

IGNACIO CHAVES AND OTHERS.

APRIL 6, 1882.—Committed to the Committee of the Whole House and ordered to be printed.

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

REPORT:

[To accompany bill H. R. 5671.]

The Committee on Private Land Claims, to whom was referred the bill (H. R. 2189) for the relief of Ignacio Chaves and others, their heirs and assigns, having considered the same and accompanying papers, recommend the passage of the accompanying bill as a substitute for bill H. R. 2189.

The facts upon which the recommendation is based are so fully set forth in Executive Document No. 62, forty-third Congress, second session, which contains claimants' petition, surveyor-general's decision, and letters from Secretaries of the Interior, that your committee ask to make them a part of their report, and append certain papers that are pertinent.

APPENDIX.

Claimants' petition.

To the Hon. JAMES K. PROUDFIT,
Surveyor-General of New Mexico:

Your petitioners, the heirs and legal representatives of Ignacio Chaves, Tomas Chaves, Miguel Antonio Chaves, Antonio Chaves, and Domingo de Luna, respectfully represent:

That they are the owners in fee of a certain tract of land of about four square leagues, situated in the present county of Santa Aña in this Territory, which land was deeded to the four individuals, Chaves, above named, by grant dated January 20, 1768, made to them by the governor and captain-general of New Mexico, then an ultramarine province of Spain, and in which grant the said Domingo de Luna was included as co-equal grantee, as stated and certified on the 17th day of February of the same year, by the officer commissioned and charged by said governor and captain-general with the execution of said grant.

That the said grantees were on the said 17th of February, 1768, all regularly and duly placed in legal possession of said tract of land, with the following boundaries, to wit: On the north, a white table-land called the Mesa de Chaca; on the south, the point of the mountain; on the east the land grants of José Garcia and Miguel and Santiago Montoya, and on the west, the grant of Felipe Tafoya, Diego Antonio Chaves, and Pedro Chaves, all of which boundaries are well known and easily found.

That the original papers constituting the title of said grantees to said tract of land are on file among the archives of your office, the same having been in the custody and keeping of the government since they were returned thereto about the time of the execution of said grant, more than one hundred years ago, under and in virtue of said grant of January 20, 1763, and for which original papers reference is hereby made to file No. 200 of said archives in your office, and your petitioners pray that said papers

in said file No. 200 be placed with this their claim for the land hereinbefore referred to and described as the basis whereon their said claim rests and is submitted.

That your petitioners herewith submit a sworn translation of said original papers from Spanish into English, together with a plat of the said tract of land showing the boundaries and extent of the same as near as practicable without a prior survey.

And your petitioners pray that their said claim be by you investigated and approved, and be confirmed by the Congress of the United States under the stipulations and guarantees of the treaty of Guadalupe-Hidalgo and the act of Congress of July 22, 1854, establishing your office.

SAML. ELLISON,
Attorney for Claimants.

[For sketch, see original.]

Surveyor-General's decision.

This claim for land comes before me under the eighth section of the act of Congress of July 22, 1854, establishing this office, and the eighth article of the treaty of Guadalupe-Hidalgo.

The original title-papers are a part of the official archives of this office, are in the Spanish language, and no doubt genuine. From them it appears that on the 20th of January, 1768, Pedro Fermin de Mendinueta, at that time governor and captain-general of New Mexico, an ultramarine possession of Spain, granted the land to Ignacio Chaves, Tomas Chaves, Miguel Antonio Chaves, and Antonio Chaves, on their petition duly presented, and that they were legally placed in possession by his order on the 17th day of February, 1768, together with one Domingo de Luna, by alcalde Bartolome Fernandez.

Believing that this grant is legal and genuine, and that it is submitted by present owners in good faith, I respectfully recommend that it be confirmed by Congress to the legal representatives of the five persons named in the act of possession.

I transmit complete copies of the record in triplicate.

JAMES K. PROUDFIT,
United States Surveyor-General.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, December 14, 1874.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 8, 1875.

SIR: Pursuant to the requirement of the eighth section of the act approved 22d July, 1854 (10 Stats. at L., 308), I have the honor to transmit herewith, for the consideration of Congress, the following reports of the surveyor-general of New Mexico on private land claims in said Territory.

* * * * *

2. Grant to Ignacio Chaves *et al.*, in Santa Aña County, reported as No. 96.

* * * * *

I am, sir, very respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

Hon. J. G. BLAINE,
Speaker of House of Representatives.

[H. Ex. Doc. No. 62, Forty-third Congress, second session.]

PRIVATE LAND CLAIMS IN NEW MEXICO.

Letter from the Secretary of the Interior, transmitting ten reports of the surveyor-general of New Mexico on private land claims in said Territory.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 8, 1875.

SIR: Pursuant to the requirement of the eighth section of the act approved 22d July, 1854 (10 Stats. at L., 308), I have the honor to transmit herewith, for the considera-

tion of Congress, the following reports of the surveyor-general of New Mexico on private land claims in said Territory.

* * * * *
 2. Grant to Ignacio Chaves *et al.*, in Santa Aña County, reported as No. 96.
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I am, sir, very respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

Hon. J. G. BLAINE,
Speaker of House of Representatives.

Transcript of land grant to Ignacio Chaves et al., being private land claims reported as No. 96, for land in Santa Aña County, New Mexico. Grant dated January 20, 1768. Reported by the United States surveyor-general, December 14, 1874.

Claimants' petition.

To the Hon. JAMES K. PROUDFIT,
Surveyor-General of New Mexico:

Your petitioners, the heirs and legal representatives of Ignacio Chaves, Tomas Chaves, Miguel Antonio Chaves, Antonio Chaves, and Domingo de Luna, respectfully represent:

That they are the owners in fee of a certain tract of land of about four square leagues, situated in the present county of Santa Ana in this Territory, which land was deeded to the four individuals, Chaves, above named, by grant dated January 20, 1768, made to them by the governor and captain-general of New Mexico, then an ultramarine province of Spain, and in which grant the said Domingo de Luna was included as coequal grantee, as stated and certified on the 17th day of February, of the same year, by the officer commissioned and charged by said governor and captain-general with the execution of said grant.

That the said grantees were, on the said 17th of February, 1768, all regularly and duly placed in legal possession of said tract of land, with the following boundaries, to wit: On the north, a white table-land called the Mesa de Chaca; on the south, the point of the mountain; on the east, the land grants of José Garcia and Miguel and Santiago Montoya; and on the west, the grant of Felipe Tafoya, Diego Antonio Chaves and Pedro Chaves, all of which boundaries are well known and easily found.

That the original papers constituting the title of said grantees to said tract of land are on file among the archives of your office, the same having been in the custody and keeping of the government since they were returned thereto about the time of the execution of said grant, more than one hundred years ago, under and in virtue of said grant of January 20, 1768, and for which original papers reference is hereby made to file No. 200 of said archives in your office, and your petitioners pray that said papers in said file No. 200 be placed with this their claim for the land hereinbefore referred to and described as the basis whereon their said claim rests and is submitted.

That your petitioners herewith submit a sworn translation of said original papers from Spanish into English, together with a plat of the said tract of land showing the boundaries and extent of the same as near as practicable without a prior survey.

And your petitioners pray that their said claim be by you investigated and approved, and be confirmed by the Congress of the United States under the stipulations and guarantees of the treaty of Guadalupe-Hidalgo and the act of Congress of July 22, 1854, establishing your office.

SAML. ELLISON,
Attorney for Claimants.

[For sketch, see original.]

Translation.

Year 1768.

Grant for land made to Ignacio, Tomas, Miguel, and Antonio Chavez.

To His Excellency the Governor and Captain-General:

We, Ignacio Chaves, and Tomas Chavez, Miguel Antonio Chavez, and Antonio Chaves, all residents of the valley of Atrisco, jurisdiction of the village of San Felipe de Albuquerque, appear before your excellency in due legal form, and state, jointly and separately, that whereas in said valley we are greatly confined, owing to its limited extent, for it scarcely affords us planting ground, and we have no room for

pasturage to enable us to keep our herds, cattle, sheep, and goats, and one of us his horses;

For which reason we have registered a tract of land uncultivated and unsettled, situated on the slope of the Navajo country, and which has on one side the out-boundaries (of the grant to) Captain José Garcia, and of Santiago Montoya and Miguel Montoya, and on the other the surplusage of Diego Antonio Chaves, Felipe Tafoya, and Pedro de Chaves, and the said tract lies directly between the land granted and belonging to the said parties, and does not at all injure any person:

Wherefore, and for the reasons above set forth, we humbly pray that your excellency be pleased to make us a grant to the said tract in the name of His Majesty (whom may God preserve), your excellency bearing in mind that our fathers and grandfathers were among the first men to enter into the conquest of this province, and that we are anxious to follow in their footsteps; and in order to enable us to support our families with some facility, we trouble your excellency in this matter, for by making us the grant we apply for, we will receive great benefit; and the boundaries of the tract are, on the east the land of the said Captain José Garcia and of the Montoyas, on the west a black mesa, on the north a white mesa, and on the south the boundaries of Diego Antonio Chaves and Felipe Tafoya; and the said tract will have on each side one league and a half, more or less, and if it is granted us the boundaries may be wherever your excellency may think proper.

And we declare in due legal form that this, our petition, is not made in dissimulation, and whatever is necessary, &c.

At the request of the petitioners.

FELIPE TAFOYA.

At this village of Santa Fé, on the twentieth day of the month of January, year one thousand seven hundred and sixty-eight, the above petition presented by the parties therein named having been examined, and in view of the circumstances, and aware that the four petitioners are good militiamen, supplied with horses and arms, and ever ready in the service of the King, I, Pedro Fermín de Mendiñueta, of the order of Santiago, colonel of the royal armies, governor and captain-general of this province, declared that I do, in the name of His Majesty (whom may God preserve), make a grant to Ignacio Chaves, Tomas Chaves, Miguel Antonio Chaves, and Antonio Chaves, residents of Atrisco, for the tract of land which they have registered for the pasturage of their cattle, sheep, goats, and horses, saving the rights of third parties having a better title, and especially the rights of the Apaches of the Navajo country (should there be any on the lands applied for by these parties), and under the condition that they shall not dispossess those Indians nor drive them away from the land they may have in occupation, but shall rather treat them with love and Christian sincerity, endeavoring to attract them to a knowledge of our holy faith and bring them under the control of our sovereign; and furthermore, that they shall settle the said grant within the time prescribed by law, and shall not sell the same to any ecclesiastical person, and I make this grant for themselves, their children, and successors, on the conditions aforesaid.

And to the end that the said Ignacio, Tomas, Miguel Antonio, and Antonio Chaves may take possession of the said land, I confer authority, such as the laws require, upon Bartolomé Fernandez, chief alcalde and war captain of the Pueblos of the Quereña nation, to give the royal and personal possession by summoning the adjoining settlers with their grants, and the Navajo Apaches, should there be any within the limits of the land granted.

And considering that the tract of land applied for by the petitioners is the outskirts of the grants made to the parties referred to in this petition, the same boundaries that were designated to the adjoining settlers will also serve as boundaries for the aforesaid grantees, the said Chaves, on their respective sides, in such manner that there will remain no appropriated land between, and should there on either of the sides be no adjoining settlers, and the land be royal domain, the chief alcalde will designate a boundary, which shall not, however, extend beyond the extremities of the said grants in that direction, so that all the adjoining grantees may close up together and thereby form a square.

With which understanding, and presuming there will be no objection from any party, and the possession having been executed with the customary formality and requirements, all of which should be made to appear, the said chief alcalde will give a testimonio in due form to the aforesaid Chaveses, to be to them their title, and will return the original papers to me to be filed among the government archives.

And this I have provided, granted, commanded, and signed, with the undersigned my attending witnesses for lack of notaries, there being none of any kind in this jurisdiction; to which I certify.

PEDRO FERMIN DE MENDINUETA.

MATEO DE PENAREDONDA.
ANTONIO MORETO.

At this place, Santa Barbara, on the seventeenth day of the month of February, in the year one thousand seven hundred and sixty-eight, I, Bartolomé Fernandez, chief alcalde and war captain of the Pueblos of the Queres nation, by virtue of the commission conferred upon me by his excellency Pedro Fermin de Mendinueta, of the order of Santiago, colonel in the royal armies, governor and captain-general of this province of New Mexico, being at the said place, accompanied by Ignacio Chaves, Tomas Chaves, Miguel Antonio Chaves and Antonio Chaves, and Domingo de Luna, which last applied verbally to his excellency the governor praying for a grant in the name of His Majesty (whom may God preserve), with the same privileges as the other four applicants, he having registered the said tract in company with them, which grant his excellency was pleased to make to him, and to command me to place him in possession of the land.

In view of all which, and on summoning the adjoining settlers, I proceeded to examine the said place, and, having examined the same, I designated to the parties as their boundaries, on the north a white table-land, commonly called the Mesa de Chaca, on the south the point of the mountain, on the east, adjoining the land granted to the militia Lieutenant, José Garcia, and that granted to Miguel and Santiago Montoya, and on the west that granted to Felipe Tafoya, Diego Antonio Chaves, and Pedro Chaves, the close of the measure toward the west; and the said tract will contain in the interior four leagues, somewhat more.

And having directed the parties to place permanent landmarks upon the four boundaries, and they being notified of the conditions above set forth, I took the five petitioners by the hand and led them over said tract; they plucked up grass, cast stones, and they all shouted thrice, Long live the King our sovereign (whom may God preserve), in sign of true possession, which I gave them, and upon which they entered quietly and peaceably, and without objection.

And that it may so appear, I, said chief alcalde, signed this, together with two attending witnesses, with whom I act for lack of notaries, of which there is none of any kind in this province, on the said day, month, and year; to which I certify.

BARTOLOMÉ FERNANDEZ.

Witness:

MIGUEL TENORIO DE ALBA.

Witness:

SANTIAGO FERNANDEZ DE LA PEDRERA.

The foregoing translation made by me is, to the best of my knowledge and belief, a correct translation from the original thereof.

SAMUEL ELLISON.

Subscribed and sworn to before me this November 10, 1874.

JAMES K. PROUDFIT,
Surveyor-General.

SURVEYOR-GENERAL'S OFFICE,
TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, November 10, 1874.

The foregoing translation, having been by me compared with the original in Spanish and found correct, is hereby adopted as the official translation.

DAV. J. MILLER,
Translator.

SURVEYOR-GENERAL'S DECISION.

Opinion.

This claim for land comes before me under the eighth section of the act of Congress of July 22, 1854, establishing this office, and the eighth article of the treaty of Guadalupe-Hidalgo.

The original title-papers are a part of the official archives of this office, are in the Spanish language, and no doubt genuine. From them it appears that on the 20th of January, 1768, Pedro Fermin de Mendinueta, at that time governor and captain-general of New Mexico, an ultramarine possession of Spain, granted the land to Ignacio Chaves, Tomas Chaves, Miguel Antonio Chaves, and Antonio Chaves, on their petition duly presented, and that they were legally placed in possession by his order on the 17th day of February, 1768, together with one Domingo de Luna, by alcalde Bartolomé Fernandez.

Believing that this grant is legal and genuine, and that it is submitted by present owners in good faith, I respectfully recommend that it be confirmed by Congress to the legal representatives of the five persons named in the act of possession.

I transmit complete copies of the record in triplicate.

JAMES K. PROUDFIT,
United States Surveyor-General.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, December 14, 1874.

AUTHENTICATION OF TRANSCRIPT.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, December 26, 1874.

The foregoing is a correct transcript of the papers on file in this office in private land claim reported as number 96, in the name of Ignacio Chavez and others.

JAMES K. PROUDFIT,
United States Surveyor-General
 DAVID J. MILLER,
Translator and Chief Clerk.
 H. M. ATKINSON,
Surveyor-General

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, February 19, 1881.

SIR: In answer to your letter of the 16th instant, inquiring whether there is on file in the office any grant covering the ground surveyed under that to Ignacio Chaves et al., No. 96, whether any protest has been filed against that grant, and whether I have received information of the existence of any grant not yet presented conflicting therewith, I have to say that no such conflicting grant has been brought to the notice of the office and that no such protest has been filed.

Very respectfully,

HENRY M. ATKINSON,
Surveyor-General

AMADO CHAVES, Esq.

MEXICO—TREATY OF PEACE.

Treaty of peace, friendship, limits, and settlements, between the United States of America and the Mexican Republic.

*Dated at Guadalupe-Hidalgo, 2d February, 1848.
 Ratified by the President U. S., 16th March, 1848.
 Exchanged at Queretaro, 30th May, 1848.
 Proclaimed by the President U. S., 4th July, 1848.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA :

A proclamation.

Whereas a treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican Republic was concluded and signed at the city of Guadalupe-Hidalgo, on the second day of February, one thousand eight hundred and forty-eight, which treaty, as amended by the Senate of the United States, and being in the English and Spanish languages, is word for word as follows:

In the name of Almighty God :

The United States of America and the United Mexican States, animated by a sincere desire to put an end to the calamities of the war which unhappily exists between the two republics, and to establish upon a solid basis relations of peace and friendship, which shall confer reciprocal benefits upon the citizens of both, and assure the concord, harmony, and mutual confidence wherein the two peoples shall live, as good neighbors, have for that purpose appointed their respective plenipotentiaries—that is to say, the President of the United States has appointed Nicholas P. Trist, a citizen of the United States, and the President of the Mexican Republic has appointed Don Luis Gonzaga Cuevas, Don Bernardo Couto, and Don Miguel Atristain, citizens of the said republic; who, after a reciprocal communication of their respective full powers, have, under the protection of Almighty God, the Author of peace, arranged, agreed upon, and signed the following treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican Republic.

* * * * *

ARTICLE VIII.

Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States; but they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories, after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy, with respect to it, guaranties equally ample as if the same belonged to citizens of the United States.

* * * * *

And whereas the said treaty, as amended, has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Querétaro, on the thirtieth day of May last, by Ambrose H. Sevier and Nathan Clifford, commissioners on the part of the Government of the United States, and by Señor Don Louis de la Rosa, minister of relations of the Mexican Republic, on the part of that government:

Now, therefore, be it known that I, James K. Polk, President of the United States of America, have caused the said treaty to be made public, to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this fourth day of July, one thousand eight hundred and forty-eight, and of the Independence of the United States the seventy-third.

[SEAL.]

JAMES K. POLK.

By the President:

JAMES BUCHANAN,
Secretary of State.

DEPARTMENT OF STATE.

SEVELLON A. BROWN,
Chief Clerk.

A true copy.

THE LAW.

Copy of the 8th and 9th sections of the act approved July 22, 1854 (U. S. Stats. at Large, Vol. X, p. 309).

Title of the act: "An act to establish the office of surveyor-general of New Mexico, Kansas, and Nevada, to grant donations therein, and for other purposes."

"SEC. 8. *And be it further enacted,* That it shall be the duty of the surveyor-general, under such instructions as may be given by the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico, and for this purpose may issue notices, summon witnesses, administer oaths, and do and perform all other necessary acts in the premises. He shall make a full report on all such claims as originated before the cession of the territory to the United States by the treaty of Guadalupe-Hidalgo of eighteen hundred and forty-eight, denoting the various grades of title, with his decision as to the validity or invalidity of each of the same under the laws, usages, and customs of the country before its cession to the United States; and shall also make a report in regard to all pueblos existing in the Territory, showing the extent and locality of each, stating the number of inhabitants in the said pueblos respectively, and the nature of their titles to the land. Such report to be made according to the form which may be prescribed by the Secretary of the Interior, which report shall be laid before Congress for such action thereon as may be deemed just and proper with a view to confirm *bona fide* grants and give full effect to the treaty of eighteen hundred and forty-eight, between the United States and Mexico; and until the final action of Congress on such claims, all lands covered thereby shall be reserved from sale or other disposal by the

government, and shall not be subject to the donations granted by the previous provisions of this act.

SEC. 9. *And be it further enacted*, That full power and authority are hereby given the Secretary of the Interior to issue all needful rules and regulations for fully carrying into effect the several provisions of this act.

Correspondence between the Committee on Private Land Claims of the House of Representatives and the Department of the Interior, relative to claim of Ignacio Chaves et al.

COMMITTEE ON PRIVATE LAND CLAIMS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 23, 1882.

SIR: The inclosed bill (H. R. 2189) for the relief of Ignacio Chaves and others, their heirs and assigns, is before the committee, and referred to me for report. Attention is invited to Executive Document No. 62, Forty-third Congress, second session; also, to the eighth article of the treaty of Guadalupe-Hidalgo, and the act approved July 22, 1854. (Copies herewith.) The views of the Secretary of the Interior are requested.

I have the honor to be, very respectfully, your obedient servant,
GEO. C. HAZELTON,
Subcommittee.

Hon. the SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, March 3, 1882.

SIR: House bill 2189, for the relief of "Ignacio Chaves and others, their heirs and assigns," was received by reference of Hon. George C. Hazelton, of your committee, with request for my views thereon. The bill was referred to the Commissioner of the General Land Office, a copy of whose report on the subject I have the honor to transmit herewith. He presents some objections to the bill, which seem to me well taken, and suggests certain changes and additions, which are commended to the favorable consideration of your committee. The documents accompanying Mr. Hazelton's letter are returned herewith.

Very respectfully,

S. J. KIRKWOOD,
Secretary.

Hon. R. PACHECO,
Chairman Committee on Private Land Claims, House of Representatives.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 1, 1882.

SIR: On the 23d ultimo the Assistant Secretary referred here for report H. R. 2189, entitled "A bill for the relief of Ignacio Chaves and others, their heirs and assigns," which was transmitted to you on same date by Hon. George C. Hazelton, as a subcommittee of the Committee on Private Land Claims, House of Representatives.

This bill provides for the confirmation of the title to a certain tract of land in the Territory of New Mexico, founded upon a grant said to have been made January 20, 1768, by the Spanish Government, to Ignacio Chaves and others.

A transcript of the proceedings had before the surveyor-general of New Mexico, which relate to the validity of said grant and its extent, including a copy of same and of the juridical possession, also of surveyor-general's opinion, was transmitted to Congress January 8, 1875, by the Acting Secretary of the Interior, and will be found printed in Executive Document No. 62, House of Representatives, Forty-third Congress, second session. This transcript contains all the information in the possession of this office relative to said claim.

The proceedings, as contained in said transcript, originated under the 8th section of the act of Congress approved July 22, 1854 (Stats. 10, p. 308), which provides that it shall be the duty of the surveyor-general of New Mexico, under such instructions as may be given by the Secretary of the Interior, to ascertain and report upon the origin, nature, character, and extent of the claims to lands in the said Territory under the

laws, usages, and customs of Spain and Mexico. He shall make a full report on all such claims, with his decision as to the validity or invalidity of each of the same, which report shall be laid before Congress for such action thereon as may be deemed just and proper, with a view to confirm *bona fide* grants.

It will be observed that the surveyor-general's decision is in favor of the validity of the grant, and I have no reason to doubt its correctness in that particular. He also recommends the confirmation of the grant to the "legal representatives of the five persons named in the act of possession," which appears to be in accordance with the following paragraph of the instructions of this office of August 21, 1854, approved by the department 25th of same month and year, under said act, viz:

"When the claim may be presented by a party, as 'present claimant,' in right of another, you must be satisfied that the deraignment of title is complete; otherwise the entry and your decision should be in favor of the 'legal representatives' of the original grantee."

I very seriously doubt the justice and propriety of the above instructions in their application to this case, and cannot, therefore, concur in the recommendation made in pursuance thereof.

The record does not contain any proof that the original grantees had or have legal representatives, and for want of such the land may have reverted to the government.

In my view a confirmation at random and wholesale, as proposed, would be improvident in the extreme. If there are parties really having title to this land by devise, descent, conveyance, possession or otherwise, and thus the legal representatives of the original grantees, they can certainly show by proof in what character and by what right they claim.

It would seem reasonable that confirmation in cases of this kind can only be demanded of the government by parties designated by name or style, and who can show at least equitable right thereto by proof.

In the present case the parties seeking confirmation should probably have an opportunity to supply the defects in the record by proofs produced before the surveyor-general, or to the committee, if they can do so; but, in my view, they are not entitled to confirmation of the claim as presented under the general designation of legal representatives.

Should the committee not concur in the views herein expressed, I would suggest that the title of the bill be amended so as to read, "A bill to confirm a certain private land claim in the Territory of New Mexico." In line 4, after word "Chaves," strike out "and," and after the word "Chaves" where it appears the second time in said line insert "and Domingo de Luna." In line 7, before the word "as," insert "in his report," and after said word "as" strike out balance of line. In line 8, strike out the words "reported as." In lines 11 and 12 strike out the words "in the transcript of private land claims in New Mexico," and insert in lieu thereof "be and the same"; also add an additional section, as follows:

SEC. 2. That the Commissioner of the General Land Office be, and he is hereby, authorized and directed to issue a patent for the said claim upon the presentation to him of a survey thereof, if found correct and in all respects in conformity with the confirmation made by the preceding section: *Provided, however,* That no patent shall issue until the claimants have reimbursed the United States for any money expended or which may be expended on account of the survey of said claim.

The letter of Mr. Hazelton and inclosures are herewith returned.

Very respectfully, your obedient servant,

N. C. MCFARLAND,
Commissioner.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

COMMITTEE ON PRIVATE LAND CLAIMS,
March 13, 1882.

SIR: I have the honor to acknowledge the receipt of your letter of the 3d instant, transmitting report of Commissioner of General Land Office, under date of March 1, 1882, on bill H. R. 2189, for the relief of Ignacio Chaves and others, their heirs and assigns. Acting upon the suggestion of the Commissioner, the committee afforded the claimant to said Ignacio Chaves' grant, &c., an opportunity to produce additional evidence showing a transfer of title to him, and I now inclose herewith certain deeds which he filed. The claimant claims that the deraignment of title is now perfect. I would thank you, however, to examine said deeds and report whether any reason is known to you why said bill should not become a law when amended in accordance with your suggestions of previous report.

I am, sir, very respectfully, your obedient servant,

GEO. C. HAZELTON,
Subcommittee.

To Hon. SECRETARY OF THE INTERIOR.

H. Rep. 935—2*

DEPARTMENT OF THE INTERIOR,
Washington, March 18, 1882.

SIR: The additional papers in the private land claim of Ignacio Chaves *et al.*, transmitted with letter of the 13th instant, from Hon. Geo. C. Hazelton, of your committee, were received, and referred to the Commissioner of the General Land Office. I have the honor to transmit herewith copy of his report on the subject, under date of the 16th instant. In view of these papers, he now sees no objection to the confirmation of the grant in the name of the original grantees or their legal representatives.

The papers are returned herewith.

Very respectfully,

S. J. KIRKWOOD,
Secretary.

Hon. R. PACHECO,
Chairman Committee on Private Land Claims,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 16, 1882.

SIR: On the 14th instant the Assistant Secretary referred here for report certain original deeds in the matter of the grant to Ignacio Chaves *et al.* in the Territory of New Mexico pending in Congress for confirmation, which were transmitted to the department by Hon. George C. Hazelton as a subcommittee of the Committee on Private Land Claims, House of Representatives, with his letter of 13th instant for information as to whether any objection is now known to the department why H. R. 2189, being a bill for the confirmation of said grant, should not become a law if amended in accordance with the suggestion contained in my report of 1st instant.

These deeds, I presume, were filed with the committee in accordance with that portion of my said report which is as follows:

"In the present case, the parties seeking confirmation should probably have an opportunity to supply the defects in the record by proofs produced before the surveyor-general, or to the committee, if they can do so; but, in my view, they are not entitled to confirmation of the claim as presented under the general designation of legal representatives." This recommendation was made by reason of the fact that the record did not contain any proof that the original grantees had legal representatives, and for want of such the land might have reverted to the government, and the proofs now before me are intended to supply this defect in the case.

I find upon examination of the proceedings had by the Spanish Government, that the grant in this case, which was made January 20, 1768, runs to Ignacio Chaves, Tomas Chaves, Miguel Antonio Chaves, Antonio Chaves, and Domingo de Luna, "their children and successors." Some of the parties to the deeds to Roman A. Baca, I have no doubt, are the lineal descendants of some of the five original grantees, but whether all the interests covered by said grant are represented in said deeds I am unable to determine from the record, as made up. The deed from Roman A. Baca and wife to James M. Freeman is regular, and conveys the interest acquired by him by virtue of said deeds.

Upon re-examination of the whole case I am of opinion that sufficient now appears to show that the original grantees, or some of them, have legal representatives, thus establishing the *bona fide* character of the claim, and therefore I can see no objection to the confirmation of said grant in the names of the original grantees or their legal representatives.

Mr. Hazelton's letter and inclosures are herewith returned.

Very respectfully, your obedient servant,

N. C. McFARLAND,
Commissioner.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.