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-IN THE-
Superior Court of the County of Santa Barbara,
STATE OF CALIFORNIA.

6 The Roman Catholic Bishop of Monterey,

Plaintiff,

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against

Salomon Cota, Guadalupe Pina and Maria Pina, Francisco Estrada and Maria Solares, Maria Antonia Aguirre, Linfan Pina, Feliciano Aguirre, Josefa Aguirre, Ines Pina, Virginia Pina, Florencia Pina, and Joaquin Pina, Juan Miranda, Clara Miranda, Isabel Miranda, Sisto Miranda and Petra Miranda, Jose Dolores, Eusebia and Estevan, Fernando Ortega, Catarina Ortega, Victoria Ortega, Juana Ortega, E Domingo Ortega, Francis V. Ortega, Vicente F. Ortega, Leonardo P. Ortega, Roberto N. Ortega and Julio R. Ortega, Agustin Flores, Francisca Flores, Maria Flores, Acencion Flores, Agustin Flores and Jose Solares, Adolfo Pina, Francisco Yanes, Guillermo Cardona and Eduviges Cardona, Domingo Pajuri and Theopista Pajuri, Francisco Vernal, Margarita Vernal, Marfiza Vernal, Rosa, Juan Cota, and Eliza Robles, Nicolas Robles, Vicente Carrillo, Concepcion Carrillo, Jose Ramon Carrillo, Guadalupe Carrillo, Manuela Carrillo, Teresa B. Carrillo, Vicente M. Carrillo, Vicenta Ines Carrillo and Jose Carrillo, Felis Carrillo, Miguel Carrillo and Maria Vernal and Francisco Estudillo as Agent of the United States for the Indians of the Mission Tule (Consolidated) Agency in California,

Complaint.

Defendants.

The above named plaintiff, The Roman Catholic Bishop of Monterey, by Canfield & Starbuck, Esqs., its attorneys, complaining of the named defendants, Salomon Cota, Guadalupe Pina and Maria Pina, Francisco Estrada and Maria Solares, Maria Antonia Aguirre, Linfan Pina, Feliciano Aguirre, Josefa Aguirre, Ines Pina, Virginia Pina, Florencia Pina, and Joaquin Pina, Juan Miranda, Clara Miranda, Isabel Miranda, Sisto Miranda and Petra Miranda, Jose Dolores, Eusebia and Estevan, Fernando Ortega, Catarina Ortega, Victoria Ortega, Juana Ortega, E Domingo Ortega, Francis V. Ortega, Vicente F. Ortega, Leonardo P. Ortega, Roberto N. Ortega and Julio R. Ortega, Agustin Flores, Francisca Flores, Maria Flores, Acencion Flores, Agustin Flores and Jose Solares, Adolfo Pina, Francisco Yanes, Guillermo Cardona and Eduviges Cardona, Domingo Pajuri and Theopista Pajuri, Francisco Vernal, Margarita Vernal, Marfiza Vernal, Rosa, Juan Cota, and Eliza Robles, Nicolas Robles, Vicente Carrillo, Concepcion Carrillo, Jose Ramon Carrillo, Guadalupe Carrillo, Manuela Carrillo, Teresa B. Carrillo, Vicente M. Carrillo, Vicenta Ines Carrillo and Jose Carrillo, Felis Carrillo, Miguel Carrillo and Maria Vernal and Francisco Estudillo as Agent of the United States for the Indians of the Mission Tule (Consolidated) Agency in California, alleges:

FIRST. For a first cause of action.

I. That said plaintiff at the time and times hereinafter mentioned was and still is a sole corporation existing first under and by virtue of the laws of the Republic of

1 Mexico and subsequently under and by virtue of the laws of the State of Calif.
2 now radicated in the City of Los Angeles in the County of Los Angeles in the S.
3 California.

4 II. That said plaintiff is the owner in fee simple and in possession of two certain
5 parcels of land, situate, lying and being in the County of Santa Barbara in the State of
6 California, which are respectively bounded and described as follows, as wit:

7 a Beginning on the northerly bank of the Santa Ynez River at a point in the
8 middle of the channel of the Creek called "Zanja de Cota" or Cota Creek where it flowed
9 into the Santa Ynez River in the winter of the years 1880 and 1881 and running thence
10 along the center line of said Cota Creek up stream according to its meanders about three
11 miles to a stake six inches square showing about two feet above the ground and marked
12 with the Roman numeral I, thence due east one hundred and twenty chains to a similar
13 stake marked with the Roman numeral II, thence due north forty chains to the south-
14 easterly corner of a square section one square mile in extent designated as a proposed town
15 site and lying near the center of a certain tract of land known as the Canada de los
16 Pinos or College Rancho, thence due west forty chains along the southerly side of said
17 proposed town site to the center of said southerly side thereof, thence due north along a
18 line drawn through the center of said town site forty chains to said center of said town
19 site, thence due east along another line drawn through the center of said town
20 site forty chains to another and similar stake marked with the Roman numeral III
21 standing in the center of the easterly line of said town site, thence continuing in the same
22 course due east eighty chains more to another and similar stake marked with the Roman
23 numeral IIII, thence due north eighty chains to another and similar stake marked with
24 the Roman numeral V, thence due east eighty chains to another and similar stake
25 marked with the Roman numeral VI, thence continuing the same course due east eighty
26 chains further to a corner, thence due south four miles and over to the middle of the
27 Santa Ynez River, thence following the meanders of said river through the center line
28 thereof down stream about five and three-quarters miles to a point directly opposite the
29 point of beginning and thence directly to the point of beginning.

30 b. And also the north westerly quarter of said proposed town site, beginning at
31 the corner formed by the intersection of the fifth and sixth of the above given courses of
32 the parcel of land last above described, that is to say, at the center of the said section so
33 set apart for a proposed town site as aforesaid and running thence due west forty chains
34 to the westerly line thereof; thence due north forty chains to the north west corner thereof;
35 thence due east forty chains and thence due south forty chains to the last named point of
36 commencement.

37 Said two parcels above described taken together containing in all eleven thousand
38 and five hundred acres of land, and being parts or portions of said Canada de los Pinos
39 or College Rancho set off and conveyed to said plaintiff by The Roman Catholic
40 Arch-Bishop of San Francisco, both individually and as a corporation sole by deed bearing
41 date on the 8th day of February, 1882, and recorded in the office of the Recorder of said
42 County of Santa Barbara in Book Z of deeds at pages 965 to 100, March 27, 1882.

43 III. That said plaintiff derives title to said two parcels of land and both and
44 each of them by succession and mesne conveyances from Joseph S. Alemany, Bishop of
45 Monterey.

46 IV. That said Joseph S. Alemany, Bishop of Monterey, held in possession and
47 derived title to the whole of said Canada de los Pinos or College Rancho including said

1 two parcels of land and both and each of them and derived title to the same under and
2 by virtue of a certain Patent of the United States of America bearing date on the 28th day
3 of February, 1861, and recorded in said Recorder's office in Book A of Patents at pages 45
4 to 50, September 29, 1860.

5 V. That by said Patent, the United States of America granted and conveyed
6 the said Canada de los Pinos or College Rancho to said Joseph S. Alemany, Bishop of
7 Monterey, in fee simple but with the stipulation embodied in the terms thereof that
8 the same should not affect the interests of third persons.

9 VI. That said Patent was issued pursuant to a decree rendered on the 18th
10 day of December, 1855, by the Board of Land Commissioners of the United States
11 appointed to ascertain and settle the private land claims in the State of California under
12 and pursuant to the provisions of the Act of Congress approved on the third day of
13 March, one thousand eight hundred and fifty-one, entitled "An Act to ascertain and settle
14 the private land claims in the State of California" whereby said Board of Land Com-
15 missioners confirmed to said Joseph S. Alemany, Bishop of Monterey, the title to said
16 Canada de los Pinos or College Rancho as claimed by him under and by virtue of
17 two grants thereof made by Manuel Micheltorena, Mexican Governor of California,
18 bearing date respectively on the 16th day of March and the 26th day of September, 1844,
19 and a Testimonial of Juridical Measurement and possession thereof made and given in
20 conformity with said grants and bearing date on the 18th day of April, 1845, excepting
21 and reserving by said decree of confirmation from said Canada de los Pinos or College
22 Rancho such portions thereof as belonged to individual Neophytes or others at the time
23 said Juridical possession was given to wit: on the 14th day of April, 1845.

24 VII. That the Neophytes mentioned in said decree of confirmation were all and
25 every of them Indians, known as Mission Indians, and were all and every of them
26 members of the band or village of Mission Indians, known as Santa Ynez Indians.

27 VIII. That said band or village of Mission Indians, known as Santa Ynez
28 Indians, occupied at said date and had long before said date continuously occupied
29 generally and in common and have ever since occupied continuously generally and in
30 common a certain portion of said Canada de los Pinos or College Rancho including a
31 certain portion of the first of said two parcels of land above in the second paragraph of this
32 complaint described and are entitled as of right to occupy generally and in common said
33 portion thereof hereafter for as long a time as their said present general and common
34 occupation of said portion shall be continuously maintained and not abandoned.

35 IX. That said portion of said first above described of said two parcels of land so
36 subject to the general and common right of occupancy of said band or village as aforesaid
37 lies in a southwesterly direction from the village of Santa Ynez near the east bank of said
38 Zanja de Cota or Cota Creek and contains about fourteen acres of land.

39 X. That no portion or portions of said Canada de los Pinos or College Rancho
40 belonged at said date or had ever before belonged or have ever since belonged to any
41 individual Neophyte or Neophytes or other individual member or members of said band or
42 village of Mission Indians known as the Santa Ynez Indians nor did any individual
43 Neophyte or Neophytes or other individual member or members of said band or village
44 have at said date or at any time prior thereto nor has any individual Neophyte or other
45 member of said band or village ever since had any right, title or interest to or in said
46 Canada de los Pinos or College Rancho or to or in either of said two parcels of land above
47 in said second paragraph of this complaint described or to or in either of them or to or in

1 any portion of said Canada de los Pinos or College Rancho or of said parcels of land or of either
2 of them except such right or interest as may have belonged to said Neophyte or Neophytes
3 or other member or members of said band or village as his or their individual share or
4 shares of said general and common right of occupancy of said band or village of said above
5 mentioned portion of said Canada de los Pinos or College Rancho including said above
6 mentioned portion of said first above described of said parcels of land.

7 XI. That no portion or portions of said Canada de los Pinos or College Rancho or
8 of said above described parcels of land or of either of them belonged at said date or at any
9 time prior thereto to any other or third person or persons not a member or members of said
10 band or village nor at said date or at any time prior thereto had any other or third person
11 or persons not a member or members of said band or village any right, title or interest
12 whatever to or in said Canada de los Pinos or College Rancho or to or in said parcels of
13 land or either them or to or in any portion of said Canada de los Pinos or College
14 Rancho or of said parcels of land or of either of them.

15 XII. That through the neglect of said band or village of Santa Ynez Indians and
16 of all the individual members thereof, the boundaries of said portion of said Canada de los
17 Pinos or College Rancho including said portion of said first above described of said
18 parcels of land and the boundaries of said portion of said first above described of said
19 parcels of land so subject to the common and general right of occupancy of said band or
20 village as aforesaid have never been settled and through and by reason of said neglect as
21 well as through and by reason of lapse of time, accident and mistake, said boundaries have
22 become and are confused, vague, obscure and uncertain.

23 XIII. That the determination of said boundaries affects a very large number of
24 persons and the same cannot be determined by actions for the recovery of real property
25 without a great multiplicity of said actions and said multiplicity of said actions will be
26 prevented by the determination of said boundaries in this action which is brought to
27 determine, settle and establish the same and except in and by aid of which the determina-
28 tion, settlement and establishment of said boundaries is impracticable.

29 XIV. That the said defendants Salomon Cota, Guadalupe Pina and Maria Pina,
30 Francisco Estrada and Maria Solares, Maria Antonia Aguirre, Linfan Pina, Feliciano
31 Aguirre, Josefa Aguirre, Ines Pina, Virginia Pina, Florencia Pina and Joaquin Pina, Juan
32 Miranda, Clara Miranda, Isabel Miranda, Sisto Miranda and Petra Miranda, Jose Dolores,
33 Eusebia and Estevan, Fernando Ortega, Catarina Ortega, Victoria Ortega, Juana Ortega,
34 E. Domingo Ortega, Francis V. Ortega, Vicente F. Ortega, Leonardo P. Ortega, Roberto
35 N. Ortega and Julio R. Ortega, Agustin Flores, Francisca Flores, Maria Flores,
36 Acencion Flores, Agustin Flores and Jose Solares are all and every of them members of
37 said band or village of Santa Ynez Indians and reside on said portion of said first above
38 described of said two parcels of land and occupy the same generally and in common and
39 no other member or members of said band or village now reside on said two above described
40 parcels of land or on either of them or on any part thereof or occupy the same or either of
41 them or any part thereof.

42 XV. That the said defendants Adolfo Pina, Francisco Yanes, Guillermo Cardona
43 and Eduviges Cardona, Domingo Pajuri and Theopista Pajuri, Francisco Vernal, Magarita
44 Vernal, Marfiza Vernal, Rosa, Juan Cota, and Eliza Robles, Vicente Carrillo, Concepcion
45 Carrillo, Jose Ramon Carrillo, Guadalupe Carrillo, Manuela Carrillo, Teresa B. Carrillo,
46 Vicente M. Carrillo, Vicente Ynes Carrillo and Jose Carrillo, Felis Carrillo, Miguel
47 Carrillo and Maria Vernal are all and every of them members of said band or village of

1 and of said other and third persons known to said plaintiff and are sufficient in number
2 fairly, honestly and completely to try the question involved in this cause of action and
3 to protect the interests therein of all of said individual members of said band or village
4 of Santa Ynez Indians and of said other and third persons.

5 XXIV. That the remainder of said individual members of said band or village of
6 Santa Ynez Indians and of said other and third persons are or may be very numerous and
7 all and every of them are wholly unknown to said plaintiff, and it is impracticable to make
8 them or any of them defendants to this action.

9 WHEREFORE, said plaintiff demands.

10 1. That inquires be made by advertisement or otherwise as the Court may direct
11 for all individual members of said band or village of Santa Ynez Indians and for all other
12 or third persons claiming any estate, right, title or interest to or in said parcels of land or
13 either of them or to or in any part thereof as excepted or reserved by said decree of
14 confirmation or by said stipulation embodied in the terms of said Patent and not already
15 above named as defendants to this action and that they and all of them be required by said
16 advertisement or otherwise as the Court may direct to come in and become and be made
17 parties defendant to this action on or before a day to be fixed by the Court for that purpose.

18 2. That the boundaries of the said portion of said first described of said two parcels
19 of land subject to said common and general right of occupancy of said band or village of
20 Santa Ynez Indians be determined, settled and established by a Judgment of this Court.

21 3. That all the individual members of said band or village of Santa Ynez Indians
22 and all other or third persons claiming any estate, right, title or interest to or in said parcels of
23 land or either of them or to or in any part thereof as excepted or reserved by said decree
24 of confirmation or by said stipulation embodied in the terms of said Patent be required to
25 set forth the nature and extent of their said claims and that all said claims adverse
26 to said plaintiff may be determined by Judgment of this Court.

27 4. That it be adjudged by said judgment that no individual member of said band
28 or village of Santa Ynez Indians and no other or third person has any estate, right, title
29 or interest to or in said two parcels of land or to or in either of them or to or in any part
30 thereof, and that said plaintiff's title thereto and ownership thereof is good, valid and
31 absolute.

32 5. That all and every of the individual members of said band or village of Santa
33 Ynez Indians and all and every other or third persons and person be forever enjoined,
34 restrained and debarred from asserting in any way any claim whatever adverse to said
35 plaintiff in or to said parcels of land or either of them or in or to any part thereof.

36 6. That said plaintiff may have by said judgment such other or further relief as to
37 the Court may seem just, the premises considered

38 *Canfield & Starbuck,*
39 Attorneys for Plaintiff.

40 STATE OF CALIFORNIA, }
41 }
42 COUNTY OF SANTA BARBARA. } ss.

43 Robert B. Canfield, being duly sworn, says that he is
44 one of the attorneys for The Roman Catholic Bishop of Monterey, the plaintiff in the
45 above entitled action and resides in the County of Santa Barbara and State of California;
46 that he has read the foregoing ^{complaint} and knows the contents thereof and that the same
47 is true of his own knowledge, except as to the matters which are therein stated on

1 Santa Ynez Indians and do not nor does any of them reside on said two parcels of land or on
2 either of them or on any part thereof or occupy the said two parcels of land or either of
3 them or any part thereof, and the said defendants in this paragraph of this complaint
4 mentioned together with said defendants mentioned in the last preceding paragraph of
5 this complaint constitute all the members of said band or village of Santa Ynez Indians
6 known to said plaintiff.

7 XVI. That the said defendant Nicolas Robles is the husband of the said defendant
8 Eliza Robles.

9 XVII. That the remaining members of said band or village or Santa Ynez Indians
10 are or may be very numerous and all and every of them are wholly unknown to said
11 plaintiff and it is impracticable to make them or any of them defendants to this action.

12 XVIII. That said defendants are sufficient in number fairly, honestly and
13 completely to try the questions involved in this cause of action and to protect the interests
14 therein of the whole of said band or village of Santa Ynez Indians.

15 XIX. That Francisco Estudillo is the Agent of the United States for the Indians
16 of the Mission Tule (Consolidated) Agency, duly appointed to be such agent by the
17 President by and with the advice and consent of the Senate of the United States by
18 Commission duly executed and bearing date on the 17th day of April, 1893, for the term
19 of four years from the date of said Commission and charged by Section 2058 of the
20 Revised Statutes of the United States with the duty within his agency of managing and
21 superintending the intercourse with the Indians according to law and of executing and
22 performing such duties as may be prescribed by the Commissioner of the United States of
23 Indian Affairs.

24 XX. That said band or village of Santa Ynez Indians is within said Mission Tule
25 (Consolidated) Agency and the duty of protecting the rights of said band or village has
26 been specially prescribed by the said Commissioner of the United States of Indian Affairs
27 to said defendant Francisco Estudillo as Agent of the United States for the Indians of the
28 Mission Tule (Consolidated) Agency as aforesaid.

29 SECOND. For a second and separate cause of action.

30 XXI. That the allegations contained in the foregoing paragraphs of this
31 complaint marked I, II, III, IV, V, VI, and VII are true and the same and all and every
32 of them are hereby referred to and made part of this second and separate cause of action.

33 XXII. That divers individual members of said band or village of Santa Ynez
34 Indians and divers other and third persons including all of the said above named
35 defendants except the said defendant Francisco Estudillo as Agent of the United States for
36 the Indians of the Mission Tule (Consolidated) Agency in California claim as excepted
37 and reserved by said decree of confirmation as aforesaid and by said stipulation embodied
38 in the terms of said Patent as aforesaid divers estates and interests in said two above
39 described parcels of land and in each or one of them adverse to said plaintiff but that said
40 claims of said individual members of said band or village of Santa Ynez Indians and other
41 and third persons are all and every of them wholly without any right whatever and said
42 individuals and other and third persons have not nor has any of them any estate right, title or
43 interest whatever in or to said parcels of land or in or to either of them or in or to any part
44 thereof.

45 XXIII. That said above named defendants except said defendant Francisco
46 Estudillo as Agent of the United States for the Indians of the Mission Tule (Consolidated)
47 Agency are all of said individual members of said band or village of Santa Ynez Indians

1 his information or belief and as to those matters that he believes it to be true; that said
2 plaintiff is radicated in the City of Los Angeles, in the State of California, and is absent
3 from said County of Sauta Barbara, where deponent resides as aforesaid; that said plaintiff
4 has no officers and the present incumbent of said plaintiff is not withiu said County of
5 Santa Barbara.

6 That the reasons why this affidavit of verification is not made by said plaintiff are
7 the absence of said plaintiff and of said present incumbent thereof from said County of
8 Santa Barbara as aforesaid.

9 Subscribed and sworn to before me this
10 15th day of January, 1897.

R. B. Campfield

L. H. Hinchey

Notary Public in and for the
County of Santa Barbara,
State of California.

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