

CASE No.

120

SOUTHERN DISTRICT

PISMO GRANT

ISAAC J. SPARKS

CLAIMANT



LAND CASE 120 SD

68 pgs.

FEB 27 1963

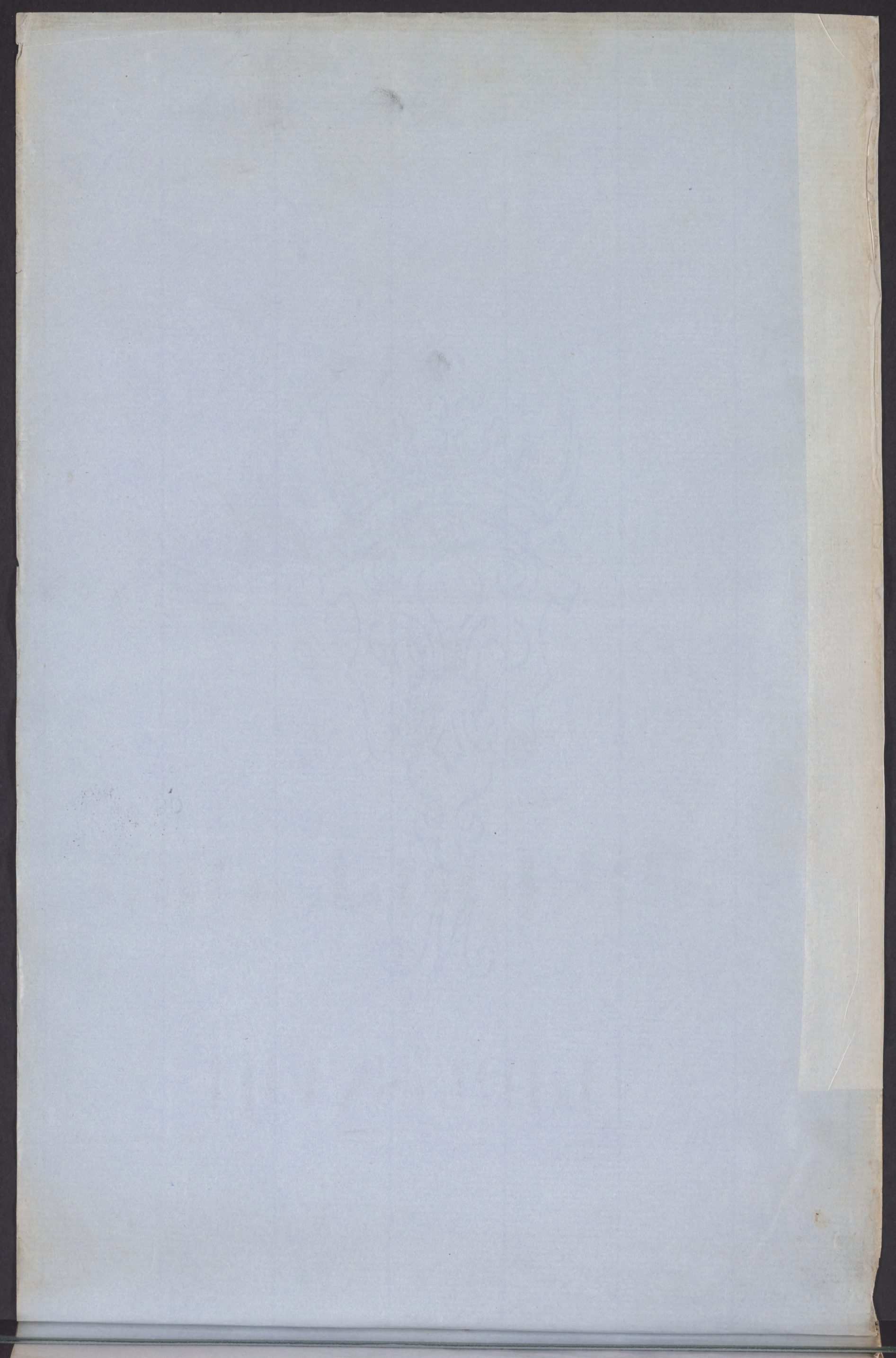
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U.S.A.



362

Southern District







# TRANSCRIPT

OF THE

# PROCEEDINGS

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PAGE 1

IN CASE

NO. 362

*Isaac J. Sparks*

CLAIMANT

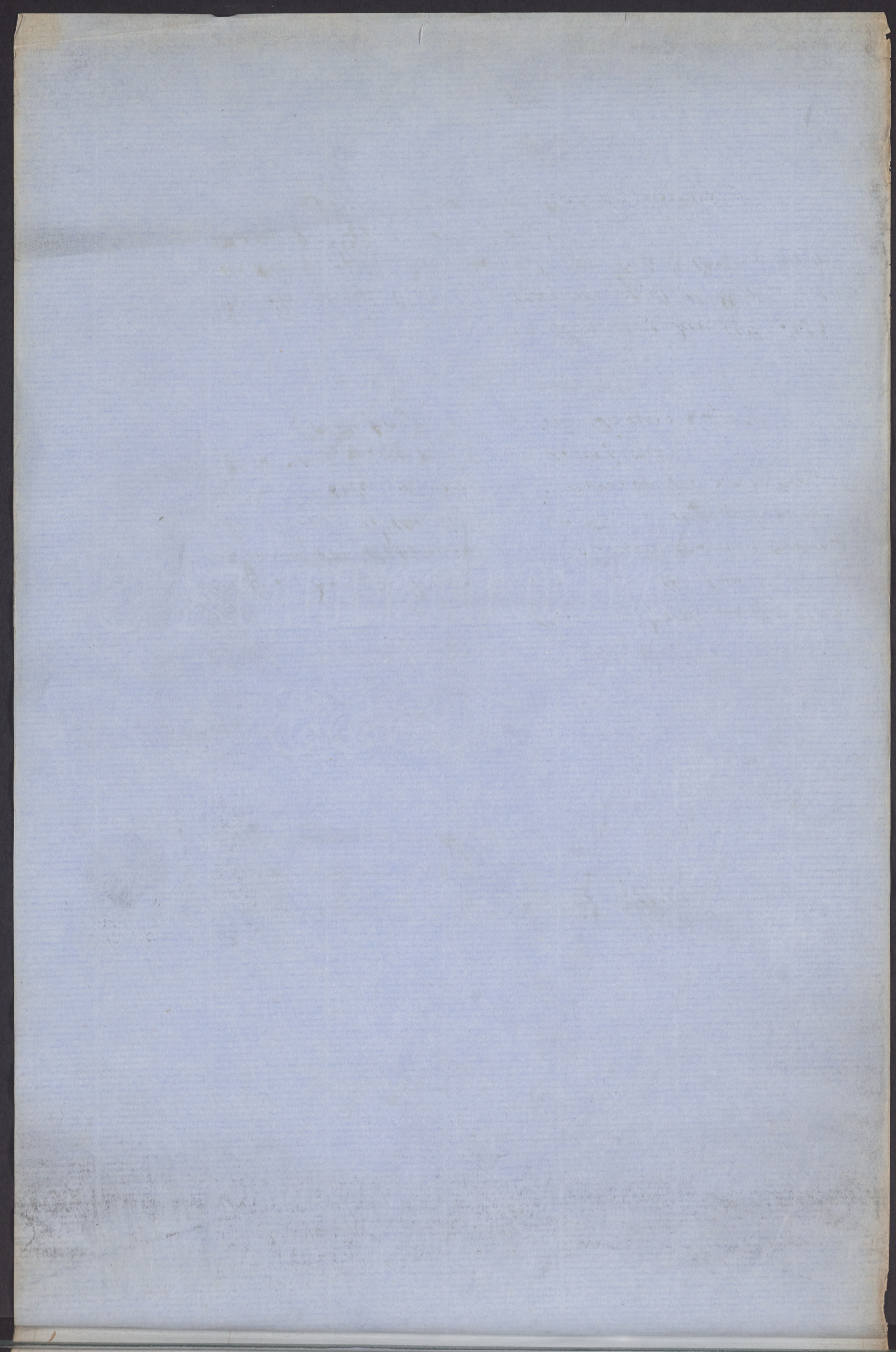
VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Pismo"*







Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, that on this *twenty ninth day of September,*  
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;

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The Petition of Isaac S. Sparks,  
for the Place named  
"Pismo,"  
was presented, and ordered to be filed and docketed with No. 362, 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;

Los Angeles, September 29<sup>th</sup> 1852,  
In case No. 362, Isaac S. Sparks for the place named  
"Pismo," the deposition of Jose Ramon Mado, a witness  
in behalf of the claimant, taken before Commis-  
sioner Melana Hall with document marked  
H. H. No. 1, annexed thereto, was filed;

(Vide page 4 of this Transcript.)

San Francisco, Jan. 15<sup>th</sup> 1853.  
In the same case the deposition of A. A. Den, a witness  
in behalf of the claimant, taken before Commissioner  
Harry J. Thornton, was filed;

(Vide page 5 of this Transcript.)



San Francisco Sept. 1<sup>st</sup> 1853.

Case no. 362, Called: The Counsel for the claimant read the evidence; argued, submitted and taken under advisement by the Board.

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San Francisco February 7<sup>th</sup> 1854

In the same case Commissioner Alpheus Felch delivered the decision of the Board upon the motion of the Counsel for the claimant filed this day, asking leave to file an additional paper as evidence in this case, it being the conveyance from Jose Ortega to Isaac S. Sparks: motion granted.

Which motion and Affidavit are as follows to wit:

(Vide page 5 of this Transcript)

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San Francisco March 15<sup>th</sup> 1854.

In the same case the deposition of Jose Maria Covarrubias, a witness in behalf of the claimant, taken before Commissioner R. Aug. Thompson, with document marked R. T. no. 1, annexed thereto, was filed:

(Vide page 7 of this Transcript)

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San Francisco, March 21<sup>st</sup> 1854.

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

(Vide page 42 of this Transcript)

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San Francisco, Aug. 15<sup>th</sup> 1854.

In the same case, on motion of the United States Law Agent, the following order was made to wit:

(Vide page 44 of this Transcript)

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To the Hon. the Board of U. S. Land Commissioners  
appointed to settle private land claims in California.

Petition

The petition of Isaac J. Sparks respectfully sheweth: That on or about the 18<sup>th</sup> day of November A. D. 1840, Manuel Jimenez, then speaker of the Departmental Assembly & ex-officio Governor of California, in the name of the Mexican Nation by virtue of the Colonization laws of August 18<sup>th</sup> 1824, the Regulations of November 20<sup>th</sup> 1828, the various laws of Mexico, the customs & usages of the country affecting grants of land in California, granted in full property unto Don Jose Ortega the tract of land & Rancho situate in the present County of San Luis Obispo, known by the name of Pismo, bounded on the east by the road of the Arroyo Grande on the West by the small Arroyo which likewise bounds lands of Miguel Urda, on the North by the low range of hills along the Pismo & San Luis Obispo road, & on the South by the sea, containing at least two Spanish leagues of land a little more of the same shall be found within the said boundaries, reference being had to the original papers & maps relating to this claim for a more particular description of the said lands. Copies of said papers & maps being herewith filed & which your petitioner prays may be made part of this petition.

And your petitioner further sheweth that in or about the month of May A. D. 1842, the said Don Jose Ortega was put in judicial possession of said Rancho & lands by the proper officer having jurisdiction of such matters as appears by the original papers & maps in possession of your petitioner ready to be produced & proved, copies of which are herewith filed & to which your petitioner craves leave to refer as part of this petition.

And your petitioner further sheweth that on or about the 29<sup>th</sup> of May A. D. 1846, said Don Jose Ortega by good & sufficient deed of conveyance sold & conveyed all of said Rancho & lands with the appurtenances to your petitioner, a copy of the original is herewith filed, & your petitioner prays leave to refer to the same as part of this petition.

That said Rancho & lands have been in peaceable & quiet possession ever since the time of giving said judicial possession & is now in the undisturbed & peaceable possession of your petitioner.

There is no conflicting claim thereto known to your petitioner. The said Rancho & lands



have not been conveyed by the U. S. Surveyor General for California.

The evidence upon which your petitioner relies in this case are the records of this grant in the office & in the charge of the U. S. Surveyor General for California, original papers copies of which are herewith filed & to which your petitioner prays leave to refer as part of this petition, & the testimony of witnesses to be produced before your Hon. Board. Respectfully submitted for such action as the justice & nature of the claim may require.

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E. C. Crosby  
of Counsel  
for Claimant.

Filed in Office Sept 29<sup>th</sup> 1852.  
Geo. Fisher  
Secy.

Deposition of  
J. R. Malo.

Office of the Board of Commissioners  
of California Land Claims.  
Los Angeles Sept 29<sup>th</sup> 1852.

On this day before Wiland Hall one of the Commissioners for ascertaining & settling private land claims in California, came J. R. Malo, a witness produced in behalf of the claimant Isaac J. Sparks, whose petition is No 362 on the docket of the Board & was duly sworn. His evidence being given in Spanish was interpreted by the Secretary.

The U. S. Law Agent was duly notified & attended.

In answer to questions by the counsel for the claimant the witness testified as follows.

My name is Don Ramon Malo, my age is forty years & I reside at Santa Barbara. I am acquainted with Isaac J. Sparks & have known him about four or five years. I am also acquainted with Don Ortega & have known him sixteen years or more.

I know the rancho called Pismo & have known



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it for about twelve years, it is situated in the County of San Luis Obispo. I know the ranch to be occupied about the year 1841 by Jose Ortega, who had a small house on it & lived in it, & had cattle on it. It is now occupied by Isaac Sparks & another person whose name I do not know. I heard some time or even years ago that Sparks had purchased the place, & since that time he has occupied it. Ortega occupied it until Sparks went into possession.

I am acquainted with the hand writing, and signatures of Manuel Jimeno, Jose Ortega & Mariano Bonilla. Their signatures wherever they appear on a paper now before me purporting to be the grant of the place called Pismo by Manuel Jimeno to Jose Ortega, Nov 18 1840. & map & record of judicial possession of the same land, are I believe, their genuine signatures. The said papers are hands annotated & marked H. H. No 1.

J. R. Mads.

Sworn & subscribed

Before me

Wiland Hall.

Comr.

Filed in Office Sept 29<sup>th</sup> 1852.

Geo. Fisher,  
Sey.

Deposition of  
N. A. Don.

San Francisco Jan'y 15 1853.

On this day before Comr Henry J. Thornton, came N. A. Don, a witness in behalf of the claimant Isaac S. Sparks, petitioner No 362, & was duly sworn his evidence being given in English.

