

CASE NO.

171

NORTHERN DISTRICT

PART OF ENTRE NAPA GRANT

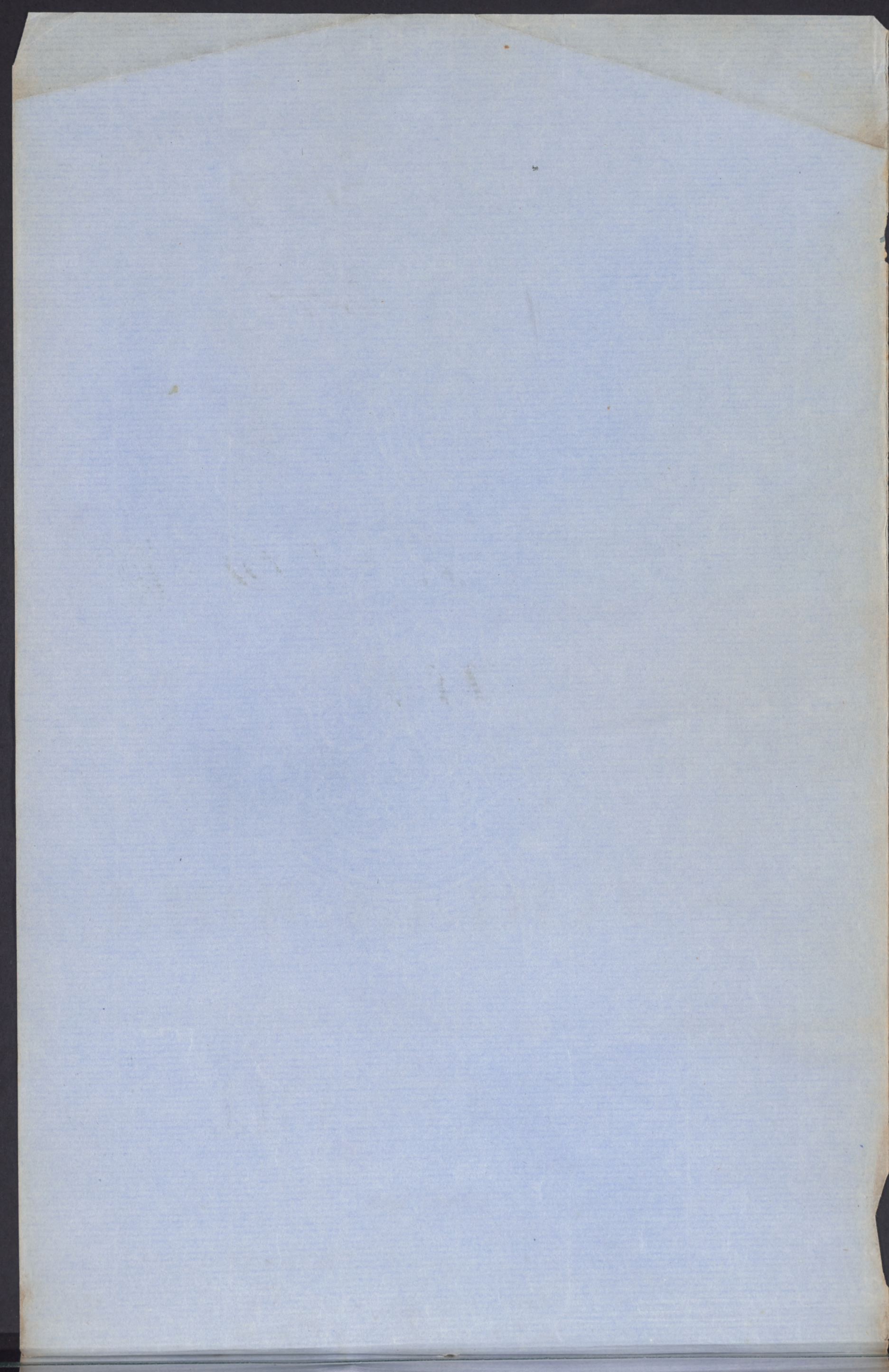
PETER D. BAILEY

CLAIMANT

NOV 1 1962

Government
Plover Bond
58% Cotton Fiber
U.S.A.

580



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TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 580.

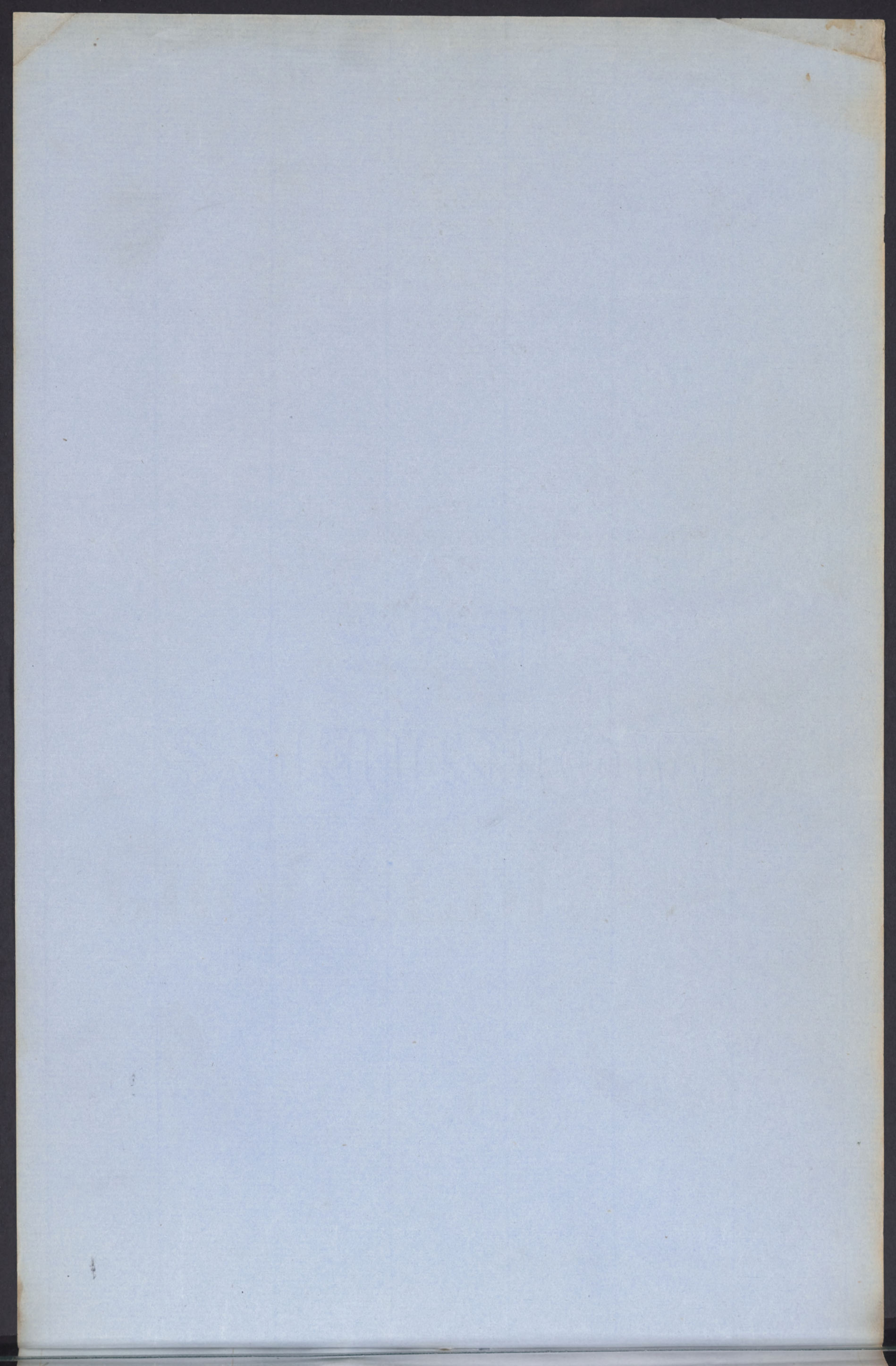
Peter O. Bailey CLAIMANT

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 February Eleventh, 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 Peter D. Bailey
for the ^{part of} Place named

"Entre Napa."

was presented, and ordered to be filed and docketed with No. 580, 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 December 14th 1853.
In Case No 580, Peter D. Bailey for part of the place named "Entre Napa," the deposition of Gilbert A. Grant, a witness in behalf of the Claimant, taken before Commissioner W. S. Felch, was filed.
(Vide page 11 of this Transcript.)

