

CASE No.
281

NORTHERN DISTRICT

A SOLAR IN SAN RAFAEL GRANT

TIMOTHY MURPHY

CLAIMANT:

NOV 19 1962

1962
S. J. COLLIER EISEN
BROOKLYN N.Y.
Baltimore

105

July

1850

TRANSCRIPT
OF THE
PROCEEDINGS

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PAGE 1

IN CASE

NO. 105-

Timothy Murphy CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"a Solar in San Rafael"

Ordered, That the same be revived
and prosecuted in the name of the heirs of
said decedent.

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In the same case the deposition of Thomas C.
Larkin, a witness in behalf of the claimants,
taken before Commissioner Peter Sott, was filed;
(Vide page 11 of this Transcript.)

San Francisco November 29th 1854.
In the same case the deposition of James Miller
a witness in behalf of the claimants, taken
before Commissioner R. Aug. Thompson, with
document marked "D) R. T." annexed thereto,
was filed.

(Vide page 12 of this Transcript.)

San Francisco December 8th 1854.
In the same case the counsel for the claimant
filed an authenticated copy of the last will
and testament of the late Timothy Murphy,
as evidence in this case;

(Vide page 17 of this Transcript.)

San Francisco December 19th 1854.
Case No. 105 was submitted without argument
and taken under advisement.

San Francisco March 27th 1855.
In the same case Commissioner S. B. Farwell
delivered the opinion of the Board rejecting
the claim;

(Vide page 29 of this Transcript.)

And the following order was made, to wit;

(Vide page 33 of this Transcript.)

Petition

To the Honorable the Board of Commissioners for
settling Private Land Claims in California

The Petition of Timothy Murphy respectfully submits
to Your Honorable Board the accompanying grant
and translation of a Solar (House) Lot of Land which
said grant was made to your Petitioner by Governor
Pueblito in the 16th Decemr 1844

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Said
grant contains thirty varas front by one hundred
in depth and is situated about six hundred
varas above the Mission of San Rafael

There is no
implicating Claim to it as known to your Petitioner
all
which is respectfully submitted for such action
as you see and the nature of the case may require

R. A. A.
for Petitioner

Petition Winckea A
Expediente " B
Translation " C

Filed in Office March 16th 1852

Gen. Fisher
Secretary

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[Faint, illegible handwriting at the bottom edge of the page]

Sello cuarto Los reales.

Habilitado provisionalmente por la Autoridad Maritima del puerto de Monterrey en el Departamento de las Californias para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

Micheltorena

Pablo de la Guerra.

Exmo. Sr. Gobernador.

Finoteo Murphy, Vecino de esta Jurisdiccion ante V. E. con todo sumision y respecto, se presente y dice: que habi-
(Seal)

Monterrey. Dobre.
16. de 1844.

Inf^{te} el Secretario
del Despacho.

Micheltorena.

endo fabricando una casa, en San-
Pruafael en el año de 1839, situado como
seiscientos varas poco mas o menos al
Oeste de la In. Nacion ya arriba men-
cionado, y cuya solar es de treinta
varas en frente y cien en fondo: y deseando
asegurar mi propiedad (paganolo los
derechos correspondientes) y poner me en
cubierto de qualesquiera reclamacion
que haya o pudiera haber, a V. E.
Suplico se sirva mandar de me de
proteccion Juridica y legal, del expus-
tado terreno. P. F. M. L.

Suplico que se digno acceder a este
mi peticion de lo cual recibire gracia y merced. Jurando
no ser de malicia y lo necesario.

Monterrey. 13 de Dbre. de 1844.

Finoteo Murphy.

Exmo. Sr. Gobernador.

No encuentro obstaculo alguno para que el Sr. de San
Pruafael se de la proteccion al interesado del solar que tiene
ya fabricado, enjiciendo los derechos de reglamentos por los
gastos de Juramento pero V. E. dispondra lo que mejor
conveniga.

A la misma.

Manuel Jimeno.

A la d.

Cumpl. con lo uiformado ordene su cumplimiento.

Micheltorena.

Filed in Office. March. 16th 1852.

Geo. Fisher? Secy.

