

CASE NO.

150

**NORTHERN DISTRICT**

---

**MORISTUL GRANT**

---

**ROCKWELL AND KNIGHT**

**CLAIMANT**

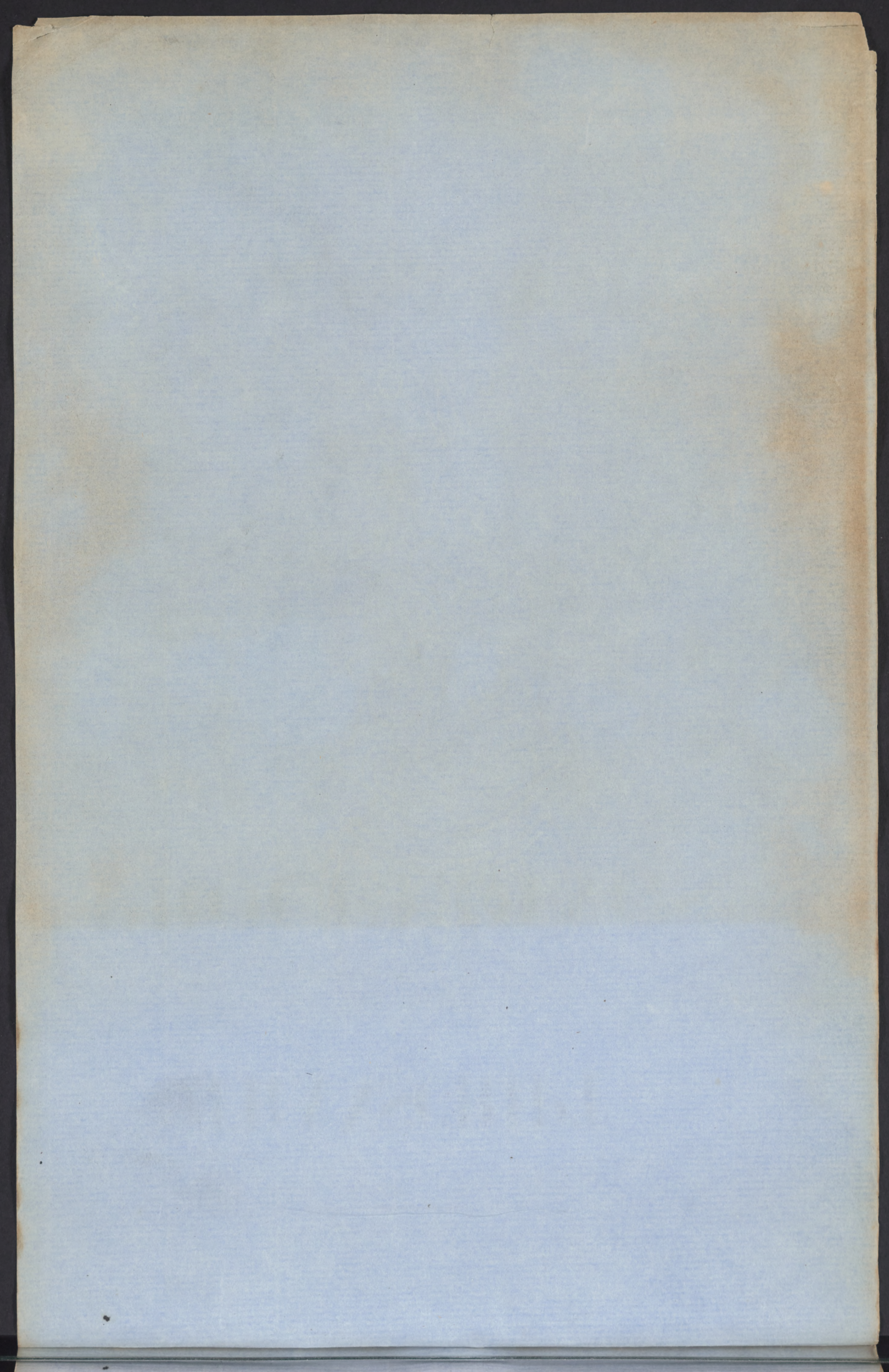
DIS. A  
25% COTTON FIBER  
POWER-BOND  
LAND CASE 150 ND

35 pages.

