

PRIVATE LAND-CLAIMS IN NEW MEXICO.

LETTER

FROM THE

SECRETARY OF THE INTERIOR,

TRANSMITTING,

In compliance with act of July, 1854, three reports of the surveyor-general of the Territory of New Mexico on private lands in said Territory.

MARCH 11, 1874.—Referred to the Committee on Private Land-Claims.
APRIL 3, 1874.—Ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 10, 1874.

SIR: Pursuant to the eighth section of the act approved 22d July, 1854, (10 Stat. at L., 303,) I have the honor to submit for the consideration of Congress three reports of the surveyor-general of the Territory of New Mexico on private lands in said Territory, described as follows:

1. Grant of land to the Indian pueblos of Zia, Santa Aña, and Jemez, reported as pueblo claim T, in Santa Aña County, New Mexico.
2. Land-grant to Bartolomé Fernandez, being private land-claim reported as No. 78, for the San Miguel Spring tract in New Mexico.
3. Land-grant to Salvador Gonzales, being private land-claim reported as No. 82, in Santa Fé County, New Mexico.

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

C. DELANO,
Secretary.

Hon. JAMES G. BLAINE,
Speaker House of Representatives.

Transcript of grant of land to the Indian pueblos of Zia, Santa Aña, and Jemez, reported as pueblo claim T, in Santa Aña County, New Mexico. Date of grant, August 6, 1766. Reported by the United States surveyor-general, February 2, 1874.

PRESENT CLAIMANTS' PETITION.

To the Hon. JAMES K. PROUDFIT,
Surveyor-General of the Territory of New Mexico :

Your petitioners, the inhabitants of the Indian pueblos of Zia, Santa Aña, and Jemez, respectfully represent that they are the owners of the

grant of the Spring of the Holy Ghost, situate, lying, and being in the county of Santa Aña, in the Territory of New Mexico, which land was originally to said pueblos granted by Don Thomas Velez Cachupin, governor of New Mexico, in the year of our Lord one thousand seven hundred and sixty-six, and the said pueblos were regularly placed in possession of said tract of land by Don Bartolomé Fernandez, senior justice and war-captain of the pueblos of the Queres Nation, and since that time have remained in possession and enjoyment of the same without any objection or hinderance from any adverse claimant or parties whatever.

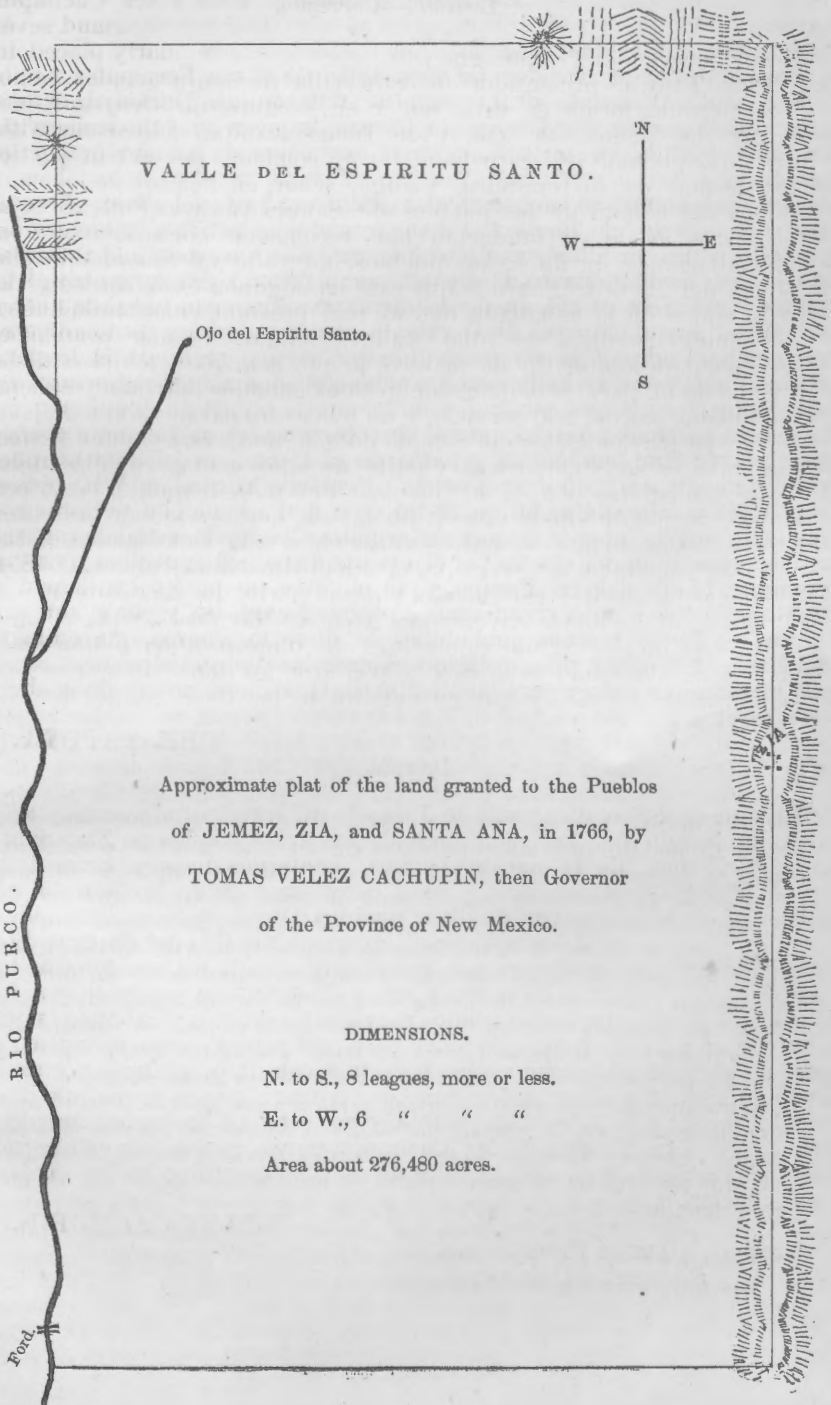
Your petitioners file herewith the official copy of said grant, given at the time of the making of the same, and a translation thereof from Spanish to English, duly made and sworn to as correct, and they also present, to be filed herewith, a sketch-map of said grant, showing the locality and area of the same, so far as the same can be made known without a previous survey of the land, said map showing the boundaries of said tract of land as designated in said original grant, which boundaries are well known, easily found, and established as the true ones for said grant.

Your petitioners further state that they assert and claim a perfect title to said lands under the grant aforesaid, made in good faith under the laws, customs, and usages of the kingdom of Spain, and guaranteed under the treaty of Guadalupe Hidalgo, and the same is now presented for examination, approval, and confirmation by the Government of the United States, under the law of Congress of the 22d of July, A. D. 1854, for the investigation of land-grants in the Territory of New Mexico.

SAML. ELLISON,

Attorney for Claimants.

[SKETCH MAP.]



Approximate plat of the land granted to the Pueblos
of JEMEZ, ZIA, and SANTA ANA, in 1766, by
TOMAS VELEZ CACHUPIN, then Governor
of the Province of New Mexico.

DIMENSIONS.

N. to S., 8 leagues, more or less.

E. to W., 6 " " "

Area about 276,480 acres.

MUNIMENTS OF TITLES.

Testimo.—Corregdo.

Señor gobernador y capn. gral :

Phe. Tafoya, procurador de esta villa de Santa Fee, paresco ante VS. en toda forma de dro., por y en nombre de Cristobal, Yndio govor. del pueblo de Zia, y de Tomas, capitan mayor de la grra., de dho. pueblo, qe. esto bienen con comicion de su casique y de los de mas de su república, y digo, señor, en nombre de los dhos., y de los del comun de los pueblos de Santa Aña y del de los Xemez, qe. estos desde su fundacion han reconocido por sus hejidos en las ymediaciones de dhos. sus pueblos, un valle qe. comunmte. llaman el Ojo del Espíritu Santo, i que este en algunos casos urgentes sirve para ejidos de la caballada de este real presidio, como es constante y sabedores los dhos. qe. dho. valle á tenido algunos pretendientes vecinos para adquirirlo de merced, lo que sera para los dhos. de grandisimo daño, pues, se hallan con credidos ganados mayores y menores y caballadas para el real servicio, y no tener otro paraje en donde poderlo hacer, yn particular los del pueblo de Zia, pues estos todos lo mas de sus labores son temporales, y parte de ellos en las cañadas de dho. valle inmediatas á dho. su pueblo. Por todo lo qual, á VS., pido y supco., en nombre de S. M., (q. D. g.,) sea mui servido de declarar por sus legitimos hejidos y pastos consejebles dho. valle mandando se les señalen sus linderos que es por el oriente los dhos. pueblos, y por el poniente, la cija del rio Puerco, y por el norte, un paraje qe. llaman la Bentana, qe. es donde viven unos Apaches Navajoses, y por el sur, con las tierras de los vecinos pobladores de dho. rio Puerco, que en mandar hacer VS. como yebo pedido recibieron los dhos. mis partes merced con justicia que pido y juro en nombre de los dhos. no ser de malicia este, etsetra.

PHE. TAFOYA.

Decreto.

Villa de Sta. Fee, diez y seis de Junio de mil setecientos sesenta y seis, visto lo pedido por las repúblicas de los tres pueblos de Zia, Santa Aña, y Xemez, de la nacion Queres, contiguos unos y otros á la rivera del rio de Santa Aña, y para determinar sign jutzicia doi comision á el alcalde mayor de dhos. pueblos Dn. Bartolomé Fernandez, para que reconocer d los linderos qe. expresan del Ojo del Espiritu Sto. en donde refieren mantener sus ganados y caballados, me informe las leguas que contendran de norte á sur, y de oriente á poniente, y si los dhos. tres pueblos tendran ganados mayores y menores y caballadas que equivalgan á los linderos que piden para sus pastos, como asi mismo si es ó no perjudicado algun vecino ó vecinos con dhos. linderos por antecedente merced y posesion legitima, qe. tengan, lo que executara dho. alcalde maior con la verdad posible, y por este asi lo probei, mande y firme. Yo Dn. Thomas Velez Cachupin, govor. general de este reyno, con dos testigos de mi assa. á falta de escribanos que no los hai en esta gobernación.

VELEZ CACHUPIN.

Testigo : CARLOS FERNANDEZ.

Testigo : JOSEPH MALDONADO.

Informe.

En cumplimiento de lo mandado por el Señor Dn. Thomas Velez Cachupin, govor. y capn. gral. de este reyno, por su decreto de diez y seis del corriente Junio, que antecede, yo, Dn. Bartolomé Fernandez, alce. mayor y capn. à grra. de los pueblos de la nacion Queres, pasé á reconocer las tierras pedidas por los tres pueblos de Xemez, Zia, y Sta. Aña, y los linderos que en sue pedimto. expresan y hallo, que comprehenden de norte á sur, esto es, de bado de piedra, que es el lindero de los vecinos del rio Puerco. hasta la Bentana, como ocho leguas poco mas ó menos, y de oriente á poniente, esto es, desde el pueblo de Zia, que es el mas ymediato á las tierras pedidas hasta el rio Puerco, como seis leguas, poco mas ó menos, en cuia distancia no se que entran tierras utiles para sembrar por ser los aguajes cortos y pocos, y solo son utiles para pastar ganados mayores y menores de los que abundan dhos. pueblos, sin que tengan las dhas. tres repúblicas otras tierras en que poder mantener sus ganados, y siendo sierto como lo es que con ninguno de los sitados, linderos perjudican á vecino alguno aposecionado, ni por aposecionar en tierras comprehendidas en ellos, lo que hasente por diligencia, qe. firme con dos testigos de assa. á falta de escribanos, que no los hai en este reyno, de ninguna clase, villa de Santa Fé y Junio de mil setecientos sesenta y seis.

BARTOLOMÉ FERNANDEZ.

Testigo: JUAN MARIA ANTONIO RIVERA.

Testigo: PEDRO PADILLA.

Auto de Merced.

En la villa de Santa Fee, en seis dias del mes de Agosto de mil setecientos sesenta y seis, yo, Dn. Thomas Velez Cachupin, govor. gral. de este reyno del Nuevo Mexco., en atencion á lo pedido por los tres pueblos de Sta. Aña, Zia, y Xemez, de la nacion Queres, y á el informe que hace su alce. mayor Dn. Bartolomé Fernandez, como de ser terrenos que con sus ganados mayores y menores y cavallados han poseido, y en lo actual abundan, sin tener otros parajes á donde pastear, lo que los contenidos en su peticion, con los cortos aguajes que se refieren en dho. informe dije que les concedia y concedi en nombre de S. M., (q. D. g.,) los referidos terrenos para el pasto de los ganados y cavallados de los otros tres pueblos, Santa Aña, Zia, y Xemez, con los linderos de norte á sur, desde el paraje de la Bentana, hasta el bado de piedra del rio Puerco, lindero asi mismo de los vecinos del lugar de Sn. Ferndo. y Nra. Sra. de la luz, y de oriente á poniente desde el pueblo de Zia, hasta el mismo rio de Puerco, trilla de la parte del oriente, quedando todo el valle del Ojo del Espíritu Santo comprehendido en el sentro y linderos de este merced, con la calidad y condicion, de que en este dho. valle se pueda y deba poner in caso necesario la cavallarda del real presidio de Santa Fee, por ser paraje en que á solido pastiarse, de modo que por los mencionados tres pueblos, no se ha de poner embaraso ni reclamar agravio, y para qe. considerandose en lo subseivo los supra dhos. linderos por de los tres pueblos, lo posean con dro. legitimo mediante esta real merced, sin que, por ningun vecino ó vecinos españoles les sean perjudicados, ynteducando sus ganados suponiendo ser comunes los pastos, y monde á el alce. mayor Dn. Bartolomé Fernandez, pase y dé posesion real á dhos. tres pueblos de esta merced y linderos contenidos, llevando consigo á las justicias y mayores de cada uno de ellos, asiendo constar la diligencia á continuacion de este mi

auto de merced, qe. me debolverá para dar á cada pueblo el testimonio correspondiente de todo, y poner el original en el archivo de este gobierno á donde debe constar y hasé lo probei, concedi, mande y firme autuando con dos testigos de assa. á falta de escribanos que de ninguna clase los hai en esta gobernacion.

THOMAS VELEZ CACHUPIN.

Testigo: CARLOS FERNANDEZ.

Testigo: DOMINGO LABADIA.

Posecion.

En cumplimto. de lo mandado por el Sr. Dn. Thomas Velez Cachupin, govor. y capn. gral. de este reyno del Nuevo Mexco., yo, Dn. Bartholomé Fernandez, alce. mayor y capn. á grra., de los pueblos de la nacion Queres, pase á dhos. pueblos y en compañía de los gobernadorcillos, casiques, y de mas justicias de los pueblos de Sta. Aña, Zia, y Xemez pase á las tierras pedidos por los naturales de dhos. tres repúblicas y mencionados por dho. señor govor. en nombre de S. M., como consta por la antecedente merced, y citando á los conlindantes qe. son los vecinos del pasto de Sn. Fernando del rio Puerco y presentes el thnte. Juan Bapta. Montaña, Agustin Gallego y Thomas Guruffi, les tome de la mano á dhos. gobernadorcillos que lo son Cristoval Naspona y Cristoval Chiguigui, Pedro Chite, casique, Sabastian Lazaro, Juan Antonio, capitanes de la guerra, Agustin, Thomas, Juan Domingo, y demás justicias y los pasce por dhos. tierras, dieron voces, vivae, (el rey nro. señors q. D. g.,) tiraron piedras y arancaron sacate en señal de posesion, la que les di, y aprendieron quieta y pacificamente, sin contradiccion alguna, bajo las condiciones expresados en la referida merced, y de los linderos en ellos señalados, que son de norte á sur, de la Ventana, el vado de piedra y de oriente, á poniente desde el pueblo de Zia, á orillas del rio Puerco, á la parte del oriente. Y para qe. asi consta lo firme yo, dho. alce. mayor, con dos testigos de assa., autuando como juez receptor, á falta de lscribano, que no los hai en esta gobernacion, en este paraje del Ojo del Espíritu Santo, en veinte y ocho de Septiembre, de mil setecientos sesenta y seis años. Doy fee.

BARTOLOMÉ FERNANDEZ.

Testigo: MIGL. TERRORIO DE ALBA.

Testigo: PEDRO GARCIA.

Concuerda con su original que quede en el archivo de este gobno. donde, yo, Dn. Thomas Velez Cachupin, gobor. general de este reyno del Nuevo Mejico, lo mande sacar, va fielmente y correjido, y fueron presentes, los de mi asistencia con quienes artuo á falta de escribano, que no los hay en este gobno. En testimonio de verdad.

THOMAS VELEZ CACHUPIN.

Testigo: CARLOS FERNANDEZ.

Tto.: DOMO. LABADIA.

[Translation of muniments.]

Testimonio.—Corrected.

His excellency the governor and captain-general :

I, Felipe Tafoya, lawyer of this town of Santa Fé, appear before your excellency in full legal form, for and in the name of Cristoval, Indian governor of the pueblo of Zia, and Thomas, chief war-captain of said

pueblo, who come under appointment from their casique, and of the other inhabitants of their republic, and, sir, in the name of the aforementioned, and of the community of the pueblos of Santa Aña and of Jemez, do state that they, from their foundation, have considered as their pasture-ground, in the vicinity of their said pueblos, a valley commonly called the Holy Ghost Spring, and that in some urgent cases, the same as is known, is used as a pasture-ground for the horses of this royal garrison, and the said parties being aware that the said valley has had, in its vicinity, some applicants to acquire the same by grant, which will cause them very great injury, as they have considerable cattle, sheep, goats, and horses for the royal service, and not having any other place in which to pasture them, particularly the people of the pueblo of Zia, the greater part of whose fields are upland, and some of them in the glens of said valley, adjoining their said pueblo. In consideration of all of which, I ask and pray that your excellency, in the name of His Majesty, (whom may God preserve,) be pleased to declare said valley to be the legitimate pasture-grounds and pastures of the pueblos, directing that the boundaries thereof be designated to them, that is, on the east, the pueblos aforesaid, on the west, the summits of the Puerco River, on the north, a place called the Ventana, where some Navajo Apaches reside, and on the south, the lands of the citizen settlers of said Puerco River, and, should your excellency order to be done as I have requested, the said parties, my clients, will receive grace with the justice which I ask, and declare in their name that this is not in dissimulation, and so forth.

FELIPE TAFOYA.

Decree.

TOWN OF SANTA FÉ, June 16, 1766.

Having seen the petition of the republics of the three pueblos of Zia, Santa Aña, and Jemez, of the Queres Nation, all contiguous to the banks of the Santa Aña River, I do, in order to decide in justice, commission the chief alcalde of said pueblos, Bartolomé Fernandez, to the end that, having examined the boundaries which they mentioned as of the Holy Ghost Spring, where they state they pasture their stock and horses, he reports to me the leagues the same may embrace from north to south and from east to west, and whether the aforesaid three pueblos have the cattle, sheep, goats, and horses proportional to the boundaries asked for for their grazing, and also whether or not any citizen or citizens are damaged by said boundaries under any prior valid grant and possession held by them, which the said chief alcalde will perform with all possible veracity.

And I, Thomas Velez Cachupin, governor-general of this kingdom, have so provided, ordered, and signed, with my two attending witnesses, in the absence of notaries, there being none in this government.

VELEZ CACHUPIN.

Witness: CARLOS FERNANDEZ.

Witness: JOSÉ MALDONADO.

Report.

In compliance with the order of his excellency Thomas Velez Cachupin, governor and captain-general of this kingdom, in his foregoing decree of the sixteenth of June instant, I, Bartolomé Fernandez, chief alcalde and war-captain of the pueblos of the Queres Nation, proceeded to examine the lands asked for by the three pueblos of Jemez, Zia, and

Santa Aña, and the boundaries which they mention in their petition, and I find that they contain, from north to south, that is, from the stone ford, which is the boundary of the citizen settlers of the Puerco River, to the Vintana, about eight leagues, somewhat more or less, and from east to west, that is, from the pueblo of Zia, which is nearest to the lands asked for to the Puerco River, about six leagues, somewhat more or less, in which distance I know of no lands suitable for cultivation, the watering-places being scanty and few, and they are only suitable for pasturing live-stock, which is abundant at said pueblos, though the said three republics have no other lands on which to sustain their stock, and it being, as it is true, that none of the aforementioned boundaries will injure any one holding or to hold possession of lands within the same, which proceedings I placed on record, signing the same with two attending witnesses, in the absence of notaries, there being none of any kind in this kingdom, town of Santa Fé, June, one thousand seven hundred and sixty-six.

BARTOLOMÉ FERNANDEZ.

Witness: JUAN MARIA ANTONIO RIVERA.

Witness: PEDRO PADILLA.

Granting decree.

In the town of Santa Fé, on the sixth day of the month of August, one thousand seven hundred and sixty-six, I, Thomas Velez Cachupin, governor-general of this kingdom of New Mexico, in view of what is petitioned for by the three pueblos of Santa Ana, Zia, and Jemez, of the Queres Nation, and of the report which their chief alcalde, Bartolomé Fernandez, makes, that they have held said lands for their live-stock, which at present is abundant, without having any other places in which to pasture them, except those referred to in their petition, together with the small watering-places mentioned in said report, declared that I would grant, and I did grant, in the name of His Majesty, (God preserve him,) the aforesaid lands for pasturing the stock and horses of the aforesaid three pueblos of Santa Aña, Zia, and Jemez, with the boundaries, from north to south, from the place Ventana to the stone ford of the Puerco River, the boundaries also of the citizens of the place San Fernando of Nuestra Señora de la Luz; and from east to west, from the pueblo of Zia to the said Puerco River, the eastern edge, the whole of the valley of the Holy Ghost Spring being embraced within the center and within the boundaries of this grant, with the condition and stipulation: that in case of necessity the horses of this royal garrison of Santa Fé may, and shall be, kept in said valley, the same being a place where they have been accustomed to graze; wherefore the aforementioned three pueblos are to place no obstacle in the way, nor claim damage therefor; and the aforementioned boundaries being for the future considered those of the aforementioned three pueblos, they will hold the same with legitimate title under this royal grant, so that they be not molested by any Spanish citizen or citizens, taking their stock thereupon, deeming the pasturage to be common. And I direct the chief alcalde, Bartolomé Fernandez, to go and give to the aforementioned three pueblos royal possession of this grant, and the boundaries therein set forth, taking with him the justices and seniors of each one of them, and placing his proceedings on record, following this my granting decree, which he will return to me, in order to furnish to each pueblo the proper testimonio of the whole, and deposit the original in the archives of this government, where it shall remain.

And I so provided, granted, ordered, and signed, acting with two attending witnesses in the absence of notaries, there being none of any kind in this jurisdiction.

THOMAS VELEZ CACHUPIN.

Witness: CARLOS FERNANDEZ.

Witness: DOMINGO SABADIA.

Possession.

In compliance with the directions of his excellency Thomas Velez Cachupin, governor and captain-general of this kingdom of New Mexico, I, Bartolomé Fernandez, chief alcalde and war-captain of the pueblos of the Queres Nation, proceeded to the aforementioned pueblos, and, in company with the governors, casiques, and other authorities of the pueblos of Santa Aña, Zia, and Jemez, proceeded to the lands asked for by the natives of the said three republics mentioned by his excellency the governor aforesaid, in the name of his majesty, as appears by the foregoing grant, and, summoning the contiguous land-holders, who are the residents of the place San Fernando, of the Puerco River, and the Lieutenants Juan Bautista Montaña, Agustin Gallego, and Tomas Gurule, being present, I took by the hand the aforesaid governors, who are Cristoval Naspona, and Cristoval Chiguigui, Pedro Chite; casiques Sebastian, Lazaro, Juan Antonio; war-captains Agustin, Tomas, Juan Domingo, and the other magistrates, and conducted them over said land, and they shouted long life to the King our sovereign, whom may God preserve, and they cast stones, and pulled up grass, in sign of possession, which I gave them, and which they received quietly and peaceably, without any opposition whatever, under the conditions mentioned in the aforesaid grant, and with the boundaries therein set forth, which are from north to south from the Ventana to the stone ford, and from east to west from the pueblo of Zia to the eastern edge of the Puerco River. And that it may so appear, I, the aforesaid chief alcalde, signed this, with two attending witnesses, acting as special justice, in the absence of notaries, there being none in this jurisdiction, at this place, the Spring of the Holy Ghost, on the twenty-eighth day of September, in the year one thousand seven hundred and sixty-six. I certify.

BARTOLOMÉ FERNANDEZ.

Witness: MIGUEL TENORIO DE ALBA.

Witness: PEDRO GARCIA.

It agrees with the original on file in the archives of this government, from whence, I, Thomas Velez Cachupin, governor-general of this kingdom of New Mexico, ordered the same to be copied. It is true and corrected, and there were present my attending witnesses, with whom I act in the absence of notaries, there being none in this jurisdiction. In testimony of truth.

THOMAS VELEZ CACHUPIN.

Witness: CARLOS FERNANDEZ.

Witness: DOMINGO LABADIA.

The foregoing translation, made by me, is a correct rendering from the original in Spanish, to the best of my knowledge and belief.

SAML. ELLISON.

Sworn to and subscribed before me this July 25, 1873.

JAMES K. PROUDFIT,
Surveyor-General.

SURVEYOR-GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, July 25, 1873.

The foregoing translation having been by me compared with its original in Spanish, and found correct, is hereby adopted as the official translation.

DAV. J. MILLER,
Translator.

TESTIMONY OF WITNESSES.

Zia, Santa Ana, and Jemez Pueblos.

JUAN CASADOS having been summoned by and before the surveyor-general to testify in this claim of said pueblos for land, and being present, and duly sworn by the surveyor-general, on his oath declares:

Question by Samuel Ellison, as attorney for claimants. What is your name, age, residence, and occupation?

Answer. My name is Juan Casados. My age is sixty-seven years. My residence is at the Cañon de Jemez; and my occupation is laborer and shepherd. I was born in the Cañon de Jemez, and have always lived there.

Question. Are you acquainted with the Espíritu Santo grant of land; and if so, please state its locality, and who are the reputed owners of the same.

Answer. I know a tract of land so called, situated in the county the pueblo of Jemez is in, and east of the Puerco River, and west of the Jemez Mountain. The land, I understand, was granted by the King for pastoral purposes to the pueblos of Zia, Santa Aña, and Jemez, and neighboring white people of San Ysidro and other adjacent settlements. I have not seen the grant, and cannot read, but have always understood this to be the case. The natives of the three pueblos named have always had live-stock grazing upon this tract of the Espíritu Santo, except during hostilities with the Navajo Indians, when the stock was removed to places of greater safety.

Question. How far do you reside from the spring of the Espíritu Santo?

Answer. About five or six leagues; but not upon the tract, which is beyond the mountain from where I reside.

Question. Do you know the boundaries of the tract in question? And if so, state them; and also state how you know them.

Answer. I know the boundaries, as I have always heard them mentioned by old persons of the vicinity, and I have thus always understood them to be from the Ventana, on the north, to the Vadito de Piedra, on the south, and from the pueblos on the east, to the Puerco River on the west.

Question by the surveyor-general. Have you ever heard that the land in question, or any part of it, was claimed or occupied by any other claimant?

Answer. I have never heard of any such claimant. One Diego Bach has resided at the spring for the last three or four years, and has been cultivating land and has some live-stock there, but under what right he occupies I do not know.

Question. Do you know of any mines or minerals or coal upon this tract of land?

Answer. I have never seen anything of the kind.

Question. Have you any, or have your ancestors had any, interest in this land of the Espíritu Santo?

Answer. I have no other interest, and I believe my ancestors had no other interest in it, than the right to pasture our animals upon the tract.

JUAN ^{his} + CASADOS.
mark.

Sworn to and subscribed before me, this July 25, 1873.

JAMES K. PROUDFIT,
Surveyor-General.

JOSE RUMOLDO CASADOS, having been summoned as aforesaid, and being also present, and duly sworn by the surveyor-general, on his oath declares:

Question by Mr. Ellison. What is your name, age, occupation, and residence?

Answer. My name is José Rumoldo Casados; my age is 63 years; my occupation is laborer and shepherd, and my residence is Cañon de Jemez, where I have resided all my life. I am a brother of Juan Casados, the witness who has just testified.

Question. Are you acquainted with the tract of land known as the Espíritu Santo grant, in Santa Aña County? If so, please state what you know about it.

Answer. I know such a tract there, bounded on the north by the high mesa of the Ventana, and on the south by the Vadito de la Piedra, on the Puerco River, where the Ceballeta and Jemez road crosses, and on the west, as I have been informed, by the Puerco River, and on the east by the top of the Jemez Mountain. The reputed owners of the tract are the three pueblos of Zia, Santa Aña, and Jemez. The only party now in possession of the land, so far as I know, is one Diego Baca, who has been for the last three years residing with his family at the spring of Espíritu Santo upon the tract, at which place he has a ranch and live-stock, and has cultivated land. I do not know under what right he occupies the place. The Indians of the three pueblos named have always pastured their stock upon the tract, except when the Navajo Indians were at war, and are now pasturing stock upon the land. I do not know of any adverse claim for the land. I do not know of any mines, or minerals, or coal upon the land. I have no interest whatever in this claim for the land in question.

JOSÉ R. ^{his} + CASADOS.
mark.

Sworn to and subscribed before me this July 25, 1873.

JAMES K. PROUDFIT,
Surveyor-General.

Decision of claim.

OPINION OF SURVEYOR-GENERAL.

This claim for land is brought before me in behalf of the Indian inhabitants of the pueblos of Zia, Santa Aña, and Jemez, under the eighth article of the treaty of Guadalupe-Hidalgo and the act of Congress approved July 22, 1854, establishing this office.

It appears from the record in this case that the pueblos named, by proper authorities and agent, applied to Don Tomas Velez Cachupin for a grant of land, (petition without date;) that said Cachupin, then being

governor and captain-general of the province of New Mexico, at that time one of the colonial possessions of the Spanish Crown, did, on the sixteenth day of June, 1766, order and appoint one Bartolomé Fernandez, chief alcalde of the said pueblos, to investigate and report to him as to the propriety of making the grant; that in said month of June, 1766, said alcalde examined the matter, and reported that there was no objection to making the concession; that on the 6th day of August, 1766, Governor Cachupin made the grant, reserving only the privilege of pasturing on the lands the horses of the royal garrison of Santa Fé; that he ordered said Alcalde Fernandez to place the people of said pueblos of Zia, Santa Ana, and Jemez, in juridical possession of the land, and that said alcalde did so, as appears from his report of September 28, 1766.

From the language of the granting-decree of Governor Cachupin, it is evident that he intended to extend the boundaries of the pueblo lands so as to include the grant now under examination. The grants of the original pueblo lands were made in 1689, and have been confirmed by Congress. A translation of the papers in this case was made in this office, probably in 1856, but for some reason, probably, as I am informed, on account of some fear or disagreement among the Indians, it was withdrawn and not prosecuted, and but for this reason no doubt these lands would have been confirmed when the others were.

I am of opinion that the Indians show an absolute grant and full possession under it, and that Congress ought to confirm the same, which I respectfully recommend.

I transmit triplicate copies of the record.

JAMES K. PROUDFIT,
United States Surveyor-General.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex., February 2, 1874.

Authentication of transcript.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex., February 25, 1874.

The foregoing is a correct transcript of the papers on file in this office constituting Indian pueblo claim T, in the name of the pueblos of Zia, Santa Aña, and Jemez.

JAMES K. PROUDFIT,
United States Surveyor-General.

Transcript of land-grants to Bartolomé Fernandez, being private land-claim reported as No. 78, for the San Miguel Spring tract, in New Mexico. Date of grant, September 2, 1767. Reported by the United States surveyor-general January 7, 1874. (Received, with surveyor-general's letter, February 25, 1874.)

PRESENT CLAIMANT'S PETITION.

In the matter of the case of the legal representatives of Bartolomé Fernandez de la Pedra.

To James K. Proudfit, surveyor-general of the Territory of New Mexico:

Your petitioners, the heirs and legal representatives of Bartolomé Fernandez, deceased, most respectfully represent that on the application of said Bartolomé Fernandez, on the second day of September, A.

D. 1767, to Pedro Fermin de Mendinueta, then governor of the province, now Territory, of New Mexico, the said governor did, on the same day of said month and year, in accordance with the laws and customs then in force in said province, and in the name of the King of Spain, grant to said Bartolomé Fernandez, his children and successors, a piece or tract of land, consisting of four square leagues, situate in the then Navajo country, now in the county of Valencia, in the Territory of New Mexico, and bounded as follows: On the north by the lands of Felipe Tafoya, since deceased; on the east by the base of a timbered mesa; on the south by a spring of water called the San Miguel spring, and on the west by the brow of a short mesa, also covered with timber.

2. That on the eleventh day of September, A. D. 1767, the said Bartolomé Fernandez was put into royal possession thereof, in accordance with the laws and customs then in force in New Mexico; that said Bartolomé Fernandez and his heirs and other legal representatives continued in possession, occupied and held the said tract of land, except when interrupted by the wars with the Navajo Indians, continuously thereafter; that the same has at all times been respected and recognized as the property of said Bartolomé Fernandez and his heirs and legal representatives. All of which will more fully appear by the sworn translation of said grant and a sketch-map which accompanies this petition. Your petitioners therefore ask that said tract and grant of land may be confirmed to the said legal representatives of said Bartolomé Fernandez.

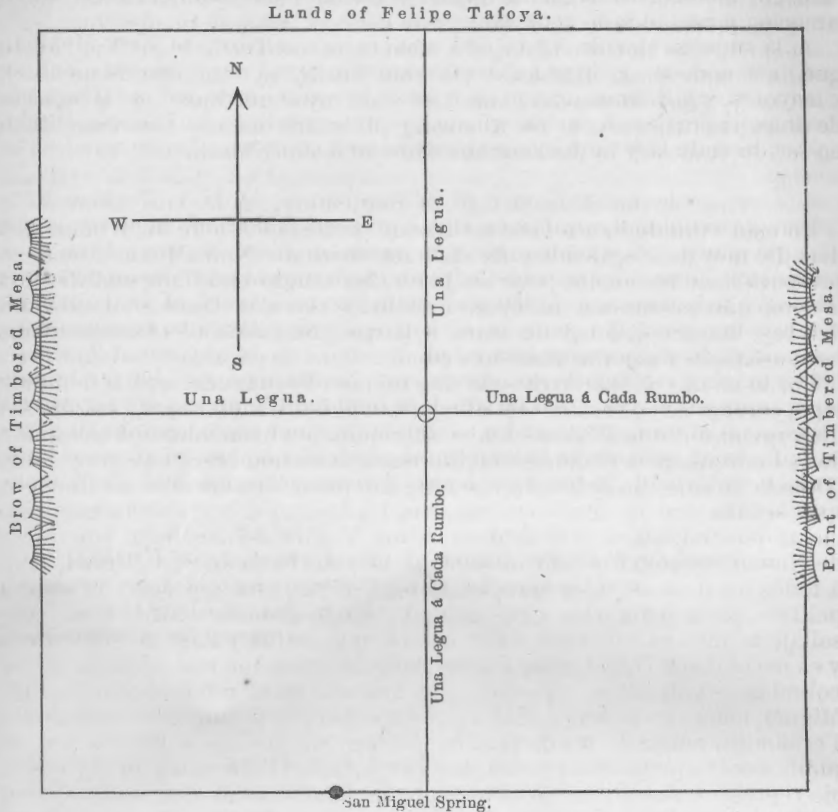
TOMAS BACA,

*Heir and Legal Representative of said Fernandez, for Himself,
and the other Legal Representatives of said Fernandez,*

By SAML. ELLISON,

Attorney for Claimants.

Sketch-map of the San Miguel grant, in the province of Navajo, situated in the western parts of the counties of Valencia and Santa Ana, N. Mex., measuring one league from center, north, south, east, and west, and containing about 23,040 acres.



MUNIMENTS OF TITLE.

