

CASE NO.

236

NORTHERN DISTRICT

PUNTA DE LOS REYES GRANT

ANDREW RANDALL

CLAIMANT

Land Case 236 ND

113 PAGES

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HOWARD
PERMALL, C.

666

J

PROCEEDINGS

1872

TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. 666.

Andrew Randall CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Punta de los Reyes"

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO PRESS

CHICAGO

1900

PROCEEDINGS

OF THE

ACADEMY OF NATURAL SCIENCES

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

236 ND
PAGE 2

Be it Remembered, that on this first 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 Andrew Randall
for the Place named
"Punta de los Reyes,"
was presented, and ordered to be filed and docketed with No. 666. and is as follows, to wit;

(Vide page 5 of this Transcript.)

Upon which Petition the following subsequent Proceedings were had in their chronological order, to wit;

San Francisco, November 1st 1853.

In Case No. 666, Andrew Randall for the place named "Punta de los Reyes," the deposition of David Spence, a witness in behalf of the claimant, taken before Commissioner R. Aug. Thompson, with documents marked "Nos. 1 & 2, R. S." annexed thereto, was filed;

(Vide page 11 of this Transcript)

San Francisco, November 9' 1853.

In the same case the deposition of John B. R. Cooper, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, was filed;

(Vide page 11 of this Transcript.)

San Francisco, November 26' 1853.

In the same case the deposition of Fernando Felis, a witness in behalf of the claimant, taken before Commissioner R. Aug. Thompson, was filed;

(Vide page 14 of this Transcript)

San Francisco, November 28' 1853

In the same case the deposition of Jacob P. Leese, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, was filed;

(Vide page 1 of this Transcript.)

~~~~~

San Francisco December 19' 1853.

In the same case the counsel for the claimant filed the following Stipulation, to wit:

(Vide page 8 of this Transcript.)

~~~~~

San Francisco January 3' 1854.

In the same case the depositions of Marciano Bonilla and D. Murphy, witnesses in behalf of the claimant, taken before Commissioner Alpheus Felch, were filed;

(Vide pages 18 & 20 of this Transcript.)

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San Francisco January 17' 1854.

In the same case the deposition of Salvador Osio, a witness in behalf of the claimant, taken before Commissioner Thompson Campbell, was filed;

(Vide page 22 of this Transcript.)

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San Francisco, Sept. 30' 1854.

In the same case the deposition of James Torrey, a witness in behalf of the claimant, taken before Commissioner Peter Sott, was filed;

(Vide page 24 of this Transcript.)

~~~~~

San Francisco, October 3' 1854.

In the same case the deposition of Benito Diaz, a witness in behalf of the claimant, taken before Commissioner Peter Sott, was filed;

(Vide page 29 of this Transcript.)

~~~~~

San Francisco October 31' 1854.

In the same case the deposition of Jose Abrego, a witness in behalf of the claimant, taken before Commissioner Peter Sott, with document marked

3
"A. P. S." annexed thereto, was filed:
(Vide page 3¹¹ of this Transcript)

236 ND
PAGE 4

San Francisco, November 11th 1854.

In the same case the deposition of William Reynolds, a witness in behalf of the claimant, taken before Commissioner Peter Gott, was filed:

(Vide page 3³ of this Transcript)

San Francisco, January 2^o 1855.

Case no. 666 was submitted on briefs and taken under advisement by the Board.

In the same case the deposition of Manuel Castro, a witness in behalf of the claimant, taken before the Commissioners sitting as a Board, with document marked "A. P. S." and the translation thereof annexed thereto, was filed:

(Vide page 3⁵ of this Transcript)

San Francisco, January 5th 1855.

In the same case the counsel for the claimant filed the following stipulation, to wit:

(Vide page 8¹ of this Transcript)

San Francisco, January 9th 1855.

In the same case Commissioner Alpheus Felch delivered the opinion of the Board confirming the claim.

(Vide page 9³ of this Transcript)

and the following order was made, to wit:

(Vide page 9⁴ of this Transcript)

4

1/6/96

5
To The Honorable, the Board of Commis-
sioners to ascertain & settle Private Land
Claims in the State of California.

236 ND
PAGE 5

Petition

Andrew Randall of the City of Monterey
and state aforesaid respectfully shows to
Your Honorable Board, that he is the
owner by purchase of a tract of land known
as point Reyes or Punta de Reyes which is
located in the County of Marin in said State
and contains eleven Spanish leagues of land;
that his title thereto is derived from
Antonio Maria Osio, recently a Mexican
Citizen of the said City of Monterey who was
the original grantee thereof, and Marcisa
Osio his wife; and that the following is
a desaijment of title to the land spoken of
and a specification of the legal steps taken
in acquiring and perfecting the same, with
certified copies of the original papers
and correct translations thereof all of
which are thereto annexed and designated
by Alphabetical Letters in the margin
of the Translations with the correspon-
ding letters in the margin of the original,
that is to say:

1st (A) A petition from the said
Antonio M. Osio to the Governor of California
asking for what land was then vacant
in the Punta de Reyes, not exceeding
eleven leagues, dated October 3, 1840

2nd (B) A Marginal Decree by Juan B.
Alvarado then the Governor of California
granting the land asked for with the
understanding that the Grantee should take the
customary proceedings, dated January 4, 1842

3rd (C) Another Petition by the said Osio to Manuel Micheltorena the Successor of the said Alvarado asking for the same track and quantity of eleven leagues, in addition to certain adjoining land which he had previously purchased from one Joseph Snook dated October 30th 1843.

4th (D) A marginal decree by Micheltorena requiring a report on the subject of the petition from the Government Secretary dated October 26th 1843.

5th (E) The report of Manuel Jimenez, the Secretary of the Government, declaring that no objections existed to making the grant to the said Osio of the land claimed by him, dated October 28th 1843.

6th (F) A Decree of Micheltorena ordering that a Title to the land be made to the said Osio, dated October 28, 1843.

7th (G) An Absolute Grant by Micheltorena to the land asked for to the extent of eleven leagues of good land in addition to the aforesaid two leagues previously granted to said Snook, dated Nov^r 30, 1843.

8th (H) A copy of the Grant then made executed and delivered to said Osio by the said Micheltorena with the usual conditions and specifying particularly that the quantity is eleven leagues in addition to the said two leagues previously purchased from Snook, and the quality of the land

9th (I) A copy of the conveyance duly made, executed and acknowledged by the said Osio and wife to your petitioners bearing date the 8th of January A.D. 1852

7
and recorded in the Office of the Clerk of the said County of Marin on the fifteenth day of April A.D. 1852 in book A. of Records at page 105.

236 ND
PAGE 7

And your Petitioner further says that he and they whose title he has purchased have been in actual peaceable possession of the said Land for the period of eleven years; and that he is now in the quiet and undisputed possession thereof and that the grant to the said Land was made by virtue of, and in accordance with the laws, usages, and customs of the Government of Mexico then in force in California, and that the limits thereof are definite and well and plainly defined, being upon a body of land extending into the sea and bounded on one side by the lands previously granted to one James R. Berry, and one Rafael Garcia and the other boundaries being the sea and the estero of Tomales.

The boundaries on the side of the lands of said Berry are shown by the correct original map which accompanies the Expediente of the said title to said Berry, a certified copy of which is on file in the Office of the Secretary of your Honorable Board in the petition to S.P. heretofore presented before your Honorable Board.

And the said line of said Rafael Garcia being a line commencing at the center of the "Canada de Baulinas" and running from thence to the point of Baulinas a well known Point on San Francisco Drake's Bay

To the extent of two leagues, this being his
line as established by the Departmental
Assembly on the 9th of September A.D.
1836 and will be seen by reference to the last
page of the Expediente No 73 in the Sur-
veyors General's Office a certified copy
and translation of which is also on
file in Case No 52 heretofore referred
to and afterwards adjudged and decreed
to be his line by the decision of the Super-
ior Tribunal a copy of which is hereto
attached & marked L.

And Your Petition shows that many
years ago there was a dispute in reference
to the boundaries of the said adjoining
lands of said Berry and Garcia men-
tioned in said grant, but that the same
was finally adjudicated and determined
in favor of the said Asis, by a final
decree of the Superior Tribunal of the
Department of California rendered
in his favor in February 1844,
a copy of which is hereto attached
(marked L as aforesaid) and the copy
of an original notice to the parties con-
cerning the same made at the time by
the Justice of San Rafael marked (K)
together with a correct translation thereof,
and likewise a judgment rendered by
the Regidor and 2nd Alcalde of Monterey
on the 9th of March 1844. (marked (L))
where it is established that said Berry
did long afterwards acquiesce in the
said Department of the Californias, and by
reason of this former adjudication by
the said Court of California existing

9

under Mexican Law, and its final settlement
of the limits of the said lands of Garcia
and Berry (the latter of whom is long
since deceased) your Petitioner believes
he may safely say that no intervening
claim exists against any part of
his claim to the said track of land.

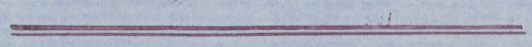
236 ND
PAGE 9

And your Petitioner further says
that no other intervening claim whatever
has at any time existed to any part of
the said track of land except the one last
alluded to, and that the nature of this
involves no question as to the title of your
Petitioner but has reference only to the
proper boundaries of the lands granted
to the said Garcia and Berry, which from
the easterly limits of the lands of your Pe-
titioner, and that its decision involves
only the question of determining where
the division line dividing the lands of
your petitioner from the said lands of
Garcia and Berry ought in justice to be
established.

Wherefore your Petitioner prays that
his title to the said land be confirmed &c

A. Randell

Filed in Office March 1. 1853.
Geo. Fisher Sec



10
Case No 666

236 ND
PAGE 10

Office of the Board of Commissioners
This day before Comr. Robt D. Thompson
Came David Spence, a witness in behalf
of claimant Andrew Randall No 666 who
after being duly sworn deposed as follows

Testimony on behalf of Claimant

Present H. S. Phonton Esqr Atty for
Claimant and R. Greenham Esqr Asst
Land Agent.

Deposition
of
David Spence

In answer to question witness
states that his name is David Spence,
his age fifty five years, and residence
Monterey California.

Questions by claimant's Attorney
Look on the papers shown you marked
as Exhibits Nos 1 and 2 herewith
filed and identified with the initials R.
J. and state whether the signature
of Manuel Micheltorena and Manuel
Jimeno whose they occur thereon
are genuine or not?

Answer I am acquainted
with the handwriting of said Micheltorena
and Jimeno having often seen them
write and I have no doubt of the
genuineness of their signatures where
they occur on said documents.

Questions by same

State what you know of the controversy
referred to in Exhibit No 2.

Answer, I know that there
was a litigation between the parties
therein referred to, before the Tribunal
and know likewise that Juan Malanin

was the president of the Tribunal at that time

S. Apence

Sworn to & subscribed

Before me Nov^r 1st 1853,

R. Aug Thompson Com

Filed in Office Nov^r 1, 1853,

Geo. Proke Sec

236 ND
PAGE 11

Office of the Board of Commissioners &c &c.
This day before Com^r Alphens Felch
came John B. R. Cooper a witness in
behalf of claimant Andrew Randall
No 664 who after being duly sworn
deposed as follows

Questions by Judge

Phonston Atty for Claimant

Deposition
of
John B. R.
Cooper.

1st Question. What are
your name age and place of residence?

Answer. My name is
John B. R. Cooper, my age sixty years
and I reside at Monterey in California.

2nd Question. Are you
acquainted with the Rancho "Punta de
Las Reyes" if yea, what do you know
of its occupation?

Answer. I know the
Rancho. In the latter part of 1841
I went there to see Simantours wreck
Before getting to the point I saw a
house in a Canada which was said
to belong to Mr Berry and was to the Rancho
above mentioned. The house was
about four miles from the wreck which
was at Crakes Bay as near as I can
recollect.

When there I saw some cattle near the house. I saw two men in the house as I passed. I suppose there were about sixty head of cattle there and a corral. I do not recollect seeing

any sowing or cultivation on the place. I know that Antonio Maria Osio was the owner of part of the Punta de los Reyes. I never saw him on the place but knew his mayordomo to be there and he had cattle on it.

Mr Berry owned a part of the Rancho at that time. The part belonging to Berry bordered on the Rancho claimed by Garcia. I do not know what part of the land Berry sold to Osio.

The house above mentioned was situated at the end of the Cañada about three miles south of the end of the Tamez creek coming from Baulemas.

Questions by Mr Greenham's Associate Land Agent.

1st Question, Where was Garcia's house?

Answer, The only house I knew him to have was at the Bay of Baulemas.

2nd Question, Where was Osio's house.

Answer, I never saw his house.

3rd Question, State what you know about the ownership of the Rancho "Punta de los Reyes"?

Answer, There is a large tract of land there called "Punta de los

13

236 ND
PAGE 13

Reyes. In 1836, according to my best recollection Col Berry obtained a grant of the Government for a track of six or eight square leagues of it. About two or three years after that Col Berry sold a part of the land granted to him to Captain Snooks.

The quantity sold to him was two square leagues as I understood. After this Snooks sold his two leagues of the land to Antonio Maria Alsio.

Alsio then applied for a grant of the land lying between the Tornales and the Ocean called the Punta, and obtained it, and afterwards stocked it, but I do not know that he ever resided on it.

His family lived about two years on that side of the San Francisco Bay, but I do not know whether they lived on this track of land. I saw them at San Rafael.

John B. R. Cooper
subscribed and sworn
to before me on this
9. day of November 1853.

Alphens Delch Comr.

Filed in Office Nov^r 9th 1853,
Geo. Fishers Sec.

14

No 666.

Office of the Board of U.S.
Land Commissioners &c &c.

This day before Com^r R. Aug. Thompson
came Fernando Deliz a witness in behalf
of Claimant, A. Randall Petition No 666
and being duly sworn, his evidence being
in Spanish was interpreted by the
Secretary, and was as follows;

236 ND
PAGE 14

Testimony in behalf of Claimant.

Deposition
of
Fernando Deliz

Present J. J. Williams in behalf of
Claimant and Robert Greenhaw W.S.
Land Agent.

1st Question. What is your
name, age and place of residence?

Ans. My name is
Fernando Deliz. My age is fifty eight
years and I reside in Mendocino County
Cal^a.

2nd Quest. Are you
acquainted with the Rancho called Punta
de Reyes granted to Don Antonio
Mariano Esio Esq^t Micheltorena in
November 1843, and if so, state
what you know in regard to its use
and occupation under said grant?

Answer. Witness states
that he knows said Rancho he was
employed by the Grantee Esio to take
charge of the same in 1843; Esio
was there and had been before occupy-
ing it, with cattle horses and a major
band. He had on it a house,
corrals and cattle, witness remained
on said Rancho in the employment

of Esio for about one year.

When witness just went on the Rancho there were about three thousand head of cattle on it and small stock of brood mares.

After he went on the place witness took down the house that he found there and built another and larger one, in another place near the spring, which he occupied while he remained. He also enlarged the corrals.

These improvements were all made for the grantee Esio who continued to occupy the place after the witness left.

3rd Question. Were you acquainted with James R. Berry, & if so where did he live, and where did he have his house?

Answer. I knew James R. Berry. He lived in 1843-44 about half a league from the house of Rafael Garcia in the direction of San Rafael. Rafael Garcia lived about one mile from the northern Estuary of Tomales Bay between the two creeks which empty into said Bay at that (terminus) point.

Fernando Delis

Sworn & Subscribed

Before me Nov. 26, 1853

R. Aug Thompson
Comr.

Filed in Office Nov. 26, 1853,
Geo. Fisher

Sec

Office of the Board of W. L. Land
Commissioners &c &c.

San Francisco Nov. 28. 1853.

This day before Comr. Felch came
Jacob P. Seese, a witness in behalf
of the Claimant A. Pandall Petition No 666
and being duly sworn deposed as follows

236 ND
PAGE 16

Questions by Mr Williams Atty for
Claimant.

Question. What are
your name, age and place of residence?

Answer. My name is
Jacob P. Seese, my age is forty
four years and I reside at Monterey
in California.

Deposition
of
Jacob P. Seese

2nd Question. Are
you acquainted with the Rancho called
Punta de Reyes, granted by Governor
Micheltorena to Antonio Maria Osio
in November 1843. If you state
if you please what you know in regard
to its use and occupation under
said grant?

Answer. I am acquainted
with said Rancho. I purchased cattle
for said Osio in the summer of 1844
from Rafael Garcias which I delivered
on Garcias farm to the steward of
said Osio. (Fernando Felix) and said
Felix drove the cattle from that place
to Osio's farm at Punta de Reyes.
I was never on the place but it
was occupied by said Felix and his
sons in Aug for said Osio.
I knew of said Osio going back and

17
forth to the place.

He moved from Monterey to San Rafael, with the object of stocking this farm, Rafael Garcia's farm adjoins that of Esig called Punta de Reyes.

236 ND
PAGE 17

3rd Question. What do you know about juridical possession of said Rancho?

Answer. Said Esig applied to me to give juridical possession of it to him in the fall of 1844. I was then Alcalde of Sonoma. I had made arrangements with Mr. C. Farrell who was a surveyor to assist me in giving the juridical possession of this Rancho but I never gave it, I don't now recollect precisely the reason but believe it was in consequence of the revolutionary disturbances in the country. I had several other applications to give juridical possession of farms that did not give them all. Mr. Esig made arrangements with me to give him such possession, but this and some of the others was never given.

4th Question. Do you know any thing about a law suit between said Garcia, James R. Berry and said Esig, about the boundary of their places?

Answer. I recollect there was a despatch between them about this boundary. They could not recollect their lines, and went to Sonoma to arbitrate it.

For some reason the matter went finally to Monterey and was submitted to Arbitration there and I was informed that it was finally settled there.

J. P. Seese

236 ND
PAGE 18

Mr Greenhow, Associate Land Agent was present at the taking of this deposition but propounded no questions to the witness.

Subscribed and J. P. Seese

Sworn to before me
this 28th day of November
A.D. 1853.

Alphens Felch
Commissioner

Filed in Office Nov. 28, 1853,
Geo. Fisher Sec

Office of the Board of U.S.
Land Commissioners, &c &c

San Francisco Jan'y 5, 1854.

This day before Commissioner Alphens Felch came Mariand Bonilla a witness in behalf of claimant A. Randall Petition No 666 who being duly sworn, his evidence being given in Spanish was interpreted by the Secretary as follows
Questions by Mr Williams
Attorney for claimant,

Deposition
of
Mariand
Bonilla

Question: What are your name, age and place of residence?

Answer: My name is Jose' Mariand Bonilla, my age is forty seven and I reside in the County

19
of San Louis Obispo in California.

2nd Question, What Office did you hold in 1844?

Answer, I was Secretary to the Superior Court of Justice of California at Monterey (Superior Tribunal)

3rd Question, Do you know what has become of the Records of that Court?

Answer, I do not, I left the Archives in the charge of the President of the Tribunal Juan Melanir.

4th Question, Look on the Document now shown to you marked "Exhibit No 2" with the initials R. S. and annexed to the Deposition of David Spence heretofore taken and filed in this Case, and state what you know in regard to the Controversy and its decision mentioned therein?

Answer, I recollect perfectly well the circumstances of the Case and the decision. The document now presented in the decision of the Court,

5th Question, What Office did Jose Maria Castañares hold at the time of the date of said Document?

Answer, He was Ministro Fiscal del Tribunal Superior or Attorney General of said Court.

6th Question, Under the Mexican Laws had Salvador Vallejo as Military Commandant the Authority to give juridical possession of lands?

Answer, He had not.

Questions by Mr Greenhow
Associate Land Agent,

236 ND
PAGE 20

1. Question, Could or could not the Governor of the Department or the Prefect of a District have commissioned any person, whether Military or civil, or holding no official position to give juridical possession of lands?

Answer, They could not commission any one to give such possession except a justice of the peace or an Alcalde,

J. Mariano Bonilla

Mr Greenhow Associate Land Agent was present,
subscribed and sworn to
Before me this 5. day of
January A.D. 1854,
Alpheus Delch
Commissioner

Filed Office Jan'y 5th 1854,
Geo. W. Fisher Sec.

Office of the W.S. Board of Land
Commissioners &c &c,

San Francisco Jan'y 5th 1854.

Deposition
of
Land Murphy
This day before Commissioner Alpheus
Delch came Daniel Murphy, a witness
in behalf of Andrew Randall Petition
to 666 and being duly sworn deposed
as follows:

Questions by Mr Williams
Attorney for Claimant,

1st Question. What are your name, age and place of residence?

Answer. My name is David Murphy, my age is twenty seven years, and I reside in Santa Clara County California.

236 ND
PAGE 21

2nd Are you acquainted with Antonio Maria Osio, the original grantee of the land claimed in this case? if yes, state when you first knew him and in what business he was engaged at that time?

Answer I am acquainted with him, and became acquainted with in June or July 1848, he was then buying cattle at San Rafael, and sending them to his place called Punta de los Reyes. I understood that he then resided on his said place.

Questions by Mr. Graham Associate Land Agent.

1st Question. Did you ever see said Osio in occupation of said place?

Answer. I never did, I never was on the place to my knowledge.

David Murphy
Subscribed & sworn to
before me this fifth day
of January A.D. 1854.

Alphus Felch
Commissioner

Filed in Office Jan'y 5th 1854,
Geo. Fisher Sec.

United States Land Commission
San Francisco Jan'y 19, 1854.

On this day before Court Thompson & Campbell, I came Salvador Cisq, a witness in behalf of Claimant, Andrew Randall Case No 666, who after being duly sworn deposed as follows, his evidence being interpreted by the Secretary.

1st Question. What is your name age and residence?

Ans. My name is Salvador Cisq. I am twenty nine years of age, and I reside in Monterey.

2nd Question. Are you the son of Antonio Maria Cisq, to whom the land called Punta del Reyes, was granted by Governor Micheloreno?

Ans. I am his son.

3rd Question. Are you acquainted with the said Rancho, if so state all you know in regard to its inhabitancy and cultivation by the said Antonio Maria Cisq.

Ans. I am acquainted with said Rancho, I know that my father has occupied said Rancho ever since the year 1843, at which time he built a house had cattle there, some grain, and raised potatoes, and lived in the house, don't recollect the precise time in the year when he went on said place.

Associate Land Agent present.

Questions by him.

1st Quest. Did you ever

see your father on said place?

Ans. Yes, I first saw him there in the year 1845. This was the first time I was on the place. My father occupied the land from that time (1843) until he sold it to Mr. Randall.

236 ND
PAGE 23

Re. Examined by Claimant's Counsel,

1st Quest. You have stated that your father occupied this land ever since 1843. State your means of knowledge of that fact.

Ans. I know the fact from letters which I received from father while I was in the state, that he had received a grant of the place and was living on it.

2nd Quest. State the appearance of the improvements upon the land at the time that you first saw it in June 1845, and say how long a time they seem to have been made?

Ans. As to the improvements, I found that there was a small new house which had been built, and a good large corral, and from fifteen hundred to two thousand head of cattle.

The new house I suppose had been built, after the old one was burnt down. This I doubt know of my own knowledge. There were on the place the ruins of a house, which had the appearance of having been burnt. My father told me the old house had been burnt.

3rd Question. Did your father at that time or at any other time, own any other than the Rancho called Punta de los Reyes?

Ans. He did not own any other Rancho.

Salvador Asis,

subscribed and sworn to before me this 17, day of Jan'y A.D. 1854.

Thompson Campbell
Com^r

Filed in Office Jan'y 17, 1854.

Geo. Fisher
Sec.

United States of America
State of California 3p

San Francisco, Sept 29, 1854.

Deposition of James Rooney

This day came before Peter Lott, a Commissioner for taking testimony to be used before the Board of W. S. Land Commissioners in said State, James Rooney a witness on behalf of Claimant, Andrew Randall in Case No 666 on the Lockett of said Board and said witness being sworn, deposed as follows.

W. S. Land Agent is present.

Questions by Mr. Williams Attorney for Claimant.

1st Question. What is your name age and residence?

Answer. My name is

James Tooman, my age 43 years, my residence in Marin County California.

2nd Question, Do you know the Rancho called Punta de las Reyes, if yes, if yes how long have you known it, and what are its boundaries?

236 ND
PAGE 25

Answer, I know said Rancho, I first knew it in 1857.

It is bounded on the south and west by the Pacific ocean, and on the north, and North East by the Estero of Tomales, on the East by lands claimed by Garcia and the owners of the Berry Grant.

3rd Question, Look at the Map in the Expediente filed in this case marked A. P. L., and exhibited in this deposition, and state whether it contains a correct delineation of said Rancho?

Answer, This map is a very good representation of the land, I have surveyed the Rancho with great care and minuteness, and am well acquainted with it. This is a much truer map than those I have usually seen of the Spanish Rancheros.

4th Question, How much land is embraced within the boundaries you have mentioned?

Answer, About ten leagues, I have surveyed the land and know it by that means.

5th Question, When you first knew this Rancho who was in the possession of it, and what improvements were there on it, and what stock, and who is now in the possession of it?

Answer. Don Antonio M. Osio, the original grantee, was occupying the land. He had two or three houses there, 3 corrales, there were fields cultivated, and several thousand head of cattle, and a large stock of horses, and hogs and other small stock, Osio resided there. There was a slaughter house on the place, and I do not now think of any other improvements;

The Rancho is now occupied by Sr Randall the claimant, in this case, he has about 2000 acres enclosed for cultivation now.

There are about 15 houses on the place, Lime Kilns, and Quarries, one enclosure containing about 10000 acres for stock, there is about 8 or 9 leagues of the land fenced in by natural and artificial fences to which there is no other claimant.

There are several thousand head of cattle on the place; and also a large stock of horses, and large stock of hogs and sheep and other small stocks, all these belong to Sr Randall the claimant.

Cross-examined by W. S. Law Agent.

1st Question, Did said Rancho according to your survey contain more or less than ten leagues?

Answer. It contained less than ^{leagues}

2nd Question, Did you make a map and field notes of said survey, if you where are they?

Answer. I made a plat of the survey. My survey was by triangulation, and I made notes of the angles and base lines, I gave the plat and notes to Sr Randall the claimant.

3rd Question. What is the length of said Rancho, through its longest distance?
Answer, I think it is about twenty miles, I do not recollect with exactness.

4th Question, What is its average width.

Answer, It will average perhaps something over a league, tho it is very irregular in its width.

5th Question, From what date did you make your survey?

Answer, I had the Grant and Title Papers and this map in the Expediente, which is exhibited in this deposition, and made my survey according to what I understood the Grant to call for.

6th Question, Where did you commence the survey, and what words in the grant enabled you to fix upon that as a starting point?

The boundaries are all natural boundaries, excepting one line, that line is given on said map in the Expediente by fixing one extremity of it at the head of Tomales Bay or Estero, and the other is drawn by a straight line to a point on the Pacific Ocean, a point easily ascertained by its position relative to the 2 known points "Point Bolinas" and "Point Reyes".

I commenced my survey by measuring a base line on the plain near the Rancho house, and extended the survey over the entire Rancho by triangulation, and proved the correctness of the results by with the U. S. Coast survey at Point Bolinas

and Point Reyes

7th Did you know the boundaries
of Berry's land, and Rafael Garcia's,
Answer, I have seen
plots of their lands.

236 ND
PAGE 28

8th Question. Did you
make your survey of the land in question
with reference to those plots?

Answer, I made my
survey by the grant, and did not see that
it conflicted with these adjoining claims.

9th Question. Does any part
of said Rancho, adjoin either Berry's or Garcia's
Answer, I suppose it
adjoins the lands claimed under those grants,
because this is so stated in some of the
grants, and indicated in their maps.

James Stoney

Subscribed and sworn
to before me September
29, 1854.

Peter Scott

Commissioner

Filed in Office. Sept 30, 1854,

Geo. Fisher Sec

United States of America }
 State of California }
 San Francisco, Sept 29, 1854.

This day came before Peter Scott Commis-
 sioner for taking testimony to be used
 before the Board of U.S. Land Commis-
 sioners in said State, Benito Diaz
 a witness on behalf of Claimant Andrew
 Randall in Case No 666, on the docket of
 said Board, and said witness being
 sworn deposed as follows:

The U.S. Associate Land Agent is present.

Deposition
 of
 Benito Diaz

Questions by Claimant in person.

1st Question. What is your
 name age and residence?

Answer. My name is
 Benito Diaz, my age 40 years, my residence
 in Monterey County California.

2nd Question, Are you
 acquainted with the Rancho called "Santa
 de Reyes, granted to Don Antonio Maria
 Osio, if yes, state what you know of
 the occupation thereof?

Answer. I am acquainted
 with said Rancho. I became acquainted
 with the place in May or June 1844,
 I was then there and saw said Antonio
 Maria Osio living there at that time.

There were two houses there in
 which said Osio and his servants lived,
 a corral, he had a garden, cattle and
 horses and other stock, I was there some
 10 or 12 days and staid with said Osio

Cross Examined by U.S. Associate Land Agent.

1st Question. Were the people living there whom you call the servants of Osio, in his employment, if yes, state how you knew it?

I knew that they were his servants, and in his employment from having been there and seen the manner in which he ordered them about,

Benito Dias

Subscribed & sworn to
Before me Sept 30,
A.D. 1854.

Peter Scott

Commissioner &c.

Filed in Office Oct 3, 1854.

Geo. Fisher Sec.

United States of America }
State of California } p.

San Francisco, Oct 30, 1854.

Deposition
of
Jose Abrigo

This day came before Peter Scott Commissioner for taking testimony to be used before the Board of U.S. Land Commissioners in said State, Jose Abrigo, a witness on behalf of the claimant Andrew Randall in Case No 666 on the Locks of said Board, and said witness being sworn deposed as follows.

The U.S. Land Agent is present.

Questions by claimant Mr Randall.

1st Question. What is your name age and residence?

Answer. My name is Jose Abrigo, my age 41 years, my residence

31
14
in Monterey California.

2nd Question, Are you acquainted with the hand writing of Gregorio Castanares, if yea, look at the document now shown to you marked A.P.L. exhibited in this case, and state whether his signature to said document is genuine?

Answer, I am acquainted with said Castanares hand writing, I have often seen him write, and I believe this to be his genuine signature.

3rd Question, State what Office said Castanares held in November 9th 1844?

Answer, He was second Alcalde in the City of Monterey.

4th Question, State what you know of the occupation of the Rancho of "Punta Reyes" by Antonio Maria Osio?

Answer, I know that he moved from Monterey with his family in 1844, or 1845 to go and live on said Rancho. He was on his Rancho about two years with his family, I received letters from him while he was there, I was not myself on the Rancho. Osio moved his family back to Monterey when the war broke out, and continued to occupy said Rancho with his stock he had a major domo there and occupied it until it was sold to Sen. Randall. Osio himself was frequently on the Rancho after he moved his family back to Monterey.

Cross Examined by U.S. Land Agents:

5th Question, What was said Osio engaged in during the year 1844.

and afterwards!

Answer. He was employed from about that time in taking care of said Rancho. I do not know exactly how employed himself there, he was not a working man himself, and I was not there and do not know what he did.

2nd Question. Have you any personal knowledge of his being on this Rancho?

Answer. I never saw him there. The letters I received from him were during the year 1845, friendly letters which represented that he was on the Rancho and expressing a wish to see his friends in Monterey.

José Abrego

Subscribed and sworn
to before me on this
31st day of October A.D. 1854.

Peter L. D.

Commissioner

Filed in Office Oct 31, 1854,

G. Fisher Sec.

33

United States of America 3/1,
State of California 3/1

San Francisco Nov. 11, 1854.

This day came before Peter Loth, Commissioner for taking testimony to be used before the Board of U.S. Land Commissioners in said state William Reynolds a witness on behalf of Claimant, Andrew Pandell in case No 666 on the docket of said Board and said witness being sworn deposed as follows;

Deposition of
William Reynolds.

The U.S. Land Agent is present.

Questions by J. L. Williams

Attorney for Claimant.

1st Question. What is your name age and residence?

Answer. My name is William Reynolds. My age 39 years. My residence in Marin County California.

2nd Question. Where did you reside in 1849, and what Office if any did you hold at that time?

Answer. After the 1st of March A.D. 1849 I lived in Marin County near the Mission of San Rafael. I was elected 1st Alcalde of that district in October of that year.

3rd Question. Look at the Document now shown you and state what you know in relation thereto. The Document marked A.P.L. and exhibited in this deposition;

Answer. I think this is a copy of an Original Document which in 1849 was among the Archives of San Rafael in my Custody. Last spring I was present when the Recorder was tracing this copy from the said Original, and upon my attention being called to it by

34

by Mr Randall. I looked at this paper and saw no difference between it and said original.

Cross-Examined by the U.S. Land Agent,
1st Question. How often and on what occasions have you had your attention called to said original document.

Answer. The first time I saw it, I looked at it in the Archives as a matter of Curiosity in 1849, upon hearing Mr Murphy say there was such a document there.

The second time was once I think in the spring or early Summer of 1851, when Carey Jones came over there and called my attention to it by asking to see it, he translated it to me, and the only other time I recollect seeing it was when Mr Randall called my attention to it as I before stated when the Recorder was tracing it.

4th Question. Did you ever compare the said original with this copy now shown to you?

Answer. I saw them together and examined them both. I did not read it over word for word, but was satisfied that it was a copy at the time this was when Mr Randall called my attention to it as before stated.

Am Reynolds
Subscribed and sworn to
before me on this 11. day
of November A.D. 1854.

Peter Lord Commissioner

Filed in Office Nov 11, 1854.

Geo. Fisher Sec

In the U. S. Land Commission
State of California

San Francisco, January 2, 1855,

Mmanuel Castro was introduced as a witness
for Claimant N. Randall in Case No 666
on the Hooker and being sworn before the
Board deposed as follows. The testimony
being given in Spanish was interpreted
into English as given at the time by the
Interpreters to said Board.

236 ND
PAGE 35

Deposition of
Mmanuel Castro

The U. S. Associate Law Agent is present
Questions by Mr. Williams for
Claimant,

1st Question, What is your
name, age, and residence?

Answer, My name is Mmanuel
Castro, My age 33 years, my residence
Monterey California,

2nd Question, Look at the
document marked "A. P. L." annexed to this
deposition, and state whether you are acquainted
with the hand writing of David Spence, if you
how do you know said hand writing, and is
his signature in said document genuine,
also state all you know about said document?

Answer, I am acquainted
with the hand writing of David Spence, and I
saw him sign his name where it appears as
subscribed in said document, and I know his
said signature to be genuine. I wrote the body
of said document myself, and I also wrote my
name as a witness to the duplicate thereof
which was placed in the Archives.

This is the one which was given to
the interested parties, and I saw Maria
Ante Osio, Jose Snook and Benito Lias

36

all sign said Document which was placed in the Archives. I wrote their names where they appear in this one which the parties look with them at the time.

3rd Question, What Office did David Spence hold at that time?

Answer. He was a justice of the Peace, and acted as a justice of the 1st Instance at that time.

Mano Castro.

Subscribed and sworn to in the Court Room of the Land Commission before the Board when in session on this 2nd day of January A.D. 1855.

Attest Geo. Fishers

Secy

Filed in Office Jan'y 2nd 1855

Geo. Fishers

Secy.

Span Loc follows

37

Expediente Promovido por D.
Antonio Maria Coiv en pretencion del
Paraje conocido con el nombre
de
Punta de Reyes.

236 ND
PAGE 37

222

A. P. L
Exhibited
in Depo: of
James Minom
Sept. 29. 1857

J. G. D. R. Dello tercero Dos Reales

Habilitado provisionalmente por la Aduana Maritima del Puerto de Monterey, en el Departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno

236 ND
PAGE 38

Imeno

Antonio M^a Osio.



Excmo Sr Gobernador

Antonio M^a Osio de esta Occidencia ante V. E. con el

Monterey Cno 21 de 1842. De conformi daas con lo que pide el interesado en esta representacion de la coneede el terreno. mencionado en con cepto de que para obtener el titulo correspondiente para de nuevo por comando el diseño respectivo y correr do los tramites de Estilo.

Alvarado

de la benignidad de V. E. se sirva acceder a mi solicitud y provisionalmt^e estenderme el titulo de propiedad. y tan luego como se midare aquellos terrenos presentare el diceno correspondiente de todo lo que se alle Valdivia y judo. Duro V^o

Monterey Octubre 3 de 1840.

Antonio M^a Osio.

J. G. D. R.

Here follows
Map.

39 L. G. D. R. Dello Cuarto Dos Reales:

Habilitado provisionalmente por la Aduana Marítima del Puerto de Monterey, en el Departamento de las Californias, para el año de mil ochocientos cuarenta y tres.

Micheltreña # Manuel Castañares

236 ND
PAGE 39

Seal. Como Don Gobi.
Antonio m^o Osio de esta ve ciudad
ante V. E. con el debido respeto y derecho

Seal. que hayo lugar de presenta y dice
que en 28 de Septiembre de 1839 como
prode D^o José Onoak dos sitios de
Lanado mayor que tenia concedidos
Monterey Oct^o en la punta de Reyes jurisdic
26 de 1824 } don de despues haber lo sea
Inf^o el O. año } del Despacho y minado, vi que tenia un a
Michelt^o - } grande estencion de terreno y
que sin perjudicar a nadie por
ser Valido podia pedirlo. Al efecto hace mi
solicitud al C. D. J. antecesor de V. E. y me
concedio sin pasar del maximum, los sitios
que hubiera a mas de los dos comprados como
consta de la adjunta petition.

Va a dos años ahora que lograba de la Oato
pacion de poseer pacificamente un rancho
que comensava a fundar con cerca de
quinientos acres y ha la ley que citava lista
para llevar mayor numero de de el pueblo
D^o José supe por el Don Capitan D^o Cal
vador Vallejo que el mismo habia dado
posesion ya de todo mi terreno a D^o Larne
Ricardo Berri. Este curso lo tuve en presencia
de O. E. el Don Gobernador a quien a luego
me queje en lo verbal del dupugo violento de
mi propiedad y en contestacion fue de evime
que motivo a las diferencias habidas entre
el Gobierno y Comandancia G^oral; por
meada prudente tomava la de que yo a-
guardara a V. E. que se hallava proxi-
mo a llegar.

L. G. D. R. Como he dicho antes, va a dos años C. D.
que supo a hazos de mucha consideracion

por lo que muy en carecidamente suplica
 à V. E. se digné estender el título de propiedad
 à mi favor en la estension conforme provi-
 eunalmente se me concedió y que el Sr.
 Berrí se le haya entendido de que no tiene
 derecho alguno en la punta de Reyes por
 ser nula en todas sus partes la posesion
 q. allí le dieron y sugetarlo à los sitios q.
 le fueron dados en la Cañada del Cotoro
 de Lomales como terminantemente lo espue-
 sa el expediente que al Efecto se formó
 en el año treinta y seis en el cual se halla
 el diseño respectivo y à primera vista se
 advierte que aun la misma naturaleza
 quisiera dividir los dos Ranchos por medio
 de una Sierra de por medio: Por tanto A. V. E.
 mego acceda à mi pedido por lo que recibí
 re gracia y justicia, juró &c.
 Monterrey Octubre 3. de 1843

Antonio M. Osio
 Sr. Gobernador

Por todo lo practicado en los expedientes res-
 pectivos como por la concesion hecha à D.
 Jaime Ricardo Berrí y à D. Rafael Garcia
 y por la confirmacion de la Coma Limta
 Departamental en 5. de Septiembre de 1836

Nota: Decísele resulta que al Sr. Berrí se le concedieron
 ocho sitios de Ganado Mayor en el paraje
 llamado Cañada de Lomales y Bombo

Sr. Gov. y al Sr. Garcia otros dos sitios en el mismo
 paraje de los Baulenas sin tener accion al-
 guna al demas terreno inmediato y mucho
 menos al paraje que se le ha concedido y
 reclama el Sr. D. Ant. M. Osio que está
 dividido por una Sierra.

Y. S. D. K. De cuanto puedo informar à V. E. en cumpli-
 mto. al superior decreto de 26 del prest.
 mes.

Monterrey Octubre 28 de 1843.

Man. Jimeno.

Monterrey Oct. 28 de 1843

Como apina el Sr. D. del Despacho à
 favor y en justicia de S. Osio y exten-
 dale el terreno espida se le el título.

41

y de creto las providencias of. pde.

Micheltorena

Monterey 30 de Noviembre de 1843.

Vista la Petición con que da principio este expediente los informes que preceden con todo lo demás que se tubo presente y de ver convisio

S. L. D. R

Delto terceros Reales.

Habilitado provisionalmente por la Aduana Maritima del puerto de monterey, en el departamento de Cas californias para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno
Zimeno antonio Maria Osio

236 ND
PAGE 41

de conformidad con las leyes y reglamentos de la materia, declaro a D. Ant. Ma. Osio dueño en propiedad del paraje nombrado punta de Reyes, colindante con D. Rafael Garcia, siendo sus limites por las demas partes el Mar y Estero de Tomales, en estension de once sitios de ganado mayor sin comprender los dos sitios que se le habian concedido a D. José Ochoa. Librese el correspondiente despacho, tomese razon en el Libro respectivo y dirijase este exped. a la Coma Azumbla de Partamt. para su aprobacion. El Excmo. Vir Gobernador asi lo mandó decreto y firmo de que doy fe

Sello

Micheltorena

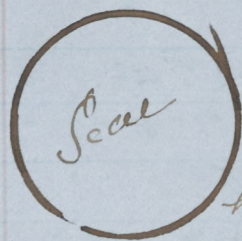
Office of the Governor General of the United States for California.

Samuel D. King Governor General of the United States for the State of California do hereby certify that the eight preceding and hereunto attached pages of the enj. paper numbered from One to eight inclusive and each of which is verified by my initials (S. D. R) exhibit true and accurate copies of certain documents on file and forming part of the said Archives in this Office. And I do further certify that upon an examination of the said documents it is apparent that the word Ocho; being the first word in the ninth line from the bottom of the sixth

page of said annexed Copies; and included
 therein in Red lines has been written on an
 , in lieu of said Word Originally writ-
 ten in said place.

236 ND

PAGE 42



In testimony whereof I have
 hereunto signed my name Officially
 and affixed my private Seal (not having
 a seal of Office) at the City of San Fran-
 cisco Cal; this 26th day of March A. D.
 1852.

Saml. D. King

Surry. Genl. Cal.

Filed in Office March. 1. 1853

Geo. Fisher Deory

43

Dello numero Ocho pesos.

Habilitado provisionalmente por la Aduana
Coahuila No 1 maritima del puerto de Monterey, en el Depar
R. II. amesced tamento de las Californias, para el año de
to Depo. of Da mil ochocientos cuarenta y tres.

via Spence. micheltrana # Manuel Castañares
Nov: 1. 1843

236 ND
PAGE 43

Señor Manuel Micheltrana General de
Brigada del Ejercito Mexicano a
yudante General de la plana mayor
del mismo Gobernador Comandante
General e Inspector del Departamento de
las Californias.

Por cuanto D. Antonio Ma
ria Osio ha pretendido para su beneficio
personal y el de su familia el paraje cono
do con el nombre de punta de Reyes, colin
dante con D^o Jaime Ricardo Berri y D^o Rafael
Garcia, siendo sus limites por las demas partes
el mar y estero de Tamiales; practicadas pre
viamente las diligencias y averiguaciones
consernientes segun lo dispuesto por leyes y
reglamentos, usando de las facultades que me
son conferidas a nombre de la Nacion Mexi
cana he venido en concederle el terreno men
cionado declarandole la propiedad de el
Excmo Asamblea Departamental y bajo
las condiciones siguientes:

- 1^o Que se cercarlo sin perjudicar las have
rias caminos y servidumbres; lo disputara
libre y exclusivamente destinandolo al uso
o cultivo que mas le acomode pero dentro de
un año fabricara casa y estara habitada
- 2^o Que solicite con el Jefe respectivo que les
de la posesion juridica en virtud de este des
pacho por el cual se demarcaron los lindes
en cuyos limites porcha a mas de sus mos
neras algunos arboles frutales o silvestres
de alguna utilidad.
- 3^o Que el terreno de que se hace donacion
es de onces sitios de ganado mayor utiles
y sin comprender los dos sitios que se le
habian concedido a D^o Jose Ono Re segun
explica el disenno respectivo. El juez que

M45

Hf

La posesion lo hara medir conforme a Orde
nanza quedando el sobrante que resulte
a la Nacion para los usos convenientes.

Si contraviere a estas condiciones per
dara su derecho al terreno y sera denun-
ciado por otro.

236 ND

PAGE 44

En consecuencia mando
que surtiendole de titulo el presente y tenien-
dose por firme y vale dero se tome razon de
el en el Libro respectivo y se entregue al
interesado para su resguardo y demas
pines. Dado en Monterrey a treinta de
Noviembre de mil ochocientos cuarenta
y tres.

Manr. Michel pa

Manr. Jimeno Quo

Queda tomada razon de esta consecucion en
el libro a f. 3. Ute

Jimeno

Filed in Office Nov. 1. 1853.

Geo. Fisher Deery

45

Secretaría del Des-
 pacho de Gobierno } El Gobierno por su decreto
 Cabilat No 2 to de 29 de Febrero último dispone se pon
 R. II anexa en ejecución lo acordado por el Tribunal
 to de p. of Da superior de justicia de este Departamento
 via Dpen ee la que a la copia digo = C. O. El Fiscal de
 No 1. 1853 este superior Tribunal hace presente a
 V. E. que a examinado los Expedientes de
 los señores Dr. Rafael Garcia, Dr. Jaime
 Ricardo Berri y Dr. Antonio M^a. Osio y nota
 en ellos que los dos sitios concedidos por el
 Gobierno del departamento al Dr. Garcia
 son en la Cañada de Baulenes medidos de
 su centro a la punta del mismo nombre.

236 ND
 PAGE 45

Garcia se conformo con esta concecion pues
 fundo en estos limites su casa y no tubo emba-
 razo en informar como Valdivia el resto en la pre-
 sencion que del hizo el Dr. Berri.

El Gobierno Departamental en la pretension
 que hace Berri de ocho sitios ^{en el terreno de Apurualis y Aguilas lo tiene concedido esta gracia pero en} Tambien Berri que los ocho sitios
 de los linderos de los dos de Garcia en adelan-
 te. Garcia con posterioridad a estas conceciones
 abandono su posesion y se situo mas adelan-
 te resultando por consecuencia que ocupo
 en esta nueva fundacion terreno de la propi-
 edad de Berri. Este individuo tambien
 para no menoscabar de sus ocho sitios la
 parte que le quito Garcia, alcanzo hasta
 la propiedad del Dr. Osio, resultando
 de todos estos trastornos perjudicado. Osio
 notablemente. La posesion dada al Dr.
 Berri de los ocho sitios que le fueron conce-
 didos fue por el Comandte. militar Dr.
 Salvador Vallejo y no por el juez a quien
 la ley le da esta facultad por consiguien-
 te no recibiendo en el Comandte. Militar
 autorizada contenciosa es nula y de ningun
 valor la citada posesion y el interesado
 para legalizar en todo tiempo los documentos
 de su propiedad debe recabar la posesion
 de la autoridad competente. Las medi-
 das de estos ocho sitios las encuentra esta
 Fiscalia incoactas, pues se le por el dieño
 presentado para la posesion que constan

M.S.

46
de 1820 varas del Este al Oeste. 15000
al Norte 30600, al E. Z. E. y 3000 al O.
E. cuya figura, sin figura regular deja ver
la imperfeccion del terreno y da lugar à pe-
cuentes litis por los colindantes. Todo lo que
notará V. E. por el diseño que de estas medi-
das tengo el honor de acompañar. La D^{ca} Es-
calia también ha notado con sorpresa la de-
sigualidad por lo mismo debe hacer prest.
que el diseño de posesion debe ser conforme
en todas sus partes como el presentado al
Gobierno para obtener la concesion. El denun-
cio que hace el Sr. Osio, no es como cree con
equivocion el Sr. Berri de el resto de sus
ocho sitios de cuencos los dos que cedió al
Sr. Snook. sino del Valdivo que resulte
despues de la exacta medicion de los ocho
sitios que pertenecen al Sr. Berri. por todo
lo relacionado la Fiscalia de mi cargo
apunta. 1^o. Que el Sr. Garcia debe ocupar
los dos sitios que le fueron concedidos en la
cañada de Baulenes medidos del centro
de esta à la punta del mismo nombre que
son los legalmente concedidos y que el
fundó en su origen:
2^o. Que de los limites de Garcia de mi dem.
exactamente al Sr. Berri por un Agrimen-
sor las ocho sitios que le están concedidos
al Sr. Snook ó que de lo contrario cabe
nuevo título por solo seis sitios que le cor-
responden para evitar diferencias en lo sub-
secido:
3^o. Que si el Gobierno del Departamento qui-
ere agraciar al Sr. Osio puede hacerlo con
el Resto del terreno que resulte despues de
la exacta medicion del de Garcia y Berri
4^o. Que como de las medicion de estos sitios
el beneficiados el Sr. Osio, el sea quien
pague los gastos del Agrimensor:
5^o. Que el Sr. Berri recabe la posesion de
su terreno de la autoridad que corresponde
y que reponga el diseño de posesion igual
al presentado al Gobierno Departamental
al tiempo de pretender el sitio.

47

6º Que el juez competente obligá à estos individuos con arreglo à la ley de Colonizacion à que al momento de recibir sus posesiones fijen sus majaneras que demarquen en sus límites para evitar muchos litis.

Este es sñ el parecer de esta Fiscalia mas V.E. resolverá lo que crea mas de justicia.
Monterrey febrero 28, de 1844.

Jose Ma^s Castañares:

Monterrey febrero 29 de 1844.

Como por los expedientes à que se refiere el Sr Fiscal no aparece ca ningun denunció hecho por D^o Antonio Osio de terreno alguno del Sr Berrí y solo vi del sobriante despues de medido con exactitud el del referido Sr Berrí y parece que aqui boca de mente se cuestiona por este Sr el derecho de ocupacion de su terreno, teniendo presente esta sola que ha sido en cedió de dos sitios al Sr Diez y consentido en la Venta que este hizo de otros dos sitios à D^o Antonio Osio no debe ignorar cual era la parte que cedió y que fue vendida y resultando de esto el no poder ocupar ni una parte de otros dos sitios determinados, depara el Sr Berrí en pacifica posesion de ellos ò la parte que ocupá à D^o Antonio Osio y que viendo evitar nuevas cuestiones aprueba el parecer del Sr Fiscal en todas sus partes y firma.

Secretario

Juan Malario # Jose Maria Bonilla
y lo ha escrito a V. de Orden del E. O. Gobernador para que con citacion de colindantes se proceda à la medicion que se indica
Dios y libertad Monterrey Diciembre 28 de 1844.

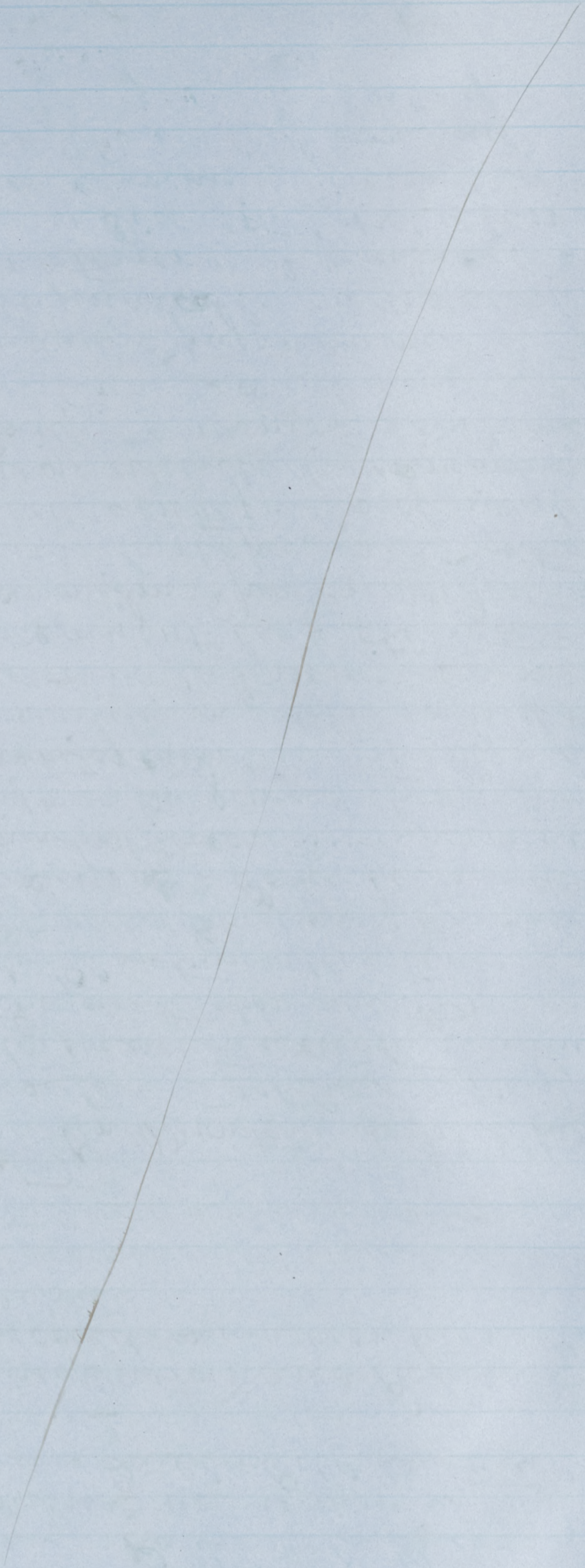
Man^t. Jimeno

Sr encargado de Justicia del pueblo de San Rafael.

Filed in Office Nov^r 10th 1853

Geo. Fisher Clerk

48



49

Delo Quinto Medii Real:

A. P. L
Exhibit to
Depos. of José
abrigo on the
30th day of
October A. D.
1854

Habrlitado provisionalmente por la Aduana
Maritima del puerto de Monterrey en el De
partamento de las Californias, para los omos
de mil ochocientos cuarenta y cuatro y mil
ochocientos cuarenta y cinco.

Pablo de la Guerra,
Por: Aus^o del Administrador
Guillermo E. Hartwell

236 ND
PAGE 48

Señor Gregorio Castañares Regidor Deca
no y Alcalde segundo en turno de
esta Capital.

Certifico hallarse en este proceso à pocas
veinte hes del libro de colonizacion ma del
tenor siguiente.

En Monterey de la Alta Ca
lifornia à los siete dias del mes de marzo de
mil ochocientos cuarenta y cuatro compareci
eron ante mi Gregorio Castañares Regidor De
cano y Alcalde 2^o en turno de esta Demar
cion, el Sr D^o Pedro Chaboy y D^o Jaime
Berry con el cuyo D^o Jorge Allen deman
dando el primero al tercero sobre perjuicio
q^o tenia sufridos en su ganancia por no poderlo
poner à su vista y evadado en razon à co
star aqui siguiendo un juicio ante el sup^o
Tribunal sobre posesion de terrenos de ambas
partes y q^o por consiguiente la falta de admini
stracion por su misma persona en estos sus
intereses lo habran hecho perder las ventajas
de haber tenido que entregar los referidos inte
reses à mitad de utilidades en manos aje
nas. El Sr D^o por convenio à D^o Jaime
Berry que desistia de su demanda deman
do que le alludare à pagar en una 3^a parte
los gastos q^o originara la medida q^o tenia
que hacer en los terrenos q^o demarce el sup^o
Tribunal de justicia. Dicho esto por el referido
Sr Berry vino en convenio y ha erise respon
sable al pago otro con lo q^o concluyó este
juicio firmandolo yo con las partes y los hechos
buenos.

Gregorio Castañares.
Antonio M^o Oro: # Jaime R^o Berry

ms

Apudm^o de D^o Antonio M^o Osorio de la
presente copia sacada fielmt^e de su origi
nal p^a los fines of. de conengon.

236 ND
PAGE 49

Monterrey, Noviembre 9 de 1844

J. Castañares

Seileam Office Oct. 31. 1854

Geo: Fisher Doery

Seal of the Third Class Two Reals,
 Authorized provisionally by the Maritime Custom House of the Post of Monterey in the Department of the Californias, for the years eighteen hundred and forty and eighteen hundred and forty one,

A.
 Translation.

(Signed) Jimeno (Signed) Antonio Maria Osio,

236 ND
 PAGE 50

Custom
 House Seal

Most Excellent Senor Governor,

Exhibits
 A, B, C, &c.
 accompanying
 the Petition.

I Antonio Maria Osio, a resident of this place before Your Excellency with due respect, and as the Law may allow me, do say, that the Government having given four sitios for cattle in the Santa de Reyes, and there remaining in that park more land than that which is granted. I request that Your Excellency will be pleased to grant me for the same purpose, what may be vacant not exceeding the maximum fixed by Law.

For want of competent Authority, the possession of said four sitios has not yet been given, and nevertheless hoping that you will do, I request of Your Excellency's Merignity that you will be pleased to accede to my petition and grant me provisionally the title of ownership, and as soon as these lands are measured, I will present the corresponding plan of all that maybe vacant and I ask for. I swear &c

Monterey October 3rd 1840

(Signed) Antonio Maria Osio

Monterey January 4, 1842,

In conformity with what the party interested in this Memorial asks for, the land mentioned is granted to him, with the understanding that in order to obtain the corresponding title, he shall present himself again making the respective plea and taking the customary proceedings.

(Signed) Alvarado

Seal of the Fourth Class. Two Reales,
Authorized provisionally by the Maritime
Custom House of the Port of Monterey, in
the Department of the Californias for the year
eighteen hundred and forty three.
(Signed) Michelena (Signed) Manuel Castaneda.

Seal of the Custom House
Most Excellent Governor,

I Antonio Maria Esig, a
resident of this place, with due respect and as
the Law may allow me, present myself and
say that on the 28. of September 1839 I
bought from Mr Joseph Ruvor
two sitios de Ganado Mayor which
had been granted to him in the Punta de Reyes
(in the jurisdiction of San Francisco) where
after having examined it I found that
it comprised a large extent of land and that
being vacant I might without injuring
any one, ask for it. To that effect I made
a petition to His Excellency the Governor,
Your Excellency's predecessor, and he granted
me the sitios which it might contain,
not exceeding the maximum besides the

236 ND

PAGE 51

"B"

"C"

53

two which I had purchased, as appears by the annexed petition.

This now going on for two years since I obtained the satisfaction of quietly possessing a Rancho which I began to stock with nearly five hundred head of cattle, and just when I was ready to convey a larger number from the Pueblo of San Jose. I understood from Captain Don Salvador Vallejo that he himself had already given possession of all my land to Mr James Richard Berry.

This information was given to me in presence of His Excellency the Governor to whom I immediately complained verbally of the violent spoliation of my property and his answer was that on account of the dispute which had taken place between the Government and the Comandancia General, he considered the most prudent measure to be for me to await the arrival of Your Excellency who was shortly expected.

As I before said Most Excellent Sir this now going on for two years that I am suffering loss, of much consideration, and therefore most earnestly request that you would be pleased to order a title of ownership to be made out in my favor to the extent which was provisionally granted to me, and that Mr Berry be informed that he has no right whatever in the Punta de Reyes, since the possession there given to him is well in all its parts, and that he be restricted to the sitios which were given to him in the Canada del Estero.

236 ND
PAGE 52

236 ND
PAGE 53

de Sonales" as the Expediente formed to that effect in the year thirty six determinately expresses, wherein the corresponding Plan exists, and at first sight it appears that nature itself means to divide the two Ranchos by placing mountains betwix them.

I therefore request Your Excellency to accede to my petition whereby I shall receive favor & justice, swearing &c.
Monterey October 3rd 1843,

(Signed) Antonio Maria Casio

Marginal Decree

Monterey October 26th 1842.

See the Government's Secretary Report,
(Signed) Micheltozino

Senior Governor

I saw all the proceedings had in the respective expedientes, as well as from the grants made to Mr James Richard Berry and to Don Rafael Garcia, and from the approval of the Most Excellent Departmental Junta of the 5th of September 1836 it results that eight sitios of ganado mayor were granted to Mr Berry in the place called Canada de Sonales, 9 Banlinas and other two sitios in the same place of the Banlinas to Don Garcia without any right to the other Contig = now land, and much less to the place the Surveyor granted to and claimed by General Don Antonio Maria Casio which is divided by mountains.

"D"

"E"

(Eight)
now. Respecting this word see the Surveyor General's certificate

This is all I have to report to Your Excellency in fulfillment of the Superior Decree of the 20th of the present month,

Monterey October 28, 1843.

(Signed) Manuel Jimenez

3-5-

Monterey October 28, 1843,

In accordance with the opinion of the Government Secretary, in favor and in justice to Mr Osio, and the land being vacant, let the title be made out and the proceedings asked for be dictated.

(Signed) Micheltoena

236 ND
PAGE 54

"G"

Monterey 31, November 1843,

In view of the Petition which commences this Expediente, the foregoing reports and all the rest which was born in mind and was necessary to be observed in accordance with the laws and regulations on the subject. I declare Don Antonio Maria Osio to be the proper owner of the place called Punta de Reyes, bounded by Mr James A. Berry, and Don Rafael Garcia, its limits, being in the other parts, the sea and the creek of Tomales, to the extent of eleven sitios de ganado mayor, without comprehending the two sitios which were granted to Mr Joseph Brock.

Let the corresponding title be issued, be recorded in the respective Book, and let this Expediente be forwarded to the most Excellent Departmental Assembly for its approval.

His Excellency the Governor did thus command, decree and sign, whereof I give testimony.

(Signed) Micheltoena

I the undersigned do hereby certify the foregoing to be a true and faithful translation of a fac simile copy of the original attested

"U"

57

To by Carl L. King Esqr
Surveyor General for California
Monterey August 25, 1852.

W. E. P. Hartwell
State Translator,

236 ND
PAGE 55

Seal of the First Class Eight Dollars.
Authorized provisionally by the Maritime
Custom House of the Port of Monterey in the
Department of the Californias, for the year
eighteen hundred and forty three.
(Signed) Micheltorena (Signed) Manuel Castaneda

"H"

Manuel Micheltorena, Brigadier General
of the Mexican Army, Adjutant
General of the Staff of the same,
Governor Commandant General and Inspector
of the Department of the Californias

Whereas Don Antonio Maria Osio, has solicited
for his personal benefit and that of his family
the place known by the name of "Punta de Reyes"
founded by James Richard Perry and Don
Rafael Garcia, its limits being on the other
side the sea and the Estero of Females, the
necessary steps and investigations having
been previously ~~made~~ taken and made
in conformity with the laws and regulations
I have by virtue of the powers conferred
upon me granted unto him in the name
of the Mexican Nation the land mentioned
declaring unto him the ownership thereof
by these presents Letters, and subject to the
approval of the Most Excellent Departmen-
tal Assembly and under the following
conditions:

5-7
1st. He shall not sell, alienate or mortgage it, impose ground rent (censo) entail (vinculo) or any other burthen.

2nd. He may fence it in without prejudice to the crossings, roads and servitudes, he shall enjoy it freely and exclusively destining it to the use or cultivation which may best suit him, but within one year he shall build a house and it must be inhabited.

3rd. He shall request the respective justice to give him juridical possession in virtue of this Title, and said Magistrate shall designate the boundaries and the limits whereof. He shall besides placing the land marks, plant some young trees or wild ones of some utility.

4th. The land whereof donation is made consists of eleven sitios de ganado mayor of service and without comprehending the two sitios which were granted to Mr Joseph Snook as is explained in the respective plot.

The justice who gives possession shall have it measured according to law, leaving the surplus which may result to the nation for the necessary uses.

5th. If he transgress these conditions he shall lose his right to the land, and it may be denounced by another.

I consequently command that these presents serving him for a Title and being held firm and valid, be recorded in the respective book and be delivered to the party interested for his security and other ends.

Given in Monterey on the thirtieth of November Eighteen hundred and forty three.

/ signed / Manuel Michelena
(Signed) Manuel Jimeno Secretary,

5-8

A Record of this Grant has been made in the
respective book on the second page of folio
3.

(Signed) Limeron

236 ND
PAGE 57

I the undersigned do hereby certify the fore-
going to be a true and faithful translation
of the original in the possession of A. Randall
Esq.

Monterey Cal. Sept. 1852.

W. E. P. Martnell,

State Translator.

59

236 ND
PAGE 58
"J"

This Indenture made the eighth day of January One Thousand eight hundred and fifty two, between Antonio Maria Cis, and Narcisa his wife of the City & County of Monterey, State of California of the first part, and A. Randall of the same place of the second part Witnesseth:

That the parties of the first part for and in consideration of the sum of Twenty five thousand Dollars, to them in hand paid by the part of the second part, also before the sealing and delivery of these presents, the receipts whereof is hereby acknowledged have sold remised, released and quit claimed and by these presents do sell, remise, release and quit claim unto the said party of the second part, and to his heirs and assigns forever all their rights, title and interest of in and to all that certain Tract farm or Rancho of land known as the Rancho of Punta de los Reyes, situate in the County of Marin, the same being composed of all that grant of land made by Governor Micheltoreno, to the said Antonio Maria Cis by grant or deed of concession for Eleven leagues dated November 30th A.D. 1843, as also all that grant or deed of Concession of land for two leagues made to Jose Francisco Surobr by Governor Alvarado dated June 8th A.D. 1839, and sold by said Surobr to said Cis by deed dated September 28th A.D. 1839 subject to a certain Mortgage thereon in favor of C. M. Bird for three thousand Dollars, together with all the cattle and horses (meaning animals of the horse and ox kind.) now upon the said Rancho, and belonging to the said parties of the first part, or either of them, and together with all and singular the Appurtenances

hereditaments and appurtenances therunto
belonging in any wise appertaining,
and the Reversion or reversions, rents,
issues and profits thereof, dower or
rights of dower, 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 or parcel thereof
with the appurtenances.

And the said parties of the first part, for
themselves and their heirs executors and
administrators, do covenant promise and
agree, to and with the said party of the
second part, his heirs, executors, admini-
strators and assigns, that they have not
made, done, committed, executed or suffered
any act or acts, thing or things whatso-
ever, whereby or by means whereof the
above mentioned and described premises
or any part or parcel thereof, now are or
at any time hereafter shall or maybe
impeached charged or incumbered in
any way or manner whatsoever
except as aforesaid.

In witness whereof the parties of the first
part have hereunto set their hands
and seals the day and year first above
written.

(Signed) Antonio Maria Osio, ²⁰⁰³ Ed. S. 13
(Signed) Narciso Soto de Osio Ed. S. 13

Sealed and delivered in
presence of
Joseph P. Thompson
Julius W. Rose,

61

236 ND
PAGE 60

State of California San Francisco County ss.
On this eighth day of January A.D. 1852,
before me a Notary Public in and for said
County, personally appeared Antonio Maria
Osio, to me known to be the person described in
and who executed the foregoing deed, and
acknowledged to me that he executed the same
freely and voluntarily to the uses and for the
purposes therein mentioned.

Witness my hand and official seal the day
and year above written.

John Hasketh
Notary Public.

Seal

State of California ss.
County of Monterey ss.
On this 15th day of
January A.D. 1852 personally appeared before
me a Notary Public in and for said County
Narciso Soto de Osio, to me personally
known to be the wife of Antonio M^a Osio and
the person who subscribed the foregoing con-
veyance of the Rancho "Puntas de los Reyes"
as a party thereto; and she being made ac-
quainted with the contents of said conveyance
of said Rancho by me, and being by me
examined, separate and apart from her
said husband, and without his hearing,
acknowledged that she executed the same
freely and voluntarily without fear or
compulsion, or undue influence of her
husband, and that she did not wish to
retract the execution thereof, and that said
conveyance was by her executed for the
uses and purposes therein mentioned.

Seal

L. P. Ashley
Notary Public

Government Secretarys Office
 This Government by a Decree dated the 29.
 of February last, commands that the sentence
 of the Superior Tribunal of Justice, of this
 Department, whereof the following is a copy,
 be carried into execution.

236 ND
 PAGE 61

Most Excellent Sir, The Fiscal of this
 Superior Tribunal makes known to your
 Excellency that he has examined the Expedientes
 of Messrs Rafael Garcia, James Richard
 Berry, and Antonio Maria Csis, and remarks
 thereon that the two sitios granted by the
 Departmental Government to Senor Garcia
 lie in the Canada de Parlinas, measured
 from its center to the point of the same
 named.

Garcia agreed to this grant
 since he established his house within its
 limits, and without any objection reported
 as vacant the remainder of the land, asked
 for in the petition of Mr Berry.

The Departmental Government, in the
 petition made by Berry for eight sitios in
 the land of Tomales and Parlinas, grants
 this favor, but with the understanding
 that said eight sitios be measured from
 the boundaries of the two sitios of Garcia
 forward.

Garcia posterior to these
 grants abandoned his possession, and
 located himself farther forward and consequently
 occupied in this new settlement land belonging
 to Berry.

This latter person in order also not
 to loose any part of his eight sitios, by
 reason of the part taken away from him
 by Garcia, advanced on to the land of Senor
 Csis, causing by these operations considerable

damage to Osio.

The possession given to Mr Berry of the eight sitios granted to him, was by the Military Commandant Don Salvador Vallejo and not by the Magistrate authorized by law to that effect, and consequently as the Military Commandant has no litigious authority, said possession is null and of no effect, and the party interested in order to legalize at all times, the documents of his property must obtain possession from the competent authority.

The measurement of these eight sitios is found by the fiscal to be incorrect, for it appears by the plan presented for possession that they contain 7820 varas from east to west, 15000 towards the north, 30600 to the E. S. E., and 30,000 to the S. E., which figure not being a regular one, shows the imperfection of the land and gives room for frequent lawsuits between the adjoining land owners.

All of which Your Excellency will perceive by the plan of these measurements, which I have the honor to accompany.

The Fiscal has likewise remarked with surprise the dissimilitude and consequently must say that the plan of possession ought to conform in all its parts with the one presented to the Government for obtaining the grant.

The denouncement made by Don Osio, is not as Mr Berry erroneously supposes of the remainder of his eight sitios, deducting the two which he granted to Mr Inoche, but of the vacant land which may result after the exact measurement of the eight

sities which belong to Mr Berry, from all of which premises the Fiscal's Office under my charge is of opinion.

1st That Senor Garcia must occupy the two sities which were granted to him in the Canada de Barlinas measured from the Center of said Canada to the point of the same name, which are the sities legally granted, and which he located in the beginning.

2nd That from the boundaries of Garcia there be exactly measured to Mr Berry by a Surveyor the eight sities granted to Mr Snook, or that on the contrary he obtain a new title for six sities only, which belong to him, in order to avoid disputes in future.

3rd That in case the Departmental Government wishes to favor Senor Osio it may do so with the remainder of the land which may result after the exact measurement of Garcia's and Berry's land.

4th That as the person benefitted by the measurement of these sities is Senor Osio he prays the expense of the Survey.

5th That Mr Berry obtain the possession of the land from the competent authority and reforms the plan of possession to conform with the one presented to the Departmental Government at the time of asking for the land.

6th That the competent Magistrate oblige these individuals in accordance with the Law of Colonization, to place their land marks at the moment of receiving possession in order to designate their boundaries and obviate many disputes.

This Sir is the Opinion of this Fiscal's Office
but Your Excellency will resolve what you
may consider most agreeable to Justice,
Monterey February 28, 1844

José María Castaneda

Monterey February 29, 1844. As it does not
appear from the Expediente referred to by the
Fiscal that Don Antonio Cisio has made
any denouncement of any of Mr Berry's land
but only of the surplus after measuring
exactly the land of said Mr Berry, and
it appearing that this Gentleman erroneously
questions the right of occupation of his
land, this Tribunal bearing in mind
that he ceded two sitios to Mr Snook, and
consented to the sale made by this person of
said two sitios, to Don Antonio Cisio, he
ought to know which was the part he
ceded and which was sold, and conse-
quently that he cannot occupy any part
of said two designated sitios, Mr
Berry will leave in peaceable possession
thereof the party who occupies Don Antonio
Cisio, and wishing to prevent any new disputes
in (this Tribunal) approves in all its
parts the Opinion of the Fiscal and signs
Juan Malerin,

José María Bonilla Secretary,
and I transcribed it to you by order of
His Excellency the Governor, to the end that
the adjoining land owners being summoned
the indicated survey be carried into effect

God & Liberty
Monterey Dec 28, 1844,

(Signed) Manuel Jimenez

66

To the person acting as Justice of the Peace
in the Pueblo of San Rafael,

I the undersigned do hereby certify the
foregoing to be a true and faithful translation
of the Original

Certificate in possession of A. Randall Esq
Monterey September 24, 1852.

(Signed) W. E. P. Hartnell
State Translator,

Span 200' 72" follows

N 236 ND
PAGE 65

67

D. José Rafael
García on the
21. of April 1848.

His Excellency the Governor of the Department,
under date of the 28th of December last
transcribes to me a decree of the Superior
Tribunal of Justice, commanding me
to comply exactly with whatsoever said
superior Tribunal has seen fit to resolve
with respect to the land granted to Don
Antonio Maria Osio in the Punta de
Reyes at the point of the Estero de Tomales
to Mr James Richard Berry and to
you in the Canada de Baulinas, and Mr
Berry believing that the land on which you
at present are about to make improvements
of great value belongs to him, he has notified
the same to this Jefegado, requesting me
to inform you of the Decree of the Superior
Tribunal, in order that if at the time
of surveying the lands it should turn
out as he supposes that the place
on which you see building belongs to him
you may not allege ignorance, but on
the contrary bear in mind how liable
a person is to loose his labor who builds
on another persons lands.

It is consequently my duty to inform you
that you will loose all the labor which
you may undertake at the point of
the Estero de Tomales, if in the survey
which is to be made of said lands it
should appear that the place on which
you may have made any improve-
ments belongs to Mr James Richard
Berry, which I inform you for your
Government commanding you to acknowledge
the receipt of this communication im-
mediately.

God &c

236 ND

PAGE 66

Translation

"H.D."

68

I hereby certify the foregoing to be a true and faithful translation of a document attested to as a true copy by Jas L. Poirer on the 13. of February A.D. 1853.

W. E. P. Marshall

236 ND
PAGE 67



ND

Seal of the Fifth Class, One Half Real,
Authorized provisionally by the Maritime
Custom House of the Port of Monterey in
the Department of the Californias for the years
eighteen hundred and forty four and eighteen
hundred and forty five,

(signed) Michel Arce

(Printed) Pablo de la Guerra

(signed) in the absence of the Collector
W. E. P. Martell,

236 ND
PAGE 68

"Lo"

oooooooooooo
Custom
House seal
oooooooooooo

Gregorio Castaneras, Tenor Reg-
idor and Second Alcalde by

turn of this Capitol: Do certify that
there exists in this Juzgado at folio
twenty third of the book of Conciliations
one of the following tenor.

In Monterey of Upper California on
the seventh day of the Month of March
Eighteen hundred and forty four, appeared
before me Gregorio Castaneras, Tenor Regidor
and 2nd Alcalde by turn of this Jurisdiction
Don Don. Antonio Maria Osio, with his
Referee Don Pedro Chaboya and Mr James
Berry with his Referee Mr George Allen
the first claiming of the third damages
sustained in his cattle, on account of not
being able to place it under his right and
care, by reason of being here following
up a Law Suit before the Superior
Tribunal respecting the possession of
lands belonging to both parties, and that
consequently the want of Administration
of this property by his own person, had
made him lose the advantages of delivering
said property to another on half profits

71

236 ND
PAGE 69

Don Antonio proposed to Mr James Berry that he would desist from his demand on condition that he (Berry) would help him to pay one third part of the expenses to be incurred in the measurement which had to be made of the lands designated by the Superior Court of Justice.

Said Mr Berry on hearing this agreed to become responsible for said payment, whereupon this conciliation was concluded & signed by the parties interested and the referees.

Gregorio Castaneras, Antonio Maria Esio,
James Richard Berry.

At the petition of Don Antonio Maria Esio I give the present copy, faithfully taken from the original for the end which may suit him,

Monterey November 9, 1844,
(Signed) G. Castaneras,

I the undersigned do hereby certify the foregoing to be a true and faithful translation of the original Certificate in the possession of A. Randall, Esqr,

Monterey Cal. September,
(Signed) W. E. P. Marshall
State Translator

Filed in Office March 1, 1853,
G. Fisher Sec.

71

Dello Tercero dos Reales:

Habilitado provincialmente por la Admone
A. P. G. amica Maritima de Monterey para los años de
to Depo. of Monue 1839 y 1840.

Castro. Alvarado # Antonio M^a Osio.

San Francisco 2. 1855

(Jello) En el puerto de Monterey a los veinte
y ocho dias del mes de septiembre
de mil ochocientos treinta y nueve
ante mi Donra Osio juez de paz y de pri
mera instancia de esta jurisdiccion y p
ante los testigos de asistencia con quienes
actuo por falta de Boeribano publicos con
parecieron presentes. D. Antonio Maria Osio
y Dr. Jose Onofre a quienes doy fee como
es y dijeron que ambos por si y a nombre
de sus herederos y de quienes de ellos hubiere
titulos y causa en cualesquiera materia
combran el primero una Vina y Casa de su
propiedad que tiene en la Ciudad de los
Angeles como consta del titulo de posesion
que presento y el segundo dos otros de
abrevadero llamado La punta de los Pelles
situada entre el puerto de San Francisco
y la Boilega con todo el terreno que menciona
a el respectivo titulo de propiedad que ha
manifestado y como ochenta rees ganado
Baeno que Pastan en el: de enjotitulos
de vina y Ortivos aseguran ambas conha
tantes no tener los vendidos ni enagenado
y que estan libres de tributo y otro gravamen
y como tal pegan uno por otro declarando
los estiman en igual valor y en caso de que
mas valga el uno o pueda valer en poco o mu
cha cantidad hace la favor del otro gracia
y donacion pura mera perfecta e irrevoca
ble con inmutacion y de mas firmeza de
gales, renuncian la ley 2^a, titulo 1^o, libro 10
Novisima Recopilacion que trata de los
contratos de trueques y de otros en que hay
lecion en mas o menos de la mitad del
justo precio y los cuatro años que presine por
pedir su rescision y mutuamente se traspas
an sus acciones reales y personales para

236 ND
PAGE 70

ms

enter en posesion y goze. De conferen poder
vivo cable con libre pomea y [dells tercer
dos reales. Habilitado porcion almente
por la Aduana Maritima de Monterey
para los años de 1839 y 1840.

236 ND
PAGE 71

alvarado Antonio M. Osio

Jello general, administracion y se con
stituyen procuradores, actores en
su propia causa para enter y
apoderarse de la mencionada Dño
y Remedio y al efecto puden se les de copia
autorizada de la presente escritura para
la averda con otancia, obligandose a
que dho cambio sera cierta seguro y efectivo
y que nadie movera pleito sobre una u
otra propiedad y en tal caso, luego que los
otorgantes conforme a derecho se requiri
do saldran a su defenza en todas instan
cias hasta quedar en quieta y pacifica
posesion y no puden de ensequido res
tituiran las cantidades desembolsada
y mejoras con todos los costos y menoscabos
y a la observancia y validacion de lo
presente obligacion ambos otorgantes de per
sona, bienes habidos y p. haber y en ellos
se someten al fueroy jurisdiccion de los
señores prezes y justicias que en el presente
asunto fueran y deven conocer para que a
cumplimiento los compelan y apremien
por todo rigor de derecho y para eje cutiva
como si fuese p. sentencia pasada defini
tiva en autoridad de cosa juzgada y enun
cien su propio finas domicilio y veindad
las leyes de su favor y defenza con la gene
ral del oho en forma. En cuyo testimonio

Y lea mi Ofpeasi lo otorgaron y firmaron conmigo y por
Lemy 2. 1855 ante los testigos de mi asistencia siendo
Leos. Gisher Los instrumentales Don Rafael Gonzalez
D. José Abrego y Dr. Boterem Munras pre
sentes y vesinos de que doy fee.

David Spence # Antonio Maria Osio.
José Snook # Manuel Castro y Benito
Dias de asistencia.
Copia de su Original fha ut supra.
Dav. B. Spence.

73

Deal of the Third Class, Two Reales,
Authorized provisionally by the Maritime
Custom House of Monterey, for the years
1839, and 1840,
(Signed) Alvarado. (Signed) Antonio Ma Osis

236 ND
PAGE 72

Custom
House Deal

In the port of Monterey on
the Twenty eighth day of the
month of September, One

Translation
of
Deed.

Thousand Eight Hundred and thirty nine
before me David Spence, Justice of the
Peace and of First Instance of this Juris-
-diction, and before the Assisting Witnesses
with whom I act for the want of a
Notary Public; personally appeared Don
Antonio Maria Osis and Mr Joseph Brooks
whom I certify that I know, and said:
that both of them in their own names
and in the names of their heirs and
whosoever through them may have title
voice and cause in any matter, do
exchange the former a vineyard and house
belonging to him in the City of Los
Angeles as appears by the title of
Possession which he presented, and
the latter two sitios of land suitable for
feeding and watering Cattle, called "San
Punta" de los Reyes situated between
the Port of San Francisco, and the Bodega
with all the land mentioned in the respec-
-tive title of ownership which he has
produced, and about eight head of Cattle
that feed thereon, which titles of vineyard
and sitios, both the contracting parties,
assure that they have not sold nor
alienated, and that they are free from
tribute and other burthen, and as

74

236 ND
PAGE 73

such they exchange the one for the other, declaring that they consider them to be of equal value, and that if the one should or may be worth more in a small or large amount, he cedes it to the other and makes thereof a donation pure, simple, perfect and irrevocable, with exhibition of the respective documents (cominsuración) and the other legal securities, they renounce Law the 2nd Title 1st Book 10. of the Novísima Recopilación which treats on Contracts of barter, and others respecting damages for more or less than half of the just price, and the four years preferred for claiming rescission; and they mutually transfer their real and personal actions for entering into possession and enjoyment.

They confer on each other irrevocable powers, with full, frank and general Administration and constitute each other proctors in their own cause for entering on and taking possession of the said Vineyard and Rancho, to which effect they request an authenticated copy of this Instrument in due Testimony, binding themselves that this exchange shall be certain, sure and effective, and that no one shall move suit against one or the other's property, but if such should take place that the grantors when required according to Law will come forth at all times in defense thereof until peaceable possession be obtained and should this not be obtained, they will make restitution of the sums disbursed and the improvements with all costs and

75-

damages, And for the observance and validity of these presents, both parties bind their persons, and present and future property, and therewith submit themselves to the power and jurisdiction of the Judges and Justices who may or ought to take cognizance of the present matter, so that to the fulfillment thereof they may be compelled and forced with all the rigor of the Law, and executive power, as if it were by a sentence definitively pronounced on the Authority of a thing adjudicated: they renounce their own rights, domicile and residence, the laws in their favor and defence, with the General one of rights in force.

236 ND
PAGE 74

In Testimony whereof they consented, and signed with me and before my assisting witnesses, the instrument witnesses being Don Esteban Munras, Present and President which I certify,

David Spence, Antonio Maria Asis,
Joseph Durock, Manuel Castro, and Benito Lira, Assisting witnesses,

This is a copy of its Original. Date as above,
(Signed) David Spence,

I the undersigned do hereby certify the foregoing to be a true and faithful Translation of the Original Certificate in possession of A. Randall Esq. to the best of my knowledge
Monterey September 4, 1852,

(Signed) W. E. P. Hartnell
State Translator,

Filed in Office Jan 2, 1853
Geo. Fisher Sec.

Span 200c follows

77

A. P. L
Exhibits to De
position of Wm
Reynolds.

Nov. 11. 1854

236 ND
PAGE 75

A. D. Rafael, El Excmo. Sr. Gobernador
Garcia on 21 de Mayo del Departamento, con fha
de Abril de 1845 m. 28 de Diciembre ultimo me
transcribió una disposicion del
Superior Tribunal de Justicia ordenandome
que cumpla exactamente con cuanto dicho
superior tribunal tuvo à bien resolver à cerca del
beneno concedido à D. Antonio M. Osio en capum
ta de Reyes en la punta del Estero de Tamales
à D. Jaime de Bení ^{Recordado de Bení y a D. en la Camara} y creyendo el Sr.
Bení que à él pertenece el terreno en que
hay se halla al comenzar una finca que de aqui
ser mucho costo lo a echo presente à este ju
gado pidiendome el que averse à V. la disposi
cion del superior tribunal para que en el
tiempo de la medicion de terrenos resulta
compro que à él pertenece el lugar en que
V. está fabricando no aley ignorancia
y si que tenga V. presente lo espuesto que
está à perder su trabajo el que fabrica en
punto ajeno.

del Estero

En consecuencia de lo espuesto
debo de ir à V. cuanto trabajo emprendido
en la punta de Tamales, todo lo perder a
V. en la medicion de los terrenos
mencionados resulta que donde V. haya puesto
alguna finca, pertenece à D. Jaime Ricardo
Bení.
Lo que avisó à V. para su conocimiento previ
niendole el que luego me acre el recibo de
este.
Dios etc.

Office of the County Recorder of Marine
County State of California.

J. Gas. L. Pondexter Recorder of the County
of Marine State of California and do hereby
having as a part of said Records of my Office
a portion of the Archives of the former Mexican
Territory or Departments of Upper California
do hereby certify that the two preceding and
hereunto annexed pages of tracing paper num-

MS

ceived One and Two and both of which are verified by my initials D. L. P. exhibit a true and accurate copy of the Writing upon the pages, the Seventh and Eight pages of a Book of Records which is on file and forms part of the said Archives of this Office

236 ND
PAGE 76

In Testimony whereof I have hereunto set my hand and Official Seal this Seventh day of March in the year One thousand eight hundred and fifty four in San Rafael Marin County.

Seal

Jas. L. Pomides
Recorder

Daniel A. Sampson
Deputy

Filed in Office Nov 11th 1854.

Geo. Fisher Deery

79

Don Don Rafael
Garcia on the
21th of April
1845.

236 ND
PAGE 77

Translation of
Exhibit A. P. L.

His Excellency the Governor of the Department under date of the 28. of December last, transcribes to me a Decree of the Superior Tribunal of Justice commanding me to comply exactly with whatever said Superior Tribunal has seen fit to resolve with respect to the land granted to Don Antonio Maria Casio in the Punta de Reyes, at the point of the Estero de Tomales to Mr James Richard Berry, and to you in the Cañada de Baulinas; and Mr Berry believing that the land on which you at present are about to make improvements of great value belongs to him: he has notified the same to this Juzgado, requesting me to inform you of the decree of the Superior Tribunal, in order that if at the time of surveying the lands it should turn out as he supposes that the place on which you are building belongs to him you may not allege ignorance, but on the contrary bear in mind how liable a person is to lose his labor who builds on another persons land.

It is consequently my duty to inform you that you will lose all the labor which you may undertake at the point of the Estero de Tomales, if in the survey which is to be made of said lands it should appear that the place on which you may have made any improvements belongs to Mr James Richard Berry which I inform you for your Government commanding you to acknowledge the receipt of this communication immediately,
God &c.

I George Fisher Secretary to the W. S. Land
Commission do ascertain and settle private
Land Claims in the State of California,
hereby certify the foregoing to be a literal
true and correct Translation of a certain
paper purporting to be an authenticated
Traced copy from the Office of the Recorder
of Marin County California, which copy
is filed in Case No 666 on the Docket
of this Commission, under date of Nov^r
11, 1854, Andrew Randall vs The United
States for the place named "Punta de Reyes"
and marked A. P. L. Exhibit & deposition
of William Reynolds.

In testimony whereof I have herewith
signed my name at Office at the City of
San Francisco Cal this 4th day of
January A. D. 1855,
Geo. Fisher Sec.

Filed in Office Jan 4, 1855,
Geo. Fisher
Sec

81

A. Randall vs The United States } No 666, W.S. Land }
Commission for California

Stipulation

It is hereby stipulated that the traced copies filed in this case and certified by Mr King the late W.S. Surveyor General for California under his private seal may be read in evidence just as though they were re-copied and certified under the seal now provided for the Surveyor General's Office.

236 ND
PAGE 79

Robert Greenhow
Asst. Land Agent,
Filed in Office Dec 19, 1853,
Geo. Fisher Sec.

A. Randall vs The United States } No 666.

Stipulation and

Agreed between the United States Land Agents and the above mentioned claimants that the certified "translation" of a part of Exhibit P. L. to the deposition of John B. R. Cooper in No 525 may be received and read in evidence in this case in full proof the facts contained therein, as fully as if the original had been duly filed herein.

Louis Blanding
Asst Land Agent,
January 4, 1854,

Filed in Office Jan 5th 1855,
Geo. Fisher
Sec.

Span Loc follows.

On the 31 of May (1836) this was referred
to the Committee on Lands,

(Signed) Maldonado
Secretary,

236 ND
PAGE 80

Most Excellent Sir

Translation
of
Exhibit P. L.

The Committee on colonisation and vacant
lands to whom was referred the Expediente
which forms the Grant made by the Political
Chief in favor of Citizen James
Richard Berry of the place named
Juncos, and Baulinas, makes known that
in the grant made to Citizen Rafael
Garcia in the land of the same name
there appears to be a mistake, because
this person (Garcia) asks for two sitios
in the Canada de Baulinas, as appears
by the Expediente on file in the Office of
the Secretary, of the Political Government
and besides, in the declaration of said Garcia
on the 5th folio of the present Expediente
he declares that the land asked for by
Berry does not belong to any private
person; and that he acknowledges it as
vacant; this proves that the "Juncos
and Baulinas" granted to said Berry
are not granted to the before mentioned
Garcia, but only two sitios in the
Canada of said Baulinas, and that
therefore the land asked for by, and
granted to Berry remains vacant; in
virtue whereof, and in order not to
injure the grantee, the land asked for
may be granted to Berry, leaving Citizen
Garcia in pacific possession of two
sitios in the Canada de Baulinas
with respect to the grant made to

the party interested in this Expediente by the Superior decree of the 17, of March last the Committee has no other objections to make, except its having been granted under the conditions which shall be stipulated, and believing that there can be no others than those stipulated in the Law on the subject, it is of opinion that the party interested, cannot be subjected to any more restriction, than those mentioned in said Law, wherefore the Committee concludes by submitting to the deliberation of your Excellency the following propositions.

1st The Grant made by the Political Chief on the 17 of March last of the land called Tamales & Baulinas, to Citizen James Richard Berry, is approved with the exception of two sitios already granted to Citizen Rafael Garcia in the Canada Baulinas from its center towards the point of the same name.

2nd, Said Berry shall not be subject to any other restriction than those stipulated in the Law and Regulations of Colonization.

Monterey September 9, 1836.

(Signed) José Joaquín Gómez
(Signed) David E. Spence.

Monterey September 9, 1836.

In Session of today the Most Excellent Deputation approved the foregoing opinion with the two propositions with which it closes, and ordered that the Expediente

be sent to the Political Chief for its conclu-
sion.

(Signed) Juan B. Alvarado
(Signed) José María Maldonado
Secretary.

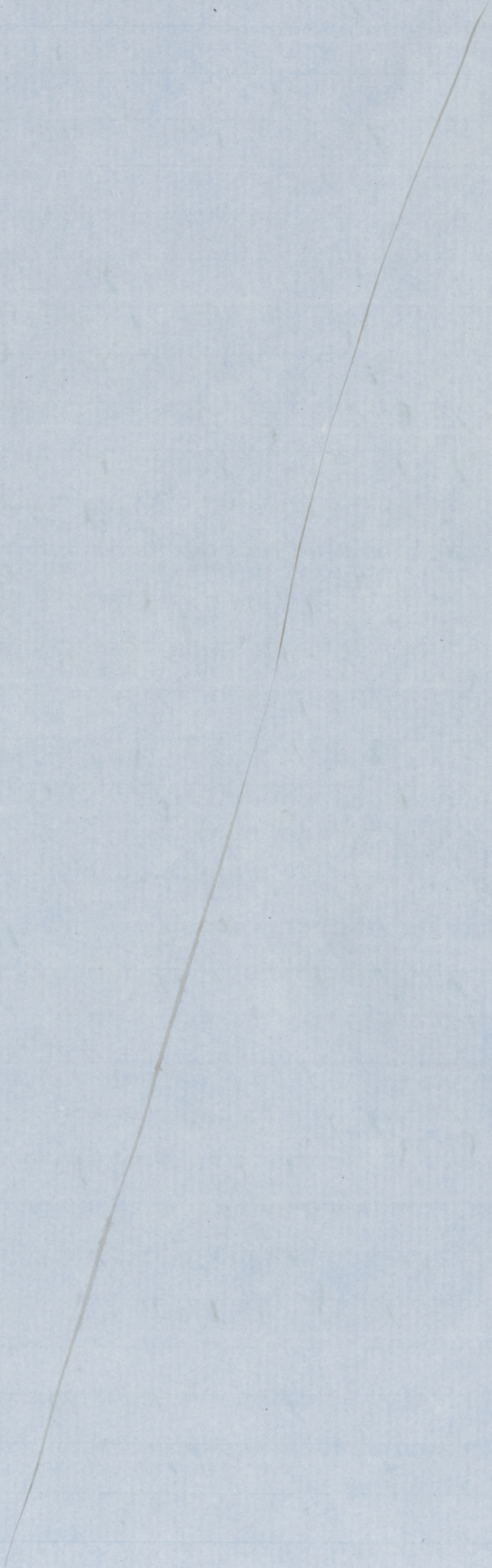
236 ND
PAGE 82

I George Fisher Secretary to the Board of
U.S. Land Commission to ascertain and
settle private Land Claims in the State
of California, hereby certify the foregoing
to be a true and correct and literal Trans-
lation of a paper purporting to be an au-
thenticated traced copy, or that part
thereof commencing on the 12th leaf thereof
with En 31 de Marzo, and the two following
pages thereof marked "13" and "14" respect-
ively, signed John C. Hays U.S. Surveyor
General for California, filed Nov 11,
1854 in Case No 525 on the docket of
this Commission Bethuel Phelps vs
The United States for the place called
"Punta de Reyes" and marked B.P. Lo.
exhibit to the deposition of John B.R. Cooper
Nov 9, 1854.

In Testimony whereof I have herewith
signed my name, at Office, at the City of
San Francisco Cal this 4. day of
January A.D. 1855.

Geo. Fisher
Sec.

Dated in Office Jan 4 1855,
Geo. Fisher Sec.



187

This Indenture made the eighth day of January One Thousand Eight hundred and fifty two between Antonio Maria Osio, and Narcissa his wife, of the City and County of Monterey State of California of the first part, and A. Randall of the same place of the second part.

Witnesseth: that the parties of the first part for and in consideration of the sum of Twenty four Thousand Dollars to them in hand paid by the party of the second part, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have sold remised, released and quit claimed and by these presents do sell, remise release and quit claim unto the said party of the second part, and to his heirs and assigns forever all that certain tract farm or Ranch of land known as the Rancho of "Cuesta de los Reyes" situate in the County of Marin the same being composed of all that grant of land made by Governor Micheltorena to the said Antonio Maria Osio, by grant or deed of Concession for eleven leagues, dated November 30, 1843, as also all that grant or deed of Concession of land for two leagues made by José Francisco Snook by Governor Alvarado, dated June eighth A.D. 1839, and sold by said Snook to said Osio, by deed dated September 28, A.D. 1839, subject to a certain Mortgage thereon in favor of G.W. Bird for Three Thousand Dollars, together with all the Cattle and horses (meaning animals of the horse and ox kind), now upon the

236 ND

PAGE 83

Copy of Deed

said Ranch, and belonging to the said parties of the first part, or either of them, and together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appurtenant, and the reversion and reversions, rents, issues and profits thereof, dower or right of dower, property, possession, claim and demand, whatsoever as well as in law as in equity of the said parties of the first part, of in or to the above described premises, and every part or parcel thereof with the appurtenances, and the said parties of the first part, for themselves and their heirs executors and administrators, do covenant, promise and agree with the said party of the second part, his heirs executors administrators and assigns that they have seen, made, done, committed, executed or suffered any act or acts, thing or things whatsoever, whereby or by means whereof of the aforementioned and described premises, or any part or parcel thereof, now or at any time hereafter, shall or may be impeached, charged or encumbered, in any manner whatsoever, except as aforesaid.

In witness whereof the parties of the first part have hereunto set their hands and seals the year and day first above written,

Antonio Ma. Cisig (Seal)

Marcella Foto de Cisig (Seal)

Sealed and delivered in
presence of Joseph P. Thompson,
Julius K. Rose,
Francis J. Maguire,

State of California
San Francisco County

On the eighth day of
January A.D. 1852, before me a Notary
Public in and for said County, personally
appeared Antonio Ma Osis, to me known
to be the person described in, and who
executed the foregoing deed, and who acknowl-
edged to me that he executed the same freely
and voluntarily, to the uses and purposes
therein mentioned.

Witness my hand and official
seal the day and year above
written

John Macketh
Notary Public.

State of California
County of Monterey

On this 15. day of
January A.D. 1852 (1852) personally
appeared before me a Notary Public in
and for said County, Narcissa Joto de
Osis to me personally known to be the wife
of Antonio Ma Osis, the person who
subscribed the foregoing conveyance of the
Rancho. "Punta de las Reyes" as a party
thereto, and she being made acquainted
with the contents of said conveyance of
said Rancho by me, and being by me
examined, separate and apart from her
said husband, and without his hearing
acknowledged that she executed the same
freely and voluntarily, without fear, or
compulsion or undue influence of her hus-
band, and that she did not wish to
retract the execution thereof, and that said

9.11

conveyance was by her executed for the uses
and purposes therein mentioned.

Seal

L. R. Ashley
Notary Public.

236 ND
PAGE 86

State of California
County of Marin

J. James L. Poindexter
Recorder of Marin County and State afore-
said do certify that the above & foregoing is
a true copy of the original Deed of Auto-
mated, Ma Esio to A. Randall, Recorded in
Record Book "A" of the Records of said County
page 105.

Witness my hand and seal of Office
in San Rafael this 15, day of April A.D.,
1852.

James L. Poindexter
Recorder Marin County,

Filed in Office Decr 5, 1854,
Geo. Fisher Secy

91

Especto.

1^a De aprueva la concesion hecha por el
D. Jefe politico en 1^{uy} de Marzo del terreno
nombrado Samales y Paulines al C. Jayme
Ricardo Berry a cesesion de dos sitios q^{te} te-
nia concedidos el C. Rafael Garcia en la
cañada de Paulines desde su centro hasta
la punta del mismo nombre.

236 ND
PAGE 87

2^a Que el Referido Berry no quede sujeta
a mas restricciones q^{te} a las demarcadas
en la ley y reglamento de colonizacion.

Monterey Setiembre 5 de 1836
Jose Joaquin Gomez # Gov. C. Openes

Monterey Oct. 9 de 1836.
En sesion de hoy aprubo la C. Diputacion
el antecedente dictamen con las proposici-
ones en q^{te} concluye ya acordado pase este expediente
al D. Jefe politico para su conclusion.
Lucas B. Alvarado. Presd^{te} Snd
Jose Maria Maldonado.

Office of the Surveyor General of the United
States, for California.

I, John B. Kays, Surveyor General of the Uni-
ted States for the State of California, and
as such having in my Office and under my
charge and Custody a portion of the Archives
of the former Spanish and Mexican Territory
or Department of Upper California by virtue
of the power vested in me by law, Do hereby
certify that the preceding and herewith annex-
ed page of tracing paper exhibits a true and
accurate copy of a portion of a certain do-
cument, entitled: "1836. Expediente prom-
ovido en solicitud de terreno que indica el ad-
junto diseno por el Ciudadano "Jayme Ri-
cardo Berry, 1836 n. 3". now on file and for-
ming part of the said Archive in this
Office.

In Testimony whereof I have
herewith signed my name Officially

Seal

MS

92

and caused my Seal of Office to be af-
-fixed at the City of San Francisco, this 2nd
day of January, A. D. 1855.

John C. Hays

U. S. Surveyor General
for California and

Vallejo Office January 2nd 1855

Geo. Fisher Deery

236 ND
PAGE 88

93

Andrew Pandall }
vs }
The United States } For the place called "Punta
de Reyes" in Marin County
containing eleven square
leagues of land.

236 ND
PAGE 89

As the basis of this claim the Petitioner has presented and proved a grant of the land claimed, made by Governor Manuel Micheltona, to Antonio Maria Osio under date of November 30, 1843, and a deed executed by said Osio and wife, dated January 8, 1852, conveying the same to him.

Opinion by
Commissioner
Alphens Delch

6002

The occupation of the premises by his servants, and with cattle commenced according to the proof about the time the grant was made, and the grantee subsequently moved on to the premises with his family, and for two years or more made it his residence.

The witness Elias, swears that he was living there in May or June 1844, and had at that time two houses there in which he and his servants lived, and that he had a garden, a corral, cattle, horses and other stock on the place.

He continued the possession of the premises until he sold to the present claimant. The land is described in the grant as a promontory encompassed on three sides by the waters of the Ocean and on the fourth bounded by the land of James Richard Berry, and Rafael Garcia.

It appears from documents filed in the case that a controversy arose between the claimants of these three Ranches, as to their respective locations and lines, and that a decree on

GH

236 ND
PAGE 90

the subject was made by the Superior Tribunal of Justice on the 29. day of February 1844.

It is very possible that there may be some difficulty, in establishing by actual survey, this division line between the Ranches of Berry & Garcia on one side, and that of the Punta de Reyes now under consideration on the other, but in a mere conflict of boundaries the Act of March 3, 1857, has given ample powers to the Surveyor General to act on the subject.

When the lines of the Berry and Garcia tracts are established, the limits of that of Punta de Reyes, being bounded by them, will necessarily be fixed.

A description in the words of the Grant bounding the premises on three sides by water, and on the fourth by the line of the Berry and Garcia grants, extending from shore to shore, will sufficiently define the land confined, and a decree will be entered in these terms.

A Judicial measurement was required by the terms of the Grant, which was never obtained, but is proved by the deposition of James Dooney, that by a careful and accurate survey, the quantity of land embraced within the limits described in the Grant was found to be less than ten square leagues.

The maximum specified in the Grant is eleven square leagues.

It is quite certain if the Surveyor's return is correct, that no supposeable change which can be made in the location of the dividing line, above referred to

95-

can increase the quantity to eleven leagues
and there can be therefore no surplus to
be reserved to the Nation.

Confirmed

Dated in Office Jan'y 9. 1855,

Geo. Fisher Sec.

236 ND
PAGE 91

Andrew Randall }
vs }
The United States }

In this case on 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.

Decree

The land of which Confirmation is hereby made is known
by the name of Punta de Reyes, situated in Marin
County, and is the same granted to and formally
occupied by Antonio Maria Osio, and is bounded
as follows: to wit; on one side by the Estero of
Tunales, on two sides by the Pacific Ocean, and
on the fourth side by land known as the Ranchos of
James Richard Berry, and Rafael Garcia, said
land containing about eleven square leagues or
less, and without comprehending two sitios
which were granted to Joseph Inoche, and
being the same land described in the Grant
of the same to said Osio, to which as also by
the map thereof contained in the traced copy
of the Expediente on file in this case, reference
for further description is to be had.

Alphens Ditch
R. Aug. Thompson
Commissioners

Dated in Office Jan'y 9. 1855,

Geo. Fisher Sec.

And in 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 decisions 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.

236 ND
PAGE 93

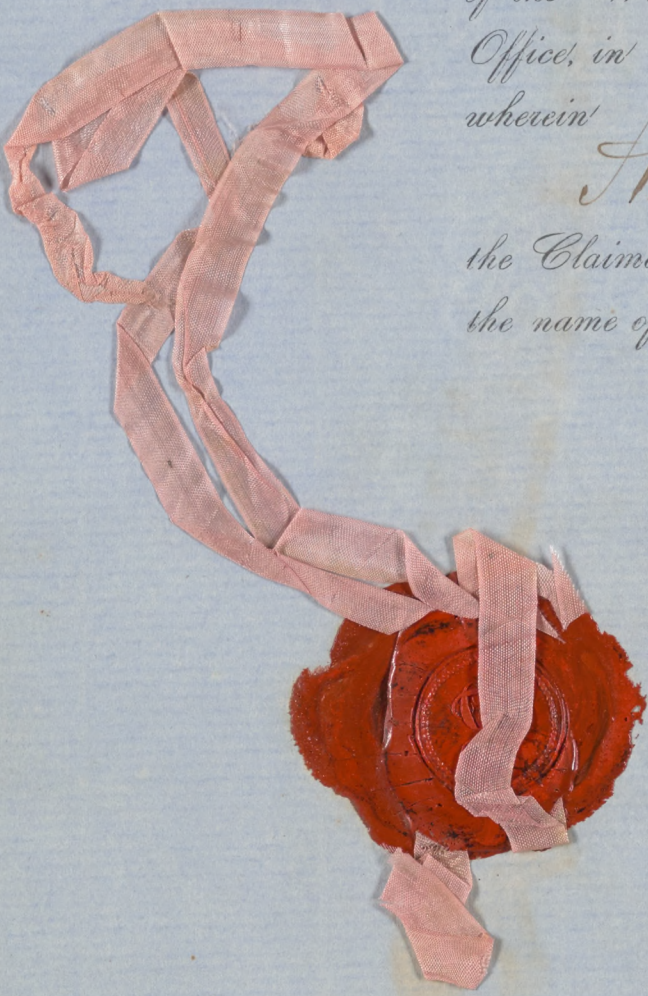
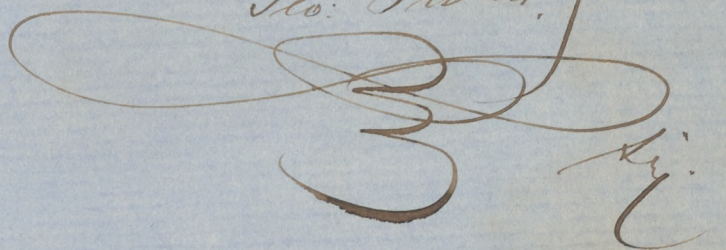
I, *George Fisher* — Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Ninety six* — pages, numbered from
1 to *96*, both inclusive, to contain a true, correct and full Tran-
script of the Record of the 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. *66* on the Docket of the said Board,
wherein

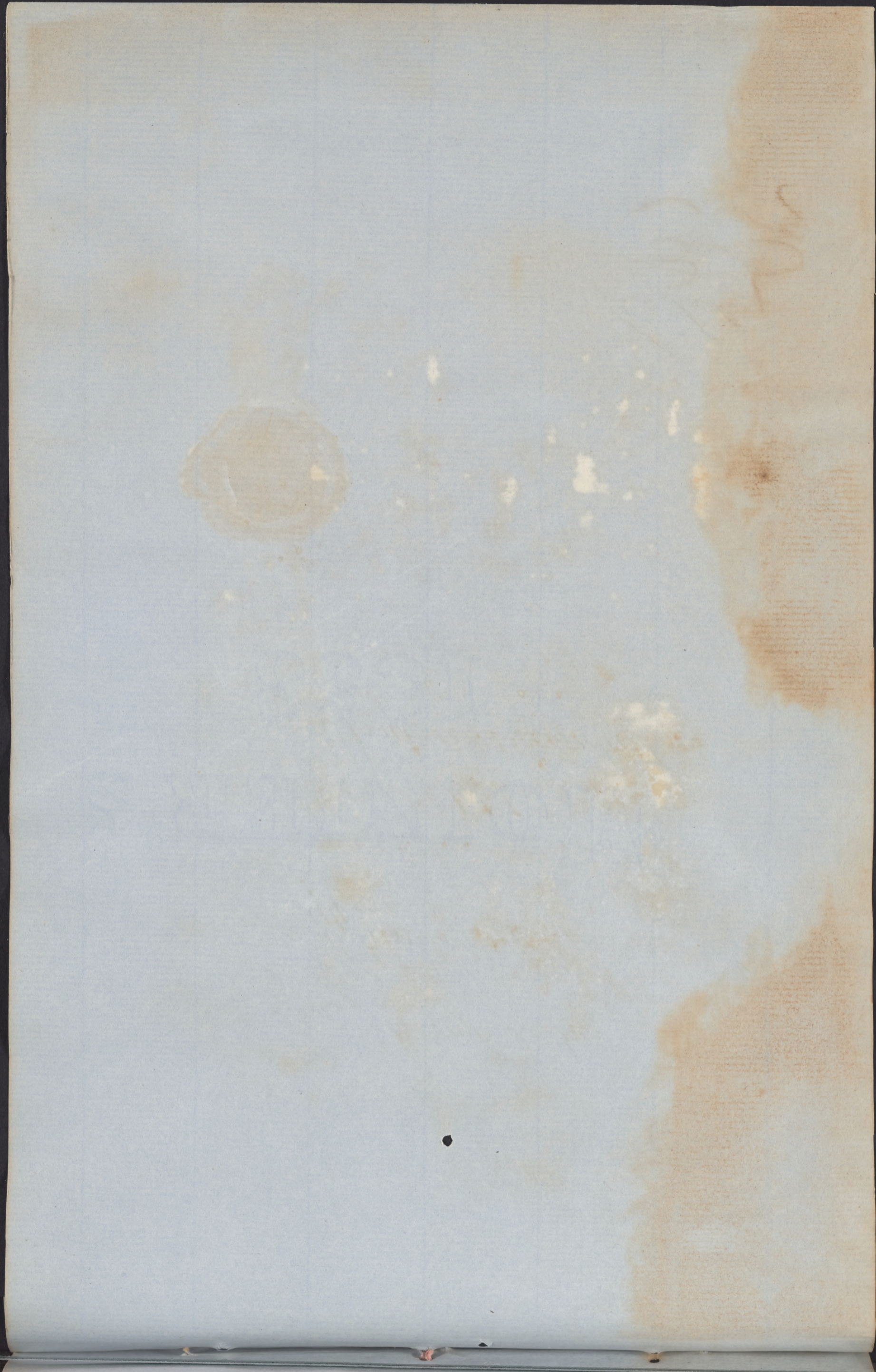
Andrew Randall is —

the Claimant against the United States, for the place known by
the name of "*Punta de los Reyes*" —

In Testimony Whereof, I hereunto set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
Seventh — day of *July*
A. D. 1853, and of the Independence of the
United States of America the ~~seventy~~ *eightieth*

Geo. Fisher









U. S. DISTRICT COURT,

Northern District of California.

No. ~~236~~ 236

THE UNITED STATES,

vs.

ND

Andrew Randall.

TRANSCRIPT OF THE RECORD

FROM THE

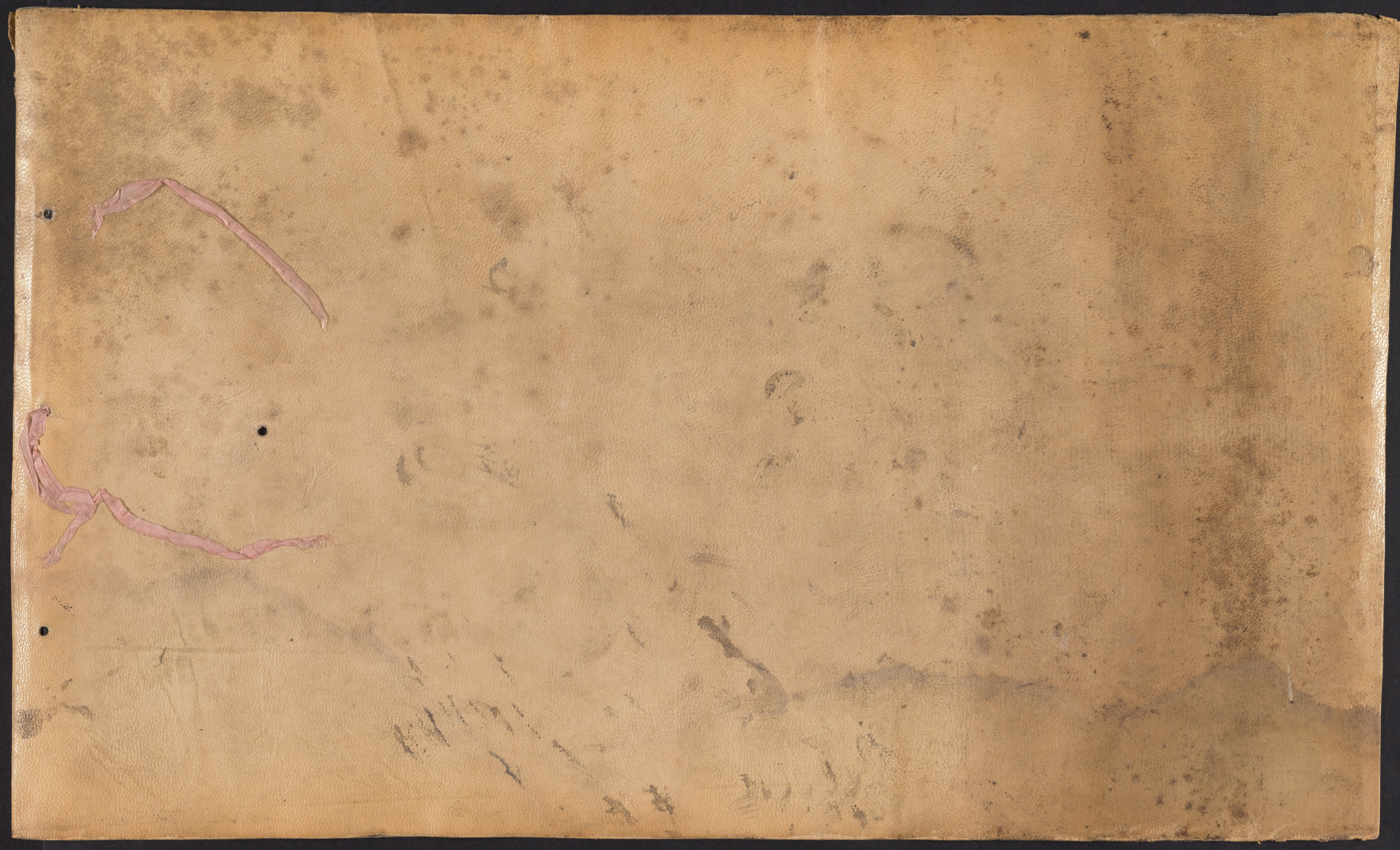
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *666*

Filed, *July 7th* 1853-

John A. Monroe
Clk

Sub 666



Office of the Attorney General of the United States,

Washington, 10, October 1855.

666. / "Punta de los Reyes."

Andrew Randall, claimant.

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 1st day of August, 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. 236 -

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

United States

vs
Andrew Randall,

Notice of Appeal in
Case No. 666.

Filed Nov: 22, 1855.

J. Cherris,
Deputy

236 ND
PAGE 95

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

The United States

v.

Andrew Randall

}
}
}

D. C. 236. L. C. 666.

236 ND

PAGE 96

In pursuance of notice
from the U. S. Attorney General, herewith annexed,
it is hereby stipulated and agreed that no fur-
ther appeal be taken herein on the part of the
U. S., and that claimant have leave to proceed
under the decree of this Court heretofore ren-
dered in his favor, as under Final Decree,
San Francisco, May 24th 1858.

P. Della Torre
U. S. atty.

California Land Claim.
Attorney General's Office
9 Feby 1857.

Sir: In the case of the claim of
Andrew Randall, confirmed
to the claimant by the Commis-
sioners, Case no. Six Hundred and
sixty-six, (666), Appeal will not
be prosecuted by the United States.
I am,

Respectfully,
Cushing

Wm. Blanding Esq
U. S. Attorney,
San Francisco.

236

The United States

r.

Andrew Randall

Stipulation

Filed May 24, 1858,

W. H. Chew,

Clark

236 ND

PAGE 98

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 *Monday* the *24th* day of
May in the year of our Lord one thousand

236 ND
PAGE 99

eight hundred and fifty-seven ~~seven~~ *eight*,

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States
v.
Andrew Sandall.

D. C. 236; L. C. 666.

The Attorney General
of the United States having given notice
that no further appeal will be prosecuted
herein on the part of the United States, and
a stipulation to that effect having been
entered into;

On motion of T. Della Torre, Esq;
U. S. Attorney, it is Ordered that Claimant
have leave to proceed under the Decree
of this Court heretofore entered in his favor,
as under Final Decree.

Ogden Hoffman
Dist. Judge

236

United States District Court, Northern District of
California.

The United States

vs.

Andrew Randall

ORDER.

Vacating appeal.

[Signature]

Filed *May 24,* 1858,

H. H. Chivers

CLERK.

By

DEPUTY.

236 ND

PAGE 100

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

236 ND The United States }
PAGE 101 } Appellant. } Appeal from Land Commission,
Andrew Randall } L. C. No. 666.
Appellee. } District Court No. 236.

Solomon Heydenfelot
O. L. Shafter, J. M. M. Shafter, & T. W. Park come and
move that an order may be made in the above entitled
cause making them parties thereto against the United
States, and extending to them the benefit of the proceedings
that have hitherto been had therein, and allowing them
to be heard in any proceedings that may hereafter be
taken in said cause, either as parties or as attys of said Randall.

S. Heydenfelot,
O. L. Shafter,
J. M. M. Shafter,
T. W. Park.

The United States

Andrew Randall.

236 ND

PAGE 102

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

I, O. L. Shafter, of lawful age, depose and say, That the title of the said Andrew Randall under the Mexican grant set forth in the petition in the above entitled Cause has been confirmed in this Court by final decree. That the said Andrew Randall deceased in the summer of 1856, and that Thomas Sutherland Esq, his attorney of record is also deceased. That the lands covered by said grant on the 17th of March 1857 were sold on an execution issued upon a judgment in favor of Robert McMillan against said Randall, and that said McMillan became the purchaser of said lands and of all the right, title and interest of said Randall therein, at the said execution sale. That said lands not having been received within six months ensuing the date of said sale, the Sheriff of the County of Marin, wherein said lands are situate, on the 26th of December 1856, executed to said McMillan his Sheriff's deed for said lands.

That on the sixth day of May 1857 the said McMillan conveyed the said lands in fee simple to Solomon Heydenfeldt, J. M. Shafter, J. W. Park, and this affiant, and that they since the 30th day of May 1858 have been and now are in the quiet peaceable possession of said lands; and this affiant knows of no claim to said lands adverse.

Sworn to, & subscribed }
June 3rd. 1859, before me, }
M. H. Chivers, }
N. J. Com. }

O. L. Shafter.

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

The United States

vs

Appellant

Andrew Randall

Appellee.

No. 236. D. Court,

No. 666. Land Commission.

236 ND

PAGE 103

It appearing to the Court
that Solomon Heydenfeldt, O. L. Shafter, J. M. Shafter
and J. W. Park, have succeeded by regular conveyances to
all the right, title and interest of Andrew Randall under
the Mexican grant set forth in the petition in said
Cause, and that they are now in possession of the lands
named in said grant, It is hereby ordered, - ~~the District
Attorney being present in Court and assenting thereto -~~

That the said Solomon Heydenfeldt, O. L. Shafter
J. M. Shafter, & J. W. Park be ~~made parties to the said
record in the right of said Randall - and that as such
they shall be entitled to the benefit of the proceedings that
have heretofore been had in said Cause, and to the benefit
of such proceedings as may be hereafter had therein,
that the said Shafter, Park & Heydenfeldt
be allowed to appear as attorneys in said
Cause on behalf of the claimant.~~

No. 236.

United States District Court
Northern District of Cal.

The United States

vs

Andrew Randall.

Motion, Affidavit, & order
of Court.

Filed June 3rd. 1859,
W. D. Cheney,
Clerk.

236 ND

PAGE 104

Shafter Park & Ken Kenfeldt
Attys.

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 *Monday* the *28th* day of
December in the year of our Lord one thousand

eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Andrew Randall

n^o. 236 - L. C. 666.

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 3rd of March A. D. 1851, upon the transcript of the proceedings and decision 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, the Attorney of the United States consenting thereto, that the said decision be and the same is in all things 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. District Judge

United States District Court, Northern District of
California.

The United States

vs.

Andrew Randall

ORDER.

Decree of Confirmation

Filed *December 28th* 1859

John A. Monroe
CLERK.

By *Richard [unclear]*
DEPUTY.

236 ND

PAGE 106

Faint mirrored text from the reverse side of the page, including the words "ORDER" and "CONFIRMATION".

U. S. District Court,

The United States

v.

Andrew Randall

vs. No. 236; L.C. 466.

"Punta de los Reyes"

236 ND
PAGE 107

Charles M. Cauley
being duly sworn, on oath says, that
the official survey of the land finally
confirmed herein, made by the Surveyor
General of the U. S. for the State of Cal.
is, to the best of deponents knowledge, infor-
mation and belief, erroneous.

Sworn to & Subscribed by
before me this 27th
day of June A. D. 1860.

J. J. Williams
U. S. Commissioner

Charles M. Cauley

U. S. District Court

The United States

r

Andrew Randall

afft of C. M. Cauley
that survey is erroneous

Filed June 28. 1860.

W. H. Cheever
Clerk

At a Term of the District Court of the
UNITED STATES OF AMERICA, for the Northern District of
California, held at the Court House, in the City of SAN FRANCISCO,
on the day of
in the year of our Lord one thousand
eight hundred and fifty-nine,

Present:

The Honorable OGDEN HOFFMAN, District Judge.

U. S. District Court, Nor Dist Cal.

The United States

vs.

No. 231; L. C. 1111.

"Punta de los Reyes"

Andrew Randall

Upon the affidavit of Charles
McCawley, filed by J. N. Rice, Acting U. S. Atty,
that the official survey made by the Surveyor
General of the U. S. for Cala, of the land finally
confirmed herein, is erroneous, and in pursuance
of the rule heretofore entered, it is ordered, that
the said Surveyor General return to the Clerk's
office of this Court a certified copy plat of
the official survey of the land finally con-
firmed in this case.

San Francisco, June 28, 1860

A. H. Cheves,
Clerk.

236

District Court of the United States

IN AND FOR THE

Northern District of California.

The United States

vs.

Andrew Randall

Order to return survey
by United States.

Filed June 29, 1860.

W. A. Church Clerk.

By Deputy.

Clerk's Office,
of the said Court.

I hereby Certify the foregoing to be a true copy from the Minutes

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

By
Deputy.
Clerk.

I have this day made a true and correct copy of this order by copy on Jas. W. Mansfield
of California
at San Francisco
June 22 1860

At a Special Term of the District Court of the UNITED STATES OF AMERICA, for the Northern District of California, held at the Court House, in the City of SAN FRANCISCO, on Monday the second day of July in the year of our Lord one thousand eight hundred and ~~fifty-nine~~, sixty, sitting in land cases.

236 ND
PAGE 111

Present:

~~The Honorable OGDEN HOFFMAN, District Judge.~~
Hon. M. Hall McAllister, Circuit Judge

The United States

vs.

Andrew Randall

No. 236. : L. C. 111.

"Santa de los Reyes"

It appearing to the Court that on the 28th day of June, 1860, under the rule heretofore entered and upon the affidavit of C. M. Cauley, filed by the Acting U. S. Atty, that the ^{official} survey made of the land finally confirmed herein, is erroneous, an order was issued by the Clerk of this Court directing the Surveyor General of the U. S. for Calca, to return to this Court a certified copy plat of his official survey; and it further appearing that the patent upon said survey and plat has been duly issued and by the proper Department at Washington, received by the said Surveyor General for Calca, and by him transferred to the legal representatives of the said Claimant - On motion of R. R. Mace, Acting U. S. Atty, It is ordered that the said order of June 28th 1860 be, and the same hereby is vacated and annulled.

M. Hall McAllister
Judge

236

District Court of the United States

IN AND FOR THE

Northern District of California.

The United States

vs.

Andrew Randall

Order *vacating order*
of June 28, 1860.

Filed *July 3* 1860

H. A. Chivers Clerk.

By

Deputy.

236 ND
PAGE 112

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

Clerk's Office,

of the said Court.

I hereby Certify the foregoing to be a true copy from the Minutes

By

Deputy.

Clerk.

236 ND
PAGE 113

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

San Francisco, July 7th 1855.

J. A. Monroe Esq.
Clerk of the U. S. District Court for the
Northern District of California.

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 66 on the Docket of the said Board, wherein Andrew Randall is the Claimant against the United States, for the place known by the name of "Punta de los Reyes" and request your receipt for the same.

I am, Respectfully,
Your Obedt Servant,

Geo. Fisher