

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."