

Peninsula Diary Mayo Hayes O'Donnell

June 29, 1950

Binding Out Children

In January of this year Mrs. Millie Birks presented a number of old books, papers and other items to the Monterey History and Art Association. Among the historical books was a "Book of Arrests, City Recorder, 1851 and Justice of the Peace Record, August 1856 to November 1858, City of Monterey.

Many years ago, when Mrs. Birks was a young married woman, she saw a group of boys playing with and tearing up old papers in a vacant lot on Calle Principal. She thought there might be something of interest among the things, so at her insistence her husband brought home a wheelbarrow full. She had kept them safely through the years and now these items, which the boys were destroying, are now saved for future generations and historians.

One of the most interesting books is the one mentioned above. Entirely written in longhand are a number of legal items concerning the binding of Indian children in Monterey during the early 1850's.

Several of the most interesting contracts follow:

"Contract made and entered into the 11th day of October A.D. 1853, between Francisco Cariel and wife, father and mother of Jose Cariel, age about 16 years, and James R. Lewis, when the parents bond said boy for the term of two years. Said James R. Lewis to pay in money each and every day to the parents of the said boy and also to furnish said boy, Jose, with good and sufficient clothing during the term of said contract. Both parents signed the contract with the cross, their mark."

On the 30th day of January A.D. 1854, Josiah Merritt signed a contract with Maria Stiffner, mother of one Josefa, age about 9 years, wherein "the mother of said Josefa does voluntarily consent to bind said Josefa, according to law, to Josiah Merritt, until she arrives at the age of 18 years and said Josiah Merritt to give said Josefa six months schooling and to keep her in good and sufficient clothing, the term above mentioned." The mother signed her cross and E.L. Reynolds was the justice of the peace.

"On the 17th day of June 1853, personally appeared before me the undersigned justice of the peace, David Letch, who made application in open court that he might have the control and care of an Indian boy named

Juan Jose, who also appeared in court. The court inquired into the matter and it was found that said Indian boy had no guardian master and that he had been convicted of stealing, that he was about the age of 14 years and thereabouts – said Indian was a minor.

"Now after due consideration, the court ordered that said applicant Letch do take charge and have control of said minor Indian, Juan Jose, and have control, custody of all his earnings. Said Letch binds himself to take care and provide with food and clothing and not maltreat or abuse said Indian Juan Jose during the time that the said Letch may have control of said Indian. Signed by John Brook Phillips, Justice of the Peace.

On the 7th day of April A.D. 1854, two little children were bound out to William Curtis. "William Bowen and Maria Antonio, parents of Francis William, age 4 years the 17th of July A.D. 1854, and Thomas, age 2 years and six months, voluntarily and without force, bind the said children to William Curtis until they become of age." William Curtis also bound himself to furnish clothing and food sufficient to their comfort and when they arrived at the proper age schooling in a good and proper school was to be provided.

"Contract made and entered into this 28th day of January A.D. 1857, between Rosario Miranda, mother of one Maria E., age about 11 years, and A. Leon Cervantez, wherein the mother of said Maria E. does voluntarily consent to bind said Maria E., according to law to said A.L. Cervantez, until she arrives at the age of 15 years and said Leon to give said Maria E. one year schools and to keep her in good and sufficient clothing during the time above mentioned.

"Signed Rosario (her cross) Miranda.

A. LEON CERVENTEZ

"Subscribed before me this 28th day of January A.D. 1857, C.J. Richards, Justice of the Peace Monterey Township."

"This contract made and entered into this 13th day of March A.D. 1857, between Maria Swinager, the adopted mother of an Indian boy, Numio Luis, age about 12 years and Thomas Cole, all of the city and county of Monterey, State of California wherein the adopted mother of said boy, Luis, does voluntarily consent to bind said Luis, according to law, to said Thomas Cole until he arrives at the age of 18 years, and said Thomas Cole is to give said boy Luis one year

schooling and to keep him in good and sufficient clothing during the time above mentioned which is six years. He is to give the said boy Luis one horse, saddle and bridle, the value of which shall not be less than one hundred dollars.

“Signed by Maria Swinager with her mark, and Thomas Cole.”

On the 28th day of April, 1857 Thomas Cole entered into another contract with Maria De La Crown, the mother of one Indian girl named Maria, age about 9 years, wherein “The mother of said girl, Maria, does voluntarily consent to bind said Maria to Thomas Cole until she arrives at the age of 15 years and said Thomas Cole is to keep her in good and sufficient clothing during the time, which is six years and at the expiration of the six years said Cole is to give the said girl, Maria, \$50 in cash and two good cows, the value of which shall be not less than \$50.” The document was signed by the mother with her mark and by Thomas Cole and C.J. Richards, the Justice of the Peace.