The Rancho Land Grant Period

By Caleen Corteso
Special to the Times

In 1784, Governor Pedro Fages granted three soldier settlers grazing land and thus began the system of individual land grants.

The early method of granting land to individuals was somewhat followed until 1846:

"It included a petition with descriptive explanations by the applicant, an investigation of circumstances and consultation of local authorities, an approval by the governor, and a record of the whole in a book kept for the purpose." (1848 Bancroft)

Under Spanish rule, ranchos were granted for the welfare of the pueblo to improve agricultural production, "relieve public necessities and as a reward to those who served as the country's defenders or patriotic rewarders." They were reserved for very few. (1801-1824 Bancroft)

Proof, to most of the grantees, was a serious burden. Under Mexican law, grants had been given with the loosest regulations. The law required only that a petitioner for a grant submit a personally drawn diseno, or map, that he walk about the piece of land before a witness, "uprooting grass, scattering handfuls of earth, tearing twigs and performing other acts of real possession." and that within one year, he build a house on the land to be occupied.

Although isolated, word would reach the colonists of war and conflict, so with their eye on the rising political storm and concern for their land, the "Californians," under the rule of Spain for the first quarter of the 19th century, pledged loyalty to the Mexican Empire in 1822.

When war was declared between Mexico and the United States in 1846, the government sent troops into California. The land dispute ended with the signing of the Treaty of Guadalupe Hidalgo, entering into by the United States and Mexico, at the close of the Mexican War. Signed Feb. 2, 1848, it was provided that all grants of land, which had previously been made by Spanish or Mexican governments to the subjects in California, were recognized and confirmed to the grantees or their successors. (Sawyer 1822)

Ora! Ora! And the secret was out. On the morning of Jan. 19, 1846, James W. Marshall, while examining a pile of debris, separated from the sand and gravel at the mill, "His eye caught the glitter of something that lay lodged in a crevice some six inches under the water." From Sutter Fort the news spread far and wide. Both of these events, the discovery of gold and the signing of the peace treaty with Mexico, would forever change the course of California history and certainly the future of California land grants in California and especially the land grant of Antonio Chaboya of Evergreen.

Political pressure brought by numerous settlers and squatters was great. Many of the 49ers had now left the "Gold Fields" to settle and bring their families to California fertile fields.

Believing this was public land, homes and barns were built, fenced orchards and home gardens, families arrived and villages with schools and churches began to sprout up across the Evergreen valley.

By 1850 Senator William M. Gwin introduced legislation that would create a board of land commissioners to determine the validity of land grant claims. Senator Thomas Hart Benton considered the whole business to be "confiscatory." Gwin's bill passed in the Senate and then the House, and was signed into law on March 3, 1851. (Watkins)

With persistence, attorneys began to challenge the validity of hundreds of claims. It is important to remember that in most cases, the grantees spoke only Spanish and were unable to sign their name. They were usually uneducated and had very little money.

The grantee was often a farmer or a cattleman who had little more then his land, family orchard, corn crop and vegetables to sustain him. The grantees fought back. In 1855 some of the largest rancheros banded together to issue a declaration to congress.

In the declaration they pointed out how costly and intolerable the validation of their claims had become and that the press was influencing the public against them. It was agreed that they would mutually contract aid and support each other by every legal means, "as free men, which we are, to resist every effort made against us to carry out a general confiscation of our property."

The next "Paths to Evergreen" will explore the Rancho Yerba Buena Y Socorro—Mexican Land Grant.

Caleen Corteso - copyright 2004 - Evergreen History

Mexican rule continued in California until the voters approved the constitution on Nov. 13, 1849, when San Jose was designated as the first capital of California.

What happened next had an impact on all the owners of both Spanish and Mexican lands.