CASE NO.

149

NORTHERN DISTRICT

PART OF NAPA GRANT

OTTO H. FRANK

CLAIMANT

LAND CASE 149 ND

168 pages.

649

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 649

Otto H. Franck CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR a part of 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* Twenty Eighth *day of* February, *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 Otto H. Frank, *for* part of *the Place named* "Napa,"

was presented, and ordered to be filed and docketed with No. 649 *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 Sept. 1st 1853.

In case no. 649. Otto H. Frank for part of ~~the~~ Napa, a copy of the deposition of José de la Rosa, a witness in behalf of the claimant, in case no. 495, taken before Commissioner Harry I. Thornton on the 15th January 1853, with a copy of the document marked No. 1. H. I. T. annexed thereto, was filed as evidence in this case with the consent of the U. S. Law Agent:

(Vide page 4 of this Transcript.)

San Francisco Sept. 14th 1853.

In the same case the deposition of Em. A. d'Hemecourt, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, was filed;

(Vide page 5 of this Transcript)

San Francisco June 27th 1854.

Case no. 649, on Motion, was ordered to be placed at the foot of the Calender of the 1st Class cases on the Trial Docket.

San Francisco Aug. 17th 1854.

Case no. 649 was submitted without argument.

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

(Vide page 9 of this Transcript.)

San Francisco Aug. 22d 1854.

In the Same Case Commissioner Alpheus Felch delivered the Opinion of the Board confirming the Claim:

(Vide page 23 of this Transcript.)

San Francisco, Aug. 29th 1854.

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

(Vide page 24 of this Transcript.)

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Petition

To the U. S. Land Commission for the ascertaining and settling of private land claims in California.

The petition of Otto H. Franks a resident of the State of California, respectfully represents to your Honorable Body, that he is the owner of a tract of land, forming a part of the Rancho de Napa, and for further representation alleges.

That the whole of said Rancho was granted by the Mexican Authorities to one Salvador Vallejo on the day of —

That said Salvador Vallejo has been in the possession of said Rancho from the time of obtaining such grant until he sold to your petitioner, and that from the 20th of March 1852 your petitioner has actually occupied the same.

And your petitioner further saith, that all the original documents, referring to the grant made by the Mexican Authorities to said Vallejo, are on file in the Archives of California, or in the hands of said Vallejo, but that duly certified copies of said documents and translations thereof, will be submitted to your Honors inspection. That certified copies of the conveyances from said Vallejo to your petitioner are herewith submitted.

That said land is situate in the County of Napa, is a part of said Rancho de Napa, containing about six thousand one hundred and fifty six acres, of land more or less, and is bounded as described on the map, which will be filed in this case.

Wherefore your petitioner, claiming

to be the owner of said tract of land, prays that so much land, as will appear to have been conveyed to him by said Salvador Vallejo, be confirmed to your petitioner.

And your petitioner in duty bound will ever pray &c &c.

Clarke, Taylor & Beckh.
Attys for O. H. Frank

Filed in Office Feby 28' 1853.
Geo: Fisher
Secy.

Copy of Deposition of José Thornton, Jr.

San Francisco Jany 15th 1853

On this day before Comr Harry S Love, came José de la Rosa a witness in behalf of the claimant Jesse P. Thompson, petition No 495 and was duly sworn, his evidence being interpreted by the Secretary.

My name is José de la Rosa, my age 61 years, I reside in Sonoma, and have resided there 21 years. I know the Rancho called "Napa" in Napa Valley which was granted to Salvador Vallejo in 1838; The grantee first occupied it in 1838 or 9; he built a house on it and corrales, had cattle and horses on it, & 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

5—

Arce, Jacob P. Leese, Victor Prudon, Damaso A. Rodriguez, Narciso Bunyesa and Rafael Navarez; these signatures to the documents before me marked No 1, and purporting to be the original title, approval and judicial proceedings are genuine.

(Signed) José de la Rosa.

U. S. Law Agent present.

Sworn to and subscribed
before me this 15th Jany 1853.

Henry S. Thornton.
Comr &c.

I George Fisher, Secretary of the Board of United States Commissioners to ascertain and settle private land claims in the State of California, hereby certify the foregoing to be a true copy of the original on file in this office in case No 495, and in my charge and custody as such Secretary.

Witness my hand this 30th August 1853.

Geo: Fisher.
Secy.

Filed in Office Sept 1st 1853.

Geo: Fisher.
Secy.

Deposition of Em. A. d'Hemecourt.

Office of Commissioners of Land in California.

This day before Comr Alpheus Felch came Em. A. d'Hemecourt a witness in behalf of claimant Otto H. Frank

No 649, who after being duly sworn deposed as follows.

Questions by Mr Clarke Attorney for Claimant.

1 Question.

What are your name, age and place of residence?

Answer.

My name is Emile A. d'Hemecourt, my age is about thirty seven years, and I reside at Napa City, in the County of Napa and State of California.

2 Question.

Look on the map now here shown to you and marked Exhibit No 1. and also with the initials A. F. purporting to be a "plan of a part of the old Napa Ranche in Napa County" and filed with this deposition, and say when the same was made and what land is represented by and upon it, and by whom it was made?

Answer.

It was made by me and was completed on the first day of December A. D. 1852. I commenced the map in 1851 and continued it from time to time as parcels of the land represented upon it were sold by Salvador Vallejo. The land lying outside of that embraced within the deep red lines as laid down on said map was sold by said Vallejo to the 20th day of December A. D. 1851. The portion of land lying within said deep red lines was

surveyed by me for Otto K. Frank, the claimant in this case. This survey was completed at the time this map was made as above stated. I made the survey of the land in the capacity of County Surveyor for said County of Napa, which office I then held, and the map is a correct representation of the survey made by me. The certificate on the map was made and signed by me as County Surveyor and the statement contained therein is correct and true.

Em. A. d'Heureuil.

Mr Greenhow Associate Land Agent attended at the taking of this deposition, but declined to interrogate the witness.

Subscribed and sworn to before me at San Francisco September 14th 1853.

Alpheus Felch.
Commissioner.

Filed in Office Sept 14 1853.
Geo: Fisher.
Secy.

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Stipulation

It is hereby stipulated and agreed that the original grant & papers examining the judicial possession on file in case 495, be considered in evidence in this cause, and that a certified copy of the deposition of José de la Rosa on file in case 495 be received in lieu of the original.

Aug 17th 1854.

Louis Blanding
U.S. Atty, Law Agent.
Alex. Campbell.
Of Counsel for Claimant.

Filed in Office Aug 17th 1854.
Geo: Fisher.
Secy.

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Deed.

This Indenture made this the Twentieth day of March A. D. 1852 between Herman Wehler of the City and County of San Francisco and State of California of the first part and Otto H. Frank of the City and State aforesaid of the second part. Witnesseth, that the party of the first part in consideration of the sum of Nine thousand, five hundred dollars to him in hand paid, the receipt whereof is hereby acknowledged, hath granted, bargained, sold and conveyed and by these presents doth grant, bargain, sell and convey unto the said party of the second part his heirs and assigns, all his right, title and interest in and to all the land belonging to the Rancho de Napa, and all the land appertaining to the Rancho of that name granted to Dn Salvador Vallejo by the Mexican Government which has not been before the date of this instrument sold and conveyed by the said Dn Salvador Vallejo or the said Herman Wehler by deeds which have been heretofore duly recorded in the Office of the Recorder of the County of Napa. To have and to hold all the above described lands without reservation unto the party of the second part, with the appurtenances thereunto belonging and to his heirs and assigns forever, and to his and their sole and only benefit and behoof.

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

Signed, sealed and Herman Wehler. (seal)

delivered in presence of
G. W. Ten Brock.

United States of America.
State of California
City and County of San Francisco. } S. S.

On this the twenty third day of March in the year of our Lord one thousand eight hundred and fifty two, personally appeared and presented himself before me Emil Synge a Notary Public in and for the County of San Francisco, duly commissioned and sworn according to law, Herman Wehler, known to me to be the person described in and who executed the foregoing document & who acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein mentioned.

In testimony whereof I have hereto set my hand and affixed my seal of office.

(seal)

Emil Synge
Notary Public.

Filed for Record April 22nd A. D. 1852 at 2 o'clock P. M. and Recorded in Book B. pages 160 & 161.

John H. Seawell.
Recorder for
Napa County

Recorder's fees $3.00.

Filed in Office Feby 28' 1853.
Geo: Fisher
Secy.

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Deed.

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This Indenture made this Twentieth day of December A. D. 1851 between Salvador Vallejo of the County of Napa and State of California of the first part and Herman Wohler of the City and County of San Francisco in said State of the second part, Witnesseth, that the party of the first part in consideration of the sum of ten thousand, ~~dollars~~ three hundred dollars, to him in hand paid the receipt whereof is hereby acknowledged, hath granted, bargained, sold and conveyed and by these presents doth grant, bargain, sell and convey unto the said party of the second part, his heirs and assigns, all his right title and interest in and to all the lands belonging to the Rancho de Napa, or all the land appertaining to the Rancho of that name granted to the said party of the ~~second~~ first part by the Mexican Government, which has not been before the date of this instrument sold and conveyed by the said party of the first part by deeds which have been heretofore duly recorded in the office of the Recorder of the County of Napa; To have and to hold all the above described lands, without reservation unto the said party of the second part, with the appurtenances thereunto belonging, and to his heirs & assigns forever; and to his and their sole and only benefit and behoof.

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

Salvador Vallejo. (L.S.)

Signed, sealed and delivered

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in presence of
J. N. Edmundston }
E. W. McCluistry }

State of California }
County of Napa } ss.

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

In witness whereof I have hereunto set my hand and seal of office at Napa City, this the day and year in this certificate first above written.

H. H. Lemmon. Recorder.
(seal) By J. N. Edmundston.
Dep. Clk.

Filed in Office Aug 17 1854.
Geo: Fisher.
Secy.

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Juzgado 1º
De
Sonoma

Espediente

Instruido p.a medir y dar posesion de cuatro Sitios de Ganado Mayor en Napa.

al Capitan D.n Salvador Vallejo.

Febrero 8 de 1844

Testigos de Asis.a

D. Victor Prudon

D. Damaso Rochiz

Sello del Gobierno de la Alta Calif.ª

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

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

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

2.ª podrá cercarlo sin perjuicio de las heredades caminos y servidumbres: lo disfrutará libre y esclusivamente dedicandole al cultivo y usos que le acomode.

3.ª Cuando se le conceda la propiedad solicitará del juez respectivo le dé la posesion jurídica en virtud de este despacho por el cual se demarcarán sus linderos y ponga sus mojoneras.

4.ª El terreno de que se hace donacion es puramente el que se espresa en la solicitud del interesado y se demarca en el diseño; y el juez que lo posesione, pasará aviso á este Gobno del numero de sitios que comprehende.

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

Dado en Sta Barbara á veinte y uno de

Dado en Sta. Barbara á Veinte y uno de

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Septiembre de mil ocho cientos treinta y ocho
Juan B. Alvarado.

Queda tomada razon en el libro respectivo
Franco. C. Arce
O. S.

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El ciudadano Juan B. Alvarado Jefe politico interino de la Alta California.

La Excma Asamblea Departamental en Sesion de hoy ha acordado lo siguiente.

Se aprueba la concesion hecha por el Supr. Gobierno del Departamento en titulo firmado con fecha veinte y uno del corrte. en favor del Ciudno Salvador Vallejo del terreno de Napa con esta conformidad con la ley de 18 de Agosto de 1832 y el Artlo. 8vo del reglamento de 21 de Noviembre de 1828.

Y para resguardo del interesado lo hago asi saber.

Dado en Sta. Barbara á Veinte y tres de Setiembre de mil ocho cientos treinta y ocho.

Juan B. Alvarado
Franco. C. Arce O. S.

I George Fisher Secretary of the Board of United States Commissioners to ascertain and settle the private Land Claims in the State of California hereby certify the foregoing to be a true copy of a portion of an Original Spanish document on file in this Office in Case No. 495. and in my charge & custody as such Secretary

Witness my hand this 30th August 1853

Geo: Fisher Secry.

Filed in Office Septr. 1st 1853

Geo: Fisher Secry

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Translation of Grant & Approval.

1st Justice Court of Sonoma.

Record of Proceedings instituted to measure and give possession of four square leagues on the Rancho of Napa to Captain Dn Salvador Vallejo — February 8th 1844.

Attesting witnesses Dn Victor Prudon
Dn Damasio Rodriguez

Seal of the Government of Upper California

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

Whereas Don Salvador Vallejo has solicited for his personal benefit and that of his family the land known by the name of Napa, within the boundaries of the sketch he accompanied to his solicitation, after having previously taken the necessary actions according to the requirements of the law and regulations upon the subject, in exercise of the powers vested in me in the name of the Mexican Nation, I have concluded to grant him the mentioned land, declaring it his property by the present letters patent, understanding said concession to be in entire conformity with the laws, reserved for the approval or disapproval of the Excellent Deputation and under the following conditions.

1st Neither the grantee nor his heirs shall have the power to divide or alienate that which is adjudicated to them, nor to

subject it to rent, entail, bond, mortgage, or any other encumbrance, though it be for a charitable purpose, nor to pass it into mortmain.

2d He may fence it without prejudice to the crossings, roads and servitudes; he will enjoy it freely and exclusively, appropriating it to the culture or use that may suit him.

3d When the ownership be granted to him he will solicit of the respective Judge to give him juridical possession in virtue of this document, by whom the boundaries are to be marked and put their land marks.

4th The land donated to him is strictly that which is expressed in the solicitation of the interested party, and marked out in the sketch. The Justice who shall process him of it will send a notice to the Government of the number of leagues (sitios) it comprises.

Consequently I order, that these presents serving him as a title deed and being held firm and valid, it be entered in the corresponding book and delivered to the interested party for his security and other convenient purposes.

Given in Sta Barbara on the 21st of September 1838

Juan B. Alvarado.

Entered in the respective book.

Francisco Arce.
Secretary ad interim.

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The citizen Juan B. Alvarado, Political Chief ad-interim of Upper California.

The Excellent Departmental Assembly in session of to-day as agreed as follows:

"It approves of the grant made by the Superior Government of the Department in title deed issued under date 21st instant in favor of the Citizen Salvador Vallejo, of the land of Napa, in entire conformity with the law of August 18th 1832 and the 5th Article of the regulations of 21 November 1828."

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

Given in Sta Barbara on the 23d of September 1838.

Juan B. Alvarado.

Francisco Arce.
Secretary.

I certify the foregoing to be a true and correct translation of the original Spanish document.

Geo: Fisher.
Secy.

Filed in Office Oct 3d 1853.

Geo: Fisher.
Secy.

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Otto H. Frank
vs
The United States.

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Opinion of the Board by Alphens Felch.

The land claimed is alleged to be a part of the Ranchos called Napa, originally granted to Salvador Vallejo, from whom through mesne conveyances the present claimant derives title.

By written stipulation filed in the case certain documentary evidence on file in case No 495 which relates to the same original grant is to be used as proof in this case. By these proofs is made of the original grant by Governor Alvarado to Salvador Vallejo bearing date December 21 1838 – the approval of the Departmental Assembly on the 23d day of the same month, and the giving of juridical 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 evidence is sufficient to establish said Vallejo's right to the land designated in his grant and to enable him to transfer his title by conveyance to another.

In deducing title from said Salvador Vallejo to himself the present claimant has given in evidence two deeds of conveyance; the first made by said Vallejo to Herman Wohler, dated December 20 1857, and the second from said Wohler

to the petitioner dated March 20 1852. The first conveys all the land comprised in said Rancho of Napa which remained vested by said Vallejo previous to the making of said deed; and the latter covered the same land with the further exception of such as had been conveyed by said Wehler to other persons while the ownership thereof continued in him.

The present claimant is entitled to a confirmation of the title to the premises which are conveyed by the deed from Wehler to him, and a decree to that effect will be entered.

Confirmed.

Filed in Office Aug 22 1854.
Geo: Fisher.
Clk

649.

Decree of Confirmation

Otto H. Frank
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

The land of which confirmation is hereby made is a part of the place known as the Rancho of Napa situated in Napa

County, which was granted to Salvador Vallejo; which place is bounded and described as follows: to wit: Commencing on the Arroyo of Napa at the boundary of Nicolas Higuera, thence following a Southerly direction to the lower pass of the Arroyo de los Carneros 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 Ranchos of Yountville four thousand six hundred varas; thence continuing on the same course to the boundary of said Yountville by estimation ten thousand varas, thence towards the North-North-East three thousand two hundred and fifty varas to the river Napa; thence down the said 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 Vallejo and the judicial measurement thereof;—

The portion of the above described premises of which confirmation is hereby made to said Otto H. Frank comprises all that part thereof which was conveyed to said Otto H. Frank by Herman Wehler by deed dated on the twenty-sixth day of March in the year Eighteen hundred and fifty two, and put on Record in the Recorder's Office in the County of Napa in Book B. pages 160 and 161, said premises being described as all the lands in

said Rancho which has not been before the date of said deed sold and conveyed by said Salvador Vallejo or the said Hermann Wehler by deed before that time duly recorded in the office of the Recorder of Napa County,— reference for further description of the premises hereby confirmed to be had to the said deed to said Frank, it being intended hereby to confirm his title to the lands within said Rancho of Napa as above described which passed to him under and by virtue of said deed and no more.

Alpheus Felch
R. Aug. Thompson
S. B. Farwell
} Commissioners

Filed in Office Aug 22' 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, it is hereby, Ordered, that two Transcripts of the proceedings and of the decision in this case, and of the papers & 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.

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. 649 on the Docket of the said Board, wherein Otto H. Frank is — the Claimant against the United States, for the place known by the name of "Part 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 December A. D. 1854, and of the Independence of the United States of America the seventy-ninth.

Geo: Fisher.

Sec.

Office of the Attorney General of the United States,

Washington, 7th March 1855.

Otto H. Frank
vs.
The United States. } 649.

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 30th day of December 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.

No. 149

U. S. D. Court N. D.

United States
vs.
Otto H. Frank

Appeal Notice.

Filed April 14, 1855,
by W. A. Cheves,
Deputy.

Office of the Attorney General of the United States,

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Washington, 7th March 1855.

Otto H. Frank
vs.
The United States. } 649.

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 30th day of December 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 149

U. S. D. Court N. Dist.

The United States

vs.

Otto H. Frank

Appeal Notice.

Filed May 5, 1855.

J. Chaves

Deputy.

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

The United States
Appellants
-Vs-
Otto H. Frank

No. 149.

The Petition of the United States by their Attorney respectfully: that this Cause is an Application for a review of the decision of the Board of Commissioners whereby the Claim of the said Appellee was Confirmed as appears by reference to the records in the Case.

That a transcript of the said Records was filed in this Court on the day of ; that a notice of Appeal was filed on the day of 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 & that this Court decree the said title to be invalid.

Respectfully &c.
A. Glassell
Asst U. S. Atty

District Court

No. 149

The United States
Appellants
vs
Otto H. Frank

Petition

Filed June 27, 1855.
by Chenes
Deputy.

A. Glassell
Asst. U. S. Atty.

District Court of the United States. Northern District of California

The United States
Appellants
vs
Otto H. Frank

No. 149 (L. C. Docket No. 649)

Otto H. Frank the Appellee and claimant in the above entitled cause in answer to the Petition therein filed avers and says that his title to the Land therein claimed is valid

He therefore prays that the decision of the Board of Land Commissioners be affirmed and the title of the said claimant be decreed to be valid

J. Clarke Atty.
for Claimant.

District Court

No. 149

The United States
Appellants

vs

Otto H. Frank

Answer.

Filed June 27, 1855,
by Chevers
Deputy

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J. Clarke Atty
for Claimant.

The United States
vs
Otto H. Frank

District Court of the United States, Northern District of California.

Stated Term Feby 23. 1857.

This cause coming on to be heard upon the transcript of the record therein before the Board of Commissioners for the ascertainment and settlement of Land titles in California, and upon the pleadings and evidence on file in this Court, and it appearing to the Court that said record was duly filed: argument of counsel on the part of claimants and of the United States having been heard, it is now finally adjudged and decreed that the decree of said Board confirming the claim of claimant, Otto H. Frank be and the same is hereby affirmed; and it is adjudged and decreed that the claim of said Otto H. Frank is a good and valid claim, and the same is hereby confirmed. The land of which confirmation is hereby made is a part of the place known as the Rancho of Napa, situate in Napa County, which was granted to Salvador Vallejo, which place is bounded and described as follows to wit,

Commencing on the Arroyo of Napa at the boundary of Nicolas Higuera, thence following a Southerly direction to the lower pass of the Arroyo de los Carneros, 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 South four thousand six hundred varas - thence continuing on the same course to the boundary of said South by estimation Ten Thousand six ~~[illegible]~~ varas; ~~thence continuing on the same course to the boundary of said South by estimation eleven Ten Thousand varas~~, thence bounds the North, North East Three Thousand two hundred and fifty varas to the River Napa - thence down the said River course South East to the Arroyo of Napa Eighteen 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 Vallejo, and the judicial measurement thereof.

The portion of the above described premises, of which confirmation is hereby made to said Otto H. Gamble comprises all that part thereof which was conveyed to said Otto H. Gamble by Herman Wahler by deed dated on the twentieth day of March in the year Eighteen Hundred and Fifty Two and recorded in the Recorders office in the County of Napa in Book B. pages 160 and 161, said premises being described as all the lands on said Rancho, which had not been before the date of said deed sold and conveyed by said Salvador Vallejo or the said Herman Wahler by deed before that time duly recorded in the office of the Recorder of Napa County; reference for further description of the

premises hereby conferred to be had to the said deed to said Gamble, it being intended hereby to confirm his Title to the lands within said Rancho of Napa as above described which passed to him under said by virtue of said Deed and no more,

Ogden Hoffman
U. S. Dist Judge

149.

U. S. Dist. Court.

The United States

vs

Otto H. Frank

Decree

Filed June 12. 1858.

W. H. Ahrens,

Clerk

149 ND

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California Land Claims
Attorney General's Office
9 Feby 1857.

Sir:

In the case of the claim of Otto H. Frank, confirmed to the claimant by the Commissioners, Case no. Six hundred and forty-nine (649), appeal will not be prosecuted by the United States.

I am,
Respectfully,
Cushing

Wm. Blanding Esq
U. S. Attorney
San Francisco.

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

The United States
vs
Otto H. Frank

D. C. 149 : L. C. 649

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

San Francisco, June ~~xx~~ 12th 1858

P. Della Torre
U. S. Atty.

J. Clarke
Atty for Claimant

149
649

U. S. District Court

The United States

v.

Otto H. Frank

Stipulation

Filed June 12. 1858,
W. H. Chenery,
Clerk.

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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 Saturday the 12th day of June in the year of our Lord one thousand eight hundred and fifty-~~seven~~ eight

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States
v
Otto H. Frank
} D. C. 149 : L. C. 649

The Attorney General of the United States having given notice that 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 Claimant have leave to proceed under the decree of this Court heretofore rendered in his favor, as under Final Decree.

Ogden Hoffman
U. S. Dist Judge

149

United States District Court, Northern District of California.

The United States

vs.

Otto H. Frank

ORDER.

Vac appeal
Final Decree

Filed June 12, 1858,

W. H. Chevers,

CLERK.

By

DEPUTY.

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

The United States
vs
Otto H. Brauck

N° 149. L. C. 149

The petition of Wm H. Sharp U. S. Attorney, for said District respectfully shows to your Honor, that the Survey of the land confirmed herein was approved by the Surveyor General of the United States for California on January 4th 1862; that the date of the first publication by said Surveyor General under the provisions of the 1st Section of the act of June 14th 1860 was February 18 1862 and that said survey is erroneous.

Wherefore Your Petitioner prays that an Order may issue in due form directing the said Surveyor General to return to this Court for examination and adjudication, his official survey of the land confirmed in this case.

Wm H. Sharp
U. S. Atty

United States District Court.

No 149

The United States

vs

Otto M. Franck

Petition

for

Return of Survey

Filed March 11. 1862.
W. H. Chenery.
Clerk.

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Wm M. Sharp
U. S. Atty.

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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 Tuesday the 11th day of March in the year of our Lord one thousand eight hundred and sixty two.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,

v.

Otto H. Franck

IN LAND CASES.

District Court No. 149

Land Com. No. 649

AND now at this day on application of Wm. H. Sharp Esq Attorney for the United States IT IS ORDERED, that the Surveyor General of the United States for California return into this Court, on or before Wednesday, the second day of April A. D. 1862, his Official Survey and Plat of the land finally confirmed in the above entitled cause, known as Napa (part) and situated in the County of Napa in said District; AND IT IS FURTHER ORDERED, that the United States Marshal for this District serve upon the said Surveyor General, without delay, a certified copy of this order, and make due return hereon.

{U. S. Marshal's Office,
{Northern Dist. of Cal.a

I hereby certify that I have served the within Order on the U. S. Surveyor General for Cal.a, by delivering a certified copy thereof to Edward Conway Esq. Chief Clerk in Surveyor Generals Office, on this the 11th day of March, 1862.

San Francisco,
March 11th, 1862}

Wm Rabe
U. S. Marshal
By David R. McKee
Deputy

No. 149

UNITED STATES DISTRICT COURT
Northern District of California.
IN LAND CASES.

THE UNITED STATES,
v.
Ots. H. Franck,

ORDER TO RETURN SURVEY.

Returnable April 2nd, 1862

Issued March 11, 1862

Filed March 11, 1862
M. H. Chaen
Clerk.

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United States of America,
Northern District of California.) ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,
To the Marshal of the United States for the Northern District of California,

GREETING:—

WHEREAS, objection has been made to the official survey and location of the land finally confirmed, in case No. 149, to Otto. H. Franck known as "Part of Napa", and situated in the County of Napa in said District.

NOW THEREFORE YOU ARE HEREBY COMMANDED, in the name of the President of the United States of America, to give due notice to all parties having, or claiming to have, an interest in such survey and location, that they be and appear before the District Court of the United States for said District, sitting in Land Cases, on or before Wednesday, the 2nd day of April A. D. 1862, at 11 o'clock, A. M. (if that day shall be a day of jurisdiction, and if not, on or before the next Wednesday thereafter,) then and there to intervene for the protection of such interest, or their defaults will be taken. And what you shall have done under this writ do you then and there make return thereon.

WITNESS, the Hon. OGDEN HOFFMAN, Judge of said Court, at San Francisco, in said District, this 10th day of March A. D., 1862

W. H. Chevers

CLERK.

The within Monition was received by me on Tuesday the 11th day of March, 1862, and in obedience thereto I have given due notice, as therein commanded, by causing the publication of said notice, for 4 consecutive Wednesdays, in the San Francisco Herald, commencing on the 12th day of March, 1862; and for 3 consecutive Saturdays, in the "Napa Reporter" a paper published nearest the land, commencing on the 15th day of March, 1862

Dated San Francisco, April 2d 1862

Wm Rabe
U. S. Marshal.

The Napa Reporter.

UNITED STATES OF AMERICA, } ss.
Northern District of California.

