



## Colonization and Land Tenure at Juristac

*Time needed: 120 minutes*

### Purpose

This activity introduces students to part of the history of land tenure at Juristac for the Amah Mutsun people. It engages students in reading an excerpt from the legal history “Federal Recognition of Native American Tribes: The Case of California's Amah Mutsun” by E. Richard Hart published in the journal *Western Legal History* in 2003 in order to understand the impacts of the Spanish, Mexican and beginning of the American Periods of colonization. Students then read two short articles addressing the impacts of dispossession of land and what the tribe is doing about this today. Students will learn about how the Amah Mutsun were dispossessed of their ancestral lands including their most sacred grounds, Juristac.

### Materials

- Excerpt from “[Federal Recognition of Native American Tribes: The Case of California's Amah Mutsun](#)” by E. Richard Hart (excerpt text below)
- Article from *The Revelator*: “[Tribes without recognition struggle to protect their heritage: Can Native American Tribes Protect Their Land If They’re Not Recognized by the Federal Government?](#)” by Debra Utacia Krol, 2019
- “[Walking to renew the sacred](#)” blog post from the Protect Juristac website
- Reading Notes Chart (below)

### Directions

1. Explain to the students that the Amah Mutsun have not had unfettered access to Juristac since the founding of the San Juan Bautista Mission in 1797. Show them where this region is. Ask students how they think the Amah Mutsun lost access to this land.
2. Give students the reading excerpt from “Federal Recognition of Native American Tribes: The Case of California's Amah Mutsun” by E. Richard Hart.
3. Go over the reading notes chart and ask students what they already know or might guess would be the answers for selected boxes. Ask students to carefully read the text and use the notes chart to help track important information.

4. After reading the excerpt from Hart, ask students to read the Revelator article “*Tribes without recognition struggle to protect their heritage: Can Native American Tribes Protect Their Land If They’re Not Recognized by the Federal Government?*” by Debra Utacia Krol and answer the following questions:
  - What does the author describe happening with land treaties with California Indians between 1851 and 1852?
  - How does being federally recognized or not impact if a tribe can protect the environment in their historical territory?
  - How does the 2014 amendment to the California Environmental Quality Act (AB 52) change what rights California Indians have under state law to protect their lands?
5. Next have the students read the Protect Juristac blog post “*Walking to renew the sacred*” and have students answer the following questions:
  - According to Tribal Historian and Amah Mutsun tribal member Ed Ketchum, what was supposed to happen to the land at Juristac after secularization of the missions? What did occur?
  - Why does Chairman Lopez describe this event as historic?
6. After discussing each reading, ask students to answer the following overall reflection questions:
  - How did understanding the history of colonization help you better understand *why* the Amah Mutsun are experiencing their current problem of lack of access to Juristac?
  - What are some of the impacts of each of the three periods of colonization on the Amah Mutsun and access to the land at Juristac?
  - How did Amah Mustun people continue to use traditional practices or knowledge during the colonization processes?

## Additional Resources:

- [“The Secret Treaties With California’s Indians”](#) By Larisa K. Miller
  - *Optional activity:* After reading the excerpt and blog post, ask students to watch the 4-minute YouTube clip [“Valentin Lopez discusses the California Missions and Canonization of Junipero Serra.”](#) In this clip, Amah Mutsun Chair Valentin Lopez speaks at a symposium on canonizing Fr. Junipero Serra at UC Riverside on March 13, 2015. Ask students to answer these questions:
    - What does Chairman Lopez describe as historical trauma?
    - Why do you think Chairman Lopez focuses on the experiences of children and childrearing in describing the missions here?
  - *Video:* [Telling the Truth About CA Missions. Classroom Edition](#)—23 minute YouTube video by Gary Robinson of the Sacramento State College of Education
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## Materials:

**Excerpt from “Federal Recognition of Native American Tribes: The Case of California's Amah Mutsun” by E. Richard Hart published in the journal *Western Legal History*, 2003 — a scholarly review of the legal history of the dispossession of Mutsun people from their ancestral lands, with a focus on the case of Rancho Juristac (Sargent Ranch).**

When Spanish colonizers arrived to settle Alta California in 1769, probably between 300,000 and 350,000 native inhabitants lived there, speaking more than three hundred different linguistic dialects. The central California region to the southeast of San Francisco Bay was one of the most densely populated areas. Native people occupied at least twenty villages in the San Pajaro and San Benito drainages, including some located in the vicinity of today's Gilroy, San Felipe, Mission San Juan Bautista, and Sargent Station. Their language, Mutsun, was one of eight that make up the Costanoan language family, spoken by tribes in the area from what is now San Francisco south past Monterey Bay to the Salinas River. It has been estimated that at the time of the arrival of the Spaniards, some 2,700 Mutsun speakers lived in the villages in the Pajaro River drainage.

