Las Vegas Gazette.

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Editor & Publisher.

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Her Natural Resources and ATTRACTIONS.

Published by ELIAS BREVOORT,

General Land Agent, Santa Fe, N. M.

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PUBLIC LAND.

[Continued.]

Two railroads—the thirty second parallel, or Texas Pacific, and the thirty-fifth parallel, or Atlantic and Pacific—have each a land subsidy in New Mexico, the great body of the land along the surveyed route, in each case, lying outside of the portions of the Territory now surveyed. The first mentioned road has in its grant in New Mexico about 10,000,000, and the other about 3,500,000 acres of land, the odd sections of the townships in the surveyed regions being already withdrawn by the secretary of the interior from entry and sale, and the even sections declared subject to the laws applicable to the lands within railroad grants. The government is bound under the laws chartering the roads to survey and subdivide the regions embraced by the subsidies, so as to enable the companies to make available their landed interests.

Of the area of the public lands in the Territory yet unsurveyed, and, of course, unoffered and not disposed of, at least one-tenth is susceptible of cultivation, and it is capable of sustaining an extremely large agricultural, pastoral and mining population, the actual amount of cultivable lands in the valleys being very fertile and productive. The table land and plains are inexhaustible in pasturage, and in the mountains are treasures of vast stores of mineral wealth. It embraces a country, much of which is *tierra incognita*, it having been but very partially explored, and, so far as metals are concerned, scarcely at all prospected.

Of this vast area (of 121,201 square miles, or 77,568,640 acres in New Mexico) the Spanish and Mexican grants, which will be found to be valid, it is confidently believed, says Surveyor General Proudfit, will not exceed, including those surveyed, an aggregate of more than 9,000,000 or 10,000,000 acres, or approximately one eighth of the total territorial area. A very large portion of the unsurveyed and unclaimed public domain of the Territory is fine agricultural, grazing and timber lands, all of which are increasing in value and desirability as the prospects of the railroad communication with the States becomes more certain of fulfillment in the near future. Two of the roads which, it is hoped, will soon reach the Territory, and one of which—the Texas Pacific—is being pushed with great vigor, have large land grants in this district, and will expect, as will settlers, a survey of the lands along their lines. Heretofore, and for various reasons, but principally because the Territory and its people have been persistently misrepresented and misunderstood, but small appropriations have been made for public surveys. A good deal of the ignorance in regard to this region has been propagated by interested parties intentionally, and a good deal of it by those who were informed and did not seek to learn, and what has given the bad impression of the Territory a great deal of its weight is the fact that among the latter class were certain government officials whose business it was to learn the truth and state facts. During my residence in the Territory, my travels have amounted to more than one thousand miles in different parts thereof. I have done this traveling mainly that I might learn by actual observation the nature and capabilities of the country, and the characteristics of the people. I know that *the Territory is well deserving* of more liberal treatment than it has received from congress and that, as a matter of business management purely, the public surveys ought to be rapidly prosecuted hereafter.

PRIVATE LAND CLAIMS.

The subject of Spanish and Mexican land grants in New Mexico is one of great importance to the welfare and progress of the Territory, and especially so with respect to its settling up by immigration. These grants have been issuing from the authorities here, to the subjects and citizens of the country since its first settlement by the [illegible]ards, and during the whole period of [illegible]ession by them and the Mexicans. [illegible]ar the Spanish arms in the sixteenth [illegible]ury penetrated and occupied New Mexico as one of the ultramarine possessions of the crown of Spain, the governors and captain gene[illegible] province—then pertaining [illegible] of Mexico—were [illegible] make concessions [illegible]terwards [illegible]g distinguis[illegible] portant service[illegible] s then harrass[illegible] the development [illegible] ry, and still [illegible] were made [illegible] to the descendants [illegible] numerous [illegible] and thus manifested [illegible]se persons who contributed their services, [illegible]ir loyalty and [illegible]panish regime in New Mexi[illegible] During the [illegible]re in the Mexican viceroyalty, if [illegible]ways the declared policy of the sovereign *that the public domain should be populated and utilized* through the medium of grants of land to his subjects, as individuals or as communities, Afterwards, when the Mexican republic succeeded to the sovereignty of the soil, it was the declared policy of that government to *encourage agriculture* by making to its citizens and to communities liberal donations of the national domain for cultivation and stock raising and also for mining purposes.

It is said by those who ought to know, that there are very few, if any, spurious grants in the Territory—certainly very few compared with the number brought to light in California. Some of these grants of land are now held by our citizens, other grants by large and flourishing communities, and others have been purchased by capitalists and wealty companies with a view to their settlement and application to agricultural, stock growing and mining uses.

Now that predatory incursions of the wild Indians have, under the policy of the present national administration, become less frequent and serious, and now that the advent of railroads is foreseen in the near future, settlers are beginning to search out and locate homesteads on the public domain beyond the frontier, under the government of the United States, and on private grants by purchase.

The only provision hitherto made by the Congress of the United States, which alone, under the constitution, has the primary dominion and control of the soil, for the ascertainment and settlement of private land claims in New Mexico, emanating from the former governments of the country, is the statute of July 22, 1854, establishing the office of Surveyor general, and authorizing and requiring that officer to hear and adjudicate all such claims presented to him for the purpose, and report them, with his opinion thereon, *pro* or *con*, for the final determination—the confirmation or rejection—of Congress. The following extract from the law referred to, prescribes the powers and duties of the Surveyor General in the premises:—

"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 extend 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 upon all such claims as originated before the cession of the Territory to the United States by the treaty of Guadalupe Hidalgo in 1848; denoting the various grades of title, with his decision as to the validity 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 the 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 lands, 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 1848 between the United States and Mexico; and until the final action of Congress on such claims, all lands 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."

The treaty of Guadalupe Hidalgo, referred to in, and which gave occasion for the enactment of, the foregoing section, stipulates and provides in its eighth article that: "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 * * 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 contracts, shall enjoy with respect to it guaranties equally ample as if the same belonged to citizens of the United States."

And the treaty with Mexico of December 30th, 1853, commonly known as the Mesilla valley treaty, or Gadsden purchase, in its fifth articles stipulates and provides that: "All the provisions of the eighth * * articles of the treaty of Guadalupe Hidalgo shall apply to the Territory ceded by the Mexican Republic in the first article of the present treaty, and to all the rights of persons and property, both civil and ecclesiastical, within the same, as fully and effectually as if the said articles were herein again recited and set forth."

The law of Congress of August 4th, 1854, extended the federal and territorial civil jurisdiction over the additional territory acquired by the treaty of 1853, whereby the statute whose eighth section we have quoted, became operative also over the Gadsden purchase.

The law quoted, it is observed, prescribes no term within which the claims for the lands under concessions emanating from the former governments shall be filed for adjudication; it is entirely *optional with the claimants to present or decline to present their claims*—and it is no doubt due mainly to this omission that comparatively so few have been filed and determined. The surveyors general have several times recommended that a date be fixed by Congress on or before which time all these claims shall be filed, else be forever barred from recognition and confirmation, and the present surveyor general proposes July 4th, 1876, for such prescribed date. The propriety and expediency, and indeed the necessity of fixing some limit to the time wherein these claimants shall make their titles known to the government, and to the people interested in knowing which is public domain and which is not, are too manifest to admit of question, and too urgent to admit of delay. Congress of course might in its discretion extent the term. When once established, however, we think the effect would be to cause nearly or quite all the claims to be brought forward and filed, leaving little reason for an extension of the filing term.

Under the law, as it stands, about one hundred and fifty claims—exclusive of pueblo grants—have been filed with the surveyor general. Of these some ninety have received his favorable, and several his unfavorable action, and been reported to congress; and of those reported, congress has by law confirmed about one half, has rejected one, has restricted two to smaller area, and has most of the remainder now—May, 1874—pending before it in a bill for their confirmation. Of the confirmed claims about twenty have been surveyed and two patented,* the surveys all being executed by the government, and, in most instances, at its expense. Since 1862 congress has required that the surveys, when made, be executed by authority of the government, but at the cost and expense of the grant owner—which latter requirement we think is a palpable violation of the spirit and intent, and indeed of the letter of the "contribution, tax or charge" clause of article VIII of the treaty of Guadalupe Hidalgo, before quoted, and it certainly had the effect of preventing the survey and segregation from the public domain of numerous confirmed grants in this Territory, and in the ascertaining and fixing of whose locus area the government, which is necessarily ignorant of both, is at least as much interested as the land owner himself, who, of course, knows where his tract is, and which are its boundaries, and what its extend.

*Recently the General Land Office declined to patent surveyed confirmed private land claims in New Mexico, on the ground that the grant itself was the equivalent of a United States patent. But on appeal to the Secretary of the Interior, and reference of the question by him to the Attorney General, the ruling was reversed, and patents will issue to the owner of all such claims.

Never attempt to form an opinion of a woman's weight by her sighs.

Corruption in Prussia also.—Marshal von Moltke's accounts were recently found to be wrong He had drawn during the war one wig and one paper of smoking tobacco for which he had never accounted to the proper authorities. Demand for remuneration has been made.

Lawyer.—"How do you identify this handkerchief?" Witness—"By its general appearence and the fact that I have others like it." Counsel (cutely)—"That is no proof, for I have got one just like it in my pocket." Witness (innocently)—"I don't doubt it, as I had more than one of the same sort stolen."