WHEREAS, objection has been made to the official survey and location of the land finally confirmed, in case No. 149, to Otto H. Franck, known as "Part of Napa," and situated in the County of Napa, in said District:

Now, therefore, in pursuance of the monition of the District Court of the United States for said District, to me directed and delivered, I do hereby give Public Notice to all parties having, or claiming to have, an interest in such survey and location, to be and appear before the said Court, sitting in Land Cases, on or before Wednesday, the 2d day of April, A. D. 1862, at 11 o'clock A. M. (if that day shall be a day of jurisdiction, and if not, on or before the next Wednesday thereafter,) and then and there to intervene for the protection of such interest, or their defaults will be taken.

Dated at San Francisco, in the District aforesaid, March 11th, 1862.

v6n36-4w. WM. RABE, U. S. Marshal.

No. 149.

UNITED STATES DISTRICT COURT,
Northern District of California.
IN LAND CASES.

THE UNITED STATES.

v.

Otto H. Franck,

MONITION.

Returnable April 2nd, 1862

Issued March 11th 1862

Filed April 2nd 1862

W. H. Chevers,
Clerk.

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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 Second day of April in the year of our Lord one thousand eight hundred and sixty-two.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,

v.

Otto A. Franck.

I. LAND CASES.

District Court No. 149.

Land Com. No. 649

AND NOW at this day the United States Marshal having made return upon the Monition heretofore issued in this cause, that he had given due notice as therein commanded; on motion of W. H. Sharp Attorney for the United States. proclamation was made that all parties having, or claiming to have, an interest in the survey and location of the land finally confirmed in the above entitled cause, appear and intervene for the protection of such interest;

W. H. Sharp, Esq. U. S. Atty, and John B. Williams, Esq. appeared in behalf of the United States. I. D. Bristol, Esq. appeared in behalf of Martin Norton, et al. Ad. Stanly, E. W. F. Sloan, and John Currey appeared in behalf of the Claimants, and on motion, it is ordered by the Court that they have twenty days to file exceptions to the survey. No other party appearing,

whereupon IT IS ORDERED, that the default of all parties not appearing as aforesaid be and the same is hereby entered.

No. 149.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

V.

Otto. H. Franck

ORDER ON RETURN OF MONITION.

Filed April 2nd. 1862

W. H. Chevers

Clerk.

U. S. Dist. Court.

The United States.

— vs —

Otto H. Franck.

Plat of Survey from
U. S. Sur. General.

Filed May 5. 1862.
W. H. Cheever,
Clerk.

U. S. District Court.

The United States
v.
Otto W. Franck } No 149.

And now come the United States by their Attorney Wm. H. Sharp and except to the official survey of the land confirmed in the above entitled cause, as shown by the certified copy plat of said survey, filed May 5. 1862.

And the United States avers —

That said ~~survey~~ plat is erroneous because it ~~it~~ does not show the exterior boundaries of the land alleged to have been granted to Salvador Vallejo, from whom claimants derives title.

That said survey is erroneous because it includes lands never granted by the Mexican government to Salvador Vallejo.

That said survey is erroneous because it is not in conformity with

the decree of confirmation.

That said survey is erroneous because it includes lands conveyed by Salvador Vallejo to other parties who have never presented their separate claims under the Act of March 3. 1851, and which tracts by law must be deemed public land of the United States.

That said survey is erroneous, because the area of land included by said survey, together with the tracts confirmed to other parties, and the tracts ~~never presented~~ conveyed as aforesaid the claims for which were never presented to the Board, far exceeds the quantity granted to Salvador Vallejo as alleged.

Wherefore the United States pray that said survey be rejected, and that such relief be given in the premises as right and justice shall demand.

San Francisco May 9. 1862

Wm. H. Shark
U. S. Atty.

149

U. S. District Court

The United States

v.

Otto H. Pronck

Exceptions by U. S.
to official survey.

Filed May 14. 1862,
W. D. Chevers,
Clk

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

The United States
vs
Otto H. Frank

To the Honorable Ogden Hoffman Judge of said Court

Your petitioner Robert B. Woodward respectfully represents and shews, that he is interested in the land embraced in the above entitled action being the owner of a portion thereof derived by conveyance from the said Otto H. Frank.

Wherefore he prays to be allowed to intervene herein for the protection of his rights

Alfred A Cohen
Atty for R B Woodward

Notice & Affidavit waived & said Woodward allowed to intervene by consent –
Wm H. Sharp
U S. Atty.

On reading the above application of Robert B.

149.

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

The United States
vs
Otto H. Frank

Petition of Robert B. Woodward to be allowed to intervene & order allowing same.

A. A. Cohen
Atty for Woodward

Filed August 26. 1863,
W. H. Chevers,
Clerk

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Woodward and the consent of W. Hollaway by District Attorney of the United States who replied that he and Woodward be allowed to intervene in this cause ~~on~~ by Court Thereof

Dated August 26 1863

Otto H. Frank
District Judge

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

The United States
vs
Otto H. Frank
Robert B Woodward Intervenor

Now comes the said Robert B Woodward and excepts to the Official survey filed herein because the same does not conform to the decree of this Court made and entered in this cause

Alfred A Cohen
Atty for Intervenor
R B Woodward

149.

In the District Court of the United States, Northern District of California.

The United States

vs

Otto H. Frank

~~and~~ Robert B. Woodward

Intervenor

Exceptions to survey

A. A. Cohen

Atty for Intervenor

R. B. Woodward

Filed Sept. 18. 1863.

W. H. Chesney

Clerk

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

The United States
vs
Otto H. Frank

No: 149.

To the Honorable Ogden Hoffman Judge of the United States District Court

The petition of George Lum Ira St. Gibbs Isaac Lankershim and Dwight Spencer respectfully represents to your Honor that a survey has been made by the United States Surveyor General of the State of California of the lands confirmed by this Court to Otto H. Frank, and that upon the return of said survey notice was given that all persons interested therein should appear and present their objections if any thereto and thereafter the time limited for such appearance having expired an order of this Court was made and entered directing that the default of all persons not appearing should be entered and on the 2nd day of April 1862 the default so ordered was entered against the Petitioners who had not appeared and intervened.

And your petitioners further represent that on the 23rd day of June 1858 Otto H. Frank to whom the said confirmation of the Napa Ranch was made

by this Court, conveyed to one John Grigsby a piece of land part of the Napa Rancho and within the limits of the land so confirmed, and described as follows. All of that certain tract of land situate in Yount Township in the County of Napa in the State of California known described and bounded as follows to wit. Beginning at the centre of Napa River at a point where Yount's Southern boundary line crosses the same and running thence Westwardly with said Yount's boundary line to the centre of the County Road as it now exists – thence running Southerly in the centre of said Road to the North Western corner of land now belonging to Josiah Trubody, thence with the Northern line of said Trubody Eastwardly to Napa River, thence up said River following the meanders thereof to the place of beginning containing about nine hundred and sixty acres of land. Together with all rights privileges and uses arising from the confirmation of the claim of said Frank by the Government of the United States And that the petitioners George Lewis W. H. Gibbs and Isaac Lankershim have since acquired and now hold the said premises by purchase from said John Grigsby. And that on the 15th Day of July 1859 the said Otto H Frank conveyed to the petitioner Dwight Spencer a piece of land part of the Napa Rancho and within the limits of

the land so confirmed by this Court to said Otto H Frank, which said piece of land is described as follows to wit. All that certain tract of land situate in Napa Township and County in the State of California known described and bounded as follows to wit Lots forty forty one and fractional Lots forty nine and fifty of the Pueblo de Salvador, a part of the Napa grant formerly belonging to Salvador Vallejo said lots containing one hundred and sixty acres more or less, and bounded on the South by Napa Creek On the North by the County Road leading by the land of Hannah McCoombs, On the East by the County Road and lands belonging to C. Hartson, and On the West by lands belonging to Nathan Coombs. Said tract being about one half mile North West of Napa City of said County and State.

And your petitioners further represent that the said tract of land so owned by them and derived from said Otto H. Frank by conveyance as aforesaid was improperly omitted from the said survey of the land so confirmed to Otto H. Frank, and that the petitioners neglected at the proper time to appear and depose to said survey on account of such omission, and thus defaults were duly entered, That by reason of the premises they are interested in the location of said land and in the correctness of said survey, that proceedings for the

approval of said survey and the confirmation thereof have not yet been finally had, and the petitioners have such an interest in such proceedings as entitle them to intervene for their protection, and cannot do so unless the said default against them be vacated and the permission of this Court be given for them to appear and intervene.

Therefore your petitioners pray that the default against them may be set aside and that they may be permitted to appear in the further proceedings respecting the survey and location aforesaid and to make their depositions thereto, and that they may have such other or further relief in the premises as to this Court may seem fit and proper.

E. W. Smith
Atty: for Petitioners

We hereby waive notice and affidavit and consent that the petitioners default may be vacated and the petitioners George Lewis W. H. Gillis Isaac Sanderlin and Dwight Spencer be permitted to appear in the further proceedings respecting the survey and location of the land confirmed to Otto H. Frank

Jeremiah Clarke
Atty for Petr.

R. F. Morrison
Acting U. S. Atty

In the United States District Court for the District of California

No. 149

The United States
vs
Otto H. Frank 422 Batt

Petition for Order vacating default

Filed January 6, 1868
Geo Dewhitney
Clk
By Greene
Dep

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In the United States District Court for the State of California

The United States
vs
Otto H. Frank
No: 149.

Upon reading and filing the petition of George Simon W. H. Gibbs Isaac Lankershim and Dwight Spencer praying to have their default herein vacated and the written consent of Counsel for the United States and the confirmee O H Frank on motion of P Stanley attorney for petitioners It is hereby ordered that the default herein entered be vacated as to the petitioners aforesaid and that they have leave to appear as parties and interpose objections to the survey and location of the land confirmed in the further proceedings respecting the same

Ogden Hoffman
Dist Judge

In the United States District Court for the District of California

The United States
vs
Otto H. Frank

Order vacating Default

Filed & Ent
Janry 6th 1868
Geo Pomeroy
Clk
by Grace
Dep

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

The United States vs Otto H. Frank } Petition of Intervention and exception to Survey

Now Comes Elijah D. Sawyer intervening in the above entitled action for the sole purpose of making this his exception to the official survey heretofore filed in said Cause in this Honorable Court, and for Cause of exception to said Survey and exception thereto states:- That the said Elijah D. Sawyer is the owner in fee of the following described lot of land or farm situate in the County of Napa of the State of California viz: Commencing at a tree marked on its side "T" said tree being an oak about two feet in diameter standing on the South side of Napa Creek and near

its banks, thence running in a straight line to land formerly owned by John E. Brown and Nathan Combs so as to strike it at its northern corner, thence running up the said Napa Creek to where the Western line of Grishus land intersects said Napa Creek, thence up said Napa Creek to said oak tree and containing one hundred acres more or less - That said Sawyer derived his title to said land from said Otto H. Frank by mesne conveyances - That said land has been by the government of the said United States and the decree of this Hon. Court fully confirmed to said Frank - That the official survey heretofore made of said land confirmed to said Frank does not include the aforesaid described land of said Sawyer - That the land of said Sawyer is located near the center of the original Spanish grant to one Vallejo from whom said Frank derived his title - Wherefore

said Sawyer prays that said survey made be set aside by the order of this Hon. Court, that a new survey by the Government be ordered & the farm of this intervenor be included therein and such other & further relief as may be proper.—

Elijah D. Sawyer
By E. D. Sawyer his Atty.—

City & County of San Francisco ss.
E. D. Sawyer being duly sworn deposes & says—that he has read the foregoing petition & knows the contents thereof, that the same is true.— That the reason deponent makes this final is that he has the abstract of title to said land, several of the mesne conveyances & is a resident of this City & County while said Elijah D. Sawyer resides on said farm in Napa County.—

Sworn & subscribed to before me this 10th day of February A. D. 1868

E. D. Sawyer

C. C. Dwinelle
Judge 12th Dist Court.—

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

The United States
vs
Otto H. Grant
et al

Excepting of Elijah D. Sawyer to the Survey —
et al

Due service received & copy waived Feb-10th 1868 —

J. Clark
Atty for Claimt

R. F. Morrison
Acting U. S. Atty

Filed July 10th 1868
Geo Cushing
Clk

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

The United States
vs
O. H. Frank

No 149

Now come George Lima W. H. Gibbs Isaac Lankershim and Dwight Spencer by their Attorney and file this their protest against the survey of the United States Surveyor General of the land herein confirmed to Otto H. Frank and show to this Court that the petitioners George Lima W. H. Gibbs and Isaac Lankershim are the owners of separate portions of the following described tract of land to wit

All that certain tract of land situate in Yount Township in the County of Napa in the State of California known described and bounded as follows to wit. Beginning at the centre of Napa River at a point where Yount's Southern boundary line crosses the same and running thence Westwardly with said Yount's boundary line to the centre of the County Road as it now exists, thence running Southerly in the centre of said road to the North Western corner of land now belonging to Josiah True-

body, thence with the Northern line of said Tomkody Eastwardly to Napa River, thence up said River following the meanders thereof to the place of beginning containing about nine hundred and sixty acres of land

That the petitioners derive title to the said premises thereof severally owned by them from one John Grigsby.

That on the 23rd Day of June 1858 Otto H. Frank the confirmee herein conveyed the said tract of land (being a portion of the land confirmed by this Court to said Frank by the decree of this Court) to said John Grigsby the predecessor in interest of the said petitioners

And your petitioners further show that the other petitioner Dwight Spencer is the owner of another tract of land being a portion of the land confirmed by O. H. Frank by the decree of this Court and described as follows

All that certain piece of land situated in Napa Township and County in the State of California known described and bounded as follows to wit Lots forty and forty one and fractional Lots forty nine and fifty of the Pueblo de Salvador a part of the Napa Grant formerly belonging to Salvador Vallejo said Lots containing one hundred and sixty

acres more or less and bounded on the South by Napa Creek on the North by the County Road leading by the lands of Hannah McCoombs, On the East by the County Road and lands belonging to C. Hutson and on the West by lands belonging to Nathan Coombs said tract being about one half mile North West of Napa City County and State aforesaid.

