

CASE No.  
422

NORTHERN DISTRICT

---

LANDS OF THE CHRISTIAN INDIANS GRANT

JOSEPH S. ALEMANY

CLAIMANT

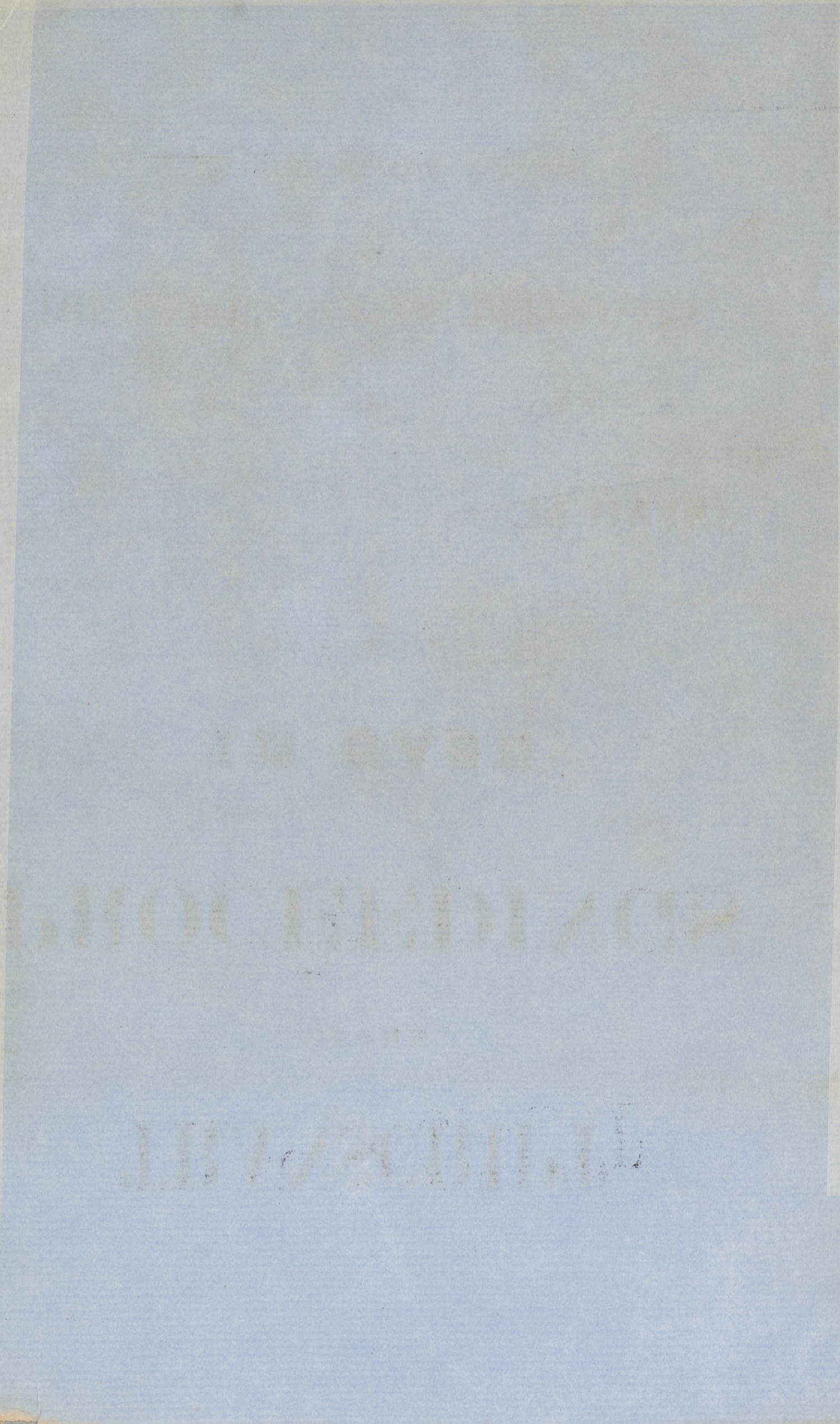
N  
M

JAN 21 1963

*Chromalloy*  
RELOVER BOARD  
25% COTTON FIBER  
U.S.A.

663

*T. simplice*



663 Triplicate  
Sp. Inward Op + McHale

422 ND  
PAGE 1

**TRANSCRIPT**  
**OF THE**  
**PROCEEDINGS**

**IN CASE**

NO. 663.

*Joseph S. Hernan* CLAIMANT

VS.

**THE UNITED STATES, DEFENDANT,**

**FOR THE PLACE NAMED**

*"Lands of the Christian Indians."*

THE NEW YORK PUBLIC LIBRARY

ASTOR LENOX AND TILDEN FOUNDATIONS

1891

CIVIL

IN THE

PROCEEDINGS

OF THE

LEGISLATURE

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

422 ND  
PAGE 2

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

The Petition of *Joseph S. Alenany* ~  
for the Place named  
Lands of the Christianized Indians ~  
was presented, and ordered to be filed and docketed with No. 663 and  
is as follows, to wit;

(Vide page 3 of this Transcript.)

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

San Francisco April 24 1854.  
In Case no. 663, Joseph S. Alenany for the Lands of  
the Christianized Indians, the deposition of Fran<sup>co</sup>.  
de Jesus Sanchez, a witness in behalf of the  
Claimant, taken before Commissioner Peter Solt,  
with documents marked Exhibits no. 1. 2. 3. 4. 5  
H. P. L., annexed thereto, was filed;

(Vide page 15 of this Transcript.)

San Francisco January 2 1855.  
Case no. 663 was ordered to be placed at the foot  
of the 4<sup>th</sup> class cases on the trial docket.

San Francisco March 13 1855.  
Case no. 663 was submitted without argument  
and taken under advisement,

2

San Francisco Dec. 31' 1855.

In the same case Commissioner Phelps delivered the opinion of the Board rejecting the claim;

(See page 53 of this Transcript)

and the following order was made, to wit;

