

CASE No.

370

NORTHERN DISTRICT

AGUAS FRIAS GRANT

ANDREW RANDALL

CLAIMANT

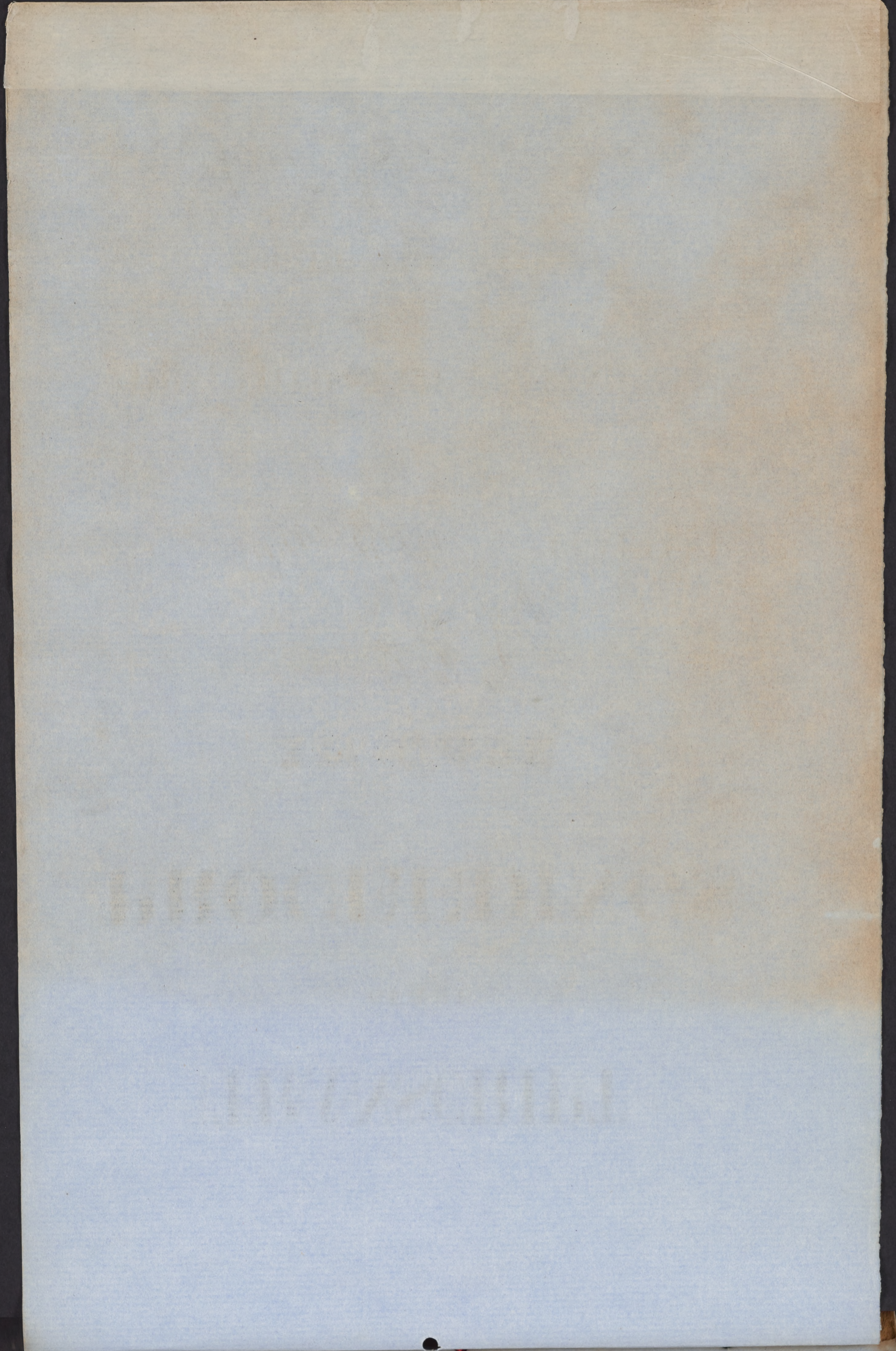
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TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. 227.

Andrew Randall

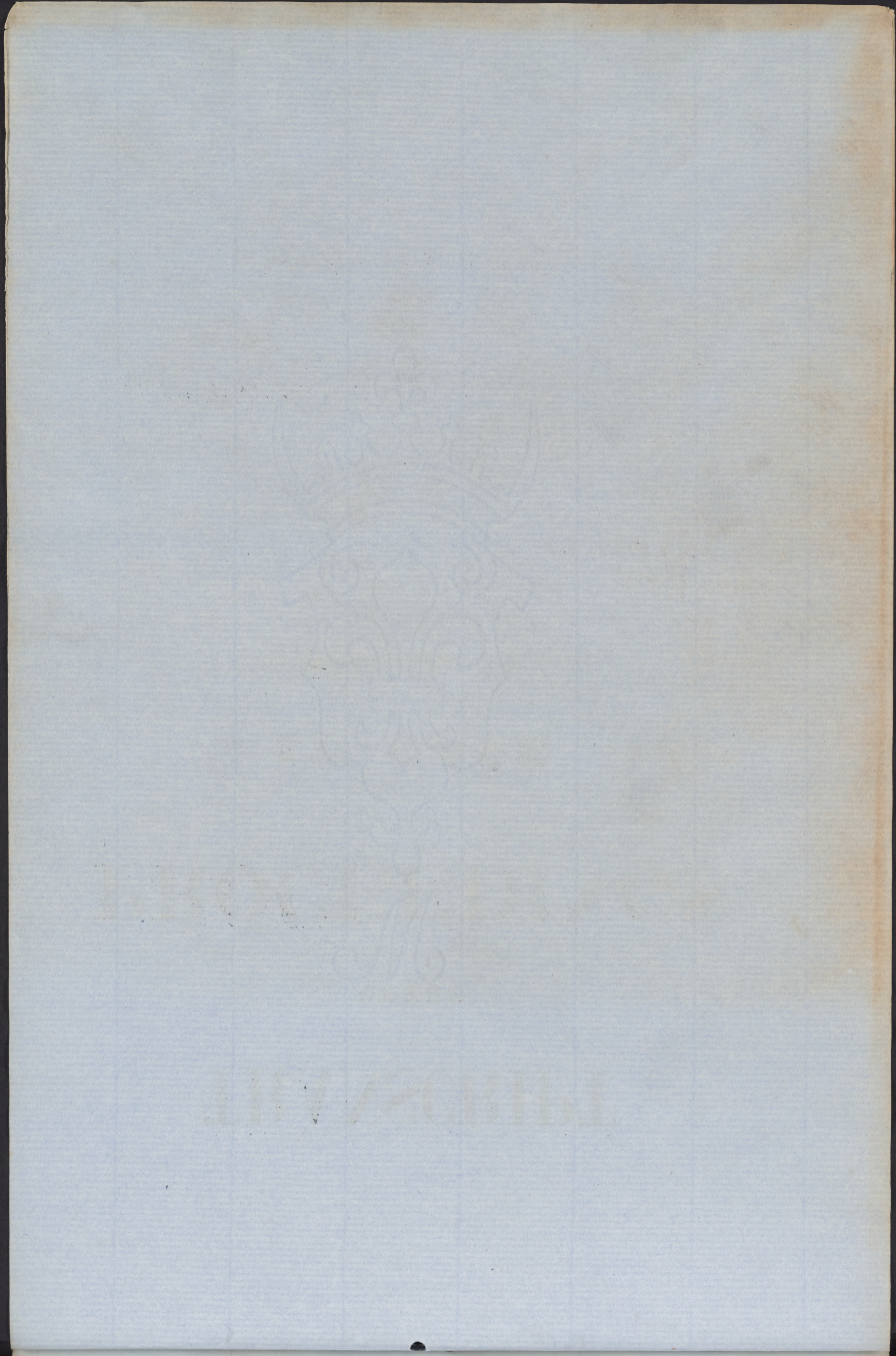
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Agua Fria"



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this *twelfth day of May*, Anno Domini One Thousand Eight Hundred and Fifty-*two*, 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
Aguas Frias —
was presented, and ordered to be filed and docketed with No. 227 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 Nov. 28. 1854
Case No 227, Andrew Randall for the place named "Aguas Frias", on motion of claimant's counsel was ordered to be placed at the foot of the 3^d Clap cases on the trial docket

San Francisco Dec. 19. 1854
In the same case the counsel for the claimant filed the following affidavit to wit:
(vide page 37. of this transcript), and the prayer of the petition having been granted, the case was continued and ordered to be placed at the foot of the 4th Clap claims on the trial docket.

San Francisco January 16. 1855
Case No 227 was submitted under the rule of March 21. 1854

San Francisco July 29, 1855

In the same case the depositions of Vicente P. Gomez and Manuel Leuter, witnesses in behalf of the claimant taken before Commissioner Peter Lott, the last with document marked "A. P. S." annexed thereto were filed.

(vide pages 7 & 11 of this transcript)

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San Francisco July 30, 1855.

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

(vide page 38 of this transcript)
Motion having been made to return the case to the trial docket, it was taken under advisement by the Board.

San Francisco July 21, 1855.

In the same case the deposition of James Williams a witness in behalf of the claimant taken before Commissioner Peter Lott, was filed.

(vide page 17 of this transcript)

San Francisco July 4, 1855

In the same case Commissioner Alpheus Trench delivered the decision of the Board upon the motion made on the 30th January last granting the same - whereupon it is

Ordered that the case be placed at the foot of the trial docket

San Francisco July 14, 1855

In the same case the deposition of Samuel Neal a witness in behalf of the United States taken before Commissioner Peter Lott was filed.

(vide page 13 of this transcript)

San Francisco March 29, 1855

In the same case the counsel for the claimant moved for a postponement thereof upon the

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facts set forth in the following affidavit, to wit:
(vide page 37 of this transcript)
which motion was taken under advisement
by the Board

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San Francisco March 22, 1855
Case No 227 was assigned for hearing on
the 3^d day of April next

San Francisco May 7, 1855
In the same case the deposition of R. J.
Lut a witness in behalf of the claimant
taken before Commissioner R. May: Thompson
was filed

(vide page 20 of this transcript)

San Francisco May 8, 1855
Case No 227 was submitted on briefs and
taken under advisement

San Francisco July 17, 1855
In the same case Commissioner R. May: Thompson
delivered the opinion of the Board confirming
the claim

(vide page 39 of this transcript)
and the following order was made to wit:
(vide page 41 of this transcript)

H

Petition

To the Honorable the U. S. Board of Land Commissioners to settle private land claims in California

The petition of Andrew Randall present claimant of the Rancho de "Agua Fria" being six leagues of land in Butte County & State of California sheweth:

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That said land was granted to Salvador Osio from the Mexican Government by grant dated November 10th. 1844 executed and delivered by Manuel Jimeno the then Governor of California who acted under the authority of the Laws of the Spanish & Mexican Governments including the Colonization Law of 1824 and the regulations made under said Laws in 1838, in the relation to the granting of lands; and the letter of Commission issued to him, said Governor Manuel Lorenza by the Mexican Government.

That said land was sold and conveyed by the grantee to your petitioner, by deed of said grantee & Dolores P. his wife executed and delivered to your petitioner the 30th day of January A. D. 1852.

That there is no conflicting claim to said land known to your petitioner and he refers to the documentary evidence copies of which are hereto annexed marked Exhibits A. B. C. D. E. and the testimony of witnesses to be examined before your Hon. Board for the support of his claim.

All of which is respectfully submitted for such action as the nature and justice of the case may require
May 10th. 1852.

Crosby & Belknap
Counsel for Petitioner

Petition 1.

Exhibits (Copies) Expediente A. Translation B.
Grant C. Translation D. Transfer E.

Filed in office May 12th. 1852
Geo. Fisher Secy

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Deposition of
V. P. Gomez

United States of America
State of California

3d.
San Francisco January 27, 1855

This day came before Peter Lott Commissioner
for taking testimony to be used before the Board
of U. S. Land Commission in said State.

Vicente Prefecto Gomez, a witness on behalf of
the claimant, Andrew Randall, in case No 227
on the Docket of said Board, and said witness
being sworn deposed in Spanish which was
interpreted by the interpreters to said Board
as follows:

The U. S. Law Agent is present

Questions by Mr. Packard for Claimant
1st Question. What is your name
age and residence?

Answer. My name is Vicente
Prefecto Gomez, my age 31 years my residence
in Monterey California

2^d Question. Are you acquaint-
ed with the tract of land called Rancho
of Agua Fria which is claimed in this case
if yes, state what you know of its occupa-
tion in 1845?

Answer. I am acquainted with
said Ranch, I went there in 1845, before the
rainy season, but I do not remember in what
month, to get some horses which my father
had loaned to Antonio Maria Osio, I remained
there 5 or 6 days. There was then a log house
in which was living a man, whose name
I do not know, and he had some 5 or 6
Canadians there and muggons and Oxen, and
there was also staying there on the house which
I was there, a brother of said Osio, and he
and the man who lived there, told me that
the latter occupied the place for Antonio
Maria Osio. They had there some horses and
a few mules, and they were breeding a Cow,
they had no fields enclosed and no cattle
then that I saw. I got my horses and left
the place, and that is about all I know
about the occupation.

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Group Examined by U. S. Land Agent.

1st Question. How many horses did you father loan to Osio, and where were they loaned?

Answer. They were 7 or 8 horses which my father loaned to Osio at my father's Rancho called Veigles in Monterey County, Osio had the horses a month or two, he got them to drive his Cattle to Agua Fria as he passed by my father's Ranch.

2nd Question. From what place did you start, when you went for the horses and who was with you?

Answer. I started from Saca Rancho of Veigles, and Francisco Hernandez and Antonio Alvia, who went with me to Agua Fria, and returned with me. There were also two foreigners who started with us and stopped at Suttis Fort where we left them.

3rd Question. How long were you going up from Veigles to Agua Fria?

Answer. I do not remember the exact time, but think we were some ten or twelve days on the way.

4th Question. Had you any other business up there.

Answer. I had not. I wanted to visit that part of the Country, and asked my father's permission to let me go and bring the horses home.

5th Question. What post did you occupy in the Offices of the Government at that time?

Answer. I was clerk in the Commsariat then, and had leave of absence from Jose Abrego the Commissary.

6th Question. Whom did you go to visit at Agua Fria Rancho?

Answer. I did not go to visit any person there.

7th Question. Who went with you on that occasion from Suttis Fort, what route did you take and how did you go?

Answer. The Saca Hernandez and Alvia went with me, we went on horse back

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6th Question
Objected to by
Claimant's Counsel

7th Question
Objected to by
Claimant's Counsel

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and there were no roads then, We went up on
the East side of the river, across the river

8th Question
Objected to by
Counsel

8th Question. How long were you
in going from Sutter's Fort to Agua Fria, and
what guided you?

Answer. I cannot recollect
whether I was one two or three days going, I
was guided by Luis Hernandez and Alvirre
who had travelled over the Country and were
acquainted with it.

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9th Question
Objected to by
Counsel

9th Question. Had Luis
Hernandez and Alvirre travelled there before?

Answer. I know that they had
travelled about there, but I do not know
that they had gone from the Fort to the
Rancho of Agua Fria.

10th Question. Are Luis Hernandez
and Alvirre now living, if yes, where?

Answer. Alvirre lives at
Monterey and Hernandez is living but I
do not know where.

11th Question. Was Antonio
Mara Osio there at Agua Fria when
you were there?

Answer. He was not.

12th Question. What was the size
of the house you saw there and where did
it stand?

Answer. It was a house some 6
or 8 veras long, and 4 or 5 veras wide. It was
situated on the land belonging to Don Antonio
Osio. It was situated near a river, the name
of which I do not know.

13th Question. Did you know
where Feather river was?

Answer. I did not then
but I do now.

14th Question. Did the river
upon which the house was situated run into
the Sacramento river?

Answer. It was a branch
river and I think it was the Sacramento river.

15th Question. Have you ever seen
what you now know to be Feather river?

Answer. I have. I have often seen it when I have been travelling lately among the Mines.

16th. Question objected to by claimants Counsel
New matter

16th. Question. Did the Rancho on which you saw the house, bound on the river on the West?

Answer. I have no knowledge of Geography.

17th. Question objected to by Claimants Counsel

17th. Question. Did the Rancho on which the house stood, bound on the river towards where the Sun Sets?

Answer. I do not know anything about it I did not notice then and there where the Sun Set and I cannot pretend now to state where it was.

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18th. Question objected to by Claimants Counsel

18th. Question. How far was said house from said large river which you mentioned?

Answer. I never measured it as near as you can recollect?

Answer. It was from 1500 to 2000 Varas or there about from the river.

19th. Question objected to by Claimants Counsel

19th. Question. What were you doing during the 5 or 6 days while you were at said Rancho?

Answer. I was eating, drinking milk & sleeping.

20th. Question. Was there a road leading from the house to the river?

Answer. There was a road along which they drew their water from the river and drove their animals.

21st. Question. Was that road on the same Rancho of Agueda Frías?

Answer. It was

22nd. Question. How do you know that was the Rancho of Osio?

Answer. Because Don Antonio Maria Osio told my father in my presence that he was going to settle that place, and said Osio's brother was on said Rancho while I was there and told me so, also

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24th. Question. Is that your only means of knowing it was Osio's rancho?

Answer. I know one other way, that none of them ever settled a rancho without a title.

Vicente Pto Gomez

Subscribed and sworn to before me on the 27th day of January A.D. 1855

Peter Lott Commissioner

Filed in Office Jan. 29. 1855

Geo. Fisher Secy

Recorded in G. B. Vol 11 p 279

Geo. Fisher Secy

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Deposition of United States of America
Manuel Castro State of California } ss:

San Francisco January 24th

1855. This day came before Peter Lott Commissioner for taking testimony to be used before the Board of U. S. Land Commissioners in said State Manuel Castro, a witness on behalf of the Claimant, Andres Ramoall in Case No. 227. On the Oath of said Board and said witness being sworn deposed in Spanish, which was interpreted by the interpreter to said Board as follows:

"The U. S. Law Agent is present

Questions by Claimant's Counsel

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

Answer. My name is Manuel Castro, my age 33 years, my residence in Monterey, California.

2^d Question. Are you acquainted with the hand writing of Manuel Michel Lorenz, and Manuel Romero and Antonio Maria Osio, if yes, state your means of knowledge, and look at the document now shown to you marked "A P & L" as an exhibit to this deposition, and state whether their signatures and rubrics which they respectively occur in said document are genuine?

Answer. I know the hand writing of all three of the persons named, I have seen them all write and I have seen Micheltorena Jimeno and Osio write their names, and the two former make their acbries. And I believe the signatures and acbries of said Micheltorena and Jimeno wherever they occur in this document are genuine, I do not find said Osio's signature here.

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3rd Question. Now look at document marked "B P L" as an exhibit to this deposition, and state whether you have seen the original of which this purports to be a traced copy, if yes, where and also state whether the signatures of said Micheltorena, Jimeno, and Osio, to said original wherever they occur therein are genuine.

Answer. I have examined the original document of which this is a traced copy, this morning in the Archives of the U. S. Survey General in this city, and I am satisfied that all the signatures of the three persons named as they appear on said original are their genuine signatures.

I am present at the taking of the foregoing deposition and decline to cross examine. The deposition may be read in evidence with the same force and effect as if taken before a Judge.

J. H. McKune
U. S. Law Agent
San Francisco.

Subscribed and sworn to before me on this 24th day of January A.D. 1855
Peter Lott Commissioner

Filed in Office Jan 29. 1855
Geo. Fisher Secy

Recorded in Ev. B Vol 11 p 282
Geo. Fisher Secy

13 Deposition of
Saml. Neal

United States of America
State of California, 3rd Dist.

San Francisco February 14. 1855

This day Came before Peter Lott Commissioner
for taking testimony before the Board of U.S.
Land Commissioners in this State, Samuel Neal
a witness for the U.S. in Case No. 227 in which
Andrew Randall is Claimant, and said witness
being sworn deposed as follows:

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Mr. Packard appeared for claimant
Questions by U. S. Associate Land Agent

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

Answer. My name is Samuel
Neal, my age 38 years, my residence in Butte
County California.

2^d Question. How long have
you lived in California, and what place
principally?

Answer. I have lived in California
11 years the 13th day of March. The
first four years I made my principal
stopping place at Sutter's Fort and ever
since, I have lived principally where I now
do at the place called Neals Ranch, a
well known place in Butte County.

Answer. I have lived in Calif
ornia 11 years the 13th day of March 1844.

3^d Question. Are you acquaint
ed with the land claimed in this Case and
how far do you live from it?

Answer. I am acquainted with
the land located there, though it has never
been surveyed, I live as near as I can tell,
about 4 miles from it.

4th Question. When did you
first become acquainted with this tract of
Land called Agua Fria, and were you
well acquainted with it?

Answer. I first was
there in April 1844 and for the last ten years
I have been on it three fourths of the time

My stock is on the Osio Claim.

5th. Question. State all you know about the Occupation and Cultivation of this tract of Land?

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Answer. The first of its being Occupied was in 1830 or 1831, when a man by the name of Watson went on to the land and built a house, and cut hay two summers. I know of no other Occupancy till last season an Old man by the name of Jamison sowed some barley there. There was an Old man by the name of Ange who kept a toll bridge there from Monroeville some two years ago. I never knew of any of the Land being Cultivated except as I have stated. There was never any other Cultivation there or I would have known it, indeed it cannot be Cultivated to any great extent as it is generally overflowed by water.

6th. Question. Look at the map now shown to you marked "A R T" and filed in Case No 147 Sept. 6 1853. and state whether the places thereon marked "Rancho de Neal" and "Rancho de Osio" are correctly represented? on said map?

Answer. My Ranch "Rancho de Neal" is correctly represented here but I do not think the "Rancho de Osio" is. Stensely owns Land opposite me on Butte Creek - and this map represents the Osio Claim as Occupying all the bank of the Creek opposite to me.

7th. Question. Do you know any thing of a man by the name of Williams Occupying any part of this land of Osio, if Nay what did he like?

Answer. I know of no part of the land of Osio being Occupied by Williams, I knew the Williams, John Williams except the land of Stensely and his brother Isaac Williams lived there and raised a crop of wheat there, he lived on the South side of Butte Creek, about half mile above

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my house, that was on the Hensley tract
bought by Williams from Hensley.

herop examined by Mr. Packard for Claimant

1st Question. Look at the depositions in
the Expediente filed in this Case and identify
there on the places occupied by Watson, Jameson
and Angel as you state in your answer to
5th Question in Chief?

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Answer. The occupancy I
speak of by all these persons was below all
the land represented here, further down Butte
Creek, below what is here designated as Osio's
land or Aguaras Titas.

2nd Question. How do you know
that was the Hensley tract, opposite your
land on Butte Creek?

Answer. I do not know
any thing about Hensley's title. I only know
I was up there with Hensley and hope.
Sutter when Hensley picked out that land
and petitioned for it. I never saw it surveyed
and do not know its boundaries, I saw
a part of it surveyed after the war.

3rd Question. How do you know
Williams bought of Hensley?

Answer. I lent Williams the
money to pay Hensley for it, but Williams died
about 5 days afterwards and I got my money
back and Hensley took the land back.

4th Question. Do you know whether
Hensley acted for himself or as the agent of
Osio in that transaction?

Answer. I only know from
hearing Hensley and Williams' word for it
that Hensley was acting for himself.

5th Question. Did you know
of a man by the name of Marshall occupy-
ing said land, if yes when?

Answer. Marshall
settled there, as I understand from Hensley
and Marshall both under a contract
between them. Marshall lived there in the

there in the fall of 1845. That part of the land was afterwards sold for Marshall's debts, and I bought it at Sheriff's Sale, and afterwards it was redeemed by some man here in San Francisco. Marshall had cultivated and stock there, planted fruit trees.

Re Examined by U. S. Associate Law Agent

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1st Question. Look again at the map filed in Case No. 147 and state whether the tract there marked "Rancho de Osco" represents the land of Stensley?

Answer. It does represent it on Butte Creek, but not in the rear. It embraces the land opposite me on said creek which I understand to be Stensley's, Williams lived about where a tree pencil mark there appears near the Bank of Butte Creek just above my house which is indicated here on the map by a similar mark on the other side of the creek. That house that Williams lived in is the same that Marshall built and lived in.

Re Examined by Mr. Jackson again.

1st Question. Where did Marshall build there?

Answer. He built and cultivated in the fall of 1845, and the Spring of 1846.

2^d Question. When did David Stensley build and live on ~~his~~ land, and what was his house situated according to the depositions before shown to you in this case?

Answer. The first house of Stensley built there, on that part of the tract was in the fall of 1849, that was within the space marked "Rancho de Stensley" on said map filed in Case 147.

Samuel Neal

Recorded in Sales record and sworn to before me on this 14th day of February A.D. 1855.

Geo. Fisher
Secy.

Filed in office Feb. 14. 1855. Peter Gott Commissioner
Geo. Fisher Secy

17 Deposition of United States of America
James Williams State of California 3 fs.

San Francisco January 26. 1855

This day came before Peter Lott, Commissioner
for taking testimony before the board of
U. S. Land Commission in said State, James
Williams a witness on behalf of the claimant
and Andrew Randall, in Case No. 337
on the docket of said Board, and said
Williams being sworn deposed as follows:

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The U. S. Survey Agent is present

Questions by Mr. Packard for claimant
1st Question. What is your name
age and residence?

Answer. My name is James
Williams my age 40 years, my residence
Santa Cruz County California.

2^d Question. Are you acquainted
with the tract of Land claimed in this case
called Agua Fria Rancho, if you state
all you know about the Occupation and
improvements on said Rancho, and your
means of such knowledge?

Answer. I cannot say what
Land is claimed in this case. I cannot
answer definitely as to the name of the
place. I can say that the land which
I have seen, I believe to be the same referred
to in the question. The only way I can say
answer this question is to say that my
brother Isaac Williams lived upon the
North Side of Butte Creek - I have an
interest in stock which he had there
and in 1846 sometime between August
and October of that year I went up
there to look after my said interest, I
stayed there about a week and my brother
was carrying on a ranch on which he
then had a good log house, Corral,
some 100 head of cattle, 87 horses, and other
stock, between one and two hundred head
of hogs. Mr. Allen also lived on the house

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and assisted in the operations of the Ranch -
There was a considerable field on the place
Enclosed by a ditch fence, and cultivated
in wheat and corn -

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The only way I can iden-
tify this land to be occupied by my brother
is by referring to a map marked "A.P.G."
as an exhibit to this deposition and filed
in this Commission Sept. 6-1833 in Case
No. 147. Said place was immediately oppo-
site the Ranch of Samuel Neal who
occupied the other side of the Butte creek.
On this map said Neal's Ranch appears in
a green quadrangle marked "Rancho de Neal"
and the land I am speaking of in yellow
coloring marked "Rancho de Osco" with
the Butte Creek marked "Arroyo de los Picos"
running between them

Deposition Examined by U. S. Land Agent

1st Question. How many times have
you ever been in the part of the country where
this Ranch lies?

Answer. In 1843 when I came
to California I came down through that
portion of the country - In 1846 some time
between August and October I was there
as I have stated. I was up through that
about two years ago passing up to a place
I have above there, these are the only times
I have been in that neighborhood

2^d Question. From what place
and from what route did you go there
in 1846 and who went with you?

Answer. I went from Santa
Barbara where I then lived. I went by the
way of San Jose and where Stockton
now is, and Santa's Fort and from there
to a place called Nicholas and Hook
Farm on Santa river, my brother George
Williams went with me.

3^d Question. How does Neal's
Ranch appear at that time?

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Answer. It was occupied by Neal himself,
some Indians and two Saelas who were
there with him.

4th Question. State where you
first saw the map you refer to marked
"A P L"?

Answer. I do not know that I ever
saw that map before it was exhibited to
me in this deposition, but I have seen
maps of that part of the Country before
and being interested up there have exam-
ined them.

5th Question. What enabled
you to fix on the ground the point where
your brother resided opposite Neal's Ranch
as being the same as represented on this map?

Answer. I can only say that
the place where my brother lived and farmed
was on the opposite side of Butte creek from
Sam Neal's Ranch a little above but very
nearly opposite, and supposing Neal's
Ranch to be the properly laid down in the
map I point out the opposite tract. I
cannot see as to the correctness of the
map, as I did not make it or survey
the Land.

6th Question. How far was the
House of your brother from the Sacramento
River?

Answer. It is difficult
for me to state, though when I was
at home it was as near as I can tell
some ten or twelve miles a little more
or less, less time on a gallop in those
days and it may be more.

James Williams
Subscribed and sworn to before me on
the 1st day of February A.D. 1855

Pela Lott Commissioner
Filed in office Feb. 2 1855

Geo. Fisher Secy
Referred in Ev. B Vol 11 p 334
Geo. Fisher Secy

Deposition of
R. J. Leet

United States of America
State of California 3rd.

San Francisco May 7. 1855

On this day before Commissioner R. A. Thompson came R. J. Leet a witness on behalf of the claimant in Case No. 227 wherein Andrew Randall is claimant who being duly sworn deposed as follows.

The U. S. Land Agent is present
Questions by Mr. Packard attorney for claimant

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

Answer. My name is
R. J. Leet, my age 35 years, and at present
I reside in San Francisco.

2^d Question. Look on the map
now here shown to you and marked
"Exhibit L" referred to in this deposition, and
~~also~~ filed in Case No. 147 annexed to the
deposition of Samuel Neal, and state whether
you recognize and know the traces of lands
therein described as "Rancho de Osco" & "Rancho
de Neal" as situated on the stream therein
marked "Arroyo de los Picos" if you is this
map a fair representation of that part of
the Country.

Answer. I am acquainted with
the Ranchos of Neal and Hensley referred
to in the foregoing Question and the "Rancho
de Neal" is situated on the side of the
Arroyo de los Picos" as represented on this
map now called and known as Butte
Creek which stream I have understood
to be the boundary the "Rancho de Neal
and the "Rancho de Hensley, which Rancho
I have understood to be next to the Moon
Creek on the side of Butte Creek as repre-
sented on the map, and bounded on the
part towards the Sacie Creek by a trace
of Land Sacie to have been granted to
one Osco. And the said Ranchos appear
to me to be tolerably correctly represented

relatively, on the said map -

I am well acquainted with that section of the Country as represented to be Comprehend from the "Rancho de Neal" to above the Rancho marked on this map "Rancho de Dechy" having lived in the neighbourhood and travelled over the Country several times

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3^d Question, Are you acquainted with Samuel Neal, if you does he at present reside on either of the above mentioned Ranchos?

I am very well acquainted with the said Samuel Neal. I have been at his residence several times within the last twelve months during which time he has resided on a place which was a part of the Rancho de Stensley sold to him by one Livingston who I think bought of Stensley and Bidwell. His present residence is on the opposite side of the said Butte Creek from the Rancho de Neal. He has a good adobe house on the place in which he lives, also he has Corn and enclosed fields which he cultivated and has stocks of horses and Cattle on the same place -

On the place known as Rancho de Neal there is a large frame breeding, with other houses and improvements which are now occupied and lease or rent as a Race Track which I believe at present entirely belong to the said Samuel Neal, who has still on the said Rancho Cattle horses &c. The house in which said Neal at present resides is immediately below and not more than four or five hundred yards from the house known as the "Alleans' House", and on the same side of the creek -

The line which on this map represents the boundary between the "Rancho de Osio" and the "Rancho de ~~Neal~~ Stensley" I have always understood to be further down the creek than it appears to me

to be laid down on this map.

Map Examined by U. S. Law Agent

1st Question. How did you understand Butte Creek to be the boundary between the Ranchos of Neal and Hensley

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Answer. I have been so informed by Isaac Neal, Bedwell and many others in the neighborhood

2^d Question. How did you understand Hensley Rancho to be next to the Macintains?

Answer. Bedwell who made a survey of the Fairwell claim, Deaky claim, and Hensley, has told me so, and to fix it more definitely, it was at a time that there was to be a Sheriff's sale of the Keyser claim in the year 1852 - which I was selected to purchase - Bedwell has also shown me a chart of his said survey I have also learned it from Neal

A. J. Leet.

Sworn to and subscribed before me
May 7th 1855

A. A. Thompson Com.

Filed in office May 7. 1855

Recorded in Ev. B Vol.

9. 23

1. 1211.

1844.

Expediente Promovido por

Dn. Antonio Maria Osio en solicitud
del terreno que se expresa.

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B. P. L. Exhibit
to the deposition
of Manuel Castro.
January 24th
1855.

n^o 376.

25. D.M.

Sello cuarto Dos reales.

Habilitado provisionalmente por la Aduana marítima del puerto de Monterrey en el Departamento de las Californias para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

(Seal) Micheltorena.

Pablo de la Guerra.

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Monterrey. 10. Diciembre

Exmo. Sr.

7. de 1844.

Inf^{te} el S. Sriv. del despacho
tomando los que necesitare
para el efecto.

Antonio M^o Osio con el mas
profundo respeto ante V. E.
me presento y digo: que con
objeto de fundar un rancho
he comprado trescientas Vaq
uillas y el parage que peticione es el que demuestra

Micheltorena. el adjunto diseño en la extension de seis setios.

Este parage Exmo Sr. lo pide a nombre de mi hijo Salvador de veinte un años de edad y aguardo que breve llegara de los Estados Unidos del norte a donde lo envia a que aprenda el oficio de carpintero.

P. S. A. V. E. Suplico se sirva conceberme esta gracia por lo que lo vivire siempre reconocido
Suvo.

Monterrey. Nov^{ra} 7. de 1844.Antonio M^o Osio.

S. J. D. H.

Señor Gobernador.

Aunque V. E. ha tenido por conveniente suspender algunas solicitudes de terrenos por el rio del Sacramento hasta que se haya la visita que esta acordado pero el interesado, ha hecho compra de un numero de ganado mayor con la esperanza que V. E. le haya la gracia de conceberle el terreno que peticione el cual esta buldido y en estado de crusearse segun el certificado que se acompaña mas V. E. dispondra que tubiere por conveniente.

Monterrey Nbre. 8 de 1844.

Manuel Jimeno.

Monterrey. Nov. 9. de 1844.

En consideracion de los servicios prestados por el Sr. Ochoa y sin esemplar para otro hasta que se haya la visita

where follows a map or plan.

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5-1214. B Solicitud del Sacramento, expedirse el título de terreno solicitado por su hijo en esta instancia.
Micheltoveua.

Monterrey. 9 de Noviembre de 1844.

