

CASE No.
195

SOUTHERN DISTRICT

VALLE DE PAMO GRANT

JOSE JOAQUIN ORTEGA, ET AL
CLAIMANT

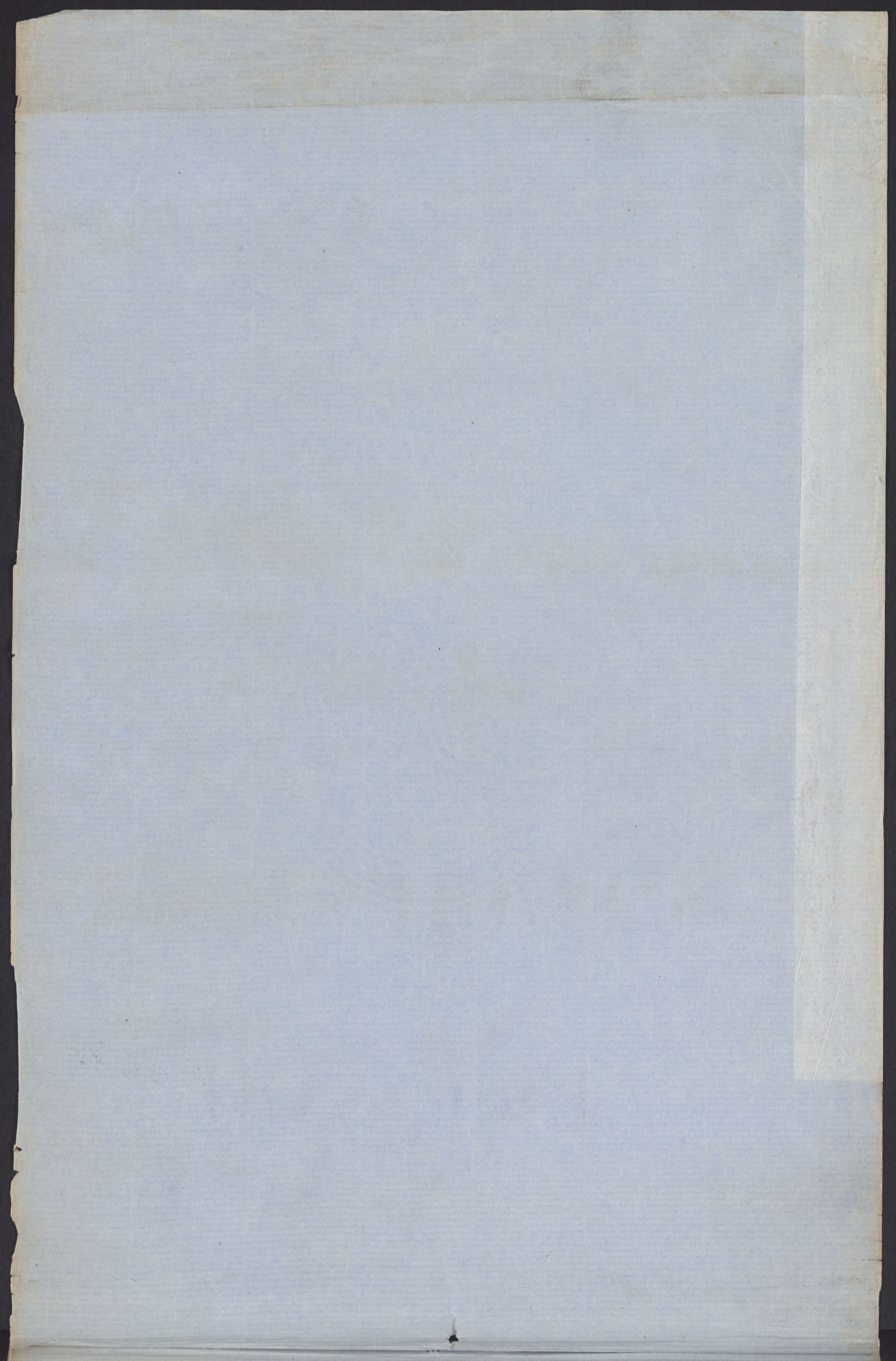
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332



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PAGE 1

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 332.

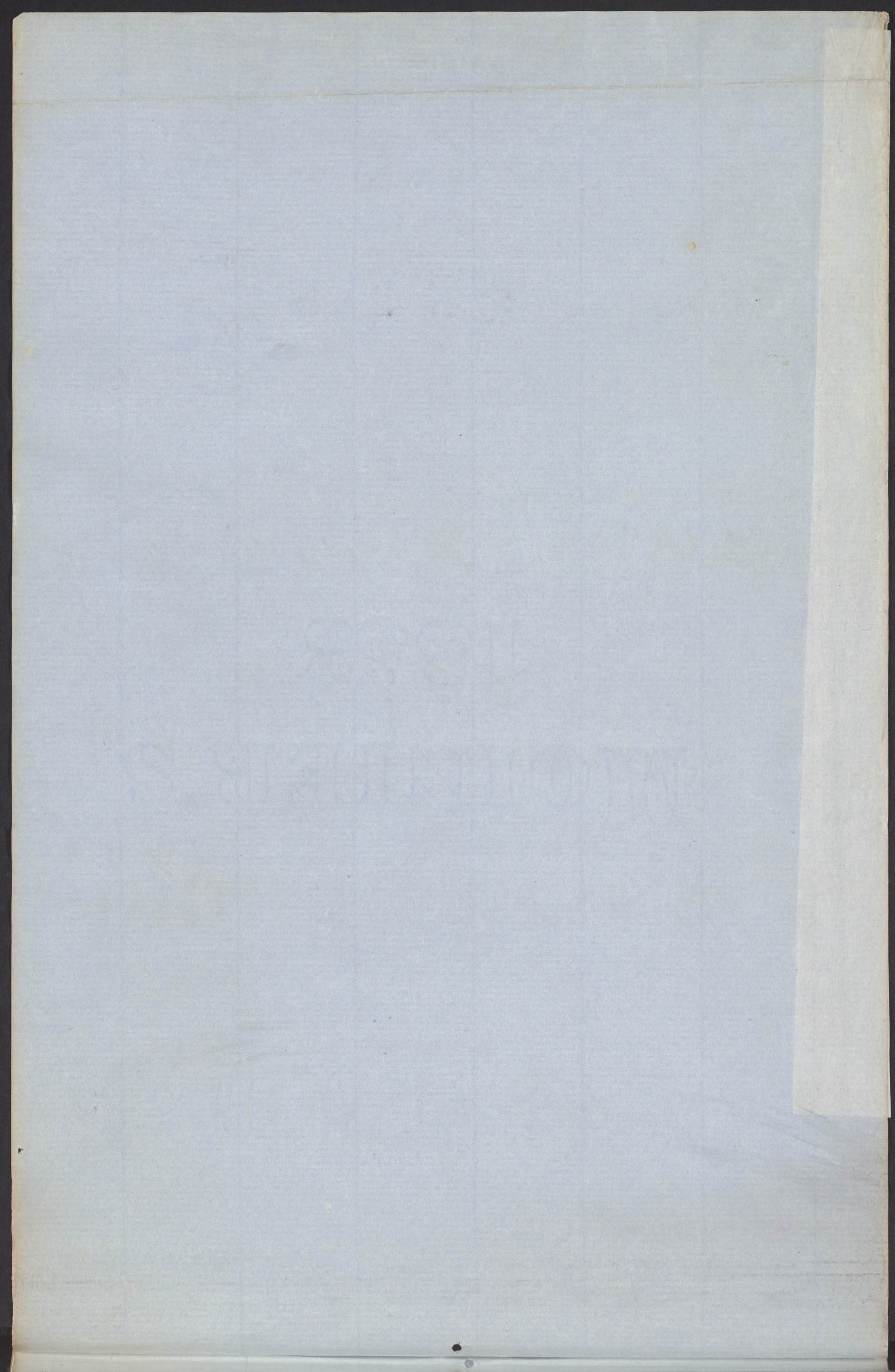
José Joaquín Ortega, et al, CLAIMANT *s.*

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"*Valle de Parana.*"



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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

The Petition of Jose Joaquin Ortega et al;
for the Place named
"Valle de Pano,"
was presented, and ordered to be filed and docketed with No. 332 and is as follows, to wit;

(Vide page 3. of this Transcript.)

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

Los Angeles, October 24th 1852,
In Case no. 332, Jose Joaquin Ortega et al; for the place named "Valli de Pano," the deposition of Abel Stearns, a witness in behalf of the Claimant, taken before Commissioner Melina Hall, with document marked H. N. m. 1, annexed thereto, was filed;
(Vide page 4 of this Transcript.)

Los Angeles November 1st 1852,
In the Same case the deposition of Anares Pico, a witness in behalf of the Claimant, taken before Commissioner Melina Hall, was filed;
(Vide page 5 of this Transcript.)

Los Angeles November 10th 1852,
In the Same case the deposition of S. Argüello, a witness in behalf of the Claimant, taken before

Commissioner Aland Hall, with document marked N.H. no. 1, and translation thereof, marked E, annexed thereto, was filed;

(Vide page 5 of this Transcript.)

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San Francisco Sept. 19th 1853,
Case no. 332 was called, and on motion of the counsel for the claimants, ordered to the foot of the Docket.

San Francisco Oct. 22nd 1853.
In the same case the deposition of J. J. Warner, a witness in behalf of the claimants, taken before Commissioner Thompson Campbell, with document marked F. G. D, annexed thereto, was filed;

(Vide page 6 of this Transcript.)

* San Fran^{co} Aug 28th 1851
In the same case the deposition of John Foster, a witness in behalf of the claimants, taken before Com^r Peter Lott, was filed.
(Vide page 7 of this Transcript.)

San Francisco, Sept. 5th 1854.
Case no. 332 was submitted on Briefs and taken under advisement by the Board.

In the same case, the deposition of Thomas W. Sutherland, a witness in behalf of the claimants, taken before Commissioner Peter Lott, was filed;

(Vide page 9 of this Transcript.)

San Francisco Sept. 19th 1854
In the same case Commissioner Alphens Felch delivered the opinion of the Board respecting the claim;

(Vide page 35 of this Transcript.)

and the following order was made, to wit;

(Vide page 36 of this Transcript.)

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Petition

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To the Board of Commissioners for ascertaining and settling Private Land Claims in the State of California Your petitioner Jose Joaquin Ortega for himself and as Administrator of the Estate of the late Edward Stokes deceased, of the County of San Diego in the State of California respectfully represents to your Honorable Board, that he claims a certain tract of Land called "Valle de Pamo" containing four square leagues more or less situated in the County of San Diego, and State aforesaid and that he claims the same in fee by virtue of a grant made to Jose Joaquin Ortega and Edward Stokes, under the authority of the Mexican Government by Manuel Micheltorena Governor of the Department of California bearing date the twenty fifth day of November A.D. One thousand Eight hundred and forty three and approved by the Territorial Deputation on the twenty fifth day of June A.D. One thousand Eight hundred and forty five.

Your petitioner further represents that judicial possession was given to the said grantees of said tract of Land on the first day of December A.D. 1844 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 petitioner further presents herewith a copy of the Expediente furnished by the Secretary General together with a translation of the same, and respectfully refers to the papers filed in the case of the application of the parties hereto for confirmation of their title to the Rancho of "Santa Ysabel" for proof of approval of the Departmental Assembly, as well as for proof of judicial possession, and translation of said papers. The said Ranchos of Santa Ysabel and "Valle de Pamo" having been confirmed to the said Jose Joaquin Ortega and Edward Stokes by one Act of said Legislature, and one Certificate only having been given of the confirmation of both grants, and said parties having been put into possession of both Ranchos by one and the same Act.

Your petitioner prays your Honorable Board to take into consideration his claim to said tract of Land and decree his title to be valid and

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and confirm the same -
And your petitioners will ever pray

Sutherland & Carr
Attys. for Claimant

Filed in office Sept. 10th 1853

Geo. Fisher Secy

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Recorded in Record of Petitions Vol. 1 pages
230 & 231 c

Geo. Fisher Secy

5-

Deposition of
Andres Pico

Los Angeles Nov. 10th 1852

On this day before Comr. Melancthon Hall came Andres Pico a witness in behalf of the claimant Jose Joaquin Ortega et al, petition No. 332 and was duly sworn his evidence being interpreted by the Secretary.

The U.S. Associate Law Agent was present
In answer to inquiries by Counsel for the claimants the witness testified as follows-

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

I am acquainted with the Land called Santa Monica and have been so since I was nineteen years of age. It was first occupied as a Rancho by Joaquin Ortega & others in the latter part of the year 1844 or the beginning of 1845 & they have occupied it to the present time. They have occupied it with cattle horses & sheep, have houses on it and live on it, have canals & fences and cultivated it. They have also residences in San Diego in which they reside a portion of the time.

Sworn & subscribed Andres Pico

Before me Melancthon Hall Comr.

Filed in office Nov. 1-1852

Geo. Fisher Secy

Recorded in Ex B Vol 2 p 188

Geo. Fisher Secy

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Deposition of
S. Arguello

Los Angeles Nov. 10th 1852

On this day before Comr. Melancthon Hall came S. Arguello a witness in behalf of the claimant Jose Joaquin Ortega et al petition No. 332 and was duly sworn his evidence being interpreted by the Secretary.

The U.S. Associate Law Agent present

In answer to inquiries by the Claimants Counsel the witness testified as follows

My name is Santiago Arguello my age is forty years & I reside in San Diego

A paper is now shown me purporting to be an agreement dated 20th of May 1843. The signatures of Jose Joaquin Ortega, Fr. Vicente Pasquel Oliva, Cules Osona & Juan M. Murron appearing on said paper and with which I am acquainted, I believe to be genuine - said paper is hereto annexed & marked

Ex. B. No. 1 -

Sworn & subscribed

S. Arguello

Before me Melancthon Hall Comr.

Filed before in office Nov. 10th 1852 Geo. Fisher Secy

Deposition of
J. J. McClaner

Office of the Board of Commissioners de de
This day before Comr Thompson Campbell came
J. J. McClaner a witness in behalf of the claimant Jose
Cosaquin Ortega et al No 332 who after being duly
sworn deposed as follows

What is your name age and place of residence?
My name is J. J. McClaner I am fully five years of age
and I reside at San Diego

Do you know the Rancho Santa Monica or Valle
del Pamo and if so state all you know in relation
to its Occupation by the grantee in this case
I know said Rancho I first knew it in June
1844 there was then a house upon it which had
been built by the grantee and was occupied by
them and their servants as also by their families
for some time previous to their removal to Santa
Isabel, the families only removed to the last named
place, the servants and stock still continuing to
remain at Santa Monica. The two Ranchos are ad-
joining, and may be separated by some hills not
embraced in either - The Ranch is now occupied
by Ortega, he lives upon it, but his family do not
have yet left there on account of an outbreak by
the Indians - I think in 1846 or 1847 and have not
yet returned, and also on account of the death
of Stokes -

Associate Saco Agent present J. J. McClaner
Sworn to & subscribed before me this 22^d day of
October A. D. 1853 Thompson Campbell Comr
Filed in Office Oct. 22^d 1853 Geo. Fisher Secy
Recorded in Ev. B. Vol 3 p 281 Geo. Fisher Secy

Los Angeles Oct. 27th 1853

Deposition of
Abel Stearns

On this day before Comr Alliance Hull came Abel
Stearns a witness in behalf of the claimants Jose
Cosaquin Ortega et al petition No. 332 and was duly
sworn his evidence being given in English -

The U. S. Associate Saco Agent was present
In answer to questions by Counsel for the claimants
the witness testified as follows
My name is Abel Stearns My age is fully four
years and I reside in Los Angeles. I have resided
in California over twenty three years
I am acquainted with the hand writing & signa-
tures of Manuel Micheltorrea and Manuel Comero

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and Pio Pico and Jose M Covarrubias
A paper is now shown me purporting to be a grant
to Louquin Ortega & Edward Stokes of a tract of
land called del Valle de Pumo and dated Novem-
ber 25. 1843 - The signatures of Juan Mecheltoma
& Camero attached to said paper I believe to be genu-
ine. Said paper is hereto annexed and marked
A.A. No. 1.

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A paper is now shown me purporting to be a certifi-
cate of approval of the Departmental Assembly
of grants of land to Louquin Ortega & Edward
Stokes, dated July 7. 1845 - The signatures of said
Pio Pico and Jose M Covarrubias upon said paper
I believe to be genuine - said paper is marked A.A.
No. 2 & annexed to the deposition of Abel Stearns
in Case No. 339

I am acquainted with the hand writing & signatures
of Juan M Morrow, Jose M Rosco & Santiago E
Arguello

A paper is now shown me purporting to be proceedings
giving judicial possession of two tracts of land
to the said Ortega & Stokes, in the months of Novem-
ber & December 1841 - The signatures of the said
Morrow, Rosco, & Arguello appearing in several places
on said paper I believe to be genuine - said paper is
exhibit D in this case - It is marked A.A. No. 3 &
annexed to the deposition of Abel Stearns in case
No. 339

Sworn & subscribed before me Helman Hall Com-
missioner in Office Dec 27th 1852 Geo. Fisher Secy
Recorded in Ev. B Vol 2 p 158. Geo. Fisher Secy

deposition of
John Foster

United States of America State of California: ss
San Francisco August 28. 1854

This day came before Peter Lot Commissioner for taking
testimony to be used before the Board of U.S. Land
Commissioners in said State John Foster, a witness
on behalf of the Claimants Jose Louquin Ortega et al
in Case No. 332 on the Docket of said Board
and said witness being sworn deposed as follows

Questions by Sutherland Atty for Claimants
1st Question What is your name age and place of residence
Answer. My name is John Foster my age 38 years
My residence in Los Angeles County California
2d Question - Are you acquainted with the Rancho of

Santa Maria or Pamo in San Diego County if you state how long you have known it and what you know of its boundaries

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Answer I am acquainted with Sacer Rancho, I have known it ten years, It is bounded on the East by a Valley called "Valencia" from there it runs in a North Westward direction over some hills known by the name of Santa Teresa, continuing the same line till it comes to a point where San Pascual is in view from the ridge of hills that forms the boundary of the Valley of that name, from there it runs round the base of the Mountains which form the boundary of the Valley of Santa Maria, easterly to the point of beginning. (Valencia

3^d Question - What is the character of the place embraced within these boundaries -

Answer - It is what is generally called flat table land, somewhat intersected by small hills and surrounded by mountains - It is in a circular or some circular form except on the North West line which is more direct, It contains about 4 or 5 leagues of land -

2^d Question - Have you ever travelled over the boundaries you have described

Answer, I have never traversed the boundaries exactly they are in some places inaccessible tho I have been pretty much all over the Rancho

2^d Question, Can you state the average width and length of Sacer Rancho -

Answer, The length from an Easterly to a Westward point I should call about 9 miles and as to the breadth it varies, it is wider in the middle than at each end - I cannot give any satisfactory idea of the average width on account of the irregularity -

3^d Question - Are these natural boundaries of a certain and unmistakable character -

Answer - They are high rocky and inaccessible mountains with only 3 or 4 outlets from this valley

4th Question - How do you know that these are the boundaries of this claim?

Answer - I know them not only from common report but also from my intimacy with the owners with whom I have often conversed about the boundaries

and also from my knowledge of the original part
which I have seen -
Subscribed and sworn John Forster
to before me this 28th day of
August A D 1854 Peter Gott Com: &c.

Filed in Office Aug 28th 1854
Geo. Fisher Secy
Recorded in Ev. B Vol 5 / p 314
Geo. Fisher Secy

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Deposition of
Thos. W. Southal and

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

This day came before Peter Gott Commissioner for
taking testimony to be used before the Board of
U. S. Land Commissioners in said State Thomas W
Southal and a witness on behalf of the Claimants in
Case in Case No. 332 Jose Joaquin Ortega et al
Claimants, On the docket of said Board, and said
Witness being sworn deposed as follows

The U. S. Associate Land Agent present
Questions by T. W. Southal and Esq. for Claimants
1st Question: What is your name age and residence
Answer: My name is Thomas W Southal, my age
is thirty six years my residence San. Francisco
California -

2nd Question - Are you acquainted with the hand writing of
Philip Crosthwaite, if yes, state your means of
knowledge, and also whether or not he was acting
Clerk of the County of San Diego in the year
1853 and look at the Document now shown you
marked Exhibit 1 to Dep. of Thomas W Southal and
P L" and say whether his signature there written
is genuine -

Answer: I am acquainted with his hand writing having
frequently seen him write, and his signature to this
Document is genuine and I know he was acting as
Clerk of the County of San Diego in 1853 - tho I was
not there in October of that year when this Instru-
ment bears date - This impression of a Seal I am
familiar with and know it to be that of the County
Seal of said County of San Diego and said Crosth-
waite was Clerk for me when I was Alcalde of
San Diego in 1850 and I thus became very well

111
acquainted with his signature

Thos M. Buchanan

Subscribed and sworn
to be for me this 4th day
of Sept A.D. 1854

John Lott Comm'r

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Filed in Office Sept 5, 1854

Geo. Fiska

Secy

Recorded in Ev. B Vol 5 p 328

Geo. Fiska Secy

B
Expediente

[1. J. D. N. 3]

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Expediente Promovido
por Don José Joaquín Ortega
en pretension del parage mon-
trado de Valle de Camón

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[2 P.D.R.]

Sello Cuarto Dos Reales

Habilitado provisionalmente por la Aduana
maritima del puerto de Monterey, en el Depar-
tamento de las Californias para el año de mil
ochocientos cuarenta y tres.

Micheltorena

Mamuel Castanares

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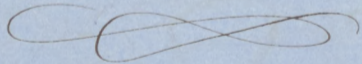


Exmo Sr

Monterey Nov^{re}
22 de 1843

En virtud a
lo que alega mi
evam^{to} el inte-
usado, informo
en vista de todo
el S. Sr^o del
despacho sobre las
condiciones modo
y circunstancias
con que pueda
o no, accederse,

Michelt^o



José Joaqu^o Ortega vecino de San
Diego en este Departamento ante
la justificacion de V. E. hago
presente, que el exped^{to} a
que me referi en mis instancias
de 18 del corriente le he
conseguido, y lo acompaño
a V. E. p^o q^o impuesto de
todo lo que en el se ha
practicado se sirva V. E.
ver que no hay inconveniente
alguno p^o q^o se me expida
el titulo del terreno nom-
brado Sano, gracia que
es por recibio de la bondad
de V. E. jurando no ser
de malicia y lo necesario
p^o

Monterey Nove 23 de
1843.

José Joaqu^o Ortega

Exmo Sr Gob^o

[3 P.D.R.]

Por todo lo practicado en este exped^{to} resulta
que el terreno de Sano esta baldio y se le
puede conceder a Don José Joaqu^o Ortega
pero bajo las condiciones de no pasar de
lo canudo de la Ballena, y que el
paraje que ocupaba nombrado San
José lo deje a beneficio de la Mision de

San Diego como asi lo pide el R. P. Ministro.
olida; mas V. E. dispondra sobre el par-
ticular otra providencia que le pareciere
convenientemente

Monterey 22 de Nbre de 1843.
Man. Linares

Monterey Nov. 22 de 1843

Espidase el titulo con las condiciones
q. pide el padre Ministro y opina el Sr.
D. devolviendo el dho terreno q. posee y
cedo a la Mision expresandolo en el pro-
escrito y firmado

Micheltu

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[y P.D.R.]
cumpliendo con lo dispuesto por el Sr. Gob.
hago presente q. apesar de no tener en mi
poder ningun documento por el que se me
halla concedido el terreno de Sr. José, pero
por el derecho q. tengo a el tanto por la
cesion q. hizo a mi favor D. Pablo de la
Sotilla como por el tiempo de seis años q.
ocupo dho terreno hago por la presente
una expresada manifestacion de ceder a favor
de la Mision de San Diego o del Gob. el
derecho q. tengo en el terreno mencionado
sin tener en lo sucesivo derecho a el en
razon de haberme dudado por tal motivo
el parage de Pamo - Y p. la debida
constancia estendo la presente en Mon-
terey a 23 de Nov. de 1843

José Loug. Ortega

Otro:

El terreno de Pamo q. pretendo
es en union de D. Eduardo Estro y su-
plido al Gob. q. asi se entienda en mi
peticion p. q. al estenderse el titulo
sea a favor de los D. -

Monterey Nbre 23 de 1843

José Loug. Ortega -

Mon-

terrey 22 de Nov^{ro} de 1823

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Sello Cuarto Dos Reales

[6 P.D.K.]

Habilitado provisionalmente por la Aduana
maritima del puerto de Monterrey, en el Depar-
tamento de las Californias, para el año de mil
ochocientos veintea y tres

Micheltrena

Abaniel Castaneres



Exmo Sr Gov^{no}

Monterrey Nov^{ra}
19 de 1823
Inp^{to} el Sr.
Sr^o del Des-
pacho de este
Gov^{no}

Michelta

El C^{mo} José Joaquⁱⁿ Ortega
de la vecindad de San Diego
de este Departamento ante la
justificacion de V. E. hago
presente q^e hace 1 año 5
meses q^e solicite el terreno
conveido por el Plano de Camo
por hallarse completamente
balido, y sin q^e se le haga
dado destino alguno, y como
el expediente q^e promovi
sobre este particular se
hallaba corriendo los tramites
acostumbrados segun me
informo el Sr Prefecto de
los Angeles, ahora he venido

a saber aqui q^e no ha llegado ni a poder
del antecesor de V. E., ni a la Secretaria del
Gobierno y como el crecido numero de ganado
vacuno y caballar, q^e tengo, padece estravios
de consideracion por no tener lugar fijo p^o
en pastura; suplico a V. E. se digne concederme
el parage mencionado y si a V. E. pareciere
conveniente mandar tomar aley^s informes
le rorrecere mande se me espida una li-
cencia provisinal sujetandome al resultado

del expediente, gracia que espero conseguir de V.E.

Exmo [7 P.D.K]

jurando no ser de malicia y lo necesario

Monterrey Novre 18 de 1843

José Longo Ortega

Dr. Gobernador

Quede puesta esta solicitud al Sr. S. Ministro de San Diego y al Juez del propio lugar, p^o q^o informen si el terreno que se pretende, se podrá conceder, por no hacerle falta a' la Misión, y como el interesado se sujeta al resultado del expediente parece que no hay inconveniente p^o q^o se le extienda una licencia provisional; pero la determinación de V.E. será la mas acertada

Monterrey 21 de Novre de 1843
Man. Jimeno

LS

Monterrey No. [8 P.D.K]

vembre 21 de 1843

Siempre que como dice el interesado el terreno, esté baldío, y no sea necesario ocuparlo actualmente a' la Misión, entienda se concedido el permiso provisional q^o pide, sujetándose al resultado del expediente, a' cuyo efecto pasará a' informe del Sr. S. Ministro de la Misión de San Diego quien lo verificará teniendo presente el decreto de este Gobierno sobre debulción de colisiones

Michelena

[9 P.D.K]

Manuel Michelena Gral de Brigada del Ejercito Mexicano, Ayudante Gral de la Plana Mayor del mismo, Gobernador Comandante Gral e Inspector del Departamento

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de las Californias

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Por cuanto D.^{no} José Joaquín Ortega ha pretendido en unión de D.^{no} Eduardo Stokes para sus beneficios personales y los de sus familias el terreno conocido con el nombre de Valle de San José, colindante con Sta. Ysabel con el Pueblo de San Pascual, y el Cajón de Santa Monica, sin internarse a' la Cañada de la Ballena, comprendiendo en esta concesión el aguage nombrado nuevamente Sta. Teresa tomando por lindero el arroyo que forma el Rio de San Dieguito - practicados previamente las diligencias y averiguaciones convenientes según lo dispuesto por leyes y reglamentos de la materia, usando de las facultades que me son con - - - - -

[10 P.D.R.]
feridas a nombre de la Nación Mexicana he venido en concederle el terreno mencionado declarándole la propiedad de el y las presentes letras sujetándose a' la aprobación de la Exma. Asamblea Departamental y a las condiciones siguientes:

1.^a Podrá cercarlo sin perjudicar las travesías, caminos y servidumbres, lo disfrutará libre y exclusivamente destinándolo al uso ó cultivo que mas le acomode, pero dentro de un año fabricará casa y estará habitada.

2.^a Solicitará del Juez respectivo que les de posesión jurídica en virtud de este Despacho y el cual se demarcarán los linderos en cuyos límites pondrá a' mas de las mojoneras algunos árboles frutales, ó silvestres de alguna utilidad.

3.^a El terreno de que se hace donación es de cuatro sitios de ganadería mayor poco mas ó menos según explica el diseño y agregado como en el exped.^{te} respectivo. El Juez que diere la posesión lo

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hará medió conforme a' ordenanza quedando
el _____ [11 P.D.K.]
sobrante que resulte a' la Nación para
los usos convenientes.

2.^o Si contraviniere a' estas
condiciones perderá su derecho al terreno
y será denunciado p. otro.

En consecuencia mando que
teniendo p. firme y valido este título
se tome razon de él en el libro respectivo
y se entregue al interesado para su res-
guardo y demás fines. Dado en Mon-
terey a' veinte y cinco de Setiembre de mil ocho-
cientos cuarenta y tres.

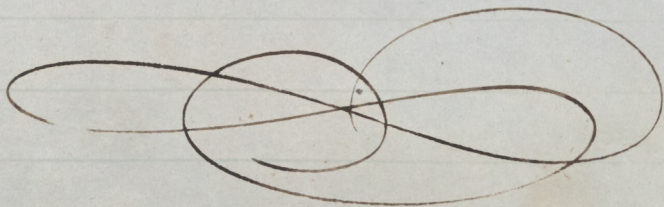
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[12 P.D.K.]

Año de 1842

Expediente promovido por el
vecino de S. Diego Joaquin
Ortega en solicitud del pa-
raje nombrado

Llano de Pano



Prefectura del se-
gundo Distrito

Por Prefecto del 2º Dis-
trito

S. Juan Julio 5/1842

José Joaquín Ortega Me-

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De conformidad con las leyes y reglamentos de esta Municipalidad como de la materia informada el Juez de Paz de S. Diego si el parrage del Llano de Somo corresponde a alguna corporacion comunindad o particular, si esta valdros; si el pretendiente tiene bienes p^o cubrirls y demas requesitos p^o ser atendido; si esta comprendido en las 10 leguas litorales, o 20 limitrofos, con todo lo demas q^e parezca conveniente a ilustrar la materia y evacuado este informe, pase el exped^{te} al S. Mtro: de la Mision de S. Diego p^o q^e pro=

ficano por nacimiento y vecinos de esta Municipalidad como mas haya lugar en derecho ante V.S. hace presente que teniendo un numero de garaje del Llano de Somo nado vacuo y caballar - capaz de poderlo fomentar el sosten de su crecida familia, y no teniendo un sitio en donde ponerlo, pide el Llano de Somo pertene- ciente a la Mision de S. Diego y distantes de ella como 2 leguas, el que se halla baldro como siempre lo ha estado, dicho sitio es temporal y no de regadio como se vera en el disen^o q^e acompaño el que consta de cuatro sitios de ganado mayor - Por tanto - N. S. suplico se sirva admitir esta en papel comun por falta del sellado correspond^{te} en este lugar, protestando no ser de a aquella comun. y vuelva el exped^{te} a esta Prefectura para los usos q^e se estimen convenientes

de 1842.

Argüello

José Joaquín Ortega

El Llano de Sano pertenece a' esta Misión de Sⁿ Diego, es verdad que en la actualidad está baldío, pero algún día se cubrirá, y para yo no gravar mi conciencia, advierto dos puntos; 1^o que no se entre el interesado ni una vara a' la Cañada de la Ballena para el Rumbo de Sta Ysabel. 2^o punto y el interesado ceda el sitio que actualmente ocupa llamado San José a' beneficio de la Misión, con estas dos condiciones, se le puede conceder; y si no conviene en ellas el interesado, yo tan poco puedo ceder á que se le conceda; es cuanto puedo informar y decir

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Misión de San Diego Julio 7 de 1842
F. Vicente Sasqual Oliva

[15 P.D.K.]
San Diego Agosto 7 de 1842

En cuanto al parage del llano de Sano es un parage baldío, que nunca se ha ocupado ni cuando tenia bienes la Misión de Sⁿ Diego que es a donde pertenece dho. parage; el solicitante tiene bienes con que en tanto, el mencionado parage dista de la dha Misión como doce leguas - es cuanto puedo informar

F. Ant^o Gangorra

Exmo Sr

Mandados practicar los informes de estilo a consecuencia de la solicitud del vecino de San Diego D^o Joaquⁿ Ortega, del Llano de Sano se advierte q^e el S^o Ministro de aquella Misión

informa q^e pertenece a' ella aquel parage y demas condiciones q^e asienta. Esta Prefectura no puede concebir q^e derecho pueda esta Misión tener a' un parage distante como doce leguas, y que aun en tiempo q^e la Misión tenia bienes no lo ocupaba, a mas q^e le queda desde la Ballena hasta Sta Ysabel el espacio

[16 P.D.K.]

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de ocho leguas q. podrá ocupar, como dice al-
gun dia. El Valle de S^{to} José q. actualmente
ocupa el interesado desta de la Misión veinte
y dos leguas, y no se p. q. se considere una
Misión sin ningunos bienes estenderse á
tanto terreno solo p. q. crusa el camino p^o
S^{to} Gabiel p. este Plano de Sano, y como
a tres leguas de distancia con el Norte de
S^{to} Gabiel, queda el valle de S. José.

Hago esta p^o de aquellos
sitios p. conocimiento de V. E. p. el que de
ellos tengo, y con el fin de que como el
interesado es mi hermano politico V. E. en
vista de este informe y el del Juez de Paz
de S^{to} Diego. se servirá resolver lo que fuere
de su superior agrado.

Aug. Agosto 12 de 1842

J. Argüello

Here follows a map marked [17. A.D.]

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
Department of Upper California do hereby
certify that the seventeen preceding and
herunto attached pages of tracing paper

numbered from one to seventeen inclusive
and each of which is verified by my initials
(S.D.K.) exhibit true and accurate copies
of certain documents on file and forming
part of the said Archives in this office

L.S.

In testimony whereof
I have hereunto signed
my name officially and
affixed my private seal
(not having a seal of
office) at the City of
San Francisco Cal. the
20th day of May 1852.

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(Signed) Saml D. King
Sur. Genl. Cal.

Filed in office September 10th 1852
(Signed) Geo. Fisher
Secy

Document

"H. H. N° 1"

annexed to the

deposition of

Abel Stearns

Sello Segundo Cuatro Pesos

Habilitado provisionalmente por la Aduana
maritima del puerto de Monterrey en el Depar-
tamento de las Californias, para el año de mil
ochocientos cuarenta y tres

Micheltorena

Manuel Castanera

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Manuel Micheltorena General
de Brigada del Ejercito Meji-
cano, Ayudante General de
la Plana Mayor del mismo
Gobernador Comandante Gral é
Inspector del Departamento de
las Californias

Por cuanto Dⁿ José Joaquin Ortega
ha pretendido en union de Dⁿ Eduardo Stokes
para sus beneficios personales y el de sus fami-
lias el terreno conocido con el nombre del
Balle de Samó, colindante con Sta Gabela
con el Pueblo de San Pascual y el Cajon de
Santa Monica sin internarse a la Ciudad de
la Ballena comprendiendo en esta concesion el
Aguage nombrado nuevamente Sta Teresa to-
mando por lindero el arroyo que forma el Rio
de San Diego; practicadas previamente las
diligencias y averiguaciones concernientes se-
gun lo dispuesto por leyes y reglamentos de la
materia, usando de las facultades que me son
conferidas a nombre de la Nacion Mexicana
he venido en concederles el terreno mencionado
declarandoles la propiedad de el por las
presentes letras, sujetandose a la aprobacion
de la Ex^{ta} Asamblea Departamental y a
las condiciones siguientes.

1^a Podrá cercarlo sin perjudicar las
travesias caminos y servidumbres; lo disfrutaran
libre y esclusivamente destinandolo al uso ó
cultivo que mas les acomode, pero dentro de
un año fabricará casa y estara habitada.

2^a Solicitara del Juez respectivo que les
de posesion juridica en virtud de este Despacho.

por el cual se demarcarán los linderos, en cuyos límites pondrán unas de las mojoneras algunos árboles frutales o silvestres de alguna utilidad.

3^o El terreno de que se hace donación es de cuatro sitios de ganado mayor, poco mas o menos segun explica el diseño que agregado como en el expediente respectivo: - El juez que diere la posesion, lo hará medir conforme á ordenanza, quedando el sobrante que resulte á la Nacion para los usos que mas les convengan.

4^o Si contraviniere á estas condiciones perderá su derecho al terreno, y será denunciado por otro.

5^o No podrá vender enagenar ni hipotecar.

En consecuencia mando que teniendo se profunde y validero este titulo se tome razon de el en el libro respectivo y se entrique al interesado para su resguardo y demas fines. Dado en Monterrey á veinte y cinco de Noviembre de 1843.

(Signed) Manuel Michelena

(Signed) Manuel Jimeno

Queda tomada razon de este Despacho en el Libro respectivo á p^o 3.

(Signed) Jimeno

Filed in office October 27th, 1852

(Signed) Geo. Fisher
Secy.

25-

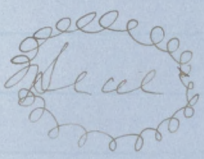
Espediente

Espediente at the instance of Don Jose Joaquin Ortega who solicits the place named Balle de Pamo - No. 325

Seal Fourth Two Reals

Provisionally Authorized by the Maritime Custom House of the Port of Monterey of the Department of California for the year 1843

Micheltona Manuel Castaneda



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Most Excellent Sir
Jose Joaquin Ortega resident of San Diego in this Department before the well known Justice of your Excellency presents himself and says that the Espediente to which I refered in my petition of the 18th of the present month which I have obtained and which I herewith transmitt to your Excellency in order that being on former of all that has been done in regard to it your Excellency may be pleased to see that there is no inconvenience in issuing to me the title of the Land named Pamo a favor which I hope to receive from the goodness of your Excellency securing that it is not in Mexico but that it is necessary &c.

Monterey Nov. 23^a 1843

Jose Joaquin Ortega

(In the margin) Monterey Nov. 22^a 1843

In virtue of what is alleged anew by the interested party, let the Sena Seely report in view of the whole, the conditions, the manner and circumstances under which it may or not be acceded

Micheltona

To his Excellency the Governor

From what has been done in regard to this Espediente it results that the Land of Pamo is vacant and it may be granted to Don Jose Joaquin Ortega but the conditions not to go beyond the gulch (Canada) de la Ballena and that the piece which was occupied named M. Jose which was given for the benefit of the Mission of San Diego as it was then asked for by the Revd. Father Minister Olera; but your Excellency will make such other disposition in this particular as may appear convenient

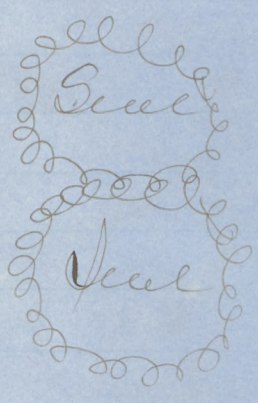
Monterey 22^a Nov. 1843

Manuel Jimeno

Monterey Nov. 22^o 1843
 Let the title be issued under the conditions as asked for by the
 Father Minister and as the Senior Secretary thinks returning the
 said land that it may be papered and ceded to the Mission
 expressing it by writing and signature. Much to be
 Complying with the disposition made by the Senior Governor
 I make known that notwithstanding there not being
 in my possession any document by which it is shown that
 the Land of San Jose was granted to me but by the title
 which I have to it as well by the part which Don Pablo
 de la Portilla made in my favor as by the time of six
 years that I have occupied said Land, I make known
 by these presents an Express Manifestation of granting in
 favor of the Mission of San Diego or of the Government the
 right which I have to the Land mentioned without hav-
 ing in fact a right to it by reason of the having been
 given to me for such motive the piece of Land and in
 testimony whereof I give these presents in Monterey on the
 23^o of Novbr 1843 Jose Joaquin Ortega

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Again - The Land of Pamo which I petition for is in
 union with Don Eduardo Stokes and I supplicate the
 Government that it is so understood that the title may
 be in favor of both of us - Monterey Novbr 23^o 1843
 Jose Joaquin Ortega



To his Excellency the Governor
 The Citizen Jose Joaquin Ortega of the vicinity of
 San Diego of this Department being the well known
 justice of Your Excellency presents himself and says that it
 has been one year and five months since he solecited the
 Land known as the plain of Pamo on finding it com-
 pletely valueless and without being put to any purpose and
 as the Expediente which was made out at my instance upon
 this particular matter and papered through the customary
 steps as the Senior Prefect of Los Angeles informed me
 I have now learnt here that it cannot be found either in
 in the possession of your Excellency's predecessor or in the
 office of the Secretary of the Govt and as the increased num-
 ber of the stock of cattle and horses which I have stung
 away from the face of them being no fixed place for
 their pasturage I pray Your Excellency to deign to permit
 me the place mentioned and if it should appear to
 Your Excellency to be proper to order some information
 to be taken, I will thank you to cause a provisional
 license to be issued to me subject to the result of the
 Expediente, a favor which I hope to obtain from your Excellency

Assuring that it is not in Malice but that it is necessary
Monterey Novber 18th 1843

Jose Joaquin Ortega

General Governour

See this petition pass to the Revd Father
Minister of San Diego and to the Secy of the proper place
that they may inform whether the Land which is solicited
can be Conceded so as not to injure to the Missions and
as the interested person is subjected to the result of this
Expediente, it appears that there is no inconvenience in
Extending a provisional permission but the determination
of your Excellency will be the best

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Monteary 21st Nov. 1843. Manuel Jimeno

Novber 31st 1843. In as much as the interested party says
the land is vacant and that it is not absolutely neces-
ary for it to be occupied by the Mission and learning
that the provisional permission has been granted as though
he subjected himself to the result of the Expediente for
which purpose let it be passed for the information of
the Revd Padre Minister of the Mission of San Diego
who will execute it having in view the decree of this
Government upon the of Missions
Michetta

Manuel Michetta was Regida General of the Mexican
Adjutant Genl. of the general Staff of the same Governour
Commandant General and Inspector of the Department
of the California

Whereas Don Jose Joaquin Ortega has made application
in union with Don Edeardo Stokes for their personal
benefit and that of their families for the same known
by the name of del Valle de San Antonio bounded by Sr
Isabel, by the Pueblo of San Pasqual by the Cajon
Santa Moricea without trespassing upon the Don (Canada)
de la Ballena comprehending in this concession the
containing piece newly named San Teresita taking for
its boundary the Arroyo which forms the Run of San
Diegoito, the steps and inquiries concerning it being
judiciously made according to the disposition made by
the Laws and regulations of the matter using the faculties
conferred upon me in the name of the Mexican Nation
I have come to concede to him the Land mentioned
declaring in him the ownership of it by these present letters
it being subject to the approbation of the most Excell-
ent Departmental Assembly and to the following conditions
First. He may enclose it without prejudice of the crops of

roads and swatches, he shall enjoy freely & exclusively
destining it to the use or cultivation which best suits him
but within one year he shall build a house and it shall
be inhabited.

Second- He shall select the respective leagues to give him
judicial possession by virtue of this despatch by whom
shall be marked the boundaries in the limits of which
he shall place besides land marks some great trees or
fast trees of some utility.

Third- The Land of which Amateo has been made is
of four League Leagues a little more or less as is shown
by the Map annexed to the respective Expediente. The
Leagues who shall give the possession shall cause it to
be measured conformably to the Ordinance leaving the
surplus which may result to the Nation for its conven-
ient uses.

Fourth- If he contravenes these Conditions he shall lose
his right to the Land and it shall be denounceable
by any other. Whichever I command, that holding as
firm and valid this title entry be made open in the
proper Book and it be delivered to the interested person
for his security and other ends.

Given in Mexico on the 25th of Nov, 1843

Junia Prefect of the 2nd. District

Jose Bouquin Ortega native of born Mexican resident of
this Municipality as he is permitted by favor represents to
your Excellency that having a number of stock of cattle
horses & wishing to be able to assign them for the support
of his increased family, not having a place to put them he
asks for the plain of Pamo belonging to the Mission of San
Diego & distant from there about two leagues which is
vacant as it always has been, & well placed of temperance
& not unequal, as you will perceive by the design which
accompanies it, the same consists of four sitios of large cattle
Whichever I beseech your Excellency to admit the on. Common
paper for the want of corresponding seal paper in this place
protesting that it is not in male's but that it is necessary
Port of San Diego June 19th 1842

Jose Bouquin Ortega

(In the margin) Prefecture of the 2^a District
San Juan July 5. 1842

In Conformity with laws & regulations of this matter the
Justice of the Peace of San Diego reports if the place
of the plain of Pamo belongs to any Corporation, Community
or individual, whether it is vacant, whether the claimant has

stock to create & the other requisites necessary to be had whether it is comprised in the 10 Littoral leagues or the Do Borda leagues with all the rest that may appear proper to illustrate the matter, and having given this information, let the Expediente pass to the Fiscal Minister of the Mission of San Diego in Bora that he may report his own rights as far as it relates to that Community & let him return the Expediente to this Prefecture for the uses which he may deem proper - Arguello

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The plain of Pamo belongs to this Mission of San Diego it is true that actually it is vacant, but some day it would be occupied, and that I may not conclude I will refer to two points; first, that there is not one owner between the interested person and the Caudillo of Bellona on the direction of Sta Isabel, second point, that the interested person occupies the place, occupies called San Jose for the benefit of the Mission - With these two conditions it can be granted him, and if the interested person should not agree upon them neither can I agree that it be granted to him, so far can I report and say
Mission of San Diego July 7th 1842
Fr. Vicente Pasquel O'Brien

San Diego August 7th 1842

In regard to the place of the plain of Pamo it is a vacant place, that it has never been occupied by the Mission of San Diego, not even when it had stock to whom then does said place belong - The petitioner has stock with which he can create, the mentioned place is distant from said Mission about twelve leagues; this is all the information I can give -
Jose Ant. Gonzales

Most Excellent Senor

The Customary information commanded to be made of the petition of the resident of San Diego Don Cosme Ortega of the plain of Pamo, it is perceived that the Fiscal Minister of the Mission reports that that place belongs to it, and besides the conditions agreed upon - This Prefecture cannot conceive what right this Mission can have to a place distant about twelve leagues, & that even at a time when the Mission had stock it did not occupy it and besides that there is from the Bellona to Sta Isabel the space of eight leagues which it could occupy
The Valley of San Jose which the interested party actually

Ocupies is distant from the Mission twenty two leagues
and I know not how a Mission without stock should
claim to extend itself over so much isolated land
why it should cross the road of Sta Isabel by the
plain of Pamo, and how at three leagues distant to the
North from Sta Isabel it should come the valley of
San Jose -

I make this plan of those sites for the knowledge
of your Excellency the same that I have of them
and with the end that as the interested person is
my brother officer that your Excellency in view of
this report and that of the Justice of the peace of
San Diego may be pleased to determine according
to your Superior pleasure

San Diego August 13th 1849

J. Aguillo

Filed in Office Sept. 10th 1852

Geo. Fisher
Secy

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"H H N 1"

Document
"H H N 1"
annexed to the
deposition of
Santiago
Arzuella

El Rdo. Sr. Fr. Vicente Oliva, como
Ministro Apostolico de la Mision de S. Diego
y el Ciu^{do} Louquín Ortega del Runto de
el mismo nombre y propietario del Rancho
de S. José han convenido reciprocamente y
ante los testigos de acosta q. igualmente
firman el presente documento lo siguiente

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El R. P. Fr. Vicente cede á favor
del S. Ortega cuatro sitios de ganado mor.
comprendidos desde los Aguajitos, entrada
del Llano de Simó, hasta la Cuesta de la
Salvia, tomando de este punto linea recta
á la Rancheria de Comajal, quedando libre
toda la Cañada de la Ballena á beneficio
de la Mision; y el municipal Ortega en
retribucion cede á la referida Mision de S.
Diego el Valle de S. José pag^o haga de el
el uso que le convenga. Y para la debida
constancia y que este documento tenga el
valor necesario lo firmaron los contratantes
y testigos en S. Diego a veinte de Mayo de
mil ochocientos cuarenta y tres

(Signed) José Louq^o Ortega
(Signed) Fr. Pascual Oliva

Como testigos
(Signed) Luis Orama Juan M. Wellarron

Filed in Office November 10th
1852

(Signed) Geo. Fisher
Secy

The following table shows the results of the experiments conducted on the 15th and 16th of August 1881. The first column gives the number of the experiment, the second column the number of the plant, the third column the number of the leaf, the fourth column the number of the vein, the fifth column the number of the cell, and the sixth column the number of the cell wall.

Exp. No.	Plant No.	Leaf No.	Vein No.	Cell No.	Cell Wall No.
1	1	1	1	1	1
2	1	1	2	1	1
3	1	1	3	1	1
4	1	1	4	1	1
5	1	1	5	1	1
6	1	1	6	1	1
7	1	1	7	1	1
8	1	1	8	1	1
9	1	1	9	1	1
10	1	1	10	1	1
11	1	1	11	1	1
12	1	1	12	1	1
13	1	1	13	1	1
14	1	1	14	1	1
15	1	1	15	1	1
16	1	1	16	1	1
17	1	1	17	1	1
18	1	1	18	1	1
19	1	1	19	1	1
20	1	1	20	1	1
21	1	1	21	1	1
22	1	1	22	1	1
23	1	1	23	1	1
24	1	1	24	1	1
25	1	1	25	1	1
26	1	1	26	1	1
27	1	1	27	1	1
28	1	1	28	1	1
29	1	1	29	1	1
30	1	1	30	1	1
31	1	1	31	1	1
32	1	1	32	1	1
33	1	1	33	1	1
34	1	1	34	1	1
35	1	1	35	1	1
36	1	1	36	1	1
37	1	1	37	1	1
38	1	1	38	1	1
39	1	1	39	1	1
40	1	1	40	1	1
41	1	1	41	1	1
42	1	1	42	1	1
43	1	1	43	1	1
44	1	1	44	1	1
45	1	1	45	1	1
46	1	1	46	1	1
47	1	1	47	1	1
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66	1	1	66	1	1
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68	1	1	68	1	1
69	1	1	69	1	1
70	1	1	70	1	1
71	1	1	71	1	1
72	1	1	72	1	1
73	1	1	73	1	1
74	1	1	74	1	1
75	1	1	75	1	1
76	1	1	76	1	1
77	1	1	77	1	1
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92	1	1	92	1	1
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96	1	1	96	1	1
97	1	1	97	1	1
98	1	1	98	1	1
99	1	1	99	1	1
100	1	1	100	1	1

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Agreement

The Reverend Father Fr. Vincent Oliva as apostolical
Minister of the Mission of San Diego and the Citizen
Joaquin Ortega of the part of the same name and proprie-
tor of the Rancho of San Jose have reciprocally agreed
before the present witnesses who also sign this document
as follows

The Revd Father Fr. Vincent cedes in fav-
or of Sr Ortega four square leagues comprised between
the Aqueducts entrance of the plain of Pamo to the hill
of the Salvia drawing from this point a straight line
to the Rancho of Comajal leaving free the whole
of the Canada of the Bellanca for the benefit of the
Mission; and the above named Ortega in retribution
cedes to the above named Mission of San Diego the
"Valley of San Jose" to put the same to the use most
convenient to said Mission and in testimony whereof
and for the purpose of giving to this document due
force, the Contracting parties and witnesses sign the
same in San Diego the twentieth day of May one
thousand eight hundred and forty three -

Jose Joaquin Ortega

Fr. Vincent Pasqual Oliva

Constables
Julio Olvera

Juan Ma Marron

Filed in office Sept. 10th 1852

Geo. Fisher Secy

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Jose Joaquin Ortega

vs

The United States

For the place called "Valle de Pamo" in San Diego County containing four square leagues of Land.

Opinion of board by Com. A. Selch

A grant issued by Governor Manuel Micheltorena to Jose Joaquin Ortega the present claimant and one Edward Stokes, is given in evidence. The proof shows that said Stokes died in 1847 leaving a widow and children. The premises were occupied and improved by the grantees.

The present claimant alleges that he is the duly appointed Administrator of his deceased co-grantee, and he solicits a Confirmation of the premises to him, one undivided half in his own individual right as grantee and the other half in his representative character as administrator.

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The grant concedes to the grantees four square leagues of Land, requiring judicial measurement to segregate it from the tract of Land belonging to the Nation which is designated in the grant. A judicial measurement is referred to by one of the witnesses, the testimonial of which is filed in another case (Case No. 239); the party has neglected to make this document evidence in this case.

If introduced however it would not aid the title, for on examination it is found not to present any intelligible idea of the Lands intended to be assigned under this grant. The witness Foster states what he understands to be the boundaries of the place, but whether the land he describes corresponds with that which is intended to be described in the judicial measurement or whether the premises described by either of them are within or without the limits of the Land within which the location was to be made we are unable to ascertain. It is very possible that by careful preparation or by a survey proofs may be afforded in lieu of the testimonial of judicial measurement above mentioned which may identify the Land assigned under the grant - but under the evidence now before us it is not possible to assign to the premises any proper limits boundaries or location.

For this reason the claim must be rejected.

Rejected

Filed in office Sept 19. 1854

Geo Fisher Secy

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José Joaquín Ortega }
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 petitioner is not valid; and it is therefore decreed that his application for a confirmation thereof be denied.

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Alpheus T. Welch }
R. C. Thompson }
S. B. Farnell }

Commissioners

Filed in Office Sept. 19 1854

Geo. Fisher Secy

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

Office of the Board of Commissioners,

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

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I, *George Fisher* Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Thirty six* pages, numbered from
1 to *36*, 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. 332 on the Docket of the said Board,
and in *José Augustin Ortega, et al, are*

Claimants against the United States, for the place known by
the name of *Valle de Parro*

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. 1853, and of the Independence of the
United States of America the seventy-seventh.

Geo. Fisher



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

No 195. Doc R

The United States

vs
Jose Joaquin Ortega et al.
"Valle de Pamo";

Transcript of the Record
from the
Board of U. S. Land Commissioners,
in case No. 332.

Filed February 5th 1853.
J. E. Carr.
clerk.

195

United States District Court,
Southern District of California

Jose Joaquin Ortega et al.
appellants.

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vs
The United States,

Appellees.

Notice of intention to
prosecute the appeal from
the decision of the Board
of United States Land
Commissioners.

Jose Joaquin Ortega, and Refugio Stokes, and Adolfo
Alfredo and Eduardo Stokes, claimants of the
Rancho called "Valle de Pamo," 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 the private land claims in the State of
California, rendered in their claim for the said land,
which was presented to the said Board of Commis-
sioners and by them repeated.

Their claim being that which is numbered on the
Docket of said Board of Commissioners No 332, the
Transcript whereof, as filed in the Office of the Clerk
of the District Court of the United States for the Southern
District of California, is numbered No 195.

Agustín Olvera
attorney in fact.

No 195.

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

Jose Joaquin Ortega, et al.
appellants.

vs.

The United States.
Appellees.

Appeal notice.

Filed March 31st 1855.

G. S. Carr,
clerk.

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Office of the Attorney General of the United States,

Washington, 7th April 1855.

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José Joaquín Ortega et al. }
vs. } 332.
The United States.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 27th day of January 1855, the appeal in the district court of the United States for the Southern _____ district of California will be prosecuted by the United States.

Cushing

Attorney General.

No. 195.

U. S. District Court
Southern District Cal.

The United States

v

José Joaquín Ortega et al

Notice of Appeal
in Case no. 332.

Filed July 25 1853

C. E. Lean

clerk

By A. H. Clark
Deputy

José Joaquín Ortega +
Heirs of Edward Stokes

The United States

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

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To the Clerk of the said United States District Court
You will please take notice that the
above claimants for the Rancho of Valle de Paines
(or Santa Maria) containing Four Square Leagues
and situated in the County of San Diego, ^{intend to prosecute the} appeal
from the decision of the Board of United States
Land Commissioners to ascertain and settle
private said claims in the State of California
rejecting said claim, said claim being numbered
332 on the Docket of said Board and said
claim having been rejected by said Board
on the 19th day of September 1854

Gives &c

Thos Co Sutherland

Atty for claimants

No 195

United States Dist. Court

Jos. Joaquin Ortega et al

The United States

Notice of appeal

Filed 21st July 1855

C. G. Lear, Clerk

By A. H. Melark, Deputy

Thos W Sutherland
Claimants Atty

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In the Clerk's Office of the U. States
District-Court for the Southern
District of California —

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Jose Joaquin Ortega &
the Heirs of Edward Stokes decd.

vs

No. 195,
(Transcript No. 332)

The United States. —

You will please take notice
that in the above entitled case decided by the
Commissioners to ascertain and settle private
land claims in the State of California decided
against the Claimant and a transcript of the
proceedings in which was filed in this office
on the 5 of February 1855, the appeal in the
District-Court of the United States for the Southern
District of California will be prosecuted
by the above named Claimants

Jose Joaquin Ortega &
the Heirs of Edward Stokes, decd.
By Tho. W. Sutherland, Atty. &c

No. 195

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

Jose Joaquin Ortega and the
Heirs of Edward Stokes

vs

The United States

Notice of appeal.

Filed Oct. 10th 1855.

C. C. Carr cler
By J. W. Hop. dep

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Thos. W. Sutherland
Atty for Claimants

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

José Joaquín Ortega et al.

Appellants

vs

The United States

Appellee

Case No 195.

Transcript 352.

"Valle de Parí."

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And now at this day on motion of
Myron Weston Attorney for the
appellants, it is ordered by the court,
that either party in this case have
leave to take testimony therein.

No 195.

U. S. District Court

José Joaquin Ortega
et al. Appellants

vs

The United States
Appellee

Leave to take further
testimony of

Filed Oct 20th 1885

O. E. Cawalt
By J. W. Burdick

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

José Joaquín Ortega et al.

(vs.)

N. 195.

The United States. (Manuscript N. 332.)

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The answer of Pacificus Ord. Attorney of the United States for the Southern District of California, for and in behalf of the United States, to the petition for review of José Joaquín Ortega, & Refugio Ortega de Stokes, Adolfo Stokes, Alfredo Stokes, & Eduardo Stokes, ~~et al~~ says: That he denies all and singular each and every allegation in said petition. And Respondent for further answer denies, ^{the validity of the} ~~generally~~ ~~that~~ the alleged claim or title of said petitioners to the lands ~~therein~~ referred to in their said petition.

And said Respondent prays that the decision of the Board of Land Commissioners may be affirmed, and the title of said claimants be deemed invalid - With Costs and General Relief.

J. M.

Att. Dist. Att. S. D. Cal.

I have saved this answer on A Olovera Atty
for the parties, by delivering a true copy of
the same at Los Angeles Dec 27th 1855

Edward Hunter
U.S. Marshal
for M. Goodman
Deputy

No 195

San Joaquin Ortega, et al
appellants

vs.
The United States
Appellants

Review of U.S. Atty
C. Patton's review

Filed Oct. 27th 1855

E. S. Lyon
Clerk

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C. M. Allen, m. d.

Marshals Post

Serial number 3,071

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

Jose Joaquin Ortega et al } Petition on appeal from
Appellants } the United States Land
vs. } Commissioners.
The United States } Case No 195.
Appellees } "Valle de Pamo"

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The petition of Jose Joaquin Ortega for
himself and for Refugio Ortega de Stokes
Adolfo Stokes, Alfredo Stokes and
Eduardo Stokes heirs of Eduardo ^{deceased} Stokes
respectfully shows to this Honorable Court

That on the tenth day of Septem-
ber A.D. 1852 he filed a petition before
the United States Board of Commissioners
to ascertain and settle private land claims
in California "when sitting as a Board,
asking for a confirmation of the tract
of land granted to him and the said
Eduardo Stokes on the twenty fifth
day of November A.D. 1843. by Manuel
Micheltorena Governor of California as
more particularly described in the grant,
record of juridical possession and map,
copies of which said originals were
afterwards produced and duly proved
before said commission.

That afterwards to wit on the 19th
day of September A.D. 1854 the said
Board of Commissioners decided upon

the validity of the petitioners' said claim and rejected the same.

That on the fifth day of February A. D. 1855. the transcript of the proceedings in this case before the said Board of Commissioners was filed in the office of the Clerk of the United States District Court for the Southern District of California; and that a notice of the intention of claimant to prosecute an appeal from the decision of the Board of Commissioners in their claim for the said lands was filed in the Office of said Clerk on the 31st March A. D. 1855.

The petitioners further show that the lands claimed are situated in the County of San Diego and in the Southern District of California.

Your petitioners pray that the transcript of the reports of the said Board of Commissioners on the claim presented to them as aforesaid and the documentary evidence and testimony of witnesses on which it was founded which is filed with the Clerk of this Court may be held and considered as a part of his petition; and your petitioners appealing from the said decision of the said Board of Commissioners present this petition ^{to} of the Honorable the District Court for the Southern District of California being the District Court of the District in which the land is situated and they pray this Honorable Court

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to review the said decision of said Board
of Commissioners and to reverse it and
to confirm their title to the said
land and decree the same to be
good and valid, and for such other
or further relief in the premises as
shall be just and equitable.

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Norton & Olvera
Atty for appellants

No. 195

United States District
Court Southern District
of California

Jose Joaquin Ortega et al
Appellants
vs.

The United States
Appellee

Petition of appellants

Filed Oct 24th 1855

J. E. Janney
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Wm. C. Brown
Attorney for Appellants

Jose Joaquin Ortega et al. appellants.

vs.

The United States, Appellee

No 195.

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PAGE 54

Deposition of Jose Jesus Moreno, a witness on the part of the appellants taken before me Charles E. Carr. U.S. Commissioner for the Southern District of California, at the City of Los Angeles October the 24th A.D. 1855. to be read in evidence on the trial of said cause. Present B. O. A. U.S. Attorney. Bryron Horton, atty for appellants Miguel Smith was sworn as Interpreter. Jose Jesus Moreno being by me first duly sworn, to the questions of the attorneys for the several parties, answers as follows

The questions & answers below
Copied in pencil, where or where of Dist
struck out as illegal - & should not
be noticed. P.S.

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

Ans. My name is Jose Jesus Moreno, my age forty five years, I reside in the County of San Diego.

Ques. Do you know the Rancho called Santa Maria or Valle de Sanand, and if so where is it situated?

Ans. I know the Rancho, it is situated in the County of San Diego.

Ques. State if you saw the boundaries of the said Rancho, (as pointed to by the U.S. Atty)

Ans. The boundaries are the Fortisuelo de la Salda, in front of the balera, that is the boundary between Santa Isabel and Santa Maria, going from Santa Maria to Santa Isabel, there is on the main Road a large stone which is towards

the East from Santa Maria, towards
the North the aguaje of Santa
Gerona, and towards San Pascual
almost north west to the Cofre of
San Pascual, and towards the South
is San Vicente. Towards San Pascual
there existed six hundred yards, which
were made up in the direction of
Santa Monica. (Objection objected to
by the U.S. Atty.)

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Ques. Were you present when judicial
possession was given of said Ranch.

Ans. I was.

Ques. In what capacity were you acting
on the occasion.

Ans. I was court-beat.

Ques. Describe the natural boundaries
of this Ranch as recognized and
marked out at the time judicial
possession was given. (Objection objected to
by the U.S. Atty.)

Ans. On the North the ^{place} ~~point~~ ^{calls}
Santa Gerona, on the East
San Vicente, on the South
the aguaje of the little peaches
on the West San Pascual.
(Objection objected to by the U.S. Atty.)

Ques. Are the natural boundaries which
you have mentioned well known
and ^{have they been} recognized as the boundaries
of said Ranch from the time of
the judicial possession up
to the present time or not. (Objection
objected to by the U.S. Atty.)

Ans. I believe they ^{are} ~~were~~ (Objection objected to
by the U.S. Atty.)

Ques. Do you or does not this Ranch

Ques. Does or does not this Ranch
adjoin the Ranch of Santa Isabel
(objected to by the U.S. Atty)

Ans. It does. (Objected to by
the U.S. Atty)

Ques. Was or was not judicial pos-
session given of this Ranch
and the Ranch of Santa
Isabel at the same time
(Objected to by the U.S. Atty)

Ans. The judicial possession
was given of Santa Isabel first
and immediately afterwards
they ~~proceed~~ proceeded to give judicial
possession of Santa Maria (Objected
to by the U.S. Atty.)

Ques. Was it or not all ~~en~~ included in
the same act and by the same officers
(Objected to by the U.S. Atty.)

Ans. It was. (Objected to by
the U.S. Atty.)

Ques. State what you have said
Ranch has been occupied,
if so, in what manner, by whom
and since what time.

Ans. It was occupied by Jose Gaspar
Ortega and Edward Stokes, with
a house, cattle, horses, sheep - a portion
of the land was cultivated. These parties
occupied the land before the
act of judicial possession, and
is still occupied by the cattle of
Ortega or the widow Stokes.

Ques. Did you know Edward Stokes during
his life-time.

Ans. I did.

Ques. When did he die.

Ans. About the year 1846. or 1847?

ques. ~~What are the names of his widow~~
~~and children~~

ques. Did he leave a widow & children, if so state their names.

ans. I know that he left a widow and children. The widow's name is Refugia Ortega, - the names of the children are Adolfo, Eduardo, & Alfredo.

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Cross examined by the U.S. Atty -

ques. Do you know the distance from Santa Monica to Santa Isabel and if so how far is it.

ans. About seven leagues.

ques. How far is it from Santa Isabel to the Volcan.

ans. About two leagues.

ques. How far is it from the Volcan to San Pascual.

ans. About eight or nine leagues.

ques. How far is it from San Pascual to Santa Monica.

ans. About five or six leagues.

ques. Where is Santa Monica.

ans. It is between San Pascual, San Vicente Santa Monica and Santa Isabel.

ques. In what direction is San Pascual from Santa Monica.

ans. Almost north.

ques. In going to Santa Monica, to the Volcan, in what direction do you go.

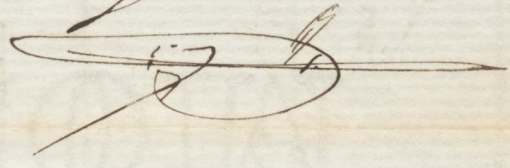
ans. About North East.

ques. In what direction is the Volcan from San Pascual

ans. Almost due east

ans. — Almost due east.
 Quer. — How far is it from San
 Pascual to San Felipe
 ans. — About thirteen or fourteen
 leagues
 Quer. — How far is it from the Cañada
 de la Ballena to ~~San Felipe~~
 o Santa Isabel
 ans. — About two leagues
 Quer. — How far is it from Santa Isabel
 to San José.
 ans. — About eight miles
 Quer. — How far is it from the ~~Cañada~~
 of San Diego to ^{the aspen of} Santa Teresa
 ans. — About two miles

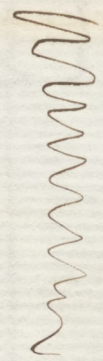
John de J. Moreno



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Sworn to & subscribed
before me this 24th day
of October A.D. 1855.

C. E. Carr,
U.S. Commissioner



No 195.

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

José J. Ortega, et al.

vs.

The United States
Apples

Deposition of José Juan
Moreno

Filed Oct 24th 1855

J. E. Carr,
Clerk.

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J J Ortega et al Appls. }
vs. } No 195
The United States. }
Appée.

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Testimony of Agustín Obera, a witness
for appellants, taken in Open Court
this 11th day of Jan'y A.D. 1856, on
the trial of the above entitled
cause. Wm J. Dryden, sworn
as Interpreter.

Agustín Obera being duly
sworn deposes and says

{ { }

ques. What is your name and place of
residence

ans. My name is Agustín Obera, my
age 35 years & residence in Los Angeles

ques. Do you know Edouardo Stokes,
and do you know his widow &
children & Jose Joaquin Ortega the
Claimants in this case

ans. I did ^{know Stokes} & know his widow & children
also Jose Joaquin Ortega, Claimants in
this case.

ques. Are you an Attorney of this Court.

ans. I am

Ques. Have you examined the transcripts of the proceedings before U. S. Land Commissioners, now on file in the Office of the Clerk of this Court and numbered on the Docket of Cases of this Court No 191, & if so state whether or not the parties claimants and appellants in said case No 191 are the same parties who are the claimants & appellants in this case now on Trial, & whether or not, the Edward Stokes mentioned in said case No 191, as one of the grantees in that case is the same Edward Stokes mentioned as one of the grantees in the case now on Trial.

Ans. I have examined the transcripts in case No 191, from the U. S. Land Commission & now on file in Office of the Clerk of this Court. The claimants & appellants in case No 191, are the same parties who are claimants & appellants in the case now on trial I know the fact of my own knowledge independent of the transcripts. The Edward Stokes mentioned as one of the grantees in Case No 191, is the

Name Edward Stokes mentioned
as one of the grantees in the case
now on Trial

Deer.
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State whether or not the said
Edward Stokes is mentioned &
described in the several official
documents contained in said
case No 191.

~~Cross Examined by the Us Attorney~~
Augustus Overas

Worn to & subscribed
this 11th day of Jan'y 1836.
Before me.

J. E. Lang
Att

No 195.

U. S. Dist Court
South Dist of Cal.

José Joaquín Ortega
et al.

appls

vs.

The United States
appes.

Deposition of Agustín
Obena.

Filed Aug 11th 1836.

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J. E. Carr
Clerk

J. J. Ortega, et al applh
vs.
The United States, appce } No 195.

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Testimony of Juan Baudini a
witness on the part of Appellants
taken in Open Court, Aug 11th 1856.
on the trial of the above entitled
case, Wm G Dryden sworn
as Interpreter.

Juan Baudini being
duz sworn deposes & says

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

Ans. My name is Juan Baudini I
am 55 years of age, my residence
in the County of San Diego

Ques. Did you know Edward Stokes
in his life time & when did he die.

Ans. I did. I think he died in 1847 or 8,
but I am not certain.

Ques. Was it or not at the time Commodore
Stockton's forces were in San Diego.

Ans. I think it must have been a little
while after, for Stokes himself ^{had} ~~was~~

joined Commodore Stockton's forces and also accompanied Gen Kearney when he came into California, and was ~~at~~ in the action of San Pascual.

ques.

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Previous to the arrival of Commodore Stockton and General Kearney where did Stokes reside.

ans. He resided in San Diego

ques.

Do you know the Rancho in San Diego County called Santa Maria or Valle de Pano

ans.

I know it by the name of Santa Maria

ques.

Did Stokes ^{Ortega or either of} at any time reside on said Rancho if so, at what time.

ans.

Stokes generally resided on this Rancho with his family before his death. Stokes resided on the Rancho from the time of the Concession until after 1846.

ques.

Do you know whether or not Stokes died very suddenly?

ans.

You may almost say suddenly he was attacked with apoplexy, & died suddenly.

ques.

Whom did Stokes marry

ans.

He married Refugia Ortega

a native of California, and daughter
of Jose Joaquin Ortega, also a native
of California

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Ques. State how many children they
had by that marriage and their
names & state if the widows children
are still living

Ans. They had three children, named
Adolfo, Alfredo & Eduardo. The mother
& children are yet living.

Cross Examined by the U.S. Atty.

Ques. What part of the County of San
Diego is the Rancho of Santa
Maria situated

Ans. North west of the Pueblo of San Diego,
between 8 or 10 leagues from said Pueblo.
I have never been on the land
but I know its situation.

Ques. Do you know the Rancho of
Santa Isabel in County of San Diego
if ya, how far is it from said
Rancho of Santa Maria to Santa Isabel

Ans. I never was on it but I know it
& think the distance between the
two Ranches about four or five leagues.

Ques. Do you know the Pueblo or place
of San Pascual in San Diego County
if ya how far is it from said

San Pascual to said Rancho of
San Tamaia.

Ans. I know it, the distance between
the two Ranchos I dont know,
perhaps about 3 leagues.

Ques. Do you or not know that Edward
Stokes one of the alleged original
grantees in this case was a foreigner
by birth

Ans. He was a foreigner by birth

John P. Manning

Sworn to & subscribed
this 11th day of Aug 1856.

Before me

J. E. Sparrow

No 195

U. S. Dist Court
Sanct Dist of Cal.

José Joaquín Ortega, et al.
appls.

vs.

The United States,
appce.

Deposition of Juan
Baudini, a witness in
appls.

Filed Aug 11th 1856.
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J. E. Sparrow
Clerk

14/4 No. 1.

Sello primero suatio pesos. Habilitado provis-
ion de cuenta por la Aduana Maritima del Puerto
de Montauy en el Departamento de las Californias
para los años de mil ochocientos cuarenta y
cuatro, y mil ochocientos cuarenta y cinco
Michel torrea Pablo de la guerra

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Doc. annexed
to the deposition
of Abel Stearns

El Ciudadano Manuel Michel torrea ^{General} Comandante
de Brigada del Ejercito Mexicano, Ayudante General
de la plaza mayor del ^{Mexico} Gobernador. Comandante
General y inspector del departamento de las
Californias

Por cuanto el Ciudadano Ino Saguin
Ortega Mexicano por nacimiento y Don Eduardo
Hoke, Mexicano por naturalizacion han pretendido
pa sus beneficios personales y el de sus familias
el terreno conocido con el nombre de Sta.
Isabel y colindante con San Josi en el punto
del Carricito, con el Volcan y Tecoma con
Con la Ballena. practicadas previamente
las diligencias y averiguaciones, concernientes
segun lo dispuesto por ^{leyes} reglamentos usando de
las facultades que me son conferidas a nombre
de la Nacion Mexicana he venido en concederle
el terreno mencionado declarandole la
propriedad de el por las presentes letras suge-
tandose a la aprobacion de la Exma
Asamblea Departamental y bajo las leyes

Condiciones siguientes.

1º Dejaran libre las tierras de labor que actualmente ocupan los Indígenas, de San Diego, y á mas dejaran á beneficio de la Misión las Ciento cincuenta vacas que facilitó el Sr Ortega para la Comunidad de los Indígenas de la misma

2º No podran venderlo enagenarlo ni hipotecarlo, imponer censo, vinculo fianza ni otro gravamen alguno, ni aun donarlo en manera alguna.

3º Podran cercarlo sin perjudicar las traversias caminos y servidumbres, lo disfrutaran libre y exclusivamente destinandolo al uso ó cultivo que mas le acomode, pero dentro de un año fabricara casa y estara habitada.

4º Cuando se les confirme la propiedad solicitaran del juez respectivo que les de posesion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondran á mas de sus mofoneras algunos arboles frontales ó silvestres de alguna utilidad.

5º El terreno de que se hace donacion es de cratio sitios de ganado mayor poco mas ó menos segun demuestran los documentos respectivos, El juez que diere la posesion

lo hará medió conforme á ordenanza
quedando el sobrante que resulta á la
Nacion para los usos convenientes.

6^o Si contraviniere a estas condiciones
perderán su derecho al terreno y sera
denunciado por otro. En consecuencia
mando que sirviendole de título el presente
y teniendose por firme y validero se tome
razon de el en el libro respectivo y se entregue
á los interesados para su resguardo y demás
fines.

Dado en Monterrey á nueve de Noviembre
de mil ochocientos Cuarenta y cuatro.
Man^o Micheltorena & Man^o Juvenio Lris

Queda tomada razon de este título
en el libro respectivo a fojas 11.
Juvenio

The Citizen Manuel Micheltonen Brigadier General of the Mexican Army. Adjutant General of the staff of the same Governor. Commandant General and Inspector of the Department of California.

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PAGE 71

For as much that the Citizen José Joaquín Ortega a Mexican by birth, and Mr Edward Stocks a Mexican by Naturalization 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 de Cañasto with the balance of Tecomaca with the Talles; the previous measures and investigations having been made according to the disposition and Laws in relation to the subject. in use of the faculty 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.

1st 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 Moraga facilitates to the Indians of the same and the Community.

2nd They can neither sell or alienate it nor hypothecate it, or impose upon it any rent, Charge (Censo) reversion, entail, or other burthen, what soever.

3^d 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 they
must build a house which shall be inhabited.
4th 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 be-
sides the land marks some fruit or wild trees of
some utility.

5th 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.

6th If they shall contravene these conditions
they shall loose their right to the land, and it will
be denounceable by another.

In consequence & 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.

3
Given in Monterey on the Ninth day of Nov-
ember in the year one thousand Eight hundred &
forty four

Manuel Jimeno
Manuel Michelton
Seiz

195 SD

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is made
Record of this ~~is~~ Grant in the respective
Books of Grants on Page 11

Jimeno

I Charles Elam Clerk of the District Court of the United States
for the Southern District of California hereby certify the above
foregoing to be a true and correct copy of a document
contained in Manuscript No. 191 (Jose Joaquin Ortega
against the United States) & a translation of same as
it appears in said Manuscript, on file in my office.

In testimony whereof I have hereunto
set my hand and affixed the seal
of said Court at San Diego this
10th day of January A.D. 1851

C. E. Elam
Clerk.

No 195.
U.S. Dist Court
South Dist of Cal

J. Ortega et al,
app'ts.

The United States
app'ee

Certified copy of Grant
in Case No 191. Chauvin

Filed July 11th 1886.

J. E. Carr
clerk

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Most Excellent Sir

Take information from the San Joaquin Ortega and Edward Secretary of the Dispatch State. The first a Mexican by birth and having seen the foregoing the second by Naturalization being residents of the jurisdiction of San Diego in the Department of California, come before your Excellency respectfully in the form of right and State

Montevideo Oct 18th 1844
Michelt^a that on the 18th 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 "Paraje" of Temacula 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 Circumstances.

Keeping always in view the maintenance required of us by our domestic obligations we request and the kindness of Great and correct administration which is notoriously characteristic with your Excellency, that you will give us legitimate ownership to the Rancho of Santa Isabel recognized as the Mission of San Diego with lands which has always been

respected by it, consisting of "Cuatro Sitios de ganado 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 be accredited by the Confirmation of its "Religioso Padre Maestro" and that of the respective Magistrate that duly we accompany.

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Our integrity most excellent Sir is sufficiently clear and manifest when we have relinquished that right that we might have had respecting the Rancho of Temecula, this being equally confirmed equally by the genuine Confession of the R. P. M^{tr} 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 confirmed 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 order 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.

Angely Oct. 18th 1844.

San Joaquin Ortega

I Charles C. Case Clerk of the District Court of the United States for the Southern District of California. Truly certify the above foregoing to be a true and correct copy of a translation of a Spanish document as it appears in Transcript No 191.

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In testimony whereof I have hereunto set my hand and affixed the seal of said Court at Los Angeles this 11th day of January A.D. 1851.
J. E. Case,
Clerk.

No. 195.

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

J. J. Ortega et al.
app^{ts}.

^{vs}
The United States
app^{ee}.

certified copy of transcript
of a document in Transcript
No 191.

Filed July 11th 1856
J. E. Farr
Clerk.

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Anton. Olvera, & Thomas
attys. for appellants.

11 SDK

Exmo Sr

Jose Joaquin Ortega y Eduardo Stokes vemos de la demarcacion de San Diego, ante V.E. en la mas bastante forma y como mas haya lugar en derecho. Comparamos y decimos que teniendo concedido por el Superior Gobierno del Departamento, los parajes de Sta Isabel y Valle de Pano, ad juntamos los Titulos de dthos parajes, para que en vista de V.E. se debe a la Exma Santa Departamental haber se tiene a bien aprobarlos como requisito indispensable, y para mas seguridad de nuestros intereses. Por tanto a V.E. suplicamos haya como pedimos en lo que recibimos gracia, juramos no ser de malicia y lo necesario &c. Si viendose admitir la presente en papel comun for facta del Sellado respectivo

Jose Joaquin Ortega # Eduardo Stokes

Angiles Junio 20^{na} de 1845.

Dado cuenta a la Exma. Asamblea la sesion de Hoy con esta se mando pasar a la Comision de terrenos baldios acompañando los Expedientes respectivos

Pio Rico Presd^{to} # Agustin Olvera Secd

La Comision de terrenos baldios se ha impuesto con el detenimiento necesario los Expedientes promovidos a consecuencia

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12 SDK

13 SDK

de las solicitudes hechas p^r los Ciudadanos
Mijcauos p^r nacimiento Jose Joaquin Ortega
y p^r naturalizacion Eduardo Stokes en posesion
de los parages conocidos con los nombres de Valle
de Ramo, y Santa Isabel los cuales se les con-
cedieron p^r el Superior Gobierno del Departamento
en titulos librados, el 1^o con fecha 5 de Noviembre
de mil ochocientos cuarenta y tres, y el segundo
con la de Nueve de Noviembre de mil
ochocientos cuarenta y cuatro y resultando
del examen equitativo p^a la Comision q^d las
expresadas concesiones fueron hechas a
virtud del que sobre lo particular disponen
las Leyes esta sujeta a la deliberacion
de V. E. la siguiente proposicion.

Se aprueba las concesiones hechas en
favor de los Ciudadanos Mijcauos p^r
nacimiento Jose Joaquin Ortega y p^r natura-
lizacion Eduardo Stokes de los parages nombrados
Valle de Ramo y Sta. Isabel concedidos en
propiedad p^r el Superior Gobierno del Departamento
en titulos librados el 1^o con fecha de Nov.^o de 1843
y el 2^o con la de 9 de Nov.^o 1844 y ambas
concesiones en estension de ocho sitios de ganado
Mayor componiendose cada uno de cuatro sitios
de entera conformidad con la ley de 18^{ta} de agosto
de 1824, y el articulo 5^o del Reglamento 21 de Nov.^o
de 1838.

111 SDK

Acta de sesiones en la ciudad de Los
Angeles Junio 23 de 1845.

Ignacio del Valle # Franc^o de la Guerra

Angeles Junio 25 de 1845.

En sesion de este dia se aprobo por la Ex^{ma}

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Asamblea Departamental la proposicion del
dictamen antecedente mandando se devuelva
los expedientes originales al Ex^{ma} Sr^o Gobernador
para los fines que corresponde

Pico Pico Presidente # Agustín Olvera

En Julio 45. Se le estendio
a los interesados el correspondiente comprobante
del acuerdo de 25 de Junio que antecede.

Covarrubias. Sero.

Most Excellent Sir

Don Joaquin Ortega
& Edward Stokes, residents of the confines
of San Diego come before your Excellency
in due form and right, and appear & say,

That they have had granted to them by the
Superior Departmental Government the places
called Santa Isabel y Valle de Sanos accompany-
ing this is the title to said parages 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 indis-
pensably 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 paper there
being no stamped as corresponds

Eduardo Stokes

Don Joaquin Ortega

Angels June 20th 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

Commissi^on on vacant lands

Pio Pico. Presidente

Agustin Olvera

Prio

Most Excellent Sir

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The Commissi^on of vacant lands, have informed themselves with all that is necessary in relation to the Expedientes aspired at in consequence of the requisites made by the Mexican Citizens by birth Jm^e Joaquin Ortega and by naturalization Edward Stokes having petition for the parage known by the names of Valle del Pano y Santa Isabel, which was granted to them by the Superior Departmental Government in letters given them, the first dated the fifth of November 1843 and the second on the 9th November 1844 and the result of the equitable examination by the Commissi^on 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 birth Joaquin Ortega, and by naturalization Edward Stokes, of the places called Valle del Pano y Sta. Isabel granted in person by the Superior Departmental Government the first title having been given dated the 5th November

1843. And the 2nd on the 9th November 1844.
And both grants comprise Eight sitios de Ganado
Mayor. Comprising four sitios in each, the same
having been done in exact conformity with the
law of August 18th 1824 and the fifth article
of the Regulations of the 21st of November 1828
Comunismo, Room in the City of San Angeles June 23rd 1845.

Ignacio del Valle

Francisco de la Guerra

Angels June 25th 1845

At a session of this day the most Excellent Depart-
mental Assembly approved of the proposition of the
foregoing opinion or decreeing that the original patent
should be delivered to the most excellent Sr Governor
for the ends that correspond

Pio Pico

Agustin Olvera

Presidente.

Secy

On July 4th 1845 The corresponding title was
delivered to the parties interested approved
of in accordance with the decree of June
25th as above

Covarrubias

Secy

I Charles Can Clerk of the District Court
of the United States for the Southern District of California
hereby certify the above foregoing to be a true & correct
copy of a document & its translation as they appear
in Transcript No 191. (Don Joaquin Ortega et al) against
the United States,) on file in my office

In testimony whereof I have hereunto
set my hand & affixed the seal
of said Court at Los Angeles this
10th day of January A.D. 1856

C. E. Can
Clerk.



¹⁹⁵
No ~~195~~ 270
U.S. District Court
South District of Cal.

J. J. Ortega et al
app'ts.

^{vs}
The United States app'ts.

Certified Copy of approbation
of Departmental assembly
in Case No 191. with translation

Filed Aug 11th, 1856.

J. E. Jones

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D. J. K.

Exmo. Sr.

Martinez Octubre San Joaquin Ortega y Eduardo Stock
18.^{to} de 1844. el primer Mexicano por nacimiento y el
Informe al S. J. J. Segundo por Naturalización. Vecinos
del despacho vitor de la jurisdicción de San Diego
Los informes a no ser en este Departamento de California
y para ante V. E. respectivamente a la Mejora

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Michelt.

forma y como man haya lugar en
Auch. Vecinos: que en fecha 18.

de junio ultimo, elevamos a la Superior Mayor de
V. E. una solicitud en la q^{ta} con los requisitos de Estilo
duplicabamos el q^{ue} se nos concediese el Rancho o Paraje
de Tuncala perteneciente a la Misión de San Luis
Rey. por convenir en aquella vez a las Mejoras de nuestros
intereses y portos de las numerosos familias q^{ue} la Naturaliza
ción bajo nuestra fedula. Sabedores hoy que hay otro pretendiente
de iguales o mayores meritos que los nuestros 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
que fuese cuestionable p^{or} q^{ue} ese Gobierno Superior sin
el miramiento citado obró conforme lo parea de justicia
Siempre siempre presente la mantención tacita q^{ue} nos
demanda nuestras obligaciones domesticas. Muévase de Sol-
icitanos de la benignidad y recta administración q^{ue}
Notanamente Caracterizan a V. E. el q^{ue} se nos conceda
de legitima propiedad el Rancho de Santa Isabel q^{ue}
reconoce a la de la Misión de San Diego con la tenencia

que sea de el tiempo se han respetado Constante de Cuentos
litios de ganado Mayor poco mas o menos en concepto de hallarse
absolutamente Valido y sin Probabilidad de q' la Misión
Pueda Cultivarse en lo adelante Como lo Acudita el informe
de su R. P. Ministro y del juez respectivo q' decididamente
acompañamos.

Nuestra integridad Ex. m. Sr. es bastante
Clara y Manifiesta Cuando nos hemos desprendido del derecho
q' podia tocarnos en respecto al Rancho de Temucula
Confirmaba igualmente por la Confesion genuina del R. P.
Ministro de la Misión de San Diego Fr. Vicente Oliva muy
Conocido por sus virtudes y 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 agraciara con lo q' deseamos
solicitar.

Tanto a V. E. humildemente suplicamos se
digne decretar de conformidad con nuestro pedido dandolas
ordenas que sea convenientes para q' obtengamos el titulo
posesion del repetido terreno. = Suplicamos igualmente
q' se nos dispense el uso del papel comun para no haber
en el lugar del sello q' corresponde. Juramos no ser de
malicia y lo necesario &c.

Angela Octubre 8 de 1844

José Joaquin Ortega

I Charles E. San Clark of the District Court of the United States for the Southern District of California, hereby Certify the above & foregoing to be a true and correct copy of a document as it appears in Transcript No. 191. on file in my office.

In testimony whereof I have hereunto set my hand and affixed the Seal of said Court at Los Angeles this 11th day of January A.D. 1856.
C. E. San Clark.

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No 1957

U. S. Dist Court.
South. Dist of California

J. J. Ortega, et al.
appls.

vs.

The United States,
appes.

Certified Copy of Document
in Transcript No 191.

Filed July 11th 1856.

J. E. Carr
clerk.
195 SD

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Norton & Ober & Thomas.
attys for appellants.

En el Pueblo de San Diego a los 29 dias
del mes de Nov.^{bre} del año de mil ochocientos cuarenta
y cuatro anuente á la solicitud de los c. l. José
Joáquim Ortega y Eduardo Estos vecinos de esta
Municipalidad á fin de darseles la correspondiente
posesion de los dos sitios Santa Isabel y el Yacuo
de pauto concedidos p^r el Gobierno de este departa-
-mento cuyo título acompaño en su solicitud p^rase
con los testigos de asistencia al expresado sitio y pro-
cedió á dar la posesion indicada previa citación de
Coludantes arreglandose al referido título q^l. se lea
Confiado p^r el Ex.^{to} Gov. Gobernador Sr. Manuel Mich-
eltorru con fho de Nueve de Nov.^{bre} de 1844.

El C. Juan M^e Marron Juez de 1.^a Instancia de esta
demarcacion así lo proveyó mandé y firmé ante los
testigos expresados de asistencia con quienes actuo por
receptor en este papel Comun p^r. Galtá del sellado
Correspondiente segun dho. ley fice

D. A. Juan M. Marron A. S.
Joa. M. Orasco # Santiago E. Arguella

En el sitio de N.º Isabel a 1.º de D.^{to} de mil
ochocientos Cuarenta y Cuatro p^r el mismo Juez p^r. la
practica de estas diligencias Nombró 3 Oficiales Conde-
-leras á quienes hizo saber su Nombram.^{to} el q^l. accep-
-taron bajo juram.^{to} q^l. otorgaron aprecio de desempeño
felizmente. su cargo lo q^l. autorizó y firmó con los tes-
-tigos de asistencia segun derecho

Juan M. Marron

2/

D. a D. a
Jose M. a Osasco # Bautista E. Arguilla

En el mismo mes, dia, y año estando en el paraje de
Sta Isabel a efecto de verificar las medidas y posesion
á D. n. o Jose Joaquin Ortega del Sitio Nombrado Sta Isabel
previos todos los requisitos de ley y estando ante mi
los testigos de asistencia y Cordeleros un medió por
Cordel que contenia cien varas y á los extremos unos
saucos de madera previa observancia y calculo p. a mi
disposicion se tuvo el Cordel desde el Balcon arriba
en el Portisuelo rumbo p. a San Felipe p. a la parte
del Oeste se midieron Cuatro Seguas de Cabecera hasta
el punto de Tecomara antes de bajar á las Huertas de
los Indios gentiles p. a el rumbo del Este demarcados
una Cruz en un ensillo al frente de una paucheria
p. a le contiene p. a linderos y en seguida se medió de
Norte punto del Carrizo hasta la Cuesta de la Salvia
rumbo al Sur, Cuatro Seguas y dos mil varas. Se-
guidamente en el mismo auto prosede á las medidas
desde la mencionada Cuesta de la Salvia que es per-
teneciente á Sta. Maria de Ramo de dho punto rum-
bo al Norte hasta el Ojo de Agua del durasmito al
Sur dos Seguas, tres mil siete cientos varas. p. a la parte
del Cajon rumbo Oeste hasta el debaradero p. a la
parte de San Pascual rumbo al Este se midieron de
traversia dos Seguas, tres cientos varas las que se demar-
caron en dicho punto en donde mandé se fijara una
mojonera que es Caliente con el Pueblo de Sta Pascual

y no habiendo manifestado objecion alguna que sus-
pendiera las medidas fueron Concluidas las medidas
del Rancho de Sr^a Isabel y las de Santa Maria de
Pamo. a satisfaccion del interesado el cual ordene
pusiere las respectivas mojoneras en las puntos corres-
pondientes y quedo entendido habiendo marcado aquellas
la Señal de Posesion la q^d. Autorizo y Firmo con los
testigos de asistencia. Segun d^o de

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Juan Ma Marron D. A.
Joaquin Orasco # Santiago E. Arquillo

En dho dia, mes y año habiendose Concluido las
diligencias de este Expediente perteneciente al Rancho de
Sta Isabel y de Pamo desele testimonio a Sr^a J^ose
Joaquin Ortega interesado en ellas para su seguridad
y usas q^d. le Conbenzan. El C. Juan Ma Marron

Filed in Office
Sep 8th 1852
Sec Fisher
Sect₇

Juez de 1^a instancia de esta demarcacion asi lo provee
yo y Firmo con los testigos de asistencia segun derecho
d^o de

Juan Ma Marron D. A.
Joa Ma Orasco # Santiago E. Estudillo

En el mismo dia, mes y año quedo librado a los
interesadas el testimonio q^d. se refiere en el auto anterior
y para Constancia lo rubrique

1
Act of Judicial Possession in favor of the
Citizens Don Juan Joaquín Ortega and Eduardo Estor
for the Ranches of Santa Isabel and the Plains of
Fams

E
195.50
PAGE 94
Translation
of
Judicial Possession

In the village of San Diego on the twenty ninth day
of November in the year of our Lord One thousand Eight
Hundred and Forty four, in attention to the solicitude of
the Citizens Juan Joaquín Ortega and Eduardo Estor residents
of this municipality, with the object of giving them the
Corresponding possession of the two places Santa Isabel
and the Plains of Fams Conceded by the Government
of this Department, which Title I accompany in this
solicitude, I went with the witnesses of assistance to the
above mentioned place and proceeded to give the posses-
ion indicated, previous Notice having been given to those
Whose Land bounded upon that in question, subjecting
myself to the repeated Title, that has been Confided
to him by his Excellency the Governor Manuel Michel-
toro with date Nineteenth November A.D. 1844

The Citizen Juan María Marrón Judge of first
Instance of this Demarcation thus I provided, Commanded
and signed before the above mentioned witnesses of as-
sistance with whom I performed this judicial act as
Preceptor, on this Common paper for want of the Cor-
responding seal paper, according to law which I
certify

assistance
Juan Ma Marrón
Jose Ma Orosco
assistance
Santiago E. Arzuello

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. At the same Judge, for the prac-
 ticing 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 dis-
 charge their duties faithfully, which I authorized and
 sign with the witnesses of assistance according to law

assistance Juan M^a Marron assistance
 José M^a Orasco Santiago E. Arguello

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On the same day month and year, being at the
 place of Santa Isabel, with the object of verifying
 the measurements and paperion to D^o José 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 exten-
 ded from the balcouse above in the door or gap,
 direction towards San Felipe, westerly there were
 measured four leagues as a head line to the point of
 Tecomaes before coming down to the doors of the Lau-
 tile Indians; in the direction East making a crop
 on an Oak tree in front of a hut or Rancheria which
 is considered the boundary, and consecutively there

3

then were measured from the North point of the Common
reed grass to the declivity of Sage south. Four Leagues
and two thousand paras.

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In Continuation and at the same time I proce-
ded to the measurement from the above mentioned de-
clivity of Sage, which belongs to Santa Maria de Samos
from said point direction to the North to the Spring of
water. Each Spring, thence south two Leagues three
thousand seven hundred paras; upon the side of the
deep ravine or (Cayon) westerly to the place where you
begin to see the part of San Pascual direction East.
were measured in a transverse direction two Leagues
and three hundred paras 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 Ranch
of Santa Isabel was concluded as well as that of
Santa Maria de Samos to the satisfaction of the party
and to the which, I ordered the respective land marks
to be placed in the corresponding points. He under-
stood 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

Juan M^a Narro

Assistance
Jou^a M^a Crocco

Assistance
Santiago E. Arguello

On the said day month and year having concluded the proceedings of this Expediente which relate to Rauchs Santa Ysabel and Pano let testimony be given to Don Jose Joaquin Ortega the party interested in them for his safety and the uses to which to him may seem proper

The Ctegru Juan M^a Marron Judge of First Instance of this Demarcation, thus he decreed and signed with the witnesses of assistance according to law, which I certify
Juan M^a Marron

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assistance
Juan M^a Orasco

assistance
Santiago E Arguella

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

Filed in Office Sept^r 8th 1852

E Scroll

Geo Fisher Secy

I Charles Egan clk. of the District Court of the United States for the Southern District of California hereby certify the above foregoing to be a true and correct copy of a document contained in Transcript No 191. (Don Joaquin Ortega et al against the United States) & a translation of same as it appears in said Transcript, on file in my office

In testimony whereof I have hereunto set my hand & affixed the Seal of said Court at Los Angeles this 10th day of January A^d 1856

J. C. Egan



No 195.
U of Dist Court
South Dist Cal.

J J Ortega et al
app'ts.

^{vs}
The United States app'ts.

Certified copy of Judicial Papers
in Case No 91 with translation

Filed Jan'y 11th 1856.

J. E. Carr
195 SD
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In the District Court of the United States
for the Southern District of California

José Joaquín Ortega et al Case 195
Appellants)

195 SD

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by
The United States)
Appellees)

And now at this day comes
the said Appellants and move for a
new trial in the above entitled cause,
which said motion is based upon the
annexed affidavit.

State of California }
Los Angeles County }
Feb. 5th 1856.

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Personally appeared
before me W. L. Herrell who being
duly sworn says that he is interested
in the Ranch of Valle de Pamo
located in the County of San Diego
which said Ranch was rejected
by the Honorable the United States
District Court of the Southern District
of the State of California for want
of sufficient testimony to locate
the boundaries thereof, and he further
deposes, that sufficient proof
does exist and can readily be
obtained to locate the proper bound-
aries of the said Ranch, and
that he had reason to believe
and did believe that such
testimony had been produced by
other parties interested in the Ranch
of Valle de Pamo, & was in the
possession of the Court

W. L. Herrell

I was to & subscribed }
before me this 5th day }
7 Feb 1856. }
J. E. San }
Coff

Case No. 195
U.S. Dist. Court South
Dist. of Cal.

J. J. Ortega et al
Appellants

vs

The United States
Appellees

Motion for new trial
& affidavit

Filed Feb 5th 1856.

J. E. Jones

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PAGE 101

J. J. Ortega, Applt.

vs.

The United States, Applt.

No 195

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PAGE 102

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

ans. My name is J J Warner, my age is 48 years, my residence the Court of San Diego.

ques. Do you know a place by the name of the Valle de Pano.

ans. I do.

ques. Where is it located.

ans. In the County of San Diego.

ques. Do you also know a place well known by the name of San Pascual if so, where is it located.

Ans. I do. It also is located in the County of San Diego.

Ques. Are those well known places of San Pascual & Valle de San Joaquin Valleys or plains or Mountains.

Ans. San Pascual is an Indian Village located in a Valley, through which runs the river of San Diego. The name is also applied to a considerable & extensive tract of land embraced in this valley and lying about the Indian Village. The name is also applied to a mountain over which the road passes from San Pascual to the Rio Colorado. Valle de San Joaquin is an elevated Valley or plain on the East side of the Mountain of San Pascual and pretty generally surrounded by Mountains.

Ques. Does ^{it or not} the Mountain of San Pascual form a natural boundary or division between the Valleys of San Pascual and Valle de San Joaquin?

Ans. It does form a very prominent boundary & division.

Ques. Where on the summit of this

mountain, can you or not see
the Valley of San Pascual on the
one side and the Valley of Pamo
on the other.

Ans. They can be seen

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ques. In what direction ^{do} the Mountain
& valley of San Pascual lie from
the Valle de Pamo.

Ans. On the west.

ques. How long has it been since
you have been acquainted
with these two valleys

Ans. From July 1844.

ques. Do you or not know a place
well known, by the name of
Santa Isabella & if so, where is
the same located, & what is its
extent & character.

Ans. I do know it. It is located in the
County of San Diego, on the road
spoken of in ~~the~~ ^a previous answer
~~at the~~ ^{the} eastern of the plain of Pamo,
where I first knew it in 1844 it
was in the occupancy of the Mission
of San Diego, and had been previously
used as a stock & agricultural
establishment. There were extensive
vineyards & buildings upon it

with regard to its extent, it is a
large tract, embracing a number
of leagues, I should ^{indeed} that in the
tract which I have known
as Santa Isabela, there are about
eight leagues. Respecting its topo-
graphical features it is diversified
in separate valleys mountains &
spurs, the greater portion of which
almost the entire tract is drained
by the brook known by the name
of Santa Isabela, which forms
the arroyo of San Diego, not
being its principal source.

Ques. Do you or not know a valley
lying within the boundaries of what
was generally known as Santa
Isabela, by the name of Ballena,

Ans. I do

Ques. Do you or not know that the
Priests of the Mission of San Diego
at the time that Santa Isabela
was occupied by the mission
claimed this Valle Ballena
as belonging to the Parish
of Santa Isabela

Ans. The Minister of the Mission
of San Diego, is informed

judge

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me in July 1844.

ques In what direction does the Ballena
lie from Valle de Pano.

ans. Easterly. It is a short distance
from the lands of Valle de Pano.

ques. Do you not know some water
places or Springs of water known
by the name of Santa Teresa. if
yes, state whether or not the what
are the natural outlets of the
waters from these Springs.

Ans. I know a tract of Country upon
which there are Springs which
is called Sta Teresa. The waters
of which flow off Southwesterly
and find their way into the
valley of Pano. It is divided
from the Ballena by a slight
elevation in the land.

ques Has this ridge of land that divides the
Ballena from Santa Teresa a well
known name, if yes, what name.

ans. It has a name. It is called
"Cuesta de Salvia."

ques What is the direction of this ridge,
or course of this "Cuesta de Salvia?"

ans. About North & South.

ques. Does the arroyo that forms the

the Rio San Diego run from the Santa Yabella to the Valley of San Pascual. And what direction is it from the Valley of Valle de Pano.

Ans. It does so run, and is to the north of Valle de Pano.

Ques. Do you or not know if there is any other valley lying between Valle de Pano and this Arroyo.

Ans. I do not know of any valleys excepting such as are connected with and ^{naturally} form a part of Valle de Pano.

Ques. If such valleys existed would you or not know it.

Ans. I think so from having passed many times over the northern portion of this tract of land.

Ques. Do you or not know a place by the name of ^{Cajon de} Santa Monica.

Ans. I know a place by that name. It is a tract of Country lying to the south of Valle de Pano.

Ques. What is the natural boundary or separation between this Cajon and Santa Monica, if yea, state what it is.

Ans. The Cajon is much lower than Pano. The Mountain which

separates them being very rocky
but few passes exist and are
hard to get over.

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Ques. Do you or not know if there is
a deep cañada running through
this range of mountains, & if so,
state its extent & character
& where it has its head.

Ans. There is a cañada running from
the southwestern part of the tract
of Pano in a southerly direction
into the Cañon de Santa Monica,
which cañada for its greater extent
is impassable.

Ques. Do you or not know by what
name this cañada is generally
known.

Ans. I am not positive, but think
the residents in the Valle de Pano
know it as the Cañada de
Santa Monica.

Ques. Look at the map in the manuscript
in this case, & state whether you
recognize it as a correct map or not
of the place called Valle de Pano.

Ans. I think there would be no difficulty
in recognizing it as a map of that
tract of land.

Ques. Does ^{or does not} the tract of land delineated upon the map lie within the natural objects which you have described and are those natural objects well known or not by those living in the vicinity and acquainted with the said land, and if so, how long have they been thus known and recognized.

Ans. It does lie within those objects, ^{which} and I think are well known to those acquainted living in the vicinity. They have been thus known & recognized ever since I have been acquainted with that locality, and I believe were names long previously applied to those places. My personal knowledge goes back no further than 1844.

Cross Examined by the party.

Ques. What is the extent of the Valle de Pano of which you have spoken.

Ans. From east to west I should judge about seven miles, from north to south about six miles, its outline being quite irregular.

Ques. What is the distance from Santa

Ans. Ysabela to the Pueblo of San Pascual about ~~twenty five~~ miles. From the

15
+
Ans. Ysabela to the Pueblo of San Pascual,
~~about twenty five miles~~ from the
exterior limits of Santa Ysabela
on the west to the Pueblo of San
Pascual is about twelve miles,
perhaps a little less.

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+
Ans. What is the distance from the
Pueblo of San Pascual to the "Cañon
de Santa Monica"

Ans. About ten miles ^{or thereabouts} that is ten miles
to its exterior limits.

ques. What is the distance from Sta. Ysabela
to the Cañon of Santa Monica.

Ans. About ten miles at its nearest point.

ques. Does any ~~one~~ ^{person or persons} now reside on
the place known by the
name of Valle de Pano, if
yes, state their names and
length of their residence.

Ans. There was a person residing
there a few weeks since,
a native of Sonora. He has
not resided there long & I
have forgotten his name.

ques. Do you or not know whether
Jose Joaquin Ortega, or Edward
Stokes, ever lived upon it, and
occupied the place of the Valle
de Pano, if yes, state what.

you know in relation to such a residence & occupation.

Ans. Jose Bagan Ortega was then residing in the summer of 1844, I saw him engaged then in harvesting wheat. From which time to the death of Stokes, the place about the year 1846, it was occupied with horses and cattle to the number of more than one thousand belonging to them. A house was built upon it about the year 1844, in which he resided an Overseer most of the time to the present day.

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Ques. Where does Jose Bagan Ortega now reside?

Ans. at the Rancho of Santa Margarita, County of San Diego. where he has resided I think about a year.

+ Ques. Where has Ortega resided since 1846?
+ He answered
+ Ans.

He has ~~been~~ resided in various localities within and without the County of San Diego, a part of the time at

the Valle de Pano,

the Valle de Pamo,

Ques. In what years did Ortega
^{San Ysabela} live on the Ranche of Valle
de Pamo.

Ans. ~~most of the time during the~~
^{1844 & part of 1845} years 1843 & 1846. Part
of the years 1842, 1843
Vamination in Ship resumed.

Ques. What is the distance from
the extreme western limits
of Santa Ysabela to the San
Pascual Mountains that
separates the Valley of San Pascual
from the Valley of Valle de Pamo.

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Ans. I think about six or seven miles.

Ques. What is the distance from
the western limits of Santa
Ysabela to the head of the
Canada that runs from the
Valle de Pamo through the
mountains into the Valley known
as the Cañon de Santa Monica.

Ans. About seven miles.

Ques. What is the distance from the
head of this Canada to the mountains
of San Pascual.

Ans. About three miles.

Ques. Do you or not know what
when Ortega has been absent
from

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Cross Examination resumed.

Ques. What is the length of the
canada that runs from the
valle de Pano through the
mountains into the valley
known as the Cañon de
Santa Monica, before mentioned
by you.

Ans. About ten miles.

J. J. Warner

sworn to & subscribed

this 15th day of Feby 1856.

Before me

J. S. Jones

W. L. Jones

No 195.

U.S. Dist Court
South West of Cal.

J. Ortega
appellant

vs

The United States
appellee

Deposition of L. J. Warner

Filed July 15th 1886

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United States District Court
for the Southern District of Cal-

José J. Ortega et al
appellees

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- Ads -

The United States
Appellant

For the con-
firmation of
the March
Balle de Pano

Now this day comes Myron Norton
one of the ~~witnesses~~ Attorneys of Record
in this cause and move the court
to grant a continuance of the case
until the next term of the court
for the reasons set forth in the
affidavits hereunto annexed -

Myron Norton
attorney

Personally appeared before me
J. H. Ferrell and being duly
sworn deposes and says that he
is now interested in the Branch
of Valle de Pamo situated in
San Diego, as Mortgagee, that the
claim for said Branch of Jose
Jouquin Ortega et al was re-
jected by U. S. District Court
for the Southern District of
California on the 4th of this
present month that as the Court
says in its opinion, for any want
of proof as to the genuineness of
the Title to said Branch but for
want of sufficient proof as to
its locality and proper boundaries
that the Court aforesaid on the
5th 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
Branch of Valle de Pamo as
called for in the title deed, that
since the reopening of this case

a good deal of testimony has already been taken before the proper Commissioners to establish these points but that the most of the witnesses reside in the County of San Diego and that it has been ^{it will be} impossible to procure their attendance during this Term of ~~this~~ the Court, but that ~~such~~ the evidence of ^{said witnesses} can be obtained before the next Term

W. C. Howell

Sworn to & subscribed

Before me this 27th of Feb 1855

J. E. Jones, Esq. Clerk

No 195

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

Protest & affidavit
for a writ of Habeas
of No 195

Filed February 27 1855

J. E. Jones
Clerk

José Joaquin Ortega et al

Appellants

Case No.

195-

vs
The United States, Appellees

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 the 16th, the day of March A. D. 1857, at 1 o'clock P. M., on said day, on behalf of the Appellants by the Appellant after parties to be used as testimony in a certain cause now pending in the US Dist Court for the Southern Dist of California being Case No. 195, on the Docket of said Court, wherein José Joaquin Ortega et al are appellants, and the United States are appellees.

Present Agustine Olvera Attorney in behalf of the appellants
and E. Thom ~~Attorney~~ Present in behalf of appellees.

Questions by the Atty of Appellants

Qust. What is your name age and place of residence?

Ans. My name is William H. Lighton I am 38 years of age and reside in San Diego

Qust. What is your profession and your actual occupation?

Ans. I am Civil Engineer,

Qust. Are you in the Employment of the County of San Diego?

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

Qust. Do you know any place distant pushed or known by the name of Santa Maria or Valle de Pamo and if so State where it is situated?

Ques I know a place or Rancho, called "Santa Maria" - It is situated in a direction about North East of the Town of San Diego, in the County of San Diego about 30 miles

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Ques Do you know this Rancho practically, by passing over it, or by travelling along the public Road

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

Ques Do you know besides this Rancho any other Rancho in San Diego County by the same name

Ans I do not

Ques Do you know from your own knowledge the lines of the Rancho Santa Maria or Valle de Palma and if so give its boundaries or lines

Ans 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 Testimony of Don William Williams who was said to be present when Surrender possession was given (I did this at the request of Jose Joaquin Ortega,) Accordingly I commenced at a spot "Quero's Mita" situated in the Valle de Palma & Santa Maria, that being the most Southern boundary from there I ran in a direction toward the Lomas de San Vicente to a tree or more which was pointed out to

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From as being the object to which they
ran when Suncusal possession was given
The course of this line was north 53° (degrees)
East - Length 2 1/2 miles, 26 1/2 fms. From the
Lomas de San Vicente I ran in a direction
North 10° (degrees) 30 minutes East, to a water hole
Called "Santa Teresa" extending the line until
I struck the Arroyo which forms the River
of San Diego, which was named in the
title as forming the North East boundary of
the Ranch - Commencing then, again at the
starting point, "Duras mto" I ran in a di-
rection South 33° (degrees) East, passing the
Summit of Suncusal hills, until I again
intersected the Arroyo, which completed the
line of the Ranch - This plan I state to be
a correct plot of survey as made by me
at that time of the Ranch "Santa Maria" or
"Valle de Roma", and marked, (A) & (B)

Ques: Is the Plan or plot of the track of Land
herrento named and marked (A & B)
the same that you made when you surveyed
the Ranch of Santa Maria

Ans: Yes, as I stated above, in my
last answer

Ques: Are the lines that you have described
in your ~~last~~ answer above and which
are marked out on the plot (annexed to this
deposition marked (A & B)) natural Bound-
aries and if so are they easily recognized
or distinguished

Ans: They are and are easily recognized
and distinguished

Ques: Do you if there is a place, inclu-
ded within the lines that you have described,
called "Agraje" de Santa Teresa

Ans: I do

Ques What is the Area of the Ranch of Santa
Maria a Calle de Roma.

Ans A little more than 4 square leagues

(See them acting, but aty names any gam
ination)

William H. Lighten

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Sworn and subscribed before me this
16th day of March A.D. 1857 J. W. Combs

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 Wm H. Lupton was taken before me on the 16th day of March, A. D. 1857, according to the agreement of the parties ~~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. Lupton 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.

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In witness whereof, I hereunto set my hand and private Seal, (having no Seal of Office,) this 16 day of March, A. D. 1857

C Sims
United States Commissioner.



No. 195

United States District Court for the
Southern District of California.

José Joaquín Ortega et al
vs
The United States
appellee

Deposition of

Wm H Lightton

Filed this

15th March 1854

at San Francisco

J. A. Coleman

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dep

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

José Joaquín Ortega et al
appellants

No 195

The United States
appellees

"Valle de San José"
or Santa Maria"

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Transcript from the Board of
Land Commissioners No. 332

This Cause coming on to be
heard at this Term of the Court on an appeal
from the decision of the United States Board
of Land Commissioners to ascertain & settle
the private land claims in the State of
California, under an act of Congress ap-
proved 3rd March 1851, upon 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 Trans-
cript and the notice of appeal have been
duly filed according to law, and Counsel
for the respective Parties having been
heard.

It is Ordered, adjudged & decreed
that the decision of said Board of Land
Commissioners, be, and the same is hereby
reversed, and that the claim of the

Said appellants is good and Valid in law, and the same is hereby Confirmed to them

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The land of which Confirmation is hereby made is known by the name of "Valle de Pano or Santa Maria" and Situate in the County of San Diego in the Southern District of the State of California and bounded by Santa Isabel, the Pueblo of San Pascual and the Cajon Santa Monica and the Cañada de la Ballena including within said boundaries the watering place lately called Santa Teresa - having also for a boundary line the arroyo which is made by the River of San Diego and for a further description of which reference is had to the deposition and Map taken and filed in this Court on the 16th 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.

Thus done and signed in open Court this 15th day of March A.D. 1858.

Charles Ogden
U S Dist Judge.

No 195

U. S. Dist Court

In Joaquin County^{Cal}

In United States^{Cal}

Deer

Filed this 15th March
A D 1858
C. Lewis clerk
J. A. Colman
Dep

Recorded on Page 251

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UNITED STATES OF AMERICA, ss.

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

195 SD

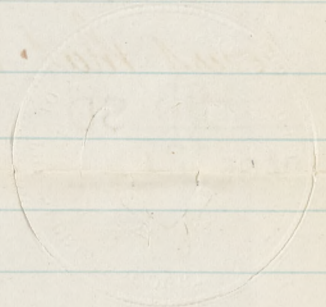
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Greeting:

Whereas, lately, in the District Court of the United States, for the Southern District
of California, before you, in a cause
between Jose Joaquin Ortega & The heirs of Edward Stokes,
dec^d, Appellants and The United States Appellees,
(No. 195, for "Valle de Pamo" or "Santa Maria") —
wherein the decree was rendered in favor of the
said appellants —

UNITED STATES OF AMERICA

THE DISTRICT OF THE UNITED STATES OF AMERICA



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.

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And whereas, in the present term of *December*, in the year of our Lord one thousand eight hundred and *sixty three* 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~~ on the motion of Mr Attorney General Bates of counsel for the Appellants it is now ~~here~~ ordered, adjudged and decreed by this Court that this cause be and the same is hereby dismissed
24 March

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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 *sixty three*

COSTS OF *~~~~~*
Clerk..... \$ *~~~~~*
Attorney... \$ *~~~~~*
\$ *~~~~~*

Taney

W. Middleton

Clerk of the Supreme Court of the United States.

No. *287* December Term, 1863.

MANDATE

SUPREME COURT UNITED STATES.

195

U. States vs. Oregon and

filed July 27, 1868.

J. C. Smith

J. S. Peace

United States District Court
District of California.

The United States
v. Appellant

José Joaquin Ortega
and the widow and heirs
of Edward Stokes deceased.
Appellees.

No. 195.

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On reading the Mandate of
the Supreme Court of the United
States, and it appearing that the
appeal heretofore taken in the above
case from the District Court of
the Southern District of California,
has been dismissed, Now on Motion
of Henry Hancock Esq. Attorney
for claimants, it is ordered that
said Mandate be filed and that the
parties may proceed on the decree
of said District Court as upon the
final decree in said case.

Allen Hoffman
Dist Judge

No 195.

U. S. Dist Court
Dist. of Cal

The United States
v

José Joaquin Ortega
the widow & heirs of
Edward Stokes dec'd.

Order on filing
Mandate Sup. Court U.S.

Filed Oct 22/08

Geo. W. H. H. H.

G. W. H. H.

G. W. H. H.

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

José Joaquín Ortega et al
Appellants } Case No. 195.

vs

The United States } "Valle de Pamo"
Appellees }

Index of Transcript.

- P.P. 3 & 4. Petition to N S Land Commissioners.
- " 5. Depositions of Andrés Pico & Santiago Arguello.
- " 6. Deposition of J J Warner.
- " 6 & 7. do of Abel Stearns.
- " 7 to 9 do of John Forster.
- " 9 & 10 " Thos W Sutherland.
- " 11 to 20. Expediente in Spanish and map.
- " 23 & 24 Original Grant in Spanish, annexed
to the deposition of Abel Stearns.
- " 25 to 30 Translation of Expediente.

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Page 31. Agreement in Spanish between José
 Joaquín Ortega & Father Vicente Pascual
 Oliva ~

" 33. Translation of the above agreement,

" 35. Opinion of the Commissioners,

" 36. Order rejecting the claim,

No. 195.

U. S. District Court
 Southern District of California

José Joaquín Ortega et al
 Appellants

vs

The United States
 Appellee

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Stollon & Alvará

U. S. District Court
of Ortega et al }
Appellants } Case No. 195.
vs }
The United States }
Appellees }

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Please make a translation of Original
Title in this case (pages 23 & 24 of the
Transcript) and file the same as
of the day the case was submitted.

Myron Proctor
one of appellants
attorneys
C. E. Carr Corp
Clerk &c.

No. 195.

U. S. Dist Court

Ortega et al

vs

U. S. State

Order for trans-
lation —