Sor. govor. y capn. general :

Don Bartolomé Fernandez de la Pedrera, alfez reformado de este real presidio de la villa de Sta. Fee, ante VSA., pareco en la mejor via que mejor haiga lugar y á mi derecho convenga y digo, señor, que atento á varios y crecidos servicios que mi difunto abuelo, el capn. Dn. Martin Hurtado, fundador de la villa de Albuquerque, y alfez vivo de este dicho presidio, pacificador de este dho. reyno, y asi mismo los de mi difunto padre, pacificador tambien y alfez vivo de la compañía montada del real presidio del Paso, como di otro hermano mio que servio á S. M., en cuyo servicio murio, como los que de mi parte hé ejecutado, en virtud de todo lo propuesto, y en nombre de la magestad, (que Dios gue.) tengo y pido registrado, un sitio de tierras yermas y des pobladas, en las vertientes de la provincia de Navajo, sus linderos corren por la parte del oriente la orilla de una mesa montuosa, y por el poniente, la ceja de una mesa corta tambien montuosa, por el norte, con tierras de Phe-
 lipe Tafoya, y por el sur, un ojo de agua nombrado Sor. Sn. Miguel, cuya

distancia componen como de cuatro leguas poco mas ó menos en todo el secinto, y aunque en el sitado ojo suelen avisindarse algunos cortos ranchos de Apaches de dha. provincia, no por esto, se les evita su asunto, antes si, para mayor suavisarlos, agasajorlos y procurar su sosiego, en nuestra legal amistad y buena correspondencia en cuya atencion y por todo lo referido.

A la superioridad de V^{sa}. pido y suplico en nombre de S. M. (Dios le gue.) me conceda la sitada merced, para mantener mis ganados menores y mayores, y por tener hijos para que en lo venidero disfruten el ñeñorio de dhas. tierras, que en hacerlo asi recibiri merced con justicia, y juro no ser de malicia y en lo necesario, etcetera.

BARTOLOMÉ FERNANDEZ.

En esta villa de Santa Fé, capital del reyno del Nuevo Mejico, en dos dias del mes de Septiembre de mil setecientos sesenta y siete años, se presentó la antecedenta peticion por el contenido en ella y atento á los meritos que espone asi heredados como personales traídos en servicio del rey nuestro señor, hé tenidos y tengo por justicia el remunerarlos para estimulo y amor al real servicio.

Por lo cual, yo, Don Pedro Fermin de Mendineuta, del orden de Santiago, coronel de los reales ejercitos, gobernador y capitan general de este dho. reyno diji que le concedia y concedo á Don Bartolomé Fernandez de la Pedrera, para él, sus hijos y subsesores en nombre de su magestad, (Dios le guarde,) la merced de tierras que pide, bajo los mismos linderos que señala, con la condicion, de que no haiga perjuicio de tercero que mejor derecho tenga, y en espeial a los Yndios infieles de la provincia de Navajo, no solo á los que suelen habitar, en el Ojo de San Miguel, sino á todos los de mas, á los que les deberá trator con agasajo y cristiana politica, para inclinarlos á la sociedad y amor á nuestra Santa Fee y vassallaje á nuestro soberano y doy comision bastante y cuanto se requiere y es necesario á Don Carlos Perez Miraval, para que con citation de los colindantes y de dhos. Apaches que habiten en el referido Ojo de San Miguel, ponga en posesion real y personal á el enunciado Don Bartolomé Fernandez, midando las distancias que hoy de lindero á lindero por los rumbos correspondientes y si acaso los Apaches habitantes en el ya dho. ojo representaren algun perjuicio por la intermediacion del lindero á su habitacion, retirará el lindero lo que baste á no darles perjuicio alguno dandole al mercenado por otro rumbo en lo realengo, lo que por aquel le faltare, y concluido todo me remitirá las diligencias para colocarlas en el archivo de esta gobernacion.

Así lo probei, mande y firmé yo dho. gobernador y capitan general, con dos testigos de mi asistencia, con quienes actuo á falta de escribanos que no los hoy en esta gobernacion de ninguna clase.

PEDRO FERMIN DE MENDINUETA.

MATEO DE PEÑAREDONDA.

To: ANTO. MORETO.

En este puesto de Sta. Cruz de Guadalupe de las provincias de Navajo, habiendo recibido yo Dn. Carlos Jps. Perez de Miraval, la comision q. el Sr. Dn. Pedro Fermin de Mendineuta, caballero del habito de Santiago, coronel de los rrs. ejercitos de su magestad, gr. y cappn. gl. de este reyno, castellano de sus reales fuerzas y presidios para q. pase á dar la posesion real, q. pide el alferéz reformado Dn. Bartolomé Fernandez de la Pedrera, de la suerte de tierras q. pide para concederos de sus ganados, pase en virtud de la facultad q. me es conferida de dho. sr. con la sitava merced al paraje mencionado, con los testigos de mi

asistencia y medi un cordel de cien varas castillanas, el q. mandé tender y medir la legua en la forma q. su señoría lo manda por cada veinte q. componen las cuatro leguas, y con las circunstancias, requisitos y condiciones q. se requieren sin q. en ello pueda esta parte alegar ni pedir mas derecho q. el que lo es concedido reglandose á la espresada merced, y en la conformidad que se dan las posesiones rrs. en esta conformidad se la di, y meti en posesion en nombre del rey mi sr., (q. Ds. ge.) y la posesion real y verdaderamente, y lo cojé de la mano, lo pasé por dho. sitio arranco yerbas, tiró piedras y todos dijimos viva, viva el rey mi sr., así mismo le hice y mandí ponga linderos firmes y fijos en donde llega el termino q. se lo concede, en dha., merced y no en mas, q. son sus linderos por el oriente la punta de una mesa montuosa, por el poniente, la cija de una mesa corta montuosa, tambien por el norte, con tierras de Phelipe Tafoya, por el sur, un ojo de agua q. se llama Sn. Miguel, habiendo presedido á esto la citacion q. hice de las partes colindantes, así de todos los vecinos inmediatos, menos de los Apaches, Navajoes, por no haber allí ringunos, pero cerciorado si habitaban allí algunos me respondieron así vecinos como otros Navajoes q. por tiempos q. andan casando suelen caer algunos por tiempo corto á morar á dho. ojo, esto hice para cumplimiento de lo que se me ordena q. entendido de ello dijeron todos á una voz no tenian que pedir contra la nueva posesion, por no serlos de ningun perjuicio, y para que conste de dha. posesion lo firme en este puesto ó ojo referido de Sn. Miguel en once dias del mes de Septiembre del presente año de mil setecientos sesenta y siete as. con los testigos de mi asistencia.

CARLOS JPH. PEREZ DE MIRAVAL.

Tto.: JUAN DE TAFOYA.
ALTAMIRANO.

Translation of muniments.

His excellency the governor and captain-general:

I, Bartolomé Fernandez de la Pedrera, brevet ensign of this royal garrison of the village of Sante Fé, appear before your excellency in due form of law and state, sir, in consideration of the many and great services that my deceased grandfather, Captain Martin Hurtado, founder of the village of Alburquerque, and ensign of the line of this said garrison, pacificator of this said province, rendered; and also those rendered by my deceased father, also pacificator and ensign of the line in the mounted company of the royal garrison of El Paso, as well as those rendered by my brother, who served His Majesty, and in whose service he died, and as well, also, as those rendered by myself, and in virtue of all which, and in the name of His Majesty, (whom may God preserve,) I have registered and apply for a tract of vacant and unsettled land upon the water-shed of the Navajo province. Its boundaries are: On the east, the edge of a timbered mesa; on the west, the brow of a short mesa, also timbered; on the north, lands of Felipe Tafoya; and on the south, a spring of water, called the San Miguel spring, which extent of the whole tract comprises about four leagues, somewhat more or less, and although some small parties of Apaches of said province are accustomed to live at said spring, this will not prevent them from so doing, but will rather serve to conciliate and gratify them and contribute to their quietude while in our lawful friendship and good relations. In view of all which, and of all that has been stated, I ask and pray of the highness of your excellency, that in the name of His Majesty, (whom may God preserve,) you make to me the said grant, for pasturing my live stock, inasmuch as I have children, and to the end

that in the future they may enjoy the dominion of said lands, for in so doing I will receive favor with justice. And I declare that this is not in dissimulation, and as may be necessary, &c.

BARTOLOMÉ FERNANDEZ.

At this village of Santa Fé, capital of the province of New Mexico, on the second day of the month of September, in the year one thousand seven hundred and sixty-seven, the foregoing petition was presented by the party therein mentioned, and in view of the merits he sets forth, as well those inherited as those personally rendered in the service of our lord, the King, I have deemed and do deem it to be just to remunerate the same as a stimulus to and an affection for, the royal service; therefore I, Pedro Fermin de Mendineuta, of the order of Santiago, colonel of the royal forces, governor and captain-general of this province, declared that I would make, and I do make, unto Bartolomé Fernandez de la Pedrera, for himself and his children and successors, in the name of His Majesty, (God preserve him,) the grant of land he applies for, with the same boundaries he mentions, with the condition that no injury result to any third party having a better right, and especially to the unchristianized Indians of the province of Navajo, not only those accustomed to live at San Miguel Spring, but all the others, who should be treated with kindness and Christian policy, so as to incline them to civilization and draw them to our holy faith and the subjection of our sovereign. And I do, to the extent required and necessary, confer upon Carlos Perez Miraval full commission to the end that, after citation to adjoining parties, and to the said Apaches who may be living at the said San Miguel spring, he place the said Bartolomé Fernandez in royal and personal possession, by measuring the distances from boundary to boundary on the proper courses; and in case the Apaches living at the aforesaid spring should allege any injury that would result to them on account of the proximity of the boundary to their settlements, he will move the same sufficiently to not occasion them any injury whatever, giving to the grantee in another direction of the royal domain what he fails to get there; and having concluded the whole he will transmit the proceedings to me, in order to file them among the archives of this government. Thus I, said governor and captain-general, provided, ordered, and signed with my two attending witnesses, with whom I acted in the absence of notaries, there being none of any kind in this government.

