CASE NO.

224

NORTHERN DISTRICT

BLUTCHER RANCHO GRANT

STEPHEN SMITH

CLAIMANT

LAND CASE 224 NO. 78 PAGES

24

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 24.

Stephen Smith CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Blutcher Rancho."

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, *that on this* ,
Anno Domini One Thousand Eight Hundred and Fifty- , *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 Stephen Smith, *for the Place named* "Blutcher Rancho", *was presented, and ordered to be filed and docketed with No.* 24 *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 May 18th 1852.

Case no. 24 Stephen Smith for the place named "Blutcher Rancho", was set for hearing and transferred to the Trial Docket.

San Francisco February 1st 1853.

In the same case the deposition of John J. Vioget, a witness in behalf of the claimant, taken before Commissioner Hilana Hall with document marked H. H. nos. 1. 2. & 3, annexed thereto, was filed;

(Vide page 7 of this Transcript.)

San Francisco September 14 1853.

In the same case the Deposition of W. A. Richardson, a witness in behalf of the claimant, taken before Commissioner R. Aug. Thompson, was filed;

(Vide page 9 of this Transcript.)

In the same case the deposition of John Paty, a witness in behalf of the Claimant taken before

Commissioner R. Aug. Thompson was filed.
(Vide page 14 of this Transcript.)

San Francisco September 6th 1853.
Case No. 24 called, on motion of the U. S. Law Agent dismissed to the foot of the Docket.

San Francisco November 2d 1853.
In the same Case the depositions of John T. Viget and Philip Crowley, witnesses in behalf of the Claimant, taken before Commissioner R. Aug. Thompson, were filed:
(Vide pages 16 & 15 of this Transcript)

In the same Case the deposition of Manuel Torres, a witness in behalf of the claimant, taken before Commissioner R Aug. Thompson, was filed:
(Vide page 18 of this Transcript.)

San Francisco Sept. 5th 1854.
Case No. 24 was submitted without argument.

San Francisco October 31st 1854.
In the same Case Commissioner S. B. Farwell delivered the opinion of the Board confirming the claim:
(Vide page 55 of this Transcript.)
and the following order was made, to wit:
(Vide page 58 of this Transcript.)

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Petition

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To the Hon. the Board of Commissioners to ascertain and settle Private land claims in the State of California,

Stephen Smith of Bodega in the State of California aforesaid respectfully represents, That one Juan Vioget in the year 1840 occupied a parcel of land in the vicinity of the American Creek. (Estero Americano) and that the said Vioget had a provisional grant of the same from Governor Alvarado on the 23d of May 1842 at the date first named by the laws then in force in California the said Vioget could not hold lands in said Department for the reason that he was not a married man - subsequently to wit on the 14th day of December, 1844 - the laws in that respect having been changed the said Vioget made application to Governor Michel-torena then Governor of the California for a grant of the same lands to the extent of six lots for large cattle (sitios de ganado mayor) according to a map or plan of said lands which accompanied said ap-plication and a copy of which is sub-mitted with the papers filed in this case with your Secretary

On the of December, 1844 the said Governor Michelltorena granted to the said Vioget the land as prayed for and ordered the title to issue - on the 15th day of June 1845 the said Vioget ap-plied to the Departmental Assembly for their approval of said grant which ap-proval was given by the said Depart-mental Assembly aforesaid on the 23d day of June 1845 as will more fully and at-large appear by reference to the copies

herewith filed

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herewith filed with the Secretary of your Board of Commissioners

Your Petitioner Stephen Smith further represents that the said Voget built a house on said land and continued to occupy and improve the same until he sold the same to your petitioner and since the purchase of the same by your petitioner, your petitioner has had quiet and peaceable possession of the same land under and by virtue of the Deed of the same Voget, a copy of which deed your petitioner will hereafter file as he has not the said deed now with him in San Francisco but the same is with his papers at his house in Bodega, the date of which deed from Juan Voget to your Petitioner he cannot now definitely state from memory

Your Petitioner further represents that the name of the original claimant is Juan Voget under whom your present petitioner claims — The claim is for six lots for large Cattle (sitios de ganado mayor) as described and bounded on the Map or plan which accompanied the said Vogets application — The original grant was made on the 11th day of December 1844 although the said Voget had a previous grant and had long before that time occupied and improved said land — The original title was derived from Manuel Micheltorena who was Governor of the Californias at the time with full and extraordinary power to grant and convey lands

The said land is bounded as follows on the North by the Rancho of Stephen Smith called the Bodega and that of Don ~~~~ MacIntosh on the North East by Rancho de Santa Rosa, on the South East by the Rancho de Petaluma

and Rancho

and Rancho de San Antonio and on the West and North West by the Pacific Ocean, and the Estero Americano —

The said land was surveyed by the said Voget about the year 1843 or 1844 but has not been surveyed by the Surveyor General of the State of California

Your Petitioner is not aware of any valid interfering claim. He would refer to the copies filed herewith and other evidence hereafter to be produced, upon which he relies for a confirmation of his aforesaid claim — Copies of the original grant and other important documents in the spanish language together with translations of the same are herewith filed with your Secretary.

Wherefore Your Petitioner respectfully prays Your Honors to confirm the grant aforesaid to the land aforesaid and decree his title thereto to be valid according to the plan herewith submitted and according to the grant aforesaid of the said Governor Michelltorena and confirmed by the Departmental Assembly of California

And as in duty bound will ever pray

(signed) Stephen Smith

San Francisco Feby 9. 1852.

Filed in Office Feby 9th 1852

(signed) Geo. Fisher

Dy

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Deposition
of
John. S. Vioget

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San Francisco
Feby. 1st 1853

On this day before Comr. Leland Hall came John. S. Vioget a Witness in behalf of the claimant Stephen Smith Petition No 224 and was duly sworn his evidence being given in English

The U. S. Associate Law Agent was present

In answer to inquiries by counsel for the claimant the witness testified as follows,

My name is John S Vioget. my age fifty four years and I reside in the County of San Francisco

I am acquainted with the Rancho called Blucher situated about two leagues from the Port of Bodega - I applied for a grant of the Rancho to Governor Alvarado in the year 1841 and had a provisional title from him of the land and I immediately took possession under it. In 1844 I applied to Governor Micheltorena who gave me a full title.

I am acquainted with the hand writing & signatures of Manuel Micheltorena and Manuel Jimeno. A paper is now shown me dated the 14th of December 1844, which is the original grant received by me from Secretary Jimeno.

The signatures of said Micheltorena and Jimeno to said paper are genuine - It is hereto attached and marked H H No 1

Upon said paper is a written ~~[illegible]~~ transfer of the land to Stephen Smith dated May 20th 1846. It is in my hand writing and signed by me.

I am acquainted with the handwriting and signatures of Pio Pico and Jose Mc Lewarrubias and their signatures appearing upon a paper now shown me, purporting to be an approval of the Departmental Assembly

Sept 24th

September 24" 1845 — I believe to be genuine said paper is hereto attached and marked H.H. No 2.

A paper is also shown me purporting to be an instrument of conveyance from me to Stephen Smith dated December 24" 1847 The signature to said instrument is my own and it was fully executed and delivered by me — said paper is hereto attached and marked H.H. No 3.

I occupied the land from 1847 till I sold to Stephen Smith — I had a shanty on the land in which the people lived who had charge of cattle and horses with which I occupied the land. A small portion of the land was cultivated — said Smith has occupied the land from the time he purchased till the present time When I applied for the land, I presented with the petition a map or plan of the land

In answer to inquiries by the Associate Law Agent the Witness answered as follows After the provisional grant by Alvarado but before that given by Michelorena the land was attempted to be denounced by me Garcia, but his denouncement was not admitted by the Governor

(signed) John. S. Vioget

Sworn and Subscribed
Before me.
(signed) Hiland Hall
Commissioner

Filed in Office February 1st 1853
(signed) George. Fisher
Secy

Deposition
Wm A. Richardson

Office of Commissioners of Land Claims in California

This day before Com. Robt. A. Thompson came Wm A. Richardson a Witness in behalf of Claimant Stephen Smith No 224, who after being duly sworn deposed as follows

Present Jas. Wilson Esq for Claimant and R. Greenhow Esq Ass. Law Agent

1st Question by Claimants Atty
What is your name age and place of residence?

My name is William A Richardson my age fifty eight years, and my residence Sancleto March County, California I have lived in California thirty six years

2d Question by same
Are you acquainted with the handwriting of Manuel Michelorena, Manuel Jimeno, and Juan Voget, if so look at the paper now shown you marked W. A. No 1 and annexed to the Deposition of J. Voget in this case, and say whether their signatures where they appear on said documents are genuine or not

Answer,
I know the signatures of the persons named in the question. I have seen them all write and I have no doubt their signatures as they appear on said documents are genuine

3d Question by same
Are you acquainted with the hand writing of Pio Pico and Jose Maria Covarrubias if so look at the document now shown to you marked W. A. No 2. and annexed to the Deposition of Juan Voget filed in this case - and state whether their signatures as they appear on said document are genuine or not

Answer,

I do know their handwriting, I have often seen them write, and I have no doubt of the genuineness of their signatures on said document.

4th Question by same

How long have you known Juan Voget

Answer.

I have known him since the first time he came here as Capt of a vessel which was in the early part of the year, 1838.

5th Question by same

Look at the document marked Y Y Y No 1 herein before referred to and read the description of the land therein granted and state if you know said land

(Question objected to by Law. Agent)

Answer.

I know the land well.

6th Question by same,

Do you know the Estero Americano

(Objected to by Law Agent)

Answer

I am well acquainted with it.

7th Question by same

On which side of the Voget or Blucher Ranch is the Estero Americano

Answer.

On the Western or North-western side

8th Question by same

Do you know the Ranch of San Antonio adjoining said Voget Ranch.

Answer

I do

9th Question by same

On which side of said Voget. Ranch

is the Ranch of San Antonio.

is the Ranch of San Antonio,
Answer,
It is on the South eastern side

10th Question by same
Do you know the Rancho of Petaluma if so state whether it adjins said Voget Ranch and on which side?
Answer,
I know the Petaluma Ranch it was formerly supposed to extend to the Voget Ranch, but the Presidio Ranch has been since granted lying between them — and the last named Ranch now bounds the Voget Ranch on the North East side

11th Question by same
Do you know the Rancho of Santa Rosa if so state whether it adjoins the Voget Ranch and on which side
Answer,
I know the Ranch of Santa Rosa It adjoins the Voget Ranch to the North

12th Question by same
Do you know the Rancho of McIntosh if so state whether it adjoins the Voget Ranch and on which side
Answer, I know the McIntosh Ranch It adjoins the Voget Ranch on the North North west side

13th Question by same
Please to state what you know about Capt Don Juan Voget taking possession of said Ranch called Voget or Blucher Ranch,
Answer
He occupied it in the early part of the year 1845 — He cultivated a portion of it and had cattle on it — He raised corn and potatoes and some wheat He did not occupy in person, but had

a man

a man employed by the name of John — Parker who so continued to occupy it until he sold it to Capt Smith in the latter part of 1846. There was a small house built on about the time of taking the possession

14" Question by same

State what you know in relation to the occupation of said Voget Ranch since Juan Voget sold it to Capt Stephen Smith

Answer.

Since that time it has been occupied by Capt Smith with cattle and by cultivating the land. He has cultivated it much more extensively and had a great quantity of cattle on it until within the last two years — There are also a number of other buildings on said Ranch but I do not know who they belong to

Question by Mr. Howard U. S Law. Agent.

What became of the house erected on said Ranch 1845 by Voget

Answer.

It was still standing in 1848, the last time I was at the place where the house was built

Question by same

How long was it occupied and by whom.

Answer

It was occupied from 1845 by a servant of Vogets, named John Parker until Voget sold it to Capt Smith — and after that time until 1848 by a Portugese named Joe in the em-

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-ployment of Capt Smith.

Question by same
By whom was said House built
Answer.
By Voget, it was a Board House with one room about 20 feet by 24.

Question by same
Did Voget or Capt Smith ever reside upon the land, and if so when.?
Answer.
I never knew either of them to reside on the Ranch.

And further Deponent saith not

(signed) William A Richardson

Sworn to and Subscribed
Before me this 14th day
of September 1853
(signed) R. Aug. Thompson
Commissioner

Filed in Office September 14th 1853
(signed) Geo. Fisher
Sec'y

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Deposition of John Paty

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Office of Commissioners of Land Claims in California

This day before Com^r. Robt A Thompson came John. Paty a Witness in behalf of Claimant Stephen Smith, No 24 who after being duly sworn deposed as follows

Present Genl. James. Wilson Atty for Claimants and R. Greenhow Asst Sdr Agent.

Question by Claimant's Atty

Look at the document now shown you marked H/W. No 3 purporting to be a conveyance from Juan Voget to Stephen Smith and filed with the Deposition of said Voget in this case and say whether you signed the same as a subscribing witness, and whether your signature thereto is genuine

Answer.

I was here at the time said conveyance bears date, I have no recollection of having signed it as a subscribing witness but my signature thereto is genuine, and I have no doubt was made by me.

And further Dep^t. saith not.

(Signed) John. Paty

Sworn to and Subscribed before me this 14" day of September 1853

(Signed) R. Aug. Thompson Com^r

Filed in Office Sept. 14" 1853

(Signed) Geo. Fisher

Office of the Board of

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Deposition of Philip Crowley

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Office of the Board of Commissioners &c

This day before Com. R. Aug Thompson came Philip Crowley a witness in behalf of Claimant Stephen Smith No 224 who after being duly sworn deposed as follows -

Testimony in behalf of Claimant
Present. James. Wilson Esq Claimants Atty and R. Freeman Esq Associate Law Agent

Witness states his name is Philip Crowley age 45 years residence Bodega Cal.a

Question by Claimants Atty
State how long you have known the Blucher Ranch and what you know of its occupation and improvement

Answer
I have known said Ranch ever since I came to the country in the year 1843. I have lived since that time at Bodega adjoining the Ranch Capt. Smith has occupied the ranch from 1843 up to the present time. He has had cattle on it and hands employed in cultivating the same and attending to stock. Prior to 1845 there were several small temporary houses on the land one which was occupied by the Mayor Domo the others were used for the purposes of the farm. In 1845 I was employed to put up a large framed house which I completed in July of that year, and which was afterwards occupied by the Mayor Domo or manager -

(signed) Philip Crowley

Sworn to and Subscribed before me Nov. 2d 1853

(signed) R. Aug. Thompson
Com.r -

Filed in Office Nov.r 2d. 1853
(signed) Geo. Fisher
Secy

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Deposition of John A. Voget

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Office of the Board of Commissioners &c &c

On this day before Com^r R. Aug. Thompson came John A. Voget, a witness in behalf of Claimant Stephen Smith No 24, who after being duly sworn deposed as follows —

Testimony in behalf of Claimant

Present S. Wilson Esq Claimant's Atty and R. Greenhow Esq Asst. Law Agent

In answer to question, Witness states that his name is Juan Voget his age fifty four years and residence the County of San Francisco — he came to California in 1837 and settled here permanently in 1839

Question by Claimant's Atty

State whether you ever obtained a grant of land in California, if so at what time, what it was called, its extent and boundaries, and what you know in relation to the occupation cultivation and improvement of the land so granted

Answer.

I first applied to Gov. Alvarado in 1841 for a grant of land on the Northern side of the bay of San Francisco — In consequence of my not being a married man he only gave me a provisional grant for six leagues of land being the same land now claimed in this case, after having occupied the Ranch according to Law when Gov. Micheltorena came into power. I presented my papers to him to get a full title for the land which he immediately granted to me. The ranch has been known ever since as the Blucher Ranch, and is bounded on the North West —

McIntosh ranch — North and North

by the McIntosh ranch - North and North east by Santa Rosa and Cocolate. East by what was then unoccupied land to two large natural stone pillars between which a road passes, which are the South east corner of the tract - from these pillars the line runs Westwardly to the sea so as to include the six leagues, the line terminating near the mouth of the American River the last mentioned River from its mouth for some distance up forming a portion of the boundary between this tract and the McIntosh grant

In about two months after obtaining the provisional grant from Gov. Alvarado I entered on the land and built a small house, built a corral, and placed on the land about ten horses, two yoke of oxen and a small stock of herding cattle, I put a portion of the land in cultivation and raised a crop of corn or maize peas and potatoes I was there a portion of the time myself but kept a Mayor domo there permanently with Indian laborers all of whom I paid for their services -

Question by same

Please to state how long you occupied the land yourself and state the circumstances of the sale of said Ranch by you to Capt Smith the present Claimant

Answer.

In the month of November or December of the year 1843 I was here on board of my vessel and about to sail for Lima - when I met Capt Smith and being in want of some money I proposed to him to sell him the Ranch -

There was a partial understanding between us for the sale to be consumated on my return in consideration of which Capt Smith advanced me five hundred dollars and from that time Capt Smith was to take charge

of

of the Ranch as my agent and furnish my Mayor Domo and laborers with such supplies and other articles as they might need during my absence. On my return from Lima I applied to Gov Micheltorena to have my title perfected which resulted in the issuing of the title from that Officer now filed in the case - In the meantime Capt Smith had returned to the United States and on his coming back to California in the Spring of 1846 - I completed the contract with him and sold him the Ranch for 1000 dollars in addition to the 500 $ previously advanced by him - since said sale Capt Smith has built another house in the Ranch and has always occupied it either by himself or his employees -

(signed) John A. Vogel

Sworn to and Subscribed
before me 2d of Novr
1853

(signed) R. Aug Thompson
Com

Filed in Office Nov 2. 1853

(signed) Geo. Fisher
Secy

Deposition of Manuel Torres

Office of the Board of
Commissioners &c &c

This day before Comr. R Aug Thompson came Manuel Torres a Witness in behalf of Claimant Stephen Smith No 24 who after being duly sworn deposed as follows -

Testimony in behalf of Claimant.
Present James. Wilson Esq Claimants Attyy and R Greenhow Esq Asst. Law

Agent

Agent,

In answer to question witness states his name is Manuel Torres, age twenty seven years and residence San Sunlito

Question by Claimant's Atty
Where did you reside in the years from 1843 to 1846
Answer
At Bodega in the family of Capt Stephen Smith the foresent claimant

Question by same
Who had the care of Capt Smiths business during his absence in the United States in those years
Answer.
I had the charge of his business

Question by same
State what you know in relation to the occupation of the Blucher Ranch during the years 1844 '45 and '46
Answer,
I had charge of said Ranch as the agent of Capt Smith during these years. There was a house on it which was occupied by the Mayor Domo there were corrals and stocks of horses and cattle, I put up another house on it in March 1844! intended for a barn to store the produce during those years there were raised on the Ranch crops of wheat, corn, barley beans potatoes &c In 1845 after the return of Capt Smith from the United States He employed Mr Crowley to build a large house on the Ranch which was completed in July 1845 — In 1847 there was on the place three or four hundred head of cattle, and if many had not been stolen there would have been 6 or 7

hundred

hundred - the number was about the same for several preceeding years, since the year 1843 when I first knew the Ranch it has been continuously occupied either by Capt Vogel or Capt Smith up to the present time.

(signed) Manuel Torres

Sworn to and Subscribed before me Nov.r 1st 1853

(signed) J. Aug. Thompson
Com.r

Filed in Office Nov. 2d 1853

(signed) Geo. Fisher
By

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Espediente

U.S.D.K.

Promovido por Dn Juan Viageren preten
=cion del terreno que se espresa

Año de 1842.

280.

2. S. D. R. Sello tercero Dos Reales:
Habilitado provisionalmte. por la Aduana Maritima del puerto de Monterey, en el Departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno
Jimeno — Antonio Maria Osio

Sello
Rehabilitado por la misma, para el año de mil ochocientos cuarenta y dos.
Alvarado. — Antonio. Maria Osio.

Exmo Sor Gobernador.
Juan Vioget, Ciudadano Mejicano y residente en la Bahia de la Yerba Buena, Sr. Francisco ante V. E. comparece y dice: Que hallandose poseedor de algunas Cabezas de Ganado Mayor y faltandoso un sitio pa. fomentar los suplica a V. E. que me conceda el terreno q. el diseño q. acompaña este mi peticion y que es Baldio segun consta el documento firmado por el Sor Comandante General D. Guadupe Vallejo. P. Q. A. V. E. suplico q. me conceder este mi peticion por lo cual recibirè merced y gracia; jurando lo necesario.
Mont.y 1o. de Junio de 1842.
Juan Vioget.
Sor Coman.te Gen.al.

3. S. D. R.

Sonoma Mayo 23. de 1842. Concedo provisonalmte. à Dn. Juan Vioget, Ciudd. Mejno. el terreno que solicita entre los linderos que espresa. esta mot.te entendido de q. citando aun mas si los Ranchos q. circundan al q. pide tienen aquellos en caso de disputa el primer derecho sien do Baldio y no perteneciendo à propiedad

Juan Vioget Ciudadano Mexicano y residente en la Bahia de la Yerba buena en el puerto de Sn. Francisco en este Alta California ante V. En la mejor y mas bastante forma a que en el derecho haya lugar me presento y digo. Que hatendo de permanecer en este Departamento y necesitando de un terreno propio en el cual puede ubicar mis bienes he registrado uno, y es el que media entre los linderos de los Sors. Mackintosh y James Dawson al Oueste y Nordueste por Sn. Rosa al Norte y el Nord-

Este y sur por el Rancho de

poseyendo la propiedad por D.n Rosa al Norte y el Dr.

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4. S. D. 12

particular puede ocuparlo provicon. almente solicitando del Gobno. polpo. de partam.to los Sitios q. correspondan. Nos ta comprendido en las 20 leguas limitofes con ning.a potam.ta. tonjera y sin la diez litorales que espresa la ley de 18 de Agto de 1824.

Mn.o G. Vallejo.

con Cotate por Petaluma al O. Este y sur por el Rancho de D.n Antonio en cantidad de seis sitios de ganado Mayor, registrando todos los huecos y baldias que hubieren en sus interiores sugetandome siempre à las leyes q. hubiere vigente para el efecto.

Por lo tanto. A. V. S. suplico se sirva acceder à mi solicitud en lo que recibirè merced y justicia. Juro no ser de malicia y lo necesario.

Sonoma 23. de Mayo 1842.

Juan Vioget.

No va este en papel sellado por no haberlo en los tramites de la Ley.

map 19

5. S. D. 12.

Sello

Juan B. Alvarado Gobno. Constitucional del departamento de California.

Por cuanto D.n Juan Vioget ha pretendido para su beneficio personal el parage que media entre los linderos de los vecinos Manuel Makintosh y James Dawson por la parte del Oueste y el Norte Oueste, con Santa Rosa al Norte al Nor Este con Cotate al O. Este con Petaluma y al Sur con el Rancho de D.n Antonio practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y Reglamentos usando de las facultades que me son conferidas à nombre de la Nacion Mejicana he venido en concederle el terreno mencionado provicionalmte.

En consecuencia mando que se tome razon en el Libro respectivo y se entregue este despacho de concesion provicional al interesado para su resguardo. Monterey cinco de Junio de mil ochocientos cuarenta y dos.

6. S. D. 12

Here follows

Map.

24 S.L.D.R. À la Excelentisima Asamblea Departamental del Departamento de las Californias.

Juan Vioget Ciudadano Mexicano por naturalizacion ante la Excelentisima Asamblea Departamental del Departamento de las Californias con el debido respeto se presenta diciendo Que habiendo recibido del señor General Manuel Michel Torena el terreno que se encuentra al Ot con el Rancho de Don Esteban Esmit al Ot O. y O. E. con el de Don Manuel Macquintosh, siendo por lindero el Estero Americano al O. y O. E. con San Antonio siendo el terreno de seis sitios de ganado Mayor segun consta en el titulo dado en Monterey à Catorce de Diciembre de mil ocho cientos cuarenta y cuatro. à la Excelentisima Asamblea Departamental humildemente suplica se sirva dar su aprobacion à la dicha denuncia y admitir este pedimento en papel comun por falta del sellado.

Angeles y 11 de Junio de 1845

Juan Vioget.

q.S.D.R. Sello Cuarto Dos Reales:

Habilitado provisionalmte. por la Aduana Maritima del puerto de Monterey, en el Departamento de las Californias, para los años de mil ocho cientos cuarenta, y mil ocho cientos cuarenta y cinci.

Michel Torena Pablo de la Guerra.

Jdlo

Excellte. Señor Gobernador

Juan Vioget Mejicano por naturalizacion ante V. E. con el debido respeto me hago presente; Que desde el año de 1841, se me concedio un terreno situado sobre el Estero Americano cuya concesion se me dio en la Clase de provisional por no estar casado por no estar casado cumplo requisito prevenia la constitucion

Mont.y Dbr. 16 de 1842/4. Inf. el S. Sno del despacho.

Michelta.

Anterior y como por la presente no necesita de dal requisito suplica à Vuestra Excelencia se sirva mandar que se me estiende el Titulo en propiedad conforme al Diseño que conste en el Espedte. con estencion de seis sitios de

de la bondad de Vuestra Excelencia V.

en el Espedte. con estencion de dos sitios de

25 10. S. D. R. Ganado Mayor. de cuya gracia espero recibir de la bondad de Vuestra Excelencia Vn.
Monterey Diciembre 14 de 1844
J. Vioget.
Sor Gobernador.

Desde el año de 1840 se le concedio à Dn. Juan Vioget el terreno que esta en las inmidiaciones del Estero que llaman americano por el Rumbo de San Rafael y se hizo esta concesion en la clase de provisional por que faltaba el requisito de ser casado como previnia la constitucion del año de 836. y como no se necesita mas esa circunstancia creè que no hay inconviniente para que se le espida el titulo de propiedad.
Me parece conviniente haser à V. E. presente el año pp.do denuncio dho terreno un soldado de Sonoma apellidado Garcia por que decia que no se cultivaba y sin acompañar los documtos que lo acreditavan y se dispuso por V. E. que se reservava la denuncia hasta la Vuelta del espresado Sor Vioget que se hallaba en Lima encargado de la Barca Nacional Clarita
11. S. D. R. y como hace cinco años que llegò à la Costa dho Sor y Garcia no ha repetido su denuncia y ni tiene posibilidad para ocupar el terreno en el que el Sor Vioget ha enprendido gastos de alguna consideracion para la formacion de Casa Corral y siembras desde que se le hizo la Concesion provisional siendo ginalmente un sugeto conocido de todos por su honradez y buenas circunstancias por lo que entiendo no haber obstaculo para que V. E. si le parece bien pueda acceder à su solicitud.
Sta la misma.
Mam.l Jimeno.
Monterrey Dbr.e 16. de 1844.
Visto el informe con cedo el pedido. Extiendase el titulo.
Michelta.
12. S. D. R. Excmo Sor.
La Comision de Terrenos Baldios ha examinado con toda la atencion correspon.te el Espedte. promovido en virtud de la solicitud hecha p.r Dn. Juan Vioget en pretencion

de un pare. qe. q. se encuentra al N. con el Rancho de Dn. Esteban Esmith, al N. O. y O. E. con el de Dn. Manuel Mackintosh siendo pr. lindero el Estero Americano al S. y S. E. con San Antonio en la jurisdiccion de Sonoma el cual le fue concedido en propiedad por el Supo. Gobierno del Departamto. en titulo librado con fha 14 de Diciembre de 1844. En cuya virtud y en la de estar satisfecha la Comision q. dicha concesion se hizo con arreglo à lo que sobre el particular disponen las Leyes de la Materia sugeta à la Deliberacion de V. E. la siguiente proposicion.

Se aprueba la concesion hecha pr. el Superior Gobierno del Departamento en titulo legalmte. librado con fha 14 de Diciembre 1844. en favor del Ciudadano Mejicano pr. naturalizacion Juan Viget de seis sitios de Ganado Mayor. en el parage qe. se haya en la jurisdiccion de Sonoma al N. del Rancho de Dn. Esteban Esmit al N. O. y O. E. con el de Dn. Manuel
13. S. D. R. Mackintosh siendo pr. lindero el Estero Americano al S. y S. E. con San Antonio, de enteraconformidad con la Ley de 18 de Agosto de 1824 y el Articulo 8o. del Reglamento de 21 de Novbre. de 1828.

Sala de Comisiones en la Ciudad de los Angeles Junio 19 de 1849.

Ignacio Valle # Franco. de la Guerra

Angeles Junio 23 de 1849.

En Sesion de este dia se aprobó por la Soma. Asamblea Departamental la proposicion del Dictamen antecedente mandando se devuelve el espediente al Exmo Sor. Gobernador para los fines correspondtes.

Dios gue. presdte.

Agustin Olvera Secrio.

14. S. D. R. Se libro al Agraciado el comprobante respectivo.

15. S. D. R. Sello Cuarto Dos Reales: Habilitado provisionalmte. por la Aduana Maritima del puerto de Monterey, en el Departamento de las Californias para los años de mil ocho cientos cuarenta y cuatro y mil ocho cientos cuarenta y

y cinco.
Michel Torena

Pablo de la Guerra
Por Ausa del Admor
Guillo: Edo. Hartwell

Sello

Juan B. Alvarado Gobernador Constitucional del Departamto de las California's. Por cuanto Dn Juan Vioget ha pretendido para su beneficio personal el parage que media entre los linderos de los vecinos Manuel Makintosh y Jennes Dawson pa la parte del Oeste y Norte, al E. con Sta Rosa al N. con Cotate al S. E con Petaluma y al S con el Rancho de Don Anto. practicadas previamts las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamtos usando de las facultades que me son conferidas à nombre de la Nacion Mejicana he venido en concederle el terreno mencionado provisionalmt. En consecuencia mando que se tome razon en el Libro respectivo y se entregue este despacho de concesion provisional al interesado para su resguardo. Monterey cinco de Junio de mil ocho cientos cuarenta.

16. S. D. R. Es copia fielmente sacada del Original que existe agregado al Expedte. de Dn Juan Vioget la felmte. corregido y concertado y para constancia se extiende la presente en Monterey à Catorce de Diciembre de mil ochocientos cuarenta y cuatro

Mdo. Jimeno.

14. S. D. R. C. C. Manuel Michel Pera General de Brigada del Ejercito Mejicano Ayudante Gral de Campaña Mayor del mismo, Gobernador Comandte General è Inspector del Departamento de las California's.

Por cuanto D. Juan Vioget Mejicano por naturalizacion ha pretendido para su beneficio personal, el terreno que se encuentra al N con el Rancho de D. Esteban Comit al N. O. y S. E. con el de Dn Manuel Mackintosh siendo pa linderos el Estero Americano al S. y S. E. con Dom Antonio practicadas previamte las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos; usando de las facultades qe me son conferidas à nombre de la Nacion

Mexicana he vendido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras sugetandose à la aprobacion de la Soberana Asamblea Departamtl. y bajo las condiciones siguientes.

1ª No podra venderlo, enagenarlo hipotecarlo imponer censo vinculo, prenda ni otro grevamen alguno.

2ª podra cercarlo sin perjudicar las travesias, caminos y servidumbres, lo disfrutarà libre y exclusivamte. destinandolo al uso ò cultivo que mas le acomode pr. dentro de un año fabricarà casa y estarà habitada.

3ª Cuando se le conforme la propiedad solicitara del juez respectivo que le de la posecion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites sembrarà à mas de cuatro mil varas algunos Arboles frutales ò silvestres de alguna utilidad.

185. D. / C El terreno de que se hace donacion es de Sesitivo de ganado Mayor. El juez que de la posecion lo harà medir conforme à Ordenanza quedando el sobrante que resulte à la Nacion para los usos convinientes.

5. Si contravinere à estas condiciones perderia su derecho al terreno y serà denunciable por otro.

En consecuencia mando que sirviendole de titulo el presente y teniendose por firme y valedero se tome razon de el en el Libro respectivo y se entregue al interesado para su resguardo y demas fines.

Dado en Monterey à 14 de Obre. de 1844.

Mem.l Michelta. Manuel Jimeno Sio

Queda tomada razon de esta concesion en el libro respectivo à f.o 12.

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

I Samuel D. King Surveyor General of the United States for the State of California, and as such now having in my Office and under my charge and custody a portion of the

and under my charge and custody a portion of the

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Archives of the former Spanish and Mexican Territory or Department of Upper California do hereby certify that the Eighteen preceding and hereunto annexed pages of hearing paper numbered from One to Eighteen inclusive and each of which is verified by my initials S.D.R. exhibit true and accurate copies of certain documents now on file and forming part of the said Archives in my Office

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Seal

In Testimony whereof I have hereunto signed my Name Official and affixed my private Seal (not having a Seal of Office) at the City of San Francisco Cal. this twenty first day of October 1852.

Saml. D. King
Survr. Genl. Cal.

Filed in Office Octbr. 9th 1852
Geo: Fisher Secy.

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Proceedings

at the instance of Don Juan Voget who petitions for the parcel of land herein described

Year. 1842.

No 280.

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"C"

Proceedings

At the instance of Don Juan Vioget who petitions for a certain parcel of land, therein described

Year 1842.

No 280

To His Excellency the Governor

Juan Vioget a Mexican citizen resident of Yerba Buena in the Bay of San Francisco before Your Excy appears and says. That being the owner of some large cattle (ganado Mayor) and wanting a folder for the improvements of the same. I request that Your Excy may grant me the parcel of land exhibited in the plan annexed to this petition which land is at present unoccupied (valdio) as shown by the document signed by Commandant General Don Guadalupe Vallejo. I therefore request Your Excellency to grant me my petition a favor I shall receive with many obligations and will make oath of all that may be deemed necessary

Monterey June 1st 1842.

(signed) Juan Vioget

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Sonoma May 23
1842,

I grant provisionally to Don Juan Vioget a Mexican citizen the land he solicits in his petition but the Rancho's which surround it not having been measured The owners of those in case of any dispute shall have a previous right to the same,

That land being unoccupied and belonging to no private individual. He may settle on it provisionally, and solicit the requisite Titles of the Political Gov.t of this Department

It is not within the 20 leagues from any foreign boundaries but it is within the 10 leagues from the sea shore mentioned in the law of the 18th August 1824

M. G. Vallejo

Señor, Com.t General

Juan Vioget a Mexican citizen, resident on the Bay of Yerba Buena in the Harbor of San Francisco Alta California in due form and as it may be most acceptable before Your Honor present myself and say-

That it being my intention to reside permanently in this Department and wanting a piece of land to establish my property on I have examined one for that purpose. The same is bounded by lands of Messrs McIntosh and James Dawson on the West and N. W. – On the N. E. by Volate – By Petaluma on the S. E. – On the South by the Rancho of San Antonio, and on the North by Santa Rosa – containing six square leagues (sitios de ganado mayor) having examined all the vacant places and valdios which might interfere and submitting myself to the laws in force in that respect I would request that Your Honor will grant me my petition, which favor I shall receive in Justice

Testifying under oath that the above is not made in malice

I remain &c

Juan Vioget

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Note
This is not written on Stamp paper because that required by law cannot be found here

Juan B. Alvarado, Constitutional Governor of the Department of the California

Whereas Don Juan Voget has claimed personally for himself the parcel bounded by those of Manuel Malmtash and James Dawson on the West and N.W. – By Santa Rosa on the North – On the N.E. by Cotate, on the S.E. by Petaluma and on the South by the Rancho of San Antonio and whereas He has complied with the requirements and investigations of the laws and regulations on the subject, in the exercise of the power in me conferred in the name of the Mexican Nation –

I have thought proper to grant him provisionally the above mentioned land.

I therefore command that it be entered in the proper Book, after which this patent for a provisional grant shall be returned to the interested party for his own security

Monterey June 5: 1842.

To the Exct Departmental Assembly of the Depar of the California

Juan Voget, a naturalized Mexican citizen, before the Exct Departmental Assembly of the Department of the California with due

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with due respect presents himself saying,

That having received from General Manuel Michelltorena a parcel of land bounded on the North by the Rancho of Don Estevan Smith on the N.W. and West by that of Don Manuel Mackintosh the American Creek on the South, and on the S.E. by San Antonio the same containing six square leagues (sitios de ganado mayor) in accordance with the title given in Monterey on the 14th December One thousand Eight hundred forty four—

I humbly request that Your Excellencies of the Departmental Board will be pleased to give your Approval to said grant, and may receive this petition on common paper not being able to obtain any stamped sheets

Angeles, June 11th 1845

Juan Vioget

Monterey Dec 16th 1844,
Let the Secretary of State report upon the same
Michelltorena

To His Excy. the Governor

Juan Vioget, a naturalized Mexican citizen with due respect to Your Excellency represents

That a parcel of land was granted to me since the year 1841 situated on the American Creek.

This grant was a provisional one by reason of my not being married, the last Constitution requiring that a man should be so, to obtain lands. But as the present does not require such condition I would request Your Excellency to Command that a title of property may be issued in my favor for the land exhibited in the plan annexed to this dispatch, to the extent of six

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square leagues (sitios de ganado mayor) a favor
I hope to receive from Your. Excy. goodness

Monterey Dec 14th 1844

J. Vioget

Señor Governor

The parcel of land in the vicinity of the American Inlet in a direction towards San Rafael was granted to Don Juan Vioget since the year 1840. —

That grant was made provisionally from the fact of his not being a married man (the Constitution of 1836 requiring that a person should be so to obtain lands) but as this condition is no longer required. I believe that is no objection now to issue him a title to that property.

I deem it proper to remind Your Excy that in the year last past, the said parcel of land was denounced by a soldier from Sonoma named Garcia, who stated that the place was not cultivated, but without producing any documents to prove it, and Your. Excy. directed directed that the report should be suspended until said Señor. Vioget who was then on a voyage to Lima in charge of the Mexican Burghe "Clarita" should return. It is not five month since he arrived on the coast and Garcia has not again denounced the same nor has he the means to occupy the land on which Mr. Vioget has made some considerable disbursement in the erection of a house - a corral (pen) and in preparing the field for a crop since a provisional grant was issued to him —

Being known of every body for honesty, and other good qualities, as I understand there is no objection if Your. Excellency

showed deem

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should deem it proper, to grant him his petition.

Dated as above.

Manuel Jimeno

Monterey December 16th 1844.

Having examined the report, & grant what is petitioned for.

Let the title be issued

Micheltorena

Excellent Sir

The Committee on Public lands (terrenos vacados) have examined very minutely the proceedings at the instance of Don Juan Voget who claims a parcel of land bounded on the North, by the Rancho of Don Esteban Smit, on the N.W. and West by that of Don Manuel McKintar On the South by the American Inlet (or creek) and on the S.E. by San Antonio, situated in the jurisdiction of Sonoma which land was granted to him in fee by the Superior Government of the Department by a title issued on the 14th of December 1844 By virtue of which and from the fact that the Committee are satisfied that said grant was made agreably to the requirements of the laws on the subject, they submit to the deliberation of Your Excellency the following opinion (Proposicion)

They approve of the grant made by the Superior Govt of the Department by the title lawfully issued on the 14th of December 1844 in favor of the naturalized Mexican Citizen Juan Voget the same being of the extent of six square leagues (sitios de ganado mayor) in the jurisdiction of Sonoma bounded on the North by the Rancho

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Rancho of Don Esteban Smith, on the N. W. and West by that of Don Manuel Makintos on the South by the American Creek, and on the S. E. by San Antonio it being in conformity to the Law of August 18th. 1824 and the 5th Article of the Regulations of November. 21st 1828,

Hall of the Committe
City of Los Angeles June 19th 1845

Ignacio del Valle. Francisco de la Guerra

Angeles, June 23. 1845

In their Session of to day the Excl Departmental Assembly have approved the preceding proposition of their opinion, and have ordered that the proceedings be returned to his Excellency the Governor, that he may dispose of them as he may deem proper.

Pio Pico President
Augustin Olvera, Secretary

The approval was delivered to the grantee.

Juan B Alvarado Constitutional Governor of the Dept of the California

Whereas Don Juan Vioget has claimed for his personal benefit, the parcel of land bounded on the West and on the North by those of Manuel Makintos and James Dawson - on the East by Santa Rosa - on the N. E. by Cotate on the S. E. by Petaluma and on the South

by the

by the Rancho of San Antonio, having complied with the requirements and investigations in conformance with the laws and regulations in the matter, I have thought proper by virtue of the Authority in me vested in the name of the Nation to grant him said land provisionally. I therefore command that it be entered in the proper book, and that this letter patent of provisional concession be delivered to the interested party for his own security.

Monterey June, the fifth, One thousand eight hundred and forty.

This is a true copy of the original annexed to the proceedings at the instance of Don Juan Vogel. It is faithfully correct and compared. In evidence whereof the present is issued in Monterey on the 14th day of December, One thousand eight hundred forty four.

Manuel Jimeno

Citizen Manuel Micheltorena, Brigadier General of the Mexican Army Adjutant General of the Staff of the same, Governor Commandant General and Inspector of the Department of the Californias

Whereas Don Juan Vogel, a naturalized Mexican has claimed for his personal benefit, the parcel of land bounded on the North by the Rancho of Don Esteban Smith. On the North West and West by that of Don Manuel Mackintosh — On the South by the American Creek and on the S.E. by San Antonio, having complied with the requirements and inves-

complied with the requirements and inves-

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-tigations of the laws and regulations to that effect. I have thought proper by virtue of the authority in me vested in the name of the Mexican Nation to grant him the said parcel of land declaring the same to be his property by this letter patent which he will submit to the approval of the Excellent Departmental Assembly and under the following conditions

1st He shall not sell alienate nor mortgage it, nor subject it to rent bond nor to any incumbrance whatsoever

2d. He may fence it without obstructing paths roads and servitudes. He shall enjoy it freely and exclusively in the use or cultivation he may think proper but within a year he shall put a house on it, which he shall cause to be inhabited

3d When the property shall be confirmed he shall request the respective Judge to give him lawful possession by virtue of this letter by whom the boundaries shall be marked at the limits of which besides the land marks some fruit trees shall be planted

4th. The land which is granted is of six square leagues (Sitios de ganado mayor) The Judge who may give possession will cause it to be measured agreably to ordinance, the excess (Sobrante) which may result to the Nation, to be for such use as may be deemed convenient

5th If he should fail in the conditions he shall lose his right to said land, which any other person can denounce

Consequently I command, that in view of this title which is to be held as true and valid the same be entered in the proper Book and returned to the interested party for his own security, and every other purpose

Given in Monterey on the 14th

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the 14th of October 1844

Manuel Micheltorena Manuel Jimeno
Secy

A note of this Grant was entered in the respective Book in Folio 12,

Filed in Office February 9th 1852
(signed) Geo. Fisher
Secy

H. H. No. 1
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Sello primero Ocho pesos:
Habilitado provisionalmte. por la Aduana-Maritima del puerto de Monterrey, en el departamento de las Californias para los años de mil ocho cientos cuarenta y cuatro y mil ocho cientos cuarenta y cinco.
Michel Torena Pablo de la Guerra

Sello

El Comandante Manuel Michelta. General de Brigada del Ejercito Mejicano, Ayudante General de la plana mayor del mismo, Gobernador Comandante General è Inspector del Departamento de las Californias.

Por cuanto D. Juan Vioget Mejicano por naturalizacion ha pretendido p.a su beneficio personal, el terreno que se encuentra al N. con el Rancho de D. Esteban Comis al N. O. y O. E. con el de Dn. Manuel Maquintosh siendo por Lindero el Estero Americano al S. y S. E con San Antonio: practicadas previamte. las diligencias averiguacnes. concernientes segun lo dispuesto por leyes y reglamentos; usando de las facultades que me son conferidas à nombre de la Nacion Mejicana he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras sugetandose à la aprobacion de la Excma Asamblea Departamental y bajo las condiciones siguientes.

1.a No podrà venderlo, enagenarlo, hipotecarlo imponer sobre vinculo fianza, hipoteca ni otro gravamen alguno, ni aun podrà donarlo.

2.a podrà cercarlo sin perjudicar las heredades caminos y servidumbres; lo disfrutara libre y esclusivamte. destinandolo al uso ò cultivo q. mas le acomode pero dentro de un año fabricara casa y estara habitada.

3.a Cuando se le confirme la propiedad solicitara del juez respectivo que le dè la posesion judicial en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondrà à mas de sus mojoneras algunos arboles frutales ò silvestres de alguna utilidad.

4.a El terreno de que se hace donacion es de

seis sitios de ganado mayor segun esplican los documentos respectivos. El juez que diere la posecion lo hara medir conforme à ordenanza quedando el sobrante que resulte à la Nacion para los usos convinientes.
5ta Si contravinere à estas condiciones perderà su derecho al terreno y sera denunciable por otro.

En consecuencia mando que sirviendole de titulo el presente y teniendose por formè y valedero se tome razon de el en el libro à que corresponde y se entregue al interesado para su resguardo y demas fines. Dado en Monterrey à catorce de Diciembre de mil ochocientos cuarenta y cuatro.

Manl. Jimeno

Sio } Manl. Michelta.

Queda tomada razon de esta consecion en el Libro respectivo @ fs. 13.

Jimeno.

El abaxo firmado certifica q. no pudiendo atender à los trabajos del Rancho; por su Oficio de Clave, ante y siempre ausente del pais; transfiere por siempre su autoridad de menejo y arreglo al Sr. Don Esteban Smith à el y sucesores sin que en ningun tiempo haga reclamo por mi ò mis herederos en fe. de q. ha formado este certificado en Sn. Francisco Mayo 20 de 1846.

J. Pioget

Filed in Office Feby 1. 1853.
Geo: Fisher Secy

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Translation of Doc. H.H. No. 1 conv. to the Grp. of John T. Vioget

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Stamp First Eight dollars
Provisionally authorized by the Maritime Custom House of the Port of Monterey in the Department of the California for the years Eighteen hundred and forty four and Eighteen hundred and forty five.
Micheltorena Pablo de la Guerra

{(Seal)}

The citizen Manuel Micheltorena Brigadier General of the Mexican Army Adjutant General of the Staff of the same Governor General Commandant and Inspector of the Department of the California

Whereas Don Juan Vioget a naturalized Mexican has petitioned for his personal benefit the land bounded on the North by the Ranche of Don Esteban Esmit, On the North West and West by that of Don Manuel Magantosh the boundary on the South being the (Estero Americano) American Estuary and on the S.E. by San Antonio having previously complied with the requirements and investigations of the laws and regulations on the matter in the exercise of the powers in me vested in the name of the Mexican Nation, I have thought proper to grant him the said tract of land declaring the same to be his property by these letters patent subjecting himself to the Approval of the Most Excellent Departmental Assembly and under the following conditions

1st He shall not sell alienate nor Mortgage it nor shall he subject it to

rent

rent bond nor any other incumbrance nor shall he donate it

D° He may fence without prejudicing the crossings roads and servitudes he shall enjoy it freely and exclusively destining it the use or cultivation which may best suit him but within a year he shall build a house and it shall be inhabited

E° When the property shall be confirmed to him he shall request the respective Judge to give him juridical possession by virtue of this Dispatch by which the boundaries shall be marked out in the limits of which he shall put besides the land marks some fruit trees or wild ones of some utility

F° The land of which donation is made is six (sitios de ganado mayor) square leagues as shown in the respective documents. The Judge who may give the possession will have it measured according to ordinance leaving the surplus which may result to the Nation for its convenient uses

G° Should he contravene these conditions he shall loose his right to the land and it shall be denouncable by another

Consequently I command that this title being held as firm and valid, that one note of it be taken in the corresponding book and that it be delivered to the interested party for his security and other purposes, Given at Monterey on the fourteenth day of December 1844

(Signed)

Manl. Michelorena

(signed) Manl. Jimeno
Secy

Due note of this title has been taken in the respective book on page 13.
(signed)
Jimeno

The undersigned certifies that not being able to attend to the management of the Rancho because he is a sailor and therefore is always absent from the Country does hereby transfer for ever, his power to the full management of the same to Mr. Esteban Smith, to him and successors hereby renouncing any claim whatever by me or by my heirs, in testimony whereof I have signed this certificate in San Francisco May 20th 1846
(signed)
J. Vioget

I George Fisher Secretary to the Board of the U. S Land Commission to settle Private Land claims in the State of California do hereby certify that the foregoing is a true and correct translation of a certain Spanish document filed in Case No 224 Stephen Smith Claimant which Document is marked "Doc H.H. No 1 annexed to the Dep. of John J Vioget. Taken before Comr Hiland Hall. Filed

February

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February 1st 1853

In testimony whereof I have hereunto signed my name officially at Office in San Francisco

(Signed) Geo. Fisher

Sec.

Filed in Office September 5th 1854

(Signed) Geo. Fisher

Sec.

49 H. H. No. 2

Pio Pico primer Vocal de la Excma Asamblea y Gobernador Interino del Departamento de las Californias.

La Excma Asamblea Departamental en Sesion de 23 de Junio del corriente año ha acordado lo siguiente: "Se aprueba la concesion hecha por el superior Gobierno del Departamto en titulo legalmente librado con fha 14 de Diciembre de 1844, en favor del Ciudadano Mejicano por naturalizacion Juan Vioget, de sitios de ganado mayor en el parage que se haya en la jurisdiccion de Sonoma al N. del Rancho de Dn. Esteban Comit, al N. y O. E. con el de Dn. Mano. Mackintosh siendo por lindero el Estero Americano al Y O. E. con Don Antonio de entera conformidad con la ley de 18 de Agosto de 1824 y el Articulo 5º del Reglamento de 21 de Novbre de 1828.

Dado para resguardo de la parte de Dn. Juan Vioget en la Ciudad de Los Angeles à Veinte y cuatro de Setiembre de mil ochocientos cuarenta y cinco, en este papel del Sellado que corresponde.

Pio Pico

José Mª Covarrubias Secretario.

Filed in Office Feby 1st 1859.

Geo: Fisher Secy.

Translation of Doc. H.H. No 2 annexed to the Depo of John J Vioget

Pio Pico first member (vocal) of the Most Excellent Assembly and Governor ad interim of the Department of the California

The Most Excellent Departmental Assembly in Session of the 23d of June of the present year has decreed as follows – The grant made by the Superior Government of the Department in a title legally issued on the 12th of December 1844 in favor of the citizen, Mexican by naturalization, Juan Vioget, for six (sitios de ganado mayor) square leagues at the place which is situated in the jurisdiction of Sonoma to the North of the Rancho of Don Esteban Esmit, to the North West and west by that of Don Manuel Micheltorena, the American Estuary being a boundary on the South, and on the South East by San Antonio, in conformity with the law of the 18th of August 1824 and Article 5th of the regulations of the 21st of November 1828 is approved

Govern for the security of the party Don Juan Vioget, at the city of Los Angeles on the twenty fourth day of September One thousand eight hundred and forty five, on this common paper for want of stamped

(Signed) Pio Pico

(Signed) José Mas Covarrubias
Secy

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I George Fisher Secretary to the Board of U. S. Land Commission to settle private Land claims in the state of California, do hereby certify that the foregoing is a true and correct translation of a document filed in case No 24. Stephen Smith (claimant), which document is marked "Doc H.H. No 2 annexed to the Depo of John A Vioget taken before Com Uriand Hall. Filed February 1st 1853

In testimony whereof I have hereunto signed my name at Office in San Francisco

(Signed) Geo. Fisher
Secy

Filed in Office September 5th 1854
(Signed) Geo. Fisher
Secy

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Doc H. H. No 3. ann'xd to the Dep^o of J. J. Vioget.

H. H. No 3

This Indenture, made and concluded this twenty fourth day of December in the year of Our Lord one thousand eight hundred and forty seven.

Between John Vioget of the town of San Francisco in the District of San Francisco Northern Department of Upper California, of the one part and Stephen Smith of Bodega and Department as aforesaid, of the other part. WITNESSETH, that the said John Vioget for and in consideration of the sum of Fifteen Hundred Dollars well and truly paid at or before the ensealing and delivery, hereof, the receipt whereof is hereby acknowledged hath granted, bargained, sold transferred and conveyed, and by these presents doth, grant bargain, sell transfer and convey unto the said Stephen Smith his heirs and assigns forever all his right title and interest of his, and to all that certain tract and parcel of land containing Six square leagues of land situated and being in the District of Sonoma Northern Department of Upper California bounded on the North part by the Rancho of Stephen Smith, on the North West and West part by the Rancho of Manuel or James Mackintosh the Estero Americano dividing or running between, and South and South East by the Rancho of San Antonio - Granted to the John Vioget by Don Manuel Michel-torena Governor of California and dated at Monterey December 14th 1844, and recorded ~~recorded~~ in the Book of land titles in the Archives of Monterey folio 13.

To have and to hold, all and singular the above bounded and described tract and parcel

and parcel of land as aforesaid, together with all the rights, profits, privileges, and appurtenances whatsoever, thereunto belonging as fully as the same was held and possessed by the said John. Voget as aforesaid unto the said Stephen Smith his heirs and assigns to the only proper use benefit and behoof of the said Stephen Smith his heirs and assigns forever.

In Witness Whereof the said John. Voget has hereunto set his hand and seal the day and date above mentioned

Signed Sealed and Delivered in Presence of us (signed) John Paty.

(signed) J. Voget

Alcalde. Office

Personally came before me the undersigned Alcalde. J. Voget and acknowledged the foregoing instrument of writing to be his true act and deed.

Dec. 24th 1847.

(signed) George. Hyde
1st Alcalde
Dist San. Francisco

Filed in Office Feby. 1st 1853

(signed) Geo. Fisher
Cy

55.

Opinion

224 ND
PAGE 52

Stephen Smith
vs
The United States

For a claim called Blucher, Rancho containing six square leagues situate in the County of

The claimant in this case has filed in evidence the traced copy of the Expediente of Juan Vogel, dated May 23d 1842, also of a provisional grant from Governor Alvarado dated June 13th of the same year to the said Vogel and also of a full grant issued the 14th day of October 1844 the originals of which appear from the evidence to be on file in the Archives of the U S Surveyor General of this State.

Also a deed of conveyance from the said Vogel to the present claimant bearing date the 24th day of December 1847, all of which documents are in due form and are proven to be genuine

The testimony establishes the fact that the said Vogel took possession of the premises immediately after the date of the first grant and built a house and had it occupied, and placed stock thereon and cultivated a portion of the land and continued the possession and occupancy ever since up to the date of this petition filed herein for a confirmation There is no evidence of any juridical

measurement

measurement ever being had but the premises are clearly defined and the boundaries well established by the grant, the accompanying Map and the evidence in the case and that the claim does embrace more land than is expressed in the grant.

The Board are of the Opinion that the claim is a valid one and that the same should be confirmed and a decree will be entered accordingly

Confirmed

Filed in Office Oct 31st 1854

(signed) Geo Fisher
Secy

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Decree,

No. 224 ND
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Stephen Smith
vs
The United States

In this case after hearing the proofs and allegations it is adjudged that the claim is valid and it is hereby decreed that the same be confirmed

The claim of which confirmation is hereby given is known by the name of Blucher Rancho, situate in the County of and bounded as follows to wit—

On the North by the Rancho of Don Esteban Smith on the West and Northwest by that of Don Manuel McIntosh on the South by the American Creek and on the South East by San Antonio

(signed) Alpheus Felch
(signed) R. Aug. Thompson
(signed) J. B. Farwell
Commissioners

Filed in Office Oct 31st 1854
(signed) Geo Fisher
Secy

5-8

And it appearing to the satisfaction of this Board that the lands hereinafter adjudicated to situated in the Northern District of California it is hereby ordered that the transcripts of the proceedings and of the decision in this case and of the papers and evidence in connection with the same as forming a part of the record and duly certified by the Surveyor General of such transcripts shall be filed with the Clerk of the District Court for the Northern District of California and the attorney thereof with the attorney general of the United States

Office of the Board of Commissioners,

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

I, George Fisher — Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing Fifty eight — pages, numbered from 1 to 58, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. 24 on the Docket of the said Board, wherein Stephen Smith is — the Claimant against the United States, for the place known by the name of "Butcher Rancho" —

In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this Twentieth — day of June A. D. 1855, and of the Independence of the United States of America the seventy-ninth.

Geo. Fisher.

Sec.

U. S. DISTRICT COURT,

Northern District of California.

No. 224 — 224

THE UNITED STATES,

ND

vs.

Stephen Smith.

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 24

Filed, June 28 1855,

John A. Monroe,

Clerk

224

Office of the Attorney General of the United States,

Washington, June 13th 1855.

241 Blutcher Rancho.

Stephen Smith, Claimant.

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 16th day of March 1855 the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Very Respectfully

C. Cushing

Attorney General.

No. 224

U. S. District Court
Northern District of Cal.

United States
v
Stephen Smith

Notice of appeal
in case no. 24

Filed July 17, 1855.
by Ohenes
Deputy

United States of America

District Court for the Northern District of California

United States Apll^ts^ ads Stephen Smith Apl^ee^	Dis Court Docket No. 224
	Comrs. Docket No. 24

Rancho Blucher

And now the Attorney for the United States Apll^ts^ comes and suggests to the Honble Court that since the filing of the Transcript in the above case in this court by the Secretary of the Board of United States Land Commissioners the Said Stephen Smith Claimant has deceased-

And it being Stipulated by said Attorney for the Said United States and James Wilson the Attorney of Record for Said claim that the Said cause shall be revived and prosecuted to final decree in the names of Manuela T. Smith widow of the Said deceased- S. Henry Smith Giles Smith Eleanor Morrison (wife of S. A. Morrison) Elvira Pond (wife of

G. H. Pond) Stephen Smith - Manuela Smith and James Smith the children and heirs at Law of the Said Stephen Smith the original claimant deceased

Now therefore application is made to his Honor C. Hoffman Jr. Judge of the Said District Court here for an order reviving the Said cause in the names of the Said widow and heirs at Law of Said deceased claimant and that the same may be prosecuted in their names to final decree according to the Stipulations aforesaid

A. Glassell
Asst. U.S. Dist. atty.
James Wilson Atty
for Appellees

United States District Court
for the Northern District of
California

Upon the foregoing Suggestion of the Attorney for the United States of the decease of Stephen Smith the original claimant in said case No. 224 on the Docket of this Court and upon the filing of the foregoing Stipulation between the said Attorney for the United States and the Attorney of Record for the claimant — It is hereby ordered that the said cause No. 224 on the Docket of this Court be revived in the names of the said Widow and heirs at Law of the said Stephen Smith Original Claimant deceased and in their names prosecuted to final decree accordingly

Ogden Hoffman Jr
U. S. Dist Judge

No. 224

U. S. Dist. Court,

The United States.

vs

Stephen Smith,

Stipulation, and order to revive cause in name of heirs, &c,

Filed March 10th, 1856,

by Chenes
Deputy.

224 ND
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District Court of the United States in & for the Southern District of California

The United States – Appellants

vs

Manuela Smith, widow, S. Henry Smith, Giles Smith, Eleanor Morrison (wife of S. A. Morrison) Elvira Pond (wife of G. H. Pond) Stephen Smith, Manuela Smith, & James Smith, Widow, & heirs at Law of Stephen Smith deceased. — Claimants and Appellees

No. 224.

Then come the said Claimants and Appellees by their Counsel into Court, and for answer to the Petition of the said Appellants filed herein, say That the Transcript & notice of appeal in the said Petition mentioned, were filed as therein stated & averred: and that the land claimed in this cause, lies in the Southern District of California: But they deny the allegation made in said Petition that the claim in this case is invalid.

And the said Claimants and Appellees further say that their title to the land decreed by said Board to the Claimant in this cause before the Board of Commissioners, mentioned in said Petition, is a good & valid one, and ought to be confirmed.

Wherefore the said Claim-

-ants and Appellees pray that the decision of the said Board of Commissioners be affirmed and that their title be decreed by this Court to be valid.—

And they will ever pray.

R. O. Whitcomb
Counsel for Claimants & Appellees

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

No. 224.

The United States Appellants

— vs —

Manuel Smith et als Claimants & Appellees

Answer of Appellees

Filed Aug. 27. 1856.

Clerk

Deputy

224 ND
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R. O. Whitcomb
Counsel for Claimants & Appellees

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

The United States
Appellants
vs
Manuela J. Smith. widow;
J. Henry Smith, Giles Smith et al's
widow & heirs at law of Stephen Smith - deceased

No. 224 =

Claimants & Appellees

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 appellees 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 20th day of June 1855: that notice of appeal was filed on the 17th day of July 1855, and that the land claimed lies in the said Northern District.

That the said claim is invalid.

Wherefore appellants pray that the said decision of the Board be reversed, and that this Court decree the said title to be invalid

Respectfully &c

San Francisco
August 23-1856

Wm Blanding
Dist Atty.

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

No. 224

The United States
Appellants
vs
M. T. Smith et al
Appellees

Petition of Appellants

Filed Aug. 27, 1856,
Chevers,
Deputy.

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Blanding
U.S. Dist. Atty

UNITED STATES DISTRICT COURT,
Northern District of California.

The U. S. of America
vs
Stephen Smith et als

San Francisco, August 27th 1856

ON this day, before Geo. Pen. Johnstone a Commissioner of the United States for the ~~Northern~~ District of California, duly authorized to administer oaths, &c., &c., came J. R. Andrade a witness produced on behalf of the Claimant in Case No. 224, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 24 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows — ~~his evidence being interpreted by a sworn interpreter~~

PRESENT: The U. S. District Attorney on behalf of the United States — A. C. Whitcomb Esqr on behalf of the Claimant

QUESTIONS BY A. C. Whitcomb Esqr Atty on behalf of the Claimant.—

Ques. 1. "What is your name, age, and place of residence?"

Ans. 1.— "My name is J. R. Andrade, I am twenty eight years of age, and I reside in San Francisco.—

Ques. 2. "What is your occupation?"

Ans. 2. "I am a teacher of the Spanish language translator, interpreter &c.—"

Ques. 3.— "Look upon the Transcript from the Board of Land Commissioners filed in this cause, now shown you, at Pages 43, 44, & 45 and State whether the translation appearing on said page 45, is a correct translation of the document appearing on said page 43 — and if not, wherein is it

incorrect?"

Ans. 3.– "I find the translation referred to incorrect in the part relating to the "Estero Americana," which words "Estero Americana" have been placed in such connection, that they represent the southern boundary, instead of the northwestern and western boundary which they represent in the original.– The words ~~E~~ in the original on page 43 "Sirnds por lindero el Estero Americano" belong to the previous part of the sentence, commencing "al N. y O. E. con el de Dn Manuel Maquintosh" instead of belonging to the subsequent part of the sentence "al S. y S. E. con San Antonio:" The "Estero Americano" being the boundary between the land claimed in this case, and the said Rancho of Dn Manuel Maquintosh.– The same mistake in translation appear, in the translation of the "expediente," in the Transcript filed in this cause.–

The petition, the depositions of Richardson and Vioget, and the deed from Vioget to Stephen Smith copies of all which appear in the Transcript all describe the land correctly according to the original grant.– The decree appearing also in the Transcript contains an incorrect description of the land, as it follows the first above named incorrect translation.–"

Sworn to & subscribed before me this 27th day of August A.D. 1856.

J. R. Andrade

Geo. Pen. Johnston U. S. Commissioner

U. S. Dist. Ct. North Dist. Cal.

No. 224

The United States vs Stephen Smith et al

Deposition of J. R. Andrade on behalf of the Claimant.–

Filed August 27 1856. J. Ghirardelli Clerk

224 ND PAGE 68

In the District Court of the United States, in and for the Southern District of California —

The United States = Appellants vs Stephen Smith, Son and one of the heirs at Law of the ~~said~~ Stephen Smith late deceased, Manuela T. Smith Widow of said Stephen Smith late deceased, S. Henry Smith Giles Smith, Eleanor Morrison (Wife of S. A. Morrison) Elvira Pond (Wife of G. H. Pond) Manuela Smith & James Smith, children & heirs at Law of the said Stephen Smith late deceased.	Claimants & Appellees	No. 224. Stated Term January 24 - 1857

On appeal from the decision of the Board of United States Land Commissioners to ascertain & settle the private Land Claims in the State of California under the act of Congress of March 3. 1851 &c.

This cause come on to be heard at the above stated term on appeal by the United States from the final decision of the Board upon the Transcript of the proceedings decision & the papers & evidence on which said decision was founded, and the further evidence taken in this Court by order of the Court: And the Counsel of both parties having appeared in Court and submitted the same

And it appearing to the Court that by the stipulation

of parties & orders of the Court this cause has been revived in the names of the above mentioned claimants and appellees, the former claimant Stephen Smith having deceased since the said decision & decree of said Board: and it further appearing to the Court that there was error in the decision and decree of said Board of Commissioners, arising from a mis-translation of the Original Grant in this case - it is hereby ordered adjudged and decreed by the Court that the said decision and decree of the said Board of Land Commissioners made in this case be in all things reversed and set aside: and it further appearing to the Court that the claim herein is valid, and that it ought to be confirmed - it is hereby further ordered, adjudged and decreed by the Court that the claim of the said claimants & appellees is a good & valid one, and the same is hereby confirmed to the extent and quantity of Six Square Leagues "seis sitios de ganado mayor."

The land of which confirmation is hereby made is situated in or near the County of Sonoma and is known by the name of The Blucher Rancho and is bounded and described as follows:

On the north by the Rancho of Don Esteban Smith; on the North West & west by the Rancho of Don Manuel MacKintosh, the boundary line being the Estero Americano; and on the South and South-East by San Antonio; to contain Six square Leagues; for a more particular description reference to be had to the Original Grant and map contained in the Expediente: it being apparent to the Court that there is within said

limits more than two hundred varas square the minimum allowed to be granted by the Regulations of the Mexican Congress of 1828, concerning colonization. —

Ogden Hoffman
U. S. Dist Judge

The foregoing Draft of a decree is correct and I hereby consent to the same being signed & entered as the Judgment & decree of the Court in the above-entitled cause.

Wm Blanding
U.S. Dist Atty

San Fr. 26. 1857.

U. S. District Court

— No. 224. —

The United States
Appellants
— vs —
Stephen Smith
Manuela T. Smith
& others

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Decree

Filed January 26. 1857,
W. H. Chevers,
Deputy Clerk.

This decree is
correct & this case is sub-
mitted. W. H. Sanders

California Land Claims.
Attorney General's Office.
2 January, 1857

Sir:

In the case of the claim of Stephen Smith, confirmed to the claimant by the Commissioners, Case No. twenty-four, (24), appeal will not be prosecuted by the United States.

I am
Respectfully
C. Cushing

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

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

The United States
v. } D. C. 224: L. C. 24,
Stephen Smith et al

In pursuance of a notice from the U. S. Attorney General, hereunto annexed, it is hereby stipulated and agreed that no further appeal be taken in this case, on the part of the United States; and that claimants have leave to proceed under the decree of this Court, heretofore rendered in their favor, as under Final Decree. San Francisco, March 30. 1887

Wm Blanchard
Dist Atty

A. A. Olitcomb
Counsel for claimants & appellees

224
24

U. S. District Court

The United States
v
Stephen Smith et al

Stipulation

Filed April 2d 1857
W. H. Chevers,
Deputy.

224 ND
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At a Stated Term of the District Court of the UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room, in the City of SAN FRANCISCO, on Thursday the second day of April in the year of our Lord one thousand eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States,
v
Stephen Smith et al.

D. C. 224: L. C. 24.

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

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

Ogden Hoffman
U. S. Dist Judge

224

United States District Court, Northern District of California.

The United States

vs.

Stephen Smith et al

ORDER.

Vacating appeals.

Filed April 2d 1857

John A. Monroe
Clerk.

By W. H. Chevers
Deputy.

Office of the Board of Commissioners,

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

San Francisco, June 20th 1855.

J. 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. 24 on the Docket of the said Board, wherein Stephen Smith is the Claimant against the United States, for the place known by the name of "Blutcher Rancho"

and request your receipt for the same.

I am, Respectfully,

Your Obt Servant,

Geo: Fisher.

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