

CASE NO.

113

NORTHERN DISTRICT

PART OF ENTRE NAPA GRANT

R. S. KILBURN

CLAIMANT

PROVER BOARD
COTTON FIBER

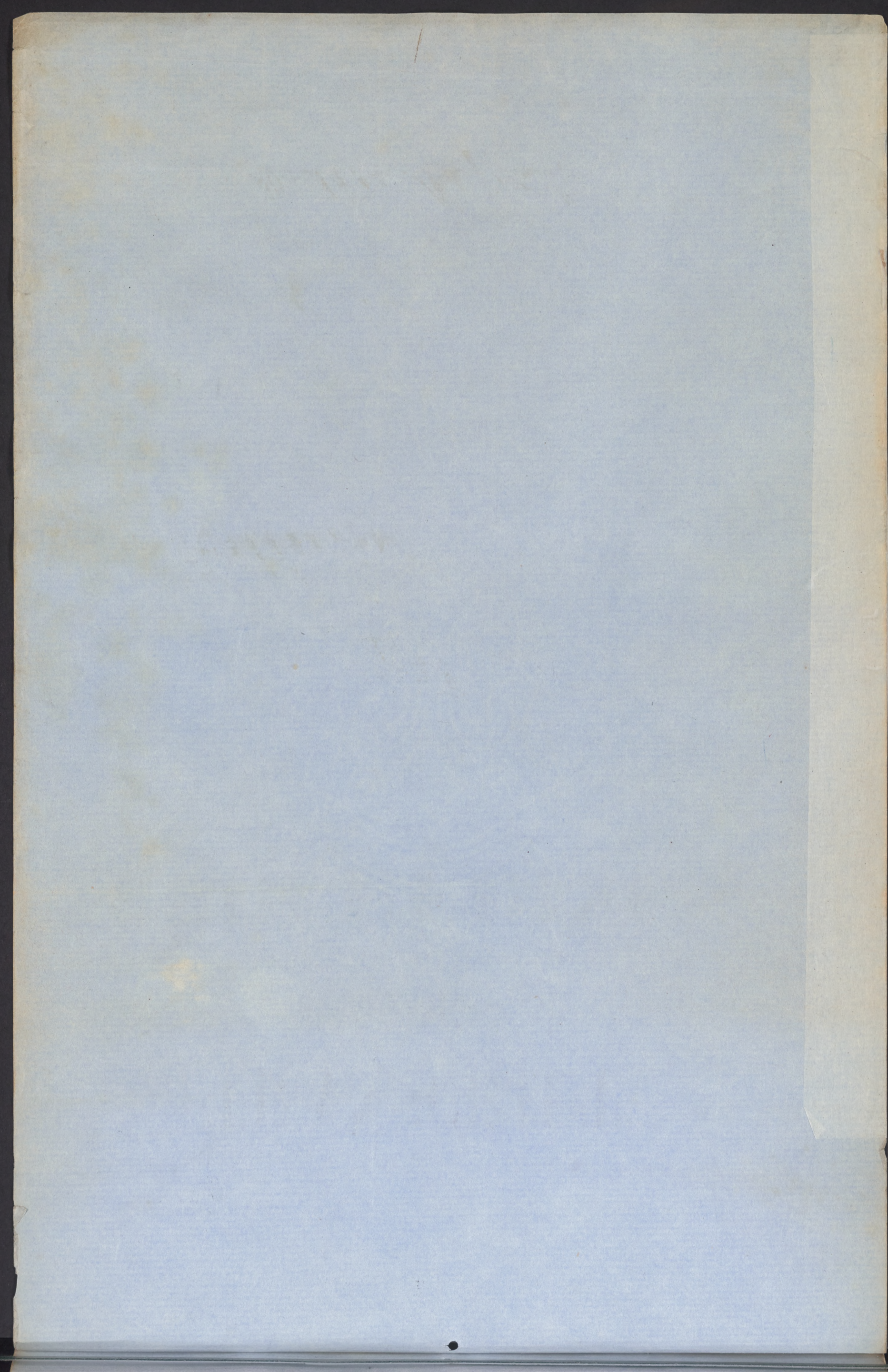
Land Case No. 113 ND

35 pages.

