

Peninsula Diary Mayo Hayes O'Donnell

February 19, 1960

California Land Titles

Lt. Henry W. Halleck, acting secretary of state of the provisional territorial government, doubted the validity of many of the California titles, in a statement made by him on March 4, 1849.

After an extensive study of the land laws and regulations of the Mexican regime, Lt. Halleck issued a comprehensive report on land titles which was published in a California newspaper of that day. The report was forwarded by Col. R. B. Mason to the federal government in Washington and conceivably could have been a basis for congressional action on land matters.

This subject of land titles was one of intense interest and concern both to old Californians and to the flood of immigrants to California at that time. Great land grants, up to eleven square leagues were made by Mexican governors – a system strange to Americans, many of whom came to California to secure land for themselves from what they considered public land in a conquered territory.

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

The report points out that a large number of California titles were very indefinite. Many grants by governors had never been properly confirmed, as provided in the laws and regulations set up for making them. In addition, the report read, many grants existed which were given dates prior to the time they were actually made.

Among Lt. Halleck's other conclusions were:

That no land grant within ten leagues of the coast was valid without the approval of the supreme government, a promise, which if substantiated, would have seriously affected the ownership of many famous California ranchos;

That mission lands not sold in accordance with provisions of the Mexican secularization law were still the property of the government and could be disposed of accordingly;

The 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 United States flag at Monterey, July 7th, 1846, formed part of the public domain.

Lt. Halleck also reported at length upon land likely to be required by the government for defense fortification.

The first land grant in California – Rancho San Rafael – was made by Gov. Pedro Fages to Jose Maria Verdugo on Oct. 20, 1784. The grant covered portions of the present cities of Glendale and Burbank in Southern California. Gov. Juan B. Alvarado granted eleven leagues of land on June 18, 1841 comprising New Helvetia, to John Sutter.

On March 3, 1851, the Congress of the United States passed a bill establishing a land commission to investigate the validity of all Spanish and Mexican grants in California, and to confirm titles thereof. It examined 813 claims and 591 were confirmed and 203 rejected.