

CASE No.

286

SOUTHERN DISTRICT

REFUGIO GRANT

J. L. MAJORS

CLAIMANT

LAND CASE 286 SD 53 pgs.

MAR 20 1963

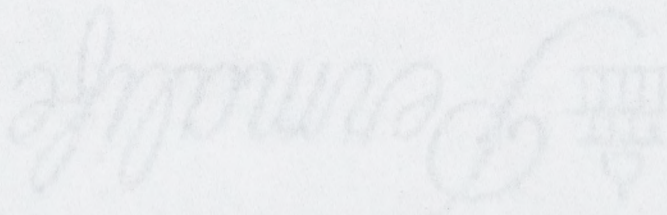
БОЛЕВ БОИД

Смешанная

The first 4 pages, although they relate to the Refugio grant and Claimant J.S. Majors, are labeled Case No. 246 ND, not 286 SD.

246 ND no longer exists and these materials have been transferred to this case.

25% COTTON CONTENT



246 ND
PAGE 1

At a *Stated* Term of the District Court of the
United States of America, for the Northern District of California,
held at the *Courthouse* in the City of SAN FRANCISCO,
on *Thursday* the *30th* day of
September in the year of our Lord one thousand
eight hundred and fifty-five,

Present: *The Honorable* OGDEN HOFFMAN, Jr., *District Judge.*

The United States,
— vs —
Joseph S. Majors.

Said case No 246, on Docket
of this Court, and No 207 on
Docket of Board of N. S. Commrs.
"El Refugio"

On reading, and filing the letter
received this day from the Secty. of Land Commission, from
which it appears said Board of Commissioners entered an
order to the effect that an application be made to this Court
for the return of the Manuscript in the above cause filed
in this Court, said Land being in the Southern District of
California, Ordered by the Court, that the Clerk of this
Court return said Manuscript to Geo. Fisher, Esq. the
Secretary of said Board of Commissioners.

Ogden Hoffman Jr.
U. S. Dist Judge

No 246

United States District Court, Northern

District of California,

246

The United States.

—vs.—

Joseph S. Mapes.

See 286 50

Order to return to
Secty of Land Com;
Transcript in above case.

Filed September 20 1850

John A. Monroe,

of M. Ft. Cheever

Clerk.

Deputy.

246 ND

PAGE 2

Office of the Board of Commis-
sioners to ascertain and settle
Private Land Claims in Cal-
ifornia.

San Francisco, Sept. 18, 1855.

Sir,

On motion of the U. S. Associate Law
Agent, this Board made, at their Session of the
11th inst., the following order, in Case n^o. 207,
Joseph L. Major, for the place named "El Refugio",
to wit:

"Ordered that application be made to the
U. S. District Court for the Northern District of Cal-
ifornia for the return of the Transcript filed in the
said Court by stipulation entered heretofore by the
Counsel for the Claimant and the U. S. Law Agent,
and that upon the receipt thereof, the same be filed
in the U. S. District Court for the Southern District
of California, the land being situated in the said
District, as proven to the satisfaction of this Board."

I have the honor to respectfully request
Your Honor for an order to the Clerk of Your Hon.
Court for the return of said Transcript.

I remain respectfully

Your Obedt. Servt.

Geo. Fisher

Hon. Ogden Hoffman, Jr.
Judge U. S. Dist. Court
Northern Dist. Cal.

San Francisco.

No 246
U. S. District Court
Northern Dist. of California.

The United States.

— vs —

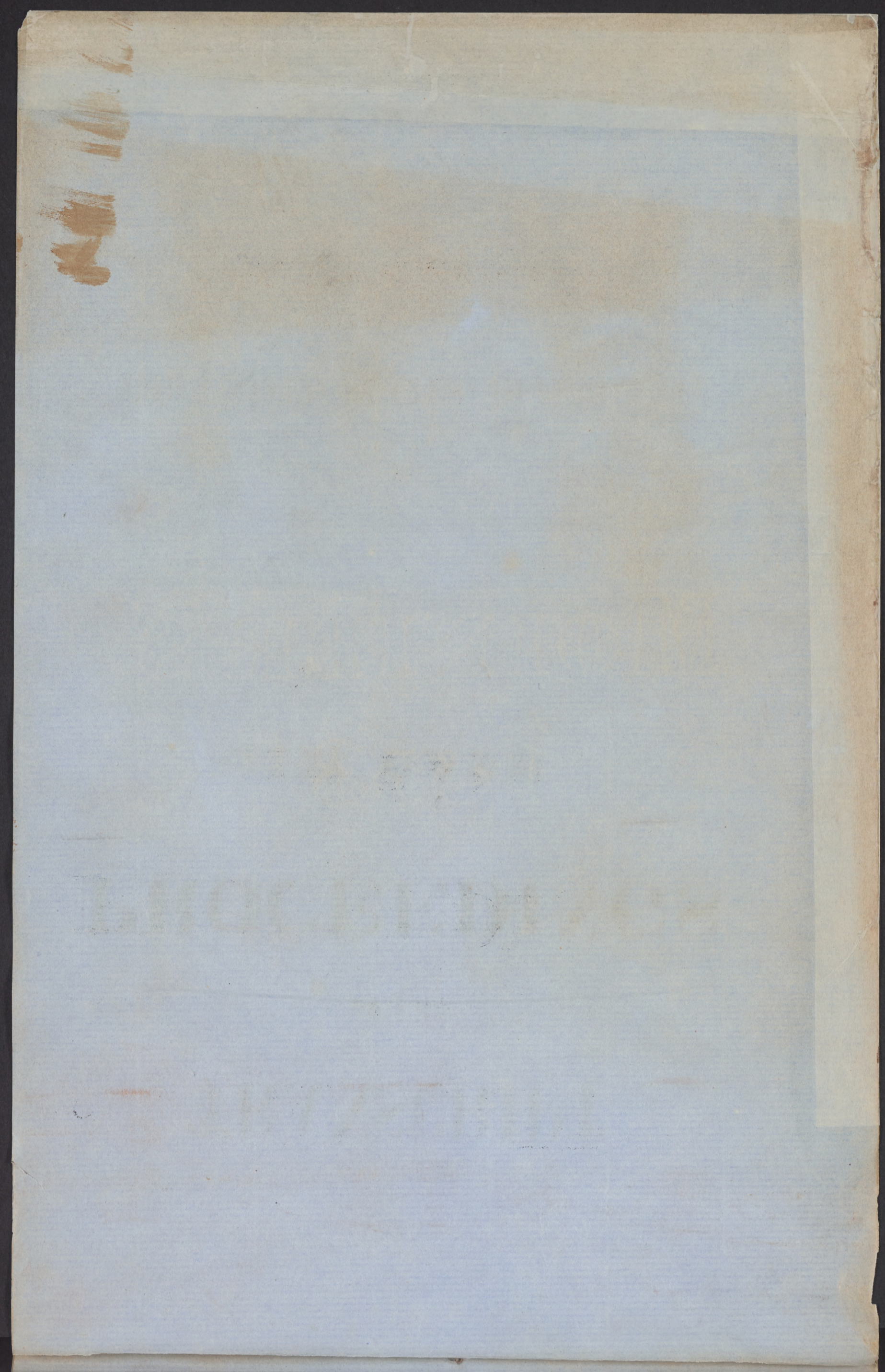
J. S. Mappes.

Letter from Geo. Fisher
Deputy Land Commissioner.

Filed Sept 20, 1853.
by W. A. Cheever
Deputy.

207

Dep



TRANSCRIPT

286 SD
PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 207.

J. S. Mayors.

CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Refugio."

PROCEEDINGS

OF THE

GENERAL ASSEMBLY

OF THE STATE OF

MISSISSIPPI

IN SENATE

FOR THE YEAR 1854

MEMPHIS

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 *twentieth day of April*, 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 *J. S. Majors*,
for the Place named
"Refugio",
was presented, and ordered to be filed and docketed with No. *207* 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 May 24' 1852.
In case no. *207*, Joseph S. Majors for the "Rancho de Refugio", the deposition of Jose Cornelio Perez, a witness in behalf of the claimant, taken before Commissioner James Wilson, was filed;

(Vide page *5* of this Transcript.)

San Francisco May 26' 1852.
In the same case the Deposition of Ramon Rodriguez, a witness in behalf of the claimant, taken before Commissioner James Wilson, was filed;

(Vide page *11* of this Transcript.)

In the same case the Deposition of Juan Jose Feliz, a witness in behalf of the claimant, taken before Commissioner James Wilson, was filed;

(Vide page *7* of this Transcript.)

San Francisco March 30th 1854.

In the same case the depositions of Ramon Rodriguez and Juan Jose Feliz, witnesses in behalf of the claimant, taken before Commissioner Peter Lott, were filed:

(Vide pages 12 & 13 of this Transcript)

San Francisco November 28th 1854.

Case no. 204 was submitted on Briefs and taken under advisement by the Board.

San Francisco January 30th 1855.

In the same case Commissioner Alphens Felch delivered the opinion of the Board rejecting the claim:

(Vide page 4 of this Transcript)

And the following order was made, to wit:

(Vide page 5 of this Transcript)

San Francisco March 5th 1855.

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

(Vide page 5 of this Transcript)

To the Honorable the Board of Commissioners for the adjudication of California Land Claims.

Joseph L. Majors, a native of the state of Tennessee and for the last 18 years a resident of California, for self and on behalf of his wife, Maria de los Angeles Castro, respectfully sheweth;

Petition.

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That his said wife, then the said Maria de los Angeles Castro, in union with her two sisters Maria Candida and Maria Jacinta Castro, petitioned the Governor of the California, on the 13th day of February 1839, for a piece of land known by the name of Rancho del Refugio, with its metes and bounds as described in the final concession and grant and drawing herewith presented in a certified copy by the Survey General of an espediente presented by one Don Baldo for two of the sisters Castro, but substituting his own name for that of my wife, for the said piece or parcel of land, situated in the County of Santa Clara and State of California.

That your memorialist claims for self and on behalf of his wife the one third part of said grant only; that third portion embracing the Arroyo de Ceja and adjoining the lands of Gil Sanchez, on which your memorialist and family have subsisted for a number of years in undisturbed possession and still continue to hold. That neither your memorialist or his wife have ever in any manner or form disposed of or conveyed away their right or title to the said one third part of the original grant to the three sisters Castro, and why it is that the name of Don Baldo appears in the paper herewith submitted instead of that of my wife, your Honorable Board can as readily determine as can your memorialist,

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especially after reading the certificate of the Surveyor General appended thereto. That there are witnesses to the original possession given of the said grant to the three sisters Leante, the names of two of whom are Roman Rodriguez and Juan Jose Feliz, both of whom are still living and will testify to the fact; That it is also seen that the name of the same witnesses are fixed to another paper herewith presented, purporting to be a copy of a grant of Jose Bolsoff of the same Rancho de Refugio, which seems to be somewhat strange to say the least of it, and that with this exception strange as it may appear, there are no other claimants to the said Rancho de Refugio, known to your memorialist.

He therefore prays that your Honorable Board will cause a patent in fee to issue to him or to his wife as before named for the one third part of the said grant to the said Rancho de Refugio, commencing at the line of Sit Sanchez and embracing the Arroyo de Cajas as delineated in the drawing & or plan appended to and forming part thereof (the original application and grant)

And your memorialist will ever pray
 &c.
 John Parrott.
 Atty for claimant.

P.S. Your memorialist has paid taxes on his one third part of the said grant and still continues to pay them in assignment.

Filed in Office April 30th 1852.
 Geo: Fisher,
 Secy.

Office of the Board of Land
Commissioners for California.

San Francisco May 22nd 1852.

Deposition of the
Juri Cornelio Perez.
Perez.

On this day before me James Wilson one
of the Commissioners for ascertaining and
settling private land claims in California;
came Juri Cornelio Perez, a witness produced
in behalf of the claimant Joseph S. Major
whose petition is No 207. on the docket of
said Commissioners, and after being duly
sworn testified as follows, his evidence being
given in the Spanish language and inter-
preted by Geo: Fisher, Secretary - The Law
Agent of the United States was notified
and attended.

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Juri Cornelio Perez a witness in be-
half of petitioner, says he has no interest
in the land claimed whatever either present
or prospective - I know Mr Joseph S. Ma-
jor and have known him for about sixteen
years, he is a married man, his wife's
maiden name was Maria de los Angeles
Castro and is the daughter of the late Joa-
quin Castro - She has several sisters,
viz: Maria Antonia the eldest, the second
Martina, the third was Candida and the
fourth Jacinta - Candida is married
to Juri Balceff; Jacinta was never mar-
ried -

I understood that there had been a
grant of the Rancho called el Refugio to
some of the daughters of the late Joa-
quin Castro - To whom of them I do
not know, - I was called on by Rafael Cas-
tro to go as a measurer of said Rancho, as
he Rafael Castro as a magistrate was
going to give judicial possession of the
same under the grant as I understood.
I did go as one of the measurers -

Roman Rodriguez was the other cord carrier. Juan Jose Feliz and Francisco Rodriguez were present at the time - Jose Bolcoff accompanied us and pointed out the places where we were to commence and finish the measuring, and the measurements were made according to his instructions - At the time the possession was given of said Rancho, after the measurement were completed we returned to the house where Bolcoff lived on the Rancho and Rafael Castro told Jose Bolcoff to go and take the possession of the Rancho as he then gave it to him - That afterwards Jose Bolcoff spoke to his son Amadeo Bolcoff and told him to take the possession of the Rancho as it was not for himself, Jose Bolcoff, but for his Amadeo and his mother Maria Conclida and his two aunts Maria Jacinta and Maria de los Angeles - The juridical possession was taken by the usual forms by Amadeo -

Mr Majors has had cattle on the Rancho or part of it, but I cannot state how long he has occupied it in that way. He has cattle on the Rancho at this time -

At the time Mr Majors married Maria de los Angeles Castro she was residing on the house on the Rancho del Refugio where she had previously resided. They were married in the Church of Santa Cruz and from the Church they returned to the house on the said Rancho and had the wedding feast there - it was the same house where the possession was afterwards given to Amadeo Bolcoff as above stated.

Interrogatory by G. W. Corley, Law Agent, U. S.

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The Rancho del Refugio is bounded by the sea on one side. The house may be some 300 or 400 varas only from the beach. I cannot say how it hangs together, but once all these lands were claimed by or belonged to the Mission. I cannot say when the house was built on that Rancho. It was built by Jose Belcoff. I saw him working at it but I cannot recollect the time when.

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Jose Cornelio ^{his} Perez.
mark

May 22^d 1852.

Subscribed and sworn to before me.

James Wilson.
Commissioner.

Filed in Office May 22^d 1852.

Geo: Fisher.
Secy

No 207.

Deposition
of Juan Jose
Feliz.

Office of the Board of Land
Commissioners for California.
San Francisco May 26th 1852.

On this day before me James Wilson one of the Commissioners for ascertaining and settling private land claims in California, came Juan Jose Feliz, a witness produced in behalf of the claimant Joseph S. Mayin whose petition is No 207, 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 Geo: Fisher, Secretary. The San Agent of the United

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States was notified and attended.

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Juan Jose Felice a witness examined on behalf of the petitioners deposes and says: - my name is Juan Jose Felice, I am fifty three years old, I have been living in Santa Cruz about thirteen years, I know well Joseph S. Major ever since I lived in Santa Cruz - He married D^{ca} M^{ca} Angeles Castro about twelve years ago, his wife has two sisters named Maria Candida and Maria Jacinta de Castro they are daughters of the late Joaquin Castro deceased -

I remember that the three sisters obtained a grant of the Rancho del Refugio some years ago, but do not know the precise time - That possession of the said Rancho was given to them in the usual form of the times - Don Rafael Castro was Alcalde and ordered the measurement to be taken, I was myself one of the witnesses to the act of possession. The rancho measured has about three leagues of land - it is about half a league wide by about three and a half leagues long - I was never present at nor did I ever hear of judicial possession having been given to any other person -

J. S. Major has had for many years last past cattle and horses on the rancho - That the said sisters, daughters of Castro have always been acknowledged and known as the owners of the Rancho - I did never know or hear of any one else who claimed it -

Interrogatories by G. W. Cady Esq
Lawyer, U. S.

Deponent says - The said Rancho

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bounds on one on the sea shore - There were
two houses in the Rancho, one built by
the Mission of Santa Cruz, one I lived in
it for nine years - It was many years
ago and before the land was solicited by
the said daughters of Castro - The other
house was built by Don Belcoff - It was
immediately after the concession of the
land, for I remember that at the time
of the concession to the said daughters of
Castro, we were all living in the house built
by the Mission.

I married an elder daughter
of the said Joaquin Castro by the name
of Marie Antonia de Castro -

I remember the marriage of
J. S. Major with Maria de los Angeles
de Castro - This marriage was in the
Church of Santa Cruz, and they returned
to the house which was built by Don Bel-
coff - I remember that the house was
built the same year of Major's marriage
for I remember that they were very much
hurried to get the house finished for the
marriage feast and the fandango all
of which I attended

Juan Jose ^{his} Felix
mark

May 26th 1852.

Subscribed and sworn to
before me

James Wilson.

Commissioner -

Filed in Office May 26th 1852.

Geo: Fisher
Sey

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207Office of the Board of Land
Commissioners for California.
San Francisco May 26th 1852.

Deposition of Roman Rodriguez. On this day before me James Wilson one of the Commissioners for ascertaining and settling private land claims in California, came Roman Rodriguez, a witness produced in behalf of the claimant Joseph S. Major, whose petition is No 207, 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 Geo: Fisher, Secretary—

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The Law Agent of the United States was notified and attended—

Roman Rodriguez a witness examined by and at the request of the petitioner, deposes, viz— My name is Roman Rodriguez, I am fifty eight years old, I have lived fifteen years in the Mission of Santa Cruz— I know well J. S. Major for four or fifteen years— he is married with D^{ca} Maria Angeles de Castro for the last twelve years, — she has two sisters, Maria Candida Castro, & Maria Juicinta Castro. That they, the three sisters aforesaid obtained a grant of land called Refugio, some years ago, but I do not know the date or year precisely—

I further say that judicial possession was given to the said three sisters de Castro, that D^{no} Rafael Castro was at the time Alcalde of Santa Cruz and gave the order for the possession to be given, that D^{no} and D^{na} Camelio Perez assisted to give the possession in the accustomed forms of the times—

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I was one of the coal carriers - I further say that I was never present or know of judicial possession having been given to of the said Rancho del Refugio to any other person - That J. S. Mayor has for many years last past, say four or five years, kept horses and cattle on the Rancho of Refugio - That for many years the Rancho has been known and acknowledged to belong to the three sisters de Castro - That I have never heard their right disputed by any body - The length of the Rancho is from the San Juan to the Saguna de los Palos, being three leagues and a half linear measure - These were the boundaries designated by the magistrate when the possession was given as above stated.

Interrogatories by G. W. Corley Esq, San Agust

The deponent says the rancho bounds on one side on the sea shore - When I assisted in giving the judicial possession there was a house on the Rancho - That house was built by Jose Belcoff - I do not know of any other house being built on the rancho - I cannot state the year when the judicial possession was given, but it was some years before the late war between the United States and Mexico, and previous to the time when Genl. Micheltoune came to California as Governor.

his
Roman Rodriguez
mark

May 26 1852

Subscribed and sworn
to before me.

James Wilson, Commissioner

Filed in Office May 26th 1852.

Geo: Fisher,
Secy.

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Deposition ⁶ United States of America.
of Roman State of California. S. S.
Rodriguez.

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San Francisco, March 30th 1854
This day personally came before me
Peter Solt, a Commissioner for taking tes-
timony to be used before the Board of M.
S. Land Commissioners in said state, Ro-
man Rodriguez, a witness on behalf of the
claimant in case No 207, on the docket
of said Board in which Joseph S. Mayne
in behalf of his wife is the claimant, and
the said Roman Rodriguez being duly
sworn, on oath depoid in the Spanish which
was interpreted into English by the in-
terpreter of said board as follows, to wit:

The U. S. San Agent is present.

Questions by Gen. James Wilson, At-
torney for claimant.

1st Question.

What is your name, age and
present place of residence?

Answer.

My name is Roman Rodriguez, my
age 58 years, my residence Santa Cruz
County, California.

2^d Question.

Can you write your name,
and do you ordinarily in the execution
of papers, write your full name, or do
you make the mark of a cross?

Answer.

I cannot write my name, - In the execution of papers, I put my finger on the pen, while some person writes for me, and make a mark of a cross.

3^d Question.

Look at the document now shown to you marked A. annexed to the deposition of Juan B. Alvaredo, and filed in case No 214, and say whether your signature when it severally appears in pages 12, 13, 14 and 15, are your genuine signatures, and did you ever authorize any person to affix your name thereto?

Answer.

I do not remember ever to have seen this paper before, and I never authorized any one to sign it for me. - I invariably place the mark of a cross where my name is signed with my consent. - Balcoff never brought this or any other title papers to me to sign that I have any knowledge of. - I am positive I never signed this paper or any part of it, or authorized anyone to do it for me.

4th Question.

Was you present at any time, when juridical possession of the Rancho del Refugio in Santa Cruz County, was given to any person or persons, if yea, to whom was it given?

Answer.

I was present at the giving of juridical possession of said Rancho - Balcoff who summoned me there said to his oldest son, the Rancho belongs to your aunts and your mother, and directed him to take possession of it for them, the boy thus used the usual mode of taking possession, by pulling grass, throwing

stones &c. The mother was Maria Candi-
da and the aunts Maria Jacinta, and
Maria de los Angeles, the daughters of
Joaquin Castro deceased.

Ans. Examined by U.S. Law
Agent.

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1 Question. State who was present at the
giving of judicial possession of which
you speak?

Answer. Boleff and his son, Rafael Cas-
tro, Juan José Feliz, Miguel Ramirez,
Comelio Perez, Francisco Rodriguez and
myself, there were no others that I recollect.

2 Question. State what was done on that
occasion besides what you have said?

Answer. We went to a ditch on the East
side. The Alcalde Rafael Castro told
us he was going to give judicial pos-
session of the land, and then the Alcalde
had a paper he said it was the author-
ity which Alvarado had given him to
give possession to Boleff for his wife
and sisters in law. The Alcalde directed
my brother Francisco, and Miguel Ra-
mirez to measure a hair rope which
we had there and make it 50 varas
long. The Alcalde asked my brother
if he would swear to the measurement
being correct he said he did. A stake
was fastened to each end of the rope,
with that rope we measured the land,
after the land was measured, we all
went to the house, the table was set,
and paper run on it, the table was set

for report and not for business especially, I signed no papers and saw none signed on that occasion they said the papers would be signed some other time. The quantity of land that we understood to be contained in our measurement was three leagues from East to West, and three leagues from North to South, in the form of a square.

Re. Examined by claimants At-
torney.

Question

Was Doña Maria de los Angeles de Castro, married to Joseph Mijora at the time the judicial possession was given of said Rancho as you have before stated, or was she married afterwards?

Answer.

I do not recollect whether she was married at that time or not till afterwards.

Roman F. Rodriguez.
Subscribed and sworn to
before me on this 30th day
of March A. D. 1854.

Peter Sott. Commissioner
for taking Testimony &c.

Filed in Office March 30th 1854.

Geo: Fisher,
Clerk.

207
 United States of America
 State of California. S. S.

San Francisco, March 30 '1854.

Deposition
 of Juan José
 Feliz.

This day personally came before Peter Sett a commissioner for taking testimony of Juan José Feliz a witness on behalf of the claimant in Case No 207 on the docket of said Board in which Joseph S. Major in behalf of his wife is claimant, and the said Juan José Feliz being duly sworn, on oath depured in Spanish which was interpreted into English by the interpreter for said Board as follows, to wit -

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The U. S. San Agent is present.

Questions by Gen. James Wilson, Attorney for claimants, Joseph S. Major and wife -

1st Question.

What is your name, age & present place of residence?

Answer.

My name is Juan José Feliz, my age 36 years, and my residence in the County of Santa Cruz, California -

2^d Question.

Do you know Doña Maria Candida, Maria Jacinta and Maria de los Angeles de Castro, if the yes, where daughters are they, and to whom are they or any of them married?

Answer.

I know them all, Maria Candida married José Balcoff, Maria Jacinta is

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not married, and Maria de los Angeles mar-
ried José Majors, and they are the daugh-
ters of Joaquín Castro, deceased.

3^d Question. Do you know if those three daugh-
ters of Joaquín Castro, obtained a grant of
land in Santa Cruz County, if yes, state
what was the name of the Rancho so granted
to them?

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Answer. Yes, I know that they obtained a grant
there, the name of the grant formerly when
it belonged to the Mission it was called
Arroyo del Matacán and afterwards it
was called Refugio.

4th Question. Was juridical possession of
the Rancho del Refugio, given to those
daughters of Castro, and were you pre-
sent as one of the witnesses to such jurid-
ical possession when given to them?

(This question is objected to by the
U. S. Law Agent, the first portion as
leading, and the whole of it as incompetent
to prove the fact sought) —

Answer. Juridical possession was given to
the 3 daughters of Castro, and I was
present as a witness to the transaction.

5th Question. Have you ever been present
or have you ever known of juridical pos-
session of that Rancho del Refugio being
given to any other person, or at any other
time, except the one time when possession
was given to those daughters of Castro —
which you witnessed as aforesaid?

Answer.

No, that was the only judicial possession of which I ever had any knowledge, so far as relates to that Rancho del Refugio.

6th Question.

Look at the document now shown to you marked A. annexed to the deposition of Juan B. Ulbrade taken and filed in case No 214, and say whether your signatures when they severally appear on pages 12, 13, 14 and 15. are your genuine signatures, if yes, when did you sign them respectively, and at whose request?

Answer.

The signatures of my name when they severally occur are my genuine signatures - It is going on 3 years since I wrote my name on those pages, in my own home, Jose Bolcoff brought the document to my house and asked me to sign it in as much as I had not done so when the possession was given as aforesaid, I asked him when I should sign it, he showed me, and I signed it accordingly.

7th Question.

Were the names of Rafael Castro and Roman Rodriguez on those pages when they severally appear, when you signed your name there?

Answer.

They were not, Bolcoff told me he was going round to the others for their signatures, I signed it first.

8th Question.

State the time as near as you can when the judicial possession of the Rancho del Refugio, was given to the daughters of Castro as you have above stated?

Answer.

It was many years ago, I cannot remember the precise time, I think it was when Alvarado was Governor.

Was Examined by U. S. Survey Agent -

Question.

State particularly each fact which occurred in the transaction of giving the judicial possession to the daughters of Castro at which you was present?

Answer.

I was living in a place given to me by said Bedoff, near the Rancho of del Refugio, Bedoff asked me to go and assist in the judicial possession. They went on to the ground, the Alcalde Rafael Castro was present, they had a rope with which they measured the Rancho. Cornelio Perez and Antonio Rodriguez, Juan Gonzalez, Miguel Ramirez since dead, and I think Francisco Rodriguez and Roman Rodriguez were present there, I do not now remember any others who were there, I do not recollect of any record or writing being made at the time, I have no recollection of signing any paper then and there, nor at any time respecting this transaction except the one I have mentioned which was shown me here to day, which I signed within the last 3 years as I have before stated.

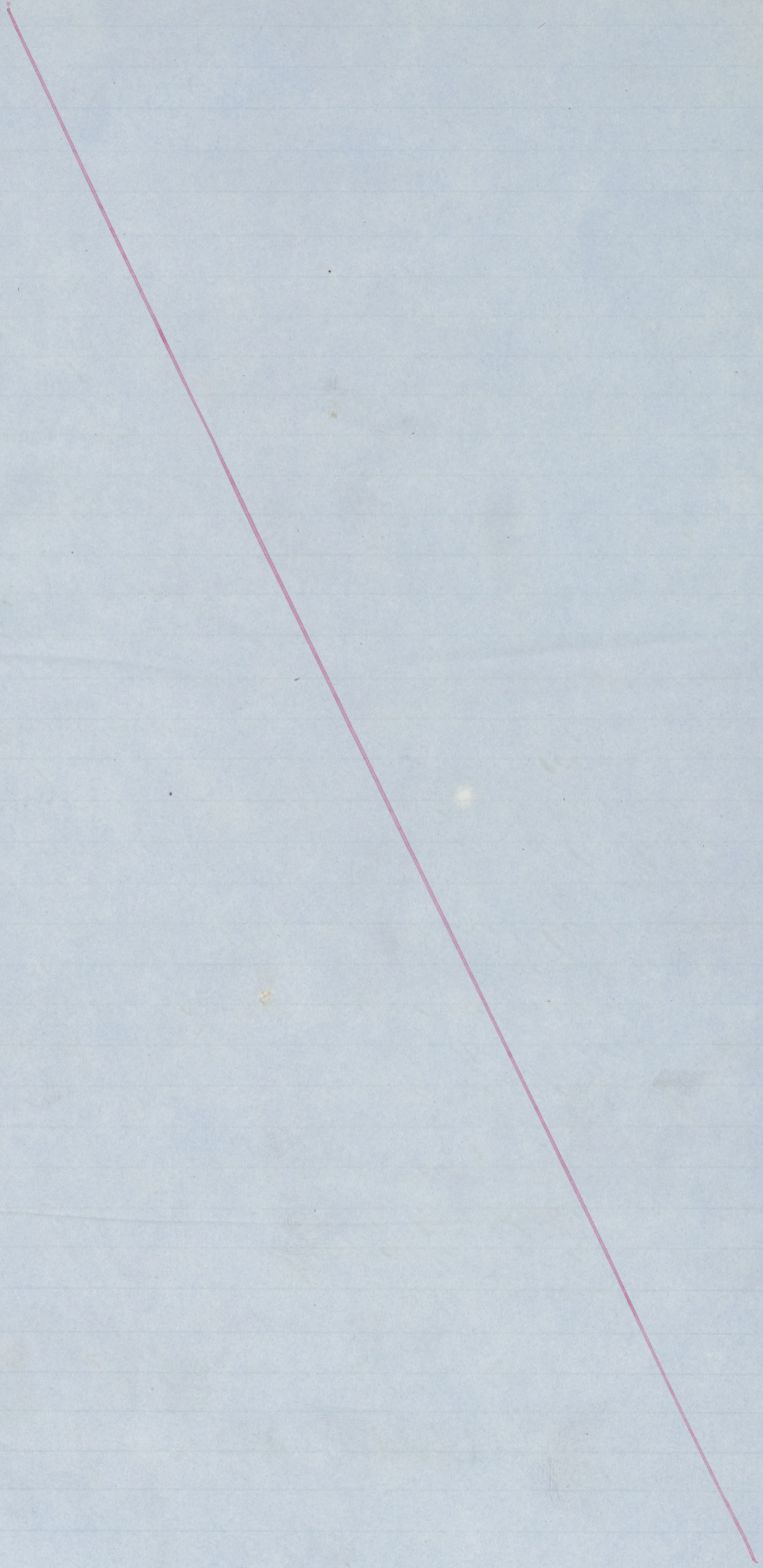
Juan Jose Feliz.

Subscribed and sworn to
before me on this 30th
day of March A. D. 1854.

Peter Sett, Commissioner
for taking testimony &c.

Filed in Office March 30' 1854.

Geo: Fisher. Secy



21 I.G.D.R

Expediente

Promovido por Don José Boleoff en pre-
tension con el nombre de C. Refugio.

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222. J. D. R. Monterey Febro. Como Señor Gobernador
 13 de 1839. Informe sobre el contenido de esta solicitud el B. no
 solicitada el B. no { Maria Candida, Maria Ju-
 nta y Maria de los Angeles
 naturales de este Alto Ter-
 ranee Loto ad { y Verdunas de los
 miniskador de { y Maria Anta Amador:
 St. Cruz y la Anta V. E. hacen presente
 parte presente { y teniendolo echo oien to Re
 el diseño con res { ses de Sancho Vucino,
 pncit. una manada de cincuenta
 Alvarado. { Leguas y como quince ca-
 ballos menes: y no teniendo
 un sitio donde ponerlos p. su procreacion
 y aumento; Ocurrimos a la aere citada
 y saba justificacion de V. E. nos concede
 el sitio llamado el Refugio que colinda
 con los linderos del B. Gil Sanchez.
 D. L. A. V. E. suplicamos que como huer-
 panas y con estos cortos bienes nos conceda
 el sitio de q. le merecemos gracia
 y merced. Jurando no ser de malicia
 ni lo necesario.

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Monterey 13 de Febro. de 1839.
 Maria Candida # Castro. Maria Jacinta
 Castro # Maria de los Ang. Castro #

J. S. D. R. St. Cruz Marzo 10 de 1839.
 El terreno que se solicita en esta represen-
 tacion puede concederse a las interesadas
 con motivo de no ser absolutamente necesario
 al establecim. El cual cuenta con un Ran-
 cho suficiente para el pequeño numero de
 Bueyes q. le quedan. Esto es lo mas con-
 niente informar como lo prehené el B. O.
 Gobernador
 Terren Loto.

Monterey Mayo 16 de 1839.
 En esta pta se concede provisionalmt. a
 las interesadas el terreno mencionado
 sujetandose al resultado de este esp. d.
 Alvarado

J. S. D. R. Monterey 16 de Marzo de 1839.
 Informe el A. p. f. del 1.º Distrito sobre

Esp. dt. 2

Continued

el contenido en esta instancia
Pueblo de S. Juan de Castro Marzo 20/1839
El prefecto del 1^{er} Distrito informa: que
puede concederse les à las intereas en
propiedad el terreno que solicitan por
hallarse baldío y sin dueño que le necesite
José Castro

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b. S. D. R

Note. See the
certificate

Monterey 8 de Abril de 1839.
Vista la petición con que da principio este
expediente el informe del Señor prefecto
del 1^{er} Distrito y todo lo que ver conviene de
conformidad con lo dispuesto por leyes y
reglamentos de la materia se declara a
D^{na} M^{ta} Candida, D^{na} C^{ta} Jacinta y
Don José Bote, dueñas en propiedad del
Refugio, demarcado en el dicho que corre
en este Expediente y bajo las condiciones
que en el título se expresa sien do los lin
deos desde el Rancho del C. Del Sanchez
hasta la Misión de Sta Cruz sujetándose
à lo prevenido en la ley de 18 de Agosto
de 1824 y el Reglamento de 21 de Octubre
de 1828. libese el despacho correspondiente
tomese razon en el libro respectivo y reserbase
este expediente para conocimiento de la Coe
Junta departamental p^{ra} su devida a
provaicion. Asi el señor Dⁿ Juan B. Alva
rado Gobernador del Departamento de
las Californias lo decreto mandó y firmo
de que doy fe.

Alvarado.

b. S. D. R

Monterey Marzo 31 de 1840
Dada cuenta à la Coe Junta Depar
tamental en sesión de este día acordó que
pase à la comision de Agricult^{os}

José L. Hernandez

En Veinte y dos del mismo lo devolvió la conse
cion con el dictamen que se acompaña.

Hernandez

Monterey trece de Junio de mil ochocientos
cuarenta.
En Vista de la Aprobacion otorgada en veinte
y dos de Mayo del presente año por la Coe
Junta Departamental, librese testimonio de

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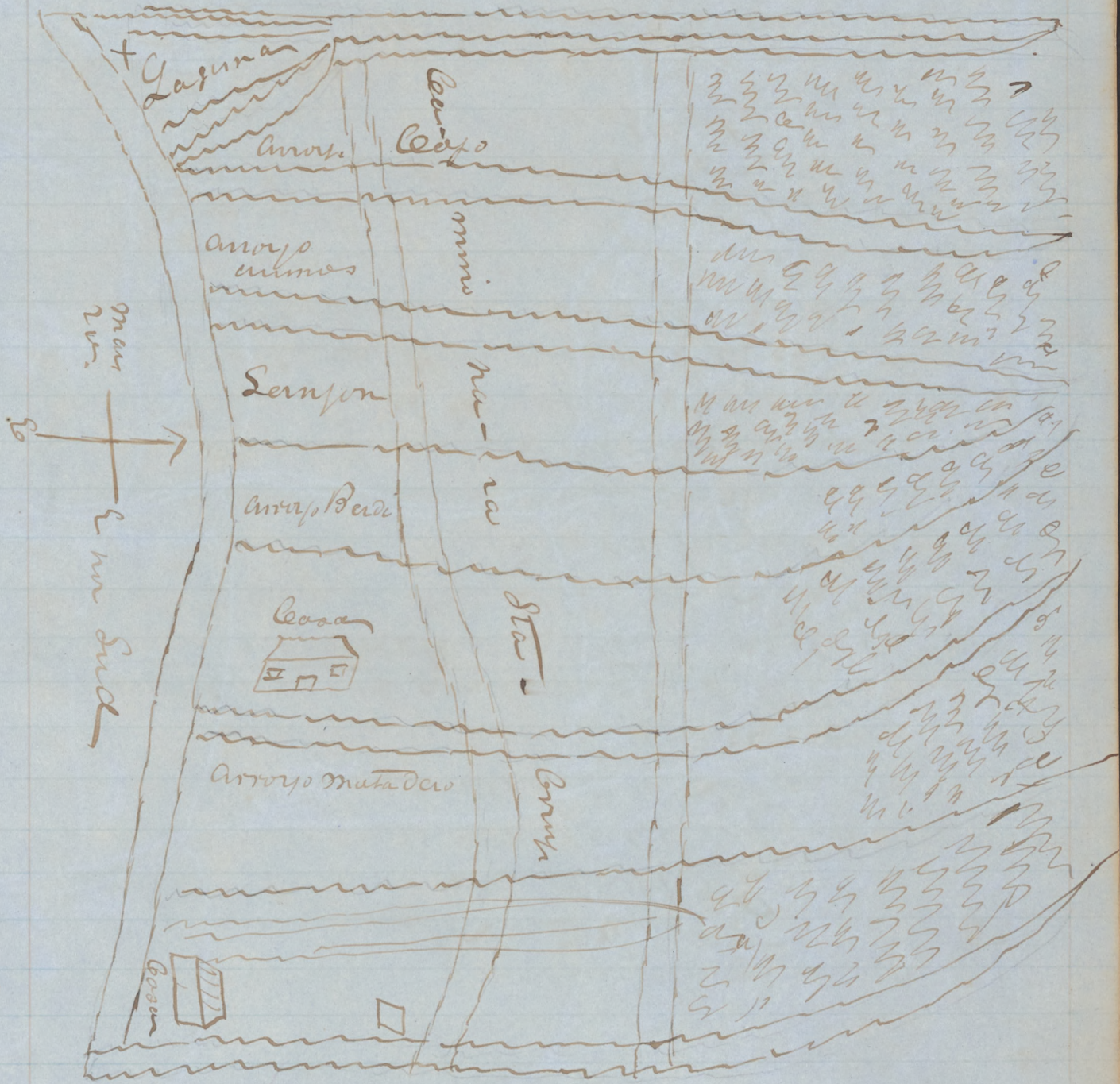
à la persona de D^{ca} Maria de los Angeles
por D^{ca} M^{ca} Benedicta y por D^{ca} M^{ca} Gasinta
en confirmacion del benen Refugio que
obtuvo en ochos de Abril de mil ochos ciento
treinta y nueve. El s^o Dⁿ Juan B. Alvarado
Gobernador del Departamento de las Califor-
nias asi lo proveyo y firmo.

Alvarado

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of G.D.R.

Here follows
Map



Office of the Surveyor General of the United States for California

I, Samuel D. King Surveyor

General of the United States for the State of California and as such having under my charge and custody in my said Office a portion of the Archives of the former Mexican Territory or Departments of Upper California do hereby certify that the seven preceding and hereunto annexed pages of tracing paper numbered from One to Seven inclusive and each of which is verified by my initials (S.D. 12) exhibit true and accurate copies of certain documents now on file and forming part of the said Archives in my Office. and I do further certify that the Red lines near the top of the fifth page of this copy show the limits of the places in the Original where the first writing has been erased by scratching the paper (the Red spots therein showing where holes made thereby now exist in said Original) and the words shown by this copy have been written over said erased places of the Original writing and apparently in lieu of the name of one of the persons named in the other portions of the said document. and also that the fifth letter in the present third word in the third line of said page appears to have been altered since said word was written.

207 Dup

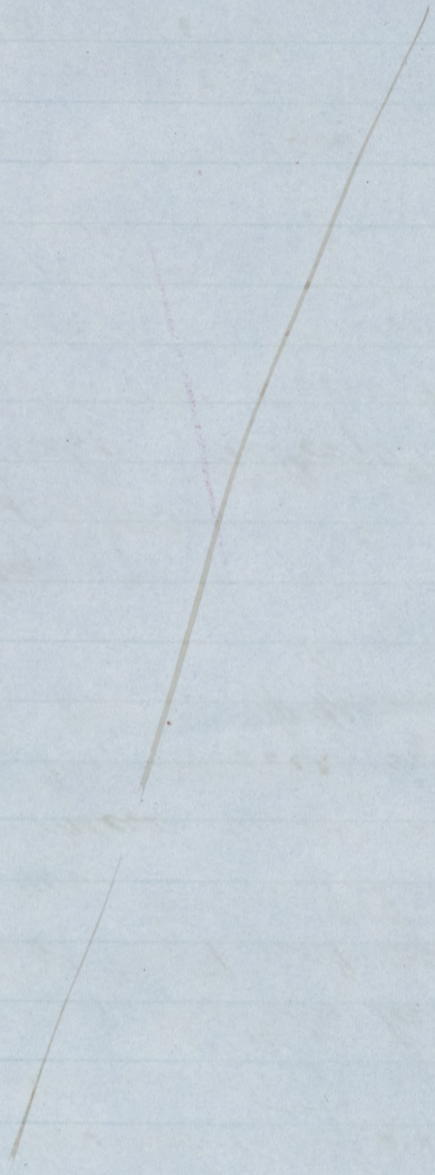
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In testimony whereof I have hereunto signed my name officially and affixed my private Seal (not having a seal of Office) at the City of San Francisco this eighth day of October A. D. 1857.

Saml. D. King
Surv. Gen. Cal.

Sealed in Office April 30th 1852

Geo. Fisher.
Secy



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Translation of proceedings at the instance
of Don José Belciff, who claims the par-
cel of land known by the name of del Re-
fugio —

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Translation
of Expediente.

E

Monterey Feb'y 13th 1839. To His Excellency the Governor.

Citizens Fran. Maria Candida, Maria
vicio Solo, Udo Jacinta and Maria de los
ministrators of Angeles, natives of this Upper
Santa Cruz apart Territory, and others children
upon the contents of the late Joaquin Castro &
of the petition of Maria Antonia Amador, be-
lieve the interested for your Excellency do repre-
sents present the suit; that owning eight
corresponding flat hundred head of neat cattle,

(Signed) Alvarado. a drove of fifty mares, and
about fifteen tame horses,
and that not having a place
where to put them for the
increase and multiplication
of the same, we now apply
to the well known and wise
justice of your Excellency to grant us the
place called el Refugio, bordering on the bound-
aries of citizen Don Sanchez's land —

Whence, as appears of these
limited means, we beseech your Excellency
to grant us the afore mentioned place, for
which kindness and favor we shall feel
under obligations to your Excy, making
oath that this is not done in malice and
of whatever else may be deemed necessary.

Monterey Feb'y 13th 1839.

(Signed) Maria Candida + Castro
Maria Jacinta + Castro.
Maria de los Angeles + Castro.

Santa Cruz March 10th 1839.

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The land solicited in this representation can be granted to the interested parties, in as much as it is not absolutely necessary to the Establishment which counts upon a sufficient Rancho for the small number of the stock yet remaining -

This is what has been most proper to state, as prescribed by his Excellency the Governor.

(Signed) Francisco Soto.

Monterey March 16th 1839.

On this day's date was provisionally granted to the interested parties the aforementioned tract of land, subject to the further resolution upon this (expediente) proceedings.

(Signed) Alvarado -

Monterey 16th of March 1839.

Let his Honor the Prefect of the 1st District report upon the subject-matter in this petition.

Pueblo of San Juan de Castro, March 20th 1839.

The Prefect of the 1st District reports; that a grant in fee can be issued to the interested parties for the land which they solicit, in as much as it is vacant, and it not being needed by any owner whatsoever.

(Signed) José Castro -

Monterey April 8th 1839.

In view of the petition at the head of these proceedings, the report of the Prefect of the 1st District and all that bears on the subject, in conformity with the requisitions of the laws on the subject and regulations in the matter, Doña Maria Candida, Doña Jacinta

29 and Don José Bileoff are declared on
Note - see tracopuss in fee of the land known by the name
fac-simili - } of el Refugio, delineated on the map annexed
to these proceedings and under the conditions
[Note - see the expressed in the title deed, the boundaries of
certificate] which tract being from the Rancho of citizen
Gil Sanchez to the Mission of Santa Cruz
subject to the stipulations of the law of the
18th of August 1824, and the regulations
of the 21st of November 1828 - Let the cor-
responding patent be issued, record it in the
respective book, and let (this expediente)
be reserved for the knowledge of the Excellent
Board and their due approval of the same.
Thus did Señor Don Juan B.
Alvarado, Governor of the Department of
the Californias, decree, command and sign,
which I attest -

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(Signed) Alvarado.

Monterey May 31st 1840.

Having been reported to the
Excellent Departmental Board in their
session of to day, they agreed to refer it to
the Committee on Agriculture.

(Signed) José Fernandez.

On the 22nd instant the Committee re-
turned the same, with the accompanying
opinion.

(Signed) Fernandez.

Monterey June 13th 1840.

In view of the approval agreed to
on the 22^d of May of the present year,
by the Excellent Departmental Board,
let there be issued testimony of the same
to Doña Maria de los Angeles, for Doña
Maria Candida and for Doña Maria Sa-
cinta in confirmation of the land called

Refugio, which she obtained, on the 8th of
April 1839.

Senior Don Juan B. Alvarado,
Governor of the Department of the Californias,
thus did provide and sign.

(Signed) Alvarado.

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Copy of a certificate of the Surveyor General

Office of the Surveyor General of
the United States for California—

I Samuel D. King, Surveyor General of the United States for the State of California, do each now having under my charge and custody in my said office a portion of the Archives of the former Spanish and Mexican Territory or Departments of Upper California, do hereby certify that the seven preceding and tenets annexed pages of tracing paper, numbered from one to seven inclusive, and each of which is verified by my initials (S. D. K.) exhibit true and correct copies of certain documents now on file and forming part of the said archives in my office— And I do further certify that the red lines near the top of the fifth page of this copy show the limits of the places in the original where the first writing has been erased by scratching the paper (the red spots therein showing where the holes made thereby now exist in the said original) and the words shown by this copy have been written over said erased places of the original writing and apparently in lieu of the name of one of

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The person named in the other portions of the said document, and also, that the fifth letter in the present third word in the third line of said page appears to have been altered since said word was written.

In testimony whereof I have hereunto signed my name officially, and affixed my private seal (not having a seal of office) at the city of San Francisco, this eighth day of October A. D. 1857.

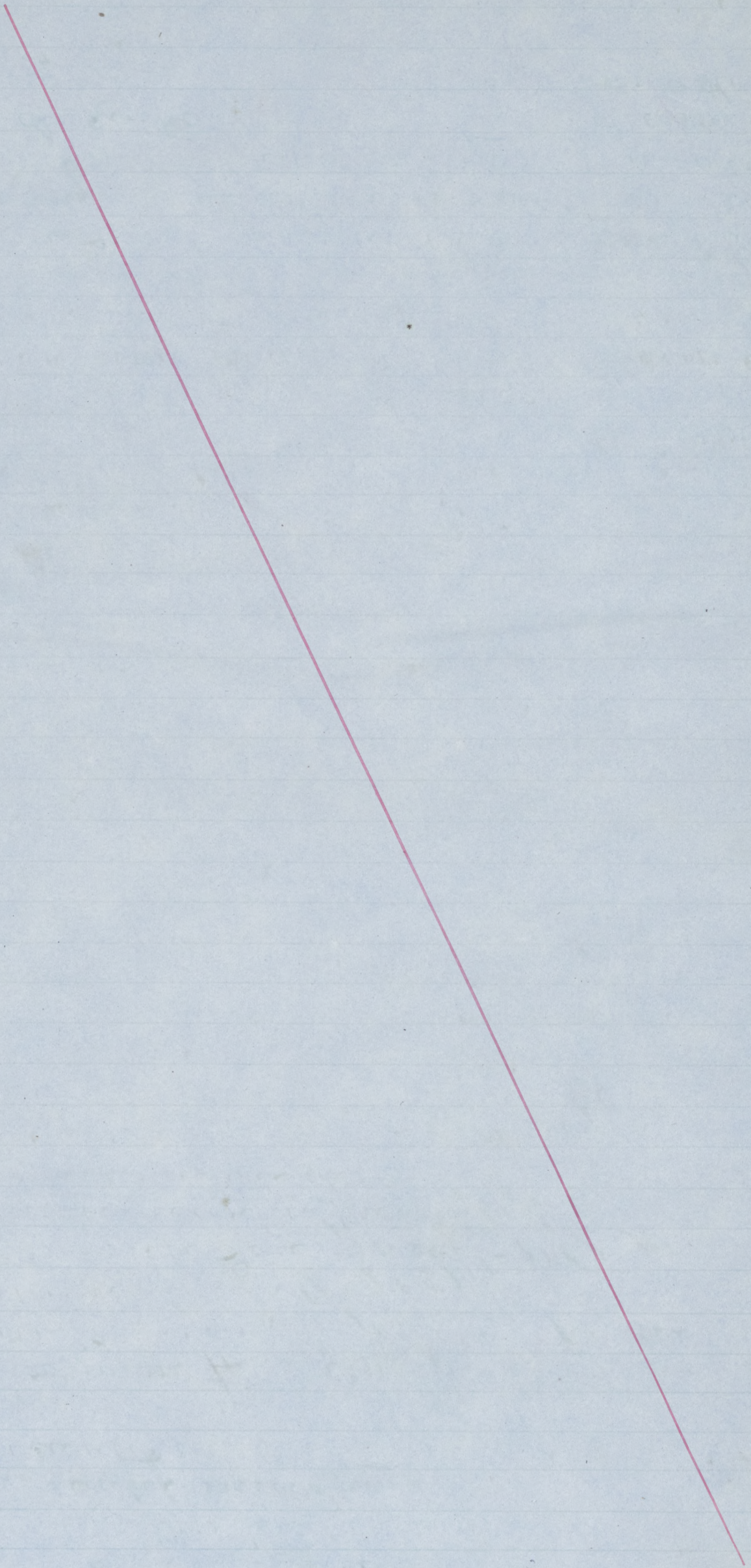
(Signed) Saml J. King.
Sw. Gen. Cal.

Filed in Office April 30th 1859.

Geo. Fisher,
Secy.

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José Bolcoff

J. L. Major
Rancho del
Refugio
B.
Grant.

Dello tercer Dos Reales: Habilitado por
almente por la Aduana Maritima del
puerto de Monterey en el departamento
de las Californias para los años de mil
ochocientos cuarenta y mil ochocientos
cuarenta y uno.

Lineno # Antonio M^o Osio.
Juan B. Alvarado Gobernador del De
partamento de las Californias.

Por cuanto José Bolcoff Mexicano por
naturalizacion ha pretendido para su bene
ficio personal y el de su familia el terreno
conocido con el nombre de Refugio = Colm
dando con el Rancho del Sr. Gil Sanchez
y la Misión de Santa Cruz. practicadas
previamente las diligencias y averiguaciones
concernientes segun lo dispuesto por las
leyes y reglamentos: usando de las facul
tades que me son conferidas a nombre
de la nacion Mexicana he venido en con
cederle el terreno mencionado sujetan
dose a las condiciones siguientes.

1^a Podrá cercarlo sin perjudicar las haci
as, caminos y servicios; lo disputara
libre y exclusivamente destinandolo al uso ocu
tivo que mas le acomode pero dentro de un año
patricano e casa y estera habitada.

2^a Solicitara del juez respectivo que le de
la posesion judicial en virtud de este des
pacho por el cual se demarcaran los linderos
en cuyos limites pondrá a mas de las mofo
neras algunos arboles putales.

3^a El terreno de que se hace mención es
de la estension que esplica el diseño que
corre en el expediente. El juez que diese

2 la posesion lo hará medir conforme a la
denuncia quedando el sobrante que resul
te a la nacion para los usos convenientes

4^a Si contuviere a estas condiciones
perdiera su derecho al terreno y sera denun
ciable por Otro.

En consecuencia
mando que sirviendo de titulo el pres^{te}

y teniendose por firme y Valadero se tome
razon de el en el libro á que corresponde
y se entregue al interesado para su resguard
do y demas fines.

Dado en Monterey á Ocho de Abril de mil
ochocientos cuarenta y uno.

Juan B. Alvarado # Man^{te} Jimeno O^{ro}
Queda tomada razon de este Despacho en el
libro respectivo á fs. 8. Jimeno

Dello Secretario de Reales.

Habilitado provisionalmente por la Aduana
Maritima del puerto de Monterey en el de
partamento de las Californias para los
años de mil ochocientos cuarenta y mil
ochocientos cuarenta y uno.

Jimeno Antonio Maria Osio.

Juan B. Alvarado Gobernador Constitu
cional del departamento de las Califor
nias.

La Comandancia Intta Departamental en
acuerdo del dia 22 de Mayo del presente
año de 1841. aprobó el dictamen de la Co
mision de Agricultura que emitió en el
Espechente instruido sobre el terreno titula
do Refugio adjudicado á la parte de D^{no}
José Bolcoff en su artículo con que en el
dise así.

Se aprobó la concesion echa p^{or} el supe
rior Gob^{no} Departamental en fecha 8 de
Abril de 1839. del terreno llamado el Refugio
en la persona de D^{no} José Bolcoff. Y en conse
quencia del decreto de 18 de junio ultimo
constante en el Espechente referido se libó
el presente al interesado para su resguard
Monterey 28 de Julio de 1841.

Alvarado Man^{te} Jimeno O^{ro}.

D^o Alcalde Constitucional

José Bolcoff de esta recuadada
ante V. se presenta y dice que habiendo
obtenido la concesion propia del terreno
conocido con el nombre de Refugio acun
ante V. para que se sirba declarar su po
sesion jurídica conforme esta prevenido
en el artículo 3. del título de dicho terreno

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Grant
continúe el

que se lo espedio del año p.º p.º que debi
dant.º acompaño p.º quando ohe los fee
tos deccados. por tanto a U. duplico se
suba ponerla en posesion que solicito en
lo que recibira justicia.

Santa Cruz 22 de Julio de 1842

Jose Polcoff

Santa Cruz 25 de Julio de 1842. En virtud
antecedente solicitud proceda por mi el
juez a la medicion señalant.º de linderos
y posesion judicial que solicita el intere
sado en esta respecto señalando para e=
fectuarlo p.º el dia 26. del presente mes asi
yo dho juez lo decreto mande y firme.

Rafael Castro

En el Rancho del Refugio 26 del julio de
1842. presente año en cumplimiento del auto
de p.ºa concurren los ciudadanos testigos
de Asso. nombre por mi dichos a los C. C.
Ramon Rodriguez y Juan Jose Felix a
quien sebra la d.º de p.ºacion y jurant.º pro.
4) cedieron al desempeño de dho encargo asi
yo el juez lo decreto mande y firmo con los de
mas asistencia. = Rafael Castro testigo

Juan Jose Felix = testigo. Ramon Rodriguez
En la p.ºa en el Rancho espedido se lo no=
tifico el auto que antecede a los C. C. medi
cinos y estendidos dijeron que aceptan y
aseptan dho encargo de mediciones y
juraron a Dios y con señal de Cruz de usar
lo sin dolo parca de enta persona alguna
y firmaron conmigo. = Rafael Castro Testigo

Juan Jose Felix testigo. Ramon Rodriguez Testigo
En continenti yo el referido juez mande ha
er el cordel con que se ha de medir las
tierras y que los medicinos lo miden de
cincuenta varas y lo firmaron conmigo.
Rafael Castro # Juan Jose Felix testigo
Ramon Rodriguez Testigo.

En seguida en presencia de mi el espeda
do juez y los dos medicinos tomaron un cor
del y con un vara de medir de uso Mexica
no teniendo en manos midieron en cuenta
varas para hacer la referida medicion y

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para constancia lo Rubrico

Rafael Castro. testigo
 Juan José Leliz. testigo. Ramon Rodriguez
 En el mismo Rancho y en la referida fecha
 siendo como las diez de la mañana y el pre-
 sente juez mande a los mididores nombrados
 se pongan para las medidas de terreno
 que ha de ser del Cuid. José Bolcoff se
 emensó la medida desde Sanjon Grande
 en donde estan unos cerros junto la playa
 en frente una pecha que esta en mar tenien-
 do U. C. hasta llegar a rroyo de la Laguna
 de palo en donde se midieron tres leguas. en
 donde quedo el Arroyo por lindero y por mo-
 jonera. desde luego se puso el Cordel de
 S. J. a C. y C. se midieron dos leguas y quinien-
 tas varas asta llegar de Cuchilla de frente
 de Sanjon. en donde se puso señal N. Mojo-
 nera se corto con una acha de sebo ha se tomo
 la loma por toda la Cuchilla en donde
 esta de frente de primer Sanjon se tomo
 la midicion en donde se midieron dos leguas
 quinientas varas en donde esta un palo
 colocado seco que do N. mojonera y frente
 de la pecha de playa todo Sanjon para el
 y se midieron conforme este Diseño en la misma
 forma que se midieron el terreno de clarando
 a los otros medidores haber sitio ganado
 mayor y para constancia lo firmo con
 los mididores.

Rafael Castro. testigo
 Juan José Leliz. testigo # Ramon Rodriguez
 En referido Rancho y en la fecha Cuid. José
 Bolcoff a compañía del juez de otro lugar
 y testigos de as. dijo Cuid. José Bolcoff
 en virtud de haber la medida de las tierras
 de este Rancho según constan en las dili-
 gencias anteriores tomava verdadera co-
 pial y real posesion de el expresado sitio
 de ganado mayor por tres leguas de largo y por
 dos leguas y quinientas varas de ancho por
 le pertenece como consta en el diseño puesto
 en el titulo se ha medido conforme esta

RANCHO Refugio

Sketch - copy of B-1335

=

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"Refugio"

J. L. Majors, clmt.

SANTA CRUZ Co.

1335-R.

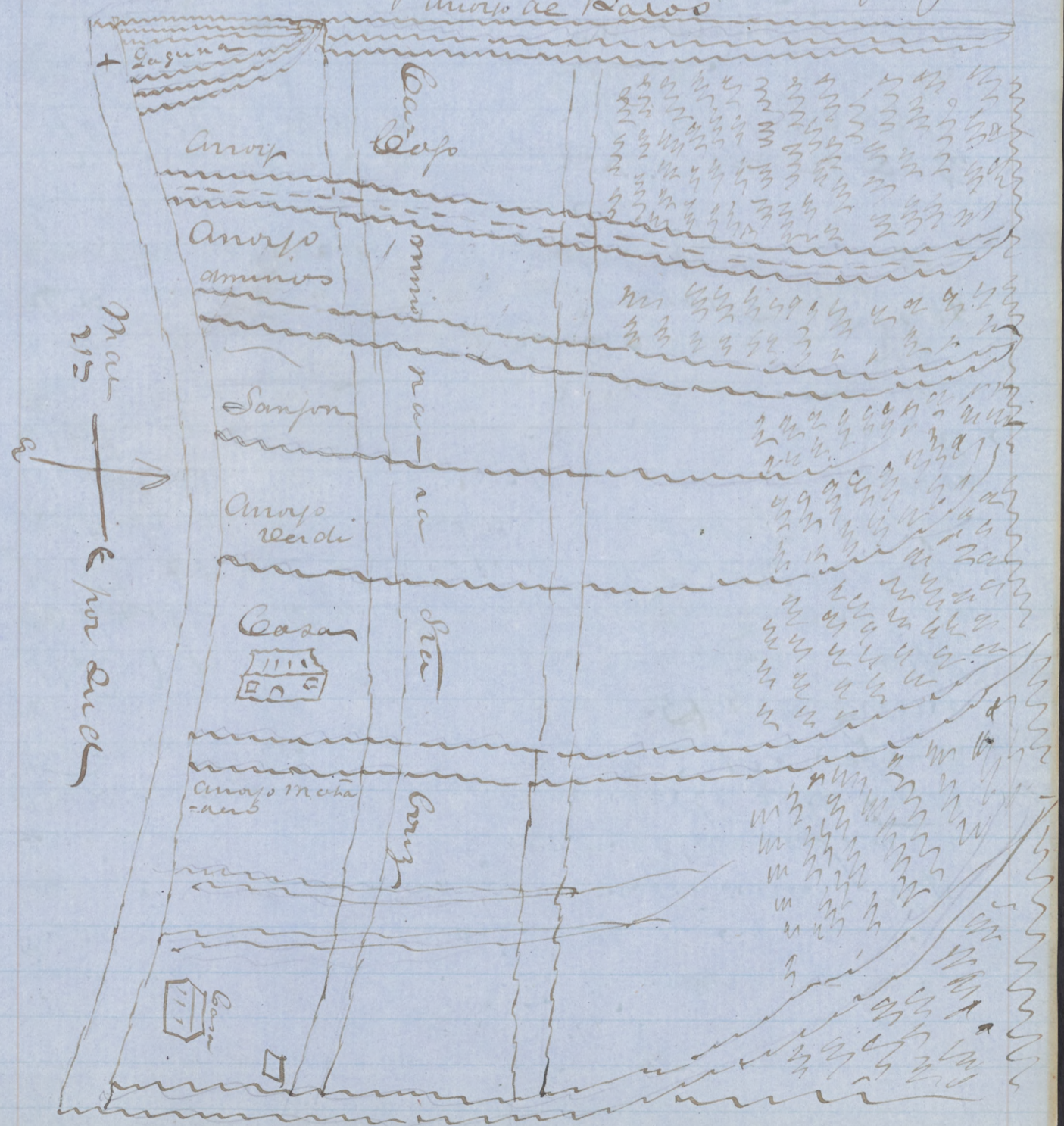
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el diseño puesto en cedido p. el Sr. Gobernador Constitucional y aprobado p. la Excm. Asamblea de este territorio en la misma fecha corriente.

Entró y paseo por ella, aranceo yerbas y hojas de árboles y tiero piedras à las cuatro partes de viento y hizo otras ceremonias y actos de posesion en señal de lo que digo tomar y tomava de otra tierra y mande el citado juez que de dolo entonces lo tubieran y reconocieran por el verdadero señor y poseedor de ella. de todo referido pido el no leudado. Bol. off. que memoria y conservacion de lo venidero de sus derechos por mi referido juez le puese autorizada con testigos de asistencia con quienes à entera receptoria à falta de Escribano publico que no lo hai segun de recho ay fee.

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Rafael Gonzalez Testigo
Lucas José Tecliz Testigo Ramon Rodriguez.
Año de 1840



El que suscribe secretario de Gobierno del Departamento de California certifica, que el diseno que se demuestra en la planilla anterior es igual al Original que esta agregada al Expediente de D^{no} Jose Bolcoff y existe en el Archivo de Gobierno.

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Monterey Mayo Catorce de mil ochocientos cincuenta y dos.

Mano. Jimeno

(Note) Received the foregoing from Jose Bolcoff on the 3^{ra} day of June A. D. 1851. at half past nine o'clock. a. m and by request of said Bolcoff it was recorded.

State of California }
County of Santa Cruz } I Peter Lacey
County Clerk and Ex. Officer County Recorder
of said County do hereby certify that the foregoing is a true copy of the record of the Original grant of Joseph Bolcoff taken from the Books of Deeds, Vol 1. pages 144, 145, 146, 147 and of the Map page 148 of the Records of my Office.

(Seal) I Witness my hand & Seal of Office the 20th day of April A. D. 1852.

Peter Lacey Recorder

Filed in Office April 30th 1852

Geo. Fisher Secy

Jose Balceff.

Third Seal, Two Reales - Provisionally authorized by the Maritime Customs House of the Port of Monterey in the Department of the Californias for the years 1840 and 1841.

Translation of (Signed) *Henriens*. (Signed) Antonio Maria Osio.
Grant, Appro-
val and Pos-
session - *G*.

Juan B. Alvarado, Governor of the Department of the Californias.

Thomas, Jose Balceff, 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 Rancho of citizen Gil 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 above mentioned tract of land, subject to the following conditions.

1st. He may fence it without obstructing the crossings, roads and servitudes, 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 that must be inhabited.

2^d. He shall solicit 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 besides 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 ordinance, leaving the excess (sobrante) which may result

to the nation, for convenient uses.

4th If he contravene these conditions, he shall lose his right to the land which shall be denounceable by another -

Consequently I command that signing 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 further ends.

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

Juan B. Alvarado.
Mannel Jimeno.

Secretary.

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

Jimeno.

Third Seal, Ines Reales.
Principally authorized by the Maritime Custom House of the Port of Monterey with the Department of the Californias for the years 1840 and 1841.
Signed/ Jimeno. (Signed/ Antonia Maria Oro.)

Juan B. Alvarado, Constitutional Governor of the Department of the Californias.

The Excellent Departmental Board by agreement on the 22nd day of May 1841 approved the opinion of the Committee on Agriculture acknowledged in the expedient (proceedings) instituted in relation to the tract of land called Refugio, adjudicated to Don Doni Bolcoff, the concluding article of which runs thus: "The grant made by the Superior Departmental Government dated the 8th of April 1839

#1

for the tract of land called el Refugio in favor of Don José Bolcoff is approved - And in consequence of the decree of the 13th June last past existing in the above mentioned expediente the present is issued to the interested party for his own security.

Monterey 28th July 1857 - Alvarado.

Mmanuel Jimeno.

Secretary.

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To his Honor the Constitutional Alcalde. José Bolcoff of this vicinity before your Honor presents himself and 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 juridical possession in conformity to the provisions of the Article 3^o of the title deed 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 receive justice. Santa Cruz July 22^o 1842.

(Signed) José Bolcoff.

Santa Cruz July 25th 1842.

Agreeably to the preceding petition, the judge proceeded to measure to mark and give juridical possession as solicited by the interested party in this expediente, appointing for that purpose the 29th day of the present month, thus did I, the judge, decree, command and sign. Rafael Castro.

At the Rancho of Refugio July 26th 1842, the present year, - Agreeably to the decree of to day's date there appeared the citizens, assisting witnesses having named as measurers citizens Roman Rodriguez and Juan

José Felice, who with the previous acceptance and requisite oath will proceed to the fulfillment of their appointment. Thus did I the judge decree, command and sign with the assisting witnesses.

Rafael Castro.

Juan José Felice. witness —
Roman Rodriguez — Witness —

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On the same date, at the Rancho aforementioned, the preceding decree was communicated to the citizen measurers, and they said they accept and accepted said appointment of measurers, and they made oath in the name of God and by the sign of the cross to fulfill the same, and not to use it against any person whatsoever, and affixed their names hereto with myself.

Signed/ Rafael Castro.

Juan José Felice. witness —
Roman Rodriguez. witness.

Immediately I the said Judge commanded 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 —

Rafael Castro.

Juan José Felice. witness
Roman Rodriguez. witness —

After this, in the presence of myself the said judge and 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 measurement, in witness whereof I attached hereto my signature.

Rafael Castro —

Juan José Felice witness.
 Roman Rodriguez. witness.

At the same Rancho and on the same date at about ten o'clock in the morning, the judge present, commanded the appointed measurer to prepare to measure the land which is to be the property of citizen José Bolcoff, and commenced measuring from the large ditch (Sanjon) where there are some "verances" summer pasture grounds, close to the beach opposite a rock lying in the sea, and running N. as far as the creek of La Laguna del Palo, up to which there was measured three leagues, where the creek forms the boundary and land mark - thence stretching the cordel E. & N. they measured two leagues & 500 varas as far as the Cuchilla ridge opposite "Sajante" 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 distance of two leagues and 500 yards where there is a dry dried wood tree serving as a land mark, and from opposite the rock on the beach all the way along the Sanjon Northward, the same having been measured agreeably to the map made after the admeasurement of the land, the measurer declaring that it comprised one square league, in witness whereof I sign it with the measurers -

Rafael Castro.

Juan José Felice - witness -
 Roman Rodriguez. witness.

At the said Rancho and on the same date José Bolcoff accompanied by the judge of said place and the assisting witnesses, said citizen José Bolcoff, in virtue

of having measured the lands of said Ran-
cho as is shown by the antecedent acts,
will take true, enforced and real possession
of the said place of square leagues, say
three leagues in length by two leagues
and 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 Constitutional Gov-
ernment and approved by the Excellent As-
sembly of this territory on the same date.
He went on, walked through it, pulled
up grass and leaves of trees and threw
stones on the four sides of the compass
and performed other ceremonies and acts
of possession, as a sign of taking it, as he
did of said land. The above mentioned Judge
commanding that henceforth they should
own him and acknowledge him as the
true owner and possessor of the same,
and of all which has been stated, said cit-
izen Bolcoff asked that in memory and
preservation for the future, of his rights, I
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 agreeably to law hereby
attest.

Rafael Castro.
Juan José Felice. witness.
Roman Rodriguez. witness.

The undersigned Secretary of
the Government of the Department of Cal-
ifornia, do certify that the plat exhibited
on the preceding sheet is similar to the

45.

original which is annexed to the expediente
of Don José Balceff filed in the archives
of the Government.
May 14th 1842. Manuel Amiano.

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Note (In the original English)
Received the foregoing from Don José Bal-
ceff on the 30th day of June A. D. 1851
at half past nine o'clock A. M. and by
request of said Balceff it was recorded.

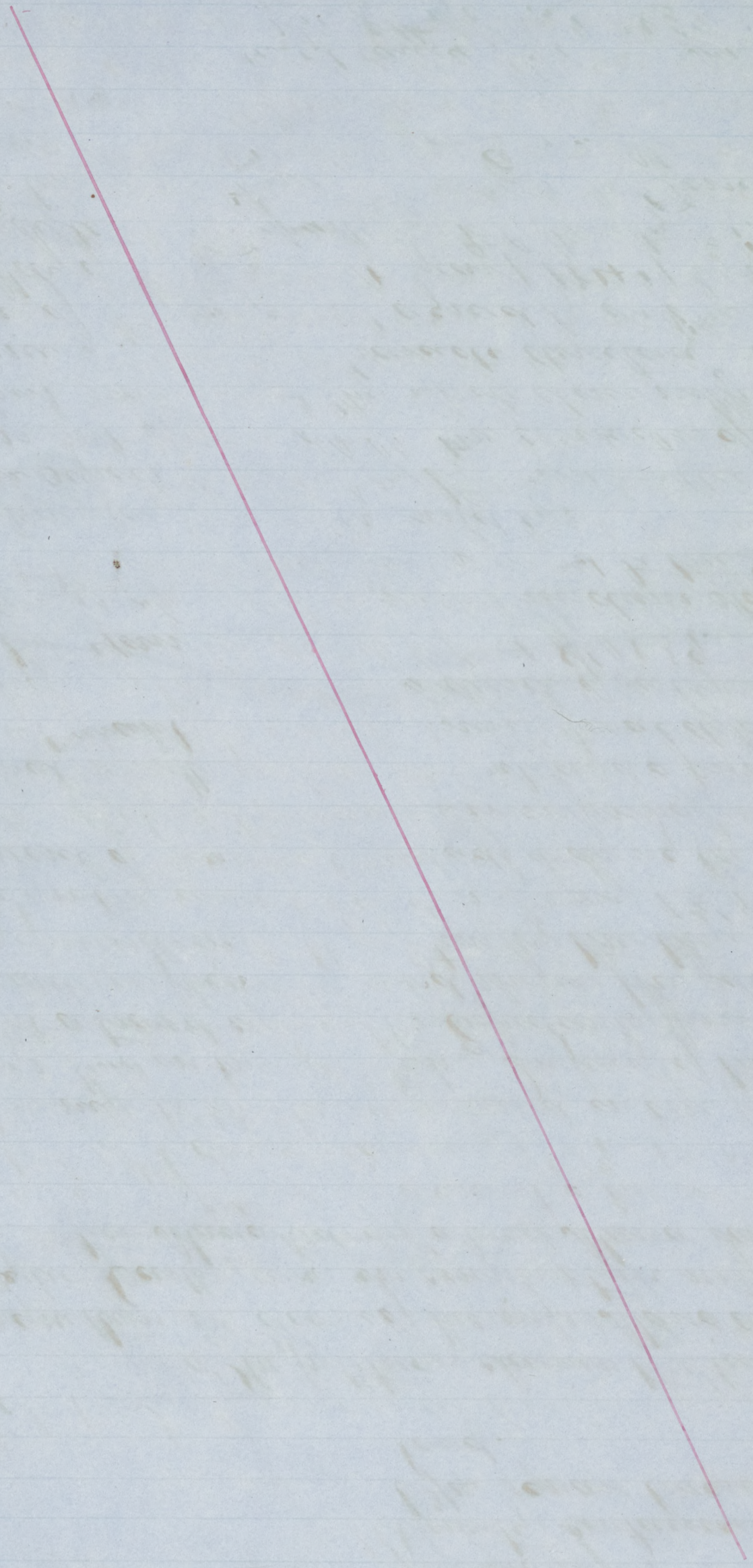
State of California
County of Santa Cruz.
I, Peter Tracy, County
Clerk and ex-officio County Recorder of
said County do hereby certify that the
foregoing is a true copy of the record of the
original grant of Joseph Balceff taken
from the book of deeds Vol. 1. pages 174.
175, 176, 177 and of the map page
178 of the records of my office.

Witness my hand and seal
of office the 20th day of April
A. D. 1852.

Signed Peter Tracy.

Filed in Office April 30th 1852.
Geo: Fishery
Secy.

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NOV 20 1900

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Joseph S. Majors

vs

The United States.

For one third part
of the Rancho called
Refugio in Santa Cruz
County, containing
 $6\frac{3}{4}$ square leagues of
land.

Opinion of the
Board delivered in question in behalf of his wife Maria de los
by Comr Felch. two sisters Maria Candida and Maria Jacinta.

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The petitioner claims the land
on the 13th day of February 1839. The claim
of the wife to the land is based on the proce-
dings had on this petition. In proof of this
right a traced copy of the Expediente from the
Archives is presented and shows the follow-
ing proceedings: A petition by the three sis-
ters for the grant dated February 13th 1839,
a decree of Governor Alvarado bearing the same
date, referring the same for information;
several reports on this subject and a provis-
ional grant to operate until final determi-
nation in the matter; a decree of concession
by the Governor dated April 8th 1839. To
these is appended a memorandum stating
that the same had been referred to the De-
partmental Assembly, and that the same
was reported upon by the committee but
it is not shown what the character of the
report was; and the whole closes with a
decree signed by Alvarado directing "in
virtue of the approval agreed to on the 22nd
of May of the present year (1841) by the
Excellent Departmental Junta" that
a testimonial thereof "be issued to Doña
Maria de los Angeles for Doña Maria Can-
dida and for Doña Maria Jacinta in confir-
mation of the land called Refugio which
she obtained on the 8th of April 1839"

All the proceedings above

mentioned are in the names of the three sisters, excepting the decree of concession of April 8th 1839 in which the name of José Bolcoff is substituted for that of María de los Angeles Castro; and the document has the appearance of an erasure of her name and the substitution of Bolcoff's.

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PAGE 45

In addition to the above documents in support of the title of his wife, the petitioner has introduced in evidence copies of a grant of the same land made to José Bolcoff as sole grantee by Governor Ulbrando dated April 7th 1841; a certificate of the approval of the same by the Departmental Assembly, May 22nd 1841, and a testimonial in the usual form showing judicial possession of the land given to Bolcoff under his grant - July 26th 1842.

There are two fatal objections to this claim as presented to the Commission.

The first is the absence of proof that a grant was ever made to the claimant's wife. None is produced, and there is no evidence tending to show that any was ever delivered to her or either of the sisters. We have often had occasion to say that the mere decree of concession found in the archives was not proof of the delivery of a title to the party interested; and the favorable action of the Departmental Assembly, where no document is tendered as evidence of his right in the land was given, either before or after the approval of the Assembly, would not establish the title of a claimant. Until he received documentary evidence of the concession by the authorities the concession was not completed, and his title either equitable or legal, was not perfected. Until such evidence of his right was given to him the land still belonged

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to the national domain, and could be dis-
posed of at the will of the proper authority
under the restrictions contained in the
law and regulations only.

That was the view taken of
the matter by the Governor and Assembly
seems evident in this case on an inspec-
tion of the documents presented by the clai-
mant. Notwithstanding the decree of conces-
sion and donation of the Governor for the
issuing of a testimonial of the approval of
the Assembly in 1839 and 1841 to the
sisters, about two years subsequently the
Governor granted and the Assembly approved
it, the same land to a third party. In
this case there is no explanation of the rea-
son why this was done, but in case No 214,
which is a claim by said Boleff under
the grant last referred to, there is testimony
tending to show that it was by mutual
agreement of all the parties that the title
should be taken in the name and for the
benefit of Boleff, who married one of the
sisters. This testimony not being pre-
sented in the case now under consideration,
cannot affect the decision herein. The judg-
ment must follow the proofs in the case
and the claim must stand or fall on the
evidence presented therein. But in this, and
in all other cases the burden is on the
claimant to prove the grant which estab-
lishes his title. This he has failed to do;
he having produced no title papers, nor pre-
sented any evidence of the loss or the exist-
ence, in the hands of the alleged grantee,
of any such documents.

Some of the witnesses
state that judicial possession was given
to the three sisters by the Alcalde Rafael
Castro. It is admitted on all sides that
Boleff was the person who officiated in
receiving said possession, but it is alleged

that he acted in so doing as the Agent of the sisters, and the possession was in fact given to them. From the proofs in the case it is clear to my mind that there was but one act of measurement and judicial possession by said Alcalde, and it is equally clear that this was had under the grant issued by Ultramar to Boleff and not under the title paper in the possession of the sisters. The regularity or irregularity of the possession given to Boleff under the grant to him, or by the documents by which the act is sought to be perpetuated and proved can, in no manner affect the right of Majin in this case; and, if such possession was in fact given by the Alcalde to the wife of Majin, it would not establish a title in her unless it was done under the authority of a grant made by the competent authorities. I think the proof not sufficient to show that any such possession was given to her or to the three sisters; and if it was sufficient, it would not, in the absence of all proof of the issuing of a grant to them, and especially with the contrary presumptions raised in the case on the whole showing, establish their title to the land.

But if the issuing of a grant to the three sisters was established under the usual conditions required by law this claim must fail for want of proof of the performance of such conditions. No cultivation or inhabitation of the premises by such grantee is shown by the proofs in the case.

For the reasons above indicated an adverse decree must be entered—

Rejected—

Filed in Office Jan 30 1855.

Geo: Fisher. Secy.

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Joseph S. Majors
vs
The United States.

Decree.

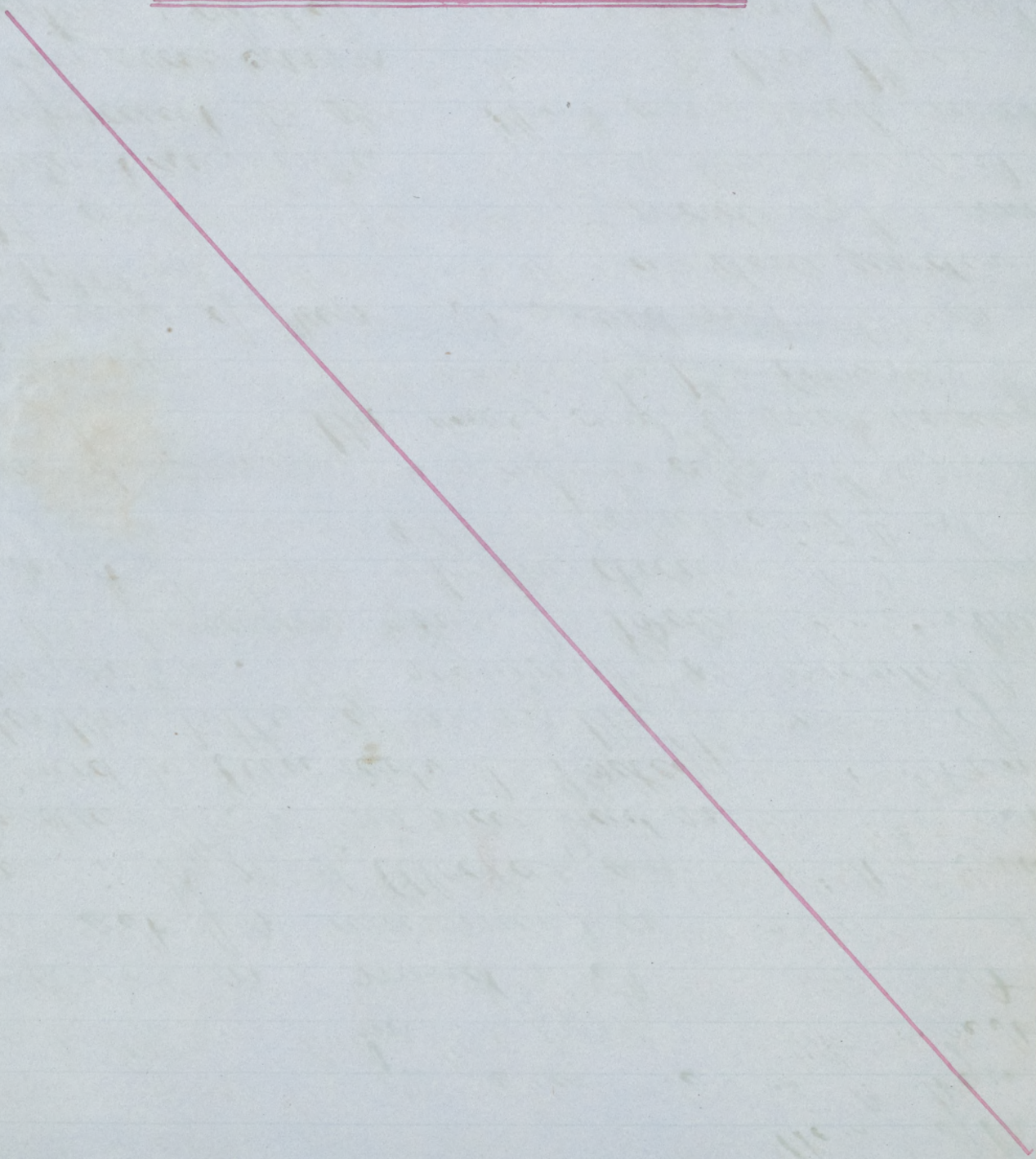
In this case on hearing the
proofs and allegations it is adjudged by
the Commission that the claim of the said
petitioner is not valid, and it is therefore
decided that his application for a confir-
mation thereof be denied.

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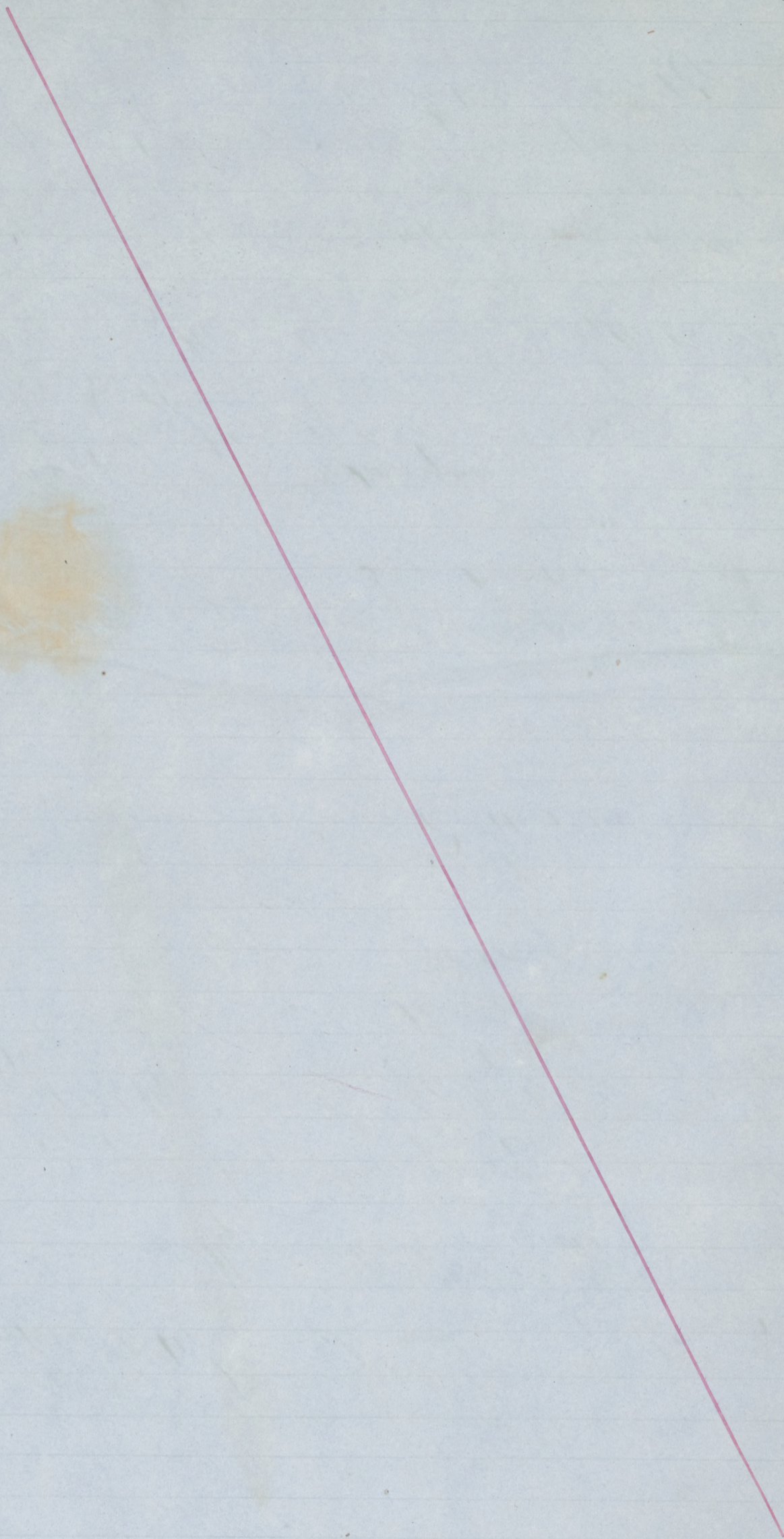
Alpheus Felch. }
R. Aug. Thompson. } Commission

Filed in Office Jan. 30 1855.

Geo: Fisher,
Secy.



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5-3

Stipulation Number 207
Joseph L. Mavis Claimant (plaintiff)
Called Refugio

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It is stipulated and agreed that the land claimed in this case lies north of the Thirty seventh parallel of North Latitude and within the Northern District of California

JAMES WILSON
Attorney for Claimant
J. H. WILSON

US Land Agent
Filed in Office March 5th 1855
Signed

Geo Fisher
Secretary

Recorded in Journal Vol 4 page 212
Geo Fisher

Secretary

And it appearing to the satisfaction of the Board that the land hereby advertised is situated in the Northern District of California it is hereby ordered that two transcripts of the proceedings and of the decision in this case and of the papers and evidence upon which the same are founded be made out and duly certified by the Secretary one of which said 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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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
Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Fifty three* pages, numbered from
1 to *53*, 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. *207*, on the Docket of the said Board,

J. S. Majors is

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. *1853*, and of the Independence of the
United States of America the *seventy-eighth*

G. Fisher
G. Fisher

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U. S. DISTRICT COURT,

Santhern District of California.

No. 286.

THE UNITED STATES,

vs. 286

J. L. Mayors

"Refugio."

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *207*

Filed, *Oct. 4th* 185*5*,

G. E. Carr,
clerk

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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, July 21st 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. 207 on the Docket of the said Board, wherein

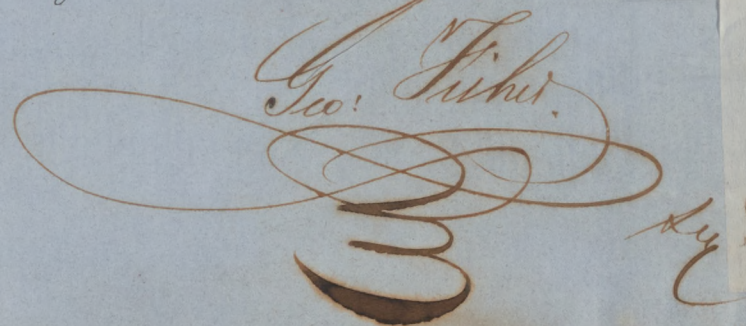
J. L. Majors is _____

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.


of the United States for the
with ~~the~~ Dist Court Southern Dist of Cal.
Wm J. S. K. Ogden & Co
Joseph S. Majors,
Appellant } N^o 286.

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vs.
The United States. } Trans N^o 207.
Appellee

The Proctor of the said United States
Attorney for the Southern District of California,
and on showing to the Court that the
Appellant in the above entitled Cause has
failed to file a notice ^{with the Clerk of this Court} of his intention
to present the appeal in said Cause,
within the time allowed by law:

It is ordered by the Court that the
said ^{appeal in said} Cause be finally dismissed.

P. Ord
As Atty,
Dec. 18. 1856.

N 284

W D W Carr

J L Mapins

vs
The Estates

Order to dismiss
appeal

Filed Dec 18th 1857

Opinus

transferred

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