

WRONGS OF ROGERIO ROCHA

Some of the Land Frauds of the Past

INDIANS WERE TREATED

With No Regard For Facts or Justice

PROMINENT PEOPLE INTERESTED

Justice Tells How Some Deals Were Put Through

The Settlements in the San Fernando Valley Parceled Out

Old Missions Under the Padres Flourished Until Secularization at Last Came and With It the Broken Down Mexican Rule

"Justice" comes forward with a communication that bears upon San Fernando valley land frauds. His letter is as follows:

The exposure of the indignities heaped upon the poor old Indian, Rogerio Rocha, impels me to add a little more to the history of the rapacity of the land grabbers of California. I am sorry that I have not all the data at hand that I might refer the public to the record for verification.

I will confine myself to the valley of San Fernando alone, a tract containing about 130,000 acres, enclosed on three sides by steep and rugged mountains.

It was the seat of the mission of San Fernando Rey, founded by the missionary fathers in the Eighteenth century. The first settlement was made where the Encino rancho now is, and at the time of the selection of the site for the mission was occupied by a Mexican named Reyes and another whose name has slipped my memory, under a permit from the governor of the California.

The padres, ever alive to the necessity of

held possession of that portion patented and nearly as much more outside and within the tract now claimed as the ex-mission San Fernando lands. Leonis obtained a sort of conveyance from Oden, but was immediately sued to cancel the same on the grounds of fraud, and after some fifteen years had passed a new release was made, which will be found among the court records, and will repay perusal, as it is one of the celebrated attorney John Roberts' most splendid efforts.

Oden died about 1882 in poverty and his remains now lie buried near Chatsworth park. Urbano died about 1880 and Manuel, his son, about the same time. The balance of the children of Oden, except Espiritu, are all dead. Leonis met with an accident and died in 1889, leaving a will by which he devised the afore-said Espiritu \$10,000 provided she would set up no claim as his wife. His estate being valued at over \$300,000, was too tempting a fee for the attorneys and a contest was inaugurated, with the result that Espiritu has now the consolation of having nominal possession of about ten acres of unsurveyed government land at Calabasas, and forty-three attorneys are wrangling over the spoils.

The Domecs have fared no better, having been in peaceable, open and notorious possession for many years; before the patent arrived they were pounced upon by Messrs. Porter & Maclay and sued in ejectment. The suit never came to an issue, and some twelve years afterwards suit was again brought by these same parties against the Domecs in ejectment, claiming they were in possession of 160 acres of the San Fernando mission lands.

The suit was to eject them from 160 acres of land. The Domec family, all young women, totally ignorant of their rights and the forms of law, pounced upon by power and wealth, hid themselves for protection to the attorney who had long attended to their father's legal affairs. He filed an answer for them, agreed with Porter and Maclay that they might have judgment by consent against his clients on payment to him of \$2000, and entered the stipulation for 160 acres. But the most curious part of the whole affair is that after the judgment was entered for the 160 acres of land, a deed was drawn by their attorney for the whole of the north half of the San Fernando rancho, thereby wiping the Domecs out of the title to their other lands held by Messrs. Porter, Maclay and Widney to over \$500,000 worth of the property that rightfully belonged to the Domecs. Besides, if the records are examined, various deeds will be found from certain Indians to B. F. Porter, F. F. Porter, and one Atherton for these lands. Perhaps Mr. Widney is not aware of this, but the Porters must have been after something.

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The padres, ever alive to the necessity of selecting the garden spots for their missions, ousted Reyes and his companion and occupied the spot. Finding it too cold for the raising of oranges and other fruits necessary for the neophytes, they in the following year moved their establishment to the north side of the valley, where remains of the old mission building can still be seen.

Under the care of the padres the mission flourished until the secularization in 1833, when the broad acres that, up to that period, were covered with the cattle and sheep belonging to the mission passed into the control of the civil government.

It may be well to note that this secularization act, passed by the Mexican congress, never took effect and was shortly afterward repealed, but the struggle that had and perhaps always will continue between the church and state had brought on the ruin of the mission. The governors, ever rapacious and ever in debt, forced the missions to pay their debts, both public and private.

It can be shown by the record that one governor even forced the padres to pay the debts which he lost at a horse race. Believing that war was to be declared by the United States upon Mexico, these governors seized every opportunity to encroach upon the rights of the missions.

The lands known as the "Mission Lands" were exempt from being granted by the governors and could not be granted to private parties without the express sanction of the king of Spain and afterwards by the Mexican congress. But the governors, after having despoiled the missions of all their property, both real and personal, plunged them into debt, and then appointed administrators to see if there could not be found something else to satisfy their greed.

Failing in this, every mission was either rented or sold, and so far as the record shows those that were sold have been proved to have been antedated.

At the San Fernando mission at the date of the secularization there were about 3000 neophytes, contented and happy. In fifteen years they had dwindled to less than 300. Many had died, others had moved into the mountains, and others had left for other missions. Those that remained separated themselves into three bands.

In 1836 two Indians, Oden and Urbano, his son-in-law, with their families, settled themselves in the west end of the San Fernando valley at the place called the Escorpion. In 1845 Oden and Urbano asked to be emancipated and given a grant to their lands, which was done, they at that time occupying two leagues of land.

Francisco and Roque, with families, asked for the place called El Encino, which was given them.

Samuel asked for and was granted a thousand varas square near the present

the San Fernando rancho, thereby wiping the Domeca out of the title to their other lands held by Messrs. Porter, Maclay and Widney to over \$500,000 worth of the property that rightfully belonged to the Domeca. Besides, if the records are examined, various deeds will be found from certain Indians to B. F. Porter, F. F. Porter, and one Atherton for these lands. Perhaps Mr. Widney is not aware of this, but the Porters must have been after something. And thus standeth the Oden & Urbano chapter at present.

Francisco and Roque were granted a league of land at El Encino, I believe in 1843. They occupied it until the early 50's, when one of them died and the other left for the mines and was never afterwards heard of. Aquida and Rita, two of the heirs, were wheedled out of it by the claimants of the ex-mission lands and it came into possession of Andres and Pio Pico. Eutogio F. de Celis, the administrator of the estate of Eulogio de Celis, deceased, quarreled with the Picos and claimed it should have been included in the patent to the Rancho ex-Mission de San Fernando, and upon that ground and the exclusion of El Escorpion and Mission buildings De Celis and Porter rejected and refused to accept the patent to the Rancho ex-Mission. The title to some of the heirs of this Encino is now held by an attorney in Los Angeles, awaiting a favorable opportunity to pounce upon it. Needless to say, the poor Indian owners got the worst of it.

The Samuel, an Indian tract, is now held by one Rinaldi and the Lopez's who succeeded by mesne conveyance from Samuel. Their claim was not presented to the land commission for the reason that, like Rogerio, Pico, De Celis and even Porter and Maclay had agreed with all these Indians that the patent should come to Celis and the claimants would convey to them—the Indians—the land that rightfully belonged to them.

Porter and Maclay brought reversed suits against Maria de Los Angeles de Burrows and Rinaldi and others, both in the Los Angeles and San Francisco courts, to eject them; but, after bitter and long litigation, the title adverse to Porter and Maclay was sustained.

And now to Rogerio Rocha, the old Indian of whom so much has been published of late in THE HERALD. He was one of the old Indians named in the grant made by Governor Micheltoreno in 1843, I believe in the month of May, with the consent and approbation of Friar Blaz Ordaz, the priest then in charge of the mission of San Fernando. The grant was in the regular form and appears in the archives where it properly belongs, and is of unquestioned authenticity. It recites the names of each and every one of the forty, and names Rocha among them. The church records show him to be 106 years old, instead of 96. After the death of Joaquin (alcalde) his father became the captain, and at the death of his father, Germain, Rogerio took his place. He lived upon and cultivated the land on what is known as the Cienega, while the balance of the tribe were scattered over the little valley about one-half mile north of the old mission buildings, where the remains of their adobe huts can still be seen.

mission.

The remainder, under their captain, Joaquin, and consisting of forty families, were granted a league of land in 1843. Rogerio was one of these forty.

Now let us see what became of those Indians and their lands:

Pio Pico, under a pretended sale, in consideration of \$14,000 which Pio Pico himself swears he never received, the truth of which is verified by a draft on Mazatlan drawn by De Celis, the pretended grantee, and never paid—conveyed to Eulogia de Celis the lands of the ex-Mission of San Fernando (You will note that the secularization act having been repealed, there were no ex-mission lands).

This curious conveyance contains the following clause:

"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."

Of course it would be folly to insist to the learned judge that a governor could not bind any of these Indians by making a deed to de Celis, but there might be some question whether this deed from Pico to Celis, pretended to be dated June 17, 1846, could affect the rights of the Indians under a grant made by Governor Micheloreno or any other governor which had been made two, three and ten years previous.

However, be that as it may, the mission of San Fernando was claimed as a whole by two parties. Eulogia de Celis, who

Messrs. Porter and Maclay brought several suits against these Indians under fictitious names. In the suit which has been referred to in which Widney appears as counsel, if it is examined carefully you will find a curious part which has not yet been touched upon. Entered upon the minutes of the court clerk under the date which appears in the authority of the writ for ejectment will be found an entry under the caption of

Porter et al, vs. John Rogers, in ejectment.

Under this order of ejectment against John Rogers, Rogerio Rocha was thrown out of house and home, at midnight in a blinding storm.

The writer will not dwell upon the indignities heaped upon this poor old Indian, but will ask THE HERALD to publish later an interview had with him at the date given, and ask the reader to place himself in front of the little cabin depicted in the paper some time ago and listen to the answers to the questions of the writer as they fell from the lips of the old Indian, reciting the death and whereabouts of the various members of the forty devoted servants of the old friars of the mission. Read that and imagine the poor old Indian reciting the tale of the "Last of the Mexicans," if you will, telling who were living, and who dead, as each name in the list of forty was read off to him and the simple answers that fell from his lips. And then imagine the Hon. R. M. Widney and Senator Maclay, parceling out the heritage of that remnant of a by-gone age for a theological reminary.

The writer of this article knows whereof

by two parties. Eulogio de Celis, who petitioned for it, claiming that it was in extent fourteen leagues, and Bishop Allemany claiming it to contain only four leagues, but by some hook or crook it was finally patented to the extent of about twenty-six leagues, and this included the grant to Joaquin Alcalde and forty companions and the two leagues granted Oden and Urbano, and left out the tract granted Francisco and Roque.

The attorneys for Oden and Urbano filed a petition for patent for the two leagues, but finally contented themselves by accepting a patent for one-quarter of a league not included in the San Fernando mission lands.

One Pedro Domec married one of the daughters of Oden and lived until his death upon a part of what is now claimed as the ex-mission San Fernando rancho, and two of his daughters and a minor child of another daughter, now deceased, remain there. Oden had three sons and three daughters. The grant was made to Oden, Urbano and Manuel, the son of Urbano.

Shortly after the occupation by the American forces one Miguil Leonis appeared at the Escorpion rancho and took forcible possession of the oldest daughter, Espiritu. Having captured the daughter he was not long in capturing the rancho, of which he

The writer of this article knows whereof he writes, and he can assure THE HERALD that this is only a sample of the injustice done to the peaceable and civilized mission Indians. Dozens of other cases can be pointed out, where a similar or even worse condition exists, and this in a civilized and enlightened community. Yes, even murder has been committed at the instance of certain claimants to broad acres of California lands, to get these Indians out of the way, and many a tale of crime, perjury and subornation of perjury do the records disclose when carefully examined in reference to many of these large holdings in New Mexico, Arizona and California, and he who cares to delve into the problem will find many an interesting tale of hypocrisy.

There are certain gentlemen who will regret to learn that the scheme for preventing damage by frost has no bearing on the protection of presidential booms.

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