

CASE No.
154

SOUTHERN DISTRICT

NUESTRA SENORA DEL REFUGIO GRANT

ANTONIA MARIA ORTEGA
CLAIMANT

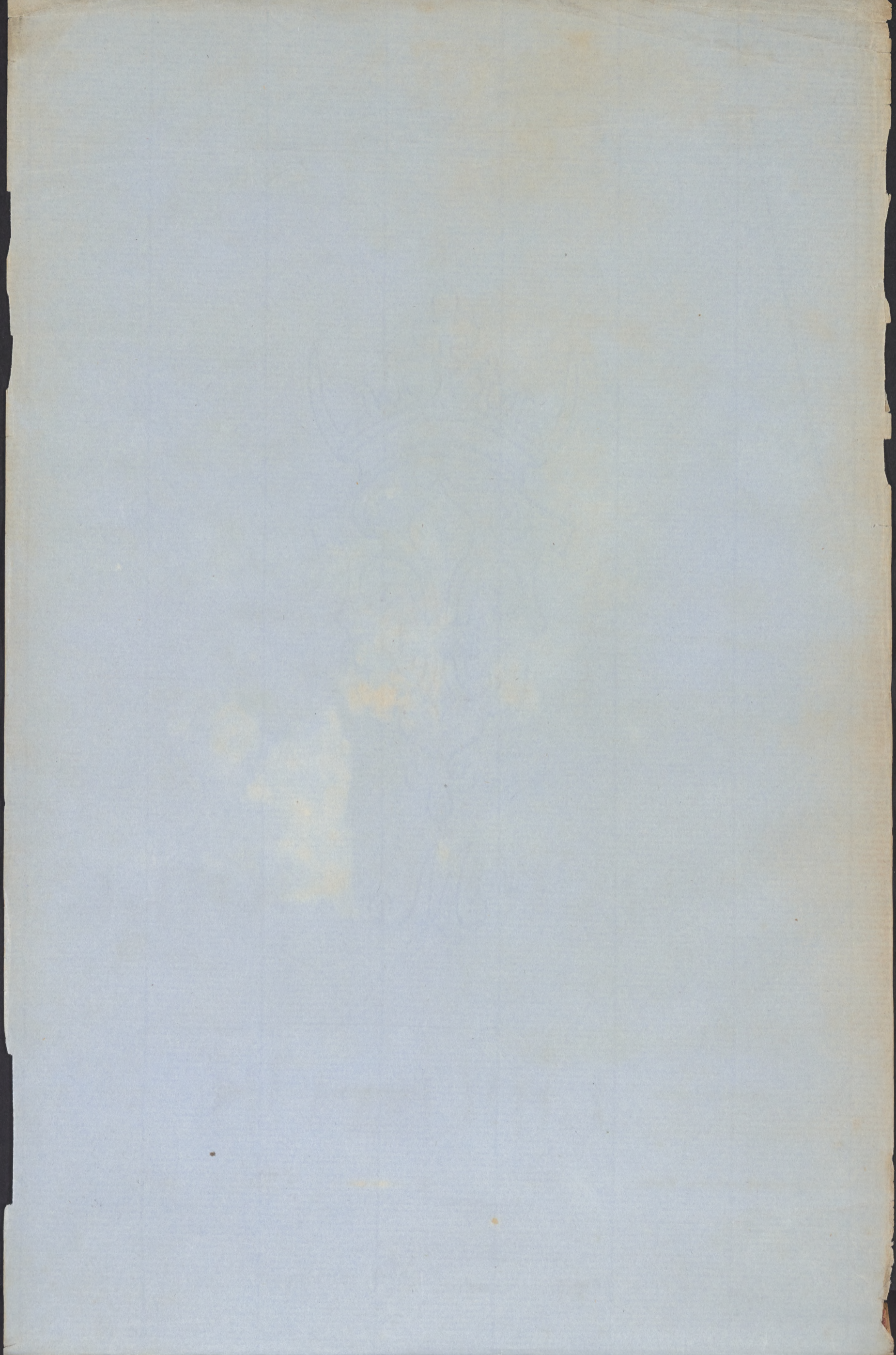
LAND CASE 154 SD pgs. 84

MAR 5 1963

A. S. V.
52% COTTON FIBER
BROWER BOND
Manufactured

822

Smith Street



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PAGE 1

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. *522*

Antonia Maria Ortega

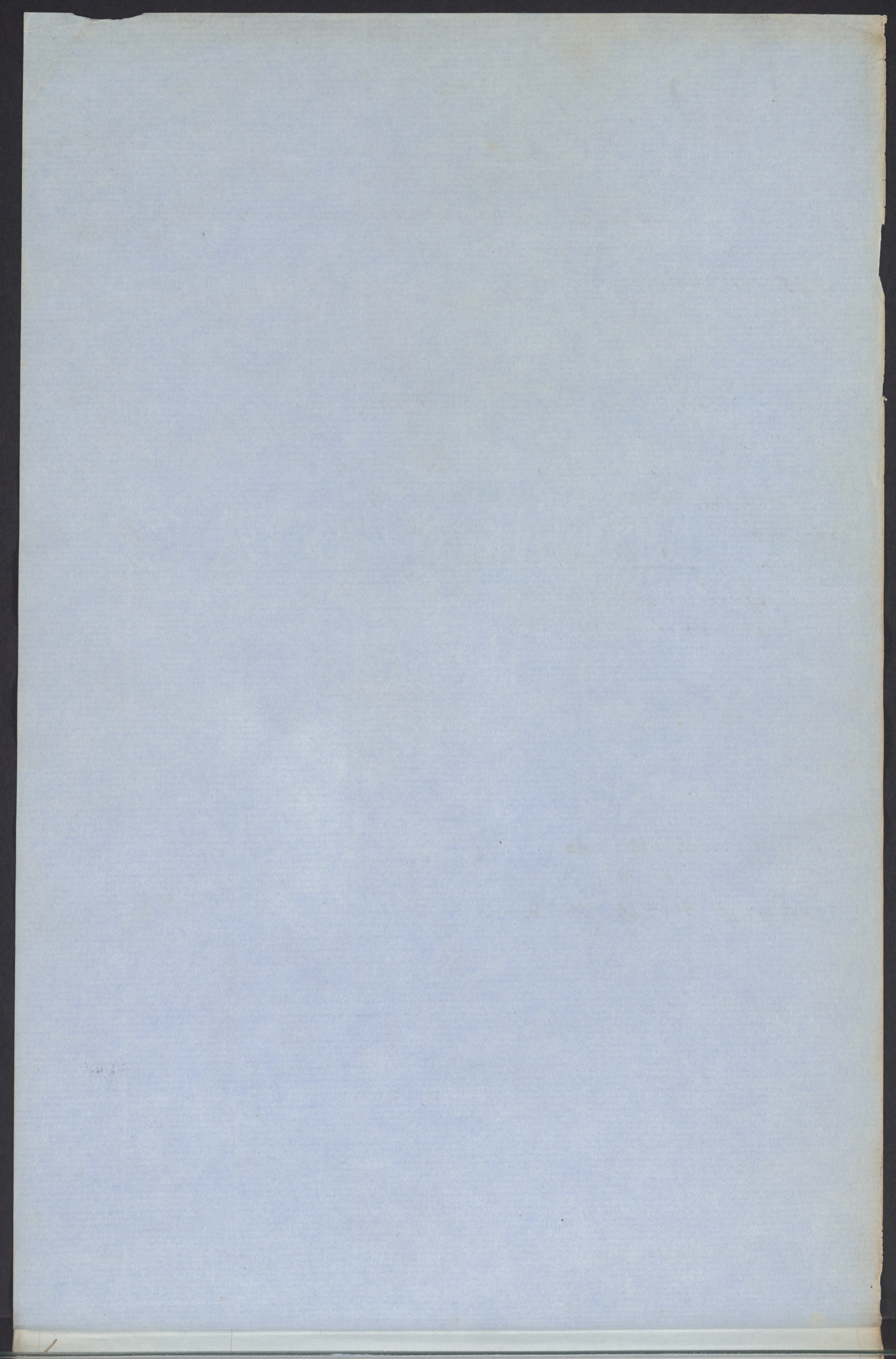
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Nuestra Señora del Refugio."



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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

The Petition of Antonia Maria Ortega,
~~~~~ for the Place named  
~~~~~ "Nuestra Senora del Refugio,"  
was presented, and ordered to be filed and docketed with No. 552, and is as follows, to wit;

(Vide page 3 of this Transcript.)

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

San Francisco, Jan. 29th 1853.
In Case no. 552, Antonia Maria Ortega for the place named "Nuestra Senora del Refugio," the deposition of Jose Maria Covarrubias, a witness in behalf of the Claimant, taken before Commissioner Helaina Hall with documents marked A. H. nos. 1 & 2, annexed thereto was filed.

(Vide page 4 of this Transcript.)

~~~~~  
San Francisco, Oct. 5<sup>th</sup> 1853.  
Case no. 552 was submitted on briefs and taken under advisement by the Board.  
~~~~~

San Francisco March 14' 1854,
In the same case Commissioner Thompson
Campbell delivered the opinion of the Board
confirming the Relating;
(Vide page 58 of this Transcript)

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San Francisco Aug. 15' 1854,
In the same case, on motion of the United States
Law Agent, the following order was made, to wit:
(Vide page 60 of this Transcript)

Petition

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To the Board of Commissioners for ascertaining & settling private land claims in the State of California.

Your petitioners Antonio Maria Ortega and Magdalena Cota de Ortega of the County of Santa Barbara in the State of California respectfully represent to your honorable board; that they claim a certain tract of land called Nuestra Señora del Refugio containing six thousand five hundred and one square leagues of grazing land situated in the County of Santa Barbara in said State of California, that they claim the same in fee by virtue of a grant made to them under the authority of the Mexican Government by José Figueroa, Colonel of Brigade of the Mexican Army, General Commander, Inspector Superior and Political Chief of the Territory of Upper California & Governor thereof, bearing date the first of August 1834.

Your petitioners would further represent that judicial possession of said tract of land was granted to the said grantee on the 27th of April 1845 & the boundaries thereof designated & defined & that they have been in the peaceable possession thereof ever since and that they have no knowledge of any interfering claim.

Your petitioners present herewith the original grant of said land & the judicial possession in the Spanish language with the translation of the same & will make further proof of title if required by the board.

Your petitioners pray your honorable board to take into consideration their claim to said tract of land & decree their title to be valid & confirm the same.

And your petitioners will for ever pray.

N. Herbert.

Atty for Petitioners
Filed in Office June 19 1853.
Geo. Fisher Secy.

San Francisco Aug. 29/1853

On this day before Comr. Heiland Hall, came Jose M. Corambiar a witness in behalf of the claimants Antonio Maria Ortega et al. petition No 522, & was duly sworn, his evidence being witnessed by the Jury.

Deposition of Jose Maria Corambiar.

The U.S. Associate Law Agent was present.

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In answer to inquiries by the court for the claimants the witness testified as follows.

My name is Jose M. Corambiar, my age is forty four years, & my residence Santa Barbara.

A paper is now shown me purporting to be a grant to Antonio Maria Ortega & Magdalena Cota de Ortega dated August 1st 1834. which is hereto annexed and marked H. H. No 1. I am acquainted with the hand writing & signature of Jose Figueroa & Augustin N. Zamoran, & believe their signatures on said paper to be genuine.

Another paper is shown me purporting to be a testimonial of judicial possession dated in April 1846, which is hereto attached & marked H. H. No 2. I am acquainted with the hand writing & signature of Antonio M. Ortega, Magdalena Cota Juan Ayala, Raymundo Camille, Nicolas A. Don, Jose M. Ortega, Vicente Ortega, Miguel Gordon, Augustin Manser, Jose Dolores Ortega & Jose M. Valencuela, & I believe their several signatures on said paper to be genuine.

I am acquainted with the granters before mentioned & the land described in the grant. The claimants had a house on the land before it was granted to them & they have continued to reside

5

in it to the present time. They have cultivated the land, have a vineyard & fruit trees, & have occupied the land with cattle.

Jose M^a Corumbae.

Sworn & subscribed

Before me

Herland Hall.

Comr.

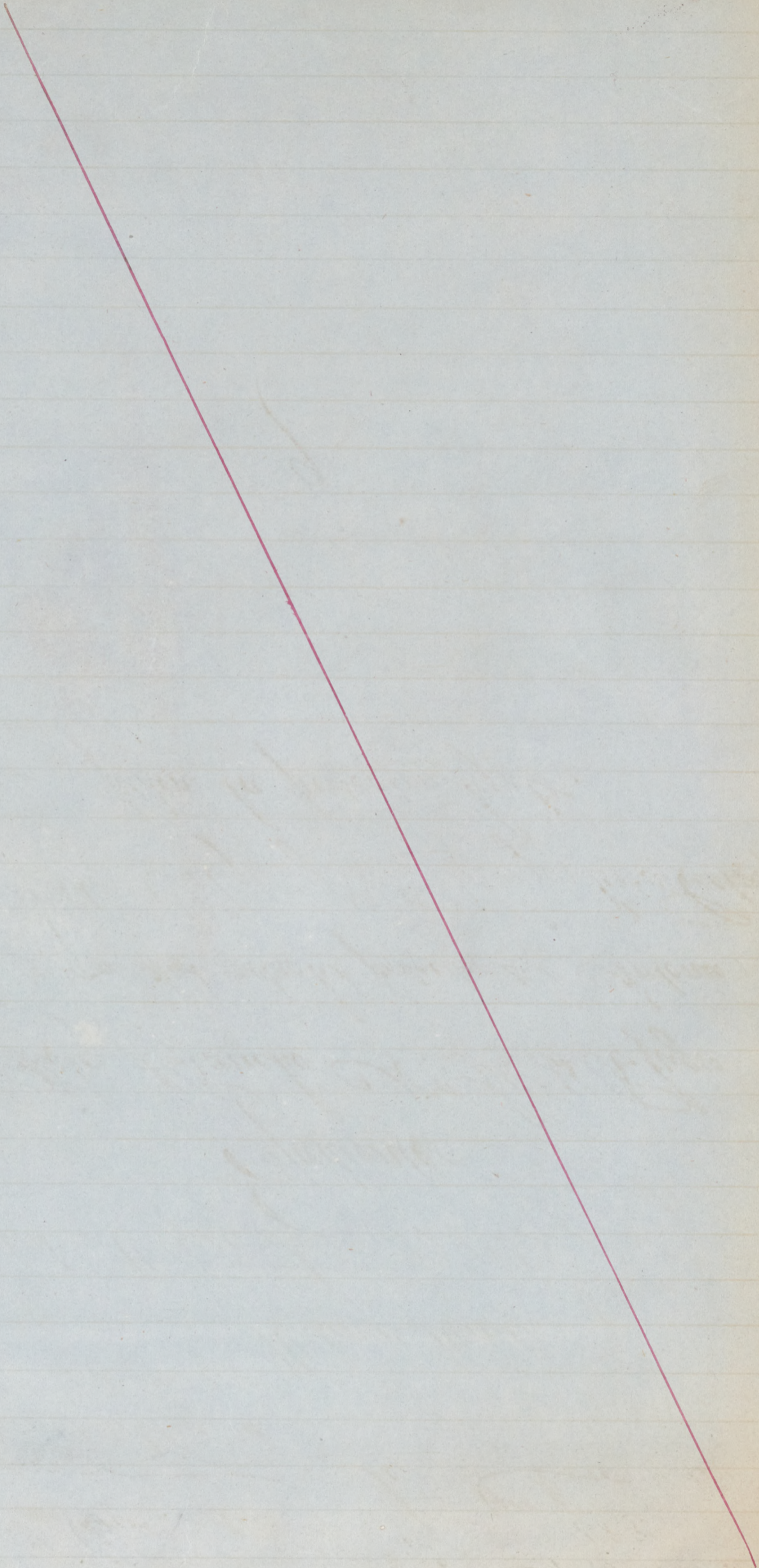
Filed in Office Jan'y 29' 1853.

