

The Document Commonly Referred to As The First American Indian Bill of Rights 1773

(3 years before The Declaration of Independence)

Father Junípero Serra and Captain Pedro Fages were always at odds over the treatment of the Native Americans. In 1772, Father Serra began writing a *Representación*, now referred to as the First American Indian Bill of Rights. He travelled to New Spain to plead his cause to the Viceroy.

"In view of Captain Fages' attitude, the matter could not rest there. After a High Mass on October 13th Fr. Serra therefore consulted with the two others stationed at San Diego and Fr. Tomás de la Peña. The four religious agreed that one of their number should proceed to Mexico, present a truthful statement of the situation in California to the new Viceroy, Antonio Maria de Bucareli y Ursua, obtain the relief needed, and ascertain the sense of government with regard to the management of the missionary establishments."

"On October 20th, Fr. Serra sailed away in the *San Carlos* accompanied by an Indian youth, one of the first baptized at Monterey. They reached San Blas on November 4th."

"In the company of the Indian youth, the Father Presidente then set out (on foot) for the capital, but on reaching Guadalajara, both were seized with a malignant fever which brought them so low that the last sacraments were administered. Fr. Serra scarcely feared death but what troubled him was the fear of the disastrous effect which the news of the boy's death would have among the Indians in California especially amongst his relatives. They would never believe that he had died a natural death. With all of the fervor of his soul, Fr. Serra, then implored God to restore the health of his youthful companion. Both eventually recovered and though the aged priest again fell sick at the Franciscan missionary college of Santa Cruz, Querétaro, forty leagues from the capital, he once more was restored to health and on February 6, 1773 received the hearty welcome of the community of San Fernando College.

" *The Representación* or the Memorial of the Rev. Fr. Presidente of the California Missions is dated March 13, 1773. It covers sixteen closely written folio pages and in substance is as follows:

1. Another pilot and a second pilot should be sent from Vera Cruz to take charge of the *San Carlos* plying between San Blas and Monterey, because there is no other pilot at San Blas than Juan Pérez. His assistant, Jose Cañizares, is too young to be given command of the ship.
2. Another vessel should be provided, inasmuch as the *San Carlos* and *San Antonio* are insufficient for the needs of the missions and presidios.
3. The Fr. Presidente has not received the stipend for the last year. Even though he was not in actual charge of a mission but only a, he should be provided with the regular allowance for the reason that he must make lengthy visitations through all the missions.
4. Various persons have promised donations of corn and other supplies for the missionaries. The Fr. Presidente petitions that the government commissary at San Blas admit them to the packet boat under whatever head he likes, but that he should expressly state that they belong to the missions and are therefore not to be re-examined by the commander to the presidios in Upper California. He asks the same privilege for the goods detained at Loreto (Lower California), composed of books, pictures, crucifixes, and other articles, supernumerary which were assigned for personal use of the religious. If these goods, which Governor Barri of Lower California declares were stolen from the missions, cannot be forwarded by land, the governor should be directed to have them place on board the ships with the expression in the manifest that they are the private property of the missions.
5. It would be advisable to allow the comandante of the presidio of Tubac, Sonora, to find a road from there to Monterey and from Santa Fe, New Mexico to Monterey in order to open communication between these points.
6. It seems to me urgently necessary to retire Don Pedro Fages from the command of the Presidio of Monterey in order to stop the desertion of the soldiers and of other men who charge him with cruelty,

violent temper, imposing excessive labor, and with not providing sufficient food. Of this I am witness, Fr. Serra says, not to speak of the damage his conduct has done to the missions.

7. The new commander should not be taken from the ordinary troops, because they are unacquainted with the duties of the Leather Jacket Soldiers. Sergeant José Francisco Ortega, a man of merit, judgement, experience, and prudence, would be suitable for the position of commander.
8. The new commander should be instructed, at the first request of a missionary, to remove a soldier who has given bad example, especially with regard to chastity, and to replace him with another who was not noted for unchaste and scandalous habits. A missionary should not be obliged to specify the crime or cause of complaint.
9. ***The commander and soldiers should be made to understand that control, management, punishment, and education of the baptized Indians and of those under instruction for Baptism pertain exclusively to the missionaries, except in matters requiring capital punishment, and, therefore no punishment or ill treatment should be inflicted upon any of those said neophytes neither by the commander nor by the soldiers without the consent of the missionary in charge, for such is the custom from time immemorial in the Spanish dominions.***
10. In my opinion the following number of soldiers is needed for the protection of the missions San Carlos, San Antonio, San Luis Obispo and San Gabriel each ten soldiers; San Diego thirteen or fourteen; San Buenaventura when founded, twenty; and Santa Clara when established, fifteen.
11. There should be a general store at Monterey for soldiers of Upper California with a fixed price list independent of the Loreto warehouse.
12. Each mission should be provided with four or six laborers to help cultivate the land. Among them to be carpenters, muleteers, and cattle herders. They might come up from San Blas as sailors, and the presidio commander should not be permitted to interfere with them.
13. When the cattle are driven up from Lower California, some Indian families, if they volunteer, should be permitted to come along and should be distributed two or three for each mission to set an example at labor, and to prove that there is marriage among the Christians; for now they wonder much to see so many men without women.
14. According to ancient custom the missionary should be free to choose one of the soldiers to act as a mayordomo and to supervise the manual work. In that case, he should be exempt from sentinel duty and from guarding the horses nor should the commander be permitted to remove him except for grave cause, which for the sake of courtesy, he should indicate to the missionary. Thus far, the reverse obtains; for as soon as the soldier applies himself to assist the missionary, he is change without notice.
15. The goods assigned to the missionaries should be shipped apart from those directed to the commander or to the guards; much annoyance has been experienced through Commander Fages, who detained them.
16. As Mission San Diego has a forge, it ought to have a blacksmith to keep the farm implements in repair.
17. A forge is asked for Mission San Carlos, and a blacksmith, who might also attend to the needs of San Antonio and San Luis Obispo where he could teach his trade to the neophytes.
18. A considerable quantity of iron is asked for the missions of San Carlos and San Diego, lest they be without the necessary material.
19. Two carpenters are needed, one for the mission near Monterey and one with headquarters at San Gabriel; they should be furnished with the necessary tools.
20. According to custom the king donates two bells, a large one and a small one for each mission. San Gabriel needs the two; Santa Clara and San Francisco, when established, will each need 2 bells.

21. It was the custom of the kings to provide the missions with necessary vestments, sacred vessels, and other church goods. Frequently these articles arrived in an unserviceable condition, doubtless through the carelessness of the commissioners who had been charged with the duty of collecting them from the churches of the expatriated Jesuits. In a subjoined memorial, Fr. Serra petitions for the following articles: A full set of vestments, that is to say, one of each of white, red, violet, green and black colors for San Luis Obispo; five frontales or antependia to correspond with the chasubles; three copes: white, violet, and black; one palio and one surplice. For San Gabriel, the same articles were required. For San Antonio the chasubles: white, red and black, three corresponding antependia, one palio and one surplice were wanted. Santa Clara would need three silver oilstocks and a vase for the salt at baptism, besides a Roman ritual with Toledo Appendix and two surplices.
22. The military commander should be forbidden to interfere with the correspondence carried on between the College and the missionaries. He should be strictly commanded not open nor to delay such letters, and to notify the Fathers when the mail is to leave. The letters of the missionaries to the College should go free, since the missions have no funds. "If the law," Father Serra asks "dispenses military officers and soldiers, who are more soldiers than we who are always in the campaign and as near to the arrow as any soldier?"
23. The grain measures at San Blas should be regulated in such a manner that a fanega amount to twelve *almudes*, as is usual so that we do not as now receive only nine and one half or ten *almudes* to the *fanega* and yet have to certify that we received so many *fanegas*.
24. These measures should be in sets and counted as fanega, cuartilla, almud, medio almud, and cuatrillo. They should be sealed with a special design for each mission in token of their legality.
25. The commissary at San Blas should be commanded to practice more care in the shipment of supplies. Much of the wheat, corn, flour etc., arrives unfit for use and the meat is often decayed.
26. The missions are in urgent need of pack animals. For want of them the remote establishments cannot obtain supplies. It would be wise to send up horses and mules for breeding purposes.
27. The cows intended for the missions of Santa Clara and San Francisco should be delivered to the Fr. Presidente along with their young in order to receive better care than is accorded them at the presidio and in order that the missionaries may be able to provide the neophytes with more milk. It is now the only food can be given them.
28. A physician should be sent to Monterey to replace the late doctor Pedro Pratt who lost his reason and died at Guadalajara.
29. License to retire is asked for eight soldiers from whom whose wives have they had long been separated; also for one who is in doubt whether he is a widower, and for another who is entirely disabled.
30. It would be advisable to offer a bounty to soldiers and other men who married Indian girls or women; for instance, a mule at once, if the groom has none after a year of married life, a pair of cattle and a mule or anything else, and later a piece of land for private cultivation.
31. The new commander should publish a pardon to all deserters who may be scattered among the savages. In this way a source up disquietude among the pagans would be removed and the erring ones saved from perdition.
32. Finally, Fr. Serra asks for a duplicate of the regulations which the viceroy might be pleased to issue in consequence of these petitions in order that the missionaries in California might be able to comply with them faithfully; and then closes with the petition for assistance to pay the expenses of the journey.

Fr. Serra presented his Memorial to Viceroy Bucareli on March 15th, 1773 and at the same time made the following simple address:

“ I place this document into your hands. From it Your Excellency will see that what I state is the plain truth, and that what I set forth, as it seemed to me, I had to say in conscience, because I consider it very important and necessary in order that the object which His Majesty has in view by going to such great expense may be accomplished. This object is the conversion of so many souls who for the want of knowledge of our holy Catholic Faith groan in the slavery of the enemy. By means of these regulations, it seems to me they will attain that knowledge. I hope that your Excellency will read it, and you will determine what you may judge to be right and expedient without delay, as I am obliged to return and wish to do so as soon as possible. May what I ask be granted, in which case I shall return very contented; if it is not granted, I shall go somewhat saddened, but always entirely conformed to the will of God.”

The Viceroy on March 16th referred the memorial to the royal fiscal, Don Antonio de Areche who reported favorably.