JONES.

To the Secretary of the Interior:
Sm: On the 12th of July last, I received a letter of that date from the Department of State, informing me that I had been appointed a "confidential agent of the Government, to proceed to Mexico and California, for the purpose of procuring information as to the condition of Land Titles in California;" and, at the same time, your letter of instructions, and a letter from the Commissioner of the Land Office.

Office.

Pursuant to these, I left this city on the 14th of the same month and embarked from New York on the 17th, on board the steamship Empire City, for Chagres. Arriving at that place on the 29th, I proceeded immediately to Panama, under the expectation of shortly obtaining a passage to California. The first opportunity, however, was by the steamship Oregon, the 29th of August. I arrived at Montercy, the then capital of California, and where the territorial archives were deposited, on the 19th of September. I afterward visited the towns of San José, the present capital, and San Francisco, and returned to Montercy. I also made arrangements for going by land, so as to visit the principal places on the way, from Montercy to Los Angeles, and thence to San Diego. The early setting in of the rainy season rendered this journey impracticable; and on the 16th of November I left Montercy on the steamship Panama, and went by sea to San Diego. Thence, I went by land to Los Angeles; and on the 3d of December returned to San Diego, in order to embark on the steamer which was at that time expected from San Francisco. I embarked from San Diego on the 7th of December on the steamship Unicorn, and landed the 18th of the same month at Acapulco, in Mexico. I proceeded thence as rapidly as possible to the city of Mexico, where I arrived on the 24th. On the 11th of January I left that city, and on the 18th of the same month embarked from Vera Cruz for Mobile, and thence arrived in this city on the 1st of February I have been prevented from making my report until the present time, by the unexpected detention of the papers and memoranda which I collected in California, and which I could not, without inconvenience and delay, and some hazard of their loss, bring with me through Mexico, and therefore procured to be brought by way of the lathmus of Panama.

On arriving in California, my attention was im-

procured to be brought by way of the Isthmus of Panama.

On arriving in California, my attention was immediately directed to the subjects embraced in your letter of instructions.

I. "To the mode of creating titles to land,

As Paractised by Mexico, within the Province of California."

All the grants of land made in California (except pueble or village lots, and except, perhaps, some grants north of the bay of San Francisco, as will be hereafter noticed) subsequent to the independence of Mexico, and after the establishment of that government in California, were made by the different political governors. The great majority of them were made subsequent to January, 1832, and consequently under the Mexican Colonization Law of 18th August, 1824, and the government regulations, adopted in pursuance of the law, dated 21st November, 1828. In January, 1832, General José Figueroa became Governor of the then Territory of California, under a commission from the government at Mexico, replacing Victoria, who, after having the year before displaced Echandrea, was himself driven out by a revolution. The installation of Figueroa restored quiet, after ten years of civil commotion, and was at a time when Mexico was making vigorous efforts to reduce and populate her distant territories, and consequently granting lands on a liberal scale. In the act of 1824, a league square (being 4,428 402-1000 acres) is the smallest measurement of rural property spoken of; and of these leagues square, eleven (or nearly 50,000 acres) might be conceded in a grant to one individual. By this law, the States composing the federation were authorized to make special provision for colonization of the Territories, "conformably to the principles of the law," charged upon the Central Government. California was of the latter description, being designated a Territory in the Acta Constitutiva of the Mexican federation, adopted 31st January, 1824, and by the constitution, adopted 4th October of the same year.* The colonization of California, and granting of lands therein, were, therefore, subsequent to the law of 18th August, 1824, under the direction and control of the Central Government. That government, as

adopted 4th October of the same year. The colonization of California, and granting of lands therein, were, therefore, subsequent to the law of 18th August, 1824, under the direction and control of the Central Government. That government, as already stated, gave regulations for the same, 21st November, 1828.

The directions were very simple. They gave the governors of the Territories the exclusive faculty of making grants, within the terms of the law—that is, to the extent of eleven leagues, or sities, to individuals; and colonization grants, (more properly, contracts)—that is, grants of larger tracts to empresaries, or persons who should undertake, for a consideration in land, to bring families to the country for the purpose of colonization. Grants of the first description, that is, to families or single persons, and not exceeding eleven sities, were "not to be held definitively valid," until sanctioned by Territorial Deputation. Those of the second class, that is empresario or colonization grants, (or contracts,) required a like sanction by the Supreme Government. In case the concurrence of the Deputation was refused to a grant of the first mentioned class, the governor should appeal, in favor of the grantee, from the assembly to the Supreme Government.

The "first inception" of the claim, pursuant to the regulations, and as practised in California, was a petition to the Gevernor, praying for the grant. specifying usually the quantity of land asked, and designating its position, with some descriptive object or boundary, and also stating the age, country, and vocation of the petitioner. Sometimes, also, (generally at the commencement of this system.) a rude map or plan of the required grant, showing its shape, and position with reference to other tracts, or to natural objects, was presented with the petition. This practice, however, was gradually disused, and a few of the grants made in late years have any other than a verbal description.

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No. 269.

The next and final step in the title was the approval of the grant by the Territorial Deputation, (that is, the local legislature, afterward, when the territory was created into a Department, called the "Departmental Assembly.") For this purpose, it was the governor's office to communicate the fact of the grant, and all information concerning it, to the assembly. It was here referred to a committee, (sometimes called a committee on vacant lands, sometimes on agriculture,) who reported at a subsequent sitting. The approval was seldom refused; but there are many instances where the governor omitted to communicate the grant to the assembly, and it consequently remained unacted on. The approval of the assembly obtained, it was usual for the secretary to deliver to the grantee, on application, a certificate of the fact; but no other record or registration of it was kept than the written proceedings of the assembly. There are, no doubt, instances, therefore, where the approval was in fact obtained, but a certificate not applied for; and as the journals of the assembly, now remaining in the archives, are very imperfect, it can hardly be doubted that many grants have received the approval of the assembly, and no record of the fact now exists. Many grants were passed upon and approved by the assembly in the winter and spring of 1846, as I discovered by loose memorahda, apparently made by the clerk of the assembly for future entry, and referring to the grants by their numbers—sometimes a dozen or more on a single small piece of paper; but of which I could find no other record.

"So, also, with the subsequent steps, embracing the proceedings as to survey, up to the perfecting of the title"

There were not, as far as I could learn, any regular surveys made of grants in California, up to the The same year a presidio was established at Monterey, and a mission establishment begun. Subsequently, the Dominican friars obtained leave from the king to take charge of a part of the missions of California, which led to an arrangement between the two societies, whereby the missions of Lower California were committed to the Dominicans, and the entire field of the upper province remained to the Franciscans. This arrangement was sanctioned by the political authority, and continues to the present time. The new establishments flourished, and rapidly augmented their numbers, occupying first the space between San Diego and Monterey, and subsequently extending to the northward. A report from the vicercy to the king, dated at Mexico, 27th December, 1793, gives the following account of the number, time of establishment, and locality of the missions existing in New California at that time:

Missions. Situation. When founded.

Missions. Situation. When founded 1. San Diego de Alcala lat. 32º 42' July 16, 1760 2. San Carlos de Monte-

There were not, as far as I could learn, any regular surveys made of grants in California, up to the time of the cessation of the former government. There was no public or authorized surveyor in the country. The grants usually contained a direction that the grantee should receive judicial possession of the land "from the proper magistrate (usually the nearest alcalde) in virtue of the grant," and that the boundaries of the tract should then be designated by that functionary with "suitable land marks." But this injunction was usually complied with, only by procuring the attendance of the magistrate, to give judicial possession according to the verbal description contained in the grant. Some of the old grants have been subsequently surveyed, as I was informed, by a surveyor under appointment of Colonel Mason, acting as Governor of California. I did not see any official record of such surveys, or understand that there was any. The "perfecting of the title" I suppose to have been accomplished when the grant received the concurrence of the assembly; all provisions of the law, and of the colonization regulations of the supreme government, pre-requisites to the title being "definitively valid," having been then fulfilled. These, I think, must be counted complete titles.

"And if there be any more books, files, or archives of any kind whatsover, showing the nature, character and extent of these grants." In a y kind whatsoever, showing the nature, character and extent of these grants?"

The following list comprises the books of record and memoranda of grants, which I found existing in the government archives at Monterey:

1. "1828. Cuaderno del registro de los sitios, fierras, y señales que posean los habitantes del territorio de la Nueva California."—(Book of registration of the farms, brands, and marks [for marking cattle] possessed by the inhabitants of the territory of New California.)

This book contains information of the situation, boundaries, and appurtenances of several of the missions, as hereafter noticed; of two pueblos, San José and Branciforte, and the records of about twenty grants, made by various Spanish, Mexican, and local authorities, at different times, between 1784 and 1°25, and two dated in 1829. This book appears to have been arranged upon information obtained in an endeavor of the government to procure a registration of all the occupied lands of the territory.

2. Book marked "Titulos."

This book contains records of grants, numbered from 1 to 108, of various dates, from 22d May, 1833, to 9th May, 1836, by the successive governors, Figueroa, José Castro, Nicholas Gutterrez, and Mariano Chico. A part of these grants (probably all) are included in a file of expedientes of grants, hereafter described, marked from No. 1 to No. 579; but the numbers in the book do not correspond with the numbers of the same grants in the expedientes.

3. "Libro donde se asciertan los despachos de territors.

movever, to be thus dealt with, at the pleasure of the Government, does not rest only on the argument to be drawn from this constant and uniform practice. It was inherent in their foundation—a they cars 1839 and 1840.)

This book contains a brief entry, by the secretary of the department, of grants, including their numbers, dates, names of the grantees and of grants, quantity granted, and situation of the land, usually entered in the book in the order they were concered. This book contains the grants made from the conferred on the local government, and especially the first act by which any authority was conferred on the local government.

conceded. This book contains the grants made from 18th January, 1839, to 8th December, 1843, inclusive.

4. A book similar to the above, and containing like entries of grants issued between 8th January, 1844, and 23d December, 1845.

5. File of expedients of grants—that is, all the proceedings (except of the Assembly) relating to the respective grants, secured, those of each grant in a separate parcel, and marked and labelled with its number and name. This file is marked from No. 1 to No. 579, inclusive, and embraces the space of time between 13th May, 1833, to July, 1846. The numbers, however, bear little relation to the dates. Some numbers are missing, of some there are duplicates—that is, two distinct grants with the same number. The expedientes are not all complete; in some cases the final grant appears to have been refused; in others it is wanting. The collection, however, is evidently intended to represent estates which have been granted, and it is probable that in many or most instances the omission apparent in the archives is supplied by original documents in the hands of the parties, or by long permitted occupation.

These embrace all the record books and files bements in the hands of the parties, or by long permitted occupation.

These embrace all the record books and flies belonging to the territorial or departmental archives, which I was able to discover.

I am assured, however, by Mr. J. C. Frémont, that, according to the best of his recollection, a book for the year 1846, corresponding to these above noted, extending from 1839 to the end of 1845, existed in the archives while he was Governor of California, and was with them when he delivered them, in May, 1847, to the officer appointed by General Kearny to receive them from him at Monterey.

II. "CHIEFLY THE LARGE GRANTA. AS THE MIS-

amined winch freat nationically of the instance of that country, that the first act thick looked to their secularization, and especially the first act by which any authority was conferred on the local government for that purpose, or over their temporalities, was an act of the Mexican Congress of 17th August, 1833. Such, however, was not the case. Their secularization—their subversion—was looked for in their foundation; and I do not perceive that the local authority (certainly not the supreme authority) has ever been without that lawful jurisdiction over them, unless subsequent to the colonization regulations of 21st November, 1828, which temporarily exempted mission lands from colonization. I quote from a letter of "instructions to the commandant of the new establishments of San Diego and Monterey," given by Viceroy Bucareli, 17th August, 1773:

"Art. 15. When it shall happen that a mission is to be formed into a pueblo, (or village,) the commandant will proceed to reduce it to the civil and economical government, which, according to the laws, is observed by other villages of this kingdom; then giving it a name, and declaring for its patron the saint under whose memory and protection the mission was founded." (Cuando llegue el caso de que haya de formarse en el pueblo una mision, procederá el commandante á reducirlo al gobierno civil y economico que observan, segun las leyes, los demas de cate reyno; poniendole nombre entonces, y declarandole por su titular el santo bajo cuya memoria y venerable proteccion se fundé la mission.)

The right, then, to remodel these establishments at pleasure, and convert them into towns and villages, subject to the known policy and laws which governed settlements of that description,† we see was a principle of their foundation. Articles 7 and 10, of the same letter of instructions, show as also that it was a part of the plan of the missions that their condition should be thus changed; that they were regarded only as the nucleus and bases of communities to be thereafter emancipated isted in the archives white he was Governor of California, and was with them when he delivered them, in May, 1947, to the officer appointed by General Kearny to receive them from him at Monterey.

II. "Chieply the Large Grants, as the Missions, and whether the title to them he in a decided of the situation, in a legal and proprietary point of view, of the former great establishments known as the missions of California. It had been supposed that the lands they occupied were grants, held as the property of the church, or of the mission establishments as corporations. Such, however, was not the case. All the missions in Upper California were established under the direction, and mainly at the expense, of the government, and the missionaries there had never any other rights than to the occupation and use of the lands for the purpose of the information, by the laws in relation to them, by the constant practice of the government toward them, and, in fact, by the rules of the Franciscan order, which forbid its members to possess property.

The establishment of missions in remote provinces was a part of the colonial system of Spain. The Jesuits, by a license from the Viceroy of New Spain, commenced in this manner the reduction of Lower California in the year 1687. They continued in the apiritual charge, and in a considerable degree of the temporal government, of that province until 1767, when the royal decree abolishing the Jesuit order throughout New Spain was there enforced, and the missions taken out of their hands. They had then founded fifteen missions, extending from Cape St. Lucas, nearly to the head of the sea of Cortés, or Californian gulf. Three of the establishments had been suppressed by order of the Viceroy; the remainder were now put in charge of the Franciscan monks of the college of San Fernando, in Mexico, hence sometimes called "Fernandians." They had then founded fifteen missions, extending from Cape St. Lucas, nearly to the head of the sea of Cortés, or California, under the protection of presidios (

of law applicable to the case which I have met in this investigation, go to show that the missions of Upper California were never, from the first, reckformed other than government establishments, or the founding of them to work any change in the ownership of the soil, which continued in and at the disposal of the crown, or its representatives. This position was also confirmed, if it had needed any confirmation, by the opinions of high legal and official authorities in Maxico. The unissional epaking collectively of priests are pupula-had the service of the control of the will of the control of the co

and Mexican settlers."

The subsequent acts and measures of the general government of Mexico in direct reference to missions, and affecting those of California, are briefly as follows:

A decree of the Mexican Congress of 20th November, 1833, in part analogous to the decree before quoted of the Spanish Cortes of September, 1813, directing their general secularization, and containing these provisions:

1. The government shall proceed to secularize the missions of Upper and Lower California.

2. In each of said missions shall be established a parish, served by a curate of the secular clergy, with a dotation of two thousand to two thousand five hundred dollars, at the discretion of the government.

with a dotation of two thousand to two thousand five hundred dollars, at the discretion of the government.

4. The mission churches, with the sacred vessels and ornaments, shall be devoted to the uses of the parish.

5. For each parish, the government shall direct the construction of a cemetery outside of the village.

7. Of the buildings belonging to each mission, the most fitting shall be selected for the dwelling of the curate, with a lot of ground not exceeding two hundred varas square, and the others appropriated for a municipal house and schools.

On the 2d December, 1833, a decree was published to the following effect:

"The government is authorized to take all measures that may assure the colonization, and make effective the secularization of the missions of Upper and Lower California, being empowered to this effect to use, in the manner most expedient, the finess de obras pias (property of the piety fund) of those territories, to aid the transportation of the commission and families who are now in this capital destined thither."

The commission and emigrants, spoken of in this circular, were a colony under the charge of Don José Maria Hijar, who was sent the following spring, (of 1834,) as director of colonization, with instructions to the following effect: That he should "make beginning by occupying all the property pertinent to the missions of both Californias;" that in the settlements to be formed, special care should be taken to include the indigenous (Indian) population, mixing them with the other inhabitants, and not permitting any settlement of Indians alone; that topographical plans should be made of the squares which were to compose the villages, and in each square building-lots be distributed to the colonist.

*"Collection of Decrees of the Spanish Cortes,

square building-lots be distributed to the colonist

"Collection of Decrees of the Spanish Cortes, reputed in force in Mexico." Mexico, 1829, p. 106.

† The following is the clause referred to, namely, paragraph 10, art. 335, Constitution of the Spanish Monarchy, 1812:

"The provincial councils of the provinces beyond sea shall attend to the order, economy, and progress of the missions for the conversion of infidel Indians, and to the prevention of abuses in that branch of administration. The commissioners of such missions shall render their accounts to them, which accounts they shall in their turn forward to the government."

This clause of itself settles the character of these establishments, as a branch of the public adminis-

familier, that outside the villages there should be distributed to each family of colonists, in full describated to each family of colonists, and the colonists of each of the colonists of the forest colonists of great property of the mission of the colonists of the forest colorists and colonists of an algorithm of the colonists of the forest colorists of great through the colonists of the colonists of the forest colorists of the following effective passed an act to the following effective passed an act to the following effective passed an act of the following effective passed and the following effective passed eff

implements of the mission; that the remainder of the lands, immovable property, stock, and other effects, should be in sharge of mayordomos or other persons appointed by the governor, subject to confirmation by the general government; that from this common mass should be provided the maintenance of the priests and expenses of religious service, and the temporal expenses of the mission; that the minister should choose a place in the mission for his dwelling; that the emancipated Indians should unite in common labors for the cultivation of the vineyards, gardens, and field lands, which should remain undivided until the determination of the Supreme government; that the donees, under the regulation, should not sell, burthen, or transfer, their grants, either of land or cattle, under any pretext; and any contracts to this effect should be null, the property reverting to the nation, the purchaser losing his money; that lands, the donee of which might die without leaving heirs, should revert to the nation; that rancherias (hamlets of Indians) situated at a distance from the missions, and which exceeded twenty-five families, might form separate pueblos, under the same rules as the principal one. This regulation was to begin with fen of the missions, (without specifying them,) and successively be applied to the remaining ones.

The deputation, in session of the 3d of November of the same year, (1834.) made provision for dividing the missions and other settlements into parishes or curacies, according to the law of August, 1833; authorized the missionary priests to exercise the functions of curates, until curates of the secular clergy should arrive, and provided for their salaries and expenses of worship. No change was made, in this act, in the regulations established by Governor Figueros, for the distributions of the lands and movable property were made, according to the tenor of the regulation. From this time, however, all tracts of lands pertinent to the missions, but not directly attached to the mission buildings, wer

The act of the Mexican Congress of 1835, directing the execution of the decree of 1833 to be suspended until the arrival of curates, did not, as far as I could ascertain, induce any change in the policy aiready adopted by the territorial authorities.

On the 17th January, 1839, Governor Alvarado issued regulations for the government of the administrators of the missions. These regulations prohibited the administrators from contracting debts on account of the missions; from slaughtering cattle of the missions, except for consumption, and from trading the mission horses or mules for clothing for the Indians; and likewise provided for the appointment of an inspector of the missions, to supervise the accounts of the administrators, and their fulfilment of their trusts. Art. Il prohibited the settlement of white persons in the establishments, "whilst the Indians should remain in community." The establishments of San Carlos, San Juan Bautista and Senoma were excepted from these regulations, and to be governed by special rules.

On the first of March, 1840, the same governor.

since writing the above, I have learned from the Hon. Mr. Smith, delegate from the Territory of New Mexico, that the portion of each of the former mission establishments which has been allotted to the Indians is mot leave gayare. This decree provides:

1. That "sill the vertice of the England of the Indians of the India

OFFICE OF THE REPUBLIC. NINTH STREET, NEAR PENNSYLVANIA AVENUE,

WASHINGTON, D. C.

Advertisements will be inserted in THE REPUBLIC at the usual rates of the other papers published in Washington.

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THE WEEKLY REPUBLIC

and generally, this formality was not observed. This remark relates to the farms and grazing grounds (ranchos) occupied by the missions apart from the lands around the mission buildings. There are, however, some grants in the immediate precincts of the missions, and some titles to Indians, pursuant to the regulation of Governor Figueroa, and the proclamation of Governor Forcord in the file of expedientes of grants before noticed.

What I have been able to gather from the meagre records and memoranda in the archives, and from private information and examination of the actual state of the missions, is given below. It is necessary to explain, however, still farther than I have, that in speaking of the missions now we cannot understand the great establishments which they were. Since 1833, and even before, farms of great (many leagues) extent, and many of them, have reduced the limits they enjoyed, in all cases very greatly, and in some instances into a narrow compass; and while their borders have been thus cut off, their planting and other grounds inside are dotted to a greater or less extent by private grants. The extent to which this has been the case can only be ascertained by the same process that is necessary every where in California to separate public from private lands, namely, authorized surveys of the grants according to their calls, which, though not definite, will almost always furnish some distinguishable natural object to guide the survayor. The actual condition of the establishments, understanding them in the reduced sense above shown, was, at the time the Mexican government ceased in California, and according to their calls, which, though not definite, will almost always furnish some distinguishable natural object to guide the survayor. The actual condition of the establishments, understanding them in the reduced sense above shown, was, at the time the Mexican government ceased in California, and according to the best information I could obtain, as follows:

MISSIONS.

MISSIONS.

San Luis Rey...... 33° 03' Sold to Antonio Co and Andres Pico, May 13, 1846. 33° 26' Pueblo and remain-der sold to John

Foster and James McKinley, 6 De-cember, 1845. Sold to Jul'n Work-man and Hugo Reid, 18th June, 1846.
Rented to Andres
Pico, for 9 years,
from December,
1845, and sold to
Juan Celis, June, 34° 36′ Sold to Joseph Ar-naz. 34° 40′ Rented for 9 years, from June 8, 1846, to Nicholas Den. 34° 52′ Rented to Joaquin 35° 36' Pueblo.

Vacant.

House and garden sold to Sobranes, Jan. 4, 1846.

Pueblo.

Pueblo.

San Francisco Solano, 38° 30° Mission in charge of priest.

The information above given concerning the condition of the missions, at the time of the cessation of the former government, is partly obtained from documents in the archives, and partly from private sources. What is to be traced in the archives is en loose sheets of paper, liable to be lost; and parts quite likely have been lost; there may also be some papers concerning them which, in the mass of documents, escaped my examination. I have no doubt, however, of the exactness of the statement above given, as far as it goes.

It will be seen, then, that the missions—the principal part of their lands cut off by private grants, but still, no doubt, each embracing a considerable tract—perhaps from one to ten leagues—have, some of them, been sold or granted under the former government, and become private property; some converted into villages, and consequently granted in the usual form in lots to individuals and heads of families; a part are in the hands of rentees, and at the discount of the government was the state of the severnment when these contents and the discount of the severnment when these case.

families; a part are in the hands of rentees, and at the disposal of the government when these con-tracts expire; and the remainder at its present dis-

under conditions for the return of the property and personals, San Bucarventura, Santa Bartara, and Santa Yane; the restings to include all the lands stock, agricultural tools, vineyards, gardens, of should be appurtenant to said missions, which the cooperation of the property of the company of the compan

*I was told by Major J. R. Snyder, the gentle-man appointed territorial surveyor by Colonel Ma-son, and who made surveys of a number of grants in the central part of the country, that he had little difficulty in following the calls, and ascertaining the bounds of the grants.