

CASE No.

385

NORTHERN DISTRICT

LAND IN MARIN COUNTY GRANT

ANDREW RANDELL

CLAIMANT

DEC 27 1962

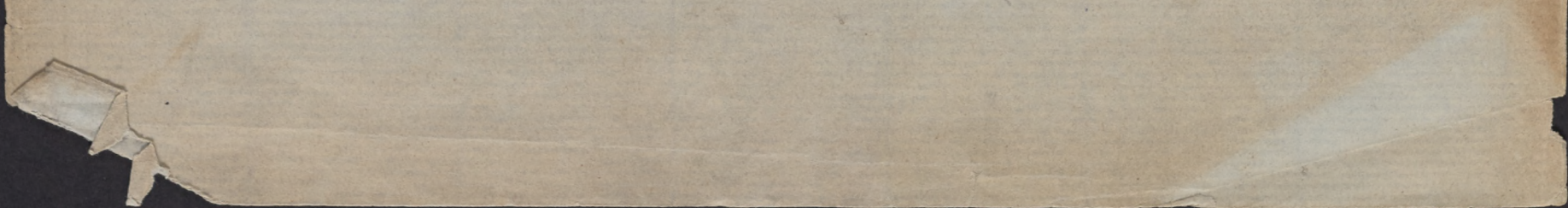
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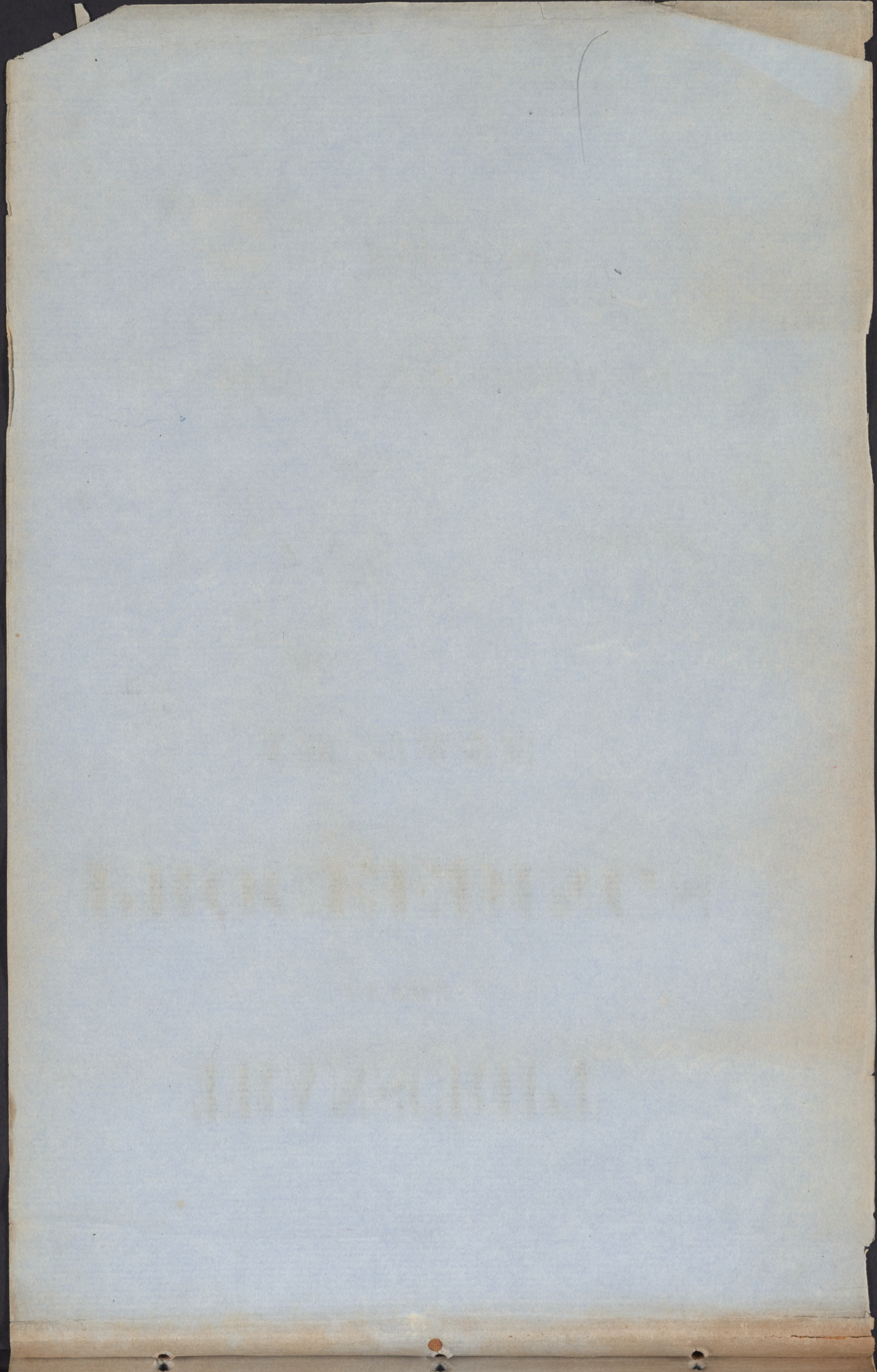
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TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. 772

Andrew Randall — CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"*Land in Marin County.*"

1870

THE UNITED STATES DISTRICT COURT

IN

GENERAL

NO

12 OVER

PROCEEDINGS

OF

THE COURT

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, that on this *second day of March*, Anno Domini One Thousand Eight Hundred and Fifty-*three*, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

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The Petition of *Andrew Randall*
for the Place named
Land in Marin County
was presented, and ordered to be filed and docketed with No. *772* 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 1, 1853
In case No *772* Andrew Randall for seven square leagues of land in Marin County, the deposition of David Spence, a witness in behalf of the claimant taken before Commissioner R. Hugh Thompson with documents marked Nos. *1 & 2* R. T. annexed thereto was filed

(vide page *13* of the transcript)

San Francisco November 25, 1853
In the same case the deposition of Jacob Pluse, a witness in behalf of the claimant, taken before Commissioner Alphons Melch was filed

(vide page *14* of the transcript)

San Francisco Dec 19, 1853
In the same case the counsel for the claimant filed the following stipulation to wit

(vide page *55* of this transcript)

San Francisco January 5 1854
In the same case the Counsel for the Claimant
filed the following stipulation to wit:
Vide page 55 of this transcript

San Francisco December 21 1854
In the same case the U.S. Law Agent filed the
following stipulation, to wit:
Vide page 56 of this transcript

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San Francisco January 9 1855
Case No 772 was ordered to be placed at the foot
of the McClap cases on the trial docket

San Francisco March 20 1855
Case No 772 was opened for hearing on the 30
day of April next

San Francisco May 15 1855
In the same case the following proceedings were
had, to wit:

1st The Counsel for the Claimant filed
the following motion, namely
Vide page 57 of this transcript,
which motion was granted and the petition
mentioned therein filed
Vide page 11 of this transcript.

2^d The Claimant filed the deed
referred to in, and according with the following
stipulation to wit:
Vide page 56 of this transcript.

3^d The deposition of James B. Murray
a witness in behalf of the Claimant taken before
Commissioner Henry Thompson was filed
Vide page 17 of this transcript.

4th The case was submitted without
argument and taken under advisement by the Board

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San Francisco Sept. 11, 1855

In the same case Commissioner Phelps defined
the opinion of the Board confirming the claim

(vide page 59 of this transcript)

and the following order was made, to wit:

(vide page 62 of this transcript)

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Petition

To the Honorable the Board of Commissioners to ascertain and settle private Land Claims in the State of California

Your petitioner Andrew Randall of the State of Nevada respectfully shews unto your Honorable Board, that on the 17th of March 1836. Nicolas Gutierrez then Governor of California by deed of gift of land ceded a tract of land to one James Richard Berry an English Officer and subsequently of Calvary in the Mexican Army (Now deceased and without known heirs) containing eight Spanish leagues of land, being in longitude two leagues (in width) and in latitude four leagues (in length) and situated as represented on a creek, East of the Estero of Tamales now in the County of Marin in said State in a place here shown on said Map as the Rancho de Tamales as will be seen by reference to Exhibit C.

That afterwards, to wit, in June 1839 and English Sea Captain named Joseph Frances Snook desiring a grant a grant of land denominated as before, two leagues square of the North West portion of the said land previously granted to said Berry and that the said Berry did expressly agree to said denouncement, and at Monterey then the Capital of the Country. On the 5th day of June 1839, did in writing formally and absolutely give back and surrender in favor of said Snook for the reason in the said writing stated, all the right which he the said Berry then had in two leagues square of his said tract (being just one half of the land thereof granted to him) and that after such written sanction, and with the express assent and approbation of the said Berry the Mexican Government, did on the 8th day of June of the same year lawfully grant to

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to the said Joseph Snook, the said two leagues & square of Land.

And your petition further shews that such grant to said Snook was afterwards duly ratified and approved by the Mexican Departmental Assembly of California, in conformity with the laws then in force over this Territory.

And that on the 28th day of September A.D. 1839 the said Snook did sell and convey all his right and title in the said grant to one Antonio Maria Osio exchanging the same for a very nice and certain improved property owned by said Osio in the City of Los Angeles. And that since the time the said grant was made to the said Snook as aforesaid it has remained certain and notorious that the said Berry had not, and it is well known that he never at any time afterwards pretended to have any right title or claim whatsoever in or to the said two leagues & square of Land; and that long afterwards at the time the grant was made to the said Osio in the year 1843 this grant to Snook is expressly named in the Decree of the Government as the Land then owned by the said Osio, by purchase from the said Snook.

And your petition further shews that he is now the owner of the said Land by purchase from the said Osio and that the petition now before your Honorable Board asking for the Confirmation unto one Bethuel Phelps of the entire amount granted to the aforesaid James Beckman Berry in 1836 is unjust to the heirs of the said Snook who guaranteed his title therein to the said Osio, and to the clear and unquestionable right of your petitioners who

was (as was likewise the said Oso) an innocent and bona fide purchaser thereof for a good and valid consideration.

And your petitioner further shews that the Mortgage or Conveyance subsequently given by the said Berry to One Stephen Smith whose rights and no other, the said Phelps is entitled to have and maintain, was not made until the year 1842 long after the two leagues of said land had been granted to the said Snook and by the said Snook had been sold and conveyed to the said Oso, and the said Mortgage or Deed from said Berry to Smith was not delivered until after the death of said Berry in the year eighteen hundred and forty six, and that the said Berry had continued to occupy the said land and exercised all the rights of Ownership over the same until his death in the year aforesaid, and that such conveyance from Berry to Smith of any validity was subject to the record and notorious Ownership of Oso to the two leagues of said land and that the said Smith cannot claim any such right in the premises as the said Berry possessed at the time of his conveyance on the 14th of February 1842 and no other whatsoever, and that the said two leagues of said land do respectively and lawfully belong to your petitioner and your petitioner further shews unto your Honorable Board that at the time of the execution and delivery of the said Snook, owing to the misapprehension and inattention of the Government Secretary (Don M. Semer) the grant was spoken of as two "sitios de ganados Mayu" and that the same is in other portions of the Especiente

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herewith submitted spoken of as "two leagues" instead of two leagues square.

But your petitioners to your Honorable Board, that the said Snook who petitioned and the said Berry who released, each well understand the difference between two leagues or two leagues and two leagues square: and that notwithstanding the care or inadvertent mention of the quantity by those who took the immediate steps in the progress of acquiring and perfecting the said grant that the said Snook having denounced and petitioned for two leagues square and the said Berry having released two leagues square, and the grant itself by Alvarado the Governor having been made for two leagues square, the intention of the Government and of the immediate parties clearly manifest, and the quantity measured that which was so asked for, released, and granted.

And your petitioners further shew to your Honorable Board the acknowledgment of his title spoken of under a specification of the legal steps taken in acquiring and perfecting the same together with the certified Copies of the Original papers and Correct translations thereof, all which are hereto annexed and designated by alphabetical letters in the margin of the translations with corresponding letters in the margin of the Originals; that is to say

1st. (A) The petition from the said Snook and his denunciation of two leagues square of the same previously granted to Berry and applied to the then Governor of California and dated Monterey June the 5th A D 1839

2d. (B) The renunciation and repudiation by

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Said Perry of the said two leagues square to the said Snook dated at the same place and on the same day with the petition and denunciation of said Snook. 3d (b) The grant of Manuel Jimeno President of the Assembly and acting as Governor dated June 8th 1849 made in review of the petition and the opinion made by Mr. James Perry" but specifying only two leagues 4th. (d) The grant made on the same day and at the same place by Juan B. Alvarado, then the Governor of California, and signed also by the said Jimeno as Government Secretary, being the grant which was delivered to the said Snook, for his title containing the several conditions and declaring the lands mentioned to consist of two leagues square and a certificate by Jimeno that it was recorded in the Book of titles respecting Lands.

5th. (e) Note by the Secretary of the Assembly of the reference of the Expediente to the Committee on agriculture. Dated May 19th 1840

6th. & 7th. (f & g) Note by the Secretary of the Assembly of the return of the Expediente with the report of the Committee, and the Committee's report, on May 23<sup>rd</sup> 1840

8th. (h) Statement of the approval of the grant to Snook on the 25<sup>th</sup> of May 1840 signed by the President and Secretary of the Departmental Junta

9th. (i) An additional decree of Alvarado the said Governor directing a certificate to be given to said Snook in confirmation of the land of Jimeno which he obtained on the 8th of June 1839. Dated June 11th 1840

10th. (I) Copy of the Deed from the said Snook to the said Osio duly made and Executed before a person acting as a Notary Public, and dated September 28th. 1839

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11th (K) Copy of the Deed from the said Osio to A Randall your petitioner duly Executed by the said Osio and wife, bearing date the 8th of January 1852 and recorded in the office of the Clerk of the said County of Marin on the 15th April 1852 in Book of Deeds at page 105.

12th (L) A special report of the Committee on Colonization and Vacant Lands in the Mexican Departmental Assembly of California on the 9th of September 1846 concerning the land granted to Berry and showing its boundaries and the boundaries of the adjoining lands of Rafael Garcia

13th. (M) The decision of the Mexican Superior Tribunal of California, showing that the Land claimed by your petitioner is that which Berry ceded to the said Snook and that said Berry expressly consented to the Sale thereof by said Snook to the said Osio as well be seen by reference to the agreement a translation of which is herewith annexed Marked 13th. (m.m)

14th (Exhibit C) A certified copy of the Original Map which accompanied the Expedition of said Berry's Grant showing the position, the landmarks and the particular plot and lines of the land which said Berry asked for and which was granted to him.

And your petitioner further says that he and they whose title he has purchased have been in actual peaceful possession



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of Saeie Sane for more than ten years and that the Saeie grant to the Saeie Sane was made in virtue of, and in accordance with the Success, usages, and Customs of the Government of Mexico then in force in the Territory of this State, and that the location thereof is well known, and the limits thereof readily traceable and susceptible of being easily and accurately ascertained being two leagues square.

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Wherefore your petitioner prays that his title to the land be confirmed as he.

A. Ramcell

Filed in Office

Recorded in Vol. 3. of Petitions pages 171. 172. 173. 174 & 175

Geo. Fisher Secy

Substituted  
Petition

To the Honorable the Board of Commissioners to ascertain and settle private Land Claims in the State of California

Your petitioner Andrew Ramcell of the State of California respectfully shewes unto your Honorable Board that the Mexican Government did on the 8th day of June 1839 lawfully grant to Joseph Snook two leagues square of Land.

And that on the 25th day of September A.D. 1839 the Saeie Snook did sell and transfer all his right and title in the said grant to one Antonio Maria Osio, exchanging the same for a benyual and certain improved property owned by Saeie Osio in the City of Los Angeles

And your petitioner further shewes that he is now the owner of the

of the said Land by purchase from the said Osio.

And your petitioner further says that he and they whose title he has purchased, have been in actual peaceful possession of the said Land for more than ten years, and that the said grant to the said Land was made in virtue of and in accordance with the laws, usages and Customs of the Government of Mexico then in force over the Territory of this State and that the location thereof is well known and the limits thereof readily traced and susceptible of being easily and accurately ascertained being two leagues square.

Wherefore your petitioner prays that his title to the Land be confirmed.

A. Randall

Filed in Office May 15. 1855

Geo. Fisher Secy

Recorded in Record of Deeds Vol

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Deposition of  
Lawie Spence

Office of the Board of Commissioners vs.

This day before Comr. R. A. Thompson  
Came Lawie Spence a witness in behalf  
of Claimant Andrew Russell No. 772  
who after being duly sworn deposes as  
follows

Testimony on behalf of Claimant

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Present H. J. Stanton Esq. Atty for claimant  
and R. Greenhow Associate Secy Agent

In answer to questions witness states that  
his name is Lawie Spence he is a fifty  
five years and residence Monterey Cal.

Questions by Claimant's Attorney  
Are you acquainted with the hand writing  
of Juan B. Alvarado and Manuel Jimeno  
If so look at the paper now shown you  
and herewith filed as Exhibit No 1 to this  
deposition and marked with the initials  
R.T. and state if their signatures as they  
appear therein are genuine or not?

Answer. I am well acquainted with the  
hand writing of Juan Alvarado and Jimeno  
I have often seen them write, and to the best  
of my knowledge and belief their  
signatures on the document referred to  
are genuine

Question by Same. Look at the document  
marked Exhibit No 2 purporting to be  
a copy of an Original deed of conveyance  
from Joseph Brooks to Antonio Maria  
Osio and identified by the initials R.T.  
and state what you know in relation to  
the execution of the Original and the making  
of said or said copy, also where the  
Original now is.

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Answer. The Original of said paper was executed before me as Justice of the Peace for the Jurisdiction of Monterey at the time it bears date. It was returned into the Protocol Book of the Alcalde's Office in Monterey until it was transferred by him to the Office of the Recuerdo for Monterey County where it now is. The document now shown me is a true Copy of the Original. I have compared it with the said Original, and know it to be a true Copy to the best of my recollection.

D. Spence

Sworn to and subscribed before me this 1st day November 1853

Attesty Thompson Clerk

Filed in Office Nov. 1. 1853

Geo. Fisher Secy

Recorded in Ev. B. Vol 3 p 338

Geo. Fisher Secy

Deposition of  
J. P. Seese

Office of the Board of  
W. H. Lane Comptroller  
San Francisco Nov. 28. 1853

This day before Com. Alpheus Felch came Jacob P. Seese a witness in behalf of the Claimant A. Randall. Petition No. 773 and being duly sworn deposed as follows.

