

CASE NO.

158

**NORTHERN DISTRICT**

---

A TRACT OF LAND IN THE  
DISTRICT OF SONOMA GRANT

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R. S. KILBURN

CLAIMANT

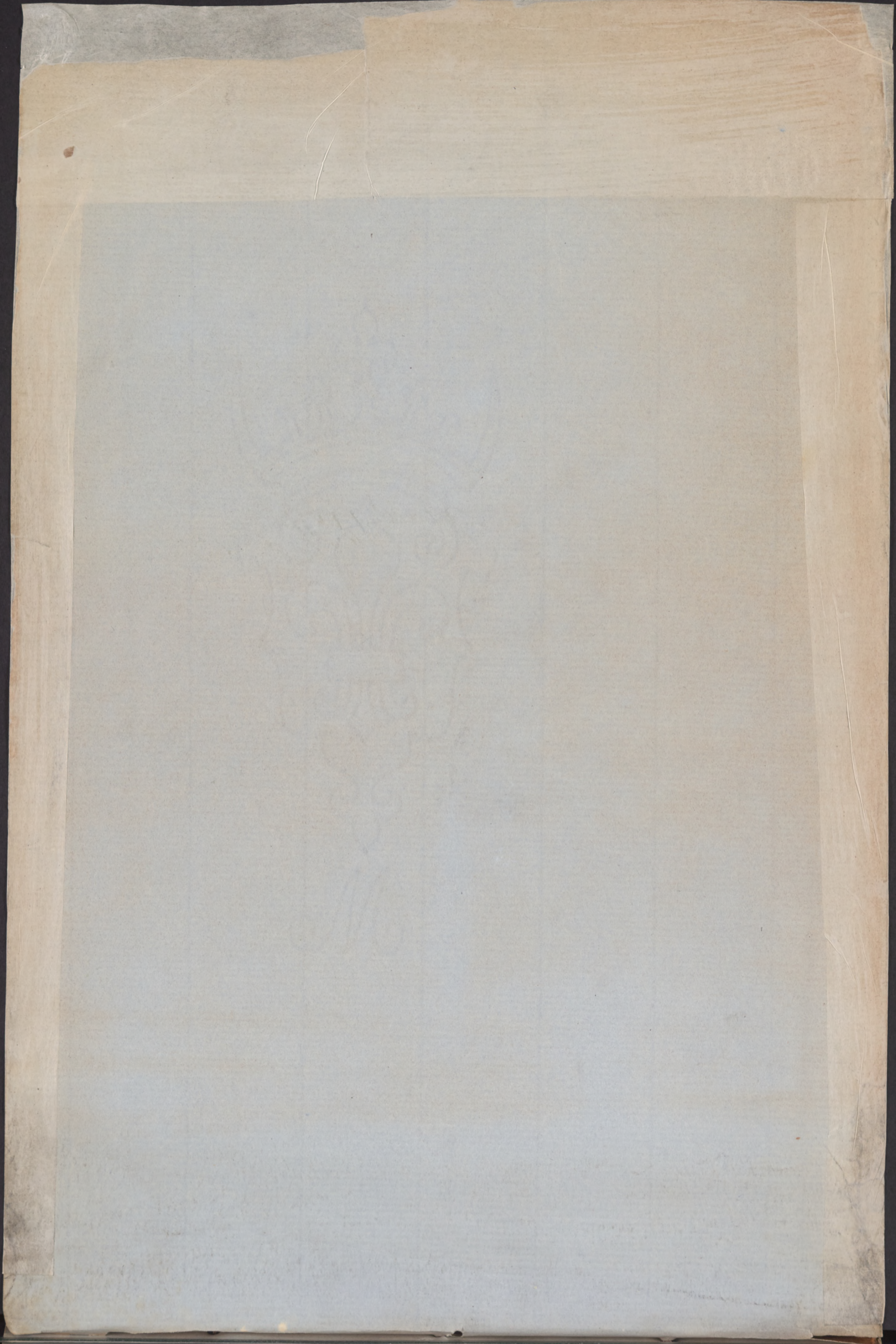
Land Case 158 ND

OCT 30 1962

11 p.

U.S.A.  
FARMINGTON  
BROADBOND  
Farmington

809



# TRANSCRIPT

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PAGE - 1

OF THE

# PROCEEDINGS

IN CASE

NO. 809

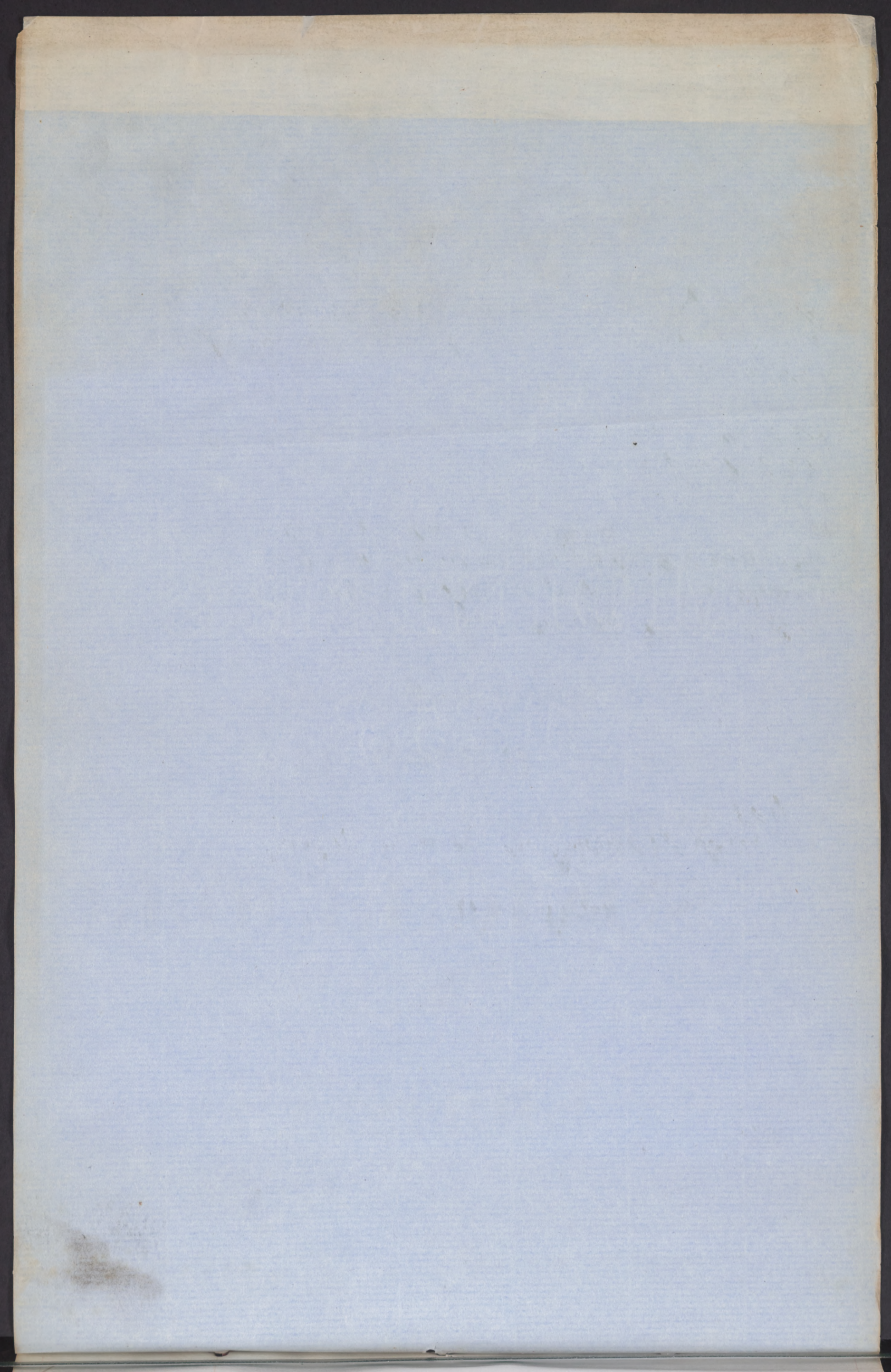
*R. S. Kilburn* CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"A tract of land in the District of Sonoma."*



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 *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 *R. S. Kilburn*,   
 for the Place named   
 *A tract of land in the District of Sonoma*, was presented, and ordered to be filed and docketed with No. 809 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;

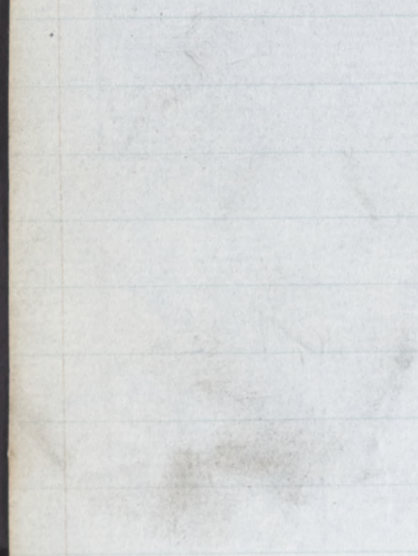
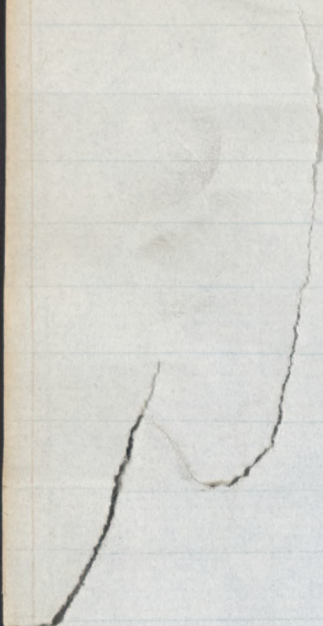
San Francisco April 24<sup>th</sup> 1854  
Case no. 809, R. S. Kilburn for part of "Los Pinos" was ordered to be placed at the foot of the Calendar, First Class Cases on the Trial Docket,

San Francisco, July 18<sup>th</sup> 1854,  
Case no. 809 was submitted under the rule of March 21<sup>st</sup> last.

San Francisco, Aug. 1<sup>st</sup> 1854.  
In the same case Commissioner Alpheus Felch delivered the opinion of the Board rejecting the claim:

(Vide page 9 of this Transcript.)

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 11 of this Transcript.)





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Petition

To the Honorable the Board of Commissioners for  
settling Private Land Claims in California

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The Petition of Ralph G. Kilburn and John E. Br  
-ackett respectfully shows

That on the ~~15th Dec 1848~~  
granted to Manuel Baca a certain tract of land  
called Los Pinos and more particularly described  
in the original title papers which are filed in claim  
no in the office of the Secretary of this Board hereby  
referred and prayed to be made a part of this  
Petition

That on the said Baca sold  
and conveyed to your Petitioner a certain portion of  
said tract more particularly described in the deed of  
conveyance a certified copy of which is herewith sub  
mitted marked B.

That said portion consists of fif  
-teen hundred acres (1500) of land more or less  
Your Petitioner further shows that said land  
has been ever since the date of the and is now in the  
quiet and undisputed possession of your Petitioner  
and those under whom he holds

That he relies for con  
-firmation of his said claim upon the title papers  
above referred to and upon such other and further  
proofs as he may be advised are necessary

Wherefore  
he prays confirmation of his title to said land

Rose for  
Claimant

Filed in Office March 3, 1853

Geo Fisher  
Secretary



Manuel  
Baca  
To  
R. S. Kilburn  
Et Al

This Indenture made and concluded this fifteenth day of December in the year of our Lord one thousand eight hundred and forty eight

Between Manuel Baca of the one part and Ralph L. Kilburn and John E. Brackett of the same place of the other part

Witnesseth

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That the said Manuel Baca for and in consideration of the sum of three hundred and twenty five dollars well and truly paid at or before the sealing and delivery hereof the receipt whereof is truly acknowledged hath granted bargained sold transferred and conveyed and by these presents doth grant bargain sell transfer and convey unto the said Kilburn and Brackett their heirs and assigns forever all his right title and interest of in and to all that certain lot of land situated and being in the District of Sonora as aforesaid described as part of a certain grant of land granted by the Government of Mexico to said Baca and Bannan as follows to wit

Commencing in the Encina creek at the mouth of the first branch that empties into said creek (Encina) on the North side running thence to the mouth of a small branch being the Southern line of the land of S. J. Hoppe thence up the said branch half way up to the mountains west of the residence of said Baca thence a Southern direction along the side of said mountain until it strikes Encina Creek down the said creek to the place of beginning containing fifteen hundred acres more or less according to the annexed map of the land

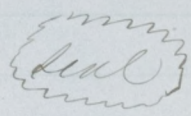
To Have and to Hold all and singular the above bounded and described lot of ground as aforesaid together with all the rights profits privileges and appurtenances whatsoever then unto belonging as fully as the same was held and possessed by the said Baca as aforesaid unto the said Kilburn and Brackett their heirs and assigns to their only proper use benefit and behoof forever and the said Baca for himself his heirs and assigns doth truly covenant to and with the said Kilburn and Brackett their heirs and assigns to

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warrant and promise to defend the title to the  
said granted and bargained premises from  
the lawful claim or demand of any person  
or persons whatsoever claiming or to claim the  
same

In witness whereof the said Boca have hereunto  
set their hands and seals the day and date above  
mentioned

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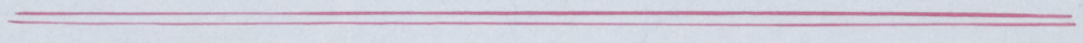
Manuel + Boca   
Manso

Witness by  
L. W. Boggs  
W. M. Boggs

Territory of California }  
District of Sonoma }

Personally appeared before  
me the undersigned L. W. Boggs Alcalde of said  
District Manuel Boca and being known to me  
as the person whose name is subscribed to the foregoing  
and as having executed the same and acknowledged  
the same to be his act and deed for the purposes therein  
mentioned

Given under my hand at Effie in Son-  
oma this fifteenth day of December A.D. 1848  
L. W. Boggs



Sketch of part of Potos  
Sketch.

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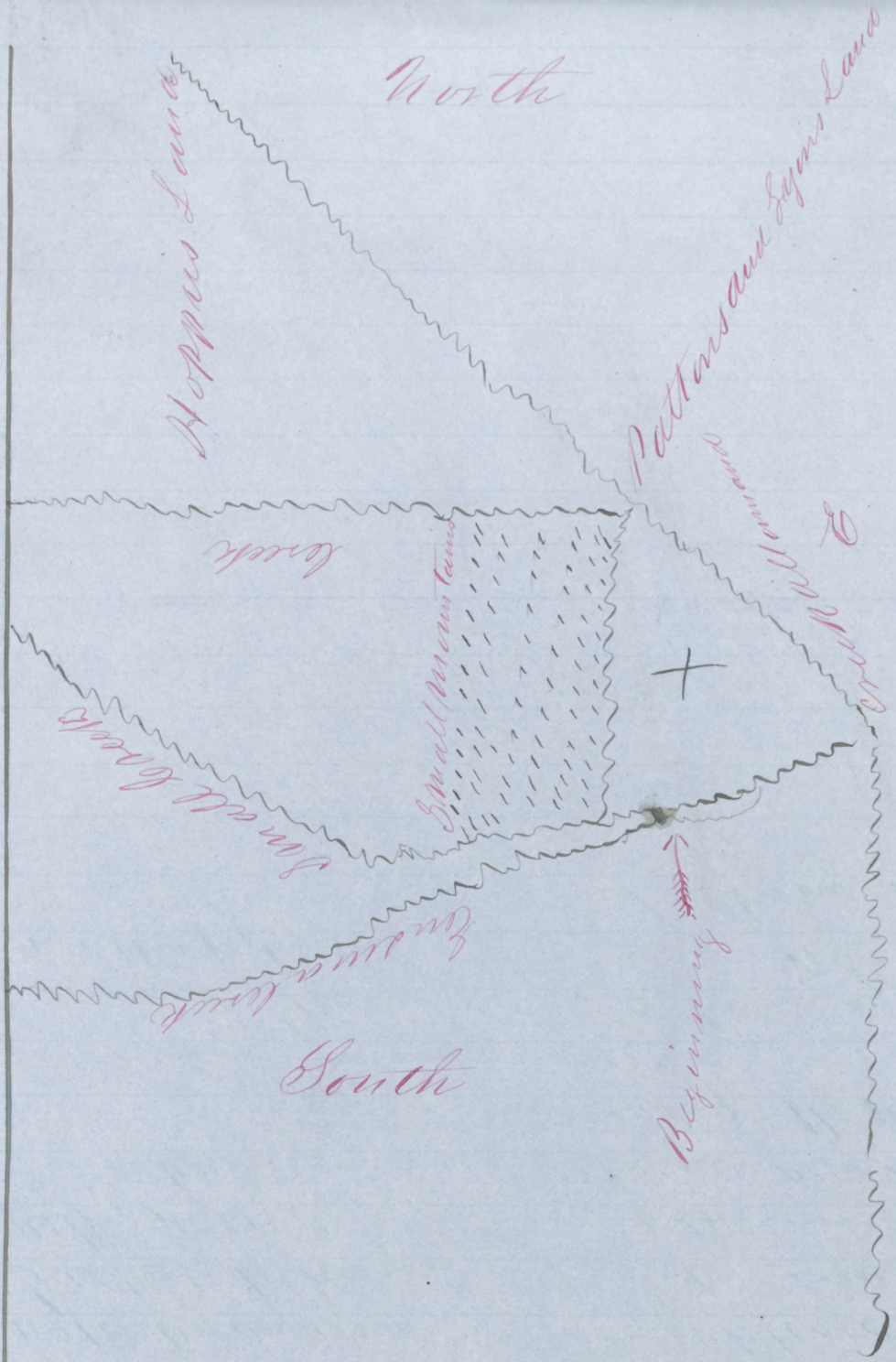
"A tract of land in the District of Sonoma Grant  
or Potos, part"

R.S. Kilburne, Clerk

Solano Co.

351-R

Summit of the Large Mountains West of Bacca's House



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State of California }  
County of Colusa }

The foregoing deed was received for Record in the 17th day of November AD 1851 at 3 o'clock P. M.

Joseph Bynum  
County Recorder

State of California }  
County of Colusa }

I James P. Naughton County Recorder in and for Colusa County do hereby certify the foregoing to be a true and perfect copy of the original deed of Emory and from Manuel Bacca to Ralph L. Kiltum and John E. Beckett now on Record in my office

Seal

Witness my hand and official seal at office in Benicia the fourth day

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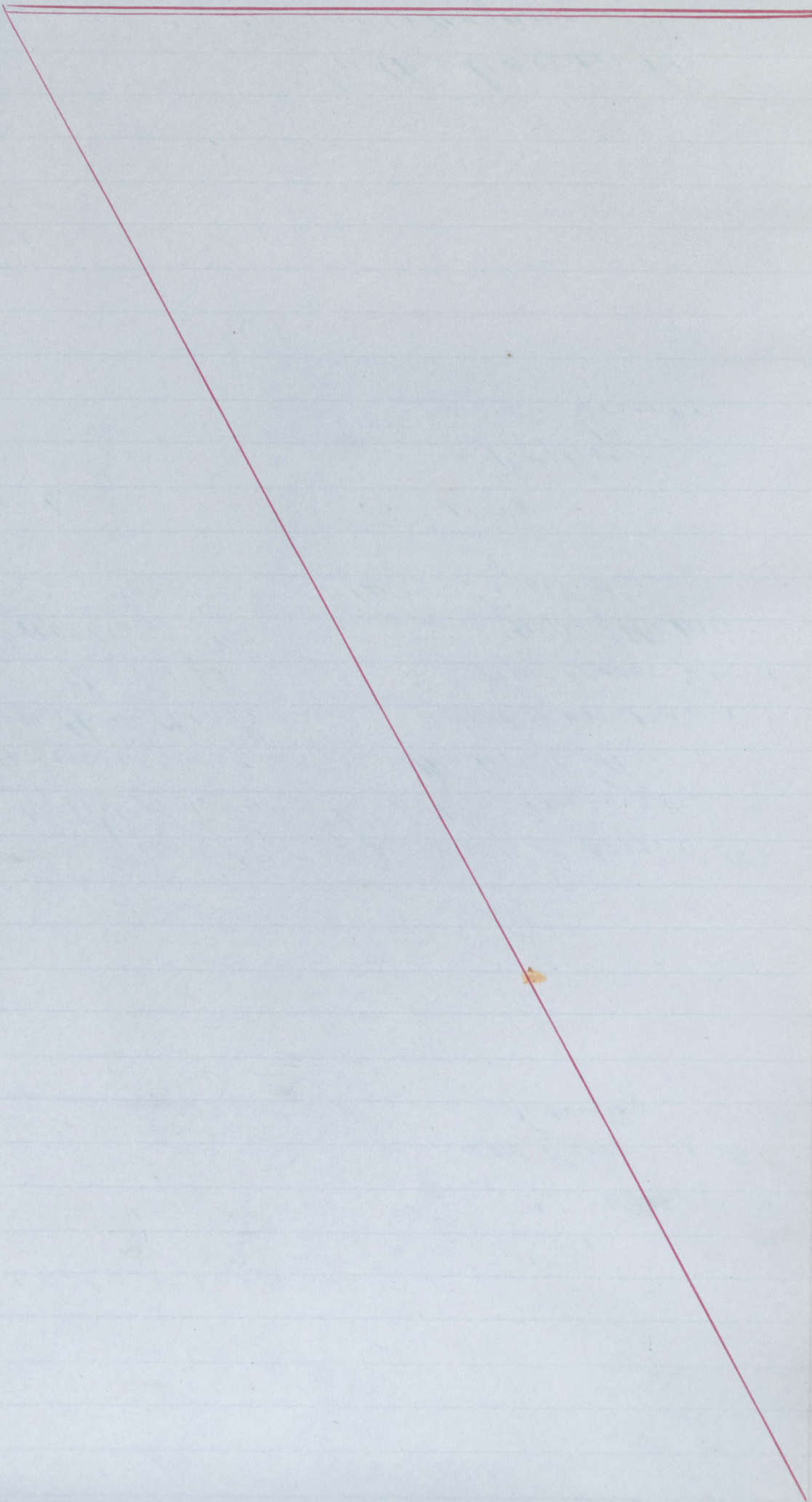
of April AD 1853

Jas P Vaughn  
County Recorder

Filed in Office April 28th 1853

Geo Fisher  
Sentry

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Opinion  
of the  
Board

Al S Kiburn et al  
vs  
The United States

} For fifteen hundred acres  
of land part of the place  
called Los Pinos in Solano  
County

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The Petition alleges a grant of the place called Los Pinos to Manuel Baca and a deed from him to the present claimants of the portion described in the Petition

A certified copy of such deed from the Records Office of Solano County is presented but no other evidence is given in the case. There is nothing to show that the Petitioners or any of them had any interest in the land or that the Mexican Government had divested itself of its ownership of the premises.  
Claim Rejected

Filed in Office August 1st 1834

Geo Fisher  
County

Decree

Al S Kiburn et al  
vs  
The United States

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said Petitioners is not valid and it is therefore decreed that their application for a confirmation thereof be denied.

Alphus Felch

Wm Thompson

Commissioners



Filed in Office August 1st 1834

Geo Fisher

Secretary

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And it appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Northern District of California it is hereby

Ordered

That two Transcripts of the proceedings and of the decision in this case and of the papers and evidence upon which the same are founded be made out and duly certified by the Secretary one of which Transcripts shall be filed with the clerk of the United States District Court for the Northern District of California and the other be transmitted to the Attorney General of the United States

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 *Five* pages, numbered from  
to *10*, both inclusive, to contain a true, correct and full Tran-  
script of the Record of the Proceedings and of the Decision of the  
said Board, of the Documentary Evidence and of the Testimony  
of the Witnesses, upon which the same is founded, on file in this  
Office, in Case No. *809* on the Docket of the said Board,  
herein

*R. S. Kilburn* is

Claimant against the United States, for the place known by  
the name of "A tract of land in the Dis-  
trict of Sonoma"

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

*Geo. Fisher*





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*[Faint, illegible handwritten text on the right side of the cover, possibly bleed-through from the reverse side.]*

Office of the Board of Commissioners,

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

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

John A. Murroe 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. 809 on the Docket of the said Board, wherein *R. S. Kilburn* is

the Claimant against the United States, for the place known by the name of "A tract of land in the District of Sonoma"  
and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher  
G. Fisher