

L E T T E R

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

Report of the surveyor-general of New Mexico on private land claim No. 159.

FEBRUARY 22, 1889.—Referred to the Committee on Claims and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, February 20, 1889.

SIR: In pursuance of the requirements of the eighth section of the act of Congress approved July 22, 1854 (10 Stats., 308), I have the honor to transmit herewith for Congressional action the report of the United States surveyor-general for New Mexico on the private land claim in said Territory known as Arroyo Hondo tract, No. 159; also copy of letter of the 18th instant from the Assistant Commissioner of the General Land Office, transmitting the report.

Very respectfully,

WM. F. VILAS,
Secretary.

The PRESIDENT PRO TEMPORE OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., February 18, 1889.

SIR: I have the honor to transmit herewith for submission to Congress the report, in duplicate, of the surveyor-general for New Mexico, under the eighth section of the act of Congress approved July 22, 1854 (Stats., vol. 10, p. 308), on private land claim known as the Arroyo Hondo tract, Nerio Sisneros *et al.* claimants, and numbered 159.

I am, sir, very respectfully, your obedient servant,

T. J. ANDERSON,
Assistant Commissioner.

Hon. WILLIAM F. VILAS,
Secretary of the Interior.

TRANSCRIPT OF DOCUMENTS ON FILE IN THE OFFICE OF THE UNITED STATES SURVEYOR-GENERAL FOR NEW MEXICO, IN THE MATTER OF PRIVATE LAND CLAIM NO. 159, IN THE NAME OF NERIO SISNEROS ET AL., FOR THE ARROYO HONDO TRACT.

File No. 81.]

[Reported No., 159.

Claimant's petition to surveyor-general.

SANTA FÉ, N. MEX., December 8, 1887.

To Hon. GEORGE W. JULIAN,
Surveyor-General of New Mexico:

Your petitioners, Diego Martinez, Pablo Martinez, Flor Martinez, Gabriel Medina, Ramon Archuleta, Bonifacio Martinez, Inocencio Valdes, jr., Santiago Arellano, Antonio Arellano, Crespín Arellano, Cecilio Rael, Roman Vigil, Manuel A. Medina, Miguel Herrera, Rafael Mestas, Juan N. Cordova, Julian Arellano, Venecislado Arellano, Santos Garcia, Juan T. Vigil, Manuel Segura, Nieves Analla, Jesus Ma. Anaya, Jose L. Trugillo, Julian A. Martinez, Manuel A. Chacon, Silviano Lucero, Juan Abila, Miguel Rodriguez, Dolores Vigil, Bitor Trugillo, Donaciano Trugillo, Bernardino Medina, Dolores Martinez, Pedro Herrera, Juan Santistevan, Cirila Santistevan, Juan A. Vigil, Javier Honzales, Vidal Vigil, J. M. Vigil, Juan A. Bernal, Luciano Padilla, Nemeccio Abila, Juan Cordova, Roman Sanchez, Juan Ma. Martinez, the heirs of W. Le Branc, Juan T. Arellano, Augustin Lacombe, Nicanor Mondragon, Antonio Aban Mondragon, Gabino Bernal, Maria de la Lux Lucero, Epimenio Padilla, Antonio Maria Sanchez, Pedro Gonzales, Antonio Romero, J. Ignacio Rael, Cruz Santistevan, Antonia Ma. Martinez, Hermeregildo Martinez, Manuel Rael, Antonio Vigil, Francisco A. Medina, Felipe Madrid, Candelario Maes, Rafael Vigil, Buenaventura Arellano, Jose F. Gallegos, Lucio Domingues, Jose Maria Pacheco, Bitor Martinez, Albino Sanchez, Anastacio Chacon, all residents of the county of Taos, Territory of New Mexico, heirs and legal representatives of the forty-four original grantees to a tract of land known as the Arroyo Hondo settlement, respectfully represent before your honor that on the year 1815, Nerio Sisneros for himself and for forty-three other persons, whose names appear in the original title papers accompanying this petition, applied for, by petition made to the chief alcaide Dn. Jose Miguel Tafaya, and by said chief alcaide sent it to his excellency Dn. Alberto Maynes, lt. col. of the royal armies of His Majesty the King of Spain and then governor of this province of New Mexico, for a grant of land lying and being situated upon the Rio Hondo, within the limits of the county of Taos, in this the Territory of New Mexico, being about six miles from west to east and about six miles from north to south, more or less, called and commonly known as the settlement of Arroyo Hondo; that such petition for land was received and considered by said Governor D. Alberto Maynes in this city of Santa Fé, and on the 2d day of April, 1815, said governor conceded and granted to said Nerio Sisneros and others, their heirs and successors, in the name of His Majesty the King of Spain, the tract of land they petitioned for, stating in his decree the conditions which were to be complied with by the settlers, and empowering the chief alcaide of Taos with authority to place the said grantees in full and complete possession of the said land, which appears to have been done by the chief alcaide of Taos in good faith and in strict accordance with the conditions of said decree of said governor, as is evidenced by the act of possession and distribution of the land aforesaid to the original grantees, in varas and lots to build houses, as given, certified, and signed by Pedro Martin, then the chief alcaide of Taos, on the 10th day of April, 1815.

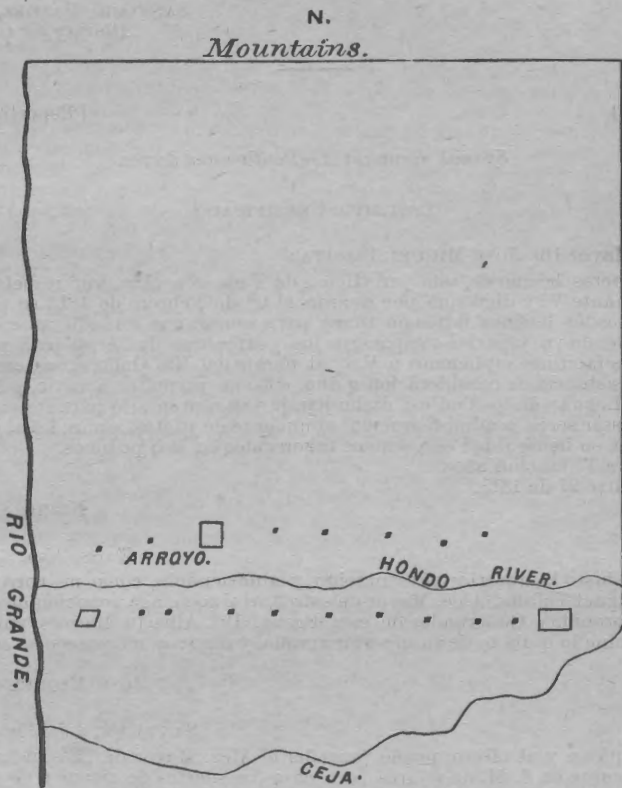
Your petitioners respectfully call your earnest attention to the fact that the authority and power of said governor, D. Alberto Maynes, to make the said grant, reference is made to the laws and decree of the Crown of Spain which were in force in this province of New Mexico at that time.

Your petitioners further represent that said original grantees mentioned in the original papers in this case and their heirs and legal representatives did erect buildings, established towns, and lived upon, occupied, and cultivated the said tract of land granted, with their families, herds, etc., since the grant was given and up to the present date; and which tract of land was fully recognized and respected by the former Spanish and Mexican Governments as the bona fide grant and property of said forty-four original grantees, their heirs and legal representatives.

Your petitioners further represent that on the 10th day of March, 1823, by petition of Ignacio Gonzales, as attorney for the Arroyo Hondo original grantees, made to the Ayuntamiento of Taos, a corporation under the Mexican Government, it was declared by Juan Anto. Lobato and Jose Manuel Romero, secretary of Cabildo, as can be seen in his decree of July, 12th day, of 1823, that the legal boundaries of the land granted are on the north el Serro on the side of the river of San Cristoval; on the south the hill which limits to those of Arroyo Seco; on the east, the little cañon up above of the same river, and on the west, the Rio del Norte; also decreed that the

settlers of Arroyo Hondo have a full and absolute right to the water of their river as the original settlers, and that so was determined by the order of the governor, D. Jose Antonio Viscarra, of this Territory, then under the rule of the Mexican Government, and according to the laws, decrees, usages, and customs of the Mexican Government; for further and more definite information and particulars reference is made to the original papers, or copies thereof duly authenticated, and translation of them into the English language, constituting and accrediting the said grant and title as aforesaid which to be found among the archives of your office, and are as file No. 81, and your petitioners pray the same to be taken from said archives and transferred to and made part of this petition for said tract of land.

SKETCH MAP
OF
ARROYO HONDO GRANT.



EXPLANATIONS.
TOWNS-----□
RANCHES,-----■
SCALE: 1 INCH TO 1 MILE.

Your petitioners further represent that the amount of the land claimed is not known, as no survey has ever been made of the grant; but more or less, according to the judgment of your petitioners, is six miles from east to west and six miles from north to south; that the land is non-mineral, and is situated on the Arroyo Hondo, as aforesaid, in the county of Taos and the Territory of New Mexico; that it is not known to conflict with any other grant, as your petitioners are now, and for many years have been, in the quiet and peaceable possession and enjoyment of said land,

as aforesaid, without any perturbation by any one, but, however, it is thought that may be in conflict with an erroneous survey made of the claim of one Antonio Leroux grant, which, as it is thought, covers such survey, a part of said grant, taken away from your petitioners, the most number of towns and houses, and our agricultural lands, which we are in possession of; that your petitioners would further represent that they are desirous of bringing before your honor, for examination, witnesses to prove the continuous possession of the land claimed, and such other matters and things which your honor may require evidence concerning said land and claim; and further represent that they assert and claim a perfect and absolute title to said land, under the grant aforesaid, made in good faith under the laws, usages, and customs of the Kingdom of Spain.

Your petitioners pray that their said title to said tract of land be taken up and passed upon by your honor at an early day under the 8th article of the treaty of Guadalupe Hidalgo, and the 8th section of the act of Congress of July 22d day, 1854, establishing your office, and they ask that said grant be approved, surveyed, and confirmed to the heirs and legal representatives of the said forty-four original grantees aforesaid.

SANTIAGO VALDEZ,
Attorney for Claimants.

File No. 81.]

[Reported No., 159.

Spanish document A—Petition and decree.

TESTIMTO. CERTIFICADO.

Sor. Alce. Mayor Dn. JOSE MIGUEL TAFOYA :

Nerio Sisneros becino de esta jurisdiccion de Taos, con el mayor respeto que debo, compareso ante V. y digo que por quanto el 28 de Febrero de 1813 se publico por bando a todos los becinos faltos de tierra para sembrar se estendieran en las tierras baldias, y siendo yo, y barios companeros los q carecemos de tierras para poder sostener nuestras familias suplicamos a V. q el paraje del Rio Ondo senos concedo para nuestra subsistencia en consideracion q dho. sitio no perjudica a nadie, por estar distante de la Legua; de los Yndios: dicho paraje y es a proposito para formar una poblacion por estar serca la administracion, abundante de pastos, agnas, leña, y maderas; esperamos de su benignidad el q seamos faborecidos en lo q pedimos.

Dios gue. a V. muchos años.

Taos y Marso 27 de 1815.

NERIO SISNEROS.

TAOS, Mzo. 27 de 1815.

Habiendo bisto la anterior presentacion y almitiendola, como me corresponde, yo Dn. Jose Miguel Tafolla, Alce. Mayor de esta Jurisdiccion, ago remiccion de ella al Sor. Teniente Coronel, y Gobernador de esta Prova. Dn. Alberto Maynes, para q. en su bista determine lo q. fuere de su superior agrado, y digo: q. me parece no se perjudica á nadie.

JOSE MIGUEL TAFOYA.

SANTA FÉ, 2 de Abril de 1815.

Como lo piden y al efecto, puede proceder el Alce. Mayor de Taos, á hacer morecnamto. á nombre de S. M. de solares para casas, y suertes de tierras; de siembra de las medidas acostumbradas, con tal q. no ayga perjuicios de terceros, siendo condicion q. no a de dar mas medidas q. aquello q. cada becino pueda romper, y cultivar, con obligacion de cercarlo, para no cobrar daños, quedando los ejidos realengos para pastiar los bienes de todos, y cuidando de los ganados menores coman lejos, para q. no incomoden sus siembras por ser asi de buen gobierno.

MAYNES.

En obedecimto. a lo q. S. S. pre prebiene con fha. de seis de Abril del presente año, pase a dar pocecion, y merced en nombre de su Real Magestad, entregando a los contenidos en la lista siguiente solares para casas, y suertes de Tierras para siembras de todas semillas: en cuyo sitio concidero con ebidencia, y esperencia, q. no perjudica ni á Yndios, por estar fuera de su legua, ni á becinos, q. dando Aguas, y pastos comunes, á beneficio del comun.

Lista de los poseedores del Arrollo Ondo.

	vs.		vs.
Nerio Sisneros	100	Juan Gonzales	050
Franco. Sandoval.....	100	Juan Angel Garcia	050
Jose Romero	100	Rafael Sisneros.....	050
Juan Quintana.....	100	Pablo Lucero.....	300
Felipe Martin	100	Ramon Blea	40
Jesus Sandoval.....	100	Gregorio Pacheco.....	060
Lorenzo Baca	100	Jose Martin	100
Juan N. P. Luna	100	Franco Vrijil.....	100
Sebastian Xaramio	100	Benito Trujillo.....	100
Juan Anto. Alcon.....	100	Ramon Arellano.....	100
Cristobal Medina.....	100	Nicolas Romero.....	100
Manl. Tafoya.....	100	Miguel Lucero.....	050
Manl. Padilla	100	Benito Gallego	050
Salvador Padia.....	100	Anto. Martin	050
Juan Gonzales.....	100	Jose Gabriel Martin	100
Tomas Lobato.....	100	Julian Arellano	100
Juana Martin	050	Juan Anto. Martin.....	200
Anastacio Abila	050	Juan Duran	100
Eusebio Abila	100	Seferino Martin	100
Anto. Archuleta.....	100	Xabier Garcia.....	100
Lorenzo Cordova	100		
Manl. Mondragon.....	050	Total	44
Juan Medina.....	050		

Por cuya merced los mencionados en esta Lista hicieron demostraciones de Alegria por la Merced, y reconocimto. á nuestro soberano, y al Sor. Gobernador, cuya persona representa a su Rl. Magestad; para cuya constancia lo firmo autuando por receptoria, con los testigos de mi asistencia, en dies dias del mes de Abril del presente año de mil ochocientos quince. Pedro Martin, Jues recetor. Asista.: Juan Domingo Fernandez. Asista.: Pedro Martin. Asista.: Tomas Becerra—⁹

Es copia sacada fiel, y legalmte.; de otra tambien copia q. de su original saco el Sor. Alce. Dn. Juan de Ds. Peña con fha. 12 de Mayo de 1820; la. q. saque per demodida q. esta aquella, y por abermelo suplicado asi los interesados; y para su debida constancia firmo, y autoriso este Testimonio autuando conl os de mi asista. en el arrollo ondo á 19 de Mzo. de 1833.

JUAN ANTO. LOBATO. [Rubrica].

De Assa. TRINIDAD BARCELÓ. [Rubrica.]

De Assa. JUAN BTA. MEDINA. [Rubrica.]

File No. 81.]

[Reported No. 159

Translation of Spanish document A.

AUTHENTICATED TESTIMONIO.

To the Senior Justice, JOSÉ MIGUEL TAFOYA :

I, Nerio Sisneros, citizen of this jurisdiction of Taos, with the greatest respect due, appear before you and state that whereas, on the 28th of February, 1813, it was published by proclamation to all the citizens in want of farming lands that they might go upon the vacant lands, and I and various associates being in need of lands with which to support our families, we pray you that the Rio Ondo place be granted to us for our support, considering that said tract does not injure any one, as it is distant from the league of the Indians, and is suitable for the formation of a town, as the administration is near, and pasture, water, fire-wood, and timber abundant. We trust from your benignity that we will be favored with what we ask.

God preserve you many years.

Taos, March 27, 1815.

NERIO SISNEROS.

TAOS, March 27, 1815.

Having seen the foregoing petition, and admitted it as becomes me, I, José Miguel Tafolla, senior justice of this jurisdiction, remit the same to the lieutenant-colonel and governor of this province, Alberto Maynes, so that in view thereof he may determine according to his superior will, and I declare that it appears to me that it works no injury to any one.

JOSÉ MIGUEL TAFOLLA.

SANTA FÉ, April 2, 1815.

As requested by the petitioners, and to that end the senior justice of Taos may proceed to make grants, in the name of His Majesty, of building and farming lots of the customary size, with the condition that no damage be done to third parties, and that a larger amount than what each settler can break up and cultivate shall not be given, with the obligation to fence the same to avoid damages, the commons remaining public for the pasturage of the stock of all, and taking care that the small stock graze at a distance so that they may not disturb the growing crops, these being provisions for good government.

MAYNES.

In pursuance of the order of his excellency, under date of the sixth of April of the current year, I proceeded to give possession and title in the name of His Royal Majesty, delivering to these noted in the following list building lots and lots for planting all kinds of seeds, which tract I consider, upon evidence and experience, does not injure either the Indians, it being outside of their league, or the neighbors, the water and pasturage remaining common for the general benefit.

List of the settlers at Arollo Ondo.

	vs.		vs.
Nerio Sisneros.....	100	Juan Medina.....	50
Francisco Sandoval.....	100	Juan Goznales.....	50
José Romero.....	100	Juan Angel Garcia.....	50
Juan Quintana.....	100	Rafael Sisneros.....	50
Felipe Martin.....	100	Pablo Lucero.....	300
Jesus Sandoval.....	100	Ramon Blea.....	40
Lorenzo Baca.....	100	Gregorio Pacheco.....	60
Juan N. P. Luna.....	100	José Martin.....	100
Sebastian Xaramio.....	100	Francisco Vigil.....	100
Juan Antonio Alcon.....	100	Benito Trujillo.....	100
Cristobal Medina.....	100	Ramon Arellano.....	100
Manuel Tafoya.....	100	Nicolas Romero.....	100
Manuel Padilla.....	100	Miguel Lucero.....	50
Salvador Padia.....	100	Benito Gallego.....	50
Juan Gonzales.....	100	Antonio Martin.....	50
Tomas Lobato.....	100	José Gabriel Martin.....	100
Juana Martin.....	50	Julian Arellano.....	100
Anastacio Abila.....	50	Juan Antonio Martin.....	200
Eusebio Abila.....	100	Juan Duran.....	100
Antonio Archuleta.....	100	Seferino Martin.....	100
Lorenzo Cordoba.....	100	Xabier Garcia.....	100
Manuel Mondragon.....	50	Total, 44.	

For which grant those named in this list made demonstrations of joy for the donation and their acknowledgements to our sovereign and to the governor, the representative of His Royal Majesty. And in testimony I signed the same, acting by appointment, with my attending witnesses, on the tenth day of the month of April of the present year, one thousand eight hundred and fifteen.

PEDRO MARTIN,
Deputy Justice.

Attending, JUAN DOMINGO FERNANDES.

Attending, PEDRO MARTIN.

Attending, TOMAS BECERRA.

This is a copy taken faithfully and legally from another like copy which was taken from its original by the Alcalde Juan de Dios Peña, under date of the 12th of May, 1820, which copy I made on account of the worn-out condition of the former one, and as the parties interested requested me to do so—and for due testimony I sign and authenticate this testimonio, acting with my attending witnesses, at Arollo Ondo, on the 19th of March, 1833.

Attending, TRINIDAD BARCELÓ.

Attending, JUAN BTA. MEDINA.

JUAN ANTONIO LOBATO.

SURVEYOR-GENERAL'S OFFICE,
TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, December 10, 1861.

The foregoing five pages contain a correct translation from the original Spanish on file in this office.

DAV. J. MILLER,
Translator.

File No. 81]

[Reported No. 159.]

Spanish Document B—Act of Possession.

POSESION.

En dres del mes de Abril de mil ochocientos quince yo el Alce. Mayor, y Capitan A gerra del pueblo de Taos, y sus partidos; Dn. Pedro Martin en cumplimto. de lo mandado por el Sor. thente. Coronl. Dn. Alberto Maynes, Cavo. del orden de Santiago, y Govor. politico y Militar de este Reyno, antes de pasar yo dho. Alce. Mayor al puesto o sitio, y paraje del arroyo ondo en compañía de dos testigos que lo fueron Dn. Juan Lobato y Dn. Juan Antfo. Martin estando presentes las cuarenta y cuatro familias les hice saver y entender de la presentacion que hasian, y les espresé que para la dha. Poccesion havian de guardar y cumplir en toda forma de derecho las condiciones siguientes: Que el paraje prefixado ha de ser comun no solo a ellos sino a todos los vecinos que se puedan ir congregando en lo suscecivo; que respeto a lo arriesgado del paraje deveran mantenerse equipados de armas de fuego y lansas, de lo que se les pasara muestra en su entrada ó en cualesquiera tiempo que lo tuviere por conveniente el Alce. que les mandare entendido que todas las armas que tengan deveran ser de fuego vajo la pena de los que no lo egecuten seran despedidos de dha. poblacion; que la plasa que la fabriquen há de ser en los terminos que exponen en su solicitud y asimismo deven sercar como se los previene el Sor Govor. en su decreto para ebitar daños, y aviendo oydo y echose cargo todos y cada uno de por si de las sitadas ya referidas en su conformidad respondieron de mancomun quedan ympuestos y entendidos de lo que se les advierte, y en consecuencia de lo qual los tome por la mano y dije en claras y enteligibles voces que en nombre de S. M. (que Dios Ge.) y sin perjuicio de su real aver ni de tersero los pacie por dhas. tierras, arancaron sacates, tiraron piedras tomando posesion en dhas. tierras quieta y pacificamte. sin contradiccion alguna dieron voses diciendo viva el Rey señalandoles sus linderos que son, por el norte con la mojonera del poblador Pablo Cordova, y por el sur con la puerta del cañon del arroyo ondo y la mojonera de Dn. Pablo Lucero, y por el oriente con la cuchilla del serro, y por el poniente con la seja arroyo ondo medida donde comprende las varas que le tocaran a cada yndeviduo Pablo Cordova setenta varas por el sur sur linda con Javier Garcilla.

Jabier Carcilla setenta varas por el sur linda con tierras de Ramon Blea.

Ramon Blea, cuarenta varas.
Gregorio Pacheco, sesenta varas.
Gregorio Pacheco, sesenta varas.
Jose Martin, cien varas.
Franco. Vigil, sien varas.
Benito Trugillo, sien varas.
Ramon Arellano, sien varas.
Franco. Sandobal, sien varas.
Jose Romero, sien varas.
Jua Angel Garcilla, cincuenta vs.
Rafael Sisneros, sien varas.
Juan Quitana, cincuenta vs.
Felipe Martin, sien varas.
Jesus Sandoval, sien varas.
Sien Varas, para la plasa y vien comun para todos los pobladores del dho. arroyo ondo.
Lorenzo Baca, sien varas.
Juan Luna, sien varas.
Sebastian Jaramillo, sien varas.
Nerio Sisneros, sien varas.

Juan Anto. Alcon, sien varas.
Christobal Medina, sien varas.
Manl. Tafoya, sien varas.
Manuel Padilla, sien basas.
Salvador Padilla, sien varas.
Juan Gonsales, sien varas.
Tomas Lovato, sien varas.
Juana Martin, cincuenta varas.
Anastacio Abila, cincuenta varas.
Vsevio Avila, sien varas.
Anto. Archuleta, sien varas.
Ygnao. Medina, sien varas.
Lorenzo Cordova, sien varas.
Manl. Mondragon, cincuenta varas.
Juan Medina, cincuenta varas.
Juan Gonsales, cincuenta varas.
Culas Romero, sien varas.
Migl. Lucero, cincuenta varas.
Benito Gayego, cincuenta varas.
Salvador Padilla, cincuenta varas.
Jose Gabriel, sien varas.

Dn. Pablo Luzero Luc un sobrante de un corto ancon, y son sus linderos por el norte con tierras de Jose Gabriel Martin, y por el sur a onde sale la presa de labor del arroyo ondo.

Los pobladores que comprenden a la poseccion del arco torsido quedando vn abrebadero libre en la sienega del arroyo ondo desde el lindero de Javier Garcilla del lado del poniente, y para el norte con el lindero de Felipe Trugio que consta por su mojonera Felipe Trugillo ochenta varas de ancho, de largo quinientas, y son sus linderos por el norte con tierras de Manuel Cordova, y por el sur con el abrebadero, y por oriente onde alcanzan las quinientas varas, y por poniente asta la orilla del Rio.

Manuel Cordova, sien varas, son sus linderos por el sur con tierras de Felipe Trugillo, y por el oriente y poniente son sus linderos lo mismo que el dho, Trugillo.

Matillas Begil, sien varas, son sus linderos por el sur con tierras de Manuel Cordova, y por el oriente y poniente son sus linderos lo mismo que el dho. Cordova.

Juan Medina, cincuenta baras, son sus linderos por el sur con tierras de Matias Vigil, y por el oriente y poniente lo mismo que Matias Bigil.

Alejandro Molina sien baras de tierras son sus linderos por sur con tierras de Juan Medina, y por el oriente, y poniente son sus linderos lo mismo que el dho. medina.

Anto José Luzero sien baras son sus linderos por sur con tierras de alegandro Molina, y por el oriente, y poniente lo mismo que Molina Domingo siriaco silva sien baras son sus linderos por el sur con tierras de anto José Lucero, y por el oriente, y poniente lo mismo que lucero. Juan Romero sien baras son sus linderos por el sur con tierras de Domingo siriaco, y por oriente; y poniente lo mismo que siriaco—Comunes, y para que en todo tiempo conste lo firme Avtuando por Reseptoria A falta de todo Escribano que no lo hay con los dos testigos de mi asistencia con quienes actuo de que doy fee.

As. Andres Martin [Rubrica.]

As. Juan de Jesus vigil [Rubrica.]

Pedro Martin [Rubrica.]

Certificando que esta copia corresponde fiel y legalmente con su original ha que me refiero, y atendiendo ha una presentacion su fecha dies de Marso ultimo hecha por por el vecino del Arrollo hondo Ygnacio Gonsales apoderado d por el vecindario de dho territorio, declaro que los legitimos linderos de su terreno mercenado son por el norte el serro que está para lado del Rio de San Christoval por el sur la caja con que linda los de el arrollo seco por el oriente el cañonito de arriba de ese mismo Rio y por el poniente el Rio del Norte, yten que dho vecindario del Arrollo ondo tiene un total y absoluto derecho á la agua de su fuente y que sin su permiso y consentimiento los de el Arrollo seco no podran husar de la Asequia que de dho Rio tienen sacada, pues el total de la agua pertenesa á los que tienen labor en las dos margenes de dho Rio, los de abajo por derecho de antigüidad y los de arriba por disposicion del Señor Governador D. José Antonio Vizcarra, quines en años de escaces de agua Deveran dejar pasar toda la que sea suficiente para el riego de la labor de abajo cuyos dueños tienen y gosen el mejor derecho, yten que dhos. vecinos del Arrollo hondo estan obligas. á mantener las armas segun y como lo prometieron quando se cituaron en dho terreno para constancia lo firmo con el Secretario del Ayuntamiento. de este partido hoy 12 de Julio de 1823 entre renglones estan obligados vale.

JUAN ANTO. LOBATO [Rubrica].

JOSE MANUEL ROMERO [Rubrica].

Secreto. de Cabildo.

File No. 81.]

[Reported No. 159.

Translation of Act of Possession.

POSSESSION.

On the tenth day of the month of April, one thousand eight hundred and fifteen, I, Pedro Martin, senior justice and war captain of the Pueblo of Taos and its precincts, in compliance with the order of Lieutenant-Colonel Alberto Maynes, knight of the order of Santiago and civil and military governor of this kingdom, before my proceeding to the spot or tract and place of Arroyo Ondo, accompanied by two witnesses, who were Juan Lobato and Juan Antonio Martin, the forty-four families being present, I, said senior justice, caused them to recognize and comprehend the petition they had presented, and I informed them that for said grant they had to observe and comply, to the full legal extent, with the following conditions: That said tract has to be in common not only among themselves but also among all others who may join them in the future; that with respect to the danger at the place, they shall have to keep themselves equipped with fire-arms and lances, with which they shall pass review at the beginning or at any time deemed proper by the alcalde in charge, it being understood that all the arms they may have shall be fire-arms, with the penalty that all who do not comply shall be ordered out of town; that the public square they may make be according as proposed in their petition, and to avoid damages they shall fence (their lands), as required by the governor in his decree. And all and each for himself of the aforesaid having heard and considered, they accordingly, by common consent, replied that they understood and agreed to what was required of them; wherefore I took them by the hand, and stated in clear and intelligible language that in the name of His Majesty (whom may God preserve!) and without prejudice to his royal possessions or to any third party, I walked them over said lands, they plucked up grass, cast stones, taking possession of said lands quietly and peacefully, without any opposition, shouting Long live the King! designating to them their boundaries, which are: On the north the landmark of the Settler Pablo Cordova, and on the south the mouth of the Arroyo Ondo cañon and the landmark of Pablo Lucero, and

on the east the ridge of the mountain, and on the west the Arroyo Ondo hill, measured to include the land given to each individual. Pablo Cordova, seventy varas, adjoins Javier Garcilla on the south.

Javier Garcilla, seventy varas, adjoins the lands of Ramon Blea on the south.

Ramon Blea, forty varas.
 Gregoria Pacheco, sixty varas.
 José Martin, one hundred varas.
 Francisco Vigil, one hundred varas.
 Benito Trugillo, one hundred varas.
 Ramon Arellano, one hundred varas.
 Francisco Sandoval, one hundred varas.
 José Romero, one hundred varas.
 Juan Angel Garcilla, fifty varas (altered from 100).
 Rafael Sisneros, one hundred varas.
 Juan Quintana, fifty varas (altered from 100, evidently).
 Felipe Martin, one hundred varas.
 Jesus Sandoval, one hundred varas.
 One hundred varas for the public square and general convenience of all the settlers of the said Arroyo Ondo.
 Lorenzo Baca, one hundred varas.
 Juan Luna, one hundred varas.
 Sevastian Jaramillo, one hundred varas.
 Nerio Sisneros, one hundred varas.

Juan Antonio Alcon, one hundred varas.
 Christobal Medina, one hundred varas.
 Manuel Tafoya, one hundred varas.
 Manuel Padilla, one hundred varas.
 Salvador Padilla, one hundred varas.
 Juan Gonsales, one hundred varas.
 Tomas Lovato, one hundred varas.
 Juana Martin, fifty varas.
 Anastacio Abila, fifty varas.
 Usevio Abila, one hundred varas.
 Antonio Archuleta, one hundred varas.
 Ygnacio Medina, one hundred varas.
 Lorenzo Cordova, one hundred varas.
 Manuel Mondragon, fifty varas.
 Juan Medina, fifty varas.
 Juan Gonsales, fifty varas.
 Culas Romero, one hundred varas.
 Miguel Lucero, fifty varas.
 Benito Gayego, fifty varas.
 Salvador Padilla, fifty varas.
 José Gabriel, one hundred varas.

Pablo Lucero a surplus in a small bend, and its boundaries are on the north the land of José Gabriel Martin and on the south the mouth of the acequia of the lands of Arroyo Ondo.

The settlers who have the grant at the Arco Torcido having a free watering place in the marsh of the Arroyo Ondo from the boundary of Javier Garcilla on the west and on the north the boundary of Felipe Trugio, which serves as its landmark. Felipe Trugio eighty varas wide, five hundred long, and its boundaries are, on the north, the lands of Manuel Cordova, and on the south the watering place, and on the east to where the five hundred varas extend, and on the west the bank of the river. Manuel Cordova one hundred varas; his boundaries are, on the south lands of Felipe Trugio, and on the east and west his boundaries are the same as said Trugio's. Matias Vigil one hundred varas; his boundaries are, on the south, lands of Manuel Cordova, and on the east and west his boundaries are the same as those of said Cordova. Juan Medina fifty varas; his boundaries are, on the south, lands of Matias Vigil, and on the east and west the same as Matias Vigil's. Alejandro Molino one hundred varas of land; his boundaries are, on the south, lands of Juan Medina, and on the east and west his boundaries are the same as those of said Medina. Antonio José Lucero one hundred varas; his boundaries are on the south by lands of Alejandro Molina, and on the east and west the same as Molina. Domingo Siriaco Silva one hundred varas; his boundaries are, on the south lands of Antonio José Lucero, and on the east and west the same as Lucero. Juan Romero one hundred varas; his boundaries are, on the south, land of Domingo Siriaco, and on the east and west the same as Siriaco. Commons. And that in all time it may so appear, I, acting by appointment, for want a scrivener, there being none, signed this with my two attending witnesses, with whom I act. To which I certify.

PEDRO MARTIN.

Attending: ANDRES MARTIN.

Attending: JUAN DE JESUS VIGIL.

Certifying that this copy agrees faithfully and legally with its original, to which I refer, and in attention to a petition, its date the tenth of March last, made by Ignacio Gonzales, citizen of Arroyo Hondo, attorney for the people of that district, I declare that the legitimate boundaries of their granted lands are: On the north, the hill which lies on the side towards the San Cristoval River; on the south, the brow of the hill, boundary of the settlers of Arroyo Seco; on the east, the upper little cañon of said river, and on the west, the Rio del Norte. Also, that said settlement of Arroya Hondo has a full and absolute right in the water from its fountain head, and that without their permission and consent the settlers at Arroyo Seco may not use the acequia which they have taken out from said river; for all the water belongs to those who have fields on both banks of said river, those below by right of priority, and those above by order of the governor, José Antonio Viscarra, which latter, in

years of scarcity of water, shall allow water sufficient to irrigate the cultivated lands below, whose owners have and enjoy the better right to pass down; also that said settlers at Arroyo Hondo are bound to keep arms as they stipulated when they settled upon said land. In testimony I sign this with the secretary of the corporation of this district on this the 12th day of July, 1823. Interlined "are bound," valid.

JUAN ANTO. LOBATO.

JOSÉ MANUEL ROMERO,
Corporation Sec'y.

SURVEYOR-GENERAL'S OFFICE,
TRANSLATOR'S DEPARTMENT,
Santa Fé, N. Mex., December 10, 1861.

The foregoing six pages contain a correct translation from the original Spanish on file in this office.

DAV. J. MILLER,
Translator.

File No. 81.]

[Reported No. 159.

Testimony of witnesses.

In the matter of the investigation of private land claim file No. 81, in the name of Nerio Sisneros *et al.*, for the Arroyo Hondo tract, testimony was taken at the office of United States surveyor-general for New Mexico, at Santa Fé, N. Mex., on Thursday, the 1st day of March, 1868, there being present George W. Julian, United States surveyor-general; Don Santiago Valdez, attorney for claimants; and Will M. Tipton, translator of the surveyor-general's office, who acted as interpreter.

José Rafael Vigil, being first duly sworn, on his oath deposes and says, in answer to interrogations:

By Don SANTIAGO VALDEZ, attorney for claimants:

Q. How old are you?—A. I am seventy-five years old.

Q. Where do you live?—A. I live at Taos.

Q. Are you acquainted with the Arroyo Hondo grant? If so, state its boundaries.—A. Yes, sir; I am. The northern boundary is a hill (cerro) that is between San Cristobal and the Arroyo Hondo. The eastern boundary is a little cañon (canoncito) that is the furthest one up the river of the Arroyo Hondo. The southern boundary is the brow of the hill (caja). The western boundary is where the Arroyo Hondo joins the Rio del Norte.

Q. State whether that grant is settled, and if so, how long it has been settled.—A. It is settled, and has been, to my knowledge, since the year 1815.

Q. Do you know the original grantees of said grant and the present settlers?—A. I know the present settlers and some of the grantees.

Q. Do you know whether the grant has been occupied since 1815 by the grantees and up to the present time by their heirs and purchasers?—A. Yes, sir; it has been so occupied.

Q. Have they built houses and cultivated lands within the tract granted?—A. Yes, sir; they have.

Q. How many inhabitants are living there now, including men, women, and children?—A. I think there must be more than three hundred.

Q. Do you know whether the present settlers are the heirs or purchasers of the original grantees; and if so, how do you know it?—A. They are all either heirs or purchasers.

Q. Did you hear read the list attached to the petition?—A. Yes, sir.

Q. How many of the persons mentioned in that list are heirs and how many purchasers?—A. There are some few who are heirs, but the greater portion are purchasers.

Cross-examination by the surveyor-general:

Q. State whether any claim of title has been set up by any party or by any parties adverse to this grant.—A. No, sir; not that I have ever heard of.

Q. Are the boundaries of this grant so well defined by the natural objects you have mentioned that a survey can readily be made?—A. Yes, sir; they are.

Q. How many acres does the tract contain?—A. I don't know anything about acres.

Q. How far is it from the north to the south boundary of this grant?—A. About three miles and a half.

Q. And from the eastern to the western boundary?—A. I think from six to seven miles.

Q. Do the claimants of this tract occupy and cultivate it in common or in separate allotments, as designated by the alcalde in the act of possession?—A. Each person has his own piece of property.

his
 JOSÉ RAFAEL + VIGIL.
 mark.

Witness:

WILL. M. TIPTON.

Subscribed and sworn to before me this 1st day of March, A. D. 1888.

GEO. W. JULIAN,
Surveyor-General.

In the matter of the investigation of private land claim file No. 81, in the name of Nerio Sisneros *et al.*, for the Arroyo Hondo tract, testimony was taken at the office of United States surveyor-general for New Mexico at Santa Fé, N. Mex., on Friday, the 2d day of March, 1888; there being present George W. Julian, United States surveyor-general; Don Santiago Valdez, attorney for claimants, and Will. M. Tipton, translator of the surveyor-general's office, who acted as interpreter. Joaquin Andres Garcia, being first duly sworn, on his oath deposes and says in answer to interrogations:

By DON SANTIAGO VALDEZ, attorney for claimants:

Q. How old are you?—A. I am going on eighty-seven years.

Q. Where do you live?—A. In precinct No. 5, Taos County, which is called Arroyo Seco.

Q. State whether you know the land embraced in the Arroyo Hondo grant, and if you do, state its boundaries.—A. I do know the lands in that grant, and I know the boundaries from what I have heard said by persons older than myself. The north boundary is a high hill (cerro) in the mountain between the San Cristobal River and the Arroyo Hondo. The eastern boundary is a little cañon (canoncito) that is up the Arroyo Hondo. There are two *canoncitos* but the one that is furthest up the arroyo is the boundary. The south boundary is the brow of the hill that divides the Arroyo Hondo from the plain (llano) to the south. The western boundary is the cañon (cajon) of the Rio del Norte.

Q. State, if you know, when said grant was first settled.—A. It was settled in 1815; the first planting was done in that year.

Q. State whether you knew any of the original grantees of the Arroyo Hondo grant, and, if so, name those you knew.—A. I don't know whether they were grantees or not, but I can tell you the names of the first settlers: Don Lorenzo Cordova, Pablo Cordova, Salvador Padilla, Antonio Archuleta, who was sometimes called the *viandante* or peddler, Antonio Martin, who was a brother-in-law of this Don Lorenzo Cordova, Eusibio Abila, Anastacio Abila, a brother of the former, and Nerio Sisneros. Those are all the persons whose names I remember, but I recollect many other settlers whose names I have now forgotten, as it is difficult at my age to recollect such things.

Q. State whether you know the original grantees were in possession ever since 1815, and what improvements, if any, they made on said land.—A. I know they were in possession from 1815 up to the present time. I was a herder there when I was a boy and may say that I lived among them. They built an *acequia* (irrigating ditch) for the cultivation of the lands, and afterwards constructed a fence of branches of trees to protect the crops from the animals. They built a town (plaza), with a chapel, and afterwards built another town further down the arroyo.

Q. Have you heard read the list of names of the present settlers attached to the petition in this case?—A. Yes, sir; I have.

Q. State whether you know them to be heirs of the original grantees or purchasers.—A. The Abilas, the Raelcs, and Bernalcs are heirs, and possibly others that I don't recollect, but the most of the others are purchasers.

Q. Do you know where the persons named in the list just read to you are now living?—A. They are living at the Arroyo Hondo; some at the upper and some at the lower town, and others live between the two towns.

Cross-examination by SURVEYOR-GENERAL:

Q. State whether any claim has ever been made to this land adverse to the right set up under the grant.—A. I have never heard of any such claim since the grant was settled in 1815.

JOAQUIN A. GARCIA.

Sworn to and subscribed before me this 2d day of March, A. D. 1888.

GEO. W. JULIAN.

Surveyor-General.

File No. 81.]

[Reported No. 159.

Surveyor-general's opinion.

Private land claim known as the Arroyo Hondo grant or settlement, file No. 81.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex., March 31, 1888.

Some of the papers in this case were filed in this office on the 17th of June, 1861, by Jesus M. Lucero, and additional papers were filed on the 21st of July, 1881. No petition was filed till the 9th of December, 1887, and the case is now before me on the papers and proofs submitted.

The title papers relied on show that on the 27th of March, 1815, on the petition of Nerio Sisneros, a citizen of the jurisdiction of Taos, praying a grant of what he called the "Rio Hondo Place," the said petition was remitted by José Miguel Tafolla, senior justice of the jurisdiction, to the lieutenant-colonel and governor of the province of New Mexico, Don Alberto Maynes, who on the 2d day of April of the same year, after duly considering the matter, directed the senior justice of Taos to proceed to make grants, in the name of His Majesty, of building and farming lots of the customary size, not exceeding what each settler can break up and cultivate, with the obligation to fence the same, and providing that the commons should remain public for the pasturage of the stock of all.

It is further shown that in pursuance of the said order, on the 10th day of April of the same year, the senior justice of the jurisdiction of Taos, Pedro Martin, proceeded to assign and set apart in severalty to forty-four persons as many parcels of land, with the number of varas placed opposite to each name, of which several parcels he duly delivered possession, as is more particularly shown in the act of possession executed by him and attested by his attending witnesses.

The original grant and act of possession are not produced, nor their absence accounted for; but copies of these documents are shown by a *testimonio*, duly attested by Juan Antonio Lobato, dated the 19th of March, 1833, who certifies that this *testimonio* is a faithful and legal copy of a like copy taken from the original by the Alcalde Juan Dios Peña, dated May 12, 1820, and that this second copy was taken on account of the worn-out condition of the first.

The boundaries of the tract covering these small allotments are described as follows: "On the north the landmark of the settler Pablo Cordovo, and on the south the mouth of the Arroyo Hondo Cañon and the landmark of Pablo Lucero, and on the east the ridge of the mountain, and on the west the Arroyo Hondo Hill." The papers do not show that the proceedings of the alcalde were ever approved by the governor, but the testimony recently taken in this office and now before me shows that the grantees took possession of their particular allotments, and that they and their heirs and legal representatives have ever since held continuous and peaceable possession of their lands. The testimony further shows that more than three hundred people now occupy these tracts, a few of whom are the descendants of the grantees and the remainder purchasers from them. The area of the entire tract is not known, as the land has not been surveyed, but is believed to be about 6 miles square. The testimony shows that the natural objects which designate the boundaries are so well defined that there can be no difficulty in making an accurate survey. The number of the present claimants as set forth in the petition is seventy-three, and they are all shown to be in actual possession of the several tracts claimed by them, and to be either the heirs of the original grantees or their legal representatives.

The papers showing the transfers to these legal representatives are not produced, but this is not believed to be necessary under the circumstances. Of course, this claim would have been more completely established if the original grant had been produced or its non-production accounted for, and if the approval of the proceedings of the alcalde by the governor had been shown; but the grantees evidently took possession of the land in good faith under the grant, and they and their legal representatives have ever since occupied it without any question of their right.

I recommend the confirmation of this claim by Congress.

Copies in triplicate of this opinion and of the other papers in the case are forwarded as required.

GEORGE W. JULIAN,
Surveyor-General.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico:

I hereby certify that the foregoing, on twenty-three pages, is a full, true, and correct transcript of the original documents from which it was made, which documents are on file in this office in the matter of private land claim, reported No. 159, in the name of Nerio Sisneros *et al.* for the Arroyo Hondo tract.

In witness whereof I have hereunto subscribed my name and caused the official seal of this office to be affixed at the city of Santa Fé, this the eighth day of February, A. D. 1889.

[SEAL.]

GEO. W. JULIAN,
United States Surveyor-General for New Mexico.

S. Ex. 2—67

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