Questions by Mr. Williams Attorney for the Claimant.

1. 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 California.

2. Question. Are you acquainted with the title of land of two leagues of ground granted by Alvarado on the 8th June 1839 to Joseph Francis Snook, in Marin County, and if so, state what you know in regard to its use

and occupation and also what you know in regard to the sale of said tract of land to said Snook by James R Berry  
 Answer. I am not acquainted with the tract of land mentioned, but I know of James R Berry selling to Captain Snook two leagues of land, one of his tracts known as the Rancho of "Samaces" afterwards I know that Antonio Mena Osio purchased the same tract of land of Captain Snook for which he gave him a house and furniture at Los Angeles

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3rd Question. Do you recollect what quantity of land was sold by said Berry to said Snook, whether the same was two leagues square or two square leagues

Answer. I do not recollect, excepting I recollect hearing that it was two leagues of land.

4th Question. Did James R Berry ever seek from you judicial possession of the grant of land made to him in the Cincua de Samaces if yes when?

Answer. He did. It was early in the Spring of 1844. He was then living on the Rancho of Mr. Intose. I was giving judicial possession to Mr. McIntosh of his farm, when Mr. Berry spoke to me about giving him judicial possession of his place. I told him I would not do that I had to give such possession of another Rancho, and then he called on me in town.

When I was ready to give him possession, I notified him and he came to see me. I told him I must require of him, secretly for the money I should have to pay Mr. A. Lanza for giving me

as Surveyor. He went to Bocego to obtain the money and returned and told me he was not able to get it and I did not give him the paper because he could not pay the fees.

5. Deceit. State what you know of the sale by James R. Barry of the remaining portion of his tract of land to Captain Stephen Smith.

Answer. I know nothing excepting what was told me by Barry. He said he had sold his farm to Captain Smith, and he owed him money on it, and his Agent Sam Manuel Jones refused to pay him the money, but wanted to pay him on notes. He said that now, he should not have the farm. Barry could not occupy the farm until his death which was about the year 1847. I think

6th. Deceit. Do you know what disposition was made of the property of said Barry after his death?

Answer. I know nothing except that I heard that the English Consul, Alexander Forbes administered upon his estate.

Deceit by Mr. Greenhaw 1st Deceit. What was the object in giving James Barry paper?

Answer. The object in the first place was to define the boundary lines, between the adjacent farms, and give the land described as near to the title as possible, which quieted the titles as between neighbors. In the next place it was intended to show how much land was covered by the title according to its boundary lines.

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Qd. Question. Was it considered during the existence of the Mexican Government, that any difficulty or obstacle to the obtaining of peaceable possession, could supply the want of it? or authorizing any claimant to assume boundaries without it.

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Answer. I never knew any instance of a person holding land in the country being forced into judicial possession, excepting when another claim was obtained superior to the boundaries of the first. It then was considered that the first grantee when required by the second, was required to apply for his peaceable possession, and it was understood that by the Law he was compelled to obtain it within one year. If he did not then the second party applied for his peaceable possession, and it was given according to his grant or as near to it as possible.

If peaceable possession was not obtained the party was authorized to assume the boundaries fixed on his grant.

J. P. Leese  
Subscribed and sworn to before me this 28th day of November 1853.

Alpheus Felch Comm:re  
Felix in Office Nov. 28. 1853

Geo. Fisher Secy  
Recorded in Ev. B Vol 3 p 459  
Geo. Fisher Secy

Deposition of United States of America  
J. B. Alvarado State of California 30  
San Francisco May 14. 1855

On this day before me, R. A. Thompson came Juan B. Alvarado, a witness on behalf of the claimant Anderson Randall in case 773 who after being duly sworn deposed as follows, his recollection being interpreted by the interpreter of said Board.

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U. S. Law Agent present

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

Answer. My name is Juan  
B. Alvarado, my age 46 years and I reside  
in Contra Costa County.

2d. Question. Did you  
hold any Civil office under the Mexican  
Government in the Department of California  
in the year 1839, if yes, what  
office?

Answer. I was Constitutional  
Governor of the Department of California

3d. Question. Look at the  
document now here shown you marked  
"Exhibit No. 1 R. T. annex to the deposi-  
tion of Lawrence Spence", taken in this case  
and exhibited in this deposition, and  
state whether the signatures "Juan B.  
Alvarado" and Manuel Jimeno thereon  
attached are the genuine signatures of  
the persons so named?

Answer. I have exam-  
ined the said document, and the said  
signatures of "Juan B. Alvarado" thereon  
is my own genuine signature and that  
of "Manuel Jimeno" is the genuine signature  
of the said person, who was at the time  
of signing Secretary of the Government  
under me as Governor.

4th. Question. Look at the  
third Condition in the aforesaid document  
"No. 1 R. T." &c. and state what quantity of  
Land is therein expressed as granted by  
document?

Answer. I have examined the  
said Condition referred to, and the quantity  
of Land therein described as granted is  
two leagues square or four Peticas de ganado



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Mayor equivalent to four square leagues

Crozier Examined by M. Kene S. S. Luce Agent

1<sup>st</sup> Question. When did you commence acting as Governor and when did you cease to act?

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Answer. I received the Office and title of Constitutional Governor in the year 1839, but proceeded to that time and as far back as the year 1837 I exercised the powers of Governor by virtue of the Office of Chief Justice; and I ceased to act as Governor in the latter part of the year 1842.

2<sup>d</sup> Question. In what manner did you deliver the charge of the Govt as Governor to Manuel Micheltorena

Answer. I despatched Manuel Semino my Secretary to Los Angeles to surrender the said charge to Manuel Micheltorena.

3<sup>d</sup> Question. Why was not the Governorship surrendered to Micheltorena immediately upon his arrival in California

Answer. In two reasons - The first is that he was not authorized by the Constitutional Law to demand it, and secondly - because I was unwilling to surrender to him the Government - because I did not believe him to be Constitutionally authorized to receive it or that it so belonged to him.

4<sup>th</sup> Question. Why did you surrender your Office under those circumstances?

Answer. I did so for the purpose of avoiding dissensions and dissensions in the country.

5<sup>th</sup> Question. When did

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Carlos Cevallos arrived in California with a Commission as Governor thereof. How long did he remain acting as Governor, and what was the cause of his ceasing to act as such and when did he cease?

Answer I remember that the same Carlos Cevallos proclaimed himself as Governor of California at Los Angeles in the year 1838 without having manifested to me any credentials to that effect neither had I received any Order from the Supreme Government of Mexico relative to the matter. And therefore he never exercised the authority of Governor of California legally. I however compelled him to suspend the exercise of his Government until I should receive instructions to that effect from the Government of Mexico. After he proclaimed himself Governor, I went at the head of an armed force to Los Angeles in the subsequent year of 1838 in the latter months thereof to resist his authority when I met him with his force, and in a contest at arms I defeated him and his troops.

Qth. Question. Who were the principal adherents of Cevallos while he was Governor. When was his authority as Governor recognized and who were the principal adherents to your cause.

Answer. The principal adherents were Buncioni, Santiago Arguello, Covarrubias and other persons of the Southern District of California. His authority was recognized only by a party from Los Angeles and San Diego. My principal adherents were the authorities of the Pueblos and Settlements - and the troops commanded by Genl. <sup>Dove</sup> Castro.

7th. Question. How long did you act as the president of the independence

Republic of California

Anson, California

Never has been an independent Republic, but in the year 1837 the people of California each for himself and by the Departmental Assembly proclaimed the Mexican Constitution of 1824, and upon that basis erected of the California a free and independent State of the Mexican Federation, and conferred upon me the office of Governor of the said State in the exercise also of the powers of Political Chief of California. I am not positive as to the date of the said formation into a State but I think it was about the first of June 1837 - and it commenced such a State until about the middle of the year 1838 when I ordered the Central Constitution of March 1836 to be published.

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The Suro Agent objects to Section 4th of the aforesaid Examination and to the Anson thereof on the foregoing grounds, that the document therein referred to is the only proper proof of its meaning.

John B Alvares

Filed in Office May 14. 1855

Geo. Fisher Secy

Recorded in Ev. B

Testes called and sworn to before me this 14th day of May A.D. 1855  
R. A. Thompson Comr.

Deposition of  
David Spence

Office of the Board of  
Land Commissioners &c &c &c

This day before Govt. Robert A Thompson came David Spence, a witness in behalf of Clement Andrew Runcell No 666 who after being duly sworn deposed as follows

Testimony on behalf of Ciccimane  
Present St. J. Thompson Esq. Atty for the  
Ciccimane and R Greenhow Esq. Sec Legate

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In answer to question witness states his  
name is Lucius Spence has age fifty five  
years and residence Monterey Cal.

Question by Ciccimane's Attorney  
Look at the papers shown you marked  
as Exhibit No. 1 and I have with file  
and identified with the initials R J and  
state whether the signatures of Manuel  
Micheltorna and Manuel Jimeno where  
they occur there are genuine or not

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

Question by Same.  
State what you know of the controversy  
referred to in Exhibit No. 3

Answer. I know that  
was a litigation between the parties therein  
referred to, before the tribunal, and know  
likewise that Juan Malerin was the  
president of the tribunal at that time  
L Spence.

