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Certain land claim in New Mexico

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CERTAIN LAND CLAIM IN NEW MEXICO.

JANUARY 31, 1884.—Committed to the Committee of the Whole House and ordered to be printed.

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

REPORT:

[To accompany bill H. R. 123.]

The Committee on Private Land Claims, to whom was referred the bill (H. R. 128) to confirm a certain private land claim in the Territory of New Mexico, having considered the same, and accompanying papers, make the following report:

That the land in question consists of about 80,000 acres, lying upon the westerly side of the Rio Grande River, in New Mexico, and running along said river about 4 miles. The land has a small amount of cedar timber upon it, but is mostly prairie grazing land. The same has been possessed by the present holders and their ancestors and grantors for nearly sixty years.

That this committee find the facts to be as stated in House Report No. 1501, Forty-seventh Congress, first session, which said report is hereto annexed and made part of this, as follows:

[House Report No. 1501, Forty-seventh Congress, first session.]

The Committee on Private Land Claims, to whom was referred the bill (H. R. 5691) to confirm a certain land grant in the Territory of New Mexico, known as the Arroyo de San Lorenzo grant, to the legal representatives of Antonio Chaves, having considered the same and accompanying papers, submit the following report:

First. It appears from the evidence before the committee that the original grant by the Mexican Government, in 1825, to Antonio Chaves, was regular, and in all respects legal.

Second. That the grant had definite and natural boundaries, and that the grantee was put in judicial possession according to law.

Third. That the grantee and his descendants have been in the continual possession of said grant from 1825 until the present time.

Fourth. On April 15, 1882, your committee referred the whole matter to the Secretary of the Interior for information and his opinion, to which he replied, under date of May 15, 1882, as follows:

“House bill 5691, ‘to confirm a certain private land claim (“Arroyo de San Lorenzo”), in the Territory of New Mexico,’ 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 inclose herewith a copy of his report on the subject, under date of the 9th instant. He entertains no doubt of the authority of the original title papers in the case or of the grant being a valid and legal one.”

The Commissioner of the General Land Office in his report of May 9, 1882, to the Secretary of the Interior states that—

The letter of 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. 5691, 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.

Following is the history of the case:

It appears by the record of the proceedings had before the United States surveyor-general of New Mexico, that on February 16, 1825, the petition of Antonio Chaves, asking that the tract known as the Arroyo de San Lorenzo be granted to him, was presented to the provincial deputation of New Mexico, then in session in the city of Santa Fé.

In this petition it was set forth that the petitioner was in much need of the lands for pastoral and agricultural purposes; that the land was uncultivated and desolate; and that its settlement would be to the benefit and security of the persons living in the vicinity, and generally to the advantage of the province, as it would tend to prevent the frequent incursions of the hostile Indians.

This petition was referred by the provincial deputation to the governor (*gefe politico*) of the province, and on February 25, 1825, this official made his report, recommending that the grant be made, and giving his reasons therefor.

Then the deputation made the grant and authorized the grantee to present himself to the *alcalde* at Socorro in order that he might be placed in possession, at the same time directing that a certified copy of the proceedings be given him to serve as a muniment of title.

On April 20, 1825, in pursuance of such authorization, Juan Francisco Baca, constitutional *alcalde* of San Miguel del Socorro, placed the grantee in possession of the tract asked in the petition.

Question of title.—Surveyor-General Proudfit, in his report dated January 5, 1874, expresses no opinion directly concerning the genuineness of the original title papers filed in the case.

He recommends, however, that the title to the land be confirmed to the legal representatives of Antonio Chaves.

This, taken in connection with the testimony of Juan Francisco Baca, the *alcalde* who placed the grantee in possession, which is a part of the proceedings, and was taken before the surveyor-general, may be considered a virtual recognition by the surveyor-general of the genuineness of the papers in question.

Basing my opinion on the facts as presented by the record, I have no doubt of the authenticity of these original title papers.

The grant is valid and legal, inasmuch as it was made by a legally constituted body—the provincial deputation—with the approval of the governor or *gefe politico*, the highest civil authority of the province. The proceedings had in relation thereto were a part of the regular business transacted by the provincial deputation in open session on February 16 and March 3, 1825, and were duly recorded in the proper book of record of the deputation, as appears by the two certificates of its secretary attached to the original papers in the case, and which constitute a part of them.

