

CASE No.

275

SOUTHERN DISTRICT

REFUGIO GRANT
FRANCISCO AND JUAN BOLCOFF

CLAIMANT

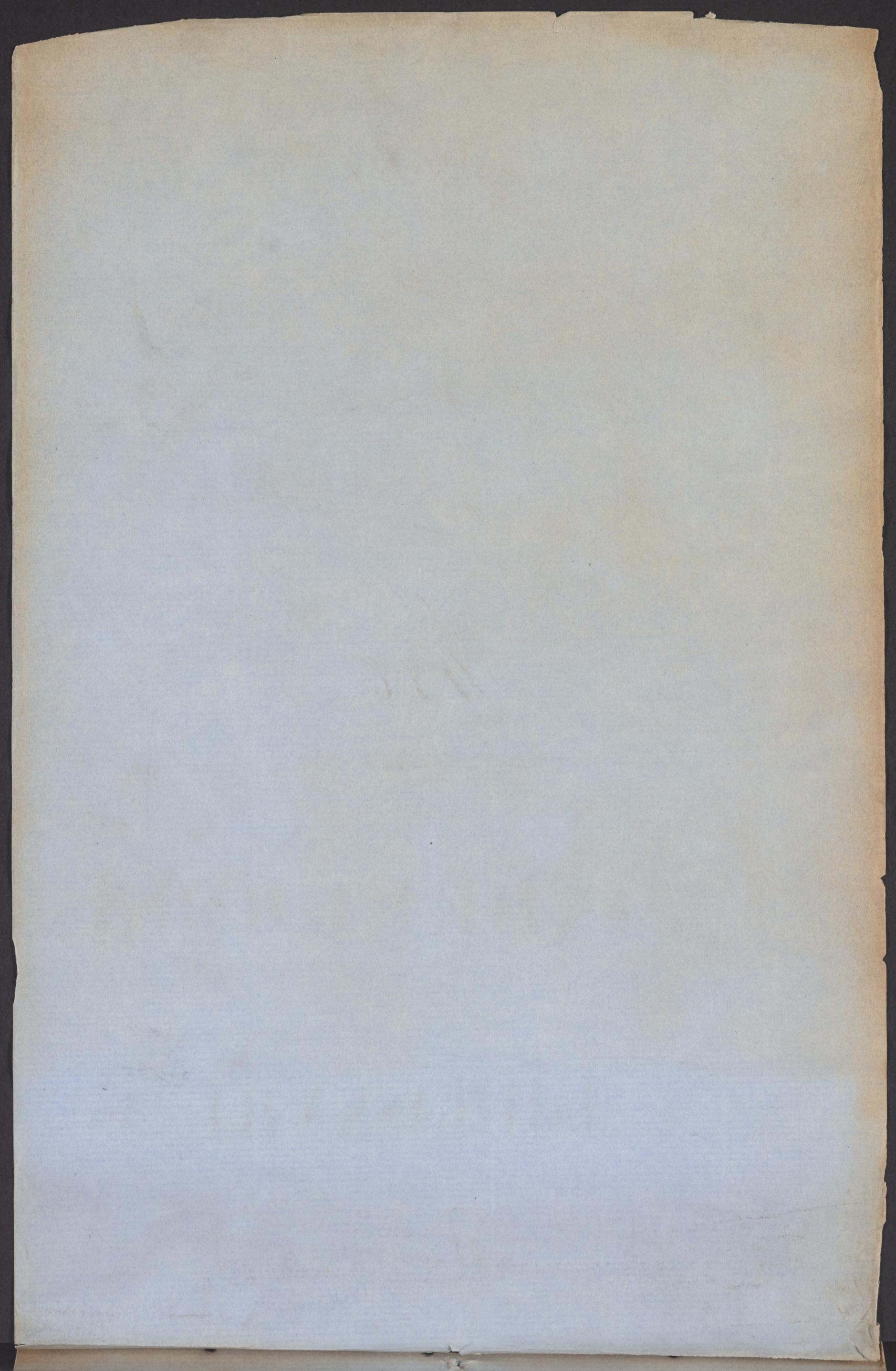
MAR 19 1963

LAND CASE 275 SD 61 pgs.

Permanenced
PLOVER BOND
25% COTTON FIBER
U.S.A.

214

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TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 214

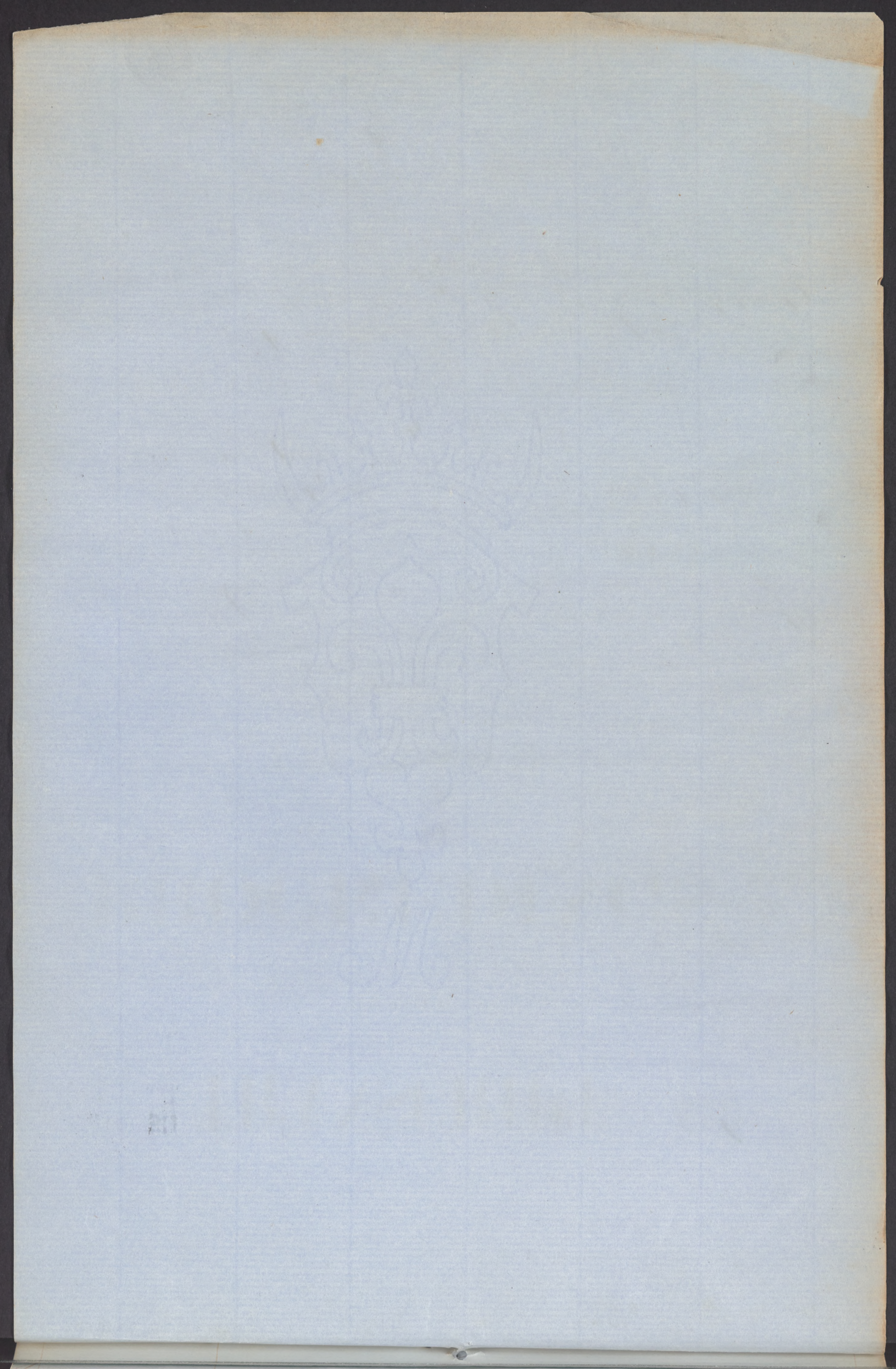
Francisco & Juan Bolcoff CLAIMANT &

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

" *Refugio* "



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 *fifth day of May*, 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 *Francisco & Juan Bolcoff*,
for the Place named
"Refugio",
was presented, and ordered to be filed and docketed with No. *214* 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 August 7 1852.
Case No. 214, *Francisco and Juan Bolcoff* for the place named *"Refugio"*, the deposition of *Juan B. Alvarado*, a witness in behalf of the claimant, taken before Commissioner *Henry J. Thornton*, was filed:

(Vide page *5* of this Transcript.)

