

CASE NO.

16

NORTHERN DISTRICT

SAN PEDRO Sta MARGARITA

AND

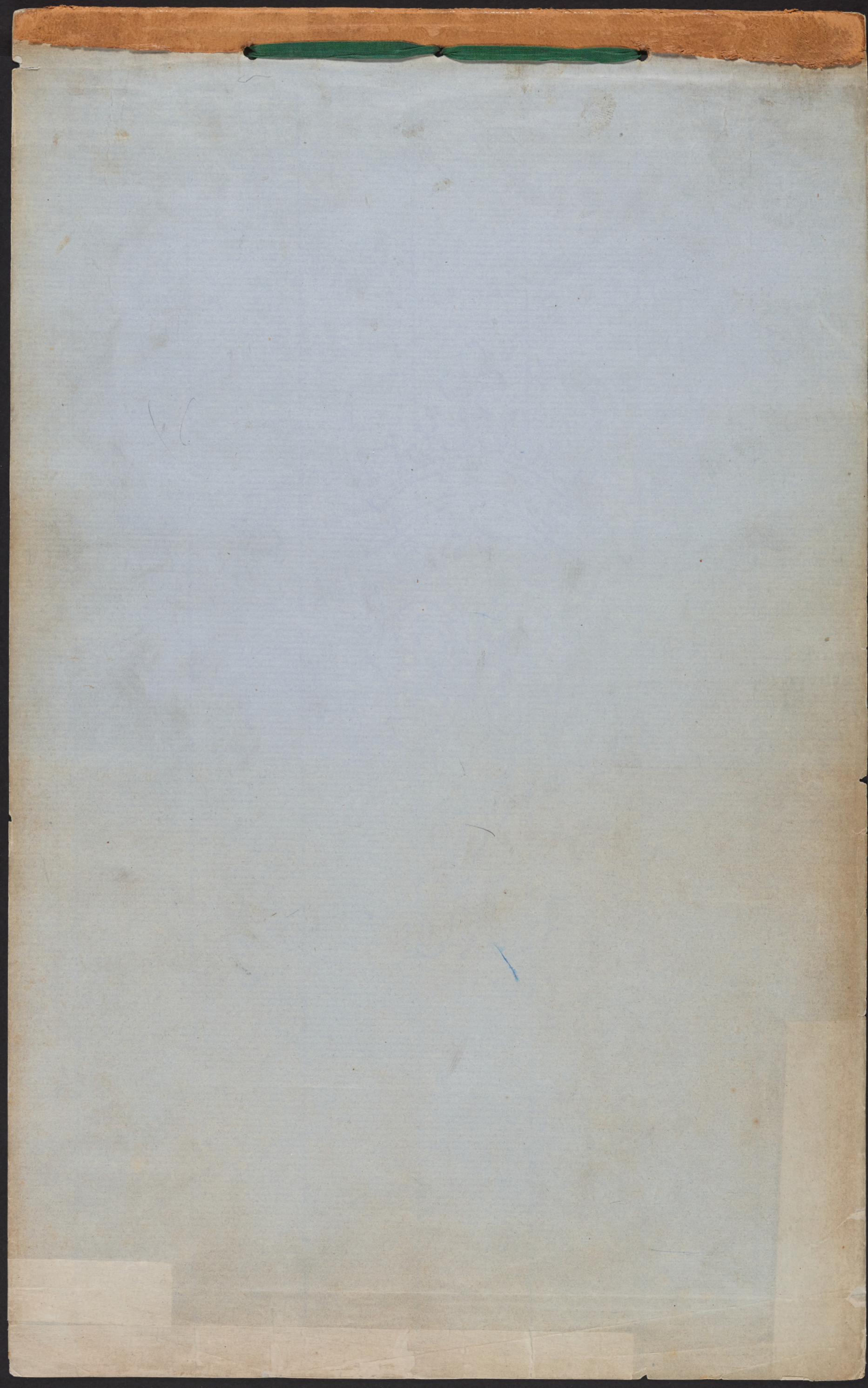
LAS GALLINAS GRANT

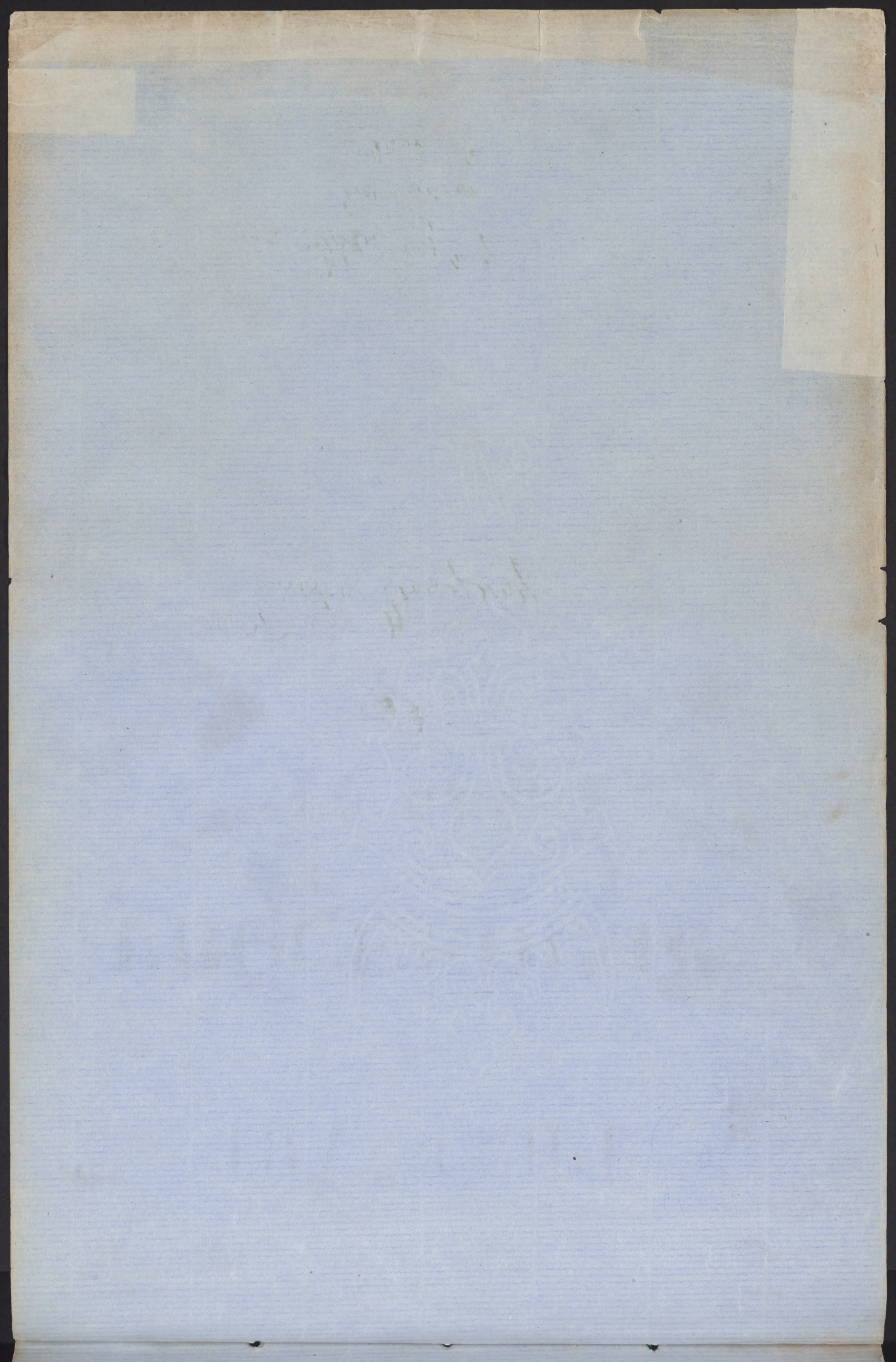
TIMOTEO MURPHY

CLAIMANT

LAND CASE
16,
M.D.

ALSO AVAILABLE ON MICROFILM





TRANSCRIPT

CASE 16 ND
PAGE 1.

OF THE

PROCEEDINGS

IN CASE

NO. 72,

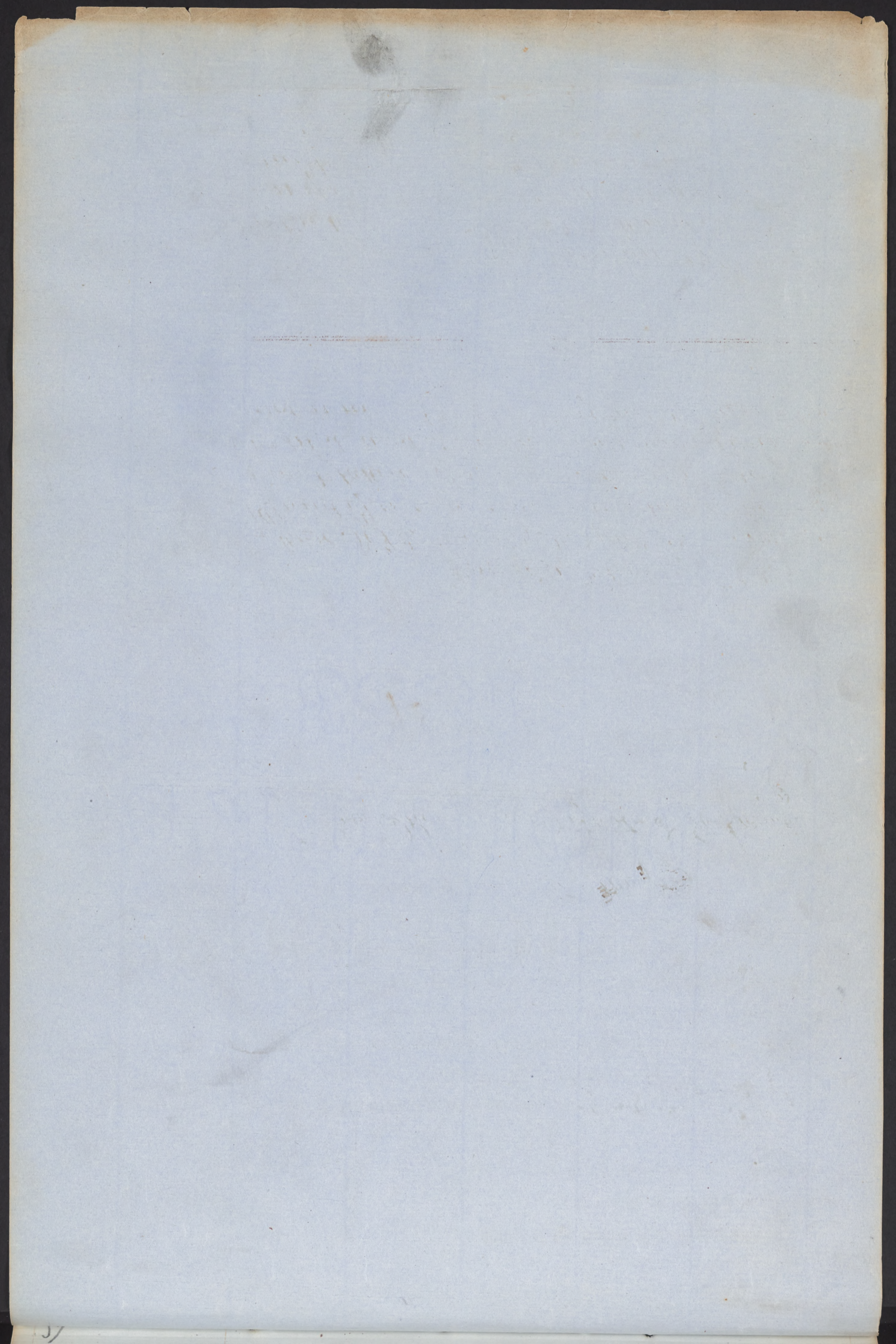
Timoteo Murphy, CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"*San Pedro Sta Margarita
and
Las Gallinas*"
Marin. Co



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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1.
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PAGE 2.

Be it Remembered, that on this twenty sixth day of February, 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 Timothy Murphy
for the Place named
"San Pedro, Sta Margarita and Las Gallinas"
was presented, and ordered to be filed and docketed with No. 72 and is as follows, to wit;

(Vide page 5 of this Transcript.)

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

Thursday, February 26th 1852.
In Case No 72, Timothy Murphy, the Deposition of David Spence, a witness in behalf of the claimant taken before Commissioner Hiland Hall was filed, and is in the words and figures as follows, to wit: (Vide pages of this Transcript 6.)

Friday, February 27th 1852.
In the Case No 72, Timothy Murphy the Deposition of S. P. Leese a witness in behalf of the claimant taken before Commissioner James Wilson, was filed, and is in the words and figures as follows, to wit: (Vide pages of this Transcript 7, 8, and 9.)

Saturday, June 26th 1852.
Case No 72, Timothy Murphy, "San Pedro & Co"
was set in its order for hearing.

