

CASE No.

310

**NORTHERN DISTRICT**

---

BODEGA GRANT

VICTOR PRUDON

CLAIMANT:

LAND CASE 310 ND

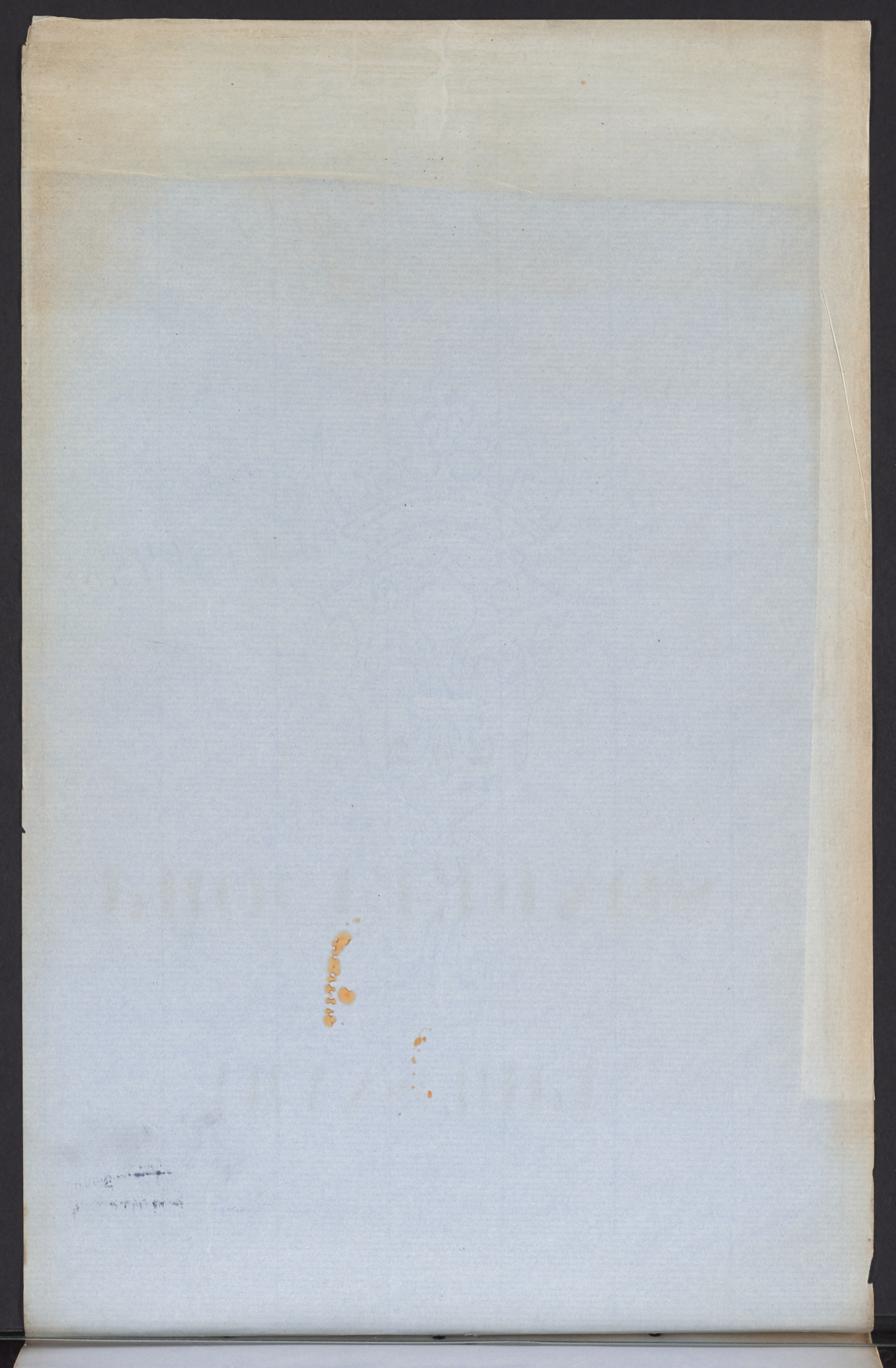
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786

Diap



310 ND

PAGE 1

# TRANSCRIPT

OF THE

# PROCEEDINGS

IN CASE

NO.

786

*Victor Prudon*

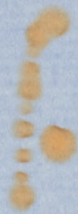
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Bodega"*



RECEIVED  
MAY 10 1880

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

310 ND  
PAGE 2

Be it Remembered, that on this *second 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;

The Petition of *Victor Prudon*,

for the Place named

*"Bodega"*

was presented, and ordered to be filed and docketed with No. 786, 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 January 9, 1855.

Case No. 786, Victor Prudon for the place named "Bodega", was ordered to be placed at the foot of the 4<sup>th</sup> Class cases on the trial Docket.

San Francisco March 20, 1855.

In the same case, the counsel for the claimant filed the following affidavit, to wit:

(Vide page 7 of this Transcript.)

And the prayer of the petitioner therein was taken under advisement by the Board.

San Francisco, March 22, 1855.

Case No. 786 was assigned for hearing on the 3<sup>d</sup> day of April next.

San Francisco April 10, 1855

Case No. 786 was submitted without argument

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and taken under advisement by the Board.

San Francisco April 24, 1855.

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

(Vide Page 21 of this Transcript.)

And the following Order was made, to wit:

(Vide Page 22 of this Transcript.)

N.

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PAGE 3

for settling private land claims in California.



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

Your petitioner Victor Pindon, of the City of San Francisco State of California, respectfully represents to your Hon. Board, that a certain tract of land was granted to him in the said State of California by Don Mariano Guadalupe Vallejo the fifteenth / 15<sup>th</sup> / day of July one thousand eight hundred and forty one / 1841 as will more fully appear by reference to the Expediente and grant thereof, of which a copy and translation are herewith presented marked respectively B and C.

That the said Don Mariano Guadalupe Vallejo, was at the time of making said grant, the Military Commandant and Director of Colonization of the Northern Frontier of said California, with full power to grant land therein provisionally; and that the provisional grants of the said Vallejo, Director of Colonization as aforesaid, invested the grantee with full, reputable and legal rights to the formal confirmation of which the Government pre-obligated itself as will more fully appear by reference to the Letters of Instructions to said Vallejo, Military Commandant and Director of Colonization as aforesaid from Don Jose Figueroa, Governor of said California, a copy and translation of which are herewith presented marked respectively D and E.

That the said tract of land so as aforesaid granted, was, at the time of such granting, within the jurisdiction of the said Vallejo, Director of Colonization as aforesaid.

That the said tract of land was then,

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Petition

4  
and still is known as the Bodega, and situated in that part of the Frontier then styled the Russian settlement.

That at the time the said tract of land was granted to your petitioner, the Russians with their effects were occupying a part thereof; in consequence of which, and the orders of the said Director of Colonization, your petitioner was not able to enter upon and make actual survey and occupation of his said land.

That before the said tract of land ceased to be occupied by the said Russians, your petitioner being an officer in the Army of the Mexican Republic, was ordered to Mexico by the said Military Commandant and Director of Colonization, and was kept absent from his home in the said Frontier, in public service, most of the time until the conquest of said California by the United States of the North.

That the said grant was made to your petitioner, not solely as a matter of grace and favor, but upon good and valuable consideration, namely, the giving up by your petitioner in favor of the Public Treasury of all his pay due to him to the date of said grant for his services as Captain of Muziliary Cavalry employed in the Army of the Republic of Mexico.

That there is a conflicting claim to said tract of land on the part of one Stephen Smith which said conflicting claim is on file before your Hon. Board and numbered twenty three (23) on the docket thereof, by reference thereto the nature and extent of such conflicting claim will fully appear.

was, as your petitioner is informed and

5-

But that the said claim of the said Smith was, as your petitioner is informed and believes and so charges the fact to be, a conditional grant, and in direct violation of the rights of your petitioner, under and by virtue of the Colonization and laws of the Mexican Republic.

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PAGE 6

That the said tract of land so as aforesaid granted to your petitioner is bounded and described as follows, to wit: Six leagues of ganado mayor between the longitudinal limits from Bodega to Murry's ranch inclusive, that is, from the limit of Mc Intosh's ranch to the stream of Muriy, embracing Bodega and the place occupied by George Churineff and Bazili.

That the said tract of land has not been surveyed by the Surveyor General of the United States.

Wherefore your petitioner presents his said claim to this Hon. Board, and prays that said Board will pronounce in favor of the same, and will confirm the validity thereof, and of his right and title to the said described land and premises.

Dated San Francisco, February 26<sup>th</sup> 1853.

N. W. Chittenden.

Robert Emison.

Attys. Housed for Claimant.

Filed in Office March 2<sup>nd</sup> 1853.

Geo. Fisher.

Diary.

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NO

California. ...

7  
W. S. Board of Land Commissioners for California.

Robert Gimson being duly sworn deposes and says, that he is Attorney of Record of the claimant in Case No 786. That M. G. Vallejo is a material witness for the said claimant; in said cause. That from the said witness in his former official capacity the concession of land forming the subject matter of said case was obtained by the claimant, and that the said witness alone is conversant fully with the facts of the said case, and concerning the execution of the documents to be laid before the Board thereon.

Affidavit.

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That the said claimant has on several occasions during the last two months gone to the residence of said witness at Sonoma, and as the claimant has informed the deponent, and the deponent believes has found the said witness sick and unable to travel hither and that therefore the said witness could not be brought hither to testify in said cause. That as deponent is informed and believes the said witness will shortly be able to appear and testify in said cause, and that the same cannot with safety to the cause of the claimant therein be submitted to the Board without the testimony of said witness in relation to the said facts and documents.

Robert Gimson.

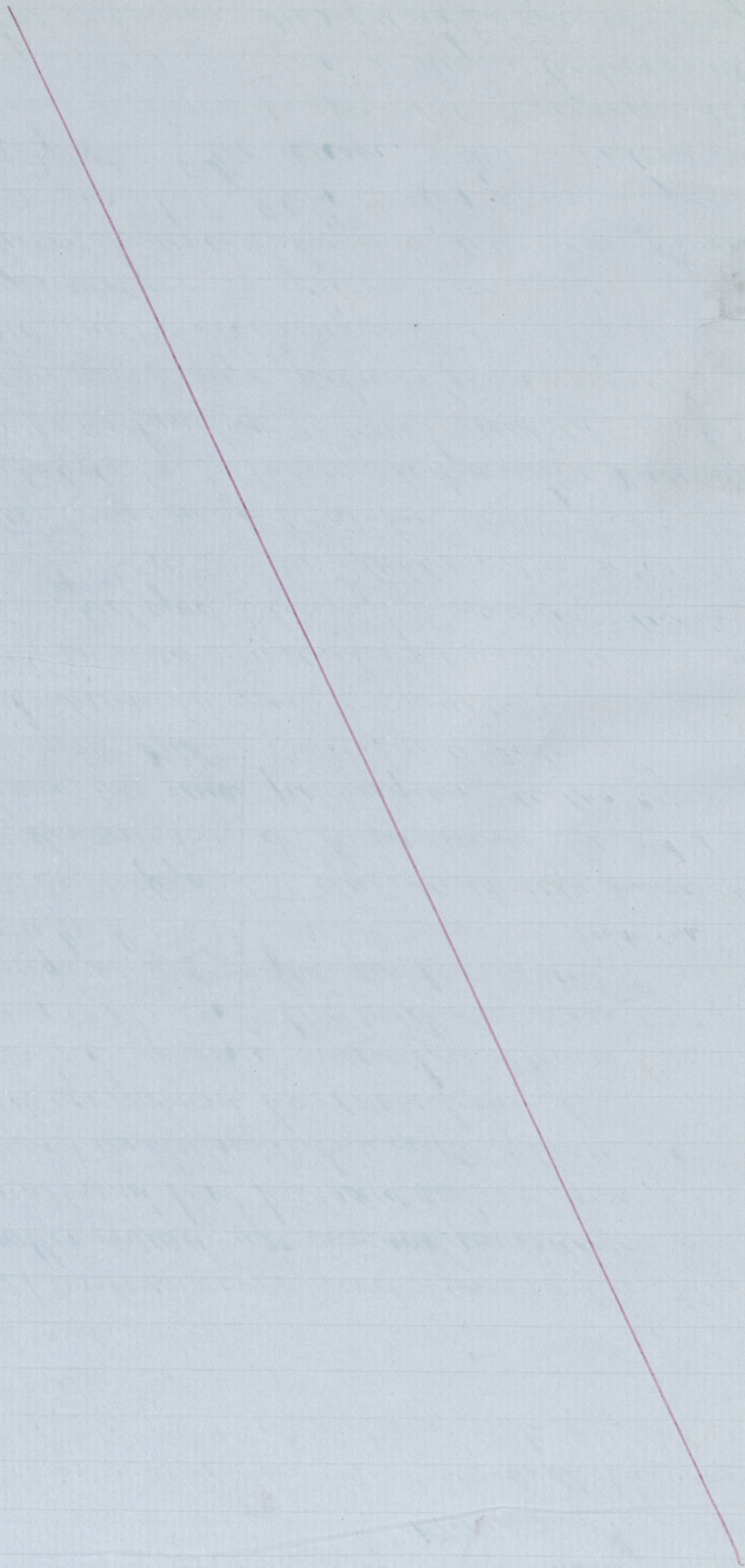
Sworn to and subscribed  
before me this 20<sup>th</sup> day  
of March 1855.

R. Aug. Thompson. Commr.

Filed in Office March 20<sup>th</sup> 1855.

Geo. Fisher. Secy.

8



100  
100

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IB,  
Expediente  
de Grant.

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PAGE 8

Sonoma Julio 15  
de 1841.

Se concede  
al interesado en  
esta instancia  
los terrenos que  
solicita en las  
posesiones Rusas  
pero no estando  
aun desocupadas  
todas las tierras  
se esperará el  
solicitante á que  
así se verifique  
sugiriéndose á  
pedido nuevamente  
del Gob.<sup>no</sup> Polit.  
los títulos de  
estilo.

Vallijo.

de maderas, fabricacion de azucar de  
betabel, y criadero de ganado vacuno  
y Caballar, por lo cual necesita un ter-  
reno que tenga pino Colorado, agua su-  
ficiente y sea propicio para el cultivo de  
la remolacha, y para pastoria, cuyas  
cualidades se hallan reunidas parcial-  
mente en algunos de los parajes que  
ocupaban los Rusos, á V.S. suplico en  
caso de adjudicarse en colonizacion los  
representados terrenos se digno conceder al  
que suscribe, seis sitios de ganado mayor

Sr. Director de Colonizacion  
Victor Prudon Ca-  
pitán de Caballeria aux-  
iliar, ante V.S. respetuosa-  
mente comparece y espono:

Fue estando ya ve-  
rificando la Colonia Rusa-  
Americana la evacuacion  
de los terrenos que por el  
trascurso de veinte y cinco  
años ocupaba en esta  
frontera, restituyendolos  
al Territorio Nacional del  
que fueron cercenados; que  
desearo el que suscribe,  
radicarse en esta parte de  
la jurisdiccion de V.S. por  
participar de las seguri-  
dades que solo en esta  
frontera disfrutaban los  
dueños de fincas sura-  
les, y teniendo intencion  
de establecer un acedero

entre los límites longitudinales de Bodejo al Rancho de Muniz (comprendiendo) esto es; desde el lindero del Rancho de McFulloch hasta el Rio Arroyo de Muniz, comprendiendo Bodejo, y parajes ocupados por D. Jorge Chernicoff y Bazili, cuya estension aunque a primera vista parece grande, contiene muy pocas tierras utiles para labores y criaderos; pero se componen su casi totalidad de lomas y montes; pero es á propósito para lo que desea emprender por tener abundancia de agua y madera.

P. F. A. U. S. Suplico se sirva acceder á su pedido, admitiendo en retencion de esa gracia, la cesion que hace a favor del Erario de los sueldos que hasta ahora le ha. tiene vencidos como Capitan de Caballeria auxiliar, empleado en el servicio de las Armas; dignandose U. S. á la vez dispensarle se anticipa á la completa desocupacion de los referidos terrenos, y no presente el diseño de los que pide, siendo lo primero por ~~no~~ tener á su favor, <sup>cuando</sup> queda dispensado de dichos terrenos, el haber sido el primer solicitante, y ofrecio cumplir con lo segundo tan pronto como el Sr. Sutter acabo de llevarse los ganados, casas y demas sucesos de su propiedad que aun existen en los parajes que al abajo firmante solicita en este papel por falta del sellado correspondiente  
 Soanna fullis 7/841 (signed) Victor Prudon.

Filed in Office March 2, 1853, - Geo. Fisher, Secy



To the Director of Colonization.  
Sonoma July 15<sup>th</sup> 1841.

The lands of Auxiliary Cavalry, before solicited by the petitioner in the Russian attempt are granted to him; but as all of said lands are not yet evacuated, the petitioner must wait, that they be given to the National Territory, and subject himself to ask anew from the Political Government the usual (or formal) title.

Victor Pruden, Captain of your Excellency respectfully appears and says:— That as the Russian American Colony is now evacuating the lands that it has occupied on this frontier during the period of twenty five years, returning them to the National Territory from which they had been separated; and that the undersigned desiring to establish himself in this part of the jurisdiction of your Excellency, to participate in the security that the farmers can enjoy only in this frontier; and that your petitioner intending to establish a saw mill, a fabric of beet sugar, and to raise cattle and horses, for which he needs a land that has good wood, plenty of water and suitable for pasturing and for the cultivation of beet root; which qualities exist partially in some of the places that the Russians occupied; your petitioner prays that, in case of adjudicating said lands to be colonized your Excellency will be pleased to grant to the undersigned six leagues of ground mayn between the longitudinal limits from Bollega to Murrie's Ranch inclusive, that is, from the limit of M. Butch's

C.  
Translation.

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Sallego.

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ranch, to the stream of Munio's embracing Bo-  
dega, and the place occupied by George Sher-  
nicoff and Bazili; Though the extent of  
this tract appears at first sight to be great,  
still it contains but very little land fit for  
agricultural purposes and raising cattle;  
but it is suitable for the purpose of your  
petitioner on account of its abundance of  
wood and water.

Therefore your petitioner prays  
your Excellency be pleased to accede to his  
petition and to receive in consideration of  
said grace, the yielding up by the petitioner  
in favor of the Public Treasury of all his pay  
due to him to this date for his services as  
a Captain of Auxiliary Cavalry employed  
in the army.

Please your Excellency to excuse  
your petitioner for anticipating the com-  
plete abandonment of said lands, and for  
not presenting the map thereof. His object  
by hastening his petition being to have your  
favor for said lands, when they can be  
disposed of, as having been the first appli-  
cant for them - and for the second the  
map he offers to comply therewith as soon  
as Genl Gutter shall have taken away  
the cattle, horses &c, that belong to him and  
are still on the spots that the undersigned  
solicits on this common paper for want of  
stamped paper.

Comma, July 7/84.

(Signed) Victor Poudon.

Filed in Office March 2' 1853.

Geo: Fisher.

Diey

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Comandancia General 3  
de la Alta California 3

III.  
Letter of In-  
structions,  
&c. &c.

Gobierno Politico 3  
de la Alta California 3

En oficio separado de esta fecha se dan á V. las Instrucciones á que se deben estender sus facultades respecto de la creacion de un Pueblo en el valle de Sonoma á defecto del que se habia trazado y empezado en el de Santa Rosa.

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PAGE 12

Varios son los grandes objetos que el Supremo Gobierno Federal se propone; pero el principal es impedir cuan pronto sea posible los progresos de los Establecimientos Rusos de Bodega y Ross, para evitar toda mira posterior sobre el territorio de la Republica por el Gobierno de aquellos, lo que ocasionaria graves dificultades á la nacion.

Para llevar al cabo el plan indicado, y conforme á las Supremas resoluciones relativas, queda V. facultado para solicitar familias en todo el territorio y los demas Estados de la Republica, á fin de colonizar esa frontera, concediendo terrenos provisionalmente, á todos los individuos que se quieran establecer alli; cuyas concesiones les serán confirmadas por el Gobierno Territorial cuando lo soliciten los interesados, sirviendoles en tanto de garantia suficiente el titulo provisional que obtengan de V.

El Supremo Gobierno está

Satisfactoriamente convencido de que V. es el unico oficial á quien se puede fiar tan buena empresa, y para que se verifique de una manera segura está dispuesto á erogar los gastos necesarios para ello encargando á V. procure una justa y prudente economia en este particular llevando una cuenta exacta de todo y avisando á este Gobierno.

En el remoto caso de no poder el Gobierno Territorial acudir alguna vez con los artículos necesarios para auxiliar á los Colonos, encarga á V. haga suplemento por de pronto.

Muy Reservado.

La posicion topografica de esta frontera al norte de la Bahia de San Francisco, y Rio Sacramento, podra dificultar algo la Colonizacion; pero este Gobierno confia en que V. por el honor del Gobierno Nacional y su propio interes en el orden social no dejara escapar una oportunidad que le hara merecer el galardón á que aspiran todos los hombres — la fama postuma!

En fin el Gobierno Territorial conoce y se persuade de cuanto V. le ha informado sobre el riesgo á que esta espuesta esta frontera por parte de nuestros vecinos del Norte, y le recomienda por lo mismo, procure que siempre la poblacion Mexicana prepondera á la extranjera, que en virtud de la Colonizacion

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solicitar terrenos en esa preciosa porcion del territorio Nacional por lo que recuérdele á V. solo espida titulos á los que acrediten mercaderos, teniendo muy presente la importancia del Puerto de Bodega y Cabo Mendocino cuyos puntos son de tanto interes para la Conservacion de la integridad Nacional.

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El Gobierno omite recomendar el sigilo que merece esta nota la que no deberá V. manifestar sino en el ultimo extremo, y confia en que V. trabajará asiduamente en su objeto tan sagrado en el que se interesan el bien general, y el particular del territorio en que V. vio la primera luz; asi se lo garantizan la prudencia, patriotismo y buena fe de que tiene V. dadas tantas pruebas, ofreciendole recomendarle nuevam<sup>te</sup> á la Superioridad.

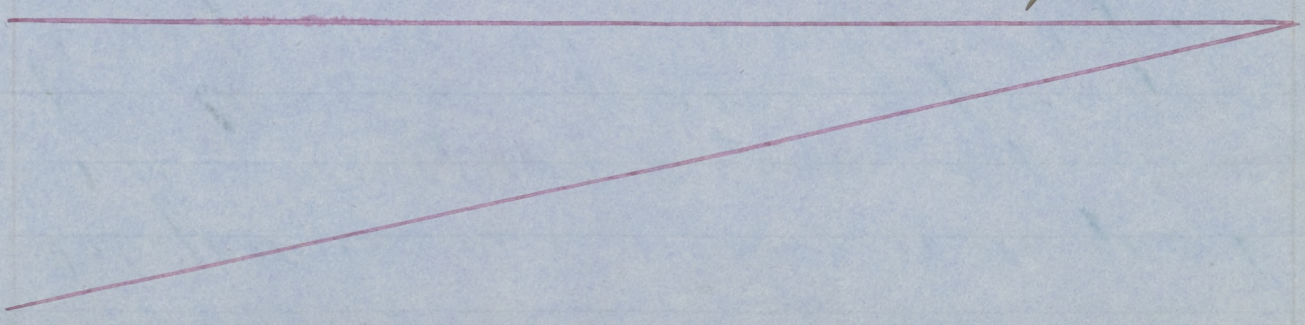
Dios y Libertad. Monterrey Junio 24 de 1835.

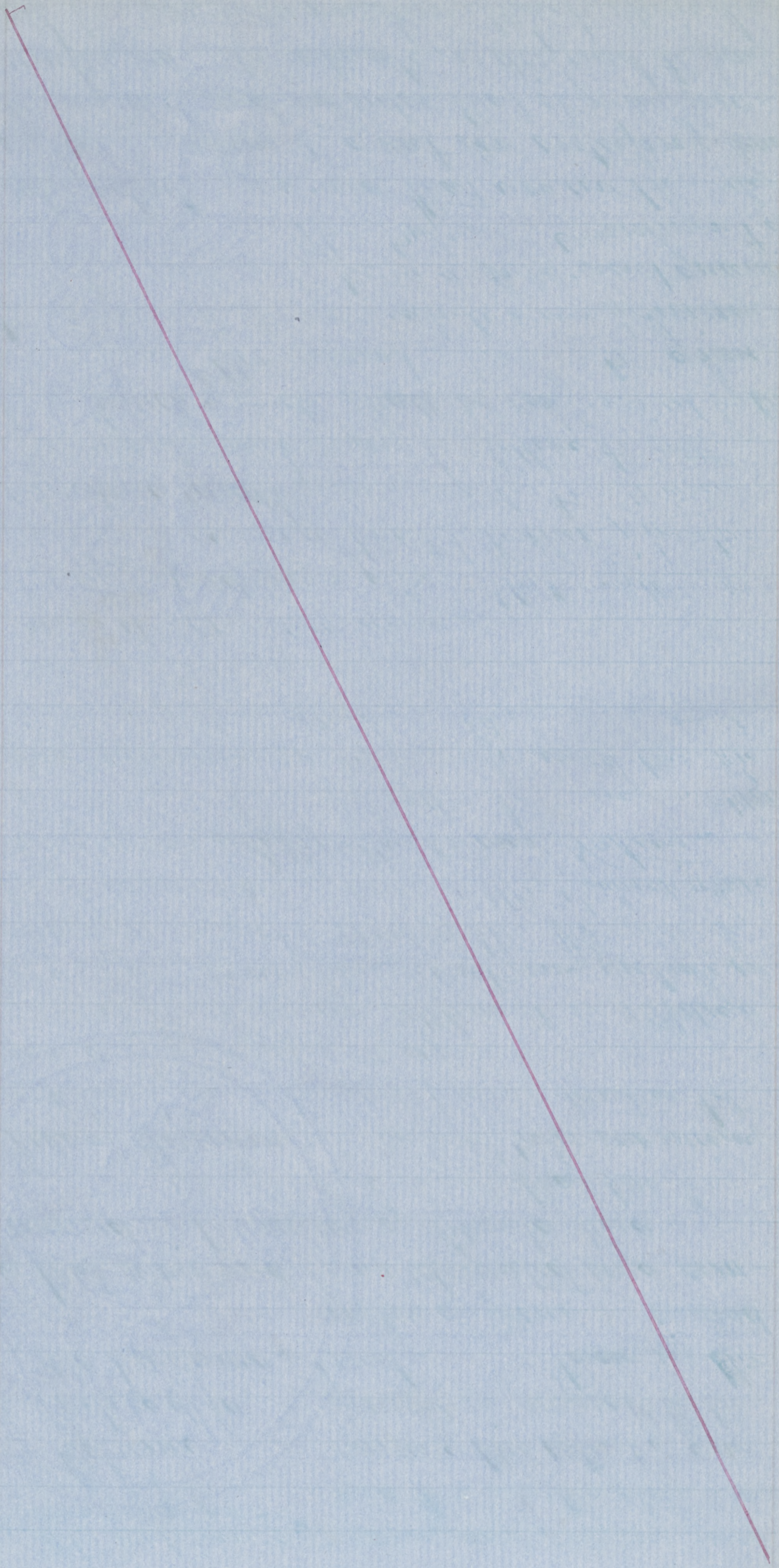
(Signo) José Figueroa,

Sub Comandante Militar y Director de Colonizacion de la frontera del Norte.

Filed in Office March 2, 1853,

Geo. Fisher  
Secy.





General de la ... a separate official

Comandacion  
General de la  
Alta California  
Gobierno  
Político de la  
Alta California

In a separate official  
note of this day are given  
you the instructions con-  
cerning the extent of your  
powers in respect to the  
erection of a town in the  
valley of Sonoma, instead  
of that which had been delineated and com-  
menced in the valley of Santa Rosa.

E.  
Translation.

310 ND  
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The objects that the Supreme  
Federal Government contemplates are many  
and great; but the most important is to  
put a stop to, as soon as possible, the pro-  
gress of the Russian settlement in Bodega  
and Rose, so as to prevent any future en-  
croachments on the soil of the Republic by  
the Government of such settlers, which would  
cause great difficulty to our Nation.

In order to carry out the  
said plan and in conformity with the Reg-  
ulations of the Supreme Government rel-  
ative thereto you are invested with power  
to invite families from any part of this  
Territory, and from other States of the Re-  
public to colonize that (Northern) frontier,  
granting lands provisionally to all those  
individuals who may be willing to settle  
there, which grants shall be confirmed by the  
Territorial Government whenever the gran-  
tee may ask it, meanwhile your provision-  
al title will be to them a sufficient guaranty.

The Supreme Government is  
satisfactorily convinced that you are the only  
officer to whom so great an enterprise can  
be confided, and in order that it may be ac-  
complished with certainty, is disposed to pay  
all the expenses necessary thereto, charging

you to be prudent and economical in that particular, to keep an exact account of every thing, and to give notice of all to this Government.

In the remote case of the Territorial Government not being, some times able to procure all the necessary things for the assistance of the Colonies, you are charged to make the supplies for the time being.

Very Confidential.

The topographical position of the frontier to the North of the Bay of San Francisco and Sacramento River may render somewhat difficult the colonization; but this Government trusts that you for the honor of the National Government, and for your own proper interest in social order, will not neglect an opportunity that will cause you to merit the gratitude to which all men aspire. Posthumous fame!

In fine the Territorial Government knows, and is persuaded of all that you have informed it touching the danger to which the frontier is exposed from our neighbors of the North, and for that very reason requests you to endeavor to have the Mexican always preponderate over the foreign population which might in virtue of colonization select lands in that precise portion of the National domain; and so you are ordered anew to give titles only to those who should prove that they deserve them, and so never forget the importance of the Post of Bodega, and Cape Mendocino, as the most



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interesting points for the conservation of the national integrity.

The Government omits to urge on you the sacred secrecy of this note which you will not show except in the last extreme, and trusts that you will labor assiduously in so sacred an object, wherein are interested us all the general good as the particular welfare of the land in which you first saw the light; all which are guaranteed by the prudence, patriotism and good faith of which you have given so many proofs; desiring to you to recommend them anew to the Superior Government.

God and Liberty. Monterey June 24 1835.

(Signed) Jose Figueroa.

To the Military Commandant  
and Director of Colonization  
of the Frontier of the North.

Filed in Office March 2 1853.

Geo: Fisher.  
Deputy

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EX-100



1875  
1876

Opinion of Victor Precourt }  
Board by }  
Com. Thompson } The United States }  
res }  
Dallega }

No proof of title has been adduced in this case, the claim must therefore be rejected

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Filed in Office April 24. 1855

Geo. Fisher Secy

Recorded in Record of Accessions  
Vol. 2 page 644

Geo. Fisher Secy

Decree Victor Precourt }  
res }  
The United States }

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the petitioner is not valid, and it is therefore decreed that his application for a Confirmation thereof be and the same is hereby denied

Reley Thompson }

S. B. Fawcett }

Commissioners

Filed in Office, April 24. 1855

Geo. Fisher Secy

Recorded in Record of Accessions Vol 2  
page 644

Geo. Fisher Secy

And it appearing to the Satisfaction of the Board that the Land hereby acquired is situated in the Northern District of California, It is Ordered that two Transcripts of the proceedings and decision in this Case be made out and duly certified by the Secretary One of the papers and Evidence upon which the same are founded, be made out and duly certified by the Secretary, One of which Transcripts shall be filed with the Clerk of the United States District Court for the Northern District of California and the other be transmitted to the Attorney General of the United States

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310 ND

Office of the Board of Commissioners,

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

310 ND  
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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 two* pages, numbered from  
1 to 22, 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. 786 on the Docket of the said Board;  
wherein

*Victor Pindon* is  
the Claimant against the United States, for the place known by  
the name of "*Bodega*."

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

*G. Fisher*  
Geo. Fisher  
*[Signature]*



310

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

No. 310-

310

THE UNITED STATES

vs.

*Victor Rudon*

TRANSCRIPT OF THE RECORD

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *786*

Filed, *October 23-* 185*5-*

*J. A. Monroe,*  
*Clerk*

United States District Court  
Northern District of California

No 310

310 ND

PAGE 21

Victor Prudon

vs

The United States of America

The United States Land Commission  
to ascertain and settle private land claims in the State of  
California, having rendered its decision in the above case  
designated on the Docket of said Commission as No 786  
against the claim and title of the said claimant to  
the place or land called "Bodega" situated in said  
District, Notice is hereby given that it is the intention of  
the said claimant to prosecute his appeal from the  
said decision.

April 15<sup>th</sup> 1856

Robert Sisson

Claimant's Attorney

United States District Court  
Northern Dist of California  
No 310-

Victor Prudon

<sup>vs</sup>  
The United States of America

"Bodega"

Claimant's notice of intention  
to prosecute appeal

Filed April 17, 1886.  
Cheves  
Deputy.

310 ND

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**At** a Stated Term of the District Court of the  
UNITED STATES OF AMERICA, for the Northern District of  
California, held at the Court Room, in the City of SAN FRANCISCO,  
on ~~Wednesday~~ *Thursday* the ~~Eighteenth~~ *17th* day of  
*March* in the year of our Lord one thousand  
eight hundred and fifty-seven.

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Present :

*The Honorable* OGDEN HOFFMAN, *District Judge.*

310

United States District Court, Northern  
District of California.

The United States

vs.

Victor Braden

ORDER.

Decree

Filed March 17, 1857

John A. Munsie,

CLERK.

By W. H. Cheever

DEPUTY.

310 ND

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The United States

Victor Prudon

D.C. 310: L.C. 786

Decree

This cause came on to be heard on appeal from the final decision of the Board of Commissioners to ascertain and settle the private land claims in the State of California under the act of Congress approved March 3<sup>d</sup>. A. D. 1851, upon the transcript of the proceedings and decision of the said Board of Commissioners, and the papers and evidence on which the said decision was founded; and it appearing to the Court that the said transcript has been duly filed according to law, and the case having regularly come to a hearing, it is by the Court hereby ordered, adjudged and decreed that the said decision be and the same is hereby in all things affirmed; and it is likewise ordered adjudged and decreed that the claim of the appellants is invalid, and that the said claim be and the same is hereby rejected.

Edwin Hoffmann  
U. S. District Judge

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Office of the Board of Commissioners,  
To ascertain and settle the Private Land Claims in the State of California.

San Francisco, Oct. 20<sup>th</sup> 1855.

*J. 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. 78 on the Docket of the said Board, wherein

*Victor Prudon* is  
the Claimant against the United States, for the place known by the name of "*Bodega*"  
and request your receipt for the same.

I am, Respectfully,  
Your Obedt Servant,

*Geo. Fisher*

