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216  
D.

CASE NO.

216

**NORTHERN DISTRICT**

---

**SAN YSIDRO GRANT**

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QUINTIN ORTEGA, ET AL.

CLAIMANT



LAND CASE 216 ND: 218 PAGES

NOV 7 1962

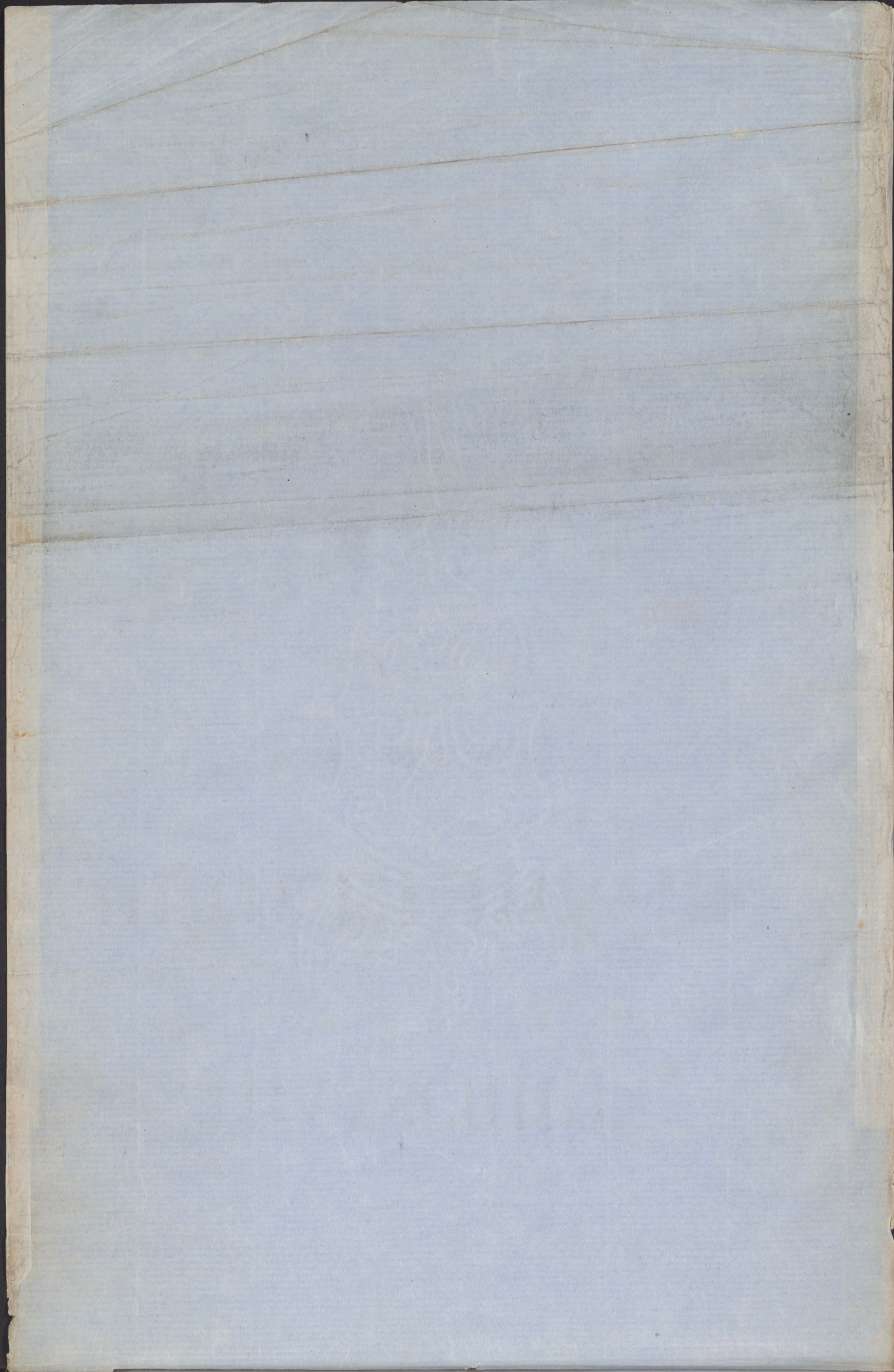
AUG 26 1985

REVEREND BOARD  
SPECIAL COTTON FIBER  
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112







# TRANSCRIPT

OF THE

# PROCEEDINGS

IN CASE

NO. 112.

*Quintan Cortega, et al,* CLAIMANT S.

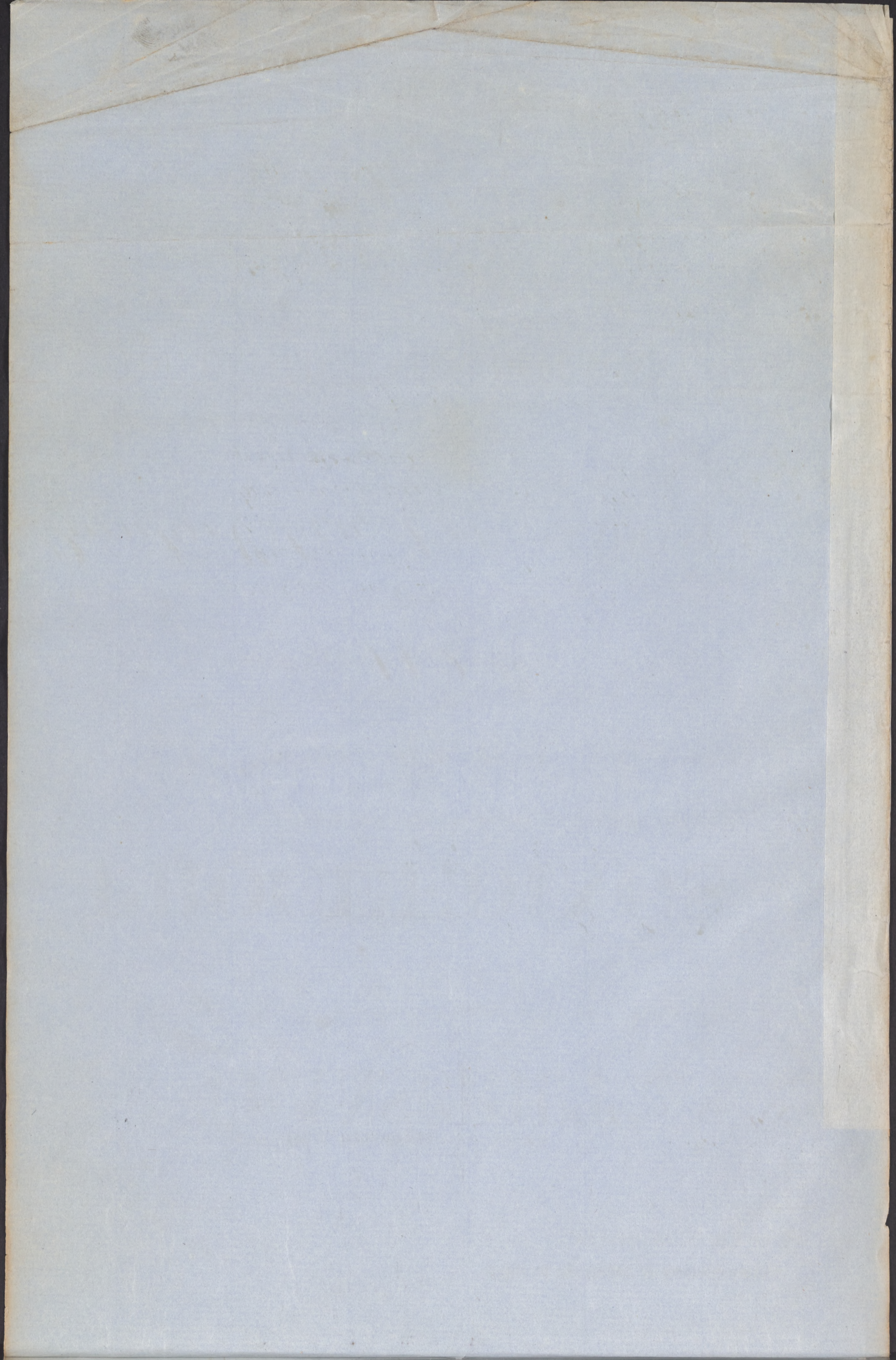
VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"San Ysidro"*







Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this *Twenty third day of March*, 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 *Quintin Ortega, A. al.*  
for the Place named  
"*San Ysidro*"

was presented, and ordered to be filed and docketed with No. *112*, and is as follows, to wit;

(Vide page *3* of this Transcript.)

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

*San Francisco March 5<sup>th</sup> 1853.*  
In Case No *112*, *Quintin Ortega, A. al.*, for the place named "*San Ysidro*"; the deposition of *José Castro*, a witness in behalf of the claimants, taken before Commissioner *Henry S. Thornton*, with document marked *H. S. T. No 1.* annexed thereto was filed.

(Vide page *7* of this Transcript)

*San Francisco August 23<sup>d</sup> 1854.*  
In the same Case the deposition of *J. J. Warner*, a witness in behalf of the claimants, taken before Commissioner *Peter Set*, with document marked *Exhibit J. J. W. P. S.* annexed thereto, was filed.

(Vide page *8* of this Transcript.)

*San Francisco Sept 1<sup>st</sup> 1854.*



In the same case the deposition of Jose Castro, a witness in behalf of the claimants, taken before Commissioner Peter Sott, was filed.  
(Vide page 11 of this Transcript)

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San Francisco Sept 5' 1854.  
In the same case the depositions of Matthew Fellum, Manuel Pinto, and Felipe Castro, witnesses in behalf of the claimants, taken before Commissioner Peter Sott, were filed.  
(Vide pages 13 & 14 of this Transcript)

San Francisco Sept 12' 1854.  
Case No 112, was submitted without argument.

San Francisco, Sept 19' 1854.  
In the same case Commissioner Alphons Felch, delivered the opinion of the Board confirming the claim.  
(Vide page 43 of this Transcript)  
And the following order was made to wit.  
(Vide page 44 of this Transcript)



State of California  
 City & County of San Francisco  
 To, the Honorable Melan Ball, Henry J. Thornton &  
 James Wilson; sitting as a Board to ascertain & settle  
 the Private Land Claims in the State of California  
 Your petitioners Quintin Ortega Maria Clara Ortega the  
 wife of John Gibroy & Julia Martin, give notice, that  
 that they claim two thirds parts of the Rancho called  
 the San Isidro; which Rancho was granted on the 3<sup>d</sup>  
 day of June 1833, by Jose Figueroa then and there gover-  
 nor of California, who then and then had full power  
 and authority to grant lands under the Successors of  
 Mexico and to give valid titles. The said grant was  
 made to your petitioners Quintin, Maria Clara and then  
 Sista Maria Isabel Ortega, who is the wife of one  
 Julian Cantua, which grant was afterwards conform-  
 ed by the Departmental Assembly on the 17<sup>th</sup> day of  
 May 1834 - The said Rancho is bounded on the South  
 by the Mission San Juan Bautista; by the Rancho las  
 Animas, the Lagas & the Mountains; that is to say is  
 bounded on the South by the San Juan<sup>the</sup> Baptist on  
 the West by the Rancho los Animas, on the North by the  
 Lagas & on the East by the Mountains and the bound-  
 ary between the said Rancho Isidro & the Rancho  
 las Animas is the Laguna, which line begins on the  
 North line of the Mission San Juan and runs through  
 the said Laguna to the head Spring of the Lagas  
 then going East to the Mountains and then along the  
 Mountains Southwardly to the said Northern line of  
 the said Mission San Juan and then to the place of  
 beginning - Your petitioners further state, that a few  
 weeks on the 4<sup>th</sup> day of June 1833 the said Governor  
 Figueroa divided the same Equally between the said  
 Quintin and his two Sisters, giving each a third & granted  
 to your petitioners Quintin, One Equal third part of the  
 said Rancho Isidro bounded on the South by said  
 Northern line of the Mission San Juan Bautista and  
 on the North by the parts of the same left to his two Sisters  
 your petitioner Maria Clara and the said Maria Isabel  
 & by the other boundaries East & West of the Rancho  
 as before stated, and afterwards, on the 19<sup>th</sup> of June  
 1833 the said Governor Figueroa, granted to your peti-  
 tioner Maria Clara One third Equal undivided part  
 of said Rancho bounding it on the South by her brother  
 Quintin as aforesaid stated and on the North by the



portion of her sister Maria Isabel, being an undivided  
 equal third part thereof & each of the said Quintan  
 & your said Maria Clara went into the possession of  
 their said portions and so did their sister Isabel &  
 have lived on their said several tracts ever since  
 and your petitioners Quintan and Maria Clara have  
 ever since had exclusive and entire possession of  
 the portions so properly granted & assigned to each of  
 them respectively & were known so publicly to be  
 possessed and were so by the consent of the said Isa-  
 bel their sister & thereby claim the titles as against  
 all other persons by prescription, and they deny that  
 there was any specific line agreed on between your  
 petitioners Maria Clara & the said Maria Isabel but  
 assert that it was always understood between the  
 parties that each of the two sisters were to have  
 equal portions with their brother Quintan & on the said  
 19th day of June 1833 the said Governor Jose Figueroa  
 granted to the said Isabel Ortega her portion of the  
 said Ranch Isadore being on the North End of the  
 same, and they also state, all of these acts of the said  
 Governor Figueroa were afterwards duly approved by  
 the Departmental Assembly as has been before stated  
 & set forth. Your petitioners further state that the said  
 parties performed all the conditions imposed on them  
 by the Laws of Mexico: as then further had lived on  
 & owned the said Ranch for more than twenty years  
 before the grants aforesaid and which in fact had  
 been granted to him as early as 1808 or 1809 & he had  
 from the said last mentioned, owned claimed and  
 occupied the said Ranch corresponding with the bound-  
 aries before stated & especially on the 11th, had all  
 that period claimed used & occupied the same exclu-  
 sively to the Laguna before named & which was  
 always the legally acknowledged Western boundary  
 of said tract all of these things will more fully appear  
 by reference to the Original grants, upon which the  
 several grants were made, with their corresponding  
 endorsements which are herewith made part of this petition  
 & a copy of which with a translation is herewith filed  
 marked A. & B.

Your petitioners say that your petitioners Jesus Martin  
 on or about the 8th of January 1852 finding the  
 said Maria Clara Ortega & her husband John Gentry  
 in the full and exclusive possession of the part of the

to the brother & two sisters as before stated purchase of



5-  
grant so granted to her & seeing the before named grants to the brother & two sisters as before stated purchased for a valuable consideration, by deed of that date, has made a part of this petition marked (C) about the amount of 41 1/4 acres according to a plat & survey of the same made by one William J. Sevens bearing date the 24 to 26th of December 1850 which is here made part of this petition marked D. and will be presented as evidence on the trial of this cause - which shows the exact boundary of the Sauced Mantens interest.

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Your petitioners state that no general or legal survey has been made of the Rancho San Isidro, but they do state & show here a survey made by the Sauced Sevens dated the 16th of July 1850 of the lands granted to the Sauced Blanca & the Sauced Blanca Isabel showing the exact limits of their several interests as is more fully set out by the grants aforesaid, which is made part of this petition marked E and will also be produced on the hearing as proof of which survey was made in the presence of the Comandante of the parties interested.

Your petitioners further state, that one Bryan Murphy has filed a petition to have the part granted to the Sauced Isabel conveyed to him & claims that a creek called the Anonos or Almios is the boundary line or near it, between the lands of the Sauced Blanca & the Sauced Isabel, which these petitioners deny and the Sauced Blanca & the Sauced Sevens Martin pray leave to intervene in the Sauced Murphy's petition, as the line he claims is unjust and interferes with the rights of both the Sauced Blanca & the Sauced Martin and now alleges that the boundary between the Sauced two tracts is as laid down on the survey thereof made by the Sauced Sevens as before stated & that which survey the Sauced Murphy was present and a witness to the same being correct, and which is in fact is the true boundary between the Sauced Blanca & Sauced Isabel. And the Sauced Martin alleges that he is a purchaser for a valuable consideration of said parcel without any notice of the Sauced Murphy's pretences & bought the said parcel having examined the several grants so as aforesaid made upon the knowledge acquired by finding the Sauced Sevens & wife in the lawful & exclusive possession thereof for near twenty



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says & therefore he insists that as between him and  
the said Label or those claiming it, he is entitled  
to the land & has a right to prescribe for the same  
Your petitioners rely upon the Records & proceedings  
before referred to in this case, on such & others as  
they can hereafter find & such other evidences and  
facts, as they can establish at the trial to entitle  
them to a Confirmation of their several titles for  
which they pray as in duty they are now bound

Fredrick Hull

John Nelson  
Attos for petitioners

Filed in office March 23<sup>rd</sup> 1852

Geo. Fisher Secy

Records Journal Vol. 1 pages 416 to 419

Geo. Fisher  
Secy

Deposition of  
Case 10520  
On this day before me H. S. Tharlin came Jose  
et. al.



7 Deposition of  
Jose Castro

San Francisco March 5th 1853  
On this day before me Lewis H. Stanton came Jose  
Castro a witness in behalf of the Claimants Quintan  
Ortega et al Petition No. 113 and was duly sworn, his  
evidence being interpreted by the Secretary

Questions by Claimant

Question 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 shown to you and marked Exhibit No. 1  
filed with this deposition, and say if you are acq-  
ainted with the hand writing of all the persons  
whose names are written in and upon the said  
document and if you state whether their signatures  
wherein they occur in and upon the said docu-  
ment are their genuine signatures?

Answer. I have examined the said Exhibit  
document and am acquainted with the signatures  
of all the persons whose names are written therein  
and state that their signatures are genuine

Quest. 3<sup>rd</sup> Are you acquainted with the Rancho  
San Isidro claimed by Quintan Ortega & others and  
if you state what you know as to its Occupation  
Settlement, when by whom & how?

Ans. I am acquainted with the said Rancho  
It was first settled more than thirty years ago by  
Ignacio Ortega the father of Quintan Ortega. He  
had a house on the place and lived on it with  
his family - and his family or descendants still  
occupy it. He cultivated the land & had cattle  
upon it and necessary breedings, which continues  
to be the case now - Isabella, Maria Clara, and  
Quintan Ortega are descendants of Ignacio - Isabella  
Maria & Dolores Cantua, Maria Clara Maria  
John Gilroy - Isabella who married Cantua is  
dead - There are other descendants besides those  
above named of the said Ignacio Ortega

I, J. Saw Agent Preside  
Sworn & subscribed before me this 5th March 1853  
Jose Castro  
Lewis H. Stanton Comr  
Filed in Office March 5th 1852. Geo. Fisher Secy  
Recorded in Ev. B. Vol. 3 p 635. Geo. Fisher Secy

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Original Copies  
pages 15 to 24, and  
page 35



United States of America }  
State of California } 55

San Francisco Aug 23. 1854

Deposition  
of J. J. Warner.

This day before Peter Lotte Comr. for taking testimony to be used before the Board of U.S. Land Commissioners in said State of California On behalf of Claimant in Case No. 112 On the docket of said Board, said claimant being Maria Clara Ortega wife of John Kelly said witness being sworn deposed as follows

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The U.S. Associate Survey Agent is present  
Questions by J. J. Williams Esq. Atty for Claimant  
1 Question: What is your name age and place of residence?

Ans. My name is J. J. Williams my age is about forty six and my residence San Diego County.

Copied on pages 37 and 38.

2<sup>d</sup> Look upon the document now  
shown to you marked "Exhibit J J W P L"  
and annexed to this deposition and say if you  
have compared it with a document on file in  
the Office of the Survey General of the United  
States for the State of California  
whether or not it is a correct copy of said last  
mentioned document in said Survey General's  
Office.

Ans. I have compared the document now  
shown to me marked "Exhibit J J W P L" with a  
document on file in said Survey General's office  
and the former is a correct copy of the latter

3<sup>d</sup> Are you acquainted with the hand  
writing of Jose Figueroa and Augustin V Zamora  
if so, state your means of knowledge and say  
whether or not, their signatures, wherever they occur  
on the above mentioned document on file as  
aforesaid in the Office of the Survey General  
of the U. States for the State of California are  
true and genuine?

Answer. I am acquainted with the  
hand writing of Jose Figueroa and Augustin  
of Zamora having seen them write and believe  
their signatures on said document to be  
true and genuine



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Copied on pages 15 to 24 & p. 35.

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4th Question. Look at the Document now shown you marked Exhibit No. 1 to deposition of Jose Castro in No. 112 S I T and filed in this case and state whether you are acquainted with the hand writing of Jose A Estrada, Jose J Ortega Carlos Anto Leduello, Jose Castro, Jose Figueroa, and Juan B Alvarado, and if yes, your means of knowledge of knowledge, and then examine that portion of said Document purporting to be a report and resolution of approval by a committee of Colonization and Lands, of the Departmental Assembly to which these names are signed, embracing also the Act of the Legislative Department and state whether their signatures thereto are genuine

Answer. I am acquainted with the hand writing of all the persons named in the interrogatory. I have frequently seen them write, and their signatures here in this Document at the pages referred to are all genuine, and on the next succeeding page the signatures of Jose Figueroa and Agustin V Zamorano are also genuine and the next written page headed "Testimonio" is a copy of an Original Document which I have examined in the Surveyor General's Office, and which was signed by David Figueroa and Zamorano  
J. J. Mearns  
Subscribed & sworn to before me  
On this 23<sup>rd</sup> day of August, 1854  
Peter Lott Com: 40

Filed in Office Aug. 23<sup>rd</sup> 1854  
Geo. Fisher Secy

Recorded in Ev. B Vol 5 p 308  
Geo. Fisher Secy

Testimonio  
Is the paper copied on pages 23 & 24







11 Deposition of  
Jose Castro

United States of America, State of California to  
San Francisco Sept. 1. 1854

This day came before Peter Sott Commissioner for  
taking testimony to be used before the Board of U.S.  
Land Commissioners in said State, Jose Castro, a witness  
on behalf of the claimant Maria Clara Ortega in  
Case No. 112 On the docket of said Board, said  
witness being sworn deposed in Spanish which  
is interpreted as follows:

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The U.S. Associate Survey Agent is present -  
Questions by J. Williams Esq. Atty for claimant  
Question. What is your name age and residence?

Answer. My name is Jose Castro, My age 46 years  
My residence Monterey California

2nd Question. Are you acquainted with that portion of  
the Rancho of San Ysidro which was granted by  
Governor Figueroa to Maria Clara Ortega wife of  
John Selroy, if yes, state what you know of its  
Occupation and Cultivation by said Maria Clara  
or said Selroy?

Answer. I know that portion of said Rancho. In 1818  
I first saw the place, at that time Ignacio Ortega  
the father of said Maria Clara lived on the place, <sup>he</sup>  
had his Cabals and fields enclosed and cultivated  
He had cattle and horses there till his death, after  
which, in the year 1833, Figueroa granted the land  
to Maria Clara, Cecilio, and Isabel the children  
of said Ignacio; Maria Clara's part was the med-  
dle or central part of the Rancho, and contained  
one square league, she has been in the occupation  
of it ever since the grant - She was born on the land  
the now occupies, it was the part her father lived  
on, and she has lived on it all her life

Jose Castro

Subscribed and sworn to before me on this 1st day  
of September A.D. 1854 a Peter Sott Commissioner for  
Filed in office Sept. 1. 1854  
Geo. Fisher Secy

Deposition of  
Manuel Pinto

Recorded in Ev. B Vol. 5 p 325 Geo. Fisher Secy  
United States of America, State of California, to  
San Francisco Sept. 4. 1854

This day came before Peter Sott Commissioner for taking  
testimony to be used before the Board of U.S. Land  
Commissioners in said State. Manuel Pinto a witness  
on behalf of the claimants Cecilio Ortega et al



in case No. 112 on the Docket of said Board, and said witness being sworn deposed in Spanish, which is interpreted by the interpreter to said Board, as follows:

The U.S. Associate Survey Agent is present  
 Questions by Mr. Stanley Atty for claimants  
 1<sup>st</sup> Question. What is your name & age & residence?  
 Answer. My name is Manuel Panto, my age 70 years  
 My residence in Santa Clara County California  
 2<sup>nd</sup> Question. Are you acquainted with the Rancho of  
 San Ygnacio, in Santa Clara County formerly occupied  
 by Ygnacio Ortega, if you how long have you known it  
 Answer. I am acquainted with it, have known it since  
 1808

3<sup>rd</sup> Question. Who occupied said Rancho since 1808?  
 Answer. Ygnacio Ortega lived there with his family in  
 1808. He built a house and Corral, enclosed and  
 cultivated a portion of the ground, had a few cattle,  
 and continued there with his family till his death,  
 since which time the place has continued in the con-  
 tinued occupancy of his children & heirs. The central  
 portion of said Rancho was the homestead of said  
 Ygnacio, and that part has ever since his death been  
 occupied by his daughter Maria Clara Ortega and  
 her husband John Gilroy

4<sup>th</sup> Question. Are you acquainted with the western bound-  
 ary of said Rancho of San Ygnacio, if you describe it  
 Answer. I am acquainted with said boundary. I saw it  
 measured four years ago, and the line ran along the  
 edge of a little lake, on the side next to San Juan  
 Bautista. It ran in a direction towards Las Lajas  
 on the side of the road leading from San Jose to  
 Monterey. I <sup>have</sup> known that as the boundary since 1808

Cross Examined by U.S. Associate Survey Agent

1<sup>st</sup> Question. State your means of knowledge as to the  
 occupation and cultivation of the Rancho by the  
 Ortega's?

Ans. I was there and worked with him some seven years  
 2<sup>d</sup> Question. How long is the Laguna along which the line  
 Answer. It is a little Lake some 20 varas in length

Manuel Panto  
 (mark)

Subscribed and sworn to before me  
 On this 4 day of September A.D. 1854. Peter Holt Com: &c  
 Filed in office Sept. 5th 1854  
 Geo. Fisher Sec.

Recorded in Ev. B Vol 5 p 301. Geo. Fisher Secy



13 Deposition of  
Felipe Castro

United States of America, State of California: S S  
San Francisco Sept. 4. 1854

This day came before Peter Gott Commissioner for taking  
testimony to be used before the Board of U.S. Land  
Commissioners in said State, Felipe Castro, a witness  
on behalf of the claimants Juan Antonio Ortega et al in  
Case 112 on the docket of said Board, and said  
witness being sworn deposed in Spanish which was  
interpreted as follows

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The U.S. Associate Law Agent is present  
Questions by E. Stanley Esq. for claimants

1<sup>st</sup> Question - What is your name age and residence  
Answer - My name is Felipe Castro My residence in Santa  
Clara County California My age 39 years

2<sup>nd</sup> Question - Are you acquainted with the boundary between  
any of the San Ysidro Rancho, of you, state where  
it is

Answer - I am not acquainted with the boundary, mention  
need well enough to describe - I know that on the  
west, said Rancho was bounded by the Rancho of  
Las Animas; and that the Ortegas and John Gehroy  
cultivated portions of the same west of the Arroyo de  
Las Flechas (Crop Examined by U.S. Asst. Law Agent)

3<sup>rd</sup> Question - How do you know that Las Animas and  
San Ysidro Rancho were adjoining each other?

Answer - I was a administrator of my father's estate, my  
mother lived on the Las Animas Rancho and owned  
it, I was born there and lived there, and have lived  
there all my life - I have seen my father's papers and  
always knew the Rancho joined, but was not  
familiar with the boundary

4<sup>th</sup> Question - How do you know the Ortegas or Gehroy  
cultivated lands west of the Arroyo de las Flechas?

Answer - I have seen it. Felipe <sup>his</sup> Castro  
mark

Sworn and sworn to before

On this 4<sup>th</sup> day of September A.D. 1854 Peter Gott Com. &c.  
Filed in office Sept. 5 1854 Geo. Fisher Secy  
Recorded in Ev. B. Vol. 5 p 331 Geo. Fisher Secy

Deposition of  
M. Fullum

United States of America, State of California: S S  
San Francisco Sept. 4. 1854

This day came before Peter Gott Commissioner for taking  
testimony to be used before the Board of U.S. Land  
Commissioners in said State, Matthew Fullum a  
witness in behalf of the claimants, Juan Antonio Ortega et al in  
Case No. 112 on the docket of said Board said witness



being sworn deposed as follows

The U. S. Associate Law Agent is present.

Questions by E. Stanley Esq. for Claimant

1st Question. What is your Name age and residence

Ans. My Name is Matthew Tellom My age 54 years  
My residence in Santa Clara County I have lived there  
since 1824

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2nd Question. Are you acquainted with the Rancho of San  
Ysidro, of your State what you know of its Southern  
and Western boundaries?

Answer. I am acquainted with Saer Rancho: the Southern  
or it is more Southeastly boundary is the Mexican  
Lands of the Mexican of San Juan Bautista. The Western  
line I always understood to be the Edge of the Lagunaeta  
(Little Lake) about 1000 yards or more west of the Las  
Llagas Creek. The line that is known by a large stone  
which was placed there after a survey which was  
made of the line about 4 years ago for Mr Selroy.  
Though that was always recognized as the boundary  
before that survey. It was Old Ygnacio Ortega's bound-  
ary, which he claimed, the land near this line on the  
East side of it, has been under cultivation by the Ortega's  
and others under them for 30 years past. I mean on the  
West side of the Arroyo de Las Llagas, between it &  
the boundary I have mentioned this boundary on the  
West so far as I know it is the same now claimed  
by Julius Martin and John Selroy, though I do not  
know the extent of the line towards the North portions  
of the line are fences.

Ex of Examined by U. S. Associate Law Agent -

1st Question. Where the Lines of the Mexican designates, if  
you know?

Ans. I know of no land mark of the Mexican Lands on that  
side. It was a straight line running in an easterly direc-  
tion from a Sycamore tree which was marked with  
notches and was the North West corner of said Mexican lands

2nd Question. Are there any other objects on the Ortega's Western  
side of the line besides those you have named?

Filed in Office Sept line besides those you have named?  
5. 1854  
Geo. Fisher Secy Mr Sheppard's fence and Julia North Julius  
Martin's fence. Question 3<sup>rd</sup> When were these fences built

Decaded in Ev. B. Ans. Sheppard's more than a year ago, and Martin's a  
short time ago, this year Matthew Tellom  
Geo. Fisher Secy subscribed and sworn to before me on this 4th day of September  
A. D. 1854 Felix Lott Commissioner &c



Para los años de mil ochocientos veinte y seis y ochocientos veinte y siete.

Sor.

"Exhibit N°1"  
attached to the  
deposition of  
Don Castro.

Quintín Ortega cabo de Milicia del n° Cuerpo de Artillería ante V. S. con la mayor sumisión y respeto digo: que teniendo posesion hace veinte o mas años del terreno que manifiesta el dibujo adjunto, por consuecion que hizo a mi padre el Sr. Gobernador Don Joaquin Arillaga, me veo en la indispensable necesidad y obligacion de asegurar a mi numerosa familia el unico patrimonio que puedo dejarle; para que Subleita Montenegro. Abril. 15 de 1833.

Suplirase el Ayuntamiento de de una propiedad en el esta Capital.

Por eso que careciendo de un documento de posesion

Piquevaca.

por no haber me dado noticia de el mi padre antes de morir, y estando seguro por otra parte de acreditar mi conducta, con varias personas idoneas, y aun con el Justo Ayuntamiento de esta Capital que se ha servido encargarme la alcaidía auxiliar por vez Suplico A. S. con encarecimiento se digne accederme en propiedad el terreno de que se trata.

Por tanto A. S. respetuosamente Suplico se digne acceder segun lo que llevo expuesto a lo que tengo pedido, recibiendo en ello gracia de ser acreditada bonofidad. Montenegro. Abril 13. de 1833.

Quintín Ortega.

Sor. Jefe Superior Politico.

En sesion ordinaria del 10 del pp<sup>o</sup> se dio en cuenta con la representacion que antecede y quedo pendiente el informe que se tiene A. S. pedir a virtud de esperar el resultado que hubiera de la conciliacion que se presentaba con los hermanos politicos del que representa y habida esta se tomo en consideracion en sesion de este dia y se acordo se informase a V. S. ser el terreno que pretende el que representa concebido a su padre hace veinte años o mas y que por lo que respecta al derecho de posesion que tienen en el las hermanas del Sr. Quintín se agregase a continuation de esta solicitud, copia de la conciliacion habida entre los tres interesados para su Superior conocimiento Montenegro 4 de Mayo de 1833.

Marcelino Escobar. Sr. M<sup>o</sup> Melchorado. Sr. D.



11/

Sello tercero Los recales.

Habilitado provisionalmente por la Administración de la Aduana Marítima de Monterey, para los años de mil ochocientos treinta y tres y mil ochocientos treinta y cuatro.

Figueroa.

José Rafael Torrales.

Monterey 18 de Mayo de 1833.

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Pose al Alcalde constitucional Don Marcelino Escobar quien procederá a recibir una información de tres sujetos interrogarlos sobre los puntos siguientes. Primera: Si saben a quien ha pertenecido el rancho de S. Ysidro quien le ha poseído y desde que tiempo. Segundo: Si el terreno es de pan llevar: Si tiene aguas permanentes para regar lo sin solo sirve para siembras de temporal o abrevadero. Tercero: Si conocen a las esposas de Pedro y Lucina si son hermanas de Quintín Ortega y como le llamaron. En cuarta esta diligencia volverá el expediente a esta Prefectura para la resolución que convenga.

Figueroa.

Agustín B. Zamorano. Srío.

Monterey 19 de Mayo de 1833.

Recíbase la información que se pide en el anterior Superior Decreto con citación de la parte para que presente los testigos que se han de examinar y fha. devuélvase al S. Jefe Superior Político. Así Yo el Alcalde Constitucional lo decreté mandé y firmé con testigos de asistencia en la forma establecida de que doy fe.

Marcelino Escobar. José María Maldonado. Luis Plasencia.

En el puerto de Monterey a los treinta días del mes de Mayo de mil ochocientos treinta y tres se le notificó al C. Quintín Ortega el auto que antecede y de el entendido obigo: lo oye y que presenta a los ciudadanos Carlos Antonio Castro, Francisco Pacheco y José de Jesús Vallejo, y lo firmó con miso y los de ella.

Escobar.

Quintín Ortega.

De apo. José María Maldonado. Luis Plasencia.

En la misma fha presente el C. Carlos Antonio Castro testigos presentado por el de su clase Quintín Ortega, le recibí juramento que hizo en forma de derecho por el cual opeio decir verdad en lo que supiere y fuere preguntado y siendo lo por su nombre estado, edad, oficio patria y religión dijo llamarse como dicho está, casado de oficio labrador, natural de Sonoma, y vecindado en esta hace cuarenta y siete años, de edad de cincuenta y nueve y C. B. B. Seguintado. Por el interrogatorio que comprende



el Superior decreto de 18 del corriente.

Sello tercero Dos reales.

Habilitado provisionalmente por la Administración de la Aduana Marítima de Monterrey para los años de mil ochocientos treinta y tres y mil ochocientos treinta y cuatro.

Plegueva.

José Rafael Gonzales.

Alo primero. Que el rancho de S. Ysidro que se pregunta ha pertenecido desde el año de (804) ochocientos nueve al difunto Ignacio Ortega, quien lo proveyo hasta el de treinta en que murió y que de este tiempo a la pta. lo ha poseído Quintín con su familia como (hijo) único varón del referido Ignacio Ortega.

Alo segundo: que el expresado terreno es de ganadería: que agua permanentemente para regarlo tiene muy escasa: pues no es mas que un ojo de agua que hay a distancia de una legua de la casa y que con esta se riega solo un pedazo corto de tierra cuando se llega a cultivar que sirve para siembras de temporal y abrevaderos.

Alo tercero. Digo: que las hermanas de Quintín Ortega las conoce muy bien; que son legítimas esposas de Guiboy y Cantua que se llaman la del primero Maria Clara y la del segundo Maria Isabel: que lo dicho es la verdad a cargo del juramento que tiene hecho en el que se afirmó y ratificó leida que le fue esta su declaración y lo firmó con miyo y las de asistencia.

M. Escobar. Carlos Castro. José María Maldonado de ana. Luis Plasencia.

En el mismo día, mes, y año presente el Ciudadano Francisco Pacheco, le recibí juramento que hizo por Dios nuestro Señor y la Santa de la Cruz por el cual se obligó a decir verdad en lo que supiere y fuere preguntado y siendo lo por su nombre, estado, oficio y calidad y patria y religión: Digo llamante como queda dicho. Casado, de oficio lavacero de cuarenta años de edad, natural de la Ciudad de Guadalajara y. C. B. B. Preguntado.

En los mismos terminos que le fue el anterior Digo: Alo primero: que sabe desde el año de mil ochocientos diez y nueve en que llegó a esta Capital que el rancho de San Ysidro hacia mucho tiempo que lo poseía el finado Ignacio Ortega a quien pertenecía y que desde el año en que murió (esto) que no se acuerda lo ha poseído su hijo Quintín Ortega en compañía de sus hermanos políticos Juan Guiboy y Juan Cantua. = Alo segundo



dijo: que el terreno que se le pregunta parte de el es de pan llevar: que aguas permanentes para regarlo son muy escasas y que lo mas sirve para siembras de temporal y abrevaderos. = A lo tercero = que conoce muy bien a las dos hermanas de Quintin Ortega que residen en el rancho de San Ysidro que sabe son legitimas esposas de Pedro y Cantun, pero no sabe como se llaman: que lo dicho es la verdad a cargo del juramento que tiene hecho en el que se afirmo y ratifico, leota que le fue esta su declaracion y lo firmo con miyo y los de an<sup>te</sup> Sr. Gerbar. Francisco Perez Pacheco. J. Rafael Gonzalez De apo. Luis Plasencia. = En la misma fha. presente el C. Josi de Jesus Vallejo de esta vecindad que hoy le conosco, le recivio juramento en forma de derecho por el cual ofrecio decir verdad en lo q. supiere. Sello tercero Dos reales.

Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterrey para los años de mil ochocientos treinta y tres y mil ochocientos treinta y cuatro. Niquera. J. Rafael Gonzalez.

y fuere preguntado, y siendo lo por su nombre estado, oficio edad, patria y religion: dijo: llamarse como queda dicho de estado soltero, que es labrador, de edad de treinta y cuatro años, natural de esta Capital de C. B. R. Reguntado En los mismos terminos que los dos antecesores testigos dijo: A lo primero: que el rancho de San Ysidro sabe ha pertenecido al difunto Don Ignacio Ortega quien lo poseyo; y no se acuerda desde que tiempo: pero si sabe que hace bastante: pues desde que el que espone tuvo uso de capon y lo conosco en el, y que desde el año que murio que le parece fue a fines de ochocientos veinte y nueve, lo posee Quintin Ortega y sus dos hermanas. A lo segundo: dijo que el terreno que se pregunta es productivo de aguas permanentes para regarlo, no tiene pues solo hay lagunas distantes de las tierras de siembra y que hay un ojo de agua cerca donde labran y tambien es muy escasa para riego por estar abajo de las lomas o tierras de siembra que lo mas de las tierras son de temporal y partes de abrevaderos. A lo tercero dijo: que conoce a las esposas de Juan Guilloty y Julian Cantun que son sus esposas legitimas y hermanas, hermanas de Quintin Ortega: que se llaman lo del primero Clara, la del segundo Isabel: que lo dicho es la verdad a cargo



Juramento que tiene hecho en el que se afirmó y ratificó  
leída que le fue su declaración y lo firmo con miso  
y los de esta. M. Escobar.

José de Jesus Vallejo. asu. José M<sup>a</sup> Maldonado. Luis Plasencia.  
da fha. Concluidas las diligencias que se mandan en el  
antecedente auto en esta y las tres precedentes fijas de  
papel correspondiente. remítase al Sr. Jefe Superior  
Político. Asi Lo el Alcalde lo providencia por ante los  
testigos de esta. Doy fe.

Marcelino Escobar. de esta. José Maria Maldonado.  
Luis Plasencia. asu.

Monterrey. 3 de 1833.

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Vista la petición con que da principio este Expediente  
y la que en el aparece de Juan Gilroy, el informe de  
de la autoridad Municipal de esta Capital, ha excepciones  
de los testigos con todo lo demás que se tuvo presente y ver  
comino de conformidad con lo dispuesto por las leyes  
y reglamentos de la materia, se declara al Ciudadano  
Luis Antonio Ortega y a sus hermanas Maria Clara y  
Maria Isabel Ortega, dueños en propiedad del rancho  
llamado San Ysidro, colindante con la Abiccion de San  
Juan Bautista con los ranchos de las Animas y sus Mayas  
y con la Sierra, dividiéndose el terreno por partes iguales y  
sujeciéndose a las condiciones que se estipularon: librese  
de los despachos correspondientes, tomese las razones en el  
libro respectivo y dirijase este Expediente por la debida  
aprobacion a la Ilmo. Diputacion Territorial, en cuya  
caso las partes interesadas, a quienes se les hara saber  
Sello tercero Los reales.

Habiéndolo provisionalmente por la Administracion de  
la Armada Maritima de Monterrey para los años de  
mil ochocientos treinta y tres y mil ochocientos treinta y cuatro.  
Piqueroa. J. Rafael Gouzales.

este objeto, presentaron nuevamente sus títulos respectivos  
para que se les revalide. El Sr. Don. José Piqueroa  
Comandante General, Inspector y Jefe Superior Político  
del Territorio de la Alta California ante lo mandado, se actuó  
y firmo de que doy fe. José Piqueroa.

avalado

Agustin V. Zamorano. Sr. = En el mismo día  
haviendo ocurrido al ciudadano Luis Antonio Ortega  
por si solo, a esta Secretaria de mi cargo, se le hizo el  
antecedente decreto del Sr. Jefe Superior Político  
y entendido de él dijo que lo ayó y lo firmo.  
Agustin Zamorano. Luis Antonio Ortega.



El día diez de Junio del mismo año, habiéndolo ocurrido a esta Secretaría de mi cargo Juan Gilroy y Julián Centua a nombre de sus esposas Maria Clara y M<sup>a</sup> Isabel Ortega, se les leyó el decreto de 3 de este mes del Sr. Jefe Superior Político y entendidos de él dijeron que lo oyeron, firmando la el primero y sellandola con una Cruz el segundo por no saber escribir.

Agustín V. Zamorano.

Juan Gilroy.

here follows a map or plan.

José Figueroa General de Brigada de los Ejercitos Nacionales Mexicanos, Comandante G<sup>l</sup>, Inspector y Jefe Superior Político del territorio de la Alta California.

Por cuanto el ciudadano Quintín Ortega ha pretendido para su beneficio personal y el de su familia una parte del rancho conocido con el nombre de San Gabriel, colindante con la Mision de San Juan Bautista, con el rancho de las Animas con la parte que corresponde a su hermana Maria Clara Ortega; y con la Sierra: practicadas previamente las diligencias conservantes, segun lo dispuesto por las leyes y reglamentos, usando de las facultades que me son conferidas en decreto del dia de otorgar a nombre de la nacion Mexicana he venido en concederle el terreno mencionado declarandole la propiedad de él por las presentes letras entendiendo esta. Concesion con entera conformidad a lo dispuesto por las leyes y reglamentos a reserva de la aprobacion o desaprobuacion de la Excm. Diputacion Territorial y bajo las condiciones siguientes.



6.21

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1º Que se sometera a las que estableciere el Reglamento que se ha de formar para la distribución de terrenos baldíos y que entretanto ni el agraciado ni sus herederos podrán dividir ni enagenar el que se les adjudica. Imponer censo, vínculo, fianza, hipoteca ni otro gravamen otro aunque sea por causa pignorativa, ni pasarlo a manos muertas. 2º Podrá sercarlo sin perjudicar las traversías caminos y servidumbres, lo disfrutará libre y exclusivamente destinándolo al uso o cultivo que mas le acomode, pero dentro de un año a lo mas fabricará casa y estará habitada. 3º Cuando se le confiera la propiedad, solicitara del Jefe respectivo que le dé posesion Judicial en virtud de este Despacho por el cual se demarcaran los linderos en lugares limítimos, pondrá a mas de las matorrales, algunos arboles frutales o silvestres de alguna utilidad.

4º El terreno de que se le hace donacion es de un sitio de Ganado mayor de una legua cuadrada, segun explica el diseño que cono en el Expediente. El Jefe q. diere la posesion lo hara medir conforme a ordenanza queotando el sobrante que resulte a la nucion para los usos convenientes.

5º Si contraviniere a estas condiciones perdera su derecho al terreno y sera denunciado por otro.

En consecuencia cuando que seviendole de titulo el presente y teniendose por firme y valeroso, se tomara en el libro a que corresponde y se le entregue al interesado para su resguardo y demas fines. Dado en Monterey a 4 de Junio de 1833.

José Figueroa. A. Zamorano. Seco.

Comandancia G. Inspectora de la Alta California.

José Figueroa, General de Brigada de los Ejercitos Mexicanos, Comandante General, Inspector y Jefe Superior Politico del territorio de la Alta California.

Por Cuarto 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 S. Pedro, colindante con el rancho de las Animas y la Sierra y con las partes que corresponden a sus hermanas Quintia y Maria Yabel Ortega. practicadas previamente las diligencias y averiguaciones convenientes segun lo dispuesto por las leyes y reglamentos: usando de las



facultades que me son concedidas en tres del Cédulo a nombre de la Nación Mexicana se venido en concederle el terreno mencionado, declarándole la propiedad de él por las presentes letras à reserva de la aprobacion o desaprobacion de la Exma. Dputación Territorial y del Supremo Gobierno, y bajo las Condiciones siguientes.

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1.<sup>o</sup> Que se someterá à 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 podrán dividir ni enagenar el que se les adjudica: imponer Censo Viviente, fianza hipotecaria ni otro gravamen aunque sea por Causa pignoratia, ni pasarlo à manos muertas.

2.<sup>o</sup> Podrá coneyrlo sin perjudicar las travesías Caminos y Serríasumbres, lo disputará libre y esclusivamente, destina-ndo lo al uso y cultivo que mas le acomode: pero dentro de un año à lo mas fabricará casa y estará habitada.

3.<sup>o</sup> Cuando se le consiere la propiedad, Solicitará del Jefe respectivo, que le dé posesion Juridica en virtud de este despocho por el cual se demarcaran los linderos en cuyos limites: pondrá à un lado de las mojoneras algunos arboles frutales ò silvestres de alguna utilidad.

4.<sup>o</sup> El terreno de q. se hace donacion es de un sitio de Ganado Mayor de una legua cuadrada, segun explica el dictamen que corre en el expediente. El Jefe que otorga la posesion lo hará medir conforme à ordenanza quedando el sobrante que resalte à la nacion para los usos convenientes.

5.<sup>o</sup> Si contraviere à estas Condiciones, perderá su derecho al terreno y será denunciado por otro.

En consecuencia mandó que se le entregue de título el presente y teniendo por firme y válido se tome razón en el libro a que corresponde y se entregue al interesado para su resguardo y demás fines. Dado en Montorey a 19 de Junio de 1833.

José Figueroa. M. Ramonano. Seco.



Las comisiones de colonización y terrenos valdidos a quienes se pasó el expediente, cuya formación probó por presunción que el Ciudadano Quintín Ortega hizo al terreno nombrado San Ysidro lo ha examinado con la debida consideración que corresponde, teniendo al mismo tiempo presente la ley de 18 de Agosto de 1834 sus conexas y las disposiciones generales que en 21 de Noviembre de 1831, dictó el Supremo Gobierno, de union para el mejor cumplimiento de la primera. Del examen del expediente se ha penetrado la Comisión de la opinión que ya tenía de la esemplaridad y tenor que el Sr. Dije Político, lo mandó instruir de suerte que ni en su formación se estravió algun respecto esencial no de los practicados.

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Por lo dicho concluye la Comisión oficiando a la deliberación de esta Junta. Diputación la siguiente proposición.

1º Se aprueba la concecion hecha al Ciudadano Quintín Ortega y hermanas del terreno nombrado San Ysidro concedido en 19 de Junio de 1833 de entera conformidad con lo prevenido en la ley de 18 de Agosto de 1834, y el artículo 5º del reglamento de 21 de noviembre de 1838.

Monterey. Mayo 1º de 1834.

José A. Ortega. Carlos Antonio Carrillo.  
José A. Estadillo José Castro.

Sello terreno Dos Reales.

Habilitado provisoriamente por la Administración de la Aduana, para los años de mil ochocientos veinte y seis y mil ochocientos veinte y siete.

Monterey. Junio 29. de 1834.

En vista de la aprobación otorgada en 14 de Mayo último: hebrese testimonio de ella y de este decreto a la parte de Don Quintín Ortega y lo mismo a sus hermanas D. Maria Clara y D. Maria Isabel en confirmación de la concecion del terreno de San Ysidro que obtuvieron de 3 de Junio del año proximo pasado. El Sr. General de Brigada Don José Piquero, Comandante General, Inspector y Dije Superior Político del territorio de la Alta California así lo mandó decretar y firmó de que doy fe.

José Piquero. A. G. Ramo. Suo.

Testimonio.

Referred to as "Testimonio" in the deposition of J. Warner page 9. Se aprueba la concecion hecha al Ciudadano Quintín Ortega y hermanas del terreno nombrado S. Ysidro concedido en 19 de Junio de 1833. de entera conformidad con lo prevenido en la ley de 18 de Agosto de 1834



y el artículo 5º del reglamento de 21 de Noviembre de 1828.

Monterrey. 17 de Mayo. de 1834.

En Sesion de este dia se aprobó por la Exta Diputación la proposicion del dictamen antecedente, mandó se devolviera el Expediente al Jefe Superior Político para los fines consiguientes. José Figueroa.

Juan B. Alvarado. Sr.

Monterrey. 1º de Junio de 1834.

En vista de la aprobacion otorgada en 17 de Mayo ultimo librese testimonio de ella y de este decreto: librese testimonio de a la parte de D. Quintín Ortega y lo mismo a sus hermanas Dona Maria Clara, y Dona Maria Isabel en cumplimiento de la concecion del terreno de 1º Bistru que obtuvieron en 3 de Junio pº. El Sr. Don José Figueroa General de Brigada, Comandte General Inspector y Jefe Superior Político del territorio de la Alta California, así lo mandó decretó y firmó. de que doy fe.

José Figueroa.

Agustín V. Zamorano. Sr.

Con acuerdo a la letra con su original del cual hice sacar el presente testimonio para resguardo de la parte interesada en Monterrey 1º de Junio de 1834. Librese testigos los ciudadanos Bernardo Navarrete y Bonifacio de Madariaga de esta vecindad.

En testimonio de verdad. = José Figueroa.

Agustín V. Zamorano. Secretario.

Otros dos como este para los hermanos de D. Quintín Ortega.

{ Gobierno Político de la Alta California. No podrá recibir posesion la parte de Dº Carlos Castro ni la de los interesados del terreno en cuestion, hasta la resolucion de este Gobierno político de donde dependí la declaracion del testigo.

Libre y libertad. Monterrey. 29. Diciembre de 1835.

José Castro.

{ Ables. eº Juan Gilroy. y Julian Carutua. }

Filed in office. March. 5. 1853.

Geo. Fisher Secy.

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No. 6. Jurisdiction of Monterey Year 1833

Title

On the Rancho called San Isidro petitioned for by the children of D. Ygnacio Ortega deceased who had the possession of it

Third Seal Two Reals

For the years One ~~One~~ Thousand Eight hundred and twenty six and ~~Two~~ Eight hundred and twenty seven

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Sir: I Juan Antonio Ortega Chief of Militia of the new (N.B.) body of Artillery, with the greatest submission and respect, say before you that holding possession for twenty years or more of the Land described in the plan annexed, by a Concepcion from the Governor, Don Joaquin Arwillaga to my father and found the necessity and obligation indispensable to secure to my numerous family the only patrimony which I can leave for their support. Therefore wanting the right of property in the land which I possess, and the document of possession, my father not having given me notice thereof before his death, and being certain on the other hand that I can establish my character by proper persons and even with the illustrious Ayuntamiento of this Capital, who have been pleased for the third time, to confer on me the office of Alcalde, I pray that, with regard, you would deign to confer on me, the right of property to the land mentioned. What for I respectfully pray that you would deign to accede, in Occurrence with my Exposition, to that which I have asked receiving therein the favor of your acknowledged bounty.

Monterey April 13. 1833. Juan Antonio Ortega

Dr. Superior Political Chief:

In the Ordinary Session of the 20th of the last month the foregoing representation was considered and remained pending in expectation of the result of a Conciliation presented with the brothers in Law of the petitioner, which being held, it was considered in Session this day, it was agreed that you should be informed that the land which the petitioner claims was granted to his father, twenty years since or more, and in relation to the rights of possession which the Sisters of the said Juan Antonio have in it, and to this communication is annexed a copy of the Conciliation had by the three parties interested for your Superior Review Monterey 4th May 1833. Marcelino Escobar  
Jose Maria Maldonado Secy.



## Third Real Two Reals

Habilitated provisionally by the Administration of the Maritime Custom House of Monterey for the years One thousand eight hundred and thirty three and one thousand eight hundred and thirty four

Figueroa

Jose Rafael Gonzalez

May 18 of May 1833 -

Let it pass to the constitutional Alcalde D. Marcelino Escobedo who will proceed to receive information of three interrogated Subjects; on the following points; First, if they know to whom the Rancho of San Ysidro has been given, who has been in possession of it and from what time, Second: if the Land is Open plain Land (span lewar) if it has permanent Water to irrigate, if it can only be used for temporary planting or pasture lands Third: If they know the names of Selroy and Cantua if they are the Sisters of Quintin Ortega, and what are their names - This duty being performed he will dispatch the document to this Chieftancy that the determination which is proper may be made

Figueroa

Augustin V. Tamayo

Señor

Dors 13 S

Let the information be received which is required in the foregoing Superior Decree with relation of the party that he may present the witnesses which are to be examined and being completed, it may be returned to the Superior Political Chief. Thus the constitutional Alcalde do decree read and sign with a protest witnesses according to the form prescribed, which is confirmed - Marcelino Escobedo Assistant Jose Maria Maldonado Assistant Luis Plasencia

In the Port of Monterey on the thirteenth day of the month of May One thousand eight hundred and thirty three Notice was given to Quintin Ortega of the preceding decree and it being understood, he says, he hears it and presents the citizens Charles Antonio Castro, Francisco Perez, Pacheco and Jose de Jesus Vallejo he signed it with me and my assistants. Al Escobedo - Quintin Ortega assistant Jose Maria Maldonado - Assistant Luis Plasencia On the same day, present Charles Antonio Castro a witness presented on the part of Quintin Ortega, I received the affidavit which he made in accordance with the Law whereby he swore to tell the truth according to his knowledge, and the matters concerning which he should be interrogated, and he being thus interrogated of his name, State age, parent Country and



and religion, said that he was a married as a fact said  
that he was Soap maker by trade, a native of Sonora,  
and resident in this place, forty seven years and fifty  
nine years of age and C. A. R. (Catholic Apostolic Rom-  
an).

Questioned by the interrogatory contained in the Superior  
decree of the 18th of the present month which precedes  
he says, To the first, that the Rancho of San Isidro, of  
which he is interrogated, has belonged, from the year  
(1809) eight hundred and nine to the deceased Ignacio  
Ortega, who possessed it to the year thirty, when he  
died, and from that time to the present, Quintin Or-  
tega has possessed it with his family as the son (only  
male) of the said Ignacio Ortega. To the second,  
that the said land is Open plain Land (pan llano)  
that the permanent water to irrigate it is very scarce  
as there is only one Spring of water which is distant  
a league from the house, and that with this they  
irrigate only a small piece of land which they cultivate  
that it answers for temporal, for some medicinal  
places or pasture Land. To the third he said that  
he knows the Sisters of Quintin Ortega very well, that  
they are the lawful wives of Gabriel and Leandrea, and  
that the eldest is named Maria Clara and that  
the second is named Maria Isabel, that what  
he has said is the truth under the solemnity of an  
Oath, that he has concluded what he affirmed and  
ratified, it being read was his declaration and he  
signed it with me and my assistants. Al. Escobar  
Carlos Beato - Assistant Jose Maria Maldonado  
Assistant Juan Placencia

On the same day, month, and year, present the citizen  
Francisco Pacheco, presented his Oath which he made  
by God Our Lord and the Sign of the Cross, whereby he  
promised to tell the truth so far as he knew and should  
be interrogated and being so interrogated of his name  
State present age Country and Religion, said that  
he was named as a fact said, married, a Cart maker  
by trade, forty years of age, a native of the City of Guay-  
delmar and a Catholic Roman Apostolic (C. A. R.)  
Interrogated in the same manner as the preceding he said  
To the first, that he knew from the year one thousand eight  
hundred and nineteen, in which year he arrived in this  
Capital, that the Rancho of San Isidro was for a long  
time in the possession of the deceased Ignacio Ortega, to



whom it belonged, and that from the year in which he died (which he does not remember) his Son Quintin Ortega was in possession in company with his brother in law John Gilroy and Julian Cantua -  
 To the second he says that the land concerning which he is interrogated is in part Open plain land (part open) that permanent water to irrigate, is very scarce upon it and that the greater part will only serve for temporary planting and watering pieces, or pasture -  
 To the third, that he is well acquainted with the two Sisters of Quintin Ortega, that they live on the Rancho of San Isidro, that he knows them to be the lawful wives of Gilroy and Cantua, but does not know their names, that what he has said is the truth under the obligation of an Oath, that he has concluded that which he has affirmed and ratified, being read that it was his declaration, and signed it with me and Assistants Al. Escobar, Francisco Perez Pacheco Assistants Jose Manuel Maldonado - Ass. Luis Salmeron

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On this day came before me Jose de Jesus Vallejo a citizen of this place to me known took his Oath according to Law, whereby he promised to declare the truth of what he knew, and should be interrogated as to his name state present age country and religion faith that he is named as a free man, that he is unmarried a laborer, aged thirty four years a native of the Capital and of A R (Catholic Apostolic Roman)

Being interrogated on the same terms as the two preceding witnesses, he says To the first. That the Rancho San Isidro he knows to have belonged to Don Ignacio Ortega deceased, who was in possession, he does not recollect from what time, but knows that it was a very long time, as it was now since the witness arrived at an age sufficient to have reason and a knowledge of the fact, and that from the year in which he died, which he thinks was about the year Eight hundred and twenty nine, Quintin Ortega and his two Sisters have been in possession -  
 To the second he says; that the land of which he is interrogated is productive, that it has no permanent water for irrigation as it only has small ponds distant from the cultivable lands, and that there is a Spring of water near, where they use it, which is



also very scarce, for irrigation being lower than the ridges or fields for cultivation, that most of the lands are of a quality for temporary cultivation and parts of suitable places for stock or pasture lands (abrevadas). To the effect he says; that he is acquainted with the names of John Selroy and Julian Cantua, that they are their lawful wives and sisters of blood to Quintan Ortega, that the name of the first is Clara and of the second Isabel, that what he has said is true under the obligation of an Oath that he has taken thereto, which he affirms and ratifies, his declaration having been read to him, and he signed it with me and my assistants - Al Escobedo - Jose de Jesus Vallejo - Asistente Don Maria Maldonado. Asistente Juan Plascencia

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On this day the Examination ordered in the foregoing decree having been concluded on this and the three preceding leaves of corresponding paper, let them be transmitted to the Superior Potestatal Chief, thus I the Alcalde have ordered before the Assistant Alcaides who receive it Marcelino Escobedo Asistente Maria Maldonado Asistente Juan Plascencia

Montreux June 3. 1833

Having reviewed the petition which forms the commencement of this instrument and that of John Selroy which also contained in it the report of the Municipal Authority of this Capital, the testimony of the Alcaides with all the other present proceedings had therein it is considered and determined (concomino) in conformity with the provisions and regulations on the subject that Julian Quintan Ortega and his sisters Maria Clara and Maria Isabel be declared Owners in right of property of the Rancho called San Isidro bounded by the Mission of San Juan Bautista, by the Ranchos of Animas and Las Fleugas, and by the Mountain, the land being divided in equal parts and subject to the stipulated conditions; let the corresponding documents be affixed to them; let the proceedings be received in the appropriate Book, and let this instrument be transmitted to the Most Excellent Territorial Separation for its due approbation, in which case the parties interested shall be notified of this decree, shall again present their respective letters to have them revocated. His Excellency Don Jose Figueroa Comandante General Inspector and Superior Potestatal Chief of the Territory of Alta California



has thus ordered decreed and signed whereof I certify,  
 Jose Figueroa - Augustin V Zamorano Secty  
 On the same day the citizen Quintin Ortega having  
 presented himself alone in this Secretary's Office under my  
 care the foregoing decree of the Superior Political Chief  
 was read to him, and informed of it he says that he has  
 heard and signs it - Quintin Ortega - Augustin V  
 Zamorano

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On the tenth of June of the same year John Gilroy and  
 Julian Cantua having presented themselves in this  
 Secretary's Office under my charge in the name of their  
 wives Maria Clara and Maria Isabella Ortega, the  
 decree of the third of this month, of the Superior Political  
 Chief was read to them, and informed of it they  
 said that they have heard it the former signing it &  
 the second signing it with a cross not knowing to  
 write. John Gilroy - Augustin V Zamorano

Jose Figueroa, General of Brigade of the National  
 Mexican Army, Inspector General Commanding, and  
 Superior Political Chief of the Territory of Alta California  
 Whereas the citizen Quintin Ortega has claimed for his  
 personal benefit and that of his family, a part of the  
 Rancho known by the name of San Pedro, bounded by  
 the Mission of San Juan Bautista, by the Rancho Las  
 Animas, by the part which belongs to his sister Maria  
 Clara Ortega and by the Mountain, the proper proceed-  
 ings having been previously taken which are proce-  
 ded by the Laws and regulations, exercising the powers  
 conferred on me by the decree of yesterday, in the name  
 of the Mexican Nation I have granted to him the herein  
 before described land, declaring it to be his property by  
 these letters patent, extending full concession in entire  
 conformity to the provisions of the Laws, with the reser-  
 vation of the approbation or disapprobation of the Most  
 Excellent Territorial Department, and of the Supreme  
 Government and under the following conditions  
 1st That he shall submit to such Regulations as may  
 be hereafter established for the distribution of vacant  
 Lands and that in the mean time, neither the grantee  
 nor his heirs shall have power to alienate or dispose  
 that which has been adjudicated to him, impose  
 upon it any charge (onso) mortgage, pledge, hypotheca  
 or any other obligation either for present uses or to  
 pass in future -



2<sup>o</sup> He may enclose the Lands without prejudice to the ways roads and duties thereon; he may have the free and exclusive enjoyment thereof, appropriating it to use or cultivation at his pleasure. but within one year at furthest he shall build a house on it which shall be inhabited.

3<sup>o</sup> When the property shall have been granted he shall petition the appropriate Judge to give him judicial possession by virtue of this instrument whereby shall be established by marks the boundaries within whose limits shall be put besides the mountains, some fruit and forest trees which are useful.

4<sup>th</sup> The Land which is granted to him in donation is of one sitio of cattle Land (ganado Mayor) of one square League as is explained in the plot which is annexed to this instrument. The Judge who shall give possession shall cause it to be surveyed in conformity to the Ordinance, to designate the bounds, the surplus which reverts to the Nation, remaining for their Government use.

5<sup>th</sup> If he shall not comply with these conditions, he shall lose his right to the Land and it shall be subject to denouncement by another.

Wherefore I Order that in use of the present title and considering it as confirmed and valid, it be entered in the corresponding Book and delivered to the interested party for his protection and other purposes given at Monterey the 4<sup>th</sup> June 1833 Jose Figueroa A. N. Lamano Secretary.

Jose Figueroa, Brigadier General of the Mexican Army, Inspector General Commanding, and Superior Political Chief of the Territory of Alta California. Whereas Maria Clara Ortega wife of John Selroy has claimed for her personal benefit, and that of her family a part of the Rancho known by the name of San Isidro bounded by the Rancho de las Animas and the mountain and by the parts which appertain to her brother Juan Ortega and his sister, Maria Isabel Ortega; the proper proceedings having been previously had in which are proved by the Sales and registrations in exercise of the powers conferred on me by the decree of the third of this month in the name of the Mexican Nation, I have granted to her the herein before described lands declaring it to be her property by these letters patent.



with the reservation of the approbation of the most Excellent Territorial Deputation and of the Supreme Government, and under the following conditions

1st. That she shall submit to such regulation as shall be hereafter established for the distribution of vacant lands and that in the meantime neither the grantee nor her heirs shall have power to divide or alienate these which is agreed to her, nor to impose upon it any charge (onus) Mortgage, pledge, hypothecate or other Obligation either for pious uses, or pious Motives —

2nd. She may enclose the Lands without prejudice to the ways roads and duties thereon; she shall have the free use and Enclosure Enjoyment thereof, appropriate to it to use or Cultivate at her pleasure; but within one year at most she shall build a house on it which shall be inhabited

3rd. When the property shall have been granted, she shall petition the appropriate Judge to give her peaceful possession by virtue of this instrument; whereby shall be established here by marks the boundaries, within whose limits shall be placed besides the mounds, some useful fruit and forest trees —

4th. The Land which is granted to her is of one tierce of cattle land (ganado Mayor) of one square league as is shown by the plan annexed to this instrument. The Judge who shall give possession shall cause it to be measured in conformity to the Ordinance to designate the bounds, the Surplus which reverts to the Nation remaining for their convenient uses —

5th. If she shall not comply with these conditions she shall lose her right to the Land and it shall be subject to denunciation by another —

Wherefore I Order that in case of the present title & considering it as confirmed and valid, it be entered in the corresponding book, and it be delivered to the interested party, for her protection and other purposes given at Montevideo the 19th of June 1833

José Figueroa = A U Llamance Secy

The commissioners for the Colonization of the vacant lands to whom the foregoing instrument was submitted the formation of which was produced by the claim set up by the Citizen Antonio Ortega to the land called San Isidro, have examined the title with the



circumstances that it requires, keeping in view at the same time the Law of the 18th of August of 1824, its Concordants and the general provisions which are required by the Supreme Government of the Union on the 21st of November 1828 for the better fulfillment of the former Law. From an examination of the instrument, the Commission are confirmed in the Opinion already entertained of the exactitude and skill with which the Superior Political Chief has caused the examination to be made in as much as there is no requisite in its formation found wanting, even in the measures which have been pursued.

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From what has been said the Commission conclude, presenting for the consideration of this most Excellent Supplication, the following proposition -

1st The concession made to the citizen Quintan Ortega and his sisters, of the Land called San Isidro granted on the 19th June 1833 in full conformity with the provisions of the Law of 18th August 1824, and article 5 of the Regulation of 21st November 1828 is approved  
Montreal May 10 of 1834

Jose V Ortega = Casto Ant: Curcio = Jose A Cotece  
ello = Jose Castro

Montreal 17. May 1834

In the Suprem of this day, the proposition of the preceding Opinion was approved, directing the return of the document to the Superior Political Chief for the consequent purposes = Jose Figueroa

Señor V. Alvarado Secy

Third Seal Two Seals

In the year One Thousand Eight hundred and twenty four and Eight hundred and twenty seven

LS

Terry June 10 of 1834

In accordance with the approval granted on the 17th May last let the Authenticated Copy thereof and of this decree be issued to the party Quintan Ortega and the same to his sisters (hermanas) Maria Clara and Maria Ysabel in Confirmation of the concession of the Lands of San Isidro which they obtained on the 3rd day of June of the year last past. It is thus Ordered & decreed and signed by the Sr Regencia General Don Jose Figueroa, Inspector General Comandante and Superior Political Chief of Alta California and I certify the same Jose Figueroa

Augustin V. Zamorano Secy



## Authentication

The concession made to Don Juan Ortega and his sisters of the Land called San Isidro granted on the 19th of June 1833 in full conformity to the provisions of the Law of 18th August 1824 and the 5th article of the Regulation of the 21st November 1828 is approved Monterey 17th May 1834

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In deference of this day, the Most Excellent Deputation approved of the proposition of the foregoing Opinion and Ordinance that the document be returned to the Sr Don Juan Potetece Chief for the consequent purposes  
Jose Figueroa - Juan B Alvarado Secretary -

Monterey 12th June 1834

In accordance with the approval extended on the 17th May last, let authentication thereof and of this Decree be given to the Party Don Juan Ortega, and the same to his sisters (hermanas) Doña Maria Clara and Doña Maria Isabel in confirmation of the Concession of the Land of San Isidro which they obtained on the 3<sup>rd</sup> of June of the year last past - The Sr Don Jose Figueroa Regencia General and Sr Juan Potetece Chief has so Ordained Decreed and Signed which I certify - Jose Figueroa - Augustin V Lamorano

In literal accordance with its Original from which I have prepared the present authenticated copy for the protection of the interested party at Monterey 12th June 1834 Celestino Bernardo Navarrete and Bonifacio de Madroaga of this place being witnesses - In testimony of the truth  
Jose Figueroa - Augustin V Lamorano, Secretary

Two Others like this for the Sisters of Sr Don Juan Ortega

Filed in Office March 23<sup>rd</sup> 1852  
Geo. Fisher Secy



Sello tercero Los Reales.

Habilitado provisionalmente por la Comision Subalterna Interina del puerto de Monterey de la Alta California para los años de mil ochocientos treinta y uno y mil ochocientos treinta y dos.

Victoria

J. J. Gomez.

Revalidado para espresada oficina por los años de 1833 y 1834.

Sor. Jefe Superior Político.

Part of Original  
"Exhibit No 1"  
attached to the  
deposition of Jose  
Reuter.

Monterey. 8 de Mayo de  
1833.

aqueguase al Expediente  
promovido por Quintin  
Ortega.

Juan Gilroy natural de la  
Ciudad de Sunderland en Ing-  
laterra y arribado en este  
puerto hace veinte años. C. A. B.  
Casado con una Mexicana de  
cuya union tiene cuatro hijos  
varones ante V. E. Como mas haya

Translation  
hereunto.

Higueroa.  
Lugar y el derecho le permita se presenta y dice: que con  
promoviendo le por su esposa una parte de las tres en que  
se dividio el terreno llamado S. Yovito por convenio que  
hubo ante el Sor. Alcalde Constitucional de esta Capital  
entre las tres hermanas politicas como consta de la certifica-  
cion que bajo el numero 1º devidamente acompaño el  
Suplicante: que teniendo necesidad de asegurar para  
lo ulterior la subsistencia de su familia, vinculando  
lo en un patrimonio seguro Suplico a V. E. con encargo el  
cursamiento se digne considerarle en propiedad la mencio-  
nada parte de terreno que le toca en posesion segura  
Segun manifiesta el diseño que con el num. 2. tambien  
se acompaña de todo el citio con especificacion de la  
parte que se le ha señalado al que representa. P. A. B. S.  
Suplica tenga a bien aceptar a su peticion en que  
recivire merced. Jurando lo necesario.

Juan Gilroy.

Sello tercero Los Reales.

Habilitado provisionalmente por la Comision Subalterna Interina del puerto de Monterey de la Alta California para los años de mil ochocientos treinta y uno y mil ochocientos treinta y dos.

Revalidado para espresada oficina para los años 33 y 34.







Sello Primero Seis pesos.

Habilitarlo provincialmente por la Administracion de la Intendencia Maritima de Monterrey para los años de mil ochocientos treinta y tres y mil ochocientos treinta y cuatro.

Figueroa.

José Rafael Gouzales.

Exhibido en el  
"J. J. M. P. L. M. S. Libonianos, Comandante General, Inspector y Jefe Superior  
referido a la inspeccion Político del territorio de la Alta California.  
t. J. J. Warner  
Grant.

Gobierno político  
de la Alta California. } Clara Ortega esposa de Juan  
Pedro ha pretendido para su beneficio personal y el  
de su familia una parte del Rancho conocido con el  
nombre de San Ysidro, colindante con el rancho de las  
Animas y la Sierra y con las partes que corresponden  
a sus hermanas Quintin y Maria Isabel Ortega: pra-  
cticadas previamente las diligencias convenientes  
segun lo dispuesto por las leyes y reglamentos: usando  
de las facultades que me son conferidas en decreto de tres  
del Corisente a nombre de la Nacion Mexicana, he  
venido en concederle el terreno mencionado, declarando  
la propiedad de el por las presentes letras, a reserva de  
la aprobacion o desaprobacion de la Junta de Diputados  
territorial y del Supremo Gobierno y bajo las condiciones  
siguientes.

Primera. Que se someterá a las que estableciere  
el reglamento que se ha de formar para la distribucion  
de terrenos baldios y que entantanto ni la agraviada ni  
sus herederos podran dividir ni enagenar el que se le  
adjudica, imponer censo, vinculo, fidei-comiso, hipoteca ni  
otro gravamen aunque sea por causa piedadosa ni pasar  
lo a manos muertas.

Segunda. Podra ser usado sin perjuicio de las  
travesias, caminos y servidumbres: lo disfrutara libre  
y exclusivamente: destinando lo al uso y cultivo que  
mas le acomode, pero dentro de un año a lo mas  
fabricara casa y estara habitada.

Tercera. Quando se le confiera la propiedad  
solicitará del Jefe respectivo que le dé posesion jui-  
stica en virtud de este Despacho por el cual se  
demarcaran los limites en cuyos limites, podra  
a mas de las matorras algunos arboles frutales ó  
silvestres de alguna utilidad.

Quarta. El terreno de que se hace Donacion



es de un sitio de Ganado Mayor de una legua cuadrada segun explica el diseño que tiene en el Expediente. El cual que tiene la posesion lo ha de medir conforme a ordenanza, para señalar los límites quedando el sobrante que resulte a la Nación para los usos convenientes quinta. Si contraveniere a estas condiciones perderá su derecho al terreno y sera denunciado por otro.

En consecuencia mandado que serviendo de título el presente y teniéndose por firme y válido, se tome razón de el en el libro a que corresponde y se entregue a la interesada para su resguardo y Demos fines.

Dado en Monterey. de la Alta California a diez y nueve de Junio de mil ochocientos treinta y tres.  
José Figueroa. Agustín V. Zamorano. Sr.

Queda tomada razón de este Despacho en el libro de actas sobre adjudicacion de terrenos a fogas dees, numero seis que obra en el archivo de la Secretaria de mi Cargo. Monterey. Junio veinte de mil ochocientos treinta y tres.

Zamorano.

Office of the Surveyor General of the United States for the State of California.

I John C. Hayes, Surveyor General of the United States for the State of California and as such now having in my Office and under my charge and custody a portion of the Archives of the former Spanish and Mexican territory, Do hereby certify by virtue of the power vested in me by law that the five annexed pages of tracing paper numbered from one to four inclusive and each of exhibit a true and accurate copy of a certain document, and that said extract purporting to be show a grant which is also of record in a certain book entitled "Titulos" and purporting to be a Registry of Titles; all of which is now on file and forms part of the said Archives in this Office.

In testimony whereof I have hereunto signed my name officially and caused my seal of office to be affixed at the City of San Francisco, Cal. this twenty first day of August, A.D. 1854.

John C. Hayes, U. S. Surveyor Gen.  
For California.

Filed in office. Aug<sup>+</sup> 23. 1854.

Geo. Fisher. Secy.



## First Seal Six Dollars

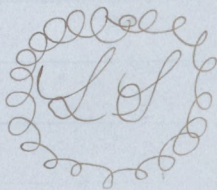
Provisionally authorized by the Maritime Custom House of Monterey for the years Eighteen hundred and thirty three and Eighteen hundred and thirty four -

Figuerou

Jose Rafael Gonzales

Jose Figuerou Regadera General of the Mexican Armies, Commandante General Inspector & Superior Political Chief of the Territory of Upper California whereas Maria Clara Ortega wife of Juan Seluy has petitioned for his personal benefit and that of his family for a portion of the Rancho known by the name of San Isidro, bounded by the Rancho of Las Animas and the Sierra, and by those tracts which correspond to her brothers Quentin & Maria Isabel Ortega; having previously performed the requirements in the matter according to the Laws and regulations; In the exercise of the authority in me vested, by the decree of the 3<sup>a</sup> Instance, I have thought proper in the name of the Mexican Nation to grant her the aforementioned tract of Land declaring the same to be her property by these presents subject to the approval or disapproval of the Most Excellent Intendant Department and of the Supreme Government and the following Conditions -

- 1<sup>st</sup> That she will submit to such conditions as shall be established by the Regulations which are to be framed for the distribution of vacant Lands, and that in the meantime, neither the grantee nor her heirs shall divide or alienate that which is adjudicated (granted) nor subject it to rent, entail, security, mortgages nor any other encumbrance even though it be for charitable purposes nor convey it in mortmain
- 2<sup>d</sup> She may fence it without obstruction of roads and servidumbres (right of way); she will enjoy it freely and exclusively, putting it to such use & culture that may suit her best. but within one year at furthest she shall build a house thereon and it shall be inhabited
- 3<sup>rd</sup> When the property shall be conferred on her, she shall solicit of the respective Judge to give her judicial possession by virtue of this patent by which the boundaries shall be marked out, at the limits of which she shall set, besides the Land marks some fruit trees or else build ones of some usefulness
4. The Land of which donation is made is of one site of quadrado Mayor of a square League, as is explained by the map annexed to the Expediente





The Judge who shall give the possession will cause it to be measured agreeably to the Ordinances in order to make out the boundaries, leaving out the Sobrante (Excess) which may result to the Nation for use for purposes

5. If the Contractor to these conditions shall forfeit his right to the Land which shall be open to being denounced by a third party

Consequently I command that while these presents serve her as a title, which is held as firm and valid, the same be entered in the Corresponding Book, and be delivered to the interested party for the security and faithfulness -  
Given in Monterey of Upper California on the Nineteenth of June of Eighteen hundred and thirty three

Jose Figueroa

Agustin Alvarado  
Secy

Filed in Office Aug 23<sup>rd</sup> 1854

Geo. Fisher Secy



Deed

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This day eighth day of January Eighteen hundred and  
 forty two. Know all men by these presents that I John  
 Gehroy and Clara Ortega my wife of the County of  
 Santa Clara State of California, in consideration of  
 the sum of Three thousand five hundred <sup>dollars</sup> (3,500) to Clara  
 Ortega paid by Julius Martin of the County aforesaid  
 the receipt whereof is hereby acknowledged, We do  
 hereby convey remise release and forever quit claim unto  
 the said Julius Martin his heirs and assigns, all that  
 tract or parcel of land lying situate and being in  
 the County of Santa Clara and State of California &  
 described as follow, to wit: Commencing at a stake mar-  
 ked "A" near a tree marked B and running thence South  
 fifty one degrees and ten minutes West ( $S 51^{\circ} 10' W$ ) the  
 distance of One hundred and fourteen  $\frac{7}{10}$  chains to a  
 tree marked C on the arroyo de las Lagas, thence down  
 the said arroyo to a tree marked W, on the bank of the  
 said creek; thence South fifty one degrees and ten  
 minutes West ( $S 51^{\circ} 10' W$ ) the distance of two  $\frac{55}{100}$   
 chains; thence North thirty one degrees and fifty two min-  
 utes West ( $N 31^{\circ} 52' W$ ) true bearing, the distance of two  
 hundred and sixty one  $\frac{32}{100}$  to a tree on a road lead-  
 ing to the Gehroy Road; thence North fifty one degrees  
 and ten minutes East; running by stream marked  
 D the distance of two hundred and twenty six chains  
 forty four hundredths true bearing to a stake, thence South  
 thirty five degrees and two minutes East ( $S 35^{\circ} 2' E$ ) the  
 distance of One hundred and thirty seven  $\frac{10}{100}$  chains  
 to the point of beginning, with all the privileges and  
 appurtenances thereto belonging; being a part of the  
 Rancho San Apicaro granted by the government to Clara  
 Ortega wife of the said John Gehroy on the year Eight-  
 een hundred and thirty three on the thirteenth day of June  
 and having been surveyed by Wm J Lewis County  
 Surveyor on the 24th and 26th day of December A D 1850  
 (Containing four <sup>4000</sup> thousand One hundred and ninety  
 One acres) To have and to hold the above released  
 premises to the said Julius Martin his heirs and assigns  
 to his and their use and behoof forever. And John  
 Gehroy and Clara Ortega my wife her for ourselves, and  
 our heirs Executors and Administrators do covenant with the  
 said Julius Martin his heirs and assigns, that the  
 premises are free from all encumbrances made or suffered  
 by ourselves and our heirs and our heirs Executors and Adminis-  
 trators shall warrant and defend the same to the said



I release Martin his heirs and assigns forever against the  
lawful claims and demands of all persons claiming  
by through or under himself but against none other  
In testimony whereof we the said John Geary and  
Blanca Ortega hereunto set our hands and seals this  
day the 8th of January 1852

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Signed sealed and delivered  
in presence of the witnesses  
Witness

John Geary  
Blanca Ma Ortega  
San Mark X and Seal

Blanca de Suedel  
Mateo Fellons

State of California  
County of Santa Clara

On the seventh day of February  
A.D. 1852 personally appeared before me a Notary Public  
in and for the County aforesaid Mateo Fellons who being  
made known to me upon the oath of a credible witness  
as the same person whose signature appears to the within  
Instrument as one of the subscribing witnesses being sworn  
by me, upon his oath said, that he was present at the  
execution of the within Instrument, by the parties whose names  
are signed thereto, that they signed and sealed the same  
freely and voluntarily for the uses and purposes therein  
mentioned; that they the said John Geary and Blanca  
Ortega his wife were known to the witness to be the  
same as described in the body of the said Instrument;  
and that he the said witness signed his name thereto  
as subscribing witness all of which facts occurred  
in the County of Santa Clara on the day mentioned  
in said Instrument.

In witness whereof I have hereunto placed my  
hand & private Seal (no official seal having  
yet been provided) on the day and year first  
above written

Thos Blameuse  
Notary Public

Filed in office March 23<sup>rd</sup> 1852

Geo. Fisher Secy



## Opinion

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Quinton Ortega Val } For the place called Yscuo  
 or } in Santa Clara County Contai  
 The United States being one square league  
 The Rancho known by the name of San Isidro was  
 long occupied by Ignacio Ortega and on his death  
 his <sup>three</sup> children Quinton, Maria Isabel and Maria Clara  
 obtained a division of the property and separate grants  
 to each for their respective portions - The land which  
 was thus granted to Quinton Ortega has already been  
 confirmed to him, in another case by this Commission  
 The proof presented in this case relates to the port  
 ion of the property which was assigned in the  
 division and granted to his sister Maria Clara  
 the wife of Jean Gilroy - In this property Quinton  
 Ortega has not shown any interest, and is therefore  
 not entitled to a decree of Confirmation in this case  
 The other petitioners in this case are Sacer Maria  
 Clara Ortega and Julius Martin, the former claim  
 ing under a grant of her three part of the premises  
 according to the division above mentioned, and  
 the latter claiming title to four thousand one hun  
 dred and ninety one acres of the same under a  
 conveyance from Sacer Maria Clara and he has  
 been bound by deed dated January 8. 1852 This deed  
 is given in evidence

The original grant to said Maria Clara Ortega  
 having in the course of proceedings relative to the  
 possession of the place been forwarded to the Governor  
 is now found in the Archives - Its genuineness is  
 clearly proved in the case and a copy filed

The evidence also shows that it was approved by the  
 Territorial Deputation on the 17th May 1834 - The  
 grant was issued by Governor Figueroa under date  
 of June 19. 1833 - Proof is presented of the Occupation  
 of the premises by personal residence and cultivation  
 both by the father Ignacio Ortega before his death  
 and by Maria Clara the daughter and grantee and her  
 husband Jean Gilroy, since that time -

The claimant Maria Clara Ortega is entitled to a confir  
 mation of all the Land assigned to her in the division  
 and described in the grant from Figueroa to her, excepting  
 the portion thereof which was conveyed by her and her  
 husband to Julius Martin the other claimant for which  
 a decree will be entered in favor of Sacer Maria  
 Confirmation

Filed in office  
 Sept. 19. 1854  
 Geo. Fisher  
 Secy



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11  
\*

1851  
10



Quentin Ortega vs  
The United States

In this case on hearing the the proofs and allegations it is adjudged by the Commission that the claims of the petitioner Maria Clara Ortega (wife of Juan Selroy) and Julius Martin respectively are valid and it is therefore decreed that the same be confirmed, to hold the land herein after described to them respectively in severalty

Decree

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The Land of which confirmation is hereby made to said Maria Clara Ortega is that known by the name of San Ysidro Situated in Santa Clara County and now occupied by her and is described and bounded as follows, to wit: Bounded by the Rancho of Los Amigos and the Sierra, and by those parts of said Rancho of Ysidro which in a division thereof were assigned and granted to Quentin Ortega and Ysabel Ortega (wife of Julian Cantina) the premises hereby intended being that portion of said place called the Rancho Ysidro which in the division above mentioned was assigned and granted to said Maria Clara and which constitutes the middle portion of said Rancho, reference to be had to the grant thereof and the map which forms a part of the Expediente filed in this case. Excepting and reserving therefrom all that portion of said premises which was conveyed by said Maria Clara Ortega and her husband to Julius Martin, by deed dated January 8, 1852 and recorded in the Recorder's Office of Santa Clara County.

The Land of which confirmation is hereby made to said Julius Martin embraces all that portion of the premises granted to said Maria Clara Ortega as above described, which is comprised within the following boundaries and limits, to wit: Commencing at a stake marked "A" near a tree marked "B" and running thence South fifty One degrees and ten Minutes West ( $S 51^{\circ} 10' W$ ) the distance of One hundred and fourteen  $\frac{7}{10}$  Chains to a tree marked "C" on the Arroyo de las Slugas; thence down the said <sup>Arroyo</sup> to a tree marked "D" on the bank of the said Creek; thence South fifty One degrees and ten Minutes West (true  $S 51^{\circ} 10' W$ ) the distance of Sixty two  $\frac{55}{100}$  Chains; thence North thirty One degrees and fifty two Minutes West —



(N 31° 53' W) true bearing, the distance of two hundred and sixty one  $\frac{33}{100}$  chains to a tree on a road leading to the Selby Road; thence North fifty one degrees and ten minutes East, running by Sycamore marked "D" the distance of two hundred and twenty six chains forty four hundredths true bearing to a stake; thence South thirty five degrees and two minutes E (S 35° 2' E) the distance of one hundred and thirty seven  $\frac{10}{100}$  chains to the point of beginning being the same premises described in the deed of Conveyance above mentioned from Sacer Mares Blanchard and Jean Selby to Sacer Celestus Martin - And it is also understood that if any portion of the premises above described shall be found to be without the limits of the land granted to Sacer Mares Blanchard Ortega as above specified this decree of Confirmation does not extend to or include the portion which lies without such limits, but the claim of Sacer Martin to such portion is hereby rejected -

And as to the claim of the petitioner Quentin Ortega, to the premises described in the petition it is adjudged by the Commission, that the same is not valid and it is therefore decreed that his application for a Confirmation thereof be denied

Alpheus Felch }  
 R. Aug. Thompson }  
 J. B. Furwell }  
 Commissioners

Filed in Office Sept. 19. 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 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 District of California and the other be transmitted to the Attorney General of the United States -



Office of the Board of Commissioners,

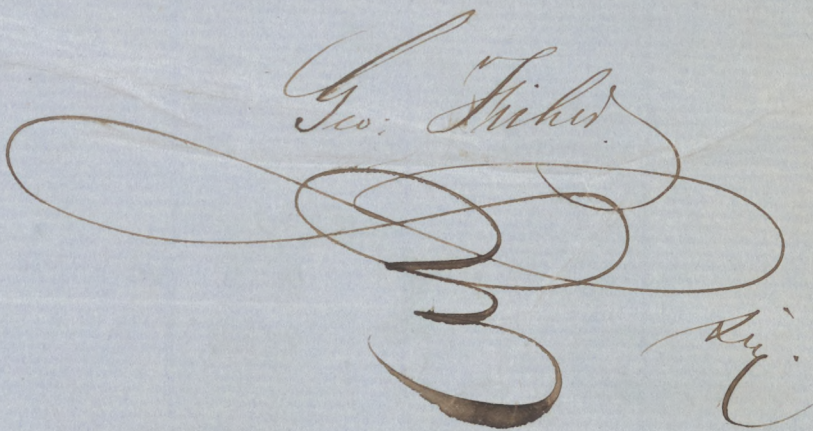
To ascertain and settle the Private Land Claims in the State of California.

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*J. George Fisher* Secretary to  
the Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
foregoing *Forty six* pages, numbered from  
1 to *46*, both inclusive, to contain a true, correct and full Tran-  
script of the Record of the Proceedings and of the Decision of the  
said Board, of the Documentary Evidence and of the Testimony  
of the Witnesses, upon which the same is founded, on file in this  
Office, in Case No. *112* on the Docket of the said Board,  
wherein *Quinten Ortega, et al*, are  
the Claimants against the United States, for the place known by  
the name of *San Ysidro*

In Testimony Whereof, I hereunto set my hand  
and affix my private Seal (not having a Seal  
of Office) at San Francisco, California, this  
*Twenty fifth* day of *May*  
A. D. *1855*, and of the Independence of the  
United States of America the seventy-ninth.

*J. G. Fisher*  
Secy.





U. S. DISTRICT COURT,  
*Northern* District of California.

No. *216* - **216**

THE UNITED STATES,

vs.

*Quentin Ortega, et al.*

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *112*.

Filed, *June 2* - 185*5*

*John A. ...*  
*Clerk*

*AID*





Office of the Attorney General of the United States,

Washington, 7th April 1855.

Quintin Ortega et al.

vs.

The United States.

} 112.

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 27th day of January 1855, the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

*Cumby*

Attorney General.



No. 216

U. S. District Court,  
Northern District of Cal<sup>o</sup>.

The United States,

vs

Quintin Ortega et al;

Notice of Appeal  
in Case 112.

Filed June 18. 1855,

by M. H. Cheves,  
Deputy.

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(Copy 1)

United States District Court  
Northern District of California.

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San Francisco December 10. 1855

On this day, before me Geo. C. Houston  
a Commissioner of the United States for the  
District of California duly authorized to  
administer Oaths &c. Came Jose Saturnino  
Trinidad Castro a Witness produced in  
behalf of the United States in Case No 136  
being an Appeal from the Board of Commissioners  
to ascertain and settle the Private Land Claims  
in the State of California, in Case No 161 on  
the Docket of the said Board of Commissioners,  
and was duly sworn and testified as follows,  
his evidence being interpreted by George W  
Baker, a sworn interpreter.

The United States of America  
vs.

José Maria Sanchez.

Present. U.S. Dist. Attorney in behalf of the  
United States - Messrs Thornton, Mallicien  
and Thornton in behalf of Claimant  
Questions by the U.S. Atty. "What is  
your name, age, and place of residence?"  
"My name is José Saturnino Trinidad



Castro, I am fifty eight years of age, and reside in  
Santa Cruz, Santa Cruz Co California

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"Are you acquainted with the Rancho  
Las Animas?" "I am". "Examine the  
Map, annexed to the deposition of Manuel  
Pinto filed in this case, and say whether  
you recognize the 'Aliso' and the 'Lagunita'  
and the 'Arroyo de las Lagas' and the 'Arroyo  
Carnadero' as being correctly laid down  
on it, and also if the road from San Jose  
to San Juan correctly marked out on the  
Map." "I have examined the Map, the  
Aliso, the Lagunita, the Arroyo de las Lagas  
and the Arroyo Carnadero I recognize, and  
they are correctly laid down - the Road is  
also properly marked out." "Are they laid  
down correctly in reference to their relative  
positions towards each other?" "They are".

"Is the 'Aliso' as specified on the Map known  
as being on the boundary line of any Rancho  
in that neighborhood, if so, what Rancho  
are they?" "The 'Aliso' is on the line  
dividing the 'Las Animas' Rancho from  
the Mexican Lands." "What is the 'Aliso'?"

"It is a tree, which is called the 'Aliso'."

"Has the Aliso any marks on it, if so, who  
put them there and when?" "There are  
three hatchet marks on that tree, made



on it by Manuel Pinto (now here present) when I was about eleven years of age, in what year I do not remember, but I was present at the time." "The three marks were put on to indicate that it was three leagues distant from the Church door of the Mission of San Juan" "Mariano Castro, Philippe Baquer, Dolores Pico, Juan Alvarez, Don Antonio Mesa, Don Estudillo (a lieutenant from Monterey) and several others whose names I cannot now remember were present when the marks were made on the 'Aliso'"

"Which Castro was it, claimed the Rancho 'Las Animas' at the time the 'Aliso' was marked?" "It was Mariano Castro, my father" - "After the 'Aliso' was marked what did the parties then present do?" - "They did nothing more there, but on the same day they put a mark at the 'Lagunita' - the man who was ordering, ordered a stake a sticks to be put down at the 'Lagunita' after measuring one league from the 'Aliso' - the stake put down at the 'Lagunita' was put down at the same time, and under the same authority which authorized the marking of the 'Aliso'". For what purpose was a stake put down at



the 'Lagunita'? "I think that was the line of the Rancho 'Las Animas' and 'Ysidro'."

"How far East of the Arroyo 'Carnadero' did the Claimants of 'Las Animas' ever cultivate?" "They cultivated a little comes near the road and the Arroyo 'Carnadero'." "Did they ever cultivate up to the 'Lagunita'?" "They never did; there were cattle and horses upon the land but it was not cultivated." "Who did cultivate the land East of the 'Lagunita' up to the Arroyo de las Lagas?" "It was cultivated by Ventura Derrito who asked permission of Ortega, now dead, to cultivate it." "Was the Ortega you speak of the father of Maria Clara, the wife of John Gilroy?" "Objected to by the Claimants Atty as leading and irrelevant." "He was."

"Since the year (of which you speak) in which the 'Lino' was marked and the stake put down at the 'Lagunita' who has cultivated and had in possession the land to the Eastward of a line run from the 'Lagunita' to the place called 'Las Lagas'?" "My father cultivated the land to the North of the line." "Running a line from the 'Lagunita' towards the 'Puerto Suelo' on the North according to the Map who

cultivated and occupied the land between



cultivated and occupied the land between said line and the Arroyo de San Lazar?"

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"No body cultivated the land, but my father occupied it with his cattle" (The Witness says he misunderstood the last question, and thought it had reference to all the land to the left of the map as it laid towards the West or towards the North and Northwest.) Pointing out a space of land indicated on the map by the 'Lagunita' towards the South and running along a line drawn from thence in a Northerly direction to where the road from San Juan to San Juan is represented as terminating (in the map) thence in a South Easterly direction to the Arroyo de San Lazar, and Southerly along the Arroyo to the 'Lagunita' the U.S. Attorney asks - "Who cultivated the land in that space?"

"It never was cultivated by anyone."

"Whereabouts on the map did the Ortega cultivate?" "Behind the home where the deceased Ortega lived was cultivated."

"To what year are you referring?" "I do not remember the year." "How far to the Eastward in the Arroyo San Juan did the bearers who claim the San Juanas cultivate?" "They cultivated up to the



'Lagunita'." "Where did the line run dividing  
the two Ranchos, from the Lagunita?"

Objected to by Claimants' Counsel. "A road  
in a direct line from the Lagunita to the  
Puerto Suelo." "Where is the Puerto Suelo?"

(The witness points to the needle on the map  
near the Arroyo de las Lagas and says) "It  
is here". Who cultivated the land West of  
the Arroyo de las Lagas towards the Lagunita?

"No one ever cultivated it since I can remember."

"Where is the place known and called  
'Las Lagas'?" "It is immediately above the  
gap called the 'Puerto Suelo'." "Is there

a place called Las Lagas different from  
the Arroyo de las Lagas?" "There is a

stopping place where there is a well  
called 'Las Lagas', and from that place  
the Arroyo de las Lagas runs." "Where

is the Rancho known as 'La Brea'?" "There is  
a place so called 'La Brea' which is occupied

by one Herman, but it is not the 'La Brea' -  
the 'La Brea' is about half a league above  
the house of the said Herman." "In what

direction from the 'Aliso' is the place  
called the 'La Brea' according to the map?"

"About one league to the South East from  
the Aliso." "Look at the map and say  
where Ventura Quinto cultivated land"



by the permission of Ortega as you have before testified?" The witness points out the bend on the West of the Arroyo de las Lagas as laid down on the map just below the word "Lagas" printed on the line of said Arroyo - the land pointed out is on the Western side of the Arroyo and says "this is the place." "How many years did Quinto cultivate that land?" "I do not remember" "Do you know Philip Doak who married one of the Coates?" "I do. he married my sister." "Has he any interest in the Las Animas <sup>Parish</sup>" "He has an account of his wife"

Cross Examination: by Atty for Claimant.  
"How do you know that Ventura Quinto cultivated the land which you have described as cultivated by him, by permission of Ortega?" "Ignacio Ortega told me so." "What is the Spring called which is near the 'Puerto Sueto' of which you have heretofore testified?" "Las Lagas." "Was it called the 'Las Lagas' or the 'Pasa de las Lagas'?" "Because it was stopping place, and there was water there all the year round, and people washed clothes there - It was



the 'Posa de Las Lagas' "Can you read or write?"  
"I cannot." "How do you know that Manuel  
Pinto marked the tree called the 'Aliso'?"

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"I went with my father at that time, and  
was present on the occasion" - "Being a  
small boy at the time do you remember  
all the circumstances of which you have  
testified which transpired at the time  
of the marking of the 'Aliso' or has your  
memory been refreshed since by others?"

"I went with my father as little boy,  
usually did with their father at that  
time on horseback, and all I have testified  
about I remember as having occurred at the  
time, and not from having been reminded  
of it by others" - "Did not your father's  
Cattle range on the land between the  
Arroyo Camacho and the Arroyo de  
'Las Lagas'?" "The cattle ranged over all  
the land shown on the map." "There  
were no fences and the Cattle went  
about loosely"

Serious Examination resumed by Attorney  
in behalf of the U.S. - "Suppose a person  
to be starting for the point near the  
Puerto Suelo (where the Spring was,) would



you ask him if he was going to the "Posa  
de las Lagas" or to the "Las Lagas?" "I  
would ask if he was going to the 'Posa  
de las Lagas'" "Was it not generally known  
as the 'Posa de las Lagas'?" "It was always  
called the 'Posa de las Lagas'." "In running  
the line from the 'Lagunita' to the 'Puerto  
Suelo' was it the 'Posa de las Lagas' which  
was known as the 'Las Lagas'?" "The line  
ran only to the Puerto Suelo."

Don Saturnino <sup>his</sup> Trinidad Castro  
mark

I want to and subscribed

before me this 10<sup>th</sup> day of  
December AD 1855.

(Signed) Geo. Pen Johnston

U.S. Commissioner.

Mepr Thornton, William Thornton  
Attorneys for Claimant object to the  
introduction of the aforesaid map as evidence  
and to the whole of this deposition as containing  
hearsay testimony, and as being irrelevant  
and otherwise illegal - Notice to take  
deposition is admitted to be sufficient

(Signed) Geo. Pen Johnston  
U.S. Commissioner



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

No: 216.

The United States

vs

Quentin Ortega & others  
Stipulation -

It is hereby stipulated that  
the within copy of the  
deposition of Jose S. Castro  
in case 136. shall be read in  
evidence in No: 216.

A. Hassell,  
Asst. U.S. atty.

Filed Feb 20. 1856.  
by *Chambers*  
Deputy

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

The United States  
vs  
Lorenzo Ortega,  
Julius Martin et al.

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 Appellees was confirmed, as appears  
by reference to the record in the case: that  
a transcript of the said record was filed in  
this Court on the 2<sup>nd</sup> day of June  
A. D. 1855: that a notice of appeal  
was filed on the 18<sup>th</sup> day of June A. D. 1855  
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 Submitted &c.

A. Russell  
Asst U.S. Dist. Atty.



In the District Court of  
the United States for the  
Northern District of  
California. No. 216

The United States

vs

Lucentin Ortega  
Julius Martin et al.

Petition for Review

Filed Feb. 20, 1856.  
by Cheever  
Deputy.



UNITED STATES DISTRICT COURT,  
Northern District of California.

The United States,

— vs —

Quintin Ortega, et al., San Francisco, November 22, 1855.

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ON this day, before *John A. Murre*, a  
Commissioner of the United States for the Northern District of California, duly  
authorized to administer oaths, &c., &c., came *Manuel Pinto*

*Manuel Pinto* a witness produced on behalf of the  
*Claimants*

in Case No. *216*, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. *112* on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows — his evidence being interpreted by

*William Glen*, a sworn interpreter

PRESENT: *Edward Stanley, Esq., Atty for Claimants,*  
*and the U. S. Dist. Atty. by A. Hassell, Esq.*

QUESTION BY *Claimants Atty.*

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

*Manuel Pinto*, am about *sixty nine* years of age,  
or *seventy*, and reside in *the Pueblo of San José,*  
*2<sup>d</sup>*

Witness is here shown a map, which is marked  
"Exhibit No. 1, W. A. C." and attached to this depo-  
sition, and says in answer to the question,  
in the year 1851, I referred to the County Surveyor  
~~of~~ *Mr Lewis*, the point on the map marked  
"Aliso," which "Aliso" is on the boundary line  
of the San Juan Mission. From there I went  
with *Mr Lewis* to the "Sagunita." In the year  
1808 I ran the same line from the "Aliso"  
to the "Sagunita" in company with Commandante



José Estudillo, of Monterey, and Corporal Pico, and several other persons. This line was run then by order of the Governor Joaquín Arillaga, for the purpose of designating the boundaries of Mariano Castro's rancho. In the year 1808, I marked the "Aliso" by order of the Commandante, who was with me. I cut it three times with a hatchet. In 1831, I showed these same marks to Mr Lewis, Corporal Pico in 1808. I placed a post near the "Sagunita" as one of the boundaries of Castro's rancho, at the time we were surveying as above stated, at that time Mariano Castro, and Ignacio Ortega were both present. Mariano Castro never occupied the land, or sowed, ~~west~~<sup>east</sup> of the "Sagunita". I know this to be the fact, for from the year 1815 up to 1822, I lived with Ignacio Ortega on the San Ysidro rancho. After 1822 I passed by said San Ysidro rancho every month or two on my way to, and from Monterey. There is a place called "Las Lagas" about three leagues north of the "Sagunita", and about 400 yards from the San José road. There is water on the place, <sup>(Las Lagas)</sup> all the year around, and people travelling about there were in the habit of camping there. ~~A line~~  
~~running from "Sagunita" to the place~~  
~~called "Las Lagas"~~ There a line to be run from the "Sagunita" to the place called "Las Lagas". Then the Castro's never occupied, or cultivated east of said line, but they did cultivate on the "Arroyo Carretero" as marked on this map.



Henry did cultivate as far West as the  
supposed line from the "Sagunita" to the place  
called "Las Lagas," as far back as the year 1828,  
as near as I can remember. The "Las Lagas"  
is always understood to be the place I have  
already mentioned, as having always water  
on it, and where persons were in the habit  
of camping, as distinguished from the Arroyo  
de Las Lagas. This place has been known  
as "Las Lagas" as far back as I can remember.  
The Mariano Castro mentioned in this  
deposition was the one who occupied, and  
claimed the "Las Animas" rancho. I know the  
place called "La Bria." It is about South East from  
the "Aliso," distant about a league. The castros  
tried to get "La Bria" from the Padres of San  
Juan Mission before the year 1808. I was a  
soldier in 1808, at the time of the survey, and  
had been for four years, and continued  
one until 1815.

Cross examined by N. S. Dist. Atty.  
I have no interest whatever in the event  
of this cause.

I affirm to the above  
this 2d. Nov. 1855. before me  
J. W. A. M. C. M.  
U. S. Com. Miss.

Manuel <sup>his</sup> Pinto  
mark



No 216,

U. S. Dist. Court.

The United States,

— vs —

Primitio Ortega, et al,

Deposition of Manuel Pinto,

Given Febry 20. 1856

Chas  
Deputy,

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

The United States  
vs  
Quentin Ortega  
Julius Martin et al

The answer of the Claimants in this case shows that it is true this claim was confirmed by the United States Commissioners, as appears by the record on file in this Court: and that a transcript was filed and notice of appeal, as alleged in the petition by appellants. The Claimants also state that it is correct, that the land referred to in the petition lies in the said Northern District

But these Claimants allege, that their claim is valid, as by reference to the record and evidence will fully appear.

Wherefore they pray that the said decision of the board of Commissioners be affirmed, and the title of Claimants declared to be valid.

Respectfully Submitted  
Stanley & King  
for Claimants



In the District Court of  
the United States for the  
Northern District of  
California No 216

The United States

v

Quentin A. Lopez,  
Julius Martin et al.

Answer of Claimants

Filed February 20, 1856,  
by Cheever,  
Deputy



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

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The United States

vs

Inventor Ortega  
Julius Martin et al.

No. 216, in U. S. Dist. Ct.

No. 112, in Land Commission.

It is hereby stipulated and agreed  
that the Deposition of William J. Lewis, taken  
before George Penn Johnston U. S. Commissioner on  
the 16<sup>th</sup> day of January, 1858, in case  
No 136 on the Docket of said Court, (which case  
is No. 161 in the Land Commission, in the name of Jose  
Maria Sanchez in the United States,) shall be read  
in evidence, in the case above named No: 216:  
or that a certified copy of said deposition of  
Wm. J. Lewis may be so read in evidence, as tes-  
timony for the claimants in this case. -

A. S. Sessell.

Asst U. S. Dist. Atty.



United States District Court  
Northern District of California

San Francisco Cal.

January 16<sup>th</sup>. 1856

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On this day before Geo. Peck, Johnston a Commissioner of the United States for the District of California duly authorized to administer oaths &c, came William J. Lewis a witness produced on behalf of the United States, appellants in Case No 186, being an appeal from the Board of Commissioners to ascertain and settle the private land claims in the State of California, in Case No: 161. on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:

The United States appellants

vs  
Jose Maria Sanchez appellee

Present U. S. District  
Attorney on behalf of the United States and J. J.  
Williams Esq on behalf of the Claimant and appellee  
Questions by U. S. District Attorney. -

What is your name age and place of residence?  
My name is Wm. J. Lewis, I am fully three years  
of age, and reside in the City of San Francisco " What  
is your occupation " " I am a Surveyor " Look  
at the map annexed to the deposition of Manuel  
Pinto heretofore filed in this cause, said map being



marked "A" "G. P. J." and say whether it is a correct representation of the relative position of the Rancho "Las Animas" and "San Ysidro." "It is a correct representation of the relative position of these Ranches; it is a facsimile copy of a map I made of the Rancho "Ysidro", and a part of the Rancho of "Las Animas". I made it in the year 1850." In the survey made by you, in the year 1830, did you begin at the "Aliso" and if so by whose direction? - I did begin at the "Aliso," Manuel Pinto was brought on the ground and stated that the South Western boundary of the Rancho of "San Ysidro" extended to a Lagunita which he pointed out, and which is the one represented, on the map as being on the South Western boundary of said Rancho of "San Ysidro" he also stated at that time, that the said "Lagunita" was one league from an "Aliso" which he pointed out, on the Southern boundary of the Rancho "Las Animas" in order to test the correctness of his statement, I commenced at the "Aliso", and measured the distance in a straight line from thence to the "Lagunita", and found it to be 201 Chains  $\frac{81}{100}$ , or 142 yard less than one league. While we were making the measurement Manuel Pinto objected to our measuring in a straight line, and said that when he and his associates measured the distance, they followed along an old road, which he pointed out, which



led from the "Aliso" to the "Lagunita," but which was crooked deviating in some places about an hundred yard from a straight line: he said the distance between the "Aliso" and the "Lagunita," as they measured it, was exactly one league. Pinto said they marked the tree, at the time the former measurement was made viz. about the year 1808.

(J. J. Williams Counsel for the Claimant objects to the foregoing answer as being heresay, irrelevant, and otherwise illegal.)

Look at the traced copy of the map of the Rancho "Las Animas" which will be filed, with your deposition in this cause marked "A" "W. J. L." and say how many leagues are contained in the tract, a Rancho "Las Animas" according to said map?

- It contains seven leagues, six hundred and fifty two acres and sixty eight hundredths" (J. J. Williams

Exp: Counsel for Claimant objects to the foregoing answer and to the said map as irrelevant and incompetent testimony.)

- Is the "Arroyo Pescadero", marked in this map or represented on it? It is, and I now mark it "El Pescadero" in red ink, it being the stream or a near the southern boundary of the Rancho running to the South East." (Objected to by Claimant's Counsel as irrelevant and incompetent.)

Look at the diseño accompanying the Manuscript of record from the land Commission filed in this cause and immediately following page 122 of the



Manuscript and say if the "Arroyo del Peral" described as it corresponds with the "El Picadero" on the survey of McDonald attached to your deposition? - "It does". (Objected to by claimant, Counsel as irrelevant and incompetent.)

Do you know Luentin Ortega and Matthew Fallon?

I do, I have known them for several years  
Do you know who is the father of Mrs. Grace W. Crane the widow of Jose Maria Sanchez?  
- Her reputed father is Luentin Ortega, one of the former proprietors of the Rancho San Ysidro"

Cross Examination by J. J. Williams Esq on behalf of Claimant - When did you first come to this country? - In June 1849. - At whose instance and for whom did you survey the Rancho of San Ysidro in 1850? - At the instance of, and for John Gibroy and Bernard Murphy (Signed) Wm J. Lewis. -

Done & subscribed  
before me this 16<sup>th</sup> day of January  
A.D. 1856 -

(Signed) Geo. Peck - U. S. Commissioner -

I John A. Monroe Clerk  
of the United States District



...and ...

Court for the Northern District  
of California do hereby certify  
that the foregoing Map and  
Deposition are accurate  
and correct copies of the  
same now on file in this  
Office

216 ND  
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Witness my hand  
and Seal of the said  
U.S. District Court  
this 21<sup>st</sup> day of Feb'y  
A.D. 1856

Wm. M. ...  
Clerk.



United States District Court  
Southern District of California

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No 216

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The United States

vs

Quentin Ortega et al

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Copy of  
Deposition of  
Wm Lewis &  
Stipulation

---

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Filed Feb 21, 1886,  
by Chevers  
Deputy

216 ND

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

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The United States } Decree  
vs- appellants } of  
Dimitri Ortega et al } Confirmation  
appellees. }

No. 216.

This Case coming on this day to be heard upon the transcript of the proceedings and the decision of the Board of Land Commissioners of the United States to ascertain and settle the private land claims in the State of California, and 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 claimants;

In consideration of all 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 order adjudge and decree that the titles of the claimants Maria Clara Ortega, wife of Juan Gilroy, and Julius Martin, respectively, to the lands described in said transcript are valid, and the same are hereby confirmed.

The land of which confirmation is hereby made to is of the extent of one square league and no more and the said Maria Clara Ortega is that known by the name of San Ysidro situated in Santa Clara County and now occupied by her and is described and bounded as follows, to wit Bounded by the Rancho of San Animas and the Sierra and by those parts of the said Rancho of San Ysidro which is a division thereof, (by ~~General Figueroa~~) were assigned and granted to



Quintin Ortega and Isabel Ortega (wife of Julian Cantua) the premises intended hereby being that portion of the said place called the Rancho of San Ysidro which in the division above mentioned were assigned and granted to the said Maria Clara and which constitutes the middle portion of the said Rancho reference to be had to the grant thereof, and the map which forms a part of the Depositions filed in this case, Excepting and reserving therefrom all that portion of the said premises which was conveyed by the said Maria Clara Ortega and her husband to Julius Martin by deed dated January 8<sup>th</sup> 1852, and recorded in the Recorder's Office of Santa Clara County.

The land of which confirmation is hereby made to said Julius Martin embraces all that portion of the premises granted to the said Maria Clara Ortega as above mentioned which is comprised within the following boundaries and limits, to wit: Commencing at a Stake marked "A" near a tree marked "B" and running thence South fifty one degrees and ten minutes West ( $S 51^{\circ} 10' W$ ) the distance of one hundred and fourteen  $\frac{7}{100}$  chains to a tree marked "C" on the Arroyo de las Lajas thence down the said Arroyo to a tree marked "W" on the bank of the said Creek; thence South fifty one degrees and ten minutes (true  $S 51^{\circ} 10' W$ ) the distance of Sixty two  $\frac{55}{100}$  chains; thence South thirty one degrees and fifty two minutes West ( $N 31^{\circ} 52' W$ ) true bearing, the distance of two hundred and thirty one  $\frac{32}{100}$  chains to a tree on a road leading to the Gilroy road; thence South fifty one degrees and ten minutes East running by a Sycamore marked "D" the distance



of two hundred and twenty six chains forty four hundredths true bearing to a stake thence South thirty five degrees and two minutes East (S 35. 2' E) the distance of one hundred and thirty seven  $\frac{10}{100}$  Chains to the point of beginning; being the same premises described in the deed of conveyance above mentioned from the said Maria Clara and Juan Gilroy to the said Julius Martin. And it also understood that if any portion of the premises above described shall be found to be without the limits of the land granted to the said Maria Clara Ortega as above specified this decree of Confirmation does not extend to or include the portion which lies without such limits, but the claim of the said Martin to said portion is hereby rejected.

And as to the claim of the petitioner Quintin Ortega to the premises described in the petition, it is adjudged that the same is not valid, and it is therefore decreed that his said claim thereto be and the same is hereby rejected and disallowed.

By the Court

H. S. Rich Judge



No 216  
In the United States Court  
for the Northern District  
of California.

The United States  
vs  
Quintin Ortega et al.

"San Ysidro"

4

Decree of  
Confirmation  
Laid June 3, 1856,  
W. H. Cheever,  
Deputy.

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No 216

The United States

Julius Martin,  
John Gilroy & wife &  
I. Ortega

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

J. L. N. Shepard

being duly sworn deposes and says, that in the year 1833, a therewith a grant was made by the Governor of California, to Lucentin Ortega, & Maria Clara the wife of John Gilroy, and Sabella, wife of - Canina, of three leagues of land called San Ysidro: that the said Lucentin, Maria Clara, & Sabella were children of Ignacio Ortega, who had for twenty years before the grant to his children claimed said land and occupied it under the authority of the Mexican Government: that the said Lucentin who filed a separate petition, the Commissioners appointed to examine titles to land in California confirmed one league of land more a leg. that to Sabella, or her representatives Mariply & Mariply, one league more a leg. has been confirmed by this Court and in the decree of this Court to Maria Clara & her husband, & Julius Martin claiming under them one league and no more is confirmed.



affiant further shows that the grant to these children of Ignacio Ortega was for three leagues to be equally divided between them, and no good reason exists, none has ever been urged why the difference above named should be made in the respective decrees.

affiant further shows that the part of the Ranch now held by Gilroy and others to whom he sold may be a little more than one league, but it is the same portion held by him & his wife Maria Clara, since 1833: that should the decree stand as it now is, it will lead to litigation between parties claiming the land as public land & disputes between those claiming under the grantees of San Ysidro above-named.

*J. S. Shepard*  
Sworn to & subscribed *J. S. Shepard* Claimant under  
Mary 26th. 1857 before me, *Gilroy's wife*  
W. St. Charles,  
Deputy.



No 216

The United States

Julius Martin,  
John Gibney & wife &  
Quentin Ortega

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

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To Wm. Blandy Esq District Atty. of the  
U. States & —

Please take notice that on Monday  
next, or as soon thereafter as may be convenient to  
the Court, I shall move that the decree in  
the case above named be amended, so that  
the claimants shall be admitted to a league  
more or less: and upon said motion reference  
will be made to the documents on file in the  
cases of Quentin Ortega No: 630. and of  
Humphrey No: 159.

May 26<sup>th</sup> 1857

Stanly & King



The United States

9 3

Quentin Ortega  
et als

No. 216. —

Notice of Motion to  
amend decree &  
affidvt. of J. N. Shepard.

May 26 —

Service admitted.

Blanding

Dell,

Filed June 8, 1857.

H. H. Cheever

Deputy

Pauly & King

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In the District Court of the United States for the  
Northern District of California  
Held Term. June 12th. 1857.

No. 216 The United States

vs Appellants  
Quentin Ortega  
Julius Martin,  
John Gibroy & wife  
Appellees

} vs.  
Decree of  
Confirmation.

A motion having been made in  
this case, on affidavit, to amend the decree, and notice  
having been duly served upon the District Attorney of the  
United States, who was present in Court when the motion  
was argued, it is hereby ordered that the decree be  
amended so as to read as follows.

This case having been heard upon  
the transcript of the proceedings, and the decision of the  
board of Land Commissioners of the United States, to ascer-  
tain and settle the private land claims in the State of  
California, and 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 Claimants: In Consideration of all 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 order, adjudge and  
decree, that the titles of the claimants, Maria Clara Ortega,  
(wife of John Gibroy), and Julius Martin, respectively,



to the land described in said transcript, are valid, and the same are hereby confirmed. The land of which Confirmation is hereby made to the said Maria Clara Ortega is that known by the name of San Ysidro, situated in Santa Clara County, and now occupied by her, and is described and bounded as follows, to-wit: Bounded by the Rancho of Las Animas, and the Sierra, and by those parts of the said Rancho of San Ysidro, which in a division thereof, were assigned and granted to Luentin Ortega, and Ysabel Ortega, (wife of Julian Cantua,) the premises intended hereby being that portion of the said place called the Rancho of San Ysidro, which in the division above-mentioned were assigned and granted to the said Maria Clara and which constitutes the middle portion of the said Rancho, reference to be had to the grant thereof, and to the map which forms a part of the Expediente filed in this case: Excepting and reserving therefrom all that portion of the said premises which was conveyed by said Maria Clara Ortega, and her husband to Julian Martin by Deed dated January 8<sup>th</sup> 1852, and recorded in the Recorder's office of Santa Clara County. The land of which Confirmation is hereby made to said Julian Martin, embraces all that portion of the premises granted to the said Maria Clara Ortega, as above mentioned which is comprised within the following boundaries and limits:



to wit: Commencing at a stake marked "A", near a tree marked "B", and running thence South fifty one degrees and ten minutes West (So. 51. 10' W.) the distance of one hundred and fourteen  $\frac{7}{10}$  chains to a tree marked "C" on the arroyo de las Plazas, thence down the said arroyo to a tree marked "W" on the bank of the said creek: thence South, fifty one degrees and ten minutes (true So. 51. 10' W.) the distance of sixty two  $\frac{50}{100}$  chains: thence North thirty one degrees and fifty two minutes West (No 31. 52' W.) true bearing, the distance of two hundred and sixty one  $\frac{32}{100}$  chains to a tree on a road leading to the Gilroy road: thence North fifty one degrees and ten minutes East, running by a sycamore marked "D" the distance of two hundred and twenty six chains, forty four hundredths, true bearing to a stake: thence South thirty five degrees, and two minutes East, (So. 35. 2' E.) the distance of one hundred and thirty seven  $\frac{10}{100}$  chains to the point of beginning: being the same premises described in the deed of conveyance above mentioned from the said Maria Clara and Juan Gilroy to the said Julius Martin: And it is also understood that if any portion of the premises above described shall be found to be without the limits of the land granted to the said Maria Clara Ortega as above specified, this decree of confirmation does not extend to or include the portion which lies without such limits, but the claim of the said Martin



to said petition is hereby rejected. And as  
to the claim of the Petitioner Luentin Ortega  
to the premises described in the petition, it is  
adjudged that the same is not valid, and  
it is therefore decreed that his said claim thereto  
be and the same is hereby rejected and disallowed.

Edwin Hoffmann  
U. S. Dist Judge

This decree conforms to the  
decree of the Land Commission, and  
I consent to its entry

Wm. Blanning  
Dist atty

No 216 2

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

vs  
Luentin Ortega et al.  
"San Ysidro"  
Decree of  
Confirmation

Filed June 12. 1857  
W. H. Chivers,  
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 Saturday the 12th day  
of December in the Year of our Lord  
one thousand eight hundred and fifty  
seven

Present:

The Hon Ogden Hoffman, District Judge.

The United States }  
v } S. C. 216; S. C. 112.  
Quintin Ortega et al }

The attorney General of the  
United States having given notice that no appeal  
to the Supreme Court 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  
their favor; Now therefore, on motion of the  
Dist Atty it is ordered adjudged and decreed  
that the claimants have leave to proceed  
under the decree of this Court heretofore rendered  
in their favor, as under Final Decree.

Ogden Hoffman  
Dist Judge



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U. S. Dist Court

The United States

v

Quintin Ortega et al

L.C. 112

Order

Filed Dec 12<sup>th</sup> 1887

Edgar Guymer  
Deputy



California Land Claims  
Attorney General's Office

14 Nov. 1856.

Sir:

In the case of the claim of Martin  
Ortega et al., confirmed to the claimant by  
the Commission, case no. one hundred and  
twelve (112), appeal will not be prosecuted  
by the United States.

I am

Respectfully

Clint

Pacific Ad. Co.  
U.S. Attorney,  
Los Angeles.

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112  
216  
Conf.







~~216~~ 216 //

U. S. Dist Court

The United States

v

Quintin Ortega et al

L. C. 112

Stipulation

Filed Dec 12<sup>th</sup> 1857

Hazard Hughes  
deputy

216 ND

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

The United States  
vs  
Quantin Ortega et al } No. 216

To the Hon: Ogden Hoffman, Judge  
of said Court.

The petition of J. L. N. Shepard,  
on behalf of himself & others: respectfully  
represents, that the Survey made by the  
Deputy of the Surveyor General, in this  
case, is erroneous; that said deputy  
has omitted to include in his survey, land  
belonging to the petitioners & others, and  
well known to be a part of the Rancho  
San Ysidro, for about thirty years.

Petitioner states that the  
Survey was approved by the Surveyor General  
on the <sup>seventy</sup> eighth day of August 1860.

That the first publication, under  
the act of Congress of June 14<sup>th</sup> 1860,  
was made on the 15<sup>th</sup> of August 1860

That the interest of the  
Petitioner in this case, is derived by  
deed from John Gidroy and <sup>his</sup> wife



María Clara Ortega, to whom the grant of the land was made, by Gov. Figueroa, in the year 1833. as will more fully appear by reference to the paper on file in this Court. That petitioner claims to be the owner of about six hundred acres of land, part of said Rancho said Ysidro, improperly omitted in the survey, made by said deputy of the Surveyor General.

Petitioner further states that a valuable tract of land, belonging or claimed by Julius Martin, and wife, or by John W. Moore, being part of said "San Ysidro," and sold by said Ysidro and wife to Julius Martin - who was one of the claimants before the Land Commission in this case - has also been excluded by said deputy in his said survey.

Petitioner therefore prays that you Hon. will grant an order, directing the Surveyor General to return the survey with the District Court for examination and adjudication according to the provisions of the act of Congress, approved June 14<sup>th</sup>.



1860.

Edw. Stanley  
atty for Petitioner  
et al.

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Northern District of Cal., ss:

J. L. N. Shepard  
being duly sworn deposes and says, that  
the facts stated in the foregoing affidavit  
petition are true to the best of his infor-  
mation and belief.

Sworn to and subscribed by  
before me this 31<sup>st</sup> day of }  
August A. D. 1860. }

J. L. N. Shepard

Wm B Williams  
J. of the Court

Let the order issue as prayed  
for above

Sept 1. 1860.

Order Hoffman  
Dist Judge



No. 216

United States

<sup>in</sup>

Inventor Opleya  
et al

Petition to return  
survey into Comb

Filed Sept. 3<sup>rd</sup> 1860.  
W. A. Chesnut,  
Clerk.

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Sept 19



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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 *Monday* the *Third* day of *September* in the year of our Lord one thousand eight hundred and sixty.

Present:

*The Honorable* OGDEN HOFFMAN, *District Judge.*

The United States,

v.

*Quintin Ortega, et al,*

IN LAND CASES.

*District Court No. 216,*

*Land Com. No. 112,*

AND now at this day on application of *Edward Stanley* Attorney for *the Claimants* IT IS ORDERED, that the Surveyor General of the United States for California return into this Court, on or before Wednesday, the *19th* day of *September* A. D. 1860, his Official Survey and Plat of the land finally confirmed in the above entitled cause, known as "*San Pedro*," and situated in the County of *Santa Clara*, in said District; AND IT IS FURTHER ORDERED, that the United States Marshal for this District serve upon the said Surveyor General, without delay, a certified copy of this order, and make due return hereon.



I hereby certify that I have this day made  
personal service of the within notice ~~on~~  
by copy on J W Mandeville W S Surveyor  
General for the State of California

San Francisco

September 3<sup>d</sup> 1860,

P L Solomon  
W S Marshal

No. 216

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

D. Ortega et al.

ORDER TO RETURN SURVEY.

Returnable

Sept: 19,

1862

Issued

Sept: 3<sup>d</sup>,

1862

Filed

September 3<sup>d</sup>,

1862

J. St. Charles

Clerk.

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The U States }  
vs } I. C. 216  
J Ortega et al } In the matter of Survey

In the return of Survey  
in the above mentioned case, by order  
of the W & District Court, I advised  
State, that the approval thereof is  
"pro forma" under the heretofore established  
Custom -

The questions between the "San  
Ysidro" Ranchos, and that of "Las  
Animas," were not decided in this  
office, previous to such approval -

The accompanying papers  
marked A & B, filed in this office  
by the parties contestants, are herewith  
transmitted

J. H. Mendenhall

W. S. Sur Gen

Am Ogden Hoffman }  
W. S. Dist Judge } }



No. 216.

U. S. Dist. Court,

The United States,

— vs —

L. Ortega, et al,

Statement of N. S.  
Sur: Genl: accoing  
plat of survey,

Filed Sept. 8, 1860,

A. D. Cheever,  
Clerk



County of Santa Clara  
State of California

On this 30th day of Sept 1858. before me James A Owens a Justice of the Peace of said County - personally appeared Don Jose Rafael Gonzalez - of Monterrey, to me personally known who being duly sworn deposes and says, that he is the same Jose Rafael Gonzalez - who was a Justice of the Peace - in the Year Eighteen Hundred and Thirty five - when he gave Judicial possession to Quintin Ortega of a part of the Rancho San Sidro. Mentioned in the paper thereto annexed marked "J. R. S." the same paper being known as a correct copy from the original document. Now in the archives of the Surveyor General of California, and having been examined by said Gonzalez on the 24th of Sept 1858

And the said Gonzalez further says that on the 30th day of Sept 1858 he went in Company with William S. Lewis a Surveyor. Now here present. And according to the description in the said Judicial possession. He went to the "Point of a Hill" mentioned in the 16th line of paper marked "J. R. S." and from said point of a Hill they went to a marked oak tree at the head of the opening in the oak trees, which is in front of the house of Quintin Ortega. And John Selroy - and that he



pointed out this Oak tree, as the corner  
stone corner of the Rancho of John Gilroy  
and Don Juan Ortega, the line of Judicial  
possession surveyed by him in the Year Eighteen  
Hundred and Thirty five, running from  
the point of the Hill to this Tree - is a strai-  
ght line passing over the whole Hill top  
He also knows that the Rancho of  
of John Gilroy does not extend beyond other  
point, does not include any Hill, but fol-  
lows the edge of the valley along the foot  
of said Hill, José Rafael Gonzalez &  
By

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Subscribed and sworn to before  
me this thirtieth day of September A.D.  
One thousand eight hundred and fifty  
Eight

James A. Owens  
Justice of the Peace

I solemnly swear that I understand both  
the Spanish and English languages, and  
that I made a true translation to José Rafael  
Gonzalez, of the contents of the above dep-  
osition, from English into Spanish, be-  
fore signing

William J. McLean

sworn and subscribed to before me this  
30th day of September A.D. One thousand  
eight hundred and fifty eight

James A. Owens  
Justice of the Peace



En mil ochocientos treinta y cinco en No- vien-  
bre 12 de la expresada posesion.

J. M. G.

*[Signature]*

1 En el mismo parage, mes, dia y año siendo  
2 las once del dia mande a los medidores nom-  
3 brados se pongan para las medidas de tierra  
4 q se han de hacer al ciudadano Quintin Ortega  
5 y comensando a medir desde el orno q divide  
6 las dos casas asi del expresado Quintin, -  
7 como la de Juan Gilroy, y tendiendo el cordel  
8 con dincion al Sureste hasta llegar al arroyo  
9 ó aguaje de los cuatro sauces q divide el  
10 lindero de Jon Sanchez hay noventa y seis  
11 cordeles, y de hay girando asia el nordeste  
12 hta la loma ~~xxx~~ donde hay cuatro cercinos;  
13 tres cuatos y uno de un solo tronco q señalara  
14 hta onde llegan las tierras de Sanchez, hay  
15 ochenta y seis cordeles, y desde el mismo  
16 punto hta la punta de la loma por el  
17 mismo viento hay ~~estorces~~ cuarenta cordeles, y  
18 siguiendo al nor este por encima de toda  
19 la loma a salir al ~~el~~ frente de la abra  
20 q divide las dos casas de Quintin y Gilroy  
21 hay ciento y veinte y dos cordeles, y desde  
22 este mismo punto partiendo por en medio de  
23 la expresada abra rumbo al Sur cuarto  
24 al oeste hta llegar a el arroyo, q señalara  
25 ó sirve de lindero a los Castros segun su  
26 nuevo diseño hay cincuenta cordelos de  
27 las referidas cincuenta varas; El terreno q  
28 resulta medido es de un sitio de ganado  
29 mayor ~~en~~ cuya constancia lo firmo con

216 ND

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1 con los asist<sup>tes</sup>, no haciendo los medicos  
2 y contador por no saber firmar.

3

José Rafael Gonzales.

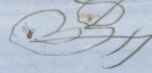
D. A.

D. A.

Juan Madariaga.

Simon Castro.

(José Rafael Gonzalez  
7 de 24 de 1858.)



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San Ysidro  
afft. of  
Jose Rafael Gonzales.  
Sept. 30 1838 -

D.C. 216 -  
B -

216.

U. S. Dist. Court,

The United States,

- vs -

Quintin Ortega, et al.

Exhibit B, from Sur-  
geon, with plat  
of survey.

Filed Sept. 8, 1860,  
W. H. Chewes,  
Clerk



United States of America, )  
Northern District of California. )

ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,  
To the Marshal of the United States for the Northern District  
of California,

GREETING:—

WHEREAS, objection has been made to the official survey and location of the land finally confirmed, in case No. 216, to *Quintin Ortega et al.*, known as "*San Pedro*", and situated in the County of *Santa Clara* in said District.

NOW THEREFORE YOU ARE HEREBY COMMANDED, in the name of the President of the United States of America, to give due notice to all parties having, or claiming to have, an interest in such survey and location, that they be and appear before the District Court of the United States for said District, sitting in Land Cases, on or before Wednesday, the *26th* day of *September* A. D. 1860, at 11 o'clock, A. M. (if that day shall be a day of jurisdiction, and if not, on or before the next Wednesday thereafter,) then and there to intervene for the protection of such interest, or their defaults will be taken. And what you shall have done under this writ do you then and there make return thereon.

WITNESS, the Hon. OGDEN HOFFMAN, Judge of said Court, at San Francisco, in said District, this *4th* day of *Sept.* A. D., 1860.

*M. A. Cheever*

CLERK.



The within Motion was received by me on  
Tuesday the 4<sup>th</sup> day  
of September 1860, and in obedience thereto  
I have given due notice, as therein commanded, by causing  
the publication of said notice, for 4 consecutive  
Wednesdays, in the San Francisco Herald, commencing  
on the 5<sup>th</sup> day of September  
1860; and for 4 consecutive Saturdays, in the  
San Jose Tribune  
a paper published nearest the land, commencing on the  
8<sup>th</sup> day of September 1860.

Dated San Francisco, September 26 1860.

P. L. Solomon

U. S. Marshal.

No. 216

UNITED STATES DISTRICT COURT,  
Northern District of California.  
IN LAND CASES.

THE UNITED STATES.

v.

D. Ortega, et al.

MONITION.

Returnable Sept. 26 1860.

Issued Sept. 14<sup>th</sup> 1860.

Filed Sept. 26 1860.

W. H. Chenevix

Clerk.

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To the Hon District Court of The  
United States Northern District of California

Quentin Coleja et al } 216  
vs } Part of San Ysidro  
The United States }

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Daniel, James and Martin J.  
Murphy respectfully show to this Hon Court  
that they are the owners and claimants of the Rancho  
San Francisco de las Lagas which has been finally  
conformed and is now pending in this Hon Court  
under the act of Congress approved June 14<sup>th</sup> 1860.

That the ~~land claim~~ the case first above-  
mentioned is likewise pending in this Hon  
Court, and your Petitioners are informed and  
believe that an effort will be made so to  
modify the survey as injuriously to effect their  
rights and interests as owners of the said Las Lagas;  
Wherefore they pray for leave to intervene in  
the above entitled cause for the protection  
of their rights under the provisions of the Act  
aforesaid

Quentin Williams & Thornton  
Atty. for owners of Las Lagas -

Daniel Murphy being duly sworn  
deposes and says that he has read the pre-  
sented petition and that the facts therein  
stated are true to the best of his knowledge  
and belief  
Dan Murphy

Sworn to, and subscribed }  
this 29th Sept. 1860, before me. }  
W. H. Cheverus, }  
U. S. Comm. }



216.

U. S. District Court,

The United States,

- vs -

Guillermo Ortega, et al.

Petition + affidavit  
of Dan. Murphy  
to intervene,

Filed Sept. 29, 1860.

W. A. Chevers,

Clerk,

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J. J. Williams,  
Atty.







4. That said Survey is unjust and erroneous, and was made under a misapprehension of the rights of Claimants and of the decree of this Court.

5. That the said Survey wholly disregards well known and established marks of boundary, recognized as such by the authorities of the Mexican Government; especially the "Lagunita" which is referred to in the testimony of Manuel Pinto & others in this case, and which was established by the Mexican authorities as on the boundary line between the Ranches San Ysidro and Las Animas.

6. That said Survey locates this Ranch as being entirely on the East side of the arroyo de las Lagas, whereas it should have been on both sides of said arroyo.

7. That said Survey has left out land belonging to this Ranch, and thereby unjustly adding it to the adjoining Ranch, Las Animas, which is of younger date and which was granted respectively reserving the rights of others



as well appear by reference to the papers on file in case No: 136 of this Court.

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8. That said Survey wholly disregarded the evidence in the case, and was made to suit private interests of owners of adjoining lands, in disregard of the rights of claimants.

9. That said Survey was not made in accordance with the principles and rules established in the act of Congress, approved March 3<sup>rd</sup> 1851, entitled an act to settle private land claims in the State of California.

10. That said Survey is not a complete and proper performance of the duty imposed by said act of Congress upon the Surveyor General, in this, that it is not a Survey of the claim, as provided by the Claimants nor as confirmed by this Honorable Court.

11. That said Survey was approved "pro forma" only by the Surveyor General, who did not examine the evidence before him referred to in his report returning the map of the Survey unto this Honorable Court, which evidence



No: 216  
10

The United States

M.  
Luciano Ortega  
et al.

Exceptions to Survey  
on the part of the  
Claimants. —

Filed Oct: 1. 1860,  
W. H. Cheever,  
Clerk

216 ND  
PAGE 110

E. Stanley,  
for Clerk.

proved the incorrectness of this survey

E. Stanley  
atty: for Claimants



In the District Court of the U.  
States for the Northern District of  
California

No: 216. —

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The United States

Quantin Ortega et al

} Part of San  
Ysidro" —

The answer of Claimants to the  
petition of Paul. Murphy et al  
asking leave to intervene. —

And the said Claimants by their  
Attorney Edward Shady for answer to said  
petition state, that they deny that said  
Murphy et al have any such interest in  
this survey as to allow them to intervene  
therein.

Claimants state, that San  
Ysidro was divided into three parties. —  
Claimants are interested in the middle  
party. — That part of said San  
Ysidro, which adjoins "Las Lajas" is  
called La Polpa, & has been patented.

The title papers in Las Lajas call  
for the Rancho San Ysidro, and said  
Las Lajas therefore adjoins La Polpa,  
and not the portion surveyed in this  
case —

Petitioners therefore



No. 216

The United States

vs

Lambert Ortega  
et al.

Answer to the petition  
of D. Murphy et al  
to interfere.

Filed Oct. 2. 1860.

N. A. Phelps,  
Clerk

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PAGE 112

E. S. Lundy for  
Clamants

may for an order of the Court, that  
said D. Murphy & others should withdraw  
their said petition, and be denied any  
right to interfere in this matter, to  
the injury of Clamants.

I am in duty bound &c

E. S. Lundy  
for Clamants.



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

Quentin Cortez et al } Part of San  
vs } Ysidro  
The United States } No. 216

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The Petition of Maria Sanchez  
and her husband Daniel Wilson, Refugio San-  
chez and her husband Thomas J. McKnight, Gre-  
gorio and Guadalupe Sanchez, infant chil-  
dren of Jose M Sanchez, decd. by their Guardian  
George W. Crane, Green Hanna, Samuel  
Hanna, James Hanna, <sup>Henry Miller</sup> George W. Crane and  
Martin Murphy Sr, respectfully shows  
to the Court that they are part owners  
of the Rancho San Animas, by title de-  
rived from the original grantee, and  
which has been finally confirmed by  
decree of this Hon Court to the Widow  
and Heirs of Jose M Sanchez decd.

That said Ranch is adjacent that  
portion of the Rancho San Ysidro  
confirmed in the case first above men-  
tioned to Juan Gutierrez and wife and Julian  
Martin. That the Survey of said  
portion of San Ysidro Rancho has been  
ordered into this Hon Court for exam-  
ination and adjudication at the in-  
stance of some of the present owners, with



The view, as your Petitioners are in-  
formed and believe, and as appears  
from exceptions on file, of obtaining or  
attempting to obtain such a modification  
of said survey, as will extend it across  
the arroyo San Llagas, and include  
within its limits a large portion of  
the Rancho Las Animas to the great  
wrong and injury of your Petitioners.

Wherefore your Petitioners  
pray leave for the protection of their  
rights, to intervene in the said case  
of Quentin Ortega et al as The United  
States under the provisions of the act of  
Congress approved June 14<sup>th</sup> 1860 -

And your Petitioners further show  
that the survey of said portion of San  
Geronimo Rancho was ordered into this  
Court, and proclamation made  
therein on the 26<sup>th</sup> day of September  
1860 - That on the 3<sup>rd</sup> day of October  
1860, the claimants thereof intervened  
in the matter of the survey of the said  
San Animas, and at or about that  
time made known their object in  
such intervention - For this reason  
the claimants of the Rancho Las Animas  
did not and could not intervene



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at the date of the proclamation made  
as aforesaid under the rules of this Hon  
Court, in the matter of the survey of  
said portion of San Ysidro Rancho, and  
pray leave now so to do -

Therewith William Thornton  
Attor pro Petitioner -

Geo. W. Crane

Shown to, and subscribed before  
me, October 11, 1860,

W. H. Cheslet,

N. J. Com.



No 216

Lucentin Cortez et al

vs

The United States

Petition of appeal  
(of intervention)  
Grance, et al,

Filed Oct. 13, 1860,

M. D. Cheney,  
Clerk

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paid by G. H. C.



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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 *Saturday* the *13th* day of *October* in the year of our Lord one thousand eight hundred and sixty.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,  
v.  
Quintin Ortega, et al.

No. 216.

On reading, and filing the petition, and affidavit of G. W. Crane, and on motion of John I. Williams, Esq., it is ordered by the Court that the default heretofore entered herein, be and hereby is opened so far as to permit the parties in said petition mentioned to intervene in this cause.



v 8 No. 216.

UNITED STATES DISTRICT COURT

Northern District of California.

---

The United States,

v.

Quintin Ortega, et al.

Order allowing  
G. W. Coran, et al to  
intervene.

Filed October 13th 1860.

W. A. Cheser.

Clerk.

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J. J. Williams  
for intervenors.



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

The United States

vs

Ignacio Ortega et al.

No: 216.

It is hereby stipulated that the affidavit of Jose Rafael Gonzalez dated September 30<sup>th</sup> 1858, and filed in this Court - September 8<sup>th</sup> 1860, relative to the Judicial possession given to Ignacio Ortega under the Mexican regime: and the affidavit of Wm. J. Lewis dated February 26<sup>th</sup> 1859, and filed in this Court Sept: 8<sup>th</sup> 1860, (with map annexed) be read in evidence on the trial of the above entitled case, with the same effect as if they were solemnly depositions regularly and formally taken.

Dec 1<sup>st</sup> 1860. Calloun D. Durham  
U. S. Atty



No. 216  
In the District Court  
of the United States  
for the Northern Dis.  
of Cal.

The United States

<sup>n</sup>  
Luisen Ortega  
et al. -

Subpoena & -  
admitting certain  
affidavits, etc.

Filed Dec. 17, 1860.  
W. A. Chesebrough,  
Clerk.



U. S. } III.  
} 216, ND  
Juan Antonio Ortega et al.

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The exceptions to the official survey in this case have already been considered and passed upon in the opinion lately delivered in the case of the U. S. vs The heirs of Sanchez.

In accordance with the views therein expressed the North and Southern lines of the portion of San Pedro Comarca granted Maria Clara Ortega must be extended to the western bank until they reach the line drawn north from the Laguna as described by the witnesses and surveyed by Pedro Lewis. Between these lines and the Sierra one square league must be measured in a compact form and at the discretion of the grantee according to the rules and principles by which the right of election is in similar cases regulated.



U. S. 216,  
No 6  
Linton Orlega Stags

Pinion  
modifying Surveys,

Filed December 29, 1868,  
W. A. Chevers,  
Clerk



At a Sated Term of the District Court  
of the United States of America for  
the Northern District of California  
held at the City of San Francisco,  
on Tuesday, January the Twenty-  
sixth, in the year of our Lord  
one thousand, eight hundred,  
and sixty four,  
Present,

Hon: Ogden Hoffman,  
District Judge,

The United States

vs

John Gilroy and  
Maria Clara his wife, and  
Julius Martin.

D. C. No: 216.

In the matter of the Survey and  
Location of part of the Rancho  
San Ysidro.

This cause came on this day to be heard, on the  
proofs taken therein, and on the papers on file therein,  
and was argued by counsel, and thereupon and in Con-  
sideration thereof: It is ordered, adjudged and de-  
creed, that the official survey of said Rancho  
which was finally confirmed, to the parties above-  
named, a copy plat of which survey, was filed in



this Court, on the 8<sup>th</sup> day of September 1860 - be set aside: And it is further ordered, adjudged and decreed, that the Surveyor General of the United States, for the State of California, forthwith cause a new location and survey to be made, or correct and reform the survey already made, as follows:

Beginning at an oak tree, the South Eastern corner of that part of the Rancho San Ysidro, which was granted to Maria Clara, the wife of John Gibroy, the same oak tree, marked "S. Y. No. 4", on the plat of the land, granted to Luentin Ortega, approved by the Surveyor General of the United States, on the 12<sup>th</sup> day of October 1861. it being the same "marked oak tree", at the head of the opening in the oak trees, which is in front of the houses of Luentin Ortega and John Gibroy, the same being the corner of the Ranchos of Maria Clara Ortega, wife of John Gibroy, and of Luentin Ortega, which was pointed out to William J. Lewis, the Surveyor, by Jose' Rafael Gonzales, who gave juridical possession to Luentin Ortega in 1835. according to the testimony of said Gonzales, filed September 8<sup>th</sup> 1860, marked "Exhibit B, from Surveyor General, with plat of Survey;" and according to the testimony of William J. Lewis, the Surveyor, filed September 8<sup>th</sup> 1860. marked "Exhibit A, from Surveyor General with plat of Survey".

And running from said Oak tree, in a South-



Westerly course, in a straight line, and along the Northern line of the tract confirmed to Quentin Ortega, as the same was surveyed, by E. H. Dyer, Deputy United States Surveyor, on the — day of September 1861. continuing in said straight line by the "Orno" a men, and between the two houses of Quentin and Gilroy, referred to in the testimony of said Gonzales and Lewis, to the arroyo de las Plagas, and thence running across the Arroyo de las Plagas, in a straight line, until it reaches a point at the "Lagunita"; at which a stake was fixed, as described in the testimony of Simeon Castro, and Felipe Vasquez, taken by the Alcalde Gonzales, and contained in the Expediente filed in the case of Bernard Murphy vs the United States: it being the same "Lagunita" laid down on the copy of the Survey, made by William J. Lewis in 1850. attached to the deposition of Manuel Pinto, in No: 136. in this court, filed November 24<sup>th</sup> 1855. and referred to in the deposition of William J. Lewis, in said No: 136. filed January 21<sup>st</sup> 1856; and thence running from said "Lagunita" along the line surveyed by William J. Lewis, in 1850. ~~North~~ ~~to~~ until it reaches a point opposite the mouth of the Alamias Creek, which is the boundary line between Isabella and her sister Maria Clara: the said point to be as near as may be, on a line with the general course of said creek, as the same would run if



produced across the Arroyo de las Lagas: thence running in a straight line to the mouth of the Alamiás Creek: thence running Easterly up said Creek along the said division line of Sabella and Maria Clara, the same being the Southern line of the Rancho "La Polka" - the Northern portion of San Ysidro - as patented, to such a point on the Eastern line of the Rancho San Ysidro, as surveyed by William J. Lewis, as aforesaid, in July 1850, as well when connected by a straight line, with the place of Beginning, include within the Survey, the quantity of one square league &c

And it is further ordered, that said amended Survey, be made without delay, and as soon as completed be returned into this Court for its approval.

Richard Hoffmann  
Dist. Judge



5 216,

U. S. Dist. Court,

---

The United States,

vs,

Quintin Ortega,  
et al,

---

Order repeating official  
survey, and for  
a new survey,

---

Filed January 26, 1864,

W. D. Chevers,

Clark

216 ND

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At a Sated Term of the District Court of  
the United States, for the Northern District  
of California, held at the Court Room  
in the City of San Francisco, on Monday  
the 28<sup>th</sup> day of March A. D. 1864

Present—

Hon. Ogden Hoffman  
District Judge

The United States

<sup>vs</sup>  
John Gibray and  
Maria Clara, his wife. &  
Julius Martin.

No. 216

And now on this day, it appearing  
to the Court, that the Surveyor General of the  
United States, for the State of California, has  
returned to the Court, his survey and lo-  
cation of the land confirmed herein, made  
in pursuance of the order of the Court,  
of the 26<sup>th</sup> day of January 1864,  
and which survey and location is shown  
by the certified copy - plat, filed  
March 18<sup>th</sup> 1864.

And counsel for the  
respective parties, having been duly



Notified,

It is ordered, adjudged and decreed, that the survey and location of the land confirmed in this cause, the field notes of which survey were approved, by E. F. Beale, - United States Surveyor General for California, on the 11<sup>th</sup> day of March A. D. 1864, is a good and valid survey of the land confirmed to the said John Gibroy, and Maria Clara, his wife, and to Julius Martin, claimants herein, and that the said survey and location, be and the same is hereby approved.

And it is further ordered, adjudged and decreed, that the certified copy - plat of said survey and location, filed March 18<sup>th</sup> 1864, and marked - approved March 28<sup>th</sup> 1864, Ogden Hoffman, District Judge, be attached to, and made part of this decree, for a more full, and particular description of the tract of land of the area of four thousand, four hundred and sixty  $\frac{67}{100}$  acres, now finally confirmed to the said John Gibroy & Maria Clara his wife and to Julius Martin.

Ogden Hoffman  
Dist. Judge



216, ND

112 B9

U. S. District Court,

The United States,

vs.

Man Gily, et al,

Final decree approving  
official Survey,

Filed March 28, 1864,

W. H. Chever,  
Clerk

3

216 ND

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District Court of United States  
Northern Dist of California  
United States  
" } no: 216  
Juan Gilroy et al }

You will please to take notice  
that on the 28<sup>th</sup> day of March 1864 at the  
opening of the court on that day or as  
soon thereafter as counsel can be heard, I  
shall move the said Dist Court, to confirm  
& approve the <sup>officials</sup> Survey of the lands conferred  
in the above entitled cause, being the  
official Survey made by the Surveyor  
General of the United States for California,  
as obtained to the decree of this court.

To

Wm. H. Sharp Esqr  
Dist Atty &c  
John J. Williams  
atty for intervenors

or  
Prof. Williams & Rowland  
atty for intervenors.

Edw. Stanley

Atty: for Claimants

San Francisco  
March 24<sup>th</sup> 1864.



No. 276

In the Dis. Court of  
the United States  
for the Northern Dis.  
of California

The United States

Juan Gilroy et al -

Received a copy of  
this notice this  
24<sup>th</sup> day of March  
1864. ~~Attest~~

William Thornton

Wm H. Sharp

24<sup>th</sup> March 1864  
Filed March 28, 1864,  
W. H. Cheves,  
clerk

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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 \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and sixty-\_\_\_\_\_

Present;

The Honorable OGDEN HOFFMAN, District Judge.

*The United States*

v.

*Quintin Ortega et als*

*No. 316*

And now at this day on application of G. W. Crane and others, intervenors in the above entitled cause and upon notice duly given as required by the rules, It is Ordered, that an appeal in behalf of said intervenors from the decree of this court, entered March 28, 1864, approving the survey of the land confirmed herein, to the Circuit Court of the United States for the Ninth Circuit in and for the northern district of California, be and the same hereby is granted, and that a transcript of the record on appeal as provided by the rules shall be sent to said Circuit Court without delay, and a citation issued as required by the rules.



№ 216

United States District Court,  
Northern District of California.

The United States

v.

Primitiv Ortega et al

Order granting appeal  
in behalf of S. W.  
Crane et al

Filed May 4<sup>th</sup> 1865

J. G. Gelford

Clerk.

Rev. Dan. T. Sullivan  
Deputy

216 ND

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Attested Term of the DISTRICT COURT OF THE UNITED STATES OF AMERICA in the Northern District of California

Witness my hand and the Seal of the Court at San Francisco

this 4th day of May 1865

at San Francisco

John G. Gelford

Clerk of the Court

Primitiv

*[Faint, illegible handwritten text, likely bleed-through from the reverse side of the page.]*



U. S. District Court,  
Northern District Cal.

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The United States  
v.  
Quintin Ortega et al

}  
}  
} 216.

San Francisco, May 1865.  
Notice is hereby given to all whom  
it may concern that the appeal to the  
Circuit Court of the United States in and  
for the northern district of California  
from the decree of March 28<sup>th</sup> 1864 ap-  
proving the survey of the land confirmed  
herein, granted in behalf of intervenors  
G. W. Crane et al, will be prosecuted.

J. Geo C. Eorham Esq  
Clerk.



216

U. S. District Court

The United States

v

Quintin Ortega et al

Notice of intention  
to prosecute appeal  
of G. W. Crane et al

Filed May 4<sup>th</sup> 1865

C. C. Johnson  
of clks

Per Dues Sullivan  
Deputy



The United States of America,  
To the United States of America by  
Delos Lake Esq, District Attorney,  
Quintin Ortega & al, claimants.

You are hereby cited and admonished to  
be and appear at a Circuit Court of the  
United States in and for the northern district  
of California to be holden in San Francisco  
on the second Monday of June next, per-  
suant to an order of appeal granted on  
this 4<sup>th</sup> day of May, 1865, in open court,  
by the district court of the United States  
for the northern district of California,  
in a certain suit wherein G. W. Crane  
and others are plaintiffs and you are  
defendants on appeal, to show cause, if  
any there be, why the decision in said  
appeal mentioned should not be corrected  
and speedy justice done to the parties  
in that behalf.

Witness my hand and seal at San  
Francisco this 4<sup>th</sup> day of May, 1865.

Edw Hoffman Seal  
Rich Judge



216

U. S. Dist Court.

The United States

vs  
Quintin Ortega et al

~  
Citation  
~

Filed May 5<sup>th</sup> 1865

Geo. C. Johnson  
Clerk

Per David H. Sullivan  
Deputy



Mem for decree

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In The same as that  
of the Board —  
except that the words  
"is of the extent of one  
square league & no more"  
should be inserted after  
"Ortega" and before "is that  
known by the name of San Pedro"  
in the beginning of decree 14.



No 216

H. S

of

D. C. Ortega

Man for Decree

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

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The United States  
<sup>vs</sup>  
Luis Atega et al. } No: 216

To Messrs Williams & Thornton  
Gentlemen,

Please take notice  
that on Monday next at 11 o'clock A. M. or  
as soon thereafter as counsel can be heard, a  
motion will be made to the Court to fix a  
time within which the proofs in this case  
shall be closed, and the cause heard.

Respectfully &  
Alfred W. Mumby

Atty: for Claimants.

San Francisco Dec: 17<sup>th</sup> 1861.



No. 216

In the Dis. Court of  
The United States, for  
the Northern District  
of California

The United States

vs  
Quentin Ortega et als:

Notice of motion to close  
proofs &c

San Francisco Cal.

18. 1861 - Received

as acknowledged

William T. Thomson

attys for

W. V. Sharp

N. S. Atter-

216 ND

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Translation of document upon page 35 of manuscript - the same being part of document referred to as "Exhibit No. 1. to Report of José Castro"

[Printed Heading on Official paper]

216 ND

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Montevideo  
8 May 1833.  
Let this be  
added to the  
Expediente of  
Don Juan Ortega  
Figueroa.

Juan Gilroy, a native of the City of Sunderland in England, and a resident of this Port for twenty years past; a Roman Catholic, and married with a Mexican woman, by which marriage he has four sons, before your Honor in due form of law presents himself, and says - That being entitled in right of his wife to one of the three parts into which the Rancho of San Pedro was divided by the order of the Constitutional Assembly, between the three brothers in law, as appears by the Certificate which under Number one respectfully accompanies this petition; and having necessity to secure for a patrimony to the utmost for the subsistence of his family, he supplicates, with much anxiety, to concede to him the title to the said portion of land, the possession of which he is entitled to, as manifested by the decree, which is No 2 also accompanies, of the whole, showing the part which has been designated.

Juan Gilroy



No 216.

The United States

vs

Quintus Adigeo Mal

Translation of document  
on page 33 of transcript  
being part of  
"Exhibit" attached  
to Report of the Committee

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Index  
Court Docket No 216. (Land Claims No 112)

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The United States } U.S. Court for the  
vs } Northern District of  
Domingo Ortega et al. } California.

Part of "San Ysidro"

Page of Records.

25. 1833. 13<sup>th</sup> April. Domingo Ortega presents a petition stating to Governor Figueroa, that for more than twenty years previous his father, Ignacio Ortega, had been in possession of the land under a grant from Governor Don Joaquin Arrellega, [who was in office from 1806 to 1812] but having died without giving him such title, he then prayed that another title might be issued to him.

25 This petition appears to have been sent to the Department, for on the 4<sup>th</sup> May following the assembly inform the Governor that the land asked for by the petitioner "was granted to his father twenty years since or more," and that they had waited for a reconciliation between his heirs.

26. The Governor having referred the case to the Alcalde for information who reported the following evidence upon the subject. viz

Testimony of Charles Antonio Castro that the Rancho of San Ysidro has belonged to deceased Ignacio Ortega from 1804, until his decease, and since to his heirs.

27. Testimony of Francisco Pacheco that the Rancho had been in possession of Ignacio Ortega for a long time before his death, and since by his children.



Testimony of José de Jesús Vallejo that he was 34 years old, and had known the Rancho ever since he had arrived at an age to have reason, as having been in the possession of Ignacio Ortega, until his death, and since it has been in that of his heirs.

29.

1833. 3 June. Governor Figueroa decrees that Quintín Ortega, María Clara Ortega the wife of John Gilroy, and María Isabel Ortega, the wife of Juan Cantua, being the children of Ignacio Ortega, were to be the owners of the Rancho of "San Ysidro" bounded by the Mission of San Juan Bautista, by the Ranchos of Las Animas & Las Lagas, and by "the mountains", and that the same should be divided between them.

30

1833. 4 June. Gov. Figueroa issued a grant to Quintín Ortega for the Southern third part of San Ysidro as bounded on the South by the lands of San Juan Bautista, by the Rancho of Las Animas & the Mountains on the sides, and on the North by the part assigned to María Clara the wife of Gilroy.

31. - 39.

1833 ~~19~~ June. Gov. Figueroa issued his grant to María Clara Ortega, wife of John Gilroy, for the middle third of San Ysidro, as bounded by the Rancho of Las Animas and Mountains, and the portions assigned to Quintín Ortega, & María Isabel Ortega wife of Cantua - On the same day he issued another grant to the said María Isabel Ortega, wife of Cantua, for the Northern third of



San Ysidro as being bounded by the Rancho of  
Las Animas, and Las Lagas, the mountains, and  
the part assigned to Maria Clara Gilroy.

33.

These grants were duly approved by the Departmental  
Assembly

41.

1852. January 8<sup>th</sup> Conveyance from John Gilroy &  
wife to Julius Martin, for a specified tract, situated  
on both sides of the Arroyo de las Lagas, as being a  
part of the lands so granted to Gilroy wife Clara.

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Page 3.

Petition to the Land Commissioners of D. Martin Ortega,  
of John Gilroy & Maria Clara Ortega his wife, and of  
Julius Martin as assignee of said Gilroy & wife,  
stating that they claim two thirds of San Ysidro  
under the grants to said D. Martin & Maria Clara  
by Gen. Figueroa, the same being bounded on the  
south by the San Juan Bautista - on the West by the  
Rancho de las Animas - on the North by the Lagas, &  
on the East by the mountains "and the boundary  
"between the said Rancho Ysidro & the Rancho  
"Las Animas is the Laguna which begins on the  
"North line of the Mision San Juan and  
"runs through the said Laguna to the head  
"Springs of the Lagas, thence going East to the  
"mountains, and then along the mountains  
"southerly to the said northern line of the  
"said Mision San Juan, and then to the  
"place of beginning"

4.

1853. 5 March. Deposition of Jose Castro - Proves



signatures - the Rancho was first settled more than thirty years ago by Ignacio Ortega, father of Luimita &c. He had a house on it & cultivated the land, and possession has been continued by the claimants since his death.

8. 1854 20 Aug. J. J. Warner gives signatures and copy of Expediente.

11 Jose Castro, on 11<sup>th</sup> Sept 1854, deposes that in 1818, Ignacio Ortega, the father, lived on that part of the Rancho afterwards assigned to Maria Clara (Gibrey) had houses, fences, corrales, &c, & cultivated the same - He died there - Maria was born on the tract and has continued to live thereon.

11 11 Sept 1854 - Manuel Pinto deposes that he has known the Rancho since 1808 when Ignacio Ortega lived on it with his family - Had houses, corrales, and enclosed cultivated fields - the central portion was their homestead, and it has ever since his death been occupied by Clara Gibrey the husband. Knows the Western boundary and saw it measured four years ago - the line runs along a little lake on the side next San Juan Baptista. It ran in a direction towards Las Lagas on the side of the Road leading from San Juan to Monterey. "I have known that as a boundary since 1808." the Laguna is a little lake about 20 varas in length.

13. Felipe Castro. 4<sup>th</sup> September 1854, deposes that he is not well acquainted with the Western boundary of this Rancho - Knows that it



was bounded on the West by the Rancho of Las Animas. Knows that the Ortigas and John Gilroy, cultivated "parties of the land West of the Arroyo de las "Lajas" - Was a administrator of his father's (Mariano Castro) estate, and his mother lived on and owned the Las Animas Rancho, upon which dependent was born the her lived there all his life time. Knows that the Ortigas and Gilroy cultivated the lands West of the Las Lajas arroyo from having seen them doing it.

13.

1854 4 September - Matthew Fallon - Knows the Rancho - Has always understood the Western line of the Rancho to be the edge of the Lagunita about 1000 yards or more West of the Las Lajas Creek the line is known by a large stone placed after a survey by Gilroy about four years ago, altho' it was always recognized as a boundary before the survey. It was old Ignacio Ortigas' boundary and which he claimed - the land near and East of the line has been under cultivation by the Ortigas and others for more than 20 years I mean on the West side of the Las Lajas arroyo, and between it and the boundary I have mentioned. This western boundary is the same as that now claimed by J Gilroy and Julius Martin. The Mexican line ran from a marked Sycamore East to Shepherd's Martin's fences are on the line he refers to as the Western boundary.



41.

Deed dated 8<sup>th</sup> Jan'y 1852. from Gilroy & Maria Clara Ortega, his wife, to Julius Martin, for a specified tract, situate on both sides of the Arroyo de las Lagas, as being part of the grant to her.

43 & 44

Opinion & decree of the Land Commissioners confirming to Julius Martin the part conveyed to him by Gilroy & Maria Clara his wife, and to them the residue of the tract originally granted to her by Figueroa.

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### Additional Evidence.

1855 10<sup>th</sup> Dec<sup>r</sup>

Deposition of Jose Saturnino Trinidad Castro -  
Is acquainted with the Rancho of Las Animas. Knows correctness of map attached to deposition of Manuel Pinto - the 'Aliso' is on the line dividing Las Animas from the Mispin lands. it is a tree, having three hatchet marks made on it by Manuel Pinto in presence of Depoent when he was about 11 years old. names several as being present when the marks were made. His father Mariano Castro then claimed the Las Animas & depoent went with him when the tree was marked. the same day the Officer officiating put a mark about one league from the Aliso at the Laguna to which he thinks was put down for the line between the Las Animas & the San Ysidro ranchos. the Las Animas claimants cultivated a little corn near the Road & the arroyo Camadero, they never cultivated up to the



Laganita - the land East of the Laganita up to the Arroyo de Las Lagas was cultivated by Ventura Quinto under permission from Ignacio Ortega the father of Clara Inling - After the tree was marked the dependent father cultivated Eastward of the line from the Laganita to the place called Las Lagas. Subsequently explains this statement having been led into error by the position of the map - never cultivated between the (San Jose) Road & the Arroyo Las Lagas - the Castro's cultivated East to the Laganita. In answer to the question 'Where did the line run, dividing the two Ranches, from the Laganita', he says - "It runs in a direct line from the Laganita to the Puerto Suelo", and points upon the map, then before him, to a place about  $\frac{3}{8}$ " of a mile West of where the San Jose road crosses the Arroyo Las Lagas as being the position of the Puerto Suelo. Says that the place called the "Las Lagas" is immediately above the Puerto Suelo - It is a stopping place where there is a well called "the Las Lagas" and from it the Arroyo runs. La Brea is about one league South East of the marked "Aliso". Points out on the map a place on the West side of the Arroyo Las Lagas opposite the mouth of Aliso's Creek as that cultivated by Quinto with the consent of Ortega, but does not know how many years he cultivated it. Doak married one of the Castro's & the sister



of the deponent, and in right of his wife has an interest in Las Animas

22 Nov. 1855

Manuel Pinto - Proves correctness of a map, and certain localities - that he marked the Aliso by proper divisions in 1808, and that the Corra to Las Animas & San Ysidro was then established at the Lagunita - that the Las Lagas was stopping place, where there was water, to the North West & west of where the San Joaquin road crosses the Arroyo de Las Lagas: that the recognized line between the Ranchos extended from the Lagunita to the place Las Lagas - That Ignacio Ortega & those under him cultivated the land West of the Arroyo & to the line mentioned, while the Las Animas claimants never cultivated East of that line showed the points to Mr Lewis when he made the survey.

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Respectfully submitted

also -

Manly & King for Claimants

Copy of Deposition of Mr. J. Lewis to be read according to stipulation - it is confirmatory of Pinto: & shows quantity of Manly & King -

Exhibit No 216

The United States

vs

Ignacio Ortega & al.

"San Ysidro"

Judge



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

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The United States

<sup>m</sup>  
Lautin Ortega et als: } No: 216  
"San Ysidro"

The United States

<sup>m</sup>  
Jose Maria Sanchez } No: 130  
et als: } "Las Animas"

It is hereby stipulated that  
on the hearing of both or either of these  
cases, now pending on exceptions to the  
Surveys, the respective parties shall be at  
liberty to refer, as part of the evidence,  
not only to all the papers, and exhibits on  
file in either of these cases, but also,  
to any documentary evidence in, or copies  
thereof from, the office of the Surveyor  
General of the United States, now on  
file in the office of the Clerk of this  
Court, belonging to either of the cases  
mentioned hereafter: *Viz:*

In the case of Daniel Murphy  
et als. vs The United States No: 147  
claiming the Rancho "Las Plagas"

In the case of Lautin Ortega



in The United States No. 163, claiming  
part of "San Ysidro."

In the case of Rufina Castro  
et als vs The United States, No 405,  
claiming the Rancho "Jolis".

And also, those in the case of  
Bernard Murphy et als: vs The United  
States, No. 159, claiming "La Palca", and  
being part of the Rancho "San Ysidro".  
Said papers to be read in evidence,  
with the same effect as if duly certified  
copies had been filed, subject to all objections  
either as to competency or relevancy —

Dec. 2<sup>nd</sup> 1857.

Edw. Stanley Atty:  
for Plaintiff in U. S.  
vs J. O'Leary & Others —  
for Interveners —

Williamson Thornton

Atty for Crane et als  
in U. S. vs O'Leary & Sanchez —

In the District Court  
of the United States  
in the Northern Dis-  
trict of California

The United States

vs  
Duncan O'Leary et als

The United States

vs  
Jose Maria Sanchez  
et als

Stipulation to use in  
evidence certain records.



Summary

The U. S.

vs  
M. Clara Ortega et al

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It appears from the expedite on file in the archives that Luminé Ortega in the year 1833 petitioned Governor Figueroa for a ~~grant~~ <sup>title</sup> to have a tract of land granted to his Father, Ignacio Ortega by Don Joaquin Aravillo in 1809. The governor made the usual reference for information and by the reports made to him it appears that for more than 20 years and in fact from 1809 <sup>to</sup> until his decease in 1829 <sup>or 30</sup> the land had belonged to and been in possession of Ignacio Ortega — and that since that time his son and two daughters had continued to occupy the same. On the third of June 1833 the governor made his conclusion granting to Luminé



Ortega and his sisters Maria Clara Ortega & Maria Isabel Ortega the Rancho called San Pedro, "bounded by the mission of San Juan Baptista by the Ranchos of Animas & Las Lagas and by the Mountains - "the land being "conceded in equal parts "and subject to the stipulated conditions"

These ~~stip~~ conditions it is evident from the succeeding subsequent proceedings relative to the division of the land among the grantees: for the Governor appears to have issued three documents or titles - each granting a third part of the land included within the boundaries embraced in his decree of concession -

By the document issued to Maria Clara Ortega, wife of John Gibroy - the claimant there was granted to her a part of the Rancho of



of San Isidro bounded  
by the Rancho de Las Brujas  
and the Mountain and  
the parts which appertain  
to his brother Quintin & his  
sister Maria Isabel — The  
extent of quantity of land  
granted is limited to 1 square  
league and the conditions  
is inserted in the usual  
terms.

This grant as well as  
those to Quintin & Maria  
Isabel for their portions of  
the Rancho was <sup>approved</sup> confirmed  
by the Departmental Assembly  
on the 17<sup>th</sup> May 1834. There  
seems to be no doubt of  
the genuineness of the grants  
in these cases or of the occu-  
pation and cultivation of  
the land by the grantees  
and their father since  
1809 —

It appears from the opin-  
ion of the Board of Commis-  
sioners that the claim of  
Quintin Ortega to his share



the portion of San Pedro granted  
 to him was confined in  
 a separate suit instituted  
 on his behalf - and as  
 the petition filed does not  
 embrace the claim of Maria  
 Isabel - there only remains  
 to be passed upon in this  
 case the claim of Maria  
 Clara and that of Julius  
 Martin who derives his title  
 by deed from <sup>his husband</sup> her, dated July  
 8<sup>th</sup> 1852. -

with respect to the four  
 day line of "Las Animas"  
 which is also the boundary  
 of that portion of San Pedro  
 granted to Maria Clara  
 some disputes have arisen  
 But for the reasons ad-  
 signed in the opinion in  
 that case such disputes  
 cannot in this proceeding  
 be settled -

It is clear that both claims  
 are valid as against the  
 U. S. The precise location  
 of the boundary line between



The Anterminious ranchos  
must be settled in another  
either by the Surveyor  
General or by the proper  
tribunals of the country -

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The claimant Maria Clara  
Artega is there for entitled  
to a decree of Confirmation  
for the tract portion of  
San Pedro granted to her  
to the extent of one square  
league - and founded as  
discussed in the grant -

Accepting there from the  
part conveyed by her &  
her husband justly to Julius  
Martin - for which a de  
cree must be returned in  
favor of Julius <sup>Said</sup> Martin -



28 No. 216.

H. J.

W

B. C. Notega

Primou

May 14, 1856

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Jurisdiction  
of Monterey

Year  
1833.

Expediente

Upon the land called "El Solis," solicited for  
its cultivation by Mariano Castro.

26.

Stamp Third Two Reals.

Provisionally used by the Maritime  
Customs of the Port of Monterey for the years  
1833 + 1834 -

Tigueroa José Rafael Gonzales.

Señor Superior Political Chief

Monterey June

3. 1833

In conformity  
with the laws  
on this subject  
Inform of the  
Ayuntamientos of  
this Capital  
whether the party  
interested in this  
instance has the

The Citizen Mariano  
Castro a resident belong-  
ing to this Port comes  
before your Excellency in  
one form of sight, and  
with due respect repre-  
sents

That on the 21st  
of February 1831 - I di-  
rected an instance (pe



requisites necessary to be attended to in his petition whether the land that he applies for is comprised within the 20 leagues limitary or the 10 leagues literal expressed in the law of Aug 18. 1824.

Whether it has belonged or does belong to any private individual corporation or pueblo, or whether it is known as vacant whether the land is irrigable or for pasturage with every thing else that may be consistent to illustrate the

petition) to the Superior Political Chief Don Manuel Victoria, petitioning for a place that is in the jurisdiction of this port called "El Solis" with the best manner possible and fomenting it with Camp utensils and other works.

On the 27. of the above month I obtained the Superior Decree favorable to my petition, granting it to me provisionally and with this privilege I undertook to build a house and construct corrales

I introduced some Camp utensils, and up to this date by force of my works I maintain it cultivated with works as far as my means have permitted: and desiring to dedicate myself to the improvement of it by ob-



subject  
 The Señor  
 Superior Political  
 Chief thus com-  
 mands decrees  
 and signs to  
 which I give faith  
 Figueroa  
 Ag<sup>te</sup> V. Zamorans.

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-aining the ownership  
 and to ensure by  
 these means the fate  
 of a numerous family  
 which I now have.

I direct my-  
 self to the consi-  
 deration of your  
 Excellency, accomp-  
 anying the design  
 of the lands which I pretend for, the best in-  
 telligence, and making it also on the original  
 document of the grant that I obtained to pos-  
 sess it provisionally

Therefore from the just  
 consideration of your Excellency I await  
 the result more favorable seeing to give  
 this my petition such consideration as you  
 may deem well

Monterey 31 May 1833.

Mariano Castro.

At a session of this day this petition  
 was referred to the Ayuntamiento of this  
 Capitol and it was granted to be passed  
 to the Commission of Colonization and



vacant lands

Monterey June 8. 1833.

Jose Maria Maldonado  
Sec'y.216 ND  
PAGE 164

Señor Superior Political Chief  
The Illustrious Ayuntamiento of this  
Capitol with the object of giving to your  
Excellency the information that you re-  
quire in your Superior Decree of the 3rd  
June last this petition was handed  
to the present Commission on Coloniza-  
tion and vacant lands who presented the  
opinion that is attached to this Expediente,  
and its contents being what this Corporation  
can inform they reproduced in all its  
parts, adding to it your first proposition  
in the following manner, and without  
its prejudicing any of the adjoining par-  
ties. — Returning to your Exc'y the said  
Expediente in fulfillment of what was  
accorded in session of the day

Monterey 16 July 1833.

Marcelino Escobar Jose Maria Maldonado  
Sec'y.

Stamp Third 2 Reals

Provisionally used by the Ad-



5.  
-ministration of the Maritime Custom House  
of Monterey for the years 1833 y 1834.  
Figueroa José Rafael Gonzales

216. ND  
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Monterey Nov 21. 1833

In conformity with  
the information of the Ayuntamiento, Let  
the party of Mariano Castro be notified  
that within fifteen days he shall inform  
that the land he requires does not belong  
to the Rancho de las Animas so that  
by selling some it may be disposed of as  
is convenient.

It being understood that  
if he does not do this within the time  
specified, his petition cannot be considered.

The Señor Superior Political Chief of the  
Territory, General of Brigade Don José Fig-  
ueroa thus decrees, commands and signs,  
to which I give faith.

Figueroa

Agustín V. Zamorano.

Not having appeared in this Bureau  
the party of Mariano Castro until now is  
noted for the Consideration and signed in



Monterey Janry 28. 1834

Agustin V. Zamorano.

Monterey Janry 30. 1834.

Place before you the Decree of 21st of November last, notifying the party with this that within 15 days counted from this date he shall prove that the land that he solicits, does not belong to Las Animas.

The Señor D. José Figueroa General of Brigade, Commandant General, Inspector and Superior Political Chief of Upper California thus I command decree and sign to which I give faith

Agustin V. Zamorano  
Srto.

On the 31st of January 1834 the party of Mariano Castro was informed of the Decree that precedes of the Señor Superior Political Chief and having read to him, said that he heard it, and that he would give it one fulfillment and for due fulfillment the party interested signed it with a cross not knowing how to sign

Agustin V. Zamorano +



Stamp Hth of Office

Provisionally used by the Subaltern Commissary  
ad interim of the Port of Monterey for the years  
1830. + 1831

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Monterey July 27  
1831.

As long as the party  
interested shall form  
works and shall have  
the land cultivated  
that he petitions for,  
I permit him to  
occupy the land  
provisionally as set  
forth in his  
petition

Victoria

under the obligation to separate from it,  
the number now being on the increase, and  
in order to seek for his security. I direct myself  
to your Excellency, soliciting although  
it be provisionally the place called Joaquin  
Solis, which although it was at another  
time by the person of this name it is now  
abandoned and vacant and without any

Señor Superior  
Political Chief

The Citizen  
Mariano Castro  
neighbor and re-  
sident in this Port,  
comes before Your  
Excellency and says,  
That he being the  
possessor of 200 head  
of Cattle and one  
"Manada of Horses"  
he is with these inter-  
ests upon the land

of another, and he is  
under the obligation to separate from it,  
the number now being on the increase, and  
in order to seek for his security. I direct myself  
to your Excellency, soliciting although  
it be provisionally the place called Joaquin  
Solis, which although it was at another  
time by the person of this name it is now  
abandoned and vacant and without any



creditors.

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Wherefore to Your Excellency I supplicate that you will accede to this my petition, granting to me at the moment the license that I ask, and I remaining subject to take such steps as the laws order without prejudice to the adjoining persons who have the said land

Monterey Feby 21. 1831

At the request of the party interested not knowing how to write

José Aguilar

Stamp 3<sup>rd</sup> Two Reals

Provisionally used by the administration of the Maritime Customs of Monterey for the years 1833 + 1834

Figueroa

José Rafael Gonzales

The Commission named of Colonization and of vacant lands with due consideration of the petition of the Citizen "Mariano Castro," relative to the "sitio" called "El Solis" and also the Decree accompanying it, notwithstanding it requires light to give due ful-



fillment to said Superior Decree, reflects as follows:

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Be the interested a Mexican Citizen. That the land he applies for is not comprised in the 20 leagues limitrofes or in the 10 leagues litorales as expressed in the law of Aug 18. 1824.

That it is considered as belonging to the Rancho de las Animas, called commonly of the Castrros it being their property and to this effect submit to the deliberation of the T.A. the following propositions

1st. These can be granted to the party interested the land, or part of it that does not belong to the Rancho de las Animas.

2nd. That he make it known by a Document that it does not touch the mentioned Ranch at any part

Monterey 20 July 1833.

Jose Abila

Jose Antonio Romero.

The land having been finally proved as ordered by the Decree of Nov 21. 1833. and it is confirmed by another of January 30/34 for the party interested to prove within the term of 15 days, that the land which he applies



for does not belong to Las Animas, the Expediente  
will be taken as conclusive

Therefore I order it to be archived  
The Señor Political Chief Aug 8. 1855

Sec'y  
Castillo

Having presented himself in this Court  
the neighbor Mariano Castro to declare the  
limits of the land which touches the sitio  
del Camedero y Animas possessed by the  
family of the deceased Mariano Castro  
which taken with the information of witnesses  
who presenced at the time of its date, and  
the first Witness José Antonio Mesa who  
stated that this sitio measured from the  
Mission of San Juan Bautista from a large  
tree before the wall of said place, and  
from there was measured from the portion  
of the "Sitio" of the deceased Ignacio Ortega,  
which is between the creek of the Camedero  
and the Acuega and which is from East to  
West, and at the North they did not enter  
upon any measurement, more than that it



was said that it might extend to the hill of  
Leinaves.

The second witness Juan Alvirez who  
measured from the mission of San Juan Bautista  
to a large tree before arriving at the wall three  
leagues. And from thence they measured 1/2 a  
league to the Paso Viejo of the creek at the  
North and to the Eastward between the Cien-  
ga y Camaderra a grantor and that there  
was not any more measurement in the "Sitio"  
to all of which I certify for information to  
the petition of the party interested

Pueblo of San José Guadalupe

Feb'y 9. de 1834

Pedro Chaboya

Salvador Pacheco

Secty

José Antonio Mesa +

Juan Alvirez

Stamp Third Dos Reales

Provisionally used by the Administration of  
the Maritime Customs of Monterey for the years  
1833 and 1834

Figueras

José Rafael Gonzales

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Señor Superior Political Chief.

The Citizen Carlos Carsho a resident of the Pueblo de San José Guadalupe before the notorious Justification of Your Excellency in the best form of right as permits appears and says - That he having made it known by the Superior Decree of Your Excellency of the 3rd of this month that the progress of the Expediente as sought for of the place called San Fran<sup>co</sup> de las Llegas uniting with the Cañada de los Ubas, known now as the Rancho de Solis, be suspended for having applied for this and a plat of the other place the Citizen Mariano Castro until he should finish the necessary steps as set forth in the Expediente sought for by the latter, so that both applicants conduct the rights which reciprocally assist them and the most meritorious be attended to.

Imputed by the necessity of saying in justice the rights which concur to the one who presents himself he states that since the year 1828 he has occupied the place of San Francisco de las Llegas where he has built a house outhouse, manufactory of soap and a corral with 800 head of horned Cattle, and more than one hundred head of horses, but in attention that this place is very scarce of water and the pasturage had in the year 1830 at the time



that they placed at public Auction the ——— which he had in the Cañada de las Ubas, Joaquin Solis the party that represents took with the object of acquiring same, the said Cañada, because he considered that it was the only place whither his cattle might range and without this the place of Las Legas would not serve him.

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In taking said — as referred to the Señor Echandia Antecedent of Your Excellency issued him although verbally that the said Cañada should be granted to him notwithstanding he had it applied for since the year 27 and with the hope he has been up to the present time, awaiting the resolve.

Señor Victoria in the year 1831 granted previously to the Citizen Marianos Castro, the use of the said Cañada but he manifested to him that he should consider it (as set forth) with right to the said Cañada, and taken into consideration his reasons he called in that Act Marianos Castro, and he having applied I warned him to deliver up the instance which had been decreed to him to withdraw his grant respecting the right to the land that petitioner solicited.

Then Marianos Castro replied that said documents had been lost and in view of this I told Marianos Castro to solicit



for another "Sitio" and that he should not submit that one, and in effect he solicited for La Poca, that he might be permitted to occupy it with the permission of the Padres Ministers of the Mission of San Juan Bautista, that belonging to said Mission and according to what the deponent understands latterly he has known that Marianus Castro has presented said instance, that he asked for it and consequently at that time he operated with Malice, and that in his petition he supressed Señor Victoria.

Notwithstanding what is set forth I consider that the merits should be considered of the party representing which are those of his having served as a settler although of tender age, that also of having served in the Military career 20 years and with 7 years of Ancestral service in the Company of Milicias de Artilleria in the grade of 1st Corporal, that also of having been speaker of the La Deputacion Territorial, and also a peaceable and laborious Citizen as is public and notorious.

Thus then if to Marianus Castro there should aid him the same rights or superiorities from now, it is but just that



15.

he should be considered.

But if in case these representations are more to be considered I ask that Mariano Castro be made to take away from said Cañada de las Ubas, whatever he may have there for the security of the property of this deponent.

To Your Excellency I humbly supplicate that you will admit of this Exposition in due form of Justice swearing that it shall not be for malice but the necessary  
Monterey 12. June 1833.

Carlos Castro

Stamp 3rd Dos Reales

Provisionally authorized by the Administration of the Maritime Custom House of the Port of Monterey for the years 1833 & 1834.

José Rafael Gonzales.

Señor Superior Political

The Citizen Mariano Castro before Your Excellency with due respect in the best form of right represents that by virtue of the contents which on the 14 of June last Your Excellency decreed



upon the petition of the Citizen Carlos Castro which I received yesterday in order that I may state in defence of my right: replying to the allegations upon which this citizen founds his right to take from me the land called "El Solis" which I actually occupy by a grant from the Antecedent of Your Excellency, as will be seen by documents in the Office of the Political Chief. I say that the Citizen Castro does not equivocate at all when he manifests that his desires have always been to remain with the ownership of said place, to which by mistake he gives the name of Cañada de las Ubas with the intention of embracing an emensity of land so considerable that would not be prejudicial to other individuals, principally to the party that sets forth, he having already built a house, a mill, corrals, and considerable other works: but he is mistaken without doubt when he says that the lands upon which his cattle graze are scarce of water and of bad pasturage, and of that truth undoubted testimony could be given to your Excellency of individuals who know and have inspected the lands and advantages.

He is also mistaken in saying



that Señor Victoria intended to withdraw the grant Expediente in my favor, when on the contrary said Chief by virtue of the instances and other steps taken by the Citizen Castro to prevent my getting said sitio, replied that to avoid difficulty and questions, he would personally pass to place us on a par. measuring to each one land proportioned to our improvements or advances.

Remember that Señor Castro upon this reasoning replied that in such a case he would abandon all instances that made reference to the Sitio that he occupied.

Whereupon Señor Victoria states that he was then at liberty to apply for another.

The Citizen appears to be mistaken that in consequence of what had passed before Señor Victoria he solicited the place called "La Pnea" of the Padres of the Mission of San Juan Bautista, this no doubt was so, but was previously to soliciting that which I actually occupy which I looked for stimulated by the same Sr Castro, who invited me to become his neighbor.

Up to here Señor  
at the merits which he has of being preferred



in right and there is no doubt in any of them. If he has served in the career of Arms 20 years, no less time perhaps have I served, and also as a resident where an emergency has offered, I have loaned my services freely as a soldier and of my conduct I will present sufficient documents. to this he alleged the right of concession that he obtained and of which this citizen alleges has been in possession has undertaken works and has cultivated as far as his labors would permit, having upon the land 200 hundred head of Cattle and 100 of horses. I am certain without equivocation that in no manner would Mr Castro be prejudiced as he states by the scarcity of water which he complains for the "Sitio" which he possesses is abundant and extensive sufficient to quadruplicate the interests that he has and to extend his works.

The Cañada de las Ubas which he cites is now vacant, and he only wishes to apply this name to the "Sitio" that I have pretended for and that I actually occupy. and to prove this truth, who will inform with integrity to what I have stated, if not Your Excellency might see fit to send some satisfactory persons



19.

to recontra the lands or ask such information as might be well.

Therefore I insist on my petition believing myself with all the right to the land. for Citizen Castro has no other view than to injure me, or if not, as this Señor in the times that this "sitio" has been occupied by other individuals has never mentioned a word about damages, as he now alleges - His interests are secure and he cannot complain of any thing else.

Therefore Your Excellency will please dispose of this as you may think just, not operating for evil and the necessary  
Monterey 24 Dec 1833.

Mariano Castro.

Monterey January 10. 1834

To examine briefly and summarily the litigation commenced in this ~~Court~~ Expediente, let the parties contending be cited so that within six days counted from this date, they appear by person or by agent before this Government, to explain their rights. The Señor Don José Figueron Brigadier General Commandant General Inspector and



Superior Political Chief of Upper California  
thus commands, decrees and signs of which  
I give faith.

Jose Figueroa

Agustin V. Zamorano.  
Sec'y

Stamp Third Two Reales

Provisionally authorized by  
the Maritime Custom House of the Port of  
Monterey for the years 1834 and 1835.  
Figueroa Rafael Gonzales.

In the Presidio of Monterey on  
the 29th day of January 1834 by virtue  
of the foregoing decree, appeared the  
Citizens Carlos Castro and Marianos Cas-  
tro in person to which I give faith. I  
knew them and make known that the Señor  
Political Chief in order to avoid a pro-  
tracted litigation and to conciliate the in-  
terests of both parties, it was proposed to  
them, that they should have an amicable  
adjustment and arrangement upon the  
land called "El Solis" that both pretend  
to for their advantage.



This being entered into and after long conferences had at the moment and previously on yesterday they resolved that they could not entertain any of the propositions reciprocally made, resigning themselves to the resolve of the Government upon the land in question, they not being able to arrive at any agreement.

In this State the said Señor Political Chief concluded the trial of conciliation and ordered them to proceed as they thought best making of effect this information which they signed with his Excellency.

Jose Figueroa — Carlos Castro  
Agustin V. Zamorano  
Secy.

Monterey January 29. 1834.

Having shown to the parties litigating so that they might have an amicable ~~settlement~~ arrangement respecting the land in litigation, without the necessity of going to a contentious trial, this not suiting the parties because neither party wished to arrange, and this not being a (Judicial) matter of Judicial resort, but that of the Political Government, being a pretention for land to which neither party has the



right of ownership: let it be resolved upon  
Gubernatorily in accordance with acts, and  
giving in conclusion this Expediente attached  
for effect to the party of Mariano Castro, and  
render an account thereof to be resolved upon  
making it known to the parties that they  
may make use of their right

The Señor Don José Figueron  
Brigadier General Comandant General  
Inspector and Superior Political Chief of  
Upper California Thus Commands, Decrees  
and signs to which I give faith

José Figueron

Agustin V. Zamorano  
Secy

Stamp Third Two Reales.

Provisionally Authorized by the  
Maritime Custom House of Monterey for  
the years 1834 + 1835

Figueron

Rafael Gonzales

On the second day of February 1834  
having appeared in this Office the parties  
of the Citizens Carlos Castro and Mariano  
Castro the proceeding decree was made known



to him of the Señor Superior Political Chief of this Territory of the 29th of January last and they having been instructed therein stated that they heard it and that they would conform with the disposition of the Governor, and that they would represent at its time the mentioned rights which assisted to each one, and for the due effect the first signed, and the second crossed not knowing how to write with me the Secretary of the Political Chief of this Territory

Agustín V. Zamorano  
Carlos Castro +.

This Expediente was detained until the 7th day of August of this year 1835. which the Señor Political Chief ordered to be archived as set forth annexed.

### Archives Sitios

Don Carlos Castro in his instance of the 12th June 1833. represented that it was made known to him.

The resolution upon the placed called San Francisco de las Plegas being suspended, manifested that the Cañada



de las Ubas known as the Rancho which  
 Mariano Castro represented for ownership  
 belongs to the sitio de las Llegas  
 Monterey June 14. 1833.

216 ND  
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Transferred to the party of  
 Mariano Castro for the term of eight  
 Figueroa

Received of the Secretary D. Agustin Zamora  
 ano, the Expediente of Don Carlos Castro  
 dated last June 12 and not knowing how  
 to write he made a cross in Monterey  
 23 Dec 1833. +

Monterey June 13. 1834

In order to conclude briefly  
 and summarily the litigation commenced  
 in the Expediente let the parties contending  
 be cited to appear within six days counted  
 from this date in person or by agent before  
 this government to show their rights

The Sr D<sup>no</sup> José Fig<sup>a</sup> Brig Gen Com<sup>te</sup>  
 Insp<sup>te</sup> and Sup<sup>te</sup> Pol<sup>te</sup> Chief of Upper  
 California thus Commands decrees and  
 signs to which I give faith

J. F.

N. V. 7

Sec'y



In the Presidio of Monterey on the 29<sup>th</sup> day of January 1834 by virtue of the foregoing decree appeared the Citizens Charles Castro and Marians Castro in person.

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And I give faith that I made known to them that the Señor Political Chief in order to avoid a protracted litigation and to conciliate the interests of both parties I proposed to them that they should have an amicable arrangement upon the land named "El Solis" that both pretended to for their interests. Entered into this disposition and after a long conference which was had at the time, and nearly the whole of the previous day, they resolved that they did not agree upon any of the propositions to be made resigning themselves to the resolve of the Government upon the land in question, not being able to agree in any way.

In this state the said Señor Superior Political Chief ordered that the trial of conciliation be concluded and that they should proceed as their rights might dictate giving for effect this information and they the parties interested resigned with his Excellency before me to



26

which I give faith  
José Figueroa  
Mariano Castro

Carlos Castro

Agustín V. Zamorano  
Sec'y.

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Monterey January 29. 1834.

Having shown to the parties interested so that they might have an amicable arrangement respecting the land in litigation without the necessity of recourse to a judicial investigation, neither party being willing to agree, because neither wished to give up his pretensions, this not being a subject for judicial resort but one of the Political Government having a pretension for lands, in which neither party has the right of ownership.

Let the matter be resolved upon Gubernatorily according to acts and giving this Expediente as concluded aggregate for effect or constancy as moved for by Mariano Castro, and inform thereon to be resolved upon making it known to the parties that they may show their rights.

The Señor José Figueroa  
Gen<sup>l</sup> of Brigade Commandant General,



27.

Inspector and Superior Political Chief of  
Upper California thus Commands decree  
and signs of which I give faith  
I. F. N. V. J.

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Archived Sitios

Mariano Castro a resident of Monterey  
in an instance of May 31<sup>st</sup> 1833. solicits  
the ownership of the place known as  
"El Solis" and it was granted to him pro-  
-visionally with the restrictions as expressed  
that accompanies the original and the  
design of the land

Monterey June 3<sup>d</sup> 1833.

In conformity with the laws  
on the subject. Let the Ayuntamiento of  
this Capitol be informed as to whether the  
party interested in this petition has com-  
-plied with the usual requisites to be  
attended to in his petition.

If the land that he peti-  
-tions for is comprised in the 20 leagues  
limitrofes or 18 leagues liborales as ex-  
-pressed in the law of August 18. 1824.  
whether it has belonged or does belong  
to any private individual, corporation or town  
and if it is known as vacant, whether



the character of the land is irrigable, temporary or for pasturage with all else that may be necessary to illustrate the subject.

The Señor Sup<sup>o</sup> Polt Chief of this Territory thus commands, decrees and signs, to which I give faith.

A. V. 7

Sec'y.

On the same day the party took a sealed sheet.

The Ayuntamiento of Monterey informs on the 6th of July that there can be granted to the party interested the land or a part thereof that may not correspond to the Rancho de las Animas, making it appear for effect that the land that he solicits does not belong to said Rancho.

Monterey Nov 21. 1833.

In conformity with the information of the Ayuntamiento, let the party of Mariano Castro be notified that within 15 days he make it appear that the land he solicits does not belong to the Rancho de las Animas so that upon sight thereof it may be dis-



posed of as is convenient, notifying him that upon not verifying (the) same within the time signalled, his petition shall have no weight.

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The Señor Superior Political Chief of the Territory, General of Brigade Don José Figueron thus commands decrees and signs to which I give faith

Fig. a

A. V. Z  
Secy

Monterey January 30. 1834.

Place before you the Decree of 21st November last, notifying the party as set forth and within 15 days counted from this date let him prove that the lands he solicits does not belong to the Rancho de las Animas.

The Sr D<sup>no</sup> José Figueron General of Brigade y Commandant General Inspector and Superior Political Chief of N. California. Thus Commands, decrees and signs to which I give faith

J. F.

A. V. Z  
Secy



San Ysidro  
Domingo Ortega et al.

Translation of document  
referred to in Deposition  
of Salustio Pacheco

Pages 10 and 11, only are  
important and relevant.

(Exhibit Pacheco  
No. 1.)



Expediente

Third Seal Two Reales

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

Castro

Angel Ramirez

Mr Superior Political Chief

Maria Isabel Ortega, wife of  
the Citizen Julian Cantua before you represent  
in form of law and says that I having obtain-  
ed one square league (sitio) in a portion  
of the Rancho of Isidro, inheritance of the  
late my father Don Jq<sup>o</sup> Ortega, which  
the Gov<sup>t</sup> has been pleased to divide into  
three parts and having taken for myself that  
part which is bounded by the Rancho of las  
Animas and las Llagas conceded by the  
Sup<sup>y</sup> Government and approved by the most  
Excell<sup>t</sup> Deputation since the year 1833. -  
the Citizen Carlos Castro on the survey that  
was granted to him in the year 34 has  
taken all the portion by las Animas and  
las Llagas belonging to my part, and I  
am satisfied, as the Government has not con-  
ceded 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 Mr Sup<sup>c</sup> Chief I hope that in view of justice that I believe assists me and of the dispatch of the title annex hereto that you may see if it was properly granted by the Government and approbation of Mr Excell<sup>t</sup> Deputation you will be please to invite said Castro that a new survey be made, as when possession was given to him said Castro by D. Manuel Jimeno, it was demanded of him not to take my lands by the survey which was been making against my land and 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 and the necessary &c.

Monterey 26<sup>th</sup> Nov 1835

Maria Isabel Ortega

(In the Margin) Monterey Dec 5<sup>th</sup> 1835.

Let it be passed to the Mr Excell<sup>t</sup> Deputation.

(In the Margin) Castro

Monterey Dec 5<sup>th</sup> 1835.



At the session of this day it is ordered to be passed to the joint Commission on Govt and vacant Lands.

Jose Castro, President  
Jose Figueroa Brigadier General of the Mexican Army Commanding General, Inspector and Superior Political Chief of Upper California.

Whereas Maria Isabel Ortega, wife of Julian Cantna has sought to obtain for her personal benefit and that of her family a portion of the Rancho known by the name of San Isidro, bounded by the Ranchos of Las Animas and Las Plagas by the Sierra and that part belonging to her sister Maria Clara, having 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 third 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 M<sup>t</sup> Excell<sup>t</sup> Territorial



Deputation and of the Supreme Gov<sup>t</sup> and under the following conditions

1st. That she shall submit to those which may be established by the requisitions to be formed for the distribution of vacant Lands and that in the meantime neither the donor nor her heirs shall divide or alienate what is adjudicated to her, nor impose any annuity, entail, security mortgage or other charge not even for pious purposes nor to transfer it in mortmain

2nd. She may enclose it without injury to the crossways 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 longer she shall build a house and it shall be inhabited.

3rd. Whenever the ownership be conferred upon her, she shall solicit the proper Judge to give judicial possession by virtue of this dispatch, whereby the boundaries shall be marked in the borders of which she shall put beside the Land Marks some fruit or wild bees of some use.

4th. The tract of land of which donation is made is one sitio de ganado mayor of a



5.

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PAGE, 195

league square, as shown by the sketch which is with the Expediente, the Judge who should give the possession shall cause it to be surveyed according to the ordinance to mark 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 and shall be denounceable

Therefore I do order that these presents being held as firm and valid title be it recorded in the proper Book and be delivered to the party interested for her safety and other purposes.

Given at Monterey Upper California this 19th June 1833. José Figueroa  
Agustin V. Gamorano  
Sec'y

This dispatch was entered in the Book of Register of titles, or adjudication of Lands at page 11. No 6. which exists in the Secretary's office under my charge Monterey 20th June 1833. Gamorano.



(Sealed paper) The concession made to the Citizen Quintin Ortega and sisters of the tract of Land called San Pedro conceded on the 19th June 1833. is approved in entire conformity with the provisions



b.

of the Laws of the 18<sup>th</sup> of August 1824 and article 5<sup>th</sup> of the regulations of 21<sup>st</sup> of November 1828.

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Monterey 17<sup>th</sup> May 1834 - At the session of this day the proposition of the foregoing opinion is approved by the Mt. Excelso Deputation - I order that the Expediente be returned to Mr Superior Political Chief for further purposes -

Jose Figueroa  
Juan Bautista Alvarado Sec'y  
Monterey 12<sup>th</sup> June 1834.

In view of the approbation made on the 17<sup>th</sup> of May last, let a testimony thereof and of this decree be issued to the party Don Quintin Ortega, and the like to his sisters Doña Maria Clara and Doña Maria Isabel in confirmation of the Concession of the tract of Land of San Ysidro, which they obtained on the 3<sup>d</sup> of June last year. Don Jose Figueroa Brigadier General Commanding General Inspector and Superior Political Chief of the Territory of Upper California, thus Ordered decreed and signed - which I testify

Jose Figueroa  
Augustin V. Zamorano  
Sec'y



7.

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 12th June 1834.

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Witnesses the Citizens Bernardo Navarrete & Bonifacio de Mudareaga of this vicinity

In testimony of the truth

Jose Figueroa  
Augustin V. Zamorano  
Sec'y.

(Sealed paper) Marcelino Escobar, Constitutional Alcalde in the Demarcation of this Mt Excell<sup>t</sup> Council.

I certify in due form that in the Book of conciliations existing in this Justices 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<sup>t</sup> Council appeared Juan Gibroy and Julian Cantra saying that knowing that the Citizen Quintin Orbeaga (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 Sr Quintin,  
and 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 stated that what he wants  
is the ownership of the above mentioned and that  
he does not take from them, the right they  
posses. In order to carry this demand in a  
legal way it was determined that they should  
name some good men to try the way of a  
conciliation and carrying it into effect.  
The two former named Capt (the Citizen) Juan  
Antonio Munos and the third the Citizen  
Manuel de Alba; who being constituted joint-  
ly with the Alcalde heard the declarations of  
each part, and being aware of the particulars  
they stated, it was proposed to the litigants  
to agree, making the division of the land  
and trying mutually to conciliate, getting the  
part that might belong to each one. The  
three agreed to such an invitation, dividing  
of their accord the said Land in the following  
manner - From the place where the Land ends  
towards the south to the mediation of the  
two houses for the Citizen Quintin Ortega  
a land mark to be made from la Alra



9.

Division

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which is bounded by the said houses and that it should divide in the middle of them. From this part to the Arroyo of los Alamos for Juan Gilroy which another land mark shall divide. And from this to where the said land ends by the North for the Citizen Julian Cantra with the understanding that the permanent springs which exist in the possession of the second party should continue drawing its emptying into that of the first part. The Citizen Quintin adverting that he has made the petition for the Land, in consequence whereof does not find the titles of possession, which their father and mother had thereto, and that as it may in future find them, both the difficulties should be comprised in this case, to divide again the said tract amongst the other three brothers, who have not yet appeared, thus not injure them by depriving the part that belongs to them.

They agreed upon these terms, and the Alcalde good man and two of the parties interested signed it, Cantra did not do so, as he could not

Marcelino Escobar  
Juan Antonio Muños  
Manuel de Albra  
Quintin Ortega  
Juan 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. I signed it at Monterey the 4th day of the Month of May 1833. together with the Assistant witnesses

Marcelino Escobar De Ast. José  
Maldonado Asst. Santiago Estrada  
(sealed paper) Mr Superior Political Chief.

The Julian Cantna and Juan Gilroy neighbors of the S. Ysidro, before you as in form of Law say that: Mr Political Chief Don José Figueroa has been pleased to Conclude to us the Rancho called S Ysidro and subsequently by it was approved by Mt Excellt Deputation, the Expediente of which exist in the Secretarys 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 verified 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



11.

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not cause grievance to our families it is indispensable to put a stop to the question and from your notorious justification and 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, and 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; and we swear, for me and in the name of Julian Cantra  
Juan Gilroy

(In the Margin) They shall present before the Judge who should give them possession of the conceded Land, the testimony and title; the parties interested according thereto should receive the possession Monterey  
Nov 1st 1835

Jose Castro.

(Sealed paper) Mi Constitutional Alcalde of 2nd Nomination, Me Julian Cantra Mexican by birth, native and resident of this



Territory and Juan Gilroy naturalized and with letter of citizenship married to a Mexican woman and with five children idem before you in form of law say that: Having obtained the right of ownership of the tract of Land known by Rancho of S. Ysidro between the town of S. Juan and S. José; which Rancho or tract of Land has been divided amongst three brothers (brothers and sisters) as you will see by the documents annexed, which comprise five pages besides the two first and by virtue of Article 3<sup>rd</sup> of said Concession we pray that juridical possession be given to us, warning that the said tract had no fixed sketch, that represented in the former occasion, for it was only demarked by means of the boundaries, which have been agreed upon according to the Ancients, who assisted at the survey of it. 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, and it is the Citizen Felipe Lasques, Juan Alvarez, Manuel Pinto, and Simeon Castro. We pray that you will be pleased to put us in the possession we solicit, whereby we shall receive favors



and Justice.

Monterey Nov 8. 1835. Julian Cantra  
can not sign.

Juan Gilroy.

Monterey November 8th 1835: It presented  
and admitted. Let it proceed to give the  
possession solicited, for which purpose,  
let it be passed by this Justice's Court to  
said place of S. Pedro on Thursday 12th  
Inst, being issued previously citations to the  
neighbors to appear on said day to keep  
their respective boundaries, and being named  
also skilful men who shall be made known  
that nomination for the due acceptance and  
oath. There I the Citizen Rafael Gonzales,  
Constitul Alcalde of this municipality decreed  
ordered and signed with the Assistant witnesses  
Bloted este Expediente not valid  
= interlined por este Juzgado al mincio =  
valid Jose Rafael Gonzales. Jose Ma  
Silber, Assiutt.

On the date the Citizen Julian Cantra  
y Juan Gilroy being apprised of the  
foregoing decree, said that they heard it  
and he who could sign it did so.

Gonzales

Juan Gilroy

On the same date subpenas were issued in



compliance with the order in the foregoing process for citation of the neighbors and witnesses mentioned in the prayer of the petition, which contains in this process. For rubric + note it (rubric)

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November 12th. 1835

In the Rancho by the name of S. Isidro of the late Ignacio Ortega, at the house of the citizen Quintin Ortega, I the 2<sup>d</sup> Constit<sup>l</sup> Alcalde of the Capt<sup>l</sup> of the Territory of Monterey, Upper California notified the Citizen Carlos Castro who represents the neighbors Joaquin, Augustin and Jose Castro, Brothers, of the foregoing process, and being apprised of it he signed it with me and the assistants

Jose Rafael Gonzales,  
Carlos Castro, Act. and neighbors  
Quintin Ortega  
Act. Juan Madareaga

Instantly in the same Rancho, say month and year I the said Alcalde in compliance with the process of the 19<sup>th</sup> of June 1833, being present the citizens Carlos Castro and Quintin Ortega for the survey, <sup>(marking)</sup> marking the boundaries and judicial possession did appoint for surveyors the citizens Julian Espenza and Victoria Morens, and for accounter the Citizen



Manuel Priñez, who previous to their acceptance and oath well proceed to fulfil their charge Thus I the said Alcalde decreed and signed it with the Assistants Jose Rafael Gonzales Assist. Quintin Ortega, Asst. Juan Madareaga. On the same date in the same Rancho and house of the Citizen Quintin Ortega I the said Alcalde notified the said Julian Epenaga and Victoria Martinez of their appointment, and they said that they accepted and did accept said charge and swore in God, the sign of the Holy Cross to fulfil faithful and legally to the best of their knowledge and understanding without fraud or cheat against any person, and they do not sign it, as they could not do it, and did it with the assistants Jose' Rafael Gonzales  
 Juan Ortega Asst.  
 Juan Madareaga Asst.

Instantly I the said Alcalde Ordered to bring in my presence the string, wherewith they are to measure the land and that the surveyor should measure it of fifty varas and in the presence of the neighbors they the said Surveyors took it and with a usual Mexican Measure holding it measured fifty varas, to make the said measurement, and I signed <sup>this</sup> it with the assistants Jose' Rafael Gonzales



Juan Madareaga Asst. Quintin Ortega  
Assist.

In the same place day month and year it being  
ten o'clock in the morning I the present Al-  
calde, ordered the appointed Surveyors to com-  
mence the measurement, they are to make the  
measurement they are to make for the Citizen  
Juan Gilroy of the Land which he is going  
to receive for his wife Clara Ortega and accord-  
ing to the concession by the Sup<sup>r</sup> Pl. C. Josi  
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 and then replied the Citizen  
Carlos Castro that they could not go in the  
land of his Constituent, as the Arroyo in  
the Expediente of Castro 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 land of others - which he as the  
Attorney of said Castros and the widow of  
the late Mariano Castro will not allow:  
whereupon Juan Gilroy said - he will  
not take the possession under these terms.

216 ND

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For the new sketch that was intended to be



17. For the new sketch, that Castros presented is unjust and malicious and made of bad faith, as there was put for boundary the Arroyo, which neither now belongs nor ever it belonged to them said Castros; there being infinite (persons) who know which are the boundaries of the one or other, that is to say (of Ortega's and of Castros and that foreseeing what would have happened at the time of giving the possession, he prayed in his memorial, both the Sup<sup>o</sup> Pol<sup>te</sup> Chief and 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 and that he asks that deposition may be taken of the two witnesses, who are present and are the citizens Jimeno Castro and Felipe Vasquez and that as to Manuel Pinto and 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 and that after having performed this, he should send it to the proper Justices Court to have its proper effect; and thus it concluded remaining suspended the session; I



the Alcalde signed this with Gilroy and the  
 Assistants - Expediente interlined valid -  
 Diseño - blotted - not valid - Jose Rafael  
 Gonzales, Juan Gilroy = Asst Juan Madareaga  
 Asst Quintin Ortega, In the same  
 Rancho of San Isidro, On the thirteenth  
 day of the Month of November 1835.

Let it be notified to the witnesses and  
 their oath taken in order that they state  
 which are the boundaries of Castros y Orte-  
 gas - Thus I the second Alcalde decreed it  
 and signed with the Assistants - Jose  
 Rafael Gonzales, Assist Quintin Ortega  
 Asst. Juan Madareaga.

Through your note dated the 7th Inst.  
 I receive your Order to assist at the recog-  
 nization to be celebrated on Thursday the  
 12th Inst. of the boundaries of the tract  
 belonging to the Citizen Juan Gilroy -  
 which cannot be verified from my finding  
 myself at present convalescent of a long  
 illness I have suffered, this I inform you  
 for your knowledge - God and Liberty - Town  
 of San Jose de Guadalupe 10. th. Nov-  
 1835 - Juan Alvarez.

Mr Alcalde of the 2nd nomination,



19.

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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 Land belonging to the Citizen Juan Gilroy: 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, taking into consideration the reasons above stated. God and Liberty -

November 11th. 1835. Manuel Pinto.

Mr Alcalde of 2<sup>d</sup> Election and Rafael Gonzalez.

(Sealed paper) Process continued:

The Citizen Simeon Castro and Felipe Vasques being present, they were notified the foregoing process, and informed about it, they signed it with me and the Assistants not signing it the second, as he could not do it. Jose Rafael Gonzalez.

Juan Madaręga - Asst. Assist.

In the Rancho of San Isidro on the 13th day of the month of November 1835. the Citizen Simeon Castro, being present stand-



ing up and holding up the right hand and 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 Mariano Castro and Ignacio Ortega, he said that he knew them well, being asked whether he knew which were their lands, how far their boundaries reached or which was the possession both had - he said that he knew very well which their boundaries were as he had come with the late Estudillo when the late Lieut. Pico came measuring from the Mission till the small Lagoon close to the pawon of the lands of the late Ignacio Ortega; and that at the same point close to the small lagoon they had erected a stick and that was to mark the Land 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, on the condition that they should not resolve about the part towards the Mission. That this is what he knows and is but truth under the oath he had taken and he did not sign it, as he could not do it and I did so with the Assistants. Jose' Rafael Gonzales, Juan Madareaga Ass't.



Proces continued

Felipe Vasquez standing up, and holding up his right hand and 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, and Ignacio Ortega, he said that he knew them well - being asked whether he knew which were the lands, how far the boundaries reached, or which was the possession both had, he said that he knew very well which their boundaries were, as he had come with the late Estudillo, when the late Lieut Pico came, measuring from the Mission, till the \_\_\_\_\_ of the lands of the late Ignacio Ortega, and that at the same point, close to the small lagoon they had erected a stick and that was to mark the land 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, on the condition that they should not resolve about the part towards the Mission.

That is what he knows, and is but truth under the oath he had taken and he does not sign it, as he could not do it and I did so with the assistants

José Rafael Gonzales  
Juan Madriaga, Aft. -



Most Excellt Sir - The Commission on Government before opening on the documents and application made by Doña Isabel Ortega, and Don Juan Gilroy thinks it of Justice, that dissention may not at any time, be alleged on the part of Dr Carlos Castro, to be given him a transcript of said documents for a regular time and so the commission propose for the deliveration of Y. C. the following proposition.

That Mr Political Chief give a transcript of the documents presented by Doña Isabel Ortega and Don Juan Gilroy for a short term to Don Carlos Castro, that he may allege what be convenient to him and with the result return it to the commission for its opinion

Monterey 10th Dec 1835. Antonio Puelua  
Salvio Pacheco.

Monterey Dec<sup>r</sup> 19th. 1835.

At the session of this day M<sup>t</sup> Excellt. Deputation approved the proposition of the foregoing opinion.

José Castro, Pres<sup>t</sup>. Juan B. Alvarado, Sec'y

Monterey Dec<sup>r</sup> 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 Gilroy and Isabel Ortega, wherein they stated to be of their appertinance, part of the Ranchos of my constituent which we possess - says.

Filed in Office Oct 20. 1853.

Geo. Fisher  
Sec'y.



San Ysidro  
Lucentin Ortega et als:

Translation of Doc: referred  
to in Dep: of Sabio Pacheco

Read - page 16 + 17. - and  
20 - 21. &c -

(Exhibit Pacheco  
No: 2.)

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City and County of San Francisco  
State of California

On this Twenty sixth day of February 1859 before me F. J. Thibault a Notary Public in & for said City & County appeared William J. Lewis of said City and County to me personally known who being duly sworn deposes and says that he is by profession a Surveyor and Civil Engineer and that on the 30th day of September 1858 he went with Jose Rafael Gonzales to the Rancho of San Isidro in Santa Clara County and that the said Gonzales did there and then show him certain lines and corners which he said were the lines and corners of the judicial possession given to Duenas Ortega of his part of said Rancho by him the said Gonzales under the authority of the Mexican Government in the year 1835. The said William J. Lewis further deposes and says that he has made a correct plot (which is attached to this deposition and marked No 1.-) of the several boundaries of said Ortega's land as pointed out to him by said Gonzales. And the said deponent further says that he and said Gonzales went to the houses of Gilroy and Ortega, where said Gonzales pointed out where the oven ("orno") formerly stood which was midway between the two houses at the point marked A on the plot. That they then went to a cluster of willows on the bank of an "Arroyito" or small creek which ~~he~~ <sup>Gonzales</sup> said was the corner described in the 8th 9th & 10th lines of the paper marked J R G attached to



his deposition. One of these willows is marked "S Y No 2" and the point is marked B on the accompanying plot. The deponent further says that from thence they went to a stump (about five feet in height,) of a large oak which divided about two feet above the ground into three trunks or branches, said stump being situated on the North Eastern margin of the Santa Clara Valley. Said Gonzales stated to said deponent that this stump was the residue of the oaks described in the 12th and 13th lines of the paper marked J R G above referred to. The deponent and said Gonzales then went to a point of a hill in continuation of a straight line from the willows to the stump last described and 700 varas beyond the stump, which point he stated was the "punto de la Loma" described in the 16th line of the paper marked J R G. It is designated by the letter C on the accompanying plot. Thence the said deponent and said Gonzales went to an oak tree situated on the North East margin of the Santa Clara Valley which <sup>Gonzales</sup> ~~he~~ stated was the common corner of the lands of Ortega and Gilroy and that the line of judicial possession was a straight line from the point C already described passing entirely over the top of the intervening hill to the oak. The position of the oak is indicated on the plot and marked D. Said Gonzales further stated to said deponent that the dividing line between Ortega and Gilroy's land was a straight line from the oak



last mentioned passing by the ~~road~~ (at the point marked A on the plot) and continued until it intersected the creek south Westwardly of the houses of Gilroy and Ortega. The aforesaid William S Lewis further deposes and says that the area of the land embraced within the boundaries of judicial possession described by said Gonzales as aforesaid is 4582.5 Acres, that the Area of the Mexican League is 4438.683 Acres and that there is therefore contained in the tract 143.817 Acres more than one Mexican league.

The aforesaid deponent further says, that he has laid down <sup>in red</sup> on the plot of the above described tract the lines of the survey of said land of Quintin Ortega surveyed by J Wallace United States Deputy Surveyor in March 1858 according to his map of the same on file in the Office of the Surveyor General of California, and that following said lines, a tract containing about 1343 Acres lying outside ~~of~~ of the tract pointed out by said Gonzales is included in said survey. The deponent further says that in the month of July 1850 he made a survey for John Gilroy of the adjacent land ceded to his wife Maria Clara Ortega Gilroy, and that the oak tree (marked D) on the map was the ~~XXXXX~~ East corner of that tract as claimed by him and that said survey did not include any of the low hills to the North East of the Santa Clara Valley but did include the tracts now occupied by Julius Martin and E. Sheppard

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on the South West side of the Arroyo de las Lagas. - And the said William J Lewis further deposes and says that in the year 1854 he made for ~~at~~ B. Allen, who was the reputed owner of Lucentin Ortega's part of the San Isidro Rancho, a survey of the land as claimed by him and that the oak tree (marked ~~D~~ on the plot) was the North ~~West~~ corner of the tract as then surveyed. -

Subscribed and sworn to before me this Twenty sixth day of February A. D. 1889.  
 Wm. J. Lewis  
 G. J. Thibault  
 Notary Public

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