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ROJERIO ROCHA'S LANDS

A Tale of Injustice Done an Indian

DEEDED HIS RIGHTS AWAY

Attorney Lewis' Very Peculiar Protection of His Client's Interest

He Secures From Him for \$10 a Quit Claim Deed to an Estate Worth Thousands of Dollars

Helen Hunt Jackson were she alive today could write a true story which would rival Ramona as a tale of the terrible injustice and wrong which has been done the Mission Indians. All that it would be necessary for her to do would be to detail the

today a single judge upon the superior bench of this county who was sitting ten years ago. The case of Rojerio Rocha has never been decided. It still stands in the courts, while the victim is eking out a precarious existence far up in the Soledad canon, a pauper in his old age, when if he were grauted his rights, as they seem to be, he would be entitled to an estate worth thousands and thousands of dollars.

Hon. G. Wiley Wells was succeeded by others as attorney for the Mission Indians. At the present time Frank D. Lewis acts in that capacity and upon him devolves the duty of protecting Rocha in his rights. Mr. Lewis has done nothing since his appointment that appears on the record save and except to secure from the unfortunate Rocha a conveyance to himself of all of Rocha's rights to the land in question for the consideration of \$10. The deed is on record in the county recorder's office in book 817 of deeds, page 42. It bears date of August 19, 1892, and by its terms Rocha releases and forever quitclaims to Lewis all right, title and interest in the lands forever. The deed Mr. Lewis secured which is of record reads as follows:

This indenture, made the 19th day of August, in the year of our Lord one thousand eight hundred and ninety-two, between Rogerio Rocho of the county of Los Angeles, state of California, party of the first part, and Frank D. Lewis of the same place, the party of the second part, witnesseth, that the said party of the first part, for and in consideration of the sum of \$10 of the United States of America, to

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essary for her to do would be to detail the history of Rojerio Rocha and his long and futile struggle with the rapacious land grabbers who have despoiled him of his possessions and left him and his posterity beggars, in a comparatively barren mountain canyon, when if the records have been read aright, he and they are the real owners of thousands of the most fertile acres in the San Fernando valley of this county.

Long prior to the accession of California by the United States, Michel Torena, the Mexican governor of the territory, made a grant of a large body of land within the exterior line of what is now known as the San Fernando ranch to Rojerio Rocha and other Mission Indians.

It was a rich piece of territory comprising 4400 acres, the water rights accruing to it now being worth thousands and thousands of dollars.

No one of the Mexican governors ever disputed Rojerio Rocha's title to the land, but years later Don Pio Pico, the last Mexican governor of California, granted that portion of the San Fernando valley that had not previously been granted to others to E. de Celis.

Rojerio Rocha remained on his land continuously after it had been granted to him, and it was not understood that his rights in any way conflicted with those of de Celis. Rocha's rights were direct from the Mexican government.

The title of Rojerio Rocha to these 4400

of \$10 of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever quit claim unto the party of the second part and to his heirs and assigns forever all that certain lot, piece or parcel of land situated in the said county of Los Angeles, state of California, and bounded and described particularly as follows, to wit: All the right, title and interest of the party of the first part in and to the lot, lands and water included within the exterior boundaries of the San Fernando rancho, as now surveyed and embodied, including all the first party's interest in and to that certain tract of land granted to Joaquin Alcalde and forty partners, including first party, in 1843, by Micheltorena, then governor of California, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, to have and to hold all and singular the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever. In witness whereof the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in presence of

his
 ROGERIO X ROCHO.
 mark

broad acres in the very heart of the rich San Fernando valley was never disputed by any one until 1878, when Porter & Maclay, successors to the Celis grant, commenced an action of ejectment in the old district court of Los Angeles county against Rocha and the other Indians then in possession. The claim was set out that the de Celis grant included all the valley, and that Rocha had no rights whatever.

Summons was served on January 22, 1878, and within the ten days allowed by law, on January 31, 1878, Rocha appeared by attorney and filed a demurrer.

On March 12, 1878, the demurrer was overruled and he was allowed ten days in which to answer.

On March 22, 1878, Rocha, by his attorney, regularly filed his answer, and then the case entered upon its long sleep.

It was not until December 11, 1883, that Judge R. M. Widney appeared in court as the attorney for the plaintiffs, Porter & Maclay, and in some manner incomprehensible induced the presiding Judge, Volney E. Howard, to sign a judgment in favor of the plaintiffs, reciting that Rocha had been served with summons but had failed to answer. This was a palpable misstatement, for his answer was then regularly on the file and had been for five years, and is now on file in the record room of the superior court at the county court house, where it stands as an unimpeachable witness to the high handed and outrageous robbery of the poor Indian of his rights.

For over a year after this nothing was done by the plaintiffs in the matter of

Witness the signature of Rogerio Rocha by mark done in my presence this 20th day of August, 1892, I writing his name in his presence and before mark is affixed.

EDWIN A. MESERVE.

(Duly acknowledged before Anthony Schwam, notary public.)

(Recorded at request of grantee in book 817 of deeds, at page 42.)

Now it is understood that a syndicate is being formed in this city to purchase the right of Lewis, which he acquired from Rocha, and to press the matter in the courts.

Lewis' position in the case is very singular. While acting as an attorney to protect the rights of the Indians he secures for \$10 a quit claim deed which is worth thousands and thousands. The matter has been taken in hand by a number of citizens, and it will be presented to the Indian Rights association. A strong endeavor will be made to compel Lewis to disgorge, and it is believed that this can be done without any very great difficulty, as attorneys assert that he had no right to take advantage of his position as the legal adviser appointed to protect the Indians in their rights to secure for himself for a nominal sum the very rights he had been engaged to defend for them.

Rogerio Rocha may yet be restored to the lands given to him by his friend Michel Torena 53 years ago.

Swinging Around the Circle
To Riverside and Return \$1.75

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ejecting Rocha and those of his tribe from the lands. They remained in possession, cultivating the lands as usual until 1885, when the writ came suddenly upon them with a writ of restitution issued under the judgment secured from the superior court in 1883. The Indians were ejected from the premises.

In July, 1885, Rogerio Rocha's attorney petitioned the court to set aside the judgment which had been entered against him, but for some reason which does not now appear on the record and which attorneys who have been consulted seem to be wholly unable to account for, his petition was denied.

In the meantime Hon. G. Wiley Wells had been appointed special United States attorney for the Mission Indians. A brief examination of the status of Rocha's case convinced him that a terrible injustice had been done Rocha. He realized that the proceedings by which the Indians had been dispossessed of their lands were entirely illegal, null and void, and he immediately took steps to right the great wrong.

He secured an order from the court on October 19, 1885, citing the plaintiffs, Messrs. Porter and Maclay, to appear and show cause why the writ of restitution should not be quashed and the Indians restored to their homes, their rights and their lands. This motion was continued to October 20, 1885, when it was argued and submitted.

Then the case again entered upon one of those long sleeps which are not entirely unknown to courts of justice in California.

where large interests are involved with the
poor and friendless on one side arrayed
against the rich and the powerful.

Ten years have elapsed, and there is not