

Peninsula Diary Mayo Hayes O'Donnell

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Mexican Land Grants

One hundred years ago there appeared this interesting item under the head of Monterey news in the state paper:

"A caution to immigrants and the public in general against squatting on his grant of 11 square leagues of land on the Cosumnes River was published by William E. P. Hartnell, long time resident of the territory.

"Limits of his land are outlined by Mr. Hartnell as bordered on the north by said river Cosumnes, opposite the farms of Mr. Sheldon and Mr. Chamberlain, on the south by lands in the vicinity of Dry Creek, on the east by lands in the vicinity of Snowy mountains, and on the west by Anastacio Shavoyas' farm.

"The land was granted to him by Governor Micheltorena in 1844."

Another Monterey heading in the news of 1849 was:

"Doubt is cast upon the validity of many existing California land titles by Lieut. Henry W. Halleck, acting secretary of state of the provisional territorial government.

"After an extensive study of the land laws and regulations of the Mexican regime, Lieut. Halleck has issued a comprehensive report on land titles. It will be forwarded by Colonel Mason to the federal government in Washington, and conceivably can be the basis of congressional action on land matters.

"This subject of land titles is one of intense interest and concern both of old Californians find to the present flood of immigrants to California. Great land grants, up to 11 square leagues of land were made by Mexican governors - a system strange to Americans, many of whom have come and will come to California to secure land for themselves from what they consider to be public domain in a conquered territory."

Under the provisions of the treaty which ended the Mexican war, the United States pledged itself to respect the rights of lawful private landowners. It was to assemble all possible data and Halleck was assigned to the task of making a land title report.

His report pointed out that a large number of California titles are very indefinite. Many grants by governors

have never been properly confirmed, as provided for the laws, Halleck reported in 1859. In addition, many grants exist which were given dates prior to the time they were actually made, he wrote.

Lieut. Halleck also wrote in his report that no land grant within ten leagues of the coast was valid without the approval of the supreme government, a premise which, if true, would seriously effect ownership of many famous California ranchos.

That mission land not sold in accordance with the provisions of the Mexican secularization law are still the property of the government and may be exposed of accordingly, was further stated by Halleck.

Other conclusions arrived at by the lieutenant were that coast lands granted by the order of Mexico did not include bay islands; that all land not legally granted prior to the raising of the American flag forms part of the public domain and that land likely to be required by the government for public defense fortifications, was also under question.