

CASE No.

383

SOUTHERN DISTRICT

---

LAND IN SANTA CRUZ COUNTY GRANT

---

THOMAS RUSSELL

CLAIMANT

Remington  
Plover Bond  
52% Cotton Fiber  
U.S.A.

# TRANSCRIPT

383 SD

PAGE 1

OF THE

# PROCEEDINGS

IN CASE

NO.

747

*Thomas Russell*

CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*Land in Santa Cruz County*

FOR THE YEAR 1891

THE LAND OFFICE

OF THE  
TERRITORY OF ARIZONA

PROCEEDINGS

OF THE

LAND OFFICE

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

383 SD  
PAGE 2

Be it Remembered, that on this Second day of March, Anno Domini One Thousand Eight Hundred and Fifty-three, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

The Petition of Thomas Russell  
for the Place named  
"Land in Santa Cruz County"  
was presented, and ordered to be filed and docketed with No. 747 and is as follows, to wit;

(Vide page 5 of this Transcript.)

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

San Francisco January 9<sup>th</sup> 1855.  
Case no. 747, Thomas Russell for land in Santa Cruz County, was ordered to be placed at the foot of the 4<sup>th</sup> class cases on the Trial docket.

San Francisco, January 23<sup>rd</sup> 1855.  
Case no. 747 was submitted under the Rule of 21<sup>st</sup> March 1854.

San Francisco, January 30<sup>th</sup> 1855.  
In the same case Commissioner Alpheus Felch delivered the opinion of the Board rejecting the claim;  
(vide page 73 of this Transcript.)

San Francisco, February 28<sup>th</sup> 1855.  
In the same case, the counsel for the claimant filed the following motion and affidavit, but,  
(vide page 9 of this Transcript.)

San Francisco March 13' 1855.

In the same case the Counsel for the claimant filed the following Affidavit, to wit,  
(Vide page 11 of this Transcript)

San Francisco April 3' 1855.

In the same case the W. S. Law Agent filed the following Affidavit, to wit,  
(Vide page 13 of this Transcript)

383 SD  
PAGE 3

San Francisco April 24' 1855.

In the same case Commissioner R. Aug. Thompson delivered the decision of the Board upon the motion filed by the Counsel for the claimant on the 28' February last, granting the same.

Whereupon it was Ordered, That the decree of rejection heretofore entered, to wit, on the 30' January 1855, be set aside, and that the case be reinstated on the trial docket and placed at the foot thereof.

San Francisco June 20' 1855.

In the same case the deposition of Jose Ramon Buelna, a witness in behalf of the claimant, taken before Commissioner R. Aug. Thompson, with documents marked Exhibit 1 & 2 annexed thereto, was filed;  
(Vide page 19 of this Transcript)

San Francisco, June 21' 1855.

In the same case the deposition of Jose Bolcott, a witness in behalf of the claimant, taken before Commissioner S. B. Farwell, with documents marked Exhibits No. 1, 2, & 3, annexed thereto, was filed;  
(Vide page 24 of this Transcript)

San Francisco July 7' 1855.

In the same case the deposition of John C. Pelton, a witness in behalf of the claimant, taken before Commissioner R. Aug. Thompson, was filed;

3  
(Vide page 29 of this Transcript)

San Francisco July 10' 1855,  
In the same case the deposition of Isaac Graham,  
a witness in behalf of the claimant, taken before  
Commissioner S. B. Farnell, was filed;

(Vide page 31 of this Transcript)

383 SD  
PAGE 4

San Francisco July 18' 1855,  
In the same case the deposition of Manuel Rodriguez,  
a witness in behalf of the claimant, taken before  
Commissioner R. Aug. Thompson, was filed;

(Vide page 34 of this Transcript)

San Francisco July 23' 1855,  
In the same case the deposition of Jacob R. Snyder,  
a witness in behalf of the claimant, taken before  
Commissioner S. B. Farnell, was filed;

(Vide page 39 of this Transcript)

San Francisco July 24' 1855,  
Case no. 747 was submitted on briefs and taken  
under a decision by the Board,

San Francisco October 9' 1855,  
In the same case the Counsel for the claimant  
filed the following Affidavit, to wit;

(Vide page 16 of this Transcript)

and the prayer of the petitioner therein was granted,

San Francisco Oct. 11' 1855,  
In the same case the depositions of Edward Briant &  
Sarah Wood, witnesses in behalf of the claimants,  
taken before Commissioner Alpheus Felch, were filed;

(Vide pages 41 & 42 of this Transcript)

in accordance with the following stipulation, to wit;

(Vide page 15 of this Transcript)

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Same Transcript October 23 1855.

In the same case Commissioner R. Aug. Thompson  
delivered the Opinion of the Board confirming a  
part, and rejecting a part of the claim;

(See page 74 of this Transcript)

S.

and the following order was made, to wit,

(See page 80 of this Transcript)

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383 SD

PAGE 5

383  
SD

repeated



Superior

5- To The Board of Land Commis-  
sioners to ascertain and settle the  
Private Land Claims,

Your Petitioner Thomas  
Russell, states & gives notice to  
the Board that he claims the  
following described lands and  
prays the same may be confirmed  
to him by this Honorable Board.

One Tract of Eight hundred  
varas square lying in Santa  
Cruz County, and bounded as  
follows, beginning at an Oak tree  
marked "I" and running thence forty  
five and one quarter degrees west  
twenty nine and a half chains,  
Thence north forty one  
and one half degrees west, thirty  
six and one tenth chains - thence  
north forty five and one quarter  
degrees East, twenty nine and one  
half chains. Thence south forty  
one and one half degrees East,  
thirty six and one tenth chains to  
the place of beginning which was  
granted to one José Raymond  
Buelna by José Raymond de  
Estrada, then being Prefect of  
California having full jurisdic-  
tion by the Mexican Lands then and  
there in force in California by  
which the said Prefect had the  
full power which grant was  
made some time previous to  
the year 1838. the date this Petitioner

383 SD

PAGE 6

Petition.

is not able at the present to give, the said grant having been lost & mislaid & he has not been able to find the record thereof on the Archives but he is informed the same is of record amongst said Archives and when the same is found he prays to be allowed to file a Transcript thereof as part of this Petition marked "A" and he expects to be able to find the original grant by the said Prefect and also the Expediente made by the Alcalde M. Rodregas who placed the Buena's in possession thereof & if found he prays to be allowed to file it as Exhibit B. and if he does not find the same he will give before this Board verbal evidence thereof and also to prove judicial possession was according to the order of the grant given to him where he remained in full possession thereof until about the month of Sept 1851 when he sold the same to Eliza W. Farnham as his deed will show marked C. & filed herewith & afterwards the said E.W. Farnham sold the same to this petitioner as her deed will show dated the 23<sup>rd</sup> March 1852 as the deed of that date will show marked "D" & filed herewith & your Petitioner is in possession

thereof under these deeds, the grant was by law perfect and the judicial possession thereof under it was given to the said Buelva & he in his Transferences have been in possession even since, and are now so, he therefore prays the same may be confirmed to him.

383 SD  
PAGE 8

Your Petitioner also prays to give note that he claims & asks the confirmation of another tract of land granted by the Mexican authorities to one José Arenas, lying near the Mission of Santa Cruz, beginning at a stake near the Creek and running thence South 18 degrees 45 minutes East 320 yards to a stake, thence South 16° 45' E. 605 yards to a stake. Thence North 67° 15' W 74 yards to a stake. Thence 74° W. 136 yards to a stake,

Thence N 68° 50' W 140 yards to a stake thence 75° 10' W 275 yards to a stake thence N 29° W 184 yards - Thence N 22° 30' W 222 yards to a stake thence N 80° E 183 yards to a stake thence N 210 yards to the Creek. Thence South 72° 30' E 74 yards to a stake,

Thence South 60° E 102 yards to a stake, thence South 41° 45' E 30 yards to a stake. Thence South 70° 30' E 44 yards to the mill. Thence South 84° 45' E

8  
242 yards to the place of beginning  
this grant was duly & properly  
to the said José Arava and  
he was duly put into possession  
thereof, by the proper officers  
of the Mexican Government who  
then and there had full power  
and authority to do so but your  
Petitioner is not able to produce  
the original grant as the same  
is in the hands of the said  
Arava, and he is out of the Country  
but is expected soon to return  
when this Petitioner will  
produce and file the same,  
or if the same is lost he  
will produce legal proofs  
of the existence of the same  
and this he prays may also  
be confirmed.

John Wilson,  
Atty for Claimant

Filed in Office March 2<sup>d</sup> 1853,  
Gen. Fisher Sec

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9

No 747

Thomas Russell Claimant  
Lands in County of Sta Cruz.

Said Cause having been submitted under rule, and no appearance having been made by Claimant before the Hon. the Board of U.S. Land Commissioners was rejected January 30<sup>th</sup> 1855.

383 SD

PAGE 10

Motion and  
Affidavit

The Claimant by his Counsel and affiant undersigned, respectfully prays the Hon Board of Land Commissioners to allow the above entitled Cause to be reinstated in their Court upon the following affidavit.

To wit:

I Theodore B. Cunningham Counsel for Claimant aforesaid, being duly sworn, depose and say that in this Cause, no testimony was ever produced before your Hon Court by Claimant by reason of causes and circumstances beyond his Control.

Said affiant believes and has good reason to believe that said Claimant can and will produce sufficient documentary evidence & oral testimony to prove and establish his title to said claim.

Affiant further avers that one Manuel Rodriguez, Citizen and former Alcalde of Sta Cruz, and also Captain Graham residents of the same County, and other witnesses

are still living and are ready to give their testimony in favor of this claim. And Affiant further deposes that L.S. Gregory, former Counsel of Claimant residing in Santa Cruz did Associate with him in this cause Genl John Wilson of San Francisco And that the Agreement between said Attornies was, that said L.S. Gregory should procure, furnish and send forward all necessary existing evidence and testimony to be used by said Genl John Wilson in San Francisco in behalf of said Claimant before your Honorable Board.

353 SD  
PAGE 11

And that said Gregory did utterly fail and neglect to procure, furnish and send forward the evidence and testimony aforesaid; thereby rendering it impossible for said At-torney Wilson to make appearance in behalf of Claimant Title - and doing great injustice and injury to said Claimant.

Affiant further deposes that by consent of all parties, he affiant, remains the Counsel in this cause. Therefore Affiant prays your Honorable Board to restore this cause, to grant a rehearing thereof, and the necessary & just relief to said Claimant. San Francisco February 27' 1855.

B Cunningham  
Atty for Claimant

Filed in Office  
Feb'y 28' 1855  
Jel. Fisher  
see

Subscribed & sworn to before me  
this 28' day of February 1855.  
Alphens Felch Comr.

353 SD  
PAGE 12

Affidavit  
of  
Thos. Russell

Thomas Russell of the County of Santa Cruz State of California being sworn deposes and says that he is jointly interested with the heirs of the late Thomas J. Farham in two several parcels of land lying in said County which were held by the said Farham under grants respectively made, the one by Don Manuel Jimeno to José Arana, and the other by José Ramón Estrada to José Ramón Buelna, the former in the year 1843 the latter as deponent is informed and believes about the same year, that being desirous to secure the confirmation of those titles by the Gold Land Commissioners he placed the papers which he held pertaining to them in the hands of counsel for the prosecution of the same in March or April 1852, that the said counsel was John Wilson Esqr of San Francisco, that deponent furnished to said Wilson the names of all witnesses whose testimony might aid his claims that he frequently called upon said Attorney to urge his attention to the said claims, that there were addressed to him for the same purpose some two or three letters and that in short deponent used every practicable means to secure his rights.

Deponent further says that he is informed and believes that said Wilson had a partner in this business

one L. S. Gregory Atton whose special business and care it was to have procured and sent forward the witnesses and documentary evidence in support of said claims and that notwithstanding said Gregory's home was in the Town of Santa Cruz, where the witnesses reside and that he visited San Francisco many times in company or at the same time with some of the most important of them, he utterly failed to bring them at any time to said Wilson or name them to him as witnesses in behalf of said Claimant.

Such is the statement of the said Wilson as regards his wilsons neglect of the case,

And Deponent further says that in consequence of said neglect and inattention on the part of his said Attorney and his Associate the said claims were rejected by the Hon Land Commissioners without examination, whereby Deponent is rendered liable to great injury and wrong.

