

CASE No.

376

NORTHERN DISTRICT

LAS CASADORES GRANT

JAMES MURPHY

CLAIMANT

LAND CASE 376 ND

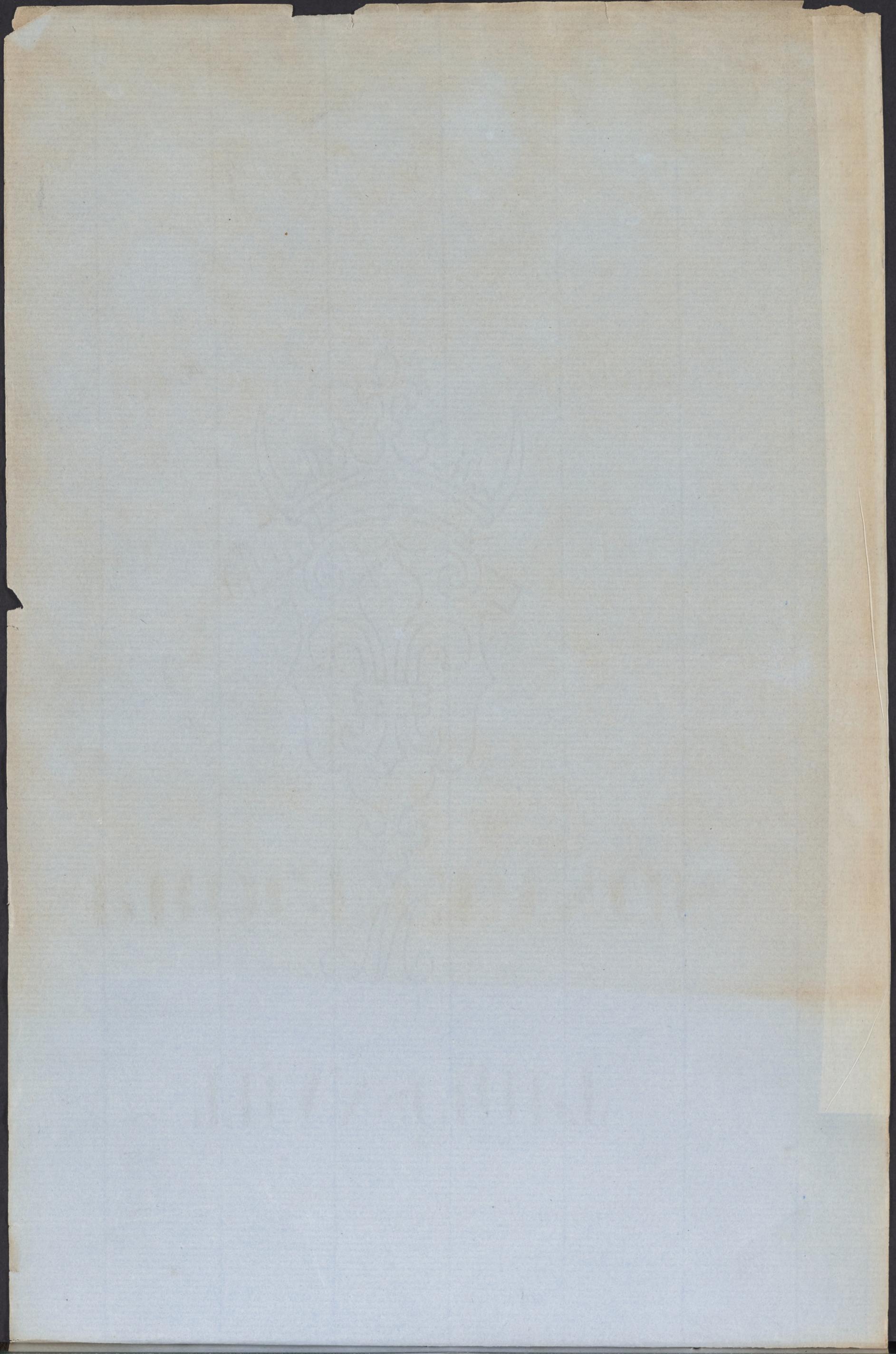
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U.S. A
25% COTTON FIBER
FLOWER BOND
Dormitory

303 map

4/1



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PAGE 1

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 313.

