

CASE No.

392

NORTHERN DISTRICT

---

NICASIO GRANT

H. W. HALLECK et al

CLAIMANT



DEC 31 1962

U S A  
25% COTTON FIBER  
POWER BOND  
*Garrett*

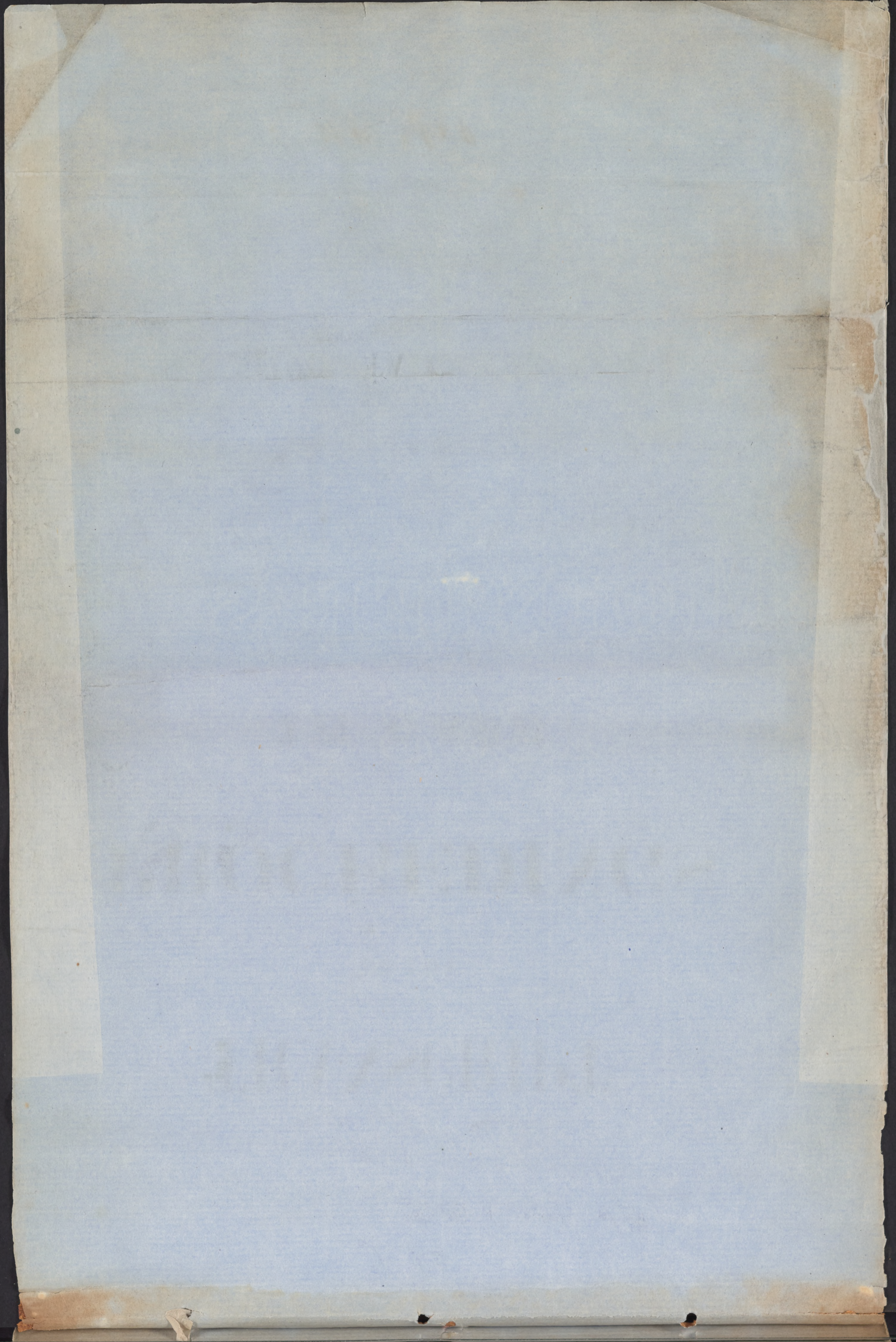


L 70 map

Map

Map of the ...







270

Tithe & app Sp -  
app done

392 ND  
PAGE 1

**TRANSCRIPT**  
**OF THE**  
**PROCEEDINGS**

**IN CASE**

NO. 270

*Ho. W. Houlbeck, et al* CLAIMANTS

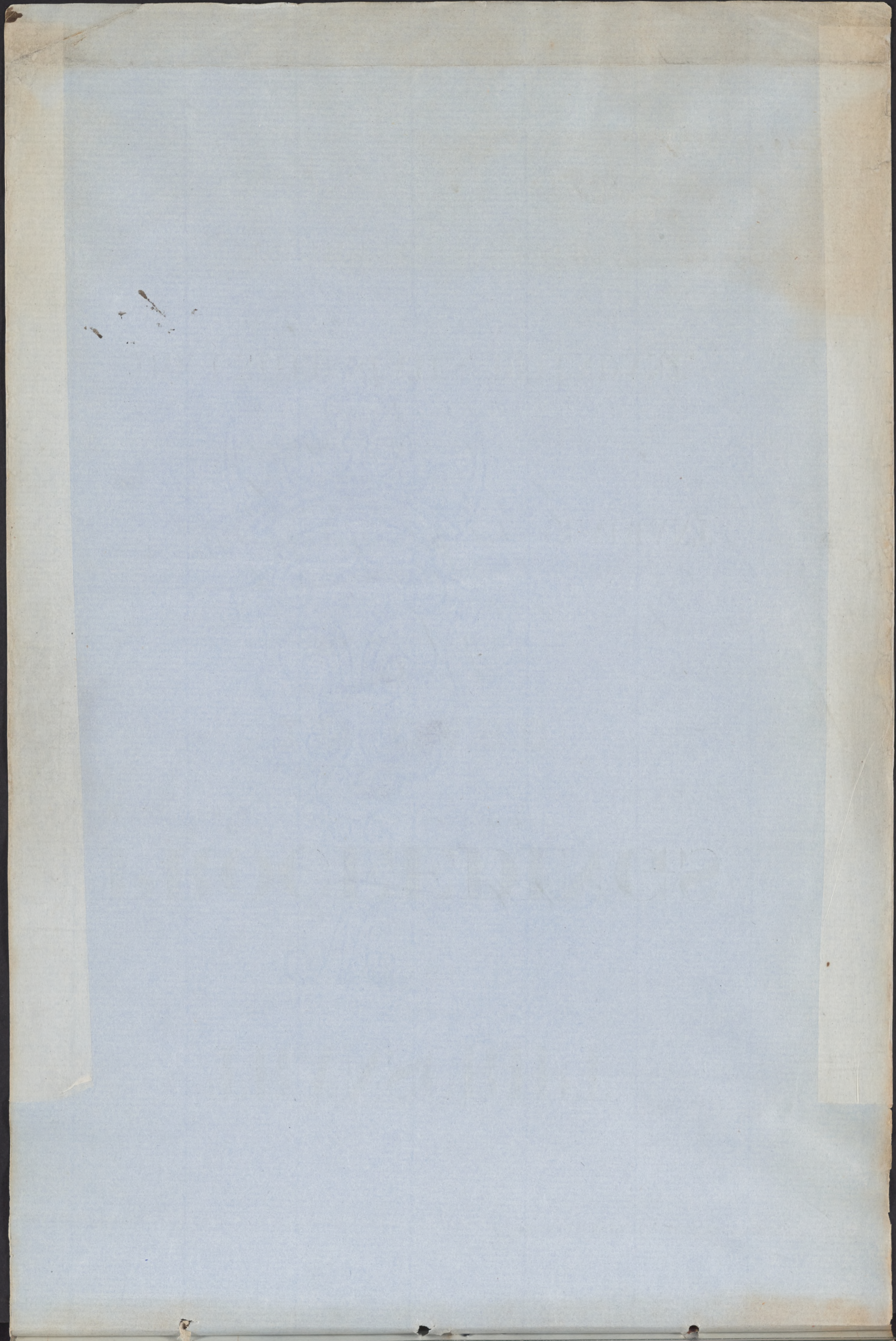
VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Nicasio"*







Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

392 ND

PAGE 2

Be it Remembered, that on this fourteenth day of June, 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 H. W. Halleck, et al; ~  
~~~~~ for the Place named  
~~~~~ "Nicasio," ~~~~~  
was presented, and ordered to be filed and docketed with No. 270 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;

Los Angeles, October 8<sup>th</sup> 1852.  
In case no. 270. Henry W. Halleck, et al; for the place named "Nicasio", the deposition of Santiago E. Argüello, a witness in behalf of the Claimants, taken before Commissioner James Wilson, with document marked J. W. no. 1, annexed thereto, was filed;  
(Vide page 9 of this Transcript.)

San Francisco, March 2<sup>nd</sup> 1853.  
In the same case the Counsel for B. B. Buckelew et al; presented a Supplemental Petition, which was ordered to be recorded and filed among the papers in the case;

(Vide page 8 of this Transcript.)

San Francisco March 5<sup>th</sup> 1853.  
In the same case the deposition of Servitus Needham, a witness in behalf of the Claimants



taken before Commissioner Harry J. Thornton, was filed.

(Vide page 11 of this Transcript)

In the same case the deposition of Henry Home, a witness in behalf of the claimants, taken before Commissioner Harry J. Thornton, was filed.

(Vide page 10 of this Transcript.)

392 ND  
PAGE 3

San Francisco March 10 1853.

In the same case the deposition of D. M. Carpenter, a witness in behalf of the claimants, taken before Commissioner Richard Hall, was filed.

(Vide page 12 of this Transcript.)

San Francisco Sept. 26 1853.

Case no. 270 was called: on motion of the counsel for the claimants was ordered to the foot of the docket.

San Francisco Oct. 29 1853.

In the same case the deposition of Jasper C. Farrell, a witness in behalf of the claimants, taken before Commissioner Alpheus Felch, with document marked No. 1. A. F. annexed thereto, was filed.

(Vide page 13 of this Transcript.)

San Francisco Sept. 19 1854.

Case no. 270, on motion of claimants counsel was placed at the foot of the 2<sup>d</sup> class cases in the trial docket.

San Francisco January 9 1855.

In the same case the depositions of Jasper C. Farrell and John Martin, witnesses in behalf of the claimants, taken before Commissioner Peter Lott the last with documents marked "A. P. L." "K. P. L." annexed thereto, were filed.

(Vide pages 19 & 24 of this Transcript.)



3

San Francisco February 9' 1855.

In the same case the deposition of James Watson, a witness in behalf of the claimants, taken before Commissioner Peter Sott, was filed,  
(Vide page 25 of this Transcript)

392 ND  
PAGE 4

San Francisco March 13' 1855.

Case no. 270 was submitted on briefs and taken under advisement by the Board.

San Francisco, Sept. 25. 1855.

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

(Vide page 71 of this Transcript)

and the following order was made, to wit:

(Vide page 74 of this Transcript)

N



H



5  
To the Honorable Commissioners  
to settle private Land Claims in Calif  
ornia.

The petitioners Henry Major  
Halluck and James Black respectfully  
show.

Petition

392 ND

PAGE 5

That on the 1<sup>st</sup> day of August  
A D 1844 Manuel Micheltona Governor  
of California by virtue of authority in  
him vested granted and conveyed as a  
reward for public services to Pablo de la  
Guerra ten "sitios de ganada" Major"  
(square leagues of land) and to Isaac  
Cooper for the sum of four thousand dollars  
six sitios de ganada Major (square leagues  
of land), in all sixteen square leagues  
of land called "Vicario" situate in  
the district of Sonoma and the present  
county of Marin within the boundaries  
described in the grant a copy of  
which is submitted herewith marked  
A with a translation marked  
B.

