

IN THE SENATE OF THE UNITED STATES.

MARCH 8, 1878.—Ordered to be printed.

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

REPORT:

[To accompany bill S. 520.]

*The Committee on Private Land Claims, to whom was referred the bill (S. 520) to authorize claimants to certain lands in Santa Barbara County, California, to submit their claims to the United States district court for that State for adjudication, submit the following report:*

The attorneys for the claimants have submitted a printed pamphlet containing their petition to Congress, and copies of all affidavits and matters of record which have been filed in the office of the Commissioner of the General Land-Office, for the purpose of procuring a withdrawal of the lands in question from disposal by the United States, pending this application, as well as for the purpose of perpetuating testimony. An examination of the original papers in the General Land-Office has been made, and the printed copies have been compared with the originals and found to be true copies.

By these evidences it appears that Miguel Cordero, a Mexican citizen, in the year 1834, settled upon the lands since known as the "Rancho Las Cruces," now in Santa Barbara County, California, but then within the domain of Mexico. That in the year 1837 said Cordero, on his petition, received from the proper authorities a grant, evidenced of record in the usual form, to said rancho, two leagues in length and one league in width, marked by certain distinct natural boundaries, which have since been definitely ascertained by survey, according to the public surveys of the United States. That the usual judicial possession was given by the neighboring alcalde in due form required by the laws of Mexico.

The keeper of the Spanish and Mexican archives in the United States surveyor-general's office for California certifies that the original documents in this case are genuine; that the copies are true translations; and that they constitute what would have been considered a perfect grant under the Mexican Government of California. He further certifies that he is familiar with the section of country in which the said tract of land is located, and that the same can, without difficulty, be ascertained from the calls of the title-papers and the accompanying map. In fact the record presents every link in the chain of a perfect expediente. The treaty of Gaudalupe Hidalgo, concluded May 30, 1848, between the United States and Mexico, by which California was acquired by the United States, found Cordero and his family in possession

of Las Cruces, improved with orchards, vineyards, and grain-fields, and largely stocked with cattle and horses.

The treaty provided (Article 8) 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 said territories."

The cession did not impair the rights of private property. They were consecrated by the law of nations and protected by the treaty. (*U. S. v. Moreno*, 1 Wall., 404.)

By act of Congress of March 3, 1851, authority is given for a board of commissioners to ascertain and settle private land-claims in California, originating under the Spanish or Mexican Governments, and for a confirmation of the same, with right of review in the United States district courts and appeal to the Supreme Court of the United States. (9 Stat., 63.)

Section 13 of this act provides, among other things, that "all lands, the claims to which shall not have been presented to said commissioners within two years after the date of this act, shall be deemed, held, and considered a part of the public domain of the United States." This limit was subsequently extended to March 3, 1855.

In March, 1851, after the passage of the last named act, but before its promulgation in California, Cordero died intestate, in possession of the Rancho Las Cruces. The premises were distant from the sitting of the commission subsequently organized to pass upon this class of titles. The family spoke none but the Spanish tongue, read no newspapers, and were wholly illiterate. The Mexican authorities had cared for private titles with such certainty that no doubt was felt as to their rights. The limitation of the act of March 3, 1851, and its extension expired before the heirs of Cordero knew that their title to Las Cruces was not fully protected. The Cordero title has been respected by all adjacent settlers from the time of his possession to the present day. The Commissioner of the General Land-Office has directed the withdrawal of these lands from public disposal, and nothing stands in the way of justice to the heirs of Cordero, except the absence of statutory authority to recognize their rights.

Under these circumstances your committee recommend the passage of the bill with the following amendment: At the end of section 1 of the bill add "nor shall any decree of confirmation affect any valid adverse rights of any other person or persons, or give to the confirmees, or any of them, any claim upon the United States for compensation for any land such confirmees may lose by reason of pre-emption or homestead claims or adverse rights as aforesaid."