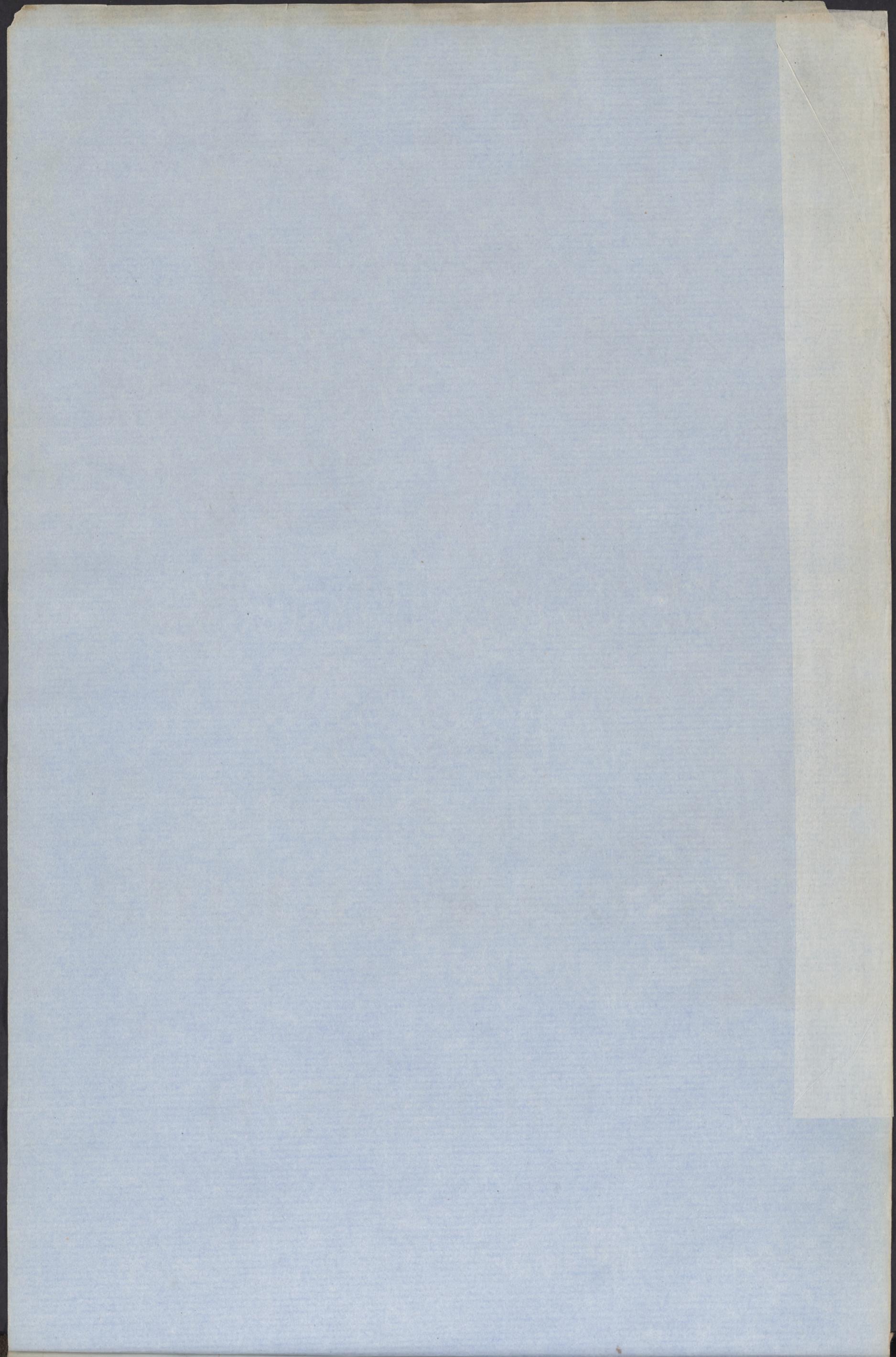
James Murphy CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Las Casadores.



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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

The Petition of *James Murphy* *~~~~~*
~~~~~ for the Place named
~~~~~ *Sas Casadores*, *~~~~~*
was presented, and ordered to be filed and docketed with No. 303 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 February 1' 1853.

In case no 303, James Murphy for the place named "Casadores", the deposition of Manuel Jimeno, a witness in behalf of the claimant taken before Commissioner Melan Hall, with document marked H. H. no. 1, annexed thereto, was filed;

(Vide page *4* of this Transcript.)

San Francisco December 21' 1853.

In the same case the deposition of Henry McVicker, a witness in behalf of the claimant, taken before Commissioner R. Aug. Thompson, was filed;

(Vide page *5* of this Transcript.)

San Francisco, July 7' 1854.

In the same case the deposition of John A. Sutter, a witness in behalf of the claimant, taken before Commissioner R. Aug. Thompson, was filed;

(Vide page *7* of this Transcript.)

San Francisco November 10th 1854.

In the same case the depositions of José Noveja, and Daniel Murphy, witnesses in behalf of the claimant, taken before Commissioner R. Aug. Thompson, were filed:

(Vide page 12 of this Transcript)

~~~~~

San Francisco November 28<sup>th</sup> 1854

Case no. 303 was ordered to be placed at the foot of the 3<sup>d</sup> class cases on the trial docket.

~~~~~

San Francisco December 19th 1854.

Case no. 303 was submitted on briefs and taken under advisement by the Board.

~~~~~

San Francisco July 17<sup>th</sup> 1855

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

(Vide page 23 of this Transcript)

and the following order was made, to wit:

(Vide page 14 of this Transcript)

~~~~~

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X

Republic Commission on Private Land Claims in California

Petition

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James Murphy gives notice that the claims a tract of land in said state by virtue of right and title derived from the Mexican natives which said tract lies upon the Rio Las Animas in the extent of four stras of four thousand four hundred and twenty eight bars each

and said tract of land was petitioned for by Amesto Napes in the month of July 1844 according to the Law in force before Don Manuel Micheltorena Governor of the Department of California which said petition was accompanied with a certificate from Don Juan a former Acting for the tract was vacant and said not pertain to any corporation Public or Individual.

On the 25th day of July 1844 said Governor Micheltorena referred the said petition to the Secretary of said Department to report thereon and said Secretary accordingly made his report on the 26th day of said month reporting that there were no general maps or plan of the country in which said tract is situated and as there were many petitions for lands in said region therefore suggesting that said application be suspended until said other petitions could be taken into action.

Whereupon on said last mentioned day said Secretary issued his order directing that said petition be kept on file and said tract be reserved until his (said Micheltorena) going up (meaning his going into the region of country where said tract lies) in order to see or dispatch the title thereto.

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In pursuance of this decree said
Comptroller proceeded to occupy said lands
and it has ever since been occupied
by him and by his assignees

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afterwards
to wit on the 22nd day of December
1844 said Comptroller was not however
able to carry out his said pro-
posed going to the said region of country
made a deed of concession of all the
lands there before solicited in that
section which had been formally
submitted by said Comptroller
granting said lands to the respective
petitioners thereof in full ownership
which said decree granted the said
tract in full ownership.

The said tract
with the rights and interests of said
Comptroller have come to this
claimant by proper means and
references.

Said tract has not been
surveyed, it is set forth in the Petition
and Grant thereof and in a proper
map or plan which accompany the same

Copies
of all the several papers herein
referred to are herewith presented
and prayers to be taken as part
of this Petition.

The originals will be
presented and proved as may be re-
quired with such other testimony as may
be required.

By his attorney,
James Humphreys & Service
Filed in Office August 14th 1852
Squire

Geo. Fisher
Secretary

Recorded in Rec of Pitkin Vol 1 Pgs 196, 197
Geo. Fisher
Secretary

Office of the Clerk of the Court

Case Number 303

Office of the Board of
U.S. Land Commissioners
San Francisco Dec 21st 1853

Depo of
Henry
McVicker

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This day before me in and for the County of
San Francisco came Henry McVicker a
petitioner in behalf of claimant James
Thompson, Petitioner Number 303 and
being duly sworn depose as follows
That claimant's attorney
and the U.S. Associate Land Agent

Witness states his name
is Henry McVicker his age forty years
and residence near San Francisco
California

Question by claimant's
attorney

Are you acquainted
with the Rancho called Las Lagunas
claimed in this case and if so state
what you know in regard to its
occupation and cultivation by
James Thompson the original
grantee

Answer

Thompson said
Rancho called Las Lagunas
since 1836 the first Thompson of its
occupation was by Pedro Fasser some
time in the year 1843.

He had on it
a house and pens and cattle in the
month of April 1843. From there it
was then occupied by Mr. Thompson
who was residing with his
family.

He had a small field partly
enclosed with a ditch which he was
cultivating. He had also a house
which he had built & he
had also some oxen and some
American cattle.

Henry McVicker
sworn and subscribed before me
December 21st 1853 H. A. Thompson for

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Filed in Office Dec. 21st 1853

Sequit

Gen Foster

Secretary

Recorded in Vol 3 Volume 3 page 45

Sequit

Gen Foster

Secretary

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Depo of
M. Jimeno

San Francisco Feb 1st 1853

On this day before me in session at
Hall came Manuel Jimeno a witness
in behalf of the Plaintiff James Tomp-
ley Petitioner Number 203 and was
only sworn his evidence being given
in Spanish was interpreted by the
Secretary

The United States Asser-
ciate Law Agent was present

Don Manuel Jimeno
a witness called on behalf of the plain-
tiff being duly sworn says

He resides
in Monterey his age is 49 years. In
the year 1844 he was Secretary of the
Department of the California and
Don Manuel Michelena was at
that time Governor.

He recognizes the
paper here shown him and which is
Number 1 attached to this deposition.
The said paper with the caption of
the transfer which is on the last
page of it passed through my hands
as Secretary of said Department.

The
proceedings took place at the time they
were made. I am acquainted with the
signature of Manuel Michelena
having often seen him write.

His signature
on this paper in the two places where
it occurs is genuine. My signature where
it occurs is also genuine. These signatures
were made at the time they were made by M. Jimeno

Sworn and subscribed before me
Helms Hall
Commissioner
Filed in Office February 14th 1853
Signed

Geo Fisher
Secy
Revised in Govs Vol 2 page 523
Signed
Geo Fisher
Secretary

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Depo of
John A.
Sutter

Case Number 343
United States Land Commission
San Francisco July 7th 1854
On this day before Commissioner A Aug
Thompson came John A Sutter a
witness in behalf of the claimant James
Munphy Case Number 343 who
after being duly sworn depose as
follows

Present J. G. Williams Coun-
sel for the claimant and Lewis Blanding
Associate Law Agent.

In answer to questions put
states his name is John A Sutter his
age fifty one years and his residence
Rocky Park Sutter County California
Testified by claimants
Council

Look at the documents
submitted for this document 14
of number and is the depositions
of James Munphy before taken
in this case and state what your
opinion of the genuineness of the sig-
natures of J. A Sutter and James
Munphy submitting occur therein

Answer

The said signi-
atures where they occur on said docu-
ments are genuine. That of J A Sutter
is my own and in each case where it
occurs was executed by me or those
they respectively bear.

Those of Ernesto Reclus were executed
by him in my presence

2. Question by same

Look at the document
marked your marking, I shall call
J.W. and answer to the deposition of
Bedwell filed in case number 201
and state what portions of the genuine
and said document of the signa-
ture of Manuel Nieto Herrera which
appears therein

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Answer

I believe said
document to be genuine I am well
acquainted with the handwriting
of Manuel Nieto Herrera knowing of his
signature wrote. His signature on said
document is certainly genuine

3. Question by same

Look at the
last page of the document marked
your marking Exhibit No 1 R.S. and
state whether you have compared the
writing on the said last page with the
document last above proved by you
and state whether it is a correct and
accurate copy of said last mentioned
document

Answer

I have compared
said document and find the said
writing on the last page of the document
marked by No 1 R.S. to be an accurate
copy of the original herein to in my
answer to Question No 2

4. Question by same

State whether or not
you have called upon or to Ernesto
Reclus as to a party upon whose
petition for a writ of habeas corpus
you reported a copy of the original
document last above mentioned

Answer I believe I believe

it to have been very the first about a

9

December 1844 as being entitled
to it by his previous military services
as captain of an Indiana Company
cross examined by
associates Law Agent

1 Question by same

When was the paper
written H. Hall and J. W. Smith
supra mentioned admitted to you by
Whelan and where

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answer

The said document was sent to me in duplicate
by Governor Wiest in December
1844 one was admitted to me at Sutter's
Fort by Pablo Estarraz and the other
at the same place by Juan Bermejo
subscribed and written at the same time

They were both written on the same kind
of paper, the said paper was in my
possession until Sept 1st at the time
and official accounts to be rendered

I do not

recall the time Sept 1st when
first said it was in my possession in
the said commission

2 Question by same what

became of the duplicate

answer

The same it was
burned at the fire in Sacramento
city where it was in the care of
Mr Fowler

3 Question by same

When did Wiest commence to act
as Governor of California

answer After our cam-

paign to the Lower Counties I think
about the middle of March 1845

4 Question by same

Said open
not admit the copy shown of in your
answer to Question 4 in open examination
in chief at the time of date of the paper

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on the last page of the document was
sent by post R.S. to wit January
28th 1846

answer

He had lost the
copy of that same letter and requested
me to give him another of which I said
last mentioned document is a copy
He told me he had lost the first copy
I gave him

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5 Question by same are all the
of said copies sold to you to
Arrest. Papers were among the papers
seized in this case

answer Mr Gov not find

them here

6 Question by same what
was the paper marked 14 14 (not
himself before mentioned) started

answer

The petition and
input in said papers were received at
letter Fort said papers in the hands
writing of Major Bidwell who
are in up at the request of Rufus
J. Colburn

sworn to and subscribed
before me July 7th 1854

Rufus Thompson
Commissioner

Filed in office July 7th 1854

Signed

Geo Fisher
Secretary

Rec'd in Col Brals page 34

Signed

Geo Fisher
Secy

Depo of
D. Murphy

Number 343

United States Land Commission
San Francisco November 14th 1854

On this day before Commissioner R.
Aug Thompson came David Murphy
a witness and chief of the claimant

James Thompson call number 313 who
after being only sworn deposed as
follows

Prisoner J. J. Williams Counsel
for Plaintiff and Lewis Blanning Esq
Associate Law Agent

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In answer to Trustee's
interrogatories states that his name is Paul
Thompson his age twenty seven years
and his residence Santa Clara Co
California

Trustee by claimants
counsel

Do you know the Ranch
claimed in this case and the
adjacent Ranch of Sheldons
State if you know the covering time
between them

answer

Answer both of
said Ranches being covered by the
old road from San Jose to Sacramento
which forms the eastern or upper bound-
ary of this Ranch and the western
or lower boundary of Sheldons

Trustee by same

State who has lived on
said land since you bought it and what
improvements have been made on
it during that time

answer

I just know
the Ranch in the year 1845 Mr Arthur
Thompson was then living on it having
purchased it during that year from
one Kupshuhad at that time two
adult horses on it called a cow
and about two hundred acres of land
included by a ditch and in cultivation

San Thompson

Associate Law Agent declines putting
any Trustee's

Sworn to and submitted before me Nov
10th 1854

Rory Thompson
Commissioner &c

Filed in Office November 10th 1854

Geo Fisher

Secretary

Recorded in Auditor's Book Page 627

Geo Fisher

Secretary

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Depo of
J. Moriega

United States Land Commission

San Francisco November 10th 1854

On this day before me came H. Aug. Thompson
counsel Jose Moriega witness in behalf
of the claimant James Murphy called on
303, who after being duly sworn depose
as follows his land is being entered by
the interior of the Board. Pursuant to
William Russell pro claimant and L.
Blanchard also called Law Agent

In answer to question states that
his name is Jose Moriega his age 34 years
and his residence San Jose California

Question by claimant

Council State of Oregon the Ranch
called Las Casadas, claimant in this
case if so state what operations of its
occupations and cultivation by
himself the original grantee

Answer that the Ranch

claimant in this case but he knows to
whom it was granted James said Ranch
in Sept 1844 was in present of some Indians
who had stolen some of my stock and
the name of the man who was then living
on it he informs me that he owned it
had there the land about 4 corral & small
flocks of hens & cattle & a portion of the land
enclosed & in cultivation the ranch from San Jose
to Sacramento passed near the house there was some
cultivation both above the house on the river
the road passed between the temples James then again
in March or April 1845 at which time the improvements had
been considerably advanced a machine had been built &
more land enclosed & in cultivation Jose Moriega
James & Thompson depose on Nov 10th 1854

H. Aug. Thompson
United States Land Commission

Filed in Office Nov 10th 1854 Geo Fisher Secy

Manuel Micheltonera Gral de Brigada del Ejercito Mexicano, Ayudante General de la Plaza Mayor del mismo, Gobernador Comandante Gral. e Inspector del Departamento de California.

No pudiendo ahora por estar sumamente ocupado este Gobierno Supremo Departamental estudiar uno por uno los títulos respectivos a todos los ciudadanos que han solicitado terrenos con riperones a su favor del Sr. Sutter, Capitan y Jefe encargado de la jurisdiccion de Nueva Helvecia y Sacramento, a nombre de la nacion Mexicana les escribo por estas letras la propiedad de ellos y de sus familias de los respectivos terrenos marcados en sus instancias y diseños, a todos y a cada uno de los que hayan solicitado y obtenido riperone favorable del espresado Sr. Sutter, hta. hoy día de la fha. sin que nadie pueda disputarles su propiedad, sinienoles una copia de este que les daré mas adelante el Sr. Sutter, hta. hoy de título formal con el que se presentarian a este Gobierno para obtener el mismo título en la debida forma y papel sellado correspondiente y para la debida constancia en todos tiempos doy este documento que será reconocido y acatado por todas las autoridades civiles y militares de la nacion Mexicana, en este y en los demas Departos autorizados debidamente con los sellos militares y de Gobierno en Monterey a veinte y dos de Diciembre de mil ochocientos cuarenta y cuatro.

Manuel Micheltonera.

Certifico que es copia.

Nueva Helvetia. Enero 28 de 1846
Juv. A. Sutter.