Mission San Juan Bautista was established in the center of Mutsun territory in order to convert Indians to Christianity. Believing that they could do so most effectively by gathering Indians into a Spanish-style village, Spaniards removed the Indians from their traditional villages and assembled them at the mission under the authority of the priests. The Indian converts or "neophytes," as they were called, were not allowed to leave the mission or its ranchos and were subject to physical punishment if they disobeyed the priests, whose law was enforced by soldiers from the presidios.

Mutsun villages were a source of not only of converts, but of labor as well. Mutsun peonage was used to build Mission San Juan Bautista, to grow its crops, and to look after its stock. At the peak of Mutsun population at Mission San Juan Bautista in 1823, reportedly 1,248 Mutsun lived at the mission or on the mission's ranchos.

By about 1810, the Mutsun had been fully missionized. Their lands had been taken over and they had become bound in servitude by the mission and the Spanish Crown." During the first two decades of the nineteenth century, "hundreds of individual and collective units of Mutsun Indian housing were constructed . . ." near the mission and at the ranchos. Yet, despite the decades of servitude and the yoke of oppression under Spain, the Mutsun did not give up their tribalism, abandon their traditional activities, or discontinue use of their aboriginal homeland.

On October 6, 1812, the Spanish government sent out a questionnaire, or interrogatorio, to all of the civil and ecclesiastical authorities in Spanish California. The priests running the various missions were asked to answer thirty-six questions regarding the Indians in their jurisdictions. The questionnaire did not reach San Juan Bautista until early in 1814, and Father Arroyo de la Cuesta signed a response to the questions and submitted it on May 1, 1814. In his response, he reported that the Mutsun people told traditional stories to their children and maintained traditions about hunting, games, and utilitarian affairs. Mutsun people who had been forced under the control of the mission continued to pass on these traditions.

Although the missionaries were attempting to teach the people agriculture, Arroyo said the Indians continued to collect and eat traditional foods:

They have in their little cabins an abundance of acorns and wild seeds-their ancient food. They will not let a chance pass by to catch rats, squirrels, moles, rabbits and other animals, which they were wont to eat, and eat even now, for which reason it is not easy to compute their daily amount of food.

The traditional village sites of the Mutsun quite naturally were situated in prime locations that contained an abundance of water, game, and other resources. It is no surprise, then, that Mission San Juan Bautista should appropriate these lands for its own use. The mission established at least six ranchos some at Mutsun village sites-where cattle, horses, and sheep were raised, and agricultural land was cultivated. As at the mission itself, Indians did most of the work at these ranchos. Thus some Mutsun were able to continue to work at or near their traditional village sites, within their aboriginal homeland. For example, the land around the Mutsun village of Huristac, or Juristac, became the mission rancho called La Brea, named for the tar (natural asphalt) seeps located on what is now Tar Creek, which parallels Pescadero Creek and flows into the Pajaro River.

Under Spanish law, theoretically at least, converted Indians had the right to all the land they could effectively use and occupy. The mission was to hold the land until such time as the Indians, who were kept under the authority of the mission, were prepared to take possession. At the same time, the Crown had delegated the authority to make land grants, or "concessions," to viceroys and other officers in America. Aimed at encouraging settlement, these grants often were given to retired military officers. Such grants were not supposed to impinge on lands necessary for the future of the missions and the Indians under the authority of the missions."

In the early 1820s, Mexican emigrants began moving into the San Juan Valley, but nearly a decade would pass before they acquired title to most of the lands around the

mission. The Mexican colonization law of 1824 and subsequent 1828 regulations governing colonization of the territories made issuance of Mexican land grants possible. But it was not until 1833, when a bill secularizing all missions in Alta California was signed into law, that the Mexican government began issuing grants in the Mission San Juan Bautista region. By 1830, Felipe Arroyo de la Cuesta was the only missionary left at Mission San Juan Bautista. After twenty-five years at the mission, he had learned the Mutsun language, had spoken to the Indians in their own tongue in his church, and had worked to create a Mutsun dictionary. But that era was ending. The mission ranchos, including La Brea, continued to be run by the mission, but Arroyo now had Mexican families living on the ranchos to organize the work and supervise the Indian labor. Some of the Mutsun now lived in small villages on the area ranchos.

As "juez de campo" of Rancho La Brea, Antonio German, a former soldier, was in charge of running the ranch and caring for the mission's cattle, as well as supervising the Indian workers. In 1830, with the secularization of the mission now determined, Arroyo "loaned" Rancho La Brea to Antonio German and his brother Faustino. Before reluctantly departing San Juan Bautista in 1833, he recommended to authorities that the rancho be granted to the brothers. Almost certainly, Arroyo intended to put the rancho under someone who, like him, had some empathy and concern for the Indian workers. Although the Mexican missionaries who replaced Arroyo favored the Mexican policy of "emancipation" of the Indians, which has been said to translate in reality to pauperization, Arroyo's actions may have made life somewhat better for the Indians who formerly had been under Mission San Juan Bautista.

Under Mexican law, lands used by Indians were supposed to be protected, but no real steps were taken to preserve any Mutsun land for the tribe. Between 1833 and 1843, at least eleven Mexican grants created new ranchos in Mutsun territory. With these new grants almost all of Mutsun territory was now carved up into ranchos that had been conveyed to Mexican citizens. Many of these grants were centered on old Mutsun village sites. Rancho Ausaymas y San Felipe, created with grants of 1833 and 1836, was named for the Mutsun village of Ausaimas. After padres at Mission San Juan Bautista told authorities they no longer had any claim to Rancho La Brea, it was granted, under the name Juristac, to the German brothers in 1835. Juristac was the name of a Mutsun village located on the rancho boundaries.

As the mission's property was privatized and its ranchos were granted to Mexican citizens, the lives of the Mutsun people changed. Formerly, they had been housed only at the mission and at mission camps on the ranchos. Now the mission was a town, owned privately, and although the Mutsun were no longer ruled by the mission priests, they were under the control of the rancho owners. In most of California, the rancheros

treated the Indians even more harshly than the missions had treated them. Historian James J. Rawls described their plight:

“The rancheros were in absolute control over their workers and used several means of coercion-persuasion, economic pressure, violent force-to recruit and maintain their labor supply.”

A few Mutsun people remained in the pueblo of San Juan Bautista, finding work where they could. Others worked like indentured servants on the ranchos that had been given to Mexican citizens through land grants. At the former mission rancho of La Brea, now Rancho Juristac, Indians worked under Antonio and Faustino German. The Germans constructed houses for their families and Indian workers near the sites of old Mutsun villages.

It is impossible to know exactly how much the Mutsun population diminished under Spain and Mexico, but we do know the decline was dramatic. Mission records indicate that only 875 Indians were released from Mission San Juan Bautista when it was secularized in 1835. Under Spain, the overall Costanoan population had been reduced by at least 80 percent. During the Mexican period, there was a further severe decline of the California Indian population. Robert F. Heizer estimated that between 1769 and 1846, the population of California Indians fell from 350,000 to 100,000.<sup>1</sup> It is believed that a significant percentage of the Indian population of California was killed during Mexican raids

Three of the 1851 treaties would have ceded Mutsun lands and created relatively large reservations to the east of their traditional territory, where Mutsun should have been allowed to settle with support from the government. However, the California State Legislature, pressured by miners and settlers, was vehemently opposed to the treaties. California's senators succeeded not only in preventing the ratification of the treaties, but in having them classified as "confidential" and sealed in the U.S. Senate's secret archives. Eventually, the U.S. Court of Claims determined that even though these treaties were never ratified, seventy-five million acres of Indian lands, including all of Mutsun territory, had been ceded to the United States.

In 1851, the United States established the California Land Claims Commission. The commission was created to determine the boundaries and legal ownership of Spanish and Mexican land grants. But the process was "long, cumbersome, and expensive" and often actually "insurmountable" for Mexican owners. As a result, early American entrepreneurs acquired many of the grants.

The history of the Rancho Juristac grant, containing more than four thousand acres in the heart of Mutsun aboriginal territory, exemplified the problems Mexicans had in trying to hold onto their property. On March 3, 1851, Congress established the "United States Board of Land Commissioners to Ascertain and Settle the Private Land Claims in the State of California." Antonio and Faustino German, owners of the Juristac grant, filed their claim with the board quickly, on February 21, 1852. The board determined that the necessary expediente (the Mexican file of official papers) was in order, with authentic signatures. They also found that there was an official diseho (a map, or, more precisely, a drawing of grant boundaries). There were no conflicting claims from other parties, and the board interviewed individuals who confirmed that the Germans had been living on the grant and had improved it by building houses, cultivating land, and constructing corrals. The board determined that all its questions concerning the grant had been answered except one. That question was whether the grant encroached on lands claimed by the mission. But in the expediente was a letter from Father Arroyo de la Cuesta, confirming the Germans' report that the mission had first loaned the ranch to them in 1830 and that the priest later had recommended to authorities that it be granted to the Germans. With all its questions answered, the board promptly rendered a decision confirming the grant to the Germans on December 18, 1852.

But if Antonio and Faustino German sensed victory, they were sadly mistaken. Under the law establishing the land board, Congress allowed either party (claimant or United States) to appeal first to federal district court and then to the Supreme Court. A total of 809 claims were presented to the board, of which 604 were confirmed. Of these, all but three were appealed to U.S. District Court. The Justice Department appealed 114 of the cases to the Supreme Court. Unfortunately for the Germans, the decision of the board on the Rancho Juristac grant was one of those appealed both to district court and to the Supreme Court.

Only one year after the Land Claims Board was in session, 10 percent of the value of the claims had already been paid out to attorneys. The net result of this system was that grant lands moved from Mexican to American ownership. By 1856, the Germans seemingly were left with no other choice but to sell their grant. In 1855 Antonio German sold his half of the Juristac Rancho to R.S. Carlisle, and in February 1856 Faustino sold his half to Jacob L. Sargent. Although the Germans had been granted more than four thousand acres with abundant water and grazing land, the system the United States established to confirm the grants had broken them completely.

The sale of the Juristac grant also impacted the Mutsun Indians who continued to live on and near the rancho, some of whom had continued to work on the ranch through the

Mexican period. Documentary records indicate that Mutsun Indians continued to work on Rancho Juristac after its purchase by Sargent and Carlisle.

Throughout the remainder of the nineteenth century, Mutsun Indians continued to live near Rancho Juristac, which now became known as Sargent Ranch. They watched as the Americans expanded operations. The ranch included approximately sixty acres of tar springs, and as early as 1860 the owners began to mine the oil and asphalt seeps along La Brea Creek. They shipped the tar from Sargent Station (which later was called simply Sargent) on the Monterey Road to San Jose. There the tar was used to pave streets. By 1864, an oil and kerosene distillery was in operation at Sargent Station, where a small colony of Mutsun Indians continued to live.

In 1869, when the Santa Clara & Pajaro Railroad finished a rail line that reached Sargent Ranch, Sargent Station became a railway stop, near the mouth of Pescadero Creek. A year later the line was purchased by Southern Pacific. Finally, in 1871, Sargent, his brother, and their partner succeeded in obtaining a patent to Rancho Juristac, nineteen years after the German brothers submitted their grant to the Land Claims Board for confirmation. The 4,540-acre grant now became known officially as Sargent Ranch, with a stop on the Southern Pacific Railroad. J.P. Sargent now owned one of the largest cattle ranches in the region.

Yet the Mutsun Indian presence continued in the area. After the railroad reached Sargent Station, near a small Mutsun colony, a man named Mark Regan established a stage line and made a good living taking people from Sargent Station to San Juan and Hollister. As he drove the stage along the difficult road from Sargent to Mission San Juan Bautista, Regan would tell passengers stories he had learned from the Indians in the area." The Indian community called its little village Sargenta, located where the people could still harvest the many plants found within the ranch boundaries. By the end of the nineteenth century, Mutsun were living by wage labor and residing near Sargent Station, where a resort with a hotel, saloon, picnic ground, and open-air dance floor, ringed with torches for dancing at night, was constructed in 1896. Hunters and fishermen now arrived by rail, stayed in the hotel, and vacationed in the core of Mutsun aboriginal territory, an area rich in natural resources. Still, the heart of that territory, which had once been Mission San Juan Bautista's Rancho La Brea, then the Juristac land grant, and eventually the Sargent Ranch, remained relatively untouched and undeveloped.

Small communities of Mutsun lived in several locations in San Benito County, including one at Sargent-or Sargenta, as the Indians called it-and one called Indian Corners, near Mission San Juan Bautista. Mutsun continued to gather medicinal herbs and foods in

their aboriginal territory, including at Sargent Ranch. The Mutsun population was further decimated during the second half of the nineteenth century under the United States. At the end of the Mexican period, the California Indian population had been about one hundred thousand. By 1900, the total California Indian population had dropped to about twenty thousand, less than 10 percent of what it had been one hundred years earlier. One scholar concluded that 12 percent of that population loss under the United States was caused by military or vigilante campaigns against Indians.

Write notes on each of these topics as you read

	<b>Mission/Spanish Period (1769-1834)</b>	<b>Mexican Period (1834-1848)</b>	<b>American Period (1848- current)</b>
<b>Where did the Mutsun live?</b>			
<b>What did Mutsun daily life look like?</b>			
<b>Who owned or controlled the land of Juristac?</b>			
<b>Who had access to use the land of Juristac?</b>			
<b>What other changes occurred in this period?</b>			