

ZUNI INDIAN RESERVATION IN NEW MEXICO AND ARIZONA.

1884-246

L E T T E R

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING,

In response to a resolution of the House of Representatives of June 24, 1884, reports from the office of Indian Affairs and the General Land Office, with accompanying papers, relating to alleged claims to portions of the Zuni Indian reservation in New Mexico and Arizona; also transmitting copies of letters from the Department of the Interior to Hon. John A. Logan, in reference to amending the order setting apart said reservation.

DECEMBER 3, 1884.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, December 2, 1884.

SIR: I have the honor to acknowledge the receipt of the following resolution of the House of Representatives of June 24, 1884:

Resolved, That the Secretary of the Interior be requested to furnish the House of Representatives with copies of all reports, correspondence, and other papers on file in the Interior Department relating to the alleged claims of any persons to a portion of the lands of the Zuni Indian reservation in the Territories of New Mexico and Arizona, and the restoration of such lands to said reservation, and also to inform the House what action the Department has taken in the premises.

In response to the said resolution, I have the honor to transmit herewith copies of reports from the office of Indian Affairs and the General Land Office, to which the subject was referred, dated respectively July 12, 1884, and November 22, 1884, with the accompanying papers referred to therein comprising the information requested.

I also inclose copies of two letters from this Department of July 2, 1884, addressed to Hon. John A. Logan, United States Senate.

The Department letter of April 28, 1883, to the President, submitting for his approval draft of an Executive order amending the previous order setting apart the Zuni Reservation, and the letters of July 2, 1884, to Hon. John A. Logan, show the action taken by this Department on the subject.

Very respectfully,

H. M. TELLER,
Secretary.

The SPEAKER of the House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., July 12, 1884.

SIR: I have the honor to acknowledge the receipt, by your reference the 26th ultimo, of a resolution of the House of Representatives of the 24th ultimo, as follows:

Resolved, That the Secretary of the Interior be requested to furnish the House of Representatives with copies of all reports, correspondence, and other papers on file in the Interior Department, relating to the alleged claims of any persons to a portion of the lands of the Zuni Indian reservation in the Territories of New Mexico and Arizona, and the restoration of such lands to said reservation, and also to inform the House what action the Department has taken in the premises.

Agreeably with the request contained in said resolution, I have the honor to transmit herewith copies of all official reports, correspondence, and other papers upon the subject-matter referred to, contained in the records and files of this office. No action has been taken by this office other than as disclosed by these papers.

The papers should be examined in the order in which they are numbered.

The House resolution is herewith returned.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The Hon. the SECRETARY OF THE INTERIOR.

1.

DEPARTMENT OF THE INTERIOR,
OFFICE OF UNITED STATES INDIAN INSPECTOR,
In the Field, Las Cruces, N. Mex., February 8, 1883.

SIR: I have the honor to invite your notice to the fact that there seems to be homestead and "desert land" entries upon the Zuni Reservation. For example, T. 12 N., R. 17 W., Secs. 25, 26, 35, 36, and 34; also, T. 11 N., R. 17 W., Secs. 2, 3, and 4.

The latter three are evidently within the reservation, though on the plat open at the land office for filing claims upon.

My purpose is to ask a survey of the reservation, and that it be marked, and that the land office be directed to withdraw the doubtful sections from their list for the time being.

I would respectfully suggest that the district commander be requested to designate an Army officer for this duty, and that the agent be directed to employ Indians for the marking.

Moreover, as the President's proclamation (1868) was intended to include the farms cultivated by the Indians for many years, and, for this purpose, a point on the "mountain above Nutria Springs" was designated as a limit, besides stating the distance, approximately, as 30 miles, I would recommend that said designated point in the boundary be strictly adhered to. Otherwise the Zunis will be deprived of land they and their ancestors have farmed for many years.

It will be necessary that the honorable Secretary give directions explicitly as to this matter of the point to which the northern boundary line shall be extended, because the plats of the land office and the instructions based on them ignore the fact of any such designation by the President.

Very respectfully,

Hon. H. M. TELLER,
Secretary of the Interior.

C. H. HOWARD,
United States Indian Inspector.

[Indorsement.]

DEPARTMENT OF THE INTERIOR,
Washington, February 21, 1883.

Respectfully referred to the Commissioner of Indian Affairs for report.

M. L. JOSLYN,
Assistant Secretary.

2.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 1, 1884.

SIR: I have the honor to return herewith letter of Inspector Howard, dated February 8 (ultimo), referred here by the Department on the 21st for remark.

Said letter relates to the improper entry of lands within the Zuni Indian reservation in New Mexico, under the homestead laws and "desert-land" act.

Upon informal inquiry at the General Land Office, I learn that the surveyor-general of New Mexico has been instructed (by telegraph) to withdraw the plats of such townships as may possibly fall within the Zuni Reservation either wholly or in parts.

It seems highly important that the out-boundaries of the reservation be surveyed and marked at the earliest possible moment, and as there are no funds at the disposal of this office for that purpose, I would respectfully recommend that the General Land Office be directed to have the exterior lines run and properly marked in connection with, and as incidental to, the survey of the public lands adjacent to said reservation.

It appears to me there would be impropriety in this, but if for any reason the survey cannot be executed in that manner, I shall have further recommendation to make in the premises.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

3.

DEPARTMENT OF THE INTERIOR,
Washington, March 9, 1883.

SIR: Referring to your report of 1st instant (Land 3606—1883), touching the survey of the boundaries of the Zuni Reservation in the Territory of New Mexico, I inclose herewith for your information a letter of 8th instant from the Commissioner of the General Land Office, in relation to the subject, with copy of Department letter of reply, of this date.

Very respectfully,

H. M. TELLER
Secretary.

The COMMISSIONER OF INDIAN AFFAIRS.

4.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 8, 1883.

SIR: I have the honor to acknowledge the receipt, by reference from the Department for report, of copy of a letter from C. H. Howard, United States Indian inspector, dated February 8, 1883, stating that some homestead and desert-land entries had recently been made of lands in T. 12 N., R. 17 W., and T. 11 N., R. 17 W., New Mexico meridian, falling within the Zuni Indian reservation, declared by Executive order dated March 16, 1877.

I have also received by Departmental reference a letter from the Commissioner of Indian Affairs dated March 1, 1883, returning letter of Inspector Howard, and recommending that this office be directed to run the exterior lines of Zuni Indian reservation in connection with the survey of adjacent public lands. The Indian inspector suggests that the district commander be requested to designate an Army officer to make a survey of the boundaries of the reservation, and mark the same on the ground, and that the United States land officers be directed to withdraw the sections of land which may be supposed to fall within the said reservation.

In reply I have the honor to report that a few days since it was discovered in this office that portions of certain townships recently surveyed in New Mexico might fall within the limits of said reservation, which has never been surveyed. Immediately

upon said discovery being made, viz, on February 13, 1883, a telegram was sent to the United States surveyor-general at Santa Fé to withdraw from the United States local land office the plats of T. 11 and 12 N., R. 16 and 17 W., and T. 11 N., R. 17 W., supposed to have been filed at Santa Fé about January 26.

These plats will cover all possible interferences with said reservation.

Under date of the 23d ultimo the surveyor-general reports that while his deputy was in the field he sent him instructions to establish so much of the reservation boundary as his work closes upon, and, if necessary, to run the entire north boundary and part of the east boundary of the reservation for that purpose. He does not know whether the deputy received his instructions, but will ascertain.

The surveyor-general says the reservation was overlooked in the press of office work when the returns were received. He now submits instructions requiring the deputy to return to the field and establish so much of the reservation boundary as is necessary to close the subdivisional surveys made by him, upon said boundary, and obliterate the corners within the reservation, said work to be done at his expense if it is found that he had knowledge of the existence of the reservation.

In regard to the suggested survey by the military authorities, I would state that such a survey if made would not be authoritative, and it would still be necessary to have a survey made under the direction of this office in order to close the lines of public surveys thereon, and show the fractions of legal subdivisions adjacent to the reservation. This office has no fund with which to make the survey of Indian reservation boundaries *only*, but as it is necessary to have said boundaries surveyed to segregate the public from the Indian lands, I would state that it is the opinion of this office that the appropriation for the survey of public lands may be used in this case to survey said boundary lines, as necessary to segregate the Indian from the public lands, and in order to close the public surveys upon the boundary.

If, therefore, it shall not appear that it is the said surveyor's duty to make a survey of any part of said boundaries at his expense, I recommend that this office be authorized to contract for said survey, and the closing of the public surveys thereon, paying for the work out of the appropriation for public surveys.

The distance to be surveyed and marked is a little over 70 miles.

The letters received from the Department, with their inclosures, are herewith returned.

Very respectfully,

Hon. H. M. TELLER,
Secretary of the Interior.

N. C. MCFARLAND,
Commissioner.

5.

DEPARTMENT OF THE INTERIOR,
Washington, March 9, 1883.

SIR: Referring to the recommendation contained in your letter of the 8th instant, touching homestead and desert-land entries within the boundaries of the Zuni Indian reservation in New Mexico, as defined in Executive order of March 16, 1877, you are informed that if it shall appear from investigation that it is not the duty of the deputy surveyor to make a survey of any part of the said boundaries of said reservation at his own expense (growing out of neglect of orders issued to him by competent authority), then your office is authorized to enter into contract in the usual manner for said survey and the closing of the public surveys thereon, paying for the work out of the appropriation within the control of your office applicable to such purpose.

Very respectfully,

H. M. TELLER,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

6.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 5, 1883.

SIR: Under date of February 8, 1883, Inspector Howard reported to the Department that certain entries had recently been made of lands in T. 12 N., R. 17 W., and T. 11 N., R. 17 W., New Mexico meridian, falling within the Zuni Indian reservation.

The matter having been referred to this office for remark, it was ascertained by in-

formal inquiry at the General Land Office that the surveyor-general of New Mexico had been instructed to withdraw the plats of such townships as may possibly fall within the said reservation.

Arrangements have now been made for the survey of the boundaries of the said reservation in order to segregate the public from the Indian lands.

I inclose herewith a copy of a report to the Department by the Commissioner of the General Land Office, dated March 8, 1883, and also copy of Department instructions in reply thereto, dated March 9, 1883, by which you will see just what action has been taken in the premises.

Very respectfully,

H. PRICE,
Commissioner.

B. M. THOMAS, Esq.,
United States Indian Agent, Pueblo Agency, Santa Fé, N. Mex.

[For inclosures referred to above, see foregoing letters from General Land Office and Department of dates mentioned.]

7.

UNITED STATES INDIAN SERVICE,
PUEBLO INDIAN AGENCY,
Santa Fé, N. Mex., April 12, 1883.

SIR: I have the honor to acknowledge receipt of your letter of April 5, marked L. 3606, 1883, inclosing letters of the honorable Secretary of the Interior and Commissioner of the General Land Office, in regard to entries recently made on the Zuni Reservation. The action taken as shown by the inclosures does not reach the real difficulty by any means. The difficulty lies in the manner of regarding the reservation, as shown on the maps, resulting in the contradiction of terms in the description of the boundaries of the reservation. "Beginning at the one hundred and thirty sixth mile-stone on the western boundary line of the Territory of New Mexico and running thence north 61° 45' east * * *" does not run the line (that northern) of the reservation "to the crest of the mountain a short distance above Nutria Spring," but leaves out that spring and the Nutria farms which the Indians have cultivated from time immemorial and which are necessary to their support. The intention of the reservation was to secure to the Zunis three principal farming districts where they raise their means of subsistence, viz, Nutria, Pescado, and Ojo Caliente; but in making the original description of the boundaries I was misled by the surveyor who had surveyed the territorial boundary line and who was with me at the time I located the reservation. He assured me that the angle "north 61° 45' east" would run the line so as to take in Nutria; but it seems that it does not. The outrage of taking Nutria from the Zunis *must not be consummated*. The thing to do is to follow the apparent intent of the description and run the north line to the crest of the mountain above Nutria, regardless of the angle given, and then run the eastern line far enough south to take in Pescado Spring, which is still more important to the Indians than Nutria. I trust that you will secure an order to be issued to the surveyor-general of New Mexico to so lay off the reservation.

The persons who have taken the preliminary steps to secure the land at Nutria are mostly Army officers, I understand, and one of them assured me to-day that if the land was subject to entry by any one they wanted it, but if it belonged to the Indians, and they, the Indians, were to have it, they would not press their claim as against the Indians, provided the money already paid were refunded to them, and their act would not exhaust their right to enter land.

Very respectfully, your obedient servant,

BEN. M. THOMAS,
United States Indian Agent.

Hon. H. PRICE,
Commissioner, Washington, D. C.

8.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 26, 1883.

SIR: I have the honor to inclose herewith a letter from Agent Thomas, of the Pueblo Agency, in New Mexico, dated April 12 (instant), by which it will be seen that a change in the description of the boundary lines of the Zuni Indian Reservation,

in said Territory, is necessary in order to effect the object held in view in the establishment of said reservation, which was "to secure to these Indians (the Zuni Pueblos) an indisputable title to these lands, which will serve as a barrier to any inroads upon their improvements by white settlers." (See office letter of March 13, 1877, copy herewith.)

The recent survey of the public lands in that section has developed the fact that the description given in the Executive order of March 16, 1877, does not cover the settlements and improvements of the Indians at Nutria Springs, as it was expected to do. I have therefore caused to be prepared, and herewith submit, a draft of an Executive order intended to meet the purpose aimed at in the first instance, and have to request that the same be laid before the President for his signature.

The return of Agent Thomas's letter, and the correspondence to which he therein refers, which is also herewith inclosed for your examination, is respectfully requested.

Very respectfully, your obedient servant,

E. L. STEVENS,
Acting Commissioner.

The Hon. the SECRETARY OF THE INTERIOR.

9.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 13, 1877.

SIR: I have the honor to invite your attention to the condition of the Pueblo Indians, residing on the Pueblo of Zuni, in New Mexico.

These poor but industrious Indians have a land grant from the Spanish Government of two leagues square, but it is nearly worthless for agricultural or grazing purposes.

Heretofore these Indians have supported themselves by cultivating detached and scattered patches of land along the Zuni River, lying outside the limits of their grant. Now that white settlements are rapidly approaching that locality it is important to secure these Indians an indisputable title to these lands, which will serve as a barrier to any inroads upon their improvements by white settlers.

With this object in view, instructions were issued October 7, 1875, directing the agent for these Indians to report what quantity of land was needed for them and where suitable lands could be obtained, to be accompanied with a plat and topographical description thereof, using the precaution not to include therein any tracts occupied by settlers, or to which the title had passed from the Government.

In compliance therewith, Agent Thomas, under date of the 28th ultimo, submitted a report recommending that the following described tract of land be withdrawn from sale and set apart for the use and occupancy of these Indians, viz: Beginning at the one hundred and thirty-sixth milestone on the western boundary line of the Territory of New Mexico, and running N. 61° 45' E., 31.80 miles, more or less, to the crest of the mountain a short distance above Nutrias Spring; thence due south 12 miles, more or less, to a point in the hills a short distance southeast of Ojo Pescado; thence S. 61° 45' W., to the one hundred and forty-eighth milestone on the western boundary line of the Territory of New Mexico; thence north with said boundary line to the place of beginning.

This may seem a large tract of country for the home and stock of 1,500 Indians, but Agent Thomas reports it as very barren, and yet necessary to retain the water privileges surrounding the villages and springs, marked on the accompanying map as "Nutria," "Ojo Pescado," and "Ojo Caliente," and many small patches of land on the river.

Concurring in the suggestions made by Agent Thomas, which have the indorsement of the governor, the secretary, the chief justice, and the surveyor-general of the Territory, I have the honor to recommend that the President be requested to issue an order setting apart this tract of country as an Indian reservation.

A draft of such order, with plat of the land in question, is herewith respectfully submitted.

Very respectfully, your obedient servant.

J. Q. SMITH,
Commissioner.

The Hon. the SECRETARY OF THE INTERIOR.

10.

DEPARTMENT OF THE INTERIOR,
Washington, April 28, 1883.

SIR: I have the honor to submit herewith a letter from the Commissioner of Indian Affairs of the 26th instant, reporting that it has been found that the distances, &c., defining the out-boundaries of the Zuni Pueblo Reservation as stated in Executive order of March 16, 1877, are not sufficiently accurate to include within said reservation all of the lands specified in said order, and submitting the draft of an Executive order to amend the order of March 16, 1877, so as more accurately to describe and define the boundaries of said reservation.

Concurring in the recommendation of the Commissioner of Indian Affairs, I have the honor to request that the draft of order may receive your signature.

Very respectfully, your obedient servant,

H. M. TELLER,
Secretary.

The PRESIDENT.

11.

DEPARTMENT OF THE INTERIOR,
Washington, May 2, 1883.

SIR: I transmit herewith an Executive order of the 1st instant, issued by the President in lieu of Executive order of March 16, 1877, making certain change in description of Zuni Indian Reservation boundaries in New Mexico, as recommended in your communication of the 26th ultimo, and you will please furnish a copy of the inclosed order for the information of the General Land Office.

Other papers are also returned herewith.

Very respectfully.

H. M. TELLER,
Secretary.

The COMMISSIONER OF INDIAN AFFAIRS.

12.

EXECUTIVE MANSION,
May 1, 1883.

Whereas it is found that certain descriptions as to boundaries given in Executive order issued March 16, 1877, setting apart a reservation in the Territory of New Mexico for the Zuni Pueblo Indians, are not stated with sufficient definiteness to include within said reservation all the land specified in and intended to be covered by said Executive order, especially the Nutria Springs and Ojo Pescado, said Executive order is hereby so amended that the description of the tract of land thereby set apart for the purposes therein named shall read as follows:

Beginning at the one hundred and thirty-sixth mile-post on the west boundary line of the Territory of New Mexico, thence in a direct line to the southwest corner of T. 11 N., R. 18 W.; thence east and north, following section lines so as to include secs. 1, 12, 13, 14, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35, and 36, in said township; thence from the northeast corner of said township on the range-line between R. 17 and 18 W., to the third correction line north; thence east on said correction line to the nearest section line in R. 16, from whence a line due south would include the Zuni settlements in the region of Nutria and Nutria Springs and the Pescado Springs; thence south, following section lines to the township line between T. 9 and 10 N., R. 16 W.; thence west on said township line to the range line between R. 16 and 17 W.; thence in a direct line to the one hundred and forty-eighth mile-post on the western boundary line of said Territory; thence north along said boundary line to place of beginning.

CHESTER A. ARTHUR.

13.

PAY DEPARTMENT UNITED STATES ARMY,
Santa Fe, N. Mex., May 3, 1883.

DEAR SIR: The inclosed copy of an order from the Commissioner of General Land Office to the surveyor-general of New Mexico indicates that there is some disposition to interfere and change the location of the Zuni Reservation surveyed under an Executive order of President Hayes,

I desire to call your attention to the fact that lands in T. 12 N., R. 16 W., and 12 N., R. 17 W., from headwaters of the Nutria, in sec. 8, T. 12 N., R. 16 W., following the course of the Nutria to the Zuni Reservation line to the southwest in T. 12 N., R. 17 W., were located by myself and associates and the laws complied with, the money paid, with the usual certificates of location in our possession, the land at the time being Government land, as shown by the Land Department maps, and subject to such locations and entry. This land was entered in good faith, known not to be on the Zuni Reservation by all the officers of the Land Department, and also known to the agent for the Pueblo Indians. In the name and for those having made said locations and entries, I respectfully protest against any action that would be calculated to interfere with our said rights acquired under the law. Soon after these entries were made, an officious person who thinks he has the Indian interests at heart commenced making a disturbance in reference to these entries, and procured an attack to be made upon Senator Logan, charging him with having, in violation of law, entered this property, when in fact he had not done so, but had stated to myself and others that the land was subject to location and entry.

I desire to call your attention to the following propositions:

(1.) The Zuni Indians as well as all the other Pueblo Indians of New Mexico were citizens of Mexico capable of holding land in their own right, the Zunis having a grant of land from the Mexican Government, which was confirmed to them by the United States Government. Under the treaty with Mexico they are citizens of the United States, and have been so held by the courts. This being the case the right of President Hayes to give to them the land of the Government by an Executive order is a question that might well be considered.

(2.) Their grant as well as the land claimed to be set apart for them by President Hayes is well watered, the Nutria River, formed by different springs, running entirely through the land given to them by President Hayes's order; also, the Rio Pescado running entirely through the Zuni Valley and through their grant. To now extend by Executive order the reservation set aside by the "Hayes order," so as to compel a survey on a straight line, or any other line, to include the Nutria Spring within their reservation, would take every drop of water in the two valleys, totally depriving every other section of Government land in that locality from any water whatever, rendering a large body of land entirely useless, and depriving the Government from any disposition of the same.

These entries in nowise affect the interests of the Indians, and we cannot see why the rights of other people should be disturbed merely to satisfy the wailings of some disappointed persons who did not get the land themselves, and now wish to put the Indians forward to do an injury to others merely to gratify their own vindictive feelings.

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

W. F. TUCKER, JR.,
U. S. A.

Hon. H. M. TELLER,
Secretary Interior Department, Washington, D. C.

14.

[Inclosure.]

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., April 23, 1883.

SIR: I have received your letter, dated the 21st instant, stating that Deputy Armstrong is ready to return to the field and correct his survey of T. 12 N., R. 16 W., and T. 11 and 12 N., R. 17 W., of New Mexico principal meridian, by establishing the Zuni Indian Reservation boundary and closing the lines of public surveys thereon, and you request instructions in the matter.

In reply, I have to state that the agent for said Indians has reported that the boundary lines of said reservation as defined by the Executive order dated March 16, 1877, if established in the field according to the course and distance mentioned, will not include the Nutrias and Ojo Pescado Springs, also mentioned in said order, and certain Indian settlements in the neighborhood of said springs, and I learn informally that a new Executive order is being prepared, correcting the description of said boundaries, and where the lands have been subdivided taking certain legal subdivision lines for the Indian boundary.

In case a new order shall be made you will be furnished with a copy of it, and you will be further advised as to what is necessary in regard to surveying the reservation boundaries.

You will therefore suspend any further survey of the boundary until further orders.

Very respectfully,

N. C. McFARLAND,
Commissioner.

HENRY M. ATKINSON, Esq.,
United States Surveyor-General, Santa Fé, N. Mex.

15.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 5, 1883.

SIR: I inclose herewith, for your information, a copy of an Executive order, dated May 1, 1883, declaring with greater definiteness the boundaries of the reservation in New Mexico, set apart by Executive order of March 16, 1877, for the Zuni Pueblo Indians.

Very respectfully,

H. PRICE,
Commissioner.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

16.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 5, 1883.

SIR: Referring to letter of your predecessor of the 12th ultimo, in the matter of the Zuni Indian Reservation boundaries, in New Mexico, I inclose herewith, for your information, a copy of an Executive order, dated May 1, 1883, declaring said boundaries as described in Executive order of March 16, 1877, with greater definiteness.

Very respectfully,

H. PRICE,
Commissioner.

PEDRO SANCHEZ, Esq.,
United States Indian Agent, Pueblo Agency, New Mexico.

17.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., May 9, 1883.

SIR: I have to acknowledge the receipt of your letter, dated the 5th instant, inclosing copy of Executive order, dated May 1, 1883, declaring the Zuni Indian Reservation boundaries somewhat modified from those contained in the original order establishing the reservation.

The necessary instructions to the United States surveyor-general and register and receiver have been this day issued for the protection of the reservation.

Very respectfully,

N. C. McFARLAND,
Commissioner.

Hon. H. PRICE,
Commissioner of Indian Affairs.

18.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., June 2, 1883.

SIR: Referring to the Executive order, dated the 1st of May, 1883, modifying the boundaries of the Zuni Indian Reservation in New Mexico, I have to inform you that I have received from the United States surveyor-general for that Territory information that, according to the best data obtainable as to the location of the Nutrias and Pescado Springs, the eastern line of said reservation will now run so as to include the two western tiers of sections in T. 10, 11, and 12 N., R. 16 W., of New Mexico meridian.

Inclosed herewith is a rough diagram showing what sections and townships of surveyed land are now within the reservation.

Very respectfully,

L. HARRISON,
Acting Commissioner.

HON. H. PRICE,
Commissioner of Indian Affairs, Washington, D. C.

19.

243 STATE STREET,
Chicago, July 12, 1883.

DEAR SIR: Remembering that when I was suffering a wrong from the appraiser's department of New York custom-house, I was righted in great measure through your kind consideration, I make bold to address you personally in reference to an attempted wrong, which I believe to be directly in your power to prevent. I refer to the attempt of Senator Logan and his friends to obtain certain lands belonging to the Zunis.

The most essential facts in connection with a popular statement of the law which I think governs the case are contained in the inclosed article, which I beg that you will kindly read.

I have no doubt whatever that the law properly invoked would maintain the rights of these poor townspeople aborigines without your executive interference, but they are poor and helpless, having neither the means nor the knowledge which are necessary for their legal protection against the tricks of a land sharper, and especially one of Senator Logan's position and ability.

Upon you, therefore, their rights depend, and I would not have the slightest fear of the result did I not know that the press of business often causes important matters to be necessarily neglected, if there is no one to direct and urge special attention to them.

I have no interest but the desire to prevent robbery and outrage. I am and always have been a Republican, and I never came in contact with Senator Logan, or had any reason to oppose him or his projects in any shape till my investigation of this matter.

I remain, yours, very truly,

EDWIN A. CURLY.

His Excellency CHESTER A. ARTHUR,
President of the United States.

[The inclosure referred to in the above letter is a newspaper slip from the American Field of July 14, 1883. (Unofficial.)]

20.

243 STATE STREET, *Chicago, Ill.*

DEAR SIR: Herewith please find an article from the American Field written by myself as a result of a personal investigation of Senator Logan's Zuni land grab.

I am confident that my facts will bear thorough investigation, and also that the points of law which I have raised will commend themselves to your good judgment as a lawyer.

I am a Republican and I have no personal, pecuniary, or factional interest in the matter, but in a case of peculiar hardship coming within my own observation, I make bold to interfere even against Senator Logan that justice may be done.

I need scarcely remind you that whatever the rights of these poor towns-people, they have no means of enforcing them, and it must be your Department and the Ex

Executive power alone that protects them from this gross injustice, if they are protected at all.

I say confidently in addition that the general public opinion of New Mexico is in this case three to one in favor of justice, and all through the neighborhood of the Zunis where the particulars are best known it is practically unanimous—a good augury, as I hope, of the sentiments of the country at large.

I remain yours very truly,

EDWIN A. CURLY,
Travel Editor.

Hon. H. M. TELLER,
Secretary of the Interior.

[The inclosure referred to in the above letter is a newspaper slip from the American Field of July 14, 1883. (Unofficial.)]

21.

WASHINGTON, D. C., *April* —, 1884.

SIR: I have the honor to acknowledge the receipt of your letter of February 1, 1884, containing instructions as follows:

“Col. JAMES STEVENSON,
“Geological Survey:

“SIR: By order of May, 1883, the lines of the Zuni Reservation in the Territory of New Mexico were extended so as to include the Nutrias Springs and the Ojo Pescado as well as other lands therein set forth. This order was issued upon the representation that unless these springs were included within the reservation the Indians would be deprived of the requisite supply of water for farming purposes. Understanding that you are familiar with the history and wants of the Zuni tribe, as well as the questions affecting the boundary of their reservation which have arisen under the Executive order above mentioned, you are directed to make a full report to this Department on the subject at your earliest convenience.”

In compliance therewith, I have the honor to submit the following report:

The pueblo of Zuni is situated near the northwestern border of New Mexico. The original Spanish grant to the Zuni Pueblo Indians by Don Domingo Jronza, Petroz de Cruzate, was made September 25, 1689, and extended one league east, west, north, and south, measured from the four corners of the pueblo, which at that time was either located upon the summit of Thunder Butte or immediately at its base, about two and a half miles from the present site of the pueblo. I am not aware whether this grant was ever confirmed to the tribe by the United States or not. But be this as it may, its entire area, as shown on the accompanying sketch-chart, is included in the reservation by order of March 16, 1877.

The present site of Zuni, as shown by the sketch, is located just outside the western boundary of said grant. In 1877 the following Executive order was issued for the purpose of meeting the wants of the Zuni tribe:

“EXECUTIVE MANSION, *March 16, 1877.*

“It is hereby ordered that the following-described tract of country in the Territory of New Mexico, viz: Beginning at the one hundred and thirty-sixth mile-stone on the western boundary line of the Territory of New Mexico, and running thence north 61° 45' east, 31 miles and eight-tenths of a mile to the crest of the mountain a short distance above Los Nutrias Springs; thence due south 12 miles to a point in the hills a short distance southeast of the Ojo Pescado; thence south 61° 45' west of the 148th mile-stone on the western boundary line of said Territory; thence north with said boundary line to the place of beginning, be, and the same hereby is, withdrawn from sale and set apart as a reservation for the use and occupancy of the Zuni Pueblo Indians.

“R. B. HAYES.”

In the month of December, 1882, and January, 1883, Messrs. Lawton, Tucker, and Stout, residing in New Mexico, entered, under the desert-land act, Secs. 8 and 18 in T. 12 N., R. 16 W., of the New Mexico principal meridian, and Sec. 24 and one-half of Sec. 34 in the same township, R. 17.

On May 1, 1883, the following Executive order was issued for the purpose of including lands said to have been omitted by Executive order of March 16, 1877:

“EXECUTIVE MANSION, *May 1, 1883.*

“Whereas it is found that certain descriptions as to boundaries given in an Executive order issued March 16, 1877, setting apart a reservation in the Territory of New

Mexico for the Zuni Pueblo Indians, are not stated with sufficient definiteness to include within said reservation all the lands specified in, and intended to be covered by, said Executive order, especially the Nutrias Springs and the Ojo Pescado, said Executive order is hereby so amended that the description of the tract of land thereby set apart for the purposes herein named shall read as follows: Beginning at the one hundred and thirty-sixth mile-post on the west boundary line of the Territory of New Mexico; thence in a direct line to the southeast corner of T. 11 N., 18 W.; thence east and north following section lines so as to include Secs. 1, 12, 13, 14, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35, 36, in said township; thence from the northeast corner of said township on range line between R. 17 and 18 W. and the third correction line north; thence east on said correction line to the northeast section line in range 16, from whence a line due south would include the Zuni settlements in the region of Nutrias and Nutrias Springs and the Pescado Springs; thence south following section lines to the township lines between T. 9 and 10 N., R. 16 W.; thence west on said township line to the range line between R. 16 and 17 W.; thence in a direct line to the one hundred and forty-eighth mile-post on the western boundary line of said Territory; thence north along said boundary line to the place of beginning.

“CHESTER A. ARTHUR.”

By comparing the accompanying chart, which shows the lines of the survey made in accordance with Executive order of March 16, 1877, with the text of that order, it will be seen that in one particular they do not agree. According to the words of the order the survey was to begin “at the one hundred and thirty-sixth mile-stone on the western boundary line of the Territory of New Mexico,” and to run “thence north $61^{\circ} 45'$ east 31.8 miles to the crest of the mountain a short distance above the Nutrias Springs.” As shown on the chart the northwest line of the survey does begin at the one hundred and thirty-sixth mile-stone on the boundary line of New Mexico; it does run thence north $61^{\circ} 45'$ east 31.8 miles, but this does not reach the crest of the mountain, nor can the termination be construed as being in any sense a short distance above Nutrias Springs.

As the surveyor found it impossible to fulfill all the requirements of the order, the question arises whether he has been guided by those parts of the directions which should take precedence.

This is a legal question which I must respectfully leave you to decide. I may add that, in my judgment, the surveyor followed the only proper course left him; that is, the directions which were clear and specific rather than the portion which is indefinite. That is to say, he started at the point specified, and ran the course and distance specified, although this did not reach the crest of the mountain above Nutrias Springs.

This left all of T. 12 N., 17 W., and all of Secs. 5, 6, 7, 8, 17, 18, 19, 20, 29 and 30 of T. 12 N., 16 W., outside of the reservation.

You will also see by examining the chart that continuing the line in the same direction to the crest of the mountain at C would not have changed the result in this respect, as the lands I have just mentioned would still have been left out.

In the second place the distance specified, even though the course had been changed, would not reach the mountain crest at any point from which a line running south would include the Ojo Pescado as required by the order. It was, therefore, impossible for the surveyor to comply with that part of the order which required him to run “to the crest of the mountain a short distance above the Nutrias Springs,” without changing both direction and distance. And even had this been done so as to comply as nearly as possible with the spirit of the whole order, the line would still have run a little south of the Rio Los Nutrias and would not have included Secs. 8, 18, 24, or 34 of T. 12 N., 17 W., in the reservation.

I may add, further, that the expression “above Nutrias Springs” is so indefinite when applied to this region as really to be without meaning. “Above” may signify farther up the stream, or higher, overlooking. Hence I have not considered this part of the order.

I would state in this connection that the Zunis number about 1,600 persons and are wholly dependent for their sustenance upon pastoral and agricultural pursuits.

In their agricultural industries not more than 10 or 15 per cent. of farming products are derived from irrigation. In the summer season they resort to various localities from 5 to 25 miles from their principal village and select sand areas, sides of hills, mesas, and cañons for planting crops. In their planting they dig down into the earth a sufficient depth to obtain moisture. Their orchards are almost invariably quite high up on the sides of mesas and cañons, where, in a peculiar manner, moisture seems to accumulate.

The agricultural industries of the seven Moki villages are carried on in the same manner.

In order to avoid further conflicts between the Zunis and the white settlers, and which would enable the Department to revoke the order under which recent disputes have arisen, I would recommend that a sum of \$10,000, or so much thereof as may be

necessary, be appropriated for the erection of a dam a few miles above the village of Zuni, where the Rio Zuni emerges from the lava beds, and the constructing of irrigating ditches on each side of the river for a distance of from 10 to 12 miles. These ditches, according to an estimate made by Mr. D. D. Graham, an engineer residing among the Zunis, would irrigate about 3,000 acres on each side of the creek.

I inclose small diagrams showing the place for dam and ditches; also the letters from Mr. Graham on the subject.

These ditches would drive a supply of water from the entire sources of the Rio Nutrias and Rio Pescado, which would be ample to irrigate from three to five thousand acres in the immediate valley of the Rio Zuni in the vicinity of the principal Zuni village.

The area of land through which the Rio Nutrias flows, and which, according to the survey is not within the reservation, is not large enough, and could not be occupied in any manner as to deprive those below that point from any perceptible amount of water.

The construction of the ditches and dam referred to would enable the Zunis to occupy and cultivate the lands near their permanent home, while present circumstances compel them to resort to distant localities, from which they only obtain a meager supply of either moisture or water.

Very respectfully, your obedient servant,

JAMES STEVENSON.

The Hon. the SECRETARY OF THE INTERIOR.

22.

[First inclosure.]

ZUNI PUEBLO, N. MEX., *January 22, 1884.*

DEAR SIR: Your favor of January 8 received.

Yesterday I made a survey of the creek at the Black Rocks, and also plan showing cross-section of creek for a proposed dam, which I send you by this mail.

I think a good substantial dam can be built with the material which is there—malpais rock; it will need to be laid with some care, but it will be cheaper than timber or crib-work. In the plan on the north side you will notice it is a natural dam, and would only require little work; that is, if the dam is built higher than the first point of rock shown on section north side.

It would require two or three days' surveying with such assistance as I have (Indians) to tell exactly how high it would be necessary to build the dam in order to see what ground the water would overflow. I think a dam 25 to 30 feet high would do, and would cost about \$2,000 at the most.

The ditch, which I judge will be about 12 miles long, say 4 feet wide on bottom and 2 feet deep, would cost about \$400 a mile, and would irrigate 10,000; to 12,000 acres; that is, if the inclination, 2½ feet to the mile, would carry the water round by the foot of Thunder Mountain and the other hills south of the Pueblo of which you are acquainted with.

In regard to the cultivated land which the Indians cultivated last year, I am sorry to have inform you that I have been unable to get any information, and as to give you an approximate estimate would be giving you information of which I have no knowledge whatever, so I will have to leave it to you for to estimate.

I wanted each Indian to go out to his field, and step off the field, length and breadth; by that means I could have sent you a close estimate. I told them what it was for; that it was necessary to know before building the ditch. Their fields are scattered here and there, wherever there is an arroyo and the ground moist, such as Pescado, Nutrias, Ojo Caliente.

The mail will leave in the morning, and I am sorry to send this letter without the information.

Thanking you for your attention, I remain,

Yours, very respectfully,

D. D. GRAHAM.

Col. JAMES STEVENSON,
Washington, D. C.

23.

[Second inclosure.]

ZUNI PUEBLO, *February 21, 1884.*

MY DEAR COLONEL: Your letter of February 1 reached me a few days ago. Inclosed please find duplicate of cross-section of creek at the Black Rocks.

Since I sent you the first plan I have taken levels to see how high a dam ought to be. I find it will take a dam 30 feet high to flood the meadow; the water will back up to the mouth of the cañon, which is about $2\frac{1}{2}$ miles from the Black Rocks. It would be a large lake, and afford enough water to irrigate the Zuni Valley of about 3,000 acres on each side of the creek.

Yours, truly,

D. D. GRAHAM.

Col. JAMES STEVENSON,
Washington, D. C.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., November 22, 1884.

SIR: I am in receipt, by reference from you for report, of the resolution of the House of Representatives of June 24, 1884, requesting copies of all reports, correspondence, and other papers on file in the Interior Department relating to the alleged claims of any persons to a portion of the lands in the Zuni Indian Reservation, and also what action the Department has taken in the premises.

I have the honor to report that, on December 7, 1882, in reply to a letter from the local land officers at Santa Fé, N. Mex., they were advised that, as near as could be ascertained from the records of this office, it would appear that T. 12 N., of R. 16 W., was outside of said reservation, and of T. 12 N., R. 17 W., probably only Secs. 25, 26, 33, and 36 was within the reservation, but that, upon the survey of said reservation, if it should be found to embrace more of the land than that mentioned, any entries found to have been made within the reservation would be suspended.

Subsequently, on December 26, 1882, and on January 18 and 27, 1883, two homestead and three desert-land entries were allowed by the local officers upon lands embraced in the reservation, as amended by Executive Order of May 1, 1883. Said entries remain suspended on the files and records of this office.

I inclose herewith copies of the entries referred to, together with copies of all letters and papers on file and on record in this office relating to said reservation chronologically arranged. The resolution is herewith returned.

Very respectfully,

N. C. MCFARLAND,
Commissioner.

HON. H. M. TELLER,
Secretary of the Interior.

EXECUTIVE MANSION, *March 16, 1877.*

It is hereby ordered, that the following described tract of country in the Territory of New Mexico, viz: Beginning at the one hundred and thirty-sixth mile-stone on the western boundary line of the Territory of New Mexico, and running thence north $61^{\circ} 45'$ east thirty-one miles and eight-tenths of a mile to the west of the mountain a short distance above Nutrias Springs; thence due south twelve miles to a point in the hills a short distance southeast of the Ojo Pescado; thence south $61^{\circ} 45'$ west to the one hundred and forty-eighth mile-stone on the western boundary line of said Territory; thence north with said boundary line to the place of beginning, be, and the same hereby is, withdrawn from sale, and set apart as a reservation for the use and occupancy of the Zuni Pueblo Indians.

R. B. HAYES.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 29, 1877.

SIR: I inclose herewith, for the files of your office, copy of the President's order, dated March 16, 1877, setting apart certain lands in the Territory of New Mexico for the use and occupancy of the Zuni Pueblo Indians.

You will lay down said reservation upon the official diagram of your district, and cause the same to be respected in the future extension of the public lines.

Very respectfully,

J. A. WILLIAMSON,
Commissioner.

H. M. ATKINSON, Esq.,
Surveyor-General, Santa Fé, N. Me.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., December 7, 1882.

GENTLEMEN: I am in receipt of your letter of November 23, 1882, asking whether T. 12 N., R. 16 and 17 W., are within the reservation for the Zuni Indians, as the same are unsurveyed, and you have several applications for desert-land entries in said townships.

In reply you are informed that as near as can be ascertained from our records T. 12 N., R. 16 W., is outside, while of T. 12 N., R. 17 W., probably only Secs. 25, 26, 33, and 36 are within the reservation.

When said townships are surveyed the reservation may be found to embrace more of the land than that mentioned, and if any desert-land entries are found to have been located within the reservation, they will be held for cancellation.

Very respectfully,

N. C. MCFARLAND,
Commissioner.

REGISTER and RECEIVER,
Santa Fé, N. Mex.

No. 53.]

UNITED STATES LAND OFFICE,
Santa Fé, N. Mex., December 26, 1882.

It is hereby certified that under the provisions of the act of Congress approved March 3, 1877, entitled "An act to provide for the sale of desert lands in certain States and Territories," Orrin B. Stout has this day filed in this office his declaration of intention to reclaim the following-described tract of land, viz: The whole of Sec. No. 18, T. 12 N., R. 16 W.; that he has proven to our satisfaction that the said tract of land is desert land as defined in the second section of said act, and that he has paid to the receiver the sum of \$160, being at the rate of 25 cents per acre for the land above described.

It is, therefore, further certified that if within three years from the date hereof the said Orrin B. Stout, his heirs or legal representatives, shall satisfactorily prove that the said land has been reclaimed by carrying water thereon, and shall pay to the receiver the additional sum of one dollar per acre for the land above described, he or they shall be entitled to receive a patent therefor under the provisions of the said act.

MAX FROST, *Register.*
W. H. BAILLIACHE, *Receiver.*

NOTE.—The word "heirs" is substituted in this form for the word "assignee," the Secretary of the Interior having declined to recognize the assignment of desert land claims.

[Desert land act of March 3, 1877.]

AFFIDAVIT.

No. 53.]

LAND OFFICE AT SANTA FÉ, N. MEX.,
November 22, 1882.

I, William F. Tucker, jr., of the United States Army, county _____, being duly sworn, declare upon oath: That I am a resident of said Territory; that I am of the age of twenty-one years, and by occupation a paymaster; that I am well acquainted with the character of each and every legal subdivision of the following described land: Sec. 18, T. 12 N., R. 16 W., containing _____ acres; that I became acquainted with said land by observation and inspection; that I have been acquainted with it for one year last past; that I have frequently passed over it; that my knowledge of said land is such as to enable me to testify understandingly concerning it: that the same is desert land within the meaning of the second section of the act of Congress approved March 3, 1877, entitled "An act to provide for the sale of desert lands in certain States and Territories;" that said land will not, without artificial irrigation, produce any agricultural crop: that no agricultural crop has ever been raised or cultivated on said land for the reason that it does not contain sufficient moisture for successful cultivation; that the same is essentially dry and arid land, wholly unfit for cultivation without artificial irrigation; that said land cannot be successfully cultivated without reclamation by conducting water thereon; that said land has hitherto been unappropriated, unoccupied, and unsettled, because it has been impossible to cultivate it successfully on account of its dry and arid condition; that it is a fact well known, patent, and notorious, that the same will not, in its natural condi-

tion, produce any crop; that the land is the desert land; that there is no timber growing thereon, but that it is devoid of timber; that there is not, to my knowledge, within the limits thereof, any vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not, within the limits of said land, to my knowledge, any placer, cement, gravel, or other valuable mineral deposit or salines; that no portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land; that I am not interested in any way or manner, directly or indirectly, present or prospective, in any application or declaration made or to be made for said land, or in the land itself, or in the title which may by any person or in any manner be acquired thereto.

WILLIAM F. TUCKER, JR.

LAND OFFICE AT SANTA FÉ, N. MEX.,

November 22, 1882.

I hereby certify that the above affidavit was taken and subscribed before me this day, and that William F. Tucker, jr., whose name is affixed thereto, is a person of respectability, to whose testimony full credence should be given.

MAX FROST, *Register*.

W. H. BAILHACHE, *Receiver*.

(Desert land act of March 3, 1877.)

AFFIDAVIT.

No. 53.]

LAND OFFICE AT SANTA FÉ, N. MEX.,

November 22, 1882.

I, Henry W. Lawton, of Santa Fé County, Territory of New Mexico, being duly sworn, declare upon oath: That I am a resident of said county and Territory; that I am of the age of ———, and by occupation an army officer; that I am well acquainted with the character of each and every legal subdivision of the following-described land: Sec. 26, T. 12 N., R. 17 W., containing 640 acres; that I became acquainted with said land by personal observation; that I have been acquainted with it for one year last past; that I have frequently passed over it; that my knowledge of said land is such as to enable me to testify understandingly concerning it; that the same is desert land within the meaning of the second section of the act of Congress approved March 3, 1877, entitled "An act to provide for the sale of desert lands in certain States and Territories;" that said land will not, without artificial irrigation, produce any agricultural crop; that no agricultural crop has ever been raised or cultivated on said land for the reason that it does not contain sufficient moisture for successful cultivation; that the same is essentially dry and arid land, wholly unfit for cultivation without artificial irrigation; that said land cannot be successfully cultivated without reclamation by conducting water thereon; that said land has hitherto been unappropriated, unoccupied, and unsettled, because it has been impossible to cultivate it successfully on account of its dry and arid condition; that it is a fact well known, patent, and notorious, that the same will not, in its natural condition, produce any crop; that the land is the tract is the identical part of land described and desert land; that there is no timber growing thereon, but that it is devoid of timber; that there is not, to my knowledge, within the limits thereof, any vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not, within the limits of said land, to my knowledge, any placer, cement, gravel, or other valuable mineral deposit or salines; that no portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land; that I am not interested in any way or manner, directly or indirectly, present or prospective, in any application or declaration made or to be made for said land, or in the land itself, or in the title which may by any person or in any manner be acquired thereto.

H. W. LAWTON.

LAND OFFICE AT SANTA FÉ, N. MEX.,

November 22, 1882.

I hereby certify that the above affidavit was taken and subscribed before me this day, and that Henry W. Lawton, whose name is affixed thereto, is a person of respectability, to whose testimony full credence should be given.

MAX FROST, *Register*.

W. H. BAILHACHE, *Receiver*.

[Desert land act of March 3, 1877.]

DECLARATION.

No. 53.]

LAND OFFICE AT SANTA FÉ, N. MEX.,
November 22, 1882.

I, Orrin B. Stout, of Santa Fé County, Territory of New Mexico, being duly sworn, depose and declare: That I am a citizen of the United States, of the age of twenty-one years, and a resident of said county and Territory, and by occupation a clerk; that I intend to reclaim a tract of desert land, not exceeding one section, by conducting water upon the same, within three years from date, under the provisions of the act of Congress approved March 3, 1877, entitled "An act to provide for the sale of desert lands in certain States and Territories." The desert land which I intend to reclaim does not exceed one section, and is situated in Valencia County, in the Santa Fé land district, and is described as follows, to wit: the whole of Sec. 18, T. 12 N., R. 16 W., containing 640 acres. I further depose, that I have made no other declaration for desert lands under the provisions of said act; that the land above described will not, without irrigation, produce an agricultural crop; that there is no timber growing upon said land; that there is not, to my knowledge, within the limits thereof, any vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not within the limits of said land, to my knowledge, any placer, cement, gravel, or other valuable mineral deposit or salines; that no portion of said land is claimed for mining purposes, under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land; that I became acquainted with said land by personal observation, and that my declaration therefor is not made for the purpose of fraudulently obtaining title to mineral land, timber land, or agricultural land, but for the purpose of faithfully reclaiming, within three years from the date hereof, by conducting water thereon, a tract of land which is desert land within the meaning of the act.

ORRIN B. STOUT.

LAND OFFICE AT SANTA FÉ, N. MEX.,
November 22, 1882.

I hereby certify that the foregoing declaration was this day sworn to and subscribed before me.

MAX FROST, *Register*.
W. H. BAILHACHE, *Receiver*.

No. 54.]

UNITED STATES LAND OFFICE,
Santa Fé, N. Mex., December 26, 1882.

It is hereby certified that under the provisions of the act of Congress approved March 3, 1877, entitled "An act to provide for the sale of desert lands in certain States and Territories," William F. Tucker, jr., has this day filed in this office his declaration of intention to reclaim the following-described tract of land, viz: The whole of Sec. 8, T. 12 N., R. 16 W.; that he has proven to our satisfaction that the said tract of land is desert land as defined in the second section of said act, and that he has paid to the receiver the sum of \$160, being at the rate of 25 cents per acre for the land above described.

It is, therefore, further certified, that if within three years from the date hereof the said William F. Tucker, jr., his heirs or legal representatives, shall satisfactorily prove that the said land has been reclaimed by carrying water thereon, and shall pay to the receiver the additional sum of one dollar per acre for the land above described, he or they shall be entitled to receive a patent therefor under the provisions of the said act.

MAX FROST, *Register*.
W. H. BAILHACHE, *Receiver*.

\$160.

NOTE.—The word "heirs" is substituted in this form for the word "assignee," the secretary of the Interior having declined to recognize the assignment of desert land aims.

[Desert land act of March 3, 1877.]

AFFIDAVIT.

No. 54.]

LAND OFFICE AT SANTA FÉ, N. MEX.,
November 22, 1882.

I, Orrin B. Stout, of Santa Fé County, Territory of New Mexico, being duly sworn, declare upon oath: That I am a resident of said county and Territory; that I am of the age of twenty-one years, and by occupation a clerk; that I am well acquainted with the character of each and every legal subdivision of the following-described land: Sec. 8, T. 12 N., R. 16 W., containing 640 acres; that I became acquainted with said land by personal observation; that I have been acquainted with it for two months last past; that I have frequently passed over it; that my knowledge of said land is such as to enable me to testify understandingly concerning it; that the same is desert land within the meaning of the second section of the act of Congress approved March 3, 1877, entitled "An act to provide for the sale of desert lands in certain States and Territories;" that said land will not, without artificial irrigation, produce any agricultural crop; that no agricultural crop has ever been raised or cultivated on said land for the reason that it does not contain sufficient moisture for successful cultivation; that the same is essentially dry and arid land, wholly unfit for cultivation without artificial irrigation; that said land cannot be successfully cultivated without reclamation by conducting water thereon; that said land has hitherto been unappropriated, unoccupied, and unsettled, because it has been impossible to cultivate it successfully on account of its dry and arid condition; that it is a fact, well known, patent, and notorious, that the same will not, in its natural condition, produce any crop; that the land is the tract described and desert land; that there is no timber growing thereon, but that it is devoid of timber; that there is not, to my knowledge, within the limits thereof, any vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not, within the limits of said land, to my knowledge, any placer, cement, gravel, or other valuable mineral deposit or salines; that no portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land; that I am not interested in any way or manner, directly or indirectly, present or prospective, in any application or declaration made or to be made for said land, or in the land itself, or in the title which may by any person or in any manner be acquired thereto.

ORRIN B. STOUT.

LAND OFFICE AT SANTA FÉ, N. MEX.,
November 22, 1882.

I hereby certify that the above affidavit was taken and subscribed before me this day, and that Orrin B. Stout, whose name is affixed thereto, is a person of respectability, to whose testimony full credence should be given.

MAX FROST, *Register*.
W. H. BAILHACHE, *Receiver*.

[Desert land act of March 3, 1877.]

AFFIDAVIT.

No. 54.]

LAND OFFICE AT SANTA FÉ, N. MEX.,
November 1, 1882.

I, Henry W. Lawton, of Santa Fé County, Territory New Mexico, being duly sworn, declare upon oath: That I am a resident of said county and Territory; that I am of the age of thirty-nine, and by occupation an Army officer; that I am well acquainted with the character of each and every legal subdivision of the following-described land Sec. 18, T. 12 N., R. 16 W., containing 640 acres; that I became acquainted with said land by personal observation; that I have been acquainted with it for one year last past; that I have frequently passed over it; that my knowledge of said land is such as to enable me to testify understandingly concerning it; that the same is desert land within the meaning of the second section of the act of Congress approved March 3, 1877, entitled "An act to provide for the sale of desert lands in certain States and Territories;" that said land will not, without artificial irrigation, produce any agricultural crop; that no agricultural crop has ever been raised or cultivated on said land for the reason that it does not contain sufficient moisture for successful cultivation; that the same is essentially dry and arid land, wholly unfit for cultivation without artificial irrigation; that said land cannot be successfully cultivated without reclamation by conducting water thereon; that said land has hitherto

been unappropriated, unoccupied, and unsettled, because it has been impossible to cultivate it successfully on account of its dry and arid condition; that it is a fact well known, patent, and notorious, that the same will not, in its natural condition, produce any crop; that the land is the tract described and is desert land; that there is no timber growing thereon, but that it is devoid of timber; that there is not, to my knowledge, within the limits thereof, any vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not, within the limits of said land, to my knowledge, any placer, cement, gravel, or other valuable mineral deposit or salines; that no portion of said land is claimed for mining purposes, under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land; that I am not interested in any way or manner, directly or indirectly, present or prospective, in any application or declaration made or to be made for said land, or in the land itself, or in the title which may by any person or in any manner be acquired thereto.

HENRY W. LAWTON.

LAND OFFICE AT SANTA FÉ, N. MEX.,
November 22, 1882.

I hereby certify that the above affidavit was taken and subscribed before me this day, and that deponent, whose name is affixed thereto, is a person of respectability, to whose testimony full credence should be given.

MAX FROST, *Register*.
W. H. BAILHACHE, *Receiver*.

[Desert land act of March 3, 1877.]

DECLARATION.

No. 54.]

LAND OFFICE AT SANTA FÉ, N. MEX.,
November 22, 1883.

I, William F. Tucker, jr., of Santa Fé County, Territory of New Mexico, being duly sworn, depose and declare: That I am a citizen of the United States, of the age of twenty-eight years, and a resident of said county and _____, and by occupation an Army officer; that I intend to reclaim a tract of desert land, not exceeding one section, by conducting water upon the same, within three years from date, under the provisions of the act of Congress approved March 3, 1877, entitled "An act to provide for the sale of desert lands in certain States and Territories." The desert land which I intend to reclaim does not exceed one section, and is situated in Valencia County, in the Santa Fé land district, and is described as follows, to wit: the whole of Sec. 8, T. 12 N., R. 16 W., containing 640 acres. I further depose, that I have made no other declaration for desert lands under the provisions of said act; that the land above described will not, without irrigation, produce an agricultural crop; that there is no timber growing upon said land; that there is not, to my knowledge, within the limits thereof, any vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not within the limits of said land, to my knowledge, any placer, cement, gravel, or other valuable mineral deposit or salines; that no portion of said land is claimed for mining purposes, under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land; that I became acquainted with said land by personal observation, and that my declaration therefor is not made for the purpose of fraudulently obtaining title to mineral land, timber land, or agricultural land, but for the purpose of faithfully reclaiming, within three years from the date hereof, by conducting water thereon, a tract of land which is desert land within the meaning of the act.

WILLIAM F. TUCKER, JR.

LAND OFFICE AT SANTA FÉ, N. MEX.,
November 22, 1882.

I hereby certify that the foregoing declaration was this day sworn to and subscribed before me.

MAX FROST, *Regis'er*.
W. H. BAILHACHE, *Receiver*.

No. 62.]

UNITED STATES LAND OFFICE,
January 18, 1883.

It is hereby certified that under the provisions of the act of Congress approved March 3, 1877, entitled "An act to provide for the sale of desert lands in certain States

and Territories," Henry W. Lawton has this day filed in this office his declaration of intention to reclaim the following-described tract of land, viz: Sec. 24, T. 12 N., R. 17 W.; that he has proven to our satisfaction that the said tract of land is desert land as defined in the second section of said act, and that he has paid to the receiver the sum of \$160, being at the rate of 25 cents per acre, for the land above described.

It is, therefore, further certified that if within three years from the date hereof the said Henry W. Lawton, his heirs or legal representatives, shall satisfactorily prove that the said land has been reclaimed by carrying water thereon, and shall pay to the receiver the additional sum of one dollar per acre for the land above described, he or they shall be entitled to receive a patent therefor under the provisions of the said act.

MAX FROST,

Register.
W. H. BAILHACHE,
Receiver.

\$160.

NOTE.—The word "heirs" is substituted in this form for the word "assignee," the Secretary of the Interior having declined to recognize the assignment of Desert Land Claims.

[Desert land act of March 3, 1877.]

AFFIDAVIT.

No. 62.]

LAND OFFICE AT SANTA FÉ, N. MEX.,
November 22, 1882.

I, Orrin B. Stout, of Santa Fé County, Territory of New Mexico, being duly sworn, declare upon oath: That I am a resident of said county and Territory; that I am of the age of twenty-one years, and by occupation a clerk; that I am well acquainted with the character of each and every legal subdivision of the following-described land; the whole of Sec. 24 T. 12 N., R. 17 W., containing 640 acres; that I became acquainted with said land by personal observation; that I have been acquainted with it for two months last past; that I have frequently passed over it; that my knowledge of said land is such as to enable me to testify understandingly concerning it; that the same is desert land within the meaning of the second section of the act of Congress approved March 3, 1877, entitled "An act to provide for the sale of desert lands in certain States and Territories"; that said land will not, without artificial irrigation, produce any agricultural crop; that no agricultural crop has ever been raised or cultivated on said land for the reason that it does not contain sufficient moisture for successful cultivation; that the same is essentially dry and arid land, wholly unfit for cultivation without artificial irrigation; that said land cannot be successfully cultivated without reclamation by conducting water thereon; that said land has hitherto been unappropriated, unoccupied, and unsettled, because it has been impossible to cultivate it successfully on account of its dry and arid condition; that it is a fact well known, patent, and notorious, that the same will not, in its natural condition, produce any crop; that the land is the land known as desert land; that there is no timber growing thereon, but that it is devoid of timber; that there is not, to my knowledge, within the limits thereof, any vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not, within the limits of said land, to my knowledge, any placer, cement, gravel, or other valuable mineral deposit or salines; that no portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land; that I am not interested in any way or manner, directly or indirectly, present or prospective, in any application or declaration made or to be made for said land, or in the land itself, or in the title which may by any person or in any manner be acquired thereto.

ORRIN B. STOUT.

LAND OFFICE AT SANTA FÉ, N. MEX.,
November 22, 1882.

I hereby certify that the above affidavit was taken and subscribed before me this day, and that the deponent, whose name is affixed thereto, is a person of respectability, to whose testimony full credence should be given.

MAX FROST,

Register.
W. H. BAILHACHE,
Receiver.

[Desert land act of March 3, 1877.]

AFFIDAVIT.

No. 62.]

LAND OFFICE AT SANTA FÉ, N. MEX.,

November 22, 1882.

I, William F. Tucker, jr., of Santa Fé County, Territory New Mexico, being duly sworn, declare upon oath: That I am a resident of said county and Territory; that I am of the age of twenty-eight years, and by occupation an Army officer; that I am well acquainted with the character of each and every legal subdivision of the following-described land: Sec. 24, T. 12 N., R. 17 W., containing 160 acres; that I became acquainted with said land by personal observation that I have been acquainted with it for two months last past; that I have frequently passed over it; that my knowledge of said land is such as to enable me to testify understandingly concerning it; that the same is desert land within the meaning of the second section of the act of Congress approved March 3, 1877, entitled "An act to provide for the sale of desert lands in certain States and Territories"; that said land will not, without artificial irrigation, produce any agricultural crop; that no agricultural crop has ever been raised or cultivated on said land for the reason that it does not contain sufficient moisture for successful cultivation; that the same is essentially dry and arid land, wholly unfit for cultivation without artificial irrigation; that said land cannot be successfully cultivated without reclamation by conducting water thereon; that said land has hitherto been unappropriated, unoccupied, and unsettled, because it has been impossible to cultivate it successfully on account of its dry and arid condition; that it is a fact well known, patent, and notorious, that the same will not, in its natural condition, produce any crop; that the land is the land known as desert land; that there is no timber growing thereon, but that it is devoid of timber; that there is not, to my knowledge, within the limits thereof, any vein or lode of quartz, or other rock in place bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not, within the limits of said land, to my knowledge, any placer, cement, gravel, or other valuable mineral deposit or salines; that no portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land; that I am not interested in any way or manner, directly or indirectly, present or prospective, in any application or declaration made or to be made for said land, or in the land itself, or in the title which may by any person or in any manner be acquired thereto.

WILLIAM F. TUCKER, JR.

LAND OFFICE AT SANTE FÉ, N. MEX.,

November 22, 1882.

I hereby certify that the above affidavit was taken and subscribed before me this day, and that deponent, whose name is affixed thereto, is a person of respectability, to whose testimony full credence should be given.

MAX FROST,

Register.

W. H. BAILHACHE,

Receiver.

[Desert land act of March 3, 1877.]

DECLARATION.

No. 62.]

LAND OFFICE AT SANTA FÉ, N. MEX.,

November 22, 1882.

I, Henry W. Lawton, of Santa Fé County, Territory of New Mexico, being duly sworn, depose and declare: That I am a citizen of the United States, of the age of thirty-nine, and a resident of said county and Territory, and by occupation an Army officer; that I intend to reclaim a tract of desert land, not exceeding one section, by conducting water upon the same, within three years from date, under the provisions of the act of Congress approved March 3, 1877, entitled "An act to provide for the sale of desert lands in certain States and Territories." The desert land which I intend to reclaim does not exceed one section, and is situated in Valencia County, in the Santa Fé land district, and is described as follows, to wit: the whole of Sec. 24, T. 12

N., R. 17 W., containing 640 acres. I further depose, that I have made no other declaration for desert lands under the provisions of said act; that the land above described will not, without irrigation, produce an agricultural crop; that there is no timber growing upon said land; that there is not, to my knowledge, within the limits thereof, any vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not within the limits of said land, to my knowledge, any placer, cement, gravel, or other valuable mineral deposit or salines; that no portion of said land is claimed for mining purposes, under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land; that I became acquainted with said land by personal observation, and that my declaration therefor is not made for the purpose of fraudulently obtaining title to mineral land, timber land, or agricultural land, but for the purpose of faithfully reclaiming, within three years from the date hereof, by conducting water thereon, a tract of land which is desert land within the meaning of the act.

HENRY W. LAWTON.

LAND OFFICE AT SANTA FÉ, N. MEX.,
November 22, 1882.

I hereby certify that the foregoing declaration was this day sworn to and subscribed before me.

MAX FROST,
Register.
W. H. BAILHACHE,
Receiver.

Extract from the records of Captain Henry W. Lawton, 4th U. S. Cavalry.

VOLUNTEER SERVICE.

Sergeant Co. E, 9th Indiana Infantry, 18 April, 1861; discharged, 29 July; 1st lieutenant 30th Indiana Infantry, 24 September; captain, 17 May, 1862; lieutenant-colonel, 10 February, 1865; brevet colonel, 13 March; honorably mustered out, 25 November.
A true extract.

O. M. SMITH,
1st Lieut. and Adjt. 22nd Infantry, Actg. Asst. Adjt. General.

HD. QURS., DISTRICT OF NEW MEXICO,
Santa Fé, N. Mex., February 3, 1883.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., June 9, 1883.

SIR: I have the honor to acknowledge the receipt of your letter of the 2d day of June, 1883, requesting a "statement of service" of Henry W. Lawton.

The following information has been obtained from the files of this office, and is respectfully furnished in reply to your inquiry.

It appears from the rolls on file in this office that Henry W. Lawton was enrolled on the 18th day of April, 1861, at Fort Wayne, in Company E, Ninth Regiment of Indiana Volunteers, to serve three months years, or during the war, and mustered into service as a sergeant on the 24th day of April, 1861, at Indianapolis, in Company E, Ninth Regiment of Indiana Volunteers, to serve three months years, or during the war. Mustered out with company July 29, 1861, at Indianapolis, Ind.

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

C. MCKEEVER,
Assistant Adjutant-General.
By D. E. NOLMUS.

TO COMMISSIONER GENERAL LAND OFFICE,
Washington, D. C.

[Receiver's receipt No. 1678. Application No. 1678.]

HOMESTEAD.

RECEIVER'S OFFICE, SANTA FÉ, N. MEX.,
January 27, 1883,

Received of Henry W. Lawton the sum of \$22, being the amount of fee and compensation of register and receiver for the entry of SW. $\frac{1}{4}$ of Sec. 34, in T. 12 N., R. 17 W., under section No. 2290, Revised Statutes of the United States.

W. H. BAILHACHE,
Receiver.

\$22.

NOTE.—It is required of the homestead settler that he shall reside upon and cultivate the land embraced in his homestead entry for a period of five years from the time of filing the affidavit, being also the date of entry. All abandonment of the land for more than six months works a forfeiture of the claim. Further, within two years from the expiration of the said five years he must file proof of his actual settlement and cultivation, failing to do which, his entry will be canceled. If the settler does not wish to remain five years on his tract, he can, at any time after six months, pay for it with cash or land warrants, upon making proof of settlement and cultivation from date of filing affidavit to the time of payment.

See note in red ink, which registers and receivers will read and explain thoroughly to persons making application for lands where the affidavit is made before either of them.

Timber land embraced in a homestead, or other entry not consummated, may be cleared in order to cultivate the land and improve the premises, *but for no other purpose.*

If, after clearing the land for cultivation, there remains more timber than is required for improvement, there is no objection to the settler disposing of the same. But the question whether the land is being cleared of its timber *for legitimate purposes* is a question of fact which is liable to be raised at any time. If the timber is cut and removed *for any other purpose* it will subject the entry to cancellation, and the person who cut it will be *liable to civil suit* for recovery of the value of said timber, *and also to criminal prosecution* under Section 2461 of the Revised Statutes.

NON-MINERAL AFFIDAVIT.

COUNTY OF SANTA FÉ,
Territory of New Mexico, ss:

Henry W. Lawton, being duly sworn according to law, deposes and says that he is the identical person who is an applicant for Government title to the SW. $\frac{1}{4}$ Sec. 34, T. 12 N., R. 17 W.; that he is well acquainted with the character of said described land, and with each and every legal subdivision thereof, having frequently passed over the same; that his knowledge of said land is such as to enable him to testify understandingly with regard thereto; that there is not, to his knowledge, within the limits thereof, any vein or lode of quartz or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not within the limits of said land, to his knowledge, any placer, cement, gravel, or other valuable mineral deposit; that no portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land, and that his application therefor is not made for the purpose of fraudulently obtaining title to mineral land, but with the object of securing said land for agricultural purposes.

HENRY W. LAWTON.

Subscribed and sworn to before me this 27 day of January, A. D. 1883, and I hereby certify that the foregoing affidavit was read to the said deponent previous to his name being subscribed thereto; and that deponent is a respectable person, to whose affidavit full faith and credit should be given.

MAX FROST,
Register.

[Soldiers and sailors' homesteads under act June 8, 1872.]

AFFIDAVIT.

No. 1678.]

LAND OFFICE AT SANTA FÉ, N. MEX.,
January 27, 1883.

I, Henry W. Lawton, of Santa Fé County, New Mexico, do solemnly swear that I am a discharged soldier, of the age of twenty one years, and a citizen of the United States; that I served for ninety days in Company E, Ninth Indiana Regiment United States Volunteers; that I was mustered into the United States military service the

18th day of April, 1861, and was honorably discharged therefrom on the 20th day of November, 1865; that I have since borne true allegiance to the Government; and that I have made my application No. 1678 to enter a tract of land under the provisions of the act of June 8, 1872, giving homesteads to honorably discharged soldiers and sailors, their widows and orphan children; that I have made said application in good faith; and that I take said homestead for the purpose of actual settlement and cultivation, and for my own exclusive use and benefit, and for the use and benefit of no other person or persons whomsoever; and that I have not heretofore acquired a title to a tract of land under this or the original homestead law, approved May 20, 1862, or the amendments thereto, or voluntarily relinquished, or abandoned, an entry heretofore made under said acts: So help me God.

HENRY W. LAWTON.

Sworn and subscribed to before me, Max Frost, register of the land office at Santa Fé, N. Mex., this 27th day of January, 1883.

MAX FROST.
Register.

[Soldiers and sailors' homesteads under act June 8, 1872.]

HOMESTEAD.

Application, No. 1678.]

LAND OFFICE AT SANTA FÉ, N. MEX.,
January 27, 1883.

I, Henry W. Lawton, of Santa Fé County, New Mexico, do hereby apply to enter, under the provisions of the act of June 8, 1872, amendatory of an act entitled "An act to enable honorably discharged soldiers and sailors, their widows and orphan children, to secure homesteads on the public domain," the SW. $\frac{1}{4}$ Sec. 34, T. 12 N., R. 17 W., containing 160 acres.

HENRY W. LAWTON.

LAND OFFICE AT SANTA FÉ, N. MEX.,
January 27, 1883.

I, Max Frost, register of the land office, do hereby certify that Henry W. Lawton filed the above application at this office on the 27th day of January, 1883, and that he has taken the oath and paid the fees and commissions prescribed by law.

MAX FROST,
Register.

[Receiver's receipt, No. 1675. Application, No. 1675.]

HOMESTEAD.

RECEIVER'S OFFICE, SANTA FÉ, N. MEX.,
_____, 1883.

Received of William F. Tucker, jr., the sum of \$22, being the amount of fee and compensation of register and receiver for the entry of S. $\frac{1}{4}$ NE. $\frac{1}{4}$, N. $\frac{1}{2}$ SE. $\frac{1}{4}$ of Sec. 34 in T. 12 N., R. 17 W., under section No. 2290, Revised Statutes of the United States.

W. H. BAILHACHE,
Receiver.

NOTE.—It is required of the homestead settler that he shall reside upon and cultivate the land embraced in his homestead entry for a period of five years from the time of filing the affidavit, being also the date of entry. An abandonment of the land for more than six months works a forfeiture of the claim. Further, within two years from the expiration of the said five years he must file proof of his actual settlement and cultivation, failing to do which, his entry will be canceled. If the settler does not wish to remain five years on his tract, he can, at any time after six months, pay for it with cash or land warrants, upon making proof of settlement and cultivation from date of filing affidavit to the time of payment.

See note in red ink, which registers and receivers will read and explain thoroughly to persons making application for lands where the affidavit is made before either of them.

Timber land embraced in a homestead, or other entry not consummated, may be cleared in order to cultivate the land and improve the premises, *but for no other purpose.*

If, after clearing the land for cultivation, there remains more timber than is required for improvement, there is no objection to the settler disposing of the same. But the question whether the land is being cleared of its timber for *legitimate purposes* is a question of fact which is liable to be raised at any time. If the timber is cut and removed for *any other purpose* it will subject the entry to cancellation, and the person who cut it will be liable to *civil suit* for recovery of the value of said timber, and also to *criminal prosecution* under section 2461 of the Revised Statutes.

HOMESTEAD.

[Affidavit.]

LAND OFFICE AT SANTA FÉ, N. MEX.,
January 26, 1883.

I, William F. Tucker, of Valencia County, New Mexico, having filed my application, No. 1675, for an entry under section No. 2289, Revised Statutes of the United States, do solemnly swear that I am a native born citizen of the United States, head of a family, over the age of twenty-one years, and claim settlement from this date, that said application, No. 1675, is made for the purpose of actual settlement and cultivation; that said entry is made for my own exclusive benefit, and not directly or indirectly for the benefit or use of any other person or persons whomsoever; and that I have not heretofore had the benefit of the homestead laws.

WILLIAM F. TUCKER, JR.

Sworn to and subscribed this 27th day of January, 1883, before
MAX FROST, *Register of the Land Office*.

NOTE.—If this affidavit be acknowledged before the clerk of the court, as provided for by section 2294, United States Revised Statutes, the homestead party must expressly state herein that he or some member of his family is residing upon the land applied for, and that *bona fide* improvement and settlement have been made. He must also state why he is unable to appear at the land office.

See note, which clerks of the courts and registers and receivers will read and explain thoroughly to persons making application for lands where the affidavit is made before either of them. (See directions to land officers on duplicate receipt.)

Timber land embraced in a homestead, or other entry not consummated, may be cleared in order to cultivate the land and improve the premises, *but for no other purpose*.

If, after clearing the land for cultivation, there remains more timber than is required for improvement, there is no objection to the settler disposing of the same. But the question whether the land is being cleared of its timber *for legitimate purposes* is a question of fact which is liable to be raised at any time. If the timber is cut and removed *for any other purpose* it will subject the entry to cancellation, and the person who cut it will be *liable to civil suit* for recovery of the value of said timber, *and also to criminal prosecution* under section 2461 of the Revised Statutes.

NON-MINERAL AFFIDAVIT.

COUNTY OF SANTA FÉ,
Territory of New Mexico, ss.:

William F. Tucker being duly sworn according to law, deposes and says that he is the identical person who is an applicant for government title to the S. $\frac{1}{2}$ NE. $\frac{1}{4}$, N. $\frac{1}{2}$ SE. $\frac{1}{2}$, Sec. 34, T. 12 N., R. 17 W., that he is well acquainted with the character of said described land, and with each and every legal subdivision thereof, having frequently passed over the same; that his knowledge of said land is such as to enable him to testify understandingly with regard thereto; that there is not, to his knowledge, within the limits thereof, any vein or lode of quartz or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not within the limits of said land, to his knowledge, any placer, cement, gravel, or other valuable mineral deposit; that no portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land, and that his application therefor is not made for the purpose of fraudulently obtaining title to mineral land, but with the object of securing said land for agricultural purposes.

WILLIAM F. TUCKER, JR.

Subscribed and sworn to before me this 27th day of January, A. D. 1883, and I hereby certify that the foregoing affidavit was read to the said deponent previous to his name being subscribed thereto; and that deponent is a respectable person to whose affidavit full faith and credit should be given.

MAX FROST, *Register*.

HOMESTEAD.

Application No. 1675.]

LAND OFFICE AT SANTA FÉ, N. MEX.,
January 26, 1883.

I, William F. Tucker, of Valencia County, New Mexico, do hereby apply to enter, under section 2289, Revised Statutes of the United States, the S. $\frac{1}{2}$ NE. $\frac{1}{4}$, N. $\frac{1}{2}$ SE. $\frac{1}{2}$, Sec. 34, T. 12 N., R. 17 W., containing 160 acres.

WILLIAM F. TUCKER, JR.

LAND OFFICE AT SANTA FÉ, N. MEX.,
January 27, 1883.

I, Max Frost, register of the land office, do hereby certify that the above application is for surveyed lands of the class which the applicant is legally entitled to enter under section 2289, Revised Statutes of the United States, and that there is no prior valid adverse right to the same.

MAX FROST, *Receiver.*

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., February 17, 1883.

SIR: Referring to telegram from office of the 13th instant, suspending certain plats, you are informed that said suspension is ordered by reason of the surveys encroaching on the Zuni Indian Reservation as defined by executive order dated March 16, 1877, mailed to your office March 29, 1877. Deputy Armstrong in his surveys has disregarded the limits of this reservation. These plats will remain suspended until the lines of the reservation are marked in the field and the public lands segregated from the Indian lands. Please report if the deputy making these surveys was furnished with a copy of the executive order referred to, or had any knowledge of the existence of the Indian reservation.

Very respectfully,

N. C. McFARLAND,
Commissioner.

HENRY M. ATKINSON, Esq.,
United States Surveyor-General, Santa Fé, N. Mex.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., April 23, 1883.

SIR: I have received your letter, dated the 21st instant, stating that Deputy Armstrong is ready to return to the field and correct his survey of T. 12 N., R. 16 W., and T. 11 and 12 N., R. 17 W., of New Mexico principal meridian, by establishing Zuni Indian reservation boundary and closing the lines of public surveys thereon, and you request instructions in the matter.

In reply I have to state that the agent for said Indians has reported that the boundary line of said reservation as defined by the executive order dated March 16, 1877, if established in the field according to the courses and distances mentioned will not include the Nutrias and Ojo Pescado Springs, also mentioned in said order, and certain Indian settlements in the neighborhood of said springs, and I learn, informally, that a new executive order is being prepared correcting the description of said boundaries, and where the lands have been subdivided, taking certain legal subdivision lines for the Indian boundary. In case a new order shall be made you will be furnished with copy of it, and you will be further advised as to what is necessary in regard to surveying the reservation boundaries. You will, therefore, suspend any further survey of the boundary until further orders.

Very respectfully,

N. C. McFARLAND,
Commissioner.

HENRY M. ATKINSON, Esq.,
United States Surveyor-General, Santa Fé, N. Mex.

EXECUTIVE MANSION,
May 1, 1883.

Whereas it is found that certain descriptions as to boundaries given in an executive order issued March 16, 1877, setting apart a reservation in the Territory of New Mexico for the Zuni Pueblo Indians, are not stated with sufficient definiteness to include within said reservation all the lands specified in and intended to be covered by said executive order, especially the Nutria Springs and the Ojo Pescado, said executive order is hereby so amended that the description of the tract of land thereby set apart for the purposes therein named, shall read as follows:

Beginning at the one hundred and thirty-sixth mile-post on the west boundary line of the Territory of New Mexico, thence in a direct line to the southwest corner of T.

11 N., R. 18 W., thence east and north, following section-lines so as to include Sects. 1, 12, 13, 14, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35, and 36, in said township; thence from the northeast corner of said township on the range-line between ranges 17 and 18 west, to the third correction-line north; thence east on said correction-line to the nearest section-line in range 16, from whence a line due south would include the Zuni settlements in the region of Nutria and Nutria Springs and the Pescado Springs; thence south following section-lines to the township-line between Ts. 9 and 10 N., R. 16 W.; thence west on said township-line to the range-line between ranges 16 and 17 west; thence in a direct line to the one hundred and forty-eighth mile-post on the western boundary-line of said territory; thence north along said boundary-line to place of beginning.

CHESTER A. ARTHUR.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., May 9, 1883.

SIR: Referring to my letter to you dated the 28th ultimo, in reference to a proposed change in the boundaries of the Zuni Indian Reservation in New Mexico, I now transmit, herewith inclosed, copy of an executive order dated May 1, 1883, declaring a reservation for said Indians, with more definite boundaries than those mentioned in the original order, dated March 16, 1877.

You will observe that where the line passes through surveyed lands it is made to extend along section or township lines, and hence no further survey in the field to determine its boundaries will be required at this time if the records of your office afford sufficient data as to the true location of the Ojo Pescado and Nutria Springs to enable you to determine what section-lines will include them and constitute the reservation boundary.

The plats of Ts. 11 and 12 N., R. 16 and 17 W., and T. 11 N., R. 18 W., received with your letter dated December 29, 1882; also the plat of T. 10 N., R. 16 W., received with your letter dated March 20, 1882, are herewith returned by this day's mail, in a separate package, and upon receipt hereof you will lay down the line of reservation by said executive order in a distinctive color, if you have the necessary data in your office. If not you will at once send your deputy to the field and have him ascertain and report as to the true location of said springs with reference to the lines of public surveys; when the reservation shall have been plainly indicated on the township plats you will retransmit the duplicates to this office and the triplicates to the United States local land office, except those of Ts. 11 and 12 N., R. 17 W., which appear to fall entirely within the reservation and must therefore be retained in your office until further orders.

Very respectfully,

N. C. McFARLAND,
Commissioner.

HENRY M. ATKINSON, Esq.,
United States Surveyor-General, Santa Fé, N. Mex.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., May 9, 1883.

GENTLEMEN: Herewith inclosed is a copy of an Executive order dated May 1, 1883, declaring boundaries of the reservation for the Zuni Pueblo Indians in New Mexico somewhat modified from those contained in the original order establishing the reservation, dated March 16, 1877, so that the new boundary follows certain lines of public surveys where the lands along the line have been surveyed.

The surveyor-general has been directed, by letter of this date, to furnish you with plats showing the reservation line, and when you receive them you will be careful to allow no entries of or filings for any of the lands shown to be within the lines of reservation.

Please acknowledge receipt hereof.

Very respectfully,

N. C. McFARLAND,
Commissioner.

REGISTER and RECEIVER, UNITED STATES LAND OFFICE,
Santa Fé, N. Mex.

ZUNI INDIAN RESERVATION.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., June 2, 1883.

SIR: I am in receipt of your letter dated the 21st ultimo, retransmitting plats of Ts. 10, 11, and 12 N., R. 16 W., and T. 11 N., R. 18 W., New Mexico meridian, showing boundary of Zuni Indian Reservation by late Executive order.

Referring to that paragraph of letter from this office dated May 9, 1883, requiring you to retain in your office the plats of Ts. 11 and 12 N., R. 17 W., because they fall wholly within the Indian Reservation, I now have to modify that request in so far as relates to the duplicate plats of said townships, which you will mark upon the face or margin as falling within the Zuni Reservation and then forward them to this office, but retain in your office the triplicate plats as well as the originals.

Very respectfully,

L. HARRISON,
Acting Commissioner.

HENRY M. ATKINSON, Esq.
*United States Surveyor-General,
Santa Fé, N. Mex.*

[Telegram.]

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., June 28, 1884.

SIR: In compliance with your request of this morning, you are advised that the records of this office show that Orrin B. Stout entered Sec. 18, T. 12 N., R. 16 W.; that William F. Tucker, jr., entered Sec. 8, T. 12 N., R. 16 W., and that Henry N. Lawton entered Sec. 24, T. 12 N., R. 17 W. These entries are made under the desert land act, are within the limits of the Zuni Reservation, New Mexico, as established by Executive order of May 1, 1883, were made in December, 1882, and January, 1883, and stand intact upon our records.

N. C. MCFARLAND,
Commissioner.

Hon. J. G. CANNON,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
Washington, Jul

DEAR SIR: In reply to your verbal inquiries concerning the Executive order of May 1, 1883, extending the Zuni Reservation, allow me to say, that the reservation of the Zuni Indians was established by Executive order dated March 16, 1877. An order of this character does not, of course, give the Indians title to the lands; it only withdraws the lands included within the reservation from the operation of the settlement laws.

On April 28, 1883, it was reported from the Indian Office that in draughting the Executive order establishing the said reservation there had been an error, leaving out of the reservation a large spring that was not only desirable, but necessary for the use of the Indians. I therefore requested the President to modify the order so as to include within the lands of the reservation said spring. I was verbally informed that certain army officers had made locations under the desert land act of lands in the vicinity of the spring that would be included in the reservation by the term of the new order, but that they had expressed a willingness to surrender their claims if the Government desired to have the lands for the Indians. I subsequently understood that Major Tucker was one of the officers who had made filing under said act. Major Tucker soon after informed me that the Indians did not use the waters of the spring and did not need either the water or the land.

On the 1st of February, 1884, I requested Mr. James Stevenson, of the Geological Bureau, who is very familiar with the reservation and the surrounding country, to make an examination of the said spring and the amount of water on the reservation, and to report to me. In April last he made his report, by which it appears that the Indians on the reservation have made no use of the water of the spring mentioned, and have not occupied, either before or since, the lands included in the new lines of the reservation.

There is not the slightest evidence that any wrong was intended or done by the parties to the entries above referred to, or any law violated. The land was public land