San Francisco Oct. 25 1853.
In the same case the deposition of *Rafael Castro*, a witness in behalf of the claimants, taken before Commissioner *Alpheus Felch*, was filed:

(Vide page *9* of this Transcript.)

San Francisco May 4 1854.
In the same case the deposition of *Doña Candida Castro Bolcoff*, a witness in behalf of the claimants, taken before Commissioner *Peter Sott*, was filed:

(Vide page *11* of this Transcript.)

In the same Case the deposition of Jose Boleoff, a witness in behalf of the Claimants, taken before Commissioner Peter Sott, with averment marked "B. P. L." being a transfer from Jose Boleoff to Francisco & Juan Boleoff - annexed thereto, was filed;
(Vide page 13 of this Transcript.)

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San Francisco October 3^d 1854.

In the same Case the Counsel for the Claimant filed the Affidavit of Jose de la Cruz Rodriguez, with a Stipulation annexed thereto;
(Vide page 43 of this Transcript.)

San Francisco October 23^d 1854.

In the same Case the deposition of Amador Boleoff, a witness in behalf of the Claimants, taken before Commissioner Peter Sott, was filed;
(Vide page 14 of this Transcript.)

San Francisco November 28^d 1854.

Case no. 214 was submitted on briefs and taken under advisement by the Board.

San Francisco Jan. 30^d 1855.

In the same Case Commissioner Alpheus Felch delivered the opinion of the Board confirming the claim;
(Vide page 45 of this Transcript.)

San Francisco March 5^d 1855.

In the same Case the U. S. Cons Agent filed the following Stipulation, to wit:
(Vide page 44 of this Transcript.)

San Francisco March 6^d 1855.

In the same Case the following order was made to wit:

(Vide page 48 of this Transcript.)

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To the Honble The Board of Com-
missioners for ascertaining and settling
the Land Claims in California -

Petition
no

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The petition of Francisco
and Juan Polcoff of Santa Cruz County
California respectfully represent that they
are the owners of the land known by the
name of Refugio lying and being in the County
of Santa Cruz State of California and
bounded as follows, Beginning at the
large gulch (Sanjon Grande) where there
are some Aukways (Arroyos) close to the
beach opposite to a rock that is in the sea
thence W. N. by the beach three leagues to
the creek of the Laguna de Palo, thence
by this creek S. S. to N. N. two leagues
fifteen hundred varas to the ridge opposite
Sayant where a tree was marked thence
along said ridge opposite to the first gulch
(Sanjon Grande) two leagues five
hundred varas to a dry wood tree and
in front of the rock of the beach along the
gulch as well appear by reference to the
Certified Copy of the original map herewith
to annexed -

The said tract being three
leagues in length by two leagues five hun-
dred varas in breadth -

Your petitioners claim the
said land under a grant made to their
Father Jose Polcoff by Governor
Alvarado dated the 4th of April 1841
and which was confirmed by the Santa
Departmental and a Conveyance from
said Jose Polcoff to them of the date
of October 8th 1851. herewith annexed.

Your petitioners would
represent that their Father Jose

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Bolcoff has been in the actual and undisturbed possession of the said tract of land since the year 1839 living upon the same with his family, and your petitioners have been in the actual possession of the same since the date of said conveyance of Jose Bolcoff -

And further your petitioners would represent that the said Jose Bolcoff received Judicial possession of the said Rancho above described on the 16. of July 1842.

Your petitioners have learned lately that J. L. Majors of Santa Cruz County pretends to have some claim upon this Rancho of Reyes -

Your petitioners present herewith the original title the map the approval the Judicial possession with translations of the same -

Wherefore petitioners ask that the said title may be deemed good & valid and that a patent may issue with general relief -

J. Ordittys for
J. H. Watson

Claimants -

Filed in Office May 5, 1852

(signed)
Geo Fisher Secy.

5-

Office of the Board of
Land Commissioners for
California -
San Francisco August 1852

Deposition
of
Juan B. Alvarado

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On this day before Henry J. Thornton
one of the Commissioners for ascertaining
and settling private land claims in California
came Juan Bautista Alvarado a witness
produced in behalf of the Claimants Fran-
cisco & Juan Bolcoff being No 214 on
the docket of said Commissioners and
after being duly sworn testified as follows
his evidence being given in the Spanish
language and interpreted by George Fisher
Secretary -

Testimony by Claimants Counsel.

Quest 1st -

What is your name age and
place of residence?

Ans -

My name is Juan Bautista Al-
varado. My age is forty three years and I
reside at Contra Costa County, California -

Quest 2nd -

Were you Governor of California
and during what time -

Ans -

I was Governor of California during
the years 1834 to 1842.

Quest 3rd -

Do you recollect granting a tract
of land near the Mission Santa Cruz to
Jose Bolcoff and if so please state all
the circumstances in relation to said grant
within your knowledge?

Ans.

I have granted a tract of land called Refugio to Ma Candida Ma Jacinto and Ma de Los Angeles Castro - Subsequently at the instance of the above grantees the same tract of land I have re-granted to Jose Bolcoff in consideration of the said Bolcoff having conveyed a tract of land called "San Agustin" to Ma de los Angeles Castro which land the said Bolcoff possessed from a time not within my recollection. The Rancho of "San Agustin" is situated on the Coast of Santa Cruz.

Quest 4th -

Do you recollect whether or not the original title papers in favor of the three Titos aforementioned were returned by them to the Departmental before you granted the new title to the said land of "Refugio" to Jose Bolcoff?

Ans -

I do not recollect whether they were returned or not -

Question 5 -

Do you recollect or not when you granted the Rancho of "San Agustin" to Jose Majors whether the original title to Bolcoff was given up to your Office -

Ans -

I do not recollect -

Quest 6.

Being shown document A No 214 filed in the Office May 5, 1852 and paid from out to Luterio inclusion was asked if the documents from page three to page ten are the original documents

which issued from his Office while Govern-
nor of California at the time and date
they respectively bear?

Ans.

The documents above described
and signed from three to ten are the
original documents issued from my
Office while Governor of California at the
time and date they bear and were signed by
me as such Governor.

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Quest 4.

Are you acquainted with the
hand writing of Manuel Jimeno whose
name is subscribed to the above mentioned
documents on pages three to ten whenever
they appear, and if so are they his true
signatures?

Ans -

I am acquainted with the signa-
tures of Manuel Jimeno I have exam-
ined them on the pages above mentioned
and find them to be his genuine signa-
tures -

Cross Questions by the Law Agent -
Quest 1st -

What authority had you to
regrant the land after you had once
granted it to these Sisters?

Ans -

Because the parties agreed upon
it acting in good faith and living in
harmony as members of our family -
and having been requested by Maria
Candida and Jose Bolcoff who
had several interviews with me on the
subject and having fully understood their
wishes as requested - I ordered that a
new title be issued in conformity to their

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request though not made in writing
in due form. The said Maria Cam-
acida Castro was the only party who
appeared before me when the applica-
tion was made for the grant in favor
of the three sisters Castro's also when
the request was made to issue the
title for the same land to Jose Polcoff
The other two Ma Jacinta and Ma do-
las Angeles Castro never appeared before
me in person in the matter relating to this
grant or the re grant. I was induced
from what Maria Candida said to
make the first grant and I was also
induced from what she and Polcoff
said to make the re grant.

The land is bounded
by the Ocean on the Southern part I am
not certain that the plan was attached
to the Expediente at the time it was issued
but I think it was because it is signed
by Amiro as Secretary.

Leon P Alvarez
The Law Agent present
& cross Examined.

Sworn to & Subscribed
Before me this 4th day of Aug 1852,
Henry J. Thornton
Cmn.

Filed in Office Aug 4, 1852
Signed
Geo Fisher
Secy

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Office of the Board of Commissioners &c &c.

Deposition of Rafael Castro

This day before me Alphus Welch came Rafael Castro a witness in behalf of Claimants Francisco & Juan Balcoff No 214 who after being duly sworn deposed as follows -

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Questions by Mr End Attorney for the Claimants -

1 Question -

What are your name age and place of residence?

Answer -

My name is Rafael Castro My age is fifty years and I reside at Santa Cruz in California -

2 Question -

Look at the documents now here shown to you purporting to be a grant and documents of possession of the place called "Refugio" marked A and annexed to the deposition of Juan Balcoff heretofore filed in this case and state whether the signatures appearing on said document purporting to be the signatures of Juan B Alvarado Manuel Jimeno, Jose Balcoff, Rafael Castro, Juan Jose Puliz and Roman Rodriguez are the true and genuine signatures of those individuals and whether you know their hand writing?

Answer -

I have examined said document and the signatures of the above named persons whose they appear therein are the true and genuine signatures of those individuals respectively - I have seen

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Each of them writes and am acquainted with this hand writing - The signature of Rafael Castro therein is my own signature and I signed the paper in my capacity of Magistrate of Santa Cruz at the time of giving the Judicial possession of said land.

3 Question -

When was that Rancho first occupied? when was the house built upon it and by whom?

Answer -

The house was built by Jose Bolcoff in the year 1834. The possession was given by me in 1842. Jose Bolcoff lived on the place in 1834 with his family and cultivated part of the land in wheat barley corn potatoes and other vegetables. He had also fruit trees on the place. He built the house in which he and his family lived in 1834 - He has continued to live on the place with his large family to the present day -

4 Question -

Who were the members of his family in the year 1834?

Answer -

I do not recollect any but his own children -

5 Question -

Are Francisco Bolcoff and Juan Bolcoff the children of said Jose Bolcoff.

Answer -

They are they live in the said Rancho -

Rafael Castro

Mr Gumbo's Associate Law Agent
was present at taking this deposition
but proffered no interrogatories -

Subscribed and Sworn
to before me October 25, 1853,
Alphus Fitch
Commissioner -

Filed in Office Oct 25, 1853,
(signed) Geo Fisher Secy.

United States of America
State of California 3 ss.
San Francisco May 4, 1854.

Deposition
of Rosa
Candida
Castro
Bolcoff.

This day personally came before me
Peter Lott a Commissioner for taking
depositions to be used before the Board of
U.S Land Commissioners in said State
Rosa Candida Castro Bolcoff a witness
on behalf of the Claimants in Case No
214 on the docket of said Board wherein
Francisco & Juan Bolcoff are Claimants
and the said witness being duly
sworn an oath deposed in the Spanish
language which was interpreted into English
by the interpreter to said Board as follows
to wit -

The U.S Law Agent is present -
Questions by the Attorney for Claimants -
1 Question -

What is your name age and
present residence?

Answer - My name is Candida Castro

Bolcoff. My age 115 years my residence
Santa Cruz County, California -
2^d Question -

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At whose request did Governor Alvarado give the grant of the land called del Refugio to Jose Bolcoff -

Answer - I requested him to grant it to my husband Jose Bolcoff which was done -

3^d Question -

Did or did not your sisters Maria and Dolores Cuevas in this request?

Answer -

They did agree to the request and the arrangement they preferred San Agustin to del Refugio & Maria agreed to the arrangement - It was a mutual agreement among all of us the three sisters Majors and Bolcoff -

Case Examined by U.S. Land Agent,
1st Question -

Was this agreement and arrangement made before or after Maria was married to Majors?

Answer -

It was three days after their marriage -

2^d Question -

Did you request Governor Alvarado to grant to Bolcoff of your own accord?

Answer -

I did it of my own accord and with the agreement and consent of

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My sister
Candida ^{her} Bolcoff.

Subscribed and Sworn to
Before Me on this 4th day
of May A.D. 1854.

Peter Lott Commissioner
for Taking Testimony &c.

Filed in Office May 4, 1854.

(Signed) Geo Fisher Secy.

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United States of America
State of California

San Francisco May 4, 1854.

This day personally came before Peter
Lott a Commissioner for taking Testimony
to be used before the Board of W Land
Commissioners in said State Jose
Bolcoff a witness on behalf of the Claim-
ants in Case No 214 at the desk of
said Board wherein Francisco & Juan
Bolcoff are Claimants and the said Witness
being duly sworn on oath deposed in the
Spanish language which was interpreted
into English by the interpreter to said
Board as follows to wit -

The U. S. Law Agent is present.

Questions by the Attorney for Claimants -
1 Question -

What is your name age and
present residence?

Answer - My name is Jose Bolcoff my

Deposition
of
Jose Bolcoff.

age 54 years. My Residence in Santa Cruz County California -

2^d Question -

Look upon the document now shown you marked B P L and find in this case and say whether or not the signature of Jose Bolcoff therein is your signature and genuine?

Answer.

I have examined the paper and this is my genuine signature written by me at the time the said case date -

3^d Question -

In explanation of the deposition of Juan B Alarado heretofore filed in this case state why it was that the grant for the land claimed in this case was made to you and all the circumstances attending the same.

Answer -

Candida my wife gave to me her right to the Rancho de Refugio and she herself appeared before Governor Alarado and requested that the title to said Rancho should be given to me the title was then issued to me Jose Bolcoff and I immediately took possession of the Rancho. Three days after the marriage of Maria de las Angustias de Castro, my wife's sister to Jose Majors, said Majors proposed to me and my wife that he would take my interest at San Agustin for the part of de Refugio belonging to his wife which proposition was accepted, and the agreement immediately took effect and said Majors moved to San Agustin - Jacinto the

the other Sister to my wife relinquished
unto my wife her part of the Rancho
del Refugio and that was the reason why
the grant was made to me - I exchanged
my right in the land of San Agustín
with Majors for Maria's portion of del
Refugio and I sold him the house
& fences on San Agustín -
11th Question -

Did Majors ever make
any improvements on the Rancho del
Refugio?
Answer -

He never did -
5th Question -

To whom was Judicial
possession of del Refugio given when
was it given and when was the record of
it signed?
Answer -

It was given to me in 1841 or
1842 and was not then signed because
the Judge who gave the possession was
sick but it was signed in the same year
in which it was given by all the persons
who signed it -

6th Question -

What improvements did
you make on the Rancho del Refugio and
when?

Answer -

In 1839 I built an old house
in which I have ever since lived with my
family. the same year I set out 50 fruit
trees. In 1840 I built another adobe
house, one corner, with fences and
cultivated a portion of the land. I had
two head of Cattle 250 Mares 300 Sheep

and 50 tame hours on the place -

Jose Bolcoff -
Subscribed and sworn to
before me on this 4th day
of May A.D. 1854.

Peter Lott Commissions
for taking Testimony &c

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Filed in Office May 4 1854.

(Signed) Geo Fisher Secy

United States of America
State of California

San Francisco Oct 21. 1854.

This day came before Peter Lott Com-
missions for taking Testimony to be used
before the Board of W. S Land Commis-
sioners in said State. Amador Bolcoff
attest as an behalf of the Claimants Francis
or and Juan Bolcoff in Case No 214
on the docket of said Board and said
witness being sworn deposed in Spanish
which was interpreted by the interpreter to
said Board as follows.

The W S Associate Law Agent is present.

District of J. J. Williams Esq for
Claimant -
At Testim -

What is your name age and
residence?

Answer - My name is Amador Bolcoff
My age 28 years. My residence in Santa
Cruz County California -

Deposition
of
Amador
Bolcoff

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2^d Question.

Do you know the Rancho called Refugio if you state all you know of its boundaries?

Answer.

I am acquainted with said Rancho - The Sanjon Grande is the boundary on the Eastern Side, a portion of the way, then the boundary leaves the Sanjon and runs to a red wood tree with a dry dead top - The Sea is on the South side; The North is bounded by a ridge of hills, and marked by said Red-wood trees on the East, and an Oak tree marked with an axe, on the west -

The western boundary runs from that marked Oak tree in a line with the Arroyo de la Laguna de Salas to a lake in which a wooden cross was put up to mark the boundary.

3^d Question -

Were you present at the Judicial Measurement of this land if yes to whom was it given -

Answer.

I was present when Rafael Castro gave the Judicial possession to Jose Bolsoff my father in 1842.

4th Question -

Look at the map in the Exhibits filed in this case marked A P & Q Exhibited in this disposition and state the boundaries as they designated and marked, when he gave the Judicial Survey and possession -

Answer -

They commenced the measurement here on the Sea shore at a rock marked

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on this map "peñon" and ran along
the sea coast westerly to the place mar-
ked "Laguna" about three leagues
thence along the Arroyo de Patos North
two leagues and 500 varas to an oak
tree in the "rajo" the same oak tree I
before spoke of which is the North West
corner of this map.

thence along the top of
the rajo "Chia Sima" to the point
marked here "Salvador" a dead topped
red wood tree and thence to the Sanjon
Grande and down said Sanjon to the
place of beginning.

Cross Examined by the U.S. Associate
Law Agent -

1st Question -

When did you last see
that dead topped tree?

Answer.

About 3 weeks since.

2d Question -

What is the shape and size
of said Rancho?

Answer -

It is nearly in a square form about
three leagues in length and two leagues and
500 varas wide -

Amador Dolcoff -
Subscribed and Sworn to

Before me on this 21st

day of October AD 1854.

Jos. Lott Comm & C.

Filed in Office Oct 23. 1854.

(Signed)

Geo Fisher Secy.

Sello tercero Dos reales.

Habilitado provisionalmente por la estatuta Marít^a del puerto de Monterrey en el Departamento de las Californias para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

Miembro.

Antonio María Osio.

Juan B. Alvarado Gobernador Constitucional del Departamento de las Californias.

Por cuanto D^o José Boleoff Mexicano por naturalización ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre oblatifugio, colindante con el terreno del C. Gil Sanchez y la Mision de Sta Cruz: practicadas previamente las diligencias y averiguaciones convenientes segun lo dispuesto por leyes y reglamentos usando de las facultades que me son conferidas a nombre de la Nacion Mexicana he venido en concederle el terreno mencionado declarandolo de la propiedad de el por las presentes letras sujetandolo a las condiciones siguientes.

1^a Podrá cercarlo sin perjudicar las traversias caminos y servidumbres lo disfrutará libre y exclusivamente destinandolo al uso o cultivo que mas le acomode. pero dentro de un año fabricará casa y estará habitable.

2^a Solicitara del Juez respectivo que le otó la posesion juridica en virtud de este Despacho por el cual se demarcaran los linderos en cuyas limites podra a mas de las mayoneras algunos arboles frutales.

3^a El terreno de que se hace donacion es de la extension que explica el otieno que corre en el expediente El Juez que otiere la posesion lo hará suelto conforme a ordenanza quitando el sobrante que resalte a la Nacion para los usos convenientes.

4^a Si contraviere a estas condiciones perderá su derecho al terreno y será denunciado por otro.

En consecuencia mando que serviendo de titulo el presente y teniendose por firme y valeroso se tome raxon de el en el libro a que corresponde y se entregue al interesado para su resguardo y demas fines. Dado en Monterrey a siete de Abril de mil ochocientos cuarenta y uno.

Juan B. Alvarado.

Manuel Jimeno. Srío.

Sello tercero Dos reales.

Habilitado provisionalmente por la Autoridad Marítima del puerto de Monterrey en el Departamento de las Californias para los años de mil ochocientos Cuarenta y mil ochocientos Cuarenta y uno.

Jimeno.

Antonio Maria Osio.

Queda tomada razon de este despacho en el libro respectivo a foyas. 8.

Jimeno.

Sello tercero Dos reales.

Habilitado provisionalmente por la Autoridad Marítima del puerto de Monterrey en el Departamento de las Californias para los años de mil ochocientos Cuarenta y mil ochocientos Cuarenta y uno.

Jimeno.

Antonio Maria Osio.

Juan B. Alvarado Gobernador Constitucional del Departamento de las Californias.

La Junta Departamental en acuerdo del día 22 de Mayo del presente año de 1841 aprobó el dictamen de la Comisión de agricultura que concierne en el expediente instruido sobre el terreno titulado Refugio, adjudicarlo a la parte de Don José Bolcoff cuyo artículo con que concluye dice así: "Se aprueba la concesión hecha por el Superior Gobierno Departamental con fecha 8 de Abril de 1839 del terreno llamado el Refugio en la persona de Don José Bolcoff."

En consecuencia del decreto de 13 de Junio último, constante en el expediente referido se libra el presente al interesado para su resguardo.

Monterrey. 28 de Julio. de 1841.

Alvarado.

Manuel Jimeno. - Osio.

El que suscribe Secretario del Gobierno del Departamento de las Californias certifica: que el dibujo que se demuestra en la planilla anterior es igual al original que está agregado al expediente de Don José Bolcoff que existe en el archivo del Gobierno.

Monterrey. Mayo. Catorce de mil ochocientos Cuarenta y dos.

Manuel Jimeno.

Sr. Alcalde Constitucional.

José Bolcoff de esta vecindad ante V. se presenta

3.21

y dice que habiendolo obtenido la concesion propia
del terreno conocido con el nombre del Refugio, vengo
ante V. para que se sirva de darme la posesion judicial
Comprensiva esta prerrogativa en el articulo 3º del titulo de
dho. terreno que solo espectio del año ppº que debidamente
acompano pº quando obra los efectos decaidos. Por
tanto A. V. Suplico se sirva ponerla en posesion que
solicito en lo que recibera justicia. Sta Cruz. 22 de
Julio de 1852. José Bolloff.

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Sta Cruz. 25 de Julio de 1852. En virtud de la aut-
-cedente solicitud procedi por mi el Juez a la unision
señalamiento de linderos y posesion judicial que
solicita el interesado en este expediente señalamiento pº
espectar lo pa el dia 26 del presente mes. ctsi lo otro.
Juez lo decreté manote y firmé.

Rafael Castro.

En el rancho del Refugio 26 de Julio de 1852 del presente
año en cumplimiento de laute de pta. concurieron
los cuñº testigos de asº nombre por mediadores a los
cc. Ramon Rodriguez y Juan José Felis a quien ponia
la aceptacion y juramento procederan al desempeño
de su encargo. Mi Yo el Juez lo decreté manote
y firmé con los de mi asº.

Juan José Felis.

Ramon Rodriguez.

En la pta. en el rancho espresado se le notifico el auto
que antecede a los cc. mediadores y entendidos dijeron
que aceptan y se aceptaban dho. encargo de medidas
y juraron a Dios y con el Señal de Cruz de usar lo
Siv otolo grande, contra persona alguna y firmanon
con ungo.

Juan José Felis.

Rafael Castro.

Ramon Rodriguez.

Descontamente lo el referido Juez manote tener el
cordel con que se ha de medir las tierras y que
las medidas lo midan de cincuenta varas y lo
firman con ungo.

Juan José Felis.

Ramon Rodriguez.

En seguida en presencia de mi el espresado Juez y los
dhos. mediadores tomaron un cordel y con una vara
de medir uso Mexicano tuvieronla en manos med-
iron cuarenta varas para hacer la referida medida
y para constancia lo rubrique.

Juan José Felis.

testigo. Ramon Rodriguez.

En el mismo rancho y en la referida fha. siendo como las diez de mañana yo el presente Juez me vine a los medidores nombrados se pongan para las medidas de terreno que se ha de hacer del Ciudadano José Bolloff, se comenzo la medida desde Sanjon grande en donde estan unos varvines. punto la playa en frente una piedra que estan mas teniendo el corral N. N. has esta llegar arroyo de la laguna de palo en donde se medio tres leguas en donde queolo el arroyo por Lindero y por Moyonera desde luego se puso el corral de S. E. a N. + N. se medio dos leguas y quinientas varas a esta llegar la cuchilla de frente de Sagnite en donde se puso un arbol señal pr moyonera se conto con un vha desde ha se tomo la linea por toda la cuchilla en donde esta de frente de primer Sanjon se tomo la medida en donde se medio dos leguas quinientas varas en donde esta un palo coronado situ que de pr moyonera y frente de la piedra de playa hasta Sanjon para N. y se medio el terreno declarando a los otros medidores haber sitio de Guano Mayor. y para constancia lo firmé con los medidores.

Rafael Castro.

Juan Jose Pelis.

testigo. Ramon Rodriguez.

En el referido Rancho y en la fha. Ciudadano vecino José Bolloff acompañando del Juez de otro lugar y testigos de esta, dijo Ciudadano Bolloff en virtud de haber le medido las tierras de este rancho segun constan en las delicias anteriores tomara la verdadera corporal y real posesion de el expresado sitio de guano mayor por tres leguas de largo y por dos leguas y quinientas varas de ancho, pues le pertenece como consta en el diseño puesto en el título, se ha medido conforme a este diseño, conseguido por el Sr. Gobernador Constitucional y aprobado por la Junta. Asamblea de este territorio en la misma fha. Corriente. Vista y paseo por ella, un poco yerbas y hojas de arboles y tres piedras a las cuatro partes del viento se hizo otras ceremonias y acto de posesion en señal de lo que dijo tomar y tomara de otro terreno y un arbol situado fuez que desde entonses roturan y se consideren por el verdadero señal y poder de ella de todo el referido juicio otro Ciudadano

23

Boloff, que memoria y conservacion de lo venidero de
sus derechos por mi repido fue le fuere entendido una
constancia de lo que fuee fue autnidad con testigos de
asistencia con quienes a eutera. En receptoria al facta
de escribano publico que no lo hai segun venen do y se.
Rafael Castro. Juan Jose Felis.
Arnan Rodriguez.

Recorded in Book "A" of the records of the Recorder's
office of the County of Santa Cruz and State of
California on pages 174, 175, 176, 177, & 178, on the
9th day of June A.D. 1851.

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Seal.

Witness my hand & private
Peter Tracy.
Recorder.

Filed in office. Aug. 7. 1852.

Geo. Fisher. Secy.

24



1. 25

Estados de California y Condado de Santa Cruz.
 En el año de nuestro Señor de mil ochocientos cincuenta
 y uno 9^a en el ocho de Octubre del mismo año: y unif-
 -rmanuscrito, certifico haber vendido a mis dos hijos Juan
 -cides y Juan Bolloff todas mis propiedades a saber
 el Rancho llamado el Refugio todo el ganado mayor
 y menor, toda la caballería, las dos Casas con todas
 sus entres o allajos que me pertenecen y que se hallan
 en el mentado rancho igualmente la Casa que se halla
 en la Misión con sus muebles por la suma de veinte
 mil pesos y para que conste doy este en presencia de los
 testigos Juan Francisco Heborria y de Don Ignacio Castro
 los cuales firmaron con unigo en el día ocho de
 Octubre y año como arriba mencionamos.

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 PAGE 25

Juan Francisco Heborria. José Bolloff.
 testigo. testigo.
 Ignacio Castro. testigo.

State of California }
 County of Santa Cruz. } On this 22nd day of December
 A.D. 1851 before me Peter Tracy County Clerk in and
 for said County personally came José Bolloff known
 to me to be the person described in and who executed
 the foregoing instrument and who acknowledged
 to me that he executed the same freely and voluntarily
 and for the uses and purposes therein mentioned.
 In testimony whereof I have hereunto set my
 hand and affixed my private seal there being no
 official seal provided the day and year last above
 written.
 Peter Tracy.
 County Clerk.

State of California. }
 County of Santa Cruz. } Recorder's office. Dec^r 22nd 1851.
 I hereby Certify that the foregoing is recorded in book
 of Deeds Vol. the first pages 258 and 259 of the records
 of my office.
 Witness my hand this 22nd day of December
 A.D. 1851.
 Peter Tracy.
 County Recorder of
 Santa Cruz County
 California.
 Filed in office. May 5th 1852.
 Geo. Fisher.
 Secy.

[Faint, illegible handwriting covering the majority of the page]

[Small handwritten marks or characters]

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Jose Bolcoss.

Third Sub Two Reals.

Provisionally authorized by the Maritime Custom House of the port of Monterey in the Department of the Californias for the years 1844 & 1845

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Translation of grant -

(Signed) (Signed)
Nemino Antonio Munio Oro.

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Man B Alvarado Governor of the Depart-
ment of the Californias -

Whereas Jose Bolcoss a Mexican by Naturalization has petitioned for his personal benefit and that of his Family for the parcel of land known by the name of Refugio bounded by the ranches of Citiz in the Sanchez and the Mission of Santa Cruz having complied with the requirements of the laws and regulations in the matter. Now by virtue of the authority in me vested in the name of the Mexican Nation I have thought proper to grant to him the aforementioned tract of land subject to the following conditions -

1st - He may fence it without obstructing the crops and woods and he shall enjoy it fully and exclusively putting it to the use and culture he may think proper but within one year he shall build a house and that must be inhabited -

2d - He shall within the respective Judge to give him judicial possession by virtue of this patent by whom the boundaries shall be fixed at the limits of which he

shall set beside the land marks some fruit trees -

3^d - The land of which donation is made is of the extent shown by the plan annexed to the Expediente (proceedings). The Judge who may give possession will cause it to be measured agreeably to order - Hence leaving the excess (sobrante) which may result to the Nation for common use.

4th. If he consents to these conditions he shall lose his right to the land which shall be demarcated by another -

Consequently I Command that knowing this as a title deed and holding it as firm and valid the same be entered in the corresponding book and be returned to the interested party for his own security and other ends.

Given in Monterey on the 6th day of April 1841.

Juan B. Alvarado,
 Manuel Amiro Secretary.

A note of this patent has been entered in the respective book at folio 8.

Amiro -

Third Seal. Two Reals.

Provisionally authorized by the Maritime Custom House of the port of Monterey in the Department of the Californias for the years 1841 & 1842 -

(Signed)
 Amiro

(Signed)
 Antonio Maria Cio

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19/2/11

Juan B Alvarado Constitutional
 Governor of the Department of the Californias -
 The Excellent Departmental
 Board by agreement on the 22^d day of May
 1841 approved the Opinion of the Committee
 on agreement acknowledged in the "Espediente"
 (Proceedings) instituted in relation to the
 tract of land called "Refugio" adjudicated
 to Don Jose Bolcoff the concluding article
 of which runs thus -

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"The grant made by
 the Superior Departmental Government
 dated the 8th of April 1834 for the tract of
 land called "El Refugio" in favor of Don
 Jose Bolcoff is approved."

And in consequence of the decree
 of the 13th June last past existing in the
 aforementioned "Espediente" the present
 is issued to the interested party for his own
 Security -
 Monterey 25th July 1851.

Alvarado
 Manuel Amador Secy -

To his honor the Constitutional Alcalde,
 Jose Bolcoff of this Vicinity before your
 honor having presents himself & says that
 having obtained a grant in fee of the land
 known by the name of "Refugio" he now
 applies to you to give him Judicial
 possession in conformity to the provision
 of the Article 3^a of the title and of said
 land issued the year last past which I
 duly herewith accompany for the desired
 ends.

Wherefore I beseech your honor
 to be pleased to give him the possession
 he solicits in which he shall remain satisfied -

Santo Cruz July 22. 1842
(Signed) Jose Bolcoff.

Santo Cruz. July 25. 1842.

Agreeably to the preceding petition of the Judge proceeded to measures to mark and give Judicial possession as solicited by the interested party in this "Expediente" appointing for that purpose the 26th day of the present month, thus did I the Judge de novo Command & Jefe - Rafael Castro -

At the Rancho of Refugio July 26th 1842 the present year.

Agreeably to the decree of to days date there appeared the Citizens assisting witnesses having named as Measurers Citizens Ramon Rodriguez & Juan Jose Felt who with the previous acceptance and requisite oath will proceed to the fulfilment of this appointment.

Thus did I the Judge de novo Command and Jefe with the assisting witnesses - Rafael Castro -

Juan Jose Felt witness -
Ramon Rodriguez witness -

On the same date at the rancho afore mentioned the preceding decree was communicated to the Citizen Measurers & they said they accept & accepted said appointment of Measurers & they made oath in the name of God & by the sign of the Cross to fulfil the same & not to use it against any person whatsoever & affirmed this name here to with myself -

Cesario, Rafael Castro -
 Juan Jose Jehi witness
 Roman Rodriguez witness -

Immediately I the said Judge Com
 Manded a Cordel (cord) to be brought to
 Measure the lands causing the Measurers
 to Measure it of fifty varas length which
 they signed with myself -

Juan Jose Jehi witness
 Roman Rodriguez witness

Rafael Castro -

After this in the presence of myself the
 said Judge & the Measurers they seized a
 cordel and with a vara such as is used
 in Mexico they measured 50 varas in order
 to make the aforementioned admeasurement
 In witness whereof I attach
 hereby my signature -

Rafael Castro
 Juan Jose Jehi witness -
 Roman Rodriguez witness -

At the same rancho and on the same
 date at about ten O'Clock in the morning
 I the Judge present Commanded the appoin-
 ted Measurers to proceed to Measure the
 land which is to let the property of City in
 Jose Balcoff & commenced measuring
 from the large ditch (Sonfon) where there
 are some "beranos" summer pasture
 grounds, close to the beach opposite a
 rock lying in the sea & running N as far
 as the Crut of "La Laguna" de Sal - up
 to which there was measured three varas
 where the crut forms the boundary and
 land mark. Hence stretching the cordel

S & N. they measured two leagues & 500
 varas as far as the Cuchilla ridge opposite
 "Sayanto" where there was placed a sign
 of a land mark cut with a hatchet. thence
 along the hill all the "Cuchilla" as far as
 opposite the first Sanjon (ditch), a dis-
 tance of two leagues & 500 yards where there
 is a dry red rock tree serving as a land
 mark and from opposite the rock on the
 creek all the way along the Sanjon North-
 ward the same having been measured
 agreeably to the map made after the admea-
 surament of the land the Measurers de-
 claring that it contained one square league
 In witness whereof I sign it with
 the Measurers.

Rafael Castro -
 Juan Jose Pehi witness
 Roman Rodriguez witness -

At the said rancho & on the same date
 Citizen Jose Polcoff accompanied the
 Judge of said place and the assisting witnesses
 said Citizen Jose Polcoff in virtue of
 having measured the lands of said rancho
 as is shown by the antecedent acts will
 take true corporal & real possession of the
 said place of square leagues say three
 leagues in length by two leagues & 500 varas
 in breadth since it is his such as is shown
 in the map which was made according to the
 boundaries of the title granted by the Con-
 stitutional Governor & approved by the
 Executive Assembly of this territory on the
 same date - He went on wallet though
 it pulled up grass & leaves of Inus and
 threw stones on the four bounds of the compass

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& performed other ceremonies and acts of possession as a sign of taking it, as he did of said land. the aforementioned Judge commanding that henceforth they should own him and acknowledge him as the true owner & possessor of the same. and of all which has been stated said Citizen Polcoff asked that in memory and preservation for the future of his rights & the said Judge would extend to him a testimony of all which was performed by authority and the assisting witnesses with whom I did so in default of a proper public Notary, there being none here which I equally to lawfully attest -

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Rafael Castro -
Juan Jose Felix witness
Roman Rodriguez witness -
uuu.

The undersigned Secretary of the Government of the Department of California do certify that the plat exhibited on the preceding sheet is similar to the original which is annexed to the Expediente of Don Jose Polcoff filed in the archives of the Government -

May 14 1851.

Manuel Amador.

Note (In the original English)
Received the foregoing from Jose Polcoff on the 30 day of June 1851 at half past nine O'Clock AM and by request of said Polcoff it was recorded

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State of California
County of Santa Cruz
I Peter Tracy County
Clerk and Ex Officio County recorder
of said County do hereby certify that
the foregoing is a true copy of the record
of the original grant of Joseph Bol-
caff taken from the Book of Records
vol 1 pages 174, 175, 176, 177 and of
the map page 178 of the records of my
Office -

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Witness my hand & seal of
office the 20th day of
April AD 1852.

(signed) Peter Tracy

Filed in Office April 30th 1852

(signed) Geo Fisher
Clerk

35

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2111

Ind. Stamp. Two Reals.

Provided authorized by the Maritime
Custom House for the Port of Monterey
in the Department of the Californias for
the years 1810 & 1811
Signed Antonio Maria Cis -

"C"

Translation
of
Grant

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Don B. Alvarado Constitutional
Governor of the Department of the Californias.
Miguel Don Jose Polanco
a Naturalized Mexican has solicited for his
personal benefit and that of his family
the land known by the name of Refugio
Commanded by the Rancho of Citizen Don San-
chez and the Mission of Santa Cruz and
having made the necessary investigations
in relation thereto according to the laws
and regulations exercising the powers
conferred upon me in the name of the
Mexican Nation I concede him the land
mentioned declaring him the owner by this
act subject to the following conditions -

1st He may enclose it without prejudice
to the paths roads & servitudes using it
fully & exclusively for his purposes but
within a year he shall build a house
and it shall be inhabited -

2d - He shall select the respects
to give him Judicial possession in virtue
of this decree by whom the boundaries will
be fixed at the limits of which he shall
set besides the land marks some fruit
trees -

3d - The land of which donation is made

is of the extent explained in the map which
accompanies the Expediente - The Judge
who gives possession will have it measured
according to ordinance so that the
surplus may remain to the Nation for
Government purposes -

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Atk - Should he violate these Conditions
he shall lose his right and the land may
be denounced by others -

Therefore I command that
these present serving him as a title
and being held as firm and valid be in-
tended in the corresponding book and be
delivered to the party interested for his
Security and other ends.

Done at Montreux on the 6th of
April One thousand Eight hundred and
forty one -

(Signed) Juan B Alvarado

(Signed) Mateo Jimeno Secy -

Note has been taken of this patent in the
corresponding book at folio 8.

(Signed) Jimeno.

Third Stamp Two Reals.

Provisionally authorized by the Mexican
Custom House for the port of Montreux
in the Department of the Californias for
the years 1820 & 1821.

Commo Antonio Maria Ochoa -

Juan B Alvarado Constitutional Governor

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of the Department of the Californias -
 The Most Excellent De-
 partamental Junta in the Session of the
 22^a of May of the present year 1841
 approved the report of the Committee on
 Agriculture who having examined the
 Expediente in relation to the land called
 Refugio granted in favor of Don Jose
 Bolcoff the concluding article of which
 says -

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" We approve of the Cession
 made by the Superior Governor of the
 Department of the date of April 8, 1834
 of the land called Refugio to Don Jose
 Bolcoff, and in consequence of the
 decree of the 13 of June last, as appears
 in the Expediente referred to the present
 will be given to the party interested for his
 security -

(Signed)

Alvarado
 Manuel Jimeno Secy.
 Monterey 28. July 1841

(Certificate appended to the Map)

The undersigned Secy of the Govern-
 ment of the Department of California
 do certify that the Map shown in the preceding
 page is a true copy of the original annexed
 to the Expediente of Don Jose Bolcoff
 filed in the archives of the Government
 Monterey March 14. 1842

(Signed)

Manuel Jimeno

To the Constitutional Alcalde
 Jose Bolcoff a resident of this

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Placo presents himself before you and says that having obtained the proper grant of the land known by the name of Refugio he requests that you will be pleased to give him Judicial possession in conformity with the article 3d of the title to said land granted to him last year which is hereto annexed. in order that it may produce the desired effect and therefore he requests that you will be pleased to put him in the possession he asks for by which he will receive Justice -

Santo Cruz 22^o July 1842

Jose Bolcoff.

Santo Cruz 25th July 1842

In virtue of the foregoing petition I the Justice of the place will proceed to the measurement, designation of boundaries & Judicial possession solicited by the party interested in this Expediente to which effect, the 26th day of the present month is fixed -

Thus I said Justice did decree Command & Sign -
Cyril Castro.

In the Rancho of Refugio on the 26th of July of the present year 1842 in conformance with the foregoing decree appeared the assisting witnesses and I appointed as measurers Citizens Roman Rodriguez and Juan Jose July who after accepting and taking oath shall proceed to comply with their duty -

Thus I the Justice did decree Command and Sign with my assisting witnesses

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(Signed) Rafael Castro.
Witnesses: (Signed) Juan Jose Feliz.
(") Roman Rodriguez.

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On the same date and in the said Rancho the foregoing decree was notified to the Guasurus who having understood it said that they accept and did accept said appointment of Measurers and swore to God and by the sign of the cross to do their duty without deceit or fraud against any person and signed with me

(Signed) Rafael Castro.
(Signed) Juan Jose Feliz witness
(") Roman Rodriguez witness.

Immediately afterwards the said Justice ordered the Cord to be brought wherein the lands are to be measured and that the Measurers should measure off fifty varas and they signed with me.

(Signed) Rafael Castro.
(Signed) Juan Jose Feliz witness
(") Roman Rodriguez witness.

Afterwards in the presence of me the said Justice and the said Measurers they took a cord and with a common Mexican vara holding it in their hands they measured off fifty varas -

In testimony whereof I sign with my flourish -

(Signed) Rafael Castro.
(") Juan Jose Feliz witness
(") Roman Rodriguez witness -

In the same Rancho and on the same date I being about ten O'Clock in the Morning I

Commanded the Measurers appointed to place themselves in order to make the Measurement of the land of Citizen Jose Polcoff -

The Measurement Commenced at the large gulch where there are some biramous, Damour pastures grounds close to the beach opposite to a rock that is in the sea stretching the cord North west until arriving at the creek of the Laguna de Salo to where they measured three leagues. The creek being left as the boundary and as a land mark Thence placing the cord from S to N they measured two leagues and five hundred paces until arriving at the ridge opposite to Sagunto where with an axe a tree was marked as a land mark thence they measured along the ridge opposite to the first gulch the distance of two leagues and five hundred paces to where there is a dry red wood tree which serves as a boundary land mark and in front of the rock of the beach all along the gulch towards the N and they measured according to the plot in the same manner as the land was measured - The Measurers declaring that there was one Square league (Sitio de ganada Mayor)

In Testimony whereof I sign with the Measurers.

(signed) Rafael Castro.

(signed) Juan Jose Felix witness

(") Roman Rodriguez (")

In the before mentioned Rancho and on the same date Citizen Jose Polcoff accompanied by the Justice of said place and the assisting witnesses said that in virtue of having the lands of this Rancho measured to him

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as appears by the foregoing acts he took the true corporal and real possession of the said Sitio de ganada Mayor. Consisting of three leagues in length and two leagues and five hundred varas in breadth since it belongs to him, as appears by the plat appended to the title. The measurement has been made in conformity to the plat of the grant made by the Constitutional Governor and approved by the Most Excellent Territorial Assembly of this Territory upon the same date and he walked over it pulled up grass and leaves of trees and threw stones towards the four winds and performed other ceremonies and acts of possession in sign as he said of taking and having taken possession of said land and the before mentioned Justice Commanded that thence forward he should be held & acknowledged as the true owner and possessor thereof of all that has been done in the premises. Said Citizen Polcoff requested that I the said Justice should give a testimony for the security of his rights in future which I did authenticated by the assisting witnesses with whom I act by delegate power according to law for the want of a Notary Public there being none which I certify -

(Signed) Rafael Castro,
 (Signed) Juan Jose Ruiz witness
 (1) Roman Rodriguez witness -

State of California }
 County of Santa Cruz }

In the year of our Lord one thousand eight hundred & fifty one & on the 8th of October of the same year. I the undersigned certify having sold to my two Sons

Francisco and Juan Bolcoff all my property
to wit the Rancho called Refugio all
my cattle large and small all my horses
the two houses with all the things therein be-
longing to me and also the house in the Mis-
sion with the furniture for the sum of twenty
thousand dollars.

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In witness whereof and in
presence of the witnesses Juan
Francisco Liborio and Don Ignacio Castro
who having signed this act with me this eighth
day of October of the year above mentioned -

(Signed)

Jose Bolcoff Sr

Witness (Signed) Juan Francisco Liborio
" " Ignacio Castro -

(In the original here follows the acknowl-
edgment before the County Clerk of Santa
Cruz as dated 22^o Deco 1851. in English -

E. C.
R. P.

Filed in Office May 5. 1852.

(Signed) Geo Fisher
Secy

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United States of America.

State of California }
County of Santa Cruz }

José de la Cruz

Affidavit

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Rodriguez of the County and State
aforesaid. being duly sworn deposes and
says that his name is José de la Cruz Rod-
riguez that he is a resident of the County aforesaid and 28 years old and that he is a son
of Roman Rodriguez who was assisting witness
when Rafael Castro gave possession of the
Rancho of the Refugio in the year of our
Lord one thousand Eight Hundred & forty two
to Don José Bolcoff and deponent further
deposes and says that his Father was an
illiterate Man and could not write his
name but that this deponent did by order
of his Father the said Roman Rodriguez and
in his presence did sign the name of his said
Father to the said act of possession dated
July twenty 1st Eight Hundred and forty
two and that to the best of his knowledge
and belief his said Father put his mark to
the same and deponent further says that he
has always and does now sign his Father's
name in all business matters he having
acted for several years and is now acting
as the sole agent in all the affairs of his
said Father Roman Rodriguez who is well
stricken in years.

And deponent further says
it always was customary in former times for
a person who could not write to ask some
friend or relation to sign for him -

The word "was" on this page
interlined and a portion of a word erased
on the end of the 20th line on first page

H.H.

Gracia before signing
Jose de la Cruz Sanchez.

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Sworn to and Subscribed
before me the 22^d day
of June Eighteen Hundred
and fifty four (AD 1854).

Witness my hand and Official Seal the day & year last above written.

Peter Frazer
County Clerk
Santa Clara County Cal

It is hereby agreed that the foregoing affidavit of Jose de la Cruz Rodriguez may be filed in Case No 214 for the Rancho El Refugio and be received in evidence in proof of the facts therein contained as fully as if it were regularly taken in the form of a deposition in this case.

Louis Blandin
Ass Law Agent

Filed in Office Oct 3. 1854.

(Signed)
Geo Fisher
Secy

Stipulation

No 214 F.F. 2^d vol copy defendant for Refugio. It is stipulated & agreed that the land claimed in this case is south of parallel 37° of north latitude.

Thomson & Williams attys for claimants
By J. Thomson J.H. McClure Ass Law Agent
Filed in office March 5th 1855

Geo Fisher Secy

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Opinion
of the
Board

Francisco Balcoffal
of
the United States

}
} For the place
} called Refugio
} in Santa Cruz
} County containing
} many other fourth
} leagues of land

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The support of this claim the petitioner
has given in evidence

First a grant of the
land claimed issued to him by Governor
Juan B Alvarado under date of April
9th 1841

Second a certificate of the app-
roval of the same by the Departmental
Assembly under date of May 1841

Third
a copy of the map attached to the Expedi-
ente certifying by General Governor Secretary
of the Government

Fourth a testimonial
of judicial possession given to said
petitioner by the constitutional Alcalde
under date July 1842 in which the same
claims of the said petitioner are
specified

Fifth a compromise of said
premises made by said petitioner to his
two sons Francisco and Juan Balcoff
the present claimants under the eighth
day of October 1851

By the deposition
of Rafael Castro and of said Jose
Balcoff it is shown that upon the
grant was made the latter has
built two adobe houses and a
corral on the premises and cultivated
and enclosed a portion of the same
that he arrived unto the place in

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1839 with his family and has con-
tinued to make it his business and
service.

This proof seems sufficient to
establish the claimant's right to
admission of compensation.

An advance
claim to one third of the land claim
made by the petitioner is a separate
case Number 207.

That case has already
been considered and decided ad-
versely to the petitioner and it is not
necessary here to advert to it.

The proof
in this case tends to show that what
ever claims might have existed under
the action of the Government in behal-
f of the claimant in that case
they were relinquished by the consent
of the parties interested and the
grant being upon in this case
issued with the approval of all
concerned.

Filed in Office Jan 3rd 1855

Signs
Geo Fisher
Secretary

Records in Records of Deacons has
Page 319

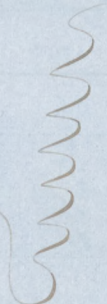
Signs
Geo Fisher
Secretary

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Decree of Francisco Bulcoff of
The United States



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In this case on hearing the previous allegations it is ascertained by the Commission that the claims of the said Petitioners is valid and it is therefore decreed that the same be confirmed.

The claim of which confirmation is hereby made is known by the name of Refuge situated in Santa Cruz County and is the same occupied for many years by Jose Bulcoff and is bounded and described as follows to wit:

Commencing at the large gulch where are some Peaches (Keranos) close to the beach opposite to a rock that is in the sea and running thence in a westerly direction along the coast three leagues to the creek of the Laguna de Pala.

Thence up said creek and in a north westerly direction two leagues and five hundred varas until arriving at the ridge opposite to Laguna and to a tree marking with a cross as a landmark.

Thence all along the ridge opposite to the point Gulch two leagues and five hundred varas to a dry red rock the which serves as a landmark and in front of the rock of the beach to the mountain and thence southerly and all along the Gulch (San Pedro) to the place of beginning being the same line.

described in a grant made to Jose
Bulcoff by Governor Alvarado and on
the testimony of judicial possession
then of Jose to said Bulcoff and the
map attached to the same

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all of which
are on file in this case and to which
reference is to be had for more particu-
lar description of the premises and
contents

Alejo P. Felch
R. Aug. Thompson
S. B. Farwell
Commissioners

Filed in Office Jan 30th 1855

Signed
By Fisher
Secretary

Records in Record of Deeds Vol
2 page 310

Signed
By Fisher
Secretary

And it appearing to the satisfaction
of the Board that the land hereby
appreciated is situated in the
Southern 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
made be made and any and every
copies by the Secretary and of a true and
correct shall be filed with the clerk of
the US District Court for the Southern
District of California and the other
two transcripts to the City and of the C. S.

Office of the Board of Commissioners,

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

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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 *Forty eight* pages, numbered from
1 to *48*, 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. *214*. on the Docket of the said Board,
wherein *Francisco & Juan Botchoff* are
the Claimant & against the United States, for the place known by
the name of "*Refugio*"

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 first day of *July*
A. D. *1855*, and of the Independence of the
United States of America the *seventy-eighth*.

Geo. Fisher
G. Fisher



U. S. DISTRICT COURT,

San Francisco District of California.

No. 275.

275

THE UNITED STATES,

vs.

Francisco & Juan Bolcoff.

Refugio

275

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Cas. No. 214.

Filed, *August 1st* 1855.

C. C. Leary
Clerk

By *A. W. Clark*
Deputy

275



Office of the Attorney General of the United States,

Washington, 10. October, 1855.

214. "Refugio -"

Francisco & Juan Balloff, Claimants

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 14th day of August, 1855, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Cushing

Attorney General.

10275

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

Francisco Chan Balcomb.

vs.

The United States, applt.

Appeal Notice.

Filed Nov 20th 1855

A. E. San
C. E. K.

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214

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

CITY AND COUNTY OF LOS ANGELES--STATE OF CALIFORNIA.

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Francisco & Juan Boleoff,
appellus
ads,

Docket No. 275.

The United States, Appellants.

Transcript No. 214.

TO THE HON. ISAAC S. K. OGIER, JUDGE:

The Petition of ~~Pacificus Ord~~, ^{Cameron E. Thom,} a resident of said City, County, and State, ^{acting} Attorney of the United States for the Southern District of California, who petitions in this behalf for the United States, and being present here in Court, in the name and behalf of the United States, represents as follows: That heretofore, to wit: on or about the 5th day of May — A. D. 1852, Francisco & Juan Boleoff

presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board, claiming a tract of land called *Refugio*

in the County of *Santa Cruz* — State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the 30th day of January — A. D. 1855, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 1st

day of August — A. D. 1855, a duly certified transcript of the proceedings and decision of the said Commissioners in said cause, and the papers and evidence on which the said decision was founded, was filed in the Office of the Clerk of the District Court of the United States for the Southern District of California, and marked No. 214; reference to which it is prayed may be had and made part of this petition.

That on or about the 14th day of August A. D. 1855, the Honorable Caleb Cushing, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and

evidence on which said decision was founded. That thereafter, to wit:
on ^{or about} the 20. day of November A. D. 1855, the said
Attorney-General of the United States filed, or caused to be filed, in
behalf of the United States, a notice with the Clerk of said District
Court of the United States, that the appeal in said cause from the said
decision of the said Commissioners, in the District Court of the United
States for the Southern District of California, would be prosecuted by the
United States. Your petitioner further represents, that the land claimed,
as aforesaid, is situate in the Southern District of California, and within
the jurisdiction of this Honorable Court. Your petitioner further represents
and insists, that the said claim is invalid; and the said decision of said
Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for
many errors and imperfections of law and evidence, apparent in said certified
transcript of the proceedings and decisions of said Commissioners in said
cause, filed and appealed from as aforesaid. And your petitioner denies all
and singular, each and every allegation in the said petition of said claimants
presented as aforesaid to said Commissioners. And your petitioner further
denies that the said claimants ~~has~~ ^{have} any valid right or title to said land claimed
as aforesaid, or any part thereof.

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And no sufficient proof having been made of the allegations in said pe-
tition to said Commissioners, or in support of the said claim, no decision con-
firming the same should have been made by said Commissioners; but the

said claim should have been rejected by them. And the said claimants having no valid right or title derived from the Spanish or Mexican Governments, to the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by, and it now belongs to the United States, by virtue of conquest, and the Treaty of peace, friendship, limits and settlement, between the United States and the Republic of Mexico, made at the City of Guadalupe Hidalgo, February 2d, A. D. 1848.

Wherefore, the said ^{Cameron E. Thom, Acting} ~~Pacificus Ord,~~ Attorney of the United States for the Southern District of California, for and in behalf of the United States, by reason of the premises, and in pursuance of the Act of Congress, entitled "An Act to ascertain and settle the Private Land Claims in the State of California," approved March 3d, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said claimants or ^{their} ~~his~~ attorneys may be served with a copy of this petition; and that this Honorable Court will review the said decision of said Commissioners, and reverse the same; and decide on the validity of ^{said claim} the same, and decree the alleged title to be invalid: with costs and general relief.

Cameron E. Thom
Acting Attorney of the United States for
the Southern District of California.

N. 275.

C. E. Thomas

Filia Dec 24th 1854

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In the District Court of the United States
for the Southern District of California
Hon. J. S. K. Ogden Judge
Francisco & Juan Boleoff,
appellants.

N.º 295.

vs.
The United States, Appellant. *Dist. N.º 214.*

The answer of Francisco & Juan Boleoff
to the petition of the United States for
review, avers that the title under
which they claim the land called
Refugio, is valid. And they pray
that the decision of the Board of
Land Commissioners be affirmed,
and the title of said claimants
be deemed valid. And general relief.

Myron Norton
Atty for Appellees

N^o 275.

Answer.

Filed the 2nd January
A. D. 1857
By Wm. C. C. C. C.
Clerk

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California Land Claims.

Attorney General's Office

29 Nov. 1856.

Sir:

In the case of the claim of Francisco
Polcoff and Juan Polcoff, confirmed to
the claimants by the Commissioners, case no.
two hundred and fourteen, (214), appeal will
not be prosecuted by the United States.

I am

Respectfully

Yours

Pacificus Adm. Genl.

U. S. Attorney,

Los Angeles.

✓

N^o 275.

Francisco & Juan Bolcoff

as

The United States.
275.

✓
Filed July 21st 1855

James
Clark

✓

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

December Term 1856.

Francisco & Ivan Boleoff,
Appellés.

vs

The United States,
Appellant.

N^o. 275.

Trans N^o. 214.

275 SD

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On Motion of P. Ord Attorney of the United
States for the Southern District of California;
And on suggesting to the Court that it is not
the intention of the United States to prosecute
further the appeal heretofore taken in said
Cause, it is ordered by the Court that the said
appeal be and the same is hereby dismissed;
And that the claimants have leave to proceed
under the decree of the Commissioners, heretofore
rendered, as a final decree.

Feb, 21. 1857.

No 275-

Motion to dismiss
appeal -

Felix Fitch 21st 1853

Spind
Cld

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Office of the Board of Commissioners,

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

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San Francisco, July 21st 1855.

C. E. Carr 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. *214* on the Docket of the said Board, wherein *Francisco and Juan Bolcoff* are — the Claimant against the United States, for the place known by the name of "*Refugio*" — and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher.