

CASE No.
191

SOUTHERN DISTRICT

SANTA YSABEL GRANT

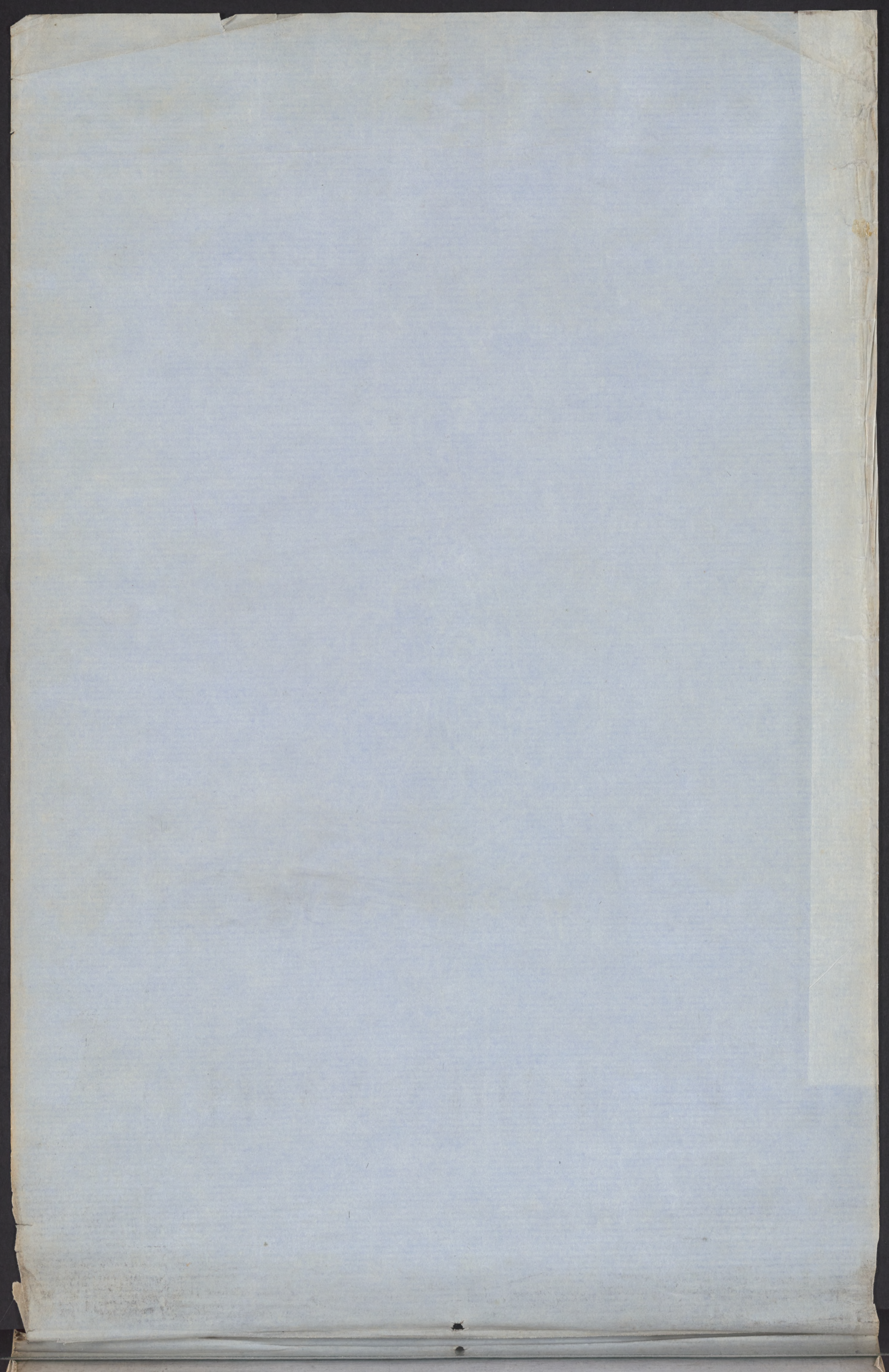
JOSF JOAQUIN ORTEGA, ET AT

CLAIMANT

LAND CASE 191 SD pgs. 107

MAR 8 1963

239



TRANSCRIPT

191 SD
PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 239

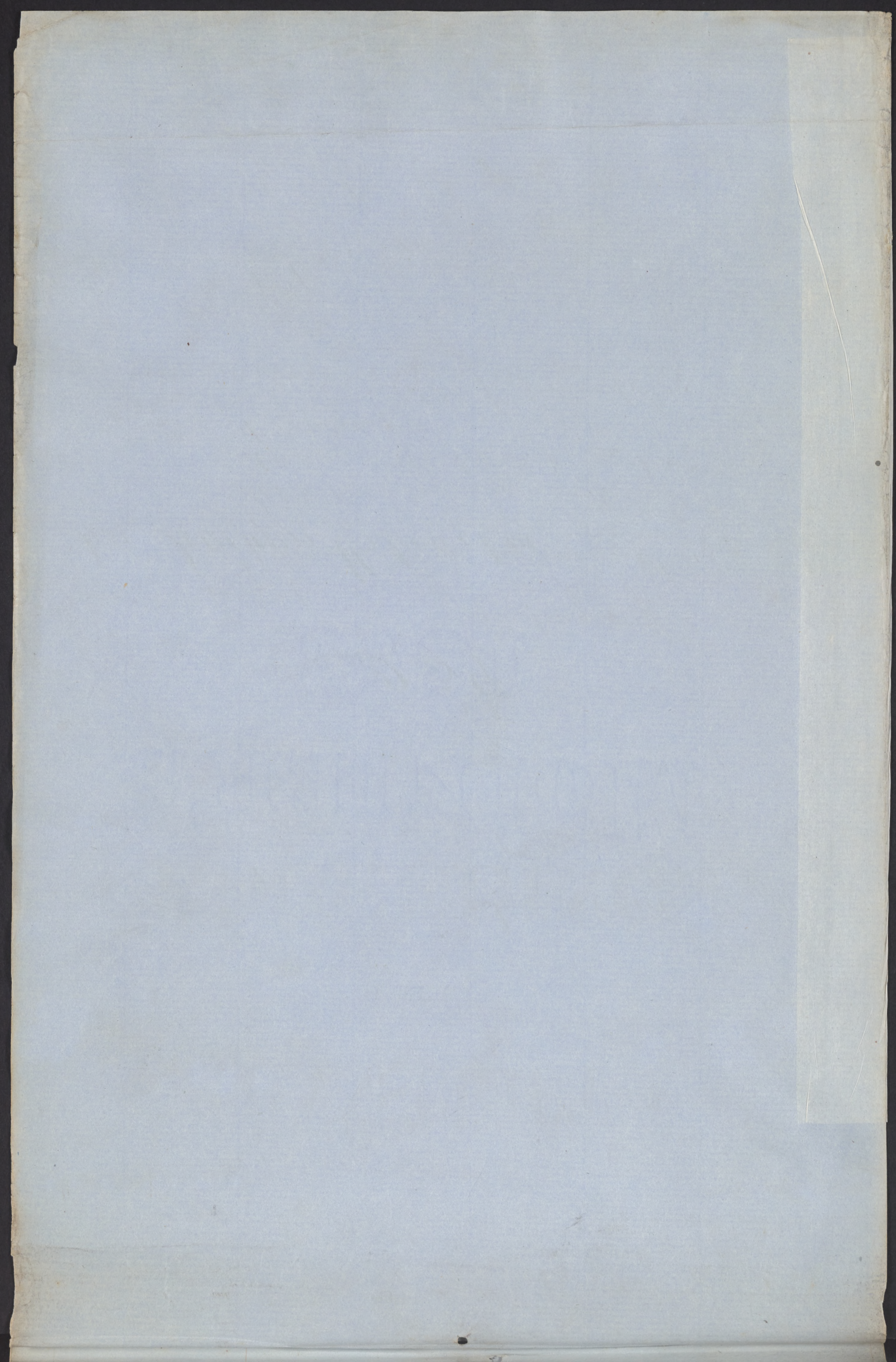
José Joaquín Ortega, et al, CLAIMANT S.

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Santa Ysabel"



