valid

Ann McDonald, et al.

By E O Crosby their attorney.

No. 141.

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

The United States

vs

Ann McDonald, et al

Answer

Filed March 31st

1856

J. W. Moore
Clerk.

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E Crosby Atty
for Claimants,

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

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No. 141.

The United States.

vs
John McDonald & others

The Petition of the United States by their Attorney represents; that this cause is an application for a review of the decision of the Board of Commissioners whereby the claim of the said appellants was confirmed as appears by reference to the records in this cause. That a transcript of the said Records was filed in this court on the 4th day of December A.D. 1854. That a notice of appeal was filed on the 20th day of March A.D. 1855. and that the land claimed lies in the said District; That the said claim is invalid; Wherefore appellants pray that the said decision of the Board be reversed and that this court decree the said title to be invalid

Respectfully
A. Russell
Asst. U.S. Dist. Atty

No 141.

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

The United States

vs

Ann McDonald, et al

Petition

Filed March 31st
1856

Jos A Munoz
Clerk

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C. Russell

United States District Court
for the Northern District of California

The United States,

vs

} Docket No. 141
}
} Ann Mc Donald, et al.

Stated Term, February 18, 1857.

This cause coming on to be heard on appeal from the decision of the Board of Land Commissioners to ascertain and settle private land claims in the State of California under the act of Congress approved March 3^d 1857, upon the transcript of proceedings and decision of said board, and the papers and evidence upon which said decision was founded all of which have been duly filed in this Court; and counsel for the respective parties having been heard, It is ordered adjudged and decreed that the decision of said board confirming unto the said Ann Mc Donald et al, the lands described in said transcript filed in this case be and the same is hereby affirmed, and that the title of the said Ann Mc Donald et al is a good and valid title.

The lands of which confirmation is hereby made are part of the place known by the name of Napa in Napa County, which was granted to Salvador Vallijo by Governor Juan B. Alvarado, December 21st 1838, which part is more particularly described in the deed of said Vallijo to Hiram Smith dated

September 18th 1847 - referred for further description
to be had to said grant and add to file
in this case.

Edwin Hoffman
U. S. District Judge

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No. 141.

United States District Court

Northern District of California

The United States

vs.

Ann Mc Donald et al.

Execrs.

Filed February 18, 1857.

W. G. Alvord,

Deputy.

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E. O. Crosby Atty
for appellee

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 *Wednesday* the *first* day of *April* in the year of our Lord one thousand eight hundred and fifty-seven.

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Present :

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v

Anna McDonald et al

S. C. 141: L. C. 694

The Attorney General of the United States having given notice that further appeal will not be prosecuted in this case, and a stipulation to that effect having been entered into by the U. S. Attorney:

On motion of the District Attorney it is Ordered Adjudged and decreed that claimants have leave to proceed under the decree of this Court heretofore rendered in their favor as under Final Decree.

Ogden Hoffman
U. S. Dist. Judge

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United States District Court, Northern
District of California.

The United States

vs.

Anna McDonald et al

ORDER.

Final Decree

Filed *April 1st* 1857

John A. Murre,
CLERK.

By *W. F. Chivers,*
DEPUTY.

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Alitonia Land Claim
Attorney General's Office
9 Feb'y 1857.

Sir. In the case of the claim of
Anna McDonald, et al. con-
firmed to the claimant by the
Commissioners, Case no. Six
hundred and ninety-four, (694),
appeal will not be prosecuted
by the United States.

I am

Respectfully,

Clarius

Wm. T. Blading Esq
U. S. Attorney
San Francisco -

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

The United States

Anna McDonald et al

} D. C. 141; L. C. 694

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

San Francisco April 1st 1857

Wm Blanding
Dist Atty

E. O. Crosby Atty for Clmt.

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694

U. S. District Court

The United States

v

Anna McDonald et al

Stipulation.

Filed April 1st, 1857,
W. H. Chevers,
Deputy.

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The U. S.

vs
Am. Mc Donald et al

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The claim in this case was confirmed by the Board. It has been submitted to this Court without argument or objection on the part of the appellants — no further ^{or} additional testimony has been taken in this Court —

The land claimed is part of a tract ^{called Napa} granted to Salvador Vallejo from the claimant's devise title — The title of the claim of Vallejo to the land conceded to him was confirmed by the Board and by this Court — The only question in controversy in this case has therefore been passed upon — a decree of confirmation ^{in favor of the claimant} must be entered for that portion of the land of "Napa" to which the mesne proceedings show them to be entitled —

No 141.
The U.S.

PS
Miss W^c Donald
et al

Union

Feb 15. 1857—

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No 141.
The United States

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

141 ND

vs
Ann Mc Donald et al.

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- Page 3. Petition of Claimants to Board U.S. Land Commission
" 4. Deposition of Martin E. Cook, proves dad of Vallijo to Claimants
" 5. Dad of Vallijo to Smith the father of Claimants
" 7. " do
" 9. Deposition of Jose de la Rosa proves signatures to grant (see page 47.)
" 10. Deposition Em Ade Hornumouth proves land claimed is within Papa grant
" 13 to 28. Spanish copy grant & judicial possession (see Stipulation page 47.)
" 29 to 46. Translation of Grant & judicial possession
" 47. Stipulation to use original papers & testimony taken in case No. 495.
" 47. Opinion of Board U.S. Land Commissioners, confirming claim
" 49. Decree of Confirmation -

Stipulation of U.S. Atty & Atty for Claimant, & Order of
this court to have transcript corrected.
See pages 9. to 46. inclusive for matter added to the
Transcript -

Transcript filed Dec. 4th 1854.

Notice of appeal filed March 20 1855.

No. 141.
U.S. District Court for the
Northern District of California

The United States
vs
Ann Mc Donald et al
Index to transcripts -

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E. O. Crowley Atty
for Claimants

Office of the Board of Commissioners,

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

San Francisco, Dec 4th 1854

John A. Murree 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. 694 on the Docket of the said Board, wherein Ann McDonald et al, 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.

[Handwritten signature flourish]