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Map of Public Surveys in California to accompany Report of Surveyor Genl. 1861

Stock#: 50136
Map Maker: General Land Office
Date: 1861
Place: Washington
Color: Hand Colored
Condition: VG
Size: 36 x 30 inches
Price: SOLD



Description:

Fine large map of California, showing the progress of the General Land Office Surveys as of 1861.

This was the second map to survey the state with exact scale using 18 miles to an inch. The key that lists 511 surveyed Ranchos in California, an increase from 433, which were reported in 1860.

Three Indian Reservations had also been surveyed as of the date of this map.

Surveying California's Mexican and Spanish Land Grants

Following the conclusion of the war with Mexico, the Treaty of Guadalupe Hidalgo provided that the Mexican land grants would be honored. In order to investigate and confirm titles in California, American officials acquired the provincial records of the Spanish and Mexican governments in Monterey.

Sponsored by California Senator William M. Gwin, in 1851, the United States Congress passed "An Act to Ascertain and Settle Private Land Claims in the State of California". The Act required all holders of Spanish and Mexican land grants to present their titles for confirmation before the Board of California



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Land Commissioners. Contrary to the Treaty of Guadalupe Hidalgo, this Act placed the burden of proof of title on landholders. In many cases, the land grants had been made without clearly defining the exact boundaries. Even in cases where the boundaries were more specific, many markers had been destroyed before accurate surveys could be made.

Aside from indefinite survey lines, the Land Commission had to determine whether the grantees had fulfilled the requirements of the Mexican colonization laws. While the Land Commission confirmed 604 of the 813 claims it reviewed, most decisions were appealed to US District Court and some to the Supreme Court. The confirmation process required lawyers, translators, and surveyors, and took an average of 17 years (with American Civil War, 1861-1865) to resolve. It proved expensive for landholders to defend their titles through the court system. In many cases, they had to sell their land to pay for defense fees or gave attorneys land in lieu of payment.

Land from titles not confirmed became part of the public domain, and available for homesteaders, who could claim up to 160-acre plots in accordance with federal homestead law. Rejected land claims resulted in claimants, squatters, and settlers pressing Congress to change the rules. Under the Pre-emption Act of 1841, owners were able to "pre-empt" their portions of the grant, and acquire title for \$1.25 an acre up to a maximum of 160 acres. Beginning with Rancho Suscol in 1863, special acts of Congress were passed that allowed certain claimants to pre-empt their land - without regard to acreage. By 1866 this privilege was extended to all owners of rejected claims.

The rancheros became land rich and cash poor, and the burden of attempting to defend their claims was often financially overwhelming. Grantees lost their lands as a result of mortgage default, payment of attorney fees, or payment of other personal debts. Land was also lost as a result of fraud. A sharp decline in cattle prices, the floods of 1861-1862, and droughts of 1863-1864, also forced many of the overextended rancheros to sell their properties to Americans. They often quickly subdivided the land and sold it to new settlers, who began farming individual plots.

Detailed Condition: