

CALIFORNIA UNDER SPAIN AND MEXICO

by

IRVING BERDINE RICHMAN.

P. 38.

Mixing mission with the lay Spaniard with "usual disastrous result".

P. 47.

Powers which pertained to mission as such defined.

"In other words, the powers conferred were those which pertained to the Mission as such, whether conducted by Jesuits, Franciscans, or Dominicans; powers the outgrowth of the experience of Pedro de Cordova and Las Casas; powers sanctioned under the Laws of the Indies; powers whereby a community of Indians might be secluded from lay Spanish contact, and governed apart from lay Spanish interference, to the end that it might not be demoralized and exploited out of existence through lay Spanish avarice."

P. 48.

"Moreover in 1705 the vice-regal government, actuated by a belief (in which it was sustained by Madrid) that the secular authority in California was too much subordinated to the sacerdotal, proposed establishing a presidio at a point on the peninsular coast suitable for the galleon."

P. 58.

First mention of conferring of annual stipend upon the missions - first 6,000 pesos, later increased to 13,000 pesos.

NOTES FROM

"CALIFORNIA UNDER SPAIN AND MEXICO

by

IRVING BERDINE RICHMAN "

ORIGINALLY COMPILED BY H. P. DECHANT

WITH ADDITIONS BY W. L. HUBER

P. 77.

Decree for Spanish settlement.

San Diego, San Buenaventura and San Carlos.

San Fernando.

Addenda to Instructions to Felipe Neve, pars. 5, 13, 17.

(M.A. Arch. Genl. Prov. Int. 166)

These were missions and not secular.

P. 80.

Found the Mission of San Diego. Principal ceremony was a Mass by Serra under a great cross; was effected July 16, 1769.

Palou Noticias, Vol. II, pp. 99, etc.

P. 86.

A mission and presidio to be established in whatever good port might be chanced upon if Monterey not found.

P. 88-89.

6 Cal. Missions.

3 for the Peninsula north of Santa Maria and 3 for Northern California were not enough. Five new establishments were proposed - San Gabriel, San Luis Obispo, San Antonio de Padua, Santa Clara and San Francisco.

P. 90-91.

Serra's Presidency of the Missions of Alta California terminated at his death in 1784.

Founding of the Presidio and Mission of San Francisco between 1774 and 1777.

The establishment in 1777 and 1781 of the pueblos of San Jose and Los Angeles.

P. 92.

Establish missions in addition to those of San Diego and Monterey.

P. 93.

Ill effect of lay Spaniards, also note 21, p. 95.

P. 95.

Idea of the Mission.

The Missionaries might manage their establishments as in loco parentis, a procedure sanctioned by the Spanish law since the conquest.

Palou Noticias, Vol. I, p. 190.

P. 96.

Annual subsidy to missions by the King.

P. 115-116.

San Francisco Presidio founded Sept. 17, 1776.

Mission Oct. 9, 1776.

P. 124.

Felipe de Neve instructed Feb. 3, 1777, to give attention to a distribution of lands to colonists and soldiers with a view to rendering the province independent of the royal treasury.

P. 124.

Neve resolved to found two Pueblos of Spaniards - two communities for the exclusive support of the presidios; San Jose and Los Angeles.

P. 125.

San Jose founded Nov. 29, 1777.

P. 126.

Aug. 26, 1781, instructions for the founding of the new Pueblo were issued, prepared by Neve, after a law for the Indies by Philip II.

"It was August 18 when the settlers with their soldier escort reached San Gabriel, and on the 26th instructions for the founding of the new pueblo were issued, prepared by Neve, after a law for the Indies by Philip II.³⁰ It was to be located on high ground near the Porciumoula, from which, as from the Guadalupe at San Jose, irrigation was to be provided for a wide area. It was to centre in a plaza 200 by 300 feet, so quartered that the corners faced the cardinal points, and with each of the four sides intersected perpendicularly by three streets. The east side of the plaza was to be reserved for a church and royal buildings, and all house-lots were to be twenty varas in width by forty in depth.³¹ As early as March 8, 1781, Neve had issued a bando (edict) specifying in minute detail the course to be pursued in the assignment of lands and the conditions upon which they were to be held.³²

30 - Colonial History of San Francisco, Ad. i.

31 - B.C., St. Pap. Miss. and Col., vol. 1, p. 97; translated in part by Bancroft, History of California, vol. 1, p. 345, n. 23.

32 - B.C., St. Pap. Miss. and Col., vol. 1, pp. 105-119, etc."

P. 127.

Los Angeles founded Sept. 4, 1781. One idea of the mission

was the exclusion of lay persons, therefore, the author says:

"But from the point of view of the Mission, Spanish pueblos in a province like that of Alta California were an anomaly, and not unfraught with peril. If, as colonists, Spaniards were to be permitted to form themselves into communities autonomous and apart from the missions, to trade with the Indian (a being as yet nomadic or merely neophyte), and to exploit him, as Spaniards (laymen) in the New World were wont to do, what was to become of the great Mission idea, - the idea of Cordova and Las Casas? This query between 1778 and 1782, had given pause to Serra, and had pointed his pen in an animated correspondence with Governor Neve."

P. 128.

The course of Governor Neve with regard to San Jose and Los Angeles was sanctioned by the King in the autumn of 1779.

P. 136.

" # # # Still the establishments Concepcion and San Pedro y San Pablo were not missions. With the plan of the Mission they stood at variance. There was no segregation of the Indians; the padres administered no temporalities; respect was inspired by no presidio."

Pueblo Missions.

P. 139.

Croix (1781) had issued his decree for pueblo missions in the Colorado.

April 21, 1782, presidio of Santa Barbara founded.

P. 140.

Secularly there now were four military districts - San Diego, Santa Barbara, Monterey and San Francisco; and the two pueblo districts, San Jose and Los Angeles.

Sacerdotally there were the Missions San Diego, San Juan

Capistrano and San Gabriel; Santa Barbara and San Buena-ventura; San Carlos Borromeo de Monterey, San Antonio de Padua, and San Luis Obispo; San Francisco and Santa Clara. Civil rule began with the introduction of the pueblo with its alcalde and regidores.

P. 148.

By a law of the Indies, called the alcalde law, Indians were required to dwell in pueblos, choosing for themselves alcaldes and regidores. In December, 1778, Neve instructed the San Diego and San Carlos padres to put neophytes through the form of choosing two alcaldes and two regidores.

P. 152.

"Regarding San Jose and Los Angeles, as civic institutions under Fages, they were as uncomfortable a Neve heritage as the Reglamento itself. Both towns were fretted by disorders from three causes: gambling on the part of the settlers; immorality on the part of the settlers with the Indians; and horse-stealing on the part of the Indians. At San Jose, Ignacio Vallejo was comisionado, and at Los Angeles, Vicente Felix; and in 1787 Fages found it necessary to furnish to the latter minute instructions as to police. Through the pueblos, indeed, there was taking place the very thing which the Laws of the Indies, by strict prohibition of miscellaneous intercourse between Indians and whites, had sought to preclude, to wit, demoralization of the Indians by whites demoralized already. Lasuen, therefore was justified when, alluding to San Jose, he said in his plea to Ugarte y Loyola that Gentile Indians (male and female), employed at the pueblo in tasks of house and field, were by their 'scandals and libertinism' fast neutralizing the good done by the adjoining mission of Santa Clara."

P. 154.

Fages resigned as Governor May 18, 1790, leaving behind him nine Missions in four presidial districts and the two

pueblos, San Jose and Los Angeles.

P. 170-171.

" # # It was proposed to erect a settlement, which, though a municipality, should at the same time be a fortress, - in other words, a villa, a town palatine. # # # Organized as a presidio under a comandante subject to the Audencia of the district, the villa was designed to become as rapidly as possible a pueblo; armed, it is true, but ruled by alcaldes and regidores."

P. 176.

" # # # As for the election of Indian alcaldes and regidores under the Laws of the Indies, - a practice which the padres had avoided since 1792, - it was ordered by Borica in 1796 to be resumed, # # #."

P. 185.

"For four years the first missions were almost wholly dependent for supplies (grain included) upon Mexico. # # "

P. 224-225.

(July 7, 1821, Payeras as prefect wrote to Sola:)
"Through my Holy College of San Fernando I have just received a proclamation (from the Viceroy) in which the King, our master, reaffirms the decree of the General and Extraordinary Cortes issued in Cadiz, September 13, 1813 - a decree providing in Article 6 the following: 'The missionary priests will retire immediately from the government and administration of the haciendas of the Indians. Upon the Indians it will devolve to arrange, by means of their ayuntamientos (town councils), with the aid of the jefe superior politico (superior political officer), that there be named among them such as are the best fitted for administration, and by these the Indian lands will be reduced to private property and distributed. . . We desire to carry out exactly the said royal order,' etc."

"But while Payeras spoke thus to bishop and governor, it was far from his meaning that the Alta California neophyte was ripe for citizenship, or the Alta California missions for a pueblo status."

P. 232. (1822)

"The province, so Sola directed, was to be divided into five partidos, - the first to consist of the presidial district of San Francisco, together with the pueblo San Jose and the villa Branciforte; the second, of the presidial district of Monterey; the third, of that of Santa Barbara; the fourth, of the pueblo of Los Angeles and the missions of San Gabriel and San Juan Capistrano; and the fifth, of the presidial district of San Diego. By each mission and pueblo and by the villa Branciforte there was to be chosen an elector de partido, the mission electors to consist of the neophyte alcaldes and regidores. # # # "

P. 234.

"But San Vicente did more than select a governor. He established, under the Spanish Constitution of 1812, - an instrument recognized in the plan of Iguala, - a disputation or legislative body of six vocales (members) and a president, - one vocal for each presidio and pueblo district. He withdrew, by abolition of the office of comisionado, control by the governor over alcaldes and ayuntamientos in the pueblos of Los Angeles and San Jose. # # # "

P. 238.

"The Spanish Government had long made it plain that instruction of the Indians in civil polity, with a view to a conversion of the missions into pueblos, was of the first importance. # # # "

P. 243.

" # # # In the summer of 1830, a secularization plan was submitted by Echeandia to the territorial diputacion, and after slight amendment was approved. The various missions one by one (beginning with those nearest the four presidios, two pueblos and one villa) were to be converted into pueblos. Each pueblo was to consist of the neophytes who had belonged to it as a mission, and of such Mexicans as it might attract. Land to the extent of a house-lot (solar) and a field (suerte) was to be assigned to each family (neophyte or immigrant) in severalty, and land to the extent of one square league for each 500 head of livestock was to be assigned in common. The livestock of each family was to be made up by an allotment in severalty of sheep, swine, cows, bulls, horses and stallions from the flocks and herds of the former mission; but of the

land assigned in severalty none was to be sold within five years, nor was it to be mortgaged by a holder or by his heirs. The former missionaries might remain as curates of the newly formed pueblos, or they might form mission establishments in the Tulares. For the use of the curates the mission church with its appurtenances was to be assigned, but the rest of the mission buildings were to be converted into prisons, barracks, school-houses, hospitals, and quarters for the ayuntamientos, - the whole scheme of public improvement to be supported by the income from mission property not otherwise employed."

P. 253-254.

" # # # The government's instructions to Figueroa counseled caution, but were yet sufficiently radical. Article 4 recommended a distribution of lands to deserving neophytes, in order that 'the influence of the missionaries (might) be lessened until only the spiritual administration was retained by them.' Furthermore, it was decreed on August 17: (1) That Secularization in Alta California should take place at once; (2) that the secularized missions should be made each a parish under a secular priest; and (3) that the cost of the change should be met by the income of the Pious Fund.

The task of Secularization was assumed by Figueroa under rules issued on July 15, 1833, called Prevecciones de Emancipacion; rules not differing materially from the Plan of Echeandia. Comisionados, aided by the padres, were to gather into pueblos along the camino real (king's highway) such Indians as had been Christianized for more than twelve years; such as were married or were widowers with children; and such as knew how to cultivate the soil or ply a trade, and were "addicted" to work. The pueblos, for the present, were to be attached to the nearest municipality or presidio, but were to be initiated in self-government through officers appointed annually from among themselves. For the support of the churches, schools, etc., landed estates (propios y arbitrios) were to be formed. Finally, neophytes who should prove neglectful of their new opportunities were to be returned to the establishment of which they formerly had been inmates.

Of the success of the Prevecciones, we know chiefly that in 1833 San Juan Capistrano was converted into a pueblo, and that pueblo beginnings were made at San Diego and San Luis Rey. # # # "

P. 254.

Secularization. - "On August 9, 1834, it was provided by Reglamento Provisional that house-lots, pasture-lands, and livestock should be assigned to heads of all families. # # #." No mention of water rights. Missions did not own any, hence none included in division of their property.

P. 254-255.

"The diputacion had reckoned that before the end of October, 1834, every Alta California mission would have become a civil community. In fact, only nine missions had been secularized by the end of the year: San Luis Rey, San Juan Capistrano, San Gabriel, San Fernando, Santa Barbara, Purisima, Santa Cruz, San Francisco, and San Rafael. By the end of 1835 there were added: San Diego, San Luis Obispo, San Antonio, Soledad, San Juan Bautista, and San Francisco Solano - a grand total of fifteen. As for San Buenaventura, Santa Ines, San Miguel, Santa Clara and San Jose, the records for 1834-5 show no change."

P. 264.

"# # # As for separate pueblos of Indians, such as had been set up by Figueroa at San Diego (Dieguito and San Pascual) and at San Luis Rey (Las Flores), they were already disintegrating. Even San Juan Capistrano, the most promising of them all, a pueblo with which special pains had been taken by both Figueroa and Alvarado, had been a failure, and as a distinctively Indian town was dissolved."

Bancroft's History of California,
Vol. III, 626,
Vol. IV, 196,625, with citations.

P. 282.

"# # # on March 29, 1843, Micheltoarena issued a decree restoring to Mission management (temporal as well as spiritual) the twelve establishments - San Diego, San Fernando, # # # and San Jose."

P. 284.

"By July 7, 1846, - date of the formal cessation of Mexican rule in Alta California, - there had been sold by Pio Pico, under the decree of May 28, 1845, and a further decree of March 30, 1846, all of the missions save San Francisco, San Carlos, Santa Cruz, San Antonio, and San Francisco Solano. The sales were to individual purchasers, and for the most part were in contravention of an order by the Mexican Government (reflecting Centralism) that Micheltoarena's re-transfer to the padres should not be disturbed."

P. 285.

"The object of the Mission, under the Laws of the Indios, was everywhere to secularize the Indian; to municipalize him by reducing him to a condition of pueblo life, of civic autonomy. But no pueblo the result of Secularization long survived. The shortest lived were the pueblos purely Indian, - San Dieguito, San Pascual, and Las Flores. # # #

Even with the gente de razon, it was by the slowest degrees that pueblo life in Alta California was established. Felipe de Neve founded San Jose and Los Angeles, and Borica the villa Branciforte, yet throughout the Spanish regime civil rule in these communities was merely nominal. # #

P. 286.

"# # # San Diego, which in 1827 is described by the traveler Duhaut-Cilly as 'without doubt the best port geographically in all California,' had in 1835 been made a municipality by the introduction of an ayuntamiento, and in 1840 consisted of fifty adobe structures. # # #

P. 287.

"# # # In 1837, under the Centralist Constitution of 1836, prefectures, partidos, and justices of the peace were introduced. Ayuntamientos were restricted to the capital, to communities where they had existed prescriptively, to seaports of a population of 4000, and to pueblos of a population of 8000. Places deprived of ayuntamientos were to be governed by justices of the peace, who were to be proposed by the sub-prefects, nominated by the prefects, and approved by the governor. The first effect of this system, so far as Alta California was concerned, was to abolish ayuntamientos at all points except Los Angeles (the

capital), and San Jose, Monterey, and Branciforte, - places entitled to them by prescription. Its second effect was to systematize the judiciary."

P. 346.

"Private Rancho

"By the Laws of the Indies, the settlement of new countries was to be effected by companies of not less than thirty under an impresario, or by private companies of not less than ten. Such companies were to establish pueblos, and it was in accordance with the laws in question that Neve founded San Jose in 1777 and Los Angeles in 1781. The ultimate conversion of missions into pueblos was assumed. Indeed, the governmental or secular idea of 'reduction' involved no segregation of neophytes apart from their abodes. For the native, the pueblo form of organization was to be both first and final. Presidios, too, it was assumed, would become towns by attracting around them a population which sooner or later could be subjected to the laws governing the pueblo.

The first specific legislation affecting California pueblos and presidios was Bucarely's Instructions of August 17, 1773, to Rivera y Moncada. By these not only might the comandante-general designate common lands (tierras de comunidad), he might distribute lands in private to such Indians as would dedicate themselves to agriculture and stock-raising, and he might distribute lands among the other pobladores according to merit. But in each instance all recipients of land in private must live 'in the town (pueblo) and not dispersed.' On October 22, 1791, Pedro de Nava, comandante of the Provincias Internas de Occidente, specifically authorized presidial comandantes to grant house-lots and lands to soldiers and citizens, but only within a district (pueblo limit) of four common leagues measured from the centre of the presidio square; and only to such soldiers and citizens as should desire fixed places of residence."

P. 356-357.

"With the American occupation of California, Hispanic institutions fell at a blow. In 1849 the people adopted an American constitution. By this instrument it was provided that all laws in force should remain in force until altered or repealed by the legislature. The first legislature (1850) passed on April 20 an act repealing every Spanish law but one, and that, it is interesting to note, a law pertaining to the private rancho, - the law providing for a juez de campo, a judge of the plain.

Ed Fletcher Papers

1870-1955

MSS.81

Box: 38 Folder: 8

**Business Records - Reports - Huber, W.L - "Notes
From California Under Spain and Mexico"**



Copyright: UC Regents

Use: This work is available from the UC San Diego Libraries. This digital copy of the work is intended to support research, teaching, and private study.

Constraints: This work is protected by the U.S. Copyright Law (Title 17, U.S.C.). Use of this work beyond that allowed by "fair use" requires written permission of the UC Regents. Permission may be obtained from the UC San Diego Libraries department having custody of the work (<http://libraries.ucsd.edu/collections/mscl/>). Responsibility for obtaining permissions and any use and distribution of this work rests exclusively with the user and not the UC San Diego Libraries.