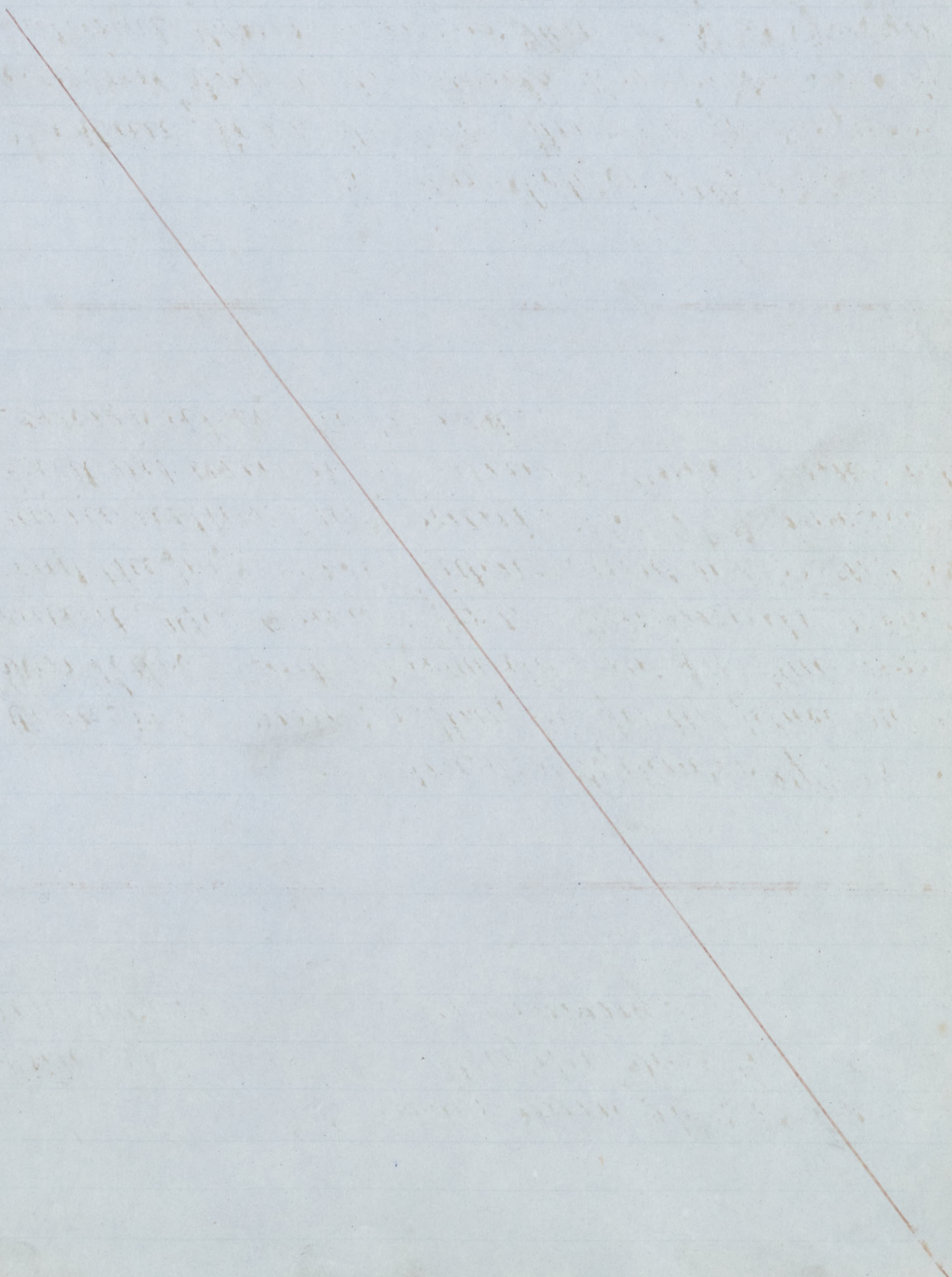
Wednesday September 29th 1852.
Case No 72, Timothy Murphy, for the place named
"San Pedro", Santa Margarita, and Las Gallinas,
called. The Counsel for the Claimants, Mr. Rose,
read the papers in Evidence, and submitted the
same without argument. The U. S. Law Agent
filed his written argument. Taken under ad-
-visement by the Board.

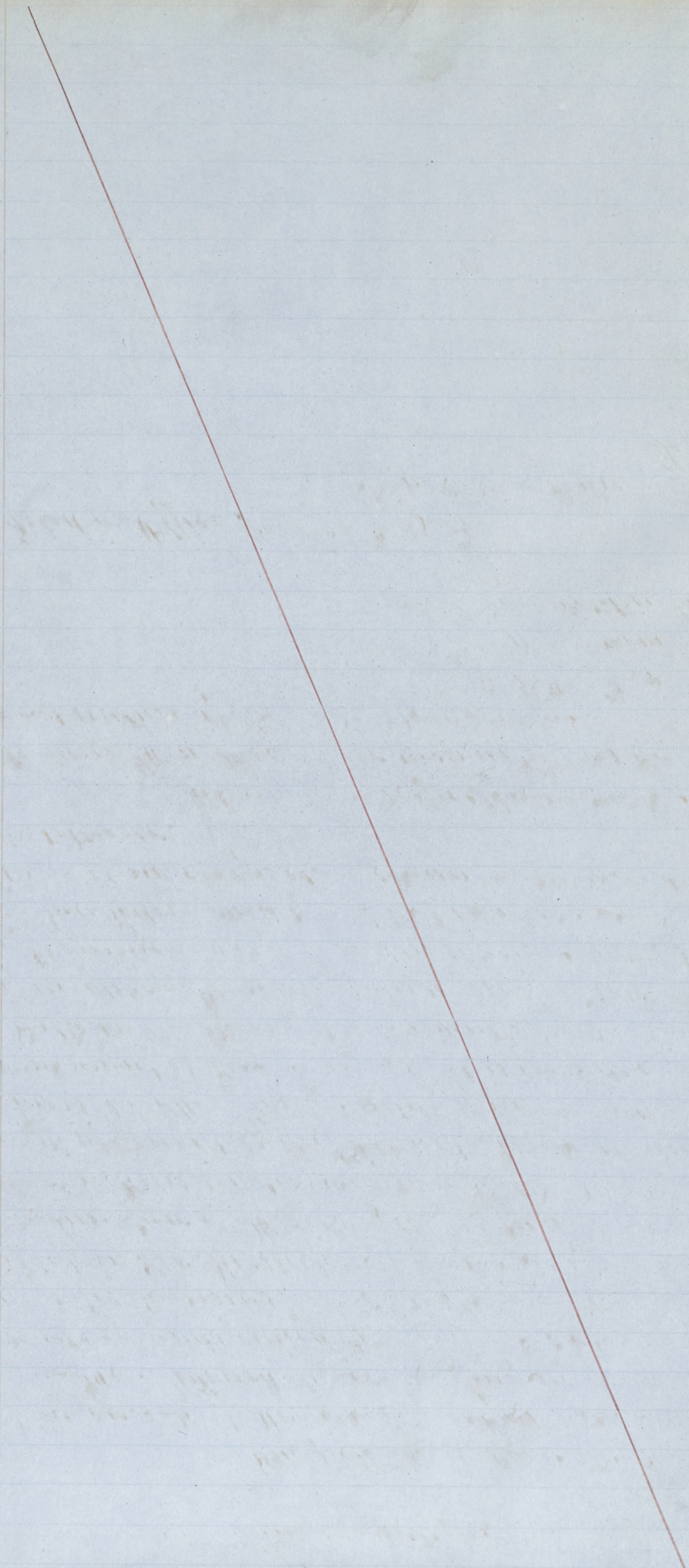
Monday, October 11th 1852.
In Case No 72, Timothy Murphy, for the place
named "San Pedro, Santa Margarita, and Las
Gallinas, Commissioner Hiland Hull delivered
the opinion of the Board, declaring the Claim
valid; the entering of the decree of final con-
-firmation being reserved for a future day.

Wednesday, December 22^d 1852.
In Case No 72, Timothy Murphy, for the places
named, "San Pedro, Santa Margarita, y las Gal-
-linas," Commissioner Hiland Hull, delivered
the Decree of Final Confirmation of this Board.

Ordered, that the opinion of this Board, delivered by Commissioner Hiland Kull, on the 11th of October, 1852, and the Decree of Final Confirmation, delivered this day, in this case, be recorded on the Journal.

Which opinion and decree are in the words and figures as follow, to wit: (vide pages of this Transcript. 21. 22. and 23)





1982

To the Hon. the Board of Commissioners for settling private land claims in California.

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PAGE 5.

A.
Petition.

The petition of Benjamin Murphy of the county of Marin, respectfully submits to your Hon. Board the accompanying grant of the Tracts of lands called "San Pedro, Santa Margarita, and Los Gallinas," made to him on the 14. Feb. 1844 by Gov Micheltona, by virtue of the Colonization Law of Mexico of the 18. Aug. 1824, and the Instructions under said law dated Nov. 21, 1828, and approved by the Depart. Assm. on the 22^d April 1844. - The quantity of land contained in said grant is Five Leagues - it is bounded on the North by the Sierra, on the South by the Rancho of neighbour Domingo Leese, on the West, by that of Don Juan Cooper, and on the East by the Valley of San Pedro - said grant has been surveyed, and there is no conflicting claim, as known to your petitioner.

All which is respectfully submitted to your Hon. Board for such action as the justice and nature of the case may require.

W. D. Fair.

Rose & Irving.
for Petitioner.

Filed in Office Feby 26th 1852.

(Signed) Geo. Fisher.

Secy.

Office of the Board of Com^{rs}
of California Land Claims.
San Francisco, Feby. 26. 1852.

On this day before Heiland Hull, one of the Com^{rs} for ascertaining and settling private Land Claims in the State of California came David Spence a witness produced in behalf of the claimant in the case of the petition of Timothy Murphy being No 72, on the Docket of the Commissioners, and after being duly sworn testified as follows.

Deposition of
D. Spence.

Questions by Robert Rose counsel for claimant.

1 Question. What is your name, age, and residence?

Answer. My name is David Spence, my age is fifty three, and I reside in Monterey, and have resided there for twenty eight years past.

2. Are you acquainted with the hand writing of Manuel Micheltona, Manuel Sereno, and Pio Pico, and if so, look upon pages 3, 4, and 5 of the Expediente in this case marked A, with the initials H. H. and say if the signatures of those persons as they appear on said pages are genuine?

Answer. I have seen them all write and am acquainted with their hand writing. The signatures, I have no doubt, are genuine.

D. Spence.

Sworn and subscribed as above
Before me

Heiland Hull.

Com^r

Filed in Office Feby 26th 1852.

(Signed) Gen: Fisher: Secy.

7.
Office of the Board of Comrs.
of California Land Claims
San Francisco Feb. 27. 1852.

CASE 16 ND

PAGE 7.

On this day before James Wilson, one of the Commissioners for ascertaining & settling private Land Claims in the State of California, came J. P. Leese, a witness produced in behalf of the Claimant in the case of the petition of Timothy Murphy being No 72 on the Docket of the Commission, and after being duly sworn testified as follows.

Questions by Robert Rose, counsel of claimant.

Deposition of
J. P. Leese.

1. Question. What is your name, age, residence?

Answer. My name is Jacob P. Leese, age 43 years, and my place of residence is at present in Monterey, California.

2. Are you acquainted with Timothy Murphy, the claimant in said petition?

Answer. I do know Timothy Murphy the claimant in said petition and have known him intimately since the year 1834.

3. Do you know whether said Murphy was in the occupancy of the Ranchos of San Pedro, Santa Margarita and Las Gallinas?

Answer. I do know that said Murphy has in possession of the Ranchos called by those names in the year 1838, and that he has continued in the possession of them ever since, that he has lived upon them and occupied them; In the year 1844 I was Alcalde of the district of Sonoma, and from the records, and papers there, in my possession

officially I learned that the said Murphy had been put in judicial possession of said Ranchos in the year 1843.

4. Did said Murphy cultivate said Ranchos, and in what manner?

Answer. He did cultivate them in both vegetables and grain, and he also used them for the pasturage of his cattle.

5. What buildings and improvements had he on those Ranchos?

Answer. He had a house for his people, and also a corral.

Cross-Examination by G. W. Cooley Esq. Law Agent U. S.

Question. Did you live near the Ranchos named as stated in Interrogatory 3^d? if not, state what occasions had you to observe the occupancy of it and precisely when?

Answer. My residence was about 42 miles from the Ranchos aforesaid. I had commercial business with him, and was frequently at his place and staid with him two and three days at a time & often rode with him over the said Ranchos and observed the cultivation. I cannot state the precise times all of them, when I was at his place. If I could have reference to my books, letters, and papers, I think I could state the dates of many of my visits to him with a good deal of accuracy. From memory I can now recollect that I was at his place on the 4th day of July 1842, and remained with him two days at that time.

Quest. What means have you of knowing by whom said Rancho has been occupied, and of knowing of such continued occupation?

Answer. By frequently being at his place, remaining for some two or three days at a time, riding over said Ranchos, and my intimate business relations with said Murphy from the year 1838 and subsequently.

Question. What enables you to fix the precise time when such occupation commenced?

Answer. By my being there at his place.

Question. State precisely the manner in which Murphy occupied it?

Answer. He cultivated I think, in the year 1838 400 acres in wheat in one field. He had also other fields in different parts of his Ranchos, in cultivation. He also had cattle which he pastured on his Ranchos.

Jacob P. Lease.

The within Deposition, subscribed and sworn to, on the day and year first above written.

Before me

James Wilson.

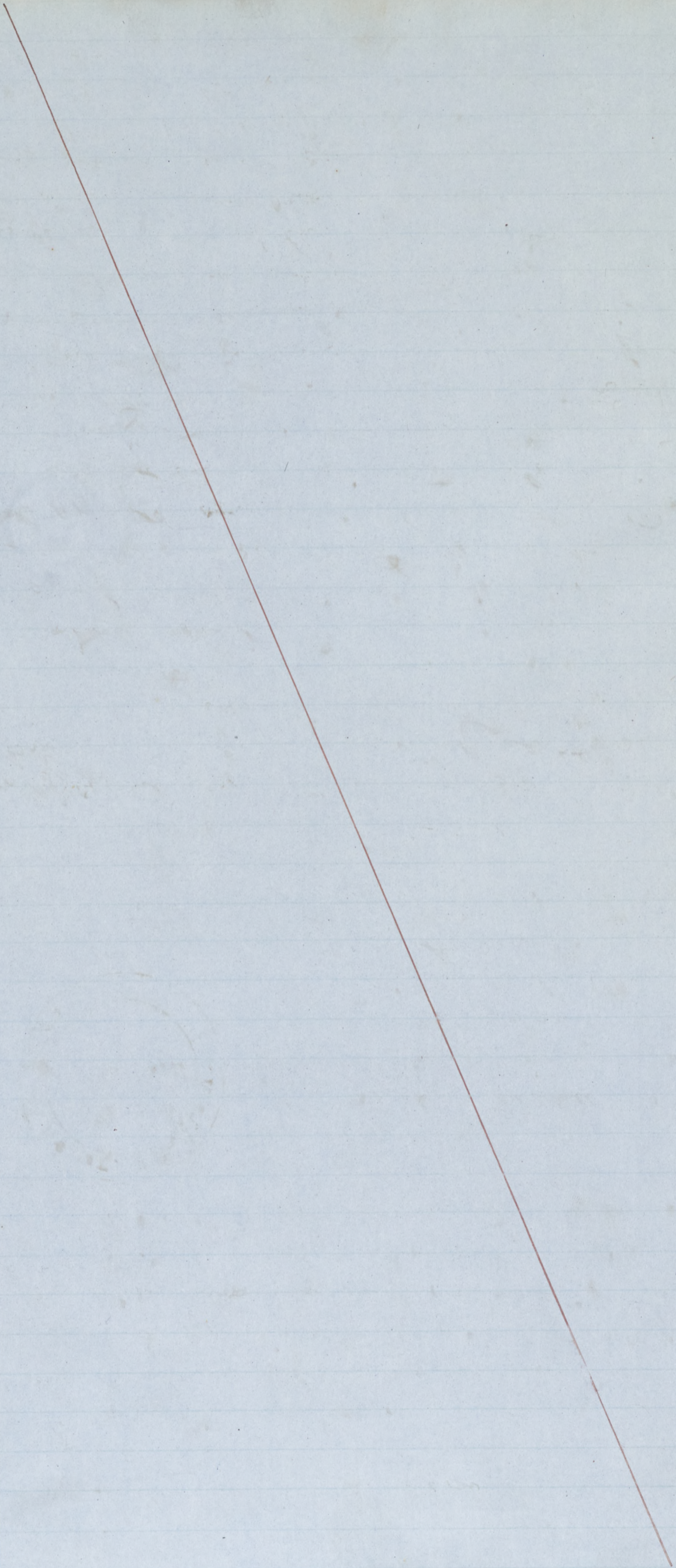
Commr.

Filed in Office Feb'y 27th 1852.

(Signed) Geo. Fisher.

Secy.

10.



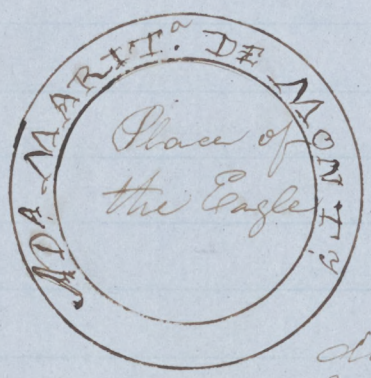
Expediente B.

Sello Primero Ocho pasos.

Timothy Murphy
Belain for
Ranch of
San Pedro
Sta Margarita
& San Gallinas

Habilitado provisionalmente por la
Admna Maritima del puerto de Monterey
en el Departamento de las Californias
para los años de mil ochocientos cuarenta
y cuatro y mil ochocientos cuarenta y cinco.
Micheltorona. Pablo de la Guerra

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Mmanuel Micheltorona
General de Brigada del
Ejercito Mexicano Ayu-
dante Gral. de la Plana Mayor
del mismo Gobernador, Comandte Gral. e
Inspector del Departamento de Californias.

Por cuanto D. Timothy Murphy
Mexicano por naturalizacion ha pretendido
para su beneficio personal el terreno cono-
cido con el nombre de San Pedro, Santa
Margarita y las Gallinas colindante
al Norte con la Sierra, al Sur con el
Rancho del vecino Domingo Pains, al
poniente con el de D. Juan Cooper, y
al oriente con el valle de San Pedro:
practicadas previamente las diligencias
y averiguaciones concernientes segun lo
dispuesto por leyes y reglamentos, usando
de las facultades que me son conferidas
a nombre de la Nacion Mexicana he
venido en concederle el terreno mencionado
sujetandose a la aprobacion de la
Exma. Asamblea Departamental y a
las condiciones siguientes.
1.ª No podra vender, enagenar, ni
hipotecar: imponer censo, vinculo, fianza
ni otro gravamen alguno.

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2.^a Podrá sercarlo sin perjudicar las ^{caminos} travesías, en servidumbres; lo disfrutará libre y exclusivamente, destinándole al uso de cultivo que mas le acomode y ocupará la casa que tiene fabricada.

3.^a Cuando se confirme la propiedad de el, solicitará del Juez respectivo que le de posesion jurídica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondrá á mas de las mojoneeras, algunos arboles frutales o silvestres de alguna utilidad.

4.^a El terreno de que se hace donacion es de cinco sitios de ganado mayor segun explica el diseño respectivo. El Juez que diere la posesion lo hará medir conforme á ordenanza quedando el sobrante que resulte á la Nacion para los fines convenientes.

5.^a Si contraviniere á estas disposiciones condicionales perderá el derecho al terreno y será denunciabile por otro.

En consecuencia mando que teniendose por firme y valido el presente se tome razon de el en el libro respectivo y se entregue al interesado para su resguardo y demas fines.

Dado en Monterrey á catorce de Febrero de mil ochocientos cuarenta y cuatro.

Man. Micheltá

Man. Jimeno

Srío.

Queda tomada razon de este despacho en el libro respectivo á foja 6.

Jimeno.

Pío Pico Gobernador Constitucional del
Departamento de California.

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La Exma. Asamblea Departamen-
tal en sesion de hoy ha decretado
lo siguiente.

Se aprueba la correccion hecha al
Cindadano por naturalizacion Don Timoteo
Murphy del parage San Pedro, Santa
Margarita y las Gallinas, situado en
San Rafael, camino para Sonoma de cinco
sitios de ganado mayor que espresa el
decreto de consecion con fecha 14 de
Febrero de 1844, de entera conformidad
con la ley de 18 de Agosto de 1824, y el
articulo 5.º del reglamento de 21 de No-
viembre de 1828.

Y para resguardo de la parte de
Don Timoteo Murphy lo hago asi saber.

Dado en la Ciudad de los Angeles en
este papel comun por falta de sellado,
a veinte y dos de Abril de mil ochocientos
cuarenta y seis.

Pío Pico

Jose Maria Moreno.
Srio. Int.

Filed in Office Feby. 26. 1852.

Geo. Fisher
Secy.

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Habilitado provisionalmente por la Ad-
uana Maritima del Puerto de Monterey
en el Departamento de las Californias,
para los años de mil ochocientos cuarenta
y cuatro y mil ochocientos cuarenta y cinco.
Micheltorona. Pablo de la Guerra



El que suscribe Secretario
del Gobierno Departamental
de California certifica: que
el diseño que se acompaña a este
documento, es igual y forma el todo
de los dos diseños que estan agregados
al expediente de Don Timoteo Murffi
perteneciente a su rancho nombrado
San Pedro y las Gallinas: Va dicho
diseño fielmente conservado, corregido, y
rubricado por la expresada Secretaria.

Y para la debida constancia se extiende
al interesado la presente en Monterey a
catorce de Diciembre de mil ochocientos
cuarenta y cuatro.

Manl. Jimeno.

X³.
First Seal Eight Dollars.

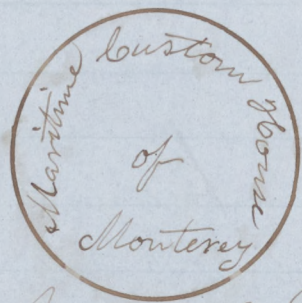
Document
C.
Translation
of the claim
of Timothy
Murphy.

Authorized provisionally by the Maritime
Custom House of Monterey in the Depart-
ment of the Californias for the years 1844
& 1845.

(Signed) Micheltorena. (Signed) Pablo de la Guerra

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Manuel Micheltorena, Ori-
gadier General of the Mexican
Army Adjutant General of the Staff
of the same, Governor, Commandant
General & Inspector of the Department
of the Californias.

Whereas Don Timoteo Murphy a
Mexican by naturalization has petitioned
for his own benefit for the parcel of
land known by the name of San Pedro
Santa Margarita y las Gallinas, the
same being bounded on the North by
la Sierra (Ridge) on the South by the
Rancho of the bordering neighbor Domingo
Sainis - on the West by that of Don Juan
Cooper, and on the East by the Valley of
San Pedro; and having complied with
the requirements and investigations con-
cerning the matter agreeably to the laws
and regulations, now, by the authority
in me vested, and in the name of the
Nation, have thought proper to grant
him the aforementioned land subject
to the approval of the Excellent Depar-
tamental Assembly under the following
conditions, viz:

1. He shall not sell, alienate,
nor mortgage it, nor subject it to rent,
entail, security, nor any other incumbrance

whatsoever.

2. He may fence it without obstructing croppings, roads and servitudes. he shall enjoy it fully and exclusively putting it to the use or culture he may deem best, and he shall occupy the house he has built thereon.

3. When the property shall be confirmed, he shall solicit the respective judge to put him in juridical possession by virtue of this patent by whom the boundaries shall be marked, at the limits of which besides the land marks, he shall set some fruit trees or else some wild ones of some usefulness.

4. The land of which donation is made is of Five square leagues, as the corresponding plat explains. The judge who shall give possession, will cause it to be measured agreeably to ordinance, leaving the surplus (sobrante) that might result to the Nation for such purposes as may be deemed convenient.

5. If he shall contravene to these conditional dispositions he shall lose his right to the land, which may be denounced by another person.

I therefore command that holding these presents to be firm and valid, the same to be entered in the proper book, and to be returned to the interested party for his own security and other purposes.

Given in Monterey on the 14th of February 1844.

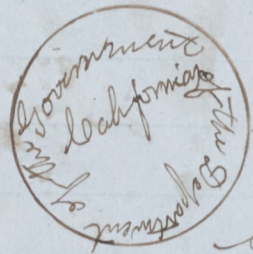
Micheltorina.

Manuel Jimeno
Secretary.

This patent was recorded in the
corresponding Book in folio 6.
(signed) Jimeno.

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(Ex: & cont.
J. E. C.)

Pio Pico Constitutional
Governor of the Department
of the Californias.

The Excellent Departamental
Assembly in their Session of today have
decreed the following.

They approve of the grant made
in favor of the naturalized citizen Don
Simotes Murphy of the parcel of land
called San Pedro, Santa Margarita
y las Gallinas, situate in San Rafael
in the direction of Sonoma, containing
Five Square leagues as expressed in the
decre of concession dated February
14th 1844, of entire conformity with the
law of August 18th 1824 and the 5th article
of the Regulations of November 21st 1828.

And for the security of the said
Don Simotes Murphy, I thus make
the same known. Given in the City
of Los Angeles on this common paper
there not being any stamped sheets, this
22nd day of April 1846.

(signed) Pio Pico.

José Maria Moreno
Secretary Pro tem.

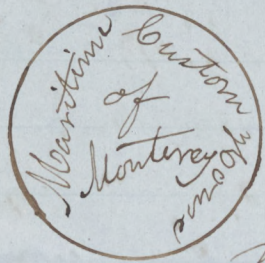
(Ex: & cont.
J. E. C.)

Fourth Seal Two reales.

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PAGE 17.

Authorized provisionally by the
Maritime Custom House of Monterey
in the Department of the Californias,
for the years 1844 & 1845.
(signed) Micheltorona. (signed) Pablo de la Guerra



The undersigned Secretary
of the Departmental Govern-
ment of California does certify
that the plan annexed to this document
is similar to and forms the entire whole
of the designs adjoined to the record
of proceedings of Don Simón Murphy
relative to his Rancho called San Pedro
& las Gallinas. The same has been
faithfully compared, corrected and
marked with the rubric of this Office.

In witness whereof the present is issued
to the interested party in Monterey on the
14th of December 1844.

(signed) Manuel Jimeno

(Ex & cont.)
J E E

Filed in Office Feby. 26. 1852
Geo. Fisher
Secy.

No 72, Timothy Murphy, claimant,
October 11th 1852.

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Opinion deliv-
-ered by Com-
-missioner
-Holand Hall.

Timothy Murphy petitions the Board to confirm his title to three parcels of land, known by the name of San Pedro, Santa Margarita, and Las Gallinas, adjoining each other, and together containing five square leagues, and situated in the present County of Marin, which he claims by virtue of a grant from the Mexican Government, executed by Governor Micheltorena, the 14th of February 1844.

In support of this claim, the petitioner produces the original grant, made to him by Governor Micheltorena, dated February 14, 1844, signed by the Governor, and countersigned by Manuel Jimeno, Secretary of State, whose signatures are proved to be genuine. He also produces a certificate signed, Pio Pico, Governor of California, dated April 22nd 1846, and countersigned José Maria Mosero, Secretary pro tempore, showing that the Departmental Assembly, had on that day, approved of the said grant to the claimant. The hand writing of Pio Pico, to the certificate, is also shown to be genuine. The claimant does not produce a certified copy of the expediente, from the public archives, but the United States Surveyor General for California, who has the custody of such archives, certifies officially, that there is among the archives, an expediente showing the grant of such land to the claimant, by Governor Micheltorena, on the said 14th of February, 1844, and that it was approved by the Departmental Assembly, on the 22^d day of April, 1846, as stated in the official certificate of Governor Pio Pico, before mentioned. We are satisfied that the title papers produced by the petitioner, are genuine official papers, and that the grant was made as claimed by him. The claimant further shows by competent and

reliable testimony, that he went into possession of the land claimed, previous to the grant being made to him, and as early as the year 1838, and that he has continued in the occupancy of it, to the present time, having a dwelling house on it, which has been inhabited during the whole period, cultivating extensive tracts of the land, and using it for the pasturage of cattle and other stock.

The only objection made by the Law Agent to the confirmation of the claim, is that it does not appear that the land had been severed from the public domain, by the giving of judicial possession to the claimant, in conformity to the fourth condition or requirement in the grant. There is no pretence that the description of the land in the grant is so indefinite as to render it void for uncertainty, and we have already held in the leading case of Cruz Cervantes, and also in the cases of Reading and Bernal, which have been published, that where actual possession had been taken of the land, and its boundaries could be made certain by a survey, the want of the giving of judicial possession, would not be sufficient to avoid the title.

The grant in all other respects appearing to be complete and perfect, we perceive no good reason for declaring it invalid.

The entry of a final decree of confirmation, is reserved to a future day.

December 22, 1852.

A final decree of confirmation is made, Commissioner Thornton concurring in the result.

(Signed) Willard Hall.

No 72, Timothy Murphy, claimant.

This Board on full consideration, having come to the conclusion that the claim is valid,

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Decree of Final
Confirmation.

now proceeds to make, and does hereby make, the following decree of final confirmation, viz:

It is decreed that the said claim be confirmed to the extent and quantity of five square leagues; being the same land described in the grant, and of which the possession was proved to have been long enjoyed; Provided, that the said quantity of land granted, and now here confirmed to the claimant, be contained within the boundaries called for in the said grant, and map to which it refers; and if there be less than the said quantity of five square leagues within said boundaries, we then confirm to the claimant that less quantity; it being expressed that the quantity exceeds the minimum of two hundred varas, prescribed by the Ordinance of 21st of November, 1828.

(Signed) Hiland Hull. }
 (") Harry S. Throston } Commissioners.

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Office of the Board of Commissioners,

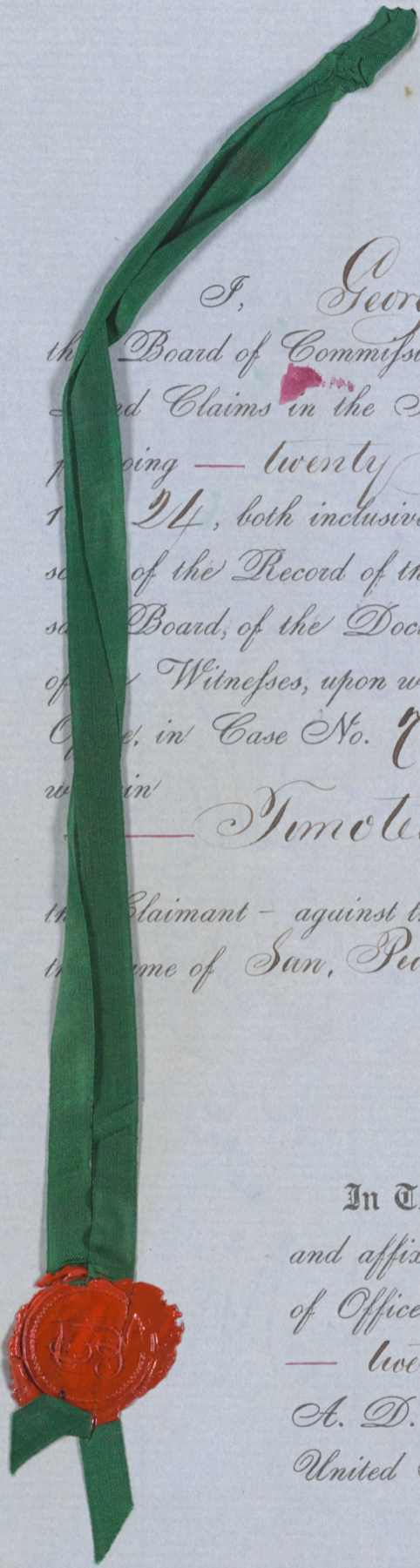
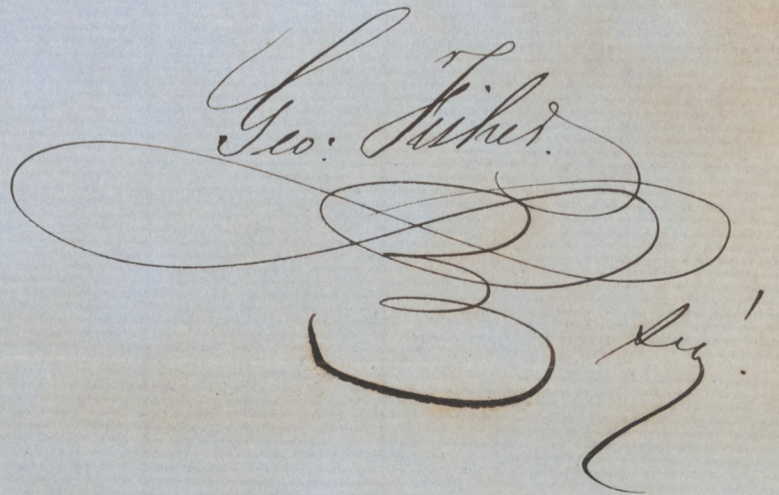
To ascertain and settle the Private Land Claims in the State of California.

I, George Fisher Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
following — 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. 72, on the Docket of the said Board,
as in

Timoteo Murphy is
the Claimant - against the United States, for the place known by
the name of San, Pedro, S.^{ta} Margarita, & San, Gallinas

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 third — day of February
A. D. 1854, and of the Independence of the
United States of America the seventy-eight—

Geo. Fisher



16

16 N L
Murphy - U
don Pedro

16



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Attorney General's Office.
15th July 1854.

Francis Murphy, Claimant, {
vs. { 72.
The United States.

You will please take notice that an appeal in the above case (a transcript of the proceedings in which was received at this Office on the 15th of March 1854), from the decision of the Commissioners to ascertain and settle the private land claims in the State of California, to the District Court of the United States for the Northern District of California, will be prosecuted by the United States.

Robert
Attorney General U. S.

U. S. Dist Court

No 16 —

The United States

— vs —

Timoteo Murphy

Notice of Appeal

Filed Aug. 21st 1854

Geo A. Munnell

CASE 16 ND

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U. S. District Court

CASE 16 ND

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The United States

v

} n: 11.

Timothy Murphy

San Francisco, Oct 29, 1864.

It is hereby stipulated and agreed that the official survey of the land confirmed herein may be approved by the court; that a final decree be entered; and that further appeal from such decree be and the same hereby is waived.

Delos Lake

U. S. Attorney.

Shaptes & Keyserfeldt

Atty. for Intervenor
& for Claimant

Wm B Williams

Atty for Forbes, successor
to Dixon.

John Reynolds

Atty. in aid of the
U. S. District Attorney

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U. S. Dist Court

The United States

v

Timothy Murphy

Stipulation that
final decree be entered

Filed Nov 12, 1874

H. H. Clever,

Clerk

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At a stated Term of the District Court
of the United States for the Northern
District of California, held at the
Courtroom in the City of San Fran-
-cisco on Saturday the 12th day of
November, 1854:

Present:

Hon. Ogden Hoffman, U. S. Dist. Judge.

The United States

v.

Timothy Murphy,

3
No. 16.

This cause came
on to be heard upon exceptions to
the official survey of the land con-
-firmed herein, which survey is shown
by the certified copy plat filed Sept
9, 1854; and it appearing to the court
that, by a stipulation this day filed,
the attorneys for the respective parties
have consented that said official
survey be approved and a final decree
entered, and the right of appeal waived,
it is now ordered, adjudged and decreed
that the survey and location of the
land heretofore confirmed, the field notes
of which survey were approved by J. W.

Mauderville, then Surveyor General of the United States for California, on the 6th September, 1859, is a good and valid survey and location of the land heretofore confirmed herein, and that the said survey and location be and the same hereby is approved.

And it is further ordered, adjudged and decreed that the certified copy plat of said survey (comprising 21, 178 ⁶⁹/₁₀₀ acres), filed Sept 8. 1859, and marked "Approved November 12th 1864, Ogden Hoffman, A. S. Dist Judge", be attached to and made part of this decree for a more full and particular description of the twenty one thousand six hundred and seventy eight ⁶⁹/₁₀₀ acres of land now finally confirmed to the said Timothy Murphy.

Ogden Hoffman
Dist Judge

16 ND
72 139

U. S. Dist Court

The United States

v

Timothy Murphy.

Final Decree

Filed Nov 12. 1864

W. Dr. Cheverest
Clerk

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Record of proceedings instituted
by the Indian Council, in soli-
citation of the land named
Nempali.

320.

Stamp Fifth Halfa Real
Provisionally authorized by the Customs House
of the Port of Monterey, in the Department
of the Californias, for the year 1843.
(Signed) Michelena - (Sgo) Manuel Castaneda

in
the
2^d of
Jul 3

That Excell^{ty} Sr Governor of the
Department of Californias.

Camilo Guitia, a resident of the ju-
risdiction of Sonoma on the Frontier, re-
presents to your Excellency as best
suits the justice of his case, that:
it is six years that he is in possession
of the land named Rompali to the
extent of two square leagues; that he
has put therein a house, planted
a garden & vines & put therein black
cattle & horses & whatever else is neces-
sary for its cultivation, and needing
the title of ownership, some time ago
sending the customary map it was lost
from the Archives, as he is informed
by the Sr Secretary. He begs of
your Excellency that you will direct
order that there be issued to him
the title to the mentioned land,
offering to send as soon as possible
the correspond map.

Monterey October 22^d 1843.
at the request of the inte-
rested party -
(Signed) M. G. Vallejo.

Monterey October 21st 1843.

Let the Gov^l Secretary of the Departmental Government make his report.

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(Signed) Micheltorena.

Most Excellent Gov^l

The land which the Indian Camilo petitions for, is occupied by him with property, since the date which he mentions, according to the information which was previously taken, and therefore he is desiring of the favor which he asks, should your Excellency thus deem it proper.

Monterey 21st October 1843.

(Signed) Man^l Ameno.

Monterey October 21st 1843.

In conformity with that which is reported, let the title be issued without the power of selling or alienating.

(Signed) Micheltorena.

Monterey 22^d of October 1843.

Having seen the petition that heads this record of proceedings, the foregoing report and all that which was considered and found

to be in conformity with the laws &

which was considered and found
to be in conformity with the laws &
regulations on the subject, I de-
clare the Indian Camilo Yutea
owner in fee of the land named
"Homopali."

CASE 16 ND

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Manuel Michelmoren, Brigadier
General of the Mexican Army, Adjutant
General of the Staff, Governor and
Commandant General of the De-
partment of the California.

Whereas the Indian Camilo
Yutea has solicited for his personal
benefit and that of his family, the
land known by the name of "Hom-
pali," bounded by the Estuary
of the same name, by the Creek
of San Antonio and by the Gap
[Fortuelo] of Robato: the steps
and investigations in relation thereto,
being previously had as is provided
by the laws & regulations in the matter,
exercising the authority conferred
upon me in the name of the
Mexican Nation, I have thought
proper to grant him the forementioned
land, declaring in him the ownership
thereof by these presents, he subjec-
ting himself to the approval of
the most Excellent Departmental
Junta, and to the following conditions

1st — He may enclose it without obstructing the cross-roads, roads & servitudes; He may enjoy it freely and exclusively, putting it to the use or cultivation which may best suit him.

2^d — He shall not have the power to sell, alienate or ~~mort~~ hypothecate it, subject it to tax, entail, mortgage or to any other incumbrance, or to pass it in mort-main.

3^d — He shall solicit of the respective Judge to give him juridical possession in virtue of this patent, whereby the boundaries shall be marked out, in which boundaries he shall place besides the land-marks, some fruit trees or forest trees of some utility.

4th — The land of which donation is made, is of two square leagues more or less. The Judge who shall give the possession, shall cause it to be measured conformably to the ordinance, leaving the overplus, which may result therefrom, to the Nation for the convenient use.

5th — If he contravenes these conditions, he shall loose his right to the land, and it shall be subject to denunciation by another.

Therefore, I order that this title

being held as firm and valid, record
be made thereof in the respective
book, and that it be delivered
to the interested party for his se-
curity and further ends. Given in
Monterey on the 22^d of October
1843. —

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No-16-

U. S. Dist. Court,
~~~~~

The United States

- vs -

Timoteo Murphy,  
~~~~~

Translation of Expediente.

Filed May 19, 1855.

J. W. D. Chevers,
Deputy.

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Col. James

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Expediente

Procurado por el Indígena Ca-
milo, en pretensión del terreno nombrado

Ompali.

520.

SELLO QUINTO MEDIO REAL.

2

Habilitado provisionalmente por la Aduana marítima del puerto de Monterey, en el Departamento de las Californias, para el año de mil ochocientos cuarenta y tres.

Micheltorena.

Manuel Castañares.



E. S. Gob. del Dep. Calif.

Al Sr. Jefe de Justicia de la plaza de Sonoma en la front., Ante V. R. como mas a mi derecho con venga expono: que han sido en un tiempo que poseo el terreno nombrado Compué, de cantidad de dos

Monerrey oct.
21. de N. D. 43.

en p. de la sor
Lajo del Gob.
Departamento
Micheltorena

sitios de ganado Mayor: ha obtenido en el Catastro, unos ganados vacunos caballos y cuanto de otros para su cultivo, y necesitandome el título de pro- piedad han alg. tiempo remitiendome el

Al Sr. Jefe de Justicia de la plaza de Sonoma en la front., Ante V. R. como mas a mi derecho con venga expono: que han sido en un tiempo que poseo el terreno nombrado Compué, de cantidad de dos sitios de ganado Mayor: ha obtenido en el Catastro, unos ganados vacunos caballos y cuanto de otros para su cultivo, y necesitandome el título de propiedad han alg. tiempo remitiendome el

Al Sr. Jefe de Justicia de la plaza de Sonoma en la front., Ante V. R. como mas a mi derecho con venga expono: que han sido en un tiempo que poseo el terreno nombrado Compué, de cantidad de dos sitios de ganado Mayor: ha obtenido en el Catastro, unos ganados vacunos caballos y cuanto de otros para su cultivo, y necesitandome el título de propiedad han alg. tiempo remitiendome el

Mont. Oct. 22. de N. D. 43.
A pedir y sup. del interesado.
M. G. Vallés

Excmo. Sr.

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El terreno que pretende el indiano
Carrillo Juitia está ocupado con inte-
res de el mismo desde la pta. que cita
segun los informes que con anterioridad sean
tomados, y por lo mismo es acordar a la gracia
que pide si N.E. asi lo tubiere habien.

Monterrey 2^a de Oct. de 1843.

Mano J. J. J. J.

Monterrey Oct 21 de 1843.

Conforme con lo informado arriba
el titulo, sin poder vender ni enagenar.
Michuete

Monterrey 2^a de Oct. de 1843.

Vista la peticion con que da principio

4.

Este expediente el informe que precede con todo
lo demas que se tubo presente y por combino de
conformidad con las leyes y Reglam^{to} de la ma-
taria declinamos al indigeno

Manuel Micheltorina General de Brigada
del Ejercito Mexicano Ayudante Jefe de la
Plana Mayor Gobernador y Comandante Ge-
neral del Departamento de las Californias.

Por cuanto el indigena Camilo Pri-
tia ha pretendido para su beneficio perso-
nal y el de su familia el terreno conocido
con el nombre de Obrajali existente en
el Estero del mismo nombre, con el Arroyo
de San Antonio y con el Portezuelo de
Nobato. Practicadas previamente las diligencias
y averiguaciones convenientes segun lo dispuesto
por leyes y reglam.^{tos} de la materia, usando de
las facultades que me son conferidas en nom-
bre de la Nacion Mexicana he acordado en
considerar el terreno mencionado declarandole
la propiedad de el por las presentes letras, su-
getandose ala aprobacion de la Junta
Junta Departam.^{tal} y alas Condiciones sig.^{tes}
1^a Podrá cercarlo sin perjudicar las taboas

Camino yerbidumbres lo disfrutará libre
y escluíram^{te} destinandolo al uso o cultivo
que mas le acomode.

2.º No podrá venderlo enagenarlo niotecarlo
imponer peso binculo hipoteca ni otro
gravamen alguno ni pagar amanos ni otras

3.º Solicitara del Juec respectivo que le de
posicion juridica en virtud de este D.º y pacto
por el cual se demarcaran los linderos en cuyos
limites pondra arbol de las mejores especies algunos
arboles frutales o ciprestes de alguna utilidad

4.º El terreno de que se hace donacion es dos
sitios de ganado mayor poco mas o menos
El Juec que diere la posicion lo hará me-
dir conforme a ordenanza quedando el so-
brante que resulte ala Nacion para los
usos convenientes.


5.º Si contraviniera a estas condiciones perdera
su derecho al terreno y sera denunciable
por otro.

En consecuencia ordeno que tenian
doni por firme y solidero este testato se

CASE 16 ND

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8.
Tome razon de el qual libro respectivo
y se entregue al interesado para su
guarda y demas fines. Dado en Monterrey
a 22 de Abril de 1843.

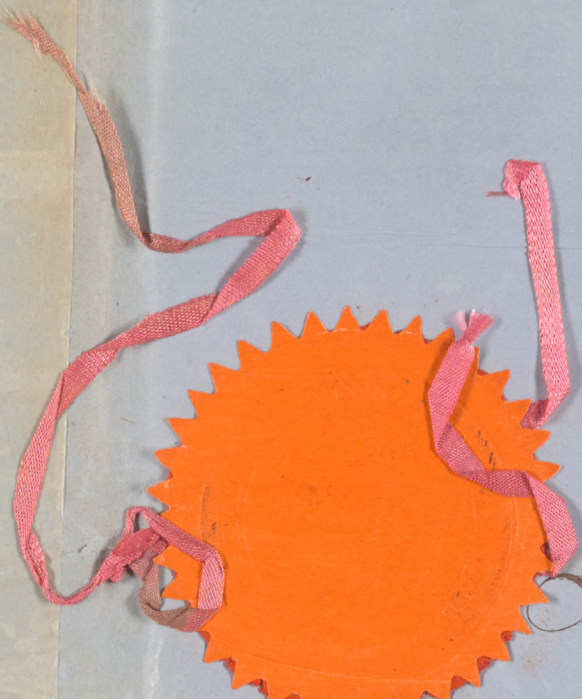


Office of the Surveyor General,
Of the United States, for California.

I, JOHN C. HAYS, Surveyor General of the United States for the State of California, and as such, having in my office and in my charge and custody a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California, by virtue of the power vested in me by law, Do Hereby Certify, that the Eight preceding, and hereunto annexed pages of tracing paper numbered from one to Eight inclusive, exhibit a true and accurate copy of a certain document now on file and forming part of the said Archives in this office.

[Handwritten signature]

In Testimony Whereof, I have hereunto signed my name officially and caused my Seal of Office to be affixed, at the City of San Francisco, this — Sixth — day of January A.D. 1855.



John C. Hays U. S. Surveyor General for California.

Extract from Section of the Act of Congress "providing for the Survey of Public Lands in California, and for other purposes." Approved, March 3d, 1853.

"The Secretary of the Interior is hereby authorized to cause an official Seal to be prepared for the Office of the said Surveyor General, [California] and any copy or extract from the plats, field notes and other records and documents on file in his office, when attested as such by the said Seal and the signature of the Surveyor General, shall, in all judicial matters, have the same force and effect as the original."

No 6 ND
72 Bd

U. S. Dist. Court.

The United States,

- vs -

Pinotes Murphy,

Expediente.

Filed May 19, 1855,
by M. H. Chever, Deputy.

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

CASE 16ND

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The United States

Appellants

vs

Imotes Murphy

No. 16,

The petition of the United States by their
Attorney represents: that this cause is an
application for a review of the decision of
the Board of Commissioners whereby the claim
of the said Appellee was confirmed as
appears by reference to the records in
the case: That a transcript of the said
Records was filed in this Court on the
day of _____; that a notice of Appeal
was filed on the _____ day of _____
and that the land claimed lies in the
said District.

That the said claim is invalid.
Wherefore appellants pray that the said
decision of this Board be reversed and
that this Court deem the said title to
be invalid. Respectfully,
W. Glassell
Asst. U.S. Atty.

U.S. Dist. Court
No. 16.

The United States
vs
Timothy Murphy

—
Petition

Filed June 27, 1855,
by Cheever
Deputy.

CASE 16 ND

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Gassell

California Land Claims.

Attorney General's Office

6 October 1856.

CASE 16 ND

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Sir:

In the case of the claim of Amato
Murphy, confirmed to the claimant by the Com-
missioner, case no. Seventy-two (72), appeal
will not be prosecuted by the United States.

I am

Respectfully

Yours truly

Wm. Blanding Esq

U. S. Attorney

San Francisco

CASE 16 ND
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At a *Stated* Term of the District Court of the
UNITED STATES OF AMERICA, for the Northern District of Cali-
fornia, held at the *Court Room* in the City of SAN
FRANCISCO, on *Tuesday* the *18th* day of
November, in the year of our Lord one thousand
eight hundred and fifty-*six*

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Timothy Murphy

Case
No. 16.

Transcript
No. 72.

The Attorney General of
The United States having given Notice (herewith
annexed) that the Appeal heretofore taken in this
Case from the Decree of the Board of the United
States Land Commission to ascertain and settle
private Land claims in California, rendered in
favor of the Claimants, will not be further
prosecuted by the United States.

On Motion
of the District Attorney. It is Ordered, Adjudged
and decreed that the Appeal pending in this
Court be dismissed and that the Claimants
have leave to proceed under the Decree of the Land
Commission heretofore rendered in his favor as
on Final Decree.

Ogden Hoffman
U. S. Dist Judge

No. 16

United States District Court, Northern
District of California.

United States

vs.

Timothy Murphy

Case No. 16.

Transcript No. 72.

Order vacating
Appeal.

Filed Nov. 18, 1856,

J. A. Minner,
CLERK.

J. W. A. Cheves
DEPUTY.

5
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District Court of
the United States for
the Northern District
of California

Timothy Murphy }
vs }
The United States. }

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The petition of
Egbert ~~Edgar~~ Van Allen of San Rafael
Marin County Respectfully represents.

That a rancho was confirmed to
Timothy Murphy by the Board of U S
land commissioners on the
which rancho was called San Pedro
Santa Margarita and Las Guillinas

That an appeal was taken from said
order of confirmation to the U S District
court for the Northern District of
California and said appeal was afterwards
dismissed

And the plaintiff further states that the
said rancho in the grant from the Mexican
government to said Timothy Murphy is described
as follows "the land known by the name of
San Pedro, Santa Margarita and Las
Guillinas the same being bounded on the north
by (la sierra) the ridge, on the south by
the ranchos of the bordering neighbors

Donningo Saiz on the west by that of Don Juan Cooper on the east by the valley of San Pedro."

"The land of which donation is made is of five square leagues as the corresponding plat explains"

And the petitioner further states that two maps were annexed to the petition of Timothy Murphy for said land copies of which are hereto annexed and that said maps are the same that are referred to in said grant.

And the petitioner further states ^{on information and belief} that said rancho has been surveyed by the U.S. ~~attorney~~ ^{surveyor} general of California or under his directions and a plat thereof has been made out by him and approved and by him.

The petitioner further states that Timothy Murphy died in the year 1853 and left a will in which James Black James Miller and Patrick Lambert were appointed executors who duly qualified and took upon themselves the execution of said will. And the petitioner further states that the executor of said deceased sold to Samuel Todd a portion of said rancho to wit about 7000 acres thereof

said executor having full power to make

said executors having full power to make such conveyance.

CASE 16 ND
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And the petitioner further states that said Samuel Todd sold a part of the land conveyed to him as aforesaid to Si Barney and Green H Harrison, and that said Barney and Harrison divided and partitioned the land thus purchased and the part hereinafter mentioned fell to the share of said Harrison; and that said Green H Harrison sold and conveyed about 257 acres of land on point San Pedro being a part of said rancho to the petitioner which land is still owned by the petitioner.

And the petitioner further states on information and belief that said rancho confirmed to said Timothy Murphy is now owned by the following persons to wit John Lucas Si Barney, Oliver Irving Orrin Simmons J Bullis, George Simpton, Truett Drummond, Mitchell

G. H. Harrison, and your petitioner, all of whom have acquired title under and through said Timothy Murphy since said rancho was confirmed as aforesaid. The petitioner therefore prays for an order that said survey and plat and the field notes thereof or a certified copy thereof be brought into this court and that an order be made requiring the United States and all persons interested in said rancho to show cause.

in this court why said survey should
not be approved ratified and confirmed
by this court, and that on the final
hearing an order be made ratifying and
confirming said survey.

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Egbert Van Allen

Martin County E Van Allen
being duly sworn deposes
and says that he has heard
the foregoing petition read and
knows the contents thereof and
that the same are true of his
own knowledge except as to the
matters which are therein stated
to be on information and belief
and as to those matters he believes
it to be true -

Egbert Van Allen

Sworn to this 21st of
July 1857 before me

W. Skedden Not Public
Martin Co.

No 16, ND

72 B9

Timothy Murphy

of
the United States

of Van Allen
Petition for
Confirmation of Survey

Filed Aug: 26, 1859,
H. H. Chever, Clerk.

H. Blum & Melkins
attorneys for
Petitioner

CASE 16 ND

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At a Special Term of the District Court of the
UNITED STATES OF AMERICA, for the Northern District of
California, held at the Court House, in the City of SAN FRANCISCO,
on Friday the 26th day of
August in the year of our Lord one thousand
eight hundred and fifty-nine,

CASE 16 ND
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Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,
vs.
Timothy Murphy,

No. 16.

On motion of Mrs. McKim's
counsel for petitioner
Van Allen, ordered by
the Court that the Surveyor General
of the U. S. for California, return
into this Court the survey by him
made, and approved, of the land
herein claimed, and that a certified
copy of this order be forthwith served
on the said Surveyor General, and
on the U. S. Atty for this district.

No. 16.
District Court of the United States

IN AND FOR THE

Northern District of California.

The United States

vs.

Timothy Murphy

Order *to return survey*

Filed *Aug: 26* 1859.

W. D. Cheever Clerk.

By _____ Deputy.

CASE 16 ND
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District Court of the United States for the Northern District of California.

Clerk's Office,

of the said Court.

I hereby Certify the foregoing to be a true copy from the Minutes

By

.....
Clerk.
.....
Deputy.

The United States, }
 vs. } D.C. 16
 Timothy Murphy } D.C. 72.

The Plat of the Survey of the Rancho "San Pedro, Santa Margarita, y Las Gallinas", for the return of which to the District Court, an order has been duly filed, is herewith returned.

It is proper to state, that after a careful examination, the Survey was approved by me and forwarded to the General Land Office for a patent, on the fourth day of June, 1859.

Respectfully

J. N. Mendenhall
 U.S. Surveyor General,
 California

How: Ogden Hoffman,
 Judge U.S. Dist. Court,
 Northern Dist. of California

Statement to No. 16.
accompanying return of
Survey of Rancho
"San Pedro, Santa Margarita,
y las Gallinas"

Filed Sept. 8. 1859.

M. A. Cheves,
Clerk.

CASE 16 ND

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U. S. District Court.

The United States

v.

Timothy Murphy

3 n^o. 16.

3

"San Pedro" &c

And now come the U. S. by their acting attorney J. R. Wise, and except to the survey made under the final decree in this case, and approved by the Surveyor General of the U. S. for Cala May 5, 1859, a certified copy of the plat of said survey having been filed in this Court on the 8th Sept 1859.

And the U. S. by their attorney aforesaid, aver -

- 1st. That the final decree in this case confirmed to the claimant the land described in the original grant to him.
- 2^d. That the said original grant, in its 4th condition, donates five square leagues, as explained by the corresponding diseños.
- 3^d. That the survey approved May 5, 1859, a certified copy of the plat whereof was filed Sept. 8, 1859 in this Court, is not in accordance with the calls of said diseños.

Wherefore, the U. S. pray that the said survey be rejected as erroneous, and

that the said Surveyor General be directed
to re-survey the land in accordance with
the calls of said deiero.

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Jully R. Wise

Acting U. S. atty.

16
U. S. District Court

The United States

v.

Timothy Murphy

Exceptions to survey
by United States.

The attorneys of record being
without the jurisdiction of
this court, served copy in
by mail upon John Lucas,
San Rafael, admr. of Timothy
Murphy decd. this 23^d Dec
1859. *John Williams*

Filed Dec. 23, 1859,

W. A. Church,
Clerk.

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

CASE 16 ND

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Timotes Murphy

vs

The United States

I hereby authorize Messrs
Shafter, Paine & Neysenfeldt to appear
and represent the Plaintiff in this Cause,

San Rafael Feb. 13 1860.

John Lucas

No. 16

In U.S. Circuit Court

Samuel Murphy

7

The U.S.

Attorney for
Shaftes Park, N.Y. & Co.
to appear for claimant

Service of a copy of
the within admitted.

Feb. 15. 1860.

Tally R. Wise

Acting U.S. Dist. Atty.

Filed Feb. 15. 1860.

W. J. Cheever,

Clerk

CASE 16 ND

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United States of America,)

SS.

Northern District of California.

IN LAND CASES
Northern District of California
UNITED STATES DISTRICT COURT

THE PRESIDENT OF THE UNITED STATES OF AMERICA,
To the Marshal of the United States for the Northern District
of California,

GREETING:—

WHEREAS, objection has been made to the official survey and location of the land finally confirmed, in case No. 16, to Simons, Murphy & Gallinas known as "San Pedro, Santa Margarita y las Gallinas", and situated in the County of Marin in said District.

NOW THEREFORE YOU ARE HEREBY COMMANDED, in the name of the President of the United States of America, to give due notice to all parties having, or claiming to have, an interest in such survey and location, that they be and appear before the District Court of the United States for said District, sitting in Land Cases, on or before Wednesday, the 3d day of October A. D. 1860, at 11 o'clock, A. M. (if that day shall be a day of jurisdiction, and if not, on or before the next Wednesday thereafter,) then and there to intervene for the protection of such interest, or their defaults will be taken. And what you shall have done under this writ do you then and there make return thereon.

WITNESS, the Hon. OGDEN HOFFMAN, Judge of said Court, at San Francisco, in said District, this 27th day of August A. D., 1860.

H. S. Cheever

CLERK.

The within Monition was received by me on
Monday the *27th* day
of *August* 1860, and in obedience thereto

I have given due notice, as therein commanded, by causing
the publication of said notice, for *four* consecutive

Wednesdays, in the *San Francisco Herald*, commencing
on the *29th* day of *August*

1860; and for *four* consecutive Saturdays, in the
Sonoma County Journal,
a paper published nearest the land, commencing on the

first day of *September* 1860.

Dated San Francisco, *Aug. 27* 1860

P. L. Solomon U. S. Marshal.

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No. 16.

UNITED STATES DISTRICT COURT,
Northern District of California.
IN LAND CASES.

THE UNITED STATES.

v.

Timoteo Murphy,

MONITION.

Returnable *Oct. 3* 1860.

Issued *Aug. 27* 1860.

Filed *October 3d* 1860.

N. H. Chivers

Clerk.

CASE 16 ND

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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 *Wednesday* the *third* day of *October* in the year of our Lord one thousand eight hundred and sixty.

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States,

v.

Timoteo Murphy.

IN LAND CASES.

District Court No. 16.

Land Com. No.

AND NOW at this day

the United States Marshal having made return upon the Monition heretofore issued in this cause, that he had given due notice as therein commanded; on motion of

Attorney for

proclamation was made that all parties having, or claiming to have, an interest in the survey and location of the land finally confirmed in the above entitled cause, appear and intervene for the protection of such interest;

the U. S. Attorney, John Reynolds, and John B. Williams appeared in behalf of the United States.

Shafters, Park, and Beydenfeldt appeared for Lucas, a purchaser, and on motion are hereby allowed five days to make a showing of their right to intervene.

No one else appearing

whereupon IT IS ORDERED, that the default of all parties not appearing as aforesaid be and the same is hereby entered.

No. 16.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

James Murphy,

ORDER ON RETURN OF MONITION.

Filed October 3d 1860

A. S. Chivers,
Clerk.

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United States District Court
Northern District of Cal.

The United States } No. 16.
vs }
Timothy Murphy }

The petition of John Lucas,
John Dixon, A. C. Barney, & Irwin, respectively,
shows that they are the successors in interest
as well as heirs by reversion to the original grant
of the said Murphy, to the land claimed
recapitulated herein, that the survey has
been returned herein to this Court by the
U. S. Sur. Gen. for California.

Wherefore your petitioners
pray that they may be allowed to intervene
for the protection of their interests

By Shafter & Key, respectively
their attys.

In W. S. Dist. Court, Northern District Cal

The United States

No 16.

Timothy Murphy

CASE 16 ND

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I, M. S. Shafter being duly sworn says that the law firm of Shafter & Rydenfeldt are employed and authorized to appear & defend the interest as he is informed & believes of all the parties holding under said Timothy Murphy. That John Lucas John Dixon A. J. Barry Denton & others are holders of the land covered by the original grant to said Murphy by legal & proper deed of conveyance and that said grantee and said Murphy respectfully ask leave to intervene to protect their interest under said grant therefore they

Subscribed & sworn

before me this Oct 3-1860

Wm B Williams

I M S Shafter

J. S. Court

No 16

In U.S. District Court

The United States

vs. Timothy Murphy

Petitioner of inter-
vention of
John Jones et al

Filed Oct: 3, 1860,

N. H. Chivers,

Clark

CASE 16 ND

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Shafter & Hayden
Attys.

Ston.
Smith

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

The United States

vs.
Amateo Murphy,

3 2016; L. C. 72.

"San Pedro & "

And now come the United States, by their attorney Calhoun Benham, and except to the official survey of the land finally confirmed herein, a certified copy of the original plat whereof was filed in this Court, pursuant to its order, on the 8th day of September, A. D. 1859:

And the United States aver:

1^o - That the said survey is erroneous, because the final decree confirmed to the claimant the land called for in the grant and shown on the diseño, not exceeding five leagues; whereas the said survey includes land excluded by said diseño.

2^o That the said survey is erroneous, because the diseño shows that the survey should have been made from "Laurel, T.M. 176" as follows: From the point designated on the plat as "Laurel T.M. 176" northwesterly to the Portonelos shown

on said desiño, and thence westerly
along the summit of the ridge to the point
designated on the plat as "Post # 2, T. M. 2";
whereas the said survey was made so
as to include land to the south and west
of the above described lines, which land
was expressly excluded by the desiño.

Wherefore the United States, by
their attorney aforesaid, pray that the
said survey be reformed and the lines
run as hereinbefore set forth.

Dated November 1, 1860.

Calhoun Denham
W. S. Atty
N. D. C.

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U. S. District Court

The United States

v.

James Murphy

Exceptions to survey
by United States

Filed Nov: 1. 1860,
W. A. Cheever,
Clerk.

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Calhoun Benham
U. S. Attorney

UNITED STATES DISTRICT COURT,

Northern District of California,

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The United States

vs.

Timothy Murphy

San Francisco, Nov 22nd 1861

On this day, before John Mc Allister a
Commissioner of the United States for the Northern District of Cal-
ifornia, duly authorized to administer oaths, &c., &c., came _____

R. C. Mathewson a witness produced on behalf of the
United States

in Case No. 16, being an appeal from the Board of Commissioners to ascer-
tain and settle the Private Land Claims in the State of California, in Case
No. 72 on the Docket of the said Board of Commissioners, and was duly
sworn and testified as follows — ~~his evidence being interpreted by~~

~~a sworn interpreter~~

PRESENT :

Wm. Sharp U. S. Atty by J. B. Williams
Shaftes Heydenfeldt & Wool for the
Turners Lucas et al

QUESTIONS BY

Atty for United States

Quest.

Your name, age, place of resi-
dence & occupation?

Ans.

R. C. Mathewson Amey Civil
Engineer & Surveyor - place of res-
idence in San Francisco - Law

41 years of age -

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June 2

Please examine the certified copy of plat of the official survey of the land confirmed in this case, filed Sept 8th 1859, and state whether you are the person who made said survey?

June 2,

I have examined said copy; I did not make the original survey, but in surveying the Rancho surrounding this one, I found several errors in the lines of this Rancho as surveyed, and was instructed by the Surveyor General to retrace the lines and correct the errors -

In the original survey I found a large portion of overflowed land included, in consequence of which I was requested by the Surveyor General to run the lines in conformity to the general instructions excluding the overflowed land, but to retrace ~~and not~~ correct, but not change the locality of the other lines -

June 3

State upon what dates the Southern lines were run, say from "Salt House" ^{at Post 43, N.M. 1859} to "Post 43, N.M. 3"?

Ans 3.

Commencing at "Post T. N. 159", I was governed in making the survey by the line of ordinary tide water, regardless of the former survey, until I came to "Post T. N. 175" at which point the lines of the former survey left the shore of the Bay, & from that point to "Post H 3, T. N. 3" I was governed by the former survey following the lines as they had been run & merely correcting any errors in course & distances from station to station as previously established.

Ans 4

Are you or not, well acquainted with the topographical features of the Country in the vicinity of the line just described, and particularly to the North of that line?

Ans 4

I am, —

Quest,

Examine the plat now shown you to be attached to your deposition marked "Exhibit Mattewson No 1", & state whether the same shows the exterior boundaries, shown by said official plat, &

Ans,

Yes - It is a copy of it undoubtedly. It appears to be a tracing of the official map -

Quest

Now examine the paper shown you & to be attached to your deposition marked "Archive Exhibit No 1" purporting to be a certified copy from the Surveyor General's office of the Escondido of Timothy Murphy & locate from the desires shown on page 4 of said exhibit the place marked "Portasula", upon Exhibit Mattewson No 1.

(Question objected to as irrelevant & inadmissible, & further, that by the Grant & Decree of confirmation

from a map is referred to, which is certified to in the transcript and is the only map referred to.)

Ans 4

I think it is located nearly correct upon said Exhibit, at the word marked upon said Exhibit "Portesuelo" (in red).

Ques 5

Are you acquainted with that "Portesuelo" on the ground, and can its location be easily ascertained by a Surveyor?

Ans 5

I am acquainted with it on the ground, & I am of opinion that it cannot be mistaken by any sensible man, whether he is a Surveyor or not.

Ques 6

Please locate, if you can, on exhibit Matthewson's lot, where the dotted line shows on the said division, as running southerly & westerly from the place marked "Portesuelo"

will intersect the exterior lines of
the survey?

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Ans.

Commencing at a point marked
"Porto Suello" the red line drawn
South Easterly to the "Lanaset Tree"
in my opinion represents the
dotted line on the *desiño* com-
mencing at the "Portesula" & run-
ning down to the right of the point
marked San Rafael, and the red
line on the Exhibit *Matthewson*
No 1 extending from the point mar-
ked "Porto Suello" to the commence-
ment of the second course of
the boundary lines of the Rancho
represents the dotted line on the
desiño extending from the word
"Portesula" to the left of the point
marked "San Rafael" -

The United States offer in evidence
said "Archive Exhibit No 1" & a trans-
lation thereof marked "Exhibit
Hopkins No 1" -

The above documents objected to
as immaterial & inadmissible

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Cross Examination
Ques by Atty for Intervenor
Ques 7

Look upon the map attached
to the transcript in this case,
& state how it compares with
the official ^{survey} plat in this case?

Ans 7.

I think the plat of the official
survey corresponds very nearly,
probably as near as it could
be made, with the map attached
to the transcript, in all those
parts of the survey about which
I have spoken in my examina-
tion in chief -

Direct Examination resumed
Ques 8,

Which represents the natural
features of the Country, with res-
pect to the actual location on the
ground of the Portnels, most correctly,

the diseños shown on page 4 of
Archive Exhibit N^o 1, or the diseños
forming part of the transcript?

Ans

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The Mission of San Rafael is laid
down on both diseños; on the diseños
shown in Archive Exhibit N^o 1 the
Portueto is laid down north of the
Mission; on the diseños in the trans-
cript the Portueto is situated a
little east of south from the Mission,
so that the Portueto ~~one~~ ^{on the} one is
entirely different from that on the
other. The road from San Rafael
to Sonoma is also marked on both
diseños. ~~On~~ ^{On} the diseños found in
the expediente it passes through
the Portueto marked on that diseño,
whereas on the other the Portueto
is shown as lying a considerable
distance to the southeast of the
same road, which also shows that
the Portueto on the one cannot
be identical with that shown
on the other. On the ground I
know there is a portueto correspond

ing with the one shown on the
diseno at page 4 in the expediente,

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J. C. Matthewson

Subscribed & Sworn to before me this
22^o day of November A.D. 1861—

Cuthbert McAllister

Notary

No 16

United States District
Court for Dist of Cal

The United States

by
Timothy Murphy

Deposition of R. C. Mac
Thewsen for United States

Filed Nov: 22, 1861.

H. A. Cheveret,
Clerk.

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Translation

of
 "Expediente instituted by Don Timoteo Murphy
 petitioning for the place named San Pedro
 Santa Margueta and las Gallinas -

1844

No 346

Fourth Seal two Reals.

Personally authorized by the Marquis Austin House
 of Monterey in the Department of California for
 the years one thousand eight hundred and forty
 four, and one thousand eight hundred and forty
 five -

Micheletena

Pablo de la Guerra

Valentin Gull E. Hartwell

S. S.

To His Excellency the Governor.

Timoteo Murphy a native of Ireland, naturalized
 in this Department, and a resident of the Pueblo
 of San Rafael, before Your Excellency, with all
 due respect, presents himself and says; that
 since the year 1837, he has been in possession of
 a Rancho named Punta de San Pedro, under
 a Provisional title, and that now there has been
 conceded to me in amplification of the same the
 place called las Gallinas, of the extent as shown
 by the diseno; I pray your Excellency to be
 pleased to issue the title to me of property to me

of the said places Punta de San Pedro and
Las Bellinas - Wherefore, I pray Your Excellency
to be pleased to accede to my petition in consideration
of your great goodness, I mean &c.

Feb'y 13th 1844 - Timothy Murphy -

(Merged Order)

Montevideo Feb'y 13, 1844

As petitioned for, let this
be passed to the Office of the Secretary, in order
that he may report -

Michelleterria -

Third Seal Two Reales

Personally antedated ~~for the years~~ by the Maritime
Customs Board of Montevideo of Alta California, for
the years 1836 and 1837.

Fernandez

Angel Ramirez

Book for the years 1839 and 1840

S. S

Alvarez

Ant. M^o Osio

To His Excellency, the Governor.

I, Timothy Murphy, naturalized in this Country,
and a resident of the ex mission of San Rafael
before Your Excellency in due form of law present
myself and say; that having permission from
the Senior Commandante General of this Department,
and from the master of said Establishment, to
occupy a piece of land found in this neighborhood

known by the name of San Pedro and ~~San~~
~~Francisco~~ Santa Marganta, I petition for the legitimate
possession of the same, believing myself entitled to the
same under the law of Colonization, by and under
which I hope said place may be conceded
to me - Its extent is, in length, a little more
or less than two leagues, and one in width
as is shown by the plans accompanying this petition
Wherefore, I pray to Your Excellency to take into
consideration this my petition, for which I am
ever and ever obliged -

Montreux March 15th. 1840.

Francis Murphy,

(Marginal Order)

Montreux November 18th. 1840.

Not being able to adjudicate the prop-
erty of the land asked for, to the petitioner, because
he lacks the ~~requirements~~ one of the requirements of
the Constitution, and in consideration, that before this
(the Constitution) was published, he occupied the
said land, with the permission of the Commandante
of the frontier of the north; of the Father Minister
of the mission of San Rafael, and of the neophytes
of the mission, the interested party may remain
on the sites under the previous Concession,
establishing labores (sowing grounds, and
maintaining his self moving property, and he
shall not be molested nor disposed of the

whole or a part of the land, until he may
comply with the requirements of the law -

This, I Juan B. Alvarado, Constituted
Governor of the Department of the Californias, ordered
and signed, which I attest

Alvarado

Man. Jimeno -

(Certificate of Father Minister)

I, the undersigned, Certify, as far as I am able,
and my possession of the country permits me,
that Don Eustacio Murphy, Adm. of this
Mission, has for for about two years been in
possession of a tract of land in this neighbor-
hood, comprehending the Punta de San
Pedro, as far as a little valley (valleto) about
three quarters of a league to the North East,
known by the name of Sta Margarita, and
that it is the same which appears in the
descrip, found in the Secretary's Office, and that
he obtained said land by permission of the
Comandante General, Sr. Manuel J. Vallejo
at the time above mentioned; and for the ends
that may be convenient, I give him this
Certificate, at his request in the Mission of
San Rafael on the 2^d of January 1840 -
Fr. J. Laz. Quijas

Agarico Breyosa, a resident of Sonoma,
Cortez; that the Rancho, known as my property,
with the name of Las Gallinas, in the neighbor-
hood of San Rafael, and denounced by Don
Timoteo Murphy, Administrator of this ex-mission,
is well denounced, I having abandoned the
same for more than three years; and that during
this time, no one has petitioned for the same,
And the said Don Timoteo, ^{estinguendo with said Rancho} has alone occupied
it, with my consent, and I declare that he
may petition for the same in property, I having
entirely renounced the same to him, and given up
all right I have had thereto, solemnly obligating
myself by these presents, that neither myself, my
heirs nor any other person will ever claim the
same, and I subject myself to the costs, and
to the satisfaction of damages which through
me may accrue to the owner of the said
Rancho of Las Gallinas, recognizing as such,
that which the Government may think proper to
concede to him; in security whereof, I hypothecate
my property, now in possession, and which I
may hereafter possess - In witness whereof, I
give this to the interested party, on common paper,
for the want of proper stamped paper in Sonoma
on the 22^o of January 1844

Agarico Breyosa,

105
-
Suggards of Sonoma

The foregoing document was signed by
Senior Beneyra before me
Jacob. P. Lewis.

Excellent Señor -

Timothy Murphy, a native of Ireland and a
naturalized Mexican and a resident of San
Rafael, before Your Excellency with the most profound
respect presents himself and represents -

That having in
the neighborhood of said mission a tract of
land, which is insufficient for his stock, and
for Cultivation, and finding a piece of vacant
land contiguous to his property, known by the name
of Las Gallinas, which formerly belonged to
Citizen Basilio Beneyra, who abandoned the
same and renounced it as appears by his accom-
panying certificate, which piece comprises
three square leagues, and adjoins that which
is already in possession of the petitioner, with
whom it bounds on the South and East, on
the North with Don Jof. Pacheco, and on the
West with the range of Cielos (Sierrita), which
divides it from the Rancho of Rafael Coche -

Wherefore he prays Your Excellency to deign

to concede him the said piece of Las Gallinas,
submitting himself to the laws regulating the
matter, and praying Your Excellency to excuse
the use of common paper, there being no sealed
paper in the place

Sonoma July 20th 1844
Eunotes Murphy.

1st Juggade of Sonoma.

I certify that the land pre-
tended for by the interested party, is vacant, that
it does not belong to any person, Pueblo or
Corporation, or that heretofore persons having
abandoned the same.

Sonoma July 22. 1844.

Jacob P. Sear.

Montezy Feb 2^d 1844.

In view of the foregoing, let
the Secretary of State report upon the matter
mentioned.

To His Excellency, the Governor.
In relation to the Rancho of Las Gallinas, I
am ignorant, I am ignorant as to the title
under which the Señor Beneyosa may have
held the same, since there exists in this Sec-
retaria, no expedient or document which
would make him owner of the land, but

I suppose that the Señor Vallejo gave him some verbal license as he has informed me; notwithstanding this, as the Señor Beneyesa, has given up the land, as appears by the documents signed by him, and has ceded it in favor of Don Eustacio Murphy, it appears that there is no objection whatever to ^{the} concession of the land to this Señor, since he is naturalized, very honorable and the possessor of many bravas de campo - The Superior discomandante of your Excellency will resolve that which may be deemed proper.

Montevideo Feby 10. 1844

dean. J. J. J. -

Montevideo Feby 12th. 1844

Set the title issued to him, annexing copies of the session of the rights of the ancient possessor, under the conditions of the law.

dean. J. J. J. -

Montevideo Feby 14th. 1844

In view of the petition which this Expediente contains, the reports foregoing reports, with all other matters that were thought necessary to be considered, in conformity with the laws and regulations in relation to the matter, I declare Don Eustacio Murphy owner in ~~property~~ of the place

by the name of San Pedro, Santa Margarita
and Las Gallinas, bounded on the North by the
Sierras, on the South by the Rancho of D^o. Domingo
Sainz, on the West by Don Juan Cooper and
on the East by the Valley of San Pedro; let the
Corresponding title issued, in which will be
fixed five square leagues, and let registry
be made in the respective books, and let the
Expediente be directed to the Most Excellent
Junta for its approbation - His Excellency the
Governor thus ordered, decreed and signed.

Angels March 18^o. 1840.

In the session of today, this
Expediente was presented to the Honorable Assembly,
which ordered it to be referred to the Committee
on vacant lands.

Pis Pis.

Pinto.

Ayuntamiento.

Excellen^t Señor.

The Committee on vacant lands, has can-
fully examined the present Expediente instituted
by the Citizen by Naturalization Timothy
Murphy, in relation to the plan, Punta de
San Pedro, Santa Margarita and Las Gallinas,
which was conceded to him by the Departmental
Government, as appears by decree of the 14^o of February

1844, in accordance with the laws in relation to the matter - Wherefore the following proposition is submitted for the deliberation of Your Excellency

The Cession made to the Naturalized Citizen Timothy Murphy of the plain of San Pedro, Sta. Margarita and San Gallinas, situated in San Rafael, road to Sonoma, of five square leagues, as expressed in the decree of Cession of the 14th of Febry 1844, in virtue conformity to the law of the 18th of August 1824 and Art: 5 of the Regulation of Nov. 20th 1828, is approved

Chamber of Committee of the Honorable Dept. Assembly, in the City of Los Angeles 13th of March 1846.

S. Arguella

Angels April 22^d 1846.

In session of today, the Most Excellent Dept. Assembly approved the Concluding proposition of the foregoing report.

Pis Pis

Put.

Agustin Olvera

D.S.

At this date the paper Certificate was issued to the Party -

The foregoing translation was made
by me from the Original Expediente on
file in the office of the U. S. Sec. Genl -
San Fran^{co} - Nov. 5th 1860 } R. C. Hopkins.

1076
U. S. Dist Court
for Dist of Cal.

The United States

-vs-

Wm. Mottley Murphy

Exhibits Hopkins No 1 at
traced to Dep of N. C. Sec.
thereon for United States

Filed Nov: 22, 1861.

N. St. Chenevix
Clerk.

W. A. Skidmore Esqr.

\$17.50

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Expediente promovido por D^{no} Eusebio Mur
phy en solicitud del Paraje nombrado S^{ra}
Pedro y^{ta} Marg^{ta} y las Gallinas

1844

N^o
346

SELLO CUARTO DOS REALES.

Habilitado provisionalmente por la Aduana maritima del puerto de Monterey, en el Departamento de las Californias, para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

Micheltorena.

Pablo de la Guerra.

[Handwritten signature]

Ynterine
Guill. E. de Hartnell
[Handwritten signature]

Como Sr. Gov.
[Handwritten signature]



Simoteo Morfi natural de Irlanda, natural
de Monterey nacido en esta Republica, y vecino del Pueblo de
San Felipe, el 13. de Mayo de 1844, ante V.E. con todo respeto se pre-
senta y dice que, desde el año de 1837 procuro
obtener un rancho llamado punta de San Pedro
con un titulo provisional, y ahora que se
me ha concedido ampliasion con el para-
metro llamado las Gallinas en su extension que
los años manifiesta el dicho, suplico al V.E. el que
antes, obre tenga ha bien mandar extender el titulo
de propiedad con expresion de dicho ran-
cho de punta de San Pedro y las Gallinas, P. T.
V.E. luego acceda a mi pedido en obsequio
de un gran bondad. Juro Sr. Monterey
Feb. 13. de 1844.

Simoteo Morfi
[Handwritten signature]

SELLO TERCERO DOS REALES

Habilitado por la Administracion de la Aduana maritima del puerto de Monterrey de la alta California, para los años de mil ochocientos treinta y seis y mil ochocientos treinta y siete.

Gutierrez.

Angel Ramirez.

Valga para los años de 1839 y 1840
Ante mi

[Signature]

[Signature]



Excmo. Sr. Gobernador

Donateo Murphy naturalizado
en este Pais y vecino de la Excmo. de San Mateo, ante S. E. como

mas halla lugar en derecho digo
que habiendo que teniendo permiso por el Sr.
de la propiedad Comandante Jral. de este Departamento
del del termino y del Norte de dicho Estado
que se pretende
p. q. al solici. p. para ocupar un terreno
santa Catalina
que se halla en terminos de este
quinto prove conocido con el nombre de San Pedro
y de la Com.
tacion, y en y Sta. e Margarita, de los de las
idad de que
de publi. propiedad legitima de S. por
esta, de creerse acreedor a ello segun la
habera ocupan
de el termino. Ley de colonizacion, por la que y
mencionada bajo su epoca espero se me declara
del comando. para dicho sitio como llevo indicado,
de la Frontera
del Norte, de
N. Norte de S. leguas de longitud poco mas o menos
matas y de
de N. Norte y de una de latitud segun se
de Michasli. advirtiendo en el distrito que a
don, puede el interesado permanecer en el sitio con

efecto acompaño.

P. Q. a' V. E. suplico se sirva

esta comision tomar en consideracion
provisional esta mi peticion de
para que esta
blanca labres lo que vivire reconocido.

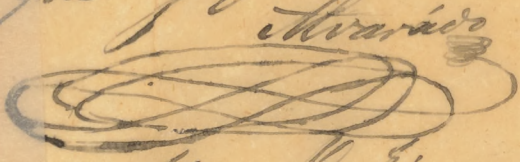
y mantenga
con binos como
vientes sin que
sea molesto
ni depreudo
en todo ni en
parte del tere
no indicada
mientras cumple
con lo requerido
en la ley.

Monterrey Marzo 15 de 1846.

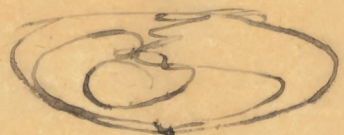
Simón e Murphy



Se yo Juan
C. Alvarez Gov
Constitucional
del Departam.
de las Califor-
nia, lo mande
y firme
que doy fe



Man. Jimeno
Frio

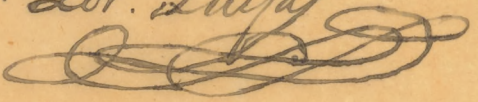


Yo el infrascrito Certifico en quanto
puedo y mi Profesion y testimonio
me permite que D. Jimenez etur-
fi, Adm.^{or} de esta Minion, ha co-
mo dos años que posee un Ferrero
en esta inmediacion que comprehen-
de la Punta de S. Pedro hasta
un Vallejo como a tres cuartos de
Legua al N. E. conocido con el
nombre de Sta. Margarita y que
es el mismo que consta en el dise-
ño que obra en el cobrismo, y
este Dho. Ferrero lo obtuvo por pu-
niso del Sr. Comand.^{te} Loyal D.ell.
do. Valdez desde el tiempo arriba
mencionado: y p.^a los fines que se
convengan le doy el presente cer-
tificado, a peticion del mismo

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8
interesado en la Mision de
San Rafael a dos de Enero del
Año de mil ochocientos y cuarenta.

Fr. J. Lor. Quijal


9

Nazario Bexelles, Vecino de Sonoma, certifica:
que el rancho conocido p. ser de mi propiedad, con
el nombre de Las Gallinas, en las inmediaciones
de S. Rafael, y denunciado p. D. Timoteo Murphy
Administrador de esa Dep. mision, es bien denunciado
p. haberlo abandonado yo hace mas de tres años,
y desde esa fecha nadie lo ha pretendido, y
solo lo ha ocupado con mi denuncia, el expresado
D. Timoteo; Contin. con dho. rancho, asi mismo
Declaro q. puede solicitarlo en propiedad
p. haber yo renunciado a él enteram. y desistido
del dro q. sobre él tenia, obligandome solennem.
mente p. las presentes, a no reclamarlo jamas,
ni p. mi, ni p. mis herederos, ni p. persona alguna
y me someto a las costas y satisfaccion de
daños y perjuicio, q. p. mi causa sobrevinieren
al dueño del mencionado rancho de la Gallina,
reconociendo p. tal al q. el dho. singular a bien
concederlo, p. la cual garantias hipoteco mis
bienes habidos, y p. haber, y q. q. conste,
doy este al intermido, en papel comun,
p. falta del sellado correspondiente, en
Sonoma, a los veinte dias del mes de Enero
de mil ochocientos cuarenta y cuatro.

Nazario Bexelles.

Juzgado 1.º de Sonoma

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Ante mí Firmó Sr. Berello et
Decho Documento

Jacob P. Deu

Juzgado 2.º de Sonoma Cayetano

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C. S.

Juzgado 1º de
Sonoma.

Timoteo Murphy, oriundo

de Irlanda, naturalizado Mexicano, y residente en S. Rafael, ante V. C. con el mas profundo respeto, se presenta y espone:

que teniendo en las inmediaciones de un terreno insubstanciado de su ganado y labores, y hallandose un Garaje contiguo a la propiedad, el cual es conocido con el nombre de Las Gallinas, y antes pertenecia al Ciu. Nazario Berreyra quien lo abandono y renunció como consta del adjunto Certificado del mismo, cuyo paraje comprende tres sitios de ganado mayor, y esta unido al gran rancho del solicitante, con quien colinda por el Sur y el Este, al Norte con D. Igno Pacheco, y al Oeste con la Despacho con serrania q lo divide del rancho de Rafael Cacho.

Suma, En 22 el cual es conocido con el nombre de Las Gallinas, y antes pertenecia al Ciu. Nazario Berreyra quien lo abandono y renunció como consta del adjunto Certificado del mismo, cuyo paraje comprende tres sitios de ganado mayor, y esta unido al gran rancho del solicitante, con quien colinda por el Sur y el Este, al Norte con D. Igno Pacheco, y al Oeste con la Despacho con serrania q lo divide del rancho de Rafael Cacho.

1844. y antes pertenecia al Ciu. Nazario Berreyra quien lo abandono y renunció como consta del adjunto Certificado del mismo, cuyo paraje comprende tres sitios de ganado mayor, y esta unido al gran rancho del solicitante, con quien colinda por el Sur y el Este, al Norte con D. Igno Pacheco, y al Oeste con la Despacho con serrania q lo divide del rancho de Rafael Cacho.

quien colinda por el Sur y el Este, al Norte con D. Igno Pacheco, y al Oeste con la Despacho con serrania q lo divide del rancho de Rafael Cacho.

se ruega se digna concederle en propiedad el mencionado paraje de

Michelt

Las Gallinas, y lo q. se remite
á las leyes y reglamentos de la materia,
y replica á V.E. se tiró dispensarle
el papel sellado q. no habiéndolo en este
lugar.

Sonoma, Ca. 20/844

Timoteo Murphy

Excmo Sor Gobernador

El Rancho que llama de las Gallinas igno-
ro con que títulos lo habia ocupado el Sor
Berrones, pues en esta Secretaria no existe
ningun expediente ni documento alguno
que lo hiciera dueño del terreno, pero su-
ponga que le daría alguna licencia ver-
bal el Sor Valle como así me han in-
formado, sin embargo de esto, como el
mismo Sor Berrones hace desajuste del
terreno, segun consta de el documento que
firmó y lo sede á favor de D. Timoteo
Murphy, parece que no hay inconveniente
alguno para que á este Sor se le conce-
da el terreno, en razon de ser naturaliza-
do, muy honrado, y dueño de muchos bienes
de campo.

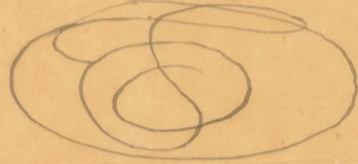
El Superior discernimiento de V.E. se -

CASE 16 ND
PAGE 113

solvera lo que tubiere por conve-
niente.

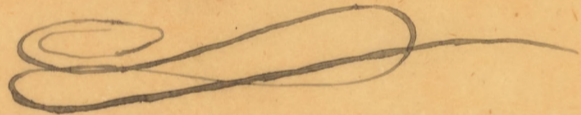
Monterrey, Febrero 10 de 1844.

Don Juan Jimeno



Monterrey Feb. 12. de 1844.

Expidiendo el titulo de juramento
se copia de las seccion de los derechos
del antiguo poseedor y con las conside-
ra-
me de ley.
Michehr.



Monterrey 14 de Febrero de 1844

Vista la peticion con que da prin-
cipio este expediente, los informes
que preceden, con todos los demas q.
se tubo presente y mas convido de
conformidad con las leyes y reglamen-
tos de la materia declarada a Don
Jimoteo Morfil dueño del paraje
conocido con el nombre de San Pedro
y Sta. Margarita y las Gallinas colin-
dante al Norte con la Sierra al

CASE 16, ND
PAGE 114

Sur con el rancho de D^o Domingo
Sainz, al Poniente con D^o Juan Cooper
y al Oriente con el valle de San Pe-
dro. Librese el correspondiente despacho en
el que se fijaran cinco sitios de gana-
do Mayor, y se tome razon en el li-
bro respectivo, y dirijase este es-
pediente a la Escriba Junta para
su aprobacion. El Escriba Tor-
torador a si lo decreto, mando, y
firmo.

Angeles Mayo 18 de 1846.

Dado cuenta con este expe-
diente en Sesion del hoy a la
H. Asamblea. Se mando
pasar a las comisiones de ter-
renos baldios

Pio Piogg
"te"
V. S.

Agustin Olvera

G. S.

La comision de terrenos baldios a examinado

ales Abril 22 de 1846.

En sesion de hoy aprobo la
Acta. Asamblea Departamen-
-tal la proposicion conq.
cluye el presentet dictamen.

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Pio Piogg

te
Presi.

Agustin Cruz

D.

En la pta. que librado a la
parte el comprobante respectivo

Office of the Surveyor General,
Of the United States, for California.

CASE 16 ND
PAGE 117

I, J. W. MANDEVILLE, Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the Archives of the former Spanish and Mexican Territory, or Department of Upper California, as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, Do Hereby Certify, that the ~~Sixteen~~ preceding, and hereunto annexed pages, of tracing paper, numbered from one to ~~Sixteen~~ inclusive, exhibit a true, full, and correct copy, of an original document entitled "Expediente promovido por Don Timoteo Murphy en solicitud del Paraje nombrado San Pedro, Sta. Margta y las Gallinas. 1844. N^o 346." as the same appears on file among said Archives.

Keeper of Archives.

EXAMINED AND FOUND CORRECT.



In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this 18th day of August 1860.

J. W. Mandeville A. S. Surveyor General, for California.

NO 16
72 39

U. S. District Court
Northern Dist office

The United States
-vs-
Timothy Murphy

Exhibit Archive No 1. Attached
ed to dep of R. C. Mathewson for US

Filed November 22. 1861.
W. D. Chivers,
Clerk.

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U. S. Dist Court.

The United States

} No. 16

Timothy Murphy

San Francisco, Jan'y 2, 1862

It is hereby stipulated and agreed that the original papers in case No. 281, U. S. v. Timothy Murphy, may be used as evidence in this case on the hearing thereof. Subject to all objections as to relevancy.

Stafter & Heydenfeldt

for counsel + +

for the same.

Wm. H. Sharp
U. S. Atty.

16

U. S. District Court

The United States

v
Timothy Murphy

Stipulation that original
papers in 281 be used
herein

Filed January 3, 1863.

H. St. Charles,
Clerk

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United States } In the District Court
 } of the United States
Timothy Murphy } for the Northern
 } District of California.

CASE 16 ND
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In this case it is stipulated
that an order be entered allowing
John Dixon to intervene, and to
take testimony in affirmance of, or
in opposition to the official survey
herein, and that all other orders
or proceedings necessary hereunto be
entered in said case.

Wm. H. Sharp U.S. Atty.

Shafter & Keyden filed
for same intervenors.

No objection, provided that exceptions be
filed within ten days after the case is opened
and that testimony be taken without
delay. July 28, 1863.

Wm. H. Williams
in aid of a jury.

United States.

v

Timothy Murphy.

Stk. allowing
Dixon to intervene.

Filed February 2, 1863.

W. A. Cheever,
Clerk.

CASE 16 ND

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L. Sanders, Jr.
atly. for Dixon.

In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

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The United States,

v.

Timothy Murphy

IN LAND CASES.

Dist. Court No. 16 -

Land Com. No.

To

Shaftes Heydenfeldt & Gould

You are hereby notified that the testimony of

R. B. Mathewson

in the above entitled cause in behalf of United States

will be taken before me, the undersigned, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, commencing on Monday the 18th day of Novr, A. D. 1861, at 11 o'clock, A. M., and continuing from day to day until finished, at my office, No. 6, U. S. Court Rooms; and you are hereby further notified to then and there appear and propound such questions to the said witness as you may deem fit.

Dated at San Francisco, in the District aforesaid, this 12th day of Novr
A. D. 1861.

Curtis McAllister

U. S. COMMISSIONER.

Service of a copy of the within admitted
San Francisco Shepley Heydenfeldt & Gould
Nov 13th 1867

In the District Court of the United States
FOR THE NORTHERN DISTRICT OF CALIFORNIA

The United States

LAND CASES

No. 16

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

Timothy Murphy

NOTICE.

To

Shepley Heydenfeldt
& Gould

Walter Beckwith

U. S. COMMISSIONER,
CASE 16 ND
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