

THE MICHELTORENA AND GUERRERO DOCUMENTS
from the John Pierre & Myrtle Serres/Shirley Roberts Collection

A Report from the Legacy Project of
THE GLEN ELLEN HISTORICAL SOCIETY
PO Box 35, GLEN ELLEN CA 95442
www.glenellenhistoricalsociety.org
prepared by Jim Shere
October 8, 2010

THE MICHELTORENA AND GUERRERO DOCUMENTS from the John Pierre & Myrtle Serres/Shirley Roberts Collection

The Legacy Project of the Glen Ellen Historic Society evaluates and preserves locally emerging historic artifacts and documents. These valuable and irreplaceable items are very important in building a reliable history of the area — and are otherwise extremely vulnerable to deterioration and loss. We consult with local families that have historically significant ephemera and memorabilia, helping them to identify and preserve their collections while making them available for research and public display, where it is appropriate, by means of digital recording.

The initial phase of The Legacy Project involves the John Pierre and Myrtle Serres/Shirley Roberts Collection. This major group of artifacts and primary documents has accumulated over the past 160 years on the Serres Ranch — ever since 1851, when Joseph Hooker built his cabin on what had been the Agua Caliente Land Grant. Reports such as this are made available to members of the Glen Ellen Historical Society to promote further research and discussion.

THIS IS THE INITIAL REPORT on the evaluation and inventory of the John Pierre & Myrtle Serres/Shirley Roberts Collection, which has accumulated on the Serres Ranch in Sonoma Valley since the mid-19th Century. The provenance of these historically significant artifacts and documents is uncertain at this time, but it is evident that they present a uniquely primary documentation of early California history.

The two documents that are the subject of this report were among the first items studied. The translations are by Boris Bruton, in an admirably remarkable reconstruction of syntax given the condition of the original documents. Photographs of the originals are included in this report to encourage further study by readers, and higher resolution images are available upon request. We welcome your comments, knowing further discussion will provide an increasingly comprehensive view of the significance of these documents.

The two documents had been kept rolled in a cylindrical, weather-tight case made of saddle leather, measuring two feet long and six inches in diameter. The leather case appears to be hand made of saddle leather, tightly closed and strong enough to withstand harsh weather and rough handling.



Leather case in which the two documents had been kept.

THE MICHELTORENA DOCUMENT

The first document appears on the following page. It is an extremely damaged scroll made of sheets fixed with wax to a heavier paper backing, measuring approximately 18 inches by 32 inches and handwritten in Spanish. No signature or date is evident, though it is attributable to Governor Manuel Micheltorena, who served from December 30th, 1842, until he was removed in 1845. His name appears in the opening lines as the author.

This document describes the imposition of regulations and tariffs regarding foreign trade, which was becoming an increasing problem during Micheltorena's administration. Here is the provisional translation, by Boris Bruton.

Citizen Manuel Micheltorena Brigadier General of the Mexican Government,
Adjutant General of the [] Governor & Comandante General and Inspector for
the Department of the Californias.

The Supreme Government having extended its protection over this fertile and delightful land, and desirous of furthering its growth, has granted me the powers to promote improvements to it, among which what has come to my attention most prominently are the foreign ships that transact business and trade in our ports. This freedom of trade is entirely [against?] our law, though tolerated for many years out of necessity, and because of its benefits. I have called together a Committee [Junta] of prominent citizens to consult with me on this matter, and have relied on their expertise; they in turn have appointed a commission consisting of Senors Don Diego Forbes, Don Mario Lataillade, Don David Spence, and Don Guillermo Eduardo Harnell. After mature deliberation, this committee has approved the following articles:

Ciudadano. Yo amo
 General de Brigada del
 Ejército del Sur de California

Al Honorable General de Brigada del
 Ejército del Sur de California

El presente es un documento que contiene una lista de nombres y sus respectivos apellidos, algunos de los cuales están subrayados. El documento está dividido en dos columnas por una línea vertical que actúa como un eje de simetría. En la parte superior izquierda, hay un sello circular con un diseño que parece ser un escudo o un emblema. El texto está escrito en una caligrafía cursiva de la época, y el papel muestra signos de desgaste y daño, especialmente a lo largo de la línea central y en los bordes.

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100

Art. 1° = Every foreign ship that comes to transact business in this Department shall receive, after an inspection has been conducted, a Guard with a salary of 40 pesos per month which shall be paid by the Customs Dept. of that port, as long as the ship remains in our waters. In return, said ship will be allowed the privilege to trade in all the Ports and anchorages on this coast. Each ship shall also be levied the sum of 600 pesos annually to defray the expenses of the Guards aforementioned, whether they are posted on board or on land. As for Mexican ships, they will have the obligation likewise to maintain Guards, and on the same terms, unless they go to ports that are not equipped for coastal trade.

Art. 2° = Ships that are currently on our coast and already inspected, are at the disposition of the Senior Customs official who, in accordance with his Superiors, will arrange for them a period of time to unload their cargos and wind up their business. However if their business is not concluded in the time allotted, they also must take on, as noted in the previous article.

Art. 3° = Any ships that have cargo that is to be off-loaded from another ship must request a license from Customs to [] verify it except in the Ports of Monterey, San Francisco, and San Diego where there are officials []

Art. 4° = It is still prohibited to transact business on board ship, subject to the regulation by the Governor of the Department.

Art. 5° = In the Port of San Francisco the conveyance of articles of commerce will only be done in launches provided by the Government. No vessel will be permitted to proceed inland to the Ranchos located on the Estuary, without permission of the responsible official in the Treasury office, which is to be established in Yerba Buena [] it is prohibited [crinkle in paper, can't read] to carry goods or produce.

Art. 6° = Whale ships will only be permitted in the Ports of San Francisco, Monterey and San Diego, with the following restrictions:

They will be required to cast anchor in the Estuary of Yerba Buena, and the treasury official of the port will inform them that they cannot spend currency, but only bullion, for the purchase of provisions while in port.

They will only be permitted to remain 8 days (a week) at the Sausalito anchorage for the purpose of taking on water and wood, and will be subject to a Guard in the trust of the Treasury official. Each whale boat will pay a fee of 10 pesos, and if they need to remain longer in port to repair damages or because of sickness in the crew, the treasury officer will notify them of the length of time he deems appropriate, with the knowledge that every delay that exceeds 8 days will be spent in Yerba Buena.

Those ships that anchor in the Port of Monterey and San Diego will be subject to the restrictions in the previous article, regarding the anchorage at Sausalito.

The treasury officer will notify those ships as previously directed, regarding the penalties they shall incur if found carrying contraband, including liability for punishment for anyone purchasing these goods from them [] shall be liable to the laws established, and will be punished []. The Government in conformity with article 4 of the preceding has established the following relation which will apply to ships that do business on the coast of this Department.

1° = Every foreign ship that arrives at Port with the purpose of transacting business on the Coast of the Department [shall have assigned to it] for as long as it remains here an Inspector [Celador] designated by Customs and empowered to send them away if he should believe that ships are in violation as noted by the previous article. Those ships that break the law shall pay annually to the Customs the amount of [] pesos, and in addition it will be his responsibility to see that the shipboard Guard has his normal and regular provisions.

2° = The National ships shall have the same obligation as foreign when they attempt to touch at places other than Monterey, San Francisco or San Diego – ports at which it is legally permitted to transact business, either selling goods or purchasing supplies. Once the Guard is on board, the ship will maintain him until it puts out to sea, and in the manner set out in articles 1 & 2.

[Number repeated, presumably in error] All ships, whether national or foreign, which are currently on the coast, will request from Customs, either through the ship's captain or bursar, a reasonable time to unload their cargo, which the Customs will grant or not, according as it seems proper to them.

No ship shall off load cargo to another ship, except in the ports of Monterey, San Francisco or San Diego, before submitting a petition in duplicate, to the Port Administrator fiscal officer of the place. Petitions are to be in Spanish [Castellano], must give the kind and amount of items to be transferred, and the name of the ships involved. Whoever contravenes this regulation will be subject to Art. 80 of the Tariff Laws.

A copy of the above-mentioned petition shall remain in the Archives, which will show that the transfer has occurred; the other copy, signed by the officer in charge, will be shown to the Inspector [Celador] of the ship that is to receive the cargo, so that he may verify and note on his copy that the figures are correct. In the event that the transfer does not take place, or [the Inspector determines that there is a problem], he will immediately notify the government Receiver so that he may function in accordance with art. 80 noted previously.

It is forbidden to every ship on this coast to traffic in the following items until [] the terms which follow:

A	C	E
Starch by the... arroba	Coffee by the... qqn.	Whale sperm by the... arroba
Sugar by the ... qqn.	Cocoa by the... id.	Spices by the... ½ arroba
Rice... id.	Wax by the... id.	
Steel ... id.	Chocolate by the... id.	
Glass beads... id.	Nails by the... id.	
F	G	[H]
Spaghetti by the... arroba	Sea biscuit...	Sugar cane by the barrel
Dried fruit by the... qq.		Bee honey by the gallon
Iron by the... id.		
Artificial flowers by the box		

Tiles and glass will be sold by []. Every item or parcel whose value exceeds [] and the others by four parts of the dozen. The [] nor below three pesos per hundred-weight [] will be sold, without []

THE GUERRERO DOCUMENT

The second document, which appears on the following pages, is a moderately damaged scroll made of sheets of paper fixed to a heavier paper backing strip, measuring approximately 12 inches by 48 inches; it is also handwritten in Spanish.

This document is signed by Yerba Buena Alcalde Francisco Guerrero, and dated October 16, 1845. On the back of the scroll there is a handwritten notation, probably by John Pierre Serres, reading: “Francisco/Guerrero/sub-prefect and/Alcalde of San Francisco/concerning military laws/of California/as/confirmed/by Pio Pico/last/Mexican Governor/of/Alta Calif/dated October 16 1845/issued/at/Yerba Buena/now/San Francisco.”

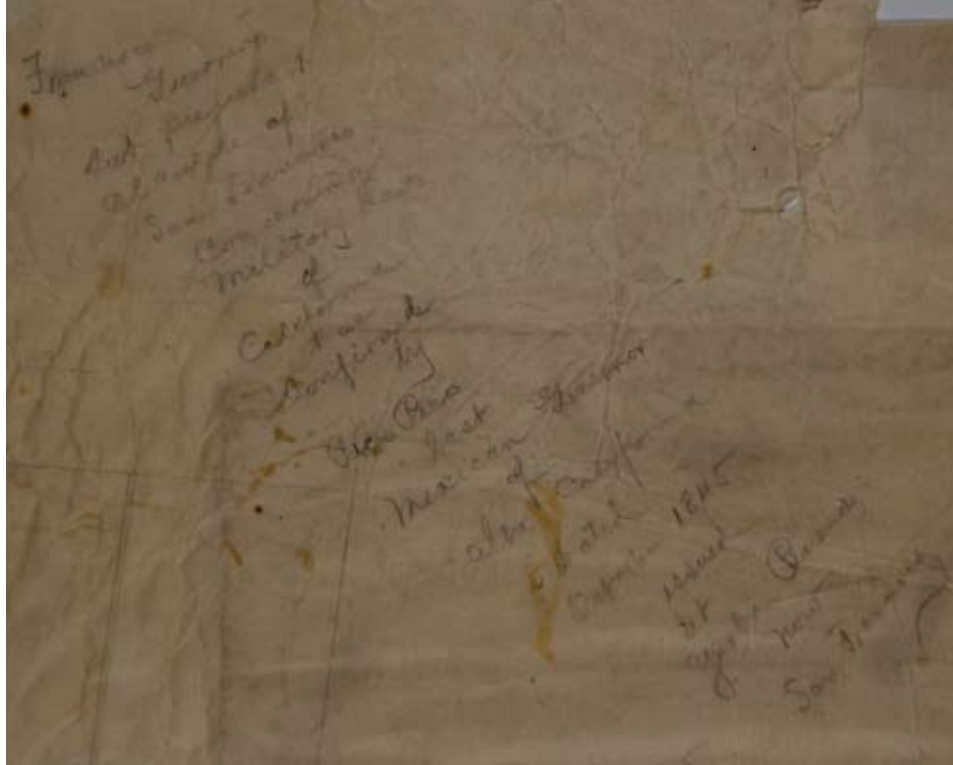
The document refers to regulations established by Governor Pio Pico regarding the creation of a standing militia for defense of the Department of California against anticipated invasion by the Americans. It is dated October 16, 1845, and signed by Sub-Prefect (regional governor) and Alcalde (magistrate) Francisco Guerrero of Yerba Buena. It was during the following year that the Bear Flag Revolt took place here in Sonoma. Here is Boris Bruton’s translation of the Guerrero Document.

Citizen Francisco Guerrero, Sub-Prefect of the 2° Distrito of this Department, a the inhabitants of it, know: that the Senor Prefect of this same [] has addressed to me the following:

“I, Pio Pico, as spokesman for the Honorable Assembly and entrusted by the Ministry of Laws of the Government of the Department, make known to all its inhabitants: that through the Ministry of Foreign Relations, Government and Public Order, there has been communicated to me the following decree:

= Ministry of Foreign Relations, Governance and Public Order = His Excellency the Señor President interim [José Joaquín de Herrera] having been authorized by the law of the 4th of last June to raise defense forces for the protection of our Independence and our Constitution, and His Excellency desiring that this force lend its service to the [Nation by virtue of] that very Constitution, and in the manner most useful, and furthermore having in view the decision of the Governing Council, in compliance with the Provision relating to Article 86 of the Constitution— issues the following General Order, all of the provisions of which are to be enforced by the respective Assemblies of the different Departments:

= Article 1° = In each [Department] that particular Assembly will indicate, in regard to the details of this decree, what it considers feasible respecting the troop number of the militia that it can raise, estimating the maximum number, and accounting to the Supreme Government regarding the directives of Article 89, Obligation 30, of the Constitution of the Republic. This enlistment is to be voluntary, and without resort to any special incentives.



Detail showing notation by John Pierre Serres.

= Article 2° = For the purposes of this enlistment, prospective enlistees will be subject to the following requirements: First, they must be citizens in full exercise of their rights. Second, they shall not be in the employ of the Public Administration. Third, they are not to be common day-laborers. Fourth, they are not to be ecclesiastics. Fifth, they are not to be disabled or incapacitated, either physically or morally by any vice or grave impediment.

= Article 3° = Corporals and Sergeants will be elected from among the troops, and must be able to read and write. Officers (and sergeants) and commanders will be appointed by the President of the Republic, after having been nominated in turn by the Governor of the Department and will not continue in office for more than a year without being either reelected or newly nominated, if they are free to continue in their charge or not. Officers must have property or income superior to what is required by the common citizen so as to be able to present themselves in the manner appropriate to their rank [before any] notification of nomination of the officers and general staff [and resulting appointment] by the President of the Republic, in conformity with Article 87 of the Constitution.

= Article 4° = The uniform of this force is to be of the simplest, and at the expense of the enlistee. The duties will be those of the regular army, without any distinction between the corporals and sergeants who will wear green uniforms, and the officers who will dress in the usual style of cavalry officers [charreteros de plata].

= Article 5° = The costs of artillery and munitions will be at the expense of the

Departments; those Departments who lack firearms, either partly or completely, will notify the Supreme Government in order to be provided therewith.

= Article 6° = This force will be exclusively at the orders and under the inspection of the local civil authority, in order [to] preserve the public tranquillity and for the normal functions of such a force, restricted by whatever provisions the respective Departments decide, which shall not be extended in any way except in the case of absolute emergency.

= Article 7° = This militia will not enjoy any military exemptions from the civil law, in conformity with the previous Article 134 °, Faculty 19, of the Constitution. Nor will individuals in the militia receive any loan or wage in the ordinary course of their duties, though in the event that they are called upon for extraordinary service, their respective Departmental Assembly may compensate them as it deems appropriate. In the event that any of the militia be employed by the General Government, they will be compensated at the standard rate set for an equivalent service and rank in the National army.

= Article 8° = These militia troops shall not own their weapons except in the event of a foreign invasion or at the special disposition of the National Government.

= Article 9° = The Departmental Governments will give an accounting monthly to the National Government as to the state in which these militias are being maintained, their number and discipline, arms and equipment.

= Article 10° = These laws will be regulated without any exception whatsoever by the Departmental Assemblies for the best deployment of these forces, and they should take care to send detailed reports frequently, in order that the National Government may better employ our forces, both regular army and militia, to insure the integrity of our National Territory.

= Article 11° = The deployment of the militias will be done in the same manner as that of the regular army.

= Article 12° = Any sentence of incarceration that members of the militia will incur, serious or minor, will be served in barracks at the order of a judge, and under the care and responsibility of the commander of the unit.

= Article 13° = The services that the militia will be offering will entitle them to preference in any public employment, if the applicants are of equal ability, except in the military services themselves.

= I have full confidence in your capacity and ability to carry out these orders. God and Liberty! Mexico City, June 7, 1845.

= [signed] "Cuevas" =

= And in order that these directives come to the attention of all, and so that no one can plead ignorance of them, I order that this be published and posted in all the towns of the department and that it be given full compliance. [Los] Angeles, September 9, 1845.

= Pio Pico =

= Jose M. Covarrubias Secretary =

= and further I order that it be posted in the towns of the district and posted in public places, so as to insure its compliance.

= Monterey, September 29, 1845.

= Manuel Castro = Therefore I too order that it be given its due attention and be put up in public places in obedience to my orders in order that our inhabitants be duly aware of it, and for its proper compliance.

Yerba Buena October 16, 1845

= Francisco Guerrero =

Photographs and translations of the two documents are being presented in this report by the Glen Ellen Historical Society, under a grant from the Sonoma County Historical Society, in order to encourage the research necessary to explore and further identify their historic significance.

Queries and responses should be sent to the Glen Ellen Historical Society, PO Box 35, Glen Ellen CA 95442. Reports on other aspects of the John Pierre and Myrtle Serres/ Shirley Roberts Collection will be made available to members of the organization as circumstances warrant.