

CERTAIN LAND CLAIM IN NEW MEXICO.

JANUARY 30, 1884.—Committed to the Committee of the Whole House and ordered to be printed.

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

REPORT:

[To accompany bill H. R. 130.]

The Committee on Private Land Claims, to whom was referred the bill (H. R. 130) to confirm a certain private land claim in the Territory of New Mexico, having considered the same and accompanying papers, submit the following report:

That the committee find the facts to be as stated in House Report No. 1500, Forty-seventh Congress, first session, which said report is hereto annexed and made part of this report, and is as follows :

[House Report No. 1500, Forty-seventh Congress, first session.]

The Committee on Private Land Claims, to whom was referred the bill (H. R. 5692) to confirm a certain private land claim in the Territory of New Mexico (San Clémente), have duly considered the same and accompanying papers, and recommend that it pass.

The facts upon which this recommendation is based are so fully set forth in the letter of the Secretary of the Interior and the report of the Commissioner of the General Land Office that your committee ask to make them a part of their report, and append extracts from House Executive Document No. 128, Forty-second Congress, third session, and other papers that are pertinent.

DEPARTMENT OF THE INTERIOR,
Washington, April 22, 1882.

SIR: House bill 5692, "to confirm a certain private land claim in the Territory of New Mexico" (San Clémente), was received by reference of Hon. George C. Hazelton, of your committee, and referred to the Commissioner of the General Land Office. I have the honor to transmit herewith copy of his report on the subject, under date of the 19th instant, which is favorable to the passage of the bill.

Very respectfully,

H. M. TELLER,
Secretary.

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

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., April 19, 1882.

SIR: The letter of the Hon. George C. Hazelton, of subcommittee of Committee on Private Land Claims of the House of Representatives, dated April 15, 1882, addressed to your predecessor, and transmitting H. R. 5692, entitled "A bill to confirm a certain private land claim in the Territory of New Mexico," for a report, is before me by reference from your office.

The history of this claim is so clearly and succinctly given in Surveyor-General Proudfit's decision in the case that I feel that it would be an act of supererogation to do more than call attention to it. He speaks categorically as to the authenticity of the instrument of title upon which the claim is based, characterizing it as an original muniment. After careful examination of the transcript of this document I can see no reason to doubt the accuracy of this conclusion.

I fully concur with the surveyor-general in his opinion that the grant was made by competent authority, and was absolute and complete.

I think the confirmation as proposed in the bill will accomplish the desired result. The said letter and bill are herewith returned.

I have the honor to be, very respectfully, your obedient servant,
N. C. McFARLAND,
Commissioner

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

The committee therefore adopt said House report as the report of this committee, and report the accompanying bill, with recommendation that it pass.

APPENDIX.

[H. Ex. Doc. No. 128, Forty-second Congress, third session.]

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

JANUARY 25, 1873.—Referred to the Committee on Private Land Claims and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 24, 1873.

SIR: Pursuant to the eighth section of the act of July 22, 1854 (10 Statutes, 308), I have the honor to transmit herewith, for the consideration of Congress, the reports of the surveyor-general of New Mexico on the following claims to lands in said Territory, "under the laws, usages, and customs of Spain and Mexico," viz:

* * * * *
No. 67.—The San Clémente tract.
* * * * *

I am, sir, respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

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

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Transcript of private land claim reported as No. 67, in the name of Aña de Sandoval y Manzanares, for the San Clémente tract, in the Territory of New Mexico. Date of grant, July 13, 1716. Decided by the United States surveyor-general November 18, 1871.

AÑA DE SANDOVAL.

Notice to surveyor-general.

UNITED STATES OF AMERICA,
Territory of New Mexico:

To the Hon. T. RUSH SPENCER, *Surveyor-General of New Mexico:*

Your petitioners, residents of the towns of Valencia, Los Lunas, Los Lentos, Peralta, and the heirs of Mariano Chavez, deceased; residents of the counties of Valencia and Bernalillo, in the said Territory of New Mexico, respectfully represent that, as the legal representatives of Aña de Sandoval y Manzanares, they are the claimants and owners in fee of a certain tract of land lying and being situated in the counties of Valencia and Bernalillo, in said Territory, and bounded and described as follows, to

wit: The boundaries assigned by Antonio Gutierrez, justice of the peace and captain of war of the town of San Felipe de Albuquerque, in the province of New Mexico, who placed mounds to designate the boundaries as follows: on the north, by a ruin a short distance above the town of San Clemente; on the south, by the house of Tome Dominguez; on the east, by the Rio del Norte, which then ran where it is designated in the plat accompanying this petition, marked A, and designated "old dry bed of Rio Grande del Norte"; and on the west, by the Rio Puerco, all of which points and boundaries are well-known landmarks in the said counties of Valencia and Bernalillo; and the said petitioners claim a perfect title to said lands, as descendants' purchasers, and representatives of Ana de Sandoval y Manzanares, to whom the original grant was made, in the year seventeen hundred and sixteen, on the thirteenth day of July, by Phelix Martinez, governor and captain-general of the province of New Mexico, which said grant was made as aforesaid by authority of the laws, usages, and customs of the then Spanish provinces at that time in force. For which power and authority see colonization laws of Spain.

The said claimants and petitioners cannot state with accuracy the quantity of land contained; it is supposed to contain about ninety thousand acres. Nor can they furnish an accurate plat of survey, as no survey has been executed, but herewith append a plat of said grant as accurate as can possibly be obtained from the maps and well-known metes and bounds above described, and which is supposed to be accurate enough to be placed upon the general map.

The petitioners and claimants know of no other claimants to said grant. The said grantee was legally put in possession of said lands, and that the same has been by her, her descendants, and legal representatives occupied from the date of said grant down to the present time; that the original claim, as claim No. 3, was filed at the office of the surveyor-general of New Mexico on the 30th day of May, A. D. 1855, and now accompanies this petition, and is begged to be considered a part thereof, to be referred to whenever necessary, as also a certified translation of said grant.

Claimants file this their said claim before you under the eighth section of the act of Congress approved the 22d day of July, A. D. 1854, entitled "An act to establish the office of surveyor-general of New Mexico, Kansas, and Nebraska; to grant donations to actual settlers therein, and for other purposes," and respectfully ask confirmation by you of this their said claim.

J. BONIFACIO CHAVES,
Attorney for Claimants, and one of the Heirs.

TRANSLATION OF TITLE PAPERS.

Grant of the tract of San Clemente, made to Ana de Sandoval y Manzanares.

To the GOVERNOR AND CAPTAIN-GENERAL:

I, Ana de Sandoval y Manzanares, a resident of this province of New Mexico, placed at the feet of your excellency, appear in due legal form, and state, sir, that when the Marquis de la Nava de Brinasas, who may God have in glory, who was governor and captain-general of this said province, brought us hither in the year ninety-two for its settlement; in the view of which, and in the name of my lord the King, God preserve him, promised to give to each one of the native citizens of this province, who might come to settle and pacify the same, the tracts of land and fields and stock-raising ranches that we abandoned in the year eighty on account of the powerful insurrection. By virtue of having been restored to said province, suffering thereby a great many hardships and finding myself really poor, and a widow of Blas de la Candelaria, deceased, and burdened with children, a good reason to supplicate your excellency that you grant me, in the name of His Majesty, whom may God preserve, a tract of land called San Clemente, which I inherited from my father, deceased, Mateo de Sandoval y Manzanares, who left me the grant of said rancho, with its boundaries, as follows: On the northern part with the lands of Christobal de Papia, and on the southern part with the lands and walls of the house of Tomé Domingues; on the eastern part with the Del Norte River; on the part of the west with the Rio Puerco, which I ask of your excellency, and pray with the profoundest respect that you may send the person whom it may be your pleasure, that the same may place me in the royal possession of said tract, together with the new grant, that I, my children, grandchildren, and heirs and successors may use and enjoy the same freely; and I declare in due form whatever may be necessary.

ANA DE SANDOVAL Y MANZANARES.

PRESENTATION.

In the city of Santa Fé, on the thirteenth day of the month of July, in the year seventeen hundred and sixteen, before me, Don Phelix Martines, captain for life of this royal garrison of the city of Santa Fé, governor and captain-general of this province, and castellan of its forces and garrison for His Majesty, the petition was presented by the petitioner. I treated the same as before me in due legal form, and in view of the justness of her petition, and said lands belonging to her father, according to her petition, and the same having been abandoned by him on account of the insurrection of the year eighty.

DECREE.

I concede to her the grant she asks, in the name of His Majesty, to the aforesaid her children, heirs, and successors, that she may enjoy and hold the same; provided that it be without injury to any third party who may have a better right; and she must settle the said grant within six months on account of the many occupations of the time, and I hereby command Captain Antonio Gutierrez to place her in royal possession in the name of His Majesty in all due form legal, and that this decree shall be for her a sufficient title; and as soon as said possession is given her that this original may be returned to this office, that duplicate may be made, and that it may so appear I have signed this with my secretary of government and war on said day as above.

PHELIX MARTINES.

Before me,

MIGUEL THENORIO DE ALVA,
Secretary of Government and War.

In this city of San Felipe de Albuquerque, on the twenty-third day of the month of July, seventeen hundred and sixteen, I, Captain Antonio Gutierrez, chief alcalde and war-captain of the said city and its jurisdiction, in compliance to the decree above named, by his excellency, the governor and captain-general, Don Phelix Martenes, I went to the said tract and lands that in said decree I am commanded, and there I gave royal possession in the name of His Majesty, whom may God preserve, to Felix de la Candelaria, in the name of his mother, Ana de Manzanares y Sandoval, in legal form with the accustomed ceremonies that the law prescribes, leading him by the hand, and he tore up grass, threw stones, and shouted, and I now give said possession with the boundaries that are designated in her petition, and therefore the same are its boundaries: on the east by the Rio del Norte, on the west by the Rio Puerco, on the south by the house of Tomé Domingues, and on the north by a ruin that is a little above the pueblo of San Clemente; and in the said boundaries I ordered mounds to be made, having first examined them, and I signed it with two attending witnesses; and that it may so appear I have signed, I, the said chief alcalde and war-captain, with two attending witnesses, on the said day, month, and year, as above.

Before me, a special justice,

ANTONIO GUTIERRES.

Attending witness:

ANTONIO DE CHABES.

Attending witness:

BALTAZAR ROMERO.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, December 8, 1870.

The foregoing five pages contain a correct translation from the original, in Spanish, now on file in this office.

DAV. J. MILLER, *Translator.*

DECISION.

Aña de Sandoval, deceased.

This claim was filed and placed upon the docket of the surveyor-general May 30, 1855, and was called up before the surveyor-general for his investigation and decision December 8, 1870, by J. Bonifacio Chaves, as one of the heirs and as the attorney for the present claimants of the land.

The document acted upon by this office is a single paper, an original muniment, embracing the petition of the grantee for the land, the decree of concession of the governor and captain-general, and the act of possession executed by his order.

The decree of concession was made on the 13th day of the month of July, 1716, to the petitioner, one Ana de Sandoval y Manzanares, by the governor and captain-general of the province of New Mexico, then one of the ultramarine possessions of the Crown of Spain. It appears from the petition and the decree that a former grant had been made by the same authority to Mateo de Sandoval, father of the said grantee, Ana de Sandoval, and that he was compelled to abandon the possession at the time of the formidable Indian insurrection of 1680, when the Spaniards were driven out of the province. This grantee, it appears, returned in 1692; and as there appears to have existed a law or regulation requiring persons thus leaving and returning to claim and occupy their possessions, to obtain from the Government a recognition and renewal of their titles before they could repossess them, this was accordingly done by this grantee in July, 1716, as the heir of her then deceased father, Mateo de Sandoval, the governor and captain-general, on her petition, recognizing the former grant and renewing it in her name, with the sole condition that she should settle the land within six months thereafter; and she was placed in formal legal possession during the same month and year.

The grant was made unquestionably by authority competent for the purpose, and seems to be genuine and complete. The only condition it imposes is believed to have been fulfilled in the execution of the act of possession within the six months prescribed and required, whereby the title in the grantee became unconditional and absolute.

It is a well-known fact that this tract has been occupied and extensively cultivated from an early period in the history of the Territory. A number of small towns have existed upon it for very many years, and it is believed that there are at least three thousand inhabitants upon the grant.

The land embraced in the grant is known as the San Clemente tract, is situated in the counties of Bernalillo and Valencia, and is as definitely described by the plat presented by the claimants as is practicable without an actual survey, and sufficiently so to admit of its being laid down on the connected map of the district.

The grant in this case being held by this office to have been made by competent authority, and to be absolute and complete, the same is hereby approved to the legal representatives of Ana de Sandoval y Manzanares, as a good and valid grant under the laws, usages, and customs of Spain and Mexico, under the treaty of Guadalupe Hidalgo, and under the law of the Congress of the United States of July 22, 1854, and the case is hereby transmitted for the action of Congress in the premises.

T. RUSH SPENCER,
Surveyor-General.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, November 18, 1871.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, December 17, 1872.

The foregoing is a correct transcript of the papers on file in this office, constituting private land claim reported as No. 67, in the name of Ana de Sandoval, deceased.

JAMES K. PROUDFIT,
United States Surveyor-General.

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MEXICO—TREATY OF PEACE.

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

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

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

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

In the name of Almighty God:

The United States of America and the United Mexican States, animated by a sincere desire to put an end to the calamities of the war which unhappily exists between

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

* * * * *

ARTICLE VIII.

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

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

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

* * * * *

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

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

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

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

[SEAL.]

By the President:

JAMES BUCHANAN,
Secretary of State.

JAMES K. POLK.

DEPARTMENT OF STATE.

A true copy.

SEVELLON A. BROWN,
Chief Clerk.

THE LAW.

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

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

"SEC. 8. And be it further enacted, That it shall be the duty of the surveyor-general, under such instructions as may be given by the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico, and for this purpose may issue notices, summon witnesses, administer oaths, and do and perform all other necessary acts in the prem-

ises. He shall make a full report on all such claims as originated before the cession of the territory to the United States by the treaty of Gaudalupe-Hidalgo of eighteen hundred and forty-eight, denoting the various grades of title, with his decision as to the validity or invalidity of each of the same under the laws, usages, and customs of the country before its cession to the United States; and shall also make a report in regard to all pueblos existing in the Territory, showing the extent and locality of each, stating the number of inhabitants in the said pueblos respectively, and the nature of their titles to the land. Such report to be made according to the form which may be prescribed by the Secretary of the Interior, which report shall be laid before Congress for such action thereon as may be deemed just and proper, with a view to confirm *bona fide* grants and give full effect to the treaty of eighteen hundred and forty-eight, between the United States and Mexico; and until the final action of Congress on such claims, all lands covered thereby shall be reserved from sale or other disposal by the Government, and shall not be subject to the donations granted by the previous provisions of this act.

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

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