

CASE No.

432

NORTHERN DISTRICT

RANCHO LA JOLLA GRANT

JESUS MACHADO APIS et el

CLAIMANT

FEB 4 1963

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U. S. District Court, ND
District of California.

Jesus Machado Apis
et al

vs.

The United States

Papers in the Cause.

Petition for Confirmation of
Rancho "La Jolla" in
San Diego County Cal.

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vs. 432

Exhibit-A

1845.

Expediente promovido por
Pablo y José Apis en pretencion
del parage nombrado "La Jolla"
477.

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Año de 1845.

Jurisdiccion del Partido de S. Diego
Expediente
promovido por los indigenas
Pablo y José Apis, en solicitud del
paraje la Olla vulgo "la Jolla"

Exmo Sr. Gober.

Pablo Apis y Jose idem Naturales de la Micion de S. Luis Rey y al mismo tiempo segregados de la misma y residentes en el punto de Temecula ante la recta Justificacion de VV.E. con la mayor sumicion y respecto aparecemos diciendo que en virtud de ayarnos con crecida familia, solicitamos para nuestro beneficio personal y el de nuestras familias, el paraje conocido con el nombre de la hoya cercano al Valle de San José poco adelante del Potrero del cuyo paraje dos sitios de ganado mayor, poco mas ó menos es lo que solicitamos, es terreno baldio colindante con el sitio de el Potrero y con S. José, a mas de tener ya en el espresado paraje una huerta con algunos arboles frutales q' ya dan fruto y acompañamos á VV.E. dividamente el respectivo diseño para que VV.E. mire y lo que crea justo.

Por tanto Suplicamos A VV.E. tendrá á bien concedernos en nuestro favor de lo que recibiremos gracia y merced jivando no proceder con malicia y lo necesario & dispensandonos el papel comun por falta del seyado, q' en este punto ni en S. Diego no lo ay. Temecula 22 de octubre de 1845.

Pablo Apis Jose Apis +
Rubrica

Marginal Decree: Aug^o oct^o 22 de 1845.

Pase esta instancia al Sub. Prefecto del partido de San Diego para que (que) haga se practiquen los tramis de estilo y vuelva al Gob^o para resolver

Pico
Rubrica

Exmo Señor

Los indigenas Pablo y José Apis q^e solicitan el paraje de la Olla, vulgo la Jolla está valdío y solamente ocupado con algunas huertitas de verano y pocos arboles frutales que tienen allí a su modo los naturales p^o lo q^e comprometiéndose los interesados a no perjudicarlos parece no obsta esto p.^a q. se les conceda su solicitud; y en atención a que tienen algunos vienes de campo q^e si saben cuidarlos pueden adelantarlos. Este paraje está situado en el cajón q^e forma la entrada del arroyo del Valle de S. José y desemboca en Pala segun el diseño, el q^e va anotado el terreno q^e piden. Lo q^e informo a V. E. p.^a q^e sin embargo de lo espuesto resuelva lo q^e fuere de su superior agrado.

S. Diego octubre 31 de 1845.

S. Arguello.
Rubrica

Angelos Noviembre 7 de 1845.

Vista la solicitud con queda principio este expediente y el informe del Señor Sub prefecto del Partido de San Diego con todo lo demas q^e se tuvo presente y ver conrino; de conformidad con la ley de 18 de Agosto de 1824 y reglamento de 21 de Noviembre de 1828 declaro a los Indigenas de la Mision de San Luis Rey Pablo y José Apis dueños del terreno nombrado la Jolla en la Jurisdiccion de San Diego y demostrado en el diseño respectivo con la con la condicion de q^e los agraciados no perjudicarian a los indios que con anterioridad tienen allí fundada su residencia y ocupados algunos cortos

✓
pedaços de terrenos. - Libreselos el título correspondiente tomese razon en el libro respectivo y reservese el expediente para someterlo a la aprobacion de la Exma Asamblea Departamental. Pio Pico Gobernador interino del Departamento de las Californias, asi lo mandé, decreté y firmé de que doy fe.

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Pio Pico Gobernador interino del Departamento de las Californias

Por cuanto los Indigenas de la Mision de S.^{ta} Luis Rey Pablo y Jose Apis han pretendido para su beneficio personal y el de sus familias el terreno conocido con el nombre de la jolla inmediata al Valle de San Jose practicadas previamente las averiguaciones concernientes segun lo dispuesto por leyes y reglamentos de la materia, usando de las facultades q me son conferidas a nombre de la Nacion Mexicana he venido por decreto de este dia en concederle el terreno mencionado, declarandole la propiedad de el por las presentes letras de conformidad con la ley de 18 de Agosto de 1824 y reglamento de 21 de Noviembre de 1828 a reserva de la aprobacion de la Exma Asamblea Departamental y baxi las condiciones siguientes.

1.^a Podrán cercarlo sin perjudicar los caminos y servidumbres lo disfrutaran libre y exclusivamente destinandolo al uso y cultivo q mas les acomode; pero no perjudicaran en manera alguna a los indios que actualmente estan establecidos en el y ocupan algunas tierras

que seguirán cultivando y poseyendo no obstante
esta concesión.

2.^o El terreno de que se les hace donación es el que
demuestra el diseño que obra en el expediente
respectivo y de la extensión de dos sitios de
ganado mayor poco mas o menos. El Juez
á que corresponda les dará la posesión juri-
dica en virtud de este despacho quien lo hará
medir con arreglo á ordenanza y señalará sus
límites con las mojones necesarias

En consecuencia mando que teniendo por
firme y valedero el presente título, se tome
razon de él en el libro respectivo, y se entregue
á los interesados para su resguardo y demás
fines. Dado en la ciudad de los Angeles en
este papel comun por falta del sellado que
corresponde á siete de Noviembre de mil ocho-
cientos cuarenta y cinco.

Queda tomada razon de este título en el libro
á que corresponde

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Office of the Surveyor-General,
of the United States, for California.

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I, Surveyor-General of the United States
for the State of California, and as such, having in my office,
and in my charge and custody, a portion of the Archives of the
former Spanish and Mexican Territory, or Department of Upper
California, as also the papers of the late Board of Commissioners
to ascertain and settle the private land claims in California;
by virtue of the powers vested in me by law, Do Hereby Certify,
that the 6. pages, and hereunto annexed pages of tracing
paper numbered one to Six inclusive, exhibit a true,
full and correct copy of the original.

Record of proceedings 1848 Expediente promovido por
Pablo y Joaquin de la Cruz en pretencion del pasage nom-
brado "La Cañada" 477. — together with the traced
copy as contained in the same.

and now on file in this office, and in my custody; that I
have carefully compared the same with said original, and that
the same is a correct transcript therefrom, and of the whole of
such original.

In Testimony Whereof, I have hereunto signed
my name officially, and caused my Seal
of Office to be affixed, at the City of
San Francisco, this Tenth day of
December 1883.

W. H. Brown

U. S. SURVEYOR-GENERAL FOR CALIFORNIA.



Pío Pico Gobernador interino y vocal decano
de la Asamblea del Departamento de las
Californias.

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Por cuanto los indigenas de la Mision de
S.^{ta} Luis Rey, Pablo y Jose Apis, han pre-
tendido para su beneficio personal y el
de sus familias, el terreno conocido con el
nombre de la Jolla, inmediato al valle de
San Jose; practicadas previamente las averi-
guaciones concernientes segun lo dispuesto
por leyes y reglamentos de la materia, usan-
do de las facultades que me son conferidas
a nombre de la Nacion Mexicana, he venido
por decreto de este dia en concederles el terreno
mencionado, declarandolos la propiedad de
el por las presentes letras de conformidad con
la ley de 18 de Agosto de 1824 y reglamento de
21 de Noviembre de 1828. a reserva de la
aprobacion de la Ex.^{ma} Asamblea Depar-
tamental. y bajo las condiciones siguientes
1.^a Podran cercarlo sin perjudicar los ca-
minos y servidumbres; lo disputaran
libre y esclusivamente destinandolo al uso
y cultivo que mas les acomode; pero no per-
judicaran en manera alguna a los indios
que actualmente estan establecidos en el y
ocupan algunas tierras que seguiran
cultivando y poseyendo no obstante la presente
concesion.

2.^a El terreno de que se les hace donacion
es el que demuestra el disenio que obra en
el exped.^{te} respectivo y de la estension de
dos sitios de ganado mayor poco mas o me-

nos. El Juez á que correspondo les dará la posesion jurídica en virtud de este despacho quien lo hará medir conforme á ordenanza y señalará los limites con las mojeneras necesarias.

En consecuencia mando que teniendo el presente titulo por firme y valedero, se tome razon de él en el libro respectivo y se entregue á los interesados para su resguardo y demas fines. Dado en la Ciudad de los Angeles, en este papel comun por falta del sellado que corresponde, á siete de Noviembre de mil ochocientos cuarenta y cinco.

Pío Pico ^{Rubrica}
José M^a Covarrubias ^{Rubrica}
Erio ^{Rubrica}

Queda tomada razon de este titulo en el libro respectivo

Angeles fecha ut supra
Covarrubias
^{Rubrica}

(Endorsed.)

Received for record on July 27th 1868. at 6. h. P. M. and recorded July 29th A. D. 1868 at 4. h. 45 min P. M. in Book No. 3. of Deeds pages 204 and 205 et seq. at request of Cave J. Cortz.

G. A. Pendleton.
County Recorder

Fees \$ 2.25

(Endorsed.)

Deposited in the archive in the office of the U.S.
Surv. Genl for Cala by Calhoun Benham
this 31st day of Jan'y, 1878.

J. W. Ames.

U.S. Surv. Genl for Cala.

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Office of the Surveyor-General,
 of the United States, for California.

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I, Surveyor-General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the Archives of the former Spanish and Mexican Territory, or Department of Upper California, as also the papers of the late Board of Commissioners to ascertain and settle private land claims in California; by virtue of the power vested in me by law, Do Hereby Certify, that the 3 preceding and hereunto annexed pages of tracing paper numbered from one to Three, inclusive, exhibit a true, full and correct copy of the original.

Grant to Pablo and Jose Apis of the Tract of "La Jolla" deposited papers numbered K, together with endorsements thereon.

and now on file in this office, and in my custody; that I have carefully compared the same with said original, and that the same is a correct transcript therefrom, and of the whole of such original.

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this Tenth day of December 1883.

W. H. Brown

U. S. SURVEYOR-GENERAL FOR CALIFORNIA.



Exhibit B

1845.

Abstract procured by Pablo and Jose Apis
soliciting the tract named "La Jolla"

477.

Year 1845.

Jurisdiction of the District of San Diego.

Abstract,

procured by the natives Pablo and Jose Apis
soliciting the tract la Olla vulgarly
called "La Jolla".

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To his Excellency the Governor:

Pablo Apis ^{and} José do. natives of the Mission of San Luis Rey ^{and} at the same time segregated from the same ^{and} residents of the place called Temicula before the upright justification of your Excellency wish the greatest submission ^{and} respect we appear stating that by virtue of having large families, we solicit for our personal benefit ^{and} that of our families the place known by the name of La hoya situated near the Valley of San José a little beyond the Potrero of which place two cattle ranges, a little more or less, is what we solicit, it is untilled land adjoining the range of a Potrero ^{and} with San José, besides having already on the said place an orchard with some fruit trees already in bearing ^{and} we enclose to your Excellency the corresponding sketch in order that your Excellency may see it ^{and} do what he may deem just.

Therefore we entreat your Excellency to deign grant us in our favor in which we will be obliged ^{and} we swear that we are not acting in malice and the rest as required ^{and} excusing us for this common paper for want of sealed or stamped paper, of which there is none in

this place or San Diego. Terricula October 22nd
1845.

Pablo Apis Josi Apis +
Rubric.

Marginal Decree: Los Angeles Oct. 22nd 1845.

Pass this application to sub Prefect of the District of San Diego, that he may order the usual steps to be taken and return it to the Government for a decision.

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Pico, rubric.

Excellent Sir:

The natives Pablo and Josi Apis who solicit the place of La Olla, vulgarly called La Jolla, it is untilled and occupied with some small summer crops and a few fruit trees that they have there in their style some natives for which reason if the petitioners will engage themselves not to molest them, there is no obstacle against granting their petition; and considering that they have some stock which if they know how to take care of they will increase. This land is situated in the mouth of the creek of the San Josi Valley and flows to Pala according to the sketch, where is marked the land they

ask. Which I report to your Excellency in
order that notwithstanding what I have said
you decide what may be your pleasure.

San Diego. October 31st 1845

S. Argüelles

Rubric.

Los Angeles November 7th 1845.

Having seen the petition at the beginning
of this abstract ^{and} the report of the Sub-
Prefect of the District of San Diego with all
else that was had into consideration ^{and}
was proper to see: in conformity with the law
of August 18th 1824 ^{and} order of November 21st 1828
I declare the natives of the Mission of San Luis
Rey named Pablo ^{and} José Apis owners of the
tract of land called La Jolla in the jurisdic-
tion of San Diego ^{and} shown in the correspond-
ing sketch with the condition that the grantees
shall not molest the Indians that with
have previously established their residence
there ^{and} occupied some small tracts of land.

Issue the proper title to them, take note of it
in the proper book ^{and} reserve the abstract in
order to present it to the Hon. Departamental
Assembly. Pio Pico, Governor pro. temp. of

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the Department of the Californias I do order
decreed and signed which I attest.

Pio Pico, Governor pro. tem. of the Depart-
ment of the Californias. _____

Whereas the natives of the Mission of
San Luis Rey named Pablo and Jose Apio
have asked for their personal benefit and that
of their families the land known by the name
of La Golla adjoining the valley of San Jose
having previously made the proper inquiries
as prescribed by the laws and ordinances on this
subject, by virtue of the powers conferred upon
me in the name of the Mexican Nation I have
decided by decree of this date to grant to them
the said land, giving to them the ownership
of the same by these presents in conformity
with the law of August 18th 1824 and order
of November 21st 1828 subject to the approval
of the Hon. Departamental Assembly and under
the following conditions: _____

1st They may fence it provided they do not
interfere with the roads or rights of way, they
shall enjoy it freely and exclusively devoting it

to the use ^{and} cultivation that may best please
them: but they shall not in any manner mo-
lest the indians who are at present established
in it ^{and} occupy some lands that they can go
on cultivating ^{and} possessing notwithstanding
this grant.

2nd The land which is granted to them is the tract
shown in the sketch annexed to the corresponding
abstract ^{and} contains two cattle ranges (sitios) more
or less. The proper Judge shall give them the
juridical possession by virtue of this Instrument
^{and} shall have it measured according to the
ordinances ^{and} shall mark its limits with the
necessary monuments.

Therefore I order that holding this title to be
firm ^{and} valid, it be recorded in the proper book,
^{and} delivered to the interested parties for their safe-
guard ^{and} other ends. Given in the City of Los
Angeles in this Common paper for want the stamped
paper corresponding to the seventh of November
One thousand Eight hundred ^{and} forty five.

It has been recorded in the corresponding
Book.

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

To the Honorable Ogden Hoffman Judge of the
District Court of the United States for the District
of California.

Your petitioners Jesus Machado Apis,
Feliciano Williams, Victoria Bridger de Soto wife of
Ramon Soto, Concepcion Lacey wife of Sidney Lacey,
and Refugio E. Drakenfeld wife of George B. Drakenfeld
respectfully represent:

That in the month of October 1845, Pablo Apis
and Jose' Apis natives of the Mission of San Luis
Rey in California were in possession of and occupying
and cultivating a certain rancho in what is now
the County of San Diego in the State of California
which rancho was known as La Olla or La Jolla,
and was bounded on the West by the Potrero of the
Mission of San Luis Rey, the Western boundary
being a league and a half more or less in extent:
the Southern boundary being the Arroyo de San
Jose' and being three leagues more or less in extent:
the Eastern boundary being parallel with the
Western and the Northern with the Southern:
That on October 22nd. 1845, the said Pablo Apis
and Jose' Apis in due form petitioned the then
Governor of California, Pio Pico, for a grant of
said Rancho: that on the same day the said
Pio Pico referred said petition by decree indors-
ed thereon to the sub prefect of the District of

San Diego" that he may order the usual steps to be taken and return it to the government for a decision." On October 31, 1845, J. Aguillo sub prefect of San Diego reported to the Governor in favor of granting said petition. On November 7th 1845, the said Pio Pico made a decree in accordance with the laws of Mexico granting said petition and on the same day issued to said Pablo Apis and Jose' Apis a grant in due form of law for said Rancho La Jolla; copies of which petition with the sketch or map accompanying the same, the decree of reference, the report of the sub prefect, the decree granting said lands and the grant thereof are herewith filed marked Exhibit A, and a translation of said papers is herewith filed marked Exhibit B.

That said Pablo Apis and Jose' Apis were, as your petitioners are informed and believe given juridical possession of said rancho and remained in possession thereof as long as they lived. That said Pablo Apis and Jose' Apis were brothers. Your petitioners are informed and believe that Jose' Apis never married and died intestate about the year 1850 or 1851 leaving his brother Pablo Apis his sole heir. Pablo Apis married one Matilda Palmos. He died in 1853 leaving as his sole heirs two children by the said Matilda Palmos, to wit: your petitioner Jesus Machado Apis and Maria Antonia Pablo Apis. The said Maria died in September 1863 leaving as her sole heirs her children, to wit:

Feliciano Williams, Victoria Bridger de Soto, Concepcion Lacey, Refugio E. Drakenfeld and Amada Hathwell: That Amada Hathwell, May 16, 1884, conveyed all her interest in said Rancho to your petitioners Victoria Bridger de Soto and Feliciano Williams who are now the owners thereof.

Your petitioners claim said Rancho La Jolla in the following proportions to wit: Jesus Machado Apis one half thereof, Concepcion Lacey and Refugio E. Drakenfeld one tenth thereof each and Feliciano Williams and Victoria Bridger de Soto three twentieths thereof each.

Your petitioners further respectfully represent that they file this petition under and by virtue of an act of the Congress of the United States of America, approved January 28th 1879, entitled "An Act for the adjudication of the title to lands claimed by Jose' Apis and Pablo Apis in the State of California":—
20 Stats. at Large, Chap. 32 p. 593: That your petitioners are informed and verily believe that, on or before January 28th 1879, no person was in possession of any portion of said lands under valid claims under the pre-emption, homestead or other laws of the United States.

Wherefore your petitioners respectfully pray that the grant aforesaid to said Pablo Apis and Jose' Apis of the said Rancho La Jolla may, to the extent of two square leagues and no more, by decree of this Honorable Court be confirmed to your petitioners in the proportions aforesaid

to wit: an undivided one half thereof to
 1 Jesus Machado Apio, to Concepcion Lacey and
 2 Refugio E. Drakenfeld an undivided one tenth
 3 thereof to each and to Feliciano Williams and
 4 Victoria Bridger de Soto three twentieths thereof
 5 each: that said two square leagues be decreed
 6 to be surveyed and segregated from the remain-
 7 der of said Rancho in such manner as to the
 8 Court may seem meet; and that your petitioners,
 9 in the proportions aforesaid may be decreed to be
 10 the owners of each two square leagues so surveyed
 11 and segregated and entitled to a patent therefor,
 12 and for such further and other relief as is agree-
 13 able to equity.

E. W. McGraw

Atty. for Petitioners

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District Court of
the U.S. Dist. of Cal

Jesus Machado Apio
vs

United States

Petition for Confer-
mentation of Grant

Oil copy of return
received this July 19.

S. G. Wilson
Atty.

E. W. McGraw
Atty. for Petitioner

This July 22 1884
Donahoe & Co. Secy

In the District Court of the United States
In and for the
Northern District of California.

In the Matter of the Petition
of
Jesus Machado Apis, Feliciano
Williams et al.,
for
Confirmation of the Rancho
La Jolla.

No. 432.

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In this case, for the convenience of parties and of witnesses, and in view of the fact that the land in question is situated in the Southern District of California, it is hereby stipulated, that an order may be made herein, transferring this action and proceeding to the District Court of the United States, for the Southern District of California for trial, and all further proceedings to be had therein.

By *Wm. H. Bates*
Att'y for Petitioners
W. S. Footh
U. S. atty
N. D. Cal

No 432

U. S. District Court

Northern District
of California

Jesus Machatopico
et al

vs
The United States

Sequestration

Filed January 29th - 1896

Southard Hoffman
Clerk

By J. S. Mauloy
deputy Clerk

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All further proceedings to be had therein.

Handwritten signature

Handwritten notes

Large faint handwritten text

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

In the Matter of the Petition

Jesus Machado Apis, Relictario

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

In the Matter of the
Petition of Jesus Machado and
Feliciano Williams et al
for confirmation of the Rancho
La Olla or La Jolla

No
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I hereby consent to the substitution of Max Loewenthal and Byron Waters Esqs., as attorneys and solicitors for ~~plaintiffs~~ ^{Petitioners} in the above entitled action, instead of myself as such attorney for ~~plaintiffs.~~ ^{petitioners}

E. W. McLean

W. F. Oct. 25 - 1845

I consent to the substitution
above mentioned and waive
review of copy and notice

H. S. Hootie

U. S. Dist. Ct. for
San Diego District

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US District Court
Northern Dist. of Cal.

Jesus Machado Apio
et al
vs
The United States

Supplication

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Filed January 29th - 1896

Southard H. Freeman
Clerk

By J. S. Mauley
Deputy Clerk

[Faint handwritten notes in the left margin, including "Jesus Machado Apio" and "et al"]

[Faint handwritten notes in the right margin, including "Jesus Machado Apio" and "et al"]

Los Angeles, Cal.,

February 3, 1895

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Clerk of the District Court
of the Northern District of California,
San Francisco, Cal.

Sir:-

Upon the application of the attorneys for the petitioners "In the Matter of the Petition of Jesus Machado Apis, Feliciano Williams, et al., for Confirmation of the Rancho La Jolla", and good reason appearing therefor, you are hereby requested, pursuant to Section 9 of an Act of Congress of the United States, approved August 5, 1886, entitled "An Act to detach certain counties from the United States judicial district of California, and create the United States judicial district of southern California", at the cost of said petitioners, to make transcripts of all the records, files and papers in your office in said proceeding, and that you certify said transcript to be true and correct.

Respectfully yours,

Olin Wellcome
District Judge

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U. S. District Court
Northern Dist of California

Jesús Machado Apis
et al
v

The United States
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Request of Judge
Welburn for transcripts

Filed February 6th 1896

Southard Koffman Clerk

By J. S. Mealey
deputy Clerk

Office of Clerk of U. S. District Court,

For the Southern District of California.

Los Angeles, Cal., February 20th 1896

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Received of Southard Hoffman, Esq. Clerk
of U.S. District Court for Northern District
of California, a transcript of the record
in the case entitled "Jesus Machadade Apis et al vs.
The United States" No. 432.

E H Owen
Clerk U.S. District Court
for Southern District of
California.

No. 432.

U. S. Dist. Court

Northern District of California

Jesus Machado Apis,
vs.

The United States

Clerk U. S. Dist. Ct.
Southern Dist. of Calif.
Receipt for Trans. of Recd.

Filed Febry 24th 1896.

Arthur Hoffman
Clerk

by _____
Deputy Clerk

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