

Peninsula Diary Mayo Hayes O'Donnell

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The Rites of Possession

Dr. Robert Glass Cleland, a member of the research staff of the Huntington Library at San Marino, California, this year published a book entitled "The Irvine Ranch of Orange County." This book does not deal only with the history of this vast ranch in Southern California but with the history of the entire state, including descriptions of several tribes of Indians, Spanish and Mexican land grants, the cattle industry, and the part of the country in which the Irvine Ranch is located.

We believe that there are many persons here today who do not know the meaning of "a Spanish land grant," so we have picked that part of Dr. Cleland's book to review today. It is known that a few royal grants, called "ranchos," were bestowed upon a favored few during the Spanish rule in California. For the first 10 or 12 years of Mexican rule, about 30 private grants were made in all California; in 1833, however, the Mexican government "secularized" the California Missions and took away almost all their immense landholdings and distributed many millions of acres to Mexican citizens who applied for grants of government lands. Two such grants and part of a third went into the making of the Irvine ranch.

In applying for a land grant under Mexican law, the petitioner asserted that he was a native-born or naturalized Mexican citizen; gave the location, boundaries, approximate size, and identifying landmarks of the desired tract; testified that none of the and in question had been included in a previous concession; declared that he was prepared to stock the holdings with the number of cattle and horses required by law; listed the names of the neighboring ranches; and supplied a "diseno" or rough topographical map, of the property. The map showed not only the boundaries of the grant, but also the hills, water courses, marshes, wastelands, and other landmarks mentioned in the petition.

Dr. Cleland writes that the procedure incident to the approval of the grant was as follows: "After examination by the governor, the petition and 'diseno' were forwarded for verification to a local official of the district in which the land was located. If this official reported favorably on the concession, the governor gave his approval to the application in set phraseology

beginning, 'Complete what is commenced,' and closing, 'Thus I command it, and sign it, with I certify.' He then ordered a formal grant, bearing his signature, to be given to the petitioner. A blotter copy, or 'borrador,' was retained in the governor's office and a minute of the transaction was entered in the record book, called the 'toma de razon.' The petition, diseno, and borrador were then assembled in a file called an 'expediente' and placed in the provincial archives. As a final step in the procedure the land was officially surveyed and judicial possession bestowed upon the owner.

The survey was carried out under the supervision of the magistrate, a number of "assisting witnesses," and the neighboring rancheros. The men who "filled the office of surveyor" – in other words, carried out the actual measurement – "made oath by God our Lord, and the sign of the Cross, to use it faithfully and legally to the best of their knowledge and understanding without deceit or fraud against any person."

Dr. Cleland provides an interesting description of the means used in measuring the land. Mounted on horseback, the two "surveyors" measured the boundaries of the grant, using for that purpose a rawhide cord, or reata, the end of which were attached to long stakes. Upon the completion of the survey, in a ceremony closely resembling the rite that was followed by the conqueror or explorer who took possession of a new country in the name of the crown, the grantee, "entered upon and walked over said lands, pulled up grass, scattered handfuls of earth, broke off branches of trees, and performed other acts and demonstrations of possession as signs of the possession which he said he took of said lands."