OCT 19 1962

728

Northey Street



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PAGE 1

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 728

R. S. Kilburn

CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

Part of
FOR THE PLACE NAMED

"Entre Napa"

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this *second 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 *R. S. Kilburn*
~~~~~<sup>part of</sup> for the Place named  
~~~~~ "*Entre Napa*," ~~~~~  
was presented, and ordered to be filed and docketed with No. 728, 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 9th 1854.
In Case no. 728, *R. S. Kilburn* for part of *Rancho Entre Napa*, the Counsel for the claimant, filed the following Stipulation, to wit;

(Vide page *11* of this Transcript.)
~~~~~

*San Francisco, March 15<sup>th</sup> 1854.*  
In the same Case the Counsel for the claimant filed the following Stipulation, to wit;

(Vide page *12* of this Transcript.)  
~~~~~

San Francisco, April 4th 1854.
Case no. 728 was submitted on briefs and taken under advisement by the Board.
~~~~~



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PAGE 3  
San Francisco, April 11<sup>th</sup> 1854,  
In the same case Commissioner Alpheus Felch  
delivered the opinion of the Board confirming  
the claim;

(Vide page 13 of this Transcript.)

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San Francisco, Aug. 15<sup>th</sup> 1854,  
In the same case, on motion of the U. S. Law  
Agent, the following order was made, to wit:

(Vide page 16 of this Transcript.)

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To the Hon. the Board of Comm<sup>r</sup> for settling private land claims in California.

The petition of Ralph S. Kelbourn respectfully shows.

Petition

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That on the 9<sup>th</sup> April 1836 Manuel Chico, Governor of California, by authority of the laws of Mexico, granted to Nicolas Heiguerre a certain tract of land called Entre Napa, situate in the present County of Napa, with the boundaries described in the grant, which original grant with the approval of the Territorial Deputation & act of judicial possession, with the translations thereof are filed in claim No 323, in the office of the Secretary of this Board, hereby referred to & prayed to be taken as part of this petition.

That on the 17<sup>th</sup> Aug 1850 said Heiguerre sold & conveyed to John E Brackett, a certain portion of said tract more particularly described in the deed of conveyance which is herewith submitted marked B.

That on the 16<sup>th</sup> July 1852 said Brackett sold & conveyed to your petitioner said portion of said tract, as set forth in the deed of conveyance which is herewith submitted marked C. The said portion contains 358 acres.

That on the 22 April 1850 said Heiguerre sold & conveyed to William Russell a certain other portion of said tract, more particularly described in the deed of conveyance which is herewith submitted marked D.

That on the 27<sup>th</sup> August 1850 said Russell sold & conveyed to your petitioner said portion of land, as described & set forth in the deed of conveyance, which is herewith submitted marked E.

That said portion of land is granted by metes & bounds & not by any specific quantity.

Your petitioner further shows, that said



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portions of land have been since the date of said grant, & are now in the quiet & undisturbed possession of your petitioner & those under whom he holds.

That there is no conflicting claim.

That he relies for confirmation of his said claims upon the original title papers above referred to, & upon such other & further proofs as he may be advised are necessary.

Wherefore he prays confirmation of his title to said land.

Rose. for clmt.

Filed in Office March 2 '1853.

Geo: Fisher. Secy.

13  
Dud.

This Indenture made this 17<sup>th</sup> day of August A.D. 1850 between Nicholas Heiguerre of Napa on the State of California of the first part & John E. Brackett of the same place of the second part, Witnesseth that the said party of the first part for & in consideration of two hundred dollars to him in hand paid by the said party of the second part hath granted, bargained, sold & conveyed & by these presents doth grant, bargain, sell & convey unto the said Brackett & to his heirs & assigns forever that certain piece of land lying in Napa Valley & a part of the Rancho of the said Nicholas Heiguerre described as commencing at the North east corner of the land herebefore sold to Brown & Walker & runs thence with the Northern line of said Brown & Walker's land being the land sold to them by the said Nicholas Heiguerre to the North west corner of said land, & thence in a right line to the South west corner of the land sold by said Heiguerre to Jos W. Brackett & Jos W. Brackett, thence along the Southern boundary of Brackett's land to the land conveyed by said



