

10-6-1886

Report of the Governor of New Mexico, 1886

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indian and Aboriginal Law Commons](#)

Recommended Citation

H.R. Exec. Doc. No. 1, 49th Cong., 2nd Sess. (1886)

This House Executive Document is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

REPORT
OF
THE GOVERNOR OF NEW MEXICO.

EXECUTIVE OFFICE, TERRITORY OF NEW MEXICO,
Santa Fé, N. Mex., October 6, 1886.

SIR: In accordance with your direction, I have the honor to transmit this my annual report for 1886, of the resources and development of this Territory.

DROUGHTS AND FLOODS.

During the first half of this calendar year New Mexico, in common with the West generally, was afflicted with unusual drought, and serious damage was sustained by the cattle industry, especially, from the insufficiency of grass on the ranges and of water in the springs and smaller streams. Agriculture and mining also suffered, though in a much less degree, from the scarcity of water.

Since early in July, however, the usual beginning of what is known as the rainy season, the rains have been unusually abundant in all parts of the Territory. Feed on the ranges is good, with stock water in good supply and convenient, and stock is rapidly getting into excellent condition for winter. Agriculture, too, has been equally benefited, and crops of all kinds will be fully up to the average in quality and yield per acre, while the acreage has been largely increased over that of any former year.

The rains have, in some parts of the Territory, resulted in disastrous floods, doing great damage to roads and bridges and other property, especially to railroads. Many miles of railroad have been broken by these sudden and resistless freshets, and portions of track washed entirely away or submerged in the quicksands of the streams they crossed or bordered.

A LESSON TO BE HEHEDED.

In these meteorological conditions for the year, and the resulting floods, lies an admonition and a lesson which should not be forgotten, and which pointedly illustrates the need of some effective plan of storing the surplus waters, briefly suggested in my report of last year. A system of storage basins at the heads of the several streams of the Territory, especially the Rio Grande, for which the numerous cañons and arroyas are excellently adapted, would save a vast amount of water, sufficient to irrigate not only the river valley proper but also the mesas or uplands bordering and overlooking it, practically to the foot of the chains of mountains on either side, running parallel therewith. This

would reduce to cultivation many millions of acres of productive land, now barren and desolate for the lack of water, much the larger portion of which is still public land and the property of the Government.

BENEFITS OF STORAGE BASINS.

The benefits resulting from such storage and irrigation would be far beyond the increased facilities to cultivation thus afforded. The spreading over the ground, periodically, during the heat of summer, of a large surface of water in the process of irrigation, and flowing in the irrigation canals, together with the growth of forests and orchards and shade trees that would naturally follow, would establish a degree of evaporation that could not fail to return in rains, and thus materially modify the climate in that respect, and, in time, so regulate and equalize the rainfall throughout the seasons as to render irrigation unnecessary for agricultural purposes in large portions of the Territory where agriculture is now impossible without it.

Another important benefit would result from such a system of storage, in the perceptible, probably very material, reduction of the flow of water that now comes down those water courses in destructive floods. The saving of property that must result in this regard alone would be ample to pay all costs of the preparation of these basins, if there were no other benefits.

Such a system of storage would of course be expensive, but the benefits flowing from it, once established, would, if successful, of which there can be little doubt, return the cost to the country every year in the increased product of the land thus reclaimed, independently of the savings in the other directions mentioned.

APPROPRIATIONS ASKED IN THE INTEREST OF AGRICULTURE.

Inasmuch as the General Government has assumed jurisdiction of all navigable water courses, and to discharge the self-imposed obligation to keep them clear of obstructions to navigation in the interest of commerce, I see nothing inconsistent in its also taking jurisdiction of a class of non-navigable streams like the Rio Grande, in the interest of agriculture, the basic interest of the country, and vastly paramount in its value and consequence to society, in all ways, to commerce—for upon its successful prosecution depends wholly in this country not only commerce, but also manufactures, mining, and trade of every character. Without success in agriculture there can be no permanent success in any other industry or business. So it becomes important to national as well as local prosperity that every acre possible, now barren and not susceptible of reclamation by private enterprise, shall be reclaimed and reduced to the production of food or other useful product, by public appropriation of the money of all the people, for all are interested therein and benefited thereby.

The Territory of New Mexico, which would of course be most largely benefited by such a system of improvement, would doubtless be willing to make the necessary expenditure, but a recent act of Congress has prohibited such expenditures by the Territories, and I am, therefore, warranted, in view of the vast benefits that must result in the reclamation of millions of acres of now desert land in that great valley alone—a valley four hundred miles in length and an average of twenty miles wide—to cultivation, and the corresponding increase of wealth to the country, to ask a sufficient appropriation to at least satisfactorily test

this theory. It would be an unimportant sum compared to the hundred millions that has, through a not long series of years, been expended upon rivers and harbors in the interest of the industry of commerce. If successful in this instance, it would permanently settle the problem of the reduction of vast regions in the West to cultivation, and augment enormously the volume of our agricultural products, and correspondingly the wealth, the prosperity, and the resources of the country and the Government.

CULTIVATION OF ALFALFA.

The cultivation of alfalfa, or California clover, has during the past year become somewhat general, and is invariably successful. This grass is harvested from two to five times a year, according to latitude. The average yield at each cutting is from $1\frac{1}{2}$ to 2 tons per acre. It sells in this market at an average of \$15 per ton. Its capacity to withstand drought is somewhat remarkable after becoming well rooted, and it does not ordinarily require reseeding for from twenty to forty years, and is therefore a crop peculiarly adapted to a climate like this. It is generally upon the stock ranges that the experiment of its cultivation has been tried here, and it has been so exceptionally successful that there is every prospect that its cultivation will in due time become general throughout the Territory.

The good results of its general cultivation will become manifest in several respects. It will improve the quality and increase the quantity, and consequently the value, of the meat product of the ranges. It will increase the value of the land, thereby making it more valuable for agricultural than for grazing purposes. The result of that will be the eventual breaking up of the great cattle ranges and their division in small farms, with smaller numbers and better grades of cattle, and diversified products, till a ranch of 10,000 acres, which now gives employment to and supports perhaps 50 citizens of the Territory, will be broken into perhaps fifty times that number of farms and homes of families and a hundred times that number of people; and people are worth more to the State than steers. This is the great change that is coming to New Mexico through this and similar agencies, inducing radical climatic changes, slow but none the less inevitable, and accelerated by the artificial and natural methods herein suggested. The same causes have produced equally radical climatic and industrial changes elsewhere, and those causes are now at work here with equal certainty of the same result.

BUREAU OF IMMIGRATION.

Since my last report the Territorial bureau of immigration has been reorganized, and active steps taken to attract to New Mexico the attention of people contemplating emigration to the West. This action on the part of the bureau is being vigorously seconded by the Atchison, Topeka and Santa Fé Railroad Company in the distribution of printed information as to the character and resources of the Territory, and in affording exceptional facilities to tourists and home-seekers for personal visit and examination of its several localities.

LAND TITLES AND LAND FRAUDS.

In this connection permit me to again call the attention of the Department and of Congress to the very urgent need of legislation for the settlement of titles and claims to real and pretended Spanish and Mexican grants in the Territory. Much has been accomplished in that di-

rection by the careful, laborious, and intelligent investigation and action on this subject by the present surveyor-general of the Territory, the Hon. George W. Julian. This action will prove exceedingly valuable to the people of the Territory and to the interests of the Government, as also to whatever tribunal may be intrusted the labor of adjudicating and adjusting these titles.

It is undeniable, as shown by the investigations of the surveyor-general, that very large areas of the public lands, amounting to many hundred thousands of acres, have been illegally and fraudulently absorbed in pretended Spanish and Mexican grants, and that many thousands of acres of public lands are still inclosed by private fences and otherwise held in great cattle ranges, to the exclusion of small farmers, in defiance not only of law, but of private right to the common occupancy and use of the public domain.

It is objected by some that the exposures which have been made during the past year of fraudulent and unwarranted occupation of the public lands of the West has tended to unsettle titles to all lands and to discourage immigration, investment, and development; but those who make that criticism but seek to blind themselves and the public to the fact that it is they who have cast doubts upon the integrity of titles by their own dishonest practices—that the first step to correct a wrong is to expose it, not to deny, apologize for, or justify it. Once exposed, the way is then open for correction, and a correction of these fraudulent practices and the punishment of their instigators and perpetrators will establish security of title and with it investment and development. That process is now fairly instituted, and the consequence is already seen in the daily increasing inquiry from the States for opportunities for settlement and investment in New Mexico properties. These letters of inquiry are now coming in large numbers by every mail from the East to the officers and members of the immigration bureau and others, and fully justify all that has been done to rectify the irregularities that have been exposed on the part of those who are attempting to hold large areas of the public domain under pretended grants and as great cattle ranges. These efforts at the exposure of wrong-doing in the attempted absorption of homesteads free to all the people is worth tens of thousands of people to New Mexico, as they have corrected a strong suspicion in the public mind that there was little or no eligible public lands in New Mexico, and that her affairs were dominated by rings of land sharks whose principal ambition was to fleece the unwary investor by inveigling him into the purchase of properties to which they had no valid title and which really belonged to the Government.

It is also notorious that possession of large quantities of the public lands has been obtained under the forms of the pre-emption laws through the boldest perjury, forgery, and false pretense, and that in some instances this has been done, if not with the connivance at least through the inadvertence and carelessness of officials. If these lands had been obtained for actual occupation and cultivation, the results would not be so disastrous to the Territory; but in many cases they have been thus absorbed into great cattle ranches, merely for the purpose of getting control of water-courses and springs, and to thus keep out settlers and small herds; and in others, the lands have been thus stolen for purely speculative purposes.

The vigorous action of the Land Department has probably put a stop to these practices for the future, but it is the duty of the Government to recover, if possible, the lands that have been so stolen.

It is by reason of facts of this character, through which the public lands are being rapidly and illegally absorbed, that I earnestly repeat my recommendation of 1885, of the abrogation of all laws for their disposal, except for bona fide homestead purposes.

To the Territorial Delegate, Mr. Anthony Joseph, is also much credit due for his presentation and determined and successful advocacy in the House of Representatives of the bill passed by that body to this end. It is to be hoped that some plan will be agreed upon during the approaching session of Congress for the adjustment of the differences between the two Houses of Congress on this subject which shall substantially preserve the features of the House bill.

While there is here a vast area of public land, embracing eligible locations for all purposes—agricultural, mineral, grazing, and otherwise—these grants absorb much of the best of the lands of the Territory, and being a conspicuous feature of our land system, the condition of uncertainty as to title, created and maintained in so many instances by questionable practices, has, not unnaturally, in the public mind, cast a cloud upon titles to real estate, which has tended to repel immigration and investment and to retard development.

The conditions of land tenure established by the Spanish Government, and prevailing here at the time of the conquest and annexation, were so essentially different from those peculiar to the public land States of the Union, and the delay in the adjustment of these titles contemplated by the act of 1854 has so greatly added to the complication of those conditions, that correspondingly different methods for that adjustment have become imperative for the preservation and protection of private rights. To attempt that adjustment by judicial process would not only overburden the courts to a degree that would amount, on the one hand, to a denial of justice to a very large class of honest, deserving people, and on the other to the eviction of rightful claimants of thousands of small holdings, through their inability to meet the costs of litigation.

It is not generally known elsewhere, but is nevertheless the fact, that very much the larger number of the original land holdings in this Territory consist of but a few acres each—say, from five to fifty acres—which have been transmitted from father to son through several generations. These owners were originally what is known in the United States as "squatters" on the public domain. There were no surveys, and each took according to his own idea of his needs and his ability or desire to improve. Their lines were laid in every conceivable irregular shape, according to the configuration of the country. They had as a rule no monuments of title, and neither needed nor desired any. The right of possession and occupancy gave an acknowledged and perfect title under Spanish and Mexican custom and law. These people are simple, honest, law-abiding, and thoroughly loyal. By treaty stipulation they were assured of the same degree of protection as citizens of the United States, to which they were entitled as citizens of Mexico. To now subject them to unnecessary sacrifices in the perfection of titles to homes to which they already held perfect title as citizens of Mexico would certainly be inconsistent with the treaty guarantees under which they became citizens of the United States. In no way yet devised can those treaty guarantees and strict justice to those people in respect to their land titles be so fully conformed to and secured as by the adoption by Congress of the plan of settlement embodied in the pending House bill.

A considerable portion of the lands held by the native citizens is included in community grants, lands originally taken up under a general law of Spain, and occupied and held in common by the grantees and

their descendants. These lands are becoming valuable by the general development of the country, and the temptations and opportunities for the procurement of undivided interests therein by designing and unscrupulous persons are becoming very great, and daily increasing, to the loss and wrong of unsuspecting and credulous occupant members of the community. I deem it important for the protection of these people that the tribunal to be provided for the investigation and adjustment of claims to these grants shall be authorized also to allot in severalty to each actual occupant of all community grants his proportion of such grant, in quantity and value.

THE EVILS OF GREAT LANDED ESTATES.

A serious and threatening evil to the welfare of the Territory exists in the presence of great landed estates that have been developed in the larger Spanish grants that have been confirmed to individual claimants by Congress under former administrations. Some of these grants are of enormous extent, ranging from hundreds of thousands to near two millions of acres. Their owners, some of them aliens, persist in holding these vast bodies of land intact, refusing to subdivide or sell any portion on any terms, with the avowed intention of establishing thereon a system of tenantry, antagonistic to, and subversive of, American industrial economy, American society, and American Government. This purpose of the holders of these estates, unless thwarted by prompt action, cannot but breed mischief, morally, industrially, and politically. Great landed estates are a constant menace to popular government. There is no loyalty like that of the man who owns in fee the roof that shelters his wife and children. Such a man has a money interest in the Government, and becomes instinctively a conservator of the public peace and public order. The converse of the proposition is equally true, that there is little inducement to loyal allegiance to a Government that fails to encourage and facilitate the acquirement and protection of an independent homestead to each of its citizens.

The opportunities for the accumulation of vast tracts of land in individual ownership, through the facile interpretation of treaty stipulations respecting Spanish and Mexican grants, and the reckless administration of the land laws in the Western Territories, have been very great, and will prove correspondingly disastrous unless speedily checked by adequate and appropriate legislation. It is gratifying to know that public attention is being drawn to this menace to the prosperity of the West, and that public indignation is being excited against the malpractices through which these dangerous and illegal absorptions of the public domain have been compassed. The evil has become conspicuous, and it now remains for the wisdom of Congress to provide an adequate remedy.

ALIEN LAND OWNERSHIP.

The passage of the bill now pending in Congress to prohibit alien ownership of lands will provide a partial remedy. Some portion, at least, of the friction that has occurred in this Territory during the past year has arisen out of the arbitrary assertion of rights on the public domain, which in no sense or degree belonged to them, by persons who possessed not even the common rights of American citizenship. There can be no reasonable objection to according all common rights to persons of foreign nativity, but they should be required, before asserting or

asking those rights, to subject themselves to the common obligations also of American citizens. The absorption and ownership of the lands of the country by an alien element owing no obligations of allegiance to the Government cannot but be an element of local turmoil, and of public weakness and danger. Ownership of the soil is an attribute and element of sovereignty which the Government should not permit to pass into the control of any class not owing it allegiance.

THE END OF INDIAN DEPREDACTIONS.

It is with very great satisfaction that I am able to report that since early in April last, when General Nelson A. Miles assumed command of this military department, there has not been a single instance of depredation by hostile Indians upon life or property in this Territory. During the year prior to that date not less than one hundred of our people had been murdered and many thousands of dollars in property had been destroyed. These murders were accompanied by the most horribly fiendish atrocities, till a panic had come to pervade the southwestern portion of the Territory. Every description of business was stagnant, the people remote from the larger settlements were abandoning their homes and enterprises, and a condition of general paralysis had become established.

But the active, vigorous, and wise policy of General Miles, which has at last resulted in the expulsion from the southwest of every element of Indian hostility, has re-established confidence and safety throughout that region. All danger of Indian disturbances in New Mexico is forever settled. The people are once more resuming their vocations of mining, grazing, agriculture, and all commercial pursuits, with a profound thankfulness to the distinguished commander who has shown in this matter rare qualities of statesmanship as well as generalship, and in the fullest confidence that they will never again be disturbed in the pursuit of their several vocations by fears of Indian barbarity.

We can now confidently say to the people of the East intending emigration to the West that they can come here without fear of further interruption from this cause; that New Mexico is now as safe from Indian depredation as any State in New England; that the development of her marvelous sources of wealth will now go on without interruption from that cause. Like all western Territories, New Mexico has had her day of that curse, and that day has gone by, never to return. It has been a long and bloody period of her history, during which hundreds of her people have gone to their graves at the hands of the savage, but permanent peace and safety have come, and she can now offer, in the great mines permeating all her mountain ranges, in her tens of millions of acres of productive and eligible public lands provided for the homes of men, in her vast coal-fields which constitute the basis of great manufacturing interests, and her unparalleled climate, the most attractive inducements of any equal area of the earth's surface.

AGRICULTURAL DEVELOPMENT.

Very gratifying developments in the agricultural capacities of the Territory have been made during the past year. It has been demonstrated that large portions of country, especially in the mountain districts, are well adapted to the growing of small grains and many varieties of vegetables without artificial irrigation. These crops have been thus successfully cultivated at altitudes of from five to eight thousand feet,

hitherto unknown here, and the yield has always been a full average of that of the Western States, and very frequently much larger, especially of wheat, barley, rye, oats, and potatoes. This success is undoubtedly attributable to the increased moisture incident to the altitude, the forests generally covering the mountains tending to intercept and precipitate the rain currents. It is a conspicuous fact that at all seasons of the year rains are much more frequent in the mountains than in the valleys, and this, together with the now established fact that agriculture may be successfully followed in these localities without the expense and labor of irrigation, is bringing the mountain regions into much greater demand for agricultural purposes.

A very active interest has also been developed in the cultivation of trees, especially in the cities and towns of the Territory. The benefits of this will become perceptible in a very few years in many ways. Besides modifying the climate by the increase of humidity and general equability of the atmosphere, the general cultivation of timber as shade and fruit trees and otherwise, in localities that have been utterly treeless for centuries, will tend directly to mitigate the force of the periodical wind and sand storms that have heretofore been a disagreeable characteristic of this as of all so-called semi-arid countries. Though we are at times afflicted with this class of storms, it is very rare that we have a totally cloudy day, and cyclones, sunstrokes, and earthquakes have never been known in this Territory.

A FOURTH JUDICIAL DISTRICT.

The importance of the subject constrains me to repeat my recommendation of last year for the establishment a fourth judicial district. There are now but three judicial districts for this Territory, and the labor of these courts has become exceedingly onerous. A large part of the year is now occupied by each of the three judges actually in court, leaving them but little time for recuperation or for the preparation of opinions upon the many very important cases that come before them for adjudication. The result is that they are greatly embarrassed in the discharge of their duties, and are often unable to clear the docket in one county before court begins in another. Important cases, civil and criminal, are obliged to be held over to a later term, to the great detriment of litigants, and with great wrong and the denial of justice to alleged criminals who are not infrequently compelled to remain in jail for another six months, under accusations of which they claim to be, and sometimes are finally on trial found to be, innocent. Another serious phase of this matter is in the fact that, with but three judges to constitute the supreme court of the Territory, each of the three is required, in order that there may always be a majority for the promulgation of an opinion and the decision of a case, to sit in judgment and reviewal of his own decisions in the court below. This is unfair and embarrassing to the judges themselves, as it is not unnatural that it should, in the minds of interested parties, create suspicion of collusion, and thus cause scandals in connection with a tribunal that above all others should be the farthest possible removed from all appearance of illegitimate motive as well as action. I therefore again recommend the creation of a fourth judicial district for this Territory.

A GOOD CONDITION OF PUBLIC ORDER.

The peace and good order of the Territory have been fairly well preserved during the past year. The only conspicuous instance of organized violence has been at the coal mines at the northern line of the

Territory, near Blossburg, in which some forty or fifty coal miners banded together to force the continued employment of one of their number who had been discharged for dissipation and non-attention to his duties. Acts of violence of a barbarous character were committed upon two of the persons in charge of the works, and the mines were immediately closed by the owner and still remain so. The perpetrators of these barbarities have mostly been arrested and are now in custody of the law, and will doubtless be punished as their crimes deserve.

The laws have been as rigidly enforced as is usual in the States, illustrated by the fact that there are now over one hundred convicts in confinement in the Territorial penitentiary, representing a population of 140,000 people. Life and property are now as safe in all parts of the Territory as anywhere in the United States.

With the coming on of the fall season, business of all kinds is perceptibly improving. Money is seeking investment, our towns are growing, there is a revival of railroad construction, and there are everywhere unmistakable indications of the recurrence, in the very near future, of another period of general prosperity.

PUBLIC SCHOOLS.

The public-school law of the Territory embodies many of the best features of the laws in force in some of the most enterprising and progressive States of the Union. It provides for a general levy of three mills on the dollar for school purposes, divides the counties into school districts of convenient size, and authorizes the organization of new districts for the convenience of the people upon the petition of ten or more heads of families. It provides for each county a school superintendent, and for a board of three directors in each district. The superintendent has general charge of the public-school interests of the county, apporions the public funds to the several districts in proportion to the number of persons therein of school age (5 to 20 years). He is required to visit each district at least once a year, and to see that the school law is properly enforced. The directors have charge of the schools within their respective districts, receive and disburse the district funds, employ and pay teachers, rent or build school-houses, and do whatever they deem best to forward the interests of education in the district.

A growing interest is being manifested by all the people of the Territory in educational matters. The Spanish-speaking portion of the people especially exhibit a marked anxiety that their children shall be educated in the English language.

There are still some defects in the existing system, both in the text and in the methods of execution, but these will doubtless be remedied at the approaching session of the Territorial legislature.

DEBT, TAXATION, AND RESOURCES.

The total taxation for all purposes, Territorial and county, is less than 2 per cent., and three mills on the dollar of that is for public school purposes. The funded debt of the Territory is \$350,000, for capitol and penitentiary buildings, and the floating debt probably \$100,000. But few of the counties have indebtedness of any considerable amount, and generally for necessary public buildings. The increase of taxable property during the past year is some seven and a half millions, the amount of assessment for 1866 being \$56,000,000.

The average rainfall from 1870 to 1885, inclusive, has been as follows at the points named, to wit:

	Inches.
Fort Bayard, in the southwest	15.30
Fort Union, in the north	16.74
Fort Wingate, in the west	15.52

At Fort Stanton, in the southeast, the average has been about the same, showing a fair average of humidity for the entire Territory.

SUPERFICIAL AREA AND CLIMATE.

The Territory of New Mexico includes an area 350 miles square, covering five degrees of latitude, from 32 to 37, six degrees of longitude, from 103 to 109, and contains, in round numbers, 122,500 square miles and 78,000,000 acres of land—equal to the nine States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, New York, Rhode Island, New Jersey, and Delaware.

The inhabitable mountain regions, varying from five to ten thousand feet in altitude, afford the finest summer climate to be found on the continent, while the southern portions are mild and delightful for winter residence, at an average altitude of 3,000 feet.

This remarkable diversity of climate is found nowhere else in the same degree of generality and accessibility. A few hours' ride from almost any point in the Territory, by carriage or horseback, will lift one from the uncomfortable summer heat of the valleys into the delightfully salubrious atmosphere of the highest mountains. Such conditions cannot be otherwise than conducive, especially when accompanied by proper political conditions, to the best state of physical, mental, social, and economic health and development.

EDMUND G. ROSS,
Governor.

HON. L. Q. C. LAMAR,
Secretary of the Interior, Washington, D. C.