

CASE NO.

169

**NORTHERN DISTRICT**

---

PART OF NAPA GRANT

---

JOHN E. BROWN

CLAIMANT



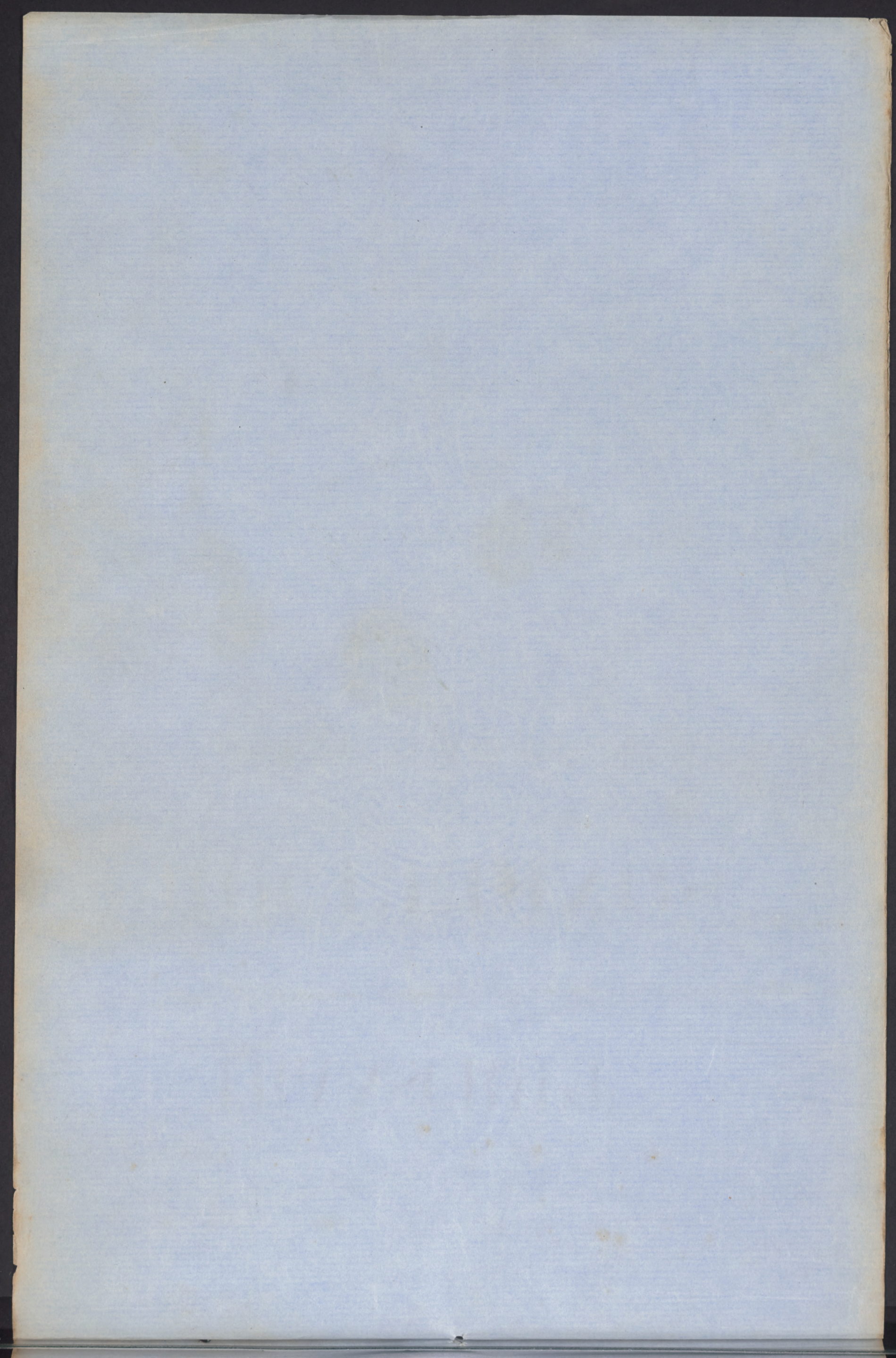
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PLANTING  
FLOWER BRAND  
5% COTTON FIBER  
U.S.A.



