

CASE No.

282

NORTHERN DISTRICT

PART OF LOS CARNEROS GRANT

SARAH ANN MOORE.

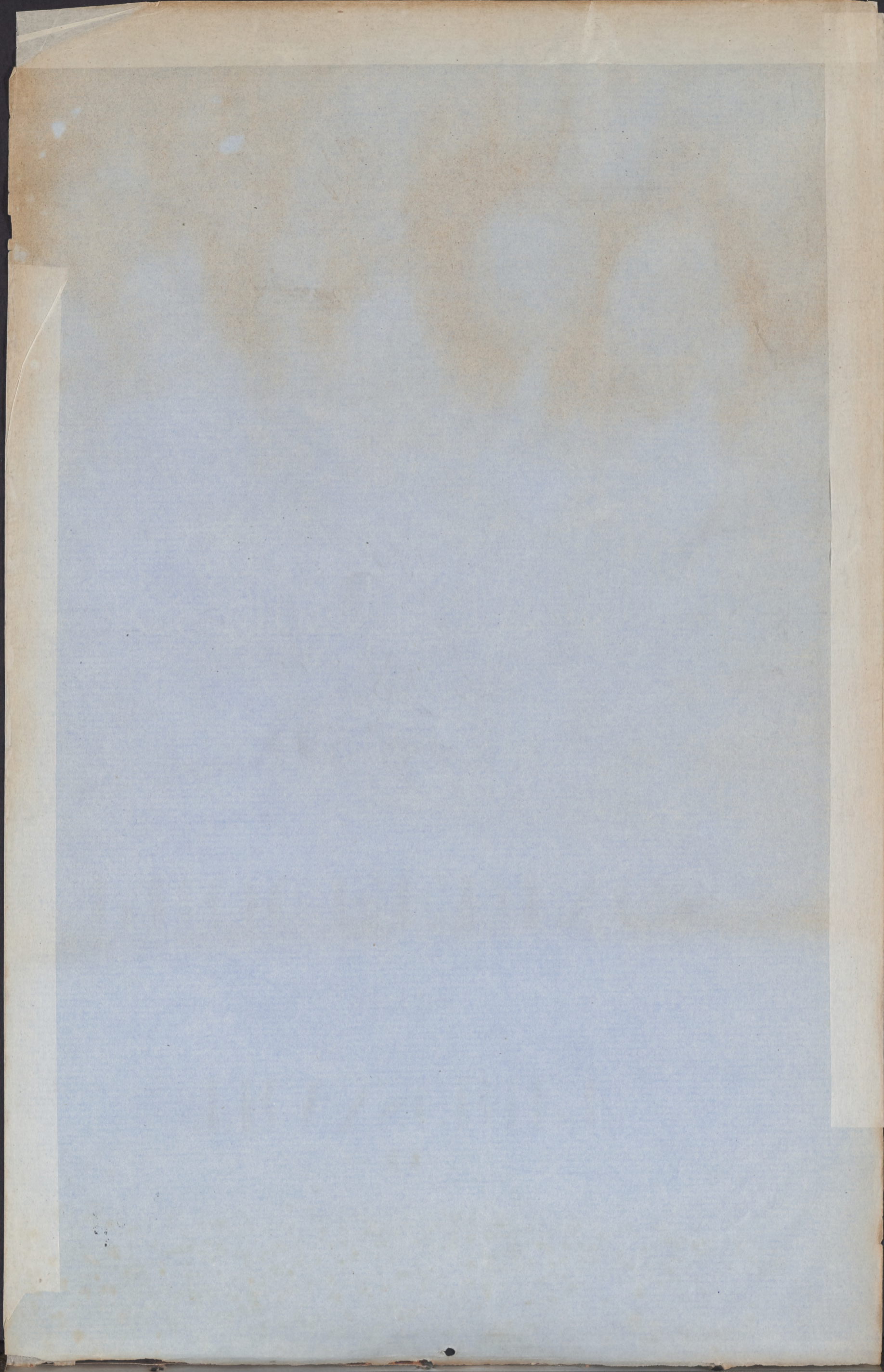
CLAIMANT:

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TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. 812.

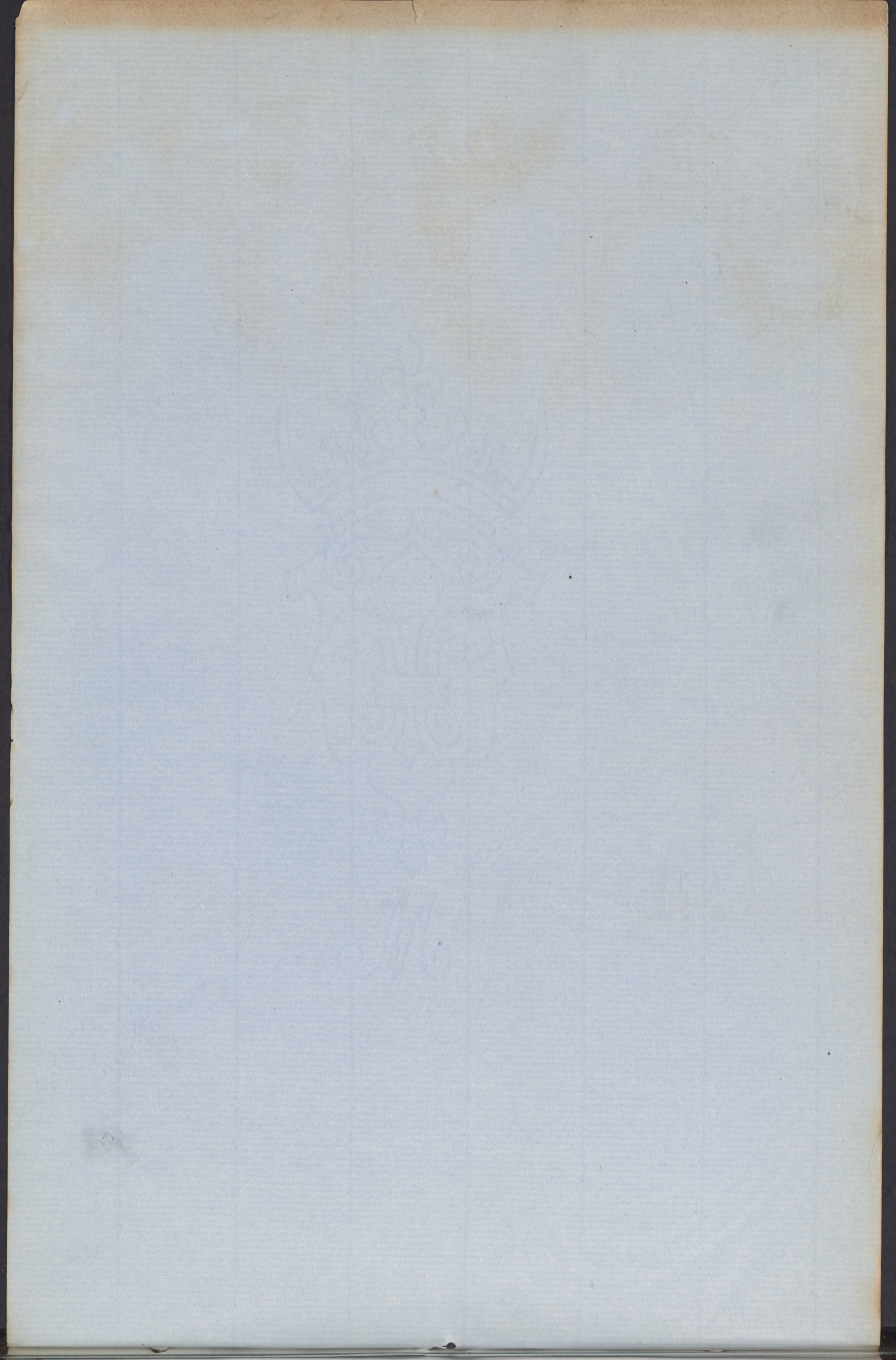
Sarah Ann Modie — CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

part of
FOR THE PLACE NAMED

Sos Carriers.



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

The Petition of *Sarah Ann Merdie* ^{for the} Place named "*Sos Carreros*," was presented, and ordered to be filed and docketed with No. *802* 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 March 2^d 1854.
In Case no. *802*, *Sarah Ann Merdie* for a part of the place named "*Sos Carreros*," the deposition of *Gilbert A. Grant*, a witness in behalf of the Claimant, taken before Commissioner *Peter Sott*, was filed;

(Vide page *5* of this Transcript.)

San Francisco January 9th 1855.
Case no. *802* on motion of the Counsel for the Claimant with the consent of the *W. S. Law Agent*, was ordered to be placed at the foot of the *4th Class* Cases on the Trial Docket.

San Francisco January 23rd 1855.
Case no. *802* was submitted under the Rule of *March 21st 1854*.

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San Francisco February 24th 1855.

In the same case Commissioner Alpheus Felch delivered the Opinion of the Board rejecting the claim,

(Vide page 9 of this Transcript.)

N.

And the following order was made, to wit;

(Vide page 10 of this Transcript.)

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To the Honorable The Board of  
Land Commissioners of the United States.

Petition

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Your Petitioner Sarah Ann  
Prodie of the County of Napa respectfully  
represents that on the 9th day of May 1836  
Manuel Chico then Governor of Upper California  
granted to Nicolas Heiguna a tract of land  
now situated in said County known as Las  
Carneros containing six Spanish leagues, as  
will more fully appear by the papers on file  
in this Office of the Secretary of this Commission  
in the case of Joseph P Thompson (No 35A)  
and which Your Petitioner desires leave to refer  
make proof if necessary that on the 14th day of  
August 1853 said Heiguna conveyed a part  
of said lands to James H Brackett of which  
the premises now claimed by Your Petitioner is  
unable to procure or admit to by petition a copy  
of said conveyance of said Heiguna to said  
Brackett but craves leave to produce and  
prove the same.

Your Petitioner further shows  
that on the 5th day of April 1851 the said  
James H Brackett by John C Brackett his  
attorney in fact by and of that state a copy of  
which is annexed marked B conveyed to Your  
Petitioner that part of said lands so aforesaid  
conveyed to him by said Heiguna described  
as follows.

That tract of land lying in  
Napa County commencing at the point where  
the East line of the land of Paul P Walker  
touches the small creek thence running South-  
easterly along said East line five hundred yards  
to a stake thence running along the South line  
of Bracketts land five chains thirteen links  
thence running Northwardly parallel to the

H

East line of said Weckus land to the Small  
creek and thence up the Small creek to the  
place of beginning.

That Your petitioner has  
been in the peaceable possession of said land  
since the conveyance thereof to her and that  
the same is not claimed by any other person  
to her knowledge & she therefore prays that  
the title thereto may be confirmed.

Sarah Ann Thodie -

by Rad<sup>l</sup> W. Morrison his atty.

Filed in Office March 3, 1853.

Witness my hand

Geo Fisher Secy

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United States Land Commis -  
Sion -

San Francisco Dec 14. 1853

Deposition  
of  
G. A. Grant

On this day before Commissioner Alphus  
Stitch came Gilbert A Grant a witness in  
behalf of the Claimant Sarah Ann Modie  
Case No 842 who after being duly sworn depose  
as follows -

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Questions by Mr Morrison Attorney for the  
Claimant -

1<sup>st</sup> Question -

What are your name and  
place of residence?

Answer -

My name is Gilbert A Grant  
My age is thirty six years and I reside in  
San Francisco California -

2<sup>nd</sup> Question -

Is the land described in the  
Petition filed in this case as claimed by the  
petitioner a part of the grant of land to  
Nicholas Wignora known by the name of  
Cento Chapa -

Answer -

It is Gilbert A Grant

My Brother Associate  
Law Agent was present at the  
taking of this deposition and  
propounded no questions -

Subscribed and Sworn to  
before me this fourteenth day  
of December 1853.

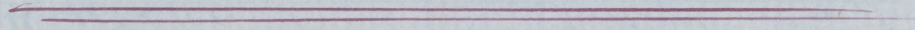
Alphus Stitch  
Commissioner

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Filed in Office March 24. 1854.  
(Deposited) Geo Fisher Secy.

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*[Faint handwritten text at the bottom edge of the page]*

Recd.

John E Brackett To Sarah Ann Modie. Recd for Recd October 20, 1852 at 3 O'clock P M and recorded at request of Grantie -

Transfer  
From  
Brackett  
To  
Modie

This Indenture made this fifth day of April A D 1851 between John E Brackett atty for James W Brackett late of Plapa County California of the first part and Sarah Ann Modie of the same County of the second part, witnesseth that the said party of the first part in consideration of the Two hundred and forty dollars to him in hand paid the receipt whereof is hereby acknowledged hath granted bargain and sold and quit claimed and doth by these presents grant bargain and quit claim unto the said party of the second part and to his heirs and assigns forever that certain tract of land lying in Plapa County California commencing at the point where the last line of the land of Joel P Munkie touches the small creek thence running Southwardly along said East line five hundred yards to a stake, thence running along the South line of Bracketts land five chains & ten links - thence running Northwardly parallel to the East line of Munkies land to the small creek & thence up the small creek to the place of beginning containing about Twelve acres of land. Together with all the appurtenances

To Have and To Hold the land above mentioned unto the said party of the second part his heirs and assigns forever.

In Witness whereof the said party of the second part hath hereunto set his hand and seal this fifth day of April 1851 A D one thousand Eight hundred and fifty one -

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J. C. Brackett Esq  
Atty for Jas W Brackett

Signed Sealed and Delivered  
in presence of  
Em Ad Hermicourt  
Edward Mc Gamy.

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State of California  
County of Napa  
Personally appeared before  
me the undersigned a Notary  
Public in and for said County John C Brackett  
to me personally known as the same person  
who executed the above instrument and acknowl-  
edged that he executed the same for the uses  
and purposes therein set forth.

Given under my hand and private  
seal at Napa City, Cal. this 5<sup>th</sup> day of April  
A.D. 1851. Having the Notarial Seal  
Edward Mc Gamy Esq  
Notary Public

State of California  
County of Napa  
I, John H. Sewell County  
Recorder in and for said Napa County  
hereby certify that the foregoing is a full true  
and correct copy of the record of a deed from  
John C Brackett Attorney for James W Brackett  
to Sarah Ann Modie as recorded in Book B  
page 239 of the Records of said Napa County -

Attest my hand and official  
seal at Napa City this 23<sup>rd</sup> day of  
February, A.D. 1853.

John H. Sewell Recorder  
By C. Hoffmann Dep Rec.  
Filed in office March 3, 1853.  
(Signed) Geo Fisher Secy

Opening of the  
Records

Sarah A. Modie  
vs  
The United States

} Part of the Rancho  
} Called Los Lunas in  
} Mora County.

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No proof is filed in this case tending to  
show the making of the grant set out  
in the petition, and an adverse decree  
must consequently be entered  
Revised  
C #

Filed in Office Feb 27. 1855

Geo. Fisher Secy

Recorded in Record of decisions Vol 2  
page 548c

Geo. Fisher Secy

Decree

Sarah A Modie }  
vs }  
The United States }

In this case on hearing the proofs and  
allegations it is adjudged that by the  
Commissin that the claim of the said  
petitioner is not valid, and it is that  
we decree that his application for a  
Confirmation thereof be denied

Alpheus T. Welch }  
Riley Thompson }  
S B Farewell }

Filed in Office Feb. 27 1855

Geo. Fisher Secy

Recorded in Record of decisions  
Vol 2 page 549c

Geo. Fisher Secy

It appearing to the satisfaction of the Board  
 that the same hereby recommended is  
 situated in the Northern District of California,  
 it is hereby ordered that two true  
 copies of the proceedings and decision in  
 this case, <sup>copy of the papers and records from which the same are formed</sup> be made out and duly certified  
 by the Secretary One of which manuscripts  
 shall be filed with the Clerk of the  
 District Court of the United States  
 for the Northern District of California and the other be transmitted  
 to the Attorney General of the United States

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Office of the Board of Commissioners,

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

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 *10* pages, numbered from 1 to 10 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. *812*, on the Docket of the said Board, wherein

*Sarah Ann Modie* is the Claimant against the United States, for the place known by the name of "Part of Los Carreros"

In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this *Twenty first* day of August A. D. 1857, and of the Independence of the United States of America the ~~seventy-~~ *eighty-eighth*.

*Geo. Fisher*  
*[Signature]*  
Sig.









U. S. DISTRICT COURT,

*Northern* District of California.

No. ~~282~~ - 282.

THE UNITED STATES,

vs.

*ND*

*Eurabi Ann Modie.*

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No.

*802.*

Filed,

*October 1* 1855

*J. A. Monroe,*

*Clerk.*



Office of the Board of Commissioners,  
To ascertain and settle the Private Land Claims in the State of California.

San Francisco, August 21<sup>st</sup> 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. 872 on the Docket of the said Board, wherein

*Sarah Ann Modie is*

the Claimant against the United States, for the place known by the name of "*Part of Los Carreros*"

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher

