

Symbolic Acts of Sovereignty in Spanish California

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Spanish California, like the rest of the Spanish territories in the Americas, was originally claimed by the crown of Castile by means of symbolic acts of sovereignty. These symbolic acts, first used by the Portuguese in claiming their discoveries of the islands and the coasts of Africa¹ and later introduced by Columbus in the discovery of the New World,² consisted in general of four different parts: the religious ceremony, the proclamation claiming the territory, the symbolic ritual by which ownership or sovereignty was obtained, and the formal attestation taken by a notary. With few exceptions, either the complete symbolic ceremony or portions of it were used by various navigators and explorers of the great colonial powers of Europe—Spain, Portugal, England, and France—in establishing their nation's claim to American territories.³ But of greater importance than the practice of establishing claim by symbolic acts in newly discovered lands was the fact that “such discovery with symbolic taking possession constituted legal title to terra nullius in North America prior to 1700.”⁴ Thus, California, at least from the southern tip of the peninsula of Lower California to the area of southern California, became Spanish territory by virtue of possession-taking, before it was permanently settled.

Notwithstanding the importance of symbolic acts of sovereignty in establishing Spain's claim to California, this aspect of the province's history has been virtually neglected. Furthermore, the students of the state's history who have an organized knowledge of possession-taking activities in California appear to be few indeed.

Possession-taking activities in California began with the *Conquistador*, Hernán Cortés. Cortés, having heard of a legendary “island entirely populated by women . . . which is very rich in

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pearls and gold,' determined as early as 1524 to explore this apparently wealthy area.⁵ This project was, however, delayed until 1532 when he sent his exploratory expedition of two ships under Diego Hurtado de Mendoza. This expedition failed, and in the following year Cortés dispatched a second one under the command of Diego Becerra de Mendoza and Hernando Grijalva. While Grijalva and his crew discovered and solemnly claimed the Revillagigedo Islands by an act of possession, Becerra was killed and supplanted by Fortún Jiménez de Bertandoña. Jiménez, the mutineer, leading his ship across off the Gulf of California, became the effective discoverer of La Paz, and therefore of California. He, however, failed to claim the territory on behalf of Castile, and thus allowed Cortés this distinction.

The failure of Cortés' two previous expeditions, coupled with Jiménez' report of the "abundance of pearls at La Paz," moved the *Conquistador* to lead the next expedition personally.⁶ Recruiting men and obtaining supplies for the establishment of a permanent settlement, Cortés sailed for La Paz with about a third of the party.⁷ Landing at La Paz Bay on May 3, 1535, the feast day of the Finding of the Holy Cross, he renamed the port Santa Cruz (Holy Cross) and proceeded to claim the area by the first symbolic act of sovereignty performed in California. This act, as the procès-verbal that follows reveals, presented an impressive picture:

On the third day of May in the year one thousand five hundred and thirty-five of Our Lord, which is this day and which more or less could be noon, the Very Illustrious Señor, Don Fernando Cortés, Marqués del Valle de Oaxaca, Captain General of New Spain and of the South Sea for His Majesty, etc., arrived at a port and bay of a land newly discovered on the aforesaid South Sea by means of a ship and an armada of the aforementioned Señor Marqués. His Lordship arrived at the aforesaid port with ships and an armada; and having arrived, he jumped on land, accompanied by his men and horses. Standing on it at the beach, in the presence of me, Martín de Castro, notary of His Majesty and of the aforementioned Señor Marqués' government, he explained by word of mouth and said that on behalf of His Majesty and by virtue of the latter's royal provision and in fulfillment of what had been contracted with His Majesty concerning the discovery of the aforesaid South Sea, he had discovered the aforesaid land by means of his ship and armada; that in order to conquer and colonize and pursue the aforesaid discovery, he had come

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with his armada and men; that therefore he wishes to take possession of the aforesaid land and of all the other lands which from it may continue, be found, and discovered; and that therefore he was asking, did ask, and ordered of me, the aforementioned notary, to give testimony of what he had said and of what would take place.

Then the aforementioned Señor Marqués, taking the aforesaid possession in the name of His Majesty and by virtue of the aforesaid provisions and contracts, said that he takes and seizes on behalf of His Majesty the possession of the aforesaid newly discovered land where we now are and of all the other lands which are contiguous and which are situated in those territories and delimitations, so that using this land as a beginning he may pursue the discovery, conquest, and colonization of them in His Majesty's name. As a sign and act of the aforesaid possession, the aforementioned Señor Marqués named the aforesaid port and bay, Puerto y Bahía de Santa Cruz; and he walked back and forth on the aforesaid land, throwing sand from one place to another; and with his sword in hand he cut certain trees that were there; and he ordered the men who were present to acknowledge him as His Majesty's governor of those aforesaid lands; and he performed other acts of possession. While his Lordship was doing this, he said that in behalf of His Majesty and by virtue of the aforesaid provisions and contracts, he is acknowledged and was acknowledged as having obtained and as having received the occupancy and possession of this aforesaid land where we now are, with all the other lands which are near and within its territory and which, in the pursuance of the aforesaid discovery, he may discover and find, with the intention of pursuing their conquest and colonization. All this took place peacefully and without the contradiction of anyone who may have been or appeared there. The aforementioned Señor Marqués ordered that it be attested to in a legal instrument, and I, the notary, gave him the abovesaid, which I witnessed, on the aforesaid day, month, and year. That witnesses, who were present at what has been related, are Dr. Valdesbieso, *alcalde mayor*, and Juan de Gaso, and Alonso de Navarrete, and Fernán Darías de Saavedra, and Bernardino de Castillo, and Francisco de Ulloa, and many others of the aforesaid army and armada—I, Martín de Castro, His Majesty's notary, affix my notarial mark under these circumstances in testimony of the truth—Martín de Castro, notary.⁸

Unfortunately, Cortés was not as successful in establishing a colony and in finding pearls as he was in performing the ceremony of possession-taking. Despite the three unsuccessful expeditions to the "island" of California, he determined to embark on a fourth venture in search of the fabled Seven Cities of Cibola. Pre-

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vented by his rival, Viceroy Antonio de Mendoza, from travelling overland to present-day New Mexico, Cortés dispatched an expedition under Francisco de Ulloa in hopes of reaching Cibola from the sea. Ulloa sailed up the Gulf of California to its head, ascertained the peninsularity of California, and solemnly took possession in the area of the mouth of the Colorado River with this very brief act translated by Henry R. Wagner:

I, Pedro de Palencia, notary public of this armada, bear true witness to all to whose eyes these presents shall come (whom God, Our Lord, honor and preserve from evil) that on the twenty eighth day of the month of September of the year fifteen hundred and thirty-nine the very magnificent Señor Francisco de Ulloa, governor's lieutenant and captain of this armada for the very illustrious Señor Marques del Valle de Oaxaca in the Ancon de San Andres and Mar Bermejo, which is on the coast of this New Spain, toward the north, in latitude $33\frac{1}{2}^{\circ}$, took possession for the said Señor Marques del Valle in the name of the emperor, our master, king of Castile, actually and in reality; placing his hand upon his sword, saying that if any person disputed it, he was ready to defend it, with his sword cutting trees, pulling up grass, moving stones from one place to another, and from there to another, and taking water from the sea and throwing it upon the land, all in token of the said possession.

Witnesses who were present when this was done, Reverend Fathers of the Order of Saint Francis, Father fray Raimundo, Father fray Antonio de Meno; Francisco de Terrazas, inspector; Diego de Haro, Gabriel Marques.

Done this day, month and year aforesaid.

And I, Pedro de Palencia, notary public of this armada, recorded it as it occurred in my presence and in conclusion made here this, my notarial mark, in testimony of the truth.

Pedro de Palencia, notary public.

Frater Raimundus Anyelibus. Frater Antonio de Meno. Gabriel Marques. Diego de Haro. Francisco de Terrazas.⁹

Ulloa, having thus taken possession, sailed down the cape, around the tip of the peninsula, and up the western coast as far north as Isla de Cedros. During the rest of the voyage Ulloa took solemn possession of the peninsula by four other acts: two in the gulf areas of Bahía de los Angeles and of Loreto, and two in the Pacific Ocean regions of Isla de Santa Margarita and of Isla de Cedros.¹⁰ Thus by 1539 Cortés, as the result of Ulloa's voyage, had

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extended Spain's territorial claims on the western coast of North America to the mouth of the Colorado River on the gulf and to the Isla de Cedros on the shores of the Pacific.

Ulloa's voyage marked an end to Cortés' discoveries and possession-taking activities in North America and in California. Viceroy Mendoza, however, continued where the *Conquistador* stopped. By April, 1541, Mendoza, with his unscrupulous partner Pedro de Alvarado, prepared instructions for Diego López de Zuñiga and Gonzalo de Ovalle for a proposed voyage northward along the "coast of the South Sea."¹¹ Although there is much uncertainty regarding the execution of the voyage,¹² the instructions are important because they reveal both the official Spanish attitude to possession-taking and the Viceroy's interest in enlarging New Spain's territory by discovery and symbolic acts of sovereignty. Article VII of the instructions, which treats the performance of symbolic acts, stated:

Having received the fleet in this manner and having made sail, you will follow the coast of New Spain to Chiametla, . . . thence following the coast in quest of the Isla de Cedros where you will provide yourself with wood and water. Then, with the aid of Our Lord, following the coast closely as it opens up, you will from there onward all along make stops and take possession according to the minute¹³ which for that purpose you carry with you, so that all the coast you leave behind may be inspected and known and notice be had of what there is, so that it may be ascertained which is the best. . . .¹⁴

The instruction to "make stops and take possession according to the minute" apparently was not carried out. The expedition, damaged by storms, did not sail beyond, nor reach, the Isla de Cedros where Ulloa had previously taken solemn possession. Mendoza, however, was not dissuaded by the failure, for preparations for another voyage were begun immediately.

Chosen as head of the new expedition for the voyage was the Portuguese Juan Rodríguez Cabrillo, future discoverer of Upper California. Rodríguez Cabrillo, who in all probability received orders similar to those of Zuñiga,¹⁵ departed from Navidad on June 27, 1542, sailed up the western coast of the peninsula, but did not begin performing symbolic acts of sovereignty until he passed the Isla de Cedros. Rodríguez Cabrillo landed and first took possession

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at San Quintín, which he named Puerto de la Posesión.¹⁶ (Unfortunately, his instruments of possession-taking have not been found, and therefore the actual ceremony he performed is still unknown.) Continuing north along the coast of the peninsula, he again landed and took possession first in the area of present-day Cabo Colnett and Santo Tomás which was (perhaps erroneously) named San Martín, and then in present-day Ensenada which he named San Mateo.¹⁷ Sailing from San Mateo, Rodríguez Cabrillo “discovered a port, closed and very good, which they named San Miguel;” and thus became the discoverer of Upper California. Despite his stay of six days at San Diego, Cabrillo did not perform any possession-taking ceremonies. Not until his arrival at Pueblo de las Canoas, possibly in the area of Mugu Lagoon just south of Ventura, did Cabrillo formally take possession of the newly discovered territory.¹⁸ Although he may have also taken possession at San Miguel Island on the Santa Barbara Channel and did attempt to perform an act of sovereignty probably at Monterey (Bahía de los Pinos),¹⁹ neither Cabrillo nor his successor Bartolomé Ferrer who commanded the expedition perhaps as far north as the Oregon boundary ever took possession of the country above the Channel Islands.²⁰ Thus Rodríguez Cabrillo, despite his discovery and exploration of the western coast of Upper California, failed to establish a Spanish claim to the area of central and northern California.

Actually, the English, through Francis Drake’s possession-taking activities, first attempted to establish a claim to this territory. The intrepid Drake, a consummate navigator and an unscrupulous pirate, arrived in the area north of San Francisco after successfully plundering Valparaíso and Callao, and capturing the treasure galleon *Cacafuego*. Landing in “a faire and good Baye,”²¹ Drake not only performed an act of sovereignty establishing England’s claim by nailing his famous brass plate, but also initiated California’s most prolonged and acrimonious historical discussion—the location of Drake’s landing. Whether Drake landed at the specific spot of Bodega, Drake’s, or San Francisco Bay, is not of essential importance at this time. What is essential is the fact that the

. . . Generall set up a monument of our being there; as also of her Maies-
ties right and title to the same, namely a plate nailed to a faire great poste,

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whereupon was ingrauen her Maiesties name, the day and yeere of our arriual there, with free giuing up of the prouince and the people into her Maiesties hands, together with her highnes picture and armes, in a piece of sixe pence of current English money under the plate, where under was also written the name of our Generall.²²

The General's plate, discovered in 1936 by Beryle Shinn, clearly proves Drake's intention of formally claiming the area for England. The plate bears the following inscription:

BEE IT KNOWNE VNTO ALL MEN BY THESE
PRESENTS
IVNE. 17. 1579.

BY THE GRACE OF GOD AND IN THE NAME OF HERR
MAIESTY QVEEN ELIZABETH OF ENGLAND AND
HERR SVCCCESSORS FOREVER I TAKE POSSESSION
OF THIS KINGDOME WHOSE KING AND PEOPLE
FREELY RESIGNE THEIR RIGHT AND TITLE IN THE
WHOLE LAND VNTO HERR MAIESTIES KEEPEING
NOW NAMED BY ME AN TO BEE KNOWNE VNTO
ALL MEN AS NOVA ALBION.

FRANCIS DRAKE²³

Obviously, Drake's claim to Nova Albion, because of the piratical nature of his voyage, could not be acknowledged by the virginal Queen. Understandably, Elizabeth at this time rejected the validity of symbolic acts for obtaining sovereignty over previously unclaimed territories.²⁴ Her rejection, however, did not establish a precedent, for England continued to maintain and to defend her claims and rights, based upon symbolic acts, to New Netherlands, the Hudson Bay area, the Falkland Islands, and numerous Pacific and Antarctic islands.²⁵

Insofar as Spain was concerned, Drake's act of possession in the Bay area had little or no influence on the activities of her subjects; her navigators simply continued their possession-taking activities in Upper California. Pedro de Unamuno, enroute from Macao to Acapulco in 1587, "put in at the first bay he encountered on the California Coast, probably at Morro Bay."²⁶ Here Unamuno took solemn possession of the area.²⁷ Eight years later, Sebastián Rodríguez Cermeño, who had been commissioned by the Viceroy Luis Velasco to explore the Upper California coast for

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relief ports for the Manila Galleon, landed and performed an act of sovereignty at Drake's Bay which he called San Francisco.²⁸

Cermeño's act at Drake's Bay in 1595 appears to be the last possession-taking ceremony performed in Upper California until the province was permanently settled by the Sacred Expedition of 1769. Sebastián Vizcaíno, who in 1596 had taken possession of the areas of La Ventana and of La Paz,²⁹ followed Cermeño in 1602-3 and explored the Upper California coast as far north as Cape Mendocino. Vizcaíno, however, did not perform any possession-taking ceremonies, notwithstanding his questionable practice of changing the geographic names that his predecessors had bestowed on the coast of the Californias.

Although Upper California was entirely neglected for over one hundred and fifty years after Vizcaíno's voyage of 1602-3, Lower California continued to be the scene of Spanish explorations and possession-taking activities. Following Vizcaíno's voyage of 1596 to Lower California were the subsequent pearl-fishing expeditions of Nicolás Cardona (1615), Francisco Ortega (1632-6), Pedro Porter y Casanate (1648-9), Bernardo Bernal Piñadero (1663-8), and Francisco Lucenilla (1668). Of these five expeditions, only two appear to have formally claimed the territory—Cardenas' and Porter's. Cardenas' expedition, led by Juan Iturbi, set out from Mazatlán to the peninsula and took possession at least once at an undetermined landing point.³⁰ Porter's expedition, of which little is known, sailed up the coast of Lower California and enacted possession-claiming acts at various unknown ports and harbors.³¹

Possession-taking activities in still uncolonized Lower California did not, however, end with Porter's acts. In January of 1683, Isidro de Atondo y Antillón, accompanied by the scholarly and devout Eusebio Kino, S.J., began his voyage of colonization. "On April 1 anchor was cast and a formal proclamation issued. . . . On the fifth all disembarked with the royal standard, a salute was fired, three *vivas* were shouted for Charles III, and the admiral took possession for the king, calling the province Santísima Trinidad de California. At the same time Fathers Kino and Goñi took ecclesiastical possession."³² Unfortunately for Atondo, the La Paz settlement proved unsuccessful, and he found it necessary to begin anew at San Bruno where possession was again formally taken.³³

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San Bruno, which was abandoned within two years (1685), had the distinction of being the last local area to be formally claimed before the establishment (and possession-taking) of the first permanent Hispanic settlement in Lower California, Mission Loreto (1697).³⁴

With Father Juan María Salvatierra's establishment of Loreto in 1697, the gradual permanent occupation of Lower California began, and consequently the peninsula's northern frontier advanced. Maritime exploratory and possession-taking expeditions, however, were at this time curtailed, not as the result of the overland northward advance but rather as the result of the Spanish government's shortsighted policy. Thus, a lull of nearly three-quarters of a century occurred in Spain's possession-taking activities.

