

CASE No.  
225

SOUTHERN DISTRICT

---

CAHUENGA GRANT

---

NICOLAS MORCHON

CLAIMANT

MAR 13 1963

U.S.A.

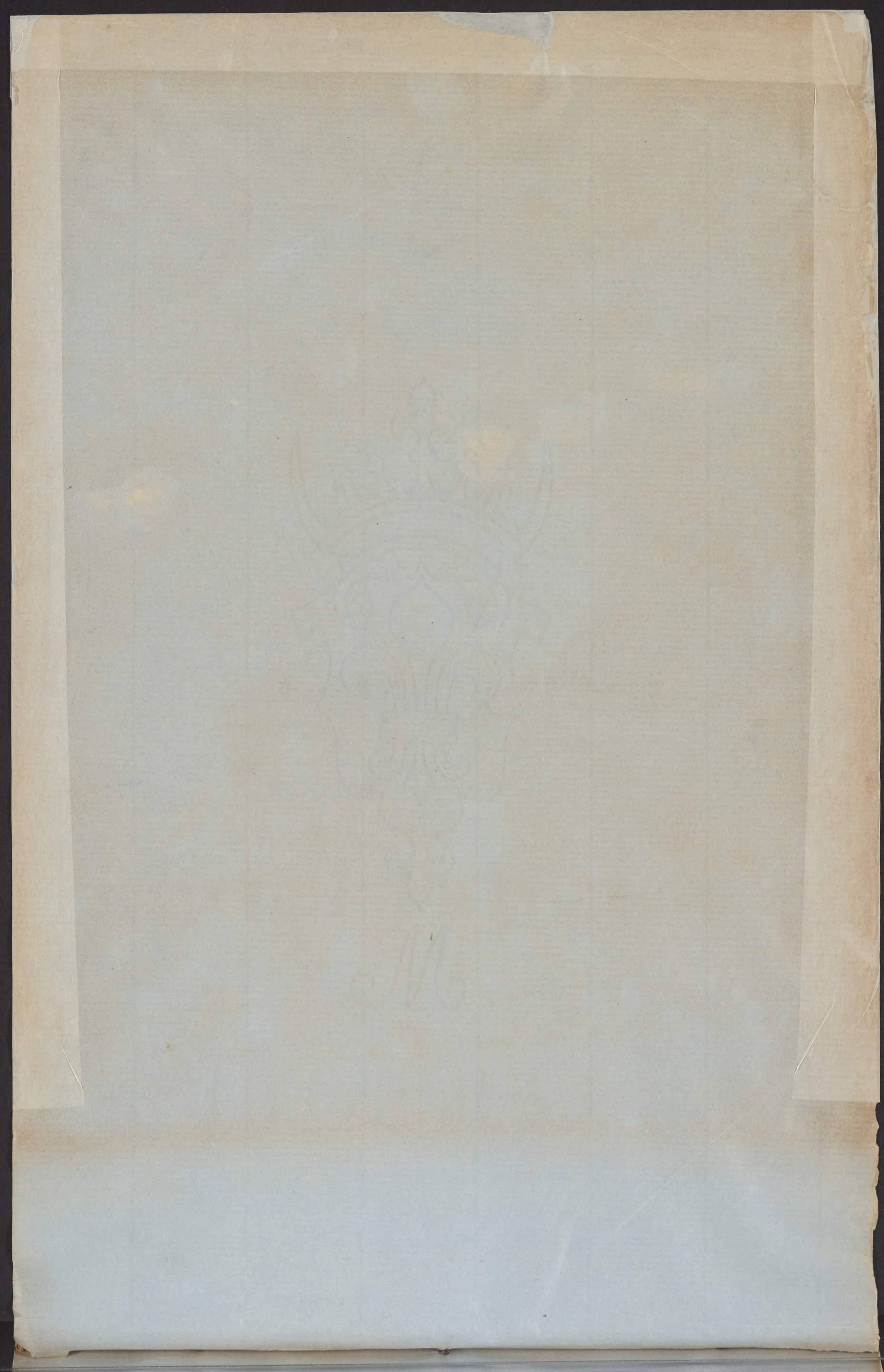
32% COTTON FIBER

GRADE BOND

*Handwritten signature*

675

2



225 SD  
PAGE 1

# TRANSCRIPT

OF THE

# PROCEEDINGS

IN CASE

NO.

675

*Nicolas Morchon*

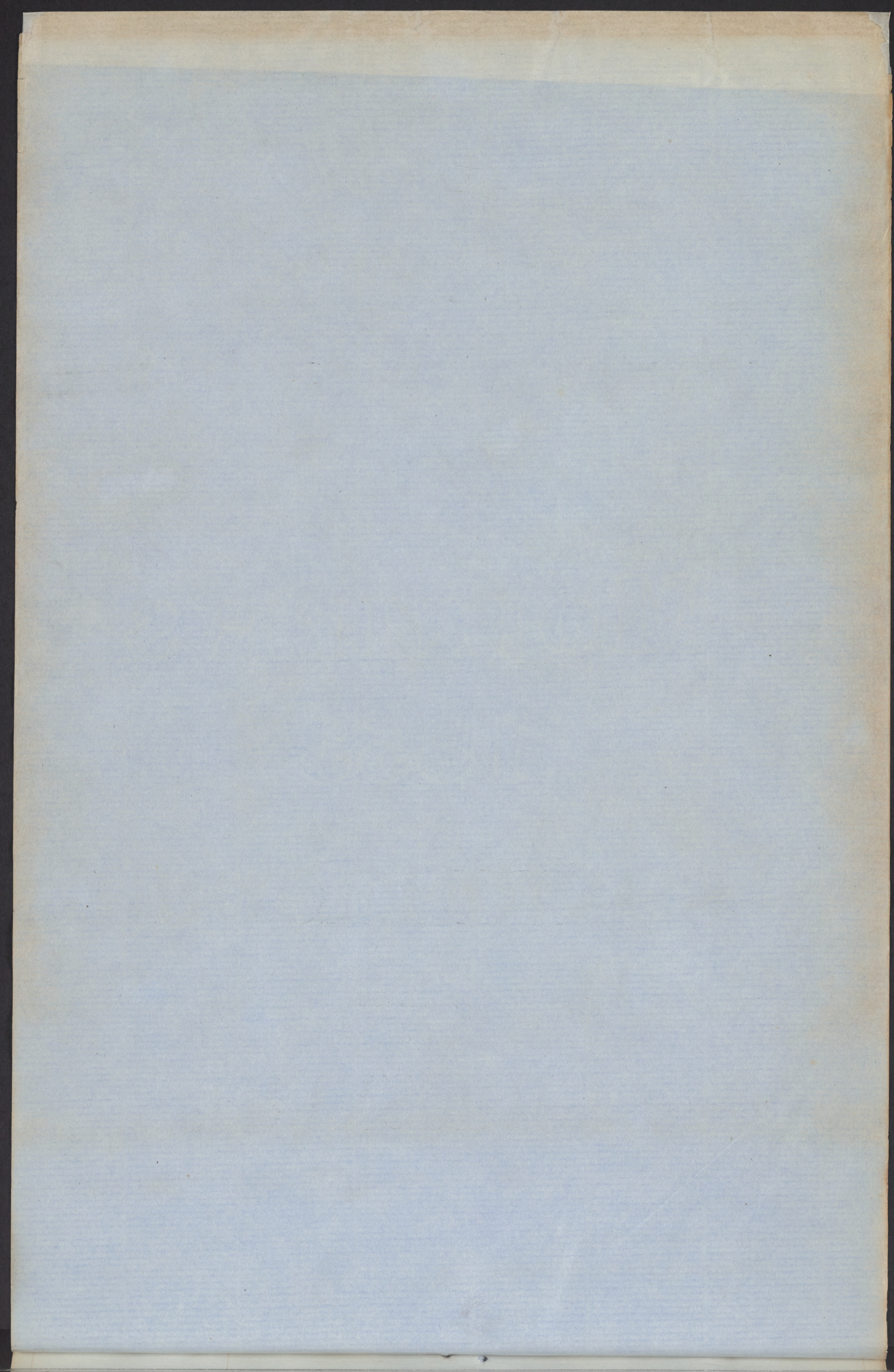
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Cakungo"*



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 *first day of March*, Anno Domini One Thousand Eight Hundred and Fifty-~~three~~, 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;

225 SD  
PAGE 2

The Petition of *Nicolas Morchon*,  
for the Place named  
*"Cahuenga"*,  
was presented, and ordered to be filed and docketed with No. 675 and is as follows, to wit;

(Vide page 3 of this Transcript.)

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

San Francisco September 15' 1853.

In Case no. 675, *Nicolas Morchon* for the place named "Cahuenga", the deposition of *William A. Richardson*, a witness in behalf of the claimant, taken before Commissioner *Alpheus Felch*, was filed.

(Vide page 4 of this Transcript.)

San Francisco Sept. 5' 1854.

Case no. 675 was ordered to be placed at the foot of the 2<sup>a</sup> class cases on the Final Docket.

San Francisco Oct. 17' 1854.

Case no. 675, was submitted under the Rule of March 21<sup>st</sup> 1854.

San Francisco October 24 1854.

In the same case Commissioner Alpheus Felch delivered the opinion of the Board rejecting the claim;

(Vide page 19 of this Transcript.)

And the following order was made, to wit;

(Vide page 21 of this Transcript.)

S

225 SD  
PAGE 3

ALL of the ...



To the U.S. Land Commission for  
the ascertaining and settling of Private Land  
Claims in California -

Petition

225 SD

PAGE 4

The petition of Nicolas  
Morechon a resident of California respect-  
fully sheweth unto Your Hon Body that  
one Louis Armas on the 24<sup>th</sup> of July 1846  
obtained the grant of a tract of land known  
as Cahunga from Jose Castro the Comman-  
der in Chief of California and that such grant  
was properly entered in the archives of  
California.

That Your petitioner holds man-  
coyances derived from said Armas the orig-  
inal grantee and that such original grant  
as well as the coynances to Your petitioner  
are herewith submitted for the inspection of  
Your Hon Body.

That such land is situated  
in the present County of Los Angeles is known  
by the name of Cahunga contains four  
square leagues and is bounded by the land  
of Vincente de la Rosa, Juan Lopez as far  
as the Encina or rancho of this name and  
by the Tomas Muertas de Cahunga.

And Your petitioner further saith  
that said Armas and after him the persons holding  
under him have been and that Your petitioner now  
is in the quiet and undisputed ownership thereof  
and is not aware of the existence of any  
title conflicting with or superior to his own.

He therefore claims to be the  
owner of said land and prays that Your  
Hon Body will confirm his claim and  
title thereto -

Clark Taylor & Beck.  
Atty for Morechon.

Filed in Office March 1. 1853.  
Signed, Geo Fisher Secy.

225 SD  
PAGE 5

Office of Board of W. S  
Commissioners &c. -

Deposition  
of  
Mr  
Richardson

This day before Com Alpheus Welch  
Com Mr A Richardson a witness in be-  
half of Claimant Nicolas Morchon No 45  
who after being duly sworn depused as  
follows.

Question by Mr Clarke attorney for  
Claimant -

1 Question -

What are your name age and  
place of residence?

Answer.

My name is William  
A Richardson my age fifty eight years  
and I reside at Sausalito in Marin County  
and State of California -

2 Question -

Look at the docu-  
ment now here presented to you marked  
"Exhibit No 1" with the initials "A. F." an-  
nixed to this Deposition purporting to be a  
grant from Jose Castro to Don Luis  
Armas and state whether you know the  
Signature of Jose Castro and if so whether  
that appearing on said document as his  
is genuine -

Answer -

I know the hand writing  
and Signature of said Castro and have

5-

I am him write. I believe the said signature on said document to be the true and genuine signature of said José Castro. He was Commandant General of Upper California in 1815 and 1846.

Will<sup>m</sup> A Richardson

Mr Greenhow associate  
Law agent was present  
at the taking of this deposition  
but declined to interrogate  
the witness -

225 SD  
PAGE 6

Subscribed and sworn to before  
me this fifteenth day of September  
AD 1853.

Alphus Welch  
Commissioner

Filed in office Sept 15, 1853.

(Signed) Geo Fisher  
Secy.

---

6

7  
José Castro Teniente Coronel de Ejército y Comandante General del Departamento de las Californias.

Autorizarlo previamente por el Supremo Gobierno Nacional para la enajenacion de los terrenos fincas y cuanto exista perteneciente a la Nacion y a este Departamento en particular con el fin de proporcionar recursos que puedan servir a la Defensa comun en el caso de una invasion extranjera cual la presente: En atencion a que Don Luis Arenas ha pedido a esta Comand<sup>a</sup> en documento de las cantidades que en diversas hipocas le ha facilitado le conceda el parage conocido con el nombre de Cahuenga especificado por el dos mil pesos saldo Cuenta contra esta Comandancia y conservacion esto que ver en virtud de las facultades que me son conferidas por el Supremo Gobierno en nombre de este y de la Nacion Mexicana he venido en hacer venta real y efectiva, enajenacion perpetua para siempre yomas al expresado Señor Don Luis Arenas del referido paraje que consta de cuatro sitios de Ganado mayor poco mas o menos y se encuentra entre los linderos de los Señores, Vicente de la Torre, Pedro Lopez, hasta el Encino o rancho de este nombre y por la parte la Misión de la Espulada de la Buerta que esta al frente de dicha finca hasta las lomas muertas de Cahuenga al encino del cual terreno se hace cuenta con todo en si encienta monte Aguaje Le<sup>o</sup> y sin que no hay ni nunca pueda ser niado inquietado ni molestado por alguna de las autoridades cualquiera que sea.

En consecuencia declaro por las presentes Letras ser bueno legitimo del expresado terreno y casa el tenor arriba mencionado en los terminos que dejo espuestos y sin otra condicion en cuya virtud podra tomar posesion del vendido que sea el termino del arrendamiento en que hoy esta. Y para la debida constancia en todos tiempos doy este documento como formal escritura que se reconozca y acata por todas las autoridades civiles y militares de la Nacion y por el Gobierno General de ella autorizado devidamente con mi firma en este papel comun por absoluta falta del sellado.

Cuartel General de los Angeles. Julio 29 de 1846.  
José Castro.

Received the above foregoing document on the 24<sup>th</sup> day

Exhibit "A. F." No. 1 Annexed to the deposition of Wm. A. Richardson.

225 SD  
PAGE 7

8

day of february a.d. 1852. at 10. minutes past 8 o'k A.M. and  
recorded the same at 15 minutes past 9 o'ck. am at request  
of in book of deeds be. page 132.

Benj<sup>m</sup> D. Wilson Recorder.

L. Wilson Jones. Depty.

225 SD

PAGE 8

9

Translation  
of  
Grant

225 SD  
PAGE 9

Don Jose Castro, Lieutenant Colonel of the Army & Commander in Chief of the California. Authorized previously by the Supreme National Government for the purpose of transferring of all lands, property and every thing belonging to the Nation particularly in this Department with a view of creating resources which would serve as a common defence in case of a foreign invasion like the present. In attention to this Don Luis Armas has petitioned to this Military Command for a payment of the amounts which at different times he has loaned & therefore ordered to him the place known by the name of Cahungua. he offering for the land the sum of (\$2000.) two thousand dollars thereby closing his accounts which he has against this Command, and in consideration of the whole and in virtue of the powers conferred upon me by the Supreme Government in the name of this and that of the Mexican Nation, I have concluded that a sale shall be made real & effective, perpetual alienation forever, into the said Don Luis Armas, the above mentioned place which consists of four sitas of ganada Mayor more or less which lays between the boundaries of the land of Vicente de la Rosa and Juan Lopez as far as the Encino or Ranch of this name & on the front of the Mission from the back of the Orchard (which is front of the Mission building) as far as the San Juanes Muertos de Cahungua. The timber on said land is sold with all belonging thereto including Monte Aguaje &c. and he cannot now nor hereafter be moved or made inquiet or protested by any of the authorities which should they may be. Consequently by these presents I

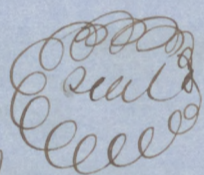
declare that the said land & house, its  
Legitimate owner is the above mentioned Don  
Luis Armas which he has left subject to the  
terms mentioned but on no other condition.

On virtue of which, he can take  
possession if he pleased that its term of rent  
has expired. And for his better use at all times  
I give this document as a formal writing  
which will be recognized & acknowledged  
by all the authorities of the Nation both  
Civil & Military & by their general govern-  
ment authorized justly by my signature -

Signed by me in common paper for the  
absolute want of sealed paper.

General Quartus at Los Angeles,  
July 24, 1844.

(signed) Jose Castro.

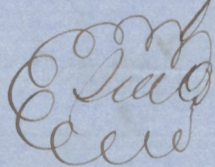


(Translation of the original)

Received the above for Rent at 111  
minutes past 11 o'clock A.M. of 24<sup>th</sup>  
July 1852 -

Benj. Carlsson Receiver,  
Wilson & Sons Dep.

Received the same at the same day  
and date at 14 minutes past 11 o'clock  
A.M. at request of -  
in book of Rents page 133 & 134.



Benj. Carlsson Receiver  
by Wilson & Sons Dep.

Filed in Office March 1, 1853

(signed) Geo. Fisher Secy

225 SD  
PAGE 10



11

Read from  
Ridman to  
Murphy

225 SD  
PAGE 11

Know all Men by these presents that  
 whereas Joshua W. Ridman Attorney in  
 fact of James M. Jones assignee of Don  
 Luis Armas acting under and by virtue  
 of the power of attorney, did on the first day of  
 February 1851 and at divers times thereafter  
 advertise in the State Journal a newspaper  
 published at San Jose that I would sell  
 at public auction at San Jose on the  
 first Monday of April 1851 for the benefit of  
 the creditors of Don Luis Armas certain  
 property of said Armas lying in the State  
 of California and whereas in pursuance of said  
 advertisement I did on the said first Mon-  
 day of April 1851 at the hour of 2 o'clock  
 P.M. proceed to sell the said property publicly  
 before the Court House door at San Jose  
 whereupon John Murphy became the last  
 and highest bidder for a portion of said  
 property of Don Luis Armas to wit. The  
 Rancho known by the name of Cahungo being  
 about four leagues or "sitios de ganaderia  
 mayor" described and bounded in the origi-  
 nal grant thereof to Luis Armas by Don  
 Castro given at Las Angeles on July  
 29th 1844 as follows viz. Se Encuentra entre  
 las lindas de las Sierras Vinientes de la  
 Osa San Lopez hasta el Encino rancho de  
 este nombre y por la parte la Mission desde  
 la Esplanada de la Huerta que esta al frente  
 de dicha finca hasta las lomas muertas de  
 Cahungo al Encino del Cuatrinno se hace  
 linta con todo quanto se en se Encierna  
 Monte Aguaje &c. with all the Caudales  
 and appurtenances thereto all which and  
 said Murphy having offered there for the  
 sum of seven hundred and twenty five dollars  
 which being the last and highest bid I then

and there knocked down and adjudicated  
 said property to the said John Murphy who  
 thereupon according to the terms of said sale  
 paid to me two hundred and forty one <sup>10</sup>/<sub>100</sub>  
 dollars in cash and affus his obligation for  
 four hundred and eighty three <sup>34</sup>/<sub>100</sub> dollars  
 payable after ninety days. Now by these pres-  
 ents for the consideration aforesaid and the  
 sum of two hundred and forty one <sup>10</sup>/<sub>100</sub> dollars  
 cash in hand to me paid by the said Murphy  
 and his obligation created as aforesaid I  
 the said Joshua M. Redman Attorney do  
 hereby assign all claims and quit claim  
 unto the said John Murphy his heirs  
 and assigns all the right title and interest of  
 the said Don Luis Armas and J. M.  
 Jones or either of them in and to the hereinbefore  
 mentioned ranch and the appurtenances thereof  
 to have and to hold the same unto the said  
 John Murphy his heirs and assigns forever  
 free from any encumbrances created by the  
 said Luis Armas J. M. Jones or myself  
 as their Attorney. And for a more particu-  
 lar specification of the property herein con-  
 cerned I annex the original title of Don Luis  
 Armas thereto as part of this deed.

In testimony whereof I have  
 subscribed my hand and seal as attorney  
 of the said J. M. Jones assignee of Don  
 Luis Armas at San Jose this fifteenth  
 day of April Eighteen hundred and fifty one.

J. M. Redman

Atty for J. M. Jones

Assignee of  
 Don Luis Armas

State of California  
County of Santa Clara Es.

On this fifteenth day of April A.D. 1851 personally appeared before me a Notary Public in and for the said County of Santa Clara known to me to be the person described in and who executed the foregoing instrument, who acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

225 SD  
PAGE 13

Read  
e e

Given under my hand and private seal this twenty first day of April 1851.

Frederick Healt  
Notary Public

Received the above foregoing document for record on the 21st day of February A.D. 1852 at 14 minutes past 11 O'clock A.M.

Read  
e e

B. Carlson Recorder  
by Nelson Jones Deputy

Received the same on the same day and date at 3 minutes past 12 O'clock P.M. at request of  
in book of Records pages 135 & 136.

Read  
e e

B. Carlson Recorder  
by Nelson Jones Deputy

Filed in Office March 1. 1853.

(Signed)

Geo Fisher Secy

14

15-

Bad  
from  
Murphy  
to  
Marchon.

225 SD  
PAGE 14

This Instrument made the second day of May in the year one thousand eight hundred and fifty one between John Murphy of the first part of the County of Santa Clara State of California and Nicholas Marchon also of the same County, of the second part, witnesseth that the said party of the first part for and in consideration of the sum of four thousand dollars lawful money of the United States of America to him in hand paid by the said party of the second part at or before the executing and delivery of these presents the receipt whereof is hereby acknowledged has promised released and quit-claimed and by these presents does release and quit claim unto the said party of the second part and to his heirs and assigns forever all that tract of land known bounded and described as follows,

The Rancho known by the name of Cahungwa being about four leagues or "sitio de ganado mayor" described and bounded in the original grant thereof to Don Luis Arenas by Don Jose Castro given at Los Angeles on July 24th 1814 as follows viz: "Se Encuentra Entre las lindas de sus Señores Vincente de la Cruz Pedro Lopez Huerta El Encino a' rancho de este nombre y por la parte la Misma desde la Espalda de la Huerta que este al frente de dicha finca hasta las Lomas Muertas de Cahungwa al Encino del cual terreno se hace unto con todo cuanto con se Encuentra Monte Aguap etc" with all the buildings and appurtenances thereunto belonging; said Rancho being previously sold by the assignee of Don Luis Arenas to the said Murphy together with all and singular the tenements, fixtures and appurtenances thereunto belonging or in any wise

appertaining and the use and reversion  
remaind and remaind rents issues and  
profits thereof. And also all the Estate right  
title interest property possession claim and de-  
mand what so ever as well in law as in Equity  
of the said party and parcel thereof with the  
appertinances To Have and to Hold all and  
singular the above mentioned and described  
premises together with the appertinances unto the  
party of the second part his heirs and assigns  
forever -

In witness whereof the said party of  
the first part has hereunto set his hand and  
seal the day and year first above written -  
John M Murphy

Sealed and delivered  
in presence of

State of California  
County of Santa Clara

At this 2<sup>nd</sup> day of May 1851  
personally appeared before me a Notary Public  
in and for said County John M Murphy known  
to me to be the person described in and who  
Executed the foregoing instrument who acknowledged  
to me that he Executed the same freely and volun-  
tarily the foregoing instrument and for the uses and  
purposes therein mentioned -

Given under my hand and private  
seal there being no official seal yet provided,

Seal

Fredrick Heatt  
Notary Public

Received the above foregoing Document  
on the 2<sup>nd</sup> day of May 1852 at 3 minutes past

17

12 O'clock On for Record

Qual

By J. D. Wilson, Recorder  
by Wilson Jones, Deft.

Recorded the same on the same day and  
date at 11 minutes past 10 o'clock P.M. on  
request of -  
in book 1 of Wills page 137 & 138.

Qual

J. D. Wilson, Recorder  
by Wilson Jones, Deft.

225 SD  
PAGE 16

Filed in Office March 1, 1853  
Esquire,  
Geo. Fisher  
Scries

---





19

15  
675

Nicholas Morchon

<sup>vs.</sup>  
The United States

} For the place  
} called Chhuenga  
} in Los Angeles ?  
} County containing  
} four square leagues  
} of land.

Opinion by  
J. C. Smith

225 SD  
PAGE 17

The petitioner alleges that the land claimed was granted to Luis Armas by Don Castro the Commandante in Chief of California on the 29th day of July 1826 and that he holds the premises under consequences derived from said Armas, no authority in Castro to grant land in his capacity of Commandante in Chief is known to the Commission and none is proved in the case - For this reason the claim cannot be adjudged valid.

It is also fatally defective in the proof of title in the present claimant there being no sufficient evidence of any transfer of title from said Armas.

A dissenting advice to the petitioner will be entered.

Respectfully,  
J. C. Smith

Filed in Office Oct 24, 1852.

(Signed) J. C. Smith  
Secy.

Nicholas Morechin  
of  
The United States

Dicere,  
225 SD  
PAGE 18

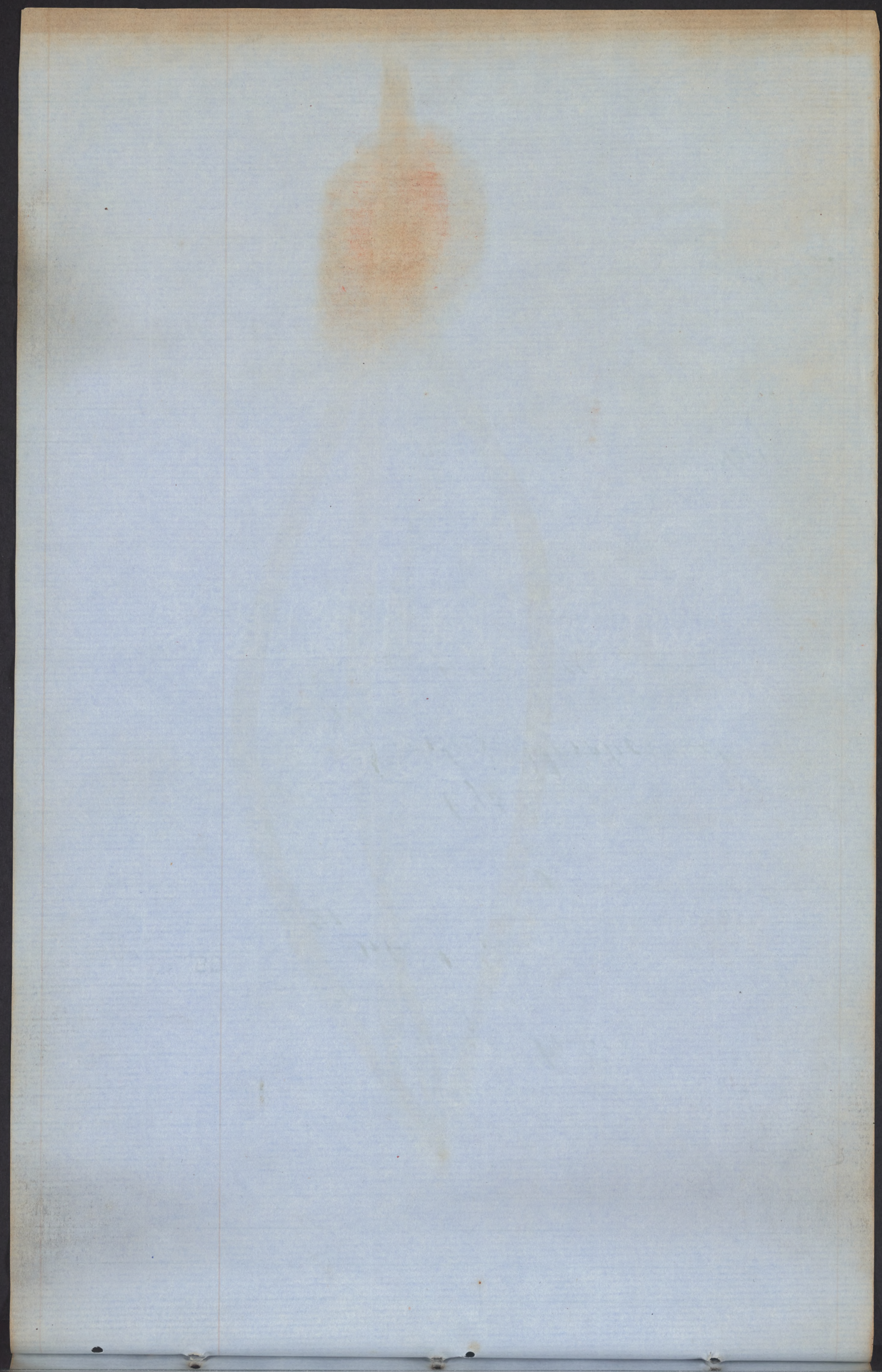
In this case on hearing the  
proofs and allegations it is adjudged by  
the Commission that the claim of the said  
Commission is not valid and it is therefore  
ordered that his application for a Commission  
shall be denied -

Alphus Felch  
R Aug Simpson  
S B Parrell.  
Commissioners

Filed in Office Oct 24, 1857.  
Signed by  
Wm Fish  
Secy.

225 SD  
PAGE 19

And it appearing to the satisfaction of  
this Board that the land hereby adju-  
dicated is situated in the Southern District  
of California it is hereby ordered that two  
transcripts of the proceedings and of the  
decisions 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 Southern District  
of California and the other two copies  
shall be one copy each of the two



Office of the Board of Commissioners,

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

225 SD  
PAGE 20

I, *George Fisher* Secretary to  
the Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
foregoing *Twenty one* pages, numbered from  
1 to *21*, both inclusive, to contain a true, correct and full Tran-  
script of the Record of the Proceedings and of the Decision of the  
said Board, of the Documentary Evidence and of the Testimony  
of the Witnesses, upon which the same is founded, on file in this  
Office, in Case No. *675* on the Docket of the said Board,  
wherein

*Nicolas Morchon* is

the Claimant, against the United States, for the place known by  
the name of *Cahuenga*

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



*Geo. Fisher.*  
*Geo. Fisher*

U. S. DISTRICT COURT,  
*Santham*, District of California.

No. *225* *Vol 1*

THE UNITED STATES,  
**225**  
vs.

*Nicas Morchon*  
*"Cahuenga"*

**225**  
TRANSCRIPT OF THE RECORD

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS

In Case No. *675*

Filed, June 6<sup>th</sup> 1884  
*J. S. Carr*

**225**

Case No 675

On appeal from the Board  
of U. S. Land Commissioners

225 SD  
PAGE 21

Nicolas Morcher	}	claim for "Cahuenga"
app <sup>lt</sup>		
vs		
The United States	}	
app <sup>ee</sup>		

Sir!

Please take notice that the  
claimant in the above case will prosecute the  
appeal therein

San Francisco }  
May 9<sup>th</sup> 1855 }

Yours respectfully  
Charles Taylor Beeth  
Atty for claimant

To the Clerk of the U. S.  
District Court for the  
Southern District of California.

no 225.

U. S. District Court  
for the Southern Dist.  
of California.

---

Pedro Marchan  
app<sup>lt</sup>  
"

vs  
The United States  
app<sup>lt</sup>  
"

225 SD

PAGE 22

claim for "Cahuenga"

---

Notice of Appeal

---

Filed May 22<sup>d</sup> 1850.  
J. S. Van  
Cox.

Charles Taylor & Beeth  
Attys for claimant.



United States District Court for the  
Southern District of California.

225 SD

PAGE 23

Nicholas Marchon  
Appellant  
vs  
The United States  
Appellee

Notice of intention to pro-  
-ceed the appeal from  
the decision of the Board  
of U.S. Land Commissioners,

Nicholas Marchon claim-  
-ant of the land known by the name of "Calusa-  
-ga", situate in the former jurisdiction now  
County of Los Angeles, and Southern District of  
California hereby gives notice of his in-  
-tention to prosecute an appeal from the de-  
-cision of the Board of Commissioners re-  
-corded in his claim for said land, which  
was presented to the said Board and by  
them rejected. His claim being that which  
is numbered on the docket of said Board  
of Commissioners No 675, the manuscript  
returned as filed in this office is number-  
-ed

Isaac Hartman

Atty for Appellant

No 225

In the U.S. District for  
the Southern District  
" "

Nicholas Marchan

vs

The United States  
" "

Notice of intention  
to Appeal  
For "Carmenza"  
" "

Filed, September 11<sup>th</sup> 1858.  
Q. & Care of  
By J. W. Cross & Co

225 SD  
PAGE 24

Wentman  
per Appellant

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

225 SD  
PAGE 25

Nicholas Marchon - Appellant }  
vs }  
The United States - Appellee }

To the Honorable J. H. Ogier Judge  
of the District Court of the United States for  
the Southern District of California,

Your Petitioner Nicholas Marchon respectfully  
shews, that he presented to the United  
States Board of Commissioners to ascertain  
and settle private land claims in the State  
of California a Petition asking a con-  
firmation of his claim to a tract of land  
called "Cahuenga" containing four sitios of  
quadrado mayor more or less situate in  
the County of Los Angeles, and in the South-  
ern District of the State of California; that  
said claim was rejected by a decision of said  
Board.

And your Petitioner further shews  
that a transcript of the proceedings of said  
Board in this case was filed with the  
Clerk of the aforesaid Court on the 6<sup>th</sup>  
day of <sup>June</sup> September A.D. 1855, and that a notice  
of appeal from the decision of said Board  
was filed with the aforesaid Clerk on the  
10<sup>th</sup> day of ~~June~~ <sup>September</sup> A.D. 1855.

For a further  
description of the said tract of land claimed

by said Petitioner reference is made to the  
said Petition filed with said Board.

Said Petitioner therefore prays that the  
Order of said Board may be reversed  
and that said Petitioner's claim to said  
lands may be confirmed.

Isaac Westman  
Attorney for Applicant

225 SD

PAGE 26

No 225

U.S. District Court for  
the Southern District  
of the State of California

Nicholas Murchan  
Appellant

"

The United States  
Appellee

-----"-----

Petition of Appellant  
for Review

-----"-----

Filed February 11 1886

225 SD  
PAGE 27

J. Hartman  
Atty Gen Appell

In the District Court of the United States  
for the Southern District of California  
New Isaac S. K. Ogier Judge.

Nicholas Murchon, Appellant } N<sup>o</sup> 225,

225 SD  
PAGE 28

v.

The United States, Appellee } Transcribed N<sup>o</sup>  
675.

That appeal from the US Land  
Comm<sup>r</sup>: for Cal<sup>f</sup>.

The answer of Pacificus Ord., Attorney of  
the United States for the Southern District  
of California, for and in behalf of the  
United States, to the petition of Nicholas  
Murchon, praying that the decree of the  
United States Board of Commissioners to ascertain  
and settle private land claims in the State of  
California, rejecting his claim to a tract of land  
called 'Cabuenza', may be reversed, and the  
land confirmed to him. Says. That he denies  
all and singular each and every allegation  
in said petition contained. And further  
that Respondent denies generally the validity  
of the alleged title of said petitioner to said  
land. And the said Respondent prays  
that this Hon<sup>l</sup>: Court will affirm the decision  
of the said Commissioners in said Cause; and  
decree the said alleged title invalid, and  
for Costs, & general Relief.

P. Ord

Atty of the US for the South  
Dist of California.

I have served this Answer upon Isaac  
Hartman Atty for Nicolas Murchon  
by delivering to him personally a true Copy  
of the same at Los Angeles February 14th 1836

Edward Hunter  
U S Marshal  
By M D Goodman  
Deputy.

No 225

U. S. Dist Court.  
South Dist of Cal.

Nicolas Murchon  
appellant

vs.

The United States.  
Appellee.

Answer of U. S. Atty.

225 SD

PAGE 29

Filed Feb 14th 1836.

C. E. Janney  
Clerk.

P. O. D. U. S. Atty.

Marshals Cost

Serving Answer \$ 3.00

UNITED STATES OF AMERICA, }  
Southern District of California, } SS.

The President of the United States,

TO

*Abd. W. Sully*

225 SD

PAGE 30

Greeting:

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against *Abd. W. Sully* in the District Court of the United States, in and for the Southern District of California, on the *11<sup>th</sup>* day of *February*, in the year of our Lord one thousand eight hundred and fifty-~~six~~, at the City and County of Los Angeles, in said District, by

*Nicola Munchen praying  
that he be allowed to review the decision of the Board  
of U.S. Land Commissioners respecting his claim  
to a tract of land called "Cajunza"*

and that *you* are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said Petition, or the Petitioner will apply to the Court for the relief demanded therein.

In Witness whereof, I have hereunto set my hand, and affixed the Seal of said Court, at the City of Los Angeles, this *11<sup>th</sup>* day of *February* A. D. 185*6*.

*J. E. San*

CLERK.



*Marshall Court*

*Copying Summons - 10  
From Summons of Peterson v. -  
\$ 0. 60.*

UNITED STATES OF AMERICA,  
Southern District of California,  
U. S. District Court.

*Nicholas Murchison*

*vs*

*The M. States*

225 SD

PAGE 31

SUMMONS.

Received February 12<sup>th</sup> 1856

*Edward Hunter*

U. S. MARSHAL.

*By Med Goodman  
Deputy.*

I served this Summons, together with a certified copy of the Petition, upon *J. Ord*  
*W S City*, by delivering to him a true copy  
of the same

at *Los Angeles* in the Southern District of California, on  
the *13<sup>th</sup>* day of *February* A. D. 1856.

Sworn to and subscribed before me, *this 13<sup>th</sup>*  
*day of Feb<sup>r</sup> 1856.* *[Signature]*  
CLERK.

*Edward Hunter*  
U. S. MARSHAL.

*By Med Goodman*  
*Deputy.*

687  
c.

United States of America }  
State of California } S.S.

225 SD  
PAGE 32

San Francisco Oct. 5<sup>th</sup> 1854

This day came before Peter Lott, Commissioner for taking testimony to be used before the Board of U.S. Land Commissioners in said State, Jose Castro, a witness on behalf of the Claimant Jose de Armas, in case N<sup>o</sup>. 687, on the docket of said Board, and said witness being sworn deposed in Spanish, which is interpreted by the interpreter to said Board as follows:

The U.S. Law agent is present

Questions by M<sup>r</sup>. Packard who appears for Claimants Attorney

1<sup>st</sup> Question What is your name, age and residence?

Answer My name is Jose Castro, my age 46 years, my residence in Monterey, California.

2<sup>nd</sup> Question Did you hold any office, Civil or military under the Mexican Government in the year 1846, if yea what office?

Answer I was in 1846, Commanding General of the Mexican troops in California.

3<sup>rd</sup> Question Look at the document now shown to you marked "A.P.L." exhibited to this deposition and heretofore filed in this case, and state whether your name thereto signed is your genuine signature?

Answer Yes, this is my genuine signature, written by me, at the date of this document and for the purpose mentioned herein.

4<sup>th</sup> Question In what manner were you authorized by the

Supreme Government to dispose of Public lands?  
Answer A Special decree of the Minister of War of the Supreme Government made about May or the 1<sup>st</sup> of June 1846 and received by me at Monterey (in June or July) of that year. authorized me to sell or dispose of any lands or property belonging to the Mexican Government in California. for the purpose of defraying the war expenses, and waging war against the united States of America

225 SD

PAGE 33

5<sup>th</sup> Question. What became of the decree which you received?

Answer I had it with my other papers on a Pack mule, on our way going from Los Angeles to the State of Sonora. I had an escort of some 20 officers and Soldiers. we found no water and the men became insensible and fell. Some of them from their horses. the mules became scattered and lost and with them my papers. which I never recovered. that decree was among them.

6<sup>th</sup> Question. State as near as you can the contents of said decree?

Answer It was a brief order. It was a circular which was issued to all the Commanders in Mexico as well as to myself. It was signed by the Minister of War and bore the ministerial Seal. I do not remember whether it was signed by Tornel or Almonte. I received official communications from both of them. the latter succeeded the former in the War Department, but which one of them signed this decree, I cannot recollect. It was in the usual form of orders and decrees from the War Department, and fully authorized me to act in disposing of the land and property of the Government by Sale or otherwise. for sustaining the war.

7<sup>th</sup> Question. State, if you recollect the transaction to which

the deed before exhibited to you marked "A.P.S." relates, and whether you received any part of the consideration money for which said deed was given, if yea, how much did you receive at that time when the deed bears date?

Answer. I remember making the Sale, of which this deed is the record, and I had before the time of making the said deed received all the consideration money named in the deed, and the recital in said deed of my conveying in consideration of moneys before paid and paid de presente, is a mere form used in conveyances. I received no money there, it had all been paid before the deed was executed.

Cross Examined by W. S. Law Agent

1<sup>st</sup> Question. In whose hand writing is the body of the document of which you have spoken and exhibited to you in this deposition?

Answer. I do not know.

2<sup>nd</sup> Question. When did you first see it?

Answer. At the time when I signed it, August 1<sup>st</sup> 1846.

3<sup>rd</sup> Question. Who presented it to you for execution?

Answer. Jose de Arnaz the interested party, in the deed.

4<sup>th</sup> Question. Where was it presented to you, and who was present?

Answer. I was at my General Quarters, in Las Angeles, there might have been several persons present, there were officers and soldiers there most of the time. I cannot remember at that particular time who was present, there were no doubt some persons present.

5<sup>th</sup> Question. Name some of them who were present?

Answer. I cannot now name them.

6<sup>th</sup> Question. How long after the paper was presented to you, was it that you signed it?

Answer. I do not remember it may have been a moment, or five minutes, or something of that kind.

7<sup>th</sup> Question. How long before you signed the paper, did you know said Arnaiz desired the land?

Answer. I had directed him to make selection of such property as he wished, and I did not know that he had selected this land till the deed was brought to me to be signed.

8<sup>th</sup> Question. Was that paper signed before or after you last the decree of the War Department spoken of herein before?

225 SD  
PAGE 35

Answer. It was signed about 2 weeks before I last the Decree.

9<sup>th</sup> Question. Who gave you the decree or order of the War Department?

Answer. It was brought by a courier, a regular monthly express. I do not remember the person who brought it.

10<sup>th</sup> Question. To whom was it addressed?

Answer. It was addressed to General Don Jose Castro.

11<sup>th</sup> Question. How do you know it was a circular?

Answer. It was a special decree to myself, and by a letter from the Minister which accompanied the document. I was instructed of the object of the decree, the paper itself showed that it was a circular. The word circular was written in the document.

12<sup>th</sup> Question. Was the circular and letter on one sheet of paper and under one envelop?

Answer They were on different papers. I cannot now remember whether they were under one envelope.

13<sup>th</sup> Question In which was contained the power you have mentioned

Answer It was in the Special decree I received. The circular conferred the same powers upon the other Commanders.

14<sup>th</sup> Question. Who were the other Generals to whom said circular was sent?

Answer I do not recollect.

15<sup>th</sup> Question. Did you ever know?

Answer I now recollect it was directed to the Generals of Sonora, Cinaloa, Chihuahua and New Mexico.

16<sup>th</sup> Question Was it directed to the Generals of those Departments by their names?

Answer. It was directed to the Commanding Generals not by their names. The circular I received was not directed to me by name.

17<sup>th</sup> Question. How did you happen to receive a circular and letter at the same time, of the same import?

Answer It came from the War office, and was not remarkable. they might have sent more.

18<sup>th</sup> Question. State the difference between the directions of the letter and the circular?

Answer. The letter commenced "My esteemed and distinguished friend" and was addressed to me, the circular was addressed to the commanding Generals of the Departments as I before stated.

19<sup>th</sup> Question. How did the letter proceed after the address?

Answer. The letter after the address commenced about in this way: "Finally what you apprehended in 1839 or 1840 is likely to occur &c. I cannot pretend now to recollect all the letter. There was a great deal more. I cannot remember the words.

The letter directed to me individually expressed its regret that the country was about to be lost and lamented the want of resources & the letter was dated in May or June and signed either by Tornel or Almonte, (not officially) and it came when the circular came and was also accompanied by the Special decree, and other decrees.

20<sup>th</sup> Question. State the contents of said Special Decree?

Answer. It stated that it gave me authority to sell and dispose of all the Government property in California as near as I can recollect it was about in this form:

From the circumstances which have occurred and the relations existing between Mexico and the United States it seems that war is inevitable. The most Excellent President orders me to say to you that you may dispose of all the property belonging to the General Government in the Department of California, and all such as is recognized, and that the Commanding General shall apply it and its proceeds to the support of the war. The decree contained more words, but substantially it was about as I have stated. It related to no other subject. It was dated in May or June 1846, and signed as I have before stated by Tornel, or Almonte.

21<sup>st</sup> Question. Wherein did the General circular of which you have spoken differ from this Special decree?

Answer. The difference was that this was directed to me, and the other was of general direction to the other Departments as well as California. Substantially, the orders were the same.

22<sup>nd</sup> Question. Which one of those papers did you lose?

Answer. I lost them all at the same time.

23<sup>rd</sup> Question. Who besides yourself received in California, one of those general Circulars?

Answer The Governor Pio Pico received one.

24<sup>th</sup> Question What was the first item of the consideration for the deed in this case. received by you?

Answer. I think the first was Some Shoes for the Soldiers. It was chiefly all paid in goods and equipments.

25<sup>th</sup> Question Where, to whom, and upon whose order, and how many were there?

Answer They were delivered at Los Angeles, to some one upon my order, I do not <sup>now</sup> know who received them for the men, and do not remember the number there might have been 25 or 30 pair.

26<sup>th</sup> Question What was the price of the Shoes?

Answer. I think the price was about \$3.50 per pair.

27<sup>th</sup> Question What other items were delivered to the Government in consideration of said deed?

Answer There were received about 37 1/2 pounds of powder, 130 pounds of lead, 2 braces of pistols, 10 lances, and money at different times. Sometimes \$100. Sometimes \$400. at a time.

28<sup>th</sup> Question What business was Arnaz the grantee engaged in at that time?

Answer He was a merchant in Los Angeles.

29<sup>th</sup> Question Did he petition in writing for the land in question.

Answer He did not.

30<sup>th</sup> Question Was there any record of the Sale made by you preserved in the Archives?

Answer. The deed was given to the interested party. I think there was no record placed in the Archives.

31<sup>st</sup> Question Did you not know that the lands of the Mission could not be sold at that time?

Answer I knew that they could be sold, I had the authority to sell them

32<sup>nd</sup> Question Who collected and disbursed the funds of California in 1846



Answer Alvarado and Pablo de la Guerra I think were the collectors of Customs that year. I am not certain.

33<sup>rd</sup> Question Did Said Arnaz render his account for payment to them, or to any other person?

Answer He did not

34<sup>th</sup> Question How did you know he did not?

Answer Because, in June of that year I ordered all the offices to be closed, and all persons, to follow me, in defence of the country.

35<sup>th</sup> Question. were not Alvarado and de la Guerra Government officers at that time, and as such had they not charge of the public funds?

Answer. Alvarado was a Government officer and de la Guerra was chief Treasurer, they had no funds of the Government, for there were none.

36<sup>th</sup> Question. were they not the proper officers with whom to settle the public accounts?

Answer During times of Peace they would have been so, but under the circumstances, in time of war, the military Chief had every thing at his disposal. Alvarado was in the military service under me, and de la Guerra went home to attend to his private affairs.

37<sup>th</sup> Question. who audited the account of Arnaz and approved it?

Answer. I myself did, at my General Quarters in Los Angeles, two or three days before the execution of the deed.

38<sup>th</sup> Question. What became of his vouchers?

Answer. They were all lost with my other papers.

Case Castro

Subscribed and Sworn to  
before me on this 5<sup>th</sup> day of  
October A.D. 1854

Peter Lath. Commissioner &c

225 SD  
PAGE 40

Endorsed

No 687

Jose de Armas

5 Litas at Sta Clara

Deposition of Jose Castro  
taken before Com. Peter Lath

Filed in office Oct 6<sup>th</sup> 1854

Geo. Fisher  
(Sey.)

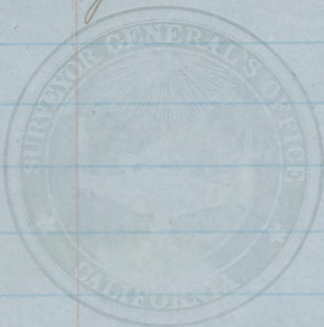
Recorded in C. B. Vol 5  
C. B. G. p. 421

W. J. Saw. Genl. Officer  
San Fran<sup>co</sup>, California

I, James W. Mandeville, W. J. Saw. Genl. of Cal<sup>a</sup>  
and as such having in my custody the papers of the late  
Board of Land Commissioners, "to ascertain and settle  
the private land claims of California", do hereby certify the  
 foregoing to be a correct copy of the deposition of José  
Castro, on file in case No. 687 on the order of said Board  
together with the enclosure thereto,

Given under my hand and official seal  
at the city of San Fran<sup>co</sup> this 17<sup>th</sup> day of Dec  
A.D. 1857

J. W. Mandeville  
W. J. Saw. Genl. Cal<sup>a</sup>



No 225

Nicholas Muehlen

Appellee

vs

The United States

Appellant

~~~~~

Copy of Deposition of  
Lura Cantor in case 687  
S.C.

~~~~~  
Filed by leave of Court  
this 5<sup>th</sup> day of July 1857

C. J. Sims  
clerk

225 SD  
PAGE 41

\$7.00



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

225 SD

PAGE

42

Nicholas Marchion  
Appellant  
vs  
The United States  
Appellee

No 225.

In the Office of said Court  
and the United States District Attorney for said District  
Notice is hereby given that the above enti-  
tled cause will be submitted to said Court on the  
part of the appellants on the 10<sup>th</sup> inst at 11 o'clock A.M.  
of said day, or as soon thereafter as the same can  
be heard. June 2, 1958.

Isaac Weinstein

Atty Gen Appellant

No. 225.

In U.S. District Court  
for Southern District - California

Nicholas Morchon

Appellant

vs.

The United States

Appellee

Filed this 3<sup>rd</sup> June 1858  
Cecilia C. M.  
J. M. Colman  
Dep.

225 SD  
PAGE 43

Isaac Hartman  
Atty for Appellant



No 225

U District Court  
Southern District  
Nicholas Marchant  
as  
The United States

Secrecy

Filed in office  
13<sup>th</sup> Sept 1859

Re entered on page  
289 225 SD

PAGE 45