

## Chapter IV – POLITICS, PROPERTY, AND PROGRESS

## A Courageous Young Widow

María Feliciana Arballo de Gutiérrez, the widow of José Gutiérrez, at the age of 25 was that adventurous ancestor who braved the new land with her two little daughters, four year-old María Tomasa Gutiérrez and one month old María Eustaquia Gutiérrez on the Anza Expedition of 1775-1776. She appears in Anza's list of recruits as part of the family of Agustín Valenzuela and Petra Ochoa who enlisted on 6 April 1775 in Culiacán. The family that joined the day before was that of Ignacio María Gutiérrez and Anna María Osuna (Antepasados VIII:162) . . . So perhaps other members of her family were traveling with her in the expedition or perhaps she came to remarry and to establish a family life for herself and her daughters in the new land. Whatever her reasons, when the Anza party reached Mission San Gabriel on 4 January 1776, en route to San Francisco, she left the expedition there. Ignacio Gutiérrez and his family continued on to San Francisco, but he was one of the *testigos* for the *informaciones* of her upcoming marriage. Indeed, the following 7 April she married Francisco López, a soldier of the *escolta* of Mission San Gabriel.

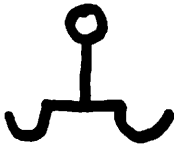
Juan Francisco López, born about 1743 San José del Cabo, Baja, was the son of Ignacio López and Fecunda de Mora. His mother had died by 1779, but his father Ignacio was the first "*gente de razon*" burial at the Mission San Juan Capistrano on 6 December 1781. Francisco came to Alta California by 1772 and was stationed at the Mission San Gabriel, where he married Feliciana Arballo and their first child was born. By 1 September 1779 they had been transferred to San Juan Capistrano, when Feliciana appears as a *madrina* for a *neofita*. The next four children



J. Forster



Rancho Trabuco - 1839



Rancho Trabuco - 1851



A. Olvera - 1840



P. Pico

were all baptized there, and Tomasa Gutiérrez was married.

By 1789 they had been transferred back to the San Diego Presidio, where one of their sons, Juan José, was enrolled in the Presidio School in 1795. This apparently was not a great success, as his report card in January 1797 stated that he was behind in his studies, rude, and not industrious (Williams 1996:189). Francisco was buried 6 January 1800 in the Presidio Cemetery and Feliciana was again a widow with children. She then married 10 March 1800 to Mariano Tenorio, a tailor and the widower of Dorotea Villa. As late as 1818 Mariano Tenorio and Feliciana Arballo were still appearing as godparents to children baptized at the Presidio. Eight children had been born to Francisco López and Feliciana Arballo:

Ignacio María, baptized 7 June 1778 San Gabriel, married Timotea Villalobo 20 May 1804 San Diego;

Margarita Antonia, baptized 22 July 1781 the third "*gente de razon*" recorded at Capistrano. On 14 May 1797 at San Diego, she married Juan Ortet, a member of the Catalanian Volunteers, and appears to have gone to Mexico in 1803, when the Volunteers were withdrawn and disappears from Californian records;

Josefa Inocencia, baptized 29 December 1782 Capistrano, buried 13 December 1783 Capistrano;

Josefa Benita, baptized 4 April 1784 Capistrano, married Salvador Véjar 14 October 1798 San Diego, buried 10 March 1863 Plaza;

Juan José, baptized 27 December 1786 Capistrano; married Eduviges Arce 25 February 1806 San Diego. Some sources have stated that he was killed in the Pauma Massacre of 1846, but he appears to be listed as living with his wife "María" in Capistrano in the U.S. census of 1850.

María Antonia, baptized 11 May 1789 San Diego, married José Maria Aguilar 3 February 1806 San Diego Presidio, buried 26 November 1808 San Diego Presidio;

María (Juliana), baptized 19 March 1791 San Diego, married Juan María Osuna 25 February 1806 San Diego, living in 1847; and

María Ignacia de la Candelaria, baptized 2 February 1793 San Diego, married Joaquín Carrillo 3 September 1809 San Diego, died 28 February 1849 Sonoma.

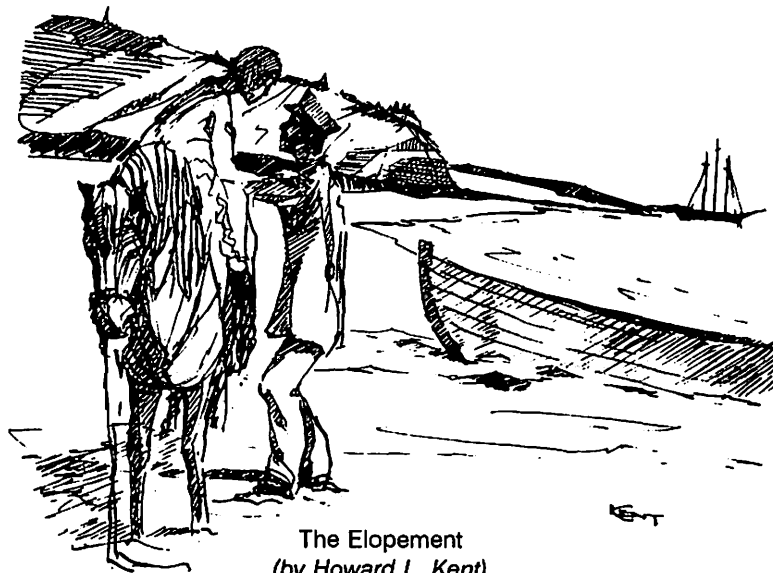
Ignacia López and Joaquín Carrillo became the parents of María Antonia Natalia Josefa Eliza, who on marrying Enrique Fitch, provided one of the great romantic stories of

early California. She was baptized 30 November 1810 at the Presidio of San Diego with the godmother Josefa Sal, wife of Mariano Mercado. The child was known by the name Josefa after her godmother, as was common.

By the time Josefa was sixteen years old, she was everything one imagines a lovely Spanish *señorita* to be. Captain Enrique Fitch was not the first to be enchanted by her charm and beauty. Her hand in marriage was also sought by Governor José María Echeandía. The Governor reputedly considered himself quite a Beau Brummell - though a man of diminutive stature possessed of a none-too-pleasant personality, and approaching 40 years of age. Everyone began thinking about a marriage in the near future - all except Josefa, that is.

Henry Delano Fitch was a different matter! Soon after meeting Josefa, the 27 year old seafaring man proposed, but there were obstacles to their marriage. To begin with, there were problems created by Mexican law, which required that both partners be citizens of Mexico and of the Catholic faith. Fitch was baptized into the Catholic faith on 14 April 1829 as Enrique Domingo Fitch, and applied for Mexican citizenship. Formalities out of the way, a wedding was quietly planned at Josefa's home.

Governor Echeandía was not about to stand by while the hand of "his" lady was at stake. Learning of the wedding plans, he sent his aide to forbid the marriage. As the ceremony started, the messenger shouted, "In the name of the Governor, I forbid the banns." Although the priest sided with Josefa, the ceremony was stopped. Josefa whispered something to the bridegroom, and the young couple parted.



The Elopement  
(by Howard L. Kent)

Late the next night Pío Pico brought his cousin Josefa on horseback to meet Captain Fitch in a boat. In a moment she was wrapped in a serape and off with her captain to the anchored *Vulture*, where he placed Josefa in the hands of his friend, Captain Barry, in order to protect her good name. All aboard, the ship embarked for Valparaíso, Chile, where the wedding which started in San Diego was completed (Botello 1973:38-39) (Bancroft 1963, III:140-144).

A year later Captain Fitch returned to California with his wife and baby son. He had no sooner anchored his new ship, the *Leonor*, than the young couple were summoned to Mission San Gabriel by Father Sánchez on kidnapping and other serious charges. Captain Fitch responded, displayed his marriage certificate, and confidently sailed for Monterey with his family.

Governor Echeandía was now in Monterey when Father Sánchez sent an order there for the arrest and extradition of Captain Fitch. Echeandía was happy to comply. He ordered Fitch arrested and transferred to San Gabriel and Josefa detained in Monterey under the care of Captain Cooper and his wife.

After much delay and argument Fitch was allowed, after posting bond, to sail his own ship to San Pedro. There his ship was impounded, and he was made a prisoner in one of the Mission rooms. Meanwhile, Doña Josefa argued that she should be allowed to go to San Gabriel where she and her husband would be tried. With the Coopers supporting her position, she managed to persuade the authorities to agree. At first, she was placed in the care of Doña Eulalia Perez, director of the women neophytes at Mission San Gabriel, but later she was taken to the home of María Antonia Martínez, wife of Guillermo Richardson.

The future seemed uncertain for the Fitches, but with help from friends they continued to fight. The Valparaíso marriage, while irregular by Church standards, was valid. On 28 December 1830 the parties were therefore set free to be united once again. The next Sunday they received the sacraments of *velacion* or blessing of their marriage.

Because of the scandal, however, Fitch was ordered to give as penance and reparation a bell weighing at least fifty pounds to the Plaza Church in Los Angeles, which at the time was using only a borrowed bell. Both husband and wife were commanded to present themselves in church for three church holy days. With lighted candles in their hands, they were to hear High Mass and to recite together for each of thirty days one-third of the rosary of the Holy Virgin Mary.

All was not smooth sailing in their marriage either. Josefa liked to gamble. She lost as much as \$1,000 in one card game alone. Captain Fitch asked the *alcalde* of San Diego for a separation 18 December 1835. A temporary decree was issued, but all was forgiven after Josefa acknowledged her weakness and begged the pardon of her husband and the

*alcalde*. She also promised to deport herself better in the future. That she apparently kept her promise is attested to by the subsequent permanence of the marriage.

Henry Fitch died 14 January 1849 at San Diego and was one of the last burials in the cemetery of the Presidio, by then abandoned. Josefa died many years later on 14 January 1893 at Healdsburg, near Santa Rosa in northern California.

### **Pío Político**

Pío de Jesús Pico, the last Governor of California under the Mexican flag was, like his cousin Josefa, descended from a member of the Anza party of 1776.

Felipe Santiago de la Cruz Pico, a *mulato* from San Xavier de Cabazán<sup>20</sup>, Sinaloa, started on the march across the desert with Juan Bautista de Anza in 1775 when he was about 38. He brought with him his wife María Jacinta Bastida, and six children, all of whom had been born in San Xavier de Cabazán on the Rio Piastola, Sinaloa, Mexico. After the move to Alta California, Jacinta was a godparent of many of the female Indian neophytes of San Gabriel as early as August of 1776, as well as of some of the first children of the *gente de razon* to be baptized at Mission San Juan Capistrano beginning in 1780.

After a brief tour at San Gabriel 1776 to 1778, they were transferred to San Juan Capistrano, but must have been back at San Gabriel by 1783, when their daughter Gertrudis was buried there. By 1790, Santiago had left the military service, and was working as a vaquero in the Pueblo of Los Angeles. In 1795, Governor Borica granted Rancho San José de Gracia, in the Simi Valley to three sons of Santiago: Francisco Xavier, Miguel, and Patricio. Perhaps Santiago had requested the grant in the names of his sons, but it is clear that he lived there in his last years. Jacinta died soon after the rancho was granted and was buried 15 May 1796 at Santa Barbara. Santiago, who had spent 30 years of his life with Jacinta, would not rest with her in death as he was buried 12 May 1815 at Mission Buenaventura. The children of Santiago Pico and María Jacinta Bastida, all born at San Xavier de Cabazán, were:

José María, born about 1767 San Xavier de Cabazán, married Eustaquia Gutiérrez 10 May 1789 San Diego Presidio, buried 5 September 1819 San Gabriel;

José Dolores, born about 1768 San Xavier de Cabazán, married first Gertrudis Amésquita 17 January 1791 at Santa Clara, married second Isabel Cota 21

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<sup>20</sup>A village near Horcasitas, Sinaloa, Mexico.

May 1801 Santa Barbara, buried 1 June 1827 San Miguel, Alta California; (While still in the presidial company of Monterey, José Dolores was given a grant to Rancho Bolsa de San Cayetano in Northern California. It was he who founded the northern branch of the Pico family.)

Francisco Javier, born about 1769 San Xavier de Cabazán, buried 27 April 1835 Santa Barbara, *soltero*;

José Miguel, born about 1770 Villa Sinaloa, married Casilda Sinova 27 November 1794 San Gabriel, buried 22 June 1841 Santa Barbara;

José Patricio, born about 1771 San Xavier de Cabazán, married Beatriz Cota, the widow of Joaquín Higuera, 24 January 1799 San Gabriel, buried 28 August 1823 San Buenaventura; and

María Gertrudis Tomasa "Antonia", born about 1772 San Xavier de Cabazán, was buried 22 May 1783 at San Gabriel.

Fifteen year old María Josefa, accompanied the family in 1775, but her relationship to the family has not been established, nor do we find further record of her.

Upon reaching womanhood, María Eustaquia Gutiérrez (one of the little fatherless girls of Feliciano Arballo on the Anza Expedition, who had assumed the surname of her step-father, Francisco López, when her widowed mother had remarried) became the wife of José María Pico, eldest son of Felipe Santiago Pico, on 10 May 1789 at the San Diego Presidio Chapel. They became the parents of:

José Antonio Bernardino "Pcito," baptized 21 May 1794 San Diego, married Magdalena Baca, viuda of Julian Gauthier, about 1843, buried 13 October 1871 San Luis Rey;

María Concepción Nicanor, baptized 14 January 1797 San Diego; married Domingo Carrillo 14 October 1810 San Diego, died about 1871;

María Tomasa Javiera, baptized 20 January 1799 San Diego, married Francisco Alvarado 24 May 1829 San Diego, buried 20 February 1873 Plaza;

Pío de Jesús, baptized 6 May 1801 San Gabriel, married Ignacia Alvarado 24 February 1834 Plaza, died 11 September 1894 Los Angeles;

Casimira, baptized 5 March 1804 San Gabriel, married José Joaquín Geronimo de Ortega 4 March 1821 San Diego, living in 1860;

María Estafana de las Nieves, baptized 5 August 1806 San Diego, married José Antonio Carrillo 24 June 1823 San Diego, died before 1842;

María Isidora Ygnacia, baptized 4 April 1808 San Diego, married Juan Forster about 1837 San Luis Rey, died 19 September 1882 Capistrano;

Andrés, baptized 30 November 1810 San Diego, married Catalina Moreno about 1852, buried 15 February 1876 Plaza;

María Josefa Esequiela, baptized 11 April 1813 San Diego, buried 22 October 1814 San Diego;

María Jacinta Petra, baptized 29 June 1815 San Diego, married (*informaciones*) José Antonio Carrillo (widower of her elder sister Estefana) 1 February 1842 San Gabriel, died before 1844; and

María Feliciano, baptized 6 September 1818 San Gabriel, married Ramón Argüello 9 February 1839 San Diego.

More than any of his kinsmen, Pío Pico - as a pious youngster and an ambitious adult - was determined to reach the top. As a boy he served as acolyte for the San Gabriel Mission Fathers, but aspirations for power and wealth soon turned him in another direction. In 1821 he built a hut of hides at San José, where he operated a dram shop, that is what would now be called a bar. The charge for drinks was two *reales*, or "two-bits." Pío decided he was giving his customers too much for their money. He therefore introduced into the area a practice used in other localities. He began serving drinks in ox horns with false wooden bottoms. The containers appeared to hold more than a regular tumbler - actually they contained less (Botello 1973:149-150).

Pío Pico was a man of average intelligence and of limited education. Although he usually attempted to be fair in his dealings, he was thought to be easily influenced. He had a jovial, generous spirit, loved cards and gambling, and while not considered a handsome man was very fond of the ladies. Although he had no children by his wife, he had several by the "ladies" (Bancroft 1963, XXI:779).

The first record of his holding public office was as a trial clerk in 1826. He led the southern opposition against Governor Manuel Victoria in 1831. As Senior *Vocal* and *Presidente* of the Departmental Assembly, he should have become Governor in 1832 following Victoria's ouster; but somehow the office slipped out of his grasp. He did serve as half-governor from January until April 1832 and then as acting Governor until January 1833.

All the children of José María Pico, father of Pío, married well - into the Carrillo, Alvarado, Argüello, Ortega, and Forster families. Perhaps the prominence of the Alvarado family had a bearing on Pío's selection of María Ignacia Alvarado, daughter of Francisco



Pío Pico  
(Courtesy of Bowers Museum)

Xavier Alvarado and María Ignacia Amador, as his wife in 1834. They had no children and she died February 2, 1854 in Los Angeles.

In 1833 the controversial order came from Mexico to secularize the missions. The padres resisted, feeling that the Indians had not yet become sufficiently skilled and educated to be removed from the protection of the missions. Many of the Spanish-Mexican settlers believed that the churchmen held a strangle-hold on the economy. Indeed, the missions controlled nearly all land in Alta California except twenty-one parcels which had been granted as grazing rights under the Spanish Crown. The Church produced most of the food, and there was little employment for an individual except on the few ranchos and in the military. If progress were to be made,

church lands must be made available to the public, Pío and his supporters believed.

The "Jewel of the Missions" was one of the first to be wrested from Church control. Pío Pico's oldest brother, José Antonio "Picito", was one of four commissioners assigned in 1834 to make an inventory of its assets. Picito remained for a time in San Juan Capistrano as civil administrator.

The "Jewel" rapidly lost its brilliance as most of the Indians drifted away. The crops of those remaining were taken to support the administrator. Father Serra's church eventually became a hay barn, and tiles from the roofs of some of the other buildings were removed and sold to raise money. Mission ruin and disintegration was inevitable as one administration crumbled to make way for the next. At the end the entire assets of the Mission consisted of one yoke of oxen.

The original plan for the Mission San Juan Capistrano was that with secularization the mission community was to be converted to an independent pueblo. The "freed" neophytes would be granted farm plots and house lots there. In June 1841, this was done and some of the remaining neophytes were granted garden plots. However of the 41 house lots only four are recorded as granted to the local population of neophytes. Some of the rest were granted to Hispanics with neophyte wives or ancestors. Some were also granted to long



time residents. Most however were granted to the friends of the administrators and the Pico family and their connections. Indeed many seem to have gone to speculators, who had never lived in Capistrano, nor would they ever take up residence there.

In 1845 Pío Pico was president of a *junta* which produced the ouster of the disliked Governor Micheltorena. As such, Don Pío became temporary Governor on 15 February 1845. His office was confirmed, and he served until replaced by the American government the next year. Long at odds with the missions, he ordered them sold at auction. His brother-in-law Juan Forster, together with James McKinley, entered a high bid of \$710 for San Juan Capistrano, half to be paid in cash, the balance in hides and tallow. For this sum, they received title 6 December 1845 to all mission buildings, except Serra Church and three garden plots.

On August 10, 1846 the Departmental Assembly met in Los Angeles. There it decided to dissolve itself, so that the Americans might find no active government to take over. Governor Pico was forced to choose between emigration and ignominy. He issued a proclamation (Bancroft 1963, XXII:275) from which the following excerpts are translated: "My Friends: Farewell! I take leave of you. I abandon the country of my birth, my family, property, and whatever else is most grateful to man, all to save the national honor . . . In any event, guard your honor, and observe that the eyes of the entire universe are fixed upon you."

According to his own account he left Los Angeles and stopped for about a week to hide at his sister's home in San Juan Capistrano before continuing to Mexico. Pío Pico reached Mexico and stayed in Sonora until he received word that the Americans were in complete control of California. He returned to San Diego 6 July 1848 and resumed control of his ranches and wealth. In 1851 he was assessed on 22,000 acres of land and \$21,000 in personal property.

Don Pío's methods during his powerful and affluent years were often lax and informal. In the American years, he did not change trusting in the integrity of those with whom he dealt. In 1883, he again borrowed from Bernard Cohen, with whom he had done business before, and therefore trusted him. For an interpreter, he used Francisco Johnson, son of a resident of Los Angeles since the 1830's. To secure a loan of \$62,000, he posted the deed to all his properties as a mortgage. Two months later, he tendered \$65,000 principal and interest to discharge the debt. Cohen refused the settlement, claiming that the original \$62,000 was an outright sale, not a mortgage. The estimated value of the property at that time was \$200,000. Pío Pico tried to obtain redress in the American Courts, but the American Courts were not interested in the affairs of former Mexicans. In 1891, the decision was rendered that "a degree will not be vacated merely because it was obtained by forged documents or perjured testimony . . . Endless litigation might result from such a

judgment." Therefore it appeared that the court ruled that Don Pío Pico had been swindled out of his property, but the American Courts would provide no redress. It was a sad last few years for a vain and once-powerful man who always enjoyed adorning himself with jewelry and the decorations given him by the Mexican Government. Easterners have a saying, "Shirt sleeves to shirt sleeves in three generations." And so it was with the Picos, from a Sonoran mulatto vaquero to a Governor of California to poverty in three generations. The once rich and powerful Don Pío Pico died penniless in Whittier on 11 September 1894.

### **Eldest Brother**

His eldest brother José Antonio Bernardino Pico, called "Picito" because of his small stature, also shared in the largess of the auctions, purchasing Mission San Luis Rey the next Mission south of Capistrano. His purchase was later found to be invalid by the United States Land Commission, however. Picito had served in 1834 to 1836 to secularize Mission San Juan Capistrano, then was transferred to Monterey and in 1839 to Sonoma, returning south sometime after 1844.

It has been stated that Picito filed his intentions to marry María Soledad Ybarra about 1828 (Bancroft 1963, XXI:777). Nothing has been found about her, or whether there were any children. About 1843, he married Magdalena Baca, who had been baptized 13 May 1823 at Santa Fé, New Mexico, the daughter of Manuel Baca and María Dolores Bernal. Magdalena had married first Julian Gautier 12 September 1836 at Santa Fé, who was buried in the Los Angeles Plaza Church Cemetery on 24 March, 1843 (under the name of Julian Gurie). The children of Picito and Magdalena included:

- Francisco, born 16 February 1844 near Sonoma, married Dolores Aguirre 18 November 1884 San Diego, died 30 September 1909 Los Angeles;
- Juan de la Cruz, born about 1846 San Luis Rey [?], married Eloísa Marron 2 February 1870 San Diego, buried 11 February 1875 San Luis Rey;
- Pío, born about 1848 near Sonoma [?], married María Jesús Díaz 14 September 1884 Pima County, Arizona, died 14 January 1938 Tucson, Arizona;
- José Antonio, baptized 28 September 1851 Capistrano, married Manuela Yorba, aged 38, widow of Gregorio López, 13 May 1900 Capistrano, buried 30 September 1920 Capistrano;
- Francisca Eustaquia, baptized 27 October 1852 San Diego, apparently died soon;
- Francisca Eustaquia, born January 1854 San Diego;
- María Concepción, baptized 8 April 1855 Capistrano;

Andrés, born about 1857, married Eloísa Marron, widow of his elder brother, died 1 October 1908 San Diego County, buried Oceanside;

Manuel, born 18 November 1858 and baptized 10 January 1859 St. Joseph's Cathedral, San Diego, died 17 November 1934 Riverside County California, never married;

Miguel, born about 1861, living in 1892;

María Antonia, baptized 12 April 1862, St. Joseph's, San Diego, married first Adolph Mueller 2 September 1901 San Bernardino, married second C. Pierce after 1904, died 13 June 1933 San Pedro;

Rudecinda, born 30 May 1863, baptized Pala, (recorded Capistrano 2 August 1863), married Miguel Antonio Aguirre 9 September 1880 Los Angeles, died 3 June 1920 San Jacinto, buried Mountain View Cemetery San Bernardino; and

Dolores, baptized 1 November 1865 San Luis Rey, (recorded Capistrano), married first Natali Suzzullo 19 May 1889 San Bernardino, and second Antone John Savinovich 5 September 1906 San Bernardino, died 24 December 1933 San Jacinto, buried Mountain View Cemetery San Bernardino.

Long straight braids of glossy black hair were the traditional mark of the young unmarried girls in the first half of the nineteenth century. So it was with the daughters of the Pico family. The courtship of the young *señoritas* was a very formal affair among these aristocratic families. The young couples engaged to be married were permitted little or no association alone, they only met in the presence of their parents or other responsible adults.

Women, once married, quickly exchanged their braids for upswept hair styles adorned with high combs and mantillas of lace to signify they had become *señoras*. Once married, home and family became the center of their lives. The young ladies were well trained in the duties of homemaking. Early chroniclers of the California scene frequently observed that it was the women who gave stability to the homes and brought religion and training to the young children. Some also taught their children to read.

Much of the management of California's *haciendas* fell upon the *señora* of the family, but she usually had enough Indian servants to do the actual labor. One matron of an aristocratic family described the household life of the serving women on a typical large ranch:

Each child had a personal attendant, while I had two for my own needs; four or five are occupied in grinding corn for tortillas; six or seven serve in the kitchen; and nearly a dozen are employed at sewing and spinning. The Indian woman generally learns very few things; she

who is taught to cook will not hear of washing clothes while a good washer-woman is insulted being asked to sew or spin. They did not ask for money, nor did they have a fixed wage; we gave them all they needed, and if they were ill we cared for them like members of the family. If they had children, we saw to their education. If they wished to go to a distant place to visit a relative, we gave them animals and escorts for the journey; in a word, we treated our servants rather as friends than as servants (Saddleback Ancestors 1969:90-91).

Picito Pico lived for a time on Rancho Santa Margarita when it was owned by his brothers, Pío and Andrés. He died there and was buried at the Mission San Luis Rey 13 October, 1871. As there was no resident padre at San Luis Rey, the burial was recorded at San Juan Capistrano some months later. Magdalena Baca was buried 18 December 1891 at the Church of San Salvador de Jurupa in San Bernardino County.

### **In Command**

Andrés Pico, nine years younger than his brother Pío, never married in the Church, although he was married in a civil ceremony to Catalina Moreno in 1852. He also obtained land holdings, having purchased Rancho la Habra originally granted to Mariano Roldan. It contained over 6,600 acres, while Rancho los Coyotes bought from Francisca Uribes de O'Campo comprised about 57,000. In addition, he held an interest with his brother Pío in Rancho Santa Margarita y las Flores on the coast south of Capistrano. Andrés enlarged and occupied the building which the padres had formerly used at Santa Margarita. It was the state's most pretentious adobe, being 300 feet long by 80 feet wide, the scene of many a *fiesta*.



Andrés Pico  
(First American Title Company)

As a soldier, Andrés Pico was highly respected for his honor, coolness and courage. His qualities of leadership were rewarded with numerous commands. It was he who led the Californians against the forces of General Kearny at the Battle of San Pasqual. Kit Carson, then scouting for Kearny, told the General that the Californians were cowards and would

not fight. Although Kearny's men and horses were in poor condition from their long march from Missouri, a surprise attack was planned. Under cover of fog and darkness just before dawn on 6 December 1846, Kearny's men rode to attack the Californians. Andrés Pico, aware of the planned surprise, led his riders away from the enemy until the American forces were thinly strung out. Then the Californians turned to attack. The battle lasted only about ten minutes, but it cost the Americans 22 killed and 16 wounded including the General. The Californians had almost no casualties. Carson's evaluation proved erroneous. U.S. sabres were no match for Californian lances.

Kearny later wrote that the Californios were admirably mounted and the very best riders in the world; hardly one that is not fit for the circus. Historians have argued for 150 years whether the Battle of San Pasqual was a defeat or a victory for the United States. The Americans were not driven from the battlefield but were so badly mauled that, had the Californians pressed the attack, it is probable that Kearny's forces would have been annihilated.

But the Californios' cause was essentially lost and a little more than a month later, on 13 January 1847 near Los Angeles, General Andrés Pico and General Fremont signed the Capitulation of Cahuenga, which brought to an end the rule of Mexico in California. Andrés Pico continued to be a political figure in California, becoming a state senator in 1860 and 1861. Death came to him at his home in Los Angeles on 14 February 1876.

### **Californian From Over the Sea**

John Forster arrived in Alta California in 1833 on the ship, *Facio*, managed by his trader uncle, Santiago (James) Johnson, who operated out of Guaymas, Mexico. John Forster had been born 16 September 1814 in Liverpool, England. His uncle wrote to his father to send out one of his sons, and John sailed in July 1830. He then worked for his uncle and at the age of 19, then came to Alta California where his uncle had transferred his business. Soon he began trading on his own account. In 1836 he became a clerk for Abel Stearns. He had decided to remain permanently in Alta California and applied for citizenship.

#### **Most Illustrious Ayuntamiento.**

I, Juan Forster a native of Great Britain, appear before you and say that it is now four years I reside in this Territory and seven years in this Republic. Desiring to establish myself in this City I comply with my duty in manifesting same to your Most Illustrious, in conformity with the provisions of Art 3rd of the law of a pref 14th 1828.

Therefore I pray this Most Illustrious to consider me as having appeared and forward me a certified copy of this representation and of whatever decision this Illustrious Body may make on the same. I swear it is not through malice etc and pray you to accept this written on common paper as there is none with seal in this place.  
Angeles Jany 13th 1836.

Juan Forster (rubric)

Angeles Jany 14th 1836<sup>21</sup>

Record and forward the certified copy solicited. The most Illustrious Ayuntamiento of this City in today's session having so decided.

Manl Requeña Presdt. (rubric)

Narciso Botello Secry. (rubric)

On this same date the Certified Copy referred to was forwarded --- (rubric)<sup>22</sup>

Thus 22 year-old John Forster, Englishman, became Juan Forster, Californian (Bancroft 1963, XX:747).

The following year at San Luis Rey, Juan Forster married Ysidora Pico, sister of Pío Pico. There were seven known children:

Marcos Antonio, baptized 8 October 1839 Plaza, married Guadalupe Avila 1 January 1862 Capistrano, died 19 August 1904 Los Angeles;

Francisco Pío "Chico", baptized 17 October 1841 Plaza, died 15 March 1881 Los Angeles;

Ana de Refugio [??], baptized 1 March 1843 San Gabriel, buried 1 June 1845 Capistrano;

Juan Fernando, born 14 September 14 1845 San Luis Rey, married Josefa del Valle 10 April 1885 Ventura County, died 21 August 1901 Los Angeles;

José Jorge Enrique, born 22 August 1846 Capistrano, buried 12 February 1852 Capistrano;

Ana Carolina, baptized 19 March 1849 Plaza, buried 23 September 1852 Capistrano; and

Ana María del Refugio, buried 18 April 1852 Capistrano.

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<sup>21</sup>On left margin appears "Angeles Jany 14th 1836".

<sup>22</sup>Translation from the personal papers of Elizabeth Swanson, original in LA City Archives.

From 1840 to 1843, Forster was employed as a shipping agent at San Pedro and appointed Captain of the Port 14 March 1843 by Governor Micheltorena. Seeing the beauty and possibilities that lay in the little valley of San Juan Capistrano, Forster moved his family there in 1844.

For Juan Forster, 1845 was a memorable year. In December he also bought most of the Mission San Juan Capistrano property at auction for 710 dollars to be paid in cash, hides, and tallow. The Forster family subsequently resided in the apartments where the priests had formerly lived. Years later the Mission was returned to the Catholic Church under the orders of President Abraham Lincoln. These apartments are now the museum area of the Mission.

Don Juan Forster was noted for his hospitality and generosity. He became quite esteemed and powerful as a "Spanish Don". Part of his influence no doubt derived from serving as "*juez de paz*" of the San Juan Capistrano district. Two of his brothers and a sister joined him in California by 1851: Hugh born in 1829, Thomas born in 1820, and Tomasina, born about 1828.

In 1846 Forster's hospitality was extended to the many Californios, who took refuge behind the mission walls during the American advance. General Fremont marched through San Juan Capistrano with his entire company, including Kit Carson and an Indian force of Shawnees. At that time, Juan Forster expressed the feelings of many betwixt-and-between ex-American and English citizens like himself when he told how Fremont and his whole force surrounded the mission buildings at San Juan Capistrano:



Juan Forster  
(First American Title Company)

... believing that I would attempt to escape, he was savage against me until we had an explanation, when he became convinced that I was favorably disposed to the United States at the same time that I was trying to save the interests of my relatives, the Pico family ... when in

reality I was desirous of seeing the country under the United States or any other stable government.<sup>23</sup>

### Threats to the Peace

Lawlessness became serious in southern California in the 1840's with highwaymen preying upon the people. The stable government for which Forster longed did not come quickly. Even after the American occupation, terror persisted, intensified moreover by army deserters. From Don Teodocio Yorba's home at Santa Ana Vieja in February of 1852, Juan Forster hastily wrote a letter to Abel Stearns vividly illustrating what happened.

Dear Sir:

Having arrived here about six o'clock and taken up my quarters at Don Teodocio's house shortly after the house was taken possession of by a party of deserted volunteers from San Diego demanding to be provided with liquor using the most abusive and threatening language and brandishing their arms, when being on the point of shooting the man in charge of the establishment I offered some words of pacification which they returned (determined to take the life of somebody) with the same above abusive and threatening terms and actually went so far as to toss up amongst themselves for the chance as it might occur, as to which of the party should shoot me and during the operation I have been so fortunate as to escape the house.

Don Ramón Osuna with his family being in the house has had to take to the campo until this hour without any of us having any covering. We are now in Doña Vicenta's house momentarily expecting to be attacked. This state of things is really intolerable and I have taken the liberty to state the circumstances to you hoping you will circulate it amongst our friends so as to see if there can be measures concerted, to prevent in future such a dreadful state of affairs.

Don Leandro Serrano's family have also deserted their house and have actually taken to the Guatmotal for protection.  
(Saddleback Ancestors 1969:43)

Conditions did not appreciably change for years to come. As late as 1857, the Flores gang descended upon the village of San Juan Capistrano and took what they wished from the store of Miguel Kraszewski before wreaking havoc on the remainder of his stock. A plea was hurriedly sent to Los Angeles for help.

The next afternoon the outlaws returned to the village and the store of George Pfleugardt, another merchant. They entered it on a signal from Chola Martina, a young

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<sup>23</sup>Tanner, 1973, SCQ, pp. 175-230.



woman who had become enamored of the gang leader, Juan Flores. Flores had been imprisoned in San Quentin for horse theft, but had managed to escape in 1856 with some of his compatriots. He enlisted many into his band under the banner that they would oust the "gringos" from California. Their subsequent lawlessness was not limited to violations of property rights but included a flagrant disregard for human life. After the bandits shot Pfleugardt, they sat down to have dinner while he lay there dead. Then they took what they wanted from his shop and from that of Henry Charles and vandalized both establishments. More considerate of the Portuguese Manuel García, they took only merchandise.

Word was sent to the county seat at Los Angeles to report the murder to Sheriff Barton. Many of the villagers spent the night huddled inside the thick mission walls of Juan Forster's home for safety. Upon receipt of the news, Sheriff Barton and five deputies set out for San Juan Capistrano. The following morning they stopped for breakfast with Don José Sepúlveda, who warned them against going farther with so few men. Hardly had they resumed their journey when the posse was ambushed by the Flores gang on the lower road to San Juan. Barton and three of his deputies were killed in the encounter.

When the report reached Los Angeles of the murders, Andrés Pico quickly assembled a posse of about fifty and set out to capture the desperados. Andrés was joined by a smaller group of 26 men from El Monte under Bethel Coopwood and the force proceeded south. Other men, Anglo, Hispanic and Indian joined in guarding the passes to prevent the gang's possible escape. [One of the Indians was Manuelito Cota of Pauma fame.] Part of the bandit gang was camping outside San Juan while others watched the countryside. A week after the murder of Pfleugardt they were still at large. Don Juan Forster wrote to Dr. Griffin of the efforts being made to capture Flores:

San Juan 30th Jany 1857

Dear Sir,

As Don Andrés left here yesterday evening acting in concert with the force from El Monte, I take the liberty of answering his letter . . . Don Andrés had such information (amounting to a certainty) that the Robbers were hidden in the Mountain of Santiago somewhere about the head of the Stream, and after obtaining a fresh supply of horses from Santa Margarita, and joining in concert with the El Monte force they left here about dusk last evening, and by this time or this evening I have no doubt that they will have caught either all, or most of them. They have with them men from this place well acquainted with every nook & corner of the Mountain & I can see no possible chance of their escaping excepting they should take the direction of Los Angeles, as we have a very strong force posted in every pass and Mountain between this place & San Luis [Rey], for instance, there are 40 Dragoons, some citizens

from San Diego, the Indian Manuelito with upwards of 50 Indians posted on the Mountain, and between that and the Flores, Geronimo is also upon the alert in the country about Temucula, that there is no possible chance of their escaping down south. . .  
(Saddleback Ancestors 1969:44-45)

Andrés Pico and his men pursued Flores and his gang into the Santiago, eventually capturing all but the elusive Flores and two others who managed to elude them. However, Flores was captured the next day near Santiago Creek and confined in an adobe at Santa Ana Vieja only to escape during the night. Pico was so infuriated that he ordered the two prisoners held from the previous day be hanged. Time had about run out for Flores, too, as he was recaptured again three days later in San Fernando Valley and placed in jail. With little delay from legal technicalities, he was quickly hanged from a temporary gallows. So ended the Flores reign of terror.<sup>24</sup>

### **The Forster Sons**

Juan Forster's eldest son, Marcos, was a large man being six feet five inches tall. He married at Capistrano on 1 January 1862 Guadalupe Avila, a tiny person - barely five feet tall. She had been baptized 4 March 1839 at the Plaza Church, daughter of Juan Avila and Soledad Yorba. Marcos and his wife had a large family:

María Guadalupe Lucana, baptized 19 October 1862 Capistrano, died unmarried before 1876;

María Ygnacia Milas, baptized 2 February 1864 Capistrano;

Marcos Enrique "Marquitos", baptized 13 September 1865 Capistrano, married Dolores Parra 24 September 1905 Capistrano, died 18 October 1936;

Jorge Jaime Enrique, baptized 6 February 1867 Capistrano; buried 25 January 1868 Capistrano;

Juan Valvino, baptized 24 May 1870 probably San Luis Rey;

Francisco Ambrosio, born 7 December 1871 Rancho Las Flores, married Ada Blanche Haskell 27 October 1894 Los Angeles County, died 4 July 1939 Orange;

John Antonio Orimste, born 14 August 1873 Rancho Las Flores, married Mary Elizabeth Marshall 3 April 1900 Capistrano, died 1 December 1939;

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<sup>24</sup>Bancroft, 1880's, Vol. XXXVI, pp. 499-504, except for two letters.

Lucana Guadalupe, baptized 7 September 1878 Capistrano, born 17 May 1876 Rancho Las Flores, married first William McFadden 20 September 1905 Capistrano; married second Thomas McFadden, died 19 September 1954 Santa Ana;

Ysidora Balvina, born 13 November 1879, married Cornelio Echenique 20 June 1901, died 28 January 1955 Orange; and

Jorge Enrique "George", born 30 November 1882 Rancho Las Flores, married Salomé E. Marshall 27 July 1905, died 10 December 1945 Orange.

Tradition says that in 1847 Marcos Forster, then seven years old was playing by the roadside when Commodore Stockton and his soldiers arrived. His playmates fled but he did not. Stockton asked him if he was not afraid. He replied that he was not. Stockton then asked Marcos if he would like to ride on the Commodore's horse. Answering that he would, he rode into San Juan Capistrano behind Stockton.<sup>25</sup>

After Marcos' marriage to Guadalupe Avila, they moved to the Rancho Santa Margarita y Las Flores (now Camp Pendleton) and built the Las Flores Adobe, which still stands. In the best of early California traditions, he held rodeos, horse races, bull fights and barbecues for hundreds at a time. After the Rancho was sold, they moved back to San Juan Capistrano where he continued ranching on other lands. Marcos died 10 August 1904, while staying at the Hollenbeck Hotel in Los Angeles. He, however, was buried at Capistrano, almost five years after his wife had been buried there 28 October 1899.<sup>26</sup>

The second son of Juan Forster, Francisco Pío, was named after his maternal uncle, Pío Pico. He was an astute businessman, operating meat markets in San Diego, and was very much a man about town. He even accompanied a diplomatic mission to Mexico in 1879. However he also had one of the characteristics of his uncle - he liked the ladies. This led to his demise. Hortense Abarta, a talented young lady who sang and played the guitar beautifully, was the object of his affections sometime around late 1880. Having compromised her virginity and made her pregnant, she and her family were willing to overlook this if he married her immediately. On 15 March, 1881, at her insistence they visited the Los Angeles Plaza Church with the idea of being married. Francisco "Chico" went into the church and returned to the carriage saying there was no priest present at the time. Then they drove to the corner of Commercial and Los Angeles Streets where they descended from the carriage. Hortense said to Francisco, "Chico, que vas haver?" (What are you going to do?). Angered by his answer, she drew a small revolver from her purse

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<sup>25</sup>Tanner, 1970, SCQ, note 43, p. 223.

<sup>26</sup>Swanson, personal papers.

and killed her suitor on the spot. The young lady was arrested, tried and acquitted to the satisfaction of the community (Plummer 1942:63). Elías Regalado Forster, an *hijo natural* of Chico was born 5 October 1874, married about 1920 Ascención Avila, died 10 July 1952.

The youngest of Juan Forster's surviving sons, Juan Fernando, was also a prominent citizen of the San Luis Rey Valley in his early years. After the sale of the Rancho Santa Margarita, he moved to Los Angeles and built the Forster Block on Main Street. He married Josefa del Valle 10 April 1885 in Ventura. She had been born 6 April 1861 Plaza, the daughter of Ygnacio and Isabel Varelas. Among their children were:

Ygnacio Fernando, born about 1889, Los Angeles, married first Mildred Marsh about 1921, married second, Hazel Howell, died 4 September 1936 of the results of having been gassed in WWI;

Juan Fernando Ernesto, born 27 November 1901, married Lorraine Nadeau 2 August 1922, died 16 April 1969 Mill Valley.

### **The Forsters as Rancheros**

Juan Forster's first official land grant was signed by Governor Pío Pico his brother-in-law on 5 April 1845 for Rancho Potrereros de San Juan Capistrano, containing a little less than 1,200 acres. At an elevation of about 3,000 feet on the southern slopes of Saddleback nestled a grassy basin surrounded by oaks. When one considers the beauty and fertility of the land, it is easy to appreciate Forster's desire to own this property. Although not a large area, he decided the acreage would be valuable as a center of operations for his cattle grazing. He mentioned his desire for this land to his brother-in-law, Pío Pico, and no sooner said than done. The grant for the "Pasture of the Pines" was his on 5 April 1845. It helped to have relatives in high places!

The next day he bought Mission Vieja also known as Rancho La Paz from Agustín Olvera, who had obtained the grant from Governor Pío Pico, two days before. Before Juan Forster moved his family to San Juan Capistrano, José Antonio Estudillo had received a grant of land in 1841 under the name of Rancho La Paz. Since he did not build a house or occupy the land as required by Mexican law, Antonio María Somosa, an army officer, filed a new claim in 1844. Much to his surprise, however, he learned that Agustín Olvera, a judge in Los Angeles, had already purchased it from Estudillo. Governor Pío Pico, a close friend of Olvera's, transferred the grant title to Olvera as Rancho Mission Viejo on 4 April 1845. Two days later Olvera sold the 46,432 acre ranch to Juan Forster.

In the same month, on 21 April 1845, Governor Pío Pico also granted Rancho Trabuco to Juan Forster, an additional 22,000 acres. On 6 December of same year, he purchased at

auction, the remaining 44 acres of the Mission San Juan Capistrano including the actual Mission buildings. Six days later Juan Forster was also granted the 27,000 acre Rancho de la Nación, located in the area of National City and Chula Vista in southern San Diego County.

Juan Forster, carried on his extensive business affairs with his son, Marcos. They raised cattle, sheep, and horses, but the drought of the sixties took a heavy toll of the livestock on Southern California Ranchos and put many rancheros into debt. Already Juan Forster had been forced to sell his San Diego ranchos to Jules Bayerque on 22 September 1856. However Juan Forster also profited from this cash flow problem when he purchased the huge Rancho Santa Margarita y Las Flores from Pío Pico on 24 February 1864 for \$14,000 and assumption of the debts against it. Some time in the 1870's he lost Rancho Trabuco to F. L. A. Pioche of San Francisco.

Juan Forster tried to raise cash by renting with an option to buy small farm plots in an envisioned "Forster City" around San Onofre. The subscribers were fewer than hoped. When Juan Forster died 22 February 1882, it was found that there were no records of rights of the settlers and Forster City died. His will naming his wife and three sons, dated 10 November 1872, was probated 28 April 1882. Isadora Pico de Forster died 19 September 1882 and Rancho Santa Margarita y Las Flores was soon sold.

The Rancho Santa Margarita y Las Flores had been granted on 10 May 1841 to Pío Pico and Andrés Pico by Governor Juan Bautista Alvarado. Andrés deeded his portion to Pío Pico in 1862. When drought struck the herds, as it did all the others in the southland, the losses were severe. He borrowed money and by 1864 was in serious financial trouble. Juan Forster took over the ranch on 24 February 1864 after paying off the debt and giving the Picos \$14,000 for their interest. The Forster family then moved from Capistrano to the ranch house on Rancho Santa Margarita y Las Flores. Forster made improvements on the ranch, and life was amicable. The Pico in-laws continued to come and go as before. Soon, though, rumors spread that Pío was claiming he had deeded only half of the ranch to Forster, and that half belonged to Andrés. Then Andrés claimed half. Even the widow of José Antonio Pico, Don Magdalena, claimed a quarter for herself and children.

Juan Forster brought suit in 1873, and a trial was held between Forster and Pico in the Old District Court of San Diego, Judge H. C. Rolfe presiding. There was testimony from many witnesses and five questions were asked of them all: "Did Pío Pico sell Juan Forster all or half of the ranch?" The answer was unanimous, "the whole." "Was Pío Pico forced by fraud to sign the deed?" "No." "Did Juan Forster know only half the ranch was to be purchased?" Again the answer, "No." "Who gave the rodeos?" Witness after witness replied, "Juan Forster." "Who took the *orejanos*?" Again, "Juan Forster." That settled it. Everyone knew the *juez de campo* at the rodeos always insisted that *orejanos*, the unbranded

calves of unknown parentage, be marked with the brand of the ranch owner who held the rodeo. Pío Pico still claimed he raised cattle there and that he had continued to hold rodeos, but the court took the word of the witnesses. Ownership of Rancho Santa Margarita was confirmed in the name of Juan Forster. Juan immediately took steps to throw Pío off the ranch. He said, "There were no tears."<sup>27</sup>

Not surprisingly, this lead to a long standing rift between the Pico and Forster families and their descendants for 120 years. This animosity was finally laid to rest on 19 September 1995, when 60 year old Tony Forster and 79 year old Al Pico both attended the San Juan Capistrano Heritage Day. They declared it was all water under the bridge and put an arm around each other, ending the four generation dispute.

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<sup>27</sup>Editor's note: For your information, the book **"Forster vs. Pico: The Struggle for the Rancho Santa Margarita"**, by Paul Bryan Gray, was published by the Arthur H. Clark Company in the spring of 1998.