

CASE No.

390

NORTHERN DISTRICT

MISSION OF SAN RAFAEL GRANT

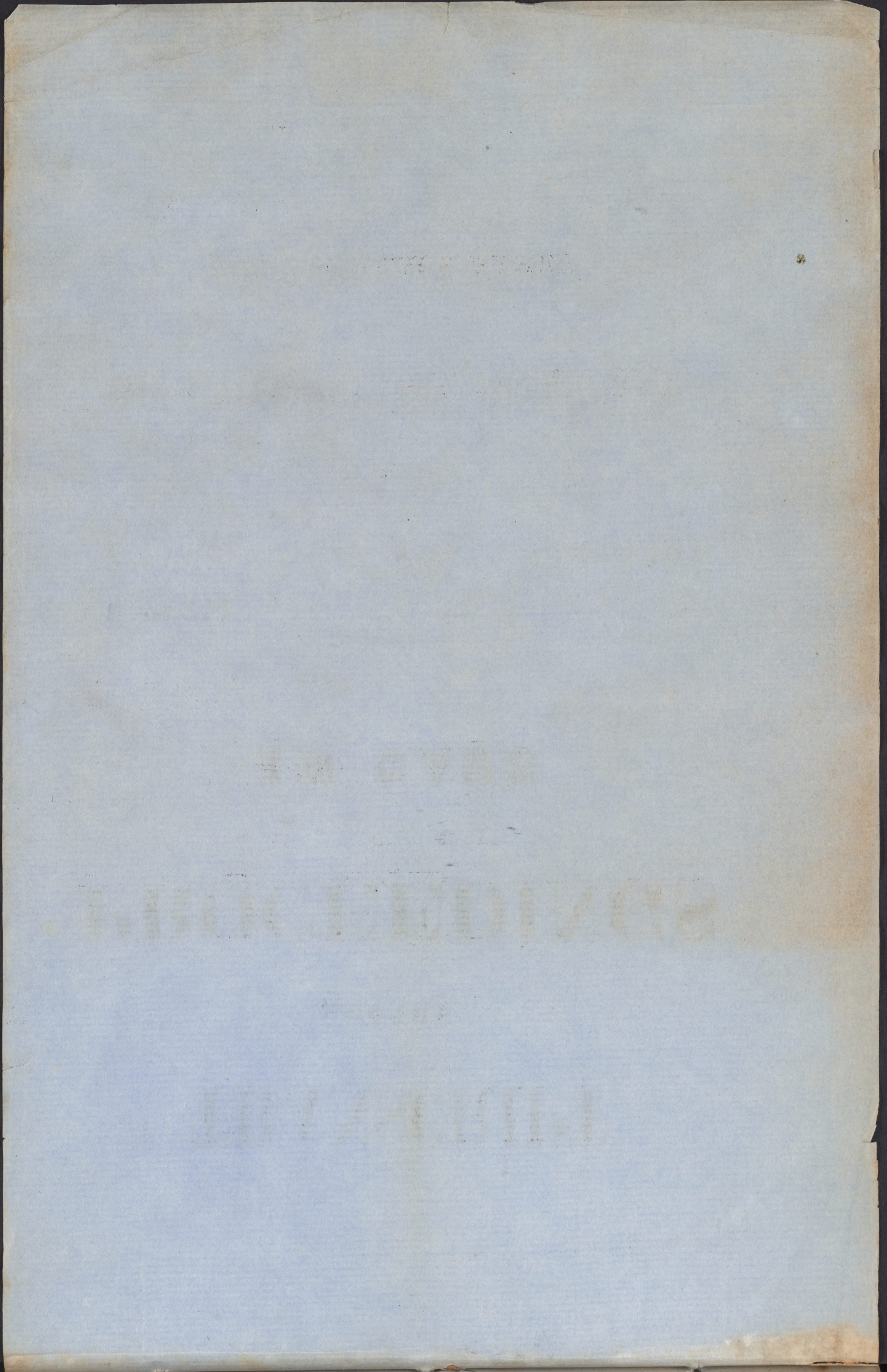
EDWARD A. BREED et al

CLAIMANT

DEC 28 1962

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

295
dup



Def

295

*295 Papers - More
op + done*

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PAGE 1

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. *295*

Edward A. Breed et al.

CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Mission of San Rafael

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

1957

PHYSICS 309

LECTURES

BY

LEONARD S. BLOCH

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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PAGE 2

Be it Remembered, that on this *twenty sixth of July*, 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 *Edward A. Breed, et al;*
~~~~~ for the Place named  
~~~~~ "*Mission of San Rafael*"  
was presented, and ordered to be filed and docketed with No. 295 and is as follows, to wit;

(Vide page *3* of this Transcript.)

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

San Francisco July 10 1854,
In Case no. 295, *Edward A. Breed, et al;* for the place named "*Mission of San Rafael*", the deposition of *Pio Pio*, a witness in behalf of the claimants, taken before Commissioner *G. T. Berrill*, with argument marked Exhibit *G. T. B.* annexed thereto, was filed;

(Vide page *6* of this Transcript)

~~~~~  
*San Francisco Nov. 28 1854,*  
Case no. 295 was ordered to be placed at the foot of the 3<sup>d</sup> class cases on the trial docket,

~~~~~  
San Francisco March 27 1855,
Case no. 295 was submitted without argument and taken under advisement,

~~~~~

~



2

San Francisco Sept. 11' 1855

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

(see page 37 of this Transcript)

and the following order was made, to wit;

(see page 40 of this Transcript)

~~~~~

N.

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Petition

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The Honorable Board of Commissioners
for ascertaining and settling Private Land
Claims in the State of California

Your
Petitioners Edmund A. Price Charles B.
Young W. F. Kelley and Henry Sparks
of the City and County of San Francisco
in the State of California respectfully
present to your Honorable Board that they
claim certain tract of lands called the
Mission of San Rafael containing 16
Leagues of land some well situated in
Marina County State of California and
that they claim the same by virtue
of a grant the original of which they
have the honor to append herewith made
in favor of Don Antonio Maria Ricci
and Antonio Sando both of the County
of Santa Clara State of California made
under the authority of the Mexican Gov-
ernment by Don Don Ricci Constitutional
Governor of the Department of the Califor-
nia bearing date the 8th day of June
1846 and made in conformity to the laws
of the Departmental Assembly dated
29th August 1844 the 5th June 1845 and
28th October 1845

The said Grant was given
in consideration of eight thousand dollars
money lent by the private parties
G. Mr. Ricci and A. Sando to the local
Government during its pressing necessities
and also the payment of the Mission
debts

Your Petitioners would further
represent that possession of said tract
of lands was taken by Antonio M. Ricci,
the grantee or grantee the date of the
said Grant and the same was defined
by the terms of Estates in the vicinage
that possession was kept until by
unpardonable falsifications made by
himself through the administration
of the Mission of San Rafael,

H

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stating the character of said
Sumal a Mr. Pico to the effect that
the said Pico intended to raise an
independent flag at the period when
possession was put into of the country
by the United States authorities which
induced the Commanding officer
of the United States forces to enforce the
immediate absence of Pico from the
State

In 1845 Governor Pio Pico appointed
commissioners to examine into the effects
of the laws belonging to the Mission
of San Rafael and nominated among
them and gave names to carry the same
into effect.

The mission comprised
(according to the inventory of Timothy Murphy
then and for several years an
administrator of San Rafael dated 28 August
1845 a copy of which in Spanish is appen-
dix) in two leagues of land two
orchards now claimed by said Murphy
who has also usurped other parts of
this estate.

The records were selected
for by Murphy from Sumal Valley
whose refusal of the application is
on file in the archives.

Mr Murphy has
extorted upon the honorable Board
claims for the vicarious portion of
the Mission which of the Indians
for improvements said to be made by
them which do not or ever have existed.

The
said Mr Murphy yet arrogates the
functions of administrator of said Indians
through the office of course claims on
possession of the country being taken
by the United States Government.

Your
Petitioner in justice to himself
would add that the customary Indian
quincis hitherto imposed by the for a good

5-

Indian's yet remaining and finally returned as prophesied at the mission will be contentiously guaranteed to them

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Your Petitioners are also informed that Messrs B. B. Buckner and J. Cooper have also claimed various parts of this mission grant.

To any unperfected claims your Petitioners respectfully represent that they may be permitted to intervene and by such evidence as may be deemed by your Honorable Board necessary and relevant assert their just rights but in other parts an anxious desire to avoid in any case infringing on the well founded claims of their neighbors.

Your Petitioners further represent that the said Grantes A. M. Rice and A. Sumner on the 30th day of October 1851 disposed of and transferred all their rights and interests in said mission grant and stock &c to R. Provenson F. M. Nisley, W. F. Nelson and H. Sparks and on the 16th day of April 1852 the said R. Provenson and F. M. Nisley transferred their half interest and rights to be abided and let your petitioners to the city and county of San Francisco State of California

Your Petitioners present herewith the original Grant upon which their and apprentices from Sumner Rio Rico in the Spanish language together with a translation of the same also a copy of the Inventory in Spanish of the mission and its translation and will make further proof of title if required by the Board

Your Petitioners pray your Honorable Board to take into consideration their just claim to said tract of land and decree them title to be valid and confirm the same

6

And your Petitions will be made by
Clarke Taylor & Bickel
attorneys for claimants

Filed in Office July 26th 1852

Signed

Geo Fisher

Seal

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Recorded in Record of Petitions at pages
189, 190 and 191

Signed

Geo Fisher

Seal

Depo of
Rio Pico

Office of the Commissioner G. Thompson
Bureau at Los Angeles California

Reference

G. Thompson Bureau Commissioner duly
Qualified for the taking of Testimony to
be used before the Board of Commission-
ers to ascertain and settle the Private
Land Claims in the State of California

Personally

appeared Rio Pico witnesses in legal form
A. P. B. et al for the land named Mission
San Rafael witnesses with a copy of
the said Board with number 295 who
upon oath declare to and forth as follows

Questions asked by Com-
p. for Claimant

1

Question What is your
name age and place of residence

Answer My name is Rio

Pico Fifty three years of age and reside
in the County of Los Angeles

2 Question Have you
any interest with lands claimed with
this case

Answer No I have not

3 Question State if you ever
held any office under the former govern-
ment of California and what they
were

answer

Yes I have I was a member for many years of what was called the Legislative Territorial and after wards member of the Territorial assembly also acting Governor of California and after wards member of special commission of the Government I was Commander of the first Troop of Cavalry of Los Angeles

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4 Question

Were you actually Governor and in the full exercise of the duties of that office during the whole month of June 1846

answer Yes I was

5 Question

Who was Government Secretary during the month of June 1846

answer Jose Antonio

Memorandum

6 Question

Look at the document now here presented marked Exhibit A with the initials JTB and send to this deposition and purporting to be the original Grant of the Mission of San Rafael and the laws pertaining to it filed in the office of the Secretary of the United States Land Commission on the 27 day of July 1852 and marked Exhibit A and state if your signature there is your genuine signature and if it was put there at the date and for the purpose it purports to have been and also if that of Moreno attached thereto is by you known to be his genuine signature

answer

I have examined said document and the signatures thereto affixed are genuine my own as Governor and that of Moreno as Secretary, the signatures are affixed to the document on the 8th day of June

8
1846 and for the purposes therein ex-
- pressed

7 Question

was your autho-
- rized to convey the property of the Mission
of San Rafael and the lands therein be-
- longing as you appear to have done from
the contents of the document already
referred to

answer

Had authority
as Governor of California and by authority
of the Supreme Government of Mexico
8 Question

Had your
express authority in writing from the
Supreme Government to convey as you
did said Mission of San Rafael in
the Mexican Republic States

answer

Had special
orders from the Government of Mexico
not to omit any efforts I could make
to procure means for the defence of
the country at the time war in the United
States

9 Question By whom
made that order issued

answer It was issued
by the Minister of war

10 Question

Examine
the paper here presented marked exhibit
A No 2 of A B and say if you recognize
it as a true copy of the order issued to
you to raise the money to prosecute
the war as aforesaid

answer Yes it is a
true copy of the original now in my
possession

11 Question Has the
transcript of the Mission of San Rafael
referred to the Government since
answer Yes it was customary to post
the report sent on all official documents

12 Question

Would, the title

arrange as to in the papers, having been
identified and proved, have been a
great or valid title under the laws and
usages of Mexico to the grantee therein
named, had there been no change of
Government

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(Question objected to by
Le Turner Esq Law Agent)

Answer Yes, and would
have been a good and valid title

13 Question Where does
the former Santa Ana Mineral
include in San Diego

Answer I believe that he
includes in San Diego

14 Question How much
the money which was raised from the
sale of the property belonging to the
and of course in a permanent
a reference to in this department
expended

Answer They were expen-
ded in the defence of the country during
the war with the United States

15 Question Did the local
Government of Mexico grant any
means to the local Government of
California for the purpose of
the war

Answer No they did
not

16 Question Must the
local Government of California
first to have recourse to such means
as they thought expedient and to such
public and mission lands as it was
authorized to grant and from the sale
of which to realize the means necessary
for the proposed work

Answer Yes it was first to do so

17 Question Would the
grant of land made in the case of land

or return of said money before reports to
be made ^{the appropriate} Departmental
assembly (Question objected to by C. E. Horn
acting Law Agent)

Answer Yes How much have
been realized

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18 Question Will you ever
exhibit the original and reports to be
taken in this case / depositions and all of which
which is hereto annexed marked exhibit
C nos 1 & 2 in order that it may be by
the Commission now taking your depositions
examined and compared with the same

Answer I never exhibit it and
request that it may be returned to me
as I wish to retain it in my possession

19 Question Was the sale
of the mission of San Rafael before men-
tioned made in consequence of the order
before spoken of

Answer Yes it was ordered
by order of the President in a resolution

20 Question State what
specimens concerning the report by the
Commission of the purchase money of this
particular mission held at the time here
intended status and of the disbursement
of the same

Answer I remain in the money
project in Los Angeles at the date of
the sale and invested it in the purchase of
the war but cannot give the particulars
of the disbursement I remain the money
found in the amounting to eight thousand
dollars it remained in my own possession
and was disposed of immediately in the
purchase of arms and munitions of war & c
The purchasers contracted to pay all the
debts owing by said mission to the
creditors the first sum to 4 subvented before me this 24
day of June 1854 J. T. Burriel Comr. do hereby certify that
C. E. Hornbey was present at the time that the above & signing
taking was taken and signed by me & by the authority of J. T. Burriel
Mexican Agent & Comr. San Felipe de los Rios 1854

Geo. Foster Secy

11
 Provisi Governador Constitucional del
 Departamento de California.

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Original Grant de en legitima posesion la Mision de San
 Rafael en los terrenos que le pertenecen
 Exhibido en pago de Ocho mil pesos con que hem
 1. 2. 2. 13 auxiliado al mismo Gobierno para un per
 annexo: to sea; a mas de quedas obligados a pa
 deponer of gan a los a acreedores las deudas que tenga
 propios of a del Establecimiento en los terminos mas
 The 24th of oportunos; teniendo en consideracion los
 June 1854. perjuicios que los interesados han tenido
 por el Estado de la satisfaccion de aquella
 deuda y que las fincas estando en un aban
 dono total no pagarian a los dichos a acreedores
 he venido en condecerles a los Excmos
 señores la mencionada mision con sus pa
 tenencias; exceptando las Casas que son
 ben de habitacion al padre de la Iglesia
 y sus pertenencias; usando pues de las
 facultades con que me hallo autorizado
 por el Supremo Gobierno nacional y
 por decreto de la Honorable Asamblea
 Departamental de fecha mese de Abril
 de este año declaro por las presentes
 letras a los señores ante dichos dueños
 en propiedad de la Referida Mision
 en los terminos que quedaran estipulados

En consecuencia mando que
 teniendo el presente titulo por firme
 y balleen de tome Razon de el en el
 libro a que corresponde y se entregue
 a los interesados para su resguardo
 y aemas finca.

Dado en la Ciudad de Los
 Angeles en papel Comun por no haber sellado
 a los Ocho del mes de Junio de mil
 Ocho cientos noventa y seis

Propio

Jose Matias Moreno, Sec. Int.

Luella tomada Reason de Este superior
despacho en el libro respectivo.

moreno

^{ll}Filed in Office 26. July 1852

Geo. Fisher Deery

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B
Translation
of
Grant

Translations
by the Constitutional Government of the
Department of the Californias

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Seal } Masamich as Señor Antonio Simón
} and Antonio Mariachi have pre-
sented themselves to this Government
soliciting that legal possession may be
granted them of the mission of San Rafael
with the lands belonging thereto in
payment of eight thousand dollars
into which they have assigned the
said Government as its necessities
demand, bidding themselves to pay the
creditors, the debts and other estab-
lishment in the most appropriate manner
taking into consideration the inquiries
which the said parties have sustained
from the said Government of the said
debt.

and the said property being in
such a state of ruin that it would
not pay the said creditors leave de-
termined on granting to those gentlemen
the said mission and its appurtenances
except the houses which form the
first dwelling in and the church
and its appurtenances.

Thus exercising
the powers (faculties) with which I
am invested by the Supreme National
Government and the Departmental
Assembly bearing date the thirtieth
of April of this year.

I declare by these
presents the above mentioned Señors
owners in their own right of the said
mission and the town of Tepic and
in consequence order that the present
title being held firm and valid
note of it be taken in the correspon-
ding book and after record be made
to the said Señors for their security and
other purposes.

14

Given in the City of Los Angeles on
common paper from the
more sealed the eighth day of the
month of June one thousand eight
hundred and forty six

signed
Pio Pico

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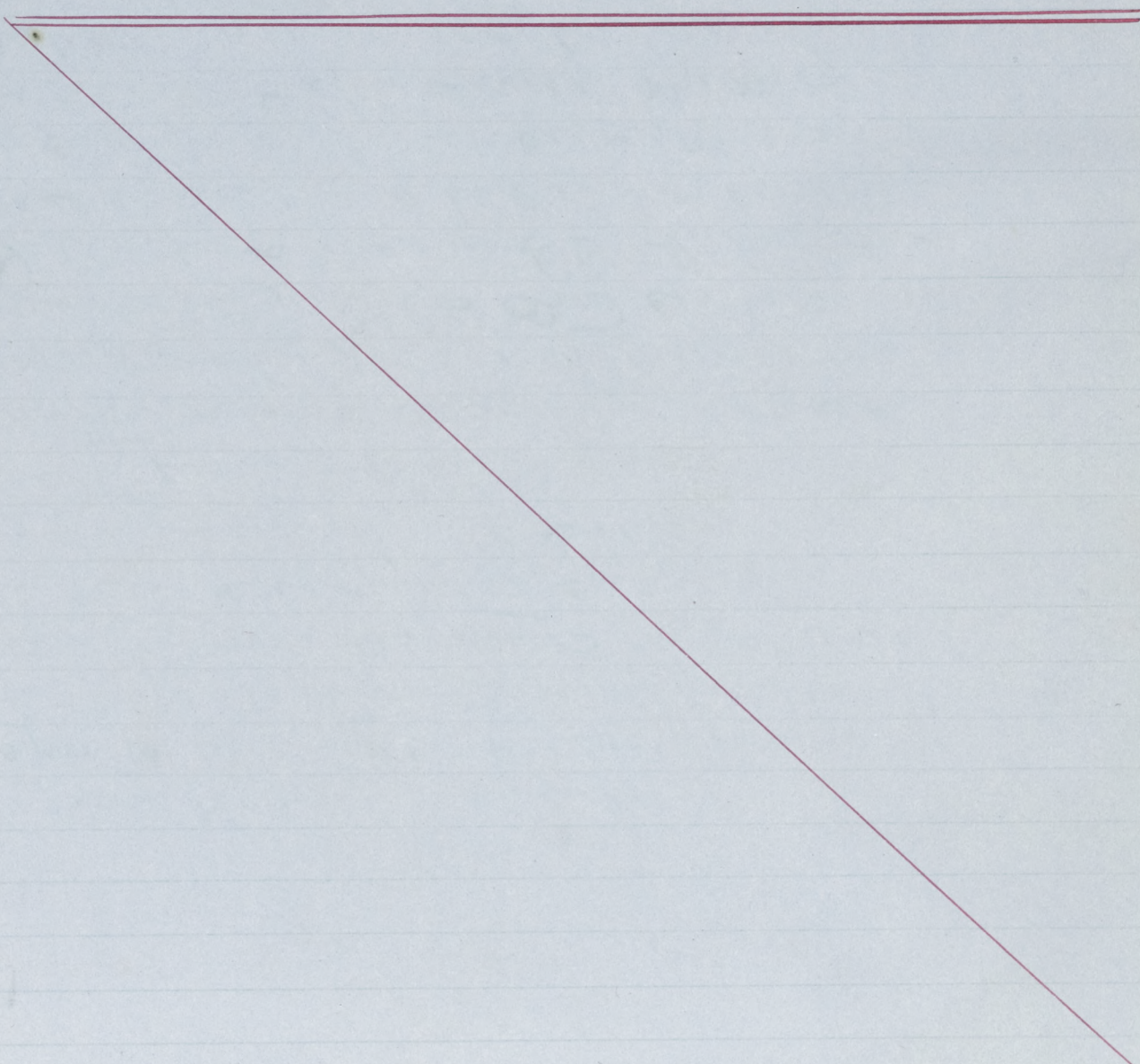
signed
Gen. Mateo Pico
Secretary and int.

Not to be taken later of this gubernan-
tial document in the respective
Book

signed
Museum

Filed in Office 26th July 1852

signed
Gen. Fisher
Secy



15- I. G. D. R

Señor Gobernador
Excmo. Sr.

Doc^o from
Archives.

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Donoteo Murphy - en cargo de la mision de San Rafael, ante V. E. Respetuosamente espongo: que hace nueve años he estado al cargo de dicha mision que resulto deudora a mis servicios en la cantidad de mil seis cientos cuarenta y dos pesos hasta el dia 1^o de Diciembre de 1844 desde cuya fecha he mantenido la gente de dicha mision de mis propios recursos como consta por los documentos que he presentado a los Sres. comisionados D. Anchopeico y Dn. Juan Manso que desde aquella fecha he continuado ejerciendo mis funciones como encargado de la expresada mision con la esperanza de recibir de mis Alcaides o bien pagando en Valor la pequeña huertera, con mil varas de terreno contiguo a las misiones pertenecientes a esta mision para cuyo objeto tuve el honor de presentar un memorial a V. E. en el año de 1845.

I. G. D. R

Que he quedado responsable a pagar las deudas de la mision creyendo que se me pagaran mis alcances por falta de lo cual y a la concecion del terreno indicado que es e indicado respecto de mis presentes necesidades y proyectos relativos a dicho terreno

Duplico a V. E. se digna de tomar en consideracion mi peticion y serrecio para que en caso de hallar la puesta se me pague mis alcances en el terreno indicado incluyendo huertera y Vinay y Restante en ganado, Caballada.

por tanto a V. E. se digna de mandar proveer como llevo pedido en lo que recibre justicia V. E.

Donoteo Murphy
San Rafael 24 de Abril 1846

16 J. L. D. R. Misión de D^o Rafael

Excmo Señor

Tengo el honor de poner en conocimiento de V. E. que son D^o José Castro tomó de esta de mi cargo en 20 de Aho pasado el número de setenta y quatro de veinte y cinco potros y doce Caballos mansos.

Lo que comunico a V. E. para su inteligencia.

Dios y Libertad.

Avil 24 de 1846.

Amoteo Murphy

Excmo Señor Gobernador

D^o pro pieo.

Office of the Governor
General of the United States for California.

I Samuel D. King Governor
General of the United States for the State
of California now having in my Office
and under my charge and control a
portion of the Archives of the former Spa-
nish and Mexican Territory or Depart-
ment of Upper California do hereby
certify the the three foregoing and here-
unto annexed pages of tracing paper
numbered from One to three inclusive
and each of which is verified by my
initials (S. D. R.) Exhibit true and
accurate copies of certain documents
forming part of the said Archives,
and now on file in my Office.

In Testimony whereof I
have hereunto signed my name
officially and affixed my pri-
vate seal (not having a seal at Office)
at the City of San Francisco this 31st
day of October A. D. 1851.

Sam. D. King

Surf. Genl. Cal

Filed in Office 26th July 1852.

Gen. Gersheo Deery

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19

9745

F
Explantation
of E

Mission of San Rafael
Excellent Sir

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Have the honor to inform
your Excellency that the General I've
pre-acted took from this Mission
on the 24th October last twenty breeding
mares thirty colts and twelve mares
horses which I communicate to your
Excellency for your Government
God and Liberty

April 24th 1846

Timothy Murphy

To
His Excellency
The Governor Rio Rico
To His Excellency

The Governor

Timothy Murphy

My administrator of the Mission of San
Rafael before your Excellency respectfully
sets forth that during the last several
years he has been in charge of the said
Mission and that it has been some time
since he has in the sum of one thousand
six and forty two dollars up to the first
day of December 1844 (since which
date he has supported the people of
the said Mission and their deer
means, as can be proved by documents
which he has presented to the Govern-
ment, D. Carlos Ricci and D. Juan
Means, that from that time he has
continued acting Administrator
of the said Mission with the hope
of receiving the amount due him on
the said Company or claim, with a
thousand pesos of land contiguous
to it belonging to this Mission with
which he has the honor to present
a Memorial to your Excellency in the year
1845

That he has remained responsible
for the payment of the debts of the Mission
thinking that he would receive his

18

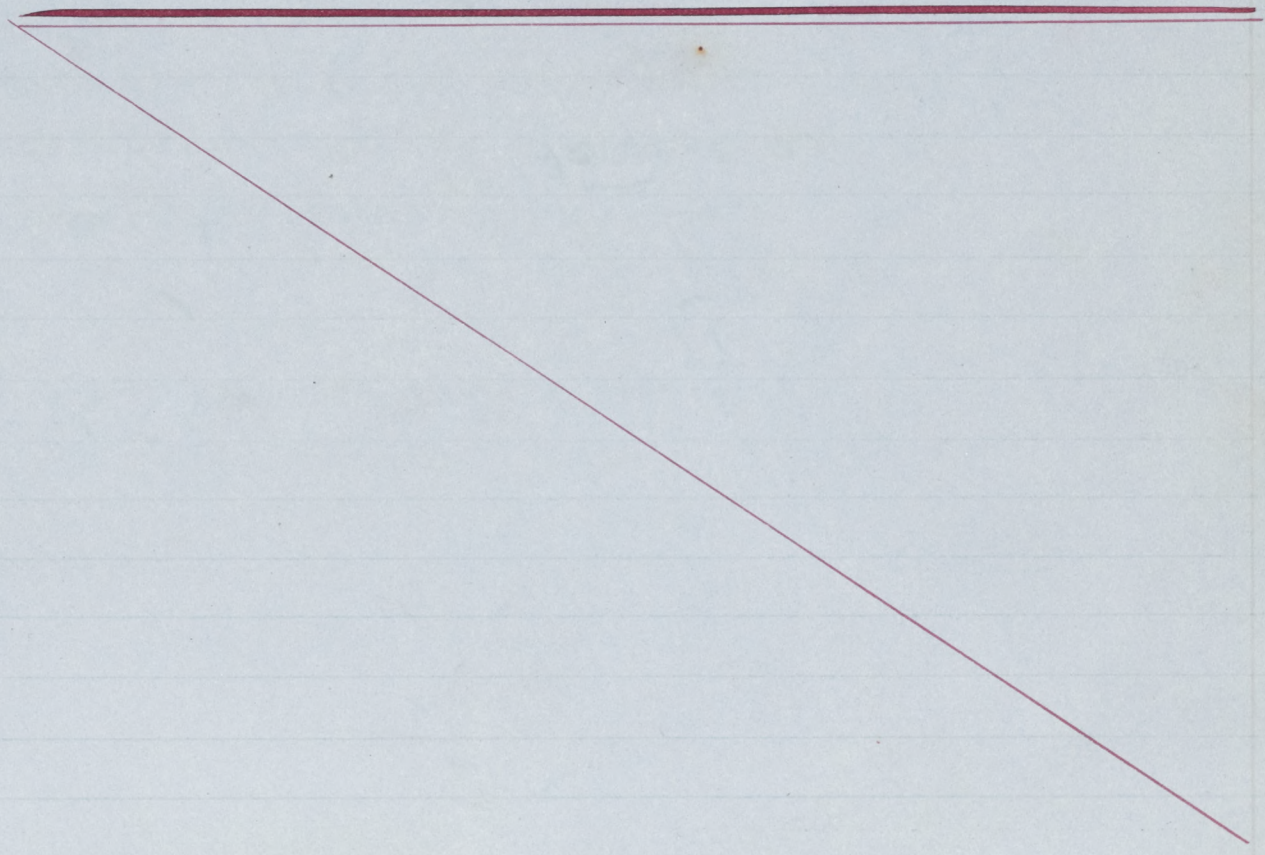
and In failure of which and the Grant
of the lands his left in a state of
and doubt as to his present neces-
sities and what may be determined about
the said lands

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We therefore beg your
Excellency will be pleased to take into
consideration his petition and his
sums so that in case of failure of
the said standing amount he may
be paid by the said lands including
the orchards and vine yards and the
pasture cattle and horses

In consideration
whereof your Excellency is requested
to order this petition to be granted by
which Justice would be done
Yours truly
Munro Munro

Filed in Office July 26th 1857
Requid
Geo Fisher
Sery



19

Inventario de los Bienes Raices, semovientes y aemas muebles existentes en la Misión de Sr. Rafael por la Comisión nombrada por el Excmo. Sr. Gobernador.

Creditos Pasivos

A. D. Diego Scott. 16. 6
A. D. Dimoted Murphy. 1642.

1658. 6

C.
Comy.
Inventory of
Administration

Casa principal

Se compone de 18 piezas en es de ellas con piso de tablas y las Res-
tantes de tierra pared de adobe }
Techo de teja toda en mal Estado }
valuada en 3225. 0

Dos Casas independientes a la prin-
cipal con pared de adobe y techo }
de teja en muy mal Estado valu-
adas en 210. 0

Muebles de las Casas

Tres mesas de madero viejas 2. 4
Tres Bancos " " " " 3. 0
Dos sillas " " " " 2. 0
Una Alca de pino & olivo 40. 0
Una " " de coque en mal Estado 10. 0

Huertas

Una huerta en 132 Varas de largo y 10 ft. de ancho con cereos de madero }
toda en buen Estado valuada en 1500. 0

Otra huerta de 110 varas de largo y 9 ft de ancho con cereos de madero }
conteniendo veinte y dos arboles }
frutales y 210 copas valuada en 1129. 0

A. La Quebra

Ganado mayor

Seenta y tres cabezas de toda raza @ 3\$
Cinco Cabestros @ \$^{uy}
Ocho Juntas de Bueyes @ \$12.

Ganado menor

Ochocientas diez cabezas entre machos y hembras @ 1. 4.

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Remem^o de Vicario

- 6^u Caballos mansos @ \$ 8.
- 19. Leguas mansos @ 2m
- 24 & 3. " " bronca @ 2m
- 22. Potros de dos años
- 8. Lanaciones @ \$ 8
- 1. Mula bronca en \$ 15
- 9 1/2 yuntas de Bueyes @ 12.
- 165. Rees de tela rosa @ \$ 3

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Los terrenos que posee esta Mision sepm
informes que se han tomado acciendo a
diez y seis sitios de ganado manso por lo
mas o menos parte de este sitio es propio
para siembra - Valuado
Anno Total

Don Rafael 28. de Agosto de 1845

Recibi

(Arriales) ^u Amotes Murphy
Andres p^o:

Juan Manso Comisionado del Excmo
Sr Gobernador. C
Cocopia.

Filed in Office 26th July
1852.
Geo: Fisher Secy

(Translation)

D
Translation
of Inventory

Inventories of the Interests, Personalities
and other Furniture existing in the Possession
of Don Rafael by the Commission named by
the most Excellent Señor Governor

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Debts
To James Scott \$ 16.6
Twenty Mules 1642.00
1658.6

The Principal House

Composed of 15 rooms
five of which are planked and the balance
earthed into adobe walls all in a bad
state valued at \$3225.00

Two houses

Independent of the principal into adobe
walls and lime tops in a bad state valued
at 210.00

Furniture of the house

Three old wooden tables 4.4
Three benches 3.00
Two chairs 2.00
One ^{Cast Iron} Iron Pot (Large) 40.
One Copper do in Paris state 10.
One Orchard 132 varas long and 210 varas
wide with a wooden fence all in good
order 1500.00
another Orchard 110 varas in length
and 98 wide with a wooden fence con-
taining 23 fruit trees and 40 varas
wide at 1129.00

Cattle

Sixty three heads of all sizes \$3.
And two leading Oxen 7
Three Cows of Oxen 12
Sheep
Three hundred and ten heads Male and
female \$12
Ranch of Horses 2 \$8.
67 tame mules \$ 8.00
13 Mares 4.00
483 wild horses 2.00
22 Patos 2 years old

231. G. D. R

Don General. D. mand. Micheltan
 en nombre D. 2^o de 1844.
 Don de mi respeto. El Sr. Murphy, actor de
 la Exmision de S. Rafael, me presente hoy
 un decreto del Gobierno en que se le exige un
 documento que pueva la concecion que
 le hizo de la Huerta pequena y perdida a
 que tenia otro Establecimiento. Hablando
 en verdad no se le Estendio en forma
 dicho documento p^a que no lo crei necel
 las Razones que tube p^{er} la p^{er}ida
 por que dha Huerta abandonada totalmt^e
 y sin cerco; estaba totalmt^e perdida la
 Seg^uda por que habiendose secularizado
 de hecho la Misión no quedo alli ni un
 Indio. los que habiendo recibido tierras y
 los demas seguras la perdida aynda
 las pocas y malas caras que existen
 alli recibidos todo al cuidado que otro Sr.
 Murphy a tenido por un Encargo parte
 las mis. la segun^{da} que Estendio yo
 encargado aynda ha querido de verse
 lo contrario de esta frontera y de que
 se procediere en just^a con los indigenas
 de S. Rafael cas tambien p^{er} el con
 sentimiento de los Indios que al p^{er}di
 comelo al Sr. Murphy la perdida y peque
 na Huerta de S. Rafael ni recibir nin
 gun daño ni menoscabo. nadie se le dio
 pues y el Repitido Sr. Murphy la cree
 de un cuento y ha tenido el cuidado
 de ella y de todas las demas propiedades
 de los indios que estos me Entefaron
 a sin particularmt^e pag^o de las cui
 dañe y p^{er}tenorm^{te} el Gobierno tubo en
 todo una intereccion que por fuerza
 se apropió. Esta es S. D. la hist^a
 de S. Rafael y la Verdad lo ocurrido
 con la Huerta. V. con un acotimbrado
 tino a ha proceder como sea mas justo
 Tengo el honor de su servirme en
 Alt. J. S. D. G. M.

Document
 from Archives
 390 ND
 PAGE 24

2. G. D. R

M. G. Vallejo

Office of the Surveyor General of the
United States for California

390 ND
PAGE 25

I Samuel D. King Surveyor
General of the United States for the State
of California and as such now having in my
Office and under my charge and control
a portion of the Archives of the former Spa-
nish and Mexican Territory or Depart-
ment of Upper California do hereby cer-
tify that the two foregoing and hereunto
annexed pages of tracing paper numbered
One and Two and each of which is veri-
fied by my initials. (S. D. K.) exhibit a
true and accurate copy of a certain do-
cument forming part of the said Archives
as now on file in my Office.

(Seal) In testimony whereof I have
hereunto signed my name Officially
and affixed my private seal (not
having a seal of Office at the City of
San Francisco Cal. this 31st day of
October A. D. 1851.

Saml. D. King
Surveyor General Cal.

Filed in Office 26th July, 1852

Geo. Yerkes Secy

(Translation)

General Don Manuel Puctuluma
Soyouca 27th December 184417
Translation
of G390 ND
PAGE 26

Respected Sir
 Mr Murphy administrator
 of the San Rafael mission
 presented this day a decree of the Gov
 - present by which a document is re-
 - quired of him to prove the concession
 which made to him of the small
 and ruinous orchards which belonged
 to the said establishment.

Speaking with
 strict truth I did not return the said
 document in any form because I
 did not think it necessary my reason
 for it was just because the said orchards
 being abandoned and completely with-
 out any face was in a state of total ruin

Secondly
 because the orchards having been in
 fact usurped from the said mission
 not a single Indian remained but they
 having ruined lands and other property
 which they were entitled to which ruin
 and more certain the loss of the poor
 dilapidated houses which remain
 due to the preservation of which is an
 - ing to the care Mr Murphy took of
 them being specially charged by me
 to that effect.

Further that being in
 charge (albeit temporary) of the property
 to the (the country) of the frontier
 and of what ought in justice proceed
 from the Indians of San Rafael after
 their consent being first obtained by
 adjudicating to Mr Murphy the small
 and valueless orchards of San Rafael
 as one would receive any loss or damage
 thereby

When they are given to him and
 the said Mr Murphy presents it in a

26

his own cast and has taken the means
- any care of it and of all other property
belonging to the Indians which the
Specially Assigned Agent might
might be taken care of and subsequently
the Government exercised intervention
in all these matters and appropriated
everything to itself by force

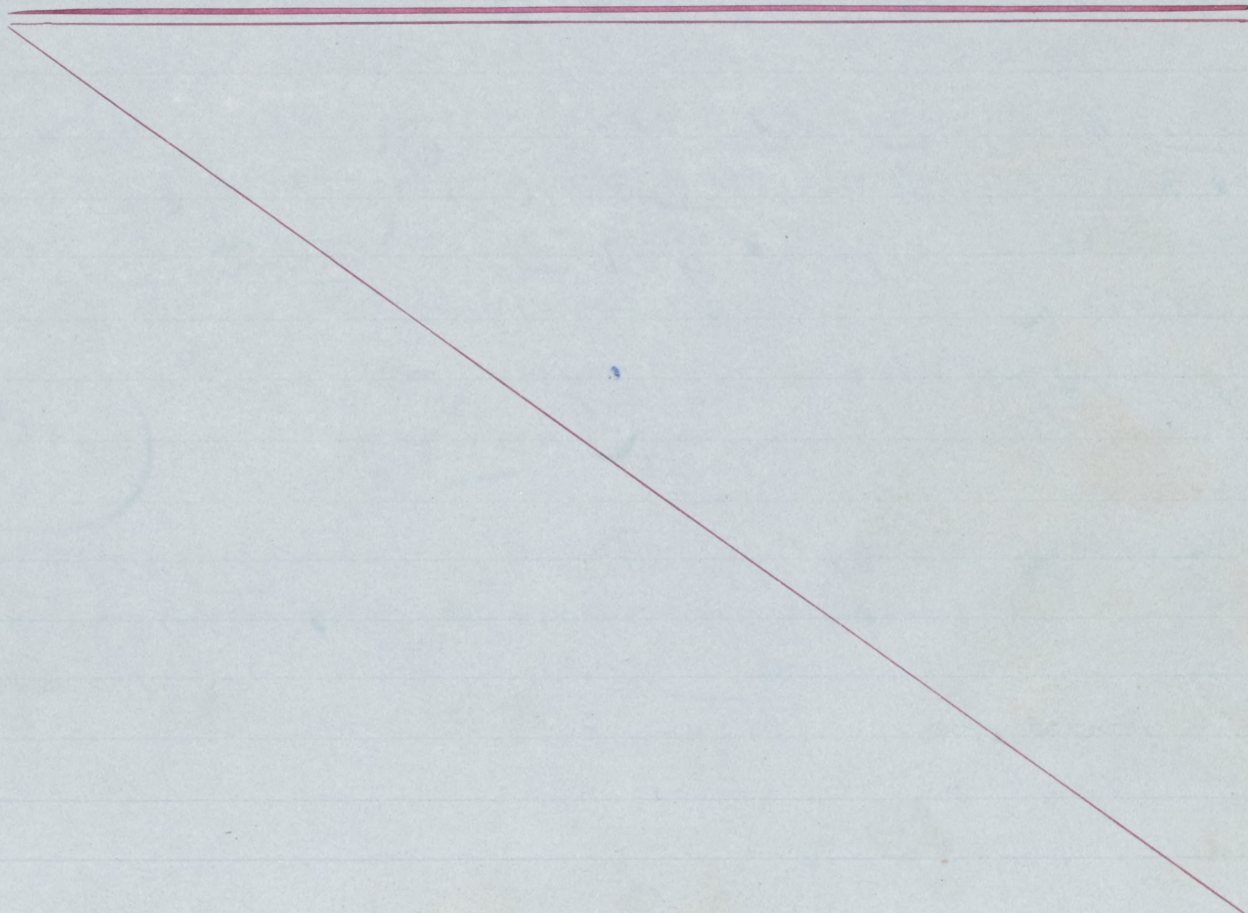
390 ND
PAGE 27

This, General
is the history of San Rafael and the
truth as to what relates to the Indian
Committee. Your constant presence
will never permit to proceed as justice
may require

I have the honor to subscribe
Myself your devoted attention
Srv. &c &c
Wm. Halliday

Filed in Official Letter July 1852

Respectfully
Wm. F. Stewart
Secy



27 T. D. D. M. ...

271. L.D.K

Dello Cuarto Dos Reales:

Habilitado provincialm^{te} por la Actuana
maritima del puerto de Monterey en el
Departamento de las Californias para los
años de mil Ocho cientos cuarenta y cuatro
y mil ochos cientos cuarenta y cinco.

Doc. from
Archives

Micheltreña

Pablo de la Guerra

390 ND
PAGE 28

(Sello)

Excmo Sr Gobernador

Don Mateo Murphy vecino de
la jurisdiccion de Donna
Monterey D^{te} ante V. E. con toda omision
16. de 1844 } y respecto se presenta y dice
al Sr. Sr^o del } Que hace tres años que tengo
Despacho p^a q^{ta} } en mi posesion y concedido
informe en p^a } p^a D. Guadalupe Vallejo
ucia. } el dia 24 de Octubre del 1831
Micheltreña } como vedain y abandonado

una huerta y rina que anteri-
ormente pertenecia a la Co. Misión de San
Rafael y que no consiste (cuando yo recibí)
mas de seis o ochos Arboles de manzana y
corno igual numero de peras juntamente con
un mil doscientos sapos de Vina cerca de
Veinte hasta Veinte y cinco años de Edad y
deseoso a tener dicho terreno por mi uso y en
parte del pagamento que Este Gobierno me
debe por sueldo, jamado como administrador
del Repellido Co. Misión de San Rafael
suplico a V. E. que me conceda dicho terreno
segun lo plico el ad punto disenado que debi
acompañar. P. S.

A. V. E. suplica que me acceda esta mi
petición siendo necesario, de lo cual recibiré
merced y gracia por mi. P. S.

Monterey 13 de D^{te} de 1844

Don Mateo Murphy

L.D.K

Excmo Sr Gobernador
Si A. V. E. le parece bien puede ordenarse
al Sr. Marpé que presente el documento
que Esta, como tambien la cuenta de Cof.
le debe la misma para despues poderse
proveer lo que fuere de justicia.

Pha la misma. M^{te} D^{te} Ameno

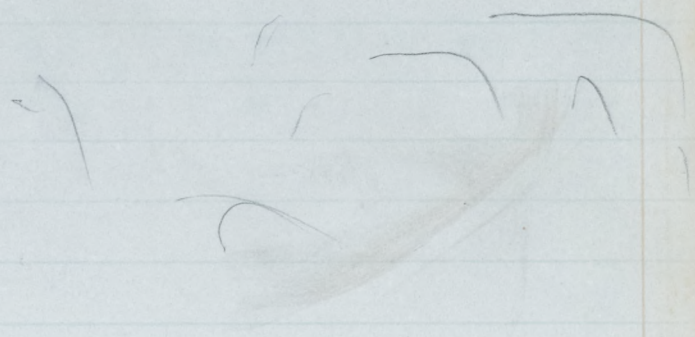
Monterey ^{el} Jcha. ^{del} Sr. ^{M.}
 Conforme en un todo
 Dieren ademas con orden p^a q^d se suspenda
 las Encomiendas que se habra mandado hacer
 de la Mision de S. Rafael al S. Ois ha
 na q^d tranquilizada el pari el Gobno ocu.
 p^a nense de ello.

390 ND
 PAGE 29

Michel^a
 J. L. D. R Angeles Julio 5. de 1845.
 pase a la Comision de Misiones para que
 informe.
 Pies.

J. L. D. R.

2 Here follows
 map.



Office of the Surveyor General
of the United States for the State of California

390 ND
PAGE 30

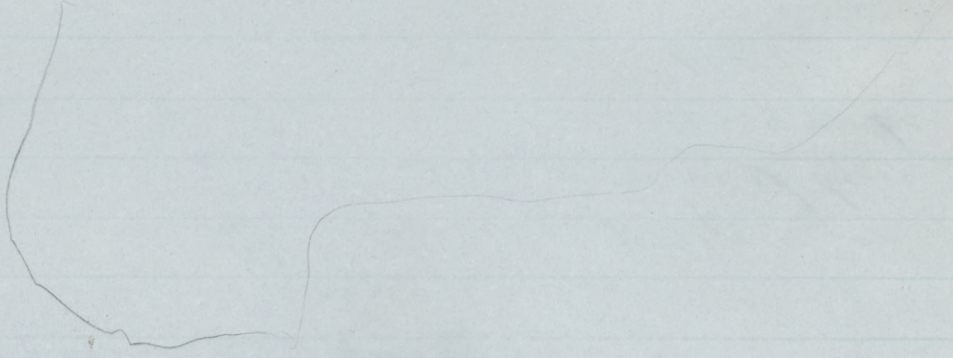
I Samuel D. King Surveyor General of the United States for the State of California, and as such now having in my Office and under my charge and control a portion of the Archives of the former Spanish and Mexican Territory, or Department of Upper California do hereby certify that the four preceding and hereunto annexed pages of this inj. p. numbered from One to four inclusive, and each of which is verified by my initials (S. D. K.) exhibit true and accurate copies of certain documents forming part of the said Archives as now on file in my Office

8
Seal In Testimony whereof I have herein to signed my name Officially and affixed my private Seal (not having a seal of Office) at the City of San Francisco this 31st day of October A. D. 1857

Samuel D. King
Surveyor Genl. Cal.

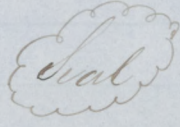
Filed in Office 26th July 1852

Geo. Fisher Secy



Seal Fourth & Two Reales.

Provisionally authorized by the Maritime Custom House at the Port of Monterey in the department of the Californias for the years 1844 and 1845



Translation of document
from (II) archives

Monterey Dec. 18.
1844.

390 ND
PAGE 31

Let it be referred
to the Secretary of State
to report according
to law

(signed)

Micheltorona

granted to him by Don Guadalupe Vallejo, on the 24th day of October, 1831, as vacant and abandoned, and (when he received them) they consisted of not more than six or eight apple trees, and about the same number of pear trees, also one thousand two hundred grape vines about twenty or twenty-five years old, and desiring to hold said land, for his own use, and in part payment of the amount this government is indebted to him for services rendered as administrator of the aforesaid Ex-Mission of San Rafael he prays Your Excellency to grant him the said land as shown by the annexed decree which he duly accompanies

Wherefore he prays Your Excellency to accede to this his petition, being necessary, whereby he will receive mercy & grace accordingly &c.

Monterey Dec. 13. 1844

(signed)

Timoteo Murphy.

To his Excellency the Governor

If your Excellency deem proper to do so, you may direct Don Murphy to present the document to which he refers, as also his account against the Mission in order

that in view thereof to determine whatever may
be just.

Date as above.

(signed)

Mmanuel Jimeno

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Monterey, same date

Granted Accordingly

A countermand should be given
however, that the delivery which had been ordered
to be made of the Mispin of San Rafael,
to Senor Pico, be suspended, until the County
being tranquillized, the Governor can give his
attention to it.

(signed)

Micheltoune

Angeles July 5, 1845

Let it be referred to the
Committee on Missions to report

(signed)

Pico

A true and correct translation
Whitup my hand this 26th
July, A. D. 1852.

(signed)

Geo. Fisher Gray

Filed in office July 26th 1852.

(signed)

Geo. Fisher Gray

Ministerio de Guerra y Marina } E. J.
 Sección de Operaciones } Al. L. Comandte. g. de California
 Principal } me: digo lo siguiente.

Los preparativos q. hacen los Estados Unidos y la aproximación de sus buques a nuestros puertos no dejan duda de que la guerra con aquella potencia está próxima.

Dni p.ico.

390 ND
 PAGE 33

Escribiendo a V. E. los Estados Unidos y la aproximación de sus buques a nuestros puertos no dejan duda de que la guerra con aquella potencia está próxima. Como el E. U. presidente ni esta decidido a sostener los derechos de la Unión quiere que en todos los puntos de la República en que se presente el Enemigo se haga una defensa vigorosa y capaz de dar honor y gloria al Pavellon Nacional. Al Efecto mientras q. el Supremo Gobierno proporciona a V. E. los auxilios con los que espera de su patriotismo y lealtad, que tiene a las providencias que juzgue oportunas para la defensa de ese Departamento con cuyo objeto queda a V. E. y el Sr. Gobernador facultado ampliamt.

Tengo el honor de insertarlo a V. E. para su conocimiento para conservar ileso los derechos de la patria.

Dios y Libertad.

México Marzo 10 de 1846

Lornel

E. J. Gobernador del Departamento de California

I do hereby certify that the foregoing is a true and correct copy of a Document now in the possession of his p.ico and said by him to be the Original order sent to him by the Government of Mexico and dated the 10th day of March 1846. and signed Lornel.

Thompson Burrell
 Comte

Filed in Office July 10th 1854

Geo: Fisher Secy

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35-
Ministry of War & Marine
Principal Point of Operations.

Most Excellent Sir.

To the General Commandant of California
I say the following.

"The preparations which the United States are making, - and the approach of their Naval forces to our Ports leave no doubt but that war is about to break out with that power and as his Excellency the President ad interim is determined to sustain the rights of the nation, he is desirous that at every point of the Republic wherever the enemy may make his appearance a vigorous defense be made such as will do honor and give glory to the National Flag.

Therefore until the Supreme Government provides you with the necessary aid, it is hoped of your Patriotism and Loyalty that you will take the necessary measures for the defense of that Department, for which object your Lordship and the Governor are invested with ample powers;

And I have the honor to transmit it to your Excellency for your information hoping that you will spare no pains on your part to preserve intact the rights of the Country
God & Liberty, Mexico March 10,
1846.

(Signed) Tornel.

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Translation
of
Exhibit "No 2"

To His Excellency the Governor, of the
Department of the Californias.

I certify the foregoing to be a
correct translation of Document mar-
ked Exhibit "No 2" C. S. B., annexed to
Deposition of Pio Pico filed in case
No 295 on the Docket of the Board of
M. S. Land Commissioners for California
In testimony whereof I have
hereunto signed my name.

Geo. Fisher

Sec

Filed in Office July 10, 1854.

Geo. Fisher Sec

Edward R. Breed et al
vs
The United States

From a place called
the "Mission of San
Rafael"

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This claim is based upon a grant issued in favor of Antonio Suro and Antonio M. Pico dated the 8th day of June 1846.

From Pio Pico Governor of the Province of California which grant purports to have been issued for the consideration of the sum of eight thousand dollars, and also for services rendered to the Government of Mexico.

Opinion
by
Hon. J. F. Johnson

The grant is proven by the testimony of Pio Pico to be genuine, and to have been issued at the time it bears date, and for the consideration expressed in the grant.

The Petitioners have also offered in evidence titles from the grantees to themselves.

A question is presented in this case which goes to the whole merits of the claim which is, as to boundaries and identity of the place intended to be granted.

I think the question settled beyond a dispute, that a grant for land so inaccurately described as to render its identity wholly uncertain that the grant is void. See 1st Greenleaf 408, also 6th Peters 345.

In the case of Greenough v. The United States there was specified in the grant a certain quantity of land to be located within certain natural and permanent boundaries set forth in the grant which would enable a court to enter a decree that might serve as a guide to the officer locating the same, and to find some starting point at which he could commence

his survey, and limits within which he could terminate it, so as to be able to report the same to the proper department of Government so that a patent might be issued therefor to the parties interested.

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PAGE 37

But in this case the grant is issued by the Governor of the Californias for a place called the Mission of San Rafael and nothing in the grant or any part of the evidence in the case shows in what county the land is located, or even in which of the provinces of California, or any evidence whatever by which we can get the first clue to its locality.

In a case where a grant or devise for land is indefinite and uncertain on its face the authorities provide for supplying that deficiency by allowing oral testimony to be given to make perfect that which appears vague and uncertain of the face of the instrument itself.

In this case we are asked to confirm a grant, to a place by its name without locality, without boundaries, and indefinite as to quantity.

If then a grant for land that is so inaccurately described as to render its identity wholly uncertain is void for uncertainty, by what rule are we to confirm a grant entirely without description without locality and indefinite as to quantity.

If such a place existed at the date of the grant as San Rafael, with a definite locality & boundaries, it could have been easily proved and must be

before the Claimants can be entitled to a confirmation.

We are therefore of the opinion that this claim is invalid and a decree will be entered accordingly.

Respected,

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Filed in Office Sept 11. 1855,
Gen. Fisher Sec

Edward R. Bred et al.
vs
The United States

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioners herein is not valid, and it is hereby decreed that their application for a confirmation thereof be denied
Alphens Felch

Decree

R. Aug. Thompson

V. B. Farnell,
Comm^r

Filed in Sept 11. 1855
Gen. Fisher Sec

Order.

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PAGE 39

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

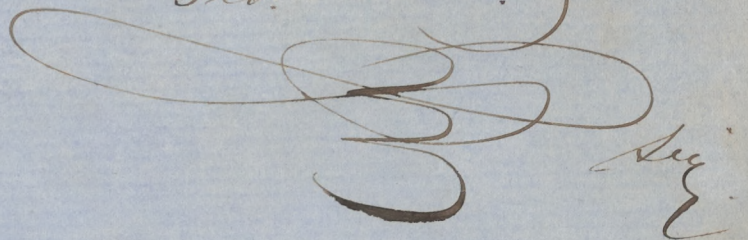
Office of the Board of Commissioners,

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

I, *George Fisher* Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Fifty* pages, numbered from
1 to 40, 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. 295, on the Docket of the said Board,
wherein *Edward A. Breed, et al,* are
the Claimant against the United States, for the place known by
the name of *Mission of San Rafael.*

In Testimony Whereof, I hereunto set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
Tenth day of *January*
A. D. 1856, and of the Independence of the
United States of America the *seventy-eighth*.

Geo. Fisher.



390 (N 1)

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

No. ~~390~~ 390

THE UNITED STATES,

vs.

Edward A. Breed et al.

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

in Case No. *295*

Filed, *January 15,* 1856

J. A. Monroe,
Clerk.

16291

At a stated Term of the District Court of the United States of America for the Northern District of California, held at the Court Rooms in the City of San Francisco on Monday the twenty third day of February in the Year of our Lord one thousand eight hundred and fifty seven.

Present:

The Hon Ogden Hoffman, Dist Judge.

The United States

vs

E. A. Bruce et al

by
by

L.C. 390; L.C. 295.

It appearing to the satisfaction of this Court that the Transcript in this case has been filed in this Court more than six months; that the Board of Commissioners to ascertain and settle the private land claims in the State of California, from which this case is appealed to this Court, rejected the claim set up therein by the claimants, and that the proper notice of intention to appeal has not been filed in this cause within the time limited by law: It is, therefore, on motion of the U. S. Attorney, ordered that this case be dismissed and struck from the docket of this Court.

390
L.C. 295

U. S. Dist Court

The United States

~~at~~

E. A. Breed et al

order

Filed Feb 23, 1857,
W. H. Chew, Clerk,
Deputy.

Edward A. Breed et al.

vs
United States

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

390 ND
PAGE 43

Joseph S. Polack being duly sworn, deposes, that he is with the Claimant, an owner of the Claim to the Mission of San Rafael which is herein claimed, and that Edward A. Breed is now absent from this City -

Deponent states, that in behalf of all the owners, he employed General James Wilson to procure a Confirmation of the title to said Mission and as Deponent understood, engaged him, not only to furnish his legal professional aid in presenting said Claim, but also to procure the attendance of the Witnesses necessary in the premises.

That Deponent's said Counsel did procure the attendance of the Witnesses who deposed before the U.S. Land Commission, and that the claim was rejected, not because it was not genuine, but simply because the locality and boundaries of the Grant, were not proved. That on Monday last the case was dismissed in this Honorable Court, and Deponent on learning the same, immediately applied to his said Counsel to ascertain the reason of its dismissal, and for the first time heard, that his said Counsel had not considered himself obliged to take any steps towards the preparation of the Cause on Appeal and had awaited a call from the parties interested. Deponent states, that had he known

as suspected his said Counsel to understand the terms of his Employment, Deponent would himself have procured the necessary testimony, and would have had the cause fully prepared for a hearing - The dismissal of the cause has operated as a surprise upon him, and he makes this Affidavit not for delay, but for the purposes of justice, that the cause may be restored to the Calendar, and finally tried, and two weeks will suffice to make the necessary preparation -

Sworn to & subscribed
March 2, 1857 before me *J. S. Clark*
W. H. Thomas
Deputy Clerk

U.S. District Court
No 390.

Edward Atwood vs
United States

Mistrial of Law Rapad

Affidavit of
J. Polack on motion to
revoke cause to docket.

Filed March 2, 1857.
W. J. Chew,
Deputy.

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No 390,

Edward A. Brewster }

4

The United States }

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Upon reading the affidavits
filed in this case, it is or-
dered, that the motion made
in this case be granted, and
that the case order of arrest
and recognizance made be released,
18 Apr 1857.

No. 390.

Buell

7

White River

to be restored
cause to docket.

Filed April 18, 1857,
W. A. Cheves,
Deputy.

Circuit-Court of the United
States for the District of
California, Northern District.

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Edward A. Brud et al }
The United States }
^m

E. B. Mastick being duly sworn deposes and says that he is the duly authorized agent of Harvey Sparks who is absent from this State and has been, for nearly two years, during which time deponent has been the agent of said Sparks, and that said Sparks has been, for more than two years, and now is, a part-owner of the claim made in this cause.

That deponent having been informed by said Sparks, that Genl. James Wilson had been employed to prosecute said claim, he called upon said Wilson as the agent of said Sparks at various times to inquire as to its progress, and was informed by said Wilson, that he had done everything, and was doing all that was necessary to the prosecution and trial of said cause, that he had perfected the appeal, and he would keep it in its then present position until the result in some of the other Mission cases then pending could be known, particularly the San Jose Mission case, which he said had been thoroughly prepared, would be well tried and would form a precedent in this case.

The deponent further says, that though he understood that the owners were to be at no expense, he told the said Wilson that if he wanted any sum of money to pay expenses, costs & procure the attendance

of witnesses he would furnish it to him, and he was answered by said Wilson that none was needed, and deponent repeated said offer several times, and particularly inquired whether any funds were wanted.

Deponent first saw said Wilson in reference to this case nearly two years ago, and at various times since then, until about six weeks ago, and during all this time he supposed the case was receiving all necessary attention.

Deponent first heard of the dismissal of this cause about eight days ago while in Tusconnae County, said State, and this deponent verily believes that said claim is a valid and meritorious one, and that the proof for want of which it was dismissed by the land commission within two or three weeks.

And deponent further says that if said cause should not be restored, and the appeal perfected, and the claim allowed to be prosecuted, it would work a great and serious injury to the said land owner, without his fault or neglect;

Subscribed & sworn to
before me this 6th
1857.

E. B. Mastick

Guthrie McElister

Notary

United States District
Court: Northern
District of California

390

The United States

M

E. A. Brent et al

Affidavit of
E. B. Mastick

Filed April 18, 1857.
W. H. Chevers,
Deputy.

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PAGE 50

E. A. Braden
United States

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

I. S. Polack being duly sworn deposes that he employed Genl. James Wilson to prosecute this claim, for one sixteenth part of the property, and for no other compensation. That finding the tract in the Commission and since the transcript has been filed in this Court, deponent has frequently met his said counsel and has in no instance been apprised of the necessity of taking any steps in reference to furnishing testimony, or of filing a serving copy of any papers, documents or notices, and deponent was well convinced that whatever was necessary to the proper presentation of the case, was being attended to - otherwise deponent would have seen it done. Deponent is not versed in the law, and was wholly ignorant of the mode by which the cause should be prepared and presented. Upon hearing of the dismissal of the appeal, deponent without delay employed counsel to protect the claim, and has in two weeks time have it ready for a hearing. This affidavit is made merely for the purposes of justice, and to save a claim believed to be most meritorious.

Sworn to & subscribed
March 30, 1857 before me.

W. H. Chesebrough
Deputy Clerk

I. S. Polack

No 390.

Edward A. Breech

v

The United States

Mission of San Rafael

Affidavit of J. S. Polack

Filed April 18. 1857.

J. H. Cheves.

Deputy.

United States

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~~Edward H. Reed~~
Edward H. Reed
Claiming Minister of San Rafael

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

The Claimant gives notice that in this
Case in which the Commissioner to settle
private land claims in the State of California,
rendered a decree rejecting the claim, the
Claimant will prosecute an appeal,
according to law.

Howard T. Good
(Atty)

To the Clerk of said Court.

U. S. District Court
United States

^{vs}
E. A. Reed & Co

claiming

the
Miskin of Jan Rafael

Notice of appeal.

Filed May 16, 1857.

A. H. Chever,
Deputy.

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

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The United States

v.

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E. A. Breed et al

San Francisco, April 14, 1862.
Gentlemen,

You are hereby notified that on
Saturday next, the 19th day of April instant
at 11 o'clock, a. m. or as soon thereafter as
counsel can be heard, I will move the
Court to vacate the order entered April 18th
1857, restoring the cause to the docket.

The motion will be based on
the ground that the U. S. Supreme Court
in the case of *Sturvide* has decided that
this Court has no jurisdiction in the
class of cases of which the above entitled
cause is one.

Yours &c.

Wm Howard Gould
attys for claimants,

E. B. Mastick Esq

agent for H. Sparks, one of the claimants,

J. S. Polack Esq, one of the claimants.

Wm H. Sharp

U. S. Atty

{ U. S. Marshal's Office,
Northern District of California

I hereby certify that I have served the within Notice
on Messrs. Howard & Gould by leaving a copy on the
desk of V. E. Howard, Esq. at 3 P.M. on the 15th day of April, 1862
in the city of San Francisco, in his office; and on J. S. Polack
by leaving copy on his desk in his office in the city of
San Francisco, at 3 P.M. on the 15th day of April,
1862, - there being no person in the offices of either
of the above-named Howard, Gould, or Polack -

San Francisco }
April 15th, 1862. }

Wm Rabe U.S. Marshal
By M R Grant Deputy

U. S. Dist Court

The United States

vs.

C. A. Breed

Et al

Notice

Served for copy of the
within notice is this
day admitted
April 15 1862

E. B. Westlake
per H. Spunkley

390 ND
PAGE 56

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 *Saturday* the *19th* day of *April* in the year of our Lord one thousand eight hundred and sixty *two*.

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Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

E. A. Breed et al

No. 390.

And now at this day, on motion of W. H. Sharp Esq, U. S. Attorney, in pursuance of notice hereto annexed, It is ordered, that the order made and entered April 18. 1862 restoring the above entitled cause to the docket be and hereby is vacated; and that said cause be and hereby is dismissed for want of jurisdiction.

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UNITED STATES DISTRICT COURT

Northern District of California.

The United States

v.

E. A. Bredchal

*Order vacating order
of April 18, 1857, and
dismissing cause for
want of jurisdiction.*

Filed *April 19,* 1862

M. H. Cheever,

Clerk.

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Office of the Board of Commissioners,

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

San Francisco, *Jan* 10th 1856

Sir;

I am directed by this Board to transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 295 on the Docket of this Board, wherein Edward A. Bred, et al, are the Claimants, for the place known by the name of "Mission Lands of San Rafael" Which Transcript I have the honor to accompany herewith, and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher
G. Fisher

To the Hon. *J. A. Monroe Esq*
Attorney General of the United States,
Washington, D. C.
Clerk of the U. S. Dist. Court for
the Northern Dist. of Cal