(See page 63 of this Transcript)

~~~~~

Nos.

422 ND  
PAGE 3

40



Petition

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

The petition of the Christian Indians of California presented on the numerous Missions, by the Right Rev Joseph S. Alemany, Bishop of Monterey acting on their behalf.

Of the Christian Indians of the Mission of San Miguel, by the same Right Rev Joseph S. Alemany, Bishop of Monterey acting in their behalf.

Of the Christian Indians of Santa Clara & San Luis Obispo, by the same Right Rev Joseph S. Alemany Bishop of Monterey, acting in their behalf.

Of Andres, Locois, Angel, Odorico, Blas, Tomas, Guico, Francisco, Domingo, Joaquin, Juan Bontesta, Raymundo, Rafael, Emetonio, Manuel, Felicissimo and Gregorio, Christian Indians of Santa Ines, by the same Right Rev Joseph S. Alemany Bishop of Monterey as their Attorney.

Of the Roman Catholic Clergy of California by the same Right Rev Joseph S. Alemany Bishop of Monterey acting in their behalf,

Of the Right Rev Joseph S. Alemany, Bishop of Monterey a Corporation Sole,

Respectfully shews:  
That many years ago, and whilst California was then a Province of the Spanish Vicerealty of Mexico, was still a wilderness, uninhabited, save by the

422 ND

PAGE

4

4  
tribes of Aboriginal Indians, Priests of the Roman Catholic Church, under the jurisdiction of the Spanish Ecclesiastical Authorities, came to the Country, as Missionaries for the purpose of Converting the said Aborigines to Christianity, and teaching them the arts of Civilization, in pursuit of which objects they founded the Establishments known as the Missions of California.

422 ND  
PAGE 5

That the Establishment of said Missions was commenced at San Diego in the year One thousand seven hundred and sixty nine, and from that period forward, the other Missions hereinafter mentioned were from time to time founded all with the same objects, and following the same general system.

That the Missionaries under the Authority, and with the assent of the government of Spain, and under the Laws thereof, and subsequently in like manner under the Government of Mexico, took up large tracts of land in California, and subjected them to Cultivation and the uses of Agricultural and Cattle raising by the labor of the Indians who by these means were in a great degree induced to abandon their former wandering and improvident modes of life and to adopt the arts of peace and Civilization.

That the Government of Spain recognized by Law the truth of the Catholic Religion; and the People of Mexico having no religious differences among themselves the Government of Mexico after its Separation from the Kingdom

of Spain, did the same, and the Catholic Church in those Countries was and is recognized as a body politic and Corporate with its proper Succession, and Enjoying the Control and Administration of its internal Affairs, according to the rules of the Canon Law and the rules and discipline of the Catholic Church;

422 ND  
PAGE 6

That the Government of Spain (whilst Mexico remained a dependency thereof) and the Government of Mexico after its Separation from Spain recognizing the truth of the Catholic Religion and the Existence Organization and discipline of the Catholic Church, as above mentioned, and the importance of Civilizing and Christianizing the Indians, encouraged the Establishment of Santa Missions and Authorized the Missionaries to regulate the affairs of the Indians, to reduce them into Communities, and Administer their property and temporal affairs, and that under the System of Laws and regulations all of which were in force at the time of the Conquest, and before of California to the United States, the Catholic Church and Catholic Clergy of California were recognized and recognized by Law as the guardians of the Indians, and the latter were the slaves and pupils.

That the traces of Land taken up as afore said were assigned to each Mission, and that the same were used and cultivated by the Indians under the direction of the priests. A parcel and the Cattle and crops raised on the same were appropriated to the benefit

and use of the Community of each Mispin  
in Common; under the direction of the Mispin  
aries also; that when from the Supreme advan-  
cement in Coelezation of any individual  
Indian or any Communities of them or from  
any peculiar local circumstances it became  
proper to do so, such individuals or Commu-  
nities, had parcels of land expressly assign-  
ed to them in Severally or in Common by  
the Governour for the time being, and that  
when lands were so assigned to individuals  
or Communities in Severally, such individ-  
uals or Communities were recognized  
by law as the absolute owners of such lands  
subject only to the Conditions of the grant;  
but that independent of such ownership  
in Severally the title of the Indians of  
California to their lands as derived from the  
Law of Nature, and from immemorial  
Occupation were always recognized by  
the Kings of Spain and Mexico, and it  
was at all times forbidden, and that by  
repeated Enactments, to take their lands  
from the Indians, or to give them therefrom

up to the year One  
thousand eight hundred and thirty three  
the Missions of California had been under  
the Charge and Superintendance of priests  
termed Regular Clergy of the Catholic  
Church, that is to say Members of Regu-  
lar Religious Orders, The said Missions  
having been Established the Friars of  
the Order of St. Francis Commonly called  
Franciscans.

That in the year 1833 an act  
was passed by the Congress of Mexico  
(Commonly termed the Law of Secularization)

7

directing the substitution of Secular Priests of the Catholic Church in the place of the Missionary Priests on the Missions and directing the Clergy of the Administration of the temporal affairs of the Indians and directing the same to be put into the hands of Laymen as administrators, but that the revenues, prices, profits and crops, grain, yields, and advantages of the Mission Lands were under the said laws of Secularization and under such lay administration recognized as belonging to the Indians, and the Administrators were placed merely to take charge thereof in trust for their benefit, in consequence of the inexperience of the Indians in matters of the kind.

422 ND  
PAGE 8

That in the year one thousand eight hundred and thirty five a law was passed by the Congress of Mexico which directed the suspension of the Act of Secularization until further steps should be taken by the Supreme Government (and which further steps were taken by it) and in the meantime things should be maintained in the state they were in before said Law was enacted, and in pursuance of said last mentioned law, the Secularization of the said Missions was suspended, and very little proceedings having now been taken under the Act of Secularization, the Catholic Clergy continued to be regarded and recognized as the guardians of the Indians, in the same manner as before said Act of Secularization had been passed, and was such at the time of the

8  
cession of California to the United States by  
the treaty of Guadalupe Hidalgo.

That the extent of lands originally belong-  
ing to each Mission was seven leagues  
square or its equivalent and that the Missions  
were as follows.

422 ND  
PAGE 9

1. The Mission of San Diego in the County  
of San Diego established in 1769.
2. The Mission of San Luis Rey in the  
County in the County of San Diego  
established in 1798
3. The Mission of San Juan Capistrano in  
the Counties of Los Angeles and San  
Diego established in 1796.
4. The Mission of San Gabriel in the  
County of Los Angeles established in 1771
5. The Mission of San Fernando in the  
County of Los Angeles established in 1771
6. The Mission of San Buenaventura in the  
Counties of Santa Barbara and Los  
Angeles established in 1782
7. The Mission of Santa Barbara in the  
County of Santa Barbara established 1786
8. The Mission of Santa Ines in the County  
of Santa Barbara established in 1814
9. The Mission of La Purisima in the County  
of Santa Barbara established in 1787
10. The Mission of San Miguel in the County  
of San Luis Obispo established in 1797
11. The Mission of San Luis Obispo in  
the County of San Luis Obispo established 1772
12. The Mission of San Antonio in the County  
of San Luis Obispo established in 1771
13. The Mission of La Soledad in the County  
of Monterey established in 1791
14. The Mission of San Carlos in the County  
established in 1790.

- 9
15. The Mission of San Juan Bautista in the County of Monterey established in 1797
  16. The Mission of Santa Cruz in the County of Santa Cruz established in 1791
  17. The Mission of Santa Clara in the County of Santa Clara established in 1777
  18. The Mission of San Jose in the County of Santa Clara established in 1797
  19. The Mission of San Francisco de Asis in the County of San Francisco established 1776
  20. The Mission of San Rafael in the County of Marin established in 1817
  21. The Mission of San Francisco Solano in the County of Sonoma established in 1823

422 ND  
PAGE 10

That the Government of the Catholic Church in California whilst the same belonged to Mexico was vested in the preceptor of your petitioner Joseph S. Alemany Bishop of Monterey whose official title was the "Bishop of California", that when California was ceded to the United States the name of the Diocese of California was changed to that of Monterey but that the limits of the Diocese of Monterey are the same as those of the Mexican Bishoprick or Diocese of California, and that your petitioner Joseph S. Alemany, Bishop of Monterey is the legal and rightful successor of the late Right Reverend Francisco Garcia Diego, the late Catholic Bishop of California

That under the Mexican Government of California, the Corporate Succession of the Catholic Church being recognized by Law, the Administration of

10  
temporal affairs connected with the Church were vested in the Bishop and Clergy of the Diocess, but that after being that after the Captain of California to the United States, the Administration thereof in conformity to general usage of the Catholic Church in the United States and from motives of convenience placed in the hands of the Bishop of the Diocess as representing the Church and your petitioner Joseph P. Stearns of Monterey has been duly incorporated as a Corporation sole for that purpose under and in pursuance of a statute of the State of California passed April 23<sup>d</sup> 1850 & amended May 6. 1852 -

That at a Convention of the Catholic Clergy of California held in the City of San Francisco in March 1852 and at which the clergy attached to the twenty one Missions and fifteen Parishes comprised within said Diocess were represented, the members of said Convention considering their duty towards the various Indians resident on the Mission lands and in Communities as above mentioned and in view of the fact that as the number of the Indians have very much diminished within the last few years and consequently that so much land would not be required for their use as heretofore, Resolved unanimously that your petitioner should apply to your Honors on behalf of the said Catholic Church Clergy and of the said Indians for a release to your petitioner for the benefit of and in trust for the Indians, of One Square League of Land to each Mission including or Exceeding, as to your Honors may seem just, the lands



11

Specially granted to individual Indians or to Communities of them as herein before mentioned.

Your petitioner further shews that he holds grants of specific portions of Lands to the following individual Indians and Communities and for a Confirmation whereof he prays on their behalf and as their procurator and trustee. viz:

422 ND  
PAGE 12

1. From Governor Manuel Michelena a grant of the Lances known by the names of Las Gallinas, el Nacimiento and La Estrella, in the County of San Luis Obispo. To your petitioner the Christian Indians of San Miguel; a Copy of which grant is herewith presented, Marked "A" & a Translation of the same, Marked "Translation of A" Since grant is ~~made~~ dated July 16. 1844

2. A grant from the said Governor of all the vacant (balcías) Lances of Santa Clara con granted before that time to your petitioner the Christian Indians of Santa Clara dated June 10th 1844, a Copy of which grant is herewith presented Marked B together with a translation thereof Marked "Translation of B"

3. A petition and Order for grants, together with the evidence that such grants were duly made in favor of your petitioner Andrés, for three hundred Varas square of Land in San Isidro; of your petitioner <sup>Severino Banister</sup> ~~Angel~~ for three hundred Varas square, at the same place. To your petitioner Angel for two hundred Varas

Square in the same place and to your  
 petitioner Rufus for two hundred acres  
 Square in the same place, also to your  
 petitioner Blas for three hundred acres  
 Square in the Surgo de Cota to your petitioner  
 Tomas One hundred acres Square in the same  
 place; also to your petitioner Francisco  
 three hundred acres Square at the place  
 called Alalihuay; to your petitioner Luis  
 for three hundred acres Square in the  
 same place to your petitioner Reynaldo  
 for two hundred acres Square in the  
 same place; also to your petitioner Jacq  
 uin for three hundred acres Square  
 at the place called Imcah; to your  
 petitioner Domingo for three hundred  
 acres Square at the same place; to your  
 petitioner Cecilio for three hundred  
 acres Square at the same place; to  
 your petitioner Manuel for three hun  
 dred acres Square at the same place  
 and to your petitioner Gregorio for two  
 hundred acres Square at the same  
 place; also to your petitioner Odovico  
 for three hundred acres Square in the  
 place called Alapalapa, to your petite  
 on Felicesimo for three hundred acres  
