

# Daily Alta California, Volume 4, Number 23, 4 January 1853 — LAW REPORT. [ARTICLE]

[Back](#)

## LAW REPORT.

### U. S. Land Commissioners.—Before HILAND HALL and H. I. THORNTON.

Another important decision was given by Commissioner Thornton yesterday, in the case of Archibald A. Ritchie. Mr. Ritchie lays his claims as assignee of Francisco Solano, a chief of the Indian tribes on the frontier of Sonoma. The grant being perfect in all respects, objection was taken on the ground of the blood of the grantee, he being an Indian. Commissioner Thornton in delivering the opinion of the Board found nothing satisfactory in the objection, inasmuch as the Mexican Constitution, laws and decrees fully recognized persons of that race as citizens of the Republic, and entitled to all consideration and rights as such.

### U. S. District Court.—Before JUDGE HOFFMAN --Jan. 3.

*Henry Sharp vs. Barque Janet.*—Petition against proceeds.—On motion of Proctor, petitioner, ordered that the claim of said petitioner be referred to a U. S. Commissioner to take proofs as to said claim and report thereon with all convenient speed.

*George Montgomery vs. Barque Clara.*—Motion to open decree heretofore submitted and filed. Argued and submitted.

*Harris D. Avery vs. Ship Tropic and E. R. Smith, master.*—Cause on trial.

### Supreme Court.—Before Chief Justice MURRAY, and Associate Justices HEYDENFELDT and WELLS.—Jan. 3.

*The People ex rel. Menony vs. S. R. Harris.*—Murray, C. J.—Appeal from the Superior Court of the city of San Francisco.

This is an appeal from the judgment of the court below awarding a peremptory mandamus against Harris, the Mayor of the city of San Francisco, compelling him to sign a warrant drawn in favor of the relator upon the treasury of San Francisco.

The record shows that about the month of June, 1851, the city of San Francisco, by its Common Council, and the county of San Francisco, by its Board of Supervisors, purchased in common a building for city and county purposes, and are now in possession of the same; that afterwards the city and county entered into a contract with the relator to alter and fit up said building for such purposes; that the terms of the contract are fixed by ordinance and have been complied with by the contractor; and that a certain sum is due to him, for which the comptroller has drawn his warrant upon the treasury, which