Vista la peticion con que da principio este expediente los informes que puebler con todo lo demas que se tuvo presente y de ver convenir de conformidad con las leyes y reglamentos de la materia de claros a D.º Ant.º M.º Ochoa, dueño en propiedad del terreno que se demuestran en la solicitud y diseño respectivo. Librese el correspondiente despacho, tomese razon en el libro respectivo y dirigase este expediente a la Suena. Asamblea Departamental para su aprobacion. El Sr. D.º Manuel Micheltoveua Gral de Brigada del Ejercito Mexicano, Gobernador y Comandante de este Departamento de California, asi lo mandado de creto y fisco de que doy fe.

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

I Samuel D. King Surveyor General of the United States for California and as such now having in my office and under my charge and control a portion of the archives of the former Spanish Mexican Territory or Depart^t of Upper California do hereby certify that the five preceding and hereunto annexed pages

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of tracing paper numbered from one to five inclosed
and each of which is verified by my initials (S.D. 14)
exhibit a true and accurate copies of certain documents
on file and forming part of the said archives in this office.

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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^{co}
Cal. this 24th Day of March. A. D. 1852.

Saml D King. Surveyor S. Cal.

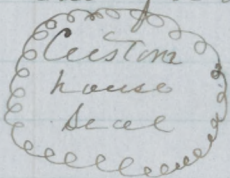
Filed in Office. Aug. 14th 1852.

Geo. Plisher. Secy.

2nd Translation of
Expediente

Fourth Stamp Two Reals

Authorized provisionally by the Maritime Custom House
of Port of Monterey in the Department of the Californias
for the years 1844 and 1845



(Signed) Micheltorena (Six) Pueblo de la Guadalupe

Most Excellent Sir

I Antonio Maria Osio with the most profound
respect appear before your Excellency and say;
that with the object of establishing a Ranch
I have three hundred young oxen, and the place
which I solicit is the one shown by the annexed
plot, comprising the extent of six sitios. (Square
leagues)

This place Most Excellent Sir I ask
for in the name of my son Salvada, aged
twenty one years, whom I expect shortly from
the United States, where I sent him to learn the
trade of a Carpenter.

Wherefore I request that your
Excellency would be pleased to do me this
favor, for which I always remain grateful
and Dear Sir.

Monterey Nov. 7th 1844

(Signed) Antonio Maria Osio

(Marginal Decree)

Monterey Nov. 7th 1844

Let the Secretary of State report after obtaining
the information which he may require

(Signed) Micheltorena

Most Excellent Governor

Although your Excellency
has been fit to despatch some petitions for
land in the neighborhood of the river Sacramento
to until the visit decided upon be made, but
as the party interested has purchased a quantity of
cattle in the hope that you would do him the
favor to grant him the land which he asks for
which is vacant, in a state to be granted, accor-
ding to the accompanying certificate, neverthe-
less your Excellency will determine as you may
see fit.

Monterey Nov 8th 1844
(Signed) Manuel Jimeno

Monterey Nov. 9th 1844,
In consecration of the service rendered by Don Osio, let the title to the land asked for in this petition for his son be made out, without serving as a precedent for any other unless the assent and reconnaissance of the Sacramento be made.

(Signed) Michelena

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Monterey 9th November 1844
In view of the petition with which this Expediente Commences, of the foregoing reports, and of all the rest which comes before in mind and seems proper to attend to, in conformity with the laws and regulations on the subject I decree Don Antonio Maria Osio to be the owner in fee of the land set forth in the petition and respective plan.

Let the corresponding title be made out, entered in the respective Book and this Expediente be forwarded to the Most Excellent Departmental Assembly for its approval. Don Don Manuel Michelena, Brigadier General of the Mexican Army, Governor and Commandant of this Department of the Californias, do it thus Command, decree and sign which I certify

E. L.
A. J.

Filed in Office May 13th 1852

Geo. Fisher
Secy

1. 29

Sello Primero ocho pesos.

He habilitado provisionalmente por la Admision Maritima del puerto de Monterrey, en el Departamento de las Californias, para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

Micheltorena.

Pablo de la Guerra.

El Ciudadano Manuel Micheltorena General de Brigada del Ejercito Mexicano, Ayudante General de la Plana Mayor del mismo, Gobernador Comandante General Inspector del Departamento de las Californias.

A. S.

Exhibit to the Depo.

of Manuel Castro
January 26. 1855.

Por cuanto D.^o Antonio M.^a Osio su preterolido para su beneficio de su hijo D.^o Salvador del terreno que se halla entre medio del Futuro el terreno que se halla entre el llano seco, el prunage que nombran agua Nieves y el arroyo de los Picos todo por el Rio del Sacramento: practicadas previamente las diligencias y averiguaciones convenientes segun lo dispuesto por leyes y reglamentos usando de las facultades que me son conferidas a nombre de la Nacion Mexicana he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras sujetandose a la aprobacion de la Ex.^{ta} Asamblea Departamental y bajo las condiciones siguientes.

1.^o No podra venderlo, enajenarlo, hipotecarlo imponer censo, vinculo, finca ni otro gravamen alguno, ni podra donarlo.

2.^o Podra cercarlo sin perjudicar las travesias 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 habitado.

3.^o El terreno de que se hace donacion es de seis sitios de ganado mayor segun esplica el disenio que corre agregado en el expediente respectivo.

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El Juez que tiene la posesion lo hara meter conforme a ordenanza que el tanto el sobrante que resalte a la Nacion para los usos convenientes.

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4º cuando se le confiere la propiedad subitanea del Juez respectivo que le de la posesion y juicio en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondra a mas de las mayores arboles frutales o silvestres de alguna utilidad.

5º Si contraviniere a estas condiciones perderra su derecho al terreno y sera denunciado por otro.

En consecuencia cuando que se le confiere de titulo el presente y teniendose por firme y valido se tome razon de el en el libro respectivo y se entregue al interesado para su resguardo y otros fines.

Dado en Montevideo a diez de noviembre de mil ochocientos cuarenta y cuatro.

Manuel Jimenez. Sec. Manuel Michelarena.

Queda tomada razon de esta concesion en el libro respectivo a fojas 12."

Jimenez.

Filed in Office. Jan. 29. 1855.

Geo. Fisher. Secy.

31 Translation of
Grant

Seal of the Just Eight Dollars.

Authorized provisionally by the Maritime Customs
House of the Port of Monterey in the Department
of the Californias for the years 1844-1845
Custom House (Signed) Micheltorona
Seal (Signed) Pablo de la Fuente

Citizen Manuel Micheltorona 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 the benefit of his son
Don Salvador the land situated between the
meadows of the Tular, the Dry Plain, the place
called Aguas Nuevas and the creek de los Picos
all in the neighborhood of the river Sacramen-
to; the necessary steps and investigations having
been previously taken, and made according
to the requirements of Law and regulations.

I have by the virtue of the powers
conferred on me, granted to him in the name of
the Mexican Nation the legal mentioned land
declaring unto him the ownership thereof by
these presents, subject to the approval of the
Most Excellent Departmental Assembly and under
the following conditions -

1st He shall not sell, alienate or mortgage
it, impose ground rent (censo) entail (vinculo)
reversion (fianga) or any other burden, nor shall
he make donation thereof.

2nd He may fence it in without prejudice
to the crops, roads and privileges: he shall
enjoy it freely and exclusively destining it to the
use or cultivation which may best suit him
but within a year he shall build a house
and inhabit it.

3rd The land whereof donation is made consists
of six square leagues (Sis sitios de ganados mayores)
as appears by the plan annexed to the Expediente.

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The Justice who gives the possession shall cause it to be measured according to Law, the overplus which may result being left to the Native for the necessary uses.

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4th. When the Ownership is Confirmed he shall solicit the respective Justice to give him judicial possession, by virtue of his title and said Justice shall designate the boundaries at the limits whereof he shall proceed placing the Land Marks, plant some fruit trees or other ones of some utility.

5th. If he transgresses these Conditions he shall lose his right to the Land, and it may be denounced by another.

I consequently command that these presents surring him full title and being held as firm and valid be recorded in the respective Book and be delivered to the party interested for his security and further uses —

Given in Monterey on the tenth of November Eighteen hundred and forty four —

(Signed) Manuel Michellena
(Signed) Manuel Jimeno
Secretary

A Record of this grant has been made in the respective Book at folio 13
(Signed) Jimeno —

Filed in Office May 13th. 1853

Geo. Fisher Secy

Copy Deed from This Indenture made the 30. day of January
Salvador Osio to in the year One thousand eight hundred
A. Randall and fifty two between Salvador Osio and
Dolores his wife of the City of Monterey, County
of Monterey State of California of the first
part, and Andrew Randall of said City -
County and State aforesaid of the second
part:

Exhibit E

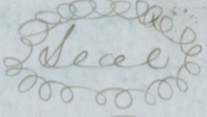
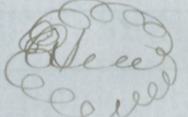
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Witnesseth: That the said parties
of the first part; for and in consideration of the
sum of Four thousand Dollars to them in hand
paid by the said party of the second part, at
or before the executing and delivery of these
presents; the receipt whereof is here by acknowl-
edged, both parties, remise release and
quit claim, and by these presents doth part
remise release & quit claim unto the said
party of the second part his heirs and assigns
forever all that certain tract or parcel of land
known as the "Agua Rica" Rancho situated
and being on Butte Creek Butte County California
consisting of six leagues of land; bounded as
follows to wit; On the West by the Sacramento
to River, On the North by the Rancho de Reyes
and the Rancho de Hamitago On the East, by
the Arroyo de los Pecos now called Butte
Creek and On the South by

And reference being had to the
map on plat which accompanies this Deed,
the extent and boundaries well more fully
and at large appear said described tract of land
was granted to the said Salvador Osio by Governor
Micheltorena by a grant or deed of Concedida
Monterey November 10th. A.D. 1844. Together with
all singular the tenements, hereditaments and
appurtenances, thereto belonging or in anywise
appertaining; and the reasons and reasons
remains or remainders, rents issues and profits
thereof: Also all the estate right title and
interest, power and right of alien property
possession claim and demand whatsoever as
well in law as in Equity of the said parties
of the first part, of, in and to the above descri-
bed premises and every part and parcel thereof

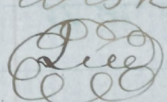
with the appearances, and the said parties of the first part for themselves and their heirs - Executors and Administrators doth Covenant promise and agree to and with the said party of the second part his heirs Executors Administrators and assigns, that they have not made done committed, executed or suffered any act or acts, thing or things whatsoever wholly or by means whereof, the above mentioned and described premises or any part or parcel thereof have are or at any time hereafter shall or may be impeached, charged or incumbered in any manner or way whatsoever.

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

Signed sealed and delivered in presence of
 Salvador Osio 
 Frances J. McGuire Dolores X Panto de Osio 

State of California }
 County of Monterey }

On this 19th day of February A.D. 1853 personally appeared before me a Notary Public in and for said county, Salvador Osio to me personally known who acknowledge that he executed the within Conveyance freely and voluntarily for the uses & purposes therein mentioned, and also personally appeared before me on the same day Dolores Panto de Osio wife of said Salvador Osio to me personally known, who being made acquainted with the contents of the within Conveyance and being by me examined separate and apart from her husband & elector she has hearing & acknowledged that she executed the within Conveyance freely and voluntarily without fear or compulsion or undue influence of her husband and that she did not wish to retract the execution of the same

 D R Ashley Notary Public

Filed in Office
 May 13th 1853
 Geo. Fisher
 Secy

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Deeds
Osio vs. Osio
vs.
And. Rancho

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This Indenture made the 30th day of January in the year one thousand eight hundred and fifty two between Salvador Osio and Dolores his wife of the City of Monterey County of Monterey, State of California, of the first part and Antonio Rueda all of said City, County and State aforesaid, of the second part, witnesseth: That the said parties of the first part, for and in consideration of the sum of Four Thousand Dollars to them in hand paid by the said party of the second part at a lawful sale and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, remised, released and quit claimed and by these presents do doth grant, remise, release and quit claim unto the said party of the second part, and to his heirs and assigns forever all:—

That certain tract or grant of land known as the "Agua de Fieles Rancho" situate and being on Butte Creek, Butte County California, consisting of six leagues of land, being bounded as follows to wit: On the West by the Sacramento River, On the North by the "Rancho de Kaysa" and the "Rancho de Hermitego; On the East by the "Arroyo de los Picos" now called Butte Creek and on the South by _____

and reference being had to the map, or plat, which accompanies this Deed, the extent and boundaries will be more fully and at large appear: Said described tract of land was granted to the said Salvador Osio by Governor Micheltuona by a grant or deed of Concession, dated Monterey November 10th A.D. 1844 together with all & singular the tenements, hereditaments and appurtenances therunto belonging or in anywise appertaining; and the revenues and reversions, remainders or remissions, rents issues and profits thereof: And also the estate, right title interest claim and right of claim property possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of in or to the above described premises, and every part and parcel thereof with the appurtenances— and the said parties of the first part for themselves and their heirs

Executed and administered, doth contain promise and agree to and with the said party of the second part, his heirs Executors, administrators and assigns, that they hath not made, done, committed, executed, or suffered any act, or acts, thing or things whatsoever, 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 may be impeached; Charged or encumbered, in any manner, or way whatsoever.

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

Sealed, signed and delivered Salvador Osio
in presence of Dolores Pinto de Osio
Francis J. Maguire.

State of California
County of Monterey 355

On this 19th day of February A.D. 1852 personally appeared before me, a Notary Public in and for said County, Salvador Osio, to me personally known, who acknowledged that he executed the within Conveyance freely and voluntarily for the uses and purposes therein mentioned — Also personally appeared before me on the same day Dolores Pinto de Osio wife of said Salvador Osio to me personally known, who being made acquainted with the contents of the within Conveyance, and being by me examined separate and apart from her said husband and with out his hearing, acknowledged that she executed the within Conveyance freely and voluntarily without fear or compulsion, or undue influence of her husband, and that she desired wish to retract the Execution thereof

J. R. Ashley
Notary Public

Filed in office
April 3. 1855
Geo. Fisher Secy

Enacted. "Filed for record on this 27th day of May 1852 at 5 o'clock P.M. & recorded in Deed Book A Vol 1 on page 67 & 68 W. J. Forton Recorder Butte Co

37 Affidavit of A Randall

A Randall vs The United States

A. Randall being duly sworn deposes and says that he is the claimant in the above case.

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That he is not ready to submit his case at this time on account of the absence of a witness in Mexico, whose evidence is material and without which he cannot safely go to trial.

That said witness has been absent for several years, but is expected back in the course of a few months, when he hopes to secure his attendance. He therefore prays that this case may be placed at the foot of the fourth class, so as to give him the opportunity of taking the evidence of this said witness when he returns.

A Randall

Subscribed and sworn to before me, on this nineteenth day of December A.D. 1854

Commissioner

Filed in Office Dec. 19. 1854

Geo. Fisher Secy

Recorded in Journal Vol 4 page 143

Geo. Fisher Secy

Depositor of A. Packard

Andrew Randall vs The United States

Case 227

Albion Packard being duly sworn deposes and saith that he is the claimants attorney in the above entitled case, and he believes said case cannot at present be submitted for the decision of the Board, without great prejudice to said claimant as the testimony of one Salvador Osio the original grantee in this case is material to this case, he being at present in the County of Monterey. That a subpoena has been issued by the Secretary of the Board, but as yet his

attendance has not been procured, your deponent will use due diligence to procure the attendance of said witness and submit this case at as early a day as possible, provided the further continuance of this cause is granted, further your deponent saith not.

Abner A Packard

Seem and Subscribed before me March 15. 1855.

Aphie's Felch Commissioner

Filed in office March 20. 1855. Geo. Fisher Secy

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PAGE 37

Affidavit & Motion.

A. Randall
res
The United States

A. Randall being duly sworn says that he is the Claimant in the above entitled Cause - That the said case was submitted under the rule of the 9th day of January 1855 during the temporary absence of his attorney from the session of that date, without having had taken the testimony which he relies on to sustain his case, your deponent made affidavit in this case on the 19th day of December 1855 that he would not be ready for trial in this cause on account of the absence of Antonio Ma. Osio whose testimony is material to the case. Your deponent has since found cause to believe, that his attendance cannot be obtained as he lives in a foreign country - Your deponent is now ready with testimony to sustain his cause if the Honorable Board will open it, or restore it to the docket, further said testimony is material in its nature to his cause and without which his interest will be much prejudiced, and further the deponent saith not.

A. Randall

Seem to before me on this 30th day of January, A.D. 1855 - Peter Lott Commissioner

Filed in office Jan 30 1855 Geo. Fisher

Recorded in Journal Vol 4 pag 193-194 Geo. Fisher Secy

MD

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Opinion of Andrew Randall
 the Board vs
 by The United States
Com. Thompson

Agua Fria - Ariz
 Agua Fria - Ariz
 Butte County -

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 PAGE 38

This claim is founded on a grant made by Manuel Micheltuna to Antonio Maria Osio for the benefit of his son Jose Salvador Osio on the 10th of November 1844 -

It appears from the certified traced copy of the Espectante filed in the case that the customary preliminary inquiries, and proceedings were had by the Governor and the grant issued in clear form on the day it bears date, the original of which is introduced in evidence and its genuineness established by the proofs - The land is described with sufficient certainty to enable the Surveyor by reference to the map contained in the Espectante to locate and establish its boundaries

It also appears that in the year 1845 the grantee occupied the premises ^{with a house} and some stock - It will be observed that the grant vests the legal estate in the father as trustee for the son -

The present petitioner Andrew has title by deed from the son Salvador Osio, the original of which duly authenticated is filed in the case. It is clear from the terms of the grant that the son was intended to be sole beneficiary party to the grant and the effect of that instrument was to invest him with an equitable interest in the premises which he was fully competent to convey -

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A decree will therefore be entered confir-
ming that interest to the present claimant

Filed in Office July 17. 1855

Geo. Fisher Secy

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H/

Decree

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 said petitioner is well founded and it is therefore ordered that the same be confirmed.

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The Land of which Confirmation is made is situated in Butte County and is known by the name of Aqua Frea and is of the extent of six square leagues, as described in the Original grant and map contained in the Expediente to which reference is hereby made for a more particular description.

R. Aug. Thompson

S. B. Harwell

Commissioners

Filed in Office July 17. 1855

Geo. Fisher Secy

Order

And it appearing to the satisfaction of the Board that the land hereby adjudged is situated in the Northern District of California. It is ordered that two Transcripts of the proceedings and decision in this case and of the papers and evidence upon which the same are founded be made out and duly certified by the Secretary One of which Transcripts shall be filed

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with the Clerk of the United States
District Court for the Northern District
of California and the other transmitters
to the Attorney General of the United
States

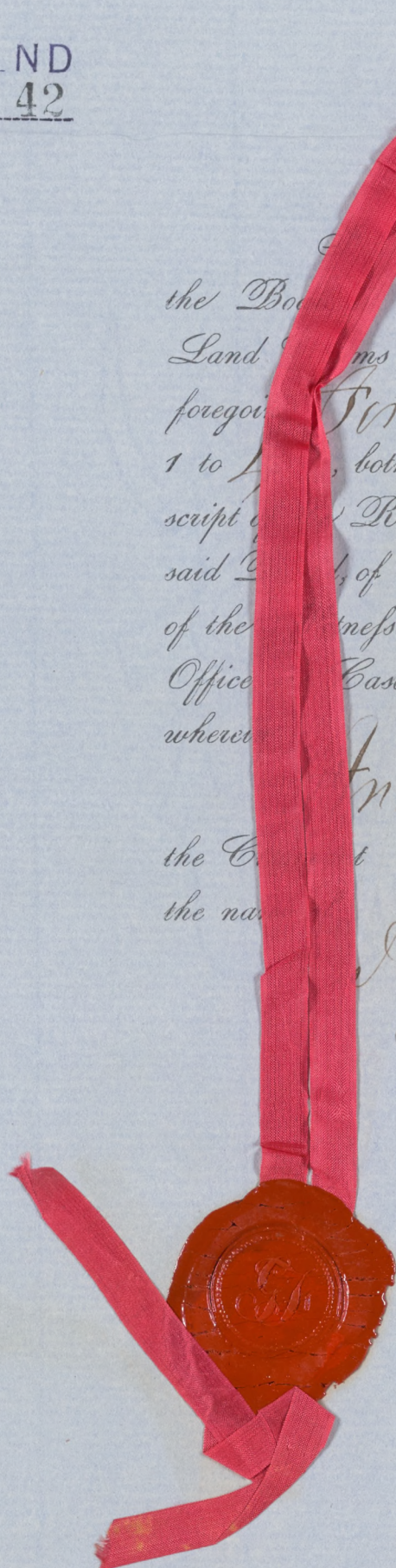
370 ND

PAGE 41

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

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 *Forty two* pages, numbered from
1 to *42*, 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. 227 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 *Aguas Frias*



In Testimony Whereof, I hereunto set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
Tenth day of *December*
A. D. 1855, and of the Independence of the
United States of America the ~~seventy~~ *eighty*th.

Geo. Fisher.
Geo. Fisher



370
U. S. DISTRICT COURT,
Northern District of California.

No. 370- 370
THE UNITED STATES,

vs. *no*

Andrew Randall.

TRANSCRIPT OF THE RECORD
FROM THE
BOARD OF U. S. LAND COMMISSIONERS.

In Case No. *227*

Filed, *December 24* 1855-
J. & Monroe
clerk.

Office of the Attorney General of the United States,

Washington, 11 Feb- 1856.

227) "Aguar Frías"

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 January, 1856, 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 370

United States

- vs -

Andrew Randall

Appeal Notice

No - 227

Filed April 4, 1856

Chenoweth,
Deputy.

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United States District Court
for the Northern District of California

The United States
Appellant

Docket No 370-

^{vs}
Andrew Randall
Appellee

Transcript No

City and County of San Francisco &c.

Walter H. Tompkins being duly sworn says that on the thirtieth day of June A.D. 1855 the above named Andrew Randall by a certain deed made executed and delivered to Samuel Todd assigned and transferred to said Todd all his right title and interest in and to that certain tract of land claimed and represented in the above entitled action known as "Aguas Frias Rancho" situated and being on Butte Creek Butte Co California, consisting of six leagues of land (reference being had to said deed and to the transcript filed in this cause for a more particular description)

And this deponent further says that on or about the twenty sixth day of July A.D. 1856 in the City and County of San Francisco the said Andrew Randall deceased and further this deponent saith not

Sworn and subscribed } Walter H. Tompkins
before me this 12th day of }
March A.D. 1857 }

Wm G. Woody
Dep. County Clerk

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No. 370
United States District Court
for the Northern District of California

The United States

vs

Andrew Randall

Affidavit of W. H. Tompkins

Filed March 16, 1857,
W. H. Chew,
Deputy,

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United States District Court for the
Northern District of California

Stated Term, March 16, 1857.

The United States }
 appellants } Docket No. 370-
 vs }
Andrew Randall }
 appellee } Transcript No.

On suggestion of Counsel for the
Claimants, of the death of the above named
Andrew Randall, and proof having been
made of his death, and also, that said
Andrew Randall prior to his death had
conveyed the whole of the land claimed
in this case to Samuel Lodd. It is
hereby ordered that this cause be revived
in the name of said Samuel Lodd

No 370

U. S. Dist. Court,

The United States.

- vs -

Andrew Randall,

Order reviving suit
in name of S. Todd,

Filed March 16, 1857.
W. H. Church,
Deputy.

United States District Court for
the Northern District of California

The United States
Appellant
vs
Andrew Randall
Appellee

Docket No 370

Transcript No

It is hereby stipulated and consented by the undersigned Attorney and Counsel for the administratrix and heirs of the above named Andrew Randall, That this cause may be revived in the name of Samuel Todd he being the successor in interest to all the land claimed in said cause the said heirs having no interest in said lands whatsoever

Thos W. Sutherland
Atty for E J Randall widow
& administratrix of his estate
for heirs of said Randall

No 370.
United States District Court
for the Northern District of California

The United States

vs

Andrew Randall

Stipulation

Filed March 16, 1857.
W. H. Chivers,
Deputy.

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California Land Claims.

Attorney General's Office

8 December 1851.

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Sir:

In the case of the claim of Andrew
Randall, confirmed to the claimant by the
Commissioner, case no. two hundred and
twenty-seven (227), appeal will not be
prosecuted by the United States.

I am

Respectfully,

Cushing

Wm. Blanding Esq.

U. S. Attorney

San Francisco

In the District Court of the U.S.
for the Northern Dist of Cal.

The United States

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2 D.C. 370; L.C. 227.

Samuel Todd.

In pursuance of a notice from the Attorney General of the United States, herewith annexed, it is stipulated and agreed hereby that no further appeal be taken in this case on the part of the United States, and that claimant have leave to proceed under the decree of this court heretofore rendered in his favor as under Final Decree. Samuel Todd, the claimant herein having been substituted for Andrew Randall, deceased.

San Francisco May 7 1857

Wm Blanding
Dist Atty

W. H. Tompkins
Atty for Claimant

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227

U. S. District Court

The United States

vs
Andrew Randall
Samuel Todd

Stipulation

Filed May 7, 1857.
W. B. Chivers
Deputy

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

370 ND

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The United States } Docket 370
vs }
Samuel Todd } Transcript 227
Stated Term, May 7, 1857.

This case came on to be heard at a
stated term of said Court on appeal
from the final decision of the Commissioners
to ascertain and settle private land claims
in the State of California under an act
of Congress approved March 3^d 1851, upon
a transcript of the proceedings papers and
evidence on which such decision was founded
and on additional testimony taken
in this Court, and an order having
been made and entered substituting the
said Samuel Todd claimant, and
it appearing that the said transcript
has been filed according to law, and
counsel for the respective parties, having
been heard, it is hereby ordered, adjudged,
and decreed, that the claim of the
claimant the said Samuel Todd is
a good and valid claim to the land
known by the name of "Aguas Frias" situate
in Butte County in the State of California
of the extent of six square leagues

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as described, in the Original Grant and
Map contained in the Expediente filed
in this claim, to which reference is hereby
made for a more particular description
and that the same should be and is
hereby confirmed to the said Samuel
Todd.

John Hoffman
U. S. District Judge

This decree is correct
Wm Blandin
Dist Atty.

370
Dist. Court. U. S. for
the Northern Dist. to al.

The United States

vs.