OCT 27 1962

MAR 28 1963

5-9



# TRANSCRIPT

OF THE

# PROCEEDINGS

IN CASE

NO. 5-9

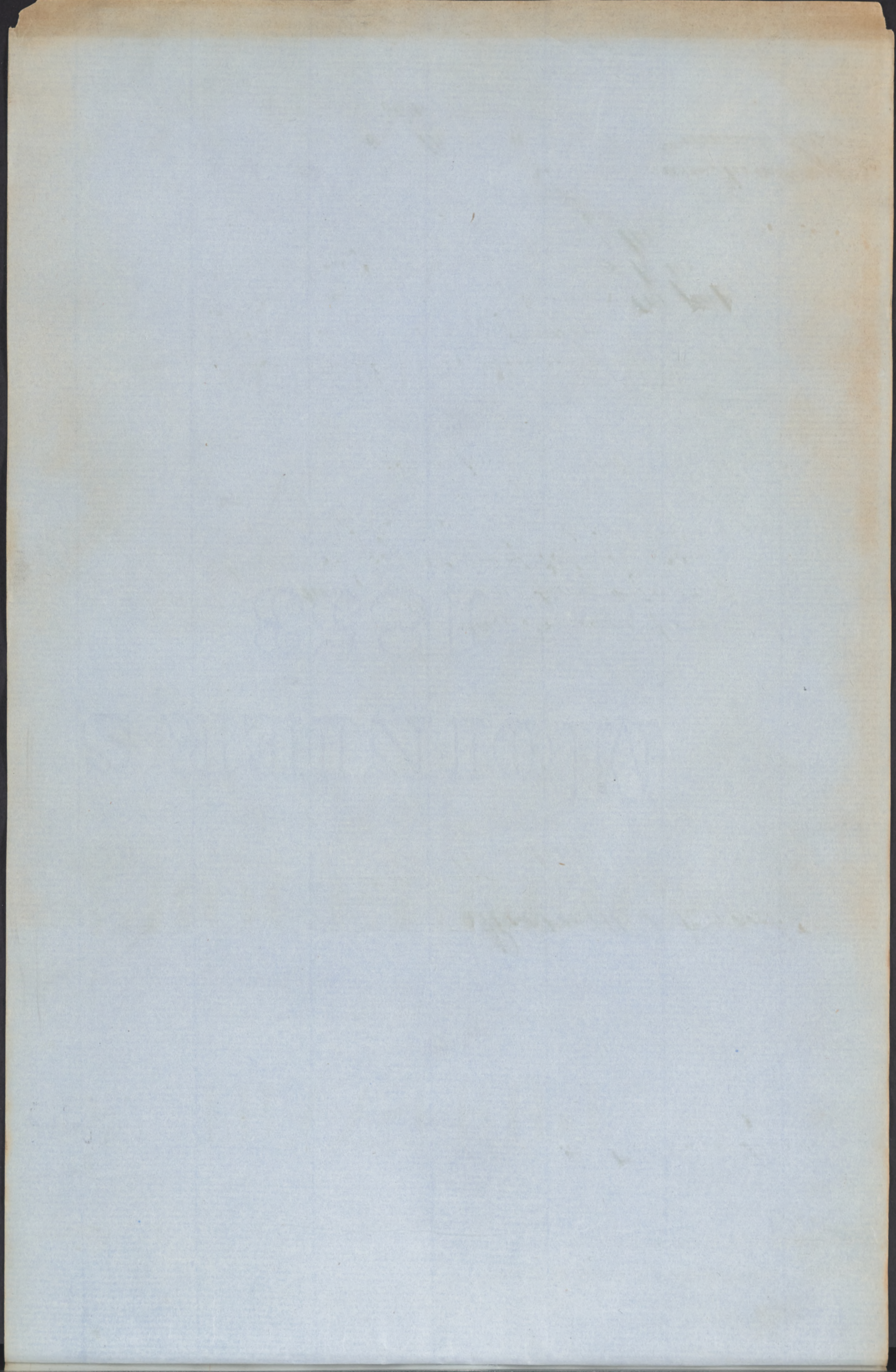
*Rockwell G Knight* CLAIMANT S.

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Moristul"*



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

150 ND  
PAGE 2

Be it Remembered, that on this *Twentieth day of February,*  
*Anno Domini One Thousand Eight Hundred and Fifty-two*, 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 *Rockwell & Knight,*  
~~~~~ for the Place named  
~~~~~ "*Moristul,*"  
was presented, and ordered to be filed and docketed with No. 59, 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 June 30<sup>th</sup> 1852.*  
In case no. 59, *Rockwell & Knight* for the place named  
"*Moristul,*" the deposition of *Johnson Marrell*, a witness  
in behalf of the claimants, taken before Commissioner  
*Henry J. Thornton*, was filed:

(Vide page 7 of this Transcript.)

~~~~~  
*San Francisco, March 2<sup>d</sup> 1853.*  
In the same case the Counsel for the claimants pre-  
sented a supplemental petition, which was ordered  
to be recorded, and filed among the papers in the  
Case, which petition is as follows, to wit:

(Vide page 19 of this Transcript.)

~~~~~  
*San Francisco November 29<sup>th</sup> 1853.*  
In the same case the Counsel for the claimants filed  
the following stipulation, to wit:

(Vide page 17 of this Transcript.)

2  
San Francisco, December 21<sup>st</sup> 1853.

In the same case the deposition of Thomas A. Brown, a witness in behalf of the claimants, taken before Commissioner R. Aug. Thompson, was filed;

(Vide page 8 of this Transcript.)

150 ND

PAGE 3

San Francisco December 29<sup>th</sup> 1853.

In the same case the deposition of R. S. Kilburn, a witness in behalf of the claimants, taken before Commissioner Thompson Campbell, was filed;

(Vide page 9 of this Transcript.)

San Francisco July 18<sup>th</sup> 1854.

Case No. 59 was submitted on brief and taken under advisement by the Board,

In the same case the Counsel for the claimants filed the following stipulation, to wit:

(Vide page 18 of this Transcript.)

In the same case the deposition of Joseph D. Buitol, a witness in behalf of the claimants, taken before Commissioner Peter Sott, was filed;

(Vide page 11 of this Transcript.)

San Francisco Aug. 29<sup>th</sup> 1854.

In the same case Commissioner Alphens Felch delivered the opinion of the Board concurring the claim.

(Vide page 21 of this Transcript.)

On motion of the U.S. Law Agent the following order was made, to wit:

(Vide page 24 of this Transcript.)



