

CASE No.

356

**SOUTHERN DISTRICT**

---

CANADA DE LA SEGUNDA GRANT

---

**ANDREW RANDALL**

CLAIMANT.

CASE No. 356

LAND CASE 356 SD pgs. 101

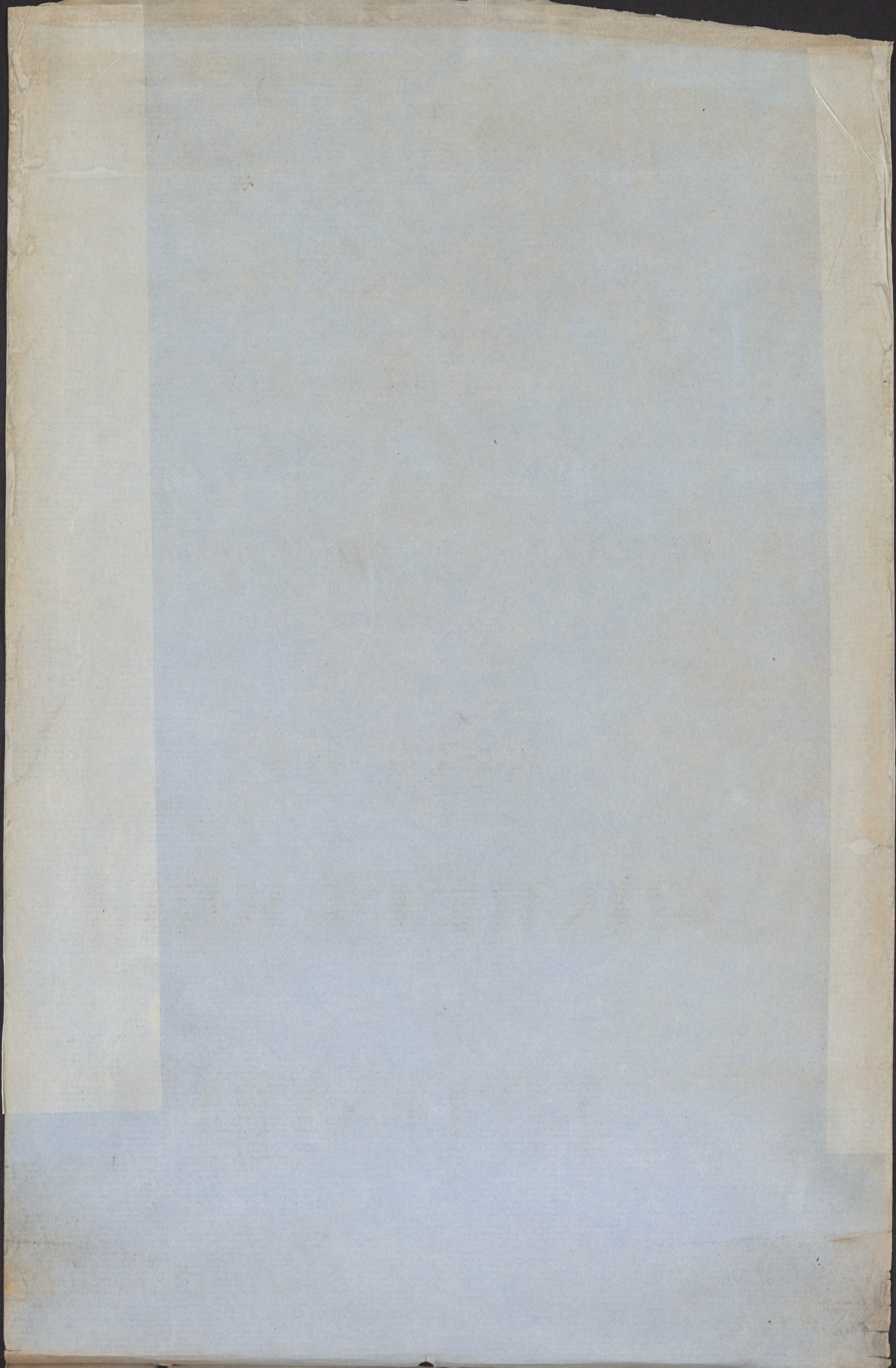
MAR 24 1963

Quinn  
FLOWER BOARD  
50% COTTON FIBRE  
U.S.A.

J. J. H.

Oriff - Gaps

Wm. J. H. of the ...  
1 copy of ...  
4 ...  
letter ...  
...



# TRANSCRIPT

356 SD  
PAGE 1

OF THE

# PROCEEDINGS

IN CASE

NO. 554.

*Andrew Randall*

CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*Cuadrada de la Segunda.*

THE UNIVERSITY OF CHICAGO  
THE EAST ASIAN LIBRARY

UNIVERSITY OF CHICAGO

1975

PROCEEDINGS

1975

THE UNIVERSITY OF CHICAGO  
THE EAST ASIAN LIBRARY

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

356 SD  
PAGE 2

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

The Petition of *Andrew Randall*,  
for the Place named  
*"Canada de la Segunda,"*  
was presented, and ordered to be filed and docketed with No. 554, 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, November 1<sup>st</sup> 1853.*

In Case no. 554, Andrew Randall, for the place named "Canada de la Segunda", the deposition of David Spence, a witness in behalf of the claimant, taken before Commissioner R. Aug. Thompson, with document marked R. S. no. 1, annexed, thereto, was filed;

(Vide page 7 of this Transcript.)

*San Francisco December 2<sup>d</sup> 1853.*

In the same case the deposition of Thomas Cole, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, was filed;

(Vide page 9 of this Transcript.)

*San Francisco December 17<sup>th</sup> 1853.*

In the same case the answer for the claimant filed the following Stipulation, to wit;

(Vide page 53 of this Transcript.)

2  
San Francisco December 5 1854.  
Case no. 554 was ordered to be placed at the foot  
of the 3<sup>d</sup> class cases on the trial docket.

San Francisco December 26 1854.  
Case no. 554 was ordered to be placed at the foot  
of the 3<sup>d</sup> class cases on the trial docket.

356 SD  
PAGE 3

San Francisco March 13 1855.  
In the same case the counsel for the claimant  
filed the following Affidavit, to wit:  
(see page 39 of this Transcript)

San Francisco March 22 1855.  
Case no. 554 was assigned for hearing on the 3<sup>d</sup> day  
of April next.

San Francisco April 10 1855.  
In the same case the counsel for the claimant  
filed the following Motion, to wit:  
(see page 45 of this Transcript)  
which motion was granted and the following  
order was made, to wit:  
(see page 43 of this Transcript)

San Francisco May 9 1855.  
In the same case the following order was made,  
to wit:  
(see page 31 of this Transcript)

San Francisco May 22 1855.  
In the same case, on motion of the counsel for the  
claimant, the following order was made, to wit:  
(see page 46 of this Transcript)

San Francisco June 5 1855.  
In the same case, James McRiley, a witness in  
behalf of the claimant, was brought before the Com-  
missioners sitting as a Board by the U. S. Marshal



3  
and his deposition touching the matter of his  
contempt in not obeying the writs of subpoena  
and Rule Nisi, was taken and filed;

(Vide page 11 of this Transcript.)

Whereupon the following order was made, to wit;

(Vide page 49 of this Transcript.)

Upon which order, the U. S. Marshal made the fol-  
lowing return, to wit;

(Vide page 57 of this Transcript.)

356 SD  
PAGE 4

San Francisco June 26<sup>th</sup> 1855.

In the same case the deposition of Manuel Castro,  
a witness in behalf of the claimant, taken before  
Commissioner R. Aug. Thompson, with circumvent  
sworn Exhibit no. 1, and translation thereof, an-  
nounced to be, was filed;

(Vide page 15 of this Transcript.)

San Francisco July 3<sup>rd</sup> 1855.

Case no. 554 was submitted on briefs and taken  
under advisement by the Board,

In the same case the Counsel for the claimant  
filed the following stipulation, to wit;

(Vide page 33 of this Transcript.)

San Francisco August 14<sup>th</sup> 1855.

In the same case Commissioner S. B. Farwell  
delivered the opinion of the Board confirming  
the claim.

(Vide page 55 of this Transcript.)

And the following order was made, to wit;

(Vide page 59 of this Transcript.)



5

Petition

To)

The Honorable the Board of Commissioners  
to ascertain and settle Private Lands  
Claims in the State of California

And

Randall citizen of this State respectfully  
Shows to your Honorable Board that he is the  
owner by purchase of the lands in the vicinity  
of Carmel River in the Townships of  
Wintering and known as the place called  
Cauana de la Siguana and comprising  
one square league of land about one  
mile

356 SD  
PAGE 5

That this title is derived from  
a judicial sale made in all respects  
in conformity with Law and whereof he  
paid a large and valuable consideration  
for the said lands that the original grant  
to him was signed by a person  
citizen and man and agent of the  
of Wintering and that the following is a  
description of his title and a  
recapitulation of the legal steps taken  
in acquiring and perpetuating the same  
into certified copies of the original  
papers and correct translations thereof  
as designated by alphabetical letters in  
the margins of the translations and  
corresponding letters on the originals  
to wit

1st (A) The Petition of the said petitioner to  
the Governor of California asking for  
the lands known by the name of the  
Cauana de la Siguana in the neighborhood  
of Carmel River on the 2nd  
of March 1839

2nd (B) A decree of the said Governor of California ordering the  
of Carmel to make the customary  
or known and transmit the whole to the  
Project of the 1st District made on the 9th  
of March 1839.

6

356 SD  
PAGE 6

3rd (C) The report of such a board that the land was duly surveyed may be granted but the subjects within its limits ought not to be restrained for certain reasons stated in his report made on the 16th of March 1839

4th (D) The decree of the Superior Court that the land, as far as for ought be granted dated March 24th 1839

5th (E) A decree of Alvarado Governor of California directing that the petition be returned to the Superior Court in order that he should make and the title in virtue of the former grant to such a purpose by the laws then in force made on the 27th of March 1839

6th (F) The grant made by the said Superior Court under the said order of the said Governor of California and by virtue of the laws then in vidence whereby the land was granted in fee to the said Peter subject to the conditions therein specified

7th (G) A note of the Court that the title was recorded in the public books

8th (H) The deed of the said land made to your petitioner in pursuance of the laws of the State of California in such case made and provided whereby your petitioner became and is absolute legal owner thereof which is duly recorded in the office of the County Recorder of Monterey County in Book A of Conveyances at page 263 on the 3rd June 1851 Your petitioner also shews to your Honorable Board that he and they whose title he has purchased have been in the actual and peaceable possession of the said land for more than ten years

and that the actual judicial possession thereof was duly given to the said petitioner as aforesaid and specific limits & that the said grant thereof was an equitable legal and beneficial conveyance

7  
Made by virtue of and in accordance with  
the laws usages and customs of the Gov  
ernment of Mexico then in force in  
California and that no other or compli-  
ting claim exists in opposition thereto  
Whence  
your Petitioner prays that his title to said  
land be confirmed &c  
A. Randall

356 SD  
PAGE 7

Filed in Office February 5th 1853

Signed  
Geo Fisher  
Secretary

Received in Hall of Petitions pgs 527 & 528

Signed  
Geo Fisher  
Secretary

Depo of  
D. Spence

Case No 534  
Office of the Board of Commissioners &c  
This day before Commissioner A. Aug  
Thompson came David Spence a witness  
in behalf of claimant A. Randall  
Number 534 who after being duly  
sworn depose as follows

Testimony on behalf  
of claimant  
Present Harry J. Thurston  
Esq attorney for claimant and A  
Thompson Esq Justice of the Peace

In answer to questions  
witness states that his name is David  
Spence his age fifty five years and his  
residence Monterey County California  
Question by claimant  
answers Attorney

Look at the document  
shown upon your oath as Exhibit  
No 1 to this deposition and with the witness  
A. T. and state what you know in  
relation to it

8  
These names the above  
mentioned in the records office of  
proceeding county of which the above  
shown are purports to be a transcript  
and from my recollection I believe it to  
be a correct copy

356 SD  
PAGE 8

Have examined said  
original and am acquainted with the hand  
writing of all the persons whose names  
appear therein except Lazarus Loto and  
from my knowledge I have no doubt  
of its being a genuine document.

Question by same

State what  
you know in relation to the occupation  
or cultivation of the lands claimed in  
this case by the Native Loto

Answer

I do not know the  
precise time when he went on the land  
but know that before occupation of the  
country by the American soldiers, a horse  
and mule raising in it had been  
a portion of land being in the flat bottom  
the horse and the various cultivation

David Spence

Transcript submitted  
before me this 1st day  
of November 1853

Ray Thompson  
Commissioner

Filed in office November 1st 1855  
Signed

Geo Fisher

Secretary

Recorded in Vol 3 page 336

Signed

Geo Fisher

Secy

3/5547

9

Office of the Board of United States Lands  
Commissioners etc etc

Depo of  
T. Cole

San Francisco December 2nd 1853

This day before Commissioner at Plains  
field came Thomas Cole a witness in  
behalf of the claimant A. S. Randall  
Petitioner number 554 and being duly  
sworn deposed as follows

356 SD  
PAGE 9

Testimony by Mr. Williams  
attorney for claimant

Question What are your  
name age and place of residence

Answer My name is  
Thomas Cole my age is forty three years  
and I reside at Monterey in California  
and have lived there 23 years

2 Questions

Are you acquainted  
with the Rancho called *Llanura  
de la Laguna* granted by Governor  
Alvarado to Lazaro Soto and claimed  
in this case by the State all persons  
in regard to its use and occupation

Answer

Known to Rancho  
I have known it since the end of the year  
1838 when I quit my lot and Soto  
occupying the place being alone and  
standing close to the main road and  
being very near to the sea front

They  
continued there there about four years  
when the house was burnt down they  
then removed to another place about a  
mile distant on the same Rancho where  
they built another house in which they  
have lived until the present time

He  
had cattle and horses on the land when  
I first saw it and has continued to  
keep stock there until the present  
day

He has also had among all that time  
corral and enclosures and cultivation on  
the place he and his sons cultivated land,  
and the different parts of the  
Ranch

356 SD  
PAGE 10

3 Question

Do you know

the names and of this Ranch of Soplara  
State Texas

Answer

Knowing the boundaries

they are as follows on the East side the  
Llanada Segunda on the South side the  
ridge of hills which forms the boundary of  
Montgomery on the West side the road  
from Montgomery to Llanada Segunda and  
on the South side the Llanada River

4 Question What do you consider

the the value of this Ranch at this  
time

Answer

I would not give

above a hundred dollars for the whole of it  
according to the value of land in that  
Township

Question by Mr. Greenhow

Associate Law Agent

Question How do you

know the limits of the Public or Power of  
Montgomery

Answer by what I have heard

said by the officers of the Town and the court  
of sessions and other officers I have heard  
that the hills forming the boundary stand  
this before the cession of the Country to the  
United States and likewise since in the time  
of Mr. Cotton who was Alcalde there

Thomas Cole

Subscribed and sworn to before me this  
2nd day of December 1853

Alfred Fitch

Commissioner



Felix in Office December 2nd 1853

Signid

Gen Felix

Secretary

Records in Vol B Vol 3 page 483

Signid

Gen Felix

Secretary

356 SD  
PAGE 11

Depo of  
J. M. Kinley

United States Land Commission  
San Francisco June 5th 1853

At this day before Commissioner's sitting  
as a Board came James McKimley and  
others in behalf of the claimant Andrew  
Randall in case number 554 who  
after being duly sworn deposed as follows  
Question by Claimant's  
Council

Question What is your name  
age and place of residence

Answer James McKimley is  
about fifty years and present in  
Monterey

Question

When were the  
papers which you were named to produce  
before this Board by subpoena issued  
decreed dated the 28th March 1853  
first come into your possession and  
from whom and you receive  
them

Answer

As to the time  
which I received them was in the month  
of March of this year from Mr Koch

Question

State for what  
purpose those papers were put into your  
possession

Answer I received said  
papers with a number of others at the

same time which were supposed to  
be of benefit to me and to J Robinson  
as they were delivered to us jointly

4 Question What benefit are  
those papers to either you or J Robinson

answer

356 SD  
PAGE 12

None just as  
much benefit as a leaf from a book at  
the left hand. It was my belief that  
they were of no benefit to either of us

5 Question How long are  
those papers in your possession

answer

I cannot say how  
long as I did not take any interest in  
them and it was a matter I did not  
pay any attention to

6 Question What did you  
do with those papers and what has  
become of them

answer

Mr Robinson  
with my advice delivered them to Mrs  
Roach I cannot state positively where  
they are now

7 Question

What did you give  
that advice and where are said papers  
delivered to Mrs Roach

answer

I do not know  
where I gave said advice and although  
I am sure first in my own mind that  
said papers were delivered to Mrs Roach  
I cannot state positively that they were  
and consequently cannot state where  
they were delivered. I believe the said  
papers

8 Question Were those papers in  
your possession or under your control  
or in the possession of Mrs Roach or her

13

at the time that said subpoena was  
served upon by the undersigned  
answer

I do not think that  
said papers were in my possession at  
the time of said service.

If they were not  
in my possession I might have got  
them perhaps by asking for them but  
I do not know that I should  
answer

356 SD  
PAGE 13

9 Question  
were said papers  
delivered to Mrs. Knack, Superior or a partner  
before from the date of the subpoena  
answer I do not  
know

10 Question  
why did you  
not appear before the Court in answer  
to the said subpoena as to occur  
answer

I came to San  
Francisco for the special purpose of having  
to but did not find the court  
open

11 Question  
Whence did you  
come in evidence to the subpoena  
and that day of the week and time  
and your name and name of the  
day of the week and your name for  
same

answer  
I am not positive  
whether I arrived here on Saturday or  
not. It was either said day or Thursday  
I left here either on Monday or Tuesday  
following early in the morning of  
the 7th of October

12 Question  
Such on the

30

24

papers were shown for and marked  
order to show cause on James McKinley  
and state whether or not a copy of said  
papers was made or given by the committee  
and if so why said papers not appear before  
this Board in obedience to it

Answer

356 SD  
PAGE 14

Adopted papers  
papers was made and no order shown  
by the return of the Marshal  
State the Deputy Marshal whose name  
appears therein that they got the  
papers as I supposed them to be  
the possession of Mrs Beach

and that  
my appearance here could not be of any  
service to Mr Kendall and to the Mr Ken-  
dall so and for these reasons I did not  
come

James McKinley

sum and subscribed }  
before the Commission }  
sitting as a Board }  
5th day of June 1855 } 3

Attest

Geo Fisher  
Secretary

Filed in Office June 5th 1855

Signed

Geo Fisher  
Secretary

Recorded in Evidence Book Page  
Signed

Geo Fisher  
Secretary

Deposited by  
Manuel Castro

356 SD  
PAGE 15

San Francisco June 26, 1853  
This day before N. Auger Thompson, one of the  
Commissioners to ascertain and settle the  
private land claims in California, came  
Manuel Castro, a witness in behalf of the  
claimant in case No 554 in the district  
who being duly sworn deposed as follows:

Questions by Mr. Richard for claimant

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

Answer. My name is  
Manuel Castro, my age is 33 years and I  
reside in Monterey California

2<sup>d</sup> Question Are you  
acquainted with Jose Maria Ceramurias  
and Jose Castro, if yes, state whether you  
are acquainted with their handwriting and  
signatures and your means of knowledge?

Answer. I am acquainted  
with the said persons and their handwriting  
and signatures, having often seen them write  
and sign their names.

3<sup>d</sup> Question Have you  
at the document now shown you marked Exhibit  
No 1" been annexed, and state whether the  
signatures of Jose Castro and Jose Maria  
Ceramurias when they respectively occur, in  
and upon said document are true and  
genuine signatures?

Answer. I have examined  
the said Exhibit No 1, and the signatures of the  
said persons when they respectively occur  
therein are true and genuine signatures.

16

4<sup>th</sup> Question Do you know  
the land described in the said document as  
granted; if yes, state your means of knowl-  
edge?

356 SD  
PAGE 16

Answer. I am acquainted  
with the said land. It is situated in the present  
county of Monterey on the margin of the river  
San Carlos or Carmelo. I am acquainted with  
the said land from having often been on it,  
both before and after the judicial possession  
thereof was given to Lazaro Soto, the grantee  
in the said document at which possession I  
acted as a notary and clerk to the Alcalde  
Don Simon Castro, who gave the same. The  
measurement of the said land in the said  
possession was commenced on the margin  
of the said River Carmelo, at the junction  
thereof of the Carrada Segunda, thence follow-  
ing the margin of the said river to a  
house called "Casa de las Cebra's" or "Chirao"  
situated near the establishment of the Ex-  
tinct Mission of San Carlos; thence, (from said  
house) to a place called "La Cruz de San Medico";  
thence following the hills (Lombreras) along the  
top thereof and about parallel with the said  
river Carmelo to the said Carrada Segunda;  
and thence following the said Carrada to the  
point of beginning. There is a small Carrada  
situated near the said Cruz de San Medico and  
towards Monterey which I think was mentioned  
in the act of possession as a permanent design-  
nation of its location.

5<sup>th</sup> Question Did the said  
Lazaro Soto ever occupy the said land, if so,  
when did he first occupy it?

Answer. He did. He  
occupied and lived on the same land with

89  
his family at the time the said possession was  
given him, which I think was in the year  
1839 or 1840. He had a house, corral and  
cultivation on the place and a field enclosed  
and stock.

Manuel Castro

The U.S. Law Agent is present and declines to  
warrant return

356 SD  
PAGE 17

Subscribed and sworn to  
before me this 26<sup>th</sup> day of  
June A. D. 1855

R. Aug. Thompson  
Clerk

Filed in office June 26, 1855

(Signed) Geo. John Lee

---

18



19

E. C. W. 1.

Pueblo de Don Carlos - año de 1839

Especiente promovido

Por el Sr. Lazaro Coto en pretension del

Terreno nombrado La Cañada

De Segunda

356 SD  
PAGE 18

Exhibit No 1  
R. J.  
Witness: to depa  
of David  
Spence

2. C. G. W. Monterey y de Cádiz. Don Gobernador  
 Marzo de 1839 } C. G. L. Lazaro Soto, Vecino  
 Informe el al } de Monty, ante la justifi-  
 calde del Camer } cacion de D. G. con el debido  
 lo lo convent. y } Respectu pasesse y dijo que  
 dirijase por su } sin embargo de q. me dev  
 mismo con ducto } pacto veinte y un año en el  
 al Don prefecto del } servicio de la Milicia Na  
 primer distrito } cional de Artill<sup>a</sup> e lo pa  
 Alvarado. } do en fuerza de muchos afan  
 nes, haecime de un pie de

356 SD  
 PAGE 19

Lomado vacuno y Caballar vastante ape  
 nas p<sup>a</sup> sostenia mi crecida familia, mas  
 como careco de un terreno propio para  
 conservarlas, como p<sup>a</sup> de di carne al  
 importante Remo de la Agricultura  
 me es necesario, como lo beneficié por la pre  
 sente, denunciar p<sup>a</sup> su concecion, corrido  
 los terminos de Estilo el terreno, conoscielo  
 con el nombre de Lomada de la segunda  
 p<sup>a</sup> el Rio del Carmelo el cual esta poco  
 mas o menos segun el diseño adjunto de  
 un sitio de Lomado mayor. P. G.

C. G. W. 3

a. V. G. suplico haci en retribucion de mis  
 servicios, como en consideracion a la  
 necesidades de mi familia se ser bira  
 con se derme lo en propiedad mandando  
 practicar lo de Costumbre y mientras  
 el Cohechente corre sustamites permi  
 tirme ente en posesion de el y admitirme  
 esta en papel comun p<sup>a</sup> no haber del sello  
 correspondiente, de cuyo modo recibire  
 gracia y el Ausito q. tanto necesito.

Monterey 2 de Marzo de 1839  
 Lazaro Soto

Progado Interim de D<sup>o</sup> Carlos.  
 puede considerarse al Intercedido en  
 Esta Instancia la Ganada de la Segunda  
 con las Lomerias que miran p<sup>a</sup> Monty, pue  
 p<sup>a</sup> esta parte del Rio del Carmelo no puede

21

Estenderse por tener los demarcados sus  
tierras los escopitos vecinos de este pueblo,  
donde asen sus siembras y tienen sus  
Bienes y a mas las tierras de el solici  
tante considera Valdias, deven compren  
derse en los ejidos de este pueblo cuando  
le sean demandados, en tal virtud de fo  
a la sabia penetracion de V. O. lo que  
allare mas con ben<sup>te</sup> en el asunto del  
lendo cumplir con el superior de ere to ma  
jinal, en esta instancia, de que be del  
presente mef.

Pueblo de O<sup>ra</sup> Carlos 16 de Mayo  
de 1839.

Marcelino Escobas

Pueblo de O<sup>ra</sup> Juan de Castro Marzo 20  
de 1839.

Es adjudicable el terreno que  
solicita la parte de Lazaroto, tal como  
perjuicio de los terminos que deban sena  
larse al pueblo de S. Carlos.

Jose Castro

Monterey 2<sup>ya</sup> de May<sup>o</sup> de 1839.  
De conformidad con los informes que  
anteceden, vuelva este Exped<sup>te</sup> al O. pe  
fecto del 1<sup>er</sup> Distrito para que en uso de  
las facultades que le concede el Artto  
4<sup>o</sup> del decreto de 20 de Marzo 183<sup>er</sup>  
le espnda el titulo de concecion, bajo la  
intelligencia que se ha de sujetar a las  
condiciones que deben tener los ejidos  
de los pueblos.

Alvarado

356 SD  
PAGE 20

14

C. L. N. 5.

C. L. N. 6.

Here folios,  
1/2 Map }

Office of the County Recorder for  
Monterey County State of California,

I, Edw. L. Williams Deputy of  
County Recorder of Monterey County State  
afore said and as such now having in my  
Office and under my custody a portion  
of the Archives of the former Spanish and  
Mexican Territory or Departments of Upper  
California do hereby certify the the size and  
contents and hereunto annexed pages of  
having paper numbered 1. 2. 3. 4. 5. 6  
and all of which are Verified by my  
initials (E. L. W.) exhibit a true and  
accurate copy of the Writing and of a  
plot or plan upon six pages of an un-  
bound pamphlet entitled as per page  
No. 1. hereunto annexed, which is on  
file and forms part of the Records in  
this Office.

In testimony Whereof I  
have hereunto signed my name  
Officially and affixed my seal  
of Office at the City of Monterey County and  
State before written this twenty ninth day  
of October 1853.

Edw. L. Williams  
Deputy Recorder for  
Monterey County.  
Cal.

Filed in Office Nov: 10<sup>th</sup> 1853

Geo: Fisher Secy

Translation of  
Exhibit No. 1

Most Excellent Governor,

Citizen Lazar Sato, a resident of Monterey before the justice of your Excellency with due respect appears and says that although I have been employed for twenty-one years in the service of the Royal Artillery militia and with great exertions have managed to acquire a stock of cattle and horses, scarcely sufficient to maintain my numerous family. I have no lands of my own to keep them on nor to dedicate myself to in the important branch of agriculture, it being therefore necessary I do now by these presents demand in order that it may be granted to me, (the customary steps being previously taken) the land known by the name of "Canada de la Segunda" in the neighborhood of Carmel River which contains a little more or less one square league according to the accompanying plot. I therefore request that Your Excellency as well in recompense of my services as in consideration of the wants of my family would be pleased to grant me the ownership thereof, commencing the customary steps to be taken and in the mean time allow me to take possession of the same, You will likewise please to admit this petition on common paper there being no sealed paper of the paper kind to be had and I shall thus receive the favor and assistance of which I stand in so much need.

Monterey 2<sup>d</sup> March 1839

(Signed)

Lazar Sato

356 SD

PAGE 22

24 D

Marginal decree

Monterey 9<sup>th</sup> March 1839

The Alcalde of Carmelo will report that which is necessary and will transmit the whole to the Prefect of the first district

(Signed) "Alvarado"

356 SD  
PAGE 23

C

Juzgado de interior of San Carlos

The Concedo de la Segunda may be granted to the party interested in this petition with the hills which front towards Monterey because on this part of the River of Carmelo he cannot extend his bounds since the native Indians, residents of this Pueblo, have already therein lands laid out when they cultivate and keep their stock, and besides this the lands which the Petitioner considers to be vacant ought to be comprehended in the commons of this Pueblo when they shall be designated, in consequence whereof I leave it to your Excellency's wise penetration to decide what you may judge most convenient, believing to have complied with the superior marginal decree to this petition dated the 9<sup>th</sup> of said

Pueblo of San Carlos 10<sup>th</sup> March 1839

(Signed) Marcellino Escobar

Pueblo de San Juan de Castro March 20, 1839

The land solicited by Lorenzo Soto may be granted saving injury to the bounds which ought to be designated to

lands which ought to be designated to  
the "Pueblo of San Carlos"

(Signed)

José Castro.

Monterey 27<sup>th</sup> March 1839

In conformity with the foregoing  
report let this petition be returned to the  
Jefe of the first district in order that in  
virtue of the powers granted to him by the  
77<sup>th</sup> article of the decree of the 20<sup>th</sup> March  
1839 he may make out the title of an apino  
with the understanding that the party interested  
must be subject to the conditions to be  
granted to the common lands of Pueblo

(Signed)

"Alvarado"

Taken in office Nov 1. 1853

(Signed)

Geo. Fisher Juez

356 SD  
PAGE 24

26



29

José Castro prefecto del primer Distrito del  
Departamento de las Californias

Por Cuanto Lazaro Ootomejica

no por nacimiento ha pretendido para  
Cobrirse con su beneficio personal y el de su familia  
annexar todo el terreno conocido con el nombre de Cona  
no: of Manuel de la segunda que se halla inmediata  
Castro. June 26 al Rio del Carmelo y contiene un sitio de  
1855.

356 SD  
PAGE 25

ganado mas o pocas mas o menos segun  
explica el diseño que corre en el Expedi-  
practicadas previamt. las diligencias y  
averiguaciones convenientes; en uso de las  
facultades que me son conferidas por la  
ley reglamentaria de 20 de Mayo de 1894  
he venido en decreto de Este dia en conce-  
derle la propiedad del expresado terreno  
bajo las condiciones siguientes.

1.ª Se someterá a lo que resolvieren el Gobi-  
erno y junta departamental al tiempo de  
arbitrar fondos para los pueblos y pagara  
el canon que le sea impuesto.

2.ª Hara uso de sus productos destinados  
al cultivo que mas le acomode y dentro  
de un año, a lo menos fabricará Casa en  
el y estara habitada.

3.ª Solicitara del juez Respectivo la pose-  
cion juridica en virtud de Este Despacho  
quien lo mandara medir conforme a Or-  
denanza y señalara los limites que al  
terreno corresponden con las Mojoneras  
que al Efecto convenjan.

4.ª Si contraviere a Estas Condiciones  
perdera su derecho al terreno y sera de-  
nunciabile por Otro.

En consecuencia



Translation

Translation  
of  
C. S. W.

356 SD  
PAGE 27

Jose Laster Proprietor of the first District of  
the Californias

Manuel Lazaro Soto a Mexican by birth  
has requested for his personal benefit and  
that of his family the land known by  
the name of Hacienda de la Laguna  
which is situated in the vicinity of  
Laramie River and consists of one  
square league of little more or less as  
appears by the plat which accompanies  
as the Expediente of the same  
and investigations customarily  
made in such cases

In  
virtue of the power conferred upon  
me by the reglaminatory Law of the  
24th of March 1837 having a decree of  
the Senate granted to him the ownership  
of said land under the following  
conditions

1st He shall subject himself to what  
may be resolved by the Government  
and Departmental Junta with the same  
authorities for as for public lands he  
shall pay the full value thereof which  
may be imposed upon him

2nd He shall make use of the produce  
of the land destined to the culture  
of wheat and sugar cane but  
within one year at farthest he shall begin  
above and it shall be cultivated

3rd He shall solicit of the respective  
Magistrate Judicial possession in  
virtue of this title and said Magistrate  
shall cause the land to be measured  
according to Law and shall assign to the  
boundaries and land marks which  
may be necessary

4th If he transgress these conditions  
he shall lose his right to the land and

in many instances of our territory  
consequently commands that following  
these presents a firm and valid  
record thereof be taken in the respective  
courts and that serving them for all the  
beneficial purposes to them for their security  
and furtherance

356 SD  
PAGE 28

Given in the Hall  
of the Prefecture with the seal of said  
place at least on the fourth day of the  
month of April 1853 the thousand  
eight hundred and fifty three

Provided  
that the party in favor of whom this  
grant is made shall not injure the  
native Indians of San Carlos who  
have grounds allotted to them on the  
lands granted

Jose Castro  
Jose Maria Llorens  
Secretary

Attest: Justino Maderal this date  
and at San Carlos

Jose Maria Llorens

It is understood and hereby certified the  
following to be a correct translation of  
a copy certified to by P. K. Wadswick  
Recorder of Monterey County on the  
twenty fourth of September 1853 the thousand  
eight hundred and fifty three  
to C. P. Barthele  
State Translator

Filed in Office February 5th 1853  
Signed

Geo Fisher  
Secretary

31

Office of the United States Land  
Commissioner  
San Francisco California

Order to Show  
Cause, on J.  
McKinley

Andron Randall }  
vs }  
The United States }  
}

356 SD  
PAGE 29

Whereas it has been  
made to appear by the petitioner in this case  
that a subpoena was duly issued by the Honor-  
able Captain Felix one of the Members of  
this Board directed to the United States Mar-  
shal of the Northern District of California  
commanding the attendance of one James  
McKinley to be and appear before the said  
Board of Commissioners on one of them on  
the 3rd day of April 1855 to give testimony  
in said Cause on the part of the said  
Petitioner and also to produce  
in evidence certain documents therein  
particularly named and described to be read  
in and on the hearing of the aforesaid  
Cause

and it also appearing to this Commission  
that the said subpoena was duly served  
on the said James McKinley by the said  
Marshal and that the legal costs and  
charges were thereon made and tendered by  
the said Marshal to the said interest and  
therein were accepted by the said McKin-  
ley and further more that the said McKin-  
ley hath wholly neglected to obey the said  
subpoena in any of its parts

Therefore presents  
according to direct the United States  
Marshal of the Northern District of the  
State of California again to summon  
the said James McKinley to be and  
appear before the said Board of Land  
Commissioners or some one of them  
on the 6th day of May next at 10 o'clock  
a m of said day at their Court room

in San Francisco and then and there  
to produce the said do current par-  
ticularly named and described in the  
former subpoena above referred to the  
said evidence in said cause

And  
then and there to give testimony in said cause  
according in and by said subpoena or  
then cause if any be hath why he should  
not be attached and fined for contempt  
of this Commission by refusing to obey  
its writs of subpoena

356 SD  
PAGE 30

Given under our hands  
this 23rd day of April 1855

R. Aug. Thompson  
J. D. Farnell

Commissioners

To  
The Marshal of the }  
Northern District of Cal. }

To authorize and  
authorize Reuben Reuben to serve and  
execute this summons and writ  
April 24th 1855

W. H. Richardson  
Act Marshal  
By W. McSmith  
Deputy

Have served this summons and writ by  
leaving same and certified copy thereof  
with the within named James McSmiley  
in the County of Monterey California  
on the 5th day of May A.D. 1855

W. H. Richardson  
Act Marshal  
By J. Brown  
Special Deputy

Filed in Office May 9th 1855  
Geo. Fisher  
Clerk

554 Andrew Randall

Before the Board of U.S. Land Commissioners for ascertaining and settling private land claims in the State of California.

Stipulation The United States

356 SD  
PAGE 31

In the matter of the application of Andrew Randall for the confirmation of the Rancho of the "Carretera de la Segunda" in the County of Monterey state aforesaid one square league more or less.

It is hereby stipulated and agreed by and between the above claimant and the United States, that the deed of Henry Mage, constable of the Township of Monterey, state of California, to Andrew Randall dated the 13<sup>th</sup> day of May 1851, and acknowledged in the 19<sup>th</sup> day of May 1851, before Jacob Merritt county judge of the County of Monterey aforesaid and hereto annexed be and is hereby admitted in evidence on the trial and hearing of the above intitled cause before the Board of U.S. Land Commissioners aforesaid as fully and to all intents and purposes as if the recital of the proceedings mentioned in said certificate had been duly proved by a transcript of the judgment and proceeding on the case, and that the signatures and official character of the said Mage and Merritt had been duly proved.

San Francisco

A Randall claimant

Louis Blaudin  
U.S. Land Agent

Filed in office July 2, 1855

(Signed)

Geo John Jay

34

1854



35-

This Indenture made and entered into this 13th day of May AD 1831 between Henry Magee Constable of the Township and County of Monterey in the State of California of the first part and Adam Randall of the same place of the second part Whereas by virtue of four several executions issued out of the Court of William S. Hughes a Justice of the Peace in and for the Township of Monterey and County and State aforesaid dated on the 31st day of November 1830 at the suits of J. H. Green & Gonzalez Lopez and R. Gonzalez Plaintiffs against Lazarro Soto Defendant the transcript of said judgments being duly filed in the office of the County Recorder of the County of Monterey on the 2nd day of December AD 1830 and executions issued thereon directed and returned to the said Henry Magee Constable Commanding Jury that the goods and chattels of the said Lazarro Soto Defendant be shown cause to be made certain moneys in the said judgments executions decrees and appraisement for said chattels could not be found that then he should cause the amount so appearing to be made of the real estate which the said defendant on the day specified in the judgments executions decrees and appraisement in which he has been the same might be found. There being no goods and chattels found whereon to levy the said Henry Magee Constable did levy on and seize all the estate right title and interest in which the said Lazarro Soto Defendant appears to the premises herein after conveyed and described on the 9th day of May AD 1831 that when the same of 10 O'clock AM and 4 O'clock P M of said day sold the said premises at public vendue in front of the Court house of the County of Monterey and State aforesaid having first given public notice at the time and

356 SD  
 PAGE 32  
 Henry Magee  
 To  
 A. Randall

Deed.



3107

forever as fully and absolutely as the said  
Lazarus Soto Defendant bears at the time of  
the filing of said judgments and at any  
time afterwards and that the party of the  
first part as constable of said county can or  
ought to have by virtue of said executions  
and the laws relating thereto

356 SD  
PAGE 34

in witness  
whereof these presents at Monterey and  
Cal as constable of said county do hereby  
first above written

Signed Henry Mage Constable  
Constable Monterey  
Signed Seal and  
at witness in presence  
of the Sutheran  
& Leonard

State of California  
County of Monterey  
On this 19th of May 1853 personally appeared  
before me Josiah Merritt Judge  
of Monterey County Henry Mage Constable  
of the Township of Monterey to  
me known to be the same person described  
in and who executed the foregoing deed  
of Conveyance

and acknowledged to me  
that he executed the same for the uses  
and purposes therein expressed  
Therefore let the same be recorded

Signed  
Josiah Merritt  
Judge of Monterey  
County

Filed in Office July 18th 1853  
Signed Geo Foster  
Secretary

38

39

Affidavit  
for Continuance  
by A. Randall

Number 337

United States Land Commission for  
California

This day personally appearing before the  
Board William Randall claimant in  
this case who states he is not ready for trial  
for the reasons of the original accounts  
relating to the claim that were in the  
hands of William Beach this witness  
was duly subpoenaed and promised to  
deliver said papers when he went to  
Montgomery having been confined in the  
Stockton Jail for some months past till  
within some 15 or 18 days since which he  
was taken to Montgomery in charge of an officer  
from whom he got away and is supposed  
to have left the country.

On last evening I  
was informed that the papers were now  
in the hands of one James McKinty and  
the applicant desires that he will be able  
to obtain them in the course of a few weeks  
A Randall

Subscribed  
Before the Board this  
9th day of March 1854

John Fisher  
Commissioner

Filed in Office March 13th 1855

John Fisher

Recorded in Vol 11 page 563  
Signed

John Fisher  
Secretary

356 SD  
PAGE 35

40

6-28-1911  
1911

H 1

Subpoena  
for  
S. W. Kintner

356 SD  
PAGE 36

United States of America  
 To the Marshal of the Southern District of California  
 You are hereby commanded to summon James  
 McKim of the County of Monterey California  
 next of kin to the Board of Commissioners  
 to ascertain and settle private land claims  
 in the State of California and some one of them  
 at their office in the City of San Francisco  
 on the 3rd day of April 1855 and to do such  
 and that returning in the form and contents docu-  
 ments and supporting to be my original  
 grant from the said Superior of the 1st  
 District of California dated April 4th 1839  
 to one Lorenzo Soto and the other purport-  
 ing to be the recovery of the said land posses-  
 sion of the same to the said grantee to be  
 within the jurisdiction of the Commission in  
 a case now pending before said Board  
 on the Petition of Alvaro Raudal and  
 make due return hereof according to Law  
 witness my hand and seal  
 at San Francisco this twenty  
 eighth day of March 1855  
 Alvaro Raudal

356 SD  
PAGE 36

Commissioner  
 Matthew Brennan to serve this writ  
 March 28th 1855

Walter A. Raudal  
 Attest

By the Marshal of the District  
 James McKim of the County of Monterey California  
 this 30th day of March 1855 and to do such  
 his traveling expenses and to pay for attendance  
 on all legal proceedings which he may incur  
 J. Brennan

Special United States  
 Marshal to serve this writ  
 Monterey 30th 1855

issued March 28th 1855  
 Returnable April 3rd 1855

#2



43

Order to show  
Cause

Andrew Randall  
vs  
The United States

3  
3  
3  
3  
3

Number 554

356 SD  
PAGE 37

Happening to the  
Interfection of this Board of the Interior  
of the President of the United States upon  
a subpoena duces tecum commanding  
the appearance of James McKimley as a  
witness in the case described in said  
subpoena that all service was made  
of said subpoena upon the said  
witness his failure to appear

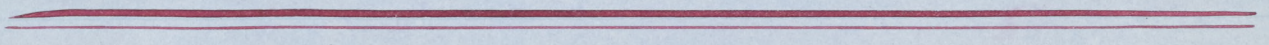
It is therefore  
now lawfully upon the motion of the  
claimant that the said McKimley be  
notified by the personal service upon him  
of the order of the said President to make  
his appearance with the papers described  
in the subpoena above mentioned before  
this Board on or before the day of  
1st 1855 and that unless he do appear that  
a summary attachment will be used to  
compel his obedience to the process of this  
Board

Filed in Office April 14th 1855  
Signed

Geo. Fisher  
Secretary

Records in Journal Volume 4 page 268  
Signed

Geo. Fisher  
Secretary



44

\_\_\_\_\_

20

45-

Motion for  
attachment

Andrew Randall }  
vs }  
United States } Number 554

356 SD  
PAGE 38

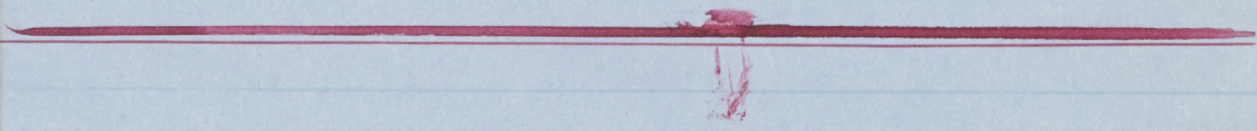
The Plaintiff in this case now here moves  
before this Honorable Board for an  
attachment vs James McKimley a  
definitely returns upon whom a subpoena  
habeas corpus returned by the Clerk  
of the United States and who has  
failed to appear in obedience to the  
precept of said subpoena

At and all  
Plaintiff

By his attorney  
Thornton Williams & Thornton

Filed in Office April 10th 1855  
Signed Geo Foster  
Secretary

Recorded in Journal Vol 4 page 268  
Signed Geo Foster  
Secretary



46

Ordered, That the time assigned to James  
McKinley, a witness in this case to appear before this  
Board to testify in the Attachment issued against him  
on the 9<sup>th</sup> instant, be extended to 10 O'clock. A. M.  
on 5<sup>th</sup> June next.

San Francisco May 22 1855.

---

356 SD  
PAGE 39

49

Attachment

United States Land Commission State of California

The President of the United States to the Marshal of the United States for the Southern District of California Greeting  
Whereas an order has been this day entered by this Commission that process of attachment issue against James McKimley now therefore this is to command you that you apprehend the said James McKimley if he is found within this State and have his body before the Board of United States Land Commissioners at their Court room in the City of San Francisco at 10 o'clock in the afternoon the 5th day of June 1855 that he may then and there as and receive what the said Board of Commissioners shall order in the premises

356 SD  
PAGE 40

Given under my hand this 9th day of May 1855

A. Aug. Thompson

S. B. Farnell

Commissioner

And by Authority and Deputee James Knowles to execute this attachment against the within named James McKimley and to apprehend and bring him to San Francisco this 28th of May 1855

W. A. Richardson  
U. S. Marshal

W. A. Richardson

U. S. Marshal

United States District of California

By Wm Smith Deputy

Have recd this writ of proceeding to warrant California where I apprehended the within named J. McKimley on the morning of June 2nd 1855 and have his body before the Board of United States Land Commissioners this 5th day of June 1855

W. A. Richardson U. S. Marshal

By James McKimley Special Deputy

Done May 9th 1855

signed  
Geo. Foster Secy

48

-----

11

11

11

49

Order of the Board

United States  
of  
James McKinley

356 SD  
PAGE 41

Upon the hearing of the charge assigned by said defendant James McKinley in the matter of the attachment issued against him on the 9th of May last at the instance of Andrew Randall and having come to the conclusion that the said McKinley has wholly failed to show any cause for his not appearing before this Commission in obedience to the process issued to procure his attendance,

This said and assigned by this Commission that the said McKinley has been guilty of contempt and that he is hereby sentenced to pay the costs of the rule, rule and of the said attachment issued from this Commission a fine said

and that all said remain in the custody of the Marshal under said attachment until the terms are complied with

Filed in Office June 5th 1855  
Signed  
Geo. Fisher  
Secy

57

blue



Committed for  
Contempt

United States  
of  
James McKinley

356 SD  
PAGE 42

Upon the hearing  
of the case assigned by said defendant  
James McKinley in the matter of the attach-  
ment issued against him on the 9th of  
May last at the instance of Andrew R. an-  
d all now hearing come to the conclusion  
that the said McKinley has wholly failed  
to show any cause for his not appearing  
before this Commission in obedience to  
the process issued to procure his attendance.

It is ordered and adjudged by this Commission  
that the said McKinley has been guilty  
of a contempt and that he and his wife  
is ordered to pay one half of the costs  
of the rule nisi and of the said attach-  
ment issued from this Commission  
as aforesaid and that he shall remain  
in the custody of the Marshal under  
said attachment until the same are  
complied with.

I George Foster Secretary of the Board of  
United States Land Commissioners  
do hereby certify that the foregoing order was  
this day made and entered on the jour-  
nal of the said Board in the matter  
of the attachment issued against James  
McKinley.

In testimony whereof I have  
caused to be signed my name  
officially at the office of said  
Board this 5th day of June 1855  
Signed  
Geo. Foster  
Secretary

5-2

The said Defendant James McKinley  
being in my custody under the sentence  
of the court and having paid and is  
charged one half of the costs of the attach-  
ment and travel thence and then being  
no costs charged by me on the return  
in accordance with the order of the Commis-  
sioner have this day at 2 P M discharged him  
from my custody

356 SD  
PAGE 43

Dated June 6th 1855

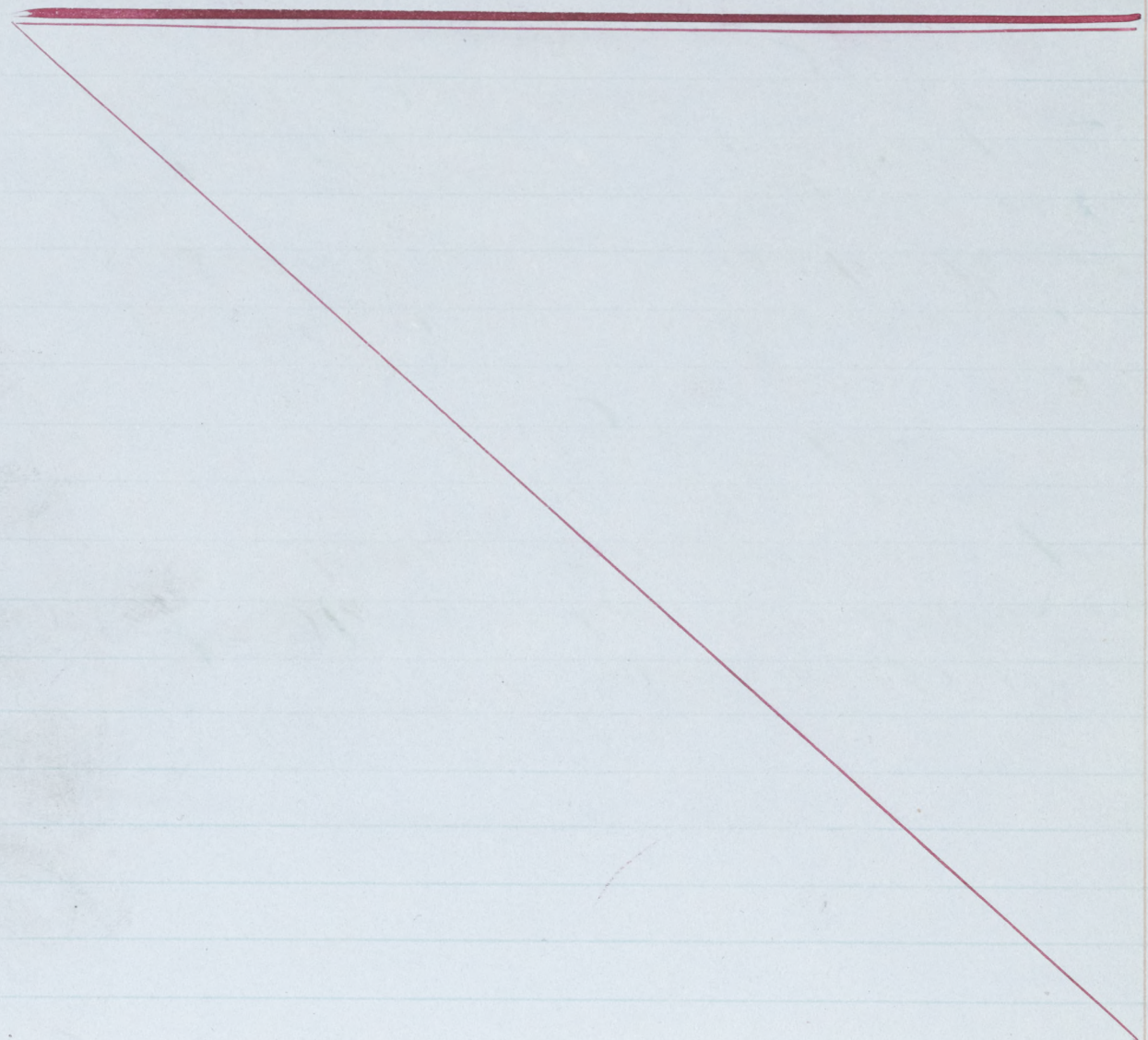
Signed

W. H. Richardson  
U.S. Marshal  
By Wm Smith  
Deputy

Filed in Office June 6th 1855

Signed

Geo Fisher  
Secretary



Stipulation

356 SD  
PAGE 44

|                   |   |   |                    |
|-------------------|---|---|--------------------|
| Andrew Randall    | } | } | }                  |
| of                |   |   |                    |
| the United States |   |   |                    |
|                   |   |   | Number 554         |
|                   |   |   | United States Land |
|                   |   |   | Commissioner for   |
|                   |   |   | California         |

His Honorable Stipulation that the traces copies  
 filed in this case and certified by Mr  
 King the late United States Surveyor  
 General for California under his Parents  
 Seal may be used as evidence just as  
 though they were received and certified  
 under the seal now provided for the  
 Surveyor General's office.

Robert Brinkman  
 Associate Law Agent

Filed in office December 9th 1853  
 Report  
 Geo Fisher  
 Secretary

Recorded in Journal Vol 3 page 535  
 Report  
 Geo Fisher  
 Secretary

574

Andrew Randall

vs  
The United States

For a place called  
"Cañada de la Segunda"  
situate in the County of  
Monterey and containing  
one square league.

Opinion. In this case the Plaintiff has offered in evidence in support of his claim traced copies from the public archives of the County of Monterey, first, the petition of Lazarus Soto for the place in question addressed to Governor Alvarado, and bearing date the 2<sup>d</sup> day of March 1839 with a marginal note of reference entered by said Alvarado to the Alcalde of the district dated the 9<sup>th</sup> day of the same month, and also the report of the Alcalde therein setting forth the fact that there should be some change in the lines so as not to interfere with the rights of the native Indians, which was referred thence and also that, "the lands asked for ought to be comprehended in the commons of "the Pueblo" (of San Carlos) "when they should be designated" and referring the matter to the Governor and which report bears date the 14<sup>th</sup> day of the same month. Also a report of José Cortés purporting to be a report as perfect dated the 20<sup>th</sup> day of May following stating that the land asked for may be granted "saving the injury to the commons which ought to be designated to the Pueblo of San Carlos." With a marginal order also of Governor Alvarado dated the 27<sup>th</sup> day of March 1839, referring the proceedings back to the Prefect with directions to the prefect

that he proceed to make the conception agreeable to the suppositions of the 17<sup>th</sup> article of the decree of the 20<sup>th</sup> of March 1837, with the understanding that the party interested must be subject to the conditions to be granted to the common lands of Pueblos.

356 SD  
PAGE 46

And the claimant has also offered a traced copy of a grant purporting to have been issued in pursuance of the above recited proceedings by José Benito as judge of the proper district dated the 4<sup>th</sup> day of April 1839.

All of which documents appear by proper certificates to constitute a part of the public records in the archives of the county of Monterey and are proven to be genuine.

The claimant has also offered in evidence a copy of what purports to be a deed executed by one Henry Wagner as constable of the county of Monterey to the claimant herein, dated the 30<sup>th</sup> day of May 1851, which said deed recites the facts that he was constable in and for said county, and that as such constable he sold the premises to the said claimant by virtue of an execution against the goods and chattels of the parties Soto.

By written stipulation on file in this case, the deed executed by the constable is made evidence and all objections to procuring had in reference to the execution and the judgment in which it purports to be based, are waived. The evidence in this case does not show that the land at the time the grant was issued, constituted any common lands of a Pueblo, and it has frequently been declared

by this Board that the power of Prefects to issue grants for land were confined to common lands of Pueblos.

And if the grant in this case, had been issued by the Prefect by virtue of the ordinary powers conferred on him by law to grant lands perhaps it would have conferred no right in the grantee or the present claimant to a confirmation, But the records show that the subject was taken into consideration by the prefect and alcaldes to whom it was referred by the former, and reports made by them that the land asked for ought to constitute a part of the common lands of the Pueblo when the common lands should thereafter be assigned to it.

With a full knowledge of all the facts the Governor ordered the Prefect to issue the grant in conformity with the colonization laws, reserving all rights that accrue to the Pueblo provided the lands should be assigned to it. The grantee took immediate possession of the place and cultivated and improved a portion of it and has occupied the same ever since up to the time it was sold by the office.

We think the facts as presented before us in the case, are such as to create an equity in the part of the grantee who is sufficient to have entitled him to a confirmation and that the present claimant is entitled to the benefit thereof.

A decree of confirmation will therefore be entered herein, Confirmed

Filed in office Aug. 14, 1855  
(Signed) Geo. Fisher Gray

Andrew Randall  
of  
The United States

Deceit

356 SD  
PAGE 48

In this case after hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioner is valid and it is therefore decreed that his application for a confirmation thereof be allowed.

The land of which confirmation is hereby given is called "Cañada de la Segunda" situate in the county of Monterey, and contains one square league and to be located agreeable to the plans of the grant and the map accompanying the Esposicion and within the following boundaries: Commencing the measurement on the bank of the River Carmelo at its junction with the Cañada Segunda, from thence on said river to a house called "Hacera de las Cabras" or "Chinas", thence to a place called "La Cruz" de la media, thence along the hills nearly parallel with the River to the said "Cañada Segunda" and along said Cañada to the place of beginning

A. Aug. Thompson

Commis  
S. B. Merrill

Done in office August 14. 1855

(Signed) Geo. Fisher Jones

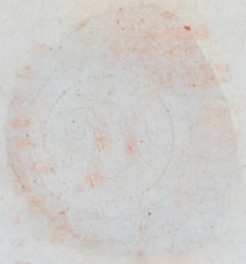


S-9

Order.

356 SD  
PAGE 49

And it appearing to the satisfaction of the Board  
that the land hereby adjudicated is situated in  
the Southern district of California it is ordered  
that two transcripts of the proceedings and decision  
in this case and of the papers and evidence upon  
which the same are founded be made out and  
duly certified by the Secretary, one of which  
transcripts shall be filed with the Clerk of  
the United States District Court for the Southern  
district of California and the other be transmitted  
to the Attorney General of the United States.



Office of the Board of Commissioners,

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

356 SD  
PAGE 50

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 *Fifty nine* pages, numbered from  
1 to *59*, 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. *554* on the Docket of the said Board,  
and herein

*Andrew Randall* is  
the Claimant against the United States, for the place known by  
the name of *Cañada de la Segunda*.

In Testimony Whereof, I hereunto set my hand  
and affix my private Seal (not having a Seal  
of Office) at San Francisco, California, this  
*Tenth* day of *December*  
A. D. 185*8*, and of the Independence of the  
United States of America the *seventy-eighth*

*Geo. Fisher*  
*Geo. Fisher*

356  
U. S. DISTRICT COU

*Southern* District of California.

No. 356.

THE UNITED STATES,

<sup>78.</sup> 556

*Andrew Randall*  
*"Cañada de la Segunda"*

TRANSCRIPT OF THE RECORD

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 554.

Filed, *Jan'y 24* 1856.

*C. E. Carr*  
*clerk*

556

On appeal from the Board of U. S. Land Commissioners,

Case No. 356. } In the Southern District.

Sir,

356 SD

PAGE 51

Please to take notice,  
that the claimant in the above case  
will prosecute the appeal therein.

San Francisco  
Dec. 8<sup>th</sup>, 1854.

Yours respectfully,  
Campbell, Taylor & Peckh  
Atty. for claimant

To the Clerk of the  
U. S. District Court,  
Southern District of California.

U. S. District Court  
Southern District  
of California.

356

Case No. 356.

NO

Notice of  
Appeal from the  
Board of U. S.  
Land Commissioners.

Filed Dec. 13, 1854.

J. S. / adv.  
clks.

356 SD  
PAGE 52

356 SD  
PAGE 53

Office of the Attorney General of the United States,

Washington, 11. Feb'y, 1856.

554.) "Cañada de la Segunda"  
Andrew Randall Claimants

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 1st day of January, 1856, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

*Christy*

Attorney General.

No 356

U. S. Dist. Court  
South Dist of Califa

Andrew Randall

ad  
The United States

Notice of Appeal

Filed June 3<sup>d</sup> 1856

C. C. Swan Clerk  
By A. Morgan Dy

356 SD

PAGE 54



United States District Court for the  
Southern District of California

The United States  
appellants

Docket No. 356

356 SD

PAGE 55

vs  
Andrew Randall  
appellee

Canada de la Segunda

The respondent for answer to the  
petition filed in this cause answers & says  
It is true that the lands mentioned in said  
petition and in said transcript of the proceedings  
before the said Board of Commissioners lies  
within said Southern District of California  
and within the jurisdiction of this court.

But this respondent denies that  
his title to the said lands is invalid -  
and avers that the same is valid - and  
prays that the decision of the said Board  
of Commissioners be affirmed and his  
title be declared to be valid -

E. O. Crosby

Atty Counsel for  
respondent.

No. 356.

U.S. District Court for the  
Southern District of California

The United States  
appellants

vs

Audino Randall  
appellee

answer -

Filed this 6th January  
A.D. 1857  
C. J. Sims clk

J. H. Erdman  
sep

356 SD

PAGE 56

E. Crosby

Atty for appellee

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

CITY AND COUNTY OF LOS ANGELES--STATE OF CALIFORNIA.



356 SD  
PAGE 57  
Andrew Randall, Appellee  
ad  
The United States, Appellant.

Docket No. 356.

Transcript No. 334.

**TO THE HON. ISAAC S. K. OGIER, JUDGE :**

The Petition of Pacificus Ord, a resident of said City, County, and State, Attorney of the United States for the Southern District of California, who petitions in this behalf for the United States, and being present here in Court, in the name and behalf of the United States, represents as follows: That heretofore, to wit: on or about the 5<sup>th</sup> day of February A. D. 1853, Andrew Randall

presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board, claiming a tract of land called *Canada del Segundo* in the County of Monterey State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the 14<sup>th</sup> day of August A. D. 1855, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 5<sup>th</sup> day of January - A. D. 1856, a duly certified transcript of the proceedings and decision of the said Commissioners in said cause, and the papers and evidence on which the said decision was founded, was filed in the Office of the Clerk of the District Court of the United States for the Southern District of California, and marked No. 534; reference to which it is prayed may be had and made part of this petition. That on or about the 1<sup>st</sup> day of January A. D. 1856, the Honorable Caleb Cushing, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and

evidence on which said decision was founded. That thereafter, to wit: <sup>about</sup> on the 3<sup>d</sup> day of June A. D. 1856, the said Attorney-General of the United States filed, or caused to be filed, in behalf of the United States, a notice with the Clerk of said District Court of the United States, that the appeal in said cause from the said decision of the said Commissioners, in the District Court of the United States for the Southern District of California, would be prosecuted by the United States. Your petitioner further represents, that the land claimed, as aforesaid, is situate in the Southern District of California, and within the jurisdiction of this Honorable Court. Your petitioner further represents and insists, that the said claim is invalid; and the said decision of said Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for many errors and imperfections of law and evidence, apparent in said certified transcript of the proceedings and decisions of said Commissioners in said cause, filed and appealed from as aforesaid. And your petitioner denies all and singular, each and every allegation in the said petition of said claimant, presented as aforesaid to said Commissioners. And your petitioner further denies that the said claimant has any valid right or title to said land claimed as aforesaid, or any part thereof.

356 SD

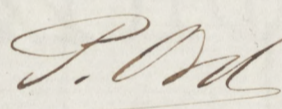
PAGE 58

And no sufficient proof having been made of the allegations in said petition to said Commissioners, or in support of the said claim, no decision confirming the same should have been made by said Commissioners; but the

said claim should have been rejected by them. And the said claimant, having no valid right or title derived from the Spanish or Mexican Governments, to the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by, and it now belongs to the United States, by virtue of conquest, and the Treaty of peace, friendship, limits and settlement, between the United States and the Republic of Mexico, made at the City of Guadalupe Hidalgo, February 2d, A. D. 1848.

Wherefore, the said Pacificus Ord, Attorney of the United States for the Southern District of California, for and in behalf of the United States, by reason of the premises, and in pursuance of the Act of Congress, entitled "An Act to ascertain and settle the Private Land Claims in the State of California," approved March 3d, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said claimant, or his attorney may be served with a copy of this petition; and that this Honorable Court will review the said decision of said Commissioners, and reverse the same; and decide on the validity of <sup>said claim</sup> the ~~same~~, and decree the alleged title to be invalid: with costs and general relief.

356 SD  
PAGE 59

  
Attorney of the United States for  
the Southern District of California.

1851  
FEB 27 3045

N<sup>o</sup> 356.

W D Stewart

Admiral Randall

and  
The States

Relation of him

Filed this 6th January 1857

Clerk of the  
J. M. M. M. M.  
Seal

356 SD

PAGE 60

356 SD  
PAGE 61

Deposition of Tho<sup>s</sup> M. Sutcliffe taken before  
C. S. W. United States Commissioner for  
the District of California, at the United  
States Court House in the City of Los  
Angeles on Sunday the 6th day of January  
A<sup>D</sup> 1857 at 11 o'clock P. M. by Consent  
(and) agreement of parties to be used in tes-  
timony on behalf of the Claimant in a  
certain Cause now pending in the  
United States District Court for the  
Southern District of California, being  
Case No. 356 on Docket of said Court  
Wherein The United States are appellant  
(and) Andrew Randall appellee

Present J. Ord M. S., Atty on  
behalf of Appellant and Ed Crosby on  
behalf of Appellee

Andrew Randall  
appears  
ad  
The United States  
appears

356 SD  
PAGE 62

Thos W Sutherland being duly  
sworn deposes & says

Ques What is your name age and place  
of residence

Ans My name is Thos W Sutherland  
am 39 years of age and reside  
in Unit States

Ques Do you know Andrew Randall  
and is he now living?

Ans I ~~know~~ did know him  
he is now dead, He died July last,  
I think, - was present at the time  
of his death

Ques Did he have a family of great ~~children~~  
Please state who they are?

Ans He left a widow named Elizabeth T  
Randall and four children, I only know  
the names of two of them, who reside  
in California - they are named  
Ernest & Arthur

Thos W Sutherland



United States of America  
State of California  
County of Los Angeles

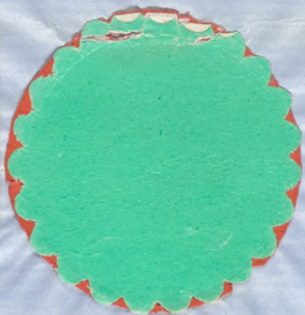
J. C. Lewis, United

356 SD  
PAGE 63

States Commissioner for the District of Calif-  
-ornia, do hereby Certify that the foregoing  
depositions of Tho W Sutherland were taken  
before me in accordance with the request  
and agreement of said attorneys, at the  
United States Court House in the City of  
Los Angeles, State of California, that the  
said Tho W Sutherland was by me duly  
sworn according to law as a witness in  
said cause in the caption of the depos-  
-ition mentioned; and after being so sworn  
his testimony was by me reduced to writing  
in his presence and that of the said attorneys  
and after having been by me carefully read  
to him and by him corrected as he desired  
was by him signed in my presence

In testimony whereof I here-  
-unto set my hand and affix  
my private seal (not having a  
seal of office) this 6th day of  
January A D 1857.

J. C. Lewis  
US Com <sup>msl</sup> 4



No. 356

U. S. District Court  
for Southern Dist. Cal.,

Andrew Randell  
— appellee  
vs.

The United States  
— appellants

Deposition of T. W. Substantano

Filed this 6th January  
A. D. 1857  
C. S. S. Clerk  
J. M. Coleman  
Clerk

356 SD

PAGE 64

356 SD  
PAGE 65

No. 356.

The United States  
appellants

<sup>vs</sup>  
Andrew Randall  
appellee

United States District Court for the  
Southern District of California

It is hereby proved by E. O. Crosby of  
Counsel for claimants that this cause be revived  
in the name of Elizabeth J. Randall the wife  
of said Andrew Randall dec<sup>d</sup> and Emory Randall  
& others his children - the heirs at law of said  
Andrew Randall dec<sup>d</sup>

E. O. Crosby

Atty &c

No. 356.

U.S. Dist Court for the  
Southern Dist of California

The United States  
appellants

vs

Andrew Randall  
appellee

Motion to revive case

Filed July 15<sup>th</sup> 1857

C. Smith  
clerk

356 SD

PAGE 66

E. O. Crosby  
Atty for Appellants

UNITED STATES OF AMERICA, }  
Southern District of California, } SS.

The President of the United States,

TO

*Amos Russell*

356 SD  
PAGE 67

Greeting :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against *you* in the District Court of the United States, in and for the Southern District of California, on the *6<sup>th</sup>* day of *January*, in the year of our Lord one thousand eight hundred and fifty-~~five~~, at the City and County of Los Angeles, in said District, by *Rd. Riddell attorney*

*praying for confirmation of the decision of the United States Land Commission confirming your claim on or about 14<sup>th</sup> day of August A.D. 1853 to the Land called*

*"Cascada de la Segunda"*

and that *you* are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said Petition, or the Petitioner will apply to the Court for the relief demanded therein.

In Witness whereof, I have hereunto set my hand, and affixed the Seal of said Court, at the City of Los Angeles, this *6<sup>th</sup>* day of *January* A. D. 185 *7*

*C. J. ...* CLERK.

Marshal Cost  
 Copying books - 60  
 Writing same 3. --  
 Petition 3. --  
 \$ 6. 60.

No. 376

UNITED STATES OF AMERICA,  
 Southern District of California,  
 U. S. DISTRICT COURT.

Andrew Randsale  
 vs  
 The United States

Filed on return this 12th  
 January at 10/1857  
 J. McLaughlin  
 Clerk

SUMMONS.

Received  
 Jan 16th  
 1857

Edward Hunter  
 U. S. MARSHAL.

J. McLaughlin  
 356 SD Deputy  
 PAGE 68

I served this Summons, together with a certified copy of the Petition, upon *E. E. Cooby*  
 Atty for appellee by him acknowledging  
 service of same

at *Los Angeles* in the Southern District of California, on  
 the *12th* day of *January* A. D. 1857.

Sworn to and subscribed before me, this  
*12th* January 1857  
*J. McLaughlin* CLERK.

*Edward Hunter*  
 U. S. MARSHAL.  
*J. McLaughlin*  
 Deputy

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

Andrus Randall

No 356

356 SD

Appellee

PAGE 69

vs

The United States

Appellant

"Canales de las Segundas"

To the United States District Attorney

For the Southern District of California

Sir,

Take notice that on the 4<sup>th</sup> day of January  
A.D. 1888 at 11 o'clock A.M. of said day or as soon  
thereafter as the same can be heard, the appellants  
will submit said cause to the aforesaid court  
for decision. Los Angeles December 29, 1887

Edwin A. Hartman

Atty for Appellant.

Case No 356

In District Court U.S.

Southern District

Andrew Randall

vs

The United States

-----

Notice of Trial

-----

Filed this 30th December

1857

at St Louis Mo

J. M. Coleman

356 SD

PAGE 70

Shoun v. Weston

per Appellus



In the District Court of the United States  
For the Southern District of California

Andrew Kendall

Case No 356

356 SD  
PAGE 71

Appellee

vs

"Cementerio de la Segunda"

The United States

Appellant

Manuscript No 554.

On motion to the Court by Sloan & Winters  
Attys for the appellee, and it appearing to the Court  
that during the pendency of the appeal of said  
cause in this Court, the said claimant and Ap-  
pellee had deceased, and that Fletcher M. Wainger  
had lawfully succeeded to all the rights of said  
claimant and Appellee, in and to the lands in  
controversy in this case, it is therefore ordered  
that this cause be revived in the name of the  
said Fletcher M. Wainger, and that he be substituted  
therein as the party claimant and appellee in  
this cause with leave to prosecute the same to ex-  
plicit determination.

Sanct R Oyer  
N S Dist Ct

No 356,

In U.S. District Court  
Southern District

~~~~~

Andrew Randall

vs

The United States

~~~~~

↓ Order requiring answer

~~~~~

↓ Filed this 4th January  
1858

C. S. Sims Clerk  
J. M. Coleman  
Deputy

In the District Court of the United States,  
For the Southern District of California.

Andrew Kendall

Case No 356

vs

"Canada de la Segunda"

The United States

Transcript No 584.

356 SD  
PAGE 73

The Petition of Fletcher M. Wright sheweth unto  
the Honorable the District Court of the United  
States for the Southern District of California, that  
since the filing of the original Petition in this case,  
and since the decree of confirmation entered in  
this case by the late Board of Land Commis-  
sioners, for ascertaining and settling private land  
claims in the State of California, the said Andrew  
Kendall has died intestate, and that Elizabeth  
S. Kendall has been appointed his Administratrix  
by the Honorable the Probate Court of the County  
of Marin, State of California.

From Petitioner for  
the sheweth that on the 10<sup>th</sup> day of March A.D.  
1857, the aforesaid Probate Court, by an order  
properly entered upon its records, did authorize  
and empower the said Administratrix to sell  
and convey certain real estate of said intestate  
at public auction, among which was the land  
claimed in this case, that in pursuance of said  
order the said Administratrix did on the 22<sup>nd</sup> day

356 SD  
PAGE 74

of May A.D. 1857, at the door of the Court House  
in the City of Monterey, after having in all  
respects complied with the laws relating thereto,  
all said premises at public auction to John  
Petitioner, Solomon Weydenfeldt, James M. Park,  
Oscar L. Shafter and James de la. Shafter, and  
that in pursuance of said sale the said Ad-  
ministratrix did on the 2<sup>nd</sup> day of November  
A.D. 1857 execute and deliver a good and suf-  
ficient deed for said premises to the aforesaid  
purchasers; - That on the 3<sup>rd</sup> day of November  
A.D. 1857, the said Solomon Weydenfeldt, James  
M. Park, Oscar L. Shafter, and James de la. Shaf-  
ter sold and conveyed by a good and suffi-  
cient deed all their right title and interest in  
said premises to John Petitioner, and that he is  
now the real claimant and party in interest  
in and to said land, and that his claim to  
the same is good and valid.

Wherefore John Pe-  
titioner prays that this cause may be revived  
in his name, and that on the hearing thereof,  
the same may be confirmed to him.

Attest  
Hutchins de. Knight  
by his Attorneys  
Oliver & Hartman

No 356

In U.S. District Court  
Southern District  
-----

Andrew Randall

vs

The United States  
-----

Petition to remove suit

-----  
Filed Aug 4<sup>th</sup> 1858  
C. J. W. / C. W.

356 SD

PAGE 75

Stearns & Kearns  
for Petitioner

In the District Court of the United States  
For the Southern District of California

Andrew Randall  
Appellee

Case No 356.

356 SD  
PAGE 76

vs  
The United States  
Appellants

"Ciénega de la Segunda"

Transcript No 554.

Be it

This cause came on to be heard on appeal from the decision of the United States Board of Land Commissioners to ascertain and settle the private land claims in the State of California under an Act of Congress, approved March 3<sup>d</sup> 1851 and a transcript of the decision and proceedings of said Board, and the papers and evidence upon which said decision was made, and the other evidence adduced by the appellee before this Court, and it appearing to the Court that said transcript, and notice of intention to appeal here have been filed according to law, and it also appearing that the original claimant and appellee had deceased since this cause was pending in this Court, and that this cause had been revived, and Fletcher M. Waight had been substituted as claimant and appellee by order of this Court, and counsel for the respective parties having been heard.

It is ordered and adjudged and decreed that the decision of said Board of Land Commissioners be and the same is hereby affirmed and that the claim of said Appellee Fletcher M. Waight is good and valid and the

same is hereby confirmed to him as follows,  
to wit, the tract of land situated in the County of  
Alameda and known as "Cañada de la Segunda"  
containing an square league of land, and bound-  
ed as follows, commencing on the bank of the  
river Camacho at its junction with the cañada  
Segunda, from thence on a series runs to a house  
called casa de las "Caleras" or "Chinas" thence to a  
place called "La Cruz de la media", thence along the  
hills nearly parallel with the river to the series  
"Cañada Segunda" and along series Cañada to the  
place of beginning, according to the calls of the grant  
in this case, to which as well as the other papers  
and evidence on file in this case reference is here  
made for a more particular and fuller descrip-  
tion.

Given in open Court under my hand this 5<sup>th</sup>  
day of February A.D. 1858  
James M. Ogilvie  
U.S. Dist. Judge  
for the S. Dist. of Cal.

No 356

In U.S. District Court  
Southern District

Andrus Randall

Appellee

vs

The United States

Appellants

Secur

In  
Filed this 5th February of  
1888

356 SD

PAGE 78

Records on Page 262

Stearns & Newton

Attys for Appellants.



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

The United States  
Appellants

Case No 386

356 SD  
PAGE 79

vs  
Andrew Kendall

Appellee

"Canelita de la Segunda"

Case No 554.

Notice having been given by the Attorney General of the United States that the appeal in this case on the part of the United States would not be further prosecuted, and a stipulation having been entered into between the District Attorney of the United States for the Southern District of California, and the Attorneys of the Claimant and Appellee, that said appeal be vacated, and that the decree of this Court heretofore rendered be made final.

And this Court having heretofore for good cause shown, substituted Fletcher M. Waight, instead of the said Andrew Kendall, as the party Claimant and Appellee in this case.

It is therefore ordered that the appeal taken by the appellants in this case be and the same is hereby vacated, and that the said Claimant Fletcher M. Waight have leave to proceed under the decree of this Court as under and

final decree in this case.

Thus done in open  
Court, this 8<sup>th</sup> day of February A.D. 1858.

James K. Ogilvie  
W. & D. S. Judge  
John S. D. of Cal

No 356

In U.S. District Court

Southern District

~~~~~

The United States

Appellants

vs

Arthur Hancock

Appellee

~~~~~

James Ogilvie

~~~~~

Filed this 8th February  
A.D. 1858 C. Lewis Clerk

J. S. Coleman  
Clerk

356 SD

PAGE 80

Blair & Keastman

per Appellee

California Land Grant.  
Attorney General's Office -  
12 Feb. 1857.

356 SD  
PAGE 81

Sir:  
In the case of the claim of  
Andrew H. Audally, confirmed  
to the claimant by the Commis-  
sioner, Case no. five hundred and  
fifty-four (554), appeal will not  
be prosecuted by the United States.  
I am,

Respectfully,

*Anthony*

Placens Ad Eq  
U. S. Attorney  
Los Angeles -

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

Andrew Remondall  
Appellee

Case No 356

356 SD  
PAGE 82

vs

"Carretera de la Segunda"

The United States

Appellants

Case No 554

In pursuance of a notice from the Attorney General of the United States herewith annexed it is hereby stipulated and agreed that by consent of parties an order of the Court may be entered in this cause vacating the order of appeal heretofore granted in this cause, and that the Plaintiff and Appellee have been to proceed under the decree of this Court heretofore rendered as a final decree in his favor.

P. O. D.  
at St. L.

Stoan & Westman

Attys for Appellee

No 356

In the U.S. District Court  
Eastern District

The United States  
Appellants

vs  
Anderson Randall  
Appellee

Stipulation

Filed this 8th February 1858  
Witness my  
Hand & Seal  
of the Court  
J. H. Coleman  
Clerk

356 SD

PAGE 83

Know all men by these presents that  
J. Preston W. Park of the

City and County of San Francisco in the State  
of California Have made constitutions and ap-  
-pointed, and by these presents do make con-  
-stitute and appoint Oscar L. Shafter and  
Elijah Dewey of the same place my true  
and lawful attorneys and each of them  
separately my attorney for me, and in my  
name, place and stead, to enter into and  
upon all lands messuages, tenements, heredi-  
-ments and real estate whatsoever in the  
States of California whereof I am or may  
be in anyway entitled or interested; to take  
the charge thereof, and grant, bargain, sell  
or lease the same, or any part thereof, in such  
way, and upon such terms as to them or either  
of them shall seem meet; or to convey the same  
by mortgage as security for such moneys as  
they or either of them may raise thereon for  
my use or benefit, and for me, and in my  
name, to make, execute, acknowledge and  
deliver such good and sufficient deeds and  
conveyances as in their or either of their opinion  
are proper and necessary. Also in my name  
place and stead to endorse any note or notes,  
or to sign any note or notes, also to sell any  
personal property I now own or may hereafter  
own in the State of California, or to sell or  
assign any claim or demand of any name  
or nature that I now have or may hereafter  
have, Also in my name and stead, to ask,  
demand, sue for, recover and receive all such  
sum or sums of money, debts, rents, dues, accounts

356

SD

PAGE 84

356 SD  
PAGE 85

goods, wares, and other demands whatsoever of every kind and nature which are or shall be due, owing and payable to me, and detained from me in any way, and upon the receipt of any such debts, dues or sums of money, proper acquittances, releases, receipts or other discharges sufficient in law in my name to make, seal, acknowledge and deliver as required, also to receive all dividends due or to become due me upon all stocks owned, or which may be owned by me in said State, to sell, transfer assign or hypothecate such stock should they or either of them judge best for my interest, and generally to do, execute and perform every other act, deed and thing requisite and necessary in their or either of their opinion to the protection of my rights and the carrying on of my business in said State of California, as fully and amply to all intents and purposes, and with equal force and effect, as I might or could myself do if personally present, or as the matter required more special authority than is hereinbefore given, and attorneys one or more under him, for the purposes aforesaid, to make and appoint, and at pleasure to revoke, hereby for myself, my heirs, executors and administrators ratifying and confirming all and every act deed and thing whatever which my said attorneys or their or either of their substitutes shall lawfully do or cause to be done by virtue hereof.

In witness whereof I have  
herunto set my hand and seal this 24<sup>th</sup> day of

August in the year of our Lord One thousand  
eight hundred and fifty seven =  
Sealed and delivered

in presence of

J. W. Park

interlineation of word "August" over  
word "September" on this page before

Execution

Samuel W. Moore

State of California

County of San Francisco

} SS

On this Twenty  
fourth day of August, A. D., one thousand  
Eight Hundred and Fifty-seven before me E.  
P. Peckham, a Notary Public in and for said  
County, personally appeared

J. W. Park

to me personally known to be the individual  
described in and who executed the annexed  
Instrument and acknowledged to me that  
He executed the same freely and voluntarily,  
and for the uses and purposes therein mentioned.

In Witness whereof I have hereunto  
set my hand and affixed my official seal,  
the day and year first above written.

E. P. Peckham

Notary Public.

Recorded in the County Recorder's Office San  
Francisco in Liber 7 Powers of Atty Page 232  
September 15<sup>th</sup> 1857 at 10 1/2 A. M.

J. D. Kohler

356 SD

PAGE 86



County Recorder for John Ames

Deputy

Received for Record November 14<sup>th</sup> 1857 at  
11 o'clock A.M. and Recorded in Book  
"A" Powers of Atty. page 93. & following  
of W. Gleason  
County Recorder  
Monterey County.

No 356

Shafter & Park

No

Oscar S. Shafter

and Elijah Dewey

Power of Attorney

Recorded at request of  
Shafter, Park &  
Weydenfeldt. Sept 15<sup>th</sup>  
1857. at 10 1/2 o'clock A.M.

↓ Power of Atty Page 232.

Filed July 9<sup>th</sup> 1858

356 SD  
PAGE 87 2 1/2  
Shafter  
Attorney at Law.

Shafter Park & Shafter  
Attorney at Law.

This Indenture Made the Third day of  
November in the year of our Lord One Thousand  
Eight Hundred and fifty-seven, Between  
Solomon Heydenfeldt, Trevor W. Park, Oscar S  
Shafter, and James M. McShafter all of the City  
and County of San Francisco State of California  
parties of the first part and Fletcher M Wright  
of the same place party of the second part,  
Witnesseth, that the said parties of the first part,  
for and in consideration of the sum of Two  
thousand one hundred ( $\$2100 \frac{00}{100}$ ) Dollars, law-  
ful money of the United States of America, to  
them in hand paid by the said party of the  
second part, at or before the enacting and  
delivery of these Presents, the receipt whereof is  
hereby acknowledged, have granted, bargained,  
sold, released, remised and conveyed, and by  
these Presents do grant, bargain, sell, release,  
remise and convey, unto the said party of  
the second part, and to his heirs and assigns  
forever, All the right, title and interest of the  
said parties of the first part of in and to the  
Undivided one half part of all the following  
described tracts or parcels of Land situate  
lying and being in the County of Monterey  
State of California to wit. That piece or parcel  
of Land called "Canada de la Segunda", and  
containing one square League, and to be loca-  
-ted agreeable to the calls of the grant and the  
map accompanying the Expediente and  
within the following boundaries, Commencing  
the measurement on the bank of the river Camelo  
at its junction with the Canada Segunda, from  
thence on said River to a house called Casa de

Las Cabras or "Chivas"; thence to a place called "La Cruz" de la Medio"; thence along the hills nearly parallel with the River to the said "Canada Secundo" and along said Canada to the place of Beginning. It being the same land granted March 20<sup>th</sup> 1836 to Lorenzo Soto by

356 SD  
PAGE 89

Who the Undivided Seven-fifteenth ( $7/15$ ) part of all and singular the Lands and premises situated and being in the City and County of Monterey, and bounded and described as follows to wit, Commencing at the mouth of the river Monterey or Salinas, and running up that Stream to the site of Piloicitas; thence through the Canon to the Laguna Seca in the principal road to the Presidio of Monterey; thence following the dividing ridge between the Bay of Monterey and Carmelo to Point Pinos till you reach the southerly boundary of the Rancho of Point Pinos; thence along said boundary to the Bay of Monterey, and thence following the coast of the Pacific Ocean to the place of Beginning.

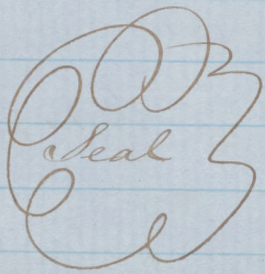
Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

To Have and to Hold, all and singular the above-mentioned and described premises, together with the appurtenances, unto the said party of the second part, his heirs and assigns forever. And the parties of the first part doth covenant, that they will Warrant and Defend, their right, title and interest in and to the above premises, against the

State of California }  
County of San Francisco } SS

356 SD  
PAGE 90

On this third day of  
November A.D., One Thousand Eight Hundred  
and Fifty seven before me, Royal W. Thayer a  
Notary Public in and for said County, personally  
appeared Elijah Dewey personally known to  
me to be the same person described in and  
who executed, by Power of Attorney, the an-  
-nected Instrument as the Attorney in fact  
of Grenor W. Park named in the annexed  
Instrument as a party thereto, and therein  
described as the party executing the same  
by his said Attorney; and the said Elijah  
Dewey acknowledged to me that he executed  
the same freely and voluntarily, as, and for  
the act and deed of the said Grenor W. Park  
and for the uses and purposes therein mentioned.

  
Seal

In Witness Whereof, I have  
hereunto set my hand and  
affixed my official Seal,  
the day and year first above  
written.

Royal W. Thayer.  
Notary Public.

acts and deeds of the said parties of the first part and all persons claiming by, from, under or through the said parties of the first part unto the said party of the second part, his heirs, and assigns forever.

356 SD  
PAGE 91

In Witness Whereof, the said parties of the first part hath hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of  
Royal W. Thayer.

S. Heydenfeldt. Seal  
Grenor W. Park Seal  
by his atty in fact Elijah Dewey Seal  
O L Shafter Seal  
J. Mc M Shafter Seal

State of California }  
County of San Francisco }

On this third day of November A. D. one thousand eight hundred and fifty seven before me Royal W Thayer a Notary Public, in and for said County, personally appeared Solomon Heydenfeldt, Oscar L Shafter and James Mc M Shafter to me personally known to be the individuals described in and who executed the foregoing instrument, and acknowledged to me that they executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In witness Whereof, I have hereunto set my hand and affixed my official Seal, the day and year first above written  
Royal W. Thayer. Notary Public

Seal

No 386

Edmund Brydunfeldt et al;

vs

Helen M. Knight

~~~~~

Dec

1878

↓  
Filed July 9<sup>th</sup> 1878

Chas  
Chas

356 SD

PAGE 92

Know all men by these presents That I, Eliza-  
beth J Randall of the City and County of San  
Francisco in the State of California Adminis-  
tratrix of the Estate, goods and chattels which  
were of Andrew Randall late of the County of  
Marin deceased intestate in consideration that  
the Honorable the Probate Court for the County  
of Marin at a session thereof holden at San  
Rafael in said County on the fourth Tuesday  
of April A.D. 1857. by an order dated March 10th  
1857 on application for that purpose did license  
and authorize me to sell at public auction the  
following described real Estate situate lying  
and being in the County of Monterey State of  
California and belonging to the Estate of the  
deceased to wit: All that piece or parcel of  
Land called "Cañada de la Segunda" situate  
in said County of Monterey and containing  
one square league and to be located agreeable  
to the calls of the grant and the Map accom-  
panying the Expediente and within the follow-  
ing boundaries commencing the measurement  
on the banks of the river Camelo at its junction  
with the Cañada Segunda from thence on said  
river to a house called Casa de las Cabras or  
"Chinas" thence to a place called "La Cruz" de la  
Medio; thence along the hills nearly parallel  
with the River to the said "Cañada Segunda"

and along said Cañada to the place of Beginning. It being the same land granted March 20. 1836 to Lazro Soto by also the undivided seven-fifteenths ( $\frac{7}{15}$ ) part of all and singular the Lands and premises situated and being in the City and County of Monterey and bounded and described as follows to wit; Commencing at the mouth of the river Monterey or Salinas and running up that stream to the site of Piloicitas; thence through the cañon to the Laguna Seca in the principal road to the Precidio of Monterey, thence following the dividing ridge between the Bay of Monterey and Carmelo to point Pinos till you reach the Southerly boundary of the Rancho of Point Pinos; thence along said boundary to the Bay of Monterey and thence following the coast of the Pacific Ocean to the place of Beginning.

And whereas having previously taken all the oaths, and given the securities by law and the order of said Court required, and given public notice of the time and place of sale of said real Estate by posting up written notices of the time and place of such sale in three of the most public places in the said County of Monterey and as no news-paper was printed in said County, I further



published said notice as I was by said Court directed in the San Francisco Herald a daily paper printed and published in the County of San Francisco, for three weeks successively next before such sale describing said lands aforesaid with full and sufficient certainty to wit: That I would offer for sale at Public Auction to the highest bidder for Cash the foregoing described property on Tuesday the 19th day of May A.D. 1857 at 12 o'clock M. in front of the Court House in the City of Monterey in the County of Monterey - And whereas by two orders of the Probate Court of Marin County made on the 6th and 27th days of April 1857, the sale of the above described lands and premises was postponed until Friday the 22nd day of May A.D. 1857 at 12 o'clock M. in front of the Court House in the said City of Monterey at which last mentioned time and place I sold the said real Estate to Peter M. Waight, Solomon Heydenfeldt, Fenor V. Park, Oscar L. Shafter and James M. Shafter for the sum of Thirteen Hundred and fifty five Dollars which was the highest sum bid therefor, and the said vendors the highest bidder at said public sale at Auction.

And whereas I did make a return of such sale and all and singular my pro-

ceedings in the premises to said Probate Court at  
a Session thereof held at San Rafael aforesaid  
upon the Fourth Monday of May A.D. 1857 said  
session being the first next after such sale as  
aforesaid, and it then and there appearing to  
said Court that said sale was legally made  
and fairly conducted, and that the sum of  
Thirteen Hundred and forty five Dollars so bid  
was not disproportionate to the value of said  
property so sold, the said Court did then  
and there make an order confirming said  
sale, and directing a Conveyance of said  
real Estate to said purchasers. — And Whereas  
said order of sale dated April 27<sup>th</sup>. 1857. was re-  
corded in the Recorder's office of the County of  
Monterey June 22<sup>nd</sup> A.D. 1857 at 10 o'clock A.M. in  
Book A of orders of Probate Court concerning real  
Estate in Monterey County page 6<sup>th</sup> & following —  
and said order of Confirmation made at the  
May Term of said Court was in like manner  
recorded in said Recorder's Office June 22<sup>nd</sup>  
A.D. 1857 at 10 o'clock A.M. in Book A of orders of  
Probate Court concerning Real Estate in Monterey  
County Page 1 & following — reference being  
hereby made to such orders, and to said rec-  
ords thereof for more particular description —

Now Know ye that pursuant  
to the license, orders and authority aforesaid

356 SD

PAGE 96

and not otherwise, and in consideration of the  
sum of Fifteen Hundred and fifty five Dollars  
aforesaid the receipt whereof I do hereby acknowl-  
-edge, I do by these presents grant bargain sell  
and convey unto the said Fletcher M Knight  
Solomon Heydenfeldt Grenor W Park, Oscar L  
Shafter and James M. M Shafter their heirs and  
assigns and in the following propositions to  
wit. to the said Fletcher M Knight the Undi-  
-vided One half part and to the said Solomon  
Heydenfeldt Grenor W Park, Oscar L Shafter, and  
James M. M Shafter the remaining Undivided  
One half part of all the following described  
Tracts pieces or parcels of Land situate lying  
and being in the County of Monterey aforesaid  
: to wit. all that piece or parcel of Land called  
"Canada de la Segunda" situate in said County  
of Monterey and contains One square league  
and to be located agreeable to the calls of the  
grant and the map accompanying the Expe-  
-diente and within the following boundaries  
Commencing the measurement on the bank  
of the river Camelo at its junction with the  
Canada Segunda from thence on said River  
to a house called Casa de las Cabras or "Chivas"  
thence to a place called "La Cruz de la Media";  
thence along the hills nearly parallel with the  
River to the said "Canada Segunda" and along

said Canada to the place of Beginning It being  
the same land granted March 20. 1836 to Larso  
Soto by

also the Undivided Seven-fifteenths  $\frac{7}{15}$  part of  
all and singular the Lands and premises situated

356 SD  
PAGE 98

and being in the City and County of Monterey  
and bounded and described as follows to wit:  
Commencing at the mouth of the river Monterey  
or Salinas and running up that stream to the  
site of Pileicitas: thence through the canon to  
the Laguna Seca in the principal road to  
the Presidio of Monterey: thence following the  
dividing ridge between the Bay of Monterey  
and Carmelo to Point Pinos till you reach the  
Southernly boundary of the Rancho of Point Pinos:  
thence along said boundary to the Bay of  
Monterey: and thence following the Coast of  
the Pacific Ocean to the place of Beginning,  
and being a part of the real estate whereof  
the said Andrew Randall did seized —

Do Have

and to Hold the said tracts or parcels of Land  
with all the privileges and appurtenances thereto  
belonging to the said Fletcher M Waight  
Solomon Heydenfeldt Drenor W Park, Oscar  
L Shafter and James M. M Shafter in the  
proportions aforesaid, and to their heirs and

356 SD  
PAGE 99

assigns forever — And I the said Elizabeth  
I Randall do covenant with the said Fletcher  
M Waight, Solomon Heydenfeldt, Preston W  
Park, Oscar L Shafter and James M. M Shafter  
that I am duly authorized to convey the same  
to them in manner and form aforesaid, that  
I have in all things observed the rules and  
directions of the law in the said sale, that I  
will and my heirs Executors and admin-  
-istrators shall warrant and defend the  
said premises unto the said Fletcher M  
Waight, Solomon Heydenfeldt, Preston W Park,  
Oscar L Shafter and James M. M Shafter  
their heirs and assigns against all persons  
claiming the same by from or under me  
the said Elizabeth I Randall but against no  
other person.

In witness whereof I have hereunto  
set my hand and affixed my seal this 2<sup>nd</sup>  
day of November in the year of our Lord one  
Thousand eight hundred and fifty seven —

Executed and delivered } E. I Randall  
in presence of }  
E. P. Peckham } Administratrix of the Estate  
of Andrew Randall deceased,

State of California  
City and County of San Francisco } On this 2<sup>d</sup>

day of November a<sup>d</sup> 1857. Before me E. P. Peckham  
a Notary Public in and for the said County,  
personally appeared Elizabeth J. Randall  
Administratrix of the Estate of the late  
Andrew Randall deceased who is to me  
personally known to be the person described  
in and who executed the foregoing Instrument  
and who acknowledged to me that she  
executed the same as such Administratrix  
freely and voluntarily & for the uses & purposes  
therein mentioned —

Witness my hand and Official  
seal the day & year last above  
mentioned

E. P. Peckham

Notary Public.

Elizabeth J. Randall

do

Helen M. Knight et. al.

do

Filed July 9<sup>th</sup> 1858  
J. P. Peckham  
Notary

No 356

356 SD

PAGE 100

Title - No. 253 - also in No. 356 -

356 SD

PAGE 101

On motion of E. Crosby of  
Carnest for appellus~~us~~ - Suggesting  
the death of Andrew Randall - and  
on reading proofs then of duly filed  
in this case - It is hereby ordered  
that this cause be revived in the  
name of Elizabeth J. Randall his wife  
and Emory Randall & others, minor  
children - his heirs at law,

No 2537. 386

①

1. *Film*

②