Filed in office. Feb. 17th 1853.

Geo. Fisher-Ley.

AH

Order

And it appearing to the satisfaction of the Board that the land hereby adjudicated is situated in the Northern district of California it is ordered that two transcripts of the proceedings and decisions in this case and of the papers and evidence upon which the same are founded be made out and duly certified 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

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Translation
of
Grant.

Mariano Michelena Brigadier
General of the Mexican Army, Captain
General of the staff of the same General
Governor and Inspector
of the Department of California.

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This
Supreme Departmental Government
not being able at present as it is
extremely busy to make out and by
our respective titles to all the citizens
who have applied for lands with favor
and reports of Senior Sutter Captain and
Judge in charge of the Jurisdiction of New
Belleville and Sacramento.

In the name
of the Mexican Nation I do by these pres-
ents grant to them and their families
the ownership of the respective lands as
designated in their petitions and maps.

To all
and every of those who might have applied
and obtained favorable report of said
Senior Sutter up to this days date; and
whenever shall dispute their ownership
a copy hereof which Senior Sutter
will hereafter give them to answer
to them as a final title.

Whom it may
shall appear before this Government
in order to make out the same title
in due form and in the proper stamped
papers.

And for all proof at all times
Grant this do cannot which shall
be acknowledged and respected by all
the civil and Military authorities of
the Mexican Nation in this and other
Departments.

Subscribed with the
Military and civil stamps at Monterey
the 22nd day of December 1844

Mariano Michelena

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Autograph to Captain New Heltona Jan
uary 28th 1846

In a letter

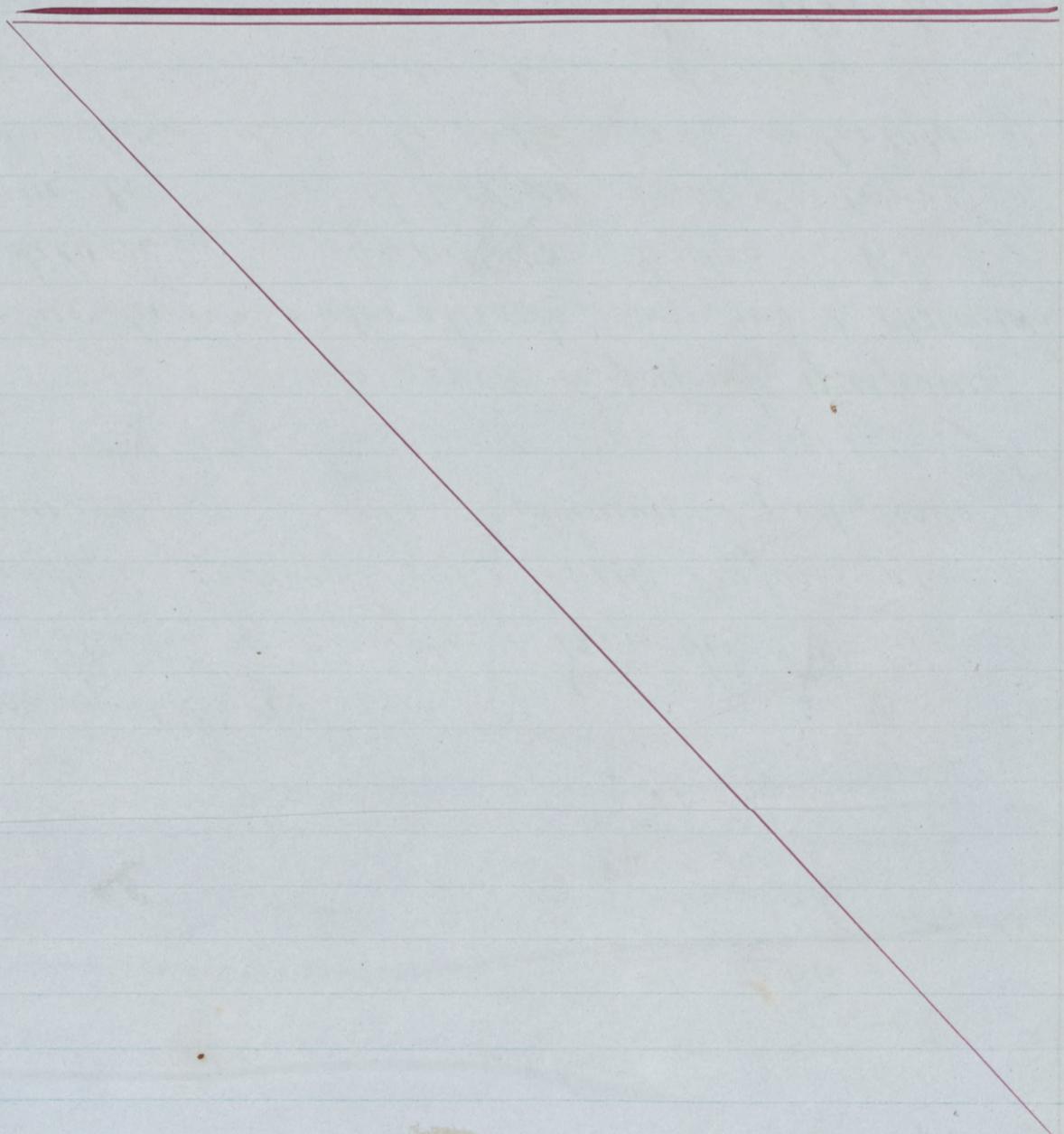
Handy certifies the foregoing to be a true
and correct translation of a Document
filed in case number 303 in this office
office of the Secretary of
the United States and
Commissioner San Francisco
this 23rd Dec 1853

Signed
Geo Fisher
Secy

Filed in Office December 23rd 1853

Signed
Geo Fisher
Secretary

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Ho a bilitate provisionamente non ha estumma

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(Seal)

Sello Cuarto Dos Reales.

He habilitado provisionalmente por la dotacion Maritima del puerto de Monterrey, en el Depart. de las Californias, para los años de mil ochocientos Cuarenta y cuatro y mil ochocientos Cuarenta y cinco.

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Micheltoreno.

Pablo de la Guerra.

Monterrey. Julio 25 de 1844.

Dije el Sr. Sr. del despacho

Exmo. Sr. Gobernador.

Comando los necesarios que

Ernesto Rufus, natural de

justos.

Alemania y Mexicano de

Micheltoreno.

naturalizacion ante V. E.

con el mas profundo respeto se presenta y espone.

Que siendo naturalizado Mexicano y deseando dedicarse a la agricultura, suplica a V. E. se digna concederle el terreno conocido con el nombre de los Capatzenes a la orilla del Rio de las Lagunas cuyo paraje es baldio, consta de cuatro sitios de ganado mayor y son sus linderos, al N. tierra baldia al E. rancho de Sr. Melton al S. Rio de las Cosumbres y los Tulares y al Nte. Tules y tierra baldia segun manifiesta el plano que debidamente acompaño. D. F. A. V. E. ruego se digna acceder a esta su peticion en la que mereced.

Ducado de V. E. el mas atento Sr.

Rufus Ernesto.

Iniobicio del No. 1000000.

El terreno que solicito el Sr. Ernesto Rufus en esta peticion es baldio y no pertenece a pueblo ni jurisdiccion alguna y por esta certificacion para las justas conmutar.

Nuevo Mexico Julio 20 de 1844.

D. A. Sutter.

Here follows a map or plan.

Doc. No. No. 1.
ann^o to the Depo
of Natl Financ.
taken before
Comm.
W. Hall.

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Excmo Sr. Gobernador.

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A Muchas solicitudes de la naturaleza como la
precedente se les ha puesto la providencia de esperarse
hasta que V.E. pueda hacer la visita por el Rio del
Sacramento y San Joaquin y como tambien no hay
un dictamen general de aquellos terrenos no se podran
hacer tal vez con acierto las concesiones q. se pretenden
por lo que si a V.E. lo tuviese a bien podra quedar
pendiente este expediente hasta que se despachen
las solicitudes a que me refiero.

Monterrey. Julio. 26 de 1844.

Manuel Jimeno.

Monterrey. Junio. 26 de 1844.

Deupe lo provisionalmente hasta mi dubida
despachar.

Nicheltoren.

Por la presente certifico que he reunido todo derecho
y pretension que tengo en esta instancia y lo he
transferido al Sr. Martin Murphy y para que
cuente firma en Nueva Helvetia a latome de
Mayo de 1845.

Festigos.

Ernesto Rufus.

Certifico que es la firma de Ernesto Rufus.

Nueva Helvetia. Mayo 14 de 1845.

J. A. Sutter.

Filed for record, in County Recorder's office of Sacramento
County. November 5th. 1851 at 9.50 o'clock. Reentered
in Book #1 of Deeds pages 9. 10. 11.

L. S. Binnsall.

Recorder Means. Copy.

Filed in Office. Feby. 1. 1853.

Geo. Fisher. Secy.

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Sealed Paper

C
Translation Monterey July 25th 44

Most Excellent Gov
Governor

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Let
The Secretary of
Despatch report of
taking before
hard the steps
judges occurs
ary

Ernesto Pujos nature
of human and Mexican
by naturalization before
your Excellency on the
profound respect
appears and status

Micheltta

That
being a naturalized
Mexican and citizen
to devote himself to

agriculture he prays your Excellency
will be pleased to condescend to name the
tract of land known by the name of
Las Lagunas on the margin of the
River Cosumnes which place is vacant

It
embraces four sitios de San Juan Mayor
and its boundaries are at the vacant
land, at least the Rancho of San Julian
opposite the River Cosumnes and San
Julian, and at west Julian and vacant
land, as shown by the sketch which he
duly annexes hereto

Therefore he requests your
Excellency will be pleased
to accede to this petition
and he will remain your
obedient servant

Ernesto Pujos
his servant

Rafael Ernesto

President of
Sacramento River

The tract which
Ernesto Pujos points in this applica-
tion is vacant and belongs to the
public domain and I give
this certificate for the purpose that may
concern

J. A. Sutter
New Helvetia 20th July 1844

Post excellent for Governor

Many apple

cuttings similar to the foregoing have
been directed to be delivered into your
by calling be able to make the visit to
the River Sacramento and San Joaquin
and also as there is no general plan
of these lands.

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The concessions which
are sought could not be made for
less than a certain sum. So therefore if your
excellency think it proper this concession
may remain pending till the applica-
tions which I allude to be dispatched
amounting twenty sixth July are three
hundred eight hundred and forty
four

Wm. J. Miller

Amounting 26th July 44

He may occupy
it provisionally until they get up
to dispatch (the bill).

Wm. J. Miller

By the present I certify that I have
examined all right and claim
which I have in this case and I have
transferred it over to Sir Martin Rumpel
and

In proof whereof I sign at New Hel-
sunder this twentieth day one thousand
eight hundred and forty five
Wm. J. Miller

I certify that it is the signature
of Wm. J. Miller
New Helmsunder twentieth day one thousand
eight hundred and forty five
J. C. Sutter

Filed in Office August 14th 1852

Signed

Geo. Fisher
Secretary

Deed of Transfer

This Indenture made and concluded this fourth day of September at San Jose in the year of our Lord one thousand eight hundred and fifty.