For which reason he respectfully prays the Hon Land Comm<sup>r</sup> to reinstate said case upon their books for hearing whereupon as deponent fully believes such documents and witnesses can be produced as will fully establish the justice & legality of Deponent's claim.

Filed in office  
March 12 1855  
Geo. Fisher

sworn to & subscribed before me, Thomas Russell.  
on this 9<sup>th</sup> day of March A. D. 1855 In. N. York, N. P.



No 747

Thomas Russell  
 Claimant  
 vs  
 The United States

Before the Board  
 of U.S. Land Com<sup>rs</sup>  
 to ascertain & settle  
 private land claims  
 in the state of Cal<sup>a</sup>

383 SD  
 PAGE 14

California  
 San Francisco Camp

Murrell S. Gregory being  
 duly sworn deposes & says that he is  
 well acquainted with the land claimed  
 in the above entitled cause, and also  
 with the claimant Thomas Russell,  
 and that he the said deponent, is not  
 and never was either alone or as  
 associate with Genl John Wilson, or  
 anyone else, the Attorney of the said  
 claimant in and about the prosecution  
 of the said claim, and that he never  
 was the partner of the said Wilson  
 although he was associated with him  
 in the presentation of three or four  
 claims to this Board.

Deponent further says that he never  
 saw a list of the witnesses to be examined  
 in this case & is not certain that he  
 even knows or ever did know what  
 witnesses the said claimant desired  
 to have examined therein. And he  
 further says that to the best of his  
 recollection the said Wilson, who was  
 the Attorney of the said claimant, never  
 did either by letter, orally or in any  
 other manner, request this deponent

Affidavit.

Murrell S. Gregory

to send up any witnesses to be examined in this case, and that if he had, this deponent was under no objections whatever either express or implied to obey such request, he further says, that he deponent may, at different times, have been in the City of San Francisco at the same time that witnesses of Claimant were there, but that he never thought of taking their depositions, even if such were the fact, as it was none of deponent's business.

And this deponent further says that the said Russell as he believes, never regarded him as his Attorney in the said case; that since the presentation and filing of said claim he has frequently heard him the said Russell speak of the said Wilson as his Attorney and that he has also had divers conversations with the said Wilson, that he the said Wilson never seemed to regard him as an Associate Counsel in the matter.

And the said Gregory further says that he is in no wise responsible for the neglect of the said claim.

Dwight S. Gregory,

Sworn to & subscribed  
before me this 30<sup>th</sup> day  
of March 1855,

Alphens Felch  
Com<sup>r</sup>

Filed in Office April 3, 1855  
Geo. Fisher

Thos. Russell  
 vs  
 The United States } For Lands in  
 } Mackenzey Co.

U.S. Land Commission.

383 SD  
 PAGE 16

Stipulation

It is stipulated and agreed between the Law Agent for the United States Before the Honorable Board of Land Commissioners, and the Counsel in the above entitled cause for the Claimant, that the Depositions of Sarah Wood and Edward Briant taken before His Honor Judge Alpheus Felch on this Eleventh day of October 1855, shall be filed and received as evidence in said case No 747 in the same manner and with the same effect as if they had been taken previously to the submission of the said case.

Saml Blanding  
 Asso Law Agent.

B. Cunningham  
 Atty for Claimant.

Filed in Office Oct 11 1855  
 Geo. Fisher

Sec

16

Thomas Russell

vs 3. Iron Lands in Sta  
The United States 3 Cong County.

To The Honorable Board of United  
States Land Commissioners for settling  
Private Land Claims in California

383 SD

PAGE 17

Affidavit

The undersigned of Counsel for the  
claimant in the above entitled cause  
being duly sworn deposes and says  
that by inadvertency of Counsel  
the said Thomas Russell is made to  
appear as the sole Petitioner in the  
said case for a confirmation of title  
to the Lands therein described.

It appears from the papers filed  
in the case, that only one undivided  
half of the said lands conveyed to  
said Russell. The other undi-  
vided half still remaining the prop-  
erty of the heirs of Thomas J. Farnham,  
deceased, of which facts this affiant  
is now well informed and knows this  
statement to be true.

Affiant therefore, respectfully  
prays, that agreeably to the above  
statement your Honorable Board will  
permit and order the title of said  
case and the Claimant's Petition  
therein to be so changed and amended  
as to make Eliza W. Farnham, widow  
and Charles H. Farnham son and only  
surviving child, being the legal heirs  
of said Thomas J. Farnham dec'd,  
to be Co. Claimants and Co. Petitioners

17  
with the said Thomas Russell for the  
Confirmation to them of their Title  
to the said lands agreeably to  
their respective interests in the  
same - To wit: one undivided  
half to the said Eliza W. Widow  
and Charles H. Son of said Thomas J.  
Farnham deceased, - and the other  
half to said Russell the present  
Claimant - and the motion is hereby  
submitted.

383 SD

PAGE 18

J. B. Cunningham  
Atty for Claimant  
San Francisco Oct 9 1855

Subscribed & Sworn to  
Before the Commissioners  
sitting as a Board this  
9<sup>th</sup> October A.D. 1855

Attest Wm B. Fleming.

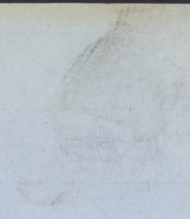
Filed in Office Oct 9 1855  
Geo. Fisher Sec

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SD

18



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747  
 United States of America  
 State of California

383 SD  
 PAGE 19

San Francisco June 20, 1855.  
 This day before R. Aug. Thompson  
 One of the Commissioners to ascertain  
 and settle the private land claims  
 in said State, came José Ramón  
 Buelna, a witness in behalf of the  
 claimant in Case No 747 on the Docket  
 who being sworn, deposed as follows.

Deposition

José Ramón  
 Buelna

The U.S. Law Agent is present.

Questions by Mr. Cuming.  
 have for claimant.

1<sup>st</sup> Question. What is  
 your name age and place of residence?

Answer. My name is  
 José Ramón Buelna, my age about  
 45 years and I live at Santa Cruz  
 in the County of Santa Cruz, Cal.

2<sup>d</sup> Question. Did you  
 ever know the late Capt Thomas J.  
 Farnham, and do you know his widow  
 Eliza W. Farnham, if you did you  
 ever sell and convey to them or  
 either of them a track or parcel of  
 land in Santa Cruz County?

Answer. I acquainted  
 with the said Thomas J. Farnham  
 and am with Eliza W. Farnham, his

widow. I did sell to the said Thomas J. Farnham four quarters of Land in the said county.

383 SD  
PAGE 20

3<sup>d</sup> Question. Look at the Document now shown you, marked "Exhibit No 1" to this Deposition, and state whether the same is genuine, and whether you recognise therein your own signature and those of Manuel Rodriguez and J. S. Majors?

Answer. I have examined the said document. It is genuine, and bears the genuine signature of myself, as also those of the said Rodriguez and Majors who attested the said Instrument.

4<sup>th</sup> Question. Look at the Document now shown you, marked Exhibit No 2 to this deposition, and state whether you believe the same to be a true copy of a Deed made by you to the said widow, Eliza W. Farnham?

Answer. I have examined the said document (the contents thereof being made known to me through the Interpreter to this Commission) and believe the same to be a true copy of the said deed referred to in the last question.

5<sup>th</sup> Question. Describe the property so conveyed to said



Thomas J. Hamham and his widow  
Eliza - Its boundaries &c.

Answer. The property  
so conveyed is called "Mesa del ojo  
de Agua" and is bounded on the  
North by the place called Potrero,  
on the South by the lands of Nicolas  
Ballens and Majors on the west by the  
Kierimiento of the Ojo de Agua and above  
it, the said Ojo de Agua being in-  
cluded within the premises so conveyed  
and on the East by the Vista a la  
Mission - which is the edge of the  
plain when the Mission of Santa  
Cruz is seen below the table.

The extent of the said land is  
four cuadrantes from the Mesa to the  
said Ojo de Agua it is about 800  
varas - more or less, and from the  
lands of the said Majors to the said  
Potrero about 400 varas more or  
less - the said Potrero is also called  
Potrero de San Pedro Regalado.

Q' Question, From whom  
did you receive the grant of the  
land in question?

Answer. In the year  
1839 I petitioned Governor Alvarado  
for the said land and he gave  
permission to occupy it until the  
convening of the Junta Departamental  
when I should receive my title to the  
land - I received the Title in the  
year 1842 of the Prefect. Jose Ramon

Estroada, signed by Genl. Micheltrana I did not deliver this Title to the said Faruham but retained until he should complete the payment for the said property, and while I thus had it in my possession my house was burned with all my papers and among them this title. I had the said Title examined by the authorities, William Blackburn, J. S. Majors and Manuel Rodriguez who pronounced my Title good and told me I could sell,

Q' Question, Did you occupy and live on said land previous to selling the same to said Faruham?

A' Answer, I did. I built a house and corral on it and erected a saw-pit for whipsawing. I lived on it with my family about six years.

Cross. Examined by Mr McKune,

Q' Question, Was any Expediente of your application for a grant left in the Archives, if yes why was there no evidence left with the Government of the issuance of the Grant?

A' Answer, I believe there was. My father went to Monterey for my title and when he returned he told me that the papers had been Archived.

Q' Question, State all the

proceedings which led to the issuance of the Grant who wrote the Petition, who presented it to the Governor, to what Officer was it referred for report, how long after the Petition was presented to the Governor, was it that the Grant was issued and how you received the Grant from the Governor?

383 SD

PAGE 23

Answer. My Petition was written by my father and presented it to the Governor - it was referred to the Alcalde, Rafael Castro and Juan Gonzales, deceased, Administrator of the Mission of Santa Cruz, for report. I did not receive the title until about two years after it was presented and I received it from the Governor through my father who brought from the Prefect from whom I received it.

Jose Ramon Buelna,  
 subscribed and sworn  
 to Before me this 20<sup>th</sup>  
 day of June A. D. 1855  
 R. Aug Thompson  
 Notary

Filed in Office June 20<sup>th</sup> 1855  
 G. L. Fisher Sec.

24

747  
C

United States of America  
State of California 3 ff.  
3 ff.

383 SD  
PAGE 24

Deposition of  
Jose Bolcoff

San Francisco June 21/1855.  
This day before A. B. Farwell, one  
of the Commissioners to ascertain  
and settle the Private Land Claims  
in said State, came Jose Bolcoff,  
a witness in behalf of the  
Claimant in Case No 747 on the  
Docket who being duly sworn  
deposed as follows - His evidence  
interpreted by the interpreter to  
the Board.

The U.S. Associate Law Agent  
is present.

Questions by Capt  
Cunningham for Claimant.

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

Answer. My name  
is Jose Bolcoff, my age fifty  
eight years and I reside in  
the County of Santa Cruz, California

2<sup>nd</sup> Question. Are  
you acquainted with Jose Ramon  
Buelva, Jose Arana, Eliza W  
Farnham and were you acquainted  
with the late Thomas J Farnham

her husband, if yea, how long have you known them?

Answer. I am acquainted with the three former & was with the latter of the said persons. I have known said Buelva and Arena for many years. I knew the said Thomas J. Farnham from 1847 until he died, and I have known the said Eliza W. Farnham, his widow even since 1850.

383 SD  
PAGE 25

3<sup>d</sup> Question. State, if you know what lands were sold by Buelva and Arena to the said deceased Thomas J. Farnham, or to his said widow Eliza.

Answer. The said José Ramon Buelva sold to the said Thomas J. Farnham, dec<sup>d</sup> the track of land known by the name of "Mesadel ojo de Agua" and the said Arena sold to him said Farnham, the track of land known by the name of Polvero, situated in the County of Santa Cruz about 400 or 500 varas northwesterly from the Mission of Santa Cruz.

The two said tracks of land are entirely enclosed with wooden fences.

4<sup>th</sup> Question. State what you know of the titles of Buelva and Arena to the lands thus

sold to said Farnham?

Answer. The Prefect José Ramón Estrada addressed me a note in the year 1842 I then being Alcalde in which he stated that the said Buelwa had a title to the said "Mesa del Ojo de Agua" and telling me that I should not disturb (prejudice) him. With respect to the title of the said Arena I can state that in the year 1842 or about that time the said Arena petitioned me as Alcalde for the said tract of land "Portress" which in virtue of my authority I granted him and dispatched the grant so made by me to the Governor for his approval or disapproval Governor Alvarado then being Governor, and the said title was returned to me from the Governor with his approval signed by Manuel Jimeno, Senior member of the Departmental Junta acting Governor, for his approval or disapproval Governor Alvarado then being Governor, and the said title was returned to me from the Governor with his approval signed by Manuel Jimeno, Senior Member of the Departmental Junta acting Governor.

Question Book

at the two Documents now shown  
 you marked respectively Exhibit  
 No 1 and Exhibit No 2 annexed  
 to the Deposition of Jose Ramon  
 Buelva taken in this case.  
 and state whether you believe  
 the signatures of Jose Ramon  
 Buelva, Manuel Rodriguez and  
 J. L. Mayors attached to the said  
 "Exhibit No 1" are the genuine  
 signatures of the said persons,  
 and also state whether the  
 signature of Henry F. Parsons,  
 Deputy Recorder of Santa Cruz  
 County is believed by you to  
 be his genuine signature, and  
 why you so believe.

Answer. I have  
 examined the said Exhibits No  
 1 and No 2 and believe the  
 signatures of the said persons  
 where they respectively occur  
 in the said Exhibits to be their  
 genuine signature having seen  
 them all write and sign their  
 names and being acquainted  
 with their hand writing.

Question. Look at  
 the Documents now shown and  
 marked "Exhibit No 1" Exhibit  
 No 2" and Exhibit No 3" respect-  
 ively and herein exhibited, and  
 state whether you believe the  
 signatures of Jose Arana Manuel

Jimeno, Robert King, W. Blackburn  
Isaac Graham, Alexandro Rodriguez,  
Mannel Rodriguez, Juan Lorenzana  
and Juan Gonzalez, where they  
severally and respectively occur  
on the said Exhibits "No 1" "No 2"  
and "No 3" to be the true and  
genuine signatures of said persons  
and why you so believe.

Answer. I have  
examined the Exhibits "No 1 No 2 &  
No 3" and believe the signatures  
of all the said persons where  
they severally and respectively  
occur therein to be their true &  
genuine signatures being acquainted  
with their hand writing and  
signatures and having seen  
them all write and sign their  
names. My own genuine  
signature appears in the  
said "Exhibit No 1"

The said document marked  
Exhibit No 1 was archived by  
me in my office as Alcalde  
in Santa Cruz.

Question. How  
long have you lived in the pre-  
sent County of Santa Cruz?

Answer. I have lived  
in said County even since the  
Office June year 1823.

21/1855

Ge. Fisher

Sec

Jose Bolcoff,  
Subscribed & sworn to before me

this 21<sup>st</sup> day of June A.D. 1855

A.B. Farwell Com<sup>r</sup>



747  
C.

United States of America  
State of California 3 p.

San Francisco July 7 1855.

This day before Comr. R. Aug  
Thompson came John R. Pelton  
a witness on behalf of the Claimant  
in case No 747 on the Docket,  
who being sworn deposed as  
follows.

353 SD  
PAGE 29

Deposition  
of  
John R.  
Pelton,

Questions by Capt. Cunningham

U.S. Survey Agent present.

1 Question, What is  
your name, age and place of  
residence?

Answer, John R.  
Pelton, my age 29 years, and  
I reside in San Francisco, I  
am a School Teacher.

2 Question, Are you  
acquainted with E.W. Farnham  
Thomas Russell, Jose Ramon  
Ruelma, & Jose Arena of Santa  
Cruz - State what you  
know of the lands owned by  
said Eliza W. Farnham, widow  
of Thomas J. Farnham, when did  
you live on said Ranch, what  
was your occupation while  
there, what you know of the  
titles to said land, and what  
was the general report concerning

the title of said Buelva!  
Did you ever know of any adverse  
Spanish or Mexican claim to  
the said land?

(Question and answer objected  
to by U.S. Law Agent, as hearsay)

383 SD  
PAGE 30

Answer, I am acquaint-  
ed with them all. I know that  
I fenced and cultivated two tracts  
of land owned and occupied  
by Mrs. Farnham aforesaid dur-  
ing the latter part of 1852 and  
1853. I saw the document marked  
Exhibit No 1 to Depo of Jose Bol-  
coff June 21/1855 while I lived  
on said land, also the document  
marked K at the same time.

I understood from Major  
Farnham that he purchased  
one tract from Arena and  
that he (Graham) had con-  
veyed to Mrs. Farnham.

The document marked  
"Exhibit No 2" annexed to Depo  
of Jose Bolcoff June 21, 1855  
now shown me I also recognise  
as one tract that I saw while  
I resided on said land in the  
possession of said Farnham.

I learned from the res-  
idents of Santa Cruz that the  
title papers, or papers to  
one of said tracts known as  
the Buelva tract, was burned  
in the house of said Buelva

I saw the site of said House, I never heard of any Spanish or Mexican claim adverse to this except just before I left. I understood that the Italian claim slightly overlapped this one. I knew all her business, and I and my family occupied her house with her.

383 SD  
PAGE 31

The U.S. Law Agent declines to cross-examine the witness.

J. C. Pelton,

Subscribed and sworn to before me this 7<sup>th</sup> July 1855.

R. Aug. Thompson  
Coun<sup>r</sup>

Filed in Office July 7<sup>th</sup> 1855  
Case Fisher  
See

747  
C  
Deposition  
of  
Isaac Graham

United States of America  
State of California

San Francisco July 10<sup>th</sup> 1855

This day before Coun<sup>r</sup> S. B. Farwell one of the Commissioners to ascertain and settle the private Land Claims in said State came Isaac Graham, a witness in behalf of the Claimant in case

No 747 on the Docket, who being sworn deposed as follows:

The U.S. Law Agent is present

Questions by Mr Cunningham for claimant,

353 SD  
PAGE 32

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

Answer, My name is Isaac Graham my age is 55 years and I reside in the County of Santa Cruz where I have lived ever since the year 1841 in the month of July.

2<sup>nd</sup> Question, Are you acquainted with José Arana, José Ramon Buelna, Eliza W. the widow of the late Thomas J. Farham and were you acquainted with the said late Thomas J. Farham?

Answer, I am acquainted with the three persons first named and was acquainted with the said Thomas J. Farham

3<sup>rd</sup> Question, State what you know concerning the occupation of certain lands in Santa Cruz County by the said Buelna and Arana, the titles thereto, and the sale

thereof to the said Thomas J. Farnham on to his said widow Eliza W.

Answer, I was Interpreter when John Waldrip bought a certain piece of land from Jose Arena which is the same track of land sold to me by the said Waldrip, which deed of conveyance to me is filed in this case, I knew said Arena on the said land in the year 1842 or 1843 - he then had a house on the place, and lived in it with his family; he had fifteen or twenty acres enclosed and planted

About the same time the said Ramon Buelna lived on an adjoining piece of land, on which he had a saw pit and a house and lived there with his family

The said Buelna sold his said piece of land to the said late Thomas J. Farnham for which I myself paid the greater part of the price of it to said Buelna, and I bought that of the said Arena from Waldrip and gave it to the said Farnham a short time after it was conveyed to me probably a day or two or it may have been two or three months,

The said Farnham took possession of the said parcels of land very soon after I gave

him that conveyed to me by said  
Waldrip and remained in the peace-  
able possession thereof until he  
died.

Isaac Abraham

Subscribed and sworn  
to before me this 10<sup>th</sup>  
day of July A.D. 1855

A. B. Farwell Comr

383 SD  
PAGE 31

Filed in Office July 10<sup>th</sup> 1855

Geo. Fisher

Sec

747  
C

United States of America }  
State of California } ff.

San Francisco July 15<sup>th</sup> 1855

Deposition  
of  
Man Rodriguez

This day before R. Aug Thompson  
One of the Commissioners to ascertain  
and settle the private land claims  
in said State came Man Rodriguez,  
a witness in behalf of the Claimant  
in Case No 747 on the Docket,  
who being duly sworn deposed  
as follows.

The Associate Land Agent is  
present.

Questions by Capt Cunningham  
for claimant.

Question. What is  
your name, age and place of residence?

Answer. My name is Manuel Rodriguez, my age is 37 years and I reside in the County of Santa Cruz.

2<sup>d</sup> Question. Do you know José Ramon Buelna and Eliza W, Widow of the late Thomas J. Farnham and did you know the said Thomas J. Farnham, deceased?

383 SD  
PAGE 35

Answer. I do know the three persons first named and I also know the said Thomas J. Farnham deceased.

3<sup>d</sup> Question. State what you know of the title of José Ramon Buelna to a piece of land called "Mesa del ojo de Agua" on Aguas del Arco" & how do you know it?

Answer. In the year 1842 I saw in the possession of said Ramon Buelna in the Town of Santa Cruz before José Mellus and William Blackburn a petition made by said Buelna to the Prefect Don José Ramon Estarada, bearing upon the same sheet of paper a report of the Administrator of the Mission of Santa Cruz, Juan Guzales, and a decree of Concession signed by the said Prefect Estarada. The said Mellus and Blackburn had the different titles in the immediate neighborhood

presented to them for the purpose of examining officially the merits of the said title of Buelna and they called on me to read the papers that were then presented; from such examination, I remember, that the conclusion arrived at was that Buelna's title was valid.

4<sup>th</sup> Question. Do you know where the papers to which you have just referred are now or do you know by report or otherwise what became of them?

Answer. I do not know nor have I any information of where the said papers are. At the time said Buelna sold the said land described in his aforesaid petition I drew up the instrument of conveyance to the said Thomas J. Farham deceased; and the said Buelna agreed to deliver his title papers to the said vendee, but it was not done however at the time of executing the deed by they were retained until the purchase money should be paid.

5<sup>th</sup> Question. Look at the document now shown you marked "Exhibit No 1" annexed to the depo of Jose Ramon Buelna, June 20, 1855" and state what that document is.



383 SD  
PAGE 37

Answer. I have examined the said Document and I find it to be the same instrument of conveyance from said Buelva to said Farnham referred to in my last answer as having been written by me - Since reflecting I wish to state that I should have said 1840 instead of 1842 in my answer to the 3<sup>d</sup> Question herein as the time the examination referred to therein was had.

Q<sup>o</sup> Question. Please state what you know of the title of José Arenu to the Portrero de San Pedro Regalado".

Answer. I saw in the possession of the said Arenu at the time he sold the said Portrero de San Juan Regalado" to one John Waldrip, the petition of the former for said place and a grant thereof to him signed by Manuel Jimeno - but I cannot state the date of said sale.

4<sup>o</sup> Question. Look at the documents now shown respectively marked, Exhibit No 1 to depo of José Bolcoff June 21, 1855. Exhibit "No 2" and Exhibit "No 3" annexed to the same deposition on the same day, and state what signatures thereon you are acquainted with, whether

they are genuine, and also your means of knowledge?

Answer. I have examined the said three documents

I am acquainted with the signatures of Jose Arera, Jose Boleoff and Manuel Jimeno on "no 1"; those of Jose Arera, Robert King and W Blackburn on "no 2" all of which I believe to be the genuine signatures of said persons, having seen them all write.

The signatures of Jose Arera, Isaac Graham, Alejandro Rodriguez, Ivan Lorenzana, and Juan Gonzales on "no 3" I know to be their genuine signatures because I saw them all sign the said document the body of which is in my own hand writing and signed by me.

8<sup>th</sup> Question. Where is the Villa de Branceforte situated?

Answer. It is situated on the opposite side of the river from the Mission of Santa Cruz and is comprehended in the present town of Santa Cruz.

The Asso Seal Agent present & declined to cross-examine witness

Manuel Rodriguez

Subscribed & sworn to

Before me this 17<sup>th</sup> day July A. D. 1855

R. Aug Thompson, Comr.

Filed in  
Office July  
18<sup>th</sup> 1855

Geo. Fishen Sec.

39

747

United States of America  
State of California 3 pp.

San Francisco July 23' 1855.

This day before J.B. Farwell  
one of the Commissioners to ascertain  
and settle the private land  
claims in said state, came J.R.  
Snyder a witness in behalf of the  
claimant in case No 747 on the  
Docket, who being duly sworn  
deposed as follows:

Deposition  
of  
J.R. Snyder

383 SD  
PAGE 39  
4

The U.S. Associate Land Agent  
present.

Questions by Mr. burning.  
- have for claimant.

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

Answer, J.R. Snyder,  
42 years old, San Francisco.

2<sup>nd</sup> Question, Look  
at the map now shown you marked  
"K" and state if you know who  
made the survey therein set forth,  
if you, when was said survey  
made?

Answer, The survey  
was made by me, and the sketch  
shown me and marked as aforesaid  
was also made by me. Said  
survey was made for Mr J.P.  
Tambam. I think the survey was  
made in the year 1847. The land is  
located in Santa Cruz County  
immediately back of the Mission  
of Santa Cruz in the bottom

Lands. At the time I came to the Country, about the year 1845 or 1846, there was a person living on this land by the name of Weeks.

I mean to say that said Weeks lived on one side of the Creek which was the boundary of the land. I do not know on which side he lived.

At the time I made the said survey Farnham had men at work cultivating the land.

Cross-Examined by U. S. Seal Agent,

1<sup>st</sup> Question. By what were you guided in making said Survey?

Answer. I was guided entirely by the direction of said Farnham, who accompanied me while making it, who claimed said land.

2<sup>d</sup> Question. Had you ever seen the diseño or grant of said land prior to your Survey.

Answer. I had not seen the grant, and the diseño which I saw, was in the hands of Weeks, but whether it was the original design or not I cannot say. It was a map of the land.

Subscribed & sworn J. R. Snyder  
before me this 23<sup>d</sup>.

July 1855.

A. B. Farnwell. Com<sup>r</sup>.

Filed in Office July 23<sup>d</sup> 1855

Geo. Fisher Sec

747

United States of America 3  
State of California 3 p.

San Francisco October 11/1855

This day before Alphens Felch,  
one of the Commissioners to ascertain  
and settle the private land claims  
in said State, came Sarah Wood,  
a witness in behalf of the claimant  
in case No 744 on the Docket, who  
being duly sworn deposed as  
deposition follows:

383 SD  
PAGE 41

Deposition

Sarah Wood

Questions by Mr Cunningham  
Attorney for Claimant.

1 Question. Please state  
your name and place of residence?

Answer. My name  
is Sarah Wood, and I reside in  
San Francisco California.

2 Question. Were  
you acquainted with the late Thomas  
J. Farham, and his family?

Answer. I was.

3 Question. State how  
long you have known them, when  
and where he died & what - are  
the names of his wife & children.

Answer. I have known  
them several years. I knew them  
before they moved to California.  
He came first and she came  
with their children afterwards.

I think it was in 1849 that she came. He died before she arrived here. The name of his wife is Eliza W. Farnham. He left two children named Charles & Eddie.

Eddie died in the summer of 1854. I think in the month of July but am not certain as to the month. Mrs Farnham's Mother was a half-sister of mine.

Mr Farnham left no other children than those above mentioned.

Mrs Farnham lives in Santa Cruz to the best of my knowledge at the present time.

Eddie was about ten years old at the time of his death.

The surviving son is about fourteen years of age at the present time.

Sarah Wood.

Mr Blanding Associate Law Agent was present at the taking of this deposition but declined to interrogate the witness.

Subscribed and sworn to before me this 11<sup>th</sup> day of October A.D. 1855.

Alphens Felch  
Com<sup>y</sup>

Filed in Office Oct 11<sup>th</sup> 1855  
G. Fisher Sec

747 United States of America }  
 State of California }  
 San Francisco Oct 11 1855

This day before Alpheus Fiech,  
 one of the Commissioners to ascertain  
 and settle the private Land claims  
 in said state, came Edward Briant  
 a witness in behalf of the Claimant  
 in Case No 747 on the Docket, who  
 being duly sworn, deposed as follows.

Deposition  
 of  
 Edw. Bryant

383 SD

PAGE 43

Questions by Mr Cunningham  
 Attorney for Claimant.

1<sup>st</sup> Question. Please  
 state your name, age, and place  
 of residence?

Answer. My name  
 is Edward Briant, my age is fifty  
 five years, and I reside in San  
 Francisco, California.

2<sup>d</sup> Question. Were  
 you acquainted with the late Thomas  
 J. Farnham and his family? If  
 you state where and when he  
 died, and who are his heirs and  
 legal representatives.

Answer. I was not  
 acquainted with said Thomas J.  
 Farnham. He died before I came  
 to this country. I arrived in  
 San Francisco in December 1849  
 and Mrs Farnham the widow of  
 said Thomas J. Farnham came  
 with us. Their children  
 were here before she came out  
 I understood that said

44

Thomas J. Farnham died in an Adobe House belonging to a Mr Mowry, at the corner of Broadway and Powell Street in San Francisco.

He left a widow above referred to whose name is Eliza W. Farnham, and two children,

The youngest of the children is dead; the other to best of my knowledge is still living. The name of the surviving child is Charles.

The deceased child was about ten years of age at the time of his death.

Mrs Farnham now lives at Santa Cruz.

Edward Biant.

Mr Blanding Associate Law Agent was present at the taking of this deposition but declined to interrogate the witness.

Subscribed and sworn to before me this 11<sup>th</sup> day of October, 1855.

Alphens Felch  
Com<sup>r</sup>.

Filed in Office Oct 11' 1855  
Geo. Fisher  
Secy

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Por. Luis de Paz.

45-  
C  
Petition Grant  
approval to  
Jose Araua.  
500 x 600 r<sup>d</sup>

Jose Araua Ciudadano Mexicano ante  
V. S. como mejor proceda en derecho  
digo: que teniendo una numerosa fam-  
-ilia que mantener y camucido de un  
pedazo de tierra en que poner los parti-  
-cular me a la agricultura, heido a  
que recuento lan que cuento para Subst-  
-ancia y hallandose en la demarcacion  
de este establecimiento un terreno cono-  
-cido con el nombre de Potrero y  
Puebon de San Pedro Regalado que tiene  
de estension quincecientas varas de Norte  
a Norte y setecientos de Sur a Norte  
como puede verse p<sup>r</sup> el dibujo que ac-  
-ompano, el cual no se halla ocupado  
por los Indigenas ni por ningun otro  
particular p<sup>r</sup>. que siempre se ha con-  
-siderado como el mejor apropiado  
y apropiado p<sup>r</sup>. siembras en comparacion  
con las muchas que abunda esta parte  
del Departamento en consecuencia y p<sup>r</sup>.  
lo espuesto espero de V. S. Sirra conceder-  
lo en propiedad admitiendo esta Subst-  
-ancia en papel comun por falta del  
sellado que corresponde.

Gracia que espero. Jurando no  
ser de malicia y lo necesario.

Santa Cruz. Agosto. 3. de 1862.

Jose Araua.

Por cuenta Don Jose Araua se ha echo  
a cuenta p<sup>a</sup> obtener terreno q. pretende  
el cual se haga valotio y es cuenta  
de las facultades que me ha concedido  
el Gobierno Departamental para sum-  
-eter la ocupacion de terrenos valotios  
de este establecimiento, tengo por cuenta

383 SD  
PAGE 45

5-

46

presentarle que ocupe el terreno que  
pretende. En extension quinientos varas  
largas y ancho seiscientos varas si cupiere  
esta medida llegare a lo que hubiere  
baldío sin adjudicar las concesiones anter-  
iores y sujetandose a la aprobacion del  
Gobierno Departamental.

383 SD  
PAGE 46

Sta Cruz. 15. Agosto de 1852.

José Bolcoff.

La ocupacion del terreno a la que se  
refiere el permiso que antecede lo ap-  
ruero y la declaro pertenecer en  
propiedad a D<sup>o</sup> José Arana en confor-  
midad a las leyes de colonizacion  
sujetandose a la extension de lo que  
hubiere baldío segun manifiesta el plan  
de Santa Cruz. El Sr. Don Manuel  
Jimeno primer vocal de la Junta Dep-  
artamental en ejercicio del Gobierno  
de Catujunivis, asi lo mandado, decretó  
y firmó de que doy fe.

Manuel Jimeno.

Inhibit n<sup>o</sup> 1. arrived to Deposition of José  
Bolcoff June 21. 1855.

Inhibited in the deposition of Manuel  
Bachueque July 17. 1855.

Recorded in Book of Rec. of Mines  
Vol. XIV pages 210. & 211.

Inhibit n<sup>o</sup>s arrived to Depo. of José  
Bolcoff June 2. 1855.

Filed in office. April 28. 1855.

Geo. Fisher.  
Secy.

47

To His Honor the Juz de Paes  
I, José Arena, a Mexican  
Citizen, that I may proceed in the  
best manner according to Law, do  
declare before your Honor:

Petition

That having a numerous fam-  
ily to maintain and being in want  
of a piece of land whereon I may  
follow the pursuits of Agriculture  
the only means on which I  
depend for subsistence; and  
there being within the limits  
of this settlement a small lot  
of land known by the name of  
the "Portrero y Rincon de San  
Pedro Regalado" which is in  
extent five hundred varas from  
East to west and six hundred  
varas from South to North, as will  
be seen by the accompanying  
Map, which land is found to  
be occupied neither by native  
Indians nor by any other person,  
because it has always been con-  
sidered the best fit for cultiva-  
tion in comparison with the  
numerous tracts which abound  
in this part of the Department.

Therefore, and for the reasons  
above stated, I hope your Honor  
will be pleased to grant me  
the ownership of the same,  
admitting this my petition  
written on common paper for  
want of the corresponding stamped.  
I hope to receive this

Translation  
of  
Petition and  
Grant.

383 SD

PAGE 47

favor, swearing that I have no  
 evil motive, and that I will com-  
 ply with the necessary formalities,  
 Sta Cruz August 3<sup>o</sup> 1842,

(Signed) José Arena.

383 SD  
 PAGE 48

grant

Inasmuch as Sr José Arena  
 has proved himself worthy & entitled to  
 obtain the land he asks for, which is  
 found to be vacant: therefore using the au-  
 thority conferred upon me by the Departmental Gov-  
 ernment to permit the occupation of vacant lands  
 in this settlement I deem it proper to permit  
 him to occupy the land which he solicits  
 in extent five hundred varas wide and six  
 hundred varas long: always provided that  
 this measurement will extend to what may be vacant  
 land without prejudice to former grants, and  
 being subject to the approval of the Departmental  
 Government. Sta Cruz 15<sup>o</sup> August 1842.  
 (Signed) José Bolcoff.

Approval

I approve the occupation of the land to which the  
 foregoing permit refers, and I declare the said land  
 to be the property of Sr José Arena, in conformity  
 with the laws of Colonization; confining himself  
 to the extent of what may be vacant land  
 according as the Judge of Sta Cruz may make  
 it appear. His Honor Sr Manuel Jimeno  
 presiding Member of the Departmental Junta  
 in the Administration of the Government of  
 California, has thus ordained, decreed and  
 confirmed. I attest  
 (Signed) Manuel Jimeno.

Filed in Office California,  
 April 28<sup>o</sup> 1853. Confirmed.  
 Genl Fishen  
 See

149

Sr. Prefecto del 1<sup>er</sup> Distrito.

Ramon Buclua vecino de la Villa de  
Branajunte ante V. S. con el mejor halla  
lugar en derecho se presenta y dice que  
hallandose a virtud de poder sucutar  
longriscuttana para el sostener en su  
familia solicita que V. S. tenga a bien  
proporcionarle cuatro suertes de  
tierra en la Ex-Medica de Santa  
Cruz en el nacimiento que de las largas  
Ramon he tenido de largos años para  
el cultivo que acompanya. Por tanto  
a V. S. respetuosamente suplica se obligue  
a favor del interesado de lo que  
recibiré gracia.

Copy of original  
petition of Jose  
Ramon Buclua  
from the office  
of the Secretary  
of State of  
California.

383 SD  
PAGE 43

Pueblo de San Juan de Castro  
Abril 29 de 1852.

Jose Ramon Buclua.

State of California. Office of the Secretary  
of State. This is to certify that the  
foregoing is a correct copy of an instrument  
on file among the Spanish Archives  
of this office.

Witness my hand and Seal  
of State at the City of Sacramento City this  
the Seventh day of July. A.D. 1855.

J W Deurer. Secy of State.

Seal of the State of California. By Wm M. Travel. Deputy.

Filed in office. July 10. 1855.

Geo. Fisher.

Recorded in book of Records. of Sr. Vol. XVI pages  
242 & 243. 2 2 2 2 2 2 2

57

5774 - 20  
773 20

( Translation of the Petition )  
of José Ramón Buelna

To His Honor the Prefect  
of the First District,

383 SD  
PAGE 50

Translation  
of  
Copy of Orig  
Petition of  
José Ramón  
Buelna

Ramón Buelna a resident  
of the village of Branciforte, before  
Your Honor, as in duty bound, ap-  
pears and says that finding him-  
self in a favorable position to follow  
the pursuits of Agriculture for the  
maintenance of his family, he prays  
Your Honor will consent to allot  
to him Four Sierres of Land  
in the Ex Mission of Santa Cruz,  
at the source of the Waters known  
as ("del Arco") the Springs of the  
Bow - agreeably to the amended  
map.

Wherefore he humbly prays  
Your Honor will grant the  
same to the interested party by  
which he will favor.

Pueblo de San Juan de Castro  
April 29<sup>th</sup>, 1839.

(Signed) José Ramón Buelna

Filed in Office July 10<sup>th</sup> 1855  
Geo. Fisher Sec

(Span follows)

52

1864  
20



Digo lo que habaji suscribe que  
es lo mi derecho que tengo en el terreno  
que ha actualmente poseo al C. Juan  
Guab. con laca lerrras, y todo lo decuas  
que es preha mi titulos de tutto terreno  
que esta obligado dicho Juan en  
ese lugar 300 pesos por el en efectos.

Es

Li

Assignment.

from Anna de  
to Woodrife

July 17.

1847.

353 SD

PAGE 51

Como tambien queda obligado  
al que suscribe ha en lugar las do.  
cumentas por donde conste que he  
tenido la propiedad es legal, que si  
resultare haberse estraniado los do-  
cumentas por tener los en Montevideo  
posesion de los testigos que la prop-  
iedad es una y no designan otra.

Tutto terreno se compone de largas  
ocho lincas ranas de ancho guarentas  
poco mas o menos.

Y para constancia lo asiru-  
amos ante dos testigos.

Feri Anna.

Josm Valuffe. testigos P. Isaac Prudon.  
Neyauv. Rodriguez.

Mannu Rodriguez.

Digo yo que Juan Galnes que es el  
el derecho que tengo en el terreno que  
se menciona en esta obligacion al C.  
Isaac Grellup y para que pueda de  
todo tiempo hacer uso de sus estab-  
limentos lo firme con dos testigos

Al Cap. Julio 17. de 1844.

Subyue Juan Galnes y pr. testigo lo  
firme. Acini, Isaac Gorham.

Juan Loremanu.

Testigos Juan Gomez.

Subscribed in the Department of Chamamé  
Rodriguez July 17. de 1855.

57

Recorded in Book of Records of Indiana.  
In Vol XIX pages 211. & 212.

Submitted No 3. annexed to the Department  
of York Saleoff June 21. 1855.

353 SD

PAGE 52

Filed in office. April 28. 1855.

Geo. Fisher. Secy.

353 SD  
PAGE 52

## Translation

I, the undersigned hereby declare that I grant to the citizen Juan Guala the right which I have in the land now actually in my possession together with the house, fences, and everything else which my title recites -

For which land the said Juan remains bound to pay 300 dollars in goods.

"E"  
Translation

In like manner the undersigned remains bound to deliver up the documents by which the legal ownership of the land can be established and if the documents should happen to be missing, on account of their being in Monterey, I will prove by witnesses that the property belongs to me and to no other person, which land is in extent eight hundred varas long and five hundred wide a little more or less.

In witness whereof we affix our names before two witnesses

Signed by Jose Arana  
John X Waldrip

Witnesses

Isaac Graham

A. Bolcoff

M. Rodriguez.

57

353 SD  
PAGE 54

I, John Waldrip declare that  
I grant to the citizen Isaac  
Graham the right which I have  
in the land mentioned in this  
obligation - and in order that  
he may be able to avail him-  
self of it, I affix my signature  
in the presence of two witnesses.

Sta Cruz July 15' 1847

Witness

Juan Siverzavova

Witness

Juan Gonzalez

I delivered Juan Sualrep

I received Isaac Graham,

Filed in Office April 28' 1855.  
Geo. Fisher Sec

---

Span follows

4. 5-9

Digo lo el que abajo suscribo que me  
hobliga ha entregar mi titulo de mi  
terreno y señalar los linderos de dicho  
terreno cuyo terreno de entregar al Sr.  
Dn Tomas y Pareden en todo el mes q.  
entra por un lato que tenemos entre  
Sancho olas, Dando asi que conforme  
Dn Tomas me entregue dicho garan  
tia y nuevo pesos en pesos en plata  
al mismo tiempo se sirva los papeles  
del terreno que son ocho lieutas. hasas  
cuadradas y si resultan menos de lo  
que venen el titulo se rebajara al precio  
conforme a lo que queda en favor  
Y para constancia lo rubrique  
en lo doy en Sta Cruz a 28 de febrero  
de 1855.

C

353 SD  
PAGE 55

Agreement to  
Convey José  
Ramón Buclua.  
to  
Dns. J. Thorneau.  
Sept. 28. 1857.

Exhibit nos.  
annexed to depo.  
of José Ramón  
Buclua June  
20. 1855.

José Ramón Buclua.  
Testigos. Manuel Rodríguez.  
J. S. Meyers.

Filed in office. April. 28. 1855.

Geo. Fisher.  
Cly.

5-8

1895  
12 20

5-9

(Translation)

383 SD  
PAGE 56

Translation  
of

I the undersigned, declare that I bind myself to deliver up the title to my land and to mark out the boundaries of said land, which land I am to deliver to Senor Don Thomas J. Farnham in all next month, agreeably to a contract existing mutually between us, it being understood that Don Thomas is to pay me one hundred and forty nine dollars at the same time that he may receive the documents relating to the land, which is in extent eight hundred varas square and if the quantity prove to be less than that expressed in the title the price shall be correspondingly diminished.

In witness whereof I affix this my signature at Sta Cruz Sept 28' 1847.

(Signed) José Ramon Buelna  
Witness Manuel Rodriguez  
" J. S. Mayors.

Filed in Office April 28' 1855.  
Geo. Fisher  
Sec

Magistrates Office  
Oct 2<sup>nd</sup> A.D. 1847.

Farnham  
vs  
Jose Arana.

383 SD  
PAGE 57

"F"

Transcript  
of  
Judgment  
vs  
Jose Arana

Plaintiff brought suit for  
the possession of a lot of ground  
situated near the Mission of  
Santa Cruz and occupied now  
by defendant - Defendant  
sold said land to John  
Waldrip and received in  
payment a waggon at one  
hundred and fifty dollars,  
and to take one hundred and  
fifty dollars in goods part  
of which amount is paid at  
this date - Defendant to leave  
the premises in May last.

Tried by a Jury of J. B. Snyder,  
Juan Gonzales, Joseph S. Mayors.  
Decision of the Jury that he  
deliver up the premises in  
three weeks from this date.

No Costs of Court }  
W. Blackburn }  
Alcalde }  
Santa Cruz }

Filed in Office April  
28 1855

Geo. Fisher  
Secy.



383 SD  
PAGE 58  
"D"

José Arana  
To  
Thos. Farnham  
"Deed"

Know all men by these presents  
that I the Undersigned have bargained  
and sold unto Thomas J. Farnham  
all my right title and interest  
in and to all that certain  
tract of land, it being 800 varas  
in length and 500 varas in  
width, situate in the Portrero  
lying north of the Mission buildings  
in Santa Cruz Alta California  
and make this my full and  
unconditional deed of conveyance  
of the same, it being in area  
as above a little more or less.

José Aranas  
Santa Cruz  
Oct 4, 1847.  
Witnesses, Robert King  
" W. Blackburn.

Filed in Office April 28' 1855  
G. Fisher Sec

"A" Deed  
California  
Santa Cruz County

José Ramon  
Buelva  
To  
Eliza W.  
Farnham

This Indenture made & entered  
into this nineteenth day of September  
A.D. Eighteen Hundred and fifty  
one, Between José Ramon Buelva  
of said County of the one part  
and Eliza W. Farnham, widow  
of the late Thomas J. Farnham,  
also of said County of the other  
part. Witnesseth that the said

Jose Ramon Buelna for and in  
 Consideration of the sum of one  
 hundred and Forty nine dollars  
 to him in hand paid at and before  
 the sealing and delivery of these  
 presents the receipt whereof is  
 hereby acknowledged, has granted  
 bargained sold and conveyed  
 and by these presents grants bar-  
 gain, sell and convey unto the  
 said Eliza W. Hamburn as Admin-  
 istratrix of the estate of the said  
 Hamburn deceased and unto  
 her heirs and assigns a certain  
 parcel of land situate in the  
 County aforesaid containing  
 eight hundred varas square  
 (800 varas square) and bounded  
 and described as follows, viz:  
 Commencing at a stake near an  
 oak tree marked "F" and running  
 thence South forty five and one  
 quarter degrees, west twenty nine  
 and one half chains, thence North  
 forty one and one and one half  
 degrees west, thirty six and one  
 tenth chains, thence North forty  
 five and one quarter degrees  
 East, twenty nine and one  
 half chains, thence South  
 forty one and one half degrees  
 East, thirty six and one tenth  
 chains to the place of beginning  
 the said track of land being  
 embraced in a survey number  
 one hundred and sixty five

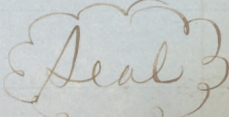
of the County Surveyor of said County together with all and singular the privileges and appurtenances thereto belonging.

To have and to hold the said granted premises to her as aforesaid and to her heirs and assigns forever, and the said José Ramón Buelna for myself, my heirs executors and Administrators do covenant with the said Eliza W. Farnham that I will and my Executors shall warrant and defend the same to the said Eliza W. Farnham her heirs and assigns forever, against the lawful claims of all persons.

In testimony whereof I the said José Ramón Buelna have hereunto set my hand and seal this the day and year above written.

Signed sealed and delivered in the presence of the subscribing witnesses.

The words "and appurtenances" interlined before signed)

José Ramón Buelna 

Witness:

W. S. Bennett

W. S. Gregory.

64

State of California }  
County of Santa Cruz }

On this 19<sup>th</sup> day of September  
A.D. 1857. Before me Peter Tracy  
County Recorder of Santa Cruz County  
aforesaid personally came, Jose  
Ramon Buelna known to me to be  
the person described in the fore-  
going conveyance and who acknowl-  
edged to me that he executed the  
same freely and voluntarily and  
for the uses and purposes therein  
mentioned.

383 SD  
PAGE 61

Witness my hand and private  
seal there being no official  
seal provided in office this  
19<sup>th</sup> day of September A.D. 1857,  
Peter Tracy,  
Recorder.

Filed for Record by Mrs Farnham  
on the 19<sup>th</sup> day of Sept 1857 at noon  
and at request of said Mrs Farn-  
ham it was recorded.

Peter Tracy  
Recorder.

Santa Cruz County }  
California }

I hereby certify that  
the foregoing is a correct copy of deed  
of conveyance now on record in my office

Filed in Office (Book of Deeds volume first and pages 200  
March 2<sup>nd</sup> 1855 & 201) in Santa Cruz Cal<sup>a</sup>  
Sec. Fishen Witness my hand & official seal this the 26<sup>th</sup> day  
of Feby A.D. 1853.

Seal Peter Tracy Recorder Sta Cruz Co  
By H. J. Parsons.

This Indenture made the twenty sixth day of March in the year One Thousand eight hundred and fifty five between Jose' Arena of the Town of Santa Cruz, State of California of the first part and Eliza W. Hamham of the Town and State aforesaid of the second part Witnesseth:

383 SD  
PAGE 62  
Deed

José de Arena  
To  
Eliza W Ham-  
ham,

That the said party of the first part for and in con- sideration of the sum of fifty dollars to him in hand paid by the said party of the second part at or before the executing and delivery of these presents the receipt whereof is hereby acknowledged hath remised released and quit claimed unto the said party of the second part and to her heirs & assigns for ever all, that certain piece or parcel of land, lying in the Portrero north of the Mission of Santa Cruz and bounded on the north by land owned by John Green, on the east by lands owned by Robert King and Heivann James, and on the south and west by the foot of the hill and land now or form- erly owned by Carlos Rousillon being in extent six hundred varas in length by five hundred in breadth more or less together

with all and singular the Tenements  
hereditaments and appurtenances  
thereunto belonging in any wise  
appertaining, and the reversion  
and reversions, Remainder and  
remainders rents issues and profits  
thereof, And also all the estate  
right title interest, property pos-  
session claim & demand whatsoever  
as well in Law as in equity of  
the said Party of the first part  
of in or to, the above described  
premises and every part and parcel  
thereof with the appurtenances,  
And the said Party of the first  
part for himself and his  
heirs Executors and Administrators  
doth Covenant and agree to and with  
the said Party of the second part  
her heirs Executors and Admin-  
istrators that he hath not made  
done committed executed or suf-  
fered any act or acts tending or  
things whatsoever, whereby  
or by means whereof the  
above mentioned and described  
premises or any part or parcel  
thereof now or at any time here-  
after shall or may be im-  
peached in any manner or  
way whatever.

In witness whereof the said  
Party of the first part has hereunto  
set his hand and Seal the day  
and year first above written  
Jose Arana Seal

67

Sealed & delivered  
in presence of  
C. D. Elden,

383 SD  
PAGE 64

State of California }  
Santa Cruz County } ss.

On this twenty sixth day of March  
in the year of our Lord one  
Thousand eight hundred and  
fifty five, before me personally  
came the above named Jose  
Avana to me known to be the  
individual described in and  
who executed the above convey-  
ance and acknowledged that  
he executed the same for the  
uses and purposes therein  
mentioned.

John Nutter  
Justice of the Peace.

Recorded in Book of Records  
Vol 3 Page 70 of the Records  
of the Office of County Recorder  
in and for Santa Cruz  
County Cal.

June 8<sup>th</sup> 1855

Attest Peter Tracy  
Recorder

By H. J. Parsons  
S. R.

Filed in Office July 24<sup>th</sup> 1855  
Geo. Fisher Sec

This Indenture made the twenty third day of March in the year one thousand eight hundred and fifty two.

Between Eliza W. Framham of the first part and Thomas Russell (both of Santa Cruz County State of California.)

Of the second part, Witnesseth that the said party of the first part, for and in consideration of the sum of seven thousand dollars lawful money of the United States of America, to her in hand paid, by the said party of the second part at or before the executing and delivery of these presents, the receipt whereof is hereby acknowledged has remised, released and quit-claimed, and by these presents, do remise, release and quit claim, unto the said party of the second part, and to his heirs and assigns forever. All those tracts or parcels of land lying & being in the County of Santa Cruz State of California, and near the Mission of Santa Cruz the same being the undivided half of the following described lands, one commencing at a stake near the creek & running thence South 18 degrees 45 minutes East 320 yards. South 16° 45' E 605 yards, thence

Eliza W.  
Framham  
To  
Thos. Russell.

"Seal"



383 SD  
PAGE 66

N 67° 15' west 74 yards; thence N  
 74° W 136 yards, thence N 68° 50'  
 W. 146 yards, thence N, 75° W, 275  
 yards. thence N, 29° W, 184 yards  
 thence N. 22° 30' W 220 yards,  
 thence N 80° E 183 yards. thence  
 N 210 yards to the creek. thence  
 S 72° 30' E 74 yards, thence S 60  
 E, 44 yards, thence S 73° 45' E.  
 102 yards, thence S 41° 45' E. 30 yards  
 thence S 80° E. 47 yards thence  
 S 76° 30'. 44 yards to the mill  
 thence S. 84° 45' E 242 yards  
 to the place of beginning, another  
 being the same described in a  
 deed of conveyance from Ramon  
 Ruelma to the said party of the  
 first part and on record in  
 the Archives of the County of  
 Santa Cruz,

Together with all and singular  
 the tenements, hereditaments  
 and appurtenances thereto  
 belonging in any wise  
 appertaining, and the reversion  
 and reversions, remainder  
 and remainders, rents issues &  
 profits thereof, one half of the  
 rents of this year excepted,  
 and also all the estate, right  
 title and interest, property  
 possession claim and demand  
 whatever, as well in law as in  
 equity of the said party of the  
 first part, of in and to the  
 above described premises and every

part and parcel thereof with  
the appurtenances

To Have and To Hold all and  
singular the above mentioned and  
described premises together with  
the appurtenances, unto the said  
party of the second part his  
heirs and assigns for ever.

353 SD  
PAGE 67

In witness whereof the said  
party of the first part has here-  
unto set her hand and seal the  
day and year first above written.

Eliza W. Farham, Seal

Sealed and delivered in  
the presence of,

The words "one half  
of the rents of this year excepted"  
interlined before execution.

Geo. W. Crane,

State of California  
County of Santa Cruz, Calif.

On this the 23<sup>rd</sup> day of March  
A.D. 1852 before me Peter  
Wacy Clerk in and for the County  
and State aforesaid personally  
came Eliza W. Farham a person  
known to me and whose hand appears  
to the foregoing conveyance and  
who acknowledged that she made  
signed, sealed and delivered  
the same freely & voluntarily for  
the uses and purposes therein  
mentioned and requested that

this acknowledgement be made,  
 In Testimony whereof  
 I Peter Tracy Clerk as aforesaid  
 have hereunto set my hand  
 and affixed my private seal  
 there being no official seal  
 provided, all done at office  
 the day and year last above  
 mentioned.

Seal

Peter Tracy, Clerk  
 By J. Wright  
 Deputy.

I hereby certify that the foregoing  
 is recorded in the Book of  
 Deeds Vol 1 pages 297 298. of  
 the Records of the Recorders  
 Office of Santa Cruz County  
 California.

Peter Tracy  
 Recorder.

Filed in Office March 2 '1858  
 G. W. Fisher Sec.

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92



1875  
1875

73

747

Thomas Russell } Lands in  
As } The United States } Santa Clara Co

383 SD  
PAGE 69

The Claimant has produced no evidence of any right or title derived from the Spanish or Mexican Governments, no any testimony going to show that the lands claimed were ever granted by either of those authorities. The claim is therefore rejected.

Opinion  
by  
Com. R. Aug  
Thompson.

Filed in Office Jan 30<sup>th</sup> 1858  
Geo. Fisher Sec.

Thomas Russell } Lands in  
As } The United States } Santa Clara Co.

Decree

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

Alphens Felch  
R. Aug Thompson.

74 747

Thomas Russell et al  
vs  
The United States

353 SD

PAGE 70

This is a claim by Thomas Russell and the widow and heir at law of Tho<sup>s</sup> J. Farnham to two tracts of land situated in the County of Santa Cruz and near the Mission of the same name.

The first being a tract 800 varas square, and the second by certain metes and bounds laid down and described in their petition.

The petition was filed in the first instance in the name of Tho<sup>s</sup> Russell alone but was subsequently on motion of the claimant by his counsel and with the assent of the U.S. Associate Law Agent so amended as to make the last named petitioner claimant with him.

The Petitioners allege that the first named tract was granted by Jose Ramon Estrada then exercising the functions of prefect to one Jose Ramon Buelna some time previous to the year 1838.

The original title to that tract is not produced and it appears from the evidence in the case that it was destroyed by fire with the residence of the grantee some time in the year 1846, or 1847.

An attempt is made to supply

the deficiency by secondary evidence but the testimony on this point is very vague and indefinite.

383 SD  
PAGE 71

The Grantee Buelna swears that he received from Governor Alvarado in the year 1839 a permission to occupy the premises until the meeting of the departmental Junta when he should receive a title in form.

That he received the title in the year 1842 from the Prefect José Ramón Estrada signed by Gov. Michelorena.

That his said title was afterwards examined by the authorities William Blackburn, J. L. Majors and Manuel Rodríguez who pronounced his title good and that he could sell.

Rodríguez testifies that in the year 1846 he saw in the possession of the said Buelna a petition made by him to the prefect José Ramón Estrada, bearing upon the same sheet of paper a report of Juan González Administrator of the Mission of Santa Cruz and a decree of concession signed by the said prefect Estrada.

That the said title was presented to José Mellis and William Blackburn for the purpose of examining officially its merits, and that they called on him to read the papers, and he remembers

that the result of such examination was that they considered the title valid.

Jose Bolcoff swears that in the year 1842 he being then Alcalde, Jose Ramon Estrada addressed him a note in which he stated that the said Buelna had a title to the said "Mesa del Ojo de Agua" and that he should not disturb him.

This is all the evidence addressed by the claimants in support of this grant and it can scarcely be considered sufficient to establish the validity of the claim under it.

The witness Buelna having conveyed the land by general warranty to Eliza W. Faruham one of the claimants is clearly a party in interest and his evidence is therefore entitled to little or no weight on consideration.

Rodriguez does not in any manner connect the title papers which he saw, with the lands now claimed and even if they were for the same lands it is very clear from his testimony that the grant was made by the prefect and not by the Queen as stated by Buelna. Bolcoff does not pretend to have seen the title, and knows nothing of the character of the grant referred.



referred to in the note from Estrada to him.

Upon the case thus presented we conclude First: that the evidence is insufficient to establish the fact that a grant was made to Buelna for the lands as claimed by the Petitioners, and Secondly that if such a grant was made it was done by the Prefect, and in the absence of any testimony to show that the lands belonged to the common lands of a Pueblo to which the authority of the prefect to grant was limited, it must according to the ruling of the Commission in other similar cases be considered invalid.

We are therefore of the opinion that the claim of the Petitioners so far as it purports to be founded on the grant to Buelna is invalid and must be rejected.

The second track is claimed under a grant made by Manuel Jimeno in 1842. The petitioners have filed in support of this grant an original document the genuineness of which is established by the proofs containing: First a petition from Jose Arena to the Justice of the Peace praying for a grant of land in the establishment of Santa Cruz called the "Portero of Rincon de San Pedro Regalado".

five hundred varas from East to West, and six hundred varas from North to South; Upon this petition is entered a decree of the Justice authorizing the Petitioner to occupy the premises subject to the approval of the Departmental Government Government.

This is followed by a Decree of Manuel Jimeno, <sup>1<sup>st</sup></sup> Vocal of the Departmental Junta acting as Governor, approving the foregoing provisional right of occupation and declaring Don Jose Arena owner in property of the said lands in conformity with the Laws of Colonization.

This Decree is clearly sufficient to invest the grantee with an equitable right to the premises which could entitle him to a confirmation.

The present Claimants derive their title from the said grantee by proper conveyances duly proved and filed in the case. A Decree of confirmation will be entered in their favor for so much of the land claimed as is covered by said grant to Jose Arena.

Filed in Office Oct 23<sup>d</sup> 1855.  
Geo. Fisher Sec.

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79

747 Thomas Russell  
 vs  
 The United States.

SSB SD  
 PAGE 75

Decree of  
 Confirmation

In this case on hearing the proofs and allegations it is adjudged by the Commission that the portion of the claim of the Petitioners included within the limits of the grant made by Jose Bolcoff and Manuel Jimeno to Jose Arena on the 15<sup>th</sup> of August 1842 is valid and it is therefore decreed that the same be confirmed to them.

The land for which confirmation is made is situated in the City of Santa Cruz and is known by the name of "Pantano y Rincon de San Pedro Regalado" and is of the extent of five hundred varas from East to West, and six hundred varas from north to south as described in the original petition and grant filed among the papers in the case to which reference is made for a more particular description.

It is further adjudged that the portion of the claim of the said petitioners which they allege to be founded on a grant made by Jose Ramon Estrada as prefect and described in their petition as containing eight hundred varas.

80

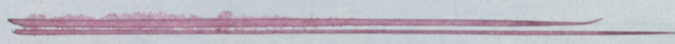
square is not valid, and it is therefore decreed that their application for a confirmation thereof be and the same is hereby denied.

Alpheus Felch

S. B. Farnwell

R. Aug Thompson

Filed in Office Dec 23<sup>d</sup> 1858  
Geo. Fisher  
Sec



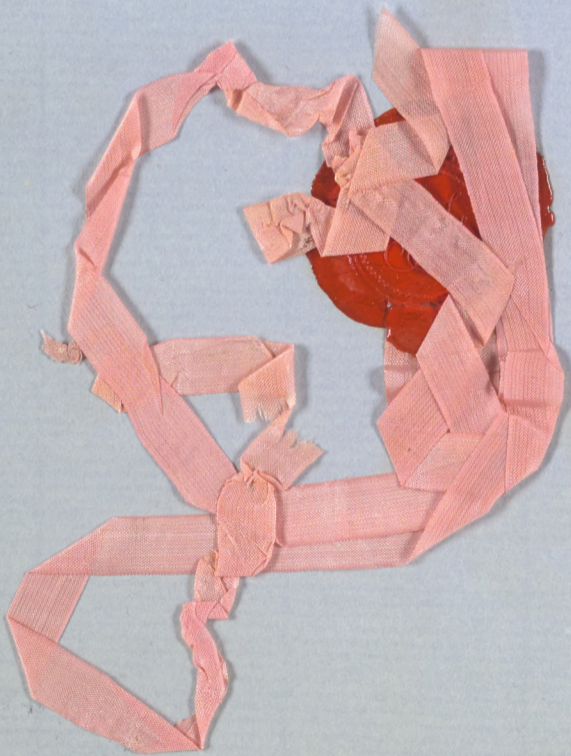
Order

And it appearing to the satisfaction of this Board that the land hereby adjudicated 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 founded be made out and duly certified by the Secretary one of which Transcripts shall be filed with the Clerk of the United States District Court for the Southern District of California and the other be transmitted to the Attorney General of the United States.

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

I, *George Fisher* Secretary to  
the Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
foregoing *Eighty* pages, numbered from  
1 to *80*, 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. *747* on the Docket of the said Board,  
wherein

*Thomas Russell* is  
the Claimant against the United States, for the place known by  
the name of *Land in Santa Cruz County.*



In Testimony Whereof, I hereunto set my hand  
and affix my private Seal (not having a Seal  
of Office) at San Francisco, California, this  
*Eleventh* day of *February*  
A. D. *1850*, and of the Independence of the  
United States of America the *seventy-eighth*.

*Geo. Fisher*  
*[Signature]*

383

U. S. DISTRICT COURT,

*San Francisco* District of California.

No. *383*.

THE UNITED STATES,

vs.

**383**

*Thomas Russell*  
*"Land in Santa Cruz County"*

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS.

In Case No. *747*

Filed,

*February 21<sup>st</sup>* 1856

*E. J. [unclear]  
[unclear]*

**383**

383 SD  
PAGE 78

Office of the Attorney General of the United States,

Washington, 11 February, 1856.

747.) "Land in Santa Cruz County"  
Thomas Russell, Claimant

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 1st day of February, 1856, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

*Attest*

Attorney General.

No. 383

U. S. Dist Court  
South Dist of Calif<sup>a</sup>

Thomas Russell

<sup>ad,</sup>  
The United States

Notice of appeal

Filed June 3<sup>d</sup> 1886.

S. E. Carr clk  
By C. Morgan Dy



United States District Court }  
Southern District of California }

No

388 SE  
PAGE 80  
Thomas Russell & the }  
heirs of Thomas W Farnham } Notice  
vs } Claimants  
The United States of America }

The United States  
Land Commission to ascertain  
and settle private land claims  
in the State of California having  
rendered its decision in the above  
case - which is designated upon the  
docket of said Commission as Number  
"47" - against the claim and title of  
the said Claimants to the place  
or "Lands in Santa Cruz County  
forming the subject matter of claim  
in said case #47 & which lands  
are situated in said District

Notice is hereby given that it  
is the intention of the said Claimants  
to prosecute their appeal from the  
said decision

Robert Emerson  
Claimants Attorney

open here



To the Clerk of the  
United States District Court  
Southern District of California  
Los Angeles  
California

271

United States Dist  
Court  
Southern District of  
California

W. Book T. P. 383  
Norman Marshall was

By

United States of America

~~W. Book T. P.~~  
383

Herewith notice of  
intention to present appeal

is made in Santa Cruz County

W. Book T. P. 383

J. E. Carr

cc

J. A. Morgan

383 SD

PAGE 21

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

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



383 SD  
PAGE 82  
Thomas Russell, et al  
vs  
The United States. Appellants.

Docket No. 383.

Transcript No. 747.

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

The Petition of Pacificus Ord, a resident of said City, County, and State, 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 2<sup>d</sup> day of March A. D. 1853, Thomas Russell, et al

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 in Santa Cruz County,

in the County of \_\_\_\_\_ 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 23<sup>d</sup> day of October A. D. 1855, the said Commissioners confirmed, <sup>in part</sup> by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 20<sup>th</sup>

day of February A. D. 1856, 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. 747; reference to which it is prayed may be had and made part of this petition.

That on or about the 1<sup>st</sup> day of February A. D. 1856, 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 <sup>or about</sup> the 3<sup>d</sup> day of June A. D. 1856, 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~~ <sup>have</sup> any valid right or title to said land claimed  
as aforesaid, or any part thereof.

383 SD  
PAGE 83

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 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 ~~his~~ <sup>their</sup> 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 the ~~same~~ <sup>said claim</sup>, and decree the alleged title to be invalid: with costs and general relief.

383 SD  
PAGE 84

*P. Ord*  
Attorney of the United States for  
the Southern District of California.

N. 383.

Filed this 5th January  
A.D. 1857  
Cecilus clk  
J. M. Coleman  
clerk

383 SD  
PAGE 85

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

Thomas W. Russell

Case No 383.

383 SD

Appellant

PAGE 86

vs

For lands near Santa Cruz

The United States

Appellee

Transcript No 747.

To the United States District Attorney  
For the Southern District of California.

Sir,

Take notice that on the 4<sup>th</sup> day of January  
A.D. 1858 at 11 o'clock A.M. of said day or as soon  
thereafter as the same can be heard, the claimant  
and appellant will submit said cause to the aforesaid  
said Court for decision. Los Angeles December 30, 1857

Edwin A. Hartman

Atty for Appellants.

No 383.

In U.S. District Court  
Southern District

Thomas W. Russell

vs

The United States

State of Ohio

Filed this 30th December  
1837

C. S. Sins clerk

J. H. Coleman  
J. H.

383 SD

PAGE 87

Slaves v. Heintzen  
per Appellants



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

Thomas M. Russell

Appellant

Case No 383.

383 SD

PAGE 88

vs

The United States

Appellee

"Lands near Santa Cruz"

Transcript No

Answer of Plaintiff.

I am come the said Thomas M. Russell by Elam & Montman his attorneys and for answer to the petition of remission by said United States filed in said case, says he admits that said lands are situated in said Southern District of California, but he denies that his claim to said lands is invalid, but on the contrary thereof he says the same is valid and valid, and he prays the judgment of this Court confirming the same to him.

Elam & Montman

Attys for Plaintiff

No 383

In U.S. District Court  
Southern District

~~~~~

Thomas M. Russell

vs

The United States

~~~~~

American

~~~~~

Filed this 31<sup>st</sup> Dec. 1857

Clerk

J. M. Coleman  
Dep

383 SD

PAGE 89

Sloan v. McCutcheon

United States of America, }  
Southern District of California. } SS.

TO

The President of the United States,

*Thos Russell et al*

383 SD  
PAGE 90

GREETING:

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against you, and each of you, in the District Court of the United States, in and for the Southern District of California, on the *5th* day of *January* in the year of our Lord one thousand eight hundred and fifty-~~seven~~ at the City and County of Los Angeles, in said District, by

*P. Ora U.S. Atty praying  
said Court to review the decision of the Board  
of Land Commissioners of the 23<sup>d</sup> October  
1853 Confirming <sup>in part</sup> your claim to the land  
called in Santa Cruz County*

and that you, and each of you, are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said petition, or that judgment by default will be taken against you, and each of you, and the prayer of the said petitioner will be granted, with costs.

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of the said Court, this *31<sup>st</sup>* day of *January* in the year of our Lord one thousand eight hundred and fifty-*seven* at Los Angeles aforesaid.



*Clerk*  
*J. M. Coleman*  
*clerk*

Clerk.

No. 383

LR Jan 3, '87

United States of America,

Southern District of California,

U. S. DISTRICT COURT.

Thos. Russell et al  
appellants

vs  
The United States  
Jury 20 Jan'y 1888  
Petitioners  
J. S. Woodman Esq

SUMMONS.

Received Feb'y 3<sup>d</sup> 1887

Edward Hunter

U.S. Marshal

James C. Pennington  
U.S. Deputy Marshal

PAGE 91

return

I served this summons along with the proper copy of the petition ~~upon~~ by order of J. Ord  
U.S. Dist Attorney an answer has been filed

at the 10<sup>th</sup> day of January in the Southern District of California on A. D. 1887.

Sworn to and subscribed before me,

Clerk. }

Marshal.

James C. Pennington  
U.S. Marshal  
for the S. D. of California

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

383 SD Appellants } No 383  
PAGE 92 Mr } "Sands near Santa Cruz"  
The United States } Appellee } Transcripts No 747.

### Motion

Now comes the Appellant by his Attorneys  
Elean & Neutman and moves the Court for a  
re-hearing in said case, as to their part  
of the land claimed in said case under  
the alleged grant of Manuel Diechstarner  
Jarama Governor of the California to  
said Sanchez.

1. On the ground of newly discovered evi-  
-dence.
2. Because other evidence touching the con-  
-tent of said alleged last grant can  
be supplied by Appellant.
3. Because the present Counsel of Appel-  
-lant was misled by a mistake in  
pleading of the former Attorney of Ap-  
-pellant.

And for other other causes apparent in said  
record and finding.

Appellant also moves the  
Court for leave to file affidavits, depositions  
and documentary evidence in support  
of this motion.

Elean & Neutman for Appell

NO 383

Thos M. Russell

At

United States

vs

Motion for releasing

vs

Filed July 10<sup>th</sup> / 1888

Chris  
chr

383 SD

PAGE 94

Thos M. Russell

Ats

The United States

No 383.

On filing a motion for rehearing in this case and on motion of Sloan & Hartman Attorneys of Appellants, it is ordered that said motion be continued until the next term of this Court.

Wm. H. Coffey  
U.S. Dist. Ct.  
for the S. Div. of Cal.

No 383

Russell  
At  
The United States  
-----  
Orders

✓ Paid July 10<sup>th</sup> 1834  
Chris  
CWL



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

Thomas Russell  
Appellant

383 SD  
PAGE 96

vs  
The United States  
Appellee

No 383.

In the Office of said Court and the United States District Attorney for said District Notice is hereby given that the motion for a new trial in said cause will be called up for argument, and said cause will be submitted to the Court on the part of the appellant on the 10<sup>th</sup> inst at 11 o'clock A.M. of said day, or as soon thereafter as the same can be heard, June 2, 1888.

Leone Hartman  
Atty for Appellant.

5000  
177 28

No 383.

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

Thomas Russell  
Appellant

Ats.

The United States  
Appellees

Filed this 3<sup>rd</sup> June 1868  
at San Francisco  
J. M. Coleman  
Dep

383 SD

PAGE 97

Isaac Hartman  
Atty for Appellant

UNITED STATES DISTRICT COURT,  
<sup>Southern</sup>  
~~Northern~~ District of California,

383 SD The United States  
PAGE 98

vs.

San Francisco, March 16 1859

Thomas Russell

On this day, before Cutler McAllister a  
Commissioner of the United States for the Northern District of Cal-  
ifornia, duly authorized to administer oaths, &c., &c., came

Jose Bolcoff a witness produced on behalf of the  
Claimant

in Case No. 383, being an appeal from the Board of Commissioners to ascer-  
tain and settle the Private Land Claims in the State of California, in Case  
No. 747 on the Docket of the said Board of Commissioners, and was duly  
sworn and testified as follows — his evidence being interpreted by

Domingo Dauglado a sworn interpreter

PRESENT:

Isaac Hartman for Claimant  
P. Della Torre U. S. Dist Atty for San  
Dist of Calif for U. S.

QUESTIONS BY

Atty for Claimant

Quest.

Your name, age, place of res-  
idence and occupation?

Ans.

Jose Bolcoff - am sixty four  
years of age - Watsonville Santa  
Cruz County is my residence -  
I am a Ranchero or Farmer

Ques 2

Are you acquainted with Jose Ramon Buena, and if so how long have you known him?

Ans 2

I know Jose Ramon Buena - I have known him thirty seven or thirty eight years -

Ques 3.

What do you know of said Buena procuring a grant from any Governor of the Californias, of a small tract of land near the town of Santa Cruz in this State?

383 SD

PAGE 99

Ans 3.

I have some knowledge about it - I have seen a grant made by Micheltorena to Buena for a tract of land near Santa Cruz -

Ques 4

What was the name given to the tract of land in the title that you saw? And what was the extent of the land so granted?

Ans 4.

There was no particular name given to it, but it was a tract upon the "Ojo de Agua" The extent was 400 varas from North to South, and 800 varas from the East to the West -

Ques 5.

Give the boundaries of said tract as nearly as you recollect them?

Ans 5.

The boundaries in the title were bounded on the North by the land of Arana's - on the South by the

land of the Mission of Santa Cruz  
~~the lands of the Mission~~ don't recollect  
the other boundaries in the title -

Quest

383 SD

PAGE 100

Do you remember what the  
date of the title was from Michel  
Torres to Buelna?

Ans.

It was dated in 1842, 1843,  
or 1844 -

Quest,

Q

Cross Examination

Quest.

When did you first see this  
title of which you have just spo-  
ken?

Ans.

I don't recollect exactly, it  
was in 1842, 1843 or 1844 -

Quest 2

Did you read the whole  
title?

Ans 2.

I did -

Quest 3

Who was it signed by

Ans 3

By Michel Torres -

Quest 4

When was it dated?

Ans 4.

I do not recollect

Quest 5.

Who showed you the title,  
and how was it on what occasion  
was it exhibited to you?

Ans 5.

Buelna showed me the title,  
as I was in charge of the Mis-  
sion.

Quest.

How many papers did

Ans 5.  
Quest 6.

Buellna show you at that time &  
only the title -

The boundaries that you have  
stated, did you <sup>recalled them from hearing</sup> read them in the  
title, or did you learn them in  
any other way?

383 SD  
PAGE 101

Ans 6.

I read in the title the boundaries  
I have described -

Direct examination resumed

Quest 1.

Who occupied and cultivated  
that tract of land from the time  
you saw that title up to 1848?

Ans 1

Buellna -

Quest 2

What improvements did  
Buellna have on the land?

Ans 2

He had a house, an orchard  
and a saw pit -

This deposition taken subject to  
any legal objections -

Jose Schoff

Subscribed and sworn to before me  
this 16 day of March A.D. 1859.

Butler McAllister

Notary

In the United States District Court  
Eastern District, California.

The United States  
Appeller

Case No 383. D.C.

383 SD  
PAGE 102

Thomas Russell

Appellant

Transcript No L.C.

In this case it is stipulated and agreed between the Attorneys of the respective parties that the Appellant here leaves to take the testimony of witnesses residing in the Northern District of California, before competent authority, by serving notice of the time and place of taking such testimony upon the District Attorney of the U.S. Northern District, two days previous to taking the same, and that such testimony when taken may be used in the rehearing of this case provided such rehearing be granted by the Court.

Los Angeles August 5. 1858

J. M. Mitchell

U.S. Dis. Atty for Eastern Dist.  
San Francisco

Atty for Appellant

No 383

In Eastern District

The United States

vs

Thomas Russell

~~~~~

Stipulation

~~~~~

383 SD

PAGE 103



No 383  
District Court of  
the Southern Dis-  
trict of California  
No. 383.

---

The United States

Thomas Russell et al

---

Deposition of Jose Bal-  
coff for Claimant

---

Filed in office this  
14<sup>th</sup> day of April 1859

Clms  
clerk

383 SD

PAGE 104

Dep of S. Balcoff  
Unit's Invoice

Russell Frankland

The Unit's Share

Comm Fee \$ 6.00  
Interpeter " \$ 5.00  
Paid by Unit \$ 11.00

Open at  
request of J. [unclear]  
Kautman

Deposition

Sanborn  
Blair  
Carr

Filed at Office this  
1st of Dec 1899  
J. [unclear]  
[unclear]  
[unclear]  
[unclear]  
[unclear]



In the District Court of the United States  
For the Southern District of California

383 SD

PAGE 106

Thomas W. Russell et al;

Case No 383.

Appellants

vs

For lands near Santa Cruz

The United States

Appellee

Transcript No 747.

Verdict

This cause coming on to be heard on appeal from the decision of the United States Board of Land Commissioners to ascertain and settle the private land claims in the State of California, under an Act of Congress approved March 3<sup>rd</sup> 1857, on a Transcript of the decision and proceedings of said Board, and the papers and evidence upon which said decision was <sup>and on the evidence taken and filed in this Court</sup> furnished, and it appearing to the Court that the said Transcript and notice of appeal have been duly filed according to law, and counsel for the respective parties having been heard.

It is ordered adjudged and decreed that the decision of said Board of Land Commissioners be affirmed, as to the following described tract of land, and that the claim of Appellants is good and valid to the same, and

The same is hereby confirmed to them as follows  
the lot or parcel of land situate in the County  
of Santa Cruz, State of California, and known  
by the name of the Pasture of Rincon de San Pe-  
dro de Negredo, which is in extent five hun-

383 SD

PAGE 107

dred varas from east to west, and six hundred  
varas from south to north, as is more fully and  
particularly described by the accompanying *descrio*.

And it is further ordered, adjudged and de-  
-creed, that the decision of said Board of Land  
Commissioners be and the same is amended as  
to the following described tract of land, and  
that the claim of the Appellants is good and  
valid to the same, and it is hereby confirmed  
to them as follows, the tract of land situate  
in the aforesaid County of Santa Cruz, State of  
California, and known by the name of the "Hacienda  
del ojo de agua", bounded on the north by the  
place called the Pasture of San Pedro de Negredo,  
on the south by the lands of Nicolas Guillero  
and Miguels, on the west by the Hacienda  
of the ojo de agua and above it, and on the east  
by the *mita a la Mision* which is the ridge of  
the plain where the Mision of Santa Cruz is seen  
behind the table. The extent of said land being four  
~~square~~ leagues. Being in extent from the mesa to the said  
ojo de agua about 300 varas <sup>from east to west</sup> ~~more or less~~, and  
from the lands of said Miguels to the said Por-

from north to south

terro de San Pedro de Regledo. about 400 varas,  
according to the calls of the grants  
~~made as before,~~ and give a fuller description of  
which since gives as parcels of land referred  
to the map in the transcript and  
is here made, to the documents and evidence  
on file in this cause.

383 SD.  
PAGE 108

~~Witness of the Court this~~

~~18<sup>th</sup> day of February A.D. 1859.~~

The land of which Confie's  
petition is hereby made is to  
the extent of four hundred of  
varas from north to south &  
eight hundred varas from  
east to west and no more  
within the boundaries described  
in the petition and other docu-  
mentary and oral testimony  
in the cause provided there  
be such quantity within said  
boundaries, and should there be  
a less quantity than contained  
therein ~~the same~~ confirmation is  
hereby made to such as  
qualify.

This done in open Court  
this 18<sup>th</sup> day of A.D. 1859  
Gauss J. Ogden  
U. S. Dist. Judge  
for the S. D. of Cal.

In U.S. District Court

Southern District Cal

Thomas W. Russell  
Appellant

vs

The United States  
Appellee

Deems

Filed in Office  
18th June 1859

James  
OK

Recorded on page 2106 & 2107

383 SD

Next PAGE 109

for Appellant.

*[Faint handwritten notes in the left margin, including "In case of appeal..."]*

*[Extensive handwritten notes and signatures in the right margin, including names like "James" and "OK"]*

District Court of the United  
States Southern District of California

The United States

Exhib No 383

Faras Mesa Santa Cruz

Starnham & Ruel

In L No 747

383 SD

PAGE 110

Now Comes J P. Hatcher  
U S Dist Atty and moves the  
Court for leave to take an  
appeal in the above entitled  
Cause

J P. Hatcher  
U S Dist Atty

Upon hearing of the above  
motion it is ordered by the  
Court that an appeal in the  
above entitled cause is hereby  
granted



No 383

The United States  
vs  
Furnham & Russell

Motion and order  
of appeal

Filed in office this  
the 14<sup>th</sup> Sept 1859  
C. J. Smith

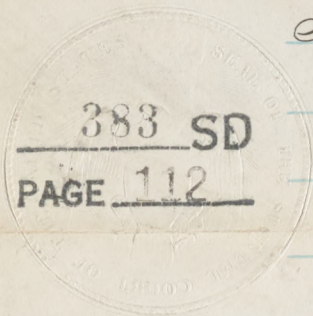
383 SD

PAGE 111

UNITED STATES OF AMERICA, ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Honorable the Judges of the District Court  
of the United States, for the Southern District  
of California

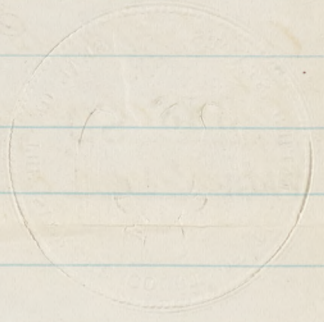


Greeting:

Whereas, lately, in the District Court of the United States, for the Southern District  
of California before you, in a cause  
between Thomas W. Russell and Eliza W. Farnham widow,  
and Charles H. Farnham, heirs of Thomas J. Farnham,  
deceased, appellants, and The United States appellees  
(No. 383 for "land near Santa Cruz") wherein the  
decree was rendered in favor of the said appellants.

UNITED STATES OF AMERICA

THE TERRITORY OF THE UNITED STATES OF AMERICA



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*Faint, illegible text, possibly bleed-through from the reverse side of the page.*

as by the inspection of the transcript of the record \_\_\_\_\_

\_\_\_\_\_ of the said *District*  
Court, which was brought into the Supreme Court of the United States, by virtue of *an appeal*

agreeably to the act of Congress, \_\_\_\_\_

\_\_\_\_\_ in such case made and provided, fully and at large appears.

And whereas, in the present term of *December*, in the year of our Lord one thousand eight hundred and *sixty three* the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and ~~was argued by counsel:~~ ~~On consideration whereof,~~ *on the motion of Mr Attorney General Bates and of Counsel for the appellants,* it is now here considered, ordered and decreed by this Court that this cause be and the same is hereby dismissed. *19 Feb.*

383 SD  
PAGE 114

You, therefore, are hereby commanded that such further proceedings be had in  
said cause,

as according to right and justice, and the laws of the United States ought to be had, the said appeal  
notwithstanding:

Witness the Honorable Roger B. Taney Chief Justice of said Supreme Court, the  
first Monday of December in the year of our Lord one thousand eight hundred  
and sixty three

COSTS OF \_\_\_\_\_  
Clerk..... \$ \_\_\_\_\_  
Attorney... \$ \_\_\_\_\_  
\$ \_\_\_\_\_

Tested by L. W. Middleton  
Clerk of the Supreme Court of the United States.

No. 157. December Term, 1863.

MANDATE  
SUPREME COURT UNITED STATES.

U. States vs. Russell et al

No. #  
383

Filed Aug 10, 1864  
John Wheeler  
Att

U.S. Sur. Genl. Office  
San Franc, Oct 20, 1861.

383 SD

PAGE 116

There will be required, for the survey, expenses of this office and advertising in the case of J. W. Russell et al, ads the United States, for lands near Santa Cruz, case No. 383 U.S. Dist Court, the sum of one hundred and ninety two (\$192.75) dollars in U.S. Gold Coin.

Very Respectfully  
Yr Obedt Servt,  
E. Conway  
Chief Clerk.

John C. Wheeler Esq,  
Chief U.S. Dist Court,  
Southern Dist Cal.

No. 383

U. S. Dist Court  
South & Dist Cal

T. H. Russell et al

vs

The United States

W. Seal for Cal. as to amt.  
later deposited with  
clerk

Filed. Nov 7. 1864  
John D. Wheeler  
Clk

C

Rec<sup>d</sup> Nov 7. 64  
from Russell  
\$ 190.<sup>75</sup>  
— ii —

383 SD  
PAGE 117

