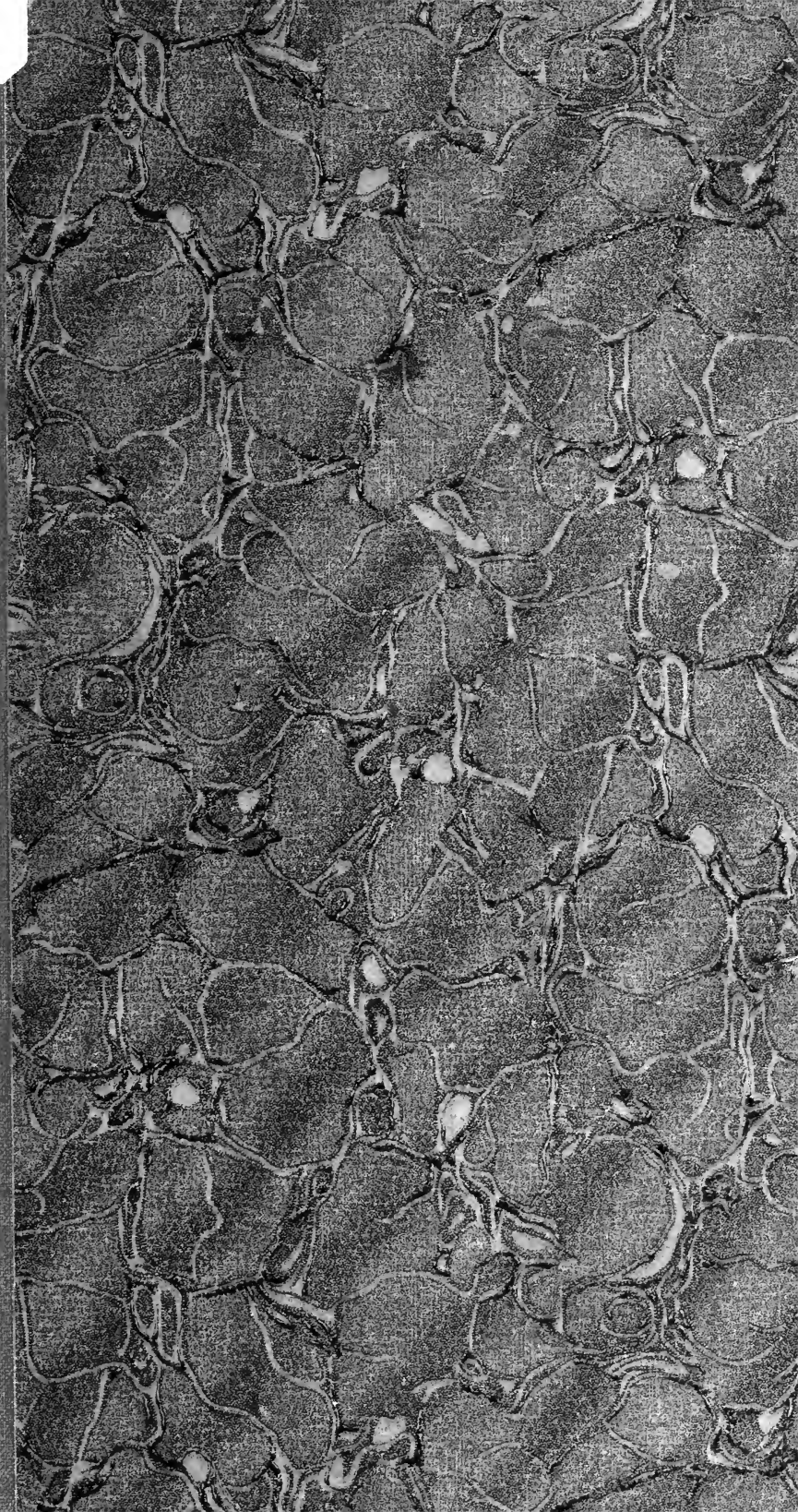


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AT WASHINGTON, D. C.

J. A. PERALTA REAVIS AND DOÑA
SOPHIA LORETA MICAELA DE MASO-
REAVIS Y PERALTA DE LA CORDOBA,
HIS WIFE, AND CLINTON P. FARRELL,
TRUSTEE,

v.

THE UNITED STATES OF AMERICA.

No. 16,719.

PETITION OF CLAIMANTS.

PHIL. B. THOMPSON, JR.,

Attorney for Claimants.

FREEMAN & MONEY, Washington, D. C.

LUTHER HARRISON, " "

ANDREW SQUIRE, Cleveland, Ohio.

FRANK H. HURD, Toledo, "

W. BURKE COCKRAN, New York, N. Y.

JAMES O. BROADHEAD, St. Louis, Mo.

LOYD & WOOD, San Francisco, Cal.

H. S. BROWN, " "

of Counsel.

WASHINGTON :

GIBSON BROS., PRINTERS AND BOOKBINDERS.

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Court of Claims of the United States

AT WASHINGTON, D. C.

J. A. PERALTA REAVIS AND DOÑA
SOPHIA LORETA MICAELA DE
MASO-REAVIS Y PERALTA DE LA
CORDOBA, HIS WIFE, AND CLINTON
P. FARRELL, TRUSTEE,

No. 16,719.

v.

THE UNITED STATES OF AMERICA.

PETITION.

The claimants, James Addison Peralta Reavis, and his wife, Doña Sophia Loreta Micaela de Masó-Reavis y Peralta de la Córdoba, and Clinton P. Farrell, Trustee, say that by article six, clause two (Art. VI, 2) of the Constitution of the United States it is provided: "This Constitution and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land." * * *

It is further provided in the fifth amendment to the said Constitution: "No person shall be * * * deprived of

life, liberty, or property, without due process of law ; nor shall private property be taken for public use without just compensation.”

They further state that in pursuance of the above and other provisions of the Constitution, giving to the United States Government the right to declare war, make peace, and treat with foreign powers, there resulted a sovereign power authorized to acquire territory from foreign nations, which it has continuously exercised. In the course of the exercise of its legitimate powers, war was declared by the United States of America against the Republic of Mexico, and afterwards peace was made with said Republic by a treaty known as the Treaty of Guadalupe Hidalgo, on the 2d day of February, 1848, by which treaty certain territory which had constituted, before the independence of Mexico, a part of the possessions and realms of the King of Spain, was ceded to the United States of America. The independence of Mexico, which Republic had theretofore been a part of the dominion of Spain, was accomplished on the 16th day of September, 1824.

In Article VIII of the said Treaty of Guadalupe Hidalgo it is provided: “ 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 contract, shall enjoy with respect to it guarantees equally ample as if the same belonged to citizens of the United States.” (U. S. Statutes at Large, vol. 9, p. 929). (Treaties, 108).

In pursuance of said powers granted by the Constitution, another treaty was made between the United States of America and the Republic of Mexico on the 30th day of December, A. D. 1853, and is commonly known as the Gadsden Purchase, by which treaties the lands hereinafter

described passed under the sovereignty and dominion of the United States, to be held and controlled under the authority of the Constitution. Article V of said Treaty of December 30, 1853, is in these words: "All the provisions of the eighth and ninth * * * articles of the Treaty of Guadalupe Hidalgo shall apply to the territory ceded by the Mexican Republic in the first articles of the present treaty, and to all the rights of persons and property, both civil and ecclesiastical, within the same, as fully and as effectually as if the said articles were herein again recited and set forth." (U. S. Statutes at Large, vol. 10, p. 1031 *et seq.*, Gasden Treaty and Purchase.)

All the territory which was acquired by the United States by virtue of said treaties and purchase from the Republic of Mexico had, before the establishment of the Independence of said Republic, been a part of the possessions of the Kingdom of Spain and subject to the power, dominion, and disposition of the King thereof. That the said King of Spain was an absolute monarch at the time of said declaration of independence and the Government of Spain an absolute monarchy, whose laws are the will and pleasure of the King, or usage and custom established by his consent, either expressed or implied, with full power on his part to dispose of any part of his territory or dominions as he pleased, upon such terms as he prescribed, by royal grant or otherwise. And by virtue of his said power and authority, Señor Don Miguel Silva de Peralta de la Córdoba, a captain of dragoons in the Spanish army, having performed a signal service as secret commissioner of the King, and fiscal agent of the city of Cadiz, in determining the responsibility of the Jesuit Fathers in the deficit that occurred in the King's tithe throughout the Spanish domains, and more particularly in the district of Arizonac, in Pimeria Alta (now Sonora and Arizona), made his final report in 1742 to the King of Spain,

whereupon he was, by the King, created Baron de Arizonae and Grandee of Spain, with the honorable title of Caballero de los Colorados; and also was granted by the King three hundred square leagues of land of the royal domain for distinguished services rendered to the crown, which grant is set forth and evidenced in the following muniments of title:

FIRST. A royal decree, signed at Madrid, on the 20th of December, 1748, commanding the Viceroy of New Spain to make a grant to Señor Don Miguel Silva de Peralta de la Córdoba, of three hundred square leagues of land, or 19,200,000,000 square varas, Castillion or Spanish common measurement, to be located in the northern part of the Viceroyalty of New Spain, now Arizona.

SECOND. Which royal decree, by order of the Secretary of the Treasury, was referred through said Viceroy of New Spain, for consideration to the Holy Tribunal of the Inquisition of Mexico for the evidences of conflicting grants that might have been made.

THIRD. In pursuance of said reference a report was made by the said Holy Inquisitors in the City and Archbishopric of Mexico, dated October 10, 1757, setting out that there were no conflicting grants, and that they make no opposition to the location and selection by said Peralta, and that the Indians were friendly to the said Peralta, and the location proposed would prove beneficial.

FOURTH. An order of location was made by order of the Viceroy of New Spain on the third day of January, 1758, upon receiving said report giving to Señor Don Miguel Silva de Peralta de la Córdoba a tract of land extending ten leagues from North to South, and thirty leagues from East to West, common measurement, to be located outside of the Mission of San Javier in Pimeria Alta of the northern part of the Viceroyalty of New Spain, to the east of the Sierras Estrellas and to include the Gila river, together with all the

waters, currents, minerals, lands, and every other thing appertaining thereto, and conforming to royal patent.

FIFTH. An order of survey was made January 13, 1758, directing Señor Don Miguel Silva de Peralta de la Córdoba to accompany the Father Francisco Pauer of the Mission of San Javier, who was empowered to locate and give juridical possession in conformity with the royal decree, by order of the Viceroy.

SIXTH. The royal patent (a parchment containing coat of arms and decree of cession, witnessed by great seal of State) was delivered into the hands of grantee as evidence of possession, and a survey was made May 13, 1758, showing by metes and bounds the location of the land granted, also establishing a monumental stone at the east base of the Maricopa Mountain, the most easterly of the Sierras Estrellas, upon which a map of the concession was engraved, as information for the Pima Indians that they may respect the order of the King, signed Francisco Pauer, M. D. P. S. M. (authorized by His Majesty), Don Cristobal Vega and Don Andres Galvez, declaring juridical possession given with due solemnity and in due form to said grantee Peralta.

SEVENTH. A *testimonio* was issued by the secretary of the Holy Inquisition, dated 23d day of June, 1768, embodying a history of the concession to Peralta as herein cited.

EIGHTH. A petition was made by said Peralta, grantee as aforesaid, to Carlos III, King of Spain, dated August 1, 1768, praying confirmation of the aforesaid concessions made to him by Fernando VI, and located by order of the Viceroy as aforesaid, on account of extensive mineral discoveries thereon, which petition was signed Miguel de Peralta, Caballero de los Colorados.

NINTH. An order was made by Carlos III, dated Madrid, January 20, 1776, granting the petition of said grantee

Peralta, and confirming the aforesaid concession made by order of Fernando VI, December 20, 1748.

TENTH. That the said Don Miguel Silva de Peralta de la Córdoba, Captain of Dragoons in the Spanish Army, Caballero de los Colorados, Baron de Arizonac, and Grandee of Spain, did take possession of the "Hacienda de Peralta," in pursuance of said grant and did rehabilitate the ancient ruins of the Casa Grande, which are located within the concession made to him by the King, and did build exterior buildings and a large exterior wall after the manner of haciendas, and did hold continuous possession until the ravages of the Apaches forced abandonment; and that he did preserve a garrison within such enclosure, and conducted religious services within the walls of the ancient Casa Grande.

ELEVENTH. A will was duly made and executed on the third day of January, 1783, by said grantee, Don Miguel de Peralta de la Córdoba, bequeathing to his wife, Doña Sophia Ave Maria Sanchez, and his son, Miguel Peralta de la Córdoba y Sanchez (two years of age), the residue that may remain of all his property, of debts due to him, rights, shares, and property that may thereafter be inherited by him, they to share equally the property that may be left by him; provided, however, that should his said wife acquire the ownership of the estate called "de Peralta," which consists of three hundred square leagues, and is situated in the Territory of Pimas Altas, etc., the legatee named shall be obliged to respect the franchises and privileges which, in the name of the King of Spain, have been conferred upon the Pima Indians who occupy several villages upon the aforesaid estate, and by a codicil added to said will and dated in the city of Guadalajara, the thirteenth of January, 1788, he bequeathed to his said son, Miguel de Peralta y Sanchez, the concession granted to him by the King of Spain, situated in Pimeria Alta, and which is the estate herein claimed and described.

TWELFTH. That upon the death of the original grantee, which occurred at Guadalajara in the year A. D. 1788, his said infant son, Miguel de Peralta de la Córdoba y Sanchez, went into the possession of said property and held and owned the same by virtue of said grant and bequest, and afterwards did construct a house within the bounds of the concession made by the King of Spain to his father as aforesaid, which house was known as Casa Blanca, and was preserved and used for many years, and that the ruins are known to this time by that name. That after the independence of Mexico, grants of the Kings of Spain were recognized and respected by said Republic, and in the year 1840 the said Republic, through one Flores, a military governor, and with full power and authority from said Republic and as representative thereof, made and entered into a tripartite agreement with said owner and the Pima Indians, for the protection of said property and of migrating whites.

THIRTEENTH. A *testimonio*, by order of President Santa Anna, April 5, 1852, embodying the principal orders as herein recited, was sent to Don Miguel de Peralta de la Córdoba y Sanchez, son of the Caballero de los Colorados, a citizen of Hermesillo, in Sonora, the 12th of September, 1852, by his request, accompanied by an official letter from the President extending to him and to the said grant the protection of the Republic of Mexico.

FOURTEENTH. That said son and legatee, Don Miguel de Peralta de la Córdoba y Sanchez, married, and of his marriage had only one child, a daughter, who herself having married Don José Carmin Masó y Castillia, of the city of Cadiz, Spain, gave birth on the fourth of March, 1862, in due course of nature, to twins, one of whom died, the other, Doña Sophia Loreta Micaela Masó y Peralta de la Córdoba, who is the only lineal descendant of said grantee, her mater-

nal great grandfather, is the claimant herein. The said mother of claimant and only child of said legatee Peralta died at that time, leaving the female claimant her only child. That said Don Miguel de Peralta de la Córdoba y Sanchez was called to Spain in the year 1863, and remained in Spain until his death, which was in 1865, but before leaving for Spain on the 2d day of January, 1863, he made and executed his last will and testament, in which he bequeathed all his property, including the aforesaid land, to his said granddaughter, the claimant herein, saying in substance that by virtue of said will said grandchild is given the ownership of the estate called "de Peralta," which consists by common measurement of three hundred square leagues of land, lying north of the San Javier Mission, in the Territory of New Mexico, which was donated to Don Miguel de Peralta de la Córdoba, Caballero de los Colorados, by Ferdinand VI, King of Spain, on the 20th day of December, 1748; that the tripartite agreement entered into by himself, Captain Flores, the Mexican military governor, and the Indians, in the year 1840, be respected and the franchises and privileges acquired thereby be guaranteed to the Pima Indians. To which will he added a codicil, dated at Madrid, April 9, 1865, confirming the bequest to his granddaughter, Doña Sophia Loreta Micaela Masó y Peralta de la Córdoba, then residing in Mendocino county, California, in the custody of Doña Carmalita Masó de Castillia, her paternal grandmother, and which land is described as follows :

Beginning at the west end of the "monumental" stone or rock which lies at the most eastern point of the eastern base of the Maricopa Mountain, which is the eastern extremity of the Sierras Estrellas, situated upon the south bank of the Gila river, opposite the mouth of the Salt river; which "monumental" stone is situated about eight and one-half miles south of the Gila river, south about one hundred

and forty chains, and east twenty-five chains of the centre of township 3 south, range 2 east, of Gila and Salt rivers base and meridian, according to United States survey, and lies about twenty feet in length from east to west, by a width of about fifteen feet by eight feet in height, with a map about 12 by 36 inches upon the south face; thence north, crossing the Gila and Salt rivers a distance of twenty-four, eight hundred and eighty-five thousandths (24.885) miles to a point; thence east, one hundred and forty-nine, three-tenths (149.3) miles to a point; and from the west end of the "monumental" stone, the place of beginning, thence south a distance of twenty-four, eight hundred and eighty-five thousandths (24.885) miles to a point; and thence east a distance of one hundred and forty-nine, three-tenths (149.3) miles to a point; and thence northerly forty-nine, seventy-seven hundredths (49.77) miles to the point above described as the eastern extension of the northern point of the western boundary line of said "concession of Peralta" or Peralta grant.

That upon the eve of departure for Spain in said year 1863, the said Peralta, the legatee of the grantee, left an agent, Sr. Don Antonio Pablo de Peralta, in charge of said property, who remained in charge of the same until the death of him, the said agent, which occurred about March, 1867, at La Paz in the said Territory of Arizona.

That the claimant, Doña Sophia Loreta Micaela de Masó-Reavis y Peralta de la Córdoba, was engaged to be married to the claimant, James Addison Reavis, and before marriage they entered into a contract in writing by which she settled upon her said expected husband an interest in said estate equal to one-half thereof, and imposed upon him the condition of adding "Peralta" to his surname, which he has done, and they were married on the 31st day of December, 1882, and are now man and wife. This said contract bears date December 31, 1882.

That by order of the Governor of the State of Jalisco, Republic of Mexico, the Custodian of Archives of the city of Guadalajara, on the 16th day of November, 1881, by request of said James Addison Reavis, issued a transcript and photographic copy of the codicil to the will of said grantee, Señor Don Miguel de Peralta de la Córdoba, and order of location of said grant, being of the probate proceedings of said first legatee. And that by order of the Court of Second Instance, in said city of Guadalajara, the Custodian of the Archives of the Ancient Audencia of Guadalajara, upon petition of said Reavis, did issue a *testimonio* of the title papers of "Hacienda de Peralta," dated Guadalajara, November 28, 1883. And that the Director of Archives and Protocols of the city of Madrid, Spain, did issue upon the petition of said claimants, James Addison Peralta Reavis and his wife, Doña Sophia Loreta Micaela de Masó y Peralta de la Córdoba, a *testimonio* containing wills, codicils, and probate record made and executed according to the laws, forms, customs, and usages of the Kingdom of Spain in the matter of the will of Don Miguel de Peralta de la Córdoba y Sanchez, maternal grandfather of the said female claimant, included in which and made a part thereof according to said laws, customs, and usages, were the complete title papers and evidence of possession given and succession thereunto of "Hacienda de Peralta," or the lands claimed herein, and thereupon, upon full proof of the identity of said female claimant, and upon the execution of her receipt therefor, all of said title papers were delivered to said claimants who now hold the same, which are as follows :

FIRST. Royal Cedula.

SECOND. *Testimonio*, containing—

- (a) Will and codicil of grantee, Señor Don Miguel de Peralta de la Córdoba, first Caballero de los ColRADOS.

- (b) Will and codicil of legatee, Don Miguel Peralta de la Córdoba y Sanchez, second Caballero de los Colorados.
- (c) Concession and evidence of possession given of "Hacienda de Peralta" or Peralta grant. Said *testimonio* bears date Madrid, Spain, July 21, 1886.

The claimant, J. A. Peralta Reavis, is therefore the owner of an undivided one-half of said property, subject to conveyances which he and his wife have since made to others, and which are described below by reference to the United States surveys, which surveys have, against their consent and without their permission, been extended over their said lands, and may be described as follows:

<i>Purchaser.</i>	<i>Description.</i>	<i>Consideration.</i>
H. A. Tweed	S.W. $\frac{1}{4}$ Sec. 6, T. 1 N., R. 3 E., Ex. 35 A.	\$125
L. W. Bleim	S.W. $\frac{1}{4}$ Sec. 27, S.E. $\frac{1}{4}$ Sec. 28, T. 1 N., R. 4 E.	320
T. L. & I. Co.	S.W. $\frac{1}{4}$ & S. $\frac{1}{2}$ N.W. $\frac{1}{4}$ Sec. 15; Sec. 16 & N.W. $\frac{1}{4}$ Sec. 22, T. 1 N., R. 4 E.	680
John Adams	E. $\frac{1}{2}$ S.W. $\frac{1}{4}$ Sec. 25, T. 2 N., R. 2 E.	160
Mrs. A.A. Alexander.	Lots 7 and 8, Blk. 77, City of Phoenix.	20
Anna D. Alsap	Lots 1, 2, 3, 4, 5, & 6, Blk. 95; Lots 7 & 8, Blk. 75; also part S.W. $\frac{1}{4}$ Sec. 5, T. 1 N., R. 3 E., City of Phoenix.	125
Sallie A. Archer	Lot 18, Blk. 24, City of Phœ- nix.	10
Daniel Bagley	S.W. $\frac{1}{4}$ S.E. $\frac{1}{4}$ Sec. 21, T. 1 N., R. 5 E.	80
L. R. Balz	Part of S.W. $\frac{1}{4}$ Sec. 5, T. 1 N., R. 3 E.	296
F. G. Berry	S.W. $\frac{1}{4}$ Sec. 36, T. 2 N., R. 3 E.	320

<i>Purchaser.</i>	<i>Description.</i>	<i>Consideration.</i>
O. F. Black.....	Lots 8, 10, & 12, Blk. 69; Lot 5, Blk. 5, of City of Phoenix.	\$50
J. R. Boner.....	S.W. $\frac{1}{4}$ Sec. 25, T. 2 N., R. 3 E.	320
John E. Boyd.....	(Lots 4 & 6, Blk. 26, City of Phoenix), Sec. 34, T. 1 S., R. 4 E.	1,305
Patrick Broadway...N.	$\frac{1}{2}$ S.E. $\frac{1}{4}$ Sec. 27, T. 2 N., R. 4 E.	960
N. W. Broadway....N.	$\frac{1}{2}$ Sec. 30, T. 1 N., R. 3 E.; Sec. 33, T. 2 N., R. 5 E.; E. $\frac{1}{2}$ Sec. 25, T. 1 N., R. 2 E.	2,560
Thos. W. Brown....	Sec. 25, T. 2 N., R. 5 E.....	1,280
F. L. Brill.....	N.W. $\frac{1}{4}$ Sec. 4, T. 1 N., R. 3 E.	320
John R. Burger.....	Lots 1, 2, 3, 4, 5, & 6, Blk. 90; Lots 9 & 11, Blk. 91, City of Phoenix.	200
J. S. Byers.....	Lots 11 & 12, Blk. 34; Lots 3, 5, & 11, Blk. 33, City of Phoenix.	75
Fannie E. Clark....	S.E. $\frac{1}{4}$ Sec. 35, T. 2 N., R. 3 E.	320
Geo. F. Coats.....	Lots 1 & 3, Blk. 80; Lot 5, Blk. 77, $\frac{3}{5}$ of W. $\frac{1}{2}$; Lot 10 & $3\frac{5}{10}$ in E. $\frac{1}{2}$ of Lot 12, Blk. 21, City of Phoenix.	160
Sarah E. Coats.....	Lots 1 & 3, Blk. 75, City of Phoenix.	25
Edward Cole.....	Lot 12, Blk. 80; Lots 8 & 10 & frac. Lot 12, Blk. 84, City of Phoenix.	50
G. M. Collins.....	N.W. $\frac{1}{4}$ Sec. 22, T. 1 N., R. 2 E.	320
Samuel Cook.....	Lots 1, 3, & 5, Blk. 17; Lot 8, Blk. 2; Lots 7 & 9, Blk. 52, City of Phoenix.	100
A. W. Casuer.....	S.E. $\frac{1}{4}$ Sec. 20, T. 1 N., R. 4 E.	320
J. M. Cottan.....	Lots 1, 2, 5, 7, & 9, Blk. 85; Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, & 12, Blk. 44; Lots 7 & 20, 15 ft.; Lot 8, Blk. 20; Lot 3, Blk. 9.	575

<i>Purchaser.</i>	<i>Description.</i>	<i>Consideration.</i>
J. M. Cottan.....	Lot 17, Blk 22; Blk. 1 Neahr's Add. to City of Phoenix.	
Beverly Cox	Lots 1, 3, & 5, Blk. 10; Lots 8 & 10, Blk. 41, City of Phoenix.	\$50
I. H. Cox.....	S. $\frac{1}{2}$ N. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$, N. $\frac{1}{2}$ S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ Sec. 9, T. 1 N., R. 3 E.; N. E. $\frac{1}{4}$ Sec. 29, T. 1 N., R. 4 E.; N. W. $\frac{1}{4}$ Sec. 4, T. 1 N., R. 5 E.; Sec. 11, T. 1 S., 4 E.	1,995
Mrs. F. S. Cox.....	Lot 7, Blk. 10; 155 Sq. Yds. ad joining City of Phoenix.	18
J. M. Crughton.....	Lots 1 & 2, Blk. 74, City of Phoenix.	25
B. A. Davis.....	N. E. $\frac{1}{4}$ Sec. 21, T. 1 N., R. 4 E.	320
Mrs. B. H. Dence...	Lots 6 & 7, Blk. 8; Lots 3, 4 & 5, Blk. 27; Lots 6 & 8, Blk. 14, Neahr's Add., City of Phoenix.	70
T. S. Despain.....	N. W. $\frac{1}{4}$ Sec. 36, T. 2 N., R. 3 E.	320
Edward Dupish.....	Lots 1, 3, 5, & 7, Blk. 16, City of Phoenix.	40
Charles Duncan.....	S. W. $\frac{1}{4}$ Sec. 27, T. 2 N., R. 3 E.	320
Guss Ellis.....	N. E. $\frac{1}{4}$ Sec. 33, T. 2 N., R. 3 E.	320
R. E. Farrington....	Blks. 5, 6 & 20, Neahr's Add. City of Phoenix.	100
S. & F. Franklin....	Sec. 26, & E. $\frac{1}{2}$ Sec. 27, W. $\frac{1}{2}$ of W. $\frac{1}{2}$ Sec. 25, N. W. $\frac{1}{4}$ Sec. 36, N. E. $\frac{1}{4}$ of N. $\frac{1}{2}$ of N. W. $\frac{1}{4}$ Sec. 35, T. 2 N., R. 2 E.	2,800
Samuel Franklin....	Lots 2, 4, 6, 8, 10, & 12, of Blk. 97, City of Phoenix; and that certain strip of land on Salt River Canal adjoining City.	150
Mrs. A. A. Fulton..	W. $\frac{1}{2}$, N. E. $\frac{1}{4}$ Sec. 2, T. 1 N., R. 3 E.	160
William Gilson.....	S. E. $\frac{1}{4}$ Sec. 9, N. W. $\frac{1}{4}$ Sec. 10, T. 1 N., R. 3 E.; also lot 12, Blk. 19, City of Phoenix.	685

<i>Purchaser.</i>	<i>Description.</i>	<i>Consideration.</i>
L. H. Goodrich	Lots 6, 15, & 2 inches; Lot 4, Blk. 24, & Lot 2, Blk. 78, City of Phoenix.	\$35
P. C. Goodrich	E. 24 ft. & 6 in. in Lot 4, Blk. 78, City of Phoenix.	15
Mrs. M. Goodwin	S.E. $\frac{1}{4}$ Sec. 29, T. 2 N., R. 3 E.	320
Columbus H. Gray	Sec. 14, E. $\frac{1}{4}$, Sec. 15, N. $\frac{1}{2}$ Sec. 23, T. 1 S., R. 4 E.	2,560
Mary A. Gray	N.E. $\frac{1}{4}$ & S.W. $\frac{1}{4}$ & N. $\frac{1}{2}$ Sec. 17, T. 1 N., R. 3 E.	800
W. T. Gray	E. $\frac{1}{2}$ & E. $\frac{1}{2}$ W. $\frac{1}{2}$ Sec. 22, S. $\frac{1}{2}$ Sec. 23, T. 1 S., R. 4 E.	1,600
J. L. Gregg	S. W. $\frac{1}{4}$ Sec. 21, E. $\frac{1}{2}$ N. W. $\frac{1}{2}$ Sec. 28, T. 1 N., R. 4 E.	500
Josiah Gregg	N.E. $\frac{1}{4}$ Sec. 32, T. 1 N., R. 4 E.	300
J. M. Gregory	Lots 8 & 10, Blk. 13; Lots 2, 4, 6, 8, 10, & 12, Blk. 16; Lots 5 & 7, Blk. 24; Lot 10, Blk. 54, of City of Phoenix.	110
H. G. Grenham	E. $\frac{1}{2}$ Sec. 18, T. 1 N., R. 3 E.	640
F. G. Hardiveck	S.W. $\frac{1}{4}$ Sec. 22, T. 1 N., R. 4 E.	320
J. B. Hawley	Lots 5 & 7, Blk. 62, City of Phoenix.	50
G. W. F. Herritt	Lots 1, 3, & 5, Blk. 74, City of Phoenix.	30
N. Herrick	Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, & 12, Blk. 53, and Lots 1, 2, & 3, Blk. 65, City of Phoenix.	350
George W. Hilliard	Sec. 35, T. 1 S., R. 4 E.	1,280
George W. Hoadly	Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, & 12, Blk. 40; Lots 10 & 12, Blk. 68, City of Phoenix.	350
James P. Holcomb	N.W. $\frac{1}{4}$ Sec. 32, T. 2 N.; N. W. $\frac{1}{4}$ Sec. 6, T. 1 N., R. 3 E.	640
Ellen Holland	Lots 1, 2, 3, & 4, Blk. 20; Lots 14, 16, & 18, Blk. 75, City of Phoenix.	150

<i>Purchaser.</i>	<i>Description.</i>	<i>Consideration.</i>
E. Irvine	E. $\frac{1}{2}$ Sec. 13, T. 1 N., R. 2 E.; Lot Blk. 4; Lots 1, 2, & 11, Blk. 6; Lot 8, Blk. 17; E. $\frac{1}{2}$ Lot 10, Blk. 21; Lots 1, 2, 3, 4, 5, 6, 7, & 8, Blk. 22; Lots 1, 3, 5, & 7, Blk. 36; Lot 3, Blk. 37; Lot 2, Blk. 78; W. 24 ft. Lot 4, Blk. 84; Lots 2, 4, 6, 8, 10, & 12, Blk. 91, City of Phœ- nix.	\$960
R. E. Isaac	N.E. $\frac{1}{4}$ & S.W. $\frac{1}{4}$ Sec. 2, T. 1 N.; S.E. $\frac{1}{4}$ Sec. 35, T. 2 N., R. 2 E.	960
J. H. Isaac	E. $\frac{1}{2}$ Sec. 34, T. 2 N., R. 2 E.	640
William Isaac	N.W. $\frac{1}{4}$ Sec. 2, T. 1 N.; S.W. $\frac{1}{4}$ & S. $\frac{1}{2}$ N.W. $\frac{1}{4}$ Sec. 35, T. 2 N., R. 2 E.	800
Seneca Jenks.	N.E. $\frac{1}{4}$ Sec. 28, N.E. $\frac{1}{4}$ Sec. 25, T. 1 N., R. 4 E.	640
M. W. Kales.	Lots 7, 9, 11, & 12, Blk. 21; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, & 12, Blk. 93, City of Phœnix.	400
M. W. Kales and Sol. Lewis	S.E. $\frac{1}{4}$ Sec. 2, T. 1 N., R. 3 E.; Lots 16, 17, & 18, Blk. 65; W. $\frac{1}{2}$ Lots 8, Blk. 21, City of Phœnix.	395
M. C. Kellogg, <i>et al.</i>	S.E. $\frac{1}{4}$ Sec. 4, T. 1 N., R. 3 E. S.W. $\frac{1}{4}$ Sec. 34, T. 2 N., R. 2 E.	640
George E. Kemper. .	Lots 1 & 3, Blk. 38; Lots 2, 4, 6, 8, & 10, Blk. 42, City of Phœnix.	70
David C. Kling	Sec. 25, T. 2 N., R. 4 E	1,280
H. A. Lewis.	N.E. $\frac{1}{4}$ Sec. 26, T. 1 N., R. 4 E.	320
William Liggett.	Sec. 19, T. 1 N., R. 6 E.	1,280

<i>Purchaser.</i>	<i>Description.</i>	<i>Consideration.</i>
John R. Loosely	Lots 2, 4, & 6 Blk. 13, W. $\frac{1}{2}$ Blk. 32, Neahr's Add. to City of Phoenix.	\$100
G. H. N. Lahrs	Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, & 12, Blk. 52; Lot 1, Blk. 60; Lots 8, 9, 10, and 12, Blk. 65; Lots 9 & 11, Blk. 80, City of Phoenix.	400
O. L. Mahoney	N. $\frac{1}{2}$ Lot 12, Blk. 24, City of Phoenix.	5
Virginia Mahoney	W. $\frac{1}{2}$ Sec. 27, T. 2 N., R. 2 E.	640
Nelson A. Marston	Lots 1, 2, 3, 4, 5, 6, 7, & 8, Blk. 3, Dennis' Add. to City of Phoenix.	20
I. McCollins	N. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$ Sec. 14, T. 1 N., R. 3 E.	80
W. F. Melluty	Lot 12, Blk. 10, City of Phoenix.	10
John F. Meador	N. W. $\frac{1}{4}$ Sec. 5, T. 1 N., R. 3 E.; Lots 9 & 11, Blk. 11, City of Phoenix.	340
John Miller	N. W. $\frac{1}{4}$ Sec. 30, T. 2 N., R. 3 E.	320
P. Minor	Lots 6, 10, & 12, Blk. 9; Lot 10, Blk. 11; E. 34 ft. & 10 in. Lot 4, Blk. 21, City of Phoenix.	50
Joseph P. Moffett	S. E. $\frac{1}{4}$ Sec. 10, T. 1 N., R. 3 E.	320
F. M. Mognett	N. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$, N. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$ Sec. 5, T. 1 N., R. 2 E.	124
Joseph Maihan	N. E. $\frac{1}{4}$ Sec. 11, T. 1 N., R. 2 E.	320
John B. Montgomery	S. W. $\frac{1}{4}$ Sec. 8, N. W. $\frac{1}{4}$ Sec. 17, T. 1 N., R. 3 E.	640
J. A. Moore	Sec. 26, T. 1 S., R. 4 E.	1,280
W. B. Moore	W. $\frac{1}{2}$ S. W. $\frac{1}{4}$ Sec. 25, T. 2 N., R. 3 E.	160
Matthew R. Norrell	S. W. $\frac{1}{4}$ Sec. 14; N. $\frac{1}{2}$ N. $\frac{1}{2}$ Sec. 23, T. 1 N., R. 3 E.	640

<i>Purchaser.</i>	<i>Description.</i>	<i>Consideration.</i>
Thomas Morrow...	S.W. $\frac{1}{4}$ Sec. 26, T. 1 N., R. 4 E.	\$300
James Murphy.....	N.W. $\frac{1}{4}$ Sec. 9, T. 1 N., R. 3 E.	320
John P. Osborn.....	N.W. $\frac{1}{4}$ Sec. 28, T. 2 N., R. 3 E.	320
W. L. Osborn.....	S.E. $\frac{1}{4}$ Sec. 30, T. 2 N., R. 3 E.	—
Fred. Pollock.....	S. 23 ft. Lot 13, Blk. 24, City of Phoenix.	25
George B. Roberts ..	Lots 11, 12, & 13, Blk. 20, City of Phoenix.	30
William H. Roberts.	N.E. $\frac{1}{4}$ Sec. 25, T. 2 N., R. 3 E.	320
Alice Robinson.....	Lots 1, 3, 5, 7, 9, & 11, Blk. 97,	60
Flora B. Basan	The whole of Blk. 14, City of Phoenix.	150
L. H. Royce and E. J. Monk	{ Lot 6, Blk. 74..... }	10
J. D. Rumberg.....	N.E. $\frac{1}{4}$ Sec. 6, T. 1 N., R. 3 E.	320
S. V. Schlessenger...	Sec. 35, T. 2 N., R. 3 E.....	1,280
W. Sears	E. $\frac{1}{2}$ N.E. $\frac{1}{4}$ Sec. 2, T. 1 N., R. 3 E.	160
Marion Sears.....	N. $\frac{1}{2}$ N.E. $\frac{1}{4}$ Sec. 29, T. 2 N., R. 3 E.	160
Emeline Sharp	Lots 7, 8, & 11, Blk. 82.....	75
Robert Shultz.....	N.E. $\frac{1}{4}$ Sec. 36, T. 2 N., R. 2 E.	320
L. R. Shaw	S.W. $\frac{1}{4}$ Sec. 11, T. 1 N., R. 3 E.	320
William T. Smith...	W. $\frac{1}{2}$ Lot, Blk. 78; Lot 15, Blk. 22; Lot 7, Blk. 33; W. 2 ft. Lot 5, Blk. 33, City of Phoenix.	90
E. E. Stafford.....	Sec. 5, T. 1 N., R. 5 E.; Sec. 30; T. 2 N., R. 5 E.	2,247
G. J. Smith.....	S. $\frac{1}{2}$ N.E. $\frac{1}{4}$ Sec. 29, T. 2 N., R. 3 E.	160
J. T. Simms.....	E. $\frac{1}{4}$ Sec. 5, T. 1 N., R. 3 E.; S. $\frac{1}{2}$, Sec. 32, T. 2 N., R. 3 E.	960
James Stinson.....	Lots 1, 3, 5, & 7, Blk. 13, N. $\frac{1}{2}$, Sec. 2, T. 1 S., R. 4 E.	680
F. W. Streeper	W. $\frac{1}{2}$ S.W. $\frac{1}{4}$ Sec. 36, T. 2 N., R. 2 E.	80
Rebecca Strand.....	Lot 1, Blk. 24, City of Phoenix.	25

<i>Purchaser.</i>	<i>Description.</i>	<i>Consideration.</i>
Ira Strand	Lots 7, 8, 9, 10, 11, & 12, Blk. 94, City of Phoenix.	\$25
Joseph Tasker	S.W. $\frac{1}{4}$ Sec. 30, T. 2 N., R. 3 E.; Lots 2 & 7, Blk. 2, Neahr's Add. City of Phoenix.	345 345
Mrs. Emma Veil	N.W. $\frac{1}{4}$ S.E. $\frac{1}{4}$ Sec. 12, T. 1 N., R. 3 E.	640
S. F. Webb	N.E. $\frac{1}{4}$ Sec. 30, T. 2 N., R. 3 E.	320
B. R. Wharton	Lots 8 & 10, Blk. 10, City of Phoenix.	20
White, Mrs. Lizzie	Sec. 17, T. 1 N., R. 6 E.	1,280
White, William J.	Sec. 18, T. 1 N., R. 6 E.	1,280
W. E. Williams	Lots 7 & 9, Blk. 14; Lot 2, Blk. 10; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, & 10, Blk. 29; Lot 7, Blk. 32; Lots 1, 3, 5, 7, & 11, Blk. 41, City of Phoenix.	250
W. J. Wilson	N.E. $\frac{1}{4}$ & N. $\frac{1}{2}$ S.E. $\frac{1}{4}$ Sec. 14, T. 1 N., R. 3 E.	480
Sam. Win	Lot 2, Blk. 8, City of Phoenix.	50
J. S. Wing	S. $\frac{1}{2}$ S.E. $\frac{1}{4}$ Sec. 3, T. 1 N., R. 5 E.	160
J. Wood	S.E. $\frac{1}{4}$ Sec. 3, T. 1 N., R. 3 E.	320
Mary H. Woolsey	S.E. $\frac{1}{4}$ Sec. 3, T. 1 N., R. 3 E.	320
W. H. Dempsey	S. $\frac{1}{2}$ Sec. 5, S.E. $\frac{1}{4}$ & S. $\frac{1}{2}$ N.E. $\frac{1}{4}$ Sec. 6, T. 5 S., R. 8 E.	1,000
A. Mason	1,400 acres, by metes and bounds, of Tps. 4 & 5 S., R. 9 E.	2,700
S. A. Bartlesone	122 acres, by metes and bounds, of Sec. 35, T. 4 S., R. 9 E.	250
W. L. Bailey & wife.	31 acres, by metes and bounds, of Sec. 34, T. 4 S., R. 9 E. & $3\frac{1}{2}$ Blks. in City of Florence; Sec. 35 & 36, T. 4 S., R. 9 E.	210
Lucy Long	160 acres, by metes and bounds, Sec. 34, T. 4 S., R. 9 E.	250

<i>Purchaser.</i>	<i>Description.</i>	<i>Consideration.</i>
School Dist. No. 1	Blks. 41 & 100, City of Florence, Sec. 34, T. 4 S., R. 9 E.	\$10
Town of Florence	Public square of Florence, Sec. 34, T. 4 S., R. 9 E.	10
Pinal County	Blk. 67, City of Florence, Sec. 34, T. 4 S., R. 9 E.	10
D. O. Stevens	Seven lots, metes and bounds	20
T. H. Stage Co.	One Blk. do. do.	25
Henry C. Rogers	Trustees for 15,820 acres of T. 1 N.	
George W. Sistine		
John M. Lewis	Mesa City Colony, R. 5 E., G. & S. R. Base and Meridian.	180
Elijah Pomeroy		
John T. Dennis	S.W. $\frac{1}{4}$ Sec. 9, T. 1 N., R. 3 E.; G. & S. R. B. & M.	320
Elias M. Block	N.E. $\frac{1}{4}$ N.W. $\frac{1}{4}$, S. $\frac{1}{2}$ N.W. $\frac{1}{4}$, N.W. $\frac{1}{4}$ S.W. $\frac{1}{4}$ Sec. 17, T. 1 N., R. 3 E.	820
S. P. R. R. Co	Townsite of Maricopa, being S.W. $\frac{1}{4}$ Sec. 12 & N.W. $\frac{1}{4}$ Sec. 13, T. 4 S., R. 2 E., also right of way.	50,000
S. K. Mining Co.	Mines and mill site, by metes and bounds, located in N.W. $\frac{1}{4}$, T. 2 S., R. 12 E.	25,000
B. Barney	Mining property by location and metes and bounds in N. $\frac{1}{2}$, T. 2 S.	5,000
B. H. Summers	320 acres Secs. 25 & 26, T. 4 S., R. 9 E.	650
Hinson Thomas	One lot City of Florence, Sec. 36, T. 4 S., R. 9 E.	10
W. E. Guild	Four Blks., City of Florence, Sec. 35, T. 4 S.	100
J. M. Ochoa	One and one-half Blks. in City of Florence, Secs. 35 & 36, T.	400
Geo. Scott & wife	Secs. 25 & 36, T. 5 S., R. 15 E.	1,280

All of Gila and Salt River base and meridian according to United States survey.

And on the 24th day of November, 1887, they conveyed to Clinton P. Farrell, of the city of New York, who joins in this action as a claimant, the title to all of said land except township 5 south, range 8 east, of Gila and Salt River base and meridian, according to United States survey, the same being the location of the ancient Casa Grande, to be held in trust for the benefit of claimants, and a usufruct interest in the Casa Grande Improvement Company of Arizona. They say that by the said treaties made between the United States of America and the Republic of Mexico, the United States of America bound itself, contracted and agreed, that property of every kind in said territory belonging to Mexicans not established there, should be inviolably respected, and that the present owners, their heirs, and all Mexicans, who might thereafter acquire said property by contract shall enjoy with respect to it guarantees equally ample as if the same was the property of citizens of the United States, by which said treaties the United States has contracted and agreed with claimants, and under the Constitution and laws is bound to give and afford to claimants full protection and title to their said property, and not take the same for a public purpose without just compensation.

The claimants further say that by an act of Congress passed and approved March 3, 1887, entitled "An Act to provide for the bringing of suits against the Government of the United States," it is provided in section one of said act "That the Court of Claims shall have jurisdiction to hear and determine the following matters: **FIRST.** All claims founded upon the Constitution of the United States or any law of Congress, except for pensions, or upon any regulation of any Executive Department, or upon any contract,

expressed or implied, with the Government of the United States, or for damages liquidated or unliquidated, in cases not sounding in tort, in respect of which claims the party would be entitled to redress against the United States either in a court of law, equity, or admiralty, if the United States were suable: *Provided, however,* That nothing in this section shall be construed as giving to either of the courts herein mentioned jurisdiction to hear and determine claims growing out of the late Civil War, and commonly known as war claims, or to hear and determine other claims which have been *heretofore* rejected or reported on adversely by any court, department, or commission authorized to hear and determine the same." And by section 16 of said act it is provided "That all laws and parts of laws inconsistent with this act are hereby repealed."

Claimants further say that no action has ever been had by Congress upon said claim; that it had not been, before March 3, 1887, rejected or reported on adversely by any "court, department, or commission authorized to hear and determine the same." That a report was made upon said claim within the last sixty days of some nature by the Surveyor-General of Arizona, but they are unable to give its character, as their application for a copy has up to this time been refused or not complied with by the Department; but said Surveyor-General had no authority to hear or determine their claim, nor has any one ever had this authority except the Congress itself until the passage of the act of March 3, 1887, conferring it upon this Court. They say they are the sole owners of said claim; that no assignments of any part thereof or interest therein have ever been made by any of the original or prior owners thereof or by them since, except as hereinbefore set forth for the objects, purposes, and upon the considerations stated in this petition, and no other persons except as herein stated have or hold any interest in said claim whatever.

The claimants, therefore, pray the Court in the exercise of its powers, both legal and equitable, to ascertain by proper survey the exact boundary of said lands as connected with the United States surveys of public lands, and reserve the same from public sale by the Executive Department, until their title to the same is ascertained and finally determined; they pray the judgment of this Court, confirming their title to said land, and decreeing that their right, title, and possession of said land is good and valid, and that the executive officers of the Government be compelled to respect it and complete it by issuing a patent for it to the said female claimant, and for all such relief in the premises, both legal and equitable, as is just and proper.

J. A. PERALTA REAVIS.

DOÑA SOFIA LORETA MICAELA DE MASÓ-REAVIS
Y PERALTA DE LA CÓRDOBA.

CLINTON P. FARRELL, *Trustee.*

per J. A. PERALTA REAVIS.

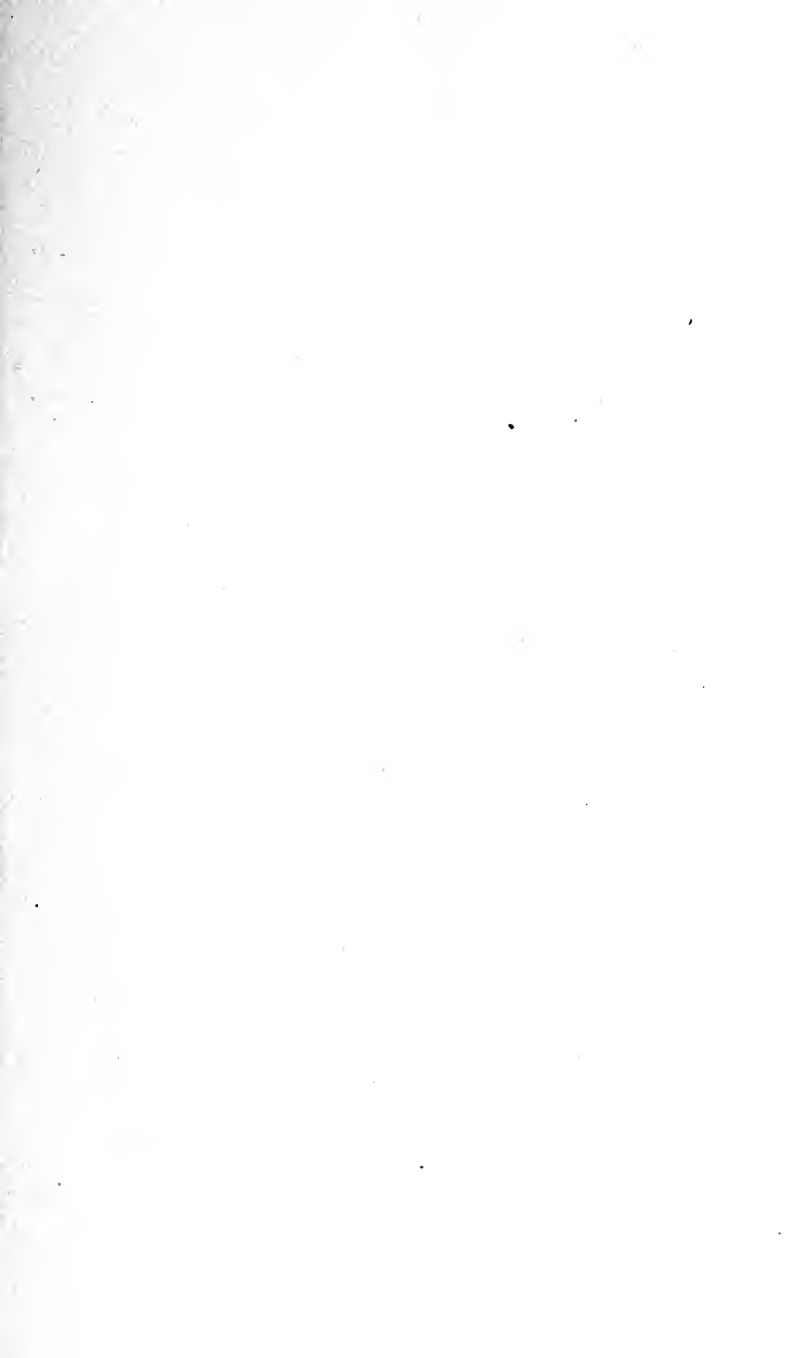
PHIL. B. THOMPSON, JR.,
Attorney for Claimants.

JAMES O. BROADHEAD,
FREEMAN & MONEY,
of Counsel.

Subscribed and sworn to before me, by the claimants,
this 25th day of January, 1890.

[SEAL.]

HARRY M. EARLE,
Notary Public.





IN THE
Court of Claims of the United States

AT WASHINGTON, D. C.

J. A. PERALTA REAVIS AND DOÑA
SOPHIA LORETA MICAELA DE MASO-
REAVIS Y PERALTA DE LA CORDOBA,
HIS WIFE, AND CLINTON P. FARRELL,
TRUSTEE,

No. 16,719.

v.

THE UNITED STATES OF AMERICA.

PARAGRAPH No. 2.

The claimants, repeating each and every allegation of the first paragraph of their petition herein, now by leave of Court come and amend the same, and further say, that the defendant, the United States of America, by its said Constitution and said treaties made under its authority, contracted and agreed, that said Don Miguel Peralta de la Córdoba y Sanchez, who was not at the time of the making of said treaties established within the territory covered by them, but was a citizen of the city of Hermisillo, in the Republic of Mexico, and the persons to whom the land in controversy, known as "Hacienda de Peralta" or "Peralta Grant," belonged, and for whose benefit in part said contract and agreement were made, and who has accepted the

same and claimed the benefit thereof, should have his property inviolably respected, and that he and his said heirs and purchasers from them should enjoy with respect to said property guarantees equally ample as if the same belonged to citizens of the United States. They say they have accepted said contract, agreement, and guarantee made as aforesaid for their benefit, and now come and ask the Court to enforce the same.

They say the United States have not performed the terms and conditions of said agreement, which was made upon a good and valuable consideration, but have failed to keep and perform the same in the following particulars :

First. They have not had said property inviolably respected, but have suffered and permitted the officers of the United States, charged with the administration of the laws relating to the sale and disposal of its own public lands, to extend the surveys of said public lands over a portion of said property, in the aggregate approximating one million two hundred and eighty-seven thousand acres, to throw the same open to settlement under said laws, and to sell and dispose of a large amount of said land, and to collect the cash arising from said sales and deposit the same in the Treasury of the United States, and apply the same to the public use.

That the President of the United States, by an executive order, dated August the 5th, 1873, and a further order dated July 21, 1874, did reserve a large amount of these said lands, in the aggregate approximating one million five hundred and sixty-six thousand acres, for the uses and purposes of the United States, and did appropriate the same to said uses and purposes, and did take actual possession thereof, and has held, used, and occupied the same for said public purposes and uses from said dates until now, all of which acts, while not expressly authorized by any legislative act, have been acquiesced in and adopted by the

defendant. That by an act of Congress approved February 28, 1859, vol. 11, page 401, U. S. Statutes at Large, and by executive orders, a further portion of said lands, aggregating approximately twenty-four thousand six hundred acres, was reserved for the uses and purposes of the defendant and was taken possession thereof, and the said defendant and those acting under its authority and for it have appropriated an excessive amount of water from the Gila river for irrigating purposes for its use, and have held, used, and occupied the same and said lands for public purposes and uses from said dates until now. That they cannot state, with the particularity required by the rules of this Court, the amount of land embraced in either of the foregoing counts, nor the amount sold and disposed of, nor the parties to whom the sales were made, nor the amounts of money received from said disposals and appropriated by the defendant, nor the exact amount of land held, occupied, and used as aforesaid without a report from the General Land Office in the Department of the Interior, or an inspection of its books and records; and they have not been able to investigate said books or get said information, although they have applied for the same; and they now invoke the power of this Court to procure the said information, asking leave, upon the report, to amend this claim so as to conform to the facts; but, pending said report, they allege that the amount realized from the said sales is not less than five hundred thousand dollars. They say the value of said lands so sold and disposed of amounts to two millions of dollars, not estimating the improvements placed upon the same. That the present value of the land taken possession of by defendant, as stated aforesaid, by the extension of the public survey as aforesaid, but not yet sold or otherwise disposed of—in the aggregate about one million acres—amounts to, in value, five million dollars. That the use and occupation of the lands, held as aforesaid by ex-

executive orders dated August the 5th, 1873, and July 31, 1874, is reasonably worth fifteen cents per acre per annum, or about two hundred and thirty-four thousand nine hundred dollars annually from the date of such occupancy; and, that the use and occupation of the lands appropriated by act of Congress, February 28, 1859, as aforesaid, is reasonably worth twenty-five cents per acre per annum, or six thousand one hundred and twenty-five dollars annually from the dates of said act and executive orders.

Second. The claimants say that the defendant has not allowed them to enjoy guarantees equally ample with respect to said property as if the same belonged to citizens of the United States at the time of said purchase.

That the Constitution of the United States secures to every citizen thereof the full, free enjoyment of his property, of which he cannot be deprived except by due process of law, nor can such property be taken for public use without a just compensation. They say that, in violation of said constitutional guarantees, which are extended to them by said treaties, and which are ample for the protection of the property of all citizens of the United States, the officers of the United States charged with the execution of its laws relating to the sale and disposal of the public lands, without any judicial process or judgment of any Court, have treated their said property as part of the public lands of the United States, have extended over a large part thereof the public surveys, have opened the same to entry by the citizens of the United States, and have sold and disposed of a large amount thereof, as above stated in the first claim of this paragraph, and have collected the purchase-money for such as was sold for cash, and are in process of collecting for the residue, have completed the title thereto by issuing final certificates of entry and patents for the same, have deposited the cash received for the same in the public

Treasury—which acts of said officers have been adopted, acquiesced in, and consented to by the defendant, by the appropriation of said money to the payment of public debts and public use of the Government by the various acts of Congress. Other of said lands have been disposed of under the homestead laws by said officers, without price, under color of said law and color of their authority. That others have been occupied and used by the defendant as stated in the first clause of this paragraph. The amount disposed of, so occupied and used, cannot be accurately stated for the reasons given above, but will be when the report is obtained. They say they have never in any way been compensated for said land or any part thereof; they have never received the said proceeds or any part thereof; that the amount of said proceeds is not less than five hundred thousand dollars, and that the lands so sold and disposed of are of the value of two millions of dollars, not estimating the improvements placed upon the same. They have never been paid or in any way compensated for the use and occupation of their said lands or any part thereof, and that the lands occupied as aforesaid by executive orders as aforesaid, and by act of Congress as aforesaid, and for which the plaintiffs have received no compensation whatever by defendant, and for which use and occupation the plaintiffs are justly entitled to be paid as aforesaid, aggregate at this date about four million dollars, no part of which has ever been paid to plaintiffs by defendant, nor to any one else.

The say, in consideration of the failure of the United States to keep and perform the conditions, stipulations, and agreements in its said contracts, they have been damaged, and received and sustained damages, to the amount of six million dollars, for which they pray judgment and for all proper relief.

PARAGRAPH No. 3.

The claimants say that they are the owners of the following described property situated in the Territory of Arizona and bounded as follows: Beginning at the west end of the "monumental" stone or rock, which lies at the most eastern point of the eastern base of the Maricopa Mountain, which is the eastern extremity of the Sierras Estrellas, situated upon the bank of the Gila river opposite the mouth of the Salt river, which "monumental" stone is situated about eight and one-half miles south of the Gila river, south about one hundred and forty chains, and east twenty-five chains of the centre of township 3 south, range 2 east, of Gila and Salt rivers' base and meridian according to United States survey, and lies about twenty feet in length from east to west, by a width of about fifteen feet, by eight feet in height, with a map about 12 by 36 inches upon the south face; thence north, crossing the Gila and Salt rivers a distance of twenty-four eight hundred and eighty-five thousandths miles to a point; thence east one hundred and forty-nine three-tenths miles to a point; and from the west end of the "monumental" stone, the place of beginning, thence south a distance of twenty-four eight hundred and eighty-five thousandths miles to a point; and thence east a distance of one hundred and forty-nine three-tenths miles to a point; and thence northerly forty-nine seventy-seven hundredths miles to the point above described as the eastern extension of the northern point of the western boundary line, constituting a parallelogram, as above described, embracing parts of the counties of Maricopa, Pinal, Gila, and Graham in said Territory.

That the United States has, through its officers charged with the execution of the laws relating to the survey, sale, and disposal of its own public lands, taken a large portion

of said land, of the value of two million dollars, a description of which cannot now be furnished, nor can claimants state their case with the particularity required by the rules of this Court without an examination of the records and papers relating to the same in the General Land Office in the Department of the Interior, and have been unable to obtain a sufficient examination of such records and papers, although application has been made to do so to said Department; the records referred to being the land-books, showing the lands disposed of by legal subdivisions, within the boundaries of the said Peralta Grant; also the patent records, which will disclose such of said lands so disposed of as have been patented, and the papers referred to being those relating to the various entries which have been made, from time to time, within the limits of said grant; also the plats of the Pima and Maricopa Indian Reservation; and also the plats of the White Mountain Indian Reservation, and the plats of all public surveys made under the direction of the said Land Department within the bounds of the said Peralta Grant or Hacienda de Peralta, as described in Paragraph No. 2, of this petition, and through their officers, agents, employés, and others have occupied, held, controlled, and used a large amount thereof for public purposes as stated in Paragraph No. 2 aforesaid, and have thus converted the said property without any process of law, without the judgment of any court or any judicial proceeding whatever, to the public use, and without any compensation to the claimants, who are now citizens of the United States, and were and are the owners thereof, and entitled to compensation for the same under the Constitution of the United States, and the laws thereof, without reference to said treaty stipulations, or in any way dependent upon or growing out of the same.

They say by the Constitution and an act of Congress

(Vol. X, page 308, U. S. Statutes at Large) approved July 22, 1854, and by act of July 15, 1870, U. S. Statutes, Vol. 16, p. 304, supplemental thereto, the defendant is barred, and has been barred from legal right to take possession and offer for sale any portion of said lands, except for a public use, and upon payment of just compensation, and that in violation of said act of Congress and the act supplemental thereto, the defendant, as stated aforesaid, by the extension of the public survey as described in Paragraph 2 of this petition, has taken possession and offered for sale for a public use the further amount of said land as aforesaid, aggregating approximately one million acres of the present value of five million dollars, as described in Paragraph 2 aforesaid. They say they are justly entitled to be compensated for their said lands, and for the use and occupation of the same as aforesaid; that no action has ever been had by Congress upon said claim; that it had not been before March 3, 1887, rejected or reported on adversely by any court, department, or commission authorized to hear and determine the same. They say they are the sole owners of said claim; that no assignments of any part thereof or interest therein have ever been made by any of the original or prior owners thereof or by them since, and no persons except as herein stated have or hold any interest in said claim whatever. The claimants, therefore, pray the Court in the exercise of its powers, both legal and equitable, to ascertain by proper survey the exact boundary of said lands as connected with the United States surveys of public lands, to ascertain the amount of their said land taken for public use as aforesaid and the value thereof, and the proceeds arising from the sale of same; to ascertain the amount used and occupied as aforesaid, and the reasonable amount due them for such use and occupation, and they pray judgment for the value thereof so ascertained. They pray judgment for six million dollars, damage as aforesaid, and

for all further and other relief which the Court can grant, both legal and equitable, and they further pray the Court in the exercise of its powers, both legal and equitable, to ascertain the proper amount of said lands appropriated for such public use and not yet sold by defendant, as aforesaid; to ascertain the exact value thereof, and they pray judgment for the value thereof so ascertained. They pray judgment for the further sum of five million dollars damages, together with the six million dollars damages as aforesaid, or in the aggregate eleven million dollars damages as recited in each count aforesaid, and for all further and other relief which the Court can grant, both legal and equitable.

J. A. PERALTA REAVIS.

Doña SOFIA LORETA MICAELA DE MASÓ-

REAVIS Y PERALTA DE LA CORDOBA.

CLINTON P. FARRELL,

per J. A. PERALTA REAVIS.

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of Counsel.

Subscribed and sworn to before me, by the claimants,
this 14th day of March, 1890.

[SEAL.]

WM. C. HARPER,

Notary Public.