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By and between Martin Murphy of the City of San Jose State of California and Mary Murphy of the same place of the first part and James Murphy of the County of Santa Clara State of California of the second part

Witnesseth That the said parties of the first part for and in consideration of the sum of one hundred and ten dollars and only paid by the said party of the second part the receipt of which is hereby fully acknowledged hath bargained sold and conveyed and by these presents do bargain sell and convey unto the said party of the second part his heirs and assigns forever all that certain piece or parcel of land lying and being in the County of Sacramento,

And to have and to hold the above said half of the Rancho de las Canoas being bounded and described as follows on the north by vacant lands or on the east by the Rancho of Mulden on the south by the River of the Cosumnes and the Delanos and at the west end by fields and vacant lands being the same which was formerly owned by and originally granted to Benito Rufus a map of which is hereto attached together with all and singular the rights privileges and appurtenances thereto belonging or in anywise appertaining

To have and to hold the same unto the said party of the second part his heirs and assigns forever as fully in every respect as the same was held by the said parties of the first part

Intestines of which will come to me
Wambour and I will the day and
year as follows: his

Martin x Murphy
Mary x Murphy

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State of California
County of Santa Clara

On this fourth day
of September 1850 personally appeared
and before me Martin Murphy and
Mary his wife personally known to
me to be the persons named in and
who executed the foregoing conveyance

and acknowledged that they executed the
same freely and voluntarily and without
any collusion for the purpose therein
expressed said Mary Murphy being
separate and apart from
her said husband

In testimony whereof
R. A. Redman
Notary Public

(Indorsed)

Said Martin Murphy to James Murphy

Filed for Record in the Records office
of Sacramento County November 3rd
1851 at 12th in George P. Mansfield
in Book of Deeds pages 790 & 791

L. A. Mansell
Recorder
By G. Lee

Said James Murphy claims to R. J. Waller
Deputy

Filed in Office August 14th 1852
Signed by F. H. King
Secretary

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Opinion
of the
Board

James Murphy }
vs } For a place called
The United States } Lezakidore situated
in the County of Sacram- }
- ento and containing
four square Leagues

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In this case the claimant has offered in
evidence the Expediente of Ernesto Ruffini
accompanied with a plat of the land asked
for dated the 26th day of March 1844 and
also a provisional grant from Governor
Micheltumna dated the 26th day of July
1844 authorizing the said grantee to occupy
the same until a further grant could be
issued

Also a conveyance by deed from
the said grantee to Martin Murphy dated
the 4th day of May 1845 also a deed from
the said Martin Murphy to the present
claimant dated the 14th day of September
1851 all of which documents are properly
authenticated

and also an authenticated
copy of what is called the General title
which was issued by Governor Micheltumna
which has already received the confirmation
of this board and been a public sale
which said grant was to accrue to the
benefit of all who had previously
applied for grants and had
received the favorable recommenda-
tion of Captain John A. Sutter

The proofs
establish the fact clearly that this case
is one included in said General Grant
and also that the conditions of said grant
as to inhabitation and cultivation
have been complied with. The same
arrises are quite indispensible but we think
sufficient to entitle the claimant to a
confirmation under the late decision
in the Fremont Case and a decree

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will be returned accompanied by Commission
Filed in Office 1855

Signed

Geo Fisher
Secretary

Records in Record of Decisions &c

Signed

Geo Fisher
Secretary

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Decree
of
Confirmation

Number 303
James Murphy
of
The United States

Whereas the Commission
the proposed Allegations it is adjudged
by the Commission that the claim of the
said Petitioner is valid and it is there
fore decreed that his application for
Confirmation thereof be allowed

And any
of which Confirmation is hereby given
is called Las Adores situate in the County
of Sacramento and contains four square
leagues to be hereafter located according
to Law within the following boundaries
to wit

On the East by the town of San Sheldan
on the South the river Las Adores and
Las Palmas and on the West by Palmas
and vacant lands agreeable to the calls
of the expediente and the map accompan-
ing the same

R Aug Thompson

J B Farnell

Commissioner

Filed in Office

1855

Geo Fisher Secy

Records in Record of Decisions &c

Geo Fisher
Secretary

Office of the Board of Commissioners,

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

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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 *Twenty four* pages, numbered from
1 to 24, 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. 313 on the Docket of the said Board,
wherein

James Murphy is
the Claimant against the United States, for the place known by
the name of *Las Casaderez*

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. 1855, and of the Independence of the
United States of America the ~~seventy~~ *eighty* ~~fourth~~.

Geo. Fisher

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U. S. DISTRICT COURT,

San Francisco District of California.

No. 376- 376

THE UNITED STATES,

vs.

James W. Murphy

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS.

In Case No. *513*

Filed, *December 24* 185*7*

J. A. Moore,
Clerk

Office of the Attorney General of the United States,

Washington, 11 Feby, 1856.

303) "Las Casadoras"

James Murphy Claimant

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 Northern district of California will be prosecuted by the United States.

Cluding

Attorney General.

No - 376

United States

- ad -

James Murphy

Appeal Notice

No - 303.

Lid April 4. 1856.

Cherub.

Deputy.

me

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In the District Court of the United States in and
for the Northern District of California

James Murphy Appellee

vs

The United States Appellant

No -
376 376 ND
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For answer to the petition filed
in this case the said Appellee answers and
says it is true that the Land claimed in this
case lies in the Northern District of California
and within the Jurisdiction of this Court -

But he denies the Allegation that his
claim to the same is invalid, and avers
that his claim and title are valid and
prays that the decree of the said Board
of Commissioners confirming the same
may be affirmed and that this Honble
Court will decree the validity of his said
claim -

James Murphy
by his counsel

Thornton Williams Thornton

U. S. Dist. Court. N. Dist.
No 376

James Murphy
adv
The United States

Answers

Filed April 28, 1856,
Cheverus
Deputy.

three

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Thornton Williams Thornton

No: 376 -
The United States Appellant } U.S. Dist. Court,
By } Northern District
James Murphy Appellee } of California

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This Petition on the part of the United States by the District Attorney respectfully represents, that this is an application for a review of the decision of the Board of Land Commissioners to ascertain and settle private Land Claims in California, whereby the claim of the said Appellee was confirmed.

That the Transcript of the proceedings and decision of said Board was duly filed in the Clerk's Office of this Court on the 24th day of December 1855 and notice of intention to prosecute the Appeal on the 4th of April 1856.

That the claim of the said Appellee is invalid. That the said Land lies in the Northern District of California and within the jurisdiction of this Court.

Your Petitioner therefore prays, that the decision of the said Board of Commissioners confirming said claim may be reviewed and reversed, and that said claim may be decreed to be invalid.

Respectfully &c
C. Russell
Atty U.S. District

U. S. Dist. Court. N. Dist.

No 376

The United States

vs
James Murphy

Petition

Filed April 28. 1856,
Cheverus,
Deputy

two

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Glafell ~

In the District Court of
The United States in & for the
Northern District of California

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The United States }
vs } No. 376
James Murphy }

This cause coming on this
day to be heard upon the pleadings
and the Transcript of the Record from
the Board of United States Land
Commissioners and was argued by
Counsel, In consideration whereof
The Court is of Opinion there is no
Error in the decision of the said
Board and that the same should be
and is hereby affirmed, Whereupon
it is adjudged, ordered and decreed
that the claim of the said James Murphy
is valid and that the same be, and
is hereby confirmed -

The Land of which
confirmation is made is known by
the name of "Las Casadores" lying and
being in the County of Sacramento
and State of California, containing four
square leagues and ^{no more} bounded as fol-
lows, by the River Cosumnes, ^{and the San Tulares} on the

South, by the Lands of Señor Sheldon
on the East, & by the Tulares and vacant
Lands on the West, being the same Land
described in the Expediente and the
Map, contained in the ^{said} transcript of
the Record of the proceedings and decision
of the said Board of Commissioners -

Agustin Hoffman
N. S. Dist Judge

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No. 376

U. S. Lieut. Col.
Northern Dist.

The United States

^{vs}
James Murphy -

Decease

Filed Sept. 22. 1856.
Chever,
Deputy.

Five

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

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Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v

James Murphy

D. C. 376; L. C. 303

In this case, on application of the U. S. Attorney, made in open Court, it is ordered by the Court that an appeal in behalf of the United States from the final decision of this Court rendered at the present term, be, and the same is hereby granted; and that a certified transcript of the pleadings, evidence, depositions and proceedings in the said cause be sent to the Supreme Court without delay.

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United States District Court, Northern
District of California.

The United States

vs.

James Murphy

ORDER.

granting appeal

Filed *April 1st.* 1857

John A. Monroe,
CLERK.

By *W. H. Cheever*
DEPUTY.

file

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At a Stated Term of the District Court of the
UNITED STATES OF AMERICA, for the Northern District of
California, held at the Court Room, in the City of SAN FRANCISCO,
on *Monday* the *nineteenth* day of
July in the year of our Lord one thousand

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eight hundred and fifty-seven. ~~seven~~ *eight*

Present:

M. Hall McAllister, Circuit
The Honorable ~~OGDEN HOFFMAN~~, District Judge.

The United States

v.

James Murphy.

D. C. 376 : L. C. 303.

In this case, on application
of P. Della Torre, Esq, U. S. Attorney, it is ordered
that an appeal in behalf of the United States
from the final decision of the Court, rendered
in said Court at the June, 1886, term, be and
the same is hereby granted, and that a certified
transcript of the pleadings, evidence, depositions,
and proceeding in the said cause be sent to
the Supreme Court of the United States without
delay; and the appellants are ordered to serve
the usual citation according to law.

M. Hall McAllister
Judge in Court U. S.
District of California

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United States District Court, Northern District of
California.

The United States

vs.

James Murphy

ORDER.

granting appeal

Filed

July 19. 1858
W. Dr. Chivers

CLERK.

By

DEPUTY.

Deven

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United States of America,
To James Murphy,

Greeting;

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You are hereby cited and admonished to be and appear at a Supreme Court of the United States to be holden in Washington on the first Monday in December next, pursuant to an order of appeal granted on the nineteenth day of July, A. D. 1858. by the Hon. M. Hall McAllister, Circuit Judge of the United States for the Districts of California, and presiding over the District Court for the Northern District of California in the discharge of its appellate jurisdiction over the decision of the Board of Commissioners for the settlement of private land claims in the State of California, in a certain suit wherein the United States are plaintiffs and you are defendant on appeal, to show cause, if any there be, why the decision in the said appeal mentioned should not be corrected, and speedy justice should not be done to the parties in that behalf.

Witness my hand and seal at San Francisco this nineteenth day of July in the year of our Lord one thousand eight hundred and fifty eight.

M. Hall McAllister
Judge in Court U. S.
District of California



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U. S. District Court

The United States

v.

James Murphy

Citation.

Due service of copy within
citation by U. S. Marshal
admitted this 19th day
of July A.D. 1858.

Thomson, Williams & Thornton
attys. for Murphy.

Filed July 19. 1858.

W. D. Chivers,

Clerk

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Thomson, Williams & Thornton,

Thomson, Williams & Thornton

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Office of the Board of Commissioners,

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

San Francisco, Dec. 10th 1855

J. A. Munroe 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. 313 on the Docket of the said Board, wherein

James Murphy is the Claimant against the United States, for the place known by the name of "*Cazadores*" and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher.