CASE NO.
387
SOUTHERN DISTRICT

LANDS OF THE CHRISTIAN
INDIANS GRANT

JOSEPH S. ALEMANY
CLAIMANT

LA ND CASE 387 SD pgs. 56

MAR 2 6 1963

Also on Microfilm

ALSO AVAILABLE ON MICROFILM

CONTENTS FRAGILE
HANDLE WITH CARE

663
Sup - Sp - Mond
Opt & dec - Hale

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 663.

Joseph S. Alemany — CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Lands of the Christian Indians

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

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

(Vide page 3 *of this Transcript.)*

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

San Francisco April 24' 1856

In case no. 663, Joseph S. Alemany for the lands of the Christianized Indians, the deposition of Franco de Jesus Sanchez, a witness in behalf of the claimant, taken before Commissioner Peter Lott with documents marked Exhibits no. 1, 2, 3, 4, 5 & 6 P. L annexed thereto was filed.

(Vide page 10 of this Transcript,

San Francisco January 2 1855

Case no 663 was ordered to be placed at the foot of the 4' Class cases on the trial docket.

San Francisco March 13' 1855

Case no. 663 was submitted without argument and taken under advisement.

2

San Francisco Dec. 31' 1855

In the same case Commissioner Alpheus Felch delivered the Opinion of the Board rejecting the claim:

Vide page 43 of this Transcript

And the following order was made to wit;

Vide page 53 of this transcript

3 Petition

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

The petition of the Christian Indians of California resident on the various Missions. of the right Revd Joseph. S. Alemany Bishop of Monterey acting in their behalf.

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

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

Of Andres Luis Angel. Odoreco. Blas. Formas. Guido. Francisco. Joaquin. Juan Bautista Raymundo. Rafael. Emeterio. Manuel. Illassinio. and Gregorio Christian Indians of Santa Ines of the same Right Rev Joseph. S. Alemany Bishop of Monterey as their Attys.

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

Of the Right Rev Jos S. Alemany Bishop of Monterey a Corporation Sole respectfully shows. That many years ago and whilst California then a province of the Spanish Vice Royality of Mexico. was still a wilderness. uninhabited. save by the tribes of Aboriginal Indians. Priests of the Roman Catholic Church. under the jurisdiction of the Spanish Ecclesiastical Authorities came to this country as Missionaries. for the purpose of converting the said Aborigenes. to Christianity and teaching them the arts of civilization in pursuant of which objects they founded the Establishment known as the Missions of California.

That the establishment of said Missions was commenced at San Diego in the year One thousand Seven hundred & Sixty nine & from that period forward the other Missions hereafter mentioned were from time to time founded. all with the same objects and following the same general system.

That the Missions under the Authority and with the assent of the Government of Spain and under the laws thereof. & subsequently in like manner under the Government of Mexico took up large tracts of Land in California. & subjected them to cultivation. and the uses of agriculture and Cattle

raising. by the labour of the Indians who by these means were in a great degree induced to abandon their former wandering and improvident modes of life and to adopt the arts of peace and Civilization.

That the Government of Spain recognized by Law the truth of the Catholic Religion. and the people of Mexico having no religious differences amongst themselves. the Government after its severance from the Kingdom of Spain. did the same. and the Catholic Church in those Countries. was and is recognized as a body politic and Corporate with its proper succession. and enjoying the controle and administration of its internal affairs. according to the rules of its Cannon Law. and the rules and discipline of the Catholic Church.

That the Government of Spain (whilst Mexico remained a dependency thereof) and the Government of Mexico after its seperation from Spain recognized the truth of the Catholic Religion, and the existance or gangation and discipline of the Catholic Church as above mentioned. and the importance of Civilizing and Christenizing the Indians. encouraged the establishment of said Missions and authorized the Missions to regulate the affairs of the Indians. to reduce them into Communities. and administer the property and temporal affairs. and that under said System of Laws and regulations. all of which were in force at the time of the conquest and cession of California to the United States. the Catholic Church and Catholic Clergy of California were regarded and recognized by Law. as the guardians of the Indians. and the latter were their wards and pupils.

That the tracts of Land taken up as aforesaid were assigned to each Mission. and that the same were used and cultivated by the Indians under the direction of the Priests and Padres. and the cattle and crops raised on the same were appropriated to the benefit and use of the Community of each Mission in common. under the direction of the Missionaries also. that when from the superior advancement in civilization of any individual Indian or any Community of them. or from any peculiar local circumstances it became proper to do so. such individuals or communities. had parcels of land expressly assigned to them. in severalty or in common

of the Governors for the time being. and that when Lands were so assigned to individuals or communities in severality. such individuals or communities were recognized of Law. as the absolute owners of such Lands subjected to the Conditions of the grant. but that independant of such ownership in severalty the title of the Indians of California to their Lands as derived from the Law of Nature. and from immemorial occupation was always recognized of the Laws of Spain and Mexico. and it was at all times forbidden. and that of repeated Enactments. to take their Lands from the Indians or to eject them therefrom.

That up to the year One thousand Eight hundred and thirty three. the Missions of California had been under the charge and Superintendence of Rules termed Regular Clergy of the Catholic Church. that is to say. members of Regular Religeous Orders. The said Missions having been established of the Friars of the order of St Francis commonly called Franciscans.

That in the year 1833 an act was passed of the Congress of Mexico (commonly called the Law of Civilization) directing the substitution of Secular Rules of the Catholic Church in the place of Missionary Friars on the Missions and depriving the Clergy of the administration of the Temporal affairs of the Indians and directing the same to be put into the hands of Laymen as administrators. but that the revenues. issues. profits and crops. gain. gold and advantage of the Mission Lands were under the said Law of Secularization and under such Lay administration recognized as belonging to the Indians. and the administrators were placed merely to take charge thereof in trust for their benefit. in consequence of the inexperience of the Indians in matters of the kind.

That in the year One thousand Eight hundred and thirty five. a Law was passed of the Congress of Mexico which directed the suspension of the act of Secularization until further steps should be taken of the Supreme Government (and which further steps never were taken) and that in the mean time things should be maintained in the state they were in before said Law was enacted. and in pursuance of said last mentioned Law. the Secularization of the said Mission was suspended. and. very little proceedings having ever been taken under the act Secularization.

The Catholic Church continued to be regarded and recognized as the guardians of the Indians in the same manner as before said act had been passed and were such at the time of the cession of California to the United States by the Treaty of Guadalupe Hidalgo.

That the extent of Land originally belonging to Each Mission was Seven Leagues square or its Equivalent and that the Missions were as follows.

1st The Mission of San Diego in the County of San Diego Established in 1769.

2d The Mission of San Luis Rey in the County of San Diego Established in 1798.

3d The Mission of San Juan Capistrano in the County of Los Angeles & San Diego Established in 1796.

4th The Mission of San Gabriel in the County of Los Angeles Established in 1771.

5th The Mission of San Fernando in the County of Los Angeles Established in 1771.

6th The Mission of San Buenaventura in the Counties of Santa Barbara & Los Angeles Established in 1782

7th The Mission of Santa Barbara in the County of Santa Barbara. Established in 1786.

8th The Mission of Santa Ines in the County of Santa Barbara Established in 1804

9th The Mission of La Purissima in the County of Santa Barbara. Established in 1787.

10th The Mission of San Luis Obispo in the County of San Luis Obispo Established in 1772.

11th The Mission of San Miguel in the County of San Luis Obispo Established in 1797

12th The Mission of San Antonio in the County of San Luis Obispo Established in 1771.

13th The Mission of La Soledad in the County of Monterey Established in 1791.

14th The Mission of San Carlos in the County of Monterey Established in 1790.

15th The Mission of San Juan Bautista in the County of Monterey Established in 1797.

16th The Mission of Santa Cruz in the County of Santa Cruz Established in 1791.

17th The Mission of Santa Clara in the County of Santa Clara Established in 1777.

18th The Mission of San Jose in the County of Santa Clara Established in 1797.

19th The Mission of San Francisco de Asis in the County of San Francisco Established in 1776.
20th The Mission of San Rafael in the County of Marin Established in 1817.
21st The Mission of San Francisco Solano in the County of Sonoma Established in 1823.

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

That under the Mexican Government of California the corporate succession of the Catholic Church being recognized by law the administration of temporal affairs connected with the Church was vested in the Bishop and Clergy of the Diocese. but that after the cession of California to the United States the administration thereof in conformity to general usage of the Catholic church in the United States and from motives of convenience placed in the hands of the Bishop of the Diocese as representing the church and your petitioner Joseph S. Alemany Bishop of Monterey has been duly incorporated as a corporation sole for that purpose under and in pursuance of a Statute of the State of California passed April 22d 1852. and amended May 4th 1852.

That at a convention of the Catholic Clergy of California held in the City of San Francisco in March 1852. and at which the Clergy attached to the 21 Missions and 15 Parishes composed within said Diocese were represented. the members of said Convention considering their duty towards the various Indian residents on the Mission Lands and in communities as above mentioned. and in view of the fact that as the number of the Indians had very much diminished within the last few years. and that consequently that so much Land would not be required for their use as heretofore Resolved unanimously that your petitioner should apply to your Honors on behalf of the said Catholic

Clergy and of the said Indians for a release to your petitioner for the benefit of and in trust for the Indians of one square league of land to each Mission including or excluding as your Honors may think just the lands specially granted to individual Indians or to communities of them as herein before mentioned.

Your petitioner further shows that he holds grants of specified portions of land to the following individual Indians & communities and for a confirmation thereof he prays on their behalf and as their guardian and tutor. viz.

1st From Governor Manuel Michelltorena a grant of the land known by the names of las Gallinas el Nacimiento and La Estrella in the County of San Luis Obispo. to your to your petitioners the Christian Indians of San Miguel a copy of which grant is herewith presented marked "A" and a translation of the same marked "Translation of "A" said grant is dated July 16. 1844.

2d. A grant from the same Governor of all the vacant (baldeas) lands of Santa Clara ungranted before that time to your petitioners the Christian Indians of Santa Clara dated June 10th 1844. a copy of which grant is hereunto presented marked "B" together with a translation thereof marked "Translation B"

3d A petition and order for grants. together with the evidence that such grants were duly made in favor of your petitioner Andres for three hundred varas square of land in San Isidro. of your petitioner Juan Bautista for three hundred varas square at the same place. to your petitioner Angel for two hundred varas square in the same place. and to your petitioner Rafael for two hundred varas square in the same place. also to your petitioner Blas for three hundred varas in the Sauga de Cata. and to your petitioner Tomas one hundred varas square in the same place. also to your petitioner Francisco three hundred varas square at the place called Alalikany to your petitioner Luis for three hundred varas in the same place. and to your petitioner Regmundo for two hundred varas square in the same place. also to your petitioner Joaquin for three hundred varas square at the place called Emieuh. to your petitioner Domingo for three hundred varas square at the same place. to your petitioner Guido for three

at the same place. to your petitioner Guido for three

9

hundred varas square at the same place. to your petitioner Manuel for three hundred varas square at the same place also to your petitioner Gregorio for two hundred varas square at the same place: to your petitioner Odorico for three hundred varas square in the place called Alagulape. To your petitioner Felicissimo for three hundred varas in the large plain. all at the Mission of Santa Ines. which order for said grants bears date January 18. 1844. A copy of the petition and order for said grants is herewith presented marked "C." together with a translation thereof "marked Translation of C."

Grants were in fact issued of all the lands mentioned in the petition and order marked C. and judicial possession given of the lands herein discribed. but from lapse of time & accident some of said Grants have been lost. of such as can now be found. a copy is herewith presented marked "D."

4th. A decree of Manuel Micheltorena Governor of California dated July 15. 1844. uniting the Mission of San Luis Obispo into a Town and granting the common land to the emancipated Indians a copy of which is herewith presented marked "E" with its translation marked "Translation of E."

Your petitioners therefore pray that there may be confirmed to your petitioner the Right Rev Joseph S. Alemany Bishop of Monterey and to his successors then title to one League of land at each of the aforesaid Missions in trust for the use of the Indians of such Mission. and also that the aforesaid titles the copies whereof are herewith presented marked "A. B. & C." as aforesaid may also be confirmed

And your petitioners will ever —

Botts & Smith
of Counsel
Carserly & Doyle
of Counsel.

Filed in Office July 28. 1853.

Geo Fisher Secty.

Recorded in Vol 2d of Petitions on pages from 33 to 40.

Geo Fisher Secty.

10

Deposition of Fran J Sanchez

United States of America
State of California

San Francisco April 22d 1854.

This day personally came before Peter Dott a Commissioner for taking Testimony to be used before the Board of U.S. Land Commissioners in said State. Francisco de Jesus Sanchez a witness on behalf of the claimant in Case No 663 on the Docket of said Board wherein Joseph L. Alemany is claimant in Trust &c and the said Witness being duly sworn. on oath deposed in the Spanish Language. which was interpreted into English by the interpreter to said Board as follows. to wit —

The United States Law Agent is present

Questions by the attorney for the claimants

1st Question. What is your name. age and place of present residence?

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

2d Question. Are you a Priest of the Catholic Church and how long have you been so?

Answer. I am. and have been for Sixteen years.

3d Question. How long have you resided in California. and at what places and in what employment

Answer. For 13 years. at various places. I have been and am a Franciscan Missionary I have been employed as such at San Buenaventura. Santa Barbara. San Gabriel. Santa Ines. Los Angeles. La Purissima and other Missions.

4th Question. Are you acquainted with the hand writing of Manuel Micheltorena. former Governor of California and Manuel Jimeno his Secretary. and how did you become acquainted with them?

Answer. I do know the hand writing of both of them. I lived for some Months in the same house with Micheltorena and have often seen each of them write.

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

Answer. They are three signatures. the one is the signature of ~~Michel~~ Manuel Micheltorena. and the other two of Manuel Jimeno all of them are genuine.

6th Question Examine the signatures to this Document now shown you and marked "No 2 annexed to the deposition of Francisco del Jesus Sanchez 'P.L" and say whos they are?

Answer. They are three. One of Micheltorena and two of Manuel Jimeno they are all genuine.

7th Question. Examine the signatures to this Document now shown you and marked "Exhibit No 3 annexed to deposition of Francisco del Jesus Sanchez P.L" and say whose they are?

Answer. They are two. One of Governor Micheltorena. the other of Manuel Jimeno both are genuine.

8th Question. Look upon the paper now shown you and marked "Exhibit No 4 annexed to the deposition of Francisco de Jesus Sanchez P.L" and say if you know in whos hand writing the various parts of it are?

Answer. I think the first part of it down to the word "Cuesitas" is in the hand writing of Thomas Olivera who was Mayor domo of Santa Ines at that time. but I am not certain of it. The part following the crosses down to the signature of Michel torena is in the hand writing of Governor Michel torena.

That which follows the signature of Michel torena down to the signature Jose Joaquin Jimeno is in the hand writing of Jose Joaquin Jimeno who was the Prest of the Mission of Santa Inez. I was his Companion then and know his hand writing well. The part which follows that down to the signature of Michel torena I believe to be in the hand writing of Governor Michel torena. The signature is his.

The part which follows that is again the hand writing of Jose Joaquin Jimeno down to the signature. That which follows is the hand writing of Governor Michel torena down to and including his signature. The last paragraph which is unsigned I think to be in the hand writing of Don Manuel Jimeno -

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

Answer. Yes.

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

Answer. The whole of the text or body of the Document is in the hand writing of one Raymonde Canillo. I have seen him write and often had letters from him. and know his hand writing well.

The signature on the first page "Felicassimo" is in the hand writing of Canillo also. I know the Indian Felicessimo. he could not write. The signatures Nicolas A Den Raymunde Canillo whenever they occur in the paper in its various parts are the genuine signatures of those parties respectfully

I have seen Den write and corresponded with him often. He was Justice of the Peace of Santa Barbara at that time. The signature of Jose Olivera where it occurs. I cannot testify to. as I don't know his hand writing.

11th Question. Were you present when the Judicial possession was given?

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

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

Answer. He built a small house enclosed the Land with a fence and planted Corn, Melons and Vegitables on it.

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

Answer. When I left Santa Ynes three years ago "Felicassimo" was in possession of it. Cannot of course know who has the actual possession now.

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

Answer. Some Missions had more and some less in 1841. the Mission which had the smallest number. had about One hundred & fifty. at the same time I understood that San Luis Rey had 3000, San Buenaventura had about 500. San Gabriel more than 200. Santa Barbara about 300. the numbers varied in various Missions.

I have here a table signed by Padre Sirian. who died some twenty years since. I know his signature by having seen it very often in baptismal registers and records of burials. Marriages &c. I never knew him personally this table may give some information on the Matter It is marked "Exhibit No 6. annexed to the deposition of Francisco de Jesus Sanchez O.S."

15th Question. What quantity of Land was usually attached to each Mission?

Answer. There was some Missions which had as many as 26 or 30 Leagues. I think the smallest quantity attached to any Mission was 8 or 10 Leagues. The Missions stretched along and occupied the whole Coast from San Diego to San Francisco Solano. now Called Sonoma. with the exception of a few Ranchos belonging to individuals

16th Question. Who were treated and regarded under the Mexican Government as the owners of these large tracts of Mission Lands?

Answer. The Indians under the direction of the Missionaries

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

17th Question objected to by Law Agent as Eliciting opinion of Witness on Matters of Law. P. Lott.

Answer. No. its object was with respect to Spiritual matters. to consign them to the Care of the Bishop with regard to temporal matters. to make a partition of the property among the Indians themselves. leaving the Church the property which belonged to the Church.

Cross Examined by the U. States Law Agent.

1st Question. How was the Land attached to the Missions as stated in your answer to Question 15th. State herein particularly the manner in which such Lands were set as Mission Lands. how they were segregated and how they were held?

Answer. These Lands were occupied by the Indians before the Missionaries Came. – The Missionaries when they took upon them the guardianship

of the Indians. also took the administration of the Land. occupied by them. There was no act of Segregation on the part of the Civil Government. other than the general recognition of the guardianship of the Missions over the temporalities of the Indians. and the tenure by which these Lands were held by the Missions was that of administrators and Guardians of the Indians who held the occupancy by prescription right. I speak of the Lands not belonging to the Church.

2d Question. How did the Indians obtain the ownership of the Lands as you mention in your answer to Question 16. and by what tenure did they hold.

Answer. The Indians were the occupants and owners of the Lands from time immemorial. they were the cultivators and tenants by the laws of Nature before the Spanish Dominion and neither the Spanish or Mexican Governments had vested the Lands from them when the Missionaries became their Guardians. This was a natural consequence of the original tenure. and unless these Lands were taken under the laws of Colonization to be granted by the Government to individuals. they were still left in the undisturbable possession of the Missions for the use of the Indians -

Francisco de Jesus Sanchez

Subscribed & Sworn to before me
on this 24th day of April A.D. 1854.

Peter Datt Commissioner
for taking testimony &c.

Filed in Office April 24. 1854
Pro Fisher Secy

Recorded in Br. B. Vol 4 p 289
Geo Fisher Secy

1.15

Sello tercero un peso.

Habilitado provisionalmente por la Aduana Marit-
-ima del Puerto de Monterrey en el Departamento
de las Californias para los años de mil ocho cientos
cuarenta y cuatro y mil ocho cientos cuarenta
y cinco.

Micheltorena. Pablo de la Guerra.

Exhibit. nº 1. annexed to deposition of Francisco de Jesus Sanchez. U.L.

387 SD
PAGE 16

El C. Manuel Micheltorena, General de Brigada
del Ejercito Mejicano, Ayundante General de la
Plana Mayor del mismo, Gobernador Comand.te
General é Inspector del Departamento de las
Californias.

Por Cuanto los Indigenas de S.ta
Clara han pretendido todo el terreno que se
halla comprehendido en el diseño que se formó
para demostrar el que existia como baldio
y no concedido: para que en comun se aprov
-echen de el y habiendose practicado previamente
las diligencias y averiguaciones consernientes segun
lo dispuesto por leyes y reglamentos de la materia
declaro á los ciudadanos Indigenas a nombre
de la Nacion Mejicana dueños en propiedad
del terreno mencionado, sujetandose á la aprob
-acion de la Supma. Asamblea Departamental y
á las condiciones siguientes.

1.a No podrán en ningun tiempo venderlo
ni enagenarlo, imponer censo, vinculo, fianza
hipoteca ni otro gravamen alguno, aunque sea
por causa piadosa ni pasarlo á manos muertas.

2.a Cuando el Gobierno por alguna
causa del bien comun necesitare de alguna
porcion del dho. terreno, podrá disponer lib
-remente de él pero sin que sea de aquellos
que cultiven y mas necesiten los Indios.

3.a Cuando se confirme esta concesion
se podrá medir jurridicamente el terreno, conforme
á ordenanza para que en los limites se

las mojoneras correspondientes: sin que en ningun tiempo estorben las travesias caminos y servidumbres.

5.º Si contravenieré á estas condiciones perderá su derecho al terreno.

En consecuencia mando que sirviendo les de titulo el presente y teniendose por firme y valedero se entregue al actual Ministro de Santa Clara para que se deposite en el archivo de la Mision, para la debida constancia. Dado en Monterrey á diez de Junio de mil ocho cientos cuarenta y cuatro.

Manl Micheltr.

Manuel Jimeno. Srio.

Queda tomada razon de esta concesion en el libro respectivo a fojas 8. vuelta.

Jimeno.

Filed in Office. April. 24. 1854.

Geo. Fisher.
Secy.

1 Tq Tumulation of "B"

The Citizen Manuel Micheltorena General of Brigade of the Mexican Army. Adjutant General of the Staff of the Same. Governor Commanding General and Inspector of the Department of both Californias.

In as much as the Indians of Santa Clara have solicited all the land which is comprised in the plan which was formed to designate that which existed as entitled and used granted. in order that in common they may benefit themselves with it and having taken the proper steps and made the inquiries according to the provisions of the laws and Regulations on the subject. in the name of the Mexican Nation. I declare the said Indians owners and Possessors of the above mentioned land. submitting themselves to the approbation of the Most Excellent Departmental Assembly and to the following conditions.

387 SD
PAGE 18

1st. In no time shall they be allowed to sell or alienate it to impose annuity. obligation. Mortgage. Security or any other charge even if it were for a pious object. nor to transfer it by Mortmain.

2d When the Government for some public good shall need a portion of said Land. it will be at liberty to dispose of it freely. but not of that which the Indians may Cultivate and need more.

3d. When this grant shall be confirmed. the Land may be measured juridically. according to the Ordinance. that in the limits the proper land marks may be placed. without disturbing at any time the Cross ways. roads or servitudes.

4th If they violate these Conditions. they shall loos their right to the Land. Consequently I order that these presents being a titel to them. to be held as firm & valid be delivered to the actual Minister of Santa Clara to be deposited in the Archives of the Mission for due reference.

Given at Monterey on the tenth day June 1844.

Manuel Micheltorena

Manuel Jimeno
Secy.

An account of this grant is taken in Inspection Book folio 8

Filed in Office Sept 28th 1853. Geo Fisher Jimeno Secy.

18

Manuel Michelltorena, General de Brigada del Ejercito Mejicano, Ayudante General de la Plaza Mayor del mismo, Gobernador, Comandante General é Inspector del Departamento de las Californias.

Por Cuanto ha parecido conveniente proporcionarles á los Indios de San Miguel un terreno, para que lo ocupen y cultiven como les hacomode: he tenido á bien en uso de las facultades que me son conferidas, por leyes y reglamentos de la materia y á nombre de la Nacion Mejicana concederles los terrenos que nombran las Gallinas, el Nacimiento y la Estrella, bajo las condiciones siguientes.

Exhibit No. 2. annexed to Depos. of Francisco de Jesus Sanchez.
P. L.

1ª No podrán venderlas, enagenarlas hipotecarlas, imponer censo, vinculo, fianza ni otro gravamen alguno.

2ª Podrán cercarlo sin perjudicar las barrancas caminos y servidumbres: pero si por algun motivo lo abandonaren: o quedaran baldios por muerte de ellos ó sus herederos bolveran á la Nacion para los usos convenientes.

3ª El terreno de que se hace mencion será bajo la estension que demuestra el diseño que se formará correspondiente y por orden del Gobierno.

4ª Si contravenieren á estas condiciones perderá su derecho al terreno y será denunciable por otro.

En consecuencia mando que sirviendole de titulo el presente y teniendose por firme y valedero se tome razon de él en el Libro a que corresponde y se entregue al Parroco para que lo haga constar en el Archivo de la Mision. Dado en Monterey á diez y seis de Julio de mil ochocientos cuarenta y cuatro.

Manl Nicholto.
Manuel Jimeno. Srio.

Queda tomada razon de esta Concesion en el libro respectivo. á fojas q.n

Jimeno.

Filed in Office. April. 24. 1854.

Geo. Fisher.
Secy.

21

"Translation of A."

Manuel Micheltorena General of Brigade of the Mexican Army. Ayuntant General of the Staff of the Sam. Governor Commanding General and Inspector of the Department of both Californias.

In as much as it has seemed proper to provide the Indians of San Miguel with a tract of land to be occupied & cultivated by them as they may see proper in the exercise of the facultiz which have been conferred upon me. by Laws and Regulations on the subject and in the name of the Mexican Nation I grant them the Lands named Gallinas el Nacimiento and la Estrella under the following Conditions.

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

2d They shall be allowed to enclose them without the injury of the Cross Roads and Servitudes. but if by some motive they should abandon them. or should remain deserted by their death or that of their heirs. they shall revert to the Nation for suitable purposes.

3d The Land of which mention is made shall be according to the extension which may designate the plan which shall be formed correctly and by order of the Government.

4th If they shall contravene to these Conditions they shall loose their right to the Land. and others will have the privelge of applying for it.

Consequently I command that these present being a title to them to be held firm and valid. should be Registered in the proper Book and should then be delivered to the Priest to be kept in the Archives of the Mission.

Given at Monterey on the Sixteenth day July AD 1844.

Manuel Micheltorena

Manuel Jimeno Secy

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

Jimeno.

Filed in Office July 28th 1853. Geo Fisher Secy.

22

El Ciudadano Manuel Michelltorena General de Brigada del Ejercito Mejicano, Ayudante General de la Plana Mayor del mismo, Gobernador Comandte General é Inspector del Dpto de California.

Habiendose dignado el Supremo Gobierno Nacional facultarme por su orden de 11 de Febrero de 1842 para el arreglo de Misiones y encontrandose la de San Luis Obispo hace algun tiempo sin bienes ninguno y con un corto numero de neofitos Cristianos viejos que se mantienen por medio de la Industria que ellos se proporcionan, he acordado se observen por ahora las prevenciones siguientes.

Exhibit. No 3. annexed to the deposition of Fran.co de Jesus Sanchez.
P. L.

1.a Se erige en Pueblo la Mision de San Luis Obispo quedando para sus egidos, los terrenos que actualmte estan baldios y en las inmediaciones de la poblacion.

2.a Quedan en entera libertad los neofitos de otra Mision y solo estaran en la obligacion de dar servicio personal al cura hasta el numero de seis personas que se turnaran cada semana, debiendoseles pagar á los demas que fueren llamados para otros trabajos.

3.a Se declara Casa, Coral el edificio que antes ocupaban los Reverendos Padres, Misioneros y la distribucion de las piezas de ella, yá sea para escuelas, Juzgados Carcel &c. será por el Gobierno con acuerdo del parroco.

4.o Mientras mejora el estado politico de la poblacion constituirá por ahora un Juez de Paz Auxiliar sugeto á la Municipalidad de esta Capital, cuyas autoridades conforme á las leyes y reglamentos vigentes y a estas prevenciones propondran al Gobierno las medidas convenientes para cuidar de la policia, ornato y demas objetos del pueblo.

5.º Ningun solar para casa se dará sin conocimiento del Gobierno quien solo podrá hacer estas consesiones para que las plazas y calles se formen simetricam.te. Asi mismo, ninguno podrá tener dominio en la agua de las sanjas y arroyos que corran por la poblacion, sino unicam.te el aprobechsam.te de ellos segun como se halla agraciado por el cura del lugar quien cuidará caritativamente de este ramo.

6.º La persona que desempeñe el Juzgado se encargará de los enseres enamientos y demas bienes que pertenescan á San Luis Obispo y con todo auxiliará prevenidamente á los Jueces para su trabajo.

7.º Las tierras que ocupan los encercados, se no podrán vender las, y si quedarán baldios por muerte del propietario y los herederos volverán á poder de la Nacion.

8.º Será obligacion de los encercados y demas vecinos, concurrir y auxiliar para compostura de Yglecia, casa, Cural y demas obras de la poblacion, como tambien p.a componer las sanjas, Madres, formar Presas, Corrales, Rodeos &c.a

Las autoridades cuidarán del efecto cumplim.to de estas disposiciones.

Monterey a 15 de Julio de 1846.

Manl Michelt.a

Man Jimeno. Srio.

Filed in Office. April. 24. 1851.

Geo. Fisher.

Secy.

25

"Translation of E"

The Citizen Manuel Micheltorena. General of Brigade of the Mexican Army. Adjudant General of the Staff of the same. Governor. Commanding General and Inspector of the Department of both Californias.

The Supreme National Government having vouchsafed to give me facilities by Order of the 11th of February A.D. 1842. for regulating the Missions. and the Mission of San Luis Obispo having been for some time without any goods. and with the small number of Christian Neophytes. advanced in years who support themselves by their own industry and diligence. I have decreed that for the present the following provisions should be observed.

1st The Mission of San Luis Obispo is created into a Town. remaining for its commons the lands which are now vacant. and in the neighborhood of the Town.

2d The Neophytes of said Mission remain in entire liberty. and they shall only be obliged to render personal service to the Pueblo to the number of six persons. who shall alternate weekly. and if more be employed for their labour they shall be paid.

3d The Edifice formally occupied by the Rev. Father Missionaries is declared the Cedats house and the distribution of the Rooms whether for a School. Court of Justice. &c. shall be made by the Government with the concurrence of the Curate.

4th. While the political condition of the Town becomes better it shall have for the present an auxiliary Justice of the Peace subject to the Municipality of this Capital the Authorities of which shall propose to the Government the proper measures to take care of the Town and the people with due accordance to the Laws regulations in force and to these provisions.

5th No lot for a house shall be given without the consent of the Government. which shall only make the concessions. that the Squares & Streets may be formed with symmetry.

In the same manner no one shall have dominion over the water of the Acqueducts and Cuts which run towards the Town, but only on a participation of them as he may be favored by the Curate of the place who shall take care charitably of this business.

6th The person who shall discharge the Office of Justice of the Peace shall take charge of the chattels sitting utensils and other articles that may belong to San Luis Obispo and in any way shall prudently help the Indians in their labours.

7th The lands occupied by the Emancipated Indians shall not be sold and should they remain vacant by the death of the owner and his heirs they shall revert to the Nation.

8th It shall be the duty of the Emancipated Indians and the Citizens to concur and help in repairing the Church, Priests house and other work of the Town and also in repairing the acqueducts in forming dams, Canals roads &c.

The Authorities shall see to the exact fulfilment of these dispositions

Given at Monterey the 14th day July A.D. 1844.

Manuel Micheltorena

Manuel Jimeno
Secy.

Filed in Office July 28th 1853.

Geo Fisher Secy.

1. 27

Exmo. Sor.

Andres, Luis, Angel, Octavio, Blas, Tomas, Guido, Fran.co, Domingo, Joaquin, Juan Bautista Raymondo, Juan Bautista, Pelasino, Gregorio y demas neofitos de esta Mision ante V.E. con el debido respeto se presentan y dicen que conociendo el que en el tiempo puedan quedarse sin terrenos y por consiguiente en la Indijencia como se allan otros desgraciados de nuestra clase suplico à V.E. nos agra la caridad de darnos pedazos de tierra como de ocho cientas otrecientas varas en cuadro en la Inmediacion de la Mision prometiendo no perjudicarla ni enajenarnos de ella.

Ste. Ynes. 10 de Agosto. de 1843.

Dr. no saber escribir estampamos nuestras cruzes.

Entered No. 4. and to the deposition of Francisco de Jesus Sanchez. P. L.

+ + + + + +

Gob.no Supremo de las Calif.as

Santa Ynes. Ag.to 11. de 1843.

Sirvase informar el Mr. R. S. Ayay. Jose Jimeno Min.o y encargado de la Ses Mision.

Micheltorena.

Exmo. Sor Gobernador.

Todos los unos contenidos en este memorial son dignos de consideracion, y asi soy de parecer que se les conceda algo de lo que pueden, pues-entonces cumplar fielmente lo que prometen de no perjudicar à la Mision ni privar la de las aguas y de no emanciparse; con la condicion de no enagenar en ningun tiempo lo que se les dé: al mismo que las palabras y demas neofitos de esta Mision no valgan pues no ay ran las tierras de regadio para repartir ni todos los neofitos son capaces de levantar.

Sta. Ynes. Ag.to 13 de 1843.

J. José Joaq.n Jimeno.

San Luis Obpo. Agto. 10. de 1843.

El M. R. P. se sirvase decir nuevos y como puede conservarse, de quien y de cual para q. el Gobno. pueda despachar con acierto y calificacion.

Michelta.

Emmo. Sor. Gobernador.

En cumplimiento à la decretado por V. E. despues de bien meditado el negocio, atendido a la edad estado, servicios y conducta de cada uno de los Suplicantes y arreglandome en lo posible à la razon y Justicia digo: que à los neofitos Andres Juan Bto. Angel y Rafael se les puede dar puede dar à los dos primeros por su numerosa familia trescientas varas cuadradas y à los dos Segundos dosientas à todos en S. Indro; à Blas trescientas y à Tomas seis en la Sarja de Cota tomando solo el ojo de agua chico de rio del Este, à Francisco y Luis trescientas y a Raymundo doscientas en el paraje llamado Malitray a Joaquin, Domingo Guido y Manuel tres cientas y à Gregorio, doscientas en el pueblo llamado Majalupi y à Peliciano trescientas en llano grande y de este modo se concilia todo quedan inmediatas à la Mision para que acudan à los trabajos y los cercos y tierras que cultive esta quedan salvas.

Sto Dgo. 9. de 1844

S. José Joaquin Jimeno.

Monterey. Enero. 18 de 1844.

Conforme opina el M. R. Pdo. Ministro.

Michelltorena.

En 6 de Julio de 1845 se estendieron los titulos conforme opino el R. P. José de Jimeno con las condiciones de no poder vender, enajenar hipotecar y sin poderlo dejar baldio y que si asi lo hacer, o murieren ellos ó sus herederos

Si así lo hacen, o murieren estos ó sus herederos,

5. 29

volverá el terreno á la Nacion Sey: anotese al Señalamiento y medicion que mandaron hacer el R. P. Nuño respectivo.

Filed in office. April. 24. 1854.

Geo. Fisher.
Secy.

31

31

"Translation of 6"

Most Excellent Sr.

Andres. Luis. Angel. Odorico. Blas. Tomas. Guido. Francisco. Domingo. Joaquin. Juan. Bautista. Raymundo. Rafael. Emeterio. Manuel. Filiciessimo. Gregorio. and other Indians of this Mission present themselves with due respect before your Excellency & State. that fearing in the course of time they may be deprived of Land and consequently reduced to the State of indigence in which many unfortunate individuals of our class are at present. We beseech your Excellency to do us the Charity of granting us sitations of Land about two hundred or three hundred yards square in the neighborhood of the Mission. promising on our part not to injure (the Mission) nor to Emancipate ourselves from it.

Santa Ines August 10th A.D. 1843.

In consequence of not knowing how to write we give our marks.

X X X X X X X X X X X X X X X X X X

Supreme Government of both Californias.

Santa Ines August 11th 1843.

Acquaint the Very Rev Father Fr Jose Jimeno Minister and charged with the Mission of the above numerical

Michel Covena

Most Excellent Mr Governor.

All of the Indians most of whose names are contained in this Memorial are worthy of consideration. and accordingly I am of opinion that they should obtain something of what they sitition for. charging them to fulfill faithfully their promises and not to emancipate themselves. with the condition too. that they shall not alienate at any time what may be granted them. at the same time that the words "and other Indians of this Mission. may not avail since they should not obtain for distribution the irrigated lands. nor are all the Indians capable of cultivating them.

Santa Ines Aug 13th 1843.

Fry Jose Joaquin Jimeno

San Luis Obispo Aug 10th 1843.

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

Michel Torena.

Most Excellent Mr Governor.

In compliance with the determination of your Excellency after having Maturely considered the subject and conduct of each of the petitions and deciding as much as possible according to reason and justice. I say that to the Indians Andres Juan Bautista. Angel & Rafael may be granted Viz. to the two first in consequence of their large families. three hundred Yards square. all in San Isidro. to Blas three may be granted three hundred. and to Tomas One hundred Yards square. in the "Langa de Cota" taking only the small spring of Water of the East side. To Francisco and Luis three hundred and to Raymondo two hundred in the place called Alalchany. to Joaquin Domingo. Guido. and Manuel three hundred and to Gregorio two hundred in the place called "Spiech" To Odorico three hundred Alaquapa and to Felicissimo three hundred in the "large plain". and that all in lands may be secured the Indians may live contiguous to the Mission in order to perform their work and the inclosures and Lands cultivated by the Mission are secure.

Santa Ines January 9th 1844

Fray Jose Joaquin Jimeno

Monteray Jan 18. 1844.

Ordered in consequence with the opinion of the Very Rev Father Minister

Michel Torena.

On the 6th of July 1844 the titles were issued conformeably to the opinion of the Very Rev Father Fr Jose Jimeno with the conditions that they cannot sell. alienate mortgage nor lease these portions of Land. waste and if any of them does so if they or any of their heirs die. the Lands shall devolve to the Nation and become subject to the marks and measurements which the respective Father Minister shall cause to be made.

Filed in Office Feby 28th 1853. Geo Fisher Secy.

Filed in Office July 28th 1853. Geo Fisher Secy.

33 Translation of D"

The Citizen Manuel Micheltorena General of Brigade of the Mexican Army. Adjutant General of the Staff of the same Governor. Commanding General and Inspector of the Department of the California

In as much as the Indians of Santa Ynes named Andres. John Baptist Angel & Rafael have given evidence of their good behavior and solicit Land for cultivation. I grant to the two first ones three hundred varas square. and to the two last ones two hundred in the place called "San Isidro". subject to the following Conditions.

1st They shall not be allowed to sell. alienate or Mortgage it. and if through some motive they would leave it. uncultivated. or should die the petitioners and their heirs. others may apply for it.

2d The Rev Father respected Minister shall provide that the Lands of which the donation is made shall be designated and measured.

Consequently I command that this presents being a title to them to be held firm and valid. an account of it may be entered in the respective Book. and then may then be delivered to the Concerned parties. for their preservation and other objects.

Given at Monterey on the Sixteenth day of July Eighteen hundred and forty four.

Manuel Micheltorena

An Account of this Grant is taken in the respective Book folio 9.

Jimeno.

Filed in Office July 28th 1853

Geo Fisher Secy.

6. 35

Exhibit. nº 5. annº to Deposition of Franco de Jesus Sanchez.
P. L.

1845.

Posesion Juridical en favor del Neofito Felissimo de Seis cientas Varas cuadradas en el parraje llamado llano grande.

Sr. Alcalde 1º de Sta. Barbara.

Felissimo neofito de esta Mision de Sta Inés ante la justificacion de V. compareze y dice que habiendo obtenido la concesion en propiedad de sesenta varas en el paraje del llano Grande por titulo espedido en su favor p.r el Superior Gob.no Departamental a V. Suplica se sirva darle la posesion judicial de estilo con arreglo á dho. titulo sirviendo admitir esta instancia en papel comun por no haber del sellado que corresponde. Juro no ser de malicia.

Sta. Ines. Abl. 8 de 1845.

Felissimo.

Sta. Inés. Abl. 8 de 1845.

En virtud de la antecedente Solicitud procedase por mi el presente Alcalde á la medicion y señalam.te de linderos y posesion judicial de las sesenta varas setuadas en el llano grande que solicita el interesado en este espediente con arreglo á los documentos que acompaña señalando para efectuar lo el dia nueve del presente, Asi yo Alcalde 1º del partido de Sta Barb.a lo mande decreté y firmé actuando por con testigos de asist.a por falta de Escribano publico nacional y publico de que doy fe.

Nicolas A. Den.

alta. Raymundo Carrillo. José Olivera.

En la Sta. presente el Neofito Felissimo se le notifico el auto que antecede y de él enterado dijo que lo oye y se da por notado y lo firmó con migo y las de asta. de que doy fe.

Nicolas A. Den.

alta. Joaquin Carrillo. José Olivera.

En seguida yo el Juez de estas actas nombré por mediadores en la presente

7. 37

a D. Antonio Rodriguez y Dn José Maria Valenzuela quienes prestó la aceptacion y juramento procedenà al desempeño de su encargo y para constancia lo proveyó por diligencia que firmó con los de mi asistencia de que doi fé.

ana. Nicolas A. Den.

Joaquin Carrillo. José Olivera.

Incontinte y en presencia de mi el espresado Alcalde los medidores mencionados tomaron un cordel de cañamo y con una vara de medir usual mejicana midieron sesenta varas para hacer la referida medicion y para que conste lo rubrique.

En la misma fha.

y en el espresado lugar llamado Mano grande siendo como las cuatro de la tarde yo el espresado Alcalde para proseguir a la medicion de tierra que se ha de hacer al neofito Felisisimo mandé a los medidores nombrados midiesen dos cordeles de sesenta varas por lo que declaran ser la cantidad de seiscientas varas cuadradas en cuyos estremos se pusieron unas montoneras de piedra que sirven de mojonera y para constancia lo firmé por auto con los testigos de mi asta. de que doy fé.

ana. Nicolas A. Den.

Joaquin Carrillo. José Olivera.

En el referido lugar y en el mismo, dho. mes y años el neofito Felisisimo acompañado de el Alcalde y testigos de estos autos digo q. habiendo medido las seiscientas varas segun lo esta en el auto anterior tomada y tomo la veradera y corporal posesion de dha seiscientas varas medidas, pues se pertenece por justo titulo que obtiene

de la concesion que de ella le hizo el Sr. Sor. Gobor Const. del Departamento D. Manuel Michelto rena, entro y paseo por ella arrancó llenbas, esparcio piñadas de tierra. y yto el otro. Alcalde mandó que desde entonces lo tuvieran y reconocieran por verdadero Señor y poseedor de ellas.

De todo lo apresado pidió dho. neofito Felicino que para memoria en lo sucesivo y conservacion de sus derechos le fuese extendida por mi el repetido alcalde una constancia y por no saber escribir lo sigue con cruz conmigo y los de mi asto segun ord. doy fe.

Nicolas Ch Den.

Joaquin Carrillo. Jose Olivera.

Filed in Office. April. 24. 1854.

Geo. Fisher. Secy.

Thomas Coon
"Exhibit No 5 Testimony of Sick Reservation Spanish Grants

1845

Translation "Exhibit No 5 annexed to depo. of Fco. de Jesus Sanchez P. L."

Judicial Possession in favor of the Neophyte, Felicisimo, of six hundred square varas of Land in the place called "Llano Grande".

To the 1st Alcalde of Santa Barbara

Felicisimo a Neophyte of this Mission of Santa Ynes before the justification of your Honor appears and states:

That having obtained a grant in Ownership of six hundred varas in the place called "Llano Grande" by title given in his favor by the Supreme Departmental Government, he prays your Honor have the goodness to give him the legal judicial possession thereof in Conformity with said title, please ~~please~~ to admit this petition on common paper for the want of proper sealed. He swears not to proceed from malice

Santa Ynes April 8. 1845

Felicisimo X

Santa Ynes, April 8. 1845

In pursuance of the foregoing petition I the present Alcalde, will proceed to the measurement, designation of boundaries and judicial possession of the six hundred varas, situated in the "Llano Grande" which the party to this petition solicits, in Conformity with the documents which he accompanies, appointing therefor the Ninth day of the present Month. Thus I the 1st Alcalde of the Partido of Santa Barbara ordered decreed and signed

H0

acting with assisting witnesses for the want of a National and Public Notary which I certify

(Signed) Nicolas A Den

Asstg Witnesses
(Signed) Raymundo Canillo
(") Jose Olvera.

387 SD
PAGE 37

The foregoing act was on this day notified to the Neophyte Telesforo, and having understood it, he declared that he heard it and acknowledged the certain thereof and signed it with me and the assisting witnesses, which I certify

(Signed) Nicolas A Den

Asstg Witnesses
(Signed) Raymdo Canillo
(") Jose Olvera

In Continuation I the Juez of these proceedings, appointed as measurers in the present possession Don Antonio Romerez and Don Jose Maria Valenzuela who after the acceptance thereof and oath will proceed to the discharge of their duty, and in testimony thereof I note it as a diligencia which I sign with my assisting witnesses which I certify

(Signed) Nicolas A Den

Asstg Witnesses
(Signed) Raymdo Canillo
(") Jose Olvera

In Continuation and before me the said Alcalde, the measurers took a hemp cord and measured with a common Mexican vara, fifty varas to make the

41

said measurement, and in testimony thereof I rubric it

Rubric

On the same day and being on the said place called "Llano Grande" at about four O'clock P. M, I the said Alcalde, in order to proceed to the measurement of land which is to be made to the Neophyte, Felicisimo, ordered the appointed Measurers to measure twelve Cords of fifty varas, whereof they declare the sum to be six hundred seventy varas, in the limits of which some heaps of stones have made its land marks, and in testimony whereof I signed it as witnessing with my assisting witnesses, which I certify.

(Signed) Nicolas A Den

Asstg Witnesses
(Signed) Raymdo Canello
(") José Olivera

Being on the aforesaid place on the same day and year, the Neophyte, Felicisimo accompanied by the Alcalde and witnesses of these proceedings, said; that the six hundred varas having been measured as appears in the foregoing act, he takes and did take the two and Corporal possession of the said Measured six hundred varas, because it belongs to him by a just title which he has of the grant thereof made to him by the Constitutional Governor of the Department Don Manuel Micheltorena, he entered upon and passed over it, pulled up bushes, scattered handfuls

of earth, and I the said Alcalde, ordered that hence forth he should be held and recognized as the true lord and proprietor thereof.

The Neophyte, Telesforo, asked a certificate Copy of all the foregoing in proof in future and the preservation of his rights from the said Alcalde, and not knowing how to write he signed it with a cross with me and my assisting Witnesses which I certify

(Signed) Nicolas A Den
Asstg Witnesses
(Signed) Raymundo Carrillo
(") Jose Olivera

A true and Correct translation
Witness my hand this 14th day
of Dec. 1855
Geo. Fisher Secy

Filed in Office Dec. 14. 1855
Geo. Fisher
Secy

No. 663

Exhibit No. 6. annexed to deposition of Francisco de Jesus Sanchez. J. L.

Viva Jesus María y Jose

Estado de las Misiones de la Alta California, sacado de los informes de los Misioneros en fin de Diz.e de 1820.

Nombres de las Misiones, sus edades, alturas de Polo, y sus distancias.	Bautismos	Casamientos	Difuntos	Existentes.	Ganado mayor	Ydm de Lana	Ydm de Pelo	Ydm de Cerda	Yeguas y Crias	Caballos mansos	Bestias mulares	Siembra y Cosecha trigo	Ydm de Cebada	Ydm de Maiz	Ydm Frijol	Ydm Garbanzos	Ydm Chicharos	Ydm Abas
S. Diego 16 de Julio de 1769. 32 gr. 48 min. Dista de la ant.a de la antig.a California 23 leguas.	5.123	1382	3.018.	1567	8120	14512	320	76.	650.	220.	172	311 f. c 1.720	280 f. c 800	14 f. c 1100	10 f. c 28.	ov	oo	oo
S. Luis Rey de Francia 13 de Junio de 98. 33 gr. 3 min.s. Dista de la antec.te 13½ leguas.	3.730	866.	1.314	2.603	10.500	12800	525	316.	812	380	160.	250 f. c 3.500	100 f. c 600	16 f. c 4.500	9 f. c 250	1. f.a c 10.	1. f.a c 30.	oo.
S. Juan Capistrano 1. de Nov.e de 76. 33 gr. 26 min. Dista de la anteced.te 12½ leguas.	4774	1.000	2420	1.064	11.000	13.800	203	195.	135	246	99.	11 f. c 138	oo	6 f. c 1040	1. f.a c 32	1. al. c 8 al.s	1 al c 4 al.	1. f.a c 16.
S. Gabriel 8 de Sept.e de 71. 34 gr. 10 min. Dista de la antecedente 18 leguas	6.589.	1.568	4361	1.636	15.000	12.000	156	292	448	336	137.	165 f. c. 4.000	oo	9. f. c 3.200	7 f. c 255.	6. al. c 18 f.	1 f.a c 250	1. f.a c 38.
S. Fernando 8 de Sept.e de 97. 34 gr. 16 min. Dista de la anteced.te 9 leguas.	2.439.	683	1.403	1028	12.000	7.600	20.	30.	269.	160.	80.	130 f. c 2.382	12 f. c 111.	7 f. c 900.	5 f. c 100.	1 f.a c 3.	oo.	2 f. c 17.
S. Buenaventura 31 de Marzo de 82. 34 gr. 36. minutos. Dista de la anteced.te 22 leguas.	3.547	946	2391.	1127.	15280	12600	130.	98.	3000.	279.	180.	200 f. c 3.800	68 f. c 681.	6 f. c 400.	5 f. c 34.	4 al. c 1 f.a 5 al	4 f. c 43.	5 al. c 5 al.
Sta Barbara 4 de Diz.e de 86. 34 gr. 40 min. Dista de la antecedente 8 leguas	4776.	1246	2991.	1132	3.500	8000	200.	100.	490	330.	300.	286 f. c 1340	19 f. c 41.	4 f. c 100.	2 f. c 37.	1 f.a c 2.	2 f. c 2.	oo.
Sta Ines V. y M.r 17 de Sept.e de 804. 34 gr. 52 min.s. Dista de la anteced.te 8 leguas.	1140	307.	789.	635.	7000	5000	oo.	100.	400.	200.	120.	100 f. c 900.	oo	4 f. c 1200	4 f. c 10.	1 f.a c 16.	1 f.a c 150.	oo.
Purisima Concepcion 8 de Diz.e de 87. 35 gr.s. Dista de la antecedente 8 leguas.	3046	888.	2054	840.	9500	12600	30.	86.	1022	283.	238.	205 f. c 2435	oo	4 f. c oo.	7 f. c 54	4 al. c 1 f.a	2 f. c 30.	1. f.a c 6 f.
S. Luis Obispo 1 de Sept.e de 72. 35 gr.s 36 min.s Dista de la antecedente 18 leguas.	2537	703.	1890.	504.	7600	6501	80.	120.	950.	225.	104.	100 f. c 2000	oo	oo	4 f. c 20.	oo	oo	oo
S. Miguel 25 de Julio de 97. 35 gr. 48 min. Dista de la antecedente 13 leguas.	2117	603	1203	973	8.100	14000	10.	150	727.	528.	58.	160 f. c 949.	29 f. c 29.	2 f. c 70.	1. f.a c 10.	oo	oo	oo.
S. Antonio de Padua 14 de Julio de 71. 36 gr.s 30 min.s Dista de la antec.te 13 leguas.	4044	1019	2999.	878	5800	9.800	15.	95.	500	253.	43.	154 f. c 1666	50 f. c 163.	1. f.a c 190.	1½ f.a c 39.	1 al. c 2 f.	1½ f. c 84.	1 al c 39.
N. S. de la Soledad 9 de Oct.e de 91. 36 gr. 38 min. Dista de la antecedente 11 leguas.	1758.	524	1281.	436.	5000	9000	oo	40.	700.	270.	60.	100 f. c 1162.	19 f. c 199.	3 f. c 60.	3 f. c 40	4 al. c 3 f.	2 f. c 99.	2 f. c 205
S. Carlos 3 de Junio de 70. 36 gr. 44 min.s Dista de la antecedente 15 leguas.	3195.	885	2337	381.	3000	4000	22.	10.	350.	80.	6.	100 f. c 672.	oo	8 al. c 25 f.	5 f. c 244.	oo.	4 f. c 360	5. f. c. 244.
S. Juan Bautista 24 de Junio de 97. 36 gr. 58 minutos. Dista de la anteced.te 12 leguas	2.625	659.	1598	843.	11.000	9500.	oo.	30.	450.	225.	24.	90 f. c 2.954	7½ f. c 368	2 f. 10 al c 884.	2½ f. c 134	4 al. c 21 f.	10 al c 73 f.	1 f.a c 38.
Sta. Cruz 28 de Agosto de 91. 37 gr. Dista de la antec.te por la Costa fuera del camino de Sta Clara 13 leguas.	2010.	664.	1469.	461.	3.000	5700	oo	oo.	290.	168	34.	44 f. c 800.	9 f. c 180.	3 f. c 1.300	3 f. c 550.	6 al c 38 f.	oo	oo.
Sta Clara 18 de En.o de 77. 37 gr.s 20 min.s Dista de la antecedente atravesando la Sierra 11 leg.s	7014	1.949.	5309	1359.	4300	12000	oo	60.	660	190.	32	220 f. c 3000	20 f. c 400.	6 f. c 700	4 f. c 100	6 al. c 3 f.	2 f. c 110	4 f. c 200.
Sr. S. Jose 11 de Junio de 97. 37 gr. 30 min. Dista de la antecedente al Norte fuera del camino de S. Francisco 7 leguas.	4346	1307.	2572	1754	6000	12000	oo	13.	550	300.	9.	180 f. c 5210	10 f. c 135.	7 f. c 800	2 f. c 90.	6 al. c 7 f.	3 f. c 65.	6 f. c 209.
N. P. S. Francisco 9 de Oct.e de 76. 37 gr. 58 min.s Dista de la antec.te 20 leg.s y de Sta Clara 15.	6333	1.949.	4997	1.252	3.789.	10280	oo	oo	500	280	26.	193 f. c 2000	55 c 561.	4 f. c 1000	5 f. c 100.	6 al c 12 f.	4 f. c 187	9 f. c 329
Son 210 leguas desde S. Diego hasta N. P. S. Francisco por la derecha de la que se desvian las Misiones de Santa Clara y San Jose en sus anotadas distancias.	Totales.	70.149	19.148	46396	20.473	149489	191.693	1.711.	1.811.	12.903	4.953	1.882	3002 f. c 40628	6.711 f. c 4268.	106 f. c 17468	81 f. c 2177	8 f. c 138 f. 1. al	28 f. 5 al c 1.483 f. 4. al	33 f. 3 al c 1.339 f. 5 al

Total de Siembras 3930 f. 2 almudes
Total de Cosechas 67.452 f. 10 almudes.

Fr. Jose Señan.

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

Hail Jesus, Mary and Joseph

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

Names of the Missions, their ages latitudes and their distances.	Baptisms	marriages	Deaths	Present Population	Cattle	Sheep	Goats	Hogs	Broad mares	Same horses	Mules	Wheat Seed & Crop	Barley Seed & Crop	Corn Seed & Crop	Beans Seed & Crop	Chickl. peas Seed & Crop	Peas Seed & Crop	Horse Beans Seed & Crop
												Fanegas	Fanegas	Fanegas	Fanegas	Fanegas	Fanegas	Fanegas
San Diego July 16, 1769, 32°48' distant from the East in Old California 23 leagues.	5129	1382	3018	1567	8120	14512	320	76	650	220	172	S. 311 C. 1220	S. 280 C. 800	S. 14 C. 1100	S. 19 C. 28.			
San Luis Rey of France June 13, 98, 33°3' distant from the former 13½ leagues	3730	866	1314	2603	10500	12800	525	316	812	880	160	S. 250 C. 3500	S. 100 C. 600	S. 16 C. 4500	S. 9 C. 250	S. 1 C. 10	S. 1 C. 30	
San Juan Capistrano, Nov. 1, 76, 33°26' distant from the last 12½ leagues	3774	1000	2420	1064	11000	13800	203	195	135	246	99	S. 11 C. 138		S. 6 C. 1040	S. 1 C. 32	Almudes S. 1 C. 8	Almudes S. 1 C. 4	S. 1 C. 16.
San Gabriel Sept. 8, 71, 34°10' distant from the last 18 leagues.	6589	1568	4361	1636	15000	12000	156	292	448	336	137	S. 165 C. 4000		S. 9 C. 3200	S. 1 C. 255	Fanegas S. 6 C. 18.	Fanegas S. 1 C. 250.	S. 1 C. 38
San Fernando, Sept. 8 97, 34°. distant from the last 9 leagues	2439	683	1403	1028	12000	7600	20	30	269	160	80	S. 130 C. 2382	S. 12 C. 111	S. 7 C. 900	S. 5 C. 100	S. 1 C. 3		S. 2 C. 17
San Buenaventura, march 31, 82, distant from the last 22 leagues 34°36'	3547	946	2391	1127	15280	12600	130	98	3000	279	180	S. 200 C. 3800	S. 68 C. 681	S. 6 C. 400	S. 5 C. 34	Almudes. S. 4 Fanegas C 1-5	S. 4 C. 43	Almudes S. 5 C. 6
Santa Barbara, Dec. 4, 86, 34°40' distant from the last 8 leagues	4776	1246	2991	1132	2500	8000	200	100	490	330	300	S. 286 C. 1340	S. 19 C. 41	S. 4 C. 100	S. 2 C. 37	Fanegas. S. 1 C. 2	S. 2 C. 2	Fanegas
Santa Ines Virgen & Martir, Sept. 17, 1804, 34°52' distant from the last 8 leagues.	1140	307	789	635	7000	5000		100	400	200	120	S. 100 C. 900	S	S. 4 C. 1200	S. 4 C. 10	S. 1 C. 16	S. 1 C. 150	
Purisima Concepcion Dec. 8, 81, 35° distant from the last 8 leagues	3046	888	2054	840	9500	12600	30	86	1022	283	238	S. 208 C. 2435		S. 4 C. —	S. 7 C. 54	Alm. S. 1/5 4 Fanegas C. 1	S. 2 C. 30	
San Luis Obispo, Sept. 1, 72, 35°36' distant from the last 18 leagues	2537	703	1890	504	7600	6501	80	120	950	225	104	S. 100 C. 2000			S. 4 C. 20			
San Miguel, July 25, 97, 35°48' distant from the last 13 leagues	2117	603	1203	973	8100	14000	10	150	727	528	58	S. 160 C. 943	S. 29 C. 29	S. 2 C. 70	S. 1 C. 10			
San Antonio de Padua July 14, 71, 36° 30', distant from the last 13 leagues	4044	1019	2933	878	5800	9800	15	95	500	253	43	S. 154 C. 1666	S. 50 C. 163	S. 1 C. 190	S. 1½ C. 39	almd. S. 1 4/12 Fanegas C. 2	S. 1/2 C. 84	al S. 10/12 Fa C. 36
Our Lady Soledad Oct. 9, 91, 36°38' distant from the last 11 leagues	1758	524	1281	436	5000	9000		40	700	270	60	S. 100 C. 1162	S. 12 C. 193	S. 3 C. 80	S. 3 C. 40	S. 4/12 C. 3	S. 2 C. 99	S. 2 C. 206
San Carlos, June 3 70, 36°44' distant from the last, 15 leagues.	3195	885	2337	381	3000	4000	22	10	390	80	6	S. 100 C. 1162		S. 2/3 C. 25	S. 5 C. 244		S. 4 C. 360	S. 5 C. 244
San Juan Bautista, June 24, 97, 36°58' distant from the last 12 leagues.	2625	659	1598	843	11000	9500		30	450	325	24	S. 90 C. 2954	S. 7½ C. 368	S. 2 5/6 C. 884	S. 2½ C. 124	S. 1/3 C. 21	S. 5/6 C. 73	S. 1 C. 28
Santa Cruz Aug 28, 91 37°. distant from the last on the Coast off the road to Clara 13 leagues.	2010	664	1469	461	3000	5700			290	168	34	S. 44 C. 800	S. 9 C. 180	S. 3 C. 1300	S. 3 C. 550	S. 1/2 C. 38		
Santa Clara Jan. 18, 77, 37°20' distant from the last, crossing the mountain 11 leagues.	7014	1949	5309	1359	4300	12000		60	660	190	32	S. 220 C. 3000	S. 20 C. 400	S. 6 C. 700	S. 4 C. 100	S. 1/2 C. 3	S. 2 C. 110	S. 4 C. 200
Señor San José, June 11, 97, 33°30' distant from the last, north of the road from San Francisco 7 leagues.	4346	1307	2572	1754	6000	12000		13	550	300	9	S. 180. C 5210	S. 10 C. 135	S. 7 C. 800	S. 2 C. 40	S. 1/2 C. 7	S. 3 C. 65	S. 6 C. 209
Our Father San Francisco, Oct. 19, 76, 37°58' distant from the last 20 leagues and from Santa Clara 15.	6333	1949	4997	1252	3789	10280			500	280	26	S. 193 C 2000	S. 55 C. 561	S. 4 C. 1000	S. 5 C. 100	S. 1/2 C. 12	S. 4 C. 187	S. 9 C. 329
Totals	70.149	19.148	46.396	20.475	149.489	191.693	1711	1.811	12.903	4.953	1882	S. 3.052 C 40.628	S. 671 C 4268	S. 106 C 17.469	S. 51 C 2727	S. 8 C. 138 1/12	S. 28 9/12 C. 1483 1/3	S. 33 1/4 C 13395 1/12

It is 210 leagues from San Diego to Our Father San Francisco by a direct route from which the road to the missions of Santa Clara and San José branch off in their aforesaid distances. (Signed) Fr. José Señan.

A true and correct translation - witness my hand. Dec. 15, 1855.

	Fa's	Al's
Total seed	3930	2
Total Crops	67.452	10

43

Opinion of Bowie by Com. Fitch

387 SD
PAGE 41

Joseph S Alemany vs The United States — For lands for the use of the Indians at the Several Mission in California.

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

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

This claim is not founded on any grant or alleged Concession, but seems to be based on the natural right of the Neophytes as aboriginals to the soil, and secondary on a recognition of their rights by the former government to the lands known as Mission lands, and which were formerly used for the benefit of the Mission Community while under the charge of the Mission Priests.

We have often had occasion to express the views of this Commission on the subject of these Mission lands. The ownership of them was always regarded as existing in the church or the government. They did not become the property of the Mission or of the Church or of the Priests having charge of them or of the Neophytes who while

Replaced

they were in the Mission Community enjoyed the benefit of their use.
We have found nothing in Mexican or Spanish laws decrees or regulations which recognizes any of these as owners of the soil. The granting of lands in the Territories was first committed to the Governors by the Regulations of November 21 1828 - The last article leaves them from grant the lands vacant pice by the Missions until it should be determined whether they should be considered as the property of the establishments of Neophyte Catechumens and Mexican Colonists - After the Secularization law of 1833 was passed and the breaking up of the Community system succeeded it, these lands were conformably treated by the government as subject to the granting power.
This disposition of them is averred to by the Supreme Court of the United States in the case of Archibald Ritchie where the authority of the Governor to grant lands of this character is fully recognized.

We frequently find in Official documents an assumption that in granting lands to individuals, preference ought to be given to the Neophytes over the citizens - But it is no where conceded or even claimed that they were individually or collectively the owners of any specific portions of these lands unless they procured grants from Competent Authority - Every thing in the action of the government and in the

history of the Mipian tenures to establish the fact that no such ownership was claimed or claimed to be in the Neophytes

As to the claim of these Neophytes to the lands founded on their Nativeness rights as aborigines to the soil it cannot be made in the case. agreeable to the recognized theory of all the European Nations the crown of Spain vests the owner of the soil in her provinces, subject only to the rights of occupancy in the Native Indian inhabitants who lived upon it, and the crown alone has the right of regarding the possession from them. But the lands has claimed have been used as the cultivated fields and grazing lands of the Sacred Mipions, for periods varying from thirty to more than Eighty years and during this time the Connection of the government with them and the jurisdiction Exercised over them, and the Charter and management of these establishments give Evidence that the Indian Occupation has ceased. They were establishments of civilization in Contradistinction to Savage life, and they embraced within the Communities those Indians who renounced the Savage and Espoused the civilized — They were established for the benefit of the Indians, and were necessarily regarded with great favor by them — The Extinguishment of the Indian title by the Authorities of the government must be presumed if indeed it is not

in the history of the Missions prior to that time.

Several authorities have been cited from the ancient decrees of the Crown showing the care which was taken to protect the native inhabitants in their possessions in the new country, but none of them can receive an application to the case under consideration of any such Church as to impair ownership of the land in question.

"The application as set out in the petition seems to be an appeal to the Commission to assign to the Neophytes Indians remaining at each Mission one square league of land rather than a claim founded on any right or title to it. "This Commission has no authority to distribute lands to any persons however meritorious. We are limited in our power of confirmation to titles derived from the Spanish or Mexican government. Congress alone, by its broader power can succeed lands in such cases.

2d "The next is a claim in behalf of the Christian Indians of San Miguel (without naming them) for the lands known by the name of "Las Gallinas, El Nacimiento and La Estrella in San Luis Obispo County. "The grant made by Governor Micheltorena and dated July 16. 1844 is presented and the signatures proved.

"This is claimed to be a grant of the places or tracts of land known by the names above mentioned. We have often held that a grant of a

47

place by name may be good; but in order to sustain such a claim, proof must be given to show that the property claimed was at the date of the grant known by that name and that it had known and well defined limits or boundaries. No evidence of this kind is given in this case, and for this reason a decree of Confirmation cannot be entered.

But I do not think this is a grant of these places by name. The second condition of the grant was intended to define the premises which should be assigned under the Concession at the places named. But instead of stating the number of leagues or varas to which the grantee should be entitled, it provides that the land granted shall be of the extension which shall be delineated on a map" to be correctly formed and by the order of the government." The quantity to be given under the grant and its specific bounds on and boundaries were thus left for future determination by the government. This does not appear now to have been obtained, and without it no specific portion of land passes to the claimants. Nor is it a case in which, under the decision in Fremont's Case, the segregation can now be made by the American authorities. If as in that case the quantity of land to be assigned at the place named, had been specified it would fall within the rule. But has no quantity is given, that remained for future determination by the government. A map was to be presented certifying and describing

the land which the grantees desired to take and until this was done and the approval of the government obtained the grantees acquired no legal or equitable rights in lands which can be entitled to a decree of confirmation.

The document relied on as a grant was not intended as of itself a grant of land under the Colonization law. The transaction evidently had reference to the regulations at that time in existence providing for the apportioning out small lots (usually less than 100 varas square) among the unarmed and Neophytes at the Missions for their use and cultivation in severalty this document was intended to express the assent of the Governor that the Neophytes at San Miguel might have lots assigned to them at the places named therein but in order to secure them they were required after selecting their locations and lots which they desired, to present a map with a proper delineation of them. The government still retained to itself the right of accepting as to the quantity to be granted and the location of the granted lots, and no title passed until the designation was made and the map formed in accordance with the previous direction or subsequent approval of the government. This act on which the title to the land depended not having been performed, no right which is within our jurisdiction is established.

3. The there is a claim on behalf of the Christian Indians of Santa Clara under a grant by Micheltorena

made June 10. 1844 of all the vacant lands of Santa Clara enquired before that time

"Two future objections are opposed to this claim. "First, there is no sufficient description to identify the land granted and to define its limits. It is described as "all the land which is comprised in the plan which was formed to designate that which existed as unsettled and not granted". The description is made to depend on the plan which is thus made a part of the grant and which is indispensable to it. "The plan is not produced and no evidence is given of its loss or its contents, no indication anything to define or in any manner indicate what lines are delineated upon it. No is proof given of possession or boundaries or any other indicia of what the parties themselves claimed under the documents

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

"So far as the evidence

shows they did nothing and claimed nothing, and possessed nothing under the grant; and if this is so, the Mexican Government had by the terms of the agreement the right to dispose of the land free from any incumbrance arising thru them. It passes to the United States by the treaty of Guadalupe Hidalgo assumed the burden of the claim here set up.

This document like that before mentioned, shows that it was issued in accordance with the policy of the times to distribute small portions of the lands among the individual Neophytes who would occupy and cultivate them in severalty but not to extend titles beyond the accomplishment of that object. Hence this instrument as to the right conferred is really confined to the portions of the lands which the Indians should cultivate in fee - a right of which no one appears by the evidence ever to have availed himself.

4 The fourth is the claim of Andres and other Neophytes (sixteen in all) whose names are given, for small portions of lands from one hundred to three hundred varas each in the vicinity of the Mission of Santa Ynes. No grant to any of these Indians is introduced in Evidence, but an Espediente is presented showing an application for the lands by the Neophytes, a reference to the prefect of the Mission for information his report favoring the application and specifying the number of varas which he thought might properly be granted to each, and

a decree in accordance with the Prefects recommendation signed by Governor Mechelloena. The decree is in effect an order for the issuing of a grant to each of the persons named for the quantity of land designated to him, the same to be segregated and measured in the usual manner. The document closes with a memorandum dated July 6, 1844 stating that titles were issued. The memorandum has no signature and no extraneous evidence is given which makes it proof of the fact alleged in it. There is no evidence that these persons obtained possession of any land under such grants. One of them, Alexsimo occupied a large piece of land in the place named but it could not have been under a grant issued in accordance with this Expediente. With this exception it does not appear that any of them occupied cultivated or claimed any land in that vicinity, nor do I see in the proof any reason to suppose such grants were ever issued. It can scarcely be believed, if they had issued in fact that none of them could be produced or their existence proved, and it is equally incredible, if the grants were received by them and not subsequently abandoned, that no evidence of possession by them could be given.

The Neophyte Alexsimo obtained indeed possession of a piece of land six hundred varas square at the Slamo Grande the testimonial of which is given in evidence. This land was in quantity

four times as much, as that specified in the Expediente, and this circumstance consequently gives no aid to a presumption that a grant was issued to him under the governor's decree.

It is very probable that Telesforo had a grant of some kind for the lands at that place, but if so the petitioner has failed to produce it, or in its absence to give the necessary proof of its Existence, Contents and loss or destruction

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

We are of Opinion that the proof will not warrant a Confirmation, and an adverse decree will be Entered.

Rejected.

Filed in Office December 31st 1855
Geo. Fisher Secy

5-3

Decree

Joseph C Alemany
vs
The United States

In this Case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioner is not valid, and it is therefore decreed that the application for a confirmation thereof be denied

Alphens Felch
R. Aug. Thompson
S. B. Farwell
Commissioners

387 SD
PAGE 51

Filed in Office December 31st 1855

And it appearing to the Satisfaction of the Board that the Land hereby adjudicated are situated in both the Northern and Southern Districts of California, It is hereby Ordered that three transcripts of the proceedings and decision in this Case, and of the papers and Evidence upon which the same are founded, be made out and duly certified by the Secretary one of which transcripts shall be filed with the Clerk of the United States District Court for each of the said Judicial Districts of California and the other be transmitted to the Attorney General of the United States

Office of the Board of Commissioners,

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

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 Fifty three pages, numbered from 1 to 53, 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. 663 on the Docket of the said Board, wherein Joseph S. Alemany is the Claimant against the United States, for the place known by the name of Lands of the Christian Indians

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

Geo: Fisher
Secy.

387

U. S. DISTRICT COURT,

Southern District of California.

No. 387

THE UNITED STATES,

vs.

387

Joseph B. Alemany

"Land of the Christian Indians"

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 616

Filed, March 5th 1856

387

In the District Court of the United States for the Southern District of California.
Hon. I. S. K. Ogier Judge.

Joseph S. Alemany (on behalf of Christian Indians) Appellant	No. 387.
vs.	
The United States Appellee	Docket No. 663.

On motion of P. Ord United States Attorney for the Southern District of California; and a showing to the Court that the appellant in the above entitled cause, has failed to file a notice with the Clerk of this Court of his intention to prosecute the appeal in said cause within the time allowed by law: It is Ordered ~~that~~ by the Court that the appeal in said cause be finally dismissed.

P. Ord
US Atty
Dec. 22 1856.

No 387

No. 387

U. S. District Court
for Southern Dist Calif.

Joseph S. Alvarez
on behalf of Christian Indians
Appellant
vs
The United States

Motion & order for
Dismissal

Filed this 22nd December
A. D. 1856 C. Sims Clk
J. H. Herriman
Dep

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

San Francisco, Feby 23d 1856

Sir;

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

I am, Respectfully,
Your Obt Servant,
Geo: Fisher
Secy

To the Hon. C. E. Carr Esq
~~Attorney General of the United States,~~
Clerk of the U. S. Dist. Court for the Southern Dist. of Cal —
~~Washington, D. C.~~