That said tract was conveyed to Dwight Spencer by Otto H. Frank on the 15th Day of July 1859.

That the petitioners derive title to the said parcel of land from Otto H. Frank that the same are embraced within the land confirmed to said Frank by the decree of this Court and have been improperly left out of the survey of the land so confirmed to said Frank

Wherefore your petitioners pray that the said survey be not approved and confirmed and that a new survey may be ordered and that the said new survey may be made to embrace the said portions of land so derived by your petitioners from the said Otto H. Frank

Edw Stanly for Pets.

C. Hutson & J. P. Storey by E.S.

No. 149

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

The United States

vs

O. H. Frank

Objections to Survey by George Linn et al

Exceptions to Survey

Filed July 29 1868

Geo W Whitney
Clk
By Breare
DC

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149.

United States District Court

District California

United States
vs.
Otto A. Frank

Deposition of Judge E. D. Sawyer taken on behalf of Elijah D. Sawyer, Intervenor, before U. S. Comr. A. D. Smith - Mch 30/1868

To the Clerk of the United States District Court District of California

Filed April 2/1868
Geo. E. Whittemore Clk.
by A. D. Smith D.C.

I agree that this deposition
may be opened –

Delos Lake
U. S. Atty

I agree also

Edw Smith
Atty for Dfts.

A D Watts
U.S. Counsel

1 pg no.
per
Mr. Calbreth

1

In the District Court of the United States,

FOR THE ~~NORTHERN~~ DISTRICT OF CALIFORNIA.

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The United States,

vs.

Otto A. Frank

IN LAND CASES.

Dist. Court, No. 149

Land Com., No. 649

BE IT REMEMBERED, that on this 30th day of March A. D. 1868, at San Francisco in the District aforesaid, before me ~~DANIEL T. SULLIVAN~~, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Cougress in that behalf, personally appeared Ebenezer D. Sawyer a witness produced in behalf of Elijah D. Sawyer Intervenor in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows:

A. D. Smith

PRESENT: R. F. Morrison Esq. Acting United States Attorney for said District

~~QUESTIONS IN BEHALF OF THE~~

~~Question 1st,~~

My name is Ebenezer D. Sawyer - I am forty two years of age - I reside in San Francisco - I am Judge of the Fourth Judicial District of the State of California -

(Witness produced and offered in evidence, documents as follows:)

Deed - Otto H. Frank to Francis Kance and Frdk Seguist - dated July 17-1857: acknowledged July 20. 1857 before F. I. Thibault Notary Public City and County of San Francisco Calª: Recorded in Book D. of Deeds. pp. 206-207 Napa County Calª
For identification marked
"Exhibit A. A.D.S. Mch. 30. '68."

Deed - (Certified Copy)
F. Seguist and wife to F. Kance, dated March. 15. 1861. : acknowledged March 15. 1861. before G.W. Towle. Notary Public Napa County. Calª: recorded Liber G of Deeds. pp. 27 2. Records of Napa County. Calª
For identification. marked
"Exhibit B. A.D.S. Mch 30 1868"

Deed. Francis Kance and wife to Mrs. Louisa Stinson - dated December 13th 1862: acknowledged December 15. 1862. before F. I. Thibault, Notary Public - City and County of San Francisco. State of California. Recorded in Liber "H" of Deeds - pp - 10-11 - Records Napa County Calª For identification marked
"Exhibit C. A.D.S. Mch 30 1868"

Deed — Louisa Stinson and Francis Kance to Elijah D. Sawyer. Dated Nov. 11, 1864; acknowledged Nov. 12/1864, before J.W. McKenzie Notary Public - City and County of San Francisco - Calᵃ: recorded, Napa Co. Calᵃ records Book I of Deeds - pp - 103 - 104,

for identification, marked "Exhibit D. ADJ. Mch 30. 1868"

Deed - (Certified Copy) N. Wohlers to Otto A. Frank - dated March 20/1852; acknowledged, March 23/1852, before Emil Indge - Notary Public - County of San Francisco - Calᵃ: recorded in Liber "B" of Deeds page 160 &c. Napa County Records,

for identification, marked "Exhibit E. ADJ. Mch 30 1868"

I know the tract of land claimed by the Intervenor, Elijah D. Sawyer: he resides on the land and has since the date of his deed - being November 11/1864.

He has the land all under fence and under cultivation, and resides on it with his family; and is the same as is described in Exhibit "D" It is situate in a bend of Napa

Creek, and within the land claimed to be

Creek, and within the land confirmed to Otto N. Frank, and located on a map filed among the papers of this case and marked — "Plan of a part of the old Napa Rancho in Napa County" — "No 649 - Otto N. Frank - Part of Napa - Exhibit No. 1. A. - Filed in Office Sept. 14. 1853 Geo. Fisher, Sey."

(Map or Plan last referred to offered in evidence)

It is bounded on said map as follows on the Northerly, Easterly and Westerly by Napa Creek and on the Southerly by the land of J. E. Brown.

This land, among others, was confirmed to Otto N. Frank by Decree of the District Court, on the 12th day of June, 1858, and is within the boundaries of said Decree.

Said tract, so claimed by Elijah D. Sawyer is about One hundred and one acres in extent.

E. D. Sawyer

Subscribed and Sworn to before me this 30th day of March 1888

A. W. Smith

Com. U.S. Courts
Dist. Calif.

United States of America }
District of California } ss.

I, A. B. Smith, United States Commissioner, as herein before recited, do hereby certify that the foregoing testimony was reduced to writing in the presence of the said witness, Ebenezer D. Sawyer, and signed by him in my presence.

Witness my hand and seal this 30th March A.D. 1888.

A. B. Smith
Comr. U.S. Courts
Dist. Calif.

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U.S. Dist. Court
Dist. Calᵃ

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United States
v.
Otto N. Frank

E.D. Sawyer
Interveno

Deposition of
Judge E.D. Sawyer
in behalf of Intervenor

Opened by consent of
parties and filed
this 26ᵗʰ June 1868
Azro E. Whitney
Clk
By H. H. Lardner
D.C.

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

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Otto H. Frank

VS.

United States

No.....

Be it Remembered, that on this 26th day of June A. D. 18 68 at my office in the ~~United~~ States Court Building, in the city of San Francisco, personally appeared before me George E. Whiting a Commissioner, to take acknowledgment of Bail and Affidavits, etc., duly appointed by the Circuit Court of the United States, for the District of California, ~~a witness on the behalf of the in the above entitled suit~~.

C. Hudson Esq Esq., appeared as attorney for the Claimant and R. P. Morrison Esq., as atty for the United States

~~And the said Witness, having been by me first cautioned and sworn, to testify to~~ the truth, the whole truth, and nothing but the truth, in the cause aforesaid, did thereupon depose and say as follows, that is to say:

Examination in chief by _____

Question:—What is your name, age, occupation, and place of residence?

Answer:—My name is _____; my age is ____ years and upwards; my occupation is _____; and my place of residence _____

The attorney for Claimant offered in Evidence

First: Deed from Otto A Frank to Dwight Spencer dated 15th July 1859. Marked "Exhibit T.E.C. No 1."

Second: Otto A Frank to John Grigoby, Copy deed — dated 13th June 1850. Marked "Exhibit T.E.C No 2"

Third: Certified copy deed from ~~Otto A Frank to John Grigoby~~ Muhala Grigoby & John Grigoby, dated August 20, 1856. Marked "Exhibit T.E.C. No. 3"

Fourth: - Certified deed from John Grigoby to William N. Seawell, dated 15th day of September 1860, Marked Exhibit T.E.C No 4

Fifth: - Certified Copy deed from William N. Seawell to John A Seawell dated January 29, 1860, marked Exhibit No 5 T.E.C.

Sixth:- Certified Copy deed John H Seawell to Jesse Grigsby, dated 9th October, 1862, marked "Exhibit, L.E.C. No. 6."

Seventh Certified Copy deed Jesse Grigsby to John Lawley dated October 26th 1863, marked "Exhibit L.E.C. No 7."

Eighth: Certified Copy deed John Lawley to Isaac Lanker him and George Lane dated first September 1864, marked "Exhibit L.E.C. No 8."

Ninth: Certified Copy of deed from John Grigsby and wife Caloin L. James dated 20th October, 1858 marked "Exhibit L.E.C. No. 9."

Tenth: Certified Copy of deed from Caloin L. James by Charles H. Allen, Sheriff, to J. H. Bostwick dated 23rd December 1862 marked Exhibit L.E.C. No. 10,

Eleventh:— Certified Copy of deed from Jesse Grigsby, Administrator &c to Isaac Lankershim & George Lane, dated 18th day of October 1864 marked Exhibit J.E.O. No. 11.

Twelfth:— Deed from J. H. Bostwick to William H. Gibbs, dated 25th day of June 1864, and marked Exhibit J.E.O. No. 12.

Thirteenth. Power of attorney from Otto H. Frank to C. Harlson, dated the 26th day of May, 1858, and marked Exhibit J.E.O. No 13.

No further evidence was offered

Geo. E. Whitney
Com'r U.S. Courts
District of California

U.S. District Court

Otto H. Frank

— vs. —

The United States

Documentary testimony

Filed 30 June 1868
Geo. E. Whitney
Clerk

Due 2.00

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

United States
vs
Otto H. Franck } No: 149.

In the matter of
the Survey and location of the Rancho de
Napa.

This cause coming on this day to be heard, has argued by Counsel and thereupon the attorneys for the interveners and the city attorney being present and no one objecting thereto and in consideration thereof it is ordered, adjudged and decreed, that the official Survey herein filed under the order of this Court be modified so as to include therein the following described tract of land: Viz:

A tract of land, Beginning at a post F. 21. established in the Survey executed by C.C. Tracy, October 1858, for the part of Rancho de Napa, confirmed to Otto H. Franck, et al, and numbered as tract No: 4, thence with the meanders of a small creek, North 49° 30' East, 2.00 chains: thence North 27° 30' East, 3.50 chains: thence North 48° 45' East 4 chains: thence North 69° East 6.60 chains; thence North 71 East, 14.31. chains: thence South 70° 15' East, 6.96 chains: thence

North 78° 30' East, 6.25 chains, to an oak tree, marked "B." standing on the small branch; — thence South 12° 15' East 15.09 chains: thence North 67½ degrees East, 47.06 chains: thence North 33°45' West 9.74 chains: thence North 67½° East 31.33 chains, to the centre of the County road: thence North 22½° West, along said road 81.11. chains: thence South 67° 30' West, 40 chains: thence North 22½° ~~West~~ ~~West~~, 40 chains to Post F. 16, of the said Tracy survey: thence with said survey South 67½° West 88.50 chains thence South 41¼ East 7.50 chains: thence South 22¼° East 11.00 chains thence South 38¼° East 10.50 chains: thence South 43¾° East, 7.50 chains: thence South 66¾° East 13.00. chains: thence South 84° East 6.00 chains: thence South 62° East 13.50 chains thence South 42° East 1.69 chains: thence South 82° West 78 chains: thence South 25½° East 57.40 chains: then South 85½° East 38.00 chains: to the place of Beginning: being the lands conveyed, by the said Otto H. Franck, or his assignees to Robert B. Woodward.

—

Also a tract Beginning at a tree marked on its side I. said tree being an oak, about two feet in diameter and standing

on the South side of Napa creek, and near its bank, and running thence, in a straight line to John E. Brown's, and Nathan Coombs tract of land so as to strike it, at its North Western Corner, and running thence up said Napa Creek to where the Western line of Frye and Lamoreux tract, intersects the said Napa Creek, thence on said Freyes & Lamoreux Western line to Frazers Southern line: thence on said Frazers Southern line and continuing in the same direction, until it strikes Napa Creek again. thence down said Napa Creek to the place of Beginning, containing Seven hundred acres more or less; less fifty acres belonging to S. Mount.

=

Also a tract, described as follows - viz: Lots forty, and forty one and fractional lots, forty nine and fifty of the Pueblo de Salvado, a part of the Napa grant formerly belonging to Salvador Vallejo, said lots containing one hundred and Sixty acres, more or less, and bounded on the South by Napa creek, on the North by the County road leading to the lands of Hannah Mc Coombs; on the East by the County road, and lands belonging to C. Harrison, ~~and~~ on the West, by lands belonging Nathan Mc Coombs, said tract

being, about one half mile North-West of Napa City.

Also a tract, Beginning at the centre of Napa River, at a point where the Southern boundary line of the Caymus grant crosses the same, thence South 45°. 20' West along said grant-line, 80.50 chains, to the centre of the county road: thence South 29°. 30' East 126.70 chains along said road, to the North West corner of Josiah Truelody's land: thence North 45°. 20' East along said Truelody's Northern line 53 chains to the centre of Napa river: thence up the centre of the same to the place of Beginning, containing about, nine hundred and sixty acres of land.

And it is ordered that the Surveyor General of the United States, for the State of California cause said modifications to be made without delay, and return the said modified Survey into this court as soon as practicable for approval.

Ogden Hoffman
Dist Judge

No: 149

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

United States
vs
Otto A. Rancke

Filed January 11th 1869
Geo. C. Whitney Clerk
By A. W. Grimwood
Deputy Clerk

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Entered Book 1. Judgments & Decrees page 278.