Spain's prolonged lull was finally broken by the ambitions of José de Gálvez, the Visitor-General of New Spain. Gálvez, seeking advancement and prestige, conceived and directed the occupation of Monterey and Upper California by the Sacred Expedition of 1769. Among the instructions which the Visitor-General gave Gaspar de Portolá was the specific order to take possession upon arrival at Monterey:

8. After the governor and his expedition has succeeded in reaching Monterey, . . . he must formally perform a solemn act of possession in His Majesty's name, drawing up the corresponding instrument which he will forward to His Excellency the Viceroy. . . .³⁵

Portolá, as every student of California history well knows, carried out his instructions on Pentecost Sunday, June 3, 1770, after the celebration of High Mass. His instrument of possession read:

Don Gaspar de Portolá, Captain of Dragoons of the Regiment of Spain, Governor of California and Commander-in-Chief of the Expedition of the ports of San Diego and Monterey, situated in thirty-three and thirty-seven degrees, in accordance with the Royal Decree:

By these presents be it known that in the Camp and Port of Monterey on the third day of the month of June of this year, in fulfillment of the orders which I bear from the Most Illustrious Señor Inspector General Don Joseph de Gálvez of the Council and Cabinet of His Majesty in the Royal and Supreme Council of the Indies, as appears from the decree

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which he was pleased to give me, naming me Commander-in-Chief of said expedition in virtue of his having the vice-regal powers, finding among the chapters of the orders which I had to execute, that as soon as I should arrive at the Port of Monterey, I should take possession in the name of his Catholic Majesty, I ordered the officers of the sea and land to assemble, and begged the Reverend Fathers to please attend, in obedience to the said order, commanding the troops to be at arms, and notifying them of what had been thus ordered, and having made these preliminary arrangements, and having set up the triumphant standard of the holy Cross as the primary care of the Catholic, Christian and pious zeal of His Majesty, as is manifested by the superior orders and is known, far and wide, from the fact that his royal treasury is open for the purpose of gathering the evangelical harvest which is being undertaken for the sake of the many gentiles who inhabit this country. I proceeded to take possession in the name of His Majesty, in the form provided by the decree, going through the ceremony of throwing earth and stones to the four Winds and proclaiming possession in the Royal name of His Catholic Majesty Don Carlos Third, may God guard him, who must be recognized as sovereign of said Port of Monterey and such other lands as is right and fitting. And in order that it may be known for all time, I sign this and the officers sign it as witnesses. And since it is the duty of the sea officers to understand the affairs of ports better than those of land, I desire that the captain of the ship named *El Príncipe*, which is in said Port, Don Juan Pérez and his pilot, Don Miguel del Pino, and other land officers, shall be witnesses in order that they may give fuller faith and credence.

Gaspar de Portola (Rubrica)³⁶

With Portolá's act at Monterey in 1770, possession-taking came to an end in the California areas effectively occupied by Spain. Although the validity of symbolic acts of sovereignty was no longer recognized when Monterey was occupied, it is evident that Spain had maintained her rights of ownership over Lower and Upper California prior to their permanent colonization due to the performance of such acts.

NOTES

¹James Stanier Clarke, *The Progress of Maritime Discovery, from the Time of the Earliest Discovery to Close of the Eighteenth Century* (London, 1803), p. 174; Antonio Galvano, *The Discoveries of the World from their First Original unto the Year of Our Lord 1555*, edited by C. B. Bethune (London, 1862), Series I, Vol. XXX, p. 71; Duarte Pacheco Pereira, *Esmeraldo de Situ Orbis*, translated and edited by George H. T. Kimble (London, 1937), Series II, Vol. LXXIX, pp. 142-143, 160; E. G. Ravenstein, *A Journal of the First Voyage of Vasco da Gama, 1497-1499* (London, 1898), Series I, Vol. XCIX, pp. 169-170.

²Bartolomé de las Casas, *Historia de las Indias* (Mexico, 1951), I, 201-202; Martín Fernández de Navarrete, *Colección de los Viajes y Descubrimientos que Hicieron los Españoles desde Fines del Siglo XV* (Madrid, 1925), I, 86, 179, 200, 250, 258, 260, and 283.

³Arthur S. Keller and others, *Creation of Sovereignty through Symbolic Acts 1400-1800* (New York, 1938), *passim*; B. A. Hinsdale, "The Right of Discovery," *Ohio Archaeological and Historical Quarterly*, II (December 1888), 335-361; Francisco Morales Padrón, "Descubrimiento y Toma de Posesión," *Anuario de Estudios Americanos* (Seville, 1955), XII, 321-380; Manuel P. Servín, "La Toma de Posesión Inglesa," *Revista de Indias*, XVIII (April 1958), 185-200; James Simsarian, "The Acquisition of Terra Nullius," *Political Science Quarterly*, LIII (March 1938), 111-128; Henry Raup Wagner, "Creation of Rights of Sovereignty through Symbolic Acts," *The Pacific Historical Review* VII (December 1938), 297-326.

⁴Simsarian, "The Acquisition of Terra Nullius," *Political Science Quarterly*, LIII (March 1938), 128.

⁵Hernán Cortés, *Cartas de Relación de la Conquista de América*, edited by Julio Le Riverend (Mexico, n. d.), I, 425.

⁶John W. Caughey, *California* (2nd ed.; Englewood Cliffs, New Jersey, 1960), p. 46; Bernal Díaz del Castillo, *Historia Verdadera de la Conquista de la Nueva España*, edited by Ramón Iglesias (Mexico, 1950), p. 401.

⁷Díaz del Castillo, *Historia Verdadera*, p. 401; Hubert Howe Bancroft, *History of California* (San Francisco, 1884), I, 6.

⁸*Colección de Documentos Para la Historia de España* (Madrid, 1884), IV, 190-192.

⁹Henry R. Wagner, "California Voyages, 1539-1541: The Voyage of Francisco de Ulloa," *California Historical Society Quarterly*, III (December 1924), 324, 364-365.

¹⁰*Ibid.*, III, 329, 333, 340, 357.

¹¹Henry R. Wagner, "Spanish Voyages to the Northwest Coast in the Sixteenth Century," *California Historical Society Quarterly*, VI (December 1927), 315.

¹²*Ibid.*, VI, 315-316.

¹³For an example of a minute or formula of possession-taking, see Manuel P. Servín, "The Instructions of Viceroy Bucareli to Ensign Juan Pérez," *California Historical Society Quarterly*, XL (September 1961), 243-246.

¹⁴Wagner, "Spanish Voyages to the Northwest Coast in the Sixteenth Century," *California Historical Society Quarterly*, VI (December 1927), 325.

¹⁵*Ibid.*, VII, 20.

¹⁶Archivo General de Indias, Seville, *Patronato MS*, Legajo 20, Número 5, Ramo 13. For location of act, see Herbert Eugene Bolton, *Spanish Exploration in the Southwest, 1542-1706* (New York, 1959), p. 19; Wagner, "Spanish Voyages to the Northwest

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Coast in the Sixteenth Century," *California Historical Society Quarterly*, VII (March 1928), 43, 72.

¹⁷A. G. I., *Patronato MS*, Leg. 20, No. 5, Ro. 13. Wagner calls the cape "Santa María" and conditionally locates it at Cabo Colnett, see "Spanish Voyages to the Northwest Coast in the Sixteenth Century," *California Historical Society Quarterly*, VII (March 1928); 45, 73; Bolton calls it "San Martín" and locates it at Puerto Santo Tomás, see *Spanish Exploration in the Southwest*, pp. 21, 22.

¹⁸Wagner's location of the act in the area of Mugu Lagoon appears to be more plausible than Bolton's location at San Buenaventura, see Wagner, "Spanish Voyages to the Northwest Coast in the Sixteenth Century," *California Historical Society Quarterly*, VII (March 1928), 23-24, 47-48, 70, 74; Bolton, *Spanish Exploration in the Southwest*, p. 25.

¹⁹Wagner, with sound reasoning, locates Bahía de los Pinos on the northern part of Monterey Bay; Bolton places it at Drake's Bay; Bancroft states that it is Monterey. For locations see: Wagner, "Spanish Voyages to the Northwest Coast in the Sixteenth Century," *California Historical Society Quarterly*, VII (March 1928), 26, 50-51, 75; Bolton, *Spanish Exploration in the Southwest*, p. 32; Bancroft, *History of California*, I, 76.

²⁰Wagner doubts that Ferrer ever sailed above 40°, i.e., beyond the present northern boundary of California, see "Spanish Voyages to the Northwest Coast in the Sixteenth Century," *California Historical Society Quarterly*, VII (March 1928), 77. Bolton, following Davidson's research, credits Ferrer with having reached 42° 30', see *Spanish Exploration in the Southwest*, p. 37.

²¹Richard Hakluyt, *The Principall Navigations, Voigages and Discoveries of the English Nation* (London, 1589), as quoted in *The Plate of Brass: Evidence of the Visit of Francis Drake to California in the Year 1579* (San Francisco, 1953), p. 23.

²²W. S. W. Vaux, (ed.), *The World Encompassed by Sir Francis Drake, Being his next Voyage to that of Nombre de Dios* (London, 1854), Series I, Vol. XVI, pp. 225-226.

²³Herbert E. Bolton, "Francis Drake's Plate of Brass," *California Historical Society Quarterly*, Vol. XVI, Part 2 (March 1937), 11. The plate of brass is now on display at the Bancroft Library.

²⁴William Camden, *Annales Rerum Anglicarum, et Hibernicarum, Regnante Elizabetha* (Londini, 1615), p. 309.

²⁵Simsarian, "The Acquisition of Terra Nullius," *Political Science Quarterly*, LIII (March 1938), 111-128; Manuel Servín, "The Act of Sovereignty in the Age of Discovery," (Unpublished Ph.D. dissertation, University of Southern California, 1959), pp. 108-118, 125-137, 267-282, 283-306; Beatrice Orent and Pauline Reinsch, "Sovereignty over Islands in the Pacific," *The American Journal of International Law*, XXV (July 1941), 443-461; E. W. Hunter Christie, *The Antarctic Problem: An Historical and Political Study* (London, 1951), pp. 71-80, 117-120, 136-140, 239-242, 245-261.

²⁶Caughey, *California*, p. 60.

²⁷A. G. I., *Patronato MS*, Leg. 25, Ro. 32.

²⁸Wagner, "The Voyage to California of Sebastián Rodríguez Cermeño in 1595," *California Historical Society Quarterly*, III (April 1924), 14.

²⁹A. G. I., *Audiencia de Guadalajara MS*, Leg. 133; A. G. I., *Patronato MS*, Leg. 20, No. 5, Ro. 17; George Butler Griffin, "Documents from the Sutro Collection," *Publications of the Historical Society of Southern California*, Vol. II, Part 1 (1891), 45; Zephyrin Engelhardt, *The Missions and Missionaries of California* (Santa Barbara,

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1929), I, 42-45; Wagner, "Spanish Voyages to the Northwest Coast in the Sixteenth Century," *California Historical Society Quarterly*, VII (September 1928), 259-260.

³⁰A. G. I., *Audiencia de Guadalajara MS*, Leg. 133; A. G. I., *Patronato MS*, Leg. 20, No. 5, Ro. 18. Hubert Howe Bancroft, *History of the North Mexican States and Texas* (San Francisco, 1886), I, 164.

³¹A. G. I., *Audiencia de Guadalajara MS*, Leg. 134.

³²Herbert Eugene Bolton, *Kino's Historical Memoir of Primería Alta* (Cleveland, 1919), I, 39-40.

³³Miguel Venegas, *Noticia de la California y de su Conquista* (Mexico, 1944), I, 165.

³⁴Engelhardt, *Missions and Missionaries of California*, I, 105; Bancroft, *North Mexican States*, I, 285-286.

³⁵A. G. I., *Audiencia de Guadalajara MS*, Leg. 417.

³⁶Engelhardt, *Missions and Missionaries of California*, II, 100-102. For oaths attesting that Portolá took solemn possession, see A. G. I., *Audiencia de Guadalajara MS*, Leg. 417.