Attached to the proceedings and made a part of them is a transcript of what purports to be a conveyance of the said grant by Mónica Pino, widow of the grantee, to Rafael Luna, Anastasio Garcillo (García), and Ramon Luna.

The petition to the surveyor-general, asking for his action in this case, is signed by two of the grantees under this conveyance. That he did take such action indicates that he recognized the instrument referred to as valid, and also establishes the existence of legal representatives of the original grantee.

Question of boundaries.—I would suggest, as a general proposition, that, in my judgment, it would be advisable for Congress, in any acts that may be passed confirming private claims, to omit, in such legislation, any provision adopting and approving the preliminary surveys thereof, and thus leave all questions affecting the proper location of the boundaries of such claim to this office and the Department, as was done in cases of claims confirmed by Congress where preliminary surveys had not been made.

These surveys are intended merely for the information of Congress, and have not undergone such examinations as to their correctness as would be given the survey of a confirmed claim before issuing a patent. Some of them are objected to, and some are evidently incorrect as to the boundaries adopted and quantity of land included, and the taking of testimony may be necessary to determine correctly the several locations.

The surveyor-general recommends that this claim be confirmed to the "legal representatives of Antonio Chaves, deceased, the original grantee."

In the bill received with the honorable Mr. Hazelton's letter, it is proposed to confirm the same to "the heirs and legal representatives of Antonio Chaves," &c.

I would suggest that confirmation be made as recommended by the surveyor-general, as such confirmation embraces representatives of such grantee by contract, as well as by operation of law. (See 2 Wall., p. 605, in the case of *Hogan vs. Page*.)

The said letter of the Hon. George C. Hazelton, with the bill inclosed therein, is herewith returned.

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

Your committee therefore report back said bill (H. R. 5691), with recommendation that it pass as amended.

In a communication, bearing date January 14, 1884, the Commissioner of the Land Office says :

On the 11th instant the Hon. Assistant Secretary referred here for immediate report H. R. 128 entitled "A bill to confirm a certain land claim in the Territory of New Mexico," transmitted to you on the 10th instant by the Hon. H. L. Muldrow, chairman of the Committee on Private Land Claims, House of Representatives. This bill relates to what is known as the Arroyo de San Lorenzo grant in the Territory of New Mexico, and is substantially the same as bill H. R. 5691, Forty-seventh Congress, first session, upon which this office made report to you under date of May 10, 1882.

I cannot add anything to what has already been stated in said report, a copy of which is herewith transmitted in reply to said Department reference. The said bill and letter are herewith returned.

Very respectfully,

N. C. MCFARLAND,
Commissioner.

The committee therefore adopt said House report as the report of this committee, and report the accompanying bill (H. R. 128) with recommendation that it pass.

APPENDIX.

[H. Ex. Doc. No. 149, Forty-third Congress, first session.]

Letter from the Secretary of the Interior, transmitting, in compliance with the act of July 22, 1854, the transcript of the land grant to Antonio Chaves, being private land claim reported as No. 79.

FEBRUARY 6, 1874.—Referred to the Committee on Private Land Claims.

FEBRUARY 24, 1874.—Ordered to be printed and recommitted.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 4, 1874.

Sir: Pursuant to the eighth section of the act approved 22d July, 1854 (10 Stat., 308), I have the honor to transmit herewith, for the consideration of Congress, transcript of the "land grant to Antonio Chaves, being private land claim reported as No. 79, for the Arroyo de San Lorenzo tract in Socorro County, New Mexico," and recommended for confirmation by the surveyor-general of said Territory.

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

C. DELANO,
Secretary.

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

Transcript of land grant to Antonio Chaves, being private land claim reported as No. 79, for the Arroyo de San Lorenzo tract, in the county of Socorro, New Mexico.—Date of grant, March 3, 1825.—Reported by the United States surveyor-general, January 5, 1874.

To the Hon. James R. Proudfit, surveyor-general of the Territory of New Mexico :

Your petitioners, the assignees of the heirs of Antonio Chaves, deceased, most respectfully represent that in the year A. D. 1825, the governor and departmental assembly of the Territory of New Mexico made to said Antonio Chaves, then in full life, a grant to a certain tract of land, lying and being situated in the present county of

Socorro, in the Territory of New Mexico, and bounded on the north by the beginning or commencement of the mesita (little table-lands) of Alamillo; on the east by the Rio del Norte (Rio Grande) River; on the south by a small forked cedar tree in the middle of the bend of the ranch of Pablo Garcia, now deceased; and on the west by the spring of La Java, the juridical possession of which was given to the said Antonio Chaves, on the 20th day of April, A. D. 1825, all of which will more fully and at length appear by reference to book second, page 41, and following the roof, of the proceedings of the said departmental assembly for said year, now on file, as your petitioners are informed, in the office of the said surveyor-general, as also by a certain certified copy of the said record and proceedings, made at the time thereof by the then secretary of New Mexico, and the act of the said juridical possession, and the translations thereof filed herewith, marked, respectively, Exhibits A, B, C.

That said grant was made in accordance with the laws and customs then in force in the Territory of New Mexico. That the said grantee immediately entered into the possession thereof, and up to the day of his death, which happened several years thereafter, continued in the peaceable, quiet, and uninterrupted possession thereof, living on, cultivating, and pasturing the same.

That after the death of the said Antonio Chaves, his wife and children continued peaceably, uninterruptedly, and quietly to possess, hold, cultivate and pasture the same (except when interrupted by Indian hostilities) until about the year A. D. 1850, when they sold and disposed of the said tract of land to your petitioners, Anastacio Garcia, Ramon Luna, and one Rafael Luna, since deceased, but whose heirs are a portion of your petitioners.

That from the date of said last-mentioned sale your petitioners and said Rafael Luna to the day of his death continued to hold, possess, cultivate, pasture, and occupy the same, and still continue to do so. That the right of your petitioners and those under whom they claim their title as aforesaid to possess, occupy, and hold the said tract of land has at all times been respected and acknowledged by every one since the date of the said grant. A sketch map of the same is herewith filed, marked E, and made a part of this petition.

Owing to the irregular form of the said grant your petitioners are unable to make any estimate that might approximate to the area thereof; they also not being acquainted with the measurements, distances, and subdivisions of land in the United States, there never having been any survey or measurement thereof made.

Your petitioners further state that they are all residents of the Territory of New Mexico. They therefore ask that the said grant of land (known as San Lorenzo) may be confirmed to them and the legal representatives and assigns of the said original grantee and his heirs.

RAMÓN LUNA,
ANASTACIO GARCIA,

For themselves and the heirs of Rafael Luna, and all others interested in said grant.

EXHIBIT A.

Testimonio.

OFFICE OF SECRETARY OF THE MOST EXCELLENT PROVINCIAL DEPUTATION OF THE TERRITORY OF SANTA FÉ, OF NEW MEXICO.

Public session of the 16th day of February and 3d day of March, 1825.

I, the undersigned, secretary of the most excellent provincial deputation of the Territory of Santa Fé, of New Mexico, do certify that in book second, wherein appears recorded the journal of the proceedings of its excellency, on page 41 of the book, it appears that there was report made to said honorable body upon a petition, the tenor whereof, copied letter for letter, is as follows:

MOST EXCELLENT SIR: I, Antonio Chaves, a republican citizen of the United Mexican States, and a resident of the town of Our Lady of Belem, jurisdiction of this province of New Mexico, in the most ample and due legal form appear before your excellency and state that, finding myself very much crowded in the possession of my property and its appurtenances, as well in the pasturing of my stock as in the extension of agriculture, and desiring to remove to another place of greater capacity, with the honest purpose of enlarging both businesses, I apply to the superior wisdom of your excellency, to the end that, if such should be your high pleasure, you may deign to assign and adjudge me the tract called the San Lorenzo Arroyo, whose description and boundaries are: On the south the ranch of Pablo Garcia; on the north the little table-land of the Alamillo; on the east or west the Jara Spring; and on the west or east the river known as the Del Norte; and the said land referred to in my petition being

so uninviting, uncultivated, desolate, and bleak, I earnestly believe, from your superior discernment, that your excellency, having in view and considering the matter, will have presented to you no obstacle to the granting, the adjudging, and the assigning of the same to me; for, besides its contributing by cultivation and improvement to the benefit and security of the surrounding individuals, there will result to the province in general a great assistance and relief, inasmuch as at this point will be frustrated and prevented the incursions, ambushes, and assaults of the enemies of our quietude and peace, who often invade and attack; and it will stop the exportation, deterioration, destruction, and decrease of the little live-stock they have left for the subsistence of the inhabitants and families of this needy province; wherefore I ask and pray that your excellency grant me what I pray for, whereby I will receive favor, grace, and justice. I declare not to act with dissimulation and as may be necessary, &c.

ANTONIO CHAVEZ.

Session of the 16th day of February, 1825.

This document will pass to the honorable the political chief of this Territory, in order that, in continuation, he report whether the land that this party asks for pertains to that of the settlements of Socorro and Sevilleta, and whether it is embraced in the same, and also whether, though it pertains to the settlements, it may, on account of their great extent, be granted to the petitioner without injury to a third party.

ANTONIO ORTIS, *President.*

JOSE FRANCISCO BACA.

JOSE FRANCISCO ORTIS.

PEDRO BAUTISTA PINO.

MATIAS ORTIZ.

JUAN BAUTISTA VIGIL, *Secretary.*

MOST EXCELLENT SIR: It is certain that the application of Antonio Chaves, a resident of Belem, refers to a part of the tract of Socorro, and a portion of that which belongs to Sebilleta, but it is also certain that, on account of the great extent of both tracts, and it being where their possessions separate, far from being injurious to those settlements, there results to them a benefit, for the reasons which I will proceed to state, as follows: The first and most important is the increase of the population to such a degree that it will afford means to the said settlements of Socorro and Sebilleta, by guarding a portion of the entrances and exits of the savages, who, though at peace, come to rob, as those at war endeavor to harass the same settlements or those surrounding or near them. The second, that to the residents of the said new settlements there remain most ample lands for pasture, fields, uses, and transits, so that the land which may be granted to Chaves will cause them not the least scarcity, as on another occasion that granted to Sabinal did not to Belem or even to Sebilleta itself, although it was an appurtenance of the first. The third, that making to the said Chaves the grant he asks would prove the emulation desired, so that the desirable vacant lands of the Bosque del Apache and San Pascual may be settled, which lands, upon the one and the other bank, present the greatest advantages to stock-raisers and farmers, for, although they may have lands in the center of the other settlements, these, from their age, are full of locusts and worn out by constant cultivation. Fourth, that the petition of Antonio Chaves has in it more of necessity than of affectation or covetousness, inasmuch as from that individual the Navajo tribe has taken the greater part of his live stock, and he requires a tract from which, through its productiveness, to re-establish himself from the losses he has suffered during the war with the said tribe. Fifth, that the slightest damage not resulting to Socorro and Sebilleta from the grant which Chaves asks, it is very probable that the people there, for their poverty is well known, will have a place where they may get employment which may furnish them a subsistence, and which (like their neighbors, who are subject to the same almost deplorable condition) they lack.

For all these reasons, and many others which I omit in order not to trouble your excellency. I am of opinion that the petition of Antonio Chaves may be acceded to at once, to which the people of the settlements aforesaid will make no objection, unless some peevish person or other, enemy of the welfare of his fellow-creatures, should unjustly persuade them with pretenses which never lack against that which is not wanted.

This is what I can report to your excellency in compliance with what was resolved and in accordance with the practical knowledge I have in the matter. God preserve your excellency many years.

1 Santa Fé, 25th of February, 1825.

BARTOLOME BACA.

Session of the 3d day of March, 1825.

Book two of the journal of the most excellent territorial deputation of New Mexico, on the 43d page thereof, says, the reading of two reports was proceeded with, which his excellency the political chief then presented upon the petitions of Antonio Chaves and Pedro José Perea for lands, and this honorable body being advised thereof resolved that there be adjudged to the two individuals the land they ask, filing in the office of the secretary of this honorable body the original expedients, as is provided, ordered, and customary in similar cases, and furnishing the parties interested the corresponding testimonio, which will serve them as title, and with which Antonio Chaves will present himself to the alcalde of Socorro, that he may place himself in possession and Pedro José Perea to Juan Esteban Pino, esquire, for the same action.

This agrees faithfully and legally with the original, from which, as due testimony and by direction of the most excellent territorial deputation of New Mexico, I have taken the present copy, of which there has been furnished the parties interested the corresponding testimonio which will serve them as title.

Santa Fé, March 5, 1825.

JUAN BAUTISTA VIGIL,
Secretary.

Fees for all that has been done, \$20.

[Vigil's rubric.]

TERRITORY OF NEW MEXICO,
County of Socorro :

I, the undersigned, clerk of the probate court of said county, do certify that the foregoing document was recorded by me on pages 128, 129, 130, 131, of book letter D, which is in this office under my charge for such purpose.

In testimony whereof I place my hand and the seal of the probate court of said county this 27th day of May, A. D. 1873.

[SEAL.]

Fees for recording the three documents, \$5.

SEVERO A. BACA, *Clerk.*

S. A. BACA.

EXHIBIT B.

I, Juan Francisco Baca, citizen and constitutional alcalde of the jurisdiction of San Miguel del Socorro, under the authority conferred upon me in the premises, proceeded on the twentieth of April of the year one thousand eight hundred and twenty-five to place in possession of the citizen Anto. Chaves, upon the land that he applies for; and in obedience to the order, which, under date of the 5th of March of the said year, said Chaves, a resident of the district of Santa Maria de Belem, presented me, borne upon the grant he exhibited to me from the most excellent provincial deputation of this Territory of New Mexico, with a report of the political chief, which accompanies said grant, directing me to proceed to place Chaves in possession of the land he asks; in consideration whereof I should proceed, and I did proceed, with two aldermen of this ayuntamiento, and two residents of this district, to whom I caused to be exhibited the order and the grant, the former being Anselmo Tofoya and Marcos Baca, and the latter being the citizens José Lionicio Silva and Agustin Trugillo, and as such alcalde did place the citizen Antonio Chaves in possession on the said land which he applies for, performing the ceremonies the laws require of me, assigning him for landmarks on the north, where the small table-land of the Alamillo begins; on the east, the del Norte River; on the south, a small forked cedar tree in the middle of the bend of the Pablo Garcia ranch, commonly so called, this little cedar being on the same side with the main road which is traveled toward said Socorro, on the side of the meadow; on the west, the spring known as the Jara Spring. As alcalde aforesaid, in pursuance of directions, and in virtue and in form of law, I took the said Chaves by the hand and led him over his land, and he, in observance of the customary ceremonies, shouted "Long endure the nation and our independence, and long live the Sovereign," and he shouted and plucked up herbs, cast stones, and they praised the name of God, and by authority I left the party interested in peaceable possession, and I, under the authority which is conferred on me, authenticated and signed this, with two witnesses in my attendance, to which I certify on said day, month, and year.

JUAN FRANCISCO BACA.

Attending: VICENTE SILBA.
Attending: JULIAN OCAÑA. †

TERRITORY OF NEW MEXICO,
County of Socorro:

I, the undersigned, clerk of the probate court of said county, do certify that the foregoing document was recorded by me on pages 131 and 132 of book letter D, which is in this office under my charge for such purpose.

In testimony whereof I set my hand and the seal of the probate court of said county the 27th day of May, A. D. 1873.

[SEAL.]

SEVERO A. BACA, *Clerk.*

EXHIBIT C.

In this county of Valencia, at the place Sabinal, in the Territory of New Mexico, on the twenty-sixth day of the month of October, in the year of our Lord 1850, before me, Ramon Luna, prefect of said county, and my attending witnesses appeared, present, and in their proper persons, Mrs. Monica Pino, widow of Antonio Chavez y Aragon, deceased, Rafael Luna, Anastacio Garcillo, and Ramon Luna, all residents of this county, under my jurisdiction, all of whom I recognize and certify to; and the party first aforementioned declared that she would convey, and actually did convey, to the three of the second part the present documents herewith accompanying unto them, the said Rafael Luna, Anastacio Garcillo, and Ramon Luna. The said sale which she has made to the three persons referred to being of the land which was granted to the above mentioned deceased husband of the said vendor, by the most excellent provincial deputation of the Territory of Santa Fé of New Mexico, and she has made the same for the price and sum of five hundred dollars (\$500) in merchantable and current money, and if it is or may be worth more she makes unto them gift and donation of the excess, pure, full, and perfect, so termed in law. Said sale and delivery of document she has made to the vendees free of all claim and mortgage, so that the said vendees may, in virtue of their right and at their will, exchange, sell, or alienate the same to the person or persons they wish to, so that to prevent the same there shall be no one to interpose any incumbrance, or raise any question, either through her or through any successor of hers; and if by any accident or mischievousness it should so happen in the future, she prays, requests, and charges the authority or authorities, of whatsoever class they be, that they entertain no claim whatever, but that there be carried into effect what is by her stipulated in this conveyance of document which she has made to the aforementioned vendees, as also covenants and binds herself with all the vigor of the law, if it be necessary, by due process, to prosecute the suit herself, and continue the same until the said vendees are left in quiet and peaceable possession of the land she has sold, and of the conveyance of document she has made to them; and that this conveyance of document and this sale of land which she has made may have all the force and validity necessary, she requested me, the present prefect, to interpose my authority, and I interposed the same in exercise of the power conferred upon me as such, signing this, with those in my attendance, and with the said Doña Monica who, not knowing how to sign, made a sign of the cross with her own hand before me, clerk of the courts, at this place, Sabinal, upon this day of the date above written; to all which I certify.

RAMON LUNA,
Prefect.
MONICA PINO. +

ANTONIO FRANCISCO CHAVES, *Clerk.*
Attending:
JOSE MA. CHAVES Y PINO.
Attending:

YGNACIO CHAVES Y ARAGON.

TERRITORY OF NEW MEXICO,
County of Socorro:

I, the undersigned, clerk of the probate court of said county, do certify that the foregoing instrument was by me recorded on pages 132 and 133 of book letter D, which is in this my office for such purpose.

In testimony whereof I set my hand and the seal of the probate court of said county this the 27th day of May, A. D. 1873.

[SEAL.]

SEVERO A. BACA.
Probate Court.

CERTAIN LAND CLAIM IN NEW MEXICO.

The foregoing is, to the best of my knowledge and belief, a correct translation of three documents in the Spanish language, marked respectively Exhibits A, B, and C.

JOHN P. RISQUE,
Translator.

Sworn to and subscribed before me, this 25th day of August, 1873.

JAMES K. PROUDFIT,
United States Surveyor-General.

SURVEYOR-GENERAL'S OFFICE,
TRANSLATOR'S DEPARTMENT,
Santa Fé, N. Mex., August 24, 1873.

■ The foregoing translation of the original documents in the Spanish language, on file in this office, having been by me compared with said originals and found correct, is hereby adopted as the official translations.

DAVID J. MILLER,
Translator.

SANTA FÉ, N. Mex., *September 26, 1873.*

Received of Hon. James K. Proudfit, surveyor-general, one paper marked C, written in original Spanish, being a deed from Mrs. Monica Pino to Ramon Luna, Rafael Luna, and Anastacio Garcia, dated October 26, 1850, appearing as Exhibit C in the official translation in the surveyor-general's office, in the case of private land-claim in the name of Antonio Chaves for "San Lorenzo," or Alamillo tract of land in Socorro County, New Mexico.

RAMON LUNA,
ANASTACIO GARCIA,
*For themselves and all the heirs of Rafael Luna, and all others
interested in said grant, by Martin B. Hayes, their agent.*

TESTIMONY.

Testimony of JUAN FRANCISCO BACA, taken before Joseph C. Hill, United States commissioner, in regard to the ranch or sitio of Alamillo or arroyo of San Lorenzo:

My name is Juan Francisco Baca. I live in Limitar, in the county of Socorro, and I was eighty-five years of age in August, 1873. I know the sitio of Alamillo or arroyo of San Lorenzo. I have known it since the year 1815 or 1816. It was granted to Antonio Chaves, commonly known as Antonico Chaves. I was at that time alcalde constitutional. The departmental deputation sent me an order to place said Antonio Chaves in possession of the said sitio. This was about the year 1822. I am not very certain as to the exact date. The sitio is bounded on the north by the mesita del Alamillo, where it leaves the river; on the east by the Rio del Norte; on the south by the ranch of Pablo Garcia, the line running towards a forked cedar tree, about a mile and a half from the river. I do not remember the western boundary. I placed Antonio Chaves in possession in due form of law. He took possession and kept continuous possession of the same until his death. His heirs sold the sitio to Ramon Luna, Rafael Luna, and Anastacio Garcia. They have continuously occupied the said sitio up to the present time. I am not interested in the said sitio or tract of land in any manner whatsoever.

JUAN FRANCISCO BACA. [rubric]
his
mark.

Witness:

J. FRANC'O CHARVES.

I, Joseph C. Hill, a United States commissioner for the Territory of New Mexico, do certify that the foregoing evidence was duly taken by me, first having caused the said Juan Francisco Baca to come before me, who first having duly sworn to speak the truth, the whole truth, and nothing but the truth, that thereupon he testified in the words set forth in the foregoing testimony signed by him; that said testimony was taken by me at Limitar, in the county of Socorro, on the 1st day of November, in accordance with the request and direction of the surveyor-general of the Territory of New Mexico, sent to me to that effect.

J. C. HILL,
United States Commissioner.

ANTONIO CHAVES (SAN LORENZO) GRANT.

OPINION.

This grant is brought before me under the act of Congress of July 22, 1852, establishing this office, and the eighth article of the treaty of Guadalupe Hidalgo.

It appears from the record the departmental assembly of New Mexico granted the land in question to Antonio Chaves, in the year 1825; that he was legally placed in possession on the 20th day of April, 1825, by the proper alcalde, and that the said Chaves and his legal representatives have remained ever since in undisputed occupancy and ownership, except when disturbed by savage Indians.

I respectfully recommend to Congress that the title to the land, according to boundaries set forth in the act of possession, be confirmed to the legal representatives of Antonio Chaves, deceased, the original grantee.

I transmit complete copies of the record in triplicate.

JAMES K. PROUDFIT,
United States Surveyor-General.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex., January 5, 1874.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex., January 24, 1874.

The foregoing is a correct transcript of the papers on file in this office in private land-claim reported as No. 79 in the name of Antonio Chaves, for land known as the Arroyo de San Lorenzo tract.

JAMES K. PROUDFIT,
United States Surveyor-General.

MEXICO—TREATY OF PEACE.

Treaty of peace, friendship, limits, and settlement, 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 people shall live, as good neighbors, have for that purpose appointed their respective plenipotentiaries—that is to say, the President of the United States has appointed Nicholas P. Trist, a citizen of the United States, and the President of the Mexican republic has appointed Don Luis Gonzaga Cuevas, Don Bernardo Couto, and Don Miguel Atristain, citizens of the said republic; who, after a reciprocal communication of their respective full powers, have, under the protection of Almighty God, the author of peace, arranged, agreed upon, and signed the following Treaty of peace, friendship, limits and settlement between the United States of America and the Mexican republic.

ARTICLE VIII.

Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican republic, retaining the property which they possess in the said territories,

or disposing thereof and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax or charge whatever.

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

In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it guarantees 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.

SEVELLON A. BROWN,
Chief Clerk.

A true copy.

THE LAW.

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

TITLE OF THE ACT.

An act to establish the office of Surveyor-General of New Mexico, Kansas, and Nevada, to grant donations therein, and for other purposes.

SEC. 8. *And be it further enacted,* That it shall be the duty of the Surveyor-General, under such instructions as may be given by the Secretary of the Interior to ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico, and for this purpose may issue notices, summon witnesses, administer oaths, and do and perform all other necessary acts in the premises. He shall make a full report on all such claims as originated before the cession of the territory to the United States by the treaty of Guadalupe-Hidalgo of eighteen hundred and forty-eight, denoting the various grades of title, with his decision as to the validity or invalidity of each of the same under the laws, usages and customs of the country before its cession to the United States; and shall also make a report in regard to all pueblos existing in the territory, showing the extent and locality of each, stating the number of inhabitants in the said pueblos respectively, and the nature of their titles to the land. Such report to be made according to the form which may be prescribed by the Secretary of the Interior, which report shall be laid before Congress for such action thereon as may be deemed just and proper with a view to confirm *bona fide* grants and give full effect to the treaty of eighteen hundred and forty-eight, between the United States and Mexico; and until the final action of Congress on such claims, all lands covered thereby shall be reserved from sale or other disposal by the Government, and shall not be subject to the donations granted by the previous provisions of this act.

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