CASE NO.
174
NORTHERN DISTRICT

LAS UBAS GRANT

BERNARD MURPHY
CLAIMANT

LAND CASE 174 ND pgs.57

NOV 2 1962

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 7.

Bernard Murphy CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Las Ubas"

174 ND
PAGE 2

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 Twenty second day of January, 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 Bernard Murphy, for the Place named "Las Ubas," was presented, and ordered to be filed and docketed with No. 7 and is as follows, to wit;

(Vide page 5 of this Transcript.)

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

San Francisco, March 5th 1853.

In Case no. 7. Bernard Murphy for the place named "Las Ubas", the deposition of Antonio Maria Pico, a witness in behalf of the claimant, taken before Commissioner Harry I. Thornton, was filed;

(Vide page 9 of this Transcript.)

San Francisco April 1st 1853.

In the same case the deposition of Juan B. Alvarado, a witness in behalf of the claimant, taken before Commissioner Harry I. Thornton, with document marked H. J. T. no. 1, annexed thereto was filed;

(Vide page 11 of this Transcript)

San Francisco October 11 1853.

Case no. 7 was submitted on briefs and taken under advisement by the Board.

San Francisco Oct. 14th 1853.

In the same Case the Counsel for the Claimant filed the following Affidavit in behalf of the Claimant, to wit:

(Vide page 33 of this Transcript.)

San Francisco, November 16th 1853.

In the same Case the deposition of Justo Larios, a witness in behalf of the Claimant, taken before Commissioner Thompson Campbell, was filed:

(Vide page 7 of this Transcript.)

San Francisco November 29th 1853.

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

(Vide page 37 of this Transcript.)

In the same Case the Counsel for the Claimant filed the following authenticated Copy of the Affidavit of William Carey Jones, to wit:

(Vide page 35 of this Transcript.)

Whereupon the following Order of Reversal was made, to wit:

(Vide page 39 of this Transcript.)

San Francisco December 8 1853.

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

(Vide page 8 of this Transcript.)

San Francisco, December 19th 1853.

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

(Vide page 37 of this Transcript.)

San Francisco Jan. 5th 1854.

In the same case the deposition of Henry T. Pitts, a witness in behalf of the Claimant, taken before Commissioner Stephens Fetch, was filed:

(Vide page 11 of this Transcript.)

San Francisco September 5 1854.

Case No. 7 was submitted without argument.

San Francisco Sept. 19 1854.

In the same case Commissioner R. Aug. Thompson delivered the Opinion of the Board confirming the claim:

Vide page 41 of this Transcript.)

In the same case the following order was made, to wit:

(Vide page 45 of this Transcript.)

4

S- Petition

174 ND
PAGE 5

To the Honorable the Board of Commissioners to ascertain and settle Private Land Claims in the State of California

Your Petitioner Bernard Murphy gives notice that he claims a tract of land in said State and in the County of Santa Clara called Las Vegas with the following described boundaries to wit bounded with the creek called Arroyo de las Vegas with the summit of the range of mountains called Sierra Azul or Blue Mountains with the creek called the Arroyo de la Loma or Mountain creek and with the hill called Loma del Lauro or Laurel Hill supposed to contain about two Spanish Leagues or Sitios de Ganado Mayor And Your Petitioner states that said tract of land with the above named boundaries was granted on the fourteenth day of June one thousand eight hundred and forty two to Lorenzo Peralta by Don Juan B Alvarado then Constitutional Governor of the Department of California and by virtue of his said Office authorized to grant lands and to make the aforesaid grant, That said land was possessed and occupied by said grantee under the said grant and by him sold and conveyed to Your Petitioner by deed executed on the 28th day of August one thousand eight hundred and forty six and has been ever since occupied held and possessed by Your Petitioner A copy of the original grant with a translation thereof are herewith presented and the original will be produced together with the conveyance aforesaid on the hearing of the cause and proof as shall be required said land has not been surveyed but has natural boundaries and Your Petitioner is not informed that there is any intervening claim

Jones Tarpkins & Shotwell
Attorneys for Claimant

The Petitioner refers to the accompanying papers and to the official Record of the grant and the steps leading thereto existing in the archives in charge of the Surveyor General of the United States for the State of California in the Expediente or Records of Land Titles so as the documentary Testimony in which he relies

6

Filed in Office Jany 22 1852.
(Sigd) J. B. Carr.
Secy

174 ND
PAGE 6

7 Deposition of Justo Lanis

Office of the Board of Commissioners &c &c &c
This day before Commissioner Thompson Campbell came Justo Lanis a witness in behalf of claimant Bernard Murphy No 7 who after being duly sworn deposed as follows his testimony being interpreted by the Interpreter

174 ND
PAGE 7

What is your name age and place of residence
My name is Justo Lanis I am forty five years of age and reside in Sonoma and am a native of California
Are you acquainted with the Rancho called Las Baras claimed in this case and if so look upon the map now shown you marking a part of document marked A on file in this case and state whether said map is descriptive of the bounds of said Rancho according to your knowledge of the Rancho and whether there was or not a house upon the said tract of land as early as the latter part of the year 1842 or early in the year 1843
The said Rancho bounded on the north by lands of Fisher to the west it joins with lands of the Burgess on the south it bounded the Red wood Mountains and on the East with the lands of the late Carlos Castro
There is an oak tree standing on the edge of the main road marked with a sign of a cross made with the axe on the line dividing this Rancho from the Rancho of the late Carlos Castro which is the Eastern boundary There is a creek called the Arroyo de las Rosas which runs down from the Red wood Mountains which is the Northern boundary line
The Arroyo de las Rosas runs down from the Red wood Mountains over a part of this land and then runs over the lands of the late Carlos Castro The Road leading from Sonoma to San Jose runs through the land as to the map shown me I can neither read nor write and don't understand what is on it
There was a house on the land in the latter part of the year 1842 Lorenzo Pinedo lived in said house with his family don't know time I don't know how long Pinedo lived there and did not know much about it until after the Murphys lived there

Murphys have occupied it with houses corrals
pieces cattle and horses cultivated some of the
land I saw a field of wheat growing and they
erected a saw mill on the land which is now in
operation and has been since they built it and
this occupation has continued up to the present day

Cross Examined by Law Agent

Did you ever see any house on the land before
it came into the possession of Mr Murphy
Have seen a house it was situated in the land
aforesaid between the hills near the Main road as
easy refered to by the Canada house stated Do not
mean to state the Canada as was I don't
know who lived in it I passed occasionally
over this land in my travels to my brothers
Ranchos and saw the house but never called
at it Hermine known that Prada lived in
it

his
Jesto x Lucas
mark

Sworn to and
Subscribed before me this 16th day of Nov AD 1853

Thompson Campbell Comm

It is agreed that this testimony may be taken
subject to the opinion of the Board as to the pro
priety, under the circumstances disclosed by the
affidavits of William C Jones and Newton
Murphy of its being considered in the determination
of this case

Robert Gunkin Acting Law Agent

Filed in Office Nov 16th 1853
Geo Fishbn Sentney

Recorded in Ex B Vol 3 Page 411
Geo Fishbn Sentney

Deposition of Jose N Castro

Office of the Board of U S Land Commissioners &c

This day before Comm Thompson Campbell came
Jose Nazario Castro witness in behalf of claim
ant Bernardo Murphy Petition No 1 and being
duly sworn his testimony in Spanish was
interpreted by the Sentney

1 Quest What is your name age and place of residence
Ans My name is Jose Nazario Castro I am
thirty eight years of age and reside in the County
of Santa Clara

2 Quest Are you acquainted with the Rancho de
las Uvas claimed in this case and if so state

9

what you know in regard to its occupation and cultivation by Lorenzo Peña

Ans I know the said Rancho and have known it ever since the year 1840 at which time he had a small house in which he lived with his family, he had a small stock of cattle and a corral. There was no cultivation had in that neighborhood before he took there until the year 1847

32nd Question Have you acquainted with the boundaries of this Rancho state what they are

Answer I am acquainted with them It joins on the lands of the Bungenas on lands of the late Carlos Castro on lands of Fishburn the Swin Mane

Associate Law Agent Pueblo

Jose his x mark Castro

Sworn to and subscribed before me this 8th day of December A D 1853

Thompson Campbell Comm

Filed in Office December 8th 1853

Geo Fisher Secretary

Recorded in Ex B V 3 Page 505

Geo Fisher Secretary

Deposition of Antonio Maria Pico

San Francisco March 5th 1853

On this day before Commissioner Henry I Thornton came Antonio Maria Pico witness in behalf of the Claimant Bernardo Murphy Petitioner No 7 and was duly sworn his evidence being interpreted by the Secretary

Antonio Maria Pico witness in behalf of claimant in answer to interrogatories by claimants counsel testified as follows

My name is Antonio Maria Pico my age is 43 years residence County of Santa Clara I am acquainted with the tract of land called Las Aras It is situated in said County I have known it for many years. It was granted about the year 1842 to Lorenzo Peña and was occupied by him from that time before with his cattle He father in law of said Peña had a Rancho adjoining the Aras and Peña lived there with his family in a house close on the borders of the Aras and herded and pastured his cattle on the Aras Peña thus occupied the land

till the time that he sold it to Murphy the present claimant He had his brand upon it and had his cattle tended and branded there according to the custom of the country They likewise cut timber on the Rancho Murphy occupied the land from the time of his purchase of it

He built a small house and had corrals upon it since the year 1847 and has continued to possess it to this time He has also had timber cut upon it

I never heard of any counter claim to said Rancho It is the same land that is claimed in this case

Antonio Ma Pico

U S Land Agent present
Sworn to and subscribed before me this 5th of March 1853 Adam J. Thornton
Commr &c

Filed in Office March 5th 1853
Geo Fisher Secy

Recorded in Ex B Vol 2 Page 636
Geo Fisher Secretary

Deposition of Juan B Alvarado

San Francisco April 2nd 1853

On this day before me Commissioner Adam J Thornton came Juan B. Alvarado a witness in behalf of the claimant B. Murphy Petition No 1 and was duly sworn his evidence being interpreted by the Secretary

Juan B Alvarado a witness in behalf of Pltl claimants interrogatories testified as follows

My name is Juan B Alvarado my age forty three years my residence in Contra Costa County In June 1842 I was Governor of the Department of the California as such Governor I made a grant of a tract of land of a place called Las Ubas to the Citizen Lorenzo Pico The document here shown me and attached to this deposition and marked Exhibit No 1, and attached to this deposition is the original of said grant The document is genuine It was issued by me to the grantee at the time it bears date I am acquainted with the signature of Manuel Jimeno He was Secretary of the Department at said date His signature to this document is genuine Juan B. Alvarado

United States Law Agent present
Sworn to and Subscribed Before me 7th day of
April 1853 Henry T. Hunter
Commissioner

Filed in Office April 2nd 1853
Geo Fisher Gunter

Recorded in Ex B Vol 2, Page 676
Geo Fisher Gunter

Deposition of Henry F. Pitts

Office of the Board of Land Commissioners &c
San Francisco January 5th 1854

This day before Commissioner Alpheus Felch came Henry F. Pitts a witness in behalf of Claimant Bernard Murphy Petition No 7 who being duly sworn deposes as follows

Question by Mr Williams Attorney for the Claimant
Question What is your name age and place of residence
Answer My name is Henry F Pitts my age is twenty eight years and reside in Santa Clara County California

Question 2 Are you acquainted with the Rancho called Las Uvas claimed in this case if you look upon the map marking a part of the traced copy of the Expediente filed in this case marked A and filed October 11th 1853 and trace the boundaries thereon and say whether the same are correctly laid down in said map
Answer I am acquainted with said Rancho and have said map The boundaries of said Rancho commence at the top of the hill known as Loma del Laurel and thence running in an easterly direction to the stream called Arroyo de las Uvas running thence southerly passing the mouth of the stream called Cuesta Madera to the Sierra Azul thence along the said Sierra which divides the Valley of San Jose from the Valley of Santa Cruz to the Arroyo de la Sierra sometimes called Arroyo Seco and also called Las Llagas and from thence to said Loma del Laurel the place of beginning This Loma is a well known peak These boundaries seem to be properly laid down on the map I recognize said Rancho and the boundaries on said map

Question State assuredly as you can the quantity

of land contained within the above mentioned
boundaries and your means of knowledge in this
point
Answer I should think there was a little between
two leagues I think there is not as much as two
and a half leagues I form the quantity by actual
survey from the lines of the Rancho myself in
connection with others and I calculated the
quantity

Henry F. Pitts

My Brother associate
Law Agent was present
as the taking of this Deposition
but propounded no question
Subscribed and sworn to before me this 5th day
of January AD 1854 Alphens Felch
Commissioner

Filed in Office January 5th 1854
Geo Fisher
Secretary

Recorded in Ex B Vol 3. page 598
Geo Fisher
Secretary

13

Espediente promovido pr. el Ciudadano Lorenzo Pineda en solicitud del parage nombrado

Cañada de las Ubas.

Año de 1842.

286

2. Excmo Sor.

Monterey Junio 18 de 1842. Supo me el juez de Paz del pueblo de Sn. Josè. Alvarado

El ciudadano Lorenzo Pineda Vecino del pueblo de S. Josè Guadalupe: ante V. E. como mas haya lugar, y el derecho le permite se presenta y dice; q. en vista de hayarse un parage ó terreno valdio nombrado (comunmt.) La Cañada de las Ubas; y q. esta con el Arroyo del Matadero, colindan con este Rancho de los Capitanellos; pues hasta haya llegare nuestros ganados como es verifico. p. motivo de ser muy corto el terreno q. en la actualidad ocupamos con ntros reses de campo: bajo este concepto y se no hayan otro recurso me es indespensable dejar de ocurrir à la recta justificacion de V. E. à fin de q. si lo tiene à bien se sirba p. un efecto de su bondad concederme la legitima propiedad del espresado parage de las Ubas: es decir todo el plan y loma de este terreno hta el matadero: p. ocuparlo con algunos bienes de campo y corte de Maderas: Por tanto: A. V. E. rendidamt. suplico se digne ver propicio esta mi suplicacion de q. le viverè reconocido.

S. Vicente 2 de Junio de 1842.

Lorenzo: piñeda.

3. Pueblo de S. Josè de Alvarado Junio de 1842. El terreno q. se solicita en este espediente es Valdio y no pertenece à propiedad ninguna de consiguiente no se encuentra embarazo p. q. se le adjudique.

Antonio Buelna.

Monterey Junio 11 de 1842

Pase à la prefectura del 1er Distrito para q. informe si el terreno mencionado se halla en estado de adjudicarse en colonizacion.

Alvarado.

Pueblo de Sn. Josè Abl. 3 de 1842. La parte interesada en esta instancia presentarse al Gobierno departamental en dos

Sr. Juez de Paz

E. C. Lorenzo Pineda vecino del Pueblo de Sn. Josè ante V. como mas haya lugar, y el derecho le permite comparece y dice: q. en virtud de hallarse un terreno Valdio, nombrado

=de se le dicere lo= comunmt. la Cañada de las

=de se le dierè lo que ere a mejor conbenga.
Buelna

comunm.te la Cañada de Cabbas y q.e esta segun noticias tiene intencion de solicitarla un Estrangero; bajo este concepto y de que dho parage con el Arroyo y Cañada del matadero colindan con este Rancho; pues hasta haya pastea nuestro ganado como es constante y de concederselè à otro mas bien pueda ser à uno de la misma familia p.a estar mas inmediatos à el y q.e amas de estos nos hayamos igualmente casi oprimidas, en un estrecho terreno como lo demuestra esta misma Cañada de los Capitancillos. Y sin embargo de que esperando la resolucion del Gobno. p.a otro terreno no queremos esponernos à perderlo del todo p.r cuyo motibo me dirijo à V. implorando el favor de su recta justificacion. Por tanto. A. V. rendida m.te suplico se digne p.r un efecto de su bondad ver propicio esta mi suplicatoria de q.e le viverè reconocido.

S. Vicente 8 de Febrero de 1842.

Lor.o Pineda.

Exmo S.r Gob.r de este Departamento

En atencion al informe q.e da el S. Juez de paz de S.n Josè la pref.a de mi cargo es de opinion que puede adjudicarse al interesado el parage q.e pretende; mas sin embargo V. E dispondrà lo q.e creà mas oportuno.

Protesto à V. E. las seguridades de mi respeto

Mont.y Junio 11 de 1842.

Josè R. Estrada.

Monterey Junio 13 de 1842.

Explique el interesado la estencion de terreno que pretende.

Alvarado

Adore fullows map.

Monterrey 14 de Junio de 1842
Vista la peticion con que da principio este espedte. el informe del prefecto del primer Distrito el del juez del pueblo de Dem Josè con todo lo demas que se tuvo presente y ver conbino de conformidad con las leyes y reglamentos de la materia declaro al Ciudadano Lorenzo Pineda dueño en propiedad del parage conocido con el nombre de la Cañada de las Ubas colindante con el Arroyo de las Ubas con la Sierra Azul con el arroyo de la Sierra y con la Loma del Laurel. Libese el correspondte. Despacho tomese razon en el libro respectivo y dirijase este espedte. à la Excma junta Departamental para su aprobacion. El Excmo Señor Gobernador asi lo mandò decretò y firmo de que doy feè.

Juan B. Alvarado Gobernador Constitucional del Departamento de las Californias.
Por cuanto el Cno. Lorenzo Pineda ha pretendido para su beneficio personal y el de su familia el parage conocido con el nombre de Cañada de las Ubas colindante con el Arroyo de la Sierra y con la Loma del Laurel practicadas previamte. las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamtos. usando de las facultades que me son conferidas à nombre de la Nacion Mejicana he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras sugetandose à la aprobacion de la Exma Junta Departamental y à las condiciones siguientes
1ª Podrà cercarlo sin perjudicar las haveeas caminos y servidumbres. lo disfrutarà libre y esclusivamte. pero dentro de un año fabricar a casa y estar a habitada.
2ª Solicitarà del juez respectivo qe. le de posecion juridica en virtud de este Despacho por el cual se demarcaran los linderos en cuyos limites podrà à mas de las mojoneras algunos arboles frutales ò silvestres de alguna utilidad.
3ª El terreno de que se hace mencion es de dos sitios de ganado mayor segun esplica el diseño que corre agregado al Espediente respectivo.
El juez que diere la posecion lo harà medir con

forme à Ordenanza quedando el sobrante que resulte à la Nacion para los usos combinientes. 2,do Si contrabiniere à estas condiciones perdera su derecho al terreno y será denunciable por otro.

En consecuencia mando que teniendose por forme y baledero el presente titulo se tome razon de el en el libro que corresponde y se entregue al interesado para su resguardo y demas fines. Dado en Monterey à catorce de Junio de mil ocho cientos cuarenta y dos.

Office of Surveyor General of the United States for California.

I, John C. Hays Surveyor General of the United States for the State of California, and as such, having in my Office and in my charge and Custody a portion of the Archives of the former Spanish and Mexiccan Territory or Department of Upper California, by Virtue of the power vested in me by law, Do hereby certify that the 10 preceeding and hereunto annexed pages of tracing paper numbered from One to Ten inclusive, exhibit a true and accurate Copy of a certain document now on file and forming a part of the said Archives in this Office.

Seal In testimony whereof I have hereunto signed my name Officially and caused my seal of Office to be affixed at the City of San Francisco Cal. this Eleventh day of October 1853.

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

Filed in Office Octr. 11th 1853.
Geo Fisher Secy.

18

Transcription of Expediente

Expediente to be acted on by Ciudadano Lorenzo Pinedo on application for the Rancho named Cañada de Las Vacas

In the year 1842

286

Monterey June 8th 1842
Let the Justice of the Peace of the Pueblo of San Jose report
Alvarado

Most Excellent Sir
The Ciudadano Lorenzo Pinedo a resident of the Pueblo of San Jose Guadalupe before Your Excellency and as the Law may favor him best appears and states that since time whereof there is no memory a piece or tract of land (commonly named la Cañada de las Vacas Bayas Parley the same and the camp de matadero Butcher Pen) lay being bounded by the Ranches of los Capitanillos and un cattle came to as far as time as it can be proved by reason of it being to small the tract which we actually occupy with our Cattle Stock Shrubs and having no other resource it is indispensable to me but to apply to Y. E. to the end that Y. E. may if thinks proper be pleased through your kindness to grant me the legal measures of the said piece of Las Vacas that is the whole flat and hills of this tract as far as el Matadero in order that I may occupy it with some cattle stock and for filling of trees shrubs I humbly pray Y. E. will consider this my petition favorably and I will ever pray &c
San Vicente June 2nd 1842

Lorenzo Pinedo

Pueblo of San Jose de Alvarado June 9th 1842
The tract of land petitioned in this Expediente is vacant and does not appertain to any municipality there can be no obstacle in its being adjudicated to him (the applicant)

Antonio Buelnas

Monterey June 11th 1842
Forward this to the Prefect of the 1st District that he may report whether the said tract is in a condition to be adjudicated in colonization

Alvarado

Sir Justice of Peace
Citizen Lorenzo Pinedo a resident of the Pueblo of San

Jose Defuenzum Juan and as the law may from him
Pueblo of San Jose best appears and states that since
April 3rd 1842 there lyes vacant a tract of land com
The party concerned monly named la Cañada
in this Petition thinks de las Uvas which according to
apply to the Departmental report a foreigner intends to apply
Government wherefore it will for the same and as the said Mar
be dispatched cos and the Amps and Cañadas de
as it may be deem Matadero are bounded by this Ran
ed best cho and on cattle grounds pastures
Burlas as far as there is it can be prove
and if it were to be granted to other
it should be to one of the same family
for his being more contiguous
to it and moreover we are likewise
almost oppressed in a small
tract of land as shown by this
my same Cañada de los Capita
nicos and notwithstanding thus we expect the
determination from the Juan more for another
tract of land we do not wish to be hard to loose it
entirely By reason whereof I apply to you Juan
implering the goodness of your Justificing it Where
fore I humbly pray you Juan through your Kin
dness will take into consideration this my Petition
hope in justy and will you pray &c
San Vicente January 8th 1842
Lorenzo Pancho
Most Excellent Sr Governor of this Department
In consideration to the report given by Sr Justice
of the Peace of San Jose the Prefecture under my charge
is of opinion that the place the party concerned Pe
titions for can be adjudicated to him if Excellency
will determine what may think best I profess to Ex
c the assurances of my respects
Monterey June 11th 1842
Jose R. Estrada
Monterey June 13th 1842
Let the party concerned explain the extent
of land he Petitions
Alvarado
(here follows a plan)
Monterey June 14th 1842 Manuel of the Petition
wherewith this Expediente begins the report of the
Prefect of the 1st District and of the Justice of the

Pueblo of San Jose and all other steps which are
had and ought to be viewed in accordance
with the laws and regulations in the subject I do
declare Citizen Lorenzo Pinaco owner in fee of
the place known by the name of la Cañada delas
Vacas bounded by the Arroyo de las Vacas the Sierra
Azul the Arroyo de la Sierra and the Loma del Lanne

Let a corresponding title be made out be
entered in the proper book and this Expediente be
forwarded to the Most Excellent Departmental
Board for its approval
Most Excellent Sir Governor this name de cuna
and signed which I attest
Juan B Alvarado Constitutional Governor of the
Department of the California
Whereas Citizen Lorenzo Pinaco has petitioned for
his personal benefit and of his family the place known
by the name of Cañada delas Vacas bounded by the
Arroyo delas Vacas the Sierra Azul the Arroyo de
la Sierra and the Loma del Lanne the steps and
investigations on covering time having been taken
according to laws and regulations exercising
the powers conferred upon me in the name of
the Mexican Nation I have granted to him the said
tract of land declaring to him the ownership
of by these presents to be subject to the approval of
the Most Excellent Departmental Board and the
following conditions
1st He may fence it without injuring the passages,
roads and fountains may enjoy it fully and exclusively
but within one year he shall build a house and
it shall be inhabited
2nd He shall apply to the proper Officer to give
him juridical possession by virtue of this title
by which the boundaries shall be marked out
at the limits of which he shall not desist the
land rights and fruit in usual forms
3d The tract of land which of pasture is made
is of dos sitios y medio de ganado mayor two and
a half square leagues as shown by the plan annex
ed to the Expediente The Officer who may give the
possession shall cause it to be measured according
to the ordinances the surplus thereof to remain to the
nation for convenient purposes

4th If he shall contravene these conditions he shall forfeit his right to the land and shall be liable to be denounced by another

Whereupon I grant that the present title being held firm and valid an entry thereof be made in the proper book and this be delivered to the party concerned for his safety and other ends

Given in Monterey on the 14th day of June 1842

Filed in Office November 29th 1858

Geo Fisher

Secretary

Recorded in Record of Evidence Vol VII Page 102

Geo Fisher

Secretary

Sello primero Seis pesos: Habilitado provisionalmte. por la Aduana Maritima de Monterey para los años de 1842 y 1843.
Alvarado Antonio Maria Osio

(Sello) Juan B. Alvarado Gobernador Constitucional del Departamento de las Californias.

Por cuanto el Ciudadano Lorenzo Pinedo ha pretendido para su beneficio personal y el de su familia el parage conocido con el nombre de las Ubas colindante con el Arroyo de las ubas con la Sierra Azul con el Arroyo, con el arroyo de la Sierra y con la Loma del Laurel: practicadas previam.te las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos usando de las facultades que me son conferidas à nombre de la Nacion Mexicana he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras sugetandose à la aprobacion de la Excma junta Departamental y à las condiciones siguientes.

1.ª Podra cercarlo sin perjudicar las travecias caminos y servidumbres lo disfrutarà libre y esclusivamente destinandolo al uso ò cultivo que mas le acomode, pero dentro de un año fabricarà casa y estarà habitada.

2.ª Solicitarà del juez respectivo que le de posesion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondrà à mas de las mojoneras algunos arboles frutales ò silvestres de alguna utilidad.

3.ª El terreno de que se hace mencion es de dos sitios y medio de ganado mayor poco mas o menos El juez que le diere la posesion lo harà medir conforme à Ordenanza quedando el sobrante que resulte à la Nacion para los usos convinientes.

4.ª Si contraviniere à estas condiciones perderà su derecho al terreno y serà denunciable por otro

En consecuencia mando que teniendose por firme y valedero este titulo se tome razon de el en el libro respectivo y se entregue al interesado

para su resguardo y demas fines.
Dado en Monterrey à catorce de Junio de mil ochocientos cuarenta y dos.

Juan B. Alvarado # Manl. Jimeno Secrio

Queda tomada razon de este Despacho en el libro de Asientos sobre adjudicaciones de terrenos Baldios. à foja 13. V.º
Jimeno.

El Excmo Señor Gobernador dispone que se tome razon de este titulo en la prefectura del primer distrito
Jimeno

Here follows Map.

Filed in Office Apl. 2na 1853
Geo: Fisher Secry.

25 Translation of Grant Being Document 14 J.J. Not annexed to Deposition of Juan B. Almada taken before Commissioner Hans I Hamilton

174 ND
PAGE 24

7-2

Fifty Stamps Six Dollars

Provisionally authorized by the Municipal Ayuntamiento of the House of Meeting for the years 1842 & 1843 (Signed) Almada (Signed) Antonio Maria Osio

Juan B. Almada constitutional Governor of the Department of California

Custom House Stamps

Whereas Citizen Juan Prudencio has petitioned for his personal benefit and of his family the place known by the name of Las Vegas situated the Arroyo de las Vegas the Sierra Azul the arroyo de la Laguna and the Loma del Lanzo all the steps and investigations concerning it to have been taken as required by laws and regulations exercising the powers conferred upon me in the name of the Mexican Nation I have granted to him the said tract of land according to him the privileges thereof by these presents to be subject to the approval of the Most Excellent Departmental Board and to the following conditions

1st He may fence it without injuring the passages roads and fountains nor may enjoy it only and exclusively appropriating it to such use or cultivation as may seem best but within one year he shall build a house and it shall be inhabited

2nd He shall apply to the proper officer to give him judicial possession by virtue of this title by whom the boundaries shall be marked out as the limits of which he shall pass besides the land marks some fence useful forest trees

3rd The tract of land whereof mention is made is of about sixteen of one div de Sonado measure two and a half square leagues more or less

The officer who may give the possession shall cause it to be measured according to the evidence the surplus thereof to remain to the Nation for common purposes

4th If he shall contravene these conditions he shall forfeit his right to the land and shall be liable to be denounced by other

Manuel Jimeno

Upon this title being held firm and valid an entry thereof be made in the proper book and the same

be allowed to the party concerned for his safety and other ends given in Territory in the 14th day of June 1842

(Signed) Samuel B Alexander
(") Manuel Guirnei
Sentinels

Entry of this title is made in the Book of Registry in accordance with parent laws at folio 13 and over

Signed Simon

Sir be calling for known accounts their entry of this title be made in the office of the Prefect of the Mt Distrito

Signed Simon

Filed in Office Monday 29 1853
Geo Fulton
Secy

27 Translation B Juan B Alvarado Constitutional Governor of the Department of California

Whereas Citizen Lorenzo Pinda has claimed for his benefit and that of his family the vacant house of the name of Las Vobas bounded by the Arroyo de las Vobas the Loma Azul the Arroyo de la Loma and the Loma which tops del Lanne having first used the certificates and investigations concerning the same according to what is required by the Laws and Regulations exercising the powers conferred upon me I have invested in the name of the Mexican Nation to concede to him the said tract of land declaring it to be his property in virtue of the merits attributed by it to the approval of the Supreme Departmental assembly and with the following conditions

1st He may enclose it without prejudice to the crossings roads and footpaths necessary in order to give it and exclusively appropriating it to the culture that best suits him but within one year he must build a house and it must be inhabited

2nd He shall petition the Supreme Prefect to give him judicial possession in virtue of this dispatch according to which he shall demarcate the boundaries at the limits of which shall be put besides the usual marks some permanent useful posts trees

3rd The tract shall not exceed a half of a vara of cattle a little more or less the magistrate who shall give the possession shall cause it to be measured conformable to and the surplus being for the use of the nation

4th If he contravenes these conditions he shall lose his right to the land and it shall be disposed of another anything person may enter a complaint thereof

Whereupon I indulge this title being based upon and valid according to it shall be taken off in the proper book and entered in the proper book and this be delivered to the interested party for his security and effect

Given in Monterey the 24th of June 1842

Juan B Alvarado

Name Miria Quintana

This dispatch is noted in the book of Registrations

28

of Adjudications of vacant lands at Page 13
over

Jenins
A Court Transitation
WB Carr

Filed in Office January 22 1852
WB Carr
Surveyor

174 ND
PAGE 27

Recorded Jenins Vol 1 Pages 45 & 46
Geo Fisher
Surveyor

Por cuanto haberse presentado en este Juzgado el Vecino Lorenzo Pinedo dueño de dos sitios y medio de ganado mayor en el paraje conocido por Arroyo de las Ubas que tiene concedido segun titulo presenta el cual pretende bender al Sor Bernardo de Nacion Solandez, Por tanto yo el juez de segunda nominacion Cnd.o Pedro Chabolla actuando por receptoria con dos testigos de asistencia à falta de Escribano publico.

En el pueblo de San Josè Guadalupe à los bein te y ocho dias del mes de Agl.o de mil ocho cien tos cuarenta y seis procedi à formar la presente es critura de benta y compra que las partes ne cesitan de quienes doy fè y conosco; y dise el primero que por si y à nombre de sus hijos erederos y sucesores sede y da como en Venta publica y enagena con perpetua prejuio de ereda d y para siempre jamas al Sor susodicho Bernardo Morjè quien se heredueño del terreno y a dho: de Arroyo de las Ubas que le Vendio recitado pinedo en trescientos pesos dos-cientos en efectos y cien en plata de lo que para su constancia seguridad de trato celebrado y valor de la presente escritura se le da el actual testimonio con las presentes letras y actuando en este juzgado ante el presente juez que firmo con los de asistencia.

Lorenzo Pinedo. Do asor.
Pedro Chabolla. Diego Guillermo Weeks,
Asst.o Witnes.
Guillermo Fisher # D. A. Davis.
Marean X Carmel Baries

State of California
County of Santa Clara } On this 15th day of March A. D. 1852 personally came and appeared before me a Notary public in and for the said County, James W. Weeks known to me to be the person whose name is subscribed to the foregoing Conveyance as a Witness thereto and who being by me duly sworn, saith that Lorenzo Pinedo, and Maria Carmel Berreyesa his Wife whose names are subscribed to such conveyance as parties thereto, are the persons who executed the same that he was present when

when the same was subscribed and that it was as their voluntary act and deed and that he, this Affiant, subscribed his name to such conveyance as a witness thereof at their instance and Request.

(Seal) Witness my hand and private seal having no Notarial seal yet provided this day and date above written.

T. O. Minor
Notary public.

Recorded in Office Octr. 11th 1853.

Geo: Fisher Recr.

3 Translation of Conveyance from Pinedo to Claimant

174 ND
PAGE 30

Be it known having appeared before this Justice Court Citizen Lorenzo Pinedo owner of two and a half square Leagues of Sitio of Pinedo de Sanadi Mayor in the place known as Aunapedas Texas which he has had granted as of title his property and which he intending to sell to Don Bernardo Monje Irish by nating

Pen Umpire

Citizen Pedro Chabela a Justice of Second instance acting by power of delegate hereinto the accompanying witnesses present of a Notary Public

In the Pueblo of San Juan Guadalupe on the 28th day of the month of August 1846 proceeded to make the present act of sale which the parties represent whom I certify to know and the said Lorenzo Pinedo states that for himself and in the name of his children heirs and successors hereby he grants and transfers as by public sale and perpetual alienation perpetually and for ever unto the said Don Bernardo Monje who is hereby made owner of the tract of land of Aunapedas Texas aforesaid which said Pinedo sold to him for 300. dollars being 200 in goods and 100 money

In testimony whereof and of the bargain made and for the validity of the present Deed these presents are granted to him executed in this Justice Court before the present Judge into which he signed his name with the present witness

(Signed) Pedro Chabela
witness

(Signed) Lorenzo Pinedo
witness

(Sgd) Guillermo Fisher

(Sgd) Diego Guillermo Weeks

(Signed) D. A. Davis
Marcar + Carmel X Davis

Filed in Office November 29th 1853
Geo Fisher
Secretary

Recorded in Record of Conveyances Vol VII Page 106

Geo Fisher
Secretary

53 Appeal of Martin Murphy

U.S. Board of Commissioners to ascertain and settle Private Land Claims in the State of California

David Murphy et al
vs
The United States

Claiming Rancho de Las Aguas in Santa Barbara County Martin Murphy being sworn in writing to be further testimony says he is the father of Bernardo Murphy now deceased and that he is the administrator of the estate of said Bernardo for the minor heirs of said Bernardo Murphy deceased that in the month of April 1853 said Bernardo Murphy came his way to this city to perfect the facts of Occupant possession under the grant from Governor the building and improvements of a mill and other improvements

That such facts really exist that upon account to the Jenny Lind Steamer said Bernardo Murphy lost his life without having time to communicate with his attorneys that this case was submitted without this proof affiant believes from said accident, that this application is not made for delay and prays an opinion of said case so far as to hear testimony on this point

Martin Murphy

Subscribed and Sworn to before me this 14th day of October AD 1853
Alphens Selch
Commissioner

Filed in Office October 14th 1853
Geo Fisher
Secretary

Recorded in Journal No 3 Page 451
Geo Fisher
Secretary

11 p. 7

35 Certified copy of Affidavit of Wm Carr Jones

Commission on Land Claims in California
No 52 Bernard Murphy Claimant

This day personally appeared before me Alphens Fitch one of the Board of said Commission the undersigned William Carr Jones who states that the claimant Bernard Murphy has died since the presentation of the claim before this Board and that Martin Murphy is his only child

Signed Wm Carr Jones

Subscribed and Sworn
to before me October 11th 1853

Alphens Fitch
Commissioner

I George Fisher Secretary of the Board of United States Land Commissioners for ascertaining and settling Private Land Claims in the State of California hereby certify that the foregoing is a full true and correct copy of an original Deposition of William Carr Jones taken before Commissioner Alphens Fitch and on file among the archives of said Board and in my care as such Secretary

Witness my hand this 19th day of November 1853

Geo Fisher
Secretary

15410

Filed in Office November 29th 1853
Geo Fisher
Secretary

Recorded in Journal Vol 3. Page 509
Geo Fisher Secretary

31

57 Stipulation

Commission of Land Claims in California no 52 Bernard Murphy Claimant

It is hereby agreed and stipulated that the affidavit of William Carr Jones filed in this case stating the death of said Claimant since the filing of the Petition in said case and that Martin 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 No 25 (twenty five)

(Signed) Robert Brenham
Associate Law Agent

I George Fisher Secretary of the Board of U S Land Commissioners to ascertain and settle Private Land Claims in California hereby certify the foregoing Stipulation signed by Robert Brenham Associate Law Agent to be a true and correct copy of said document now on file among the Archives of said Board and in my care and custody as such Secretary

witness my hand this 19th day of November 1853

Geo Fisher Secretary

Filed in Office November 29th 1853

Geo Fisher Secretary

Recorded in Journal Vol 3 Page 508

Geo Fisher Secretary

Stipulation Bernard Murphy vs The United States } No 7 Las Mosas

It is hereby stipulated that the transcripts filed in this case and certified by Mr King the late United States Surveyor General for California under his private seal may be used as evidence pro as though they were sealed and certified under the seal now provided for the Surveyor General Office

Robert Brenham
Associate Law Agent

Filed in Office December 19th 1853

Geo Fisher Secretary

Recorded in Journal Vol 3 Page 533

Geo Fisher
Secretary

39

Order of Revival

174 ND
PAGE 34

Bernard Murphy
vs
The United States } No 7

It appearing to the satisfaction of the Board by the affidavit of William Carr Jones that the claimant Bernard Murphy has died since the filing of the claim in this behalf and that Martin H. Murphy is his only child and heir and it further appearing to the Board that this case was submitted for final determination after the death of the said Bernard Murphy It is therefore ordered that this case be returned to the Docket and the same be revived in the name of the said Heir

Filed in Office November 29th 1853
Geo Fisher
Secretary

Recorded in Journal Vol 3 Page 550
Geo Fisher
Secretary

41 Opinion of the Board

174 ND
PAGE 35

Martin Murphy Heir at Law
of Bernard Murphy Deceased
vs
The United States

It appears from an Expediente found among the archives of the former Mexican Government a copy of which is filed in the case and admitted in evidence under the certificate of the Surveyor General authenticated under his private seal

By Petition addressed with the W G Associate Land Agent that in the year 1842 Lorenzo Peralta a resident of the Pueblo of San Jose presented his petition to the Government stating that the unappropriated tract of land named the Cañada de Los Vacas adjoining the Ranchos of Los Capitanillos over which his cattle ranged in consequence of the one which he occupied being too small He therefore prays that ownership of Las Vacas may be granted to him in order that he may occupy it with cattle and for full information After making the customary preliminary investigations the Governor on the 14th day of June 1842 made him a formal grant of the land to the extent of two leagues and a half bounded by the Arroyo de Los Vacas the Sierra Azul the Arroyo de la Sierra and the Loma del Laurel

These boundaries are all natural objects and are delineated on the map to which reference is made in the grant as surrounding the land in its four sides Henry F Petty whose deposition is filed in the case states that he executed a survey of the land according to the boundaries designated in the grant and made a calculation of the quantity contained by them which he found to be slightly over two leagues but less than two and a half the quantity called for in the title

From this testimony the identity and location of the tract can be established without difficulty There is no evidence that the grant was ever confirmed by the approval of the Departamental Assembly The claimants are in doubt to the form and contents of the Bonds must rest in equity In this aspect the question of the performance of the conditions of the grant becomes material upon this point the testimony is very vague

and to some extent conflicting. Jose Narciso Castro testifies that he has known said Rancho since the year 1840 at which time the grantee Pueblo had a small house in which he lived with his family also a stock of cattle and a corral there was no cultivation

Witness lived in the neighborhood he thinks Pueblo lived there until the year 1847. Antonio Lopez testifies that there was a house on the land in the latter part of the year 1842 and Lorenzo Pueblo lived in said house with his family about that time. He does not know how long he continued to reside there, in his cross examination he says that he does not know of his own knowledge who lived in the house that he occasionally passed by it but never called at it he supposes however that Pueblo lived in it

Antonio Maria Pico testifies that he has known the Rancho for many years that it was granted to Lorenzo Pueblo under the year 1842 and was occupied by him from or before that time with his cattle. The father in law of Pueblo had a Rancho adjoining the Rancho and Pueblo lived there with his family in a house close to the bounds of the Rancho

Pueblo thus occupied the land till he sold it to Murphy the father of the present claimant. He had his vaqueros upon it and had his cattle tended and herded there according to the custom of the country. They likewise cut timber on the Rancho

He also testifies that Murphy occupied the land from the time of his purchase that he built a house and corrals upon it in the year 1847 and continued to occupy it up to the time of giving his deposition and that he has never heard of any conflicting claim to the land. This evidence although it does not establish very clearly the fact of an actual residence by the grantee on the land it nevertheless contains nothing in absolute conflict with such a presumption. Castro and Lopez both state that he resided on the land while the testimony of Pico is that he lived in a house near the bounds of the Rancho without stating whether the house was situated within the latter or on the

45

agreeing Rancho of his father in law the principal
evidence his testimony however is that he considered
in the last instance that the whole evidence
taken together is not think sufficient to establish
a substantial compliance with the conditions of the
grant and in connection with the documentary
testimony to entitle the claimant to a confirmation
The original grant to Lorenzo Pinda and the convey
ance from him to Bernard Murphy are filed in the
case and their due execution authenticated by
competent testimony

The death of the original
petitioner Bernard Murphy and the sole heir
ship of his son the present claimant are also
proved a decree of confirmation will accordingly
be entered

Filed in Office September 19th 1854
Geo Fisher Secretary

Decree of
confirmation

No 7
Martin Murphy Adm
of Bernard Murphy Decd
vs
The United States

Las Ovejas

In this case in hearing the proofs and allegations
it is adjudged by the commission that the claim
of the petitioner is valid and it is therefore decreed by
the Commission that the same be confirmed
the land of which confirmation is made is situated
in the county of Santa Clara and is known
by the name of Las Ovejas being the same which was
granted to Lorenzo Pinda by Governor Alvarado
in the year 1842 and held and occupied by said
party until the year 1847 when he sold it
to the ancestor of the present claimant and is
bounded by the arroyo de Las Ovejas the Sierra
Azul the Arroyo de la Laguna and the Joaquin
de Lanne and contains two and a half square
Leagues

For a more particular description of
reference to be had to the original grant and maps
contained in the Expediente a true copy of which is

44

Filed with the papers in the case
Alphens Fitch
R Aug Thompson
S B Farwell
Commissioners
Filed in Office September 14th 1854
Geo Fisher
Secretary

45

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

Office of the Board of Commissioners,

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

I, George Fisher Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing Forty five pages, numbered from 1 to 45, 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. 7 on the Docket of the said Board, wherein Bernard Murphy is the Claimant against the United States, for the place known by the name of "Las Ubas"

In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this Thirty first day of January A. D. 1855, and of the Independence of the United States of America the seventy-ninth.

Geo: Fisher

U. S. DISTRICT COU

Northern District of C

No. 174

THE UNITED STATES,

174

vs.

ND

Bernard Murphy.

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 7

Filed, February 5th 1855.

John A. Monroe,

Clerk.

Office of the Attorney General of the United States,

Washington, 7th April 1855.

Bernard Murphy
vs.
The United States. } 7.

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 27th day of January 1855, 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. 174 —

U. S. District Court
Northern District of Calif.

The United States
vs
Bernard Murphy.

Notice of Appeal
in Case no. 7.

Filed June 18. 1855.
by W. H. Chevers
Deputy.

United States District Court
Northern District of California

Bernard Murphy
ads — No: 174 —
The United States —

This Respondent for answer to the petition filed in this case, answers and says: It is true 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 —

Bernard Murphy
by his Counsel
Thornton Williams & Thornton

No: 174

U.S. District Court
Northern District —

Bernard Murphy
ads
The United States

Answer

Filed June 30, 1855.
by Chaves
Deputy.

Th: Wms & Th:

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

The United States
Appellants
vs
Bernard Murphy

No. 174

The petition of the United States by their Attorney represents: that this cause is an Application for a review of the decision of the Board of Commissioners whereby the Claim of the said Appellee was Confirmed as appears by reference to the records in the case:

That a transcript of the said Records was filed in this Court on the 5th day of January 1855; that a notice of Appeal was filed on the 18th day of June 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 & that this Court decree the said title to be invalid.

Respectfully &c. A. Glassell
Asst. U.S. Atty.

No. 174

U. S. Dist. Court
Northern Dist.

The United States
vs
Bernard Murphy

Petition

Filed June 30, 1855,
by Chevers
Deputy.

174 ND
PAGE 46

A. Stapler

No 174 -

174 ND
PAGE 47

The United States
vs
Martin G. C. Murphy
Heir of Bernard Murphy deceased

United States District
Court. Northern District
of California -

This cause coming on this day to be heard upon the Transcript of the Proceedings and Decision of the Board of Land Commissioners, and of the Papers and Evidence on which the same are founded, and the pleadings filed in this Court, And Counsel having been heard on the part of the United States and for the Claimant; In consideration of all which the Court is of opinion that there is no error in the Decision of the said Board, and that the same should be and is hereby affirmed -

And this Court doth adjudge order and decree, that the title of the said Claimant to the Land described in the said Transcript, is valid and the same is hereby confirmed -

The Land of which confirmation is made is situated in the County of Santa Clara and is known by the name of Las Uvas, being the same which was granted to Lorenzo Peñedo by Governor Alvarado, in the year 1842 and held

and occupied by said Grantee until the year 1847 when he sold it to the Ancestors of the present Claimant and is bounded by the Arroyo de las Uvas, the Sierra Azul, the Arroyo de la Cima and the Loma del Laurel, ~~and~~ containing two and a half square leagues.

For more particular description reference to be had to the original grant and maps contained in the Expediente, copies of which are contained in said Transcript.

Ogden Hoffman
U. S. Dist Judge

No. 174.

U. S. Dist. Court.

The United States,

— vs —

Bernard Murphy.

Decree.

Filed January 14. 1856.
W. H. Chevers,
Deputy.

174 ND
PAGE 50

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.
Bernard Murphy.

Case No. 174
Transcript No. 7.

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~~ his 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~~ his favor as on Final Decree.

Ogden Hoffman
U. S. Dist Judge

No. 174

United States District Court, Northern District of California.

The United States

vs.

Bernard Murphy.

Case — No. 174
Transcript — No. 7

order.

Filed Nov. 24, 1856,
J. A. Monroe,
Clerk.
by W. H. Chevers,
Deputy.

California Land Claims.

Attorney General's Office

27 September 1856.

Sir:

In the case of the claim of Bernard Murphy, confirmed to the claimant by the Commissioners, Case no. seven (7), appeal in the Supreme Court will not be prosecuted by the United States.

I am

Respectfully

Cushing

Wm. Blanding Esq.

U. S. Atty for the

Northern Dist. of Cal.

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

The United States vs Bernard Murphy	Case No: 174 Transcript No: 7.

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 claimant have leave to proceed under the decree of this Court heretofore rendered in ~~their~~ his favor as on final decree.

Wm Blanding
U. S. Dist Atty.

Nov 24. 1856.

Thornton Williams & Thornton
Attys for Claimant

No. 174 —

United States District Court

The United States
vs
Bernard Murphy.

Case — No. 174
Transcript — No. 7

Stipulation.

Filed Nov: 24. 1856.
W. H. Chenes,
Deputy.

The United States
vs
Bernard Murphy

174 ND
PAGE 55

The claim in this case was confirmed by the Board of Commissioners — The case has been submitted without argument on the part of the appellants nor is any reason for reversing the decree of the Board been suggested to us

On looking over the record it appears that the genuineness of the original grant is fully established — and indeed does not seem to be a fact seen controverted before the Board —

The evidence discloses a substantial compliance with the conditions of the grant and the boundaries of the land are distinctly indicated by natural objects — the lands thus bounded has been found on a survey to contain less depth than the quantity called for in the grant —

We are unable to discover any reason for refusing to confirm the decree of the Commissioners

A decree to that effect must therefore be entered

No. 8 174

vs

Bernard Murphy

Union

Las Vegas.
Confined
Hamilton Williams

3 days

174 ND
PAGE 56

Office of the Board of Commissioners,

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

San Francisco, Jany 31st 1855

John A. Monroe Esq.

Clerk of the U. S. District Court for the

Northern District of California.

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 7 on the Docket of the said Board, wherein Bernard Murphy is the Claimant against the United States, for the place known by the name of "Las Ubas"

and request your receipt for the same.

I am, Respectfully,

Your Obt Servant,

Geo: Fisher