

SELECTED PAPERS

Land, Wealth and Power: Digitizing the California Land Case Files

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In 2021, the Bancroft Library at UC Berkeley launched a large-scale digitization project to preserve and provide online access to more than 127,000 pages of California Land Case Files dating from ca. 1852 to 1892. These records tell an important story about the distribution of land, and social and legal justice in California following statehood in 1850, when all Spanish and Mexican land grants holders were required to prove their land claims in court. A lengthy process of litigation followed, which resulted in many early Californians losing their land. The Land Case Files are heavily used by current land owners, genealogists, historians, and environmentalists to understand the land, its uses, and ownership over time.

The digitization project Land, Wealth and Power: Private Land Claim Cases in California 1852 to 1892 (Mary Elings, principal investigator) was awarded a 2019 Digitizing Hidden Special Collections and Archives grant. We launched the project amid pandemic restrictions and limited on-site work hours. The materials had to be carefully inspected for special handling and digital capture conditions, and many of the materials required conservation to ensure they could be safely digitized. When complete, this project will significantly improve researcher access to the collection online. With over 90 percent of the documents handwritten, the Bancroft is also exploring community engagement strategies to transcribe and translate the records to extract the full text of these documents to unlock even greater research potential, particularly in areas of digital scholarship.

In 1851, the US Congress passed An Act to Ascertain and Settle Private Land Claims in the State of California, which required all holders of Spanish and Mexican land grants to present their title for confirmation before the Board of California Land Commissioners. The Documents Pertaining to the Adjudication of Private Land Claims in California or Land Case Files, held by Bancroft Library, document these land claims. The case files tell an important story about California land use, ownership, and the environment, and help us understand the distribution of land, wealth, and power in the state and the concept of justice in early California.

“Q: Don’t you think that the government of the United States has treated the old Californians very unjustly in these land cases, in compelling them to sue for their titles at so much expense, and exposing them to the lawless inroads of the squatters?”

A: We certainly do consider that the government is to blame for all these things; the government of the State or the general government, we don't know which. Even to this day we are being robbed; the land is not ours, neither is the grass, nor are the cattle; the squatters hold all, and may even take our lives if we give them the least excuse."

—Antonio Suñol, testifying as a witness, July 27, 1860, in *United States vs. Andres Castillero*, BANC MSS Land Case Files 420 ND vol. I, page 4744

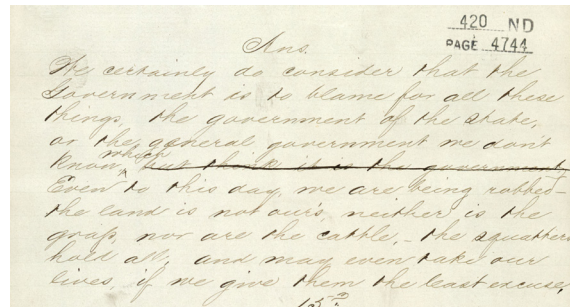


FIGURE 1: Excerpt from *United States vs. Andres Castillero*, Bancroft Library, UC Berkeley, BANC MSS Land Case Files 420 ND vol. I, 4744.

This response by Antonio Suñol, a Mexican California landowner testifying as a witness in a land case for a fellow *Californio Ranchero*, exemplifies the experience of many Mexican Californians in the years following the US annexation of *Alta California* in 1848. After some 70 years spent building an insular pastoral society in a distant, sparsely populated frontier, these early colonizers suddenly found themselves on the receiving end of a new form of colonization. While it pales in comparison to the atrocities wrought on the indigenous populations of California, the *Californios* also, in turn, lost their lands, communities, and entire way of life to outsiders during this process, often tragically and sometimes violently.

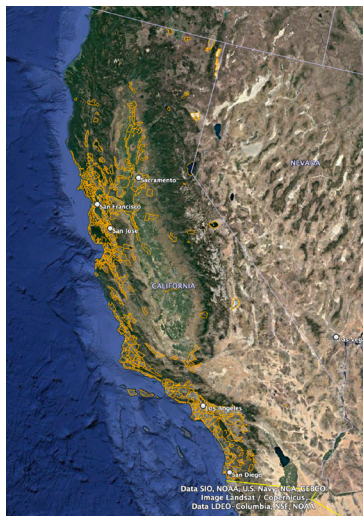


FIGURE 2: Map of Mexican Land Grant boundaries in *Alta California*, as of 1846. Hughes, Tracey, GIS Coordinator, Social Sciences & Humanities Library, UC San Diego. *Spanish and Mexican land grants in California*, 2009. Screenshot of GIS shape file. Electronic Cultural Atlas Initiative (ECAI). <https://ecaidata.org/dataset/spanish-and-mexican-land-grants-in-california>.

The Documents Pertaining to the Adjudication of Private Land Claims in California, circa 1852–1892, a large manuscript collection held by the Bancroft Library at UC Berkeley, bears witness to many of these tragic stories through the legal bureaucracy of the US Federal Government. It is a corpus of documents for 840 individual land claims in what became the State of California, spread across 875 bound volumes, and totaling approximately 130,000 pages. Consisting of transcripts of the court proceedings, witness testimonies, and documents presented as evidence, this collection provides rich details about the people and places caught in the crosshairs of American expansionism in the mid-nineteenth century.

At the end of the Mexican–American War, the signing of the 1848 Treaty of Guadalupe Hidalgo established that privately held land grants in Mexican territory ceded to the United States would be “inviolably protected.” Three years later, in 1851, the US Congress passed An Act to Ascertain and Settle Private Land Claims in the State of California, which required all holders of these land grants to present their title for confirmation before the Board of California Land Commissioners. This Act placed the burden of proof of their title on landholders and initiated a complex process of



FIGURE 3: A typical scene on California ranchos. Ferran, Augusto, *Vaqueros lassoing steer* ca. 1849. Oil on canvas, the Bancroft Library, UC Berkeley, BANC PIC 1963.002:1350-FR.

an invaluable primary source documenting land use, ownership, and the environment in pre-statehood California, digitizing the entire collection has been a goal for the Bancroft Library for more than 20 years.

In April 2020, the Bancroft Library at the University of California, Berkeley was awarded a Digitizing Hidden Special Collections and Archives grant to finally make this important project possible. This was the third submission to the CLIR program, with previous submissions to digitize the Land Case Files made in 2016 and 2018, both of which were declined. The third proposal, submitted in 2019, focused on the voices of the early Californians represented in the records, many of whom were divested of their land, wealth, and power in the wake of statehood, and the importance of making these important and heavily used records freely and openly available to researchers in digital form.



FIGURE 4: Selection of materials from the collection.

in prosperity and power of California after American statehood, and provides evidence of their disenfranchisement by the US Federal Government (Robinson 1948, 91–109). There are hundreds of fascinating stories within these documents, soon to be accessible like never before.

Following the April 2020 award, the funds became available to spend in July 2020, which was a particularly challenging period as the Bancroft Library was in the midst of a full-scale pandemic lockdown and a campus-wide hiring freeze was in place. Despite this, we received a hiring freeze exception to launch a search in June 2020 for a two-year digital project archivist to manage the

litigation, with most decisions appealed all the way to the Supreme Court. This lengthy legal process required lawyers, translators, and surveyors, and took an average of 17 years to resolve, with a few cases litigated all the way into the 1920s–1940s.

The vast majority of the documents in Bancroft's collection are handwritten, and many are fragile and damaged after nearly 150 years of heavy use by historians and researchers of all kinds. The Land Case Files were placed on permanent deposit in the Bancroft Library by the US District Court, San Francisco in 1961 and, in the over six decades since then, researchers have been required to visit the reading room to access this collection. As

The awarded project, titled *Land, Wealth and Power: Private Land Claims in California, ca. 1852–1892* (Mary Elings, principal investigator), is a significant boon to the access and preservation of California history. The grant project's current theme of “amplifying unheard voices” is a fitting one, as this collection records the testimony of a people largely excluded from the explosive growth

day-to-day project, which entailed condition review and professional conversation treatment, as well as the image capture of approximately 127,200 pages by an imaging vendor. An offer was accepted in September but, due to relocation, the selected digital project archivist, Adrienne Serra, did not start work until January 2021, at a time when most library staff were still working remotely.

The documents in this collection comprise an assortment of handwritten transcripts of court proceedings, formal court documents, correspondence, and materials presented as evidence. The diversity of the physical materials posed certain challenges for handling and image capture, from fragile tracing paper, brittle pages, ribbons and seals, and pages of many different dimensions, both loose and bound in a variety of styles and orientations. Most Land Case volumes typically contain a leather-bound folio, often with ribbons woven through the binding and holes of several pages, and ultimately attached to the final page with a wax seal. This is usually followed by a stack of loose documents. Many documents are attached together with staples or grommets or tied together with ribbons or string. Original Spanish and Mexican documents dating back as early as the 1820s were sometimes included as evidence in the cases, as well as hand-traced facsimiles, which are now very delicate and brittle. There are also many instances of pages affixed to other pages with wax seals or glue.

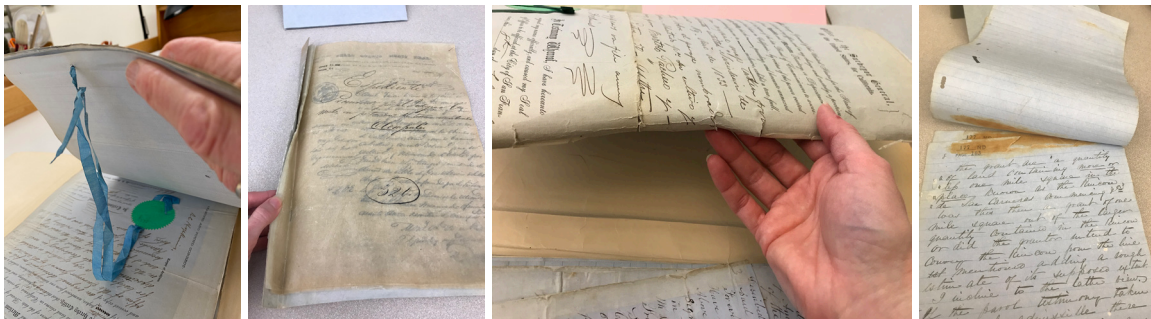


FIGURE 5: An assortment of pages from the Land Case Files needing conservation or special handling for digitization.

Combined with the frequent handling by researchers, many documents were in need of serious conservation treatment to stabilize them for handling during digitization. Mary Elings, the principal investigator, led conservation planning in 2019 and launched an internal effort in January 2020 to triage the cases prior to sending the physical documents to UC Berkeley Library's Conservation Lab for treatment. From January 2020 to January 2021, Bancroft collection management staff reviewed all cases for condition issues and flagged those needing treatment by the Conservation Lab. Despite heavily restricted on-site hours due to the pandemic, the Bancroft team conducted a survey of the 875 volumes in the collection to assess the extent of conservation treatments needed to prepare the materials for digitization. A total of 234 volumes were flagged for treatment.

In January 2021, conservators were approved to work on site under special emergency employee status to begin these conservation treatments, with a needed completion date of June 1, 2022. The Conservation Lab worked with the project principal investigator, Bancroft curators, the digital project archivist, and the digitization vendor to develop treatment protocols to inform the extent of treatment needed. These treatments included flattening and separating leaves where text was

obscured, mending tears, reinforcing cracks, and removing metal grommets and ribbons to disbind certain documents where text was obscured or whose brittle leaves would be damaged during digitization. The conservators completed the project ahead of schedule in March 2022, totaling 633 hours of treatment for 188 items.

Out of 840 cases, 25 had been previously digitized, and of those, only 10 were available online. Four of these needed to be rescanned, bringing the project to a total of 819 cases and 854 volumes for digitization. To prepare the Land Case files for capture by the photographer, all of the volumes had to be inspected page by page and flagged with specific handling and capture instructions. The digital project archivist started limited on-site hours in March of 2021, working to review materials, communicate with the Conservation Lab and Bancroft staff, and review and prepare the fragile materials for digital capture.

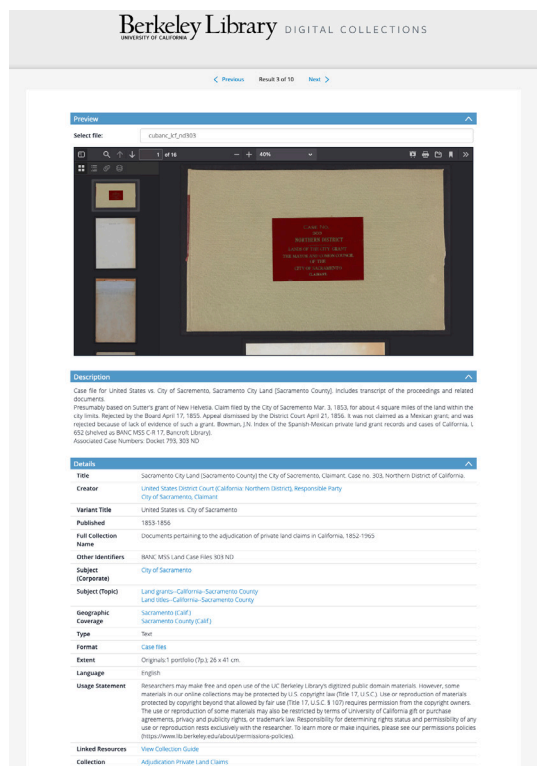


FIGURE 6: Screenshot of a Land Case File with updated descriptive metadata, now available online. By making the California Land Case Files more readily accessible in digital form, we expect to see a significant increase in their use for both traditional research and emerging scholarly methods. This long-awaited project will provide researchers with more opportunities to continue to tell the story of California, the West, and its communities. The digitization project will be fully completed in March 2023, with direct URLs to each Land Case file added as digital object records to the **online collection finding aid**. The digital collection will be available online through the UC Berkeley Library digital collections site at **adjudication private land claims**.

Digital imaging of the materials began in November of 2021, with weekly shipments of volumes prepared by the digital project archivist and sent to the digitization vendor at an offsite UC facility. Our long-standing imaging vendor, Backstage Library Works, uses a Phase One IQ180 camera on a copy stand with a variety of cradles to capture uncompressed images of each page at 400ppi. Despite the challenging nature of the materials, the photographer has maintained an average of 3,000 captures per week. Imaging is expected to be completed in December 2022.

The Backstage Library Works staff perform initial image processing and quality control, producing archival master TIFF files of each page and combined PDFs for each volume. Monthly batches of these files are sent to the Bancroft via portable hard drive, where the digital project archivist performs quality assurance and prepares the PDF files for upload to UC Berkeley's Digital Asset Management System, TIND DA. The PDFs, as well as the master TIFF files and all associated technical metadata, are transferred to local servers with SHA-256 checksum files and uploaded for long-term digital preservation in Merritt, the digital preservation repository from the University of California Curation Center (UC3).

In June 2022, standards for the enhanced item-level metadata for the digitized cases were reviewed and implemented. Starting with preexisting descriptive metadata exported from the detailed EAD finding aid for the manuscript collection, the names of claimants, grantees, and patentees are being reformatted to comply with MARC cataloging standards, including searches for complete names, birth and death years, and conversions to name authority files where they do exist. Start and end dates and date ranges for the documents, geographic name authorities and subject headings, as well as descriptive summaries of the cases transcribed from an associated index are also being added.

Digitization of the collection will mean a huge improvement for patron discovery, access, and research, but hopefully is not the end of the road. Over 90 percent of these documents are handwritten, and the ability to make this handwritten text machine-readable and keyword searchable would unlock even greater research potential, particularly in areas of digital scholarship. Current optical character recognition (OCR) technology for handwriting yields limited results, if any. We tested a machine learning pipeline on a few samples but the results did not justify further exploration at the time. As research in machine learning and artificial intelligence continues to expand, that may change in the future.

In the meantime, the Bancroft Library is exploring strategies for transcription projects of these materials, possibly through collaborative undergraduate/graduate student class projects, crowdsourcing through engagement with regional history groups, or a future hybrid approach including text recognition using artificial intelligence/machine learning. ●

Reference

Robinson, W. W. (William Wilcox). 1948. *Land in California: The Story of Mission Lands, Ranchos, Squatters, Mining Claims, Railroad Grants, Land Scrip [and] Homesteads*. Berkeley: University of California Press.

Author Bios

MARY W. ELINGS is the interim deputy director and head of Technical Services for the Bancroft Library at UC Berkeley. Ms. Elings is responsible for collection services for rare books, archival, and special collections that establish and maintain physical and intellectual control over Bancroft's collections in order to support research and teaching access. Her current research focus is on Computational Archival Science and developing "research ready" digital special collections to facilitate computational research. She speaks and writes regularly on these topics.

ADRIENNE SERRA has 10 years of experience working in archives and special collections, with a focus on digitization projects. Prior to working as digital project archivist for the Bancroft, she headed the digitization lab at Virginia Tech Special Collections. She received bachelor's degrees in Art History and Journalism from the University of Florida and her MLIS from Florida State University with a focus in Archives and Museum Studies.