

= Modesta Avila =

Modesta Ávila ( 1867 or 1869 ? September 1891 ) was a protestor in Orange County , California who became the county 's first convicted felon and first state prisoner . Avila had only received a minor warning in 1889 for placing an obstruction on the tracks to protest against the Santa Fe Railroad being built through her property without adequate compensation , but she continued to taunt the authorities , and was eventually arrested four months later .

Although the jury in her first trial was unable to reach agreement , Avila was convicted after a second trial at Orange County Supreme Court and was sentenced to three years in San Quentin State Prison . She died there of pneumonia in September 1891 after serving two years and seven months of her sentence . Today Avila is considered to be a folk heroine of Latino people of the county , and is suggested as the " White Lady " , a ghost said to haunt the area , reported to have been seen walking along the railroad tracks since the 1930s .

= = Background = =

Avila was born in 1867 , or 1869 according to some sources , in San Juan Capistrano , in Orange County , California , located approximately 23 miles ( 37 km ) southeast of Downtown Santa Ana . Little is known about her childhood and earlier life , but by the age of 20 she had inherited land from her mother just to the north of the Capistrano train station and was occupied in chicken rearing . Physically Avila was described as a " dark @-@ eyed beauty " in appearance and an " extremely proud woman " . The authorities would have considered her a Mexican even though she had been born in San Juan Capistrano and was technically a Mexican @-@ American or Chicana ; Mexicans were unpopular in the county at the time and subject to racism . She had spent 30 days in Los Angeles County Jail in 1888 for " vagrancy " ( often a euphemism for prostitution ) and this , coupled with the fact that she was reportedly unmarried and pregnant at the time of her second trial , led to a belief that she supplemented her income by working as a prostitute . The obituary in the Santa Ana Standard following her death in September 1891 seemed to add weight to this by referring to her as " a well @-@ known favorite of the Santa Ana boys " .

= = Protest = =

Avila was upset by the construction of the Santa Fe Railroad through her family 's land and only 15 feet away from her home , believing that she had not been properly compensated for the railway which was having a negative impact on her chicken rearing and her quality of life because of the noise . In 1889 , she decided to protest against the railroad 's incursion into her life and property . Local sources say she tied a clothesline hung with her laundry across the track , but other reports say she placed a railroad tie across the tracks and erected a fence post between the rails to which she attached a note of protest that read : " This land belongs to me . And if the railroad wants to run here , they will have to pay me ten thousand dollars " . Max Mendelson , the Southern Pacific 's agent in San Juan Capistrano , reported that he had removed the post , informed Avila that the Southern Pacific were perfectly within their rights in the building of the railroad , and ordered her not to interfere again .

There is some doubt over what occurred between Avila and Mendelson . Avila seemed to believe that she would be compensated , and is even documented to have traveled to a bank in Santa Ana to ask how she might receive a \$ 10 @,@ 000 payment and organized a party in celebration of her expected payment . She was arrested at the party for disturbing the peace , and annoyed the authorities by boasting at her trial of her victory over the railroad company and government . According to historian Lisbeth Haas in the book *Conquests and Historical Identities in California , 1769 ? 1936* , it was her actions after her initial protest rather than the act itself which led to her arrest four months later for " attempted obstruction of a train " , and that she was made an example of to demonstrate that protests would be punished under the new state legal system .

= = Prosecution and imprisonment = =

The first trial of Avila for interfering with the tracks was held at the then newly opened Orange County Superior Court under Edward Eugenes , a " hot shot " legal figure who was also in the state assembly . The first trial ended with a 6 @-@ 6 hung jury . In the week leading up to the retrial , rumors spread that Avila was pregnant out of wedlock , an act considered to be gravely sinful at the time . Her lawyer , George Hayford , " inexperienced and probably crooked " , was forced to confirm that she was pregnant and believed that the real decision to incarcerate her for three years in San Quentin State Prison was largely due to this , writing that " her real crime is that she is a poor girl not having sense enough to have been married " . Hayford appealed to the court on grounds that she had been " convicted on her reputation , not her deed " . He received a hearing at the Supreme Court , but lost the case on a technicality . Avila 's case was perhaps also used as the " vehicle for polishing Orange County 's law @-@ and @-@ order image " , as she was the first person to be convicted of a felony in the county . Avila 's boyfriend at the time was fired from his job for refusing to distance himself from her .

If she was pregnant , what became of her baby is unknown : no mention of it appears in the penitentiary 's records . Avila died there of pneumonia in September 1891 at the age of 22 or 24 after serving two years and five months of her sentence . Her obituary in the Santa Ana Standard concluded : " Let those who are without sin throw the first stone " .

= = Legacy = =

Today , Avila is considered to be an important figure in local legend and has been cited as a " folklore heroine " for Latinos in the county . The San Juan Capistrano Historical Society unveiled a plaque in the town commemorating her and her place in history . Mary P. Nolan , executive director of the Central Orange County YWCA , included Avila among 30 prominent " women of courage " in Orange County 's history .

As part of the celebrations for the centenary of the building of the Santa Fe railroad in August 1988 , a re @-@ enactment of her protest was performed near the railway station by a local woman , Irma Camarena , and actors playing Mendelson and a sheriff . City manager Steve Julian narrated : " Modesta hated the train . It was noisy , dirty and a bit frightening . It kept her chickens from laying eggs , and its whistle kept her awake at night . Plus , the powerful California Central , parent company to the Santa Fe , had paid a pittance to people for right of way through their property . Something had to be done . In an act of pure frustration , Modesta chose a symbolic act to voice her displeasure . "

Numerous writers on Latino oppression and history in the United States cite Avila as one of many Mexican @-@ Americans victimized during this period . Suzanne Oboler , Professor of Latin American Studies at the City University of New York , for instance , considers the imprisonment of Avila and others such as Jimmy Santiago Baca , Ricardo Sánchez , Raúl Salinas , Fred Gómez Carrasco , Judy Lucero and Alvaro Luna Hernandez to be " inextricably linked to colonial domination and the subsequent struggle for material resources in the southwestern United States " . An opera entitled Modesta Avila : An American Folk Opera written by an Orange County biomedical engineer was performed in Westminster in 1986 but was dismissed as " neo @-@ imperialist nostalgia " by B. V. Olguín in *La Pinta : Chicana / o Prisoner Literature , Culture , and Politics* . The Modesta Avila Coalition , an activist group in the Los Angeles area involved with fighting against firms who transport goods to and from rail yards , named themselves after her in 2005 .

Avila is suggested as a possible identity for the ghost , known as the " White Lady " , which has reputedly been seen in San Juan Capistrano 's Los Rios Street Historic District . The ghost was first reported walking on the railway tracks in the 1930s , along the stretch that Avila had walked .