Sworn to and subscribed before me  
Nov. 1<sup>st</sup> 1853

R Aug Thompson Com

Filed in Office Nov. 1. 1853  
Geo. Fisher

Recorded in Ev. B Vol 3 p 337  
Geo. Fisher

Geo. Fisher

Secy

23 Deposition of Office of U. S. Board of  
M. Bonilla Land Commissions de de.

San Francisco January 5. 1854

This day before Comisioneros Alpheus Felch  
Came J. Mariano Bonilla a witness in behalf  
of Claimant A. Ranceall petition No. 666  
who being duly sworn his recollection being  
given in Spanish was interpreted by the  
the Secretary as follows.

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Questions by Don Williams Attorney for Claimant

1<sup>st</sup> Question. What is your name  
age and place of residence?

Answer. My name is  
Jose Mariano Bonilla my age is forty seven  
and I reside in the County of San Luis  
Obispo in California.

2<sup>d</sup> Question. What Office  
did you hold in 1824?

Answer. I was Secretary  
to the Supreme Court of Justice of California  
now at Monterey (Supremo Tribunal)

3<sup>d</sup> 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 Macaron.

4<sup>th</sup> Question. Look on the  
document now shown you make "Exhibit  
No 3" with the initials "R S" and annexed  
to the petition of David Spence taken &  
filed in this case and state what you  
know in regard to the contents and  
descent mentioned therein?

Answer. I recollect  
perfectly well the circumstances of the case  
and the decision. The document now  
presented is the decision of the Court.

5<sup>th</sup> Question. What Office did

Jose Maria Castaneda held at the time of the date of said document?  
Answer. He was Minister Fiscal de Rebenas Superior or attorney General of said court.

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Qth. Question. Under the Mexican Laws had Salvador Vallejo as Military Commandante the authority to give judicial possession of Lands?  
Answer. He had not

Questions by Mr Greenhaw after said Agent

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 judicial possession of Lands?  
Answer. They could not

Commission any one to give such possession except a Justice of the Peace or an Alcalde.

J. Marc Bonilla  
Mr. Greenhaw a special Survey Agent was present  
Subscribed and sworn to before me  
this fifteenth day of January A.D. 1854

Alpheus Elch  
Commissioner

Filed in Office Jan 5. 1854

Geo. Fisher Secy  
Recorded in Ev. B Vol 3 p 605

Geo. Fisher Secy

Deposition of  
F. Allegot

United States of America  
State of California  
San Francisco Dec. 30. 1854

This day came before Peter Sott Commissioner for taking testimony to be used before the Board of U.S. Land Commissioners in said State Francis Allegot a witness on behalf of the United States in Case No. 535 on the Stock of said

Bonds, and said witness being sworn deposed as follows.

Rethnel Phelps is Claimant.

License for Claimant, Seeley Seethalane is present.

Declarations by U. S. Land Agent.

Question 1<sup>st</sup>. What is your name age and place of residence?

Answer. My name is Frances Bliss, my age is fifty five years, I reside in Marin County.

Question 2<sup>d</sup>. Are you acquainted with J. R. Berry and with the Rancho claimed in this case, how long and what was the character of your acquaintance with them, and state whether said Berry ever lived on said Rancho or ever occupied the same. State all you know about the matter.

Answer. I was acquainted with J. R. Berry. I knew him from 1834 or 1835 to the time of his death. I am also acquainted with the said Rancho and I have known it ever since the year 1835. I was well acquainted with said Berry. I never knew said Berry to live on this Rancho, and he never had a house on said Rancho. I knew that his cattle were on this Rancho in 1838 or 1839. Garcia drove them on there at Berry's request, and I then received a portion of the increase for taking care of them. Berry generally staid at Garcia's, Jack Martins or Jim Blacks - he died at Jack Martins. I was one of the witnesses to his will.

Cross Examination by Claimant's Counsel

1<sup>st</sup> Question. Did you ever know

of Berry having any house, if you what  
was it situated?

Answer. I knew of his  
having a house on the Lario that Garcia  
now claims. It was about two miles  
South of the Estero of Tamalos. That house  
was built I think in 1836 I helped to  
build it.

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PAGE 26

2a. Question. Had Berry any  
cattle ranging about his house in 1836

Answer. Yes, he had about  
30 head and a small Cow

3a. Question. Where did  
Garcia reside in 1836, when this house  
was built by Berry?

Answer. He lived at  
Bantones Bay.

Jose Juan Ules got  
Sworn to before me Decem  
ber 20th 1850.

Peter Lott Comr.

Filed in Office Dec. 22d 1854

Geo. Fisha Secy

Recorded in Ev. B Vol 11 p 103

Geo. Fisha Secy

Deposition of United States of America  
James Black State of California

San Francisco Dec. 20. 1854

This day came before Peter Lott Comr  
over for taking testimony to be used before  
the Board of U. S. Land Commissioners  
in said State James Black a witness  
on the part of the United States in case  
No. 525. on the Doctee of said Board  
wherein between Phelps is claimant and  
said witness being sworn deposed as  
follows

The claimants witnesses I say Sweet  
land is present.

Declarations by me, S. Lott Agent



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1<sup>st</sup> Question. What is your name age and residence?

Answer. My Name is James Black, My age 45 years, My residence is Marion County California, where I have lived for the last twenty years

2<sup>d</sup> Question. Are you acquainted with James Rechar Berry and with the Rancho Called Punta Reyes Oregonally claimed by Saccie Berry and now claimed by Bethnee Phelps in this case, if you, how long have you known them and what has been the character of your acquaintance with them?

Answer. I was acquainted with Saccie Berry, he has been dead some seven or eight years. I was well acquainted with he, he sometimes stopped at my house two or three months at a time. I am acquainted with the place called Punta Reyes. I have known it since about 1835. I have often been on said place and still I cannot say I was well acquainted with it. It is about five miles from what I have understood to be the boundary of Saccie's Rancho, the nearest boundary to my house

3<sup>d</sup> Question. What Saccie Berry a family, and where did he reside when you knew him?

Answer. He has no family that I know of, and when I knew him he had no regular place of abode that I knew of. He had a house and a corral at the Estero Samalas, on the land now claimed by Saccie, where he sometimes lived and he used to stay about at other places. Saccie's house and corral are about two miles from the boundary of Punta Reyes if I am correct as to the location of Saccie's boundary

1st. Question. When was the first house built on the land called Punta Reyes?

Ans. I know a small house to be built on said place in 1836 or 1837 by Captain Snooks, who had a man living in the house, who was employed to take charge of his cattle. I am not positive about the year, but according to my best recollection it was about the time I have stated.

2th. Question. Describe said house, and state what it was used for?

Answer. It was a house built of round logs or poles about as thick as a mans thigh, and plastered over with clay, the sides of the house were about 4 feet high to the roof, and the building was about 12 by 15 feet in size. The roof was made of tule brush. It was used as the residence of this Mayordomo of Cape Snooks of whom I have spoken.

3th. Question. If said Berry had ever lived on said Ranch of Punta Reyes after you became acquainted with him, was your acquaintance with him such that you must have known it?

Answer. Berry had his cattle on Punta Reyes from 1837 to 1840 and he used to stay during those years some where down there, but I cannot say exactly where he stayed, whether he lived in a house or in a log. I never saw his house on Punta Reyes, and cannot say that he had one.

4th. Question. How many cattle had Berry there and what part of the Rancho did they range on?

Answer. I knew his cattle in 1837 and 1838<sup>th</sup> when he had about 50 head

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and they ranged first in the neighborhood of Berry's house on Garces's land at the head of the Tumales. He afterwards moved them up to the North Western part of the Punta Reyes Ranch.

8th Question. Explain what you mean by saying that Berry used to stay some where down there during those years?

Answer. I saw him on one or two occasions, when he told me he was going down to the point and would be gone 8 or 10 days.

9th Question. Did not Berry make Garces's Ranch his head quarters and did he not uniformly make his cattle there?

(9th Question objected to by claimant)

Answer. He made Garces's place his head quarters till about the year 1837 or 1838. That was about the time he took his cattle on to the Punta Reyes.

Crop Examined by claimants because  
1st. Question. Do you know when and where Jose y Sacramento's Reepel was wrecked, if you still know?

Answer. I think that Reepel was wrecked in 1841 to the best of my knowledge. It was wrecked on the South Eastern side of Punta Reyes.

2d Question. What was Garces's house at the time of said wreck?

Answer. Garces's family then lived at the Parlonas, but he had some Indians living down where his house now is, who were placed there by him late in 1840 or early 1841.

3d Question. State with as much accuracy as you can

The precise locality of the place you call Banlines?

Answer. It is an inlet of the sea and an Estero, called Punta Banlines, and by some the Bay of Banlines. It is in a South Easterly direction from Punta Reyes 4th. Question. State the precise locality of the house you have spoken of as Berry's house on General's Loma

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PAGE 30

Answer. On the map on the Expediente in this case as near as I can ascertain, said house stood about halfway between the junction the Canales de San Mateo and the Canales de Banlines or as I am not well acquainted with this map I would prefer saying that the house was about 1 mile and a half or two miles in a southerly direction from the opening of the Estero which was near the junction of the two Canales before mentioned.

5th. Question. Was not this house you speak of, the home of Berry and did you know of his having any other house at that time?

Answer. I knew of no other house of Berry's, he staid but little at the house I have spoken of, he lived generally at various among the neighbors

6th. Question. Please state the precise locality of Captain Smoak's house of which you speak.

Answer. It stood on the South side of Punta Reyes on the main Road going down to the point where north of the head of the Estero at the mouth of which Semantau's vessel was wrecked

Filed in Office  
Dec. 23. 1854  
Geo. Fisher  
Secy

James Black  
Tested and sworn to before me on this twentieth of December A.D. 1854

Peter Gott Commissioner

31  
Deposition of  
Pablo Briones

United States of America  
State of California 385

San Francisco Dec. 20. 1854

This day came before Peter Soto Commissioner  
for taking Testimony to be used before the  
Board of L. S. Jones Commissioner in said  
State Pablo Briones a witness on behalf  
of the United States in Case No. 525 on  
the Docket of said Board, wherein Bethuel  
Phelps is Complainant, and said witness  
being sworn deposed as follows

Lucas Sutherland is present as Counsel  
for Complainant.

Questions by U. S. Law Agent

Question 1<sup>st</sup>. What is your name

age and place of residence?

Answer. My name is  
Pablo Briones, my age is thirty four, my  
residence Marin County California

Question 2<sup>d</sup>. Are you acquaint-  
ted with J. Berry and with the Rancho  
claimed in this case, if yes, how long and  
what was the character of your acquaint-  
ance with them and state whether said  
Berry ever lived on said Rancho or was  
occupied the same <sup>same</sup> all you know about  
the matter?

Answer. I am acquainted with  
the said Berry and with the said Rancho  
I became acquainted with the said Berry  
in 1838 and the Rancho in 1839 with said  
Berry I was not intimate. I have spoken  
to him sometimes a mere passing acquaintance.

He lived sometimes at the Rancho  
and always had stock on it ever since 1840  
to the time of his death, and has called some  
times afterwards in charge of his major  
domo Rafael Garcia. In about two years  
Berry had a house on Garcia's land built  
there by Garcia's permission - this was about

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the latter part of 1839 or early in 1840  
I do not recollect the time precisely

Map Examined by Beaumont's license

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1<sup>st</sup> Question. Had Snook a house on the land claimed in case 772 as indicated by the map in the Expediente in that case?

Answer. Yes he had a house and Corral near the head of the Estero, about where the picture of a house stands on said map in 772 near the wrong Rancho de Snooks

2<sup>d</sup> Question. Did said Snook live in said house a month, I think it was about the year 1840

3<sup>d</sup> Question. Did Snook about the time he lived there or shortly thereafter sell his ranch to Antonio Osio

Answer. I understood that he sold it to Osio, and I know Osio, came there and took possession of the place Pablo Briones Testifies and sworn to before me on the 20th day of December A.D. 1854  
Pete Lott, Commissioner  
Filed in office Dec 23. 1854  
Geo. Fisher Secy

Recorded in Ex. B Vol 11 p 102  
Geo. Fisher Secy

33 Deposition of United States of America }  
Gregorio Briones State of California }  
taken No. 525

San Francisco Dec. 20. 1854

This day came before Peter Lote Commissioner  
for taking testimony to be used before  
the Board of U. S. Land Commissioners  
in said State, Gregorio Briones a witness  
On behalf of the United States in case  
No. 525. on the docket of said Board  
wherein Bethune Phelps is claimant, and  
said witness being sworn deposed in  
Spanish, which is interpreted by the  
interpreter to said Board as follows

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George Sutcland is present as counsel for  
claimant.

Questions by the U. S. Land Agent  
Question 1<sup>st</sup>.

What is your name age and  
place of residence?

Answer. My name is Gregorio  
Briones, my age is fifty seven by the  
Grace of God, my residence Marin County  
Question 2<sup>d</sup>.

Are you acquainted with J R  
Berry and with the Rancho claimed in  
this case, if yes, how long and what  
was the character of your acquaintance  
with them and state whether said Berry  
ever lived on said Rancho or ever  
occupied the same. State all you know  
about the matter?

Answer. I became acquainted  
with said Berry in 1829. I have known  
said Rancho to be recognized as his  
since 1831. My acquaintance with said  
Berry was only a passing one. I never saw

him living on the place nor was I aware  
of his having a house or Corral on it.  
I have hunted on the land and would  
have seen his house if he had had  
one there. He occupied the place with  
about 200 head of cattle, which accord-  
ing to the best of my recollection I saw  
there in 1840, and he continued thus to  
occupy it till the time of his death,  
after which the cattle remained on the  
place, and were in the charge of  
Rafael Garcia, by an agreement with  
Melicium Torres, the English Consul, I  
understand the Consul was to pay him  
for taking care of the cattle. I do not know  
whether this agreement was in writing  
or not.

Was Examined by Clement's Counsel  
1<sup>st</sup> Question.

Is your memory of dates good  
Answer. No, it is very poor  
Question 2<sup>d</sup>.

Did Capt. Snook live on  
Sain Land with his family, if you  
when and how long

Answer. Capt Snook  
lived there with his family 20 days or a  
month. I do not remember what year,  
and when he left there he exchanged this  
place with Antonio M. Obio for a Vinyard  
in Los Angeles, Snook had a few cattle  
and horses there on the place.

Gregorio Briones  
Subscribed and sworn to before me  
On this 20<sup>th</sup> day of December A.D. 1854

Peter Lott Commissioner  
Filed in Office Dec. 22. 1854 Geo. Fisher Secy



3d-

Dello P. Deis Pesos:  
Habilitado provisionalmt. por la Aduana  
maritima de Monterey para los años de 1839  
y 1840.

Cochino No 1  
R. J. annex: to  
the Depo of D.  
Spence

Alvarado Antonio M<sup>o</sup> Osio  
Juan P. Alvarado Gobernador interino  
del Departamento de las Californias.

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Por cuanto D<sup>o</sup> José Geranesei  
Brook naturalizado en la Republica Mexi-  
cana ha pretendido para su beneficio perso-  
nal y el de su familia el tener conoiedo  
con el nombre de Junta de Reyes conoiedo  
con D<sup>o</sup> Jaime Pel. Ben, practicadas  
previamente las diligencias y averiguaciones  
concernientes segun lo dispuesto por las leyes  
y Reglamentos usando de las facultades  
que me son conferidas a nombre de la  
C<sup>o</sup>raon Mexicana he venido en conferir  
le el mencionado tener declarandole  
la propiedad de el por la presente. Lo que  
sujeta a la aprobacion de la Exma.  
Junta Departamental ya las condeci-  
ones sig<sup>tes</sup>

1<sup>a</sup> La posesion de el en perjuicio de las trave-  
cias caminos y servidumbres: lo disputa-  
do libre y exclusivamente destinandole  
al uso de cultivo que mas le acomode  
pero dentro de un año fabricara casa y coti-  
na habitada.

2<sup>a</sup> Solicitara del juez respectivo que  
le de posesion juridica en virtud de  
Este Despacho por el cual se demarca-  
ren los linderos en sus limites poncha-  
a mas de las mofoneras algunos arboles  
frutales o silvestres de alguna utilidad  
El juez que quere la posesion lo hara  
mediante conforme a Ordenanza que dan  
el sobrante que resulte a la C<sup>o</sup>raon para  
los usos convenientes.

4<sup>o</sup> Si en contrario a estas condiciones  
perdiera su derecho al terreno y sera denuncia-  
do por Oho.

En consecuencia mando que teniendose  
por firme y Validos Este titulo se tome Razon  
de el en el libro a que corresponde y se  
entregue al interesado para su resguardo y  
demas fines.

Dado en Monterrey a Ocho de Junio de  
de mil Ocho cientos treinta y nueve.

Juan. B. Alvarado

Mano Jimeno

Señor del Despacho

Queda tomada Razon de Este titulo en  
el Libro de Asientos de titulo sobre adjudi-  
cacion de terrenos a fol. 9.

Jimeno

Valen in Office Nov 1<sup>o</sup> 1859

Geo. Elmer Secoy

37

772

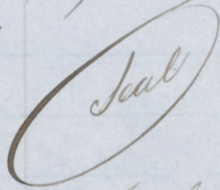
Seal First Six Dollars

Exhibit No. 1.

P. T.

Annexed to the deposition  
of D. Spence; Mar 1,  
1853

Provisionally authorized by the Maritime Customs  
House at Monterey for the years 1839 & 1840,  
(signed) Alvarado (signed) Antonio Maria Ruiz



Juan B. Alvarado Governor ad interim  
of the department of the Californias

Whereas Don Juan Francisco Sucka native  
ralized in the Mexican Republic has solicited  
for his personal benefit and that of his family  
the tract of land known by the name of  
"Punta de Reyes" adjoining San Ricardo Bay  
the proceedings and investigations relative thereto  
having been had and made according to  
the provisions of the laws and regulations  
by virtue of the power vested in me, in the  
name of the Mexican nation I have concluded  
to grant him the tract of land aforesaid  
declaring unto him the ownership thereof  
by these present letters subject to the approval  
of the most Excellent departmental junta  
and the following conditions

1<sup>st</sup> He may enclose it  
without prejudice to the easements, roads and  
servitudes, he shall enjoy it fully and exclusively,  
appropriating it to such use or  
cultivation as may be most convenient to  
him, but within one year he shall build a  
house and it shall be inhabited.

2<sup>o</sup> He shall request the  
proper judge to give him judicial possession  
thereof in virtue of this patent whereby the  
boundaries shall be designated in the limits  
of which he shall plant, besides the land  
marks some fruit trees or wild ones of  
some utility

3<sup>o</sup> The land herein  
described embraces two leagues square as  
shown by the diagram which forms a part  
of the expediente. The judge who shall give

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paper will cause it to be measured according to ordinance, the surplus remaining to the nation for convenient purposes. If he contravene these conditions he shall lose his right to the land and it shall be demured by another.

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Therefore the present title being held as firm and valid, I order it to be entered in the proper book and delivered to the interested party for his security and other purposes.

Given in Monterey this eighth day of June eighteen hundred and thirty nine

(signed) Juan B. Alvarado  
(signed) Manuel Jimeno  
Secretary of State.

This title is entered in the proper Book of Record of titles of lands granted on the 9<sup>th</sup> leaf

(signed) Jimeno

Attest and correct translation  
with my hand this 1<sup>st</sup>  
day of Nov. A.D. 1853.

(signed) Geo John  
Jury

Filed in Office Nov 1, 1853

(signed) Geo John Jury

---

CP 66 fol. 772.

Elle Fourn des Reales.

Habitado privadamente por la Comandante  
situa de Mantenas para los Comas de 1797/1798

Avenida

Antonio M. O. A.

Elle

En el Puerto de Mantenas a las veinte  
ocho dias del mes de Septiembre de mil  
setecientos noventa y nueve ante mi La  
vid Spencer Juez de Paz y de Primera  
Instancia de esta jurisdiccion, y p<sup>o</sup> ante los  
testigos de amistad con quienes a saber  
por parte de los demandados, comparecieron  
Presentes D<sup>o</sup> Antonio Maria O. A. y  
D<sup>o</sup> Jose Snook a quienes se les leyó y dio  
fe, que ambos por si y a nombre de sus her-  
ederos y de quienes de ellos hubiere título  
vey causa en cualquiera materia cambio  
el primer ma vino y con de su propia  
suel por tiene en la ciudad de las Indias  
como consta al título de posesion  
que presento y el segundo dos sitios de abue-  
ladero, llamado "La Punta de los Reyes"  
situada entre el Puerto de San Juan a un  
y la Indiza con todo el terreno que marca  
el respectivo título de propiedad que ha  
manifestado y en ochenta reses ganado  
vacuno que paitan en el. De cuyo título  
de vino y con y sitios ocuparon antes  
contratantes no tenerlos, vacantes, ni  
requeridos y que usan libres de tributo  
y otro gravamen y como tal, fueran más  
justo declarando que los atinan en  
igual valor, y en caso de que uno valga el  
uno, o pierda valor en fuerza o sustru-  
cautidad, hace a favor del otro grado  
y Dava civil para, mera perpetua e inextin-  
cible con insinuacion y demas firmes le-  
gales, renuncian la Ley segunda del título 1<sup>o</sup>  
libro 10. Notissima Releputacion que trata de

Jose Snook  
to  
Antonio,  
Maria O. A.

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385 ND  
PAGE 40

los Cantos y de Pines que gozan en su lugar  
accion, en mas o menos de la mitad del  
quinto puer, y los cuatro años que se han  
para poder en acciones, y mutuamente  
se trasponen sus acciones Reales y Per-  
nales para entrar a posesion y gozo. Se  
conspieren Poderes en cada una libre pauer  
y

El Poder de los Reales.

Habiendo por un almanaque de la Columna  
Maritima de 1839 y 1840.

arado

Ante el Sr. D.

El Sr.

general administracion y se cantos y  
pinceladas en su propio campo para  
entrar y apoderarse de la mancomunidad  
Vina y Rancho, y al efecto pidan se les  
de la pua Cantos de la presente escri-  
tura para la dicha sustancia, obligandose  
a que dicho cambio sea como sigue,  
y efectivo sobre una y otra propiedad y  
en tal caso, luego que los otorgantes compare-  
me a dicho sean requeridos saldran a  
su defensa en todas las instancias, sin que  
quedar en quieto y pacifica posesion y no  
pudiendo en ningun caso se restituiran las  
cantos, descritos y en general, con todos  
los cantos y menores cabes. Ya la observan-  
cia y validacion de lo presente obligan a  
los otorgantes en persona o por sus herederos  
y por haber y con ellos se someten al jue-  
ro y jurisdiccion de los Señores Jueces y  
justicias que en el presente asunto fueren  
y deban conocer para que a su cumplimiento  
los compare y apremie por todo rigor de de-

A. P. L. Anuncio de la y via y entera como si fueren por  
to the Depositar Sustancia poroda de pimer en auten-  
if Man el Caster, dad de la y juzgada con su propio  
pony 2 1855. puer y Man el y veeridad, las Leyes

H1

de su favor y defensor con la que-  
ral de doncho en forma. En cuyo  
testimonio asi lo otorgaron y firmaron  
con miyo y por ante los testigos de mi as-  
istencia, siendo los Interinmentales D.  
Rafael Gonzalez, D. Jose Abajo y D.  
Estevan Murray — presentes y recibidos  
de que doy fe. David Spence  
Antonio Maria Oro. Jose Surok.  
Manuel Castro y Benito Diaz, de  
Asistencia.

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Es Copia de don Quijano  
fecha ut. supra.  
David Spence

Titular Office  
Janry. 2<sup>o</sup> 1855.  
Geo. Fisher  
Secy

42

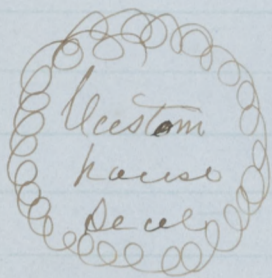


43

Translation of  
Conveyance from  
Snook to Osio

Seal of the third class. Two Reals.  
Authorized provisionally by the Maritime  
Custom House of Monterey for the years  
1839. and 1840 -

(Signed) Alvarado (Signed) Antonio Mullis



385 ND  
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In the Port of Monterey on the twenty eighth  
day of the month of September One thousand  
eight hundred and thirty nine before  
me Lawrence Spence Justice of the peace  
of first instance of this jurisdiction,  
and before the assisting witnesses with  
whom I act for the name of a Notary  
Public, personally appeared Don Antonio  
Muniz, Osio and Mr. Joseph Snook  
whom I certify that I know, and said  
that both of them in their own names  
and in the name of their heirs and of  
whomsoever through them may have  
title, voice, and cause in any matter  
do Exchange, the former a Rancho and  
house belonging to him in the City of  
Los Angeles as appears by the title of  
possession which he presented and the,  
and the latter two titles of land said  
also for feeding any or several Cattle called  
La Punta de los Reyes, situated between  
the Port of San Francisco, and the Boque  
with all the Lanza mentioned in the  
respective title of Ownership which he  
has produced, and about eighty head of  
Cattle that feed them, which titles of  
Rancho and titles, both the Conveying  
parties agree that they have not sold  
nor alienated, and that they are free from  
tribute and other burden and as such  
they Exchange the One for the other, de-  
claring 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

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thereof a donation, pure, simple, perfect  
and irrevocable with Exemption of the  
Specified Document (Con Emancipacion)  
and other legal Securities, they renounce  
Save the 2d Title 1st Book 10th of the  
Novissima Recopilacion which treats  
on Contracts of leuda, and others respect  
ing Damages for more or less than half  
of the just price, and the four years pro  
posed for claiming receipts and they  
mutually transfer their real and person  
al actions, entering into possession and  
enjoyment - They confer on each other  
irrevocable power with full and ample  
general administration, and constitute  
each other justas in their own cases  
for entering on and taking possession  
of the said Vinyard and Rancho to  
which effect they request an certain  
to cause copy of this instrument in due  
testimony binding themselves that this  
Exchange shall be certain sure and  
effective, and that no One shall make  
suit against One or the other property  
hereof which should take place that  
the grantors when required according  
to Law will come forth at all times in  
obedience thereof unless peacefully possession  
be obtained, and should this not be  
obtained they will make restitution  
of the sums disbursed and the improve  
ments with all Costs and 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

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regor of the Law and Executive process  
is if made by a sentence definitively  
pronounced on the Authority of a thing  
adjudicated, they renounce their own  
rights, domicile and residence, the Success  
in their favor and defence with the  
general One of right in form.

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In testimony whereof they co-signatures  
and signed with me and before my  
assisting witnesses, the instrumental  
witnesses being Don Rafael Guzman  
Don Jose Alegre & Don Esteban Mearas  
present and residents which I certify.  
Luisa Spence. Antonio Maria Osio  
Joseph Snook. Manuel Casas. Benito Diaz

I the undersigned hereby certify the foregoing  
to be a true and faithful translation of  
a certified copy dictated to by S. Williams  
Deputy County Recorder of Monterey  
County to the best of my knowledge.

Monterey October 31<sup>st</sup> 1853

(Signed) W. E. P. Stantice

Filed in Office May 15. 1855

Geo. Fisher Secy

46



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Copy of Deed  
Osio & Wife to  
A Randall

Ex. No. 666.

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PAGE 45

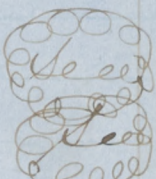
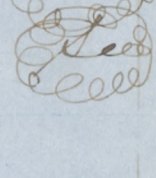
This Indenture made the Eighth day of  
January one thousand eight hundred and  
fifty two.

Between Antonio Maria Osio and  
Successor 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 considera-  
tion of the sum of twenty five 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 where-  
of 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 right title and interest of  
any kind to that certain tract known as  
Rancho of Santa de las Puercas 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 & deed of Conception  
of eleven leagues dated November 30th  
1843, as also all the grant & deed of  
Conception of two leagues made to Jose  
Francisco Snook by Governor Alvarado  
dated June Eighth A.D. 1839, and sold  
by said Snook to said Osio by deed  
dated September 28th A.D. 1839, subject  
to a certain mortgage thereon in favor of  
G. W. Rice 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 tenements, heredita-  
ments and appurtenances thereunto belong-

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PAGE 46

belonging or in anywise appertaining, and the  
reversion and reversions, rents, issues and  
profits thereof, dower, or right 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 and 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  
and administrators and assigns, that  
they have not made, done, committed  
executed or suffered any act, thing or  
things whatsoever wholly, or by means  
whereof the above mentioned and descen-  
ded premises, or any part or parcel thereof  
now or at any time hereafter shall be  
or may be impeached, charged or incum-  
bered in any manner whatsoever as aforesaid

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

(Signed) Antonio Ma. Osio   
Narciso Soto de Osio 

Sealed and delivered in presence of  
Jesse R. Rose  
Francis J. McGuire

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 Ma Osio to me  
known to be the person described in and  
who executed the foregoing deed and  
who acknowledged to me that he executed

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The same freely and voluntarily to the uses and purposes therein mentioned

Witness my hand and Official Seal the day and year above written

(Notarial Seal)

Signed John Hecker  
Notary Public's

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PAGE 47

State of California }  
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 Narcissa Solo de Otero. She personally informed me to be the present wife of Antonio Ma Otero the person who executed the foregoing Conveyance of the Rancho "Punta de la 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 separately 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

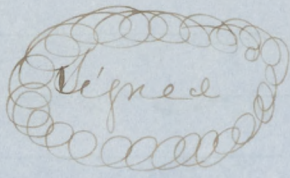
(Signed) D K Ashley  
Notary Public's

Seal

State of California }  
County of Marin } ss:

I James L Poincetta Recorder of Marin County and State of California do certify that the above and foregoing is a true copy of the the original deed of Antonio Du Ossio to A. Randall recorded in Record Book A of the Record of said County Page 105

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PAGE 48



Witness my hand and seal of office at San Rafael this 16th day of April A.D. 1852

(Signed) James L Poincetta  
Recorder Marin County

I George Fishu Secretary of the Board of U. S. Land Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing to be a full true and correct copy of a deed on file in this Office in Case No 1060. Andrew Randall Claimant and that the same is on file among the Archives of said Board and in my care and custody as such Secretary

Witness my hand at the Secretary's Office of the said Board of Commissioners at the City of San Francisco this 16th day of May A.D. 1855

Geo. Fishu Secy

In presence in Office May 15. 1855

Geo. Fishu Secy



57  
Copy of Deed  
Ant. Ma. Osio  
Wife to Ant.  
Rancho.

385 ND  
PAGE 49

This Incentive made the Eighth day of  
January One thousand Eight hundred and  
eighty two, between Antonio Maria Osio  
Wife Francisco his wife of the City and  
County of Monterey State of California  
of the first part, and A Rancho of the  
same place of the second part. It is  
That the said parties of the first part  
for and in consideration of the sum of five  
thousand dollars to them in hand paid by  
the said party of the second part at and  
before the sealing and delivery of these  
present, the receipt whereof is hereby acknow-  
ledged, have sold released released and  
quit claimed, and by these presents do sell  
release, release and quit claim unto the  
said party of the second part and to his  
heirs and assigns forever all their right  
title and interest of and in and to, all that  
certain tract of land or Rancho of Land  
known as the Rancho of "Punta de los  
Reyes" situated in the County of Marin, the  
same being composed of all that grant of  
Land made by Governor Melchior to  
the said Antonio Maria Osio, by name  
or deed of Conception of Land for Eleven  
leagues dated November 30th 1843  
as also all that or deed of Conception  
of Land for two leagues made by Jose  
Francisco Snook by Governor Alvarado  
dated June 8th A.D. 1839 and sold by  
said Snook to said Osio by deed dated  
September 28th A.D. 1839 subject to a  
certain Mortgage thereon in favor of the  
Bank 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 tenements, improvements and appurtenances

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PAGE 50

names therein belonging or in anywise  
appertaining and the reasons and reasons  
and rents fees and profits thereof, down  
or right of down property possession claim  
and demand whatsoever as well as in  
Saves as in Equity of the said parties of  
the first part, of in and to the above these  
referred premises, and every part and parcel  
thereof with the appertinances and the said  
parties of the first part for themselves  
and their heirs Executors and administra-  
tors, do Covenant promise and agree to  
and with the said party of the second  
part his heirs Executors and administrators  
and assigns that they have not made  
done committed executed or suffered  
any act or acts, thing or things whatsoever  
whereby or by reasons whereof, the above  
mentioned and described premises or any  
part or parcel thereof, now or at any  
time hereafter shall or any manner what-  
soever except as aforesaid.

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

Antonio M. Oseo  
Rancasso Soto de Oseo

Seal  
Seal  
Seal

Witness and delivered  
in presence of

Joseph F. Thompson  
Isidoro K. Rose  
Francis M. Secire

5-3

State of California }  
San Francisco }

On this 15th day of  
January A.D. 1852 (1852) personally appeared  
before me a Notary Public in and for the  
said County. Narcissa Solo de Osio to  
me personally known to be the wife of  
Antonio Ma. Osio, the person who subscribed  
the foregoing Conveyance of the  
Rancho "Santa de Los 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 husband  
and, and that she did not wish to retract  
the Execution thereof - and that said con-  
veyance was by her executed for the uses  
and purposes therein mentioned

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(Seal)

L. K. Ashley,  
Notary Public

X X

State of California }  
County of Marin }

I James S. Poncetta Recorder of Marin  
County & State of California, do certify that  
the above foregoing is a true Copy of the  
Original deed of Antonio Ma. Osio to a  
Rancho all recorded in Record Book A  
of the Records of said County page 105 -  
Witness my hand and Seal of Office at  
San Rafael this 15th day of April 1852

James S. Poncetta  
Recorder Marin County  
Filed in Office Dec 15. 1854  
Geo. Fisher

574

Stipulation A. Randall No. 775 Bonnell of Land  
vs The United States Geo. Fu California

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

Robert Greenhow  
Apt. Law Agent

Filed in Office Dec 19. 1853

Recorded in Journal Vol 3 page 536  
Geo. Fisher Secy

385 ND  
PAGE 52

Stipulation Andrew Randall No. 772  
vs The United States Geo. Land in Marin  
County.

It is hereby stipulated that the deposition  
of David Spence and the document thereto  
annexed, marked Exhibit No. 3 A. S. and  
the deposition of J. Mariano Bonnell filed  
in Case No. 666 Andrew Randall for  
the place called Punta de los Reyes may  
be read in evidence in this case as though  
they were taken and filed here and  
that certified copies of said depositions  
and documents may be filed here  
as evidence of the same

Robert Greenhow  
Apt. Law Agent

January 5. 1854

Filed in Office Jan 5th 1854

Recorded in Journal Vol 5 page 549  
Geo. Fisher Secy

57  
Stipulation

A. Randall }  
vs } No. 772  
The United States }

It is hereby agreed that the depositions of Francis Wright, Pablo Briones, Gregorio Briones and James Black heretofore taken in No 525. May be read in Evidence in this case, with the same effect as if taken & filed in this case, on the part of the United States and subject to such objections only, that might have been taken to them, if the said Evidence had been taken in this case.

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PAGE 53

A. Randall  
Socio Bancero  
Asso. Socio Agent

Filed in Office Dec. 21. 1854

Geo. Fisher Secy

Recorded in Journal Vol 4 page 157

Geo. Fisher Secy

Stipulation

A. Randall } No. 773. Board of  
vs } Land Commissioners for  
The United States } California.

It is hereby stipulated that the certified copy by Geny Fisher Secretary of this Board of a certified copy of the deed from Antonio Maria Osco Ferris to A. Randall filed in Case No 669 may be read in Evidence in this case, the same as the original copy.

J. A. M. Stone  
U. S. Socio Agent

Filed in Office May 15. 1855

Geo. Fisher Secy

Recorded in Journal Vol page

5-7

Motion

Andrew Randall }  
vs } Rancho Tomales  
The United States }

385 ND  
PAGE 54

The claimant in this case, moves this Hon. Board to file a petition as amendatory of or in substitution for that which was filed originally in this case, which is consented to be received on the part of the U. S. Land Agent as endorsed upon the petition now filed.

A. Randall.

By his Atty.  
Thomson H. Williams

Filed in office May 15. 1855

Geo. Fisher Secy

5-8

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Faint, illegible markings or text in the lower left area.



5-9  
Opinion of  
Board by  
Emr. Feck

Andrew Randall  
vs  
The United States  
For the place called  
Punta de Reyes in  
Mason County contain  
ing two leagues of  
Land in a square.

Proof is given of two conveyances of the  
land claimed in this case; One from  
Joseph Snook to Antonio Maria Osio,  
Executed September 28. 1839, and the  
Other from Lucia Osio and wife to  
Andrew Randall, the petitioner, under  
date of January 8. 1850.

A grant to Lucia Snook  
is also given in evidence bearing date  
June 8th 1839. From the testimony  
it appears that Snook soon after  
the grant was made had a house  
on the premises, and resided there for  
a time with his family, before he sold  
to Osio who succeeded him in the  
possession.

By a stipulation filed in  
this case, and some other portions of the  
proofs and documents presented in  
Case No. 666 are made evidence herein

In this case Randall is also the  
claimant for the place known as  
Punta de Reyes, and he annexes thereto  
under a deed from Lucia Osio the  
same deed describing both the  
premises claimed in that case, and  
those claimed in this, and being  
given in evidence in both cases.

The grant by which that claim was  
sustained, was made to Lucia Osio  
by Governor Michelena November  
30. 1843. and refers to the fact that  
Osio had already become the purchaser  
of that part of the Punta de  
Reyes, which had previously been  
granted to Snook, and which is now

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duplicate

claimed in this case.

The place known as Punta de Reyes, according to the evidence in Case No. 666. Comprises a strip of land encompassed on both sides by the waters of the Pacific Ocean, and on the other by a line extending across the isthmus, and constituting the boundary of Rancho granted to Don R. Berry and Rafael Garcia. The grant to Snook which is the basis of the claim in this case, conceded to him the quantity specified in his grant to be located within the limits of the tract; and the grant to Osio made subsequently to his becoming the owner by purchase of the land granted to Snook was intended to cover the remainder of the entire tract, limiting it however to Eleven square leagues. The proof in No. 666. Shows that in fact the entire tract of Punta de Reyes contains less than ten square leagues of land. When the grant to Osio was made the whole property was vested in him and the whole described in the grant to him, but in <sup>the</sup> condition of the grant the land was designated as containing "Eleven square leagues without including the two sitios which have been granted to Don Jose Snook". No separation by official measurement of the land conceded to Snook appears to have been obtained, but as both of these titles became vested in Osio, and are still vested in his grantee Rancales, it is probably now a matter of no importance for any purpose. If it were under the ruling of the Supreme Court in Fremont's Case, it may still be obtained through

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the agency of the American Authorities:  
and under the proofs in the case a  
Decree must be entered describing the  
lands in the terms of the grant, and  
leaving its separation, where it is  
left by the the feeling of the Court in  
the case above mentioned  
confirmed

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PAGE 57

Filed in Office Sept. 11. 1855  
Geo. Fisher Secy

Decree  
Andrew Runcwell  
vs  
The United States

In this case on hearing the proofs and  
allegations it is adjudged by the  
Commission that the claim of the  
said petitioner is valid, and it is  
therefore decreed that the same be  
confirmed.

The Land of which Confirma-  
tion is hereby made is known by the  
name of Punta de Rays, situated  
in Marin County and comprises the land  
granted to James R. Berry and contain-  
ing two square leagues (two leagues or  
carracas) being the same land granted  
to Jose Francisco Snook by Governor  
Alvarado on the 8th day of June 1839  
and subsequently occupied by him, said  
land to be located under said grant  
and with reference to the map referred  
to in the same according to Luis

duplicate

Filed in Office  
Sept. 11 1855  
Geo. Fisher  
Secy

Alpheus Felch  
R. Aug. Thompson  
J. B. Farnell

385 ND  
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And it appearing to the Board that the  
 same hereby accepted is selected in  
 the National Institute of Science  
 It is hereby ordered that two transcripts  
 of the proceedings and evidence in this  
 case and of the papers and evidence  
 upon which the same are founded be  
 made and duly certified by the  
 Secretary. One of which transcripts shall  
 be filed with the clerk of the Senate  
 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.

*J. 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 *Sixty two* pages, numbered from  
1 to *62*, 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. *772*, 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 *Land in Marin County.*



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

*Geo. Fisher*

385

U. S. DISTRICT COURT,  
*North* District of California.

No. 385- *385*

THE UNITED STATES,

*Andrew Randall*

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

In Case No. *772*

Filed, *Jan* *15*, 185*6*  
*J. A. Moore,*  
*Clerk*

Office of the Attorney General of the United States,

Washington, 11 Feb. 1856.

772.) "Land in Marin County"

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 17th 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 - 385 -

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United States

- ad -

Audace Randall

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Appeal Notice  
No. 472

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Filed April 4. 1856.  
Cherred,  
Deputy.



385 ND  
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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 *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<sup>o</sup>. 385; L. C. 772.

This cause came on to be heard on appeal from the final decision of the Board of Commissioners to ascertain and settle the private land claims in the State of California under the Act of Congress approved on the 3<sup>d</sup> 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 appellants is a good and valid claim, and that the same is hereby confirmed in accordance with the decree of the said Board of Commissioners.

Ogden Hoffman  
U. S. Dist Judge

385

United States District Court, Northern District of  
California.

*The United States*

vs.

*Andrew Randall*

**ORDER.**

*Decree of Confirmation*

Filed *December 28<sup>th</sup>* 1857

*John A. Monroe* CLERK.

By  
*Raymond G. ...* 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 *Monday* the *24th* 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  
v.  
Andrew Randall.

D. C. 385; L. C. 772.

The attorney General  
of the United States having given notice that  
appeal will not be prosecuted herein by the  
United States, and a stipulation having been  
entered into to that effect;

On application of  
P. 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  
District Judge

385

United States District Court, Northern District of  
California.

*The United States*

vs.

*Andrew Randall*

ORDER.

*Vacating appeal*

Filed *May 24,* 1858

*W. D. Cheney*

CLERK.

By

DEPUTY.

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United States District Court  
Northern District of California

The United States  
385 ND  
PAGE 66 v.  
Andrew Randall

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D.C. 385 : L.C. 772.

In pursuance of notice  
from the U. S. Attorney General, herewith annexed,  
it is hereby stipulated and agreed that no further  
appeal be taken herein 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.

San Francisco, May 24<sup>th</sup> 1888.

S. Della Torre -  
U. S. atty

California Land Cases.  
Attorney General's Office  
7 Feby 1857.

Sir:  
In the case of the claim of  
Andrew Randall, confirmed  
to the claimant by the Commission-  
ers, Case no. seven Hundred and  
seventy-two, (772), appeal will not  
be prosecuted by the United States.

I am  
Respectfully,  
Cursing

Yours Truly  
U. S. Attorney  
San Francisco.

385

U. S. District Court

The United States

v.

Andrew Randall

Stipulation

Filed May 24, 1858,

W. H. Chesnut,

Clerk,

385 ND

PAGE 68

The United States } In the District Court of  
 Andrew Randall. } the United States for the  
 Northern District of Cal.

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 Randall deceased in the  
 summer of 1856, & that Thomas Sutherland Esq, his attorney  
 of record is also deceased. That the lands covered by  
 said grant, on the 17<sup>th</sup> 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 & of all  
 the right, title and interest of said Randall therein  
 at the said execution sale. That said lands not having  
 been redeemed within six months ensuing the date of  
 said sale, the Sheriff of the County of Marin, wherein  
 the said lands are situate, on the 26<sup>th</sup> of December  
 1856, executed to said McMillan his Sheriff deed for  
 said lands.

That on the 6<sup>th</sup> day of May 1857  
 the said McMillan conveyed the said lands in fee simple  
 to Solomon Keyserfeldt, J. M. M. Shafter, J. W. Park,  
 & this affiant, and that they since the 30<sup>th</sup> 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.

Given to & subscribed }  
 June 3rd, 1859, before me, } O. L. Shafter  
 W. D. Chesebrough, }  
 N. C. Combs }



The United States, Appellant.

vs  
Andrew Randall, Appellee.

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

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No. 385

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It appearing to the Court that Solomon Heydenfeldt, O. L. Shafter, J. M. 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 consenting thereto) ~~That~~ the said Solomon Heydenfeldt, O. L. Shafter, J. M. M. Shafter or J. W. Park be named 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, or may be hereafter had therein or hereafter to appear as attorneys in said Cause on behalf of the claimant.

No. 385.

United States District Court  
Northern District of Cal.

The United States,

vs

Andrew Randall.

Motion, affidavit & orders  
of Court.

Filed June 3. 1859,

H. O. Chevers,  
Clerk

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Shafter Park & Steyerfeldt  
Attys

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

The United States

Appellants

Andrew Randall,

Appellee.

Appeal from Land Commission.

L. C. No. 772.

Dist. Court. No. 385.

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PAGE

Solomon Heydenfeldt  
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 attorneys  
of said Randall

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

385 ND  
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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. 28<sup>th</sup> 1852

Sir;

I am directed by this Board to 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 the said Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 772 on the Docket of this Board, wherein

A. Randall is

the Claimant, for the place known by the name of

Dec. 19<sup>th</sup>. Marin County.

Which Transcript I have the honor to accompany herewith, and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher

To the Hon. J. A. Monroe Esq.

Attorney General of the United States,

Washington, D. C.

Clerk of the U. S. Dist. Court for  
the Northern Dist. of Cal.