

To His Excellency
Governor C. J. Davis

Governor,

Knowing that Your Excellency is thoroughly conversant with the landed interest of the District between the Nueces and Rio Grande and much more so than the members of the Legislature representing its inhabitants, I beg leave, respectfully to submit the following statements and suggestions relating to the Titles to Land within the territory between the said rivers, being that portion of our State, which under Mexican rule formed a part of the State of Tamaulipas.

The titles to Lands situated within this territory may be classed as follows:

1st. Titles issued by the Crown of Spain and perfected previous to the Mexican revolution.

2nd. Titles commenced in good faith under the Spanish government, the perfecting of which was interrupted by the outbreak of the Mexican revolution, and which were completed after achievement of Independance of Mexico.

3rd. Titles issued and perfected under the State government of Tamaulipas, previous to the Rebellion of Texas against Mexico.

4th. Titles commenced under the State Government

of Tamaulipas, but not perfected on account of the war between Texas and Mexico.

5th. Patents to land obtained under the Republic and State Government of Texas by virtue of Head-right Certificates, Land warrants and Scrip issued by the authorities of Texas, and surveyed since May 1838.

6th. Preemption claims, surveyed under the several acts of the Legislature, donating land to actual settlers on the vacant public domain.

Under the provisions of an act of the Legislature approved February 8. 1852. Commissioners were appointed "to investigate land titles in certain counties therein named, who reported favorably on a number of Spanish and Mexican titles, which were thereupon confirmed by an act of the "Legislature approved February 10. 1852, and whereby "all the right and interest of the State were relinquished to the original granters thereof, their heirs and legal assignees," on condition that the parties claiming any of the lands named therein "shall have the same surveyed and the field notes returned to the General Land Office and plotted on the maps, pay the Taxes due and obtain a patent for the same.

Section 5 of this act provides, that the confirmation herein extended shall "in no way be construed to "interfere with the rights, which may have accrued "to other parties before the passage of the act."

The act did not fix any time within which the conditions relative to the survey and obtaining of patents shall be complied with, and consequently a number of the Grants named in the act have not yet been surveyed and placed on the maps of the Counties where they are situated.

This is owing to the fact, that many of said Grants are owned in common and jointly by many persons heirs and assignees of the original grantees and who are unwilling to incur the expenses of the resurvey or cannot agree amongst themselves. In other instances the parties claim much more land than called for in their titles and maps and are unwilling to be restricted to the amount they are justly entitled to.

In some Counties resurveys have been made by surveyors, who were not able correctly to understand the Spanish titles, maps and field notes of the several Grants, and unacquainted with the laws of Spain and Mexico governing surveys and Grants of land. In some instances great confusion has been created by erroneous and incorrect resurveys, so much so that patents have issued for lands in localities entirely different from the lands justly claimed by the owners, and greatly to the detriment and annoyance of all parties interested.

The act hereinbefore cited does not embrace all perfect and meritorious grants issued by

the Spanish or Mexican Governments and situated within the territory herein referred to.

Many of the owners of good and valid titles either through ignorance or absence, or being disabled from various causes, did not present their titles to the Commissioners appointed for the investigation. Some parties, although they presented good and valid titles, failed to produce such evidence of their validity or equitable nature as was by the commissioners required, although such evidence might have been procured at that time.

Thus many valid and meritorious claims remained unrecognized to the great injury of the present owners.

To alleviate this grievance the 4th Legislature passed an act, approved on the 11th February 1860, and entitled, "an act to ascertain and adjudicate certain legal claims for land against the State situated between the Nueces and Rio Grande rivers" whereby an opportunity was given to owners of perfect and claimants under incipient titles to have the same submitted to the District Courts and adjudicated if found just and equitable. This act was "limited to the term of three years from and after its passage." It gave general satisfaction and all outstanding titles could have been effectually adjudicated, but its beneficial action was unfortunately interrupted by the breaking out of the civil war, and did not

give the applicants the contemplated opportunity. Only a limited number of Titles have been submitted and acted upon, and in the counties bordering on the Rio Grande a good many meritorious claims remain unrecognized.

It is respectfully suggested, for the relief of the owners of such grants, and in order to ascertain all outstanding claims for land within the State to pass an act requiring all holders of titles and claims emanating from the Spanish or Mexican Governments to have the same surveyed and with the evidence of title returned to the Commissioner of the General Land office within a certain time; to be submitted for adjudication under such provisions as Your Excellency may deem appropriate to propose. This measure would make the act Supplementary to section II of article X of the New Constitution ordaining that "all unsatisfied genuine land certificates now in existence shall be surveyed and returned to the General Land office by the 1st of January 1875 or forever barred."

On the 24th of May 1838, by a Joint Resolution of the Congress of the Republic of Texas, the line dividing the Land Districts of Bexar and San Patricio was established, and thereby implicitly all the Territory between the Nueces and Rio Grande claimed by Texas and virtually attached to the said two counties.

No Texian settlements existed at that time West of the Nueces, and surveys were made immediately after the passage of this Resolution on lands West of the Nueces regardless of any titles or rights of ownership.

The Mexican landowners, who had their Ranchos in that locality, but who with their families resided in the towns and settlements on and near the Rio Grande, were compelled to abandon their lands except in the immediate vicinity of the Rio Grande, and the perpetual partisan warfare on the frontier prevented them from vindicating their rights of property.

This state of affairs continued till the conclusion of the War with Mexico by the treaty of Guadalupe Hidalgo on the March of 1848, when the rights of Mexicans to Lands East of the Rio Grande and West of the Nueces were first recognized and opportunity given them to have their titles to Land placed upon the records of Nueces County, established in

1846 and embracing all the Territory between the Nueces and Rio Grande, and South of the road leading from San Antonio to Laredo, and subsequently in the Counties of Cameron, Starr & Webb, taken from Nueces County.

By this time a large number of surveys had been made in conflict with and utterly disregarding the Mexican titles, and patents obtained for the same, the holders of which were either ignorant

of the existence of any previous claims or under the impression that the lands of the Mexicans would be declared forfeited to the State of Texas and Subject to location.

The act of February 10. 1852 protected the interest of these holders of patents so far as any rights might "have accrued to them before the passage of this act", that is: if any title confirmed therein was not perfect in itself at the time of the entry of the location and survey made by virtue of the certificate, then the holder of the patent would hold the land.

It soon appeared that most of the titles to lands named in said act of February 10. 1852, and many others of Record in the counties where situated were perfect and genuine beyond cavil and would be sustained in the Courts. Many holders of patents asked permission to have them cancelled and the certificates returned to them for relocation.

This permission has always been granted by the several Commissioners of the General Land Office in accordance with an act of the "Legislature approved February 3. 1854, whenever" it appeared from the "Records of the General Land Office or from a duly certified copy of a Judgment of any Court of competent jurisdiction, that such conflict really exists" and from proper evidence exhibited to said commissioner that the party applying was the just and legal owner of the patent thus presented."

The late Commissioner, Joseph Spence,

required however, that in all cases "a judgment must be had" and ruled that the act of February 10 1852 did expressly exempt and validate all patents issued in conflict with these titles and previous to the passage of that act.

It is believed that said Commissioner herein acted in error, as it does not seem justifiable to force parties into litigation where both sides are desirous to avoid the same and agree upon the merits of their respective claims. It is therefore respectfully suggested that this matter be clearly defined and permission granted to all innocent locators upon previous valid titles, to withdraw their patents and certificates for relocation previous to the 1st of January 1875.

Section III of Article IX of the Constitution will affect only a few (#) surveys made in the District referred to and upon titled lands, where the applicants did not believe in the existence or validity of the previous title and insisted upon making the entry.

During the last three years a considerable number of Preemption Grants have been applied for and surveyed in Nueces and Duval Counties for persons not citizens of this State nor of the United States and who have not made declaration of their intention to become citizens, and it is not known, whether the applications of such persons for preemption grants are admissible.

Some few certificates issued during secession

have been located and surveyed for innocent purchasers, the patenting of which surveys has been suspended. It is respectfully suggested that some Legislative action be had to legalize these surveys.

There is good reason to believe that many valuable tracts of Land fronting on the Rio Grande have become escheated to the State, namely Porciones or Settlers shares granted at the time of the foundation of the towns of Camargo, Reynosa, Mier, Guerrero and Laredo to the settlers composing these colonies, and which have become escheated by the extinction of all descendants of the original grantees, or were left vacant at the time of foundation for want of applicants.

It is suggested, that transcripts of the several acts or charters of foundations and of the registers of the original settlers of the said towns (known as "Visita General" and "libro Becerro") be procured from the Archives of said towns and deposited in the General Land Office, in order definitely to determine and establish the lines of these porciones and jurisdictions in accordance with the original surveys made at the time of their foundation.

In the present state of affairs it is almost impossible to decide any question of boundary on the Rio Grande without referring to the Archives of the Mexican frontier towns, which are difficult of access, and in the referring to which mistakes

are frequently made and errors committed.

It is further submitted, that with the exception of Cameron County, the counties fronting on the Rio Grande were never properly organized as Separate Land Districts, nor the requirements of the act, allowing every organized County, to elect its own County Surveyor, complied with, and respectfully suggested, that the same be reattached to the District of Nueces, from which they were taken, until their organization as Separate Land Districts can be complied with according to Law. The persons who held the office of Surveyors in said counties have been either incompetent or very negligent in the performance of their duties, which require a thorough knowledge of the Spanish language and the Spanish laws and ordinances governing Surveys (known as "Ordenanzas de tierras y aguas").

The attention of Your Excellency is further called to the vague and awkward manner, in which the boundaries of the Counties of Cameron, Hidalgo, Starr, Zapata and Webb are defined in the several acts by which the same were created.

It is impossible for any judiciary or executive officer of any of these counties, at this day correctly to ascertain the limits of his jurisdiction, as not one of the boundary lines referred to has been actually surveyed and marked. The consequence is, that the collection of Taxes is continually in confusion; indictments are found in one county, and upon

trial it is often found or asserted, that the offense was committed in another county, the indictment is quashed and the criminal goes clear of punishment. It is therefore respectfully suggested that the boundaries of the said counties be clearly and conveniently established, consulting the interest of the inhabitants, and that the same be surveyed and marked in a permanent and visible manner. A map showing the actual boundaries of the said counties, and suggesting some alterations for the convenience of the inhabitants, is herewith submitted.

All the above is respectfully suggested
for the consideration of Your Excellency
by your obedient servant
Felix A. Blucher