That on the 30<sup>th</sup> day of  
August A D. 1845 the aforesaid grant  
was duly approved by the departmental  
assembly of California a copy of  
which certificate of approval is submit-  
ted, herewith marked "C. with a  
translation marked "D."

That the said Pablo de  
la Guerra soon afterwards had the  
aforesaid tract of land duly surveyed  
and the boundaries marked out which  
survey was filed in the office of the  
Alcalde of Sonoma as shown by the  
certified copy submitted herewith marked



6

E.

That on the 1<sup>st</sup> day of December A. D. 1850. Pablo de la Guerra and Josefa his wife sold and conveyed to the petitioner H. W. Halluck nine square leagues of land the said tract called Nuevas as is more particularly set forth in the deed of conveyance a copy of which is submitted herewith marked "F."

392 ND  
PAGE 6

That on the 30<sup>th</sup> day of April A. D. 1850 the said Pablo de la Guerra sold and conveyed to Gaspar O. Farrell one square league of the said tract of land which said square league of land the said Gaspar O. Farrell sold and conveyed to the petitioner James Black on the 31<sup>st</sup> day of May A. D. 1850 all of which is more particularly shown in the deeds of conveyance copies of which are submitted herewith marked G and H.

That on the 20<sup>th</sup> day of September A. D. 1850 the said John Cooper (called also John B. Cooper) sold and conveyed to Gaspar O. Farrell one square league of said tract called Nuevas, which said square league of land the said Gaspar O. Farrell sold and conveyed to the petitioner James Black on the 25<sup>th</sup> day of October A. D. 1851 as is more particularly set forth in the said deeds of conveyance copies of which are submitted herewith marked I and J.

Thus leaving the petitioner H. W. Halluck the owner of nine square leagues of the said tract called Nuevas and the petitioner James Black the



owner of two square leagues of the said tract as more particularly shown in the original title papers copies of which are submitted herewith.

And the petitioners further show that the said de la Quevedo and Cooper and the petitioners have been since the date of the said grant, and that the petitioners now are in the quiet peaceful and undisputed possession of the aforesaid land.

That the said land has not been surveyed by the Surveyor General of the United States but that it was duly surveyed as aforesaid by the proper authority and its boundaries marked out.

That they know of no conflicting claim.

That they rely for confirmation of title upon the original papers copies of which are submitted herewith upon the records and minutes in the archives under the charge of the Surveyor General and upon such other and further proofs as they may be advised are necessary.

Wherefore they pray the Commission to confirm to them the aforesaid tracts of land.

By their attys  
Hall & Peck & Billings.

Filed in Office June 14<sup>th</sup> 1852  
(Signed)

Geo Fisher  
Secy



Supplemental  
Petition.

392 ND  
PAGE 8

Before the Honorable Commissioners  
to settle Private Land Claims in California  
In the claim of H W Halluck  
and James Black No 240 filed in the  
Office of the Secretary of the Commissioners  
And now come Benjamin  
R Bucklew William Reynolds and  
Paul Frink and file this their petition  
supplementary to the petition of the said  
Halluck and Black and respectfully  
represent.

That of the six leagues granted  
as set forth in said petition to Juan B R  
Lozano called "Nacasio" the said Cooper  
and wife sold and conveyed five square  
leagues to the petitioner Bucklew as is  
more particularly shown in the conveyance  
to Bucklew which original conveyance will  
be adduced in evidence and duly  
proved.

That the said Bucklew after-  
wards sold and conveyed a part of the  
said five square leagues to the petitioners  
Reynolds and Frink as is more particu-  
-larly set forth in the said original con-  
-veyance which will be adduced in evidence  
and duly proved.

That the said ~~Reynolds and Frink~~ ~~petitioners~~ ~~and~~ ~~those~~ ~~under~~ ~~whom~~ ~~they~~  
hold, have been for some thirteen years and that  
the petitioners now are in the quiet and peaceful  
possession of the land so granted and to  
them respectively conveyed and that they  
know of no conflicting claim.

Wherefore the petitioners pray  
the Commissioners to confirm the original  
grant filed in said petition of Halluck



9  
& Black and to the petitioners the land  
which to them respectively belongs as shown  
by the aforesaid means conveyances.

By their attys  
Halluck, Peachy & Billings

392 ND  
PAGE 9

The above supplementary petition  
is admitted and consented to be considered  
as forming a part of the petition as originally  
filed.

Halluck Peachy & Billings  
attys for Halluck & Black

Filed in office March 2. 1853.

(Signed)  
Geo Fisher Secy.

Office of the U.S. Land Commission  
Los Angeles Oct 8. 1852.

On this day before James Wilson one of  
the Commissioners for ascertaining and  
settling private land claims in the State  
of California came S Arguello a witness  
produced in behalf of the claimants  
Henry W Halluck and James Black  
whose petition is No 270 on the docket of the  
Board and was duly sworn, his evidence  
being given in Spanish was interpreted  
by the Secretary.

depo of  
S Arguello.

The Law Agent of the U. States was  
present by R Greenhow Cay & did not  
object.

1. Question

What is your name age and  
place of residence?



10  
Answer.

My name is Santiago Arguello  
my age is sixty years and I reside near  
the port of San Diego and have lived in  
California all my life.

I Quot.

Examine the document before  
you marked J W No 1 and say whether you  
are acquainted with the signatures and if  
the document is genuine?

Answer.

I have examined the document  
marked J W No 1 and am acquainted  
with the signatures of Manuel Michelton  
Manuel Jimeno, Pio Pico and Doña Maria  
Covarrubias, their signatures to this docu-  
ment are genuine and the document itself  
to the best of my knowledge and belief  
is genuine also.

S. Arguello.

Oct 8. 1852.

Subscribed and sworn

Before me

Janus Wilson Comr.

Filed in Office Oct 8, 1852.

(signed)

Geo Fisher. Secy

San Francisco. March 5 1853

On this day before Comr. H. J  
Thornton came Henry Horn a Witness in  
the part of the claimants Henry W Halleck  
et al petition No 270 and was duly  
sworn, his evidence being given in  
English

Depto of  
At Home.



My name is Henry Howe my age  
is 25 years. I ~~was~~ reside in Marin County  
and have lived in California between  
7 & 8 years.

I am acquainted with the  
Vicario Rancho claimed by James Black &c  
in Marin County. Mr Black has lived  
on the same 5 or 6 years he has had  
a house on it and 2000 or more head  
of cattle and horses and has farmed a  
part of the land.

Henry Howe

U. S. Law Agent present.

Sworn to and subscribed

Before me this 5<sup>th</sup> of March 1853.

Lang J Thornton

Court.

Filed in Office March 5 1853

(Signed)

Geo Fisher. Secy.

San Francisco March 5 1853

On this day before Court H. J Thornton  
came Socrates Mudham a witness on the  
part of the claimants Henry W Halleck  
et al petition No 270 and was duly sworn  
his evidence being interpreted by the  
Secy.

Depto of  
S. Mudham

My name is Socrates Mudham my  
age 31 and I have lived in California  
3 1/2 years.

I know the "Vicario Rancho  
claimed by James Black and others when  
I first went to live in Marin County the  
last of 1849. Black lived on this



land. he had a house on it he had a large stock of cattle some 2000 head or more on it and cultivated a portion of the land - he lives on it still with his family.

U. S. Law Agent present.

Servetus Rudham.

392 ND  
PAGE 12

Sworn to and subscribed

before me this 5<sup>th</sup> of March 1853

Harry J Thornton. Comm.

Filed in Office March 5. 1853

(Signed)

Geo Fisher Secy.

San Francisco. March 10. 1853.

On this day before me, Wiland Hall came D. H. Carpenter a witness on the part of the claimant Henry W. Halluck at Petition No 270 and does duly swear his evidence being given in English.

Depto. of  
D. H. Carpenter.

The U. S. Associate Law Agent was present

My name is D H Carpenter my age is 47 years. I have lived in California about four years.

I am acquainted with the Rancho called "Vicencia" in Marin County claimed by Black, Reynolds, Halluck and others.

I was first on the part of this Rancho occupied by Reynolds last September or October.

Reynolds then had a two story house on his part of the land fences and other improvements some



13  
400 head of cattle and some other stock.

W. H. Carpenter.

Sworn & Subscribed

Before me

Wiland Haw. Court.

Filed in office March 10, 1853.

(signed)

Geo Fisher. Secy.

392 ND  
PAGE 13

Office of the Board of  
Commissioners &c.

This day before Court Alpheus  
Fitch came Gaspar O Farrell a witness in  
behalf of Claimants Henry W Hallack and  
James Black No 270 who after being duly sworn  
deposed as follows.

Depto of  
Gaspar  
O Farrell.

Questions by Mr Peckey Attorney  
for the claimant.

1<sup>st</sup> Question

What are your name age  
and place of residence?

Answer.

My name is Gaspar O Farrell  
my age is thirty six years and I reside in  
Sonoma County California.

2<sup>nd</sup> Question.

What is your profession?  
answer.

Civil Engineer and Land Surveyor  
I have been in that occupation since 1833. I  
came to California in 1843 and during the  
first five years I was here I was employed  
in surveying. I had an appointment as  
Government Surveyor, from Governor. Michol.



124  
Nicheltonna and another from Governor  
Mason.

3<sup>d</sup> Question.

Have you been accustomed to  
locate lands in California from the  
grants and desmas under the Mexican  
Government?

Answer.

I have. I have been employed  
as Measurer or Surveyor in a great many  
cases in giving judicial possession of lands  
under such grants.

4<sup>th</sup> Question.

Are you acquainted with the  
tract of land known as "Nicasio" and now  
claimed by Henry W. Halluck and James  
Black?

Answer.

I am, I first went on to the  
land in 1847 - It is situated on the Bay  
or Estero of Tomales in the present county of  
Marin. When I first went on to the land  
I understood from persons who were there,  
-oughly acquainted with the country and had  
resided there for years that the tract  
known as "Nicasio" embraced all the  
land at that time ungranted lying on  
the north west of the Estero or Bay of  
Tomales and extending back from said  
Bay to the boundaries of the different  
Ranches then granted - This description  
would fix the boundaries of the land  
on all its sides.

5<sup>th</sup> Question.

Please describe the boundaries  
of the land on its different sides as near  
as you can.



15  
Answer.

It is bounded on the southerly side by the Rancho San Jeronimo" on the south east by Murphy's Rancho called Gallinas, the Indian Reserve Pachico's Rancho called "San Isi" the Rancho of Ramon Mesa and the Canada of Pompono, on the east and north east it is bounded by the Laguna San Antonio and in the north by Indian lands, and in the west by the Estero or Bay of Tomales and the arroyos of the point of the Estero which I believe to be the boundary of the lands of Rafael Garcia.

These boundaries of the land were pointed out to me by some of the owners of the adjoining Rancho above named.

The others I ascertained from reading the grants and respecting the lines of the lands granted.

The country along the eastern and south eastern boundary above mentioned is hilly and mountainous - On the North East boundary the country is of the same character excepting about three miles which is in a valley.

6 Question.

About how many square leagues of land is contained in the tract of land known as "Vicasis" above described by you?

Answer.

Within my survey there were sixteen square leagues and I think including the Indian Reserve there are about two or three leagues more - making in all about <sup>19</sup>nineteen or <sup>22</sup>twenty square leagues in the whole tract known by the name of



16  
"Nicasio"

7 Question

Have you ever made a survey of that land?

Answer.

I have - I surveyed it in 1844 at the request of Juan B R Cooper and Pablo de la Guerra - I made the survey from the description in the grant as far as I could - I had the grant with me.

8<sup>th</sup> Question.

Please describe the survey?

Answer.

I commenced at the Portocuelo which is a gap in the mountain between "Nicasio" and San Geronimo. - This is a well defined gap. From that I ran south west to a point on the Arroyo of the Estero of Tomalo. This line was run along the boundary of San Geronimo Rancho - From that point I ran in a north east direction along the stream of the arroyo of said Estero - to the place where said Arroyo empties into said Estero in a north west direction. I then returned to the Portocuelo which was my starting point and from it ran north and west on the boundary of the Rancho of J Murphy and continued on in the same direction along the boundary of the Indian Reserve, the Rancho of Pacheco that of Ramon Mesa the Rancho of Juan Martin the Rancho of Pupas Bajeros called San Antonio. The Arroyo above mentioned is the dividing line between the tract and the Ranchos of Bajeros and Ramon Mesa - This line was run



197  
sufficiently far so that a line drawn from it at right angles to the Estero or Bay of Tomales would include within all the boundaries before described - sixteen square leagues of land - the quantity called for by the grant.

392 ND  
PAGE 17

The land thus surveyed by me and above described does not include all the land known as the "Nicasio" tract by two or three square leagues.

The land thus excluded is in two parcels one on the east side between the land of Mr Murphy and of Ignacio Pacheco reserved for the Indians.

The Indians were settled there and had large cultivation when I made the survey.

The other parcel was on the northern boundary and was excluded because the quantity called for by the grant was obtained and surveyed without extending the survey so as to include it - There were also Indians on this parcel.

9<sup>th</sup> Question

Was the surplus which you did not include in the survey then in propriety of the Indians?

Answer.

On the land left on the eastern side as above mentioned called the Arroyo of the Point of the Estero.

11 Question.

When is the Arroyo San Antonio?

Answer.

It is on the eastern boundary of the land.



12 Question

Where is the Laguna of San Antonio?

Answer.

It is also on the eastern boundary of the land.

13 Question.

Do you know the name of the Rancho of the Niperos Bojorques?

Answer

It is the Rancho of the Laguna of San Antonio to best of my knowledge.

14<sup>th</sup> Question.

What is the name of the Rancho of Ramon Mesa?

Answer.

I forget the name.

15<sup>th</sup> Question.

Do you know the name of the Rancho of Juan Martin?

Answer.

The portion of it which bounds the land of "Nicasio" is called Comptoni-

16<sup>th</sup> Question.

Look on the map now presented to you purporting to be a Diagram of the survey of the land of "Nicasio" and marked Exhibit No 1 with the initials H. F. and attached to this deposition and state what you know about the same?

Answer.

I made the Map. It was made from the field notes of the survey made by me as before mentioned of the land of Nicasio.

Mr. Greenhow Associate Law Agent objects to the above.

392 ND  
PAGE 18



19  
Agent objects to me above.  
Questions and answers.  
and to the maps above  
mentioned and annexed hereto.

Jasper O Farrell.

Mr Greenhow Associate  
Law Agent being present  
declined to question the  
witness.

Subscribed and sworn to  
before me this 29<sup>th</sup> day of October  
A. D. 1853.

Alphens Tuttle  
Commissioner

Filed in office Oct-29, 1853

(signed)

Geo Fisher. Secy.

United States of America  
State of California

San Francisco. Jan 5 1855.

This day came and was sworn  
before Peter Lott Commissioner for taking  
testimony to be used before the Board of  
Supv. of U. S. Land Commissioners in said state  
John Martin John Martin a witness on behalf of the  
claimants Henry W Halluck + James Black  
in case No 270 on the docket of said  
Board and said witness deposed as fol-  
=lows.

The U. S. Associate Law Agent present.

Questions by claimants Counsel.

1<sup>st</sup> Question

What is your name age + residence

Answer.

My name is John Martin, my.

392 ND  
PAGE 19

4



my age 64 years - my residence in Marin County California.

2<sup>nd</sup> question.

How long have you lived in California, and how long in Marin County and are you acquainted with the tract of land called "Nicasio". -

392 ND  
PAGE 20

Answer.

I have lived 32 years in California and in Marin County since 1837 - I am acquainted with the place called "Nicasio" - It adjoins my Rancho on which I reside.

3<sup>rd</sup> Question.

State the boundaries of said tract of Nicasio. -

Answer.

The boundary on the north side which divides it from my land is the ridge of the Canada de Pomposi.

On the East is the Porlogueta which divides it from Timothy Murphy's land, on the southern side is a brook where the red wood trees are, I do not know the name of that brook which divides it from the land formerly belonging to Rafael Gacho, on the west it is bounded by the Estero of Formales which the Jesuims emptied into.

On the north west is an arroyo which runs down into what they call the Estero Americano which runs near the lands of Angel Pajonius out of a lake which is also near said last mentioned lands.

4<sup>th</sup> Question

What Rancho adjoins this



Nicasia?

Answer.

Ramon Nisa adjoins it in the North west - My land adjoins it on the North side. Rafael Garcia adjoins it on the west - Timothy Murphy on the east Rafael Cacho adjoins it on the south, -ly and south ~~and~~ westerly side.

392 ND  
PAGE 21

5<sup>th</sup> Question.

What separates the land of Nicasia from that of Ramon Nisa?

Answer.

I do not know rightly - I am not very well acquainted with their boundary but I think it is a ridge running about South South east and North North west.

6<sup>th</sup> Question.

What separates your land from Nicasia? —

Answer.

A ridge of hills on the southern side of the Canada de Pomponi.

7<sup>th</sup> Question.

What divides Nicasia from Timothy Murphy's land?

Answer.

The Portugala. The road from San Rafael passes over the Portugala and there is also a range of hills running down to Rafael. Cacho's land from said Portugala which is part of the boundary on that side next to Murphy.

8<sup>th</sup> Question

What divides Rafael Cacho's land from Nicasia?

Answer.

A brook where the Red wood



trios are. I do not know its name. It empties into the San Jeronimo. It is a running stream all the year round. The San Jeronimo is the line which divides Nicasio from Rafael Garcia's land.

9<sup>th</sup> Question.

What lands lie to the north side of the San Antonio, an arroyo running from the Laguna San Antonio and emptying into the Estero Americano.

Answer.

I know no other lands there but the lands of the Tomales the same ~~the same~~ given to the land along the beach there.

10<sup>th</sup> Question.

About how much land is contained within the limits of Nicasio as you have described them?

Answer.

I think they embrace between 8 and 9 leagues of land.

Group Examined by the U. S. Associate Law Agent.

1<sup>st</sup> Question.

What is the shape of the Rancho of Nicasio?

Answer.

It is of an irregular form. I can hardly say what shape it is. It has so many angles and corners. I cannot say what are its average dimensions in some places it is not over 4 miles in width.

2<sup>nd</sup> Question

Are the objects which form the boundaries you have mentioned as



23

270

prominent and permanent as to be incapable of mistake or change?

Answer.

Yes they are such that there can be no mistake about them and they are permanent natural objects.

392 ND  
PAGE 23

Re Examined by Claimants counsel  
1st Question

Look at the document now shown to you marked A. P. L. as an Exhibit to this deposition and state whether the maps on pages 6 and 7 therein are correct descriptions of the land in and about said Nicasio?

Answer.

Yes. I think the map on page 7 corresponds in its description of the country there with the real position of things on the land as near as I can judge and the map on page 6 is a copy of the same map.

his  
John X Martin  
mark.

Subscribed and sworn to  
before me on this 3<sup>rd</sup> day of  
January A D 1857.

Peter Lott, Commissioner

Filed in Office Jan'y 9. 1857.

(Signed)  
Geo Fisher.  
Clerk.



United States of America }  
 State of California } ss.

San Francisco, Jan'y 5, 1855.

This day came and was sworn before Peter Lott Commissioner for taking testimony to be used before the board of U. S. Land Commissioners in said state Jasper C. Farrell a witness on behalf of the claimants Henry W. Halleck and James Black in case No 270 on the docket of said Board and said witness deposed as follows.

The U. S. Associate Law Agent is present.

Question by claimants Counsel.

1<sup>st</sup> question.

What is your name, age and residence?

Answer.

My name is Jasper C. Farrell my age 37 years, my residence in Sonoma County California. —

2<sup>nd</sup> Question.

Look at the document now shown to you marked A P L, as an exhibit to this deposition and state whether the land shown in the claim on page 7 therein is the same as the land shown in a map made by you which is annexed to your deposition in this case given by you October 29<sup>th</sup> 1853 and if not the same wherein do they differ?

Answer.

This claim represents a portion of the land embraced in my said map my map includes some 4 or 5 square



my map includes some 4 or 5 acres  
270  
leagues more of land lying to the north  
and west which would extend up on  
this claim beyond the words "Pta Tomales"  
and arroyo de San Antonio" in that  
direction - which would be northwardly  
and north westwardly.

25

392 ND  
PAGE 25

Jasper O' Farrell.

Subscribed and sworn to  
before me on this 5<sup>th</sup> day  
of January A D 1855.

Peter Lott.

Commissioner. 3.

Filed in Office Jan 9. 1855.

(signed)

Geo Fisher. Secy

United States of America.

State of California

San Francisco. February 7. 1855.

This day came before Peter Lott  
Commissioner for taking testimony to be  
used before the Board of U. S. Land Commis-  
-sion in said state James Watson a witness  
on behalf of the claimants Henry W Halluck  
and James Black in case No 270 on the  
docket of said Board and said witness  
being sworn deposed as follows.

Depo of  
James  
Watson

The U. S. Land Agent is present.

Questions by B H Northrop for claimant

1<sup>st</sup> Question

What is your name age and  
residence?



Answer.

My name is James Watson my age 44 years - my residence in Bodoga California.

2<sup>nd</sup> Question.

Look at the document now shown to you marked A. P. Q. as an exhibit to this deposition and state what you know of the execution of the instrument of writing therein contained?

Answer.

I was present on the 20<sup>th</sup> of September 1850 at Joseph O'Farrell's house in Sonoma county when this deed was executed. I saw John B R Cooper sign his name where it appears subscribed to said Instrument and I saw Edward A Lamonte and William J Loring sign it as witnesses and I also signed my name as a subscribing witness where it now appears as such as <sup>in</sup> said paper.

I know the signatures to be all genuine for I saw them written by the persons whom I know to be the persons named.

James Watson.

Subscribed and sworn to before me on this 7<sup>th</sup> day of February A. D. 1855.

Peter Lott

Commissioner.

Filed in Office Filey 9. 1855.

(Signed)

Geo Fisher. Secy.



1. 27

6771. 1. 1.

Sello Primero Ocho pesos.

Habilitando provisionalmente por la Aduana 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.

392 ND  
PAGE 27

Document marked  
W. n. 1. annexed  
to the deposition of  
L. Arquillo taken  
before Com. Wilson.

Misichetoreua.

Pablo de la Guerra.

El Ciudadano Manuel Misichetoreua General de Brigada del Ejercito Mexicano Ayudante General del mismo, Gobernador Comandante General e Inspector del Departamento de Californias.

Por cuanto D. Pablo de la Guerra y D. Juan Cooper han precedido para sus beneficios personales la mayor parte del terreno conocido con el nombre de Eticaci, colindante con la bahia de Fuertes, con el arroyo de San Antonio, con la laguna del mismo nombre, con los ranchos de los Señores Boyorque, Roman Mesa, Juan Mantur y San Rafael, practicadas previamente las diligencias y averiguaciones convenientes segun lo dispuesto por leyes y reglamentos: usando de las facultades que me son conferidas, en nombre de la Nacion Mexicana he venido en conceder al expresado D. Pablo de la Guerra, diez sitios de ganado mayor en razon de los meritos que ha acreditado tener para adquirir el terreno ya D. Juan Cooper por la sesion que hace de cuatro mil pesos que le adeudo el hancino Nacional le concedo seis sitios de ganado mayor dejando el remanente que resulta del terreno mencionado a beneficio de los Yndios de San Rafael sujetandose las agraviadas a la aprobacion de la Excm. Asamblea Departamental y a las condiciones siguientes.



1.º Potrán llevarlo sin perjuicio las Armas Comunas y servidumbres lo obisporan libre y esclusivamente de su uso al uso o cultivo que mas les acomode.

2.º Solicitaban del Jefe respectivo que les dé provision jurídica en virtud de este despacho por el cual se abunecaran las lindas en cuyos límites pudran avar de las maderas algunas arboles frutales o filveros de alguna utilidad.

3.º Si contravinere estas condiciones pierdan su derecho al terreno y sea el mismo por otro.

En consecuencia viciado que se viendose por fin y vale de este título se tome rason de el en el libro respectivo y se cubra al cutulado para lo que quando y de mas fuer.

Dado en Monterrey. a 1.º de Agosto de 1844.

Manuel Michelt.  
Manuel Jimeno. Frio.

Queda tomado rason de este despacho en el libro respectivo. y 7.º

Jimeno.

{ Gobierno del Depart.  
de las Californias } La Exma. Asamblea Departamental en sesion del dia 29.º del presente acordó los articulos siguientes.

1.º Se aprueva la consecion hecha en propiedad a favor de los C. C. Pablo de la Guerra y Juan Cooper, por el Superior Gobierno de este Departamento del parage nombrado "Nicasio" en fha. 1.º de Agosto de 1844; de entera conformidad con lo prevenido en la ley de 18 de Agosto de 1824 y el articulo 5.º del reglamento de 21 de Abril de 1828.



392 ND  
PAGE 29

2<sup>o</sup> Obtenida la aprobacion de esta Honorable Asamblea, el Sur respectivo procederá a poner en posesion Juridica a los agraciados del terreno de diez y seis sitios de ganado mayor que les ha sido adjudicado en propiedad en el paraje de Errencia y a la parte que a ellos mas les convenga, quedando el remanente a beneficio de los Indigenas de San Rafael conforme al titulo del Gobierno.

3<sup>o</sup> Los interesados en este expediente envidiosos de cumplir con los requisitos prevenidos en el articulo 12 del citado reglamento de 21 de Abril de 1828 para que puedan disponer libremente de su propiedad.

Y para resguardo de la parte del Sr. D<sup>o</sup> Pablo de la Guerra lo firmo en la Ciudad de los Angeles a 30 de Agosto de 1845.

Pio Pico.

José M<sup>a</sup> Covarrubias. Sur.

Filed in office. Oct. 8. 1852.

Geo. Fisher.

Secy.



30



Stamp First Eight Dollars.

B.

Translation  
of  
Title

Provisionally authorized by the  
Maritime Customs House of the Port of  
Monterey in the Department of the  
Californias for the years one thousand  
eight hundred and forty four and one  
thousand eight hundred and forty five.

(signed)

(signed)

Micheltorena.

Pablo de la Guerra.

392 ND  
PAGE 30

Citizen Manuel Micheltorena General of  
Brigade of the Mexican Army, Adjutant  
General of the same Governor Commanding  
General and Inspector of the Department  
of Californias.

Whereas Don Pablo de la  
Guerra and Don Juan Cooper  
have for their own personal  
benefit petitioned for the greater part  
of the land known by the name of "Measie"  
bounded by the Bay of Tomales by the  
Arroyo of San Antonio, by the Laguna of the  
same name, and by the Ranchos of Senoras  
Bajozquez, Ramon Mesa, Juan Martin  
and San Rafael, the proper measures  
and examinations being previously made  
as required by laws and regulations using  
the faculties conferred on me in the  
name of the Mexican Nation I have  
granted to the aforesaid Don Pablo de  
la Guerra ten Sitios de ganado Mayor  
(ten square leagues) in consideration of  
the claims he has shown to acquire  
land, and in consideration of the transfer  
made by Don Juan Cooper of Four



Thousand dollars due to him from the National Treasury I grant him six sitios de ganada Mayor (six square leagues) leaving the remainder of the land before mentioned for the benefit of the Indians of San Rafael, the grantee being subject to the approval of the most excellent Departmental Assembly, and to the following conditions.

1<sup>st</sup>. They may enclose it without prejudice to the crop roads, roads and servitudes and enjoy it fully and exclusively, making such use or cultivation of it as they may see fit.

2<sup>nd</sup>. They shall ask the proper Magistrate to give them Judicial possession in virtue of this order, for which purpose the bounds shall be marked out, in which they shall place besides the bounds some fruit or forest trees of a useful character.

3<sup>rd</sup>. If they contravene these conditions they shall lose their right to the land and it may be denounced by another person.

In consequence I order that this title being held as firm and valid, note be made of it in the proper book and it be delivered to the persons interested for their security and other purposes.

Given in Monterey on the 1<sup>st</sup> of August 1844.

(signed) Manuel Micheltorona

(signed) Manuel Jimeno

Filed in Office  
Jan 14. 1852.

(sgd)  
Geo Fisher  
Secy.

Note has been made of this order in the respective book @ folio 9.

(signed) Jimeno.



Government of the Department  
of California's

The most Excellent Depart-  
mental assembly in session of the 29<sup>th</sup>  
instant decreed the following articles.

Translation  
of  
Approval.

392 ND  
PAGE 32

1<sup>st</sup>. The grant in fee of the place named  
Nicasio made in favor of citizens Pablo  
de la Guerra and Juan Lopez, by the  
Superior Government of this Department  
on the first of August 1844 is approved  
in conformity with the requirements of  
the law of August 18<sup>th</sup> 1824 and article  
5<sup>th</sup> of the regulation of November 21<sup>st</sup> 1828.  
2<sup>nd</sup>.

The approval of this Honorable  
Assembly being obtained the proper mag-  
istrate will proceed to put the grantees  
in Individual possession of sixteen "sitios"  
de ganada Mayor (sixteen square leagues)  
which has been granted them in place  
of "Nicasio" in the part which they  
may see fit, leaving the remainder for  
the benefit of the Indians of San Rafael  
in conformity with the title from  
the Government.

3<sup>rd</sup>. The persons interested in the  
Expediente will be careful to comply with  
the requisites set forth in article 12 of  
the aforesaid regulation of 21<sup>st</sup> November  
1828 that they may be able to dispose  
freely of their property.

And for the Security of  
Sanor, Don Pablo de la Guerra, I sign this



34

in the city of Los Angeles on the 30<sup>th</sup>  
of August 1845.

(signed)  
Dio Pico.

(signed) José M. Guadalupe,  
Secretary.

392 ND  
PAGE 33

Filed in Office June 14<sup>th</sup> 1852

(signed)  
Geo Fisher  
Secy.



A. P. L.  
Exhibit to  
Deposition  
of John Martin

Sello cuarto de reales.

Habilitado provisionalmente por la  
Aduana Maritima del Puerto de Monterey  
en el Departamento de las Californias  
para los años de mil ochocientos  
cuarenta y cuatro y mil ochocientos  
cuarenta y cinco.  
Micheltorona. Pablo de la Guerra

A. P. L.  
Exhibit to  
Deposition of  
Jaspar O'Farrell

392 ND  
PAGE 34

### Expediente

Promovido por los ciudadanos  
Pablo de la Guerra y Juan  
Cooper del terreno nomb.  
Nicasio.

420



Sello cuarto dos Reales.

Expediente  
continued

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

Micheltorena.

Manuel Castanares

392 ND  
PAGE 35

Seal  
Ch. Cooper

Juan Cooper vecino de  
Monterey y Capitan de la Goleta  
Nacional California ante V. E.  
con el debido respeto hace presente  
que deseando dedicarse al ramo de  
Agricultura en este Departamento y de  
adelantar por la subsistencia de su  
querida familia, implora de V. E. se  
digne concederle parte del terreno  
nombrado "Nicasio" perteneciente a la  
Mision de Sr. Rafael, que le tiene valdido  
ofreciendo presentar el diseño del mencio-  
nado terreno, en primera oportunidad, y  
cediendo a la Nacion la cantidad  
de cuatro mil y tantos pesos, que le  
debe, segun tiene manifestado, a  
V. E. por documentos q. lo acreditan  
por lo que A. V. E. suplica acceda a  
su solicitud en lo que recibira gracia.  
Monterey a 8. de Nov. de 1843.  
Juan B. R. Cooper.

(Marginal Decree)

Monterey Nov. 3. de 1843.

Ynf. el Sr. L. Liso del Despacho  
tomando previamente los q. al efecto  
necesitare. Juidando el Cap. Cooper  
a presentar los justificantes de su adenda  
Michelt.



39

Expediente continued.

Como dispone el E. J. Gobernador pase este expediente al R. P. Fr. Lorenzo Quijas, quien tiene conocimiento del terreno que se pretende, y se sirva informar si esta valdido y si existen algunos bienes de la Misión de San Rafael, y concluido que vuelva a esta G. A. para asistar su opinion, en cumplimiento al superior decreto de ayer.

392 ND  
PAGE 36

Monterey, 20 de Noviembre de 1843  
Manuel Jimeno

El terreno de Nicacio q. solicita D. Juan Cooper es el unico q. le queda y a la Mis. de S. Rafael y en donde al presente existen las pocas reses q. le quedan a dha Misión.

San Jose Dec. 20 de 1843  
Fr. J. Lorenzo Quijas

Exm. Señor Gobernador.

Por el informe que precede el R. P. Quijas aparece que los bienes de San Rafael son ya muy pocos y el terreno segun el correspondiente diseño manifiesta ser de mucha estension por lo que en mi concepto creo que no hay inconveniente alguno para que se conceda el terreno pretendido.

Monterey, 1.º de Febrero de 1844  
Manuel Jimeno.

(Marginal Decree)  
Monterey Feb. 2 de 1844.  
Espidare

Michetta  
Monterey 2 de Febrero de 1844  
Vista la peticion con que da principio este expediente los informes que precede con todo lo demas que se tuvo presente y ver convido de



Expediente  
Continúa

conformidad con las leyes y reglamentos  
de la materia declaro a D. Juan  
Cooper dueño en propiedad de seis  
sitios de ganado mayor en el terreno que  
pretende segun el deseno respectivo.  
El Excmo. Señor Gobernador asi  
lo mando decretar y firmo doy fe.  
Michelté.

392 ND  
PAGE 37

Angelas Agosto 4 de 1845.  
Dado cuenta a la Excmo. Asamblea  
Departamental en Sesion de hoy se  
mando pasar a la Comision de  
Terreno Valdivos.

Pio Pio  
Presidente

Agustin Olvera  
Pio

None follow Three maps!!!



Expediente  
continued

Sello enarte Dos Reales

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

Micheltorena. Manuel Castañares

567

392 ND  
PAGE 38

Exmo. Sr.

Seal

Pablo de la Guerra, natural  
y vecino de este Departamento ante la  
Justificacion de V. E. con el debido  
respeto me presento y digo: que deseando  
establecer un rancho por convenir asi  
a mis intereses y sabiendo q. el terreno  
nombrado "Nicasio" esta en estado de  
colonizar por no tener en el, sino poqui-  
simos bienes la Mision de San Rafael  
a donde ha pertenecido; y siendo la  
estension del mencionado parage  
como de veinte y cuatro sitios de ganado  
mayor, suplico a V. E. se digne conceder-  
me diez de ellos, dejando los seis  
solicitados por D. Juan Cooper, y  
el remanente para la pastura de  
los ganados de la referida Mision  
de San Rafael.

Por tanto, A. V. E. Rendidamente  
suplico se sirva proveer a mi favor,  
de lo q. recibiere gracia y merced

Monterey Noviembre 9 de 1843  
Pablo de la Guerra

(Marginal Decree)

Monterey, Doce de Noviembre de 1843.  
Yusef el Sr. Sr. del Despacho  
tomando previamente los q. necite, exigiendo  
interin de la parte el Disnio correspondiente  
Michelto



6/270

Exmo. Señor Gobernador

Expediente  
continuado

Por el informe que el día hoy he tenido á bien poner en la solitud de D. Juan Cooper que es correlativo á este mismo asunto doy de parecer que se conceda á D. Pablo de la Guerra la extensión del terreno que pretende por no encontrar inconveniente alguno para que V. E. le conceda la gracia que pretende.

Monterrey 1.º de Febrero de 1844.  
Man. Jimeno.

(Marginal Decree)

Monterrey Feb. 2 de 1844  
Espidosa

Michetta

Monterrey 2 de Febrero de 1844.

Vista la petición con que da principio este expediente los informes que preceden con todo lo demás que se tuvo presente y ver con vino de conformidad con las leyes y reglamentos de la materia declaró á D. Pablo de la Guerra dueño en propiedad de diez sitios de ganado mayor en el terreno que pretende según el diseño respectivo, El Exmo. Señor Gobernador así lo mandó decretar y firmó. Doy fe.

Michetta

Exmo. Sr.

La Comisión de Terrenos baldíos, se ha impuesto con detenimiento del presente expediente promovido por los Sres. D. Pablo de la Guerra y D. Juan Cooper, relativo al paraje nombrado "Nicaeni" que les fue concedido con total arreglo á las leyes de la materia, y en su virtud, pone á la deliberación de V. E. las siguientes proposiciones.

1.ª se aprueba la concesión hecha



H1

Expediente  
Continued

en propiedad a favor de los Sr. C.  
Pablo de la Guerra y Juan Cooper, Jr.  
el Sup.º Gov.º de este Departam.º del  
paraje nombrado Nicasio, en fha. 1.º de  
Agosto de 1844, de entera conformidad  
con lo prevenido en la ley de 18 de Agosto  
de 1824, y el art. 5.º del reglamento de  
21 de Nov. de 1828.

392 ND  
PAGE 40

2.ª Obtenida la aprobación de  
esta Honorable Asamblea, el Juez  
respectivo, procederá a poner en posesion  
juridica a los agraviados del terreno  
de diez y seis sitios de ganado mayor  
que les ha sido adjudicado en  
propiedad en el paraje de Nicasio  
y a la parte q.ª a ellas mas les  
convenga, guardando el remanente a  
beneficio de los indigenas de Sr.  
Rafael, conforme al titulo del Gobierno.

3.ª Los interesados en este expediente  
evitaran de cumplir con los requisitos  
prevenidos en el art. 12. del citada  
reglamento de 21 de Noviembre de  
1828, para q.ª puedan disponer libremente  
de su propiedad.

Sala de Comisiones Agosto 27  
de 1845.

Narciso Botello

Angeles Agosto 29 de 1845  
En Sesion de este dia se  
aprobaron por la Exm.ª Asamblea  
Departamental las tres proposiciones  
contenidas en el dictamen antecedente,  
mandando se devuelva el expediente  
original al Exm.º Sr. Gobernador  
para los fines que sean convenientes

Pio Pico  
Presté

Agustin Olvera  
Trío.

Se libro al agraviado el comprobante  
respectivo.



H 2

8/270

Office of Surveyor General  
of the United States for California

I, John C. Hays, Surveyor General of the United States for the State of California and as such, having in my Office and in my charge and custody a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California, by virtue of the power vested in me by law, Do hereby certify, that the 13 preceding, and herewith annexed pages of tracing paper numbered from one to 13 inclusive exhibit, exhibit a true and accurate copy of a certain document now on file and forming part of the said Archives in this Office.

392 ND  
PAGE 41

In testimony whereof, I have herewith signed my name officially and caused my Seal of Office to be affixed, at the City of San Francisco this twenty fourth day of November 1853.

Seal

John C. Hays  
U. S. Surveyor General  
for California.

Filed in Office Jan'y. 9. 1855.  
George Fisher  
Sec'y



43<sup>rd</sup> Translation  
of  
Especiente

Stamp Fourth Two Reales

Provisionally authorized by the Maritime  
Custom House of the Port of Monterey  
in the Department of the Californias  
for the years 1844 & 1845

392 ND  
PAGE 42

Micheltorona Pablo de la Guerra

Especiente moved by the citizens  
Pablo de la Guerra & Juan Cooper  
for the land called "Nicasio"

No. 420

Stamp Fourth Two Reales

Provisionally authorized by the Maritime  
Custom House of the Port of Monterey  
in the Department of the Californias  
for the years 1843

Micheltorona Manuel Castanares

Seal of the  
Maritime Customs  
of Monterey

Seal of the  
Departmental  
of the Californias

Juan Cooper resident of  
Monterey and captain  
of the National vessel  
"California" before your  
Excellency with all  
respect makes represen-  
tation.

That desiring  
to devote himself to the business of  
Agriculture in this Department and to  
provide for the support of a large  
family, he asks that your Excellency will  
grace be so good as to grant me a part



HH

392 ND  
PAGE 43

of the land called "Nicasio" pertaining to  
The Mission of San Rafael which is  
now vacant, offering to present the  
Sketch (Lusino) of the said land the  
first convenient opportunity and relin-  
quishing to the Nation the sum of four  
thousand and some dollars which  
is due him as is shown to your Excellency  
by documents which prove it.

Wherefore he prays  
your Excellency to grant his petition  
by which he will receive favor

Monterey November 8th. 1843

Juan B R Cooper

(In the Margin)

Monterey Nov. 9. 1843

The Senior Secretary of Despatches  
will report successively collecting the  
necessary information for that purpose  
regarding said Captain Cooper to present  
the proofs of his title  
Michtlerena

As directed by his Excellency the Govern-  
or pass this Expediente to the Rev. Father  
Francisco Lorenzo Dupon who has knowledge  
of the land which is asked for and  
who will be so good as to report if it  
is vacant, and if there exists (on it)  
any property of the Mission of San  
Rafael and having concluded let it  
be returned to this Secretary's office for  
its opinion in compliance with the Super-  
ior decree of yesterday.

Monterey November 10th. 1843

Manuel Jimeno



45-

The land of Nicasio which Don Juan Cooper asked for is the only one now left to the Mision of San Rafael and where now exist the few cattle which are now left to said Mision.

San Jose December 20th 1843

Señor Lorenzo Suarez

392 ND  
PAGE 44

Most Excellent Señor Governor

By the report which precedes, of the Avarana Father Suarez it appears that the property stock of San Rafael is now very small, and as the same according to the corresponding sketch is very extensive I give as my opinion that there is no obstacle to granting the land asked for.

Monterey February 1<sup>st</sup> 1844

Manuel Jimeno

Monterey February 2<sup>a</sup> 1844

See it please

Micheltarena

Monterey February 2<sup>a</sup> 1844

Having seen the petition with which this Expediente begins, the reports which precede with all else presented and proper to be seen in conformity with the Decrees and regulations on the matter, I decree Don Juan Cooper obtain in fee of six leagues in the land which he asks for according to the respective sketch.

The Most Excellent Señor Governor thus ordered decreed and signed of which I certify

Micheltarena



San Diego August 4th 1845

Presented to the Most Excellent Departmental Assembly in Session this day and passed to the Committee on Revenue

Pi Pico  
President

Austin Alvares  
Secretary

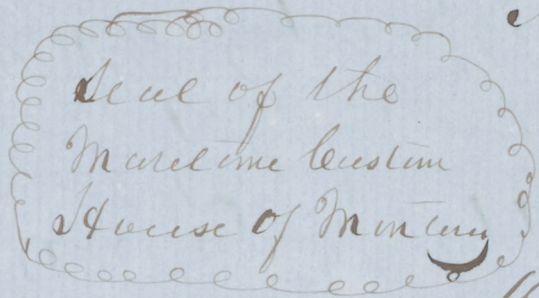
392 ND  
PAGE 45

Stamp Fourth Two Reales

Provisionally authorized by the Maritime Custom House of the Port of Monterey in the Department of the Californias for the year 1843

Micheltorona

Manuel Castaneda



Most Excellent Sr Pablo de la Guerra

A Native and resident of this Department before the Justification of your Excellency with due respect presents himself and says that desiring to establish a rancho as it thus suits his interest, and knowing that the Land called "Nicaseso" is in Cauce in to be Colonized as the Mispim of San Rafael to which it has pertained has in it a very small stock and the extent of the said place being some ten or four leagues, he prays your Excellency to be so good as to grant him ten of them, leaving the six asked for by Don Juan Cooper and the remaining for the pasture of the Cattle of the said Mispim of San Rafael.

whenever I am in your hands to be so good as to...



47

Wherefore I acely beg you to be so good  
as to grant in my favor, by which I shall  
receive grace and favor  
Montreay November 9th. 1843  
Pablo de la Guerra

392 ND  
PAGE 46

Montreay November 12th. 1843.  
The Sina Secretary of  
Despatches will repeat Collecting the inform-  
ation necessary, and first regarding of the  
parties the Corresponding Sketch  
Micheltanna

Most. Excellent Senor Governor  
From the Report which  
I have this day made on the petition of  
Don. Juan Cooper which is Conclatived  
with this very Subject, I am of Opinion  
that there may be granted to Don. Pablo  
de la Guerra the Extent of Land which  
he asks for as no Objection is known  
to your Excellency granting him the favor  
he asks for  
Montreay February 1<sup>st</sup> 1844-

Montreay Feb 1<sup>st</sup> 1844  
See it be issued  
Micheltanna

Montreay February 2<sup>d</sup>. 1844  
Having seen the petition  
with which this Expediente begins the  
Reports which precede with all else presen-  
ted, the Laws & Regulations on the  
matter I declare Don Pablo de la Guerra  
Owner in fee of ten leagues in the land



which he asks for according to the  
respective Map

The Most Excellent Town  
Governor thus Orated Decreed and Signed  
of which I certify  
Mickeltuena

392 ND  
PAGE 47

Most Excellent Sir

The Committee on vacant  
lands has duly considered the present  
Espediente moved by the Señores Don  
Pablo de la Guerra y Don Juan Cooper  
relative to the place called "Nicasio"  
which was granted to them in entire  
conformity with the laws on the matter  
and in virtue thereof it submits to the  
deliberation of your Excellency the  
following propositions

1<sup>st</sup>. Approve the grant in fee made in  
favor of Citizen Pablo de la Guerra  
and Juan Cooper by the Superior  
Government of this Department of the  
place called "Nicasio" dated the 1<sup>st</sup>  
of August 1844 in entire conformity with  
what is provided in the Law of the 18<sup>th</sup>  
of August 1824 and the 5<sup>th</sup> article of  
the regulation of the 21<sup>st</sup> of November 1828

2<sup>a</sup>. The appropriation of this Honorable  
Assembly being obtained the respective  
Magistrate will proceed to put the  
grantees into successful possession of the  
land of sixteen square leagues which  
has been appropriated to them in fee  
in the place called "Nicasio" and the  
part which may suit them best, leaving  
the remainder for the benefit of the



49

Indians of San Rafael in Conformity  
with the Title of the Governor.

3d. The parties interested in these Especientes  
will take care to Comply with the  
requested procedure in Art. 12 of the  
said Regulation of the 11th of November  
1828 in order that they may dispose  
freely of their property  
Hall of the Committee  
August. 27th. 1845.

Nicolas Botello

Angeles August 29th. 1845

In pursuance of this  
way that was approved by the Most  
Excellent Departmental Assembly the  
three propositions contained in the preced-  
ing report ordering that the Original  
Especientes be returned to the Most Excell-  
ent San Governor for the purposes which  
may be convenient.

Pio Pico  
Presidente

Augustin Olvera  
Secretary

There was issued to the parties the  
Corresponding Document.

Filed in Office June 14th 1852

(Signed)

Geo. Fisha Secy

392 ND  
PAGE 48







Know all men by these presents that  
 wee Pablo de la Guerra and Josefa his  
 wife of Santa Barbara California in  
 Consecration of the Sum of Fifteen thousand  
 and Dollars to us paid by Henry Mearns  
 Stalleck of the United States Army now  
 residing in San Francisco in said California  
 the receipt whereof is hereby acknowledged  
 and for the further Consecration of the  
 further Sum of Fifteen thousand Dollars  
 to us secured to be paid by the said  
 Henry Mearns Stalleck do hereby convey remise  
 release and forever quit claim unto the  
 said Henry Mearns Stalleck his heirs and  
 assigns all that tract or parcel <sup>of parcels</sup> of land  
 situate in the district of Sonoma Califor-  
 nia and known and called by the name  
 of "Nicasio" and containing ten leagues  
 of land being the same premises heretofore  
 granted to said Pablo de la Guerra by  
 Brigadier General Manuel Micheltorena  
 Governor of the Department of the Californias  
 by a grant or patent dated Monterey  
 the first day of August in the year  
 Eighteen hundred and forty four, which  
 said grant was approved by the Depart-  
 mental Assembly of the said Department  
 of the Californias on the twenty ninth day  
 of August in the year Eighteen hundred  
 and forty five which said original  
 grant we have as a Copy thereof deposited  
 in the Public Archives of the Government  
 of California at Monterey and also the  
 Certificate of the Approbation of the Depart-  
 mental Assembly received as a Copy thereof  
 deposited at Monterey as aforesaid we  
 refused to and made part of this deed



meaning hereby to convey all our right  
title and interest claimed from and under  
the said grant, same one league of  
land in the grant conveyed, which has  
been heretofore conveyed to Jasper A. Farrell  
by deed dated the 30th of \_\_\_\_\_ in the  
year eighteen hundred and fifty nine  
to determine the locality and bounds of  
said land conveyed to said A. Farrell  
reference is had to said conveyance  
to him -

To Have and To Hold  
the above released premises to the said  
Henry Westallack his heirs and assigns  
to his and their use and behoof forever  
and we the said Pablo de la Guerra  
and Josefa his wife for ourselves our  
heirs Executors and Administrators do  
covenant with the said Henry Westallack  
and his heirs and assigns that the  
premises are free from all encumbrances  
made or suffered by us & that we  
will and our heirs and Executors and  
Administrators shall defend and  
defend the same to the said Henry  
Westallack his heirs and assigns forever  
against the lawful claims of all persons  
claiming by through or under us but  
against none other.

In witness whereof  
we the said Pablo de la Guerra and  
Josefa his wife have hereunto set our  
hands and seals this first day  
of December A. D. eighteen hundred  
and fifty (1850).

(Signed) Pablo de la Guerra  
(Signed) Josefa de la Guerra



5-3

signed sealed and  
delivered in presence of

State of California  
County of Santa Barbara

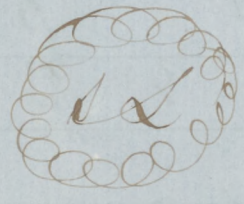
Be it remembered

392 ND  
PAGE 51

that on the first day of December in the  
Year of our Lord Eighteen Hundred and  
fifty before me Joaquin Carrillo, County  
Judge came the above named Pablo de  
la Herreria and Josefa his wife and  
sincerely acknowledged the above deed  
to be their free act and deed

The said Josefa  
being me duly Examined apart from and  
without the hearing of her said husband  
and the Contents of the said deed being  
fully made known to her deceased that  
she did voluntarily sign seal Execute  
and deliver the same without any Comp  
ulsion or Coercion of her said husband  
and that she does not wish to retract  
the same.

(Signed)



J. Carrillo  
County Judge

Filed in Office June 14. 1853

(Signed)

Geo. Fisher  
Secy



57 "ls"

Deed  
from Pablo  
Garcia to  
O. Farrell

392 ND  
PAGE 52

This Indenture made and Concluded this thirtieth day of April A.D. One thousand Eight hundred and fifty between Pablo de la Garcia of the County of Sta Barbara State of California of the One part and Gaspar O. Farrell of the County of Sonoma State of California of the Other part.

Witnesseth that the said Pablo de la Garcia for and in Consideration of the Sum of Fifteen hundred Dollars in hand paid by said Gaspar O. Farrell the receipt whereof is hereby acknowledged, hath granted bargained sold transferred and Conveyed and by these presents doth grant bargain sell transfer and Convey unto said Gaspar O. Farrell his heirs Executors and assigns forever all his right title and interest for and to One league of Land being the Southern half of Division No. Three as Exhibited on the Diagram of the Survey of Nicuesa registered in the Archives of Sonoma said Division No. 3 Containing two Square leagues of land and being subdivided into two Equal parts by an imaginary line running through the Centre of said Division No. Three North thirty One degrees thirty five Minutes East which line will enclose one league of land as aforesaid being the Southern half of Division No. Three of "Nicuesa" Situated in the County of Marin and State of California.



55-

The said Gaspar A. Farrell To Have and to hold the above described premises and land with all the privileges thereunto belonging together with all and singular the rights and hereafterments, also the perpetual right of Cutting Red Wood and other timber for the improvement or use of said Land and Occupation Only.

392 ND  
PAGE 53

To the said Gaspar A. Farrell his heirs Executors and assigns forever. To have and to hold the same as if held by the said Pablo de la Guerra his heirs or assigns

The said Pablo de la Guerra being well seized of the above premises and Land by title from the Mexican Government for which title from the Mexican Government the said Pablo de la Guerra for himself his heirs Executors and assigns will warrant and defend the same unto the said Gaspar A. Farrell his heirs Executors and assigns forever from the claim or claims of all persons whatsoever

Interests whereof I hereby set my hand and seal this thirteenth day of April at the Pueblo of San Jose A.D. 1850 One thousand Eight hundred and fifty

Pablo de la Guerra  
Signed sealed and

delivered in presence of  
John Nelson.  
George B. Singley



State of California  
Santa Clara County

On this 30th of

April 1851 personally appeared before me  
Recorder of said County of Santa Clara  
and State of aforesaid Pablo de la Guerra  
whose name is subscribed to the above  
deed and who personally known to me  
to be the person who subscribed the  
same and acknowledged it to be his  
act and deed for the purposes therein  
mentioned

392 ND  
PAGE 54

Witness my hand and seal  
the day and date before written.

John T. Richardson  
Recorder of Santa Clara

It is agreed by the parties that the  
within deed is executed to supply the  
a deed heretofore made by said Pablo  
de la Guerra to said Gaspar A. Farrell  
for the same land which deed was  
lost or destroyed before the same was  
recorded

Gaspar A. Farrell

Pablo de la Guerra  
April 30th 1850

Filed in Office June 14th 1850

Signed  
Geo. Fisher Secy

to  
Deed from  
O Farrell  
to  
Black

Know all Men by these presents that  
I Gaspar A. Farrell for and in Consideration  
of fifteen hundred Dollars in  
hand paid by James Black of Nicasio



5-7

County of Marin State of California  
the receipt whereof is hereby acknowledged  
agreed both granted bargainee sold  
transferee and conveyed and by these  
presents both grant bargainee sold and  
Convey all my right and title for in  
and to One league of Land in Nicasio  
bounded and described in the foregoing  
deed made to me by Pablo de la  
Guerra of the Co. of Sta. Barbara  
State of California

392 ND  
PAGE 55

The said James Black  
to have and to hold the same with  
all the rights privileges profits and  
benefits the same as if held by  
me my heirs Executors or assigns to  
him his heirs Executors and assigns  
forever.

I Gaspar A. Furnell being well  
seized of the premises by title from Pablo  
de la Guerra for which title I hereby  
warrant and defend the same unto  
James Black his heirs Executors and  
~~assigns~~ assigns forever from the  
claim or claims of all persons whatsoever.

In witness whereof  
I hereby set my hand and seal this  
thirty first day of May One thousand  
Eight hundred and fifty

Gaspar A. Furnell

Witness present  
Timothy Murphy  
Elliott Sibley

Filed in Office June 14. 1852  
(Signed)

Geo. Fisher Secy



"J"  
 Deeds  
 From  
 Cooper To  
 A Farnell

392 ND  
 PAGE 56

Know all men by these presents that  
 I John B R Cooper of the town of  
 Monterey, County of Monterey upper  
 California in consideration of Two  
 Thousand and no more paid to me by Gas  
 per A Farnell the receipt whereof is  
 hereby acknowledged, do hereby full  
 grant bargain sell and convey unto  
 the said Gaspar A Farnell his heirs  
 and assigns forever a certain tract or  
 parcel of land with all the privileges  
 and appurtenances to the same belong  
 ing together with the perpetual right  
 of cutting red wood for improving  
 said land, only said red woods  
 being on a certain tract of land from  
 the one granted by these presents, but  
 being held by the same title, and being  
 situated in the County of Marin upper  
 California and being a part of the  
 land of Nicasio containing one square  
 league of land being the northern  
 half of the division No three (3) as  
 represented on the diagram of the  
 survey of the land of Nicasio being  
 divided from the southern half which  
 was granted to the said Gaspar A Farnell  
 by Pablo de la Guerra with my consent  
 and approval by an imaginary line bear  
 ing South thirty one degrees, thirty five  
 minutes West. Said northern half  
 of division Number three being bound  
 as represented on the diagram  
 of the survey of Nicasio made by  
 the said Gaspar A Farnell, said  
 division No 3 containing two leagues  
 of land, the northern half to contain



59

One square league of Land a little more  
or less as per the Survey of the Land of  
Nicaragua

To have and to hold the above  
described premises to the said Gaspar  
A. Farrell his heirs and assigns to his  
and their use and behoof forever

392 ND  
PAGE 57

And I the said John B. R. Cooper  
for myself my heirs Executors and assigns  
standing as Coheir and with the said  
Gaspar A. Farrell his heirs and assigns that  
I am lawfully seized in fee simple  
of the above granted premises, that they  
are free from all incumbrances and that  
I have a good and sufficient title from  
the Mexican Government for the same  
of which I warrant and defend the  
same to the said Gaspar A. Farrell his  
heirs and assigns forever against the law-  
ful Claims and Demands of all persons

In Witness whereof I have  
hereunto set my hand and seal this  
twentieth day of September A.D. One thousand  
and Eight hundred and fifty

John B. R. Cooper

Sealed and delivered

in presence of

Escriba de Ley

James Watson

William J. Lacey

Filed in office June 14th 1852

(Signed)

Geo. Fisher

Secy



"J"

Deed from  
O Farrell  
To  
Black

392 ND  
PAGE 58

Know all men by these presents that  
 I Gaspar O Farrell of the County of  
 Sonoma in the State of California  
 in Consideration of Two Thousand  
 Dollars paid to me by James Black  
 of the County of Marin in said State  
 the receipt whereof is hereby acknowl-  
 edged do hereby give grant bargain sell  
 and convey unto the said James Black  
 his heirs and assigns forever a certain  
 tract or parcel of Land with all the  
 privileges and appurtenances to the same  
 belonging together with the perpetual  
 right Cutting Red wood for improving  
 said Land Only, said Red woods  
 being on a different tract of Land from  
 the one granted by these presents but being  
 held by the same title and being situate  
 in the County Marin Upper Califor-  
 nia, and being a part of the land of  
 Nicasio, containing one square league  
 of Land being the Northern half of  
 Mexican Number three (3) as represen-  
 ted on the Diagram of the Survey of the  
 Land of Nicasio, being divided from  
 the Southern half which was granted  
 to the said Gaspar O Farrell by Pablo  
 de la Guerra with the Consent of John  
 B R Cooper by a measured line draw-  
 along said Mexican Number three into  
 Equal parts, said measuring line  
 being South thirty One degrees thirty  
 five minutes West, said Northern  
 half of Mexican Number three being  
 bounded as represented on the Diagram  
 of the said Survey of Nicasio made by  
 the said Gaspar O Farrell, said Mexican

three containing three leagues of land



61

three containing three leagues of land  
the Northern half to contain One square  
league of land a little more or less as  
per the Survey of the Land of Nicolas

392 ND  
PAGE 59

To have and to hold  
the above granted premises to the said  
James Black his heirs and assigns to his  
and their use and behoof forever

And I the said Gaspar  
A Farrell for myself and my heirs Execu-  
tors and administrators do Covenant  
with the said James Black his heirs  
and assigns that I am lawfully seized  
in fee simple of the aforementioned prem-  
ises, that they are free from all incum-  
brances, that I have a good right to  
sell and convey the same to the said  
James Black his heirs and assigns  
forever, and that I will warrant and  
defend the same against the lawful  
claims and demands of all persons

In witness whereof I  
the said Gaspar A Farrell (commenced)  
have hereunto set my hand and seal  
this twenty fifth day of October in the  
year eighteen hundred and fifty one

Gaspar A Farrell

Signed sealed and  
delivered in the presence of

State of California  
County of Marin Sup:

On this twenty  
fifth day of October in the year of  
Eighteen hundred and fifty one before  
the undersigned a Justice of the peace  
in the Township of San Rafael in the  
County of Marin aforesaid personally



392 ND  
PAGE 60

appeared Gaspar A. Farrell he being known to me from my own knowledge to be the person who is named and described as and professing to be the party granted to the foregoing deed or instrument of writing and acknowledged that he executed the same freely and voluntarily and for the purposes therein mentioned

Acknowledged before me  
John Mingo J.P.

The interlineation on the third line from the top of the first page was struck out and the word "two" inserted before the signing and delivery of these presents—

John Mingo J.P.

And I further certify that the words "and I will warrant and defend the same" on the second page eight lines from the top were made before the instrument was sealed and delivered

Filed in Office June 14. 1852

(Signed) Geo. Fisher

Secy



Deed

"K"

Cooper  
To

Buckelno

392 ND

PAGE 61

I know all Men by these Presents that I John B A Cooper of the City and County of Monterey in the State of California do and in Consequence of the Sum of Ten Thousand Dollars well and truly paid by Benjamin R Buckelno of the City and County of San Francisco in the State of said the Receipt whereof is hereby acknowledged have granted bargained sold and conveyed, and by these presents do grant bargain sell and convey unto the said Benjamin R Buckelno his heirs and assigns forever all my right title and interest of in and to all that certain tract of land or Rancho or farm called and known by the Name of the Rancho Nicasio situated lying and being in the County of Marin containing five leagues of land as bounded and described in the Annexed Deed, the Original Copy taken from the Original Deeds from the Government truly authenticated and recorded and as more particularly described in the Map of the Survey hereto Annexed

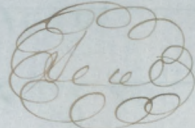
To have and to hold the above named Rancho named Nicasio as bounded and described in the Deed recited of the Original Deed hereto Annexed

Together with all and singular the rights profits, privileges ways water Courses, hereditaments and appurtenances thereunto belonging or in anywise appertaining unto the said Benjamin R Buckelno



his heirs and assigns to the only proper use benefit and behoof of the said Benjamin R Buckels his heirs and assigns forever

In Testimony whereof I have hereunto set my hand and seal this twenty fifth day of October A.D. 1854

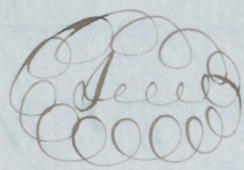
John B R Cooper 

Signed Sealed and delivered in presence of Wm S Johnston

The interlineation in the twelfth line from beginning of the word "Traces of Land a" inserted before signing by Consent of parties

State of California  
County of Monterey

On the 28th day of October A. D. 1850 before me Recorder in and for the County aforesaid personally came John B R Cooper to me known to be the same person described in and who as the grantor thereof executed the foregoing Conveyance and he acknowledged that he had executed the same for the uses and purposes therein expressed



Given under my hand and official seal the day and year last aforesaid Wm S Johnston

Recorder of Monterey City  
Filed in office March 3. 1853  
(Signed) Geo. Fisher Secy



"S"

Beechelno  
To  
Reynolds &  
Dan. Frints

This Indenture made this tenth  
day of May in the year one thousand  
Eight hundred and fifty two between  
Benjamin R Beechelno of the County  
of Marin in the State of California  
party of the first part and William  
Reynolds and Daniel Frints of the  
same County and State of the  
second part.

392 ND  
PAGE 63

Witnesseth that whereas  
by a ~~deed~~ certain indenture of agree-  
ment executed the first day of this  
present month between the parties  
aforesaid, the said party of the first  
part did agree to sell to the said  
parties of the second part a certain  
tract of Land -

Now therefore the said  
party of the first part for and in con-  
sideration of the sum of six thousand  
dollars lawful money of the United  
States of America to him in hand paid  
by the said parties of the second part  
the receipt whereof is hereby acknowl-  
edged hath granted conveyed sold  
and conveyed and by these presents has  
hereby granted conveyed and conveyed  
unto the said parties of the second  
part all his right title and interest  
in and to all that certain tract of  
Land lying and being in the aforesaid  
County of Marin and bounded on  
the South West by the bay of Sausalito  
the same being a part of the tract  
of Land granted to Don. Pablo de la  
Barrera by Queen Isabella  
On the first day of August A.D. 1844



and duly approved by the Departmental  
Assembly of California on the 29th day  
of August A.D. 1845

The said tract of  
land herein conveyed is designated on  
the plat of survey and division made  
by Joseph O. Farrell as tract number  
two and bounded on the South  
East by the lands owned and  
occupied by James Black and is  
supposed to contain two and a half  
Spanish leagues or more.

The said  
lands being called in the original  
grant "Nicasio"

The undersigned William  
Rynolds and Daniel Frink to have  
and to hold the above granted lands  
together with all and singular the  
rights profits privileges ways waters  
courses hereditaments and appurten-  
ances thereto belonging or in anywise  
appertaining to them only proper bene-  
fit and behoof and to their heirs  
and assigns forever.

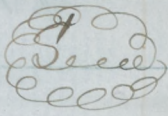
The title to the above  
said land was derived by the above  
said Wm. R. Beckler from the  
undersigned John B. R. Cooper by deed  
dated the twenty fifth day of October  
A.D. 1850 and duly acknowledged  
and recorded in the County of Marin  
in Book A folio 16 Nov. 4th 1850

Given under my hand  
and seal free from all claims rights or  
heirs and State and County taxes  
at San Rafael County and State



67

aforsaid this tenth day of May in the  
Year of our Lord one thousand eight hundred and fifty three

Witnessed by *B. A. Becklin*   
W. S. Keenan

392 ND  
PAGE 65

On this tenth day of May 1853  
personally appeared before me Benjamin  
A. Becklin known to me to be the  
indivisible described in and who  
executed the foregoing deed and he  
acknowledged the same freely and  
voluntarily for the uses and purposes  
therein mentioned.

A. Barney  
County Clerk of  
Mason County

Filed in Office March 3<sup>rd</sup> 1853  
(Signed)

Geo. Fisher  
Clerk

---



68



United States of America  
State of California

San Francisco, October 23<sup>rd</sup> 1854

This day came before Peter Scott Court,  
for taking testimony to be used before the  
Board of U.S. Land Commissioners in said  
State. The following named affiant and  
was duly sworn to the following Affidavit.

392 ND  
PAGE 66

Affidavit

J. Henry W. Halleck on oath declare  
as follows; that I am one of several  
Claimants joined in the petitions in this  
case, and am the Agent and Attorney  
of the other Co. petitioners;  
that in the month of January or February  
last, I lent to the late Robert Greenhow  
then assistant Law Agent, an important  
document relating to the grant on title  
upon which this claim is founded;  
and left said paper in the hands of  
Mr. Greenhow when affiant left California  
in the month of March last past;  
that affiant did not return to this State  
till the latter part of August; that during  
his absence from this State the said  
Robert Greenhow died; that since affiant's  
return to this State, he has made diligent  
search for said paper, and has requested  
Mr. McAllister the Executor of the last  
will and Testament of Mr. Greenhow to  
search for it; but as yet he has not been  
able to find it; and affiant further  
says that he sent some weeks ago for  
one Fernando Feliz, who is an important  
witness in this case, and who he is  
informed lives in the County of Mendocino



that he has been unable to procure the attendance of said witness on this Honorable Board, and has been informed that said witness is sick;

And Affiant further says that the said Document left in the hands of the late assistant Law Agent Greenham, and not now to be found, and the testimony of said Felix, and of other witnesses, who have been in attendance on this Board, but who could not then be examined, are important and necessary to be presented to this Board before he can safely submit this claim for decision.

And affiant further says that a claim for a part of the land under this same title is in the 3<sup>d</sup> class of claims before this Commission.

And affiant for himself and his co-claimants prays that this case may be placed at the foot of the 4<sup>th</sup> class on the Calendar.

And Affiant further says that he has used due diligence to prepare this case for trial, but has been prevented by circumstances beyond his control.

I H. W. Hallett  
Subscribed and sworn to before  
me on this 23<sup>d</sup> day of October

A. D. 1854,

Peter Lott, Com<sup>r</sup>, &c.

Filed in Office Oct 23<sup>d</sup> 1854,

Ge<sup>o</sup>. Fisher Sec.



71  
Opinion of Henry M<sup>o</sup> Halleck vs  
Board by Com. Beech The United States  
For the place  
Called "Nicasio"  
in Marin County  
Containing sixteen square  
Leagues of Land.

392 ND  
PAGE 68

A grant made by Governor Micheltorena to Pablo de la Guerra and Juan Cooper dated August 1, 1844 and approved by the Departmental Assembly August 29 1845 is the foundation of this claim. It concedes to the first named grantee ten and to the other six square leagues of the Land known by the name of "Nicasio" which they are required to have a pigeon to them by precise measurement. This grant appears to have been made for a reasonable consideration, which under the decisions of the Commission in former cases, is sufficient to establish the right of the grantee to an equitable interest in the premises.

The title of the petitioner Halleck is derived by deed to him from said Pablo de la Guerra executed December 1, 1850 and conveying the ten leagues granted to him, with the exception of one square league previously deeded to Gaspar A<sup>o</sup> Farrell.

The petitioner Beech claims two square leagues of Land one of which was conveyed to him by A<sup>o</sup> Farrell who derived his title from said Pablo de la Guerra and is the same land excepted in the deed to Halleck, the other was deeded by said



Cooper to Lucia O. Farnell and by the letter to Black.

The petitioner Buchelew denies title from Lucia Cooper by deed conveying the remaining five leagues of Land covered by the grant to him.

The other two petitioners, Reynolds and Frink claim title from Lucia Buchelew by deed conveying about two and a half square leagues of the land conveyed to him by Cooper - These several conveyances are given in evidence.

In some of the conveyances above mentioned the parcels conveyed are described by miles and bounds referring for the location and description of the same to a map made by Jasper O'Farnell, which is filed in the case. O'Farnell testifies that he made a survey of the land in 1847; that the whole tract "Nicasio" was found to contain nineteen or twenty square leagues of land and within this tract, he surveyed sixteen square leagues for de la Guerra and Cooper, and made certain subdivisions thereof, which are exhibited on the map. This survey cannot have the effect of an official segregation under the grant, but the case comes within the principle of Fremont's Case, and the segregation may yet be effected by the American authorities.

We cannot know however that the new location will correspond with the lines of O'Farnell's survey, and it may therefore be that a portion of the land described by miles and bounds



73

in some of these deeds may fall without  
the limits of the new survey, and therefore  
ought to be protected by the grant.  
Each claimant must take the hazard  
of this contingency - He can only enter  
the deed in the usual form for the  
quantity of land granted, requiring  
its segregation to be made in the legal  
manner within the defined bounds  
of the place called "Nicasso" and  
confirming to the several petitioners the  
several interests and pieces thereof  
to which they are entitled under their  
respective titles derived from the  
Original grantees of the Government

Confirmed

Filed in office Sept. 25. 1855

Geo. Fisher Secy

392 ND  
PAGE 70



74

392 ND  
PAGE 71

And it appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Northern District of California, it is hereby ordered that two Transcripts of the proceedings and of the 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 with the Clerk of the United States District Court for the Northern District of California, and the other be transmitted to the Attorney General of the United States.







392 ND  
PAGE 73

To the petitioners Henry M Stalleck none  
square leagues thereof. To the petitioners  
James Black the premises described in  
the deed of conveyance to him from  
Gaspa O <sup>Jr</sup> Farrell and in another deed  
from Juan Cooper, both of which are on  
file in this case; but if in locating  
the said sixteen square leagues of  
land any portion of said premises  
described as aforesaid to said Black  
should fall without the boundaries  
of said sixteen square leagues, this  
Confirmation is to embrace only the  
portion thereof which is within said  
boundaries.

To the petitioners Benjamin  
R Bucheler five square leagues,  
of said land.

To the petitioners William  
Reynolds and Daniel Frank the  
premises described as conveyed to them  
in the deed of conveyance from said  
Bucheler, which is on file in this case;  
but if in locating the said sixteen  
square leagues of land any portion of  
said premises described to said Reyn-  
olds and Frank should fall without  
the boundaries of said sixteen square  
leagues, then this Confirmation is to  
embrace only the portion thereof which  
is within said boundaries.

Alpheus Felch  
A. Aug. Thompson  
S. B. Furvell

Commissioners

Filed in Office Sept. 25. 1855  
Geo. Fisher Secy



Office of the Board of Commissioners,

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

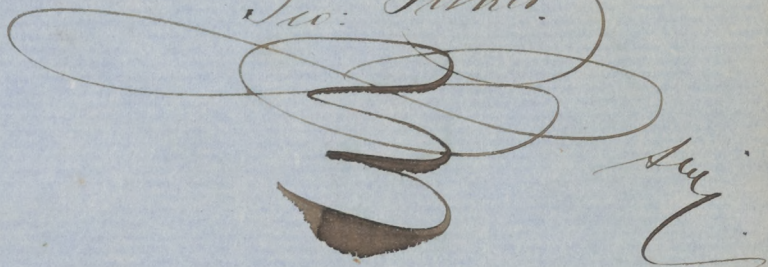
392 ND  
PAGE 74

I, *George Fisher* Secretary to  
the Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
foregoing *Seventy six* pages, numbered from  
1 to *76*, 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. *27* on the Docket of the said Board,  
wherein

*H. W. Healleck, et al,* are  
the Claimant against the United States, for the place known by  
the name of "*Nicasio*"

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 sixth* day of *January*  
A. D. *1856*, and of the Independence of the  
United States of America the ~~seventy~~ *eighty* ~~sixth~~ *seventh*.

*G. Fisher*





392

U. S. DISTRICT COURT,

*Northern* District of California.

No. 392

392

THE UNITED STATES,

vs.

ND

*R. W. Peck, et al.*

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 270.

Filed, *January 30* 1856

*A. A. Monroe,*  
*Clk*



Office of the Attorney General of the United States,

Washington, 11 Febry, 1856.

270. "Measie"

A. W. Halleck et al.

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 February, 1856, the appeal in the district court of the United States for the Western district of California will be prosecuted by the United States.

*Leahy*

Attorney General.



No 392

---

---

United States

- ad -

H. W. Hallack  
et al

---

---

Appeal Notice

No 270 -

---

---

Filed April 4, 1856,  
Clerk,  
Deputy.



No 392-  
Civil

To the Honorable District Court  
of the United States in and for the  
Northern District of California.

392 ND  
PAGE 77

The United States } Transcript No 270  
Appellants } "Nicasia" 16 Leagues  
vs } Marin County  
Henry W. Hallid et als Appellees }

The Petition of the United States by  
their Attorney represents: that this cause is an  
Application for a review of the decision of the  
Board of Commissioners whereby the Claim  
of the said Appellee was confirmed as ap-  
pears by reference to the records in the case:  
That a transcript of the said records was  
filed in this Court on the 23<sup>rd</sup> day of October  
1855; that a notice of Appeal was filed on the  
11<sup>th</sup> day of February 1856 and that the land claimed  
lies in the said District.

That the said Claim is invalid.  
Wherefore Appellants pray that the said de-  
cision of the Board be reversed and that this  
Court deem the said title to be invalid.

Respectfully &c

Wm Blanding G. Russell,  
U.S. Dist. Atty. U.S. Dist. Ct.



N<sup>o</sup> 392.

U. S. Dist Court Northern Dist

The United States Appellants

vs  
W. H. Halluck et al. Appellees

Petition of Appellants

Filed Sept 9, 1856,  
Cheverus,  
Deputy.

392 ND  
PAGE 78

A. Hassell  
Asst U. S. Dist Attorney.



No 392.

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

392 ND  
PAGE 79

The United States, appellants } Transcript No 270  
vs. } "Nicasia" 16 Leagues  
Henry W. Halleck et al, appellees } Marin County.

Henry W. Halleck, James Black, Benj R.  
Buckalew, William Reynolds & Daniel Pink,  
appellees in the above entitled cause,  
appear by their attorneys, and for answer  
to the petition of the United States filed  
herein, say:

That their title to the tract of land  
called "Nicasia", as set forth and described  
in their petitions to the Board of Commis-  
sioners, and in the documentary and other  
evidence filed in this case, is a good &  
valid title, and that the land claimed  
is situated in the Northern Dist of California,  
and within the jurisdiction of this court.

And they pray this Honorable court  
to affirm the decision of the Board of  
Commissioners and to decree their title  
to be valid.

Halleck Peckay & Billings  
Attys for Appellees.



No 392

U.S. Dist Court, Northern Dist

The United States, appellants

vs.  
H. W. Halleck et al. appellees

Answer of appellees

Filed Sept 9, 1856,  
Cheves,  
Deputy.

392 ND  
PAGE 80

Hale & Beachy & Billings  
Attys for appellees.



No 392.

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

392 ND  
PAGE 81

The United States appellants

vs

N. W. Kullback, James Bloch,  
Benjamin R. Bushnell, Wm Reynolds  
and Daniel Prink, appellees

Transcript No 270

Aciana. 16 pages

Marin County.

Stated term, March 7<sup>th</sup> 1857.

On appeal from the final decision of the  
Board of Commissioners to ascertain and  
settle Private Land Claims in the State of Cal.

Decree

This cause came on to be heard at a stated  
Term of the Court 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  
AD 1851. Upon the Transcript of the proceed-  
ings 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, and counsel for  
the respective parties having been heard,  
it is by the Court hereby ordered, adjudged  
and decreed, that the said decision  
be and the same is hereby in all things



affirmed; and it is likewise further  
ordered, adjudged and decreed that the  
claim of the appellants is a good and  
valid claim, and that the said claim  
be and the same is hereby confirmed  
to the extent and quantity of Sixteen  
Square Leagues being the same land des-  
cribed in the grant and of which the  
possession was proved to have been long enjoy-  
ed. Provided that the said quantity of  
Sixteen Square Leagues now confirmed to  
the claimants be contained within the  
boundaries called for in the said grant,  
and the Map to which the grant refers;  
and if there be less than that quantity  
within the said boundaries, then we  
confirm to the claimants that less  
quantity

Edw Hoffman

U. S. Dist Judge



No 392

In the U.S. Dist Court  
Northern Dist of Colo

The U. States, Applicant  
vs  
H. W. Kullback et al Appellees

Secrecy

Filed March 9, 1887.  
W. H. Cheever,  
Deputy



California Land Claims.

Money General's Office

9 January 1851.

392 ND  
PAGE 84

Sir:

In the case of the claim of Henry  
W. Halleck et al: confirmed to the claim-  
ants by the Commissioner, case no. two  
hundred and seventy, (270), appeal will  
not be prosecuted by the United States.

I am

Respectfully

Obeying

Wm. Standing Esq.

U.S. Attorney,

San Francisco.



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

The United States

} D.C. 392: S.C. 270

H. H. Halleck, et al,

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

San Francisco }  
1857 }

Wm Blanding  
Dist Atty  
Halleck, Bessy & Billings  
Atty for Claimants



392

270

U. S. District Court

The United States

v

H. W. Halluck et al

Stipulation

Filed April 30, 1857.  
W. H. Chevier,  
Deputy.



At a Stated Term of the District Court of the  
UNITED STATES OF AMERICA, for the Northern District of  
California, held at the Court Room, in the City of SAN FRANCISCO,  
on *Thursday* the *30th* day of  
*April* in the year of our Lord one thousand  
eight hundred and fifty-seven.

392 ND  
PAGE 87

Present:

The Honorable OGDEN HOFFMAN, District Judge.

*The United States*

*v*

*H. W. Healdick et al*

*D. C. 292; L. C. 270.*

*The Attorney General*  
*of the United States 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 District*  
*Attorney it is ordered adjudged and decreed*  
*that claimants have leave to proceed*  
*under the decree of this Court, heretofore*  
*rendered in their favor, as under Final*  
*Decree.*

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



392

United States District Court, Northern  
District of California.

*The United States*

vs.

*H. W. Halleck et al*

ORDER.

*Vacating appeal*

Filed *April 30th* 1857

*John A. Moursve,*

CLERK.

By *W. St. Cheves,*

DEPUTY.

392 ND

PAGE 88



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

A. W. Halleck et al

v.

The United States

392 ND

89

PAGE

State of California  
City & County of San Francisco

vs.

William J. Miller

being duly sworn deposes and says  
that on the 1<sup>st</sup> day of November ad 1861  
after proceedings duly taken & had be-  
fore the Board of Commissioners to settle  
Private Land Claims in the State of  
California & before the District Court  
of the United States for the Northern Dist-  
-rict of California, a patent from the  
United States was duly and regularly  
issued to James Black for a part  
of the Rancho called "Nicasio" situated  
in Marin County in said State of Cal-  
-ifornia.

That in the proceedings had before  
said Board of Land Commissioners  
the said patentee James Black, as  
claimant, for the purpose of proving  
his claim to the land described in  
said patent, filed with said Board



to wit, on the 3<sup>d</sup> day of January 1855 { as  
deponent is informed & verily believes } and  
as will more fully appear in the files  
of the above Case N<sup>o</sup> 270 now in the  
Surveyor General's office in this state,  
two Original Deeds of Conveyance  
to wit, a

Deed from John R. Cooper to  
Jasper O'Farrell - Dated September 27<sup>th</sup>  
1850. for a part of the said Ran-  
cho Nicasio.

And a Deed from Jasper O'Farrell  
to James Black - Dated October  
25<sup>th</sup> 1851 for the same premises.

That James Miller is the father of de-  
=ponent and is the owner under a Deed  
from said James Black of the lands  
mentioned & described in the two  
Original Deeds so filed before said  
Board of Land Commissioners.

And said two deeds so filed are  
& constitute part of the ~~title~~ <sup>title</sup> ~~title~~ <sup>title</sup> ~~title~~  
=ments of title of said James Miller  
to his land aforesaid.

That after diligent search and  
enquiry deponent & his said father have



discovered that said Original Deeds, so  
filed as aforesaid, have not been re-  
= corded in the County of Marin in  
said State where said land is situated

Wherefore deponent prays an Order  
of this Court that E. B. Mahon at-  
= torney for said James Miller have  
leave to withdraw said Original  
Deeds from the Surveyor General's  
Office for the purpose of having them  
re-recorded in the Office of the County-  
Recorder of said Marin County.

J. A. Robinson

Subscribed and sworn to  
before me this 16<sup>th</sup> of  
October A.D. 1873.

J. A. Robinson  
U.S. Commissioner



U. S. District Court  
392 ND

A. W. Hallack et al  
vs.  
The United States

---

Application of Jas. Miller  
for leave to withdraw  
Exhibits  
Reh Mease

---

392 ND  
PAGE 92

E. B. Mahony Atty for Miller



Office of the Board of Commissioners,

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

San Francisco, *July 26. 1856*

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. 270. on the Docket of this Board, wherein

*Henry W. Walleck, et al, are*  
the Claimant, for the place known by the name of  
"Nicasia"

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.*