Samuel Todd

Decree

Lined May 7 1857.
W. A. Chevers
Deputy.

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At a Stated Term of the District Court of the
UNITED STATES OF AMERICA, for the Northern District of
California, held at the Court Room, in the City of SAN FRANCISCO,
on *Thursday* the *seventh* day of
May in the year of our Lord one thousand
eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

vs
Samuel Todd

D.C. 370: L.C. 227

The Attorney General
of the U. S. having given notice that
appeal will not be prosecuted in this
case, and a stipulation to that effect
having been entered into by the U. S.
Attorney:

On motion of the Dist Attorney
it is ordered adjudged and decreed that
the claimant Samuel Todd, who has been
substituted herein for in place of Andrew
Randall, deceased, have leave to proceed
under the decree of this Court heretofore
rendered in his favor, as under Final
Decree.

Ogden Hoffman
U. S. Dist Judge

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United States District Court, Northern
District of California.

The United States

vs.

Samuel Todd

ORDER.

vacating appeal

Filed

May 7th 1857

John. A. Murre,

CLERK.

By

W. H. Cheney

DEPUTY.

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(Copy Deed)

This Indenture made this —

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thirtieth day of June A. D. One thousand eight hundred and fifty five Between Andrew Randall of Marin County of the State of California the party of the first part and Samuel Todd of Placer County party of the second part —

Witnesseth that the said party of the first part for and in consideration of the sum of Ten thousand dollars lawful money of the United States ^{of America} to him in hand paid the receipt whereof is hereby acknowledged has granted, bargained, sold, remised, conveyed and quit-claimed and by these presents does grant bargain sell, remise, convey and quit claim unto the said party of the second part and to his heirs and assigns forever, All the right title and interest of the said party of the first part in and to all that certain tract of land known as "Aguas Frias Rancho" situated and being on Butte Creek Butte Co California consisting of six leagues of land the same having been granted to Salvador Ozo on the 10th day of November 1844 by Manuel Micheltoreno Governor of California and for further particulars as to the boundaries see the expedients Nos 96 in the U. S. Surveyor General's office for California being the same land acquired by Deed from Salvador Ozo and wife dated 30th of January 1852 and recorded in the County Recorder's Office of Butte Co — Also all that tract of land in Butte Co California of two Spanish leagues in extent acquired by Deed from James W. Marshall on the 23^d of September 1853 and recorded in the County Recorder's office of Butte Co on pages 144 & 145 of Vol. 1 Book "A" of records of Deeds being the two Southern leagues of land granted by Manuel Micheltoreno then Mexican Governor of California to Samuel J. Hensley on the 22nd of Dec. 1844 and bounded as follows on the south by the southerly line of the said grant to the said Hensley and on East and West by the East and West lines of said grant and on the North by a line parallel with the said southerly line and at sufficient distance to embrace two Spanish leagues of land — Together with all and singular the tenements hereditaments and appurtenances thereunto belonging and the rents issues and profits thereof and interest in law as well as in equity.

To Have and to Hold all and singular the above described premises together with the appurtenances unto the said party of the second part ~~heirs~~ heirs and assigns for ever.

In Witness Whereof the said party of the first part has herunto set his hand and seal the day and year herebefore written

Witness

A. Randall

(L.S)

E. J. Sanders

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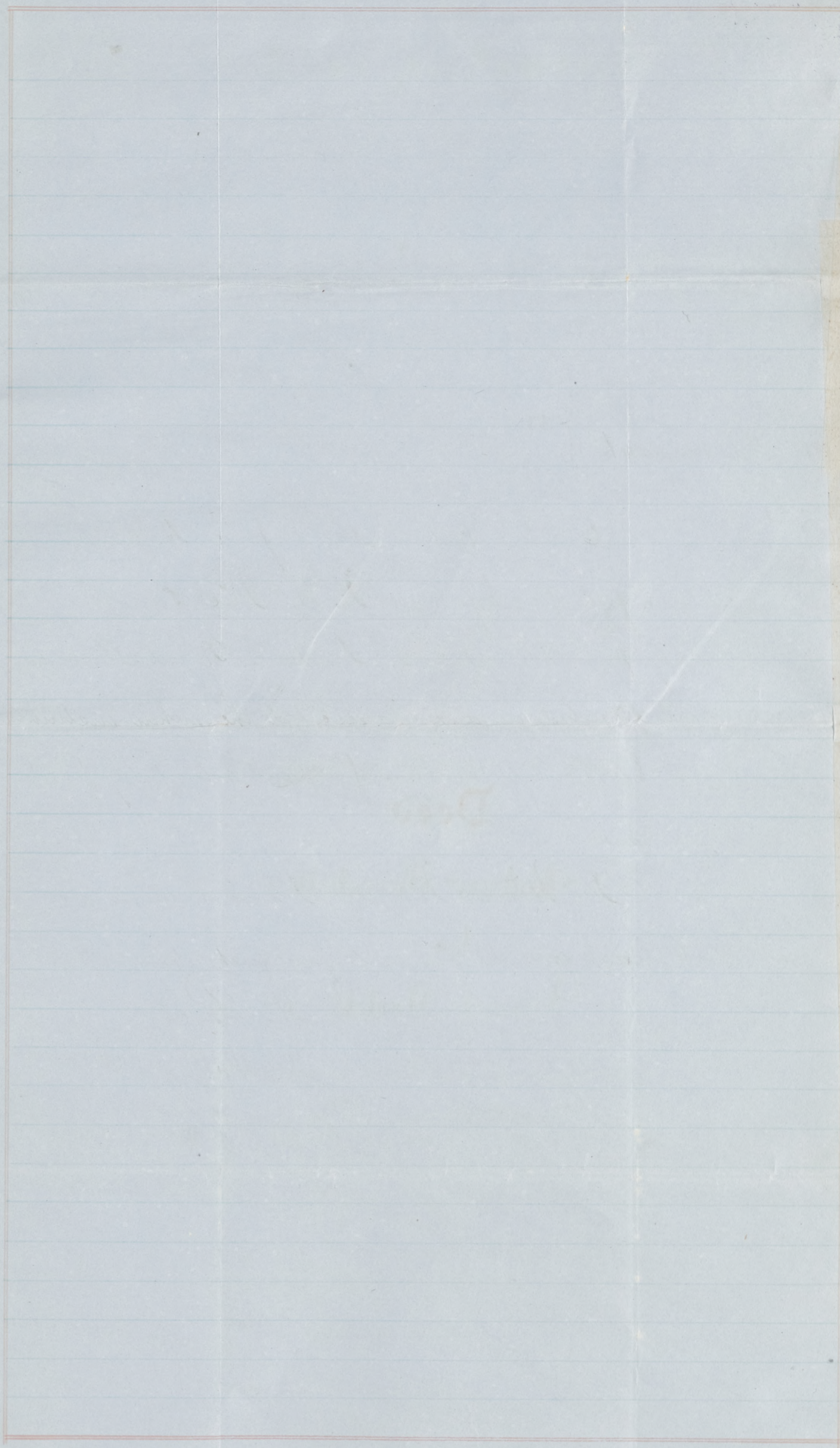
State of California }
County of Sacramento } ss

On this thirtieth day of June A. D. One thousand
eight hundred and fifty five before me W. W. Price, a Notary Public in
and for said County personally appeared Andrew Randall known to me
to be the individual described in and who executed the within instrument and
acknowledged that he executed the same freely and voluntarily for the uses and
purposes therein mentioned

In Witness Whereof I have hereunto set my hand
and affixed my Official seal the day and year first above written

W. W. Price
Notary Public

Official
Seal



Deed
Andrew Randall
to
Samuel Todd.

370 ND
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Filed for Record and Recorded
July 3rd A.D. 1855 at 10 O'clock A.M. in
Deed Book "A" Vol. 1 Pages 318 + 319
A. C. Griffiths
Recorder Butte Co

Fees \$ 3.50 -

By request of Wells Fargo & Co
Express Agent.

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

The United States } Docket 370.
vs }
Samuel Todd } Transcript.

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It is hereby stipulated and agreed that a Deed of Conveyance, from Andrew Randall to Samuel Todd - Executed on the thirtieth day of June A.D. 1855, and Recorded in the Recorder's Office of Butte County, State of California, on the 3rd day of July 1855 - a copy of said Deed of Conveyance being hereto prefixed marked "Copy Deed", be admitted in Evidence in the above entitled Cause, and the same is hereby admitted as Evidence therein.

Wm Blandine
Dist Atty.

No 370 -

Dist. Court U. S. Northern

Dist. California

The United States

vs

Samuel Todd

Stipulation & Copy

ded. from Randall
to Todd.

Filed May 7. 1857.

W. H. Chew.

Deputy.

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Office of the Board of Commissioners,

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

San Francisco, Dec. 10th 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. 227 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 "Aguas Frias."

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher