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66
3 1/2

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C
Translation

To his Excellency the Governor

Timothy Murphy resident of this
 jurisdiction presents himself before
 your Excellency with all "due" submission
 and respect and says
 That having
 built a house in San Rafael in the
 year of 1839 situated about six
 leagues from the town of San Rafael
 and one league in depth and one
 league in width (paying the corresponding
 charges) and in order to secure myself
 from the danger of any reclamation which
 may be made whatever I pray your
 Excellency to order me judicial
 and legal possession of said land
 whenever I may pray your Excellency to
 be pleased to accede to this my Petition
 by which I will receive full
 and gratification at the same time swearing that
 I do not act in malice but that it is necessary
 for my security
 Timothy Murphy

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To His Excellency the Governor

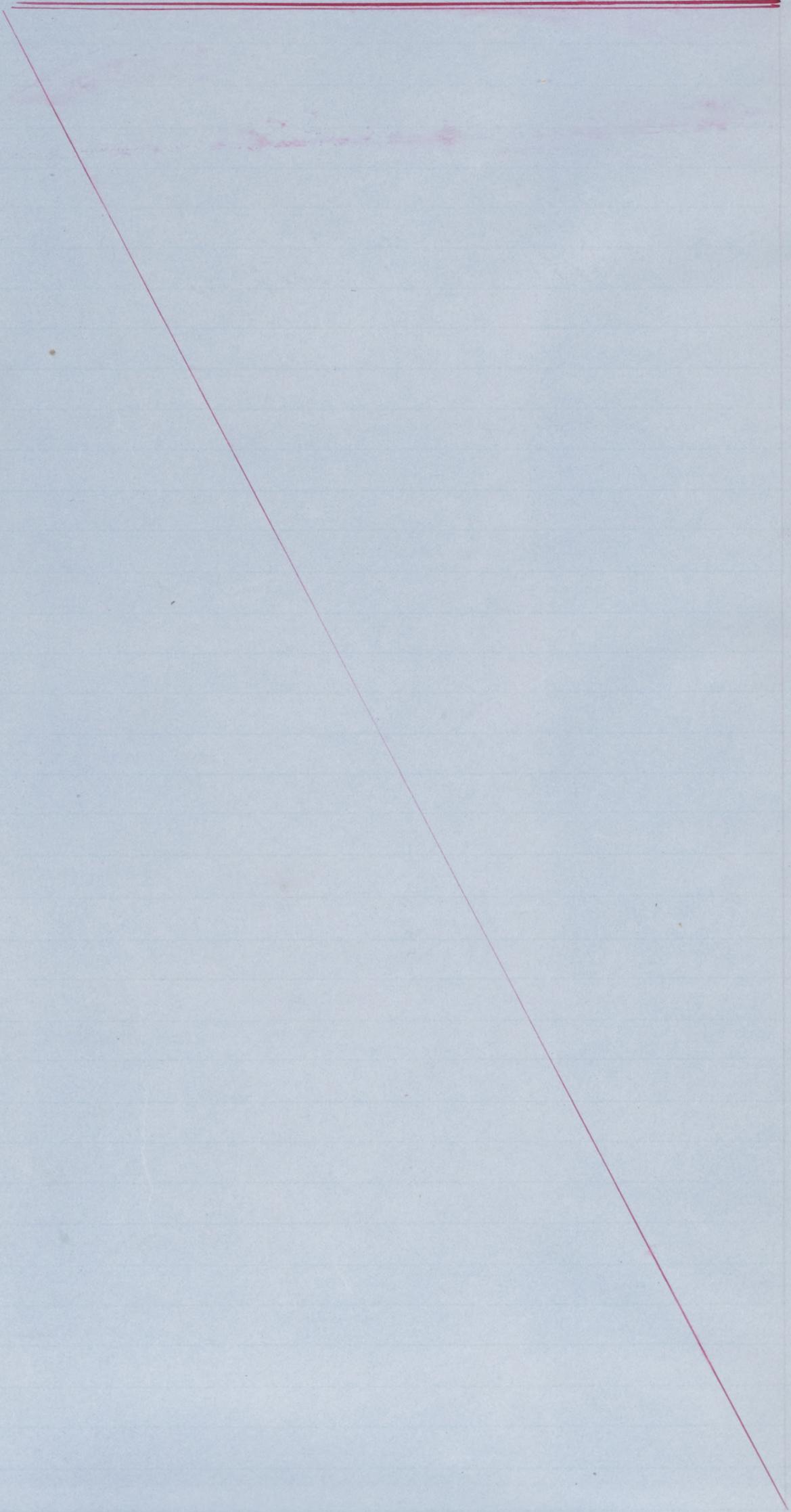
There is no objection to the Judge of San Rafael
 giving to the interested party possession of the lot on
 upon which he has already built or erecting of him
 the charges prescribed by the ordinances for the
 expenses of this court
 But your Excellency will
 dispose of the matter as may deem best to you
 same date
 In an act I am in
 same date concerning to the representation under
 its fulfillment
 Michel Truena &c RP

