

CASE NO.

48

NORTHERN DISTRICT

---

CANADA de JONIVE GRANT

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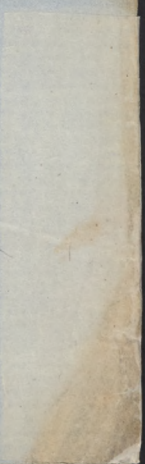
JASPER O'FARRELL

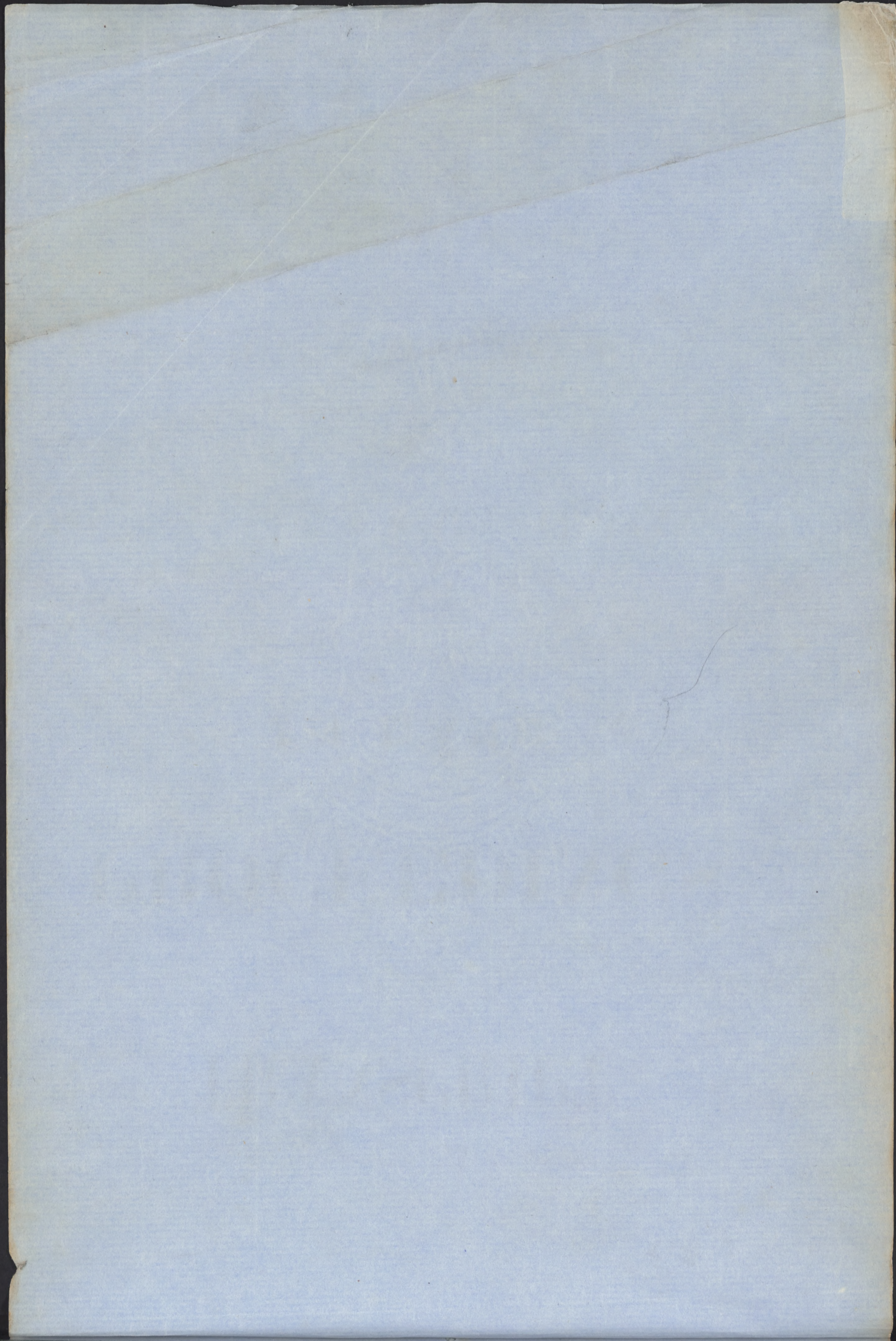
CLAIMANT

Patented  
PLOWER BOARD  
25% COTTON FIBER  
U.S.A.



80





CASE 48 ND  
PAGE 1

TRANSCRIPT  
OF THE  
PROCEEDINGS

IN CASE

NO. 86

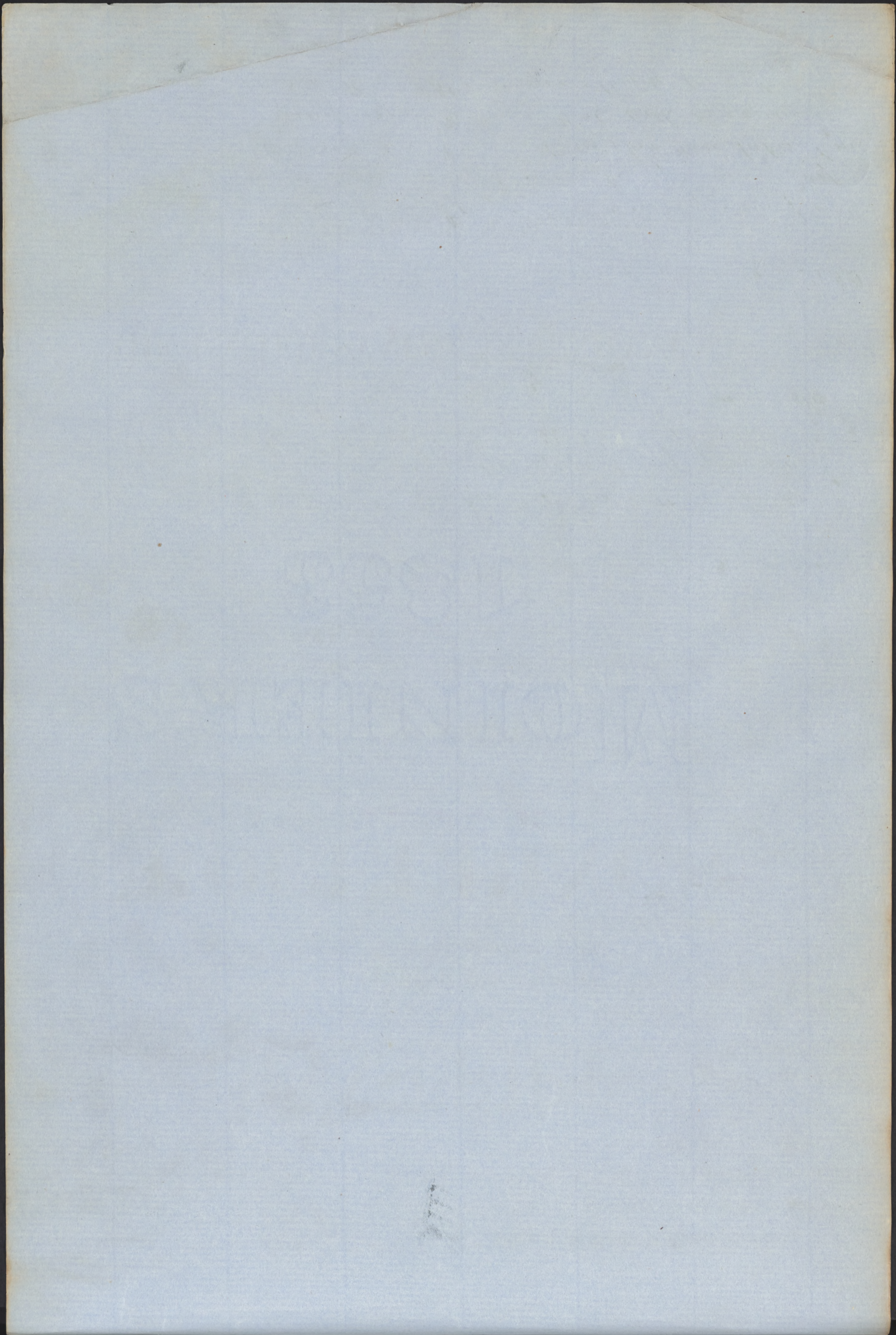
*Gaspar O'Farrell* CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Canada de Jonive,"*



Be it Remembered, that on this *Second day of March*, 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 Gasper O Farrell

for the Place named

"Cañada de Janive"

was presented, and ordered to be filed and docketed with No. 86 and is as follows, to wit;

(Vide page 3 of this Transcript.)

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

San Francisco May 13 1852

In Case No 86 of Gasper O Farrell the Deposition of William Lary a witness in behalf of the claimant taken before Commissioner James Wilson was filed and is in the words and figures as follows to wit  
(Vide page 4 of this Transcript)

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San Francisco Dec 2 1<sup>st</sup> 1852

In Case No 86 Gasper O Farrell for the place named "Cañada de Janive" the Deposition of Gasper O Farrell the Claimant in this Case taken before Commissioner Neilana Wall with Document Marked H. H. No 1. Annexed thereto was filed

And is in the words and figures as follows to wit:  
(Vide page 6 of this Transcript)

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San Francisco March 8<sup>th</sup> 1853  
In the same case the Counsel for the Claimant  
filed the following Stipulation, to wit:  
(Vide page 27 of this Transcript)

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San Francisco April 8<sup>th</sup> 1853.  
In the same case the Counsel for the Claimant  
filed the following Stipulation, to wit:  
(Vide page 28 of this Transcript.)

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San Francisco April 11<sup>th</sup> 1853.  
On motion of the Associate Law Agent,  
Case No 86, was ordered to be placed on  
the Trial Docket.

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San Francisco April 11<sup>th</sup> 1853.  
Case No. 86 Jasper O'Farrell for the place named  
"Caminada de Soniva", called: the Counsel for the  
Claimant, Mr. Halleck, read the Petition and  
the papers in evidence: the Associate Law  
Agent filed his brief: submitted and taken  
under advisement.

---

San Francisco April 22<sup>nd</sup> 1853  
A Statement was read by Commissioner Meland  
Hall, in behalf of the Board accompanied with the opinion  
and the Decree of final confirmation, in Case No. 86  
and others therein mentioned: and is as follows  
to wit: (Vide page 29 of this Transcript)

And which opinion and Decree are as follows  
to wit: (Vide page 31 of this Transcript)

86.



3 Original

To the Honourable Commissioners to settle Private Land Claims in California

CASE 48 ND  
PAGE 4

Petition

300

The petitioner, Jasper O'Hanell, respectfully represents: That on the 20<sup>th</sup> day of May A.D. 1844 James Black petitioned to the Governor of California for the tract of land known as the Canada de Jonive " Situate in the County of Sonoma, and containing two and a half square leagues of land more or less; that said petition was supported by the Certificate of J. Murphy Esq Alcade of San Rafael, dated October 16<sup>th</sup> A.D. 1845, and that of E. Mc. McIntach dated October 20<sup>th</sup> A.D. 1845; that on the 5<sup>th</sup> day of February A.D. 1846, Pio Pico, Governor of California issued a Decree that the title be issued to the said James Black for the aforesaid tract of land; that on the 5<sup>th</sup> day of February A.D. 1846 the said Pio Pico Governor of California, by virtue of authority in him vested, granted the aforesaid tract of land to the said James Black with the boundaries described in the grant and set forth in the respective maps; that the said grant was referred to the Committee on vacant lands, which body reported to the Departmental Assembly on the 2<sup>nd</sup> day of June A.D. 1846, in favor of the said grant which was approved by the Departmental Assembly on the tenth day of June A.D. 1846; all of which is shown by the Expediente in the Government Archives, an exact copy of which is submitted herewith marked A, with a translation marked "B"

The Petitioner further shows that the original grant has been accidentally destroyed by fire, but submits herewith a copy taken from the Records of Sonoma county, with a translation marked "C"

That on the 31<sup>st</sup> day of May A.D. 1850

The said James Black, conveyed the said tract of land to the petitioner by a deed of conveyance, a copy of which is submitted herewith marked "D"

That the said James Black and the petitioner have been in quiet peaceable and undisputed possession of the said tract of land for more than seven years and that the petitioner is now in such occupation and possession.

That the said land has not been surveyed by the Surveyor General of the United States, but that it has been surveyed by the local authorities, that its boundaries are fully described in the maps in the expediente, and are well known.

The Petitioner relies for confirmation upon the original papers, copies of which are submitted herewith, upon the minutes and documents in the archives now in the custody of the Surveyor General, and upon such other and further proofs as he may be advised are necessary.

Wherefore he prays the Commissioners to confirm the said tract of land to the Petitioner.

Filed in Office March 2<sup>nd</sup> 1853,  
Geo. Fisher, Secy

Office of the Board of Commissioners of California Land Claims  
San Francisco, May 13<sup>th</sup> 1853.

Deposition of Wm Leary

And this day before me James Wilson one of the Commissioners for ascertaining and settling Private Land Claims in the State of California came William Leary a witness produced in behalf of the

CASE 48 ND

PAGE 6

claimant, Jasper O'Harell, whose Petition is No 86 on the Docket of the Board and was duly sworn. The Land Agent was notified and attended,

Questions by Claimant.

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

Answer. My name is William Scary, my age is 35 years, I now reside in Green Valley, Sonoma County; I have resided in California, <sup>about</sup> 9 years.

2<sup>nd</sup> Question, What do you know about the possession and occupation of the Rancho now claimed by Jasper O. Harell, the Claimant in this case?

280 Answer. I first knew the Rancho, now claimed by Jasper O'Harell, about 8 years ago; At that time James Black had cattle on this Ranch. There was a house built on it, in 1846 by Black's direction; he had a corral built on it about that time; he continued to occupy it with cattle until he sold it to O'Harell in 1848. He had on it at times some two or three hundred head of cattle.

O'Harell the claimant has occupied it since 1848. The house first built on it by Black has been ruined down; but the corral is still standing. O'Harell and those occupying the land under him, have general houses on it at the present time. About five or six hundred acres of this tract of land are now under cultivation by O'Harell or those holding under him.

Interrogatories by Geo. W. Cooley Esq. Land Agent of the United States,

Is the land mentioned in the claim of

the Petitioners within Ten Leagues of the Sea Coast?

CASE 48 ND

PAGE 7

Deponants Answer

I believe it is all within Ten Leagues of the Sea Coast.

William Leary

May 13<sup>th</sup> 1852.

Subscribed and sworn to

Before me

James Wilson,  
Commissioner

Filed in Office May 13<sup>th</sup> 1852.

Geo. Fisher Secy

San Francisco Decr 21<sup>st</sup> 1852

250

Deposition of  
Jasper O'Hanell

On this day before Court Holand Hall came Jasper O'Hanell, a witness produced in behalf of the Claimant, Jasper O'Hanell petition No. 86, and was duly sworn, his evidence being given in English.

The U.S. Associate Leary Agent was present

In answer to enquiries by Counsel for the Claimant the witness testified as follows.

My name is Jasper O'Hanell, my age is 35 years, and I have resided in California 9 years.

In the month of May A.D. 1850 I purchased of James Black the Rancho called "Canada de Soune", and received from him the original grant or patent from the Governor of California, which grant was recorded in Sonoma a certified copy of which Record is herunto annexed and marked H. K. No 1.

The original of which this is a certified copy was accidentally burnt with other papers in my possession about the month

of June 1850, Jasper O'Hauell

CASE 48 ND  
PAGE 8

R. Greenhow, Asst. Land Agent present  
asks no questions.

Sworn to & subscribed

Before me

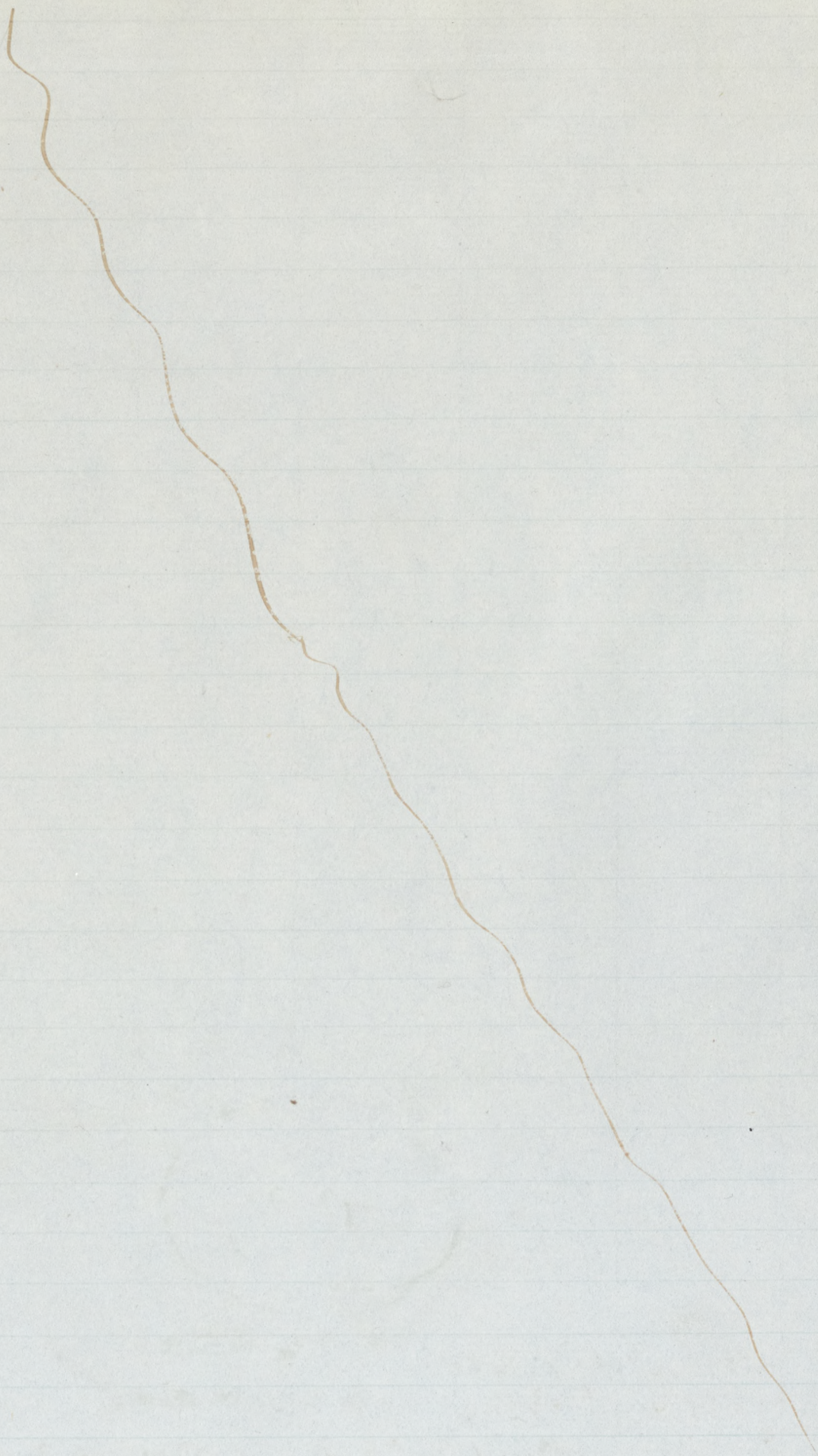
Heiland Hall Comr.

Filed in Office Dec. 21 1852

Geo. Fisher Secy

50

Span Doc  
"Dependent"  
follows



9

CASE 48 ND

PAGE 9

1845

Expediente promovido por  
Santiago Black en  
pretencion del terreno  
nombrado DORRICK

501

CASE 48 ND  
PAGE 10

Sello Tercero un peso.  
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  
Micheltorena \_\_\_\_\_ Pablo de la Guerra

1. D. D. R.  
Expediente



Excmo. Sr. Gobernador

Santiago Black: Nativo de la  
Gran Bretaña: y Naturalizado  
en la Republica Mexicana segun consta  
el adjunto Documento y residente en la  
jurisdiccion de San Rafael doce años y  
casado con hija, del País.

Ante V. E. con el debido respecto y confor-  
me haya lugar en Derecho: Digo q.  
hallandose poseador de mas de ocho  
cientos reses de ganado Mayor: y faltan-  
do un Paraje p<sup>o</sup> procrear dicho ganado  
encontrando con Paraje conocido p<sup>o</sup> el  
Nombre de la Cañada de Donnie colmi-  
dante con el Terreno de M<sup>e</sup>. Intosh p<sup>o</sup>  
el punto C. B.

este paraje no reconoce propiedad par-  
ticular de ningun individuo, p<sup>o</sup> la  
p<sup>o</sup> consiguiente se halla baldio: y en  
esta oca de adjudicarse en Colonizacion  
conforme a las leyes acompañando el  
Decreto correspondiente de los Sitios pocas mas  
o pocas menos

3. S. D. R.

Por tanto  
Suplica a V. E. se sirva a proveer como  
pido en lo que se oviere merced y gracia  
quando no ser de malicia y lo necesario  
se.

Sonoma May 20. 1844. Santiago Black



4. S. D. K

Pío Pico Vocal de cano de la Asamblea  
Departamental y Gobernador provincial  
de las Californias.

CASE 48 ND

PAGE 11

Por Cuanto Don Santiago Black ha  
pretendido para su beneficio personal y el  
de su familia el terreno conocido con el nombre  
Ponive: practicadas previamente las  
averiguaciones correspondientes, usando de  
las facultades que me son conferidas  
a nombre de la etacion Mexicana he venido  
por decreto de este dia en concederle el  
expresado terreno declarandole la propie-  
-dad de el por las presentes letras de con-  
-formidad con la ley de 18 de agosto de 1824  
y reglamento de 21 Noviembre de 1828 a  
reserva de la aprobacion de la Exma  
Asamblea Departamental y bajo las  
condiciones siguientes.

1<sup>o</sup> Podra cercarlo sin perjudicar la tra-  
-versie, caminos y servir dumbres; lo dispu-  
-tara libre y esclusivamente destinan-  
-dolo al uso y cultivo que mas le aconviene

2<sup>o</sup> Solicitara del Juez respectivo le de la  
proseccion judicial en virtud de este  
despacho por el cual se demarcara los  
linderos.

3<sup>o</sup> El terreno de que se hace donacion  
es de la estension de dos sitios y medio  
de ganados mayor poco mas o menos segun  
explica el diseño que obra en el expediente  
El Juez que la poseyere lo hara medir  
conforme a Ordenanza.

En consecuencia mando que tenien-  
-do el presente titulo por firme y valedero  
se tome razon de el en el libro a que corres-  
-ponde y se entregue al interesado para  
su resguardo y demas fines. Dado en

5. S. D. K

la Ciudad de Los Angeles en este papel  
común por haber del Sellado à cinco de  
Febrero de mil ochocientos cuarentay seis

6. S. D. K. Dimiteo Morphy Alcalde Constitucion  
-al del Pueblo de S. Rafael.

Certifico: que el terreno q. Solicita  
D. Santiago Black conocido con el nombre  
de Sonivé se halla enteramente valdido  
y no pertenece a Pueblo ni corporacion al-  
-gunay en, a sido ocupado con los bienes  
del interesado de dos años à esta parte  
y à mi parecer, es acreedor à otra gracia  
por haberlo tenido: Ocupado tanto tiempo  
y tener un numero de ganado considera-  
-ble, el gobierno resolverà lo q. estime  
conveniente.

S. Rafael Octubre 16 de 1845  
Dimiteo Morphy

7 D. S. K. Certifico: que el terreno q. solicita D.  
Santiago Black conocido con el nombre  
de Cañada de Sonivé se halla entera-  
-mente valdido y no pertenece à propiedad  
de particular alguno, ni Pueblo ni cor-  
-poracion y a sido ocupado con los bienes  
de otro Señor Black por mas dos años  
à esta parte; y para que conste doy el  
presente en San Rafael à los 20 dias  
del Mes de Octubre de 1845.

Edw<sup>a</sup> Man<sup>o</sup> Black

8 S. D. K. Angeles Febrero 5 de 1846

Nota la Solicitud con que da princi-  
-pio este expediente. el informe del  
Juez de S. Rafael con lo demas que  
se tubo presente y verovino: de conformidad

con la ley de 18 de Agosto de 1824. y reglamento de 21 de Noviembre de 1828 declaró a D<sup>o</sup> Santiago Black dueño del terreno conocido bajo el nombre de Sonivé dentro de los límites q<sup>o</sup> expresa el diseño que acompaña a su solicitud.

Libresele el Título respectivo y reserve este expediente para someterlo a la aprobación de la Excma Asamblea Departamental. Pío Pico Gobernador provincial de las Californias. Así lo mandé decretar y firmé del que doy fe  
Pío Pico. José M<sup>e</sup> Coranrubiacri.

S.D.K.

14 S.D.K.) Angeles Mayo 8 de 1846.

Dado cuenta en Sesion de hoy con este expediente le mando pasar a la Comision de terrenos baldios.

Pío Pico

Presid<sup>te</sup>.Agustin Chava. D<sup>o</sup>.

Señor

La comision de terrenos baldios a examinado el presente expediente promovido por el Ciudadano p<sup>o</sup> Naturalizacion Santiago Black relativo al parage nombrado Sonivé q<sup>o</sup> le fue concedido p<sup>o</sup> el Sup<sup>o</sup> Gobierno Departam<sup>o</sup> con arreglo a las leyes de la materia, en esta virtud ponca la deliberacion de U. E. la proposicion Sig<sup>o</sup> se apruebe la concesion hecha al Ciudadano p<sup>o</sup> Naturalizacion Santiago Black del parage conocido con el nombre de Sonivé, jurisdiccion de Sonoma segun titulo librado con fecha 5<sup>a</sup> de Febrero de este año con arreglo a la ley de 18 de Agosto de 1824 y al Art<sup>o</sup> 6 del reglamento de 21 de Setbre de 1828.

(11 S.D.K.)

CASE 48 ND  
PAGE 14

Sala de Com<sup>o</sup> en la Ciudad de Los An-  
geles. Junio 2/1846

J. Arreollo

Angeles Junio 10 de 1846

En sesion de este dia aproba la Excm<sup>a</sup>  
Asamblea Departamental la proposicion  
del dictamen anterior..

Here follows

may

CASE 48 ND  
PAGE 15

Office of the Surveyor General of the  
United States for California

I Samuel D. King Surveyor General  
of the United States for the State of Cali-  
-fornia and as such now having in my  
Office and under my charge and custody  
a portion of the Archives of the former  
Spanish and Mexican Territory or  
Department of Upper California, do hereby  
certify that the twelve preceding & here-  
-unto annexed pages of tracing paper  
numbered from One to twelve inclusive  
and each of which is verified by my  
initials (S. D. K.) exhibit true and  
accurate Copies of certain Documents  
on file and forming part of the said  
Archives in my Office.

In testimony whereof I have  
hereunto signed my name Officially  
and affixed my private Seal (not having  
a Seal of Office) at the City of San  
Francisco Cal. this 14<sup>th</sup> day of  
February A. D. 1852

Sam. D. King

Survey. Genl. Cal.

Filed in Office }  
March 2<sup>nd</sup> 1852 }  
Geo. Fisher Secy. }

11.36.

Office of the Surveyor General of the  
United States for California

I Samuel D. King Surveyor General  
of the United States for the State of Cali-  
-fornia and as such now having in my  
Office and under my charge and custody  
a portion of the Archives of the former  
Spanish and Mexican Territory or  
Department of Upper California, do hereby  
certify that the twelve preceding & here-  
-unto annexed pages of tracing paper  
numbered from One to twelve inclusive  
and each of which is verified by my  
initials (S. D. K.) exhibit true and  
accurate copies of certain Documents  
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Sam. D. King

Survey. Genl. Cal.

Filed in Office }  
March 2<sup>nd</sup> 1852 }  
Geo: Fisher Secy. }

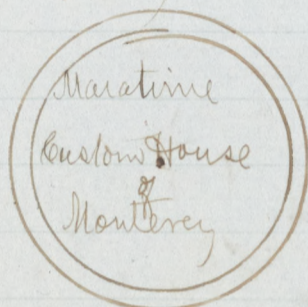


19

CASE 48 ND  
PAGE 16

Stamp Paid - One Dollar  
Provisionally Authorised by the Maritime Custom House of the Port of Monterey in the Department of the Californias for the years 1844 & 1845.  
Signed / Michellana / Signed Pablo de la Guerra

"B"  
Translation of  
Expediente



280

To His Excellency the Governor James Black, a native of Great Britain and naturalised in the Mexican Republic, as the annexed document shows, and a resident for twelve years in the jurisdiction of San Rafael, and married to a woman of the country: before Your Excellency with due respect and in the legal manner appears and says: That being the owner of more than eight hundred head of neat cattle, and having no place to keep the said cattle, he has found a place known by the name of "La Canada de Lonive" bordering on the land of McIntosh on the North East side: This place is not known as the private property of any person or Pueblo, and consequently is vacant and in a state to be granted in colonization. In accordance with the land there goes herewith the corresponding map of two leagues, a little more or less.

Wherefore he prays Your Excellency to be pleased to approve as he asks by which he will receive favor and grace, swearing that it is in good faith, and what is necessary &c.

Sonoma May 20<sup>th</sup> 1844  
(Signed) Santiago Black



Timoteo Murphy, Constitutional Alcalde  
of the Pueblo of San Rafael.

I certify that the land petitioned for by  
Don Santiago Black, known by the name of  
Louise is entirely vacant, and pertains to  
no Pueblo or Corporation, that it has been  
occupied by the property of the petitioner  
two years since, and it appears to me that  
he is worthy of that favor, having occupied  
it for so long a time and having a consider-  
able number of Cattle. The Government  
will determine what may be convenient.

San Rafael October 16<sup>th</sup> 1845.

(Signed) Timoteo Murphy

I certify that the land petitioned for by Don  
Santiago Black known by the name of "Canada  
de Louise", is entirely vacant and does not belong  
to any private person, Pueblo or Corporation;  
and has been occupied with the property  
of Don Black more than two years since  
in testimony of which I give this in  
San Rafael, October 26<sup>th</sup> 1845.

(Signed) Eduardo Manuel McIntosh

Los Angeles February 5<sup>th</sup> 1846.

Having seen the petition with which this  
Expediente begins the Report of the Judge of  
San Rafael, with the other information which  
has been <sup>and</sup> <sup>to be</sup> seen, proper; In conformity with  
the Law of August 18<sup>th</sup> 1824 and the Regulation  
of the 21<sup>st</sup> of November 1828. I declare Don  
Santiago Black the owner of the Land known  
under the name of Louise within the bound-  
aries expressed in the map which ac-  
companies his petition; Let the respective

21

CASE 48 ND  
PAGE 18

title issue, and reserve this Expediente to submit it to the approbation of the Departmental Assembly, Pío Pico Provisional Comisioner of the Californias thus ordered decreed and signed; of which I certify.

Signed, Pío Pico  
Signed, Jose Maria Covarrubias  
Secretary

San Angeles, May 8<sup>th</sup> 1846.

This Expediente being considered in session this day, and ordered to be passed to the committee on vacant lands.

Signed, Pío Pico  
President

(Signed) Agustin Alvera, Secy

250

Sir

The Committee on vacant lands has examined this Expediente moved by the naturalized citizen Santiago Black relative to the place called Jonive which was granted to him by the Superior Government Departmental in accordance with the laws relating to the matter, in virtue thereof places for the deliberation of your Honorable Body the following proposition:

They approve the grant made to the naturalized citizen Santiago Black of the place known by the name of Louisa in the jurisdiction of Sonoma, according to the title issued on the 5<sup>th</sup> day of February of this year, in accordance with the law of the 18<sup>th</sup> of August and Article 5<sup>th</sup> of the regulation of November 21<sup>st</sup> 1828.

Heads of Committee, in the City of San Angeles, June 2<sup>nd</sup> 1846.

(Signed) S. Arguello

San Angeles June 10<sup>th</sup> 1846.

In session this day the Most Excellent Departmental Assembly Approved the proposition of the foregoing report.

Pío Pico, Senor Member of the Departmental Assembly, and Provisional Governor of the Californias

280

Dear Sir Whereas Sr. Santiago Black has for his own personal benefit and that of his family, asked for the land known by the name of "Donive", having previously made the inquiries concerning it, using the powers conferred on me, in the name of the Mexican Nation, I have by decree of this day granted to him the said land, declaiming to him the ownership of it by these present letters, in conformity with the Law of August 18<sup>th</sup> 1824, and the Regulation of November 21<sup>st</sup> 1828, subject to the approval of the Departmental Assembly, and under the following conditions:

1<sup>st</sup> He may enclose it without injury to the crossings, roads, and servitudes; he may enjoy it freely and exclusively, making such use and cultivation of it as may best suit him.

2<sup>nd</sup> He will ask the respective Magistrate to give him the juridical possession in virtue of this despatch, by whom the boundaries will be marked out.

3<sup>rd</sup> The land hereby granted, is in extent two leagues and a half, a little more or less, as is shown in the map which goes with the Expediente.

The Magistrate who gives the possession

CASE 48 ND  
PAGE 20

will have it measured according to ordinance  
In consequence I command that  
the present title being held as firm and  
valid, note be taken of it in the correspon-  
ding Book, and be delivered to the party  
interested for his security and further  
ends. Given in the City of Los  
Angeles on this Common Paper, for the  
want of stamped paper, the 5<sup>th</sup> day of  
February 1846.

I certify the foregoing to be a true and  
correct translation from the authenticated  
"Fae Simile" copy of the Spanish  
Document on file in the Office of the  
U.S. Surveyor General, which Fae Simile  
copy is on file in this Office in case  
No 86, Gaspar O'Farrell, for the place  
named Jonive

150

Geo. Fisher, Secy

Filed in Office March 2<sup>nd</sup> 1852

Geo. Fisher Secy

Doc. H. H. No. 1 and  
to the Depo. of Gas  
per O'Farrell.

His Pio vocal decano de la Asamblea Departamental y  
Gobernador Provisional de las Californias.

L. S. 3

(For Translation  
See page 34)

Por cuanto Don Santiago Black ha pretendido para su benefi-  
cio personal y el de su familia el terreno conocido bajo el nombre de  
Jonive: practicadas previamente las averiguaciones concernientes al  
estado de las facultades que me son conferidas a nombre de la Na-  
cion Mexicana he venido por decreto de este dia en concederle el respu-  
sado terreno declarandole la propiedad de el por las presentes letras  
de conformidad con la ley de 18 de Agosto de 1824 a usura de la Asam-  
blea Departamental y bajo las condiciones siguientes:

1<sup>a</sup> Podrá cercarlo sin perjudicar los transitos carritos y  
servidumbres: lo disfrutará libre y exclusivamente destina-

andole al uso ó cultivo que mas le acomode.

2.<sup>a</sup> Solicitará del juez respectivo le dé la posesion judicial en virtud de este despacho por el cual se demarcarán los linderos.

3.<sup>a</sup> El terreno de que se le ha hecho donacion es de la estension de dos sitios y medio de ganado mayor poco mas ó menos segun esplica el disegno que obra en el Expediente. El juez que le poseione lo hará medir conforme á ordenanza.

En consecuencia mando que teniendo el presente titulo por firme y valido, se tome razon de él en el libro á que corresponde, y se entregue al interesado p.<sup>a</sup> su aguardo y demas fines. Dado en la Ciudad de los Angeles en este papel comun por mi haber del Sello á cinco de Febrero de mil ochocientos Cuarenta y seis.

José M.<sup>a</sup> Cobarrubias

Jr.

Pio Pildg

J

Queda tomada razon de este titulo en el libro respectivo.

Cobarrubias

State of California County of Sonoma

I hereby certify that the above is a true copy of the original title as recorded in Book B, pages 46 & 47 of the Records of the County of Sonoma. Given under my hand and seal this fifteenth day of July, one thousand eight hundred and fifty, there being no official seal provided.

W. M. Boggs *W. M. Boggs*  
Recorder of Sonoma County.

Filed in Office, Dec. 21, 1852.

Geo. Fisher

*Geo. Fisher*

25

CASE 48 ND  
PAGE 22

This Indenture made and concluded this thirty first day of May A.D. One thousand eight hundred and fifty between James Black of the one part and Casper O'Hanell of the other part both of Upr. California

"D"  
Transferred is hereby acknowledged, hath granted bar-  
row James gained sold transferred and conveyed  
Black to Casper and by these presents doth grant, bargain  
O'Hanell sell transfer and convey unto Casper  
O'Hanell his heirs executors or assigns for  
ever all his right title and interest for  
in and to all the certain tract of land known  
as the land of Irvine and being situated in the  
county of Sonoma and being bounded by the  
Respective Ranchos and lands mentioned in  
the title granted to the said James Black  
By the Mexican Government signed by Pio Pio  
Governor and bearing date the fifth day of  
February A.D. 1846, and containing two and  
one half square leagues. To have and  
To hold the above described premises with  
all the privileges profits hereditaments and  
appurtenances thereunto belonging the same  
as if held by the said James Black his heirs  
executors or assigns, unto the said Casper  
O'Hanell his heirs executors and assigns  
forever.

Witnesseth that the said James Black, for and in consideration of the sum of eleven hundred dollars the receipt whereof is hereby acknowledged, hath granted bar-  
row James gained sold transferred and conveyed Black to Casper and by these presents doth grant, bargain  
O'Hanell sell transfer and convey unto Casper O'Hanell his heirs executors or assigns for ever all his right title and interest for in and to all the certain tract of land known as the land of Irvine and being situated in the county of Sonoma and being bounded by the Respective Ranchos and lands mentioned in the title granted to the said James Black By the Mexican Government signed by Pio Pio Governor and bearing date the fifth day of February A.D. 1846, and containing two and one half square leagues.

To have and To hold the above described premises with all the privileges profits hereditaments and appurtenances thereunto belonging the same as if held by the said James Black his heirs executors or assigns, unto the said Casper O'Hanell his heirs executors and assigns forever.

In Witness whereof I hereby set my hand and seal this thirty first day of May A.D. One thousand eight hundred and fifty.

(Signed) James Black (his seal)  
Witness present. (Signed) Timothy Murphy  
(Signed) Elliot Gibby  
Signed and sealed before me this 25<sup>th</sup> day of October A.D. 1851  
(Signed) John Minge J.P.

300

for San Rafael Township  
County of Marin  
State of California

CASE 48 ND  
PAGE 23

James Black personally appeared before me this  
24<sup>th</sup> day of October A.D. 1851 and acknowledged  
the same to be his hand and seal  
(signed) John Munge J.P.  
of San Rafael Township  
County of Marin  
State of California

Filed for Record June 10<sup>th</sup> 1850 at 9 1/2 O'clock  
A.M.

R.B. Britten, Depty Recorder

Recorded in Book E page 65, July 2<sup>nd</sup> 1850  
at 8 1/2 O'clock A.M.

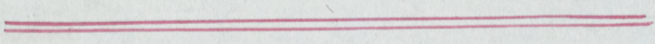
R.B. Britten Depty Recorder

Jess<sup>o</sup> D. S.

100

Filed in Office March 2<sup>nd</sup> 1852

Geo. Fisher Secy



27

CASE 48 ND  
PAGE 24

No 86

Before the U.S. Land Commission  
In the claim of Casper O'Fauell  
To

"Canada de Jonine"

Stipulation - In this claim it is agreed between the counsel of the claimant and the Land Agent of the United States, that all the laws, decrees, ordinances, and regulations, whether of Spain or Mexico, and especially the Colonisation Law of Mexico, passed on the 18<sup>th</sup> of August 1824 and the regulations made by the Supreme Executive power of Mexico on the 21<sup>st</sup> November 1828, shall be considered as having been offered in evidence in this cause and duly proven.

100

Walter Peachy & Billing

Counsel for Claimant

R. Greenhow Asst. Land Agent U.S.

Filed in Office March 8<sup>th</sup> 1853

Geo. Fisher, Secy



Before the U.S. Land Commission

Stipulation

CASE 48 ND  
PAGE 25

In the Claim of Gasper O'Hauell to "Canada  
de jomine" No. 86, on Commissioners' Docket

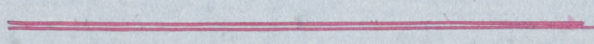
It is agreed on the part of the United  
States that the genuiness and due execution  
of the Deed of transfer from James Black  
to Gasper O'Hauell, dated, the 31<sup>st</sup> day of  
May A.D. 1850, and filed in this case,  
is admitted as duly proved

100

R. Greenhow  
Asst. Land Agent

Filed in Office April 8<sup>th</sup> 1883

Geo. Fishers Secy



CASE 48 ND  
PAGE 26

Statement.

The following cases were submitted for our decision as Commissioners of California Land Claims on the 11<sup>th</sup> day of April 1853. Viz:

|       |                                  |           |
|-------|----------------------------------|-----------|
| No 16 | Heirs of Henry D. Fitch          | Claimants |
| " 164 | Heirs of F. Cuervo               | do        |
| " 166 | Heirs of Edward N. Bale & others | do        |
| " 218 | John Wilson                      | do        |
| " 146 | Samuel Harris                    | do        |
| " 49  | Jose Carrillo & others           | do        |
| " 163 | Jacob P. Leese                   | do        |
| " 320 | John Wilson                      | do        |
| " 86  | Jasper C. Farrell                | do        |

In all of these cases Opinions and Decrees were formed & written out by us as Commissioners & signed by the Commissioner who wrote them, prior to any notice whatever of our removal, and were held up for delivery until Monday the 18<sup>th</sup> instant the day appointed by us for their entry, when according to our established course of doing business, the blanks which had been left for the dates would have been filled up, & the signatures, if not before made, of the other Commissioners would have been appended.

On the 15<sup>th</sup> instant the Mail Steamer arrived bringing newspapers stating that we had been removed from office and successors appointed, and on the 19<sup>th</sup> instant a notice purporting to be signed by the chief clerk of the Department of the Interior, stating our removal and the appointment of our successors was also seen by us in the National Intelligencer.

Under this state of facts we this 22<sup>nd</sup> day of April 1853. Complete the signatures of said Decrees as of the day

they were intended to have been made and file  
them with the Secretary of the Board -  
filing also with the Secretary this State -  
ment for the information of all concerned

Wiland Keall  
Henry D. Thornton

Filed in Office April 22<sup>nd</sup> 1853.  
Asst. Fisher Secy

31

Jasper O'Hauell Assignee, Claimant

vs

The United States

U.S. Land Commission for California  
San Francisco No 86, "Canada, <sup>de</sup> Irvine"

Opinion by Commissioner  
W.S. Thornton,

CASE 48 ND

PAGE 28

Opinion

This claim is presented by the assignee of James Black to whom the grant was made by Pio Pico as Governor of California in virtue of the Decree of the 18<sup>th</sup> of August 1824 and of the Ordinance of the 21<sup>st</sup> November 1828 of the Mexican Government. The loss of the original grant, which was delivered to the grantee, is established and supplied by the production of an officially tested copy.

250

By a duly authenticated transcript from the archives of the former Governments of the country, by the Documentary Evidence, and other testimony in the case, it satisfactorily appears that the grant of the land claimed was duly made on the 5<sup>th</sup> of February 1846 by competent authority, for the quantity of two and a half square leagues; that on the 2<sup>nd</sup> of June 1846 it was confirmed by the departmental Assembly; that it has been occupied and cultivated under the grant and in compliance with it by the grantee, and by the claimant, who is the owner by regular conveyance from the grantee, continuously, to the present time. The only objection urged against the confirmation of the claim, are its supposed locality within

the ten literal leagues, and the want of Judicial possession and measurement, both of which have been heretofore overruled by this Board. In accordance with the principles laid down for our Government in the 11<sup>th</sup> section of the Act of 3<sup>d</sup> of March 1851, and with the decisions heretofore made by this Board, the claim is held to be valid, and we enter the following decree of final Confirmation: Commissioner Keall concurring in the result.

Henry J. Thornton

Decree

280

This Board upon full considerations of the various grounds affecting the validity of the said claim, having come to the conclusion that the same is valid, therefore now proceeds to make, and does hereby make the following decree or report of final Confirmation viz: It is decreed that the said claim be confirmed to the claimants to the extent and quantity of two and a half square leagues of land, and for no more; being the same land described in the grant and Expediente referred to therein, and of which the possession has been had and enjoyed by the said grantee and the present claimant, under the said grant; Provided that the said quantity of land granted and now here confirmed, be contained within the boundaries called for in the said grant and map to which the grant refers; and if there be less than the said above named

CASE 48 ND  
PAGE 30

quantity, within the said bounds, then we confirm to the claimant that less quantity, it being apparent that said quantity exceeds the minimum of two hundred Varas, as prescribed by the ordinance of the 21<sup>st</sup> of November 1828, as witness our hands this 18<sup>th</sup> day of April 1853.

Holland Hall  
Henry D. Thornton, Commissioners

60

Filed in Office April 22<sup>nd</sup> 1853

Geo. Fisher Secy

Translation of  
Dec. H. N. No. 1  
and to the depts of  
Jasper O'Farrell  
(vide page 23)

CASE 48 ND  
PAGE 31

Pío Pico Junior Member of the Departmental Assembly  
and provisional Governor of the Californias.

Seal 3 Whereas Don Santiago Black has for his own  
personal benefit and that of his family asked for  
the land known by the name of Zonive; having  
previously made the enquiries concerning it, using  
the faculties conferred on me in the name of the Mex-  
ican Nation, I have by decree of this day granted  
to him the said land, declaring to him the own-  
ership of it by these present letters in conformity  
with the law of August 18, 1824 subject to the  
Departmental Assembly and under the following  
conditions:

1<sup>st</sup> He may dispose it without prejudice to the crops  
roads and servitudes; he may enjoy it freely  
and exclusively making such use and cultivation  
of it as may best suit him.

2<sup>d</sup> He will ask the respective Magistrate to give  
him the juridical possession in virtue of this  
dispatch by whom the boundaries will be marked  
out.

3<sup>a</sup> The land hereby granted is in extent two and  
a half square leagues a little more or less as shown in the  
map which goes with the Expediente. The Magistrate  
who gives the possession will have it measured according  
to ordinance.

In consequence I order that the present title being held  
as firm and valid note be taken of it in the corresponding book  
and be delivered to the party interested for his security and other ends.

Filed in office  
Dec 21 1852  
Geo. Fisher  
Secy.

Given in the City of Los Angeles on this Common paper for  
the want of stamped paper the 5<sup>th</sup> day of February 1846.

(Signed) Jose M. Covarrubias  
Secy.  
(Signed) Pío Pico.

Note is taken of this title in the respective book - Covarrubias.

CASE 48 ND  
PAGE 32

Office of the Board of Commissioners,

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

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 *Thirty-three (33)* pages, numbered from 1 to 33, both inclusive, to contain a true, correct and full 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, on file in this Office, in Case No. 86 on the Docket of the said Board, wherein

*Gasper O'Farrell* is the Claimant - against the United States, for the place known by the name of *Canãda de Jonive*.

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 *July* A. D. 1854, and of the Independence of the United States of America the seventy-*ninth*

*G. Fisher*

*[Signature]*



48  
48  
U. S. DISTRICT COURT,  
*Northern* District of California

No. 48

THE UNITED STATES,

<sup>vs.</sup>  
48  
*Gasper C. Farrell*

TRANSCRIPT OF THE RECORD  
FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,  
In Case No. 56

Filed, July 26 1854

*In & Mounn Clerk  
By Alex. Mc. Schoolcraft*

48

CASE 48 ND  
PAGE 33

Office of the Attorney General of the United States,

No. 86.

Washington, 11<sup>th</sup> September 1854.

Gaspar O' Farrell

vs.

The United States.

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 30<sup>th</sup> day of June 1854 the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Cushing

Attorney General.

No 48

U. S. Dist. Court,

The United States,

- vs -

Caspar O'Farrell,

Notice to prosecute  
Appeal,

Filed Oct: 21, 1854,

Ino: A. Monroe,

Clk.

CASE 48 ND

PAGE 34

CASE 48 ND  
PAGE 35

United States Dist Court  
Northern District of California

Jasper O'Sauell }  
Ads } Case No 48  
the United States } Land title

To Samuel W Sage Esq United  
States Attorney for the Northern Dist of  
California Please take notice that  
unless a petition is filed in the above  
entitled cause within five days from  
date I shall proceed to do so on behalf  
of the Claimant

Respy  
W Sage  
Atty for Samuel

San Francisco }  
June 20<sup>th</sup> 1855 }

W.S. Alex. Com'n  
Northern Dist. of California  
No 48

---

The United States

vs

Jasper O'Sullivan

---

Notice to file Petition  
in Land Claim  
Case No 48

---

Filed June 22, 1855,  
by Charles  
Deputy.

CASE 48 ND

PAGE 36

Paty atty

United States District Court  
Northern District of California

The United States app<sup>r</sup> }  
vs } Case N° 48  
Joseph O'Hauell app<sup>r</sup> }

Joseph O'Hauell the  
Claimant and Appellee in the above entitled  
Cause, in answer to the petition of the United  
States herein filed, avers and says, that his  
title to the land therein claimed is valid

He therefore that the decision of the Board  
of Land Commissioners be affirmed and the  
title of the said Claimant be declared to  
be valid

J. E. Baldwin & J. E. Papp  
for Claimant

N<sup>o</sup> 48

W J West, Counselor  
Northern Dist of California

The United States

vs

Jasper O'Sullivan

Answer

Filed June 28, 1855,

by Charles  
S. Pugh

CASE 48 ND

PAGE 38

J. E. Baldwin & J. P. Pugh  
for Plaintiff

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

The United States  
Appellants  
vs  
Joseph O'Fallon  
Appellee  
Case No 48

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  
appears by reference to the records in the  
Case: That a transcript of the said  
Records was filed in this court on the  
day of : That a notice  
of Appeal was filed on the day  
of and that the land claimed  
lies in the said District.

That the said claim is invalid,  
Wherefore Appellants pray that the said  
decision of the Board be reversed and  
that this Court decree the said title to  
invalid. Respectfully,  
A. Hassell  
Asst U.S. Atty.



N<sup>o</sup> 48

Mrs. Court St. Dear of al

The United States

vs

Jasper O'Fallon

Pittin

Filed, June 28, 1855,

by Cheever  
Deputy

CASE 48 ND

PAGE 40

U S District Court  
Northern Dist of California

The United States

Jasper O'Shane

Case N° 48

It is hereby stipulated that  
the transcript in the above entitled Cause, filed  
in this Court be returned to the US Board  
of Land Commissioners, to have inserted therein  
a Copy of the Certified Copy of the grant  
as recorded in the Office of the County Recorder  
of Sonoma County, in accordance with  
the testimony of J O'Shane.

July 13<sup>th</sup> 1855

J. D. P. P.  
atty for C<sup>t</sup>

A. Glassell  
Asst U.S. Atty.

The Clerk will allow the transcript in  
the above entitled Cause to be returned to the  
US Board of Land Commissioners for the  
purpose above mentioned

John Hoffman  
U. S. Dist. Judge

W S Des Court  
For the Rec of Cal  
N<sup>o</sup> 48

The United States

vs

Jasper O'Connell

---

Stipulation Order

---

Dated July 13. 1855,

by Thomas  
Deputy.

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

The United States } Decree N<sup>o</sup> 48  
appellants }  
vs }  
"Cañada de Jouve"  
Jasper O'Farrell } Stated Term July 16<sup>th</sup> 1855  
appellee }

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

This cause came on to be heard at a stated  
term of the Court on appeal from the final de-  
cision of the Board of Commissioners to ascertain  
and settle private Land Claims in the State of  
California under an act of Congress approved on the  
Third day of March A D Eighteen hundred and  
fifty one, upon the transcripts of the proceedings  
and decision of the said Board of Commissioners,  
and the papers and evidence on which 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 par-  
ties 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 Appellee is a good and valid claim and that the said claim be confirmed to the extent and quantity of Two and a half square leagues of land and for so much being the same land described in the grant and of which the possession was proved to have been long enjoyed - Provided that the said quantity of Two and one half square leagues now confirmed to the Claimant be contained within the boundaries called for in said Grant and map to which the Grant refers; - And if there be less than that quantity within said bounds then we confirm to the Claimant that less quantity

John Hoffman

U. S. Dist Judge

*[Faint, illegible handwriting, likely bleed-through from the reverse side of the page]*

N<sup>o</sup> 48

U. S. Dist Court

---

The United States

vs

Jasper O'Connell

---

Deeds

---

Filed July 16, 1855,

W. H. Cheves,

Deputy.

CASE 48 ND

PAGE 45

California Land Claims.

Attorney General's Office

CASE 48 ND  
PAGE 46

17 October 1856.

Sir:

In the case of the claim of Jasper O. Farrell, confirmed to the claimant by the Commissioners, case no. eighty-six (86), appeal will not be prosecuted by the United States.

I am

Respectfully

Wm Blanding

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

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

The United States

Case No. 48

vs  
Jasper O. Farrell

Transcript No. 86

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

Wm Blanding

Dist Atty

J. J. Papp

Atty for J. O. Farrell

Claimant



48

United States  
District Court

The United States

vs

Jasper O. Farrell

---

Case — No 48  
Transcript No 86.

---

Stipulation.

---

Lid December 22, 1856,  
W. H. Chever, Jr.,  
Deputy Clerk.

CASE 48 ND  
PAGE 48

CASE 48 ND

PAGE 49

At a *Stated* Term of the District Court of the UNITED STATES OF AMERICA, for the Northern District of California, held at the *Court Room* in the City of SAN FRANCISCO, on *Monday* the *22d* day of *December*, ~~November~~ in the year of our Lord one thousand eight hundred and fifty-*six*.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

*The United States*

*v.*

*Jasper O. Farrell*

*Case No. 48*

*Transcript No. 86*

The Attorney General of the United States having given notice that no appeal to the Supreme Court of the United States will be prosecuted in this case and a stipulation having been entered into by the District Attorney, that no further appeal shall be taken on the part of the United States, and for leave to the claimants to proceed under the decree of this Court heretofore rendered in ~~their~~ <sup>this</sup> favor.

On motion of the District Attorney, it is ordered, adjudged and decreed, that the claimants have leave to proceed under the decree of this Court heretofore rendered in ~~their~~ <sup>this</sup> favor as on Final Decree.

*Ogden Hoffman*  
U. S. Dist. Judge

48

United States District Court, Northern  
District of California.

*The United States*

vs.

*Jasper O. Farrell*

Case — No. 48  
Transcript — No. 86

*order.*

Filed *Dec: 22,* 1856

*J. A. Monroe,*  
CLERK.

*S. W. A. Chever,*  
DEPUTY.

CASE 48 ND  
PAGE 50

The United States  
vs  
Gaspar O' Farrell }

CASE 48 ND  
PAGE 51

The claim ~~of~~ the appellee in this case was confirmed by the Board of Commissioners - no objection to its validity has been suggested in this Court - nor does it appear that any was urged before the Board except that the land was within the ten littoral leagues -

That question has already been ~~con~~ sidered and passed upon by this Court and we consider it no longer open for discussion -

The original grant to James Black the grantor of appellant is not produced, but its copy is proved and a copy of the record in the County Clerk's office in Sonoma is offered in evidence - The expedite from the archives in the Surveyor General's office is also produced and contains the petition of Knight the ~~cesses~~ proceedings and reports thereon the concession, <sup>a copy of</sup> the title or grant issued to ~~the~~ <sup>on the 5<sup>th</sup> February 1846</sup> grantee. It also contains a record of the proceedings of the Departmental Assembly from which it appears that the <sup>Expediente</sup> grant was duly approved after having been referred to the Committee on vacant lands and all

ported on favorably was duly approved by the Departmental assembly on the 10 June 1846

It is shown by the testimony of William Lary <sup>by a coroll</sup> that a house was built on the land by Black in the year 1846 and that he continued to occupy it with cattle until 1848 when he sold it to O Farrell the present claimant who has since occupied and cultivated considerable portions of it.

No difficulty as to locating the grant is suggested - The map which accompanies the Expediente is made out with more than usual skill and seems unmistakably to indicate the granted land -

We can perceive no reason for refusing to confirm this claim - a decree of confirmation must therefore be issued -

The U. S. 48

By  
Gaspard O'Farrell

"Jonice"

No 48

Opinion

48

CASE 48 ND

PAGE 53

U S District Court  
Northern Dist of California

The United States app<sup>ts</sup> }  
" } Case No 48  
Jaques O'Sanell app<sup>ee</sup> }

Judic of Case No 48 appealed  
from the United States Board of Land Commissioners  
State of California

Petition for Confirmation of title Page 3

Report of Wm Larray " 5

Report of Jaques O'Sanell " 6

Translation of Spanish documents

Petition of James Black for Land " 19

Certificates of Alcalde and Corregidores " 20

Confirmation or Grant by Governor " 20

Approval of Departmental Assembly " 21

General Grant by Governor pro 2<sup>da</sup> of " 22

Transfer by Black to O'Sanell. " 25

Stipulation by Counsel as to laws &c. " 27<sup>28</sup>

Confirmation by Old Board " 29

Opinion of the Board in particular Case Page 31

Decree of Confirmation for D<sup>o</sup> Juan Lopez 32

No 48

Mr J. M. Smith's Remedy

Jonathan Smith of Baltimore

—

Mr. Smith's Remedy

"

Mr. Smith's Remedy

—

Secretary of Board

—

Done



CASE 48 ND  
PAGE 56

Office of the Board of Commissioners,

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

San Francisco, July 26<sup>th</sup> 1854

John M. Monro Esq.

Clerk of the U. S. District Court for the

Northern District of California.

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 86 on the Docket of the said Board, wherein Gasper O'Farrell is the Claimant - against the United States, for the place known by the name of "Canada de Ruivo," and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher.