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Heiguma to W<sup>m</sup> Russell, thence along Russell's South line to the west line of the land conveyed by Heiguma to Joseph P. Thompson & thence along Thompson's West line to the place of beginning, be the same more or less. To have & to hold the same to the said Brackett with the appurtenances & to his heirs & assigns forever.

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

Nicholas Heiguma. *N.H.*

Signed, sealed & delivered

in presence of

Benedetto Curcio. *B.C.*

Edward Riley. *E.R.*

State of California,  
Napa County. 355.

Personally appeared before me on this 19<sup>th</sup> day of August A.D. 1850 Benedetto Curcio to me known personally as the person whose name is subscribed to the above conveyance as a witness to the same and made proof before me that Nicholas Heiguma whose name appears as the person making the above conveyance, did execute the same by giving his cross therein in his presence, & that he said Curcio signed the same as a subscribing witness.

Given under my hand & seal at Napa City this 19<sup>th</sup> day of August A.D. 1850.

Geo. S. Cropper (L.S.)  
Notary Public  
Napa County.

Filed for Record Aug 19<sup>th</sup> 1850 at eight o'clock P.M. Recorded Book A. Pages 98 & 99 Archives of Napa County. (\$5.00 Fee)  
Filed in Office March 2 1853 Geo. Fisher. S. 09.



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C.  
Deed.

Know all men by these presents, that I, John E. Brackett of Rock Island County State of Illinois, in consideration of two thousand eight hundred Dollars, paid by Ralph L. Kilbom of Napa Co, Cala, the receipt whereof is hereby acknowledged, have sold, released, & forever quit-claimed, & do for myself & my heirs, by these presents, release & forever quit claim unto the said Ralph L. Kilbom, his heirs & assigns all my right, title, interest, claim & demand in law & in equity, & in possession as well as in expectancy of in & to one half the following described tract of land lying in Napa County, in the State of California, conveyed to me by Nicholas Hejura of Napa County, viz beginning at the N.E. corner of the land bought by Brown & Walker, thence running westwardly four hundred & eighty rods along their Northern line, thence in a straight line to the South west corner of the land bought by Jas W. Brackett & Jos W. Brackett, thence eastwardly, down their south line & the south line of the land conveyed to Wm Russell to the line of the land conveyed to Jos P. Thompson, thence Southwardly along Thompson's West line to the beginning; said land then conveyed being three hundred & fifty acres (350) more or less. To have & to hold the above mentioned premises, with all the privileges & appurtenances thereto belonging to him the said R. L. Kilbom, his heirs & assigns forever.

In witness whereof the said John E. Brackett, hath hereunto set his hand & seal this 16<sup>th</sup> day of July A.D. 1852.  
John E. Brackett. (seal)

Signed, sealed, & delivered in presence of  
 Geo. O. Wilkinson. 3  
 Albert G. Brackett. 3

State of Illinois s.s.  
 Rock Island County 3 Geo. O. Wilkinson, Judge of



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the Sixth Judicial Circuit in the State of Illinois  
(in which is embraced the said County of Rock Island) do  
certify that, on this day appeared before me John E.  
Brackbill whose name appears signed to the foregoing deed  
of conveyance & who is generally known to me to be the  
identical person whose name is subscribed to said deed as  
having executed the same, & acknowledged that he executed  
the same as his voluntary act & deed, for the use and  
purpose therein expressed.

Given under my hand & seal at Rock  
Island this 16<sup>th</sup> day of July of the year hundred & fifty two.  
Ira C. Wilkinson. (seal)  
Judge 6<sup>th</sup> Jud Cir. Illinois -

State of Illinois  
Rock Island County 3 p. 1.

I Frazer Wilson, Clerk of  
the Circuit Court of Rock Island County & State afore-  
said do hereby certify; that Ira C. Wilkinson, whose  
signature appears to the within acknowledgment was on  
