

ROGERIO ROCHA'S LANDS

A Quit Claim Deed to Lewis From Rocha On Record

President Cleveland's Special Message Referring to Fraudulent Land Patents and Asking an Extension of Time for Contest

Frank D. Lewis, the attorney of the Mission Indians, appointed, among other things, to protect the rights of the Indian Rogerio Rocha to certain lands in the San Fernando valley, has been heard from.

Mr. Lewis, it will be remembered, has been charged by some parties with having obtained from his client a deed to all of the rights he was appointed to protect for the nominal consideration of \$10. Inasmuch as these rights are by some considered to be worth thousands of dollars, the statement that Mr. Lewis had a deed on record from Rogerio conveying the Indian's rights to him, the transaction was regarded as singular and anomalous.

But now comes Mr. Lewis with a statement that his deed from Rogerio Rocha is merely a trust deed to the Indian's rights and title in the San Fernando valley lands.

If Mr. Lewis is correctly reported his statement is extraordinary, for the deed, which Rogerio Rocha gave his lawyer, the said Frank D. Lewis, is a quit claim deed. It bears date of August 19, 1892. By its terms Rocha "does remise, release and forever quit claim unto the party of the second part (Frank D. Lewis) and to his heirs and assigns forever all that certain lot, piece or parcel of land situated in the said county of Los Angeles," etc. Then follows a description of the land in question.

There is certainly no trust deed about this. Mr. Lewis may be able to explain where the trust clause comes in, but it cannot be observed in deed on record.

Then Judge Widney says that Lewis' deed from Rocha is worthless, for the reason that an Indian cannot deed his rights away. This may or may not be true.

Be that as it may, Rogerio Rocha is nearing the 90th year of his age, a pauper, without a place to lay his head, while whatever rights he may have had in the broad, rich acres of San Fernando have been lost to him by the treachery of his attorney.

President Cleveland recently sent a special message to congress recommending that the time be extended within which the federal government can sue to recover lands illegally held by land patents believed to be void or voidable on account of fraud.

The Hon. Zachariah Montgomery of this city is now in Washington working on this matter. He had presented a petition a to the president in regard to this matter and from that petition the following facts are gleaned appertaining to the San Fernando grant:

"First—There are lands held under patents absolutely void because resting on pretended grants, void on their face and upon void decrees of confirmation."

Then the petition recites the act of 1851 creating the California land claims commission to settle private land claims in this state. The petition recites a decision of the United States supreme court by virtue of which he claims that in order to give jurisdiction to the land commission referred to "it was necessary that the petitioner for confirmation of a land claim should at least allege facts sufficient to show that he claimed the land 'by virtue of a right or title derived from the Spanish or Mexican government.'

"Now the truth is that a large number of claims for vast tracts of California lands were confirmed by those commissioners in compliance with petitions that not only failed to show any right or title derived from the Spanish or Mexican government, but which showed conclusively that there was no right or title whatever derived from either of said governments.

"For example, in the case of the petition of one Eulogio de Celis, asking for the confirmation to him of the so-called San Fernando mission grant, the said petition filed October 7, 1852, stated facts which showed clearly that the grant was in direct violation of law and utterly void. Said petition alleged and the so-called grant accompanying the petition showed that instead of a grant made in pursuance of the Mexican law, it was an attempted sale in violation of law for \$14,000, of a tract of land alleged to contain about fourteen square leagues."

This grant referred to—the de Celis grant—was the one upon which Rogerio Rocha was ejected from his home ten years ago.