Geo: Fisher.
Sdy.

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9
Jurisdicción de No. 42 Año de 1834
Sta. Barbara

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Expediente
Sobre el Rancho N.º 1.º del Refugio
en que sus actuales poseedores D. Antonio
M.ª Ortega y D.ª Magdalena Cota,
piden la posesion legal.

9

8
Sr Jefe Sup. Político²

Monterrey Mayo
5 de 1834

Solicitando y
agregando los ante-
cedentes de q. ha
mencionado el Supli-
cante; y dese cuenta
contado p. a resolver
lo conveniente.

Figueras

Sr Jefe Sup. Político

La Secretaria
agrega los antecedentes
a q. se contra este
secreto y todo lo para
a la superioridad de
V. S.

Monterrey Mayo
6 de 1834

Agustín V. Zamorano

= dalina Cota por su parte y reflexion q. a echo
es conforme con el representante quedar en segunda
respecto al derecho q. le corresponde por su finado
marido: en tal concepto, suplican a V. S.
se digno mandar dar la posesion solicitada a
los q. representan.

A. V. S. Suplican acuda a su solicitud
con q. reciban merced y gracia, jurando no
saber de malicia y lo necesario, no yendo otra
instancia en el papel ~~Solicitado~~ q. corresponde por
no haberlo de ningun sello en el lugar

Antonio M. Ortega, Cabo de
Milicias de Art. ante la
notoria justificacion de V. S. como
mejor el derecho le permite
comparecer y dice: que habiendo
hecho instancia en union de
D. Francisco Ortega, q. dirigiéron
al Sr anterior de V. S. D. Ja.

Diego m. de Lcheandia en
solicitud de la posesion del
rancho nombrado N. S. del
Refugio, cuya instancia se halla
en la Secretaria del Gobierno
de este territorio con los documentos
referentes a su ocupacion, y
como hasta ahora no ha
obtenido razon alguna, suplica
a la bondad de V. S. se digno
mandar dar curso a aquel
expediente: Pero le es preciso
advertir q. el expresado D. Francisco
ha fallecido, y su viuda D. Mag-

dalena Cota por su parte y reflexion q. a echo
es conforme con el representante quedar en segunda
respecto al derecho q. le corresponde por su finado
marido: en tal concepto, suplican a V. S.
se digno mandar dar la posesion solicitada a
los q. representan.

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con q. reciban merced y gracia, jurando no
saber de malicia y lo necesario, no yendo otra
instancia en el papel ~~Solicitado~~ q. corresponde por
no haberlo de ningun sello en el lugar

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Expediente

9
Sta Barbara Abril 17 de 1834
Antonio m.^a Ortega

3
Monterrey Mayo 13 de 1834

Agreganse a esta instancia los antecedentes
y pase el expediente al Comandante Militar de Santa
Barbara ante quien, como encargado de Justicia los
Solicitantes produzcan una informacion de tres testigos
idoneos que sean interrogados sobre los puntos siguientes

1.^o Si conocen a los pretendientes, si son
ciudadanos Mexicanos por nacimiento, si son de buena
conducta.

2.^o Si el terreno que solicitan lo han poseido
y cuanto tiempo, si lo han cultivado y poblado, por
que autoridad les fue conferido, si tienen ganados en el.

3.^o Si dicho terreno pertenece o ha pertenecido
a propiedad particular, minion, Corporacion o Pueblo:
Si es de regadio, temporal o abrevadero y que extension
tendra y cuales son sus linderos.

Evacuadas estas diligencias el Comandante
informara lo que le Conste y devolva el expediente para
Su resolucion. El Sr. D. Antiguerra Com. de
Brigada Comandante Gen. y Jefe Superior Politico
del Territorio de la Alta California au lo mando,
decreto y firmo, de que doy fe

Don Figueroa

Agustin V. Zamorano

Srio

Sr. Gov.
4

Jn. Jose de Ortega, Sargento inv.^{do} y disting.^{do}
de la Compania del R. Presidio de Sta. Barb.^a ante
la Jefe de Justicia y Concilio de N. E. hace presente
Primam.^{te} los meritos de Su dif.^{to} Padre, haber
Sido Conquistador de toda esta Prov.^a y el explorador
del descubrim.^{to} de la Baya que mando en el mes
de Feb.^o del año de 98. Con el grado de Capn.

10
graduado; de edad de 63 años, empleada su vida en
Servicio de S. M. con mando en todos estos Presidios
menos el de S. Fran^{co}. Como tambien en la vaxa
California, Norte y Sur, y en todo lo q. se le confio.
desempeno con amor.

Yo tube el gusto de servir a mi Soberano
desde la edad de 14 años no cumplidos, he servido
24 y meses, lo mejor q. pude en la Alta y Baja
Calif. Confiandome las fronteras en el año de
831 h.ª el de 87, recién fundadas con solo 10 Sold.^{os}
y saliendo cada 8 dias a cortar la tierra por el enemigo
q. armazaba del rio Colorado en 75 un año de
continuas campañas, omitiendo a N. S. otras
muchas q. tengo hechas en dicho Rio Colorado,
y en otras q. me he visto ya en manos de mis enemigos
con la vida vendida, y todos mis compañeros
los mas heridos.

Todo lo q. pongo a la consideracion,
piedad y justicia de V. S. para darle conocimiento
del tiempo q. poseemos este Sitio nombrado de N. S.
del Refugio que fue pedido por mi finado Padre, y
yo q. lo descubri en registros de maderas para
la reforma de este Pres. de Sta. Barbara, y con
lic.ª del dif. Sr. Gov. J. Jose Ant. Romo
quin nos dio la 1.ª lic.ª y dho Sr. regulo las
leguas q. distan de Sta. Barbara al Refugio,
viniendo de Camino p.ª Monterey, y puso de 9
a 10 leg.ª de distancia. No se verifico la funda-
-cion h.ª la venida del fin. Sr. Gov. D. Diego
de Borica a quien solicitamos hacerlo pres.ª y dho Sr.
nos dio el permiso para fundarlo en el año de 94 por
el mes de Nov.ª y nos mando hicieramos casas de
Cimientos, pusieramos viñas y arboles frutales para
tener dho año 10 años de fundado este Sitio, a
la posesion por las leyes de Indias, portandolos con
honrados y cristiandad, buen exemplo a los gentiles,

11
pues Solo yo he hecho mas de 50 Cristianos, pidiendo
ellos mismos la agua. del bautismo en la ultima hora de su
muerte, haciendoles Conocer a Dios, y el fin a que
haviamos venido a estas tierras.

Tengo la satisfaccion de decir a V. S. que
los Gentiles que en nro Servicio se han domesticado
son en el dia estimados en las misiones donde residen,
hac^{do} confianza de ellos, recomendandoles aquellos
trabajos de una mision de mas importancia. Tambien
en 22 años que poseemos este Sitio hemos gozado
armonia con los R. R. P. P. de las misiones
inmediatas q^{ta} Circulan este Sitio, haciendolos siempre
todo bien en nros aflicciones como bien echados.

Hallandome, Sr, en una avanzada
edad, y que por lo nat. la muerte se acerca,
Suplico a la bondad de V. S. Se digna el darme la
posesion de un paraje llamado el Cap^{to} que fue
cerca el R. P. Fr. Sebastian Tapia junto el rancho de
barragán, siendo Ministro de la Mision de Sta Bar-
bara, y de hoy h^{ta} el Cojo, de nos ha permitido
por ser la Costa muy angosta y tierra doblada y
micosa, de muchos perjuicios de animales, como
son leones, osos y lobos. En estas Indias, hemos
pagado la deuda q^{ta} el dif^{to} mi Padre padecio en el
Pres^{to} de Loreto de 3182 p^{os}. y pagada esta nos
resta dicha Compania 799 p^{os}. fr^{os}. como consta
por los docum^{tos} de aquel Stavilitado q^{ta} tengo en mi
poder con la aprobacion de V^{to} B^{to} del Sr Gov^{or}
dif^{to} D. Felipe de Loycochea, y asi Sr, a lo
q^{ta} aspiro es a que mis hijos queden poseyendo
el sudor de su padre; y q^{ta} logren con paz el
fruto de sus trabajos, con los viños que Dios me ha
dado, pues con viñas hay como 1200 cepas y
muchos arboles frutales.

Tengo este negocio en mano de Dios,
y despues en las de V. S., y entre tanto pido al

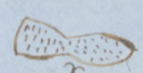
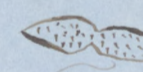
Almirante que la muy imp^{ta} vida de V. S. m. e. a.
Su atento y menor Sud^{to} q. lo venera y s. m. b.
J. de Ortega

Presidio de Sta. Barbara Julio 10. 1817

Para proveer con la debida just^a y cono-
-cim^{to} informan a continuacion de esta int^a el
Ten^{te} de la Comp^a de S^{to} Diego S^{to} Fran^{co} Maria
Ruiz y el R. P. en Presid^{to} Fr. Estevan Tapia
cuanto sepan acerca de los puntos que promueva en
ella el Carg^{to} distinguido retirado D. J. de Ortega,
y en su vista decretare lo q. estime conve^{to}.
Sola

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Relacion sobre informe del Rancho
de N. Sra del Refugio

Señal

A
Señal

Viejo
A

El Rancho de nuestra Sra del Refugio
conocido con el nombre de los Ortigas, se
haya situado en la Costa en una lengua
de tierra angosta, entre las misiones de
Sta. Barbara, Sta. Ines y la Purisima,
teniendo su lindero por Sta. Barbara,
en el Cerro de la Bigia, por Sta. Ines
por toda la cuchiza de la Sierra a la
altura de la Cruzta deste nombre hasta
el Cojo q. colinda con la Purisima.

La extension q. abraza desde la
Bigia hasta el Cojo es de algunas escasa-
-mente, y su mayor anchura de una
legua. Este terreno es compuesto de infinitad de Cerros
y lomas elevadas q. forman diversas cañadas, de
entre las cuales solo hay la principal por donde
pasa el Camino real, la nombrada S^{to} Ysidro
de tafiquas, la Quemada, Arroyo hondo, S^{to} Trope,
la Gaviota, S^{ta} Anita y la del Cojo. La mayor

de esta tierra de extension media legua, y toda su mayor anchura sera de quinientas varas, estrechándose en partes hasta en cinco encajamiento; en la primera se haya ubicada la Casucia y unas segundas huertas para verduras y algunos frutales, y es constante el arroyito q. corre de excelente agua con la q. se rigan las Siembras paralelas q. en dha cañada se hacen, y los viñedos q. tiene; en Tafiquas tambien se hacen las mismas Siembras y se rigan como tambien sus viñedos por el arroyito q. de continuo mantiene; en Arroyo Hondo tiene la Misión de Sta. Ynes una huerta de herboles frutales, la q. su Padre Ministro actual trata de destruir luego q. la nueva viña de dha Misión fructifique. Las Cañadas de la Guarnada, S.º Ochofe, la Gaviota, S.º Anita y la del Cojo son en las que se mantienen en temporadas los ganados vacunos y caballar por q. sus aguajes no son permanentes cerca de la Costa, y si al pie de la Sierra a donde se retiran los ganados cuando les falta el agua cerca de la Costa; las demas Cañadas q. hay formadas por la Sierrania suelen tener algunos chuspiaditos de agua q. cuasi no componen nada.

El sitio es cuasi todo monturo y los ganados dan mucho trabajo a traer los de sus bueques cuando se introducen algunas reses, en donde tambien hay multitud de osos, lobos, coyotes q. causan demerados perjuicios.

Este sitio es ocupado hace 36 años por los Ortega siendo su fundador D. Francisco Ortega, recayendo despues de su muerte en D.ª Jose M.ª y D.ª Francisco Ortega, y por fallecimiento de D.ª Jose M.ª quedaron sus bienes testamentariados a cargo de su hijo q. lo es el q. subcribe; los bienes de campo q. consisten en el dia de la testamentaria apresada consisten en cinco caberas de ganado vacuno, dos manadas de yeguas y dos bestias mulares y el fierro y señal de q.

usa es como se he al margen; tambien pertenece a dha testamentaria dos huertas situadas una en la cañada principal y otra en la de Tafiquas en las cuales hay viñas, olivos y otros arboles frutales.

D. Francisco Ortega por su parte informará si gusta de los bienes que tiene en el Sitio como poseedor de la mitad de él.

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El q.º Suboribe mantiene en dho Sitio sus bienes propios consistentes en 262 Cabeceras de ganado vacuno, una manada aburrada con 40 yeguas, 24 Cabayos mansos, 12 bestias mansas mulares, 10 Serres y una huerta con una viña, olivos y otros arboles frutales; el fiero y señal de q.º han uso son los segundos del margen.

Este Sitio se posee sin documento alguno del Gobierno pero apesar de varias solicitudes para su concesion, en tiempo del Sr. Porica se tubo por ante Sr. un permiso q.º dio verbalmente para fabricar Simbras y demas usos, para q.º en lo sucesivo hubiese un merito para ser acreedores de la posesion pacifica en donde se han mantenido tantos años sin entrar en contenciones con los R. P.º ministros colindantes, con quienes han convenido la prefijacion de los limites o linderos q.º se dejan arriba expresados y asi subsiste en el mismo estado el repetido Sitio.

Sta. Barbara 31 de Diciembre 1827
Ant. m.º Ortega

10

Respecto a estar en posesion del Rancho del Refugio, 1.º D. Jose m.º Ortega, 2.º D. Fran.º Ortega, y 3.º D. Antonio m.º Ortega, como 36 años efectivos, han acordado los abajo firmados en lo sig.º a saber:

1.º q.º los linderos de dho Rancho se entendan ha el Cerro de la Vigia, 2.º q.º las bregas pertenecientes a la Misión q.º se hallan dentro de las

13-
tierras del referido Rancho, partien dentro de el 4
meses, comiense a saber, Junio, Julio, Agosto y
Sept.^{re}, mas los otros 8 restantes, en el territorio
de la mision, dando esta constancia su P.
Ministro p.^a los fines q.^e conenga y firmandola
como tambien el interesado, en esta Mision de Santa
Barbara a los dos dias del mes de Mayo del año
1828

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Fr. Juan Moreno Ant. M.^a Ortega
Fran.^{co} Ortega

11

+
Viva Jesus
Certifico yo el infrascripto Ministro de la Purissima
Concepcion q.^e desde los principios de su fundacion ha
tenido y tiene derecho legitimo al territorio llamado
el Cojo por tener alli sus manadas aburradas; y
en atencion a este referido derecho, han convenido
un Alcalde llamado Pedro Antonio Benvenuto
Caporal, y Thomas Olivera, mayordomo de la
mencionada Mision, en q.^e el lindero del Rancho
del Refugio reconocido con el nombre de los Ortigas
se extienda hasta el referido Cojo, y para q.^e conste
lo firmo con el interesado dia 21 de Junio de 1823
en esta Mision ya dicha de la Purissima Concepcion

Fr. Marcos Antonio de Victoria
Ant. M.^a Ortega

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Viva Jesus
Certifico yo el infrascripto Ministro de la Mision
de Sta. Ines q.^e desde los principios de su fundacion
ha tenido y tiene derecho legitimo al territorio de lo
Alto de la Sierra q.^e media el lindero del Rancho
del Refugio reconocido con el nombre de los Ortigas,
y en atencion a este referido derecho han convenido
un Alcalde llamado Ant. M.^a, de Registros

el uno con el nombre Paquin y el otro Blas, todos
 neofitos de esta Misión, el q.^o el lindero de dicho
 Rancho se entienda hta el alto de la mencionada
 Sierra, y p.^a q.^o Conste lo firmo con el interado
 p.^a los fines q.^o le sean convenientes a 27 dias del
 mes de Junio del año 1829 en esta y dicha
 Misión de Sta. Inés.

Fr. Blas Ordaz Ant. M. Ortega

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Del 4.^o una Cuartilla
 Habilitado provisionalmente por la Comisaria
 Suvalterna del puerto de Santa Barbara para
 los años de 1828 y 1829.
 Echeandia Carrillo

Sor Com.^{te} Gen.

D.^o Fran.^{co} Ortega y D. Ant.^o M.^a Ortega
 poseedores del rancho llamado el Refugio y por
 fallecimiento el 1.^o de su difunto hermano Don
 M.^a Ortega, Sargento distinguido de esta Comp.^a
 de Sta. Barba, y el 2.^o por hijo del referido
 difunto y albacea en su testamentaria, hacen
 presente a V.S.

Que habiéndose con la peticion a q.^o
 acompañan del finado al Sr. Sola para la
 comision del referido Rancho sin decreto para y
 libramiento puedan presentarse a V.S. hacen esta
 solicitando para q.^o se dignen aprobarla.

Los meritos y servicios q.^o tienen
 contraidos los antes poseedores se pueden comprobar
 con el memorial q.^o acompañan del Sr. Sola, lo de los herederos poseedores por el adjunto
 informe q.^o V.S. tiene en su poder y a q.^o acom-
 pañan copia, y a mas la libertad de poderlo
 poner segun las justificaciones de los R. R. P. P.
 M. M. de las Misiones Colindantes, teniendo

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14 el Rancho poblado y bitiendo en el con los bienes q:
en dho informe existen a la presente fha.

Por unos los opuestos en la Consideracion
de V.S. la familia tan dilatada q: temen y
q: no temen otro arbitrio de q: poder mante-
nerlos, siendo el 1.º de avanzada edad, y el 2.º
temer q: mantener y responder a su anciana madre
y hermanos de los bienes q: su difunto padre dejó
a su cargo, por todo lo cual a V.S.

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Duplican se digna acceder a la Suplica
y concederles la posesion del referido Rancho para
beneficio en lo benedero de las dilatadas familias,
falso q: esperan recibir de su magnanimidad y
benéfico corazon. Sta Barbara y Diciembre
14 de 1829

Fran.º Ortega Ant.º Ortega

15

Delo 4.º una cuartilla
Habilitado provisionalmente por la Comisaria Suraltorna
del Puerto de Santa Barbara para los años de
1828 y 1829.

Echeandia Carrillo

B.

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Sr Com. Gen.
En atencion de haber visto la Ley de disposiciones
generales y reglamto para la Colonizacion de los
territorios de la Republica fha 18 de Agosto
1824, dirijo a V.S. el adjunto plan o
diccionario con arreglo al Capitulo 2.º q: Sita

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la mencionada ley 18 de Agosto 1824; por los
demás documentos q.º entrego á V.º S. en la misión
de Sta Inés quedara enterado de los demás requisitos
q.º se requirieron para el efecto de nuestra Solicitud
q.º tanto deseamos para la ^{de nuestras familias}
D.º y Libertad Refugio y Abril 2
de 1830

Ante M.ª Ortega

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[Faint handwritten scribbles]

En el Puerto de Santa Barbara a los oxe dias del mes de Junio de 1834, Consecuente con el Superior decreto que antecede del Sr. Jefe Superior Politico de este territorio Cno. Don Figueroa; ante mi Juan M.^a Ibarra, teniente del escuadron de Mazatlan, Comandante Militar de dicho puerto y encargado de la administracion de Just.^a en lo politico, Amparado D.^a Magdalena Cota con los tres testigos que deven ser interrogados sobre los puntos que señala el mencionado Superior decreto, y siendolo primeram.^{te} el C. Don M.^a Garcia sobre si conoce a D. Ant.^o M.^a Ortega, y D.^a Magdalena Cota pretendientes del rancho conocido con el nombre del Refugio, si son Ciudadanos Mexicanos por nacimiento, y si son de buena conducta, Dixo: que conoce a D.^o Ant.^o M.^a Ortega y a D.^a Magdalena Cota, q.^o son Ciudadanos Mexicanos, hijos de este Territorio, y demarcacion de Santa Barbara, y que siempre han sido de muy buena conducta.

Preguntado: si el terreno que solicitan lo han poseido y cuanto tiempo, si lo han cultivado y poblado, por que autoridad les fue Concedido y si tienen ganados en el Dicho: que el terreno q.^o solicitan D. Ant.^o M.^a Ortega y D.^a Magdalena Cota lo Conoce poseido p.^o sus antecedentes Padre del uno y marido de la otra desde que tubo uso de razon contando a la fecha 41 a.^o: que le consta muy bien q.^o lo han cultivado con labores de maiz trigo, frijol y huertas de viña y arboles frutales y q.^o lo tienen y an tenido siempre poblado de toda especie de ganados, corrales p.^o enteros y habitaciones de sus familias q.^o son numerosas: que ignora por q.^o autoridad les fue Concedido dicho paraje pero que cree con fundamento que fue por el Sr. Govor Coronel D. Diego de Borica.

Preguntado: si dho terreno por=

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=tenca o a pertenecido a propiedad particular, mision
 Corporacion o Pueblo, si es de regadio, temporal
 o abubadero, que estension tendrá y cuales son
 sus linderos, Digo: q^o dho paraje no le conose
 otra propiedad q^o la de los antepasados de los preter-
 =dientes y despues por creencia a ellos mismos,
 es de regadio, temporal y abubadero de ganados
 domesticos, que su estension es de Sur a Norte de
 Seis leguas, y de oriente a poniente de una escasa
 que sus linderos son de la Cañada de la Virgen alijo,
 y de la lindancia con Sta Cruz y la Purisima. Quanto
 tiene mas q^o decir en el part.^o, en lo q^o se afirmo
 y ratifico, y lo firmo en dho dia, mes y año.
 Lo testado novale,

Hallandose presentes los otros dos
 testigos que lo son el Sargento Juan Pablo Ayala
 y D. Pablo de la Ossa, los cuales estan en concor-
 =dancia y unanimidad con el 1^o declarante
 D. Don m.^o Garcia, de conformidad y sin la
 menor discrepancia en sus declaraciones lo firmaron
 conmigo en dho dia mes y año.

Juan m.^o Ybarra Don m.^o Garcia
 Juan Pablo Ayala Pablo de la Ossa

Don Jefe Sup^o Politico Don Jose
 Figueroa.

En consecuencia con el Superior
 decreto que antecede de V.S. fha 13 de mayo
 ultimo procedi a practicar las diligencias
 que en el ordena y en cuanto al informe
 que igualmente me pide en dho Sup^o decreto

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Digo: que a virtud de los documentos de este espe-
 =dientes no encuentro por mi parte ningun obsta-
 =culo que pueda entorpecer la comenion propietaria
 que solicitan las partes actoras, pues es publica y
 notoria la pacifica posesion q^o por espacio al

meno de 36 años han tenido del terreno q. Solicitan, cuya circunstancia con las de los Ciudadanos mejicanos, se ha acordado proceder y demás proteger las leyes vijentes en la materia.

Este es mi sentir, V. S. dispondra lo que sea de su Sup^{or} agrado, a cuyas inequibocas resoluciones me someto. Santa Barbara Junio 11 / 834.

Juan M^a Barra

Montreux Julio 3 de 1834

Vista la peticion con que da principio este expediente: la notoriedad del derecho que tienen los interesados en esta instancia: el informe del Comandante Militar de Santa Barbara: las exposiciones de testigos con todo lo demas que se tubo presente y ser con vino: de conformidad con lo dispuesto por las leyes y reglamentos de la materia, se declara a D. Antonio Maria Ortega y a D^a. Maria Magdalena Cota de Ortega dueños en propiedad del terreno conocido con el nombre del Refugio, colindante con las Miras de Santa Barbara, Santa Ines y la Purisima y la Costa: dirijase este expediente a la honra Diputacion para la debida aprobacion. Al Señor Don An^{to} Figuerroa, general de Brigada, Comandante general, Inspector y Jefe Superior Politico del Territorio de la Alta California asi lo mandó, decretó y firmó, de que doy fe
Don Figuerroa

Agustin V. Lamorano

Srio

Montreux Julio 8 de 1834

En sesion de este dia acordó la E. Diputacion pase a las Comisiones unidas de Colonizacion y terrenos baldios.

Figuerroa

Don Maria Maldonado
Secret.

Caro Sr

Las Comisiones de Colonizacion y Terras baldias a quienes se paso el expediente con la formacion protocolé n.º presentacion que el Ciudad.º Antonio M.ª Ortega y Doña Magdalena Cota hicieron del paraje nombrado N.ª S.ª del Refugio lo han examinado con la circunspeccion q.º corresponde teniendo al mismo tiempo presente la Ley de 18 de Agosto de 1824, sus Encomiendas y las disposiciones generales q.º en 24 de Abo de 1828 dictó el Supremo Gobierno de la Union. Por lo dicho conclulle la Comision ofreciendo a la deliberacion de esta misma Diputacion la siguiente proposicion.

Se aprueba la Concesion hecha al Ciudad.º Antonio M.ª Ortega y D.ª Magdalena Cota del paraje nombrado N.ª S.ª del Refugio Concedido en 3 de Julio de 1834

Monterrey Julio 10 de 1834
Don A. Ortega Carlos Ant. Carrillo

Dada cuenta a la misma Diputacion en sesion de 15 del presente con el dictamen presentado en 10 del mismo, aprovo la unica proposicion en q.º concluye cuyo tenor es el siguiente.

23 " Se aprueba la Concesion hecha al Ciudad.º Antonio M.ª Ortega y D.ª Magdalena Cota del paraje nombrado N.ª S.ª del Refugio, Concedido en 3 de Julio de 1834 "

Y en su consecuencia se devuelva el expediente al S.º Jefe Superior Politico para su curso. Monterrey Julio 16 de 1834
Don Figueroa Don Maria Maldonado

Srio
Monterrey 1.º de Agosto de 1834
En vista del acuerdo de la misma Diputacion Territorial del dia 16. de Julio ultimo

en confirmacion del terreno del Refugio pretendido por Don Antonio Maria Ortega y D.^a Magdalena Cota de Ortega, libren el titulo respectivo, tomara rason en el libro a que corresponde y entreguen a los interesados para su resguardo y demas fines. Esr D.^o Don Figueroa, general de Brigada, Com.^{te} general Inspector y Jefe Superior Politico del Territorio de la Alta California asi lo mando, decreto y firmo de que doy fe

Don Figueroa Agustín Zamorano
Srio

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24 Don Figueroa, General de Brigada de la Repu.^{ca} Mexicana, Comand.^{te} General, Inspector y Jefe Superior Politico del Territorio de la Alta California
Por cuanto D. Antonio m.^a Ortega y D.^a Magdalena Cota de Ortega han pretendido p.^a su beneficio personal y el de sus familias, el terreno conocido con el nombre de N.^a S.^a del Refugio colindante con las misiones de Sta Barbara, Sta Ynes y la Purisima; practicados previamente las diligencias y averiguaciones correspondientes segun lo dispuesto p.^a leyes y reglam.^{to}, usando de las facultades q.^e me son conferidas y de conformidad con el acuerdo de la Junta Disputacion Territorial del dia 16 de Julio ultimo aprobando la concesion del citado terreno de N.^a S.^a del Refugio echa en decreto de 3 del mismo mes, a los referidos D. A. m.^a Ortega y D.^a Magdalena Cota de Ortega a nombre de la Nacion Mexicana he venido en conferirles el terreno mencionado declarandole la propiedad de el por las presentes letras, sujeto a las condiciones siguientes.

1.^a Que se sometan a las q.^e establece el reglamento q.^e se ha de formar p.^a la distribucion de terrenos baldios y q.^e entretanto ni los agraciados

ni sus herederos podran dividir ni enagenar d q se
25 la adjudica, imponer censo, vinculo, fianza, hipoteca
ni otro gravamen, aun q sea por causa piadosa
ni faltarle a manos muertas.

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2^a Podran cercarlo sin perjudicar las
travicias, caminos y servidumbres; lo disfrutaran
libre y exclusivamente destinandolo al uso o cultivo
q mas les acomode; pero dentro de un año a lo mas
fabricaran casa y utaria habitada.

3^a Solicitaran del P^o respectivo
q les de posesion juridica en virtud de este despacho
p^o el cual se demarcaran los linderos en cuyos limites
podran a mas de las mojones algunos arboles frutales
o silvestres de alguna utilidad.

4^a El terreno de q se ha mandado
es de clas^o de ganadio mayor poco mas o menos
segun explica el diseno q corre en el expediente. El
P^o que diere la posesion lo hara medir conforme
a ordenanza p^o señalar los linderos quedando el
sobrante q resulte a la Nacion p^o los unos con-
-nientes.

5^a Si contraviniera a estas condiciones
perderan su derecho al terreno y sera denunciable
p^o otro.

26 En consecuencia mando que teniendo
p^o firme y valedero este titulo se tome razon de el
en el libro a que corresponde y se entregue a los
interesados p^o su resguardo y demas fines. Dado en
Monterrey a 7^o de Agosto de 1834 = Jose
Figueroa = Agustin V. Zamorano = S^o

Office of Surveyor General of the United
States for California
John C. Hays, Surveyor General

of the United States for the State of California, and
as such, having in my office and in my charge
and custody a portion of the Archives of the
former Spanish and Mexican Territory or
Department of Upper California, by virtue
of the power vested in me by law, Do hereby
Certify that the twenty six preceding and here-
unto annexed pages of tracing paper, numbered
from one to twenty six inclusive, exhibit a true
and accurate copy of a certain document now
on file and forming part of the said archive, in
this office.

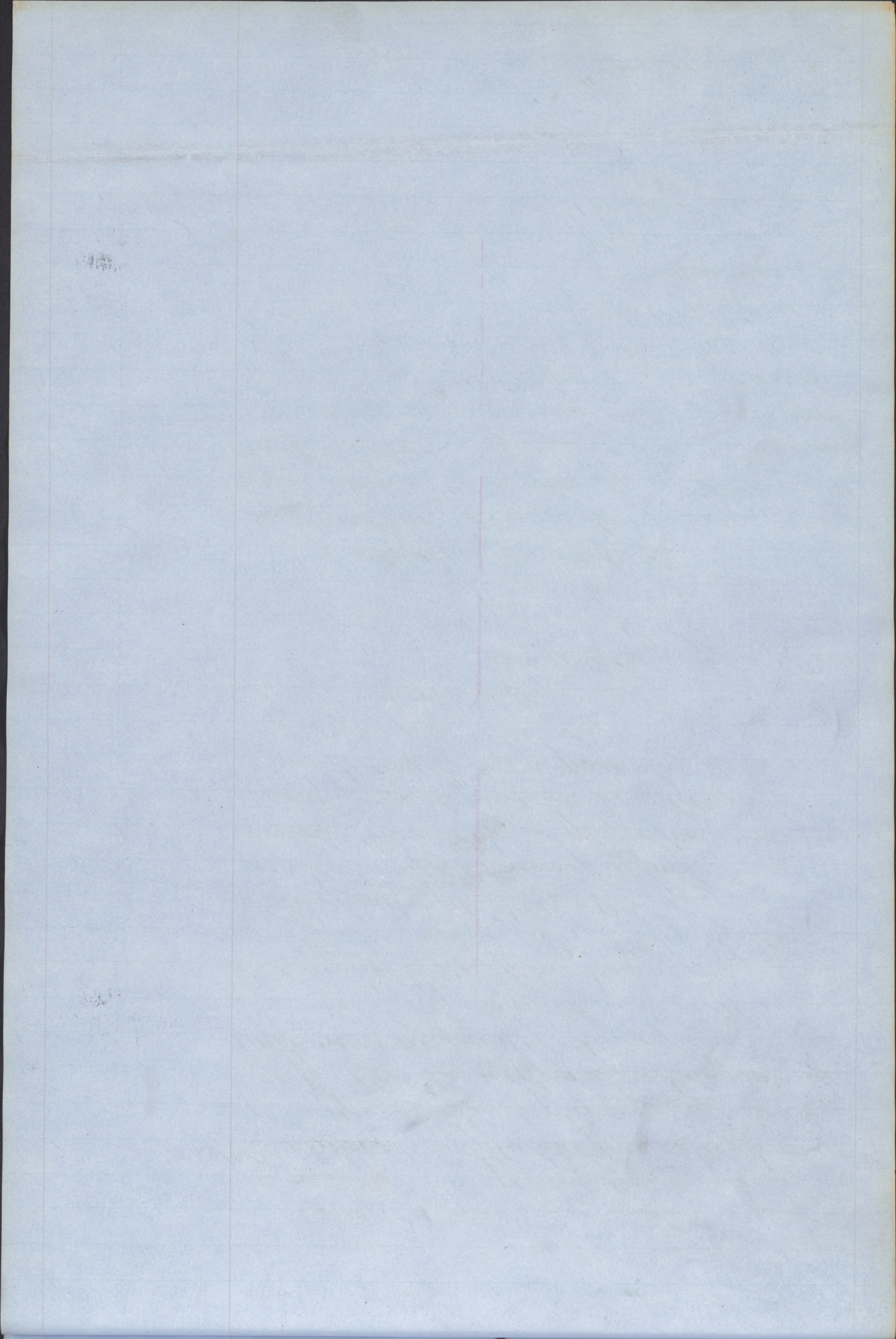
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In testimony whereof I have
hereunto signed my name officially and caused my
Seal of office to be affixed at the City of San
Francisco, this twenty first day of December
A.D. 1853

John W. Hays

U.S. Surveyor General for California

Filed in office Feb. 13. 1854
Geo. Fisher
Sec



Report of Proceedings (Expediente)
In relation to the Rancho of Nuestra Señora
Tranquilidad del Refugio, wherein its present owners Don Anto-
Expediente. - nio Ortega & Doña Magdalena Cota pray for the
legal possession of said land.

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Montrey May 3rd 34
Let the documents
mentioned in this peti-
tion be obtained and
forwarded & let an
account of the whole
be given to decide
what will be proper.
Figueroa.

To the Superior Political Chief
A. M. Ortega, Captain of
Militia & Artillery, before your will
known equily appears & says as
but he may in law; That together
with Don F. Ortega having applied
to your predecessor Don Maria de
Echandia for the possession of the
Rancho called N. S. del Refugio,
whose petition is to be found in the
Office of the Secretary of the Govern-
ment of this Territory with de doc-
ument referring to its occupation,
as up to this time, justice has not
been done, he prays that you would
order the execution of that expediente
but he informs you that the agrarias
Francisco had departed this life &
his widow Doña Magdalena Cota
agreeing with the petitioner to take
the place of her husband in reference
to the rights accruing to her de-
ceased husband, wherefore, peti-
tioner prays that you would
order the possession be given to
petitioner & her.

To the Superior and
Political Chief.
The Secretary, annexed
the antecedent documents,
to these presents and
hands the whole to
your authority.

Montrey May 6th 34
Agustín V. Guzmán,
he prays that you would

Francisco had departed this life &
his widow Doña Magdalena Cota
agreeing with the petitioner to take
the place of her husband in reference
to the rights accruing to her de-
ceased husband, wherefore, peti-
tioner prays that you would
order the possession be given to
petitioner & her.
He prays that you would

accide to his prayer for which he will receive mercy & bountyfulness. This petition not being on proper paper on account of there being no stamped paper in the place.
Sta Barbara, April. 17th 34.

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Monday May 13th 1834.

Let the prior documents be annexed to this petition & let the expediente be handed to the Military Commandant of the Santa Barbara to whom as having charge of justice, the petitioner shall produce an information by those competent witnesses who will be interrogated on the following points: 1st If they know the petitioner, if they are native born Mexican citizens, if they have good character. 2^d If they have possessed the land prayed for & how long, if they have cultivated & stocked it, under what authority, it was granted to them, if they have cattle on it, 3^d If said land belongs or has belonged to any individual, mission, corporation, or town, if it is irrigable, arable, or watered land, what the size of it is, & what are its boundaries, these formalities being performed, the Commandant will report thereon, & forward the expediente for its execution.

Don Figueroa, Brigadier General, Superior & Political Chief of the Territory of Upper California, thus orders, decrees, & signs it, in faith whereof.

Don Figueroa.

Agustin Zamorano.

To the Governor.

Don Jose ^{Maria} Ortega, invalid Sergeant of the company of the Royal Pikes of Santa Barbara, before your merciful justice & consideration, addressing first to the merits of his deceased father who has been the conqueror of all this province & formed part of the exploring expedition, who departed this life on February 1798, in the 63^d year of his age, with

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the title of graduated Captain, terminating his life
 in the service of his Majesty, having commanded in
 all the missions, excepting of San Francisco, & also in
 Lower California, & in the South, & in all that was
 trusted to him, he performed his duties with zeal.
 I had the pleasure of serving my sovereign not having
 yet accomplished my fortieth year. I served him
 during 24 years & seven months according to the best
 of my ability in Upper & Lower California. The lately
 established frontiers being placed under my charge
 since the year 1783 to 87 with only ten soldiers. I made
 rallies every eight days to explore the country on acct. of
 the enemy who menaced the Rio Colorado in many
 ways. I performed one year of continual campaigns omit-
 ting to you many others which I have made on said
 Rio Colorado & where I have seen my life in the hands
 of my enemies whilst all my companions were badly
 wounded.

All of which I submit to your justice & may
 be inform you of the time during which we possessed
 the tract called N. S. del Refugio which was paid for
 by my deceased father & which I discovered in my
 search for timber, for the repairs of this Pueblo of
 Santa Barbara, with the permission of Governor
 Don Don N. Romo, deceased, who gave us the first
 permission & who settled the number of leagues between
 said tract & Santa Barbara, coming by the Ministry
 was to be from 9 to 10. The possession was not taken
 until the arrival of the Governor Don Diego de Borica
 to whom we again applied, & who gave us the permis-
 -sion to settle on said land in the year 1794, in
 the month of November, he ordered us to build houses,
 to plant vines & fruit trees to procure our rights, & ten
 year possession under the laws of Indias (de las
 Indias) Behaving ourselves with honor & Christian-
 -ity, we gave a good example to the Indians as

I myself made fifty Christians who themselves asked for the holy & baptismal water at the last hour of their existence, learning them to know God for which purpose we came to these shores.

I have the satisfaction to inform you that the Indians which we have civilized are at this present moment at the Mission, where they reside, where they are well educated & trusted with the work of a mission, of great importance. Besides the 22 years that we possess the place we have lived in harmony with the reverend fathers of the neighboring missions, who always assisted us in our extreme afflictions as kind benefactors.

Finding myself in an advanced age and that naturally death is approaching, I pray your kindness to grant me the possession from the place called El Cap^o where the reverend father Esteban Tapia settled the Rancho of Bonégua, as ministers of the Mission of Sta. Barbara, & from thence to the Coje, allowed us on account of the coast being very narrow & which otherwise would have been of great injury to me, on account of wild beasts such as lions, bear & wolves. In these unfortunate times, we have paid the debt of \$ 3.183. which our deceased father was liable for in the Presidio of Loreto on payment of which the company was liable to us in the sum of \$ 799.75. which appear by the documents of the Commissary which I have in my possession with the approval of Governor Don Felipe de Goye-ocrea deceased. Thus, sir, that which I hope is that my children remain in possession of that which was earned with the sweat of the brow of their father. That they may enjoy in peace the results of his labor, & the goods which God gave him me. On the said land there is about 1200 wine

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bushes & many fruit trees.

I place this affair in the hands of God & afterwards in yours & besides many other things I ask of the most high to preserve your life many years, his most respectful & humble servant who serves his hands.

Jph.^o de Ortega.

Pueblo of Santa Barbara, June 10th 1817.

To proceed properly in this matter, for the opinion of these practitioners, let Francisco Maria Ruiz, the Lieutenant of the company of San Diego & the second Padre or President Fr.^o Edelban Tapis, report whatever they know on the points submitted by the distinguished & retired sergeant Don Jori de Ortega & accordingly I shall decree what I shall think proper.

Yda.

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Marked + hands
On the margin of the original. Report in relation to the Rancho of N.^o S.^o del Refugio.

The Rancho of N.^o S.^o del Refugio, known by the name of the Ortigas, is situated on the coast on a narrow strip of land between the Mission of Santa Barbara, S.^o Ines & la Purisima, bounded towards Sta Barbara by the hill of the Bigra, towards Sta Ines by the summit of the ridge of mountains, towards the upper part of the coast of that name up to the Coje, bounded by the Purisima.

The extent from the Bigra, up to the Coje is one league to the utmost & the greatest width is one league. This land is composed of an infinity of little mountains & hills forming various gulches through the only principal one of which passes the main road, the other, one called San Pedro de Tapguas, la Guemada

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Arroyo Honda, San Cristo, La Galista, Santa Anita & the
Cerro, the main one having half a league in length & their
greatest width five hundred varas, narrowing in certain
parts to hardly one hundred varas. In the first are the
buildings, & a small garden for vegetables & a few fruit
trees. The stream, with which the crops made in that
gulch are watered together with the vineyard, is of
excellent water & runs constantly. In Tafiquas, the same
crops are made & are watered as are also the Mijoras
by the stream of constant running water. In Arroyo
Honda is situated the Mission of D.^a Ines, where there
is an orchard of fruit trees which the father missionaries
speaks of destroying as soon as the run vines began to bear.
The gulches of La Guemada, San Cristo, La Galista
Santa Anita & the Cerro, are those where, in stormy weather
the black cattle & horses are kept because the ponds are
not permanent near the coast, which is not the case
at the foot of the ridge of mountains when the cattle go,
when water is wanting near the coast. The
other gulches formed by the mountains often contain
some small watering places which hardly are of any
account.

The place is nearly all hilly & the cattle give
a great deal of trouble to draw them out of the bushes
when any get into them. There are also a great many
bears, wolves, coyotes, which cause a great injury.

The tract has been occupied since 36 years by the
Ortigas, its first settler being don Jose F.^o Ortega, after
his death, it fell in the hands of don Jose Maria F.^o
Ortega & on his death his property passed under the
charge of the undersigned. The property which existed
at the time of the decease consisted in one hun-
dred heads of black cattle, two droves of mares &
ten mules & the marks & brands used now as ap-
pear on the margin, there were also belonging to

the estate, two orchards, one in the principal gulch & the other in Topiguac, in which there are wine bushes, olive & other fruit trees.

Don Francisco Ortega, on his part will give information if necessary as to the property he has in the place as owner of half.

The undersigned maintains on said place his own property, consisting in 262 heads of black cattle, a drove of Sack asses, with 40 mares, 24 tame horses, 12 tame mules. And one orchard with wine bushes, olive & other fruit trees, the marks & brands being as the second on the margin.

This land has been possessed without any document at all from the government, yet, notwithstanding various injunctions from the crown during the time of Senior Donce, he only gave a verbal permission to make crops for other uses, in order that in future times a right might be acquired to the pacific occupation of a tract of land where the Ortigas were sustained so many years without ever having any difficulties with the neighboring father Minister of the Mission with whom the boundaries above enumerated were agreed upon as the agreed tract now stands.

Sta Barbara, Dec 31st 1827.

A. M. Ortega.

Relative to those in possession of the Rancho of the Repigio 1^o Don Maria Ortega, 2^o Francisco Ortega, 3^o Antonio Maria Ortega, during 36 years, the undersigned have agreed on the following:

1^o That the boundary of the said tract should extend to the hill of the vigia, 2^o that the sheep belonging to the Mission to be found in the mountains of said Rancho, grazed on them during four months to wit, June, July, August, & September, but during the 8 others, they grazed on the lands of this Mission. The father minister giving this

certificate for the ends necessary & agreeing his signature with the interested party, in this Mission of Sta Barbara on the 2^d day of the month of March 1828.

+
Long live Jesus.

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I, the undersigned minister of the Pimimia conception, certify that since the beginning of its establishment, it has had & has legitimate right to the place called the Cejo, having there its drove of horses multiplying & on account of this right, it was agreed upon by an Alcalde called Pedro Antonio Bonaventura a corporal & Thomas Clavias, owner of the aforesaid mission that the boundary of the Rancho aforesaid of Refugio, known by the name of the Ortega, should extend up to the aforesaid Cejo & in testimony whereof I have signed these presents with the interested party this 25th day of June 1828 in this aforesaid Mission of Pimimia conception.

Father Marcos Antonio de Victoria
A^o M^o Ortega.

Long live Jesus.

I, the undersigned minister of the Mission of Sta Ines certify that since the beginning of its foundation, it has had & now has a legitimate right to the land on the upper part of the range of mountains, divided by the boundary of the Rancho of Refugio known by the name of the Ortega & in reference to the aforesaid right it was agreed upon by an Alcalde called Antonio Maria & two magistrates, one of them called Joaquin & the other Blas, all convents of this mission that the boundary of said Rancho should extend to the upper part of the range of mountains aforesaid, for witness whereof, I & the interested party, affixed our signatures for the necessary ends, the 27th day of June 1829, in the aforesaid Mission

of Sta Ines.

Father Blas Ordaz.
A. M. Ortega.

Fourth real 6 $\frac{1}{4}$ cents.

Provisionally authorized by the subaltern officer of the
Post of Sta Barbara for the years 1828. 1829.
Echeandia. Curillo.

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To the Commandant General.

Don Francisco Ortega & Don A. M. Ortega,
possessors of the Rancho called El Refugio, the first, by
reason of the death of his brother Don M. Ortega, distin-
guished Sergeant of this company of Sta Barbara & the
second, as the son of said deceased & his testamentary
executor represent.

That having the petition of his deceased
brother, to Senior Sola for the grant of the aforesaid
Rancho without any decree authorizing its free possession,
they have made representation in order that you may
approve said possession.

The merits of the former possessors & the
services rendered by them are confirmed by the memorial
addressed to Gov Sola, those of the latter appearing by the
annexed report which you have in your possession & besides
they enjoy the privilege of being able to possess said
lands according to the certificates of the reverend fathers
of the surrounding missions having on said Rancho,
droves of cattle together with the property which is
described in the report to this date.

We place before your consideration the
numerous family we have & that we have no other
means of livelihood, the first petitioner being of an
advanced age, & the second having to maintain his
aged mother & brother with the property left by his
deceased father under his charge, consequently, they

pray that you will grant them the possession of the aforesaid
Rancho for the future benefit of the numerous families, favor
which they hope of your magnanimous & beneficent heart.

Santa Barbara, Dec 14th 1829.

F^{co} Ortega

Ant^o M^o Ortega.

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To the General Commandant.

Having seen the law or regulations for the
colonization of the Territory of the Republic, dated Aug
18th 1824, I forward to you the annexed plan or sketch
according to article 2^a of the aforesaid law of the 18th
of August 1824. The other documents which I delivered
to thee at the Mission of Sta Ines, will more fully ac-
quaint you with the other particulars necessary to obtain
the object of our prayer which we so strongly desire for
the sustenance of our families.

God & Liberty, Refugio, April 2^o 1830.
An^o M^o Ortega.

There comes the
sketch in the
original.

In the port of Sta Barbara, on the 11th day of month
of June 1834.

In accordance with the preceding decree
of the Political & Superior Chief of this Territory, the
citizen Jose Figueroa, before me, Juan Maria Serna,
Lieutenant of the Squadron of Mazatlan, Military
Commandant of the aforesaid port, & having charge of
the administration of civil justice appeared, Magda-
lena Cota with the three widows, to be interrogated
on the points mentioned in said superior decree, to wit,

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The Citizen Don Maria Garcia being first called to state if he knew Don Antonio M^o Ortega & Doña Magdalena Cota, petitioners for the Rancho known by the name of Refugio, if they are Mexican citizens by birth, if they enjoy a good character, says, that he knows Don M^o Ortega & Doña Magdalena Cota, that they are Mexican citizens born on the soil of this Territory & jurisdiction of Sta Barbara & have always enjoyed a good reputation. Being asked if the the land they pray for has been possessed by them & how long, if they have cultivated & stocked it, by what authority it was granted to them, if they have cattle on it, says, That the land prayed for by Don M^o Ortega & Señora Magdalena Cota, he knows to have been in the possession of the father of M^o Ortega & the husband of Magdalena Cota since he arrived at the age of reason, he being to date 41 years of age, he knows full well that he made crops of corn, wheat, beans on said land, had thereon vineyard & orchards, that they have & always had it stocked with all kinds of cattle, had pens for them & dwellings for their families who is numerous. That he does not know by what authority said place was granted to them, but has good reason to believe that it was granted by the Governor, Colonel Don Diego de Bonica, Being asked, whether said land belongs or has belonged to any private individual, Mission, corporation or town, if it is irrigable, arable, or watered land, what is its extent & its boundaries, says, that he does not know the said land to be owned by others than by the two petitioners, & according to his belief, it is theirs. That it is irrigable, arable, & watered land for tame cattle, that its extent from South to North is of six leagues & from East to West of hardly one. That its boundaries are from the gulch of la Vidia to the Coje & adjoining the Mission of Santa Ana la Pisonera. That he had nothing to say in the matter, all of which he affirms, ratifies & signs on the aforesaid day, month & year. The enclosures being of no value.

The other witnesses, Sergeant Juan Pablo Ayala and Don Pablo de la Osa being present & agreeing in every particular with the deponent Don Maria Garcia, without the least variance in their declarations, they affixed their signature on the aforesaid day, month & year.

Juan M. Barra.

Don M. Garcia.

Juan Pablo Ayala.

Pablo de la Osa.

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To the Superior & Political Chief the Citizen
Jose Figueroa.

In conformity with your decree of the 13th of May last past, I proceeded to perform the formalities therein presented, & as to the report you call me in said decree, I say, that according to the documents in this report of proceedings (expediente), as to me, I do not see any obstacle to prevent the grant in fee simple to the petitioners. In as much as their peaceful possession they have had for at least 30 years, of the land prayed for by them is public & notorious, for which reason & for that of their being honorable Mexican citizens, they should be protected by the laws in force relative to the matter. The above is my opinion, your honor will decide whatever may be your superior will, to which I will submit.

Santa Barbara, June 11th 1834.

Juan M. Barra.

Monterey July 3rd 1834.

Considering the petition which gave rise to this report of proceedings (Expediente) the notoriety of the rights of petitioners, the report of the Military commandant of Sta Barbara, the testimony of witnesses with all the other necessary

steps to be taken in the matter. Agreeably to the dispositions of laws & regulations on the matter Don Ant. M^o Ortega & Doña Magdalena Cota are declared the owners of the land known by the name of Refugio, bounded by the Meridians of Sta Cruz, Santa Barbara, et la Providencia & the coast. Let this report of proceedings (Espediente) be forwarded to the territorial deputation for its due approval.

Don José Figueroa, Brigadier General, General-Commandant, Inspector & Superior Political Chief of the Territory of Upper California, thus orders, decrees & signs it in witness whereof.

José Figueroa.

Agustín Lamoreno.

Secretary.

Monterey, July 8th 1834.

In the session of this date, the territorial deputation decreed that the matter be submitted to the United Committee on Colonization & vacant lands.

José María Maldonado.

Figueroa.

Secretary.

To His Excellency.

The committee on vacant lands to whom was referred the report of proceedings (expediente) executed at the instance of the citizens Ant. M^o Ortega & Doña Magdalena Cota praying for the land called Nuestra Señora del Refugio, have examined the matter with the necessary care, considering at the same time, the law of August 18th 1824 & the general dispositions of the 24th of October 1828 decreed by the Supreme Government of the Union. The committee concludes by submitting to the deliberation of the deputation the following

proposition.

That the concession made to Don Maria Ortega & Doña Magdalena Cota of the tract called N.º S.º del Refugio, granted on the 3^o of July 1834, be approved. Monterey, July 10th 1834.

Jose J. Ortega.

Carlos Ant.º Carnelle.

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The above was submitted to the Territorial deputation on its session of the 15th instant, with the decree presented on the 10th of the same month being in the following words.

That the grant made to the citizen Ant.º M.º Ortega & Doña Magdalena Cota of the tract called N.º S.º del Refugio granted on the 3^o of July 1834 be approved. In consequence let the report of proceedings (expediente) be returned to the superior political chief for further proceedings.

Monterey July 10th 1834.

Jose Figueroa

Jose Maria Maldonado.

Monterey, August 1st 1834.

In consequence of the decree of the Territorial deputation of the 10th of July last, conforming unto Don M.º Ortega & Magdalena Cota, the land called Refugio prayed for by them let the title thereof be delivered - Let entry be made on the proper book & let the title be handed to the parties for their protection & afterwards. Don Jose Figueroa, Brigadier General, General Commandant, Inspector & Superior Political Chief of the Territory of Upper California. Thus ordered, decreed & signed. In testimony whereof.

Jose Figueroa.

Agustin Larrazano.

Don José Figueroa, Brigadier General of the Mexican Republic, General Commandant, Inspector & Political Chief of the Territory of Alta California.

Whom Don Ant. M. Ortega & Doña Magdalena Cota de Ortega have prayed for their private benefit & for that of their families for the land known by the name of N. S. del Refugio, bounded by the Missions of Santa Barbara, Sta Cruz, & La Purisima, The necessary steps having been taken & the proper investigations & proceedings had as required by the laws & regulations, acting by virtue of the faculties, which have been conferred on me, & agreeably with the decree of the Territorial deputation of the 16th of July last past. Approving the grant of the aforesaid tract of land of N. S. del Refugio, deeded to the said Ant. M. Ortega & Magdalena Cota de Ortega.

In the name of Mexican Nation I do hereby confirm unto them the above named land, declaring it their property by these presents, subject to the following conditions
1st That they will conform themselves to what may be established by the regulations for the distribution of vacant lands & that meanwhile neither the grantee nor their heirs, shall have the right to divide, nor dispose of the land granted, nor shall they mortgage it, give it as security, nor subject it in any wise to any incumbrances, were it even for a pious purpose, nor shall they pass it to mortmain.

2^d They may enclose it without prejudice to the roads & sentidas, will enjoy it fully & exclusively applying it to the uses & cultivation which to them will seem best, but within one year at least, they shall build a house thereon which shall be inhabited.

3^d They will pray from the proper Judge, that the judicial possession be given them in virtue of this patent, by which the limits will be fixed & on which they shall place either fruit or forest trees of some use besides the ordinary land marks.

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4^o The land herein mentioned is of six square leagues (six sitios de ganado mayor) of grazing land more or less as is shown by the sketch annexed to the report of proceedings (expediente) the Judge who will give the possession will have the land measured according to ordinance to settle the boundary lines, the surplus land to remain to the nation for its necessary use.

5^o If they do not comply with the above conditions, they will lose their rights to the land & it may be demarcated by another.

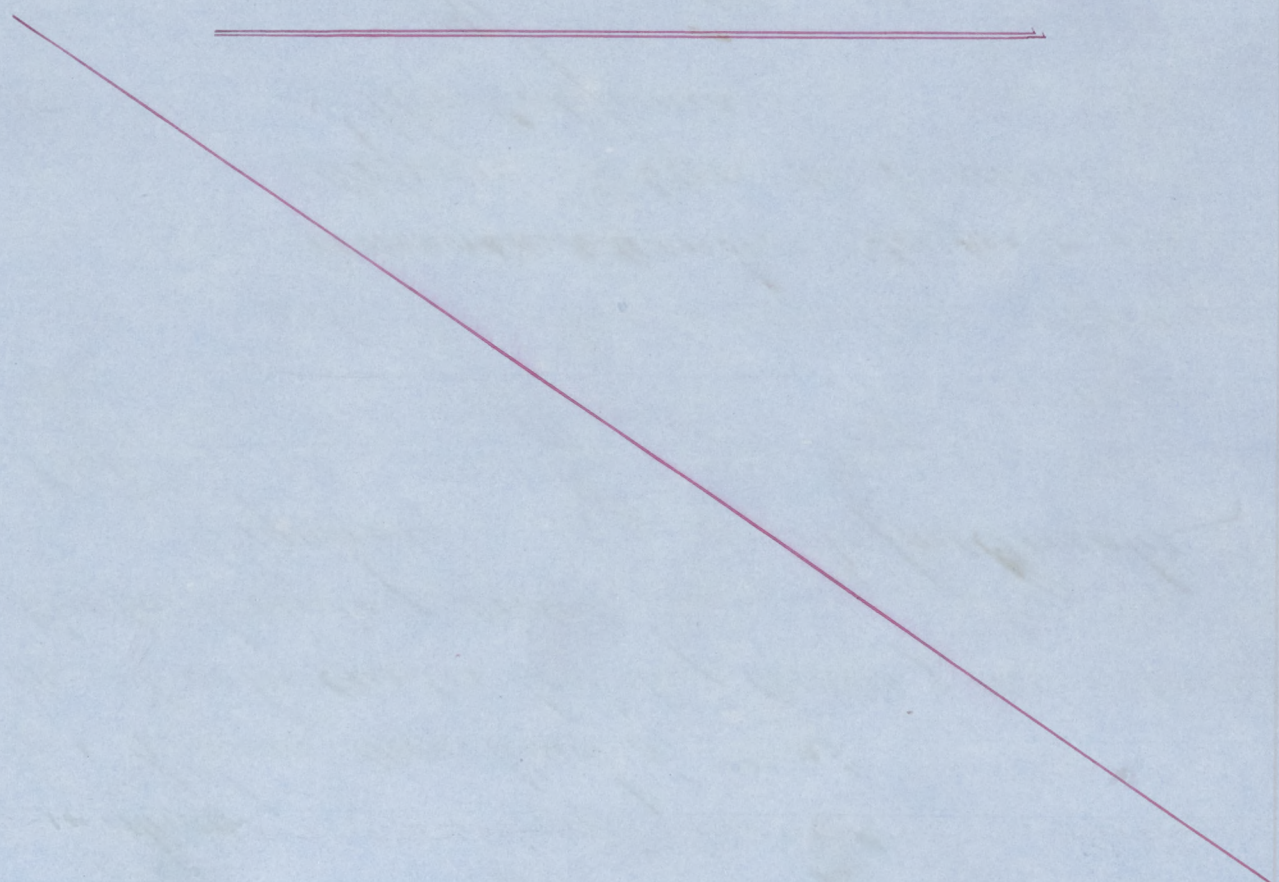
Wherefore, I order that this title being held firm & valid, every thing be made in the proper book & it be delivered to the parties for their protection & other uses.

Given in Monterey, August 1st 1834.
Jose Figueroa.

Agustin V. Zamorano.

Filed in Office July 13th 1854.

Geo: Fisher.
Soy.



Dello primero de sus posesiones H. H. n.º 1
Habilitado provisionalmente por la Administración de
la Aduana Marítima de Monterrey para los años
de mil ochocientos treinta y cuatro y mil ochocientos
treinta y cinco

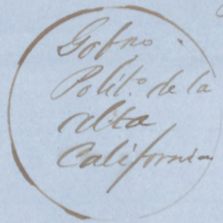
Figueroa

Rafael Gonzalez

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Original
Grant

B



Don Figueroa, General de Brigada
del Ejército de la República Mexicana
Comandante General Inspector y Jefe
Superior Político del Territorio de la
Alta California

Document
H. H. n.º 1
ann.º to the
depo.º of José
Mc Covarrubias

Por cuanto Don Antonio María
Ortega y Doña Magdalena Cota de Ortega, han pretendido
para su beneficio personal y el de sus familias, el
terreno conocido con el nombre de Nuestra Señora del
Refugio, colindante con las misiones de Santa Bárbara,
Santa Inés y la Purísima; practicados previamente
las diligencias y averiguaciones convenientes, según
lo dispuesto por leyes y reglamentos: usando de las
facultades que me son conferidas y de conformidad
con el acuerdo de la Excelentísima Diputación
Territorial del día diez y seis de Julio último
aprobando la concesión del citado terreno de Nuestra
Señora del Refugio hecha en decreto de tres del mismo
mes a los referidos Don Antonio María Ortega
y Doña Magdalena Cota de Ortega: a nombre
de la Nación Mexicana, he venido en conferirle el
terreno mencionado declarándole la propiedad
de él por las presentes letras, sujetos a las condiciones
siguientes.

1.ª Que se someterán a los que estableciere
el reglamento que se ha de formar para la distribución
de terrenos baldíos, y que en todo ni los agra-
ciados, ni sus herederos podrán dividir, ni enagenar

el que se les adjudica: imponer censo, vinculo, fiama, hipoteca ni otro gravamen, aunque sea por causa piedadosa ni pasarlo a manos muertas.

2.^a Podran cercarlo sin perjudicar las travasas, caminos y servidumbres: lo disfrutaran libre y esclusivamente destinandolo al uso o cultivo que mas les acomode: pero dentro de un año o lo mas fabricaran casa y estara habitada.

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3.^a Solicitaran del Auz respectivo que les de posesion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyo limite pondran a mas de las matorras alguno arbol, frutal, o siembras de alguna utilidad.

4.^a El terreno de que se hace mención es de diez sitios de ganado mayor poco mas o menos segun explica el dibujo que corre en el expediente. El Auz que diere la posesion lo hara medi conforme a ordenanza para señalar los linderos, quedando el Sobrante que resulte ala Nacion para lo mas conveniente.

5.^a Si Contravinieren a estas Condiciones perduran su derecho al terreno y sera denunciable por otro.

En consecuencia mando que teniendo por firme y validero este titulo se tome razon de el en el libro a que corresponde y se entregue a los interesados para su resguardo y demas fines. Dado en Monterrey a primero de Agosto de mil ocho Cientos treinta y cuatro.

Antiguero Agustín V. Zamorano
Dio

Queda tomada razon en el libro de avisos de titulos sobre adjudicacion de Terrenos a fojas Cuarenta y Cuatro numero Cuarenta y dos q.^a obra en la Secretaria de mi Cargo. En Monterrey a primero de Agosto de mil ocho Cientos treinta y cuatro
Zamorano

Titulo: Oficio Mayo 19. 1853
 Juan: Fisher
 de...

First seal, three dollars.

Provisionally qualified by the administration of the Custom House for the year 1844 & 1845.

Figueroa,

Rafael Gonzalez.

Real

Exemplation of Grant.

Joseph Figueroa, General of Brigade of the Mexican Army, Commander General, Inspector & Political Chief of the Territory of Upper California. Thomas Don Antonio Maria Ortega

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Doña Magdalena Cota de Ortega have for their own personal benefit & that of their families, solicited and petitioned for the land known as Nuestra Señora del Refugio, bounded by the Missions of Sta Barbara & Sta Cruz La Purisima, having taken the necessary steps & made the necessary researches to obtain, with necessary information for the purpose as provided for by laws & regulations. Examining the papers conferred upon me & in conformity with the decisions of the Territorial Deputation of the nineteenth of July last, approving the grant of the aforesaid land of Nuestra Señora del Refugio, made in virtue of a decree of the third of the same month to the aforesaid Don Antonio Maria Ortega & Doña Magdalena Cota de Ortega. In the name of the Mexican nation, I have decided to grant them the aforesaid land, declaring them the owners thereof in virtue of these presents subject to the following conditions.

1st That they shall submit themselves to whatever laws or regulations which may be hereafter established for the distribution of vacant lands & that meanwhile neither the grantee nor their heirs shall have the right to divide or convey the land hereby granted to them, nor shall they subject it to any other restriction, nor give it in pledge, nor shall they hypothecate it nor subject it to any other encumbrance even if it should be for a price.

purpose, nor place it in mortmain.

2^d They may induce it without prejudice to the cross-roads, roads or untraces, they will enjoy it fully & exclusively, applying it to whatever use or cultivation which to them may seem best, but within one year from this date they shall build a house upon it which shall be inhabited.

3^d They shall solicit from the proper Judge the judicial possession in virtue of these patents, for which purpose they shall designate the boundaries, on the limits whereof besides the usual stakes or land marks they shall plant some useful forest or fruit trees.

4th The land referred to is composed of one rotun or square league of grazing land more or less as appears by the design accompanying the petition. The Judge who shall give the possession shall have the land measured in accordance with the ordinance for marking out boundaries, any excess that may result shall remain to the Government for the purposes that it may deem fit.

5th If the grantee should not conform themselves to the conditions herein, they shall lose all right or title to the aforesaid property & it may then be granted to other parties.

Wherefore I order that these patents be held firm & valid & that entry thereof should be made in the book kept for that purpose & that it should be delivered to the interested parties for their protection & other ends.

Given at Mexico on the first day of August one thousand eight hundred & thirty four.

José Figueroa.

Agustín V. Zamorano.

Secretary.

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Entry has been made in the book of titles & grants of land at page forty four & number forty two, in the office under my charge.

Monterey the first day of August one thousand eight hundred & thirty four.
Leamurano.

Filed in Office July 19 1853.

Geo: Fisher,
Secy.

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Dr. Juan de Paz 2.º de St. Barba

Antonio m.º Ortega y Magdalena Cota, vecinos de este punto ante la justificacion de V.º comparen y dicen, q.º habiendo obtenido la consecucion en propiedad del terreno conocido con el nombre de Ntra. Sra. del Refugio, por justo titulo expedido a nros. favores con fecha 1.º de Agosto de mil ochocientos treinta y cuatro por el Sr. Jefe Superior Politico del territorio, Sr. de Brigada D. Juan Figueroa, y de entera conformidad con la aprobacion de la misma Diputacion, a V.º duplicamos de sierva darnos la posesion juridica de ontilo con arreglo a dho. titulo, cuyo docum.º devidam.º acompañamos, admitiendonos esta instancia en papel comun p.º no haber del Bellado q.º corresponde, juramos no ser de malicia &c.

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Judicial
Posesion

D

Document
H.H. n.º 2
ann.º to the
depo.º of Sr.
m.º Covarrubias

St. Barba Abril 18 de 1846
Ant.º M.º Ortega m.º Magdalena Cota

St. Barba Abr. 17 de 1846
En virtud de la precedente solicitud pro-
cedan por mi el presente Juez a la medicion
señalamiento de linderos y posesion juridica del
terreno de Ntra. Sra. del Refugio, q.º solicitan
los interogados en este expediente, con arreglo a
los documentos q.º acompañan, señalando p.º
ejecutarlo el dia veinticinco del presente p.º lo q.
se pitaran con boleto de comparendo a los colli-
dantes. Asi yo el Juez de Paz 2.º del partido
de St. Barba lo mande, decreté y firmé actuando
por receptor con testigos de arist.º por falta de
escribano nacio.º y publico, de q.º doy fe

arista
Raym.º Carrillo arista
Nicolas Alden

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En la fha presente D. Jose Manl. Ortega y
D. Vicente Ortega, ambos apoderados por D. Antonio
Ma. Ortega y D. Magdalena Cota de Ortega p.^a
q.^e en su nombre reciban la posesion del expresado
Rancho, de lo notifico el auto q.^e antecede y de el
entendidos dijeron q.^e lo holien y se dan por citados, y
lo firmaron conmigo y los de mi asist.^a, doy fe

Juan B. Ayala
Vicente Ortega Don m.^a Ortega
asist.^a asist.^a
Raym.^{do} Carrillo Nicolas A. Don

En la misma fha se libraron los roles q.^e
se mandan en el primer prebeito, y para q.^e conste
p.^a dilig.^a lo rubrique

En el Rancho de Ntra Sra del Refugio
a los veinte y cinco dias del mes de Abril de mil ocho
ciento cuarenta y seis, en cumplimiento de la cita librada
a los Colondatos del expresado Rancho concurrio D. Jose
Dolores Ortega, D. Agustin Yane, D. Migl. Cordero
D. Raym.^{do} Carrillo, y el mayordomo de S. Julian
D. Gregorio Lopez, p.^a D. Jose de la Sierra y enten-
-didos de q.^e se iba a proceder a la medicion,
Señalamiento de linderos y posesion a favor de D.
Antonio m.^a Ortega, y D.^a Magdalena Cota de
Ortega, p.^a medio de sus apoderados, dijeron quedar
entendidos, y para const.^a lo firmaron conmigo y
los de mi asist.^a, de q.^e doy fe

Juan B. Ayala
Vicente Ortega Don m.^a Ortega
asist.^a asist.^a
Por D. Anast.^{do} Carrillo Raym.^{do} Carrillo
Nicolas A. Don Raym.^{do} Carrillo
Por D. Jose de la Sierra Migl. Cordero
Agustin Yane Don Dolores Ortega

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En la fha y en el espresado Rancho se les notificó el auto q.º antecede al C.º Don M.ª Valenzuela y Joaquin Neofito, y entendidos de el dijeron q.º aceptan y aceptaban dho encargo de medidores, y juraron p.º Dios nro Sr y una señal de Cruz de usarlo fiel y legalmente a todo su leal saber y entender, sin dolo ni fraude contra persona alguna y lo firmaron con mi go y con mi asistencia de q.º doy fe.

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| | | |
|----------------|---------------|--------------------|
| | Juan P. Ayala | |
| Joaq.º Neofito | | Don M.ª Valenzuela |
| arista | | arista |
| Nicolas A. Don | | Raym.º Carrillo |

Incontinenti yo el referido Alcalde mandé traer a mi presencia un Cordel de mecate con q.º se ande medir las tierras de dho Rancho y q.º los medidores lo midan de a cincuenta varas, lo q.º firmo con lo de mi arista de q.º doy fe

| | | |
|----------------|---------------|-----------------|
| arista | Juan P. Ayala | arista |
| Nicolas A. Don | | Raym.º Carrillo |

En seguida y en presencia de mi el espresado Cruz los medidores mencionados tomaron un Cordel de mecate, y con una vara de medir usual Mexicana midieron cincuenta varas p.º hacer la referida medicion y p.º q.º Conste lo rubrique

En la misma fha y en el referido rancho siendo como las ocho de la mañana, yo el espresado Cruz para proceder a la medicion de tierra q.º se ha de hacer a D. Antonio M.ª Ortega y D. Magdalena Cota de Ortega, p.º medio de sus apoderados Don Man.ª Ortega y D. Vicente Ortega, mandé a los medidores nombrados se purgan en el camino

real frente a la Sierra conocida con el nombre de la Vijia
 lindero de D. Don Dolores Ortega, y puesto en dicho
 lugar se comenzó la medida tendiendo el cordel
 rumbo al Poniente y se midieron setecientos veinte
 cordelas de a cincuenta varas hasta llegar al arroyo
 o cañada llamada el Cojovijó, el cual sirve de lindero
 a D. Anastasio Carrillo y a los expresados D. Antonio
 M.^a Ortega y D.^a Magdalena Estada Ortega;
 en seguida se prosiguió la medida tendiendo el
 cordel de Sur a Norte, q.^a a la orilla del
 Paredon al pie de la Sierra y se midieron setenta
 cordelas de a cincuenta varas, por lo q.^a declaran
 los expresados medidores tener dicho rancho de otra
 Sra. del Refugio siete leguas y mil varas de largo,
 y tres mil quinientas varas de ancho, sirviendo
 de lindero al Norte la Sierra grande ya referida,
 y al Sur la orilla del Paredon, acompañando
 a este expediente el título de Concesion, siendo de
 advertir q.^a el expresado terreno es muy desigual
 en su latitud, y para const.^a lo firmo por auto
 con los testigos de mi asist.^a, de q.^a doy fe
 Juan P. Ayala

asist.^a
 Nicolas A. Gen

asist.^a
 Raym.^o Carrillo

En el referido Rancho del Refugio y en el
 mismo día, mes y año D. Don Juan Ortega y
 D. Vicente Ortega, acompañados del Sur y testigos
 de asist.^a de estos autos, dijeron q.^a habiéndose
 medido las tierras de este Rancho según consta
 en el auto anterior, tomaban y toman posesion
 de dichas tierras medidas para las pertenecientes a sus
 poder dantes por justo título q.^a obtienen de la Concesion
 q.^a de ellas les hizo el Sup.^o Gob.^o q.^a antes se
 llamaba territorial y de entera conformidad con
 la aprobacion de la Junta Disputacion del mismo

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Entraron y posearon p.^o ellas, a nombre de quienes les
 Confirieron su poder, arrancaron hierbas, esparcieron
 junco de tierra, rompieron ramas de los arboles,
 he hicieron otras demostracion^{es} y actos de posesion
 en señal de la q.^{ta} dijeron tomaban de dhas tierras,
 y yo dho Sr mande q.^{ta} desde entonces, tubie-
 =ran y reconocieran a D. Antonio M^a Ortega y D.
 Magdalena Cota de Ortega por verdaderos dueños
 y poseedores de ellas por medio de la respectiva apo-
 =derador.

De todo lo expresado pidieron dhas apode-
 =rados q.^{ta} p.^{ta} memoria en benedico y Conservacion
 de sus derechos, les fuese extendida por mi el repetido
 Sr una Const.^a y lo firmaron con mi go y
 lo de mi aust.^a de q.^{ta} doy fe

Juan B. Ayala

Vicente Ortega
aust.^a

Jos M^a Ortega
aust.^a

Nicolas A Don

Raym^o Carrillo

Filed in office Jan'y 19. 1853

Geo. Fisher.

Secy

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Second Justice of the Peace of Sta Barbara.

Translation of
Judicial Possession of the
E.

Antonio Maria Ortega & Magdalena Cota residents of this place appear before you & represent, that having obtained the grant of the land known by the name of Nuestra Señora del Refugio in virtue of a just title extended to us under date of the first of August 1834 by the Superior Political Chief of the Territory, General of Brigade, Don José Figueroa, in conformity with the approval of the Department, pray that you give us the usual judicial possession as usual to said title hence announced praying that this petition be accorded on this ordinary paper in the absence of sealed paper as required & certifying that there is no sealed &c

Sta Barbara April 18th 1846

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M^a Magdalena Cota.
A^o M^a Ortega.

Sta Barbara April 17th 1846.

In virtue of the foregoing petition I ordered as Justice of the Peace, that the measurement placing of boundaries on the land known as Nuestra Señora del Refugio be performed & the judicial possession as prayed for by the interested parties be granted to them; according to the accompanying documents fixing for the execution of the above formalities the 25th day of this month, for which purpose notices of appearance were given to the neighbors. Thus I the Justice of the Peace of Sta Barbara, ordered, decreed & signed it, acting herein with the assisting witnesses in the absence of Notary Public.

Witnesses
Raymundo Carrillo
Melias A. Don

Certified to
Juan P. Ayala

On the above date Don Manuel Ortega & Don Vicente Ortega both agents for Don Antonio Manuel Ortega, & Doña Magdalena Cota de Ortega being present they

were notified the foregoing proceedings in order that they may receive in the name of their principals the possession of the aforesaid Rancho & they being informed thereof declared that they took cognizance thereof admitted that they were notified & affixed their signature with me & the abovesaid witnesses.

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| | |
|---------------------|----------------|
| Witness. | Certified to |
| Raymundo Carrillo 3 | Juan P. Ayala. |
| Nicolas A. Don. 3 | José M. Ortega |
| | Nicole Ortega. |

On the aforesaid date the notices hereinbefore mentioned were delivered & in witness whereof I affix my signature.

On the Rancho of Nuestra Señora del Refugio on the 25th day of the month of April 1846 according to the notices delivered to the neighbors of the Rancho aforesaid appeared Don José Dolores Ortega, Don Agustín Gamero, Don Miguel Cordero, Don Raymundo Carrillo, Attorney for Don Anastasio Carrillo & the Mayor Don de San Julian Don Gregorio Lopez for Don José de la Guerra, & being informed that the measuring, the placing of boundary stakes & possession was about being performed in favor of Don Antonio Maria Ortega & Doña Magdalena Cota through their agents said that they were fully informed & in testimony whereof they signed these presents with me & together with the witnesses.

| | |
|---------------------|----------------------------------------------|
| Witness. | Certified to |
| Raymundo Carrillo 3 | Juan P. Ayala. |
| Nicolas A. Don. 3 | José M. Ortega, Nicole Ortega, For |
| | Don Anastasio Carrillo, Raymundo Carrillo, |
| | Miguel Cordero, Agustín Gamero, José Dolores |
| | Ortega, For Don José de la Guerra. |

Thereupon I the Judge in these proceedings appointed as chain bearers to give the aforesaid possession Don Maria Kalamcucla, & Joaquin Neophyte Kalamdo, who after accepting & taking the oath, proceeded to perform their duties, in witness whereof I affixed my signature hereto with the assisting witnesses.

witnesses.
N. A. Don.

Raymundo Carrillo. 3

Certified to
Juan P. Ayala.

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On the date & on the Rancho aforesaid the above was notified to Don Maria Kalamcucla, & Joaquin the Neophyte who being duly informed of these proceedings said that they accepted the aforesaid duties of chain bearers, & took the oath before God our Lord making the sign of the cross, to perform their duties faithfully & legally according to their best understanding without fraud or injury to any person whatever, & they signed these presents, with me & the assisting witnesses.

witnesses.

N. A. Don.

Ran Carrillo.

Certified to
Juan P. Ayala.

Joaquin Neophyte, Don M. Kalamcucla.

Immediately thereafter I the above mentioned Judge ordered a line to be brought to me such as is used to measure lands to measure the lands of the aforesaid Rancho, which said line was measured to the length of fifty varas, which I certified to with the assisting witnesses.

witnesses.

N. A. Don.

Ran Carrillo. 3

Juan P. Ayala.

Thereupon & in the presence of the aforesaid Judge the chain bearers above mentioned took a horse hair

line & with a common Mexican vara measure fifty varas
 were measured to make the measurement aforesaid. In
 witness whereof I have hereunto affixed my signature.

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 PAGE 55

On the above date & on the Rancho aforesaid, it being
 about eight o'clock in the morning, I the Judge aforesaid
 to proceed with the measurements of the lands to be meas-
 ured for the benefit of Don Ant^e M^o Ortega & Magdale-
 na Cota de Ortega through their attorneys Don Jose
 Manuel Ortega & Don Vicente Ortega, ordered the chain
 bears to place themselves on the main road in front
 of the hill known as the ojo de agua of D. San Dolores
 Ortega & from that place began the measurement, ex-
 tending the line in a westerly direction seven hundred
 & twenty lengths of the fifty vara line were measured
 off to the (arroyo) stream or (cañada) valley known
 as the ojo de agua which is the boundary line of Don Anas-
 tasio Carrillo & the aforesaid Don Antonio M. Ortega,
 & Doña Magdalena Cota de Ortega, then after the mea-
 surement was continued extending the line from South
 South to North, which is the edge of the cliff to the foot
 of the range of mountains & seventy lines of fifty varas
 were measured off. In consequence whereof the aforesaid
 chain bears did and the aforesaid Rancho de Nuestra
 Señora del Refugio to measure seven leagues & one
 thousand varas in length & three thousand five hun-
 dred varas in width the large range of mountains
 bounding it on the North & on the South the edge
 of the cliff, the title of grant accompanying this
 expediente it being remarked that the width of the
 aforesaid Rancho was very irregular. In witness
 whereof I have hereunto affixed my signature to-
 gether with my assisting witnesses.

Certified to.

57

Witness
N. A. Don. 3
R. Carrillo 3

P. Ayala.

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PAGE 56

At the aforesaid Rancho del Refugio & on the day herein-
before stated Don Jose Manuel Ortega & Don Vicente
Ortega accompanied by the Judge & witnesses herein, stated
that having measured the lands of the Rancho aforesaid,
as it herein appears, they did take, & they took real posses-
sion of said measured lands, they therefore belong to their
principals according to a just title as per grant made
to them by the Superior Government & therefore called the
Territorial Government & agreeably with the approval
of the deputation of said Government, the parties entered
in said lands & walked over them in the name & for the
benefit of their principals, they pulled up grass, scattered
hands full of earth, both broke branches of trees, and
performed other demonstrative acts of possession
in consequence whereof they said they had taken pos-
session of said lands & the said Judge ordered that
from this moment henceforth said Don Antonio Ma-
ria Ortega & Dona Magdalena Cota de Ortega be
recognized & the true owners & possessors of said lands
through their respective attorneys.

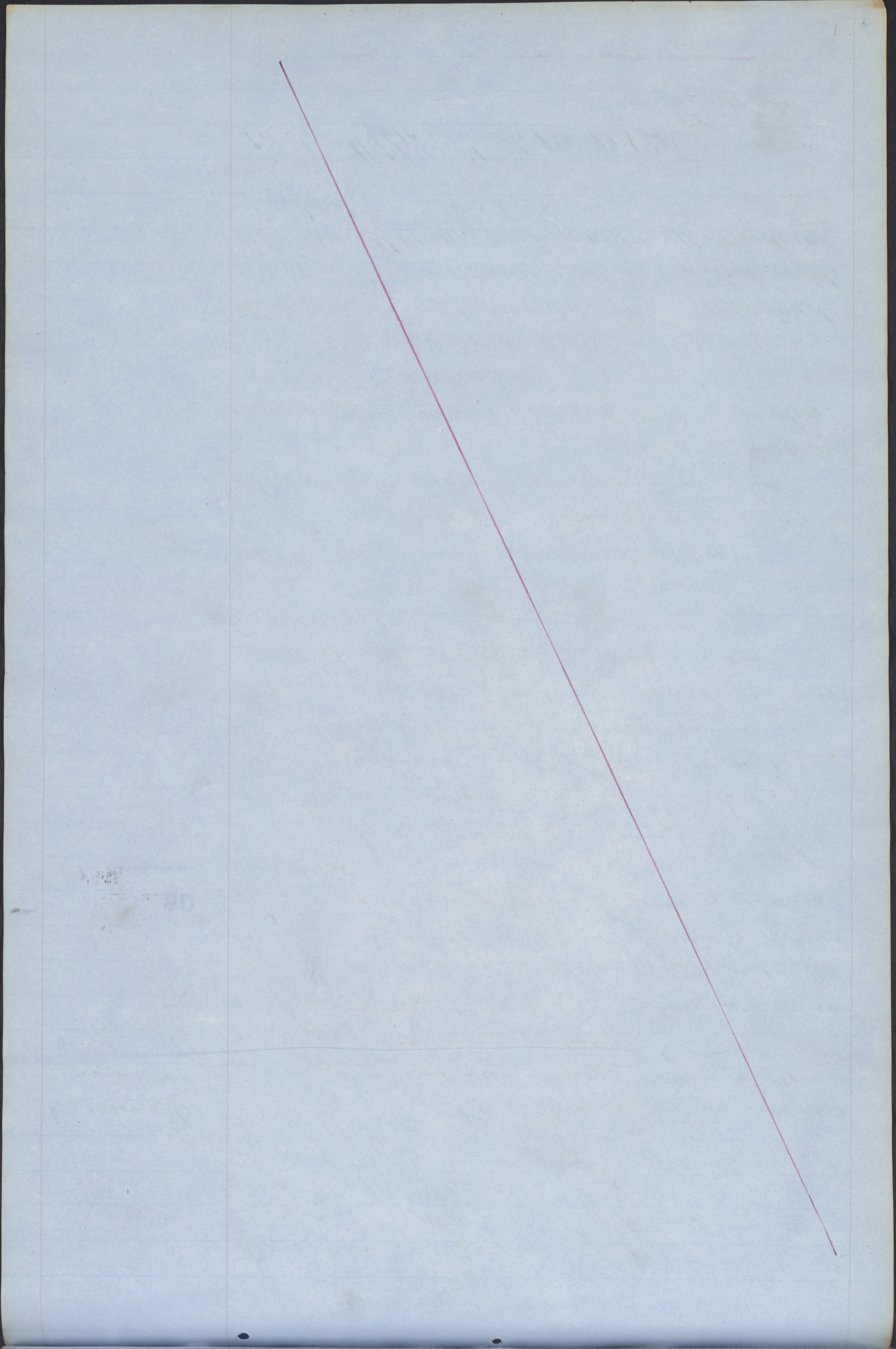
For the security of the grants the said
Attorneys asked that the said Judge should give
them a copy hereof & they both affixed their signatures
with me & my witnesses.

Witness
N. A. Don. 3
R. Carrillo. 3

Juan P. Ayala.
Jose M. Ortega.
Vicente Ortega.

Filed in Office Jan'y 19 1853.

Geo: Fisher.
Cly.



Antonio Maria Ortega &
Magdalena Cota de Ortega.

^{vs}
The United States.

3 Nuestra Señora del
3 Refugio - six square
3 leagues.

Opinion of the
Board by Commissioner
Campbell.

The petitioners in this case have placed on file, duly proved, a grant made by Governor Figueroa, bearing date the 1st day of August A. D. 1834. They have also placed on file the record, showing that said grant was on the 16th day of July A. D. 1834 duly approved by the Territorial Deputation. And they have also produced properly proved & authenticated the record of Judicial possession.

It is proved by the deposition of Jose M. Coram-
bar that the claimants had a house on the land before they received the grant from Governor Figueroa, & that they had continued to reside on it from that time to the date of his deposition. He also testifies that they had culti-
-vated the land, & had occupied it with a vineyard & fruit
-trees, & with stock.

The proceedings in this case are in conformity
with the laws & regulations upon the subject.

The title in form bears date subsequent to the
approval of the original concession & refers to it.

The record of judicial possession describes with suffi-
-cient certainty the tract of land granted & its location
can be readily ascertained.

The record independent of the verbal testimony
shows marks of a regular order, & the proof introduced
establishes the performance of all the material conditions
of the law. A decree of confirmation will accordingly
be entered.

Filed in Office March 14 1854.

Geo. Fisher. Secy.

Antonio Maria Ortega &
Magdalena Cota de Ortega.

^{vs}
The United States.

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PAGE 58

Declar.
Confirmation.

In this case on hearing the proofs & allegations, it is adjudged by the Commission that the claim in this case is valid, & it is therefore decreed that the same be confirmed. The lands of which confirmations are hereby made are known by the name of Nuestra Señora del Refugio, & are the same lands on which the claimants now reside, & are bounded & described as follows, to wit: Commencing at a point on the main road in front of the hill as the vicia limits of Don Dolores Ortega, & running thirty nine thousand varas to the arroyo usually known as the Caño Viejo, which is the boundary line of Don Anastasio Carrillo & of the petitioner; thence running North along the edge of the cliff, to the foot of the range of mountains, the distance of three thousand five hundred varas, containing in all seven leagues & one thousand varas in length, & three thousand five hundred varas in width.

Reference for further description to be had to the map, which forms a part of the traced copy of the Espediente filed in the case.

Alpheus Felch.
Thompson Campbell.
W. Aug. Thompson. } Commissioners.

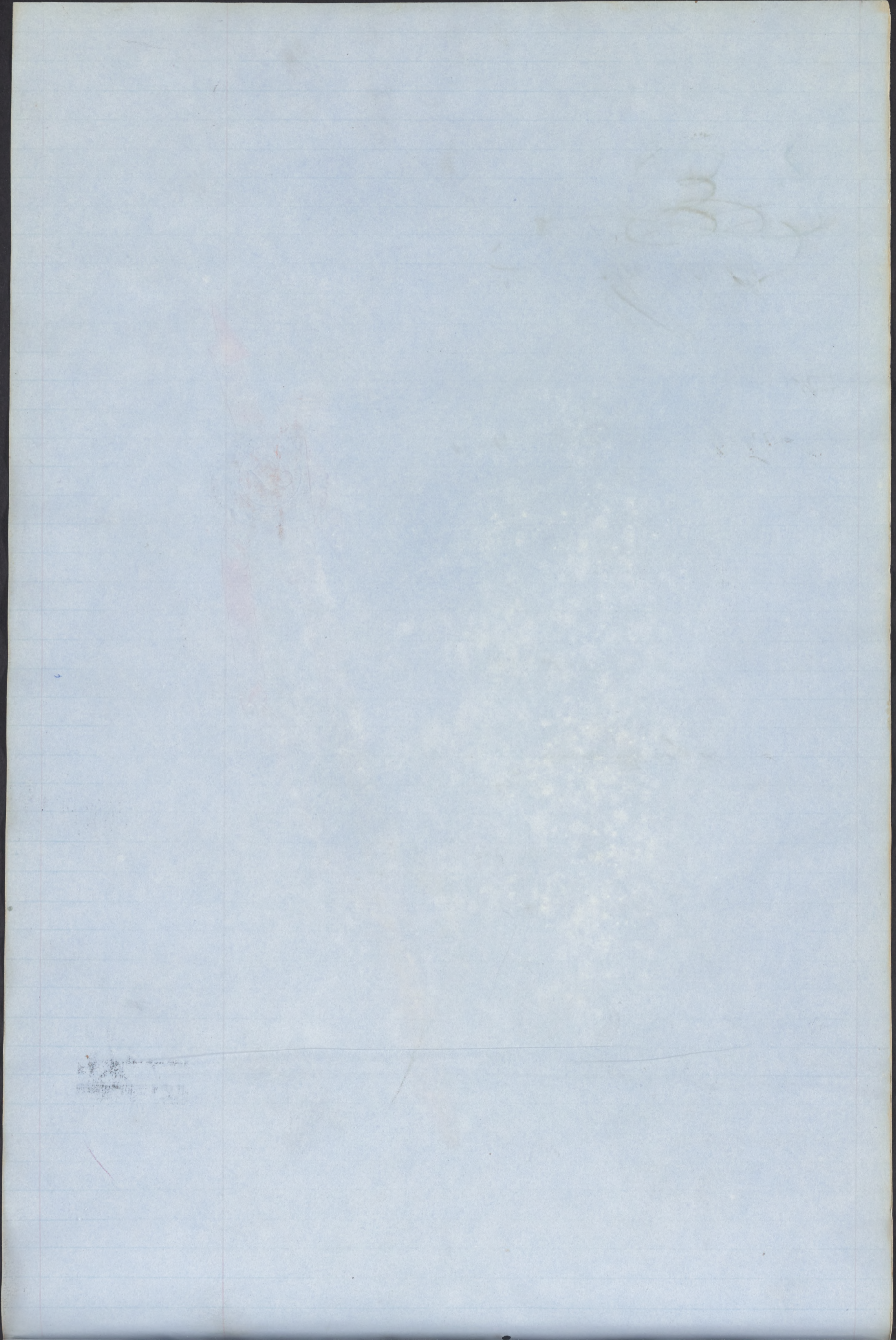
Filed in Office March 14 1854.

Geo. Fisher.
Secy.

And it appearing to the satisfaction of this Board, that the land hereby adjudicated, is situated in the Southern District of California it is hereby

Ordered, that two Transcripts of the Proceedings and of the decision in this case and of the papers and evidence upon which the same are founded, be made out, and duly certified by the Secretary, one of which Transcripts shall be filed with the clerk of the United States District Court for the Southern District of California, and the other be transmitted to the Attorney General of the United States.

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PAGE 58^A



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PAGE 59

Office of the Board of Commissioners,

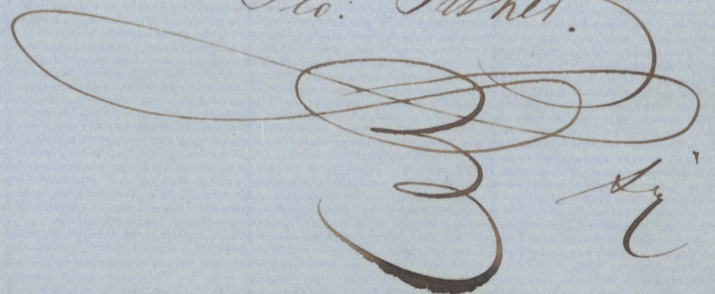
To ascertain and settle the Private Land Claims in the State of California.

I, *George Fisher*, Secretary to Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *Sixty* pages, numbered from 1 to *60*, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. *522* on the Docket of the said Board, herein *Antonia Maria Ortega* is

the Claimant, against the United States, for the place known by the name of "*Nuestra Señora del Rosario*"

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. *1854*, and of the Independence of the United States of America the seventy-ninth.

G. Fisher.



154

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

No. 154, *Docket*

THE UNITED STATES,

vs.

Antonia Maria Ortega, et al

"Nuestra Señora del Refugio"

154

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,
In Case No. 522.

Filed, *November 5th* 1854.

C. E. Farr,
Clerk

154

N. 522

Office of the Attorney General of the United States,

Washington, 17th January 1855.

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Antonio Maria Ortega

vs.

The United States.

} 522.

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 Southern district of California will be prosecuted by the United States.

Cushing

Attorney General.

N^o 154.

U. S. District Court
Southern District

The United States

vs -

Antonio M. Ortega.

Notice of appeal from Atty. Gen.

Filed Feb 27th 1859.

J. E. Carr.
Clerk.

Office of the Attorney General of the United States,

Washington, 17th January 1855.

154 SD
PAGE Duplicate

Antonio Maria Ortega

vs.

The United States.

522.

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.

Cardozo

Attorney General.

154
22

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

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

154 SD

PAGE 62



Antonia Maria Ortega, et al. App^{ts}

Docket No. 154

vs

The United States, App^t

Transcript No. 522

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 19th day of January A. D. 1853, Antonia Maria Ortega, and Magdalena Corta de Ortega,

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 Nuestra Señora del Refugio situated in the County of Santa Barbara 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 14th day of March A. D. 1854, the said Commissioners confirmed, by final decision, the said claim of said petitioners. That thereafter, to wit: on or about the 8th 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. 522; reference to which it is prayed may be had and made part of this petition. That on or about the 30th 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 ^{or about} the 27th 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 claimants
presented as aforesaid to said Commissioners. And your petitioner further
denies that the said claimants ~~has~~ ^{have} any valid right or title to said land claimed
as aforesaid, or any part thereof.

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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 claimants, or ~~his~~^{their} attorneys may be served with a copy of this petition; and that this Honorable Court will review the said decision of said Commissioners, and reverse the same; and decide on the validity of the same, and decree the alleged title to be invalid: with costs and general relief.

P. Ord

Attorney of the United States for
the Southern District of California.

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No 154

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

Antonio Maria Ortega et al.
Appellee

vs.

The United States
Appellant

Petition for Review

Filed Nov. 8th 1855
C. E. Carr.
Clerk.

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PAGE 65

J. Ord U. S. Attorney

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

TO

The President of the United States,

*Antonia Maria Ortega and Magdalena
Cantu de Ortega*

154 SD

PAGE 66

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 *9th* 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 14th day of
March 1854 confirming your claims to the Land
called "Nuestro Senor del Refugio, situated in the
County of ^{Santa Barbara} Los Angeles," and appealed by the
Atty Genl. 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 *tenth* day of *November* in the year of our Lord one thousand eight hundred and fifty-five at Los Angeles aforesaid.

J. E. Farr
Clerk.

Mardals Cont.

Copying documents 60

Swamy do 3

Petition 3

Travelling Expence 48

Subscribing 48

Subscribing 48

Subscribing 48

Subscribing 48

Subscribing 48

154

United States of America,

Southern District of California,

U. S. DISTRICT COURT.

Antonio M. Ortega, et al,
apples.

vs. } No. 154.

The United States, Apples

SUMMONS.

Recd Novbr 13th 1855

154 SD

PAGE 57

I served this summons along with the proper copy of the petition upon *Antonio Maria Ortega* by delivering to him personally a true copy of the Original Summons

at *Rancho del Refugio, County of Santa Barbara* in the Southern District of California on the *4th* day of *December* A. D. 1855.

Sworn to and subscribed before me, this *7* }
of *December* 1855 *C. E. Can* Clerk.
By *Jam. R. Sumner* Deputy.

Edward Hunter
U. S. Marshal.
by *M. S. Goodman* Deputy.

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

TO

The President of the United States,

Antonio Maria Ortega, and Magdalena
Cota de Ortega

154 SD

PAGE 68

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 *9th* 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 14th day of
March 1854 confirming your claim to the Land
called "Nuestra Senor del Refugio", situate in
the County of ^{*La Brea*} ~~Los Angeles~~ and appealed by
the Attorney Genl. 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 *tenth* day of *November* in the year of our Lord one thousand eight hundred and fifty-five at Los Angeles aforesaid.

J. E. Jan.

Clerk.

154

Marshall's Cost

Copying Summons — 60
Serving do 3.—
Petition 3.—

~~Whose name is~~
Teaching Enrolment
each for minimum 427.00
and Petition \$79.60

United States of America,
Southern District of California,
U. S. DISTRICT COURT.

Antonia Ma Ortega, et al., Apples,

nos. { No 157.

The United States, Appels,

SUMMONS.

New York 13th 1853

154 SD
PAGE 59

W. S. Marshall

I served this summons along with the proper copy of the petition upon *Magdalena de Cota de Ortega*, by delivering to her personally a true copy of the Original Summons at *Santa Barbara County of Santa Barbara* in the Southern District of California on the *1st* day of *December* A. D. 185*5*.

Sworn to and subscribed before me, this *7* }
of *December* 1855 *C. C. Can* Clerk. }
By *Sam. R. Drummer* Depts

Edward Hunter
U. S. Marshal.
By *M. S. Goodman* Deputy.

I have served this Answer upon P. Ott U.S.
Attorney by delivering to him personally
a true Copy of the same at the City of
Los Angeles in the Southern Dist of Calif^a
this 11th of December 1855

Edward Huntley
U S Marshal

Sworn to & subscribed
before me this 12th of Dec 1855.

Jr M D Goodman
Deputy

Jr M D Goodman

No 154

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

Antonio Maria Ortega et al.
Appellants

vs.
The United States. Appt.

Answer to Petition for Review

Filed Dec 10th 1855.

C. S. Janes
Clerk.

154 SD

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A. F. Hutchinson
Atty. for Appellants.

Marchals Conf

Wm M. Mason J. B.

No. 154
U.S. Dist Court
South Dist of Cal
Auto. Ma. Ortega et al
Appellees
vs
The United States Applt.

Order to take Testimony.

Filed Dec 10th 1855.

Wm
C. B. Jan
at.

L

154 SD

PAGE 73

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

154 SD

PAGE 74

Antonio Maria Ortega et al }
Appellees } Socker et al
vs } 154
The United States }
Appellants }

The Appellees, by their Counsel A. P.
Kinckman, hereby consent that
this case be submitted without
argument or further evidence on
behalf of the Appellees and without
notice from the Appellant
Los Angeles

Dec 20 1836

A. P. Kinckman
Atty. for Appellees

No 154.

In the U.S. District Court
Southern District
State of California
Los Angeles

Antonio M. Cantiga
et al. Appellee
vs.

The United States
Appellant

Consent to submission

Filed 29th Dec^r 1864

154 SD

PAGE 75

Clerk

A. H. Buchanan

3

United States District Court for the
Southern District of California

~~December Term 1856~~

December Term 1856.

154 SD

PAGE 76

The United States } Docket No. 154
 } appellants
 } vs
 } Antonia Maria Ortega }
 } et al } appellees

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 California under the act of Congress approved March 3^d 1851. upon the transcript of proceedings and decision of said Board and the papers and evidence upon which said decision was founded, all of which has been duly filed in this Court, and counsel for the respective parties having been heard, It is ordered adjudged and decreed that the decision of said Board confirming unto said Antonia Maria Ortega and Magdalena Cota de Ortega the lands described in said transcript filed in this cause be and the same is hereby affirmed, and that their said title is a good and valid one.

* verify the boundaries from the court

The lands of which confirmation is hereby made is that known by the name of "Nuestra Señora del Refugio" situated in the present County of Santa Barbara, and is bounded and described as follows, by the Mission of Santa Barbara Santa Inez, & la Purissima, reference being had for further description to the grant of said lands made by Jose Figueroa dated August 1st 1834, and to the act of judicial possession, and to the map of said land, which said grant judicial possession and map, are filed in this cause and copied in said transcript filed in this court.

The lands ^{of which confirmed} ~~hereby confirmed~~ is hereby made is ~~of the extent~~ ^{and no more} ~~consist of six square leagues~~, provided that quantity be contained within said boundaries, but if a less quantity be contained within said boundaries then confirmation is hereby made for such less quantity.

Guaspar R. Oyer
 U S Dist Judge
 In the S Dist of Cal

No. 154.

United States District
Court Southern District
of California -

The United States
appellant
vs

Antonia Maria Ortega
et al. appellee

Decree of Confirmation

154 SD
PAGE 78

Filed Dec 31st 1854

Spina
Clot

Recorded in page 123-4

A. F. Hinckman

& E. Crosby -

Attys for appellee

United States District Court for the
Southern District of California

The United States

154 SD

PAGE 79

Appellants

Docket N^o 1324

vs.
Antonio M. Ortega

Transcript N^o

Appellee

Claim for lands in

The Attorney General for the United States having given notice of intention not to prosecute the appeal in the above cause and his letter of such notice being filed herewith. It is therefore hereby stipulated and agreed by and between the parties hereto P. Ord Esq U. S. Atty ~~acting~~ for the U. S. and D. S. Gregory for said appellee that the Decree of the said Court heretofore rendered in said cause be and the same is hereby made final and that the said appeal be dismissed

D. S. Gregory
Atty for Claimant

P. M.
Atty

No. 154

154 SD

Filed by the June 1858
Lewis Clark
of St. Louis
sep

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PAGE 80

PAGE 80

In the District Court of the United States
within and for the Southern District of California
Now Isaac S. K. Ogier, Judge

The United States
154 SD
Appellants

PAGE 81

A. Va Ortega
appellee

Docket No 154

Transcript from the Board of Land
Commissioners No.

The Attorney General of the United
States having given notice that the
appeal to the Supreme Court from
the decision of this Court in the
above entitled cause will not be
prosecuted by the United States,
and a stipulation having been
entered into by the United States
attorney and the attorney of the
claimant, that the order granting
an appeal to the Supreme Court
heretofore made in this cause
be vacated, and that the decrees
of this Court heretofore rendered
in this cause may by order of
this Court be made final.

It is ordered, adjudged and decreed
that the order granting an appeal
to the Supreme Court heretofore
made in this cause, be and the

same is hereby vacated and that the
claimant have leave to proceed
under the decree of this Court
heretofore rendered in this cause
as under a final decree.

James K. Ogden
U S Dis Judge

~~the Request of Robert J. Ogden~~
~~for~~
~~Att'y for defendant~~

No 1574

Filed 17th June 1858
J. M. Herburn
Dep

154 SD
PAGE 83

California Land Claims.
Attorney General's Office
7 Febr'y 1857.

Sir:
In the case of the claim of
Antonio Maria Ortega, confirm-
ed to the claimant by the Com-
missioners, case no. five hun-
dred and twenty-two, (522),
appeal will not be prosecuted
by the United States.

I Am,
Respectfully,
Caring

Placitas M Esq
U. S. Attorney
Los Angeles.

No 154

Filed 17th June 1858
Lewin Alb
J. H. Calver
Sep

154 SD
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