PEDRO FERMIN DE MENDINUETA.

MATEO PINAREDONDA.

Witness:

ANTONIO MORETO.

At this place, Santa Cruz of Guadalupe, in the Navajo province, I, Carlos José Perez de Miraval, having received from his excellency Pedro Fermin de Mendineuta, knight of the order of Santiago, colonel of the royal armies of His Majesty, governor and captain-general of this province, and castillian of the royal forces and garrison therein, the commission to proceed to execute the royal possession, which Brevet Ensign Bartolomé Fernandez de la Pedrera asks for the tract of land for a grazing ground for his live stock, did proceed, by virtue of the authority conferred upon me by his excellency aforesaid with said grant, and with my attending witnesses to the point mentioned. And I measured off a cordel of one hundred castillian varas, which I ordered to be extended, and the league therewith measured in the

manner his excellency commands upon each of the cardinal courses constituting the four leagues, observing the circumstances, requisites, and conditions required, so that this party may not thereunder claim or demand more control than that conceded him, and conforming to the aforesaid grant, and in the manner royal grants are executed, I did execute the same and placed him in possession in the name of my lord, the King, (whom may God preserve,) and he received the same formally and truly. And I took him by the hand and conducted him over said tract, and he plucked up herbs and cast stones and we all shouted long, long live my lord the King, and I also caused and commanded that he make his boundaries firm and fixed, where the limits conceded him in said grant extend, and not elsewhere than at his boundaries; on the east, the point of a timbered mesa; on the west, the brow of a short mesa, also timbered; on the north, the lands of Felipe Tafoya; and on the south, a spring of water called San Miguel. Having preceded this, the citation I made to the adjoining parties, the same being to all the contiguous residents, except to the Navajo Apaches, there being none at that place, but having ascertained whether any of them lived there, all answered me, as well the residents as other Navajoes, that usually when out hunting a few come to reside a short time at said spring. This I did in compliance with what I am ordered to do, and being advised in the premises, they all stated in one voice that they had nothing to say against the new possession, as they did not receive any injury therefrom. And in testimony of said possession, I signed this at this place, or at the said San Miguel spring, on the eleventh day of the month of September, of the present year one thousand seven hundred and sixty-seven, with my attending witnesses.

CARLOS JOSÉ PEREZ DE MIRAVAL.

Witnesses:

JUAN DE TAFOYA,
ALTAMIRANO.

The foregoing translation, made by me from the original in the Spanish language, is a true and correct translation, to the best of my knowledge and belief.

SAM'L ELLISON.

Sworn to and subscribed before me, this January 8, 1873.

JAMES K. PROUDFIT,
Surveyor-General.

SURVEYOR-GENERAL'S OFFICE,
TRANSLATOR'S DEPARTMENT,
Santa Fé, N. Mex., January 15, 1873.

The foregoing translation, having been by me compared with the original in Spanish and found correct, is hereby adopted as the official translation.

DAV. J. MILLER,
Translator.

TESTIMONY OF WITNESSES.

Bartolomé Fernandez de la Pedrera, deceased.

Ojo de San Miguel tract.

Lorenzo Baca, being by the surveyor-general duly sworn to depose in this case, on his oath declares:

Question by attorney for present claimants. What is your name, age, and residence?

Answer. My name is Lorenzo Baca; my age is ninety-seven years, and I reside at Don Fernando de Taos.

Question. Do you know the tract of land known as the San Miguel spring, or ojo de San Miguel; and, if so, please state where it is situated, and what further you know in regard to it.

Answer. I know the land referred to, and it is situated west of the Puerco River, near the Mesa de Chars. I knew the land a great many years ago, long before the Mexican and American war. There were no counties then, and I do not know what county it is in now. When I knew the land it belonged to Bartolomé Fernandez de la Pedrera, who resided himself here at Santa Fé, and also sometimes at a ranch he had at the Cienega, but who kept his live-stock of all kinds at the said ojo de San Miguel place. I went to the place as stock-tender for said Fernandez de la Pedrera, on the premises, employed by said Fernandez and his son, Juan Antonio Fernandez. I went to the place so employed twice, first remaining three months, and the second time about fifteen months. I left there the first time on account of the hostilities of the Navajo Indians. Fernandez had on the premises a small house, which we lived in. The place was abandoned sometimes on account of the hostilities of the Navajo Indians, but whenever the Indians became quiet, and had come to Santa Fé, and received presents from the King, the Fernandezs returned to occupy the land. This was under the Spanish government. The said Bartolomé Fernandez de la Pedrera was my great grandfather on the maternal side. My grandfather was Juan Antonio Fernandez, my father's name was José Baca, and my mother's name was Maria Rosa de Fernandez, daughter of Juan Antonio Fernandez.

Question by the surveyor-general. Is there agricultural land upon the grant, and was it cultivated?

Answer. There is good agricultural land there, but it was not cultivated when I was there.

Question. Is there any mineral or coal land on the grant?

Answer. I know nothing of mines or mining, but it was said there was coal on the land.

Question. What is the extent of the tract of land?

Answer. It is one league in each cardinal direction from the ojo de San Miguel in the center.

Question. Have you any interest in this claim?

Answer. I have no interest in it; the interest I had through my mother having been disposed of to Thomas Baca.

his
LORENZO + BACA.
mark.

Sworn to and subscribed before me this January 9, 1873.

JAMES K. PROUDFIT,
Surveyor-General.

Juan Estevan Baca, being by the surveyor-general duly sworn, on his oath declares:

Question by the attorney for the present claimants. What is your name, age, and residence?

Answer. My name is Juan Estevan Baca; my age is eighty-three years; and I reside at Los Truchas, in Rio Arriba County, New Mexico.

Question. Do you know the tract of land known as the Ojo de San

Miguel or San Miguel spring tract; and if so, please state where it is situated, and what further you know about it.

Answer. I know the land; it lies to the west of this place, and on the other side of the Rio Puerco. I knew the place many years ago, when I was only seven or eight years old, when I went there with my little brother Lorenzo, now here present, when he went to the place herding stock. The tract I always understood belonged to my great grandfather, Bartolomé Fernandez de la Pedrera. I was on the premises once one summer, and there was a small house there in which the herders lived. I do not know, but have always understood that Bartolomé Fernandez de la Pedrera and his descendants have always been the owners of the land, and I have never known or heard of any other claimant to the property.

Question. State, if you know, what is the size of the tract?

Answer. I heard the old shepherds and herders say it contained four leagues.

Question. What character of land is found mainly on the grant?

Answer. When I was there it was called pasture-land. I do not know whether there are any mineral or coal lands embraced in the tract; I only know that it was spoken of as a very fine body of land.

Question by the surveyor-general. Have you any interest in this claim?

Answer. I have no interest whatever in the claim, having recently sold my interest to Eugenio Baca.

his
JUAN E. + BACA.
mark.

Sworn to and subscribed before me this January 9, 1873.

JAMES K. PROUDFIT,
Surveyor-General.

Surveyor-general's decision.

Bartolomé Fernandez, deceased.

OPINION.

This claim for a grant of land is brought before me under the eighth article of the treaty of Guadalupe Hidalgo and the act of Congress approved July 22, 1854, establishing this office.

It appears from the record that, on the 2d day of September, 1767, Don Pedro Fermin de Mendineuta, a colonel in the army of Spain, and governor and captain-general of the province of New Mexico, at that time an ultramarine possession of the crown of Spain, granted the land here claimed to one Bartolomé Fernandez de la Pedrera; that he was placed in possession by order of the said governor and in usual form, on the 11th day of September, 1767, and that he and his descendants and legal representatives have held or claimed it ever since.

The original Spanish papers are no doubt genuine, and I have no doubt of the good faith of the present claimants. I therefore recommend to Congress that the title to the land be confirmed to the legal representatives of said Bartolomé Fernandez, according to boundaries set forth in the act of possession signed by Mirabel, and which is a part of this record.

I transmit complete copies of the record in triplicate.

JAMES K. PROUDFIT,
Surveyor-General.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex., January 7, 1874.

Authentication of transcript.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex., February 25, 1874.

The foregoing is a correct transcript of the papers on file in this office in private land-claim reported as number seventy-eight, in the name of Bartolomé Fernandez, deceased.

JAMES K. PROUDFIT,
United States Surveyor-General.

Transcript of land-grant to Salvador Gonzales, being private land-claim reported as No. 82, in Santa Fé County, New Mexico. Date of grant, August 22, 1742. Reported by the United States surveyor-general, January 5, 1874.

PETITION OF PRESENT CLAIMANTS.

To the honorable James K. Proudfit, United States Surveyor-General for New Mexico :

Your petitioners, the heirs and legal representatives of Salvador Gonzales, now deceased, respectfully represent that they are the owners of a certain tract or parcel of land situate in the counties of Santa Fé and San Miguel, in the Territory of New Mexico.

That the said land was granted to the said Salvador Gonzales, upon his petition therefor, on the twenty-second day of the month of August, in the year seventeen hundred and forty-two, by his excellency Gaspar Domingo de Mendoza, then governor and captain-general of the province of New Mexico, under the Spanish government.

That the said grantee, Salvador Gonzales, by order of said governor and captain-general, in the exercise of his ample authority to make grants of land within his jurisdiction, was duly placed in possession of said land by regular legal process by Captain Antonio de Huliboni, then chief alcalde, acting under said superior order.

That the said grantee, Salvador Gonzales, and those holding under him, have remained in the peaceable possession and enjoyment of said land uninterruptedly to the present day, and is now so held and occupied by them, and your petitioners know of no adverse claim to the same.

That the boundaries of said tract of land are landmarks well known and easily found, the same being, on the north, the road leading to Bald Mountain; on the east, the Black Hills; on the south, land of José Antonio Lucero; and on the west, a small piny cañada.

That your petitioners herewith present a sketch-map of the said tract of land constructed as accurately as practicable, without a prior actual survey of the same.

That the original title papers for the said land, to wit, the petition of said grantee, the concession of said governor and captain-general, and the act of possession are on file among the archives of your office, as file No. 332, and a sworn translation of the same made from a certified copy thereof is herewith filed as a part of this case.

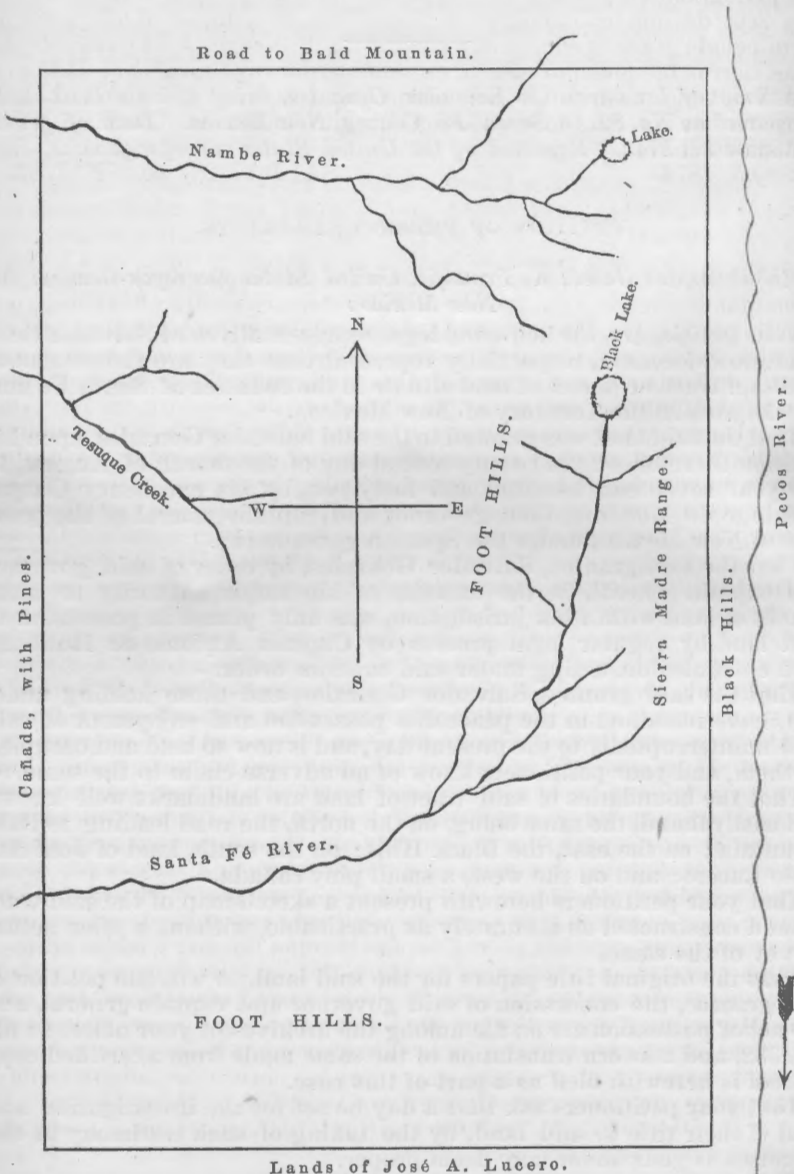
That your petitioners ask that a day be set for the investigation and trial of their title to said land, by the taking of such testimony in the premises as your honor may deem proper.

Your petitioners ask the approval of their said claim and the survey

of said land under the provisions of the treaty of Guadalupe Hidalgo, and the law of Congress of July 22, 1854, establishing your office, and in virtue of their continued possession and occupancy of the same.

SAM'L ELLISON,
Attorney for Claimants.

Sketch map of the Salvador Gonzales Grant of Land, containing approximately about 240,000 acres.



[Muniments of title.]

SOR. GOVERNOR. CAPPN. GENL.: Salvador Gonzalez, vezino de la villa de Sta. Fee puesto á los pies de la grandes á de VSS., en toda forma quel dro. me permite aya lugar qual me conbenga y digo que me beo con familia cresida y notener un pedaso de tierras para poder sembrar una milpa para mantener mes obligacionés causa que me presiza buscar un pedaso de tierras y habiendo ayado uno que el qual esta de estabanda de el rio y es montuoso así á el rio harriba, el qual rexistro y sus linderos son los siguientes, por el oriente lindan con los zerros, por el poniente con una zeja de una cañada, por el norte con un camino quela para un zerro pelado y por el sur lindan con tierras de Joseph Antto. Lucero; las dhas. tierras las pido por merzd. en nombre del rey, mismo que Dios gue.

Á Vss. pido y supco me las coseda que resevire vien y merzd., y de conserder me las seme de la posesion rl. y juro endevida forma no ser de malista etcetera,

SALBADOR GONZALEZ.

Autto.

En la billa de Sta. Fé, cappittal deste reyno del Nuevo Mexico., en beynte y seis dias del mes de Agto., en año de mil setteza. cuarenta y dos años, yo, el thente. coronl. Dn. Gaspar Domo. de Mendosa, goverr. y cappn. generl. del dho. reyno, histo el prete. escrito devia mandar y mande al cappn. Antto. de Ulibarré, alcal. mar. de dha. villa, ponga en poseson de dhas. tierras al suppte. en este para que en nombre del rey, uro. Señor, (Dios le ge.,) las posea para si sus hijos y suzesores amar. derecho prebicando su data las zirconstancias y requisitos acostumbrados linderos y medida para la mayor claridad así lo probey, mande y firme, con los de mi asista. con la actuacion acostumbrada por la notoria falta de escrno. real y puco. que no hoy y en el comun papel por no correr el sellado. Bale.

GASPAR DOMO. DE MENDOZA.

JU. PHE. DE RIVERA.

Posesion.

En la villa de Santa Fé, en veinte y seis dias del mes de Agosto de mil setesientos y quarenta i dos años, yo, el capn. Anttonio de Hulibarré, alcalde maior desta dha. villa digo quepor mersed que el señor teñiente coronel D. Gaspar Domingo de Mendosa, gor. y capt. genl. deste reyno, yso á Salvador Gonsales pase yo dho. alcalde maior á las tierras que sita esta mersed y le diposesion rl. á el dho. Salvador Gonsales, en nombre de su magd., (Dios le guarde,) con las seremonias acostumbradas, aran lo sacate, tiro piedras, dio boses desiendo viva el rey de Espana, nor. señor, y lo señale los linderos, que son por la parte del oriente unos serros negros, por el poniente asta una cañadita de unos pinos, por el sur asta los linderos de Josepho Antonio Lucero, y por el norte un camino que esta en la cabesera destas tierras que ba á el Serro Pelado, y para que en todo tiempo coste lo firme siendo testigos de esta posesion Miguel de Alire y Joseph Antonio Griego, y lo firmaron con migo dos testigos de asistensia á falta de escrivano publico y R. q. no lo ai en este reyno en el presente papel por no correr de ningun sello en estas partes, de q. doy fee.

ANTTO. DE HULIBARRÉ, *Juez Reseptor.*

*Translation of muniments.**His Excellency the Governor and Captain-General:*

I, Salvador Gonzales, resident of this city of Santa Fé, appear at the feet of your excellency in due loyal form and state that I find myself with a large family, and not having a spot of land to enable me to plant a corn-field for the support of my charge, is a motive compelling me to seek a piece of land, and having found one, which is on this side of the river, and is uncleared up the river, I register the same, and its boundaries are the following: On the east the land adjoins the mountains, on the west the edge of a cañada, on the north a road leading toward a bold mountain, and on the south it adjoins the land of José Antonio Lucero. The said land I ask in grant in the name of my lord the King, whom may God preserve.

I ask and pray that your excellency grant me the same, whereby I will receive favor and grace, and the same being granted, let the royal possession be given me; and I declare in due form, that this is not done in dissimulation, &c.

SALVADOR GONZALES.

Decree.

At the city of Santa Fé, capital of the province of New Mexico, on the twenty-second day of the month of August, in the year one thousand seven hundred and forty-two, I, Lieutenant-Colonel Gaspar Domingo de Mendoza, governor and captain-general, having examined this petition, should command, and do command, captain Antonio de Ulibarré chief alcalde of said city, to place the petitioner therein in possession of said lands, so that in the name of our lord the King, (God preserve him,) he for himself, and his children and successors, may with full right hold the same, making record of the usual conditions and requirements, boundaries and measurements, in order to the utmost clearness.

Thus I provide, command, and signed, with those in my attendance, and in the usual style for the well-known lack of a royal or public notary, there being none, and upon common paper, there being none of the stamped. Valid.

GASPAR DOMINGO DE MENDOZA.
JUAN FELIPE DE RIVERA.

Possession.

At the city of Santa Fé, on the twenty-sixth day of the month of August, in the year one thousand seven hundred and forty-two, I, Captain Antonio de Ulibarré, chief alcalde of this said city, do declare:

That in virtue of a grant, which his excellency Lieutenant-Colonel Gaspar Domingo de Mendoza, governor and captain-general of this province, made to Salvador Gonzales, executed royal possession in the name of his majesty, (whom may God preserve,) with the customary ceremonies, and he pluck up grass, cast stones, and shouted, saying, "long live my lord the king of Spain," and I pointed out to him the boundaries, which are, on the east side some black hills; on the west, to a small cañada with pines; on the south, to the limits of José Antonio Lucero; and on the north, a road at the head of this land leading to the Bold Mountains.

And that the same may in all time so appear, I sign this, the witnesses to this possession being Miguel de Alire and José Antonio Griego; and two attending witnesses signed with me for lack of a public or royal notary, there being none in this province, and on this paper, there being none of any stamp in these parts, to which I certify.

ANTONIO DE HULIBARRÉ,

Acting Justice.

The foregoing is a correct translation from the original, in Spanish, to the best of my knowledge and belief.

SAMUEL ELLISON,

Translator.

Subscribed and sworn to before me this 10th day of July, 1873.

JAMES K. PROUDFIT,

Surveyor-General.

SURVEYOR-GENERAL'S OFFICE,

TRANSLATOR'S DEPARTMENT,

Santa Fé, New Mexico, July 10, 1873.

The foregoing translation having been by me compared with its original, in Spanish, and found correct, is hereby adopted for the official translation.

DAV. J. MILLER,

Translator.

TESTIMONY OF WITNESSES.

Salvador Gonzales.

Ramon Sena y Garcia, being by the surveyor-general duly sworn to depose in the case of this private land-claim, on his oath declares:

Question by Samuel Ellison, attorney for present claimants of land. What is your name, age, occupation, and place of residence?

Answer. My name is Ramon Sena y Garcia, my age is going on forty-seven years, my occupation is farmer and laborer, and I reside, and have all my life resided, here at Santa Fé.

Question. Do you know a tract of land known as the Salvador Gonzales grant? and if so, please state where it is situated, what are its boundaries, and whatever you may know about it.

Answer. I know such a grant; it is situated in the county of Santa Fé, on the Santa Fé River, both sides of it above the city of Santa Fé. The boundaries of the tract are, on the east, the Serros Negros or Black Hills; on the west, a cañadita, known as the Cañadita de los Pinos; on the south, the boundary of the land of the Suceros; and on the north, the road leading eastward to the mountain and passing by the Nambu Lake on its north side. The heirs of Salvador Gonzales have always, to my knowledge, held and occupied, and now hold and occupy, the land both by cultivating the soil and grazing their stock upon it. I reside within less than a mile from the tract. I know what I have stated concerning it from Salvador Gonzales, now deceased some twelve years, a grandson of the grantee, Salvador Gonzales, and who, when he died twelve years ago, was about seventy-eight years of age. I also know it from Encarnacion Gonzales, a cousin of the said grandson Salvador, who was an aged man, and died sixteen years ago; and I also know it from general hearsay and common understanding in this community. There is a road leading into the tract from the river-side, known as the Gonzales road, which has always been used by the Gonzaleses, and which the neighbors have attempted to have closed, but have been unable to do

so legally, as it was held to be upon the Gonzales property, the tract in question and under their exclusive control, and the Gonzaleses possessed from time immemorial the right of way across certain adjoining land to and from their land along said road. I have no interest whatever in this land-claim. There is not to my knowledge any metal or mine within the tract, though I know nothing of metals or mining. I have seen some stones, to me very handsome ores, from the tract, though I do not know whether they had any value at all. I have heard there was a mine somewhere inside the land, upon the mountain, but if it was ever worked it has been long since abandoned.

RAMON SENA Y GARCIA.

Subscribed and sworn to before me this July 10, 1873.

JAMES K. PROUDFIT,
Surveyor-General.

Matias Urioste, being by the surveyor-general duly sworn, on his oath declares :

Question by Mr. Ellison. What is your name, age, occupation, and place of residence?—Answer. My name is Matias Urioste, my age is sixty-three years, my occupation is laborer, and my residence is here in Santa Fé.

Question. Do you know a tract of land known as the Salvador Gonzales grant? If so, please to state where it is situated, what are its boundaries, and all you know about the land and the claim, and how you derived your information.

Answer. I know such a tract; it lies in the county of Santa Fé, eastwardly from the city of Santa Fé. Its boundaries are—on the west, a small cañada called the Cañadita de los Pinos; on the north, a road leading eastwardly towards Mora and Cebolla, and passing by the north side of the Nambe Lake and Sierra Pelada Mountains; on the east the Serros Negros; and on the south, by the land of José Antonio Lucero. The heirs of the original grantee, Salvador Gonzales, have always occupied and now occupy the grant by cultivating the land in years the drouth was not too severe. I served as a shepherd for the widow of Baltazar Gonzales, deceased, who was a son of the grantee, Salvador Gonzales, and kept the sheep for her upon the mountains within the tract of land here in question. The name of the said widow was Cruz Lopez, and she is now deceased. I was quite a youth when I so served as shepherd. I reside within a quarter of a mile of the limits of the grant, and have lived in the same immediate neighborhood all my life. I have no interest whatever in the claim for the land here in question before the surveyor-general.

his
MATIAS × URIOSTE.
mark.

Subscribed and sworn to before me this July 10, 1873.

JAMES K. PROUDFIT,
Surveyor-General.

Lorenzo Lucero, being by Samuel Ellison, as clerk of the probate court of Santa Fé, county New Mexico, duly sworn to depose in this claim on his oath, declares :

My name is Lorenzo Lucero; my age is eighty-two years; I was born and have always resided here at Santa Fé; I know the land known as

the Gonzales tract, otherwise and also known as the Cañada Ancha tract, situated east of and near the city of Santa Fé, up the Santa Fé River. The land of grandfather, Jose Antonio Lucero, lies adjoining said Gonzales land on the south. I knew personally Salvador, Baltazar, and Juan Domingo Gonzales, three brothers, all now deceased. I remember the name of Baltazar's wife was Cruz Lopez, who survived him some years. The name of the father of said three brothers I cannot mention, as even if I ever knew it, I do not now recollect it. The Gonzaleses, I have mentioned, were occupying the tract by cultivating land therein when I first knew them and the tract in my early youth. They cultivated a portion of the tract north of the Santa Fé River, on the Cañada Ancha arroyo, and they had a road down the arroyo to their residence on the south side of the Santa Fé River, by which they hauled their crops to their houses. I have never seen any grant for the tract, nor do I know the boundaries thereof well enough to state them. I have never seen any but the Gonzaleses cultivating or using the land, nor have I ever known of any other party than they claiming it, and it has always been recognized in the vicinage as their property. When I was quite a lad and was a shepherd boy I saw a spot, which I think was inside this tract, which was said to be a mine, but whether a mine of gold, silver, or what else, I do not know, but I remember hearing that quicksilver was taken from it. The shaft was deep, so that I remember seeing a log ladder in it, used for descending and ascending. Very probably the hole is now filled up. The spot I refer to was at the foot of a hill where a small arroyo leaves it. I do not know how to read or write, and if I did I am too blind now to do either, and am also very deaf. I have no interest in the land or the claim for it, or in anything else in this world, except being able to give a good account to the God I know I have soon to appear before.

his
LORENZO † LUCERO.
mark.

Sworn to and subscribed before me this August 4, 1873. Witness my hand and official seal.

[SEAL.]

SAMUEL ELLISON,
Clerk Probate Court Santa Fé County, New Mexico.

The foregoing declaration of Lorenzo Lucero, given in the Spanish, and by me written down in the English language, was made by the deponent at his residence in Santa Fé, the witness being too infirm to come personally to the surveyor-general's office. Wherefore, I had been instructed by the surveyor-general to wait upon him at his house, and there hear and commit to writing his testimony.

DAV. J. MILLER,
Translator and Chief Clerk.

[Surveyor-General's decision.]

Opinion.

The matter of this grant of land comes before me under the act of Congress of July 22, 1854, establishing this office, and the eighth article of the treaty of Guadalupe Hidalgo.

It appears from the record that Lieut. Col. Gaspar Domingo de Mendoza, of the army of Spain, and at the time governor and captain-general of the province of New Mexico, one of the ultra-marine dependencies of the Spanish throne, did, on the 22d day of August, 1742, grant to Salvador Gonzales the tract of land in question; that said Gonzales was placed in possession August 26, 1742, by the proper alcade with the customary ceremonies.

I have no doubt of the regularity of this grant as made under the Spanish law, the genuineness of the original Spanish papers, or of the good faith of the present claimants. I therefore recommend very respectfully that Congress do confirm said grant of lands to the original grantee, Salvador Gonzales, and his legal representatives.

I transmit complete copies of the record in triplicate.

JAMES K. PROUDFIT,

United States Surveyor-General.

SURVEYOR-GENERAL'S OFFICE,

Santa Fé, New Mexico, January 5, 1874.

Authentication of transcript.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, February 25, 1874.

The foregoing is a correct transcript of the papers on file in this office in private land-claim reported as number eighty-two, in the name of Salvador Gonzales, deceased.

JAMES K. PROUDFIT,

United States Surveyor-General.