 Square in the Largo Plain, all at the  
 Mission of Santa Ines; which Order for  
 said grants bears date January 18. 1844.  
 A Copy of the petition and Order for said  
 grants is herewith presented marked b  
 together with a translation thereof  
 marked "Translation of b."  
 Grants were in fact issued of all the  
 lands mentioned in the petition; Order  
 marked c & judicial papers given of

13

the lands therein described, but from lapse of time and accident, some of said grants have been lost, of such as can now be found a copy is herewith presented marked D, together with a translation thereof marked "Translation of D".

422 ND  
PAGE 14

1. A decree of Manuel Micheltaino Governor of California dated July 15. 1844 Erecting the Mision of San Luis Obispo into a Town & granting the Commencement to the emancipated Indians, a copy of which is herewith presented marked E with its translation marked "Translation of E"

Your petitioners therefore pray that there may be confirmed to your petitioners the Right Rev Joseph S. Alemany, Bishop of Monterey & his Successors their title to one league of land, at each of the aforesaid Misions in trust for the use of the Indians of such Mision, and also that the aforesaid titles, the copies whereof are herewith presented marked A B & C as aforesaid may also be confirmed

And your petitioners well and truly pray

Dolls & Emmett  
of Counsel  
Cepaly & Doyle  
of Counsel

Filed in office Feb 28th 1853  
Geo. Fisher  
Secy

14

W

2

15

Deposition of United States of America }  
 Frisco de Jesus State of California } ss.  
 Sanchez— San Francisco April 22<sup>d</sup> 1854

422 ND  
 PAGE 15

This day personally came before Peter  
 Loeb a Commissioner for taking Testimony  
 to be used before the Board of U. S.  
 Land Commissioners in said State  
 Francisco de Jesus Sanchez a witness  
 on behalf of the Claimant in case No.  
 663 on the Docket of said Board wherein  
 Joseph S. Stearns is Claimant in trust &c  
 and the said witness being duly sworn  
 deposes in the Spanish language, which  
 was interpreted into English by the interpre-  
 ter to said Board as follows to wit;

The U. S. Law Agent is present

Questions by the Atty for the Claimant

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

Answer. My name is Francisco  
 de Jesus Sanchez, my age 41 years, my  
 residence Santa Barbara County California

2<sup>d</sup> Question. Are you a priest  
 of the Catholic Church and how long  
 have you been so?

Answer. I am and have  
 been for sixteen years.

3<sup>d</sup> Question. How long have  
 you resided in California, and at what  
 places, and in what Employment?

Answer. For 13 years, at  
 various places, I have been and am a  
 Franciscan Missionary, I have been employed

as such at San Buenaventura, Santa Barbara  
San Gabriel, Santa Ynes, San Fernando,  
Los Angeles, La Purisima, and other  
places.

422 ND  
PAGE 16

4th. Question. Are you ac-  
quainted with the hand writing of Manuel  
Micheltreana, former Governor of California  
and Manuel Simons his Secretary and  
have did you become acquainted with  
them?

Answer. I do know the hand  
writing of both of them; I resided for some  
months in the same house with  
Micheltreana and have often seen each  
of them write.

5th. Question. Look upon  
the paper now shown to you and marked  
"Exhibit No. 1. annexed to deposition of  
"Francisco de Jesus Sanchez P.L." and  
say in whose hand writing are those  
signatures?

Answer. There are three signa-  
tures, the one is the signature of Manuel  
Micheltreana and the other two are of  
Manuel Simons, all of them are genuine.

6th. Question. Examine the  
signatures to this document now shown  
you, and marked Exhibit No. 2 annexed  
to the deposition of Francisco de Jesus  
Sanchez P.L. and say whose they are?

Answer. There are three, one  
of Micheltreana and two of Manuel  
Simons, they are all genuine.

7th. Question. Examine the  
signatures to this document now shown  
you marked "Exhibit No. 3 annexed to  
deposition of Francisco de Jesus Sanchez

"P.L." and say whose they are?

Answer. There are two, one of Governor Micheltorena, the other of Manuel Jimeno both genuine.

Qth. Question. Look upon the paper now shown you and marked Exhibit No 4 annexed to the deposition of Francisco de Jesus Sanchez P.L. and say if you know in whose hand writing the above parts of it are?

Answer. I think the first part of it down to the word "Acusatus" is in the hand writing of Thomas Alencar who was Mayor Alms. of Santa Ynes at that time, but I am not certain of it. The part following the copies down to the signature of M. Micheltorena is in the hand writing of Governor Micheltorena - That which follows the signature Micheltorena down to the signature Jose Joaquin Jimeno which was then Pres. of the Mission is in the hand writing of Jose Joaquin Jimeno who was then Pres. of the Mission at Santa Ynes, I was his Companion there and know his hand writing well.

The part which follows that down to the signature of Micheltorena I believe to be in the hand writing of Governor Micheltorena; The signature is his. The part which follows that is again the hand writing of Padre Jose Joaquin Jimeno down to the signature. That which follows is the hand writing of Governor Micheltorena down to including his signature. The last paragraph which is resigned

422 ND  
PAGE 17

I think to be in the hand writing of Don. Manuel Jimeno.

9th. Question. Do you know of the issuing grants of Land to Indians at Santa Ynes, about the date of this document Exhibit No. 4.?

Answer. Yes.

10th. Question. Look upon this document now shown you, and marked "Exhibit No. 5, annexed to the deposition of Francisco de Jesus Sanchez J. L." and say if you know in whose hand writing its various parts are, and you become acquainted with the hand writing of such as you recognize?

Answer. The whole of the text or body of the document is in the hand writing of one Raymundo Carrillo, I have seen him write and often had letters from him and know his hand writing well. The signature on first page Felicissimo is in the hand writing of Carrillo also. I know the Indian Felicissimo, he could not write. The signatures of Nicolas A. Don and Raymundo Carrillo whenever they occur in the paper in its various parts are the genuine signatures of those persons respectively. I have seen Don write and corresponded with him often. He was Justice of the Peace of Santa Barbara at that time. The signature of Jose Olivencia whenever it occurs I cannot testify to as I don't know his hand writing.

11th Question. Were you present when the Judicial papers were

422 ND  
PAGE 18



was given?

Answer. I was in Santa Ynes, I remember that the popepim was given about 1845, but I was not present at the giving of it.

12th. Question. Do you know what "Felicipimo" did towards the improvement of the Land?

Answer. He built a small house enclosed the land with a fence and planted Corn melons, and vegetables on it.

13th. Question. Who is in the popepim of the Land?

Answer. When I left Santa Ynes 3 years ago Felicipimo was in popepim of it I cannot of course know who has the popepim now.

14th. Question. How many Indians were there generally living at each Mipim under the care of the Mipimancias?

Answer. Some Mipims had more and some less, in 1841, the Mipim which had the smallest number, had about one hundred and fifty, at the same time I understand that San Luis Rey had 3000, San Bernardino had about 500 San Gabriel more than 200, Santa Barbara about 300, the numbers varied in various Mipims. I have here a table signed by Padre Senan, who died some twenty years since. I know his signature by having seen it very often, in baptismal registers and records of births, marriages &c. I never knew him personally. This table

422 ND

PAGE 19

May give some information on the matter it is marked "Exhibet No 6 annexed to the deposition of Francisco de Jesus Sanchez P.S."

15th. Question. What quantity of land was usually attached to each Mipin?

Answer. There were some Mipins which had as many as 20 or 30 leagues. I think the smallest quantity attached to any Mipin was 8 or 10 leagues. The Mipins stretched along and occupied the whole coast from San Diego up to San Francisco Solano now called Sonoma, with the exception of a few ranches belonging to individuals.

16th. Question. Who were treated and regarded under the Mexican Government as the owners or possessors of these large tracts of Mipin lands?

Answer. The Indians under the direction of the Mipinaries.

17th. Question. Can you state whether the law of Secularization was intended to take away the property from the Indians or have otherwise

(17th Question objected to by Law Agent as Electing Opinion of Lecturer on matters of Law) P.S.

Answer. No its object was to with respect to spiritual matters to consign them to the care of the Bishops; with regard to temporal matters to make a partition of the property among the

21

Indians themselves, leaving to the Church the property which belonged to the Church

Wrop Examined by the U. S. Survey agent  
1<sup>st</sup> Question. How were the  
lands attached to the Missions as stated  
in your Answer to Question 15. State  
more particularly, the manner in which  
such lands were set apart as Mission  
lands, how they were segregated and  
how they were held?

Answer. These lands  
were occupied by the Indians before the  
Missions came. The Missions when  
they took upon them the guardianship  
of the Indians, also took the adminis-  
tration of the lands occupied by them.  
There was no act of segregation on the  
part of the Civil Government other than  
the general recognition of the guardian-  
ship of the Missions over the territories  
of the Indians, and the tenure by which  
these lands were held by the Missions  
was that of Administrators and  
Guardians of the Indians who held  
the occupancy by prescriptive right.  
I speak of the lands not belonging to  
the Church

2<sup>d</sup> Question.

How did the  
Indians obtain the ownership and  
possession of the lands as you mention  
in your Answer to Question 16 and by  
what tenure did they hold?

Answer.

The Indians were the  
occupants and owners of the lands

From time immemorial, they were the collectors  
 and tenants by the license of nature  
 before the Spanish Dominion, and neither  
 the Spanish nor Mexican Governments  
 have wrested the lands from them when  
 the Missions became their successors.  
 The respect was the natural consequence  
 of this original tenure, and unless these  
 lands were taken under the Law of  
 Colonization to be granted by the Govern-  
 ment to individuals, they were still  
 left in the uncontested possession of  
 the Missions for the use of the Indians

Francisco de Jesus Sanchez

Subscribed and sworn to  
 before me on this 24th day  
 of April A.D. 1854

Peter Gott Commissioner  
 for taking Testimony &c

Filed in Office April 24. 1854

Geo. Fisher

Deputy

Sello tercero un peso.

Habilitado provisionalmente por la Columna  
Maritima del puerto de Monterrey en el  
Departamento de las Californias, para los  
años de mil ochocientos cuarenta y cuatro  
y mil ochocientos cuarenta y cinco.

Michettecua.

Pablo de la Guerra.

422 ND  
PAGE 23

"Exhibit N<sup>o</sup> 1. (Seal)

annexed to deposit of

Francisco de  
Jesus Sanchez.

P. L.

El C. Manuel Michettecua, General  
de Brigada del Ejercito Mexicano, Ayudante  
General de la Plaza Mayor del mismo,  
Gobernador Comand<sup>te</sup> General e Inspector  
del Departamento de las Californias.

Por cuanto los Indigenas de  
Sta Clara, han pretendido todo el terreno  
que se halla comprendido en el oficio que  
se formo para demostrar el que existia  
en un valdico y no concedido: practicadas  
para que en comun se apropiaran de el  
y habiendose practicado precisamente las  
diligencias y averiguaciones convenientes  
segun lo dispuesto por leyes y reglamentos  
de la materia declaro a las mas altas  
Indigenas a nombre de la Nacion Mexi-  
cana dueños en propiedad del terreno  
mencionado, sujetandose a la aprobacion de  
la Junta. Asamblea Departamental, y a las  
condiciones siguientes.

1.<sup>o</sup> No podran en ningun tiempo venderlo  
ni enagenarlo, ni por un curso, vinculo, finca  
hipoteca ni gravamen alguno, aunque sea  
por causa piadosa ni ponerlo a nuevos  
muertos.

2.<sup>o</sup> Cuando el Gobierno por alguna causa  
del bien comun necesitare de alguna porcion  
del otro terreno podra disponer libremente  
de el, pero sin que sea de aquellos q. quier...

LH

y mas encuentren los Indios.

3.<sup>o</sup> Cuando se confiriere esta Concesion se podra medir juridicamente el terreno — conforme a ordenanza para que en los linitos se fijen las mequeras correspondientes sin que en ningun tiempo estorben las trancias comunas y Serranubnes.

4.<sup>o</sup> Si contraviniere a estas condiciones perderá su derecho al terreno.

En consecuencia cuando q. Serranubnes de título el presente y teniendose por firme y validero se entregue al actual Ministro de Santa Clara y para que se deposite en el archivo de la Misión para la debida custodia. Dado en Montecney. a diez de junio de mil ochocientos cuarenta y cuatro.

Manuel Jimeno.

Manuel Jimeno. Sro.

Filed in office. April. 21. 1854.

Geo. Fisher.

Secy.

25

Translation of The Citizen Manuel Michettereno General  
 B of Brigades of the Mexican Army - Adj  
 Exhibit No 1 tant General of the Staff of the same,  
 Annexed to depo Governor Commanding General and  
 of Fran: de Jesus Inspector of the Department of both  
 Sanchez. Californias.

422 ND  
 PAGE 25

In as much as the Indians of Santa Clara have solicited all the land which is comprised in the plan which was formed to designate that which existed as untitled and not granted; in order that in common they may benefit themselves with it; and having taken the proper steps and made the inquiries according to the provisions of the Laws and Regulations on the subject, in the name of the Mexican Nation I declare the said Indians owners and proprietors of the above mentioned land submitting themselves to the approbation of the Excel. Departmental Assembly and the following conditions.

1<sup>st</sup> In no time shall they be allowed to sell or alienate it, to impose annuity obligation, mortgage security or any other charge, even if it were for a pious object nor to transfer it by mortmain.

2<sup>nd</sup> When the Government for some public good shall need a portion of said lands it will be at liberty to dispose of it freely, but not of that which the Indians may cultivate and meddle

3<sup>rd</sup> When this grant shall be confirmed the land may be measured judicially

According to the Ordinance, that in the limits the proper land marks may be placed; without disturbing at any time the cropways, roads or structures.

14th. If they violate these Conditions they shall lose their right to the land, consequently I Command that these presents being a title to them to be held as firm and valid, be delivered to the actual Minister of Santa Clara to be deposited in the Archives of the Mission of ~~San Francisco~~ ~~San Francisco~~.

Given at Monterey on the tenth of June Eighteen hundred and forty four.

Manuel Michelt.  
 Manuel Jimeno  
 Secy

An Account of this grant has been taken in the respective Book folio 8  
 Jimeno  
 24

Filed in Office July 28th. 1853

Geo. Fisher Secy



2. 27

Manuel Micheltorena, General de Brigada del Ejército Mexicano, Ayudante General de la Plaza Mayor del mismo, Gobernador, Comandante General e Inspector del Departamento de las Californias.

Por cuanto ha pretendido convenientemente proporcionarles a los Indios de San Miguel un terreno para que les ocupen y cultiven como les sea conveniente

422 ND  
PAGE 27

Exhib. N.º 3. he tenido a bien en uso de las facultades anexas a depositario que me son conferidas por leyes y reglamentos de Francisco de Jesus Sanchez. Mexicana concederles las tierras q. constituyen las Gallinas el crasimiento y el Estrecho bajo las condiciones siguientes.

1.º No podrán vender las, hipotecarlas imponer censo, vinculo, fianza ni otro gravamen alguno.

2.º Podrán usarlo sin perjudicar las traversias caminos y servidumbres; pero si por algun motivo lo abandonaren; o quedaran baldios por muerte de ellos o sus herederos volveran a la nacion para los usos convenientes.

3.º El terreno de que se hace menccion sera bajo la estension que demuestre el otorgo que se formara correctamente y por orden del Gobierno.

4.º Si contraviniere a estas condiciones perderan su derecho al terreno y seran denunciado por otro.

En consecuencia mandado que sirva como le de titulo el presente y teniendose por firme y valeroso se tome razon de el en el libro a que corresponde y se entregue al Párroco para que lo haya constar en el archivo de la Nacion. Dado en Mexico a diez y seis de Julio de mil ochocientos

28

Cuarenta y cuatro.

Manuscript Michelsonum.

Manuscript Gineu. No.

Quarta tomada razón de esta concisión  
en el libro respectivo a fijas q."

Gineu.

422 ND  
PAGE 28

Filed in Office. April. 26. 1854.

Geo. Fisher. Secy.

Translation of Manuel Micheltona General of Brigade  
 A of the Mexican Army, Adjutant General  
 "Exhibe No 2 of the Staff of the same, Governor Comm  
 annexed to deposing General and Inspector of the  
 of "San: de Jesus Department of the California  
 Sanchez, P. S."

422 ND  
 PAGE 29

In as much as it has  
 seemed proper to provide the Indians  
 of San Cheque with a tract of Land  
 to be occupied and cultivated by them  
 as they may see proper, in the exercise  
 of the faculties which have been  
 conferred upon me by Law and Regu-  
 lations on the Subject, and in the  
 Name of the Mexican Nation I grant  
 them the Lands named Las Gallinas,  
 El Nacimiento, and La Estrella, under  
 the following Conditions

1<sup>st</sup> They shall not be allowed to sell  
 them, alienate them, Mortgage them  
 or place them under any annuity bond  
 security, or any other obligation  
 whatsoever.

2<sup>o</sup> They shall be allowed to enclose  
 them without injuring the crop weedy  
 roads or servitudes; but if by some  
 Motive they should abandon them,  
 or should remain deserted by their death  
 or that of their heirs, they shall revert  
 to the Nation for suitable purposes

3<sup>o</sup> The Lands of which mention is  
 made shall be according to the  
 Extension which may designate the  
 plan which shall be formed Correctly

and by order of the Government—

1<sup>st</sup> If they shall continue to these conditions, they shall lose their right to the Lands and others will have the privilege of applying for it.

422 ND  
PAGE 30

Consequently I Command that these presents being a title to them to be held firm and valid, should be registered in the proper Book, and should then be delivered to the Priest to be kept in the Archives at Monterey.

On the Sixteenth of July Eighteen hundred and forty seven

Manuel Jimeno

Manuel Micheltu

Seey

An account of this grant is taken in the respective Book folio 9  
Jimeno

Filed in Office July 28<sup>th</sup> 1853

Geo. Fisher Seey

El Ciudadano Manuel Michettoena General de Brigada del Ejercito Mexicano, Ayudante G. de la plana Mayor del mismo, Gobernador Comandante General e Inspector del Departamento de California.

422 ND

PAGE 31

Inhibit n<sup>o</sup> 3.  
annexed to the  
deposition of  
Francisco de  
Jesus Sanchez.  
P. L.

Habiendo otorgado el Supremo Gobierno Nacional facultades por su orden de 11 de Febrero de 1842 y para el arreglo de Misiones y encontrándose la de San Luis Obispo hace algun tiempo sin bienes ningunos y con un corto numero de neofitos cristianos hijos que se mantienen por medio de la Industria que ellos se proporcionan se acordado se observen por ahora las prevenciones siguientes.

1.<sup>o</sup> Se erige en pueblo la Misión de San Luis Obispo quedando para sus egidos los terrenos que actualm<sup>te</sup> estan baldios y en las inmediaciones de la poblacion.

2.<sup>o</sup> Quedan en entera libertad los neofitos de esta Misión y solo estarian en la obligacion de dar servicio personal al cura hasta el numero de seis personas que se turnaran cada semana debiendose les pagar a los otros que fueren llamados para otros trabajos.

3.<sup>o</sup> Se declara casa Cural el edificio que antes ocupaban los Reverendos padres misioneros y la distribucion de las piegas de ella ya sea para escuelas, Juzgados, Canceles etc. sera por el Gobierno con acuerdo del parroco.

4.<sup>o</sup> Mientras mejora el estado politico de la poblacion continuara por ahora un Jefe de paz Auxiliar sujeto a la Municipalidad de esta Capital, cuyas autoridades con arreglo a las leyes y reglamentos vigentes y a estas prevenciones propo- ueruan al Gobierno las medidas convenientes para cuidar de la policia ornato y otros objetos del pueblo.

5.<sup>o</sup> Ningun Solar para casa se dara sin consentimiento del Gobierno quien solo podra hacer estas concesiones para que las planas y balles se formen simetricamente. Asimismo ninguno podra tener dominio en la agua de las rajas

y Arroyos que corran por la poblacion sino unicamente el aprovecham<sup>to</sup> de ellas segun como se halla agraciando por el cura del lugar quien cuidara' curit-  
-ativamente en este ramo.

6.<sup>a</sup> La persona que desampare d' Lugo se encargara' de los enseres arrounientos y de unas bienes que pertenescan a San Luis Obispo y con todo auxiliara' prudentemente a los Indios para su trabajo.

7.<sup>a</sup> Las tierras que ocupan los emancipados no podran venderlos y si quidaren halotias por su cuenta del propietario y sus herederos volveran a poder de la nacion.

8.<sup>a</sup> Sera' obligacion de los emancipados y de unas vecinos concurrir y auxiliar para compra de pastura de Iglesia casa, Carral y de unas obras de la poblacion como tambien para comprar las Saigas, Madres, formar presas, Corrales, rodeas de.

Las autoridades cuidaran del exacto cumplimiento de estas disposiciones. Dado en Monterey a 15. de Julio de 1844.

Man<sup>l</sup>. Michelena.

Manuel Jimeno.

Sn<sup>o</sup>.

Filed in Office. April. 21. 1854.

Geo. Fisher,  
Secy.

Translation of The Citizen Manuel Micheltona General of  
 Brigade of the Mexican Army Adjutant  
 General of the Staff of the same Governor  
 Commanding General and Inspector of the  
 Department of both Californias

422 ND  
 PAGE 33

In as much as the Indians of Santa  
 Ana named Andrew, John Baptist, Angel and  
 Raphael, have given evidence of their good  
 behaviour and desire to be cultivated  
 I grant to the two first ones three hundred acres  
 of land and to the two last ones, two hundred  
 in the place called San Isidro, subject to the  
 following conditions

1<sup>st</sup>. They shall not be allowed to sell it, alienate  
 or mortgage it and if through some motive  
 they become land uncultivated, or should  
 die the petitioners and their heirs, others  
 may apply for it.

2<sup>d</sup>. The R. F. respected Minister shall provide  
 that the land of which the donation is  
 made shall be designated & measured

Consequently I Command that these  
 presents being a title to them to be held  
 firm and valid, an account of it may  
 be entered in the respective Book, and  
 that these may be then delivered to the  
 concerned parties, for their presentation and  
 other objects.

Given at Monterey on the sixteenth  
 of July of Eighteen hundred and forty

Teles. in Office for.

Feb'y 28' 1853

Geo. Fisher

Manl. Micheltona

A copy of this grant is taken in  
 the respective Book folio 9

34



35-

Translation of The Citizen Manuel Micheltoero General of  
 & Brigade of the Mexican Army, Adjutant  
 "Exhibe No 3 General of the Staff of the Same, General  
 Annexed to capo Commanding, General and Inspector of the  
 of "San de Jesus Department of both Californias.  
 Sanchez. P. S."

422 ND  
 PAGE 34

The Supreme National Government having  
 decreed to give me faculties by  
 Order of the 11th of February of Eighteen  
 hundred and forty two for regulating the  
 Misiones and the Mision of San Luis  
 Obispo, having been for some time without  
 any goods, and <sup>with</sup> the small number of  
 Christian Neophytes, advanced in years,  
 who support themselves by their own indus-  
 try and diligence. I have decreed that for  
 the present the following provisions should  
 be observed.

1<sup>st</sup>. The Mision of San Luis Obispo is  
 is erected into a Town, remaining for  
 its Commons the Lances which are now  
 vacant and in the neighborhood of  
 the Town.

2<sup>d</sup>. The Neophytes of said Mision  
 remain in entire liberty, and they shall  
 only be obliged to render personal service  
 to the Priest, to the number of six persons  
 who shall alternate weekly, and if  
 more be employed, for their wages they  
 shall be paid.

The Ecclesiastical family occupied by  
 3<sup>o</sup> The Rev. <sup>of</sup> <sup>of</sup> Misionaries is dec-  
 ared the benedict house, and the distribu-  
 tion of the rooms, whether for a school

Court of Justice, prison &c. shall be made by the Government with the concurrence of the Senate.

422 ND  
PAGE 35

14th. While the political Condition of the Town becomes better it shall have for the present, an Auxiliary Justice of the Peace, subject to the Municipality of this Capital, the Authorities of which shall propose to the Government the proper measures to take proper care of the Town Amenity and other objects of the people with due regard to the Laws and Regulations in force and to these provisions.

15th. No lot for a house shall be given without the Consent of the Government, which shall only make these concessions, that the squares and streets may be formed with symmetry.

In the same manner no one shall have Dominion over the waters of the aqueducts and creeks which run towards the town, but only on a participation of them as he may be favored by the Senate of the place, who shall take care charitably of this business.

16th. The person who shall discharge the Office of Justice of the Peace shall take charge of the Chattels, tilting utensils and other articles that may belong to San Luis Obispo, and every way shall prudently keep the means in their labours.

37

7th. The Lands accepted by the municipal Indians shall not be sold, and should they remain vacant by the death of the owner and his heirs, they shall revert to the Nation.

8th. It shall be the duty of the municipal Indians, and other citizens to Concur and help in repairing the Church Priests house and other works of the Town and also in repairing the Aqueducts, in forming dams, Corrales, Roads &c.

The Authorities shall see the exact fulfillment of these dispositions  
 Given at Monterey the  
 fifteenth day of July Eighteen hundred  
 and forty four  
 Francis Melchiorra  
 Francis Lemero  
 Secy

A true and correct translation  
 Witness my hand this 14<sup>th</sup> day  
 of December 1855.  
 Geo. Fisher  
 Secy

Witness in Office Dec. 14. 1855

Geo. Fisher Secy

422 ND  
 PAGE 36

38

www  
www

139

Exo. Señor.

Andres, Luis, Angel, Otorico, Blas, Tomas  
Guido, Fran.<sup>co</sup> Domingo, Juanquin, Juan Bautista  
Praymundo, Rafael, Emeterio Manuel Filippino  
Gregorio y demas neofitos de esta mision ante V.E.  
con el debido respeto se presentan y dicen que como  
sienten el que con el tiempo pueden quebrarse las  
terrenas y por consecuencia en la indolencia como  
de allan otras desgracias de nuestra clase suplico  
a V.E. nos agn la caridad de darnos pedales de  
tierra como de desciertas obediencias para ser

422 ND  
PAGE 37

Exhib. n.º 4.  
annexed to the  
deposition of Don  
de Jesus Sanchez.  
J.L.

cuando en la ymencion de la mision prom  
- etiendo no perjudicarla ni empujar nos  
de ella.

Sta. Just. 10. de Agosto. de 1843.

pr. no saber escribir echamos muchas erratas.

+ + + + +  
Gov.<sup>o</sup> Supremo de las Californias.

Santa Just. Ag.<sup>to</sup> 17. de 1843.

Sirvase informar al Sr. A. P. Gray, Don Timoteo  
Mir<sup>o</sup> y en el angulo de la Sesion.

Micheltuna.

Exmo. Sr. Gobern.<sup>o</sup>

Todos los mas contenidos en este memorial  
son dignos de consideracion y asi soy de par  
ecer que les conceda algo de lo que pueden  
preericiados les cumplir fielmente lo que  
prometen de no perjudicar a la mision ni  
puras de las aguas y de no empujarse  
con la condiccion de no enagenar en ningun  
tiempo lo que se les da: al mismo que las  
palabras y demas neofitos de esta mision  
no valgan pues no atarvan las tierras de  
regadio pr reportar en todos los neofitos con  
la paces de habrar las.

Sta Just. Ag.<sup>to</sup> 19. de 1843.

Fr. Jose Juanquin Jimeno.

Son Luis Ob.<sup>o</sup> Ag.<sup>to</sup> 10 de 1843.

El Sr. A. P.

Le servira decir unmas y como pueden concederse  
a quien y de cual para que el Gov.<sup>o</sup> pueda  
despachar con acierto y justicia en sus m.<sup>o</sup>

Enm. Sor. Gobernador.

En cumplimiento a lo decretado por V.E. despues de bien meditado el negocio, extendiolo a la conformidad, Lemas y conducta de cada uno de los Suplicantes y arreglandome en lo posible a la razon y justicia de go: que a los neofitos Andres Juan y Bta. Sagel y Rafael se les puede dar a los otros primos por su numerosa familia trescientos varas cuadradas y a los otros legueros de arietos a todos en S. Nivino: a Blas trescientos y a Tomas cien en la lujia de Cota, tomavolo solo el ojo de agua chico del lado del lote: a Francisco y Luis trescientos y a Raymundo doscientos en el paraje llamado Matcing a Loquin Domingo, Guolo y Manuel trescientos y a Gregorio doscientos en el punto llamado Inchi: a Colonio trescientos en Chapalupa y a Felisidino trescientos en el llano grande y de este modo de concilio todo quitan inmediatas a la Union para que accedan alas trabajas y las cercas y tierras que cuitive este queolan salvar.

3<sup>ta</sup> Iner. En: 9 de 1844.

José Joaquín Jimeno.

Monte Rey. Enero. 18 de 1844.

Conforme opina el M. P.<sup>do</sup> Ministro.

Micheltreua.

En 6 de Julio de 1844 se entendieron los titulos conforme opino el M. P. J. José Jimeno con las condiciones nuevas, enaguar, hipotecar y sin poder lo dejar valdies y que si asi lo hacer o numerar ellas o sus herederos, volviera el terreno a la tracion sujetandose al señalamto y unolcion que mas adelante harer el R. P. Mtro. respectivo.

Filed in office. April. 24. 1854.

Geo. Fisher. Secy.

H1

Translation of Most Excellent Sir

to Andres, Luis, Anjo  
"Exhibe No 4 Olvico, Blas, Tomas, Guaco, Francisco  
Annexed to depo. Domingo, Joaquin, Juan Bautista, Ray  
of Fr<sup>co</sup> de Jesus munda, Rafael, Emeterio, Manuel,  
Sanchez P. L." Felicesimo, Gregorio, and other Indians

422 ND  
PAGE 39

of this Mispin present themselves with  
due respect before your Excellency & state  
that fearing in the course of time, they may  
be deprived of Land and consequently  
reduced to the state of indigence in which  
many unfortunate individuals of our  
Clap are at present, we beseech your  
Excellency to do us the Charity of granting  
us portions of the land about two hundred  
or three hundred yucas square in the  
neighborhood of the Mispin, promising  
on our part not to injure it (the Mispin)  
nor to emancipate ourselves from it

Santa Ines August 10th 1843

In consequence of not knowing ho to write  
we give our marks

+++++

Supreme Government of both Californias  
Santa Ines August 11th 1843

Agueant the Very Rev Father Fr Jose  
Jimeno, Minister & charged with the  
Mispin of the above memorial  
Micheltona

Most Excellent Mr. Governor

All the Indians most of whose names  
are contained in this Memorial are worthy  
of Consideration and accordingly I am  
of Opinion that they should obtain

Something of what they petition for  
 charging them to fulfil faithfully  
 their promises and not to emancipate  
 themselves, with the condition too that  
 they shall not alienate at any time  
 what may be granted them, at the  
 same time that the "boras" and other  
 Indians of this Mexico may not avail,  
 since they should not obtain for distri-  
 bution, the irrigated lands, nor are all  
 the Indians capable of cultivating them

Santa Ines Aug 13. 1843

Fray Jose Joaquin Jimeno

San Luis Obispo Aug 16<sup>th</sup> 1843

The Very Rev Father will be  
 pleased to state how much can be  
 granted and in what manner and to  
 whom in order that this Government  
 may proceed with accuracy and  
 judgement

Micheltorena

Most Excellent Mr. Governor

In compliance with the determina-  
 tion of your Excellency, after having  
 maturely considered the subject and  
 paid attention to the age, state services  
 and conduct of each of the petitioners  
 and deciding as much as possible,  
 according to reason and justice, I say  
 that to the Indians, Andres, Juan Ben-  
 tista, Angel & Rafael may be granted  
 viz to the two first in consequence of  
 their large families, three hundred yucas  
 square and to the two second, two  
 hundred yucas square all in San Isidro;



73

to Blas there may be granted three hundred and to Tomas one hundred yaras square in the "Sanjo de Cota" taking only the small spring of water by the East side; to Francisco and Luis three hundred and to Raymundo two hundred in the place called Alalihuay; to Joaquin, Domingo, Gerico & Manuel, three hundred and to Gregorio two hundred in the part called Sincab; to Ovario three hundred in Ahapulapa, and to Felicissimo three hundred in the large plain and that all interests may be secured the Indians may live contentous to the Mispim in order to perform their work and the enclosures and lands cultivated by the Mispim as before.

Sta Ines January 9. 1844

Fray Jose Joaquin Jimeno

Monterey January 18. 1844

Ordered in accordance with the opinion of the Very Reverend Father Minister

Micheltorena

On the 6th of July 1844 the letters were issued conformably to the opinion of the Reverend Father Fr. Jose Jimeno with the conditions that they cannot sell alienate mortgage nor lease those portions of land in official use, and if any of them does so on Feb. 28. 1853 if they or their heirs die the lands shall devolve to the nation to the nation & become subject to the mark and measurement which the respective Father Minister shall cause to be made

44

35

S. 45

422 ND

PAGE 42

Exhibit n<sup>o</sup> 5.  
annexed to Depo.  
of Francisco de  
Jesus Sanchez.

P. L.

1845.

Posecion Judicial en favor del  
neofito Felisiano de seiscientas varas  
cuadradas en el paraje Maruato

San Grande.

Sr. Alcalde 1º de Sta Barbara.

Pedimento neopito de esta Mision de Sto Ines, ante la justificacion de V. Compañese y dice; que abs. euolo, obtenido la Consecion en propiedad de seisientas varas en el paraje del llano grande por titulo expedido en su favor por el Supº Gobierno Departamº. a V. Suplica servir darle la posesion jurídica de estilo con arreglo a otro. titulo serviendo admitir esta instancia en papel comun por no haber del Sello o que le corresponda. Duro no ser de utilidad.

Sta Ines. Abº 8. de 1845.

De desdicho

Sta Ines. Abº 8 de 1845.

En virtud de la subscrita Solicitud presentada por mi el presente Alcalde a la medicion y señalamiento de linderos y posesion judicial de las seisientas varas situadas en el llano grande que solicita el interesado en este expediente con arreglo a los documentos q. a compañía de alarido para ejecutarlo el día nueve del presente, así yo el Alcalde 1º del partido de Sta Barbara lo mandé decretar y firmé actuando con otras testigos de asse por falta de escribano Nacional y publico de que doy fe.

una.

Nicolas A. Den.

Raymundo Carrillo.

Jose Cliverna

En la pta. presente el neopito Desdicho se le notifico el auto que ante le oye y de el escuchado oigo que lo oyó y que se oia y por Citado y lo firmó con miigo y las de mi asse. de que doy fe.

Nicolas A. Den.

Raymundo Carrillo.

Jose Cliverna.

En seguida yo el Juen de estos autos nombri por mediadores en la presente posesion a D. Antonio Ro Obregon y Don Jose Maria Valeruela quienes prestan la aceptacion y juramento proceden al desempeno de su en cargo y para constancia lo pongo por abiligencia que firmó con las de mi asse. de que doy fe.

Nicolas A. Den.

3. H7

ano. Agustín Carrillo. José Oliviera.  
Inevitable y en presencia de mi el apurado  
Alcalde, las mediciones mencionadas tomaron  
un cordel de lana y con una vara de medida  
usual mexicana midieron las cuarenta varas  
para hacer la referida medición y por ende  
concluyen.

422 ND  
PAGE 44

En la misma fha. y en el expresado  
lugar llamado Llano grande de San  
Luis para proseguir a la medición de  
tierras que se ha de hacer al cacique Felisiano  
nandi a las mediciones nombradas midieron  
con cordel de a cuarenta varas por lo que  
declaran ser la cantidad de seiscientos varas  
cuadradas en cuyos extremos se pusieron en  
montones de piedra que sirven de mojones  
y para constancia lo firmé por auto con los  
testigos de mi asst.

una Nicolás A. Deu.

Agustín Carrillo José Oliviera.

En el referido lugar y en el mismo día, mes  
y año el cacique Felisiano acompañado del  
Alcalde y testigos de autos dijo: que  
haviendo medido las seiscientas varas según  
cuenta en el auto anterior tomaba y toma por  
-dona y corporal posesión de dichas tierras  
pues le pertenecen por tanto título q. obtiene  
de la concepción que a él le hizo el Sr. D.  
Sr. D. Sab. Carrillo del Departamento D. Manuel  
Micheltorena rubio y pasó por ellas, arrancó  
hierbas espesas pedradas de tierras y por el Sr.  
Alcalde mandó que desde entonces lo tuviera  
y conservara por verdadero Señor y poseedor de  
ellas.

De todo lo expresado pido otro, cacique  
Felisiano que para memoria en lo venidero  
y conservación de sus derechos le fuese otorgada  
una constancia y por no saber escribir lo firmé  
con una Cruz con unigo y las de mi asst.  
de que aluz se.

Nicolás A. Deu.

H 8

anna.  
Raymond Parrotto.

anna.  
Jose Olivera.

Filed in office. April 24. 1856.

422 ND  
PAGE 45

Per. Fisher.  
Secy.

422 ND

49

1845

Translation Judicial paper in favor of the Neop  
 Exhibit No 5 by the Felicísimo, of Six hundred Varas  
 Annexed to Depo. Varas of Santa in the place called  
 of "San. de Jesus Llano Grande"  
 Sanchez J. L."

To the 1<sup>st</sup> Alcalde of Santa Barbara  
 Felicísimo a Neophyte of  
 this Mission of Santa Ynes before the  
 justification of your Honor appears and  
 states;

That having obtained a grant  
 in ownership of Six hundred Varas in  
 the place called "Llano Grande" by title  
 issued in his favor by the Supreme  
 Departmental Government, he prays your  
 Honor have the goodness to give him the  
 usual judicial paper thereof in  
 Conformity with said title, please  
 to admit this petition on common  
 paper for the want of proper sealed;  
 He desires not to proceed from Mission  
 Santa Ynes April 8<sup>th</sup> 1845  
 Felicísimo X

Santa Ynes April 8<sup>th</sup> 1845

In pursuance of the fore  
 going petition of the present Alcalde  
 well proceed to the measurement, desig-  
 nation of boundaries, and judicial  
 paper of the Six hundred Varas  
 situated in the "Llano Grande" which  
 the party to this petition solicits, in  
 Conformity with the documents which  
 he accompanies appointing therefor  
 the ninth day of the present month -  
 Thus of the 1<sup>st</sup> Alcalde of the Partido

422 ND  
 PAGE 46

Triplícado

of Santa Barbara read decreed and  
signed acting with assisting witnesses  
for the sake of a national and Public  
Notary which I certify

(Signed) Nicolas A Sen

Aftly witnesses

(Signed) Raymundo Canello

(11) Jose Olivena

422 ND  
PAGE 47

The foregoing act was on this day notified  
to the Neophyte, Felicesimo, and having  
concorded it, he decreed that he heard  
it and acknowledges the Citation  
thereof and signed it with me and the  
assisting witnesses, which I certify

(Signed) Nicolas A Sen

Aftly witnesses

(Signed) Raymundo Canello

(11) Jose Olivena

In Continuation of the Decree of these  
proceedings, appointed as messengers in  
the present process Don Antonio Roney  
and Don Jose Maria Palenzuela  
who after the acceptance thereof and both  
will proceed to the discharge of their  
duty, and in testimony thereof I note  
it as diligencia which I sign with  
my assisting witnesses which I certify

(Signed) Nicolas A Sen

Aftly witnesses

(Signed) Raymundo Canello

(11) Jose Olivena

In Continuation and before me the said  
Alcalde, the messengers took a hump  
cord and measured with a Common



57

Mexican War, fifty varas to make the  
said measurement, and in testimony thereof  
I subscribed it

Rubric

422 ND  
PAGE 48

On the same day and being on the same  
place called "Elano Grande" at about  
four o'clock P.M. I the said Alcalde  
in order to proceed to the measurement  
of the Land which is to be made to  
the Neophyte, Felicipimo, ordered the  
appointed Measurers to measure twelve  
Cocos of fifty varas, which as they declare  
the same to be six hundred square varas  
in the limits of which some heaps of  
stones were made as land marks,  
and in testimony whereof I signed it as  
a proceeding, with my existing Altitapas  
which I certify

(Signed) Nicolas A. Don  
Aptg. Altitapas  
(Signed) Raym<sup>o</sup> Carrillo  
( ) Jose Olvera

Being on the aforesaid place on the  
same day and year, the Neophyte Felices  
imo accompanied by the Alcalde and  
Altitapas of these proceedings, said, that  
the six hundred varas having been  
measured as appears in the foregoing  
act he takes and did take the title  
and Corporal possession of the said  
measured six hundred varas, because  
it belongs to him by a just title which  
he has of the grant thereof made to  
him by the constitutional Governor of the  
Department Don Manuel Micheltre

The entrance upon and papered over it pulled  
up holes scattered houses full of earth  
and I the said Alcalde ordered that  
hence forth he should be held and  
recognized as the true lord and possessor  
thereof

The Neophyte, Fellesimo asked  
a certified copy of all the foregoing  
for proof in future and the preservation  
of his rights from the said Alcalde  
and not knowing how to write he signed  
it with a cross with me and my  
existing witnesses which I certify

Signed Nicolas A. Lan

Atty. Elector

(Signed) Raymundo Carrillo

(") Jose Alvarez

Filed in Office Dec 14. 1855

Geo. Fisher Secy

Viva Jesus Maria y Jose

Estado de las Misiones de la Alta California sacado de los Informes de las Misiones en fin de Diciembre de 1820.

| Nombres de las Misiones, sus edades<br>alturas de Palo y sus distancias                                                                                                | Bar-<br>tis<br>mos. | Casa<br>mien-<br>tos | Di-<br>fun-<br>tos | Evís-<br>ten-<br>tes | Ca-<br>nado<br>mayor | Ydm<br>de<br>Lana | Ydm<br>de<br>Pelo | Ydm<br>de<br>Cerdo | Yeguas<br>y<br>Cabras | Car-<br>ros<br>man-<br>tares | Res-<br>tas<br>mu-<br>lares | Siemb-<br>de<br>Cosech.<br>trigo | Ydm<br>de<br>Ceba-<br>da | Ydm<br>de<br>Maiz | Ydm<br>de<br>Trijol | Ydm<br>de<br>Sarr-<br>vauero | Ydm<br>de<br>Charon | Ydm<br>de<br>Albar. |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|----------------------|--------------------|----------------------|----------------------|-------------------|-------------------|--------------------|-----------------------|------------------------------|-----------------------------|----------------------------------|--------------------------|-------------------|---------------------|------------------------------|---------------------|---------------------|
| S. Diego 16 de Julio de 1769. 32gr. 48 minutos.<br>Distancia de la ult. de la antigua California 23 leg.                                                               | 5129                | 1282                 | 3018               | 1567                 | 8120                 | 14512             | 320               | 76.                | 650.                  | 220.                         | 172.                        | 3117<br>1720                     | 2307<br>800.             | 1478<br>1100.     | 1066<br>28.         | 00.                          | 00.                 | 00.                 |
| S. Luis Rey de Francia 13 de Junio de 98. 33gr.<br>3 minutos. Distancia de la antecedente 13 leguas.                                                                   | 3730                | 866                  | 1314               | 2663                 | 10700                | 12800             | 525               | 316.               | 812.                  | 380.                         | 160.                        | 2507<br>3500                     | 1007<br>600              | 165.<br>4500      | 98.<br>250.         | 17.<br>10.                   | 17.<br>30.          | 00.                 |
| S. Juan Capistrano 1 de Nov. de 76. 33gr. 26 min.<br>Distancia de la antecedente 12 leguas                                                                             | 3774                | 1000                 | 2420               | 1064                 | 11200                | 13800             | 203               | 195.               | 135.                  | 246.                         | 99.                         | 117<br>138.                      | 67<br>1040.              | 17.<br>32.        | 1 alm.<br>8 alm.    | 1 alm.<br>4 alm.             | 17.<br>16.          |                     |
| S. Gabriel 8 de Sept. de 71. 34gr. 10 min. Distancia<br>de la Antecedente 18 leguas                                                                                    | 6589                | 1568                 | 4361               | 1636                 | 15000                | 12000.            | 156.              | 292.               | 1148.                 | 336.                         | 137.                        | 1637<br>4000.                    | 97<br>3200.              | 17.<br>255.       | 6 alm.<br>188.      | 17.<br>250.                  | 17.<br>38.          |                     |
| S. Fernando 8 de Sept. de 97. 34gr. 16 min.<br>Distancia de la antecedente 9 leguas.                                                                                   | 2439                | 683                  | 1403               | 1028                 | 12000                | 7600              | 20.               | 30.                | 269.                  | 160.                         | 80.                         | 1307<br>2282                     | 177<br>111.              | 17.<br>900.       | 17.<br>100.         | 17.<br>3.                    | 00.<br>17.          |                     |
| S. Buenaventura 31 de Marzo de 82. 34gr. 36 min.<br>Distancia de la antecedente 22 leguas                                                                              | 3547                | 946                  | 2391               | 1127                 | 15280                | 12600             | 130.              | 98.                | 3000.                 | 279.                         | 180.                        | 2007<br>3500                     | 687<br>681.              | 67<br>400.        | 57<br>34.           | 4 alm.<br>17 alm.            | 47<br>49.           | 5 alm.<br>5 alm.    |
| S. Barbara 4 de Dix. de 86. 34gr. 40 min. Distancia<br>de la antecedente 8 leguas.                                                                                     | 4776                | 1246                 | 2991               | 1132                 | 3500                 | 8000              | 200.              | 100.               | 490.                  | 330.                         | 300.                        | 2367<br>1340.                    | 197<br>41.               | 17.<br>100.       | 17.<br>37.          | 17.<br>2.                    | 17.<br>2.           | 00.                 |
| S. Ines V. y Mt. 17 de Sept. de 80. 34gr. 52 min.<br>Distancia de la antec. 8 leguas.                                                                                  | 1140                | 307                  | 789                | 635                  | 7000                 | 5000              | 00.               | 100.               | 400.                  | 200.                         | 120.                        | 1007<br>900.                     | 00.<br>1200              | 17.<br>10.        | 17.<br>16.          | 17.<br>150.                  | 17.<br>00.          |                     |
| Primosma Concepcion 8 de Dix. de 87. 35gr.<br>Distancia de la antec. 8 leguas.                                                                                         | 3046                | 888                  | 2054               | 840                  | 7500                 | 12600             | 30.               | 86.                | 1022                  | 283.                         | 238.                        | 2087<br>2435                     | 00.<br>00                | 17.<br>54.        | 17.<br>17.          | 17.<br>30.                   | 17.<br>67.          |                     |
| San Luis Obispo 1 de Sept. de 72. 35gr. 36 min.<br>Distancia de la antec. 18 leguas.                                                                                   | 2537                | 708                  | 1890               | 504                  | 7600                 | 6501              | 80.               | 120.               | 950.                  | 225                          | 104.                        | 1007<br>2000.                    | 00.<br>00.               | 17.<br>00.        | 17.<br>00.          | 17.<br>00.                   | 17.<br>00.          |                     |
| S. Miguel 25 de Julio de 97. 35gr. 48 min.<br>Distancia de la antec. 13 leguas                                                                                         | 2117                | 603                  | 1203               | 273                  | 8700                 | 14000             | 10.               | 150.               | 424.                  | 528.                         | 58.                         | 1607<br>949.                     | 297<br>29.               | 17.<br>70.        | 17.<br>10.          | 17.<br>00.                   | 17.<br>00.          |                     |
| S. Antonio de Padua 16 de Julio de 71. 36gr.<br>30 min. Distancia de la antec. 13 leguas.                                                                              | 4044                | 1019                 | 2499               | 879                  | 5800                 | 7800              | 15.               | 95.                | 500.                  | 253.                         | 43.                         | 1547<br>1666.                    | 507<br>163.              | 17.<br>190.       | 17.<br>39.          | 1 alm.<br>28.                | 17.<br>848          | 1 alm.<br>368       |
| N. S. de la Soledad 9 de Oct. de 91. 36gr. 38 min.<br>Distancia de la antec. 11 leguas.                                                                                | 1758                | 524                  | 1281               | 436                  | 5000                 | 9000              | 00.               | 40.                | 700.                  | 270.                         | 60.                         | 1007<br>1162                     | 177<br>199.              | 17.<br>60.        | 17.<br>40.          | 17.<br>37.                   | 17.<br>99.          | 17.<br>206.         |
| S. Carlos 3 de Junio de 70. 36gr. 44 min.<br>Distancia de la antec. 16 leguas.                                                                                         | 3195                | 885                  | 2337               | 381                  | 3000                 | 4000              | 22.               | 10.                | 350.                  | 80                           | 6.                          | 1007<br>672                      | 00.<br>257               | 17.<br>244        | 17.<br>00.          | 17.<br>360.                  | 17.<br>744.         |                     |
| S. Juan Bautista 24 de Junio de 97. 36gr. 58 min.<br>Distancia de la antec. 12 leguas.                                                                                 | 2625                | 659                  | 1598               | 843                  | 11000                | 2500.             | 00                | 30.                | 450.                  | 225.                         | 24.                         | 907<br>2954                      | 177<br>368               | 17.<br>8848       | 17.<br>121.         | 17.<br>217.                  | 17.<br>72.          | 17.<br>38.          |
| S. Cruz 28 de Ago. de 91. 37gr. Distancia de la<br>antec. p. la costa fuera del camino de Sta Clara<br>13 leguas.                                                      | 2010                | 664                  | 1469               | 461                  | 3000                 | 5700              | 00.               | 00.                | 290.                  | 168.                         | 34.                         | 447<br>800.                      | 97<br>180.               | 17.<br>1300       | 17.<br>550.         | 17.<br>388.                  | 17.<br>00.          | 17.<br>00.          |
| S. Clara 18 de Eri. de 77. 37gr. 20 min. Distancia de<br>la ant. atravesando la sierra 11 leguas                                                                       | 7014                | 1949                 | 5309               | 1359                 | 4200                 | 12000             | 00                | 60.                | 660.                  | 190.                         | 32.                         | 7207<br>3000.                    | 267<br>400               | 17.<br>700.       | 17.<br>100.         | 17.<br>37.                   | 17.<br>110.         | 17.<br>200.         |
| S. N. Jose 11 de Junio de 97. 37gr. 30 min. Distancia<br>de la antec. al Norte fuera del camino de<br>S. Francisco 7 leguas.                                           | 4346                | 1307                 | 2572               | 1754                 | 6000                 | 12000             | 00                | 13.                | 550.                  | 300.                         | 9.                          | 1307<br>5210                     | 107<br>135.              | 17.<br>800.       | 17.<br>90.          | 17.<br>47.                   | 17.<br>65.          | 17.<br>209.         |
| N. P. S. Francisco 9 de Oct. de 76. 37gr. 58 min.<br>Distancia de la antec. 20 leguas y de Sta Clara<br>15 leguas.                                                     | 6333                | 1949                 | 4997               | 1252                 | 3789                 | 10250             | 00.               | 00.                | 500.                  | 280.                         | 26.                         | 1937<br>2000                     | 557<br>561.              | 17.<br>1000       | 17.<br>100.         | 17.<br>127.                  | 17.<br>187.         | 17.<br>329.         |
| Don 210 leguas<br>desde S. Diego<br>hasta N. P. S. Francisco por la derecha<br>de la que se desvian las Misiones de Sta Clara<br>y S. Jose en sus anotadas distancias. | 70149               | 19148                | 46396              | 20173                | 149489               | 191629            | 1711.             | 1211               | 12903                 | 4953                         | 1552                        | 3007<br>40628                    | 67115<br>4268            | 1067<br>17469     | 517<br>2127.        | 57<br>12531                  | 287<br>14538        | 337<br>5 alm.       |
|                                                                                                                                                                        |                     |                      |                    |                      |                      |                   |                   |                    |                       |                              |                             |                                  | Total de Siembras        |                   | 39308 2 alm.        |                              |                     |                     |
|                                                                                                                                                                        |                     |                      |                    |                      |                      |                   |                   |                    |                       |                              |                             |                                  | Total de Cosechas        |                   | 674528 10 alm.      |                              |                     |                     |

Dr. Jose Serran

Filed in office April 24, 1854.  
Geo. Fisher, Secy.

# Mail Jones Mary and Joseph

Statistics of the Missions of Upper California taken from the reports of the Missionaries at the close of December 1820.

| Names of the Missions, their<br>ages, Latitudes and their dis-<br>tances.                                           | Baptisms | Marriages | Deaths | Percent-<br>population | Cattle | Sheep | Goats | Hogs | Wool -<br>Mules | Wheat -<br>Mules | Wheat<br>seed & crop | Barley<br>seed & crop | Beans<br>seed & crop | Peas<br>seed & crop | Other<br>seed & crop | Other<br>seed & crop | Other<br>seed & crop | Other<br>seed & crop |
|---------------------------------------------------------------------------------------------------------------------|----------|-----------|--------|------------------------|--------|-------|-------|------|-----------------|------------------|----------------------|-----------------------|----------------------|---------------------|----------------------|----------------------|----------------------|----------------------|
| San Diego July 16, 1769, 32° 48' distant<br>from the Coast in Old California 23 leagues                             | 5129     | 1382      | 3618   | 1967                   | 8126   | 14512 | 320   | 76   | 650             | 220              | 172                  | 1920                  | 800                  | 28                  |                      |                      |                      |                      |
| San Luis Rey of France June 13, 71, 33° 3'<br>distant from the former 13 1/2 leagues                                | 2730     | 866       | 1314   | 2603                   | 10500  | 12800 | 525   | 316  | 812             | 380              | 160                  | 3500                  | 600                  | 4300                | 250                  | 10                   | 30                   |                      |
| San Juan Capistrano, Nov. 1, 76, 33° 36' dis-<br>tant from the last 14 1/2 leagues                                  | 3774     | 1000      | 2420   | 10601                  | 11000  | 13800 | 203   | 195  | 135             | 246              | 99                   | 138                   | 1040                 | 32                  | 8                    | 4                    | 16                   |                      |
| San Gabriel Sept. 3, 71, 34° 11' distant from<br>the last 18 leagues                                                | 6589     | 1568      | 4301   | 1636                   | 15000  | 12000 | 186   | 292  | 448             | 386              | 107                  | 4000                  | 3200                 | 255                 | 18                   | 250                  | 38                   |                      |
| San Fernando, Sept. 3, 71, 34° distant from<br>the last 9 leagues                                                   | 2439     | 683       | 1403   | 1028                   | 12000  | 7600  | 20    | 30   | 269             | 160              | 80                   | 2382                  | 111                  | 900                 | 100                  |                      | 17                   |                      |
| San Buenaventura, March 31, 75, dis-<br>tant from the last 22 leagues, 34° 36'                                      | 3547     | 946       | 2391   | 1197                   | 18200  | 10600 | 120   | 98   | 2000            | 279              | 180                  | 3800                  | 681                  | 400                 | 34                   | 1-5                  | 43                   | 5                    |
| Santa Barbara, Dec. 4, 86, 34° 41' distant<br>from the last 8 leagues                                               | 4776     | 1246      | 2991   | 1132                   | 3570   | 8000  | 200   | 100  | 490             | 330              | 300                  | 1340                  | 41                   | 110                 | 37                   |                      | 2                    |                      |
| Santa Ynez Vigas & Martin, Sept. 17, 80, 34° 32'<br>distant from the last 8 leagues                                 | 1140     | 307       | 789    | 635                    | 7000   | 8000  | 100   | 400  | 200             | 120              | 900                  | 80                    | 1200                 | 10                  | 16                   |                      | 150                  |                      |
| Purisima Concepcion Dec. 8, 81, 35° distant<br>from the last 8 leagues                                              | 3046     | 888       | 2054   | 840                    | 9870   | 12600 | 80    | 86   | 1012            | 253              | 238                  | 2485                  |                      |                     |                      |                      |                      |                      |
| San Luis Obispo, Sept. 1, 78, 35° 36' dis-<br>tant from the last 12 leagues                                         | 2537     | 703       | 1896   | 504                    | 7600   | 6501  | 80    | 120  | 950             | 225              | 104                  | 2000                  |                      |                     |                      |                      |                      |                      |
| San Miguel, July 25, 97, 35° 48' distant<br>from the last 13 leagues                                                | 2117     | 603       | 1203   | 978                    | 8100   | 10000 | 10    | 150  | 727             | 528              | 58                   | 948                   |                      |                     |                      |                      |                      |                      |
| San Antonio de Padua July 18, 71, 36° 30'<br>distant from the last 13 leagues                                       | 40144    | 1019      | 2933   | 878                    | 5800   | 9800  | 15    | 95   | 800             | 253              | 47                   | 1666                  | 163                  | 190                 | 39                   |                      |                      |                      |
| Our Lady Immaculate Oct. 9, 91, 36° 35', distant<br>from the last 11 leagues                                        | 1758     | 524       | 1281   | 436                    | 5000   | 9000  | 40    | 700  | 270             | 60               | 1162                 | 193                   | 60                   | 40                  |                      |                      | 99                   | 206                  |
| San Carlos June 3, 70, 36° 41', distant<br>from the last, 15 leagues.                                               | 3195     | 885       | 2337   | 381                    | 3000   | 4000  | 22    | 10   | 340             | 80               | 6                    | 1162                  |                      |                     |                      |                      | 260                  | 244                  |
| San Juan Bautista, June 24, 97, 36° 58'<br>distant from the last 12 leagues                                         | 2625     | 659       | 1598   | 843                    | 11000  | 9500  | 30    | 450  | 215             | 24               | 2954                 | 368                   | 834                  | 174                 | 21                   | 73                   | 38                   |                      |
| Santa Cruz Aug. 28, 91, 37', distant from<br>the last on the Coast of the road, from<br>13 leagues from Santa Clara | 2010     | 664       | 1464   | 461                    | 3000   | 5700  |       |      | 290             | 168              | 24                   | 800                   | 186                  | 1300                | 550                  | 38                   |                      |                      |
| Santa Clara, Jan. 15, 77, 37° 20', distant<br>from the last, crossing the mountains 11<br>leagues                   | 7014     | 1949      | 5389   | 1339                   | 4300   | 12000 | 60    | 660  | 190             | 32               | 200                  | 400                   | 700                  | 100                 | 3                    | 110                  | 200                  |                      |
| San Jose, June 11, 97, 33° 30', distant from<br>the last North of the road from San Fran-<br>cisco 7 leagues        | 4346     | 1307      | 2572   | 1754                   | 6000   | 12000 | 18    | 550  | 300             | 9                | 5210                 | 175                   | 800                  | 90                  | 7                    | 63                   | 209                  |                      |
| Our Father San Francisco, Oct. 19, 76, 37°<br>55', distant from the last 20 leagues and<br>from Santa Clara 15.     | 6339     | 1849      | 4997   | 1252                   | 3789   | 10200 |       |      | 500             | 280              | 26                   | 2000                  | 561                  | 1000                | 100                  | 12                   | 107                  | 329                  |

It is 210 leagues from San Diego to Our Father San Francisco by a direct route from which the road to the missions of Santa Clara and San Jose branch off in their respective distances. (Signed) Fr. Jose Tomas.  
A true and correct translation - witness my hand Dec. 15, 1855

Total seed 3930 2  
Total crops 17452 11

5-3

Opinion of Joseph S. Alemany <sup>vs</sup> For lands for the  
 Board by The United States <sup>vs</sup> Use of the Indians.  
 Com. Filch <sup>vs</sup> The several Missions  
 in California

The petitioner is the Catholic Bishop of California, and files this petition on behalf and for the benefit of the Christianized Indians, formerly connected with the Missions. I shall consider the several Claims presented, in the Order which they are stated in the petition.

1 The first is a claim for one square league of Land at each of the said Missions, twenty One in number to be Conferred to the Bishop in trust for the Indians of each Mission.

This Claim is not founded on any grant or alleged Concession, but seems to be based on the natural right of the Neophytes as Aborigines to the Soil, and secondly, on a recognition of their rights by the former government to the Sancho Mission as Mission Lands and which were formerly used for the benefit of the Mission Community while under the Charge of the Mission Priests.

We have often had occasion to express the wishes of this Commission on the subject of these Mission Lands. The ownership of them was always regarded as existing in the Crown or the Government. They did not become the property of the Mission or of the Church or of the Priests having Charge of them or of the Neophytes who while they lived

422 ND  
 PAGE 52

Duplicate

in the Mexican Community enjoyed the benefit of their use. We have found nothing in Mexican or Spanish laws, decrees or regulations which recognizes any of these as owners of the soil. The granting of lands in the Territories was first committed to the Government by the regulations of November 21<sup>st</sup> 1828. The last Article withholds from grant the lands occupied by the Indians until it should be determined whether they should be considered as the property of the establishments of Neophytes, Catechumens and Mexican Colonists.

After the Secularization law of 1833 was passed and the breaking up of the Community System succeeded it, these lands were uniformly treated by the Government as subject to the granting power.

This disposition of them is created to by the Supreme Court of the United States in the Case of Archibald Ritchie where the Authority of the Government to grant lands of this character is fully recognized.

We frequently find in official documents an admission that in granting lands to individuals, preference ought to be given to the Neophytes over the Citizens, but it is no where conceded or even claimed that they were in any way or collectively the owners of any specific portions of these lands, unless they procured grants from competent Authority. Every thing in the action of the government and in the history of the Mexican Land laws tends to establish the fact that no such ownership was

admitted or claimed to be in the  
Neophytes.

As to the claim of these neophytes  
to the land founded on their natural  
rights as Aborigines to the Soil it cannot  
avail in the Case applicable to the  
Recognized theory of all the European  
Nations the crown of Spain held the  
Plena of the Soil in her provinces, Subject  
only to the right of occupancy in the  
Native Indian inhabitants, who lived  
upon it, and the crown alone held the  
right of acquiring the possession from  
them. But the lands here claimed have  
been used as the cultivated fields and  
grazing lands of the several Missions  
for purposes varying from thirty to more  
than Eighty years. And during this time  
the Connection of the Government with  
them and the jurisdiction exercised over  
them and the Character and management  
of these establishments give evidence that  
the Indian Occupation had ceased. They  
were establishments of Civilization in  
Contradistinction to Savage life, and  
they embraced within the Communities those  
Indians who renounced the Savage and  
Espoused the Civilization.

They were established for the benefit of  
the Indians, and were excellently regarded  
with great favor by them. The Extinction  
more of the Indian title by the Authorities  
of the Government must be presumed  
if indeed it is not in the history of  
the Missions fairly and directly—  
Several Authorities have  
been cited from the Ancient Decrees of the

action showing the care which was taken to protect the native inhabitants in their possessions in the New Country, but none of them can receive an application to the Case under Consecration of any such Character as to imply ownership of the land in question.

422 ND  
PAGE 55

The application as set out in the petition seems to be an appeal to the Commission to assign to the Neophytes Indian Remedy at each Mission One square league of land rather than a claim founded on any right or title to it. This Commission has no authority to distribute lands to any persons however Meritorious - It is limited in its power of Confirmation to titles derived from the Spanish or Mexican government - Congress alone by its broader power can concede lands in such Cases.

3<sup>d</sup> The next is a claim in behalf of the Christian Mission of San Miguel (with and among them) for the lands known by the name of Las Gallenas, El Sacramento and La Estrella in San Diego Obispo County. The grant made by Governor Micheltreana and dated July 16<sup>th</sup> 1844 is presented and the Segnatures proved.

This is claimed to be a grant of the places or tracts of land known by the names above mentioned. We have often held that a grant of a place by name may be good; but in order to sustain such a claim, proof must be given to show that the property claimed was at the date of the grant



57

known by that name and that it had known and well defined limits or boundaries - No evidence of the kind is given in this case, and for this reason a decree of Confirmation could not be entered.

But I do not think this is a grant of these places by name.

The second Condition of the grant was intended to define the premises which should be assigned under the Concession at the places named. But instead of stating the number of leagues or leagues to which the grantees should be entitled it provides that the lands granted should be of the Extension which shall be delineated on the map to be correctly formed and by the Order of the Government. The quantity to be given under the grant and its specific location and boundaries were thus left for future determination by the government.

This does not appear even to have been obtained, and without it no specific portion of land passed to the Claimants. Nor is it a case in which under the concession in Fremont's case the segregation can now be made by the American Authorities. If as in that case the quantity of land to be assigned at the place named had been specified it would fall within the rule. But here no quantity is given, thus remanded for future determination by the government. A map was to be presented identifying and describing the lands which the grantees desired to take. And until this was done and the

422 ND  
PAGE 56

approval of the government obtained the parties, the parties acquired no legal or Equitable rights in Lands which can be entitled to a decree of Confirmation.

The document relied on as a grant was not entered as of itself a grant of land under Colony Act 1862. The transaction evidently had reference to the regulations at that time in existence providing for the appropriation of small lots (usually less than 400 Acres square) among the individual Neophytes at the several Missions for their use and cultivation in severalty. This document was intended to express the intent of the Governor that the Neophytes at San Miguel might have lots assigned to them at the places named therein but in order to secure them, they were required after selecting these locations and lots which they desired, to present a map with a proper delineation of them.

The government still retained to itself the right of deciding as to the quantity to be granted and the location of the particular lots, and no title passed until the designation was made and the map formed in accordance with the preceding direction or subsequent approval of the government.

This act on which the title to the land depended not having been performed no right which is within our jurisdiction is established.

3. The third is a claim on behalf of the Christian Mission of Santa Clara under a grant by Micheltreña

5-9

Made June 10, 1844 of all the vacant lands  
of Santa Clara ungranted before that time

Two fatal objections are  
opposed to this claim. First, there is no  
sufficient description to identify the lands  
granted and to define its limits. It is  
described as "all the land which is comp-  
rised in the plan which was formed to desig-  
nate that which existed as entitled and  
not granted". The description is made  
to depend on the plan which is thus  
made a part of the grant and which  
is indispensable to it. The plan is not  
produced and no evidence is given of  
its contents, nor indeed anything  
to define or in any manner indicate  
what lands are delineated upon it, nor  
is proof given of possession or bounda-  
ries or any other indicia of what the  
parties themselves claimed under the  
documents.

And secondly the third con-  
dition of the grant reserves to the govern-  
ment the full right to dispose of the land  
with the exception of such parts as the  
Indians may actually cultivate and  
need. The treaty of cession was a dispo-  
sal of this property to the United States  
subject nevertheless, to any title legal  
or equitable which these Indians might  
possess therein. If these Neophytes had  
taken possession of the land or any  
part of it under the grant, and held  
it under cultivation, a question of  
equitable right would have been presented  
which is not now raised by the proofs

So far as the evidence

60  
Shows they did nothing and claimed  
Nothing, and possessed nothing under the  
grant; And if this is so, the Mexican  
Government held by the terms of the docu-  
ment the right to dispose of the land free  
from any encumbrance arising therefrom.  
It passed to the United States by <sup>the</sup> treaty  
of Guadalupe Hidalgo disincumbered  
of the claim here set up.

This document like  
that before mentioned, shows that it was  
issued in accordance with the policy  
of the times to distribute small portions  
of the Lands among the indigenous  
Neophytes who would occupy and  
cultivate them in sincerity but not to  
extend titles beyond the accomplishment  
of that object. Hence this instrument  
as to the right conferred to the portions  
of the Lands which the Indians should  
cultivate in fact. A right of which  
no one appears by the record men  
to have availed himself.

4. The fourth is the claim  
of Indians and other Neophytes (Sixteen  
in all) whose names are given, of small  
portions of Lands from one hundred to  
three hundred Varas each in the  
vicinity of the Mission of Santa Rosa.  
No grant to any of these Indians is  
introduced in evidence but an Espe-  
cialte is presented showing an applica-  
tion for the lands by the Neophytes, a  
reference to the priest of the Mission for  
information has report favoring the  
application and specifying the number  
of Varas which he thought might properly

61

be granted to each, and a decree in accordance with the Priests recommendation signed by Governor Michelena.

This decree is in effect an order for the issuing of a grant to each of the persons named for the quantity of land designate to him; the same to be segregated and measured in the usual manner.

The document closes with a memorandum dated July 6, 1844 stating that letters were issued. The memorandum has no signature, and no extraneous evidence is given which makes a proof of the fact alleged in it. There is no evidence that these persons obtained possession of any land under such grants. One of them, *Alcansano* occupied a large piece of land in the place named but it could not have been under a grant issued in accordance with this expedient. With this exception it does not appear that any of them occupied cultivated or cleared any land in that vicinity. And I see in the proof any reason to suppose such grants were ever issued. It can scarcely be believed, if they had issued in fact that none of them could be produced or their existence proved; and it is equally incredible if the grants were received of them and not subsequently abandoned, that no evidence of possession by them could be given.

The Neophyte *Alcansano* obtained judicial possession of a parcel of land six hundred varas square at the Llano

422 ND  
PAGE 60

62

Chand, the testimony of which is given  
in evidence. The land was in quantity  
four times as much, as the specimens  
in the Especiente, and this circumstance  
consequently gives no rise to a presump-  
tion that a grant was issued to him  
under the grant's decree.

422 ND  
PAGE 61

It is very probable that  
the copiers had a grant of some kind  
for the land at that place, but if so  
the petitioner has failed to produce it,  
or in its absence to give the necessary  
proof of its existence to ~~produce~~ <sup>establish</sup> existence  
Contents and loss or destruction.

There are other questions  
in relation to these several claims which  
arise properly in the case, but it is  
unnecessary to discuss them.

Nevertheless of opinion that the proof will  
not warrant a Confirmation, and an  
Adverse decree shall be entered.

Reported.

Filed in office December 31<sup>st</sup> 1855  
Geo. Fisher Secy

63

Decree

Joseph S. Hemann }  
                                  res }  
The United States }

422 ND  
PAGE 62

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 the application for a Confirmation thereof be denied

Alpheus Felch }  
R. Aug Thompson }  
S. B. Furwell }

Filed in office December 31<sup>st</sup> 1855  
Geo. Fisher Secy

And it appearing to the satisfaction of the Board that the land hereby adjudged to be situated both in the Northern and Southern Districts of California It is hereby ordered that three transcripts of the proceedings and 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 shall be filed with the clerk of the United States District Court for each of the said judicial districts 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.

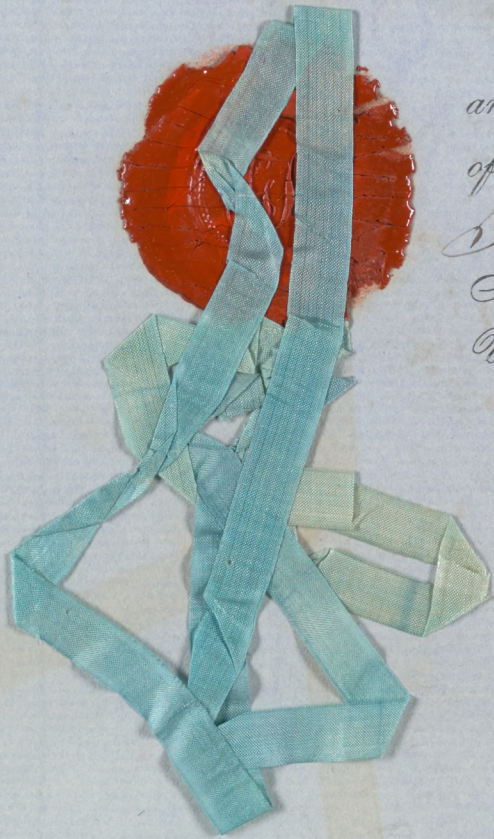
422 ND  
PAGE 63

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 *Sixty three* pages, numbered from  
1 to *63*, 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. *63* on the Docket of the said Board,  
wherein

*Joseph S. Alamy* is  
the Claimant, against the United States, for the place known by  
the name of "*Lands of the Christianized In-  
dians*"

In Testimony Whereof, I hereunto set my hand  
and affix my private Seal (not having a Seal  
of Office) at San Francisco, California, this  
*Twenty third* day of February  
A. D. 1856, and of the Independence of the  
United States of America the ~~seventy~~-*eight*th.

*G. Fisher*



422  
U. S. DISTRICT COURT,  
*Northern* District of California.

No. 422- *M 17*

THE UNITED STATES,

vs.

*Joseph S. Manning*

TRANSCRIPT OF THE RECORD

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *663*

Filed, *July 26* 185 *6*

*Wm A. Murray*  
*clerk*

422

At a stated Term of the District Court of  
the United States of America for the Nor-  
thern District of California held at the  
Court Room in the City of San Francisco  
on Monday the twenty third day of Febru-  
ary in the Year of our Lord one thousand  
eight hundred and fifty seven.

Present:

The Hon Owen Hoffman, Dist Judge.

The United States

vs

J. S. Germany

z D. C. 422: L. C. 663

It appearing to the satis-  
faction of this Court that the Transcript in  
this case has been filed in this Court more  
than six months: that the Board of Com-  
missioners to ascertain and settle the private  
land claims in the State of California, from  
which this case is appealed to this Court,  
rejected the claim set up therein by the  
Claimant, and that the proper notice of  
intention to appeal has not been filed in  
this cause within the time limited by law:  
It is, therefore, on motion of the U. S. Attorney,  
Ordered that this case be dismissed and  
struck from the docket of this Court.

422  
L.C. 633

U. S. Dist Court  
The United States

ad  
J. S. Alemany

order

Filed Feby 23. 1857.  
W. H. Chewers.  
Deputy.

422 ND  
PAGE 65

Office of the Board of Commissioners,

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

422 ND

PAGE 66

San Francisco, July 23<sup>d</sup> 1856

Sir;

I am directed by this Board to transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 663. on the Docket of this Board, wherein Joseph S. Almany is the Claimant, for the place known by the name of Lands of the Christianized Indians — Which Transcript I have the honor to accompany herewith, and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher.

To the Hon. J. A. Monroe Esq.

Attorney General of the United States,

Washington, D. C.

Clerk of the U. S. Dist. Court for  
the Northern Dist. of Cal.