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Feliam Office March 16th 1852

Geo Fisher
Secretary

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Opinion
of the
Board

No 105

Timothy Murphy
vs.
The United States

Claim for a Solar
in San Rafael

This is a claim for a solar
in San Rafael encompassing a lot thirty rods front
by one hundred in depth

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The only evidence offered
in support of the claim is a Petition of the claimant
sent to Governor Michoud on a date December
13th 1844 setting forth that he had built a house
on the lot in question and praying for a judicial
or legal possession of the same in order to
secure himself from any reclamation

To this is
appended a report of the Secretary in form of the
prayer of the Petitioner and an order of the Gov-
ernor of the same date directing its fulfillment

No proof of the
genuineness of these documents has been intro-
duced and no other testimony of any kind is
filed in the case

The claim must therefore
be rejected

Filed in Office August 22nd 1854
Geo. Fisher
Secretary

Decree

No. 105

Timothy Murphy } Solicitor in San Rafael
of }
The United States }

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In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the Petitioner is not valid

It is therefore decreed that his application for a confirmation thereof be denied

Alpheus Felch,
A. Aug. Thompson
S. B. Farwell
Commissioners

Filed in Office August 22 1854
Gen. Fisher
Sentry

and in appening to the satisfaction of this Board that the land hereby adjudicated is situated in the Northern District of California it is hereby ordered that two transcripts of the Proceedings and of the decision in this case and of the Papers and evidence upon which the same are founded be made out and duly certified by the Sentry one of which transcripts shall be filed with the Clerk of the United States District Court for the Northern District of California and the other be transmitted to the Attorney General of the United States

United States of America }
 Deposition State of California }
 of Thomas O. Larkin }
 San Francisco November 27th 1854
 This day came before Peter S. O'Connell Commissioner
 for taking testimony to be used before the Board
 of United States Land Commissioners in
 said State

Thomas O. Larkin a witness on
 behalf of the Claimant Matthew Murphy
 in Case Number 105 entitled Docket of said
 Board, and said witness being sworn as follows

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The United States Associate
 Law Agent is present
 Testimony by R. Row Esq
 for Claimant

Question What is your
 name and residence
 Answer My name is Thomas
 O. Larkin my age 52 years my residence San
 Francisco California

Question Are you ac-
 quainted with the handwriting of Manuel Mich-
 elina and Manuel Jimenez of said State
 your means of knowledge and look at the
 do cumint now shown to you marked A
 P. L. and answer as you believe to their
 disposition and state whether their signat-
 ure wherein they occur therein are
 genuine

Answer I am acquainted
 with their handwriting have seen them
 both write frequently and their signatures
 wherever they occur in said document are
 genuine

Thomas O. Larkin
 Subscribed and sworn to
 before me November 27th 1854
 Peter S. O'Connell
 Commissioner
 for taking testimony

Filed in Office November 28th 1854

Signed

Geo Fisher

Secretary

Deposited
of James
Muller

Number 105
United States Land Commission
San Francisco November 9th 1854
On this day before Commissioner R. Aug
Rampson came James Muller

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and witness
deputy of the Claimant Timothy Murphy
in Case Number 105 who after being duly sworn
deposed as follows

Present R. Ross Esq
Attorney for Claimant and Luis Branding
Esq Associate Law Agent

In answer to questions
witness states that his name is James
Muller his age forty two years and he was
at San Rafael where he has resided for more
than ten years

Question by Claimants
Council well you are acquainted with the late
Timothy Murphy the Claimant in this case
if so state whether he is alive and if dead
whether he left any heirs in California and
who they are

Answer

Answer says Timothy
Murphy was about two years he was
unmarried he left two children and a
sister residing in California

Their names
are John Murphy Mary Ann Murphy and
John Lucas he left a will which was duly
recorded in the office of the Probate Court
of Marin County California

Question by same state if
you were whether or not a lot in San Rafael
was granted by the Mexican Government to said
Timothy Murphy and if so where: Answer

...the ... and if so ...

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Motion

Claimant Number 105
United States Land Commissioner
Samuel Murphy

of
The United States } Motion
Council member

suggests the death of Claimant in the
above entitled case and moves this Hon-
orable Board to allow said Claimant to be
revived and prosecuted in the name and on
behalf of the heirs of said deceased Claimant
Rose

Council

Filed in Office November 28th 1854
Signed

Geo Fisher
Secretary

Recorded in Journal Vol 4 page 118

Signed
Geo Fisher
Secretary

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Order of
Revival

Number 105
United States Land Commissioner
Samuel Murphy

of
The United States } Motion
ordered by the Board on suggestion of Council
of the death of the Claimant in the
above entitled case that the same be revived
and prosecuted in the name of the heirs
of said deceased

Filed in Office November 28th 1854
Signed

Geo Fisher
Secretary

Recorded in Journal Volume 4 page 119

Signed
Geo Fisher
Secretary

AH

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and by whom it was occupied

Answer

Said Murphy informs me about 100 years ago that he had such a tract for about thirty years front by about one hundred ft. back. He had it occupied when I came to the country by a man by the name of Ellis the house at that time was not quite finished.

Murphy

himself went when the house was soon as it was finished which was I think in the following year he continued to reside in it up till the time of his death.

Whouse

was a two story adobe house it was about 100 ft. by 110 ft. had a back yard with fruit trees and a garden and some yards back of that.

Question by same

Look at the

map northward your marking with the initials N.S. and then with lines and state whether it contains a correct representation of said lot.

Answer I think it does the

land clearly by dots represents said lot the house is situated nearly opposite the church and is just two hundred yards from it exclusive of the width of the streets.

James Miller

Survey to and Submitter of the same November 29th 1854

R. Aug. Thompson

Commissioner

Field Office November 29th 1854

Geo. Fisher

Secretary

Recorded in Vol 3 Volume Page 79

Geo. Fisher

Secretary

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In the Name of God Amen

The Last I Matthew Murphy Captain Captain in the
will and County of Mariposa in the State of California
Testament of though weak in body yet of sound disposing
Mind and memory in view of the uncertainty
of the world of affairs and desiring to settle
my worldly affairs and directing how my
estate shall be administered after my decease
whenever that event may happen do hereby
make and publish this instrument as my
last will and testament.

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As a true believer
in the Holy Catholic faith commending my
immortal spirit to him who gave it and
resigning myself to the Church to be ac-
cordingly buried and the execution of my
testament herein after named I dispose
of all the Estate real personal and mixed
of which I may be possessed and all that
to which I may be entitled at the time of
my decease in the manner following to
wit

My will is that all my just debts and
funeral charges together with such other
expeditions to be made as shall be herein
specified shall be by my executors herein after
named be paid out of my personal Estate
as soon after my decease as may by them be
found convenient

I give and bequeath all
my personal and mixed Estate (after the debts
charges and expensations above referred to
are paid and provided for) to my brothers
Matthew Murphy and my nephew John
Lucas to be equally divided between them
share and share alike

I give and bequeath
bequeath to my wife all my real Estate to the
said Matthew Murphy and the said John
Lucas to be divided and distributed between
them according to my Executions and
draw alive beginning at a point where

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The Navchos of Domingo Sais BH Buch
do not any more touch each other on
what is commonly called the Navchos Hill
and running thence by straight line eastward
(or north eastward as the case may be) to
a cross the road leading from San Rafael
to Sonoma at the point where said road is
intersected by a small arroyo emptying
into the Bay on the south side of the corral
in Margarita Valley

Thence by the said
eastward (or north eastward) course till the Bay
at low water mark the land to divide
except any improvements in San Rafael shall
be allotted as follows viz

All that part
situated southward of said line I give
over and bequeath to my Brother William
Murphy excepting therefrom a light acre to
be conveyed by Mrs. Antonio Sasturini
after direction and all the lands lying
northward of said line (except the grant
heretofore made to James Miller for his
own use and to the Roman Catholic Bishop
of California for the establishment and
maintenance of a seminary of learning)

and I give and bequeath to my said
Nephew John Lucas and further more
it is my will that the lands granted
by said bequest and all the lands of the
establishment of said Seminary of learn-
ing shall revert to the said John Lucas
and his heirs in case the execution of the
grant in said deed should not be com-
pleted with

But such devise of lands to my
said Brother and my said Nephew is hereby
made subject to the charges legacies and
incumbrances specified in this Instrument
the real estate devised and bequeathed to my
said Brother is standeth charged and shall

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beholden and retained by my Executors as
Security for the following payments that
is to say the hundred dollars shall be
paid for masses for my soul according
to the custom and usage of the Holy
Catholic and Apostolic Faith.

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Two thousand
and dollars shall be united and is hereby
appropriated as legacies of two thousand
dollars each for Mary Ann Murphy, Ellen
Murphy, Minnie Murphy, John Murphy,
Elizabeth Murphy, and Julia Murphy
(the children surviving of my brother
apud said) making a charge upon the
estate and assets to the said Matthew
of the sum of twelve thousand dollars
besides the sum of four hundred dollars
before mentioned.

Further more it is my
will that the legacies to the said children
shall within six years from the time
of my decease (or seven if I survive
to my said brother) be collected and
the money invested by my Executors
with the approbation of the Probate Court
of Marion County apud said in good
and sufficient securities (in United
States stock or other security paying
interest) which as in the judgment of
my Executors with the advice of the
Probate Judge may be most advanta-
geous to the said legacies and my exe-
cutors shall apply the interest of each of
said legacies according to the best of
their judgment full receipt of each
of said legacies respectively.

And they
shall pay the sum of two thousand
dollars the principal with the accu-
mulated interest if any to each of them
as may marry whom notice of the
marriage has been duly given.

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To those who do not marry the principal
with accrued interest shall be paid to
each respectively on becoming of age
All the real Estate devised and bequeathed
to my nephew John Lucas is as usual
truly charged and shall be held and
retained by my Executors as security
for the following payments,

To the heirs
and assigns respectively named
as follows to wit to my Brother Bruce
Murphy five hundred dollars To my
Sister Mistress Alice Lucas three thousand
dollars and in case of her death before
her rupture of said legacy said
sum of three thousand dollars or so
much thereof as remains unpaid shall
be paid to her son Timothy Lucas and
her daughter Catherine Lucas Heirs and
heirs alike,

To my Sister Miss Maria
Murphy three thousand dollars to my
Sister Miss Ann Murphy three thousand
dollars to my nephew James Stafford
five hundred dollars

To Samuel Murphy
son of my uncle two hundred dollars to
my nephew Anne Mary Ann Murphy
one thousand dollars (and this sum
lastly named is to be paid in
addition to the legacy of two thousand
dollars charged to the issue of Matthew
Murphy)

To my faithful Indian servant
Candalaru two hundred dollars to my other
good Indian servants Josaruis Alwanda
and Dick the sum of four hundred dollars
shall be equally divided and given or
applied for their benefit (but the leg-
acies to my said Indian servants shall
not be paid in money my Executors being
truly charged and requested to appropriate

for the benefit of said Indians I want
 the amounts appropriated to each respectively
 supplying them with extra of each leg
 present to time with clothing and
 such necessaries as in the judgement
 of my Executors may be deemed of most
 advantage to said Indians retaining
 from my personal estate (and that
 part thereof bequeathed to my said
 nephew John Lucas sufficient provision
 thereof

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My Executors are authorized and
 instructed to receive from the personal
 estate bequeathed to John Lucas a sum
 of money sufficient to purchase six
 silver cups of good workmanship
 upon each cup shall be engraved my
 name and the name of one of my
 six children respectively (bearing the
 names of Augustus Beach Julia Miller
 Catherine Purcell Catharine Paduca
 James and John) and shall
 be presented with such appropriately
 engraved cups (not as things of pecuniary
 value but as tokens from the heart
 of friends and kind regards to
 their parents and to themselves

And it is further
 my will and pleasure that my
 Executors shall not be restricted as
 to the price to be paid for those mementoes
 of affection because I have confidence
 in their discretion that they will not
 waste my estate by any extravagant
 appropriation but that they will in
 liberal and sound judgement consider
 what is suitable to the donor and the
 donees

It is my will and pleasure that
 my Executors shall (after consultation
 with my nephew John Lucas pay

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from the legacy or annuity within from
personal or real estate to the said John
Lucas the legacy bequeathed to my
brother James Stafford also seven
hundred and fifty dollars to my sister Alice
Lucas as part of her legacy in or out of
her property in Ireland may be paid from
moneys

Also two hundred and
fifty dollars as part payment of the
legacy to my sister Elizabeth Murphy also
two hundred and fifty dollars as part payment
of the legacy to my sister Ann Murphy
and each of the payments specified in
this article it is my will that the same
with the least practicable delay

The
residue of payments (promitted share
of profits devised to my nephew John
Lucas) to the respective legatees shall
be paid within six years from the date
of my decease. It is my will and plea-
sure that my executor shall inquire
into the terms of a verbal agreement
made by me in behalf of the children
of Captain George Supter of San Fran-
cisco and upon the completion of the
of the agreement make in behalf
of such children and the payment of the
money due to be made and

My executor
shall convey in trust for the benefit
of such children eighty acres of land
situated upon that portion of my estate
devised to my brother Matthew Murphy
and said eighty acres shall include the
house and appurtenances erected by the
said George Supter

My home at
San Rafael meaning the house and appur-
tenances where I reside I give and
bequeath and devise to my brother Matthew

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Nomphs and my nephew John Lucas in
fact to be held by them jointly or to be equally
divided between them share and share
alike Trust and residue of all my
estate real personal and mixed I give
give and bequeath to the said
Matthew Nomphs and the said John
Lucas share and share alike

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Shirley Meade
Nominato executor and appoint Patrick
Lampert James Black and James Miller
all of Marion County of said the Executors
of this my last will and testament Shirley
declaring that whatever powers and duties
as Comptrolers, collectors, Executors
shall apply to the survivors and the sur-
vivors of those honors and well trusted
persons

And further more it is my desire
will and pleasure that neither myself
Executors nor any one of them shall be
required to give Bonds nor enter into
other security for the faithful performance
of the several trusts and duties involved
in the office of an Executor

In testimony of all
of which I have hereunto set my hand and
seal at San Rafael of said the 11th day
of January in the year of our Lord one
thousand eight hundred and fifty three
Matthew Nomphs Seal

The above Instrument of three sheets was
affiliated to me of subscribers by the said
testator Matthew Nomphs in the presence
of each of us and by him then published
pronounced and declared to be his last will
and testament knowing well and being sane
and of full age and mind and in
his presence and in the presence of each
other and at the request of the said Testa-
tor have hereunto signed our names as
subscribing witnesses each residing

in Mariposa County California mentioned
signed by us the day and year aforesaid
John H. Jones
R. K. Williams

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State of California }
County of Mariposa }
Probate Court }

In the matter of
the will of Timothy Murphy lately
deceased

Happening to this Court upon
the proofs taken that the will to which
this certificate is attached was subscribed
and that the testator the said Timothy
Murphy at the time of the execution
thereof was of sound mind and not
under any restraint

I hereby certify that
said will has been duly proved and
admitted to probate this 14th day of
February A. D. 1880 and being
true

In testimony whereof I have hereunto
signed my name and caused the seal of
said Court to be affixed the day and
year aforesaid

Seal A. J. Barrow
Probate Judge

State of California }
County of Mariposa }
Probate Court } ss

John A. Davis sworn
In the matter of the will of Timothy Murphy
lately deceased

I was acquainted with Timothy
Murphy son of Mr. Murphy the testator before
the instrument aforesaid was
executed and I saw him at the request
of Mr. Murphy the testator was of sound mind
and disposing memory and was not
under any restraint and I saw him

on that matter and on other matters has not
 the least doubt on his mind as to the fact
 having knowledge of any undue influence
 exercised upon the Testator or over him
 does not believe there were any and does
 not believe any influence could have been
 successfully exerted upon him in connection
 with him after the will was signed by
 testator who requested witnesses to sign the
 will in the place with the names and
 initials of said Testator public purpose
 of identifying the different sheets of the
 will and R. K. Richards also sign said
 will as witness in presence of and at
 request of the late Mr. Murphy

Cross Examination was well
 read over to Testator in your presence

Answer I think it was never
 not certain as far as I recollect Judge
 Barney was reading it well executed about
 two o'clock in the morning on the 11th of
 January 1853 as near as I can remember
 Judge Barney, Mr. Miller, Mr. Black, Mr
 Lambert, Mr. Richards & myself were present
 since my recollection is refreshed by this ex-
 amination I distinctly remember of Judge
 Barney reading to Mr. Murphy the will,
 did not see Mr. Murphy drink any
 intoxicating liquor that day, if he did it
 myself give it I think could not have given
 sufficient to intoxicate him, he might
 have drunk before I came in but am
 satisfied that he had not drunk suffi-
 cient to intoxicate him,

When the will was read over
 to him over & over there were pauses
 in the reading and Mr. Murphy corrected
 the reading, and had the reading repeated
 in such

John A. Davis

R. K. Richards, sworn

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knew the late Timothy Murphy, the instrument
offered as his will was signed by testator
in my presence and in the presence of
John W. Davis about 2 o'clock in the
morning of the day of its date. Mr
Murphy told me he knew the contents
of the will, that it had been read to him
he distinctly requested Mr. Davis and myself
to witness his signature and his acknowledgment
of the publication of the will, he made
some remark as to the irregularity of his
signature on account of bodily weakness
said he used to sign his name more
distinctly. The will was read to him and
conversational about its details while I was
making back and forth from the room
to the hall

Copied 2a

The will is in my hand
writing the instructions for drawing it out
were from Judge Barney, James Black,
James Miller, and Patrick Lambert, and
while it was in progress Mr. Murphy the
testator also said he understood his friends
were keeping me busy. The will was written
two days previous to its execution; during
those two days I saw testator frequently,
the state of his mind and memory was as
sound and natural as I had ever known
it, there being no perceptible difference
between those days, (his last days) and the
times six and seven months previous. I
understood him to speak of my being
busy in drawing his will when he
said his friends who knew his instructions
and wishes were keeping me busy

A. K. Richards

James Black sworn

In

Before Mr. Murphy made his will did

did you have a conversation with him on the subject? and if so, what was said?

He told me he felt very poorly and he wished to make his will, he also spoke of this point, St Pears, for his brother mentioned he spoke of his two sisters and brother at home also of Capt Sempson as to making him a grant of some land on the point which he had agreed with him about, also of a school grant on the N. Eastern corner of his farm at the Gallinas and about several other things, he requested me to get a will written, stated to me all the legacies (or most of them) which he wished to have given, he approved of the will as written when it was read to him.

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Q

What legacies were put in the will without his having previously ordered them?
I think it was to his kinsman Daniel Murphy, I had the will drawn in presence of his directions, after it was finished it was carefully read to him paragraph by paragraph, so that he could understand it, he approved it

James Black

Marin County } ss

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I hereby certify
that the foregoing is a true copy of
the original will and proofs of
Timothy Murphy, deceased, now
on file in my office

Witness my hand and seal
this 20 day of December 1854
Jos L. Perndes
clk

Daniel J. Taylor
Dept

Filed in office Dec 8, 1855
(Signed) Geo Fisher Secy

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No 105

Heirs of Timothy Murphy dec'd Claim for
 as
 The United States } a lot in
 San Rafael
 one hundred varas
 by charity

Opinion of the Board
 delivered by Commissioner
 J. C. Farwell

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The claimants in this case have filed the application of Timothy Murphy to Governor Micheltorena dated the 13th day of September 1844, in which he states that he has built a house on the lot at the nest of said mission about one hundred varas in which said application he asks that he may have formal judicial possession "in order to secure himself from reclamation"

Upon the presentation of which the said Micheltorena enters a marginal note on the 16th day of December 1844, directing the Secretary of State to report to him whether the prayer of the petition can properly be granted, and on the same day Secretary Jimeno reports that he knows no objection to giving the asked for possession

On the same day the said Governor appends the following note: "According to the information I order its fulfillment"

It appears that no judicial possession was ever given, and no definite description is given in the expediente of the land claimed by which we can determine its locality and boundaries

To remedy which defect the claimant has exhibited a plat purporting to represent the land marked

with the initials R. T. and James Miller, a witness, is asked to look at the map and say whether it is a correct representation of the land, and he testified that he thinks that it is. But by reference to the map it will be seen that the lot that the witness recognizes as the one pointed as represented lies in an opposite direction from the one described in the application for the grant, and according to the scale of distances given on the map, contains more than double the land asked for in the petitioner's application.

From the showing in the case we are of the opinion that the petitioners are not entitled to a confirmation and a decree adverse to the claim will be entered.

Filed in Office March 27, 1855

(Signed)

Geo Fisher Jcy

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No 105

Heirs of Timothy Murphy et al }
vs
The United States }

Order of
Rejection

In this case after hearing
the proofs and allegations it is
adjudged by the Commission that
the claim of the said petitioners is
not valid, and it is therefore decided
that his application for a confirma-
tion thereof be denied

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Alpheus Fitch }

R. Aug Thompson }

S. B. Farnell }

Commissioners

32

Small, illegible purple ink stamp or mark.

Order

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

100
100

Office of the Board of Commissioners,

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

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J. George Fisher Secretary to
Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Thirty three* pages, numbered from
1 to *33*, 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. 105, on the Docket of the said Board,
wherein

Timothy Murphy is
Claimant against the United States, for the place known by
name of "A Solar in San Rafael"

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

G. Fisher
G. Fisher



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

No. 281-

ND

THE UNITED STATES,

vs.