San Francisco July 11th 1854.
In the same case the Counsel for the Claimant filed the following Stipulation, to wit:
(Vide page 23 of this Transcript.)

San Francisco July 12th 1854.
Case No 580, Peter D. Bailey for part of "Entre Napa," in motion of the Counsel for the Claimant with the consent of the U. S. Law Agent, was submitted without argument, and taken under advisement.

San Francisco Aug 25' 1854.

In the same case the deposition of M. S. Kilburn, a witness in behalf of the Claimant, taken before Commissioner Peter Lett, with the affidavit of the Claimant, and with a Stipulation of the U. S. Law Agent annexed thereto, was filed.

(Vide page 6 of this Transcript)

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San Francisco Sept 5' 1854.

In the same case Commissioner Alphus Fitch delivered the opinion of the Board, confirming the claim.

(Vide page 25 of this Transcript)

In the same case the following order was made, to wit:

(Vide page 28 of this Transcript)

To the Honorable Board of Land Commissioners of the United States for the Settlement of Private Land Claims in California,
 Your Petitioner Peter D. Bailey of the County of Napa respectfully represents that on the ninth day of May A.D. 1836 Manuel Chico then Governor of Upper California made a grant of one square league of land known as *En la Napa* in the County of Napa to Nicolas Higuera for a *deceada* and that said grant was by compulsion and judicial possession of said lands subsequent according to the Laws and Usages of Mexico as will more fully appear by reference to the papers and entries touching the same now on file in the office of the Surveyor General of the United States for the State of California and to which your Petitioner may hereafter produce and prove if necessary which lands are bounded as follows Commencing at the same towards the East on Napa Creek thence running along said Creek to its junction with Napa River thence down said River to the mouth of Carreras thence thence up said Carreras Creek to the Canal at the *lira* pass (*passo de arajo*) thence down to the said Napa Creek, that said Nicolas Higuera took actual possession of said lands and held the same until near the time of his death that on the 16th day of March A.D. 1830 said Nicolas Higuera made of the said a copy which is annexed marked A conveyed a parcel of said lands to Joseph W. Prickett and James W. Prickett described as follows Commencing at the North West corner of land hitherto conveyed to Mr. Hollens at the creek emptying into Napa Creek at Napa City and running thence along the westerly side of said Hollens land to the South West corner thence to continue in same line and direction five hundred English yards to a corner thence at right angles with said last described line a distance of five hundred English yards to a corner thence in a direct line to the South East to a corner of land hitherto conveyed by said party of the first part to Joel P. Walker thence along the East side bounds of said Walker's land to the North West corner of said land to a corner thence along said Creek down the westerly banks thence to the place of beginning

That on the twentieth day of August AD 1850 said
 Nicolas Sequiroa by deed of that date a copy
 whereof is annexed marked B conveyed another
 part of said lands to John E. Brackett described as
 follows commencing at the north east corner of the
 land heretofore sold to Brown and Walker and run-
 ning thence with the northern line of said Brown and
 Walker's land to the north east corner of said land and
 thence in a right line to the south west corner of the land
 sold by said Sequiroa to James W and Joseph W Br-
 -ackett thence along the southern bound of Brackett's
 land to the land conveyed by said Sequiroa to William
 Russell thence along Russell's south line to the west
 line of the land conveyed by said Sequiroa to Joseph
 P. Thompson and thence along Thompson's west line
 to the place of beginning to the same in order
 That on the 25th day of May AD 1850 said Joseph
 W Brackett by deed of that date a copy whereof is
 annexed marked C conveyed all his right & title
 (and title) to the lands above mentioned as conveyed to
 him by and from Nicholas Sequiroa dated the
 16th day of March A D 1850 to said James W
 Brackett, That on the 9th day of October A D 1850
 said James W Brackett by John E. Brackett his
 attorney under a power of attorney a copy whereof
 is annexed marked D by deed of that date a
 copy whereof is annexed marked E conveyed to
 John P. Pittman all that part of said lands last
 mentioned described as follows commencing at a
 dry creek two marked with three flags is near the
 small creek which forms the southern boundary of the
 land bought of Sequiroa and running thence in
 a direction west of South or southerly parallel
 to Eastern boundary of said tract bought from Sequi-
 -roa four hundred and thirty yards thence in a
 course perpendicular to this last line a distance of
 four hundred and fifty yards thence in a line
 parallel to the line first mentioned northerly
 to the small creek first mentioned and thence
 down the channel of said creek to the place of begin-
 -ning That on the twentieth day of August AD 1851
 said John E. Brackett made and executed to
 me Raphael Killburn a power of attorney a copy
 whereof is annexed marked F by virtue whereof
 the said Killburn on the 24th day of Sept AD 1851

in the name of said John E. Brackett by said

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in the name of said John Brackett of Deed of
that date a copy whereof is annexed
to your Petition all that part of
said lands was as aforesaid conveyed to him by
said Nicolas Hequirra on the 17th day of August
AD 1850 described as follows

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Commencing at the
North East corner of the land herebefore sold by
the said Hequirra to Brown and Walker and
thence running with the Northern line of said Brown
and Walker said distance of twenty six hun
dred and forty yards to the North East corner of
said land thence North $27^{\circ} 17' 15''$ Eight hun
dred and ninety and four tenths ($890\frac{4}{10}$) yards to
the North East and on a line parallel with
the just above described line to the western bor
dering line of a tract of land herebefore conveyed
by the above named Hequirra to Joseph P. Thompson
thence South $15^{\circ} 30'$ West one hundred and ninety
one and one half ($191\frac{1}{2}$) yards thence South
 $81^{\circ} 30'$ West one hundred and ninety yards to
the place of beginning which said two
parcels of land so as aforesaid conveyed to your
Petitioner as herein before set forth

Your Petit
itioner is in the your possession of said claims
till then and humbly prays that on the pro
duction of such proofs as may be deemed neces
sary to verify the same his said title thereto
may be confirmed

Peter D. Buckley
By R. W. Morrison
His attorney

Filed in Office of Deeds 11th 1853

Geo Fisher

County

Recorded in Vol 1 of Petitions on Pages 561 562
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Geo Fisher County

1

Deposition
Giltus A
Grant

Office of the Board of U S Land Commissioners
San Francisco Dec 14 1853

This day before Commissioner Alpheus Felch came
Giltus A Grant a witness in behalf of the claim-
ant Peter D Bailey Petition No 380 and being
duly sworn depose as follows

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Question by Judge Munson Attorney for claim-
ant

Question What are your name age and place
of residence

Answer My name is Giltus A Grant my age is
thirty six years and I reside in San Francisco
California

2 Question Is the land described in the copy of a
conveyance filed in this case marked Copart
of the grant of land to Nicolas Aguirre known
by the name of Certe Napa

answer it is

Giltus A Grant

Mr Greenham Associate Law Agent was pre-
sent at the taking of this deposition but he proposed
no question to witness

Subscribed and sworn to before me this 14th
day of December 1853

Alpheus Felch
Commissioner

Taken in Office December 14th 1853
Geo Fisher

Secretary

Deposition of
N L Hillman

Peter D Bailey
vs
The United States
No 380

Before the U S Land
Commissioner in Calif
- name

This day personally appeared before me Ralph
L Hillman and being first duly sworn depose
and say that he is the same person who was
appointed attorney in fact for H Prachett by
instrument in writing duly signed sealed
acknowledged and delivered therein by said
Prachett bearing date the 13th of August
1851 a copy of which is filed in this case

That by virtue of the authority conferred by said
power of attorney he executed to Peter D Bailey
and for his portion of the land therein mention-
ed a copy of which and marked G is filed in

