

FROM THE ARCHIVES

The Rancho Period and Mexican Land Grants

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Soon after California became part of the United States in 1848, Congress established the U. S. Land Commission to reconfirm California land grants made under Mexican rule.

Doing so violated a treaty with Mexico to guarantee the property rights of Mexican residents in California and virtually invalidated all titles to land unless the occupants could present proof of ownership. All claimants were required to present their petitions for verification within two years or forfeit their rights.

One of the grants to survive was Rancho Bodega, owned by Captain Stephen Smith. In 1850, it was one of the 22 ranchos owned by individuals in Sonoma County, and covered 55 square miles from the Marin-Sonoma border to Russian River, encompassing the communities of Bodega, Bodega Bay, Salmon Creek, Carmet, Sereno Del Mar, Ocean View, and Bridge Haven.

The legal basis for these grants was provided under Mexican laws passed in 1824, 1828, and 1834. The grants were known as ranchos, which specifically meant cattle-raising ranches based upon land grants. Granting titles to land was a way for Mexico to get more people settled in sparsely populated areas on previously unused land. Many of these grants were awarded to soldiers, friends, or relatives of the various governors who ruled California between 1823 and 1846. Special preference was given to Mexicans who had served their country.

Mexican law limited the land to 11 square leagues (nearly 49,000 acres), but many were smaller and a few much larger. The law stated that no one could have more than one square league (about 4,400 acres) of farmland with irrigation, four leagues of land depended upon seasonal rainfall, and six leagues for cattle grazing. In reality, the vast ranchos were much too large to manage, with the result that new

settlers claimed parts of the same land and settled on it, leading to disputes and lengthy and expensive litigation.

Procedures to get a land grant were stipulated by law. It began with a letter addressed to the governor, asking for title to a specific tract of land, described verbally and by a map, called a *diseño*. The letter would state his Mexican citizenship, his military or civil service to the nation, and other eligibility, and would point out that the land was vacant and part of the public domain. The information given in the letter was the basis of the governor's decision unless he personally knew the land or the people requesting the land.

If the report was favorable, the governor issued a decree known as a *concede*, an official order for preparation of the title paper. The United States courts established later that the date of the *concede* marked the official and permanent separation of the tract of land from the public domain. The Governor would submit each grant to the territorial legislature for approval.

The certificate of title, generally had several conditions that had to be met within a year's time:

- 1) A structure had to be built and lived in;
- 2) The land was to be fenced and or enclosed leaving access to public roads, crossing, and easements;
- 3) That the rights of previous inhabitants, Indians, be preserved and protected;
- 4) That the Act of Juridical (legal) Possession act of legal possession define and measure the boundaries (often with fruit trees or forest trees). The Act of Juridical Possession was the nearest that California came to an official survey, and was the means of formally designating the boundaries satisfactory to the owner and to his neighbors. ■