CASE NO.
339
SOUTHERN DISTRICT

EX-MISSION OF SAN LUIS REY GRANT

WILLIAM CARY JONES
CLAIMANT

Land Case 339 SD

ALSO AVAILABLE ON MICROFILM

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TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 348

William Carey Jones CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Ex-Mission of San Luis Rey."

BIOCIDICS

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Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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

The Petition of William Carey Jones, for the Place named "Ex-Mission of San Luis Rey" was presented, and ordered to be filed and docketed with No. 348 and is as follows, to wit;

(Vide page 5 of this Transcript.)

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

Los Angeles, September 27th 1852.

In Case no. 348, William Carey Jones for the Mission of San Luis Rey and Pala, the deposition of Pio Pico, a witness in behalf of the Claimant, taken before Commissioner James Wilson, with annexed documents marked Nos. 1. 2. 3. & 4. was filed;

(Vide page 8 of this Transcript.)

San Francisco October 13th 1853.

In the same case the deposition of John Foster, a witness in behalf of the Claimant, taken before Commissioner Thompson Campbell, was filed;

(Vide page 14 of this Transcript.)

San Francisco December 13th 1853.

In the same case the deposition of S. E. Arguello, a witness in behalf of the Claimant, taken before Commissioner Alpheus Felch, with documents marked

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Nov. 1 & 2. A. F. annexed thereto, was filed:
(Vide page 1 of this Transcript.)

San Francisco December 31st 1853.
In the same case the deposition of J. J. Warner, a witness in behalf of the Claimant, taken before Commissioner Thompson Campbell, was filed:
(Vide page 32 of this Transcript.)

In the same case the deposition of Isaac Foster, a witness in behalf of the Claimant, taken before Commissioner Thompson Campbell, with document marked "A" being a map, annexed thereto, was filed;
(Vide page 24 of this Transcript.)

San Francisco March 21st 1854.
Case No. 348, on motion of the Counsel for Claimant was ordered to be placed at the foot of the first class cases on the Trial docket.

San Francisco July 11th 1854.
In the same case the Counsel for the Claimant, Messrs. Howard & Hawes, read the papers in evidence and opened the Argument - and continued for tomorrow.

In the same case the deposition of J. J. Warner, a witness in behalf of the United States, taken before the Commissioners sitting as a Board, was filed;
(Vide page 37 of this Transcript.)

San Francisco July 12th 1854
In the same case, argument, by the U. S. Law Agent, resumed and concluded - Case submitted and taken under advisement by the Board.

San Francisco April 11th 1855.
In the same case upon the motion of the Counsel for the Claimant, it is,

Ordered, That the submission of this Case entered on the 12th July 1854 be set aside, and the Case be resubmitted on briefs.

San Francisco June 12th 1855.

In the Same Case Commissioner S. B. Farnell delivered the Opinion of the Board confirming the claim;

(Vide page 95 of this Transcript)

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S. And the following Order was made, viz:

(Vide page 97 of this Transcript)

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Petition

Before the Hondl Commission to ascertain and settle Private Land Claims in the State of California.

William Carey Jones gives notice that he claims a tract of land, situated in the present County of San Diego known by the name of the Ex. Mission of San Luis Rey, including the tracts of San Antonio de Pala and San Juan, and bounded as follows, to wit: Easterly by the Sierra or mountain range called the Sierra de Pauma; Northerly by the Rancho of Santa Margarita; Southerly with the Rancho of San Francisco; Westerly by the sea beach, as the same is set forth in the inventory thereof.

Said lands were granted in fee to Don Antonio José Hot and Don José Antonio Pico, by deed of grant dated the 18th of May, A.D. 1846, by Don Pio Pico, Constitutional Governor of the Department of California, duly authorised to make such grant. Said grant was for a valuable consideration, to wit, in payment of a large sum of money furnished by said grantees to the exigencies of the then Government, and of said grantees undertaking and assuming to pay certain large amounts owing and due in money and property by the former establishment known as the Mission of San Luis Rey to various individuals

On the 24th of July, 1846, said Pio Pico, Govenor as before said, made and delivered to the said grantees an order directed to the administrator or person encharged with the care of said estates on the part of the Government, that he should

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deliver possession of the same to said grantees as owners thereof with an inventory of the property to delivered.

That immediately thereafter said Antonio Pico for himself and John Foster as agent of said Col. proceeded to deliver said order, and occupied by actual possession said lands, and on the 9th of August, 1846, said inventory being completed, the same with all the property and estates therein mentioned, were delivered and turn over to said grantees in absolute property.

That said grantees then placed an agent in charge of said lands, and continued in quiet possession of the same until about the 14th day of said August, when their said lands were entered by a Military force of the United States, by whom their said agent was expelled, and the place occupied as an act of war.

That they were subsequently prevented from entering into the enjoyment of their said property, by a state of war existing in the country, and the occupation of the place as a Military posh of the United States.

That said lands have been acquired to the present claimant by purchase from said grantees.

A Copy of said grant with a translation of the same, marked "A", a copy and translation of a receipt for said money advanced as aforesaid by the grantees for the exegencies of the Government, marked "B"; a copy and translation of said

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order of delivery marked "C", and a copy of said inventory marked D, are herewith filed as exhibits, and prayed to be taken as a part of this Notice; and the originals will be produced and proved, as may be required.

The Claimants relies on said documentary testimony, and on the testimony of witnesses whom he shall produce in support of said Claim.

Said Land has not been surveyed by the Surveyor General of the United States. Its boundaries are natural objects & are well defined and well known.

This supposed to contain about the quantity of twelve square leagues or sitios de ganado mayor, more or less.

There is no conflicting Claim to any part thereof, within the knowledge of the Claimants.

By his Attorney
Jones Dimpkins & Strode.

Filed in Office Sept 20th 1852.
Geo. Fisher Sec

8 No 348.

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Office of the Board of Commissioners
of California Land Claims.
Los Angeles Sept 2d. 1852.

On this day before James Wilson one of the Commissioners for ascertaining & settling Private Land Claims in California, came Pio Pico a witness produced in behalf of the Claimant Wm. Carey Jones whose petition is No 348 on the Docket of the Board & was duly sworn. His evidence being given in Spanish was interpreted by the Secretary.

Deposition of Pio Pico

The U. S. Law Agent was notified and attended.

Pio Pico a witness offered by Wm Carey Jones Esqr the Claimant in the above case being duly sworn testifies and says That I have no interest whatever in the claim above. My name is Pio Pico. My age fifty one years my residence in Los Angeles in California

I am a native Californian and have lived there all my life. I was a Member of the Territorial Assembly and Governor of the Californias, and held a Military Command of a Squadron in Los Angeles.

I was exercising the duties of Governor from the latter part of 1844 to the months of September 1846. In the month of May 1846 I was actually Governor of the Department of the Californias and exercising the official duties of that office by the appointment of the Supreme Government of Mexico. In May 1846 José Matias Moreno was acting Secretary of

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the Government in California, upon examination of the paper now shown to me marked J. W. No 1 (Pico Pio Pico) my signature to said paper is my genuine signature. I placed it there as Governor at the time & place where & when the paper purports to be made and dated. It was made for the uses & purposes and upon the terms and considerations therein specified.

The money and grain mentioned in said paper was furnished to the Government for its uses by the Original Grantees.

There had not been any Priest at the Mission San Luis Rey or at Pala for some years before the said grant was made. I cannot recollect precisely how long but I think there had been no Priest there since the year 1843. At the time of the Grant I think Juan Maria Marron was there in charge of the Mission by appointment of the Governor of California.

The said paper has the Government stamp on it. It was customary to make such documents on sealed paper. But when there was no sealed paper to be procured they were made on common paper with the Govt. stamp and it was of equal validity. I am acquainted with the usages laws & customs of the Government of California in regard to the granting of lands & the issueing of titles.

The grant of the lands made in this case and by the deed aforesaid, would have been good and valid under the laws usages and customs of California & of

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Mexico provided there had been no change of the Government of the Country.

I now examine a paper shown to me marked J. W. No 2 (Depo Pio Pico) It has my genuine signature to it was signed and delivered at the place & time it purports and for the uses and purposes therein expressed.

I also examine paper marked J. W. No 3 (Depo Pio Pico) I know the signature of Antonio Pico Juan Foster & Juan Maria Marron. Their several signatures to the said last mentioned paper are their genuine signatures. Antonio Pico whose signature appears thereto is the same individual who is mentioned in the grant. He now resides in San Diego. At the time the grant in this case was made the General Government of Mexico did not furnish any means for the defence of California or to carry on the war. The Local Government of California had notice from Mexico of the probability of war with the United States and were instructed to adopt all the means in their power for the defense of the Country.

Questions by R. Greenhow Esqr for Geo W. Crosby Esqr Law Agent.

1st. Was this grant or Sale made in virtue of the General Colonization Law of the 18th of August 1824 or of the regulations for Colonization of the vacant lands of the Territories of 1828 or of any other law or regulation of the Mexican Government?

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Deponents Answer to 1st Interg.
of Law Agent.

The Sale was made in virtue of what is expressed in the Document itself. The Government made the Sale by virtue of the Authority with which it considered itself clothed from the Government of Mexico and upon the motives and considerations expressed in the Document itself.

Interrogatory 2nd by same.
Was the authority special?

Answer. The Govenor had not received any Special Authority to make the particular Sale in this case but the Govenor had received Special instructions to provide means for the defense of the Country by extraordinary efforts and at any sacrafice.

Interg 3rd Did you consider the approval of the Departmental Assembly necessary to make this grant valid?

Answer. I did not so consider it.

Interg 4th by same.
Did the Rancho Pala belong to or was it within the limits of the Mission San Luis Rey?
(Objected to by the Claimants as not intelligable to express the english word belong witness uses the Spanish word (Pertenece)

Deponents answer.
It does belong (Pertenece) (or appurtain) to the Mission of San Luis Rey.

Interrogatory 5th by same.
Had the Mission of San Luis Rey any fixed

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limits of its lands?

Depo Answer, It had not any fixed limits or definite known or fixed boundaries to its lands.

Interogatory 6th. How was it known what lands were sold as the Mission of San Luis Rey?

The Mission had never had their limits established but all lands which the Missions occupied were considered as belonging to them (Pertenencia) further witness states that as the missions ceased to occupy the lands they were granted to individuals

That the lands sold or granted in this Document No 1. were those which had previously been occupied by that Mission which they had at the time of grant ceased to occupy, and which had not at the time or previously been granted to individuals

It was the intention in this grant to convey all the lands (Sobrante) which had formally been occupied by said Mission which had not previous to the grant in this case been granted to individuals.

Interogatory 7th. Have you in your possession the original order or Document by virtue of which this sale was made?

Answer. I have - and I have no objection to furnish a copy of the same to the Secy of this Board to be examined & certified by him and attached to this Deposition.

Upon further Examination by the Claimant the witness further states that I believe I gave an order to the grantees named

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in the said grant on the person in charge of the Mission of San Luis Rey to deliver over to said grantee the possession of the lands and property as also an inventory of the same. It was customery in many cases that lands which had been occupied by Missions and which said Missions had ceased to occupy were granted to individuals after the Missions had ceased to occupy them.

Where such lands had improvements on them as houses etc. the persons who got them by grant were commonly required to pay a small compensation for the improvements according to their value.

Interrogatory by R. Greenhow Esqr.

What is the sense in which you use the word (Pertenece) as applied to the lands of the Mission?

Answer. I mean to say that the Missions claimed to have the right to use that land, or considered themselves to have the right to issue it.

Interrogatory by same.

Why was this title drawn up in a form different from that used in the grants of lands according to the Mexican laws and regulations and without the conditions usually annexed to those grants.

Deponents Answer.

I cannot say what were the reasons for altering the form used in the conveyances I have before stated the circumstances and motives under which

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this Grant was made.

Pio Pico.

Sept 27. 1852

Subscribed & sworn to

Before me.

James Wilson Commissioner

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Filed in Office Sept 27 1852.

Geo. Fisher Sec.

Office of the Board of Commissioners &c

This day before Comr. Thompson Camp-
bell came John Foster a witness in
behalf of Claimant (Wm Carey Jones No 348,
who after being duly sworn deposed
as follows.

Deposition of John Foster

1 Quest. What is your name,
age, and place of residence?

Ans. My name is John
Foster. I am thirty eight years of age,
the County of Los Angeles is my place of
residence.

2 Quest. How many years
have you resided in California?

Ans. I have resided in
California 20 years.

3 Quest. State whether
in the year 1846 you have any Knowledge
of the delivery of the possession of the Ex.
Mission San Luis Rey. and the Rancho of
Pala, to Antonio José Cot, and Jose Antonio
Pico, and by whose order, please state
all you Know in relation to the matter.

Ans. I was Commissioned
by Antonio José Cot, and furnished with
an order from the Government to the former

holden of the Missin to deliver the Missin into my charge, which was done, I took possessin of it for José Antonio Pico and Antonio Jose Cot, and afterwards delivered it into the possessin of Juan Maria Marron leaving in his possessin for them.

The transaction as above related took place some time in the year 1846 I dont remember the precise date.

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Questions by Mr Greenhow

1 Quest. When you took possessin of the said Missin did any writings pass between you and the person from whom you received it, and if so state the contents.

Ans. There was a full inventory made of all the property of the Missin for which inventory I receipted. Marron was the Government Agent from whom I received the Missin, and the same person I left there as agent for Pico & Cot.

2 Quest. State if you know the circumstances under which Cot and Pico became in possessin of the Missin

Ans. I dont know how they came to own the Missin, but they received the possessin by an order of the Government.

3 Quest. Did Cot or Pico ever reside on the Missin of Pala.

Ans. Previous to the time Pico has resided there. I cannot state precisely the time when I know

Pico to live at the place, neither Pico nor Cot have to my knowledge lived at the Mission since its delivery to me, as their occupancy was despute by Government. I mean by this that Col Fremont Expelled Mason from the Mission.

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4 Quest. Do you know whether Cot was a Mexican citizen at that time

Ans. I dont know whether he was or not.

Re-examined by Judge Hawes.

1 Quest. Was Col Fremont accompained by a Military force when he Expelled Mason from the Mission, and was it during the war.

Ans. He was accompanied by a volunteer force and was acting in the capacity of a Government Officer of the United States.

John Forster.

Sworn to & Subscribed
Before me this 11.
day of October A.D. 1853.

Thompson Campbell
Commissioner

Filed in Office Oct 13. 1853.
Geo. Fisher Sec.

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Office of the Board of U. S.
Land Commissioners &c.
San Francisco Dec'r 13. 1853.

This day before Com'r Alpheus Felch came S. E. Arguello, a witness in behalf of claimant William Cary Jones Petition No 348, and being sworn, his evidence being in Spanish was interpreted by the Secretary as follows;

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Deposition of S. E. Arguello

Questions by Mr Howard Attorney for the claimant.

1 Question. What are your name, age and place of residence?

Answer. My name is Santiago E. Arguello, my age forty years and I reside at San Diego in California. I have always lived in California.

2. Question. Do you know any thing about the grant of the Mission San Luis Rey? if so when and by whom and to whom was it made?

Answer. I do know, It was granted by Pio Pico in 1846 in the month of May to Antonio Coat and José Antonio Pico

3rd Question. Please state if you know them, what were the boundaries of the Mission lands of San Luis Rey in May 1846?

Answer. I know the boundaries. They were the Piera de Pauma, the Portezuela de Temecula, the Cañada de Buenavista and the sea Beach.

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4 Questin. Do you Knw the Rancho called Santa Margureta, and the Rancho de San Francisco? if yes. of what lands were they the boundaries?

Answer. I Knew those Ranchos they were the boundaries of San Luis Rey.

5th Questin. What was the length of the Missin lands on the sea beach?

Answer. About three leagues

There is a Cañada at the commencement and another at the termenation of the land along the sea beach. one is called the Cañada de Santa Margarita where the waters coming from the Mountains enters into the sea. the other is the Cañada de Buenavista where also the waters from the mountains run into the sea.

In both of these Cañadas the waters from the mountains run into the marsh grounds before entering the sea.

These objects are generally Knwn and recognised as the boundards of the lands of San Luis Rey.

6. Questin. Do you (Knew) any thing of the possessin of said land by Antonio José Cot and José Antonio Dico under said grant? or their Agents?

Answer. I do not Knw any thing in regard to it.

7th Questin. Do you Knw any thing of the financial condition of the Mexican Government in 1846. or of their selling Missin lands to raise money.

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Answer. The financial condition of said Government in California was in a state of destitution, and the Government was anxious to raise the necessary funds to provide for the exigencies of the war with the United States. With this view the General Government of Mexico authorized the Governor of California to provide the means by disposing of such of the National lands and other property, such as missions as was necessary for the purpose.

The Departmental Assembly of California also passed a Decree authorizing the Governor to sell such lands and property for that purpose.

The Departmental Assembly was called to hold a session by the Governor with that object.

8th Question. What have been your opportunities of being acquainted with public affairs during the last ten years in California?

Answer. The intercourse and friendly relation between myself and some of the officers of the Government and the access which I have had to some of the papers for information.

9. Question. Look on the paper now presented by you purporting to be a power of Attorney from José Antonio Pico to Antonio José Cot dated July 20 1848. marked Exhibit No 1. with the initials "A. J." hereunto annexed and state whether you know the hand writing of said Pico and if yea whether the signature on

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said papers is his true and genuine signature, and also the same in regard to the signatures of Ignacio del Valle, and Agustin Olvera appearing thereon?

Answer. I have looked on said papers. I am acquainted with the hand writing of said Pico del Valle and Olivera having seen each of them write and I recognise the signatures above mentined on said papers as their true and genuine signatures.

10 Question. Look on the papers now presented to you marked "Exhibit No 2" with the initials "A S" and made a part of this deposition purporting to be a deed of sale from José Antonio Pico and Antonio José Cot to William Carey Jones dated November 27, 1849, and state whether you know the signature of Antonio José Cot? and if so whether the signature purporting to be this on said papers is his true and genuine signature? and also in whose hand writing is the body of the instrument and in whose writing is the name of said José Antonio Pico at the bottom of the instrument.

Answer. I have examined said Document and recognise the signature at the bottom of the same to be the genuine signature of said Cot. I have frequently seen him write and sign his name. The body of the document to the best of my belief is in the hand writing of said Cot.

Questions by Mr Greenhow Associate Land Agent.

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1. Questin. What do you mean by Missin Leands

Answer. The Lands which the Missions occupied.

2 Questin. Were all the lands within the Limits described by you in your answer to the third question occupied by the Missin of San Luis Rey.

Answer. They were.

3 Questin. What is the extent of the land included within the Limits mentioned by you?

Answer. It is about fifteen leagues long; and about four leagues wide in the center; at the ends it is about two leagues wide.

4 Questin. Do you Know by what power or authority the grant or sale of this mission was made by Governor Pico?

Answer. By the authority which he had from the Government of Mexico to make these sales.

5th Questin. Did you ever see the Decree or other documents from the Mexican Government authorising such alienations? If yea, can you state any particulars as to its date or contents?

Answer. I have seen a copy of it in the possessin of my father who brought it from Los Angeles to San Diego, he being a Member of the Departmental Assembly. I read it but I do not recollect its date. I do recollect that it treated about the missions particularly. It appears to me that it was dated in 1845 or the beginning of the year 1846.

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6 Question. Did you ever see or hear of any decree or order of the Supreme Government of Mexico dated in 1845 or the beginning of the year 0846 positively prohibiting the alienation of any of the Missions or any of the property attached to them?

Answer. I have never seen such a decree, but I heard of one having come from Mexico after the first above mentioned one was received which prohibited the sale or the grant of the missions.

7th Question. Do you recollect a Decree of the Departmental Assembly for the sale of certain Missions passed in April 0846 upon the proposition of Don Juan Bandini?

Answer. I do not recollect of any such Decree.

8 Question. Did you ever know or hear of any payment of money to the Government for this Mission of San Luis Rey by the alleged Grantees Pico and Coh?

Answer. I have heard that some money was paid to Governor Pico.

9 Question. What would have been according to your recollection the average value of horses mule cattle and sheep at San Luis Rey during the summer of 1846.

Answer. Five dollars a head for cattle, ten dollars for horses, fifteen dollars for mules and two dollars each for sheep.

(To this question and answer Mr Howard objects.)

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10th Question. Are you personally acquainted with Antonio José Cot? if you do you know of what country he is a native and whether he has been at any time a Mexican Citizen?

Answer. I know him he is a native of Spain. I do not know whether he ever was a Mexican Citizen.

11 Question. Do you know in what Country Mr Cot has resided with his family?

Answer. In Loima; and has been living in California several years with his family.

12. Question. Was he residing in California with his family at the time this grant was made?

Answer. He was not, this several years since he took his family to Loima.

Questions by Mr Howard.

1 Question. When did you first become acquainted with Mr Cot?

Answer. In 1836 or 1838. He remained in California about two or three years after I first became acquainted with him and then moved to Loima. I never heard that he held any public Office in California.

2 Question. How long after the grant of this Mission was it that you heard of the second order of the supreme Government?

Answer. A very short time after the grant I understood that there was an order there which prohibited the sale

of the Missions.

Questions by Mr Greenhow.

1 Question. Was the sale of this Mission of San Luis Rey made at Pueblo auction or privately?

Answer. The sales of all the Missions were published by hand bills posted up. The sale of this Mission I presume was included in the notice.

2 Question. Did you ever hear that this Mission was sold at Public Auction to the highest bidder?

Answer. I understood that the sale was made to the highest and at public auction.

J. E. Arguello

Subscribed and sworn to before me this thirteenth day of December 1853.

Alpheus Felch
Commissioner.

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Filed in Office December 13th 1853.
Lee, Dykes & Lee, Dpty.

Office of the U. S. Board of Commissioners &c &c.
San Francisco. Dec 30. 1853.

Deposition of Juan Forster.

This day before Commissioner Thompson Campbell came Juan Forster, a witness in behalf of Claimant William Carey Jones Petition No 348, and being sworn deposes as follows.

1 Quest. What is your name age, and place of residence?

Ans. My name is Juan Forster. I am sixty eight years of age and I reside in the County of Los Angeles.

2. Quest. How long have you known the Mission of San Luis Rey.

Ans. I have known it about twenty years.

3 Quest. Do you know of its having been (granted) to any person, and if so when and to whom.

Answer. It was granted to Antonio Jose Cot & Jose Antonio Pico in the year 1846.

(Quest. Do you know whether said parties or either of them took possession of it.

Ans. I was appointed to take possession of it in company with José Antonio Pico I named my appointment from Cot. but at the same time I was requested to assist Jose Antonio Pico.

5th Quest. Said they or either of them continue in its possession?

Ans. They continued in possession until they were sent away by Fremont who was marching through the Country at the head of a Military force at the time that Pico held personal possession, and Col Reid (throug a man by the name of Juan Maria Mason.

6th Question. What use did Col Fremont make of the Mission buildings

Answ. I dont know. it has since been held by United States troops and I believe is so occupied at the present.

Were you acquainted with the circumstances of this sale at the time it was made.

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I was not I first heard of the sale when I was requested to take possession of the place.

Do you know whether the sale was at Public Auction or Private.

I am not aware of how it was made.

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How long have you been acquainted with Antonio José Cot?

I have known him some eighteen or twenty years.

Of what country is he a native?

He is a native of Spain

Did you ever hear of him being naturalized as a Mexican Citizen?

I never did hear that he was.

What was the value of mules horses, cows and sheep at the time you assisted in taking possession of the Mission San Luis Rey?

Mules would average about thirty Dollars, Horses about twenty dollars and Horned Cattle would average about twelve dollars, and sheep about two dollars and a half.

Was the other moveable property of the Mission at the time you took possession of it much value?

It was not considered of much value.

Was the property in stock and other moveables which you found in the Mission and Ranchos still there when Fremont took possession of the Mission?

Yes it was all there.

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Re-examined by Mr Howard

Where did Lot reside when you Knew him?

He resided more permanently at Los Angeles than any other place Pico was a native Californian.

To what extent did the Army of the United States use the Mission Lands for the purpose of pasturing horses & cattle?

They had Beef cattle for the use of the troops on the Lands occasionally. a few milch Cows, and some seasons of the year, as many as two hundred head of horses and mules.

2 Question by Mr Greenhow

What was the average Value per head of Stock of the different Kinds at Las Lomas Rey in the summer of 1846.

Ans. Common Saddle horses were worth about twenty dollars work mules from eighteen to twenty five dollars, and broke Mares & colts from eight to ten dollars each, horned cattle from twelve to fourteen dollars, and sheep about $1.50 to two dollars.

3 Quest. Was not the Government engaged in purchasing horses and mules for the use of the troops?

I Know that they were procuring horses and mules at Los Angeles to fit out a military Expedition for the North, but do not Know on what terms or how.

Question by Mr Howard.

1 Quest. Please state the practice of conducting public sales under

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the Mexican System of real and personal property?

Ans. As far as my knowledge extends advertisements were circulated stating terms, conditions and description of property when it was real estate inviting bids or offers up to some notified day, on which day the bids or offers were opened and those having the jurisdiction after examination declared who was the purchaser. Personal property was generally sold, in the manner which we term public Auction in the English language.

Mr Greenhow

1 Quest. Did you ever know of any sale of real Property by the Mexican Government in California? Before these sales of San Juan, and I am not aware that any attempts has ever been made to occupy them by any one.

When did you first hear of the sale of this Mission to Pico and Coe?

On my arrival in Los Angeles from My Rancho Col Fremont having then been in San Diego some five or six days in the summer or fall of the year 1846 was the first information I had of the sale.

Did you hear what the particulars of the sale were?

I knew that the Mission had been advertised for sale, having visited Los Angeles with a view of purchasing myself. This was before any

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American forces had arrived in California of the particulars of this sale I know nothing.

How long have you been acquainted with Antonio José Cot?

I have known him since the year 1835.

Have you ever heard of him being naturalized as a Mexican citizen.

Ans. I never heard that he was naturalized.

4 Quest. Have you ever known or considered him as established, as a resident vecino of California.

Answer. To the question I say, yes, for I know him to be a vecino of California for the last four or five years. He was occasionally in California as an importing merchant, from my first acquaintance for about two years, when he went to South America, from which place he returned to California, some time about 1844 to take charge of and close up the commercial business, which he himself and the Agent Don Miguel Pedrorena had previously transacted in California

He was also on his return, the Agent or Attorney of the heirs of Juan B. Laundry, in consequence of which, for the management of a large property belonging to said heirs, he resided in Los Angeles. When he also transacted some commercial business and kept a shop. From which time he has resided generally at Los Angeles.

Question by Mr Howard.

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7 Quest. What year and month did you and Pico take possession of said Mission.

Ans. It was in the year 1846. I dont recollect the precise month. I assisted at that time, in making an inventory. which will show the date now positively.

8 Quest. Can you state what were the boundaries of the Mission lands, in the year 1846?

Ans. They were bounded on the North by the Rancho of Pio Pico called Santa Margarita on the South by the Rancho of Juan Maria Marron, called Agua Hedehondi, and is also known by the name of San Francisco on the west by the Sea Coast, on the east by the mountain of Pamo, or the Rancho known by the same name, which is at the foot of the mountain. The Rancho Santa Margarita down over the full extent of the northern boundary to the eastward of Santa Margarita, there is another rancho, which serves as a part of the Northern boundary claimed by Isidro Alvarado.

9 Quest. Will you examine the annexed map marked "A" and say what tract of land the dotted lines on said map represents?

Ans. I think the map shown me and marked "A" contains a very correct description of said tract as delineated within the dotted lines which appear on the face of the map.

10 Quest. Can you state how far the Mission buildings are from the Sea Shore?

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Ans. They are about two miles and a half.

11 Quest. What is the extent of the Rancho Santa Margarita on the side next the Mission Lands.

Ans. I assisted in the measurement, and I think the distance is about seven miles.

12 Quest. How much land did you ever see in cultivation about the Mission at any one time?

I cant state the precise quantity but it was considered to be very extensively cultivated under the direction of the Priests of the Mission. There was no cultivation in 1846 except the gardens which had been neglected, and the Mission Buildings were also falling into ruins. In 1846 said Mission was held by a Steward or Mayor dome appointed by the Mexican Government.

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Did the Steward of whom you have spoken deliver you and Pico Possession in the name of the Mexican Government?

He did by an order from the Government to that effect.

Question by Land Agent

Was the occupation of California by the forces of the United States, known by yourself and Pico at the time when you received the possession of said Mission?

I had known that a part of California that is Monterey, was in

possession of the United States troops at that time.

Was Los Angeles in the possession of the troops at that time?

I think not, but I dont Know.

Juan Forster.

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Sworn to & Subscribed before me this 30th day of December A.D. 1853.

Thompson Campbell Comr.

Filed in Office Dec. 30. 1853.

Asa. Fisher Sec.

Office of the U.S. Board of Land Commissioners &c &c.

San Francisco Dec 30. 1853.

This day before Commissioner Thompson Campbell came L. J. Warner a witness in behalf of claimants William Carey Jones, Petition No 348 and being duly sworn deposed as follows.

Deposition of J. J. Warner

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

Ans. My name is J. J. Warner, I am forty six years of age, and I reside in San Diego.

2 Quest. Who drew the map marked "A" now shown you, and what land does it represent?

Ans I drew the land and it represents the tract of land enclosed within the double dotted lines which in 1846

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I considered as appurtaining to the Mission of San Luis Rey.

3 Quest. Will you please describe the boundaries of said tract?

Ans. It is bounded on the West by the Ocean, on the North by the Rancho of Santa Margarita and Temecula, on the east by the Rancho of Pauma, belonging to Serrano and others, on the South by the Rancho of San Francisco which was granted to Juan Maria Marron and the Rancho of Santa Margaritas, or public lands, these are the exterior lines, embracing some tracts believed to have been previously granted by the Government to Individuals.

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4 Quest. Can you state the boundaries of the Rancho Pala?

Ans. It is bounded on the East by the Rancho of Pauma, on the North by Temecula, on the west by the Rancho of Isidro Alvarado called Monte Serrate, on the South by Santa Margaritas or ungranted lands being a high mountain ridge on the south of and immediate vicinity of the Ranch known as San Luis Rey.

5 Quest. About how much land is there within your boundaries you have described.

Ans. I should think about three Leagues.

6 Quest. In what manner did the Mission Authorities occupy and use the Rancho called Pala?

Ans. They had a large House upon it, vineyard and orchard

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and cultivated small grain Buckwheat corn, wheat & Beans. They had on this cultivation from three to five hundred acres.

7 Quest. Will you state how long the Mission has been occupied by the United States with Military forces?

Answer. Generally since the close of 1846 or the beginning of 1847 it has been occupied by United States troops.

8 Quest. Has it been so occupied by the United States troops to the exclusion of the Grantees under the Mexican Government?

Ans. To the best of my knowledge it has been so occupied. They I think have been excluded.

9 Quest. How long have you been acquainted with the Mission of San Luis Rey?

Ans. I have had a general knowledge of it since October 1831. a particular and intimate knowledge since February 1836. It situated in the County of San Diego.

Questions by Mr Greenhow.

1 Quest. Have the troops of the United States occupied any part of the lands or buildings of this Mission except the Mission buildings of the Mission proper and immediate appurtenances, so as to exclude other persons from their occupation?

Ans. They have occupied the Mission buildings proper, gardens and vineyards in the immediate vicinity

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and I have understood that they have prevented in all instances persons from occupying any of the lands lying between the ocean and a place on the east of the Missin Buildings Known as Hueyanne, inclusive, distant nearly three miles from the Missin.

They have never to my Knowledge occupied by Military force either Pala or the Rancho of the Missions in 1845 & 1846.

The first sale of such property to my Knowledge was at the time in which the missin of San Juan Capistrano and some others I believe was sold, which I believe was in 1845.

J. J. Warner

Sworn to & subscribed
Before me this 30th
day of December A.D.
1853.

Thompson Campbell Com.

Filed in Office Dec. 30th 1853.
Geo. Fisher Dep

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(Span See following)

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San Francisco July 11. 1854.

Deposition of J. J. Warner

This day personally appeared before the Commissioners to ascertain and settle the private land claims in the state of California, sitting as a Board, J. J. Warner, a witness in behalf of the United States, duly summoned at the instance of the U. S. Law Agent, in case No 348, wherein Wm. Carey Jones is the claimant for the Ex Mission of San Luis Rey, who after being duly sworn deposeth and saith as follows, to wit:

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Question by the U.S. Law Agent

1st Question. Look at the map now shown you and annexed to the deposition of Juan Foster in case No 348, Wm Carey Jones, claimant for the Ex Mission of San Luis Rey marked with "A" and state who made the same and all you know about it?

Answer. I made it; the distance from the Northern to the southern line along the sea coast I obtained from Santiago E. Argüello; having but little knowledge myself of the lines of the Rancho of San Francisco, and Santa Margarita, at that particular point: I think the Mission was calculated at two and a half leagues, all of the other lines of the said plan were drawn on a scale according to the best of my knowledge of the distance from one point to another to correspond with the distance on the first above mentioned or sea coast line. I never made any computation of the quantity but should suppose it contained within the double dotted lines somewhere about thirty leagues

Question 2d What is the distance from the Ocean coast to the Mission building of the Mission of San Luis Rey?

Answer I should think about six or seven miles, but may err in my opinion considerably as I never was acquainted

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the Country from the Mission to the ocean but once or twice

3d Question Have you ac-quainted with the value of funnal property in California in the year of 1846, if you look at document Marked J. W. No 3 and re-ferred to the depozition of Pio Pico and state the price of each article therein stated, as it was in August of the same year.

(The Counsel for the claimants object to the foregoing question)

Answer. I have looked at the document above described and find many articles therein embraced, of which I have no idea of their value at that time. but in the annexed inventory will be found the value of all the articles therein embraced of which I had any knowledge of their value, the said Inventory is marked D. being a copy

(Cross examined by claimants Counsel.)

Question 1. How much land was within the exterior dotted lines, on the above described Map as Mission lands was granted in May 1846?

Answer. I am unable to say at what time any of the lands embraced within the lines referred to were granted, but think there must have been some twelve or fifteen leagues of land embraced within those lands unogranted at that date.

Inventario de las Existencias en la Ex-Misión of San Luis Rey, entregadas á los contratantes Don Antonio Coit and Don Jose Antonio Pico. Ha saber.

Interior de la Casa.

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12 ~ 120.00 12 pipas de vino que se componen de 10 barriles,
1 ~ 2.00 2 demijuanes bacias,
5 ~ 25.00 5 pipas bacias,
.50 ~ 1,50 3 Embudas,
2,50 ~ 5.00 2 barriles bacios,
1 Taleta,
1 bombo de agua,
2,00 1 galon de cobre,
.25 1 media quartilla de aja de late.

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Almacen

2,50 1 par de balanzas con sus pesas.
2,50 2 cuchillas de mantanzas, 25.50 4 albardanes, .50 .2#
3,50 3 picadores, .50, 1.50 4 moldes p.e hacer velas, .50 12.00
1,50 1 frasada .7# y 1 mantel, 1.50 1 papelero, .07
12,00 11 canaras de cobre, .11 2 llaves de bronce de barril, 2 p.a 1#
11,50 9 pares de tijeras de trasquilar,
1 cajon con cola, 1 canario con medicinas inutiles,
1,00 1 cajita con balancitas y pesas,
3 botas de aja de lata. 1 barruna grande,
13,00 3 Guiras de hierro, 1 achita,

Sala

20,00 1 mesa grande 10# 2 bancas 2.50-5# 3 id. del corredor 1.00 5.
41,00 1 canape 15# 11 sillas palliseras @ 3-33# 4 estampas en Lienzo 4.00 14#
1#. 1 reloy inutil, 10 sillas de sentarse .50-5# 1 espejo 2#
1 imagen de culto, 1 crucito de.

280.25

Comedor

3 mesas 5-15#, 3 mantillas, 2-6#, 1 canpeta de balleta, 6# 26,00
2 bancas, 2.50-5#, 1 platon, 4.50, 7 platas, 25-1.75 2 tasas grandes, 2-4# 4 id 12,25
con platillos de chia, 3.2 1.50 2 chocolateras, .75-1.50 2 taleras, .25-.50 1 bol .00 3,50
botta de cristal, 2.50 1 frasco, .25, 9 cucharas, .25-2.25 30 cuchillos, .25 7.50 12,50
1 cucharon, 1.50, 6 candeleras, .25-1.50 1 bandeja de cobre, 2.50 1 tinaja 5,00
de cobre 5,00

Cuartos del Interior.

11 catres, 2 22#, 7 colchones, 4-28#, 4 almadas con sus fuentes, 1.50 6# 56,00
6 sabanas, 4.50, 2 sobre camas, 2 4#, 1 Santo Cristo de plata, 8,50
1 Canape, 4# 1 Banca 2# 2 mesas 2.5# 10# 16,00

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Despensa

Una pipa con algun vinagre, 5m 1 cajon para guarda arina, 3f 1 balanza con pesas, 2m 50 1 meza, 3f 8.00
7 basijas para aceite, 5m 3m 50 2 medidas - dhumde 2f 2d 5.50

Almasenito

1 a cadas 2m 50, 1 machine para dsgranar maize, 20f 22.50
1 bomba de aja de lata, 2m 50 barandones de media 2m 75 4m 50 7.00
3 varias de fierro, a 5f 15.00

Troja

Medidas para grano 3m 00, 100 fanegas de trigo poco mas ó menos en el rancho de Pala, 3.00 200.00

Telar

5 telares, 10,50f 9 fermas, 2-27f 1 urdidor, 5 1 debanador, 2 84.00
1 Romana, 2f 7 pares de cardas, 1-7f 7.00

Cuarto del aceite

2 prensas, 250 100f 1 molino de aceitunas, 80f 2 cazo de cobre, 20f 170.00
2 sombreras de alambique inutiles unos barcos para labrar cañizmo

Fragua

1 Fuelle, 10 1 Yunque, 15. 2 Tenazas, 10-20f 2 masas, 3-6f 1 Tatadro 51.00
inutil. 2 clavetas, algunas fierras de herreria.

Casina

26.50 2 matates, 5 17f 1 comal, 2f 1 barril, 2m 50 1 cocha 2f 1 caso de cobre 10f

Cuarto de Molino

54.00 7 metates, 5 35f 1 molino de rastra, 15f 2 oneras, 2f 3 leña, de oneo 2f
14.00 1 molino inutil, 4 Chigas apuntadas, 8 4 cuartas, 15m 6f

Panaderia

15.00 1 artesa, 2f 1 cabo, 2f 1 pala 1f 1 caso de cobre inutil 5f 1 metate 5f

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Zapatería

12.50 1 mesa 6$, 2 cajones 1-2$, 4 hormas 60¢, Fierro de picar suelas 5$
11.75 1 Campas 50¢, 1 descarnador 1$, Alesnas 25¢ 2 tablas 2 24$
bancas p.a picar 3$

Sato.

100.00. bastales, 10 aparejos 10-100$

Carpintería

2.50. Una sierra 150¢, 1 serrucho inutil, 1 guadra de fierro 1$
4.50 1 guadra de id 1$, 5 tepidas inutiles 2 Escoplos 1-3$, 1 martillo 150¢
29.80 1 quinqué 5$, 1 mallejon 10$, 2 cuños 15¢ 3$, 1 barra 10$, 2 picaras de barreta 1.75 180¢

Jabonería

18.50 3 Cazos 20-60$, una mesa 250$, 1 pistola 1$, 1 cama 5$

En el Rancho de Pala

295.00 1 alambique de Rasca 200$, 1 id conserte 75$, 1 id inutil 20$
31.00 6 pipas utiles 5-30$ y 2 inutiles 1$, 6 asadores inutiles
45.00 1 yonque tenderia 4$, 3 barras 5-15$ y 14 barriles de fierro 12-28$
31.00 1 tinaco 10$, 2 mesas 3-6$, 1 banco 6$, 2 cuños 2-4$ 2 sillas pabonar 3-6$
10.00 1 barril viega, 1 caso de cobre inutil 5$, 1 id chico util 5$
10.00 5 arrobas con puntas

Fincas Lomerios

En el Rancho de San Juan y de Pala

1,585.00 32 yuntas de bueyes 20-640$ 105 cabezas de ganado mayor 9-945
1,556.00 185 cabezas de caballado bronco 1-340$ 28 id mansas 12-336
24 Mulas. 20-480
1,457.80 691 bueyes chico y grande 150-1036.50 88 cabras 75-66$, 7 cabeza de burrada 5-35$

Viñas, Huertas y Labor.

1. Una Viña en la Mision que se compone de 8.500 para sas inutiles; 60 arbales de aschinas y algunos arbales frutales casi inutiles.
1. Una huerta llamada del Chino con 60 arbales frutales medio utiles.
1. Una huerta y Viña en Pala que se compone de 7.500

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paras, 6a arbolo de asetunas, 6a id de puas, 2a id. de manzanas
1. Una cumba de 4 almd de maize en mal estado

Fabricas

1. La fabrica principal de la ex-mision
1. La casa que existe en el rancho de Pala
1. La casa y corral del rancho de San Juan

Tierras

Se componen del que hay colindante con la sierra de Jacume por el este, al norte con Santa Margarita, al sur con el rancho de San Francisco y la Playa por el oeste.

San Luis Rey, 9 de Agosto de 1846

Se ha recibido conforme este inventario.

Anto Pico

Como Comisionado de Don Antonio Cal.

Amount on first page Juan Foster $280.25
" " second " 724.75 Juan Ma Marron
" " third " 5,359.25 The sum
$6,364.25 total appraisement

of the articles to which I have given a valuation amounting to six thousand, three hundred and sixty four dollars, twenty five cents.

It will be observed that on the first page there are five lines embracing ten items, and on the second page, eighth line one item, and the first, third and fourth lines from the foot of the same page and the items on the fourth page are left without any value being affixed thereto. Some of the articles are unintelligible, while the value of others has arisen since the original was inventoried at thirty pieces, been separated from the cost of the material of which they were made and the quantity employed in the type. The fourth page I do not understand as embraced in the question. Much latitude should be given to the value I have attached to the movable household property as the inventory does not define the state of the property enumerated. But the value placed before each article from my knowledge of property of the class specified, as well as from a personal

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knowledge of many of the very claims disputed are such as I believe to be an approximation to their actual cash value at that time

J. J. Warner

Examination by the U.S. Land Agent resumed

1st Cap. Int. How much land within the boundaries you marked out on the said map was granted to other parties prior to May, 1846.

Answer. I am unable to say. The ranchos of Jamma, the rancho of Monserrate, Buena Vista and Guajome, are the only tracts granted previous to that date, to the best of my knowledge

J. J. Warner

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Sworn and subscribed to before the Commissioners sitting as a Board, the 11th day of July A.D. 1854.

attest: Geo. Fisher Gray

Filed in office July 11. 1854.

(signed) Geo. Fisher Gray

145 — 11/2 Sesion Extraord.ª del dia 20 de Agosto
Leida y aprovada la acta anteno del dia
15 del corriente se dio cuenta con una nota
Oficial del supemo Gobierno Departamentl.
relativo à que habiendo formado regimientos
de Ausiliares defensores de la patria à causa
de las probalidades de guera que hay entre
Decree for the Sale of the Misions — nuestra Nacion y la de los Estados Unidos
sería conveniente que la Sobma Asamblea
en uso de sus facultades proporcione arbi
tros p.ª sostener estas tropas ausiliares to mando
12 — en consideracion la Escasez del Erario
nacional y tomada en consideracion se
2 — nombro una comision especial p.ª que ha
=ga dictamen sobre el particular, compues
339 SD — ta de los Sres Spence pres.te y Botello.
PAGE 43 — 8/4 Sesion Extraord.ª del dia 24 de Agosto
5. En seguida se dio lectura al dictamen
de la Comision de Hacienda y guera
nombrada p.ª indicar los recursos q.e pue
=den facilitarse al Gobierno p.ª los gastos
de la guera que amenaza al pais p.r ma
=cion estranjera en cuyo dictamen se
contienen cinco Articulos Relativos à las
misiones de la Alta California como ani
=cos recursos de q.e se puede hacer uso de
las actuales circunstancias y tomado
en consideracion, se pusieron à discusion
de uno en uno los espresados cinco Articulos
y p.r su Orden fueron aprobados p.r una
nimidad absoluta; acordandose se haga
constar Original el Referido dictamen
en el libro de Actas de los presentes sesiones
librandose copia de el, al Gob.r de su p.r del
Departam.to p.ª su conocimiento, dandole
su publicacion cuando lo crea conven.te
con el fin de impedir desperfectos en aquel
=los Intereses.
6. En seguida se procedio al nombramiento
del Secret.º propietario de la E. Asamblea
7. Departamental, indicado en la acta
anteno y verificado por escrutinio secreto
mediante cedulas, resulto Electo p.r mayoria
absoluta de votos el Sor D.n Jose M.a

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bocanchas, acordandose de le comunique su nombramiento p.r el Exmo presidt.e y que el lunes 26 del corriente à las cuatro de la tarde se tenga la ultima seccion. con lo que se levanto la seccion. Entre Renglones=dha de=Vale=Tachado=Relativo à q.e no Vale

Michel.a

Narciso Botello. Vocal Secret.o

Reunida à seccion estraord.a la Exma Asamblea Departamental el 26 de Agosto leida y aprovado la acta ant.r acordo el decreto que sigue.

La Asamblea Departamental del Departamento de la Alta California y convocada à sesiones estraord.as por el Gobierno del mismo con Objeto de proporcionar Recursos p.a la guerra probable que amenaza p.r estraños Maritimos y terrestre el supremo Gobierno nacional, habiendo llenado el Objeto p.a que fue convocada, ha tenido à bien decretar lo siguiente.

Quedan cerradas las Secciones estraordin.s de la Exma Asamblea Departamental de California hoy 26 de Agosto de 1844.

El Gobierno del Departamento lo tendra entendido haciendolo imprimir y publicar p.a su cumplimiento pasando por la Secret.a copia de este decreto.

Mem.l Michel.a

Narcisso Botello

Vocal Secret.o

Gob.no politico de California

A la Comision de Hacienda y guerra

Narciso Botello

Pino Sn.l

Exmo Sor.

Luego que recibi la superior Orden de Ayer de mes del corr.te año en la que se me comunica la probabilidad de guerra entre nuestra Nacion y las de los E. U. mande formar regimientos de ausiliares defensores de la Patria y como puede llegar el caso que estos se pongan sobre las Armas seria conveniente que V. E. en uso de sus facultades establesca arbitrios con que sostenerlos pues

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no hay con que contar con los fondos del Era
rio, por lo cual sucede enque siempre se encu=
entra.
Protesto à V.E. mi distinguida considera
cion.

Dios y Libertad agosto 20 de 1844
Mem.l Michelt.a

Decree continued 10/9

Exma Asamblea
Departamental } Exma Asamblea

La Comision Especial nombrada
para dictaminar con Respecto à los Archi
=tivos q.e se Especifican en la superior nota
del Gobierno Departamental fha 20 del
corriente para el Sostenimiento de las
fuerzas auxiliares formadas p.r el mismo
à consecuencia de las probabilidades
que hay de guerra entre nuestra nacion
y la de los Estados unidos del Norte
Espone que ha meditado con la mayor
atencion y Esmero sobre este particular y
que à pesar de sus continuas reflecciones
en buscar los medios de Establecer dhos
Archivos no los encuentra; mas considerando
las criticas circunstancias en que se en=
cuentra el pais amenasado à perder nada
menos que sus derechos y libertad tenien
dose presente la suma Escasez del Erario
Nacional y la necesidad de buscar medios
para su Seguridad y defenza los que la
comision encuentra, unicos y seguros p.a
proporcionar Recursos al Gobierno para este
11. Objeto son las Misiones tanto por que cami=
nan à su total distruccion, las q.e existen
son inmediatam.te paradas cuanto p.r q.e
deben considerarse como propias pro pieda=
des de la Nacion, gratificando de ellas
mismas competentemente à sus respectivos
neofitos p.r el Derecho que les asista pone à la
deliberacion de V.E. los Articulos siguientes
1.o podra el Gobierno Superior del Departa
mento poner en Venta, hipotecar ò amendar
las Pinicas, Raices y terrenos de labor de los
Misiones de la Alta California comprendi
=das en la estencion desde S.n Diego hasta

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donona y dispone para atender à los gastos de la guerra del sobrante de su Valor pagadas que sean, de preferencia sus respectivas deudas legales.

2º Se exceptuan del Artº anterior la Misión de Stª Barbara que subsistirá como palacio Episcopal, atendiendo à su Escuela de Stª Ines para Colegio, Instruccion y Estudios mayores de la juventud Californiana, y alguna que otra que reserve el Gobierno para siembras nacionales necesarias à la subsistencia de las Tropas.

12. 3º El Gobierno dispondrá à el tiempo, modo y forma en que debe verificarse dha Vtª Hipoteca, ò amendo y Reglamentara el Reparto. prudente de los bienes muebles como demas utensilios entre los Neofitos respectivos de cada Mision.

4ª El Gobierno podrà ecejir inmediatamt y efectivamtª los intereses dº de algunos particulares adeudados à dhas Misiones y dispondrà de ellos pª el mismo fin que el sobrante de que habla el Artº 1º.

5ª Las Misiones Vendidas, tendran en lo sucesivo el Caracter de pueblos y los hipotecadas ò amendadas, ò ocupados por el Gobierno, el de juezas Departamentales siendo del cuidado de este en el Reglamento que formen, detallen lo eminente à la seguridad de subsistencia, amoforma de los RR. RR. Padres actuales ò y mientras cumplan con el decoro del culto divino y consilios espirituales de los pueblos.

Monterey Agosto 23. de 1844.

David Spence # Mio pico # Narcisso Boleto

Office of Surveyor General of the United States for California.

I, John C. Hays Surveyor General of the United States for the State of California, and as such, having in my Office and in my charge and custody a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California

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by Virtue of the power vested in me by law, Do hereby Certify that the twelve preceding and hereunto annexed pages of hacing paper numbered from One to Twelve inclusive, Exhibit a true and accurate Copy of Extracts from a certain unbound Book entitled: Libro de Actas de Sesiones estraordinr.s de la Exma Asamblea Departamental de Californias desde 15 de Agosto hasta el 26 del mismo año de 1844. said Extracts comprising all of the proceedings and Actions of the Departmental Assembly on the dates mentioned therein relating to the Sale or Disposition of Mission so far as appears in said Book; said Book now being on file and forming part of the said Archives in this Office.

(Seal)

In Testimony Whereof I have hereunto signed my name Officially and caused my Seal of Office to be affixed. at the City of Dons Francisco this Twentieth day of December a. D. 1853.

John C. Hays

U. S. Surveyor General
for California

Filed in Office July. 12. th 1854

Geo: Fisher Dep.

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Translation
of
Decree of the
Departmental
Assembly

Extraordinary Session of the 20th August.
The foregoing act of the 15th instant having been read and approved an official communication from the Superior Departmental Government was taken under consideration, said communications being in relation to the fact, that, some regiments having been organised to serve as auxiliaries and as defenders of the Country, in view of the impending danger of war between our nation and the United States, it would be expedient that the Most Excellent Assembly in the exercise of its powers should devise means to sustain these troops taking under consideration the want of funds in the national Treasury: and having had it under consideration a Special Commission was appointed consisting of Mesrs Spence, Pico and Botello, to give a report on the matter.

Extraordinary Session of August 24th

Immediately afterwards a reading was given to the report of the Committee on revenue and war, which was appointed to find out what resources could be calculated upon by the Government to defray the expenses of the war which is threatening the Country by a foreign nation. which report contains five articles in relation to the Missions of Upper California represents these to be the only resource of which use can be made under the actual circumstances: and having had it under consideration, the said five Articles were

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discussed one by one in their order, and they were approved by an absolute unanimity; having resolved that the said report be made to appear original, on the books of acts of the present session, and that a copy of it be delivered to the Superior Departmental Government for his information, that he may publish it wherever he may think proper, and with the view of preventing an improper use of this property.

Afterwards the Assembly proceeded to the election of Secretary of the Excellent Departmental Assembly; as indicated in the foregoing act, and having been done by ballot. Dn. José Mª Covarrubias was elected by an absolute majority, having resolved that notice be given to him of his appointment by His Excellency the President thereof and that on Monday the 26th. instant at four o'clock in the evening the last session be held and after this the session adjourned.

/Signed/ Michelta
Narciso Botello
Vocal Secretary.

The Most Excellent Departmental Assembly having Assembled on the the 26th. of August in Extraordinary Session, and having read and approved the foregoing acts, they resolved the following decree.

The Departmental Assembly of the Department of Upper California, having been called in Extraordinary Session by the Executive of the same, with the object of

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devising means for the probable war which has been announced, through extraordinary mar-
-a time and land expresses by the Supreme National Government, having discharged and fulfilled the object for which it was called have thought proper to decree as follows:

The Extraordinary Sessions of the most Excellent Departmental Assembly of California remains closed this 26th day of August 1844.

The Governor of the Department will bear it in mind, causing it to be printed and published, and for this object the Secretary will deliver a copy of this decree.

(Signed) Manl Michelt.a
(Signed) Narciso Botello
Vocal Secretary.

Political Government
of the Californias

Most Excellent Sir

Immediately upon the receipt of the Supreme order of the 11th of May of the present year in which I am informed of the probability of a war between our nation and the U. States, I ordered that Auxiliary regiments should be raised to be defenders of the country and as it may be necessary that these regiments should take up arms, it would be expedient that your Excellency in the exercise of your powers, should devise

means to sustain them, for we cannot count upon any funds in the Treasury, for the absolute want of them which is always the case.

With the highest respect to God and Liberty. August 20th 1844.

Manuel Michelorena

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To the Mosh Excellent
Departmental Assembly

Sect this pass
to the Committee on revenue and war.
Narciso Batelle.
Secretary ad interim.

Mosh Excellent Assembly

The Special Committee appointed to take into Consideration the subject of raising the funds referred to in the Superior Communication of the Departmental Government dated 20th instant to maintain the Auxiliary forces raised by himself on account of the probability of war between our Nation and the United States of the North beg leave to report: That they have considered the subject with the greatest care and attention, and that notwithstanding their continued meditations to devise means to raise said funds, they have been able to find any: but considering the critical circumstances of the country threatened to loose nothing less than its rights and liberty, and bearing in mind the scarcity of funds in the national treasury and the great necessity of devising means for the

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Security and defense of the Country, the Committee find that the only sure source from which these funds might be obtained for this purpose, are the Missions, both because they are falling to decay, that is those which are hardly standing, as likewise because they must be regarded as the property of the Nation, giving a competent gratification to the respective Neophytes for whatever right which they may have, and the Committee submit the following articles.

1st. The Supreme Government of the Department may sell, mortgage or lease the Tenements, real estate and lands of the Missions of Upper California, situated from San Diego to Sonoma, and they may be disposed of in order that Bruse the money after paying all its legal debts, to depay the Expenses of the war.

2nd. From the foregoing Article, are excepted the Missions of Santa Barbara which will remain to serve as Episcopal palace, and for its Neophytes, that of Santa Cruz to serve as a College for the instruction and studies of the youth of California and any other which may be reserved by the Government to plant what may be necessary for the support and subsistance of the troops.

3. The Governor will point out the time manner and form in which the sale, mortgage or leasing may be made, and will regulate the distributions of the self moving

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property and utensils among the Neophytes giving them lands.

4th. The Government may exact and demand whatever debts may be due from individuals to said Missions & the proceeds thereof shall be disposed of by him in the same manner as is ammunt spoken of in Article 1st.

5th. The Missions which may be sold will for the future be considered as pueblos and those which may be mortgaged, leased or occupied by the Government will be considered as Departmental property, the Government bearing in mind in the regulations which it may make, to see to the security and subsistance of the M.M. R.R. Padres, /actual fathers/ and the preservation of the divine worship and the spiritual wants of the people

Monterey August 23. 1844.

Juan Alvarado,
Pio Pico. Narciso Botello.

Filed in Office July 12. 1854.
Geo. Fisher Sec.

(Upon 20 re following)

57

Pio Pico Gobernador Constitucional del Departamento de Californias.

(Sello) Por cuanto Dn Antonio Jose Cot y Dn Jose Antonio Pico se presentaron à Este Gobierno solicitando se les de en Legi
Doc: marked = tima posecion la mision de San Luis Rey.
I. W. No. 1 an y el Rancho de palas con los terenos que
nex: to the Dples pertenecen, en pago de dos mil pesos en
el precio de tres platas y cuatrocientas treinta y siete pesos cua
bepne Dames tro Reales; en semillas con q. han auxiliado
Wilson Coxe: al mismo Gobierno en sus urgencias, obligan
dose ambos à satisfacer en todo clase de Equilmos, las deudas de la Espresada
Mision de San Luis Rey en el termino
de cuatro años; teniendo en consideracion
los perjuicios que los interesados han tenido
por el Retardo de la satisfaccion de aquella
deuda y q. las fincas que Estan en su abem
=dono total no pagasen à los demas deuda
=dores, he venido en conceder le à los Espe
sados Sres. Dn Ant. Jose Cot y Dn Jose
Antonio Pico, en Virtud de las facultades
con que me hallo investido, quedando res
ponsables à satisfacer las deudas de la
Repetida Mision de San Luis Rey en el
tiempo que espresan. Y para q. el presente
documento tenga la Validacion correspon=
dte. anotese y tomese Razon en el libro respec
tivo por el senor Secretario del despacho
Dn. resguardo de los interesados; estendien
doseles en papel comun por falta del sel
=lado correspondiente. Dado en la Casa de
Gobierno en la Ciudad de los Angeles à los
diez y ocho dias del mes de Mayo de mil
ochocientos cuarenta y seis.

Pio Pico

Jose Matias Moreno

Secr. Supl.

Cuella tomada Razon de Este superior des=
pacho en el libro Respectivo.

Moreno.

Angeles Sept. 24th 1850

Geo: Fisher Secry

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Translation.

Pio Pico, Constitutional Governor of the Department of Californias.

Government Seal

Whereas Don Antonio José Cot and Don Jose Antonio Pico have presented themselves to this Government, petioning that it shall give them a legitimate possesion the Mission of San Luis Rey and the Rancho of Palas, with the lands which pertain to them, in payment of two thousand dollars in money, and four hundred and thirty seven dollars and four reals in grain, with which they have assisted the Government in its exegencies, they both obligating themselves to satesfy in every description of produce the debts of the said Mission of San Luis Rey in the term of four years having in consideration the prejudices which the interested parties have had in the delay of the satesfaction of the said debts, and that the edifices which are in a total abandonment will not pay the other creditors. I have come to concede them to the Señors Dn. Antonio José Cot and Don José Antonio Pico, in virtue of the faculties with which I find myself invested, they remaining responsible to satesfy the debts of the said Mission of San Luis Rey in the time which shall offer. And in order that the present document shall have such corresponding validity, shall be entered and taken account of in the respective book by the Señor Secretary of despatch for the security of the interested, being drawn on common paper for lack of the proper

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"B"
Translation of Grant.

sealed. Given in the Government House in the City of Los Angeles this 18th of May 1846.

Pio Pico

Jose Maria Morano

Sec ad interim

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Acount taken of this Superior Despatch in the proper book.

Morano

Filed in Office Sept 20, 1852.

Ge. Fisher Sec

(Span 20c follows)

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Copy of the Order from the President of Mexico to his Min.

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Ministerio de Guerra
y Marina ——— } E. S.
Exc.mo de Operaciones } al. S. Comandte
Gl. de California.

Principal dijo hoy lo sig.te

Las preparativas q.e hacen los Estados Unidos y la aproximacion de sus fuerzas Navales á nuestros puertos. no dejan duda de q.e la guerra con aquella potencia esta p.a romperse y como el E. S. Presid.te m.y esta decidido á sostener los derechos de la Nacion quiere q.e en todos los puertos de la Republica en que se presente el enemigo se haga una defensa viva y capaz de dar honor y gloria al pavellon Nacional. Al Efecto, mientras q.e el Supremo Gob.no proporciona á V. S. los auxilios convenc.s espera de su patriotismo y lealtad q.e dictara las providencias q.e juzgue oportunas p.a la defensa de ese Dep.to con cuyo objeto queda V. S. y el Sor Gob.or facultado ampliam.te y tengo el honor de insertarlo á V. E. p.a su cono.to esperando q.e por su parte no perdonara medio p.a conservar ilesos los derechos de la patria.

Dios y Libertad Mejico Mayo 10 de 1846.

Cornel
E. S. Gob.or del Dep.to
de Californias

Es copia fiel de su Original que queda en mi poder y á que me remito.
Angeles Setiembre 2.d de 1852
Pio Pico.

I Certify the foregoing to be a true and correct copy of the Original in possession of the Witness which copy I have compared with the Original.
Office of the Board of Land
Commissioners for California
Angeles Setiembre 2.d 1852.
Geo: Fisher Secry

Filed in Office Sept.r 2.d 1852
Geo Fisher Secry

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Translation

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Copy of the Order from the President of Mexico to Pio Pico.

To the Senor Commandante of the Californias

I now say the following.

The preperations made by the United States, and the approximation of their Naval forces to our ports, does not have any doubt that war is about to break out with that power and as his Senoria the President has determined to sustain the rights of the nation, he wishes that all the ports of the Republic in which the enemy shall present himself, that they shall make a vigorous defense capable of giving honor and glory to the National flag.

For which effect the Supreme Government shall give your Senoria the necessary aid hoping that your Patriotism and loyalty will suggest the means which you shall judge opportune for the defense of this department for which object there will remain ample faculty to your Excellency and the Governor

And I have the honor to insert it for the knowledge of your Excellency, hoping for your part that no means will be lack to preserve inviolate the rights of the country.

For God & Liberty. Mexico March 10th 1846.

Bonel.

Filed in Office Sept 27. 1852.
Geo. Fisher
Secy.

65 Copy

C. Copy of Order of delivery & translation

Gobierno del Depart.o
de Californias nn 2 A. Vista de la pre
sente, entregara V. à Dn Antonio Josè Cot
and Dn Josè Antonio pico la mision de
San Luis Rey, con todas las Entradas, tenencias
y demas pertenencias que le corresponden
y ha tenido V à su cargo, formando al Efecto
un inventario de todo ello que firmaran
V. y los señores referidos, remitiendo un tanto
de el à este Gobierno para los fines consiguientes
Dios y Libertad.

Angeles. Julio 22 de 1846.

Jose pico.

Sor Dn Juan Mc Morrow.

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Translation

Govermment of the Department of Californias

At sight of the present you will
deliver to Dn Antonio Josè Cot and Dn
Josè antonio pico, the Mission of San Luis Rey
with all the property, lands and other ap-
purtenances which belong to it and which
have been under your charge, forming to that
effect an inventory of the whole, which
you and the other Gentlemen. referred to
will sign, remitting a like one to this Go=
vernment for the uses convenient.

God and Liberty.

Angele 22d July 1846.

Jose pico.

To Dn Juan Mc Morrow

Filed in Office Sept. 20th
1852.

Geo. Fisher Deputy

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Govern.t
Seal.

Recib.i del Señor Dn. Antonio Josè
Cot la Cantidad de dos mil pesos
en plata $2000) y la de quatro-cientos sesen-
ta y siete pesos cuatro Reales $2/3 4/4.) como en
pago de la suma à que ascendio el valor impor
tado del Establecimiento de San Luis Rey
segun Contrato celebrado con el Gobierno departa-
mental como consta de la Escritura formal
que al Efecto se halla en poder del compra
-dor. Y para constancia de ello y
seguridad del interesado le doy este docu
mento para los usos que le sean conviniente
en la Ciudad de los Angeles à 18 de Mayo
de 1846.