U. S. Surveyor General's Office
San Francisco 10th February 1871

Hon. Ogden Hoffman
Judge District Court of the United States
for the District of California.

Sir:

I have the honor to transmit herewith, certified traced copy of the plat of the Rancho de Napa, Otto A. Frank confirmee.

Very respectfully
Your Obedient Servant
Sherman Day
U. S. Surveyor General
for California.

149

United States District Court
District of California

The United States

vs

Otto H. Frank.
Claimant for part of Rancho
de Napa

Letter of Surveyor General
U.S. for California. transmitting
traced copy of plat of
Rancho de Napa.
Otto H. Frank
Confirmee.

Filed February 10th 1871
Edwd B Cotter Clerk
By A D Grimwood Jr D.C.

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

The United States
vs
Otto H. Frank,
and intervenors
Robert B. Woodward
et als.

In the matter of the Survey and Location of that part of the Rancho Napa claimed by Otto H. Frank.

This cause coming on this day again to be heard, and it appearing to the Court that a duly certified copy of the plat of the modified survey, heretofore ordered by this Court in its decree of the 11th day of January, 1869, has been returned into this Court by the Surveyor General of the United States for the State of California and filed herein on the 10th day of February, 1871: and it further appearing that no exceptions have been filed to said modified survey, Now Therefore, upon motion of Chancellor Hartson and C. D. Sawyer of counsel for claimants, L. D. Latimer, United States Attorney, being present and consenting thereto, It is ordered, adjudged and decreed, and this Court doth hereby order, adjudge and decree, that the said modified survey so filed as aforesaid be and

the same is hereby approved and confirmed as a correct and final survey of the lands confirmed to the said Otto H. Frank, and now owned by him or those claiming under him and intervenors in this cause.

The survey hereby confirmed is the same which was approved by Sherman Day, Surveyor General of the United States for the State of California, on the 7th day of February, 1871, containing Eleven Thousand Nine Hundred and Forty-three and fourteen-hundredths <11943 14/100> acres of land, a duly certified copy of the plat whereof was filed in the Clerk's Office of this Court as aforesaid on the 10th day of February, 1871, and which is hereunto attached as a part of this decree and marked "approved May 3. 1871 Ogden Hoffman, U.S. Dist. Judge"

Ogden Hoffman
U. S. Dist Judge

149. N. D.
649 Gd.

United States District
Court, District of California

The United States
-vs-
Otto H. Frank, and
intervenors
Robert B. Woodward et al

Decree confirming Survey

Filed May 3d AD 1871
Edwd B Cotter Clerk
By A D Grimwood
Jr D C

Entered in Bk 1. Judgments
& Decrees p 421

Otto H. Frank
To
John Grigsby

This Indenture made the twenty third day of June in the year of our Lord one Thousand Eight hundred and fifty-Eight Between Otto H. Frank by C. Barstow his Attorney, residents of the State of California party of the first part and John Grigsby of the County of Napa in said State party of the second part Witnesseth, That the said party of the first part, for and in Consideration of the sum of One Hundred (100) Dollars lawful money of the United States of America to him in hand paid by the said party of the second part, at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, have remised, released and quit-claimed and by these presents do remise, release and quit-claim unto the said party of the second part and to his heirs and assigns forever, All of that certain tract of land situate in Yountville Township in the County of Napa in the State of California, known described and bounded as follows, to wit: Beginning at the Center of

Napa River at a point where Yount's Southern boundary line crosses the same and running thence Westwardly with said Younts Boundary line to the Center of the County Road as it now Exists, thence Running Southerly in the center of said Road to the North western Corner of land now belonging to Josiah Truebody thence with the Northern line of said Truebody Eastwardly to Napa River thence up said River following the meanders thereof to the place of beginning Containing about 960 acres of Land. Together with all rights, privileges and uses arising from the Confirmation of the Claim of said Frank by the Government of the United States, And together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining and the reversion and reversions, remainder and remainders rents, issues and profits thereof. And, also all the Estate, right, title, interest, property possession claim and demand whatsoever as well in Law as in Equity of the said part of the first part, of, in or to the above described premises and every Part and parcel thereof with the appurtenances. To Have & to Hold

all and singular the above mentioned & described premises together with the appurtenances unto the said party of the second part, his heirs and assigns forever

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

Signed Sealed & delivered in presence of Em A. L'Hemeaurel, G. W. Towle

Otto H. Frank (Seal)
By his Attorney & Agent
C. Hartson (Seal)

State of California } ss
County of Napa } On this Twenty-fourth day of June A.D. One Thousand Eight hundred and Fifty Eight, before me G. W. Towle, a Notary Public in & for said County, personally appeared C. Hartson personally known to me to be the same person described in and who executed by Power of Attorney from Otto H. Frank, named in the annexed Instrument as a party thereto and therein described as the party Executing the same by his said Attorney. And the said C. Hartson acknowledged to me that he executed the same freely and voluntarily, & and for the act and

ded of the said Otto H. Frank and for the uses and purposes therein mentioned

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

(Seal)

G. H. Towle
Notary Public

A true Copy of an Original Recorded at request of John Irigeby, June 24th 1858 at 10 O'clock A.M. The word "Same" inserted by me

Robert Crouch Recorder
By D. Chord Deputy Recorder

State of California
County of Napa } I, J. H. Howland County Recorder in & for said County, do hereby certify that the above is a true full and correct Copy of the foregoing instrument as the same now appears in Book "E" of Deeds pages 74 & 75 Records of Napa County, Now in My Office

Attest My hand & Seal this 15th Nov A.D. 1864

J. H. Howland Co Recorder
By E. S. Pennell Dpt

Isaac Lambertson
George Lane
W. H. Gibbs

Copy of Deed

Exhibit C.E.O. No 2

Otto H. Frank

To

John Grigsby

Dated June 23 1858

Dwight Spencer
William Edgington

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Decree

In the district Court — In Equity

Mahala Bigsby }
vs } Before Hon E W McKinstry Judge
John Bigsby } August 20th AD 1856

This Cause being submitted on the pleadings stipulation of the parties and special verdict of the Jury. Unhandled and sworn to find special issues to them submitted. The Court finds as facts — That the parties were married in the State of Missouri on the 14th day of July AD 1842. That the parties have been residents of this State for more than six years.

That the said John Bigsby committed adultery with one Isabel Yates in the month of October AD 1855 in said County of Nuha without the consent, connivance privity or procurement of the plaintiff Mahala Bigsby. That six Children have been born unto the said parties since their marriage. That there is a large amount of common property both real and personal belonging to them capable of a division. That the common property consists of the following Real Estate in all six hundred and sixty acres of land, lying and being

in Yomt Township in Saha County and known and described as bounded on the Northern side one mile by Yomets land, on the East by Saha River and on the South by lands belonging to Jesse Whitton and on the West by the County Road and lands now or formerly belonging to Jed Harbin, being the same place in which the parties to this action have heretofore resided.

Also that the common property consists of the following personal property to wit, about Three Hundred and fifty head of grown Cattle, and one hundred and fifty head of calves, Thirty head of horses, fifty head of hogs grown and some pigs, Fifteen hundred bushels of wheat and five hundred bushels of barley, Carriage, farm wagon and farming utensils and tools, Household furniture and provisions and three yoke of work oxen.

And the Court further finds that the said Real and personal property may be divided without loss or injury, and that the

following is a just and equal division of the Real Estate that is, That the Northern & Southern halves 330 Acres of land each seperated by a division line commencing on the Western limit of said land at the County Road and running Easterly to the Napa River in a line parallel to the Northern line of the entire tract of 660 Acres, would be a just and equal division of said Real Estate —

And that it would be just and equal to divide the personal property into two parts, as follows, one part to consist of all the Grain 2000 bushels, all of the household furniture and provisions, the Carriage ~~the Carriage~~ wagon and all the farming utensils & tools, all of the swine, three Yoke of work oxen, thirteen head of horses, and one hundred head of select Cows, and the other part of said common personal property, to consist of the remainder of the entire personal property enumerated above, and that the foregoing would be fair and just and equal divisions of the Common property of said parties —

Wherefore it is ordered adjudged and decreed by the Court that the marriage between the said Plaintiff Mahala Brigsby and the said defendant John Brigsby, be dissolved and the same is hereby dissolved accordingly And the said parties are, and each of them is freed from the obligations thereof -
And it is further, ordered, adjudged and decreed, That it shall be lawful for the Plaintiff Mahala Brigsby to marry again in the same manner as though the deft John Brigsby were actually dead.
And it is further ordered, adjudged and decreed that the Plaintiff shall have the Care Custody and Guardianship of her said six Children, until they arrive at the age of maturity and the said John Brigsby shall not -
And it is further ordered adjudged and decreed that the Common property aforesaid belonging to Plaintiff and defendant be divided and apportioned as follows, The aforesaid tract of land of six hundred and sixty acres shall be divided into two equal portions of three hundred and thirty acres each

by a line running from the County Road on the western limit of said land, Easterly to Napa River in a line parallel to the North line of said tract the same being the Southern line of the Ranch of Horse Canyon so as to leave one half of said tract of 660 acres above and one half below said line extending as aforesaid Easterly through the same. And that the lower and Southern half of said land the portion of 330 acres adjoining the lands of Jesse Whitton be set apart for, and the same is hereby set apart, for & as the sole and seperate property of the Plaintiff Mahala Grigsby, and that the other the Northern half of said tract of land be set apart for and as the sole and seperate property of the defendant John Grigsby. And that the two portions of the Real Estate above named and discribed, are and henceforth shall be the sole and seperate property of the Plaintiff and Defendant respectively as above divided and apportioned, and that this Decree do operate and be fully and effectually a transfer and

Conveyance of all the interests of the Plaintiff to the defendant in that portion of land hereby assigned and apportioned to the Defendant, and also of all the right, title, and interest of the Defendant John Brigsby to the Plaintiff in the aforesaid portion herein set apart for and as her sole and seperate property —

And it is further ordered adjudged and decreed that the personal and common property of said parties, be divided and apportioned as follows, one portion to consist of all the Grain Two thousand bushels, all of the household furniture, and provisions for the family, the Carriage wagon and farming utensils and tools, all of the swine the three yoke of oxen thirteen (13) head of horses, and one hundred head of select Cows, The other portion to consist of seventeen head of horses, and the balance or remaining portion of the Cattle after the selection of one hundred head of Cows as aforesaid.

It is further ordered, adjudged and decreed that the portion of property last above enumerated be set apart for and as the sole

and seperate property of the defendant John Brigsby.

And that the portion of property enumerated next before that last above referred to, to wit; the portion containing among other things the gum be the sole and seperate property of the plaintiff Mahala Brigsby, and that the plaintiff and defendant each have and hold seperately and in their own individual right respectively the portions of property herein assigned and set off to them respectively, and that this decree operate so as to vest in the said Mahala Brigsby the exclusive right and ownership of the portions of both real and personal estate herein assigned to her and also to divest the said John Brigsby of any right, title, and interest now and forever in the property assigned to plaintiff as aforesaid, and also to divest the said Mahala Brigsby of all right, title and interest in the property herein apportioned to the said John Brigsby forever

E. N. McKinstry
Dist Judge

(Endorsed) Filed Aug 22d 1856
A J Watson Clerk
By R Blanch Dep Clerk

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State of California }
County of Napa } ss

I J M Carrick Carter County Clerk of Napa County & Ex officio Clerk of the Dist Court of the 10th Judicial dist in and for said County do hereby Certify the foregoing to be a full, true, and Correct Copy of the original Decree in the Case of Mahala Higsby vs John Higsby as the same appears on file in my office

In witness whereof I have hereunto set my hand and affixed the seal of the said Court this 17th day of Nov A D 1864

J M Carrick Carter Clerk

In 7th Dist Court

Mahala Grigsby

vs No

John Grigsby

Complaints Equity

Certified Copy 15 fl $3.50

John Grigsby
to
Wm. N. Seawell

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This Indenture, Made the fif=
=teenth day of September in
the year of our Lord one
thousand, Eight hundred and sixty, Between John
Grigsby of the County of Napa and State of California
party of the first part and William N. Seawell
of said County and State party of the second part,
Witnesseth, That the said party of the first part for
and in Consideration of the sum of Fifteen thousand
six hundred & sixty Dollars ($15660.00) Dollars
lawful money of the United States of America to
him in hand paid, the receipt whereof is hereby ac=
=knowledged, has granted, bargained, sold, remised
conveyed and quit=claimed, and by these presents
does grant, bargain, sell, remise convey & quit=claim
unto the said party of the second part and to his
heirs and assigns forever, The following described
real Estate, situate, lying and being in the County of
Napa and State of California, and now in the pos=
=session of the party of the first part, and described
as follows, to wit: Beginning at a Stake in the South
line of Younts Grant at the North East corner of
N. R. Mathews land and running thence N. 45° 20'
E. with Younts line sixty (60) chains, thirty one (31)
links to the Center of Napa creek, thence down

said Creek with the meanders thereof S 72° 30' E five (5) chains fifty (50) links, thence S 58° 30' E fourteen (14) chains, thence S 84 E five (5) chains fifty (50) links, thence S 56° 30' E Eleven (11) chains fifty (50) links, thence S 7° E. three (3) chains, thence S. 22° 30' W. two (2) chains fifty (50) links, thence S. 1° 30' E one (1) chain forty links to a stake on the West bank of said Napa Creek from which a white oak tree six (6) inches in diameter bears S 19° E. thirty-seven (37) links distant, and a white oak tree four (4) inches in diameter bears N 10° W fourteen (14) links distant, thence S. 45° 20' W. sixty nine (69) chains Eighty five (85) links to a stake in C. L. Daines' East line, thence N. 41° W thirty Eight (38) chains, twenty-six (26) links to the place of beginning. Containing two hundred and sixty one (261) acres, more or less. Together with all and singular the tenements hereditaments and appurtenances thereunto belonging, and the rents, issues and profits thereof and all rights ways and Easements thereunto belonging To Have and to hold all and singular the above described premises, together with the appurtenances unto the said party of the second part his heirs and assigns forever. And the said party of the first part for himself and his heirs doth covenant

and agree that at the delivery hereof, he is the lawful owner of the premises above granted, that said premises are clear of all incumbrances whatsoever, and that he will warrant and defend the above premises in the quiet and peaceably possession of the said party of the second part his heirs and assigns forever

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

Signed Sealed and delivered in the presence of } John Grigsby (Seal)
Robert Crouch }

State of California } ss.
County of Napa } On this fifteenth day of September A.D. one thousand, Eight hundred and sixty, before me Robert Crouch, Clerk of the County Court in and for said County, personally appeared the within named John Grigsby to me personally known to be the individual described in and who executed the annexed instrument and he acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned. In Witness Whereof I have hereunto set my hand and affixed the seal of said Court of office in Napa City, the day and year last above written

(Seal)

Robert Crouch, Clerk.

