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**Letters Received by the Surveyors
General of New Mexico
1854-1907**

**Records of the Bureau of Land
Management, Record Group 49**



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Records of the Bureau of Land Management

Record Group 49

LETTERS RECEIVED BY THE
SURVEYORS GENERAL OF NEW MEXICO
1854-1907

Reproduced on the 11 rolls of this microfilm publication are 28 "post binder" files of letters and other communications received by the Surveyors General of New Mexico. Some letters and materials sent are also included. The records are among the holdings of the National Archives for the Bureau of Land Management, Record Group 49, and are in the custody of the Archives Branch, Federal Archives and Records Center, Denver, Colorado.

Background

The origins of a national system of public surveys can be traced to the Confederation period. The ordinance of May 20, 1785, established the policy of describing the public lands with reference to a rectangular system of surveys. Between 1785 and 1796, surveyors supervised by the Geographer of the United States, an office dating from the Revolutionary War era, were appointed for each region to be surveyed.

The Land Act of May 19, 1796 (1 Stat. 464), provided for the appointment of a Surveyor General to replace the Geographer of the United States. The new position was made accountable chiefly to the Secretary of the Treasury. Appointed on November 5, 1796, the first Surveyor General received instructions from the Treasury Secretary on May 11, 1797, authorizing him to issue contracts to deputy surveyors for the execution of survey work in the field. The "contract system" of providing for the performance of U.S. public land surveys remained in effect until 1910.

According to the Land Act of 1796, the Surveyor General was to administer the survey of "the lands lying northwest of the river Ohio, and above the mouth of the river Kentucky, in which the titles of the Indian tribes have been extinguished." In the early 1800's, the surveying district under his authority was extended, and his office became known as that of "the Surveyor General of the United States." During the same time period, however, appointments independent of his jurisdiction were made for surveys of the lands south of Tennessee and of the Vincennes Tract in the Indiana Territory. In 1806, the Surveyor General and the "Surveyor of the Lands South of Tennessee" were authorized to appoint "Principal Deputies" to supervise and examine the work of deputy surveyors in the Louisiana and Orleans Territories, especially with regard to private land claims. During the ensuing 10 years, the duties of the principal deputies were expanded to include other types of surveys.

In 1816, the Principal Deputy Surveyor for the Missouri Territory was made administratively independent of the Surveyor

General's office, becoming, in effect, a Surveyor General for his district. By 1833, seven surveying districts had been established, each under the administration of a district Surveyor General. The district under the jurisdiction of the office previously known as "the Surveyor General of the United States," reduced by the creation of several other surveying districts, consisted then of the States of Ohio, Indiana, and the Michigan Territory. The establishment of surveying districts, with Surveyors General to administer them, continued to follow the creation and development of the public land Territories and States.

An act passed by Congress in 1836 (5 Stat. 107) placed these officials under the administration of the Commissioner of the General Land Office, which had been established in 1812 to administer the sale, grant, or lease of surveyed public lands. In 1849, the district surveyors general were included in the transfer of the General Land Office from the Treasury Department into the newly organized Department of the Interior.

Until 1910, the Surveyors General issued contracts to deputy surveyors and were legally responsible for the examination, correction, and certification of the work produced. Certified field notes and official plats were submitted to the Commissioner of the General Land Office, with a triplicate copy of each plat routed to the appropriate land office for use in recording land entries.

Formal examination authority over the public surveys passed from the district Surveyors General to the General Land Office Commissioner under regulations issued in 1879 and 1881. In June 1910, the practice of contract surveying was replaced by a "direct system" of "group surveys" performed by teams of civil servants appointed by the General Land Office. In the same reorganization, the position of Supervisor of Surveys was established, headquartered in Denver, and the survey teams were placed under the Supervisor's direction, more specifically under the direction of one of his 10 assistant supervisors in one of the 10 new surveying districts then created (e.g., Alaska, Colorado and Wyoming, Montana, etc.). The duties of the Surveyors General were greatly reduced as a result of the 1910 changes; however, their positions were not finally abolished until the end of fiscal year 1925 (43 Stat. 1141), after an act of Congress, approved March 3, 1925 (68 Stat. 380), brought all General Land Office land and mineral survey activities into the Field Survey Service and made that Service accountable to the Supervisor of Surveys.

Ceded to the United States by Mexico with the signing of the Treaty of Guadalupe Hidalgo on February 2, 1848, New Mexico had achieved Territorial status under the terms of an act approved on September 9, 1850 (9 Stat. 446). Originally, parts of Arizona, Colorado and Nevada were included in the Territory. The Gadsden

Purchase from Mexico in 1853 increased its area, while the establishment of the Colorado and Arizona Territories in 1861 and 1863, respectively, brought it within its present-day boundaries.

Section 1 of an act of July 22, 1854 (10 Stat. 308), created the office of the "Surveyor General for New Mexico." Although the surveying district encompassed the entire Territory, most early survey work done under the Surveyor General was conducted on lands within the boundaries of the present-day State of New Mexico. The area within the surveying district was reduced when the acts organizing the Colorado and Arizona Territories established a Surveyor General for each, and expanded again when the office of the Surveyor General for Arizona was abolished by the terms of an act passed on July 2, 1864 (13 Stat. 344), attaching that Territory to the surveying district of New Mexico. It remained within the surveying district of New Mexico until legislation passed on March 2, 1867 (14 Stat. 543) attached it to the surveying district of California. This limited the surveying district of New Mexico to lands within the Territory, and later, within the State.

President Pierce appointed William Pelham to become New Mexico's first Surveyor General, with tenure to begin August 1, 1854. John Wilson, Commissioner of the General Land Office, forwarded the initial instructions for the new office on August 21 and 25 of that year. Pelham arrived in Santa Fe on December 28 and began to set up operations for the coming year.

Pelham's initial instructions, elaborating on the act of July 22, 1854, outlined his duties as Surveyor General of New Mexico. He was to establish principal meridian and base lines and to administer subsequent public surveys. The surveying was to be done by deputy surveyors contracting through his Office. He himself was to be responsible for supervising, examining, correcting and approving the surveys. The official survey plats were to be prepared in the Surveyor General's Office from field notes and sketch plats furnished by the deputies and were to be submitted to the Commissioner for approval. The Surveyor General was also to propose to the Commissioner extensions of the public surveys into specific areas, with preference being given to surveys requested by settlers or covering land suitable for settlement or cultivation. Pelham was also to gather and report information concerning land resources and settlement throughout the territory.

Provisions in an 1853 amendment to the 1850 act that established the Surveyor General of Oregon were applied to New Mexico's Surveyor General in February 1855, including that he be bonded as a "Receiver of Public Monies." Much of this financial responsibility passed to the Land Office for the District of New Mexico when it opened in Santa Fe on November 25, 1858.

In addition to these duties, common to most Surveyors General, the Surveyor General of New Mexico had certain unique responsibilities: The eighth section of the act of July 22, 1854, directed him to report on all land claims in the Territory based on Spanish and Mexican grants conferred before the signing of the Treaty of Guadalupe Hidalgo. He was to familiarize himself with Spanish colonial and Mexican land law, receive and organize the relevant available Spanish and Mexican archives, hold hearings and gather evidence of land titles, keeping a journal and docket of the proceedings. The reports he was to submit to Congress through the Commissioner of the General Land Office and the Interior Secretary were to include his recommendations on disposition of the claims. He was also to submit a report to Congress on Indian Pueblo lands in the Territory, showing the extent, locality, population, and evidence of land title for each settlement.

The actual surveying process began when John Garretson was awarded the first survey contract on March 9, 1855. Indian and Civil War hostilities combined with arid field conditions to retard the progress of surveys in the Territory, with Indian interference ceasing only after 1885. Inaccuracies in a number of surveys done during the 1870's and 1880's prompted the re-survey of some locations. Irregularities in surveys and land entries led to a large number of land fraud investigations in the 1880's, culminating in the temporary suspension of surveying and land entries in 1886 by Commissioner William Sparks.

Work on the settlement of Spanish and Mexican land claims also proceeded slowly, impeded by the necessity of translating much of the archives and by the unwillingness of many of the claimants to present their evidence to the Surveyor General. The establishment of the Court of Private Land Claims in 1891 to adjudicate Spanish- and Mexican-based claims, including those for "small holdings," brought numerous petitions for surveys.

Delays also occurred in quieting homestead, preemption, desert land, and mining claims of more recent settlers. The Surveyors General made varying interpretations in the application of certain land laws and regulations, such as those requiring "arability" of lands in homestead and preemption claims. The rules were frequently seen as inappropriate by settlers and others and were often disregarded.

During the early 1900's, the Surveyor General served on the U.S. Territorial Land Commission (sometimes called the U.S. Locating Land Commission) created by Congress on June 21, 1898, to select unappropriated U.S. public land for granting to the Territorial government in anticipation of statehood (30 Stat. 484). The act itself specified the locations of the 4 million acres of public land to be granted in support of "common schools" and left an additional 1,343,000 acres to be selected by the

Commission for the support of Territorial colleges and universities, a military institute, hospitals and asylums, water resources improvements, a penitentiary, and public buildings in Sante Fe.

The Territorial Governor, solicitor general, and Surveyor General were to serve as ex-officio members of the Commission, and the act appropriated \$10,000 toward the expenses of the selection process. A locating agent and a clerk for the Commission aided in the inspection, precise location, and documentation of the selections.

The U.S. Land Commission worked closely with the Territorial Board of Public Lands, established by the Territorial legislature on an interim basis on June 21, 1898, and fully established on March 16, 1899, with a membership consisting of the Governor, the solicitor general, and a permanent Territorial commissioner of public lands. The U.S. Land Commission's duties regarding land transfers from the U.S. to the Territorial public domain were purely selective, whereas the Board of Public Lands administered the appraisal, management, and disposition of the lands donated, whether selected by Congress or by the Commission.

The Commission's selections were subject to Interior Department approval. On September 21, November 6, and December 6, 1899, initial selections were made totaling 220,679.23 acres.

The Lieu Lands Act approved by Congress on June 28, 1906 (34 Stat. 460), granted an additional 966,000 acres of U.S. lands to the Territory, the selection of which also came within the purview of the Commission, whose funding by this time had been assumed by the Territorial legislature. New grants donations surpassing 6.5 million acres were made under the enabling act of June 20, 1910 (36 Stat. 557), in which Congress provided for New Mexico's subsequent transition to Statehood.

When the public lands survey organization was overhauled as a result of the reorganization of 1910, the Territory-cum-State of New Mexico was placed in District 4 (New Mexico) of the 10 survey districts under the Supervisor of Surveys in Denver. The Surveyor General of New Mexico continued to work within the new system, but his duties were limited primarily to the supervision of office tasks related to survey work in the field. In 1925 these remaining duties were transferred to the Field Survey Service. The Office of the Surveyor General of New Mexico was discontinued as of July 1, 1925.

Records Description

Three series of Letters received by the Surveyor General are reproduced in this microfilm publication. The first and largest series filmed, dated 1854-90, was the original letters-received file, and for the first 30 years of operations (Aug. 1854-Sept. 1884), all such letters and materials, nonofficial as well as

official, were filed here. From September 1884 to August 1889, official letters continued to be filed here (with one proviso). From August 1889 to the end of the series, only letters from the Commissioner continued to be placed in this file. The second series, dated 1885-89, is an offshoot of the first, containing all the nonofficial letters from August 1885 onward and all official letters, except those from the Commissioner, from August 1889 to the end of the series. However, for a now obscure reason, some official letters were filed here beginning in August 1888; thus reference to both series 1 and series 2 is necessary for official letters dated August 1888 to August 1889. The third series, dated 1902-7, consists of a single binder of letters received, plus some letters sent, by the Surveyor General acting in his capacity as a member of the U.S. Land Commission for the Territory.

Series 1, Official Letters Received, 1854-90

This series begins with two small unbound files. The first contains the initial instructions of the Commissioner of the General Land Office, dated August 21 and 26, 1854, to the first Surveyor General of New Mexico, William Pelham. The second contains copies of Pelham's instructions to deputy surveyors, dated from March 9, 1855, to April 3, 1856. Following these two files, the rest of the letters are fastened in 24 binders, variously titled "Official Letters," "Department Letters," or simply, "Official."

The letters in the binders are arranged chronologically by date received. They are also arranged serially, a main numbering sequence (Nos. 2-4187) designating all the letters in binders 1-15 and some, mostly from the Commissioner, in binders 16-23, and a lesser sequence (Nos. 1-98) designating all letters in binder 24. This final binder contains Commissioner's letters, prefaced by a numerical index that gives the identifying initials or file number, date sent, source, date received, and subject of each letter. The main numerical sequence has frequent gaps, some filled by inserts noting the removal of the letters to a "Mine Letter File." Similar refiling and other activities (office moves) and accidents probably explain the gaps.

In addition to the numbered and unnumbered letters, sometimes with attachments or enclosures, there are also telegrams, accounting forms and form letters, circulars, and occasional survey plats, maps, and lists of land entries.

All binders contain official letters, with the General Land Office and its Commissioner the most heavily represented. Other Federal correspondents include the Secretary of the Interior, Treasury Department officials, Indian reservation Superintendents and agents of the Pueblo and Mescalero tribes and settlements, the Territorial Governor of New Mexico, Surveyors General from other western Territories and States, field inspectors

and survey examiners from the General Land Office, Public Land Commission officials, officers of the military, registers and receivers of New Mexico district land offices, and deputy surveyors.

Binders 1-13 also contain letters from pre-Territorial and Territorial settlers; entrymen; land-grant holders and claimants; officials of banks, cattle companies, railroads, irrigation companies, and mining concerns; attorneys; real estate agents; and applicants for deputy surveyor and office staff positions.

Included among the letters from the Commissioner's Office are instructions and recommendations; budget and staffing allotments; notifications of legislative, regulatory, and policy changes in public land and survey administration; and examinations, corrections, approvals, and rejections of public surveys, accounting records and private land claims reports and recommendations submitted by the Surveyor General. Discussed in the series as a whole are such matters as field inspection of land entries and public surveys; land reconnaissance, cultivation, and reclamation; Pueblo Indian settlements; and land-related conflicts involving squatters, grant claimants, cattle companies, and Indians. During the 1880's, reply notations made by the Surveyor General appear on some of the incoming letters.

Series 2, Letters from Others Than the Commissioner, August 1, 1885-December 24, 1889

The letters within the first two post binders (both titled "Miscellaneous") are arranged chronologically by date received. Those in the third, final, binder, ("Miscellaneous Letters") are numbered serially, 1-221, with a numerical index giving the source and a content summary for each letter.

Sources for most of the records in this series are the same as for the nonofficial letters in binders 1-13 of series 1, already described. The final binder also includes letters from registers and receivers at New Mexico district land offices, special agents of the General Land Office, the Territorial Governor, and Treasury Department officials.

Survey and land-entry requests and activities, private grant claims, land fraud investigations, Indian hostilities, and the Surveyor General's Office accounts are among the topics covered in the records.

Series 3, Letters Relating to the U.S. Territorial Land Commission, 1902-7

The single post binder file comprising this series contains mostly letters received, with occasional copies of ones sent, by the Surveyor General between 1902 and 1907 as a member of

the Commission, and as its special disbursing agent for several years. Custody of the bulk of the Commission's records passed to the Territorial commissioner of public lands, who also served after 1905 as clerk for the Commission.

The series is arranged alphabetically by surname of correspondent. Among the correspondents are the Territorial Governor, solicitor general, and public land commissioner; the locating agent for the U.S. Land Commission; officials of the University of New Mexico and the Territorial irrigation commission; and ranchers, cattle companies, and their attorneys.

Much of the correspondence deals with applications of private interests to have portions of U.S. land located, inspected, and selected by the Commission pending their lease by those parties for grazing purposes. Other letters concern the preference for selections of irrigable acreages; segregation of saline lands granted to the university; the availability or prior Federal withdrawal of particular portions of the public domain; and remuneration for land-location costs and the expenses of Commission members.

Related Records

Related records among the holdings of the Denver Archives Branch include several series of letters sent by the Surveyor General of New Mexico, 1884-1910, and tract books, survey plats, and other land records of New Mexico. The remaining records relating to U.S. public land surveys consist of correspondence and related land records of the Surveyor General of Colorado (1861-1934), of Montana (1867-94), of Utah (1854-1916), and of Wyoming (1870-1908), and the correspondence of the Supervisor of Surveys (1910-46).

Records relating to the Surveyor General of New Mexico may also be found in the holdings of the National Archives and Records Service (NARS) in Washington, D.C., primarily among the records of the General Land Office. Included in these General Land Office records are copies of the official letters sent to the Surveyor General of New Mexico during the 1891-1925 period. Letters sent by the Surveyor General of New Mexico to the General Land Office may be found in several series of letters covering the years 1854-1925. Numerous other series relating to the progress of the public land surveys in the western Territories and States are also available.

All the holdings delineated above are in Record Group 49, Records of the Bureau of Land Management. In addition, pre-Territorial records of the original Spanish and Mexican land-grant claims may be found among the "Spanish Archives" holdings of the New Mexico State Archives, located in Santa Fe. By special arrangement with NARS, the State archives is also a

major depository for records of the Surveyor General of New Mexico and for related land records. State holdings include the letters sent by the Surveyor General from 1854 to 1897 and the documentation of private land claims cases that he adjudicated in the years 1855-90. The Court of Private Land Claims records for the period 1891-1904 are also in the New Mexico State Archives.

Daniel D. Nealand wrote this introduction and prepared the records for filming. The editor was K. S. Quigley.

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