Pio Pico

Don $2/3 4/4.

Filed in Office Sept.r 20th
1852.
Geo: Fisher Sec.y

Government
Seal.

Recib.i of Señor Dn. Antonio
Josè the sum of two thousand
dollars in money $2000 and four hundred
and thirty seven dollars and four Reals
in plata ($2/3 4/4 in payment of the sum
to amounts the estimated Value of the Esta=
blishment of San Luis Rey according to the
contract celebrated with the Departmental
Government as shown in the formal writing
which to that Effect is in possession of
the purchaser.

And for testimony of it
and security of the interested, I give him
this document for the uses which may be
suitable in the City of Los Angeles, 18 May
1846.

Pio Pico

$2/3 4/4

6.
Receipt for
$2/3 4/4
and
Translation

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Exhibit No. 2. A. D. annexed to dep: of D. E. Cuellio

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Antonio José Cot por si ya nombre de D. José Antonio prevalendo con fecha de ayer veinte y seis de Noviembre concluido y firmado un contrato de cesion hecha al Sr. D. Guillermo Casey Jones de los derechos que tienen à la Mision de S. Luis Rey mediante la compra que hicieron al Gobierno de este departamento y deseando hacer algunas aclaraciones à dho documento para evitar en adelante todo motivo de duda vienen en declarer y declaran. Que al hacer la cesion, traspaso y Venta de sus referidos derechos se entienden no solo los que desde presen à dha Mision, sino que se estiendan à todas las pertenencias de ella, como casas Remedios, huertas Unidos y demas à ella anexos, tambien son comprendidos los derechos que les asisten para reclamar del Gobierno de los Estados Unidos los perjuicios y daños que les ha causado el desfalco de que se les hizo y la perdida que ha sufrido la Mision de sus fabricas y demas anexos como igualmente los arrendamientos à que esta obligado à pagar dicho Gobierno por el tiempo que ha ocupado el Establecimt. Le traspasan igualmente los derechos que tienen para Reclamar contra los Agentes de dho gobierno de E. U. y otros particulares que hayan causado daños y perjuicios à la expresada Mision bien sea llevando articulos de Valor à ella pertenecientes o de otro modo siendo causa de su destrozo, Declaran igualmente que desde hoy en adelante y para siempre se desapoderan desisten quitan y apartan, à sus herederos y sucesores del dominio ò propiedad o cualesquiera otro derecho que les competa à la enunciada Mision, salvo el de la Remuneracion pactada en el Documento à que nos referimos. Y se obligan à que dicha Mision luego de obtenido del Gobierno ò tribunales de los E. U. la ratificacion de la Venta sea cierta y efectiva al Sr. Jones y nadie le inquietara ni movera pleito sobre

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su propiedad, goze posesion y disfrute ni contra ella aparezca gravamen alguno exceptuados que sean las condiciones que impuso el Gobierno en su documento de venta. Declaran finalmente que ni ellos mismos ni su apoderados y herederos tendran derecho à la hypoteca que ha hecho el Sor Jones de la expresada Mision en el documento à que nos referimos sino el que les corresponde hasta quedar verificado el pago de los veinte mil pesos à que ha quedado obligado. Declaran asimismo que los plazos que se han empalado para el pago anteriormente deben entenderse en el caso de que el Gobierno de los E. U. apruebe desde luego la venta susodicha, pero si el Sor Jones no lograse su aprovacion inmediata y tuviere que ocurrir à los tribunales pa obtener la validez de los derechos à la Mision queda estipulado que los respectivos plazos à que hace referencia el documento principal seran de dos, quatro y seis años y empesaran à contarse desde el dia q. quede executada la sentencia à su favor y declarados legitimos los derechos, mediante nuestro contrato.

Finalmente, obtenida la posesion legal de la mision se elevara el documento principal y estas aclaraciones a documento publico. Hecho en la ciudad de los Angeles à veintisiete de Noviembre de mil Ochocientos y quarenta y nueve

Por mi y por D. Josè Antonio pr ei
Antonio Josè Cot

Leida ante mi Officio Decembre 1o de 1849
Geo. Fisher Secry

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Antonio José Cot for himself and in the name of Don José Antonio Pico having on the date of yesturday the twenty sixth of November concluded and signed a contract of cession, made to Don Guillermo Gary Jones, of the rights they have to the Mission of San Luis Rey by virtue of purchase made by them of the Government of this Department and desiring to make some explenations of the said document to avoid in future all causes of doubt they resolve to declare and declare:

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Exhibit No 2
A. F. De Leepo
of A. E. Arguello

That in making the cessin, transfer and sale of their rights aforsaid, not only those which are expressed to said Mission are understood, but that they extend to all the appurtenances thereunto belonging, such as houses, ranchos orchards, vinyards and every thing thereunto belonging, with their rights also of demanding of the Government of the United States, the injuries and damages caused by the despointment perpetrated upon them and the loss which the Mission has sustained in its buildings and other property, as also the rents which the said Government is bound to pay for the time which it occupied the Establishment.

They likewise transfer to him their right to recover from the Agents of the said Government of the United States, and other individuals the damages and injuries they may have caused to the Mission aforesaid, whether by extracting articles of value thereunto belonging

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or in any other manner being the cause
of its decay. Also they declare that
they henceforth and forever dispossess
themselves thereof, desist, quit and
seperate, their heirs and successors from
the dominion, or ownership or whatever
other right they may have to the afore-
said Missin except to the consideration
stipulated in the document to which we
refered - And (as soon as the ratification
of the sale is obtained from the Government
or Tribunals of the United States,) they obligate
themselves that the said Missin shall
be certain and effective to Senor Jones,
and that no person shall disturb him
nor institute suit for his ownership
enjoyment possession and use thereof
nor shall any encumbrance appear
against it. The conditions imposed
by the Government in its deed of sale
being complied with.
They declare also that neither they nor
their attorney and heirs shall hold any
other right to the mortgage executed by
Senor Jones upon the said Missin in
the document to which we referred,
except that which belongs to them until
the payment of the twenty thousand dollars
for which this mortgage shall be
made. They also declare that
the terms which have been stipulated
for the payment aforesaid should be
understood that in case the Government
of the U.S. immediately approve the sale
above mentioned; but if Senor Jones shall
not obtain its immediate approval and

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and shall have to resort to the tribunals for the confirmation of the rights to the Mission, it is stipulated that the three terms to which reference is made in the principal document, shall be two four and six years, and shall commence from the date of the decision rendered in his favor and the rights, the subject of our contract, declared to be legitimate.

Finally, having obtained the legal possession of the Mission the principal document and those explanations shall become a public document, made in the City of Los Angeles on the twenty sixth day of November, one thousand eight hundred and forty nine.

For myself and for Don José Antonio Pico.

(Signed) Antonio José Cot.

A true and correct translation of its original in Case No 348. U.S. Ines vs The United States.

Witness my Official Signature this 13th day of December 1853

Geo. Fisher

Dec

Filed in Office Dec. 13, 1853,

Geo. Fisher

Dec.

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75-

Conste por el presente que doy y confiero ple
no poder á D. Antonio José Cot. residente en
esta Ciudad para que pueda enajenar en
los términos que considere favorable D.
Exhibit #1. la Mision de S. Luis Rey que es de nuestra
A. J. annexo comun propiedad mediante la Venta
to Depo. of D.L que en fecha 17 de Mayo de 1846. Me compro
Arguello. meto á estar y pasar por la Venta que efec
tuase sin que en tiempo alguno pueda yo
reclamar su nulidad, bien sea por pre
texto de bajo precio ó otra cualesquiera
causa renunciando toda ley que pudiera
favorecerme, en pié de lo cual firmo el presente
en la Ciudad de los Angeles á veinte dias
del mes de Julio del año de mil ocho
cientos cuarenta y ocho, siendo testigos D.
Ignacio del Valle y D. Agustin Olvera
José Cnt. Pico.

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Ante mi Sec.y
Ignacio del Valle

testg.
Agustin Olvera

Filed in Office Dec. 13th
1853.
Geo: Fisher Deery

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Translation
of
Exhibit No 1
to Depo of
A. E. Arguello

Know all men by these presents that I give and confer upon Don Antonio Jose Cot, resident in this City, full power to alienate, upon such terms as he may consider favorable, the Mission of San Luis Rey which is our common property by virtue of sale made to us thereof by the Departmental Government under date of the 17th of May, 1846 - I obligate myself to abide by the sale that shall be effected without being able at any time to demand its nullity whether upon pretext of low price or any other cause, whatever renouncing all the laws that may favor me. In testimony whereof I sign the present in the City of Los Angeles on the thirtieth day of the month of July one thousand eight hundred and forty eight. Don Ignacio del Valle and Don Agustin Olvera being witnesses.

(Signed) Jose Antonio Pico

Witnesses
(Signed) Ignacio del Valle
(") Agustin Olvera,

A true and correct translation of its original in Case No 348. U. S. vs The United States now on file in this Office. Witness my Official Signature this 13th day of Dec A.D. 1853

Geo. Fisher
Dcc

Filed in Office Dec 13. 1853,
Geo. Fisher Dcc

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Inventario de las Existencias en la Esmi
zon de Don Luis Rey Entregados à los
Contratantes Don Antonio Leot y Don Josè
Antonio Prio, por Don Juan Mª Marron
Ha saber.

Document marked D.U. Nº 3 annexed to the Depo: of Juan Pico taken before Comr. Wilson.

Interior de la Casa.

Bodega.

2. pipas de Vino que se componen de 10 barriles
2. Demajuanas basias.
5. pipas basias.
3. Embudas.
2. barriles Basias.
1. Jolita.
1. bomba de agre.
1. Jalon de bobre.
1. media quartilla de Ojo de lata

Almasen

1 par de Balanzas con sus pesos.
2. Cuchillas de Matanza.
2. Albortentes.
2. podaderas.
2. Moldes pr. hacer Velas
1. pesada y 1. Mantel.
1. papelera.
11. Canastas de Cobre.
2. Llaves de bronce de barril.
9. pares de Tijeras de Rasquillar.
1. Cajon con balancitos y pesos.
3. Botes de Oja de Lata.
1. banenza grande.
5. Jeneros de heneo.
1. Cachita.

Sala

1. Mesa grande.
2. Bancos.
3. id. del Corredor.
1. Canopè.
11. Sillas poltronas
4. Estampas en Lienzo
1. Reloj mutil.
10. Sillas de Ventanal
1. Cofre.
1. Imagen de bulto.

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1. Custo ..... id.m

Comedor

3. Mesas. 3. Manteles. 1. Carpeta de Balleta
2. Bancas. 1. Plator. m/. platos. 2 Ensaladas Grandes. 2. id. con platillos de cha.
2. Dulceras. 2. Saleras. 1. botella de Cristal. 1. Frasco. 4. cuchares. 30 tuchaderas. 1. Cucharon. 6. Candeleras. 1. bandeja de Cobre. 1. Imagen de Cobre.

Cuartos del Interior.

11. Cates. m/. Colchones. 4. Almiados con sus fundas. 6. Sabanas. 1. Santo Cristo de plata. 1. Canopè. 1. Banca. 2. Mesas.

Dispensa.

Una Pipa con algun Vinagre. .....
1. Caxon para guardar Comdn .....
1. balanzas con pesos, 1. Mesa. m/. basijas para Aceyte. 2. Medidas. almudes. 2. de

Almacenito.

1. @ Clavos. 1. Molino p.a desgranar maiz
1. bomba de Ojo de lata.
6. Azadones de medio servicio. 3. banas de peno.

Troja.

Medidas para grano. 100. fanegas de trigo poco mas. o menos en el Rancho de palo.

Pulpar

5. m/. Chlares. 4. m/. Yornos. 1. Urdidor. 1. Debanador
1. Romana. m/. Pares de Cardas.

Cuarto del Aseite.

2. Prensas. 1. Molino. de Aceitunas. 2. Besos de Cobre. 2. Ornheros de Alambique unido. 2. Unos bancos para Labar caminos.

m/. Chapua.

1. Sierra. 1. m/. Yunillo. 2 Alunques. 2. Mazos 1. m/. Taladro unido. 2. Clavos. Algunos perros de Herreria.

Cosina

2. Metate. 1. Comal. 1. barril. 1. Acha. 1. Beso de Cobre.

Cuarto del Molino

m/. Metates, 1. Molino de Rosto. 2. Cuevos 3. m/. Mas de Cuero. 1. Molino unido. 4 Alupos aperados. 4 Cuartas.

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Panadería.

1. Artesa. 1. Cate. 1. pala. 1. Caso de Bohemite
1. Metate.

Zapatería

1. Mesa. 2. Cajones, 4. Armas. 4 Frenos
de picar Pillas. 1. Compas. 1. Descarnador
Alesno. 2. Tablas. 2. bancas p.a picar.

Doc: I. W. N.3 continued.

Sastrería.

Costales, 10. apanejos

Carpintería

Una Rueda, 1. Cepillo mitad. 1 quacha
de fierro. 1. quacha de id.m 5 cepillos mis
=tiles. 2. Escoplos. 1. Martillo. 1. Limque
1. Mollejon. 2. Hachas. 1. Banco. 2. Frenos
de Cornelena.

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Jabonería.

3. Casos. Una Mesa. 1. Pitana. 1. Cornic
Casa Rancho de Pala.
1. Alambique de Rosca. 1. id: corriente
1. id. Inutil. 6. Pipas utiles y 2 inutiles.
6. Asadones Inutiles. 1. Yunque Cornelena
3. Canas y 14 banetones de fierro. 1. Clares
2. Mesas. 1. Banca. 2. Cates. 2. Pillas
polbones. 1. barril Viejo. 1. Caso de Cobre
inutil. 1. id: Chico util. 5. Arados con
puntos.

Bienes Semovientes en el Rancho de Cerro Cuano y de Pala.

32. Yuntas de. Bueyes. 105. Cabezas de
ganado mayor. 185. Cabezas de Caballada
Bruno. 28. id: Mensas. 24. Mulas
6. 91. Borregas. chico y grande. 88. Cabras
4/1. Cabezas. de Burrada.

Viñas, huertas y Labor.

1. Una. Viña en la Mision que se compone de
5.500 pancas inutiles. 60. Arboles de
aseitunas y algunos Arboles frutales en
=si inutiles.
1. Una huerta llamada del Chorro con 60. Ar
=boles frutales medio utiles.
1. Una huerta y Viña en pala que se compone
de 4/500 pancas.
60. Arboles de Aseitunas.
60 Id.m de peneas.

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20. Dom. de Manzanas. 1. Una siembra de 4 Almd. de Maiz en mal Estado.

Vuelta.

Dept. Propias.

Fabricas.

1. La Fabrica principal de la Comision
1. La casa que existe en el Rancho de pala
1. La casa y Corral del Rancho de Don Ram

Terenos.

Se componen del que hay colindante con la Sierra de Paumo, por el Este, al Oeste con Santa Margarita, al Sur con el Rancho de Don Francisco y la playa. por el Oeste.

San Luis Rey 4. de Agosto de 1840
Se ha recibido conforme este inventario como comisionado de Don Antonio Cota
Ant. Pico. Lucas Forster.
Lucas Mo. Monson

Filed in Appl Sept. 2 4th 1852
Geo: Kishen Dep.

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Inventory of the Stock on hand in the Mission of San Luis Rey delivered to the Contractors, Don Antonio Coll and Don José Antonio Pico by Don Juan Maria Marron, & wit:

- Interior of the House -

- Store Room -

2 Pipes of wine containing 10 Barrels
2 empty Demijons
5 " Pipes
3 Funnels
2 empty Barrels
1 Toleta
1 Air Pump
1 Copper Gallon measure
1 Tin ½ Pint measure

- Warehouse -

1 pair Scales and weights
2 Butchers Knives
4 Candle Sockets
3 Pruning Knives
4 Candle Moulds
1 Blanket & 1 Mantle
1 Lavatorie
11 Copper Chamber
2 Brass Fassets
9 Pairs Sheep Shears
1 Box Glue
1 Chest with useless Medicine
1 Small Box with balance & weights
3 Tin Canisters
1 Large Auger
3 Branding Irons, 1 Hatchet.

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Translation Doc No (3) to the Depo. of Rio Pico.

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"Sala"

1 Large Table
2 Benches
3 do in the Corridor
1 Bedstead
11 Elbow Chairs
4 Canvass Drawings
1 Useless Clock
10 Chairs
1 Looking Glass
1 Image in Sculpture
1 Christ do

Dining Room

3 Tables
3 Table Covers
1 Bagela Table. Carpet
2 Benches
1 Dish
7 Plates
2 Large Bowles
4 Bowles & Saucers
2 Sugar Bowles
2 Salt Cellars
1 Glass Bottle
1 Frasco
9 Spoons
30 Trenchers
1 Long Spoon
1 Copper Waiter
1 Copper Jar

Interior Rooms

11 Hammocks
7 Mattrasses
4 Pillows & Cases

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85—

6 Sheets
2 Bed Spreads
1 Silver Holy Christ
1 Bed Stead
1 Brush
2 Tables

- Store Room -
1 Pipe with some Vinegar
1 Flour Chest
1 Scale & weights
1 Table
3 Oil Cruets
2 Measurs - almud and ½ do

- Small Store house -
25 ℔ Nails
1 Corn Sheller
1 Tin Pump
1 Large Spit
3 Iron Bars

Granary -
Grain Measurs
100 fanegas, little more or less, wheat on the Rancho de Pala

- Weaving Shop -
5 Looms
9 Wheels
1 Warping frame
1 Reel
1 Reelyard
1 pairs Cards

- Oil Shop -
2 presses

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1 Oil Mill
2 Copper Kettles
2 Still Caps. Useless.
Some Benches to dress Hemps.

Blacksmith Shop
1 Bellows.
1 Vice
2 Anvil
2 Sledges
1 Useless Anvil
2 Benches
Some Smithing Irons

Kitchen.
2 Metales
1 Comal
1 Barrel
1 Axe
1 Copper Kettel

Mill
7 Runners
1 Draught Mill
2 Hides
3 Hide Tubs
1 Useless Mill
4 Framed Yokes
4 Drawing Rigs

Bakery.
1 Trough
1 Hammock
1 Spade
1 Useless Copper Kettle
1 Metate

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- Shoe Shop -
1 Table
2 Boxes
4 Lasts
Irons & Prick Saddles
1 Compass
1 Scraper
Anvils
2 Boards
2 Benches for Pricking

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- Tale -
Sacks
11 Pack Saddles
Carpentry
1 Adze
1 Useless Saw
1 Iron Square
1 " "
5 Useless plains
2 Chisels
1 Hammer
1 Anvil
1 Grind Stone
2 Axes
1 Bench
2 Cooped Irons

- Soap Factory -
2 Kettles -
1 Table
1 Pitaria
1 Trough
At the Rancho de Pala
1 Worm (Coil) Still
1 Common do
1 Useless do

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6 Good & 2 Useless Pipes
6 Useless Spits
1 Coopers Tongue
2 Small and 14 large bars of Iron
1 Loom
2 Tables
1 Bench
2 Hammocks
2 Elbow chains
1 Old Barrel
1 Useless Copper Kettle
1 Good Small Copper Kettle
5 plows with points
- Sely Moveable property on the Rancho de San Juan & of Pala
32 Yokes of Oxen
105 Head of Cattle
185 Wild Horses
28 Tame Do
24 Mules
191 Sheep - old and young -
88 Goats
71 Donkeys

- Vineyards Orchards & fields

1 One Vineyard at the Mission Containing 8500 Useless vines, 60 olives and some fruit trees nearly useless,
1 One Orchard Called "Chorro" with 60 half bearing fruit trees.
1 One Orchard and Vineyard at Pala Containing 7500 Vines, 60 olive trees. 60 Pear and 20 Apple trees
1 Field of 4 Almudes of seed in bad condition.

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Buildings.

1 The principal building of the Ex. Mission
1 The House on the Rancho de Pala
1 The House and Corral on the Rancho de San Juan.

Lands.

They are composed of that which is bounded by the Sierra de Panna on the East, on the North by Santa Margarita, on the South by the Rancho de San Francisco and by the beach on the west

San Luis Rey August 9. 1846.

Received according to this inventory as the Agent of San Antonio Cal.
(Signed) Ant. Pico.

(Signed) Juan Foster
(") Juan Ma Marron.

A true and correct Trans. taken of its original in Case No 348 Wm Carey Jones Vs The United States.
Witness my Official Signature this 9th Sept 1852.
Geo. Fisher Sec.

Filed in Office Sept 9th 1852.
Geo. Fisher Sec.

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1. Ministerio de Justicia y Ins. truccion publica } E. L.

Ha llegado à noticia del E. S. Presidt. que el Gobierno Comunicato de ese Departamento ha dispuesto sacar from the Mms. à publica subasta todos los bienes pertene = cientes à las Misiones del mismo que el antecesor de V. E. habia mandado devolver à los respectivos misioneros para el manejo y admon de sus temporalidades; en consecuencia se ha servido prevenirme que ese Gobierno se sirva informar sobre estos particulares suspendiendo desde luego todo procedimt en cuanto à enagenacion de los bienes de que se trata, hasta la resolucion del Supmo Gobierno.

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Tengo el honor de decirlo à V. E. con los fines indicados protestandole mi consideracion y aprecio.

Dios y Libertad.
Mexico Noviembre 14 de 1845.
Montes de Oca

E. S. Gobernador del, Depart.t de Californias } Puerto de Monterey

Office of the Surveyor General of the United States for California

I, John. C. Hays Surveyor General of the United States for the State of California, and as such, having in my Office and in my charge and custody a por = tion of the Archives of the former Spanish and Mexican Territory or Department of Upper Ca lifornia by Virtue of the power vested in me by law, Do hereby certify that the preceding and hereunto annexed page of the engrossing paper numbered One, Exhibit A true and ac = curate Copy of a certain document now on file and forming part of the said Archives in this Office

(Seal) In Testimony whereof I

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hence hereunto signed my name officially and caused my Seal of Office to be affixed at the City of San Francisco this seventh day of March. 1855.

John C. Hays

U. S. Surveyor General
for California

Filed in Office April 10th 1855

Lev. Fisher Deputy

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Ministry of Justice
and
Public Instruction

Most Excellent Sir

His Excellency, the President, has received information that the Governor of that Department has ordered that the property belonging to the Missions thereof be put up for Sale at Public Auction, which your predeces. sor had ordered to be returned to the respec. tive Missionaries for the direction and ad. ministration of their temporalities; therefore, he deemed proper to direct me to say that the said Governor will please to report upon these particulars suspen. ding immediately all proceedings respecting the alienation of the aforementioned property till the determination of the Supreme Government.

I have the honor to communicate it to your Excellency for the purposes indicated, protesting to you my consideration and esteem.

God & Liberty. Mexico November 14. 1845.

(Signed) Montesdeoca

His Excellency the Governor
of the Department of the Californias Port of Monterey

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Translation of Communication from Minister of Justice

A true and correct Translation of a traced copy in Case No 348, filed April 10. 1855.

Witness my Official Signature this 14. April 1855.

Geo. Fisher Sec

Filed in Office April 14. 1855

Geo. Fisher Sec

No 348

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No 348 William Carey Jones
vs
The United States

For a place called the "Ex Mission of San Luis Rey" in the County of San Diego containing about thirteen leagues.

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Opinion by Com'r Farwell

The petitioner in this case claims title under Antonio José Cot and José Antonio Pico, and has offered in evidence in support of his claim a grant issued by Governor Pio Pico to the said Cot and Pico dated the 18th day of May 1846, also a deed from the said Cot and the said José Pico executed by the said Cot in his own behalf and as attorney for the said José Pico, also a power of Attorney from the said José Pico authorising the said Cot to sell.
All of which documents are duly authenticated.

This grant purports to have been made under especial authority of the Government at a time when a war was anticipated with the United States, for the purpose of raising means to defray the expenses of repelling the invasion expected, and was in consideration of the sum of two thousand dollars in money, and a quantity of grain to be furnished for the use of the Government, and in future consideration of the payment on the part of the grantees of the out standing debts of the Mission.

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The proofs in the case go to show that the payments were faithfully made and from the whole showing we think the claim is a valid one, and a decree of confirmation will be entered.

Confirmed.

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Filed in Office June 12. 0855.
Geo. Fisher Sec

---

348. William Carey Jones. }
vs
The United States }

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said Petitioner is valid and it is hereby decreed that the same be and hereby is confirmed.

Decree of Confirmation

The land to which confirmation is hereby made is that which on the 18th day of May 1846. the date of the original Grant in this case filed, composed and pertained to the Mission of San Luis Rey and Rancho of Palas, and is bounded as follows:

North by Santa Margarita. East by the Sierra of Palma. South by the Rancho of San Francisco, and west by the Sea Shore.

Reference being had to the evidence on file in this case for further particulars (excepting therefrom all valid grants within said boundaries made prior to the date of the grant aforesaid.

R. Aug. Thompson
J. B. Farwell, Comrs.

Filed in Office June 12, 1855.
Geo. Fisher Sec.

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Order

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And it appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Southern District of California it is hereby Ordered: that two transcripts of the proceedings and of the decisions in this case, and of the papers and evidence upon which the same are founded be made out and duly certified by the Secretary, one of which transcripts shall be filed with the clerk of the United States District Court for the Southern District of California and the other be transmitted to the Attorney General of the United States.

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Office of the Board of Commissioners,
To ascertain and settle the Private Land Claims in the State of California.

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 Ninety Seven — pages, numbered from 1 to 97, both inclusive, to contain a true, correct and full 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, on file in this Office, in Case No. 348 on the Docket of the said Board, wherein

William Carey Jones is —

the Claimant against the United States, for the place known by the name of "Ex-Mission of San Luis Rey."

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 first day of November A. D. 1855, and of the Independence of the United States of America the ~~seventy~~ eighteenth.

Geo: Fisher
Secy.

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U. S. DISTRICT COURT,

Southern District of California.

No. 339

THE UNITED STATES,

339

Wm H. Carey et al

Ex Mission of San Luis Rey

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 348.

Filed, December 6th 1855

C. E. Carr Clerk

By Jas. R. Dunmer

Depty.

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Office of the Attorney General of the United States,

Washington, 31. Dec. 1855.

348.] "Ex Mission of San Louis Rey" –
William Lucy Jones Claimant

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 3rd day of December, 1855, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Caushing

Attorney General.

No 339.

U. S. Dist. Court
South Dist. California

Wm. Jones
appellant
vs.
The United States
Appellant

Notice of Appeal

Filed July 12th 1856
J. E. Lane
Clk

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United States District Court
June term at Monterey 1859.

The United States, appellants
vs
Wm Carey Jones, appellee
Land Case

In the above stated cause it is agreed, that, the deposition taken during the term of José Matias Moreno, in the case of William Workman et al, shall be used as evidence in the case of the claim of Wm Carey Jones.

June 17th 1859

J. M. Pitchlynn
U S Dist Atty

R. E. Arnold
for claimant

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No. 339

United States

vs

Wm Carey Jones

for Land Warrant

Stipulation

of Counsel

Filed 17 June 1859

C Sims Clk

by A Taylor Dpty.

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

TO The President of the United States,

Wm Carey Jones

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Greeting:

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against you, and each of you, in the District Court of the United States, in and for the Southern District of California, on the 5th day of January in the year of our Lord one thousand eight hundred and fifty seven at the City and County of Los Angeles, in said District, by

P. Ord U. S. Atty praying Said Court to review the decision of the Board of Land Commissioners of the 12th June 1855 confirming your claim to the land called Ex-mission of San Luis Rey in the County of San Diego

and that you, and each of you, are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said petition, or that judgment by default will be taken against you, and each of you, and the prayer of the said petitioner will be granted, with costs.

In witness whereof, I have hereunto set my hand, and affixed the Seal of the said Court, this 31st day of January in the year of our Lord one thousand eight hundred and fifty seven at Los Angeles aforesaid.

A. C. Innis Clerk.

J. H. Coleman
Dep.

No. 339

United States of America,

Southern District of California,

U. S. District Court.

Wm Carey Jones
appellee

vs

The United States
appellants

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SUMMONS.

Recived febry 3d 1857
Edward Hunter
US Marshal
Alex McGoodwin
Deputy

Filed on return this 14th
May A D 1858
C Lewis Clk
J H Calhoun
Dep

Filed on return 10th July
1858
C Lewis Clk
J H Calhoun
Dep

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

Wm Carey Jones

at
the
day of
in the Southern District of California on
A. D. 185 .

Sworn to and subscribed before me, this 14th
day of May 1858.

C. Lewis Clerk.
J. H. Calhoun
Dep

Edward Hunter U.S. Marshal.
By Wm. B. Rose
Deputy

Served the annexed summons with a true copy of the petition upon Wm Carey Jones at Monterey the 15th day of June 1858
Service $6.00
Travel 0 miles
Printing 0 folios } 6.00
Total $12.00

James C Pedlar
U. S. Marshal
By E. Lewis Dep
J. H. Calhoun Dep

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

CITY AND COUNTY OF LOS ANGELES--STATE OF CALIFORNIA.

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William Carey Jones, Appellee,
vs
The United States, Appellant.

Docket No. 339.

Transcript No. 348.

TO THE HON. ISAAC S. K. OGIER, JUDGE:

The Petition of **Pacificus Ord**, *a resident of said City, County, and State, Attorney of the United States for the Southern District of California, who petitions in this behalf for the United States, and being present here in Court, in the name and behalf of the United States, represents as follows: That heretofore, to wit: on or about the* 20th *day of* September *A. D.* 1852, William Carey Jones.

presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board, claiming a tract of land called Ex Mission of San Luis Rey *in the County of* San Diego *State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the* 12th *day of* June *A. D* 1855, *the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the* 6th *day of* December *A. D.* 1855, *a duly certified transcript of the proceedings and decision of the said Commissioners in said cause, and the papers and evidence on which the said decision was founded, was filed in the Office of the Clerk of the District Court of the United States for the Southern District of California, and marked No.* 348; *reference to which it is prayed may be had and made part of this petition. That on or about the* 3rd *day of* December *A. D.* 1855, *the Honorable Caleb Cushing, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and*

evidence on which said decision was founded. That thereafter, to wit: on or about the 12th day of February A. D. 1856, the said Attorney-General of the United States filed, or caused to be filed, in behalf of the United States, a notice with the Clerk of said District Court of the United States, that the appeal in said cause from the said decision of the said Commissioners, in the District Court of the United States for the Southern District of California, would be prosecuted by the United States. Your petitioner further represents, that the land claimed, as aforesaid, is situate in the Southern District of California, and within the jurisdiction of this Honorable Court. Your petitioner further represents and insists, that the said claim is invalid; and the said decision of said Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for many errors and imperfections of law and evidence, apparent in said certified transcript of the proceedings and decisions of said Commissioners in said cause, filed and appealed from as aforesaid. And your petitioner denies all and singular, each and every allegation in the said petition of said claimant, presented as aforesaid to said Commissioners. And your petitioner further denies that the said claimant has any valid right or title to said land claimed as aforesaid, or any part thereof.

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And no sufficient proof having been made of the allegations in said petition to said Commissioners, or in support of the said claim, no decision confirming the same should have been made by said Commissioners; but the

said claim should have been rejected by them. And the said claimant, having no valid right or title derived from the Spanish or Mexican Governments, to the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by, and it now belongs to the United States, by virtue of conquest, and the Treaty of peace, friendship, limits and settlement, between the United States and the Republic of Mexico, made at the City of Guadalupe Hidalgo, February 2d, A. D. 1848.

Wherefore, the said Pacificus Ord, Attorney of the United States for the Southern District of California, for and in behalf of the United States, by reason of the premises, and in pursuance of the Act of Congress, entitled "An Act to ascertain and settle the Private Land "Claims in the State of California," approved March 3d, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said claimant, or his attorney may be served with a copy of this petition; and that this Honorable Court will review the said decision of said Commissioners, and reverse the same; and decide on the validity of the ~~same~~ said claim, and decree the alleged title to be invalid: with costs and general relief.

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P. Ord

Attorney of the United States for the Southern District of California.

No. 339.

Filed this 5th January A.D
1857 C Sims clk
J. H. Coleman
Dep.

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Filed in office this 21 day of April A.D. 1855

J. Ames Clerk

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IN THE

District Court of the United States,

SOUTHERN DISTRICT OF CALIFORNIA.

MISSION LANDS OF San Luis Rey

THE UNITED STATES, APPELLANTS. vs. W Carey Jones APPELLEE.

In District Court, No. 339

Land Commission, No. 348

EXHIBITS,

From 1 to 42, inclusive, Filed in behalf of Appellants.

Daily National Print, Merchant Street.

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MISSIONS.

[Translation.]

EXHIBIT I.

DECREE RELATING TO THE SECULARIZATION OF THE MISSIONS OF CALIFORNIA.

Article 1. The government will proceed to secularize the Missions of Upper and Lower California.

Art. 2. In each of said Missions shall be established a parish, served by a secular clergyman, with a stipend of from two thousand to two thousand five hundred dollars a year, as the government shall decide.

Art. 3. These Parochial Curates shall not recover or receive any fees for marriages, baptisms, or under any other name. As regards fees for processions, they shall be entitled to receive such as may be specifically named in the list made out for that object, as concisely as possible, by the Reverend Bishop of the Diocese, and approved by the Supreme Government.

Art. 4. The churches which have served in each Mission shall serve as parish churches, with the sacred vases, ornaments, and other articles, which each possesses at present, and such additional furniture belonging to said church as the government may deem necessary for the more decent use of said parish.

Art. 5. The government shall cause to be laid out a *campo santo* for each parish out of the way of the population.

Art. 6. Five hundred dollars a year are appropriated for the service and worship in each parish church.

Art. 7. Of the houses belonging to each Mission, the most suitable shall be selected as the residence of the Curate, the

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land appropriated to him not to exceed two hundred yards square, and the rest shall be specially devoted to a town-house, primary school, and public establishments and offices.

Art. 8. In order to provide promptly and effectively for the spiritual wants of both the Californias, there is established in the capital of the Upper a vicarship, which shall have jurisdiction over the two territories and the Reverend Diocesan shall endow it with the most ample powers.

Art. 9. Three thousand dollars are appropriated as an endowment to this vicarship, the Vicar being required to discharge his duties free of charge under any pretext or name, not even for paper.

Art. 10. If for any other cause, whatever, the Parochial Curate of the capital or any other parish in the district, shall act as Vicar, there shall be paid to him one thousand five hundred dollars, besides the stipend of his curacy.

Art. 11. There shall not be introduced any custom which shall require the inhabitants of California to make offerings, however pious they may be, although they may be termed *necessary;* and neither time nor the will of the said inhabitants shall give them any force or weight whatever.

Art. 12. The government shall take effectual care that the Reverend Diocesan shall contribute, so far as he is concerned, to fulfill the objects of this law.

Art. 13. The Supreme Government shall provide for the gratuitous transportation, by sea, of the new Curates that may be appointed and their families, and, besides, may give to each one, for his traveling by land, from four to eight hundred dollars, according to the distance and the number of his family which he brings.

Art. 14. Government shall pay the traveling expenses of the religious Missionaries who move; and that they may be accommodated on land as far as their colleges or convents, may give to each from two to three hundred dollars, and, at discretion, so much as may be necessary to such as have not sworn to support the independence, that they may leave the Republic.

Art. 15. The Supreme Government shall pay the expenses arising under this law, out of the products of the securities,

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capitals, and rents, which are regarded as the pious fund in the Missions of California.

August 17, 1833.

[Translation.]

EXHIBIT II.

FIGUEROA'S PROVISIONAL RULES FOR THE SECULARIZATION OF THE MISSIONS.

Article 1. The Governor, agreeable to the spirit of the law of the 17th August, 1833, and to the instructions which he has received from the Supreme Government, will, with the co-operation of the Prelates of the Missionary Priests, partially convert into pueblos the Missions of this territory, beginning in the next month of August, and commencing at first with ten Missions and afterwards with the remainder.

Art. 2. The Missionary Priests will be exonerated from the administration of temporalities, and will only exercise the functions of their ministry in matters appertaining to the spiritual administration, until the formal division of parishes be made, and the Supreme Government and Diocesan provide Curates.

Art. 3. The Territorial Government will reassume the administration of temporalities in the directive part, according to the following bases:

Art. 4. The Supreme Government will, by the quickest route, be requested to approve of these provisional regulations.

DISTRIBUTION OF PROPERTY AND LANDS.

Art. 5. To every individual head of a family, and to all those above twenty-one years of age, although they have no family, a lot of land, whether irrigable or otherwise, of not exceeding four hundred varas square, nor less than one hundred, shall be given out of the common lands of the Missions; and in community a sufficient quantity of land shall be allotted them for watering their cattle. Common lands shall be assigned to each pueblo, and, when convenient, municipal lands also.

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Art. 5. One-half of the self-moving property (cattle) shall be distributed among the said individuals, in a proportionable and equitable manner, at the discretion of the Governor, taking as a basis the last accounts of all kinds of cattle presented by the Missionaries.

Art. 7. One-half or less of the chattels, instruments, and seeds, on hand and indispensable for the cultivation of the ground, shall be divided proportionably among them.

Art. 8. The remainder of all the lands, landed property, cattle, and all other property on hand, will remain under the care and responsibility of the Mayordomos, or other officers whom the Governor may name, at the disposal of the Supreme Federal Government.

Art. 9. From the common mass of this property the subsistence of the Missionary Padres, the pay of the Mayordomos, and other servants, and the expenses of religious worship, schools, and other objects of policy and ornament, shall be provided.

Art. 10. The Governor, having under his charge the direction of temporal affairs, will determine and regulate, according to circumstances, all the expenses necessary to be laid out, as well for the execution of this plan as for the conservation and augmentation of this property.

Art. 11. The Missionary Minister will select the locality in the Mission which may best suit him, for his own habitation and that of his servants and attendants; and he shall be furnished with the necessary furniture and implements.

Art. 12. The library, sacred dresses, ornaments, and furniture, of the church, shall be put in charge of the Missionary Padre, under the responsibility of the person who acts as subscriber, and whom the Priest nimself shall elect, and a reasonable salary be given for his troubles.

Art. 13. General inventories shall be made of all property on hand in each Mission, with due separation and explanation of the different branches; of the books, debit, and credit, and all kinds of papers; of the amount owing by and to the Missions; which document and account shall be forwarded to the Supreme Government.

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POLITICAL GOVERNMENT OF THE PUEBLOS.

Art. 14. The political government of the pueblos shall be organized in perfect conformity with the existing laws; the Governor will give the necessary instructions to have the Ayuntamientos established and elections made.

Art. 15. The economical government of the pueblos shall be under the charge of the Ayuntamientos; but as far as regards the administration of justice in contentious affairs, they will be subject to the primary judges of the nearest towns constitutionally established.

Art. 16. The emancipated Indians will be obliged to assist at the indispensable common labor which, in the opinion of the Governor may be judged necessary for the cultivation of the vineyards, orchards, and cornfields, which, for the present, remain undisposed of until the resolution of the Supreme Government.

Art. 17. Said emancipated Indians will render to the Missionary Priest the necessary personal service for the attention of his person.

RESTRICTIONS.

Art. 18. They cannot sell, burden, or alienate, under any pretext, the lands which may be given them; neither can they sell their cattle. Whatever contracts may be made against these orders shall be of no value; the government will reclaim the property as belonging to the nation, and the purchasers shall lose their money.

Art. 19. The lands whose owners shall die without heirs, shall revert to the possession of the nation.

GENERAL ORDERS.

Art. 20. The Governor will name such Commissioners as he may see fit to carry this plan and its incidents into effect.

Art. 21. The Governor is authorized to resolve any doubt or matter which may arise relative to the execution of these regulations.

Art. 22. Until these regulations be put in force, the Reverend Missionary Padres are prohibited from slaughtering cattle in large quantities, except the common and ordinary number

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accustomed to be killed for the subsistence of the neophytes, without allowing any waste.

Art. 23. The debts of the Mission shall be paid in preference, out of the common mass of the property, at the time and in the manner that the Governor shall determine.

That the fulfillment of this law may be perfect the following rules will be observed:

1st. The Commissioners, so soon as they shall receive their appointments and orders, shall present themselves at the respective Missions and commence the execution of the plan, being governed in all things by its tenor and these regulations. They shall present their credentials respectively to the Priests under whose care the Mission is, with whom they shall agree, preserving harmony and proper respect.

2d. The Priests shall immediately hand over and the Commissioners receive, the books of accounts and other documents relating to property claims, liquidated and unliquidated; afterwards, general inventories shall be made out, in accordance with the 13th Article of this regulation, of all property—such as houses, churches, work-shops, and other local things—stating what belongs to each shop—that is to say, utensils, furniture, and implements; then, what belongs to the homestead; after which shall follow those of the field, that is to say, property that grows, such as vines and vegetables, with an enumeration of the shrubs, if possible, mills, etc.; after that, the cattle and whatever appertains to them; but as it will be difficult to count them, as well on account of their number as for the want of horses, they shall be estimated by two persons of intelligence and probity, who shall calculate, as nearly as may be, the number of each species, to be inserted in the inventory. Everything shall be in regular form in making the inventory, which shall be kept from the knowledge of the Priests, and under the charge of the Commissioner or Steward; but there shall be no change in the order of the work and services, until experience shall show that it is necessary, except in such matters as are commonly changed whenever it suits.

3d. The Commissioner, with the Steward, shall dispense with all superfluous expense, establishing rigid economy in all things that require reform.

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4th. Before he takes an inventory of articles belonging to the field, the Commissioner will inform the natives—explaining to them with mildness and patience, that the Missions are to be changed into villages, which will only be under the government of the Priests so far as relates to spiritual matters; that the lands and property for which each one labors are to belong to himself, and to be maintained and controlled by himself without depending on any one else; that the houses in which they live are to be their own, for which end they are to submit to what is ordered in these regulations, which are to be explained to them in the best possible manner. The lots will be given to them immediately, to be worked by them as the 5th Article of the regulations provides. The Commissioner, the Priest, and the Steward, shall choose the location, selecting the best and most convenient to the population; and shall give to each the quantity of ground which he can cultivate, according to his fitness and the size of his family, without exceeding the *maximum* established. Each one shall mark his land in such manner as may be most agreeable to him.

5th. The claims that are liquidated shall be paid from the mass of property; but neither the Commissioner nor the Steward shall settle them without the express order of the government, which will inform itself on the matter, and, according to its judgment, determine the number of cattle to assign to the neophytes, that it may be done, as heretofore, in conformity with what is provided in the 6th Article.

6th. The necessary effects and implements for labor shall be assigned in the quantities expressed by the 7th Article, either individually, or in common, as the Commissioner and Priest may agree upon. The seeds will remain undivided, and shall be given to the neophytes in the usual quantities.

7th. What is called the priesthood shall immediately cease; the female children whom they have in charge being handed over to their fathers—explaining to them the care they should take of them, and pointing out their obligations as parents. The same shall be done with the male children.

8th. The Commissioner, according to the knowledge and information which he shall acquire, shall name to the government, as soon as possible, one or several individuals, who may

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appear to him suitable and honorable, as Stewards, according to the provisions of the 8th Article, either from among those who now serve in the Missions, or others; he shall also fix the pay which should be assigned them, according to the labor of each Mission.

9th. The settlements which are at a distance from the Mission, and consists of more than twenty-five families and which would desire to form a separate community, shall be gratified; and the appropriation of lands and other property shall be made to them as to the rest. The settlements which do not contain twenty-five families, provided they be permanently settled where they now live, shall form a suburb, and shall be attached to the nearest village.

10th. The Commissioner shall state the number of souls which each village contains, in order to designate the number of municipal officers, and cause the elections to be held, in which they will proceed conformably, as far as possible, to the law of June 12, 1830.

11th. The Commissioners shall adopt all executive measures which the condition of things demands, giving an account to the government, and shall consult upon grave and doubtful matters.

12th. In everything that remains, the Commissioners, the priests, stewards, and natives, will proceed according to the provisions of the regulation.

JOSE FIGUEROA.

Augustin V. Zamorano, Secretary.
Monterey, August 9, 1834.

[Translation.]

EXHIBIT III.

LAW OF APRIL 16, 1834, RELATING TO THE SECULARIZATION OF THE MISSIONS OF THE REPUBLIC.

Article 1. All the Missions of the Republic shall be secularized.

Art. 2. The Missions shall be converted into curacies, the limits of which shall be designated by the Governors of the States where the said Missions are.

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Art. 3. This decree shall take effect within four months from the day of its publication.

April 16, 1834.

[Translation.]

EXHIBIT IV.

INSTRUCTIONS GIVEN BY THE CENTRAL GOVERNMENT TO DON JOSE M. HIJAR IN RELATION TO THE SECULARIZATION OF THE MISSIONS AND COLONIZATION OF CALIFORNIA.

Instructions by which Don Jose Maria Hijar, Political Chief of Upper California and Director of the Colonization of that and Lower California, is to govern himself.

Article 1. He will cause a beginning to be made in occupying all the property belonging to the Missions of both the Californias, and the Military Commandant under his responsibility will lend, whenever required to do so, the necessary aid for the said occupation.

Art. 2. For the term of a year from the day on which the colonists shall arrive at the place they are to occupy, each one shall be allowed fifty cents a day, if they be four years beyond the term of their majority, and twenty-five cents if they be of a less age.

Art. 3. The expenses of traveling by sea and land shall be charged to the confederation. All the means of conveyance furnished, or which should be furnished, shall be given to the colonists, in full ownership.

Art. 4. Communities shall be formed by uniting the number of families which are sufficient to live in security, selecting situations that are suitable on account of the quality of the soil, the abundance and salubriousness of the waters, and the favorableness of the winds.

Art. 5. The frontier stations shall be settled at the earliest period practicable.

Art. 6. Topographical plans shall be prepared on which shall be designated and marked the squares of which the settlement is to consist. The length of each side of the square shall be one hundred yards, and all of its sides shall be equal.

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The width of the streets shall be twenty yards, and no lanes or alleys shall be permitted to exist in them, The open spaces shall be divided into ten streets each, besides the great *plaza* which shall be in the center of the settlement.

Art. 7. Special care will be taken to collect into the villages, the natives, mingling them with the other inhabitants, and no community will be permitted to exist composed entirely of them.

Art. 8. In each of the sections of the villages, lots will be given to families that they may build houses; but they will not be suffered to build beyond the lines marked out for streets.

Art. 9. Outside of the villages, to each family, will be given, in full proprietorship and control, four portions of land, if it be irrigable, eight if it be temporal, (land dependent upon the seasons,) and sixteen if it be under water. There shall also be given four cows, two yoke of oxen or bulls, two tame horses, four colts, four young mares, four head of the smaller description of stock, two male and two female, besides the number of ploughs usually furnished.

Art. 10. Between every two lots belonging to individuals, there shall be an opening of public equal to two lots.

Art. 11. After the distribution of the movable property of the Missions of California, one-half of the remaining property shall be sold in the most advantageous manner.

Art. 12. There shall not be sold to any one family, more than two hundred head of cattle of the same kind.

Art. 13. The remaining half of the movable property shall be reserved for the General Government, and shall be applied to the expenses and subsistence of the Missionaries and the payment of the salaries of the masters of the primary schools, the supplies of necessaries to the children of both sexes in the schools, and the purchase of implements of husbandry, which are to be furnished *gratis* to the colonists.

Art. 14. The Political Chief and Director of Colonization, shall give at present and annually hereafter, a detailed account of the products of the property of the Missions, of the changes in them, and of the articles that are left, and the distribution of the movable property among the colonists.

Art. 15. He shall furnish, at least once in each year, returns

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of the condition of the colonists, of the causes of losses, if there be any, and the means of making them prosper.

LOMBARDO.

Office of the First Secretary of State,
Department of the Interior, Mexico April 23, 1834.

[Translation.]

EXHIBIT V.

EXTRA SESSION of Nov. 3, 1834.
Territorial Deputation.

REGULATIONS RESPECTING THE MISSIONS WHICH HAD BEEN SECULARIZED AGREEABLY TO THE SUPREME ORDER OF 17TH AUGUST, 1833.

1st. In conformity with the 2d Article of the law of 17th August, 1833, there is allotted, *ad interim*, to Priests who discharge the duties of Parochial Curates, the sum of one thousand five hundred dollars to such as serve as Curates of the first class, and a thousand dollars to those of the second class.

2d. The curacies which are regarded as of the first class, are those of the united population of San Diego and San Dieguito, San Luis Rey, Las Flores and the population annexed, San Gabriel and Los Angeles, the two united populations of Santa Barbara, San Carlos and Monterey together, Santa Clara united to San José de Guadalupe and San José, San Francisco Solano, San Rafael and Coloma. Those which are regarded as of the second class are, San Juan Capistrano, San Fernando, San Buenaventura, Santa Ynez and La Purisima, San Luis Obispo, San Miguel, San Antonio and La Soledad, San Juan Bautista and Santa Cruz, San Francisco de Asis and El Presidio.

3d. In conformity with the 8th and 9th articles of the law referred to, R. P. Commissary Prefect, Señor Francisco Garcia Diego, will reside in this capital; and the Political Chief will request of the Reverend Diocesan to confer upon the said Prelate the powers belonging to said vicarship. His salary will be three thousand dollars a year, as provided by said law.

4th. The Vicar and Curates will be governed in all other respects by the law of August 17, 1833, already cited.

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5th. Until the government shall provide Parochial Curates, the respective Prelates will discharge the duties, provisionally, with the consent of the Political Chief.

6th. In conformity with the 6th Article of said law, five hundred dollars a year will be paid for worship and service in each parish.

7th. The salaries of the Vicar, Curates, and amount for worship, will be paid from the common fund of the suppressed Missions. The Political Chief will give orders that it may take effect.

8th. The 17th Article of the Provisional Regulation of Secularization, which required Indians to give personal services to the Priests is of no effect.

9th. In accordance with the 7th Article of the said law, the Political Chief will cause the places for the dwellings of the Curates, the town-houses, primary schools, and offices to be ascertained.

10th. The other points to which the superintendence of the Rev. Prelate, Fr. Narciso Duran, shall be devoted, as works determined on, are such as are authorized by the Political Chief as provided by the 21st Article of the laws.

11th. This resolution shall be communicated, with the order to the Prelates, that they may make it known to those under them.

ADDITION TO SECOND ARTICLE.

Curacies that embrace two or more villages, shall regard the first named as the head, where the officiating Curates reside in the suppressed Missions of San Diego and Santa Barbara.

[Translation.]

EXHIBIT VI.

LAW OF THE MEXICAN CONGRESS SUSPENDING THE EXECUTION OF THE ACT OF AUGUST 17, 1833.

Until the Curates shall take possession under the 2d Article of the law of August 17, 1833, the government shall suspend the execution of the remaining articles, and keep matters in the condition in which they were before the passage of said law.

MEXICO, November 7, 1835.

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[Translation.]

EXHIBIT VII.

RULES AND REGULATIONS OF GOVERNOR ALVARADO, RESPECTING MISSIONS, JANUARY 17, 1839.

The fact of there not having been published in due season a set of regulations, to which the management of the *Administradores* of the Missions ought to have been subject from the moment the so-called secularization was attempted, having caused evils of great transcendency to this Upper California—as these officers, authorized to dispose without limit of the property under their charge, do not know how to act in regard to their dependence upon the political government—and that of the most excellent Departmental Junta not being at present in session to consult with, respecting the necessary steps to be taken under such circumstances, since the regulations of said secularization neither could nor can take effect, on account of the positive evils attending the fulfillment thereof, as experience itself has demonstrated—has induced this government, in consideration of the pitiful state in which said establishments at present are, to dictate these provisional regulations, which shall be observed by said Administrators who shall subject themselves to the following articles:

Article 1. All persons who have acted as Administrators of Missions, will, as soon as possible, present to the government the accounts corresponding to their administration for due inspection, excepting those persons who may have already done so.

Art. 2. The present Administrators, who, at the delivery of their predecessors, may have received said documents as belong to the archives, will return them to the parties interested, who, in virtue of the foregoing article will themselves forward them to government, they being solely responsible.

Art. 3. Said officers will likewise remit those belonging to their administration up to the end of December of last year, however long they may have been in office.

Art. 4. Said officers will remit as soon as possible an exact account of the debts owing by and to the Missions, which may at different times have been contracted.

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Art. 5. Under no title or pretext whatever shall they contract debts, whatever may be the object of their inversion, nor make sales of any kind, either to foreign merchants or to private persons of the country, without the previous knowledge of government; for whatever may be done to the contrary shall be null and without effect.

Art. 6. The amounts owed by the establishments to merchants and private persons cannot be paid without an express order from government, to which must likewise be sent an account of all such property of each Mission as it has been customary to make such payments with.

Art. 7. Without previous permission from said government, no kind of slaughtering of cattle shall take place, except what is necessary for the maintenance of the Indians, and the ordinary consumption of the house; and even with respect to this the person in charge will take care that, as far as possible, no female animals be killed.

Art. 8. The traffic of mules and horses for woolen manufactures, which has hitherto been carried on, in the establishments, is hereby absolutely prohibited; and in lieu thereof, the person in charge will see that the looms are got into operation, so that the wants of the Indians may thus be supplied.

Art. 9. At the end of each month, they will send to government a statement of the ingress and egress of all kinds of produce that may have been warehoused or distributed, it being understood that the Indians at all times are to be provided for in the customary manner with such productions; to which end the Administrators are empowered to furnish them with those which are manufactured in the establishment.

Art. 10. The Administrators will in this year proceed to construct a building on account of the establishment, to serve them for a habitation, and they may choose the locality which they may deem most convenient, in order that they may vacate the premises which they now occupy.

Art. 11. They shall not permit any individual of those called *de razon* (white people) to settle themselves in the establishments while the Indians remain in community.

Art. 12. They will at an early period present a census of all the inhabitants, distinguishing their classes and ages, in order

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to form general statistics; and they will likewise mention those who are emancipated and established on the lands of said establishments.

Art. 13. The establishments of San Carlos, San Juan Bautista, and Sonoma, are not comprehended in the orders of this regulation. The government will regulate them in a different manner; but the administrators, who at different times may have had the management of their property will be subject to the orders contained in articles one and two.

Art. 14. They will likewise remit an account of all persons employed under them, designating their monthly pay, according to the orders which may have been given, including that of the Reverend Padres, with the object of regulating them according to the means of each establishment; and these salaries shall not be paid now, nor hereafter, with self-moving property.

Art. 15. The administrators will under the strictest responsibility, fulfill these orders with the understanding that in the term of one month, they shall send the information required of them.

Art. 16. Government will continue making regulations respecting everything tending to establish the police to be observed in the establishments, and the manner to be observed in making out the accounts.

Art. 17. For the examination of these accounts, and everything thereto relating, the government will appoint a person with the character of Inspector, with a competent salary, to be paid out of the funds of said establishments; and this person will establish his office where the government shall appoint, and have regulations therefor in due time.

[Translation.]

EXHIBIT VIII.

INSTRUCTIONS TO BE OBSERVED BY W. E. HARTNELL IN THE INSPECTION OF THE ESTABLISHMENTS OF THE MISSIONS OF UPPER CALIFORNIA.

Article 1. It being a matter of the greatest importance that the Missions be regulated as intended when I published my

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Provisional Regulations of the 17th of January last, you will methodize the order which you consider best adapted to obtain the monthly information required, and have the annual accounts of the Missions kept, and you will instruct the Administrators how they shall organize them.

Art. 2. You will, with prudence and foresight, take an exact account of the self-moving property, and all other property on hand, calculating as near as possible, the number of cattle, if it cannot be exactly got at.

Art. 3. In order to examine and count said cattle, you will take along with you a person of probity and information, who will attend to this business; and you will offer him the compensation which you may deem just for his services while the inspection lasts.

Art. 4. On presenting yourself at each of the establishments you will inform the Administrator of the object of your arrival, referring to him or manifesting to him the respective orders so that there may be no legal pretext for not punctually observing them.

Art. 5. If any of the Administrators of the Missions should make known to you any palpable wants which in your opinion ought to be immediately remedied, you will take the proper steps to do so, although it may be necessary to dispose of some of the produce on hand in the stores.

Art. 6. Should any of the Reverend Padres, or other persons employed, make any complaints to you relating to the management of the Administrators, you will with due prudence make the decision which you think most just, and use your utmost endeavors to keep up harmony among all classes.

Art. 7. You will exhort the Administrators to use all possible economy in the use of provisions, weekly and annual slaughtering of cattle, and crops of all kinds of eatables, in order by all these means to further the progress of these establishments.

Art. 8. You are authorized to regulate the weekly and annual slaughtering which it has been customary to make in the Missions, taking into consideration the number of calves, marked (annually) so that the stock of cattle may not diminish.

Art. 9. You will likewise recommend the Administrators

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to be affable in their treatment of Indians, and that the punishment they inflict be moderate and proportioned to their state of uncivilization; and that (the Administrators) see that frequent divine service agreeably to the education which they have received.

Art. 10. If any of the Administrators should disobey the orders of this government and not fulfill them duly, in spite of the good treatment you give them, you will inform the government by a courier, that it may determine what is to be done; and in case that circumstances should require it, you are authorized to suspend such officer for the time that you may consider necessary, and put the Mayordomos in charge in the mean time, in order that the labors of your commission be not paralyzed; and you will likewise inform the government, in order that it may determine what may be convenient.

Art. 11. The government expects, from you zeal, that you will be diligent in your commission, collect all kinds of information, and make the necessary observations for the formation of the police regulations which were promised in those of the 17th, already cited.

ALVARADO.

[Translation.]

EXHIBIT IX.

REGULATIONS OF GOVERNOR ALVARADO RESPECTING THE MISSIONS OF CALIFORNIA, DATED MARCH 1, 1840.

Experience having proved in an undoubted manner that the Missions of Upper California, for want of regulations organizing the management of the persons in charge of them, have in a short time suffered reverses and losses of great moment. The many abuses which are found to exist in the administration of the property of said Missions, obliged this government to issue the regulation of 17th January, last year; but as it has been found that those have not been sufficient to root out the evils which are experienced, particularly on account of the high salaries with which the establishments are burdened, and which they cannot support; and being desirous to establish economy and a regular administration until the Supreme Government

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determine what it may deem proper, I publish the present regulations, which are to be strictly observed:

Article 1. The situations of Administrators in the Missions of Upper California are abolished, and in their stead Mayordomos are established.

Art. 2. These Mayordomos will receive the following salaries: Those of San Diego and San Juan Capistrano, one hundred and eighty dollars; those of Santa Barbara, San Luis Obispo, San Francisco de Asis, and San Rafael, two hundred and forty dollars; those of San Buenaventura, La Purisima, San Miguel, and San Antonio, three hundred dollars; those of San Fernando and Santa Ynez, four hundred dollars; those of San Luis Rey and San Gabriel, four hundred and twenty dollars; the one of Santa Clara, four hundred and eighty dollars, and the one of San José, six hundred dollars.

Art. 3. The former Administrators may occupy said situations, provided that they be proposed in the manner pointed out by these regulations.

Art. 4. The situation of Inspector, and the office established agreeable to the 17th Article of the regulations of the 17th January, last year, shall continue, with a salary of three thousand dollars per annum, and his powers will be hereafter designated.

OBLIGATIONS OF THE MAYORDOMOS.

Art. 5. To take care of everything relative to the advancement of the property under their charge, acting in concert with the Reverend Padres in the difficult cases which may occur.

Art. 6. To compel the Indians to assist in the labors of the community, chastising them moderately for the faults which they may commit.

Art. 7. To see that said Indians observe the best morality in their manners, and oblige them to frequent the church, at the days and hours that have been customary; in which matter the Reverend Padres will intervene in the manner and form determined in the instructions given by the Inspector to the Administrators.

Art. 8. To remit to the Inspector's office a monthly account of the produce they may collect into the storehouses, and an

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annexed one of the crops of grain, liquors, etc., and of the branding of all kinds of cattle.

Art. 9. Said account must be authorized by the Reverend Padres.

Art. 10. To take care that the Reverend Padres do not want for their necessary aliment, and furnish them with everything necessary for their personal subsistence, as likewise to vaqueros and servants which they may request for their domestic service.

Art. 11. To provide the ecclesiastical Prelates all the assistance which they may stand in need of, when they make their accustomed visits to the Missions through which they pass; and they are obliged, under the strictest responsibility, to receive them in the manner due to their dignity.

Art. 12. In the Missions where the said Prelates have fixed their residence, they will have the right to call upon the Mayordomos at any hour when they may require them; and said Mayordomos are required to present themselves to them every day at a certain hour, to know what they require in their ministerial functions.

Art. 13. To furnish the Priests of their respective Missions all necessary assistance for religious worship; but in order to invest any considerable amount in this object, they will solicit the permission to do so from government, through the medium of the Inspector.

Art. 14. To take care that in the distribution of goods received from the respective office to the Indians, the due proportion be observed among the different classes and description of persons; to which end the Reverend Padres shall be called to be present, and they will approve of the corresponding list of distribution.

Art. 15. To observe all the orders which they receive from the Inspector's office, emanating from the government, and to pay religiously all drafts addressed to them by said conduct, and authorized by said government.

Art. 16. They will every three months send to the respective offices a list of the goods and necessaries they may stand in greatest need of, as well for covering the nakedness of the Indians and carrying on the labor of the establishment, as to provide for the necessities of the Priests and religious worship;

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so that, comparing these requisitions with the stock on hand, the best possible remedy may be applied.

Art. 17. They will take care to furnish the necessary means of transport and provisions to the military or private persons who may be traveling on the public service; and they will provide said necessaries as well for the before-mentioned persons as for the Commandants of stations who may ask for assistance for the troops; and send in a monthly account to the Inspector, that he may recover the amount from the Commissariat.

Art. 18. They will likewise render assistance to all other private individuals who may pass through the establishments, charging them for food and horses an amount proportioned to their means.

Art. 19. They will take care that the servants under them observe the best conduct and morality, as well as others who pass through or remain in the establishments; and in urgent cases they are authorized to take such steps as they may consider best to preserve good order.

Art. 20. They may, without any charge, make use of the provisions produced by the establishments for their own subsistence and that of their families.

Art. 21. They may employ as many servants as they consider necessary for carrying on the work of the community; but their situations must be filled entirely by natives of the establishments themselves.

Art. 22. Said Mayordomos are merely allowed to request the appointment of a Clerk to carry on their correspondence with the Inspector's office.

Art. 23. After the Mayordomos have for one year given proofs of their activity, honesty, and good conduct, in the fulfillment of their obligations, they shall be entitled (in times of little occupation) to have the government allow the Indians to render them some personal services in their private labors; but the consent of the Indians must be previously obtained.

Art. 24. The Mayordomos cannot make any purchase of goods from merchants, nor make any sale of the produce or manufactures of the establishments, without previous authority from government; second, dispose of the Indians in any case

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for the services of private persons, without a positive superior order; third, make any slaughtering of cattle, except what shall be ordered by the Inspector to take place weekly, extraordinarily, or annually.

OBLIGATIONS OF THE INSPECTORS.

Art. 25. To make all kinds of mercantile contracts with foreign vessels and private persons of the country for the benefit of the Missions.

Art. 26. To provide said establishments with the requisite goods and necessaries mentioned in the lists of the Mayordomos, taking into consideration the stock of each establishment.

Art. 27. To draw bills for the payment of the debts contracted by his office, and those already due by the establishments.

Art. 28. He shall be the ordinary conductor of communication between the government and the subaltern officers of said Missions, as well as between all other persons who may have to apply to government respecting any business relative to said establishments.

Art. 29. He will pay the salaries of the Mayordomos and other servants, take care that they fulfill their obligations, and propose to government, in conjunction with the Reverend Padres, the individuals whom they may consider best qualified to take charge of the Missions.

Art. 30. He will determine the number of cattle to be killed weekly, annually, or on extraordinary occasions.

Art. 31. He will form the interior regulations of his office, and propose to government the Subalterns which he may judge necessary for the proper management thereof.

GENERAL ORDERS.

Art. 32. All merchants and private persons who may have any claims on said Missions will, in due time, present to the Inspector an account of the amounts due to them, with the respective vouchers, in order that the government may determine the best manner of settling them, as the circumstances of said Mission may permit.

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Art. 33. With respect to the Missions of San Carlos, San Juan Bautista, Santa Cruz, La Soledad, and San Francisco Solano, the General Government will continue regulating them as circumstances may permit.

Art. 34. Officers and magistrates of all kinds are at liberty to manifest to government the abuses they may observe in those charged with fulfilling these regulations, so that a quick remedy may be applied.

Art. 35. The government after previously hearing the opinions of the Reverend Padres, will arrange matters respecting the expenses of religious worship, and the subsistence of said Padres, either by fixing a stated amount for both objects, or in some other manner which may be more convenient toward attending to their wants.

Art. 36. All prior regulations and orders conflicting with the present are annulled; and if any doubt occurs respecting their observance, the government will be consulted through the established channel.

Art. 37. During the defect or temporary absence of the Mayordomos, the Reverend Padres will, in the mean time, take charge of the establishments.

[Translation.]

EXHIBIT X.

PETITION MADE TO THE SUPREME GOVERNMENT BY THE MOST ILLUSTRIOUS SEÑOR BISHOP OF THE CALIFORNIAS, IN HIS COMMUNICATION OF THE 7TH INST., AND A PRIVATE LETTER OF THE SAME DATE.

From the time the temporalities they created and augmented with their personal labor and their stipends, were taken away from the missionaries, the seculars, and their attendants, and among them some with whom I am acquainted, to whom could not be trusted even a small quantity, entered into the possession of the property of the Missions, the destruction of said property in such hands is already understood.

There should exist in the Ministry of your Excellency, reclamations which I have made upon this subject, and where-

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upon the General Congress passed a law suspending the ordering the secularization of the Missions, which, as I conceive, up to the present time, has not been carried into effect, probably by just considerations of government.

In the next reclamations I made, in the year 1836, I notified the Supreme Government of the evils which the Missionaries have to contend with, and not the least among them that the Administradores of the Missions took possession of the houses in which the Fathers were living—houses built by the Religieuses, and in the construction of which, they invested the stipends which they were receiving, and the labor of their hands. They have been compelled, as I myself can bear witness, to live there as so many bankrupts and with great inconvenience.

They keep in the habitation certain people who some nights, by their intoxication, gambling, and dancing, which with shame the neophytes are witnessing, disturb their rest! Verily unsupportable! What a miserable life for a few devoted Religieuses, and so much so that many of them have contemplated the abandonment of the Missions, and seek the peace and tranquility of their minds in retirement! Tormenting life, that dissuaded many from going to the Missions, not to expose themselves to so much suffering and disregard for their character! I do not wish it to be believed from this that I wish the delivery of the temporalities to the Religieuses to be carried into effect.

I well know, and have already communicated it to the government, that within a short time there will be nothing of the property of those opulent Missions, which the Administradores received when the Fathers delivered them over. What I desire is, that for the new Missions that may be established, some legislation may be taken to prevent the recurrence of such flagrant disorders.

Otherwise, what Missionary Father is there who may wish to labor to increase the property of the unhappy Indians, if experience teaches him to know that they are to be taken away from their legitimate owners, and delivered to others to enjoy, without having cost them any anxiety or labor? Who is the Religieuse that would desire to build a house, or plant an orchard for his recreation and comfort, if he has seen that they

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are to be taken away from him, and are taken possession of by men who before have been supported by alms from the said Missionaries, and that the señors unexpectedly move and the unhappy Fathers have to live at their own expense?

What I insist on, and will always insist, is that the houses and orchards which they or their predecessors have made, which are contiguous to and in immediate communication with the churches, remain to the benefit and use of the Missionaries. The Administradores, as they have at their disposition the Indians and property of the Missions, can build a house for them and leave the Fathers in peace and quietude. I deem this measure of so great necessity, that if it is not adopted, there will not be any one who will desire to go to serve the Missions. From the present time I lay the matter before the Supreme Government, and if it is a measure so necessary for the Missionaries, what shall be said with respect to the Bishop? It would be a deplorable thing that meanwhile he erects his house, he should have no place in which to collect his family, or where to put his students and ministers, neither where to commence his seminary.

Therefore, then, I pray the Supreme Government:

1st. That an order be issued, (which I will bear,) for the delivery of the houses and orchards of the Mission to the Missionaries, and that in the interim, that San Diego or that of San Luis Rey may be occupied by the Bishop and his attendants, together with the Missionary Father, until the Bishop can build his Episcopal house, and the edifice for his seminary.

2d. As it might be anticipated the Administradores refuse the Fathers the services of the Indians, and this even when offering them liberal pay. This demands another disposition of the Supreme Government, in order that I may be furnished servants with equitable and not arbitrary salaries. At the same time, I pray that the lands upon which to build my church, my house, and my seminary may be given me.

3d. The Supreme Government is well apprised that I have in my Bishopric no other clergy besides the Fernandines, Zacatecans, and Dominicans Religieuses of the Province of Mexico, and if the Prelates of these orders should deprive us of

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their subjects I would not have any one with whom to fill their places for the present.

As I have been informed, the Provincial Father of Santo Domingo intends or contemplates withholding, from the Religieuses his subjects, the powers which as Missionaries in their order they are enjoying; and this measure would tend a great deal to induce the former to leave, and prevent others from going to the Missions—and it should extract from the consideration that the sacrifices which they make are unprofitable to them and their religion.

Wherefore I pray the Supreme Government to notify the Rev. Provincial Father not to make any innovation, and that the Missionaries continue as they are until the Bishop shall have clergymen to occupy their places, and till they may be able to devote themselves to the triumphant conversions. I also desire the government to commend me to the Rev. Guardian Fathers of Guadalupe of Zacatecas and San Fernando, in order that they may supply me with Religieuses, and that if any desire to accompany me, it may not be forbidden them.

4th. The Supreme Government asked the Holy Pope through our messenger to Rome that I should be permitted to carry to my Bishopric, as many clergymen (Sacerdotes) as should desire to accompany me, and should meet my approbation without their respective Prelates being able to prevent it. This authority did not come among those I have in my possession. I would desire therefore that this particular be laid before Señor Montoyo, and that meanwhile the government may be engaged with the parties when any one, whether of the secular or regular clergy shall give notice thereto of his desire to accompany me and I manifest my approbation to government.

5th. As the conversion of the heathen and the propagation of the faith, is one of my principal objects, it is indispensable that I have an agency for the accomplishment of my desires. The colleges approved by the Republic, except that of Guadalupe and of Zacatecas, are failing, and this is scarcely able to protect the ten Missions now under my charge. I therefore, believe it to be necessary to permit me to establish a Board of Missionaries in my Bishopric, that these may continue forming

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new Missions or Parishes, and I pray the government, through our messenger to Rome, to supplicate the Holy Pope that I may proceed, although with but one Religieuse, to the foundation in order that the latter may confer habits and professions upon those who may desire to dedicate themselves to the all important conversion of the heathen. Likewise I request that the island called Los Angeles, be given for the location of this college, or some other tract of land suitable for the purpose.

6th. The girls, generally, have suffered the want of the education and instruction necessary to make them useful in society. Therefore I desire to establish at the place of my residence, a female college, for which I need an adequate tract of land.

7th. By an anomaly which I did not understand, the tithes have been collected in my Bishopric on behalf of the civil government of Sonora. These authorities should be prohibited from doing this, so that the faithful may be at liberty to give them, henceforth, to the Church, which although small, will assist in the grand schemes of public beneficence that I have formed.

8th. The government burdened the charitable fund of my church by a loan which it made to Señor Teran of seventy thousand dollars, at the ruinous interest of two per cent. per month. The government obligated itself to pay (as I am informed) upwards of two hundred dollars daily, for the purpose of extinguishing this onerous debt. For a short time it fulfilled this promise, and afterwards it has left it against the fund which in order not to lose its threatened capital, upon the same conditions of the loan, has been making sacrifices to fund the debt, as well as to pay the monthly interest. Under the circumstances the said fund has become destitute of the *arbitrios* of given the stipends to the Missionaries, whose drafts are funding, and unable to render me any assistance in the expenditures which I should make to proceed to my diocese, which as your Excellency is well aware are great. It is, therefore, just, that I ask the government to provide some means to settle the debt of Señor Teran immediately, in order that the fund may remain unembarrassed.

I neglected to mention in my communication, that I desire

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to locate my edifices, or rather to form a settlement on a rancho situate in front of San Diego, as well for the conveniences thereof for water and wood, as for not being littoral and exposed to the invasions of any pirate. Morever its climate is very good. If the government should desire to have a military force there, it would be of the greatest importance to the communication with Sonora, because it would repress the Indians from the Rio Colorado, and it would also be very important in any attempt to subdue these miserable beings, and to their temporal and spiritual happiness. I am persuaded that the communication with the interior of our Republic, by this means would be facilitated, and the government would have more frequent intelligence from this department.

[Signed,] F. FRANCº.
Obispo de Californias.

[Translation·]

EXHIBIT XI.

MINISTRY OF THE INTERIOR.

Most Illustrious Sir:—Having placed the communication of your Most Illustrious Worship, of the 17th inst., before his Excellency, the President, and having examined everything set forth therein, in order that you may fulfill your responsible duties as Bishop of California, he has been pleased to decree in conformity with everything asked in the said communication, and also that which you solicited in a separate letter of the same date, to the extent of the prerogatives of his Excellency, and in conformity with the Decree of the General Congress of Nov. 7, 1835, which provided that the Missions remain in the state in which they existed prior to the law of August 17, 1833, for which purpose an order is issued from this Ministry to his Excellency, the Governor of California, to restore, without delay, by means of the subaltern authorities, to the Missionary Fathers, the possessions and property which were under their administration for the conversion of the heathen.

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In contestation, I communicate to your Most Illustrious Worship.

God and Liberty. Mexico, November 17, 1840.

[Signed,] MARIN.

Most Illustrious Señor, Bishop of the Californias:—At the solicitation of the Señor Bishop of California, I hereby certify that the signature affixed to this document, is that of the Minister of the Interior at the said date, Señor Marin, according to other official documents that I have seen from said person.

San Francisco, December 20, 1851.

[L. S.] [Signed,] SCHLEIDEN.

Mexican Vice-Consul for San Francisco.

Vice-Consulate of the Mexican Republic in San Francisco.

I, George Fisher, Secretary of the U. S. Land Commissioners to ascertain and settle private land claims in California, hereby certify the foregoing to be a true and correct translation of "Exhibit No. II, P. L., annexed to the deposition of José Miguel Gomez, Dec. 29, 1854," Joseph S. Allemany *v.* The United States, now on file in this office.

In testimony whereof, I have signed my name at office, at the city of San Francisco, California, this 27th March, 1855.

GEO. FISHER, Secretary.

[Translation.]

EXHIBIT XII.

NOVEMBER 7, 1840.

His Excellency, the President, has been pleased to decree, in conformity with everything the Reverend Bishop of the Californias has petitioned in this communication, to the full extent of his authority and in conformity with the Decree of Congress of the 7th November, 1835, which ordered the Missions to be restored to their former condition; for which pur-

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pose, a general order shall be issued to the Señor Governor of the Californias, for the restoration, by means of subaltern authorities, without delay or impediment, of the possessions and property used by them under their administration for the conversion of the heathen to the Missionary Fathers, and this and all other orders issued in attention to the petition of the Reverend Bishop, shall be placed in the hands of his Grace, for his greater success; and another order shall be delivered to him for the Governor, to render him assistance in whatever may pertain to the establishment of the Bishopric. And so far as respects the lands, whether they now are or have been, in the possession of the Missions, let an *oficio* issue to the Board of Directors of the Bank for the purpose of conferring with his Grace, so far as it may be consistent with his well known charity, upon whatever may facilitate his petitions, and he will manifest the amount of the deficiency of the *arbitrios* of the bank to the government, that it may initiate into the legislative power, or that it may be disposed of as by law provided, and let the Reverend Bishop be replied to by this Decree.

A copy. Mexico, Nov. 21, 1840.

S. YTURBES.

Mexico, October 8, 1852. Conformable.

[Signed,] JOSE MARIA DURAN.

—

I, the First Clerk of the Department of Relations, certify the foregoing to be the authentic signature of Señor Don José Maria Duran, First Clerk of the Department of Justice.

[Signed,] I. MIGUEL ARROYO.

[Translation.]

EXHIBIT XIII.

INSTRUCTIONS AND POWERS OF MICHELTORENA.

Under date of the 11th of February, 1842, the Minister of War says what follows:

Most Excellent Sir:—His Excellency, the President *ad inter-*

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im, being desirous that the Department of California should take advantage of all the resources which it possesses, for its prosperity for placing itself in a state of defense, and for acquiring that happiness which nature itself invites her to take possession of; and bearing in mind the disturbances which have taken place in the country, and which, on account of the distance, the National Government has not been able to avoid; the situation in which Y. E. will be placed, and the measures which you will have to adopt, and which will produce the desired effect, if you wait for the proper time to put them into execution, for there are matters which do not admit of the least delay, and in the persuasion that Y. E. will not abuse your powers, but that you will exercise them for the welfare and the service of all the inhabitants of that interesting and fertile department which the Supreme Government has placed under your charge and responsibility, he (the President) has been pleased to grant to the Y. E. over and above the attributions assigned to you by the existing laws and regulations, as Governor, Commandant-General and Inspector, all the powers which the Supreme Government can confer upon you, in order that by virtue thereof you may remove from office all such civil and military officers dependent on said government who shall not fulfill their duties, or act up to the confidence reposed in them by the same, and fill their situations by appointing worthy citizens who shall take their places and enter upon their duties; but with the understanding, nevertheless, you report to government the motives of your proceedings for its approbation. The views of the Supreme Magistrate do not only refer to Upper California but extend likewise to Lower California, where certain seditious movements have appeared, which being fomented by hidden enemies it has caused some foreigners to take part, when their very quality of foreigners prohibits them from intermeddling in domestic strife; and, as the President is resolved to protect the troops, authorities, and citizens of said Peninsula, he has determined that your military command shall likewise extend to Lower California, as well as the civil command, separating it from Sinaloa; and the Commandant-General of the Department of Sonora and Sinaloa, will continue to furnish you with the resources and assistance which you may

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require for the purpose of securing peace, furnishing the troops, providing for the wants of the citizens, and enabling you to provide for the prosperity and happiness of the whole Department. Although the 1st Article of the law of 2d of February, 1839, derogated the articles of that of the 18th of February of the same year, which subjected the subordination of the staff of the army, and the 13th Article of the first mentioned decree merely leaves the Commandant-General of the East and West with the former attributions of Inspector which they possessed in the companies of Presidios,—his Excellency, the President, has determined that your powers shall extend as Inspector to the permanent Battalion of California, and that you take charge of all the mechanism thereof, and report to the staff of the army.

You will become acquainted with the good or bad management of the maritime Custom House of both Californias; you will have to examine the situation of all the Missions, with respect to their management, improvement, and state of accounts; you will have to proceed to the inspection and reorganization of the companies of Presidios, and in all cases (were you not to act,) the evil would have to remain until government could resolve.

The Supreme Government, trusting in your justice and activity, desires that you should meet with no obstacles, and therefore the powers conferred upon you are made extensive to those branches, and to all others which may conduce to the welfare of the country, including many others, the administration of the Post-Office Department, colonization, the establishment of Presidios, the improvement of ports, the safety of towns, the civilization of wild Indians, the education of youth, the opening of the roads, the furtherance of the arts, the protection of agriculture and commerce, the establishment of houses of correction, and the establishment of towns.

You know the views of the Supreme Government, and are well aware, that being a friend to improvement, it merely desires the union of Mexicans, and that the community in general may enjoy the protection of the laws, be obedient to their authorities, understand that it is our duty to procure the welfare of every one and avoid that all others be injured. I therefore

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will not detain myself by recommending you to propagate these principles, and will merely mention, that when the Supreme Magistrate dictated his instructions, he wished to manifest to you his esteem, and the importance of the command he has confided to you, and to assure the inhabitants of California that the present administration desires their happiness, disavows all apathy, and is ready to impart to that department all the resources which it may desire, and be able to furnish it.

I communicate this to Y. E. for your satisfaction.

God and Liberty. Mexico, 11th February, 1842.

TORNEL.

To Gen. Don Manuel Micheltorena.

I certify that the foregoing copy is the same as the one that was copied from the original, when I was in charge of the Governor's Secretaryship.

[Signed,] MANUEL JIMENO.

MONTEREY, July 6th, 1850.

[Translation.]

EXHIBIT XIV.

PROCLAMATION OF GOVERNOR MICHELTORENA CONCERNING MISSIONS.

Manuel Micheltorena, General of Brigade of the Republic, Adjutant-General of the Plana Mayor, Governor of the same, Commanding-General and Inspector of both Californias.

It being one of the ample or complete instructions or orders, with which is invested the undersigned General and Governor, viz: to examine into the situation of all the Missions in his government at the present moment, their prospects and resources, in order to regulate them, and the Supreme National Government having transmitted all its powers, according to the supreme order made February 11, 1842.

On deliberation, and with the assent of the Most Reverend Fathers, Fray, José Joaquin Jimeno, Fray, José Mª. de Jesus Gonzalez Rubio, who have been made personally to appear before the government, as Presidents of other Missions, as well

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as in the name of, and to represent the Most Rev. Father, Presidential Vicar, the absent Fray, Narciso Duran, being fully impressed with, and having well reflected upon all things requisite.

That the vast and immense landed property formerly belonging to the Missions, had been scattered or partitioned out to individuals, which at the epoch it was done was caused by the exigencies of the country.

That the pious and charitable institutions of social order for the conversion of the savages to Catholicism and to an agricultural and peaceful life, are reduced to the huertas and inclosures of the churches and buildings.

That the Most Rev. Ecclesiastics have no support but charity, and that the divine religion not prospering, barely sustains itself.

That the Indians, naturally lazy, from additional labor, scarcity of nourishment, and in a state of nudity, having no fixed employment or appointed Mission, prefer to keep out of the way and die impenitent in desert woods, to escape a life of slavery, filled with all privations and without the social joys.

That this continued emigration of the natives from the service of individuals to that of Missions, and from that of the Missions, to that of individuals, or to the woods, retards more and more, agriculture, and frightens off, instead of drawing together, the Gentiles from without the pale of our Holy Religion.

That in the administration of the Missions, there have been committed some frauds and notorious extravagance, which every inhabitant of California laments.

That as there is no other method of reanimating the skeleton of a giant like the remains of the ancient Missions, without falling back upon experience and fortifying it with the levers of Civil and Ecclesiastical power.

Now, everything well considered and naturally reflected upon, I have determined to decree the following articles:

No. 1. The Government Departmental, decrees to be "delivered up or restored" to the Most Rev. Fathers (who shall name the Ecclesiastic to be placed respectively in charge) the Missions of—

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SAN DIEGO,
SAN LUIS REY,
SAN FERNANDO,
SANTA BARBARA,
SAN ANTONIO,
SAN JOSE,
SAN JUAN CAPISTRANO,
SAN GABRIEL,
SAN BUENAVENTURA,
SANTA CRUZ,
LA PURISIMA,
SANTA CLARA.

Which shall continue for the future, to be governed by the Most Rev. Fathers (they taking charge of the natives) in the same manner as they were before.

No. 2. The government considers what has been done to this date as irrevocable, the Missions can reclaim none of the lands granted prior to this date; and in reclaiming the cattle, chattels, and instruments of agriculture loaned by the Rev. Fathers, Curators, or Superintendents, they shall grant sufficient time and arrange with the debtors or holders, amicably.

No. 3. They shall likewise take care to collect the scattered neophytes or converts. First, those lawfully exempted by the Supreme Departmental Government. Second, those who at the date of this decree are provided for by individuals, it being however understood, that if any of both classes, wish and prefer to return to their respective Missions, they shall be admitted and received, with cognizance of the masters and the Most Rev. Missionaries.

No. 4. The Departmental Government, in whose possession up to this day have been the Missions, in virtue of the most ample powers with which it is invested, and referring to the aforesaid considerations, authorizes the Most Rev. Fathers to apply the products of the Missions to the necessary expenditures of the reduction, food, clothing, and other temporal wants of the Indians; and they shall likewise take from the same fund their own support, for the salary of the Mayordomo, and for the support of the divine religion, under the condition that they shall remain obligated by their word of honor and conscience, to deliver to the Treasury, upon notice to the Rev. Fathers, of this government, and the express order, in writing, of the undersigned Governor, Commanding-General, and Inspector of relief, sustenance, and clothing, of the troops and observances of the civil employees, the *eighth part* of the whole annual produce of every kind; keeping for the guidance of its Ecclesias-

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tics a true and exact account at the end of the year, of the number of their converts, possessions real and personal, and of every description of produce or its corresponding value, which may belong to such Mission.

No. 5. The Departmental Government, which glories in religion as well as the whole of California, and in the same manner being interested as well as all and every one of the inhabitants of both Californias in the advancment of the Holy Catholic Faith and in the prosperity of the country, "dedicates itself," (or places at the disposition of "all its power,") in aid of the Missions, and in quality of General, commanding, the power of its arms, to pretect, and defend, and sustain them, and in the possession and preservation of all the lands they may hold from this day, they shall be the same as the possessions and guarantees enjoyed by private persons, binding itself to make no new grants without the information of the respective authorities of the Most Rev. Ministers, notorious non-occupation, non-cultivation, nor necessity.

Dated 29th day of March, 1843.

MANUEL MICHELTNA.

FRANCISCO ARCE, Secretary.

[Translation.]

EXHIBIT XV.

ACT OF DEPARTMENTAL ASSEMBLY.

IN EXTRA SESSION,
August 24, 1844.

The report of the Committee on Landed Property and War, instructed to point out the means of which the government might avail itself to defray the expenses of the war with which the country is threatened by a foreign nation—in which report are five articles in relation to the Missions of Upper California, as the only available resources under existing circumstances—having been taken under consideration, the five articles named were debated *seriatim*, and unanimously approved, it being decided that the original of the report referred to, should be

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recorded among the acts of the present session, a copy thereof being given to the Governor of the Department for his information, to be published when he should deem proper, in order to prevent abuses in these matters.

MOST EXCELLENT ASSEMBLY:

The special committee appointed to report with regard to the means which are presented in the communication of the Governor of the Department of the 12th inst., for the subsistence of the auxiliary forces raised by him in consequence of the probability of a war between our nation and the United States of the North, states that it has considered the subject with the greatest attention, and that in weighing its reflections it has not been able to decide; but taking into view the critical situation of the country, threatened with the loss of her rights and liberty, and looking to the exhausted condition of the national treasury and the necessity of finding out means of security and defense, the only safe course pointed out by the committee to reduce the demands upon the government for that object, is to have recourse to the Missions, as well because they are going to ruin, being entirely out of employment, as because they should be regarded as the property of the nation, after providing suitably for their respective neophytes. It presents for your deliberation the following articles:

1. The Superior Government of the Department may expose to sale, hypothecate, or lease the property, chattels, and cultivated lands of the Missions of Upper California, including the extent from San Diego to Sonoma, and dispose of them to defray the expenses of the war, their respective legal debts being first paid out of the price they may bring.

2. The Mission of Santa Barbara, which shall exist as an episcopal palace, its neophytes being taken care of; that of Santa Ynez, as a college of instruction in the higher branches of study for the youths of California; and whatever else the government shall reserve for the national crops necessary for the subsistence of the troops, shall be excepted.

3. The government shall fix the time, manner, and form, in which the said sale, hypothecation, or leasing, is to be effected, and shall order a prudent division of such of the movable

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property as is most useful among the neophytes, respectively, giving them lands.

4. The government shall have power to except entirely the debts which some private individuals owe to the said Missions, and dispose of them for the same object as the rest, of which the first article speaks.

5. The Missions, when sold, shall hold thereafter the character of villages; and those which are hypothecated or rented, if they be occupied by the government, as departmental property—it being provided in the regulation which is made that what is proper—shall be set apart for its support, the emoluments of the Right Reverend Fathers, proper public worship, and the spiritual aid of the villages.

DAVID SPENCE,
PIO PICO,
NARCISO BOTELLO.

MONTEREY, Aug. 24, 1844.

[Translation.]

EXHIBIT XVI.

ACT OF DEPARTMENTAL ASSEMBLY, 21ST APRIL, 1845.

Pio Pico, Senior Vocal of the Honorable Assembly and Governor, ad interim, of the Department of the Californias:

To the inhabitants—Know ye, that the Excellent Departmental Assembly has convened and decreed the following:

1. The government, with the least delay, will demand exact information of all the persons having charge of the Missions in order that they may give it truthfully, of active and passive debts, showing the resources they have to pay the passive ones.

2. The government, from the publication of the present decree, will suspend until a convenient time the granting of the lands immediately contiguous to the Missions, considering that some of them are indispensable or reserved and appropriated under the class of common lands.

3. Likewise, the government will suspend hereafter the giving to the civilized Indians any free letter, until some decisive

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measures may be taken upon the footing on which the Missions must remain.

4. The government will direct the information to the Rev. Father Prefects, in order through them, that these Prefects may direct to the Reverend Fathers in whose charge are the Missions, in order that they may restrain any sale of the useful movables of the establishments under their charge; likewise such other things as are necessary to them. Let it be understood by the Governor of the Department that he will dispose, that it will be complied with, published, and circulated.

Hall of Sessions of the Honorable Assembly of California, April 21, 1845.

PIO PICO, President.

AGUSTIN OLVERA, Secretary.

In order that it may come to the notice of every person, I order that its publication and circulation in the towns under my jurisdiction, posting it in the accustomed places.

Given in the city of Los Angeles, Capital of the Department, on the 21st of April, 1845.

PIO PICO.

JUAN BANDINI, Secretary.

[Translation.]

EXHIBIT XVII.

DECREE OF THE DEPARTMENTAL ASSEMBLY OF MAY 28TH, 1845, RESPECTING THE RENTING OF SOME OF THE MISSIONS, AND CONVERTING OTHERS INTO PUEBLOS, ETC.

Article 1. The Departmental Government shall call together the Indians of the Missions of San Rafael, Dolores, Soledad, San Miguel and La Purisima, which are abandoned by them, by means of a proclamation, which it will publish, allowing them the term of one month from the day of its publication in their respective Missions, or in those nearest to them, for them to reunite for the purpose of occupying and cultivating them; and they are informed that, if they fail to do so, said Missions will be declared to be without owners (*mostrencas*) and the As-

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sembly and Departmental Government will dispose of them as may best suit the general good of the department.

Art. 2. The Carmelo, San Juan Bautista, San Juan Capistrano, and San Francisco Solano shall be considered as pueblos, which is the character they have at present; and the government, after separating a sufficient locality for the Curate's house, for churches, and appurtenances, and court-house, will proceed to sell the remaining premises at public auction in order to pay their respective debts; and the overplus, should there be any, shall remain for the benefit and preservation of divine worship.

Art. 3. The remainder of the Missions as far as San Diego, inclusive, may be rented out at the option of the government, which will establish the manner and form of carrying this into execution, taking care in so doing that the establishments move prosperously onward. These respective Indians will consequently remain in absolute liberty to occupy themselves as they may see fit, either in the employment of the renter himself, or in the cultivation of their own lands which the government will necessarily designate for them, or in the employ of any other private person.

Art. 4. The principal edifice of the Mission of Santa Barbara is excepted from the renting mentioned in the foregoing article; and the government will arrange in the most suitable manner, which part thereof shall be destined for the habitation and other conveniences of his Grace the Bishop and his suite, and which for the Reverend Missionary Padres who at present inhabit said principal edifice. And likewise one-half of its total rent of the other property of the Mission shall be invested for the benefit of the church, and for the maintenance of its minister, and the other half for the benefit of its respective Indians.

Art. 5. The products of the rents, mentioned in Article 3, shall be divided into three equal parts, and the government shall destine one of them for the maintenance of the Reverend Padre Minister and the conservation of divine worship; another for the Indians; and the last shall necessarily be dedicated by government towards education and public beneficence, as soon as the legal debts of each Mission be paid.

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Art. 6. The third part mentioned in the 5th Article as destined for the maintenance of the priests and help towards divine worship, shall be placed at the disposal of the Reverend Prelates, for them to form a general fund, to be distributed equitably in the before-mentioned objects.

Art. 7. The authorities or ecclesiastical ministers, should there be any in the Missions referred to in Article 1, or those in the nearest Missions, or persons who may merit the confidence of government, will be requested by said government to see that the proclamation above-mentioned be published, and to give information immediately whether the said neophytes have presented themselves or not, within the period fixed, in order that, in view of such documents, the necessary measures may be taken.

Art. 8. Government will, in the strictest manner, exact the amount owing by various persons to all the Missions in general, as already ordered by the Most Exellent Assembly in its decre of the 24th August, 1844, and dispose of the same for the object mentioned in the last part of the 5th Article.

[Translation.]

EXHIBIT XVIII.

ACT OF DEPARTMENTAL ASSEMBLY, 28TH OCT., 1845.

OF ALIENATION.

Article 1. There will be sold in this Capital, to the highest bidder, the Missions of San Rafael, Dolores, Soledad, San Miguel, and La Purisima, which are abandoned by their neophytes.

Art. 2. Of the existing premises of the pueblos of San Luis Obispo, Carmelo, San Juan Bautista, and San Juan Capistrano, and which formerly belonged to the Missions, there shall be separated the churches and appurtenances; one part for the Curate's house, another for a court-house, and a place for a school, and the remainder of said edifice shall be sold at public auction, where an account of them will be given.

Art. 3. In the same manner will be sold the property on

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hand belonging to the Missions—such as grain, produce, or mercantile goods—giving the preference for the same amount to the rentors, and deducting previously that part of said property destined for the food and clothing of the Reverend Padre Minister and the neophytes until the harvest of next year.

Art. 4. The public sale of the Missions of San Luis Obispo, Purisima, and San Juan Capistrano shall take place on the first four days of the month of December next, notice being previously posted up in the towns of the department inviting bidders, and three publications being made in the Capital at intervals of eight days one from the other before the sale. In the same manner will be sold what belongs to San Rafael, Dolores, San Juan Bautista, Carmelo, and San Miguel on the 23d and 24th of January, next year.

Art. 5. From the date of the publication of these regulations, proposals will be admitted in this Capital to be made to government, which will take them into consideration.

Art. 6. The total proceeds of these sales shall be paid into the departmental treasury, to pay therewith the debts of said Missions; and should anything remain, it will be placed at the disposal of the respective Prelate for the maintenance of religious worship, agreeably to Article 2 of the decree of the Departmental Assembly.

OF RENTING.

Art. 7. The Missions of San Fernando, San Buenaventura, Santa Barbara, and Santa Ynez, shall be rented out to the highest bidder for the term of nine years.

Art. 8. To this end bidders shall be convoked in all the departments, by fixing advertisements in the town, in order that by the 5th December next they may appear in this Capital, either personally or by their legal agents.

Art. 9. Three publications shall be made in this Caqital at intervals of eight days each, before the day appointed for the renting, and proposals will be admitted on the terms expressed in Article 5.

Art. 10. There shall be included in said renting all the lands, out-door property, implements of agriculture, vineyards, orchards, workshops, and whatever according to the inventories

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made, belongs to the respective Missions, with the mere exception of those small portions of land which have always been occupied by some of the Indians of the Missions.

Art. 11. The buildings are likewise included, excepting the churches and their appurtenances, the part destined for the Curate's house, the court-house, and place for a school. In the Mission of Santa Barbara no part of the principal edifice shall be included which is destined for the habitation of his Grace the Bishop and suit, and the Reverend Padres who inhabit it; and there shall be merely placed at the disposal of the rentor, the cellars, movables and workshops, which are not applied to the service of said Prelates.

Art. 12. As the proceeds of the rent are to be divided into three parts, to be distributed according to Article 5 of said decree, the rentor may himself deliver to the respective Padre, Prefect, or to the person whom he may appoint, the third part destined for the maintenance of the Minister and the religious worship; and only in the Mission of Santa Barbara, the half of said rent money shall be paid for the same object, in conformity with the 4th Article of the decree of the Departmental Assembly.

Art. 13. The government reserves to itself the right of taking care that the establishments prosper; in virtue of which it will prevent their destruction, ruin, or decline, should it be necessary during the period of renting.

Art. 14. The renting of the Missions of San Diego, San Luis Rey, San Gabriel, San Antonio, Santa Clara, and San José shall take place when the difficulties shall be got over which at present exist with respect to the debts of those establishments, and then the government will inform the public; and all shall be done agreeably to these regulations.

ADVANTAGES AND OBLIGATIONS OF THE RENTORS.

Art. 15. The rentors shall have the benefit of the usufruct of everything delivered to them on rent according to these regulations.

Art. 16. The obligations of the rentors are: 1st. To pay promptly and quarterly when due the amount of rent. 2d. To deliver back, with improvements, at the expiration of the nine

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years, whatever they may receive on rent, with the exception of the stills, movables and implements of agriculture, which must be returned in a serviceable state. 3d. They shall return at the same time the number of cattle which they receive, and of the same description, and of such an age as not to embarrass the procreation of the following year. 4th. They shall give bonds to the satisfaction of government before they receive the establishments, conditioned for the fulfillment of the obligations of the rentors—one of which is the payment of the damages which the government may be obliged to find against them, agreeably to Article 13.

OF THE INDIANS.

Art. 17. The Indians are free from their neophytism, and may establish themselves in their Missions or wherever they choose. They are not obliged to serve the rentors, but they may engage themselves to them, on being paid for their labor, and they will be subject to the authorities and to the local police.

Art. 18. The Indians radicated in each Mission shall appoint from among themselves, on the first of January in each year, four overseers, who will watch and take care of the preservation of public order, and be subject to the Justice of the Peace to be named by government in each Mission, agreeably to the decree of 4th July last. If the overseers do not perform their duty well they shall be replaced by others, to be appointed by the Justice of the Peace, with previous permission from government, who will remain in office for the remainder of the year in which they were appointed.

Art. 19. The overseers shall appoint, every month, from among the best of the Indians, a sacristan, a cook, a tortilla-maker, a vaquero, and two washerwomen, for the service of the Padre Minister, and no one shall be hindered from remaining in this service as long as he choose. In the Mission of Santa Barbara, the overseers will appoint an Indian to the satisfaction of the priest, to take care daily of the reservoir and water conduits that lead to the principal edifice, and he shall receive a compensation of four dollars per month, out of the rent belonging to the Indians.

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Art. 20. The Indians who possess portions of land, in which they have their gardens and houses, will apply to this government for the respective title, in order that the ownership thereof may be adjudicated to them, it being understood that they cannot alienate said lands, but they shall be hereditary among their relatives, according to the order established by the laws.

Art. 21. From the said Indian population, three boys shall be chosen as pages for the Priest, and to assist in the ceremonies of the church.

Art. 22. The musicians and singers who may establish themselves in the Missions shall be exempt from the burdens mentioned in Article 18, but they shall lend their services in the churches, at the masses, and the *funciones* which may occur.

OF THE JUSTICES OF THE PEACE.

Art. 23. The Justices of the Peace shall put in execution the orders communicated to them by the nearest superior authority; they will take care that veneration and respect be paid to matters appertaining to our religion and its Ministers, and that the 18th and 20th articles, inclusive of these regulations, be punctually fulfilled; they will see that no one be hindered in the free use of his property; they will quiet the little disturbances that may occur, and, if necessary, impose light and moderate correction; and if the occurrence should be of such a nature as to belong to the cognizance of other authorities, they will remit to such authorities the criminals and antecedents.

[Translation.]

EXHIBIT XIX.

ACT OF THE DEPARTMENTAL ASSEMBLY OF THE 30TH OF MARCH 1846, RESPECTING MISSIONS.

Article 1. The government is authorized to carry into effect the object of the Decree of 28th May last, published by this Honorable Assembly, respecting Missions; to which end, seeing the impracticability of renting, mentioned in Article 3

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of said Decree, the Departmental Government will act in the manner which may appear most conducive to obviate the total ruin of the Missions of San Gabriel, San Luis Rey, San Diego, and the remainder which are in similar circumstances.

Art. 2. As most of these establishments are owning large amounts, if the property on hand should not be sufficient to satisfy their acknowledged debts, attention shall be had to what the laws determine respecting bankruptcies, and steps shall be taken accordingly.

Art. 3. Should government, by virtue of this authority, find that in order to prevent the total ruin which threatens said Missions, it will be necessary to sell them to private persons; this shall be done at public auction, the customary notice being previously given.

Art. 4. In case of sale, if after the debts be paid, any surplus should remain, this shall be divided among the Indians of the premises sold, government taking care to make the most just distribution possible.

Art. 5. In any case, care must be taken to secure a sufficient amount for the maintenance of the Padres and the expenses of public worship, the government being at liberty to separate a part of the whole establishments, whether in lands for cultivation, landed or other property, at its discretion, which will be sufficient to secure both objects, the respective Priest being previously heard and attended to.

Art. 6. The premises set apart according to the foregoing article, shall be delivered as a sale at a perpetual interest of four per cent.; and the proceeds shall be applied precisely to the objects mentioned in said Article 5.

Art. 7. What has hitherto been done agreeably to what was ordained in the Decree of the Honorable Assembly of 28th May before cited, remains in full force; and these presents shall in no manner alter the contracts made and measures taken by government in accordance with said Decree of May, 1845; nor shall they in future put any obstacle in the way of what may be done in accordance thereto.

Art. 8. The government will remove any obstacles not foreseen in this Decree; and in six months, at furthest, will notify this Honorable Assembly of the result of its fulfillment.

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[Translation.]

EXHIBIT XX.

ACT OF THE DEPARTMENTAL ASSEMBLY OF THE 31ST OCTOBER, 1846, ANNULLING THE SALE OF MISSIONS AND OTHER ACTS OF DON PIO PICO.

The Citizen José Maria Flores, Captain of Cavalry in the Mexican Army, Governor and Commandant-General ad interim of this Department to its Inhabitants.

Know ye, that the Honorable Departmental Assembly in an Extraordinary Session of yesterday, has decreed the following:

The Most Excellent Departmental Assembly, taking into consideration the urgent necessity of providing resources for carrying on the war against the invading forces of the United States of North America, and finding that the only way of obtaining them in a sure and prompt manner is to solicit a loan, has in this day's session found it expedient to decree the following, viz:

1. The sales of Missions made by Don Pio Pico, as Governor, as well as all other acts done by him on the same subject, beyond his authority, are entirely annulled.

2. His Excellency, the Governor *ad interim*, is authorized to solicit a loan of such amount as he may consider necessary for the object indicated, it being stipulated that, in accomplishing this act in the most equitable and just manner, he may mortgage one or more of the Missions for the corresponding security.

3. These establishments shall continue with the character of being rented and in possession of the rentors who shall have fulfilled the conditions stipulated in the proclamation upon that subject.

4. The Missions which exist under the circumstances of the preceding article shall suffer no alteration until the term of their lease shall expire, even should they be of those mortgaged; and with respect to the others, the government will take care that the regulations formerly given on the subject be duly complied with.

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His Excellency, the Governor *ad interim*, will be made acquainted herewith, for his government and further ends.

Hall of Sessions of the Honorable Assembly of California in the city of Los Angeles, October 30, 1846.

FRANCISCO FIGUEROA,
President.

AGUSTIN OLVERA, Deputy Sec'y.

JOSE MARIA FLORES.

[Original.]

EXHIBIT XXI.

MINISTERIO DE INDUSTRIA E INSTRUCCION PUBLICA.

E. S.:—Ha llegado à noticia del E. S. Presi^te^. que el Gobierno de ese Departam^to^. ha dispuesto sacar à pública subasta todos los bienes pertenecientes à las Misiones del mismo, que el antecesor de V. E. habia mandado devolver à los repectivos Misioneros para el manejo y Administracion de sus temporalidades; en consequencia, se ha servido prevenirme que ese Gobierno se sirva informar sobre estos particulares, suspendiendo desde luego todo procedim^to^. en cuanto à enagenacion de los bienes de que se trata, hasta la resolucion del Supremo Gobierno.

Tengo el honor de darle a V. E. con los fines indicados, protestandole mi consideracion y aprecio.

Dios y Libertad. Mexico, Noviembre 14, de 1845.

MONTESDEOCA.

E. S. Gobernador del Dep'to de Californias, Puerto de Monterey.

[Translation.]

EXHIBIT XXI.

MINISTRY OF INDUSTRY AND PUBLIC INSTRUCTION.

Most Excellent Sir:—His Excellency the President, has received information that the government of that department has

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ordered that the property belonging to the Missions thereof be put up for sale at public auction, which Y. E.'s predecessor had ordered to be returned to the respective Missionaries for the direction and administration of their temporalities; therefore, he has deemed proper for me to say that the said government will please to report upon these particulars, suspending immediately all proceedings respecting the alienation of the aforesaid property till the determination of the Supreme Government.

I have the honor to communicate it to your Excellency for the purposes indicated, protesting to you my consideration and esteem.

God and Liberty. Mexico, Nov. 14, 1845.

[Signed,] MONTESDEOCA.

To His Excellency, the Governor of the Department of the Californias, Port of Monterey.

[Original.]

EXHIBIT XXII.

Pio Pico, Gobernador Constitucional del Departam^to. de Californias:

A sus habitantes, sabed: que por el Ministerio de Relaciones Exteriores, Gobernacion, y Policia, se me ha dirijido el decreto que sigue:

"MINISTERIO DE RELACIONES EXTERIORES, GOBERNACION, Y POLICIA.

R. y. P. el dia 19 y R. á los Juzgados 1° y 2°.

El Exmo. S^r. Presidente interino de la Republica, se ha servido dirigirme el decreto que sigue:

'*Mariano Paredes y Arrillaga, General de Division y Presidente interino de la Republica Mexicana:*

A los habitantes de ella, sabed—Que considerando que por el estado en que se encuentra la Patria amagada de una guerra extrangera, é invadida una grande y preciosa parte de su territorio, es llegado el caso de obrar con la mayor actividad y energía para repeler la mas injusta de las agresiones, recuperar el territorio usurpado, y conservar el lustre y decoro de la

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Nacion; y teniendo presente que para lograr tan grandiosos objetos, es de absoluta necesidad afianzar el órden y la paz interior; usando de las facultades que me concede la cuarta de las adiciones hechas en esta Capital en 2 de Enero del presente Año al plan proclamado en S. Luis Potosí, he tenido á bien decretar lo siguente:

Art. 1°. El Gobierno nombrará los Gobernadores de los Departamentos sin sujetarse á propuesta de las Asambleas, por hallarse la Nacion en las circunstancias extraordinarias de que habla el final de la facultad 17ª. del Art. 134 de las Bases orgánicas.

2°. En los Departamentos en donde por oposicion al actual órden de cosas se hallen disueltas las Asambleas, los Gobernadores respectivos nombrarán con aprobacion del Supremo Gobierno las personas que estimen à propósito para formarlas, por no ser justo ni conveniente que los Departamentos carezcan de los importantes servicios que deben prestarles esas corporaciones.

3°. Con igual objeto se faculta à los Gobernadores para organizar los Ayuntamientos en los puntos donde estuvieren disueltos.

4°. Se recuerda à los Gobernadores de los Departamentos, para su puntual observancia, la circular de 24 de Diciembre del año próximo pasado, en que se les transmitió la ampliacion de facultades concedidas al Ejecutivo por el decreto del Congreso, fecha 21 del mismo, conforme al Art. 198 de las Bases Orgànicas.

5°. Se faculta à los Gobernadores de los Departamentos, para que en casos extraordinarios obren espeditamente, y con la debida justificacion, para salvar los grandes intereses de la independencia é integridad del territorio nacional, y para asegurar la tranquilidad y el órden público, sin los cuales no pueden sostenerse aquellos inestimables bienes.

Por tanto, mando se imprima, publique, circule y se le dé el debido cumplimiento.

Palacio Nacional de Mexico, 13 de Marzo, de 1846.

MARIANO PAREDES Y ARRILLAGA.

A D. Joaquin Maria Castillo y Lanzas.'

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Y lo comunico à V. para su inteligencia y fines consiguientes. Dios y Libertad. Mexico, 13 de Marzo de 1846.

CASTILLO LANZAS.

E. S'r Gobernador del Dep'to de Californias."

Y para que llegue à noticia de todos, mando se publique por bando, en todos los Pueblos del Departamento, se circule à quienes corresponda, y se fije en los parages públicos acostumbrados.

Dado en el Puerto de St^a. Barbara, à 4 de Julio de 1846.

JOSE MATIAS MORENO, S^rio. PIO PICO.

[Translation.]

EXHIBIT XXII.

Pio Pico Constitutional Governor of the Department of the Californias:

To the inhabitants thereof:—Know ye, that the following decree has been directed to me by the Minister of Foreign Relations, Government, and Police:

"MINISTRY OF FOREIGN RELATIONS, GOVERNMENT AND POLICE.

Received and published on the 19th of the month and transmitted to the 1st and 2d Judicatures.

His Excellency, the President *ad interim* of the Republic, has been pleased to direct me the following decree:

"*Mariano Paredes y Arillaga, General of Division and President ad interim of the Mexican Republic:*

To the inhabitants thereof. Know ye:

That, on account of the actual state of the country, threatened with a foreign war, and a large and important part of its territory invaded, considering that the time has arrived to act with of the greatest activity and energy, to repel the most unjust aggressions, to recover the usurped territory, and to preserve the glory and honor of the nation; and convinced that, for the accomplishment of objects so grand, it is necessary to secure order and peace within; in the exercise of the powers vested in me by the 4th of the additions made in this capital on the 2d of Jan-

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uary of the present year to the plan proclaimed in San Luis Potosi, I have thought proper to decree the following:

1st. The government shall appoint the Governors of the departments, irrespective of those proposed by the Assemblies, in consequence of the nation being placed in the extraordinary circumstances to which the last clause of the 17th power of the 134th article of the organic law refers.

2d. In those departments where, in consequence of opposition to the present state of things, the Assemblies are dissolved, the respective Governors, with the approval of the Supreme Government, shall appoint such persons as they may deem competent to compose them, it not being just or convenient that the departments suffer the want of the important services which those bodies should render them.

3d. For a similar purpose the Governors are authorized to organize the Ayuntamientos wherever they may have been dissolved.

4th. The attention of the Governors of the departments is called to the circular of the 24th December of last year past for the punctual observance thereof, wherein is conferred upon them the extension of the powers granted to the executive by the decree of Congress, dated the 21st of the same month, in conformity with the 198th article of the organic law.

5th. The Governors of the departments are authorized to act expeditiously in extraordinary cases, and with due justification to preserve the great interests of the independence and the integrity of the national domain, and to secure tranquility and public order, without which these inestimable blessings cannot be sustained.

Therefore, I command that it be printed, published, circulated, and that the due obedience thereunto be rendered.

National Palace, Mexico, March 13th, 1846.

[Signed,] MARIANO PAREDES Y ARRILLAGA.

To Don Joaquin Maria Castillo y Lanzas.'

—

And I communicate the same to you, for your information and consequent purposes. God and Liberty.

[Signed,] CASTILLO LANZAS.

To His Excellency the Governor of the Californias."

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And in order that it may come to the notice of all, I order it to be published by proclamation in all the pueblos of the department, that it be circulated to those to whom it belongs, and that it be posted up in the usual public places.

Given at the port of Santa Barbara, July 4, 1846.

PIO PICO.

[Signed,]

[Signed] JOSE MATIAS MORENA, Secretary.

[Original.]

EXHIBIT XXIII.

SESION DEL DIA 30 de Marzo, de 1846.

Aprobada la acta del dia 23 de Marzo, se le dió lectura al dictamen de la comision de Misiones haciendo algunas observaciones, en su parte expositivas, relativas al proyecto de decreto presentado por el Señor Bandini en la sesion anterior que trata de Misiones concluyendo la comision con la peticion siguiente: Pide que se ponga á discusion el proyecto del Señor Bandini en los mismos terminos que està concebido, protestando el presidente de dicha comision, que no puede dar su voto en favor por no ser conforme con su modo de pensar, y pedido por el Señor Figueroa se le dispense la segunda lectura, admitido;—y entendido el voto particular del Señor Argüello que dice;—no conveniendome con el segundo párrafo de la parte expositiva sujeto mi voto particular á la discusion, á lá que se puso la proposicion mencionada del Señor Bandini la cual concluye con los articulos siguientes.

1°. Se autoriza al Gobierno para que haga efectivo el objeto del decreto de 28 de Mayo del año p°. p°. expedido por esta Honorable Asamblea relativo á Misiones: y á cuyo fin en lo impracticable del arriendo prevenido en el art° 3° de dicho decreto, el Gobierno del Departamento obrará del modo que crea ser mas conveniente para evitar la ruina total de las Misiones de San Gabriel, San Luis Rey, San Diego y las demas que se hallan en iguales circunstancias. Sin discusion fue aprobado.

2°. Como los demas de dichos establecimientos tienen grandes creditos en su contra, si sus existencias no fuesen suficientes á cubrir sus deudas calificadas, se tendrá presente lo que dispo-

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nen las leyes con respecto á quiebras y se procederá conforme á ellas. Sin discusion fue aprobado.

3°. Si de la autorizacion del Gobierno resultare que este, para evitar la total destruccion á que caminan las dichas misiones, determinase la venta de ellas á particulares, te verificará á remate publico precediendo los avisos acostumbrados. Sin discusion fue aprobado.

4°. En el caso de venta, despues de satisfechas las deudas, si hubiese sobrante, se repartirà, á los indios de la comunidad de la finca vendida, valiendose el Gobierno del modo que sea mas compatible á la justa distribucion. Sin discusion quedó aprobado.

5°. En todo caso siempre se tendrá presente asegurar lo necesario á la subsistencia de los Padres Ministros, y gastos para la conservacion del culto divino, pudiendo el Gobierno determinar una parte del total fincas, ya consista en tierras de labor, bienes raices, u otras que á juicio del Gobierno, oyendo y atendiendo à los religiosos respectivos, aseguren ambos objectos. Sin discusion fue aprobado.

6°. Las fincas que se determinen conforme al precedente Art°· seran entregadas, como en venta à censo perpetuo, al cuatro por ciento. Este producto previamente serà aplicable a lo que previene el mismo articulo 5°. Sin discusion fue aprobadà.

7°. Queda en todo su valor y fuerza lo practicado hasta ahora, segun lo dispuso el decreto de la Honorable Asamblea de 28 de Mayo citado, y el presente en nada alterarà los contratos y disposiciones tomados por el Gobierno con arreglo al propio decreto de Mayo de 1845, ni para lo sucesivo impedirá lo que se pueda practicar conforme à él. Sin discusion fue aprobado.

8°. El Gobierno salvarà los inconvenientes que no se hayan podido prever por el presente decreto; y à lo mas dentro de seis meses mientras dure su ejecucion, darà cuenta à esta Honorable Asamblea de los resultados en su cumplimiento. Sin discusion fue aprobado.

Y no habiendo otra cosa de que ocuparse por hoy, se levantó la sesion, à que no asistieron los Señores Abrego, por hallarse infermo; Botello, por tener licencia; y Noriega ausente en comision del Gobierno Departamental. Entre renglones "dure" vale.

PIO PICO,
Presdte.

AGUSTIN OLVERA, S'rio.

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[Translation.]

EXHIBIT XXIII.

SESSION OF
30th of March, 1846,

The record of 23d of March having been approved, the report of the Committee on Missions was read. They made several remarks in connection therewith, touching the plan of a decree presented by Señor Bandini in the preceding session in regard to the Missions, and concluded with the motion that the plan presented by said Bandini, be fully discussed on the basis in which it was presented. The Chairman of said Committee, protesting that he cannot vote for it as it does not meet his views. It was then moved by Señor Figueroa, that the second reading of the aforementioned report of said Committee on Missions be dispensed with, which was approved. Señor Arguello then said that, not agreeing with the matters expressed in the second paragraph of the report, he gave notice that his vote would be withheld until after discussion of the whole subject, and thereupon moved that the proposition mentioned by Señor Bandini, which concluded with the following articles, be so discussed:

1st. The Executive of this Department is hereby authorized to carry into effect the objects of the decree of 28th of May of last year, passed by this Honorable Assembly, relating to Missions,—that, where it is impracticable to rent them, as provided in Article 3 of said last mentioned decree, said Executive shall proceed in what it believed to be the most efficient manner to obviate the total ruin of the Missions of San Gabriel, San Luis Rey, and San Diego, as well as all others that were in the same situation. Approved without discussion.

2d. As the other remaining establishments are largely indebted, if the present amount of property belonging to the same should be insufficient to liquidate all the qualified debts thereof, then proceedings shall be had in conformity with law concerning insolvents. Approved without discussion.

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3d. If by the authority hereby conferred, the Governor, in order to prevent the total destruction to which said Missions are tending, should determine to sell them to private individuals, it shall be done at publie auction, giving the usual notice thereof. Without discussion approved.

4th. In case of sale, after the debts have been satisfied, should there be any surplus remaining therefrom, it shall be divided among the Indians of the establishments so sold—the Executive having the right to prescribe the manner in which the distribution shall be made, most compatible with justice. Approved without discussion.

5th. In all cases, it shall be necessary to secure the subsistence of the Reverend Fathers, and the expenses of divine worship, for which the Executive shall be empowered to set apart a portion from the property for that purpose, either in arable lands, other real estate, or property of any other kind, which in his opinion, after hearing and consulting with the respective Priests, may best secure both objects. Approved without discussion.

6th. The establishments that may be disposed of agreeably to the preceding article shall be delivered as sold subject to a perpetual contribution of four per cent. This income shall be preferably applicable to the uses referred to in the same Article 5th. Approved without discussion.

7th. Whatever has been done up to this time remains in full force and vigor, as provided by the Decree of the Honorable Assembly of the 28th of May aforesaid, and the present decree shall in no manner alter any contracts or arrangements made by the Executive in conformity with said decree of 28 May, 1845, nor shall it hereafter prevent in any manner anything that may be done in conformity thereto. Without discussion approved.

8th. The Executive will reserve the right to obviate all inconveniences that may arise within the present decree which cannot now be foreseen, and within six months after sales he shall report to this Honorable Assembly, the results touching this decree. Without discussion approved.

There being no other matter to occupy the Hon. Assembly this day, it thereupon adjourned. There being absent Señor

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Abrego, for sickness, Señor Botello, excused, and Señor Noriega absent on business of the government.

PIO PICO,
President.

AGUSTIN OLVERA, Secretary.

[Original.]

EXHIBIT XXIV.

SESION DEL DIA
8 de Abril, 1846.

Aprobada la acta del dia —— se dió cuenta con una comunicacion oficial del Señor Vocal, Don José Abrego, como contestacion à la que con fecha, 6 de Mzo, se le pasó por la corporacion, à cuya contestacion accompaña un certificado de dos facultativos, por el que acredita hallarse enfermo de una relajacion, y le impide montar à caballo, y de consiguiente separarse del punto donde reside por tener que ponerse en cura. La Exma. Asamblea q consideró por justa la imposibilidad del Señor Abrego para el desempeño de las obligaciones que la ley le impone como diputado, acordó en consecuencia que por tales razones quedaba exonerado de la concurrencia à las sesiones, y con tal motivo entrase à cubrir la falta el primer suplente.

En seguida se dio cuenta——

[Translation.]

EXHIBIT XXIV.

SESSION OF
8th of April, 1846.

Approved the record of —— day of ——. Noted the official communication of Señor Abrego, a member of this Hon. Body, in answer to one sent from the same, under date of March 6th, which is accompanied with the certificates of two competent persons, wherein he states that he is unwell, so much so as to be unable to mount a horse, and in consequence of such sickness was obliged to be removed from his residence to another locality, for the purpose of being cured. The Excellent Assembly

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justly considered the impossibility of Señor Abrego to fulfill the obligations imposed on him by law as a deputy, and agree that in consequence of, and for reason of the same, he should be excused from attending the sessions thereof, and that his place be filled in the meantime by the first alternate, which was referred for after action.

Afterwards was taken up for consideration——

[Original.]

EXHIBIT XXV.

SESION DEL DIA
15 de April, de 1846,

Leida y aprobada la acta del dia 30 de Marzo p°. p°., se dio cuenta con el nombramiento que, para Gobernador Constitucional de este Departamento, hizo el Exmo. S°r. Presidente de la Republica, en la persona del Exmo. S°r. Don Pio Pico à virtud de la propuesta que elevó la corporacion en 27 de Junio anterior. Quedó impuesto el Honorable Cuerpo de la Suprema determinacion, y à consecuencia de haber manifestado El Exmo. S°r. que preside hallarse apto para prestar el juramento de la ley, y que por tanto se le señalase el dia que le habia de hacer, hubo lugar à una detenida discusion con motivo de que no habia numero suficiente de individuos en la Asamblea ante quien debe verificarse tal acto, y resultó por conclusion, considerando ser urgente el asunto, que se admitiese la siguiente proposicion que hizo el S°r. Bandini:

"Mientras se cumple el termino de las licencias que se les ha concedido por este Honorable Cuerpo à dos de sus vocales, le llamarà al suplente que esté mas inmediato à esta Capital, siempre para que haya numero competente."

Puesto à discusion y estandolo suficientemente, se aprobó à unanimidad.

Se dio cuenta igualmente con lo siguiente, una comunicacion oficial del Ministerio de Relaciones, fecha 14 de Noviembre ultimo, dirigida al Gobierno Departamental en la que por disposicion superior, se le pide informe sobre lo que haya determinado con respecto à Misiones, que se sabe han sido puestos

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à publica subasta los bienes de ellas que se habian entregado à los Padres para el manejo de temporalidades, y que entre tanto se dé dicho informe, se suspenda todo procedimiento en cuanto à enagenacion de los bienes referidos.

Se acordó por la corporacion que siendo esta nota directa al Gobierno del Departamento,se le devolviese para que manifestàra su sentir y entonces pudiera atenderse el asunto.

Con el Soberano decreto de sies de Agosto que señala la asignacion de rentas à los departamentos. Enterado.

Con una circular de Ministro de Relaciones, fecha 21 de Octubre pasado, relativa à que se organize la fuerza de policía que debe haber en cada poblacion, y està determinada por las bases organicas, teniendo la Asamblea facultad por el articulo 134, en su parte 19ª. de decretar la que debe haber en el Departamento y reglamentar su servicio conforme à la parte citada. Se mando pasar à la comision de Policia.

Con un oficio de la Comandancia-General de este departamento, fechado en Monterey, à 17 de Marzo, en el que se adjunta una proclama à que se dio igualmente lectura, dirigida à los habitantes à consecuencia de los acontecimientos habidos por los puntos del norte con el Capitan de los Estados Unidos, Don J. C. Fremont, conteniendo dicho oficio un pàrrafo por el cual se advierte que la Comandancia-General previene que no habiendo pasado el Exmo. Sor. Gobernador à hacer la visita à aquellos lugares como ha solicitado para que à ella se hubiera unido à fin de operar, va à proceder conforme à las ordenes supremas que tiene à la vista, para impedir las miras de los aventureros que se introducen por aquella frontera. Enterada la corporacion, usó de la palabra el Sor. Bandini, y pronunció un discurso por el cual repugnaba los procedimientos del Sor. Comandante-General, poniendo en claro el uso abusivo que hace de su autoridad esta persona, sin miramiento alguno ni atencion al respecto obligatorio que le imponen las leyes, y concluyó proponiendo que el Gobierno le conteste, con decoro al mismo tiempo que con la arrogancia y energia que demanda un hecho tan escandaloso como el que se ha consumado. Y no habiendo otro asunto mas que tratar, se levantó la sesion.

PIO PICO,
Presidente.

AGUSTIN OLVERA, Secretario.

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[Translation.]

EXHIBIT XXV.

SESSION OF
15th of April, 1846.

Read and approved the Record of March 30th, last past. The subject of the appointment of Constitutional Governor of this department by his Excellency the President of the Republic, conferred on his Excellency, Don Pio Pico, approving the action of this body which elevated him to that station on the 27th of June last was taken up for consideration. The supreme determination now being known to this Honorable Body, and his Excellency presiding having given notice that he is ready to take the oath of office, and having appointed the day for so doing, a long discussion took place inconsequence of there not being a sufficient number of members in the Assembly before whom such an action has to be verified, and considering the urgency of the case, the following proposition was submitted by Señor Bandini:

"That until the termination of the leave of absence granted by this Honorable Body to two of its members, the nearest alternates to this Capital shall be summoned, to make the number complete;" which being fully discussed and sufficiently understood, was unanimously approved.

The official communication of the Minister of Relations, under date of November 14th, last past, directed to the Executive of this department, was acted upon, in which the Minister asks for information, concerning what had been determined or done in respect to the Missions; that information had been received that the property belonging to them, which had been delivered to the Priests for the management of their temporalities, had been put up at public auction and sold, and that until such information as asked for could be given, to suspend all proceedings relating to the alienation of the aforesaid property. Whereupon it was considered that its being a note addressed directly to the executive of this department, that before any action be had upon it by this body, it be referred back to him for an expression of his opinion thereon.

The sovereign decree of the 6th of August, determining the

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distribution of the public revenue among the Departments was also taken up. Duly considered and filed.

A circular from the Minister of Relations was next considered, under date of October 21st, last past, relative to the organization of a police force in every village of the departments, as required by the organic bases; the Assembly deriving authority from clause 19, Art. 134, to determine by law how large a force is necessary for the department and to regulate its duties agreeably to said clause. Referred to Committee on Police.

The reading an official dispatch from the Comandancy-General of this department, dated at Monterey, March 17th, to which was subjoined a proclamation, also read, addressed to the inhabitants, setting forth what had taken place at the north with Capt. J. C. Fremont, of the United States. Said dispatch also contained a paragraph stating that as his Excellency, the Governor had not visited the principal points at the north, as solicited by the Commandant-General for the purpose of cooperating together, that he will proceed in conformity with general orders at hand and frustrate the views of those adventurers that enter the country by that frontier; which, having been heard by this body, Señor Bandini delivered a speech condemning the proceeding of the Commandant-General, showing clearly the abusive manner in which he had made use of his authority, being without any regard or attention to the obligations the laws impose upon him, and recommended the Executive should answer him respectfully, but with the dignity and energy which so scandalous an act as he had committed demanded. And there being nothing else before the session, it therefore adjourned.

PIO PICO,
President.

AGUSTIN OLVERA, Secretary.

[Original.]

EXHIBIT XXVI.

MISION DE SN. JUAN CAPISTRANO.

El dia cuatro de Diciembre de 1845, el Gobierno puso en venta publica y al mejor postor, la parte del edificio principal de

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la Mision de San Juan Capistrano que resulta sobrante despues de la separacion de Yglesia, casa cural, consistorial, de escuela y carcel, asi como de tres huertas de arboles frutales, y viña, y de los muebles de la pertenencia de dicha Mision, con excepcion de lo perteneciente al templo, y resultaron compradores los Señores Dⁿ. Juan Forster y Don Santiago Mackinley, mediante la cantidad de Setecientos diez pesos que pagaràn el 10 de Agosto de 1846, al Gobierno Departamental y à los acreedores à la expresada Mision que este les señale.

En 6 de Diciembre se les libró el titulo de propiedad.

Pio Pico, Vocal Decano de la Asamblea Departamental y Gobernador Provisional de las Californias:

Gobierno del Dep'to
[EAGLE.]
De Californias.

En virtud de haberse celebrado, el dia cuatro del corriente mes en esta Capital, en publica subasta y al mejor postor, la venta de la parte del edificio principal de la Mision de San Juan Capistrano que resulta sobrante despues de la separacion de Yglesia, casa cural, consistorial, de escuela y carcel, asi como de las tres huertas de arboles frutales y viña, y de los muebles de la pertenencia de dicha Mision con excepcion de lo perteneciente al templo, resultaron compradores de todo lo mencionado los Señores Dⁿ. Juan Forster y Dⁿ. Santiago Mackinley, por haber sído los últimos y mejores postores en la oferta que hicieron de setecientos diez pesos.

En consecuencia y en uso de las facultades que me confirió la Exma. Asamblea Departamental en su acuerdo relativo de 4 de Julio del presente año, y de conformidad con el reglamento de 28 de Octubre último pasado, declaro por las presentes letras que los mencionados Dⁿ. Juan Forster y Dⁿ. Santiago Mackinley son dueños legalmente de la parte del edificio, de las tres huertas y muebles de la Mision de San Juan Capistrano que les fueron vendidos, mediante la cantidad de setecientos diez pesos, que pagaràn en moneda corriente ó en cueros y sebos á precio de plata, el diez de Agosto del año mil ocho cientos cuarenta y seis, al Gobierno Departamental ó à los acreedo-

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res à la expresada Mision que le sean designados por este, pudiendo desde ahora, y en virtud de este despacho, tomar la posesion judicial de la finca, huertas, y muebles mencionados, que les darà el Juez respectivo.

Por tanto mando que teniendose el presente por titulo firme y valedero, se toma razon de él en el libro de asientos sobre adjudicacion de terrenos, y se entregue à los interesados para su resguardo y demas fines.

Dado en la ciudad de Los Angeles, en este papel comun por falta del sellado, à seis de Diciembre de mil ochocientos cuarenta y cinco.

PIO PICO.

JOSE Mª. COVARRUBIAS, S'rio.

—

Queda tomada razon de este titulo en el libro respectivo.

COVARRUBIAS.

[Translation.]

EXHIBIT XXVI.

MISSION OF SAN JUAN CAPISTRANO.

On the fourth day of December, 1845, the government put up at public sale and to the highest bidder, that part of the principal building of the Mission of San Juan Capistrano which remains after the separation of the church, the rectory, town-house, school-house, and prison; as also three orchards of fruit trees and vines, and the movable goods belonging to said Mission, excepting what belongs to the temple; and the purchasers proved to be Messrs. Juan Forster and Santiago Mackinley, by means of the consideration of seven hundred and ten dollars, which they are to pay on the 10th of August, 1846, to the Departmental Government or to the creditors of said Mission, which the latter may designate to them.

On the 6th of December of the same year, there was issued to them a title of ownership.

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Pio Pico, Senior Member of the Departmental Assembly and Provisional Governor of the Californias:

By virtue of having, on the fourth day of this month in this capital at public auction and to the highest bidder, effected a sale of the part of the principal building of the Mission of San Juan Capistrano, which remains after the separation of the church, rectory, town-house, school-house, and prison; as also three orchards of fruit trees and vines, and the movable goods belonging to said Mission except what belongs to the temple; the purchasers of all the foregoing proved to be Juan Forster and Santiago Mackinley, as having been the last and highest bidders in the offer they made of seven hundred and ten dollars.

In consequence whereof, and in exercise of the power vested in me by the Excellent Departmental Assembly in its resolution relative hereto on the fourth of July, this year, and in conformity with the regulations of 28th of October, last past, I declare by the present letters patent, that the said Juan Forster and Santiago Mackinley, are lawful owners of the part of the building, of the three orchards and the movable property of the Mission of San Juan Capistrano, which was sold to them by means of the consideration of seven hundred and ten dollars which they are to pay in current money or in hides and tallow at cash prices, on the 10th of August, in the year 1846, to the Departmental Government, or to the creditors of said Mission, who may be designated by said Government; being enabled from this day and by virtue of this document, to take the judicial possession of the building, orchards, and movable property aforesaid, which the respective magistrate will give them.

Wherefore I order that these presents, being held as a firm and valid title-deed, it be entered in the book of registry of adjudication of lands and delivered to the interested parties for their security and other purposes.

Given in the city of Los Angeles, on this common paper for want of stamped, on the 6th of December, in the year 1845.

PIO PICO.

JOSE Mª. COVARRUBIAS, Sec'y.

Note of this superior title is taken in the respective book.

COVARRUBIAS.

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[Original.]

EXHIBIT XXVII.

LA PURISIMA.

Pio Pico Vocal Decano de la Asamblea Departamental y Gobernador Provisional de las Californias.

En virtud de haberse celebrado, el dia cuatro del corriente mes, en esta Capital en publica subasta y al mejor postor, la venta del edificio principal de la Mision de la Purisima, de las dos viñas de Jalama, tierras y muebles de la pertenencia de esta Mision con excepcion de lo perteneciente al templo ó iglesia, resultó comprador de todo lo mencionado, el S$^{or.}$ Don Juan Temple por haber sido el ultimo y mejor postor en la oferta que hizo de mil ciento diez pesos.

En consecuencia y en uso de las facultades que me confirió la E$^{xma.}$ Asamblea Departamental en su acuerdo relativo de 4 de Julio del presente año, y de conformidad con el reglamento de 28 de Octubre ultimo pasado, declaro por las presentes letras que el mencionado D$^{n.}$ Juan Temple es dueño legalmente del edificio de la Mision de la Purisima, de las dos viñas, tierras y muebles que le fueron vendidos, mediante la cantidad de mil ciento diez pesos en moneda corriente ó en cueros y sebos, à precio de plata, que pagarà el 10 de Agosto del año de 1846, al Gobierno Departamental, ó a los acreedores de la expresada Mision que le sean designados por este, pudiendo desde ahora, y en virtud de este despacho, tomar la posesion judicial de la finca, viñas, tierras y meubles mencionados que le dará el juez respectivo.

Por tanto mando, que teniendose el presente por titulo firme y valedero se tome razon de él en el libro de asientos sobre adjudicacion de terrenos, y se entregue al interesado para su resguardo y demas fines. Dado en la ciudad de Los Angeles, en este papel comun por falta absoluta del sellado, a seis de Diciembre de mil ochocientos cuarenta y cinco.

PIO PICO.

Jose M$^{a.}$ Covarrubias, S'rio.

—

Queda tomada razon de este titulo en el libro respectivo. Angeles fecha *ut supra.*

COVARRUBIAS.

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Gobierno del Dep.
[EAGLE.]
De Californias.

Sirvase Vd. mandar pagar al Señor A. B. Thompson, ó á su orden, la cantidad de pesos tres cientos setenta y seis con seis reales, (376 ps. 6 rs.) del valor ocasionado por la venta de la Mision de la Purisima cuya cantidad deducirá Vd. de la mayor que tiene que entregar, recabando del interesado el respectivo recibo para su resguardo.

Angeles à 16 de Mayo de 1846.

PIO PICO.

Sor Don Juan Temple,
del comercio en esta Capital.

—

Recibí la arriba expresada cantidad, Angeles, Mayo 18 de 1846.

A. B. THOMPSON.

—

Gobierno del Depto.
[EAGLE.]
De Californias.

Recibí del Señor Don Juan Temple la cantidad de doscientos pesos metalicos (200 ps.) por cuenta de mayor cantidad que debe entregar à este Gobierno por la compra que hizo de la Mision de la Purisima, y para su resguardo le doy este en la ciudad de Los Angeles a 1°. de Junio de 1846.

PIO PICO.

—

DON JOSE NORIEGA:

Sirvase V. pagar á Don Pio Pico, Gobernador de este Departamento, la cantidad de quinientos treinta-tres pesos, dos reales, (533 ps. 2rs.) en metalico, cobrando un recibo en que se expresa que con esta cantidad ya está satisfecha la cantidad de mil ciento y diez pesos, (1,110 ps.) en que fue rematada la Purisima con sus tierras &c.

Angeles, Junio 15 de 1846.

JUAN TEMPLE.

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Gobierno del Dep.
[EAGLE.]
de Californias.

Recibí Santa Barbara, Junio 22 de 1846.

PICO.

[Translation.]

EXHIBIT XXVII.

LA PURISIMA.

Pio Pico, Senior Member of the Departmental Assembly, and Provisional Governor of the Californias:

By virtue of there having been effected on the fourth of the current month, in this capital, at public auction and to the highest bidder, the sale of the principal edifice of the Mission of La Purisima, of the two vineyards of Jalama, lands and movables or chattels belonging to this Mission, with the exception of what belongs to the temple or church, Mr. John Temple became the purchaser of all the above-mentioned, being the last and highest bidder in the offer which he made of one thousand one hundred and ten dollars.

In consequence and in exercise of the powers which the most excellent Departmental Assembly conferred upon me in their decree of the 4th of July of the present year and in conformity with the regulations of the 28th of October, last past, I declare by the present letters that the above-mentioned Mr. John Temple is lawfully owner of the edifice of the Mission of La Purisima, of the two vineyards, lands and chattels, that were sold to him, in the sum of one thousand one hundred and ten dollars in current money, or in hides and tallow at their cash price, which he will pay the 10th of August of the year 1846, to the Departmental Government, or to the creditors of the above-mentioned Mission, who will be designated to him by this government; being able from this moment, by virtue of this title, to take judicial possession of the edifice, vineyards, land, and chattels mentioned, which will be given by the proper judge.

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Therefore, I command that, taking the present for a firm and valid title, an entry be taken of it in the book of registry of adjudication upon lands, and be delivered to the person interested, for his security and other ends.

Given in this city of Los Angeles, on this common paper, for absolute want of sealed paper, on this sixth day of December, A. D. 1845.

JOSE M^{A}. COVARRUBIAS, Secretary. PIO PICO.

—

Note has been taken of this title in the respective book. Angeles, date as above.

COVARRUBIAS.

—

A TRANSLATED COPY OF A DRAFT OF PIO PICO AGAINST MR. JOHN TEMPLE.

Governor of Dep.
[EAGLE.]
of the Californias.

Please pay to Mr. A. B. Thompson, or his order, the sum of three hundred and seventy-six dollars and seventy-five cents, ($376 75), out of the value arising from the sale of the Mission of La Purisima; which sum you will deduct from the greater which you have to deliver, receiving from the party interested a proper receipt for your security.

Angeles, 16 May, A. D. 1846. PIO PICO.

Mr. John Temple, of the commerce of this Capital.

—

Received the above-mentioned sum, Angeles, May 18, A. D. 1846. A. B. THOMPSON.

—

A TRANSLATED COPY OF A RECEIPT OF GOV. PIO PICO TO MR. JOHN TEMPLE.

Governor of Dep.
[EAGLE.]
of the Californias.

Received of Mr. John Temple the sum of two hundred dollars, ($200), coined money, on account of a larger sum which

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he is obligated to deliver to this government for the purchase which he made of the Mission of La Purisima; and for his security I give him this, in the city of Los Angeles, on the 1st June, A. D. 1846.

PIO PICO.

—

A TRANSLATED COPY OF JOHN TEMPLE'S DRAFT AGAINST DON JOSE NORIEGA IN FAVOR OF PIO PICO.

DON JOSE NORIEGA:

Please pay to Don Pio Pico, Governor of this Department, the sum of five hundred and thirty-three dollars, twenty-five cents, in coined money, taking a receipt wherein it states that with this amount, the sum of one thousand one hundred and ten dollars, ($1,110), for which La Purisima, its lands, etc., were sold, is paid.

Angeles, June 15, A. D. 1846. JOHN TEMPLE.

—

Governor of Dept.
[EAGLE.]
of the Californias.

Received, Santa Barbara, June 22, 1846.

PICO.

[Original.]

EXHIBIT XXVIII.

SAN LUIS OBISPO.

Pio Pico, Vocal Decano de la E^xma^. Asamblea Departamental y Gobernador Provisional de las Californias:

Gobierno del Depto.
[EAGLE.]
De Californias.

En virtud de haberse celebrado, el dia cuatro del corriente mes en esta capital, en publica subasta, y al mejor postor, la

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venta de la parte del edificio principal de la Mision de San Luis Obispo q. resulta sobrante despues de la separacion de casa cural, consistorial, de escuela y carcel, resultaron compradores, de la expresada parte de edificio los Señores Scott y Wilson, y Don Santiago Mackinley, por haber sido los ultimos y mejores postores en la oferta q. hicieron de quinientos diez pesos y haber satisfecho esta cantidad en moneda corriente al Gobierno Departamental.

En consecuencia y en uso de las facultades q. me confirió la Exma. Asamblea Departamental en su acuerdo relativo del 4 de Julio del presente año, y de conformidad con el reglamento de 28 de Octubre ultimo pasado, declaro por las presentes letras q. los mencionados Señores Scott y Wilson y Don Santiago Mackinley son dueños legalmente y de mancomun de todas las piezas q. correspondan à la parte del edificio de la Mision de San Luis Obispo que les fué vendida, cuyo numero y dimenciones constaràn en la posesion judicial que por orden especial de esta fecha deberà darles el Alcalde primero de San Luis Obispo, y à mas, de todos los corrales cercados de piedra que fueron del servicio de la referida Mision y no pertenezcan a ningun particular.

Por tanto, mando, que teniendose el presente por titulo firme y valedero, se tome razon de él en el libro de asientos de adjudicaciones de terrenos baldios, y se entregue a los interesados para su resguardo y demas fines.

Dado en la ciudad de Los Angeles, à seis de Diciembre de mil ochocientos cuarenta y cinco, en papel comun por no haber del sellado.

PIO PICO.

JOSE MA. COVARRUBIAS, S'rio.

—

Queda razon de este titulo en el libro respectivo. Angeles, fecha ut supra.

COVARRUBIAS.

—

SOR. JUEZ DE PAZ.

SAN LUIS OBISPO, Junio 22, de 1846. } De conformidad con lo pedido p'a el

Juan Wilson, vecino del partido de Sta. Barbara para sí y à nombre de los Señores Don Diego Scott y Don Santiago Mackinley, compa-

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Lunes 23 del corriente se le dará al interesado la posesion juridica q. solicita.

Yo el Juez de Paz de esta demarcacion asi lo decreté y firmé.

PICO.

rece y diciendo: q. en virtud de haber comprado al Gobierno Departamental, la parte del edificio pr^al^. de este punto, como lo manifesta el titulo q. acompaño, solicito tenga V. á bien darme la posesion jurídica con arreglo al espresado titulo.

Por tanto A. V. Suplico acceda à mi favor en lo que recibiré gracia que juro, &c., dispensando el papel comum, por falta de sellado.

San Luis Obispo, Junio 22 de 1846.

JUAN WILSON.

—

En el pueblo de San Luis Obispo, à los veinte y dos dias del mes de Junio del año de mil y ochocientos cuarenta y seis, siendo presente Don Juan Wilson, se le hizo saber el auto ante nos, y dijo le oye, y es conforme y lo asenté por diligencia; de q. doy fé con dos testigos de asistencia p^r^. falta de Escribano.

J. DE JESUS PICO.

A^sa^.:

JOSE GARCIA, VICTOR LINARES.

—

En el pueblo de San Luis Obispo, a los veinte y tres dias del mes de Junio del año de mil y ochocientos cuarenta y seis. Yo el Juez de Paz acompañado de los de asistencia hice medir un cordel con objeto de proceder a las medidas de las fincas del edificio principal de este pueblo, y al efecto se midió un cordel de diez varas Castellanas y en sus extremos se atacaron dos estacas. Y p^a^. su constancia lo puse por diligencia que firmé con los de asistencia.

A^sa^. J. DE JESUS PICO.

JOSE GARCIA, VICTOR LINARES.

—

En seguida, en el mismo dia, mes y año, yo el Juez de Paz de San Luis Obispo, acompañado de los de asistencia, dispuse nombrar dos medidores Cordeleros de los concurrentes, y fueron nombrados Don Mercurial Garcia y Don Ygnacio Castillo, los cuales, aceptando el encargo, juraron por Dios, Ntro. Señor y la

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Santa Cruz, desempeñarlo fielmente segun su saber y entender, y lo asenté q^{r}. diligencia q. firmé con los de asistencia.

A^{sa}.: J. DE JESUS PICO.

JOSE GARCIA, VICTOR LINARES.

—

A continuacion, en el mismo dia mes y año, yo el Juez de Paz de San Luis Obispo acompañado de los de asistencia y concurrentes ya citados, pasamos à la casa de habitacion del Ministro Parroco de este pueblo con objeto de empezar las medidas del edificio principal, y despues de haberle separado à dho. Parroco, p^{a}. su habitacion y demas usos que le convengan, seis cuartos y dos salas utiles p^{a}. su habitacion cuyos estan reunidos à un solo lugar sin embargo de la division de piezas, tomaron los medidores el cordel p^{r}. sus extremos y estacas; desde la puerta principal p^{r}. donde se transita p^{a}. entrar à la plaza se comenzó la medida hasta llegar à la esquina q^{e}. està por el rumbo S. O. en donde se contaron cincuenta y seis varas Castellanas, habiendo en todas estas p^{r}. la misma nave diez piezas utiles de habitacion, de las cuales quedan separadas dos q^{e}. se hallan en la esquina dondo termina esta primera medida, p^{a}. casa consistorial y carcel; de allí se continuó la medida p^{r}. toda la orilla de la pared hasta llegar a la esquina q^{e}. està por el rumbo N. O. y se midieron noventa y dos varas Castellanas en cuyas se comprenden dos piezas q^{e}. son un galeron util y uno inutil sin techo; en seguida se continuó la medida hasta otra esquina q^{e}. se halla al rumbo N. E. y habiendo llegado a ella se contaron noventa varas Castellanas en las cuales se encuentran p^{r}. la misma nave de afuera cuatro piezas utiles; de alli se continuó la medida hasta llegar al puerton q^{e}. està unido à la pared de la Yglesia en donde se midieron veinte y tres varas Castellanas en las que se encuentran dos piezas inutiles. Concluidas de este modo las medidas p^{r}. la parte de afuera, y entendido Don Juan Wilson de la separacion q^{e}. hubo p^{a}. consistorial y carcel, y señalados los limites à que por esta parte queda sujeto, bajo el angulo de dos cientas sesenta y una varas en cuyas quedan tambien comprendidas quince piezas utiles de habitacion y tres inutiles. Pasé con los concurrentes ya citados adentro de la Plaza de dho. edificio, y tomando los medidores

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el cordel se empezó la medida con direccion al S. O. hasta llegar a esquina, cuya medida fue de 36 varas, en las q^{e}. se comprenden tres piezas utiles; y luego se continuó la medida p^{r}. toda la orilla de la pared acia al N. O. la q^{e}. terminó p^{r}. el mismo rumbo con una esquina en donde se contaron cincuenta y ocho varas Castellanas, y en ellas un galeron util y otro inutil. En seguida se midió con direccion al N. E. hasta llegar a la esquina q^{e}. està p^{r}. el mismo rumbo, y se contarón sesenta varas Castellanas, y cinco piezas utiles comprendidos en ellas. De alli se hizo la medida hasta el puerton al respaldo de la Yglesia de este pueblo, y se midieron veinte y tres varas en cuyas se comprenden dos piezas inutiles, sin techo. Concluidas de este modo las medidas, y señalados los terminos y lineas à que estan sugetos entendido el S^{or}. Wilson q^{e}. el cuadro de la Plaza con los arboles q^{e}. en él se encuentran y à mas los tres corrales de piedra pertenecientes à estas fincas son de su propiedad, p^{a}. perfeccionar el auto en voz clara le dije: En nombre de la Nacion Mejicana doy a V. posesion de la parte de este edificio y los corrales de piedra que V tiene comprados y que ahora se le han medido; y mandandole q^{e}. hiciese alguna demostracion de haber adquirido el dominio util y directo, y con esto la propiedad de dhas, fincas, como dueño y Señor de ellas, tiró piedras y cavó la tierra, con lo cual se concluyó el auto, y habiendo pedido el interesado se le devuelvan estas diligencias originales. Y p^{a}. su constancia lo firmé con los de asistencia.

A^{sa}.: J. DE JESUS PICO.

Jose Garcia, Victor Linares.

—

San Luis Obispo,
Junio 25, de 1846.

Devuelvanse estas diligencias originales al interesado p^{a}. testimonio de adquisicion de propiedad y el uso q^{e}. le convenga y tomese razon en el libro respectivo de este Jusgado.

PICO.

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San Luis Obispo,
Junio 25, de 1846.

Atendido el auto anterior, con esta f'ha es devolvió à Don Juan Wilson este expediente en 7 fojas utiles, y lo asenté p^r. diligencia q^e. rubriqué.

(Pico's Rubric.)

Queda tomada razon en el libro respectivo de posesiones de este Jusgado à fojas, 13, 14, 15, y 16.

J. DE JESUS PICO.

[Translation.]

EXHIBIT XXVIII.

SAN LUIS OBISPO.

Pio Pico, Senior Member of the Most Excellent Departmental Assembly and Provisional Governor of the Californias:

Governor of the Dept.
[EAGLE.]
of the Californias.

Whereas the part of the main building of the Mission of San Luis Obispo, which remains after setting apart the Curate's house, the town-hall, school room, and jail, was exposed at public auction to the highest bidder in this Capital, on the 4th inst., and whereas, the Señores Scott and Wilson and Don Santiago McKinley became the purchasers of the said part of the edifice, by virtue of having been the last and highest bidders in their offer of five hundred and ten dollars, and having paid, in full satisfaction, this sum in current money to the Departmental Government:

Now, therefore, I, using the faculties conferred on me by the Most Excellent Departmental Assembly in its resolutions on the matter, dated July 4th of the present year, and in conformity with the regulations of October 28th ultimo, do declare, by these presents the said Señores Scott & Wilson and Don Santiago McKinley to be the legal owners in partnership of all the

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rooms which belong to that part of the Mission building of San Luis Obispo, which was sold to them, the number and size of which will be shown by the judicial possession which, by a special order of this date, the First Alcalde of San Luis Obispo ought to give them, with all the corrals fenced with stone which were the property of said Missions and belong to no individual.

Therefore, I order that this title being held as firm and valid, note be taken of it in the book of entries of grants of vacant lands, and it be delivered to the parties interested for their security and other purposes.

Given in the city of Los Angeles on the sixth day of December, one thousand eight hundred and forty-five on common paper for want of stamped.

[Signed,] PIO PICO.

[Signed,] JOSE MARIA COVARRUBIAS, Secretary.

—

Note has been made of this title in the respective book. Angeles, dated as above.

COVARRUBIAS.

—

TO THE JUSTICE OF THE PEACE.

SAN LUIS OBISPO } June 22, 1846. }

In conformity with this request, on Monday, the 23d inst., the judicial possession solicited will be given to the party interested.

I, the Justice of the Peace of this demarcation, thus decreed, ordered and signed.

[Signed,] PICO.

Juan Wilson, resident of the District of Santa Barbara, for himself, and in the name of Don Diego Scott and Don Santiago McKinley, appears and represents: That, in virtue of having purchased from the Departmental Government the part of the principal building of this place, as shown by the title which I transmit herewith, I pray you will consent to give me the judicial possession in conformity with said title. Therefore, I request you to grant me this favor, in which I will receive grace, which I swear, etc. Excusing the use of common paper for want of stamped.

[Signed,] JUAN WILSON.

SAN LUIS OBISPO, June 22d, 1846.

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In the pueblo of San Luis Obispo, on the twenty-second day of the month of June, in the year one thousand eight hundred and forty-six, present Don Juan Wilson, and I notified him of the preceding order, and he acknowledged notice and I noted it officially, and certify with the assisting witnesses for want of a Notary.

[Signed,] J. DE JESUS PICO.

Asst'g Witnesses:

[Signed,] JOSE GARCIA.

[Signed,] VICTOR LINARES.

—

In the pueblo of San Luis Obispo, on the twenty-third day of the month of June, of the year one thousand eight hundred and forty-six, I, the Justice of the Peace, accompanied by assisting witnesses, caused to be measured a cord for the purpose of measuring the "fincas" (premises,) of the main building of this pueblo, and a cord was measured ten Spanish varas long, and two stakes were tied to its extremities, and in testimony I noted it officially which I signed with those of assistance.

[Signed,] J. DE JESUS PICO.

Assi'g Witnesses:

[Signed,] JOSE GARCIA.

[Signed,] VICTOR LINARES.

—

In continuation, on the same day, month, and year, I, the Justice of the Peace of San Luis Obispo, accompanied by assisting witnesses, decided to appoint from the bystanders two measuring rope-bearers, and appointed Don Mercurial Garcia and Ignacio Castillo, who accepting the office, made oath by God, Our Lord, and the Holy Cross, to discharge it faithfully to the best of their knowledge and belief, and I noted it officially which I signed with those of assistance.

[Signed,] J. DE JESUS PICO.

Asst'g Witnesses:

[Signed,] JOSE GARCIA.

[Signed,] VICTOR LINARES.

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In continuation, on the same day, month, and year, I, the Justice of the Peace of San Luis Obispo, accompanied by the assisting witnesses and other persons afore-mentioned, went to the dwelling-house of the parish Minister of this pueblo, for the purpose of commencing the measurements of the main building, and after having set apart for said Curate six good rooms and two halls which are united in one place, notwithstanding the division of rooms, for his dwelling and other convenient purposes, the measurers took the cordel by its extremities and stakes, and measured; from the principal door through which they pass to enter the plaza, fifty-six Spanish varas to the south-west corner of the building, in which distance and in the same range were ten good rooms for dwelling, of which the two which are at the corner where the measurement terminated, were set apart for town hall and jail; thence the measurement was continued along the wall to the north-west corner, ninety-two Spanish varas, in which are included one gallery in good order and another without roof; then the measurement was continued ninety Spanish varas to the north-east corner, in which distance in the same range outside are four good rooms; thence to the large gate next to the wall of the church, twenty-three Spanish varas in which are two good rooms. The measurement on the outside being thus concluded, and Don Juan Wilson having been informed of the reservation which was made of town-hall and the jail and the limits designated, this part is included in a boundary of two hundred and sixty-one varas, in which are included fifteen good rooms for dwellings and three uselss ones. I then passed into the plaza of said building with the aforesaid persons, and the measurers taking the cordel, measured south-west to the corner thirty-six varas, in which are three useful rooms; and then continuing to the north-west along the wall, the measurement ended in a corner distant fifty-eight Spanish varas, including one useful and one useless gallery; thence north-east to the corner which is in that direction sixty Spanish varas, with five good rooms contained in it; thence directing the measurement to the large gate behind the church twenty-three varas, containing two rooms without roofs. The measures being thus ended and the bounds and lines to which they are subject designated, Señor Wilson being made to under-

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stand that the square of the plaza with the trees which are in it, and also the three stone corrals belonging to these buildings are his property, to perfect the act, in a loud voice I said to him: In the name of the Mexican Nation, I give you possession of the part of this building and the stone corrals which you have purchased, and which have just been measured; and directing him to make some demonstration of having acquired the useful and direct dominion and as such the ownership of said buildings, as owner and lord of them, he threw stones and dug earth with which the act was concluded, the interested party having asked that these original official acts be returned to him, and in testimony thereof I signed with assisting witnesses.

[Signed,] JOSE DE JESUS PICO.

Asst'g Witnessess:

[Signed,] JOSE GARCIA.

[Signed,] VICTOR LINARES.

—

SAN LUIS OBISPO,
June 25th, 1846.

Let these original official acts be delivered to the party interested for testimony of acquisition of ownership and the use he may find convenient, and let note thereof be taken in the corresponding book in this office.

[Signed,] PICO.

—

SAN LUIS OBISPO,
June 25th, 1846.

In compliance with the preceding order on this date, this expediente was given to Don Juan Wilson in seven folios, and I noted it officially and signed in rubric.

RUBRIC OF PICO.

—

Note has been taken in the proper Book of Possessions in this office on folios 13, 14, 15, and 16.

[Signed,] JOSE DE JESUS PICO.

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[Original.]

EXHIBIT XXIX.

Pio Pico, Gobernador Constitucional del Departam^to. de Californias:

Gobierno del Dep.
[EAGLE.]
De Californias.

Autorizado previamente por la E^xma. Asamblea Departamental para la enagenacion de las Misiones à fin de pagar sus deudas y evitar la total ruina de ellas, atendiendo à que el Señor D^n. Santiago Argüello ha hecho al Gobierno servicios de consideracion en todos tiempos, y así mismo, facultado auxilios siempre que se le han solicitado, para conservacion del propio Gobierno y seguridad del Departamento sin habersele indemnizado; habiendo este Señor pretendido, para su beneficio personal y el de su numerosa familia, el comprar la Mision de San Diego con todos sus terrenos, fincas rusticas y urbanas que tuviere, pagando integra y religiosamente las deudas pasivas de dicha Mision que aparecieren justificadas, segun las relaciones que de ellas formó la comision de Misiones, obligandose à mas à proporcionar la subsistencia del Padre Ministro que allí existe y la conservacion del culto divino;—visto y considerado todo lo que ver y censiderar convino, en uso de las facultades con q^e. me hallo investido, he venido en hacer venta real y enagenacion perpetua para siempre jamas à D^n. Santiago Argüello segun y conforme ha convenido, con todas las pertenencias que hoy cuenta y reconoce anexas, consistan en terrenos, fincas, bienes raices ó semovientes; en cuyo testimonio y para su validacion y mejor cumplimiento se ponen las condiciones siguientes:

1^a. Pagará á los acreedores de la Mision de San Diego las cantidades que aparecieren justificadas, pudiendo convenirse con ellos en el tiempo y modo de verificarlo.

2^a. Desde ahora es de su cuenta particular todo lo necesario para la subsistencia del Padre Ministro que allí existe, como igualmente para la conservacion del culto divino.

3^a. No se podrá alegar lesion enorme por esta venta de parte de ninguno, y el exceso en poco ó mucha suma queda a favor

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del comprador por ser el valor justo que actualmente tiene dicha Mision y no haber quien diese mas por ella.

4ª. Se exceptuan de la venta anterior el templo y todas sus pertenencias y habitaciones del Padre Ministro.

En consecuencia declaro por las presentes letras ser dueño legitimo de la referida Mision de San Diego el Señor arriba mencionado, en los terminos y bajo las condiciones expresadas, por cuya virtud podrá tomar posesion de ella desde ahora ó cuando le conviniere. Y para la debida constancia en todos tiempos, doy este documento como formal escritura que serà reconocido y acatado por todas las autoridades civiles y militares de la Nacion Mejicana en este y en los demas departamentos, y aun por el Gobierno General de ella, autorizado debidamente con mi firma y la del Secretario de mi despacho, en este papel comun por falta de sellado, en la Ciudad de los Angeles, á ocho de Junio de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, Srio. Yntº.

[Translation.]

EXHIBIT XXIX.

SAN DIEGO.

Pio Pico, Constitutional Governor of the Department of the Californias:

Governor of Dept.
[EAGLE.]
of the Californias.

Previously authorized by the most excellent Departmental Assembly to alienate the Missions, in order to pay their debts and to avoid their total ruin, knowing that Señor Don Santiago Arguello has rendered the government important services at all times, and has also given aid when asked, for the preservation of the legitimate government and the security of the department without having received any indemnification; and whereas, this Señor has for his own personal benefit and that of his numerous family, asked to purchase the Mission of San

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Diego, with all its lands and property belonging to it both in town and country, he paying fully and religiously the passive debts of said Mission which appear established according to the report of the Committee on Missions, binding himself besides, to provide for the support of the Priest located there, and of divine worship.

Having seen and considered all that is to be seen and considered, and using the faculties conferred upon me, I have made real sale and perpetual alienation of it forever to Don Santiago Arguello, according to and in conformance with what has been agreed upon, with all the appurtenances found and known at the time as belonging to it, whether consisting in lands, buildings, improved real estate, or cattle.

In testimony of which, and for its validity and better fulfillment, the following conditions are added:

1st. He shall pay the creditors of the Mission of San Diego the sum which may appear justly due them, he being authorized to enter into an agreement with them as to the time and mode of settling them.

2d. From now, henceforth, he shall bear upon his own account, the necessary expenses for the subsistence of the Priest located there, and also for the preservation of divine worship.

3d. No one shall claim unreasonable damages on account of this sale, and the excess, whether great or small, is granted to the purchaser, for he takes it at the true value which the said Mission now possesses, and there is no one who will give more for it.

4th. The church and its appurtenances and the dwelling of the Priest are excepted from the foregoing sale.

In consequence I declare by these presents the aforesaid Señor to be the legitimate owner of the said Mission of San Diego, on the terms and under the conditions above expressed, by virtue of which he may take possession of it from this time or whenever he may see fit.

And as a proper testimony in all future time, I give this document as a formal deed which shall be acknowledged and respected by all civil and military authorities of the Mexican nation in this and other departments, and even by the General

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Government of Mexico. Properly authorized under my hand and that of my Secretary of State, on this common paper, there being none stamped, in the city of Los Angeles, the 8th day of June, one thousand eight hundred and forty-six.

[Signed,] PIO PICO.

[Signed,] JOSE MATIAS MORENO, Sec'y *ad interim.*

[Original.]

EXHIBIT XXX.

SAN LUIS REY.

Pio Pico, Gobernador Constitucional del Departam^to. de Californias:

Gobierno del Depto.
[EAGLE.]
De Californias.

Por cuanto Don Antonio José Cot y Don José Antonio Pico se presentaron à este Gobierno, solicitando se les dé en legitima posesion la Mision de San Luis Rey y el Rancho de Palas con los terrenos que les pertenecen, en pago de dos mil pesos en plata, y cuatro cientos treinta y siete pesos cuatro reales en semillas, con q^e. han auxiliado al mismo Gobierno en sus urgencias, obligandose ambos à satisfacer en toda clase de esquilmos las deudas de la expresada Mision de San Luis Rey en el termino de cuatro años; teniendo en consideracion los perjuicios que los interesados han tenido por el retardo de la satisfaccion de aquella deuda, y que las fincas, que estan en un abandono total, no pagarian à los demas acreedores, he venido en concederles a los expresados S^res. D^n. Ant^o. José Cot y D^n. José Antonio Pico, en virtud de las facultades con que me hallo investido, quedando responsables à satisfacer las deudas de la referida Mision de San Luis Rey en el tiempo que ofrecen.

Y para q^e. el presente documento tenga la validacion correspondiente, anotese y tomese razon en el libro respectivo por el Señor Secretario del despacho p^a. resguardo de los interesados; extendiendoseles en papel comun por falta del sellado correspondiente. Dado en la casa de Gobierno en la Ciudad de

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los Angeles, à los diez y ocho dias del mes de Mayo, de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, Sᵣᵢₒ. Yntᵒ.

—

Queda tomada razon de este superior despacho en el libro respectivo.

MORENO.

—

[Translation.]

EXHIBIT XXX.

SAN LUIS REY.

Pio Pico, Constitutional Governor of the Department of the Californias:

Governor of the Dept. [EAGLE.] of the Californias.

Whereas, Don Antonio José Cot and Don Josè Antonio Pico have presented themselves to this government, petitioning that it shall give them a legitimate possession of the Mission of San Luis Rey, and the rancho of Palas with the lands which pertain to them, in payment of two thousand dollars in money and four hundred and thirty-seven dollars and four reales, in grain, with which they have assisted the government in its exigencies, they both obligating themselves to satisfy in every description of produce, the debts of the said Mission of San Luis Rey, in the term of four years; bearing in consideration the damages which the interested parties have sustained in the delay of the satisfaction of the said debt, and that the edifices which are in a total abandonment, will not pay the other creditors, I have resolved to concede them to the Señores Don Antonio Josè Cot and Don Josè Antonio Pico, in virtue of the faculties with which I find myself invested; they remaining responsible to satisfy the debts of said Mission of San Luis Rey, in the time which they offer. And in order that the present document shall have such corresponding validity, let it be en-

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tered and taken account of in the respective book, by the Señor Secretary of State, for the security of the interested—being drawn on common paper, for lack of the proper sealed.

Given in the Government House in the city of Los Angeles, this 18th day of May, 1846.

PIO PICO.

JOSE MATIAS MORENO, Secretary *ad interim.*

—

Note of this superior dispatch has been made in the respective book. MORENO.

[Original.]

EXHIBIT XXXI.

SAN GABRIEL.

Pio Pico, Gobernador Constitucional, del Departamento de Californias:

Gobierno del Depto.
[EAGLE.]
De Californias.

Autorizado previamente por la E^{xma}. Asamblea Departamental para la enagenacion de las Misiones, asi para pagar sus deudas y evitar la total ruina de ellas, como para proporcionar recursos que sirvan à la defensa comun en el caso de una invasion estrangera que segun datos fe hacientes se halla muy proxima de suceder, en cuya circunstancia el Gobierno del Departamento està facultado ampliamente por el Supremo de la Nacion; atendiendo à que los Señores Don Perfecto Hugo Reid y Don Julian Workman han hecho al Gobierno servicios de consideracion, y tambien facilitado buenos auxilios para su mejor conservacion y seguridad del Departamento, bajo la garantía de justa indemnizacion cuando la hacienda general estuviese desahogada; habiendo estos Señores solicitado, para su beneficio personal y el de sus familias, la Mision de San Gabriel, con todos sus terrenos, fincas rusticas y urbanas, en pago de las cantidades que en diferentes èpocas han facilitado al Gobierno De-

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partamental, obligandose à mas à satisfacer integra y religiosamente las deudas pasivas de dicha Mision que aparecieren justificadas segun la relacion q°. de ellas formó la comision de Misiones; como tambien à señalar una parte ó cantidad proporcionada para subsistencia del Padre Ministro que allí exista y conservacion del culto divino; visto y considerado lo que ver y considerar convino, en uso de las facultades con que me hallo investido, he venido en hacer venta real y engenacion perpetua para siempre jamas, à los Señores Perfecto Hugo Reid y Julian Workman, de la Mision de San Gabriel segun y conforme ellos han convenido, con todas las pertenencias que hoy cuenta y reconoce anexas, consistan en terrenos, fincas, bienes raices ó semovientes, en cuyo testimonio para su validacion y mejor cumplimiento se ponen las condiciones siguientes:

1ª. Pagaràn à los acreedores de la Mision de San Gabriel las cantidades que aparecieren justificadas, à lo mas en el termino de dos años, pudiendo convenirse con ellos à la espera, abonandose à sí mismos las cantidades que hubieren desembolsado y estan reconocidas por legales.

2ª. La venta se hace permanente de los edificios principales y particulares, de otras fincas, huertas, viñas y demas bienes raices y semovientes, y de los terrenos totalmente baldios que tuviere y no reconocieren propiedad particular ninguna.

3ª. Desde ahora para siempre facilitaràn de su cuenta lo necesario para la subsistencia del Padre Ministro que en todo tiempo existiere allí, como igualmente para la conservacion del culto divino.

4ª. No se podrà alegar lesion enorme por esta venta de parte de ninguno, y el exceso en poca ó mucha suma queda à favor de los compradores por ser el justo valor que tiene actualmente dicha Mision y no haber quien diese mas por ella.

En consequencia declaro por las presentes letras ser dueños legitimos de la expresada Mision de San Gabriel, de mancomun, los Señores arriba mencionados en los terminos y bajo las condiciones expresadas, por cuya virtud podrán tomar posesion de ella desde ahora. Y para la debida constancia en todos tiempos, doy este documento, como formal escritura, que serà reconocido y acatado por todas las autoridades civiles y militares

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de la Nacion Mejicana en este y en los demas Departamentos y aun por el Gobierno General de ella, autorizado debidamente con mi firma y la del Secretario de mi despacho, en este papel comun por absoluta falta del sellado, à ocho de Junio, de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, Sᵗʳᵒ. Yntᵉ.

—

Queda tomada razon de este Superior Despacho en el libro respectivo.

MORENO.

[Translation.]

EXHIBIT XXXI.

TITLE TO SAN GABRIEL MISSION.

Pio Pico Constitutional Governor of the Department of the Californias:

Governor of Dep.
[EAGLE.]
of the Californias.

Having been heretofore authorized by the Most Excellent Departmental Assembly to alienate the Missions, as well for paying their debts and avoiding the total ruin of the same, as for obtaining funds to provide for the common defense in case of a foreign invasion, which according to credible information is very close at hand, in which case the Government of the Department has received ample powers from the Supreme one of the Nation: Considering that the Señores Don Perfecto Hugo Reid and Don Julian Workman have rendered considerable services to the government and also lent good assistance for the better preservation and security of the department under guarantee of just recompense whenever the General Treasury should be relieved; and whereas those Señors have solicited for their personal benefit and that of their families, the Mission of San Gabriel with all its lands, improvements of town and country, in payment of the sums which at different periods they have advanced to the Departmental Government,

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binding themselves to satisfy fully and religiously, the debts outstanding against said Mission which may be proved according to the report of the same made by the Committee on Missions as also to assign a proportional part or sum for the maintenance of the ministering Fathers who may live there, and for the preservation of divine worship; having seen and considered all it behooves to see and consider,

In the exercise of the power wherewith I find myself invested, I have to come to make a real sale and perpetual alienation forevermore to the Señores Perfecto Hugo Reid and Julian Workman of the Mission of San Gabriel, according and conformably as they have agreed, together with all the appurtenances which at this day are reckoned and considered as appertaining to the same whether they consist in lands, real estate or cattle.

In testimony whereof, and for the validity and better accomplishment hereof, the following conditions are imposed:

1st. They will pay to the creditors of the Mission of San Gabriel the sums which may appear and be proved, at the furthest, in the term, of two years, with power to agree with them for delay.

They will also credit themselves with the sums they may have disbursed and acknowledged as lawful.

2d. The sale is hereby made of the principal and private edifices, of other improvements, gardens, vineyards, and other real estate and cattle, of the lands wholly unoccupied there may be, and which do not belong to the property of any individual whatever.

3d. Henceforward, they will advance on their own account, the necessaries for the subsistence of the Father Ministers who at any time may live there, as also for the preservation of divine worship.

4th. Neither party to this sale shall have power to allege excessive damages, and the balance whether the same amount to a smaller or larger sum, remains in favor of the purchasers, they having paid the just value which said Mission actually possesses, and there being no one who would give any more for it.

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In consequence, I declare by these present letters, that the persons above-named are legitimate owners of the said Mission of San Gabriel, jointly, on the terms and under the conditions above stated.

By virtue whereof, they may take possession of the same from this moment, and for due testimony at all times I give this instrument as a deed in due form, which is to be acknowledged and respected by all the civil and military authorities of the Mexican Nation in this and the other departments, and even by the General Government of the same, being duly certified with my signature and that of my Secretary of State, on this common paper there being absolutely none stamped, on the eighth day of June, one thousand eight hundred and forty-six.

PIO PICO.

JOSE MATIAS MORENO, Sec'y *pro tem.*

—

Note has been made of this superior dispatch in the respective book.

MORENO.

[Original.]

EXHIBIT XXXII.

SAN FERNANDO.

Gobierno del Depto.
[EAGLE.]
De Californias.

El infrascrito Gobernador Constitucional del Departamento de Californias en virtud de las facultades de que se halla investido por el Gobierno Supremo de la Nacion, y por decreto de la Honorable Asamblea Departamental de trece de Abril del presente año, para proporcionar recursos à fin de sostener la integridad del territorio de este Departamento, enagena en la persona de Dⁿ. Eulogio de Celis, y sus herederos, la ex-Mision de Sⁿ. Fernando en la cantidad de catorce mil pesos que recibe,

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con todas sus propiedades, fincas, terrenos, è inventario, menos la Yglesia que queda para uso público con todas sus pertenencias, y á proporcionar lo necesario al culto divino.

Constituyendose el referido comprador mantener los actuales indios viejos en sus terrenos por el tiempo de sus dias, pudiendo hacer sus siembras con solo la condicion de no poder enagenar los terrenos que cultiven, y cualquiera otros que posean sin titulo anterior del Gobierno Departamental; por tanto se reconocerà al citado Señor Celis como legitimo propietario de la mencionada ex-Mision de San Fernando, para que haga el uso que mejor le convenga, garantizandole como le garantiza este Gobierno la precitada finca por bien habida, con todas las prerogativas que las leyes señalan à favor de los compradores, con solo la condicion de que no tomarà posesion el referido comprador en el termino de ocho meses contados desde la fecha en cuyo termino le queda la accion al Gobierno de hacer nulo el presente contrato, reintegrando al expresado Señor Celis la cantidad de catorce mil pesos que desembolsa con el correspondiente premio, a estilo de comercio; pero si este reintegro no tuviere efecto en los citados ocho meses, tengan por valida al presente venta.

El antereferido comprador se compromete en asegurarle al Padre Ministro de aquel establecimiento, la manutencion y vestuario con la posible decencia, y asi mismo las piezas de habitacion que tiene asignadas ó las que justamente necesite.

Y para la debida constancia y seguridad del interesado, se estiende la presente escritura, que serà reconocida y acatada por todas las autoridades del Departamento para su mejor cumplimiento.

Y en preuba de lo cual, se autoriza y firma por el infrascrito y Secretario del despacho, en la Ciudad de Los Angeles, en este papel comun por falta del sellado, à diez y siete de Junio de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, Srio. Yntº.

—

Queda tomada razon de este Superior despacho en el libro respectivo.

MORENO.

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[Translation.]

EXHIBIT XXXII.

SAN FERNANDO.

Governor of Dep.
[EAGLE.]
of the Californias.

The undersigned, Constitutional Governor of the Department of the Californias, in virtue of the powers vested in him by the Supreme Government of the Nation, and in virtue of a Decree of the Honorable Departmental Assembly, of April thirteenth of the present year, to raise means for the purpose of maintaining the integrity of the territory of this department, for the sum of fourteen thousand dollars which he receives, sells unto Don Eulogio de Celis, and his heirs, the Ex-Mission of San Fernando, with all its properties, estates, and lands, and inventory with the exception of the church and all its appurtenances which remains for public use, and he to provide what is necessary for divine worship.

Said purchaser obligating himself to maintain on their lands the old Indians on the premises during their lifetime, with the right to make their crops, with the only condition that they shall not have the right to sell the lands they cultivate, and any other which they possess, without anterior title from the Departmental Government; therefore the aforesaid Señor Celis shall be acknowledged as the legitimate owner of the aforesaid Ex-Mission of San Fernando, to use the same as to him shall seem best, guaranteeing unto him as this government does guarantee, that he is well possessed of the aforesaid estate, with all the prerogatives granted by law to purchasers, with the only condition that the above-mentioned purchasers shall not take possession within the space of eight months from the date hereof, within which period the government shall have the right to annul this contract by reimbursing to the aforesaid Señor Celis the sum of fourteen thousand dollars, with interest at the current commercial rates; but if this reimbursement is not made within the aforesaid eight months this sale shall be valid.

The above-mentioned purchaser binds himself to warrant to

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the Father Minister of the aforesaid establishment his subsistence and clothing with all possible decency, together with the rooms assigned to him or those which he justly requires.

And for the establishment of this fact, and the security of the purchaser the present document is issued and shall be acknowledged and respected by all the authorities of the department for its accomplishment.

And in testimony hereof the undersigned and Secretary of the Department grant this authority and affix their signatures, in the city of Los Angeles, on this ordinary paper for want of stamped paper, the seventeenth of June, one thousand eight hundred and forty-six.

PIO PICO.

JOSE MATIAS MORENO, Sec'y, *pro tem.*

[Original.]

EXHIBIT XXXIII.

SAN BUENAVENTURA.

Gobierno del Depto.
[EAGLE.]
de Californias.

Pio Pico, Gobernador Constitucional del Departamento de Californias:

Autorizado previamente por la E^{xma}. Asamblea Departamental para la enagenacion de las Misiones, asi para pagar las deudas, y evitar la total ruina de ellas, como para proporcionar recursos que sirvan à la defensa comun en el caso de una invasion estrangera que segun datos fe hacientes se halla muy proxima de suceder; en atencion que el Señor Don José Arnaz ha hecho al Gobierno servicios de consideracion, y tambien facilitado buenos auxilios para la mayor conservacion y seguridad del Departamento, bajo la garantía de justa indemnizacion cuando la hacienda general estuviere desahogada, y no teniendo modo ó forma de cubrir la cantidad que justamente le adeuda este Gobierno, le da en pago de la que en diferentes épocas ha facilitado al Gobierno, y la que ha recibido presente, en total de

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doce mil pesos; y considerando todo lo que hay que ver y meditar convino; en uso de las facultades con que me hallo investido por el supremo Gobierno, y decreto de 13 de Abril ultimo de la Exma. Asamblea Departamental, he venido en hacer venta real y efectiva enagenacion perpetua para siempre jamas, al expresado Don José Arnaz, de la Mision de San Buenaventura segun y conforme ha convenido, con todas las pertenencias que hoy cuenta y reconoce anexas, consistan en terrenos, fincas, bienes raices y semovientes; en cuyo testimonio y para su validacion, se ponen las condiciones siguientes:

1ª. Pagará a los acreedores de la Mision de San Buenaventura las cuentas que aparecieren justificadas, a lo mas, en el termino de un año.

2ª. Desde ahora para siempre facilitará de su cuenta lo necesario para la subsistencia y véstuario del Padre Ministro, y en todo tiempo subsistirá allí, como igualmente para la conservacion, del culto divino, dejando á beneficio de dicho padre las piezas que tiene ocupadas para su habitacion.

3ª. No se podrà alegar lesion enorme por esta venta de parte de ninguno, y el exceso, en poca ó mucha suma, queda à favor del comprador por ser el justo valor que tiene actualmente dicha Mision, y no haber quien diere mas por ella.

4ª. Se exceptuarà de la venta anterior el templo y todas sus demas pertenencias que le corresponden.

5ª. Los terrenos de que se hace mencion y que se reconocen por de la Mision se comprenden de la Laguna Huenemo, el palo alto, los de siembras de Santa Paula, la cañada de la Mision, y todos los que no esten concedidos por justo titulo del Gobierno, y que reconozcan la propiedad del establecimiento, de los que se hace venta, con todos los bienes raices y semovientes, utiles, y demas que sea de su propiedad.

En consecuencia declaro, por las presentes letras, ser dueño legitimo de la expresada Mision de San Buenaventura el Señor arriba mencionado en los terminos y bajo las condiciones expresadas, por cuya virtud podrà tomar posesion de ella desde ahora. Y para la debida constancia en todos tiempos, doy este documento, como formal escritura, que serà reconocido y acatado por todas las autoridades civiles y militares de la nacion Mejicana en este y en los demas Departamentos, y aun por el Go-

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bierno general de ella, autorizado debidamente con mi firma y la del Secretario de mi despacho, en este papel comun por absoluta falta de sellado, à ocho de Junio de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, Srio. Ynt°.

Queda tomada razon de este Superior despacho en el libro respectivo. MORENO.

[Translation.]

EXHIBIT XXXIII.

TITLE TO MISSION OF SAN BUENAVENTURA.

Governor of Dep.
[EAGLE.]
of the Californias.

Pio Pico, Constitutional Governor of the Department of the Californias:

Previously authorized by the most excellent Departmental Assembly for the alienation of the Misions, as well for the payment of their debts and to avoid their total ruin, as to procure the means that might serve for the common defense in the case of a foreign invasion, which according to reliable information is near happening, in consideration of Don José Arnas having rendered to the government considerable services, and also having furnished good means for the best preservation and security of the department under the guaranty of a just indemnity when the General Treasury shall be disembarrassed, and not having the resources to reimburse the amount which is so justly due him by this government, it gives him in payment for the amounts which he has furnished at different times to the aforesaid government, and which it has received, and which makes the sum twelve thousand dollars, and considering the existing circumstances; using the faculties with which I am invested by the Supreme Government, and decree of the Departmental Assembly of the 13th of April last, I have sold to the

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aforesaid José Arnas in fee the Mission of San Buenaventura as agreed upon, with all its appurtenances consisting in lands, estates, properties, cattle, and movables, and in testimony whereof and for the validity of the contract the following conditions are established:

1st. He shall pay the creditors of the Mission of San Buenaventura within the space of at least one year, the amounts which shall be certified.

2d. From this day he shall furnish on his own account the means for sustenance and clothing of the Father Minister who shall at all times reside there and for the conservation of divine service, leaving for the benefit of said Father the rooms which he occupies.

3d. Enormous lesion in this sale shall not be set up by either party; and the amount, either small or considerable, shall be interpreted in favor of the purchaser as being the actual just price of said Mission, there being no one that would give more for it.

4th. The church building and all other appurtenances thereunto belonging shall be excepted from the above sale.

5th. The lands which are here mentioned and which are known as belonging to the Mission include the Laguna Huenemo, el Palo Alto, the grain fields of Santa Paula, la Cañada de la Mision, and all those which have not been granted with a good title from the government, which are recognized as the lands of the establishment, which is hereby sold with all its property, cattle, utensils, and other movables which appertain to the same.

In consequence whereof the aforesaid Señor Arnas is declared by these presents to be the legitimate owner of the aforesaid Mission of San Buenaventura under the foregoing terms and conditions.

In consequence whereof he may take immediate possession of the aforesaid Mission, in proof whereof I execute this document in due form which shall be acknowledged and respected by all the civil and military authorities of the Mexican Nation in this and other departments and even by the General Government.

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Duly authorized under my hand and that of the Secretary of State, on this ordinary paper for want of stamped paper, this 8th day of June, 1846.

PIO PICO.

JOSE MATIAS MORENO, Secretary, *pro tem.*

—

Note of this superior dispatch has been made in the respective book.

MORENO.

[Original.]

EXHIBIT XXXIV.

SANTA BARBARA.

Pio Pico, Gobernador Constitucional del Departamento de Californias:

Gobierno del Depto.
[EAGLE.]
De Californias.

Facultado ampliamente por el Supremo Gobierno Nacional para proveer à la defensa comun del Departamento en el caso de una invasion que con fundamento se teme, y siendo necesario para ello hacerse de algunos recursos, habiendose presentado à este Gobierno Don Ricardo S. Den manifestando q. compraba la Mision de Santa Barbara con toda clase de pertenencias que le corresponden ofreciendo la cantidad de siete mil y quinientos pesos, y obligandose à dar la subsistencia al Padre Ministro; obrando en consecuencia con el decreto de la Honorable Asamblea relativo à Misiones de 13 de Abril ultimo, visto y considerado todo cuanto debia tenerse presente; he venido hacer venta formal y efectiva de la Mision de Santa Barbara con todas sus bienes raices y semovientes y terrenos que no reconozcan propiedad particular que le correspondieren, à Don Ricardo S. Den, mediante la cantidad de siete mil y quinientos pesos que ha entregado al Gobierno Departamental, exceptuandose de la venta la Yglesia y sus pertenencias asi como las

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piezas de habitacion del Reverendo Padre que allí existe, y bajo las condiciones siguientes:

1ª. Respetarà las propiedades de los Indios que tuvieren establecidas, y no los molestarà ni privarà de ellas en virtud de esta venta.

2ª. Señalarà, á los indios que quisieren, terrenos para que hagan siembras à su beneficio, dando les derecho sobre ellas, y no impedirà que introduzcan bienes de Campo en los lugares que presten comodidad, bajo la condicion de que no les enagenaran à ninguna persona y en el caso de abandono quedan al beneficiodel comprador.

3ª. Proporcionarà lo necesario para la subsistencia del Padre Ministro y conservacion del culto divino.

4ª. Tan luego como sean cumplidos los nueve años en que està arrendada la Mision, tomarà la posesion de ella, no pudiendo entre tanto disponer de ninguna de sus propiedades sino es con el consentimiento de los arrendatarios.

En consecuencia declaro, por las presentes letras, ser dueño legitimo de la expresada Mision de Santa Barbara Don Ricardo S. Den, en los terminos y bajo las condiciones expresadas, con lo cual es conforme.

Y para la debida constancia en todos tiempos, doy este documento como en formal escritura, q. sera reconocido y acatado por todas las autoridades civiles y militares de la Nacion Mejicana, en este y en los demas departamentos, y ann por el Gobierno General de ella, autorizado debidamente con mi firma y la del Secretario de mi despacho, en este papel comun por absoluta falta del sellado, en los Angeles á diez de Junio de mil ochocientos cuarenta y seis.

PIO PICO.

Jose Matias Moreno, S'rio Ynt°.

—

Queda tomada razon de este Superior Titulo de venta, en el libro a que corresponde, f^ha. ut supra.

MORENO.

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[Translation.]

EXHIBIT XXXIV.

SANTA BARBARA.

Pio Pico, Constitutional Governor of the Department of the Californias:

Governor of the Dept.
[EAGLE.]
of the Californias.

Fully empowered by the Supreme Government of the nation to provide for the general defense of this department in case of an invasion, which there is every reason to fear, and it being necessary to raise some supplies for that purpose:

This government having received the offer of Mr. Richard S. Den, for the purchase of the Mission of Santa Barbara with all things appertaining thereto, for the sum of seven thousand five hundred dollars, besides binding himself to provide maintenance for the Missionary Priest. Acting in conformity with the decree of the Honorable Departmental Assembly of the 13th April last, after having examined and considered everything requisite in this matter, I have resolved to make a genuine and effective sale of the Mission of Santa Barbara, with all its property, tenements, stock, and lands (that do not belong to private individuals), to Richard S. Den, by virtue of the payment of the sum of seven thousand five hundred dollars, which he has delivered to this Departmental Government; excepting from the sale, the church and its appurtenances, and also the rooms occupied by the Reverend Priest who lives there, and on the following conditions:

1st. He shall respect the property of the Indians who may be established there, he shall neither molest, or dispossess them in virtue of this sale.

2d. He shall mark out the lands which the Indians wish to cultivate for their own benefit, giving them dominion over the same. He shall not prevent their placing stock on those places which are convenient, on condition that they shall not confer

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these privileges to any other person, and in case of abandonment they shall remain for the benefit of the purchaser.

3d. He shall provide the necessary subsistence for the Reverend Minister, and for the preservation of divine worship.

4th. So soon as the nine years are completed for which the Mission is rented he shall take possession of the same, in the interim he cannot dispose of any part of the property without the consent of the lessees.

I therefore declare, by these presents, that Richard S. Den is the legitimate owner of the aforesaid Mission of Santa Barbara on the terms and conditions expressed herein, with which he is satisfied, and for perfect evidence at all times, I give this document, as a genuine title deed which will be acknowledged and respected by all the civil and military authorities of the Mexican Nation in this and every other department, and likewise by the General Government, being duly legalized by my signature, and that of my Secretary of State, on this common paper for the absolute want of stamped paper, in Los Angeles, on the 10th day of June, 1846.

PIO PICO.

JOSE MATIAS MORENO, Secretary *ad interim.*

—

Note of this superior title of sale has been made in the respective book, date as above.

MORENO.

[Original.]

EXHIBIT XXXV.

SANTA YNEZ.

Pio Pico, Gobernador Constitucional, del Departamento de Californias:

Gobierno del Depto.
[EAGLE.]
De Californias.

Por cuanto los Señores Don José Maria Covarrubias y Don Joaquin Carrillo se presentaron à este Gobierno, solicitando se

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les dè en legitima posesion la Mision de Santa Ynez con los pocos terrenos que le quedan y debidamente le corresponden lo mismo que las demas existencias que tenga, en pago de siete mil pesos con que han auxiliado à este Gobierno para sus urgencias, à mas de quedar obligados à proporcionar de su cuenta particular lo necesario para la subsistencia decente del Reverendo Padre Ministro que allí hubiera y sosten para la conservacion del culto divino; teniendo en consideracion los servicios de estos Señores, particularmente el primero que siempre se ha prestado gustoso à ayudar al Gobierno, y que asi mismo se les seguiràn perjuicios por las cantidades que han facilitado, y atendiendo al estado ruinoso de dicho establecimiento; he venido en conceder a los expresados Señores Covarrubias y Carrillo la mencionada Mision de Santa Ynez, con todas sus pertenencias, exceptuando las casas que sirven de habitacion al R^do^. Padre, la Yglesia y demas cosas que le son afectas y reconoce proprias, como en justo pago de siete mil pesos, siendo este al presente su estimacion y no haber quien diese mas por ellas; usando pues de las facultades con que me hallo autorizado por el Supremo Gobierno Nacional, y por decreto de la Honorable Asamblea Departamental de 13 de Abril último, declaro por las presentes letras, à los Señores ante dichos, dueños en propiedad de la repetida Mision, en los terminos que quedan estipulados, por cuya virtud podràn desde luego tomar posesion de ella.

En consecuencia, mando, que teniendose el presente titulo por una formal y valedera escritura de venta, se entregue à los interesados para su resguardo y demas fines, debiendo ser reconocido y acatado por todas las autoridades civiles y militares de este Departamento, y demas de la Nacion; por lo cual, se tomarà de él la correspondiente razon.

Dado en la Ciudad de Los Angeles, en este papel comun por absoluta falta del sellado, á los quince dias del mes de Junio de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, S^rio^. Ynt^o^.

—

Queda tomada razon de este Superior Despacho en el libro respectivo. MORENO.

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[Translation.]

EXHIBIT XXXV.

SANTA YNEZ.

Pio Pico Constitutional Governor of the Department of the Californias:

Governor of Dep.
[EAGLE.]
of the Californias.

Whereas, Don Josè Maria Covarrubias and Don Joaquin Carrillo, have presented themselves to this government requesting that there be given to them in legal possession the Mission of Santa Ynez with the few lands which remain to it and duly correspond to it, as also the other property which it may at present have, in payment of seven thousand dollars, with which they have assisted this government for its pressing demands, besides remaining bound to furnish on their own private account, what may be necessary for the decent subsistence of the Reverend Father Minister who may be there, and support for the continuance of the divine worship; having in consideration the services of these gentleman, particularly of the first, who has always taken pleasure in assisting this government, and that they will suffer losses on account the amounts which they have furnished, and in consideration of the ruinous condition of said establishment, I have granted to the said Señores Covarrubias and Carrillo, the aforesaid Mission of Santa Ynez, with all its appurtenances, excepting only the houses which serve as the dwelling of the Rev. Father, the church, and other things belonging to him and recognized as private, as in just payment of seven thousand dollars, this being its present value and there being no person who would give more for it; using then the powers with which I am authorized by the Supreme National Government and the Decree of the Honorable Departmental Assembly of the 13th of April last, I do by these presents, declare the aforesaid Señores owners in fee of the said Mission in the terms which have been stipulated, in virtue of which they can take immediate possession of it.

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In consequence, I order that the present title being held as a formal title and valid deed of sale, it be delivered to the persons interested for their security and other purposes, being recognized and respected by all the authorities, civil and military, of this department and others of the nation; wherefore, the corresponding note will be made of it.

Given in the city of Los Angeles on this common paper for absolute want of stamped, on the fifteenth day of the month of June, one thousand eight hundred and forty-six.

[Signed,] PIO PICO.

[Signed,] JOSE MATIAS MORENO, Secretary *ad interim.*

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Note has been made of this superior patent in the proper book.

[Signed,] MORENO.

[Original.]

EXHIBIT XXXVI.

SAN JUAN BAUTISTA.

Pio Pico, Gobernador Constitucional del Departamento de las Californias:

Gobierno del Depto.
[EAGLE.]
De Californias.

Por cuanto á que D. Oliviè Deleisegues ha justificado suficientemente debersele por la hacienda publica diversas cantidades q. en numerario y esquilmos ha facilitado à la guarnicion del Puerto de Monterey, á pedimento del S^{or}. Com^{te}. Gral. del Departamento, y habiendo solicitado en pago de ellas la huerta del establecimiento de San Juan Bautista, con lo cual se conforma, no obstante de que el importe de su avalúo es menos que la cantidad q. se le adeuda; he venido en concederle la expresada huerta, en uso de la facultad q. me confirió la Exma. Asamblea Departamental en su acuerdo de cuatro de Julio del

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año proximo pasado, y de conformidad con el Reglam^to. de 28 de Octubre del mismo año.

En consecuencia, declaro por las presentes letras, q. el mencionado D. Oliviè Deleisegues es dueño legalmente de la referida huerta de S. Juan Bautista, en pago de lo que se le adeuda; en cuya virtud tomará la posesion judicial de ella mediante este despacho.

Por tanto, mando, q. teniendose el presente por titulo firme y valedero, se tome razon de èl en el libro respectivo, y se entregue al interesado para su resguardo y demas fines.

Dado en papel comun por falta de sellado, en la Ciudad de Los Angeles, á cuatro de Mayo de mil ochocientos cuarenta y seis.

PIO PICO.

Jose Matias Moreno, Srio. Ynt^o.

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Queda tomada razon de este Superior Despacho en el libro respectivo. MORENO.

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Sor. Alcalde 1°.:

Maria Concepcion Boronda, viuda de Don Oliviè Deleisegues y como albacea y tutora de mis menores hijos, en uso de mis derechos, ante V. como mejor proceda paresco y digo, que la justificacion è integridad de V. se ha de servir mandar ampararme de la posesion, que no se le dio à mi difunto esposo, de la huerta de arboles frutales, que se halla en este pueblo al norte de la plaza principal, segun el derecho que me asiste à mí y mis pupilos en el documento que en dos fojas útiles le acompaño, y mediante tambien á ser yo la unica persona que derecho debe tener à dicha Huerta. Por tanto:

A V. suplico manda decretar de conformidad, por ser de justicia que impetro.

San Juan Bautista, Abril 23 de 1850.

MARIA CONCEPCION BORONDA.

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SAN JUAN BAUTISTA,
Abril 23, de 1850.

Por presentando y admitido, pase esta solicitud al Sor. Juez de condado, para que con vista de ella y el titulo q. le acompaña decrete si este Jusgado tiene facultades para conocer del presente negocio, y si es legal el titulo que menciona dicha solicitud, para en su vista seguir la secuela del negocio; agreguese aquel à esta por principio; asi yo el Cº. Angel Lebrija Alcalde 1º. de esta Municipalidad, asi lo decretè, mandè, y firmè, con los de mi asistencia.

Doy fe, ANGEL LEBRIJA.

Aª.:
JESUS FIGUEROA,
SATURNINO CARREAGA.

—

Se agregó el titulo y se hizo saber á Doña Concepcion Boronda auto anterior, y enterada dijo que pide se le entregue originales las presentes pare ocurrir à Monterey como està mandado, y firmó.

C. BORONDA.

LEBRIJA.

—

En la fecha, y en tres fojas utiles se entregan las presentes á la parte.

Lo anoto. (Lebrija's Rubric.)

———

[Translation.]

EXHIBIT XXXVI.

SAN JUAN BAUTISTA.

Pio Pico, Constitutional Governor of the Department of the Californias:

Governor of Dept.
[EAGLE.]
of the Californias.

Whereas, Don Oliviè Deleisegues has satisfactorily shown that the public treasury is in debt to him for sundry amounts of

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money and effects furnished by him to the garrison of the Port of Monterey at the request of the Señor Commandant General of the Department, and having solicited in payment thereof the orchard of the establishment of San Juan Bautista, with which he is satisfied, notwithstandiug the value thereof is less than the amount due him, I have concluded, by virtue of the powers vested in me by the Most Excellent Departmental Assembly in their resolution of the 4th of July of the last year past, and in conformity with the Regulation of the 28th October of the same year to grant to him the orchard aforesaid.

Therefore, by these present letters, I declare the aforesaid Don Oliviè Deleisegues to be the legitimate owner of the said orchard of San Juan Bautista in payment of what is due him, in virtue whereof he will take judicial possession thereof under this patent.

Therefore, the present being held as a firm and valid title, I order it to be entered in the respective book, and that it be delivered to the interested party for his security and other purposes.

Given on common paper for the want of sealed, in the city of Los Angeles, on the fourth day of May, one thousand eight hundred and forty-six.

[Signed,] PIO PICO.

[Signed,] JOSE MATIAS MORENO, Sec'y.

—

Entry is made of this superior patent in the proper book.

MORENO.

—

SENOR FIRST ALCALDE:

I, Maria Concepcion Boronda, widow of Don Olivié Deleisegües, and as the administratrix and guardianess of my minor children, in the exercise of my rights, appear before your honor in due form, and pray:

That your honor, in your goodness and integrity, may be pleased to direct that I may be favored with the possession, which was not given to my deceased husband, of the orchard situated north of the principal square of this pueblo, according

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to my own right and that of my wards in the document accompanied herewith on two written leaves, and also in virtue of my being the only person who should have any right to the said orchard.

Therefore, I pray your honor to order a decree in conformity therewith, it being justice that I implore, etc.

San Juan Bautista, April 23, 1850.

[Signed,] MARIA CONCEPCION BORONDA.

—

SAN JUAN BAUTISTA, April 23, 1850.

Being presented and admitted, let this petition be referred to the Hon. County Judge, that after an examination thereof, and of the title acompanied herewith, he may decide whether this Court has any jurisdiction over the present case, and whether the title referred to in the said petition is legal whereupon to prosecute the continuation of the cause. Let that be annexed to and preceding this. Thus:

I, citizen Angel Lebrija, First Alcalde of this Municipality, decreed, ordered, and signed, with my assisting witnesses. I attest:

[Signed,] ANGEL LEBRIJA.

Asst'g Witnesses:

[Signed,] JESUS FIGUEROA,

[Signed,] SATURNINO CAREAGA.

—

The title was annexed and the foregoing act was notified to Doña Concepcion Boronda, whereupon she requested that those originals be delivered to her to repair to Monterey as directed, and she signed it.

[Signed,] C. BORONDA.

[Signed,] LEBRIJA.

—

On the same day and on three written leaves, these documents were delivered to the party.

I enter it. (Lebrija's Rubric.)

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[Original.]

EXHIBIT XXXVII.

SAN JOSE.

El Ciudadano Pio Pico, Gobernador Constitucional del Departamento de Californias:

Gobierno del Depto.
[EAGLE.]
de Californias.

Por cuanto los Señores Don Andres Pico y Don Juan Bautista Alvarado se han presentado como compradores del Establecimiento ó Mision de San José, y con arreglo à la facultad concedida á este Gobierno Departamental en trece de Abril del presente año, por la E. Asamblea, y en uso de las que me concede el Supremo Gobierno General, á nombre de la nacion Mejicana, y de conformidad con la ley de 18 de Agosto de 1824, y reglamento de 21 de Noviembre de 1828; he venido en declarar, como declaro á los expresados Señores dueños en propiedad del dicho establecimiento y bajo las condiciones siguientes:

1ª. Pertenece, en venta real y personal para siempre jamas à los Señores Don Andres Pico y Don Juan Bautista Alvarado, el Establecimiento ó Mision de San José, con sus terrenos, bienes raices y semovientes, y demas muebles existentes, conforme al inventario hecho por la comision que nombró este Gobierno.

2ª. Se exceptuan de esta venta la casa cural, que consta de seis piezas con el local que á ella pertenece ó le està señalada quedando á beneficio del R. P. Misionero.

3ª. Pagarán los expresados Señores Pico y Alvarado al Gobierno Departamental, por la venta del relacionado establecimiento ó Mision de San Josè, la cantidad de doce mil pesos en metalico como valor convenido en contrata formal, quedando á su beneficio las cantidades que se le deban al dicho establecimiento, asi como tambien pagaràn à los acreedores las que deba el establecimiento, pues està convenido por la presente contrata que serà de su precisa obligacion el chancelar aquellas cuentas de una manera definitiva.

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4ª. Podran los interesados cerrar, cercar ò acotar sus terrenos sin perjudicar las travesias, caminos y servidumbres; lo disfrutaràn libre y exclusivamente, haciendo de èl, el uso que mejor les conviniera à su aprovechamiento.

5ª. Pediràn los interesados, al Juez que corresponda, la posesion judicial de dicho establecimiento en virtud de este titulo por la cual se les demarcaràn los linderos con las mojoneras de estilo, quedando en la precisa obligacion de levantar el respectivo diseño y agregarlo al presente Titulo.

Por tanto, mando, que el presente Titulo se tenga por firme y valedero, sirviendo de autentica escritura para la seguridad de los referidos compradores. Se tome razon de èl en el libro à que corresponda, y se les entregue à los interesados para su resguardo y demas fines.

Es dado en la Ciudad de Los Angeles, Capital del Departamento de Californias, en papel comun por falta de sellado, à los cinco dias del mes de Mayo del año de mil ochocientos cuarenta y seis. PIO PICO.

JOSE MATIAS MORENO, Srio. Ynt°.

Queda tomada razon de este Superior Despacho en el libro respectivo. MORENO.

[Translation.]

EXHIBIT XXXVII.

TITLE TO SAN JOSE MISSION.

Citizen Pio Pico, Constitutional Governor of the Department of Californias:

Governor of the Dep.
[EAGLE.]
Of the Californias.

Whereas, Señores Andres Pico, and Juan Bautista Alvarado have appeared as purchasers of the establishment or Mission of San Josè, and in accordance with the power vested in this Departmental Government on the 13th day of April, of the

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present year, by the excellent Assembly, and in exercise of those conferred on me by the Supreme General Government, in the name of the Mexican Nation, and in conformity with the law of the 18th of August, 1824, and the regulations of the 21st November, 1828,—I have thought proper to declare, as I do declare, the aforesaid Señores owners in fee simple of said establishment, and under the following conditions:

1st. The Establishment or Mission of San Josè, belongs to Señores Andres Pico and Don Juan Bautista Alvarado, by title of real and personal sale, in perpetuity, together with its lands, real estate, live stock, and other existing movables, according to the inventory made by the Commissioners appointed by this government.

2d. There is excepted from this sale, the parsonage, consisting of six rooms, with the ground thereto belonging or assigned, the same being for the benefit of the Reverend Missionary Father.

3d. Said Señores Pico and Alvarado shall pay to the Departmental Government for the sale of the said Establishment or Mission of San Josè, the sum of twelve thousand dollars in cash, as the value agreed by formal contract, having for their benefit the sums due said establishment. They shall also pay to the creditors the sums which said establishment may owe, as it is agreed by the present contract that they shall be bound to cancel those accounts in a definite manner.

4th. The parties interested may inclose, fence, or set bounds to their lands, without interfering with the cross-roads, highways and easements (servidumbres). They shall enjoy it freely and exclusively, putting it to the use which may most conduce to their profit.

5th. The parties interested shall ask of the proper Judge the judicial possession of said establishment by virtue of this title by whom the boundaries shall be marked out with the customary land-marks, they being bound to make the corresponding plan and attach it to the present title.

Therefore, I order that the present title be held as firm and valid, serving as an authentic deed for the security of the said purchasers; that it be recorded in the proper book, and deliv-

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ered to the interested party for their security and other purposes.

Given in the city of Los Angeles, capital of the Department of the Californias, on common paper, there being none stamped, on the 5th day of May, in the year one thousand eight hundred and forty-six.

PIO PICO.

JOSE MATIAS MORENO, Secretary *pro tem.*

—

Note of this superior title has been made in the respective book. MORENO.

[Original.]

EXHIBIT XXXVIII.

MISION DE LA SOLEDAD.

Office of the U. S. Suv'r Gen'l, California. State papers, vol. xi, Missions, 1830—1846, p. 955.

El cuatro de Enero de 1846, se vendiò à Dⁿ. Feliciano Soberanes la Fabrica de la Mision de la Soledad, que se compone de una sala y tres cuartos, asi como la huerta y viña de la expresada ex-Mision, en la cantidad de ochocientos y mas pesos que le adeuda la hacienda publica por suministros que hizo à las divisiones de los Señores Comandantes, Generales Dⁿ. Manuel Micheltorena y Dⁿ. Josè Castro; y en la misma fecha se le extendió el titulo de propiedad.

Pio Pico Vocal Decano de la Asamblea Departamental y Gobernador Provisional de las Californias:

Gobierno del Depto.
[EAGLE.]
De Californias.

Por cuanto Dⁿ. Feliciano Soberanes ha pretendido comprar para su beneficio personal y el de su familia la fabrica de la ex-Mision de la Soledad que se compone de una sala y tres cuartos, el terreno, la huerta, y la viña de la expresada ex-Mision, medi-

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ante la cantidad de ochocientes y mas pesos que le adeuda la hacienda publica y nacional por suministros que hizo à las divisiones de los Señores Comandantes Generales, Don Manuel Micheltorena y Don Josè Castro; en uso de las facultades que me confirió la Exma. Asamblea Departamental en su acuerdo relativo de 4 del Julio del año pasado de 1845, y considerando que lo perteneciente à la ex-Mision de la Soledad se encuentra en un estado de ruina y abandono, declaro por las presentes letras, que el mencionado Don Feliciano Soberanes es dueño legalmente, y legitimo comprador de las expresadas fabrica, tierra, huerta y viña de la ex-Mision de la Soledad, mediante cesion que el repetido Soberanes hace à favor de la Nacion de mencionada cantidad de ochocientos y mas pesos que le adeuda la hacienda publica; pudiendo, desde ahora y en virtud de este despacho, tomar la posesion de dichas fabricas, tierra, huerta y viña; en la inteligencia que se excluye la Yglesia de dicha ex-Mision, la que quedarà à disposicion del Ylmo. Señor Obispo. El terreno que en virtud de las presentes letras pasa à la propiedad del Señor Soberanes, es de la extension de dos sitios de ganado mayor y colinda por la parte del norte con tierras del Rancho de Lugo, y por el sur con un aliso que està inmediato al arroyo seco.

Por tanto, mando, que teniendose el presente por titulo firme y valedero, se tome razon de èl en el libro de asientos sobre adjudicaciones de terrenos valdios, y se entregue al interesado para su resguardo y demas fines. Dado en la Ciudad de Los Angeles, en este papel comun por falta absoluta del sellado, à cuatro de Enero de mil ochocientos cuarenta y seis.

PIO PICO.

Jose Mª. Covarrubias, S'rio.

—

Queda tomada razon de este titulo en el libro respectivo. Angeles fecha *ut supra.*

COVARRUBIAS.

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[Translation.]

EXHIBIT XXXVIII.

MISSION OF LA SOLEDAD.

On the fourth of January, 1846, was sold to Don Feliciano Soberanes, the building of the Mission of La Soledad embracing one parlor and three rooms, as well as the orchard-garden and vineyard of the aforesaid Ex-Mission, for the sum of eight hundred and odd dollars due him from the public revenue for supplies that he furnished to the divisions of the Commanders General Don Manuel Micheltorena and Don José Castro; and on the same day the deed of ownership was granted to him.

Pio Pico, Senior Member of the Departmental Assembly, and Provisional Governor of the Californias:

Governor of Dep.
[EAGLE.]
of the Californias.

Whereas, Don Feliciano Soberanes has solicited to purchase, for his personal benefit and that of his family, the building of the Ex-Mission of La Soledad comprising a hall and three rooms, the land, orchard and vineyard of said Ex-Mission, for the sum of eight hundred and odd dollars, owing to him by the public and national revenue, for supplies furnished by him to the divisions of Commandants Generals Don Manuel Micheltorena and Don José Castro:

In virtue of the powers conferred upon me by the most excellent Departmental Assembly by its decree respecting the matter dated July 4th of last year, 1845, and considering that the property belonging to the Ex-Mission of La Soledad is in a state of ruin and abandonment, I do declare by these present letters, that the said Don Feliciano Soberanes is the legal owner and legitimate purchaser of the said building, land, orchard and vineyard of the Ex-Mission of La Soledad in consideration of the cession which said Soberanes makes in favor of the nation of the said amount of eight hundred and odd dollars, owing to him by the public revenue, he being at liberty from this date, and by virtue of this title to take possession of said build-

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ings, land, orchard and vineyard ; it being understood that the church is excluded, this being left to the disposal of the most Illustrious Bishop.

The land which is transferred to the ownership of Señor Soberanes by virtue of these present letters is of the extent of two square leagues (sitios de ganada mayor) and is bounded on the north by lands belonging to Lugo's Rancho, on the south by an alder tree situated near the Arroyo Seco.

I therefore command that, these presents being held as a firm and valid title a record thereof be made in the Book of Entries respecting the adjudication of vacant lands, and be delivered to the party interested, for his security and further ends.

Given in this city of Los Angeles, on this common paper, on account of the absolute want of sealed paper, on this fourth day of January, A. D. 1846.

[Signed,] PIO PICO.

[Signed,] JOSE Mª. COVARRUBIAS, Sec'y.

—

A record of this title has been made in the respective book.

COVARRUBIAS.

[Original.]

EXHIBIT XXXIX.

MISION DE SAN RAFAEL.

Pio Pico, Gobernador Constitucional del Departamento de Californias:

Gobierno del Depto.
[EAGLE.]
De Californias.

Por cuanto los Señores Antonio Suñol, Antonio Mª. Pico se presentaron à este Gobierno solicitando se les dé en legitima posesion la Mision de San Rafael con los terrenos que le pertenecen en pago de ocho mil pesos con que han auxiliado al mismo Gobierno para urgencia, à mas de quedar obligados à pagar

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à los acreedores las deudas que tenga el establecimiento en los terminos mas oportunos; teniendo en consideracion los perjuícios que los interesados han tenido por el estado de la satisfaccion de aquella deuda, y que las fincas estando en un abandono total no pagarian á los dichos acreedores, he venido en concederles à los expresados Señores la mencionada Mision con sus pertenencias exceptuando las casas que sirven de habitacion al Padre, La Yglesia y sus pertenencias; usando pues de las facultades con que me hallo autorizado por el Supremo Gobierno Nacional y por decreto de la Honorable Asamblea Departamental de fecha trece de Abril de este año, declaro por las presentes letras à los Señores ante dichos dueños en propiedad de la referida Mision en los terminos que quedan estipulados.

En consecuencia mando, que teniendose el presente titulo por firme y valedero, se tome razon de èl en el libro à que corresponde, y se entregue à los interesados para su resguardo y demas fines.

Dado en la Ciudad de los Angeles, en papel comun por no haber sellado, á los ocho dias del mes de Junio de mil ochocientos cuarenta y seis.

[Signed,] PIO PICO.

[Signed,] JOSE MATIAS MORENO, Srio. Yntº.

—

Queda tomada razon de este Superior Despacho en el libro respectivo.

[Signed,] MORENO.

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[Translation.]

EXHIBIT XXXIX.

MISSION OF SAN RAFAEL.

Pio Pico, Constitutional Governor of the Department of the Californias:

Government of Dep.
[EAGLE.]
of the Californias.

Inasmuch as Señores Antonio Suñol and Antonio Maria Pico have presented themselves to this government, soliciting that legal possession may be given them of the Mission of San Rafael, with the lands belonging thereto, in payment of eight thousand dollars, with which they have assisted the said government, in its necessities, besides binding themselves to pay the creditors the debts due by the establishment in the most opportune manner; taking into consideration the injuries which the said parties have sustained from the non-payment of the said debt, and the said property being in such a state of ruin that it would not pay the said creditors, I have determined on granting to those gentlemen the said Mission and its appurtenances, except the houses which serve the Priest for dwelling in, and the church and its appurtenances; exercising, therefore, the powers with which I am invested by the Supreme National Government and by the Decree of the Honorable Departmental Assembly bearing date the thirteenth of April of this year, I declare, by these presents, the aforesaid Señores owners in their own right of the said Mission on the terms stipulated.

Consequently I order that the present title being held for firm and valid, note of it be taken in the corresponding book and afterwards it be delivered to the said Señores for their security and other purposes.

Given at the city of Los Angeles, on common paper from there being none sealed, the eighth day of the month of June, one thousand eight hundred and forty-six.

[Signed,] PIO PICO.

JOSE MATIAS MORENO, Secretary *ad interim*.

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Note has been taken of this Gubernatorial Document in the respective book.

[Signed,] MORENO.

[Original.]

EXHIBIT XL.

HUERTA DE LA MISION DE SANTA CLARA.

Pio Pico, Gobernador Constitucional del Departam^to. de Californias:

Gobierno del Depto.
[EAGLE.]
De Californias.

Autorizado previamente por la E^xma^. Asamblea Departamental para la enagenacion de las Misiones à fin de evitar la total ruina de ellas, y proporcionar al Gobierno recursos que de pronto necesita para atender à sus urgencias, y en vista de la solicitud de los ciudadanos Juan Castañeda, Luis Arenas, y Benito Diaz, en que pretenden comprar la huerta de arboles frutales de la Mision de Santa Clara, con las casas que le son anexas, ubicada al frente del establecimiento; usando de las facultades con que me hallo investido por el Supremo Gobierno Nacional y Decreto de la expresada Honorable Asamblea de 13 de Abril ultimo; he venido en hacer venta y enagenacion perpetua de la expresada huerta à los referidos Señores Juan Castañeda, Luis Arenas, y Benito Diaz, en la cantidad de mil doscientos pesos, que han pagado, y recibido este Gobierno à su satisfaccion, de conformidad con el avalúo que de ella hizo la Comision de Misiones, el que he tenido à bien moderar por el demerito en que actualmente se halla la referida huerta.

Y para la debida constancia en todos tiempos, doy este documento, como en formal escritura, que serà reconocido y acatado por todas las autoridades civiles y militares de la Nacion, en este y en los demas Departamentos, y aun por el Gobierno General, autorizado debidamente con mi firma y la del Secretario de mi Despacho.

En consecuencia mando que, teniendose el presente titulo por

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firme y valedero, se tome razon de èl en el libro que corresponda, y se entregue à los interesados para su resguardo y usos que les convenga.

El Juez respectivo, en vista de este titulo, los pondrà en posesion de la mencionada huerta, de que les harà formal entrega el encargado del establecimiento, à quien seà librarà orden al efecto.

Dado en la Ciudad de Los Angeles, en papel comun por falta de sellado, à los trienta dias del mes de Junio, de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, Srio. Yntº.

—

Queda tomada razon de este Superior Despacho en el libro respectivo.

[Signed,] MORENO.

[Translation.]

EXHIBIT XL.

ORCHARD OF THE MISSION OF SANTA CLARA.

Pio Pico, Constitutional Governor of the Department of the Californais:

Government of Dep.
[EAGLE.]
of the Californias.

Having been previously authorized by the Most Excellent Departmental Assembly, to alienate the Missions for the purpose of preventing their total ruin, and to provide for the government means which it needs immediately to meet its urgent necessities, and in view of the petition of the citizens Juan Castañeda, Luis Arenas, and Benito Diaz, in which they propose to purchase the orchard-garden of the Mission of Santa Clara with the houses pertaining to it, situated in front of the establishment; using the powers in me vested by the Supreme Government of the Nation, and the Decree of the said Honor-

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able Assembly of the 13th of last April, I have hereby made sale and perpetual alienation of the said orchard-garden to the said Señores Juan Castañeda, Luis Arenas, and Benito Diaz, for the sum of one thousand two hundred dollars, which they have paid and which this government has received in full satisfaction therefor, in conformity with the appraisement of the same by the Committee on Missions, which I have thought proper to diminish, on account of the bad condition in which the said orchard-garden now is.

And for the proper authentication thereof hereafter forever, I give this document as a formal deed, which shall be recognized and respected by all the civil and military authorities of the nation, in this and in the other departments, and also by the General Government, duly attested with my own signature and that of my Secretary of State.

In consequence, I order that the present title being held firm and valid, an entry thereof be made in the proper book, and it be delivered to the persons interested for their own security and convenient purposes.

The proper magistrate, on presentation of this title, shall put them in possession of the said orchard-garden, a formal delivery of which will be made to them by the person in charge of the establishment, to whom orders to that effect will be issued.

Given in the city of Los Angeles, on common paper for want of stamped, on the thirtieth day of the month of June, one thousand eight hundred and forty-six.

[Signed,] PIO PICO.

[Signed,] JOSE MATIAS MORENO, Sec'y *ad interim.*

—

An entry of this superior dispatch has been made in the respective book.

[Signed,] MORENO.

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[Translation.]

EXHIBIT XLI.

MINISTRY OF WAR AND MARINE,
SECTION OF PRINCIPAL.

Excellency:—To the General Commander of California, I this day communicate as follows:

"The preparations which the United States are making, and the approach of the naval forces toward our ports, leave no doubt that war with that power is about breaking out, and as His Excellency, the President *pro tem.* is resolved to sustain the rights of the nation, he wishes that in all the ports of the Republic where the enemy may present itself, a rigorous defense be made, capable of giving honor and glory to the national flag. For that object and until the Supreme Government appropriates and sends you the necessary means, it relies upon your patriotism and fidelity to dictate the measures which you may judge necessary for the defense of that department, for which purpose you and His Excellency 'are invested with full powers.'

And I have the honor to transcribe the same to you, for your cognizance, hoping that you on your part, will leave no efforts to preserve entire the rights of the nation.

God and Liberty. Mexico, March 10th, 1846.

TORNEL.

To His Excellency, the Governor of the Department of the Californias."

—

This is a true copy of the original which remains in my possession, and to which I refer.

Angeles, Sept. 30, 1852.

[Signed,] PIO PICO.

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[Original.]

EXHIBIT XLII.

[Extract from Mexican Constitution of 1843.]

TITULO VII.—GOBIERNO DE LOS DEPARTAMENTOS.

Articulo 134. Son facultades de las Asambleas Departamentales:

1ª. Establecer arbitrios para completar sus gastos ordinarios, ó para hacer los extraordinarios que determinen segun sus facultades, con aprobacion del Congreso, sin perjuicio de llevarlos á efecto inmediamente que los decreten. El Presidente de la República puede suspender la ejecucion de estos arbitrios, dando cuenta sin demora al Congreso.

2ª. Arreglar la inversion y contabilidad de la hacienda del departamento.

3ª. Crear los empleados necesarios para la recaudacion y distribucion de la hacienda departamental, asignarles sus dotaciones, y reglamentar las obligaciones de los empleados.

4ª. Crear fondos para establecimientos de instruccion, utilidad ó beneficencia publica, con los requisitos designados en la atribucion primera.

5ª. Decretar lo conveniente, y conforme à las leyes, respecto de la adquisicion, enagenaciones y permutas de bienes que pertenezcan al comun del departamento. Sobre enagenaciones de terrenos se observaràn las leyes vigentes, y lo que determinen las de colonizacion.

6ª. Disponer la apertura y mejora de los caminos del Departamento, y cuidar de su conservacion, estableciendo en ellos peages para cubrir sus costos; entendièndose esta atribucion sin perjuicio de lo que dispongan las leyes sobre caminos generales.

7ª. Fomentar la enseñanza pública en todos sus ramos, creando y dotando establecimientos literarios, y sujetàndose à las bases que diere el Congreso sobre estudios preparatorios, cursos, exàmenes y grados.

8ª. Crear y reglamentar establecimientos de beneficencia, correccion ó seguridad.

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9ª. Reglamentar el contingente de hombres que para el ejèrcito deba dar el departamento.

10ª. Hacer la division política del territorio del departamento, establecer corporaciones y funcionarios municipales, expedir sus ordenanzas respectivas, y reglamentar la policía municipal, urbana y rural.

11ª. Cuidar de la salubridad pública y reglamentar lo conveniente para conservarla.

12ª. Fomentar la agricultura, industria, y demas ramos de prosperidad, segun sus facultades.

13ª. Aprobar los planes de arbitrios municipales, y los presupuestos anuales de los gastos de las municipalidades.

14ª. Establecer y organizar los tribunales superiores y jusgados inferiores, respetando la propiedad de los actuales magistrados y jueces, y reglamentar el ejercicio de sus funciones, sin alterar el órden de procedimientos que disponen ó dispusieren las leyes.

15ª. Hacer al Congreso iniciativas de ley en uso de la facultad que les da el Artº. 53.

16ª. Consultar al Gobernador en todos los asuntos en que este lo exiga, y tambien en los que deba hacerlo conforme à estas bases, y à las leyes.

17ª. Proponer al Gobierno Supremo una lista de todas las personas que le parezcan à propósito, y que no sean menos de cinco, para el nombramiento de Gobernador. En los departamentos fronterizos no tendrà obligacion el Gobierno de sujetarse à esta lista, y sucederà lo mismo cuando en algun otro departamento, y en caso extraordinario, lo acordare el Congreso por iniciativa del Presidente.

18ª. Hacer las elecciones segun estas bases, de Presidente de la Republica, individuos de la Suprema Corte de Justicia y Senadores.

19ª. Decretar la fuerza de policía que debe haber en el Departamento, y reglamentar su servicio, que se reducirà à conservar el órden, cuidar de la seguridad pública, y auxiliar la ejecucion de los mandatos de las autoridades políticas y judiciales. Esta fuerza no gozarà fuero, y deberà estar distribuida en las poblaciones con proporcion a sus necesidades.

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[Translation.]

EXHIBIT XLII.

TITLE VII.—THE GOVERNMENT OF THE DEPARTMENTS.

Article 134. The powers of the Departmental Assemblies are:

1st. To establish the means of meeting their ordinary expenditures, or of making those that are extraordinary, which they may direct according to their powers, with the approbation of the Congress, without prejudice to carry them into effect immediately after they shall be decreed. The President of the Republic may suspend the execution of these means giving notice, without delay, to Congress.

2d. To regulate the receipts and accounts of the treasury of the department.

3d. To appoint the necessary officers for the collection and paying out of the departmental revenue, fix their salaries and regulate the duties of the officers.

4th. Create funds for the establishment of education, utility, or public benevolence, with the requisites designated in the 1st Article.

5th. To decree what may be proper (and conformable to the laws) respecting the acquisition, alienations, and exchanges, of the property that may belong to the community of the department. With regard to the alienation of lands, they shall observe the existing laws, and whatever is decreed by the laws of colonization.

6th. To direct the opening and improvement of the roads of the department, and take care of their preservation, establishing thereon toll-gates to cover their cost. This power, it is well understood, without prejudice to what the laws respecting general roads may direct.

7th. Encourage public instruction in all its branches, creating and donating literary institutions, and subjugating them to the regulations called for by Congress respecting preparatory studies, courses, examination, and grades.

8th. Create and regulate establishments of benevolence, correction, or security.

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9th. Regulate the contingent of men which the department should furnish the army.

10th. Make the political division of the territory of the department, establish corporations and municipal officers, furnish their respective ordinances, and regulate the municipal city and county police.

11th. Take care of the public health, and make the proper regulations to preserve it.

12th. Encourage agriculture, industry, and other sources of prosperity, according to their powers.

13th. Approve the plans of the municipal expedients and the annual estimates of the expenses of the municipalities.

14th. Establish and arrange the superior tribunals, and inferior justices' courts, respecting the authority of the actual magistrates and judges, and regulate the exercise of their functions, without altering the order of proceedings that the laws direct, or shall direct.

15th. To make suggestions of laws to Congress, according to the power given by Article 53.

16th. Advise the Governor in all matters, when he shall demand it, and likewise in those when they should do it conformable to these bases and to the laws.

17th. Propose to the Supreme Government a list of all the persons that may appear to them fit, and which shall consist of not less than five, for the appointment of Governor. In the frontier departments the government shall not be obliged to conform itself to this list, and this shall follow when in any other department, and in any extraordinary case Congress shall grant it upon the application of the President.

18th. To make the elections of the President of the Republic, Members of the Supreme Court of Justice, and Senators, according to these bases.

19th. To decree the police force which the department should have, and to regulate its duty, which shall be confined to preserving order, taking care of the public safety, and aiding the execution of the mandates of the political and judicial authorities. This force shall not enjoy any privileges, and shall be distributed among the population according to their necessities.

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EXHIBIT XLIII.

JOSEPH S. ALEMANY,
BISHOP, etc.,
v.
THE UNITED STATES.

In this case, on hearing the proofs and allegations, it is adjudged by the Commission that the claim of the said petitioner is valid for the land hereinafter specifically described, and the same is therefore hereby confirmed to him to hold the same in the capacity and for the uses set forth in his petition; and as to the remaining portion of the premises claimed in the petition, it is adjudged that the claim for the same is not valid and the same is rejected.

The lands of which confirmation is hereby made, are as follows, to wit:

The land known as the Cañada de los Pinos or College Ranch, situated in the county of Santa Barbara and bounded and described as follows:

Beginning on the north bank of the river Santa Ynez, in front of the Cañada called by the Indians, "Acmamiquiamè," which south of the river forms the boundary of the Messrs. Carrillo and Yansen, and on the west of the Mission of Santa Ynes there is a marked *Alamo* that serves as a landmark; thence running easterly along the bank of the river, sixteen thousand five hundred varas, terminating at the "Cañada de Aquichumo" where a tree was marked as a bound when the judicial measurement of this land was given by Nicolas A. Den; thence running north sixteen thousand varas to the Sierra de San Rafael; and commencing again at the place of beginning for the western line of said tract of land, the same runs thence north fifteen thousand one hundred varas, till reaching the boundary of the Neophyte Antonio; and thence in an easterly direction to the northern termination of the line, secondly above described, which constitutes the eastern line of said land; excepting and reserving from the premises above described, such portions of said land as belongs to individual neophytes or others, at the time juridical possession was given

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on the 14th day of April, 1845; being the same premises described in two grants thereof made by Governor Micheltorena, one on the 16th day of March, and the other on the 26th day of September, 1844, and more particularly described in the testimonial of juridical measurement above-mentioned, both of which are on file in this case, and are to be referred to for more particular description of said premises.

The land known as the Rancho "Laguna," situated in the county of San Luis Obispo and near the Mission of that name, and bounded and described as follows, to wit:

Commencing at some large rocks, which are at the skirt (falda) of the second *Serro* which forms the "Cañada de los Osos," and running thence in a south-westerly direction along the boundary of Don Maximo Pacheco, on the level land of the Cañada and the lateral hills of the "Cerro de la Majada" five thousand varas; thence south-easterly along the range of hills and the sierra five thousand varas to the mouth of the "Cañada de San Miguelito, designating at that point as a boundary, the same mark that designates the boundary of Don Miguel Abila; thence in a north-easterly direction along the skirts of the hills on the same line of the boundary of Don Victor Linares, and in the same direction along the plain to the stone fence in front of the laguna at the point of center between the two *Cerros* which form the entrance to the plain south-west of the principal building of San Luis Obispo, said line being five thousand varas in length; thence north-westerly along the foot of the two *Cerros* and the edge of the plain in which the lake ("laguna") is situated, five thousand varas to the point of commencement, containing one square league of land—being the same land described in the testimonial of juridical measurement thereof, made by the Alcalde, Tomas X. Herrera, September 23, 1845, which is on file in this case and to which reference is to be had.

The church and the buildings adjoining thereto, erected on three sides of a quadrangle, and constituting the Church and Mission buildings of the ancient Mission of San Diego, in San Diego County, together with the land on which the same are erected and the curtilage and appurtenances thereto belonging, and the cemetery adjoining the same, and also, a garden situa-

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ted south of the buildings above-mentioned and a short distance therefrom, inclosed with an adobe wall and known as the garden of said Mission; the said premises being the same designated as "Church Buildings" and "Garden," in the delineation thereof on map numbered one, in the atlas marked "Exhibit No. 1, A. F." and annexed to the deposition of James Alexander Forbes, filed in this case Nov. 29, 1854, reference to be made thereto, for a further description.

The church and the building adjoining thereto, built in a quadrangular form, and constituting the building known as the Church and Mission buildings of the Mission of San Luis Rey, situated in San Diego County, together with the land on which the same are erected and the curtilage and appurtenances thereto belonging, and the cemetery adjoining the same, inclosed with a stone wall and the wall of the church; also the inclosed gardens, one of which is situated nearly south from said quadrangle, and is inclosed by an adobe wall, with the exception of a small portion on the western side, where the inclosure is of branches or sticks; the other is situated in a direction about north-west from said quadrangle, and is inclosed by an adobe wall; said gardens being the same which were formerly used by the Priest having charge of said Mission. The property above described, is the same delineated on map numbered two, in the atlas above referred to.

The church and the building nearly adjoining thereto built in a quadrangular form, which are known as the Church and Mission buildings of San Juan Capistrano, situated in Los Angeles County, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the inclosed cemetery which adjoins the same. Also two inclosed gardens, known as the gardens of said Mission, both being within five hundred yards of said buildings, and in an easterly and south-easterly direction therefrom, and being the same which are delineated and designated as "Orchard" and "Orchard and Garden," on map numbered three, in the atlas above-mentioned.

The church and the buildings adjoining thereto, which are known as the Church and Mission buildings of the ancient Mission of San Gabriel, situated in Los Angeles County, to-

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gether with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery inclosed with an adobe wall and adjoining said church. Also, an orchard and garden situated in front and south of said church, at a distance of some seventy or eighty feet from the the same, as the same is inclosed with adobe walls and a fence; being the same which was long used by the Padres of said Mission, and the same laid down on the map numbered four in the atlas before mentioned, as "Orchard" and "Garden;" also a vineyard which was used by the said Padres as such, situated in a northerly direction from said church, at the distance of about sixteen chains therefrom, and is bounded on the west by a road, and on the other side by an adobe wall and fence, being the same tract of land which is delineated and marked "Vineyard" on said map.

The church and the buildings adjoining thereto erected in the form of a quadrangle constituting the building known as the Church and Mission buildings of the Mission of San Buenaventura, situated in Santa Barbara County, together with the land on which the same are erected, and that included within said quadrangle, and the curtilage and appurtenances thereto belonging, and the cemetery inclosed by an adobe wall and adjoining the church. Also, a garden situated south-west of said quadrangle and at the distance of about one hundred feet from said cemetery, inclosed by an adobe wall, being the same used and occupied by the Priests of said Mission, and the same delineated on map numbered five in the atlas aforesaid, and therein designated by the words "Garden and Orchard."

The church and the buildings adjoining thereto, built in a quadrangular form, and the house connected with the same by a yard at the south-west corner of said quadrangle, which are known as the Church and Mission buildings of the Mission of San Fernando, situated in the county of Los Angeles, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery inclosed with an adobe wall and adjoining said church.

The church and the buildings adjoining the same, built in a quadrangular form, and constituting the Church and Mission buildings of the Mission of Santa Barbara, situated in the

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county of Santa Barbara, together with the land on which the same are situated, and the curtilage and appurtenances thereto belonging, and the cemetery as inclosed by a stone wall and adjoining said church, and including the small chapel standing within the limits of said cemetery. Also, a garden known as the Mission Garden, situated at the distance of about four chains from the most southern part of said quadrangle, the same being inclosed on all sides by an adobe wall, and being the same occupied and used by the Priests of said Mission. Also a vineyard situated about twelve miles west of said Mission buildings, the fence inclosing the same constituting the boundaries thereof, and being the premises occupied and used many years by the Priests of said Mission, and well known as the "Mission Vineyard." The garden and vineyard intended to be confirmed by this decree are the same delineated on the map numbered seven in the atlas before referred to, under the designations of "Garden, 16 a, 3 R, 2 P," and "Vineyard, 8 a, 8 R, 2 y," and denominated "San José."

The church and the buildings adjoining thereto, erected in the form of a quadrangle and constituting the church and Mission buildings of the ancient Mission of Santa Ynes, situated in Santa Barbara County, together with the land on which the same are erected, and curtilage and appurtenances thereto belonging, and the cemetery, as the same is inclosed with its adobe walls, and which adjoins said church. Also a tract of land situated in an easterly direction from said quadrangle at the distance of about eight chains therefrom, known as the Mission Garden and long occupied by the Priests of said Mission, with the boundaries as the same is inclosed by fences, and the same is delineated on map numbered eight, in the atlas before-mentioned and there denominated "Orchard and Garden."

The church and building occupied as a dwelling adjoining it constitutes the Church and Mission buildings of the Mission of La Purisima, situated in Santa Barbara County, together with the land on which the same are erected, and the court-yard fenced in adjoining the buildings in the rear, and the curtilage and appurtenances thereto belonging, and also the cemetery belonging to the said Mission, with the limits as established by the adobe wall by which the same is surrounded, including,

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however, within the limits the land covered by the old church now in ruins. Also a garden situated about half a mile north-west of said building, known as the Mission Garden, with the fence by which the same is inclosed for its boundaries, being the same which is delineated on map numbered nine in the atlas before referred to, on which it is designated by the word "Orchard."

The church and the buildings adjoining thereto erected in the form of a quadrangle, constituting the building known as the Church and Mission buildings of the Mission of San Luis Obispo, in San Luis Obispo County, together with the land on which the same are erected and the curtilage and appurtenances thereto belonging and the cemetery adjoining said church with the boundaries as inclosed by the adobe wall surrounding the same. Also two gardens, known as the Mission Gardens, and long occupied by the Priests of said Mission, one of which is situated to the north-west, and the other to the east of said quadrangle, the boundaries thereof being the wall and fence by which the same are inclosed, and including in the latter the passage way from the Mission building to the entrance of the garden as now used. The two gardens are the same as delineated on the map numbered ten, in the atlas above referred to, and the same described in a grant thereof made by Governor Micheltorena, to the Rectors of the Church of said Mission, on the 16th day of July, 1844, to which (being on file in this case) reference is to be had.

The church and the buildings adjoining the same built in the form of two quadrangles, nearly completed, constituting the church and buildings known as the Church and Mission buildings of the Mission of San Miguel, situated in San Luis Obispo County, together with the land on which the same are erected and the curtilage and appurtenances thereto belonging and the cemetery adjoining said church and buildings with the boundaries as inclosed by the adobe walls which surround the same; also a vineyard, situated in a north-easterly direction and at the distance of about three miles from said church, known as the Mission Vineyard, and called "La Mayor," embracing the land within the limits as they have been known within the inclosure, and as fenced and cultivated by the

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Priests of said Mission, being the same premises described in a grant thereof to the Rector of the Church of said Mission by Governor Micheltorena, July 16, 1844, to which, (being on file in the case,) reference is to be had.

The church with the buildings which adjoins the same, and those which are situated in immediate proximity thereto, constituting parts of the quadrangle in which said buildings are arranged, which together are known as the Church and Mission buildings of the Mission of San Antonio, situated in the county of San Louis Obispo, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging. Also the cemetery belonging to said Mission and inclosed in adobe walls, and situated a short distance from said quadrangle in a south-westerly direction. Also the vineyard known as the Mission Vineyard, situated in a south-westerly direction from said church, including the premises inclosed with the adobe walls surrounding the same, being the same delineated on map numbered twelve, in the atlas above-mentioned and designated thereon as the "Vineyard." Also the premises known as the garden of said Mission, situated at the north-east of the church and buildings aforesaid, and contiguous to them with the adobe wall surrounding the same for its boundaries; being the premises delineated on the said last-mentioned map, and designated thereon by the word "Orchard." Also the flour mills of said Mission, erected and occupied by the Priests of said Mission, situated about five chains northerly from said vineyard with the privileges and appurtenances belonging thereto, reference for a more particular description whereof is to be had to the delineation of the same on said map.

The church and the buildings adjoining the same and extending east of it, being the same known as the Church and Mission buildings of the Mission La Soledad, situated in Monterey County, together with the land on which the same are erected, and the inclosure, curtilage, and appurtenances thereto belonging; and also the cemetery near said church and on the west of it, with the limits as defined by the adobe wall which incloses the same. Also the garden of said Mission, situated at the west of said church, with the limits as inclosed by an ancient hedge-fence of willows and an old adobe wall, being the same

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used and occupied for many years by the Priests of said Mission, and the same delineated on map numbered thirteen, in the atlas before referred to, under the designation of "Orchard." Also a vineyard known as the "Mission Vineyard," situated about three miles and a half south-west of said Mission buildings; the same being situated in a cañada, having for its limits, on the north, south, and west, the precipitous sides thereof, which form a natural boundary and inclose the same, and on the east side, the narrow gorge which forms the entrance thereto; being the same premises marked "Vineyard," and delineated on the last mentioned map.

The church and the buildings adjoining the same, erected on three sides of a quadrangle, being the same known as the Church and Mission buildings of the Mission of El Carmelo, situated in Monterey County, together with the land on which the same are erected, and curtilage and appurtenances thereto belonging; and also the cemetery adjoining to the same, with the limits as fixed and defined by the stone wall inclosing the same. Also the garden of said Mission, which is situated about south-east from said church, with the limits as the same is inclosed by the hedge of willows surrounding it; being the same premises marked "Orchard" on map numbered fourteen, in the atlas before referred to.

The church and the buildings adjoining it, built so as to form portions of the sides of a quadrangle, inclosed on the other part with an adobe wall, constituting the Church and Mission buildings, with its quadrangle, of the ancient Mission of San Juan Bautista, situated in Monterey County, together with the land covered by the same, and the curtilage and appurtenances thereto belonging; and the cemetery, with the extent inclosed within its walls, which adjoins said church, also the premises known as the garden of said Mission, situated about three chains north-east from said church, having for its boundaries the embankment and ditch on three sides, and a hedge of willows on the fourth side, by which the same is inclosed; being the same premises laid down on map numbered fifteen in the atlas above referred to, and thereon designated by the word "Orchard." Also the premises known as the Mission Vineyard, situated about eighty-four chains south-east from said church,

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embracing the land used for many years by the Priests of said Mission as a vineyard, and inclosed by a ditch and the remains of an adobe wall, it being the same delineated on map numbered fifteen, and marked "Vineyard."

The church and the buildings adjoining the same, constituting the Church and Mission buildings of the Mission of Santa Cruz, in Santa Cruz County, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery as the same is inclosed by its adobe walls, which adjoins said church and buildings. Also the premises adjoining said buildings and their curtilage and said cemetery, and situated to the north and east of the same known as the Mission Garden, and inclosed partly by a ravine and partly by adobe walls; the same being the premises delineated on map numbered sixteen in the atlas before referred to and there designated by the term "Orchard."

The church and the building adjoining the same, built in the form of a quadrangle, and known as the Church and Mission buildings of the Mission of Santa Clara, situated in Santa Clara County, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery adjoining the same, with the limits embraced by the adobe walls surrounding it and the building above-mentioned to which it adjoins. Also, the premises known as the vineyard of said Mission, situated on the south side of said quadrangle and adjoining said buildings, within the inclosure of the adobe walls by which it is surrounded, being the same premises delineated on map numbered seventeen in the atlas before referred to, where it is designated by the term "Vineyard." Also, the premises known as the garden or orchard of said Mission, situated north-east from the church and distant about sixteen and a half chains, and inclosed with an adobe wall which define its boundaries; the same being delineated and represented on said map numbered seventeen by the term "Orchard."

The church known as the Mission Church of the Mission of San José, situated in the county of Santa Clara, together with the land on which the same is erected, with the curtilage and appurtenances thereto belonging, and also the cemetery which adjoins said church on the north side thereof, embracing all the

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land within the adobe wall which forms its exterior lines. Also the garden of said Mission which adjoins said church, including the area which is surrounded by an adobe wall, excepting a portion at the north-east corner, where the boundary is a fence, being the same premises delineated and designated by the term "Vineyard" on map numbered eighteen in the atlas before referred to. Also another parcel of land situated at the distance of five chains south of the premises last described, which is also known as the Mission Garden or Orchard, the boundaries of the same being the adobe wall by which the same is inclosed, and the same premises marked "Orchard" on the map last mentioned. Also the cemetery, which is situated at the west of said church and distant about seventy-four chains from it, inclosed by an adobe wall, and being the same delineated on the map last mentioned, (in the south-east corner of said map), and marked "Cemetery."

The church and the buildings adjoining it, being the same which are known as the Church and Mission buildings of the Mission of San Francisco, in the county of San Francisco, commonly called the Mission Dolores, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging; and the cemetery adjoining according to its ancient limits and boundaries. Also the premises known as the Mission Garden, lying in the rear of said church adjoining the same and the cemetery above-mentioned, with the ancient limits and boundaries of the same as used and occupied by the Priests of said Mission; and also another garden of said Mission, situated in front of said church and on the opposite side of the street, with the ancient limits and boundaries of the same as long used and occupied by said Priests; reference for the description of these two last-mentioned parcels of land to be had to the map numbered nineteen in the atlas before mentioned, where the same is delineated, each parcel being designated by the word "Garden."

The church and the buildings adjoining the same, being the same known as the Church and Mission buildings of the Mission of San Rafael, situated in Marin County, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery adjoining

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them with the area which is inclosed by the fence surrounding the same. Also the Mission Garden, which is situated about ten chains in an easterly direction from said church, the boundaries thereof being the adobe wall by which the same is inclosed, and being the same premises which are delineated on map numbered twenty in the atlas before referred to, (extending to the north, however, only to the line marked thereon "Ruins of adobe walls,") and designated by the word "Vineyard."

The church and the buildings adjoining the same, known as the Church and Mission buildings of the Mission of San Francisco Solano, situated in the town of Sonoma in Sonoma County, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging; also, the garden or vineyard situated about fourteen and a half chains from the building aforesaid, and in an easterly direction, called the Mission Vineyard, with its ancient limits and boundaries as occupied and used by the Priests of said Mission, being the same delineated on map numbered twenty-one, and designated by the word "Vineyard."

ALPHEUS FELCH,
R. AUG. THOMPSON,
S. B. FARWELL,
Commissioners.

Filed in Office, Dec. 18, 1855.
GEO. FISHER, Sec'y.

UNITED STATES OF AMERICA,
State of California,
Southern Dist. of Cal.

I, C. Sims, Clerk of the District Court of the United States for the Southern District of California, do hereby certify the foregoing to be a true, full, and correct copy of the original as the same appears of file in my office.

In witness whereof, I hereunto set my hand and affix the Seal of said Court, this 18th day of December, A. D., 1858.

[SEAL.]

C. SIMS, Clerk.

Per W. W. STETSON, Deputy.

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EXHIBIT XLIV.

IN THE DISTRICT COURT OF THE UNITED STATES,
For the Southern District of California.

THE UNITED STATES,
v.
JOSEPH S. ALEMANY,
No. 388.
Trans. No. 609.

In pursuance of a notice from the Attorney-General of the United States, it is hereby stipulated and agreed, that the appeal heretofore taken from the decision of the United States Land Commission in this case, be dismissed, and the notice of intention to prosecute said appeal be withdrawn; and that claimant have leave to proceed under the said decision of the United States Land Commission, heretofore rendered in his favor, as under a final decree.

P. ORD,
Dist. Att'y U. S. for South. Dist. of Cal.

EUGENE CASSERLY,
Attorney for J. S. Alemany, Claimant.

UNITED STATES OF AMERICA,
State of California,
Southern Dist. of Cal.

I, C. Sims, Clerk of the District Court of the United States for the Southern district of California, do hereby certify the foregoing to be a true, full, and correct copy of the original as the same appears of file in my office.

[SEAL.] In witness whereof, I hereunto set my hand and affix the Seal of said Court, this 18th day of December, A. D. 1858.

C. SIMS, Clerk.

Per W. W. STETSON, Deputy.

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

The United States
Appellants
vs
W. Carey Jones
Appellee

In U.C. No 339.
Mission of San Luis Rey.
In L.C. No 348.

To the said Appellee and his Attorneys.

You are hereby notified that the above entitled cause will be brought on for hearing, before said District Court on the first day of the next term thereof, to be holden in the City of Monterey, District aforesaid, commencing on the 6th day of June A.D. 1859 or as soon thereafter as the same can be heard

Isaac Henshaw
of Counsel for Appellants

May 12th 1859.

No 339

In Equity

The United States

vs

W Carey Jones

"

Notice of Trial

"

May 12, 1859. Received
a copy of the within

Volney E. Howard
for Def

Filed June 2. 1859.
G. Sims Clerk.
per W. W. Nelson
Dep

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United States District Court
June term, holden at Monterey.

Wm. Casey Jose
adv
The United States
for San Luis Rey

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Juliani Workman et al
adv
The United States
for San Gabriel

In the above stated case,
It is agreed, that, the book
of Registry, or Libro de Razon
for 1846, for the registry of
land titles is not to be
found in the Surveyor General's
Office, or among the archives
of that Office, and is not within
the control of the claimants.

J. R. Mitchell
U. S. Dist Atty,

V. E. Garnett
for Claimants.

No 339

Depositions

Filed in Office
this 18th June 1859
Spiers
CR

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UNITED STATES OF AMERICA, ss.

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THE PRESIDENT OF THE UNITED STATES OF AMERICA,

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

Greeting:

Whereas, lately, in the District Court of the United States, for the Southern District of California before you, in a cause between The United States, appellant, Wm Carey Jones appellee the decree of the said District Court was in the following words, viz:-

"This cause came on to be heard on appeal from the decision of the United States board of land commissioners to ascertain and settle private land claims in the State of California, under an act of Congress approved March 3d, 1851, on a transcript and proceedings of said board, and the papers and evidence upon which said decision was made, and the further evidence adduced; and it appearing that notice of intention to appeal has been duly filed, and counsel for the respective parties having been heard, it is ordered, adjudged, and decreed that the decision of said board of land commissioners be and the same is in all things affirmed.

The lands of which confirmation is made is that which, on the 18th of May, 1846, the date of the grant in this case, composed and pertained to the mission of San Luis Rey and Rancho of Palas, and is bounded as follows: North by Santa Margarita, East by the Sierra of Rauma, South by the Rancho of San Francisco, and West by the Sea Shore, reference being had to evidence on file in this case for further particulars

and excepting herefrom all valid grants within said boundaries made prior to the date of the grant in this case; also excepting the orchards, vineyards, churches and buildings belonging to the Mission at the date of the grant in this case."

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as by the inspection of the transcript of the record _____

_____ of the said District

Court, which was brought into the Supreme Court of the United States, by virtue of an appeal

agreeably to the act of Congress, _____

_____ in such case made and provided, fully and at large appears.

And whereas, in the present term of December, in the year of our Lord one thousand eight hundred and Sixty three the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and was argued by counsel: **On consideration whereof,** it is now here ordered adjudged and decreed by this Court that the decree of the said District Court in this cause be and the same is hereby reversed, and that this cause be and the same is hereby remanded to the said District Court with directions to dismiss the petition of the Claimant. 18. April

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You, therefore, are hereby commanded that such further proceedings be had in said cause, in conformity to the Opinion & decree of this Court as according to right and justice, and the laws of the United States ought to be had, the said appeal notwithstanding:

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

COSTS OF ~~~

Clerk..... $ ~~~

Attorney... $ ~~~

$ ~~~

~~Taxed by~~

Geo. Mitchell

Clerk of the Supreme Court of the United States.

339 S.D.

No. 131. December Term, 1863.

MANDATE

SUPREME COURT UNITED STATES.

San Luis Rey & Pala
Dismission Petition &
Claimants —
vs.
The United States Lorey Lores

Issued in Office & placed with Papers July 14th 1867
Thomas Ewing Clerk
By Manny Appeal

339 SD
PAGE 238

THEO. WAGNER,
U. S. Surveyor-General.

J. A. ROBINSON,
Chief Clerk

U. S. Surveyor-General's Office,
CALIFORNIA.

Post Office Box No. 2260.

No. 610 Commercial Street.

339 SD
PAGE 239

San Francisco, August 8th 1879.

Sinchard Hoffman, Esq,
Clerk U. S. District Court,
City

Sir-

I inclose herewith a mandate of the Supreme Court issued December Term, 1863, reversing the decree of the District Court for the Southern District of California in the case of the claim of Wm. Carey Jones for San Luis Rey and Pala, L. C. No. 348, L. D. 309, and remanding the case to said Court for dismissal of the petition of the claimant.

This mandate has the indorsement "Please hold till called for - Hancock" has but recently been found among the Land Commission papers and appears to have been inadvertently filed in this office.

Respectfully,
Theo Wagner
U. S. Surv. Gen'l.

No. .....

THEO. WAGNER,
U. S. Surveyor-General for California.

Date, ... 18....

SUBJECT:

Referred to Division .....

Received (G.L.O.) ..... 18....

#339 SD Duplicate of Printed Booklet containing exhibits #1 to 42 inclusive - Not case or page numbered

DW 11/4/41

San Luis Rey

Filed in Office this 21st day of April A.D. 1859 [illegible] Clerk

339

IN THE

District Court of the United States,

SOUTHERN DISTRICT OF CALIFORNIA.

MISSION LANDS OF San Luis Rey

THE UNITED STATES, APPELLANTS. | In District Court, No. 339.

VS.

W. Carey Jones, APPELLEE. | Land Commission, No. 348.

EXHIBITS,

FROM 1 TO 42, INCLUSIVE, FILED IN BEHALF OF APPELLANTS.

Daily Herald Print, 162 Montgomery Street.

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MISSIONS.

[Translation.]

EXHIBIT I.

DECREE RELATING TO THE SECULARIZATION OF THE MISSIONS OF CALIFORNIA.

Article 1. The government will proceed to secularize the Missions of Upper and Lower California.

Art. 2. In each of said Missions shall be established a parish, served by a secular clergyman, with a stipend of from two thousand to two thousand five hundred dollars a year, as the Government shall decide.

Art. 3. These parochial curates shall not recover or receive any fees for marriages, baptisms, or under any other name. As regards fees for processions, they shall be entitled to receive such as may be specifically named in the list made out for that object, as concisely as possible by the Reverend Bishop of the Diocese, and approved by the Supreme Government.

Art. 4. The churches which have served in each Mission shall serve as parish churches, with the sacred vases, ornaments and other articles, which each possesses at present, and such additional furniture belonging to said church as the government may deem necessary for the more decent use of said parish.

Art. 5. The government shall cause to be laid out a *campo santo* for each parish out of the way of the population.

Art. 6. Five hundred dollars a year are appropriated for the service and worship in each parish church.

Art. 7. Of the houses belonging to each Mission, the most suitable shall be selected as the residence of the curate, the

land appropriated to him not to exceed two hundred yards square, and the rest shall be specially devoted to a town-house, primary school and public establishments and offices.

Art. 8. In order to provide promptly and effectively for the spiritual wants of both the Californias, there is established in the capital of the Upper a vicarship, which shall have jurisdiction over the two territories and the Reverend Diocesan shall endow it with the most ample powers.

Art. 9. Three thousand dollars are appropriated as an endowment to this vicarship, the Vicar being required to discharge his duties free of charge under any pretext or name, not even for paper.

Art. 10. If for any other cause, whatever, the parochial curate of the capital or any other parish in the district, shall act as Vicar, there shall be paid to him one thousand five hundred dollars, besides the stipend of his curacy.

Art. 11. There shall not be introduced any custom which shall require the inhabitants of California to make offerings, however pious they may be, although they may be termed *necessary;* and neither time nor the will of the said inhabitants, shall give them any force or weight whatever.

Art. 12. The government shall take effectual care that the Reverend Diocesan shall contribute, so far as he is concerned, to fulfill the objects of this law.

Art. 13. The Supreme Government shall provide for the gratuitous transportation, by sea, of the new curates that may be appointed and their families, and, besides, may give to each one, for his traveling by land, from four to eight hundred dollars, according to the distance and the number of his family which he brings.

Art. 14. Government shall pay the traveling expenses of the religious missionaries who move; and that they may be accommodated on land as far as their colleges or convents, may give to each from two to three hundred dollars, and, at discretion, so much as may be necessary to such as have not sworn to support the independence, that they may leave the Republic.

Art. 15. The Supreme Government shall pay the expenses arising under this law, out of the products of the securities,

capitals and rents, which are regarded as the pious fund in the Missions of California.

AUGUST 17, 1833.

[Translation.]

EXHIBIT II.

FIGUEROA'S PROVISIONAL RULES FOR THE SECULARIZATION OF THE MISSIONS.

Article 1. The Governor, agreeable to the spirit of the law of the 17th August, 1833, and to the instructions which he has received from the Supreme Government, will, with the co-operation of the Prelates of the Missionary Priests, partially convert into pueblos the Missions of this territory, beginning in the next month of August, and commencing at first with ten Missions and afterwards with the remainder.

Art. 2. The Missionary Priests will be exonerated from the administration of temporalities, and will only exercise the functions of their ministry in matters appertaining to the spiritual administration, until the formal division of parishes be made, and the Supreme Government and diocesan provide curates.

Art. 3. The Territorial Government will reassume the administration of temporalities in the directive part, according to the following bases:

Art. 4. The Supreme Government will, by the quickest route, be requested to approve of these provisional regulations.

DISTRIBUTION OF PROPERTY AND LANDS.

Art. 5. To every individual head of a family, and to all those above twenty-one years of age, although they have no family, a lot of land, whether irrigable or otherwise, of not exceeding four hundred varas square, nor less than one hundred, shall be given out of the common lands of the Missions; and in community a sufficient quantity of land shall be allotted them for watering their cattle. Common lands shall be assigned to each pueblo, and, when convenient, municipal lands also.

Art. 5. One-half of the self-moving property (cattle) shall

be distributed among the said individuals, in a proportionable and equitable manner, at the discretion of the Governor, taking as a basis the last accounts of all kinds of cattle presented by the Missionaries.

Art. 7. One-half or less of the chattels, instruments and seeds on hand, and indispensable for the cultivation of the ground, shall be divided proportionably among them.

Art. 8. The remainder of all the lands, landed property, cattle and all other property on hand, will remain under the care and resposibility of the Mayordomos, or other officers whom the Governor may name, at the disposal of the Supreme Federal Government.

Art. 9. From the common mass of this property the subsistence of the Missionary Padres, the pay of the Mayordomos, and other servants, and the expenses of religious worship, schools, and other objects of policy and ornament, shall be provided.

Art. 10. The Governor, having under his charge the direction of temporal affairs, will determine and regulate, according to circumstances, all the expenses necessary to be laid out, as well for the execution of this plan as for the conservation and augmentation of this property.

Art. 11. The Missionary Minister will select the locality in the Mission which may best suit him, for his own habitation and that of his servants and attendants; and he shall be furnished with the necessary furniture and implements.

Art. 12. The library, sacred dresses, ornaments and furniture of the church, shall be put in charge of the Missionary Padre, under the responsibility of the person who acts as subscriber, and whom the priest himself shall elect, and a reasonable salary be given for his troubles.

Art. 13. General inventories shall be made of all property on hand in each Mission, with due separation and explanation of the different branches; of the books, debit and credit, and all kinds of papers; of the amount owing by and to the Missions; which document and account shall be forwarded to the Supreme Government.

POLITICAL GOVERNMENT OF THE PUEBLOS.

Art. 14. The political government of the pueblos shall be organized in perfect conformity with the existing laws; the Governor will give the necessary instructions to have the Ayuntamientos established and elections made.

Art. 15. The economical government of the pueblos shall be under the charge of the Ayuntamientos; but as far as regards the administration of justice in contentious affairs, they will be subject to the primary judges of the nearest towns constitutionally established.

Art. 16. The emancipated Indians will be obliged to assist at the indispensable common labor which, in the opinion of the Governor may be judged necessary for the cultivation of the vineyards, orchards and cornfields, which, for the present, remain undisposed of until the resolution of the Supreme Government.

Art. 17. Said emancipated Indians will render to the Missionary Priest the necessary personal service for the attention of his person.

RESTRICTIONS.

Art. 18. They cannot sell, burden, or alienate, under any pretext, the lands which may be given them; neither can they sell their cattle. Whatever contracts may be made against these orders shall be of no value; the government will reclaim the property as belonging to the nation, and the purchasers shall lose their money.

Art. 19. The lands whose owners shall die without heirs, shall revert to the possession of the nation.

GENERAL ORDERS.

Art. 20. The Governor will name such Commissioners as he may see fit to carry this plan and its incidents into effect.

Art. 21. The Governor is authorized to resolve any doubt or matter which may arise relative to the execution of these regulations.

Art. 22. Until these regulations be put in force, the Reverend Missionary Padres are prohibited from slaughtering cattle in large quantities, except the common and ordinary number

accustomed to be killed for the subsistence of the neophytes, without allowing any waste.

Art. 23. The debts of the Mission shall be paid in preference, out of the comman mass of the property, at the time and in the manner that the Governor shall determine.

That the fulfillment of this law may be perfect the following rules will be observed:

1st. The Commissioners, so soon as they shall receive their appointments and orders, shall present themselves at the respective missions and commence the execution of the plan; being governed in all things by its tenor and these regulations. They shall present their credentials respectively to the priests under whose care the Mission is, with whom they shall agree, preserving harmony and proper respect.

2d. The priests shall immediately hand over and the Commissioners receive, the books of accounts and other documents relating to property claims, liquidated and unliquidated; afterwards, general inventories shall be made out, in accordance with the 13th Article of this regulation, of all property—such as houses, churches, work-shops, and other local things—stating what belongs to each shop—that is to say, utensils, furniture and implements; then, what belongs to the homestead; after which shall follow those of the field, that is to say, property that grows, such as vines and vegetables with an enumeration of the shrubs, if possible, mills, etc.; after that, the cattle and whatever appertains to them; but as it will be difficult to count them, as well on account of their number as for the want of horses, they shall be estimated by two persons of intelligence and probity, who shall calculate, as nearly as may be, the number of each species, to be inserted in the inventory. Everything shall be in regular form in making the inventory, which shall be kept from the knowledge of the priests, and under the charge of the Commissioner or Steward; but there shall be no change in the order of the work and services, until experience shall show that it is necessary, except in such matters as are commonly changed whenever it suits.

3d. The Commissioner, with the Steward, shall dispense with all superfluous expense establishing rigid economy in all things that require reform.

4th. Before he takes an inventory of articles belonging to the field, the Commissioner will inform the natives—explaining to them with mildness and patience, that the Missions are to be changed into villages, which will only be under the government of the priests so far as relates to spiritual matters; that the lands and property for which each one labors are to belong to himself, and to be maintained and controlled by himself without depending on any one else; that the houses in which they live are to be their own, for which end they are to submit to what is ordered in these regulations, which are to be explained to them in the best possible manner. The lots will be given to them immediately, to be worked by them as the 5th Article of the regulations provides. The Commissioner, the Priest, and the Steward shall choose the location, selecting the best and most convenient to the population; and shall give to each the quantity of ground which he can cultivate, according to his fitness and the size of his family, without exceeding the *maximum* established. Each one shall mark his land in such manner as may be most agreeable to him.

5th. The claims that are liquidated shall be paid from the mass of property; but neither the Commissioner nor the Steward shall settle them without the express order of the government, which will inform itself on the matter, and, according to its judgment, determine the number of cattle to assign to the neophytes, that it may be done, as heretofore, in conformity with what is provided in the 6th Article.

6th. The necessary effects and implements for labor shall be assigned in the quantities expressed by the 7th Article, either individually, or in common, as the Commissioner and Priest may agree upon. The seeds will remain undivided, and shall be given to the neophytes in the usual quantities.

7th. What is called the priesthood shall immediately cease; the female children whom they have in charge being handed over to their fathers—explaining to them the care they should take of them, and pointing out their obligations as parents. The same shall be done with the male children.

8th. The Commissioner, according to the knowledge and information which he shall acquire, shall name to the government, as soon as possible, one or several individuals, who may

appear to him suitable and honorable, as Stewards, according to the provisions of the 8th Article, either from among those who now serve in the Missions, or others; he shall also fix the pay which should be assigned them, according to the labor of each Mission.

9th. The settlements which are at a distance from the Mission, and consist of more than twenty-five families and which would desire to form a separate community, shall be gratified; and the appropriation of lands and other property shall be made to them as to the rest. The settlements which do not contain twenty-five families, provided they be permanently settled where they now live shall form a suburb, and shall be attached to the nearest village.

10th. The Commissioner shall state the number of souls which each village contains, in order to designate the number of municipal officers, and cause the elections to be held, in which they will proceed conformably, as far as possible to the law of June 12, 1830.

11th. The Commissioners shall adopt all executive measures which the condition of things demands, giving an account to the government, and shall consult upon grave and doubtful matters.

12th. In everything that remains, the Commissioners, the priests, stewards, and natives, will proceed according to the provisions of the regulation.

JOSÉ FIGUEROA.

Augustin V. Zamorano, Secretary.
Monterey, August 9, 1834.

[Translation.]

EXHIBIT III.

LAW OF APRIL 16, 1834, RELATING TO THE SECULARIZATION OF THE MISSIONS OF THE REPUBLIC.

Article 1. All the Missions of the Republic shall be secularized.

Art. 2. The Missions shall be converted into curacies, the limits of which shall be designated by the Governors of the States where the said Missions are.

Art. 3. This decree shall take effect within four months from the day of its publication.

APRIL 16, 1834.

[Translation.]

EXHIBIT IV.

INSTRUCTIONS GIVEN BY THE CENTRAL GOVERNMENT TO DON JOSÉ M. HIJAR IN RELATION TO THE SECULARIZATION OF THE MISSIONS AND COLONIZATION OF CALIFORNIA.

Instructions by which Don José Maria Hijar, Political Chief of Upper California and Director of the Colonization of that and Lower California is to govern himself.

Article 1. He will cause a beginning to be made in occupying all the property belonging to the Missions of both the Californias, and the Military Commandant under his responsibility will lend, whenever required to do so, the necessary aid for the said occupation.

Art. 2. For the term of a year from the day on which the colonists shall arrive at the place they are to occupy, each one shall be allowed fifty cents a day, if they be four years beyond the term of their majority, and twenty-five cents if they be of a less age.

Art. 3. The expenses of traveling by sea and land shall be charged to the Confederation. All the means of conveyance furnished, or which should be furnished, shall be given to the colonists, in full ownership.

Art. 4. Communities shall be formed by uniting the number of families which are sufficient to live in security, selecting situations that are suitable on account of the quality of the soil, the abundance and salubriousness of the waters, and the favorableness of the winds.

Art. 5. The frontier stations shall be settled at the earliest period practicable.

Art. 6. Topographical plans shall be prepared on which shall be designated and marked the squares of which the settlement is to consist. The length of each side of the square shall be one hundred yards, and all of its sides shall be equal.

The width of the streets shall be twenty yards, and no lanes or alleys shall be permitted to exist in them. The open spaces shall be divided into ten streets each, besides the great *plaza* which shall be in the center of the settlement.

Art. 7. Special care will be taken to collect into the villages, the natives, mingling them with the other inhabitants, and no community will be permitted to exist composed entirely of them.

Art. 8. In each of the sections of the villages, lots will be given to families that they may build houses; but they will not be suffered to build beyond the lines marked out for streets.

Art. 9. Outside of the villages, to each family, will be given, in full proprietorship and control, four portions of land, if it be irrigable, eight if it be temporal, (land dependent upon the seasons,) and sixteen if it be under water. There shall also be given four cows, two yoke of oxen or bulls, two tame horses, four colts, four young mares, four head of the smaller description of stock, two male and two female, besides the number of ploughs usually furnished.

Art. 10. Between every two lots belonging to individuals, there shall be an opening of public equal to two lots.

Art. 11. After the distribution of the moveable property of the Missions of California, one-half of the remaining property shall be sold in the most advantageous manner.

Art. 12. There shall not be sold to any one family more than two hundred head of cattle of the same kind.

Art. 13. The remaining half of the moveable property shall be reserved for the General Government, and shall be applied to the expenses and subsistence of the missionaries and the payment of the salaries of the masters of the primary schools, the supplies of necessaries to the children of both sexes in the schools, and the purchase of implements of husbandry, which are to be furnished *gratis* to the colonists.

Art. 14. The Political Chief and Director of Colonization, shall give at present and annually hereafter, a detailed account of the products of the property of the Missions, of the changes in them, and of the articles that are left, and the distribution of the moveable property among the colonists.

Art. 15. He shall furnish, at least once in each year, returns

of the condition of the colonists, of the causes of losses, if there be any, and the means of making them prosper.

LOMBARDO.

Office of the First Secretary of State,
Department of the Interior, Mexico, April 23, 1834.

[Translation.]

EXHIBIT V.

EXTRA SESSION of Nov. 3, 1834,
Territorial Deputation.

REGULATIONS RESPECTING THE MISSIONS WHICH HAD BEEN SECULARIZED AGREEABLY TO THE SUPREME ORDER OF 17TH AUGUST, 1833.

1st. In conformity with the 2d Article of the law of 17th August, 1833, there is allotted, *ad interim*, to priests who discharge the duties of parochial curates, the sum of one thousand five hundred dollars to such as serve as curates of the first class, and a thousand dollars to those of the second class.

2d. The curacies which are regarded as of the first class, are those of the united populations of San Diego and San Dieguito, San Luis Rey, Las Flores and the populations annexed, San Gabriel and Los Angeles, the two united populations of Santa Barbara, San Carlos and Monterey together, Santa Clara united to San José de Guadalupe and San José, San Francisco Solano, San Rafael and Coloma. Those which are regarded as of the second class are, San Juan Capistrano, San Fernando, San Buenaventura, Santa Ynez and La Purissima, San Luis Obispo, San Miguel, San Antonio and La Soledad, San Juan Bautista and Santa Cruz, San Francisco de Asis and El Presidio.

3d. In conformity with the 8th and 9th Articles of the law referred to, R. P. Commissary Prefect, Señor Francisco Garcia Diego, will reside in this capital; and the Political Chief will request of the Reverend Diocesan to confer upon the said prelate the powers belonging to said vicarship. His salary will be three thousand dollars a year, as provided by said law.

4th. The Vicar and curates will be governed in all other respects by the law of August 17, 1833, already cited.

5th. Until the government shall provide parochial curates, the respective prelates will discharge the duties, provisionally, with the consent of the Political Chief.

6th. In conformity with the 6th Article of said law, five hundred dollars a year will be paid for worship and service in each parish.

7th. The salaries of the Vicar, Curates, and amount for worship, will be paid from the common fund of the suppressed Missions. The Political Chief will give orders that it may take effect.

8th. The 17th Article of the Provisional Regulation of Secularization, which required Indians to give personal services to the priests is of no effect.

9th. In accordance with the 7th Article of the said law, the Political Chief will cause the places for the dwellings of the curates, the town-houses, primary schools, and offices to be ascertained.

10th. The other points to which the superintendence of the Rev. Prelate, Fr. Narciso Duran, shall be devoted, as works determined on, are such as are authorized by the Political Chief as provided by the 21st Article of the laws.

11th. This resolution shall be communicated, with the order to the prelates, that they may make it known to those under them.

ADDITION TO SECOND ARTICLE.

Curacies that embrace two or more villages, shall regard the first named as the head, where the officiating curates reside in the suppressed Missions of San Diego and Santa Barbara.

[Translation.]

EXHIBIT VI.

LAW OF THE MEXICAN CONGRESS SUSPENDING THE EXECUTION OF THE ACT OF AUGUST 17, 1833.

Until the curates shall take possession under the 2d Article of the law of August 17, 1833, the government shall suspend the executions of the remaining articles, and keep matters in the condition in which they were before the passage of said law.

MEXICO, November 7, 1835.

[Translation.]

EXHIBIT VII.

RULES AND REGULATIONS OF GOVERNOR ALVARADO, RESPECTING MISSIONS, JANUARY 17, 1839.

The fact of there not having been published in due season a set of regulations, to which the management of the *administradores* of the Missions ought to have been subject from the moment the so-called secularization was attempted, having caused evils of great transcendency to this Upper California—as these officers, authorized to dispose without limit of the property under their charge, do not know how to act in regard to their dependence upon the political government—and that of the most excellent departmental junta not being at present in session to consult with, respecting the necessary steps to be taken under such circumstances, since the regulations of said secularization neither could nor can take effect, on account of the positive evils attending the fulfillment thereof, as experience itself has demonstrated—has induced this government, in consideration of the pitiful state in which said establishments at present are, to dictate these provisional regulations, which shall be observed by said administrators who will subject themselves to the following articles:

Article 1. All persons who have acted as administrators of Missions, will, as soon as possible, present to the government the accounts corresponding to their administration for due inspection, excepting those persons who may have already done so.

Art. 2. The present administrators, who, at the delivery of their predecessors, may have received said documents as belong to the archives, will return them to the parties interested, who, in virtue of the foregoing article will themselves forward them to government, they being solely responsible.

Art. 3. Said officers will likewise remit those belonging to their administration up to the end of December of last year, however long they may have been in office.

Art. 4. Said officers will remit as soon as possible an exact account of the debts owing by and to the Missions, which may at different times have been contracted.

Art. 5. Under no title or pretext whatever shall they contract debts, whatever may be the object of their inversion, nor make sales of any kind, either to foreign merchants or to private persons of the country, without the previous knowledge of government; for whatever may be done to the contrary shall be null and without effect.

Art. 6. The amounts owed by the establishments to merchants and private persons cannot be paid without an express order from government, to which must likewise be sent an account of all such property of each Mission as it has been customary to make such payments with.

Art. 7. Without previous permission from said government, no kind of slaughtering of cattle shall take place, except what is necessary for the maintenance of the Indians, and the ordinary consumption of the house; and even with respect to this the persons in charge will take care that, as far as possible, no female animals be killed.

Art. 8. The traffic of mules and horses for woolen manufactures, which has hitherto been carried on, in the establishments, is hereby absolutely prohibited; and in lieu thereof, the persons in charge will see that the looms are got into operation, so that the wants of Indians may thus be supplied.

Art. 9. At the end of each month, they will send to government a statement of the ingress and egress of all kinds of produce that may have been warehoused or distributed, it being understood that the Indians at all times are to be provided for in the customary manner with such productions; to which end the administrators are empowered to furnish them with those which are manufactured in the establishment.

Art. 10. The administrators will in this year proceed to construct a building on account of the establishment, to serve them for a habitation, and they may choose the locality which they may deem most convenient, in order that they may vacate the premises which they now occupy.

Art. 11. They shall not permit any individual of those called *de razon* (white people) to settle themselves in the establishments while the Indians remain in community.

Art. 12. They will at an early period present a census of all the inhabitants, distinguishing their classes and ages, in order

to form general statistics; and they will likewise mention those who are emancipated and established on the lands of said establishments.

Art. 13. The establishments of San Carlos, San Juan Bautista and Sonoma are not comprehended in the orders of this regulation. The government will regulate them in a different manner; but the administrators, who at different times may have had the management of their property will be subject to the orders contained in articles one and two.

Art. 14. They will likewise remit an account of all persons employed under them, designating their monthly pay, according to the orders which may have been given, including that of the Reverend Padres, with the object of regulating them according to the means of each establishment; and these salaries shall not be paid now, nor hereafter with self-moving property.

Art. 15. The Administrators will, under the strictest responsibility, fulfill these orders with the understanding that in the term of one month, they shall send the information required of them.

Art. 16. Government will continue making regulations respecing everything tending to establish the police to be observed in the establishments, and the manner to be observed in making out the accounts.

Art. 17. For the examination of these accounts, and everything thereto relating, the government will appoint a person with the character of Inspector, with a competent salary, to be paid out of the funds of said establishments; and this person will establish his office where the government shall appoint, and have regulations therefor in due time.

[Translation.]

EXHIBIT VIII.

INSTRUCTIONS TO BE OBSERVED BY W. E. HARTNELL IN THE INSPECTION OF THE ESTABLISHMENTS OF THE MISSIONS OF UPPER CALIFORNIA.

Article 1. It being a matter of the greatest importance that the Missions be regulated as intended when I published my

Provisional Regulations of the 17th of January last, you will methodize the order which you consider best adapted to obtain the monthly information required, and have the annual accounts of the Missions kept, and you will instruct the Administrators how they shall organize them.

Art. 2. You will, with prudence and foresight, take an exact account of the self-moving property, and all other property on hand, calculating as near as possible, the number of cattle, if it cannot be exactly got at.

Art. 3. In order to examine and count said cattle, you will take along with you a person of probity and information, who will attend to this business; and you will offer him the compensation which you may deem just for his services while the inspection lasts.

Art. 4. On presenting yourself at each of the establishments you will inform the Administrator of the object of your arrival, referring to him or manifesting to him the respective orders so that there may be no legal pretext for not punctually observing them.

Art. 5. If any of the Administrators of the Missions should make known to you any palpable wants which in your opinion ought to be immediately remedied, you will take the proper steps to do so, although it may be necessary to dispose of some of the produce on hand in the stores.

Art. 6. Should any of the Reverend Padres, or other persons employed, make any complaints to you relating to the management of the Administrators, you will with due prudence make the decision which you think most just, and use your utmost endeavors to keep up harmony among all classes.

Art. 7. You will exhort the Administrators to use all possible economy in the use of provisions, weekly and annual slaughtering of cattle, and crops of all kinds of eatables, in order by all these means to further the progress of these establishments.

Art. 8. You are authorized to regulate the weekly and annual slaughtering which it has been customary to make in the Missions, taking into consideration the number of calves, marked (annually) so that the stock of cattle may not diminish.

Art. 9. You will likewise recommend the Administrators

to be affable in their treatment of Indians, and that the punishment they inflict be moderate and proportioned to their state of uncivilization; and that (the Administrators) see that frequent divine service agreeably to the education which they have received.

Art. 10. If any of the Administrators should disobey the orders of this government and not fulfill them duly, in spite of the good treatment you give them, you will inform the government by a courier, that it may determine what is to be done; and in case that circumstances should require it, you are authorized to suspend such officer for the time that you may consider necessary, and put the Mayordomos in charge in the mean time, in order that the labors of your commission be not paralyzed; and you will likewise inform the government, in order that it may determine what may be convenient.

Art. 11. The government expects, from your zeal, that you will be diligent in your commission, collect all kinds of information, and make the necessary observations for the formation of the police regulations which were promised in those of the 17th, already cited. ALVARADO.

[Translation.]

EXHIBIT IX.

REGULATIONS OF GOVERNOR ALVARADO RESPECTING THE MISSIONS OF CALIFORNIA, DATED MARCH 1, 1840.

Experience having proved in an undoubted manner that the Missions of Upper California, for want of regulations organizing the management of the persons in charge of them, have in a short time suffered reverses and losses of great moment. The many abuses which are found to exist in the administration of the property of said Missions, obliged this government to issue the regulation of 17th January, last year; but as it has been found that those have not been sufficient to root out the evils which are experienced, particularly on account of the high salaries with which the establishments are burdened, and which they cannot support; and being desirous to establish economy and a regular administration until the Supreme Government

determine what it may deem proper, I publish the present regulations, which are to be strictly observed.

Article 1. The situations of Administrators in the Missions of Upper California are abolished, and in their stead Mayordomos are established.

Art. 2. These Mayordomos will receive the following salaries: Those of San Diego and San Juan Capistrano, one hundred and eighty dollars; those of Santa Barbara, San Luis Obispo, San Francisco de Asis and San Rafael, two hundred and forty dollars; those of San Buenaventura, La Purisima, San Miguel and San Antonio, three hundred dollars; those of San Fernando and Santa Ynez, four hundred dollars; those of San Luis Rey and San Gabriel, four hundred and twenty dollars; the one of Santa Clara, four hundred and eighty dollars, and the one of San José, six hundred dollars.

Art. 3. The former Administrators may occupy said situations, provided that they be proposed in the manner pointed out by these regulations.

Art. 4. The situation of Inspector, and the office established agreeable to the 17th Article of the regulations of the 17th January, last year, shall continue, with a salary of three thousand dollars per annum, and his powers will be hereafter designated.

OBLIGATIONS OF THE MAYORDOMOS.

Art. 5. To take care of everything relative to the advancement of the property under their charge, acting in concert with the Reverend Padres in the difficult cases which may occur.

Art. 6. To compel the Indians to assist in the labors of the community, chastising them moderately for the faults which they may commit.

Art. 7. To see that said Indians observe the best morality in their manners, and oblige them to frequent the church, at the days and hours that have been customary; in which matter the Reverend Padres will intervene in the manner and form determined in the instructions given by the Inspector to the Administrators.

Art. 8. To remit to the Inspector's office a monthly account of the produce they may collect into the storehouses, and an

annexed one of the crops of grain, liquors, etc., and of the branding of all kinds of cattle.

Art. 9. Said account must be authorized by the Reverend Padres.

Art. 10. To take care that the Reverend Padres do not want for their necessary aliment, and furnish them with everything necessary for their personal subsistence, as likewise to vaqueros and servants which they may request for their domestic service.

Art. 11. To provide the ecclesiastical Prelates all the assistance which they may stand in need of, when they make their accustomed visits to the Missions through which they pass; and they are obliged, under the strictest responsibility, to receive them in the manner due to their dignity.

Art. 12. In the Missions where the said Prelates have fixed their residence, they will have the right to call upon the Mayordomos at any hour when they may require them; and said Mayordomos are required to present themselves to them every day at a certain hour, to know what they require in their ministerial functions.

Art. 13. To furnish the Priests of their respective Missions all necessary assistance for religious worship; but in order to invest any considerable amount in this object, they will solicit the permission to do so from government, through the medium of the Inspector.

Art. 14. To take care that in the distribution of goods received from the respective office to the Indians, the due proportion be observed among the different classes and description of persons; to which end the Reverend Padres shall be called to be present, and they will approve of the corresponding list of distribution.

Art. 15. To observe all the orders which they receive from the Inspector's office, emanating from the government, and to pay religiously all drafts addressed to them by said conduct, and authorized by said government.

Art. 16. They will every three months send to the respective offices a list of the goods and necessaries they may stand in greatest need of, as well for covering the nakedness of the Indians and carrying on the labor of the establishment, as to provide for the necessities of the Priests and religious worship;

so that, comparing these requisitions with the stock on hand, the best possible remedy may be applied.

Art. 17. They will take care to furnish the necessary means of transport and provisions to the military or private persons who may be traveling on the public service; and they will provide said necessaries as well for the beforementioned persons as for the Commandants of stations who may ask for assistance for the troops; and send in a monthly account to the Inspector, that he may recover the amount from the Commissariat.

Art. 18. They will likewise render assistance to all other private individuals who may pass through the establishments, charging them for food and horses an amount proportioned to their means.

Art. 19. They will take care that the servants under them observe the best conduct and morality, as well as others who pass through or remain in the establishments; and in urgent cases they are authorized to take such steps as they may consider best to preserve good order.

Art. 20. They may, without any charge, make use of the provisions produced by the establishments for their own subsistence and that of their families.

Art. 21. They may employ as many servants as they consider necessary for carrying on the work of the community; but their situations must be filled entirely by natives of the establishments themselves.

Art. 22. Said Mayordomos are merely allowed to request the appointment of a Clerk to carry on their correspondence with the Inspector's office.

Art. 23. After the Mayordomos have for one year given proofs of their activity, honesty and good conduct, in the fulfillment of their obligations, they shall be entitled (in times of little occupation) to have the government allow the Indians to render them some personal services in their private labors; but the consent of the Indians must be previously obtained.

Art. 24. The Mayordomos cannot make any purchase of goods from merchants, nor make any sale of the produce or manufactures of the establishments, without previous authority from government; second, dispose of the Indians in any case

for the services of private persons, without a positive superior order; third, make any slaughtering of cattle, except what shall be ordered by the Inspector to take place weekly, extraordinarily, or annually.

OBLIGATIONS OF THE INSPECTORS.

Art. 25. To make all kinds of mercantile contracts with foreign vessels and private persons of the country for the benefit of the Missions.

Art. 26. To provide said establishments with the requisite goods and necessaries mentioned in the lists of the Mayordomos, taking into consideration the stock of each establishment.

Art. 27. To draw bills for the payment of the debts contracted by his office, and those already due by the establishments.

Art. 28. He shall be the ordinary conductor of communication between the government and the subaltern officers of said Missions, as well as between all other persons who may have to apply to government respecting any business relative to said establishments.

Art. 29. He will pay the salaries of the Mayordomos and other servants, take care that they fulfill their obligations, and propose to government, in conjunction with the Reverend Padres, the individuals whom they may consider best qualified to take charge of the Missions.

Art. 30. He will determine the number of cattle to be killed weekly, annually, or on extraordinary occasions.

Art. 31. He will form the interior regulations of his office, and propose to government the subalterns which he may judge necessary for the proper management thereof.

GENERAL ORDERS.

Art. 32. All merchants and private persons who may have any claims on said Missions will, in due time, present to the Inspector an account of the amounts due to them, with the respective vouchers, in order that the government may determine the best manner of settling them, as the circumstances of said Mission may permit.

Art. 33. With respect to the Missions of San Carlos, San Juan Bautista, Santa Cruz, La Soledad and San Francisco Solano, the general government will continue regulating them as circumstances may permit.

Art. 34. Officers and magistrates of all kinds are at liberty to manifest to government the abuses they may observe in those charged with fulfilling these regulations, so that a quick remedy may be applied.

Art. 35. The government after previously hearing the opinions of the Reverend Padres, will arrange matters respecting the expenses of religious worship, and the subsistence of said Padres, either by fixing a stated amount for both objects, or in some other manner which may be more convenient towards attending to their wants.

Art. 36. All prior regulations and orders conflicting with the present are annulled; and if any doubt occurs respecting their observance, the government will be consulted through the established channel.

Art. 37. During the defect or temporary absence of the Mayordomos, the Reverend Padres will, in the mean time, take charge of the establishments.

[Translation.]

EXHIBIT X.

PETITION MADE TO THE SUPREME GOVERNMENT BY THE MOST ILLUSTRIOUS SEÑOR BISHOP OF THE CALIFORNIAS, IN HIS COMMUNICATION OF THE 7TH INST., AND A PRIVATE LETTER OF THE SAME DATE.

From the time the temporalities they created and augmented with their personal labor and their stipends, were taken away from the missionaries, the seculars and their attendants, and amongst them some with whom I am acquainted, to whom could not be trusted even a small quantity, entered into the possession of the property of the Missions, the destruction of said property in such hands is already understood.

There should exist in the Ministry of your Excellency, reclamations which I have made upon this subject, and where-

upon the General Congress passed a law suspending the ordering the secularization of the Missions, which, as I conceive, up to the present time has not been carried into effect, probably by just considerations of government.

In the next reclamations I made, in the year 1836, I notified the Supreme Government of the evils which the missionaries have to contend with, and not the least among them that the Administradores of the Missions took possession of the houses in which the Fathers were living,—houses built by the Religieuses, and in the construction of which, they invested the stipends which they were receiving, and the labor of their hands. They have been compelled, as I myself can bear witness, to live there as so many bankrupts and with great inconvenience.

They keep in the habitation certain people who some nights, by their intoxication, gambling and dancing, which with shame the neophytes are witnessing, disturb their rest! Verily unsupportable! What a miserable life for a few devoted Religieuses, and so much so that many of them have contemplated the abandonment of the Missions, and seek the peace and tranquility of their minds in retirement! Tormenting life, that dissuaded many from going to the Missions, not to expose themselves to so much suffering and disregard for their character! I do not wish it to be believed from this that I wish the delivery of the temporalities to the Religeuses to be carried into effect.

I well know, and I have already communicated it to the government, that within a short time there will be nothing of the property of those opulent Missions, which the Administradores received when the Fathers delivered them over. What I desire is, that for the new Missions that may be established, some legislation may be taken to prevent the recurrence of such flagrant disorders.

Otherwise, what Missionary Father is there who may wish to labor to increase the property of the unhappy Indians, if experience teaches him to know that they are to be taken away from their legitimate owners, and delivered to others to enjoy, without having cost them any anxiety or labor? Who is the Religeuse that would desire to build a house, or plant an orchard for his recreation and comfort, if he has seen that they

are to be taken away from him, and are taken possession of by men who before have been supported by alms from the said Missionaries, and that the señors unexpectedly move and the unhappy Fathers have to live at their own expense?

What I insist on, and will always insist, is that the houses and orchards which they or their predecesors have made, which are contiguous to and in immediate communication with the churches, remain to the benefit and use of the missionaries. The Administradores, as they have at their disposition the Indians and property of the Missions, can build a house for them and leave the Fathers in peace and quietude. I deem this measure of so great necessity, that if it is not adopted, there will not be any one who will desire to go to serve the Missions. From the present time I lay the matter before the Supreme Government, and if it is a measure so necessary for the Missionaries, what shall be said with respect to the Bishop? It would be a deplorable thing that meanwhile he erects his house, he should have no place in which to collect his family, or where to put his students and ministers, neither where to commence his seminary.

Therefore then, I pray the Supreme Government:

1st. That an order be issued, (which I will bear), for the delivery of the houses and orchards of the Mission to the Missionaries, and that in the interim, that San Diego or that of San Luis Rey may be occupied by the Bishop and his attendants, together with the Missionary Father, until the Bishop can build his Episcopal house, and the edifice for his seminary.

2d. As it might be anticipated the Administradores refuse the Fathers the services of the Indians, and this even when offering them liberal pay. This demands another disposition of the Supreme Government, in order that I may be furnished servants with equitable and not arbitrary salaries. At the same time, I pray that the lands upon which to build my church, my house, and my seminary may be given me.

3d. The Supreme Government is well apprised that I have in my Bishopric no other clergy besides the Fernandines, Zacatecans and Dominicans Religieuses of the Province of Mexico, and if the Prelates of these orders should deprive us of

their subjects I would not have any one with whom to fill their places for the present.

As I have been informed the Provincial Father of Santo Domingo intends or contemplates withholding, from the Religieuses his subjects, the powers which as Missionaries in their order they are enjoying; and this measure would tend a great deal to induce the former to leave, and prevent others from going to the Missions,—and it should extract from the consideration that the sacrifices which they make are unprofitable to them and their religion.

Wherefore I pray the Supreme Government to notify the Rev. Provincial Father not to make any innovation and that the Missionaries continue as they are until the Bishop shall have clergymen to occupy their places, and till they may be able to devote themselves to the triumphant conversions. I also desire the Government to commend me to the Rev. Guardian Fathers of Guadalupe of Zacatecas and San Fernando, in order that they may supply me with Religieuses, and that if any desire to accompany me, it may not be forbidden them.

4th. The Supreme Government asked the Holy Pope through our Messenger to Rome that I should be permitted to carry to my Bishopric, as many clergymen (Sacerdotes) as should desire to accompany me, and should meet my approbation without their respective Prelates being able to prevent it. This authority did not come among those I have in my possession. I would desire therefore that this particular be laid before Señor Montoyo, and that meanwhile the government may be engaged with the parties when any one, whether of the secular or regular clergy shall give notice thereto of his desire to accompany me and I manifest my approbation to government.

5th. As the conversion of the heathen and the propagation of the faith, is one of my principal objects, it is indispensable that I have an agency for the accomplishment of my desires. The Colleges approved by the Republic, except that of Guadalupe and of Zacatecas, are failing, and this is scarcely able to protect the ten Missions now under my charge. I therefore, believe it to be necessary to permit me to establish a Board of Missionaries in my Bishopric, that these may continue forming

new Missions or Parishes, and I pray the government, through our messenger to Rome, to supplicate the Holy Pope that I may proceed, although with but one Religieuse, to the foundation in order that the latter may confer habits and professions upon those who may desire to dedicate themselves to the all important conversion of the heathen. Likewise I request that the island called Los Angeles, be given for the location of this College, or some other tract of land suitable for the purpose.

6th. The girls, generally, have suffered the want of the education and instruction necessary to make them useful in society. Therefore I desire to establish at the place of my residence, a Female College, for which I need an adequate tract of land.

7th. By an anomaly which I did not understand, the tithes have been collected in my Bishopric on behalf of the civil government of Sonora. These authorities should be prohibited from doing this, so that the faithful may be at liberty to give them, henceforth, to the Church, which although small, will assist in the grand schemes of public beneficence that I have formed.

8th. The government burdened the charitable fund of my church by a loan which it made to Señor Teran of seventy thousand dollars, at the ruinous interest of two per cent. per month. The government obligated itself to pay (as I am informed) upwards of two hundred dollars daily, for the purpose of extinguishing this onerous debt. For a short time it fulfilled this promise, and afterwards it has left it against the fund which in order not to lose its threatened capital, upon the same conditions of the loan, has been making sacrifices to fund the debt, as well as to pay the monthly interest. Under the circumstances the said fund has become destitute of the *arbitrios* of giving the stipends to the Missionaries, whose drafts are funding, and unable to render me any assistance in the expenditures which I should make to proceed to my Diocese, which as your Excellency is well aware are great. It is, therefore, just, that I ask the government to provide some means to settle the debt of Señor Teran immediately, in order that the fund may remain unembarrassed.

I neglected to mention in my communication, that I desire

to locate my edifices, or rather to form a settlement on a rancho situate in front of San Diego, as well for the conveniences thereof for water and wood, as for not being littoral and exposed to the invasion of any pirate. Moreover its climate is very good. If the government should desire to have a military force there, it would be of the greatest importance to the communication with Sonora, because it would repress the Indians from the Rio Colorado, and it would also be very important in any attempt to subdue these miserable beings, and to their temporal and spiritual happiness. I am persuaded that the communication with the interior of our Republic, by this means would be facilitated, and the government would have more frequent intelligence from this Department.

[Signed,] F. FRANCº.,
Obispo de Californias.

[Translation.]

EXHIBIT XI.

MINISTRY OF THE INTERIOR.

Most Illustrious Sir:—Having placed the communication of your Most Illustrious Worship, of the 17th inst., before his Excellency, the President, and having examined everything set forth therein, in order that you may fulfill your responsible duties as Bishop of California, he has been pleased to decree in conformity with everything asked in the said communication, and also that which you solicited in a separate letter of the same date, to the extent of the prerogatives of his Excellency, and in conformity with the Decree of the General Congress of Nov. 7, 1835, which provided that the Missions remain in the state in which they existed prior to the law of August 17, 1833, for which purpose an order is issued from this Ministry to his Excellency, the Governor of California, to restore, without delay, by means of the subaltern authorities, to the Missionary Fathers, the possessions and property which were under their administration for the conversion of the heathen.

In contestation, I communicate to your Most Illustrious Worship.

God and Liberty. Mexico, November 17, 1840.

[Signed,] MARIN.

Most Illustrious Señor, Bishop of the Californias:—At the solicitation of the Señor Bishop of California, I hereby certify that the signature affixed to this document, is that of the Minister of the Interior at the said date, Señor Marin, according to other official documents that I have seen from said person.

San Francisco, December 20, 1851.

[L. S.] [Signed,] SCHLEIDEN,

Mexican Vice-Consul for San Francisco.

Vice Consulate of the Mexican Republic in San Francisco.

I, George Fisher, Secretary to the U. S. Land Commissioners to ascertain and settle private land claims in California, hereby certify the foregoing to be a true and correct translation of "Exhibit No. II, P. L., annexed to the deposition of José Miguel Gomez, Dec. 29, 1854," Joseph S. Allemany *v.* The United States, now on file in this office.

In testimony whereof, I have signed my name at office, at the city of San Francisco, California, this 27th March, 1855.

GEO. FISHER, Secretary.

[Translation.]

EXHIBIT XII.

NOVEMBER 7, 1840.

His Excellency, the President, has been pleased to decree, in conformity with everything the Reverend Bishop of the Californias has petitioned in this communication, to the full extent of his authority and in comformity with the Decree of Congress of the 7th November, 1835, which ordered the Missions to be restored to their former condition; for which pur-

pose, a general order shall be issued to the Señor Governor of the Californias, for the restoration, by means of subaltern authorities, without delay or impediment of the possessions and property used by them under their administration for the conversion of the heathen to the Missionary Fathers, and this and all other orders issued in attention to the petition of the Reverend Bishop, shall be placed in the hands of his Grace, for his greater success; and another order shall be delivered to him for the Governor, to render him assistance in whatever may pertain to the establishment of the Bishopric. And so far as respects the lands, whether they now are or have been, in the possession of the Missions, let an *oficio* issue to the Board of Directors of the Bank for the purpose of conferring with his Grace, so far as it may be consistent with his well-known charity, upon whatever may facilitate his petitions, and he will manifest the amount of the deficiency of the *arbitrios* of the Bank to the government, that it may initiate into the legislative power, or that it may be disposed of as by law provided, and let the Reverend Bishop be replied to by this Decree.

A copy. Mexico Nov. 21, 1840.

S. YTURBES.

Mexico, October 8, 1852. Conformable.

[Signed,] JOSE MARIA DURAN.

I, the First Clerk of the Department of Relations, certify the foregoing to be the authentic signature of Señor Don José Maria Duran, First Clerk of the Department of Justice.

[Signed,] I. MIGUEL ARROYO.

[Translation.]

EXHIBIT XIII.

INSTRUCTIONS AND POWERS OF MICHELTORENA.

Under date of the 11th of February, 1842, the Minister of War says what follows:

Most Excellent Sir:—His Excellency, the President *ad inter-*

im, being desirous that the Department of California should take advantage of all the resources which it possesses, for its prosperity for placing itself in a state of defense, and for acquiring that happiness which nature itself invites her to take possession of; and bearing in mind the disturbances which have taken place in the country, and which, on account of the distance, the National Government has not been able to avoid; the situation in which Y. E. will be placed, and the measures which you will have to adopt, and which will produce the desired effect, if you wait for the proper time to put them into execution, for there are matters which do not admit of the least delay, and in the persuasion that Y. E. will not abuse your powers, but that you will exercise them for the welfare and the service of all the inhabitants of that interesting and fertile department which the Supreme Government has placed under your charge and responsibility, he (the President) has been pleased to grant to the Y. E. over and above the attributions assigned to you by the existing laws and regulations, as Governor, Commandant General and Inspector, all the powers which the Supreme Government can confer upon you, in order that by virtue thereof you may remove from office all such civil and military officers dependent on said government who shall not fulfill their duties, or act up to the confidence reposed in them by the same, and fill their situations by appointing worthy citizens who shall take their places and enter upon their duties; but with the understanding, nevertheless, you report to government the motives of your proceedings for its approbation. The views of the Supreme Magistrate do not only refer to Upper California but extend likewise to Lower California, where certain seditious movements have appeared, which being fomented by hidden enemies it has caused some foreigners to take part, when their very quality of foreigners prohibits them from intermeddling in domestic strife; and, as the President is resolved to protect the troops, authorities and citizens of said Peninsula, he has determined that your military command shall likewise extend to Lower California, as well as the civil command, separating it from Sinaloa; and the Commandant General of the Department of Sonora and Sinaloa will continue to furnish you with the resources and assistance which you may

require for the purpose of securing peace, furnishing the troops, providing for the wants of the citizens, and enabling you to provide for the prosperity and happiness of the whole Department. Although the 1st Article of the law of 2d of February, 1839, derogated the articles of that of the 18th of February of the same year, which subjected the subordination of the staff of the army, and the 13th Article of the first mentioned decree merely leaves the Commandant General of the East and West with the former attributions of Inspector which they possessed in the companies of Presidios,—his Excellency, the President, has determined that your powers shall extend as Inspector to the permanent Battalion of California, and that you take charge of all the mechanism thereof and report to the staff of the army.

You will become acquainted with the good or bad management of the maritime Custom House of both Californias; you will have to examine the situation of all the Missions, with respect to their management, improvement and state of accounts; you will have to proceed to the inspection and reorganization of the Companies of Presidios, and in all cases (were you not to act), the evil would have to remain until government could resolve.

The Supreme Government, trusting in your justice and activity, desires that you should meet with no obstacles, and therefore the powers conferred upon you are made extensive to those branches, and to all others which may conduce to the welfare of the country, including many others, the administration of the Post-Office Department, colonization, the establishment of Presidios, the improvement of ports, the safety of towns, the civilization of wild Indians, the education of youth, the opening of the roads, the furtherance of the arts, the protection of agriculture and commerce, the establishment of houses of correction, and the establishment of towns.

You know the views of the Supreme Government, and are well aware, that being a friend to improvement, it merely desires the union of Mexicans, and that the community in general may enjoy the protection of the laws, be obedient to their authorities, understand that it is our duty to procure the welfare of every one and avoid that all others be injured. I therefore

will not detain myself by recommending you to propagate these principles, and will merely mention, that when the Supreme Magistrate dictated his instructions, he wished to manifest to you his esteem, and the importance of the command he has confided to you, and to assure the inhabitants of California that the present administration desires their happiness, disavows all apathy, and is ready to impart to that Department all the resources which it may desire, and be able to furnish it.

I communicate this to Y. E. for your satisfaction.

God and Liberty. Mexico, 11 February, 1842.

TORNEL.

To General Don Manuel Micheltorena.

I certify that the foregoing copy is the same as the one that was copied from the original, when I was in charge of the Governor's Secretaryship.

[Signed,] MANUEL JIMENO.

MONTEREY, July 6th, 1850.

[Translation.]

EXHIBIT XIV.

PROCLAMATION OF GOVERNOR MICHELTORENA CONCERNING MISSIONS.

Manuel Micheltorena, General of Brigade of the Republic, Adjutant-General of the Plana Mayor, Governor of the same, Commanding-General and Inspector of both Californias.

It being one of the ample or complete instructions or orders, with which is invested the undersigned General and Governor, viz: to examine into the situation of all the Missions in his government at the present moment, their prospects and resources, in order to regulate them, and the Supreme National Government having transmitted all its powers, according to the supreme order made February 11, 1842.

On deliberation, and with the assent of the Most Reverend Fathers, Fray, José Joaquin Jimeno, Fray, José Mª. de Jesus Gonzalez Rubio, who have been made personally to appear before the government, as Presidents of other Missions, as well

as in the name of, and to represent the Most Rev. Father, Presidential Vicar, the absent Fray, Narciso Duran, being fully impressed with, and having well reflected upon all things requisite.

That the vast and immense landed property formerly belonging to the Missions, had been scattered or partitioned out to individuals, which at the epoch it was done was caused by the exigencies of the country. That the pious and charitable institutions of social order for the conversion of the savages to Catholicism and to an agricultural and peaceful life, are reduced to the huertas and inclosures of the churches and buildings.

That the Most Rev. Ecclesiastics have no support but charity, and that the divine religion not prospering, barely sustains itself.

That the Indians naturally lazy, from additional labor, scarcity of nourishment and in a state of nudity, having no fixed employment or appointed Mission, prefer to keep out of the way and die impenitent in desert woods, to escape a life of slavery, filled with all privations and without any social joys.

That this continued emigration of the natives from the service of individuals to that of Missions, and from that of the Missions to that of individuals, or to the woods, retards more and more agriculture, and frightens off, instead of drawing together the Gentiles from without the pale of our Holy Religion.

That in the administration of the Missions, there have been committed some frauds and notorious extravagance, which every inhabitant of California laments.

That as there is no other method of reanimating the skeleton of a giant like the remains of the ancient Missions, without falling back upon experience and fortifying it with the levers of Civil and Ecclesiastical power.

Now, everything well considered and naturally reflected upon, I have determined to decree the following articles:

No. 1. The Government Departmental, decrees to be "delivered up or restored" to the Most Rev. Fathers (who shall name the Ecclesiastic to be placed respectively in charge) the Missions of—

SAN DIEGO,	SAN JUAN CAPISTRANO,
SAN LUIS REY,	SAN GABRIEL,
SAN FERNANDO,	SAN BUENAVENTURA,
SANTA BARBARA,	SANTA CRUZ,
SAN ANTONIO,	LA PURISIMA,
SAN JOSÉ,	SANTA CLARA.

Which shall continue for the future, to be governed by the Most Rev. Fathers (they taking charge of the natives) in the same manner as they were before.

No. 2. The government considers what has been done to this date as irrevocable, the Missions can reclaim none of the lands granted prior to this date; and in reclaiming the cattle, chattels and instruments of agriculture loaned by the Rev. Fathers, Curators or Superintendents, they shall grant sufficient time and arrange with the debtors or holders, amicably.

No. 3. They shall likewise take care to collect the scattered neophytes or converts. First, those lawfully exempted by the Supreme Departmental Government. Second, those who at the date of this decree are provided for by individuals, it being however understood, that if any of both classes, wish and prefer to return to their respective Missions, they shall be admitted and received with cognizance of the masters and the Most Rev. Missionaries.

No. 4. The Departmental Government, in whose possession up to this day have been the Missions, in virtue of the most ample powers with which it is invested, and referring to the aforesaid considerations, authorizes the Most Rev. Fathers to apply the products of the Missions to the necessary expenditures of the reduction, food, clothing and other temporal wants of the Indians; and they shall likewise take from the same fund their own support, for the salary of the Mayordomo, and for the support of the divine religion, under the condition that they shall remain obligated by their word of honor and conscience, to deliver to the Treasury, upon notice to the Rev. Fathers, of this government, and the express order, in writing, of the undersigned Governor, Commanding General and Inspector of relief, sustenance and clothing of the troops and observances of the civil employees, the *eighth part* of the whole annual produce of every kind; keeping for the guidance of its Ecclesias-

tics a true and exact account at the end of the year, of the number of their converts, possessions real and personal, and of every description of produce or its corresponding value, which may belong to such Mission.

No. 5. The Departmental Government, which glories in religion as well as the whole of California, and in the same manner being interested as well as all and every one of the inhabitants of both Californias in the advancement of the Holy Catholic Faith and in the prosperity of the country, "dedicates itself," (or places at the disposition of "all its power,") in aid of the Missions, and in quality of General, commanding, the power of its arms, to protect and defend and sustain them, and in the possession and preservation of all the lands they may hold from this day, they shall be the same as the possessions and guarantees enjoyed by private persons, binding itself to make no new grants without the information of the respective authorities of the Most Rev. Ministers, notorious non-occupation, non-cultivation, nor necessity.

Dated 29th day of March, 1843.

MANUEL MICHELTNA.

FRANCISCO ARCE, Secretary.

[Translation.]

EXHIBIT XV.

ACT OF DEPARTMENTAL ASSEMBLY.

IN EXTRA SESSION, August 24, 1844.

The report of the Committee on Landed Property and War, instructed to point out the means of which the government might avail itself to defray the expenses of the war with which the country is threatened by a foreign nation—in which report are five articles in relation to the Missions of Upper California, as the only available resources under existing circumstances—having been taken under consideration, the five articles named were debated *seriatim*, and unanimously approved, it being decided that the original of the report referred to, should be

recorded among the acts of the present session, a copy thereof being given to the Governor of the Department for his information, to be published when he should deem proper, in order to prevent abuses in these matters.

MOST EXCELLENT ASSEMBLY:

The special committee appointed to report with regard to the means which are presented in the communication of the Governor of the Department of the 12th inst., for the subsistence of the auxiliary forces raised by him in consequence of the probability of a war between our nation and the United States of the North, states that it has considered the subject with the greatest attention, and that in weighing its reflections it has not been able to decide; but taking into view the critical situation of the country, threatened with the loss of her rights and liberty, and looking to the exhausted condition of the national treasury and the necessity of finding out means of security and defense, the only safe course pointed out by the committee to reduce the demands upon the government for that object, is to have recourse to the Missions, as well because they are going to ruin, being entirely out of employment, as because they should be regarded as the property of the nation, after providing suitably for their respective neophytes. It presents for your deliberation the following articles:

1. The Superior Government of the Department may expose to sale, hypothecate, or lease the property, chattels and cultivated lands of the Missions of Upper California, including the extent from San Diego to Sonoma, and dispose of them to defray the expenses of the war, their respective legal debts being first paid out of the price they may bring.

2. The Mission of Santa Barbara, which shall exist as an episcopal palace, its neophytes being taken care of; that of Santa Ynez, as a college of instruction in the higher branches of study for the youths of California; and whatever else the government shall reserve for the national crops necessary for the subsistence of the troops, shall be excepted.

3. The government shall fix the time, manner and form, in which the said sale, hypothecation, or leasing, is to be effected,

and shall order a prudent division of such of the movable property as is most useful among the neophytes, respectively, giving them lands.

4. The government shall have power to except entirely the debts which some private individuals owe to the said Missions, and dispose of them for the same object as the rest, of which the first article speaks.

5. The Missions, when sold, shall hold thereafter the character of villages; and those which are hypothecated or rented, if they be occupied by the government, as departmental property—it being provided in the regulation which is made that what is proper—shall be set apart for its support, the emoluments of the Right Reverend Fathers, proper public worship and the spiritual aid of the villages.

DAVID SPENCE,
PIO PICO,
NARCISO BOTELLO.

MONTEREY, August 24, 1844.

[Translation.]

EXHIBIT XVI.

ACT OF DEPARTMENTAL ASSEMBLY, 21ST APRIL, 1845.

Pio Pico, Senior Vocal of the Honorable Assembly and Governor *ad interim* of the Department of the Californias, to the inhabitants: Know ye, that the Excellent Departmental Assembly has convened and decreed the following:

1. The government, with the least delay, will demand exact information of all the persons having charge of the Missions in order that they may give it truthfully of active and passive debts, showing the resources they have to pay the passive ones.

2. The government, from the publication of the present decree, will suspend until a convenient time the granting of the lands immediately contiguous to the Missions, considering that some of them are indispensable or reserved and appropriated under the class of common lands.

3. Likewise, the government will suspend hereafter the giving to the civilized Indians any free letter, until some deci-

sive measures may be taken upon the footing on which the Missions must remain.

4. The government will direct the information to the Rev. Father Prefects, in order through them, that these Prefects may direct to the Reverend Fathers in whose charge are the Missions, in order that they may restrain any sale of the useful moveables of the establishments under their charge; likewise such other things as are necessary to them. Let it be understood by the Governor of the Department that he will dispose, that it will be complied with, published and circulated.

Hall of Sessions of the Honorable Assembly of California, April 21, 1845.

PIO PICO, President.

AGUSTIN OLVERA, Secretary.

In order that it may come to the notice of every person, I order its publication and circulation in the towns under my jurisdiction, posting it in the accustomed places.

Given in the city of Los Angeles, Capital of the Department, on the 21st of April, 1845.

PIO PICO.

JUAN BANDINI, Secretary.

[Translation.]

EXHIBIT XVII.

DECREE OF THE DEPARTMENTAL ASSEMBLY OF MAY 28TH, 1845, RESPECTING THE RENTING OF SOME OF THE MISSIONS, AND CONVERTING OTHERS INTO PUEBLOS, ETC.

Article 1. The Departmental Government shall call together the Indians of the Missions of San Rafael, Dolores, Soledad, San Miguel and La Purisima, which are abandoned by them, by means of a proclamation, which it will publish, allowing them the term of one month from the day of its publication in their respective Missions, or in those nearest to them, for them to reunite for the purpose of occupying and cultivating them; and they are informed that, if they fail to do so, said Missions will be declared to be without owners (*mostrencas*), and the As-

sembly and Departmental Government will dispose of them as may best suit the general good of the department.

Art. 2. The Carmelo, San Juan Bautista, San Juan Capistrano and San Francisco Solano shall be considered as pueblos, which is the character they have at present; and the government, after separating a sufficient locality for the curate's house, for churches and appurtenances, and court-house, will proceed to sell the remaining premises at public auction in order to pay their respective debts; and the overplus, should there be any, shall remain for the benefit and preservation of divine worship.

Art. 3. The remainder of the Missions as far as San Diego, inclusive, may be rented out at the option of the government, which will establish the manner and form of carrying this into execution, taking care in so doing that the establishments move prosperously onward. These respective Indians will consequently remain in absolute liberty to occupy themselves as they may see fit, either in the employment of the renter himself, or in the cultivation of their own lands which the government will necessarily designate for them, or in the employ of any other private person.

Art. 4. The principal edifice of the Mission of Santa Barbara is excepted from the renting mentioned in the foregoing article; and the government will arrange in the most suitable manner, which part thereof shall be destined for the habitation and other conveniences of his Grace the Bishop and his suite, and which for the Reverend Missionary Padres who at present inhabit said principal edifice. And likewise one-half of its total rent of the other property of the Mission shall be invested for the benefit of the church, and for the maintenance of its minister, and the other half for the benefit of its respective Indians.

Art. 5. The products of the rents, mentioned in Article 3, shall be divided into three equal parts, and the government shall destine one of them for the maintenance of the Reverend Padre Minister and the conservation of divine worship; another for the Indians; and the last shall necessarily be dedicated by government towards education and public beneficence, as soon as the legal debts of each Mission be paid.

Art. 6. The third part mentioned in the 5th Article as destined for the maintenance of the priests and help towards divine worship, shall be placed at the disposal of the Reverend Prelates, for them to form a general fund, to be distributed equitably in the before-mentioned objects.

Art. 7. The authorities or ecclesiastical ministers, should there be any in the Missions referred to in Article 1, or those in the nearest Missions, or persons who may merit the confidence of government, will be requested by said government to see that the proclamation above-mentioned be published, and to give information immediately whether the said neophytes have presented themselves or not, within the period fixed, in order that, in view of such documents, the necessary measures may be taken.

Art. 8. Government will, in the strictest manner, exact the amount owing by various persons to all the Missions in general, as already ordered by the Most Excellent Assembly in its decree of the 24th August, 1844, and dispose of the same for the object mentioned in the last part of the 5th Article.

[Translation.]

EXHIBIT XVIII.

ACT OF DEPARTMENTAL ASSEMBLY, 28TH OCT. 1845.

OF ALIENATION.

Article 1. There will be sold in this Capital, to the highest bidder, the Missions of San Rafael, Dolores, Soledad, San Miguel and La Purisima, which are abandoned by their neophytes.

Art. 2. Of the existing premises of the pueblos of San Luis Obispo, Carmelo, San Juan Bautista and San Juan Capistrano, and which formerly belonged to the Missions, there shall be separated the churches and appurtenances; one part for the curate's house, another for a court-house and a place for a school, and the remainder of said edifices shall be sold at public auction, where an account of them will be given.

Art. 3. In the same manner will be sold the property on

hand belonging to the Missions—such as grain, produce, or mercantile goods—giving the preference for the same amount to the rentors, and deducting previously that part of said property destined for the food and clothing of the Reverend Padre Minister and the neophytes until the harvest of next year.

Art. 4. The public sale of the Missions of San Luis Obispo, Purisima and San Juan Capistrano shall take place on the first four days of the month of December next, notice being previously posted up in the towns of the department inviting bidders, and three publications being made in the Capital at intervals of eight days one from the other before the sale. In the same manner will be sold what belongs to San Rafael, Dolores, San Juan Bautista, Carmelo and San Miguel on the 23d and 24th of January, next year.

Art. 5. From the date of the publication of these regulations, proposals will be admitted in this Capital to be made to government, which will take them into consideration.

Art. 6. The total proceeds of these sales shall be paid into the departmental treasury, to pay therewith the debts of said Missions; and should any thing remain, it will be placed at the disposal of the respective Prelate for the maintenance of religious worship, agreeably to Article 2 of the decree of the Departmental Assembly.

OF RENTING.

Art. 7. The Missions of San Fernando, San Buenaventura, Santa Barbara and Santa Ynez, shall be rented out to the highest bidder for the term of nine years.

Art. 8. To this end bidders shall be convoked in all the departments, by fixing advertisements in the town, in order that by the 5th December next they may appear in this Capital, either personally or by their legal agents.

Art. 9. Three publications shall be made in this Capital at intervals of eight days each, before the day appointed for the renting, and proposals will be admitted on the terms expressed in Article 5.

Art. 10. There shall be included in said renting all the lands, out-door property, implements of agriculture, vineyards, orchards, workshops, and whatever according to the inventories

made, belongs to the respective Missions, with the mere exception of those small portions of land which have always been occupied by some of the Indians of the Missions.

Art. 11. The buildings are likewise included, excepting the churches and their appurtenances, the part destined for the curate's house, the court-house and place for a school. In the Mission of Santa Barbara no part of the principal edifice shall be included which is destined for the habitation of his Grace the Bishop and suite, and the Reverend Padres who inhabit it; and there shall be merely placed at the disposal of the rentor, the cellars, movables and workshops, which are not applied to the service of said prelates.

Art. 12. As the proceeds of the rent are to be divided into three parts, to be distributed according to Article 5 of said decree the rentor may himself deliver to the respective Padre, Prefect, or to the person whom he may appoint, the third part destined for the maintenance of the Minister and the religious worship; and only in the Mission of Santa Barbara, the half of said rent money shall be paid for the same object, in conformity with the 4th Article of the decree of the Departmental Assembly.

Art. 13. The government reserves to itself the right of taking care that the establishments prosper; in virtue of which it will prevent their destruction, ruin or decline, should it be necessary during the period of renting.

Art. 14. The renting of the Missions of San Diego, San Luis Rey, San Gabriel, San Antonio, Santa Clara and San José shall take place when the difficulties shall be got over which at present exist with respect to the debts of those establishments, and then the government will inform the public: and all shall be done agreeably to these regulations.

ADVANTAGES AND OBLIGATIONS OF THE RENTORS.

Art. 15. The rentors shall have the benefit of the usufruct of everything delivered to them on rent according to these regulations.

Art. 16. Tbe obligations of the rentors are: 1st. To pay promptly and quarterly when due the amount of rent. 2d. To deliver back, with improvements, at the expiration of the nine

years, whatever they may receive on rent, with the exception of the stills, moveables and implements of agriculture, which must be returned in a serviceable state. 3d. They shall return at the same time the number of cattle which they receive, and of the same description, and of such an age as not to embarrass the procreation of the following year. 4th. They shall give bonds to the satisfaction of government before they receive the establishments, conditioned for the fulfillment of the obligations of the rentors—one of which is the payment of the damages which the government may be obliged to find against them, agreeably to Article 13.

OF THE INDIANS.

Art. 17. The Indians are free from their neophytism, and may establish themselves in their Missions or wherever they choose. They are not obliged to serve the rentors, but they may engage themselves to them, on being paid for their labor, and they will be subject to the authorities and to the local police.

Art. 18. The Indians radicated in each Mission shall appoint from among themselves, on the first of January in each year, four overseers, who will watch and take care of the preservation of public order, and be subject to the Justice of the Peace to be named by government in each Mission, agreeably to the decree of 4th July last. If the overseers do not perform their duty well they shall be replaced by others, to be appointed by the Justice of the Peace, with previous permission from government, who will remain in office for the remainder of the year in which they were appointed.

Art. 19. The overseers shall appoint, every month, from among the best of the Indians, a sacristan, a cook, a tortilla-maker, a vaquero and two washerwomen, for the service of the Padre Minister, and no one shall be hindered from remaining in this service as long as he choose. In the Mission of Santa Barbara, the overseers will appoint an Indian to the satisfaction of the priest, to take care daily of the reservoir and water conduits that lead to the principal edifice, and he shall receive a compensation of four dollars per month, out of the rent belonging to the Indians.

Art. 20. The Indians who possess portions of land, in which they have their gardens and houses, will apply to this government for the respective title, in order that the ownership thereof may be adjudicated to them, it being understood that they cannot alienate said lands, but they shall be hereditary among their relatives, according to the order established by the laws.

Art. 21. From the said Indian population, three boys shall be chosen as pages for the priest, and to assist in the ceremonies of the church.

Art. 22. The musicians and singers who may establish themselves in the Missions shall be exempted from the burdens mentioned in Article 18, but they shall lend their services in the churches, at the masses, and the *funciones* which may occur.

OF THE JUSTICES OF THE PEACE.

Art. 23. The Justices of the Peace shall put in execution the orders communicated to them by the nearest superior authority; they will take care that veneration and respect be paid to matters appertaining to our religion and its ministers, and that the 18th and 20th articles, inclusive of these regulations, be punctually fulfilled; they will see that no one be hindered in the free use of his property; they will quiet the little disturbances that may occur, and, if necessary, impose light and moderate correction; and if the occurrences should be of such a nature as to belong to the cognizance of other authorities, they will remit to such authorities the criminals and antecedents.

[Translation.]

EXHIBIT XIX.

ACT OF THE DEPARTMENTAL ASSEMBLY OF THE 30TH OF MARCH 1846, RESPECTING MISSIONS.

Article 1. The government is authorized to carry into effect the object of the Decree of 28th May last, published by this Honorable Assembly, respecting Missions; to which end, seeing the impracticability of renting, mentioned in Article 3

of said Decree, the Departmental Government will act in the manner which may appear most conducive to obviate the total ruin of the Missions of San Gabriel, San Luis Rey, San Diego, and the remainder which are in similar circumstances.

Art. 2. As most of these establishments are owing large amounts, if the property on hand should not be sufficient to satisfy their acknowledged debts, attention shall be had to what the laws determine respecting bankruptcies, and steps shall be taken accordingly.

Art. 3. Should government, by virtue of this authority, find that in order to prevent the total ruin which threatens said Missions, it will be necessary to sell them to private persons; this shall be done at public auction, the customary notice being previously given.

Art. 4. In case of sale, if after the debts be paid, any surplus should remain, this shall be divided among the Indians of the premises sold, government taking care to make the most just distribution possible.

Art. 5. In any case, care must be taken to secure a sufficient amount for the maintenance of the Padres and the expenses of public worship, the government being at liberty to separate a part of the whole establishments, whether in lands for cultivation, landed or other property, at its discretion, which will be sufficient to secure both objects, the respective priest being previously heard and attended to.

Art. 6. The premises set apart according to the foregoing article, shall be delivered as a sale at a perpetual interest of four per cent.; and the proceeds shall be applied precisely to the objects mentioned in said Article 5.

Art. 7. What has hitherto been done agreeably to what was ordained in the Decree of the Honorable Assembly of 28th May before cited, remains in full force; and these presents shall in no manner alter the contracts made and measures taken by government in accordance with said Decree of May, 1845; nor shall they in future put any obstacle in the way of what may be done in accordance thereto.

Art. 8. The government will remove any obstacles not foreseen in this Decree; and in six months, at furthest, will notify this Honorable Assembly of the result of its fulfillment.

[Translation.]

EXHIBIT XX.

ACT OF THE DEPARTMENTAL ASSEMBLY OF THE 31ST OCTOBER, 1846, ANNULLING THE SALE OF MISSIONS AND OTHER ACTS OF DON PIO PICO.

The citizen José Maria Flores, Captain of Cavalry in the Mexican Army, Governor and Commandant-General ad interim of this Department to its inhabitants.

Know ye that the Honorable Departmental Assembly in an Extraordinary Session of yesterday, has decreed the following:

The Most Excellent Departmental Assembly, taking into consideration the urgent necessity of providing resources for carrying on the war against the invading forces of the United States of North America, and finding that the only way of obtaining them in a sure and prompt manner is to solicit a loan, has in this day's session found it expedient to decree the following, viz:

1. The sales of Missions made by Don Pio Pico, as Governor, as well as all other acts done by him on the same subject, beyond his authority, are entirely annulled.

2. His Excelleney, the Governor *ad interim*, is authorized to solicit a loan of such amount as he may consider necessary for the object indicated, it being stipulated that, in accomplishing this act in the most equitable and just manner, he may mortgage one or more of the Missions for the corresponding security.

3. These establishments shall continue with the character of being rented and in possession of the rentors who shall have fulfilled the conditions stipulated in the proclamation upon that subject.

3. The Missions which exist under the circumstances of the preceding article shall suffer no alteration until the term of their lease shall expire, even should they be of those mortgaged; and with respect to the others, the government will take care that the regulations formerly given on the subject be duly complied with.

His Excellency, the Governor *ad interim*, will be made acquainted herewith for his government and further ends.

Hall of Sessions of the Honorable Assembly of California in the city of Los Angeles, October 30, 1846.

FRANCISCO FIGUEROA,
President.

AGUSTIN OLVERA, Deputy Secretary.

JOSÉ MARIA FLORES.

[Original.]

EXHIBIT XXI.

MINISTRO DE INDUSTRIA E INSTRUCCION PUBLICA.

E. S.:—Ha llegado la noticia del E. S. que el Gobierno de ese Departam^to. ha dispuesto sacar a publica subasta todos los bienes pertenecientes a las Missiones del mismo, que el antecesor de V. E. habia mandado devolver a las respectivos Missioneros para el manejo y Administracion de sus temporalidades, en consequencia se ha servido preveniome que ese Gobierno se sirva informar sobre estos particulares suspendiendo desde luego todo procedem^to. en cuanto a enagenacion de los bienes de que se trata, hasta resolucion del Supremo Gobierno.

Tengo el honor de darle a V. E. con los finas indicados protestandole mi consideracion y aprecio.

Dios y Libertad. Mexico Noviémbre 14, de 1845.

MONTESDEOCA.

E. S. Gobernador del Dept'o de Californias, Puerto de Monterey.

[Translation.]

EXHIBIT XXI.

MINISTRY OF JUSTICE AND PUBLIC INSTRUCTION.

Most Excellent Sir:—His Excellency, the President, has received information that the Governor of that department has ordered that the property belonging to the Missions thereof be

put up for sale at public anction, which your predecessor had ordered to be returned to the respective Missionaries for the direction and administration of their temporalities; therefore he has deemed proper for me to say that the said Governor will please to report upon these particulars, suspending immediately all proceedings respecting the alienation of the aforesaid property till the determination of the Supreme Government.

I have the honor to communicate it to your Excellency for the purposes indicated, protesting to you my consideration and esteem.

God and Liberty. Mexico, Nov. 14, 1845.

[Signed,] MONTESDEOCA.

To his Excellency the Governor of the Department of the Californias, Port of Monterey.

[Original.]

EXHIBIT XXII.

MINISTERIO DE RELACIONES EXTERIORES GOBERNACION Y POLICIA.

Pio Pico, Gobernador Constitutional del Departm^to. de Calilfornias:

A sus habitantes sabed, que por el Ministerio de Relaciones Exteriores Gobernacion y Policia se me ha derijido el decreto que signe:

"El Exmo. S^r. Presidente interino de la Republica, se ha servido dirigerme el decreto que signe:

R. y P. el dia 19 y R. á los Juzgados 1° y 2°.

'Mariano Paredes y Arrillaga, General de Division y Presidente interino de la Republica Mexicana:

A los habitantes de ella, sabed—Que considerando que por el estado en que se encuentra la Patria amagada de una guerra extrangera, é invadida una grande y preciosa parte de su territorio, es llegado el caso de obrar con la mayor actividad y energia para repeler las mas iñjusta de las agresiones, recuperar el territorio usurpado, y conservar el lustre y decoro de las Nacion; y teniendo presente que para lograr tan grandiosos

objetos, es de absoluta necesidad affiaznar el órden y la paz interior; usando de las facultades que me concede la cuarta de la adiciones hechas en esta Capital en 2 de Enero del presente Año, al plan proclamado en S. Luis Potosí he tenido á bien decretar lo siguente:

Art. 1°. El Gobierno nombrará los Gobernadores de los Departamentos sin sujetarse á propuesta de las Asambleas por hallarse la Nacion en las circumstancias extraordinarias de que habla el final de la facultad 17 del Art. 134 de las Bases orgánicas.

2°. En los Departamentos en donde por oposicion al actual órden de cosas se hallen disueltas las Asambleas, los Gobernadores respectivo nombraran con aprobacion del Supremo Gobierno las personas que estimen á propósito para formalas, por no ser justo ni conveniente que los Departamentos carezcan de los importantes servicios que deben prestarles esas corporaciones.

3°. Con igual objeto se faculta á los Gobernadores para organizar los Ayuntamientos en los puntos donde estuvieren disueltos.

4°. Se recuerda á los Gobernadores de los Departamentos para su puntual observancia la circular de 24 de Diciembre del año proximo pasado, en que se les transmitió la ampliacion de facultades concedidas al Ejecutivo por el decreto del Congreso, fecha 21 del mismo, conforme al Art. 198 de las Bases organicas.

5°. Se faculta á los Gobernadores de los Departamentos para que en casos extraordinarios obren espeditamente, y con la debida justificacion para sa varlos grandes intereses de la independencia é integridad del territorio nacional, y para asegurar la tranquilidad y el órden público, sin los cuales no pueden sostenerse aquellos inestimables bienes.

Por tanto, mando se imprima, publique, circule y se le dé el debido cumplimiento.

Palacio Nacional de Mexico, 13 de Marzo, de 1846.

MARIANO PAREDES Y ARRILLAGA.

A D. Joaquin Maria Castillo y Lanzas."

Y lo comunico á V. para su inteligencia y fines consiguientes.

Dios y Libertad. Mexico, 13 de Marzo de 1846.

CASTILLO LANZAS.

E. S'r Gobernador del Dep'to de Californias.

Y para que llegue a notiesa de todos mando se, publique por bando en todos los Pueblos del Departamento se circule á quienes corresponda y se fije en los parages públicos acostumbrados.

Dado en el Puerto de St^a. Barbara á 4 de Julio de 1846.

PIO PICO.

JOSE MATIAS MORENO, S'crio.

[Translation.]

EXHIBIT XXII.

MINISTRY OF FOREIGN RELATIONS, GOVERNMENT AND POLICE.

Pio Pico Constitutional Governor of the Department of the Californias:

To the inhabitants thereof:—Know ye, that the following decree has been directed to me by the Minister of Foreign Relations, Government and Police:

"His Excellency, the President *ad interim* of the Republic, has been pleased to direct me the following decree:

'*Mariano Paredes y Arillaga, General of Division and President of the Mexican Republic:*

To the inhabitants thereof. Know ye:

That, viewing the condition in which the country finds itself threatened with a foreign war, the time has arrived to act with the greatest activity and energy, to repel the most urgent of aggressions, to restore the usurped territory, and to preserve the glory and honor of the nation; and sensible for the accomplishment of objects so grand it is necessary to secure order and peace within, in the exercise of the powers vested in me by the 4th of the additions made in this capital on the 2d of Jan-

uary of the present year to the plan proclaimed in San Luis Potosi, I have thought proper to decree the following:

1st. The government shall appoint the Governors of the departments, irrespective of those proposed by the Assemblies, in consequence of the nation being placed in the extraordinary circumstances to which the last clause of the 17th power of the 134th article of the organic law.

2d. In those departments where, in consequence of the present state of things, the Assemblies are dissolved, the respective Governors, with the approval of the Supreme Government, shall appoint such persons as they may deem competent to compose them, it not being just or convenient that the departments suffer the want of the important services which those bodies should render them.

3d. For a similar purpose the Governors are authorized to organize the Ayuntamientos wherever they may have been dissolved.

4th. The attention of the Governors of the departments is called to the circular of the 24th December of last year past for the punctual observance thereof, wherein is conferred upon them the extension of the powers granted to the executive by the decree of Congress, dated the 21st of the same month, in conformity with the 198th article of the organic law.

5th. The Governors of the departments are authorized to act expeditiously in extraordinary cases, and with the due justification to serve the great interests of the independence and the integrity of the national domain, and to secure tranquility and public order, without which these inestimable blessings cannot he sustained.'

Therefore, I command that it be printed, published, circulated, and that the due obedience thereunto be rendered.

National Palace, Mexico, March 13th, 1846.

[Signed,] MARIANO PARADES Y ARRILLAGA.

To Don Joaquin Maria Castillo y Lanzas."

And I communicate to you, for your information and consequent purposes.

God and Liberty.

[Signed,] CASTILLO LANZAS.

To His Excellency the Governor of the Californias.

And in order that it may come to the notice of all, I order it to be published by proclamation in all the pueblos of the department, that it be circulated to those to whom it belongs, and that it be posted up in the usual public places.

Given at the port of Santa Barbara, July 4, 1846.

[Signed,] PIO PICO.

[Signed,] JOSE MATIAS MORENA, Secretary.

[Original.]

EXHIBIT XXIII.

SESION DEL DIA
30 de Marzo, de 1846.

Aprovada la acta del dia 23 de Marzo, se le dio lectura al dictamen de la comision de Misiones haciendo algunas observaciones en su parti es positiva relativas al projecto de decreto presentado por el Señor Bandini en la sesion anterior que trata de Misiones concluyendo la comision con la peticion seguiente: Pide que se ponga a discusion el projecto del Señor Bandini en los mismos terminos que este consibida protestando el presente de dicha comision que no puede dar su voto en favor por no ser conforme con su modo de pensar y pedido por el Señor Figueroa se le dispense la segunda lectura admitido, y entendido el voto particular del Señor Argüello que dice. No conveniendome con el segundo parrafo de la parte es positiva, sujeto mi voto particular a la discusion, a la que se puso la proposicion mencionado del Señor Bandini la cual concluye con los articulos seguientes.

1°. Se autoriza al Gobierno para que haga efectivo el objeto del decreto de 28 de Mayo del año p°. p°. espedido por este Honorable Asamblea relativo á Misiones: y a cuyo fin en lo impracticable del arriendo prevenido en el art° 3° de dicho decreto el Gobierno del Departamento obrara de modo que crea ser mas conveniente para evitar la ruina total de las Misiones de San Gabriel, San Luis Rey, San Diego y las demas que se hallan en iguales circumstancias, sin discusion fue aprovado.

2°. Como los demas de dichos establecimientos tienen grandes creditos en ser contra, si sus existencias no fuesen suficientes á

cubrir sus deudas calificadas se tendra presente lo que disporner las leyes con respecta a quiebras y se procedera conforme a ellas sin discusion fue.

3°. Si de la autorizacion del Gobierno resultan que este, pa evitar la total destruccion á que caminan las dichas misiones determinase la venta de ellas a particulares, se verificara a remate publico presendiendo los avisos acostumbrados, sin discusion fue aprovado.

4°. En caso de venta despues de satisfechas las deudas si hubiese sobrante se repartira á los indios de la comunidad de la finca vendida valiendose el Gobierno del modo que sea mas compatable á la justa distribucion sin discusion quedo aprobada.

5°. En todo casa siempre se tendra presente asegurar lo necessario á la subsistencia de los Padres Ministros y gastos para la conservacion del culto divino, pudiendo el Gobierno determinar una parte del total, ya consista in tierras de lavor bienes raices u otras que a juicio del Gobierno oyendo y atendiendo a los religiosos respectuosos aseguren ambos objectos, sin discusion fue aprobada.

6°. Las fincas que se determinen conforme al presedente Art°. seran entregadas como en venta asenso perpetua al cuatro por ciento. Este producto previamente sera aplicable a lo que previene el mismo articulo 5°. sin discusion fue aprobada.

7°. Quedo en todo su valor y fuerza lo practicado hasta ahora segun lo despueso el decreto de la Honorable Asamblea de 28 de Mayo citado y el presente en nada altivará los contratos y disposiciones tomadas por el Gobierno con arreglo al propio decreto de Mayo de 1845, ni para lo subsesivo impedira lo que se pueda practicar conforme a el sin discusion fue aprobada.

8°. El Gobierno salvará los inconvenientes que no se hayen podido pruver por el presente decreto y a lo mas dentro de seis meses nuentras dure se *su ejecucion* dara cuenta a esta Honorable Asemblea de los resultados en su cumplimento sin discusion fue aprovada.

Y no habiendo otra cosa de ocuparse por hoy se levanto la sesion a que no asistieron los Señores Abrego por hallarse infermo, Botello por tener licencia y Noriega ausente en comision del Gobierno Departamental. Entre renglones "dure" vale.

PIO PICO, Presidte.

AGUSTIN OLVERA, S'rio.

[Translation.]

EXHIBIT XXIII.

SESSION OF
30th of March, 1846.

The Act of 23d of March was approved, when the report of the Committee on Missions was read; they made several remarks in connection therewith, touching the objects of the decree presented by Señor Bandini in the preceding session in regard to the Missions, and concluded with the motion that the question presented by said Bandini, be fully discussed on the basis in which it was presented—saying that under the present aspect of the question, they differed in opinion as there set forth. It was then moved by Señor Figueroa, that the second reading of the aforementioned report of said Committee on Missions be dispensed with, which was approved. Señor Arguello then said that, not agreeing with the matters expressed in the second paragraph of the report, he gave notice that his vote would be withheld until after discussion of the whole subject, and thereupon moved that the proposition mentioned by Señor Bandini, which concluded with the following articles, be so discussed.

1st. The Executive of this Department is hereby authorized to carry into effect the objects of the decree of 28th of May of last year, passed by this Honorable Assembly, relating to Missions,—that, where it was impracticable to rent them, as provided in Article 3 of said last mentioned decree, said Executive should proceed in what it believed to be the most efficient manner to obviate the total ruin of the Missions of San Gabriel, San Luis Rey and San Diego, as well as all others that were in the same situation,—which was approved without discussion.

2d. That, as the other remaining establishments are largely indebted, and where the present amount of property belonging to the same should be insufficient to liquidate all the qualified debts thereof, that then proceedings be had in conformity with law concerning insolvents, which was approved without discussion.

3d. That if by the authority hereby conferred the Governor should find it necessary to prevent the total destruction to which said Missions are tending he shall determine to sell them to private individuals, it shall be done at public auction, giving the usual notice thereof, was without discussion approved.

4th. In case of sale after the debts have been satisfied, should there be any surplus remaining therefrom, it shall be divided among the Indians of the establishments so sold—the Executive having the right to prescribe the manner in which the distribution shall be made, most compatible with justice, which was approved without discussion.

5th. In all cases it shall be necessary to secure the subsistence of the Reverend Fathers, and the expenses of divine worship, for which the Executive shall be empowered to set apart a portion from the property for that purpose, either in arable lands, other real estate, or property of any other kind, which in his opinion shall be best—after having heard and considered the wants of the priests—was best to secure both objects, which was affirmed without discussion.

6th. The establishments that may be disposed of agreeably to the preceding article shall be delivered as a sale absolute and in fee simple, and four per cent. of the same shall be applied as provided therein, was approved without discussion.

7th. The decree of 28th May of last year passed by this Honorable Assembly shall remain in force,—and the present decree shall in no manner alter any contracts or disposition of the same made by the Executive in conformity with said decree of 28 May last, nor shall it hereafter impair in any manner anything done in conformity thereto, was without discussion approved.

8th. The Executive will reserve the right to obviate all inconveniences that may arise within the present decree which cannot now be foreseen, and that within six months after sales he shall report the same to this Honorable Assembly, the results touching this decree—which was without discussion approved.

There being no other matter to occupy the Hon. Assembly this day, it thereupon adjourned. There being absent Señor

Abrego, for sickness, Señor Botello, excused, and Señor Noreiga absent on business of the government.

AGUSTIN OLVERA, Secretary. PIO PICO, President.

[Original.]

EXHIBIT XXIV.

SESION DEL DIA
8 de Abril, 1846.

Aprobada la acta del dia —— se dio cuenta con una comunicacion oficial del Señor Vocal, Don José Abrego, como contestacion á la y con fecha, 6 de Mzo, se le paso por la corporacion, á cuya contestacion accompaña un certificado de dos facultativos, por el y acredita hallarse enfirmo de una relajacion, y le impide montar á caballo, de conseguiente separarse del punto donde reside por tener y ponerse en cura. La Exma. Asamblea q considero por justo la imposibilidad del Señor Abrego para el disempeño de las obligaciones q la ley le impone como disputado, acordo en consecuencia q por tales razones quedaba exonerada de la concurrencia á las sesiones, y con tal motivo entrase á cubrir la falta el primer suplente.

En segiuda se dio cuenta.

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[Translation.]

EXHIBIT XXIV.

SESSION OF
8th of April, 1846.

Approved the Act of —— day of——. Noted the official communication of Señor Abrego, a member of this Hon. Body, in answer to one sent from the same, under date of March 6th, which is accompanied with the certificates of two competent persons, wherein he states that he is unwell, so much so as to be unable to mount a horse, and in consequence of such sickness was obliged to be removed from his residence to another locality, for the purpose of being cured. The Excellent Assembly

justly considered the impossibility of Señor Abrego to fulfill the obligations imposed on him by law as a deputy, and agree that in consequence of and for reason of the same, he should be excused from attending the sessions thereof, and that his place be filled in the meantime by the first alternate, which was referred for after action.

[Original.]

EXHIBIT XXV.

SESION DEL DIA
15 de Abril de 1846.

Leida y aprobada la acta del dia 30 de Marzo p°. p°., si dio cuenta con el nombramiento que para Gobernador Constitucional de este Departamento hizo el Exmo. S°r. Presidente de la Republica, en la persona del Exmo. S°r. Don Pio Pico, á virtud de la propuesta que elevo la corporacion en 27 de Junio anterior. Quedo impuesto el Honorable Cuerpo, de la Suprema determinacion y á consecuencia de haber manifestado El Exmo. S°r. que preside hallarse apto para prestar el juramento de la ley, y que por tanto se le señalase el dia que habia de hacer hubo lugar á una deteinda discusion con motivo de no haber numero suficiente de individuos en la Asamble ante quien debe vinficarse tal acto, y resulto por conclucion considerando ser urgento el asunto que se admitiese la seguiente proposicion que hizo el S°r. Bandini:

"Mientras se cumpli el termino de las licensias que se les ha concedido por este Honorable Cuerpo á dos de sus vocales se llamara el suplente que este mas immediato á esta Capital siempre para q (que) haya numero competente."

Puesto á discusion y estandolo suficientemente se aprobó á unanimidad. Se dio cuenta igualmente con le seguiente una comunicacion oficial del Ministero de Relaciones, fecha 14 de Novembre ultimo, dirigido al Gobierno Departamental en la que por disposicion superior, se le pide informe sobre lo que haya determinado con respecto á Missiones que se sabe han sido puestos á publica subasta los bienes de ellos que se habian en-

tregado á los Padres para el manejo de temporalidades, y que entre tanto se de dicho informe se suspenda toda prosedimiento en cuanto á enagenacion de los bien referidos.

Se acordo por la corporacion que siendo esta nota directa al Gobierno del Departamento, se le devolviese para que manifestara su sentir y entonces pudiera atenderse el asunto.

Con el Soberano decreto de seis de Agosto que señala la asignacion de rentas á los departamentos. Enterado.

Con una circular de Ministro de Relaciones, fecha 21 de Octubre pasado, relativa á que se organise la fuerza de policia que debe haber en cada poblacion, y esta determinado por las bases organicas teniendo la Asamblea facultad por el articulo 134, en su parte 19ª. de decretar, lo que debe haber en el Departamento y reglamentar su servicio conforme á la parte citada, se mando pasar á la comision de Policia.

Con un oficio de la Comandancia General de este departamento, fechado en Monterey, á 17 de Marzo, en el que se adjunta una proclama á que se dio igualmente lectura, derigida á los habitantes á consecuencia de los acontecemientos habidos por los puntos del norte con el Capitan de los Estados Unidos, Don José Fremont, conteniendo dicho oficio un parajo, por el cual se advierte q la Comandancia General previene q no habiendo pasado el Exmo. Sor. Gobernador á hacer la visita á aquellos lugares como ha solicitada para que á ella se hubiera unido á fin de operar va á proceder conforme á las ordenes suprema, que tiene á la vista para impedir los miras de los aventureros que se introducen por aquella frontera. Enterada la corporacion uso de la palabra, del Sor. Bandini y pronuncio un discurso por el cual repugnaba los procedimientos del Sor. Comandante General, poniendo en clara el uso abusivo que hace de su antoridad esta persona sin miramiento alguno in atencion al respecto obligatorio que le imponen las leyes y concluyo proponiendo que el Gobierno le conteste con decoro al mismo tiempo, que con le arrogancia y energia que demanda un hecho, tan escandalosa como el que se ha consumado y no habiendo otro asunto mas que tratar se levanto la sesion.

PIO PICO, Presidente.

AGUSTIN OLVERA, Secretario.

[Translation.]

EXHIBIT XXV.

SESSION OF
15th of April, 1846.

Read and approved the Act of March 30th, last past. The subject of the appointment of Constitutional Governor of this department by his Excellency, the President of the Republic, conferred on his Excellency, Don Pio Pico, approving the action of this body which elevated him to that station on the 27th of June last. The supreme determination now being known to this Honorable Body, and his Excellency presiding, having given notice that he is ready to take the oath of office, and having appointed the day for so doing, a discussion took place in consequence of there not being a sufficient number of members in the Assembly before whom such an action has to be verified, and considering the urgency of the case, the following proposition was submitted by Señor Bandini:

"That until the termination of the leave of absence granted by this Honorable Body to two of its members, the nearest alternates to this Capital shall be summoned, to make the number complete;" which being fully discussed and sufficiently understood, was unanimously approved.

The official communication of the Minister of Relations, under date of November 14th, last past, directed to the Executive of this department, was acted upon, in which the Minister asks for information, concerning what had been determined or done in respect to the Missions; that information had been received that the property belonging to them, which had been delivered to the Priests for the management of their temporalities, had been put up at public auction and sold, and that until such information as asked for could be given, to suspend all proceedings relating to the alienation of the aforesaid property. Whereupon it was considered that its being a note addressed directly to the Executive of this department, that before any action be had upon it by this body, it be referred back to him for an expression of his opinion thereon.

The sovereign decree of the 6th of August, relating to the

assignment of sales by the departments, was also brought to the notice of the Executive in relation to the above.

A circular from the Minister of Relations was next considered, under date of October 21, last past, relative to the organization of a police force in every village of the departments, and to be determined by the organic bases; that the Assembly have that power by Art. 134, Part 19, of decrees regulating the same, and also the service, in conformity with the part mentioned, was referred to the Committee on Police.

The reading an official dispatch from the Comandancy-General of this department, dated at Monterey, March 17th, inst., to which was subjoined a proclamation, also read, addressed to its inhabitants setting forth what had taken place at the north, with Capt. José Fremont, of the United States. Said dispatch also contained a paragraph stating that as his Excellency, the Governor, had not visited the principal points at the north, as solicited by the Commandant-General for the purpose of cooperating together, that he will proceed in conformity with general orders at hand and frustrate the views of those adventurers that enter the country by that frontier; which, having been heard by this body, Señor Bandini delivered a speech condemning the proceeding of the Commandant-General, showing clearly the abusive manner in which he had made use of his authority, being without any regard or attention to the obligations the laws impose upon him, and recommended the Executive should answer him respectfully, but with the dignity and energy which so scandalous an act as he had committed demanded. And there being nothing else before the session, it therefore adjourned.

PIO PICO, President.

AGUSTIN OLVERA, Secretary.

[Original.]

EXHIBIT XXVI.

MISION DE SN. JUAN CAPISTRANO.

El dia cuatro de Diciembre de 1845, el Gobierno puso en venta publica y al mejor postor la parte del edificio principal de

la Mision de San Juan Capistrano que resulta sobrante despues de la separacion de Yglesia casa cural, consistorial, de escuela y carcel, asi como de tres huertas de arboles frutales, y viña y de los muebles de la pertenencia de dicha Mision con escepcion de la perteneciente al templo, y resultaran compradores los Señores Dⁿ. Juan Forster y Don Santiago Makinley, mediante la cantidad de Setecientos diez pesos que pagarán el 10 de Agosto de 1846, al Gobierno Departamental y a los acreedores á la espresada Mision que este les señale.

En 6 de Diciembre se les libre el titulo de propriedad.

Pio Pico, Vocal Decano de la Asamblea Departamental y Gobernador Provisional de las Californias:

Gobierno del Dep.
[EAGLE.]
Del Californias.

En virtuel de haberse celebrado el dia cuatro del corriente mes en esta Capital, en publica subasta y al mejor postor la venta de la parte del edificio principal de la Mision de San Juan Capistrano que resulta sobrante despues de la separacion de Yglesia, casa cural, consistorial, de escuela y carcel asi como de las tres huertas de arboles frutales y viña, y de los muebles de la pertenencia de dicha Mision con ecepcion de la perteneciente al templo resultaran compradores de todo lo mencionado los Señores Dⁿ. Juan Forster y Dⁿ. Santiago Mackinley, por haber sído los últimos y mejores postores en la oferta que hicieron de setecientos diez pesos.

En consequencia y en uso de las facultades que me conferio la Exma. Asamblea Departamental en su acuerdo relativo de 4 de Julio del presento año, y de conformidad con el reglamento de 28 de Octudre último pasado, declaro por las presentes letras que los mencionados Dⁿ. Juan Forster y Dⁿ. Santiago Mackinley, son dueños legalmente de la parte del edificio, de las tres huertas y muebles de la Mision de San Juan Capistrano que les fueron vendidos, medante la cantidad de setecientos dies pesos, que pagarán en moneda corriente á en cueros y sebos á precia de plata, el diez de Agosto del año mil ocho cientos cuarenta y seis al Gobierno Departamental ó á los acreedo-

res á la espresada Mision que le sean designados por este, pudiendo desde ahora, y en virtud de este despacho, tomar la posesion judicial de la finca huertas y muebles mencionadas, que les dará el Juez respectivo.

Por tanto mando que teniendose el presente por titulo firme y valedero, se toma razon de el en el libro de asientos sobre adjudicacion de terrenos, y se entregue á los interesados para su resguardo y demas flnes.

Dado en la cuidad de Los Angeles, en este papel comun por falta del sellado, a seis de Diciembre de ochcientos cuarenta y cinco.

PIO PICO.

JOSE MA. COVARRUBIAS, S'rio.

Queda tomada razon de este titulo en el libro respectivo.

COVARRUBIAS.

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[Translation.]

EXHIBIT XXVI.

MISSION OF SAN JUAN CAPISTRANO.

On the fourth day of December, 1845, the government put up at public sale and to the highest bidder, the part of the principal building of the Mission of San Juan Capistrano, which results to be a surplus after the separation of the church, the ministerial town-house the school-house and the prison, as well as three orchards of fruit trees and vines, and the furniture belonging to said Mission, excepting what belongs to the temple; and the purchasers proved to be Messrs. Juan Forster and Santiago Mackinley, by means of the consideration of seven hundred and ten dollars, which they are to pay on the 10th of August, 1846, to the Departmental Government or to the receivers of said Mission, which the latter may designate to them.

On the 6th of December of the same year, there was issued to them a title of ownership.

Pio Pico, Senior Member of the Departmental Assembly and Provisional Governor of both Californias:

By virtue of having, on the fourth day of this month in this capital at public auction and to the highest bidder, effected a sale of the part of the principal building of the Mission of San Juan Capistrano, which results to be a surplus after the separation of the church, ministerial town-house, school-house and prison, as well as three orchards of fruit trees and vines, and the furniture belonging to said Mission except what belongs to the temple, the purchasers of all the foregoing proved to be Juan Forster and Santiago Mackinley, as having been the last and highest bidders in the offer they made of seven hundred and ten dollars.

In consequence whereof, and in exercise of the powers vested in me by the Excellent Departmental Assembly in its resolution relative hereto on the fourth of July, this year, and in conformity with the regulations of 28th of September, last past, I declare by the present letters patent, that the said Juan Foster and Santiago Mackinley, are lawful owners of the part of the building, of the three orchards and the furniture of the Mission of San Juan Capistrano, which was sold to them by means of the consideration of seven hundred and ten dollars, which they are to pay in current money or in hides and suet, valued in money, on the 10th of August, in the year 1846, to the Departmental Government or to the receivers of said Mission, who thereto may be designated, being enabled from this day and by virtue of this document, to take the judicial possession of the building, orchards and furniture, aforesaid, which the respective magistrate will give them.

Wherefore I order that these presents, being held as a firm and valid title-deed, it be entered in the book of registry of adjudication of lands and delivered to the interested parties for their security and other purposes.

Given in the city of Los Angeles, on this common paper for want of stamped and on the 6th of December, in the year 1845.

PIO PICO.

JOSE MA. COVARRUBIAS, Sec'y.

Note of this superior title is taken in the respective book.

COVARRUBIAS.

[Original.]

EXHIBIT XXVII.

LA PURISIMA.

Pio Pico Vocal Decano de la Asemblea Departamental y Gobernador Provisional de las Californias.

En virtud de haberse celebrado el dia cuatro del corriente anes, in este Capital en publica subasta y al mejor postor, la venta del edeficio principal, de la Mission de la Purisima, de las dos viñas de Jalama, tierras y muebles de la pertenencia de este Mission con excepsion de lo perteneciente al templo ó iglesia, resulto comprador de todo lo mencionado, el S$^{or.}$ Don Juan Temple por haber sulo el ultimo y mejor postor en la operta que hizo de mil ciento diez pesos.

En consequencia y en uso de las facultades que me confirio la E$^{xma.}$ Asamblea Departamental en su acuerdo relativo de 4 de Julio del presente año, y de conformidad con el reglamento de 28 de Octubre ultimo pasado, declaro por las presentes letras que el mencionado D$^{n.}$ Juan Temple es dueño legalmente del edeficio de la Mision de la Purisima, de las dos vinas tierras y muebles que le fieron vendidos mediante la cantidad de mil ciento diez pesos en moneda corriente V en cueros y sebos, a precio de plata que pagaro el 10 de Agosto del año de 1846, al Gobierno Departamental, ó a los acreedores de la espresada Mision que le sean designados por este, pudiendo desde ahora, y en virtud de este despacho tomar la posesion judicial de la finca, vinas, tierras y meubles mencionadas que le daral el juez respectivo.

Por tanto mando que teniendose el presente por titulo firme y validero se toma razon de el en el libro de asientas sobre adjudicasion de terrenos y se entregue al interesado para su resguardo y demas fines. Dado en la ciudad de Los Angeles en este papal commun por falta absoluta del sellado, a seis de Diciembre de mil ochocientas cuarenta y cinco.

PIO PICO.

JOSE M$^{A.}$ COVARRUBIAS, S'rio.

Queda tomada razon de este titulo en el libro respectivo. Angeles fecha *ut supra*.

COVARRUBIAS.

Gobierno del Dep.
[EAGLE.]
Del Californias.

Sirvase Vd. mandar pagar al Señor A. B. Thompson, va su orden la cantidad de pesos tres ciéntos setenta y seis, con seis reales, ($376 6,) del valor ocasionada por la venta de la Mision de la Purisima cuya cantidad deduciva Vd. de la mayor que tiene que entregar, recabando del interesado el respectivo recibo para su resguardo.

Angeles a 16 de Mayo de 1846.

PIO PICO.

S'or Don Juan Temple,
del comercio in esta Capital.

Recebi la arriba espresada cautidad, Angeles, Mayo 18 de 1846.

A. B. THOMPSON.

Gobierno del Dep.
]EAGLE.]
Del Californias.

Recibi del Señor Don Juan Temple la cantidad de doscientos pesos metalicos ($200 ps.) por cuenta de mayor cantidad que debe entregar a este Gobierno por la compra que hizo de la Mision de la Purisima, y para su resguardo le doy este en la ciudad de Los Angeles a 1°. de Junio de 1846.

PIO PICO.

DON JOSE NORIEGA:

Siroase V pagar a Don Pio Pico, Gobernador de este Departamento la cautidad quinientos trienta-tres pesos, dos reales, ($533.–2ro.) en metalico, cobrando un recibo en que se espresa que con esta cantidad ya esta satisfecho la cautidad de mil ciento diez pesos, ($1,110) en que fue rematado la Purisima con sus tierras &c.

Angeles, Junio 15 de 1845.

JUAN TEMPLE.

Gobierno de Dep.
[EAGLE.]
del Californias.

Recibi Santa Barbara, Junio 22 de 1846.

PICO.

[Translation.]

EXHIBIT XXVII.

LA PURISIMA.

Pio Pico, Senior Member of the Departmental Assembly, and Provisional Governor of the Californias:

By virtue of there having been effected on the fourth of the current month, in this capital, at public auction and to the highest bidder, the sale of the principal edifice of the Mission of La Purisima, of the two vineyards of Yumala, lands and moveables or chattels belonging to this Mission, with the exception of what belongs to the temple or church, Mr. John Temple became the purchaser of all the above mentioned, being the last and highest bidder in the offer which he made of one thousand and ten dollars.

In consequence and in exercise of the powers which the most excellent Departmental Assembly conferred upon me in their decree of the 4th of July of the present year, and in conformity with the regulations of the 28th of October last past, I declare by the present letters that the above mentioned Mr. John Temple is lawfully owner of the above edifice of the Mission of La Purisima, of the two vineyards, lands and chattels, that were sold to him in the sum of one thousand one hundred and ten dollars in current money, or in hides and tallow at their cash price, which he will pay the 10th of August of the year 1846, to the Departmental Government, or to the creditors of the above mentioned Mission, who will be designated to him by this; being able from this moment, by virtue of this title, to take judicial possession of the edifice, vineyards, land and chattels mentioned, which will be given by the proper judge.

Therefore, I command that, taking the present for a firm and valid title, and an entry be taken of it in the book of registry of adjudication upon lands, and be delivered to the person interested, for his security and other ends.

Given in this city of Los Angeles, on this common paper, for absolute want of sealed paper, on this sixth day of December, A. D. 1845.

PIO PICO.

JOSE MA. COVARRUBIAS, Secretary.

Notice has been taken of this title in the respective book. Angeles date supra.

COVARRUBIAS.

A TRANSLATED COPY OF A DRAFT OF PIO PICO AGAINST MR. JOHN TEMPLE.

Governor of Dep.
[EAGLE.]
of the Californias.

Please pay to Mr. A. B. Thompson, or his order, the sum of three hundred and seventy-six dollars and seventy-five cents, ($376 75), out of the value arising from the sale of the Mission of La Purisima; which sum you will deduct from the greater which you have to deliver, receiving from the party interested a proper receipt for your security.

Angeles, 16 May, A. D. 1846. PIO PICO.

Mr. John Temple,
of the commerce of this Capital.

Received the above mentioned sum, Angeles, May 18, A. D. 1846.

A. B. THOMPSON.

A TRANSLATED COPY OF A RECEIPT OF GOV. PIO PICO TO MR. JOHN TEMPLE.

Governor of Dep.
[EAGLE.]
of the Californias.

Received of Mr. John Temple the sum of two hundred dollars, ($200), coined money, on account of a larger sum which

he is obligated to deliver to this government for the purchase which he made of the Mission of La Purisima; and for his security I give him this, in the city of Los Angeles, on the 1st June, A. D. 1846.

PIO PICO.

A TRANSLATED COPY OF JOHN TEMPLE'S DRAFT AGAINST DON JOSE NORIEGA IN FAVOR OF PIO PICO.

DON JOSE NORIEGA:

Please pay to Don Pio Pico, Governor of this Department, the sum of five hundred and thirty-three dollars, twenty-five cents, in coined money taking a receipt wherein it states that with this amount the sum of one thousand and ten dollars, ($1,010), for which La Purisima its lands, etc., were sold is paid.

Angeles, June 15, A. D. 1846.

JOHN TEMPLE.

Governor of Dep.
[EAGLE.]
of the Californias.

Received, Santa Barbara, June 22, A. D. 1846.

PICO.

[Original.]

EXHIBIT XXVIII.

SAN LUIS OBISPO.

Pio Pico, Vocal Decano de la Exma. Asamblea Departamental y Gobernador Provisional de las Californias:

Gobierno del Dep.
[EAGLE.]
Del Californias.

En virtual de haberse celebrado el dia cuatro del corriente mes esta capital, en publica subasta, y al mejor postor la venta de la parte del edificio principal de la Mision de San Luis Obispo q. resulta sobrante despues de la separacion de casa cural,

consistorial de escuela y carcel, resultaron compradores, de la espresada parte de edificio los Señores Scott y Wilson, y Don Santiago Mackinley, por haber sido los ultimos y mejores postores en la oferta q. hicieron de quinientos diez pesos y haber satisfecho este cantidad en moneda corriente al Gobierno Departamental.

En consecuencia y en uso de las facultades q. me confirio la Exma. Asamblea Departmental en su acuerdo relativo del 4 de Julio del presente año conformidad con el reglamento de 28 de Octubre ultimo pasado, declaro por las presentes letras q. los mencionados Señores Scott y Wilson y Don Santiago Mackinley, son dueños legalmente y de mancomun de todos las piezas q. correspondan a la parte del edificio de la Mision de San Luis Obispo que les fue vendida cuyo numero y dimenciones constaran en la posesion judicial que por orden especial de esta fecha deberá darles el Alcalde primero de San Luis Obispo, y a mas de todos los corrales cercados de piedra que fueron del servicio de la referida Mision y no pertenezcan a ningun particular.

Por tanto mando que teniendose el presente por titulo firme y validero, se tome razon de el en el libro de asientos de adjudicaciones de terrenos baldios, y se entregue a los interesados para su resguardo y demas fines.

Dado en la cuidad de Los Angeles, a seis de Diciembre de mil ochocientos cuarenta y cinco, en papel comun por no haber del sellado.

PIO PICO.

JOSE MA. COVARRUBIAS, S'rio.

Queda razon de este titulo en el libro respectivo. Angeles, fecha ut supra.

COVARRUBIAS.

SOR. JUEZ DE PAZ.

SAN LUIS OBISPO, Junio 22, de 1846. De conformidad con lo pedido p'a el Lunes 23 del corriente se le dara al

Juan Wilson, vecino del partido de Sta. Barbara para si y a nombre de los Señores Don Diego Scott y Don Santiago Mackinley, comparece y diciendo q. en virtud de haber comprado al Gobierno Departamental, la parte del ed-

interesado la posecion juridica q. solicita.

Yo el Juez de Paz de esta demarcacion asi lo decreto y firme.

PICO.

ificio prᵃˡ., de este punto como lo manifesta el titulo q. acompaño solicito tenga V. a bien darme la posesion juridica con arreglo al espresado titulo.

Por tanto A V. Suplico axceder a mi favor en lo que recibiere gracia que juro, &c., dispensando el papel comun, por fulta de sellado.

San Luis Obispo, Junio 23 de 1846.

JUAN WILSON.

En el pueblo de San Luis Obispo a las veinte y dos dias del mes de Junio del año de mil y ochocientos cuarenta y seis siendo presente Don Juan Wilson, se le hizo saber el auto ante nos, y dijo le oye, y es conforme y lo asente pª. diligencia de q. doy fé con dos testigos de asistencia pʳ. falta de Escribono.

J. DR JESUS PICO.

Asª.:
JOSE GARCIA,
VICTOR LINARES.

En el pueblo de San Luis Obispo, a los veinte y tres dias del mes de Junio del año de mil y ochocientos cuarenta y seis. Yo el Juez de Paz acompado de los de asistencia hace medir un cordel con objeto de proceder a las medidas de los fincas del edificio principal de este pueblo, y al efecto se midiö un cordel de diez varas Castellanas y en sus estremos se atacaron dos estacas. Y pª. su constancia lo pense para diligencia que firme con los de asistencia.

J. DE JESUS PICO.

Asª.:
JOSE GARCIA,
VICTOR LINARES.

En seguida en el mismo dia, mes y año yo el Juez de Paz de San Luis Obispo acompañado de los de asistencia dispuse nombrar dos medidos Cordeleros de los concurrentes y fueron nombrados Don Mercurial Garcia y Don Ygnacio Castillo, los cuales aceptando el encargo juraron por Dios ntro. Señor y la San-

ta Cruz, desempenando fielmente segun su saber y entender y lo asente pr. diligencia q. firme con los de asistencia.

J. DE JESUS PICO.

Asa.:
JOSE GARCIA,
VICTOR LINARES.

A continuacion en el mismo dia mes y año, yo el Juez de Paz de San Luis Obispo acompañado de los de asistencia y concurrentes y citados pasamos a la casa de habitacion del Ministro Parroco de este pueblo con objeto de empezar las medidas del edificio principal, y despues de haberle separado a dho. Parroco pa. su habitacion y demas usos que le convengan seis cuartos y dos salas utiles pa. su habitacion cuyas estan reunidos a la un solo lugar sin embargo de la division de piezas, tomarón las medidas el cordel pa. sus estremos y estacas desde la puerta principal pa. donde se trancita pa. entrar a la plaza de comercio lo medida hasta llegar a la esquina qe. esta para el rumbo S. O. en donde se contaron cincuenta y seis varas Castellanas habiendo en todos estas pr. la misma nave diez piezas utiles de habitacion de las cuales quedan separadas dos qe. se hagan en la esquina donde termina esta primera medida, pa. casa consistorial y carcel, de alii se continuó la medida pr. toda la orilla de la parel hasta llegar a la esquina qe. esta para el rumbo N. O. y se midieron noventa y dos varas Castellanas en cuyas se comprenden dos piezas qe. son un galeron util y uno inutil sin techo, en seguida se continuó la medida hasta otra esquina qe. se halla al rumbo N. E. y habiendo llegado a ella se contaron noventa varas Castellanas en las cuales se en cuentran pr. la misma nave de a fuera cuatro piezas utiles, de alli se continuó la medida hasta llegar ai puerton qe. esta unido a la pared de la Yglesia en donde se medierón veinte tres varas Castellanas en las que se en cuentran dos piezas utiles, concluidas de este modo las medidas pr. la parte de afuera y atendiendo Don Juan Wilson de la separacion qe. hubo pa. consistorial y carcel y señalados los limites a que por esta parte queda sujeta bajo el angulo de dos cientas sesenta y una varas en cuyas quedan tambien comprendidas quince piezas utiles de habitacion y tres inutiles. Pase con los concurrentes y a citados

adentro de la Plaza de dho. edificio y tomando los medidores el cordel se empesó la medida con dirrecion al S. O. hasta llegar a esquina cuya medida fue de 36 varas, en las q^{e}. se comprenden tres psas. utiles y luego se contiuuó la medida p^{r}. toda la orilla de la pared acia al N. O. la q^{e}. termino p^{r}. el mismo rumbo con una esquina en donde se contaron cincuenta y ocho varas Castellanas, y en ellas uh galeron util y otro iuntil. En seguida se unidio con direccion al N. E. hasta llegar a la esquina q^{e}. esta p^{a}. el mismo rumbo, y se contarón sesenta varas Castellanas, y cinco piezas utiles comprendidos en ellas. De alli se hizo la medida hasta el puenton al respuldo de la Yglesia de este pueblo, y se midierón veinte tres varas en cuyas se comprenden dos piezas inutiles, sin techo. Concluidas de este modo las medidas, y senalados las terminos y lineas a que estan sugetas, entendido el S^{or}. Wilson q^{e}. el cuadro de Plaza con los arboles q^{e}. en el se encuentran y á mas los tres corrales de piedra pertenecientes a estas fincas son de su propriedad, p^{a}. perfeccionar el auto en voz clara le dije: En nombre de la Nacion Mejicana doy a V. posecion de la parte de este edificio y los corrales de piedra que V. tiene comprados y que habora se le han medido y mandandole q^{e}. hiciese alguna demostracion de haber adquirido el dominio util directa, y con esto la propiedad de dhos. fincas como dueño y Señor de ellas tiró piedras y cavo la tierra con lo cual se concluyo el auto, y habiendo pedido el interesado se le devuelvan estas diligencias originales. Y p^{a}. su constancia lo firme con los de asistencia.

J. JESUS DE PICO.

A^{sa}.:
JOSE GARCIA,
VICTOR LINARES.

SAN LUIS OBISPO,
Junio 25, de 1846.

Devuelvarse estas diligencias originales al interesado p^{a}. testimonio de adquisicion de propriedad y el uso q^{e}. le convenga y tomese razon en el libro respectivo de este Jusgado.

PICO.

San Luis Obispo,
Junio 25, de 1846.

Atendiendo el auto anterior con esta f'ha se devolvio a Don Juan Wilson este espediente en 7 fojas utiles, y lo asente p^r. diligencia q^e. rubrique.

Queda tomado razon en el libro respectivo de procesiones de este Jusgado a fojas, 13, 14, 15 y 16.

J. DE JESUS PICO.

[Translation.]

EXHIBIT XXVIII.

SAN LUIS OBISPO.

Pio Pico, Señor Vocal of the Most Excellent Assembly and Provisional Governor of the Californias:

Governor of the Dep.
[EAGLE.]
Of the Californias.

Whereas the part of the main building of the Mission of San Luis Obispo, which remains after setting apart the curate's house, the municipal school room and jail, was exposed at public auction to the highest bidder in this Capital, on the 4th inst., and whereas, the Señors Scott and Wilson and Don Santiago McKinley became the purchasers of the said part of the edifice, by virtue of having been the last and highest bidders in their offer of five hundred and ten dollars, and having paid, in full satisfaction, this sum in current money to the Departmental Government.

Now, therefore, I, using the faculties conferred on me by the Most Excellent Departmental Assembly in its resolutions on the matter, dated July 4th of the present year, and in conformity with the regulations of October 28th, ultimo, do declare, by these presents the said Señors Scott & Wilson and Don Santiago McKinley to be the legal owners in partnership of all the rooms which belong to that part of the Mission building of San Luis

Obispo, which was sold to them the number and size of which will be shown by the judicial possession which, by a special order of this date, the First Alcalde of San Luis Obispo ought to give them, with all the corrals fenced with stone which were the property of said Missions and belong to no individual.

Therefore, I order that this title being held as firm and valid, note be taken of it in the book of entries of grants of vacant lands, and it be delivered to the parties interested for their security and other purposes.

Given in the city of Los Angeles, on the sixth day of December, one thousand eight hundred and forty-five on common paper for want of stamped.

[Signed,] PIO PICO.

[Signed,] JOSE MARIA COVARRUBIAS, Secretary.

Note has been made of this title in the respective book. Angeles, date as above.

COVARRUBIAS.

TO THE JUSTICE OF THE PEACE.

SAN LUIS OBISPO, June 22, 1846.

Juan Wilson, resident of the partido of Santa Barbara, for himself, and in the name of Don Diego Scott and Don Santiago McKinley, appears and represents: That, in virtue of having purchased from the Departmental Government the part of the principal building of this place, as shown by the title which he transmits herewith, he prays you will consent to give him the judicial possession in conformity with said title. Therefore, he requests you to grant me this favor, in which he will receive grace, which he swears, etc. Excusing the use of common paper for want of stamped.

[Signed,] JUAN WILSON.

SAN LUIS OBISPO, June 22d, 1846.

In conformity with this request, on Monday, the 23d inst., the judicial possession solicited will be given to the party interested.

I, the Justice of the Peace of this demarcation, thus decreed, ordered and signed.

[Signed,] PICO.

In the pueblo of San Luis Obispo, on the twenty-second day of the month of June, in the year one thousand eight hundred

and forty-six, present Don Juan Wilson, and I notified him of the preceding order, and he acknowledged notice and I noted it officially, and certify with the assisting witnesses for want of a Notary.

[Signed,] J. DE JESUS PICO.

Asst'g Witnesses:
[Signed,] José Garcia.
[Signed,] Victor Linares.

In the pueblo of San Luis Obispo, on the twenty-third day of the month of June, of the year one thousand eight hundred and forty-six, I, the Justice of the Peace, accompanied by assisting witnesses, caused to be measured a cord for the purpose of measuring the "fincas" of the main building of this pueblo, and a cord was measured ten Spanish varas long, and two stakes were tied to its extremities, and in testimony I noted it officially which I signed with those of assistance.

[Signed,] J. DE JESUS PICO.

Asst'g Witnesses:
[Signed,] José Garcia.
[Signed,] Victor Linares.

In continuation in the same day, month and year, I, the Justice of the Peace of San Luis Obispo, accompanied by assisting witnesses, decided to appoint from the bystanders two measuring rope-bearers, and appointed Don Mercurial Garcia and Ignacio Castillo, who, accepting the office, made oath by God our Lord and the Holy Cross, to discharge it faithfully to the best of their knowledge and belief, and I noted it officially which I signed with those of assistance.

[Signed,] J. DE JESUS PICO.

Asst'g Witnesses:
[Signed,] José Garcia.
[Signed,] Victor Linares.

In continuation in the same day, month and year, I, the Justice of the Peace of San Luis Obispo, accompanied by assisting witnesses and other persons aforementioned, we went to the dwelling-house of the parish Minister of the pueblo, for the

purpose of commencing the measurements of the main building, and after having set apart for said curate six good rooms and two halls which are united in one place, notwithstanding the division of rooms for his dwelling and other convenient purposes, the measurers took the cordel by its extremities and stakes, and measured from the principal door through which they pass to enter the plaza, fifty-six Spanish varas to the south-west corner of the building, in which distance and in the same range were ten good rooms for dwelling, of which, the two which are at the corner where the measurement terminated were set apart for town hall and jail, thence the measurement was continued along the wall to the north-west corner, ninety-two Spanish varas, in which are included one gallery in good order and another without roof; then the measurement was continued ninety Spanish varas to the north-east corner, in which distance in the same range outside are four good rooms; thence to the large gate next to the wall of the church, twenty-three Spanish varas in which are two good rooms. The measurement on the outside being thus concluded, and Don Juan Wilson having been informed of the reservation which was made of town-hall and jail and the limits designated, this part is included in a boundary of two hundred and sixty-one varas, in which are included fifteen good rooms for dwellings and three useless ones. I then passed into the plaza of said building with the aforesaid persons, and the measurers taking the cordel, measured south-west to the corner thirty-six varas, in which are useful rooms and then continuing to the north-west along the wall, the measurement ended in a corner distant fifty-eight Spanish varas, including one useful and one useless gallery; thence north-east to the corner which is in that direction sixty Spanish varas, with five good rooms contained in it; thence directing the measurement to the large gate behind the church twenty-three varas, containing two rooms without roofs. The measures being thus ended and the bounds and lines to which they are subject designated, Señor Wilson being made to understand that the square of the plaza with the trees which are in it, and also the three stone corrals belonging to these buildings are his property, to perfect the act, in a loud voice I said to him: In the name of the Mexican Nation, I give you possession

of the part of this building and the stone corrals which you have purchased, and which have just been measured, and directing him to make some demonstration of having acquired the useful and direct dominion and as such the ownership of said buildings, as owner and lord of them he threw stones and dug earth with which the act was concluded, the interested party having asked that the original official acts be returned to him, and in testimony I signed with assisting witnesses.

[Signed,] JOSÉ DE JESUS PICO.

Asst'g Witnesses:
[Signed,] José Garcia.
[Signed,] Victor Linares.

San Luis Obispo,
June 25th, 1846.

Let these original official acts be delivered to the party interested for testimony of acquisition of ownership and the use he may find convenient, and let note be taken in the corresponding book in this office.

[Signed,] PICO.

San Luis Obispo,
June 25th, 1846.

In compliance with the preceding order on this date, this expediente was given to Don Juan Wilson in seven folios, and I noted it officially and signed in rubric.

RUBRIC OF PICO.

Note has been taken in the proper Book of Possessions in this office on folios 13, 14, 15 and 16.

[Signed,] JOSÉ DE JESUS PICO.

[Original.]

EXHIBIT XXIX.

SAN DIEGO.

Pio Pico, Gobernador Constitucional del Departamento de Californias:

Gobierno de Dep.
[EAGLE.]
del Californias.

Autorizado previamente por la Exma. Asamblea Departamental para la enagenacion de las Misiones a fin de pagar sus duedas y evitar la total ruina de ellas, atendiendo a que el Señor Dn. Santiago Argüello ha hecho al Gobierno servicios de consideracion en todos tiempos y asi mismo facultado auxilios siemque se le han solicitado para conservacion del propio Gobierno y seguridad del Departamento sin habersele indemnizado, habiendo este Señor pretendido para su beneficio personal y el de su numerosa familia el comprar la Mision de San Diego con todos sus terrenos, fincas, rusticas y urbanas que tuviere pagando integra y religiosamente las duedas pasivas de dicha Mision que aparecieren justificadas, segun las relaciones que de ellas formò la comision de Misiones, obligandose a mas á proporcionar la subsistencia del Padre Ministro que allí existe y la conservacion del culto divino visto y considerado todo lo que ver y considerar, convino en uso de las facultades con qe. me hallo investido he venido en hacer venta real y enagenacion perpetua para siempre jamas a Dn. Santiago Argüello segun y conforme ha convenido, con todas las pertenencias que hoy cuenta y reconoce anexas, consisten en terrenos, fincas, buenas raices y semovientes en cujo testimonio y para su validacion y mejor cumplimiento se ponen las condiciones siguientes:

1°. Pagará a los acreedores de la Mision de San Diego las cantidades que aparecieren justificadas pudiendo convenirse con ellos en el tiempo y modo de verificarlo.

2°. Desde ahora es de su cuenta particular todo lo necesario para la subsistencia del Padre Ministro que alli existe como igualmente para la concervacion del culto divino.

3°. No se podra alegar lesion enorme por esta venta de parte de ninguno, y el exceso en poca e mucha suma queda a favor del comprador por ser el valor justo que actualmente tiene dicha Mision y no haber quien diese mas por ella.

4°. Le eceptuan de la venta anterior el templo y todas sus pertenencias y habitaciones del Padre Ministro.

En consequencia declaro por las presentes letras ser dueño legitimo de la referida Mision de San Diego el Señor arriba mencionada en los terminos y bajo las condiciones espresadas por cuya virtud podra tomar posesion de ella desde ahora o cuanda le conveniere. Y para la debida constancia en todas tiempos doy este documento como formal escritura que será reconcido y acatado por todas las autoridas civiles y militares de la nacion Mejicana en este y en los demas departamentas, y aun por el Gobierno General de ella, autorizado debidamentè con mi firma y de la del Secretario de mi despacho en este papel comun por falta de sellado en la ciudad de los Angeles a ocho de Junio de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, S'rio Y'nto.

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[Translation.]

EXHIBIT XXIX.

SAN DIEGO.

Pio Pico, Constitutional Governor of the Californias:

Governor of Dep.
[EAGLE.]
of the Californias.

Previously authorized by the most excellent Departmental Assembly to alienate the Missions to avoid their total ruin, and knowing that Señor Don Santiago Arguello has rendered the government important services at all times, and has also given aid when asked, for the preservation of the legitimate government and the security of the department without having received any indemnification, and whereas this Señor has for his own personal benefit and that of his numerous family asked

to purchase the Mission of San Diego with all its lands and tenements paying fully and religiously the passive debts of said Mission which appear gratified according to the report of the Committee on Missions, binding himself besides to contribute to the support of the Priest located there, and of divine worship.

Having seen and considered all that is to be seen and considered, and using the faculties conferred upon me, I have made real sale and perpetual alienation of it forever to Don Santiago Arguello, according to and in conformance with what has been agreed upon, with all the appurtenances found and known at the time as belonging to it, consisting in rents, estate real and self-moving property.

In testimony of which, and for its validity and better fulfillment the following conditions are added:

1st. He shall pay the creditors of the Mission of San Diego the sum which may appear justly due them, he being authorized to enter into an agreement with them as to the time and mode of settling them.

2d. From now henceforth he shall bear upon his own account the necessary expenses for the subsistence of the Priest located there, and also for the preservation of divine worship.

3d. No one shall be able to allege any erroneous lesion by this sale, and the excess, whether great or small, is granted to the purchaser, for he takes it at the first value which the said Mission now possesses, and there is no one who will give more for it.

4th. The church and its appurtenances and the dwelling of the Priest are excepted from the foregoing sale.

In consequence I declare by these presents the aforesaid Señor to be the legitimate owner of the Mission of San Diego, on the terms and under the conditions above expressed, by virtue of which he may take possession of it from this time or whenever he may see fit.

And as a proper testimony in all future time I give this document as a formal writing which will be acknowledged and respected by all civil and military authorities of the Mexican nation in this and other departments and even by the General Government of Mexico. Properly authorized under my hand

and that of my Secretary of State on this common paper, there being none stamped, in the city of Los Angeles, the 8th day of June, one thousand eight-hundred and forty-six.

[Signed,] PIO PICO.

[Signed,] JOSE MATIAS MORENO, Secretary *ad interim.*

[Original.]

EXHIBIT XXX.

SAN LUIS REY.

Pio Pico, Gobernador Constitucional del Departamento de Californias:

Gobierno de Dep.
[EAGLE.]
del Californias.

Por cuanto Don Antonio José Cot y Don José Antonio Pico se presentaron a este Gobierno solicitando se les de en legitima propriedad la Mision de San Luis Rey y el Rancho de Palas con los terrenos que les pertenecen, en pago de dos mil pesos en plata, y cuarto cientos trienta y siete pesos, cuarto reales en semillas con q^{e}. han ausiliado al mismo Gobierno en sus urgencias, obligandose ambas a satisfacer en toda clase de esquilimos, las duedas de la espresada Mision de San Luis Rey en el termino de cuatro años; teniendo en consideracion las perjuicios que los interesados han tenido por el retardo de la satisfaccion de aquella dueda, y que las fincas que estan en un abandono total, no pagarian a los demas acreedores he venido en concederles a los espresados S^{res}. D^{n}. Ant^{o}. José Cot y D^{n}. José Antonio Pico en virtud de las facultades con que me hallo investido, quedando responsables a satisfacer las duedas de la referida Mision de San Luis Rey en el tiempo que ofrecen.

Y para q^{e}. el presente documento tenga la validacion correspondiente, anotese y toma de razon en el libro respectivo por el Señor Secretario del despacho p^{a}. resguardo de los interesedas; estendiendoseles a papel comun por falta del sellado correspondiente. Dado en la casa de Gobierno en la ciudad de

los Angeles, a los diez e ocho dias del mes dé Mayo, de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, S'rio Y'nto.

Queda tomada razon de este superior despacho en el libro respectivo.

MORENO.

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[Translation.]

EXHIBIT XXX.

SAN LUIS REY.

Pio Pico, Constitutional Governor of the Department of the Californias:

Governor of the Dep.
[EAGLE.]
Of the Californias.

Whereas, Don Antonio José Cot and Don José Antonio Pico have presented themselves to this government, petitioning that it shall give them a legitimate possession of the Mission of San Luis Rey, and the rancho of Palos with the lands which pertain to them, in payment of two thousand dollars in money and four hundred and thirty-seven dollars and four reales in grain with which they have assisted the government in its exigencies, they both obligating themselves to satisfy in every description of produce, the debts of the said Mission of San Luis Rey, in the term of four years, bearing in consideration the prejudices which the interested parties have had in the delay of the satisfaction of the said debt, and that the edifices which are in a total abandonment will not pay the other creditors, I have come to concede them to the Señores Don Antonio José Cot and Don José Antonio Pico, in virtue of the faculties with which I find myself invested; they remaining responsible to satisfy the debts of said Mission of San Luis Rey, in the time which shall offer. And in order that the present document shall have such corresponding validity, let it be entered and taken account of in the respective book, by the Señor Secretary

of Dispatch, for the security of the interested,—being drawn on common paper, for lack of the proper sealed.

Given in the Government House in the city of Los Angeles, this 18th day of May, 1846.

PIO PICO.

JOSÉ MATIAS MORENO, Sec. ad interim.

Note of this superior dispatch has been made in the respective book.

MORENO.

[Original.]

EXHIBIT XXXI.

SAN GABRIEL.

Pio Pico, Gobernador Constitucional, del Departamento de Californias:

Gobierno del Dep.
[EAGLE.]
Del Californias.

Autorizado previamente por la Exma. Asamblea Departamental para la enagenacion de las Misiones asi para pagar sus deudas y evitar la total ruina de ellas coma para proporcionar recursos que sirviran a la defensa comun en el caso de una invasion estrangera que segun datos fe hacientes se halla muy p°. de suceder en cuya circunstancia el Gobierno del Departamento esta facultado ampliamente por el Supremo de la Nacion, atendiendo a que las Señores Don Perfecto Hugo Reid y Don Julian Workman, han hecho al Gobierno servicios de consideracion y tambien facilitado buenas auxilios para su mejor conservacion y seguridad del Departamento bajo la garuntia de justa indemnizacion cuando la hacienda general esturiese desahogada, habiendo estos Señores solicitado para su beneficio personal y el de sus terrenos fincas rusticos y urbanas en pago de las cantidades que en diferentes epocas han facilitado al Gobierno Departamental, obligandese a mas a satisfacer integra y religiosamente las deudas pasivas de dicha Mision que aparacie-

ren justificadas segun la relacion q^e. de ellas forma la comision de Misiones; como tambien a señalar una parte ó cantidad proporcionada para subsistencia del Padre Ministro que allé exista y conservacion del culto divino; visto y considerado lo que ver y considerar convino en uso de las facultades con que me hallo investido he venido en hacer venta real y enagenacion perpetua para siempre jamas a las Señores Perfecto Hugo Reid y Julian Workman de la Mision San Gabriel segun y conforme ellas han conocido, con todas las pertenencias que hoy cuenta y reconoce anexas, consisten en terrenos fincas bienes raices, ó semovientes, en cuyo testimonia para su validacion y mejor cumplimiento se ponen las condiciones siguientes:

1°. Pagaran a las acreedores de la Mision San Gabriel las cantidades que aparecieren justificadas a lo mas en el termino de dos años pudiendo convenirse con ello a la espera, abanandose a si mismos las cantidades que hubiren desembolsado y estan reconocidas por legales.

2ª. La renta se hace permanente de los edificios principales y particulares, de otros fincas huertas, viñas y demas beines raices y semovientes y de los terrenos totalmente valdios que tunese y no reconocieren propriadad particular ninguna.

3ª. Desde ahora para siempre facilitaran de su cuenta la necesaria para la subsistencia del Padre Ministro que en todo tiempo existiere allé como igualmente para la conservacion del culto divino.

4ª. No se podra alejar lesion enorme por esta renta de parte de ninguna, y el exceso en poco ó mucha suma queda a favor de los compradores por ser el justo valor que tiene actualmente dicha Mision y no haber quien diese por ella.

En consequencia declaro por les presentes letras ser dueños legitimos de la espresda Mision de San Gabriel de mancomun los Señores arriba mencionadas en los terminos y bajo las condiciones espresadas, por cuya virtud podran tomar posesion de ella desde ahora. Y para la debida constancia en todos tiempos doy este documento como formal escritura, que será reconcido y a creditado por todos las autoridades civiles y militares de la Nacion Mejicana en este y en los demas Departamentos y aun por el Gobierno, General de ella, autorizado debidamente

cen mi firma y la del Secretario de mi despacho en este papel comun por absoluta falta del sellado á ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, S'rio, Ynt.

Queda tomada razon de este Superior Despacho en el libro respectivo.

MORENO.

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[Translation.]

EXHIBIT XXXI.

TITLE TO SAN GABRIEL MISSION.

Pio Pico, Constitutional Governor of the Department of the Californias:

Governor of Dep.
[EAGLE.]
of the Californias.

Having been first authorized by the Most Excellent, the Departmental Assembly for the alienation of the Missions as well as for paying their debts and avoiding the total ruin of the same, and for obtaining funds to secure for the common defense in case of a foreign invasion, which according to credible information is very close at hand, in which case the Government of the Department has received ample powers from the superior one of the nation. Considering that the Señores Don Perfecto Reid and Don Julian Workman, have rendered considerable services to the government and also lent good assistance for the better preservation and security of the department under guarantee of just recompense whenever the General Treasury should be relieved. And whereas those Señores have solicited for their personal benefit and that of their families, the Mission of San Gabriel with all its lands, improvements of town and country, in payment of the sums which at different periods they have advanced to the Departmental Government, binding themselves to satisfy integrally and religiously, the debts outstanding against said Mission which may be proved according

to the report of the same formed by the Committee on Missions as also to assign a proportional part or sum for the maintenance of the ministering Fathers who may live there, and for the preservation of divine worship. Having seen and considered all it behooves to see and consider.

In the exercise of the power wherewith I find myself invested, I have to come to make a real sale and perpetual alienation forevermore to the Señores Perfecto Hugo Reid and Julian Workman of the Mission of San Gabriel, according and conformably as they have agreed, together with all the appurtenances which at this day are reckoned and considered as appertaining to the same whether they consist in lands, real estate or cattle.

In testimony whereof, and for the validity and better accomplishment hereof, the following conditions are imposed.

1st. They will pay to the creditors of the Mission of San Gabriel the sums which may appear and be proved, at the furthest, in the term of two years, with power to agree with them for delay.

They will also credit themselves with the sums they may have disbursed and acknowledged as lawful.

2d. The sale is hereby made of the principal and private edifices, of other improvements, gardens, vineyards and other real estate and cattle, of the lands wholly unoccupied there may be, and which do not belong to the property of any individual whatever.

3d. Henceforward, they will advance on their own account, the necessaries for the subsistence of the Father Ministers who at any time may live there, as also for the preservation of divine worship.

4th. Neither party to this sale shall have power to allege excessive damages, and the balance whether the same amount to a smaller or larger sum, remains in favor of the purchasers, they having paid the just value, which said Mission actually possesses and there being no one who would give any more for it.

In consequence, by these present letters, that the persons abovenamed, are legitimate owners of the said Mission of San Gabriel, jointly, on the terms and under the conditions above stated.

By virtue whereof, they may take possession of the same from this moment, and for due testimony at all times I give this instrument as a deed in due form, which is to be acknowledged and respected by all the civil and military authorities of the Mexican Nation in this and the other departments, and even by the General Government of the same, being duly certified with my signature and that of my Secretary of State, on this common paper there being absolutely none stamped, on the eighth day of June, one thousand eight hundred and forty-six.

PIO PICO.

JOSE MATIAS MORENO, Sec'y *pro tem.*

Note has been made of this superior dispatch in the respective book.

MORENO.

[Original.]

EXHIBIT XXXII.

SAN FERNANDO.

Gobierno del Dep.
[EAGLE.]
Del Californias.

El infrascrito Gobernador Constitucional del Departamento de Californias en virtud de las facultades de que se haller investido por el Gobierno Suprema de la Nacion, y por decreto de la Honorable Asamblea Departmental de trece de Abril, del presente año, para proporcionar recursos a fin de sostener la intregridad del territorio de este Departamento, enagena en la persona de D^{n}. Eulogio Celis, y sus herederos la exmision de S^{n}. Fernando en la cantidad de catorce mil pesos que recibe con todas sus propriedades, fincas, terrenos, inventario menos la Yglesia que queda para uso publico, con todas sus pertenencias, y a proporcionar la necesario al culto divino.

Constituyendose el referido comprador mantener los actuales indios viejos en sus terrenos por el tiempo de sus dias pudiendo hacer sus siembras solo la condicion de no poder enagenar los

terrenos que cultiven, y cualqueiera otras que posean sin titulo anterior del Gobierno Departamental, por tanto se rcconoceria al citado Señor Celis como legitimo proprietario de la mencionada ex-mision de San Fernando, para que haga el uso que mejor le convenga, garantizandole como le garantiza este Gobierno la precitada finca por bien habia con todas las prerogativas que las leyes senalan a favor de los compradores con solo la condicion de que no tomará posesion el referido comprador en el termino de ocho meses contadas desde la fecha, en cuyo termino le queda la accion al Gobierno de hacer nulo el presente contrato, integrando al espresado Señor Celis la cantidad de catorce mil pesos que desembolsa con el correspondiente premio, a estilo de comercio, pero si este reintegro no tuviere efecto en los citados ocho meses, tengan por valida la presente venta.

El antereferido comprador si compromete en asegurarle al Padre Minister de aquel establecimente, la manutencion y vestuario con la posible desencia, y asi mismo las piesas de habitacion que tiene asignadas ó las que justamente necesite.

Y para la debida constancia y seguridad del interesado se estiende la presente escritura que sera reconocido y acatada por todos los autordades del Departamento para su mejor cumplimiento.

Y en forneba de lo cual se autoriza y firma por el infrascrito y Secretario del despacho en la Ciudad de Los Angeles, en este papel comun por falta del sellado a diez y siete de Junio de mil ochocientos cuarenta y seis.

PIO PICO.

José Matias Moreno, Secretaro Yut'r.

Queda tomada razon de este Superior despacho en el libro respectivo.

MORENO.

[Translation.]

EXHIBIT XXXII.

SAN FERNANDO.

Governor of Dep.
[EAGLE.]
of the Californias.

The undersigned, Constitutional Governor of the Departments of the Californias, in virtue of the powers vested unto him by the Supreme Government of the Nation, and in virtue of a Decree of the Honorable Departmental Assembly, of April third of the present year, to raise means for the purpose of maintaining the integrity of the territory of this Department, for the sum of fourteen thousand dollars which he receives, sells unto Don Eulogio de Celis, and his heirs, the Ex-Mission of San Fernando, with all its properties, estates, and lands, and movables, with the exception of the church and all its appurtenances which remains for public use.

Said purchaser obligating himself to maintain on their lands the old Indians on the premises during their lifetime, with the right to make their crops, with the only condition that they shall not have the right to sell the lands they cultivate, and any other which they possess, without anterior title from the Departmental Government, for all of which the aforesaid Señor Celis shall be acknowledged as the legitimate owner of the aforesaid Ex-Mission of San Fernando, to use the same as to him shall seem best, guaranteeing unto him as this government does guarantee, that he is well possessed of the aforesaid estate, with all the prerogatives granted by law to purchasers, with the only condition that the abovementioned purchasers shall not take possession within the space of eight months from the date hereof, within which delay the government shall have the right to annul this contract by reimbursing to the aforesaid Señor Celis the sum of fourteen thousand dollars, with interest at the current commercial rates; but if this reimbursement is not operated within the aforesaid eight months this sale shall be valid.

The abovementioned purchaser binds himself to warrant to the Father Minister of the aforesaid establishment his subsistence and clothing with all possible decency, together with the rooms assigned to him or those which he justly requires.

And for the establishment of this fact, and the security of the purchaser the present document is issued and shall be acknowledged and respected by all the authorities of the department for its accomplishment.

And in faith of which the undersigned and Secretary of the Department grant this authority and affix their signatures, in the city of Los Angeles, on this ordinary paper for want of stamped paper, the seventeenth of June, one thousand eight hundred and forty-six.

PIO PICO.

JOSE MATIAS MORENO, Secretary, *pro tem.*

[Original.]

EXHIBIT XXXIII.

SAN BUENAVENTURA.

Pio Pico, Gobernador Constitutional del Departm^to. de Californias:

Gobierno del Dep.
[EAGLE.]
Del Californias.

Autorizado previamente por la E^xma^. Asamblea Departamental para la enagenacion de las Misiones, asi para pagar las deudas, que evitar la total ruina de ellas como para proporcionar recursos que sirvan a la defensa comun en el caso de una invacion estrangera que segun datos fe hacientes se halla muy proccima de suceder, en atencion que el Señor Don José Arnaz, ha hecho al Gobierno servicios de consideracion, y tambien facilitado buenos ausilios para la mejor conservacion y seguridad del Departamento bajo la garantia de justa indemnizacion cuando ha hacienda general estuviere desabogada, y no teniendo modo ò forma de cubrier la cantidad que justamente le ad-

enda este Gobierno la da en pago de la que en diferentes epocas ha facilitado al Gobierno, y la que ha recibido presente en total de doce mil pesos, y considerando todo lo que hay que ver y meditar, convino en uso de las facultades con que me hallo investido por el supremo Gobierno y decreto de 13 de Abril ultimo de la E^{xma}. Asamblea Departamental he venido en hacer renta real y efectiva enagenacion perpetua para siempre jamas al espresado Don José Arnaz de la Mision de San Buenaventura segun y conforme ha convenido con todas las pertenencias que hoy cuenta y reconoce anecsos consistan en terrenos, fincas, bienes raices y semovientes en cuyo testimonio q^{e}. para sin validacion, se ponen las condiciones siguientes:

1°. Pagará a los acreedores de la Mision de San Buenaventura las cuentas que aparecieren justificadas, a los mas en el termino de un año.

2°. Desde ahora para siempre facilitara de su cuenta lo necesario para la subsistencia y vistuario del Padre Ministro, y en todo tiempo subsistira alli, como igualmente para la conservacion del culto divino dejando a beneficio de dicho padre las piesas que tiene ocupadas para su habitacion.

3°. No se podra alegar lesion enorme por esta venta de parte de ninguna, y el ecceso en poca o mucho suma queda a favor del comprador por ser el justo valor que tiene actualmente dicha Mision, y no haber quien diere mas por ella.

4°. Se eceptuara de la venta anterior el templo y todas sus demas pertenencias que le corresponden.

5°. Los terrenos de que se hace mencion q^{e}. que se reconocen por de la Mision se comprenden de la Laguna huenema el palo alto, los de siembra, de Santa Paula, la cañada de la Mision y todos lo que no esten consedidos por justo titulo del Gobierno y que reconozcan la propriedad del establecimiento de los que se hace venta con todos las bienes raices semovientes utiles, demas que sea de su propriedad.

En consequencia declaro por las presentes letras ser dueño legitimo de la espresada Mision de San Buenaventura de el Señor arriba mencionado en los terminos y bajo los condiciones espresadas por cuya virtud podra tomar posesion de ella des ahora. Y para la debida constancia en todos tiempos doy este documento como formal escritura que sera reconocida y acatada

por todas las autoridades civiles y militares de la nacion Mejicana en esta y en los demas Departamentos, y aun por el Gobierno general de ella, autorizado debidamente con me firma y la del Secretario de mi despacho en papel comun por absoluta falta de sellado, a ocho de Junio de mil ochocientos y cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, S'rio Y'nto.

Queda tomada razon de este titulo en el libro respectivo.

MORENO.

[Translation.]

EXHIBIT XXXIII.

TITLE TO MISSION OF SAN BUENAVENTURA.

Pio Pico, Constitutional Governor of the Department of the Californias:

Governor of Dep.
[EAGLE.]
of the Californias.

Previously authorized by the most excellent Departmental Assembly for the alienation of the Missions, also for the payment of their debts, and to avoid their total ruin, likewise to procure the means that might serve for the common defense in the case of a foreign invasion, which according to reliable information is near happening, in consideration of Don José Arnas having rendered to the government considerable services, and also having furnished good means for the best preservation and security of the Department under the guaranty of a just indemnity, when the General Treasury shall be disembarrased and not having the resources to reimburse the amount which is so justly due him by this government, it gives him in payment for the amounts which he has furnished at different times, to the aforesaid government, and which it has received, and which makes the sum twelve thousand dollars, and considering the existing circumstances, using the faculties with which

I am invested by the Supreme Government, and decree of the Departmental Assembly of the 13th of April last, I have sold to the aforesaid José Arnas in fee the Mission of San Buenaventura as agreed upon, with all its appurtenances consisting in lands, estates, properties, cattle and moveables, and in testimony whereof and for the validity of the contract the following conditions are established:

1st. He shall pay the creditors of the Mission of San Buenaventura within the space of at least one year, the amounts which shall be certified.

2d. From this day he shall furnish on his own account the sustenance and clothing of the Father Minister who shall at all times reside there for the conservacion of divine service, leaving for the benefit of said Father the rooms which he occupies.

3d. Enormous lesion in this sale shall not be set up by either party and the amount, either small or considerable, shall be interpreted in favor of the purchaser as being the actual just price of said Mission, there being no one that would give more for it.

4th. The lands which are here mentioned and which are known as belonging to the Mission include the Laguna Huenemo, el Palo Alto, los Desiembras de Santa Puala, la Cañada de la Mision, and all those which have not been granted with a good title from the government, which are recognized as the lands of the establishment, which is hereby sold with all its property, cattle, useful and other movables which appertain to the same.

In consequence whereof the aforesaid Señor Arnas is declared by these presents to be the legitimate owner of the aforesaid Mission of San Buenaventura under the foregoing terms and conditions.

In consequence whereof he may take immediate possession of the aforesaid Mission, in proof whereof I execute this document in due form which shall be acknowledged and respected by all the civil and military authorities of the Mexican nation in this and other departments and even by the General Government.

Duly authorized under my hand and that of the Secretary of

my office on this ordinary paper for want of stamped paper this 8th day of June, 1846.

PIO PICO.

JOSE MATIAS MORENA, Secretary, *pro tem.*

Note of this superior dispatch has been made in the respective book.

MORENA.

[Original.]

EXHIBIT XXXIV.

SANTA BARBARA.

Pio Pico, Gobernador Constitucional del Departamento de Californias:

Gobierno de Dep.
[EAGLE.]
del Californias.

Facultado ampliamente por el Suprema Gobierno Nacional para provira le defensa comun del Departamento en el caso de una invasion que con fundamente se terne, y siendo necessario para ello hacerse de algunos recursos, habiendose presentado a este Gobierno Don Ricardo S. Den manifestando q. compraba la mision de Santa Barbara con todo clase de pertenencias que le corresponden afreciendo la cantidad de siete mil y quinientos pesos y obligamdose a darla subsistencia al Padre Ministero obrando en consequencia con el decreto de la Honorable Asamblea relativos a missiones de 13 de Abril ultima, vista y considerado todo cuanto debia tenerse presente he venido hacer venta formal y efectiva con todas sus bienes raices y semovientes y terrenos que no reconozcan propriedad particular que le correspondieron a Don Ricardo S. Den, midiante la cantidad de siete mil quinientos pesos que ha entregado al Gobierno Departamental eceptuandose de la venta lo Yglesia y sus pertenencias asi como las pezas de habitacion de Reverend Padre que alló existe y bajo las condiciones siguientes:

1°. Respetarán las propriedades de los Indios que hubiera

establicidos y no las molestará ni privará de ellos en virtud de esta venta.

2°. Señalará a los indios que quisieren terrenos para que haga siembras a la beneficio, dando les derecho sobre ellas, y no impedirá que introduzcan bienes de Campo en los lugares que presten comodidad, bajo la condicion de que no les enagenaran a ninguna persona, en el cuso de abandono quedan al beneficio del comprador.

3°. Proporcionará lo necesario para la subsistencia del Padre Ministro y conservacion del culto divino.

4°. Tan luego como sean cumplidos los nueve años en que está arrenedada la mision tomará la posesion de ella no pudiendo entre tanto disponer de ninguna de sus propriedas sino es con el consentimiento de los arrendatarios.

En consequencia declaro por las presentas letras ser dueño legitimo de la espresada mision de Santa Barbara Don Ricardo S. Den en los terminos y bajo las condiciones espresadas, con lo cual es conforme.

Y para la debida constancia en todos tiempos, doy este documento como en formal escritura q. sera reconocido, y acreditado por todas las autoridades, civiles y militare de la Nacion Mejicana en este y los demas departamentos y ann por el Gobierno General de ella, autorizado debidamente con mi firma y la del Secretario de mi despacho en este papel comun por absoluta falta del sellado en los Angeles a diez de Junio de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, Secretario, Yun,t

Queda tomada razon de este Superior Titulo deventa en el libro a que corresponde, f ha ut supra.

MORENO.

[Translation.]

EXHIBIT XXXIV.

SANTA BARBARA.

Pio Pico, Constitutional Governor of the Department of the Californias:

Governor of Dep.
[EAGLE.]
of the Californias.

Fully empowered by the Supreme Government of the nation to provide for the general defense of this department in case of an invasion, which there is every reason to fear, and it being necessary to raise some supplies for that purpose:

This government having received the offer of Mr. Richard S. Den, for the purchase of the Mission of Santa Barbara with all things appertaining thereto, for the sum of seven thousand five hundred dollars, besides binding himself to provide maintenance for the Missionary Priest. Acting in conformity with the decree of the Honorable Departmental Assembly of the 13th April last, after having examined and considered everything requisite in this matter, I have resolved to make a genuine and effective sale of the Mission of Santa Barbara, with all its property, tenements, stock and lands (that do not belong to private individuals), to Richard S. Den, by virtue of the payment of the sum of seven thousand five hundred dollars, which he has delivered to this Departmental Government; excepting in the sale the church and its appurtenances, and also the rooms occupied by the Reverend Priest who lives there, and on the following conditions:

1st. He shall respect the property of the Indians who may be established there, he shall neither molest, or dispossess them in virtue of this sale.

2d. He shall mark out the lands which the Indians wish to cultivate for their own benefit, giving them dominion over it. He shall not prevent their placing stock on those places which are convenient, on condition that they shall not confer these

privileges to any other person, and in case of abandonment they shall remain for the benefit of the purchaser.

3d. He shall provide the necessary subsistence for the Reverend Minister, and for the preservation of divine worship.

4th. So soon as the nine years are completed for which the Mission is rented he shall take possession of the same, in the interim he cannot dispose of any part of the property without the consent of the lessees.

I therefore declare, by these presents, that Richard S. Den is the legitimate owner of the aforesaid Mission of Santa Barbara on the terms and conditions expressed herein, with which he is satisfied, and for perfect evidence at all times, I give this document, as a genuine title deed which will be acknowledged and respected by all the civil and military authorities of the Mexican Nation in this and every other department, and likewise by the General Government being duly legalized by my signature, and that of my Secretary of Dispatch, on this common paper for the absolute want of stamped paper in Los Angeles, on the 10th day of June, 1846.

PIO PICO.

JOSE MATIAS MORENO, Secretary, *ad interim*.

Note of this superior title has been made in the respective book, date as above.

MORENO.

[Original.]

EXHIBIT XXXV.

SANTA YNEZ.

Pio Pico, Gobernador Constitucional del Departamento de Californias:

Gobierno de Dep.
[EAGLE.]
del Californias.

Por cuanto los Señores Don Jose Maria Covarrubias y Don Joaquin Carrillo se presentaren a este Gobierno, solicitando se les de en legitima posesion la Mision de Santa Ynez con los po-

cos terrenos que le quedan y debidamente le corresponden lo mismo que las demas existencias que tenga—en pago de siete mil pesos con que han ausiliado a este Gobierno para sus urgencias, a mas de quedar obligados, a proporcionar de su cuenta particular lo necesario para lo subsistencia decente dél Reverendo Padre Ministro que alli hubiera y sosten para la conservacion del culto divino; teniendo en consideracion los servicios de estos Señores, particularmente el primero que siempre se ha prestado gastose a ayudar al Gobierno, y que asi mismo se les seguirian perjuicios por las cantidades que han facilitado, y atendiendo al estado ruinoso de dicho establecimiento he venido en conceder a las espresados Señores Covarrubias y Carrillo la mencionada Mision de Santa Ynez, con todos sus pertenencias, esceptuando las casas que sirven de habitacion al R^do^. Padre, la Yglesia y demas cosas que le son afectas y reconoce proprias, como en justo pago de siete mil pesos, siendo este al presente su estimacion y no haber quien diese mas por ellas; usuando pues de las facultades con que me hallo autorizado por el Supremo Gobierno Nacional y por decreto de la Honorable Asamblea Departamental de 13 de Abril ultimo, declaro pos las presentes letras, a los Señores ante dichos, dueños en propriedad de la repitida Mision, en los terminos que quedan estipuladus, por cuya virtud podran desde luego tomar posesion de ella.

En consequencia mando que teniendose el presente titulo por una formal secritura de venta se entre que a los interesados para su resguardo y demas fines, debiendo ser reconocido y acatada por todos las autoridades civiles y miltares de este Departamento y demas de la nacion por lo cual se tomara de el la correspondiente razon.

Dado en la cuidad de Los Angeles, en este papel comun por absoluta falta del sellado a los quince dias del mes de Junio de mil ochocientes cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, S'crio Yn^to^.

Queda tomada razon de este Superior Despacho en el libro respectivo.

MORENO.

[Translation.]

EXHIBIT XXXV.

SANTA YNEZ.

Pio Pico Constitutional Governor of the Department of the Californias:

Governor of Dep.
[EAGLE.]
of the Californias.

Whereas, Don José Maria Covarrubias and Don Joaquin Carrillo, have presented themselves to this government requesting that there be given to them in legal possession the Mission of Santa Ynez with the few lands which remain to it and duly correspond to it, as also the other property which it may at present have, in payment of seven thousand dollars, with which they have assisted this government for its pressing demands, besides remaining bound to furnish on their own private account what may be necessary for the decent subsistence of the Reverend Father Minister who may be there, and support for the continuance of the divine worship; having in consideration the services of these gentlemen, particularly of the first, who has always taken pleasure in assisting this government, and that they will suffer losses on account the amounts which they have furnished, and in consideration of the ruinous condition of said establishment, I have granted to the said Señores Covarrubias and Carrillo, the aforesaid Mission of Santa Ynez, with all its appurtenances, excepting only the houses which serve as the dwelling of the Rev. Father, the church, and other things belonging to him and recognized as private, as in just payment of seven thousand dollars, this being its present value and there being no person who would give more for it; using then the powers with which I am authorized by the Supreme National Government and the Decree of the Honorable Departmental Assembly of the 13th of April last, I do by these presents, declare the aforesaid Señores owners in fee of the said Mission in the terms which have been stipulated, in virtue of which they can take immediate possession of it.

In consequence, I order that the present title being held as a formal title and valid writing of sale, it be delivered to the persons interested for their security and other purposes, being recognized and respected by all the authorities, civil and military, of this department and others of the nation; wherefore, the corresponding note will be made of it.

Given in the city of Los Angeles on this common paper for absolute want of stamped, on the fifteenth day of the month of June one thousand eight hundred and forty-six.

[Signed,] PIO PICO.

[Signed,] JOSE MATIAS MORENO, Sec'y *ad interim.*

Note has been made of this superior patent in the proper book.

[Signed,] MORENO.

[Original.]

EXHIBIT XXXVI.

SAN JUAN BAUTISTA.

Pio Pico, Gobernador Constitutional del Departamento de las Californias:

Gobierno del Dep.
[EAGLE.]
Del Californias.

Por cuanto a que D. Olivie Delesegues ha justificado suficientemente deber se le por la hacienda publica diversas cantidades q. en memoria y esquilinos ha fecilitado a la guarnicion del Puerto de Monterey a pedimento del Sor. Com^te^. Gral. del Departamento y habiendo solicitado en pago de ellos la huerta del establecimiento de San Juan Bautista, con lo cual se conforma, no obstante de que el importe de su abalùo es menos que la cantidad q. se la adeuda, he venido en concederle la espresda huerta, en uso de la facultad q. me confirio la Exma. Asamblea Departamental en su acuerdo de cuatro de Julio del año procsimo pasado. y de conformidad con el Reglam^to^. de 28 de Octubre del mismo año.

En consecuencia declaro por las presentes letras q. el mencionado D. Olivie Dolesegues es dueño legalmente de la referida huerta de S. Juan Bautista en pago de lo que se le adeuda en cuya virtud tomará la posesion judicial de ella mediante este despacho.

Por tanto mando q. teniendose el presente por titulo firme y validero, se tome razon de el, en el libro respectivo y se entregue al interesado para su resguardo y demas fines.

Dado en papel comun por falta de sellado en la cuidad de Los Angeles, a cuatro de Mayo de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, S'rio Y'nto.

Queda tomada razon de este Superior Despacho en el libro respectivo.

MORENO.

SOR. ALCALDE 1°.:

Maria Concpcion Boronda, vinda de Don Olivie Deliesegues, y como albacea y tutora de mis menores hijos en uso de mis derechos ante V. como mejor proceda paresco y digo que la justificacion é entegridad de V. se ha de servio mandar ampararme de la posesion, que no se le dio a mi difunto esposo de la huerta de arboles frutales, que se haya en este pueblo al norte de la plaza principal segun el derecho que me asiste a mi y mis pupilos en el documento que en dos fojas útiles le acompaño, y mediante tambien a ser yo la vinda persona que derecho debe tener a dicha Huerta. Por tanto:

A V. suplico manda decretar de conformidad por ser de justicia que impetre.

San Juan Bautista, Abril 23 de 1850.

MARIA CONCEPCION BORONDA.

SAN JUAN BAUTISTA,
Abril 23, de 1850.

Por presentado y admitido, pase esta solictud al Sor. Juez de condado para que con vista de ella y el titulo q. le acompaña decrete si este Jusgado tiene facultades para conocer del

presente negocio y si es legal el titulo que menciona dicha solicitud, para en su vista seguir la recuerda de negocio, agriguese aquel a esta por principio, asi yo el C. Angel Labrya, Alcalde 1°. de esta Múnicipalidad; asi lo dereto mando y firme con los de mi asistencia.

Doy fe, ANGEL LABREYA.

Asa.:

JESUS FIGUEROA,
SATURNINO CARREGA.

Se le arrego el titulo y se izo saber a Doña Concepcion Boronda auto anterior y enterada dijo que pide se le entregue originales los presentes para ocurrir a Monterey como esta mandado y firmo.

C. BORONDA.

LEBREJA.

En la fecha, y en tres fojas utiles se entregan los presentes a la parte.

Lo anoto.

—

[Translation.]

EXHIBIT XXXVI.

SAN JUAN BAUTISTA.

Pio Pico, Constitutional Governor of the Department of the Californias:

Governor of Dep.
[EAGLE.]
of the Californias.

Whereas, Don Olivié Deleisegues has satisfactorily shown that the public treasury is in debt to him for sundry amounts of money and effects furnished by him to garrison of the Port of Monterey at the request of the Señor Commandant General of the Department, and having solicited in payment thereof the orchard of the establishment of San Juan Bautista, with which he is satisfied, notwithstanding the value thereof is less than the amount due him, I have concluded, by virtue of the pow-

ers vested in me by the Most Excellent Departmental Assembly in their resolution of the 4th of July of the last year past, and in conformity with the Regulation of the 28th October of the same year, to grant to him the orchard aforesaid.

Therefore by these present letters, I declare the aforesaid Don Olivié Deleisegues to be the legitimate owner of the said orchard of San Juan Bautista in payment of what is due him, in virtue whereof he will take judicial possession thereof under this patent.

Therefore, the present being held as a firm and valid title, I order it to entered in the respective book, and that it be delivered to the interested party for his security and other purposes.

Given on common paper for the want of sealed, in the city of Los Angeles, on the fourth day of May, one thousand eight hundred and forty-six.

[Signed,] PIO PICO.

[Signed,] JOSE MATIAS MORENO, S'rio.

Entry is made of this superior patent in the proper book.

MORENO.

SENOR FIRST ALCALDE:

I, Maria Concepcion Boronda, widow of Don Olivié Deleisgües, and as the administratrix and guardianess of my minor children in the exercise of my rights, appear before your honor in due form, and pray:

That your honor, in your goodness and integrity, may be pleased to direct that I may be favored with the possession which was not given to my deceased husband of the orchard situated north of the principal square of this pueblo, according to my own right and that of my wards in the document accompanied herewith on two written leaves, and also in virtue of my being the only person who should have any right to the said orchard.

Therefore I pray your honor to order a Decree in conformity therewith, it being justice that I implore, etc.

San Juan Bautista, April 23, 1850.

[Signed,] MARIA CONCEPCION BORONDA.

SAN JUAN BAUTISTA,)
April 23, 1850.)

Being presented and admitted, let this petition be referred to the Hon. County Judge, that after an examination thereof, and of the title accompanied herewith, he may decide whether this Court has any jurisdiction over the present case, and whether the title referred to in the said petition is legal whereupon to prosecute the continuation of the cause. Let that be annexed to and preceding this. Thus:

I, citizen Angel Lebrija, First Alcalde of this Municipality, decreed, ordered and signed, with my assisting witnesses. I attest:

[Signed,] ANGEL LEBREJA.

Asst'g Witnesses:

[Signed,] JESUS FIGUEROA,

[Signed,] SATURNINO CARRAJA.

The title was annexed and the foregoing act was notified to Doña Concepcion Boronda, whereupon she requested that those originals be delivered to her to repair to Monterey as directed, and she signed it.

[Signed,] LEBREJA. [Signed,] C. BORONDA.

On the same day and on three written leaves, these documents were delivered to the party.

I enter it. (Rubric.)

A correct translation. Sept. 20, 1855.

[Original.]

EXHIBIT XXXVII.

SAN JOSÉ.

El Ciudadano Pio Pico, Gobernador Constitucional del Departamento de Californias:

Gobierno del Dep.
[EAGLE.]
Del Californias.

Por cuanto los Señores Don Andres Pico y Don Juan Bautista Alvarado se han presentado como compradores del Establecimiento ó Mision de San José, y con arreglo a la facultad concedida a este Gobierno Departamental en trece de Abril del presente año, par la E. Asamblea, y en uso de las que me concede el Supremo Gobierno General a nombre de la nacion Mejicana y de conformidad con la ley de 18 de Agosto de 1824, y reglamento de 21 de Noviembre de 1828 é venido en declarar, como declaro a los espresados Señores dueños en propriedad del dicho establecimiento y bajo las condiciones siguientes:

1°. Pertenecen en venta real y personal para siempre jamas a los Señores Don Andres Pico y Don Juan Bautista Alvarado el Establecimiento ó Mission de San José, con sus terrenos, buenas raices, semovientes y demas muebles ecsistentes, conforme al inventario hecho por la comision que nombró este Gobierno.

2°. Se ecceptuan de esta vente la casa cural, que conta de seis piezas con el local que ella pertenece ó le esta señalada quedando a beneficio del R. P. Misionero.

3°. Pagarán los espresados Señores Pico y Alvarado al Gobierno Departamental por la venta del relacionado establecimiento ó Mision de San José la cantidad de doce mil pesos en metalico, como valor convenido en contrata formal, quedando a su beneficio las cantidades que se les deben al dicho establecimiento, asi como tambien pagaran a los acreedores, las que deba el establecimiento, pues esta convenido por la presente contrata que será de su precisa obligacion el chancelar aquellas cuentas de una manera definitiva.

4°. Podran las interesadas cercar, cerrar ó acotar sus terrenos sin perjudicar las travecias, caminos y servidumbres; la desfrutaran libre y esclusivamente haciendo de el, el uso que mejor les conviniera a su aprovechamiento.

5°. Pediran los interesados al Juez que corresponda la posesion judicial de dicho establecimiento en virtud de este titulo por lo cual se les demarcaran los linderos con las majoneras de estito quedando en la precisa obligacion de levantar el respectivo diseño y agregando al respectivo titula.

Por tanto mando que el presente titulo se tenga por firme y valedero, sirviendo de autentica escritura para la seguridad de los referidos compradores. Setoma razon de él en el libro a que corresponde y se les entrega a los interesados para su resguardo y demas fines.

Es dado en la ciudad de Los Angeles, Capitol del Departamento de Californias, en papel comun por falta de sellado, a los cincdias del mes de Mayo del año de mil ochocientas cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, S'rio Y'nto.

Queda tomada razon de este superior despacho en el libro respectivo.

MORENO.

—

[Translation.]

EXHIBIT XXXVII.

TITLE TO SAN JOSE MISSION.

Citizen Pio Pico, Constitutional Governor of the Department of Californias:

Governor of the Dep.
[EAGLE.]
Of the Californias.

Whereas, Señores Andres Pico and Juan Bautista Alvarado have appeared as purchasers of the establishment and Mission San José, and in accordance with the power vested in this Departmental Government on the 13th day of April of the

present year, by the excellent Assembly, and in exercise of those conferred on me by the Supreme General Goverment, in the name of the Mexican nation, and in conformity with the law of the 18th of August, 1824, and the regulations of the 21st November, 1828,—I have thought proper to declare, as I do declare, the aforesaid Señores owners in property of said establishment, and under the following conditions:

1st. The Establishment or Mission of San José, belongs to Señores Andres Pico and Don Juan Bautista Alvarado, by title of real and personal sale, in perpetuity, together with its lands, real and personal property and other existing moveables, according to the inventory made by the Commissioners appointed by this government.

2d. There is excepted from this sale, the parsonage, consisting of six rooms, with the ground thereto belonging or assigned, the same being for the benefit of the Rev. Missionary Father.

3d. Said Señores Pico and Alvarado shall pay to the Departmental Government for the sale of the said establishment or Mission of San José, the sum of twelve thousand dollars in cash, as the value agreed by formal contract, having for their benefit the sums due said establishment. They shall also pay to the creditors the sums which said establishment may owe, as it is agreed by the present contract that they shall be bound to cancel those contracts in a definite manner.

4th. The parties interested may inclose or fence their lands, without injuring the ways and servitudes. They shall enjoy it freely and exclusively, putting it to the use which may most conduce to their profit.

5th. The party interested shall ask of the proper Judge the judicial possession of said establishment by virtue of this title, by whom the boundaries shall be marked out with the customary land-marks, they being bound to make the corresponding plan and attach it to the present title.

Therefore, I order that the present title he held firm and valid, serving as an authentic deed for the security of the purchasers; that it be recorded in the proper book, and delivered to the interested party for their security and other purposes.

Given in the city of Los Angeles, capital of the Department

of the Californias, on common paper, there being none stamped, on the 5th day of May, in the year one thousand eight-hundred and forty-six.

PIO PICO.

JOSE MATIAS MORENA, Secretary *pro tem.*

Note of this superior title has been made in the respective book.

MORENO.

[Original.]

EXHIBIT XXXVIII.

LA SOLEDAD.

Pio Pico, Vocal Decano de la Asemblea Departamental y Gobernador Provisional de las Californias:

Gobierno del Dep.
[EAGLE.]
Del Californias.

Por cuanto Dⁿ. Feliciano Soberanes ha pretendido comprar para su beneficio personal y el de su familia la fabrica de la ex-Mision de la soledad que se compone de una sala y tres cuartos, el terreno la huerta, y la viña de la espresada ex-Mision, mediante la cantidad de ochocientes y mas pesos que le adueda la hacienda publica y nacional por su ministros que hizo a las divisiones de los Señores Comandantes Generales, Don Manuel Micheltorena y Don José Castro; en uso de las facultades que me confirio la Eˣᵐᵃ. Asamblea Departamental en su acuerdo relativo de 4 de Julio del año pasado de 1845, y considerando que lo perteneciente a la ex-Mision de la Soledad se encuentra en un estado de ruina y abandono, declaro por las presentes letras que el mencionado Don Feliciano Soberanes es dueño legalmente, y legitimo comprador de las espresadas fabrica, tierra, huerta y viña, de la ex-Mision de la Soledad mediante cesion que el repetido Soberanes hace a favor de la nacion de mencionada cantidad de ochocientos y mas pesos que le adeuda la haciendo publica, pudiendo desde ahora, y en virtud de este

despacho tomar la posesion de dichas fabricas, tierra, huerta y viña; en la inteligencia que se excluye la Yglesia de dicha ex-Mision, la que quedara a disposicion del Yl^mo^. Señor Obispo. El terreno que en virtud de las presentes letras para a la propriedad del Señor Soberanes, is de la estension de dos sitios de ganado mayor y colinda por la parte del norte con tierras del Rancho de Lago, y por el sur con alizo que esta immediato al arroyo seco.

Por tanto mando que habiendose el presente por titulo firme y valedero, se tome razon de el en èl libro de asientos sobre adjudicaciones de terrenos valdios, y se entregue al interesado para su resguardo y demas fines. Dado en la ciudad de los Angeles, en este papel comun por falta absoluta del sellado, a cuatro de Enero de mil ochocientas cuarenta y seis.

PIO PICO.

Queda razon de este titulo en el libro respectivo. Angeles, fecha ut supra.

COVARRUBIAS.

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[Translation.]

EXHIBIT XXXVIII.

MISSION OF LA SOLEDAD.

On the fourth of January, 1846, it was sold to Don Feliciano Soberanes, the building of the Mission of La Soledad embracing one parlor and three rooms as well as the vegetable garden and vineyard of the aforesaid Ex-Mission for the sum of eight hundred and odd dollars due him by the public revenue for supplies that he made to the divisions of the Commanders General Don Manuel Micheltorena and Don José Castro, and on the same day the title of ownership was granted to him.

Pio Pico, Senior Member of the Departmental Assembly, and Provisional Governor of the Californias:

Governor of Dep.
[EAGLE.]
of the Californias.

Whereas, Don Feliciano Soberanes has solicited to purchase for his personal benefit and that of his family the building of

the former Mission of the Soledad comprising a hall and three rooms, the land, orchard and vineyard of said former Mission with the sum of eight hundred and odd dollars, owing to him by the public and national revenue, for supplies furnished by him to the divisions of Commandents Generals Don Manuel Micheltorena and Don José Castro.

In virtue of the powers conferred upon me by the most excellent Departmental Assembly by its decree respecting the matter dated July 4th of last year, 1845, and considering that the property belonging to the former Mission of La Soledad is in a state of ruin and abandonment, do declare by these present letters, that the said Don Feliciano Soberanes is the legal owner and legitimate purchaser of the said building and orchard and vineyard of the former Mission of La Soledad in consideration of the cession which said Soberanes makes in favor of the nation of the said amount of eight hundred and odd dollars, owing to him by the public revenue, he being at liberty from this date, and by virtue of this title to take possession of said buildings and orchard and vineyard, it being understood that the church is excluded, this being left to the disposal of the most Illustrious Bishop.

The land which is transferred to the ownership of Señor Soberanes by virtue of these present letters is of the extent of two square leagues (sitios de ganada mayor) and is bounded on the north by lands belonging to Lugos Rancho, on the south by a sycamore tree situated near the Arroyo Seco.

I therefore command that these presents being held as a firm and valid title, a record thereof being made in the Book of Entries respecting the adjudication of vacant lands and be delivered to the parties interested, for his security and further ends.

Given in this city of Los Angeles, on this common paper, on account of the absolute want of sealed paper, on this fourth day of January, A. D. 1846.

[Signed,] PIO PICO.

[Signed,] JOSE MA. COVARRUBIAS, Secretary.

A record of this title has been made in the respective book.

COVARRUBIAS.

[Translation.]

EXHIBIT XXXIX.

MINISTRY OF WAR AND MARINE,
SECTION OF PRINCIPAL.

EXCELLENCY: To the General Commander of California I this day communicate as follows:

The preparations which the United States are making, and the approach of the naval forces towards our ports leave no doubt that war with that power is about breaking out, and as His Excellency the President *pro tem.* is resolved to sustain the rights of the nation, he wishes that in all the ports of the Republic where the enemy may present itself, a rigorous defense be made, capable of giving honor and glory to the national flag. For that object and until the Supreme Government appropriates and sends you the necessary means, it relies upon your patriotism and fidelity to dictate the measures which you may judge necessary for the defense of that department, for which purpose you and His Excellency "are invested with full powers." And I have the honor to transcribe the same to you, for your cognizance, hoping that you, on your part will leave no efforts to preserve entire the rights of the nation. God and Liberty.

Mexico, March 10th, 1846.

TORNEL.

To His Excellency
the Governor of the Department of the Californias.

This is a true copy of the original which remains in my possession, and to which I refer.

Angeles, Sept. 30, 1852.

[Signed,] PIO PICO.

[Original.]

EXHIBIT XL.

[Extract from Mexican Constitution of 1843.]

TITULO VII.—GOBIERNO DE LOS DEPARTAMENTOS.

Seccion 134. Son facultades de las Asamblea Departamentales:

Articulo 1. Establecer arbitrios para completar sus gastos ordinarios ó para hacer los extraordinarios que determinen segun sus facultades con aprobacion del Congreso, sin perjuicio de llevarlos a efecto immediamente que los decreten. El Presidente de la Republica puede suspender la ejecucion de estos arbitrios, dando cuenta sin demora al Congreso.

2. Arreglar la inversion y contabilidad de la hacienda del departamento.

3. Crear los empleados necesarios para la recandacion y distribucion de la hacienda departamental, y asignarles sus dotaciones, y reglarmentar las obligaciones de los empledos.

4. Crear fondos para establecemientos de instruccion, utilidad ó beneficencia publica, con los requisitos designados en la atribucion primera.

5. Decretar lo conveniente y conforme a las leyes, respecto de la adquisicion, enagenciones y permutas de bienes que pertenezcan al comun del departamento. Sobre enagenacios de terrenos se observaran las leyes vigentes, y lo que determinen las de colonizacion.

6. Disponer la apertura y mejora de los caminos del Departamento y cuidar de su conservacion, estableciendo en ellos peages para cubrir sus costos; entendiendose esta atribucion sin perjuicio de lo que dispongan las leyes sobre caminos generales.

7. Fomentar la enseñanza publica en todos sus ramos, crecendo y dotando establecemientos, literarios, y sujetandose a las bases que diere el Congreso sobre estudios preparativos, cursos, examenes y grados.

8. Crear y reglementar establecimentos de beneficencia correccion ó seguridad.

9. Reglamentar el contingente de hombres que para el ejercito deba dar el departamento.

10. Hacer la division politica del territorio del departamento, establecer corporaciones y funciones municipales, espedir sus ordenanzas respectivas, y reglamentar la policia municipal urbana y rural.

11. Cuidar de la salubridad publica y reglamenter lo conveniente para conservarla.

12. Fomantar la agricultura, industria y demas ramos de prosperidad segun sus facultades.

13. Aprobar los planes de arbitrios municipales y los presupuestos anuales de los gastos de las municipalidades.

14. Establicer y organizar los tribunales superiores y jusgados inferiores, respetando la propriedad de los actuales majistrados y jueces, y reglamentar el ejercicio de sus funciones sin alterar el orden de procedimientos que disponen ó dispusieron las leyes.

15. Hacer el Congreso iniciativas de ley en uso de la facultad que les da el Artº. 53.

16. Consultar al Gobernador en todos los asuntos en que este lo exiga, y tambien en los que deba hacerlo conforme a estas bases, y a las leyes.

17. Proponer al Gobierno Supremo una lista de todas las personas que le parezcan a proposito, y que no sean menos de cinco para el nombramiento de Gobernador. En los departamento frontizeras no tendra obligacion el Gobierno de sujetarse a esta lista y sucederá lo mismo cuando en algun otro departamento, y en caso estraordinario, lo acordará el Congreso por iniciativa del Presidente.

18. Hacer las elecciones segun estas bases de Presidente de la Republica individuos de la Suprema Corte de Justicia y Senadores.

19. Decretar la fuerza de policia que deba haber en el departamento, y reglamenter su servicio, que se reducira a conservar el orden, cuidar de la seguridad publica, y auxiliar la ejecucion de los mandatos de las autoridades politicas y judiciales. Esta fuerza no gozara fuero, y debera estar distribuida en las poblaciones con proporcien a sus necesidades.

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[Translation.]

EXHIBIT XL.

TITLE VII.—THE GOVERNMENT OF THE DEPARTMENTS.

Section 134. The powers of the Departmental Assemblys:

Article 1. To establish the means of meeting their ordinary

expenditures, or of making those that are extraordinary, which they may direct according to their powers with the approbation of the Congress, without prejudice to carry them into effect immediately after they shall be decreed, the President of the Republic may suspend the execution of these means giving notice without delay to Congress.

2. To regulate the receipts and accounts of the treasury of the department.

3. To appoint the necessary officers for the collection and paying out of the departmental revenue, fix their salaries and regulate the duties of the officers.

4. Create funds for the establishment of education, utility or public benevolence with the requisites designated in the 1st Article.

5. To decree what may be proper (and conformable to the laws) respecting the acquisition, alienations and exchanges of the property that may belong to the community of the department. With regard to the alienation of lands, they shall observe the existing laws, and whatever is decreed by the laws of colonization.

6. To direct the opening and improvement of the roads of the department, and take care of their preservation, establishing thereon toll-gates to cover their cost. This power, it is well understood, without prejudice to what the laws respecting general roads may direct.

7. Encourage public instruction in all its branches, creating and donating literary institutions, and subjugating them to the regulations called for by Congress respecting preparatory studies, courses, examination and grades.

8. Create and regulate establishments of benevolence, correction or security.

9. Regulate the contingent of men which the department should furnish the army.

10. Make the political division of the territory of the department, establish corporations and municipal officers, furnish their respective ordinances, and regulate the municipal city and county police.

11. Take care of the public health, and make the proper regulations to preserve it.

12. Encourage agriculture, industry and other sources of prosperity, according to their powers.

13. Approve the plans of the municipal expedients, and the annual estimates of the expenses of the municipalities.

14. Establish and arrange the superior tribunals, and inferior justice's courts, respecting the authority of the actual magistrates and judges, and regulate the exercise of their functions, without altering the order of proceedings that the laws direct, or shall direct.

15. To make suggestions of laws to Congress, according to the power given by Article 53.

16. Advise the Governor in all matters, when he shall demand it, and likewise in those when they should do it conformable to their bases and to the laws.

17. Propose to the Supreme Government a list of all the persons that may appear to them fit, and which shall consist of not less than five, for the appointment of Governor. In the frontier departments the government shall not be obliged to conform itself to this list, and this shall follow in any other department, and in any extraordinary case Congress shall grant it upon the application of the President.

18. To make the elections of the President of the Republic, Members of the Supreme Court of Justice and Senators, according to their bases.

19. To decree the police force which the department should have, and to regulate its duty, which shall be confined to preserving order, taking care of the public safety, and aiding the execution of the mandates of the political and judicial authorities. This force shall not enjoy any privileges, and shall be distributed among the population according to their necessities.

EXHIBIT XLI.

JOSEPH S. ALEMANY,
Bishop, etc.,
v.
THE UNITED STATES.

In this case, on hearing the proofs and allegations, it is adjudged by the Commission that the claim of the said petitioner is valid for the land hereinafter specifically described, and the same is therefore hereby confirmed to him to hold the same in the capacity and for the uses set forth in his petition; and as to the remaining portion of the premises claimed in the petition, it is adjudged that the claim for the same is not valid and the same is rejected.

The lands of which confirmation is hereby made, are as follows, to wit:

The land known as the Cañada de los Pinos or College Ranch, situated in the county of Santa Barbara and bounded and described as follows:

Beginning on the north bank of the river Santa Ynez, in front of the Cañada called by the Indians, "Acmamiquiamé," which south of the river forms the boundary of the Messrs. Carrillo and Yansen, and on the west of the Mission of Santa Ynes there is a marked *Alamo* that serves as a landmark; thence running easterly along the bank of said river, sixteen thousand five hundred varas, terminating at the "Cañada de Aquichumo" where a tree was marked as a bound when the judicial measurement of this land was given by Nicolas A. Den; thence running north sixteen thousand varas to the Sierra de San Rafael; and commencing again at the place of beginning for the western line of said tract of land, the same runs thence north fifteen thousand one hundred varas, till reaching the boundary of the Neophyte Antonio; and thence in an easterly direction to the northern termination of the line, secondly above described, which constitutes the eastern line of said land; excepting and reserving from the premises above described, such portions of said land as belongs to individual neophytes or others, at the time juridical possession was given

on the 14th day of April, 1845; being the same premises described in two grants thereof made by Governor Micheltorena, one on the 16th day of March, and the other on the 26th day of September, 1844, and more particularly described in the testimonial of juridical measurement abovementioned, both of which are on file in this case, and are to be referred to for more particular description of said premises.

The land known as the Rancho "Laguna," situated in the county of San Luis Obispo and near the Mission of that name, and bounded and described as follows, to wit:

Commencing at some large rocks, which are at the skirt (falda) of the second *Serro* which forms the "Cañada de los Osos," and running thence in a south-westerly direction along the boundary of Don Maximo Pacheco, on the level land of the Cañada and the lateral hills of the "Cerro de la Majada" five thousand varas; thence south-easterly along the range of hills and the sierra five thousand varas to the mouth of the "Cañada de San Miguelito, designating at that point as a boundary, the same mark that designates the boundary of Don Miguel Abila; thence in a north-easterly direction along the skirt of the hills on the same line of the boundary of Don Victor Linares, and in the same direction along the plain to the stone fence in front of the Laguna at the point of center between the two *Cerros* which form the entrance to the plain south-west of the principal building of San Luis Obispo, said line being five thousand varas in length; thence north-westerly along the foot of the two *Cerros* and the edge of the plain in which the Lake ("laguna") is situated, five thousand varas to the point of commencement, containing one square league of land—being the same land described in the testimonial of juridical measurement thereof, made by the Alcalde, Tomas X. Herrera, September 23, 1845, which is on file in this case and to which reference is to be had.

The church and the buildings adjoining thereto, erected on three sides of a quadrangle, and constituting the church and Mission buildings of the ancient Mission of San Diego, in San Diego County, together with the land on which the same are erected and the curtilage and appurtenances thereto belonging, and the cemetery adjoining the same, and also, a garden situa-

ted south of the buildings abovementioned and a short distance therefrom, inclosed with an adobe wall and known as the garden of said Mission; the said premises being the same designated as "Church Buildings" and "Garden," in the delineation thereof on Map numbered 1, in the Atlas marked "Exhibit No. 1, A. F." and annexed to the deposition of James Alexander Forbes, filed in this case Nov. 29, 1854, reference to be made thereto, for a further description.

The church and the building adjoining thereto, built in a quadrangular form, and constituting the building known as the Church and Mission Buildings of the Mission of San Luis Rey, situated in San Diego County, together with the land on which the same are erected and the curtilage and appurtenances thereto belonging, and the cemetery adjoining the same, inclosed with a stone wall and the wall of the church; also the inclosed gardens, one of which is situated nearly south from said quadrangle, and is inclosed by an adobe wall, with the exception of a small portion on the western side, where the inclosure is of branches or sticks; the other is situated in a direction about north-west from said quadrangle, and is inclosed by an adobe wall; said gardens being the same which were formerly used by the Priest having charge of said Mission. The property above described, is the same delineated on Map numbered 2, in the Atlas above referred to.

The church and the building nearly adjoining thereto built in a quadrangular form, which are known as the Church and Mission buildings of San Juan Capistrano, situated in Los Angeles County, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the inclosed cemetery which adjoins the same. Also two inclosed gardens, known as the gardens of said Mission, both being within five hundred yards of said buildings, and in an easterly and south-easterly direction therefrom, and being the same which are delineated and designated as "Orchard" and "Orchard and Garden," on map numbered three, in the Atlas abovementioned.

The church and the buildings adjoining thereto, which are known as the Church and Mission buildings of the ancient Mission of San Gabriel, situated in Los Angeles County, to-

gether with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery inclosed with an adobe wall and adjoining said church. Also, an orchard and garden situated in front and south of said church, at a distance of some seventy or eighty feet from the the same, as the same is inclosed with adobe walls and a fence; being the same which was long used by the Padres of said Mission, and the same laid down on the map numbered 4 in the Atlas before mentioned, as "Orchard" and "Garden;" also a vineyard which was used by the said Padres as such, situated in a northerly direction from said church, at the distance of about sixteen chains therefrom, and is bounded on the west by a road, and on the other side by an adobe wall and fence, being the same tract of land which is delineated and marked "Vineyard" on said map.

The church and the buildings adjoining thereto erected in the form of a quadrangle constituting the building known as the Church and Mission buildings of the Mission of San Buenaventura, situated in Santa Barbara County, together with the land on which the same are erected, and that included within said quadrangle, and the curtilage and appurtenances thereto belonging, and the cemetery inclosed by an adobe wall and adjoining said church. Also, a garden situated south-west of said quadrangle and at the distance of about one hundred feet from said cemetery, inclosed by an adobe wall, being the same used and occupied by the Priests of said Mission, and the same delineated on map numbered 5 in the atlas aforesaid, and therein designated by the words "Garden and Orchard."

The church and the buildings adjoining thereto, built in a quadrangular form, and the house connected with the same by a yard at the south-west corner of said quadrangle, which are known as the Church and Mission buildings of the Mission of San Fernando, situated in the county of Los Angeles, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery inclosed with an adobe wall and adjoining said church.

The church and the buildings adjoining the same, built in a quadrangular form, and constituting the Church and Mission buildings of the Mission of Santa Barbara, situated in the

county of Santa Barbara, together with the land on which the same are situated, and the curtilage and appurtenances thereto belonging, and the cemetery as enclosed by a stone wall and adjoining said church, and including the small chapel standing within the limits of said cemetery. Also, a garden known as the Mission Garden, situated at the distance of about four chains from the most southern part of said quadrangle, the same being inclosed on all sides by an adobe wall, and being the same occupied and used by the Priests of said Mission. Also a vineyard situated about twelve miles west of the said Mission buildings, the fence inclosing the same constituting the boundaries thereof, and being the premises occupied and used many years by the Priests of said Mission, and well known as the "Mission Vineyard." The garden and vineyard intended to be confirmed by this decree are the same delineated on the map numbered 7 in the Atlas before referred to, under the designations of "Garden, 16 a, 3 R, 2 P," and "Vineyard, 8 a, 8 R, 2 y," and denominated "San José."

The church and the buildings adjoining thereto, erected in the form of a quadrangle and constituting the Church and Mission buildings of the ancient Mission of Santa Ynes, situated in Santa Barbara County, together with the land on which the same are erected, and curtilage and appurtenances thereto belonging, and the Cemetery, as the same is inclosed with its adobe walls, and which adjoins said Church. Also a tract of land situated in an easterly direction from said quadrangle at the distance of about eight chains therefrom, known as the Mission Garden, and long occupied by the Priests of said Mission, with the boundaries as the same is inclosed by fences, and the same is delineated on map numbered 8, in the Atlas before mentioned and there denominated "Orchard and Garden."

The Church and building occupied as a dwelling adjoining it constitutes the Church and Mission buildings of the Mission of La Purisima, situated in Santa Barbara County, together with the land on which the same are erected, and the court-yard fenced in adjoining the buildings in the rear, and the curtilage and appurtenances thereto belonging, and also the Cemetery belonging to the said Mission, with the limits as established by the adobe wall by which the same is surrounded, including

however within the limits the land covered by the old Church now in ruins. Also a garden situated about half a mile north-west of said building, known as the Mission Garden, with the fence by which the same is inclosed for its boundaries, being the same which is delineated on map numbered 9 in the Atlas before referred to, on which it is designated by the word "Orchard."

The Church and the buildings adjoining thereto erected in the form of a quadrangle, constituting the building known as the Church and Mission buildings of the Mission of San Luis Obispo, in San Luis Obispo County, together with the land on which the same are erected and the curtilage and appurtenances thereto belonging and the Cemetery adjoining said Church with the boundaries as inclosed by the adobe wall surrounding the same. Also two gardens, known as the Mission Gardens, and long occupied by the Priests of said Mission, one of which is situated to the north-west, and the other to the east of said quadrangle, the boundaries thereof being the wall and fence by which the same are inclosed, and including in the latter the passage way from the Mission building to the entrance of the garden as now used. The two gardens are the same as delineated on the map numbered 10, in the Atlas above referred to, and the same described in a grant thereof made by Governor Micheltorena, to the Rectors of the Church of said Mission, on the 16th day of July, 1844, to which (being on file in this case) reference is to be had.

The Church and the buildings adjoining the same built in the form of two quadrangles, nearly completed, constituting the church and buildings known as the Church and Mission buildings of the Mission of San Miguel, situated in San Luis Obispo County, together with the land on which the same are erected and the curtilage and appurtenances thereto belonging and the Cemetary adjoining said Church and buildings with the boundaries as inclosed by the adobe walls which surround the same; also a vineyard, situated in a north-easterly direction and at the distance of about three miles from said Church, known as the Mission Vineyard, and called "La Mayor," embracing the land within the limits as they have been known within the inclosure, and as fenced and cultivated by the

Priests of said Mission, being the same premises described in a grant thereof to the Rector of the Church of said Mission by Governor Micheltorena, July 16, 1844, to which, (being on file in the case), reference is to be had.

The Church with the buildings which adjoins the same, and those which are situated in immediate proximity thereto, constituting parts of the quadrangle in which said buildings are arranged, which together are known as the Church and Mission buildings of the Mission of San Antonio, situatad in the County of San Luis Obispo, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging. Also the Cemetery belonging to said Mission and inclosed in adobe walls, and situated a short distance from said quadrangle in a south-westerly direction. Also the vineyard known as the Mission Vineyard, situated in a south-westerly direction from said church, including the premises inclosed with the adobe walls surrounding the same, being the same delineated on map numbered 12, in the Alas above mentioned and designated thereon as the "Vineyard." Also the premises known as the garden of said Mission, situated at the north-east of the church and buildings aforesaid, and contiguous to them with the adobe wall surrounding the same for its boundaries; being the premises delineated on the said last mentioned map, and designated thereon by the word "Orchard." Also the flour-mills of said Mission, erected and occupied by the Priests of said Mission, situated about five chains northerly from said vineyard with the privileges and appurtenances belonging thereto, reference for a more particular description whereof is to be had to the delineation of the same on said map.

The church and the buildings adjoining the same and extending east of it, being the same known as the Church and Mission buildings of the Mission La Soledad, situated in Monterey County, together with the land on which the same are erected, and the inclosure, curtilage and appurtenances thereto belonging; and also the cemetery near said church and on the west of it, with the limits as defined by the adobe wall which incloses the same. Also the garden of said Mission, situated at the west of said church, with the limits as inclosed by an ancient hedge-fence of willows and an old adobe wall, being the

same used and occupied for many years by the Priests of said Mission, and the same delineated on map numbered 13, in the atlas before referred to, under the designation of "Orchard." Also a vineyard known as the "Mission Vineyard," situated about three miles and a half southwest of said Mission buildings; the same being situated in a cañada, having for its limits, on the north, south and west, the precipitous sides thereof, which form a natural boundary and inclose the same, and on the east side, the narrow gorge which forms the entrance thereto; being the same premises marked "Vineyard," and delineated on the last mentioned map.

The church and the buildings adjoining the same, erected on three sides of a quadrangle, being the same known as the Church and Mission buildings of the Mission of El Carmelo, situated in Monterey County, together with the land on which the same are erected, and curtilage and appurtenances thereto belonging; and also the cemetery adjoining to the same, with the limits as fixed and defined by the stone wall inclosing the same. Also the garden of said Mission, which is situated about south-east from said church, with the limits as the same is inclosed by the hedge of willows surrounding it; being the same premises marked "Orchard" on map numbered 14 in the atlas before referred to.

The church and the buildings adjoining it, built so as to form portions of the sides of a quadrangle, inclosed on the other part with an adobe wall, constituting the Church and Mission buildings, with its quadrangle, of the ancient Mission of San Juan Bautista, situated in Monterey County, together with the land covered by the same, and the curtilage and appurtenances thereto belonging; and the cemetery, with the extent inclosed within its walls, which adjoins said church. Also the premises known as the garden of said Mission, situated about three chains north-east from said church, having for its boundaries the embankment and ditch on three sides, and a hedge of willows on the fourth side, by which the same is inclosed; being the same premises laid down on map numbered 15 in the atlas above referred to, and thereon designated by the word "Orchard." Also the premises known as the Mission Vineyard, situated about eighty-four chains south-east from said church,

embracing the land used for many years by the Priests of said Mission as a vineyard, and inclosed by a ditch and the remains of an adobe wall, it being the same delineated on map numbered 15, and marked "Vineyard."

The church and the buildings adjoining the same, constituting the Church and Mission buildings of the Mission of Santa Cruz, in Santa Cruz County, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery as the same is inclosed by its adobe walls, which adjoins said church and buildings. Also the premises adjoining said buildings and their curtilage and said cemetery, and situated to the north and east of the same, known as the Mission Garden, and inclosed partly by a ravine and partly by adobe walls; the same being the premises delineated on Map numbered 16, in the Atlas before referred to and there designated by the term "Orchard."

The church and the building adjoining the same, built in the form of a quadrangle, and known as the Church and Mission buildings of the Mission of Santa Clara, situated in Santa Clara County, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery adjoining the same, with the limits embraced by the adobe walls surrounding it and the buildings abovementioned to which it adjoins. Also, the premises known as the Vineyard of said Mission, situated on the south side of said quadrangle and adjoining said buildings, within the inclosure of the adobe walls by which it is surrounded, being the same premises delineated on map numbered 17 in the Atlas before referred to, where it is designated by the term "Vineyard." Also, the premises known as the Garden or Orchard of said Mission, situated north-east from the church and distant about sixteen and a half chains, and inclosed with an adobe wall which define its boundaries; the same being delineated and represented on said map numbered 17 by the term "Orchard."

The church known as the Mission Church of the Mission of San José, situated in the county of Santa Clara, together with the land on which the same is erected, with the curtilage and appurtenances thereto belonging, and also the cemetery which adjoins said church on the north side thereof, embracing all the

land within the adobe wall which forms its exterior lines. Also the garden of said Mission which adjoins said church, including the area which is surrounded by an adobe wall, excepting a portion at the north-east corner, where the boundary is a fence, being the same premises delineated and designated by the term "Vineyard" on map numbered 18 in the Atlas before referred to. Also another parcel of land situated at the distance of five chains south of the premises last described, which is also known as the Mission Garden or Orchard, the boundaries of the same being the adobe wall by which the same is inclosed, and the same premises marked "Orchard" on the map last mentioned. Also the cemetery, which is situated at the west of said church and distant about seventy-four chains from it, inclosed by an adobe wall, and being the same delineated on the map last mentioned, (in the south-east corner of said map), and marked "Cemetery."

The church and the buildings adjoining it, being the same which are known as the Church and Mission buildings of the Mission of San Francisco, in the county of San Francisco, commonly called the Mission Dolores, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging; and the cemetery adjoining, according to its ancient limits and boundaries. Also the premises known as the Mission Garden, lying in the rear of said church adjoining the same and the cemetery abovementioned, with the ancient limits and boundaries of the same as used and occupied by the Priests of said Mission; and also another garden of said Mission, situated in front of said church and on the opposite side of the street, with the ancient limits and boundaries of the same as long used and occupied by said Priests; reference for the description of these two last mentioned parcels of land to be had to the map numbered 19 in the Atlas before mentioned, where the same is delineated, each parcel being designated by the word "Garden."

The church and the buildings adjoining the same, being the same known as the Church and Mission buildings of the Mission of San Rafael, situated in Marin County, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery adjoining

them with the area which is inclosed by the fence surrounding the same. Also the Mission Garden, which is situated about ten chains in an easterly direction from said church, the boundaries thereof being the adobe wall by which the same is inclosed, and being the same premises which are delineated on map numbered 20 in the Atlas before referred to, (extending to the north, however, only to the line marked thereon "Ruins of adobe walls,") and designated by the word "Vineyard."

The church and the buildings adjoining the same, known as the Church and Mission Buildings of the Mission of San Francisco Solano, situated in the town of Sonoma in Sonoma County, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging; also, the garden or vineyard situated about fourteen and a half chains from the building aforesaid, and in an easterly direction, called the Mission Vineyard, with its ancient limits and boundaries as occupied and used by the Priests of said Mission, being the same delineated on Map numbered 21, and designated by the word "Vineyard."

ALPHEUS FELCH,
R. AUG. THOMPSON,
S. B. FARWELL,
Commissioners.

Filed in Office, Dec. 18, 1855.
GEO. FISHER, Sec'y.

UNITED STATES OF AMERICA,
State of California,
Southern Dist. of Cal.

I, C. Sims, Clerk of the District Court of the United States for the Southern District of California, do hereby certify the foregoing to be a true, full and correct copy of the original as the same appears of file in my office.

[SEAL.] In witness whereof, I hereunto set my hand and affix the Seal of said Court, this 18th day of December, A. D., 1858.

C. SIMS, Clerk.

Per W. W. STETSON, Deputy.

EXHIBIT XLII.

IN THE DISTRICT COURT OF THE UNITED STATES,
For the Southern District of California.

THE UNITED STATES, } No. 388.
v.
JOSEPH S. ALEMANY. } Trans. No. 609.

In pursuance of a notice from the Attorney-General of the United States, it is hereby stipulated and agreed, that the appeal heretofore taken from the decision of the United States Land Commission in this case, be dismissed, and the notice of intention to prosecute said appeal be withdrawn; and that claimant have leave to proceed under the said decision of the United States Land Commission, heretofore rendered in his favor, as under a final decree.

P. ORD,
Dist. Att'y U. S. for South. Dist. of Cal.

EUGENE CASSERLY,
Attorney for J. S. Alemany, Claimant.

UNITED STATES OF AMERICA,
State of California,
Southern Dist. of Cal.

I, C. Sims, Clerk of the District Court of the United States for the Southern District of California, do hereby certify the foregoing to be a true, full and correct copy of the original as the same appears of file in my office.

[SEAL.] In witness whereof, I hereunto set my hand and affix the Seal of said Court, this 18th day of December, A. D., 1858.

C. SIMS, Clerk,

Per W. W. STETSON, Deputy.