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A true Copy of an Original recorded at request of
S. Broome Smith 17th Sept 1869 at 10 3/4 o'clock a.m.
Robert Crouch Co Recorder
By E. E. Cloyes Deputy

State of California }
County of Napa }

I, J. H. Hartland Co Recorder
in and for said County do hereby certify the foregoing
to be a true full and correct copy as the same now
appears in Book "T" of Deeds on pages 286 & 287
Records of Napa County
Attest my hand & seal this 1st Nov. 1874

J. H. Hartland Co Recorder
By E. J. Russell Dep.

(4)

Copy of Deed

John Grigsby

To

Wm N. Seawell

"

Dated 15th Sept 1869

149 ND

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Exhibit G.E.O. No 4

William N. Seawell
To
John H. Seawell

This Indenture, Made the Twenty-ninth day of January, in the year of our lord one Thousand Eight hundred and Sixty-one, Between William N. Seawell of the County of Napa and State party of the first part and John H. Seawell of the same County and State, party of the Second part, Witnesseth, That the said party of the first part, for and in Consideration of the sum of Seven Thousand, five hundred Dollars ($7,500) lawful money of the United States of America, to him in hand paid by the said party of the second part, at or before the Ensealing and Delivery of these presents, the receipt whereof is hereby acknowledged, has granted bargained, Sold, aliened, remised released Conveyed and Confirmed, and by these presents does grant bargain sell alien remise release convey and confirm unto the said party of the second part, and to his heirs and assigns forever, All the following described real Estate, situate, lying and being in Napa County and State of California and now in the possession of the party of the first part, To wit; Beginning at a stake in the South line of Yountz Grant, at the North East corner of the land of

Wm. R. Mathews, and running thence North 45° 30 East with Young's line sixty (60) chains thirty one (31) links to the Center of Napa Creek, thence down said Creek with the Meanders thereof South 72° 30' East five (5) chains fifty (50) links. thence South 38° 30' East fourteen (14) chains, thence South 84° East five (5) chains fifty (50) links, thence South 56° 30 East eleven (11) chains. fifty links (50), thence South 7° East three (3) chains. thence South 22° 30 West two (2) chains fifty (50) links, thence South 1° 30' East one (1) chains forty (40) links to a stake on the West bank of said Napa Creek from which a white oak tree six inches in diameter bears South 19° East, thirty-seven (37) links distant, and a white oak tree four (4) inches in diameter bears North 10° West fourteen (14) links distant thence South 45° 20 West sixty nine chains (69) Eighty-five (85) links to a stake in C. L. James' East line. thence North 41° West thirty Eight chains (38) twenty-six (26) links to the place of beginning. Containing two hundred and sixty-one (261) acres. More or less. Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; And also all the Estate, right, title interest, property,

possession, claim and demand whatsoever as well in Law as in Equity of the said party of the first part, of, in or to the above described premises, & every part and parcel thereof with the appurtenances. To Have and to Hold all and singular the above mentioned and described premises, together with the appurtenances unto the said party of the second part, his heirs and assigns forever. And the said William N. Seawell party of the first part for himself and his heirs, ex=ecutors and administrators, does hereby covenant, prom=ise and agree, to and with the said part of the second part, his heirs and assigns, That he has not made, done, committed, executed or suffered any act or acts, thing or things whatsoever, whereby or by means whereof the above mentioned and described premises, or any part or parcel thereof, now are, or at any time hereafter, shall or may be impeached, charged or incumbered in any manner or way whatsoever, saving and Excepting the execution and delivery of a Mortgage to John Trigby for the sum of Seven Thousand Eight hundred and Thirty dollars ($7,830.00) dated the 15th day of September AD 1860

In Witness Whereof, the said part of the first part has hereunto set hand & seal the day and year first above written

Signed Sealed & Delivered in the presence of
James Broome Smith

W. N. Seawell (Seal)

State of California } ss
County of Napa } On this twenty-ninth day of January A.D. one thousand, Eight hundred and sixty-one, before me I. F. Heaux, a Justice of the Peace for said Napa County, personally appeared William N. Seawell to me personally known to be the individual 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.

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

Isaiah F. Heaux (Seal)
Justice of the peace.

A true Copy of an Original recorded at request of W. H. Seawell 29th Jany 1861 at 6¼ O'clock P.M.

Robert Crouch Co Recorder
By C. E. Cloyes Deputy.

State of California } ss.
County of Napa }

I J. H. Howland County Recorder in and for said Napa County do hereby Certify the foregoing to

be a true full and correct copy as the same now appears in Book "F" of Deeds on pages 447, 448 & 449 Records of Napa County

Attest my hand & seal this 1st Nov. AD 1884

S. A. Hurland Co Recorder
By E. J. Lemmel Dpt

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Copy of Deed

Wm N. Seawell

To

John H. Seawell

" "

Dated 29 Jany 1861

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Exhibit D.E.W. No 5.

John H. Seawell
To
Jesse Grigsby

This Indenture Made this ninth (9) day of October in the year of our Lord Eighteen hundred and sixty two Between John H. Seawell of the County of Napa State of California of the first part and Jesse Grigsby 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 Ten thousand Dollars lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does hereby grant, remise, release and quit-claim unto the said party of the second part and to his heirs and assigns forever, All that certain piece or parcel of land situate lying and being in Napa County State of California, Known and described as follows, to wit: Beginning at a Stake in the South line of Yountz Road, at the North East Corner of W. R. Mathews, land, and running thence North 45° 20' E. with Yountz line Sixty (60) chains Thirty one (31) links to the Center of Napa Creek, thence down said Creek with the meanders thereof S 72° 30' E four (5)

chains and fifty (50) links. Thence S 58° 30' E fourteen (14) chains, Thence S 84° E. five (5) chains fifty (50) links, Thence S 36° 30' E. Eleven (11) chains fifty links, Thence S 7° E, Three (3) chains, Thence S 22° 30' W two (2) chains fifty (50) links, Thence S 1° 30' One (1) chain forty (40) links to a stake on the west bank of said Napa Creek from which a White oak tree Six (6) inches in diameter bears S. 19° E. Thirty-seven (37) links distant, and a White oak tree four (4) inches in diameter bears N. 10° W. fourteen (14) links distant, Thence S. 45° 30' W. Sixty-nine (69) chains, Eighty-five (85) links to a Stake on the L. James East line, Thence North 41° W. Thirty Eight (38) chains twenty six (26) links to the place of beginning. Containing two hundred and sixty one acres of land more or less. Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof. And also all the Estate, right, title, interest, property, possession, claim and demand whatsoever, as well in Law as in Equity of the said party of the first part, of, in or to the above described premises and every part and parcel thereof

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

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

Signed Sealed & Delivered in the presence of L. Bruck

John H. Seawell (Seal)

State of California
County of Napa } ss

On this Eleventh day of October AD one thousand eight hundred and sixty two before me Louis Bruck a Notary Public in & for said Napa County personally appeared John H Seawell to me personally known to be the individual 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

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

(Seal)

L. Bruck
Notary Public

Recorded in Liber 11 of Deeds page 5 for Napa County, at the request of L. Bruck, Oct 17th 1862

A true Copy of an Original recorded at request of P. W. S. Rayle 29 Oct. 1862 at 45 min past 10 O'Clock a.m.

Robt. Emick Co Recorder
By S. E. Pinnell Dpty

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State of California
County of Napa

I, S. H. Howard Co Recorder in and for said County do hereby Certify the foregoing to be a true full and Correct copy of the same as it now appears of Record (in Book "G" of Deeds on pages 524 & 525) in my Office

Attest My hand & seal this Nov. 1st 1864

S. H. Howard Co Recorder
By E. S. Pinnell Dpty

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Copy of Deed

John H. Seawell
to
Jesse Grigsby

Dated 9th Oct 1862

Exhibit P.E.O. No 6

Otto. H. Frank
to
Dwight Spencer.

This Indenture made this fifteenth (15) day of July in the year of our Lord One thousand eight hundred and fifty nine between Otto. H. Frank of the City and County of San Francisco in the State of California, party of the first part and Dwight Spencer of the County of Napa in said State, party of the second part, Witnesseth, that the said party of the first part, for and in consideration of the sum of Fifty (50) Dollars, lawful money of the United States of America, to him in hand paid by the said party of the second part at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath remised, released and quit-claimed, and by these presents doth remise, release and quit-claim unto the said party of the second part and to his heirs and assigns forever: All of that certain tract of land situated in Napa Township and County

in the State of California, known, described and bounded as follows, to wit; Lots Forty and Forty one and fractional Lots Forty nine and Fifty of the Pueblo de Salvador a part of the Napa Grant formerly belonging to Salvador Vallejo, said Lots containing one hundred and Sixty acres more or less and bounded on the South by Napa Creek, on the North by the County Road leading by the lands of Hannah McCombs on the east by the County Road and lands belonging to C. Hartson, and on the West by lands belonging to Nathan McCombs said tract being about one half mile North West of Napa City of said County and State. Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, And also all the estate, right title, interest, property, possession claim and demand whatsoever as well in law as in equity of the said party of the first part, of in or to the

above described premises, and every part and parcel thereof with the appurtenances. To have and to hold all and singular the above mentioned and described premises together with the appurtenances, unto the said party of the second part his heirs and assigns forever.

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

Signed, sealed and delivered in the presence of O. Hasback

O. H. Frank (seal)

State of California
City and County of San Frisco } ss.

On this twenty ninth day of July A.D. One thousand eight hundred and fifty nine before me Otto Hasback a Notary Public in and for said County, duly commissioned and sworn, personally appeared the within named O. H. Frank whose name is subscribed to the foregoing instrument as a party thereto, personally known to me to be

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the individual described in and who execu=ted the said annexed instrument and who acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written

Seal

O. Hasbach
Notary Public

A true copy of an original recorded at request of Dwight Spencer August 2d 1859. at 10½ o'clock A. M.

Robert Crouch Co Recorder
By Richd Dudding Dep

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State of California, }
COUNTY OF NAPA. } SS.

I, J. H. HOWLAND, County Recorder in and for said County and State, do hereby certify that the above and foregoing, as hereunto annexed, is a true, full and correct copy of an instrument of record in my office, as the same appears recorded in Liber "E" of Deeds on pages 433 & 434 of Napa County Records, now remaining in my custody as such Recorder.

In Witness Whereof, I have hereunto set my hand, and affixed my Official Seal, at my office in Napa City, on this the 24th day of March A. D. 1868.

J. H. Howland
RECORDER OF NAPA COUNTY.

Exhibit T.E.O. No 1

Otto H. Frank
to
Dwight Spencer.

Certified copy
of
Deed

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Jesse Grigsby
To
John Lawley

This Indenture, Made the Twenty-sixth (26th) day of October in the year of our Lord, Eighteen hundred and Sixty-three

Between Jesse Grigsby of the County of Napa and State of California party of the first part, and John Lawley 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 Ten thousand one hundred and five ($10.105 00/100) Dollars, lawful money of the United States of America to him in hand paid, the receipt thereof is hereby acknowledged, hath granted, bargained, sold, remised, Conveyed and quit-claimed and by these presents doth grant bargain, sell, remise, Convey and quit-claim unto the said party of the second part and to his heirs & assigns forever, All the right, title and interest of the said party of the first part of, in or To, All that certain piece or parcel of land, situate, lying and being in the County of Napa and State of California, Known and described as follows, to wit: Beginning at a Stake on the South line of Yount's Grant, at the North East corner of W. R. Mathews land and running thence North 48° 20' E. with Yount's line, Sixty (60) chains thirty one (31) links to the Center of Napa Creek, thence down said Creek with the meanders thereof, S. 72° 30' E. five (5) chains fifty (50) links, thence S. 58° 30' E. fourteen (14) chains, thence S. 84° E. five (5) chains fifty (50) links, thence S. 36° 30' E. Eleven (11) chains fifty

links, thence S 7° E. thru (3) chains, thence S. 22° 30' W. two (2) chains, fifty (50) links, thence S 1° 30' one (1) chain forty (40) links to a stake on the West bank of said Napa Creek, from which a white oak tree six (6) inches in diameter bears S. 19° E. thirty-seven (37) links distant, and a white oak tree four (4) inches in diameter bears N. 11° W. fourteen (14) links distant thence S 45° 20' W. Sixty nine (69) chains Eighty five (85) links to a stake on C. L. James East line. thence North 41° W. thirty-Eight (38) chains twenty six (26) links to the place of beginning. Containing two hundred and sixty one acres of land, more or less

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or the rents, issues and profits thereof. To Have and to Hold all and singular the above described premises, together with the appurtenances unto the said party of the second part his heirs and assigns forever

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

Signed Sealed & Delivered in the presence of } Jesse Grigsby (Seal)

Stamp #2 J. G. Oct 26 1863	Stamp #2 J. G. Oct 26 1863	Stamp #2 J. G. Oct 26 1863	Stamp #2 J. G. Oct 26 1863	Stamp #2 J. G. Oct 26 1863	Stamp #2 J. G. Oct 26 1863	Stamp #2 J. G. Oct 26 1863	Stamp #2 J. G. Oct 26 1863	Stamp #2 J. G. Oct 26 1863	Stamp #2 J. G. Oct 26 1863

State of California } ss
County of Napa } On this twenty sixth day of

October AD One Thousand Eight hundred and Sixty three before me Robert Crouch Clerk of the County Court in and for said County, personally appeared the within named Jesse Grigsby whose name is subscribed to the annexed instrument as a party thereto, personally known to me to be the individual described in and who executed the said annexed instrument and he acknowledged to me that he Executed the same freely and voluntarily and for the uses and purposes therein mentioned

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

(Seal)

Rob Crouch Clerk

A true copy of an Original Recorded at request of John Lawley 26th October 1863 at 38 min past 3 o'clock P.M.

Rob Crouch Co Recorder
by J. C. Burrell Dpt

State of California }
County of Napa }

I, J. W. Howard, Co Recorder in & for said Napa County do hereby certify the foregoing to be a true and Correct copy of the above Instrument as the same appears

in Book "H" of Deeds on pages 257 & 258 Records of Napa County. The interlineation on first page made by me.

Attest My hand & seal this Oct 31st AD 1864

A H Hurland Co Recorder

By E. J. Penwell Dpt

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Copy of Deed

Jesse Grigsby

To

John Lawley

Dated 26th Oct 1863

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Exhibit L.E.W. no 7

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This Indenture, Made the First (1st) day of September in the year of our Lord eighteen hundred and sixty four BETWEEN John Lawley of the County of Napa and State of California, party of the first part and Isaac Lauterheim of the City and County of San Francisco and George Linn of the County of Napa State aforesaid, parties of the second part, Witnesseth, That the said party of the first part, for and in consideration of the sum of Twelve Thousand ($12000 00/100) Dollars, lawful money of the United States of America, to him in hand paid by the said parties of the second part, at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, Hath granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents Doth grant, bargain, sell, alien, remise, release, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, All That certain tract or parcel of land, situate, lying and being in Yountville Township, County of Napa and State aforesaid, and described as follows, to wit: Beginning at a stake in the South line of Yount's Grant, at the North East corner of W. R. Mathews land, and running thence North 45° 20' E. with Yount's line Sixty 51/100 (60.51) chains to the Center of Napa Creek, thence down said Creek with the meanders thereof, S. 72° 30' E. five 50/100 (5.50) chains, thence S 58° 30' E. fourteen (14) chains, thence S. 84° E. five 50/100 (5.50) chains, thence S 57° 30' E. Eleven 50/100 (11.50) chains, thence S 7° E. Three (3) chains, thence S. 22° 30' W. Two 50/100 (2.50) chains, thence S 1° 30' E. one 40/100 (1.40) chains to a stake on the West bank of said Napa Creek, from which a white oak tree six (6) inches in diameter bears S. 19° E. thirty-seven links distant, and a white tree four (4) inches in diameter bears N 10° W fourteen (14) links distant, thence S. 45° 20' W Sixty-nine 85/100 (69.85) chains to a stake in C. L. Jones East line, thence North 41° West, Thirty Eight 26/100 (38.26) chains, to the place of beginning Containing Two hundred and sixty-one (261) acres of land, more or less, Together with the tenements, rights, ways and Easements thereunto belonging or in anywise appertaining

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; And also all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part, of, in or to the above described premises, and every part and parcel thereof, with the appurtenances. To Have and to Hold, all and singular the above mentioned and described premises, together with the appurtenances, unto the said parties of the second part, and to their heirs and assigns forever. And the said John Lawley for himself & his heirs, the said premises, in the quiet and peaceable possession of the said parties of the second part, and to their heirs and assigns, against the said party of the first part, and his heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will Warrant, a[illegible] forever Defend, Except against a Mortgage on said land held by W. H. Gibbs [illegible] dated Oct 26th 1863

In Witness Whereof, t[illegible] first part, hath hereunto set his hand and seal the day and year fi[illegible]

Signed, Sealed and Delivered in the Presence of

Rob Crouch

John Lawley (Seal)

John Lawley Sept 1st 1864 #5

#5

#2

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[ACKNOWLEDGMENT.]

M. L. Haas & Co. Stationers, 225 and 227 Front Street.

State of California, }
COUNTY OF NAPA. } ss.

On this first day of September A.D. One Thousand Eight Hundred and Sixty-four before me, J. H. HOWLAND, a Notary Public, in and for said Napa County, duly commissioned and sworn, personally appeared the within named

John Lawley

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

(seal)

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

J. H. Howland
Notary Public.

A true Copy of an Original recorded at request of Geo Lunn Sept 1st AD 1864 at 45 mins past 11 A.M.

J H Howland County Recorder
By E. S. Pennell Deputy Recorder

State of California } ss
County of Napa }

I J. H. Howland Co Recorder in and for said Napa County do hereby Certify the foregoing to be a true full and Correct Copy of a Conveyance from John Lawley to J. Lankershim & Geo Lunn as the same now appears in Book "H" of Deeds on pages 478 & 479 Records of Napa County

Attest my hand & seal this 31st day of Oct AD 1864

J H Howland Co Recorder
By E. S. Pennell Dpt

Copy of 8

DEED.

John Lawley

TO

Isaac Lankershim
and George Lunn

Dated Sept 1st 1864 186

Recorded at request of

A. D. 186

at min. past M.

Exhibit C.E.O. No 8

John Grigsby & Wife
to
Calvin L. James

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This Deed made & Entered into by and between John Grigsby & Mahala Grigsby his wife parties of the first part and Calvin L. James party of the second part all of the County of Napa and State of California, Witnesseth, That the said parties of the first part, for and in Consideration of the sum of Six Thousand Nine Hundred and Ninety two Dollars and fifty Cents to them in hand paid by the party of the second part, the receipt whereof is hereby acknowledged have this day remised released & quit-claimed unto the said party of the second part, and by these presents do remise, release and quit-claim unto the party of the second part his heirs and assigns forever, a certain tract of land situated in said County and State and bounded and described as follows, to wit: Beginning in a ditch at a Stake which bears South 41 East 60 feet from the South East corner of T. L. Grigsbys land and running South 58½ West 26 chains 30 links to a Stake in the Sebastopol Road

60 feet from the South West Corner of T. L. Grigsby's Land; Thence thence along the Center of the road South 29½° East 49 chains 78 links to Seth Whittons South West Corner Thence with Whitton's line North 45° 20" East 35 chains 50 links to a stake in the ditch thence with the ditch North 41° West 42 chains to the place of beginning. Containing 139 acres and 85 hundredths. To Have and to Hold the ~~the~~ said tract of land to him the party of the Second part his heirs and assigns forever. Together with all and singular the things appertaining thereto.

In Witness Whereof the said parties of the first part have hereunto set their hands and seals this 2d day of October 1858

Signed Sealed and Delivered in the presence of Robert Crouch } John Grigsby (L.S.)
Mahala her + mark Grigsby (L.S.)

State of California } ss
County of Napa } On this Second day of October AD one thousand Eight hundred and fifty Eight before me Robert Crouch, County Clerk in and for said County, personally appeared John Grigsby & Mahala Grigsby his wife, personally known to me

to be the individuals described in and who executed the annexed instrument as parties thereto & acknowledged to me that they Executed the same freely and voluntarily and for the uses and purposes therein mentioned. And the said Mahala Grigsby wife of the said John Grigsby, having been by me first made acquainted with the contents of said instrument acknowledged to me, on examination apart from and without the hearing of her husband that she executed the same freely and voluntarily & without fear or compulsion or undue influence of her husband, and that she did not wish to retract the Execution of the same

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

Seal

Robert Crouch
County Clerk

A true Copy of an Original recorded at request of Calvin L. James Oct 2d 1858 at 12 3/4 O'clock P.M.

Robert Crouch Co Recorder

State of California } ss
County of Napa }

I, J. H. Hmland,

County Recorder in and for said Napa County do hereby Certify that the above is a true full and Correct Copy of the foregoing Instrument as the same appears in Book "E" of Deeds on pages 165 & 166 Records of Napa County now in My Office

Attest: My hand & Seal this 15 Nov AD 1867

G H Hurland Co Recorder
By E. S. Powell Dpt

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Copy of Deed

John Grigsby & Wife

To

Calvin L. Dames

Dated 2nd Oct 1858

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Exhibit D.E.O. No 9.

C. L. James by
Allen Sheriff
To
J. H. Bostwick

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This Indenture Made & Executed this thirteenth day of December AD 1862 by Charles H. Allen, Sheriff of the County of Napa in the State of California Witnesseth. That whereas, in and by a certain Order of Sale issued out of the District Court of the 7th Judicial District in and for the said County of the said State of California in the action of John H. Bostwick Plaintiff against C. L. James Wm. H. James & William Edgington Defendants, duly attested the fourth day of March AD 1862 and to me as such Sheriff duly directed and delivered, I was Commanded to sell the property hereinafter described at Public Auction according to Law and to apply the proceeds of such sale towards the Satisfaction of the Judgment in said Action amounting to the sum of Four Thousand Eight hundred forty Eight 50/100 (4848 50/100) Dollars and the interest thereon and Costs of suit and Expenses of sale as by the said Order of Sale, reference being thereunto had more fully appears. That whereas in pursuance of said Order of sale, I did duly levy on and on

the thirty-first (31st) day of March AD 1862 at two o'clock afternoon at the Court House Door in the County of Napa in said State I did duly sell the premises hereinafter described at Public Auction according to Law to John H. Bostwick the above named Plaintiff who was the highest bidder therefor for the sum of Five Thousand (5000) Dollars, which was the whole price paid by him for the same, I having first given due notice of the said sale by the publication of the said time and place thereof and of the description of said property hereinafter set forth once in each week for twenty-one days in the Napa County Reporter a weekly newspaper published in said County and posting copies of such notice & description daily for the same period in three public places of the said County of Napa, ~~to wit: in Napa Township~~ where said property is situated and three similar notices in Napa Township and whereas the time allowed by law for the redemption of said property has expired without such redemption having been made. Now therefore I the said Charles H. Allen Sheriff of said County of Napa in pursuance of the said

Order of Sale and of the Statute in such case made and provided and for and in Consideration of the payment to me of the said sum of Five Thousand (5000) Dollars so bid as aforesaid the receipt whereof is hereby acknowledged Have granted, bargained, sold conveyed and Confirmed, and by these presents Do grant, bargain sell, convey and Confirm unto the said John H Bostwick his heirs & assigns the Real Estate in said Order of Sale described as follows, to wit: All that certain tract or parcel of land, situate, lying and being in the County of Napa and State of California, Beginning in a ditch at a stake which bears South 41° East sixty feet distant from the South East corner of T. L. Grigsby's land and running thence South 58 ½° West twenty-six (26) chains thirty (30) links, to a stake in the Sebastopol Road sixty feet from the South west corner of T. L. Grigsby's land, thence along the Center of the road South 29½° East forty-nine (49) chains, seventy Eight (78) links to Asa Whittons South West Corner, thence with Whittons line North 45° 20' East thirty-five (35) chains fifty (50) links to a stake in the ditch, thence with said

ditch North 41° West forty two chains to the place of beginning Containing one hundred and thirty nine (139) acres and Eighty five hundredths (85/100) acre of land, being the same land heretofore Conveyed by John Grigsby and wife to Calvin L. James (Defendant herein) by Deed dated October 2d 1858 and recorded in Napa County records pages 165-6 Together with the tenements hereditaments and appurtenances thereto belonging or in any wise appertaining To Have and to Hold the same unto the said John H Bostwick his heirs and assigns forever

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

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

State of California } ss
County of Napa } On this thirteenth day of December AD one thousand Eight hundred and sixty two before me Robert Crouch Clerk of the County Court in and for said County personally appeared the within named Charles H. Allen Sheriff of the County of Napa, whose name is sub-

-scribed to the annexed instrument as a party thereto, personally known to me to be the indi-
-vidual described in and who executed the said annexed instrument and he duly ac-
-knowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned

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

(Seal)

Rob Crouch Clerk

A true Copy of an original recorded at request of S H Bostwick 16th January 1863 at 40 min past one P.M.

Rob Crouch Co Recorder
By Stetson Dep

State of California } ss
County of Napa }

I, J H Armand County Recorder in and for said Napa County do hereby certify that the above is a true full and Correct copy of

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the forgoing Instrument as the same appears in Book "H" of Deeds on page 45-46 & 47 Records of Napa County now in my Office

Attest my hand & Seal this 16th Nov 1864

J. H. Howland Recorder
by E. S. Pennell Dep

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Copey of Deed

Calvin L. James.
By Allen Sheriff
To
D. H. Bastrick
13 decr 1862

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Exhibit D.E.W. No 10

Jesse Grigsby, Admr &c

To

Isaac Lauterheim
and George Linn

This Indenture made the Eighteenth (18th) day of October A.D. One thousand Eight hundred and Sixty-four, by and Between Jesse Grigsby the duly appointed and qualified Administrator of the Estate of Matala Grigsby, deceased, late of the County of Napa and State of California, the party hereto of the first part and Isaac Lauterheim of the City and County of San Francisco and George Linn of the County of Napa and State of California, the parties hereto of the second part, Witnesseth. That Whereas, on the thirteenth day of August A.D. 1864 the Probate Court of said County of Napa made an order bearing date the day and year last aforesaid authorizing the said party of the first part to sell at public auction to the highest bidder for cash, certain Real Estate belonging to the Estate of said Deceased, situated in the said County of Napa, and specified and particularly described in said Order of Sale, either in one parcel or in subdivisions as the said Administrator shall judge most beneficial to said Estate a certified copy of which order of Sale was recorded in the Office of the County Recorder

#5
Oct 18
1864
S.G.