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

191 SD
PAGE 2

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

The Petition of *José Joaquin Ortega et*
al: ~~~~~ for the Place named
~~~~~ "*Santa Isabel*", ~~~~~  
was presented, and ordered to be filed and docketed with No. 239 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;

*Sos Angeles, October 27' 1852.*  
In Case No. 239, *José Joaquin Ortega, et al:* for the  
place named "*Santa Isabel*," the deposition of  
*Abel Stearns*, a witness in behalf of the Claimants,  
taken before Commissioner *Miland Hall*, with  
documents marked *H. H. nos. 1, 2, 3* annexed  
thereto was filed;

(Vide page 5 of this Transcript.)

*Sos Angeles, November 1<sup>st</sup> 1852.*  
In the same case the deposition of *Anares Pico*,  
a witness in behalf of the Claimants, taken before  
Commissioner *Miland Hall*, was filed;

(Vide page 7 of this Transcript.)

*San Francisco February 16' 1853.*  
In the same case the Counsel for the Claimants

2  
presented an amended petition, which was ordered  
to be filed among the papers in the case;  
(Vide page 4 of this Transcript.)

San Francisco Sept. 13' 1853.

In the same case the deposition of J. J. Warner, a  
witness in behalf of the claimants, taken before  
Commissioner Thompson Campbell, was filed;  
(Vide page 7 of this Transcript.)

191 SD  
PAGE 3

San Francisco Sept. 16' 1853.

Case no. 239, was called, on motion of the counsel  
for the claimant, ordered to the foot of the Docket.

San Francisco, October 22' 1853.

In the same case the deposition of J. J. Warner, a  
witness in behalf of the claimants, taken before  
Commissioner Thompson Campbell, was filed;  
(Vide page 9 of this Transcript.)

San Francisco Aug. 28' 1854.

In the same case the deposition of Juan Foster, a witness  
in behalf of the claimant taken before Commissioner Peter  
Sott, was filed.

(Vide page 10 of this Transcript.)

San Francisco Sept. 5, 1854.

Case no. 239 was submitted on briefs and taken under  
advisement.

San Francisco September 19' 1854.

In the same case Commissioner Alphens Felch delivered  
the opinion of the Board respecting the claim;  
(Vide page 43 of this Transcript.)

and the following order was made, to wit;

(Vide page 45 of this Transcript.)



To the Board of Commissioners for ascertaining and settling Private Land Claims in the State of California.

Jose Joaquin Ortega a Mexican by birth, and Edward Stoke, by naturalization, both Citizens of, and residing in the County of San Diego, State of California, respectfully represent to Your Honorable Board, that they claim a certain tract of land called "Santa Ysabel", containing four (4) "sitios de ganado mayor" more or less, situated in the County of San Diego, in said State of California; that they claim the same in fee, by virtue of a grant made to your Petitioners, under the authority of the Mexican Government, by don Manuel Micheltoena, Governor and General Commanding the Department of the Californias, bearing date Monterey 9, of November, 1844, and approved by the Territorial Deputation on the 25<sup>th</sup> day of June 1846.

Petition

191 SD  
PAGE 4

Your Petitioners would further represent that judicial possession of said Tract of land was given to the said Grantees on the 1<sup>st</sup> day of December A.D. 1844, and the boundaries thereof designated and defined, and that they have been in the peaceable possession thereof ever since; and that they have no knowledge of any interfering claim to the said paraje of Santa Ysabel.

Your Petitioners present herewith this Expediente, containing the original grant of said land, and the approval of the Territorial Deputation, in the Spanish language, together with translations of the same, and other documents relating thereto, and 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, and

decease their title to be valid, and confirm the same.

And your Petitioners will ever pray,

Wetherland & Carr,  
Attorneys for Petitioners.

191 SD  
PAGE 5

Filed in Office May 25<sup>th</sup> 1852.  
Geo. W. Fisher Sec

To the Board of Commissioners for ascertaining and settling Private Land Claims in the State of California,

Supplemental  
Petition.

Your Petitioners Jose Joaquin Ortega, a Mexican by birth of the County of San Diego in the State of California, and Refugio Stokes widow of Edwards Stokes deceased, and Adolpho, Alfredo and Eduardo Stokes minor children of the said Edwards Stokes deceased respectfully represent to Your Honorable Board that they claim a certain tract of land called Santa Isabel containing four sitios de ganado Mayor, more or less situated in the County of San Diego in said State of California, that they claim the same by virtue of a grant made to the said Jose Joaquin Ortega and Eduardo Stokes during his life time under the authority of the Mexican Government by Manuel Micheltorena Governor of the Department of California bearing date at Monterey the 9<sup>th</sup> day of November 1844, and approved by the Territorial Deputation on the 25<sup>th</sup> day of June 1845,

Your Petitioners further represent that juridical possession of said tract of land was given to the said original grantees on the first day of December 1844.

5-  
and the boundaries thereof designated and defined and that they and those claiming under them have been in the peaceable possession thereof ever since; and that they have no knowledge of any interfering claim.

Your Petitioners pray your Honorable Board to take into consideration their claim to said tract of land and decree their title to be valid and confirm the same.

And Your Petitioners will ever pray &c.

191 SD  
PAGE 6

Southerland Carr,  
Atty for Claimants.

I assent to the filing of this amended petition.

A. Greenhow,  
W.S. Law Agent,  
Feb 16, 1853.

Filed in Office Feb 16, 1853,  
C. S. Fisher Sec

San Angeles Oct 27<sup>th</sup> 1852,

Deposition  
of  
Abel Stearns

On this day before Com<sup>r</sup> Miland Hall came, Abel Stearns, a witness in behalf of the Claimant's Jose Joaquin Ortega et al, petition N<sup>o</sup> 239, and was duly sworn, his evidence being given in English.

The W.S. Associate Law Agent was present.

In answer to questions by Counsel for the Claimant the witness testified as follows;

My name is Abel Stearns, my age

is fifty four years, and I reside in  
Los Angeles. I have resided in  
California over twenty three years.  
I am acquainted with the hand  
writing & signatures of Manuel Micheltorena  
& Manuel Jimeno & of Don Pio & Jose  
M. Covarrubias.

191 SD  
PAGE 7

A paper is now shown me  
purporting to be a grant to Jose Joaquin  
Ortega & Edward Stokes of a tract  
of land called Santa Isabel & dated  
November 9, 1844. The signatures  
of said Micheltorena & Jimeno appearing  
on said paper I believe to be genuine.

Said paper is hereto annexed & marked  
H. H. No. 1.

A paper is now shown me purporting  
to be a certificate of approval by the  
Departmental Assembly of grants of land  
called Valle de Parimo & Santa Isabel  
dated 7<sup>th</sup> of July 1845. The signatures  
of said Pio & said Covarrubias  
attached to said paper I believe to  
be genuine. Said paper is  
hereto annexed and marked H. H. No. 2.

I am acquainted with the hand writing &  
signatures of Juan M. Marrow, Jose M.  
Crasco, Santiago E. Arguello.

A paper is now shown me  
purporting to be proceedings giving  
judicial possession of the two last men-  
tioned tracts of land dated in November  
& December 1844.

The signatures attached to said papers in  
several places, of the said Marrow,  
Crasco & Arguello I believe to be genuine.  
Said paper is hereto attached & marked  
H. H. No. 3, being Exhibits 20,

sworn & subscribed  
Before me

Herland Hall Com<sup>rs</sup>

Filed in Office Oct 25<sup>th</sup> 1852, Geo. Fisher Sec

7  
Los Angeles Nov<sup>r</sup> 12<sup>th</sup> 1852,  
On this day before Com<sup>r</sup> Heiland Hall  
Came Andres Pico, a witness in behalf  
of the Claimants Jose Joaquin Ortega,  
et al; petition No<sup>o</sup> 239, and was  
duly sworn, his evidence being in-  
terpreted by the Secretary,

Deposition  
of  
Andres Pico

The U.S. Associate Land Agent  
was present,

In answer to questions by Counsel  
for the Claimants the witness testified  
as follows;

My name is Andres Pico, my age  
is forty one years I reside in the  
City of Los Angeles,

I am acquainted with the land called  
Santa Isabel and I have known it  
as a Rancho since the year 1832,

It was then in the occupancy  
of the Mission of San Diego. Joaquin  
Ortega and Edward Stokes occupied  
the Rancho from the latter part of  
the year 1844 or the beginning of 1845  
until the year 1847, since which  
time I have not been at the place  
They had a stock of horses  
and cattle there - had houses  
and one of their families lived  
there and they cultivated the land  
raising corn, wheat, beans and  
potatoes, they had also a vine-  
yard there,

Question by the Associate Land  
Agent.

Had the Priests of the Mission  
authority to dispose of the land of the  
Mission in 1843, or 1844,

Answer. When a party wished  
to obtain lands claimed by a Mission  
he applied to the Governor, and the  
matter was referred to the Priest of  
the Mission for a report, whether

8  
it could be granted or not, and when  
the Priest had reported the Governor  
acted upon it as he chose, either  
paying respect to it or not in his  
discretion.

Andres Pico,

Sworn & Subscribed

Before me

Highland Hall Court

Filed in Office Nov<sup>r</sup> 1<sup>st</sup> 1852,  
Geo. W. Fisher Sec.

191 SD  
PAGE 9

Office of Commissioners of  
Land Claims in California.

This day before Com<sup>r</sup> Thompson Campbell  
came J. J. Warner a witness in behalf  
of Claimant's Jose Joaquin Ortega et al.  
No. 239, who after being duly sworn  
deposed as follows:

Deposition  
J. J. Warner.

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

My name is J. J. Warner, I am  
forty five years of age and I reside at  
San Diego.

Do you know whether Edward  
Stokes is dead, and if so when did he  
die.

He is dead, and died in the  
early part of 1847, leaving a wife and  
three children. The wife's name is  
Maria del Rafigi's, and the names of the  
children are as follows: Adolpho  
Edwardo and Alfredo.

Associate Land Agent present

J. J. Warner

Sworn to and subscribed

Before me this 13<sup>th</sup>  
day of Sept A D, 1853.  
Thompson Campbell  
Cm<sup>r</sup>.

It is hereby stipulated that this Deposition  
may be read in evidence in case N<sup>o</sup>  
332; Valle de Pano, as entered upon  
the Trial Docket of the Board of Land  
Commissioners.

San Francisco, Cal September 13<sup>th</sup> 1853;

Robert Greenhow  
Ass<sup>t</sup> Law Agent

Thos<sup>o</sup> W. Southerland  
Atty for Claimant,

Filed in Office Sept<sup>h</sup> 13<sup>th</sup> 1853.  
Geo<sup>o</sup> Fisher, Sec

191 SD  
PAGE 10

Office of the Board of Commis:  
sioners &c &c &c.

Deposition  
of  
J. J. Warner.  
This day before Com<sup>r</sup> Thompson  
Campbell came J. J. Warner a witness  
in behalf of claimants, Jose Joaquin  
Ortega at al, N<sup>o</sup> 339, who after  
being duly sworn deposed as follows.

What is your name, age and place  
of residence;

My name is J. J. Warner  
I am forty five years of age and I reside  
at San Diego.

Do you know the ranch  
of Santa Isabel, and if so what do you  
know of its occupation by the grantees  
in this case.

I know said Rancho, I  
know that immediately after it was  
granted I think in the year 1845,  
they moved their families on the Ranch

111

They built a dwelling house I think in the same year, which was occupied by them and their families. I believe they were living there some little time before the grant was made. They had horses cattle and sheep upon it, and cultivated fields.

191 SD  
PAGE 11

Associate Law Agent present  
J. J. Warner,

Sworn to & subscribed  
Before me this 22<sup>nd</sup>  
day of October A. D. 1853

Thompson Campbell  
Comr.

Filed in Office Oct 22<sup>nd</sup> 1853,  
Geo. Fisher Sec.

United States of America  
State of California

San Francisco August 28<sup>th</sup> 1854,

Deposition  
by  
John Foster

This day came John Foster a witness on behalf of the claimants Jose Joaquin Ortega and Edward Stokes in Case No. 239, now the docket of the Board of W. L. Land Commissioners of said State, before Peter Scott, a Commissioner for taking testimony to be used before said Board, and said witness being sworn deposed as follows.

The W. L. Associate Law Agent  
Present.

Questions by Southernland Atty  
for claimant's,

1<sup>st</sup> Question. What is your name age and residence?

Answer. My name is John Foster, my age 38 years, my residence Los Angeles County California



11  
2<sup>nd</sup> Question. Are you acquainted with the Rancho of Santa Ysabel, in San Diego County, if yes, state how long you have known it, and what you know of its boundaries?

191 SD  
PAGE 12

Answer. I am acquainted with the Rancho named. I have known it ten years. It is bounded on the East by a Gap in the Santa Ysabel Mountain, known by the name of "Volcan" on the North by the Carrizo (Cane Swamp) on the South by a range of hills, to the point called "Salvia" or Sage Hill, on the West by an Indian Village or Rancheria under the Chief Inan Pablo.

3<sup>rd</sup> Question, What is the shape and extent or quantity of land embraced within the boundaries you have named?

Answer. The character of the place is that of a valley in the shape of a half moon, intersected in places by small hills.

It contains somewhere between 4 and 5 Leagues of land.

4<sup>th</sup> Question. Are the boundaries you have described, well known and generally recognised by the neighbours?

Answer. They are natural boundaries easily defined and I have never known of any dispute about them.

5<sup>th</sup> Question. State what you know about the occupation, cultivation and improvements of said Rancho?

Answer. I was there in the year 1848. The families of Edward Stokes, and Joaquin Ortega were then living on the Rancho.

They had repaired and built additions to some old adobe buildings there in which they lived. There were Corral

these for cattle and for sheep, there were large quantities of land on the place under cultivation, and they had horses, cattle, sheep and hogs there in considerable numbers, I cannot tell how many, but the Ranch was well stocked, This was in the Summer of 1845.

191 SD  
PAGE 13

Cross Examined by W.S. Associate Lead Agent

1<sup>st</sup> Question, Do you know whether the boundaries you have mentioned conform to the description in the grant, and how and from whom did you learn these boundaries?

Answer, They do conform to the description in the grant, I have seen the grant and have learned the boundaries from my intimacy with the occupants and from having been there and seen them.

2<sup>nd</sup> Question, Are the boundaries you have mentioned so connected as to enclose the land without any indefinite gaps or creeks in said boundaries?

Answer, Yes, they are you have to pass over some hills, but not so as to lose sight of the general outline of the land.

3<sup>rd</sup> Question, Is the Indian Village now there, if you know how long has it existed there?

Answer, It is now there and has been in existence ever since I knew the place.

4<sup>th</sup> Question, How did you arrive at the description in the claim of these boundaries?

Answer, By reading the Grant, and travelling frequently over the land.

5<sup>th</sup> Question, Did you

ever measure the land?

Answer, I never did  
tho I conversed with those who did,  
John Postes,

Subscribed and Sworn to  
Before me on this 28<sup>th</sup> day  
of August A.D. 1854  
Peter Gold Com<sup>r</sup> &c

191 SD  
PAGE 14

Filed in Office Aug 28<sup>th</sup> 1854  
Be<sup>r</sup> J. S. Fisher  
Sec

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Span Loc follows

12-15-1914

12-15-1914

Expediente promovido por D<sup>m</sup> José  
Voaquin Ortega y D<sup>m</sup> Eduardo Stoke en solici-  
tud del Paraje nombrado

"Sta Isabel"

N<sup>o</sup> 391.

191 SD  
PAGE 15

L. J. D. N

Excmo Sr

Monterey Oct. 18 de 1844. José Joaquín Ortega y Eduardo Hock el primer mexicano por nacimiento el primero y el segundo por naturalización del despacho, vecinos de la jurisdicción de San Diego en este Departamento de California, ante V. E. respetuosa

191 SD  
PAGE 16

Michel<sup>a</sup>

osamente en la mejor forma y como mas haya lugar en derecho de autos: que con fecha 18 de Julio ult. elevamos a la superioridad de V. E. una solicitud,

en la q. con los requisitos de Estilo duplicabamos el q. se nos concediese el Rancho ó paraje de Temecala perteneciente a la Misión de S. Luis Rey por convenir en aquella vez a las mejores de nuestros intereses y sosten de las numerosas familias q. la naturaleza tiene bajo nuestra tutela. Sabedores hoy q. hay otro pretendiente de iguales ó mayores meritos. que los nuestros

L. J. D. N. cuya justicia reconocemos, nos ha parecido conveniente retirar nuestra instancia indicada cediendo por consiguiente en favor del otro solicitante el derecho de antigüedad y demás q. fuese cuestionable para q. ese Gobierno superior sin el miramiento citado obre conforme le parezca de Justicia.

Veniendo siempre presente la mantención tréata q. nos demandan nuestras obligaciones domesticas, nuevamente solicitamos de la benignidad y recta administración q. notariamente caracterizan a V. E. el q. se nos conceda de legitima propiedad el Rancho de Santa Catalina q. reconoce a la de la Misión de San Diego con los terrenos q. por de el siempre se han respetado, con tantos de cuatro sitios de ganaderia mayor poco mas ó menos en concepto de hallarse ab-

L. J. D. N. solutament. valdiz y sin probabilidad de q. la misión pueda cultivarlo en lo adelante como lo acredita el informe de su R. P. Ministro y del juez respectivo q. deviamos acompañarnos.

nuestra integridad Excmo Sr es bastante clara y manifiesta cuando nos hemos de-

pendido del derecho q. podia tocarnos con respec-  
to al Rancho de Temecula, confirmaba igual-  
genuinamente con la confeccion del R. P. Mtro de la  
Mision de San Diego. Y<sup>o</sup> Vicente Oliva muy  
conocido por sus virtudes e integridad en esta  
clase de negocios, y por lo mismo no vacilamos  
en q. el Gobierno Departamental confiado  
a la persona de V. E. nos agradara con lo q. de ja-  
mas solicitado.

Por tanto A. V. E. sendida-  
mente suplicamos se digné decretar de con-  
formidad con nuestro pedido de mandos Orde-  
nes q. crea convenientes para q. obtengamos  
el titulo y posesion del repetido terreno. Supli-  
camos igualmente q. se nos dispense el uso del  
papel comun por no haber en el lugar del sello  
q. corresponde. Juramos no ser de malicia  
y lo necesario. Y<sup>o</sup>

S. S. D. 12

191 SD  
PAGE 17

Angeles Octubre 8 de 1844

Jose Joaquin Ortega.

Señor Gobernador.

El la precedente solicitud de los Señores  
Ortega y Otero se acompaña los informes  
muy favorables para se manifiesta que en el  
terreno hay una viña y un jacal que el padre  
Mtro sede a favor de los solicitantes por el nu-  
mero de ciento cincuenta vacas que distribuyo  
a los indios de S<sup>o</sup> Diego.

La E. Asamblea Departamental ha dado un  
decreto sobre fincas y tierras, de las misiones y  
V. E. en uso de sus facultades resolvera lo que  
tubiere p<sup>r</sup>. conveniente.

Pha la misma.

Man<sup>t</sup>. Jimeno

S. S. D. 12

Diego y<sup>o</sup> Vicente Pasqual Oliva minto  
actual de la mision de S<sup>o</sup> Diego que en virtud  
de no poder fomentar el Rancho de S<sup>o</sup> Joabell  
perteneciente de esta mision e de esta comuni-  
dad todo derecho al S<sup>o</sup> D<sup>o</sup> Joaquin Ortega  
y S<sup>o</sup> Eduardo Otero la legitimidad del men-  
cionado parage solicitando del superior Gover-  
no Departamental la comprobacion de el parage  
lo disputen en pacifica posesion. No existiendo

18  
en aquella finca mas paredes ya desmoronadas  
y dos viñetas de un corto numero de zepas en esta  
-do regular los que tambien cede esta mision en  
favor del Sr. Ortega, por haber el tambien deja  
do à beneficio de la misma el numero de ciento  
cinuenta bacas de su propiedad que mato  
à beneficio de los Neofitas de dicha mision y  
en vista de todos estos beneficios suplica su Sr.  
el que se firma, se digne darle todo el credito  
y aprobacion en el derecho que cede esta comu  
nidad en favor de los ya referidos señores de San  
do unicamente en la legitima posesion de sus  
terrenos que por si cultiban para su beneficio  
el pequeño numero de Indigenas existentes  
en aquel lugar.

Mision de Sr. Diego Agosto 1º de 1844.

Yo: Vicente Pasqual Oliva

Dijo yo Juan Maria Morron Lues 1º de Sr.  
Diego, en consecuencia à la presente confe  
sion q. hace el R. P. Min<sup>ro</sup> del mismo Com<sup>to</sup>.  
à los Señores Ortigas y Estoc del Rancho de  
Sta Joable perteneciente à la mision M<sup>ra</sup>  
en que dese soliciten del superior gobierno  
departamental la aprobacion de su dispo  
sicion para que lo disputen libre y espontanea  
mt. en pacifica posesion y en obsequio de mi  
obligacion doy con verdad q. al efecto el men  
y. P. D. R. cionado parage de haya enteram<sup>te</sup> en estado  
de ruina no existiendo en el mas de un fa  
cal bastante aruinado y dos Viñetas las q.  
no poseeran del numero de dos mil y tantos se  
pas las q. tambien cede el R. P. Ministro.

al Sr Ortega como en la confumacion de ciento y cin  
uenta Bacas de Biente de su propiedad q.  
mato à beneficio de la Comunidad por donde  
el parage puede ser concidible à los solicitantes  
y mas siendo un punto fronterizo del departa  
mento que debe estar cubierto por unos hombres  
honrados los que en todo tiempo podran serle  
utiles en todo caso apresado. Eo cuanto puedo  
informar sobre el particular en obsequio de la  
verdad.

Puerto de San Diego Agosto 2 de 1844  
Juan M<sup>o</sup> Morron.



19 J. J. D. K Monterrey el Nov 8 de 1844.

Espidase el titulo esperando las condiciones q. diere el padre de la mision de D. Diego y afec en los D. S. Ortega y companero.

Michelt

Monterrey 9 de Noviembre de 1844.

Vista la peticion con que da principio este Expediente, los informes que aparecen con todo lo demas que se tubo presente y de ver con vino de conformidad con las leyes y reglamentos de la materia: de clarò a los señores D. Josè Joaquín Ortega y D. Eduardo Stock, dueños en propiedad del parage nombrado Sta. Isabel, colindante con San Josè en el punto del Carricito, con el Volcan y Tecomaca en la Ballena; en estencion de cuatro sitios de ganado mayor pro mas o menos. Libre el correspondt. despacho tomese rayon en el Libro respectivo y dirajase este Expedt. a la Exma Asamblea Departamental para su aprobacion. El E. J. Gobernador, asi lo mando, decreto y firmo de que doy fe.

J. J. D. K El C. Manuel Micheltorena General de Brigada del Ejercito Mexicano, Ayudante general de la plana mayor del mismo, Gobernador Comandt. G. e Inspector del Departamento de las Californias.

Por cuanto el C. Josè Joa. Ortega mexicano por nacimiento y D. Eduardo Stock mexicano por naturalizacion han pretendido para sus beneficios personal es y el de sus familias el terreno conocido con el nombre de Sta. Isabel, colindante con San Josè en el punto del Carricito, con el Volcan y Tecomaca, con la Ballena practicadas previamente las diligencias ya veriguaciones concernientes segun lo dispuesto por leyes y reglamentos; usando de las facultades que me son conferidas a nombre de la C. A. mexicana he venido en concederle el terreno mencionado, de clarando la propiedad de el por las presentes letras sujetandose a la aprobacion de la E. Asamblea Departamental y bajo las condiciones siguientes.

Q. Dejaran libre las tierras de labor que actu

191 SD  
PAGE 20

almente ocupan los Indigenas de San Diego y mas dejarán à beneficio de la Mision las ciento cincuenta vacas q. facilitó el Sr. Ortega para la comunidad de las indigenas del mismo.

2<sup>a</sup> No podrán venderlo, enagenarlo ni hipotecarlo, imponer censo vinculo fianza hipoteca ni otro gravamen alguno, ni podrá donarlo.

3<sup>a</sup> Podrán sercarlo sin perjudicar las haciendas, caminos y servidumbres, lo disputarán libre y exclusivamente destinandolo al uso ó cultivo que mas le acomode pero dentro de un año fabricara casa y estara habitada  
10. S. D. 11 4<sup>a</sup> Cuando se les confirme la propiedad solicitarán del juez respectivo que les de la posesion juridica en virtud de este despacho por el cual se demarcarán los linderos en cuyo ponchón à mas de sus mojoneras algunos arboles frutales de alguna utilidad etc.

5<sup>a</sup> El terreno de que se ha hecho donacion es de cuatro sitios de ganado mayor poco mas ó menos segun demuestran los documentos respectivos.

El juez que diere la posesion lo hará medir conforme à Ordenanza quedando el sobrante que resulte à la estacion para los usos comunes.

6<sup>a</sup> Si contuviere à estas condiciones perderan su derecho al terreno y sera denunciado por otro En consecuencia mandó que sirviendole de titulo el presente y teniendo se por firme y valdero se tome razon en el libro respectivo y se entregue à los interesados para su resguardo y demas fines.

Dado en Monterey à nueve de Noviembre de mil ochocientos cuarenta y cuatro.

Manuel Micheltorena // Manuel Jimeno Sr.  
Queda tomada razon de esta concecion en el Libro respectivo à fojas 11.

Jimeno

11. S. D. 12

Como Sr.

José Joaquin Ortega y Eduardo Stokes vecinos de la demarcacion de San Diego, ante V. E. en la mas bastante forma y como mas haya lugar en derecho, comparecemos y decimos; que teniendo concedido por el superior don cervino del Departamento los parages de Sta. Isabel y Valle de Panu, ad juntamos los titulos de dho parages, para que

en vista de Q. E. se debe à la Exma Junta Departamental haber si tiene à bien aprobarlos como requisito indispensable, y para mas seguridad de nuestros intereses. Por tanto.

A. Q. E. suplicamos haga como pedimos en lo que recibimos gracia por no ser de materia y lo necesario Q. E. Entendiéndose admitir la presente en papel comun por falta del sellado respectivo José Joaquín Ortega y Eduardo Stokes.

12. S. D. R Angeles Junio 20 de 1845.

Dado cuenta à la Exma Asamblea en sesion de hoy con esta demanda pasar à la comision de terrenos baldios acompañando los expedientes respectivos.

Pío Pío Prescott y Agustín Olvera Suro.

13. S. D. R La comision de terrenos baldios se ha impuesto con el de tenimiento necesario de los expedientes promovidos à consecuencia de las solicitudes hechas p: los ciudadanos mejicanos p: nacimiento José Joaquín Ortega y por naturalizacion Eduardo Stokes en pretencion de los parages conocidos con los nombres de Valle de Pomo y Santa Isabel los cuales se les concedieron por el Superior Gobierno del Departamento en titulos librados; el 1º con fecha 5 de Noviembre de mil ochocientos cuarenta y tres y el 2º con la de nueve de Noviembre de mil ochocientos cuarenta y cuatro y resultando del examen equitativo p: la Comision: q: las expresadas conceciones fueron hechas à virtud de lo que sobre lo particular disponen las Leyes esta sujeta à la deliberacion de Q. E. la siguiente proposicion.

De aprueva las conceciones hechas en favor de los Ciudadanos Mejicanos p: nacimiento José Joaquín Ortega y p: naturalizacion Eduardo Stokes de los parages nombrados Valle de Pomo y Santa Isabel concedidos en propiedad p: el Superior Gobierno del Departamento en titulos librados el 1º con fecha 5 de Noviembre de 1843 y el 2º con la de 9 de Noviembre de 1844 y ambas conceciones en estension de ochocientos de penado mayor componiéndose cada uno de cuatros sitios de entera conformidad con la Ley de 18 de Agosto de 1824 y el artículo 5º del Reglamento 2º de Noviembre de 1828.

191 SD  
PAGE 21

148. D. 12 Sala de comisiones en la Ciudad de los Angeles  
Junio 23 de 1848.

Ignacio del Valle: # France de la Guerra,  
angeles Junio 25 de 1848.

En Sesion de este dia se aprobo por la Coe<sup>ma</sup>  
Asamblea Departamental la proposicion del  
dictamen antecedente; mandando se devuelva  
las expedientes originales al Coe<sup>mo</sup> Gov<sup>er</sup> =  
nador para los fines que corresponde.

Pio Pico. Preset. # Agustin Olvera.

En julio 45. De Cesestendio  
a los interesados el correspondiente comprobante  
del acuerdo de 25 de Junio que antecede.

Coranubias Pico.

191 SD  
PAGE 22

X

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

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

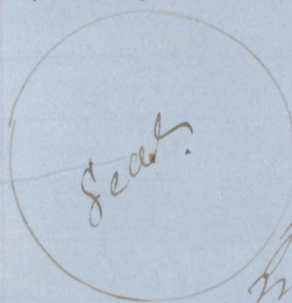
In Testimony whereof I have here-  
unto signed my name Officially and af-  
fixed my private Seal (not having a Seal of  
Office) at the City of San Francisco Cal.  
this 14<sup>th</sup> day of May 1852

Saml. D. King  
Survey Genl. Cal.

Filed in Office May 25<sup>th</sup> 1852

Geo: Fisher Secy

Del primer Cuatro pesos: Habilitado provisionalmente por la Aduana Maritima del puerto de Monterey, en el Departamento de las Californias para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco  
 Micheltorena Pablo de la Guerra



El ciudadano Manuel Micheltorena General de Brigada del Ejército Mexicano, Ayudante Gral de la plana mayor del mismo Gobernador Coman-

Doe. annexed to the Dep. of Abel Stearns

dante General e Inspector del Departamento de las Californias.

Por cuanto el Ciudadano José Joaquín Ortega Mexicano por nacimiento y D. Eduardo Torres Mexicano por naturalización han pretendido para sus beneficios personales y el de sus familias el terreno conocido con el Nombre de St<sup>a</sup> Isabel y colindante con San José en el punto del Carrizito, con el Bolcan y Tecomaco con la Ballena practicadas previamente las diligencias y averiguaciones concernientes según lo dispuesto por leyes y reglamentos usando de las facultades que me son conferidas a nombre de la Nación Mexicana he venido en concederle el terreno mencionado declarándole la propiedad de la propiedad de el por las presentes Letras sujetando a la aprobación de la Coena Asambleas departamental y bajo las condiciones siguientes.

- 1<sup>a</sup> Dejaron libre las tierras de labor que actualmente ocupan los Indígenas de San Diego y nas deparan a beneficio de la misión las ciento cincuenta Vacas que facilito el Sr Ortega para la Comunidad de los Indígenas de la misma
- 2<sup>a</sup> No podrán venderlo, enajenarlo ni hipotecarlo, imponer censos, vinculo panza ni otro gravamen alguno a unq<sup>ue</sup>arlo en manera alguna
- 3<sup>a</sup> Podrán cercarlo sin perjudicar las travesías, caminos y servidumbres; lo disfrutaran libre y exclusivamente destinado al uso o cultivo que mas le acomode. pero dentro de un año fabricara Casa y estara habitada.
- 4<sup>a</sup> Cuando se les confirme la propiedad soli-

estarian del juez respectivo que les den posesion jurídica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondran à mas de sus mojoneras algunos arboles frutales o silvestres de alguna utilidad.

191 SD  
PAGE 24

5<sup>o</sup>. El terreno de que se hace donacion es de cuatro cuartos de ganado mayor pero mas ò menos segun demuestran los documentos respectivos. El juez que diere la posesion lo hará medir conforme à ordenanza quedando el sobrante que resulte à la elección para los usos convenientes.

6<sup>o</sup>. Si contra viere à estas condiciones perderan su derecho al terreno y sera denunciabile por otro. En consecuencia mando que en virtud de todo esto el presente y teniendolo por firme y valido se tome razon de el en el libro respectivo y se entregue al interesado para su resguardo y demas fines. Dado en monterey à nueve de Noviembre de mil ochocientos cuarenta y cuatro.

Man<sup>te</sup>. Michelt<sup>a</sup> # Man<sup>te</sup>. Jimeno Oro.

Queda tomada razon de este titulo en el Libro respectivo à folios 11.

Jimeno

Filed in Office Oct. 27. 1852

Geo. Fisher Secy.

Piñero 1<sup>er</sup> Vocal de la Exma Asamblea y  
 Gobernador interino del Departamento de las Ca-  
 lifornias.

Doc. H. H  
 No. 2

La Exma Asamblea Departamen-  
 tal en sesion del dia 25 de junio del corriente  
 año se sirvió acordar lo siguiente.

Se aprueba las concesiones hechas en favor de los  
 Ciudadanos Mexicanos por nacimiento Don José  
 Joaquin Ortega y por naturalizacion Don Educar-  
 do Stokes de los parages nombrados Valle de  
 Paimo y Sta. Isabel, concedidos en propiedad  
 por el Superior Gobierno del Departamento en  
 titulo librados el 1<sup>o</sup> con fecha 5 de Julio de 1843.  
 y el 2<sup>o</sup> con la de 9 de Noviembre de 1844, y ambas  
 concesiones en estension de ocho sitios de ganado  
 mayor componiendose cada una de cuatro sitios.  
 de entera conformidad con la Ley de 18 de Agosto  
 de 1824 y el Art. 5<sup>o</sup> del Reglamento de 21 de  
 Noviembre de 1828.

Para resguardo de los interesados se les estende  
 el presente en papel comun por falta del sellado  
 en la Ciudad de los Angeles a siete de Julio de  
 mil ochocientos cuarenta y cinco.

Piñero

Jose M<sup>o</sup> Covarrubias

Secro

Filed in Office Oct. 24<sup>th</sup>. 1852

Geo. Fisher Secy

12. 1911



Most Excellent Sir

Jose Joaquin Ortega and Edward Stoke the first a Mexican by birth and the second by naturalisation being residents of the jurisdiction of San Diego in the Department of California; Come before Your Excellency Respectfully in due form of right & state that on the 18<sup>th</sup> of July last we transmitted to the Superior hands of Your Excellency a Petition wherein in the usual manner we requested that you would grant to us the Rancho or "Paraja" of Terrecula, belonging to the Mission of San Luis Rey, without a view at that time of bettering our interests, and that of our numerous families, that nature has placed under our protection,

We are well aware that there is now another aspirant for the same of equal or better merit than ourselves, the justice of which we acknowledge as having appeared proper, wherefore we withdraw our aforementioned petition yielding in consequence thereof in favor of the other petitioner the right of priority and further that it would be a question as to whether this Superior Government could act conformably to Justice without the aforesaid Circumspection,

Keeping always in view the maintenance required of us by our domestic obligations, we request anew the kindness of Shear and correct administration, which is notoriously characteristic with Your Excellency that you will give us legitimate ownership to the Rancho of Sta Isabel recognized as the Mission of San Diego with lands which has always been respected by it consisting of "Cuatro litos de Canada mayor" a little more or less; in virtue of its being absolutely vacant and there being no probability that the mission will cultivate it as will

191 SD

PAGE 26

Translation "C"

Take information from the Secretary of the despatch & having seen the foregoing in order so that it may seem in other cases when necessary.

Michl<sup>a</sup>

Monterey Oct 18 / 1844.

be accredited by the confirmation of its "Religioso" Padre Maestro" and that of the respective Magistrate that duly we accompany.

Our Integrity most Excellent Sir is sufficiently clear and manifest when we have relinquished that right that he might have had respecting the Rancho of Temecula, this being equally confirmed equally by the genuine confession of the R. P. M<sup>ro</sup> of the Mission of San Diego Mr Vicente Oliva, very well known for his many virtues and integrity in this class of business, & for the same we are convinced that the Departmental Government confided in the person of Your Excellency, will favor us with that we have petitioned for.

We therefore humbly request that Your Excellency will deign to declare conformably to our request, giving such orders as you should think convenient, in order that we may obtain the Title and possession of the land mentioned.

We request equally that you will excuse our having used common paper there being none stamped as corresponds in this place.

Swearing that we do not this from malice but for necessary purposes,

Angeles Cal<sup>if</sup> 8<sup>th</sup> 1844,

Jose Joaquin Ortega,

J. Vicente Pasqual Oliva Actual Minister of the Mission of San Diego hereby state; that in consequence of there not being any possibility of improvement of the Ranch of Sta Isabel belonging to this Mission, this community cedes all right thereto to Messrs Joaquin Ortega and Edward Stocks, & gives legitimacy to the mentioned "paraje", requesting that the Superior Departmental Government will approve thereto in order that they

191 SD  
PAGE 27

may enjoy it in quiet possession,  
 There does not exist on the said  
 premises more than a few tumbling  
 walls, and two small vines with a  
 small number of in an ordinary  
 condition, all of which this Mission  
 cedes in favor of M. Ortega, he having  
 left for the benefit of the said Mission  
 the number of one hundred and eight  
 head of cattle of his own property which  
 he had killed for the benefit of the Neophytes  
 of said Mission. And in view of all  
 these benefits I the undersigned request  
 that your Excellency will deign to give  
 it due credit and approbation to the  
 right that this Community cedes in  
 favor of the forementioned Gentleman,  
 only leaving the small lands of the  
 natives, that remain in the place  
 in their possession for their cultiva-  
 tion & benefit.

191 SD  
 PAGE 28

Mission of San Diego Aug 4 / 44  
 F. Vicente Pascual Oliva

I Juan Marin Morran 1<sup>st</sup> Magistrate  
 of the Port of San Diego state that in conse-  
 quence of the present grant made by the  
 Priest of the Mission to Messrs Ortega  
 & Estoc of the Ranch of Sta. Isabel be-  
 longing to the said Mission, in which  
 he says, that they solicit of the Superior  
 Departmental Government its approbation  
 so that by its disposition they can enjoy  
 the same freely & spontaneously in quiet  
 possession and in obsequy of my obligation,  
 I truly state that the mentioned "paraje" is  
 now entirely in this condition and in a  
 state of ruin, there does not exist there  
 more than one house completely ruined  
 and two small vines with two thousand  
 & 000 all of which the R. P. M<sup>ro</sup>  
 has yielded to M<sup>r</sup> Ortega in rewarding

him for one hundred and fifty head of Cattle  
of his own property which he killed for the  
benefit of the Community.

This place might be granted to the petitioners  
it being a frontier portion of this Department  
which should be occupied by some honorable  
men, who would at all times be useful  
whenever an opportunity offered itself.

This is all that I can inform upon  
this subject, in obsequy of the truth

Port of San Diego August 3<sup>rd</sup> 1844

Juan M<sup>a</sup>. Morrong

Most Excellent Governor

To the foregoing Petition of Messrs Ortega  
& Stokes, there accompanies some very  
favorable information by which it is made  
shewn that on the Land there is a vine and  
a Cane house that the P. Padre M<sup>ro</sup> cedes  
in favor of the Petitioners for the number  
of one hundred & fifty head of Cattle  
which he distributed amongst the  
Indians of San Diego.

The Most Excellent Departmental  
Assembly has given a Decree upon  
properties & lands of the Missions, and Your  
Excellency by virtue of your faculties  
will resolve upon it as you shall deem  
convenient.

Dated the same  
Manuel Jimeno

Monterey 8<sup>th</sup> November 1844,  
Expedite the Title expressing in it  
the conditions stated by the Padre of  
the Mission of San Diego & deliver it to  
Messrs Ortega and his Companion,  
Micheltorena,

Monterey 9<sup>th</sup> of November 1844

Having seen the petition at the Commencement of this Expediente and it appearing that all the information set forth are strictly in conformity with the laws and regulations on the subject, I hereby declare that Messrs Don José Joaquin Ortega & Don Eduardo Stokes are owners in themselves of the "Paraje" called *Sta Isabel* bounded by San José in the "Punto del Carrizito" with the Balcón of Tecoma and with the Ballena extending four "sitios de ganado mayor" a little more or less.

191 SD  
PAGE 30

Deliver the respective Title and direct the Patent to the Most Excellent Departmental Assembly for its approbation. The Most Excellent Governor thus orders decrees and signs to which I give faith.

The Citizen Manuel Micheltorena Brigadier General of the Mexican Army Adjutant General of the Staff of the same Governor Commandant General and Inspector of the Department of California

For as much that the Citizen José Joaquin Ortega, a Mexican by birth, and Mr. Eduardo Stokes a Mexican by Naturalisation have solicited for their personal benefit and that of their families the land known by the name of *St Isabel* surrounded by San José in the Puntos del Carrizito with the Balcón of Tecoma with the Ballena; the previous measures and investigations having been made according to the disposition and laws in relation to the subject, in use of the faculties conferred upon me by the Mexican Nation, I have concluded to grant to them the land mentioned, declaring it to be their property by these presents, subject to the approbation of the Most

Excellent Departmental Assembly under the following Conditions,

191 SD  
PAGE 31

1<sup>st</sup> They will leave free the land laboring actually occupied by the natives of San Diego, and further they will leave for the benefit of the mission the one hundred and fifty head of Cattle that M. Ortega facilitates to the Indians of the same and the community.

2<sup>nd</sup> They can neither sell or alienate it nor hypothecate it, or impose upon it any rent charge / censos / reversion, entail, or other burthen whatsoever

3<sup>rd</sup> They can enclose it without prejudice to the crossings roads & servitudes, enjoy it freely and exclusively, destining it to the use or cultivation most agreeable to them, but within a year he must build a house which shall be inhabited.

4<sup>th</sup> When the ownership is confirmed to them, they will request the respective Magistrate to place them in judicial possession thereof by virtue of this dispatch for which purpose they will mark the lines, in the limits of which they will place besides the land marks some posts or wild trees of some utility.

5<sup>th</sup> The land of which donation is made consists of four "sitios de ganado mayor" a little more or less, according to the demonstration in the respective Documents.

The Magistrate who will place them in possession thereof will have it measured conformably with the ordinance leaving the surplus that results to the nation for its convenient uses.

Q<sup>th</sup> If they shall contravene these conditions they shall loose their right to the land, and it will be denounceable by another;

In consequence I command that these presents shall serve as a title and holding them as firm and valid that a record thereof be made in the respective Books and that they be delivered to the party interested for his security and other ends.

Given in Monterey on the 9<sup>th</sup> day of November in the year One Thousand Eight Hundred & forty four,

Manuel Micheltorena

Manuel Jimenez

Secy.

Record is made of this Grant in the respective Books of Grants on page 11, Jimenez.

Most Excellent Sir;

Jose Joaquin Ortega & Edward Stokes residents of the confines of San Diego come before Your Excellency in due form and right & appear and say; That they have had granted to them by the Superior Departmental Government the places called Sta. Isabel y Valle del Pardo, accompanying this is the Title to said "Parojas" so that at sight, Your Excellency may transmit it to the Most Excellent "Departmental" Junta should they think well of approving of the same as is indispensably requisite and for the better security of our interests.

Wherefore we supplicate that Your Excellency will do as we request, whereby we shall receive a favor, swearing at the same time that no malicious purpose prompts

this, but the necessary purpose  
Also admitting this on Common papers  
there being no stamped as corresponds

Edwardo Stokes,  
Jose Joaquin Ortega,

191 SD  
PAGE 33

Angeles June 20<sup>th</sup> 1845,  
Information was taken of the most  
Excellent Assembly at its session  
of this day, to which they ordered  
that the respective accompanying  
expedientes should be transmitted to  
the Commission on Vacant lands,

Pi. Pico Presd.  
Agustin Alvarez  
Sicg.

Most Excellent Sir,

The Commission of Vacant  
Lands have informed themselves with all that  
is necessary, in relation to the Expedientes  
aspired to, in consequence of the requisits  
made by the Mexican Citizens, by birth  
Jose Joaquin Ortega and by Naturalisation  
Edward Stokes having petition for  
the "paraja" known by the names of  
Valle del Paraiso y Santa Isabel, which  
was granted to them by the Superior  
Departmental Government in Titles  
given them, the first dated the fifth  
of November 1843, and the second on  
the 9<sup>th</sup> November 1844 and the result  
of the equitable examination by the Com-  
mission was this; that, the forementioned  
grants now made in virtue of the particular  
disposition of the laws and to which we  
subject to the deliberation of Your Excellency  
the following proposition,  
They approve of the Grants made  
in favor of the Mexican Citizens, by



1870  
1871

Birth, Joaquin Ortega and by naturalization Edward Stokes of the places called Valle del Paraiso & Sta Isabel granted in person by the Superior Departmental Government the fish title having been given dated the 5<sup>th</sup> November 1843, and the 2<sup>nd</sup> on the 9<sup>th</sup> Nov<sup>r</sup> 1844, and both Grants comprise eight sitios de Canado Mayor compassing four sitios in each; the same having been done in exact conformity with the Law of August 18<sup>th</sup> of August 1824, and the fifth Article of the Regulation of the 21<sup>st</sup> of November 1828.

191 SD  
PAGE 34

Commissaries from in the City of Los Angeles June 23<sup>rd</sup> 1845  
Franc<sup>co</sup> de la Guerra  
Ignacio del Valle

Los Angeles June 25<sup>th</sup> 1845

At a session of this day the Most Excellent Departmental Assembly approved of the proposition of the following opinion or decreeing that the original patents should be delivered to the Most Excellent Gov<sup>r</sup> for the ends that correspond

Agustin Olvera Secy  
Dio Pico President

On July 4<sup>th</sup> The corresponding title was delivered to the parties interested approved of in accordance with the Decree of June 25<sup>th</sup> as above

Covarrubias  
Secy

Filed in Office May 25<sup>th</sup> 1852  
Geo. Fisher Secy

Spain 2000 follows

En el pueblo de San Diego a los 29 dias del mes de Novbre del año de mil ochocientos cuarenta y cuatro, amente a la Solicitud de los C. C. Jose Joaquin Ortega y Eduardo Esteve vecinos de esta municipalidad a fin de dardeles la correspondiente posesion de los dos sitios Santa Isabel y el yamo de pamo concedidos p. el Gobierno de este departamento en virtud de un titulo a compania en su solicitud pasé con los testigos de asistencia al expresado sitio y procedi a dar la posesion indicada previa citacion de Colindantes arreglandose al repetido titulo q. se lea con fiado p. el Excmo. Sr. Gobernador D. n. Manuel Micheltoena con fecha de Nuebe de Novbre de 1844.

D.  
Juridical  
Possession

191 SD  
PAGE 35

El C. Juan M. Marron juez de 1.ª instancia de esta demarcacion así lo provei mande y firmé hante los testigos expresados de asistencia con quienes actué por receptoria en este papel con un p. falta del sellado correspondiente segun dho. daysee.

D. A. Juan M. Marron D. A. Jose M. Croso # Santiago E. Arguello. En el sitio de Sta. Isabel a 12 de Dho. de mil ochocientos cuarenta y cuatro y el mismo juez p. la practica de estas diligencias nombre 3 Oficiales cordeleros a quienes hice saber su nombramto. el q. aceptaron bajo juramto. q. atorgaron ofreciendo de empeñar fielmt. en encargo lo q. autorizo y firmo con los testigos de asistencia segun derecho.

D. A. Juan M. Marron Jose M. Croso # Santiago E. Arguello En el mismo dia mes y año estando en el parage de Sta. Isabel a efecto de verificar las medidas y posesion a D. n. Jose Joaquin Ortega del sitio nombrado Sta. Isabel previos todos los requisitos de Ley y estando ante mi los testigos de asistencia y cordeleros fuise medir un Cordel que contenia cien varas y a los estemos unos cancos de madea a previa observancia y al efecto p. mi disposicion se tiro el Cordel desde el Balcon arriba en el portecuelo rumbo p. Don Felipe p. la parte del Oeste de midieron cuatro leguas de Cabeera hasta el punto de te comara

191 SD  
PAGE 36

antes de bajar a las ~~puertas~~ de los Indios gen-  
tiles p<sup>a</sup>. el rumbo del Este demarcando una Cruz  
en un cuajillo al frente de una rancharia q<sup>d</sup>.  
se contiene p<sup>a</sup>. lindero y en seguida de medio  
de Norte punto del camino hasta la Cuesta  
de la Salina rumbo al Sur, cuatro Leguas y dos  
mil varas. Seguidamente en el mismo auto pro-  
cede a las medidas desde la mencionada  
Cuesta de la Salina que es perteneciente a St<sup>a</sup>.  
Maria De pamo de otro punto rumbo al norte h<sup>a</sup>.  
el Ojo de Agua del durasito al Sur dos leguas  
tres mil setecientos varas; p<sup>a</sup>. la parte del  
cayon rumbo Oeste hasta el dichoadero p<sup>a</sup>. la  
parte de Campasual rumbo al Este de medio  
con de haberia dos leguas, trescientas varas las  
que se asentaron en dicho punto en donde man-  
dè se fijara una mojenera que es cilindante  
con el pueblo de St<sup>a</sup>. Pascual y no habiendo ma-  
nifestado ojeccion alguna que suspendiera  
las medidas fueron con eluidas las medidas  
del Rancho de St<sup>a</sup>. Isabel y las de Santa M<sup>a</sup>.  
de pamo a satisfaccion del interesado el cual  
ordene pusiere las respectivas mojeneras en  
las puntas correspondientes y quedo entendido ha-  
biendo marcado aquellas en señal de posesion  
la q<sup>d</sup>. autorizo y firmo con los testigos de asisten-  
cia. segun dho. Day feè.

Juan M<sup>a</sup>. Marron. D. A.

Jose Joaqr<sup>e</sup>. Orozco # Santiago C. Anquello  
En otro dia mes y año habiendo con eluido  
las diligencias de este expediente pertencien-  
te al Rancho de St<sup>a</sup>. Isabel y de pamo deu-  
le testimonio a D<sup>o</sup>. Jose Joaqr<sup>e</sup>. Ortega intere-  
sado en ellas p<sup>a</sup>. su seguridad y uso q<sup>d</sup>. le conven-

ilec<sup>o</sup>ni Ofi<sup>o</sup>egan. El C<sup>o</sup>. Juan M<sup>a</sup>. Marron juez de Pa.  
Sept. 8<sup>ta</sup> 1852 instancia de esta demarcacion asi lo proveyo  
Geo<sup>o</sup> Fisher Sec<sup>o</sup> y firmo con los testigos de asistencia segun derecho  
day feè.

D. A. Juan M<sup>a</sup>. Marron D. A.

Jose M<sup>a</sup>. Orozco # Santiago C. Estadillo  
En el mismo dia, mes y año quedo librado a los  
interesados el testimonio q<sup>d</sup>. se refiere en el  
auto anterior y para constancia lo rubrique

Act of judicial possession in favor of the  
Citizens Don Jose Joaquin Ortega and Eduardo  
Estoe for the Ranchos of Santa Ysabel and  
the Plains of Pamo

Copying this  
Translation  
of  
Judicial Possession

191 SD  
PAGE 37

In the Village of San Diego on the Twenty  
ninth of November in the year of our Lord  
one Thousand eight hundred and forty four  
in attention to the solicitude of the Citizens  
Jose Joaquin Ortega and Eduardo Estoe  
residents of this Municipality, with the  
object of giving them the corresponding pos-  
session of the two places Santa Ysabel  
and the Plains of Pamo Conceded by the  
Government of this Department, which Title  
I accompany in his solicitude, I went with  
the witnesses of Assistance to the above  
mentioned place and proceeded to give the  
possession indicated, previous notice  
having been given to those whose land  
bordered upon that in question, subjecting  
myself to the repeated Title, that has been  
confided to him by his Excellency the Governor  
Manuel Micheltorena with date nineteenth,  
November A.D. 1844.

The Citizens Juan M<sup>a</sup> Marron Judge of  
First Instance, of this demarcation, thus  
I provided, commanded and signed before  
the above mentioned witnesses of Assis-  
tance with whom I performed this  
judicial act as preceptor, on this common  
paper for want of the corresponding seal  
paper according to law which I certify  
Assistance Assistance  
Jose M<sup>a</sup> Croese Santiago C. Arguello

In the place called Santa Isabel, on the first day of December, in the year of our Lord One Thousand Eight hundred and forty four. I the same judge, for the practising of these proceedings, I named two official Cord bearers, whom I notified of their appointment, and under oath they accepted of the employment offering to discharge their duties faithfully, which I authorized and sign with the witnesses of Assistance according to law.

191 SD  
PAGE 38

Juan M<sup>a</sup> Marron  
Assistance Assistance  
Jose M<sup>a</sup> Croese, Santiago E. Arguello

On the same day, month and year; being at the place of Santa Isabel, with the object of verifying the measurement and possession to Don Jose Joaquin Ortega of the place called Santa Isabel, previously attended to all the requisites of law, and present before me the witnesses of Assistance and Cord bearers, I caused to be measured a cord one hundred varas in length, to the ends of which were fastened two wooden stakes, and after previous observation and calculation, by my disposition the cord was extended from the volcano above in the door or gap, direction towards San Felipe, westerly there were measured four leagues as a head line to the point of Tecameca before coming down to the doors of the Gentile Indians; in the direction East making a cross on an oak tree in front of a hulk or Rancheria which is considered the boundary and consecutively there were measured from the North point of the common red grass to the declivity of Sage South, four leagues and Two thousand Varas.

In continuation and at the same time I proceeded to the measurement from the above mentioned declivity of Sage, which

24  
20

belongs to Santa Maria de Pano, from said point direction to the North to the spring of waters. Each spring thence South two leagues three thousand seven hundred varas: upon the side of the Deep ravine or (Canyon) westerly to the place where you begin to see the park of San Pascual, direction East were measured in a transverse direction two leagues and three hundred varas which closed and ended in said point, where I commanded to be placed a land mark, which bounds with the Village of San Pascual, and no objection having been manifested that the measurement should be suspended, the admeasurement of the Rancho of Santa Ysabel, was concluded as well as that of Santa Maria de Pano to the satisfaction of the party, and to the which, I ordered the respective land marks to be placed in the corresponding points, he understood it, I having marked them in sign of possession which I authorize and sign with the witnesses of assistance according to Law which I certify

191 SD  
PAGE 39

Assistance Assistance  
Jose M. Crases, Santiago C. Arguello

On the said day, month & year having concluded the proceedings of this Expedient which relate to Rancho Santa Ysabel and Pano, Et testimony be given to Leon Jose Joaquin Ortega the party interested in them for his safety and the uses to which to him may seem proper, The citizen Juan Maria Marroa Judge of first Instance of this Seccion, thus he decreed and signed with the witnesses of assistance according to Law, which I certify,  
Juan M. Marroa

Assistance  
Assistance Santiago E. Arquello  
Jose Maria Crocco.

On the same day, month and year,  
was extended to the parties interested  
the testimony which is mentioned in  
the anterior decree, and for constancy  
I sign with my scroll.

191 SD  
PAGE 40

(Scroll)

Filed in Office Sept 8<sup>th</sup> 1852.  
Geo. Fisher Sec.



191 SD  
PAGE 40



Jose Joaquin Ortega  
 as  
 The United States

For the place called Santa Isabel in San Diego County, containing four square leagues of land.

The Documentary evidence in this case

comprises:  
 First. A grant to Jose Joaquin Ortega and Edward Stokes issued by Governor Manuel Micheltorena under date of November 9, 1844

Second. A Certificate of the Approval of the Grant by the Departmental Assembly in their Session of the 25<sup>th</sup> day of June 1848.

Third. A traced copy of the Expediente from the Archives showing the proceedings in obtaining the Grant.

Fourth. A Testimonial of the Judicial Possession which was given under the Grant December 1, 1844.

These documents are all duly authenticated. Testimony is also given of the occupancy and cultivation of the premises.

Stokes one of the Grantees died in 1847 leaving a widow and three minor children, all of whom are joined with said Ortega the other grantee as petitioners in this case.

This claim must be rejected for want of defined boundaries and a segregation of the land.

The grant is of four square leagues which was required to be segregated by judicial measurement within the boundaries of San Jose in the Puntos del Canisto, the Bolcan and Tecomacla, and the Bellevas. In the judicial measurement

Opinion by  
 Commissioner  
 Alphens Selch

an effort was made to give possession of this Rancho in connection with another which had previously been granted to the same persons under the name of Pam.

The lines of the land intended to be segregated by the Alcalde and assigned in satisfaction of the grant are to be certain and indefinite to aid in defining the premises. Two lines seem to have been run in accordance with the description contained in the grant which appear to have been intended as the north and west lines of the land assigned to the grantees for the Rancho Santa Isabel. But the other lines are entirely omitted. Of the lines run, one was four leagues, and the other nearly four and a half in length and at right angles. If this survey were closed by lines parallel to these the area would comprise nearly eighteen square leagues of land instead of the four which are granted.

There is no map to aid in the case, nor is the testimony on the subject of the boundaries sufficiently definite to cure the defect. A decree must therefore be entered rejecting the claim.

Rejected.

Jose Joaquin Ortega et al.  
vs  
The United States

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioners is not valid, and it is therefore decreed that their application for a confirmation thereof be denied.

Alphens Delch  
R. Aug Thompson  
S. B. Darwell  
Commissioners

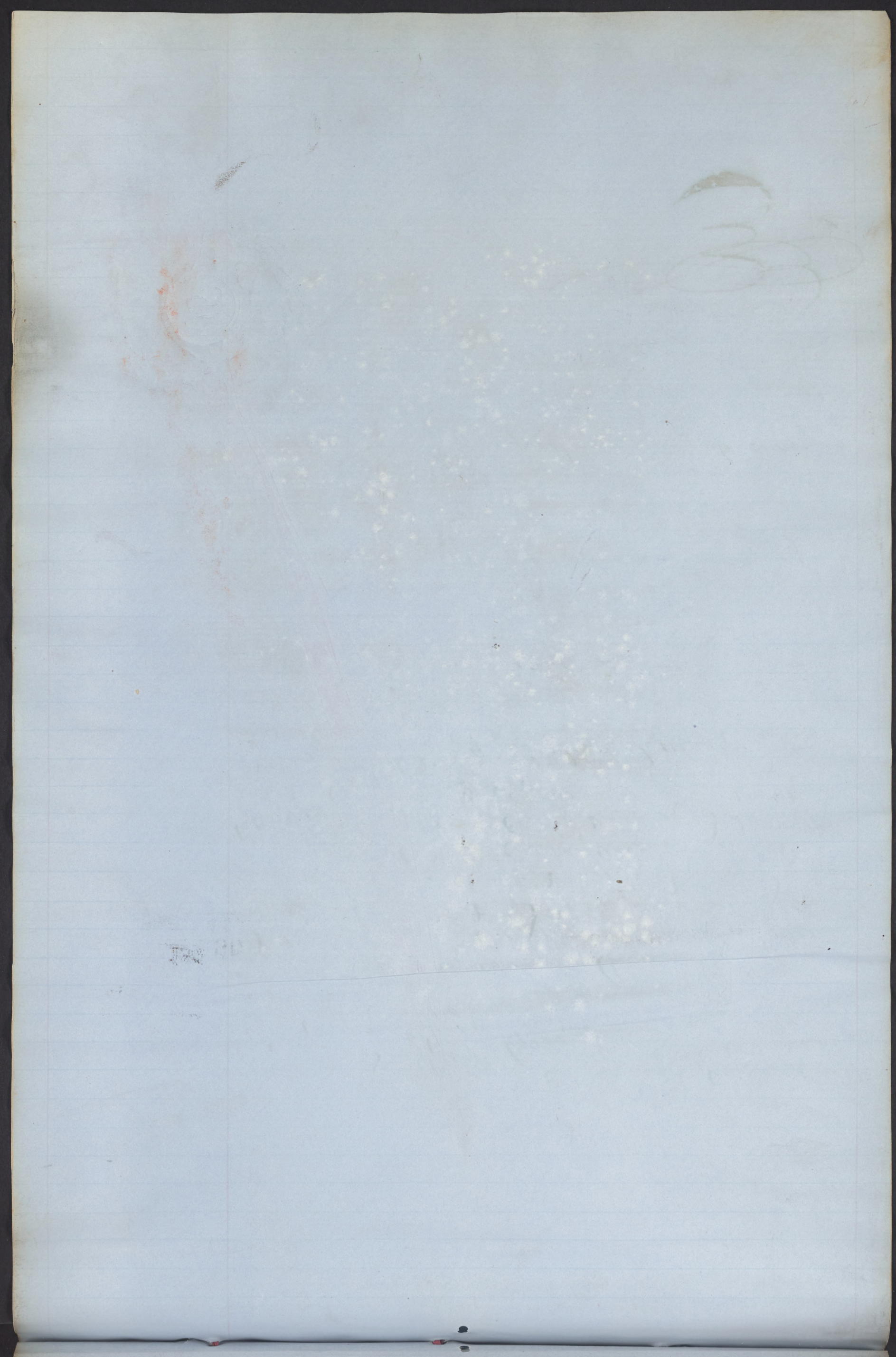
Decree

Filed in Office  
Sept 19<sup>th</sup> 1854,  
Geo. Fisher  
Clerk

191 SD  
PAGE 42

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

191 SD  
PAGE 43



Office of the Board of Commissioners,

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

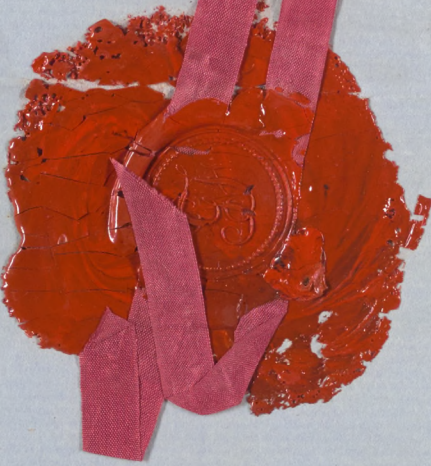
191 SD  
PAGE 44

*George Fisher* Secretary to  
the Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
foregoing *Forty five* pages, numbered from  
1 to *45*, both inclusive, to contain a true, correct and full Tran-  
script of the Record of the Proceedings and of the Decision of the  
said Board, of the Documentary Evidence and of the Testimony  
of the Witnesses, upon which the same is founded, on file in this  
Office in Case No. 239 on the Docket of the said Board,  
wherein *José Joaquin Ortega, et al.* are

the Claimant against the United States, for the place known by  
the name of "Santa Isabel"

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

*G. Fisher*  
Geo. Fisher



U. S. District Court.  
Southern District of California.

No. 191.

The United States

vs.

191  
Jose Joaquin Ortega, et al.  
"Santa Isabel"

Transcript of the Records  
from the  
Board of U.S. Land Commissioners,  
in case No. 239.

Filed February 5<sup>th</sup> 1855.

J. C. Farr,  
clerk.

191

United States District Court  
Southern District of California.

191 SD  
PAGE 45

Jose Joaquin Ortega, et al.      Notice of intention to  
Appellants.      prosecute the appeal from  
vs.      the decision of the Board  
The United States.      of United States Land  
Appellees.      Commissioners.

Jose Joaquin Ortega, Refugio Stokes, and Adolpho Alfredo and Eduardo Stokes, Claimants of the Rancho called "Santa Isabel" situate in the County of San Diego in the Southern District of the State of California, hereby give notice of their intention to prosecute an appeal from the decision of the Board of U.S. Land Commissioners appointed to ascertain and settle private land claims in the State of California, rendered in their claim for the said land, which was presented to the said Board of Commissioners and by them rejected.

Their claim being that which is numbered on the Docket of said Board of Commissioners No. 239, the Transcript whereof, as filed in the Office of the clerk of the District Court of the United for the Southern District of California, is numbered No. 191.

Agustino Olvera  
Attorney in fact.

No 191.

U. S. District Court  
Southern District of California.

Jose Joaquin Ortega, et al.  
appellants,

vs.

The United States  
appellees.

Appeal Notice.

Filed March 31<sup>st</sup> 1855.

191 SD  
PAGE 46

J. E. Farr  
clerk



United States Board of Land  
Commissioners for the State of  
California

José Joaquin Ortega  
+ others

Claimants for  
"Santa Ysabel" in  
San Diego County  
vs.

The United States

No. 239.

Please take notice that the  
Claimants above named, Appeal from  
the Decision of said Board of Land Com-  
missioners rendered on the 19<sup>th</sup> day of  
September A. S. 1834 in favor of the  
United States and against the said Claimants  
rejecting said Claim, to the United  
States District Court for the Southern  
District of California -

Dated San Francisco July 6<sup>th</sup> 1835.

Howard Perley

Atty for Claimants

To  
Pacificus Ord Esq.

U. S. Dist. Atty for said Dist.

No. 191  
~~No. 239~~  
mummm

J. J. Ortega  
vs

- vs -

The United States  
mummmmm  
Notice of Appeal

No. 239  
mum

I admit service of a <sup>copy of</sup>  
the within notice this  
6<sup>th</sup> day of July 1855

191 SD  
PAGE 48

Filed July 12 1855  
W. E. Lear  
By A. H. Clark  
deputy  
mummmmm  
Howard & Perley  
for claimants

J. J. Ortega  
& others  
Claimants for  
"Santa Ysabel"  
vs  
The United States

In the District Court  
for the Southern Dist.  
of California, on  
Appeal from the U.S.  
Board of Land Commis-  
sioners for California

191 SD  
PAGE 49

To the Honorable Isaac H. Ogier  
Judge of the U.S. District Court for the  
Southern Dist. of California

Your Petitioners Jose' Joaquin Ortega,  
Refugia Stokes, Alfred Stokes, Edward  
Stokes and Adolph. Stokes, respectfully  
represent to your Honor that they are  
the Claimants for a certain tract of  
land called "Santa Ysabel" situate in  
the County of San Diego, within the said  
Southern Dist. of California, granted by  
Governor Manuel Micheltorena to Jose'  
Joaquin Ortega and Edward Stokes  
on the 9<sup>th</sup> day of November A.D. 1844  
which said tract of land is contained  
within the boundaries of San Jose in the  
Punta del Canisto, the Bolcan and Tecomeca  
and the Ballenas containing Four League  
of land more or less; that said Grant  
was approved by the Departamental Assembly  
on the 25<sup>th</sup> day of June 1845, and that  
juridical possession thereof was given  
to said Grantee on the first day of December  
1844; that said Edward Stokes died in  
the year 1847, leaving his widow, the said

Refugia, and the said Alfred, Edward  
and Adolphus Stokes as Minor Heirs

191 SD  
PAGE 50

That said Claimants have duly presented  
their said Claim for Confirmation to the  
Board of Commissioners organized under  
the Act of Congress Approved 3<sup>d</sup> March  
1837 entitled, "An Act to ascertain and  
settle the private Land Claims in the  
State of California" and that on the 19<sup>th</sup>  
day of September 1834 said Commissioners  
rendered a Decree rejecting their said  
Claim & that an Appeal has been  
duly taken from the Decision of said  
Commissioners to the said District Court  
for the Southern District as will appear by the  
transcript of the Record of said Land Commission which is  
herewith filed Your Petitioners pray Your Honor  
to review the Decision of said Commissioners  
and reverse the same, and that a Decree  
may be entered confirming the title of  
the said tract of land to them the  
said Claimants, and for all such other  
and further acts and proceedings as  
to your Honor may seem just and  
proper in the Premises

Howard & Peirce  
Attys for Claimants

~~\_\_\_\_\_~~  
No 191

J. J. Ortega &c

vs.

The United States

vs

(Copy of Petition  
for U.S. Dist. Atty)

Filed July 12<sup>th</sup> 1855

Signed C. E. Leary  
Clerk

By A. W. Leary  
Deputy

191 SD  
PAGE 51

United States Board of Land Commissioners  
for the State of California

191 SD

PAGE 52

José Joaquin Ortega  
& others

Claimants for  
Santa Ysabel in  
San Diego County

vs  
The United States

No. 239.

Please take notice that the  
Claimants above named, Appeal from  
the decision of said Board of Land  
Commissioners rendered on the  
19<sup>th</sup> day of September A.D. 1854 in  
favor of the United States, and against  
the said Claimants, rejecting said  
Claim, to the United States District  
Court for the Southern District of  
California

Dated San Francisco July 6<sup>th</sup> 1855-

Howard & Peck

Attys for Claimants

To  
Pacificus Ord Esq:

U.S. Dist. Atty for said Dist.

~~No 237~~  
No 191

J. J. Ortega  
vs  
the U.S.

Copy of  
Notice of Appeal  
for U.S. Dist. Ct.

Filed July 13<sup>th</sup> 1855.  
(Signed) C. C. Kern  
Clerk  
By A. McClark  
Deputy

J. J. Ortega  
& Others  
Claimants for  
"Santa Ysabella"  
vs.  
The United States

In the District Court  
for the Southern Dist.  
of California, on  
Appeal from the U. S.  
Board of Land Com-  
missioners for California

To, the Honorable Isaac K.  
Ogier, Judge of the U. S. District Court  
for the Southern Dist. of California

Your Petitioners Jose' Joaquin  
Ortega, Refugia Stokes, Alfred Stokes,  
Edward Stokes and Adolpho Stokes  
respectfully represent to your Honor  
that they are the Claimants for a  
certain tract of Land called "Santa  
Ysabella", situate in the County of  
San Diego, within the said Southern Dist.  
of California, granted by Governor  
Manuel Micheltona to Jose' Joaquin  
Ortega and Edward Stokes on the 9<sup>th</sup>  
day of November A. S. 1844, which said  
tract of land is contained within the  
boundaries of San Jose' in the Punta del  
Canisto, the Bolcan, and Tecomaca, and  
the Ballenas" containing Four Leagues of  
Land more or less: that said Grant  
was approved by the Departmental Assembly  
on the 25<sup>th</sup> day of June 1845, and that  
juridical possession thereof was given  
to said Grantees on the first day of December  
1844: that said Edward Stokes died



in the year 1847 leaving his Widow, the said  
Refugia, and the said Alfred, Edward  
and Adolpho Stokes as Minor Heirs.

191 SD  
PAGE 55

That said Claimants have duly presented  
their said Claim for Confirmation to the  
Board of Commissioners organized under the  
act of Congress approved 3<sup>d</sup> March 1851,  
entitled, "An Act to ascertain and settle the  
private land claims in the State of Cali-  
fornia", and that on the 19<sup>th</sup> day of Septem-  
ber 1854, said Commissioners rendered a  
Decree rejecting their said Claim & that  
an Appeal has been duly taken from  
the Decision of said Commissioners to the  
said District Court for the Southern District  
as will appear by the transcript of the Records of said Land Commission  
which is herewith filed. Your Petitioners pray your  
Honor to review the decision of said  
Commissioners and reverse the same  
and that a Decree may be entered, confirm-  
ing the title of the said tract of land  
to them, the said Claimants, and for  
all such other and further acts and proceedings  
as to your Honor may seem just and  
proper in the premises.

Howard & Perley  
Attys for Claimants

No. 191  
U.S. Dist. Ct. Southern Dist.  
\_\_\_\_\_

José J. Ortega & als

vs.

The United States  
\_\_\_\_\_

Petition

~~I admit due service of  
a copy of the within Petition  
that 6<sup>th</sup> day of July 1855~~

191 SD  
PAGE 56

Filed July 12 1855  
C. C. Kear  
Clerk  
By A. W. Lehigh  
Deputy

Howard & Peck  
Attys for Complainant

Jose Joaquin Ortega  
& heirs of Edward Stokes

The United States

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

191 SD

PAGE 57

To the Clerk of said United States District Court  
You will please take notice that the  
above claimants for the Rancho of Santa Ysabel  
containing Four Square leagues and situated in  
the county of San Diego, <sup>intend to prosecute the</sup> appeal from the decision  
of the Board of United States Land Commissioners  
to ascertain and settle private land claims in the  
State of California rejecting said claim, said  
claim being numbered 239 on the docket of  
said Board & said claim having been rejected  
by said Board on the 19<sup>th</sup> day of September  
1854

Yours &c

Thos W Sutherland  
Atty for Claimants

no 191  
United States Dist Court

Jose Joaquin Ortega et al

The United States

Notice of Appeal

Filed 21<sup>st</sup> July 1855.

C. E. Linn, Clerk  
By A. H. Lark Deputy.

Thos W Sutherland  
Claimants Atty

191 SD  
PAGE 58

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

TO

The President of the United States,

P. O. D. Attorney of the United States  
for the Southern District of California.

191 SD

PAGE 59

GREETING:

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against <sup>the United States</sup> you, and each of you, in the District Court of the United States, in and for the Southern District of California, on the *twelfth* day of *July* 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 *Jose Joaquin Ortega, Refugia Stokes, Alfred Stokes, Edward Stokes, & Adolpho Stokes*, praying the said Court to review upon the grounds therein set forth, the decision of ~~repeal~~ *repeal*, by the U.S. Commissioners to ascertain and settle private land claims in the State of California, of the claim of said *Jose Joaquin Ortega, & Refugia, Alfred, Edward, & Adolpho Stokes*, for a tract of land called "Santa Ysabel," situate in the County of San Diego, in said District, to the extent of four leagues more or less, which said claim was presented by them to said Commissioners ~~on or about the~~ and was by them ~~repealed~~ *repealed* on the 19th of September 1854.

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 plaintiffs 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 *fourth* day of *August* in the year of our Lord one thousand eight hundred and fifty-five at Los Angeles aforesaid.

*C. E. Jones*  
Clerk.



No 191.

United States of America,

Southern District of California,

U. S. DISTRICT COURT.

Jose A. Ortega et al

VS.

The United States.

SUMMONS.

Recd Aug 16<sup>th</sup> 1855

Edward Hunter

U.S. Marshal

191 SD

PAGE 60

I served this summons along with the proper copy of the petition upon

*Per a atty*  
the U. S. by delivering to him a  
person a true copy

at *Los Angeles* in the Southern District of California on  
the *20<sup>th</sup>* day of *Aug* A. D. 1855

Sworn to and subscribed before me, *this*

*20<sup>th</sup> of Aug. 1855.*

*J. E. [unclear] Clerk.*

*Edward Hunter*  
U. S. Marshal.

1

In the District Court of the United States  
for the Southern District of California.  
Los Angeles County, State of California

191 SD  
PAGE 61

J. J. Ortega et al } N<sup>o</sup> 191.  
vs } (Transcript N<sup>o</sup> 259)  
The United States }

To the Hon<sup>ble</sup> Isaac S. H  
Aguir, Judge of the District Court for the  
Southern District of California.

The answer of Pacificus Ord atty of  
the United States for the Southern District  
of California, on behalf of the United States,  
to the petition for review of José Joaquín  
Ortega, Refugio Stokes, Alfred Stokes,  
Edward Stokes and Adolpho Stokes,  
alleging that they claim a certain tract  
of land called "Santa Ysabel" situate  
in the County of San Diego, in the  
Southern District of California, containing  
four leagues of land more or less.

And the said Attorney answering said  
petition, on behalf of the United States,  
denies generally all and singular each  
and every allegation in the said  
petition contained, except such as are  
hereinafter admitted to be true.

And the said Respondent, by said

191 SD  
PAGE 62

2

attorney further answering says. That he has no knowledge or belief that the <sup>said</sup> certain tract of land was granted to José Joaquín Ortega, & Edward Stokes on the 9<sup>th</sup> day of November A D 1844; that said tract of land is contained within the boundaries of San José in the Punta del Canasto, the Palcan, and Tecumaca and the Ballenas; containing four leagues of land more or less; that said grant was approved by the Departmental assembly on the 25<sup>th</sup> of June 1845; that juridical possession thereof was given to said <sup>alleged</sup> grantees on the first day of December 1844; that said Edward Stokes died in the year 1847, leaving his widow the said Refugio, and the said Alfred, Edward, and Adolpho Stokes, as minor heirs. And the said respondent, by said attorney denies each and every one of the foregoing allegations as set forth in said petition of said Claimants.

And the said respondent further answering the said petition, admits that the said Claimants presented their said claim for Confirmation to the Board of

3



191 SD  
PAGE 63

Commissioners; and that the said Board rejected the same; and that an appeal was taken from the said decision to this Honorable Court:- as alleged in said Petition of said Claimants,

And the said attorney of the United States, in pursuance of the provisions of the act of Congress, approved 3<sup>rd</sup> March 1851, entitled "an act to ascertain and settle the private land claims in the State of California" herein fully and distinctly sets forth the grounds on which said claim is invalid - to-wit:

I. That the said alleged grant of the Mexican Government, <sup>Maryell Micheltorena</sup> from the Governor of California, was made in violation of the 4<sup>th</sup> article of the Colonization Law of Mexico of the 18<sup>th</sup> of August A.D. 1824, in this; that the land granted, as alleged by Claimants, was and is within ten leagues of the Sea Coast; and that there is no evidence shown by Claimant, that the Supreme General Executive power of Mexico previously approved of the Colonization of the public lands in Upper California, lying within ten leagues of the Sea Coast. And it is denied that such previous Consent of said Supreme General

4

~~Executive~~ Executive power of Mexico in such case was ever had.

II. That at the date of the said alleged grant, the said land claimed as aforesaid, was occupied by, and in the possession of the missions of the Territory of Upper California. And it was held and occupied, particularly, by the mission of San Diego; and could not therefore be colonized.

III. That the said grant has not the conditions required by, and is not made in entire conformity with the laws of Mexico of the 18<sup>th</sup> of August A.D. 1824, and the regulations for the colonization of the Territories of Mexico of 21<sup>st</sup> November A. D. 1828.

IV. That the petition for review filed does not set forth the metes and bounds of the land claimed; that it does not in any <sup>sufficient</sup> manner describe the land claimed; and that it is vague and insufficient.

V. That the said alleged grant ~~contains~~ of Michelena, dated 9<sup>th</sup> of November A.D. 1844, contains no sufficient description of the extent, locality, and boundaries of the land, so that it can be identified and surveyed. That there is no original

191 SD  
PAGE 64

5  
map of the land shown. That it is vague,  
indefinite and void for uncertainty.

VI. That the Claimants fail to show a  
definitively valid title for said land.

191 SD  
PAGE 65

VII. That there is no evidence that the  
said alleged grant of Gov<sup>o</sup> Micheltoreno  
of the date of the 9<sup>th</sup> of November 1844,  
was ever approved by the Supreme  
Government of Mexico.

VIII. That the pretended judicial acts  
of survey and possession by Juan M<sup>o</sup>  
Marro, dated the 29<sup>th</sup> of November  
and 1<sup>st</sup> of December AD 1844, of the two  
places of Santa Ysabel, and Santa Maria  
de Panos, each for four square leagues,  
were not made according to the said  
alleged grant of said date; Nor according  
to the ordinance or law. That it pur-  
ports to be the measurement and posses-  
sion of two distinct tracts of land of diff-  
erent names. That such tracts were not  
granted to the said alleged original  
grantees, by the said alleged grant of  
said date. That it is not executed  
upon the lawful stamped paper. That  
it is vague, indefinite and void.

IX. That there is no evidence that the  
said Juan M<sup>o</sup> Marro was a Judge of

6

the first instance of San Diego, on the 1<sup>st</sup>  
December 1844.

191 SD  
PAGE 66

X. That the alleged act of juridical possession of the said date, purports to have been made at a time previous to the alleged approbation by the Departmental Assembly. And the said juridical act was done in violation of the 4<sup>th</sup> Condition of the said alleged grant. And the said alleged <sup>juridical</sup> act is null and void.

XI. That the said alleged original grantee, having failed to perform the Conditions of the said alleged grant—particularly the fourth Condition—the said grantee, and the said Claimants, lost their right to the said land, if they ever had any. And it is reverted to the original grantee.

And the said Claimants, not having any valid right or title to the said land claimed by them as aforesaid, the lawful right and title in and to the same, was acquired by, and it now belongs to the United States, by virtue of the treaty of peace, friendship, limits and settlements, with the Republic of Mexico, dated at the City of Guadalupe Hidalgo, February 2<sup>nd</sup> 1848.

7

1848.

Therefore the said premises considered,  
 the said Attorney, respondent in behalf  
 of the United States, prays that the said  
 Claimants, Jose Joaquin Ontega, Refugio,  
 Alfred, Edward, and Adolpho Stokes,  
 may be served with a copies of this answer,  
 and that after due proceedings, this Hon<sup>ble</sup>  
 Court will decree the said Claim of  
 the said petitioners for said land to be  
 invalid; and to decree Costs against  
 them. And General relief.

191 SD  
 PAGE 67

*F. O. M.*

Attorney of the United States  
 for the Southern Dist of Cal<sup>a</sup>

RECORDED  
 INDEXED

N<sup>o</sup> 191.

United States Dist Court  
Southern Dist of Cal.

J. J. Ortega et al  
vs

The United States

Answer of Dist atty  
to petition for review

Filed August 23<sup>d</sup> 1855.  
f. S. Farr.  
Clerk.

191 SD  
PAGE 68

J. Ord  
Dist Atty.

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

José Joaquín Ortega et al }  
Appellants } lease to 1911.  
vs } Transcripts 239.  
The United States }  
Appellee } "Santa Isabel"

191 SD  
PAGE 69

And now as this day comes the said  
Appellants, and on motion of Myron  
Boston their attorney, it is ordered  
by the court, that either party in  
this case have leave to take further  
testimony therein.

No 191.

W. S. District Court  
Jose Joaquin Ortega  
et al, Appellants

vs

The United States  
Appellee

Leave to take further  
testimony -

Filed Oct 25 1885

C. E. Cannon  
By J. W. Burdick

191 SD  
PAGE 69A



J. J. Ortega, et al. applt.

vs.

No 191.

The United States. appée

Deposition of William Williams a witness on the part of Appellants, taken before me Charles E. Can. U.S. Commissioner at the City of Los Angeles, this 22<sup>nd</sup> day of October, A.D. 1855, to be read in evidence on the trial of this Cause, present P. Ord, U.S. Atty, Judge Thomas. Atty for Appellants.

Williams Williams being by me first duly sworn, ~~to answer~~ to questions of Counsel for the several parties, upon his oath answers as follows.

{ } { } { }

Ques. What is your name age & place of residence.

Ans. My name is William Williams, my age thirty six years, residence County of San Diego at Valle de los Viejas.

Ques. Are you acquainted with the Rancho of Santa Ysabel of San Diego County.

Ans. I am.

Ques. State what length of time you have been acquainted with this Ranch.

Ans. I have lived on it between six and seven years. I first went there in 1840, and left in 1847. I lived on the Ranch in 1840, as overseer of the Mission.

Ques. Do you know if at all, when this Ranch was granted to Ortega & Stokes.

Ans. The Ranch was granted to Ortega about the latter end of 1842, or beginning of 1843, to the best of my knowledge. Stokes

191 SD  
PAGE 70

Ques. ~~Do you~~ Came in afterwards as a part time.

Ques. Do you know of judicial possession having been given to Ortega - of this Rancho.

Ans. Yes. It was given by Juan 'wa Manon a justice of the peace of San Diego at that time.

191 SD  
PAGE 71

Ques. State if you assisted in the measurement and survey at the time judicial possession was given.

Ans. I assisted.

Ques. Now state in what manner the survey was made. - the points of beginning and ending - as well as the objects designating those points (Subject matter of this question objected to by the U. S. Atty.)

Ans. The first line was run from a Cotton wood tree at the top of the Volcan, running north west to Tucameco, where there was an oak tree with a cross cut on it. From these two points the distance <sup>is two leagues</sup> ~~was~~ one thousand seven hundred varas. The next line was run from Mr Warner's, San Jose on his boundary mark consisting of a pile of stones, running about south west down to the Cuesta of the Salve two leagues, three thousand varas. (answer objected to by U.S. Atty.)

Ques. Did the second line cross the first line, and if it did, at what point. (objected to as to form a subject matter by his atty)

Ans. It did cross the first line at about one hundred yards from the house in a south westerly direction. (answer objected to by the U.S. Atty.)

Ques. Did the first line strike the house or run by it (objected to as to form and

matter by the U.S. Atty.)

ans. It ran by the house. (answer objected to)

ques. How far ~~from the~~ did the line run from the house (objected to by U.S. Atty)

ans. About fifty yards. (answer objected to by U.S. Atty)

ques. How far was the house from the beginning of the first line. (objected to by the U.S. Atty)

ans. About three miles and a quarter as near as I can guess. (objected to by U.S. Atty.)

191 SD  
PAGE 72

ques. Are these points of which you speak prominent and notorious in the Community or neighborhood in which the Ranch is situated. (objected to by the U.S. Atty.)

ans. Yes, they were prominent points (objected to by the U.S. Atty.)

ques. About what is the quantity of land contained in this survey. (Question objected to by the U.S. Atty)

ans. About nearly five leagues. (objected to by the U.S. Atty.)

Cross examined by the U.S. Atty.)

ques. What is your present occupation.

ans. I am a farmer.

ques. Are you a Surveyor.

ans. No

W. Williams

Sworn to & subscribed  
before me this 22<sup>nd</sup> day  
of Oct. A.D. 1855.

J. E. Jan.  
U.S. Commr.

No 191.

U.S. District Court  
South Dist of Cal.

J. J. Ortega, et al.  
Appln.

vs.

The United States,  
Appellee.

191 SD  
PAGE 73

Reposition of William  
Williams

Filed Oct 22, 1885

J. J. San  
D.A.

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

J. J. Ortega, <sup>et al.</sup> appellants } N. 191.

vs.

The United States, Appellee the "Standard Farm".

191 SD  
PAGE 74

Be it remembered that on the trial of this  
cause the appellants offered in evidence  
the deposition of William Williams,  
in their behalf, taken before C. E. Carr  
Notary Commissioner, that at the time  
the United States, by their Attorney J. W. D.,  
moved the Court to strike out the following  
questions and answers therein - To wit:

Question: "Now state in what manner  
the survey was made - the points of  
beginning and ending - as well as the  
objects designating these points."

Answer: "The first line was run from  
a Cotton wood tree at the gap of the  
Volcan, running North West to Escumaca,  
where there was an oak tree with a  
Cup cut on it. From these <sup>two</sup> points the  
distance is two leagues, one thousand  
seven hundred varas. The second line  
was run from M. Warners, San Jose  
in his boundary mark consisting of  
a pile of stones, running about South"

"Went down to the Cresta of the Salvo  
"Two leagues, three thousand varas."

Question. "Did the second line Cross  
"the first line, and if it did, at  
"what point?"

Answer. "It did Cross the first  
"line at about one hundred yards  
"from the house in a South Westerly  
"direction."

Question. "Did the first line Strike  
"the house or run by it?"

Answer. "It ran by the house."

Question. "How far did the line  
"run from the house?"

Answer. "About fifty yards."

Question. "How far was the house  
"from the beginning of the first line?"

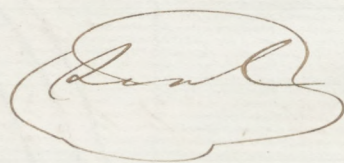
Answer. "About three miles and  
"a quarter, as near as I can guess."

Question. "Are these points of which  
"you speak prominent and notorious  
"in the Country or a neighborhood  
"in which the Ranch is situated?"

Answer. "Yes they were prominent  
"points."

Question. "About what is the quantity  
"of land mentioned in this Survey?"

Answer. "About nearly five leagues."  
On the ground, that the <sup>said</sup> evidence  
~~is~~ <sup>is</sup> secondary, and  
- parcel, and Contradicts and varies  
essentially the terms of the alleged  
judicial act of possession & survey of the  
land claimed, previously introduced in  
evidence by ~~said~~ the Claimant -  
And that the questions were leading  
and illegal. All which objections  
were overruled by the Court, and  
the said evidence admitted.  
Wherefore the United States, by their  
said Atty, present this their bill  
of exceptions, & pray that the  
same may be signed & sealed  
by the Court.



N<sup>o</sup> 191.

J. J. Ortega et al  
appellants.

vs  
The United States  
appellee.

Appelles Bill of Exceptions

Dated Jan'y 11<sup>th</sup> 1836.

Chas. Sprague.

E. Carr,  
clerk.

191 SD

PAGE 77



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

José Joaquin Ortega et al  
Appellants } Case No. 191.  
vs }  
The United States } "Santa Ysabel"  
Appellees }  
Index of Transcripts.

191 SD  
PAGE 78

- Pages 3 to 4. Petition to the Land Commissioners.  
" 4 to 6. Supplemental petition to Commissioners.  
" 5 to 6. Deposition of Abel Stearns.  
" 7 to 8. do of Andrés Pico.  
" 8 to 9. do of John of Warner.  
" 9 to 10. do of John of Warner  
" 10 to 13. do of Juan Foister  
" 15 to 22. Expediente in Spanish.  
" 23 & 24 Original title in Spanish annexed to  
the deposition of Abel Stearns.

Page 25.

Approval of the Departmental Assembly  
of the Ranchos of "Santa Isabel" and  
"Valle de Paraiso"

" 27 to 33. Translation of Expediente.

" 33 to 35. Translation of approval of assembly.

" 37 to 38. Testimonial of Juridical Possession  
in Spanish.

" 39 to 42 Translation of testimonial of juridical  
possession.

" 43 to 44 Opinion of the Commissioners,

" 44. were rejecting the claim.

No 191.

U.S. District Court

Southern Dist of California

José Joaquín Ortega et al

Appellants

vs.

The United States

Appellee

Index of Transcripts

191 SD

PAGE 79

Filed Aug 11th 1856.

C. C. Jones  
Clerk

Horton & Chorn

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

191 SD  
PAGE 80

José Joaquin Ortega et al } Case 191.  
Appellants }

By  
The United States }  
Appellees }

And now at this day come the above  
named Appellants & move the Court to  
grant a new trial in the above entitled  
Cause, and in support of this their mo-  
tion they rely on the Affidavit hereto  
annexed.

Myron Norton  
att'y for appellants

State of California }  
County of Los Angeles } S.

191 SD  
PAGE 81

Myron Horton being  
Duly sworn deposes and says, that he  
is one of the Attorneys, <sup>for the Appellants</sup> in the above en-  
titled Cause and that he is acquainted  
with the facts in this case, and this depo-  
nent believes ~~to~~ from his knowledge of  
the facts in this case, that the said Appel-  
lants will be able to prove, the bounda-  
ries of the ~~La~~ Rancho called ~~La~~ <sup>Santa Ynez</sup> ~~de~~ <sup>de</sup> ~~San~~ <sup>de</sup> ~~Antonio~~  
and this deponent further says that he  
believes it to be necessary for the interests  
of the said Appellants in this case that  
further testimony should be had and  
a survey of the said Rancho made.

Myron Horton

sworn to & subscribed }  
this 8<sup>th</sup> day of Feb. 1836. }  
Before me }  
J. E. [Signature]

Case No 191  
U. S. District Court  
District of Southern  
California

J. J. Ortega et al  
appellants  
vs

The United States  
appellees

Motion for new  
trial & affidavits

Filed Feb 5<sup>th</sup> 1886.

191 SD

PAGE 82

J. E. Jones  
Clerk

J. F. Ortega, et als.  
vs  
appls

No 191.

191 SD  
PAGE 83

The U. States appes.

Deposition of J. J. Warner, a witness on the part  
of applts. in the above case, taken at Los  
Angeles, the 16<sup>th</sup> day of July, A.D. 1856, before  
Chas. E. Chan. as Com. for the State  
of California. Resen't P. O. D. seats.  
Norton & Osceja for appellants.

J. J. Warner being duly sworn  
deposes as follows

~ ~ ~

Ques. What is your name age & place of residence?

Ans. J. J. Warner. 48 years. San Diego.

Ques. Do you know the Rancho claimed in this case and  
called San Ysabel, & if yea. in what county is  
it situated, and how long have you known it?

Ans. I know it. <sup>it is</sup> Situated in the County of San Diego. &  
I have been conversant with it since 1844.

Ques. Do you know the place or Rancho called San Jose  
and if yea. in what direction & how far is it from  
the Rancho of Santa Isabel

Ans. I do know it. It adjoins Santa Isabel, lying  
on the north & northeast sides.

Ques. Is there or not a place or point in the Rancho  
of San Jose called "El Carecito" or "Los Carecitos"  
& if so, describe its location relative to the Rancho  
of Santa Isabel

Ans. There is such a locality. It is the most southern extremity of the lands of San Jose, is situated north of the House on Santa Isabel and east (which house occupies nearly a central position in said Rancho referring solely to East & West.) and distant about three miles from said House.

Ques. Do you or not know a place or locality called "El Volcan." if you state its situation or position relative to the Rancho of Santa Isabel

Ans. I know said place. It is situated very nearly east from the house before referred to. I have known it as the eastern limits of and included in the Rancho of Santa Isabel. (objected to by U. D. Atty.)

Ques. Do you or not know a place or Rancho called Tecomaeca, if you state its locality & position relative to the Rancho of Santa Isabel

Ans. ~~Not~~ Westwardly from the house before referred to, and upon table land considerably elevated above the lands in the immediate vicinity of the said house, there are two Indian Villages lying in about the same direction <sup>from</sup> of the house and distant therefrom the one about four miles, & the other six. <sup>to</sup> one or the other of which the name Tecomaeca (and Indian word) has been given. I do not know which of the two villages, <sup>the names of applied</sup> having always known them by the names of their respective chiefs or Captains. These two villages are about two miles apart.

Ques. Do you or not know a place or locality called "La Pullena" if you state its situation or position relative to the Rancho of Santa Isabel.

Ans. I do know it. It is a small valley lying to the southwestwardly from the afore said house, and distant eight or ten miles, and I have always known it as being about the western limits of Santa Isabel (objected to by U. D. Atty.)

Ques. Is there or not any well known and recognized

(objected to by U.S. Atty.)

Ques. Is there or not any well known and recognized point or place south of the lands called Santa Isabel.

Ans. On the south of Santa Isabel. on the lands of Cuyomaca. I am not conversant with that side of the Rancho

191 SD  
PAGE 85

Ques. Are, or are not the points and places called "San Jose", "El Puerto del Carrito", "El Volcan", "Tecomaca", "La Ballena", and "Cuyomaca" well known and recognized by those acquainted with these places or residing in the vicinity, and if so how long have they been thus known and recognized

Ans. They are, and have been so known by me with the exception of the Indian Village ever since my acquaintance with that section of country

Ques. Are, or are not, those points or places natural and permanent objects.

Ans. They are all except the Indian Village

Ques. Does, or does not, the said Indian Village now stand where they stood in 1844.

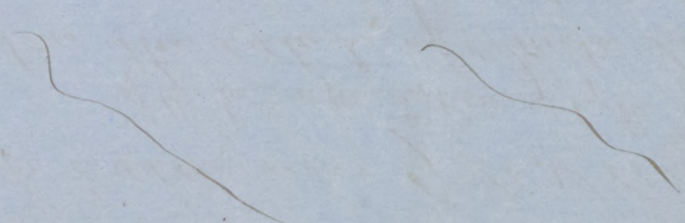
Ans. They do. <sup>ever since my acquaintance with the country.</sup> ~~There~~ <sup>now</sup> have been, and are inhabited, having some gardens and orchards in, and adjoining them.

Ques. Does, or does not, the Rancho called Santa Isabel lie within these natural objects <sup>and places</sup> which you have described; (objected to by U.S. Atty.)

Ans. I have always understood it to be comprised within said natural objects and places.

Ques. Is, or is not, the Rancho of Santa Isabel lying within the natural objects above mentioned, the same land or Rancho heretofore occupied by Jose Joaquin Ortega and Edward Stokes. (objected to by U.S. Atty.)

Ans. It is, the same Rancho





Crops Examined by H. D. Allen

Ques. What is the extent of Santa Isabel?  
in the year 1844. when you first knew it?

Ans. From East to West I should judge it to be about fourteen or fifteen miles. I never was upon its Southern line & do not know its extent from North to South East. ~~with regard to its extent from N or from North to South.~~

191 SD  
PAGE 86

Ques. Can you say whether it is in extent from a north to a south direction more or less than ten leagues.

Ans. I am unable to say from the same cause stated in the preceding answer. but should ~~not~~ <sup>not</sup> judge that it is thirty miles from its Northern to its Southern limits.

Ques. Should you judge it to be twenty five miles?  
Ans. I should not. I doubt whether it is even twenty miles. but this is almost conjecture.

Ques. Is this place of Santa Isabel a plain, valley or is it mountainous.

Ans. All three of them. the plains are numerous valleys numerous. mountains abundant.

Ques. What is the name of the tract of country (if it has any particular name) lying to the South of Santa Isabel?

Ans. Coyomaca <sup>& San Vicente</sup> Valle de las Yucas. are the only tracts, the names of which, I now recollect.

Ques. Which one of these places on the south is nearest to Santa Isabel.

Ans. I think there can be but little difference between Coyomaca & San Vicente. the one being on the South East & the other on the South West of Santa Isabel. the first may appear. but I don't know. the second is separated ~~into~~ <sup>by</sup> ~~into~~ <sup>by</sup> topographical, by sterile and broken

Santa Isabel. the first may appear. but I don't know. The second is separated ~~and~~ ~~is~~ ~~separated~~ topographically by sterile and broken mountainous country. of some five or six miles in width.

Ques Did Don Lorenzo Ortega & others ever live on Santa Isabel with their families & if you state when? for what length of time.

191 SD  
PAGE 87

Ans They did. their families came there I think some time during the year 1845, & remained there until an ~~eviction~~ ~~of the Indians~~ in the fall of 1846. ~~which compelled their families to leave the Ranch.~~

Ques Were there any improvements on this place of Santa Isabel in 1844 which belonged to the Mission of Yuma State generally or what they were.

Ans There were. large and extensive adobe buildings, a large adobe corral, <sup>two</sup> ~~two~~ <sup>small</sup> ~~small~~ <sup>vineyards</sup>, with fruit trees.

Ques Does any person <sup>or persons</sup> reside there at the present time and if you state the name or names.

Ans There are persons residing there. Geo McKinstry, Mr Dalton, & some others whose names I do not recollect.

Ques Are these persons mentioned as residents in the place. Employers or tenants of the claimants. in the case

Ans They are not.

Ques Under whom or by what right do they occupy the place.

Ans George McKinstry as the agent of Justice McKinstry a purchaser from Ortega, Dalton as employee of George McKinstry. the other as hangers on about the place.

Ques How long has Justice McKinstry had possession of this place claiming under Ortega?

Ans Five years or a little more or less.

Direct examination resumed

Q. In what year did Ortega & Stokes leave the Rancho of Santa Isabel in 1846.

A. The danger which was apprehended from the Indians.

Q. Was there a riot arising a insurrection of the Indians about the time that they left?

A. There was.

Crossed by W. S. Atty. -

191 SD

PAGE 88

How long did that rising or insurrection continue?

A. In a month or more.

Q. Did Ortega or Stokes ever go back with their families to reside on the place of Santa Isabel?

A. They did not.

Q. What was the place of their domicile after they left Santa Isabel?

A. San Diego that of Stokes, Sonora that of Ortega.

Direct Ex<sup>m</sup> by

Q. By whom was the insurrection of the Indians raised (objected to by W. S. Atty.)

A. Ricardo Urivas a Californian.

Q. Was or was not the rising or insurrection of the Indians about the time of the arrival of Gen Kearney with American troops in California during the war with Mexico?

(objected to by W. S. Atty.)

A. A short time <sup>to the arrival of Kearney</sup> previous & during the war - This insurrection of the Indians under Urivas was against the Americans.

J. J. Warner

doorn to & subscribed this

14th of Feb 1866 before me.

J. E. Jones, Notary

No 191.

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

J. J. Ortega et al  
appellants

vs  
The United States  
appellees

Deportation of J. Moran

Filed July 18<sup>th</sup> 1886

191 SD  
PAGE 89

I personally appeared before me Agustín Olvera and being duly sworn deposes and says, that the claim of Jose Joaquin Ortega et al. for the Rancho known by the name of <sup>Santa Isabel</sup> ~~San Antonio~~, was rejected by the Hon. the U.S. Dist Court for the South Dist of California, on the 14<sup>th</sup> day of this present month. (Not as the Court says in its opinion) for any want of proof as to the genuineness of the title to said Rancho, but for want of sufficient evidence <sup>as to its locality and proper boundaries;</sup> - That the Court aforesaid on the fifth of this present month reopened the case and granted a new trial. The affiant further says that he believes that abundant evidence does exist and can be obtained to prove the locality and proper boundaries of said Rancho of <sup>Santa Isabel</sup> ~~San Antonio~~, as called for in the Grant. That since the reopening of this case the testimony of some of the <sup>successful</sup> witnesses <sup>to establish said Rancho</sup> has been taken before the proper Commission. That that most of said witnesses reside in the County of San Diego and that it has been and will be impossible to procure their attendance during this term of the Court but that the evidence of said witnesses can be obtained before the next term

sworn & subscribed before me  
 this 29<sup>th</sup> day of February 1856  
 J. E. Carr,  
 U.S. Commissioner

Agustín Olvera

United States District Court for the Southern  
District of California

191 SD  
PAGE 91

Jos. J. Ortega et al  
appellants

The U. States

app<sup>ees</sup>

No 191

And now on this day comes Myron  
Nutter one of the attorneys of record in this  
cause and moves the Court to grant a  
continuance of the case until the next term  
of the Court for the reasons set forth in the  
affidavit herewith annexed

Myron Nutter  
atty for appellants

No. 191.

U.S. Dist Court  
South Dist of Cal.

J. J. Ortega et al.  
appes,

ads.

The United States  
appls

---

Affidavit for Contumace

---

Filed Feb 29<sup>th</sup> 1856.

J. C. Jones  
Clerk

191 SD  
PAGE 92

José Joaquín Ortega et al  
appellants

Case No. 191

The United States  
appellees

"Santa Ysabel"

191 SD

93

PAGE

## Deposition of William H. Lighton

taken before C. SIMS, United States Commissioner for the District of California, at the United States Court House, in the City of Los Angeles, on 16, the day of March A. D. 1857, at 2 o'clock P. M., on said day, on behalf of the appellants by the agreement of the parties

to be used as testimony in a certain cause now pending in the U. S. Dist. Court for the South. Dist. of California, being Case No. 191, on the Docket of said Court, wherein José Joaquín Ortega et al are appellants, and The U. States are appellees.

Present Agustin Olvera Attorney in behalf of the appellants  
and C. E. Thom present in behalf of appellees.

Question by the atty of appellants  
direct examination

Quest<sup>n</sup> What is your name, age and place of residence  
Answer My name is William H. Lighton I am 28 years of age & reside in San Diego

Question What is your profession and actual occupation

Answer I am Civil Engineer

Question Are you in the employment of the County of San Diego

Answer I have been acting at different periods in the last year as the County Surveyor of San Diego County

Question Do you know any place distinguished or known by the name of Santa Ysabel and if so state when it is situated

Answer I do know the ranch, it is situated Northwest about sixty miles from the



2  
town of San Diego

Do you know this ranch practically by passing over it or by traveling along the public road

Answer I know it by having made a survey of it as acting County Surveyor of San Diego County

Question Do you know besides this ranch, any other ranch in San Diego County by the same name

Answer I do not

Question Do you know from your own knowledge the lines of the Rancho Santa Ysabela and if so give its boundaries & lines

Answer I do know the lines, I ran the lines in accordance with the Calls of the grant as given me by Don Jose Joaquin Ortega and also in accordance with the Statements of persons pretending to know the boundaries of the Rancho. I did this at the request of Don Jose Joaquin Ortega, the lines of the Rancho are as follows; Commencing at an alamo tree near a point called Valley of Volcan, and running in a direction North 54 degrees West 9 miles two thousand nine hundred and Seventy feet to a place called Carrizito, from thence South 85 degrees West One thousand seven hundred and eighty two feet to an Oak tree with a Cross marked on it said tree being situated in a place called Tecoma, and close to an Indian Rancheria from thence running South 22 degrees East 9 miles ~~1154~~<sup>1157</sup> feet to a large white rock having three small stones upon it, said rock being situated in the Canada called Ballona, from thence running North 66 degrees East 8 miles 4840 feet to the place of beginning

191 SD  
PAGE 94

2200  
3

this plan I present as a full and correct ~~Rancho~~ plot of the survey made by me of the said Rancho Santa Ysabella

Question

Is the plan or plot of the tract of land hereunto annexed and marked "Y" the same that you made, when you surveyed the Rancho of Santa Ysabella

191 SD  
PAGE 95

Answer

Yes, as stated above in my last answer

Question

Are the lines that you have described in your answer above and which are marked out on the plot annexed to this deposition marked "Y" natural boundaries, and if so are they easily recognized or distinguished

Answer

Yes, they are easily distinguished and well known. - it is the best defined ranch with regard to its boundaries, that I have seen in San Diego County

Question

Do you know if this ranch is near the ranch called Ball de Pano - and if so what is the distance from it, and in what direction does it lie therefrom

Answer

It is near the Ranch called Ball de Pano and situated in a westerly direction from it and distant from it about a mile

William H. Lighter

**I, C. Sims,** of the City and County of Los Angeles, and State of California, Commissioner to take Affidavits and Bail, in civil case pending in the Courts of the United States, and Depositions under the Acts of Congress, approved September 24th, A. D. 1789, February 20th, A. D. 1812, and March 1st, A. D. 1812, by virtue of my office of Clerk of the United States Court of the Southern District of California, and by special appointment by the United States Circuit Court for the State and circuit of California, do hereby certify that the foregoing Depositions of *William H. Lightner* was taken before me

1911 the *16* day of *March*, A. D. 185*4*, according to the

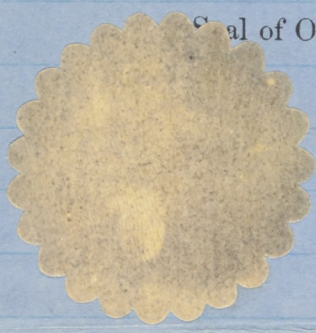
PAGE *SD*  
*38*

of the said

at the United States District Court House, in the City of Los Angeles, and State of California, in behalf of the *appellants*

That the said *Wm H. Lightner* was by me duly sworn according to law as a Witness in said cause in the caption of this Deposition mentioned, and after being so sworn, his Testimony was ~~by me~~ reduced to writing in his presence, and after having been by me carefully read to him, and by him corrected in every particular as he desired, was by him signed in my presence.

In witness whereof, I hereunto set my hand and private Seal, (having Seal of Office,) this *16* day of *March*, A. D. 185*4*



*C. Sims*  
United States Commissioner.

No. 191

United States District Court for the  
Southern District of California.

*Don Joaquin Ortega y Gal*  
*Septis*  
*vs*  
*The United States*  
*appalcy*

191 SD  
PAGE 97

Deposition of

*Wm S Lighton*

Filed this

*16th March 1857*

*C. Lewis*  
*J. M. Coleman*  
*Secy*

In the District Court of the United  
States for the Southern District of California  
December Term A.D. 1857

Joaquin Ortega et al  
appellant

The United States  
appellee

Case No. 191

"Rancho Santa Ysabel"  
Transcript No. 239

This Cause coming on to be heard  
on appeal from the decision of the United  
States Board of Land Commissioners to ascertain  
and settle the private land claims in the State  
of California under an act of Congress ap-  
proved March 3<sup>d</sup> 1851, on a Transcript of the  
proceedings and decision of said Board and  
the papers and evidence upon which said  
decision was founded, and the other evidence  
adduced before this Court, and it appearing  
to the Court that said Transcript and the  
notice of appeal have been duly filed accord-  
ing to law, and Counsel for the respective  
Parties having been heard

It is ordered, adjudged and decreed  
that the decision of said Board of Land  
Commissioners, be and the same is hereby  
reversed, and that the claim of appellants is  
good and valid in law, and the same is  
hereby confirmed to ~~them~~ <sup>them</sup>, as follows  
The lands of which Confirmation is

herby made is situate in the County of San Diego, State of California called "Santa Ysabel" containing four square leagues of land and no more within the boundaries described in the grant and map filed in this cause, to wit; bounded by San Jov in the Punto del Carrizo, the Volcan, Tecomaca and the Ballenas, and for a more particular description of which referenc is herby made to the additional map and witness filed in Court on the 16th March A.D. 1854. Provided the land of which Confirmation is herby made is of the extent of four square leagues and no more within the boundaries above described if such quantity be therein contained, but if there be a less quantity, then Confirmation is herby made to such less quantity.

Thus done & signed in open Court this 17<sup>th</sup> day of March A.D. 1858

Guac. St. Ysabel  
U S Dist Judge

N. 191

Deem

Filed this 18 March  
1858  
C. Sims Clerk  
J. M. Coleman  
Dep.

191 SD

PAGE 100

Recorded in Page 269

In the United States District Court  
for California

S. D.  
No 191

191 SD  
PAGE 101

The United States Appellants

vs

Jon Joaquin Ortega and  
the Widow and heirs of } Appellees  
Edward Stokes deceased }

Before Hon Ogdan Hoffman  
U. S. Dist. Judge

Whereas at an Intermediate Term  
of the United States District Court  
for the Southern District of  
California on the first day of May  
1862 an appeal in the above cause  
from the decision of the said Court  
confirming the claim of Appellants <sup>was allowed</sup>  
and whereas a Mandate from the  
Supreme Court of the United States  
affirming the said decision confirming  
the claim of the appellants has been  
filed in this Court



Now therefore It is hereby  
ordered that the order of the  
said Court ordering an appeal  
to the Supreme Court of the  
United States as aforesaid be  
vacated and that the said  
appeal be dismissed and that  
the claimants be and are  
hereby allowed to proceed under  
the decree of the said Court as  
under a final decree

191

The United States

Postage paid

Revenue

John May Day

Co. C. 1st Regt.

6th Mass. Cav.

191 SD

PAGE 103

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Honorable the Judges of the District Court  
of the United States, for the Southern District  
of California \_\_\_\_\_

greeting:

Whereas, lately, in the District Court of the United States, for the Southern District  
of California \_\_\_\_\_ before you, \_\_\_\_\_ in a cause  
between José Joaquin Ortega, and the Widow and heirs of  
Edward Stokes, dec'd, appellants, and the United  
States, appellees, the decree of the said District Court  
was in the following words, viz:—

"It is ordered, adjudged and decreed,  
that the decision of the said board of Commissioners  
be, and the same is hereby reversed, and that the  
claim of appellants is good and valid in law;  
and the same is hereby confirmed to them as follows:  
The lands of which confirmation is hereby made  
is situated in the County of "San Diego", State of California,  
called, "Santa Ysabel," containing four square leagues of land,  
and no more, within the boundaries described in the  
grant and map filed in this cause, to wit; bounded by  
San José, in the Punto del Carrizo, <sup>the</sup> Volcan, Tecomaca, and  
the Ballenas, and for a more particular description of  
which reference is here made to the additional map and  
witness filed in court on the 15th March, A. D. 1857.

"Provided the land of which confirmation is  
hereby made is of the extent of four square leagues, and no  
more, within the boundaries above described, if such quantity  
be therein contained; but if there be a less quantity, then  
confirmation is hereby made to such less quantity."

UNITED STATES OF AMERICA

THE DISTRICT COURT OF THE UNITED STATES OF AMERICA

Court

District

181 SD  
105

181 SD  
PAGE 105

as by the inspection of the transcript of the record \_\_\_\_\_  
\_\_\_\_\_ of the said *District*  
Court, which was brought into the Supreme Court of the United States, by virtue of *an appeal*  
agreeably to the act of Congress, \_\_\_\_\_  
\_\_\_\_\_ in such case made and provided, fully and at large appears.

And whereas, in the present term of *December*, in the year of our Lord one thousand eight hundred and *fifty nine* the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and was argued by counsel: On consideration whereof, it is now here ordered, adjudged and decreed by this court that the decree of the said District Court in this cause be and the same is hereby affirmed. — (20 Feb.)

191 SD  
PAGE 106

20 Feb 1859

You, therefore, are hereby commanded that such further \_\_\_\_\_ proceedings be had in  
said cause, \_\_\_\_\_

as according to right and justice, and the laws of the United States, ought to be had, the said appeal  
notwithstanding:

Witness the Honorable Roger B. Taney Chief Justice of said Supreme Court, the  
first Monday of December in the year of our Lord one thousand eight hundred  
and fifty nine .

COSTS OF \_\_\_\_\_  
Clerk..... \$ \_\_\_\_\_  
Attorney.... \$ \_\_\_\_\_  
\$ \_\_\_\_\_

*Paid by*

*James H. Carroll*  
Clerk of the Supreme Court of the United States.

191

No. 88, December Term, 1859.

MANDATE  
SUPREME COURT UNITED STATES.

*M. Cato vs Ortega et al*

*March 2nd 1869  
James H. Carroll  
Clerk of the Supreme Court*

191 SD  
PAGE 107