CASE NO.
159
NORTHERN DISTRICT

LA POLKA GRANT

BERNARD MURPHY,
CLAIMANT

LAND CASE 159 ND

78 pages.

52

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 5-2.

Bernard Murphy CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"La Polka."

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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

The Petition of Bernard Murphy. *for the Place named* "La Polka," *was presented, and ordered to be filed and docketed with No.* 52 *and is as follows, to wit;*

(Vide page 5 *of this Transcript.)*

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

San Francisco October 10th 1853.

In Case no. 52, Bernard Murphy for the place named "La Polka" "a copy of" the deposition of Jose Castro, a witness in behalf of the Claimant, taken before Commissioner N. J. Thornton, on the 5th March 1853 in Case no. 112, with the Consent of the U. S. Land Agent, was filed as evidence in this Case:

(Vide page 7 of this Transcript)

San Francisco Oct. 11 1853.

Case no. 52 was submitted on briefs and taken under advisement by the Board.

In the same Case the Counsel for the Claimant filed the following Affidavit and Stipulation, to wit:

(Vide pages 53 & 55 of this Transcript.)

San Francisco, November 22 1853.

In the Same Case the Counsel for the Claimant filed the following affidavit of Daniel Murphy, to wit:

(Vide page 54 of this Transcript.)

San Francisco November 29 1853.

In the same Case upon the motion of the Counsel for the Claimant, who having heretofore, to wit, on the 11th October 1853 filed the affidavit of William Carey Jones, and on the 22d inst, filed the affidavit of Daniel Murphy, the following Order was made, to wit:

(Vide page 53 of this Transcript.)

San Francisco December 7 1853.

In the same Case the deposition of José A. Castro, a witness in behalf of the Claimant, taken before Commissioner Thompson Campbell, was filed:

(Vide page 10 of this Transcript.)

San Francisco Dec. 9 1853.

In the Same Case the deposition of Jacinto Rodriguez, a witness in behalf of the Claimant, taken before Commissioner Thompson Campbell, with document marked "A. P. C" annexed thereto, was filed:

(Vide page 8 of this Transcript.)

San Francisco Dec. 10 1853.

In the same Case the Counsel for the Claimant filed the following stipulation, to wit:

(Vide page 55 of this Transcript.)

San Francisco Decem. 21 1853.

In the same Case the deposition of José Jesus Policarpio Mesa, a witness in behalf of the Claimant, taken before Commissioner R. Ang. Thompson, was filed:

(Vide page 9 of this Transcript.)

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San Francisco Aug. 4th 1854.

Case no. 52 was submitted on briefs and taken under advisement by the Board.

San Francisco Aug. 15th 1854.

In the same case Commissioner Alpheus Felch delivered the opinion of the Board confirming the claim:

(Vide page 57 of this Transcript.)

San Francisco Aug. 22d 1854.

In the same case the U. S. Law Agent filed the following Stipulation, to wit:

(Vide page 55 of this Transcript.)

San Francisco Aug. 29th 1854.

In the same case, on motion of the U. S. Law Agent, the following Order was made, to wit:

(Vide page 59 of this Transcript.)

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Petition

To the Honorable The Commissioners to ascertain and settle Private Land Claims in California
Bernard Murphy gives notice that he claims by virtue of a grant from the Mexican Nation, a tract of Land called La Polka situated in the County of Santa Clara in said State and being a portion of the ancient Ortega or San Ysidro Rancho
Said Land was granted to Don Isabel Ortega on the 19th of June 1833 by Don Jose Figueroa Political Chief or Governor of California, and thereby authorized to grant Lands in the name and on behalf of the Mexican Nation. Said grant was afterwards duly confirmed by the Territorial Deputation
Said Land is bounded Southerly by a small creek called las Alamos or Alamias, and from the point of disappearance of said creek in the plain, by a direct line crossing the creek called las Llagas till such line intersects the Westerly boundary of the Rancho de las Animas; thence by and along said Westerly line of the Rancho de las Animas Northwardly till it intersects the Southerly line of the Rancho de las Llagas; thence by and along said Southerly line of the Rancho de las Llagas Westerly to the crest of the Sierra or Mountain Ridge; thence along said crest to a point thereon opposite the source of said creek. The said Land is supposed to contain about the quantity of One Sitio de ganado Mayor
The original of said grant of said Land together with the testimonial of the approbation thereof by the Territorial Deputation exist in the Archives of the former Governments of California having been deposited there as evidence in the prosecution of a suit had by said grantee before the former authorities of the County
A copy thereof and a translation are herewith presented Marked A.
Said Land is delivered to the present claimant by deed of Sale and Conveyance made by said grantee with the consent and assistance of her husband Julian Castro to the said Claimant on the 24th January 1849.
The claimant relies on the documentary testimony above mentioned on the documentary testimony existing in the archives in relation to said Land and on such other testimony as he may be able to obtain.
The claimant is not aware that there is any conflicting

grant to said Land or any part thereof
Said Land has never been surveyed, but it is an ancient possession, and the lines are known and may be readily traced and defined

Jones Tompkins & Shode
Attorneys for Claimant

Filed in Office Feby. 17th 1852
Geo. Fisher
Secy

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Deposition of Jose Castro

San Francisco March 5th 1853

On this day before Lemuel Harry I Thornton come Jose Castro a witness in behalf of the claimants Quintin Ortega et al petition 112 and was duly sworn his Evidence being interpreted by the Secretary —

Question by claimant

Quest. 1. What is your name age and place of residence

Ans. My name is Jose Castro my age is forty four years and my residence is Monterey California

Quest. 2. Please Examine the Document now here shown to you and marked Exhibit No. 1 filed with this deposition, and say if you are acquainted with hand writing of all the persons, whose names are written in and upon the said Document, and if you, state which or then signatures wherever they occur in and upon the said document are then genuine signatures

Answ. I have Examined the said Exhibited Document and am acquainted with the signatures of all the persons whose names are written therein, and state that then signatures are genuine —

Quest 3rd Are you acquainted with the Rancho San Isedro claimed by Quintin Ortega & Others, and if you state what you know as to its Occupation & settlement when, by whom and how

Ans. I am acquainted with the said Rancho. It was first settled more than thirty years ago by the Ignacio Ortega the father of Quintin Ortega — He had a house on the place and there on it with his family; and his family and descendants still occupy it. He cultivated the land and had cattle upon it and necessary buildings, which continues to be case now. Isabella Maria Clara and Quintin Ortega are the descendants of Ignacio. Isabella married Julian Cantera Maria Clara married John Gilderoy. Isabella who married Cantera is dead. There are other Documents besides those above named of the said Ignacio Ortega

(Signed) Jose Castro

U. S Law Agent present

Sworn to and subscribed before me this 5th of March 1853 — (Signed) Harry I Thornton Lem. &c

It is agreed that this deposition may be read in No 52

B. Murphy Claimant Ames for claimant in 52

John Wilson Atty for contestant in 52
(Signed) Robert Thurston U. S. Surv Agent

I George Fisher Secretary of the Board of U. S Land Commissioners to ascertain and settle private Land Claims in the State of California hereby certify the foregoing to be a full true and correct copy of a paper on file among the archives of said Board and in my care and custody as such Secretary Witness my hand this 10th day of Oct. 1853

Geo. Fisher
Secy

Filed in Office Oct. 10th 1853
Geo. Fisher Secy

Office of the U. S Board of Land Commissioners &c &c
San Francisco December 9th 1853

Deposition of J. Rodriguez

This day before Commissioner Thompson Campbell came Lucento Rodriguez a witness in behalf of claimant Bernard Murphy Petition No. 52 and being sworn his evidence, his evidence being given Spanish was interpreted by the Secretary as follows—

1st Quest. What is your name age and place of residence
ans. My name is Lucento Rodriguez I am forty one years of age and I reside in Monterey

2d Quest. Look upon that portion of the Expediente now shown to you A B C and annexed to this deposition which purports to be a copy of the petition of Maria Ygnacia Ortega the wife of Julian Bustamente and a grant from Governor Figueroa to her and of the approval thereof by the departmental assembly and say whether or not you have compared them with a document on file in the Office of the Surveyor General for the State of California, and if so, and if so state whether or not they are true and correct copies of same document

ans. I have compared the documents now shown me and described in the foregoing interrogatory with the original on file in the Office of the United States Surveyor Genl. for the State of California and find the same to be a correct copy and true copy of such documents on file as aforesaid

Quest 3. Are you acquainted with the handwriting of Jose Castro of Jose Figueroa and of Augustin V Zamorano and if so state your means of knowledge, and whether or not their signatures, wherever they occur in and upon

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such document on file in the Office of said United States Surveyor General, for California are in the proper handwriting of the said Jose Castro and the said Jose Sequerbo and the said Augustin Zamorano Ans. I am acquainted with the signatures of the above mentioned persons, having seen them all frequently write, and sign their names I recognize their signatures on the document above mentioned as their as their true and genuine signatures.

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Sworn to and subscribed Simento Rodriguez
before me this the 9th day
of December A.D. 1853
Thompson Campbell
Comr

Admitted. Robert Negrhow.
Apt. Law Agent. U.S

Filed in Office December 9th 1853
Geo. Fisher Sec.

Case No. 52. Office of the Board of U.S Land Commissioners
San Francisco Dec. 21st 1853

Deposition of J. J. P. Mesa

This day before Commissioner R. Aug. Thompson came Jose Jesus Polecarpio Mesa a witness in behalf of Claimant Bernard Murphy Petition No. 52 and being sworn his Evidence being in Spanish was interpreted by the Secretary as follows

Present Claimants Atty and U.S Apptd Law Agent
Witness states his name is Jose Jesus Polecarpio Mesa
his age fifty four years and residence Contra Costa
Contra Costa Cal.

Questions by Claimants Attorney
Are you acquainted with the paraje of the Rancho called Santa Isidro granted to Ysabel Ortega wife of Juan Bautista and claimed in this case, if so state its boundaries and the quantity of land it contains
Answer. I have known it from my earliest recollection for more than forty years – The boundaries are from the Alamellos to an arroyo which joins the boundary between said Rancho and the Rancho of Pablo Castro which Rancho is called Las Llagas another boundary is the line of the Castros Ranch called Las Animas and on the East by the fence. The Alamellos is a clump of small trees which are now standing and are well known by that name. The quantity is less than One square league, between a half league and a league. – Jose Jesus Polecarpio his X mark Mesa

Sworn to and subscribed before me Dec. 21. 1853
R. Reg. Thompson
Com.

Filed in Office Dec. 21st 1853

Geo. Fisher Secy.

Deposition of Jose A Castro

Office of the Board of U S Land Commissioners
San Francisco Dec 7th 1853
This day before Commissioner Thos Campbell came Jose A Castro a witness in behalf of the claimant Bernard Murphy & being duly sworn his evidence being in Spanish was interpreted by the Secretary as follows

Question What is your name age and place of residence
Answer My name is Jose A Castro I am thirty eight years of age and reside in the county of Santa Clara
Question Are you acquainted with the Rancho called San Ysidro claimed in this case and if so state what you know in regard to its occupation or cultivation by Maria Rafael Ortega or Juliana Cantua her husband
Answer I knew the said Rancho and have known it for the last twenty eight years and I also know the parties claimant They had a house on the place in which they lived, had corrals and cattle on the place and cultivated a portion of the ground. They had these things on the land when I first knew it about 28 years ago and they continued occupying the same until they sold the land some four or five years ago They had a vineyard on the land and a peach orchard. The first house they had fell and they built another

his
Jose X Castro
mark

Sworn to and subscribed before me this 7th day of December AD 1853 Thompson Campbell
Commissioner

Associate Land Agent was present when the Deposition was taken T. C
Filed in Office December 7th 1853
George Fisher Secretary

N 52

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[1 D.]

Document "T.C." annexed to the deposition of Jacinto Rodriguez

Sello Tercero Dos Reales

Habilitado provisionalmente por la administracion de la Adduana Maritima de Monterrey de la Alta California para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Castro

Angel Ramirez

Sor Gefe Supr. Politico

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Mont.y 5 de Dc.e de 1835
Pase á la Exma Diputacion.
Castro

Monterrey Decre. 5 de 1835

En sesion de este dia se mandó pasar á las Comisiones unidas de Gobno. y terrenos baldios
José Castro
Presidte.

Maria Isabel Ortega esposa del C. Julian Cantua: ante la superioridad de V.S. se presenta como mas aya lugar y dice: — que habiendo obtenido un sitio en la parte del Rancho de S. Isidro, erencia del finado mi Padre D. Ygnacio Ortega, el q.e el Gobierno tubo á bien hacer tres partes del; y habiendome tocado á mi la parte que colinda con los Ranchos en las Animas y las Llagas concedidos por el Superior Gobierno, y aprobado por la Exma Diputacion, desde el año de 1833. El C. Carlos Castro, en las medidas que le han dado en el año de 34 se ha tomado todas las partes de las Animas y las Llagas pertenecientes á mi sitio, y como estoy satisfecha no haberle concedido el Gobierno á dho Castro mas de dos sitios; Por el dezeño que á presentado al Alcalde en las medidas q.e le hicieron, le an dado cuatro sitios, quedandome yo en lo absoluto sin terreno: en cuya virtud, Sor Gefe Sup.r espero que en vista,

de la Just.a q.e creo — — — — — — —
— — — — — — — — [2 A.D.K.]
me asiste, y despacho del titulo q.e le a-
compaño, p.a q.e en su vista si esta bien dado
p.r el Gob.no y aprobacion dela Exma Diputa-
cion, se sirva el intimar al dho Castro se
tomen nuevas medidas, pues cuando le fueron
á dar su posesion al referido Castro p.r D.
Manuel Jimeno, se le reclamó p.a q.e no se
tomase mis tierras, por las medidas q.e se
le hacian en contra de mi terreno y á favor
del suyo —

E. L.

A V.S. rendidamente suplica se digne
decretar lo q.e de just.a hallare, pues se me
hace muy sensible de q.e el corto terreno q.e
se me concedio, no lo pueda disfrutar —
queriendomelo usurpar contra toda ley de
just.a — Juro no ser de Malicia y lo
necesario &.a

Monty 25 de Nbre de 1835
Maria Ysabel Ortega

[3 A.D.K.]

Sello Primero Seis Pesos
Habilitado provisionalmente por la Adminis-
tracion de la Aduana Maritima del Puerto
de Monterey para los años de mil ochocientos
treinta y tres y mil ochocientos treinta y
cuatro —

Figueroa
José Rafael Gonzalez

José Figueroa General de Brigada de
los Ejercitos Mexicanos Comandante Ge-
neral Inspector y Gefe Superior Politico
de la alta California —

{Place of Eagle}

Por cuanto Maria Ysabel Ortega
esposa de Julian Cantua ha
pretendido para su beneficio
personal y el de su familia

13.

una parte del Rancho conocido con el nombre de San Isidro colindante con los Ranchos de las Animas, y las Llagas con la Sierra, y con la parte que corresponde á su hermana Maria Clara; practicadas previamente las diligencias concernientes segun lo dispuesto por las leyes y Reglamentos; usando de las facultades que me son confendas en decreto de tres del corriente á nombre de la Nacion Mejicana he venido en concederle el terreno mencionado, declarandole la propiedad de él por las presentes letras entendiendose dha concesion con entera conformidad a lo dispuesto por las leyes a reserva de la aprobacion ó desaprobacion de la Excelentisima Diputacion territorial y del Supremo Gobierno y bajo las condiciones siguientes.—

Primera.- Que se someterá á las que estableciere el Reglamento que se ha de formar para la distribucion de terrenos baldios, y que

[4 D.R.]

entretanto ni la agraciada ni sus herederos podran dividir ni enagenar el que se le adjudica imponer censo, vincular fianza hipoteca ni otro gravamen aunque sea por causa piadosa, ni pasarlo á manos muertas.—

Segunda.- Podrá cercarlo sin perjuicio las travesias, caminos y servidumbres: lo disfrutará libre y esclusivamente, destinandolo al uso ó cultivo que mas le acomode, pero dentro de un año á lo mas fabricará casa y estará habitada.—

Tercera.- Quando se le confiera la propiedad solicitará del Juez respectivo que le de posesion juridica en virtud de este despacho por el cual se demarcarán los linderos en cuyos limites pondrá á mas delas mojoneras algunos arboles frutales ó silvestres de alguna utilidad.

Cuarta.- El terreno de que se hace donacion es de: un sitio de ganado mayor de una legua cuadrada segun esplica el diseño que corre en el expediente; el Juez que diere la posesion lo hará medir conforme á ordenanza

para señalar los linderos, quedando el sobrante que resulte á la Nacion para los usos convenientes.

Quinta, Si contraviniere á estas condiciones perderá su derecho al terreno y será denunciable por otro.

En consecuencia mando que sirviendole [5 P.D.C.]
de titulo el presente y teniendose por firme y valedero, se tome razon en el libro á que corresponde y se entregue á la interesada para su resguardo y demas fines. Dado en Monterey de la Alta California á diez y nueve de Junio de mil ochocientos treinta y tres.

José Figueroa

Agustin V. Zamorano

Srio.

Queda tomada razon de este Despacho en Libro de asientos de titulos sobre adjudicaciones de terrenos á fojas once numero seis que obra en la Secretaria de mi cargo. Monterey veinte de Junio de mil ochocientos treinta y tres.

Zamorano

[5 P.D.C.]

Sello tercero Dos Reales

Habilitado provisionalmente por la administracion de la aduana Maritima de Monterey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Figueroa Rafael Gonzalez

GOBIERNO POLITICO DE LA ALTA CALIFORNIA
Placa
Real

Se aprueba la concesion echa al Ciudadano Quintin Ortega y hermanos del terreno nombrado San Isidro en diez y nueve de Junio de mil ochocientos treinta y tres de entera conformidad con lo prevenido en la ley de diez y ocho de Agosto de mil ochocientos veinte y cuatro y el articulo quinto del

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Reglamento de veinte y uno de Noviembre de mil ochocientos veinte y ocho —

Monterey diesisiete de Marzo de mil ochocientos treinta y cuatro = En sesion de este dia se aprobó por la Exelentisima Diputacion la proposicion del Dictamen antecedente mandó se devuelva el expediente al Sor Gefe Superior Politico para los fines consiguientes = José Figueroa — Juan Bautista Alvarado = Secretario

Monterey doce de Junio de mil ochocientos treinta y cuatro = En vista de la aprobacion otorgada en diez y siete de Mayo ultimo: librese testimonio de ella y de este decreto á la parte de Don Quintin Ortega y lo mismo á sus hermanas Doña Maria Clara y Doña Maria Ysabel en confirmacion á la concesion del terreno de San Ysidro que obtuvieron en tres de Junio del año proximo pasado. El Sor Don José Figueroa general de Brigada Comandante —

[7 A.D.K.]

general Inspector y Gefe Superior Politico del Territorio de la alta California asi lo mandó decretó y firmó de que doy fé = José Figueroa Agustin V. Zamorano Secretario

Concuerda á la letra con su original del cual hice sacar el presente testimonio pa resguardo de la parte interesada en Monterey á doce de Junio de mil ochocientos treinta y cuatro; siendo testigos los Ciudadanos Bernardo Navarrete, y Bonifacio de Madariaga de esta vecindad —

En testimonio de verdad

José Figueroa

Agustin V. Zamorano

Srio

[8 A.D.K.]

Sello Primero Seis Pesos

Habilitado provisionalmente por la administracion de la Aduana Maritima de Monterey para los años de mil ochocientos treinta y tres y mil ochocientos treinta y cuatro

Figueroa

José Rafael Gonzalez

José Figueroa General de Brigada de los Ejercitos Mexicanos Comandante General Ynspector y Gefe Superior Politico del territorio de la Alta California —

{Place of Eagle}

Por cuanto Maria Clara Ortega esposa de Juan Gilroy ha pretendido para su beneficio personal y el de su familia una parte del Rancho conocido con el nombre de San Ysidro colindante en el Rancho de las Animas y la Sierra y con las partes que corresponden á sus hermanos Quintin y Ysabel Ortega; practicadas previamente las diligencias concernientes segun lo dispuesto por las leyes y reglamentos: usando de las facultades que me son conferidas en decreto de tres del corriente á nombre de la Nacion Mexicana he venido en concederle el terreno mencionado, declarandole la propiedad de él por las presentes letras á reserva de la aprobacion ó desaprobacion de la Excelentisima Diputacion Territorial y del Supremo Gobierno y bajo las condiciones siguientes.—

Primera Que se someterá á las que estableciere el Reglamento que se ha de formar para la distribucion de terrenos baldios y que entretanto ni la agraciada ni sus herederos podran dividir ni enagenar el que se le adjudica; imponer censo, vinculo, fianza, hipoteca ni otro gravamen aunque sea por causa piadosa, ni pasarlo á manos muertas—

Segunda. Podrá cercarlo sin perjudicar las — — — — — — — — — — —
— — — — — — — — — — — [9 J.D.K.]
travecias caminos y servidumbres; lo disfrutará libre y exclusivamente destinandolo al uso ó cultivo que mas le acomode pero dentro de un año á lo mas fabricará casa y estará habitada —

Tercera

Cuando se le confiera la propiedad solicitará del Juez respectivo que le dé posesion juridica en virtud de este despacho por el cual se demarcarán los linderos en cuyos limites pondrá á mas de las Mohoneras algunos arboles frutales ó silvestres de alguna utilidad.

Cuarta. El terreno de que se hace donacion es de un sitio de ganado mayor de una legua cuadrada, segun esplica el diseño que corre en el expediente el Juez que diere la posesion lo hará medir conforme á ordenanza para señalar los linderos, quedando el sobrante que resulte á la Nacion para los usos convenientes.

Quinta. Si contraveniere á estas condiciones perderá el derecho al terreno y será denunciable por otro.

En consecuencia mando que sirviendole de titulo el presente y teniendose por firme y valedero se tome razon en el libro á que corresponde y se entregue á la interesada para su resguardo y demas fines. Dado en Monterey de la alta California á diez y nueve de Junio de — — — — — —

[10 S.D.V.]

mil ochocientos treinta y tres.

José Figueroa

Agustin V. Zamorano
Srio

Queda tomada razon de este despacho en el Libro de acientos de titulos sobre adjudicacion de terrenos a fojas diez numero seis que obra en el archivo de la Secretaria de mi cargo. Monterey Junio veinte de mil ochocientos treinta y tres.

Zamorano

[11 S.D.V.]

Sello Tercero Dos Reales

Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco

Figueroa   Rafael Gonzalez

Se aprueba la concesion echa al ciudadano Quintin Ortega y hermano del terreno nombrado San Isidro concedido en diez y nueve de Junio de mil ochocientos treinta y tres de entera conformidad con lo prevenido en la ley de diez y ocho de Agosto de mil ochocientos veinte y cuatro y el articulo quinto del Reglamento de veinte y uno de Noviembre de mil ochocientos veinte y ocho —

Monterey diez y siete de Mayo de mil ochocientos treinta y cuatro — En sesion de este dia se aprovó por la Exelentisima Diputacion la proposicion del dictamen antecedente — mandó se devolvia el expediente al Señor Gefe Superior Politico para los fines consiguientes — José Figueroa = Juan Bautista Alvarado — Secretario —

Monterey doce de Junio de mil ochocientos treinta y cuatro = En vista de la aprobacion otorgada en diez y siete de Mayo ultimo: — librese Testimonio de ella y de este decreto á la parte de Don Quintin Ortega y lo mismo á sus hermanas Doña Maria Clara, y Doña Maria Ysabel en confirmacion á la concesion del terreno de San Ysidro que obtuvieron en tres de Junio del año proximo pasado. El Sor Don José Figueroa General de Brigada Comandante General Ynspector y Gefe Superior Politico del Territorio de la alta California asi lo mandó decretó — — — — — —

[12 S.D.C.]

y firmó de que doy fé — José Figueroa
Agustin V. Zamorano Secretario —

Concuerda á la letra con su original del cual hize sacar el presente testimonio para resguardo de la parte interesada en Monterey á doce de Junio de mil ochocientos treinta y cuatro; siendo testigos los Ciudadanos Bernardo Navarrete y Bonifacio de Madariaga

de esta vecindad —
En Testimonio de verdad
José Figueroa —
Agustin V. Zamorano
Srio —

[13 A.D.C.]

Sello tercero Dos Reales —
Habilitado provisionalmente por la Comisaria subalterna interina del puerto de Monterey de la Alta California, para los años de mil ochocientos treinta y uno y ochocientos treinta y dos —
Revalidado por la expresada oficina para los años de 1833 y 1834 —

Marcelino Escobar Alcalde Constitucional en la Demarcacion de este Y. Ayuntamiento —

Certifico en debida forma que en el libro de conciliacion q. existe en este Juzgado aparece una del tenor siguiente —
" En el Puerto de Monterey á los tres dias del mes de Mayo de mil ochocientos treinta y tres, ante mi Marcelino Escobar Alcalde Constitucional en la demarcacion de este Y. Ayuntamiento, comparecieron Juan Gilroy y Julian Cantua, diciendo que sabedores que el C. Quintin Ortega Hermano Politico (de los presentados) habia hecho solicitud para que se le conceda en propiedad el sitio llamado S. Isidro, se presentaban con el fin de hacer ver q. igual derecho de posesion tienen ellos en razon de la herencia de sus esposos, q. el Sor. Quintin, y q. en caso de tener este la propiedad de dicho terreno, se haga la division correspondiente para que las tres familias obtengan la parte q. por derecho les toca: El C. Quintin espuso q. lo q. quiere es la propiedad del mencionado terreno, y que no les quita el derecho q. poseen — Para llevar esta demanda por — — — — — — — — —

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[14. DV.]

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los tramites legales, se dispuso nombrasen sus hombres buenos para intentar el medio dela conciliacion, y llevandolo al efecto, nombraron los dos primeros al Capitan Ciudadano Juan Antonio Muñoz, y el tercero al Ciudo. — Manuel de Alba, quienes constituidos en union del alcalde presenciaron las exposiciones de cada parte, y bien instruidos de los pormenores que pasaron, se propuso á los litigantes q. se convenieron haciendo la division del terreno procurando mutuamente conciliarse obteniendo la parte q. á cada uno le correspondiese por con tal invitacion, los tres convenieron dividiendo por su acuerdo el expresado terreno en la manera siguiente. = Desde donde concluye el sitio hacia el Sur, hasta la medianía delas dos casas, al Ciudo. Quintin Ortega, deviendo hacerse una mojonera desde la obra que linda con las casas dichas, y que parte por en medio de ellas. Desde esta parte hasta el arroyo de los Animos á Juan Gilroy: donde dividirá otra mojonera; y desde esta hasta donde termina el referido sitio pr el Norte, al Ciudo. Julian Cantua; entendiendose que el ojo de agua permanente que existe en la posesion del segundo, siga teniendo su derrame para la del primero, advirtiendo q. como haya hecho — — — — — — — — — — — — — — — —

[15. DV.]

[Sello Tercero Dos Reales
Habilitado provisionalmente por la Comisaria — subalterna interina del puerto de Monterrey de la Alta California, para los años de mil ochocientos treinta y uno y ochocientos treinta y dos —

Revalidado por la expresada oficina para los años de 1833. y 1834 —]

la peticion del terreno a consecuencia de que no encuentra los titulos de posesion que sobre el tenian sus padres y que puedo en la

sucesivo encontrarse se deven comprometer ambos contendientes, en este caso, á dividir de nuevo el referido terreno entre los otros tres hermanos q. aun no se han presentado, para asi no dañarles con defrandarles la parte q les corresponda = En estos terminos quedaron convenidos y lo firmaron el alcalde, los hombres buenos y dos de los interesados, no haciendolo Cantua por no saber = Marcelino Escobar, Juan Antonio Muñoz = Manuel de Alba = Quintin Ortega = Juan Gilroy =

Y á pedimento delos interesados doy esta por triplicado para que cada uno pase en poder de cada parte y surta en su caso los efectos q haya lugar, firmando la en Monterrey á los cuatro dias del mes de Mayo de mil ochocientos treinta y tres, con testigos de asistencia:

Marcelino Escobar

De assa: José Maria Maldonado — De assa Santiago Estrada

[16 S.D.R.]

Sello Tercero Dos Reales

Habilitado provisionalmente por la administracion de la Aduana Maritima de Monterrey de la alta California para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco

Castro — Angel Ramirez

Sr Gefe Superior Politico

Presentaran, ante el Juez q. deva darles posesion del terreno concedido, el testimonio y titulo; los interesados conforme á lo q. deven recibir

Julian Cantua y Juan Gilroy vecinos del rancho de S. Isidro ante V.S. como mas haya lugar en derecho decimos: que el Sor Gefe Politico. D. José Figueroa se servio concedernos el Rancho llamado S. Isidro y despues fue aprobado p la Exma Diputacion,

la posesion —
Monterrey Novre de 1835 —
José Castro

cuyo expediente obra en la Secretaria de la Gefetura Politica —

Para que pueda dársenos la posesion completa de todo el terreno q. hemos estado poseyendo mucho tiempo es necesario q. la justificacion de V.S. se sirva mandar q. aquella se verifique precisamente de toda la parte q. nos corresponde pues segun es en nuestra noticia — — — — — — — —

[17 L.D.C.]

D. Carlos Castro quiere apoderarse de parte del terreno q. como se ha manifestado hemos poseido —

Para que las resultas de mi pleito no ocasione gravamenes á nuestra familia, es indispensable poner termino á la cuestion y esperamos de la notoria justificacion é integridad de V.S. se sirva mandar, que justificada que sea la posesion, p. testigos q. presentamos idoneos, de todo el terreno q. con justo titulo, buena fé y la posesion continua q. la ley quiere, pa probar de un modo inequivoco toda la parte q. nos pertenece, se nos dé la posesion judicial de dho terreno en cuyos ~~lit~~ limites se pondran los respectivas mohoneras —

A V.S. suplicamos se sirva acceder á nuestra solicitud, p. es de justicia q. juramos —

Julian Cantua
por mi y á nombre de
Juan Gilroy

[18 L.D.C.]

Sello Tercero Dos Reales

Habilitado provisionalmente por la administracion de la Aduana Maritima de Monterrey de la alta California, para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco —

Castro

Angel Ramirez

Sr: Alcalde Const.l de seg.a nominacion

Juan Cantua Mejicano p.r nacimiento natural y vecino de este Terr.o y Juan Gilroy naturalizado y con carta de ciudadania casado con mejicana y con cinco hijos iden ante V. como mejor haya lugar decimos q.e habiendo obtenido el derecho de propiedad del terreno conocido p.r el Rancho de S. Ysidro entre el Pueblo de San Juan y S. José cuyo Rancho ó terreno ha sido dividido entre tres hermanos como verá V. p.r los documentos q.e á esta acompaño los q.e son compuestos de cinco fojas utiles á mas de estas dos primeras y en virtud del articulo 3.o de dicha concesion suplicamos se nos de la posesion juridica previniendo q.e como el repetido terreno no tubo un deseño determinado q.e lo figurara en su — [19. S.D.V.]

primera ocasion p.s solo fue demarcado por medio de los linderos q.e han sido conocidos segun los antiguos q.e asistieron á la medicion de el. Para evitar controvercias con los colindantes espero se sirva V. mandar citar á los q.e fueron á medir el terreno antes de la devision entre hermanos, y los son los C.C. Felipe Vasquez Juan Alvarez, Manuel Pinto y Simeon Castro. A V. suplicamos se sirva ponernos en la posesion que solicitamos en lo q.e recibiremos gracia y justicia. —

Monterrey 9bre 5 de 1835.

Julian Cantua no sabe firmar

Juan Gilroy

Monterrey 9bre 5 de 1835 —

Por presentado y admitido procedase á dar la posesion q.e se solicita á cuyo efecto se pase p.r este Juzgado al mencio= [20 S.D.V.]

[Sello Tercero Dos Reales

Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterrey de la alta California, para los años de mil ochocientos treinta y cuatro y mil ochocientos

treinta y cinco —

Castro — Angel Ramirez]

=nado sitio de S. Ysidro el Jueves doce del corrte librandose previamente las boletas citatorias á los colindantes pa qe se presenten en dicho dia á guardar sus respectivos linderos y nombrandose así mismo los peritos de estilo á quienes se les hará saber su nombramiento pa la devida aceptacion y juramento. Asi yo el C. Rafael Gonzalez. alcalde Constle de esta Municipalidad lo decreté mandé y firmé con los testigos de asistencia = Tarjado = este Expediente al Sr = no vale = entre renglones por este Juzgado al mencio = vale =

José Rafael Gonzalez

De asista
José Ma Silva

En la fecha enterados los C.C Julian Cantua y Julian Gilroy del decreto qe antecede dijeron lo oian, y firmó el qe supo hacerlo — [21. ND.]

Gonzalez —

Juan Gilroy —

En la misma fecha se libraron las boletas de comparendo, en cumplimto de lo mandado en el antecedte auto pa la citacion de los colindtes y testigos citados en el memorial de peticion qe en este auto consta, y pa constancia lo rubrico y anoto —

Noviembre doce de mil ochocientos treinta y cinco —

En el rancho conocido con el nombre Sn Ysidro del finado Ygnacio Ortega, en la casa del ciudadano Quintin Ortega yo el alcalde segdo Constitl de la Capl del Territo de Monterrey de la Alta California, notifiqué al ciudadano Carlos Castro, qe representa por los Colindantes

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Joaquin, Agustin y José Castro, hermanos del

[22 A.D.C.]

[Sello Tercero Dos Reales

Habilitado provisionalmente por la administracion de la Aduana Maritima de Monterey de la Alta California para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco

Castro Angel Ramirez]

auto q. antecede, y entendido lo firmó conmigo y los de asist.ª

José Rafael Gonzalez

Carlos Castro

De asist.ª y colindante

De asist.ª

Dimitrio Ortega

Juan Madariaga

Incontinente en el mismo rancho, dia mes, y año, yo el referido Alcalde en cumplimt.º del auto de diez y nueve de Junio de mil ochocientos treinta y tres, presente el Ciud.º Carlos Castro y Dimitrio Ortega, p.ª la medicion señalamt.º de linderos y posesion judicial nombré por medidores á los Ciudadanos Julian Espinoza y Victorino Martinez y para contador al Ciudadano Manuel Briones q. previa la aceptacion y juramto procederán al desempeño de su encargo. - Así yo: el mencionado alcalde lo decreté y firmé con los de asistencia -

José Rafael Gonzalez -

De asis -

[23 A.D.C.]

tencia

D. A.

Dimitrio Ortega

Juan Madariaga

En la misma fecha y en el espresado rancho, y en la misma casa del Ciud.º Dimitrio Ortega, yo el mencionado Alcalde notifiqué á los espresados Julian Espinosa y Victorino Martinez sobre el nombramt.º echo

en sus personas, y dijeron q.e aceptaban y aceptaron dicho encargo, y juraron por Dios y la señal de la Santa Cruz el cumplir fiel y legalmente á todo su leal saber y entender sin fraude ni dolo contra persona alguna, y no firmaron por no saberlo hacer, y lo hice yo con los de asistencia

José Rafael Gonzalez

D.t
Quintin Ortega

D.t
Juan Madariaga
Incontinenti

[24 N.D.C.]

[Sello Tercero Dos Reales

Habilitado provisionalmente por la Administracion de la aduana Maritima de Monterey de la alta California, para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco

Castro

Angel Ramirez]

yo el referido Alcalde mandé traer á mi presencia el cordel con q. se han de medir las tierras y q.e los medidores lo midieron de cincuenta varas, y en presencia de los colindantes lo tomaron dichos medidores, y con una vara de medir usual Mejicana teniendolo en la mano midieron cincuenta varas p.a hacer la referida medicion, y lo firmé con los de asistencia

José Rafael Gonzalez

De asista
Juan Madariaga

D.t
Quintin Ortega

En el mismo parage dia mes y año siendo las diez de la mañana yo, el presente alcalde mandé á los medidores q.e han de hacer nombrados se pongan p.a las medidas q.e han de hacer al Ciudadano Juan Gilroy del terreno q. vá á recibir p. su esposa clara Ortega, y segun la concesion del G. S. Politico José Figueroa - - - -

[25 S.D.C.]

y comenzando á medir desde la loma q.e está frente al rancho hacia el Norte, dijo el Ciudadano Juan Gilroy que, sus medidas debian ser hta completarle la legua que se le ha concedido segun su expediente; y entonces contestó el Ciud.o Carlos Castro - que en el terreno de su poderdante, no se podian meter, pues el arroyo q. en el expediente de los Castros consta en el diseño del Rancho de las Animas, y que no habiendo ni media legua de la loma al arroyo (es muy claro) q. se debian meter, á terreno agino, q.e no lo permetia él como apoderado de dichos Castros y viuda del finado Mariano Castro; por lo q.e Juan Gilroy dijo: no tomaba la posesion en esos terminos, pues el diseño nuevo q.e han presentado los Castros es injusto malicioso, y estruido de mala fé; pues ha puesto por lindero el arroyo q.e ni á

[26 S.D.C.]

[Sello Tercero Dos Reales
Habilitado provisionalmente por la administracion de la aduana maritima de Monterey de la alta California, para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco
Castro Angel Ramirez]

hora ni nunca le há pertenecido á los tales Castro, pues hay infinitos q. conocen cuales son los linderos de uno y otro - Es decir - (de los Ortegas y de los Castros) y q.e previendo lo q.e habia de suceder al tiempo de la posesion suplicó en su memorial al tiempo de medirla hacia al Gefe P.P. como al Alcalde q. asistiesen los cuatro testigos q.e en el memorial cita, p.a lo q.e protesta de nulidad el mencionado diseño de los Castros por ser fraudulento, y q.e pide se le tome declaracion á los dos testigos q.e se hallan presentes, q.e son, el Ciud.o Simeon Castro y Felipe Vazquez, y q.e á Manuel Pinto y Juan Alvirez por hallarse enfermos como se vé

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de los oficios q.e á este espediente se deven acompañar se exorte al alcalde del Pueblo de San José p.a q.e practicada que sea la diligencia la remita al Juzgado q.e corresponda p.a q.e obre los e— — — — — — — —
— — — — — — — — — — [27 A.D.]
fectos q. convengan; y con esto concluyó quedando suspensa la posesion firmando yo el alcalde esta con Gilroy, y los de asist.a espediente entre renglones vale= Diseño tachado= novale-

José Rafael Gonzalez
Juan Gilroy
De A.a — De A.
Juan Madariaga — Quintin Ortega

En el Rancho de S.n Ysidro á los trece dias del mes de Nov.re de mil ochocientos treinta y cinco—

Notifiquese á los testigos y tomeseles juramento á fin q. declaren cuales son los linderos de los Castros, y los Ortegas, asi yo el alcalde segundo lo decreté y firmé con los de asist.a —

José Rafael Gonzalez
De A. — De A.
Quintin Ortega — Juan Madariaga

[28 A.D.]

Por su nota fha 7 del q.e corre recibí orden de V. p.a contribuir al reconocimiento q. se ha de celebrar el Jueves 12 del mismo, de los linderos del terreno q. le pertenece al Ciud.no Juan Gilroy, lo q.e no podrá verificar p. hallarme en la actualidad convaleciente de una larga enfermedad q.e he padecido, lo q. aviso á V. para su inteligencia — — —

[29 A.D.]

Dios y Libertad — Pueblo de San José de Guad.e Nov.re 10 de 1835

Sor alcalde de }
2a Nominacion }
Juan Alvirez

[30 ADK]

Por la nota de V. fecha siete del presente, quedo impuesto de su orden para q.e vaya yo á presenciar el reconocim.to de los linderos de la parte de terreno q.e le corresponde al C. Juan Gilroy; lo q.e absolutam.te no podra verificar por no tener ni un cabayo para el camino y por la falta q.e hace á mi familia como q.e esta subsiste de mi trabajo. En tal virtud suplico á V. me dispense el no asistir — — — —

— — — — — — — — — [31 ADK]

al dicho reconocim.to tomando en consideracion las razones arriba espuesta.

Dios y Libertad Noviembre 11 1835

Manuel Pinto

Sor Alcalde de 2a Eleccion C. Rafael Gonzalez }

[32 ADK]

Sello Tercero Dos Reales

Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterrey de la alta California, para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco

Castro — Angel Ramirez

Acto continuo: presentes los Ciudadanos Simeon Castro, y Felipe Vazquez se les notificó del auto q.e antecede, y entendidos lo firmaron conmigo y los de asist.a no haciendolo el segundo por no saber —

José Rafael Gonzalez

D. A. — D. A.

Juan Madariaga

En el Rancho de S.n Ysidro á trece dias del mes de 9bre de mil ochocientos treinta y cinco presente el Ciud.o Simeon Castro, puesto en pie y levantada la mano derecha, puesta la señal de la S.ta Cruz juró decir verdad en cuanto supiere y fuere preguntado =

Preguntado si conoció á los finados Mariano

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Castro é Ygnacio Ortega, contestó qe si los conoció. Habiendole dicho qe dijese, ó contasé por menor, qe sabia sobre los linderos de uno y otro; cuales eran sus posesiones hasta onde se estendian sus labores y ganado dijo qe p.r lo qe el conocia, vio, y sabia despues era, que cuando el difunto Teniente Es---

[33 A.D.L.]

tudillo habia venido á señalarles el terreno habian salido midiendo desde Sn Juan Bta hasta completar tres leguas, y qe en aquel punto consultaron; y de hay siguieron midiendo como otra legua, onde mandó formar cruz el finado Estudillo con los doce hombres qe traia en compañia, siendo el qe declara uno de ellos, y qe entonces frente á una lagunita pequeña qe se halla cerca del camino, habian elevado un estante, y qe el referido Estudillo habia dicho estas palabras. Sor Dn Ygnacio Ortega, desde este palo puede V. sembrar y criar ganados hacia la parte del Norte por la derecha hasta llegar al arroyo, y V. Sor D. Mariano Castro por la yzquierda puede V. tomar todo lo qe quiera, entendidos qe pa la parte de la Mision nada. Que esto es lo qe sabe, y es la pura verdad á cargo del juramento qe tiene prestado y firmó esta con migo y los de asistencia.

José Rafael Gonzalez
D. A.

A. De
Juan Madariaga

Acto continuo presente Felipe Vazquez puesto en pie, y levantada la mano derecha puesta la — — — — — —

[34 A.D.L.]

Sello Tercero Dos Reales
Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterrey de la

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alta California para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco

Castro Angel Ramirez

señal de la Cruz prestó el juramto de estilo protestando decir verdad en cuanto supiera y fuere preguntado = Preguntado se conoció á los finados Mariano Castro é Ignacio Ortega; dijo = q. sí los conoció bien, preguntado si conoció cuales eran sus tierras hasta onde llegaban sus linderos, ó cuales habian sido la posesion que habian tenido uno y otro; dijo q. sabia muy bien cuales eran sus linderos pues el habia venido con el finado Estudillo cuando el finado sargto Pico habia venido midiendo desde la Mision hasta la laguna arrimada á la cienega de los terrenos del difunto Ignacio Ortega, y q. en aquel mismo punto junto á la laguna habian elevado un palo, y q. era p.a señalar la tierra de uno y otro siendo asi; q. mirando para el Norte desde aquel punto asia la derecha habia quedado por dueño el finado Ortega, y para la izquierda el finado Mariano Castro, con la condicion, q. p.a la parte hacia la Mision no habian de revolver: que esto es lo q. sabe, y que es la pura verdad á cargo del juramento q. tiene prestado, y no firmó por no saberlo hacer, y lo hice yo con los de mi asistencia

José Rafael Gonzalez

D. A.

Juan Madariaga

[35 A.D.C.]

Exmo S.r

La Comision de Gobierno antes de dictaminar p.r los documentos y solicitud presentada p.r Dn Gabel Ortega y D. Juan Gilroy relativos á demarcar los linderos de sus terrenos entiende ser de justicia p.a q. la parte de Dn Carlos Castro no pueda en mng.n tiempo

alegue indiferencia se le corra traslado de dhos documentos p.r un termino regular así pues la Comision propone á la deliberacion de V.E la siguiente proposicion —

El Sr. Gefe Politico correrá traslado de los documentos presentados p.r Dn. Isabel Ortega y Dn. Juan Galvez p.r un termino corto á Dn. Carlos Castro p.a q.e alegue lo que le convenga y con el resultado vuelva á la comision p.a dictaminar —

Monty. 10 de Dbre de 1835

Salvio Pacheco

Antonino Buelna

Monterrey Debre 19 de 1835

En sesion de este dia aprobó la Exma Diputacion la proposicion del antecedente dictamen —

José Castro
Presidte

Juan B. Alvarado
D.S.

[36 PK]

Monterrey Diciembre 20 de 1835

Como opina la Comision corrase traslado á la parte de Dn. Carlos Castro por el termino de cuatro dias p.a q.e espongan lo q.e convenga á su derecho —

Castro —

Sor Gefe Politico

El C.no Carlos Castro en vista de la solicitud del C.no Juan Galvez i de Isabel Ortega en lo q.e esponen ser de su pertinencia parte delos Ranchos de mi pertenencia i nico q.e poseemos digo: —

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

I Samuel D. King, Surveyor General of the United States for the State of California and as such now having in my office and under my charge and control a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California, do hereby certify that the Thirty six preceding and hereunto annexed pages of tracing paper numbered from one to thirty six inclusive and each of which is verified by my initials (S. D. K.) exhibit true and accurate copies of certain documents on file and forming part of the said Archives in this office —

L.S.

In testimony whereof I have hereunto signed my name officially, and affixed my private seal (not having a seal of office) at the city of San Francisco Cal. — this tenth day of March A.D. 1852. —

(Signed) Saml D King
Sur Genl Cal.

Filed in office October 7th 1853 —

(Signed) Geo: Fisher
Secy

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N 52 Duplicate

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Document A

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José Figueroa General de Brigada de los Ejercitos Mejicanos, Comandante General Inspector y Gefe Superior Politico de la Alta California —

Por cuanto Mª Isabel Ortega esposa de Juliano Cantua ha pretendido p.r su beneficio personal y el de su familia una parte del Rancho conocido con el nombre de S. Isidro colindante con los Ranchos de las Animas y las Llagas con la Sierra y con la parte q. corresponde á su hermana Mª Clara; practicadas previamente las diligencias concernientes segun lo dispuesto p.r las leyes y reglamentos: — usando de las facultades q. me son conferidas en Decreto de tres del corriente á nombre de la Nacion Mejicana he venido en concederle el terreno mencionado, declarandole la propiedad de el p.r las presentes letras — entendiendose dha concesion con entera conformidad á lo disp.to p.r las leyes á reserva de la aprobacion ó desaprobacion de la Exma. Diputacion Territorial y del Sup.mo Gobierno y bajo las condiciones siguientes —

1.a Que se someterá á las q.e estableciere el Reglamento q.e se ha de formar p.a la distribucion de terrenos baldios y q.e entretanto ni la agraciada ni sus herederos podran dividir ni enagenar el que se le adjudica: imponer censo, vinculo, prenda hipoteca, ni otro gravamen, aunq.e sea p.r causa piadosa, ni pasarlos á manos muertas

2.a Podrá cercarlo sin perjudicar las travecias caminos, y servidumbres lo disfrutará libre y exclusivamente destinandolo al uso ó cultivo q.e mas le acomode; pero dentro de un año alo mas fabricará casa y estará habitada.

3.a Cuando se le confiera la

Concession Gral Inspectora de la Alta California

propiedad solicitará del Juez respectivo q.e le dé posesion jurídica en virtud de este despacho p.r el cual se demarcarán los linderos en cuyos límites pondrá á mas de las mohoneras algunos arboles frutales ó silvestres de alguna utilidad.

4.ta El terreno de que se hace donacion es de un sitio de ganado mayor de una legua cuadrada segun esplica el diseño q.e corre en el espediente: el Juez que diere la posesion lo hará medir conforme a ordenanza p.a señalar los linderos, quedando el sobrante q. resulte á la Nacion p.r los usos convenientes.

5.a Si contravenere á estas condiciones perdrá su derecho al terreno y será denunciable p.r otro.

En consecuencia mando que sirviendole de titulo el presente y teniendose p.r firme y validero se tome razon en el Libro á q.e corresponde y se entregue á la interesada p.r su resguardo y demas fines.

Dado en Monterey á 19 de Junio de 1833. "J. Figueroa" "A. V. Zamorano"

Secretario.

Filed in Office Feby 17th 1852.
(Signed) Geo: Fisher
Secy.

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Especiente

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Third Seal Two Reals

Provisionally qualified by the administration of the Maritime Custom House of Monterey of Upper California for the years 1834 & 1835 Castro

Angel Ramirez

Mr. Superior Political Chief

Maria Ysabel Ortega, wife of the Citizen Juleian Cantua before your representes in form of law & says that I having obtained one Square league (Sitio) in a portion of the Rancho of Isuno, inheritance of the late my father, Dn. Jgo. Ortega which the Govt. has been pleased to divide into three parts & having taken for myself that part, which is bounded by the Rancho of las Animas & las Llagas conceded by the Supr. Governt. and approved by the Most Excelle. Deputation since the year 1833 - the Citizen Leandro Castro on the Survey that was granted to him in the year 34 has taken all the portion by las Animas & las Llagas belonging to my part; and I am satisfied, as the Governmt. has not conceded to said Castro more than two sitios. By the sketch which he presented to the Alcalde on the Survey that was made he was granted four sitios, I remaining absolutely without any land; by virtue whereof, ylh. Supr. Chief I hope that in view of justice that I believe assists me & of the the despatch of the little I annex hereto that you may see if it was properly granted by the Governmt. & approbation of Mt. Excelle. Deputation you will be pleased to invite said Castro that a new survey be made, as when possession was given to him said Castro by D. Manuel Ximeno, it was demanded of him not to take my lands by the survey which was been making against my land in favor of his.

Therefore I humbly pray you will please to decree what you may find just, as it is very hard that I should not enjoy a small piece of land which has been conceded to me - they wishing to usurp it against all law and justice

I swear it is not malicious & the necessary &c

Monterey 26th Nov. 1835. Maria Isabel Ortega

(In the margen) Monterey Dec. 5th 1835

Let it be passed to the Mt Excelle. Deputation

Castro

(In the margen)

Monterey Dec. 5th 1835

at the session of this day it is ordered to be passed to the joint Commission on Govmt. Vacant Lands.

Jose Castro Presidente

Jose Figueroa Brigadier General of the Mexican Army commanding General Inspector and Superior Political Chief of Upper California.

Whereas Maria Isabel Olega, wife of Indian Gaspar has sought to obtain for her personal benefit that of her family a Indian of the Rancho Simon by the name of San Isidro, bounded by the Ranchos of Las Animas & Las Llagas by the Sierra and that part belonging to her sister Maria Clara, having been previously performed the necessary requisites according to the provisions of the Laws and regulations, using of the faculties that are conferred upon me in the decree of the three instant, in the name of the Mexican Nation I have assented to concede to her the piece of land above mentioned, declaring her the Ownership thereof by these presents. Said concession to be understood in entire conformity with the Laws, reserving the approbation or disapprobation of Mt. Excellt. Territorial Deputation and of the Supreme Govt. and under the following conditions.

1st That she shall submit to those which may be established by the regulations to be formed for the distribution of Vacant Lands & that in the meantime neither the donee nor her heirs shall divide or alienate what is adjudicated to her, nor impose any annuity, mortgage or other charge not even for pious purposes nor to transport in mortmain

2d She may enclose it without injury to the crop ways roads or thoroughfares, enjoy it freely and exclusively applying it to the use or cultivation, that suit her best but within one year at the longest she shall build a house and it shall be inhabited

3d Whenever the Ownership be conferred upon her, she shall solicit the proper Judge to give practical possession by virtue of this despatch, whereby the boundaries shall be marked in the bounds of which she shall put beside the Land marks some fruit or wild trees & some ~~shrubs~~

4th. The tract of land of which dominion is made is one sitio de ganado mayor of a league square as shown by the sketch which is with the Expediente, the Judge who shall give the possession shall cause it to be surveyed according to the Ordinance to mark

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boundaries – the surplus therefrom to remain for the use of the Nation –
5th If she contravene these conditions, she shall lose her right to the land & shall be denounceable.
Wherefore I do order that these presents being held as firm and valid title be it recorded in the proper Book & be delivered to the party interested for her safety & other purposes – Given at Monterey upper California this 19th June 1833 – Jose Figueroa
Augustine V Zamorano Secy

This dispatch is entered in the Book of Register of titles, on expedication of Lands – at page 11 No. 6 which exists in the Secretary's Office under my charge
Monterey 20th June 1833 Zamorano
(Sealed papers) The concession made to the citizens Don Olegario and Sisters of the tract of land called San Isidro Conceded on the 19th June 1833 is approved in entire conformity with the provisions of the Laws of the 18th of August 1824 & Article 8th of the Regulations of 21st of November 1828 –
Monterey 17th May 1834 – At the session of this day the proposition of the foregoing Opinion is approved by the Mt. Excelt Deputation – I order that the Expediente be returned to Mr Superior Political Chief for further purposes –
Jose Figueroa
Juan Bautista Alvarado Secy
Monterey 12th June 1834.
In view of the approbation made on the 17th of May last, let the testimony thereof and of this decree be issued to the party Dn Faustin Ortega, & the ladies Astias Dona Maria Clara & Dona Maria Isabel in confirmation of the concession of the tract of land of San Isidro which they obtained on the 3rd of June last year. Dn Jose Figueroa Brigadier General Commanding General Inspector and Superior Political Chief of the Territory of Upper California thus ordered decreed & signed – which I testify – Jose Figueroa
Augustine V Zamorano Secy
It agrees literally with its Original of which I cause the present Testimony to be taken for the safety of the party interested – At Monterey 18th June 1834
Witnesses the Citizens Bernardo Navarrete & Bonifacio de Madrueugo of this Vecindad
In testimony of the truth – Jose Figueroa
Augustin V Zamorano Secy

(Sealed paper). Marcelino Escobar Constitutional Alcalde in the demarcation of this Mt. Excell. Council.
I certify in due form that in the Book of demarcations existing in this Justice's Court there is one of the following tenor "At the Port of Monterey on the 3rd day of the Month of May 1833 before me Marcelino Escobar Constitutional Alcalde in the demarcation of this Mt. Excell Council appeared Juan Salvy & Julian Lemitre, saying that knowing that the Citizen Quintin Ortega (their brother in Law) have made an application to have conceded to him in Ownership the tract of Land called S Ysidro, they came with the purpose to show that they have equal right of possession by the inheritance of their lowers as Sr Quintin; that in case the latter has the Ownership of said tract of Land, a proper division should be made, so that the families may obtain the part which belongs to them of right. The Citizen Quintin states that what he wants is the Ownership of the above mentioned that he does not take from them, the right they possess. In order to carry this demand in a legal way it was determined that they should name some good men to lay the way of a Concilation carrying it into Effect. The two former Named kept (the Citizen) Juan Antonio Munos & the third the Citizen Manuel de Alba; who being Constituted jointly with the Alcalde heard the declarations of of Each part & being aware of the pretensions they states, it was proposed to the litigants to agree making the division of the Land trying mutually to conciliate, getting the part that might belong to each one, the they agreed to such an intervention, dividing of them accord the said Land in the following Manner. From the place where the Land ends towards the South to the medium of the two houses for the Citizen Quintin Ortega a land mark to be made, from he Alba which is bounded by the said houses & that it should divide in the middle of them. From this part to the Arroyo of Los Alamos for Juan Salvy which another land mark shall divide. And from this to where the said land ends by the North for the Citizen Julian Lemitre with the understanding that the permanent Springs which exists in the possession of the second party should continue drawing its employing into that of the first part. The Citizen Quintin advising that he has made the petition for the Land, in consequence whereof does not

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since the letters of possession, which their father & mother had thereto. Where as it may in future since them, both the deffecutes should be compressed in this case, to divide again the same tract amongst the other three brothers, who have not yet appeared, thus not injure them by defrauding the part that belongs to them.
They agreed upon these terms; & the Alcalde, good men and two of the parties interested signed it, Leandro did not do so, as he could not – Marcelino Escobar Juan Antonio Munos – Manuel de Alba – Quintin Ortega Julian Gilroy. And at the request of the parties interested I grant this in triplicate that each of the parties remain with one of them to have its proper effect signing it at Monterey the 4th day of the month of May 1833 – together with the assistant witnesses Marcelino Escobar. De. Ast. Jose Maldonado Asst.
Santiago Estrada –
(Sealed paper) Mr Superior Political Chief
We Julian Leandro & Juan Gilroy neighbors of the of S Isidro before you as in form of law say that; Mr. Political Chief Don Jose Figueroa has been pleased to concede to us the Ranch called S Isidro subsequently it was approved by Mr. Excelt Deputation; the Expedente of which exist in the Secretary's office of the Political Chief.
In order that a regular possession can be given to us of the whole tract of land which we have been possessing a long time it is necessary that from your justification you will be pleased to order that to be done precisely of the whole part belonging to us, as it is to our notice that Don Carlos wishes to appropriate a part of the land, which as above stated we have possessed
That the results of a suit may not cause grievance to our families, it is, indispensable to put a stop to the question & from your notorious justification & integrity we hope you will be pleased to order that; on the possession being proved by proper witnesses, whom we shall produce, of the whole land by good title, good faith & the continued possession, which the law requires, to prove in a most unequivocal manner, the whole part belonging to us, judicial possession of said tract be given to us, in the boundaries of which the required land marks will be put We pray you will be pleased to assent to our application as it is of Justice; Viva Mexico. For me and in the name of
Julian Cantera Juan Gilroy

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(In the Margen) "They shall present before the Judge who should give them possession of the Conceded Lands, the tasa Mony and title; the parties interested according thereto should receive the possession. Monterey Nov. 1st. 1835

Jose. Castro

(Sealed paper) Mr. Constitutional Alcalde of 2nd Nomination

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I the Indian Cambria Mexican by birth, native and resident of this Territory & Juan Gelroy naturalized Worth letter of citizenship married to a Mexican Woman and Worth five children claim, before you in form of law say that; having obtained the right of ownership of the tract of land known by Rancho of S Isidro between the town of S Juan & S Jose; which Rancho a tract of land has been divided amongst three brothers (brothers & sisters) as you will see by the documents annexed, which comprise five pages besides the two first & by virtue of Article 3rd of said concession we pray that juridical possession be given to us, warning that the said tract has no fixed stretch, that represented in the same occasion, "it was only claimed by means of the boundaries, which have been agreed upon according to the ancients; who assisted at the Survey opt, To avoid controversies I hope you will please to Order to summon those who went to survey the Land previous to the division amongst the brothers, Yet is the citizen Felipe Vasques, Juan Alvarez, Manuel Pinto, & Simeon Castro. We pray that you will be pleased to put us in the possession we solicit whereby we shall receive favors & Justice

Monterey Nov. 8. 1835 – Indian Cambria can not sign

Juan Gelroy

Monterey November 8th 1835: In presence & Witnesses: Let it proceed to give the possession solicited, for which purpose, let it be passed by this Justices bound to said place of S. Isidro On Thursday 19th Inst. being given previously citations to the Neighbors to appear on said day to keep their respective boundaries, Having name also skilful men who shall be much known their nomination for the due acceptance Worth These I the Citizen Raphael Gonzales, Constitutional Alcalde of this Municipality decreed Ordered & Signed with the Assistance Witnesses Por ante de este Ayuntamiento de mi Notario = interlineado = Valgo = Interlineado = Vale = Raphael Gonzales

Jose Ma Sebrian Assistt

On the date the citizen Indian Cambria & Juan Gelroy being appraised of the foregoing decree, saw that they heard it and he who could sign it, did so

Gonzales

Juan Gelroy

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On the same date subpoenas were issued in compliance with the Order in the foregoing proceeding for citation of the Neighbors & Heirs mentioned in the prayer of the petition, which contains in this proceeding; For Publication & Notice (Subrie)

November 12th 1835

In the Rancho by the name of S. Isidro of the late Ignacio Olegua, at the house of the Citizen Damian Olegua I the 2d Constitutional Alcalde of the Capital of the Territory of Monterey Upper California notified the Citizen Carlos Castro who represents the Neighbors Joaquin, Augustin & Jose Castro, Brothers, of the foregoing proceeding, & being apprised of it he signed it with me & the assistants

Jose Rafael Gonzales

Carlos Castro = Ast. & Neighbors Damian Olegua

Ast. Juan Madariaga =

Instantly in the same Rancho, day month & year I the same Alcalde in compliance with the proceeding of the 19th of June 1833 being present the citizens Carlos Castro, & Damian Olegua for the Survey, marking the boundaries & predecessor possession and appoint for surveyors the citizens Julian Espinosa and Victorio Martinez, & on account the Citizen Manuel Brenez, who previous to their acceptancy and Oath will proceed to fulfil their charge. Thus I the said Alcalde decreed and signed it with the assistants. Jose Rafael Gonzales = Assist. Damian Olegua. Asst. Juan Madariaga

On the same date in the same Rancho & house of the Citizen Damian Olegua I the said Alcalde notified the said Julian Espinosa & Victorio Martinez of their appointment, and they said that they accepted & will accept said charge & swore in God, the sign of the Holy Cross to fulfil faithful and legally to the best of their knowledge & understanding without fraud or cheat against any person, & they do not sign it, as they could not do it & I did it with the assistants Jose Rafael Gonzales Damian Olegua Asst. Juan Madariaga Asst.

Instantly I the said Alcalde ordered to bring in my presence the string, wherewith they are to measure the same & that the surveyor should measure it opposite varas & in the presence of the neighbors they the said surveyors took it & with a usual Mexican measure holding it, measured fifty varas, to make the said measurement & I signed this with the assistants Jose Rafael Gonzales - Juan Madariaga Asst. Damian Olegua Asst.

In the same place day month & year it being ten o'clock

in the morning I the present Alcalde, ordered the appointed surveyors to commence the measurement, they are to make the measurement they are to make for the Citizen Juan Gilroy of the Sunce which he is going to receive for his corporal ara Olegas & according to the concession by the Supr. H. C. Jose Figueroa, and on their beginning to measure from the hill lying opposite the Rancho towards the North, the Citizen Juan Gilroy said that his measurement should be to complete the One league which is conceded to him according to his Expediente & then replied the Citizen Carlos Castro that they could not go in the land of his constituent, as the arroyo in the Expediente of Castros proves, in the Sketch, of the Rancho of Las Animas; and that there being not half a league from the hill to the arroyo (it is very clear) that they should go in the lands of others which he as the atty of said Castros & the widow of the late Mariano Castro will not allow; whereupon Juan Gilroy said - he will not take the possession under these terms, for the new Sketch, that Castros presented, is unjust & malicious & made of bad faith, as there was put for boundary the arroyo, which neither now belongs nor ever it was ceded to them said Castros; there being infinite (persons) who know which are the boundaries of the One or other, that is to say (of Olegas & of Castros & that foreseeing what would have happened at the time of giving the possession, he prayed in his memorial, both the Sup. Dept. Chief & the Alcalde, that at the time of measuring it, the four witnesses mentioned in the memorial should assist, therefore he protests of nullity the said Sketch of Castros for being fraudulent & that he asks that deposition may be taken of the two witnesses, who are present & are the Citizen Simeon Castro & Felipe Vasquez and that as to Manuel Pinis & Juan Alvarez, from their finding themselves ill, as it is seen from the Official notes, which should accompany this Expediente, the Alcalde of the Town of San Jose should be exhorted to take their Oath on the matter & that upon hearing performed this, he should send it to the proper Justices Court to have its proper effect; & thus it concluded remaining suspended the session; I the Alcalde signing this with Gilroy & the Assistants = Expediente = interlined valen - Disno = Blotted = not valen = Jose Rafael Gonzales Juan Gilroy - Asst. Juan Madariaga Asst. Quintin Olegas In the same Rancho of San Isidro On the thirteenth day of the month of November 1835 -

Let it be notified to the witnesses & their Oath taken, in

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Order that they state which are the boundaries of Castros y Olegas - Thus I the second Alcalde decreed it & signed with the apostants - Jose Rafael Gonzales Apost. Quintin Olega Assist. Juan Madariaga
In the Rancho of San Isidro on the thirteenth day of the month of November 1835 -
Let it be noticed to the Witnesses and then Oath taken in order that they state which are the boundaries of Castros y Olegas - Thus I the second Alcalde decreed it and signed with the apostants - Jose Rafael Gonzales Asst. Quintin Olega, Asst. Juan Madariaga

Through your note dated the 7th Inst. I received your order to appear at the recognizement to be celebrated on Thursday the 13th Inst. of the boundaries of the Race belonging to the citizen Juan Silvy - which cannot be complied from my finding myself at present convalescent of a long illness I have suffered, this I inform you for your knowledge. God & Liberty - Town of San Jose de Guadalupe 10th Nov. 1835 Juan Alvarez
Mr. Alcalde of the 2nd Nomination -
By your note dated the 7th Inst I am informed of your Order for my going and being present at the recognizement of the boundaries of the part of the Lands belonging to the citizen Juan Silvy; which I could scarcely verify it not having a single horse for the journey and from the want I should cause to my family as they subsist of my material labor. By such a reason I pray you will dispense me from assisting at the said recognizement, bringing into consideration the reasons above stated. God & Liberty. November 11th 1835
Manuel Pinto
Mr Alcalde of 2d Election & Rafael Gonzales
(Sealed Paper): Process continued; The citizen Simeon Castro & Felipe Vasquez being present, they were noticed the Gregorian process and informed about it, they signed it with me & the apostants - not signing it the second, as he could not do. Jose Rafael Gonzales Juan Madariaga Asst. Assist.
In the Rancho of San Isidro on the 13th day of the month of November 1835. The citizen Simeon Castro being present standing up and holding up the right hand & made the sign of the Holy cross swore to tell the truth as far as he knows and was questioned. Being asked whether he knew the late Marcano Castro & Ignacio Olegas, he

replied - he knew them - Being told to tell a state particularly what he knew about the boundaries of both; which were their possessions - How far did their farms & cattle extend; he said that as far as he knew from his knowledge, saw and knew afterwards, was that when the late Sent. Estudillo came to mark out the lands to them, they went out measuring it from Sn. Juan Bta till completing three leagues & that at that point they consulted; & from hence they continued measuring on another league, where the late Estudillo with 12 men whom he brought in company, ordered a crop to be formed, the deponent being one of them & that then in front of a small lagoon lying near the road, they had stuck a stick & that the said Estudillo had told these words:- Mr. Don Ignacio Ortega, from this stick you can sow and breed cattle towards the North side, on the right till reaching the arroyo; & you Mr Don Manuel Castro on the left side you may take as much as you wish both of you to understand that towards the Mission side nothing (to be taken) That this is what he knows & is but the truth under the Oath he took & he signed this with me and the assistants - Jose Rafael Gonzales Juan Malarriaga - A. Sestane. Asist.

Process Continued: Felipe Vasquez standing up & holding up his right hand & made the sign of the cross, duly took his Oath, protesting to tell the truth as far as he knew and was questioned - Being asked whether he knew the late Mariano Castro & Ignacio Ortega he said that - he knew them well - being asked whether he knew which were their lands, how far their boundaries reached & which was the possession both have - he said that he knew very well which their boundaries were as he had come with the late Estudillo when the late Sent. Peco came measuring from the Mission till the small Lagoon close to the Saucon of the lands of the late Ignacio Ortega; that at the same point close to the small lagoon they had received a stick that was to mark the lands of both, being thus that looking towards the North from that point to the right, the late Ortega became the Owner thereof and to the left the late Mariano Castro in the condition that they should not resolve about the part towards the Mission. That this is what he knows & is but truth under the Oath he has taken & he does not sign it, as he could not do it & I do it so with the

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Apersants – Jose Rafael Gonzalez Juan Maduenga Atte.

Most. Excelle Sir – The Commission on Government before Opening on the documents & application made by Dnes Isabel Olegue & Don Juan Bilny thinks it of justice, that dissolution may not at any time be alleged on the part of Don Carlos Castro, to be given him a transcript of such documents for a regular time and so the Comm sion propose for the deliberation of Y. Ee. the following proposition

"That Mr Political Chief give a transcript of the documents presented by Dnes Isabel Olegue & Don Juan Bilny for a short term to Don Carlos Castro, that he may allege what be convenient to him and work the result return it to the Commission for its Opinion –

Monterey 10th Dec. 1835 Antonio Buelna, Salvio Pacheco

Monterey Decr. 19th 1835

At the Session of this day Mt. Excelle Deputation approves the proposition of the Foregoing Opinion

Jose Castro Presd. Juan B Alvarado Secy

Monterey Decr. 20th 1835 –

As the Commission opines; let a transcript be made to the Party Don Carlos Castro for the term of four days that he state what be convenient to his right. Castro

Mr Political Chief

The Citizen Carlos Castro in view of the application of the Citizen Juan Bilny & Isabel Olegue wherein they state to be of their appertenance, part of the Ranchos of my Constituent & mine which are popsip – Duyo

Filed in Office Oct 20. 1853

Geo. Fisher

Secy

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Deed
Isabel Ortega et
To
B Murphy

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This Indenture made this twenty fourth day of January in the year of our Lord one thousand eight hundred and forty nine between Julian Cantua of the District of San Jose and Ysabel Ortega his wife of first part and Bernard Murphy of the same place of the second part, Witnesseth that the said parties of the first part. for themselves their heirs and assigns for and in consideration of the sum of fifteen hundred dollars the receipt whereof is hereby acknowledged hath sold and by these presents doth grant and convey unto the said Bernard Murphy his heirs and assigns all that certain piece of land situated in San Ysidro in the District of San Juan lying North and Westerly of the lands owned by Vicente Ortega and being one league square the same as is held by the said party of the first part: Together with all and singular the rights privileges and appurtenances thereunto belonging or in any wise appertaining: To have and hold the same as surely as now held by the said party of the first part or their heirs assigns and administrators unto the said Bernard Murphy his heirs and assigns forever In testimony whereof we have hereunto set our hands and seals the day and year first above written—

In presence of

Julian Cantua X (Seal)
Ysabel Ortega X (Seal)
Jose Manuel Cantua X (Seal)
Ygnacio Cantua X (Seal)
Francisco Cantua X (Seal)
Manuel Cantua X (Seal)

In presence of me
John Gilroy
James F Reed

Sealed and delivered in presence of me R. A. Dimmick 1st Alcalde Pueblo de San Jose

State of California }
County of Santa Clara } ss.

Be it remembered that on this twentieth day of February Eighteen hundred and fifty two, James F Reed a subscribing witness to the written and foregoing instrument appearing well and personally known to me to be a competent and credible witness, appeared before me and after being examined by me duly sworn made oath that he was present at the time the written instrument was executed, that he saw the parties

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thereto affix their mark to their respective signatures that he subscribed his name thereto as a witness in their presence, and in the presence of John Gelroy, the other subscribing witness; and that to the best of his knowledge and belief, he at that time knew the said Juliana Lanteria, Isabel Ortega, Jose Manuel Lanteria, Ignacio Lanteria, Francº Lanteria and Manuel Lanteria, they being personally present and executing said instrument and to the best of his recollection, there was no doubt existing in his mind, or that of any other person present, but that said parties executing said instrument were the identical persons they represented themselves to be

In testimony whereof I have hereunto set my hand and affixed my Notarial Seal in the City of San Francisco on this twenty sixth day of February in the year of our Lord One thousand eight hundred and fifty two

Seal

William T. Smith
Notary Public

Filed in Office Oct. 7. 1853

Geo. Fisher
Secy

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State of California
City & County of San Francisco } ss.

Motion to Confirm

To the Honorable Holand Hall, Harvey S Thornton and James Wilson Setting as a Board to ascertain and settle the Private Land Claims of State of California Your petitioners Quintin Ortega, Maria Clara Ortega the wife of John Gilroy and Julius Martin come into Court and Say that they have filed a petition for the confirmation of the San Justino grant of which they claim two thirds, which Rancho was granted to the Sucs Quintin Marcu Clara, & then Sister Marcu Isabel Ortega who is the wife of Julian Martin by which grant as made it will appear (by your petitioners petition & also by the petition of one Burnard Murphy hereafter named, who has filed a petition for a confirmation of the part granted to the Sucs Marcu Isabel Ortega) that the Sucs Quintin was to have his part on the South End of the grant & the Sucs Marcu Clara Ortega her part in the center of the same & the Sucs Marcu Isabel Ortega her part on the North End of the grant — And your petitioners state that it will appear by the petition of the Sucs Murphy that he claims on the part of the Sucs Marcu Isabel Ortega that her Southern boundary reaches to a small creek called los Animas or almas, when in fact, it does not reach so far South and would if carried there, take from the portion of the Sucs Maria Clara and the Sucs Quintin a large quantity of land and give to the Sucs Isabel that amount too much and more than was intended to be granted to her by the Original grant, and these petitioners charge that each of the Sucs brother and two Sisters were to have an equal share of the Sucs San Justino tract for they were equal heirs of their father to whom the Ranch had been formerly granted & the only reason of the grants in these petitions mentioned were to supply the place of the Original grant to their father which have been lost —

Your petitioners state that they have filed with their petition a Survey or map marked E made by one Geraes which shows the full survey and true bounds of the portion of the Sucs Marcu Clara and the Sucs Maria Isabel, which was made by the consent of the parties and the Sucs Murphy who now then

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claimed the same by the purchase from said Maria Isabel, was present at the making of said survey and declared himself satisfied with the same
These petitioners therefore say that the said survey shows the true line of division between the said Murphy and the said Ma. Clara Ortega and they pray the Court to allow them to intervene in the said petition of the said Murphy to show the true and exact boundaries of their said several parts and refer to the said Map, & for a true and proper line and they also show the survey filed with their petition marked D as showing the part of the house sold by Ma Clara Ortega and her husband Selry to the said Marlin, which he bought of said and paid for in good faith being in accordance with the said original grants, and without notice of the pretensions of the said Murphy & they pray that he may hold the part he bought as against the said Murphy and the said Isabel, as the said Maria Clara has, held the exclusive and adverse possession thereof ever since the date of the grants as before stated all of which they pray may be allowed them and whatever else is just & proper in the premises

Frederick Hall &
John Wilson Attys

Filed in Office April 6. 1852

Geo. Fisher
Secy

53.

Affidavit of Wm Jones

Commission on Land Claims in California
No. 52. Bernard Murphy Claimant

This day personally appeared before me Alpheus Felch One of the Board of said Commission, the undersigned Wm Leary Jones who stated that the Claimant Bernard Murphy has died since the presentation of the claim before this Board and that Marlin Murphy is his only child

Wm Leary Jones

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Subscribed and sworn to
before me October 11. 1853
Alpheus Felch
Commissioner

Filed in Office Oct. 11. 1853
Geo. Fisher Secy

Bernard Murphy
vs
The United States
No. 52

Motion to Dismiss on Removal

It appearing to the satisfaction of the Board, by the affidavit of Wm Leary Jones, that Bernard Murphy the Claimant in this case, has died since the filing of the claim in this case behalf and that Marlin F. C. Murphy is his only child and heir; and it further appearing to the Board that this case was submitted for final determination after the death of the said Bernard Murphy. It is therefore ordered that this case be returned to the Docket and the same be revived in the name of the said Heir

Filed in Office Nov. 29. 1853
Geo. Fisher
Secy

5-4

Bernard Murphy
vs
The U. States } No. 52
} Claiming the Rancho called
La Polka – Daniel Murphy being sworn on motion
to return this case to the Docket & hear further testi-
mony says: that Bernard Murphy the claimant
was on the way to this city in the month of April
1853 for the purpose of proving occupation and
cultivation of the land claimed under the grant
in this case & the building of a house on the same
He believes such facts really existed – That by an
accident on the Sunny Side Steamer said Bernard
Murphy lost his life, without having time to
communicate with his attorneys, and that his case
was submitted without the additional proof
as he believes from said accident

Affidavit of Dan'l. Murphy

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Dan Murphy

Sworn to and subscribed
before the Commissioners sitting
as a Court this 22d day of
November A.D. 1853

Attest
Geo. Fisher Secy

Filed in Office Nov. 22. 1853

Geo. Fisher Secy

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Stipulation

Commission on Land Claims in California
No. 52. Bernard Murphy Claimant
It is hereby agreed and stipulated that the affidavit of William Carey Jones filed in this case stating the death of said claimant since the filing of the petition in said case and that Madden Murphy is his son and heir, may be read as though taken regularly in form of a deposition to prove the facts so stated, and that for the same purpose a certified copy of the same may be read in No. 7 (seven) and also in No. 25 (twenty five)

Robert Greenhow
Apt. Law Agent

Filed in office Dec. 11. 1853
Geo. Fisher
Secy

Bernard Murphy
vs
The United States
} No. 52 La Dolce or part of San Pedro

Stipulation

It is hereby stipulated that the transcripts filed in this case and certified by Mr Kenny the late Surveyor General for California under his private seal, may be read as evidence, just as though they were decreed and certified under the seal now provided for the Surveyor General

Filed Dec. 19 1853. Geo. Fisher Secy

Robert Greenhow Apt Law Agent

No. 52 Bernard Murphy
vs
The United States

Stipulation

The land claimed in this case is situated in the State of California and north of parallel 37° of north latitude

J. H. McKune Law Agent

Thaddeus Williams
for Claimant

Filed in office Aug. 22. 1854
Geo. Fisher Secy

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57 No. 52 Heirs of Bernard Murphy dec.d
vs. } For the place called La Polka
The United States } in Santa Clara County contain
ing one Square League of Land

The premises claimed in this case are a part of the tract of Land possessed at an early day by Ignacio Ortega and known by the name of San Isidro. After the death of said Ignacio Ortega proceedings were had in reference to a division thereof between his children Damian Ortega, Ysabel Ortega, who married Juan Cantua and Maria Clara Ortega who was the wife of Juan Gilroy - These proceedings resulted in an agreement between the parties for a division of the property by metes and bounds, and upon application to the Governor Jose Figueroa grants were made to each of said heirs for their respective portions according to such division

Opinion

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The portion claimed in this case is that which was assigned to Isabel Ortega, and in evidence of her title the petitioner has given in proof a deed of the same made to Bernard Murphy under whom the claims when, by said grantee and her husband Juan Cantua dated January 24. 1849

The Original grant to Ysabel Ortega is not produced but it is shown that in the course of proceedings in regard to the possession of the premises it was presented to the Government and is now found among the archives of the Government - The genuineness of the Original is proved and a traced copy sworn to be correct is given in evidence - The grant bears date June 19. 1833 and it received the approval of the Territorial Deputation on the 17th day of May 1834

The proof shows that the Occupation of the place by residence thereon and by cultivating the ground commenced more than twenty years ago and has been continued by said Ignacio Ortega & his children above named until near the time of filing this petition - The portion of the Land which was conceded to said Isabel Ortega is described in the grant as that portion of the Rancho known by the name of San Isidro, bounded by the Ranchos of Las Animas and Las Llagas by the Sierra and that part belonging to her sister Maria Clara. The portion thus assigned and described embraces the Northern part of the Rancho and was bounded on the Ranchos Las Animas and Las Llagas - A controversy existed between the Owners of

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these Ranchos and Juana Isabel Ortega relative to the boundaries between them, and being unable to agree proceedings were had before an Alcalde, without closing the controversy, and the record was finally sent to the Governor and by him transmitted to the Tribunal Departamental. No final determination of the matter appears to have been had. It is difficult to understand fully the merits of this case controversy from the Espediente; nor do I deem it necessary to investigate the matter further for the purpose of deciding this case. Enough is evident in the record to show the intention of the Governor to concede to Juana Isabel Ortega all that portion of the premises known as San Isidro lying north of the portion assigned by a definite line to her sister Maria Clara in the division; the exterior boundaries were to be those of the lines of the two Ranchos Las Animas and Las Glagas—

We are unable to fix the precise locality of these lines, we have no proof except in the Espediente in regard to them. This however shows that they were once regularly marked out and defined, and their location therefore can be ascertained whenever the question shall arise for determination. It will be enough in a decree of confirmation to follow the description given in the grant and the record from the archives, making the line of those Ranchos the limits of the premises granted, and leaving their precise boundaries to be settled under the law of March 3rd 1851 by the Surveyor General or by such judicial tribunal as may have jurisdiction in future controversies relative thereto—

A decree in such terms will necessarily embrace all that was granted by the Government and all that could be conveyed by such grantee to Juana Murphy A decree of confirmation will be entered accordingly

Confirmed

Filed in Office Aug 15. 1854
Geo. Fisher Secy

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S-9 Rev. 52

Heir of Bernard Murphy deceased
vs
The United States

In this case on hearing the proofs and allegations it is adjudged by the Commission that the said Martin Murphy and the other heirs at Law of said Bernard Murphy, deceased (if such there are) are entitled to said premises and a Confirmation thereof accordingly is hereby decreed.

The land of which Confirmation is hereby made is situated in Santa Clara County and known by the name of La Polka and is bounded and described as follows, to wit: Bounded by the Ranchos Las Animas and Las Llagas, by the Sierra and that part of the Rancho of San Ysidro which in a division thereof was assigned and granted to Maria Clara Ortega, the wife of John Gilroy. The premises hereby confirmed being the Solar of said place called Rancho of San Ysidro which in the division above mentioned was assigned and granted to Isabel Ortega the wife of Julian Bandini reference to be had to the part thereof and the Expediente of which the same forms a part, which are on file in this case: said land containing One Square league of land more or less.

Alpheus Felch
R. Aug. Thompson
A. B. Fowler
Commissioners

Filed in Office Aug 15. 1854
Geo. Fisher Secy

And it appearing to the Satisfaction of this Board that the land hereby adjudicated is situated in the Northern District of California it is hereby Ordered that two Transcripts of the Proceedings in this 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 Northern Judicial District of California and the other 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.

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I, George Fisher — Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing Fifty nine — pages, numbered from 1 to 59, both inclusive, to contain a true, correct and full Transcript 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. 52 on the Docket of the said Board, wherein Bernard Murphy is the Claimant against the United States, for the place known by the name of "La Polka" —

In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this Thirtieth — day of December A. D. 1854, and of the Independence of the United States of America the seventy-ninth.

Geo: Fisher.

Office of the Attorney General of the United States,

Washington, 7th March 1855

Bernard Murphy
vs.
The United States. } 52.

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 30th day of December 1854, the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Cushing

Attorney General.

No 159

U.S.D. Court. N.D.

United States

vs.

Bernard Murphy

Appeal Notice.

Filed April 14, 1855,

by W. F. Cheever,

Deputy.

Office of the Attorney General of the United States,

Washington, 7th March 1855.

Bernard Murphy
vs.
The United States.
} 52.

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 30th day of December 1854, the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Cushing

Attorney General.

No 159

U. S. D. Court N. Dist.

The United States
vs.
Bernard Murphy

Appeal Notice.

Filed May 5. 1855,
by W. H. Chenes.
Deputy.

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

Bernard Murphy
ads
The United States

No: 159

This Respondent for answer to the petition filed in this case, answers and says: It is true, that the land in the said petition mentioned, lies within the Northern District of California, and within the jurisdiction of this Court.

But he denies that it is true, as alleged in said petition, that his title to the said land is invalid, but avers that the same is valid, and prays that the decision of the said Board of Commissioners confirming his claim, may be affirmed, and that his title thereto may be decreed to be valid.

Bernard Murphy
by his counsel
Thornton, Williams & Thornton

No: 159

U. S. District Court
Northern District –

Bernard Murphy
ads
The United States –

Answer

Filed June 30. 1855,
by Chevers
Deputy

Th. Lowndes & Th.

To the Honorable District Court of the United States in and for the Northern District of California

The United States
Appellants
vs
Bernard Murphy ~

No. 159 ~

The Petition of the United States by their attorney represents: that this Cause is an Application for a review of the decision of the Board of Commissioners whereby the Claim of the said Appellee was Confirmed as appears by reference to the records in the Case: That a transcript of the said Records was filed in this Court on the 9th day of January 1855 that a notice of Appeal was filed on the 14th day of ~~April~~ May 1855 ~~5th day of~~ and that the land claimed lies in the said District.

That the said claim is invalid. Wherefore Appellants pray that the said decision of the Board be reversed & that this Court decree the said title to be invalid. Respectfully &c

A Wasson
Asst U.S. Atty

No 159

U. S. Dist. Court
Northern District —

The United States
vs
Bernard Murphy

Petition

Filed June 30, 1855,
by Olivers
Deputy

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A. Glapell

No: 159

The United States
vs
Martin J. C. Murphy
Heirs of Bernard Murphy deced

U. States District Court. Northern District. California

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This cause coming on this day to be heard upon the Transcript of the Proceedings and Decision of the Board of Land Commissioners and of the papers and evidence on which the same were founded, and the pleadings filed in this Court, And counsel having been heard, on the part of the United States and for the Claimant.

In Consideration of which, the Court is of opinion, that there is no error in the Decision of the said Board and that the same should be and is hereby affirmed —

And this court doth adjudge order and decree that the title of the said Claimant, to the Land described in said Transcript, is valid, and the same is hereby confirmed — The Land of which Confirmation is made is situated in Santa Clara County and known by the name of La Polka and is

bounded and described as follows to wit Bounded by the Ranchos Las Animas and Las Llagas, by the Sierra and that part of the Rancho of San Isidro which in a division thereof was assigned and granted to Maria Clara Ortega the wife of John Gilroy, the premises hereby confirmed being the portion of said place called Rancho of San Isidro which in the division above mentioned was assigned and granted to Isabel Ortega, the wife of Julian Cantua, reference to be had to the grant thereof and the Expediente of which the same forms a part, copies of which are contained in the said Transcript.

Said Land containing one Square leagues of land, more or less -

Ogden Hoffman
U. S. Dist Judge

No. 159.

U. S. Dist. Court.

The United States,

vs.

Bernard Murphy.

Decree.

Filed January 14, 1856,
W. H. Chevers,
Deputy.

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California Land Claims.

Attorney General's Office
6 Octr 1856.

Sir:

In the case of the claim of Bernard Murphy, confirmed to the claimant by the Commissioner, case no. fifty-two (52), appeal will not be prosecuted by the United States.

I am
Respectfully
Cushing

Wm Blanding Esq
U. S. Attorney
San Francisco.

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

The United States

v. } Case No. 159.
Transcript No. 52.

Bernard Murphy

In pursuance of notice from the Attorney General of the United States hereunto annexed, it is hereby stipulated and agreed, that no further appeal shall be taken in this case on the part of the United States, and that the claimants have leave to proceed under the decree of this Court heretofore rendered in ~~their~~ his favor as on Final Decree.

Nov 15. 1854.

Wm Blanding
U.S. Dist Atty.
Thornton Williams & Thornton
Attys for Claimant

U.S. 159

District Court.

United States

v. } Case No. 159.

Bernard Murphy

Stipulation

Filed Nov. 18. 1856.

W. H. Chevers

Deputy

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At a Stated Term of the District Court of the UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room in the City of SAN FRANCISCO, on Tuesday the 18th day of November in the year of our Lord one thousand eight hundred and fifty-six.

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States v. Bernard Murphy	Case No 159. Transcript No 52.

The Attorney General of the United States having given notice that no appeal to the Supreme Court of the United States will be prosecuted in this case, and a stipulation having been entered into by the District Attorney that no further appeal shall be taken on the part of the United States, and for leave to the claimants to proceed under the decree of this Court heretofore rendered in this favor.

On motion of the District Attorney, it is ordered, adjudged and decreed, that the claimants have leave to proceed under the Decree of this Court heretofore rendered in this favor as on Final Decree.

Ogden Hoffman
U. S. Dist. Judge

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United States District Court, Northern District of California.

United States

vs.

Bernard Murphy

Case No. 159.

Transcript No 52.

Order vacating appeal.

Filed Nov. 18. 1856

J. A. Monroe,

Clerk.

by W. H. Chevers

Deputy.

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At a Stated Term of the District Court of the UNITED STATES OF AMERICA, for the Northern District of California, held at the Court House, in the City of SAN FRANCISCO, on Monday the Sixteenth day of January in the year of our Lord one thousand eight hundred and sixty ~~[illegible]~~, for the trial of land cases.

Present:

The Honorable ~~OGDEN HOFFMAN, District Judge.~~ M. Hall McAllister, Cir. Judge.

The United States,
vs.
Bernard Murphy.

D. C. No. 159.
L. C. No. 52.

On motion of Counsel for the Claimant herein, the Acting U. S. District Attorney being present, and consenting thereto, it is ordered by the Court that the final order entered in this cause be, and the same is hereby amended in the style thereof, so as to read Martin J. C. Murphy, Heir of Bernard Murphy, deceased.

M. Hall McAllister
Judge Circuit U. S.

No. 159.

District Court of the United States

IN AND FOR THE

Northern District of California.

The United States,

vs.

Martin J. C. Murphy, heir of Bernard Murphy.

Order amending style of suit.

Filed January 16, 1860.

W. H. Chevers, Clerk.

By

Deputy.

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

Clerk's Office,

I hereby Certify the foregoing to be a true copy from the Minutes of the said Court.

Clerk.

By

Deputy.

The United States
vs
Bernard Murphy –

It is unnecessary in this case to recapitulate the facts which are fully stated in the opinion of the Board of Commissioners by whom the claim was confirmed –

The genuineness of the grant and the residence of the grantee & his children for more than 20 years on the land for more than 20 years are fully established –

The only difficulty in relation the case is obviated by the form of decree entered by the Board – and which is now prayed may be affirmed by this Court.

No objections having been raised on the part of the appellants and none having been discovered by us a decree as prayed for must be entered –

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The U. S.

vs.

Bernard Murphy

Opinion

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Office of the Board of Commissioners,

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

San Francisco, Dec 30th 1854

John A. Munroe Esq.

Clerk of the U. S. District Court for the Northern District of California.

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 52 on the Docket of the said Board, wherein Bernard Murphy is the Claimant against the United States, for the place known by the name of "La Polka"

and request your receipt for the same.

I am, Respectfully,

Your Obt Servant,

Geo: Fisher

Sig.