the date & day thereof Judge of the 6<sup>th</sup> Judicial District  
of the State aforesaid, duly elected & qualified as such,  
and that the acknowledgment is according to the laws  
of the State of Illinois, & I further certify that the  
signature is genuine.

(seal)

Given under my hand & the seal  
of said Circuit Court, it being  
a Court of Record, at office in the  
City of Rock Island this 16<sup>th</sup> day  
of July A. D. 1852.  
Frazer Wilson.  
Clerk.

Recorded for Record Oct 30<sup>th</sup> 1852 at 10 1/2 o'clock  
A. M. & recorded in Vol. 18. Pages 245 & 246.  
Jno. W. Starnell. Recorder.  
Recording per 4.50. By C. S. Coffinberry. Dy. Recorder.



J

61728

Filed in Office March 2 1853.

Geo. Fisher Secy

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D.  
Dud.

This Indenture made & concluded this 22<sup>d</sup> day of April A. D. one thousand eight hundred & fifty three, by and between Don Nicholas Hejura of the County of Napa & State of California of the one part & W<sup>m</sup> Russell of County & State aforesaid of the other part; Witnesseth, that the said Don Nicholas Hejura for & in consideration of the sum of four hundred dollars to him in hand paid by the said W<sup>m</sup> Russell, the receipt whereof is hereby acknowledged with good, granted, bargained & sold, & by their presents doth give, grant, bargain & sell & convey unto the said W<sup>m</sup> Russell his heirs & assigns forever, all that certain piece or parcel of land lying & being in the County of Napa & State aforesaid adjoining of Thompson, Brown, Nolener, & Meers Brackett, commencing at point on said Thompson west line 300 yards southerly from his North west corner & runs due to Brackett's South east corner, thence with Brackett's line to Nolener corner, thence with Nolener south line 500 yards to said Nolener south east corner, thence with Brown line one hundred yards to Brown corner, thence with Brown line to where it intersects with Thompson's North west corner, thence with Thompson's line in a southerly direction to the beginning & contains all the land within said bounds reserving only the proper use & behoof of Geo E Brown & John Walker all the Crown lots laid out by them previous to this sale & the sale of Brown & Walker to Nicholas Hejura in all numbering twenty four, to have & to hold the said land & premises to the only proper use & behoof of the said William Russell his heirs & assigns forever - And the said Don Nicholas Hejura for himself & his heirs & assigns doth hereby covenant & agree to warrant & defend the

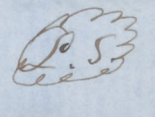


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afforded promise to the said Russell his heirs & assigns forever, against the claim of, all & every person or persons claiming the same.

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In witness whereof I have hereunto set my hand & seal this the day & date above written.

Nicholas <sup>his</sup> <sub>mark</sub> Hoigwaru.   
Signed, sealed in presence of  
Jno. E. Drury.  
Captains Marcy.

State of California.  
Napa County.

3.1.1

April 25<sup>th</sup> 1850. Personally appeared before me the undersigned Don Nicholas Hoigwaru to me known to be the person who executed the within deed & acknowledged that he executed it for the purposes therein mentioned.

M. H. Kordig.  
Recorder of Napa County.

State of California.  
County of Napa.

3.1.8

I, A. J. Watson, County Recorder in & for Napa County & State of California, do hereby certify that the foregoing is a full, true & correct copy of a certain instrument or deed which is recorded in Book A. of deed, on page 7, now in my office at Napa City, County & State aforesaid.

In testimony whereof I have hereunto set my hand & affixed my official seal of office on this 27<sup>th</sup> day of March A.D. 1854.  
A. J. Watson.

(Seal)

County Recorder.  
By Chas. Page. Dep. Recorder.

Filed in Office March 28 1854. Geo. Fisher. Secy.

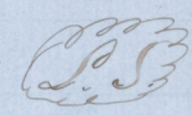


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E.  
Deed.

This Indenture made this twenty seventh day of Au-  
 gust in the year of our Lord, one thousand eight hundred  
 & fifty, between William Russell of Napa Valley, California  
 of the first part, & Ralph L. Kilborn of the same place of  
 the second part; Witnesseth that the said party of the first  
 part for & in consideration of the sum of three hundred  
 & fifty dollar to him in hand duly paid, the receipt where-  
 of is hereby acknowledged hath sold & by these presents  
 doth sell, grant & convey unto the said party of the second  
 part, all that certain piece or parcel of land, commencing  
 at the North east corner of the land this day conveyed to  
 J. E. Brackett by the said William Russell, & running  
 Eastwardly along Jesse & Nelson's South line, one hundred  
 & forty yards, to the corner of Town lots laid out by Brown  
 & Walker, thence in a westerly direction with the bound-  
 ary of said Town lots two hundred yards; thence in  
 an easterly direction with the southern boundary of said  
 Town lots two hundred yards; thence at right angles in  
 a Southwesterly direction with the corner of said Town lots to  
 the south line of said Russell's land & thence along said  
 south line to the south east corner of Brackett's land,  
 & thence along Brackett's east line to the beginning.  
 Together with all & singular the rights, privileges &  
 appurtenances therunto belonging, or in any wise  
 appertaining To have & to hold the same unto the  
 said party of the second part, his heirs & assigns forever,  
 & the said party of the first part doth by these presents  
 covenant to warrant & defend the said R. L. Kilborn  
 his heirs & assigns in the title to said premises, from  
 & against all persons who may claim the same.  
 In witness whereof, the said party of  
 the first part hath hereunto set his hand & seal this  
 twenty seventh day of August in the year of our Lord  
 one thousand eight hundred & fifty.

William Russell. 



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Signed, sealed & delivered  
in presence of J. E. Brackett. 4  
M. H. Kending. 3

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County of Napa 3  
State of California 3 s.s.

Personally appeared before me  
the undersigned this day, William Russell to me per-  
sonally known to be the person who signed the above  
conveyance, who acknowledged that he executed the same  
of his own free will & for the purposes therein expressed.

Given under my hand & seal at Napa  
City this 27<sup>th</sup> day of August A.D. 1850.

M. H. Kending. 3

Recorder, Napa Co.

Filed for Record Aug 27 '1850 at 4 5 minutes past  
8 o'clock P.M. Recorded in Book A. Page 112 contents  
of Napa County.

Filed in Office March 2 '1853. Geo. Fisher. Secy

Stipulation

R. S. Kilburn 4

vs  
U. States. 3

Claim No 728.

The above claim being a portion of  
& derived from the original grant No 323 filed before  
the Board of Land Comm<sup>r</sup> it is agreed between the  
U. S. Law Agent that the testimony taken on the said  
original claim may be used as evidence in this claim.

W. Rose. for clmt

R. Grunhew

Asst to Law Agent

Filed in Office March 9<sup>th</sup> 1853.

Geo. Fisher. Secy



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R. S. Kilburn  
vs  
The U. States. 3  
Claim No 728.

Stipulation.

It is agreed by the respective Attys herein that the original paper & translation filed in claim No 323 marked No 1. H. I. T. shall be considered & taken as filed in this case & may be read as evidence in the same - this case preliminary to the Rancho de Entre Napa decided in case No 323.

J. H. McKune.

Law Agent.

R. Rose.

Atty for Court -

Filed in Office March 15 1854.

Geo. Fisher.  
Sicg.



728. Ralph S. Kilburn

or  
The United States

For two parcels of land, one containing 350 acres, the other by metes & bounds without specifying the quantity being a part of the Rancho called Entre Napa in Napa County.

Opinion of the Board by Comr. Alpheus Felch.

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The premises claimed in this case are alleged to be a part of the Rancho called Entre Napa. By stipulation between the Law Agent & the attorney for the claimant the testimony & original documents relative to the grant filed in Case No 273, are to be considered as evidence in this case. The testimony & documents referred to establish the grant of said Rancho to Nicolas Higuera by Governor Manuel Chico, on the 9<sup>th</sup> day of May 1836, & prove that he obtained possession of the premises under his grant on the 11<sup>th</sup> day of January 1842, the location & boundaries of the land being thus duly defined and established. It is also proved that said grantee went into the occupancy of the premises the same year in which the grant was made, built a house & corral & cultivated a portion of the land, & continued to occupy it until his death which occurred in 1852, having however in the mean time sold some portion of the land. His inceptive title seems, under this proof to have been so far perfected as to enable him to convey his right to another, & to entitle his grantee to a confirmation of the claim.

In proof of his title to the parcel of land first described in his petition, the claimant has given in evidence a conveyance thereof from said Higuera to John E. Brackett, dated August 17<sup>th</sup> 1850, & a like conveyance from said Brackett to the present claimant, dated July 16<sup>th</sup> 1852.

In proof of his title to the other portion



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of said land claimed in the petition evidence is given of a conveyance thereof from said Heiguera to William Russell under date of April 22<sup>d</sup> 1850 & a like conveyance from said Russell to the present claimant dated August 27<sup>th</sup> 1850.

On these proofs the claimant is entitled to a decree of confirmation. *Confirmed.*

Filed in Office April 11 1854. Geo. Fisher. Secy

Decree of  
Confirmation

728.  
Ralph S. Kilbom  
The United States.

In this case on hearing the proofs & allegations it is adjudged by the Commission that the claim of the said petitioner is valid & it is therefore decreed that the same be confirmed.

The lands of which confirmation is hereby made, are a part of the place known by the name of Entre Napa which was granted to Nicolas Heiguera, which place so granted is situated in Napa County, & is bounded & described as follows; to wit; Commencing on the Eastern east of the house where said Heiguera lived & on the east side of said Rancho, thence crossing the Eastern towards the south to the Arroyo de los Carrones, & thence following up said Arroyo to the corral of the Lower Pass; thence in a northerly direction where three bounds were placed in giving judicial possession of said land to said Heiguera in 1842, to the Arroyo of Napa, at a point where



the last bound was placed; thence by said Amos & Estlin to the place of beginning, as the same was measured and located in the judicial measurement when the possession was given to said Mequira under his said grant - to the testimonial of which on file with the Secretary of this Commission reference is to be had -

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That portion of the above described premises of which confirmation is hereby made is bounded & described as follows, to wit: one half the following tract of land beginning at the North east corner of the land bought by Brown & Walker, thence running northwardly four hundred & eighty rods along their northern line; thence in a straight line to the south west corner of the land bought by Jas. W. Brackett & Jas. M. Brackett, thence eastwardly down their south line & the south line of the land conveyed to William Russell to the line of the land conveyed to Joseph P. Thompson, thence southwardly along Thompson's west line to the place of beginning, containing three hundred & fifty acres, being the same land described in a deed of conveyance from John E. Brackett to said William dated July 16 1852, reference to be had thereto.

Also a certain other portion of said land described & bounded as follows, to wit: commencing at the North east corner of land conveyed on the seventh day of August A. D. 1850, by William Russell to J. E. Brackett, & running eastwardly along Jesse & Nellie's south line one hundred & forty yards to the corner of town lots laid out by Brown & Walker; thence in a southerly direction with the boundary of said Town lots two hundred yards; thence in an easterly direction with the southern boundary of said Town lots two hundred yards; thence at right angles in a southerly direction with the course of said town lots to the south line of said Russell's land, & thence along said south



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line to the south east corner of Brackett's land & thence along Brackett's east line to the place of beginning, being the same land described in a deed of conveyance from William Russell to said Ralph S. Kilburn, dated August 7 '1850.

Alphus Felch.  
Thompson Campbell. }  
R. Aug. Thompson. } Commissioners.

Filed in Office April 11 '1854.

Geo. Fisher  
Secy.

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And it appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Northern District of California is hereby, ordered; that two Transcripts of the Proceedings be made out and duly certified by the Secretary one of which Transcripts shall be filed with the Clerk of the United States District Court for the Northern District of California and the others 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.

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I, *George Fisher*, Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *Sixteen* pages, numbered from 1 to *16*, 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. *728* on the Docket of the said Board, wherein *W. S. Kilburn* is

*Part of*  
the Claimant "against the United States, for the place known by the name of *Entre Napa*"

In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this *thirteenth* day of *October* A. D. 1854, and of the Independence of the United States of America the *seventy-ninth*.

*G. Fisher*  
Geo. Fisher





113 (ND)

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

No. ~~113~~

THE UNITED STATES,

vs.

*R. S. Hubbard*

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *725*

Filed, *November 2<sup>nd</sup>* 1854

*Wm A. Morrill*  
*CM*





Office of the Attorney General of the United States,

Washington, 10th February 1855.

R. S. Kelburn

vs.

The United States.

} 728

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 12th day of November 1854, the appeal in the district court of the United States for the Northern Judicial district of California will be prosecuted by the United States.

*Anthony*

Attorney General.



U. S. District Court  
for Northern District, Cal.

The United States

vs

R. S. Kilburn;

No-113-

Notice of Appeal.

Filed March 20, 1855,

John A. Monroe,

Clerk



Office of the Attorney General of the United States,

Washington, 10th February 1853.

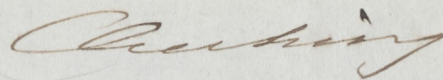
R. S. Kilburn

vs.

The United States.

{ 728.

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 12th day of November 1854, the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.



Attorney General.



No 113

U. S. D. Court N. Dist.

The United States

vs.

R. S. Killburn

Appeal Notice.

Filed May 5, 1855,  
G. W. A. Chivers,  
Deputy.

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To the Hon Dist Court of the U.S. in &  
for the Northern Dist of Cal

The United States

R. L. Kilburn

D.C. 113 : L.C. 728.

The petition of the United States by their attorney represents that this cause is an application for a review of the decision of the U.S. Land Commission whereby the claim of the appellee was confirmed, as appears by reference to the record in the case. That a transcript of said record was filed in this Court on the 2<sup>d</sup> day of November 1854; that a notice of appeal was filed on the 20<sup>th</sup> day of March 1855 and that the land claimed lies in the said District. That the said claim is invalid.

Wherefore appellants pray that the said decision of the Commission be reversed and that this Court decree the said claim invalid.

San Francisco July 13. 1857

Blanding  
U.S.A.



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U. S. Dist Court

The United States

v  
R. L. Kilburn

Petition

Filed 13 Feby. 1857,  
W. H. Church,  
Deputy.

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Pending nfa



District Court of the United States  
Northern District of California  
Sated Term March 2<sup>d</sup> 1857

The United States } L. C. No. 738.  
vs } D. C. No. 113.  
Ralph L. Kilburn } "Entrada Napa"

In this case on hearing the proofs and allegations therein, it is ordered adjudged and decreed by the Court that the claim of Ralph L. Kilburn is a good and valid, and the same is hereby confirmed.

The lands of which confirmation is hereby made are a part of the Rancho known by the name of "Entrada Napa", granted to Nicolas Quijenera by the Mexican Government in the year A. D. 1836, situated in Napa County, and the lands hereby confirmed are bounded and described as follows to wit:

One half of the following, the tract of land beginning at the North East corner of the land bought by Brown and Walker, thence running Westwardly four hundred and eighty rods along their Northern line, thence in a straight line to the South West corner of the land bought by Jas. W. Brackett and Jas. W. Brackett, thence Eastwardly down



their South line and the South line of the land conveyed to William Russell, to the line of the land conveyed to Joseph S. Thompson, thence Southwardly along Thompson's West line to the place of beginning, containing three hundred and fifty acres, being the same land described in a deed of conveyance, from John E. Brackett to said Kilbarn dated July 16<sup>th</sup> 1852. reference to be had thereto.

Also a certain other portion of said Rancho bounded and described as follows to wit:

Commencing at the North East corner of land conveyed on the 7<sup>th</sup> day of August A.D. 1850. by William Russell to J. E. Brackett and running Eastwardly along Jesse and Hollners South line one hundred and forty yards to the corner of town lots laid out by Brown and Walker, thence in a Southerly direction with the boundary of said town lots two hundred yards, thence in an Easterly direction with the Southern boundary of said town lots two hundred yards, thence at right angles in a Southerly direction with the course of said town lots to the South line of said Russell's land and thence along said South line to the South East corner of Brackett's land and thence along Brackett's East line



to the place of beginning, being the same land described in a deed of conveyance from William Russell to said Ralph S. Kilburn dated August 7<sup>th</sup> A.D. 1850.

Provided always and the confirmation of the said lands to the said claimant is on the express condition that the tract hereinbefore described shall be ~~found to be~~ <sup>shall be found to be</sup> contained within the boundaries of the said Rancho of Entre Rapa granted to the said Nicolas Figueroa when the said boundaries shall be finally located and established by the Surveyor General or if his establishment thereof shall be objected to, by the final decree of this Court or of the Supreme Court of the U. S. on appeal -

Cydon Hoffman  
Judge of U. S. Dist Court  
San Antonio Cal<sup>a</sup>



No. 113.

U. S. Dist. Court

The United States

vs.

Ralph L. Kilburn

Deceit

Filed March 30, 1861,  
W. A. Cheverus,  
Clerk.

113 ND

PAGE 28



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 18th day of April in the year of our Lord one thousand eight hundred and sixty one.

113 ND  
PAGE 29

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States  
v.  
Ralph S. Gilburn.

No. 113.  
D.C. 728.

And now at this day on motion of Edward Stanley, Esq. it is ordered by the court that he be, and is hereby substituted as the Attorney for the Plaintiff herein in place of Robert Rose, Esq. who is permanently absent from the State.



113.

UNITED STATES DISTRICT COURT

Northern District of California.

*The United States.*

v.

*Ralph S. Kilburn.*

*Order substituting  
Ed. Stanley, Attorney for  
the claimant.*

Filed *April 18.* 186*1.*

*W. A. Cheverd.*  
Clerk.

*Handwritten notes and bleed-through from the reverse side of the page, including the name 'Cheverd' and various illegible cursive text.*



California Land Claim.  
Attorney General's Office  
31 July, 1857.

Sir:

In the case of the claim of R.  
S. Kilburn, confirmed to the claimant  
by the Commissioner, Case no. seven  
hundred and twenty-eight, (728), ap-  
peal will not be prosecuted by the  
United States.

I am,  
Respectfully,  
Ours,

Wm T. Flauding Esq  
U. S. Attorney,  
San Francisco.



113 ND

PAGE

Recd April 24. 1861,  
W. D. Cheney,  
Clerk

113 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 Wednesday the 24th day of April in the year of our Lord one thousand eight hundred and sixty one.

113 ND  
PAGE 33

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Ralph S. Kilbarn

D. C. 113.

S. C. 728.

In this case it appearing to the Court by a communication from the Attorney General to the District Attorney of the United States, and hereto annexed, that the appeal heretofore taken, will not be prosecuted by the United States.

On motion of Edward Stanley, Esq. Counsel for the Plaintiff, the District Attorney being present, it is ordered that the appeal heretofore taken be vacated, and that the Plaintiff have leave to proceed under the decree of this Court heretofore rendered in his favor as under final decree.

Ogden Hoffman  
Dist. Judge



No 113,

UNITED STATES DISTRICT COURT

Northern District of California.

*The United States*

v.

*Ralph S. Kilburn*

*Order Vacating  
Appeal.*

Filed *April 24*, 1861.

*J. A. Chever*  
Clerk.

113 ND  
PAGE 34

*[Faint, illegible handwritten notes and signatures on the right side of the page]*

*[Faint, mirrored text from the reverse side of the page, including "UNITED STATES DISTRICT COURT OF THE NORTHERN DISTRICT OF CALIFORNIA"]*



113

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

San Francisco,

1854

John A. Monro, 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. 728 on the Docket of the said Board, wherein

*R. S. Kilburn* is \_\_\_\_\_  
the Claimant against the United States, <sup>Part of</sup> for the place known by the name of "Entre Napa", \_\_\_\_\_

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

*Geo. Fisher*