

CASE NO.

176

NORTHERN DISTRICT

PART OF ENTRE NAPA GRANT

JOSEPH MOUNT

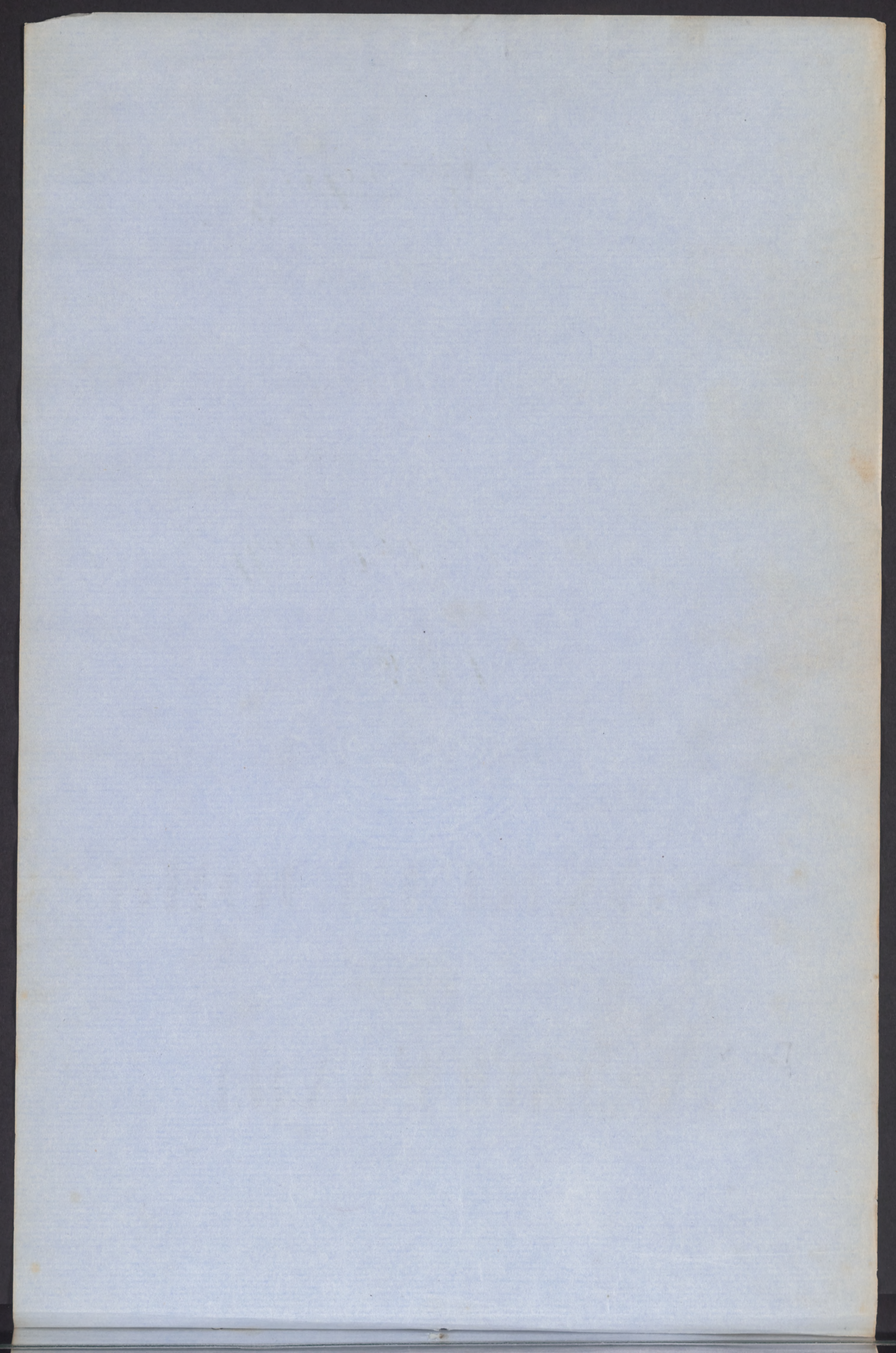
CLAIMANT

LAND CASE 176 ND pgs.91

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Guaranteed
Plover Bond
55% Cotton Fiber
U.S.A.

381



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PAGE 1

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 581

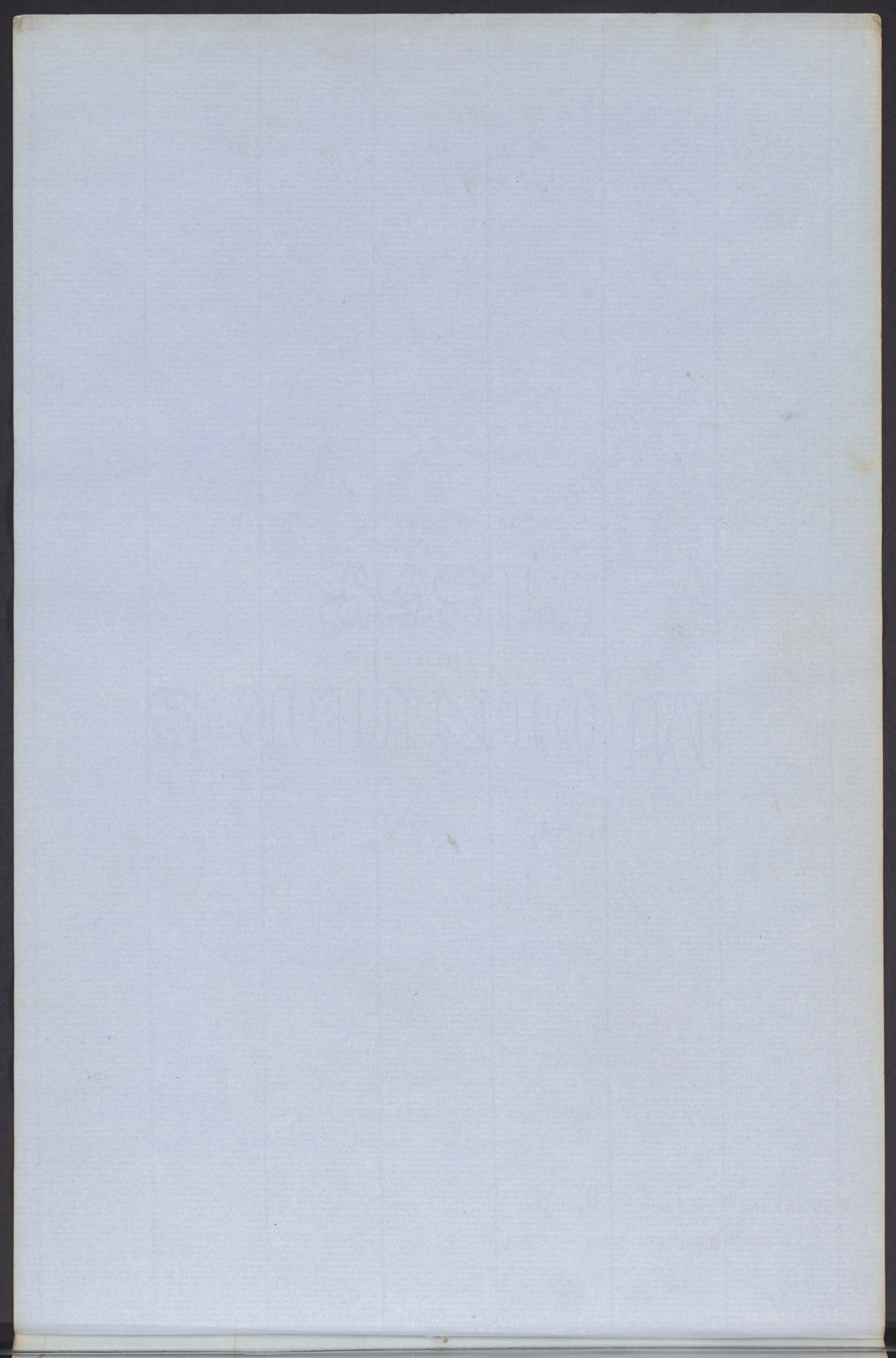
Joseph Mount, et al, CLAIMANT *S.*

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Entre Napa"



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this Eleventh 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 Joseph Mount, et al:
for the Place named

"Entre Napa"

was presented, and ordered to be filed and docketed with No. 581, 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 December 14th 1853.
In Case No 581, Joseph Mount, et al, for part of the place named "Entre Napa" the deposition of Gilbert A. Grant, a witness in behalf of the Claimants taken before Commissioner Alpheus Felch, was filed.
(Vide page 1 of this Transcript)

San Francisco Aug 23rd 1854.
In the same Case the Counsel for the Claimants, filed the following Stipulation, to wit:
(Vide page 45 of this Transcript)

San Francisco, Aug 29th 1854.
Case No 581 was submitted without argument, and taken under advisement by the Board.

San Francisco Sept 5th 1854.

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

(Vide page 4th of this Transcript)

In the same case the following order was made, to wit:

(Vide page 5th of this Transcript)

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To The Hon. the Board of Land Commissioners
of the United States for the Settlement of
private Land Claims in California

Your Petitioners Joseph Mounk and
Edward Cotterill of the County of Napa, respectfully
fully represent that on the 9th day of May
A.D. 1836 Manuel Chico former Governor
of Upper California, made a grant of one
square league of land in what is called
"Entre Napa" now the County of Napa to
one Nicolas Figueroa now deceased, which
said grant was duly confirmed according to
the laws and usages then prevailing
under the Government of Mexico judicial
possession thereof was made and delivered
to said Figueroa as will more fully
appear by reference to the papers and
entries still remaining in the Public
Archives in the Office of the Surveyor General
of the United States for the State of California
and which your petitioners craves leave
to produce and prove which said lands are
bounded as follows: Commencing at the house
towards the East on Napa Creek, thence
running along said Creek to its junction
with Napa River; thence down said
river to the mouth of Carneros Creek, thence
up said Carneros Creek to the corral at
the lower pass "passo de abajo" thence
North to the said Napa Creek, that said
Nicolas Figueroa took actual possession
of said lands under said grant and held
the same except such parts thereof as
he had conveyed from time to time.

That on the 18th day of April A.D.
1851 said Figueroa by deed of that
date conveyed to Ramon de la Riva a
copy whereof is annexed marked "A"
all that part of said land described
as follows:

Commencing at the mouth of Carneros
Creek, running thence up Carneros Creek

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Petition

one half mile, thence across to Napa Creek to a point one and a half mile above the mouth of Carnaros Creek, thence down said Napa Creek to the place of beginning.

Your Petitioner further shows that on the 7th day of February A.D. 1852, said Nicolas Figueroa and Maria Antonia his wife, by a deed of that date, a copy whereof is annexed marked "B" annexed to said Ramon G. de la Riva another parcel of said lands described as follows:

commencing at the house formerly occupied by Nicholas Figueroa on the north side of the arroyo de Napa thence running towards the east to Napa Creek, thence down said creek to the mouth of Carnaros Creek, following up said creek eighteen thousand varas, containing one league more or less.

That on the twenty eighth day of March A.D. 1852, said Ramon G. de la Riva, by a Deed of that date a copy whereof is annexed marked "C" conveyed said several parcels of land so as aforesaid conveyed to him by said Nicholas Figueroa to Martha Frias de Figueroa and Encarnacion Cacho de Figueroa and which said lands are described as follows;

commencing at the mouth of Cameros Creek running thence up Cameros Creek one half mile thence across to Napa Creek to a point one and a half miles above the mouth of Cameros Creek, thence down said Napa Creek to the place of beginning, also commencing at a house formerly occupied by Nicholas Figueroa on the north side of the Arroyo de Napa, thence running towards the east to Napa Creek, thence down said creek to the mouth of Cameros Creek, and following up said creek eighteen thousand varas to an old corral at the lower ford, thence on a north line to Napa Creek, containing one league of land more or less.

That on the thirtieth day of October A.D. 1852 said Marta Frias de Figueroa by deed of that date, a copy of whereof is annexed marked "D" conveyed to said Encarnacion Cacho de Figueroa a part of said lands so as aforesaid conveyed to them by Ramon de la Riva

5-
described as follows: commencing at a house formerly occupied by Nicholas Stiguer on the north side of the arroyo de Napa, thence bearing towards the east to Napa Creek, thence down Napa Creek to the mouth of Carmeros Creek, thence up said Creek eighteen thousand varas to an old corral, at the lower ford, thence on a north line to Napa Creek.

And your Petitioners further show that on the eighth day of November A.D. 1852, said Incarnacion Cacho de Stiguer by deed of that date a copy whereof is annexed marked "E" conveyed to your Petitioners that part of said lands described as follows;

commencing at the old ford on Carmeros Creek, and running thence along Nicholas Stiguer's line north to Joseph Green's corner; thence along said Green's line to John E. Brackett's line, thence along said Brackett's line to Brown and Walker's south west corner, thence in a direct line to Julius Martin's north east corner, thence along said Martin's line to the place of beginning, and your Petitioners further shew that immediately after the execution of said deed last mentioned, your Petitioners took possession of said premises conveyed thereby and have since held and have now the quiet and peaceable possession thereof and have caused a survey of the same to be made which your Petitioners crave leave to produce and prove. That your Petitioners do not know and are not informed that there are any other persons claiming said lands or any part thereof, and therefore pray that the same may be confirmed to them on the production of such proofs as may be required in the premises.

Joseph Mount
Edward Cotterill
Robt. N. Morrison

By their Atty.

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Filed in Office
Feb'y. 11th 1853,
Geo. Fisher
Secty-

Office of the Board of U. S. Land
Commissioners &c. &c.

San Francisco December 14th 1853 -

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On this day before Commissioner Alpheus
Felch came Gilbert A. Grant, a witness on
behalf of Claimants Joseph Mount, et. al.
Petition No. 581, and being duly sworn
deposed as follows,

Deposition
of
Gilbert A. Grant

Question by Judge Morrison Attorney for
Claimants

Question, what are your name, age,
and place of residence?

Answer, my name is Gilbert A.
Grant, my age is thirty six years and I
reside in San Francisco.

Q. Question, Is the land described
in the Petition filed in this case as claimed
by the Petitioners, a part of the Grant of land
to Nicholas Higuera's known by the name
of Cote = Napa?

Answer, It is.

Gilbert A. Grant

Mr. Brunhow Associate Law Agent, was
present at the taking of this deposition but
propounded no question.

Subscribed and
sworn to before me this 14th
day of December 1853 -

Alpheus Felch Commr.

Filed in Office December 14th 1853. Geo. Fisher Sec.

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Case No. 585

U. S. Land Commission
San Francisco July 7. 1854

On this day before Commissioner R. Aug. Thompson, came Em. A. de Heme court a witness in behalf of the claimant Joseph Green in case No. 583. who after being duly sworn deposed as follows;

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Present, Claimants Attorney.

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Witness states his name Emile A. de Heme court, his age thirty eight years, and certified copy of residence Napa County California -
Deposition of
Em. A. de Heme court.

~~Map~~

1st. Question Claimants Counsel

Are you acquainted with a tract of land formally owned by Nicholas Higuera called Entre Napa, if so state whether the map, herewith filed, and marked No. 1 R. T. is a correct map of said Tract.

Answer, I am acquainted, with said land, and the map referred to in the question is a correct representation of it.

2^o. Question by same

State whether said Map also contains a correct representation of the Tracts sold and conveyed by the said Nicholas Higuera and his children.

Answer, It does. The said Tracts are numbered on said map from No. 1 to No. 13. with a marginal reference to the names of the parties to whom they are sold.

The Tract marked "Green" is the residence of said Tract unconveyed -

3^o. Question by same,

Describe the boundaries of the Tract marked on said map "Green" with reference to the copy of the Deed herewith filed marked No. 2. R. T.

Answer, The said Tract commences at the crossing of the lower corral on the Carmeros Creek (passo el Corral de Abajo) marked on said map with the letter "A" and running north $75^{\circ} 15'$ East one hundred and sixty chains or two miles, thence in a southerly direction to the south-west corner of the land deeded to Brown and Walker, by Nicolas Higuera being 79 chains 16 links - thence on the South line of said Brown and Walker Tract, East 141 chains, 25 links to the River of Napa, thence down said River and with the meanders thereof to a line mentioned in the deed of sale from Encarnacion Cacho de Higuera to Martha Frias de Higuera being one mile and a half more or less. above the mouth of the Carmeros Creek thence South $53^{\circ} 45'$ West with said line to the South East corner of C. Wilson's Tract marked on said map n^o 13. thence with the east line of said Wilson's tract n^o $35^{\circ} 15''$ West 40 chains to the north east corner of said Wilson's Tract. Thence with the north line of said Wilson's Tract south $53^{\circ} 45''$ West 91 chains 36 links to the Carmeros Creek thence up said creek and following the meanders thereof to the place of beginning -

4th Question by same,

What office do you hold, and how did you ascertain the boundaries above described?

Answer, I hold the office of County Surveyor for Napa County in which said land is situated, and I know the position and boundaries of the tracts of land represented on said map, from actual surveys made by myself.

5th Question by same

State where on said map the Tract surveyed by you and a copy of which marked A is filed in this case is located?

Answer, It is situated in the north

West corner of said Tract and marked on the map N^o 10,

6th Question by same

State what you know in relation to the Tract including the adobe house and Garden, conveyed by John C. Brackett to Nicolas Figueroa and state where on said map the same is located?

Answer, The Adobe House and Garden is situated in the limits of the Tract marked on said map as N^o 5, and is located about the spot marked "B." surrounded by dotted lines -

It contains about twelve and a half acres.

Em. A. de Hamecourt
subscribed and sworn
to before me July 7. 1854.

R. Aug. Thompson Com^r -

I George Fisher Secretary to the Board of U. S. Commissioners to ascertain and settle the Private land claims in the State of California, do hereby certify that the foregoing is a true and correct copy of the Deposition of Em. A. de Hamecourt, taken before Commissioner R. Aug. Thompson in case N^o 585 - now on file in this office and my care and custody as such Secretary

Given under my hand this
thirty first day of July A.D. 1854

Geo. Fisher Sec.

Filed in Office Aug. 23^d. 1854

Geo. Fisher

Sec.

San Francisco Janry. 15. 1853.

On this day before Comr. Harry J. Thornton
came Jose de la Rosa, a witness in behalf
of the Claimant Julius Martin, petition N.
323. and was duly sworn, his evidence
Jose de la Rosa. being interpreted by the Secretary

The U. S. Associate Land Agent was
present,

My name is Jose de la Rosa; my
age is 61 years; I reside in Sonoma and have
resided there over 31 years. I know the Rancho
called "Entre Napa", it is in Napa Valley and
was granted to Nicolas Higuera in 1836: he
built a house on it, and corrals, had cattle,
and horses in it, and cultivated a portion
of the land; he continued to occupy it until
his death; he died in 1852: before his
death he sold portions of it to Joseph P.
Thompson and others.

I know the signatures of Mariano
Chico, Francisco del Castillo Negrate, Salvador
Vallejo, Cayetano Juarez, Apolario Mirando,
Jacob P. Luse;

Their signatures to the papers before me
marked No. 1. are genuine.

Jose de la Rosa -

U. S. Land Agent Present

Sworn to and subscribed
Before me this 15th of
Janry. 1853.

Harry J. Thornton
Comr.

I George Fisher, Secretary to the Board of United
States Commissioners to ascertain and settle
the Private Land Claims in the State of
California, do hereby certify that the
foregoing is a true and correct copy of the
deposition of Jose de la Rosa, taken before

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Commissiner Harry S. Thornton in Case
N^o. 323. in which case Julius Martin is
Claimant, now on file in this office and
in my care and custody as such Secretary -
Given under my hand this
twenty third day of August
A. D. 1854.

Geo. Fisher Sec.

Filed in Office Aug. 23^d 1854

Geo. Fisher Sec.

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Span 19th
Follows

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Jurisdiction of
Sonoma

Record of Proceedings instituted in
solicitude of the place which the plat
represents by Nicolas Yguera -

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Translation
of
Expediente "A."

Stamp Third Five Reales.

Provisionally authorized by the Administration
of the Custom House of Monterey in Upper
California for the years one thousand eight
hundred and thirty four and one thousand
eight hundred and thirty five -
(signed) Castro. (signed) Angel Ramirez -

Senor Superior Political Chief,

Monterey January
22^o. 1835

In conformity with
the laws relating to the
matter the Ayuntamiento
of San Francisco
will report whether the
Petitioner possesses the
requisites required by
the law of the 28th of
August, 1824 to entitle
his petition to be attended
to, whether the land
for which he petitions
pertains to the property
of any individual,
mission or Pueblo,
whether it is irrigable,
dependant on the seasons

Nicolas Yguera, settled in
this frontier before your
excellency in the manner
provided by law represents.
That some time since he
has removed the stock which
he had in San Francisco
to the other side of the Port
to the town of Sonoma for
the purpose of establishing
himself there with his
family and having need
of land of his own to
cultivate and which may
provide his future support,
the land which is
represented on the accom-
panying plat comprising
one square league, in
the place called Napa,

or pasture land and what may be its extent.

These proceedings having been concluded this will be forwarded to the Mayordoms of the Ex Mission of San Francisco in order that he may report what he may deem convenient.

Senior Don Nicolas Gutierrez, Lieut. Col of Cavalry in the Permanent Army, Commandant, General Inspector, and Political Chief of Upper California this ordered, decreed and signed of which I certify

signed Nicolas Gutierrez
(signed) Francisco Castillo Negrete
Secretary -

Senior Superior Political Chief

In compliance with the Superior decree of the 22^o of January of the present year on this petition of Citizen Nicolas Yguera respecting the land of Napa the Ayuntamiento of this Demarcation, reports that following:

That the petitioner possesses the requisites necessary to be attended to; that the land asked for is not comprehended in the twenty border leagues, but is in the ten literal leagues: it is irrigable, dependant on the seasons and pasture land, said place was occupied by the Mission of San Solano, but this Ayuntamiento is ignorant whether it is now occupied by said Pueblo. wherefore it is of the opinion that the Commissioner or Mayordoms of Sonoma should report.

Pueblo of San Francisco March 11th
1836.

(signed) Jose Joaquin Estudillo
(signed) Francisco Sanchez
Secretary -

being such, he prays your Excellency to be pleased to grant this request with your accustomed benignity for which he will be forever grateful.

Sonoma December 30th

1835-

(signed) Nicolas Yguera

15-

(signed) Francisco Sanchez

Administration of San Francisco de Asis

Under date of the 11th of March last the Alcalde of the Pueblo of San Francisco sent me two Expedientes for report in compliance with the Superior Decree in the margin of said Expedientes and as I am not acquainted with those lands inasmuch as they do not pertain to those under my charge, and being aware that they belong to the said Ex Mission de San Solano, you alone can report upon the matter by virtue of being an Administrator of the said (Mission), God & Liberty. Pueblo of Dolores April 16th 1836.

(signed) Gum^{do} Storoz -

To the Administrator }
of San Solano }

The Administrator of San Francisco de Asis with his official note of the 16th of the present month accompanied me the two "Expedientes" instituted by Citizens Ygnacio Pacheco and "Nicolas Higuera" to report as requested in his said (note) and in order to expedite them in their course, I will say that the lands asked for are not occupied by the natives of this Pueblo, nor by the stock or cattle under my charge for the former already have their "Ranchos" established in common and the latter occupy the place from Loscol to the Straits of Barquinas without any mixture by their locality, with respect to the persons who petition, they possess the requisites to entitle them to be attended to, and the lands are not included in the twenty border leagues, but are in the ten literal which are referred to in the law of the 18th of August, 1824, according to the Report of the Illustrisimo Ayuntamiento of San Francisco de Asis -

The three aforesaid annexed documents

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I have the honor to send herewith to
Your Excellency for the proper ends.
God & Liberty, Sonoma - April
24th 1836 -

(signed) Antonio Ortega
Senior Superior Political Chief of Upper California

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Seal Third Two Reales -

Provisionally authorized by the Administration
of the Maritime Custom House at Monterey in
Upper California, for the years 1834 and 1835.
(signed) Castro (signed) Angel Ramirez

Monterey, May 9th 1836.

Having seen the petition at
the beginning of this "Expediente" the Report
of the Ayuntamiento of San Francisco de Asis
and of San Francisco Solano, with all else
presented and proper to be considered, in
conformity with what is provided in the
laws, and regulations on the matter to
Nicolas Heiguera is hereby declared the
ownership of the land known by the name
of "Entre rapa" as explained by the map
annexed to the "Expediente". Let the corres-
ponding title issue, take note of it in the
respective book: deliver it to the interested
party, and reserve this "Expediente" in order
to report to the Excellent Deputation for its
approbation.

Senor Don Mariano
Chico, Superior Political Chief of Upper
California, thus ordered, decreed, and
signed, of which I certify

(signed) Mariano Chico
(signed) Francisco Castillo Regate
Secretary -

Referred to the Committee on Vacant Lands
on the 31st of May.
(signed) Maldonado
Secretary

on the 31st of May 1854

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I George Fisher, Secretary to the U. S. Land Commission to ascertain and settle the Private Land Claims in the state of California, hereby certify the foregoing to be a true and correct translation of a Document in case N: 323. wherein Julius Martin is the Claimant against the United States, marked "A" Expediente now on file in this Office. In testimony

whereof I have herunto signed my name Office of the Secretary of the above named Commission, at the City of San Francisco Cal. this first day of August A. D. 1854.

Geo. Fisher Sec -

Filed in office Aug. 23rd 1854

Geo. Fisher Sec.

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29th
Pearlman

[Faint, illegible handwriting throughout the page, likely bleed-through from the reverse side.]

508E

[Faint, illegible text]

Justice Court of Sonoma

"Espediente" had on the measurement and on the giving of possession of one "sitio" "de Ganado Mayor" in the Rancho called "Napa Abajo" to Citizen Nicolas Figuera the 11th day of January 1842.

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Translation
of
Document
H. I. I. annexed
to Deposition of
Jose de la Rosa

The Magistrate
being Citizen Salvador Vallejo

Assisting Witness

Assisting Witness

Apolinario Miranda

Cayetano Joarez

Stamp First Six Dollars.

Provisionally authorized by the Administration of the Marine Custom House of Monterey in upper California for the years one thousand eight hundred thirty four and one thousand eight hundred and thirty five.

Figueroa

A. Ramirez

Revalidated for the years* of 1836 + 1837
Gutierrez

A. Ramirez

Citizen, Colonel Mariano Chico
representative of the Nation, Governor and
Commanding General of Upper California -

Civil Government } Whereas Citizen Nicolas
of Upper California } Figuera, a Mexican by
birth, has for his own
personal benefit and that of his family,
petitioned for a little more than one "sitio"
"de Ganado Mayor" in the place known by
the name of "Napa" all the proper measures
and examinations, concerning thereto having
been previously made as required by law
and regulation on the matter - exercising

the power conferred on me, in a decree of this day, and in the name of the Mexican Nation, I have granted him the aforesaid tract of land, declaring to him the ownership thereof by these presents - to be subject to the approval of the Most Excellent Deputation and under the following conditions

1st. That he shall submit to those conditions which shall be established by the regulation to be formed for the distribution of Government lands; and in the mean time neither the grantee nor his heirs can divide or alienate the tract of land hereby granted; or impose any ground rent, entail, pledge, mortgage or other incumbrance even for religious purposes, or convey it in Mortmain -

2nd. He may enclose it without detriment to the crossings roads and easements; and enjoy it freely and exclusively, making of it such use and cultivation as may best suit him, but within one year at furthest he shall build a house, and the same shall be inhabited:

3rd. He shall apply to the proper Magistrate to give him judicial possession by virtue of this title, by whom the bounds shall be marked out, in the limits of which he shall place, besides the land marks, some fruit or useful forest trees -

4th. The tract of land for which donation is hereby made is a little more than one "sitio de ganado Mayor" as shown in the sketch attached to the "Expediente" -

The Magistrate who may give the possession shall cause it to be measured in conformity with the ordinance: the surplus thereof to remain to the nation for other convenient uses.

5th. If he shall contravene these conditions he shall forfeit his right to the land and that shall be liable to be denounced by another.

Wherefore I order that these presents serving him for a title, and being held

firm and valid, note being made of it, in the corresponding Book, and it be delivered to the party interested for his security and other purposes.

Given at Monterey on the 9th of May One Thousand eight hundred thirty six

(signed) Mar^{co} Chico

(signed) Fran^{co} del Castillo Negrete
Secretary.

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Note has been made on folio 112, and marked with N^o 108 of the corresponding book which exists in the Secretary's office in my charge.

Monterey May 20th 1836.

(signed) Castillo -

To the Justice of the Peace of the Frontier.

I citizen Nicolas Heiguera, a resident of this jurisdiction, owner of the Rancho called "Napa abajo" as I may best proceed in law, before you appear and state: that as appears by the title which I present with the necessary solemnity and oath I have in my said Rancho a little more than one "sitio de Ganado Mayor" within the boundaries mentioned in said Title, and as it is necessary for me that it should at all times appear where they extend to, and whether my neighbors trespass upon ^{my} lands or I do upon any of theirs: you will be pleased to order that, after taking the necessary information of identity, view and examination, and the adjoining land owners being summoned, the measurement of my lands be carried into effect: for which purposes I appoint measurers now and for when the time may arrive, citizen Rafael Navarez, a resident of this jurisdiction, skilful in matter of measurements, and let any other person interested appoint another measurer on his part, and thereupon let those whom they may appoint

and the said Rafael Navarez, by me appointed, appear accept- and take their oath, and afterwards the said measurements be effected.

Wherefore I pray that admitting said documents, you will be pleased to order as prayed, and that said documents be returned to me with the original proceedings, as may be had for the security of my right - together with this petition and whatever else may be necessary.

At the request of my Father.

In the Pueblo of Sonoma on the 11th day of the month of January 1842, before me, Citizen Salvador Vallejo, Military Commandant and Magistrate of this jurisdiction, this petition was read, and I admitted it with the Documents therein mentioned: and I hereby order that after the adjoining land owners being summoned, an information be taken of Identity, view and examination of said lands, when I shall assist personally

Thus I provided ordered and signed with those of my assistance.

(signed) Salvador Vallejo

Assisting witness

(signed) Apolinario Miranda

Assisting witness.

(signed) Cayetano Goares

In the said Pueblo of Sonoma, on the tenth day of the same month and year, I the Magistrate aforesaid with my assisting witnesses in order to proceed to the information of identity, caused to appear before me Citizen, Ramon Mesa, a resident of this jurisdiction, by occupation a laborer, of whom I took the oath, which he made by sign of the Holy Cross in due form of law, by which he promised to tell the truth; and being questioned as to the land and

place terms and bounds pertaining to the Rancho of "Napa Abajo" he stated, that for eight years he has lived on this frontier, and knows that the lands belonging to said place are the property of Citizen Nicolas Heiguera, and that the boundaries are the "arroyo de la Carmuros" (the "arroyo of Napa") and the lower main road a little less; that he has seen and examined, said, lands several times, and that since said Heiguera has owned them he has worked and cultivated them, and his cattle have pastured on them: and for a proof of what he has stated, he is ready to go to said lands with the present Magistrate and point out to him the place, terms and boundaries, and how far they extend; all which he affirmed and ratified under the oath which he has made - he declared that he was twenty five years old, and that the legal exceptions do not effect him, and he signed it with me and the assisting witnesses

(signed) Ramon Mesa

(signed) Salvador Vallejo -

Asstg. Witness

(signed) Apolinario Miranda - asstg. Witness

(signed) Cayetano Joares -

In continuation I caused to appear before me and my assisting witnesses, Citizen Jorge Roe, and having made him take the customary oath, he promised to tell the truth, and being asked about the lands, place, terms and boundaries belonging to the Rancho of "Napa Abajo" he stated that for eight years he had been a resident of this town, and he knows that the lands belonging to said Rancho are the property of Nicolas Heiguera; and that its boundaries are the same which the preceding witness has just declared; that he has seen and examined them several times:

and that this is all he has to say, agreeing with the foregoing declaration: and he said he was forty nine years old, and the legal exceptions do not effect him, and he signed with me and the assisting witnesses according to law.

(Signed) Jorge Roe

(Signed) Salvador Vallejo

Asst. Witness

(Signed) Apolinario Miranda

(Signed) Cayetano Joarez -

In continuation I caused to appear before me and those of my assistance, Citizen Angel Bojorquez, and having made him take the customary oath, he promised to speak the truth: and being questioned about the lands, place terms and boundaries, pertaining to the Rancho of "Napa" abajo" he said that for three years he has been a resident of this jurisdiction, and knows that the lands pertaining to said Rancho are the property of Citizen Nicolas Heigera: and the boundaries are those which the preceding witness has just-stated: that he has seen and examined them on various occasions: and this is all that he can say under the oath which he has made, which he affirms and ratifies, he declared that he was thirty years old and that the legal exceptions do not affect him, and he signed it with me and those of my assistance

(Signed) Angel Bojorquez

(Signed) Salvador Vallejo

Asst. Witness

Apolinario Miranda - Asst. Witness

Cayetano Joarez -

Being in the fields in the place of "Napa abajo" on the tenth day of the month of

January, one thousand eight hundred and forty two, I the Magistrate acting by Commission with ~~the~~ assisting Witnesses for want of a Notary Public, the witnesses by me examined, being present, Citizen Nicolas Reigera, owner of the lands, and Citizens Cayetano Joarez, and Apolinario Miranda, adjoining land owners and residents, I went to view and examine the lands of said Rancho: and for greater clearness mounting on horseback with all the parties and witnesses above mentioned, I ordered them to point out to me the place, terminations and boundaries thereof according to the description given in their depositions: and in compliance they led the way to the east side, which looks from said Rancho, following the estuary towards the south till reaching at the "Arroyo de los Carneros" thence we continued examining going up the arroyo which runs to the west to the "Corral del paso de Abajo": thence taking a northerly direction till reaching at the "Arroyo de Napa", on the west side, where the examination and view of said lands, as far as the witnesses stated were the furthest place, terminations and boundaries thereof, were concluded: which place I the said Magistrate did inspect and examine with those of assistance, witnesses examined and papers produced — and the proceeding of the said examination being compared the identification of the said lands was found to be true according to the statements of said witnesses. and in proof whereof it was officially recorded — and I signed this with my assisting witnesses and others who knew how — I attest —

(Signed) Salvador Vallejo

Asstg. Witness

(Signed) Apolinario Miranda

Asstg. Witness

(Signed) Cayetano Joarez

(Signed) Ramon Mesa

(Signed) Jacob P. Seese

(Signed) Jorge Roe —

Immediately, I the Magistrate said that in order to proceed to the measurement mentioned in these proceedings, I order that Citizen Nicolas Figueroa, the owner of the lands, be notified that he ratify the appointment of measurer; and also that all the adjoining land owners by common consent appoint one on their part, to be skilful in matter of measurements; and on this being done I shall be ready to designate a day for said measurement.

This I provided, ordered and signed with those of my assistance

(signed) Salvador Vallejó

Asstg. Witness

Apolinario Miranda -

Asstg. Witness

(signed) Cayetano Joarez -

In the Pueblo of Sonoma on the same day month and year, I the Magistrate acting by Commission with two assisting Witnesses for want of a Notary Public had and made known the proceeding and appointment of measurers to Citizen Rafael Navarez and Dolores Cantua, residents of this Pueblo, whom I know and having heard and understood it they stated that they accept the charge entrusted to them, and they made oath by God and a sign of the Holy Cross in due form of law, that they would discharge the same faithfully and legally, and will perform said measurement with fidelity and accuracy as they are bound to do, and to the satisfaction of the parties interested; and having so replied they signed this with me and my assisting Witnesses -

(signed) Rafael Navarez

(signed) Dolores Cantua

(signed) Salvador Vallejó

Asstg. Witness

(sgd.) Apolinario Miranda

(signed) Cayetano Joarez -

Immediately afterwards the foregoing proceedings were made known to the said Nicolas Heiguera and to the Measurers Rafael Navarez and Dolores Cantua and having understood it they acknowledged notice, and signed with the present magistrate and those of assistance

(signed) Dolores Cantua

(signed) Rafael Navarez

(signed) Salvador Vallejo

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Asstg. Witness

(signed) Apolinario Miranda — Asstg. Witness

(signed) Cayetano Joarez

On the same day month and year summons were issued to the adjoining land owners Cayetano Joarez and Don Luis Sis: that they should appear on the eleventh day of this month in the Rancho of Napa abajo aforesaid, at eight o'clock in the morning of the same day - and in proof I signed this with my assisting witnesses

(signed) Salvador Vallejo

Asstg. Witness

(signed) Apolinario Miranda.

Assisting Witness

(signed) Cayetano Joarez

On the Rancho of Napa Abajo on the Eleventh day of the month of January one Thousand eight hundred and forty two being present the parties and the adjoining land owners I caused to appear before me and my assisting witnesses, Citizens Cayetano, Joarez and Apolinario Miranda, and the appointed measurers, whom I ordered to take a hempen cord and to measure off fifty varas of four Spanish palms each, which they did in the presence of the parties interested and the neighbors; and in witness I order that it be officially recorded, and that said measurements be effected - as

ordered, which I attest; and signing this
 with my assisting witnesses:
 (signed) Salvador Vallejo
 (signed) Apolinario Miranda
 (signed) Cayetano Joarez-

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Being in the fields on the lands belonging
 to the Rancho of Napa Abajo this day,
 Tuesday of the same month and year, I
 the Magistrate of this jurisdiction acting
 by Commission with two assisting witnesses
 for want of a Notary Public, being present
 the measurers Citizens Rafael Navarez and
 Dolores Cantua, appointed by the parties
 interested and the adjoining land owners,
 I ordered them to proceed to the measurement
 of "one sitio de ganado Mayor" a little more,
 which corresponds to the Rancho of "Napa Abajo"
 according to the title presented: in presence
 thereof they commenced said measurement,
 beginning from the house towards the East
 side following along the estuary towards the
 south till reaching the "Arroyo de los Carmos"
 and going up the arroyo westerly to the "Corral
 del Paso de Abajo": where there were reckoned
 eighteen thousand spanish varas: thence
 taking a northerly direction, where three land
 marks were place, till reaching the "Arroyo
 de Napa" where the last-land mark was
 put: and there were reckoned twenty four
 thousand varas: by which a little more
 than "one sitio de ganado Mayor" was
 marked out; finally and in sign of true
 possession and accustomed ceremony the
 said Nicolas Reigera pulled up stones
 and grass and threw them to the four
 winds in manifestation of his legal and
 legitimate possession which he did take
 in person: and in order that it may in
 all time appear so, and the limits of his
 lands be recognised by his adjoining land
 owners: and that the said measurement
 were quietly and peaceably effected, he asked
 for a record of the same: and I the said

Magistrate do hereby certify that the same has been performed as aforesaid: and that the said measurement has been executed to the best of the measurers' knowledge and understanding, as they stated, without fraud or deceit, against any person whomsoever: and for greater security and in ratification of the oath which they had taken they signed this with me and my assisting witnesses -

(signed) Rafael Navarez X

(signed) Dolores Cantua X

signed. Salvador Vallejo

Asstg. Witness

(signed) Apolinario Miranda

Asstg. Witness

(signed) Cayetano Goarez

And the Expediente having been concluded wherein it appears that judicial possession of the Rancho called "Rapa Abajo" distant five leagues from this Pueblo has been given to Citizen Nicolas Heigueru; let the original thereof together with the Document therein mentioned be delivered to the party for his convenient use

I Citizen Salvador Vallejo, Military Commandant of this frontier and Magistrate of this jurisdiction acting by Commission with two assisting witnesses for want of a Notary Public, thus provided ordered and signed this the 11th-day of the month of January One thousand eight hundred and forty two -

(signed) Salvador Vallejo

Asstg. Witness

Apolinario Miranda

Asstg. Witness

Cayetano Goarez -

I George Fisher Secretary to the Board of the United States Land Commission, for ascertaining and settling Private Land Claims in the State of California, do hereby certify that the foregoing is a true and correct translation of a Spanish Document exhibited and filed in case N: 323 on the Docket of said Board -

Filed in office

Aug. 23^d. 1854

Geo. Fisher

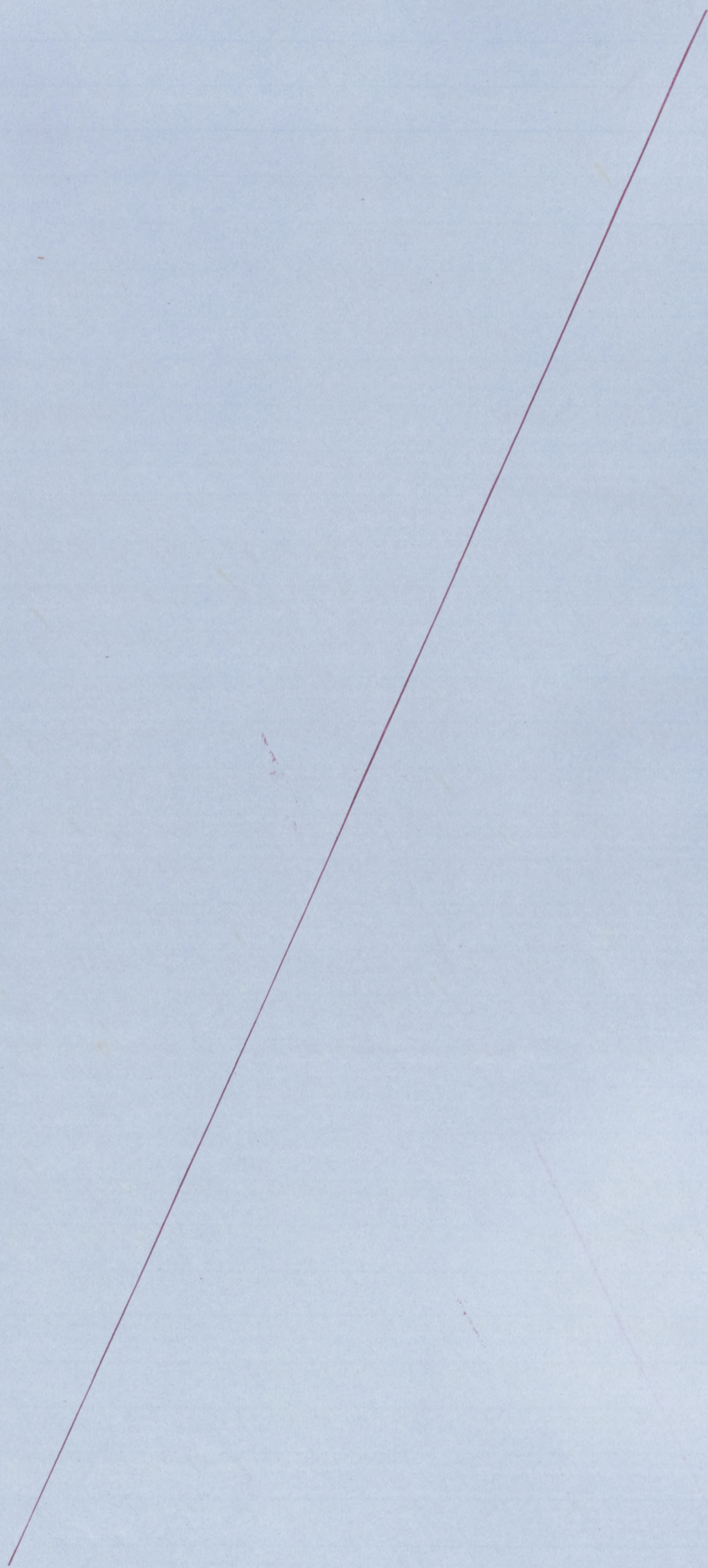
Sec.

In witness whereof I have hereunto set my hand

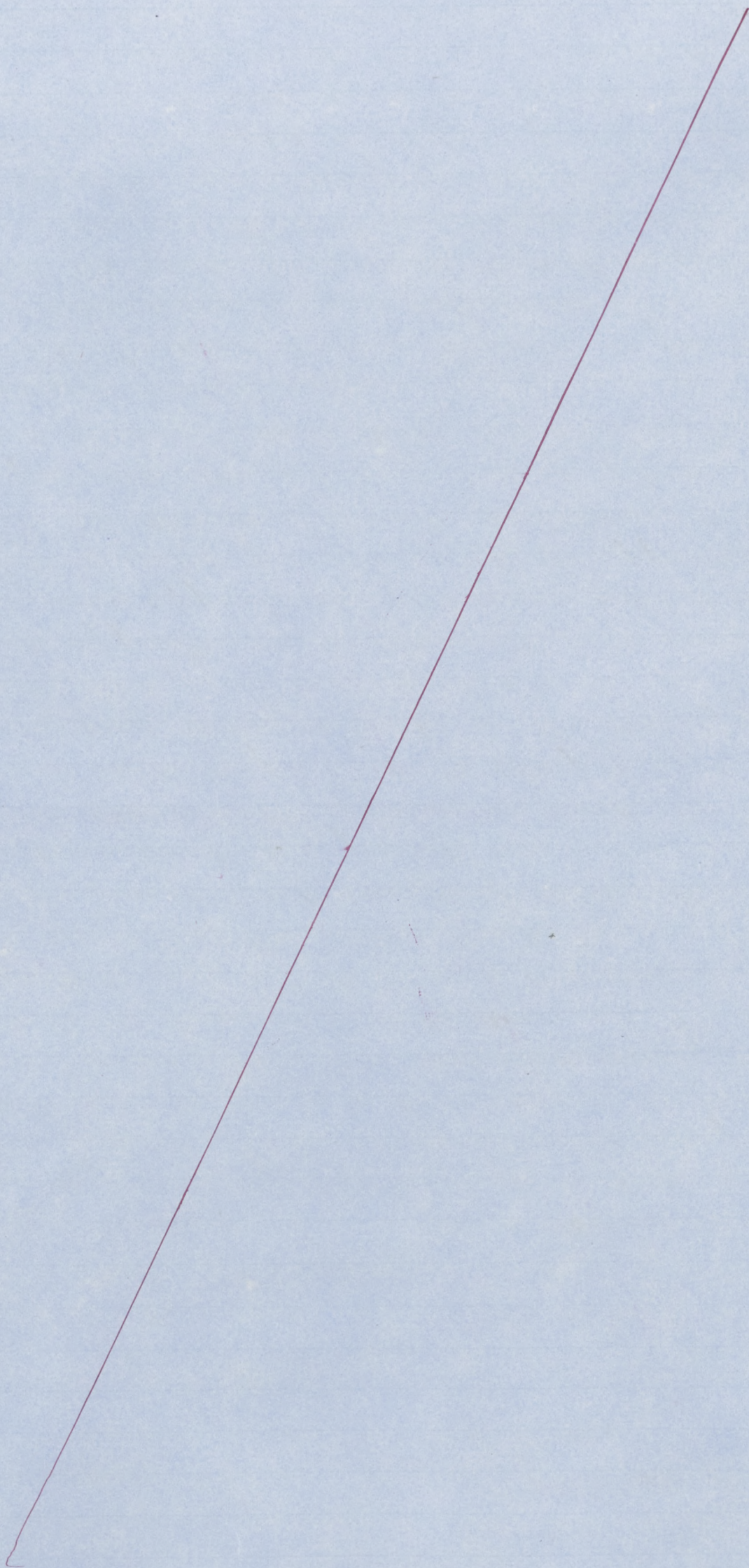
Office of the Secretary of said Commission San Francisco California aforesaid this 2^d day of August A.D. 1854

Geo. Fisher Sec.

311



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Deed

Nicolas Heiguera To R. G. de la Riva filed
for record this 18th day of April A.D. 1851. at
15 minutes past 5 o'clock P.M.

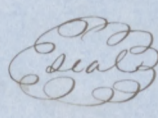
176 ND
PAGE 29

"A"
Copy of Conveyance

Know, all men by these Presents
that I Nicolas Heiguera of the County of Napa
and state of California in consideration of
one thousand two hundred dollars to me in
hand paid by Ramon G. de la Riva of the
County and State aforesaid, the receipt
whereof I do hereby acknowledge, do hereby
give, grant, bargain, sell and convey unto
the said Ramon G. de la Riva, all the following
described real estate to wit commencing at
the mouth of Carmeros Creek, running thence
up Carmeros Creek one half mile, thence across
to Napa Creek to a point one and a half mile
above the mouth of Carmeros Creek, thence
down said Napa Creek to the place of beginning,
lying and being situate in the County of Napa
and state aforesaid, with all the privileges
and appurtenances thereunto belonging or in
any wise appertaining, to have and to hold the
above granted premises with the appurtenances
and all things thereunto pertaining to the only
proper use benefit and behoof of him the
said Ramon G. de la Riva his heirs and
assigns forever -

I the said Nicolas Heiguera do for myself,
my heirs Executors and Administrators covenant
with the said Ramon G. de la Riva his heirs
and assigns that I am lawfully seized in fee
of the above granted premises and that I
have good right and full power and
authority to sell and convey the aforesaid
premises to the said Ramon G. de la Riva
aforesaid and that I will and my heirs
shall forever warrant and defend the
aforesaid premises to the said Ramon G. de la
Riva his heirs and assigns forever against
the lawful demands of all persons
whatsoever -

In testimony whereof I the said Nicolas Higuera have herunto set my hand and seal this 18th of April a. D. 1851 -

In presence of ^{his} Nicolas X Higuera 
Johnsen Howell _{mark}

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State of California }
County of Napa }

Personally appeared before me the Undersigned Recorder of Napa County by deputation Nicolas Higuera known to me to be the person described in and who executed the foregoing deed of conveyance, who acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein expressed -

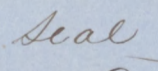
Given under my hand and seal of office at Napa City the 18th day of April a. D. 1851 -

} seal {

George N. Cornwell
Deputy Recorder

State of California }
County of Napa }

I John H. Seawell County Recorder in and for the County of Napa and State of California hereby certify that the foregoing is a full, true, and correct copy of the record of a Deed from Nicolas Higuera to Ramon L. de la Riva as Recorded in Book A. page 296 in the Records of said Napa County -

Witness my hand and  Seal at Napa City this 6th day of January a. D. 1853.

} seal {

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

Filed in office Feby. 11th 1853. Geo. Fisher Sec.

"Deed"

Nicolas Heiguerá and M^{ca} Antonio Varguez
to Ramon G. de la Riva Filed for Record
March 9th A.D. 1852. at 3 o'clock P.M.

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"B"
Copy of conveyance



Know all men by these presents that one
Nicolas Heiguerá and Maria Antonio Varguez
of the County of Napa and state of California,
for and in consideration of the sum of fifteen
hundred dollars to us in hand paid by
Ramon G. de la Riva of the County and state
aforesaid, the receipts whereof we acknowledge
hereby do by these presents give grant, bargain,
sell and convey unto the said Ramon G. de
la Riva his heirs and assigns forever; the
following described real estate, to wit:

commencing at a house formerly occupied
by the said Nicolas Heiguerá on the north
side of the arroyo de Napa - thence running
towards the East to Napa Creek, thence down
said Creek to the mouth of Carreros Creek,
and following up said Creek eighteen thousand
varas containing one league more or less,

To have and to hold the above granted
premises with all the privileges and appurte-
-nances thereunto belonging to the said Ramon
G. de la Riva his heirs and assigns forever,
saving and reserving to Martha Ines de
Heiguerá and Incarnacion Cacho de Heiguerá
the daughters of the said Nicolas Heiguerá the
right of action against John Walker and
John C. Brown for the recovery of certain lands
purporting to have been conveyed to the said
Walker and Brown by deed bearing date
the fifteenth day of April a. D. 1850 and
Recorded in the Archives of Napa County, and
also reserving all other lands heretofore lawfully
sold and conveyed within said boundary.

In testimony whereof I have hereunto set
our hands and seals this the seventh day of
February a. D. 1852.

Signed sealed and delivered

Nicolas ^{his} Heiguerá 
mark ^{mark} Maria Antonio Varguez 
mark

in presence of -

James W. Brackett }
Washington Earle }
}

State of California }

35-

State of California }
Napa County. }

Personally appeared before me Johnson Howell, County Judge of Napa County Nicolas Higuera and M^a Antonio Vasquez, known to me as the persons who executed the foregoing Deed of conveyance and acknowledged she signed the same freely and voluntarily for the uses and purposes therein expressed and contained, she M^a Antonio Vasquez being examined by me separate and apart from and out of the hearing of the said Nicolas Higuera declared that she signed the same of her own free will without fear or compulsion on the part of the said Nicolas Higuera

Given under my hand this 7th day of February A. D. 1852-

Johnson Howell
County Judge Napa County

State of California, County of Napa

The undersigned County Clerk in and for the County aforesaid do hereby certify that Johnson Howell whose name appears subscribed to the within certificate of acknowledgements was at the time of taking the same County Judge of Napa County within and for said State duly commissioned and qualified, that I am well acquainted with his handwriting and verily believe that his signature to the within certificate is genuine

In testimony whereof I have hereunto set my hand and official seal at office in Napa City this the 13th day of March A. D. 1852.

L. S.

H. H. Lawrence Clerk
By J. N. Edwardston
Dep. Clerk

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State of California }
 County of Napa } J. John H. Seawell
 County Recorder in and for the County
 of Napa and State of California hereby
 certify the foregoing to be a full true and
 correct copy of the Record of a Deed from
 Nicolas Higuera and M^o. Antonio Vasquez
 to Ramon G. de la Riva as recorded in
 Book "B" pages 141 and 142. in the
 Records of said Napa County

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Witness my hand and official seal
 at Napa City this 5th day of January
 A. D. 1853.

Jⁿ. H. Seawell Recorder
 Seal By C. S. Coffinbury
 Dep. Recorder

Filed in office Feby. 11th 1853.
 Geo. Fisher Sec.

"Deed"

R. G. de la Riva to Marta Frias de Higuera
and Incarnacion Cacho de Higuera,
Filed for Record March 29th A.D. 1852
at 9 o'clock a. m.

176 ND
PAGE 34

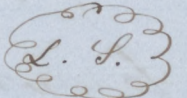
"C"
Copy of Conveyance

Know all men by these presents that
I Ramon G. de la Riva of the County of
Napa and state of California, in considera-
tion of twenty seven hundred dollars to me
in hand paid by Marta Frias de
Higuera and Incarnacion Cacho de Higuera
of the County and state aforesaid the
receipt whereof I do hereby acknowledge,
do hereby give, grant, bargain sell
and convey unto the said Marta Frias
de Higuera and Incarnacion Cacho de Higuera
all the following described real estate
(to wit) Commencing at the mouth of
Carmeros Creek running thence up Carmeros
Creek one half mile, thence across to Napa
Creek to a point one and a half miles
above the mouth of Carmeros Creek, thence
down said Napa Creek to the place of
beginning also the following described
real estate (to wit) Commencing at a
house formerly occupied by Nicolas Higuera
(of the County and state aforesaid) on the
North side of the arroyo de Napa thence
running towards the east to Napa Creek
thence down said Creek to the mouth
of Carmeros Creek and following up said
Creek Eighteen Thousand Varas to an old
Corral at the lower ford, thence on a
North line to Napa Creek being twenty
four Thousand Varas containing one
league of land more or less -

To Have and Hold the above
granted premises, with all the privileges
and appurtenances thereunto belonging
to the only proper use benefit and behoof
of the said Marta Frias de Higuera, and
Incarnacion Cacho de Higuera, their
heirs and assigns forever, saving and
reserving all others lands heretofore lawfully

sold and conveyed within said boundary by Nicolas Higuera previous to the 7th day of February A. D. 1852 and I the said Ramon G. de la Riva do for myself my heirs executors and Administrators, covenant, with the said Martha Arias de Higuera, and Encarnacion Cacho de Higuera, their heirs and assigns that I am lawfully seized in fee of the above granted premises and that I have good right and full power and authority to sell and convey the aforesaid premises to the said Martha Arias de Higuera and Encarnacion Cacho de Higuera aforesaid, and that I will and my heirs shall forever warrant and defend the aforesaid premises to the said Martha Arias de Higuera and Encarnacion Cacho de Higuera and their heirs and assigns forever against the lawful demands of all persons whatsoever.

In testimony whereof I the said Ramon G. de la Riva have hereunto set my hand and seal this ~~the~~ twenty eighth day of March A. D. 1852

R. G. de la Riva 

In presence of
J. N. Edwardston
Joseph Green

State of California
County of Napa

On this the 28th day of March A. D. 1852 before me the Undersigned Recorder in and for the County aforesaid personally appeared Ramon G. de la Riva, 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 -

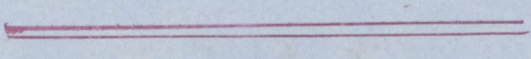
39
Given under my hand and seal of
Office at Napa City this the day and
year in the certificate first-above written.
H. H. Lawrence - Recorder
By J. M. Edmonston Dep. Rec.

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State of California }
County of Napa }
J. John H. Seawell
County Recorder in and for the County of
Napa, and State of California hereby
certify that the foregoing is a full true
and correct copy of the Record of a
Deed from Ramon S. de la Riva to
Martha Arias de Higuera and Encarnacion
Lacho de Higuera as Recorded in Book
"B" pages 149 and 150 in the Records of
Napa County.

Witness my hand and official
Seal at Napa City this 7th day of
January A. D. 1853.
J. H. Seawell - Recorder
By C. S. Coffinbury - Dy. Recorder.

Filed in Office Feb. 11th 1853.
Geo. Fisher
Sec.

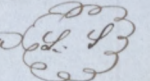


"D"

Copy of Conveyance

Know all men by these presents that I Martha Arias Heigueria of the County of Napa and state of California in consideration of a certain deed of conveyance signed sealed and delivered to me and bearing even date herewith by Encarnacion Cacho Heigueria do hereby bargain sell and convey and confirm and by these presents do grant bargain sell and convey and confirm unto the said Encarnacion Cacho Heigueria all my right title interest claim and demand in and to the following described real Estate in said County of Napa and state aforesaid, commencing at a house formerly occupied by Nicolas Heigueria on the north side of the "Arroyo de Napa" - Thence bearing towards the East to Napa Creek, thence down Napa Creek to the mouth of Carmuro Creek thence up said Creek Eighteen thousand Varas to an old Corral at the lower fork thence on a North line to Napa Creek saving and excepting all the lands heretofore legally sold and conveyed for a fair and bona fide consideration, and also all the lands or interest in said lands this day sold and conveyed to me by the said Encarnacion Cacho Heigueria, and also saving and reserving all my right title, and interest in a certain piece or parcel of land conveyed to Nicolas Heigueria by John C. Brackett To Have and to hold the said real Estate hereby sold to the sole use benefit and behoof of her the said Encarnacion Cacho Heigueria her heirs and assigns forever -

In testimony whereof I the said Martha Arias Heigueria have hereunto set my hand and Seal this 13th day of October A.D. 1852.

Martha Arias ^{her} X Heigueria 
mark

Signed sealed and delivered in presence of
Johnson Howell, John J. Mason

State of California }
 Napa County } p

on this 13th day of October
 1852 personally appeared before me Johnson
 Howell County Judge of Napa County Martha
 Arias Higuera to me known to be the
 person who executed the above and foregoing
 Deed of Conveyance and acknowledged
 that she fully and voluntarily executed
 the same, for the uses and purposes therein
 expressed and contained

Johnson Howell
 County Judge of Napa County

Martha A. Higuera to Encarnacion C. Higuera
 Filed for Record Oct. 13. a. D. 1852. at 3 o'clock P.M.

State of California }
 County of Napa } p

I, John H. Seawell
 County Recorder in and for the County of
 Napa and State of California hereby certify
 that the foregoing is a full true and correct
 copy of the Record of a Deed from Martha
 Arias Higuera to Encarnacion Cacho Higuera
 as Recorded in Book "B" pages 233 and 234
 in the Records of said Napa County.

Witness my hand and official seal
 at Napa City this fourth day of January
 a. D. One Thousand Eight hundred and
 fifty-three.

John H. Seawell Recorder
 By C. S. Coffindery Dy. Recorder.

Filed in office Feby. 11th 1853

Geo. Fisher
 Sec.

"Deed"

Incarnacion Cacho to Joseph Mounb and Edward Cotterell.

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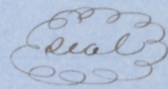
This Indenture made this the Eighth day of November A. D. 1852 between Incarnacion Cacho of the County of Napa and State of California party of the first part and Joseph Mounb and Edward Cotterell of the same place party of the second part.

"E"
Copy of Conveyance

Witnesseth that the said party of the first part for and in consideration of the sum of three thousand Dollars lawful money of the United States to them in hand paid the receipt whereof is hereby acknowledged, have granted bargained sold and quit claimed and by these presents do grant bargain sell and quit claim unto the said party of the second part their heirs and assigns forever, all their right title and interest in and to a certain piece or parcel of land lying and being in the County of Napa and State aforesaid described as follows to wit: Commencing at the old ford on Carreros Creek and running thence along Nicolas Heiguera's line North, to Joseph Green's corner, thence along said Green's line to John E. Brackett's line to Brown and Walker's line to Brown and Walker's south west corner - thence in a direct line to Julius Martin's North East corner (known in said Martin's deed from Fellows as the point of the hill on the East) Thence along said Martin's line to the place of beginning, be the same more or less, with the appurtenances thereunto belonging — To Have and To Hold the premises above described to the party of the second part their heirs and assigns, to their only proper use benefit and behoof forever —

In Witness whereof the said party of the first part have hereunto affixed

their hand and seal on the day and year above written.

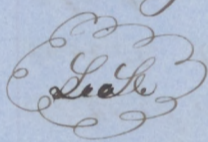
Incarnacion ^{her} X Cacho ^{mark}  signed sealed and delivered in presence of C. B. Briggs bestigo Manuel Castro

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State of California }
County of Napa }

On this 8th day of November a.D. 1852 personally appeared before me John H. Seawell County Recorder within and for said County, Incarnacion Cacho known to me to be the person described in and who executed the foregoing Instrument and acknowledged to me that she executed the same freely and voluntarily for the uses and purposes therein mentioned -

Witness my hand and official seal the day and year above written -



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

Rec^d for Record Nov: 8th 1852 at 12 o'clock M
Recorded at the request of Joseph Guen -

State of California }
County of Napa }

I, John H. Seawell County Recorder in and for the County of Napa and State of California hereby certify that the foregoing is a full true and correct copy of the Record of a Deed from Incarnacion Cacho to Joseph Mount and Edward Cottrell as Recorded in Book "B" pages 249. and 250 in the Records of said Napa County.

Witness my hand and official seal at Napa City this 6th day of January a.D. 1853 -

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

Filed in office Feby. 11th 1853 -

Geo. Fisher Sec -

No 3-85.

Claim of Joseph Green to part of
Entre Napa.

Stipulation

It is hereby agreed between the Land Agent on the part of the United States and the Attorney for the Claimant that the original title papers filed in case No. 333, and referred to in the copy of the Deposition of Jose de la Rosa filed in this case may be considered as being read and submitted in this case, and be regarded as evidence in this case to the same extent as if the said original documents were actually on file among the papers in this case and the same to form part of the record herein.

And also that said copy of the Deposition of Jose de la Rosa filed herein marked "L" may be read as evidence the same as though it had originally been taken in this case.

And also that the translated copies of the "Expediente" and Grant filed in this case marked "J. N. M" respectively being copies of papers filed in Case No. 334. Claim by Joseph P. Thompson to part of "Entre Napa" may be read in evidence herein, the same as though the original papers of which they are translated copies, had been proved and filed as evidence -

J. H. McKune

Land Agent
Crocker & Robinson
Counsel for ClaimantFiled in Office July 13th 1854. Geo. Fisher

Sec -

N^o 381.Entre Napa
Mount and Cotterill

It is hereby stipulated and agreed between the Counsel of said Claimants and the U.S. Land Agent, that the copies of translations of proceedings respecting the Juridical possession of said Entre Napa tract filed in Claim N^o 323 of the Deposition of Em. a. de Hencourt taken in Claim N^o 383 and of the Translation of the Expediente filed in Claim N^o 323, and of the Deposition of Jose de la Rosa taken in Claim N^o 323. and which copies are filed in this Case marked F. S. H. & J. respectively be used in evidence in this Claim the same as though they were the original papers, of which they purport to be copies and translations -

Crockett & Robinson
Atty. for Claimants

J. H. McKune Land Agent

Filed in office Aug. 23. 1854. Geo. Fisher
Sec.

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Stipulation

581

Joseph Mount & al
vs.

The United States

For a piece of land
described by metes and
bounds, being part of the
place known as Entre Napa
in Napa County.

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Opinion by
Commissioner
Alpheus Felch

The premises claimed in this case are
alleged and proved to be a part of the
Rancho called Entre Napa in Napa County.

By the proof it is made to appear
that a grant of that place was made to
Nicolas Heiguera by Governor Manuel Chico
on the 9th day of May 1836. that he obtained
judicial possession of the premises under
his grant on the 11th day of January 1842,
with such a demarcation of boundaries as
to segregate the land from the National
Domain: that he commenced the occupancy
of the premises the same year in which he
obtained his grant, built a house and
corrals on the place, cultivated a portion
of the land and continued to occupy until
his death which occurred in 1842, having
however in the mean time, sold some
portion of the premises. This proof is
sufficient to establish the right of said
Heiguera to the premises and enable him
to convey his interest to a third person.

In deducing title from the original
Grantee to the portion of the premises
claimed by them the petitioners have given
proof of the following conveyances,

First - A Deed from said
Heiguera to Ramon G. de la Riva, dated April
18th 1851 of part of said Rancho.

Second. a deed from said
Heiguera and wife to said Riva of another
portion or the whole of said Rancho, dated
Feby. 7th. 1852.

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Third - A Deed from said Ramon
G. de la Riva to Marta Frias de Higuera
and Incarnacion Cacho de Higuera dated
March 28th 1852.

Fourth a Deed from said
Marta Frias de Higuera to said Incarnacion
Cacho de Higuera of all her interest in
the entire premises dated October 13th 1852.

Fifth a Deed from said
Incarnacion Cacho to the present claimant
dated November 8th 1852

A Decree of Confirmation will be
entered describing the premises as
described in the conveyance last
mentioned -

Confirmed

Filed in Office Sept. 3rd 1854

Geo. Fisher Sec.

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581.

Joseph Mount et al.

vs

The United States

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PAGE 45

Decree

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the Petitioners is valid and it is therefore Decreed that the same be confirmed -

The lands of which confirmation is hereby made are a part of the place known by the name of Entre-Napa, which was granted to Nicolas Heiguera: which place so granted is situated in Napa County and is bounded and described as follows, to wit; Commencing on the Estero East of the house where said Heiguera lived and on the East-side of said Rancho thence coasting the Estero towards the south to the arroyo de los Carmeros, and thence following up said arroyo to the Corral of the Lower pass: thence in a northerly direction where three bounds were placed in giving juridical possession of said land to said Heiguera in 1842 to the arroyo of Napa at a point where the last bound was placed: thence by said arroyo and Estero to the place of beginning: as the same was measured and located in the juridical measurement when the possession was given to said Heiguera under his said grant: to the testimonial of which on file with the Secretary of this Commission reference is to be had -

That portion of the above described premises of which confirmation is hereby made is bounded and described as follows; to wit; Commencing at the old Ford on Carmeros Creek and running thence along Nicolas Heiguera's line north to Joseph

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Green's corner; thence along said Green's line to John C. Bracketts line: thence along said Bracketts line to Brown and Walkers south-west corner: thence in a direct line to Julius Martin's North-East Corner (Known in said Martin's deed from Fellows as the point of the hill on the East:) thence along said Martin's line to the place of beginning, be the same more or less: the same being the premises described in and conveyed by a deed from Incarnacion Cacho to said Petitioners Joseph Mount and Edward Cottrell dated November 8th 1852 to which reference is to be had for further description thereof.

Alpheus Felch

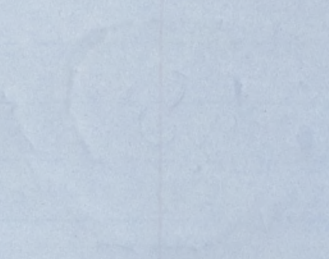
R. Aug. Thompson

S. B. Farwell

Commissioners

Filed in Office Sept. 3. 1854

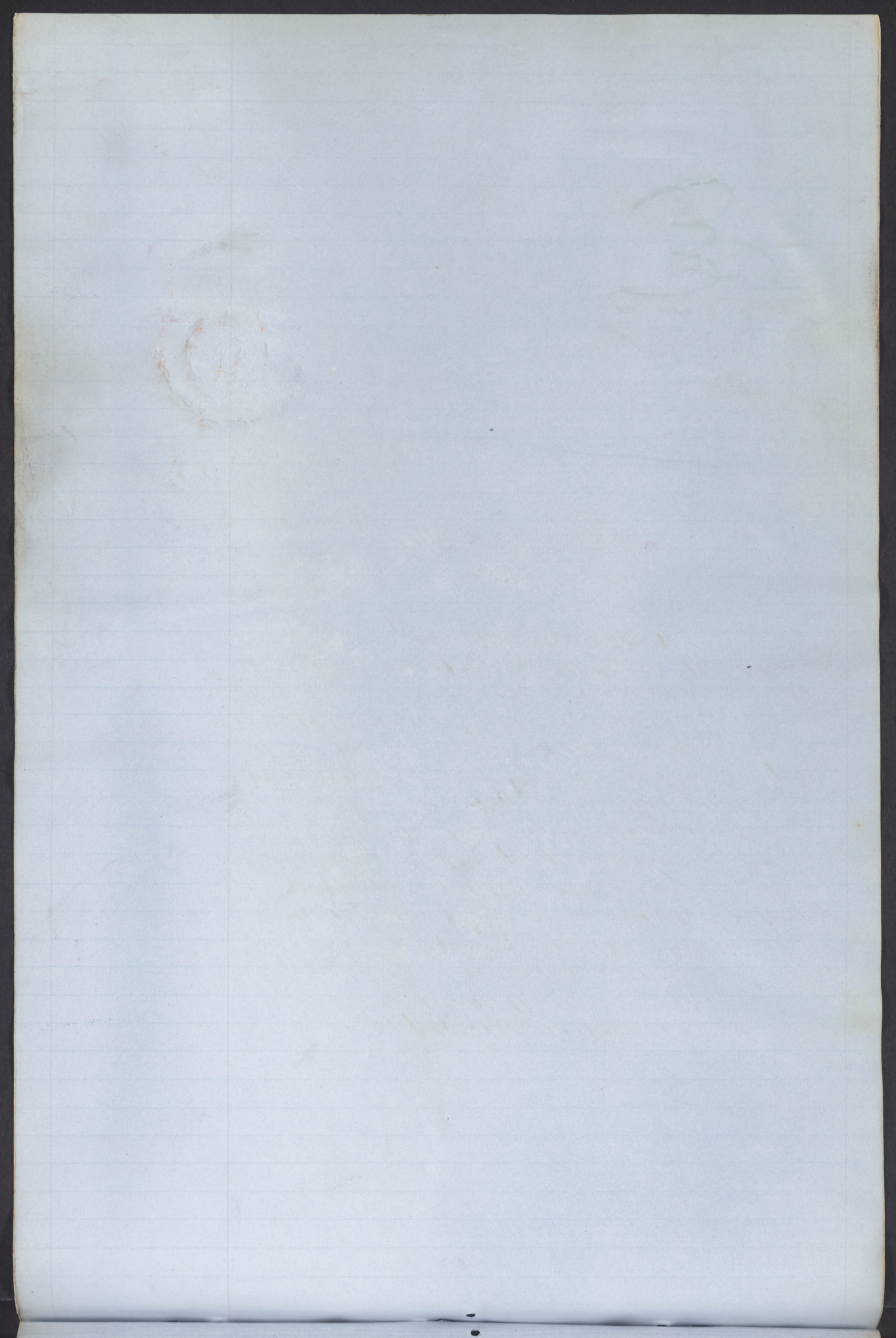
Geo. Fisher
Sec.



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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 the decisions in this case, and of the papers and evidence upon which the same are founded, be made out and duly certified by the Secretary one of which transcripts shall be filed with the Clerk of the United States District Court, for the Northern District of California, and the other be transmitted to the Attorney General of the United States —



Office of the Board of Commissioners,

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

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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 *Fifty one* pages, numbered from
1 to *51*, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
said Board, of the Documentary Evidence and of the Testimony
of the Witnesses, upon which the same is founded, on file in this
Office, in Case No. *581* on the Docket of the said Board,
wherein

Joseph Murnt, et al, are
the Claimant against the United States, for the place known by
the name of "*Entre 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
Thirty first day of *January*
A. D. 1855, and of the Independence of the
United States of America the seventy-ninth.

G. Fisher
G. Fisher



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

No. ~~581~~ 176 -

THE UNITED STATES,

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vs.

ND

Joseph Mount, et al

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 581 -

Filed, February 5th 1855,

John A. Monroe,

clerk

No 176

The United States
vs
Joseph Mountval

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It is hereby stipulated
& agreed that the transcript of the
word in the above cause may be
withdrawn from the files of the court
to have the same corrected & omitted
papers inserted by the Secretary
of the Board of U. S. Land
Commissioners -

Nov 17, 1855

Crocker & Robinson
Attys for claimant

Andrew Glassell
Asst Atty to United States
District Attorney.

Let the order be entered.

No. 176,

U. S. Dist. Court,

The United States,

vs -

Joseph Mount, et al,

Shp + order to send
transcript to Secy
of Land Com for correction

Filed Nov: 17. 1858,

by Charles
DePony,

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PAGE 50

United States of America } District Court
State of California } Northern District.

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No 176 The United States } Appellants
vs
Joseph Mount Val } Respondents

The answer of the
said respondents to the petition
in said cause respectfully denies
that said claim is invalid, but
on the contrary they aver that
said claim is valid, & that
they are justly entitled to a decree
confirming their title thereto,
& they therefore pray this court
to affirm the decree of the
Board of Land Commissioners
confirming their title thereto.

Crocker & Robinson
Attys for Respondts.

No 176

The United States

vs
Joseph Mountbatal

Answer

Filed Nov: 21, 1855,
by Cheever
Deputy.

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Crocker & Robinson
Atty for Respds.

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

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The United States
Appellants

vs
Joseph Mount &
Edward Catrill

No 176

The Petition of the United States by their
Attorney represents: that this cause is an
application for a review of the decision
of the Board of Commissioners whereby the
claim of the said 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 15th day of May 1855: that a
notice of appeal was filed on the 13th
day of May 1855 and that the land
claimed lies in the said District.

That the said claim is invalid.
Wherefore Appellants pray that the said
decision of the Board be reversed &
that the Court decree the said title
to be invalid.

Respectfully
S. W. Ingle
U. S. Dist Atty

U. S. Dist. Court
No. 176

The U. States
v
Joseph Mount
et al

Petition

Filed Nov. 21. 1855.
by Cheever
Deputy.

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Attest

Office of the Attorney General of the United States,

Washington, 7th April 1855.

Joseph Mount et al.

vs.

The United States.

} 581.

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 27th day of January 1855, 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 176

U. S. District Court
Northern Dist of Cal.

The United States

vs

Joseph McCourt et al.

Notice of Appeal
in Case No. 581

Filed June 18, 1855,
by W. H. Cheever,
Deputy

San Francisco, Jan^y 15th 1853

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On this day before Com^r. Harry J. Thornton, came José de la Rosa, a witness in behalf of the Claimant, Julius Martin, Petition N^o 323, and was duly sworn, his Evidence being interpreted by the Secretary.

The U. S. Associate Law agent,

My name is José de la Rosa; my age is 61 years; I reside in Sonoma, and have resided there 21 years. I know the Ranch called "Entre Napa", it is in Napa Valley, and was granted to Nicolas Higuera in 1836; he built a house on it, and corrales, had cattle and horses on it, and cultivated a portion of the land; he continued to occupy it until his death; he died in 1852; before his death he sold portions of it to Joseph P. Thompson and others.

I know the signatures of Mariano Leticia, Francisco del Castillo Negrete, Salvador Vallejo, Cayetano Suarez, Apolinario Miranda, Jacob P. Leese; their signatures to the papers before me marked N^o 1. are genuine

(Signed) José de la Rosa

U. S. Law agent present

Sworn to and subscribed before me this 15th day
of Jan^y 1853

Harry J. Thornton. Com^r

Office of U. S. Survey General
for California, April 3rd 1856.

I, J. M. Hayes, U. S. Survey General for California, and as such, having in my charge and custody the records of the late Board of Commissioners to ascertain and settle private land claims in California, do hereby certify the foregoing page to be a true copy of the deposition of José de la Roca, taken before Commissioner Thomson, ~~held~~ in the case No. 323, wherein Julius Martin was claimant against the United States for a place called Centro Roca now on file in my office.

Given under my hand and seal of
Office at the City of San Francisco
this 3rd day of April A. D. 1856.

J. M. Hayes

U. S. Survey Genl. Cal



U.S. Dist Court No. 5
No. 176 -

The United States

vs

Joseph Mount & Co

Deportation of John
de la Rau
copy

Filed April 26, 1856.
Chenut,
Deputy.

Mon. M^cCom
\$34.00

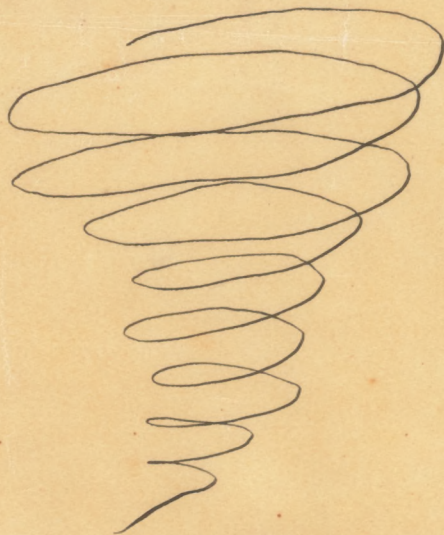
Jugado de Somma

Expediente instruido p.^a medir
y dar posesion de un sitio de ganado
mayor en el Rancho de Napa aba
jo al C. Nicolas Figueroa el dia
11. de En.^o de 1842.

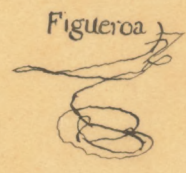
Fuer
El C. Salvador Lopez

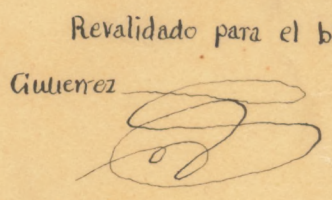
aria.
Antonio Meranda

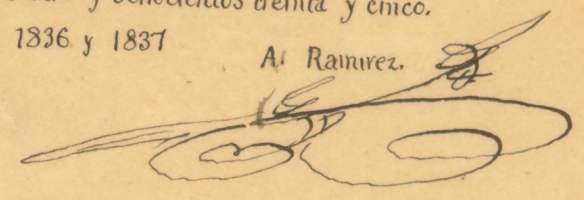
aria.
Cayetano Jor.



SELLO PRIMERO SEIS PESOS.
Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterrey de la Alta California para los años de mil ochocientos treinta y cuatro y ochocientos treinta y cinco.

Figueroa


Revalidado para el bienio de 1836 y 1837
Gutierrez


Ai Ramirez


El C^o Coronel Mariano Chico, Representante de la Nacion, Jefe Superior Político y Comandante General de la Alta California.



Por cuanto el C^o Nicolas Herquero Mejia -cano por nacimiento, ha pretendido para su beneficio personal y el de su familia un sitio de ganado mayor por mas en el parage conocido con el nombre de Napa; practicadas previamente las diligencias y averiguaciones concernientes a lo dispuesto por las leyes y reglamentos de la materia, usando de las facultades que me son conferidas, en decreto de este dia y a nombre de la Nacion Mexicana he venido en concederle el terreno mencionado declarandole la propiedad de él por los presentes autos y a reserva de la aprobacion de la Exma D^{ca} Deputacion y bajo las condiciones siguientes

1^a Que se someterá a las que estableciere el reglamento que se ha de formar para la distribucion de terrenos baldios, y que entretanto ni el agraciado ni sus herederos podrán dividir ni enagenar el que se les adjudica, imponer censo, vinculo



fiansa, hipotecia en otro gravamen
aunque sea por causa fiadora, ni
pasarlo á manos muertas —

2^a Podrá cercarlo sin perjudicar las
travesías, caminos y sirviedumbres; lo
disfrutará libre y exclusivamente desti-
nándolo al uso y cultivo que mas le
acomode, pero dentro de un año á lo
mas fabricarán casa y estará habitada
3^a Solicitará del Jues respectivo q^e
le dé la posesion jurídica en virtud
de este despacho por el cual se demar-
carán sus linderos, en cuyos límites
pondrán á mas de las mojoneiras al-
gunas arboles frutales ó silvestres de
alguna utilidad —

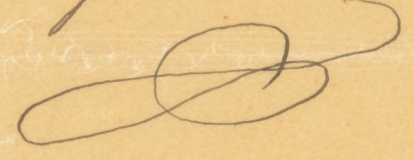
4^a El terreno de que se hace do-
nacion es de un sitio de ganado ma-
yor poco mas, segun explica el di-
-seño que corre en el expediente El
Jues que déra la posesion lo hará
medir con arreglo á ordenansa, que-
dando el sobrante que resulte á la
Nacion para los usos convenientes. —


5^a Si contraviniere á estas condicio-
nes perderá su derecho al terreno y

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Será denunciable por otro —
5^a Si contraviniese a estas condiciones
perderá su derecho al terreno y será
denunciable por otro: —

En consecuencia mando que teniendo
le de título el presente y teniéndose por
firme y valedero se tome razón de él
en el libro que corresponde y se entro-
gue el interesado para su resguardo
y demás fines. — Dado en Monterrey
a nueve de Mayo de mil ochocientos
treinta y seis.

Mano Chiers


Dón 10^{ps}


Queda tomada razón a fojas 112 y se-
ñalado con el número 108 del libro que
corresponde y obra en la Secretaría de
mi cargo Monterrey Mayo 20 de
1836

Castello


Por Tuer de paz de la frontera.

El Ciudadano Nicolas Figueroa vecino de esta jurisdiccion dueño del rancho de Napa abajo, como mejor proceda de derecho, ante V. pareco y digo: q^d como consta del titulo q^d presento con la solemnidad y juram.^{to} necesario tengo en mi dho rancho un sitio de ganado mayor poco mas, abajo de los linderos q^d expresa dho titulo y por q^d necesito para q^d en todo tiempo conste hasta donde llegan y si me perjudican o perjudico há algunos de los circunvecinos; se servirá V. mandar q^d procediendo las diligencias acostumbradas de identidad vista de ojos y reconocim.^{to} se proceda en estacion de los circunvecinos a la medida de mis tierras para cuyo efecto nombro desde ahora y para quando el caso llegare por medidor el Ciudadano Rafael Narvais vecino de esta jurisdiccion inteligente en esta materia de medidas; y otro q^d sea interesado nombre a otro medidor por parte suya y habiendolo hecho así los q^d nombren con el referido Rafael Narvais por mi nombrado oparescan acepte y juren y en su conformidad se proceda a dhas medidas. = Por tanto a V. suplico q^d habiendo por presentado dho docum.^{to} se sirva mandar

hacer como llebo pedido y hechos q. sean
se me vuelvan dthos recardos con las diligen-
cias originales q. se hicieran para ser guardado
de mi derecho este escrito y todo lo necesario
a ruego de mi Sr Padre =

En el pueblo de Sonoma á los diez dias
del mes de Enero de mil ochocientos cuarenta
y dos, ante mi el Ciudadano Salvador Vallejo
Comandante militar y juez de esta jurisdiccion
se leyó esta peticion y vista, la hube
por presentada con el docum. q. espresa, y
mandó q. con citacion de los circunvesinos
se haga informacion de identidad vista de
ojos y reconocim^{to} de dthos. tierras á q. estoy
presente ha asistia personalmente asi lo pro-
vengo mandó y firmo con los de mi
Asa

Asa Salvador Vallejo Asa
Al Polinario Meranduy Capellano Jordán

En el expresado pueblo de Sonoma a los
diez dias del mismo mes y año. yo el referido
juez con los de mi Asa para proceder

ala informacion de identidad hizo Compa =
 ser ante mi al Ciudadano Ramon Mesa
 Vecino de esta jurisdiccion de oficio Labrador
 del cual recibio juram. to q. hizo y la señal
 de la Sta. Cruz en forma de derecho por el
 cual prometio decir verdad y siendo pregun =
 tado por el Conocim. to q. q. tiene de las tierras
 y parajes terminios y linderos pertenecientes a
 el rancho de Napa abajo: dijo q. hace ocho
 años q. existe en esta frontera y sabe q. las
 tierras pertenec. tes a dho sitio son del Ciuda =
 dano Nicolas Figueroa y q. tiene por lin =
 deros el arroyo de los Carneros, el arroyo de
 Napa y el camino real abajo poco menos; q.
 dhas tierras a visto y reconocido varias veces;
 y q. desde q. las posee el referido Figueroa
 las ha labrado y cultivado y han pastado
 en ellas sus ganados y para prueba de lo
 q. tiene dho, esta pronto a ir a dhas tierras
 con el presente juez y señalarle los parajes
 terminios y linderos y a donde llegan; en q.
 se afirmo y ratifico a Cargo del juram. to
 q. tiene hecho. Declaro ser de veinte y cinco
 años de edad y no tocarle las generales de la
 ley y lo firmo con miogo y los de a Ssa =

a Ssa
Ramon Mesa +
assa.
 N. Plindara *Salvador Alvarado*
Capitán Jover

8

En seguida hizo comparecer ante mi y los de assa. al Ciudadano Jorge Roé y habiéndolo hecho prestar el juram^{to} de costumbre ofreció decir verdad y preguntado por las tierras para-
rajes, terminos y linderos pertenecientes al rancho de napa abajo dijo: q. hace ocho años q. es vecino de esta poblacion y sabe q. las d^{as} tierras pertenecientes a dho rancho son de la propiedad de Nicolas Higuera y tiene por linderos los mismos q. su antecesor testigo acaba de declarar q. las ha visto y reconocido, varias veces y q. es cuanto tiene q. decir quedando conforme con la declaracion anterior y declaró ser de cuarenta y nueve años de edad y no tocarle las generales de la ley y lo firmó con mi go y los de assa. segun derecho =

Jorge Roé

assa
Al Plenario Misionero

Alvado Vallejo

assa

Layetano
Jorrea

A continuacion hice comparecer ante mi y los de assa, al Ciudadano Angel Bojorges y haciendole hecho prestar el juram.^{to} de costumbre ofrecio decir verdad: y preguntado por las tierras parajes, terminios y linderos pertenecientes al rancho de Napa abajo; dijo q. hace tres años q. es vesino de esta jurisdiccio[n] y sabe q. las tierras pertenecientes a dho rancho son de la propiedad del Ciudadano Nicolas Figueroa y tiene por linderos los q. su antecesor testigo acaba de declarar q. las ha visto y reconocido varias veces y q. es cuanto tiene q. decir y a cargo del juram.^{to} q. tiene hecho en q. se afirmo y ratifico declaro ser de treinta años de edad y no tocarle las generales de la ley y lo firmo con mi go y los de assa. =

Angel Bojorges

assa
Alonso Mirador
Callador
Cayetano Juan
assa

Estando en el Campo en el paraje de Napa abajo a los diez dias del mes de Enero de mil ochocientos Cuarenta y dos, yo el juez actuando por receptoria con dos testigos de

10
Assa. por falta de escribano publico, los 2
testigos por mi examinados presente el
Ciudadano Nicolas Figuera dueño de
dhas. tierras y los Ciudadanos Crystano
Juarez, y Apolinario Mixonda los cotin-
dantes y Circumbersinos, procedi á ver y re-
conocer las tierras de dho. rancho y para
mayor claridad puesto á caballo en Comp.
de todas las partes y testigos referidos
mande á los susodichos me señalasen los
parajes terminios y linderos de ellas se-
gun las señales q^a han declarado en sus
deposiciones; y en su conformidad guiaron
á la parte del Este q^a mira de dho. rancho
cortando el estero hasta el Sur hasta llegar á
el arroyo de los Carneros de allí se prosiguió re-
conociendo tomando el arroyo arriba q^a corre
al O. E. hasta llegar al corral del paso de abajo
de allí tomamos el rumbo N. hasta llegar al
arroyo de Napa para la parte de O. E. donde
se concluyó el reconocimiento y visto de ojos
de dhas. tierras hasta donde los testigos dijeron
ser los ultimos parajes, terminios y linderos
de dhas. tierras cuyos parajes yo el referido
juez vi y reconocí con los de assa. testigos
examinados y papeles presentados y cotejados
los autos del referido reconocim.^{to} Ser cierta

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PAGE 70

La identificacion de las enensionadas tierras
segun y como declararon dthos. testigos y
para q. conste se puso por diligencia
y lo firmo' con los de mi assa. y demas
q. supieron firmian doy fee =

assa. Alvarado Almeyda
Alonso de Herrera
Lacort Leon
Manuel Mat
Jorge Roy
Layetano Jones
assa

Y Inmediatam. yo el fizez digo q. para
proceder a las medidas convenidos
en estos autos mando se notifique al Ciudadano X
Nicolas Figueroa el titulo de las tierras para
q. ratifique el nombram. de medidos como
asi mismo quede de acuerdo, y todos los Colin-
dantes nombren por su parte al suryo deviendo
ser inteligente en materias de medidas y he-
cho esto estoy pronto a señalar dia para otras
medidas asi lo provey mande y firme con los
de mi assa

assa. Alvarado Almeyda
Alonso de Herrera
Lacort Leon
Manuel Mat
Jorge Roy
Layetano Jones
assa

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PAGE 71

En el mismo día mes y año yo el
referido juez ley y notifiqué el auto de su
uso según y como en el se contiene al Cuida-
dano Nicolas Figueroa y asus Colindantes
y en sus personas q. conosco habiendolo oido y
entendido dijeron lo ollen habiendolo nombra-
do al Ciudadano Dolores Cantua por medidor
y el referido Figueroa ratificó su nombra-
miento en el Ciudadano Rafael Narvas
ambos inteligentes en materia de medidas á
quienes les notifiqué parecieron aceptar y
juzgar y á consecuencia se preceda á otras
medidas como está mandado así lo fir-
maron con una Señal de la Sta Cruz
ante mi y los de assa. = doy fé =

Dolores Cantua Rafael Narvas X

Salvador Alay

^{assa}
Roberto Mirandey

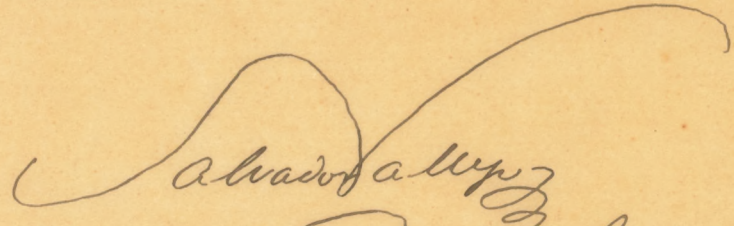

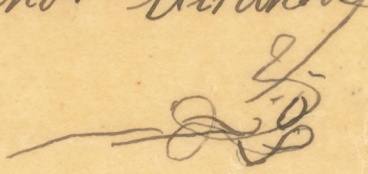
^{assa}
Cayetano Jorca

En el pueblo de Sonoma en el mismo
día mes y año yo el juez actuando por
receptoría con dos testigos de Assa por fáb-
ta de escribanos públicos ley notifiqué el

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PAGE 72

Auto y nombram.^{to} de medidores á los
Ciudadanos Rafael Navais, y Dolores
Cantua vecinos de este pueblo en sus
personas q.^{ta} conosco y habiendolos oidos y
entendidos dijeron q.^{ta} aceptan el encargo de
medidores q.^{ta} se les confia y juraron á Dios
y á una señal de la Sta. Cruz en for-
ma de derecho q.^{ta} usaron de su encargo
fidel y legalmente segun su leal saber
y entender y dhas medidas las verifican
con fidelidad y exatitud como es de sus
obligaciones y á satisfaccion de los inte-
resados y habiendolos asi expuesto lo
firmaron con mi go y los de mi asta

= Rafael Navais Dolores Cantua

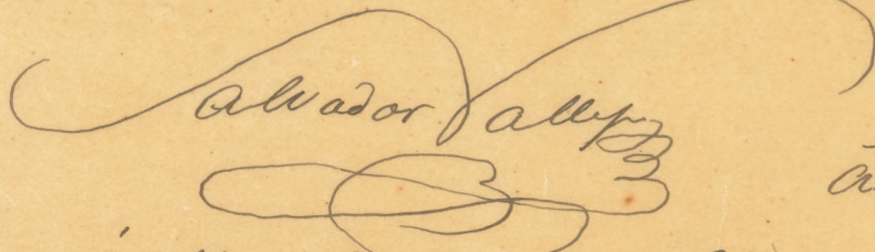
assa.  assa
 Cayetano Joaquin
A Polinario Durando 

Y Inmediatam.^{to} se hizo saber el auto q.^{ta}
antecede á la parte interesada Ciudadano
Nicolas Higuera los medidores Rafael
Navais y Dolores Cantua y entendidos
dijeron q.^{ta} se dan por citados y lo fir

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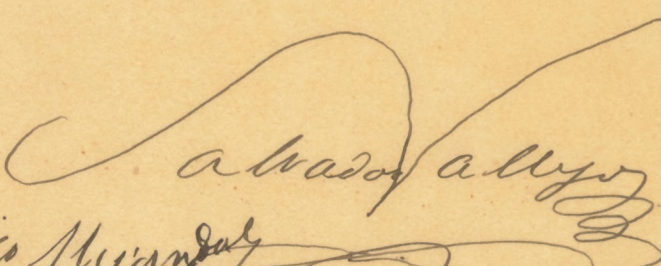
maron con el presente juez y los de
assa.

Dolores Cantua Pratan Sarvan

assa  assa

Apolinario Miranda Cayetano Joares

En el mismo dia mes y año se li-
braron vóletos de comparendo a los colin-
dantes Cayetano Joares y Luis Lis, para
q. comparecan el proximo dia once en
el mencionado rancho de Napa abajo
á las ocho de la mañana de este dia y
para constancia lo firmé con los demi
assa.

assa  assa
Apolinario Miranda Cayetano Joares

En el rancho de Napa abajo á los once
dias del mes de Enero de mil ochocientos
cuarenta y dos presentas las partes y cin-
cumbesinos á dhas. hice comparecer ante
mi á los de mi assa Ciudadanos Cayetano
Joares, y Apolinario Miranda; á los

medidores nombrados á quienes mandé
tomasen un Cordel de Cañamo y midie-
sen cincuenta varas de Cuatro palmos
Castellanos lo q. verificaron á vista
y presencia de los interesados y circum-
vesinos y para q. conste mando se ponga
por diligencia y se proceda á dhas. me-
didas como está mandado lo q. certifico
asi mismo firmansolo con los de mi
assa

assa
Polinarothes
alvador albe
assa
Captain Jones
HB

Estando en el campo de las tierras
pertenecientes al rancho de Napa hoy
martes del mismo mes y año, yo el juez
de esta jurisdiccion actuando por recepto-
ria con dos vestigos de assa por falta de
escribanos publicos presentes los medidores
Ciudadanos Rafael Narvais, y Dolores
Carrera nombrados por las partes intere-
sadas y Colin dantes mande proceder a la
medida de un sitio de ganado mayor
poco mas q. corresponde al rancho de Napa
abajo segun el titulo presentado en cuyo

16
Obedecim^{to} principio á dhas. medidas co=
mensando desde la Casa para la parte al
Este; Costeando el estero hacia al Sud, hasta
llegar á el arroyo de los Carneros; y pro=
siguiendo el arroyo arriba asi al O. E.
hasta llegar al corral del paso de abajo; don=
de se contaron diez y ocho mil varas y
Castellas; de alli, tomando el rumbo N.
donde se pusieron tres mohoneras hasta
llegar al arroyo de Napa donde se puso la
ultima mohonera y se contaron vein=
te y cuatro mil varas donde quedo deli=
neado un sitio de garado mayor poco
mas; por todo, y en señal de la verdadera
posesion y solemnial acostumbrada
arranco piedras y yerbas y trazo por todos
los cuatro vientos en manifestacion de su
legal y legitima posesion q. tomio por si,
y para q. en todo tiempo conste recono=
can por terminis y linderos de sus tie=
rras los demas circumbesinos de ellas y
de haverse efectuado dhas. medidas quie=
ta y pacificam.^{te} lo pidio por testimo=
nio y yo el referido juez con los de mi
assa lo doy de haverse pasado como dho.
es; y q. las espresadas medidas han sido
practicadas á todo el leal saber y enten=
der de los medidores segun depusieron
su dolo fraude ni engano contra

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ninguna persona para mayor segu-
ridad y satisfaccion del juram.^{to} q. tienen
hecho lo firmamos con miso y las de
mi assa

Rafael Narvaiz Dolores Carranza

assa.

Salvador Vallejo

assa

Abelardo Hernandez

Cayetano Juarez

En vista de hallarse Concluido este es-
pediente en q. consta por ~~resedada~~ posesion
juridica del rancho nombrado Nopa abajo
a cinco leguas de este pueblo de Ciudad Nueva
Nicolas Figueroa entreguesle ala parte
el original para los usos q. le convengan
con los docum.^{tos} q. espresa =

El Ciudadano Salvador Vallejo,
Comandante Militar de esta fron-
tera y juez de esta jurisdiccion actuan-
do por receptoria con dos testigos de
asistencia por falta de escrivano pu-
blico asi lo provey mande y fir =

mé á once dias del mes de Enero de
mil ochocientos Cuarenta y dos. =

assa

assa

Alvarado y Lopez
Alonso Lopez

Alonso Lopez

Alonso Lopez

Alonso Lopez

Alonso Lopez

Alonso Lopez

Alonso Lopez

Alonso Lopez

Alonso Lopez

Alonso Lopez

and also contains a number of
one or more pages of notes

Doc 3

[Large handwritten signature]
J. Thornton

Doc 3

Exhibit No 1 to the deposition
of Jose de la Rosa in No 323
H.S.P.

No 323

Julius Marten

Entre Naha

Doc No 1 Vol 9. ar 26
Depo. of Jose de la Rosa
taken before Com^o
H. Thornton

Filed in Office Jan 15th
1853

Geo. Fisher

[Signature]

Recorded in Rec. of vol
No. 12. p. 543 to 548

Office of the Surveyor General,
Of the United States, for California.

I, JOHN C. HAYS, Surveyor General of the United States for the State of California, and as such, having in my office and in my charge and custody a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California, and also the Records of the late Board of U.S. Commissioners to ascertain and settle private land claims in California, by virtue of the power vested in me by law, Do hereby Certify, that the Nineteen preceding, and hereunto annexed pages of tracing paper numbered from one to Nineteen inclusive, exhibit a true and accurate copy of a Document entitled "Censado de Sonora" Expediente instruido p.^o medio y dar posesion de un Sitio de Ganado Mayor, en el Rancho de Napa abajo al C. Nicolas Figueroa, el dia 11. de En.^o de 1842," now on file in said Archive of said Commissioners



In Testimony Whereof, I have herunto signed my name officially and caused my Seal of Office to be affixed, at the City of San Francisco, this second day of April 1856

John C. Hays U. S. Surveyor General for California.

Extract from the 2nd Section of the Act of Congress "providing for the Survey of Public Lands in California, and for other purposes," Approved, March 3d, 1855.

"The Secretary of the Interior is hereby authorized to cause an official Seal to be prepared for the Office of the said Surveyor General, [California] and any copy or extract from the plats, field notes and other records and documents on file in his office, when attested as such by the said Seal and the signature of the Surveyor General, shall, in all judicial matters, have the same force and effect as the original."

No. 176

U.S. Dist. Court A.D.
The United States
vs
Joseph Mount & al

Expediente
copy

Filed April 26, 1886
Cherres
Deputy.

At a Stated Term of the
District Court of the United States
for the District of California, held
at the Court Rooms of said Court in
the City of San Francisco on the 20th
day of ~~December~~ ^{January} A. D. ~~1879~~ 1880.

Present Hon. Ogden Hoffman - Judge

The United States } No. 176.
vs } Decree of Confirmation
Joseph Mount et al } Part of ~~Tract~~ Entre Rapa

It appearing to the Court
upon inspecting the minutes and entries in
the Register of the Clerk on the 13th day of
February - A. D. 1857, that an order was made
by the Court affirming the decree of the Board
of Land Commissioners made in the above
cause and confirming to the claimant therein
the lands set forth and described in said
decree. It further appearing that said order
of confirmation was made on an appeal duly
taken from the decision of the said Board of
Land Commissioners and was made with
the consent of the District Attorney in open

Court: and it further appearing to the Court that by neglect or omission of the claimant's Attorney, no formal decree of confirmation was presented to the Court for signature, and that no such decree has been signed by the Judge or filed of record, and it being suggested to the Court by Philip Seare Esquire, United States Attorney, that the Surveyor General has informed him that it was necessary for the prosecution of public surveys, that a decree in the said cause, describing and defining the boundaries of the land so confirmed as aforesaid, should be entered, and it further appearing to the Court, from statements of the District Attorney that no objection exists to the entry of the decree of confirmation of the said lands of claimant, Nunc pro tunc, as of the day when said order of confirmation was made as shown by the entry in the minutes and in the Register of the Clerk.

Now therefore on the motion of Philip Seare, District Attorney, it is ordered that a decree of confirmation in said cause, be entered, Nunc pro tunc, as of said day.

Wherefore in consideration of

the premises, it is hereby ordered ad-
judged and decreed, that the said de-
-cree is hereby affirmed and it is fur-
-ther ordered adjudged and decreed, that
the claim of the said appellee is a good
and valid claim and the same is hereby
confirmed.

The lands of which confirmation
is hereby made are a part of the place
known by the name of Entre Napa, which
was granted to Nicolas Figueroa, which
place so granted is situated in Napa
County and is bounded and described
as follows, to wit:

Commencing on the Estero east
of the house where said Figueroa lived
and on the East side of said Rancho,
thence coasting the Estero towards the
South to the arroyo de los Carneros
and thence following up said arroyo
to the corral of the Lower Pass, thence
in a northerly direction, where three
bounds were placed in giving juridical
possession of said land to said Figueroa
in 1842, to the arroyo of Napa, at a
point where the last bound was placed
thence by said arroyo and Estero to
the place of beginning, as the same

was measured and located in the juridical measurement when the possession was given to said Higuera under his said grant to the testimonial of which on file with the Secretary of this Commission reference is to be had.

That portion of the above described premises of which confirmation is hereby made is bounded and described as follows, to wit; commencing at the old ford on Carreros creek, and running thence along Nicolas Higuera's line North to Joseph Greus corner, thence along said Greus line to John E. Brackett's line, thence along said Brackett's line to Brown and Walker's south west corner, thence in a direct line to Julius Martius North east corner (known in said Martius deed from Fellows as the point of the hill on the East) thence along said Martius line to the place of beginning, be the same more or less, the same being the premises described in and conveyed by a deed from Incarnacion Cacho to said petitioners Joseph Mount and Edward Cotterell dated November 8th A.D. 1852, to which reference is to be had for further description thereof.

John H. Hoffecker
Dist. Judge

No 176

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

The United States

vs.

Joseph Mounk et al

Lodged in Clerk's office U.S.
District Court West of California
January 6th. 1880

Southard Hoffman Clerk

By P. D. Grimwood
Deputy Clerk

Decree of confirmation

Filed January 20th AD 1880 as
of February 13th AD 1857 nunc
pro tunc -

Southard Hoffman Clerk

By P. D. Grimwood
Deputy Clerk

Recorded in BK. 2 Judgments
& Decrees at p. 267

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No. 176. The United States } State of California
vs } Northern District.
Joseph Mount & al }

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Claim to part of "Entre Napa".

Brief for claimant.

Joseph Mount & Edward Cottrell filed their claim before the U. S. Board of Land Commissioners, for a tract of land, described in this petition, being a portion of a grant originally made to Nicholas Niguera by the Mexican Government, & called "Entre Napa". This tract was sold by Niguera to various persons, who have each filed their separate claims, for the portions claimed by each.

The Transcript shows that on the 30th day of December, 1835, Nicholas Niguera, petitioned the Mexican authorities for this Entre Napa tract, containing one square league more or less. The petition was favorably reported on by the proper officer (March 11, 1836 (Record p. 13 & 16 Exhibit H.)) & on the 9th day of May, 1836, a grant was duly executed by Manuel Chico, Governor, containing the usual conditions. (Exhibit H. page 19.)

On the 10th day of January, 1842, a judicial survey was made, definitely

locating the land, a translated copy of the record of which survey is filed marked Exhibit F. (p. 22 to 28)

The due execution of all these papers is proved by the deposition of Jose de la Rosa, Exhibit I (page 10)

The original papers relating to this "Entre Napa" grant, being in the possession of other claimants & having been filed with their claims, a stipulation was entered into in this case, between the U. S. Law Agent & the attorneys of the claimants, that certified copies of these papers might be filed & used as evidence in this case the same as the originals, & under this stipulation these certified copies were filed - (See stipulation page 45)

The deposition of Jose de la Rosa (Transcript p. 10) also shows that the original grantee, took actual possession of the land, built a house & corral on it, kept his stock of cattle & horses there, & cultivated a portion of it, & that he continued to reside on the land up to the time of his death in 1852 -

This evidence is sufficient to establish a valid title to the land in Nicholas Niquera, & the next question then is, has that title

been conveyed to the claimant, for that portion claimed by him. & to determine this it is necessary to examine the chain of title, which is as follows.

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1st Deed marked "A" (Page 33) from Nicholas Niquera to Ramon G. de la Riva dated April 18, 1851, for the whole of his grant, as the description includes the whole -

2^d Deed marked "B" (Page 34) from Nicholas Niquera & wife to Ramon G. De La Riva dated Feb. 7, 1852, for the conveyance of the whole tract included in his grant, as the terms of the description show -

3^d Deed marked "C" (Page 37) from Ramon G. De La Riva to Martha Frias & Incarnacion Leacho de Niquera daughters of Nicholas Niquera, dated March 28, 1852 - for the whole grant - excepting lands thereupon sold -

4th Deed marked "D" (Page 40) from Martha Frias de Niquera to Incarnacion Leacho de Niquera, dated Oct. 13, 1852 for all her right & title to the whole grant, excepting lands sold to others, the lands that day conveyed by Incarnacion to Martha, & also a tract conveyed to Nicholas Niquera by John C. Brackett
These exceptions are fully

explained in the deposition & Map
plans attached of Emile De Nemecourt
(Page 7) which points out clearly
all the different tracts in this grant -
so that under this deed the title
to this particular tract was
conveyed to Lucamacion Leacho de
Higuera -

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5th Deed marked "E" (Page 42)
from Lucamacion Leacho Higuera to
Joseph Mount & Edward Cottrell
the present claimants, dated Nov 8
1852, for the tract claimed in this
case -

The evidence in this case
therefore shows that the claimants
are the owners of the land claimed
by them, & we therefore ask that
the decree of the Board of Land
Commissioners, confirming the claim
be affirmed by this court -

Crocker & Robinson
Attys for Claimants.

No 176
The United States

vs
Joseph Mount &
Edward Cottrell

Claimants Brief

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Crocker & Robinson
Attys for Claimants

Office of the Board of Commissioners,

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

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San Francisco, *July 31st* 1855

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. 581 on the Docket of the said Board, wherein

Joseph Mount, et al; are

the Claimants against the United States, for the place known by the name of *Entre Napa*

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

G. Fisher