3 Petition  
A

To the Honorable the Commissioners to ascertain and settle the Private Land Claims in the State of California

Your Petitioners Lovell P. Rockwell and Thomas P. Knight Residents of the County of Mono in the said State of California was respectfully presented to Your Honorable Board that on the 1st day of September A D 1841 one Jose de Los Santos Burjesa a Mexican Citizen made a Petition in writing to Mariano Guadalupe Vallejo Com-mandant General of the District pursuant to the Frontier of the North and Director of Colonization in that part of California praying for a grant of a certain tract of land known as the Loma de Mayacamas and fully described in said Petition That on the 2nd day of September A D 1841 the said Mariano G Vallejo Commandant General and Director of Colonization as aforesaid by his order in writing dated that day directed the Military Commandant of that district to report certain information upon the said Petition

That on the same day Salvador Gallego the Military Commandant to whom the said order was directed made his report in writing to the said Mariano G Vallejo Commandant General as aforesaid

That thereupon on the 3rd day of September A D 1841 the said Mariano G Vallejo Com-mandant General and Director of Colonization by a decree in writing dated that day did grant the said land Petitioned for as aforesaid to the said Jose de Los Santos Burjesa directing that he should apply immediately to the Departmental Government to obtain the necessary titles That in order and by virtue of the said provision grant the said Burjesa became entitled to the actual and peaceable possession of the said land in the aforesaid Petition prayed for That afterwards to wit on the 6th day of October A D 1843 the said Burjesa made a Peti-tion in writing to His Excellency Manuel Micheltreana Governor of the Department of the California praying for the necessary titles to the land before and hereinafter for might be issued to him

150 ND  
PAGE 4



Minister and the Plain of the Aguas Calientes  
 including in the Grants on the Rancho of Cedar and  
 Bals and in all other parts of the high Mountains  
 the said grant embracing from Sitio Sana de May  
 or as appears is explained by the map or plan  
 accompanying said Petition and made part  
 of the same That the said grant last mentioned  
 made on the said 14th day of October A.D. 1843  
 was confirmatory of the said Ministerial grant  
 made in the year 841 as aforesaid

That the several Off  
 - ices herein before named acted in their own and each  
 of their legal capacities and had full power to do  
 whatever acts and things appear to have been  
 done by them That by virtue of the said grant  
 from and by the said Ministerial which grant  
 together with all and singular the persons relating  
 to the same are made part of this Petition the said  
 Buzza went into possession and became in  
 - tited to the ownership in fee of the said land and  
 described

That the said Buzza fulfilled the  
 conditions attached to his said grant and  
 built a house on that part of the Rancho or land  
 known as the Malacines or Ministerial

Your  
 Petitioners further state that in consequence  
 of the sum of Ten Thousand and three hundred  
 and dollars by them paid to the said Buzza  
 - he by a deed of conveyance dated the 13th day of  
 June A.D. 1851 conveyed to the said Rockwell and  
 Knight all his rights title and interests in and to  
 the land known as the Ministerial Rancho same  
 and except some land previously conveyed by  
 the said Buzza to Messrs Cooke and Wilkins  
 by Deed bearing date the 7th day of August  
 A.D. 1850 and some land conveyed by the said  
 Buzza to one F. C. Kellogg by and dated the first  
 day of November A.D. 1850

The said deed to Cooke  
 and Wilkins being for two miles square of land  
 and the said deed to Kellogg being for one hun  
 - dred and sixty acres of land

Your Petitioners further state that  
 by virtue of the said Deed of Conveyance executed by the said

Bunzsa to them in the said 13th day of June 1851 (which said deed duly made a part of this Petition and is filed herewith) they took possession and became entitled to all the rights title and property which the said Bunzsa had in and to the premises known as the Miradero Rancho

150 ND  
PAGE 7

Your Petitioners further state that Francisco Martinez Bunzsa the wife of the said <sup>late</sup> delos Santos Bunzsa signed and executed the said deed from the said Bunzsa to your Petitioners and that the said deed is duly acknowledged and that the acknowledgment was taken by a person duly authorized to take the same and that the acknowledgment to the same is in due form of Law

Your Petitioners further state that the said sale by the said Bunzsa and the said purchase by your Petitioners were made in good faith and that a full and valid consideration was given by the said Rockwell and Knight to the said Bunzsa for the land purchased as aforesaid Your Petitioners further state the said land claimed by them as aforesaid is located in the County of Santa Clara in the State of California and is supposed to contain two leagues of Land and embraces the whole of the Valley covered by the Miradero Rancho save and except the said reservations to Cooke Mellemis and Kellogg as aforesaid

Your Petitioners further state that all the improvements made by the said Bunzsa in obedience to the requirements of his aforesaid grant were made and done in that part of the Rancho now owned by your Petitioners

Your Petitioners further state that an agreement was made between the executor of the said Bunzsa and your Petitioners that the papers copies of papers and translations of papers relating to the original grants or grants of the said Bunzsa should be at the service of your Petitioners and that this is the reason why they have not obtained copies and translations of the papers of the said grants of the said Bunzsa to accompany this Petition

Your Petitioners state that said papers copies and translations of papers in relation to the said Buryesa Grant are now on file in this office among the Petition of the said Buryesa and your Petitioners pray that the said copies and translations may be referred to by your Honorable Board in the investigation of the matters contained in this Petition of your Petitioners and that the same may be used and considered as a part of this Petition

150 ND  
PAGE 8

Wherefore in consideration of the premises hereinbefore mentioned in this Petition your Petitioners pray that if the title to the land above described is confirmed and found to be in the said Buryesa that then and in that case your Honorable Board issue to the said Rockwell and Knight a proper certificate in their own names to the said land and send in their said deed from the said Buryesa to them and for this they will ever pray

And your Petitioners do further pray that your Honorable Board do issue an order to the Surveyor General of the United States directing him to cause a Survey of the land claimed by your Petitioners to be made and properly plotted by him

Your Petitioners further state that they intend to rely on the documentary evidences above referred to and upon the oral evidence of Johnston Howell Ralph L. Kilburn and Henry Fowler

J. D. Bustob  
atty for claimants

Filed in Office February 20th 1852  
Geo Fisher

Secretary

Deposition of Johnson Howell

Office of the Board of Land Commissioners for California  
San Francisco June 30th 1857  
On this day before me Gustavus T. Thompson one of the Commissioners for ascertaining and settling private Land claims in California came Johnston Howell a witness produced in behalf of the claimants Rockwell and Knight being in 59th