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this lease Thus the chief object of giving this power of attorney as this affair was informed by the said Prickett was to authorize this affair as attorney in fact for said Prickett to execute and deliver said deed and affair for that purpose that he means of his own knowledge that the said of land held undivided and in equal interest by the said Prickett and Bailey mentioned in said power of attorney was jointly purchased by them and that the said Bailey paid the whole of the purchase money that no other has been paid for the same except some allowance for services by their leader to said Prickett

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That the deed for the same of agreement was made to said Prickett who after this affair was informed both of the said Prickett and Bailey gave an instrument in writing to the said Bailey acknowledging the said Bailey's right in the premises and binding him self to make him good and sufficient deed for the same

This affair further says that he has since the above mentioned facts transpired bought all the interest of the said Prickett in and to the premises aforesaid but never considered that he acquired any right thereby to the land claimed by said Bailey in this case

N. L. Wilburn

Subscribed and sworn to before me August 25th 1854

Peter Lott

Commissioner

For taking Testimony &c

In the above mentioned case Peter D. Bailey This day appeared personally before me and being first duly sworn said that he is claimant in the above mentioned case and that he has read the above affidavit of N. L. Wilburn and says the facts therein stated are true to the best of his knowledge and belief and that the instrument in writing mentioned therein where the said J. E. Prickett acknowledged his right to the portion of land claimed in this case and bound himself to make good and sufficient title to this affair was executed and delivered to

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This affirms of the said Pracht and that
the said testimony has been lost by him
and he knows not how when it is that he has
made diligent search for it but was success-
fully that after obtaining the deed executed
and delivered to him of the said Melburn
attorney in fact as aforesaid he thought it would
of the matter thinking that said deed was
a sufficient security to him

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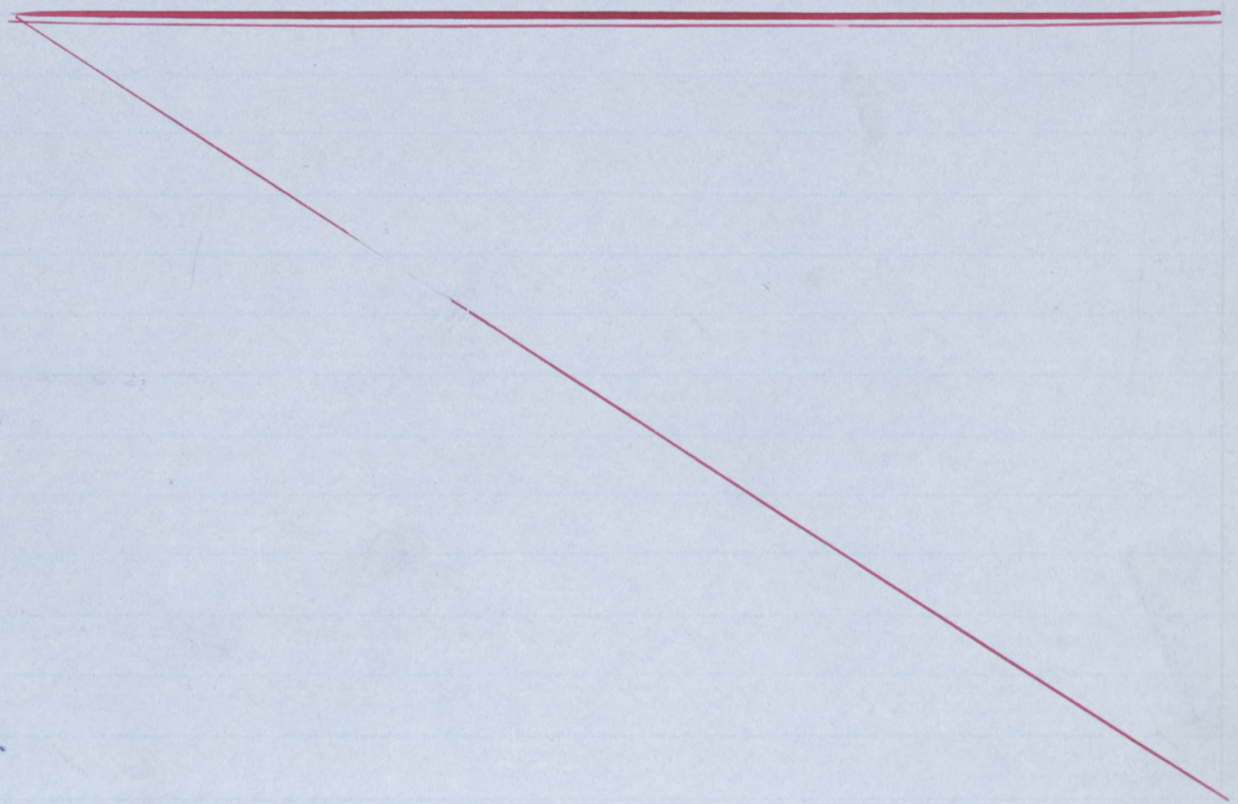
H. D. Bailey
Subscribed and sworn to before me August
25th 1834

Peter Lott
Clerk of the Court for
Saying Testimony &c

It is hereby agreed that the two foregoing aff-
idants may be filed in said case No 586
wherein Peter D Bailey is defendant and
be received in evidence to prove the facts therein
stated as being as if they had been taken
in form of depositions and regularly certified
and filed in this case pursuant to its rules in
August 25th 1834

J. H. McKinnis
San Agent

Filed in Office August 25th 1834
Geo. Fisher
Clerk



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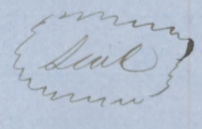
All
copy
Conveyance of the sum of

This indenture made this 16th day of March
1838 between Nicolas Aquino of the first part
and Joseph W Brackett and James W Brackett
of the second part

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Witnesseth that the said
party of the first part in consideration of
the sum of ten thousand dollars to him in hand
paid by the said parties of the second part both
granted bargain and sold and does hereby
grant bargain and sell to the said parties of
the second part and to their heirs and assigns
forever all of their certain piece of land and prem-
ises situate in Napa Valley Napa County State
of California and bounded as follows

Beginning at the South West
corner of land here before conveyed to a Mr Hol-
lin at the creek emptying into Napa creek
at Napa city and running thence along the West
side of said Hollins land to the South
West corner thence to continue in the same
line and direction five hundred English yards
to a corner thence in right angles with said
last described line a distance of five hundred
English yards to a corner thence in a direct line
to the South East corner of land here before
conveyed by said party of the first part to Joel
Walker thence along the East side bounds of said
Walkers land to the Northern bank of said creek
to a corner thence along said creek down the
Northern bank to the place of beginning.
To Have and To Hold said described land and
premises with the appurtenances to the said
Joseph W. Brackett and James W. Brackett
and their heirs and assigns to them sole and only
proprietors to enjoy and behoof forever
Witness my hand by my mouth and seal the
day and year first above written

Nicholas ^{his} Aquino 
mouth

Signed Sealed & delivered
In presence of Edmond Riley
James Smith Notary Public State

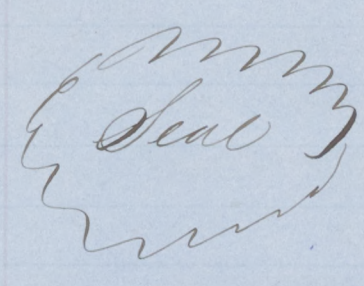
State of California } On this 16th day of March
Napa County ss } A.D. 1838 came before me
Edmond Riley Notary Public personally known who being

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by me just duly sworn & says that he resides at
Napa City Napa County and subscribed the
above instrument as witness and acted as
interpreter thereof and that James Hamilton
Nancy Estall signed the same as witnesses
and that said Nicolas Sequira signed the
said deed of Wrenbrough's much thereof in
presence of said witnesses and that he executed
the same for the uses therein expressed

A. L. Kilburn
Attest

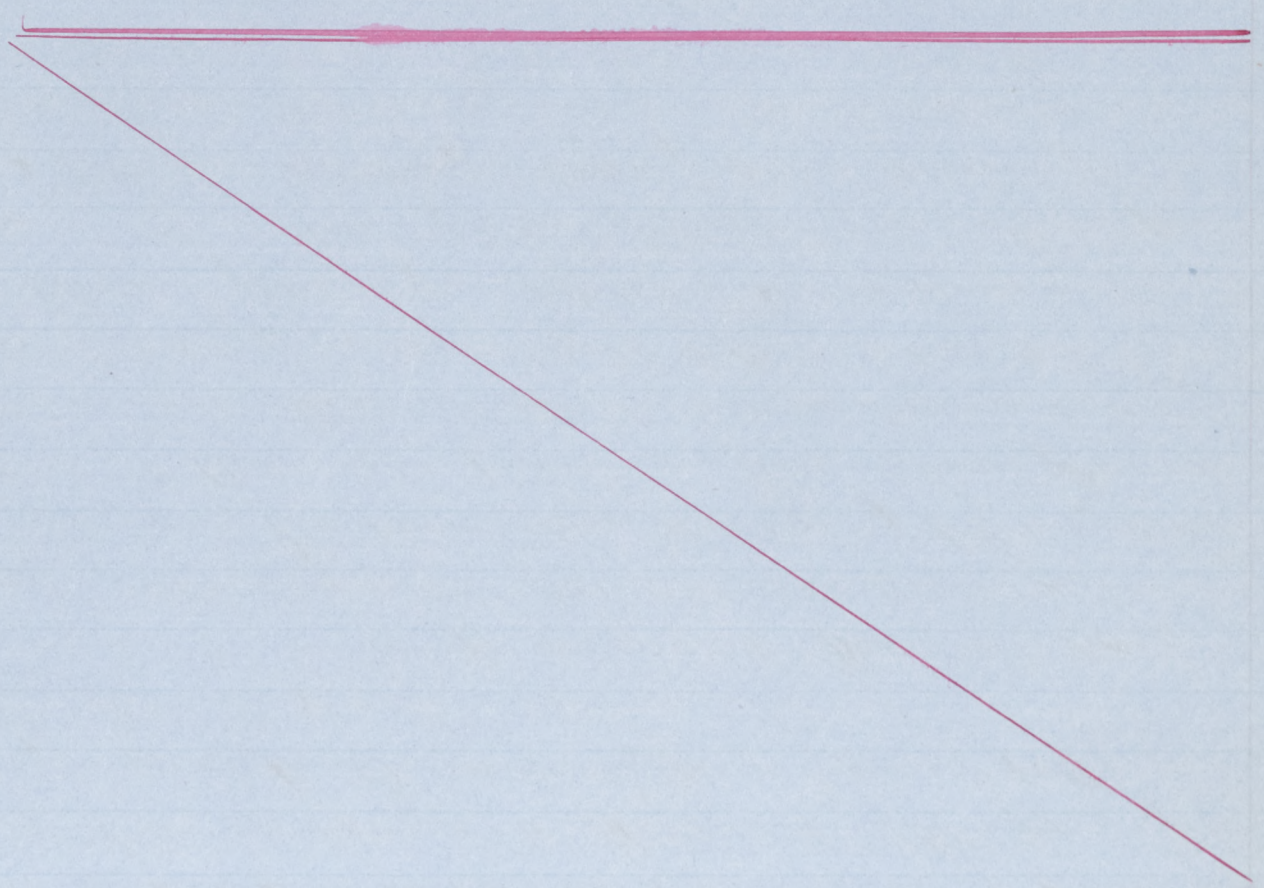
State of California }
County of Napa ss } I John A. Sewall County
Recorder in and for the County
and State aforesaid hereby certify that the foregoing
is a full true and correct copy of the Record of a
deed from Nicolas Sequira to Joseph W. Pracht
et al and James W. Pracht Recorder in Book
A Page 13, in the Records of Napa County


Seal

Witness my hand and
Official Seal at Napa City
this 30th day of December
AD 1852

John A. Sewall Recorder
Wm. C. Coffey Dep. Recorder

Filed in Office Feb'y 11th 1853
Geo. Fisher
Secretary



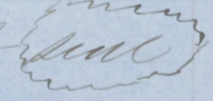
Copy
Conveyance

Joseph W Brackett to James W Brackett
Filed for Record January 16th A.D. 1851 at 9/10 o'clock
P.M. This Indenture made this 25th day of
May 1850 between Joseph W Brackett of the
first part and James W Brackett of the second
part both of Napa City Napa County and State
of California

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Witnesseth That for good and
valuable consideration the said Joseph W Bra-
-ckett does hereby grant bargain sell quit
-claim and convey to the said James W Brackett
- his heirs and assigns forever all of the
rights title interest claim and demand of
the said Joseph W Brackett of his own to all of
that property or whorage lot in Napa County in
said State being the west half and South
east quarter of Lot No 4 in Block No 10 acc-
-ording to the plot of said Town as said off by
Nathan Combs the same conveyed by said
Combs to said Joseph W and James W by deed
dated 1st March 1850 also all of that certain piece
of parcel of land and premises situated in Napa
Valley in said County in Napa Creek between
the lands of Joel P Walker and the lands of
James and William Cameron to said Joseph
W and James W, by Nicholas Hegeuian's
deed dated 16th March 1850 supposed to con-
-tain about 270 acres of Linn numbers less
according to a survey thereof made by John
C Brown

To Have and To Hold the same with
the appurtenances to the said James W Brackett
his heirs and assigns forever
Witness my hand and Seal this 25th day of
May 1850

Joseph W Brackett 

Legua sealed and defigned
in presence of John C Brown
State of California This day personally appeared
Napa County ss J and before me John C
-leary to me personally known as the subscribing
-witness to the above conveyance who proved
before me that Joseph W Brackett whose name
appears signed to the above conveyance did sign

and execute the same if his own free will in
his presence and that he this witness did witness
the same as a subscribing witness

Gwin under my
hand and seal at Napa City this 9th day of
September AD 1850

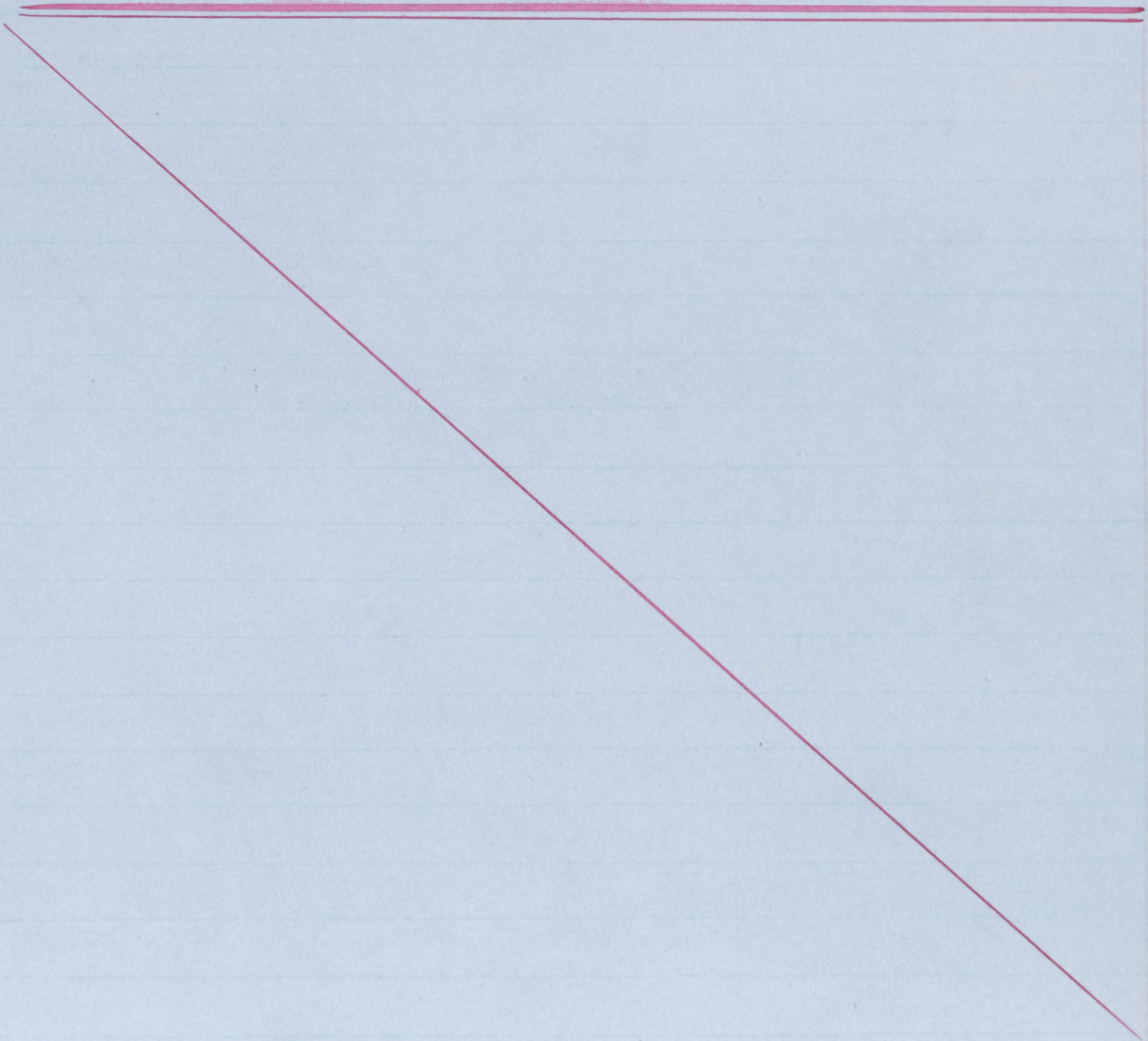
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Wm St Kinzie Seal
Recorder of Napa County

By P. D. Bailey Deputy
State of California }
County of Napa ss } I John St Samuel Sec
County Clerk do hereby certify the
following to be a full true and correct copy of the
Record of a Deed from Joseph W Brackett
to James W Brackett Recorded in book C
Page 234 in the Records of Napa County
of said

Witness my hand and
Seal of Office this 30th day
of December AD 1852

John St Samuel Recorder
By W B Coffey Sec Rec
Filed in Office February 11th 1853
Geo F Wilson
Secretary



13 B

Copy
Conveyance

Deed

W. Sequoia to J. Pracht & Felix for Record
 August 19th 1850 at Eight O'clock P.M.
 This instrument made this 17th day of August
 A.D. 1850 between, Nicolas Sequoia of said in
 the State of California of the first part and
 Joseph Pracht of the same place of the second
 part witnesseth That the said party of the
 first part for and in consideration of two
 hundred dollars to him in hand paid by
 the said party of the second part hath gran-
 ted bargain sold and conveyed and by
 these presents doth grant bargain sell &
 convey unto the said Pracht and Felix
 his heirs assigns power that certain piece
 of land lying in a part of all the land of
 the Rancho of the said Nicolas Sequoia
 described as commencing at the north west
 corner of the land bounded by the Meridian
 and runs thence with the northern
 line of said Meridian and thence
 along the land bounded by the said
 Nicolas Sequoia to the north west corner of
 said land and thence in a right line to
 the south west corner of the land sold by
 said Sequoia to James W. Pracht and
 Joseph Pracht thence along the southern
 boundary of Pracht's land to the corner
 "to the land" conveyed to said Sequoia to
 William Russell thence along "along" Russell's
 north line to the west line of the land
 conveyed by Sequoia to James P. Thompson
 and thence along Thompson's west line
 the place of beginning to the same more or
 less

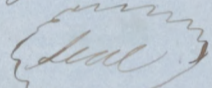
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In Witness whereof the said party of the first
 part hath hereunto set his hand and seal
 the day and year first above mentioned
 Sequoia sealed and Nicolas ^{his} Sequoia (Seal)
 witness in presence of
 B. Lewis
 Edward Kirby

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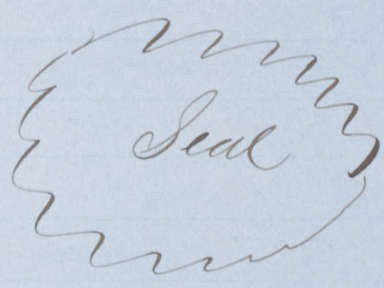
State of California } Pursuant to and before
Napa County ss } me on this 19th day of Aug
- at 1850 B. G. Jones to the same personally
as the person whose name is subscribed to the
above conveyance did execute the same and
made proof before me that Nicholas Sequiera
whose name appears as the person making
the above conveyance did execute the same
by fixing his cross thumb in this presence and
that he said cross signified the same as a
subscribing witness

Given under my hand and
seal at Napa City this 19th day of August
AD 1850

John J. Clapps 
Notary Public Napa Co

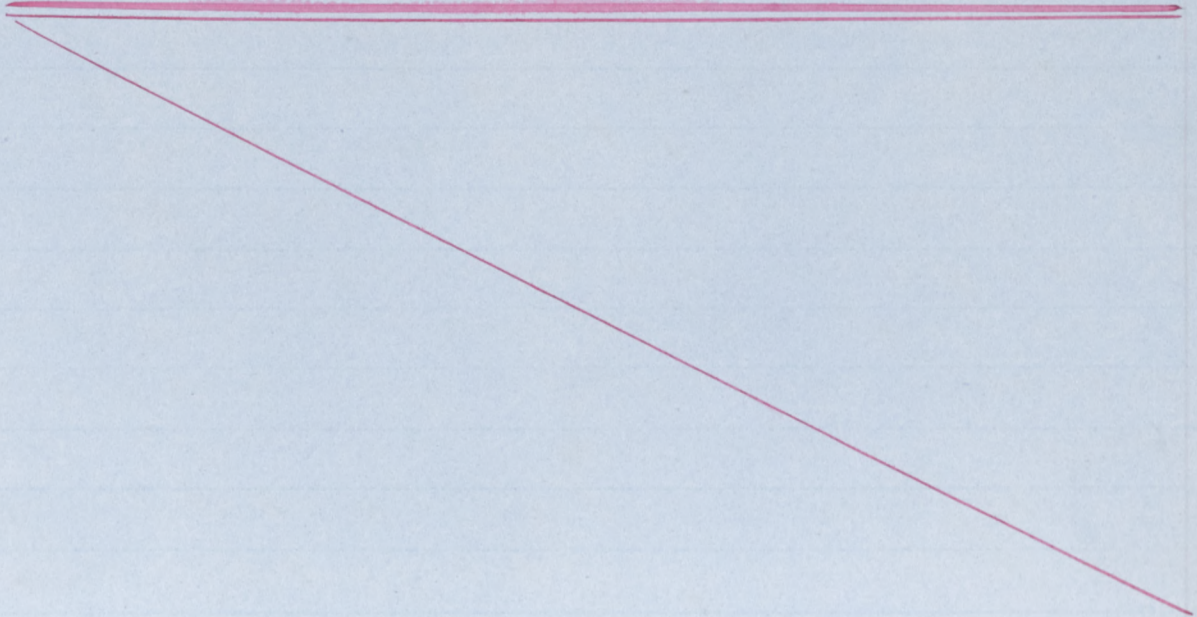
Mendocino Sept 7th 1850

State of California } I John H. Seawell
County of Napa ss } County Mendocino
and for the County of Napa and State of
California hereby certify that the foregoing is
a full true and correct copy of the Return of a
Deed from Nicholas Sequiera to John E.
Prickett as recorded in book A Pages 98
99 in the Records of Napa County



Witness my hand and
Official Seal at Napa City
this 31st day of December
AD 1850

John H. Seawell Mendocino
By C. S. Hoffmeyer Sp. Rec
Filed in Office February 11th 1853
Geo. Fisher
Secretary



15-9.

Copy of
Power
of
attorney

Power of Attorney

James W Brackett to John E Brackett Felix
puz Record January 16th A D 1850 at 9 1/2 o'clock
P. M.

Know all men by these presents that I James
W Brackett of Napa City California have consti-
tuted and appointed and do hereby constitute and
appoint John E Brackett of the same place my
true and lawful attorney for me and in my
name to grant bargain sell and convey all
my right title and interest claim and dem-
and I have or may have in and to any real

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estate in the State of California and especi-
ally to Lots one and two in Block No five in
Napa City California Also the undivided half
of a certain tract of land adjoining Napa
City bounded upon a small creek empty
into Napa River containing two and two
quarters acres more or less Also the west half
and south west quarter of Lot No 4 in Block
Number 10 in Napa City Also all that certain
tract of land lying in Napa Valley bounded
on the north by the small creek aforesaid on
the east by the land of Perry and Rollin
and the same formerly conveyed to William
Russell on the south by land owned by John C
and the west by land of Joel Walker being the
same land sold by Nicolas Higuera to James
W Brackett and Joseph W Brackett on the 16th
day of March A D 1850 and containing two
acres and forty acres more or less

The said John E Brackett to give and execute
in my name good and sufficient conveyances
and discharges in the San Francisco County and to
receive the rents issues and profits thereof and
generally to do all things that I myself could do
in the premises now personally present

under my hand and seal at Napa City this
19th day of September A D 1850

In presence of
John E Lewis

David E Hodges

State of California
Napa County

James W Brackett
Personally appeared before
me the undersigned on the

17 Co.

Copy
Conveyance

Deed

James W. Brackett et al or to P D Bailey & Co
 for Record January 16th A.D. 1857 at 9 1/2 O'clock P.M.
 This deed was made this ninth day of October
 in the Year one thousand eight hundred and
 fifty Between John W. Brackett as attorney for
 James W. Brackett and with assent of J. W.
 and all other interests from the heirs of James W.
 Brackett and Joseph W. Brackett residing in Wapa
 County California of the first part and Peter S. Ba
 iley of the same place of the second part witnesseth
 that the said party of the first part in consideration
 of six hundred and forty dollars therein in hand
 paid by the said party of the second part the
 receipt whereof is hereby acknowledged hath
 granted bargained sold and quit claim in &
 with full power unto the said party of the second
 part and to his heirs and assigns forever certain
 tract of land lying in Wapa County California dis
 cribed as a part of the land bought of said James
 W. Brackett and Joseph W. Brackett from
 Nicolas Hequiroa Commaning a a dry creek
 two hundred and three hundred and thirty
 cubic whole feet the Northern boundary of
 the land bought of Hequiroa and running therein
 in direction west or south or southwesterly parallel
 to Eastern boundary of said tract bought from
 Hequiroa for hundred and thirty years then
 in a course perpendicular to the last line a distance
 of four hundred and fifty years then in a line
 parallel to the last line first mentioned for thirty
 to the small creek first mentioned and then
 down the channel of said creek to the place of
 beginning containing forty acres of land more
 or less with the appurtenances

To Have and To Hold
 the said land with the appurtenances to the se
 cond party upon the receipt and belief of the
 said party of the second part his heirs and assigns
 forever

In witness whereof the said party of the
 first part hath hereunto set his hand and seal
 the day and year first above mentioned
 witnessed by John W. Brackett Seal

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A. S. Lawrence } County of Napa }
 Geo. N. Conwell } State of California }
 On this first of November in the year one thousand
 eight hundred and fifty three I the said Geo. N. Conwell
 before me and personally acknowledged that
 he executed the within conveyance and I cer-
 tify that I know the said John C. Brackett
 who made the said acknowledgment to be
 the person described in and who executed the
 said conveyance as attorney for James W. Br-
 ackett the donor and to his heirs and assigns
 forever that after the twenty first line from
 the top the area is bounded in 37th and 40th
 feet from top and the roads on the north in the 40th
 the line from top mentioned before signing
 given under my hand and seal of office as a Notary
 Public this first day of November AD 1853

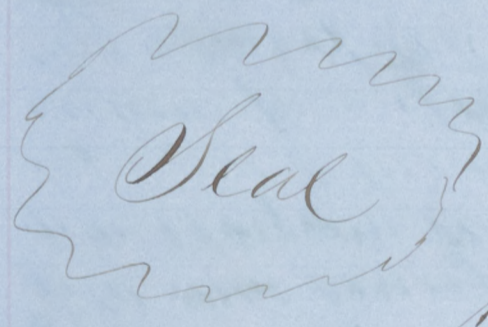
A. S. Lawrence
 Clerk of Napa County

In Attest My hand and seal of office as a Notary
 Public this 1st day of November AD 1853

State of California } John H. Sewell
 County of Napa } Notary Public
 I John H. Sewell Notary Public
 of Napa and State of California hereby certify the
 foregoing to be a full true and correct copy of the
 Record of deed from John C. Brackett & as attor-
 ney for James W. Brackett to Peter J. Barlow
 as recorded in Book A, Pages 237 and 238
 in the Records of Napa County

Witness my hand and
 seal of office as Notary Public
 this 30th day of December
 AD 1852

John H. Sewell Notary
 My Chas. S. Coffman
 Deputy Notary



Filed in Office February 11th 1853
 Geo. F. Fisher
 Justice

Copy
Loyaltyance

John E. Prickett to Peter D. Bailey Filed
 for Record September 22nd AD 1851 at 10 o'clock
 This indenture made this 20th day of September in
 AD 1851 between John E. Prickett of Nassau in
 the State of California of the first part and Peter
 D. Bailey of the same place of the second part witness
 that the said party of the first part for
 and in consideration of the sum of eight hundred
 dollars to him hereinafter paid by the said party
 of the second part hath granted, sold and conveyed
 sold and conveyed and of these premises doth
 grant bargain sell and convey unto the said Bai-
 ley and to his heirs and assigns forever that
 certain piece of land lying in Nassau county
 and a part of the Rancho formerly belonging to Nicolas
 Requena described as commencing at the North
 East Corner of the land heretofore sold by the said
 Requena to Moore and Walker and then com-
 mencing with the Northern line of said Moore
 and Walker's land a distance of twenty six
 hundred and forty yards to the South West corner
 of said land then a North 27° 17' 13" East
 Eight hundred and ninety and four tenths
 (890 4/10) yards to a stake thence east and on
 a line parallel with the first above described
 line to the Western boundary line of a tract
 of land heretofore conveyed by the above named
 Requena to Joseph P. Thompson thence South
 15° 30' West one hundred and ninety one and
 one half (191 1/2) yards thence South 80° 30' West
 one hundred and ninety yards to a stake thence
 South 11° 30' East five hundred yards to
 the place of beginning containing three thousand
 and forty six and eighty five million one thousand three hundred
 and eighty five (346 85) acres of land be the same more or less
 being part of the tract of land conveyed by
 the said Nicolas Requena to the party of the first
 part and being date the 17th day of Aug-
 ust AD 1850 and acknowledged in the County of
 Nassau and recorded in the Records Office
 for the County of Nassau in Book A of Deeds pages
 99 + 98 To Have and to hold the same to the said
 Bailey with the appurtenances and to his heirs

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and assigns former Intestness when of the said
part of the first part hath herewith set his hand
and seal the day and year first above written

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signed sealed By R L Kilburn his atty in fact
and advised in presence of
E W McKinstry

J N Edmanaston
State of California
County of Napa ss September 20th AD one thousand
eight hundred and fifty one Before me the com-
missioner Recorder of said County personally
appeared Ralph L Kilburn known to me
to be the person described in and who exe-
cuted the foregoing instrument who acknowledged
to me that he 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 the day
and year last above written

J H Lawrence Recorder
By J N Edmanaston Deputy
State of California
County of Napa ss

John H Seavell
County Recorder in and
for the county of Napa and State of California
hereby certifies that the foregoing is a full true and
correct copy of the Record of a Deed from John
El Brackett to Peter D Bailes as Recorred in
Book B Page 45, in the Records of Napa
County

Seal

Witness my hand and office
Done at Napa this 4th day
of January AD 1853
John H Seavell Recorder
By G S Coffin Deputy
Recorder

Filed in Office February 11th 1853
Geo Fisher
Secretary

Copy
Power of
Attorney

Powers of Attorney
 J. E. Brackett to Ralph L. Kilburn filed
 for Record August 23rd AD 1854 at 4 O'clock PM
 Know all men by these presents that John
 E. Brackett of Napa County, California have
 made constituted and appointed and by these
 presents do make constitute and appoint Ralph
 L. Kilburn my true and lawful Attorney for
 me and in my name place and stead to transact
 such business as may be necessary in regard to col-
 lecting my accounts and paying a certain amount
 due to me Livick of San Francisco about fifty
 dollars also a small balance due James Peas-
 peth of Sumner of about the same amount and
 also to attend with Peter S. Barby of Napa
 County apiece of land which is held indivi-
 dually in equal interests by me with him give-
 ing and granting unto my said Attorney
 full power and authority to do and perform
 all and every act and thing whatsoever requi-
 site and necessary to be done in and about the
 premises aforesaid to all intents and purposes as
 my said Attorney could do if personally present with
 full power of substitution ratifying and
 confirming all that my said Attorney shall
 lawfully do or cause to be done by virtue hereof
 in witness whereof I have hereunto set my
 hand and seal this thirteenth day of August
 in the year one thousand eight hundred and
 fifty one