#5
Oct 18
1864
S.G.

of said Napa County, within which said land is situated on the sixth day of October AD 1864 at 40 minutes past one o'clock P.M. and is of record in said Office in Liber "A" of "Orders of Probate" page 75 &c following, and which said order of sale, now on file and of record in said Probate Court, and which said Record thereof in said Recorder's Office, are hereby refferred to and made a part of this Indenture. And whereas, under and by virtue of said order sale, and pursuant to Legal notice given thereof, the said party of the first part on the twentieth day of September AD 1864 at the door of the Court House in Napa City, in said County of Napa, between the hours of nine o'clock in the morning and the setting of the sun on the same day, to wit: at twelve o'clock noon, offered for sale in one parcel (judging it most beneficial to said Estate) at public Auction to the highest bidder for cash, and subject to Confirmation by said Probate Court the said real Estate situate in said County of Napa and specified and described in said order of sale, as aforesaid, &c at such sale the said Isaac Lauterstein and George Linn, the parties hereto of the second part became the purchasers of the real Estate aforesaid and hereinafter particularly described for the sum

of nine Thousand four hundred and fourteen 40/100 ($9,414.40) Dollars, they being the highest and best bidders and that being the highest and best sum bid.. And Whereas, the said Probate Court upon the due and legal return of his proceedings under the said order of Sale, made by the said party of the first part, at a subsequent sitting of said Court after making the said sale, upon notice of at least ten days, given in such manner as the Judge of said Court had directed did on the first (1st) day of October AD 1864 make an order confirming the said sale and directing Conveyances to be executed to the said purchasers, conveying to them all the right title interest and Estate of said intestate in the said premises at the time of her death, and all the right title and interest that the said Estate, by operation of law or otherwise, may have acquired in the said premises, other than, or in addition to, that of the said intestate at the time of her death, a certified Copy of which order of Confirmation was recorded in the Office of said County Recorder of said County of Napa, within which the said land sold is situated, on the sixth day of October AD 1864 at 45 minutes past one O'clock P.M. and is on record in said Office in Liber "A" of "Orders of Probate" page 78 and following, and which said

order of Confirmation now on file and of record in the said Probate Court, and which said Record thereof in said Recorders Office are hereby referred to and made a part of this Indenture ——

Now Therefore, the said party of the first part pursuant to the order last aforesaid and for and in Consideration of the sum of Nine Thousand four hundred and fourteen $\frac{40}{100}$ ($9414.40) Dollars, to him in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, has granted, bargained sold and Conveyed and by these presents does grant, bargain sell and Convey unto the said parties of the second part, their heirs and assigns forever. All the right title, interest and estate of the said Makala Grigsby deceased, at the time of her death, and all the right, title and interest that the said Estate, by operation of law or otherwise, may have acquired other than or in addition to that of said intestate at the time of her death in and to that certain piece parcel or tract of land lying and being in said County of Napa and described in said order of sale and order of Confirmation as follows to wit: "The lower or Southerly half of the following described 660 acre tract of land, lying and being in Yount Township, Napa County

" State of California, and bounded on the Northern side
" one mile by Younts lands, on the East by Napa River
" and on the South by lands belonging to Jesse Whitton
" and on the West by the County Road and lands now
" or formerly belonging to P. M. Harbin, save and except
" a certain tract or parcel of land deeded to Calvin
" L. James by John Grigsby & wife, Containing one
" hundred and thirty-nine & 85/100 acres of land by
" Deed dated October second 1858 and recorded in
" Libr "E" of Deeds page 165 Napa County Records"

Which said tract of land, hereby conveyed, is more particularly described by metes & bounds as follows, viz: Commencing at a point in the Center of Napa River where the North Western line of land, now or formerly belonging to Jesse Whitton touches said Center of said river, and running thence with said line South 44° 30' West 50.92 chains to the Center of a ditch forming the North Eastern boundary of lands of Mrs. E. Gibbs, thence along the said last mentioned line North 41° 15' West 38.85 chains to a corner in said above named ditch, thence North 44° 30' East 69.28 chains to a point in the Center of Napa River aforesaid thence down the Center of said River and following the meanderings thereof to the place of beginning. Containing two hundred & thirty-five 36/100 (235.36) acres, Together with the tenements

hereditaments and appurtenances whatsoever to the same belonging, or in any wise appertaining. To Have and to Hold all and singular the above mentioned and described premises, together with the appurtenances unto the said parties of the second part, their heirs and assigns, to them and their sole use, benefit and behoof forever. This Conveyance is made for the purpose of Correcting Errors and omissions in a former Conveyance, made by the said party of the first part to the said parties of the second part, of the same land and premises herein described, said deed of Conveyance bears date October sixth 1864 and is recorded in Libr "I" Record of Deeds of Napa County, on page 57-8-9

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

Signed Sealed and Delivered in the presence of Rob Ermack } Jesse Grigsby (Seal)
Administrator of the Estate of Mahala Grigsby, deceased

State of California } ss.
County of Napa } On this twenty-fifth (25th) day of October A.D. one thousand Eight hundred and sixty-four before me, S. H. Howland a Notary Public in and for said Napa County, duly Commissioned and sworn, personally appeared the within named Jesse Grigsby whose name is

subscribed to the annexed instrument as the party thereto, personally known to me to be the individual described in and who executed the said annexed instrument as the administrator of the Estate of Mahala Grigsby, deceased, and he duly acknowledged to me that he executed the same, as such administrator aforesaid freely and voluntarily and for the uses and purposes therein mentioned.

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

Seal

A. H. Haviland
Notary Public

A true Copy of an Original recorded at request of Rob Crouch Oct 25th 1864 at 12 m. P.M.

A. H. Haviland
County Recorder

State of California } ss
County of Napa }

A. H. Haviland
County Recorder in and for said Napa County

do hereby certify the foregoing to be a true full and Copy of the Conveyance from Grigsby To Lauterschein & Linn as the same now appears in Book "I" of Deeds on pages 88-4 & 5 — Records of Nofa Co.

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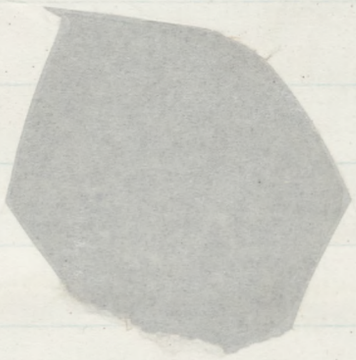
Attest My hand & seal this 1st Nov. 1864

S. H. Holland Recorder
By E. S. Renwell Dep



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Copy of Deed

Jesse Grigsby Admr.

To

Isaac Laukersheim
and Henry Linn

Dated 18 Oct 1864

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Exhibit D.E.W. No 11

RANTY against GRANTOR.

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

This Indenture, Made the Twenty-fifth day of June in the year of our Lord one thousand eight hundred and ~~XXXX~~ Sixty-four BETWEEN John H. Bostwick formerly of Nevada County State of California party of the first part and William H. Gibbs of Napa County State of aforesaid - party of the second part **Witnesseth,** That the said party of the first part, for and in consideration of the sum of Forty-nine ($49.00 00) Hundred Dollars lawful money of the United States of America, to him in hand paid by the said party of the second part, at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents doth grant, bargain, sell, alien, remise, release, convey and confirm unto the said party of the second part, and to his heirs and assigns forever. -

"All that certain tract or parcel of land situate lying and being in the County of Napa State of California! Beginning in a ditch at a stake which bears South 41.° East Sixty feet distant from the South East Corner of J. L. Grigsby's land, and running thence South 58½° West Twenty six (26) Chains Thirty (30) links to a stake in the Sebastapol road Sixty feet from the S. W. Corner, of J. L. Grigsby's land — thence along the centre of the road South 29½° east — Forty Nine (49) Chains seventy eight links (78) — to Jesse Whitlow's Northwest Corner — thence with Whitlow's line North 45° 20' East Thirty five (35) Chains Fifty (50) links to a stake in the ditch — thence with the said ditch North 41.° West Forty two Chains ~~[illegible]~~ to the place of beginning — Containing One hundred & thirty Nine (139) acres — and eighty five hundredths (85/100) acres of land — Being the same land heretofore conveyed by John Grigsby & wife to Calvin L. James (defendant herein) by deed dated October 2d 1858. and Recorded in Napa County Records, pages 165 — 6 — " — And again Recorded at the request of the Grantee herein — in Liber H of Deeds on pages 45, 46, & 47 of the Records of Napa County

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; **And** also all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part, of, in or to the above described premises, and every part and parcel thereof, with the appurtenances. **To have and to Hold,** all and singular the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, his heirs and assigns forever. **And** the said party of the first part for himself heirs, executors and admisnistrators, does hereby covenant, promise and agree, to and with the said party of the second part, his heirs and assigns, that he has not made, done, committed, executed or suffered, any act or acts, thing or things whatsoever, whereby or by means whereof the above mentioned and described premises, or any part or parcel thereof, now are, or at any time hereafter shall or may be impeached, charged or incumbered, in any manner or way whatsoever.

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

Signed, Sealed and Delivered in presence of

John H. Bostwick (Seal)

No. 3 Printed and sold by Wm. B. Cooke & Co., Importing and Jobbing Stationers, 624 Montgomery Street, Montgomery Block, San Francisco.

State of California,
COUNTY OF Napa } ss.

On the Twenty Fifth day of June A. D., One Thousand Eight Hundred and Sixty four before me, D. H. Horland Notary Public, in and for said Napa County, duly commissioned and sworn, personally appeared the within named

D. H. Bostwick

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

Recorded at the request of D. H. Horland Jun. 25th 1864 in and for Napa County, Cal. in Book 2 of Mining Records on page 162 D. H. Horland Recorder

NOTARY PUBLIC CALIFORNIA

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

D. H. Horland
Notary Public.

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DEED.

J. H. Bostwick

TO

W. H. Gibbs

Dated June 25th A.D. 1864

Recorded at request of Wm H. Gibbs
June 25th A.D. 1864 at 1 o'clock P.M.
in Liber "H" of "Deeds" on page 422.

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Exhibit G.E.W. No 12.

Know all men by these presents: that I Otto H Frank, of the City and County of San Francisco, State of California have made constituted and appointed, and by these presents do make, constitute and appoint C. Hartson of the county of Napa, State of California, my true and lawful attorney for me, and in my name, and stead, to enter into and take possession of all such lands, hereditaments and real Estate whatever, described as follows: situate in the County of Napa, State of California known and described as the Rancho de Napa, bounded on the East by Napa River, on the South by the Higuera Ranch, on the North by lands now or formerly belonging to George Yount and on the West by Carneros Creek and the public or Government land, the same formerly granted to Salvador Vallejo by the Mexican Government and by said Vallejo conveyed to Herman Wohler, by deed dated December 20th AD 1851, and recorded in record book B of deeds page 109 in Napa County — to or in which I am or may be in any way entitled or interested, and to grant bargain and sell the same or any part, or parcel thereof, for such sum or price, and on such terms, as to him shall seem meet: and for me, and in my name, to make execute acknowledge and deliver, good and sufficient deeds and conveyences for the same, either with or without covenants of warranty; and until the sale thereof to let and demise the said real estate for the best rent, that can be procured for the same; and to ask and demand, collect, recover, and receive all sums

of money which shall become due, and owing to me by means of such bargain and sale, or lease and demise; giving and granting unto my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully, to all intents and purposes as I might or could do if personally present, with full powers of substitution and revocation, hereby ratifying and confirming all that my said attorney or his substitute shall lawfully do or cause to be done by virtue thereof.

In witness whereof I have hereunto set my hand and seal the twenty sixth day of May in the year one thousand eight hundred and fifty eight in the city of San Francisco State of California

P. H. Frank

Sealed and delivered
in the presence of

R. J. Shibauch

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of money which shall become due, and owing to me by means of such bargain and sale, or lease and demise; giving and granting unto my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully, to all intents and purposes as I might or could do if personally present, with full powers of substitution and revocation, hereby ratifying and confirming all that my said attorney or his substitute shall lawfully do or

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State of California. } ss.
City and County of San Francisco.

On this Twenty Sixth day of May A. D. One Thousand Eight Hundred and Fifty-Eight, before me, **F. J. THIBAULT,** a Notary Public in and for said City and County, residing therein, duly commissioned and sworn, personally appeared the within named

Otto H. Frank

whose name is subscribed to the annexed instrument, as a party thereto, personally known to me to be the individual described in and who executed the said annexed Instrument, and subscribed his name thereto, and the said Otto H. Frank duly acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand and affixed my official Seal, at my office in the City and County of San Francisco, the day and year last above written.

F. J. Thibault

Notary Public.

Recorded in the Office of the County Clerk in Liber 160. 1861 Page 165-66 Robert Sinnet Recorder

Power of Atty
of
Otto H Frank
to
C Hartson

Filed at request
of C. Hartson June
12-1858 at 3 o'clock
P.M.
Liber Powers of Attorney
Pages 158.159.160 & 161.

Exhibit G.E.W. No 13

Office of the Board of Commissioners,

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

San Francisco, Dec 30th 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. 649 on the Docket of the said Board, wherein

Otto H. Frank is

the Claimant 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 Obt Servant,

Geo. Fisher.