Questions by Claimant.

Quest 1. What is your name, age & place of residence.

Ans. My name is Nicholas A. Don, my age is forty years & my residence is Santa Barbara, California.

Quest 2. Are you acquainted with the land claimed in this case, called Pismo. If yes, where is it situated, and state what you know of its occupation & settlement.

Ans. I am well acquainted with the tract in this case claimed. It was granted to Jose Ortega in 1840. or 1841 the grantee entered into the possession, built houses upon it, lived there & cultivated the ground & stocked it with

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at least a thousand head of cattle. The land has been occupied ever since its first settlement by the grantee and those claiming under him. The claimant has possessed & cultivated it since about the year 1846. & continues to do so.

U. S. Law Agent present. N. A. Don.

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Sworn to & subscribed before me this 15<sup>th</sup> July 1853.

Henry J. Thornton  
Comr. Secy.  
Geo. Fisher Secy

Filed in Office July 15<sup>th</sup> 1853.

Affidavit.

No 362.  
U. S. Land Commission.  
Isaac J. Sparks.

State of California.  
County of San Francisco. S.S.

E. O. Crosby, being duly sworn says, that he is the attorney of claimant in the above entitled case. That the deed of transfer from the original grantee Ortega to the claimant in this case, was not delivered to deponent at the time this case was prepared & presented to the board, but such preparation was made from a copy thereof. That since this case was submitted the original deed has come to deponent's hands. He believes it absolutely necessary for a fair decision of this case that said deed should be filed & proved before this case is finally submitted. Deponent therefore asks leave to file said deed & provide execution.

E. O. Crosby.

Subscribed & sworn to before me this 7<sup>th</sup> February 1854.

Alphus Felch  
Commissioner.

Filed in Office Feby 7<sup>th</sup> 1854.

Geo. Fisher Secy



Case No 362.

United States Land Commission.

San Francisco March 15<sup>th</sup> 1854.

On this day before Commissioner R. Aug. Thompson, came Jose Maria Corumbias, a witness of the claimant; Isaac J. Sparks, case No 362, who after being duly sworn, deposed as follows, his evidence being indisputed

Deposition of  
Jose Maria  
Corumbias.

Present E. O. Crosby Atty for Claimant & J. M. McKim  
W. S. Law Agent.

Witness states his name is Jose Maria Corumbias his age forty five years, & his residence Santa Barbara, Cal.  
Question by Claimant's Atty.

Look at the document now shown you marked Exhibit No 1, & with the initials R. J. & initials annexed, & state whether you are acquainted with any of the signatures which appear thereon, & if so which of them, whether they are genuine or not, & your mode of knowledge.

Answer. I know the signatures of Juan P. Ayala, Jose Ortega, Julian Gomez & Manuel P. DeLeon, I have seen them all write & am familiar with their hand writing & I have no doubt that their signatures when they occur on said document are genuine. Juan P. Ayala whose name is signed to said document was in the year 1846 acting Justice of the Peace, with the functions of Judge of the 1<sup>st</sup> Instance for the jurisdiction of Santa Barbara.

Summit subscribed  
before me March 15<sup>th</sup> 1854.

J. M. Corumbias.

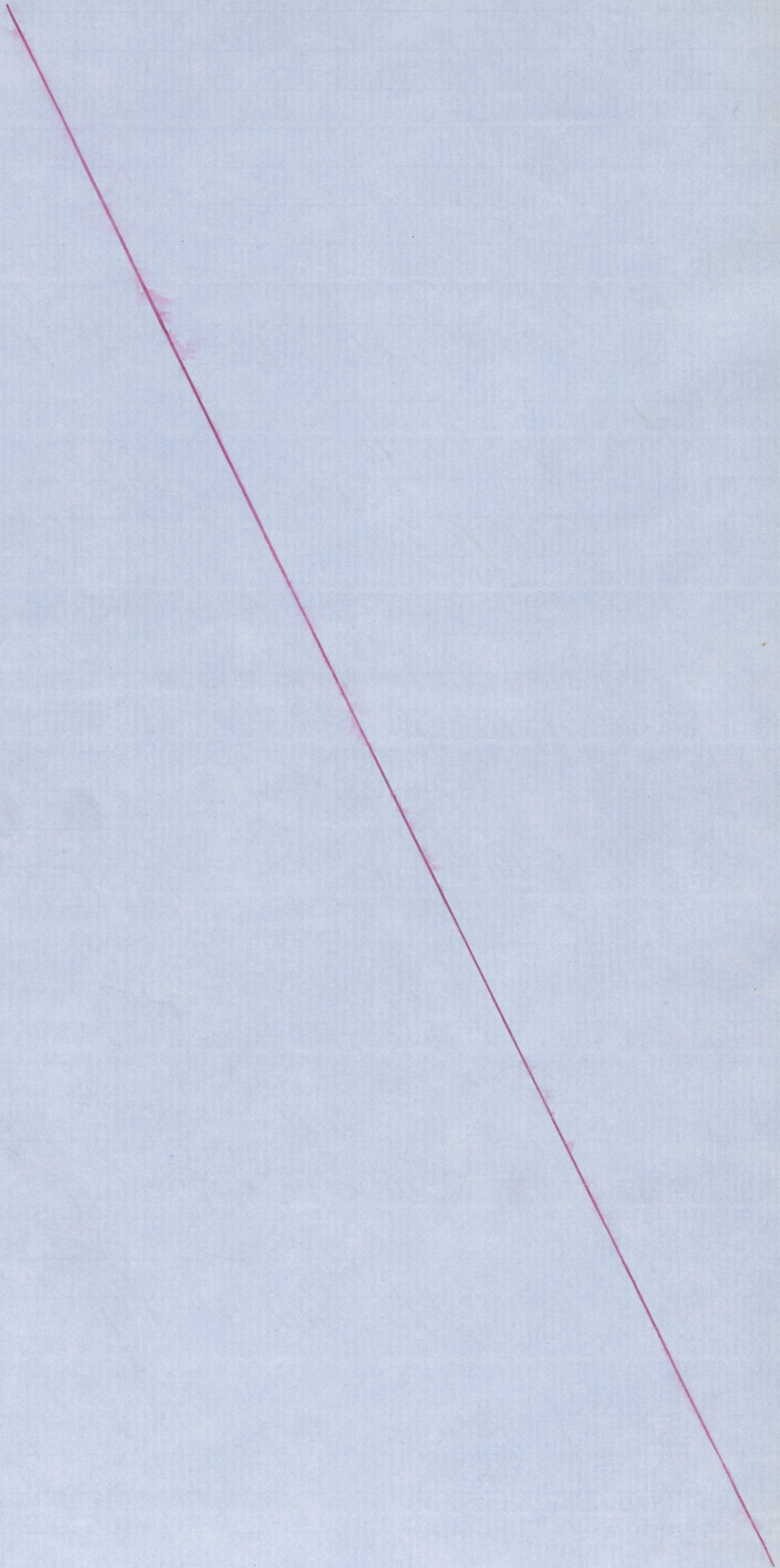
R. Aug. Thompson.  
Comm.

Filed in Office March 15<sup>th</sup> 1854.

Geo. Fisher.  
Sdy.

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8  
Exhibit  
N.º 1

[ 1 A.D.K. ]

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Espediente  
promovido por el Ciudadano  
José Ortega, en pretension del  
Parage del -  
Pismo

Año de 1820

212 -



[255K]

Sello Tercero Dos Reales

Habilitado por la Administracion de la Aduana  
maritima del puerto de Monterey de la Alta  
California, para los años de mil ochocientos treinta  
y seis y mil ochocientos treinta y siete -

Gutiérrez

Angel Ramirez

Valga para los años de 1839 y 1840

Morales

Antonio M. Oro

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Exmo Sr

1840

Monterey de Noviembre de 1840

Dirijase esta instancia al Sr Prefecto del primer Distrito para que tome los informes que crea necesarios

Su menor

Jose Ortega vecino del Rancho del Refugio ante V. E. con el debido respecto parece y dice: que hallandose con la familia de tres mugeres y un hombre a quienes le es preciso sostener, y teniendo el numero de ganado Bacuno de doscientas cuarenta Cabezas, una manada de cincuenta y equas y cuarenta caballos mansos y no teniendo un sitio adonde tener estos animales, ni poderlos aumentar p estar arrimado a otro, de q. resulte el trastorno de sus animales: ocurro a V. E. con el fin de q. se digno concederme el parage conocido con el nombre del Pismo, q. se halla enteramente baldio (segun el dicho q. respectuosamente



acompañado a V.E.) y conociendo yo q<sup>e</sup> en esta  
concesion no se perjudica á ningun individuo,  
espero q<sup>e</sup> la innata bondad de V.E. se dignará  
concedermelo, p<sup>o</sup> de este modo poder aumentar  
mis bienes y socorrer mi familia — Por tanto  
A.V.E. pido y suplico se digne hacermé feliz  
con esta concesion en q<sup>e</sup> recibire gracia y merced  
jurando no ser de malicia, y lo necesario &c

Sta Barbara 28 de Oct<sup>re</sup> de 1840 —

Yo mo por  
José Ortega

Mon-

[3 A.D.K.]

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Saney Noviembre 7 de 1840 —

Pase esta instancia al encargado del  
establecimto de San Luis Obispo para que  
informe sobre su contenido —

Castro

San Luis Obispo 12 de Noviembre de 1840 —

En cumplimiento del antecedente Sup<sup>o</sup>  
Decreto de V.S. digo q<sup>e</sup> no hay p<sup>o</sup> parte de  
este establecimiento ningun inconveniente  
p<sup>o</sup> q<sup>e</sup> se conceda al interesado en esta ins-  
tancia el sitio q<sup>e</sup> solicita en la inteligencia  
que en ningun tiempo evitará q<sup>e</sup> los ganados  
mestizos que pastear en dho sitio se saquen  
ó recojan por parte de este Establecimiento —

Juan C. Ayala

[2 A.D.K.]

Sello Tercero Dos Reales

Heabilitado por la Administracion de la Aduana  
Maritima del puerto de Monterey de la Alta Cali-  
fornia, para los años de mil ochocientos treinta



11  
y seis y mil ochocientos treinta y siete -

Gutierrez

Angel Ramirez

Valga para los años de 1839 y 1840 -

Alvarado

Antonio M. de

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Por Gobernador

Ympuesta la Prefectura de la pre-  
tension que hace el ciudadano José Ortega del paraje  
llamado el Pismo, y el informe que da el encargado  
del establecimiento de San Luis Obispo y todo lo de-  
mas que se tubo presente, la Prefectura, es de  
parecer que se le conceda a la parte oña, dejan-  
dolo a la deliberacion de V. E.

San Juan Bta Noviembre 18 de 1840  
Jose H. Castro

Monterey 18 de Nbre de 1840

Vista la peticion con que da principio  
este expediente el informe del Mayordomo de la  
Mision de San Luis Obispo y el del Sr Prefecto  
del Primer Distrito con todo lo demas que se tubo  
presente y ser conueno de conformidad con las leyes y

[5-12-40]

reglamentos de la materia declaró a Don José Ortega  
dueno en propiedad del paraje nombrado el Pismo  
colindante al oriente con el monte del arroyo  
grande al Poniente con el Arroyito que colinda  
con el sitio de Illiquel Airta al Nte con las  
Lomerias inmediatas al camino de San Luis Obispo  
a Nipomo y al Sur con el mar, bajo las con-  
diciones que se estipularen en el Titulo respectivo  
y con lo de no impedir el recoger ó sacar ganado



perteneciente á dho Misión de San Luis Obispo  
 Extinto el despacho correspondiente y dirijase  
 este expediente á la Exma Junta Departamental.  
 El Señor D<sup>o</sup> Manuel Jimeno Gobernador in-  
 terino del Departamento de las Californias ha  
 lo mandó decretó y formó de que doy fé  
 Jimeno

[5 A. D. K.]

Juan Bautista Alvarado Gobernador Cons-  
 titucional del Departamento de las Californias

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Por cuanto Don José Ortega ha pretendido  
 para su beneficio personal y el de su familia el  
 paraje envejado con el nombre del Pismo que se  
 halla colindante al oriente con el monte del  
 Arroyo grande al Poniente con el Arroyito que  
 colinda con el sitio de Eliguel Aorta al Norte  
 con las Lomerías inmediatas al Camino de San  
 Luis Obispo a Nipomo y al Sur con el mar.  
 practicadas previamente las diligencias y averi-  
 guaciones concernientes segun lo dispuesto por  
 leyes y reglamentos; usando de las facultades  
 que me son conferidas á nombre de la Nación  
 Mexicana he venido en concederle el terreno  
 mencionado declarandole la propiedad de él  
 por las presentes letras sujetandose á la  
 aprobacion de la Exma Junta Departamental  
 y á las condiciones siguientes.

1<sup>a</sup> Podrá cercarlo sin perjudicar las  
 travesías caminos y servidumbres lo disfrutará  
 libre y esclusivamente destinandolo al uso ó cul-  
 tivo que mas le acomode, pero dentro de un  
 año fabricará casa y estará habitada.

2<sup>a</sup> Solicitará del Juez respectivo que le de



posesion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondra a mas de las mojoneras algunos arboles frutales o silvestres de alguna utilidad.

3<sup>a</sup> El terreno de que se hace mencion es de dos sitios de ganado mayor poco mas o menos segun esplica el diseño que corre en el expediente - El juez que diere la posesion lo hara medido conforme a ordenanza quedando el sobrante que resulte á la Nacion para los usos convenientes.

4<sup>a</sup> No impedira que por parte del establecimiento de San Luis Obispo recoja o saque el ganado perteneciente al mismo establecimiento.

5<sup>a</sup> Si contraviniere á estas condiciones perderá su derecho al terreno y será denunciado por otro.

En consecuencia mando que temeramente por firme y valido este titulo se tome razon del en el Libro respectivo y se entregue al interesado para su resguardo y demas fines.

Dado en Monterey á diez y ocho de Ato de mil ochocientos cuarenta.

Here comes a map or sketch marked [8 A.D.K.]

Office of Surveyor General of the  
United States for California

I Samuel D King Surveyor General of the United States for the State of California now having under my charge and control, a portion of the Archives of the former Spanish



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and Mexican Territory or Department of  
Upper California, do hereby certify that the  
eight preceding and herunto attached pages  
of tracing paper numbered from one to eight  
inclusive, and each paper of which is verified  
by my initials (A.D.K.) exhibit true and  
accurate copies of certain documents on file and  
forming a part of the records of this office.



In testimony whereof I have  
herunto signed my name and  
affixed my private seal (not  
having a seal of office) at the  
City of San Francisco this  
22<sup>nd</sup> day of October 1852  
(Signed) Paul D King  
Turo Seal Seal

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Filed in office Aug<sup>t</sup> 30<sup>th</sup> 1853  
(Signed) Geo. Fisher  
Seal

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Third Class Stamp. Two Cigarettes or one Dollar.



Third Class Stamp, Two Eighths of one Dollar.  
 Issued by the administration of the Maritime Customs of  
 the Port of Monterey, in Alta California for the years one  
 thousand eight hundred & thirty six & one thousand eight  
 hundred & thirty seven.

Translation  
 Exhibit No 2.

Gutierrez

Angel Ramirez

Good for the years 1839 & 1840.

Alvarado

Antonio M. Oro.

S. S.

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Monterey 6<sup>th</sup> November  
 1840.

Your Excellency.

Let this petition  
 be forwarded to the  
 Hon. Subject of the first  
 District that he may  
 take the reports he may  
 deem necessary.

Jimeno.

José Ortega a resident of the  
 rancho of Refugio before your Excellency  
 with due respect appears & says that  
 he has a family of three daughters &  
 one son whom I am obliged to support  
 & being owner of two hundred & forty  
 head of neat cattle, a stud of fifty  
 mares & forty tame horses & having  
 no place to keep such stock or pro-  
 vide it increase on account of being  
 on another person's property, which  
 results in confusion among his stock  
 I apply to your Excellency to the  
 end that you may purchase to  
 grant me the tract known by the  
 name of the Pismo which is abso-  
 lutely unoccupied (according to  
 the plan which I respectfully sub-  
 join to your Excellency).

And knowing that in ma-  
 king me this grant no one will be injured I hope that  
 the wise goodness of your Excellency will purchase  
 to give me the same to the end that I may increase  
 my stock & support my family.

When you pray & beseech your Ex-  
 cellency to purchase to make me happy with this  
 grant, wherein I will receive favor & grace. I swear that  
 I do not proceed through malice adding the other nec-  
 essary indications &c.

San Barbara 28 Oct 1840.

Your Excellency.

José Ortega.

Let this petition be forwarded to the person in charge



of the Establishment of San Luis Obispo that he may report concerning its contents.

Castro.

San Luis Obispo November 12 1840.

In compliance with the foregoing Sup'd cone of your Excellency Honor I say that there is no obstacle on the part of this Establishment - to the party in interest obtaining the grant of the premises he solicits, understanding that we will never prevent the wild cattle that may pasture in said premises being driven out or secured on the part of this Establishment.

Juan P. Ayala.

L.S. Stamp Claim as above.

To His Excellency the Governor.

The Prefecture having taken cognizance of the claim made by the citizen Jose Ortega of the tract called el Pismo & the report given by the person in charge of this Establishment of San Luis Obispo, together with all other circumstances that came to its knowledge. The Prefecture is of opinion that the grant may be made to the said party, leaving the subject to the deliberation of your Excellency.

San Juan B. T. November 18 1840.

José F. Castro.

Montrey 18 November 1840.

In view of the petitions wherein with these Proceedings originate, the report of the Mayor dome of the Mission of San Luis Obispo & that of His Honor the Prefect of the first district, together with all other circumstances that were brought forward & were beho-ving to be kept in view, in conformity with the laws & regulations affecting the matter, I declare D<sup>o</sup> Jose Ortega owner in absolute property of the tract named el Pismo, bounded East by the woods of the Arroyo Grande, west by the small stream that serves as a boundary to the premises of Miguel Avila, North by the hilly tract in the neighborhood of the road from San Luis Obispo to Nipomo & South by the sea, under the conditions that may be enacted in the title relating



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to the same & that of not impeding the gathering or  
withdrawing of cattle belonging to said Mission of San  
Luis Obispo. Let the appropriate Patent be made out  
& let these minutes be forwarded to the Most Excellent  
the Department at Santa.

Senior Don Manuel Jimeno, Governor,  
ad interim of the Department of the Californias, has  
so ordered, decreed & subscribed. Certified.

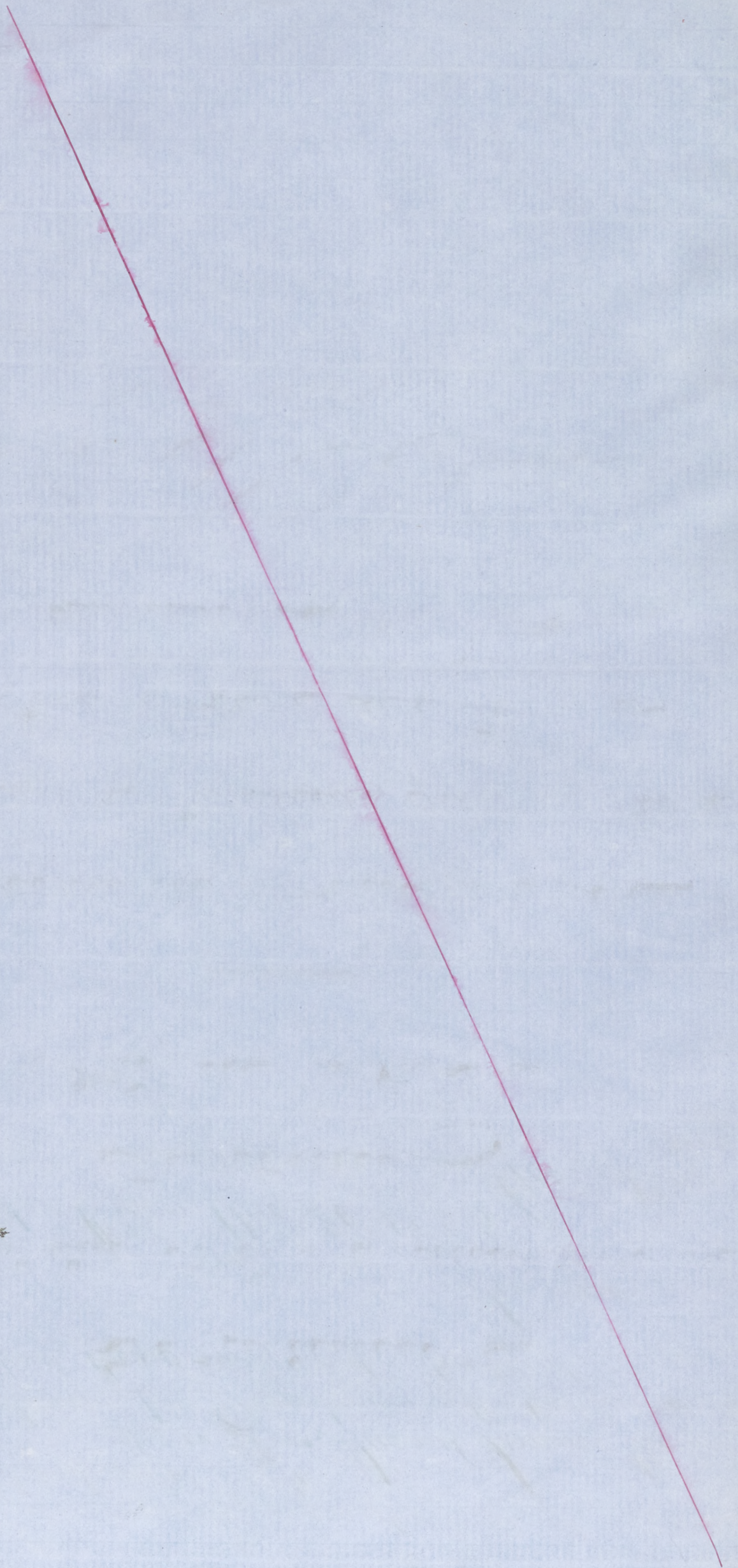
Jimeno.

Filed in Office Aug 30 1853.

Geo. Fisher,  
Secy.

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Document  
' H. H. N. 1 }  
annexed to the  
deposition of  
J. R. Allala }

Demarcación  
de Luis Olfo en jurisdicción de  
Monterrey  
Año de 1842 -

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Espediente formado en la  
Posesión Juridica que se dió á  
D. José Ortega del Rancho  
llamado el Pismo





Letra de seis pesos  
 Habilitado provisionalmente por la Aduana mari-  
 tima de Monterrey para los años de 1839 y 1840.

Marado

Antonio M<sup>o</sup> B<sup>o</sup>



Manuel Jimeno Casarín primer  
 vocal de la Exma Junta del De-  
 partamento de las Californias en  
 ejercicio del gobierno del mismo

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Por cuanto Don José Ortega ha preten-  
 dido para su beneficio personal y el de su familia  
 el terreno conocido por el nombre de Pismo, colindante  
 al Este con el Monte del Arroyo grande al. O. E.  
 con el Arroyito que linda con el sitio de Illiquel  
 avila, al Norte con las Lomerías inmediatas  
 al camino de Nepomo y Sr Luis Obispo, y al  
 Sur con el Mar: practicadas previamente las dili-  
 gencias y averiguaciones concernientes según lo  
 dispuesto por leyes y reglamentos de la materia:  
 usando de las facultades que me son conferidas  
 a nombre de la Nación Mexicana he venido  
 en concederle el terreno mencionado declarándole  
 la propiedad de él por las presentes letras su-  
 getándose a la aprobación de la Exma Junta  
 Departamental y a las condiciones siguientes

1<sup>ta</sup> No impedirá que p<sup>o</sup> parte del Es-  
 tablecimiento de San Luis Obispo se saquen, ó  
 recijan los ganado mestizo que en dho parage  
 se encuentran -

2<sup>da</sup> Podrá cercarlo sin perjuicio las  
 Arvejas caminos y servidumbres: lo disfrutará  
 libre y esclusivamente destinándolo al uso ó cultivo  
 que mas le acomode; pero dentro de un año



fabricará Casa y estará habitada -

3<sup>ta</sup> Solicitara del Juez respectivo que le de posesion juridica en virtud de este despacho por el cual se demarcarán los linderos en cuyos limites pondrá a' mas de las mojones algunos arboles frontales o silvestres de alguna utilidad -

4<sup>ta</sup> El terreno de que se hace mencion es de dos sitios de ganado mayor poco mas o menos segun explica el diseño que corre en el expediente - El Juez que diere la posesion lo hará medir conforme a' ordenanza quedando el sobrante que resulte á la Nacion para los usos convenientes -

5<sup>ta</sup> Si contraviniere a' estas condiciones perderá su derecho al terreno y será denunciado por otro -

En consecuencia mando que teniéndose por firme y valido este Titulo se tome razon de él en el libro á que corresponde y se entregue al interesado para su resguardo y de mas fines - Dado en Montevideo a' diez y ocho de Noviembre de mil ochocientos cuarenta -

(Signed) Albano Jimeno  
(Signed) José L. Fernandez  
Jefe Juto

Queda tomada razon de este Despacho en el libro de cuentas sobre adjudicacion de terrenos baldios af<sup>o</sup> 2<sup>o</sup> 5<sup>o</sup>

(Signed) L. Fernandez

Here follows a sketch  
or rough map - }



El infrascripto secretario de la E. Junta del Departamento de las Californias y encargado interinamente del despacho del gobierno del mismo -

Certifico: que el plano que consta a la vuelta está fielmente sacado del original que obra en el expediente respectivo existente en la oficina de mi cargo: cuyo testimonio se ha extendido en este papel, por careerse del sello que corresponde; debiendo añadirse un pliego tarjado, cuando lo haya; y para que conste dar la presente en Monterey a veinte de Noviembre de mil ochocientos cuarenta -

(Señar) José G. Fernandez

### Sello Tercero Dos Reales

Habilitado provisionalmente por la Aduana marítima del puerto de Monterey, en el Departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno -

Seimeno

Antonio Olas

Sor Encargado de la Altiplanicie de -  
P. Luis

El Ciudadano José Ortega  
P. Luis Olas natural y vecino de este Departa-  
29 de Abril mento ante V. en su mejor de  
de 840 do procedo digo q. habiendome  
de conformidad concedido el Exmo Sor gobernador  
con lo pedido el parage nombrado el Pismo  
se citarán en terreno de la Altiplanicie de su



los colindantes,  
 p<sup>o</sup> el lunes pro-  
 ximo 2 de Mayo.  
 en q<sup>o</sup> se le dará  
 al interesado la  
 posesion - Asi  
 lo determine  
 y firme yo el  
 Juez auxiliar  
 de esta de-  
 marcacion -  
 (sig) Bonilla

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Cargo y necesitado p<sup>o</sup> adquirir  
 la propiedad de dho terreno que  
 se me dé la posesion juridica  
 de él, suplico á V. se sirva  
 hacerlo con arreglo al diseño q<sup>o</sup>  
 acompaño q<sup>o</sup> es fiel copia del  
 q<sup>o</sup> obra en el expediente for-  
 mado p<sup>o</sup> mi solicitud; p<sup>o</sup> lo q<sup>o</sup>  
 y estando V. habilitado p<sup>o</sup>  
 darme dha posesion -  
 A. V. suplico se sirva proveer  
 como pido q<sup>o</sup> en ello recibiré  
 justicia q<sup>o</sup> juro H.ª  
 (sigue) José Ortega

—

En el Paraje llamado el mismo el dia 2 de Mayo  
 de 1842 reunidos D. José Ortega, q<sup>o</sup> pido pose-  
 sion de dho paraje, D. Federico Arganes, en  
 representacion de D. José M.ª Villas como colin-  
 dante D. Miguel Urcola colindante, D. Nazario  
 Quijada id - en union mia y los testigos de  
 asistencia p<sup>o</sup> dar principio al acto de posesion  
 dispuse que se midiese un cordel de cincuenta  
 v.ª y sus extremos se fijasen en dos estacas -  
 Asi lo determine y firme yo el  
 Juez auxiliar de esta demarcacion -

(sigue) Mur<sup>o</sup> Bonilla

de asist<sup>o</sup>

(sigue) H. Cooper (sigue) Fran<sup>o</sup> Branch

En el mismo lugar dia mes y año yo el  
 Juez auxiliar de esta demarcacion con los de



asistencia, tomé un cordel q' medí, y señalé cincuenta v. en cuyos estremos até dos estantes ó estacas y asenté esta diligencia q' firmé con los de asistencia

(Signed) Mariano Bonilla

de asista

asista

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(Signed) F. M. Cooper (Signed) Franco Branch

En segunda p' falta de un perito Agrimensor, yo el juez auxiliar de esta demarcacion con los de mi asistencia determiné nombrar de los concurrentes dos individuos q' substituyesen otro encargo, y al efecto nombré p' medidores a D. Teodoro Arceyes y D. Nazario Quijada, los q' aceptando este encargo se obligaron y ofrecieron desempeñar fiel<sup>te</sup> y p' ellos se les tomó el juramento bajo el cual se obligaron, y firmé con los de asistencia

(Signed) Mariano Bonilla

de asista

de asista

(Signed) F. M. Cooper (Signed) Franco Branch

A continuacion en el mismo parage dia mes y año yo el juez auxiliar acompañado de los de mi asistencia y presentes los tres colindantes q' se lleban mencionados, p' comenzar las medidas pregunté a los referidos colindantes (presentándoles el decimo de D. José Ortega) si eran conformes en q' se midiese el terreno señalando los terminos que se manifestaban en el decimo, y fueron conformes D. Teodoro Arceyes y D. Nazario Quijada, no siendo D. Miguel Avila, p' creerse perjudicado en parte de su terreno, p' lo q' cesándole



q<sup>d</sup> manifestase en título y deseno del terreno q<sup>d</sup> le pertenecía, p<sup>a</sup> hacer el cotijo devido en él de D. José Ortega lo manifestó y hecha la comparacion de ambos desenos y títulos, tubo p<sup>a</sup> insuficientes sus alegatos, p<sup>a</sup> oponerse á la posesion de un terreno que no se le ha concedido, y en vista de no conformarse le invité á que presenciase las medidas q<sup>d</sup> determiné comenzar, al qual acto no se presentó, y tubo a bien asentado esto p<sup>a</sup> diligencia q<sup>d</sup> firmé con los de asistencia

(Signed) J. Mearno Bonilla

De asista

De asista

(Signed) H. W. Cooper (Signed) Fran<sup>co</sup> Branch

En seguida en el mismo parage, dia mes y año yo el juez auxiliar de esta demarcacion acompañado de los de mi asistencia y los tres Colindantes, D. Nazario Quijada, y D. Ferrero Arroyanos en representacion de D. Isabella Villar<sup>a</sup> pasamos al rincón ó codo que forma el Arroyo grande, y siendo presente D. José Ortega, de acuerdo dho Sr con D. Nazario Quijada colindante en el referido punto, manifesté ser el señalado para comenzar las medidas, y al efecto los nombrados medidores tomaron el cordel medido de cincuenta varas, siguiendo en direccion al N. O. se midieron hta llegar al arrollito llamado el Ducino, ó Chatchuru doscientos cincuenta cordelas, en cuyo punto como lindero con D. Elly. Anita se fijó una Cruz, y continuando las medidas desde dho punto tirando el cordel rumbo al N. E. sobre las lomas hta el parage nombrado Chupufut, ó Mano p<sup>a</sup> S. Luis, se midieron cien cordelas, fijando en dho punto una Cruz, como lindero



con D. Miguel Arita, y D. José Maria Villa. —  
 señalado este punto, se tiró el cordel rumbo al E.  
 de dho punto y en línea recta á tocar con el  
 arroyo grande en el parage nombrado Chochcanash  
 ó la Yaguna - se midieron doscientos cordeles y se  
 fijó en este parage una cruz señalando el lin-  
 dero con D. José M<sup>a</sup> Villa. y D. Nicasio Quijada  
 en este punto, el cual señalado, se tiró el cordel,  
 de allí p<sup>a</sup> todo el margen del arroyo rumbo al  
 S. O. hta el parage llamado Stuló, cienega y  
 rincón del arroyo donde se comenzó y hta allí  
 se midieron ciento y cincuenta cordeles, con lo cual  
 se concluyeron, y señalados los terminos del terreno,  
 y á fin de q<sup>d</sup> concluido este acto, D. José Ortega  
 manifestase ser el Sr. y dueño absoluto del  
 terreno, lo tomé de la mano, y en voz clara le dije:  
 " en nombre de la Nación Mexicana doy á V.  
 " posesion del terreno q<sup>d</sup> se ha medido, y le mandé  
 q<sup>d</sup> hiciese alguna demostracion de Sentido y de  
 haber adquirido el dominio útil y directo, y él  
 como en demostracion de haber adquirido la  
 propiedad del mencionado terreno manifestando  
 ser el unico Sr. y dueño, cubió la tierra, arrancó  
 yerbas y tiró piedras con lo q<sup>d</sup> se concluyó el  
 acto q<sup>d</sup> firmé con los de asistencia y los colin-  
 dantes q<sup>d</sup> p<sup>a</sup> no saber firmar hicieron una  
 cruz - Sachado no vale —

(Signed) J. Mariano Bonilla

De asisto

de asisto

(Signed) Sr. M. Corpor (Signed) Francisco Branch

( " ) Teodoro Arrellanos (Signed) Nicasio Quijada

+

+



25

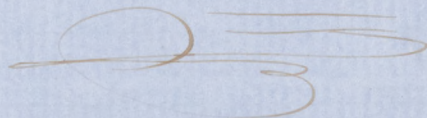
P. Luis Obpo Mayo 24 de 1842

Devuelvase esta diligencia original  
al interesado para que haga el uso q le convenga  
como testimonio de adquisicion de propiedad  
y tomes razon en el libro correspondiente  
(signed) Bonilla

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P. Luis Obpo Mayo 24 de 1842

Atendido el auto que antecede, con  
esta misma fha se devolvió a D. José Ortega  
este expediente en 8 fs útiles y lo asenté por  
diligencia q rubrique →



P. Luis Obpo Mayo 24 de 1842

Queda tomada razon de este  
expediente en este Juzgado en el libro corres-  
pondiente a fs 1, 2, 3, y esta  
(signed) Bonilla

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Filed in office September 29<sup>th</sup> 1852  
(signed) Geo. Fisher  
Secy

---

FILE  
25 30



First-class Stamp Six Dollars



First-Class Stamp, Six Dollars.  
 Issued provisionally by the Maritime Customs at Monterey  
 for the years 1839 & 1840.  
 Alameda. Christ. M. Oro.

(S. S.) Manuel Jimine Casarin, Speaker of the Most  
 Excellent the Assembly of the Department of the Califor-  
 Grant & Judicial - now acting Governor of said Department.  
 Possession.

Exhibit B.

Whereas Mr José Ortega, for his own benefit and  
 that of his family, has petitioned for the land known by the  
 name of Peim, bounded on the East by the words of the  
 document No. 1. H. Arroyo Grande, on the West by the small Arroyo which like-  
 wise bounds land of Miguel Ariza, on the North by the low  
 the deposition of range of hills along the Nepom & San Luis Obispo road, & on  
 J. H. Malv. before the south by the sea, having first taken the proper steps & in-  
 Corn H. Hall. - obtained the requisite inquiries in relation thereto, as by the  
 Sept-29<sup>th</sup> 1852. laws & regulations in that behalf decided in virtue of the pro-  
 - in my name voted, in the name of the Mexican Nation,  
 I have concluded to grant him the land aforesaid, by these  
 presents declaring it his property, subject to the approbation  
 of the Most Excellent the Departmental Assembly & to the  
 following conditions.

1<sup>st</sup> He shall not prevent them acting in behalf of the Estab-  
 - lishment of San Luis Obispo from removing or collecting the  
 wild cattle that may be found on the land.

2<sup>d</sup> He may enclose it without prejudice to the cross roads,  
 highways & rights of way; he shall enjoy it fully & exclusively  
 abstaining from the use or culture that may, but must not, but  
 within one year he shall build a dwelling house & it shall  
 be inhabited.

3<sup>d</sup> He shall petition the proper Magistrate to give him ju-  
 - dicial possession by virtue of this grant, indicating the  
 boundaries, on the lines whereof he shall set besides the land  
 marks, some fruit or serviceable forest trees.

4<sup>th</sup> The aforesaid land contains two ranges (sitios)  
 for neat cattle, a little more or less, as appears by the plan  
 annexed to the minutes of preliminary proceedings (Espedi-  
 - ente). The Judge who gives possession shall have it measured  
 according to law, any remainder continuing the property of  
 the Nation for its behooving uses.

5<sup>th</sup> If he contravene these conditions, he shall lose his right  
 to the land.

Wherefore I order that this title being held as  
 firm & valid be entered of record in the proper Book &



delivered to the party interested for his protection & further  
ends.

Given at Monterey the eighteenth day of November  
A.D. one thousand eight hundred & forty.

Marcos Antonio  
Jose L. Fernandez  
Secretary for term.

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This patent is entered of Record in the Book of entries of ad-  
judications of vacant lands, at p. 24.  
L. Fernandez.

Fourth Class Stamp 1/32 of one Dollar.  
Sanctioned provisionally by the Maritime Customs of the Port  
of Monterey in the Department of the Californias for the  
year one thousand eight hundred & forty & one thousand  
eight hundred & forty one.  
Alvarado. Ant. M. Oro.

(P.S.) How occurs the Plan.

I the undersigned, Secretary of the Most  
Excellent Assembly of the Department of the Californias,  
& ad interim in charge of the Secretaryship of State of said  
Department.

Do certify: that the plan on the other side  
of this sheet is faithfully copied from the original on file with  
the minutes of preliminary proceedings (Espediente)  
relating to this title, in the office under my charge; which  
certificate I have made out on the paper for want of paper  
bearing the proper stamp, it being understood that a sheet  
of stamped paper, defaced, must be arranged as soon as it  
can be had.

In testimonial whereof I sign this present  
in Monterey on the twentieth of November one thousand  
eight & forty.

Jose L. Fernandez.

Third Class Stamp Four Eighths of one Dollar.  
Provisionally issued by the Maritime Customs of the Port  
of Monterey in the Department of the Californias for the



years one thousand eight hundred & forty & one thousand  
eight hundred & forty one.  
Domingo. Ant. M. Coiv.

San Luis Obispo, April 29<sup>th</sup> 1842. To the Administrator of the Mission  
of San Luis.

In conformity with the foregoing petition, let the neighboring proprietors be cited for Monday next, May 2<sup>d</sup>, on which day judicial delivery will be made to the party interested. So ordered & decreed by me the assistant Judge of this district.

Bonilla.

I, the citizen Jose Ortega, native & resident of this department, before you in the most approved form of Law, do say: that His Excellency the Governor having granted me the land known by the name of Pismo, being a portion of the territory of the Mission under your charge, & desiring in order to acquire ownership of said tract, to receive judicial delivery thereof, I pray you to give the same in conformity with the annexed map which is an exact copy of that filed with the minutes of proceedings founded upon my petition. Wherefore & in as much as you are empowered to give me possession as aforesaid. I petition that you will determine according to my request, wherein I shall obtain justice. I make oath &c.

Jose Ortega.

At the place called Pismo, on the 2<sup>d</sup> of May 1842 I present Jose Ortega who solicited possession of said land Theodore Amblanis who represents Mr Jose M. Villa, a boundary proprietor, Miguel Arta, a boundary proprietor, & Nazario Quijada, ditto, together with myself & my official witnesses, to commence the act of delivery, I ordered to be measured a cord of fifty varas & two staves to be fastened at its extremities. Ordered & subscribed by me, auxiliary Judge of this district. (demarcacion)

Mariano Bonilla.  
Attest. F. M. Cooper. Francis Branch.

At the same place, same day & year I, the assistant Judge of this district with my official witnesses took a cord which I measured & marked out fifty varas, at the returne whereof I placed two posts or stakes & made this note which I signed with my witnesses.



Mariano Bonilla.

Attest. F. M. Cooper. Attest. Francis Branch.

Whereupon for want of an expert surveyor, I the auxiliary Judge of this district resolved to appoint as arbitrators for each office two individuals from among the bystanders & appointed for that purpose Judon Arullanes and Nazario Quijada who accepted the office & promised to discharge the duties thereof faithfully, to which effect their oath was taken under which they bound themselves—  
Subscribed by me & my attesting witnesses.

Mar<sup>no</sup> Bonilla.

Attest. F. M. Cooper. Attest. Fran<sup>co</sup> Branch.

And further, at the same place, same day & year, the auxiliary Judge, accompanied by my official witnesses, in the presence of the proprietors before mentioned of lands bounding on the premises, to commence the survey enjoined of said proprietors (purporting to show the plan of Don Jose Ortega) if they were satisfied that the land should be measured by adjoining the boundaries indicated on the plan and Judon Arullanes & Nazario Quijada signified their acquiescence, but Miguel Arula did not because he considered himself wronged in a part of his land. Whereupon I required him to show his title deed & map of the land that belongs to him in order to make due comparison thereof with that of Mr. Don Jose Ortega. He exhibited the same & after comparison of the two maps & title deeds, I decided that the allegations of the said Arula were insufficient as he contested the delivery of premises that had not been granted to him and as he presented no just objections I invited him to attend the survey which I now resolved to commence which he refused, whereupon I deemed meet to make a note & signed the same with my official witnesses.

Mariano Bonilla.

Attest. F. M. Cooper. Attest. Fran<sup>co</sup> Branch.

Whereupon I, the auxiliary Judge of this district, at the same place, same day, month & year, accompanied by my attesting witnesses, the neighboring proprietors, Messrs. Nazario Quijada & Judon Arullanes, representing Don Jose M<sup>o</sup> Nilla, proceeded to the corner or elbow formed by the Arroyo Grande, & Don Jose Ortega being present signified by



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agreement with Don Nazario Quijada whose lands bound upon said point that this was the spot assigned to commence the measurements for which purpose the appointed measurers took the measured fifty vara cord following a North West direction, measured until they came to the small Arroyo called the Encino or Chachman, two hundred & fifty lengths of the cord, at which spot to give the boundary with Miguel Arida, a cross was placed, & from this point the measurement proceeded, the cord being drawn in a North east direction over the hills to a place called Chaltubal or the plain of San Luis, there were measured a hundred lengths of the cord. A cross was planted at said spot to mark the boundary with Messrs Miguel Arida & Jose Maria Villa. This spot being marked the line was drawn on a course east from said point & on a straight line to meet the Arroyo Grande at a place called Chochanachas or the Laguna, there were measured two hundred hundred cords lengths, & a cross was there placed to mark the boundary with Messrs Don Maria Villa & Nazario Quijada at this point; which being marked, the line was drawn thence along the margin of the Arroyo in a South South West direction to a place called Stalls, the meadow & the head of the Arroyo where we commenced; there were measured to this spot one hundred & fifty cords lengths. Whereupon the survey concluded, & the boundaries of the tract being assigned for the purpose that this act being concluded, Mr Don Ortega should manifest himself to be the lord & absolute owner of the tract / I took him by the hand & in a loud voice said "In the name of the Mexican Nation, I give you possession of the lands which has been measured," & ordered him to do somewhat in token of lordship & to prove that he had acquired the direct interest & dominion thereof; & he for that purpose showing that he had acquired the ownership of said land, signifying that he was its sole lord & proprietor, dug the earth, pulled up grass & threw stones, where with concluded this official act & the same was signed by me with the attesting witnesses & the proprietors of neighboring lands who not knowing how to sign made crosses.

An erasure - out -

J. Man. Bayilla.

Attest J. M. Casper. Attest. F. J. Branch.

Dionisio Villanueva. & Nazario Quijada &

San Luis Obispo May 4' 1842.



Let this Minute of Proceedings be delivered in  
 the original to the party entrusted for them to making be-  
 having use thereof as evidence of acquisition of ownership  
 & let the same be entered in the proper book.  
 Bonilla.

San L. Obispo, May 4/1842

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In pursuance of the foregoing order, on this  
 same date this Minute of Proceedings was returned to  
 Don Jose Ortega in eight pages.

Filed in Office Sept 29<sup>th</sup> 1832.

Geo. Fisher  
 Secy.

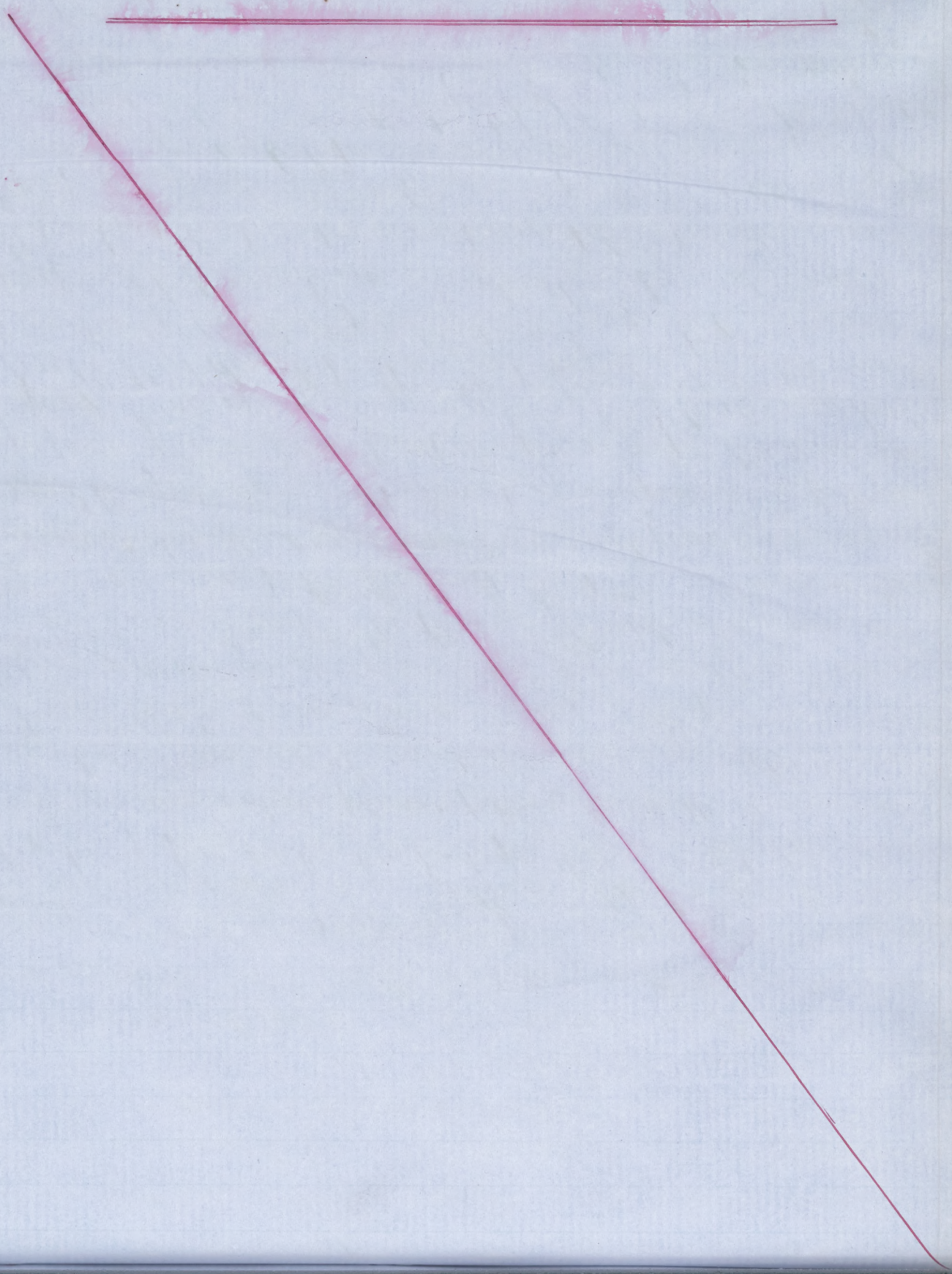




Exhibit No 1

R. I. annexed  
to deposition  
of José María  
Covarrubias

Exhibit No 1 R. I.

En el Pto de Sta Barba del Departamento de California a los veinte y nueve dias del mes de Mayo de mil ochocientos cuarenta y seis ante mi Juan Pablo Ayala Juez de Paz de dho Punto y por ante los testigos de mi asistencia con quienes actuo por receptorio a falta de escribanos publicos a mas de los instrumentales q' al fin se denominaron, comparecio D. José Ortega, a quien doy fé conocido, y dijo q' por si y a nombre de sus herederos y sucesores y de quien de ellos obtieren titulo, voz, causa en cualquiera manera vende y da en venta real y enajenacion perpetua por juro de heredad p<sup>ra</sup> siempre jamas al Srn D. Isaac J. Sparks quien tambien comparecio, y a los suyos el Rancho q' tiene de su propiedad conocido con el nombre del Pismo, y colindante al Este con el monte del Arroyo grande al O. E. con D. Eligio Avila, al N. con las lomerias inmediatas al camino de Tepic y S. Luis Obispo y al Sur con el mar, el cual contiene dos sitios de ganado mayor poco mas o menos segun el titulo de concecion, y dicen respectivo q' figura el terreno mencionado incluidos los documentos de la posesion juridica de todo lo q' hace entrega en debida forma a dho Sr. con la casa q' alli se halla construida, corrales, cercados, &c. en cuyo Rancho tiene derecho por habersele concedido legalmente el Sup<sup>te</sup> Gobno del Departamento p<sup>ra</sup> la autoridad q' tiene p<sup>ra</sup> ello como consta p<sup>ra</sup> los documentos q' dejo dho por cuyo titulo le corresponde en posesion y propiedad, el cual declara y asegura no tenerlo vendido enajenado ni empeñado y q' esta libre de tributo, memoria,

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capellanía vínculo, fianza, y de otro gravamen real, perpetuo, temporal, especial, general, tacito, y expreso, y como tal se lo vende quedando á entregarlo en la forma y disposición q<sup>l</sup> particularmente han convenido en la cantidad de cuatrocientos treinta cabezas de ganado mayor chico y grande y treientos setenta y cinco p.<sup>o</sup> en efectos, cuyo numero de ganado entregará el comprador al vendedor en el termino de veinticinco dias mas o menos despues del recibo del enunciado Rancho, y recibirá este como pagamento de esta cantidad á su voluntad, q<sup>l</sup> portanto renuncia la excepción q<sup>l</sup> pudiera oponer, p.<sup>o</sup> no constar de presente la ley 7. titu.<sup>o</sup> 10. parte 5.<sup>a</sup>, formaliza á fuor del comprador las sus firme y eficaz carta de pago q<sup>l</sup> á su seguridad conduzca, y asimismo q<sup>l</sup> el justo precio y verdadero valor del expresado Rancho son los tantos p.<sup>o</sup> q<sup>l</sup> no vale mas ni halló quien mas le diera por el, y si mas vale ó valer pueda del exceso en poca ó mucha suma loce á fuor del comprador y de sus herederos y sucesores, gracia y donacion, pura, mera, perpetua e irrevocable en sanidad con insinuacion, y demas firmes legales, y renuncia la ley 2. titu.<sup>o</sup> 10. libro 10. para recopilacion q<sup>l</sup> trata de los contratos de ventas, trueques y de otros en q<sup>l</sup> hay lieon en mas ó menos de la mitad de su justo precio, y los cuatro años q<sup>l</sup> profina p.<sup>o</sup> pedir su rescion ó suplemento á su justo valor los q<sup>l</sup> da por pasados como si efectivamente lo estubieron y desde hoy en adelante para siempre se desapoderará de este quita y aparta á sus herederos y sucesores del dominio, propiedad posesion que le compete al enunciado Rancho lo cede,



renuncia y traspasa con las acciones reales y per-  
 sonales, útiles, mixtas, directas y efectivas en el  
 comprador y en quien la culla represente p<sup>o</sup> q<sup>o</sup>  
 lo posea, cambie, enajene, use y disponga de él  
 a su elección como de cosa suya adquirida  
 como legitimo y justo título, le confiere poder irre-  
 vocable con libre franca y q<sup>o</sup> adm<sup>o</sup>. y le cons-  
 tituye procurador actor en su propia causa  
 p<sup>o</sup> q<sup>o</sup> de su autoridad o judicialmente entre  
 y se apodere del enunciado Rancho, y de él  
 tome y aprenda la real tenencia y posesión q<sup>o</sup>  
 por derecho le compete y para q<sup>o</sup> no precista  
 tomarla pite se le da copia autorizada por la  
 presente escritura con la cual sin otro acto de  
 aprensión ha de ser visto haberlo tomado aprin-  
 dido y transferido, y en el interin se constituye  
 su inquilino tenedor y precario poseedor, en  
 legal forma, y se obliga a q<sup>o</sup> dho Rancho será  
 cierto, seguro y efectivo al comprador y nadie le  
 inquietará ni moverá pleito sobre su propiedad  
 posesión gozo y disfrute ni contra ello apa-  
 recerá gravamen alguno, y si se le inquietare  
 moviere, ó apareciere, luego q<sup>o</sup> el otorgante ó  
 sus herederos y sucesores sean requeridos  
 conforme a derecho saldrán a su defensa, y lo  
 seguirán a sus expensas en todas instancias  
 y tribunales hasta apentoriarlos y dejar al  
 comprador y á los suyos en libre uso quieto  
 y pacífica posesión y no pudiendo conseguirlo  
 le darán otro igual en valor del sitio venta,  
 y comodidad y en su defecto le restituirá la  
 cantidad q<sup>o</sup> ha desembolsado, las mejoras  
 útiles, precisas y voluntarias q<sup>o</sup> á la sazón  
 tenga el mayor valor y estimación q<sup>o</sup> con el  
 tiempo adquiriere de todas las costas gastos



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PAGE 37

intereses y menoscabos q<sup>se</sup> le siguieren ó irrogaren por todo lo cual se les ha de poder ejecutar en virtud de esta escritura y juramento del q<sup>do</sup> lo ó de quienes lo representen en quien difiere su importe y lo rebata de otra punta. Y a la observacion de todo lo referido obliga su persona, bienes habidos y por haber, renuncia las Leyes de su favor y defensa con la gral del derecho en forma, y confiere amplio poder a los tres jueces q<sup>do</sup> de este negocio deban conocer conforme a derecho p<sup>do</sup> q<sup>do</sup> le apremien a su cumplimiento como sentencia definitiva de juez competente pasada en autoridad de cosa juzgada y consentida q<sup>do</sup> por tal la recibe y la firmo con mi go y lo devio asistir siendo los instrumentales los Sr. Juan Carrillo Paranal Botillos, y José Garcia presentes y vecinos de este Punto, en este papel comun p<sup>do</sup> falta de sellado

(Signed) Juan P. Ayala  
asist<sup>do</sup> asist<sup>do</sup>  
(Signed) Manuel P. de Leon (Signed) Julian Gomez  
(Signed) Jose Ortega

Filed in Office Feby. 7<sup>th</sup> 1854  
(Signed) Geo. Fisher  
Secy.



Translation of -  
Compliance from Ortega, whom I callist that I know, stating: That for himself  
Don Isaac J. Sparks.

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PAGE 38

In the Port of Santa Barbara, in the Department of California, on the twenty ninth day of May, eighteen hundred forty six, before me, Julian P. Ayala, Justice of the Peace in said district & before the attending witnesses, with whom I act as delegate Judge for want of a Notary Public, besides the instrumental witnesses, called for this purpose, appeared D. José Compañero from Ortega, whom I callist that I know, stating: That for himself Don Isaac J. Sparks. have title, etc, came in whatever manner, he sells & gives over in real sale & perpetual alienation by right of succession former, to Don Isaac J. Sparks, who also appeared & to his assigns, the Rancho he holds in ownership known by the name of Pismo, & bordering to the east on the Monte del Arroyo grande, to the west on D. Miguel Ariza, to the North on the highland immediate to the road to Nipoma & S. Luis Obispo, & to the south on the sea, which rancho contains two square leagues a little more or less, according to the deed of concession and the respective plot exhibiting said land, in clause the documents of judicial possession, all of which he delivers up to said gentleman, together with the house constructed thereon, corral, fences etc, to which rancho he has a right, it having been legally granted to him by the Superior Government of the Department for which this has authority, as appears in the documents just mentioned, by virtue of which title it belongs to him in ownership & by possession, which title he declares & affirms not to have sold, alienated, or pledged, that it is free of any taxes, mortgage, privilege, entail, bond or any other real, perpetual, temporal, special, general, tacit or explicit encumbrance, & as such he sells it to him, binding himself to deliver it up in the form & in the manner they have now particularly agreed on, in consideration of four hundred & thirty head of black cattle, small & large, three hundred, twenty five dollars worth in goods, which number of cattle the purchaser will deliver to the vendor within the space of twenty five days more or less, subsequent to the receipt of the said rancho, & the vendor will receive the payment of said sum of money at his will, for which reason he renounces the exceptions he might take on the ground that the consideration was not counted in presence of witnesses, according to law 3<sup>rd</sup> title, 10<sup>th</sup> part. 5<sup>th</sup> article, making hereby a formal, firm & efficient receipt in favor of the purchaser, such as may be conducive to his security; & he likewise renounces any objection to the just-



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price & true value of the said Rancho, with the appertinances, because it is not worth more, nor did he find anybody who would give him more for it, & if it is or may be worth more he makes an entire, perfect & irrevocable gift & donation to the purchaser & his heirs & assigns of the whole, be it a small or large sum, which he does in truth with acknowledgment to the justice & other legal affirmations; he renounces the law 2<sup>a</sup>, Title 10<sup>th</sup> Book 10<sup>th</sup> in the law collection, which treats of contracts of sale, exchange, & others in which there are fixed damages in more or less than the moiety of the just price, & the four years it prescribes in which he demand the revision or complement to the just value, which laws he admits as out of force, as if they actually were so, & from this day hereforward gives the dis-  
 -poses himself, divides, quits & withdraws from his heirs & successors the dominion, ownership, possession, owing him of said Rancho, he cedes, renounces & transfers it to the purchaser with any real, personal, extra judicial, civil & ecclesiastical, direct & indirect causes of action to the purchaser or anyone representing him, so that he may possess, exchange, alienate, use and dispose thereof at his option as a thing of his own acquired with just & legitimate title, he invests him with an ir-  
 -revocable power of attorney for free, unimpeded & general administration, & he constitutes him procuring attorney in his own cause, that by his own authority or by judicial proceedings he may enter & possess himself of said Rancho, & take & seize the real tenancy & possession thereof, as lawfully owing to him & that he may not object to the taking it; he asks to be given a certified copy of the present deed, whereby without any other instrument of any kind, he has to admit it having been taken, seized & transferred to him, & in the mean time he constitutes him his lieutenant, keeper & tenant at will in lawful form; & he binds himself that said Rancho shall be certain, secure & actual to the purchaser, & nobody shall disturb him in or sue him upon his ownership, pos-  
 -session, fruits & enjoyment, nor shall there against it appear any incumbrance, & if he should be disturbed, sued or there appear any incumbrance, the grantor or his heirs & successors as soon as required according to law, shall appear in his defence & follow it up at their expense in all instances & tribunals till obtaining a verdict in favor of the purchaser or his assigns, & leaving him or them in free use, quiet & peaceable possession, & if not being able to obtain this, they shall give him some other equivalent for the value of the

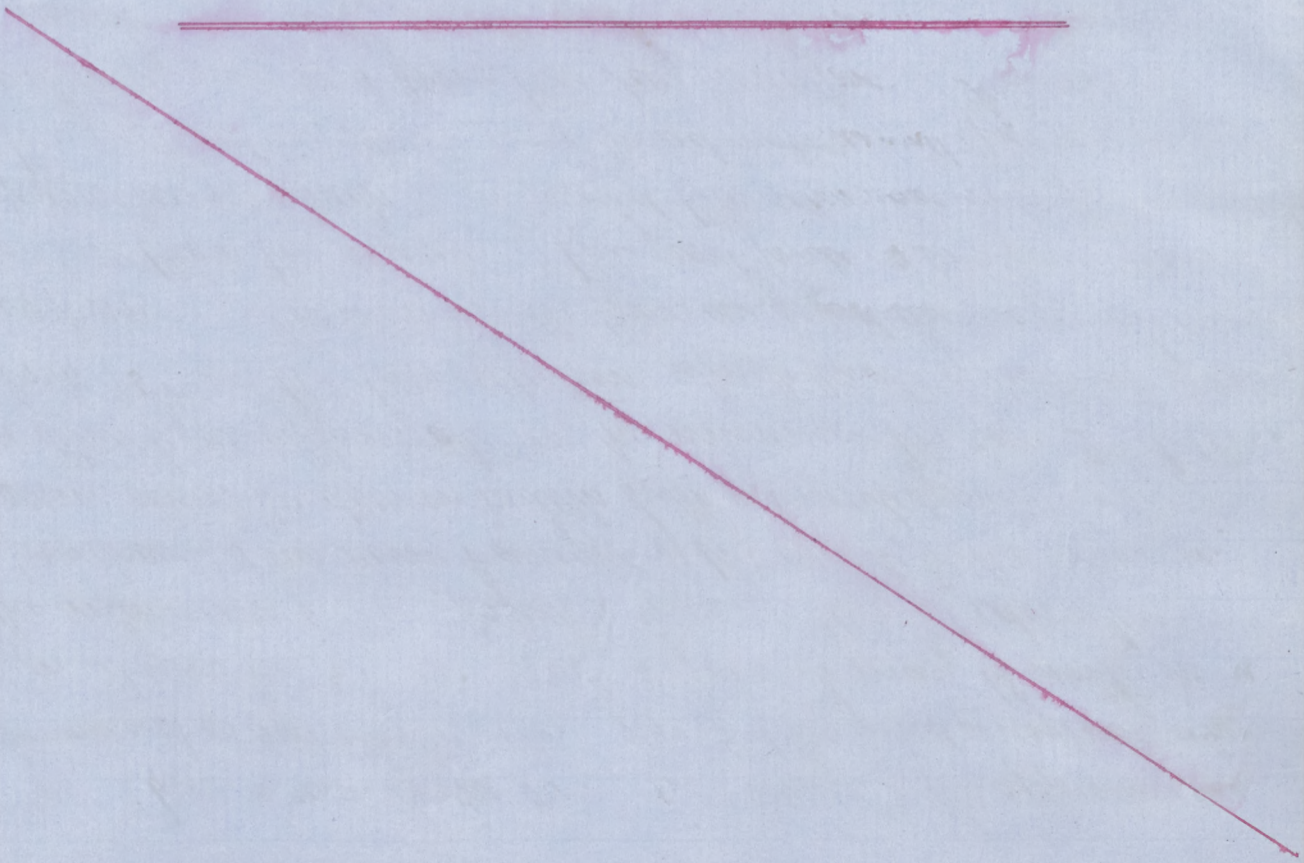


shall give him some other equivalent for the same of the  
 value, the sale & the profit thereof, & in default thereof they shall  
 return the amount he has disbursed, the useful, necessary, and  
 voluntary improvements that at the time may have the high-  
 est value & estimate such as all the costs, expenditures, inter-  
 ests & deteriorations consequent to & incurred by him, in  
 time may accrue, for the recovery of all of which they are to em-  
 power him to execute it in virtue of this deed, & the  
 oath of him, his or those representing him, whatsoever  
 that oath may import; & it relieves him from any other  
 proof. And for the observance of all the foregoing, he binds  
 his person, the property which he has or may have, he re-  
 nounces the laws in his favor or defence, he renounces  
 the disabilities at law, & he invokes the judges who ought to  
 take cognizance of this matter conformable to law, & full  
 power he confers him to the fulfillment thereof as by a  
 definite sentence by competent judges, pronounced on author-  
 ity of a verdict found or confessed, which he admits as such  
 & he signed this with me & the attesting witnesses, the citi-  
 zens Juan Camacho, Luis Canillo, Pascual Belletier &  
 Jose Garcia, who now present & are residents of this district  
 being instrumented witnesses, on this common paper  
 for want of stamped.

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 PAGE 40

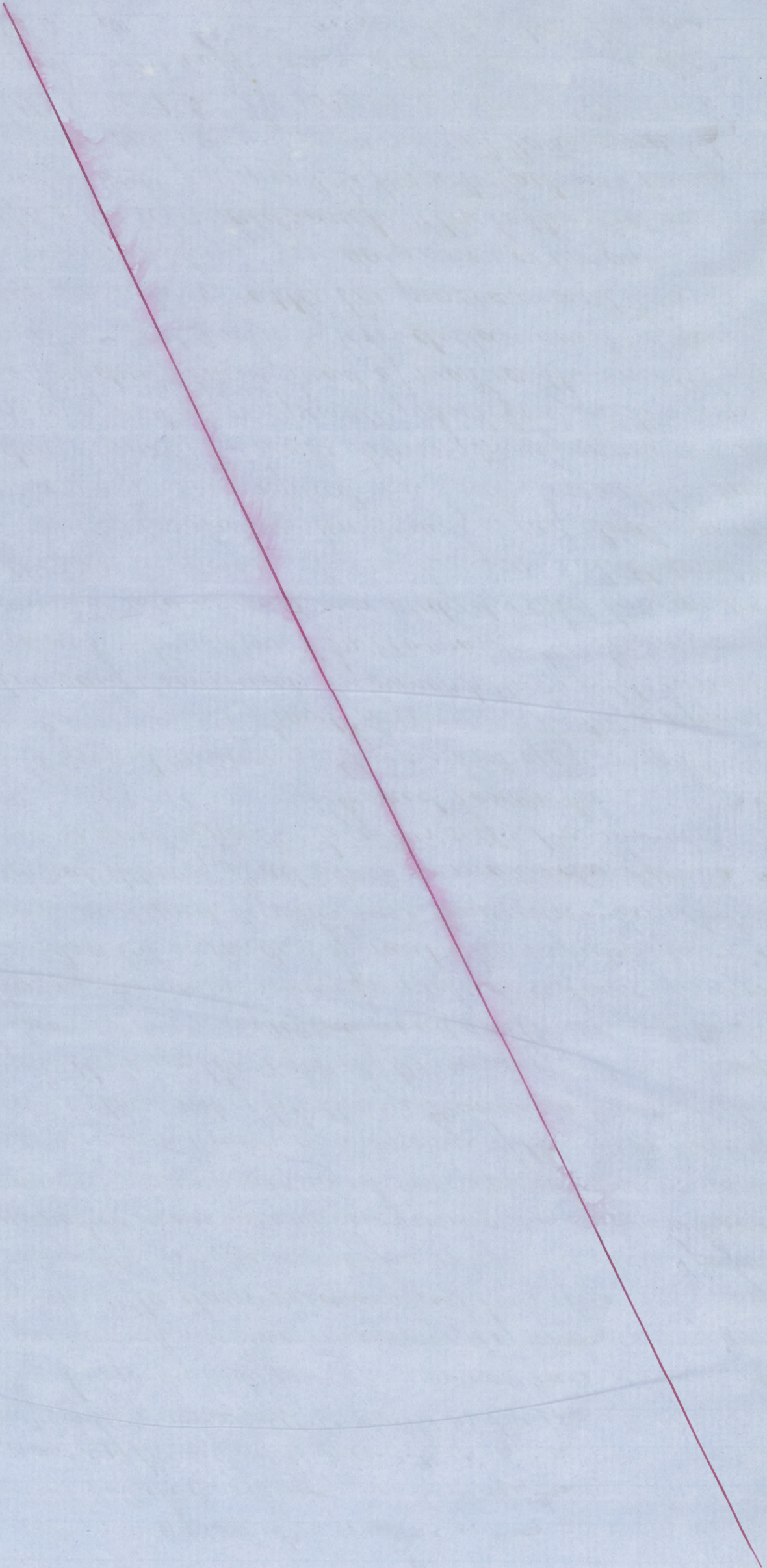
Juan P. Ayala.  
 Jose Ortega.  
 Julian Gomez.  
 Manuel de Leon.

Filed in Office July 7' 1854. Gu: Fisher  
 Secy



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Twenty ninth day of May in the year one thousand eight hundred



Translation of  
Ded from  
Ortega to  
Sparks.

Exhibit D.

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At Santa Barbara, Department of the California, on the twenty ninth day of May in the year one thousand eight hundred & forty six, before me Juan Pablo Ayala, Justice of the Peace of said place & in presence of my official witness with whom I act in lieu of notary public & in the presence of the witnesses specially called to attest this instrument whose names will be stated at the end of it, appeared Mr Juan Ortega by one personally known & accredited & said, that for himself, his heirs & successors, & of whomsoever of them may hereafter, claim or cause of action in the promise of whatever description, he sells & gives in absolute sale & perpetu-  
al alienation as an inheritance for money with Mr Isaac J. Sparks, who likewise appeared & his representatives the rancho belonging to him known by the name of Purio, bounded on the east by the north of the Arroyo Grande, on the west by land of Miguel Ariza, on the North by the range of hills adjoining the San Luis Obispo & Nipomo road & on the south by the sea, containing two ranges (cotes) for neat cattle a little more or less as described in the deed of grant & the respective plan which represents said land, together with the documentary evidence of judicial delivery of all which he makes due & formal delivery to said Sparks, together with the bona tenon, built, fences, &c &c, which said rancho he holds by lawful grant from the Superior Government of the Department by virtue of promise in said Government vested, as appears by the said documents, by which title he holds ownership & possession of the same & he covenants that the promise are neither sold, aliened, nor pledged & that they are clear of all taxes, signorage, clerical benefice, entail, bond or other real incumbrance, temporary or perpetual, special or general, express or implied, & as such does all the same binding himself to make delivery thereof in manner and form as a deed upon specially valuable, for the sum of four hundred & thirty head of neat cattle, small & great & three hundred & twenty five dollars worth of goods, which number of cattle the purchaser will deliver to the vendor within twenty five days more or less after the receipt of the agreed rancho & the latter will receive the same in full payment to his satisfaction & therefore renounces the exception he might take under Statute 9. Title 1. part 3. He recites in favor of the purchaser the most valid & efficacious acquittance that can lead to his security & likewise acknowledges that the full price & true value of the said Rancho are the said sum that it is not worth more & that he could not find anyone



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who would pay a larger price therefore if by chance said Ranchos may or can have a greater value, the vendor makes free gift & donation of the difference, be the same great or small to the purchaser, his heirs & successors perpetually & irrevocably in sound mind with due acknowledgment & other legal formalities & enjoining Statute 2<sup>o</sup> title 1 Book 1 Revalidacion which treats of contracts of sale, exchanges & other transactions when no damage occurs to the amount of more or less than the half of their just price & the four years allowed for the rescision of such contracts & for demand that the full price be made up, which said four years said Ortega covenants shall be held & deemed to have passed as if they actually had & henceforward forever renounces, abandons, releases, & gives up for himself his heirs & successors all title, property & possession to in or of said Ranchos & cedes, assigns & transfers the same together with all rights of action, real & personal, pecuniary, mixed, direct & indirect to the purchaser & whoever may represent him, to possess, exchange, alien, use & dispose of the same at his choice as property lawfully & justly acquired & gives him an irrevocable power with free, untrammelled & general administration & appoints him his attorney acting in his own cause of his own authority, or judicially to enter upon & possess the said Ranchos & take & seize the actual holding & possession which by law belongs to him, & to avoid the necessity of actual seizure, he prays that a certified copy of these presents be given to said purchaser, with which without any other act of seizure, he shall be deemed to have taken seized & received delivery & meanwhile the vendor constitutes himself the tenant & lease at will of the purchaser in due form, & the said grantor hereby warrants that said Ranchos shall be truly, securely & effectually the property of the purchaser & that no one shall disturb nor see him as to the ownership, possession, use & enjoyment thereof, and that no incumbrances shall be produced against the premises & that if there should occur such disturbance suit, or production of incumbrance, the vendor, his heirs or successors on being duly required thereto according to law, shall come to his defence & follow the same at their own cost through all courts & tribunals up to execution & until the purchaser & his representatives be left in free use & quiet & peaceable possession, & if unsuccessful in this shall replace the property by other of equal value, suitability & convenience & in failure thereof shall repay the price he has



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disbanded together with the useful, necessary & discretionary  
 improvements it may have at that date, the rise in worth  
 & value it may acquire by process of time, together with all  
 the costs, disbursements, interests & losses which may follow  
 or be assessed upon him, for all which execution may issue  
 against them in virtue of this writing & the oath of the per-  
 -son or persons interested as to the contents thereof, the same  
 being deemed to them & further proof being waived. In the due  
 performance of all which covenants, the covenantor binds all  
 his estate present & future & renounces the benefit of all laws  
 that make in his favor & defense, adding further, as in due  
 form the general guarantee which the law empowers, &  
 confer full powers on the Hon. Judge who shall have juris-  
 -diction of this transaction according to law to compel per-  
 -formance on his part, as upon a final sentence of a competent  
 Court, entered by virtue of a matter adjudicated without  
 appeal which he hereby waives. And the said Ortega has  
 signed the same with me & my official witnesses, the spe-  
 -cial witnesses to the execution of the deed being the citizens  
 Juan Camarillo, Luis Camillo, Pascual Boteller &  
 Don Garcia residents of this place. Done on common  
 paper for want of stamps.

Juan P. Ayala.  
 Don Ortega.

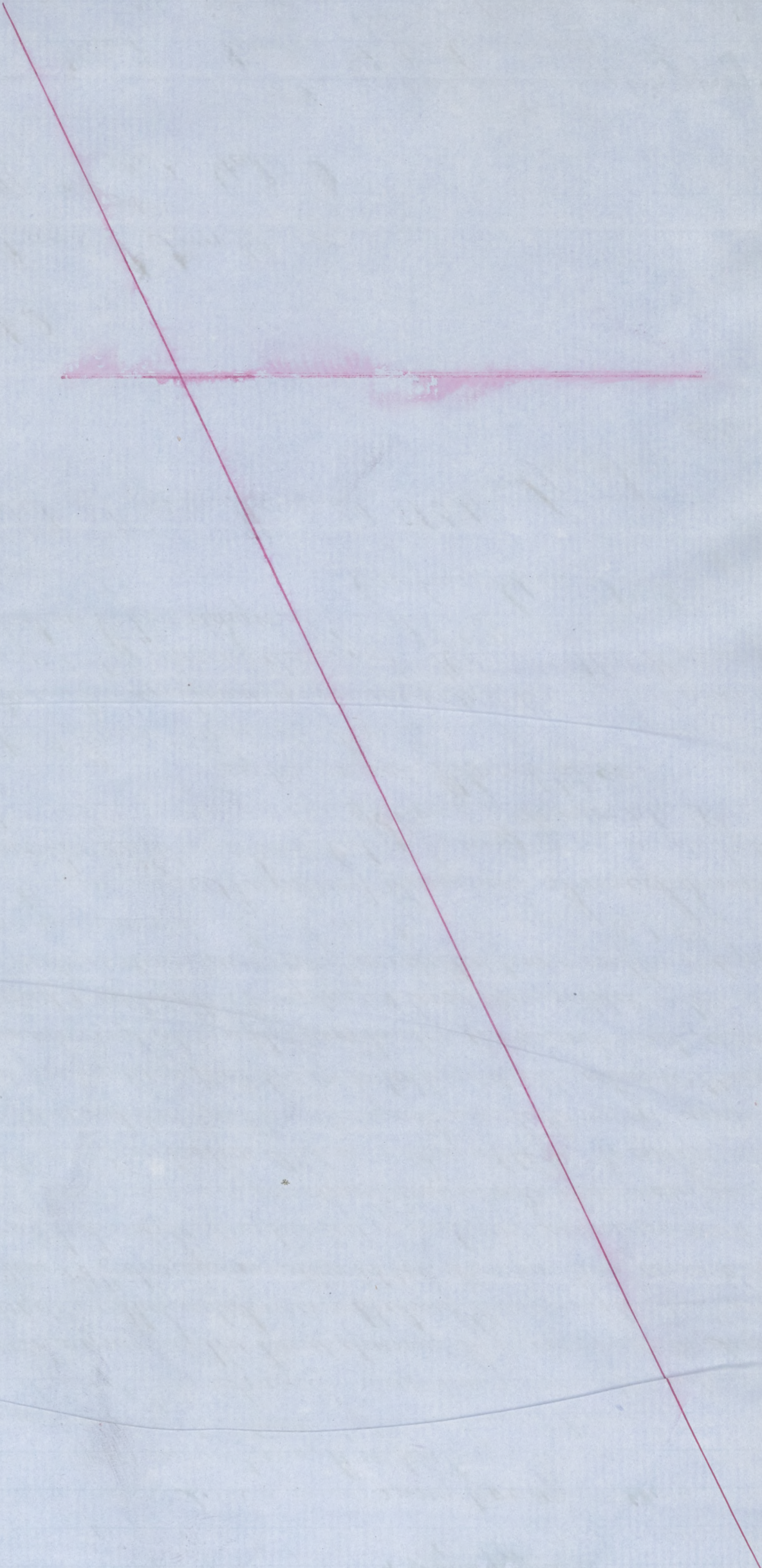
Attest Manuel Ponce de Leon.  
 Attest. Julian Gomez.

Filed in Office Sept 29<sup>th</sup> 1852.

Geo. Fisher. Secy.

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Isaac J. Sparks. For the place called Primo in  
 vs San Luis Obispo County, con-  
 The United States taining two square leagues of  
land.

Opinion of the  
Board by Comr  
Alphus Felch.

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The petitioner has filed in this case duly proved, a grant of the land claimed by him made to Jose Ortega by Manuel Amine, Acting Governor of the California on the 18<sup>th</sup> day of November 1846. He has also presented the usual testimonial of the act of judicial possession which shows that the official measurement was made & possession given to the grantee on the 2<sup>d</sup> day of May 1842. No approval by the Departmental Assembly appears to have been given. The proof is clear that the grantee went into possession of the premises immediately after he obtained the grant, built a house stocked & cultivated the place & lived there until he sold to the present claimant, who succeeded him in the occupancy of it.

The present claimant, Isaac J. Sparks, derives his title from said Ortega by conveyance made by the latter to the former on the 29<sup>th</sup> day of May 1846. This conveyance executed in the usual Mexican form, before a Justice of the Peace, in the absence of a Notary Public, is given in evidence duly proved, & by it the title of the original grantee passed to the present claimant. He is entitled to a confirmation of the claim.

Confirmed.

Filed in Office March 21 1854.

Geo. Fisher.  
Secy.

Decree of  
Confirmation 362.

Isaac J. Sparks. {  
 vs {  
 The United States }

In this case on hearing the proofs & allegations, it is adjudged by the Commission that the claim of the said petitioner is valid, & it is therefore hereby decreed that the same be confirmed.



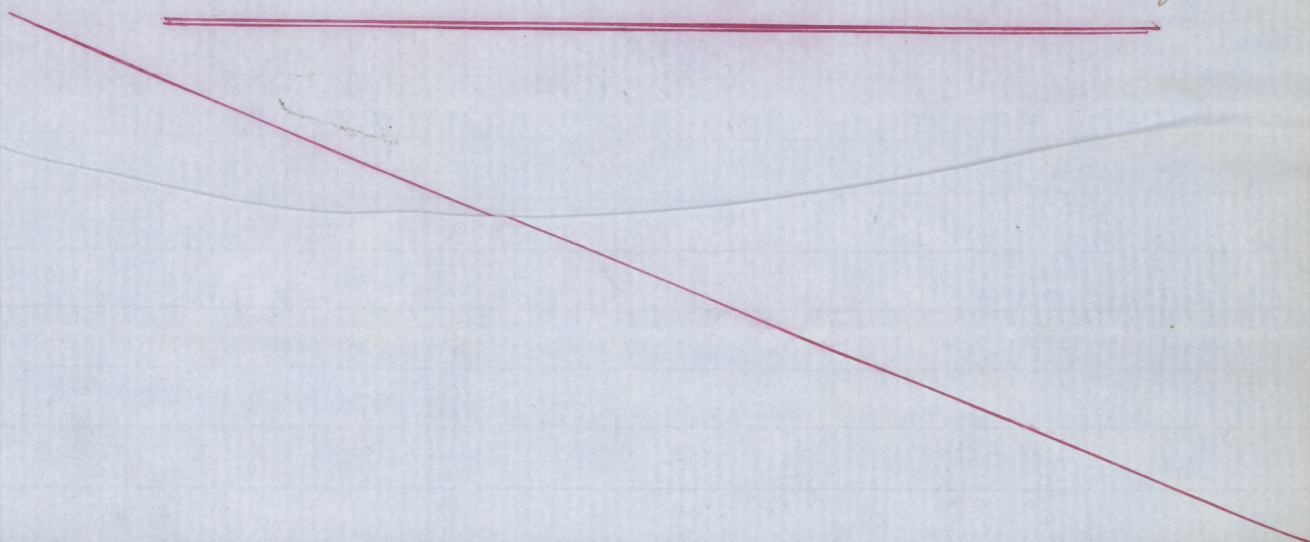
The land of which confirmation is hereby made as known by the name of *Pisano*, situated in San Luis Obispo County & is the same now in possession of said petitioner; & is bounded & described as follows; to wit: Commencing at the corner or Elbow formed by the Arroyo Grande on the line of Nazario Quijada whose lands extend upon said point & running thence in a North west direction twelve thousand five hundred varas to the small Arroyo called the *Corona* or *Chaschura*, at which spot a cross is placed on the boundary with Miguel Arista, thence in a North West direction over the hills to a place called *Chalchuchal* or the plain of San Luis, five thousand varas, where there is a cross placed to mark the boundary with Messrs Miguel Arista & Jose Maria Villa, thence east by a straight line ten thousand varas to the Arroyo Grande at a place called *Chochearuchas* or the Laguna where a cross was placed to mark the boundary with Messrs Jose Maria Villa & Nazario Quijada, thence along the margin of the Arroyo in a South south west direction seven thousand five hundred varas to a place called *Stable*, the Meadow & the bend of the Arroyo & the point of beginning; the said premises containing two square leagues of land, a little more or less. reference to be had to the map attached to the traced copy of the Expediente on file in the case & to the testimonial of Individual possession also filed therein.

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PAGE 45

Alphus Felch. 2  
Thompson Campbell. 3  
W. Aug. Thompson. 3 Commissioners.

Filed in Office March 21 1854.

Geo: Fisher. Secy.



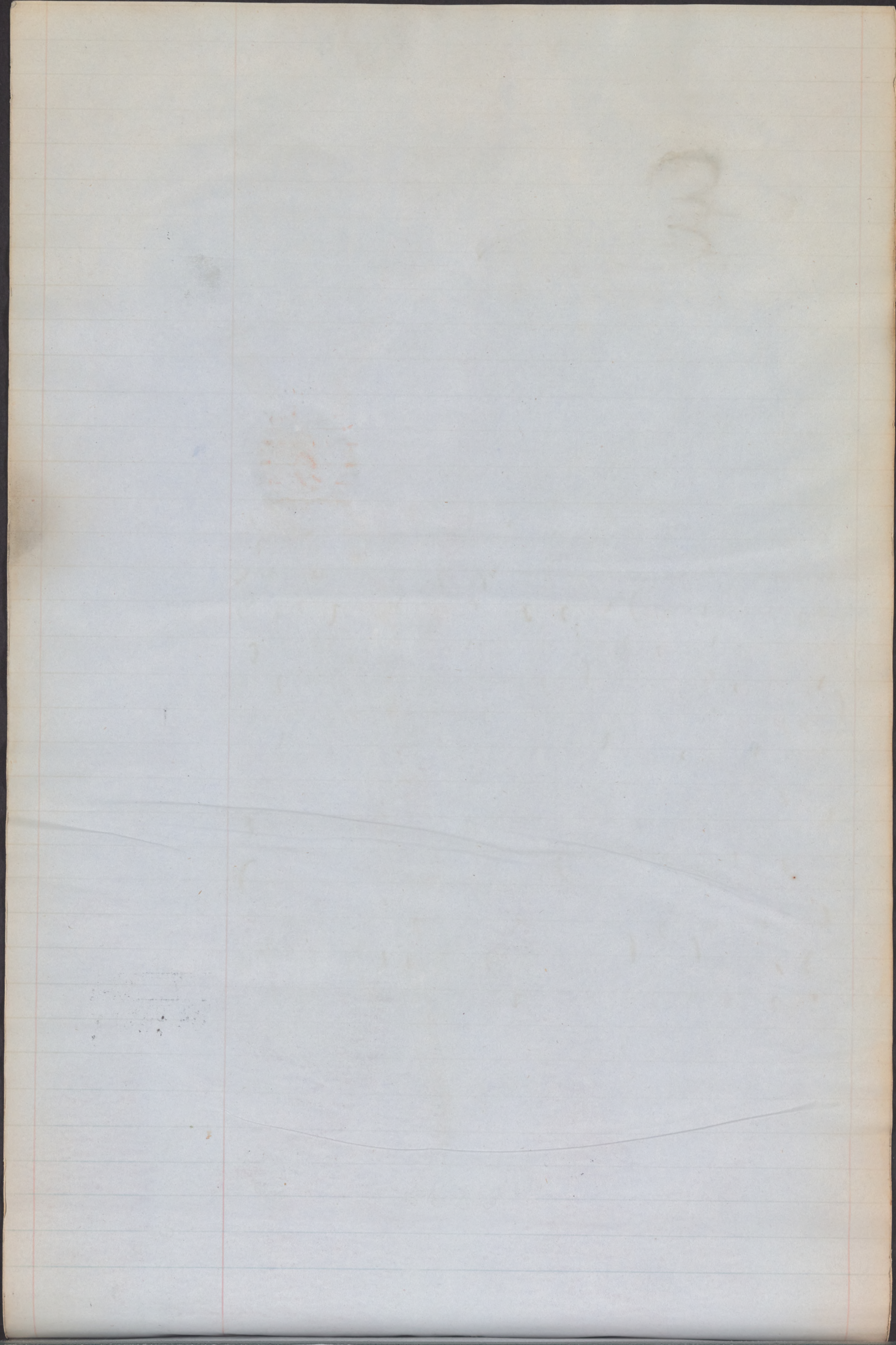
X



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PAGE 46

And in appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Southern District of California it is hereby Ordered: that two Transcripts of the Proceedings and of the decisions in this case and of the papers and evidence upon which the same are founded, be made out, and duly certified by the Secretary, one of which Transcripts shall be filed with the Clerk of the United States District Court for the Southern District of California, and the other be transmitted to the Attorney General of the United States.







Office of the Board of Commissioners,

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

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I, *George Fisher* Secretary to  
the Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
foregoing *forty three* pages, numbered from  
1 to *43*, 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. *362* on the Docket of the said Board,  
herein *Isaac J. Sparks is* —

Claimant against the United States, for the place known by  
name of "*Pismo*"

In Testimony Whereof, I hereunto set my hand  
and affix my private Seal (not having a Seal  
of Office) at San Francisco, California, this  
*thirtieth* day of *October*  
A. D. 185*4*, and of the Independence of the  
United States of America the seventy=*ninth*.

*Geo. Fisher*





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

No. 120. *Docket*

THE UNITED STATES,

vs. *S. D.*

*Isaac A. Sparks,*

*For* **120**  
*Pismo.*

TRANSCRIPT OF THE RECORD  
FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,  
In Case No. *362*

Filed, *November 8th* 1854.

*C. S. Jare.*  
*Clerk.*

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*N<sup>o</sup> 362*



Office of the Attorney General of the United States,

Washington, 17<sup>th</sup> January 1855.

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Isaac S. Sparks,

vs.

The United States.

} 362.

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 30<sup>th</sup> day of October 1854, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Cushing

Attorney General.



N<sup>o</sup> 120.

U. S. District Court  
Southern District.

The United States  
vs.  
Isaac S. Sparks

Notice of appeal from Att. Gen.

Filed July 27<sup>th</sup>, 1855.

J. E. Farr.  
clerk.

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Office of the Attorney General of the United States,

Washington, 17th January 1855.

SD

PAGE

*Duplicate*

*Isaac S. Sparks*

*vs.*

*The United States.*

*362.*

*120*

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 30th day of *October* 1854, the appeal in the district court of the United States for the district of California will be prosecuted by the United States.

*Clayton*

Attorney General.





Isaac I. Sparks. app<sup>t</sup>

Docket No. 120.

ad.  
The United States, app<sup>t</sup>

Transcript No. 362.

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

The Petition of **Pacificus Ord**, a resident of said City, County, and State, Attorney of the United States for the Southern District of California, who petitions in this behalf for the United States, and being present here in Court, in the name and behalf of the United States, represents as follows: That heretofore, to wit: on or about the 29<sup>th</sup> day of September A. D. 1852, Isaac I Sparks.

presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board, claiming a tract of land called Pismo situated in the County of San Luis Obispo State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the 1<sup>st</sup> day of March A. D. 1854, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 8<sup>th</sup> day of November A. D. 1854, a duly certified transcript of the proceedings and decision of the said Commissioners in said cause, and the papers and evidence on which the said decision was founded, was filed in the Office of the Clerk of the District Court of the United States for the Southern District of California, and marked No. 362; reference to which it is prayed may be had and made part of this petition. That on or about the 30<sup>th</sup> day of October A. D. 1854, the Honorable Caleb Cushing, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and



evidence on which said decision was founded. That thereafter, to wit:  
on <sup>or about</sup> the 27<sup>th</sup> day of February A. D. 1855; the said  
Attorney-General of the United States filed, or caused to be filed, in  
behalf of the United States, a notice with the Clerk of said District  
Court of the United States, that the appeal in said cause from the said  
decision of the said Commissioners, in the District Court of the United  
States for the Southern District of California, would be prosecuted by the  
United States. Your petitioner further represents, that the land claimed,  
as aforesaid, is situate in the Southern District of California, and within  
the jurisdiction of this Honorable Court. Your petitioner further represents  
and insists, that the said claim is invalid; and the said decision of said  
Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for  
many errors and imperfections of law and evidence, apparent in said certified  
transcript of the proceedings and decisions of said Commissioners in said  
cause, filed and appealed from as aforesaid. And your petitioner denies all  
and singular, each and every allegation in the said petition of said claimant,  
presented as aforesaid to said Commissioners. And your petitioner further  
denies that the said claimant has any valid right or title to said land claimed  
as aforesaid, or any part thereof.

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PAGE 51

02 21  
PAGE 30A9

And no sufficient proof having been made of the allegations in said pe-  
tition to said Commissioners, or in support of the said claim, no decision con-  
firming the same should have been made by said Commissioners; but the



said claim should have been rejected by them. And the said claimant, having no valid right or title derived from the Spanish or Mexican Governments, to the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by, and it now belongs to the United States, by virtue of conquest, and the Treaty of peace, friendship, limits and settlement, between the United States and the Republic of Mexico, made at the City of Guadalupe Hidalgo, February 2d, A. D. 1848.

Wherefore, the said Pacificus Ord, Attorney of the United States for the Southern District of California, for and in behalf of the United States, by reason of the premises, and in pursuance of the Act of Congress, entitled "An Act to ascertain and settle the Private Land Claims in the State of California," approved March 3d, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said claimant, or his attorney may be served with a copy of this petition; and that this Honorable Court will review the said decision of said Commissioners, and reverse the same; and decide on the validity of the same, and decree the alleged title to be invalid: with costs and general relief.

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



No 120.

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

Isaac J. Sparks  
appé.

ads.

The United States  
appl.

Petition for Review.

Filed Nov 8<sup>th</sup> 1835.

120 SD

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PAGE

J. H. Van  
Clerk

For. U. S. Atty.



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

TO

The President of the United States,

*Isaac S. Sparks*

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GREETING :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against you, ~~and each of you~~, in the District Court of the United States, in and for the Southern District of California, on the *9<sup>th</sup>* day of *November* in the year of our Lord one thousand eight hundred and fifty-five at the City and County of Los Angeles, in said District, by

*J. Ord U.S. Atty for the Southern*

*Dist. of California, in behalf of the United States praying said Court to review the decision of the U.S. Land Commissioners of the 5<sup>th</sup> day of March A.D. 1854 Confirming your claim to the land called "Tisimo" situated in the County of San Luis Obispo and State of California and appealed by the Attorney General of the United States*

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

*Court for the relief demanded therein*

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

*J. E. San*

Clerk.

EX-11





120

Marshes Cost

Copying Summons - 60

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Petition 3 -

Mileage 120 Miles each

for Summons and

Petition

21.60

\$ 28.20

United States of America,

Southern District of California,

U. S. DISTRICT COURT.

Isaac J. Sparks  
Applicant

vs. ~~the~~ <sup>the</sup> United States

Appellee

SUMMONS.

Dated November 13th 1855

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I served this summons along with the proper copy of the petition upon Isaac J. Sparks by delivering to him personally a true Copy of the Original Summons

at Santa Barbara County of Santa Barbara in the Southern District of California on the 31<sup>st</sup> day of November A. D. 1855.

Sworn to and subscribed before me, this 7<sup>th</sup> of December 1855 C. E. Linn Clerk.

Edward Hunter  
U. S. Marshal.

By Jam R. Drummer by M. S. Goodman  
Deputy



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

Isaac Sparks

vs

The United States

No 120

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The answer of Isaac Sparks,  
of the County of Santa Barbara, as claimant in  
his own behalf, to the petition of the United States  
District Attorney for the Southern District of  
California, claiming on behalf of the United  
States the Rancho of the "Pismo" containing two  
square leagues of land situate in the County  
of San Luis Obispo in the Southern District of  
California and praying this Honorable Court to  
review the decision of the "Board of Land Commissioners  
to ascertain and settle private Land Claims in  
the State of California."

And the said Sparks, answer-  
ing in his own behalf, denies all and singular,  
each and every allegation in the said petition  
contained, save and excepting, that the Land is  
situate in the Southern District of California  
and affirms that his title to the Land claimed  
is valid and prays that this Honorable Court  
affirm the decision of the aforesaid Board of  
Commissioners, and that his title to the said Land  
be decreed to be true and valid with costs and general charges

Isaac Sparks



No 120

In the District Court U.S.  
Southern District of Cal.

Francis Sparks

vs

The United States

Answer of plff to petition  
of U.S.

Filed Dec. 6<sup>th</sup> 1855

C. C. Carr

Clerk

By James N. Sumner

Deputy.

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United States District Court for  
the Southern District of California

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The United States } Docket No. 120,  
                          <sup>appellants</sup> }  
                          vs. }  
Isaac J. Sparks, } Transcript No. 362,  
                          <sup>appellee</sup> }

And the said appellee and claimant  
Isaac J. Sparks, for answer to the petition  
filed in this cause says, that it is true the said  
lands mentioned in said petition and described  
in said transcript filed in this cause lies  
within the said Southern District of California  
and within the jurisdiction of this court.

But this respondent denies that his  
said title is invalid, and that the same is  
a good and valid title to the said lands  
described in said transcript. Wherefore this  
respondent prays that the decision of the Board  
of U.S. Land Commissioners may be affirmed  
and his said title declared to be valid -

E. T. Crosby  
Atty for appellee -



No. 120,  
U. S. District Court  
Southern District of Calu  
— — —

The United States

vs

Isaac J. Sparks  
— — —

Answer.

Filed this 22<sup>nd</sup> December  
A. D. 1856

C. J. S. H. C. H. C. H.  
J. S. H. C. H. C. H.  
C. J. S. H. C. H. C. H.

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E. O. Crosby  
Att. for appellee



United States District Court  
for the Southern District of  
California

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December Term 1856.

Isaac J. Sparks,  
appellee  
vs  
The United States  
appellants

No 120

This cause coming on to be heard  
on appeal from the decision of the board  
of Land Commissioners to ascertain and  
settle private land claims in the State of  
California under act of Congress, approved  
March 3<sup>d</sup> 1857. upon the transcripts of  
proceedings and decision of said board  
and ~~upon~~ the papers and evidence upon  
which said decision was founded,  
all of which have been duly filed in  
this court, and counsel for the respec-  
tive parties having been heard, it is ordered  
adjudged and decreed that the decision  
of said board confirming unto said  
Isaac J. Sparks the appellee above named  
the lands described in said transcripts  
filed in this cause be and the same is  
hereby affirmed and that the title of the  
said Isaac J. Sparks is a good and valid  
one —

BYCE  
1856-57



The lands of which confirmation is hereby made is that known by the name of, Pismo, situated in the county of San Luis Obispo, and is bounded and described as follows bounded on the east by the woods of the Arroyo Grande, on the west by the small Arroyo, which likewise bounds lands of Miguel Avila, on the north by the low range of hills along the Pismo and San Luis Obispo road and on the south by the Sea, containing two square leagues of land and for further description reference being had to the grant of said lands made by Manuel Gueno dated November 18. A.D. 1840, to Jose Ortega, and to the map or plan of said lands, and the act of judicial possession dated May 4. 1842, which said grant, map or plan and act of judicial possession are filed in this case. Provided the said quantity of ~~two square leagues of~~ land ~~be~~ contained within said boundaries do not exceed two square leagues, then confirmation is hereby made to that amount, but if the quantity within said boundaries be less than two square leagues, then confirmation is hereby made for such less quantity.

Juan S. Ortega  
for the State of Cal



No. 120.

U. S. Dist. Court  
Southern Dist. Cal.

Isaac I. Sparks

ads

The U. States:

Diener. of Confirmation

Filed Dec 24<sup>th</sup> 1886

C. Sims

Chk

Recorded in page 114

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California Land Claim.  
Attorney General's Office  
27 Jan'y, 1857.

Sir:  
In the case of the claim of  
Isaac S. Sparks, confirmed to the  
claimant by the Commissioners, case  
no. three hundred and sixty-two,  
(362) appeal will not be prosecuted  
by the United States.

I am,  
Respectfully,  
Ours,

Pacificus Ad Eq  
U. S. Attorney,  
Los Angeles.



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

December term 1857

Isaac J Sparks  
appeller

vs  
the United States  
appellants

Case N° 120.

Transcript N° 362.

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Before the Hon J S K Ogden Judge  
on motion of P. M. attorney  
of the United States for said district; and on  
suggesting to the Court that it is not the  
intention of the United States to prosecute  
further the appeal in the above case;  
it is ordered by the Court that the order  
granting an appeal to the supreme Court  
heretofore entered be vacated and that the  
claimant have leave to proceed upon the  
decree of this Court heretofore rendered, as  
a final decree

~~Isaac J Sparks~~  
U S Dist Judge



No 120

Pismo

Francis J Sparks

appellee

vs  
the United States

appellant

Transcript No 362

Filed this 1st March 1868

C Simons  
J. M. Coleman

Dep

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*[Faint handwritten notes in the left margin, including "Francis J Sparks" and "vs the United States"]*

*[Faint handwritten notes in the right margin, including "Francis J Sparks" and "vs the United States"]*



Office of the Surveyor General of the United States, }  
FOR CALIFORNIA. }

I, J. W. MANDEVILLE, United States Surveyor General, for the State of California, do hereby certify that the Rancho "Pismo"

confirmed to Isaac J. Sparks,

has been surveyed by this office, and that the survey and plat was approved by the U. S. Surveyor General, on the 29<sup>th</sup> day of January 1861;

that I have caused to be published, once a week, for four weeks successively, in two newspapers, to wit: the Santa Barbara Gazette, published in the County of Santa Barbara, State of California,

being the newspaper published nearest to where the said Rancho is located, the first publication being on the 14<sup>th</sup> day of February 1861,

and the last, on the 7<sup>th</sup> day of March, 1861; also, in the Los Angeles Star,

a newspaper published in the City and County of Los Angeles, State aforesaid,

the first publication being on the 23<sup>rd</sup> day of February, 1861,

and the last on the 16<sup>th</sup> day of March, 1861, a notice that the said land had been surveyed, and a plat made thereof, and the survey and plat approved by me.

And I do further certify, that the said survey and plat were retained in my office during all of said four weeks, and until the expiration thereof, subject to inspection; and I further certify, that no order for the return thereof to the U. S. District Court, has been served upon me.

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of office to be affixed, at the City of San Francisco, this 31<sup>st</sup> day of

May, 1861

J. W. Mandeville  
U. S. Surveyor General for California.



I hereby certify the above and foregoing to be a full, true and correct copy of the original, as the same appears of record in this office.

Witness my hand and the seal of said office at the City of San Francisco this 6<sup>th</sup> of August, 1866.

L. L. Latham  
U. S. Surveyor General



No 120

U.S. Post Office  
San Francisco Cal

James J. Parks  
" "  
United States

City of Survey

Filed Aug 9. 66  
J. Wheeler Clerk

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