Docket of the Com. missions and after being duly sworn testified as follows

The U.S. Law Agent was notified and attended Questions of claimants

Question 1st What is your Name age and place of residence

Answer My name is Johnson Howell and my residence is in Napa City in the State of California

Question 2. Will you examine the deed of conveyance now here shown to which is marked No 39 and on file in the office of the Secretary of the Board of Land Commissioners for settling &c and marked as transfer B, in the Petition thereto filed and say whether or not the signatures of the grantors and of yourself as witnesses are genuine and made at the time they purport

Answer Have examined the deed referred to in the above interrogatory I saw the grantor James B. W. sign his name and signed my own as witness to his signature at the time the deed purports The signature of Madam Perryer I did not see executed nor do I remember having written

Johnson Howell

I acknowledge notice and delivered my cross interrogatories

Geo. W. Cooley  
U.S. Law Agent

Given to and subscribed before me this 30th June 1852

Harry J. Thurston  
Commissioner

Filed in Office June 30th 1852

Geo. Fisher  
Secretary

Deposition of Thomas C. Brown

Office of the Board of U.S. Land Commissioners  
San Francisco Dec 21st 1853

This day before Commissioner M. Aug. Thompson came Thomas C. Brown a witness in behalf of claimants Rockwell and Wright Petition No 39 and being sworn answered as follows  
Presents Claimants Atty and U.S. Associate Law Agent

Witness states his name is Thomas C. Brown

his age thirty years and a resident of Contra Costa  
 County California  
 District of Columbia Attorney  
 Look at the paper from whom you purporting  
 to be added from Jose G. Buryesa and wife to Robert  
 P. Rockwell and Thomas Knight marked to  
 answer B. and with the initials R. J. and see with  
 pen and state what you know of the execution  
 thereof and the genuineness of the signatures  
 thereto

150 ND  
 PAGE 10

Answer I am the subscribing witness attesting  
 the signature of Maria Francisca de Buryesa  
 the wife of Jose G. Buryesa who signed and  
 acknowledged the same in my presence. There  
 is a certificate to said deed signed by me as  
 clerk of Contra Costa County dated the 16th  
 June 1849

The date is evidently a mistake as I  
 was not clerk of the County at that time nor was  
 the County organized or a clerk elected until  
 1850. I think the date should be some time  
 16th 1851 as I can certify the certificate was  
 written on the same day that the deed was sig-  
 ned by the wife of Jose G. Buryesa and attes-  
 ted by me as above stated

Thomas Atkinson

Given to and Subscribed

Before me December 21st 1853

N. C. Thompson  
 Commissioner

Filed in Office December 21st 1853

Geo. Fisher  
 Secretary

Deputy  
 of N. L.  
 Kilburn

Office of the U. S. Board of Land Commissioners  
 San Francisco December 29, 1853

On this day before Commissioner Thompson  
 Campbell came Ralph L. Kilburn and mess  
 in behalf of claimants Rockwell Knight  
 Petition No 59 and being duly sworn depose as  
 follows

Q. What is your name age and place of

150 ND  
PAGE 11

Residence  
Answer My name is Ralph L. Holburn I am  
forty three years of age and reside in Waspa  
County

Question Are you acquainted with the Ran-  
cho called Malacomas (Munista) and if so  
state how long you have known it and what  
your knowledge of its occupation and inhabitation  
by the original grantee

Answer I am acquainted with said Rancho  
the first time I was ever in it was in the year  
1846 at which time there was a small adobe  
house there in which the portion of the orig-  
inal grantee was living

There was also a large oak  
the coral fence and a vineyard in the place  
From the appearance of the vineyard I should  
suppose it had been set out in the spring  
before as early as the year 1845

It was in Septem-  
ber of the year 1846 when I first saw the place  
From the appearance of the house I should  
think it had been built as early as the year  
before

Question Look at the map now shown you  
and which is a part of the tract body of the  
Expediente B. in this lease marked A and  
point out on said map the part of said Rancho  
where the improvements to which you have re-  
ferred are located

Answer according to the map shown me and  
which is attached to document marked A the  
improvements to which I have referred are  
located on the north west side of said Rancho

Question Look on the paper now shown you and  
marked B. and state whether the tract of land  
therein described is delineated on said map  
marked A as aforesaid and if so point out  
its precise location on the same

Answer I should think from the description  
given in said document marked B. of the tract of  
land therein conveyed that the same was del-  
ineated on said map as being on the north  
west side near as the improvements to which



I have referred in a former part of my Deposition  
 The "Pais" referred to in said deed as a boundary  
 is a pile of rocks and is situated on the top of the  
 ridge or Potosiulo near the main road there is  
 a path in the gap of the hill and is delineated  
 and marked in said map as the Potosiulo  
 I don't know any other name for the fact that  
 the one of which it is distinguished in the grant  
 & Justin Kiel of our state is you know anything  
 of the occupation and inhabitation of Thomas Knight  
 of said premises

150 ND  
 PAGE 12

answer I know that said Knight has lived there  
 and occupied said place since the year 1851  
 He has fenced some and set out some fruit trees  
 think he has about four or five hundred to a  
 thousand and fifty acres in cultivation and  
 some more and cattle and horses on the place

R L Wilborn

Associate Law Agent present  
 Given to and Subscribed  
 Before me this 29th day of  
 December A.D. 1853

Hampden Campbell  
 Commissioner

Filed in Office December 29th 1853

Geo Foster  
 Secretary

Deposition  
 of Joseph D  
 Bristol

United States of America }  
 State of California }  
 July 17th 1854

This day personally came before me Peter Sott  
 Commissioner for taking Testimony to be  
 used before the Board of All I Laymen Commis-  
 sioners in said State Joseph Bristol a  
 witness on behalf of the claimant Thomas  
 Knight in case No 59 on the Docket of said  
 Board and said witness being sworn depose  
 as follows

The U S Associate Law Agent present  
 Justins G Merrimitts Counsel  
 I Justins What is your name and  
 residence  
 ans My name is John D Bristol my age thirty eight  
 years my residence San Francisco California

Question 2, Are you acquainted with the boundaries of the tract of land claimed in this lease of Thomas Knight if you state them  
 Answer I am acquainted with them It commences at a point of the dividing ridge between San Rafael and San Felipe Valley where there is a pile of stones the point is called "Pais" (an Indian name) from thence the line runs East and West along said ridge till it strikes the high Mountains on either side of the Valley of San Felipe at the other boundaries are the top of the Mountains on each side of said St. Helena Valley to the northern boundary of the Rancho which is a small stream and a place called Portuondo towards the land of Marras

These lands which I have described are Thomas Knight's land and also some pieces which were sold to Cooke and Perkins and McKelvey but which pieces have not been run off by Knight and calls for all the land in these boundaries except these pieces

Question 3, By what name is this land known

Answer It is known by the name of Real coveñas of Agua Caliente and also as the Rancho of St. Helena Knight's claim for only a portion of the land known by the first name Knight's part is now more commonly known as San Felipe

Question 4, Does Knight's claim embrace the original improvements made in the Malacamas Rancho

Answer It does

Question 5, Is Knight's claim embraced within the original grant of Malacamas Rancho

Answer It is

Joseph J. Pastor

Subscribed and sworn to  
 Before me this 17th day of  
 July 1854

Peter Lott Commissioner &c  
 Public Office July 17th 1854  
 Geo. Foster Secretary

Transfer  
B

150 ND  
PAGE 14

Know all men by these presents that I Jose G  
 Brungesa of the County of Contra Costa and State  
 of California in consideration of the sum of  
 Ten Thousand and Three hundred dollars  
 to me in hand paid of Jose P. Rockwell and  
 Thomas P. Knight of the County of Santa Clara  
 State aforesaid the receipt whereof is hereby  
 acknowledged hereby promise please and power  
 quit claim unto the said Rockwell and Knight  
 their heirs and assigns forever all my right title  
 interest and estate both legal and equitable  
 in and to the following premises with the appur-  
 tenants situate in Santa Clara County and  
 State of California as follows to wit  
 Beginning at the dividing ridge which separ-  
 ates Santa Clara Valley from Santa Helena and  
 running by the Mexican name of Pinos and  
 running across said Valley as right angles  
 to the high hills in both ends of the Valley  
 first include all the land known as the (over-  
 istac Rancho except a certain quantity here-  
 tofore sold to Cook and Wilkins and coming  
 into date bearing date the 7th day of Aug-  
 ust AD 1835 and also to H. C. Kellogg dated  
 the first day of November AD 1835 and a cer-  
 tain lease to John Storks and I the said  
 Jose G Brungesa as hereby and myself my  
 heirs executors and administrators to  
 remain and defend the aforesaid premises  
 to the said Rockwell and Knight against  
 the lawful claims of any and all persons  
 claiming title to the same through or by me ex-  
 cept such as has been heretofore discovered  
 mentioning whom of the said Jose G Brungesa  
 and Francisca P. Brungesa his wife has her  
 unto set his hand and seal this 13th day  
 of June AD 1837

Jose G Brungesa (seal)

Francisca P. Brungesa (seal)

Signed sealed and delivered in the presence of  
 John H. Howell  
 N. G. de Noya  
 P. J. de Padilla in presence of Thomas Brown

State of California }  
Napa County } 3

Personally appeared before me the undersigned Clerk of the County of Napa County, Mr. J. W. Jones and acknowledged that he signed and sealed the foregoing deed of conveyance for the use and purposes therein expressed and contained.

Given under my hand and seal at Napa City this 13th day of June A.D. 1851

H. H. Lawrence  
Recorder of Napa County

150 ND  
PAGE 15

State of California }  
County of Contra Costa } 3

Personally appeared before me the undersigned Thomas A. Brown County Clerk of Contra Costa County, Francis C. Martin, Burgess or wife of J. S. Burgess and acknowledged that she signed the foregoing deed of conveyance of her own free will and accord without fear or compulsion on the part of her said husband and declares that she fully releases her right of dower and that the words at the top of this page was inserted and read and Thomas Burgess's wife was done before signed by her.

In testimony whereof I have hereunto set my hand and the seal of the County Clerk of said County this 16th day of June A.D. One Thousand Eight Hundred and forty nine

(Seal)

Thomas A. Brown  
County Clerk

Filed June 13th 1851 at 4 O'clock P.M.  
and Record in Book A Pages 333 + 334  
Archives of Napa County

H. H. Lawrence Recorder  
W. E. Mansam Deputy  
Recorded June 24th Filed 5th July 30. 340  
Filed in Office February 20th 1852  
Geo. Fisher County

15  
Erasmus per

Deed

Levi P. Rockwell To Thomas Knight & Heirs  
for Record October 12th ad 1852 at 9 O'clock  
am

This Indenture made and concluded this ninth  
day of October a D One thousand Eight hundred  
and fifty two by and between Levi P. Rockwell and  
Thomas Knight both residents of County of Napa  
State of California

Witnesseth that the said Levi P.

Rockwell for and in consideration of the sum  
of Ten thousand dollars to him in hand paid  
the receipt whereof is hereby acknowledged hath gran-  
ted bargained sold and conveyed and do by  
these presents bargain sell and convey unto the  
said Thomas Knight his heirs and assigns  
power all his right title and interest of in and  
to all that certain tract of land situated and  
lying in the County of Napa known as the Ran-  
cho de Buzza or San's Helena or in other  
words the Buzza Rancho which was purchased  
by the herein named Levi P. Rockwell and  
Thomas Knight of Jose de las Santos Buzza  
now living in Monterey County of Central Coast  
California

Witnesseth that said Jose S Buzza did on  
the thirtieth day of June one thousand Eight  
hundred fifty one make and execute to Levi P.  
Rockwell and Thomas Knight a deed of a  
tract of land in which is described the amount  
and situation of said Rancho and Record in Book  
of Records Napa Book B Page 17

Have this day

signed and conveyed and to this day bargain sell  
and convey to said Thomas Knight his heirs and  
assigns all my right title and interest of what  
ever nature in me vested in said deed from  
said Jose Buzza and do hereby warrant  
and defend against all my acts relative  
to the premises mentioned and described  
that a parcel of land To the said Thomas Kni-  
ght his heirs or assigns power To Have  
and To Hold the before mentioned and described  
said and herein before referred to tract of

150 ND  
PAGE 16

11)

Said together with all the appointments rights  
profits privileges and benifitments what so ever  
unto the said Thomas Knight his heirs and assigns  
to the only proper use benefit and behoof of the said  
Thomas Knight his heirs and assigns forever

150 ND  
PAGE 17

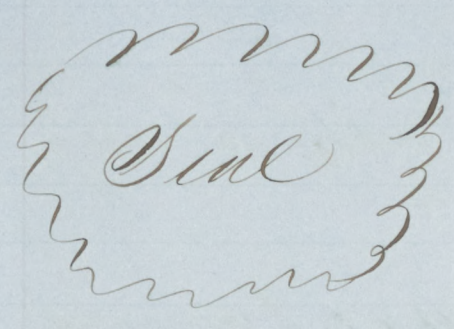
In witness whereof  
the said Lovett P. Rockwell has hereunto set his  
hand and seal this ninth day of October A.D.  
one thousand eight hundred and fifty two

Lovett P. Rockwell Seal  
Executed and delivered  
In presence of  
J. P. Masto

State of California  
Napa County ss

On this 12th day of October  
A.D. 1852 Personack says

— said before me Recorder within and for said  
County Lovett P. Rockwell 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  
official seal this 12th day  
of October A.D. 1852

John H. Seawell  
County Recorder  
By W. C. Coffin  
Deputy Recorder

State of California  
County of Napa ss

I John H. Seawell County  
Recorder in and for

— said Napa County hereby certify that the foregoing  
is a full true and correct copy of the  
copy of a Deed from Lovett P. Rockwell To  
Thomas Knight as Recorder in Book B.  
Pages 230 and 231 of the Records of said Napa  
County

In witness whereof I have set my hand and official seal  
at Napa City this 1st day of March A.D.  
1853 John H. Seawell Recorder  
By W. C. Coffin Deputy Recorder  
Filed in Office March 2nd 1853 Geo. Fisher Secretary

Before the Commission to ascertain and settle  
Stipulation the Private Land Claims in California  
In the matter of the Petition  
of Jose S. Bungea for the  
Ranchos of Mastacorus and  
Agua Caliente

150 ND  
PAGE 18

It is hereby certified that the Petition of Rockwell and  
Knight filed this day may be considered in the  
same proceedings had upon the Petition of said  
Bungea and that said Rockwell and Knight  
may refer to the papers on file with said Bungea's  
Petition in the manner and for the purposes men-  
tioned in their said Petition

February 20th 1852

J. P. Frank

Atty for J S Bungea

Filed in Office February 20th 1852

Geo Fisher

Secretary

Stipulation Thomas Knight vs No 59 The United States  
Before the Commission to ascertain and settle Private  
Land Claims in the State of  
California

It is hereby stipulated and agreed by the Law  
Agents of the United States that the Depositions  
of John C. Hays Martin C. Cooke Jose Luis  
Bungea Juan de Castaneda Cajetani  
Manuel and Salvador Valero's depositions taken  
in the claim of Jose de Los Santos Bungea No  
58 shall be considered as taken in this cause  
and shall be entitled to be read in this cause  
and come to the benefit of said Thomas Knight  
in the same manner and with like effect as though  
taken in this cause

Robert Greenhow  
Associate Law Agent

San Francisco 29th November 1853

Filed in Office November 29th 1853

Geo Fisher

Secretary

18

Stipulation

No 59  
 Thomas Knight  
 vs  
 The United States

3 Before the Board of Comm  
 3 issions to ascertain and settle  
 3 Private Land Claims in the  
 3 State of California

150 ND  
 PAGE 19

It is hereby Stipulated and agreed by the Law  
 agent of the United States that the Deposition  
 of Jose Ramon Mesa taken in No 58 in the  
 name of Jose Santos Buzza shall be con-  
 sidered authentic in this cause and shall come  
 to the benefit of this claimant the same as though  
 taken in this case

~~J. H. McNamee~~  
 Law Agent

Dated at San Francisco  
 July 18th 1854

Filed in Office July 18th 1854  
 Geo Fisher  
 Secretary



Supplemental To the Honorable Land Commission to ascertain  
 Petition claim and settle the Private Land claims in  
 California