Timothy Murphy

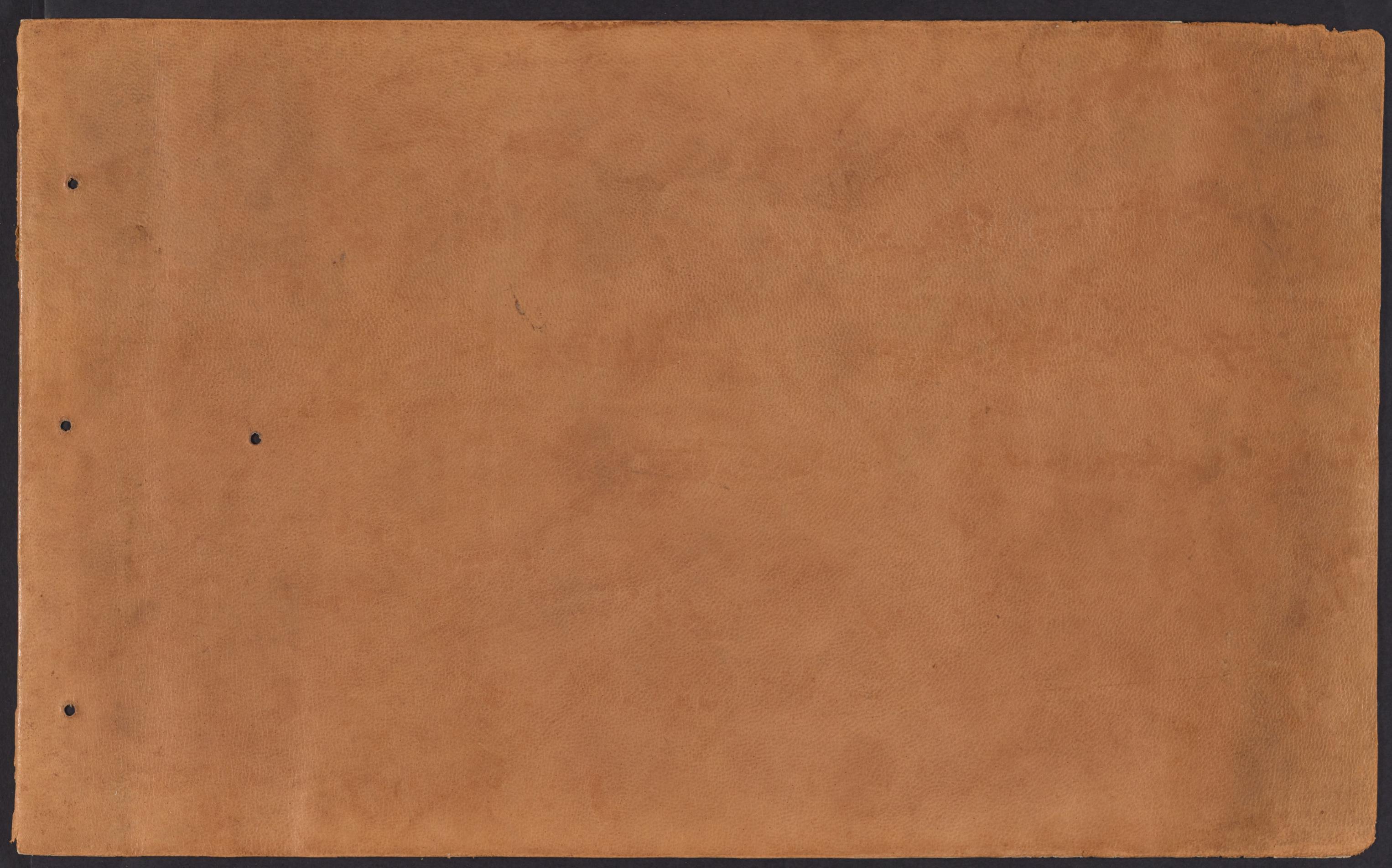
TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS.

In Case No. 105.

Filed, *October 1* 185*7*

J. A. Monroe,
Clerk.



Office of the Board of Commissioners,

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

San Francisco, Sept. 26th 1855.

J. A. Monroe Esq.

Clerk of the U. S. District Court for the
Northern District of California.

Sir:

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 105, on the Docket of the said Board, wherein

Timothy Murphy is
the Claimant against the United States, for the place known by the name of "Aldar in San Rafael"
and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher.