CASE NO.
147
NORTHERN DISTRICT

SAN FRANCISCO DE LAS
LLAGAS GRANT

DANIEL AND BERNARD MURPHY
CLAIMANT

LAND CASE 147 ND

208 pages.

25

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 25

Daniel & Bernard Murphy CLAIMANTS.

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"San Francisco de las Llagas."

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, *that on this* Ninth 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 Daniel & Bernard Murphy *for the Place named* "San Francisco de las Llagas", *was presented, and ordered to be filed and docketed with No.* 25, *and is as follows, to wit;*

(Vide page 7 *of this Transcript.)*

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

San Francisco, May 4th 1852.

In Case No. 25, Daniel & Bernard Murphy for the place named "San Francisco de las Llagas," the deposition of Antonio Mª Pico, a witness in behalf of the Claimants, taken before Commissioner Leland Hall, was filed.

(Vide page 9 of this Transcript.)

San Francisco, May 14th 1852.

In the same Case the Secretary filed the translation of Document marked "No. 1. H. Hall" and annexed to the deposition of Antonio Mª Pico, a witness in behalf of the Claimants, taken before Commissioner Leland Hall and filed May 5th 1852, which translation is as follows, viz:

(Vide page 45 of this Transcript.)

Los Angeles Sept. 4th 1852.

Case No. 25 was ordered to be placed on the Trial Docket, subject to the following stipulation, filed this day by the parties litigant, to wit:

(Vide page 64 of this Transcript)

Los Angeles Sept. 27 1852.

In the same case, the Counsel for the Claimants filed the following motion, to wit:

Moved, that Case No. 25 be placed on the Trial Docket.

Which motion was taken under advisement.

San Francisco, February 1st 1853.

In the same case the deposition of Manuel Jimeno, a witness in behalf of the Claimants, taken before Commissioner Helena Hall, with document marked H. H. No. 1, annexed thereto, was filed:

(Vide page 10 of this Transcript.)

San Francisco Feb. 4 1853.

Case No. 25, Called: The Counsel for the Claimants, Mr. Jones, read the petition and the papers in evidence, the United States Associate Law Agent filed his brief: Case submitted and taken under advisement by the Board.

San Francisco Feb. 8th 1853.

In the same case the Counsel for the Claimants filed the following motion, to wit:

(Vide page 63 of this Transcript.)

Which motion was granted.

In the same case, the Counsel for the Claimants filed the following agreement, to wit:

(Vide page 64 of this Transcript.)

San Francisco April 22 1853.

Commissioners Helena Hall and Harry I. Thornton returned to the Secretary the papers appertaining to Case No. 25 (and others) after which they withdrew, and

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Ceased to act as Commissioners, or members of this Board.

San Francisco July 11' 1853.

On motion of the U. S. Law Agent Case no. 25 was ordered to be placed on the Trial Docket.

San Francisco July 25' 1853.

Case no. 25, Called; the Counsel for the Claimants read the papers in Evidence, and opened the argument, followed by the U. S. Law Agent, and Concluded on the part of the Claimants - Case submitted.

In the same Case the Counsel for the Claimants filed the following Stipulation, to wit:

(Vide page 64 of this Transcript.)

San Francisco, Nov. 29' 1853.

In the same Case the Counsel for the Claimants filed the following Stipulation, to wit:

(Vide page 65 of this Transcript.)

In the same Case the Counsel filed the following authenticated Copy of the Affidavit of Wm. Carey Jones, to wit:

(Vide page 64 of this Transcript.)

Whereupon the following order of Reversal was made to wit:

(Vide page 65 of this Transcript.)

San Francisco December 7' 1853.

In the same Case the deposition of José A. Castro, a witness in behalf of the Claimants, taken before Commissioner Thompson Campbell was filed:

(Vide page 14 of this Transcript.)

In the same Case the deposition of Eugenio Montenegro, a witness in behalf of the Claimants, taken before Commissioner Thompson Campbell, with document marked "T. C. no. 1" annexed thereto, was filed;

(Vide page 14 of this Transcript.)

In the same Case the ~~deposition of~~ Clement Ponomd, a witness in behalf of the Claimants, taken before Commissioner Thompson Campbell, was filed:

(Vide page 12 of this Transcript.)

San Francisco Dec. 8th 1853.

In the same Case the deposition of Felipe Castro, a witness in behalf of the Claimants, taken before Commissioner Thompson Campbell, was filed:

(Vide page 12 of this Transcript.)

San Francisco, Decemr. 16 1853.

In the same Case the deposition of Lewis Brady, a witness in behalf of the Claimants, taken before Commissioner Alpheus Felch, was filed:

(Vide page 17 of this Transcript.)

In the same Case the deposition of Charles M. Weber, a witness in behalf of the Claimants, taken before Commissioner Alpheus Felch, with documents marked "No. 1. A. F." annexed thereto, was filed:

(Vide page 18 of this Transcript.)

San Francisco Decr. 17 1853.

In the same Case the Counsel for the Claimants filed the following Affidavit and Motion, to wit:

(Vide pages 65-66 of this Transcript.)

Which Motion was taken under advisement.

San Francisco Decr. 19 1853.

In the same Case the Counsel for the Claimant filed the following Stipulation, to wit:

(Vide page 66 of this Transcript.)

In the same Case the deposition of José Hernandez, a witness in behalf of the Claimants, taken before Commissioner R. A. Thompson, was filed:

(Vide page 13 of this Transcript.)

San Francisco Decr. 21 1853.

In the same Case the deposition of José Jesus Policarpio Mesa, a witness in behalf of the Claimants, taken before Commissioner R. Ang. Thompson, was filed:

(Vide page 16 of this Transcript.)

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San Francisco December 27' 1853.

In the same case Commissioner Alpheus Felch delivered the decision of the Board upon the motion of the Counsel for the claimants, filed heretofore, to wit, on the 19th inst, asking leave to amend the petition by changing the name of Daniel to James Murphy; which motion having been sustained, leave was granted to change the name, and the following order was made to wit:

(Vide page 67 of this Transcript.)

San Francisco December 28' 1853.

In the same case the deposition of Manuel Castro, a witness in behalf of the claimants, taken before Commissioner Alpheus Felch, was filed:

(Vide page 15 of this Transcript.)

San Francisco January 5' 1854.

In the same case the Counsel for the claimants filed the following Stipulation, to wit:

(Vide page 67 of this Transcript.)

San Francisco Aug. 16' 1854.

Case no. 25, on motion of the Counsel for the claimant, with the Consent of the U. S. Law Agent, was submitted without argument.

San Francisco Aug. 22nd 1854.

In the same case, Commissioner Alpheus Felch delivered the opinion of the Board confirming the claim:

(Vide page 69 of this Transcript.)

San Francisco Aug 29' 1854.

In the same case, on motion of the U. S. Law Agent, the following order was made, to wit:

(Vide page 72 of this Transcript.)

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Petition

Before the Honorable The Commission to ascertain and settle Private Land Claims in California

Daniel Murphy and Bernard Murphy give notice that they claim a tract of Land situated in the County of Santa Clara, in said State, by virtue of a grant from the Mexican Nation; said tract being called the Rancho of San Francisco de las Llagas, and supposed to contain about four sitios or leagues square (Mexican measure) with the boundaries set forth in the official survey and judicial possession and map accompanying the same

The original Grantee of said land was Don Carlos Castro. He commenced to occupy it in 1828. On the 3rd February 1834 a grant for the same was made to him by Don Jose Figueroa, Political Chief or Governor of California and thereby authorized to make grants of Land.

On the 17th of May 1834 said grant was approved by an act of the Territorial Deputation of California and on the 10th of June 1834 a testimonial of said approval was made by said Governor and a copy thereof directed to be delivered to said Grantee. A Copy of said grant and testimonial with a translation of the same is herewith presented marked Exhibit A and the Originals thereof are ready to be produced and proved as may be required.

On the 23rd of June 1834 said grantee petitioned the proper Magistrate, to wit, the Constitutional Alcalde of Monterey, to give him judicial possession of said granted land, measure the same, and establish its boundaries; which the said Magistrate accordingly did on the 24th of July 1834. A Copy of the original process of said act of measurement and judicial delivery, with the map forming a part of the same, is herewith presented marked B and the Originals are ready to be produced and proved.

In January 1844 a petition of denouncement of a portion of said Land was made by Don Manuel Dias on which proceedings being had according to law before the Governor Don Manuel Micheltorena, said Governor gave a final decree in favor of Don Carlos Castro confirming him in said title according to his said judicial possession. A Copy of the papers and proceedings in the matter of said denouncement are herewith presented marked C

In the year 1845 said Don Carlos Castro died intestate and said estate descended to and became vested in

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Don Guillermo Castro his son and sole heir and assignee and in said year 1845 said Don. Guillermo Castro conveyed the same to your petitioner said Daniel Murphy. afterwards to wit, by Deed Executed 3rd January 1851 said Daniel Murphy conveyed One undivided half interest in said Land to your petitioner David Murphy Wherefore your petitioners claim the said land as joint owners

The claimants rely on the documentary testimony before alluded to and on the documentary testimony concerning said grant Existing in the Archives of the Juzgado Foraneo of Real Jurisdiction, and on such other evidence as they may obtain

Jones Tompkins & Shade
Attorneys for Claimants

Filed in Office 9th February 1852

Geo. Fisher Secy

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Office of the Board of California Land claims
San Francisco May 4th 1852

Deposition of A. Maria Pico

On this day before me Hleanor Hall one of the Commissioners for ascertaining & settling private Land claims in the State of California came Antonio Maria Pico a witness produced in behalf of the claimants Daniel & Bernard Murphy whose petition is Number 25 on the Docket of the Board & was duly sworn. His evidence being in the Spanish Language was interpreted by the Secretary. The Law Agent was notified & attended. In answer to questions propounded by the Counsel for the claimant the witness testified as as follows

My name is Antonio Maria Pico, my age is forty two & reside in the Town of San Jose, I am a native of California & have always resided here

I know the place called Las Llagas. It is situated between seven and Eight leagues South of the Town of San Jose in the County of Santa Clara. I have known it Since 1840. It was then occupied by Carlos Castro the continued to occupy it until he sold it to Murphy the present claimant. Castro had about two thousand head of cattle on the place & two or three hundred head of horses and mares - he had a house on it & cultivated to the extent of about 500 acres each way. He had some fruit trees & grape vines. Murphy has occupied the land by the same body to the present time.

I am acquainted with the hand writing & signatures of Jose ~~Jose~~ Ramon Estrada, Carlos Castro, Michel Torena Gumeno & Manuel Dias -

I have examined the several signatures of same persons appearing upon a paper now shown me & marked No 1 & find & have no doubt that the signatures are genuine & that the paper is a genuine original paper

In answer to questions by the Law Agent the Witness says he thinks the distance of the nearest part of the Rancho from the Sea Coast is ten leagues -

Antonio Ma Pico

Sworn & subscribed before me
Eleanor Hall
Com

Teste Office May 4th 1852
Geo. Fisher Secy

Deposition of Manuel Jimeno

San Francisco Feby 1. 1853

On this day before Wm Talbot Hall came Manuel Jimeno a witness in behalf of the Claimant Daniel Murphy et al petition No. 25 and was duly sworn his evidence being interpreted by the Secretary The U. S Associate Law Agent was present

Manuel Jimeno a Witness on behalf of the Claimants being duly sworn testifies as follows

Questions by Counsel for Claimants

1st What is your Name age and residence?

Answer. My Name is Manuel Jimeno. I family sign my Name Manuel Jimeno Casaus and sometimes Casaus Only, that being One of my family names. I am 49 years Old and reside in Monterey

2. What Office if any did you hold in the month of June 1834.

Answer. I was first Alcalde of the Jurisdiction of Monterey.

3. Do you remember whether as such Magistrate you gave juridical Possession of any land to Don Carlos Castro? If yes, State where it is situated and and the name by which it was known

Ans. I did as such Magistrate give juridical possession to Carlos Castro of a tract of Land called San Francisco las Llagas. It is situated about seven or Eight leagues from the Pueblo of San Jose on the road to Monterey.

4. Please Examine the paper here shown you and say whether it is genuine and whether it is the Original record of the juridical possession spoken of in your last answer and whatever else you know about said paper. Which paper is Exhibit A attached to this deposition.

Ans. This paper is genuine. It is the Original record made by me of the juridical possession given by me to Carlos Castro as before stated. Said Castro presented to me the application which appears on the first page The remainder of the Document is all in my hand writing Except the signatures of the persons which appear on it. The papers were Executed at the time they bear date. They give a Correct account of the proceedings that took place on the Occasion of said juridical possession. After the conclusion of said proceedings, I delivered the paper here shown me to said Carlos Castro as stated in the concluding lines of the same.

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The rubrica a flourish at the end of the document, and wherever else the same appears on the same and on the maps as my genuine rubrica and was put there for the purpose of verifying said paper. The several signatures thereon of Manuel Jimeno Casarin are my genuine signatures. Juan Ortega Juan Gilroy Jose Candelario Bernardo, Juan Marcos Hernandez and the same Castro were present at such proceedings as their names are attached to their signatures where they appear are genuine they were signed in my presence

3d. What office did you hold in California January and February 1844 and who was Governor of California at the time mentioned

Answer. I was Secretary of the Department of California, and Don Manuel Micheltorena was Governor at that time

Q. Examine the paper here shown you, and which is paper No 1. attached to the deposition of Antonio Maria Pico taken in this case, and state whether the signatures Manuel Jimeno where they appear in said paper are your genuine signatures, Also, if you are acquainted with the signatures of said Micheltorena, and if so, if the signatures purporting to be his are genuine; if the proceedings thereon detailed took place at the time they purport, and whatever else you may know relative to said paper.

Answer. The signature Manuel Jimeno wherever it appears on the paper shown me, is my genuine signature. I am acquainted with the signature of Micheltorena, I have seen him write, and sign his name very often. His signature wherever it appears on said paper is genuine. He usually signed his name Micheltorena, abbreviating it as it appears in the Document. The proceedings detailed in said paper took place at the time they purport. After the execution of them by the final decree of Governor Micheltorena, which appears at the end of the Document, I returned it to Juan Carlos Castro for his security. All papers of those proceedings as Secretary of the Department passed through my hands as Secretary of the Department. They are all genuine.

In answer to interrogatories by the opposing Counsel the Witness says that a denouncement of the land which was made by Manuel Duez was withdrawn by him

Manuel Jimeno

Sworn to & subscribed Before me

Atlanta Hall Comr

Filed in Office Feby 1. 1853 Geo. Fisher Secy

Office of the Board of U.S. Land Commissioners
San Francisco Dec. 7th 1853

Deposition of Clement Panance

This day before Comr. Thompson Campbell came Clement Panance a witness in behalf of the Claimants Daniel Murphy et al Petition No 25 and being duly sworn his evidence being in Spanish was interpreted by the Secretary as follows

1 Quest. What is your age name and place of residence
Ans. My name is Clement Panance. I am thirty seven years of age and I reside at the Mission of San Jose
2d Quest. Were you acquainted with Candelario Castro and if so, State who he died
Ans. I knew Castro. He died in the latter part of June or first of July in the year 1848
Apoderado Juan Alonzo present
Sworn & testimony before Clement Panance
me this 7th day of December A.D. 1853
Thompson Campbell Comr
Filed in Office Dec. 7th 1853
Geo. Fisher Secy

Office of the Board of U.S. Land Commissioners &c. &c.

Deposition of Felipe Castro.

This day before Commissioner Thompson Campbell, came Felipe Castro a witness in behalf of Claimants Daniel Murphy and Bernard Murphy, Petition No. 25. and being duly sworn his evidence being in Spanish was interpreted by the Secretary as follows

1. Quest. What is your name age and place of residence
Answer. My name is Felipe Castro. I am forty five years of age and I reside in the County of Santa Clara
2 Quest. Are you acquainted with the Rancho called San Francisco de las Llagas claimed in this case, and if so, State what you know in regard to its Occupation and Cultivation by Carlos Castro
Ans. I know the said Rancho and have known it ever since the year 1831, it is situated between the Arroyo de las Llagas and the Coyote. Senores. Carlos Castro occupied it ever since the year 1831 and until he died. He had a very good house upon it in which he lived with his family, he had some three thousand head of cattle on it. and upwards of One hundred head of horses and mares. He had corrals for the cattle and horses and had a vineyard. The foregoing improvements were on the place in 1831 and continued to have them until he died
3d Quest. Are you acquainted with the boundaries of said

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of said Rancho, and if so state what they are—
Ans. I am acquainted them but cant describe them
A Pascual Lara agent present
Sworn to & subscribed before me
this 8th day of December A.D. 1853
Felipe his X mark Castro

Thompson Commissioner

Filed in Office Dec. 8th 1853 Geo. Fisher Secy

Case No. 25.

Office of the Board of U. S. Land Commissioners
San Francisco Dec. 8th 1853

Deposition of Jose Armandez

This day before Commissioner R. Aug. Thompson came Jose Armandez witness in behalf of claimant Daniel Murphy et al. Petition No 25. and being duly sworn his evidence being in Spanish was interpreted by the Secretary as follows—
Present J. G. Williams Attorney for Claimant and R Greenhow Esq. Asst. Law Agent.
Witness states his name is Jose Armandez, his age forty three and his residence Santa Clara County
Interpreter by Claimants Atty.
Are you acquainted with the Rancho called San Francisco de las Llagas and if so state what you know of its occupation and cultivation and ~~cultivation~~, by whom was the original grantee:
Answer, I know said Rancho, and have known it since its first settlement in 1827 or 1828 by Don Luis Castro He first placed there about five hundred head of cattle which were subsequently increased to about two thousand and about One hundred head of horses In the same year he built two houses on the land and corrals for the cattle. He occupied one of the houses with his family and the other was occupied by his herdsmen. He also enclosed some of the land, planted an Orchard, had a garden and cultivated a portion of the same. Said Castro continued in the occupation of said Ranch until he sold it to Mr Murphy some six or seven years ago
Jose his X mark Armandez
Sworn to & subscribed before me
this Dec. 19. 1853
R Aug Thompson Com
Filed in Office Dec. 19th 1853
Geo Fisher Secy

Office of the Board of U.S. Land Comrs. &c.
San Francisco Dec. 7. 1853

Deposition of J.A. Castro

This day before Comr. Thompson Campbell came Jose A Castro a witness in behalf of the Claimants Daniel Murphy et al Petition No. 25. and being duly sworn his evidence being in Spanish was interpreted by the Secretary as follows

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1 Quest. What is your name age and place of residence
Ans. My name is Jose A Castro. I am thirty eight years of age and I reside in the County of Santa Clara
2 Quest. Were you acquainted with Carlos Castro the Original Grantee in this case and if so, state whether he is living or dead
Ans. I have known Carlos Castro the Original grantee of the Rancho of San Francisco de los Gatos, he is dead but I do not recollect the precise time when he died it was either the year when the gold mines were discovered or the year after. I saw him after he was dead It was my uncle.
3 Quest. What Children and heirs did he leave and what were their names?
Ans. He left his only son Guillermo Castro and his wife Rosario, Mother of Guillermo
4 Quest. Was the death of Carlos Castro subsequent or previous to the year 1848.
Ans. I dont recollect the date.
Upon which Sam Agent present. his
Jose Narciso Castro
mark
Sworn to & subscribed before me
this 7th day of December A.D. 1853
Thompson Campbell Comr
Filed in Office Dec. 7th 1853
Geo. Fosh Secy

Office of the Board of U.S. Land Commissioners &c. &c
San Francisco December 7th 1853

Deposition of E Montenegro

This day before Commissioner Thompson Campbell came Eugene Montenegro a witness on behalf of Claimants Daniel Murphy and Bernard Murphy Petition No. 25 and being duly sworn his evidence being in Spanish was interpreted by the Secretary as follows
1 Quest. What is your name age and place of residence
Ans. My name is Eugene Montenegro I am forty five years of age & I reside at Monterey
2 Quest. Are you acquainted with the signatures of Jose Figueroa and Augustin V Zamorano and if so, state your

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means of knowledge, and look upon the document now shown you and marked J.C. No 1 and state whether the signatures where they appear on said document are in their hand writing &c

Ans. I have examined said document and recognize said signatures as their genuine signatures, where on they occur on said document. I have frequently seen them both write, I am a brother in law of said.

J Figueroa (Apoderado Sus Cegue presente)

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Sworn to & subscribed Eugenio Montenegro
before me this 7 day of
Dec. A.D. 1853
Thompson Campbell Com.

Filed in Office December 7th. 1853
Geo Fisher Secy

Office of the Board of the U.S. Land Commissioners
San Francisco Dec. 28. 1853

Deposition of Manuel Castro

This day before Commissioner Alpheus Felch came Manuel Castro a witness in behalf of claimants Daniel Murphy et al Petition No. 25 and being sworn his evidence being given in Spanish was interpreted by the Secretary as follows-

Questions by Mr Williams Atty for the claimant

Quest. What are your name age & place of residence?

Answer. My name is Manuel Castro, my age thirty two years and I reside at Monterey in California

2d Question. Are you acquainted with the Rancho called San Francisco de las Llagas claimed in this case? if you, state its boundaries

Answer. I am acquainted with said Rancho and know its boundaries. It bounds on the South by the Rancho de las Animas belonging to the Castros on a hill called La Loma de Linares; on the South East it joins on a part of the Rancho San Isidro belonging to Arce On the North it adjoins the Rancho of Ojo de la Coche belonging formerly to the Soumandez and the Rancho of Laguna belonging to Alvarez; On the East it is bounded by the Mountains and on the West also by the mountains. The hill called Loma de Linares has always been known as one of the boundaries of the Rancho and the road leading from San Jose runs along on the side of said hill.

3 Quest. Look on the map now shown to you being annexed to the deposition of Manuel Jimeno and being part of Doc. No 1 with the initials J.C. J.C. thereon hereto fore

filed in this case, and indicate the position on said map of the hill mentioned in your last answer.
Ans. I have Examined said map and I find on the same the road leading from San Juan to the Town of San Jose represented by a dotted line and traversing said tract of land nearly in the center. I also find on said map a line representing the boundary between this Rancho and that of Mariano Castro crossing said road at right angles. The line drawn from said Road to the boundary line in a curved form on said map represents the above mentioned hill Lomita de Linares; all of which marks representing the said, the road and the boundary line are correctly put down on the map. The hill is on the right hand side of the road as you go from the Town of San Jose to San Juan Bautista and is on the West side of said road
Quest. How far above the Arroyo is it to the point where the North Western boundary crosses said road
Ans. About One Mile.
Sworn & subscribed before me this 28th day of December 1853. Mr Greenhow Associate Law Agent was present at the taking of this deposition but propounded no interrogatory to the witness

Manl. Castro

Alpheus Felch
Commissioner

Filed in Office Dec. 28th 1853
Geo. Fisher Secy

Case No. 35
deposition of
J. J. P. Mesa

Office of the Board of U. S Land Commissioners &c &c
This day before Commissioner R Augustus Thompson came Jose Jesus Polecarpeo Mesa, a Witness in behalf of Claimant Daniel Murphy et al Petition No. 35 and being sworn his Evidence being in Spanish was interpreted by the Secretary as follows(Present Claimant's atty and U. S Assist Law Agent—
Witness states his name is Jose Jesus Polecarpeo Mesa. his age fifty four years and residence Santa Cruz County California
Question by Claimant's Atty. Are you acquainted with the Rancho called San Francisco de las Llagas claimed in this case. If so state its boundaries and also the quantity of land contained within it—
Ans. I know said Rancho, and have known it ever since the year 1827. I also know its boundaries—They are as follows. From the Potrero de las Llagas to the Lomita de Linares on the line of the Monterey road. and

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extends from Mountain to Mountain on the East and West and is two leagues long by One league in breadth the length being from Mountain to Mountain and the breadth from the Sierra Potrero to the Sonoita

Jose Jesus Pole his X mark Carpio Mesa

Sworn and subscribed before me Dec 21. 1853

R Aug Thompson Comr.

Filed in Office Decr 21st 1853 Geo. Fisher Secy

Deposition of Teodoro Bracy

Office of the Board of U.S. Land Commissioners &c. &c.
San Francisco Decr 16th 1853

This day before Commissioner Alpheus Felch came Teodoro Bracy a witness in behalf of claimants Daniel Murphy and Bernard Murphy Petition No 95. and being duly sworn deposes as follows.

Question by Mr Williams for the claimants

1st Question. What are your name age and place of residence

Answer. My name is Teodoro Bracy my age is twenty seven years and I reside in Alameda County California.

2d Question. Look on the paper now shown to you marked "Exhibit No 1" with the initials A F and annexed to the deposition of Charles M Wells taken & filed in this case this day, and state whether or not the signatures of Benjamin F Buckmell, Teodoro Bracy and Maria del Rosario Garcia whenever they occur in and upon said document, are their genuine signatures if you. State your means of knowledge.

Answer. I have examined said document. The signatures of said Buckmell thereon are his true and genuine signatures. I have seen him write and know his signature. My own signature on said instrument was written by myself. I signed as a witness to the deed at the request of William Castro at the time the same was executed. When Maria del Rosario Garcia was called on to sign her name William Castro stated she could not write her name; he did so and then she made her mark to it William Castro was her son. Previous to making her mark she was asked if she knew the contents of this writing and she answered that she did, and when she made her mark she was asked if she did it with her free will she said she did

Mr Green how official Land Agent was Teodoro Bracy present at the taking of this Deposition but propounded no questions

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Deposition of Chas. Weber

Subscribed and sworn to before me this sixteenth day of December 1853 — Alpheus Felch
Commissioner

Filed in Office Decr. 16th 1853
Geo. Fisher Secy

Office of the Board of U. S. Land Commissioners &c. &c.
San Francisco December 16th 1853

This day before Commissioner Alpheus Felch came Charles M Weber a witness in behalf of Claimants Daniel Murphy and Bernard Murphy Petition No. 25 and being sworn deposed as follows viz.

Questions by Mr Williams Attorney for claimants

1. Question. What are your name age and place of residence

Answer. My name is Charles M Weber, my age is thirty nine years and I reside at Stockton in California.

2. Question. Are you acquainted with the handwriting of Guillermo Castro, Antonio Maria Osio and Carlos M Weber if you, State your means of knowledge, Look on the paper now shown to you marked "Exhibit No 1" with the initials A. F. purporting to be a deed from Guillermo Castro and others to Don Diego and Daniel Murphy of the place called San Francisco de las Llagas and answer to this deposition; And state whether the signatures of the above mentioned persons when they occur in and upon said document are their genuine signatures

Answer. I am intimately acquainted with the handwriting of said Guillermo Castro through frequent business correspondence, and the signature appearing as his on this document is his genuine handwriting; it was made by him in my presence at the date mentioned in the document My own name appearing thereon as a subscribing witness was written by me at the same time. I also recognize the handwriting of Antonio Maria Osio another witness to said deed to be his own and genuine signature. It was subscribed by him in my presence and at the time above mentioned — I had also been acquainted with his handwriting for years previous. I am well acquainted with the handwriting of Charles Weber — and the signature appearing as his on said Document is his genuine signature I know him to be at the time of the date of said instrument First Alcalde of the Pueblo de San Jose

Charles M Weber

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Mr Greenhow Associate Law Agent was present at the taking of this deposition but propounded no interrogatories — Subscribed and sworn to before me this Sixteenth day of December 1853 Alpheus Felch Commissioner

Filed in Office December 16th 1853
Geo. Fisher Secy

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Sello Tercero Dos Reales: Habilitado provisoriamente por la Aduana maritima del puerto de Monterrey, en el Departamento de las California para los años de mil ocho cientos cuarenta y mil ocho cientos cuarenta y uno.

Antonio Maria Osio

Doc.t annexo X menos to the deposition of Antonio Mapico.

Sellado

Revalidado para los años de 1842. y 1843.

Estada. Manl. Castañares
Sor Prefecto del 1er Distrito.

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Monterey Marzo 6 de 1843. Se le concede al que representa el permiso que solicita para que saque sus bienes de Campo por el termino de un año del Rancho que actualmt. posee. Estada.

Carlos Castro natural de este Departamt., y vecino de este partido ante la justificacion de V. S como mas haya lugar en dro digo que no conviniendome en la actualidad por los frequentes perjuicios que causan los Indios barbaros en las vidas è interes de los habitantes del Distrito permanecer en el Rancho de mi propiedad propiedad de Sr. Juan de Castro y deseando no perder el Dro: de posecion y adquisicion legal al indicado terreno, Casa, Corral y demas que en el tengo establecido à V.S suplico se digne concederme el permiso para trasladar mis bienes de campo à un sitio mas apropósito para su reduccion y progreso por el espacio de diez à once meses, sin que en este tiempo pueda ser denunciable por otra persona mi mencionada propiedad. P.D. A. V.S. suplico se sirva acceder à mi peticion por ser asi de justicia jurando lo necesario. V.E.
Monterey Marzo 3 de 1843.

Carlos Castro.

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Sello Quinto un Real. Habilitado provisional mte. por la Aduana Maritima del puerto de Monterey en el departamento de las Californias para los años de mil ocho cientos cuarenta y cuatro y mil ocho cientos cuarenta y cinco.

Michel Torena Pablo de la Guerra

Sellos

E. S.

Carlos Castro natural de este Depar.to Monterrey En.o 15 de 1844 ante la justificacion de V. E. como mejor haya lugar hace presente Inf.e el. S. Sr.io que siendo pacifico poseedor del del despacho terreno nombrado San Fran.co mando estos si de las Llagas sito en la demar= necesitare. cacion de S. Juan en el q.e desde Michelt.a esa fha ha vivido con su familia y lo ha fomentado del mejor modo à sido posible, estabiliendo casco corrales y demas casas necesarias para su fomento, y ocupadolo con un pie considerable de ganado va= cuno y caballar hasta el año de 1843. en el q.e le fue preciso dirigir al S. Prefecto de este Distrito una representacion para q.e le permitiese por el termino de un año sacar sus bienes de dho lugar por los motivos que en ella se espresan y Original adjunto à esta à lo q.e su se= ñoria seguram.te penetrado de la justa causa de ella accedio por decreto de 6 de Marzo del mencionado año; y existiendo aun las mismas causas suplico à V. E. se digne mandar se me prorogue por otro año el permiso concedido por el Sor Prefecto, pues de lo contrarme seria indispensable el volver mi ganado y en tal caso lo espondria de nuevo al continuo latrocinio a que da lugar la situacion del enunciado paro je. Por tanto. A. V. E. suplico se sirva acceder

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à esta instancia por creerla de justicia de lo q.
el esponente recibira merced y gracia jurando
&c. Monterey Enero 12 de 1844
Carlos Castro
Excmo Sor Gobernador.
El terreno que nombran de las Llagas lo ha
cultivado y ocupado Dn. Carlos Castro hace
mas de doce años hasta el año p.p.do que la
Prefectura le dio una licencia de un año para
que pudiera sacar sus bienes por las razones
que manifiesta en su escrito de fha 9. de Mro
ultimo; y como ahora dice que existen las mis
mas causas: para no asistir à su dho terreno
creo que se le podrà revalidar la licencia que
pide, pero bajo la condicion que si, pasado este
tiempo no buelve à ocuparlo que entonces se le
concedara à Dn. Manuel Diaz como primer
denunciante y no habra lugar à ninguna supli
ca que despues interponga mas la determinacion
de V. Ser à la mas acertada.
Monterey 15 de Enero de 1844.
Manl. Jimeno
Monterey Eno. 19 de 1844.
Pasese à D. Manl. Dias p.a q. impuesto diga si
es conforme. Michelt.a
Como dispone el Excmo Sor Gob.dor pase al Sr.
Dn. Manl. Dias p.a que se sirva contestar.
Monterey 19 de Eno. de 1844.
Manl. Jimeno
Exc.o S. Gobernador
Aunque yo pueda provar que el terreno nombrado
Las Llagas que el año de 1833 fue concedido al
Sr. Dn Carlos Castro estaba abandonado antes
del 7 de Marzo del año pasado en que el Sor
Prefecto le concedio permiso p.a estacar del
sus bienes y apesar de que dho permiso en

nada perjudica à mi derecho, por carecer dho
S. Refecto de facultades para revocar una con
dicion terminante bajo la cual obtubo el S.
Castro dho terreno; me conformo sin embargo
en que si V. E. lo tiene à bien le prorogue à dho
Sor Castro por un año mas el termino en el cual
debe fundar el Rancho, conservando yo mi
derecho à el caso q. pasado el termino prefija
do dho Sor no lo hubiese fundado. Pero como
mi solicitud no se contrajo unicamente à
los dos sitios de Ganado mayor que à dho
S. Castro concedio el sup. Gobierno Departam.
en el año de 1833 sino à todo el terreno que
hubiese valdio entre el Rancho de las Limas
perteneciente à los herederos del finado S. D.
Pello Quinto Un Real. Habilitado provicion
al m.te por la Aduana maritima del puerto
de Monterey, en el Departamento de las Cali
fornias, para los años de mil ocho cientos
cuarenta y cuatro y mil ocho cientos cuarenta
y cinco.

Michel Torena Pablo de la Guerra.

Real.

Mariano Castro y el Rancho del Sr.
D. Juan Alvres y siendo notorio q.
hay mucho mas terreno del q. perte
nece à dho S. Castro. A. V. E suplico se si
va concederme la propiedad de todo el ter=
reno que resultare valdio entre los Sres Dn.
Carlos Castro y Dn. Juan Alvrez quedando
siempre mi derecho à salvo, al terreno ocupado
por D. Carlos Castro en el caso de que no fun
de el Rancho en el Sto. prefijado.

Monterey Enero 20 1844

Man.l Diaz

Monterrey Enero 22 de 1844.

Por concedido el permiso de un año mas

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contado de la fha en los terminos q.e el nuevo denunciante consiente. Notifiquelo à las partes la Dria. Anotelo y q.e formen de enterados

Michel

Como dispone el Escmo Señor Gobernador y siendo presente el S. D.n Man.l Dias se le notifico el Sup.r decreto de fha de hoy y entendido de el dijo. Que es conforme con que al S.r D.n Carlos Castro se le prorogue por un año mas contado desde esta fecha el tiempo en que debe poblar los dos sitios de ganado mayor que tienen concedidos en las llagas, perdiendo à ellos todo derecho si no lo verifica y pasando este al que expone como primer denunciante; pero que igualmte reproduce que el sediendo de los dos sitios mencionados el terreno que media entre los herederos de D.n Mariano Castro y D.n Juan Alvirez, pide que desde ahora se le de la propiedad de todo lo que resultare Valdio entre los dos Ranchos indicados y p.a la devida constancia lo firmo en Monterey @ 22 de Enero de 1844

Man.l Diez

En seguida y presente el S.r D.n Carlos Castro se le notifico, el superior decreto de fha: de ayer y entendido de el dijo: Quedar advertido de la proroga de un año que el Gob.o le concedio; pero que en cuanto al terreno sobrante que dice el señor D.n Manuel Diaz lo denuncia y pide se le conceda en propiedad; que estraña se solicite lo ageno porque habiendo ocupado (el que habla) el terreno de las Llagas desde el año de 1828 y obtubo su concesion en el año de 1834 que desde aquella fha lo ha disfrutado pacificam.te y aunque en la concesion se dice de

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dos sitios, pero el Gobierno de entonces dis entonces
dio orden para que se le diera posecion juridi
ca de la estencion que demarca el diseño res=
pectivo y que al tiempo de la posecion se le
señalaran sus linderos, los cuales han sido
en todo tiempo reconocidos por sus colindan
tes, y por los que conocen el terreno, y aunque
el Sor Dias diga que solamte se han dado
dos sitios, pero que el que habla dice tener
derecho à todo el parage mencionado por
haber hecho la aprehencion real y corporea
de el, y con la ocupacion verdadera que
no han tenido tal vez otros y que siendo el
primer poseedor de buena fè, con la circun=
stancia de ser uno de los fundadores de
este paiz, debe cedercele en justicia y derecho
el sobrante que halla, pues basta el tiempo
de 15 años que lo ha ocupado para que de qua
lesquiera modo legal que sea, se reconosca
por suyo el terreno que està dentro de los
linderos señalados en la posecion juridica
que se le dio la cual suplica al Gobierno que
se la ampare y defienda y haga respetar su
propiedad para que ninguno con pretextos
injustos pretenda turbar la ocupacion q.e
ha tenido en los terminos que tiene referidos
y lo firmo en Monterey a 23 de Enero de
1844. Carlos Castro.

Excmo Sor Gobernador.

Se ha notificado à las partes el superior de
creto de V. E de Ayer y con lo que han contes
tado tengo el onor de devolverle el Espediente
para las ulteriores disposiciones de V. E.

Monterrey Enero 23 de 1844

Man.l Jimeno

Monterey En.o 23 de 1844.

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Se notifique el C. Castro documentos dumtos su posecion y orden p.a ser mayor de la estencion concedida

Michetorena

Exmo Sor Gobernador.

Carlos Castro de la vecindad de este Departamento ante V. E. con el debido respeto hago presente: Que en obedecimiento al superior decreto de V. E. de 23 del mes pp.do acompaño los documentos de posecion juridica que me dio el juez de este lugar desde el año de 1834. por ella se dignara V. E. de imponerse que se me señalaron mis correspondientes linderos y desde entonces han sido reconocido por mis colindantes y por los que conocen el terreno por que à mas de la posecion juridica que se me dio tengo la ocupacion primera desde el año de 1828 consecutivamente hasta el año pp.do que se me dio licencia para sacar mis benes por las razones que tengo manifestadas por separado y por cuya razon me he considerado con dominio à todo el terreno que se me midio, y si en el titulo que en el año de 24 se me dio solamte. dice de dos sitios pero es conforme al terreno que tengo y como no solamte. yo sino otros muchos nos hemos sugetado à la medicion que de buena fè y à su modo de saber y entender hacen los medidores en las posesiones como vera V. E. en la diligencia de fha 24 de julio del mismo año de 1834 por esta causa me he creido dueño à todo el terreno y si los medidores declararon haber

Seal.

Monterrey Febrero 13 de 1844 Ll.mm

El C. Secio del despacho con presencia de todos los documentos q.e el mas escrupuloso examen de los antecedentes informara en justicia

Michelt.a

menos terreno de lo que realmente hay eso no es defecto mio que pueda perjudicar à mi derecho porque desde entonces reconozco por mio lo medido y señalado por medio de linderos. Yo estoy bien persuadido que si en aquel tiempo y aun el presente si el Gobierno atendiendo à mis derechos à mis servicios prestados al Pais y à la buena fè con que desde un principio he ocupado el terreno con casa, lavores y bienes semovientes de todas clases, favoreciendo al publico con hospedaje y auxilios que ha necesitado y sirviendo al Gobierno con la conduccion de correos, aprehension de profugos y con cuantos otros auxilios se me han pedido. Todo esto que manifiesto es para demostrar que he adquirido el dominion legal à todo el terreno bajo los principios que establece el derecho tanto por la ocupacion que hize de todo el desde el año de 28 como por el titulo de dos sitios que despues se me dio: conformando toda la estencion la posecion juridica que se me dio. P. Y. A. V. E. suplico que en consideracion à la fuerza de la justicia que me asiste declare por mio el terreno que se ha pretendido denunciar de lo que recibire gracia y justicia juro &c. Monterey Febro 13 de 1844.

Carlos Castro.

Por Gobernador.

Cumpliendo con el superior decreto de V. E. de 13 del corriente he reunido los antecedentes y demas documentos pertenecientes à este espediente y con presencia de todo he hecho el mejor escamen que he podido y por el primer escrito de fha de 19 de Dbre ultimo veo que el Sor Dn Manuel Dias hace denuncio de los Ranchos de las llagas y Ojo de la Loche y

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y despues en fha 20 del mes p.p.do desiste de su pretencion reservando su derecho en caso que el Sor Dr. Carlos no cumpla con lo estipulado en su titulo pero como en su denuncia dice q.e no solamte se contraya à los dos sitios del terreno Dello Quinto im Real: Habilitado provicionalmte 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.

Michel Torena Pablo de la Guerra

Sellado.

de las Llagas si no à todo lo que hubiera valdio entre el Rancho de las Animas y el de Dn Juan Alvirez; à esto opino que no habrà un sobrante que yo conosco pues por parte del Sor Castro contesta lo que se ve en su escrito de 23 del mes p.p.do y 13 del actual y en mi concepto dà razones que lo faboresca, no solo à los dos sitios que se le concedieron si no à todo el terreno que se le midio en la posecion porque basta el señalamiento de limites que se le hicieron para que el reconoca un dominio à todo el terreno señalado judicialmente y ocupado con sus bienes desde antes de la posecion; y con respecto à la parte de el parage de la Cocha este fue concedido al vecino Juan Ma. Hernandez, y despues fuè quitado por el Sor Alvirez segun se me ha informado por que decia que le pertenecia à su terreno de la Laguna seca y por cuya causa tubo que salir el Sor Hernandez; asi pues para saber si verdaramte hay algun sobrante era necesario que se midiera el terreno del Sor Alvirez para ver si resultaba alguno pte que p.a mi modo de entender creo que el Sor

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Castro es dueño y tiene derecho à todo el terreno de las Llagas medido en la posecion. Por lo co=puesto V. E. podrà resolver que tubiere à bien. Monterey 14 de Febrero de 1844

Manl. Jimeno

Febro 17 de 1844.

Diciendo ahora el S. Castro q. no mas q. lo tiene juridicamente en posecion concedido no encuentra inconvini=ente declararlo asi este Gobrno. una Vez q. ha retirado su denuncio Dn. Manuel Di=az.

Michelta.

Filed in Office May 5th 1852

Geo: Fisher Secy.

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Espediente

Stamp Third Two Reals

Provisionally authorized by the Maritime Custom House of the Port of Monterey for the years 1840 & 1841
(Signed) Jimeno (Signed) Antonio Maria Osio
Revalidated for the years 1842 & 1843
(Signed) Estrada (Signed) Manuel Castanares

Maritime Custom House of Monterey

To the Prefect of the 1st District

Carlos Castro Native of this Department and resident of this District, before your Honor's Authority in the most legal way say; That on account of the frequent injuries which the wild Indians cause to the lives and property of the inhabitants of this District, it would not suit me at present to remain in my own Rancho, situated in the jurisdiction of San Juan de Castro; and wishing not to forfeit the right of possession and legal acquisition of the said Same House pen (corral) and the other things I have there established, I beg your Honor to deign grant me leave to remove my Stock to a more suitable place for the improvement and increase of the same for a term of 10 or 11 months; and thus ensure that during that time my property be not denounced by any other person—

Wherefore I beg that your Honor will be pleased to grant my petition which is founded in justice making Oath of all that is necessary

Monterey March 3rd 1843 — (Signed) Carlos Castro

(In the margin) Monterey March 6th 1843

The permission asked for by this claimant is granted to him that he may withdraw his cattle for one year from the Rancho he possesses at present (Signed) Estrada

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Decree

Excellent Sir; I Carlos Castro, native of this Department, before your Excy Authority, in the most legal form represent: That I possess peacefully the tract of land called "San Francisco de las Llagas" situated in the precincts of San Juan, where I have resided with my family and have improved the same to the best of my ability having put there a house and other things necessary to its improvement and occupied with a considerable number of neat cattle and horses until the year 1843 when I was compelled to apply to the prefect of this District with a petition that he might allow me to withdraw for one year my cattle from said place, for the reasons therein expressed; which original petition I hereunto annex. Your Honor penetrated

of the Justice of my petition, granted my request by a decree issued on the 6th of March of the same year; and as the same causes still exist, I beg that your Excy will design command that the permission granted to me by the Prefect be extended to another year; because otherwise it would be impossible to me to replace there my cattle, for in that case I would expose and to the continual robbery caused by the location of such place — Wherefore I beg your Excellency to grant my request, which I consider conformable to justice in what I expect to receive kindness and favor & I make oath &c. Monterey Jany 12th 1844

(Signed) Carlos Castro

(In the margin) Monterey Jany 15. 1844
Let the Secretary of State report taking information if necessary (Signed) Micheltorena

Excellent Sir the Governor: The land called "las llagas" was cultivated and occupied by Don Carlos Castro for more than twelve years, until the year last past when the Prefect gave him permission to withdraw for one year the cattle therefrom for the reasons he states in his petition dated 3rd March ultimo and as he says now, that the same causes exist and prevent him from occupying such land, I believe that the permission he asks for, may be granted him but under the condition, that if when that time is up, he does not occupy again his place, the same shall be granted to Don Manuel Diaz, who is the first person that has denounced it, and not admitting any other petition he may present after — But your Excys decision will prove the best

Monterey Jany 15th 1844 Manuel Jimeno

Monterey Jany 19th 1844
Let it be referred to Don Manuel Diaz who after being informed, may say whether he conforms the foregoing opinion (Signed) Micheltorena

As directed by his Excellency let it be referred to Don Manuel Diaz who will be pleased to answer
Monterey Jany 19th 1844
(Signed) Manuel Jimeno

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Exct. Sir the Governor

Although I may prove that the land called "las llagas" which in the year 1833 was granted to Don Carlos Castro was abandoned before the 7th of March of the year last past, when the prefect granted him permission to remove his cattle therefrom, and notwithstanding that said permission does not affect my right; because the Prefect has no authority to repeal a conclusive condition under which Señor Castro obtained said land, I confirm nevertheless to your Excys granting to said Castro, if you consider proper, the term of one year more in which he must establish the Rancho, reserving my right to the same, in case that after said term being elapsed, the referred person should not have established the same. My petition is not only for two square leagues (dos sitios de ganado Mayor) granted to said Castro, by the Superior Departmental Government in the year 1833; but for all the vacant lands situated between the Rancho "de las Animas" belonging to the heirs of the deceased Don Marcano Castro, and that of Don Juan Alvares; and as it is obvious that there is much more land than that belonging to said Castro — I beg that your Excellency be pleased to grant me the property in fee of all the lands which may result to be vacant between the lands of Don Carlos Castro and those of Don Juan Alvares; so as to, at all events secure my right to the land occupied by Don Carlos Castro if he should not establish his Rancho during the prefixed term. Monterey Jany 20th 1844

(Signed) Manuel Diaz

Monterey Jany 22nd 1844

Permission for one year more from the present date is hereby granted, upon the terms agreed to by the person who has denounced unto the land. Let the Secy notify the same to the parties and note it down; & let them sign the acts as a proof of their having been informed of the same

(Signed) Micheltorena

As it has been ordered by His Excy the Governor, Don Manuel Diaz being present was notified of the superior decree of this date, and having understood it he said: That he agrees that Don Carlos Castro be allowed one year more from the present date, to settle the two square leagues (dos sitios de ganado Mayor)

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which have been granted him in "Las Llagas" and that Castro shall forfeit all his right to it if he does not settle in that same the land; which shall be transferred to the petitioner as the first person who has denounced it. He also represents that, as the land mentioned, between that of the heirs of Don Mariano Castro and that of Don Juan Alvarez exceeds the two square leagues above mentioned, he now asks that that vacant Land Excess between such ranchos be granted to him in fee. In witness whereof he did sign it in Monterey the 22nd of January 1842.

(Signed) Manuel Diaz

Immediately after, Don Carlos Castro being present was notified of the superior decree of yesterday's date and having understood it he said: "That he acknowledges the possession for one year more the Governor had granted him; but as to the surplus which Don Manuel Diaz denounces and begs should be granted to him in fee, he wonders how Diaz can petition for another's property; because the present claimant has occupied the tract of land called "Las Llagas" from the year 1828 obtained the grant thereof from 1834; and

23 although the grant recites two square leagues (dos sitios de ganado mayor) the Government at that time ordered that possession should be given to Castro of the land marked out in the respective plat, and that when possession was given they should mark out the boundaries, which have at all times been acknowledged by his Co-terminous neighbors, and by those who know the location; Notwithstanding that Don Diaz says there were only two square leagues granted, Castro replies that he has a right to add the above mentioned place; because he took real and corporeal possession thereof, and because he has positively occupied the same which has perhaps not been the case with the other places that have been granted; he having been the first bona fide possessor of it as well as one of the pioneers bounded to this Country: therefore the right to the surplus land which may result must in justice, be granted him. His having possessed said land during 15 years entitles him in any legal way, to be acknowledged as the owner of the land lying within the boundaries marked out by the preceding possession given him, which he asks Government to protect and defend him

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in, and to direct that such property be respected, and that no persons with unjust pretexts may ever disturb him in the Occupation he has Obtained as above States; And he signed it in Monterey the 23rd Jany 1844 Signed Carlos Castro

Excl. Sr the Governor

Your Excy's yesterday's superior decree has been notified to the Claimants, and I have the honor to transmit to you the Expediente with their Statement for Your Excy's further action

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Monterey January 23rd 1844 (Sgd) Manuel Jimeno

Monterey January 23rd 1844

Let Don Castro prove by documentary evidence his possession, and the Order which enlarges the Extent of Land granted to him by Juan Bautista (Sgd) Micheltorena

To his Excellency the Governor

I Carlos Castro of the vecindy of this Department before your Excy with due respect represent; That in Obedience to your Excy's Superior Decree of the 23rd Ultimo I annex herewith the document of the primitive possession given to me by the Juez of this place since 1834. By it your Excy will please be informed that my Cows pinding boundaries were marked out, & from that time have been acknowledged by my Commoning neighbors, and by those who know the location; because, besides the primitive possession given to me, I occupied the Land from the year 1828 consecutively until the year last past, when a permission was granted to me to withdraw my Cattle for the reasons I stated separately for which I have considered myself invested with all the Land which was measured; And if the title given to me in the year 1834 reads only two Square leagues it refers nevertheless to the Land that I have, and in as much as not only myself, but many others, have subjected ourselves to the Admeasurement made by the Measurers bona fide, and to the base of their Abutters in the ~~[illegible]~~ possessions as your Excy will see in the legal proceeding dated 24th July of the same year 1834 — from this fact I have considered myself Owner of the whole tract of Land; And if the measurers declared there was less Land than there really is, it is not my fault and it cannot affect my right; because since that time I counted as mine all that which was measured and marked out

by land marks — I am well persuaded that Government at that time would and now at present will grant my request, if it attends to my rights, to my services rendered to this Country, and to the good faith with which from the beginning, I have occupied the land with house, cultivation and personal property of every kind. Moreover I have been hospitable to travellers in need I have served Government, in the Conveyance of mails in arresting fugitives, and in rendering other services of me required. I state all this to show that I have acquired the legal right, over all the land, under the principles established by law, as much through the occupation of all the Land which I enjoy since 1828 as through the title for the two Square leagues which were officiously granted to me: the whole Extent being confined, by the aforesaid prudent possession Wherefore I beg your Excy that in consideration of the Justice in my favor, the land which they have intended to denounce, should be declared to be my property; by which I shall receive kindness and Justice and I make Oath &c

Monterey Feby 13th 1844

Synor Carlos Lasuto

Excel. Sir the Governor: In compliance with your Excys superior decree of the 13 instant I have collected the precedents and all other Documents pertaining to this Expediente, and in view of them all, I have Examined the Subject, to the best of my ability, and by the first One dated 19th December ultimo. I see that Senor Don. Manuel Diaz denounces the ranchos of "Las Llagas" and "Ojo de la Loche" as free areas on the 30th ultimo he desists from his Claim, reserving his right in Case that Senor Don Carlos Lasuto do not fulfil the Conditions of his title; but as in his denouncement he says, that he does not limit his petition for the two Square leagues of Land called Las Llagas but that he asks for all the Vacant Land lying between the Ranchos of "Las Animas" and that of Don Juan Alvarez. In regard to that I am of Opinion that there will be no Surplus (that I know of) because Senor Lasuto answers what may be seen in his papers dated the 23rd ult. and the 13th instant. and in my opinion they Contain reasons entitling him not Only to the two Square leagues granted to him, but to all the Land measured for him at the time possession was

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given to him: in as much as the marking out of the boundaries made in his favor are sufficient to make him cognizant that he has a right over the whole land peculiarly marked out and occupied by his cattle before such possession. In regard to the place called "La Cocha" it was granted to the neighbor Juan Maria Standay and afterwards sized by Jose Alvarez as I have been informed: because he said that it pertained to his land called "La Laguna Seca" from which fact Jose Amanday had to quit it, so that in order to know whether there is being any surplus, the land of Jose Alvarez must be measured to ascertain that fact according to my own judgment I believe Jose Castro is the Owner of all the land called "Las Llagas" measured at the time that possession was given, and that he has a right to the same. In view of what has been stated, Your Excy will decide as you may think proper. Monterey the 17 February 1844

(Signed) Manuel Jimeno

Monterey Feby 17th 1844

Whereas Jose Castro says now that he wants no other land than that of which possession was given to him this Government has no objection in declaring his right to the same: Don Manuel Diaz having written his denouncement

(Signed) Micheltorena

Office of the Board of Commissioners
of Land Claims

I certify the foregoing to be a correct translation from the Spanish Original annexed to the deposition of Antonio Maria Pico and filed in office

Geo. Fisher Secy

Filed in Office May 14th 1852
Geo. Fisher
Secy

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Sello Tercero Dos Reales: Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterey para los años de mil ocho cientos treinta y cuatro y mil ocho cientos treinta y cinco.

Tejueroa Rafael Gonzales

Sor Alcalde Constitucional

El ciudadano Carlos Castro de esta vecindad ante V. dice: Que haviendo obtenido la concesion propia del Terreno conocido con el nombre de S. Ferneo. de las llagas ocurre ante V para q. se sirva darle la posesion juridica conforme esta prebenido en el articulo 4º del titulo de dho terreno que se le espidio en 3 de Febrero ultimo que debidamente acompaño e igualmente la confirmacion respectiva para que todo sirve los efectos deseados. Por tanto. A. V. suplico se sirva ponerlo en la posesion que solicita en lo que recibira justicia V.

Doc. H. H. No. 1 anx.d To the Dep.. of Man.d Jimeno.

Monterey 23 de Junio de 1834.

Carlos Castro

Monterey 23 de Junio de 1834

En virtud de la antecedente solicitud procedase por mi el Juez à la medicion señalamiento de linderos y posesion judicial que solicita el interesado el dia Veinte y cuatro del mes proximo venidero de Julio para lo que se citaran con veleta de comparendo à los colindantes. Asi yo dicho juez de primera instancia lo decretè mandè y firmè con los de asistencia con quienes actuo por receptoria à falta de escribano publico segun derecho Doy fee. Manuel Jimeno Casarin

Agustin Ortega de asoc.n Juan Gilroy de asoc.n

En la dha presente Dn Carlos Castro se le notifico el auto que antecede y de el entendido dijo. Que lo oye que se daba por citado y lo firmo conmigo y los testigos de asistencia en la forma establecida. Sello Tercero Dos Reales: Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterey para los años de mil ocho cientos treinta y cuatro

y mil ocho cientos treinta y cinco.
Yeguerosa # Rafael Gonzales
Doy fee. Casarin. Carlos Castro.
Quintin Ortega de asoa. Juan Gibroy de Asoa=
En la fha se libaron las voletas que se mandan
en el antecedente auto y para que conste lo rubrique
En el Rancho de San Francisco de las Llagas
à los Veinte y cuatro dias del mes de Julio de mil
ocho-cientos treinta y cuatro en cumplimiento
del auto de fha veinte y tres ultimo concurrieron
los ciudadanos Julian Cantua è Joaquin Cas=
=tro Juan Gibroy, Quintin Ortega, Mariano Castro
y Juan Hernandez colindante de este Rancho
y citados para la medicion señalamiento de
linderos y posecion, nombrè por medidores à
los ciudadanos Canuto Boronda y Juan Her=
nandez quienes previa la aceptacion y juramto
procederian al desempeño de su encargo. Asi yo
el Alcalde lo decretè, mandè y firmè con los de
asistta. Casarin #
Quintin Ortega de asoa # Juan Gibroy. De asoa
En la fha se les notifico el auto que antecede à
los colindantes y entendidos dijeron que lo oyen
y firmò solamte el ciudo. Quintin Ortega por
que los otros no saber hacerlo haciendole yo con
los testigos de asistencia. Casarin
Quintin Ortega # Quintin Ortega de asoa=
Juan Gibroy. Sello Tercero Dos Reales:
Habilitado provisionalmte por la Administra=
cion de la Aduana Maritima de Monterey
para los años de mil ocho cientos treinta y
cuatro y mil ocho cientos treinta y cinco.
Yeguerosa Rafael Gonzales.
En la fha y en el espresado rancho se les notifica
el auto que antecede à los ciudadanos Canuto
Boronda y Juan Hernandez y entendidos dije
ron que aceptan y aceptaban dicho encargo de
medidores y juraron à Dios y à la señal de
la Santa Cruz de usarlo fiel y legalmte à todo
su leal saber y entender sin dolo fraude contra
persona alguna y firmo conmigo solamte el
C. Canuto Boronda, por saberlo hacer el otro
y por ante los testigos de asistencia
Casarin # Josè Canuto # Juan Mn. Hernandez

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Quintin Ortega de Asa: # Juan Gibroy de Asa.
Incontinente yo el referido Juez mandè hacer à mi presencia el cordel con que se ha de medir las tierras y que los medidores lo midan de cincuenta varas y lo firme con los de asistencia.
Casarin # Quintin Ortega de asa # Juan Gibroy
Ante mi
En seguida en presencia de mi el espresado Alcalde y los dichos medidores tomaron un Cordel y con una vara de medir usual mejicana teniendola en la mano midieron cincuenta varas para hacer la referida medicion y para constancia lo rubrique.

En la misma fha yo el espresado Alcalde en Vista de haber espuesto Mariano Castro que el Sacal donde habita esta puesta en el terreno que ha solicitado llamado de Solis, se tomaron en el acto las informaciones necesarias p: los cuidadanos colindantes y concurrientes y resulto que no se conocio por terreno de Solis; el que se trata y por de contado le pertenece mas bien à Dn: Carlos Castro por lo que mando que retroceda mas al Norte su dicha Sacal por no pertenecerle al lugar en donde esta. Asi el Alcalde lo decretè mandè y firmè con los de Asa.
Casarin # Quintin Ortega de asa. Juan Gibroy
Ante mi
Sello tercero Dos Reales: Habilitado provicionalmente por la Administracion de la Aduana Maritima de Monterey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.
Figueroa Rafael Gonzalez.
En seguida espuso tambien el colindante Julian Cantua que el Terreno hasta donde se da posecion à Dn: Carlos le pertenece por el titulo de concecion que tiene y presento por del Sor Gefe sup: Politico con fha de Junio del año proximo pasado; y habiendolo pedido pruevas del que dicho terreno le pertenece por que el titulo no lo esplica, ò no dice los limites, no pudo darlas, à mas de esto por las informaciones que en el acto se hicieron de los colindantes y concurrientes resulto que no se sabrà ni se sabe que el terreno que reclama dicho Julian Cantua le pertenesca pues aunque tiene titulo de con=

=cesion p.- este no espresa sus limites y ni se conocen cuales el fin del terreno conocido por el de Don Isidro y que por ahora no se ha visto mas que ocupado dicho terreno con los vienes muebles c. inmediato à este lugar hay tambien sementeras y viña de D.n Carlos Castro. En vista de todo esto y de no haver cumplido el referido Julian Cantua con las condiciones espuestas en su dicho Titulo de no haver hecho casa ni habitarlo dentro de un año, mande se tomaren las medidas desde el lugar que se oponia el espresado Julian Cantua p.- ser un lugar que señala el Diceño que presento el espresado D.n Carlos Castro. Asi yo el Alcalde decretè, mandè y firmè con los testigos de asistencia = entre renglones = el Diceño = vale # Casarin. Quintin Ortega. De ass.a # Juan Gilroy de ass.a. En el mismo Rancho y en la referida fha siendo como las ocho de la mañana, Yo el presente juez mandè à los mididores nombrados se pongan p.a las mididas de tierras que se han de hacer à D.n Carlos Castro y puesto en el S.D se comenzò la medida tendiendo el cordel al N. O. hasta llegar à la sierra del Nordeste, en donde se midieron ciento setenta y cinco cordeles en donde se puso una banderola; y luego desde el S. a N. doscientas cordeles se midieron en donde se puso una señal con banderola, y luego desde N. E al. (Sello tercero Dos Reales: Habilitado provisionalmte por la Administracion de la Aduana Maritima de Monterey para los años de mil ocho cientos treinta y cuatro y mil ocho cientos treinta y cinco.

Yeguerva Rafael Gonzales.)

S. D. se midieron ciento setenta y cinco cordeles y se puso una señal con banderola: Y luego desde el N.te à Sur.te hasta llegar al lugar donde se comenzo à medir, se midieron doscientos cordeles y poniendose otra señal con una Cruz en un arbol y banderolas se dispuso se formaran mojoneras en cada uno quedando el diceño dibujado en la misma forma que se midio el terreno declarando los dichos mididores haver dos sitios de ganado mayor, faltandole

à cada uno un Cuarto de Legua de Latitud acompañando à este espediente el dicho diseño y para que conste lo firmo conmigo el C. Canuto Boronda y haciendolo el C. Juan Fernandez porque sabe=rlo hacer y por ante los testigos de mi asistencia José Canuto. Boronda # Juan Hernandez.
Casarin # Quintin Ortega de Ass.a #
Juan Gilroy de Ass.a #
En el referido Rancho y en la fha Dn. Carlos Castro vecino de Monterey acompañado del Juez de 1a. Instancia de dicho lugar y testigos. Dijo Dn. Carlos Castro que en virtud de haberselle medido las tierras de este Rancho segun consta en la Diligencia anterior, tomaba la verdadera corporal y real posecion de los espresados sitios de ganado mayor menos un Cuarto de lueg.o de latitud pues le pertenecen con los titulos que obtiene de la concesion q.e de ellas le hizo con fha 3 de Jetiv: ultimo el Sor Jefe sup.r Politico por las facultades que le son conferidas en decreto de 31 de Enero ultimo y de la aprovacion que de esto hizo la Excma Diputacion de este Territorio con fha 17 de Mayo del corriente año entro y paseo por ellas, arranco yerbas esparcio piñadas de tierra rompio ramas de los arboles i hizo otras ceremonias y actos de posecion en señal de lo que dijo tomar y tomaba de dhas tierras. Y mandó el citado Juez de 1a Inst.a que desde entonces lo tubieren y reconocieren por verdadero Señor y poseedor bello Tercero Dos Reales: Habilitado provicion alm.l por la Administracion de la Aduana maritima del puerto de Monterey para los años de mil ocho cientos treinta y cuatro y mil ocho cientos treinta y cinco.
Figueroa # Rafael Gonzales.
de ellas. De todo lo referido pidio dicho Dn. Carlos Castro que para memoria y conserva=cion de lo venidero y de sus derechos por mi el referido Juez le fuese estendida una constancia. Lo que asi fue autorizada con los testigos de asistencia con quien actuo en receptoria à falta de Escribano publico que no lo hay segun ofro. Doy fe.

444

Manuel Simeno Casarin

Deass.
Quintin Ortega #

Deass.
Juan Silvey

En la fha se debolvio este espediente al interesado en q.e utiles y para constancia lo pase por nota q.e lo rubrique.

Filed in Office Feby 1st 1853

Geo: Fisher Deery

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Translation
of
H. H. No. 1

Third Seal: "Two" Reals
Provisionally qualified by the Administration of the Maritime Custom House of Monterey for the years 1834 and 1835 – Figueroa – Rafael Gonzales
Sub Constitutional Alcalde:
The citizen Carlos Castro of this neighborhood, before you says: that having obtained the proper concession of the tract known with the name of S. Francisco de las Llagas he appears before you in order that you will be pleased to give him the juridical possession conformably as is provided in article 4 of the title of sale land which was issued on the 3rd of February last which duly accompanies this and likewise the respective confirmation in order that all shall ~~effect~~ effect the desired end. Wherefore to you I pray to put him into the possession asked for, for which I will receive justice &c. Monterey 23rd June 1834 Carlos Castro
Monterey 23rd June 1834.
In virtue of the preceding petition let it proceed to by me the sub Judge, to the measurement, designation of boundaries and juridical possession, which solicits the interested party in this Expediente, appointing to execute it the 24th of the next month of July, in order that the adjoining neighbors may be cited with warrants of citation – Thus I the sub Judge of first instance decree, orders and signed with those present acting in that behalf for lack of a Notary Public according to Law Attest. Manuel Jimeno Casarin
Witness Quintin Ortega – Met. Juan Gilroy
On the present date, Don Carlos Castro was notified of the preceding act, and having heard it, said that he understands it and consents himself cited and signs with me and the assisting witnesses in the established form, Attest Casarin.
Carlos Castro – Quintin Ortega, Juan Gilroy –
In the same date were delivered the warrants which were directed in the preceding act and I attest it with a scroll. In the Rancho of San Francisco de las Llagas 24th July 1834 in fulfilment of the act dated 23rd ult. the citizens Julian Cantera, Joaquin Castro, Juan Gilroy Quintin Ortega, Mariano Castro and Juan Hernandez adjoining with this Rancho and summoned for the measurement, designation of boundaries and possession, In answer to measurers the citizens Francisco Brandon and Juan Hernandez, who after the acceptance "of such will proceed to the discharge of the charge – Thus I the Alcalde decree

ordered and signed with the assisting. Lucario, Witness
Quintin Ortega Witness Gilroy.
On the same date, was notified to the adjoining neighbors
the preceding Act and alone signed the Citizen Quintin
Ortega, the others not knowing how. I signing with the
assisting Witnesses Lucario. Quintin Ortega, Witness
Quintin Ortega Juan Gilroy
On the same date, and in the ~~same~~ Rancho the prece
ding Act was notified to the Citizens Leandro Boranda
and Juan Hernandez, and understanding, they accept
and will accept said charge of measures, and they
swore before God and the sign of the Holy Cross to do
it faithfully and legally in loyal knowledge and un
derstanding without deed a fraud against any
person; and alone signed it with me the Citizen Lean
dro Boranda — the other not knowing how and
before the assisting Witnesses — Lucario, Jose Leandro Bora
da Juan Ma Hernandez. Witness Quintin Ortega. Witness
Juan Gilroy — Immediately I the said Judge, ordered to
be brought before me the Cord with which the meas
urement was to be made, and that the measurers
should measure it of 50 varas, and I signed with
those assisting — Lucario. Witnesses Quintin Ortega
Witness Juan Gilroy — In pursuance, in presence of me
the said Alcalde and the said Measurers, they took
a Cord, and with a vara of usual Mexican measure
holding it in hand, measured 50 varas in order to
make the said measurement; and in proof I sign
with a scroll (scroll) On the same date I the said
Alcalde, in view of Don Mariano Castro having stated
that the hill where he lives is the place which he
has solicited "de Soles" the necessary information was
taken later from the Citizens adjoining neighbors and
those present, and it resulted that the place spoken
of is not known as the place of "Soles" and is counted
as belonging rather to Don Carlos Castro; wherefore I ordered
that the said Mariano Castro should withdraw further
to the North the said hill (jacal) not belonging to him
the place where he is. Thus the Alcalde ordered and
signed with those assisting Lucario. Witness Quintin
Ortega. Witness Juan Gilroy — In continuation, stated
witnesses the adjoining neighbor Juliana Cantua, that
the place up to which Popejoy was given to Don Carlos
Castro, belonged to him by a title of Popejoy which
he has and presented, from the Sonora Political Chieftain

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date of June in the year last passed: and having asked of him proofs that such lands belonged to him, the latter not explaining it, or not mentioning the boundaries he was not able to give them, moreover by information in the proceeding taken of the adjoining neighbors and those present, it resulted that the land which said Santiago claims has not been and is not known as belonging to him, since although he has a title of concession, it does not express the limits, nor is it known what is the terminus of the tract known as the San Isidro, and that within said tract has not been seen otherwise occupied than with the chattels, and near the place, likewise fields and a vineyard of Dn Carlos Lusko. In view of all this and of said Juan Santiago not having fulfilled the conditions expressed in his said title, in not having a house nor inhabited it within a year. I ordered that the measurements should be taken from the place which said Santiago opposed; it being a place designated in the decree which the said Don Carlos Lusko presented. Thus I the Alcalde decreed ordered and signed with the assisting witnesses - Lusario - Witness. Juan Olegario Witness Juan Gelay = In the same rancho and on the same date being about Eight O'clock in the morning I the present judge, ordered the said measurers to place themselves for the measurement of lands which they are to make for Don Carlos Lusko; and placed in the S.W. they commenced measuring, drawing the cord to the N.W. (N.O.) till they arrived at the limits of the Northwest, measuring 175 cords, where they put a flag and immediately from the South to the N. two hundred cords were measured where they put a sign with a flag; and immediately from N.E. to S.E. they measured one hundred and twenty five cords and put there a sign with a flag; and immediately from North to South till arriving at the place of beginning 300 cords, and putting another sign with a cross on a tree and flags, it was decided that there should be formed land marks in each one, the map remaining designed in the same form as the tract was measured, the said measurers declaring it to have two sides of ganado mayor leaving to each one a quantity of a league of distance, accompanying this expediente with said map; and in testimony signed it with me Benigno Carrera Borrego, and also Benigno Juan

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Hernandez he knowing how, and before the assisting witnesses to wit. José Cantua Bonnet. Juan Hernandez Wm. Quinn Alegre — Witness — Juan Gilroy In the said Rancho on the same date Don Carlos Castro Citizen of Monterey accompanied by the Judge of first instance of said place and witnesses, Don Carlos Castro said, that in virtue of having been measured the lands of this Rancho, according as is shown in the foregoing proceeds, he has taken his corporeal and real possession of the said two sitios of ganado mayor, less a quarter of a league of latitude, said they belonged to him with the precise titles which he obtains from the concession which was delivered to him of them under date of the 3d February last by the Political Chief, by the powers which were conferred on him in a decree of 31 January last, and of the approbation of this, by the Most Excellent Deputation of this Territory under date of 17 May of the current year, he entered and stopped on them pulled up herbs, scattered handfuls of Earth broke branches of trees and performed other ceremonies and acts of possession in sign of which he said of taking and he took of said lands. And the said Judge Ordered that thence forward they should hold and recognize for his sign and possession of them. Of all which, said Don Carlos Castro asked that for a memorial and concession for the future and effects rights, there should be made by me the said Judge a testimonial, which I do — Authenticated by the assisting witnesses with whom I acted in substitution for lack of a Notary Public, there being none, according to Law. Attest. Manuel Jimeno Casarin.
Wm. Quinn Wm. Juan Gilroy

On the same date, was returned this Expediente to the interested in 9 foleas and for proof of it it is here noted, which I sign with a scroll (Scroll)

I certify the foregoing to be a substantial literal translation of the Original Spanish on file in this Office in Case No. 35 Daniel Murphy et al claimant
Geo. Fisher Secy

Filed in Office Feb. 8th 1853
Geo. Fisher Secy

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Sello Primero Seis Pesos
Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Title & approval

José Figueroa General de Brigada de los Ejercitos Nacionales Mejicanos, Comandante General Inspector, y Gefe Superior Politico del Territorio de la Alta California.

Por cuanto Don Carlos Castro ha pretendido para su beneficio personal y el de su familia el Terreno conocido con el nombre de San Francisco de las Llagas, colindante con los Ranchos de las Animas, Refugio y San Pedro y la Sierra del Nordeste: Practicadas previamente las diligencias y averiguaciones convenientes segun lo dispuesto por leyes y Reglamentos usando de las facultades que me son conferidas en decreto de treinta y uno de Enero ultimo a nombre de la Nacion Mejicana, he venido en conceder el terreno mencionado, con exclusion del paraje que llaman Rancho de Soles, concediendole la propiedad de él por las presentes letras entendiendose dicha concesion con entera conformidad á lo dispuesto por las leyes, a reserva de la aprovacion ó desaprovacion de la Excelentisima Diputacion Territorial y del Supremo Govierno y bajo las condiciones siguientes.

1ª= Que se considerará á las que establecie el Reglamento que se ha de formar para la distribucion de terrenos valdios y que entretanto ni el agraciado ni sus herederos podran dividir ni enagenar el que se le adjudica; ni poner sobre vinculo, hipoteca ni otro gravamen aunque sea por cuenta piadosa ni pasarlo á manos muertas.

2ª= Podrá cercarlo sin perjuicio de las travesias caminos y servidumbres; lo disfrutará libre y exclusivamente destinandolo al uso ó cultivo que mas le acomode; pero dentro de un año á lo mas fabricará casa y estará habitada.

3ª= Cuando se le confirme la propiedad

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solicitará del Juez respectivo que le dé posesion jurídica en virtud de este despacho por el cual se demarcarán los linderos en cuyos límites pondrá á mas de las mohoneras algunos arboles frutales ó silvestres de alguna utilidad.

4ª= El terreno de que se le hace donacion es de dos sitios de ganado mayor poco mas ó menos que se le señala sobre el diseño que corre en el Expediente; el Juez que diere la posesion lo hará medir conforme á ordenanza para señalar los linderos quedando el sobrante á la Nacion para los usos convenientes.

5ª= Si contraviniere á estas condiciones perderá su derecho al terreno y será denunciable por otro.

En consecuencia mando que sirviendole de título el presente y teniendose por firme y valedero se tome razon en el libro respectivo á que corresponde y se entregue al interesado para su resguardo y demas fines. Dado en Monterrey á tres de Febrero de mil ochocientos treinta y cuatro

Juan Vizguerra

Agustin V. Zamorano
Srio.

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Vista tomada razon en el libro de asientos de Títulos sobre adjudicacion de Terrenos. a fojas veinte y siete numero veinte y cinco q. obra en el Archivo de la Secretaría de mi cargo. Monterrey Febrero tres de mil ochocientos treinta y tres.

Zamorano

Sello Tercero. (Seal) Dos Reales
Para los años de mil ochocientos veinte y seis y ochocientos veinte y siete

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Se aprueba la concesion echa al ciudadano Carlos Castro del paraje nombrado San Francisco de las Llagas concedido en tres de Febrero de mil ochocientos treinta y cuatro de entera conformidad con lo prevenido en la ley de diez y ocho de Agosto de mil ochocientos veinte y cuatro y el articulo quinto del Reglamento de veinte y uno de Noviembre de mil ochocientos treinta y ocho Monterey Mayo diez y siete de mil ochocientos treinta y cuatro = En seccion de este dia se aprobó por la Excelentisima Diputacion la proposicion del Dictamen antecedente mandando se devuelva el expediente al Sor. Gefe Superior Politico para los fines consiguientes = José Figueroa Juan Bautista Alvarado

Monterey Junio once de mil ochocientos treinta y cuatro = En vista de la aprovacion otorgada en diez y siete de Mayo ultimo por la Excelentisima Diputacion Territorial librese Testimonio de ella y de este Decreto a la parte de Don Carlos Castro en confirmacion a la concesion del Terreno de San Francisco de las Llagas que obtuvo en treinta y uno de Enero del presente año. El Señor Don José Figueroa General de Brigada Comandante General Gobernador y Gefe Superior Politico del Territorio de la Alta California así lo mandó decretó y firmó de que doy fé = José Figueroa = Agustin V. Zamorano = Secretario =

Concuerda a la letra con su original del cual hize sacar el presente testimonio para Resguardo del interesado en Monterey a once de Junio de mil ochocientos treinta y cuatro siendo testigos los ciudadanos Agustin V. Zamorano y Bernardo Navarrete de esta Vecindad.

En testimonio de verdad

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Jné Figueroa

Agustin V. Zamorano
Srio.

Filed in Office
Feby. 8th 1853
Geo. Fisher
Secy.

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First Seal Six Dollars

Provisionally qualified by the Administration of the Maritime Custom House of Monterey for the years Eighteen hundred and thirty four and Eighteen hundred and thirty five

Figueroa Rafael Gonzales

Jose Figueroa Brigadier General of the National Mexican Armies Commandant General Inspector and Superior Political Chief of the Territory of Upper California –

Whereas Don Carlos Custo has solicited for his personal benefit and that of his family the tract known under the name of San Francisco de las Llagas bounded with the Ranchos de las Animas, Roqueio and San Isidro and the Mollin Mocuenan (Sierra) On the North East: the proper steps and investigations having been effected as ordained by the laws and regulations, using the authority which has been conferred on me in a Decree of the thirty first of January last, in the name of the Mexican Nation I have thought proper to grant him the said tract Exclusive of the tract called the Rancho de Solis, conceding to him the Ownership thereof by the present letters said concession being understood as in entire conformity to the dispositions of the Laws reserving the approval or new approval of the most Excellent Territorial Deputation and of the Supreme Government and under the following Conditions

1st. That he shall subject himself to those (conditions) that may be established in the regulations that have to be formed for the distribution of public Lands and that in the mean time neither the grantee nor his heirs shall divide nor alienate the tract adjudicated to him: nor impose upon it any lien in the pledge mortgage or other liens even if it be for pious causes, nor transfer it to Mutemuan

Second – He may enclose it without injury to crossways roads, and fountains. He shall enjoy it freely and exclusively applying it to such as may be most convenient to him but within one year at furthest he shall build a house and it shall be inhabited There – When he shall be confirmed in the Ownership thereof he shall solicit from the respective Judge to give him juridical possession in virtue of

this dispatch, by which shall be marked out the boundaries in the extremities of which besides the land marks some fruit trees or wild ones of some utility shall be placed

Fourth – The land which is donated to him is of two (sitios de ganado mayor) square leagues little more or less which is appointed to him in the plot which accompanies the decree of proceedings (Expediente) The Surveyor who shall give him possession shall have it surveyed out according to Ordinance, in order to designate the boundaries the surplus remaining to the Nation for convenient purposes

Fifth. If he shall contravene these conditions he will lose his right to the tract and it can be denounced by another

In consequence I order that this may serve him as a title, be held as firm and valid. Let it be recorded in the respective Book to which it belongs, and be delivered to the interested party for his security and other purposes –

Given at Monterey on the three day of February One thousand Eight hundred and thirty four

José Figueroa

Augustin V Zamorano – Secretary –

It has been recorded in the book respecting titles for the adjudication of lands on page twenty seven number twenty five which exists in the archives of the Secretary's Office under my charge

Monterey February three One thousand Eight hundred and thirty three

Zamorano –

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Third Seal
For the years One hundred and hundred and

Seal

Two Reals
Thousand Eighte twenty Six and Eighte twenty Seven

Seal

Is approved the concession made to Citizen Carlos Castro for the tract named San Francisco de las Llagas conceded on the third of of February One thousand Eighte hundred and thirty four in intire conformity with the provisions of the Law of the Eighteenth of August One thousand Eight hundred and twenty four and the fifth article of the regulations of November twenty first One thousand Eighte hundred and twenty Eight — Monterey May Seventeenth Eighteen hundred and thirty four

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In Session of this day was approved by the Most Excellent Deputation the proposition of the preceding Opinion Ordering the Espedienta back to the Superior Political Chief for its Consequent Ends — Jose Figueroa
Juan B. Alvarado —

Monterey Eleventh of June of Eighteen hundred and thirty four —

In view of the approval granted on the Seventeenth day of May last by the Most Excellent the Territorial Deputation let a certified Copy of the Same and of this decree be issued to the party of Don Carlos Castro in Confirmation of the Concession of the tract of San Francisco de las Llagas which he Obtained On the thirty first of January of the present year — Jose Don Jose Figueroa Brigadier General, Commandant General, Inspector and Superior Political Chief of the Territory of Upper California, thus Ordered Decreed and ~~certificate~~ signed to which I certify
Jose Figueroa
Augustin V Zamorano Secretary

This agrees to the letter with its Original from which I caused to be drawn the present certified Copy as serving of the interested party — at Monterey on the Eleventh of June Eighteen hundred and thirty four it having been dispatched by

5b

by citizens Augustin y Zamorano and Bernardo
Navarrello residents of this place
In Evidence of truth

Jose Figueroa

Augustin y Zamorano

I certify the foregoing to be a true and correct translation of the Spanish document of the same tenor and date on file in this office in Case No 95 - Daniel Murphy et al claimants

Geo. Fisher
Secy

Filed in Office Feby 8 - 1853

Geo. Fisher
Secy

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En el pueblo de San José de Gdl. à los diez y seis dias del mes de Agosto de mil ocho cientos cuarenta y ocho. Ante mi Carlos White Alcalde 1º de este demarcacion y ante los Testigos de mi Asistencia que despues se dirán y con quienes actuo en forma devida; compareció Dn. Guillermo Castro à quien doy fé conosco y dijo que por si y à nombre de sus hijos herederos y sucesores y de quienes de ellos hubiere titulo Voz y causa en qualquiera manera vende y da en Venta solemne y en enagenacion perpetua à los Sres Dn. Diego y Daniel Murphy todo el derecho interes y titulo que tiene al terreno conocido por el nombre de San Francisco de las Llagas que antes pertenesia à su difunto padre cuyo descripcion esta demarcado en el titulo de concesion espedido por el Gobierno de este departamento y declara y asegura el enunciado Señor Castro no tener bendido enagenado ni empenado al espresado terreno y que esta libre de todo grevamen perpetua temporal especial general tacito ò espreso, hasta esta fha y como tal se lo vende en precio y cantidad de Seis Mil pesos (6000 $) con la condicion de que queda incluso en este Venta todo el Ganado Bacuno que actualmente existe y apertenesia al dato dho Rancho cuyo valor espresada tiene entregado el comprador y recibido el otorgante à su entera satisfaccion y asimismo declara que es el justo precio y verdadero valor del espresado terreno y del Ganado y Cavallos que en el existe y ahora Vende en la mencionada suma de seis mil pesos $6000) y que no vale mas y aun en el caso de que mas valga ò valer pueda del exceso en poca ò mucha suma hace donacion a favor del comprador y de sus herederos y sucesores y este donacion y gracia pura perfecta y irrevocable que le hace se llama en derecho inter vivos con insinuacion y de mas formas legales con la condicion que se les entregara à los referidos Sres: Dn. Diego y Daniel Murphy ò a quien les representaro el

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enunciado terreno y Ganado y Cavallos inmidiatamente haviendo condecendido en ella à los compradores.
Y el mencionado Dn Guillermo Casto renuncia las Leyes que hablen de contratos Ventas trueques y de otras en que hay cesion mas ò menos de la Mitad de la mitad del justo precio y que da obligado en que desde ahora en adelante y para siempre jamas se dis apodera y aparta à sia sus herederos y sucesores y de quien de ellos tubiere titulo Voz y causa del dominio propiedad pose con titulo voz recursos y otras cualesquiera derechos que le competen el enunciado terreno llamado Dan Francisco de las Llagas y el ganado y Cavallos es presado todo lo cual cede renuncia y traspasa en los compradores y à quien les representen para que lo poseo. gozo cambè use enagene y disponga de ella como de cosa suya adquirida con justo y legitimo titulo y con ellos se someten à los Respectos y justicias que de sus causas pueden y deven conocer conforme à derecho para que a su cumplimiento le competen y apremien como por sentencia definitiva consentida y pasado en cosa juzgada que por tal la recibe y renuncia las leyes quien en el caso le favorezcan.
En cuyo testimonio asi lo otorgo y firmo con migo y los testigos de asistencia que doy fe
Juan Casto # Guillermo Casto.
Ramon Casto # Francisco Casto
De asst. Maria X Luisa peralta
Antonio Mn Osio # Carlos. M. Ulcher. Asst.

Be it Remembered that on the twenty first day of Augt A. D. 1848 personally appeared before me Chas White 1st Alcalde of the juris-diction of the pueblo de San Josè de Guadalupe Maria Luisa peralta as also Juan and Ramon Casto. who are personally known to me to be the Wife and Sons of Guillermo Casto who after being questioned as to whether the within mentioned Sale of

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Land was made with their consent to which they responded that said sale was sanctioned by them in Testimony of which they have signed their names and affixed their seals day and year first above written
In Witness whereof I have hereunto affixed my hand and seal this 21st day of Augt. A. D. 1848.

Chas. White 1st Alcalde.

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Know all men by these presents that for the within named consideration I. hereby relinquish all my Right, Title and interest in and to the premises named and conveyed in this Deed.
In Witness whereof I have hereunto set my hand and seal this Twentieth day of February A. D. 1852

Signed sealed and delivered in presence of
Benjn. Jr. Buckwell.
Lewis Brady

Maria del Rosario Garcia. her X mark (seal)

Santa Clara Co. Personally appeared the above named Maria del Rosario Garcia and acknowledged the above signature to have been made freely and voluntarily and without constraint by any person or persons whatsoever before me this twentieth Day of February A. D. 1852.

Benjn. Jr. Buckwell
Notary Public (Seal)

Title of James & Daniel Murphy recorded in a Book entitled "Register of Land" pages 205 and 206. by

Chas. White 1st Alcalde

Filed in Office Nov. 29th 1853.

Geo: Fisher Deery

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At the Pueblo of San José de Guadalupe on the sixteenth day of the Month of August One thousand Eight hundred and fifty Eight Before me Charles White 1st Alcalde of this jurisdiction appeared before my accompanying witnesses at the foot hereof mentioned, with whom I act according to law - appeared Don Guillermo Castro, whom I allege I know, and states that for himself, and in the name of his children heirs and successors, and of which of them, of whom he may acquire right, power and cause, in any way whatever, he sells and grants in solemn sale & perpetual alienation unto Sirnes Don Diego and Daniel Murphy all that tract of land, interest and title, he now has to the same known by the name of "San Francisco de las Llagas" which formerly appertained to his late father, the description whereof is mentioned in the title of concession issued by the Government of this Department - And the said Castro declares and asserts that he has not sold, alienated or mortgaged the said tract of land, and that the same is free from all incumbrances, perpetual, temporal especial general tacit or expressed up to this day; and as such he hereby sells it for the price and in the sum of six thousand dollars; with the condition that all the real cattle actually existing & appertaining to the above mentioned Ranchs shall be enclosed in this sale; the said value of which the Vendees have delivered, and the Vendor has received to his entire satisfaction. And likewise he declares that it is a fair price & real value of the said tract, and of the cattle and horses existing therein; and which now he sells in the sum of six thousand dollars aforesaid; and that it is not worth more and even in case it is or may be worth more, of the surplus thereof whether in small or large sum he makes a donation &c. unto the Vendees, their heirs & successors; and this donation, pure, perfect and irrevocable as he makes to them is cracted in law inter vivos, with the legal insinuation & other securities; upon the condition that the said tract cattle & horses shall be immediately delivered over to them the said Sirs Don Diego & Daniel Murphy or to him or them, who may act in their place he having condescended with the Vendees regarding said condition - And the said Don. Guillermo Castro

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hereby renounces such laws as regard to contracts sales barter & such others bearing upon frauds on sales more & less of the moiety of a fair price — and binds himself from henceforward and for ever to dispose himself, to give & to conform himself his heirs and successors & which of them of whom he may require right power and cause from the domain and any other right wholsoever pertaining to the said tract of land named "San Francisco de las Llagas" to said Cattle & horses — All which he yields renounces & transfers unto the vendees and to him or them who may act in their place that they may possess, enjoy, barter use alienate and dispose thereof as their own property acquired by right & legitimate title; and there with he submits to the courts & Justices, who may and ought to recognize of such cases according to law in order that for the fulfillment whereof they may judge & compel him as by a definitive sentence consented & passed to a third cause & as such he admits it; and renounces such laws as may favor him in such case

In testimony whereof thus he agreed hereto and signed hereunto his name with myself and the accompanying witnesses — which I attest —

Witnesses (Signed) Guillermo Castro
(Signed) Antonio Ma Osio — Juan Castro
(") Carlos Wm Webber — Francisco Castro
Signed Juan Castro — Ramon Castro
Juan Maria Suisso Peralta
X

(Here follows the certificate of Execution by)
Signed Chs White
1st Alcalde

Filed in Office Nov. 29. 1853
Geo. Fisher Esq.

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This Indenture made this three day of January A.D. 1851 between Daniel Murphy of the first part and Bernard Murphy of the second part both of Santa Clara County and State of California Witnesseth. That said Daniel Murphy for and in consideration of the sum of Ten Thousand dollars to him in hand paid by said Bernard Murphy the receipt whereof is hereby acknowledged, hath granted bargained and sold and by these presents doth grant bargain ~~and~~ sell convey and confirm unto the said Bernard Murphy and his heirs and assigns forever the following Real Estate lying and being in Santa Clara County and State of California, to wit, The Equal undivided half of the Rancho San Francisco de los Llyagos" To have and to hold the same to the said Bernard Murphy's own use forever, free and discharged of all my right or title thereto in Law or Equity. In Witness whereof I have hereto set my hand and seal the day and year first written

Attest
Geo B Tingles
James T Reece

Daniel Murphy (Seal)

State of California
County of Santa Clara } ss

On this the 3rd day of January A.D. 1851 before me a Notary Public in and for said County personally came Daniel Murphy to me known to be the person, described in the foregoing Conveyance and acknowledged that he Executed the same freely and voluntarily for the uses and purposes therein mentioned

Given under my hand and ~~seal~~ Notarial Seal the day and year above written

C. T. Ryland
Notary Public

Filed in Office Nov. 29th 1853

Geo. Fisher Secy

Motion. On motion it is ordered that the Claimants be allowed to substitute the name of James Murphy for that of Bernard Murphy as one of the Claimants in the above case.

Filed in Office Feb. 8 1852.
(Sgd) Geo. Fisher, Secy.

Agreement relative Conveyances

Commission on Land Claims in California
Daniel and James Murphy No. 25
It is agreed in this case that the mesne conveyances produced are properly Executed, and convey the estate to the present claimants.
San Francisco 9 January 1853
R Greenhow
Asst Law Agent
Filed in office Feby 8th 1853. Geo. Fisher Secy

Agreement to place Case on the Trial Docket

It is agreed that Danl & Bernard Murphy No. 25 shall be placed on the hearing docket, either party having the privilege to take testimony if desired. 4 Sept. 1852. Jones Tompkins & Shaw
for claimants
Geo. W Cooley U.S. Law Agent
Filed in Office Sept. 4th 1852
Geo. Fisher Secy

Stipulation

In No. 25
It is agreed on the part of the United States and the claimant, that the Documentary Evidence of title produced in the Case are among the Archives of the Form Government in the Office of the Surveyor General of the U. States for California
V E Howard
July 28th 1853
Wm Carey Jones of Counsel
Filed in Office July 28. 1853 Geo. Fisher Secy for Claimants

Affidavit of Wm Carey Jones

Commission on Land Claims in California
No. 32. Bernard Murphy claimant
This day personally appeared before me Alpheus Felch One of the Board of Land Commissioners, the undersigned Wm Carey Jones who states that the claimant Bernard Murphy has died since the presentation of the claim before this Board, and that Marion Murphy is his Only child
Wm Carey Jones
Subscribed and sworn to before me October 11. 1853
Alpheus Felch Com.

Filed in office Nov. 29th 1853
Geo. Fisher
Secy

I George Fisher Secretary of the Board of Commissioners to ascertain and State the private Land Claims in the State of California do hereby certify that the foregoing is a full true and correct copy of an affidavit made in the above case, and now on file among the Archives of said Board, and in my care and Custody as such Secretary
Witness my hand this 29th of November A.D. 1853
Geo Fisher Secy

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Daniel & Bernard Murphy
vs
The United States

Case No. 35

It appearing to the Board of Land Commissioners by the affidavit of Wm. C. Jones that Bernard Murphy one of the claimants in this case has died since the filing of the claim in this behalf, and that Marlen J. H. Murphy is his only child & heir and it further appearing to the said Board, that this case was submitted for final determination subsequently to the death of the said Bernard Murphy. It is therefore ordered that this case be returned to the Docket and the same be revived as to the said Bernard Murphy in the name of the said heir.

Order of Revival

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Filed in Office Nov. 29. 1853
Geo. Fisher Secy

Commission on Land Claims in California
No. 52. Bernard Murphy Claimant.

Stipulation

It is hereby agreed and stipulated that the affidavit of William Carey Jones filed in this case stating the death of said Claimant since the filing of the petition in said case and that Marlen Murphy is his son and heir, may be read as though taken regularly in the form of a deposition to prove the facts, so stated, and that for the same purpose a certified copy of the same may be read in No 7 (Seven) and also in 25 (twenty five)

Robert Greenhow Asst. Law Agent

I George Fisher Secretary of the Board of Commissioners to ascertain and settle private Land Claims in the State of California, do hereby certify that the foregoing is full true and correct copy of an Agreement or Stipulation in the above Case, and now on file among the archives of said Board and in my care and custody as such Secretary. Witness my hand this 29th day of November A.D. 1853

Geo. Fisher Secy

Filed in Office Nov. 29th 1853
Geo. Fisher Secy

Affidavit of James Murphy & motion to amend

Daniel & Bernard Murphy
vs
The United States

No. 35. San Francisco
Dalas Slagas

James Murphy being first duly sworn says that he together with Bernard Murphy now deceased employed counsel to present their claim in the above case and

immediately furnished him, with the evidence of their title, being the same papers now on file in said case. That owing to the Mistake or Misapprehension of said Counsel, the claim was filed in the Names of Daniel & Bernard Murphy instead of the Names of Bernard and this Affiant, as will appear by the inspection of the papers on file. That this Affiant was at the time of filing this claim and previous thereto and now is the Owner of One Undivided half of said land as appears by the Original deed furnished his Counsel and now on file in this case as aforesaid — That he believed until very recently that this claim was presented, as it ought to have been and was intended in the Names of the said Bernard & this Affiant, and he presumes the Mistake of his Counsel occurred by Confounding the Names of the four brothers one of whom is named Daniel, and all of whom have employed said Counsel to present to this Board for them their Several Claims James Murphy

Subscribed and Sworn to before me this 17th day of December 1853 Alpheus Felch Commissioner

Daniel & Bernard Murphy } No. 25.
vs } San Francisco de las
The United States } Mariposas

Motion is made upon the foregoing affidavit of James Murphy for leave to amend said petition in accordance therefo

Filed in Office Dec 17th 1853 Geo. Fisher Secy

Daniel & Bernard Murphy } No. 25.
vs } San. Francisco de las
The United States } Mariposas

Stipulation

It is hereby stipulated that the true Copies filed in this case, and certified by Mr. King the late United States Surveyor General for California under his private seal, may be received as evidence, just as though they were recopied and certified under the seal now provided for the Surveyor General's Office. Robert Greenhow Atty Law Agent

Filed in Office Decr. 19th 1853

Geo. Fisher Secy

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Murphy & Murphy vs The United States } No. 25. In the place called San Francisco de las Llagas

It is hereby ordered that the motion based upon the affidavit of James Murphy filed in this case, be sustained, and that leave is given to amend the petition accordingly, by substituting the name of James Murphy as a party in this case instead of Daniel Murphy insolvent by mistake and the proceedings hereafter be conducted in this case in the names of James Murphy and of Marion J. le. Murphy heir of Bernard Murphy deceased

Stipulation

Order of the Board

Filed in Office Dec. 27. 1853
Geo. Fisher Secy

James & Marion J. le Murphy vs. The United States } No. 25. San Francisco de las Llagas

It is hereby stipulated that the evidence heretofore taken and filed in this case, may be read in evidence without objection, as though it had been taken & filed subsequently to the amendment of the Petition

Stipulation

Jany 4th 1854

Robert Greenhow
Apt. Law Agent

Filed in Office January 5th 1854
Geo. Fisher Secy

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Opinion

25. James Murphy vs The United States } For the place called San Francisco de las Sluguas in Santa Clara containing four Square leagues of land

The claimants in this case are James Murphy and Martin Murphy, the last of whom is proved to be the only child and heir of Bernard Murphy deceased from whom he derives his title by inheritance—

A grant duly proved is given in evidence which was made by Governor Figueroa to Carlos Castro on the 3d day of February 1833 and approved by the Territorial Deputation May 17th 1834. under this grant Judicial possession was given to said Castro on the 24th of July 1834. with the usual measurements and boundaries with a reference to a map which is returned with the testimonial of the judicial measurement. The grant designated two Square leagues as the Quantity of land conceded

Another document duly authenticated is given in Evidence by which it appears that the grantee in 1843 obtained leave for a limited time to withdraw from the Occupancy of the place on account of injuries committed by the Indians; that one Manuel Duaz applied for and denounced the land and that he also alleged that the judicial measurement embraced more than two Square leagues of land and he petitioned for a grant of the Surplus; that a report was made to the Governor by Simeno Exprep and the Opinion that there was no Surplus and that Castro was entitled to all the land included with in the lines of the Official Measurement. This Record of proceedings closes with the Decree of Governor Micheltorena, dated February 17. 1844 declaring that said Duaz has withdrawn his denouncement, and affirming the right of Castro to the land, included in the boundaries marked out to him in giving the judicial possession—

This Document appears to have been given to said Castro as evidence of his title to the entire premises, and if in fact the measurement did Exceed the quantity of two leagues Square Original granted to him this Exprep recognition of the Governor of his title to the whole obviates any difficulty in that account—

The proof of occupancy and cultivation of the premises

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is ample to show a full compliance with the law in that respect. Carlos Castro as appears by the proofs died in the latter part of June or first of July 1848 leaving as his legal representative a widow whose name is Rosario and an only son named Guillermo A conveyance of the premises was made by the son to James and Daniel Murphy on the 16th day of August 1848 and the widow relinquished her right to the premises by an endorsement on the back of his deed, made and acknowledged on the 20th day of February 1852. Daniel Murphy conveyed his interest in the premises to Bernard Murphy on the 3rd day of January 1851. Bernard Murphy died leaving the petitioner Martin Murphy his heir at law who thus becomes tenant in common with James Murphy the other petitioner. Their right to the premises is thus established and a decree of confirmation will be entered

Confirmed

Filed in Office August 22nd 1854

Geo. Fisher
Secy

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Decree

James Murphy et al
vs
The United States

In this case on hearing the proofs and allegations it is adjudged by the Commission that the said claim of said James Murphy and of the heirs at Law of said Bernard Murphy deceased is valid and the same is therefore hereby confirmed.

The land of which confirmation is hereby made is situate in Santa Clara County and is known by the name of San Francisco de las Llagas and is the same in which Carlos Castro formerly lived, and is bounded and described as follows to wit: Commencing at the South West corner thereof and running thence to the North East, Eight thousand seven hundred and fifty varas to the Sierra of the North East, thence from South to North ten thousand varas; thence from North East to South West Eight thousand seven hundred and fifty varas; thence from North to South ten thousand varas to the place of beginning, where is a tree mar tree with a cross which was established as a land mark when the juridical possession of said land was given to Carlos Castro in 1834: reference for further description of the land to be had to the grant to said Castro and the records of juridical possession and the map accompanying the same which are on file in this case. Said land containing two square leagues

Alpheus Felch
R Aug Thompson
S. B Farwell
Commissioners

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Filed in Office Aug 22d 1854
Geo. Fisher
Secy

And it appearing to the Satisfaction of this Court that the Land hereby adjudicated is situated in Northern District of California it is hereby Ordered that two transcripts of the proceedings and of the decision in this case and of the papers and evidence upon which the same are founded be made out and duly certified by the Secretary, One of which transcripts shall be filed with the Clerk of the United States District Court for the Northern Judicial District of California and the Other be transmitted to the Attorney General of the United States

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Office of the Board of Commissioners,

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

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 Seventy two pages, numbered from 1 to 72, both inclusive, to contain a true, correct and full 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, on file in this office, in Case No. 25 on the Docket of the said Board, wherein Daniel and Bernard Murphy are Claimants against the United States, for the place known by the name of "San Francisco de las Llagas"

In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this Thirtieth day of December A. D. 1854, and of the Independence of the United States of America the seventy-ninth.

Geo: Fisher

Office of the Attorney General of the United States,

Washington, 7th March 1855

Daniel Murphy et al.
vs.
The United States. } 25.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 30th day of December 1854, the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Cushing

Attorney General.

No. 147

U. S. D. Court N. D.

United States
vs.
Saml. Murphy et al

Appeal Notice,

Filed April 14. 1858,
by W. H. Cheever
Deputy.

Office of the Attorney General of the United States,

Washington, 7th March 1855.

Daniel Murphy et al.
vs.
The United States. } 25.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 30th day of December 1854, the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Cushing

Attorney General.

C.R.

No 147

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

The United States
vs.
Daniel Murphy et al

Appeal Notice.

Filed May 5. 1855.
J. Chevers,
Deputy.

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

Murphy et al
ads — No: 147 —
The United States

This Respondent for answer to the Petition filed in this case, answers and says: Disturbs that the Land in the said petition mentioned, lies within the Northern District of California and within the jurisdiction of this Court.

But he denies that it is true as alleged in said petition, that his title to the said land is invalid, but avers that the same is valid, and prays that the decision of the said Board of Commissioners confirming his claim, may be affirmed, and that his title thereto may be decreed to be valid.

Thornton Williams & Thornton
for Claimants —

No: 147

U. S. District Court
Northern District —

Dan'l Murphy et al
ads
The United States —

Answer

Filed June 30, 1855,
by Ohmes,
Deputy.

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Th. Ohmes & Th.

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

The United States
Appellants
vs
Murphy et al
No 147

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 Appellees 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 9th day of January 1855 — that a notice of Appeal were filed on the ~~14~~ 14th day of April & 15th day of May 1855 — and that the land claimed lies in the said District. That the said claim is invalid. Wherefore Appellants pray that the said decision of the Board be reversed and that this court deem the said title to be invalid. Respectfully &c

A. Glassell
Asst. U.S. Atty

No: 147

U. S. District Court
Northern District

The United States
vs
Dan'l Murphy et al

Petition

Filed June 30. 1855,
by Chever
Deputy.

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A. Glover

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 that the annexed map is a correct copy of one on file in this Office in Case No. 25, wherein Daniel Murphy et al. are claimants for the place named "San Francisco de las Llagas", and marked as per endorsement hereon - which said copy should have formed a part of the Record of the Proceedings certified from this Board on the 30th of December 1854 to the Clerk of the U. S. District Court for the Northern District of California.

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In testimony whereof I have hereunto subscribed my name officially at the Office of the said Board this 17th day of October A.D. 1855.

Geo. Fisher

Secy.

No. 25. No. 147

Daniel Murphy et als

vs

San Francisco de las Llagas.

Part of Doc. H. H. No. 1.
annexed to the deposition
of Manuel Jimeno, taken
before Com. N. Hall. Feb 1st
1853.
(signed) Geo. Fisher, Secy.

Filed October 22, 1858.
J. Chever
Deputy.

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

Murphy et al
ads
The United States

Stated Term.
No 147 –
October 22d 1855.

This cause came on to be heard at a stated term of this Court, on appeal from the final decisions of the Commissioners to ascertain and settle private Land Claims in the State of California under an act of Congress approved March 3d 1851 on the transcript of the proceedings and decission and of the papers and evidence on which said decission was founded, and it appearing that said transcript was duly filed according to Law, and counsel for both parties having appeared, it is ordered adjudged and decreed that the decision of the Commissioners is affirmed, and it is furthered ordered adjudged and decreed that the Claim of the appellees, James & Martin Murphy is good and valid Claim and the same is hereby confirmed to the land situated

in Santa Clara County in the State of California, known by the name of San Francisco de Las Llagas described as follows, commencing at the South West corner thereof and running thence to the North East, Eight thousand seven hundred and fifty varas to the Sierra of the North East thence from South to North ten thousand varas, thence from North East to South West Eight thousand Seven Hundred & fifty varas thence from North to South ten thousand varas to the place of beginning, where a Tree is marked with a cross which was established as a land Mark when the practical possession of said Land was given to Carlos Castro in 1834 - Reference for further description of said Land to be had to the grant to the said Castro, the record of practical possession and the map accompanying the same on file in this case

M Hall McAllister
Guardian

No. 147.

U. S. District Court.

Murphy, et als.
— vs —
The United States.

Decree.
Filed
October 22, 1850.
N. Co. Chevers,
Deputy.

At a Stated Term of the District Court of the UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room in the City of SAN FRANCISCO, on Monday the 24th 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 vs. James Murphy et al.	Case No. ~~20~~ 147 Transcript No. 25.

The Attorney General of the United States having given notice that no appeal to the Supreme Court of the United States will be prosecuted in this case, and a stipulation having been entered into by the District Attorney that no further appeal shall be taken on the part of the United States, and for leave to the claimants to proceed under the decree of this Court heretofore rendered in their favor.

On Motion of the District Attorney, it is ordered, adjudged and decreed, that the claimants have leave to proceed under the Decree of this Court heretofore rendered in their favor as on Final Decree.

Ogden Hoffman
U. S. Dist Judge

No. 147.

United States District Court, Northern District of California.

The United States

vs.

James Murphy et al.

Case — No. 147
Transcript No. 25

Order.

Filed November 24, 1856,

J. A. Monroe,
Clerk.

by W. H. Chevers,
Deputy.

California Land Claims
Attorney General's Office
4 October, 1854

Sir:

In the case of the claim of James Murphy et al., confirmed to the claimants by the Commissioners, case no. twenty five (25) appeal will not be prosecuted by the United States.

I am,
Respectfully
Cushing

Wm Blanding Esq
U. S. Attorney
San Francisco

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

The United States.
v.
James Murphy
et al

Case No. ~~25~~ 147
Transcript No. ~~147~~ 25.

In pursuance of notice from the Attorney General of the United States hereunto annexed, it is hereby stipulated and agreed, that no further appeal shall be taken in this case on the part of the United States, and that the claimants have leave to proceed under the decree of this Court heretofore rendered in their favor as on Final Decree.

Wm Blanchard
Dist Atty.

Nov 24 1856.

Thornton Williams & Thornton
Atty's for Claimants

No. 147.

United States District Court

The United States

vs

James Murphy et al

Case — No. 147

Transcript — No. 25

Stipulation.

Filed Nov 24. 1856,

W. H. Chevers.

Deputy

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

Daniel Murphy et al
ads
The United States.

No. 147 D. C.
No. 25 L. C.

Upon motion of the said Claimants by their attorney, it is ordered that the Surveyor General of the United States for the State of California, return into this Court the survey by him made and approved of the Rancho "San Francisco de Las Llagas" claimed in the above case.

Ogden Hoffman
Dist Judge

United States District
Court Northern District
California. 147.

Daniel Murphy Estate
ads
The United States

Order to return
Survey —

Filed May 30. 1859.
W. H. Chevers,
Clerk.

Danl Murphy et al
ads
The United States

D.C. No 147
L.C. " 25

Instructions were issued by my predecessor, under date January 17th 1857, to A. W. Thompson, Dep. Sur. for the final survey of this Rancho -

A return thereof was duly made, and rejected by me, for the reason, that I considered it embraced more land, than called for in the decree -

On the 20th May 1858, I issued instructions for the resurvey of said Rancho, to J Wallace, Dep. Sur.

A copy of Mr Wallace's survey is herewith filed marked A - and a copy of Mr Thompson's marked B -

The decree gives certain courses and distances, commencing at the S. W. corner - There appears to be some doubt as to the true position of this S. W. corner - But the N. E. corner is granted as correct. Taking this for a basis, I have set forth in dotted lines, on Mr Wallace's plat, a tract in accordance with a strict construction of the decree, having reference to course and distance, having within its boundaries a much less quantity than either of the surveys -

The decree refers to the

grant, diseño, and record of juridical possession -

The quantity called for in the grant is "two square leagues a little more or less" and refers to the diseño -

The record of juridical pos= =session, after stating the courses and distances, give the quantity as of "two "square leagues lacking to each one "a quarter of a league in latitude" -

There appears however in the original papers on file, that further action was taken in the case, and the whole of the land was assigned to the grantee, according to the calls of the juridical possession; and which the grantees contend are strictly followed in the Thompson survey -

J. W. Mandeville
U. S. Sur. Genl

Hon. Ogden Hoffman
U. S. Dist Judge
Northern District
California

U. S. Surr Genl Office
San Francisco
June 6th 1859

No. 141.

Dan'l Murphy et al
ads
The United States

Statement of Surr Genl to accompany plats -

Filed June 6. 1859.
W. H. Chevers
Clerk.

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

Daniel Murphy Etal } No: 147 ND.
vs
The United States } No: 25 LC.

In this case the said Claimants object to the survey of the Rancho San Francisco de las Llagas as approved by the Surveyor General of the United States for the State of California and by him returned into this Hon Court, for the following reasons:

1st Because the said survey is not in accordance with the original title papers of the said Claimants, or with the decree of final confirmation entered in this cause

2nd. Because the said Rancho San Francisco de las Llagas was confirmed to said Claimants by metes and bounds, without limitation of quantity, and the said survey does not include all the land so confirmed to them.

3rd Because the land confirmed to said Claimants was the same of which juridical possession had been given under the Mexican Government, without other limitation as to quantity and the said survey does not include all the said Land.

4th Because the survey is not in conformity to the grant and record of judicial possession, referred to in the said decree of Final confirmation

5th Because the said survey does not conform to the decree of final confirmation.

6th Because the said survey does not include the whole land confirmed

by the final decree of this Hon. Court, to the said claimants.

7th Because the claimants are entitled, according to this original title papers and under the decree of final confirmation entered in this cause, to all the land embraced within the limits of the judicial measurement made by the former Government, and the said survey is erroneous in excluding a large portion of said land.

8th Because the said survey does not conform to the said act of judicial measurement and possession.

9th Because the said survey is erroneous and unjust, having been made under a misapprehension of the rights of the claimants under the decision and final decree of this Hon Court.

10th Because the said survey does not include all the land which was adjudged to the said claimants by the decision and final decree of this Hon. Court, and to which they were entitled under their grant derived from the Mexican Government.

11th Because the said survey is arbitrary and unjust in this that deprives the said claimants of a large portion of the tract of land, granted to their vendor by the Mexican Government, and which has been adjudged and finally confirmed to them in this Hon Court.

12th Because the said survey is not made in accordance with the principles established and rules prescribed in the act of Congress

approved March 3rd 1851, entitled "An Act to ascertain and settle private land claims in the State of California".

13th Because the said Survey is not a full and complete ~~execution~~ of performance of the duty imposed by the said act of Congress upon the said Surveyor General, in this, that it is not a survey of the "claim" as finally confirmed by this Hon Court.

Thornton, Williams & Thornton
Attys for Claimants

No: 147. D.C.
No 25 L.C.

Daniel Murphy et al
vs
The United States -

Exceptions to Survey

Filed June 13, 1859.
W. H. Rivers,
Clerk.

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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 House, in the City of SAN FRANCISCO, on 31st ~~the~~ _____ day of August in the year of our Lord one thousand eight hundred and fifty-nine,

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

Murphy & als
vs.
The United States

D. C. No 147
L. C. No. 25
Rancho San Francisco de las Llagas

It appearing to the Court that in obedience to its order the Surveyor General of the United States for the State of California has returned and filed in the Clerks Office of this Court his survey of the Rancho "San Francisco de las Llagas" and that the above claimants have filed their objections to the same. It is now hereby ordered that the parties to the above cause be allowed six weeks from this day to take further evidence in regard to the land confirmed and as to its location and boundaries ~~[illegible]~~ and the correctness of said survey

No. 147.

District Court of the United States

IN AND FOR THE

Northern District of California.

United States.

vs.

Murphy, et als,

Order allowing 6 weeks to take testimony on survey,

Filed Aug: 31, 1859.

W. H. Clerc Clerk.

By

Deputy.

147 ND

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

Clerk's Office,

I hereby Certify the foregoing to be a true copy from the Minutes of the said Court.

Clerk.

By

Deputy.

UNITED STATES DISTRICT COURT,
Northern District of California,

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PAGE 98

The United States
vs.
Murphy et al

San Francisco, Septr 14 1859.

On this day, before Butler McAllister a Commissioner of the United States for the Nor District of California, duly authorized to administer oaths, &c., &c., came Jose Canuto Baronda a witness produced on behalf of the Claimants in Case No. 147, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No 25, on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows — his evidence being interpreted by Richd Tobin a sworn interpreter

PRESENT:
Fully R. Prie Actg U. S. Atty
J. J. Williams for Claimants

QUESTIONS BY Atty for Claimants.

Ques 1 Your name, age, & place of residence
Ans 1. Jose Canuto Baronda — I was born at this place in 1796 — I reside now at San Juan Bautista —
Ques 2. — Do you know the Rancho claimed in this case called Rancho, San Francisco de la Llagas & if yes, how

long have you known it -

Ans 2 - I know it, and have known it as long as I can remember -

Ques 3 - Do you know whether or not Juridical possession was ever given of this Rancho? ~~xx xxx~~

Ans 3 - I know that Juridical possession of this Ranch was given to Don Carlos Castro because I was present myself, and assisted at the measurements

Ques 4. - By whom was said possession given?

Ans 4 - Don Manuel Jimeno

Ques 5 - Are you the same Jose Canuto Baronda whose name appears upon the record of the Juridical possession?

Ans 5 - Yes Sir - My signature is upon it - I signed it myself

(Here the original record of Juridical possession from the office of the Surveyor General ~~to~~ was shown to the witness)

Ques 6. At the time of giving Juridical possession were any land marks established by the officers giving it?

Ans 6 - Yes Sir - There were -

Ques 7 - Were you present when Mr Thompson made a survey of this Rancho?

Ans 7 I do not know him by name

Ans 7 I do not know him by name - I know there was a survey of the Rancho made at which I was present, I pointed out the boundaries, don't know the name of the man who made it -

Ques 8 Did you point out to him the landmarks?

(Ques objected to as leading)

Ans 8 Yes Sir -

Ques 9. Were the land marks which you pointed out to the Surveyor, the same which were established at the giving of the Juridical possession

Ans 9. Yes Sir - they were the same -

Cross Examination

Ques 1. Who employed you to point out the land marks to the Surveyor?

Ans 1. I was called upon by Mr Daniel Murphy to show the landmarks as I was one of the witnesses to the Juridical possession -

Ques 2 Were you paid anything for your services?

Ans 2. Yes Sir -

Ques 3. In what year was Juridical possession of this Ranch given?

Ans 3. I dont remember distinctly, but I believe it was in the year 1834 or 1835.

Ques 4. Had you been around to the different land marks after judicial possession was given until the Surveyor went there?

Ans 4 No Sir.

Ques 5. When did the Surveyor go there?

Ans 5. I dont remember.

(It is admitted that the survey is made in the latter part of 1856 or early in 1857).

Direct Examination resumed

Quest. How much did the Surveyor General give you for your attendance to point out the boundaries to the Surveyor?

Ans 1. I believe it was $25.

Jesus Camacho Boronda

Subscribed & Sworn to before me this 14th Sept AD 1859.

Cuthbert McAllister
U S Com

UNITED STATES DISTRICT COURT,

Testimony
US Como

UNITED STATES DISTRICT COURT,
Northern District of California,

The United States
-vs-
Murphy et al

San Francisco, Sept 14 1859

147 ND
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On this day, before Butler McAllister a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came Abram W. Thompson a witness produced on behalf of the Claimants in Case No. 147, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No 25, 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:

Fully R. Wise Acting U. S. Atty
John J. Williams for Claimants

QUESTIONS BY Atty for Claimants

Quest. Your name, age, occupation and place of residence

Ans. Abram W. Thompson - I am 28 years of age - Am a Surveyor by occupation. I reside in Petaluma - Have acted as Deputy Surveyor of the U. S. Surveyor General for

California.

Ques 2 – Please state if you are the same person who as Deputy Surveyor as aforesaid surveyed the Rancho claimed in this case, and known as the Rancho San Francisco de las Llagas?

Ans 2 – I am –

Ques 3 – Look at the ~~document~~ map now shown to you, marked B No 147 and filed in the Clerks Office of this Court on 6th June 1859 and say whether or not it is a map of the survey of the Rancho San Francisco de las Llagas as made by you?

Ans 3 – It is

Ques 4. By what authority did you make that Survey?

Ans 4. Under instructions from John C. Hays Surveyor General of the U. S. for the State of California and as his Deputy –

Ques 5 – Upon what data did you make the ~~said~~ survey and location of said Rancho?

Ans 5 – On the ~~survey~~ record of the Juridical possession, the grant, and the decree of final confirmation –

Ques 6 – Please state whether or not your survey is in accordance with the said Juridical possession?

Ans 6 It is –

Ques 7 Did you find the corners as

Ques 7. Did you find the corners established by said Juridical possession?

Ans 7 I did -

Ques 8. Were they marked?

Ans 8 They were -

Ques 9 Did any one assist you in finding them if so who?

Ans 9. I think there were several witnesses the principal one was Borrondo, who is now present -

Ques 10 Is the said survey as made by you in accordance with the Juridical possession?

Ans 10. It is -

Ques 11. Was there any difficulty in ascertaining the lines measured and established in the record of the Juridical possession?

Ans 11. None whatever -

Ques 12. How were the corners as established in said Juridical possession marked?

Ans 12 By trees marked with an axe in the form of a cross somewhat peculiar in itself - Before going on the ground I took a written description of each of these trees from Borrondo that I might

test the accuracy of his memory, he afterwards went out with me and pointed the trees out to me, & I found out afterwards that he was correct with regard to their appearance & position, at the first tree Borrowda before going out stated that there was some rocks thrown up around this tree at the time of making the Juridical possession & survey - I think he told me he put them there himself - I found them there as he had described them to me -

Cross Examination
Questions by U. S. Atty -

Ques 1. You say you made the survey & location of said Rancho, on the record of the Juridical possession, grant, and the decree of final confirmation, when did you get those documents from?

Ans 1 Copies were given me at the Surveyor General's Office, at the time of receiving my instructions - I examined the copies with the orig-

nals & found them to be correct -

nals & found them to be correct -

Ques 2 How do you know they were the originals?

Ans 2 They were given to me by Mr Clay Translator in the Surveyor General's office, as the originals on file in that office - Mr Clay & myself compared them - The grant & Juridical possession were referred to in the decree of the Court in this case -

Ques 3. How much land is in this survey?

Ans 3 22,975-2/3 Acres

Ques 4 How much land did the grant call for in this case?

(Ques objected to because the grant is the best evidence of that fact -)

Ans 4. I don't remember with certainty, but I think it is either two or two and one half degrees, that is the first grant - That is the only one that I remember that speaks of the quantity - The second grant, or order of the Governor as far, as my memory goes calls for all the land included in the Juridical survey -

Ques 5. Are there any natural land marks or boundaries which would have enabled you, without the assistance of others to have made that survey?

Ans 5. I think in the description of Juridical possession there are certain land marks laid down which did aid - I do not remember how full the description of them is -

Ques 6. Are you certain that you were aided by anything else than the testimony of witnesses, and could you have made this survey without this testimony -

Ans 6. I think I was aided by the record of the Juridical possession, but I cannot tell whether I could have made the survey without the testimony of the witnesses - I was aided by witnesses who pointed out to me the land marks of the Juridical possession -

Ques 7. You say that you found the corners established by the said Juridical possession, were they pointed out to you by others?

Ans 7. They were pointed out to me by

Ans 7 They were pointed out to me by Barronda and I think other witnesses –

Ques 8 Was the Claimant in this case with you when you made that survey?

Ans 8. One of them certainly was, the others I do not remember –

Ques 9. Who paid you for making this survey, the Claimant or the Government?

Ans 9. The Claimant paid me a small sum, and I am in hopes that some day I will get remuneration from Government – The Claimant paid me enough for my personal expenses –

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Direct Examination resumed

Quest 1. Before making the survey did you give the usual notice, both to Claimants & Colindantes?

Ans 1. I did, in writing –

G. W. Thompson

Subscribed & sworn to before me this 14th Sept 1859.

Butler McAllister
US Comr

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

— No 147 —

The United States

v

Murphy et al

Depositions of J. C. Barondes & A. W. Thompson Claimants Witnesses —

Filed Sept: 17. 1859.

W. H. Chevers,

Clerk,

At a Stated 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 Wednesday the twenty sixth day of October in the year of our Lord one thousand eight hundred and fifty-nine,

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

D. Murphy et al
vs
The United States

L.C. No: 25
D.C. No: 147

This cause came on this day further to be heard in regard to the location of the land heretofore, by decree of this Court, confirmed to the said Claimants, and was argued by counsel, and thereupon, in consideration thereof, it is ordered adjudged and decreed as follows - viz -

That the survey made by the Surveyor General of the United States for the State of California and by him approved, of the Rancho San Francisco de las Llagas, confirmed as aforesaid to the said Claimants is erroneous, and that the same be and is hereby annulled, set aside, and disapproved - and it further appearing to the Court, that a prior survey of the said land, had been made, under instructions issued from the Office

of the said Surveyor General, bearing date January 17th 1857, by A. W. Thompson Deputy Surveyor of the said Surveyor General, correctly locating the Land confirmed as aforesaid to said Claimants in accordance with the said decree of confirmation, It is now therefore further ordered adjudged and decreed, that the Land known by the name of San Francisco de las Llagas confirmed as aforesaid to the said claimants is correctly surveyed and located by the said last mentioned survey and that the boundaries of the said lands be and are hereby decreed to be those described in the said survey made as aforesaid by the said A. W. Thompson, and delineated on the plat of the said survey — ~~and that the said [illegible] survey is hereby approved~~ —

And it is further ordered adjudged and decreed that the said Surveyor General survey & locate the said Rancho San Francisco de las Llagas in accordance with the boundaries delineated on the plat of the said last mentioned survey, to which for more particular description reference is made as also to the depositions of A. W. Thompson and J. C. Baronda, taken in this cause —

Ogden Hoffman
Dist Judge

No. 147.

U. S. Dist. Court.

The United States.

— vs —

D. Murphy, et al.

Decree.

Filed Nov. 2. 1859.
W. A. Chevers,
Clerk.

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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 House, in the City of SAN FRANCISCO, on Monday the 16th day of January, in the year of our Lord one thousand eight hundred and ~~fifty-nine~~ sixty, for the trial of land cases.

Present:

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

The United States, James D. Murphy, et al.
vs.

D. C. No. 147.
L. C. No. 25.

On motion of Counsel for the Claimants herein, the Acting U. S. Attorney being present, and consenting thereto it is ordered by the Court that the final order entered in this cause be, and the same is hereby amended in the style thereof so as to read Daniel Murphy, et al, instead of James Murphy, et al.

M. Hall McAllister
Judge Circuit Court
U. S. presiding over
the Cir. Court U. S.
in District of Cal

No. 147.

District Court of the United States

IN AND FOR THE

Northern District of California.

The United States,

vs.

Murphy, et al.

Order amending the style of suit.

Filed January 16, 1860.

W. H. Chevers, Clerk.

By

Deputy.

147 ND

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

Clerk's Office,

I hereby Certify the foregoing to be a true copy from the Minutes of the said Court.

Clerk.

By

Deputy.

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

United States
vs:
Danl. Murphy et als

Fully R. Wise being duly sworn deposes and says:

That on the 21st of Novbr. 1859, he was acting District Attorney for the United States in said Court, when a motion was made in said cause to open the decree on Survey, and to be permitted to show, what was the juridical possession" — said notice was "continued"; that J. J. Williams Esq. counsel for claimants in said case, was present when said motion was made; that as affiant is informed and believes the last survey in this case was at the date of said motion pending before the Surveyor General, and was not approved by him until the 4th of January 1860, that on the 7th of January 1860 this affiant on being informed that the survey had been approved by the Surveyor General, and with

whether the Court did or did not continue the motion, but does distinctly recollect that the motion was made, and that no further action was taken thereon — but affiant has since examined the minutes and was under the impression that the case was continued.

extraordinary haste forwarded to Washington City, in discharge of his duty to the United States, wrote to the Commissioner of the Land office, informing him of the order made by this Honorable Court, on the 21st Novbr. 1859, and upon the receipt of said information the Commissioner suspended further action: that nothing further was done by affiant in this cause, because of the absence of the Judge of this Court, the Circuit Judge being too much occupied to give attention to this Survey.—

Affiant is informed and believes that there is a large body of public land,—more than two thousand acres— improperly included in said survey, and that the decree of the 2nd of November 1859, under which said Survey was made, was not drawn "in pursuance of the order of Octbr. 26th 1859", and was not made as this Court intended it should have been, to embrace only the lands contained in the juridical possession.—

Affiant further states, that the survey made by A. W. Thompson, referred to in the order or decree of this Court, filed Novbr. 2nd 1859, was paid for in part, by one interested in said survey as stated by said Thompson in

his deposition, in answer to an interrogatory propounded by this affiant.—

Affiant is informed that said Deputy Surveyor, was employed about the same time he made said survey also to survey the Ranches called "Las Uvas" and "Ojo de la coche" and "La Polka", belonging to the parties, claiming this Ranch (San Francisco de las Llagas"), or to their near relatives.— That said survey having been paid for by claimant was liable to objection and contrary to a regulation from the Land office in Washington City, as transmitted to the Surveyor General of California, which regulation provided:— That "The Government having provided the means necessary for prosecuting the surveys of private land claims, no claimant will be permitted to pay for the survey of his claim, and where a Deputy has been paid for such service wholly or in part, by the claimant, or any other party interested, you (the Surveyor General) will be careful not to approve and finally certify such survey, but will after due examination of the same report to this office your decision thereon, with the facts in the case for the consideration of the Department".—

Subscribed and sworn to before me this 24th day of August, A.D. 1860.
Jno B. Williams
U.S. Comr

Tully R. Beal

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

The United States

-vs-

Daniel Murphy

et als.

No 147.

In the District Court of the United States

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

United States
vs
Saml Murphy et al.

William H. Cheever being duly sworn deposes & says that on the 21st day of November 1859, he was the Clerk of this court, and on said day a motion was made, in this case, by the acting U. S. Atty, to open the decree on Survey, and to be permitted to show what was the juridical profession; and that said motion was then continued."

W. H. Cheever

Subscribed and sworn to before me this 25 day of August A. D. 1860.

Jno B Williams
Cl. Cont.

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

The United States

vs

Daniel Murphy
et al -

Affdt. of W.H.
Cheever -

U. S. Surveyor General's Office
Aug 24th 1860

To Calhoun Benham Esq:
U. S. D. Attorney:

Sir: In answer to your inquiries, concerning the Survey of the "San Francisco de las Llagas Rancho", I beg leave to submit the following answers

1st The last Survey of this Rancho, having been made under a specific decree of the Court, there was no public land embraced in the Survey-

2d Notice was given by the Deputy to the adjoining claimants.

3d The final Survey of the claim was completed by the Deputy on the 26th of November 1859.

4th It was approved by me

on the 4th of January 1860.
5th Papers sent to Washington City on the Steamer of the 5th of July 1860 –

I send you a diagram of the Rancho and the Ranchos it adjoins –

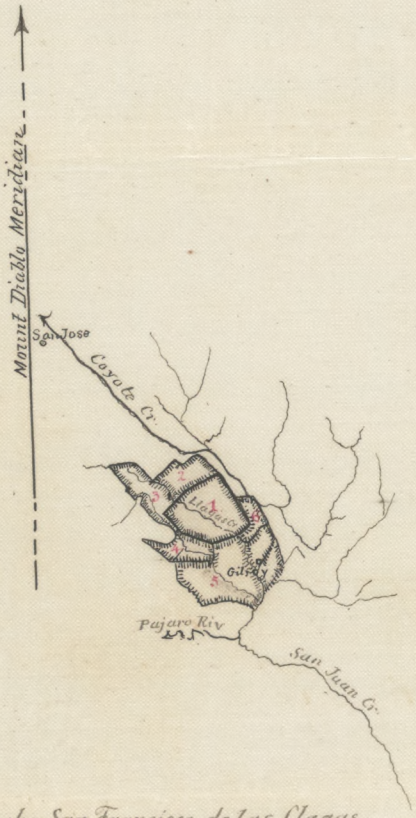
Very Respectfully &c
J. H. Brundenell
U. S. Sur Genl

P. S.

As a further answer to your inquiries, I would state, that on the 6th of June, 1859, a statement of the matter was filed by me in the U. S. Dist. Court, accompanied by the Plats of Survey. –

The quantity stated therein as of "two square leagues, lacking to each one a quarter of a league in latitude", would, if strictly carried out, be equal to one and one half square leagues, or 6.658.$\frac{02}{100}$ Acres.

Very Respectfully &c
J. H. Brundenell
U. S. Surv. Genl, Cal.



1. Rancho San Francisco de las Llagas.
2. " Ojo de Agua de la Coche.
3. " Las Uvas.
4. " Salis.
5. " Las Animas.
6 " La Polka.

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

Daniel Murphy et al
vs
The United States } No. 147

John Yontz being duly sworn deposes and says, he is and has been for about ten years past a resident of the County of Santa Clara, in which County the Rancho San Francisco de las Llagas is situated; that he is well acquainted with the locality, and with the adjoining Ranches: that he has examined the survey made by the Deputy Surveyor A. M. Thompson, in the early part of the year 1857, and affiant believes the said survey includes more than a league of land belonging to the United States.

That the said Rancho San Francisco de las Llagas, adjoins the Ranches La Polka, (part of San Ysidro) and the Ranchos "Las Uvas" & "Ojo de la Coche"

which said Ranches, – La Polka, Las Mas, & Ojo de la coche – also belong to said Murphy and his near relatives, and were as affiant, is informed and believes, surveyed by said A. M. Thompson, for said Murphy, about the same time, he surveyed the Rancho, San Francisco de las Llagas.

And the said Yuta further says, that the Rancho "Solis" also adjoins the said Rancho San Francisco de las Llagas, on the South West, and ~~by~~ the survey of said Thompson made in this case, includes eight or nine hundred acres of land, belonging to the Solis Rancho, and already patented.

That said survey of Thompson was not made according to the juridical possession, but in entire disregard of the courses called for in said juridical possession.

Affiant further says, that his son is interested as part owner of said Solis, and while affiant was acting as agent for his son he became acquainted with said tracts of land.

Affiant further says that the

grant to Carlos Carlo for said San Francisco de las Llagas was made "(en exclusion del paraje, que llaman Rancho de Solis.")" in exclusion of the Rancho Solis, and that the Survey of said Thompson in this case infringes upon said Solis, as aforesaid

That said Survey of said Thompson also infringes upon the Rancho San Ysidro, which was of older date than the said Las Llagas.

That said Survey of said Thompson also infringes upon the Rancho Las Animas, in which this affiant is interested: and therefore this affiant prays, that the decree in this case be set aside and affiant allowed to intervene, and protect his interest, and the interest of those for whom he is agent. —

John Youtz

Subscribed and sworn to before me this 27th day of August A.D. 1860.

Wm. B. Williams
U.S. Com.

147. ND
25 Pd

U. S. Dist. Court

The United States,

— vs —

D. Murphy, et al.

Affidavits, etc on motion to vacate decree on survey.

Filed Aug. 28, 1860.

W. A. Clemens,
Clerk

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

Daniel Murphy et al:
vs
The United States } No. 25. L.C. 147. D.C.

To the Honorable Ogden Hoffman, Judge of said Court.

The petition of the United States by their District Attorney, respectfully shews,

That on the 2nd day of November A.D. 1859, a decree was filed in the case above-named, and on the 21st day of said month a motion was made by the acting District Attorney, on behalf of the United States, to open said decree, and that said motion was "continued"

The District Attorney begs leave to refer on the hearing of this petition to the original papers, and papers on file in this Court, as

Transcript-
pages 53,
& 54

for as may be necessary, to illustrate his objections to the Survey made under the decree last named.

It appears by the grant made to Carlos Castro, May 3rd 1884, there were granted to him but "two sitios de ganado mayor square leagues, little more or less, which is assigned to him in the plat, which accompanies the record of proceedings."

Afterwards in the same year, juridical possession was given to the grantee, a copy of which is in the papers on file in this Court, to which the District Atty: begs leave to refer. In the record of said possession, it will appear, it was ordered that the map should remain, "designed in the same form, as the Surveyor had measured the said measurers declaring it to have two sitios of ganado mayor, lacking in each one and a quarter of a league in latitude" accompanying the Expediente with the said Map."

Transcript
p. 47

On the 17th of February 1844, Michelorena ordered, that

Castro should have the land of

Transcript p. 37.

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Castro, should have the land of which possession was given &c &c

It is respectfully contended that the Mexican Government intended by this only to grant two leagues.

But if this view is erroneous, it is contended on behalf of the United States, that the Survey made, and the decree which it is now moved to open, does not regard the juridical possession: after that it appears by the record of this Court, on the 26th day of October 1859, the Court set aside the Survey, and ordered "that the land which was confirmed is the land of which juridical possession was given, and to the extent of the boundaries established by the said juridical possession" and by the same record, it appears, on the 2nd day of Nov: 1859, the decree was entered "in pursuance of the order of Oct: 26th 1859."

Said District Attorney further says, that in the decree of the land Commission, confirmation was made of said land to claimant, and reference was made in said decree, "for further

description of said land, to the grant to the said Castro, and the record of juridical possession, and the map accompanying the same, which are on file in this case, said land containing two square leagues"

Transcript p. 71.

This decree of the land commission was approved (omitting the reference to the leagues, and to referring to the juridical possession and the map) ~~in the same words~~ — has upon a knowledge of these decrees that the Attorney General withdew his notice of appeal.

The papers and map describe expressly the regular rhomboid tract, containing according to the stated length of the lines an area of 61.871.$\frac{257}{}$ square varas, or 10.985 acres being a little more than two and a half leagues.

Even allowing Michelena's declaration of February 17th 1844 all the effects of a regular title in form, this is the greatest possible area which can be embraced in the claim

The survey of Thompson rejected by his Surveyor General, includes 22.975$\frac{68}{100}$ acres, or

11.990$\frac{68}{}$

11.990 $\frac{68}{100}$ acres, more than was confirmed, a included in the lines specified in the record of juridical possession, and in no way corresponding to the prescribed form of the tract.

p. 34.

In a document copied in the transcript from the Land Commission, it will be seen that Carlos Carlo, the grantee says. = Although the grant reads two = square leagues, (dos sitios de ganado mayor) = the Government at that time ordered, = that juridical possession should be = given to Carlo, of the land marked = out in the respective plot"

When the claimants filed their petition in the Land Commission, they refer also to the map, attached to the original papers.

The District Attorney further states, that the survey approved by the decree, filed November 2nd 1859, is very nearly, if not exactly the same survey, made by Thompson alone - referred to, and includes as the District Attorney is informed a large body of land, belonging to the United States.

The District Attorney respectfully refers to the accompanying papers, in support of the motion to set aside the decree, and begs leave to suggest, that as difference of opinion existed prior to the passage of the act of June 1860, how far private claimants whose rights were affected had a right to intervene, and as by that act Congress evidently intended to settle litigation, and allow private rights to be protected, it would be just to allow owners of land, interfered with by this survey, to be heard.— It appears by the records of this court, that this cause is still "pending" before it.— (see minutes January 16th 1860)

In consideration of all which the said District Attorney prays that said order a decree of November 2nd 1859, may be reviewed, reversed and set aside, and that such action may be had therein, as equity and good conscience may require.——

Calhoun Benham
U. S. Atty
N. D. C.

No: 147

In the District Court of the United States for the Northern Dist: of Cal:

United States

vs

Dan'l. Murphy et-als-

Petition to set aside Decree &c——

Filed Aug: 28. 1860.

W. H. Chevers,
Clerk

78.

The United States
vs
D Murphy

No. 147, ND

A motion is made in this case ~~to made~~ to open a decree heretofore ~~made~~ entered by which the survey and plot of the lands confirmed to the claimant was adopted and approved —

147 ND
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It is resisted on the ground that the decree is final and the term having passed the Court has no jurisdiction on the cause —

The facts of the case seem to be as follows —

The survey approved by the Surveyor General and which was brought into Court on exceptions, estimated the land surveyed to two leagues — the quantity mentioned in the 1st or original grant

It was contended that all the lands embraced within a juridical possession which had been given under the former government should be

included in the survey inasmuch as it appeared that the juridical possession had been brought to the notice of & approved and ratified by the Governor —

In illustration of the difference between the ~~to~~ two locations a survey made by one Thompson a former deputy surveyor was exhibited — This survey had been rejected by the Surveyor General — and was produced in court as an exhibit —

On the hearing the court was of opinion that the claimant was ~~of opp~~ entitled to all the lands embraced within the limits of the juridical possession — The survey of Thompson was therefore adopted and approved by the court under the impression that it corresponded entirely with the juridical possession as given by the

office — As no written opinion was filed in the case it is not now possible certainly to affirm what questions were submitted to and intended to be decided by the Court — But so far as can be recollected it is the impression of the Court that the only question ~~was~~ discussed or considered was whether the limitation of quantity in the grant or the limits of the juridical possession should govern — but the further inquiry whether assuming that the juridical possession should govern the survey of Thompson was in conformity with it was not entered into —

The decree as submitted & signed by the Court undoubtedly adopts the survey of Thompson but the entry in the minutes made when the cause was decided is merely to the effect that the approved

Survey of the Surveyor General be rejected and the lands confined to the claimant are the lands whereof judicial possession was given — and to the extent of the boundaries established by the judicial possession

It now appears ~~from the affi~~ that ~~the~~ important and doubtful questions arise as to the ~~precise~~ true limits of the judicial possession — ~~If the course, the length & the number of the lines described in the recorded act of posses~~ If the record of the judicial possession be followed as to the course, & the length of the lines & the shape of the tract ~~be followed~~ the survey of Thompson is wholly erroneous — If certain monuments alleged to have been established by ~~him~~ the surveyor office be allowed to control the description in the Act of Possession, the location of Thompson may be found to be substantially correct.

A very slight examination of the law

helps them for these questions ~~were~~ have been already investigated and determined it is manifestly unjust that all inquiry into them should be cut off by the terms of a decree ~~such~~ so inadvertently made. As already observed the Court has no recollection that any such questions were raised or that any ~~room for~~ objection to the Thompson survey is ~~stated except the general one that it~~ provided the judicial possession were adopted as defining the boundaries of the tract.

After the Entry of the decree known, a motion was made by the District Attorney to open the cause, and that he be permitted to show the true lines of the Judicial possession — As the Court was about adjourning and the Judge was ~~the~~ on the wc about

his departure from the state
~~to depart for the Eastern states~~
the motion was entered on
the minutes & continued —
It is now contended that
the ~~cous~~ decree has passed
beyond the control of the
Court because no order was
entered at the time of ~~cou~~
docketing & continuing the
motion for a rehearing, arresting
the ~~judgment~~ decree or staying proceed-
ings upon it.
In strictness such an order
should undoubtedly have
been made —
But the practice in this Court
as understood by the Bar &
the Court has been invariable
to treat the making and
docketing of a motion for a rehearing
~~to be~~
~~consider~~ as equivalent to
suspending the operation of
the decree — and as keeping
alive the power of the Court
over the cause which would
otherwise ~~be~~ be lost by the expir-
ation of the term —

As decrees are frequently rendered towards the end of a Term and too late for the Counsel to prepare or the Court to hear a motion for a rehearing before the close of the Term the practice has prevailed of making this & docketing the motion during the Term but postponing the argument until the succeeding Term. In no case has such a continuance when granted by the District Judge been accompanied by an order arresting or suspending the decree — Altho' unless such an effect be attributed to the proceeding motion & continuance the proceeding would be wholly nugatory —

In this case to suppose that the Court when permitting the motion to be docketed did not intend to suspend the decree and to retain its jurisdiction over it after the

expiration of the Term, would be absurd — For the motion was made at the very end of the Term ~~of~~ and unless it could be heard during the ensuing Term, and the relief sought for then obtained — the docketing & continuance ~~was~~ or of it was an idle ~~and~~ and deceptive formality.

I think therefore that under the circumstances of this case and in view of the practice and understanding of the Court and the Bar as to the effect of the proceedings, I am abundantly justified in treating this case as still before the Court — more especially as by so doing I Partis ~~to the~~ will be permitted to intervene in the proceedings whose rights are directly involved and who have as yet had no opportunity to be heard —

The case being thus held to

be "pending" a motion must issue and it must be otherwise proceeded in conformity to Act of 1865 & the rules of Practice adopted by this Court

No. 147.

U. S. Dist: Court.

The United States.

-vs-

D. Murphy, et al.

Opinion.

Filed Aug: 31. 1860.

W. A. Cheever,
Clerk

At a Stated term of the District Court of the United States, for the Northern District of California.
August 31st A. D. 1860.-

Present Hon: Ogden Hoffman, Judge of said Court.

Daul. Murphy et al
vs
The United States. } No: 147

Motion to open decree, made in this case. Nov: 2nd 1859.-

This motion coming on to be heard, and counsel for the United States and for the claimant having been heard, it is ordered, adjudged and decreed by the Court, that the decree heretofore made in this case, filed Nov: 2nd 1859, be and the same is hereby set aside, and annulled.

And it appearing to the court that proceedings in this cause for the purpose of confirming, and reforming the survey and location therein were pending at the time of the passage of the act of Congress of June 14th 1860, it is further ordered that a monition issue, returnable on Wednesday the 19th day of September 1860, admonishing

all parties in interest to intervene for the protection of said interest, and that said Monition be published by the Marshal as is directed by the rules of this Court in similar cases

Ogden Hoffman
Dist Judge

No. 147.

U. S. Dist. Court.

The United States,

vs

Daal. Murphy,
et al.

Order directing
issuing of Monition,
etc.

Filed Sept. 1. 1860.
W. H. Chevers,
Clerk

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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 19th day of September in the year of our Lord one thousand eight hundred and sixty.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,

v.

D. Murphy, et al.

IN LAND CASES.

District Court No. 147

Land Com. No. 25

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 Jno J. Williams Esq Attorney for claimant 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; and Edward Stanly Esq Calhoun Benham Esq, U. S. Atty, ~~for the U.~~ appeared for U. S.; and Edward Stanly Esq appeared and intervened in behalf of Jno. H. Moore et al; in behalf of Eliz Martin, et al; and in behalf of William McCutchen et al. On motion of atty for claimant, It is Ordered that Edward Stanly have leave to make a proper showing by affidavit of the right of the parties above named to intervene herein, to be filed within one week from this day, and shall notify atty for claimant of the filing; and claim atty shall have three days after such notice to object; and whereupon IT IS ORDERED, that the default of all parties not appearing as aforesaid be and the same is hereby entered.

no other parties appearing

No. 147.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

V.

D. Murphy, et al.

ORDER ON RETURN OF MONITION.

etc.

Filed Sept. 19. 1860.

W. W. Cheves,

Clerk.

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United States of America,)
Northern District of California.) ss.

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. 147, to Daniel Murphy, et al. known as "San Francisco de las Llagas", and situated in the County of Santa Clara, 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 19th day of September 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 4th day of September A. D., 1860.

W. H. Chevers

CLERK.

The within Monition was received by me on Wednesday the 5th day of September 1860, and in obedience thereto I have given due notice, as therein commanded, by causing the publication of said notice, for #2 consecutive Wednesdays, in the San Francisco Herald, commencing on the 5th day of September 1860; and for #3 consecutive Saturdays, ~~in the San Jose Reporter and Three insertions~~ Six insertion in the San Jose Tribune a paper published nearest the land, commencing on the 8th day of Septr 1860.

Dated San Francisco, Septr 19th 1860

P. L. Solomon U. S. Marshal.

No. 147.

UNITED STATES DISTRICT COURT,

Northern District of California.

IN LAND CASES.

THE UNITED STATES.

v.

D. Murphy, et al.

MONITION.

Returnable Sept. 19. 1860.

Issued Sept. 4. 1860.

Filed Sept. 19. 1860.

W. H. Chevers,

Clerk.

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

Daniel Murphy et al } No. 147.
vs } "San Francisco de las
The United States } Llagas" —

To the Hon. Ogden Hoffman Judge &c

John H. Moore, Wm. Yates et al — respectfully represent to the Court, that the Survey in the case above-named interferes with the Rancho Jolis & includes within the said Survey more than Eight hundred acres of land belonging to said Jolis; that the patent for said "Jolis" has been issued.

The Rancho "Jolis" was granted to Mariano Carlo deceased, and purchased from him, by Julius Martin, and these petitioners claim to have title under Execution sales against Julius Martin, and by deed from said Martin, to Edward Shanty, and al: all of which will more fully appear by reference to the records of Santa Clara County in which said Ranches are situated.

Petitioners pray to be allowed to intervene for the protection of their interest according to the provisions of the act of Congress of June 14th 1860 &

No: 147

Daniel Rumsey et al

vs

The United States

Petition & affit: to intervene on behalf of claimants of "Rancho Solis."

John H. Mone, et al.

Filed Sept: 26. 1860,

W. H. Chevers,
Clerk

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Filed this 11th day of Feb. A.D. 1861 in the District Court

Affidavit of Service

Charles Williams
Dist. Court

Subscribed and sworn to before me this 21st day of Feb. A.D. 1861.

Charles Williams
Clerk

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

Daniel Murphy et al
vs
The United States

No: 147
In the matter of the Survey of the Rancho San Francisco de las Llagas

To the Hon: Ogden Hoffman, Judge of said Court.

The petition of Wm: McCutchen by his Atty: Edward Stanly represents, that he claims an interest in the Rancho called San Ysidro, in Santa Clara County, and that the Survey made in this case interferes with a part of said Ranch, including in its lands acres, belonging to the Rancho San Ysidro.

The claim of the said McCutchen is derived as follows—

The Rancho San Ysidro was granted to three children of Antonio Ortega viz: Quentin Ortega; Maria Clara Ortega wife of John Gilroy; and to Isabella wife of Cantua.

that the Northern portion of San Pedro adjoins the Rancho "Las Llagas" that said Northern portion was that granted to Isabella Cantua as aforesaid.

That said McCulchen claims under a deed executed by John Gilroy & his wife, and by Quintin Ortega, Julian Cantua Manuel Cantua, Manuela Cantua, Faustina Cantua & others — several of them claiming as heirs of said Isabella the original grantee as aforesaid. —

Said deed to McCulchen was executed on the 26th Decr. 1854 and recorded in Santa Clara County January 12th 1855. —

Petitioner prays to be allowed to intervene for the protection of his interests, according to the provisions of the act of June 1860. — & for such other & further relief — &c —

Subscribed and sworn to before me this 21st Sept ad 1860

Jno B Williams
U. S. Com

E. W. Smith Atty.
for Petr.

No. 147

Daniel Humphreys et al

vs

The United States

Petition of Wm
McCulloch to intervene
&c —

Filed Sept: 26. 1860.
W. A. Cherrett.
Clerk

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

Daniel Murphy et al: vs The United States

No: 147
In the matter of the Survey of "San Francisco de las Llagas" –

To the Hon: Ogden Hoffman Judge of said Court. –

The petition of Elizabeth Martin by her Atty: Edward Stanly respectfully represents that she claims an undivided Eighth part in the Rancho "Las Animas" that the Survey in this case conflicts with said Rancho Las Animas, & includes acres of Thousands, of land claimed to belong to said Las Animas. That said Elizabeth Martin claims to have title to said interest in Las Animas by deed from Carmen Castro, a Maria del Carmen Castro, widow of one Joaquin Soto, and daughter of Mariano Castro the original grantee of Las Animas from the Mexican Government. – That said deed of Carmen Castro was made under a power of Atty: executed by her, and

conveyed to John O. Rose, who has as petitioner is informed and believes conveyed the interest purchased as aforesaid, to said Elizabeth Martin.

The said petitioner prays to be allowed to intervene for the protection of her interest, according to the provisions of the act of 1860. — & for such other & further relief &c —

Subscribed and sworn to before me this 21st day of Sept A.D. 1860

Jno B Williams
N P Cond

Edw Stanly
Atty for petitioner —

No: 147

Dan'l Murphy et al

vs

The United States

Petition of Elizabeth Martin to intervene to protect her interest in Las Animas. —

Filed Sept: 26. 1860.
W. A. Chaves,
Clerk

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

Daniel Murphy et-al
vs
The United States

No. 147
In the matter of the survey of "Las Llagas" –

To the Hon: Ogden Hoffman Judge of said Court –

The petition of Edward Murphy respectfully represents, that the survey of said Las Llagas interferes with the Rancho San Ysidro, & includes a large body of land belonging to San Ysidro –

Your petitioner is interested in the Rancho San Ysidro, by title as he claims derived from the heirs of Llagas, to whom it was granted by the Mexican Government.

The portion of San Ysidro interfered with is the Northern part, granted to Isabella Cantua, as appears by the record of this court –

John Gilroy purchased from the owner of said Northern part

of San Pedro, & conveyed his interest by deed to M. Gilroy, and M. Gilroy to James M. Estell, & your petitioner purchased at execution sale the interest of said Estell in said Rancho San Pedro, including his interest in said Northern part, which adjoins the Rancho San Francisco de las Llagas—

Petitioner prays to be allowed to intervene for the protection of his interest, according to the provisions of the act of June 14th 1860, & for such other relief as the Court shall deem right—

Crockett & Cuttenden
attys for E. Stanley—

Subscribed and sworn to before me this 21 day of Sept A.D. 1860.
by Edward Stanley

Jno B Williams
U.S. Comr

No. 147

Daniel Humphreys et al
vs
The United States
Petition of Ed. Stanly
to intervene &c

Filed Sept. 26. 1860.
W. A. Cleveland
Clerk

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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 Friday the 28th day of September in the year of our Lord one thousand eight hundred and sixty

Present:

The Honorable OGDEN HOFFMAN, District Judge.

Daniel Murphy Etal
v.
The United States

On motion for leave to intervene

This day came the Claimants by their attorneys, Morrison Williams & Thornton and moved the Court for ten days further time to assist the right of intervention in this cause, by parties seeking to intervene by their Counsel Edward Stanly and Chockett & Cockenden, and thereupon it is ordered that ten days further time, according to said motion be and the same is hereby given —

Ogden Hoffman
U. S. Dist Judge

147.

UNITED STATES DISTRICT COURT

Northern District of California.

The United States,

v.

D. Murphy, et al.

Order allowing Ct's Counsel 10 days further time to resist interventions interposed by E. Stanly.

Filed September 28, 1860.

W. B. Reed

Clerk.

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

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The United States
vs
Daniel Murphy Estate

Llagas Rancho
No: 147 —

And now come the said Claimants by their Attorneys Thornton, Williams & Thornton and deny and except to the right of Elisabeth Martin, and William McCatchen and Edward Stanley to intervene in this cause in the matter of the Survey and location of the Rancho finally confirmed to them and known as the Rancho San Francisco de Las Llagas, because they say the said persons have not, nor have either of them any right title or interest in the said Rancho or in the adjoining lands as entitles them or either of them to intervence under the act of Congress approved June 14. 1860 or in any other way — Wherefore the said Claimants pray that the prayer of the said persons and of each of them for leave to intervene herein may be denied, and their petitions dismissed —

Thornton Williams & Thornton
Attys for Claimants —

No. 147 –

United States
vs
Daniel Murphy et al

Exceptions to
Petitions for leave
to intervene –

Filed Oct. 5th 1860.
W. A. Cheever.
Clerk

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 Sixth 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.
Daniel Murphy, et al.

No. 147.

This cause coming on to be heard on Exceptions filed by the Claimants' Counsel, to the right of Edward Stanly, and William McClutchen to intervene herein, and having been argued by the Counsel for the respective parties, and due deliberation being had in the premises, it is now here ordered, adjudged, and decreed that the said Exceptions so far as they relate to the said Stanly, and McClutchen, be sustained, and the right of the said parties to intervene herein is hereby denied.

Ogden Hoffman
Dist Judge

No. 147.

UNITED STATES DISTRICT COURT

Northern District of California.

The United States,

v.

Daniel Murphy, et al.

Order denying right of Stanly and McCutchen to intervene herein.

Filed October 6th 1860.

W. H. Chevesl,

Clerk.

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

The United States
vs
Daniel Murphy et al.

No. 147.
In the matter of the Survey of "San Francisco de las Llagas".

On this case the District Attorney of the United States on behalf of their interests desirous to intervene according to law and the rules of this Court, files the following exceptions to the survey made in this case.

1. The said survey is not made according to the original title papers of claimants.

2. The said survey is not made in accordance with the decree of this Court.

3. That the said rancho, San Francisco de las Llagas, was confirmed to said claimants according to the juridical possession and the map, and the said survey wholly disregards the juridical possession and the map.

4. That the said survey includes more land than was confirmed to claimants by this Court and more than was given by the juridical possession.

5. That the grant of the Mexican Government was for two square leagues, and this survey includes more than four leagues.

6. That the claimants in their petition claim only about four square leagues with the boundaries set forth in the juridical possession and the map accompanying the same: whereas this survey includes more than seven hundred acres of land over and above four leagues and in utter disregard of the juridical possession and map.

7. That the papers and map describe a regular rhomboidal tract containing according to the stated length of the lines an area of 10985 acres: whereas this survey includes 16706½ acres, or 5721½ more than was granted.

8. That said survey is not a complete and proper performance of the duty

imposed by said Act of Congress upon the Surveyor General in this, that it is not a survey of the claim as presented by the claimants, or as confirmed by this Honorable Court.

Calhoun Benham
U. S. Attorney
N. D. C.

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

The United States

vs

Daniel Murphy et al

San Francisco de
la Salagad

No 147.

Exceptions to
Survey by U. S.

Filed Oct. 8. 1860.
W. H. Chevers,
Clerk

Denham U.S. Atty

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

The United States
vs
Daniel Murphy et al.

No 147. —
In the matter of the Survey of "San Francisco de las Llagas". — —

And now come John H. Moore, William Yates & al. owners of the Rancho "Solis" and file exceptions to the Survey made in this case.

1. The Survey is not made according to the original title papers of claimant.
2. The Survey is not made in accordance with the decree of this Court.
3. That said Rancho, "San Francisco de las Llagas", was confirmed to claimants according to the juridical possession and the map. and the said Survey wholly disregards both the juridical possession and the map
4. That the grant of the Mexican Government, was made for two square leagues, whereas this Survey includes

more than four leagues

5 That said Survey includes more land than was confirmed to Claimants by this Court, and more than was given by the juridical possession.

6 That the Claimants in their petition claim only about four square leagues, with the boundaries set forth in the juridical possession and the map accompanying the same: whereas this Survey includes more than Seven hundred acres of land, over and above four leagues: and in utter disregard of the juridical possession and the map.

7 That the papers and map describe a regular rhomboid tract, containing according to the stated length of the lines, an area of 10,985 acres: whereas this Survey includes 16,706.72 acres, or 5,721. acres, more than were granted, or included in the lines specified in the record of juridical possession.

8 That said Survey unjustly includes about nine hundred acres of land belonging to the Rancho "Jolis" which has been patented.

9. That the said Rancho Jolis, is of older date than the grant for this ranch: and when this ranch "Las Llagas" was granted, it was in exclusion of the "Rancho Jolis", as appears by the grant in this case.

10. That said survey was made to suit private interests, — the claimants of several adjoining ranches, being the near relatives, of the claimants in this.

Edw Bently
Atty: for
Claimants of "Jolis"
Ranch

No: 147

The United States

vs

Dan'l. Rumpley
et als

Exceptions to Survey
on part of claimants
of Jolis' Ranch

Filed Oct: 9th 1860
W. A. Chevers,
Clerk

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Edw. Stanly Atty:

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Danl Murphy et al

IN LAND CASES.

Dist. Court No. 147

Land Com. No. 25

BE IT REMEMBERED, that on this 15th day of July A. D., 1862, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, 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, personally appeared Quintin Ortega a witness produced in behalf of the Claimant in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: his evidence being ~~interpreted by~~ interpreted by Martin Murphy a sworn interpreter, and taken by consent

PRESENT: S. S. Williams Esq. for Claimant, and Dr. St. Sharp U. S. Atty. for the U. S.

QUESTIONS IN BEHALF OF THE Claimant

Question 1st,

What is your name, age, and place of residence?

Ans.

My name is Quintin Ortega, my age is seventy one years.

I reside in Santa Clara County.

2.

Do you know the rancho San Francisco de las Llagas claimed in this case?

Ans.

I do.

3.

Are you the same Quintin Ortega who was one of the assisting witnesses, when juridical possession was given of this rancho in 1834?

Ans.

I am.

4.

Were landmarks established at the time the said juridical possession was given?

Ans.

Yes, there were some stone monuments built, and some oak trees were marked.

5.

Do those trees and stone monuments exist at the present time?

Ans.

They do.

6.

At the time of making the Official survey in this case did any one point out to the Surveyor, said marks and stone monuments, and the lines of said juridical measurement, if so whom?

Ans.

They were pointed out by myself and Canuto Boronda.

7.

Did you point out to him the same ones, that were established in 1834?

Ans.

We showed him the same ones.

8.

State the boundaries as near as you can which were established at the time of the giving of said juridical possession?

Ans.

They commenced at the Canada near the rancho Solis, and ran towards the rancho Las Animas, there they made a turn and ran towards the rancho La Polkas, on to the hills, there they made another turn running along the edge of the hills to a place opposite where the "21 mile house," now is, thence by the 21 mile house back to a high hill on the opposite side of the valley, and down again to the Cañada near the rancho Solis,

9.

At the time the juridical possession was given, how was the Northeastern corner marked?

Ans.

There was a pile of stones on the high hills, and lower

down towards the foot of the hills, there was a tree marked.

The ~~boundary~~ corner near the rancho Las Uvas is the top of a ~~single~~ high hill, a point that projects higher than the others.

At the point marked "No. 1" on Thompson's survey an oak tree was marked.

I did not go up to the corner at the point "No. 3" on Thompson's survey, but I was below and present when Borondo ~~was~~ went up and pointed it out to the Surveyor.

Cross Examination.
Questions by U. S. Atty.
Ques: 10.

Are you the same Quintin Ortega to whom was granted a portion of the San Isidro

ranchs?

Ans.

I am.

Deposition closed.

Lucien Ortega

Subscribed and sworn to this 15th day of July A. D. 1862 before me

W. A. Cheves

U. S. Com.

No. 147.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES

V.

Dan'l Murphy, et al.

DEPOSITION OF

Quintin Ortega

on part of Claimants.

Filed July 17, 1862,

W. H. Chevers,

Clerk.

147 ND

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62.

The U. S.
vs
D. Murphy et als

No. 147. ND

January 10. 1863.

147 ND
PAGE 184

The official survey in this case was originally ordered into Court for examination prior to the passage of the act of 1860.
The cause was heard and a decree made setting the survey aside and adopting a previous survey made A. W. Thompson U. S. Deputy Surveyor. ~~The~~
~~After~~ A motion was subsequently made for a rehearing, but it remained unargued & undisposed of up to the date of the passage of the act of 1860.
As by that law all pending cases were subjected to its provisions it was considered by the Courts that the operation of the decree ~~having been such~~ as a final judgment was in effect suspended by the motion for a rehearing and that the case was "pending" within the meaning and intent of the law.
Proceedings as required by the act

of 1860 were accordingly had — Adver tisements were published and time afforded to the claimants and to the parties intervening to produce testimony —

No ~~[illegible]~~ ~~[illegible]~~ evidence whatever in addition to that before the Court at the time of making the decree adopting the Thompson survey has been produced on the part of those who object to that survey. The claimants however have offered testimony to ~~[illegible]~~ the corroboratory of that on which the decree was made —

The final decree of confirmation entered in this Court declares the land confirmed to be the tract embraced within the limits of a Juridical possession given to the grantee and approved and confirmed after some contest by the Mexican Authorities —

No limitation of quantity is mentioned in the decree — and in the ingrossed ~~decr~~ copy in

3 the decree took a clause stating the quantity to be two leagues a little more or less has been erased by order of the Circuit Judge by whom the decree was rendered —

The only question therefore is as to ~~the~~ the limits of the Judicial possession — The measurements as specified in the ~~Act~~ record of possession are wordually erroneous and afford no means of ascertaining the limits of the tract — but the monuments set up at the corners and the delineation of the tract ~~the~~ whereof possession was given which was marked on the original diseño by the Judicial officers enable us to ascertain with reasonable certainty the limits of the tract measured off to the claimants

The record states that at the end of each line a flag was placed and a boundary mark established —

These marks are now pointed out and identified by the two

4 surviving witnesses who attested at the proceeding —
They consist of ancient marks on trees — No testimony is offered nor is any attempt made to show by examining the annulations of the wood that the marks were not made at the time the judicial possession was given
The ~~track~~ courses & distances lines thus established corresponding with tolerable exactness to the rude delineation made on the division by the Judicial officer — They have been followed in the survey by Mr Thompson and I see no reason to doubt that they are those established by the officer giving possession — They are therefore the boundaries of the land to which by the final decree the title of the claimant was confirmed
It appears however that a part of the land is included in the Sobs Rancho which has

5 been surveyed and patented
This portion the claimants ~~have~~
in this case have ~~consented~~ a
greed to relinquish and have
consented that the Thompson
survey be ~~so far~~ modified so
as to follow the line of the
Soto's Rancho, so far as the
two ranchos are coterminous
A decree to that effect
will be entered —

147.

U. S. District Court.

The United States,

— vs —

Daniel Murphy, et al.

Opinion refusing official Survey.

Filed January 10. 1863.

W. W. Thevet,
Clerk.

At a Stated term of the District Court of the United States for the Nor: District of California held at the Court Room San Francisco on Saturday the 10th day of January A.D. 1863.

Present: Hon: Ogden Hoffman Dist: Judge

No. 147.

The United States vs. Dan.l Murphy et al. } In the Matter of the Survey and Location of the Ranch "San Francisco de las Llagas"

This cause came on this day to be heard, and was argued by counsel, and thereupon and in consideration thereof, it is ordered, adjudged and decreed as follows: Viz. That the official survey of the said Rancho, made by the Surveyor General of the United States for the State of Realifornia, and returned by him into this Court be and the same is hereby set-aside, disapproved and annulled. And it is further ordered, adjudged and decreed, that the said Surveyor General, proceed without delay to make a new survey of the said Rancho and so soon as completed return the same into this Court for its approval. And

it is further ordered adjudged and decreed that the location of the said lands and the new survey hereby directed shall conform to the survey made by A. W. Thompson on the 17th day of January 1857, except on the side of the Polis Rancho, to the Patent lines of which said Polis Rancho this survey must be made to conform - It being the intention of this decree to adopt the said Thompson, Survey, with the modification above stated -

Ogden Hoffman
Dist Judge

147.

U. S. Dist. Court.

The United States.

vs.

D. Murphy, et al.

Order respecting official Survey.

Filed Jany 10, 1863,
W. H. Chenoweth
Clerk

147 ND
PAGE 193

At a Stated Term of the DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room in the CITY OF SAN FRANCISCO, on Monday the twenty seventh day of July in the year of our Lord one thousand eight hundred and sixty-three

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Daniel Murphy et al

No 147

This cause having come on to be heard on objections to the survey and location by the Surveyor General of the U.S. for California of the land heretofore confirmed to said claimants; and the Court having by its final decree made and entered January 28th 1863 approved the location made by said Surveyor General in pursuance of the order of the Court made January 10. 1863; Now, on application of W.H. Sharp Esq. U.S. atty, It is Ordered, that an appeal in behalf of the United States from said final decree be and the same is hereby granted, and that a certified transcript of the record in said cause be sent to the Supreme Court of the United States without delay.

No 147

UNITED STATES DISTRICT COURT

Northern District of California.

The United States

v.

D. Murphy et al

Order granting appeal in behalf of U.S.

Filed July 27th, 1865.

W. H. Chevers,

Clerk.

UNITED STATES OF AMERICA, ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Honorable the Judge of the District Court of the United States, for the Northern District of California

Greeting:

Whereas, lately, in the District Court of the United States, for the Northern District of California before you, in a cause between The United States, appellants & Daniel Murphy James Murphy, & Martin T. C. Murphy, claimants & Elizabeth Martin, John Moore, & William Yontz Intervenor, appellee's wherein on the twenty Eighth day of January A.D. 1853, a decree was entered approving the Survey of the Rancho "San Francisco de las Llagas"

147

as by the inspection of the ~~transcript of the record~~ certificate of the Clerk of said Court under the Seal _____ of the said District Court, which was brought into the Supreme Court of the United States, by virtue of an appeal

agreeably to the act of Congress, and the rules of the said Supreme Court _____ in such case made and provided, fully and at large appears.

And whereas, in the present term of December, in the year of our Lord one thousand eight hundred and Sixty three the said cause came on to be heard before the said Supreme Court, ~~on the said transcript of the record, and was argued by counsel.~~ ~~On consideration whereof,~~ and it appearing that the said appellants have failed to have their cause filed and docketed in conformity to the rules of this Court, it is now here ordered adjudged & decreed by this Court that this appeal from the District Court of the United States for the Northern District of California be and the same is hereby docketed and dismissed, and that this cause be and the same is hereby remanded to the said District Court

15. March

You, therefore, are hereby commanded that such _____ proceedings be had in said cause, _____

as according to right and justice, and the laws of the United States ought to be had, the said appeal notwithstanding:

Witness the Honorable Roger B. Taney Chief Justice of said Supreme Court, the first Monday of December in the year of our Lord one thousand eight hundred and Sixty three

COSTS OF
Clerk..... $
Attorney... $

$ _____ ~~Taxed by~~ Duplicate

Geo. W. Middleton
Clerk of the Supreme Court of the United States.

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No. 371 December Term, 1863.

MANDATE

SUPREME COURT UNITED STATES.

A. J. Slater vs Murphy et al

Filed July 27, 1864.
W. A. Crocker
Clerk

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

The United States
vs
Daniel Murphy, James Murphy
& Martin J. C. Murphy — Claimants -
& Elizabeth Martin, John Moore & William Foutz
Intervenors -

In the Matter of the Survey & Location of the Rancho San Francisco de las Llagas

And now comes the Claimants by their Attorney and present the Mandate of the Supreme Court of the United States in the above entitled cause, and thereupon on motion it is ordered that said Mandate be filed, and that leave be given and is hereby given to said Claimants to apply for and receive a patent for the Rancho San Francisco de Las Llagas as and according to the official and approved Survey of the same -

Ogden Hoffman
Dist Judge

147.

U. S. Dist. Court.

The United States.

vs.

Daniel Murphy, et al.

Order to file Mandate U. S. Supreme Court.

Filed July 27, 1864.

W. ~~A.~~ Chenell, Clerk.

In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Dan'l Murphy et al.

IN LAND CASES.

Dist. Court No. 147

Land Com. No. 25

To W. H. Sharp U. S. Atty

You are hereby notified that the testimony of Chas. T. Healey, José R. Rosonda and Quintin Ortega

in the above entitled cause in behalf of the Claimants

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 Thursday the 24th day of October A. D. 1861, at 11 o'clock, A.M., and continuing from day to day until finished, at my office No. 14 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.

Witness my hand and official seal at the City of San Francisco, in said District, this 15th day of October A. D. 1861.

W. H. Chevers

U. S. Commissioner.

147
ND

To Examine this
Case —

In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Dan'l. Murphy et al,

IN LAND CASES.

Dist. Court No. 147

Land Com. No. 25

To W. H. Sharp Esq. U. S. Dist. Atty.

You are hereby notified that the testimony of Chas. P. Healey, José R. Parada and Juanito Ortega

in the above entitled cause in behalf of the Claimants

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 Thursday the 24th day of October A. D. 1861, at 11 o'clock, A.M., and continuing from day to day until finished, at my office No. 14 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.

Witness my hand and official seal at the City of San Francisco, in said District, this 15th day of October A. D. 1861.

W. H. Chevers

U. S. Commissioner.

San Francisco

October 15th 1861.

Due service of a copy of the within notice is hereby acknowledged.

Wm H Shark
U.S. Atty.

For Dft. Oct.

147 ND

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Office of U. S. Distr. Atty.
Aug. 21st 1860.

U. States
vs
Danl Murphy
et al.
No. 147.

To J. M. Mandeville Esq.
Surveyor General &c
Sir.

Please inform me how much Public land is embraced in the last Survey made by you in this case?

2 Whether notice was given by the Deputy Surveyor to the adjoining claimants when he made said Survey.

3 When was the said Survey completed by the Deputy Surveyor.

4 When was it approved by you.

5 When was it forwarded to Washington City.

If convenient I will be obliged to you for a diagram exhibiting the outlines of said Ranch and those it adjoins, with any information that in your judgment may be important to the interests of the U. States.

Very respectfully &c
Balham Benham
U. S. Atty.

United States

vs

David Murphy et al

No 142

147 ND

U. S. Dist. Atty

to

U. S. Surveyor General

Aug 21 1860

Copy

United States
vs
David Murphy

Las Llagas
Objections to surveys

L. L. Williams

Grant to Castro — for 2 leagues poco más ó menos —

He obtained juridical possession — subsequently Benito Diaz denounced sobrante — After a long discussion the Gov. determined to recognise Castro's right to the whole tract included within the juridical possession

On the same rancho, and at the same date, it being about eight O'Clock in the morning, I, the present Judge, ordered the measurers named to proceed with the measurement of the lands, to be made to Don Carlos Castro; and being on the South (Punto en el S.D.) the measurement was commenced, stretching the cordel to the North West (al N.O.) until reaching the Sierra of the North East (del Nordeste) where there were measured one hundred and seventy five cordeles, at which point there was placed a flag (banderola), and then from the South to the North, two hundred cordeles, when there was placed a mark, with a flag (banderola) and then from the North East to the South (N.E. al S.D.) there were measured one hundred and seventy five cordeles, at which point there was placed a mark with a flag (banderola), and then from the North to the South until reaching the place of commencement, there were measured two hundred cordeles, at which place another mark was placed, with a cross on a tree, and flags were placed and land marks were formed at each one, the distance being drawn in accordance with the measurement of the land, the said measurers declaring that there were two square leagues, lacking a quarter of a league in width.

The foregoing is correctly translated from the original expediente.

R. C. Hopkins.