763







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PAGE 1

# TRANSCRIPT

OF THE

# PROCEEDINGS

IN CASE

NO. 763

*John E. Brown*

CLAIMANT

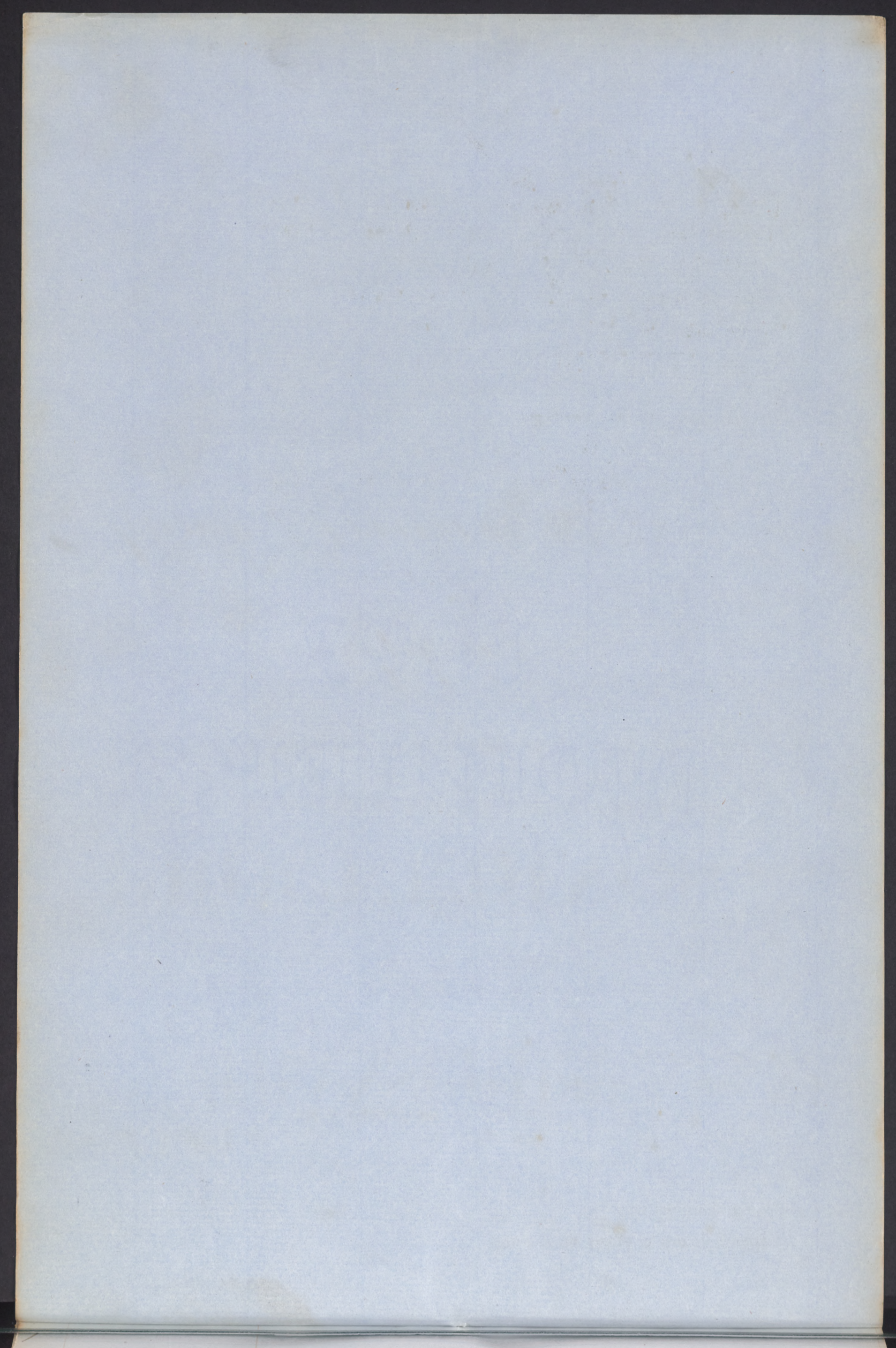
VS.

THE UNITED STATES, DEFENDANT,

*A part of*  
FOR THE PLACE NAMED

*"Nasra"*







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 *John E. Brown* ~~~~~  
~~~~~ for the <sup>part of</sup> Place named  
~~~~~ "*Napa*" ~~~~~  
was presented, and ordered to be filed and docketed with No. *763* 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 5 1854.*  
In case no. *763* for part of the place named "*Napa*",  
Messrs *Edward Stanley & Samuel D. King* filed  
their appointment as Counsel for the claimant,  
which appointment is as follows, to wit:

(Vide page *9* of this Transcript)

*San Francisco Aug. 25 1854.*  
In the same case the Counsel for the claimant,  
filed the following Stipulation, to wit:

(Vide page *9* of this Transcript)

In the same case the deposition of *Henry A. Lawrence*,  
a witness in behalf of the claimant, taken  
before Commissioner *Peter Sott*, was filed;

(Vide page *4* of this Transcript.)



San Francisco Aug. 29' 1854.  
 Case no. 763 was submitted without argument  
 and taken under advisement by the Board.

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San Francisco Sept. 24' 1854.  
 In the same case the counsel for the claimant,  
 filed the following stipulation, to wit:  
 (Vide page 9 of this Transcript)

San Francisco, Sept 5<sup>th</sup> 1854.  
 In the same case Commissioner Alphens Felch  
 delivered the opinion of the Board confirming  
 the claim.

(Vide page 11 of this Transcript)  
 In the same case the following order was made  
 to wit:

(Vide page 13 of this Transcript)



To the Board of Commissioners to ascertain and settle private Land Claims in the State of California  
 Your Petitioner John E. Brown a resident of Napa County in the State of California respectfully represents to Your Honorable Board that he claims a new tract of land called a part of the Rancho of Salinas Valleys containing seven hundred & twenty acres situated in Napa Co in said State of California for particular description of said land reference is made to two several maps herewith filed one marked A and the other B. both of which are made appert of this Petition. He claims the same by virtue of a grant made to Captain Salvador Valles on the 21st day of Sept 1838 by Juan B. Alvarado Governor and in turn of legal and approved by the Territorial Deputation on the 23 day of Sept AD 1838 as will appear by the original grant & certificate of confirmation on file with the Secretary of Your Honorable Board in Case No 95 in the claim of J. P. Thompson filed December 21st 1832 which original grant to your Petitioner may be received as evidence in this case. Your Petitioner further represents that the said grant to S. Valles on the 18th day of Nov 1830 conveyed all his rights in and to six hundred and forty acres of said land to your Petitioner as will be seen by the deed before referred to herein marked A & on the first day of June AD 1831 the said grantee conveyed all his right and title in and to 700 acres more or less land as appears by the deed before herein referred to marked B meaning in all 700 acres so conveyed by the said S. Valles to your Petitioner. Your Petitioner further represents that judicial possession of said land was given to the said grantee on the - day of - AD 18 - & the bona fide thereof duly designated & defined & that the said grantee and those claiming under him have been in the peaceable possession of said lands ever since & now are in the peaceable possession thereof & that he has no knowledge of any intervening claim. Your Petitioner prays that he may be permitted to file with the Secretary of your Board authenticated copies of grants as filed into certificate of possession & such other documentary evidence as may be necessary to establish his title to said land. Your Petitioner further represents



that he is now ready & willing to present for other  
proofs of title if required by the Board from Petition  
which prays your Honorable Board to take into considera-  
tion his claim to said tract of land & deem his  
title to be valid & confirm the same & your  
Petitioner will ever pray John E. Brown

By N. Hopkins His attorney  
Filed in Office March 2nd 1853  
Geo Fisher Secretary

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Deposition  
of  
H. H. Lawrence

United States of America State of California ss  
San Francisco August 25, 1854

This day before Peter Lott Clerk for taking Testimony  
to be used before the Board of U.S. Land Commrs  
in said State H. H. Lawrence a witness in behalf  
of the claimant John E. Brown in Case no 463 on the  
Docket of said Board and said witness being  
sworn says on oath as follows

The U.S. Land Agent was present  
Testimony by Mr Stanley Attorney for Claimant  
Ques What is your name age and residence  
Answer My name is H. H. Lawrence my age 29  
years my residence San Francisco Cal  
Q Just how long acquainted with the Rancho in  
Napales called Napa for many granted by S. Valles  
Answer I am

31 years acquainted with the tract of land  
claimed in this case by J. E. Brown if you state how  
you know it & whether it is within and forms  
part of said original grant of Napa to  
said Valles

Answer I know the tract of land claimed by  
J. E. Brown in this case it is 410 ams altogether  
& is within & forms part of the original grant  
of Napa to Valles the way I know it I lived there  
about two years I had all the Rancho adjoining this  
land claimed by Mr Brown & have seen the Survey  
work on the line I was Leo Ricardo of

Filed in Office Napales in 1837 & took the acknowledgment of  
August 25, 1854 the deed from Valles and wife to Brown for a  
portion of the land there 1000 per 40 ams and I  
Geo Fisher  
Says  
have seen the deed for the 40 to Brown from said Valles  
& wife & the land there does call for it that which I  
have seen adjoining where I have owned & is in the Valles  
grant of Napa Rancho H. H. Lawrence  
Subscribed & sworn to before me on this 25 day of August 1854  
Peter Lott Clerk



5- Dea  
Salvador  
Nallyjo  
To  
John C. Brown

This instrument made this twenty first day of  
June Ad me Thosara eight hundred and  
fifty one between Salvador Nallyjo and Juan  
Luz Leucillo his wife by their attorneys and agents  
Dr Smith and Lewis Sturtevant of the one  
of mesa and State of California Parties of the first  
part and John C. Brown of the same place party  
of the second part but in such that the said parties  
of the first part by their said attorneys for and in  
consideration of the sum of two hundred and eighty  
dollars to them in hand paid the receipt whereof is hereby  
acknowledged and confessed that granted being  
and sold pleased alienated and conveyed  
by their presents doth grant bargain sell convey  
alienate and convey unto the said party of the  
second part his heirs and assigns forever all that  
certain land parcel of land being and being  
situated in the County of mesa and State of California  
more or less as follows to wit

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Commencing at a  
large white oak tree on the right bank of mesa  
creek said tree being the south eastern corner of a  
tract of land belonging to Juan Luz Leucillo and running  
with said mounts northern line South 53°  
35' West 13 chains 83 links to said mounts  
South west corner thence South 81° 30' W 17  
chains 39 links to a small branch or creek  
thence down said creek S. 27° 25' E 19 chains  
77 links to a stake thence North 81° 50' E 26  
chains 08 links thence North 52° 30' E 11 chains 08  
links to the branch of mesa creek thence up said  
creek to the place of beginning containing  
fourty acres according to the Survey and plan  
of the same made by Lewis Sturtevant Dr. Smith  
and F. H. H. the same granted alienated conveyed  
unto the said party of the second part his heirs  
and assigns forever together with all and singular  
the lands tenements and appurtenances thereto be-  
longing or in anywise appertaining and the said  
parties of the first part by their said attorneys  
covenants and agrees to and with the said party  
of the second part his heirs and assigns to warrant  
and defend the title to the said premises from the  
lawful claim demand of any person persons  
claiming or to claim the same unto the said party of the



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Second Part his lands and assigns in certain  
whom of we have heretofore set on hand and  
feels this 21<sup>st</sup> day of June AD 1857 in the  
City of Napa and State aforesaid

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Gyrid sealed  
and delivered  
In presence of  
S. H. Lawrence  
Salvador Kallaji  
Ma Luy Canillo  
By  
Wm Smithwick &  
Emad Hemenent

State of California  
County of Napa  
On this the 2<sup>nd</sup> day of  
July AD 1857 personally  
appeared before me the undersigned Recorder  
of Napa County Wm Smithwick and Emad Hemenent  
(agents and attorneys) for Salvador  
Kallaji and Ma Luy Canillo wife of said Kallaji  
known to me to be the persons whose names are  
who executed the foregoing Instruments who  
acknowledged that they executed the same freely  
and voluntarily for the uses and purposes therein  
mentioned

Given under my hand and  
Seal of Office at Napa City  
this day and date first above written  
S. H. Lawrence Recorder  
By J. N. Edmaston Deputy

Filed for Record July 2<sup>nd</sup> AD 1857 at 5 O'clock  
P. M. and recorded in Book B. Page 114  
Records of Napa County

S. H. Lawrence Recorder  
By J. N. Edmaston Deputy

Recording Fees 280  
Filing 30  
Indexing 50  
Ack 200  
Filed in Office July 2<sup>nd</sup> 1853 \$5.80  
Geo. Fisher Secretary



7 Don  
Salvador  
Nalayo  
To  
John E  
Brown

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This Indenture made the this 18th day of Nov  
in the Year one thousand eight hundred and fifty  
between Don Salvador Nalayo and his wife  
Cecilia his wife and John E Brown of Nassau  
County California of the second part of the second  
part heretofore. That the said parties of the  
first part for and in consideration of the sum  
of one hundred dollars Lawful Money of  
the United States of America to them hereunder  
paid by the said party of the second part as is  
before the undersigned and delivery of these presents  
the receipt whereof is hereby acknowledged on  
both parts bargain and sold alienation in law  
released conveyed and confirmed and by these  
presents doth give bargain sell alienation  
release convey and confirm unto the said parties  
of the second part and to their heirs and assigns  
forever all that piece of land being and  
being in the County of Nassau and State of Cal  
ifornia Commencing at a true benchmark B.  
on the bank of the Arroyo de Nassau opposite the  
upper end of the land bought by Mustoe and  
Lepps of Salvador Nalayo and ever in an  
eastly direction one mile and three hundred  
and twenty inches there in a straight line  
to the Arroyo de Nassau (the course of this  
line to be governed by the contents of the books  
to be run so as a line up the creek to the begin  
ning will make an area of 640 acres) It is  
covenanted that the said land shall not interfere  
with that sold to Mustoe and Lepps and  
then leased to Mrs Ferry and La Motina and  
Jose de Jesus Fily

Together with all and sin  
gle in the tenures indentments and assent  
ments and things belonging or in any wise app  
ertaining and the revenues and profits  
and profits thereof and also all the estate right  
title interest of said parties property possession  
claim and demand whatsoever as well in  
Law as in equity of the said parties of the first  
part of in or to the above described premises and every  
part and parcel thereof with the appurtenances thereof  
To Have and To Hold all & singular the above mentioned & described



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Monies together with the appraisals into the  
said party of the second part his heirs and assigns  
power and the said Salvador Kallipi and Ana  
Luz Leunillo his wife his the said Monies  
in the most and peaceable possession of the  
said party of the second part his heirs and assigns  
against the said parties of the first part their heirs  
and against all and every person and persons  
whomsoever lawfully claiming or to claim the  
same shall and will remain and by these  
present provisions upon Intestates who of the  
said parties of the first part has hereto set their  
hands and seals the day and year first above  
written into testimony made before signing

Sealed and delivered Salvador Kallipi Seal  
in the presence of } Ana Luz Leunillo Seal  
Fred. J. Neeger }

J. M. Steven Notary Public of Sonoma  
on this 20th day of November in the year one thousand eight  
hundred and fifty before me Robert R. Phipps  
a Notary Public in and for said County, personally  
appeared Salvador Kallipi and Ana Luz Leunillo  
his wife known to me to be the persons described  
in and who executed the foregoing Instrument and  
acknowledges that they executed the same freely  
and voluntarily and for the uses and purposes therein  
mentioned Witness my hand and seal this 20th  
day of November AD 1850 R. R. Phipps

Notary Public County of Sonoma  
County of Sonoma to wit On this 20th day of November  
in AD 1850 made the above named Ana  
Luz Leunillo acquainted with the contents of the  
foregoing Instrument of marriage and having ex-  
-amined her separate and apart from her said  
husband and without the hearing of her husband  
she acknowledges that she executed the same  
- freely and voluntarily without being or coming  
- from or under influence of her husband and  
that she does not wish to retract the execution  
of the same Witness my hand and seal this 20th  
day of November AD 1850

F. L. Davis Appraiser  
March 2nd 1853  
Geo. F. Fisher  
Sentry

Sealed } Robert R. Phipps Notary Public in and for  
the County of Sonoma Alia per Memorandum 26 1850  
at one o'clock P.M. + Monday in Proba Pages 205 +  
206 archives of Napa Co. Memorandum per 1850



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appt of  
attorneys

U.S. Land Commission  
City of San Francisco  
No 763

John Edmund Clanning under the grant to  
Salvador Vallejo for a tract of land in Napa  
County I appoint Edmund J. Smith and  
Samuel King my attorneys in the above named  
case and authorize them to appear and  
before the Board of U.S. Commissioners  
March 10th 1854

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John E. Brown  
Napa City Napa County  
California

Filed in Office April 5th 1854  
Geo Fisher Secretary

Stipulation

In the matter of John Edmund Clanning 700  
acres of the Napa Rancho under grant from J  
Vallejo and wife and No 763 in the Docket of  
the Commissioners It is hereby agreed by the Law  
Agent of the United States and the attorneys  
for the claimants that the testimony of Juan  
de la Rosa taken and filed in the cases No  
495 and 300 shall be read as evidence in this  
case and also that the title papers or Trans-  
lations of the same having regard to the  
alleged grant of the Napa Rancho to Salvador  
Vallejo by Alvarado in 1838 which are now  
in file and have heretofore been considered in  
acting upon the papers of the said Rancho shall  
be received and read in the same manner  
with the present case April 28th 1854

J. H. McNamee Law Agent  
Filed in Office August 25th 1854  
Geo Fisher  
Secretary

Stipulation

United States Land Commission San Francisco  
In the matter of John Edmund Clanning seven  
hundred and ten acres of the Napa Rancho under  
grant from said Vallejo and wife No 763 in  
the Docket of Commissioners It is hereby agreed  
that the power of attorney from Salvador Vallejo  
and wife to George W. Goodenough and Lemuel  
Harriman used in certain suits for the same



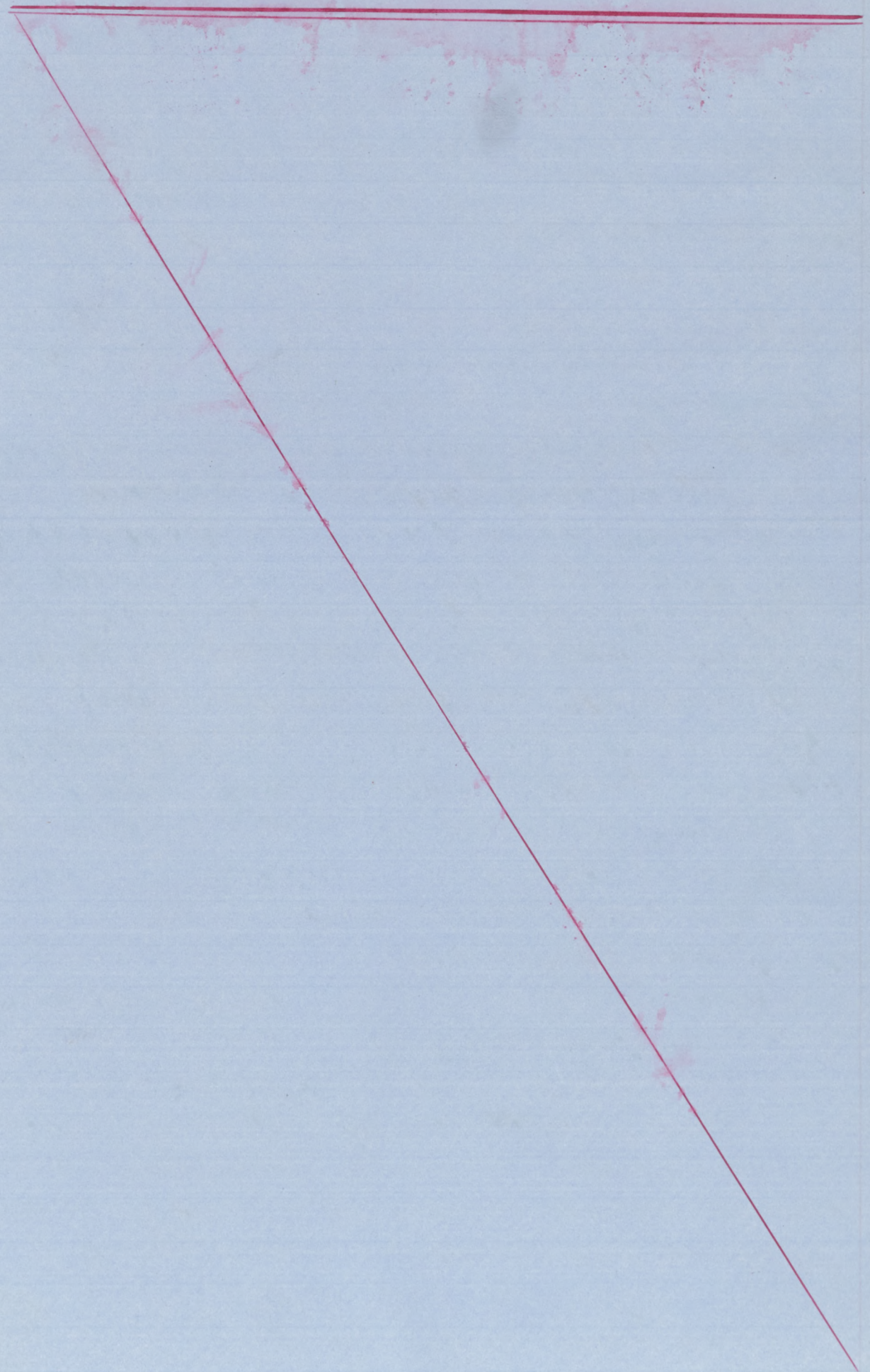
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of documents for parts of the map a number  
and on which shall be admitted as evidence  
in this case and that said power of attorney was  
duly and properly executed September 4th  
1854

Louis Blandin  
Associate Land Agent

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Filed in Office September 4th 1854  
Geo. Fulton  
Secretary



11 Open an ...



11 Opinion  
of the  
Board

John Estlin  
vs  
The United States } For two parcels of land  
} containing 700 acres  
} Part of the Rancho called  
} Napam Napam Comity

The land claimed in this case is alleged and found  
to be part of the Rancho called Napam originally  
granted to Salomon Valles from whom the  
Petitioner derives his title

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By the Department filed  
in the case the testimony and certain original  
documents on file in case no 495, which relate  
to the same original grant are to be used as  
evidence in this case. By these proofs made  
of the original grant by Governor Alvarado to  
said Valles bearing date December 21. 1838  
the approval of the Department assembly  
on the 23 day of the same month and the giving  
of judicial possession to the grantee on the 8th  
day of February 1844 they also show that  
said grantee went into possession of the land  
in 1838 or 1839 and occupied the same then  
he built a house had horses and cattle on  
the place and cultivated the land

This proof  
is sufficient to establish Valles's right to  
the land designated in his grant and to en-  
able him to transfer his title by conveyance  
to another. The present claimant derives his  
title to the portion of said Rancho claimed by  
him by two deeds of conveyance from said Val-  
les and his wife to him which are filed in the  
case. The first is dated November 18th 1830 and  
conveys 640 acres of the land the second is a con-  
veyance of 70 acres and was executed June 21st  
1831 a decree of confirmation will be entered

Confirmed  
Filed in Office September 25th 1834  
Geo. Fisher Secy

Decree of  
Confirmation

John Estlin  
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 Petitioner is valid and it is therefore  
} decreed that the same be confirmed. The lands of which



Confirmation is hereby made on a part of the  
 place known by the name of napa which was  
 granted to Salvador Vallijo which place is bound-  
 ed and described as follows to wit commencing  
 at the cross of napa at the boundary of Nicolas  
 Hijera then following a southerly direction  
 to the lower pass of the Arroyo de los Leones  
 six thousand mas to a pile of stones thence towards  
 the north west along the Arroyo six thousand  
 varas to the upper road which goes to napa  
 thence along the same arroyo North North West  
 to the upper road which goes to the Rancho of  
 Juantho four thousand six hundred varas  
 thence continuing in the same course to the bound-  
 ary of said Juantho by estimation ten thousand  
 varas thence towards the North North East three  
 thousand two hundred and fifty varas to the River  
 napa thence down the same River course South  
 East to the Arroyo of napa fifteen thousand one  
 hundred and twenty five varas and thence fol-  
 lowing the same Arroyo West by two thousand  
 six hundred varas to the place of beginning contain-  
 ing four square leagues of land a quantity to the  
 grant to said Vallijo and the Judicial Mes-  
 surement thereof

The portion of the above described  
 premises of which confirmation is hereby made  
 is bounded and described as follows to wit com-  
 mencing at a tree marked B. on the branch of  
 the Arroyo de napa opposite the upper end of  
 the Luna bought by Pustob and Cupps of  
 Salvador Vallijo and running in an Easterly  
 direction one mile or there hundred and twenty  
 fathoms thence in a southerly direction to the  
 Arroyo de napa the course of this line to be  
 governed by the contents of the survey to be  
 run so as above up the creek to the beginning  
 will make an area of six hundred and forty acres  
 or being undisturbed the said land shall  
 not interfere with that sold to Pustob and  
 Cupps and then leased to Messrs Gray and  
 La Motte and Jose de Garcia Felix said  
 premises being the same described in a deed  
 made by said Vallijo and wife to said Juan-  
 Antea November 18th 1850 to which reference



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for further description is to be had also at the  
 certain mine or name of said Rancho of Napa  
 which is bounded and described as follows  
 to wit commencing at a large white oak tree on  
 the right bank of Napa creek said tree being  
 at the southeastern corner of a tract of land be-  
 longing to Mount and running with said  
 Mount's southern line South  $53^{\circ}35'$  West  
 13 Chains 83 links to said Mount's southeast  
 corner thence South  $81^{\circ}30'$  West 17 Chains 39 links  
 to a small branch of creek thence from said creek  
 South  $27^{\circ}25'$  East 19 Chains 77 links to a stake  
 thence  $91^{\circ}30'$  East 20 Chains 08 links thence North  $32^{\circ}$   
 30 East 11 Chains 08 links to the bank of Napa  
 creek thence up said Napa creek to the place of  
 beginning containing 70 acres according to the  
 plans and plot of the same as made by Lem  
 Ad. How come being the same premises described  
 in a deed made by said Ralph and wife  
 (By their Attorneys) to said Brown dated June  
 21st 1851 to which reference is to be had for  
 further description of said premises

Alphus Felch

A. Aug. Thompson

S. B. Faurell

Commissioner

W. W. in Office September 5th 1854

Geo. Foster Secretary

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And it appearing to the said parties of this Board that  
 the Land and adjudication is situated in the Northern  
 District of California is hereby ordered that the  
 transcripts of the Proceedings and of the decision in  
 this case and of the papers and records upon  
 which the same are founded be made out and  
 duly certified by the Secretary in conformity with  
 shall be filed with the clerk of the United States  
 District Court for the Northern District of Cali-  
 fornia 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.

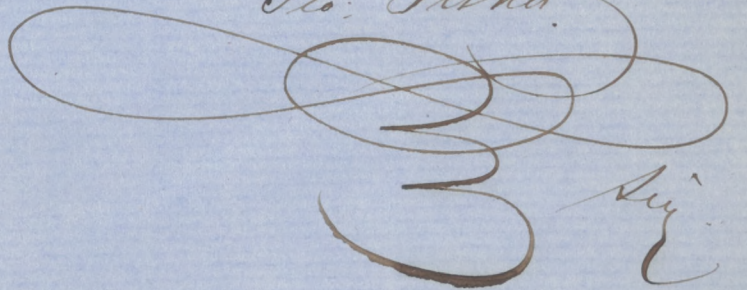
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I, *George Fisher* — Secretary to  
the Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
foregoing *Instrument* — pages, numbered from  
1 to *13*, both inclusive, to contain 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. *713* on the Docket of the said Board;  
wherein *John E. Brown* is —

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

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

*G. Fisher*  
Geo. Fisher





U. S. DISTRICT COURT,

*Northern* District of California.

No. ~~169~~ 169-

THE UNITED STATES,

vs.

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*John E. Brown* ND

TRANSCRIPT OF THE RECORD

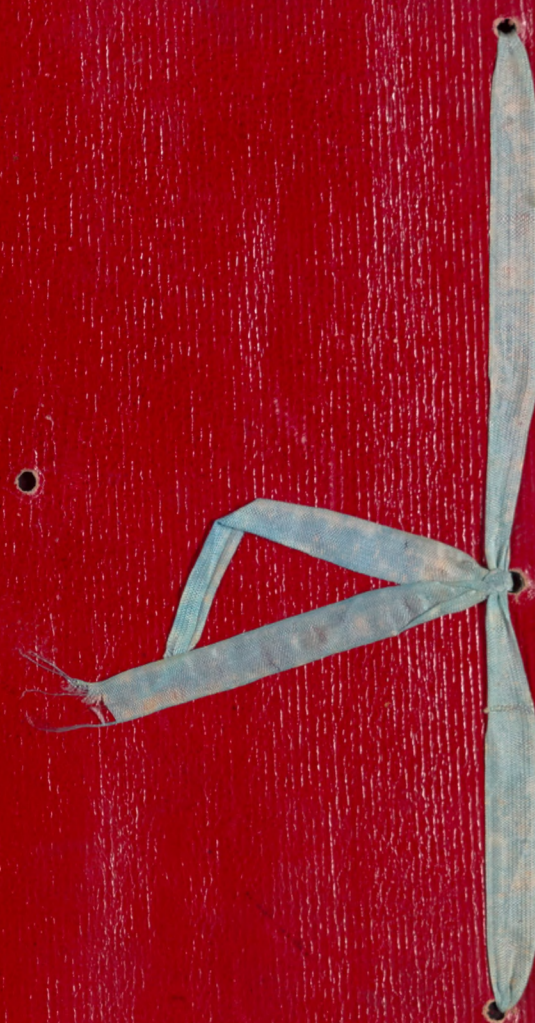
FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 763-

Filed,

February 5<sup>th</sup>, 1853-

*John A. Monroe*  
Clerk





Office of the Attorney General of the United States,

Washington, 7th April 1855.

John E. Brown

v.

The United States.

} 763.

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 10th day of February 1855, the appeal in the district court of the United States for the Northern                      district of California will be prosecuted by the United States.

Cushing

Attorney General.



No. 169

U. S. District Court  
Northern Dist. of Cal.

The United States

vs

John E. Brown.

Notice of Appeal  
in Case No. 163.

Filed June 18, 1855.

W. H. Cheever  
Deputy.



Court No 169.

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

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The United States } Part of  
vs appellants } Santa Clara.  
John E. Brown }  
Appellees }

The respondent in answer to the petition  
filed in this case, answers and says

It is true that the lands mentioned in  
said petition and in said transcript of the  
proceedings before the said Board of Land Officers,  
lie within the said Northern District of California,  
and within the jurisdiction of this Court.

But this respondent denies that his title  
to the said land is invalid, and avers that  
the same is valid, and prays that the decision  
of the said Board be affirmed, and his title  
declared to be valid.

John E. Brown

by  
Stanley King  
his Atty.



No 169  
In the District Court of  
the United States for the  
Northern District of California

The United States

vs

John E. Brown

Part of Entry Maps.

Answer.

Filed April 28<sup>th</sup> 1856  
Cherred  
Deputy

169 ND  
PAGE 19

Sturley & King



No 1169.

To the Honorable District Court of the United States for the Southern District of California

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|                   |   |                         |
|-------------------|---|-------------------------|
| The United States | } | Part of<br>"Enter Napa" |
| appellants        |   |                         |
| vs John E. Brown  |   |                         |
| appellee          |   |                         |

The petition of the United States by their Attorney represents, that this case is an application for a review of the decision of the Board of Land Commissioners, whereby the claim of the said appellee was confirmed, as appears by reference to the record in this case.

That a transcript of the said record was filed in this Court on the 5th day of February 1855, that a notice of appeal was filed on the day of \_\_\_\_\_, and that the land claimed lies in the said district.

That the said claim is invalid, therefore appellants pray that the said decision of the Board be reversed, and that this Court decree the said title to be invalid.

Respectfully

A. Marshall,

Attorney



1869

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

The United States

vs  
John E. Brown

Part of Estate of Anna

Petition for  
Review -

Filed April 28<sup>th</sup> 1869

Cherwell

Deputy

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PAGE 21

Glassell



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

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|                   |   |
|-------------------|---|
| The United States | } 710 acres part of<br>Napa -                   |
| appellants        |   |
| vs.               | } Land Comm <sup>rs</sup> San Francisco No. 763 |
| John E. Brown     |   |
| appellee          |   |

At a Special Term, 2<sup>nd</sup> March 1857.

This case coming on this day to be heard upon the transcript of the proceedings and the decision of the Board of Land Commissioners of the United States under the Act of Congress of the 3<sup>rd</sup> March 1851, to ascertain and settle the private land claims in the State of California, and the papers and evidence in which the same was founded, and it appearing the said transcript was duly filed according to law, and Counsel having been heard on the part of the United States, and for Claimant,

In consideration of which the Court is of opinion that there is no error in the decision of the said Board, and that the same should be and is hereby affirmed.

And this Court doth order and decree that the title of the Appellee to the land described in conveyances to <sup>him</sup> in the said transcript is valid and the same is hereby confirmed.

The



The land of which confirmation is hereby  
made is the tract of ~~Seven hundred and~~  
~~two acres,~~ <sup>as</sup> particularly described in the  
said <sup>conveyance</sup> ~~deed~~ and Decree of the said  
Land Commissioners, provided that the  
same shall be within and form a portion  
of the Rancho called "Najaco" as granted  
by the Mexican Government to Salvador  
Vallejo, under whom the appeller derives  
title -

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Edm Hoffman  
U. S. Dist Judge

Correct.  
Wm Blanding  
Dist atty



In the United States  
Court for the Northern  
District of California

Docket No 169  
Transcript No 763.

The United States  
appellants  
vs  
John E. Brown  
appellee

~~76 acres~~ part of  
"Napa"

Dece of Confirmation  
Filed March 2, 1857,  
W. O. Cheves,  
Deputy.



California Land Claim.  
Attorney General's office  
29 Jan'y 1857.

Sir,

In the case of the claim of John  
E. T. Brown, confirmed to the claimant  
by the Commissioner, case no. seven  
hundred and sixty-three, (763), appeal  
will not be prosecuted by the United  
States.

I am,

Respectfully,

Cushing

Wm. T. Plauding Esq  
U. S. Attorney.  
San Francisco.



In the District Court of the United States  
for the Northern District of Cal.

The United States

v  
D.C. 119: L.C. 713.

vs  
Jno Brown

In pursuance of a notice  
from the U. S. Attorney General, herewith  
annexed, it is hereby stipulated and agreed  
that no further appeal shall be taken on  
the part of the United States in this case, and  
that claimant have leave to proceed under the  
decree heretofore rendered in his favor by this  
Court as under final decree.

San Francisco March 9. 1857

Wm Blanding  
Dist. Atty.  
Stanley & King  
acq. cl.



169  
763

The United States

v

John C. Brown

Stipulation

Filed March 21, 1857,  
W. H. Cherris,  
Deputy.



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 *Saturday* the *21st* day of *March* in the year of our Lord one thousand eight hundred and fifty-seven.

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Present:

The Honorable OGDEN HOFFMAN, District Judge.

*The United States*

*v*

*John E. Brown.*

*D.C. 169: S.C. 763.*

*The Attorney General of the United States having given notice that appeal will not be prosecuted in this case and the U. S. Attorney having entered into a stipulation in accordance ~~therefore~~ therewith:—*

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

*Ogden Hoffman*  
*U. S. Dist. Judge*



169

United States District Court, Northern  
District of California.

*The United States*

vs.

*John E. Brown*

ORDER.

*Vacating appeal*

Filed *March 21,* 1857

*John A. Murre,*

CLERK.

By *W. A. Cheever*

DEPUTY.



The United States }  
vs }  
J. Evans Brown }

In United States Court for the  
Southern District of California

710 acres, part of "Entre Napa"

Page of  
Transcript

3. Petition of J. E. Brown to the Land Commrs.
- 4 1854. Aug 23. Deposition of H. W. Laurence
- 5 1851. June 21. Deed from Salvador Vallijo & wife to  
J. E. Brown for 70 acres.
- 7 1850. Apr 18. Deed from Salvador Vallijo & wife to  
J. E. Brown for 1640 acres.
- 9 1854 April 28. Stipulation to allow as evidence in this  
Case the title papers & evidence as to original  
grant of the Rancho to Salvador Vallijo,  
filed in Land Cases No 495 & 500.
- 9 1854. Sept 4. Stipulation that evidence in other Cases  
of the Napa Rancho should be used in this  
Case.
- 11 12 43. Opinion and Decree of the Board of Land Commrs,  
confirming the title of claimant.

Note - The Napa Rancho was originally granted to  
Salvador Vallijo 21 Dec 1838 - approved by the  
Depart<sup>o</sup> Assembly 23 same month & judicial possession  
given Feb 1844 - This is one of the numerous sales  
of portions of said Rancho. & the stipulations were  
to admit the evidence in the other Cases proving the  
original grant &c.



Count No 169

In United States

Count for the

Nullum District

of California

The United States

vs  
John E. Brown.

710 acres.

Part of Lutes Napa

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Office of the Board of Commissioners,

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

San Francisco, *July 31<sup>st</sup> 1855*

*John A. Monroe Esq.*

Clerk of the U. S. District Court for the  
*Northern* District of California.

*Sir;*

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. *713* on the Docket of the said Board, wherein

*John E. Brown* is

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

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

*G. Fisher*  
*G. Fisher*