

## PETACA LAND GRANT.

---

JANUARY 7, 1881.—Committed to the Committee of the Whole House and ordered to be printed.

---

Mr. BURROWS, from the Committee on Private Land Claims, submitted the following

### REPORT:

[To accompany bill H. R. 6729.]

*The Committee on Private Land Claims, to whom was referred the bill (H. R. 3555) to confirm a certain private land claim in the Territory of New Mexico, beg leave to report:*

That this claim is known as the Petaca grant, No. 105, and is situated in the county of Rio Arriba, New Mexico; that under the eighth section of the act of July 22, 1854 (Statutes at Large, vol. 10, page 308), the claimants of this grant filed a petition with the surveyor-general of New Mexico for the confirmation of their title, based upon a grant said to have been made February 25, 1836, to José Julian Martinez and others by Alvino Perez, then civil and military governor of the Territory of New Mexico; that on March 25, 1836, judicial possession was given by José Antonio Martinez, alcalde of the jurisdiction of Santa Cruz del Ojo Caliente, the boundaries being fully described therein in a letter of the honorable Commissioner of the General Land Office of date March 31, 1880, which is herewith submitted as a part of this report.

Your committee are satisfied from all the facts and record in this case that this grant should be confirmed, and therefore recommend a substitute for the bill No. 3555, as suggested by the honorable Commissioner of the General Land Office in his letter before referred to.

---

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington, D. C., March 31, 1880.

Hon. C. SCHURZ, *Secretary of the Interior:*

SIR: I am in receipt of a letter dated 15th instant, from W. W. Reynolds, esq., clerk of the Committee on Private Land Claims, House of Representatives, inclosing, by direction of said committee, a paper entitled "An act to confirm a certain private land claim in the Territory of New Mexico," and requesting an opinion and such information as this office may possess in reference thereto.

In connection with the matter, I have the honor to state that the private land claim in question is known as the Petaca grant, No. 105, in Rio Arriba County, New Mexico.

Under the eighth section of the act of July 22, 1854 (10 Stat., 308), the claimants of this grant filed a petition with the surveyor-general of New Mexico for the confirmation of their title, based upon a grant said to have been made February 25, 1836, to José Julian Martinez *et al.* by Alvino Perez, then civil and military governor of the Territory of New Mexico. March 25, 1836, juridical possession was given by José

Antonio Martinez, alcalde of the jurisdiction of Santa Cruz del Ojo Caliente, the boundaries being described therein as follows: "On the south the entrance to the canoncito and lands of José Miguel Lucero; on the north the hill commonly called the Tio Ortiz hill; on the east the creek of the Aguage of the Petaca; and on the west the boundary of the Vallecito grant."

From the testimony taken by the surveyor-general it appears that this grant has always been settled and occupied, except when the inhabitants were driven off by the Indians, and that the town of Petaca was in existence at the time of the occupation of New Mexico in 1846 by the military force of the United States, and at the date of the treaty of Guadalupe Hidalgo in 1848.

The surveyor-general, in his report of February 20, 1875, states that he has "no doubt that the papers of original title are genuine, and that present claimants are acting in good faith," and therefore recommends "that this grant be confirmed to José Julian Martinez and others named in the act of possession or their legal representatives, by Congress." A transcript of this report and of the accompanying title papers and testimony were transmitted by the honorable Secretary of the Interior to each the President of the Senate and the Speaker of the House of Representatives, with his letters of March 2, 1876. Additional evidence in this case was also transmitted to the Speaker of the House of Representatives with your letter of February 6, 1879.

The surveyor-general of the Territory of New Mexico, whose duty it is, under the law, to examine and pass upon the validity of all private land claims in said Territory presented to him for adjudication, having reported that the original title papers in this case are believed to be genuine, I know of no objection to the confirmation of this grant by Congress.

It is proposed by the bill in question to confirm the grant according to a survey approved by Surveyor-General Atkinson December 6, 1878. This survey is on file in this office, and appears to conform substantially to the boundaries named in the juridical possession. It contains an area of 186,977  $\frac{1}{100}$  acres, being an average of about 4,350 acres to each claimant. The particular tract awarded to and held by each claimant in severalty does not contain this average, but the surplus contained within said boundaries and not so claimed, it would seem, is held for the common benefit of all.

I inclose a draft of a bill prepared in this office which I would suggest as a substitute for the bill in question.

The letter of Mr. Reynolds and inclosure are herewith transmitted; also a tracing of the survey in question.

Very respectfully,

J. A. WILLIAMSON,  
*Commissioner.*