150 ND  
 PAGE 20

Your Petitioner Thomas Knight says that  
 he and Lewis P. Rockwell filed their joint  
 Petition in this Court for the joint Confirma-  
 tion to them of the Rancho (Muris) or (Manga)  
 cross situate in Santa Clara County California  
 and the case is numbered in the Docket of this  
 Court No 59 and to the Papers filed in said case  
 No 59 reference is here made, and their time  
 to act on the 9th day of October A.D. 1852 the  
 said Lewis P. Rockwell has sold out to your Pe-  
 titioner all his right title and interest in the Ran-  
 cho aforesaid and your Petitioner files herewith  
 a copy of said Lewis P. Rockwell conveyance  
 (marked K) to your Petitioner and duly recorded  
 and your Petitioner prays that the same may  
 be made a part of the case and that said Rancho  
 may be confirmed to your Petitioner alone  
 and your Petitioner will ever pray &c

J. D. Bristol  
 atty for Petitioner

Filed in Office March 2nd 1853  
 Geo Fisher  
 Secretary

211

1

2046

Handwritten text at the bottom edge of the page, partially obscured.

Up in view of the Board

Thomas Knight & al  
vs  
The United States

For the place called  
Munizine or Brall  
Quemur in Oropa  
County

150 ND  
PAGE 21

The land claimed in this lease is a portion of the premises granted to Jose Mungesa by Gov  
- orr Michelmore on the 14th October 1843 and  
which was the subject of a decision by the  
Commission in lease no 58 in which a Decree of  
Confirmation has been entered.

The original grant  
is filed in this lease by stipulation The Dis-  
- tinction taken therein substantiating the rights  
of the original grantee to the premises is to be ad-  
- mitted in the lease now on consideration

For  
the views of the Commission on the merits of the  
lease so far as the title of the original grantee  
is concerned it is therefore sufficient to refer  
to the opinion delivered in lease no 58 The  
Petitioner Thomas Knight has given in evidence  
only authentication of a deed of the premises cla-  
- imed in the lease from said Jose Mungesa  
and wife to himself and Lewis P. Rockwell dated  
June 13th 1851 and a conveyance to him by said  
- Rockwell of all his interest therein executed Oct-  
- ober 9th 1852

When the Confirmation was made  
to Mungesa this lease had not been submitted  
and it was not known to the Commission that  
there was another lease covering a portion of  
the premises held under the original grantee

A Stipulation  
made by Mungesa's attorneys recognizing the  
rights of the Petitioners in this lease to the prem-  
- ises claimed therein and consenting to a confirmation  
to these Petitioners in their own name was  
filed in this lease instead of the other.

If it had  
been filed in this lease the premises here claimed  
would have been excepted from that confirmation  
The present claimant however is still entitled to a

Compromatation under the present aspect of the case  
 It is not the design of the Commission to confirm  
 the same lease to two persons but the fact that  
 to file the stipulation in the other case makes  
 it necessary to do so in the present instance

150 ND  
 PAGE 22

No  
 rights in this lease can be put in jeopardy  
 by the double confirmation for the deed of  
 conveyance to Knight to Knight and Rockwell  
 contains covenants of warranty and the title  
 comprised to said Pungsa would of course  
 come to the benefit of those holding under his  
 deed

The present claimant has never exercised the right  
 to admission of his own lease and advice through  
 Pungsa Knight in its progress in the District  
 or Supreme Court never to leave for his lease  
 or abandon the deed line rendered in his favor  
 and thus if his grantee was denied a confirma-  
 tion the title of the latter would be defeated  
 altogether

It was wisely provided that persons  
 holding under a by title derived from the grantee  
 of the Mexican Government should be entitled to  
 present their claim and receive a confirmation  
 in their own name without being left as the  
 prey of their respective grantors.

We are not  
 at liberty then to reject this claim because  
 the promises are embraced within the deed  
 of confirmation already made to the Petition-  
 ers grantor Both confirmations will con-  
 -centrate in one title both inuring to the ben-  
 -efit of the true owner of the promises the pre-  
 -sent claimant

The interests of Rockwell in  
 of the original Petitions in the lease having  
 been conveyed to Knight the other claimants  
 and an amended Petition filed setting  
 forth their fact a decree will be entered con-  
 -firming the title of the latter to the entire prom-  
 -ises, covered by Pungsas deed to them  
 Filed in Office August 29th 1854

Geo Fisher

Secretary

Decree  
of  
Confirmation

Thomas Knight  
vs  
The United States

In this case on hearing  
the proofs and allegations reviewed by the  
Commission that the claim of the Petitioner  
Thomas Knight is valid and it is therefore decreed  
that the same be confirmed to him.

150 ND  
PAGE 23

The land of which  
confirmation is hereby made is a part of the place  
known by the name of Malacamas or Moris  
- two of Place de Agua Caliente originally gran-  
- ted to Jose L. Bungea situated in Napa County  
and the same in which said Bungea a former  
Mexican land bounded as follows to wit

On the South side  
by the line of the place known as the Rancho of Don  
Edward Bale and on all the other sides by the  
high ridge of mountains which encompasses the  
same containing four square leagues of land  
being the same Merries granted to said Bun-  
- guesa by Governor Micheltreana reference  
to be had to the said grant and map attached  
to the true copy of the Expediente in file in case  
No 58 in the Docher of this Commission

That  
portion of the above described Merries of which  
confirmation is hereby made is described as fol-  
- lows to wit Beginning at the dividing ridge  
which separates Napa Valley from St Helena  
and running by the Indian name of Pius and  
running across said Valley at right angles  
to the high hills on both sides of the Valley  
also include all the land known as the San  
- jito Rancho except a certain quantity of land  
- to be sold to booke and williams and con-  
- veyed by deed bearing date the 7th day of  
August AD 1850 and also to H. E. Kellogg  
dated the first day of November AD 1850 and  
a certain lease to John Stutes the same being  
the portion of said Rancho conveyed by said

Jose G. Bonanza and wife to said Thomas  
 Knight and Lovett P. Rockwell by and an-  
 ted June 13th 1851 to which decision in  
 full in this case reference is to be had for  
 further description of the premises

150 ND  
 PAGE 24

It being the  
 true intent and meaning of this decree to con-  
 firm that portion of the Rancho just above na-  
 med which is covered by this said deed and  
 no other or different premises

Alphus, Welch

H. Aug. Thompson

G. B. Fawcett

Commissioners

Filed in Office August 29th 1854

Geo. Fisher

Secretary

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And it appearing to the Satisfaction of this  
 Board that the said land, adjacent to the  
 situated in the Northern District of California  
 and it is hereby ordered That Two Transcrip-  
 ts of the Proceedings and of the decision in  
 this case and of the Papers and evidence  
 upon which the same are founded be made  
 out and duly certified by the Secretary one  
 of which Transcripts shall be filed with the  
 Clerk of the United States District Court  
 for the Northern District of California and the  
 other be transmitted to the Attorney General  
 of the United States

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Office of the Board of Commissioners,

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

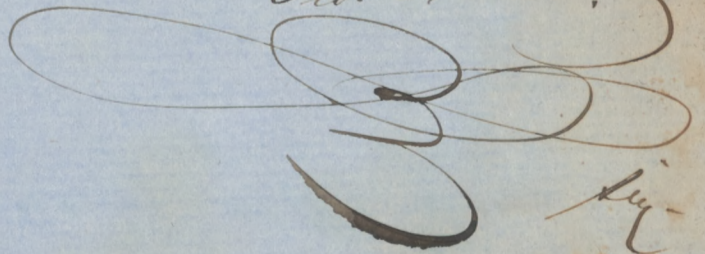
150 ND  
PAGE 25

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 four* — pages, numbered from 1 to *24*, 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. *59* on the Docket of the said Board, wherein

*Rockwell and Knight* are the Claimant *S* against the United States, for the place known by the name of *Moristut* —

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-*seventh*.

*G. Fisher.*



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Michael & August

George & August

George & August

George & August

George & August

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000



Office of the Attorney General of the United States,

Washington, 7<sup>th</sup> March 1855.

150 ND  
PAGE 26

Rockwell & Knight }  
vs. } 59.  
The United States. }

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 30<sup>th</sup> 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. 150

U. S. D. Court N. D.

United States

vs.

Rockwell & Knight

Appeal Notice.

Filed April 14, 1855,  
by W. St. Charles,  
Deputy.

Office of the Attorney General of the United States,

Washington, 7<sup>th</sup> March 1855.

150 ND  
PAGE 28

Rockwell & Knight }  
vs. } 59.  
The United States. }

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 30<sup>th</sup> 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 150

U. S. Court N. Dist.

The United States

vs.

Rockwell & Knight

Appral Notice.

Filed May 5, 1855,  
by W. A. Chernes,  
Deputy.

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  
twenty sixth day of November in the Year of  
our Lord one thousand eight hundred and fifty.

Present:

The Hon. Ogden Hoffman, District Judge.

The United States  
vs  
L. P. Rockwell &  
Thomas P. Knight.

Case No. 150.  
Transcript No. 59.

The Attorney General of  
the United States having given notice that no  
appeal will be further prosecuted in this case,  
and a stipulation having been entered into by the  
United States District Attorney for the dismissal of  
the appeal from the decision of the Board of United  
States Land Commission heretofore rendered in his  
favor - on motion of the District Attorney it is

Ordered, adjudged and decreed that the  
appeal pending in this Court be dismissed, and  
that the claimants have leave to proceed under  
the decree of the Land Commission heretofore rendered  
in his favor, as a Final Decree.

Ogden Hoffman  
U. S. District Judge

No. 150  
United States  
District Court

The United States  
vs  
S. P. Rockwell &  
Thos P. Knight.

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Case - No. 150  
Transcript No. 59

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Order

Given Nov 26, 1856,  
W. H. Cheves,  
Deputy.

150 ND  
PAGE 32

California Land Claims.

Attorney General's Office

6 October 1854.

Sir:

In the case of the claim of S. P. Rock-  
well and Thos I Knight, confirmed to the  
claimants by the Commissioners, case no. fifty-  
nine (59), appeal will not be prosecuted by the  
United States.

I am

Respectfully

Clatney

Wm Blanding Esq  
U. S. Attorney  
San Francisco.

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

150 ND  
PAGE 33

The United States

vs  
S. P. Rockwell &  
Thos P. Knight

Case No. 150  
Transcript: 59

In pursuance of a notice from the Attorney General of the United States, herewith annexed, it is hereby stipulated and agreed that the appeal heretofore taken in this case from the decision of the United States Land Commission to ascertain and settle private land claims in California, be dismissed, and the notice of intention to prosecute said appeal, filed in this Court by the Attorney General of the United States, be withdrawn, and that the claimants have leave to proceed under the decree of the said Land Commission in his favor, as under Final Decree.

Nov 25. 1856.

Wm Blanding  
U. S. Dist Atty  
D. D. Bristol  
Atty for Claimants



~~No. 153~~  
United States  
District Court

The United States  
vs  
S. P. Rockwell and  
Thomas P. Knight.

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Case - No. 150  
Transcript No. 59

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Stipulation.

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Filed Nov 26, 1856,  
W. G. Cheever  
Deputy.

Office of the Board of Commissioners,

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

150 ND

PAGE 35

San Francisco, Dec 30<sup>th</sup> 1854

John A. Morrow 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. 19 on the Docket of the said Board, wherein Rockwell and Knight are the Claimants against the United States, for the place known by the name of "Moristul" and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher