

CASE NO.

219

NORTHERN DISTRICT

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A LOT AT

MISSION DOLORES GRANT

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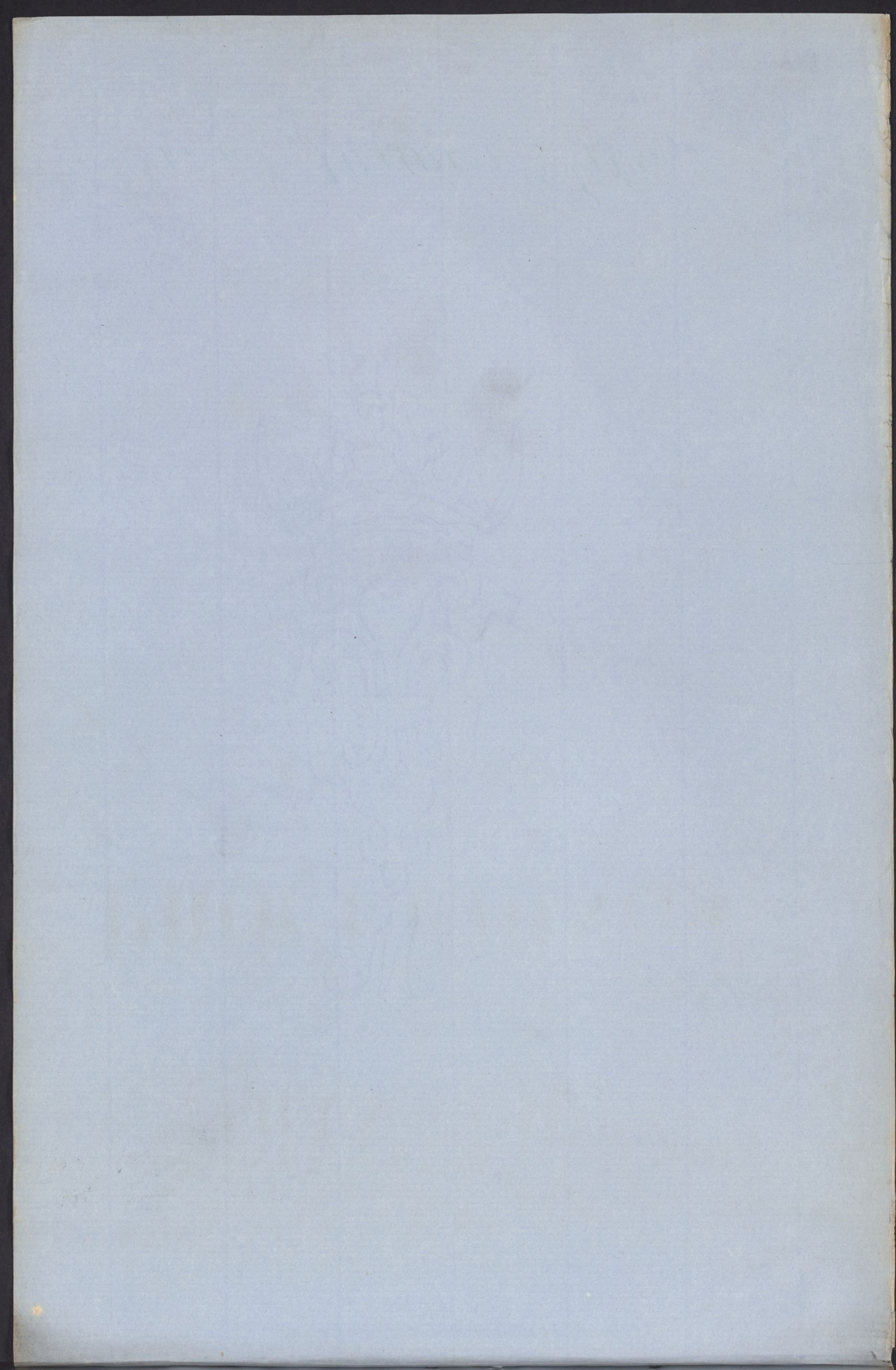
FRANCISCO RUFFINO

CLAIMANT

LAND CASE 219 ND. 10 PAGES

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100



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PAGE 1

# TRANSCRIPT

OF THE

# PROCEEDINGS

IN CASE

NO. 100.

*Francisco Ruffino*

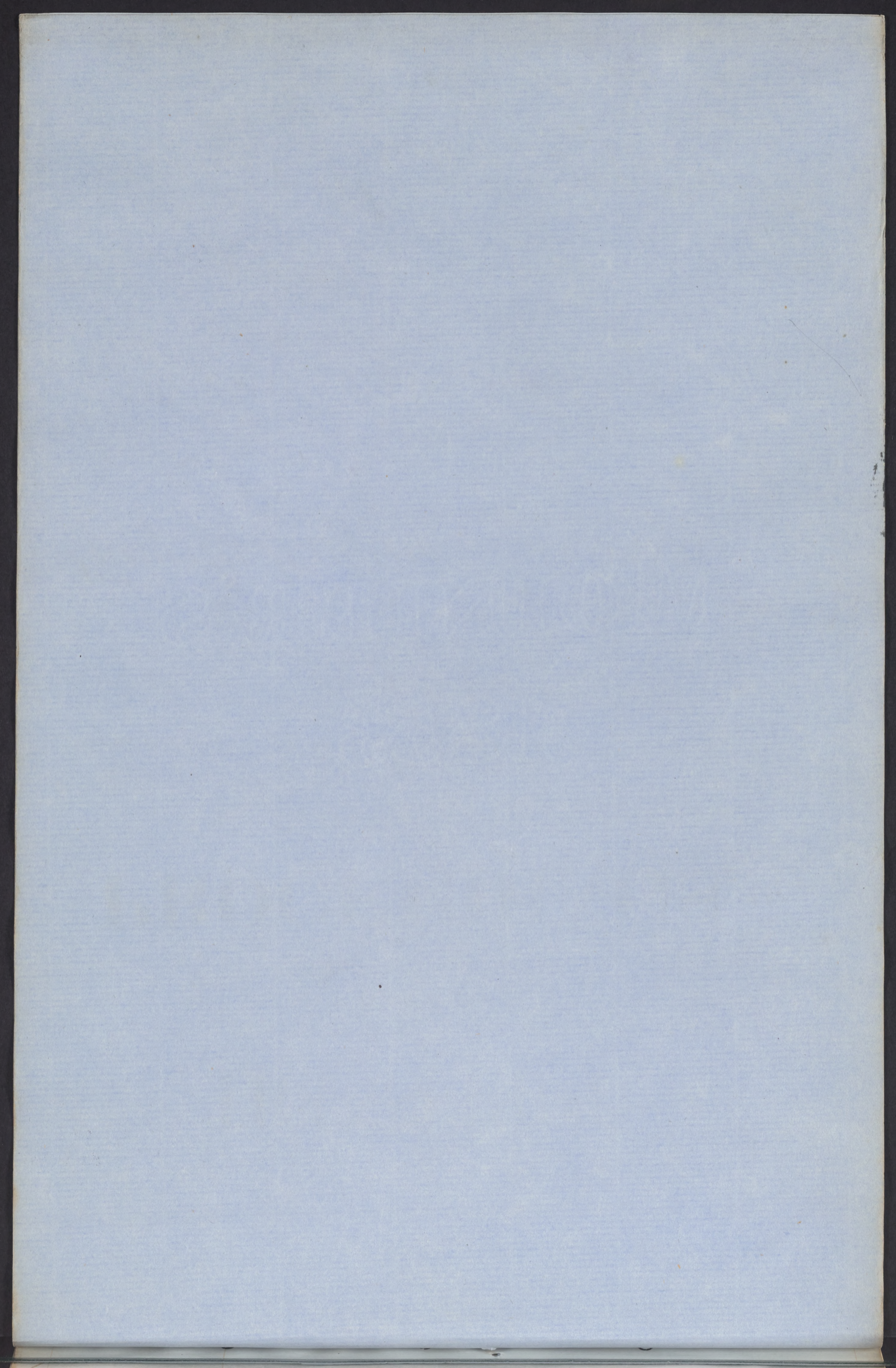
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*Plot at Mission Dolores*



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this *Thirtieth day of March*, Anno Domini One Thousand Eight Hundred and Fifty, 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 *Francisco Ruffino*,  
~~~~~ for the Place named  
~~~~~ *a lot at Mission Dolores*,  
was presented, and ordered to be filed and docketed with No. *100* 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 October 14 1854.*  
Case no. *100*, *Francisco Ruffino* for a lot at the *Mission Dolores*, on motion of the Counsel for the Claimant, with the consent of the *W. S. Law Agent* was ordered to be placed at the foot of the *2<sup>d</sup> Class Cases* on the *Trial Docket*.

~~~~~  
*San Francisco, November 14 1854.*  
Case no. *100* was submitted under the Rule of *March 21<sup>st</sup> 1854*.

~~~~~  
*San Francisco, November 21 1854.*  
In the same case Commissioner *R. Aug. Thompson* delivered the opinion of the Board rejecting the claim;

(Vide page *7* of this Transcript)  
And the following order was made, to wit;  
(Vide page *8* of this Transcript)  
~~~~~

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1890  
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Petition

See Exemption Claim

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The undersigned Francis Ruffini citizen of the United States residing in the Mission Dolores County of San Francisco State of California claims under the preemption Law the following described tract of land lying and being in the Mission Dolores including the remainder of buildings there upon which I have found in a state of better abandonment and which I have rebuilt at my own expenses.

I have taken possession have paid the taxes and shall defend said property against the claims of all persons even against the United States claiming as claim in the vesting seal or line of Dolores that two hundred and forty feet north from the mission church which is the point of beginning

Three running north in Dolores street fifty feet thence running westward at right angles with Dolores street one hundred and eighty feet thence running southward at right angles fifty feet thence running eastward at right angles one hundred and eighty feet to the point of beginning

Francis Ruffini  
San Francisco February 19th 1852  
Witness

Emile de Kerne } City and County of  
San Francisco on this  
19th day of February AD 1852 before me appeared Francis Ruffini known to my satisfaction to be the person described in and who executed the within instrument by the oath of Emile de Kerne who being by me duly sworn deposes and says that he resides at the Mission Dolores

That he is acquainted with Francis Ruffini and knows him to be the person described in and who executed the within instrument and that said Ruffini acknowledged to me that he

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executed, the same fully and voluntarily  
and for the use and purposes therein men-  
tioned,

Witness my hand and official seal  
the day and year above written

M. E. Flannigan

Deputy County Recorder

Recorded in the Office of the County Recorder  
of San Francisco Lib B. Russell Page 210  
February 27th 1852 at 12 O'clock P.M.

J. A. McElhannon

Deputy County Recorder

P. M. E. Flannigan

Deputy

Filed in Office March 13, 1852

George Foster  
Secretary

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Petition of Francisco Ruffini of San Francisco  
To the Honorable Board of Commissioners for  
ascertaining and settling the Private Land  
Claims in California respectfully shows  
as follows

Quittance

The time being arrived to present  
private claims to your Honorable Board I  
take the liberty to present your Honor to exam-  
ine and confirm my right to a piece of land  
in the Mission Dolores the annexed plan  
shows the situation

Two years ago I bought from  
Ponduito Santellan a piece of land near the  
Mission Church without having getting any  
certificate ordered the amount paid was  
one hundred and thirty dollars. There are  
the ruins of a little adobe building and  
the remainder of the place was an old Mex-  
ican road. I settled on that ground and  
the old little building built an outhouse  
to it found all substantially and unhar-  
med, the whole in every respect

The money  
invested by me by payments to a sum of  
\$350 During two years I kept a ledger and  
had payable Missions until of late I was  
told that my right might be disputed,  
accordingly I had my lot surveyed and  
a writ of preemption recorded, Mendocino San  
Francisco Lit B of Miscel Page 210

I do not  
know whether my gotten right by paying a  
certain amount is sufficient but I suppose  
that Mission property having become  
property of the United States can be settled  
by preemption rights and old Mexican  
roads principally being public property  
If however such property is to be sold I claim  
the right to buy or purchase having  
occupied and greatly improved it my  
predecessors and I cannot see how  
and other titles may exist but may hardly  
hold in Mission or United States property  
a definite settlement has taken place an old

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public road for instance could hardly be en-  
-closed in any title or Grant though the  
the Survey of the Mission there are other roads  
and streets and that part of the old one could  
-easily be settled and occupied without any  
-injury whatever to the United States nor to any  
holder of a Grant title.

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Please Gentlemen to  
examine this matter and to confirm my  
claim to the parcel of land which I hold  
for two years which I have improved with great  
expenses and which I could not relinquish  
without ruining myself and my large  
family.

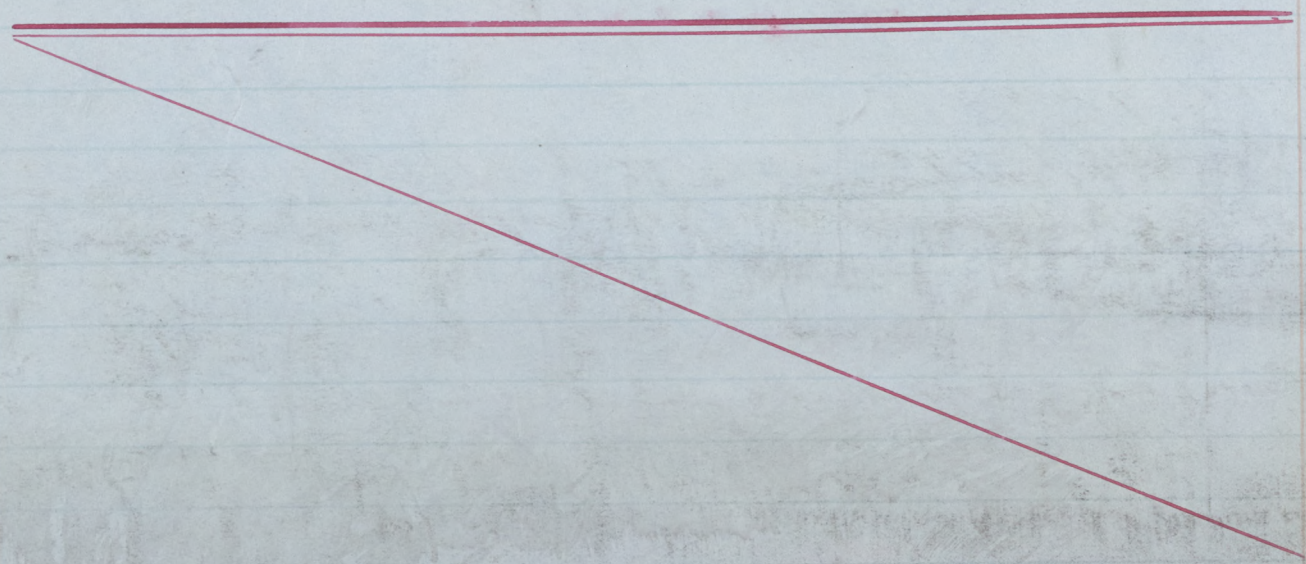
I remain respectfully  
Your Obedient Servant  
Francisco Ruffini

San Francisco March 12th 1852

State of California  
City and County of San Francisco  
Francisco Ruffini of said County being duly  
sworn says that the facts stated in the fore-  
going Petition are true. Francisco Ruffini  
Subscribed and sworn to this  
12th day of March 1852  
before me A. Williams  
Notary Public for said County

Filed in Office March 13th 1852  
George Fisher

Secretary  
Recorded in General Volume of Pages 366  
367 + 368  
George Fisher  
Secretary



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Opinion of  
the Board

Francis Ruffin  
of  
The United States

The Petition in this  
case sets out that  
in 1837 the Petitioner

purchased from Prudentio Santellan a  
parcel of land near the Mission Dolores for  
the sum of one hundred and thirty dollars  
but got no deed, for it was he settled on the  
land, repaired the old building erected a  
new one and enclosed the whole substan-  
tially and then he ran claims the said  
lot or parcel of land by virtue of the Pre-  
emption Laws of the United States

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map 4

By the 8th  
section of the act of the 3rd of March 1851  
by which this Commission was constituted  
and its duties and powers defined the power  
of the Board is strictly limited to the  
examination and decision of claims to  
lands, held by virtue of any right or title  
derived from the Mexican or Spanish Govern-  
ments. The Commission does not pretend to  
deny

His right title from either of these  
Governments but relies solely on the provisions  
of the preemption Laws of the United States  
for a confirmation. The case is clearly  
not embraced within the laws of claims  
provided for in the act of Congress above  
referred to. The application of the Petitioner  
must therefore be denied for the reason that  
the Commission has no jurisdiction to  
examine or decide upon his claim.  
Filed in Office November 21st 1854

Geo. Foster  
Secretary

Dear

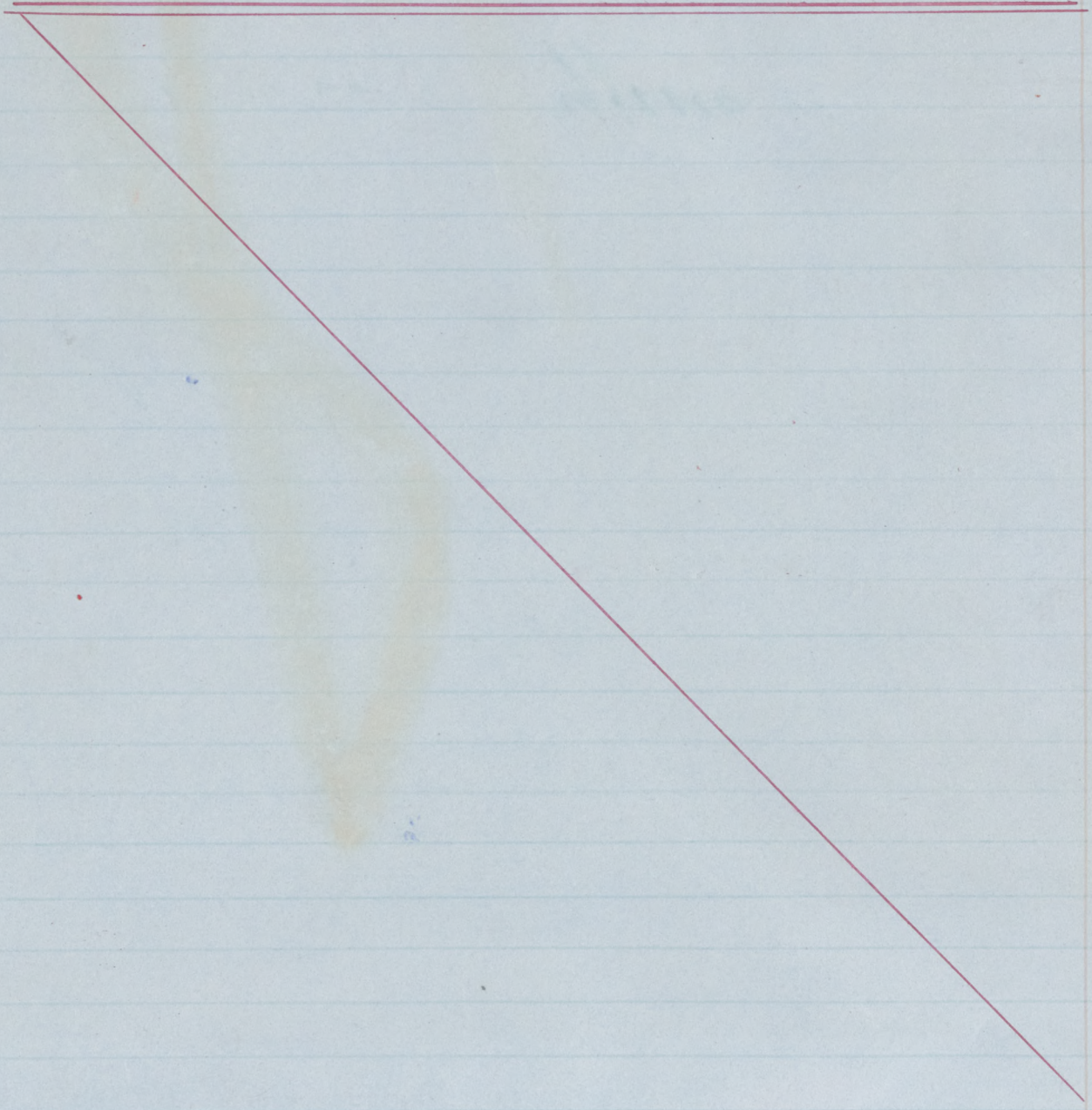
Francis Ruffin  
of  
The United States

In this case when  
viewing the proofs and  
allegations it is adju-  
dged by the Commission that the claim  
of the Petitioner is not valid and it is  
therefore denied that the application for a

Comprovement of the  
 Alphin's Field  
 N. Aug. Thompson  
 G. B. Farwell  
 Commission  
 Filed in Office November 21st 1854  
 Judge Fisher  
 Secretary

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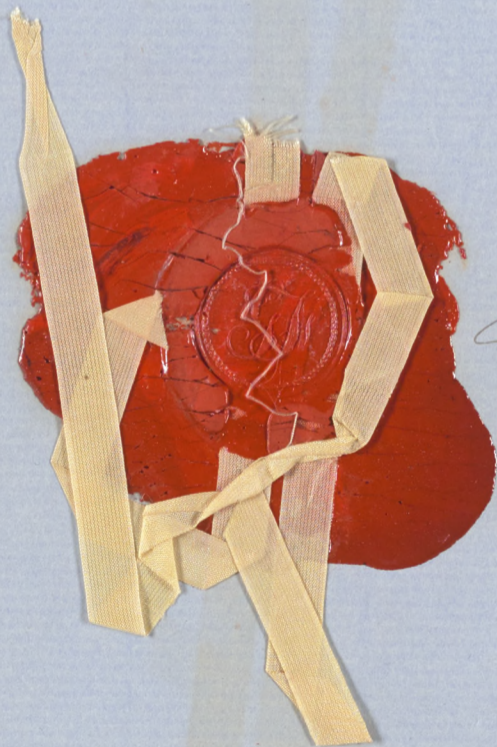
And it appearing to the satisfaction of this  
 Board that the land hereby adjudicated  
 is situated in the Northern District of  
 California it is hereby ordered that two  
 Manuscripts of the Proceedings and of the  
 decision in this case and of the papers  
 and evidence upon which the same are found  
 and be made out and duly certified  
 by the Secretary in duplicate Manuscripts  
 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 U. S.



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 *Eight* — pages, numbered from  
1 to 8, 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. 100, on the Docket of the said Board,  
wherein *Francisco Ruffino* is —  
the Claimant against the United States, for the place known by  
the name of "A lot at Mission Dolores —"



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 *June*  
A. D. 1855, and of the Independence of the  
United States of America the seventy-ninth.

*Geo. Fisher.*  
*Geo. Fisher*

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

No. ~~219~~ 219

THE UNITED STATES,

vs.

*Francisco Ruffino.*

TRANSCRIPT OF THE RECORD

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 100.

Filed, June 20 1855,

*John A. Murre,*  
clerk

*No. 100*



Office of the Board of Commissioners,

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

San Francisco, June 20<sup>th</sup> 1855

J. A. Monroe Esq.  
Clerk of the U. S. District Court for the  
Southern 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. 100 on the Docket of the said Board, wherein

Francisco Ruffino is

the Claimant against the United States, for the place known by the name of "Alot at Mission Dolores"

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

G. Fisher  