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J. E. Brackett Seal

Sealed and delivered in the
 presence of Alexander C. C. Boyle
 County of Napa
 State of California }
 County of Napa } to Wit On this twenty
 third day of August AD one thousand eight
 hundred and fifty one before me the under-
 signed County Recorder of Napa County
 personally appeared Jeremiah Boyle whose
 name appears as a subscribing witness to
 the foregoing instrument who being duly
 sworn by me in his oath deposes and says that
 he is personally acquainted with the within men-
 tioned John E. Brackett who acted on behalf of

to him that he executed the within instrument
freely and voluntarily for the uses and purposes
therein mentioned

Seal

Given under my hand and
seal of office in Nassau this day and date
last above written H. S. Lawrence Recorder

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By W. Edmondston Deputy
State of California
County of Napa 3/8

I John H. Seavey County
Recorder in and for the County of Napa and State
of California hereby certify that the foregoing is
a full true and correct copy of the Record of a
Power of Attorney from John H. Seavey to
Ralph Nelson as recorded in book A
pages 1 and 2 in the Records of Nassau County
Nassau my hand and official
seal at Nassau this 31st day
of December AD 1832

Seal

John H. Seavey
Recorder

Filed in Office February 11th 1833
Geo Fisher

Secretary

Stipulation Peter J. Barclay vs The United States No 580 Part of Cento Mapa

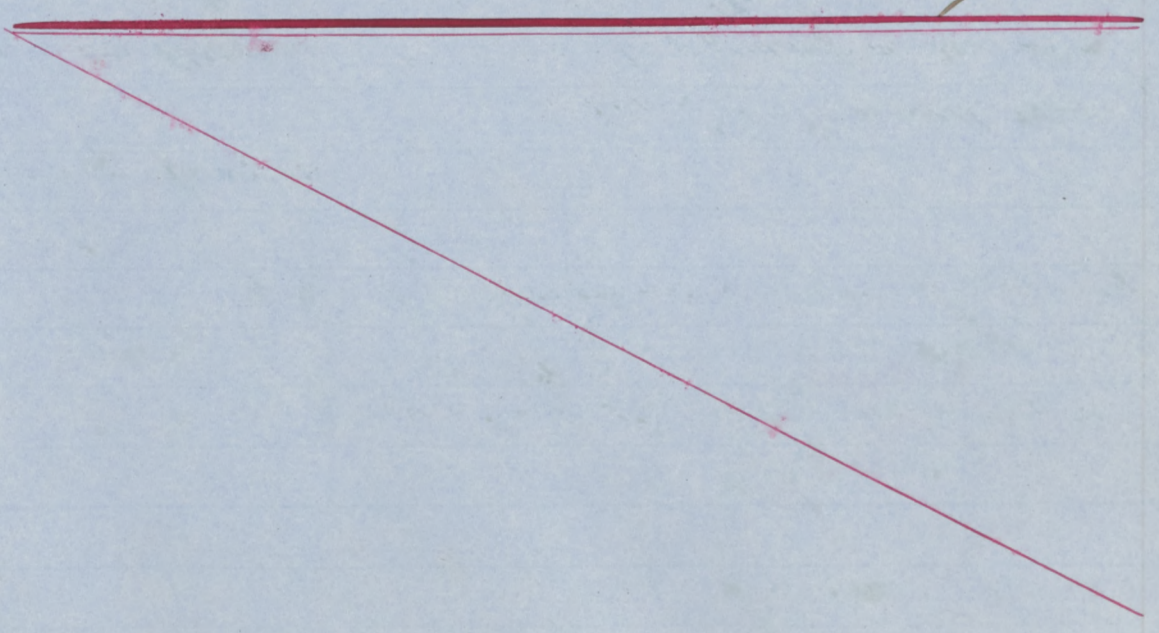
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It is hereby agreed and stipulated by and between the United States Law Agent J. H. McKim and the counsel for the Claimant that the original papers and terms taken through field with the leave of Julius (Mention No 323) Menden Doct Not H. J. T. and annexed to deposition of Jose de la Rosa as also the said deposition may be examined and read in evidence in this case as though taken and filed herein

And also the copies of same examined and terms of attorney through which the title of said claimant is denied heretofore filed in this case namely (1) (2) (3) (4) (5) (6) and letters A, B, C, D, E, F, G, respectively may be read in evidence in this objection
July 11 1854

J. H. McKim
Law Agent
Thomson Williams & Thomson
for Claimant

Filed in Office July 11th 1854
Geo Fisher
Secretary



Opinion of
the Board

Petio D Barlos } For a part of the place
 vs } called Santa Clara in
 The United States } Pinal County
 The premises claimed in this case an alleged
 and proved to be a part of the Rancho called
 Santa Clara from the proofs appears that
 a grant of that place was made to Nicolas
 Requena by Governor Manuel Michel on
 the 9th day of May 1836 that he obtained
 judicial possession of the premises on an his
 grant on the 11th day of January 1842 with such
 a demarcation of boundaries as to segregate the
 land from the public domain that he comm-
 menced the occupation of the premises the same
 year in which he obtained his grant and a
 house and enclosure is situated a part of
 the land and continued to reside until his death
 which occurred in 1842 having however in the
 mean time sold some portion of the premises
 This proof is sufficient to establish the rights
 of said Requena to the premises and to enable
 him to convey his interest to another

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In conveying title
 from said Requena to himself the Petitioner
 has given evidence of the following conveyances
 of the separate portions of said premises For the
 first deed from said Requena to Joseph W
 Brackett and also James W Brackett dated
 March 16th 1850 a deed from Joseph W Brackett
 to said James W Brackett of his interest in the
 premises dated May 25th 1850 and a
 deed from said James W Brackett to the Peti-
 tioner dated October 9th 1850 For the second
 parcel of said land claimed in the case evi-
 dence is given of a conveyance from said Req-
 uena to John C Brackett dated August 17th
 1850 and a deed from said John C Brackett
 by his lawful attorney to the Petitioner dated
 September 20th 1851

A deed of confirmation
 will be returned for the premises described in
 the two deeds above mentioned executed to the
 said Petitioner as granted California
 Feb 20 in Office September 5th 1854
 Geo Fisher Secretary

26 Decr Peter J Parks
of
Confirmation The United States

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In this case, in hearing the proofs and allegations it is adjudged by the Commission that the claim of the Petitioner is valid and it is therefore decreed that the same be confirmed. The lands whereof confirmation is hereby made are a part of the place known as the *Mapa* which was granted to Nicolas Hequina which place so granted is situated in *Mapa* county and is bounded and described as follows to wit Commencing on the East end of the house where said Hequina lived and on the East side of said Rancho, then a course by the East towards the South to the Arroyo de Los Caminos and thence following up said Arroyo to the conal of the Lower Pass then with a westerly direction where the bounds are placed in giving judicial possession of said land to said Hequina in 1842 to the Arroyo of *Mapa* at a point where the last bound was placed thence to said Arroyo and east to the place of beginning as the same was measured and located in the Judicial Proceedings when the possession was given to said Hequina and this said grant to the testimony of which is filed with the Sentences of this Commission reference is to be had

That portion of the above described premises of which confirmation is hereby made is bounded and described as follows to wit Commencing at a large oak tree marked with three blazes near the small creek which forms the northern bound of the land bought of Nicolas Hequina by Joseph W. Brackett and James W. Brackett and described in a deed to them from said Hequina dated March 16th 1850 a line running thence in a direction west of South or south and is parallel to the Eastern boundary of said tract bought from Hequina four hundred and thirty yards thence in a course perpendicular to this last line a distance of four hundred and fifty yards thence in a line parallel to the line just mentioned

continually to the small creek first mentioned
and thence down the channel of said creek to
the place of beginning containing forty acres
more and being the same land described in a
 deed of conveyance from the Attorney of James
 W. Brackett to the Petitioner dated October
 9th 1837 to which reference is to be had.

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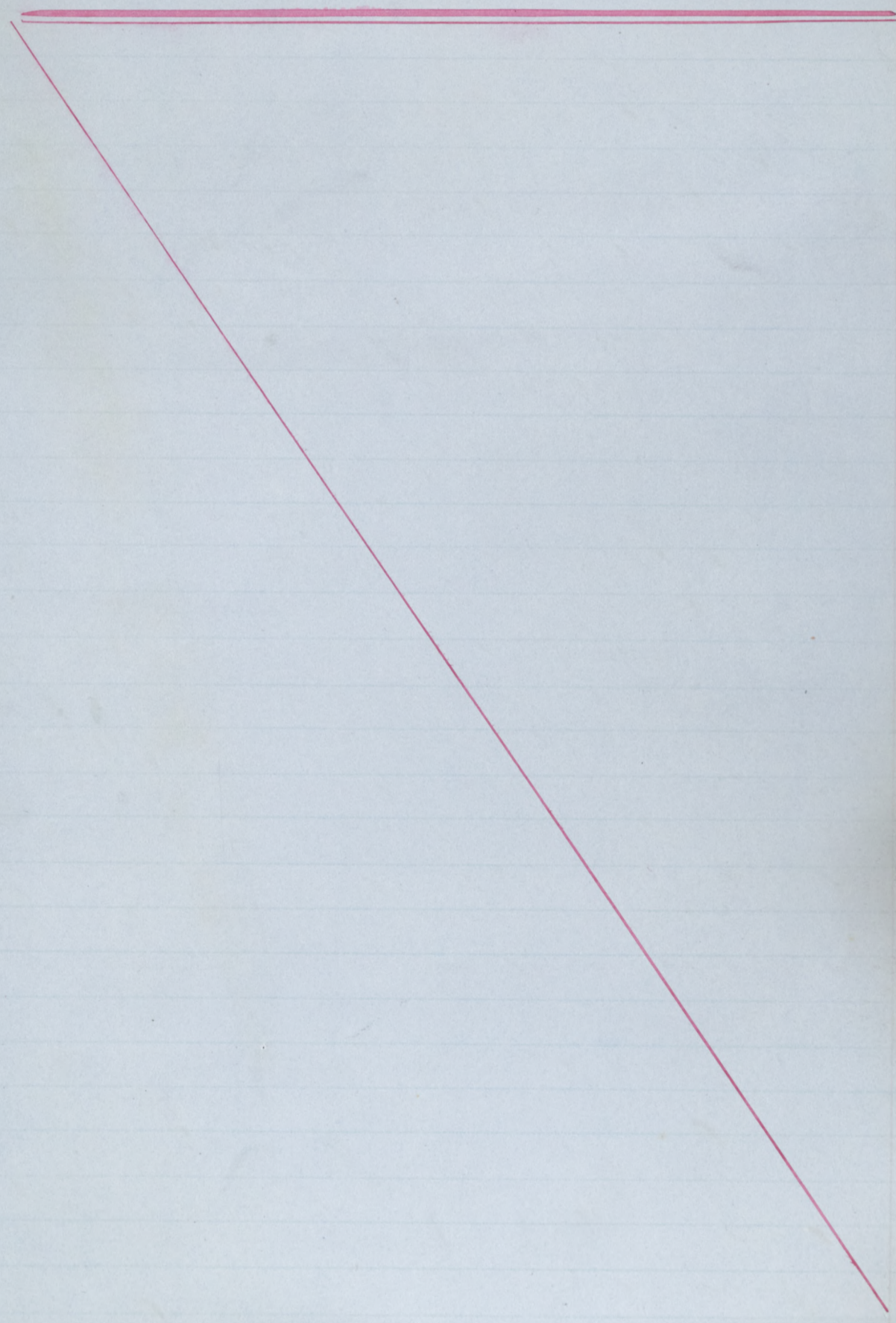
Also there
certain other portion of said premises first above
described which is bounded as follows to wit
Commencing at the North East corner of the
land heretofore sold by the said Hequian to
Brown and Walker and thence running with
the northern line of said Brown and Walker's
land a distance of twenty six hundred and
forty yards to the north west corner of said
land thence North twenty seven degrees twenty
minutes and fifteen seconds (27° 17' 15") East
eight hundred and ninety and four tenths (890 4/10)
yards to a stake thence East and in a line
parallel with the first above described line to
the western boundary line of a tract of land here-
tofore conveyed by the above named Hequian to
Joseph P. Thompson thence South fifty degrees
thirty minutes (50° 30') West one hundred and
ninety one and one half (191 1/2) yards thence South
eighty one degrees and thirty minutes (81° 30')
West one hundred and ninety yards (190) to a
stake thence South eleven degrees thirty minutes
(11° 30') East five hundred yards to the place of
beginning containing three hundred and
forty six and eight five hundredths (346
85/100) acres of land be the same premises
being the same land heretofore conveyed to
said Petitioner by and from Joseph W. Brackett
by his Attorney Ad. Killum dated September
20th 1837 to which Reference is to be
had for further description of said premises

Alphus Felch
N. O. Thompson
J. B. Howell
Commissioners

Filed in Office September 5th 1837
Geo. Foster
Clerk

And it appearing to the satisfaction of this Board that the bona fide advertisements situated in the Northern District of California 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 in open book 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

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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 *Twenty eight* — pages, numbered from
1 to *28*, 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. *5-811* on the Docket of the said Board,
wherewith

Peter D. Bailey is —

the Claimant ^{agent of} against the United States, for the place known by
the name of "*Entre Neva*" —

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. *1853*-, and of the Independence of the
United States of America the seventy-*ninth*.

Geo. Fisher.



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

No. ~~55~~ 171-

THE UNITED STATES,

171
vs. MD

Peter D. Bouley

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 580-

Filed, *February 5th* 1855-
John A. Monroe,
Clerk.

Office of the Attorney General of the United States,

Washington, 7th April 1855.

Peter D. Bailey

vs.

The United States.

} 580.

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 27th day of January 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. 171 —

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

The United States

vs

Peter D. Bailey

Notice of Appeal
in Case no. 580

Filed June 18, 1858,
by Cheever
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 *Wednesday* the *23rd* day of
December in the year of our Lord one thousand

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eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Peter D. Bailey

D. C. 171; L. C. 580.

The attorney General of
the United States having given notice that
appeal will not be prosecuted in this case:

On motion of P. Della Torre
Esq. U. S. attorney, it is 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. District Judge

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United States District Court, Northern District of
California.

The United States

vs.

Peter D. Bailey

ORDER.

Vacating appeal

Filed *December 23rd* 1857

John A. Monroe CLERK.

By *Walter G. G. G. G.* 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 *Wednesday* the *23rd* day of
December in the year of our Lord one thousand

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eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Peter D. Bailey

D. C. 171; L. C. 580.

This cause came on to be heard on appeal from the final decision of the Board of Commissioners to ascertain and settle the private land claims in the State of California under the Act of Congress approved on the 3^d of March A. D. 1851, upon the transcript of the proceedings and decisions of the said Board of Commissioners, and the papers and evidence on which the said decision was founded; and it appearing to the Court that the said transcript has been duly filed according to law, it is by the Court hereby ordered, adjudged and decreed, with the consent of the Attorney for the United States, that the said decision be and the same is in all things hereby affirmed; that the claim of the said appellant is a good and valid claim, and that the same is hereby confirmed, in accordance with the Decree of the said Board of Commissioners.

Ogden Hoffman
U. S. Dist. Judge

171 ✓

United States District Court, Northern District of
California.

The United States

vs.

Peter D. Bailey

~~ORDER.~~

Decree of Confirmation.

Filed *December 23rd* 1857

John A. Monroe CLERK.

By
Rayburn DEPUTY.

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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, *Jan'y 31st* 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. 580 on the Docket of the said Board, wherein *Peter D. Bailey* 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 O^bt Servant,

Geo. Fisher
G. F.