

PRIVATE LAND-CLAIMS IN NEW MEXICO.

L E T T E R

FROM THE

SECRETARY OF THE INTERIOR,

TRANSMITTING

Ten reports of the surveyor-general of New Mexico on private land-claims in said Territory.

JANUARY 8, 1875.—Referred to the Committee on Private Land-Claims and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 8, 1875.

SIR: Pursuant to the requirement of the eighth section of the act approved 22d July, 1854, (10 Stats. at L., 308,) I have the honor to transmit herewith, for the consideration of Congress, the following reports of the surveyor-general of New Mexico on private land-claims in said Territory:

1. Grant to the town of Cevilleta, in Socorro County, reported as No. 95.
2. Grant to Ignacio Chaves *et al.*, in Santa Aña County, reported as No. 96.
3. Grant to Joaquin Mestas, in Santa Aña County, reported as No. 97.
4. Grant to Bernard de Miera y Pacheco and Pedro Padilla, in Santa Aña County, reported as No. 98.
5. Grant to Felipe Tafoya, Diego Antonio Chaves, and Pedro de Chaves, in Santa Aña County, reported as No. 99.
6. Grant to Miguel Montoya and Santiago Montoya, in Santa Aña County, reported as No. 100.
7. Grant to Antonio Baca, in Santa Aña County, reported as No. 101.
8. Grant to Antonio Urban Montano, in Santa Fé County, known as the San Marcos tract, and reported as No. 102.
9. Grant to Luis Jaramillo, in Santa Aña County, reported as No. 103.
10. Grant to Baltazar Baca and sons, in Valencia County, reported as No. 104.

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

B. R. COWEN,
Acting Secretary.

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

Transcript of grant to the town of Cevilleta, in Socorro County, New Mexico, being private land-claim reported as No. 95; grant dated May 29, 1819; reported by the United States surveyor-general, November 14, 1874.

Claimants' petition.

HON. JAMES K. PROUDFIT,

Surveyor-General of New Mexico:

Your petitioners, the inhabitants of the town and settlement of Cevilleta, in the county of Socorro and Territory of New Mexico, respectfully represent that they are the owners in fee of a certain tract of land in said county, hereinafter described, which said body of land was granted to the ancestors of your petitioners, sixty-seven in number, on the 29th day of May, 1819, by the governor of the province of New Mexico, then pertaining to the crown of Spain.

Your petitioners refer, for the original grant to them of said land, to the old Spanish archives, now in your office, to wit, to file-number 214 of said archives; and they ask that said document No. 214 be taken from among said archives and be placed with this their petition in your office, as the basis and evidence of their claim for said land, together with the sworn translation in English of said document, which for that purpose accompanies this petition.

Your petitioners also refer to said document No. 214, for all the other original papers constituting their title to said land as derived from the Spanish government, for the names of the sixty-seven original grantees thereto, and for the boundaries of said tract of land.

Your petitioners further state that, under said grant of May 29, 1819, they were regularly and in due form placed in full legal possession of said land on the 4th day of June, then next following, under the following well-known boundaries, to wit: On the north, the boundary of Sabinal; on the south, the Alamillo arroyo; on the opposite side, the arroyo called San Lorenzo Creek; on the east, a mountain in front of said town, and on the west the Ladrones Mountain, all of which will more fully appear from said document No. 214, and have remained continuously in such possession; and they now reside upon and cultivate and graze their stock upon said land, and are in the peaceable enjoyment of the same.

Your petitioners further state that they are ready to bring before your honor proof in substantiation of their said claim, should you deem necessary any testimony in addition to the original evidence now on file in your office as aforesaid.

Your petitioners respectfully ask and pray that their said claim be investigated and approved by your office, and be confirmed by the Congress of the United States under the treaty of Guadalupe-Hidalgo, and that said land in due time and manner be set off and surveyed by the Government.

And your petitioners will ever pray.

SAMUEL ELLISON,
Attorney for said Inhabitants.

SANTA FÉ, October 5, 1874.

[For sketch see original.]

Muniments of title.

Valga por el sello que corresponde, por no estar el administrador, y cuando lo habilite cobrará los derechos y haber á S. M., Q. D. G.
MELGARES.

Señor Alcalde Don Miguel Aragon :

Carlos Gabaldon, vecino de Nuestra Señora de los Dolores de Sebilleta, á nombre y voz de todos los vecinos de ella, en la mas bastante forma que halla lugar de derecho y á el mio convenga. Ante la recta justificacion de V. expongo y digo, que hallandonos graciosamente por nuestro amado y catolico monarca resentados en esta frontera por donacion que se sirvió hacernos el Señor Carlos Cuarto, que de Dios goza, y siendonos preciso auxiliarnos de nuestro amado gobierno, que en el dia tenemos por superior y padre, á fin de que con su maduro acuerdo y amartelado cariño con que hasta el dia nos ha tratado se sirva concedernos se nos dé la merced que por ley de derecho se nos debe dar y gozar de los ciertos limites y linderos que se nos han asignado; impetrando de la caritativa piedad de V. sea muy servido échose á cargo de esta nuestra sumisa peticion, si lo hallare de justicia, providencia, lo que sea de su mayor agrado y despues de su providencia, dandonos el auxilio de pasé ocurriremos con ella á nuestro amado gobierno para su mayor validacion, y que dicho superior jefe nos vea con toda la miseracion que acostumbra y nos conceda lo que llevamos insinuado, si fuere de su superior aceptacion.

Por tanto á v. reberentemente pido y suplico se sirva hacer como pido; en lo que recibiré merced y gracia en justicia. Que impetro y juro no ser de malicia y en lo necesario.

Sebilleta y Mayo 25 de 1819.

A los pies de V.

CARLOS GAVALDON,
Apoderado.

PUEBLO DE BELEN, *Mayo 26 de 1819.*

Pase esta instancia al señor teniente coronel y gobernador de esta provincia, para que S. S. se sirva decretar si se les da la merced que los vecinos de la poblacion de Sebilleta, solicitan, y decirme desde donde se les señalan sus linderos, respecto á que el apoderado no los anuncia.

MIGUEL ARAGON,
Alcalde Ordeno.

SANTA FÉ, *Mayo 29 de 1819.*

El alcalde de Belen, dará los terrenos de costumbre á los suplicantes, hará pongan sus linderos y limites, extendiendo las correspondientes diligencias, que concluidas pasará á este gobierno, para conocimiento y constancia.

MELGARES.

Recibí 4 reales por este pliego de papel habilitado por el señor gobernador hoy 29 de Mayo de 1819.

JOSÉ IGNACIO ORTIZ.

En cuatro dias del mes de Junio del año de mil ochocientos diez y nueve, en obediencia de lo mandado, por el señor teniente coronel y gobernador de esta provincia del Nuevo Méjico, como consta en su decreto de arriba. Yo, Don Miguel Aragon, alcalde mayor de la jurisdiccion de este pueblo de Belen, doy fe de lo que me ha sido presentado.

diccion de Belen, sus partidos, y fronteras, pasé á la poblacion de Sebilleta en donde mandé convocar á todos sus vecinos, habitantes en dicho pueblo que son los siguientes.

Don Carlos Gabaldon, D. Felipe Lucero, Tomas Aragon, Miguel Marquez, José Maria Moya, Juana Sanchez, Pablo Martinez Josefa Otero, Miguel Ruibarid, Antonio José Opodaca, Domingo Peralta, Andrés Gonzales, Francisco Macias, Juana Paula Lopez, Antonio Trujillo, Salvador Armijo, Baltazar Lobato, José Aragon, Manuela Chavez, Guadalupe Montoya, Francisco Tafoya, Manuel Sais, Vicente Torres, José Manuel de Herrera, Eubaldo Martinez, Bartolomé Chavez, Diego Benavides, Ramon Montañó, Dionicio Chavez, Nerio Gallegos, Jacinto Truejeque, Lorenzo de la Torre, Santiago Lucero, José Antonio Opodaca, Felipe Cordoba, Juan Garcia, Juan Isidro Romero, Manuel Benavides, Bernardo Benabides, Antonio Samora, Juan Sais, Felipe Apodaca, Gregorio Lucero, Salvador Maes, Juan Domingo Maes, Francisco Chavez, José Guadalupe Montoya, Bernardo Trujillo, Bernardo Sisneros, Juan Luis Lopez, Santiago Candelaria, Diego Mascareñas, Miguel Samora, Clemente Benavides, Juan Luis Carillo, Juan Montoya, Andres Mascareñas, D. Juan Gutierrez, Manuel Romero, Antonio José Garcia, Salvador Lucero, Vicente Torres, Juan José Trujillo, Juan Francisco Muñiz, Francisco Sisneros, José Lorenzo Sanchez, Juan Cruz Trujillo, á quienes hizo saber la providencia dada por el citado señor gobernador en el espresado auto de arriba y juntos todos ellos unanime y acorde reciben su merced y linderos, y es del tenor siguiente, por el norte, el lindero del Sabinal, por el sur, el arroyo del Alamillo, por la banda opuesta el arroyo que le llaman de San Lorenzo, por el oriente una sierra que está al frente al dicho pueblo, y por el poniente la sierra de los Ladrones, como piden; y el decreto de su señoria ordena, con las ceremonias acostumbradas les dí la posesion, mandándoles á un lado del camino en una y otra punta sus mojoneras de piedra y lodo, que les sirve de raya y division de sitio colindante; cuya orden obedecieron de pronto dicha mojonera, advirtiendoles para que gozen el usufructo de esta merced, deben mantener armas y caballos de estilo. De todo quedaron bien advertidos, y para su constancia lo firmé en dicho dia, mes y año con los testigos de mi asistencia, de que doy fé.

MIGUEL ARAGON.

Testigo de asistencia.

Valga por el sello 3o, para el año de mil ochocientos diez y nueve.

JOSÉ FRANCISCO ORTIZ.

Testigo de asistencia :

JOSÉ LORENZO PLATORRE.

Asistencia :

JUAN ANDRÉS MASCAREÑAS.

Translation of muniments.

This will serve for the proper stamp, the collector not being present; and whenever he shall authenticate this, he will charge the fees. And to His Majesty, God preserve him.

MELGARES.

To the alcalde, Miguel Lucero :

I, Carlos Galvaldon, a resident of Nuestra Señora de los Dolores de Sebilleta, in the name and at the request of all the residents of that

place, represent and state to your honor, in due legal form, that being by our beloved Chatholic sovereign graciously resettled upon this frontier under a grant which King Charles the Fourth, now in the enjoyment of Heaven, was pleased to make to us, and being necessary for us to apply to the beloved functionary whom we have at this time for a governor and a father, to the end that upon mature consideration, and with that loving kindness with which he has treated us, he be pleased to permit that the grant which according to law we are entitled to receive be made to us, and that we receive those certain boundaries and land-marks which have been designated to us ; we praying that your honor, in your charitable graciousness, on considering this humble petition, and finding the same to be just, be pleased to provide according to your superior pleasure.

And after your decree giving us the benefit of an order of execution, we will proceed with the same to our beloved governor for his superior approval thereof, so that the said high functionary may view us with all his usual clemency, and may grant to us what we have requested, should such be his superior pleasure.

Therefore, I reverently ask and pray that you be pleased to do as I request, whereby I will receive favor and grace in that justice which I seek, and I declare that I act not in dissimulation ; and whatever be necessary, &c.

Sebilleta, May 25, 1819.

CARLOS GABALDON,
Attorney.

TOWN OF BELEN, *May 26, 1819.*

This petition will pass to his excellency the lieutenant-colonel and governor of this province, that his excellency may please decree that the grant prayed for by the citizens of the settlement of Sevilleta be executed to them, and may advise me from which point to designate to them their boundaries, inasmuch as the attorney does not state them.

MIGUEL ARAGON,
Local Alcalde.

SANTA FÉ, *May 29, 1819.*

The alcalde of Belen will assign the usual land to the petitioners, and will cause them to place landmarks and boundaries, drawing up the proper documents, which, having completed, he will transmit to this government for its knowledge and preservation.

MELGARES.

I have received fifty cents for this sheet of paper, authenticated by his excellency the governor this 29th day of May, 1819.

JOSÉ IGNACIO ORTIZ.

On the fourth day of the month of June, in the year one thousand eight hundred and nineteen, in pursuance of the commands of his excellency the lieutenant-colonel and governor of this province of New Mexico, as appears from the above decree, I, Miguel Aragon, chief alcalde of the jurisdiction of Belen and its precincts and frontiers, proceeded to the settlement of Sebilleta, where I ordered to be assembled all the residents and inhabitants of the said town, and who are the following : Carlos Gavaldon, Felipe Lucero, Tomas Aragon, Miguel Marquez, José Maria Moya, Juana Sanchez, Pablo Martinez, Josefa Otero, Miguel Ulibarri, Antonio José Apodaca, Domingo Peralta, Andres

Gonzales, Francisco Macias, Juana Paula Lopez, Antonia Trujillo, Salvador Armijo, Baltazar Lobato, José Aragon, Manuela Chavez, Guadalupe Montoya, Francisco Tafoya, Manuel Sais, Vicente Torres, José Manuel de Herrera, Eubaldo Martinez, Bartolome Chavez, Diego Benavides, Ramon Montañó, Dionicio Chavez, Nerio Gallego, Jacinto Trujeque, Lorenzo de la Torre, Santiago Lucero, José Antonio Apodaca, Felipe Cordoba, Juan Garcia, Juan Isidro Romero, Manuel Benavides, Bernardo Benavides, Antonio Samora, Juan Sais, Felipe Apodaca, Gregorio Lucero, Salvador Maes, Juan Domingo Maes, Francisco Chavez, José Guadalupe Montoya, Bernardo Trujillo, Bernardo Sisneros, Juan Luis Lopez, Santiago Candelaria, Diego Mascareñas, Miguel Samora, Clemente Benavides, Juan Luis Carrillo, Juan Montoya, Andres Mascareñas, Juan Gutierrez, Manuel Romero, Antonio José Garcia, Salvador Lucero, Vicente Torres, Juan José Trujillo, Juan Francisco Muñiz, Francisco Sisneros, José Lorenzo Sanchez, Juan Cruz Trujillo, to whom I communicated the commands given by his excellency the governor aforesaid in the said above decree, and they being assembled, they unanimously and in accord accept the grant, with its boundaries, as follows: On the north the boundary of Sabinal, on the south the Alamillo Arroyo, on the opposite side the arroyo called the San Lorenzo Creek, on the east a mountain in front of the said town, and on the west the Ladrones Mountain, which is as the parties request and as the decree of his excellency directs, with the customary ceremonies. I gave them the possession, ordering them to place their landmarks, of stone and mortar, on the one side of the road, at both points, the same to be to them a boundary and dividing line between the tracts, which order they obeyed forthwith, placing the said landmarks, I notifying them that in order to enjoy the benefits of this grant they shall keep arms and horses of the kind required, of all of which they remained fully advised.

And that it may so appear, I signed this on said day, month, and year, with my attending witnesses, to wick I certify.

MIGUEL ARAGON.

Attending witness.

Attending witness:

JOSÉ LORENZO DE LATORRE.

Attending:

JUAN ANDRES MASCAREÑAS.

This will serve for the third seal for the year 1819.

JOSÉ FRANCISCO ORTIZ.

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

SAMUEL ELLISON.

Sworn to and subscribed before me this October 5, 1874.

JAMES K. PROUDFIT,

Surveyor-General.

SURVEYOR-GENERAL'S OFFICE,
TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, October 31, 1874.

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

DAR. J. MILLER,
Translator.

Testimony.

CEVILLETA GRANT.

In the matter of the private land-claim of the inhabitants of the town of Neustra Señora de los Dolores de Sevilleta, or town of La Joya.

REFUGIO ESQUIVEL, being first duly sworn, says that he is sixty-four years of age; that he is well acquainted with the grant of land in question, called by the name of Nuestra Señora de los Dolores de Sibilleta, and more commonly called the La Joya grant; that he has resided upon the same all of his life, and was acquainted with a great many of the original grantees and settlers thereof mentioned in said grant; that the descendants of the said original grantees and settlers of the said grant, to the number of about fifteen hundred, at present reside upon the said grant, and hold and cultivate the same; that as far back as he can remember the said grant or tract of land has been occupied by the said original grantees and their descendants, and up to the present time he does not know of any abandonment of the same, but the same has always been acknowledged and recognized by every one as the property of said grantees and their descendants; that the said grant is bounded on the north by the lands of Sabinal, on the east by the sierra or mountain, on the south by the arroyos of San Lorenzo and Alamillo, and on the west the mountain called Sierra de los Ladrones; said grant being situated in the county of Socorro, and Territory of New Mexico, on both sides of the Rio Grande; that he does not know of any minerals on said grant, and has no interest in said claim.

REFUGIO ESQUIVEL.

JUAN DAMASIO MARTINEZ, being first duly sworn, says that he is acquainted with a grant of land in question, commonly called the Sevilleta or La Joya grant; that the same is situated in the county of Socorro, and Territory of New Mexico, and is bounded on the north by the grant of Sabinal, on the east by the mountains in front of the town of La Joya, on the south by the arroyos of Alamillo and San Lorenzo, and on the west by the Sierra de los Ladrones; that he was well acquainted with most of the original grantees of said grant; that he is sixty-four years of age, and has resided on and within the vicinity of said grant all of his life; that the said original grantees and their descendants have resided on, occupied, and cultivated the lands of said grant from as far back as he can remember to the present time, and that the said grant has always been acknowledged and respected by every one as the property of said grantees and their descendants; that the number of the descendants of the said original grantees who at present occupy the same are at least 1,500; that he knows of no minerals upon said grant, and has no interest in this claim.

JUAN DAMASIO MARTINEZ.

TERRITORY OF NEW MEXICO,

County of Socorro, ss:

I, Matias Contreras, judge of probate within and for the county aforesaid, do hereby certify that on this the 5th day of November, A. D. 1874, the said Refugio Esquivel and Juan Damasio Martinez personally came before me, and, being first duly sworn according to law by me, gave evidence and testified as stated and set forth in the foregoing statement of their evidence signed by them, and that the same was read over and fully explained to them before signing the same.

MATIAS CONTRERAS,

Judge of Probate, Socorro County, Territory of New Mexico.

Decision.

TOWN OF CEVILLETA.

Opinion of the surveyor-general.

This claim for a tract of land embracing the town and vicinity of Sevilleta, in the county of Socorro, in this Territory, was brought before me under the act of Congress of July 22, 1854, establishing this office, and acted upon under that statute and the treaty of Guadalupe-Hidalgo, of February 2, 1848.

The muniments of the title for this land were found among the archives of the Mexican government at Santa Fé when the United States took possession of the country in 1846, and were transferred thence to this office in 1855, under regulations of the Interior Department made to carry into effect said statute, and are a portion of the archives of this office. These muniments are comprised in a single document, are original papers, and the signatures of Governor Melgares and of the other of officials borne by them, are signatures known to the office, and are thought to be genuine beyond question.

It is notorious that there are several large, permanent settlements upon the land claimed, the principal ones being the towns of Cevilleta and La Joya, the several towns and settlements containing a resident population of about one thousand five hundred people. The settlements are known to be such of long standing, and the towns were notoriously existing as such at the time the United States took possession of New Mexico and at the date of said treaty.

Entertaining no doubt of the validity and sufficiency of this claim for the land described in the act of possession of May 28, 1819, a part of said muniments, I recommend that the same be confirmed by the Congress of the United States to the grantees named in the said act of possession, and their heirs and legal representatives.

A full transcript in triplicate of the papers in the case is herewith transmitted for the action of Congress in the premises.

JAMES K. PROUDFIT,
Surveyor-General.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, November 14, 1874.

Authentication of transcript.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, December 26, 1874.

The foregoing is a correct transcript of the papers on file in this office in private land-claim reported as number 95, in the name of the town of Cevilleta.

JAMES K. PROUDFIT,
United States Surveyor-General.

Transcript of land-grant to Ignacio Chaves et al., being private land-claim reported as No. 96, for land in Santa Ana County, New Mexico. Grant dated January 20, 1768. Reported by the United States Surveyor-General December 14, 1874.

Claimants' petition.

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

Your petitioners, the heirs and legal representatives of Ignacio Chaves, Tomas Chaves, Miguel Antonio Chaves, Antonio Chaves, and Domingo de Suna, respectfully represent :

That they are the owners in fee of a certain tract of land of about four square leagues, situated in the present county of Santa Ana in this Territory, which land was deeded to the four individuals, Chaves, above named, by grant dated January 20, 1768, made to them by the governor and captain-general of New Mexico, then an ultramarine province of Spain, and in which grant the said Domingo de Suna was included as co-equal grantee, as stated and certified on the 17th day of February of the same year, by the officer commissioned and charged by said governor and captain-general with the execution of said grant.

That the said grantees were on the said 17th of February, 1768, all regularly and duly placed in legal possession of said tract of land, with the following boundaries, to wit: On the north, a white table-land called the Mesa de Chaca; on the south, the point of the mountain; on the east, the land-grants of José Garcia and Miguel and Santiago Montoya, and on the west, the grant of Felipe Tafoya, Diego Antonio Chaves, and Pedro Chaves, all of which boundaries are well known and easily found.

That the original papers constituting the title of said grantees to said tract of land are on file among the archives of your office, the same having been in the custody and keeping of the Government since they were returned thereto about the time of the execution of said grant, more than one hundred years ago, under and in virtue of said grant of January 20, 1768, and for which original papers reference is hereby made to file No. 200 of said archives in your office, and your petitioners pray that said papers in said file No. 200 be placed with this their claim for the land hereinbefore referred to and described as the basis whereon their said claim rests and is submitted.

That your petitioners herewith submit a sworn translation of said original papers from Spanish into English, together with a plat of the said tract of land showing the boundaries and extent of the same as near as practicable without a prior survey.

And your petitioners pray that their said claim be by you investigated and approved, and be confirmed by the Congress of the United States under the stipulations and guarantees of the treaty of Guadalupe-Hidalgo and the act of Congress of July 22, 1854, establishing your office.

SAML. ELLISON,
Attorney for Claimants.

[For sketch, see original.]

Muniments of title.

Año de 1768.

Merced de tierras hecha á Ignacio Tomas Miguel y Antonio Chavez.

Señor Govr. y Cappn. Gral. :

Ignacio Chavez y Tomas Chavez, Miguel Antonio Chavez y Antonio Chavez, todos vecinos del valle de Atrisco, jurisdiccion de la villa de San Felipe de Albuquerque, paresemos ante V. Sa., en toda forma de derecho, y decimos todos juntos y cada uno de por sí, que por cuanto nos hallamos en dicho valle sumamente oprimidos por lo corto que es, pues tasadamente nos favorece en las labores y no tenemos estencion de pastos para poder mantener nuestros ganados mayores y menores, y el uno de nosotros su cria de caballada, por cuyo motivo hemos registrado un sitio para ranchos en los virtientes de Navájo, yermo y despoblado que son, sobras por un rumbo del Cappn. José Garcia, y de Santiago Montoya, y miguel Montoya, y por el otro, sobras de Diego Antonio Chavez, y Felipe Tafoya, y Pedro de Chavez, y queda el dicho sitio entre medias de las mercedes de los dichos; y en esto no se perjudica á persona alguna, por lo que y los motivos arriba espresados—

A V. S. a pedimos rendidamente sea my servido de concedernos merced de dicho sitio en nombre de su majestad, que Dios guarde, teneniendo V. S.^a presente el que nuestros padres y abuelos fueron de los primeros hombres que entraron á la conquista de este Reyno y nosotros deseosos de seguir sus fuelles, y para poder mantener nuestras familias con alguna comodidad molestamos en esto la atencion de Usia, que en concedernos la merced que llevamos pedida recibiremos mucho bien, y son sus linderos por el oriente con las tierras del Capitan José Garcia, y los Montoyas, y por el poniento una mesa prieta, y por el norte una mesa blanca, y por el sur los linderos de Diego Antonio Chavez y Felipe Tafoya, y tendrá dicho sitio por cada viento legua y media, poco mas ó menos, y si se nos concede serán los que Usia hallare por conveniente.

Y juramos en toda forma no ser de malicia este escrito, y en lo necesario, &c.

A ruego de los suplicantes.

FELIPE TAFOYA.

En esta villa de Santa Fé, en viente dias del mes de Enero de mil setecientos sesenta y ocho años, vista la peticion de arriba presentada por los contenidos en ella, y atento á sus circunstancias y á que los quatro suplicantes se hallan como buenos milicianos, habilitados de armas y caballos, y prontos al servicio del rey, yo Don Pedro Fermin de Mendiñeta, del orden de Santiago, coronel de los reales exercitos, gobernador y capitan general de este reyno dije, que hacia y hago merced en nombre de su majestad, que Dios guarde, á Ignacio Chavez, Tomas Chavez, Miguel Antonio Chavez, y Antonio Chavez, vecinos de Atrisco, del sitio de tierras que tiene registrado para pastos de sus ganados y menores y caballadas, sin perjuicio de tercerv que mejor derecho tenga, y en especial de los Apaches de Navajo, (si algunos hubiere en las tierras que estas partes piden,) y con la condicion de no desposeerlos en ayuntar de lo que trubieren ocupado, antes sí de tratarlos con amor y cristiana sinceridad; procurando atraerlos al conocimiento de nuestra santa fé y basallaje de nuestro soberano, y así mismo de poblar dicho sitio dentro del termino que previene la ley, y de no venderlo á persona eclesiastica; y esta merced se la hago para ellos,

sus hijos y sucesores, en la conformidad dicha; y para que los ya dichos Ignacio, Tomas, Miguel Antonio, y Antonio Chavez, le apósesione del mencionado sitio, doy comision bastante cuanto por derecho se requiere, á Don Bartolomé Fernandez, alcalde mayor y capitán á guerra de los pueblos de la nacion Queres para que se la dé real y personal, con citacion de los colindantes, y sus mercedes, y de los Apaches Navajoes si los hubiese en los terminos de lo mercenado; y en atencion á que el sitio de tierras pedido por los suplicantes son sobras de las mercedes concedidos á los citados en esta peticion, servirán de linderos á los ya dichos cuatros mercenados Chavez, los mismo que están señalados á los colindantes por sus respectivos rumbos de modo que no quedan demacias entre unos y otros, y si por alguno de los rumbos no hubiere colindante por ser tierras realengas, dicho alcalde mayor señalará linderos, advirtiéndolo que no ha de pasar de los extremos de las citadas mercedes, que miren á dicho rumbo, para que todos los mercenados colindantes queden cerrados formando un cuadro; en cuyo supuesto, y en el de no haber contradiccion de parte, y dada la posesion con la solemnidad y requisitos acostumbrados, que todo deberá constar, dará dicho alcalde mayor testimonio en forma á los cuatro dichos Chavez, para que les sirva de título, y me devolverá los originales para colocarlos en el archivo de gobierno. Y asi lo proveí, concedí, mandé y firmé con los infraescritos testigos de mi astencia, á falta de escribanos que no los hay en esta gobernacion de ninguna clase, de que doy fé.

PEDRO FERMIN DE MENDINUETA.

MATEO DE PEÑAREDONDA.

ANTONIO MORETO.

En esto puesto de Santa Barbara, en diez y siete dias del mes de Febrero de mil setecientos sesenta y ocho años, yo, Don Bartolomé Fernandez, alcalde mayor y capitán á guerra de los pueblos de la nacion Queres, que in virtud de la comision que me es conferido por el Señor Don Pedro Fermin de Mendinueta, del orden de Santiago, coronel de los reales ejercitos, gobernador y capitán general de este reyno del Nuevo Mejico, hallándome en el esprsado paraje en compañía de Ignacio Chavez, Tomas Chavez, Miguel Antonio Chavez, y Antonio Chavez y Domingo de Luna, quien despues de asentada esta merced ocurrio verbal ante el señor gobernador suplicándole le hiciese la merced en nombre de su majestad, que Dios guarde, con el mismo derecho que á los otros cuatro suplicantes, por haber registrado dicho sitio en su compañía, la que se servió su señoria de hacerle y manda verbal mandármelo me lo metiese en posesion; en cuya atencion y con citacion de los colindantes para reconocer el espresado paraje, y habiendolo reconocido les señalé por linderos por la parte del norte, una mesa blanca que comunmente llaman la mesa de Chaca, por el sur, la punta de la sierra, por el oriente linda con la merced del teniente de milicia José Garcia y la merced de Miguel y Santiago Montoya, por el poniente, con la merced de Felipe Tafoya y Diego Antonio Chavez, y Pedro Chavez, remate de medida á la parte del poniente y comprenderá en el centro dicho sitio cuatro leguas, poco mas. Y habiendoles mando poner mojoneras estables en los cuatro linderos, y advertidos de las condiciones arriba espresadas, cojí de la mano á los cinco suplicantes, los pasí en dicho sitio, arrancáron sacate, tiráron piedras, diéron voces, diciendo todos á una, tres veces Viva el Rey nuestro señor, que Dios guardes, en señal de verdadera posesion la que les di y aprehendiéron quieta y pacífica, sin contradiccion.

Y para que asi consta lo firmé yo dicho alcalde mayor á una, con dos

testigos de asistencia, con quienes autué, á falta de escribanos, que de ninguna clase los hay en esta reyno, en dicho dia, mes y año, doy fé.

BARTOLOMÉ FERNANDEZ.

Testigo :

MIGUEL TENORIO DE ALBA.

Testigo :

SANTIAGO FERNANDEZ DE LA PEDRERA.

Translation.

Year 1768.

Grant for land made to Ignacio, Tomas, Miguel, and Antonio Chavez.

His Excellency the Governor and Captain-General :

We, Ignacio Chaves, and Tomas Chavez, Miguel Antonio Chavez, and Antonio Chaves, all residents of the valley of Atrisco, jurisdiction of the village of San Felipe de Albuquerque, appear before your excellency, in due legal form and state, jointly and separately, that whereas, in said valley we are greatly confined, owing to its limited extent, for it scarcely affords us planting ground, and we have no room for pasturage to enable us to keep our herds, cattle, sheep, and goats, and one of us his horses.

For which reason we have registered a tract of land uncultivated and unsettled, situated on the slope of the Navajo country, and which has on one side the out-boundaries (of the grant to) Captain José Garcia, and of Santiago Montoya and Miguel Montoya, and on the other the surplusage of Diego Antonio Chaves, Felipe Tafoya, and Pedro de Chaves, and the said tract lies directly between the land granted and belonging to the said parties, and does not at all injure any person.

Wherefore, and for the reasons above set forth, we humbly pray that your excellency be pleased to make us a grant to the said tract in the name of His Majesty, (whom may God preserve,) your excellency bearing in mind that our fathers and grandfathers were among the first men to enter into the conquest of this province, and that we are anxious to follow in their footsteps; and, in order to enable us to support our families with some facility, we trouble your excellency in this matter, for by making us the grant we apply for, we will receive great benefit; and the boundaries of the tract are, on the east the land of the said Captain José Garcia and of the Montoyas, on the west a black mesa, on the north a white mesa, and on the south the boundaries of Diego Antonio Chaves and Felipe Tafoya; and the said tract will have on each side one league and a half, more or less, and if it is granted us the boundaries may be wherever your excellency may think proper.

And we declare in due legal form that this, our petition, is not made in dissimulation, and whatever is necessary, &c.

At the request of the petitioners,

FELIPE TAFOYA.

At this village of Santa Fé, on the twentieth day of the month of January, year one thousand seven hundred and sixty-eight, the above petition presented by the parties therein named having been examined, and in view of the circumstances, and aware that the four petitioners

are good militiamen, supplied with horses and arms, and ever ready in the service of the King, I, Pedro Fermin de Mendinueta, of the order of Santiago, colonel of the royal armies, governor and captain-general of this province, declared that I do, in the name of His Majesty, (whom may God preserve,) make a grant to Ignacio Chaves, Tomas Chaves, Miguel Antonio Chaves, and Antonio Chaves, residents of Atrisco, for the tract of land which they have registered for the pasturage of their cattle, sheep, goats, and horses, saving the rights of third parties having a better title, and especially the rights of the Apaches of the Navajo country, (should there be any on the lands applied for by these parties,) and under the condition that they shall not dispossess those Indians nor drive them away from the land they may have in occupation, but shall rather treat them with love and Christian sincerity, endeavoring to attract them to a knowledge of our holy faith and bring them under the control of our sovereign; and furthermore, that they shall settle the said grant within the time prescribed by law, and shall not sell the same to any ecclesiastical person, and I make this grant for themselves, their children and successors, on the conditions aforesaid.

And to the end that the said Ignacio, Tomas, Miguel Antonio, and Antonio Chaves may take possession of the said land, I confer authority, such as the laws require, upon Bartolomé Fernandez, chief alcalde and war captain of the Pueblos of the Queres nation, to give the royal and personal possession by summoning the adjoining settlers with their grants, and the Navajo Apaches should there be any within the limits of the land granted.

And considering that the tract of land applied for by the petitioners is the outskirts of the grants made to the parties referred to in this petition, the same boundaries that were designated to the adjoining settlers will also serve as boundaries for the aforesaid grantees, the said Chaves, on their respective sides, in such manner that there will remain no unappropriated land between, and should there on either of the sides be no adjoining settlers, and the land be royal domain, the chief alcalde will designate a boundary, which shall not however extend beyond the extremities of the said grants in that direction, so that all the adjoining grantees may close up together and thereby form a square.

With which understanding, and presuming there will be no objection from any party, and the possession having been executed with the customary formality and requirements, all of which should be made to appear, the said chief alcalde will give a testimonio in due form to the aforesaid Chaveses, to be to them their title, and will return the original papers to me to be filed among the government archives.

And this I have provided, granted, commanded, and signed, with the undersigned my attending witnesses for lack of notaries, there being none of any kind in this jurisdiction; to which I certify.

PEDRO FERMIN DE MENDINUETA.

MATEO DE PEÑAREDONDA.
ANTONIO MORETO.

At this place, Santa Barbara, on the seventeenth day of the month of February, in the year one thousand seven hundred and sixty-eight, I, Bartolomé Fernandez, chief alcalde and war captain of the Pueblos of the Queres nation, by virtue of the commission conferred upon me by his excellency Pedro Fermin de Mendinueta, of the order of Santiago, colonel in the royal armies, governor and captain-general of this province of New Mexico, being at the said place, accompanied by Ignacio Chaves, Tomas Chaves, Miguel Antonio Chaves, and Antonio Chaves, and Do-

mingo de Luna, which last applied verbally to his excellency the governor praying for a grant in the name of His Majesty, (whom may God preserve,) with the same privileges as the other four applicants, he having registered the said tract in company with them, which grant his excellency was pleased to make to him, and to command me to place him in possession of the land.

In view of all which, and on summoning the adjoining settlers, I proceeded to examine the said place; and, having examined the same, I designated to the parties as their boundaries, on the north a white table-land, commonly called the Mesa de Chaca, on the south the point of the mountain, on the east adjoining the land granted to the militia lieutenant, José Garcia, and that granted to Miguel and Santiago Montoya, and on the west that granted to Felipe Tafoya, Diego Antonio Chaves, and Pedro Chaves, the close of the measure toward the west; and the said tract will contain in the interior four leagues, somewhat more.

And having directed the parties to place permanent landmarks upon the four boundaries, and they being notified of the conditions above set forth, I took the five petitioners by the hand and led them over said tract, they plucked up grass, cast stones, and they all shouted thrice, Long live the King our sovereign, (whom may God preserve,) in sign of true possession, which I gave them, and upon which they entered quietly and peaceably, and without objection.

And that it may so appear, I, said chief alcalde, signed this, together with two attending witnesses, with whom I act for lack of notaries, of which there is none of any kind in this province, on the said day, month, and year; to which I certify.

BARTOLOMÉ FERNANDEZ.

Witness:

MIGUEL TENORIO DE ALBA.

Witness:

SANTIAGO FERNANDEZ DE LA PEDRERA.

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

SAMUEL ELLISON.

Subscribed and sworn to before me this November 10, 1874.

JAMES K. PROUDFIT,

Surveyor-General.

SURVEYOR-GENERAL'S OFFICE,
TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico; November 10, 1874.

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.

Surveyor-general's decision.

OPINION.

This claim for land comes before me under the eighth section of the act of Congress of July 22, 1854, establishing this office, and the eighth article of the treaty of Guadalupe Hidalgo.

The original title-papers are a part of the official archives of this office, are in the Spanish language, and no doubt genuine. From them it appears that on the 20th of January, 1768, Pedro Fermin de Mendinueta, at that time governor and captain-general of New Mexico, an ultramarine possession of Spain, granted the land to Ignacio Chaves, Tomas Chaves, Miguel Antonio Chaves, and Antonio Chaves, on their petition duly presented, and that they were legally placed in possession by his order on the 17th day of February, 1768, together with one Domingo de Luna, by alcalde Bartolome Fernandez.

Believing that this grant is legal and genuine, and that it is submitted by present owners in good faith, I respectfully recommend that it be confirmed by Congress to the legal representatives of the five persons named in the act of possession.

I transmit complete copies of the record in triplicate.

JAMES K. PROUDFIT,
United States Surveyor-General.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, December 14, 1874.

Authentication of transcript.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, December 26, 1874.

The foregoing is a correct transcript of the papers on file in this office in private land-claim reported as number 96, in the name of Ignacio Chavez and others.

JAMES K. PROUDFIT,
United States Surveyor-General.

Transcript of grant to Joaquin Mestas, being private land-claim reported as No. 97, for land in Santa Aña County, New Mexico, grant dated January 20, 1768. Reported by the United States surveyor-general, December 14, 1874.

Claimant's petition.

Hon. JAMES K. PROUDFIT,
United States Surveyor-General of New Mexico:

Your petitioners, the heirs and legal representatives of Joaquin Mestas, deceased, respectfully represent:

That, in the year 1768, the said Joaquin Mestas, for himself and his two married sons, petitioned the governor and captain-general of the province of New Mexico, then one of the ultramarine possessions of the crown of Spain, for a certain tract of land situated in the present county of Santa Aña, in this Territory, described in said petition.

That, on the 20th day of January, 1768, the said governor and captain-general, acting upon the prayer of said petition, made unto the said Joaquin Mestas, for himself and his said two married sons, a grant in fee-simple for the land petitioned for as aforesaid, and in his granting decree commissioned and directed the chief alcalde to proceed to the

said tract of land and there measure off the land so granted, to wit. one square league in quantity, and then place the said grantees in full legal possession of the same.

That, on the 8th day of February, 1768, the said chief alcalde, in virtue and pursuance of the said granting-decree of said governor and captain-general, did proceed to the spot of land granted as aforesaid, and did then and there measure off and formally deliver unto the said grantees the land granted to them as aforesaid, declaring the boundaries and extent of said land to be as follows: that is to say, on the south, the north boundary of the land of Miguel and Santiago Montoya; on the west, the high table-land called the Mesa de Chaca; on the east, a small projecting hill, distant about five hundred varas from the river, and on the north, the point of the great table-land.

That said landmarks are points well known and easily found, and that said grantees and their heirs and successors have been and remained in peaceable and quiet legal possession of said tract of land, continuously from the date of the said grant for the same to the present time.

That the original petition, grant, and act of possession for, to, and of said land, are now on file among the old Spanish archives on deposit in your office, and have always been in the possession and custody of the Government, and reference is hereby made to the same, to be found in file number five hundred and eighty-one of said archives, which muniments in said file No. 581, your petitioners pray be taken thence and placed with this their claim for said land and made a part thereof, together with the accompanying sworn translation of said muniments and plat of said tract of land.

Your petitioners pray that their said claim for said land be investigated and approved at your earliest convenience, and that the title thereto be recognized and confirmed to the heirs and legal representatives of Joaquin Mestas, deceased, by the Congress of the United States, under the treaty of Guadalupe Hidalgo, and the act of Congress of July 22, 1854, establishing your office.

SAML. ELLISON,
Attorney for Petitioners.

[For sketch, see original.]

Muniments of title.

(Año de 1768.)

Merced de tierras hecha à Joaquin Mestas.

Señor gobernador y capitán general:

Joaquin Mestas, vecino de este reyno y residente en el paraje del Río Puerco, pareco ante Usia en toda forma derecho y digo Sr., que por cuanto el año que entró à gobernar este reyno el Señor Don Tomas Velez Cachupin, antecesor de Usia, me hallaba viviendo en el rancho que hoy tiene el Capitan Dn. Antonio Baca, en dicho paraje del Río Puerco; que este rancho se me dió de merced por el Señor Don Franco. Antonio Marin del Valle, gobernador y capitán general que fué de este reyno, y de esta fué despojado por dicho Sor. Don Tomas, prometiendéseme el que registrara en otro paraje que se hallara libre,

lo que hice en tiempo de dicho señor antecesor de Usia, quien solo me concedió me mantubiera en dicho paraje con mis ganados hasta tanto que su Sa. determinaba, y no habiéndose hasta la presente determinado cosa ninguna y hallarme como me hallo sin tener ningun paraje en propiedad para poder mantener mis ganados mayores y menores y caballada, y con crecida familia, y entre ella dos hijos que cada uno de ellos hace familia aparte por estar ya casados y estos habilitados de armas y caballos para el real servicio, por cuyos motivos hembs yo y dichos mis hijos registrado un sitio para ganados, en el cual al presente tengo mi rancho con mis ganados, y este es yermo y despoblado y son sobras del sitio de Miguel Montoya y Santiago Montoya, vecinos del puesto de Atrisco, el que suplico a Usa. por mí y por mis dos hijos sea muy servido de concedérmlos de merced, en nombre de su magestad, que Dios guarde; pues pongo en la alta consideracion de Usia las perdidas que hé tenido en dichos mis ganados en los seis años atrasados que ha que fué despojado de la citada merced; y sí Usia tubiere por bien de concederme el sitio, son sus linderos, por el oriente, la ceja del Rio Puercó, y por el poniente, otra ceja que comunmente llaman los Serritos Colorados, por el norte un paraje que llaman el Badito de Piedra, por el sur, con los linderos de los citados Montoyas, por todo lo cual á Usia pidó y suplico sea muy servido de concederme á mí y á mis dichos hijos la merced que pedimos, que en ello recibiremos bien; y juro no ser de malicia, &c.

JOAQUIN MESTAS.

En esta villa de Santa Fé, en veinte dias del mes de Enero de mil setecientos sesenta y ocho años, yo, Don Pedro Fermin de Mendinueta, del orden de Santiago, coronel de los reales ejercitos, gobernador y capitán general de este reyno, atento al pedimento que hace Joaquin Mestas, por sí y dos hijos emancipados, de una merced de tierras para pastear sus ganados y á que dicho suplicante se halla sin domicilio proprio para subsistir: dije que le concedia y concedo de merced, en nombre de su magestad, (Dios le guarde,) una legua castellana de cinco mil varas por cada viento, en el paraje que cita y tiene registrado, sin perjuicio de tercero que mejor derecho tenga, entendiéndose que dicha legua de tierra se ha de comenzar á medir desde el remate de la medida de la tierra mercenada á Miguel y Santiago Montoya por el Norte, y servirá de lindero al dicho Joaquin Mestas y sus dos hijos por el sur, de modo que no queden demasias entre estos colindantes y se completará la espresada mercenada legua de tierra por los otros tres rumbos, de modo que forme un cuadro, si la tierra lo permite y si no lo permitiere se le completará en cualquiera otra figura, pero siempre ha de constar de veinte mil varas de circunferencia, quedando al arbitrio del ya dicho Mestas y sus dos hijos fabricar casa y corrales dentro de los limites de la espresada legua de tierra; y esta concecion y merced se la hago para ellos, sus hijos, y sucesores, bajo las condiciones de poblarlo con sus ganados los cuatro años prevenidos por la ley, para adquirir legítimo derecho de propiedad y señorio, sin que despues lo puedan vender á persona eclesiastica ni monasterio. pena de nulidad. Y así mismo con la de no dar ni causar perjuicio alguno á los Apaches de Navajo antes si deberan tratarlos con amor, fidelidad y agrado, procurando con veras atraerlos al gremio de nuestra madre la iglesia y vasallaje á nuestro soberano: pena de que si así no lo hicieren serán despojados y lanzados de dicha tierra. Y doy comision bastante y cuanta por derecho se requiere á Don Bartolomé Fernandez, alcalde mayor y capitán á guerra de los pueblos de la nacion Queres, pase al lugar mercenado y con citacion de

os colindantes mida la referida legua, arreglado á lo arriba dicho y ponga en posesion á los suplicantes en el modo acostumbrado, y mando al dicho alcalde mayor, que si hubiere algunos Apaches Navajoes en aquellas inmediaciones les haga saber esta merced, y si la repugnaren y alegaren algun perjuicio suspenderá la posesion y me dará cuenta para prober lo que convenga, y no resultando embarazo les dará el ya dicho alcalde mayor testimonio de todo y devolvera los originales al archivo de esta gobernacion. Y por este así lo proveí, concedí, mandé y firmé, con dos testigos de mi asistencia, á falta de escribanos que de ninguna clase los hay en esta gobernacion, de que doy fe. “Puedan entre renglones vale; les-entre renglones-vale.”

PEDRO FERMIN DE MENDINUETA.

MATEO DE PEÑARRREDONDA.

ANTONIO MORETO.

En este paraje de Santa Teresa de Jesus, en ocho dias del mes de Febrero de mil setecientos sesenta y ocho años. Yo, Don Bartolome Fernandez, alcalde mayor y capitán á guerra de los pueblos de la nacion Queres, en virtud de la comision que me es conferida por el Señor Don Pedro Fermin de Mendinueta, del orden de Santiago, coronel de los reales exercitos, gobernador y capitán general de este reyno del Nuevo Mejico, hallándome en el espresado paraje y para cumplimiento de lo mandado hice citacion de Miguel y Santiago Montoya, por no haber otros colindantes ni Apaches que habiten en las espresadas tierras, mandé tender un cordel de cien varas castellanas y le medí, de norte á sur, seis mil y docientas varas por ser, estrecho el rumbo de oriente á poniente, el que no se pudo medir por ser la tierra aspera y de mesas, y estrecharlo una mesa alta que comunmente llaman la mesa de Chaca, la que señalé por linderos, por el poniente, y por el oriente una cejita que distará del rio como quarnientas varas, por el norte, la punta de la mesa grande, y así mismo le mandé poner en todos los cuatro vientos mojoneras firmes y estables, y concluidas estas diligencias, los cojí de la mano, los pasé por dichas tierras, arrancaron sacate, tiraron piedras y dieron voces diciendo todos á una, tres veces, viva el rey nuestro señor, que Dios guarde, en señal de verdadera posesion la que les di, y aprehendieron quieta y pacífica y sin contradicion. Y para que así conste lo firmé yo dicho alcalde mayor, a una, con dos testigos de asistencia á falta de escribanos, que de ninguna clase los hay en este reyno, y en dicho dia, mes, y año, doy fe. Alcalde mayor y Capitán a Guerra entre renglon-vale.

BARTOLOMÉ FERNANDEZ.

Testigo:

MIGUEL TENORIO DE ALBA.

Testigo:

SANTIAGO FERNANDEZ DE LA PEDRERA.

Translation of muniments.

Year 1768.

Grant to land made to Joaquin Mestas.

His Excellency the Governor and Captain-General:

I, Joaquin Mestas, citizen of this province and resident of the settlement on the Rio Puerco, appear before your excellency in due form and

state that, whereas, in the year that Tomas Velez Cachupin, your excellency's predecessor, came here as governor of this province, I was living upon a ranch now held by Captain Antonio Baca, at the said settlement of Rio Puerco, and which ranch was given me by his excellency Francisco Antonio Marindel Valle, then governor and captain-general of this province, and that I was dispossessed of the grant by his excellency, said Don Tomas, he promising me that I might enter land elsewhere vacant, which I did, in the time of your said predecessor, who only granted me permission to remain upon the place mentioned with my live stock until his excellency should determine; and not having up to the present time decided in any way whatever, and being, as I am, without any place in fee, whereon to subsist my live stock, and with a large family, and among them two sons, each of whom has his separate family, they being married, and being supplied with arms and horses for the royal service:

Therefore I and my two sons have registered a piece of land for live stock, and on which I have for the present my ranch with the herds, and the tract being waste and unsettled land, and being a surplus of the tract of Miguel Montoya and Santiago Montoya, citizens of the place Atrisco, and which I pray your excellency be pleased to concede us in grant in the name of His Majesty, (whom may God preserve,) for I assure your excellency of the losses I have suffered in my said stock in the last six years, since I was dispossessed of the grant referred to.

Should your excellency see fit to make me the grant, its boundaries are: on the east, the top of the Puerco Mountain, and on the west the top of another mountain, commonly called the Serritos Colorados; on the north, a place called the Badito de Piedra, and on the south by the boundaries of the said Montoyas.

In consideration of all which I ask and pray your excellency to be pleased to make to myself and my said sons the grant we solicited, whereby we will receive favor; and I declare that this my petition is not made in dissimulation, &c.

JOAQUIN MESTAS.

At this village of Santa Fé, on the twentieth day of the month of January, in the year one thousand seven hundred and sixty-eight, I, Pedro Fermin de Mendinueta, of the order of Santiago, colonel in the royal armies, governor and captain-general of this province, in attention to the petition of Joaquin Mestas, for himself and his two married sons, for a grant to land to pasture their animals, and inasmuch as the said petitioner has no domicile of his own to live in, declare that I do, in the name of His Majesty, (whom may God preserve,) and without injury to any third party having a better right, grant to him one castilian league, of five thousand varas in each direction at the place mentioned and registered by him, it being understood that the said league of land will be measured, beginning at the close of the measurement of the land granted to Miguel and Santiago Montoya on the north thereof, and which will serve the said Joaquin Mestas and his two sons as a boundary on the south, so that there be no surplusage between the adjoining tracts, and the said granted league of land will be completed on the other three courses in such a manner as to form a square if the land will allow it, and if it does not so permit it shall be completed in any other shape, but it must consist of twenty thousand varas in circumference, it remaining optional with the aforesaid Mestas and his two sons whether they construct houses and corrals within the limits of said league, of land or not.

And this concession and grant I make to them, their children, and successors, with the condition that they occupy the land with their live stock, for the four years prescribed by law, in order to acquire title in fee and dominion, without the right thereafter to sell to any party ecclesiastical or to any monastery, under penalty of nullity, and also with the condition that they shall not give or occasion any injury to the Apaches of the Navajo country, but shall rather treat them with love, fidelity, and kindness, endeavoring earnestly to bring them to the pale of our mother, the church, and under the vassalage of sovereign, under the penalty that if they do not so act they shall be dispossessed of and ejected from the land.

And I do fully, and to the extent required by law, commission Bartolomé Fernandez, chief alcalde and war-captain of the Pueblos of the Queres Nation, to proceed to the place granted, and, summoning the adjoining settlers, that he measure the said league as above required, and place the petitioners in possession in the customary manner; and I direct the said chief alcalde that, should there be any Navajo Apaches in that section, he notify them of this grant, and should they oppose the same or allege any injury to themselves he will suspend the possession and report to me, that I may provide as may be proper; but there being no objection, the said chief alcalde will give a testimonio of all the papers to the parties, and will deposit the originals with the archives of this government.

And I have thus hereby provided, granted, commanded, and signed, with two attending witnesses for lack of a notary, there being none of any kind in this jurisdiction, to which I certify.

Interlined, "they may," valid; "to them," interlined, valid.

PEDRO FERMIN DE MENDINUETA.

MATEO DE PEÑAREDONDA.

ANTONIO MORETO.

At this place, Santa Teresa de Jesus, on the eighth day of the month of February, one thousand seven hundred and sixty-eight, I, Bartolomé Fernandez, chief alcalde and war-captain for the Pueblos of the Queres Nation, by virtue of the commission conferred upon me by His Excellency Pedro Fermin de Mendinueta, of the order of Santiago, colonel in the royal armies, governor and captain-general of the province of New Mexico, being at the said place, and in obedience to orders, summoned Miguel and Santiago Montoya, there being no other adjoining settlers and no Apaches living on the land referred to. I caused a cordel, one hundred Castilian varas long, to be extended, and I measured off for the party, from north to south, six thousand two hundred varas; and the course from east to west being very narrow could not be measured, the mountain being very rough and full of table-lands, and it being narrowed by a high table-land commonly called the Mesa de Chaca, which I designated as the boundary on the west; on the east, a small projecting hill distant about five hundred varas from the river; and on the north, the point of the great table-land, and also ordered him to place firm and lasting landmarks on the four courses. And these proceedings being concluded, I took the parties by the hand and led them over the land; they plucked up grass, cast stones, and all shouted, three times, "Long live the King, our sovereign, whom may God preserve," in sign of full possession, into which I placed them, and into which they entered quietly and peaceably, and without opposition.

And that it may so appear, I, said chief alcalde, signed this document,

with two attending witnesses for lack of notaries, there being none of any kind in this province, on said day, month and year, to which I certify.

"Chief alcalde and war-captain" interlined, valid.

BARTOLOMÉ FERNANDEZ.

Witness:

MIGUEL TENORIO DE ALBA.

Witness:

SANTIAGO FERNANDEZ DE LA PEDRERA.

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

SAMUEL ELLISON.

Sworn to and subscribed before me this 10th day of November, 1874.

JAMES K. PROUDFIT,

Surveyor-General.

SURVEYOR-GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,

Santa Fé, New Mexico, November 10, 1874.

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.

Surveyor-General's decision.

OPINION.

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

The original title-papers are a part of the official archives of this office, are in the Spanish language, and are no doubt genuine. From them it appears that on the 20th day of January, 1768, Pedro Fermin de Mendinneta, at that time governor and captain-general of New Mexico, one of the ultramarine possessions of the Spanish throne, granted the land here claimed to Joaquin Mestas, for himself and his two married sons, and that on the eighth day of February, 1768, the grantees were legally placed in possession of the land.

Believing this grant to be legal, and that it is submitted here by present claimants in good faith, I recommend that it be confirmed by Congress to the legal representatives of the original grantees, according to location and boundaries set forth in the original act of possession.

I transmit copies of the complete record in triplicate.

JAMES K. PROUDFIT,

United States Surveyor-General.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,

Santa Fé, N. Mex., December 14, 1874.

Authentication of transcript.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, December 26, 1874.

The foregoing is a correct transcript of the papers on file in this office in private land-claim reported as number ninety-seven, in the name of Joaquin Mestas.

JAMES K. PROUDFIT,
United States Surveyor-General.

Transcript of grant of land to Bernardo de Miera y Pacheco and Pedro Padilla, being private land-claim reported as No. 98, for land in Santa Ana County, New Mexico. Grant dated February 9, 1768. Reported by United States surveyor-general December 14, 1874.

[Claimants' petition.]

Hon. JAMES K. PROUDFIT,
United States Surveyor General of New Mexico :

Your petitioners, the heirs and legal representatives of Bernardo de Meira y Pacheco and Pedro Padilla, respectfully represent :

That on the 9th day of February, 1768, there was granted in fee-simple to them on their petition therefor, by the governor and captain-general of New Mexico, then one of the ultramarine provinces of the Crown of Spain, a certain tract of land, one square league in quantity, situated in the present county of Santa Aña, in this Territory of New Mexico.

That on the 3d day of March, of the same year, the chief alcalde, in obedience and pursuance of the said granting decree of said governor and captain-general, proceeded to the tract of land so granted, and, the grantees and adjoining settlers being present, did then and there, without objection, legally and fully, and with the formalities then customary, place and leave the said grantees in possession and enjoyment of said granted land, together with certain other land adjoining the same, which adjoining land was then and there, through the said officiating chief alcalde, donated to the said grantees, Miera y Pacheco and Padillo, by one Salvador Jaramillo, which fact of donation is stated and certified by said chief alcalde in the said act of possession of said March 3d, 1768, and to which donated land your petitioners here assert and claim title in virtue of said donation and of their long and undisputed possession of the same.

That the boundaries of the land granted and donated as aforesaid, as set forth in said act of possession, are all landmarks well known and easily identified ; the same being, on the west, the point of a white mesa, at the base of the Sebolleta Mountain ; on the east, a small, bushy mountain, where it makes a bluff facing the point of the Black Mesa ; on the north, a little valley formed by the said mesa ; and on the south, a pair of small table-lands, the tract adjoining the bald one.

That the said grantees and their successors have always been and remained in the undisputed legal possession of said land, and are now so in possession of the same.

That the original petition, grant, donation, act of possession, and record of proceedings in the matter of title, have always been in the custody and keeping of the Government and are now on deposit embraced in a single document among the old Spanish archives of your office, as may be seen

by reference to file number five hundred and eighty-two thereof; and your petitioners pray that the same be taken thence and placed with this their claim for said land, and be made a part of said claim, together with the accompanying sketch of said tract of land and sworn translation of said document in said file No. 582.

Your petitioners pray that their said claim be investigated by you at as early a day as practicable under the act of Congress of July 22, 1854, establishing your office, and the same be recognized and confirmed by Congress under the provisions and guarantees of the treaty of Guadalupe Hidalgo, to the heirs and legal representatives of the said Bernardo de Miera y Pacheco and Pedro Padilla, and the said land be set off and surveyed by the Government.

And your petitioners will ever pray.

SAML. ELLISON,
Attorney for Petitioners.

[For sketch, see original.]

Muniments of title.

Año de 1768.

Merced de tierras hecha á Dn. Bernardo de Miera y á Pedro Padilla.

Señor Gobernador y Capitan-General:

Don Bernardo de Miera y Pacheco, vecino de esta villa de Santa Fé, paresco ante Usia en toda forma de derecho, en union de Pedro Padilla, vecino del puesto de San Andres, jurisdiccion del pueblo de San Agustín de la Isleta, y digo, señor, que por cuanto á tiempo de viente y cuatro años que yo me vine de la villa de Chihuahua, con mi familia, al precidio del Paso, en cuyo tiempo, en aquel precidio, y en este de la villa de Santa Fé, ho estado pronto para todo quanto se me ha mandado de el real servicio, como á Usia constará por el memorial que á este acompaña; y por cuanto me hallo á la presente con unas vacas que mas se pierden que se ganan por no tener paraje en donde poder pastearlas, y el dicho Pedro Padilla, hallarse con setecientas cabezas de ganado menor y una manadita de yeguas, y está tan sumamente estrecho en el rancho donde vive, por lo inmediato que se halla el citado pueblo de la Isleta por la parte del sur y por el norte, tambien muy inmediato las casas y labor del capitan Dn. Antonio Baca, é impedido de su isma labor y la de sus hermanos que en tan corto medio tienen, por cuyos motivos y no perjudicar con dicho ganado y yeguas, se ha convenido conmigo á registrar un pedazo de tierras que se hallan yermas y despobladas, que estas son sobras por la parte del sur, de el sitio de Salvador Jaramillo y Don Antonio Baca, y por el poniente de sobras de la merced de los de San Fernando del Rio puerco, y el paraje que registramos comunmente le llaman la Cañada de los Alamos, el que á Usia pedimos yo y dicho Pedro Padilla de merced en nombre de su Majestad (que Dios garde,) y sí Usia hallare por conveniente el concedernoslo, sus linderos serán por la parte de el oriente, el camino que atraviesa de Zia para la laguna que este mismo es lindero de los ya citados del Rio Puerco, y por el poniente la falda de la sierra alta de la Sebolleta, que corre para dicho rumbo, y por el norte, los citados sitios de Salvador Jaramillo y Don Antonio Baca y el arroyo que comunmente llaman Agua Salada, y por el Sur, con un cañon por donde suelen habitar algunos Apaches.

Por todo lo cual y lo demás que á nuestro derecho corresponda, a Usia pedimos y suplicamos sea muy servido de concedernos la merced que pedimos, que en ella recibiremos bien y mucho alivio para mantener nuestras familias; y juramos en debida forma no ser de malicia, &ca.

BERNARDO DE MIERA Y PACHECO.
PEDRO PADILLA.

En esta villa de Santa Fé, en nueve dias del mes de Febrero de mil setecientos sesenta y ocho años, se presentó la antecedente peticion por los contenidos en ella, y el memorial que sita y acompaña, Don Bernardo de Miera y Pacheco, en cuya vista y atento á sus propios meritos y los de sus ascendientes es puestos en dicho memorial:

Yo, Don Pedro Fermin de Mendinueta, del orden de Santiago, coronel do los reales ejercitos, gobernador y capitan general de este reyno dije, que en nombre de su majestad, que Dios guarde, hacia y hago merced á Don Bernardo de Miera y Pacheco y Pedro Padilla, de un sitio de tierras para pastos de ganados en el paraje que tienen registrado, el que deberá constar de una legua de cinco mil varas castillanos, por rumbo, y cuatro en circunferencia, que componen veinte mil varas, entendiéndose que por el norte y oriente ha de lindar este sitio con las tierras de Salvador Jaramillo y Don Antonio Baca y con las de la poblacion de Sn. Fernando del Río Puerco, y en los remotes de la legua por los rumbos opuestos; se pondrán mojóneras firmes y estables, con advertencia que si por el rumbo que mira al paraje de la Sebolleta, en donde se comenzó á formar pueblo de los Apaches Navajoes se acercará la mensura de la legua de modo que perjudique en las tierras de la labor ó ejidos pertenecientes á la situacion de dicho comenzado pueblo, se disminuya cuanto basta á no dar perjuicio, y lo que se disminuyere por dicho rumbo se le complete por otro, aunque la figura no quede cuadrada, sino en la que permitiese el terreno, con tal que su circunferencia conste de las dichos veinte mil varas; y esta dicha merced se la hago á los suplicantes, para ellos, sus hijos y sucesores, sin perjuicio de tercero que mejor derecho tenga, y en especial de los Apaches de Navajo, y bajo la condicion de no maltratarlos ni abuyentarlos de sus estancias, antes sí de procurar atraerlos al gremio de nuestra santa fé, y vasallaje á nuestro soberano, tratandoles con sencilles y caridad cristiana, pena de nulidad en la merced, y en la misma incurrirán si no poblasen este mercenado sitio dentro del termino prevenido por ley, y sí lo vendiesen á persona eclesiastica, Y para que los referidos Don Bernardo y Pedro Padilla tomen posesion de dicho sitio, doy comision bastante y cuanta por derecho es necesaria á Don Francisco Trebol Navarro, alcalde mayor y capitan á guerra de la jurisdiccion de Albuquerque, para que pase al ya sitado mercenado sitio, y con citacion y concurrencia de los colindantes y sus mercedes y de los Apaches Navajoes, si los hay en aquellas inmediaciones, mide el referido sitio, arreglado á lo arriba prevenido, y no resultando contradiccion de legitima parte les dé la posesion con la solemnidad y requisitos acostumbrados, y puesta razon al pie de cuanto operare dará testimonio de todo á los mercenados, para que les sirva de título y resguardo, y devolverá los originales para colocarlos en este archivo de gobierno.

Y así lo probeí, mandé y firmé con los infraescritos testigos de mi asistencia, á falta de escribanos que de ninguna clase los hay en esta gobernacion.

PEDRO FERMIN DE MENDINUETA.

MATEO DE PEÑAREDONDA.

Testigo: ANTONIO MORETO.

AUTO.

En el puesto de Pajarito en veinte y seis dias del mes de Febrero de mil setecientos sesenta y ocho años, yo, Don Francisco Trebol Navarro, alcalde mayor y capitán á guerra de la villa de Alburquerque, en virtud de lo mandado en la merced espedita que antecede por el sr. gobernador de este reyno, y en su obediimiento para ir arreglado en todo y por todo, segun y como en ella se manda, debia de mandar, y mando, que á Don Bernardo de Miera y Pacheco y á Pedro Padilla, mercenados de las tierras y sitio como en dicha merced se espusa se les notifiqué que para el dia dos del proximo mes de Marzo concuran al puesto de Santa Cruz de Navajo, para desde dicho sitio empezar á medir las varas que por dicho señor gobernador se ordena, como así mismo se citen á los vecinos del puesto de San Fernando del Rio del Puerco, á Salvador Jaramillo, y á los Navajoes, para que cada uno manifiesten sus respectivas mercedes, y resultando haber sobras de tierras, en donde dichos mercenados puedan tener cavimento en dicha Cañada de Los Alamos se les dé la posesion de ellas, como se ordena en dicha merced, y por este auto. Así lo probei, mandé, y firmé, actuando como juez receptor con dos testigos de mi asistencia, á falta de escribano publico ni real, que no lo hay, en los terminos despuestos por derecho, de que doy fé.

FRANCISCO TREBOL NAVARRO.

Testigos :

JOSÉ HURTADO DE MENDOZA.

Testigo :

JOSÉ CANDELARIA.

CITACIONES.

Incontinente, en dicho puesto de Pajarito, en dicho dia, mes y año, yo, dicho alcalde mayor, en virtud de lo mandado en el auto antecedente, cité é hize saber todo lo que en él se contiene, á Dn. Bernardó de Miera y Pacheco y á Pedro Padilla, en sus personas, de lo que quedaron entendidos, y lo firmé con los de mi asistencia, de que doy fé.

NAVARRO.

Testigos :

JOSÉ HURTADO DE MENDOZA.

Testigo :

JOSÉ CANDELARIA.

CITACIONES.

En el puesto de Nuestra Señora de la Luz y San Fernando, en el Rio del Puerco, en primero dias del mes de Marzo, de mil setecientos sesenta y ocho años, yo, dicho alcalde mayor, estando en dicho puesto, hize comparecer ante mí á los vecinos de él, y en sus personas les notifiqué é hize saber el auto que antecede, á quienes así mismo cité para que concurran al puesto de Santa Cruz de Navajo, los que quedaron entendidos, y lo firmé con los testigos de mi asistencia, como dicho es, de que doy fé.

NAVARRO.

Testigo :

JOSÉ HURTADO DE MENDOZA.

Testigo :

JOSÉ CANDELARIA.

CITACION.

En el puesto de Santa Cruz de Navajo, en dos dias del mes de Marzo de mil setecientos sesenta y ocho años, yo, dicho alcalde mayor, estando en dicho puesto, cité á Salvador Jaramillo, y en su persona le hize saber lo que en el auto que antecede se manda, de lo que quedó entendido. Y para que conste lo firmé con los de mi asistencia, como dicho es, de que doy fé.

NAVARRO.

Testigo:

JOSÉ HURTADO DE MENDOZA.

Testigo:

JOSÉ CANDELARIA.

DILIGENCIA.

Incontinente, estando en dicho puesto de Santa Cruz, mandé que los Indios de la Laguna, Sebolleta y demás Navajoes comparecieran ante mí, dicho alcalde mayor, y mi manifestasen las mercedes de sitios que cada uno tiene, como está mandado en el predicho auto, y para que conste lo pongo por diligencia, la que firmé con los de mi asistencia como dicho es, de que doy fé.

NAVARRO.

Testigo:

JOSÉ HURTADO DE MENDOZA.

Testigo:

JOSÉ CANDELARIA.

DILIGENCIA.

Incontinente, estando en dicho puesto de Santa Cruz, yo, dicho alcalde mayor, habiendo preguntado que si las tierras y sitio de Don Antonia Baca, llegaban á incorporarse con algun otro sitio, se me informó, que dicho sitio no alcanza á los linderos que puedan dañificar, mediante, quedarse muy atrás por el lado del norte, por cuyo motivo y él de no ser contiguo el lindero de dicho Don Antonio Baca no lo cité; lo pongo por diligencia, y para que conste lo firmé con los de mi asistencia, como dicho es, de que doy fé.

NAVARRO.

Testigo:

JOSÉ HURTADO DE MENDOZA.

Testigo:

JOSÉ CANDELARIA.

En la Cañada de los Almos, en tres dias del mes de Marzo de mil setecientos sesenta y ocho años, yo, dicho alcalde mayor, estando en dicho sitio acompañado con los testigos de asistencia, comparecieron los pobladores del puesto de San Fernando, en el Rio del Puerco, Salvador Jaramillo, poblador del puesto de Santa Cruz de Navajo, y los Indios de la Cebolleta, y cada uno me manifestó sus respectivas mercedes que tienen de sus sitios, y reconociendo por ellas no se les hacia ningun perjuicio, y que los medidos que manda el señor gobernador en esta su antecedente merced tenia cabimiento, no en figura cuadrada, á causa de estar por el lado del poniente una mesa alta, que está al pie de la Sierra de la Cebolleta, y por el lado del oriente, en contrarse con el sitio de los vecinos del Rio del Puerco, y juntamente hallarse la imposi-

bilidad de no poder hechar medidas arregladas, por la mucha incomodidad de dicho paraje, siendo como es todo de tierra doblada y que brada por los muchos serritos, lomas y barrancos que tiene, tube por conveniente que por dos sujetos de todo crédito, practicos é inteligentes, fuesen tanteasas las veinte mil varas castellanos que dicho señor gobernador manda se les den á los mercenados, y que estos como cristianos digan la verdad y tanten a muy corta diferencia, y habiendo yo, dicho alcalde mayor, hecho parecer ante mí á Don Diego Antonio Chavez y á Don Juan Tafoya, el primero, vecino del puesto de Atrisco, y el segundo de dicho puesto de Santa Cruz de Navajo, á los que estando presentes les recibí sus juramentos que hicieron por Dios nuestro señor y la señal de la Santa Cruz, segun forma de derecho, quienes habiéndolos fecho y ofrecido de decir verdad, les intimé el nombramiento de veedores y tanteadores de dichas veinte mil varas que en esta dicha merced se manda, cuyos veedores, en cumplimiento de su obligacion, despues de haber estado confiriendo y tanteando los referidos, dijéron que bajo del juramento que fecho tienen y segun su leal saber y entender declaraban, que desde el lado del poniente hasta la parte del oriente hay legua y media, que componen siete mil y quinientas varas castillanos, y por la parte del norte á la parte del sur hay como dos leguas y media, que hacen doce mil y quinientas varas así mismo castillanas, con muy poca diferencia; en cuya vista yo, dicho alcalde mayor, conociendo estaba prudente y cristianamente arreglado, señalé por firmnes y estables mojoneras por la parte del poniente, doy por lindero la punta de una mesa blanca que está al pie de la Sierra de Sebolleta, y por el oriente linda con un serrito montuoso, donde hace un barranco que confronta con la punta de la mesa prieta, lindero, con los pobladores de San Fernando del Rio del Puerco y por el lado del norte, doy por firme mojonera una rinconada que hace dicha mesa, y por la parte del sur, con dos mesitas cuatas, lindando dicho sitio con la mesita pelada de los dos referidos, y estando ya así todo señalado, como al mismo tiempo decir el nominado Salvador Jaramillo, que el pedazo de sitio que es suyo propio desde la punta de la dicha mesa por el lado del poniente hasta el arroyo del agua de la Cañada de los Alamos, se lo endona y hace gracia de él á Don Bernardo de Miera y Pacheco y á Pedro Padilla, para que lo gocen con la bendicion de Dios y la suya, sin que por él, sus hijos, decendientes ni sucesores puedan adguerir en ningun tiempo la propiedad que debieron tener á dicho pedazo de sitio, cuya donacion les hace firme, irrevocable de las que el derecho llama intervives, por ser así su voluntad, y habiendo los dichos mercenados aceptado dicha donacion y dádole los debidos agradecimientos, yo, dicho alcalde mayor, para efecto de darles la posesion de dicho sitio de la Cañada de los Alamos á los nominados Don Bernardo de Miera Pacheco y á Pedro Padilla, cumpliendo con lo mandado por dicho señor gobernador, cojí á los dos referidos de las manos, diciéndoles que en nombre del rey nuestro señor, (que Dios guarde,) les daba real y personal posesion de dicha Cañada de los Alamos, los pasié por dicho sitio, arrancáron sacate, tiráron piedras, y hicieron otras demostraciones en señal de posesion, en cuyo acto así los posesionados como los circunstancias que estaban presentes alzaron la voz, diciendo, Viva el rey, viva, viva, y le pusieron bajo la invocacion de San Antonio y San Juan, con lo que quieta y pacificamente tomaron su posesion, y les intimé, que en todo guardasen y observasen lo mandado por dicho señor gobernador en buena conservacion con los Apaches de Navajo, acaceiendolos, y con buen ejemplo irlos atrayendo al gremio de nuestra santa fé y vasallaje a nuestro rey y señor, lo que así ofrecieron hacer, y que como catoticos cristianos y leales vassallas así lo

ejecutarian ; por lo que yo, dicho alcalde mayor, habiendo cumplido con lo mandado por dicho señor gobernador y finalizado del todo lo provenido en dicha esta sitada merced debia de mandar y mando se saque testimonio á la letra y que estas diligencèas originales se les semiten á dicho señor gobernador de este reyno, para los efectos que su señoria espresa, así lo proveí, mandé y firmé como juez receptor, con los testegos de asistencia, por falta de escribano publico ni real, que no lo hay, en los terminos des puesto por derechó, de todo lo cual doy fé

Entre ringlones, "y le pusieron bajo la invocacion de San Antonio y San Juan," Vale.

FRANCISCO TREBOL NABARRO.

Testigo :

JOSÉ HURTADO DE MENDOZA.

Testigo :

JOSÉ CANDELARIA.

DILIGENCIA.

En este puerto de Pajarito, en doce dias del mes de Marzo de mil setecientos sesenta y ocho, eu virtud de lo mandado por el señor gobernador, entre qué á estas partes posesionados el testimonio de estas diligencias, el que va en seis fojas utiles, y para que conste lo pasé por diligencia, que firmé ut supra.

NABARRO.

Testigo :

JOSÉ HURTADO DE MENDOZA,

Van estes diligencias en creatro fojas utiles.

Translation of muniments.

Year 1768.

Grant for land made to Bernardo de Miera and to Pedro Padilla.

His Excellency the Governor and Captain-General :

I, Bernardo de Miera y Pacheco, resident of the city of Santa Fé, appear before your excellency in due legal form, in company with Pedro Padilla, resident of San Andres, in the jurisdiction of the pueblo of San Agustin de la Isleta, and state—

SIR : Whereas during the space of twenty-four years since I emigrated from the city of Chiguagua (Chihuahua) with my family to the fortress of El Paso, during which time, both at the fortress and at this of the city of Santã Fé, I have been ready for all and everything that has been requited of me in the royal service, which will be manifest to your excellency from the memorial accompanying this; and whereas I have at this time some cows, which decrease more than they increase, owing to my having no place where I can pasture them; and whereas the said Pedro Padilla has seven hundred head of sheep and a small herd of mares, and is so very confined at the ranch he lives upon, owing to the proximity of the said pueblo of Isleta on the south, and on the north the houses and fields of Captain Antonio Baca, and he being disturbed upon

his own planting-ground and that of his brothers, who occupy the same narrow strip, for which reason, and in order not to cause damage with the said sheep and mares, he has agreed with me to register a piece of land now uncultivated and unsettled, the same being land adjoining (Sobras) the tract of Salvadore Jaramillo and Antonio Baca on the south, and the outskirts of the grant of the settlers of San Fernando del Rio Puerco on the west, and the tract which we register is commonly called the Canada de los Alamos; and I and the said Pedro Padilla apply for a grant in the name of His Majesty (God preserve him) for the same; and should your excellency deem proper to grant it to us, its boundaries will be: on the east, the road leading from Zin to Leaguna, the same road being the boundary of the aforesaid settlers of the Puerco River; on the west, the side of the main Cabolleta Mountain, tending in that direction; on the north, the said tracts of Salvador Jaramillo and Antonio Baca, and the arroyo generally called the Agua Salada; and on the south, a cañon where there are usually some Apaches living.

For all these considerations, and for any others that our rights may entitle us to, we ask and pray that your excellency be pleased to make us the grant we pray for, whereby we shall receive favor and great relief towards the maintenance of our families; and we declare in due form that we act not in dissimulation, &c.

BERNARDO DE MIERA Y PACHECO.
PEDRO PADILLA.

At this city of Santa, on the ninth day of month of February, in the year one thousand seven hundred and sixty-eight, the foregoing petition was presented by the parties therein named as well as the memorial referred to, and transmitted by Bernardo de Miera y Pacheco, in view of all which, and in consideration of his merits and those of his ancestors, recited in said memorial, I, Pedro Femin de Mendinueta, of the order of Santiago, colonel in the royal armies and governor and captain-general of this province, declared in the name of His Majesty (whom may God preserve) that I would make, and I do make, a grant to Bernardo de Mier a y Pacheco and to Pedro Padilla, of a tract of land for the pasturage of live stock at the place they have registered, which tract shall consist of one league of five thousand castilian varas by courses, and of four leagues in circumference, making twenty thousand varas, it being understood that on the north and on the east this tract shall adjoin the lands of Salvador Jaramillo and Antonio Baca, and with that of the settlement of San Fernando del Rio Puerco, and at the closes of the league on the opposite course firm and permanent landmarks will be placed, with the understanding that if on the course towards Caballeta, where the pueblo of the Navajo Apaches was commenced to be built, the survey of the league should approach so as prejudicially to affect the planting or pastoral lands belonging to the site of the said pueblo so commenced, it will be reduced in so far as not to occasion injury, and whatever the league may be reduced on that side will be added to it on another, although the shape may not be square, but in such shape as the ground will permit, provided the circumference shall embrace the said twenty thousand varas; and this said grant I make to the petitioners for themselves, their children, and successors, without injury to any third party having a better title, and especially the Apaches of the Navajo country, and under the condition that they do not ill-treat them or drive them away from their settlements, (estancias,) but rather endeavor to bring them under the influence of our holy faith, and under the control (vassalage) of our sovereign, by treating them with good faith and

Christian charity, under the penalty of defeasance in the grant, which forfeiture they will incur should they not settle this tract granted them within the term prescribed by law, or should they sell the same to any ecclesiastical person.

And to the end that the said Bernardo and Pedro Padilla may receive possession of the said tract, I confer ample authority and such as the law requires upon Francisco Trebol Navarro, chief alcalde and war-captain of the jurisdiction of Albuquerque, to proceed to the tract so granted, and upon citation of the adjoining settlers and their attendance with their grants, and of the Navajo Apaches, should there be any in that vicinity, he will survey the said tract in conformity with above requirements; and there appearing no legal objection from any party, will place them in possession, with the customary formality and requirements, and having placed his certificate at the close of his proceedings he will furnish a testimonio of the whole to the grantees, that the same may serve them as a title and as security, and will transmit the original to be filed among the archives of this government; thus I have provided, ordered, and signed with the undersigned, my attending witnesses, for want of notaries, there being none of any class in this governmental jurisdiction.

PEDRO FEMIN DE MENDINUETA.

MATE DE PEÑAREDONDA.

Witness :

ANTONIO MORETA.

ORDER.

At this place, Pajarito, on the twenty-sixth day of the month of February, in the year one thousand seven hundred and sixty-eight, I, Francisco Trebal Navarro, chief alcalde and war-captain of the town of Albuquerque, by virtue of what is ordered of me in the foregoing grant, made by his excellency the governor of this province, and in obedience to the same, and in order to proceed in all respects as therein directed, I should order and do order that Bernardo de Meira y Pacheco and Pedro Padilla, grantees of the land and tract as in said grant expressed, be notified to meet at the place Santa Cruz de Navajo, on the second day of March next, for the purpose of commencing, from that place, the survey of the varas as by his excellency the governor aforesaid directed; and also the settlers of the place San Fernando del Rio Puerco, Salvador Jaramillo, and the Navajos be cited there to exhibit their respective titles, and it then appearing that there are unappropriated portions of land allowing room for said grantees in the said Cañada de los Alamos, possession thereof will be executed to them as commanded in the grant aforesaid. And by this order I have so provided, commanded, and signed as special justice, with witnesses in my attendance for want of a public or royal notary, there being none such as required by the provisions of law, to which I certify.

FRANCISCO TREBAL NAVARRO.

Witness:

JOSÉ HURTADO DE MENDOZA.

Witness :

JOSÉ CANDALARIA.

CITATION.

At the said place, Pajarito, on the said day, month, and year, the chief alcalde aforesaid, by virtue of the command of the foregoing order, forth-

with cited in their own proper persons Bernardo de Meira y Pacheco and Pedro Padilla, and explained to them fully the contents of the same, upon which they remained fully informed; and I signed this, with my attending witnesses, to which I certify.

NAVARRO.

Witness:

JOSÉ HURTADO DE MENDOZA.

Witness:

JOSÉ CANDALARIA.

CITATIONS.

At the said place, Nuestra Señora de la Luz y San Fernando, on the Puerco River, on the first day of the month of March, in the year one thousand seven hundred and sixty-eight, I, the chief alcalde aforesaid, being at the said place, caused the settlers to appear before me, and I notified them of and explained to them in their own proper person the foregoing order, and also summoned them to meet at the place Santa Cruz de Navajo, in regard to all which they were informed; and I signed this, with my attending witnesses, as aforesaid, to which I certify.

NAVARRO.

Witness:

JOSÉ HURTADO DE MENDOZA.

Witness:

JOSÉ CANDALARIA.

CITATION.

At this place, Santa Cruz de Navajo, on the second day of the month of March, in the year one thousand seven hundred and sixty-eight, I, the said chief alcalde aforesaid, being present at the said place, cited Salvador Jaramillo, and personally explained to him what is commanded in the foregoing order, in regard to which he remained informed; and that it may so appear I signed this, with my attending witnesses, as aforesaid, to which I certify.

NAVARRO.

Witness:

JOSÉ HURTADO DE MENDOZA.

Witness:

JOSÉ CANDALARIA.

PROCEDURE.

Being present at the said place of Santa Cruz, I forthwith commanded that the Indians of Laguna Sebolleta, and other Navajo Indians, appear before me, the chief alcalde aforesaid, and exhibit to me the grants to the tracts held by each of them, as required in the aforementioned order. And that it may so appear, I place this in writing, and signed the same, with my attending witnesses, as aforesaid, to which I certify.

NAVARRO.

Witness:

JOSÉ HURTADO DE MENDOZA.

Witness:

JOSÉ CANDALARIA.

PROCEDURE.

Being present at the said place, Santa Cruz, I, the chief alcalde aforesaid, having inquired whether the land and tract of Antonio Baca ex

tended so as to conflict with any other tract, was at once informed that the said tract does not extend to any boundary that might affect it, inasmuch as it lies far back toward the north, for which reason, and the boundary of the said Antonio Baca not being contiguous, I did not cite him; which I place in writing, and that it may so appear I signed the same, with my attending witnesses, as aforesaid, to which I certify.

NAVARRO.

Witness:

JOSÉ HURTADO DE MENDOZA.

Witness:

JOSÉ CANDALARIA.

At the Cañada de los Alamos, on the third day of the month of March, in the year one thousand seven hundred and sixty-eight, I, the chief alcalde aforesaid, being present at the place mentioned, accompanied by attending witnesses, appeared the settlers of San Fernando on the Puerco River, Salvador Jaramillo, settler at the place Santa Cruz de Navajo, and the Indians of Sebolleta, and each of them exhibited to me the grants they have respectively to the lands they hold, and ascertaining from the same that there would no injury result to them, and that the measurement ordered by his excellency the governor in this his foregoing grant made by him would leave room, not in a square form, owing to a high mesa on the western side, at the foot of the Sebolleta Mountain, and owing to the proximity, on the eastern side, of the tract of the Puerco River settlers, and it being also impossible to execute regular surveys on account of the great roughness of the said locality, the whole tract being, as it is, mountainous and broken, on account of the numerous ridges, hills, and bluffs which it contains, I deemed it prudent that the twenty thousand varas which his excellency the governor ordered be given the grantees, be estimated by two credible, practical, and intelligent individuals, and that they, as Christians, state the truth and estimate with slight difference; and I, the chief alcalde aforesaid, caused to appear before me Diego Antonio Chaves and Juan Tafoya, the former a resident of the place Atrisco, and the latter of the said place Santa Cruz de Navajo, and they being present I administered the oath to them, which they took before God our Father and upon the sign of the holy cross, in legal form, and who, having taken it and promised to state the truth, I informed them of their appointment as inspectors and computers of the said twenty thousand varas conceded in the said grant, which inspectors, in compliance with their obligation, and after they had been conferring together and estimating, stated that under the oath they had taken and according to their best skill and understanding, they declared that from the western to the eastern side there is one league and a half, making seven thousand five hundred castilian varas, and that from the northern to the southern side there is about two leagues and a half, making twelve thousand five hundred varas, also castilian, with a very slight variation. In consideration whereof I, the chief alcalde aforesaid, knowing that the matter had been regulated in a prudent and amicable manner, designated firm and durable landmarks, and on the west pointed out as a landmark the point of a white mesa at the base of the Sebolleta Mountain on the east of a small bushy mountain, where it makes a bluff facing the point of the black mesa, a joint boundary with the settlers of San Fernando del Rio Puerco on the north. I declare as a permanent boundary a little valley (rinconada) formed by the said mesa, and on the south a pair of small table-lands, the said tract adjoining the bald one of the two little table-

lands referred to; and the tract being now and thus all designated, and the aforementioned Salvador Jaramillo stating at the same time that that piece of the tract belonging to him from the point of the said mesa on the western side to the running creek (arroyo del agua) of the Cañada de los Alamos, donated and presented free to the said Bernardo de Miera y Pacheco and Pedro Padilla, that they may enjoy the same under the blessing of God and his own, without he, his children, descendants, or successors, being able ever to acquire the title they might assert to the said piece of the tract, which donation he makes secure and irrevocable, such as the law terms *inter vivos*, such being his will; and the said grantees having accepted the said donation and returned to the donor the thanks due, I, the chief alcalde aforesaid, in order to place the said Bernardo de Miera y Pacheco and Pedro Padilla in possession of the said tract of the Cañada de los Alamos, in pursuance of the commands of his excellency aforesaid, took the two parties aforesaid by the hand, informing them that in the name of the king our sovereign (God save him) I gave them royal and personal possession of the aforesaid Cañada de los Alamos, and I led them over the said tract, and they plucked up grass, cast stones, and performed other ceremonies in sign of possession, in which proceedings, as well the grantees as the bystanders who were present, raised their voices, shouting "Long live the King; huzza, huzza," and committed the place to the protection of Saint Anthony and Saint John, whereupon they quietly and peaceably entered upon possession; and I notified them that in all respects they should observe and perform the commands of his excellency the governor aforesaid, observing good conduct towards the Apaches of the Navajo country, treating them kindly, and by good example attract them gradually under the influence of our holy faith and under the control of our king and sovereign, which they promised to do, and declared that they would do so as Catholic Christians and loyal subjects.

Therefore, I, the chief alcalde aforesaid, having executed the commands of his excellency the governor aforesaid, and all the requirements of this the said grant having been complied with, I should order and I do order that a testimonio, word for word, be made hereof, and that the originals of these papers be transmitted to his excellency aforesaid, governor of this province, for the purposes mentioned by his excellency.

Thus I provided, ordered, and signed as special justice with the attending witnesses for want of a public or royal notary, there being none such as required by the terms of the law; to all of which I certify.

FRANCISCO TREBAL NAVARRO.

Witness:

JOSÉ HURTADO DE MENDOZA.

Witness:

JOSÉ CANDALARIA.

PROCEEDING.

At this place, Pajarita, on the twelfth day of the month of March, one thousand seven hundred and sixty-eight, in pursuance of the command of his excellency the governor, I delivered to the parties placed in possession the testimonio of these proceedings, which testimonio con-

sists of six full pages. And that it may so appear, I placed this in writing, and have signed the same the date above.

NAVARRO.

Witness :

JOSÉ HURTADO DE MENDOZA.

These proceedings are contained in four full pages.

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

SAMUEL ELLISON.

Sworn to and subscribed before me this November 10, 1874.

JAMES K. PROUDFIT,
Surveyor-General.

SURVEYOR-GENERAL'S OFFICE,
TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, November 10, 1874.

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.

Surveyor-General's decision.

OPINION.

This claim for land comes before me under the eighth article of the treaty of Guadalupe-Hidalgo, and the eighth section of the act of Congress of July 22, 1854, establishing this office.

The muniments of title are a part of the official archives of this office, are in the Spanish language, and genuine beyond doubt. From them it appears the land was granted to Bernardo de Miera y Pacheco and Pedro Padilla, on the 9th day of February, 1768, by Pedro Firmin de Mendinueta, at that time governor and captain-general of New Mexico, an ultramarine possession of Spain, and that on the 3d day of March, 1768, the grantees were placed in legal possession by Alcalde Francisco Trebol Navarro, under orders of the governor-general.

Believing this grant to be genuine and legal, I recommend that it be confirmed by Congress to the legal representatives of the original grantees, as located, described, and bounded in the act of possession.

I transmit complete copies of the record in triplicate.

JAMES K. PROUDFIT,
United States Surveyor-General.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, December 14, 1874.

Authentication of transcript.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, December 26, 1874.

The foregoing is a correct transcript of the papers on file in this office

in private land-claim reported as number 98, in the name of Bernardo de Miera y Pacheco and Pedro Padilla.

JAMES K. PROUDFIT,
United States Surveyor-General,

Transcript of land-grant to Felipe Tafoya, Diego Antonio Chaves, and Pedro de Chaves, being private land-claim reported as No. 99, for land in Santa Ana County, New Mexico. Grant dated June 20, 1767. Reported by the United States surveyor-general, December 15, 1874.

Claimants' petition.

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

Your petitioners, the heirs and legal representatives of Felipe Tafoya, Diego Antonio Chaves, and Pedro de Chaves, now deceased, respectfully represent—

That on the 20th day of June, 1767, there was granted to the said three individuals, on their petition, by the governor and captain-general of New Mexico, then one of the ultramarine provinces of Spain, a certain tract of land, being one square league, situated in the present county of Santa Ana, in this Territory.

That on the 4th day of July, then next following, the chief alcalde, under said grant, and by authority and direction of said governor and captain-general therein given, regularly placed the said three grantees in full legal possession of said land under the following well-known natural landmarks as boundaries, to wit: on the north, the point of a white mesa, ranging from east to west; on the south, a point of level ground where the mountain comes down, and where some springs of water appear in a small wet meadow; on the east, the base of the Big Mesa; and on the west a small creek where a spring of water appears, running from south to north.

That the said grantees and their heirs and legal representatives have, since the date of the said act of possession, been and remained in the quiet and undisturbed legal possession of said premises granted as aforesaid.

That all the original muniments to and for said land have, since the date and execution of the same, been and remained in the custody and keeping of the government, and the same are now deposited among the old Spanish archives at your office, being therein known and designated as archive file number one hundred and ninety-nine, and which muniments your petitioners pray be taken thence, and, together with the accompanying sworn translation thereof, be placed with this their petition, and made a part of their claim for said tract of land therein described and granted, and that the accompanying plat of said tract of land be also filed with said claim for the same.

Your petitioners pray that their said claim be investigated and passed upon by your honor at as early a day as practicable in conformity with the treaty of Guadalupe-Hidalgo, and the law of the Congress of the United States of July 22, 1854, and that the title to said land be recognized and confirmed to the heirs and legal representatives of the said Felipe Tafoya, Diego Antonio Chaves, and Pedro de Chaves, original grantees aforementioned, and your petitioners will ever pray.

SAML. ELLISON,
Attorney for Claimants.

[For sketch, see original.]

[Muniments of title.]

Año de 1767.

Merced de tierras hecha á Don Felipe Tafoya, Diego Antonio y Pedro Chaves.

Señor Gobernador y Capitan General:

Felipe Tafoya, procurador de esta villa de Santa Fé, paresco ante V. Sa., en toda forma de derecho, por y en nombre de Diego Antonio Chaves y Pedro de Chaves, ambos vecinos del puestro de Atrisco, jurisdiccion de la villa de San Felipe de Alburquerque, y digo, Señor, que por quanto los dichos se hallan sumamente pensionados por lo corto que es el referido paraje de Atrisco, para poder mantener el uno su ganado mayor y menor y caballada que tiene el dicho Diego Antonio, y el dicho Pedro su ganado menor y sus bueyes, y algunos bestias, pues por dondequiera que salen á pastearlos se hallan ligados por los dueños de los sitios de que están cercados como es notorio, pues por el oriente ya se ve lo inmediato que se halla dicha villa de Alburquerque y por el poniente los de San Fernando del Río Puerco, que son los que en la presente les empiden con mas fuerza los pastos de que siempre han gozado y á los dichos no les sirben, pues es constante que los ganados, de los dichos tienen sobrados pastos por lo dilatado de su sitio, y por el norte ya se ve lo inmediato que se halla el rancho de San Antonio, y por el sur el rancho de Antonio Baca y José Baca, y el Capitan Antonio Baca, por cuyo motivo y no hallar paraje inmediato endonde poder mantener los dichos mispartes sus dichos ganados se han retirado á la parte del poniente como cinco leguas poco mas ó menos del rancho de Salvador Jaramillo, en donde hallaron un ojo de agua, y bastantes pastos yermos y despoblados en donde concen no perjudicar á nadie, respecto á estar retirado como llevo dicho, y este dicho ojo y sus pastos lo han, registrado los dichos, y suplico en su nombre á V. Sa., sea muy servido de concederles merced de él en nombre de su magestad, Dios le guarde, tan solo para ranchos de ganado, pues, de no ser así ya los dichos no hallan media para poder mantenerse, y si V. Sa. se lo concede, sus linderos serán por el oriente las pertenencias de dicho Salvador Jaramillo, y por los demas vientos los que V. Sa. hallare por conveniente, y es de advertir, señor, que el dicho Pedro ya tiene en dicho sitio su ganado, pues no hallaba totalmente en donde tenerlo, por todo lo cual y lo demas favorable á los dichos—

Á Usia, suplico sea muy servido de conceder la merced que llevo pedida, que en ello recibirán los dichos mis partes merced con justicia, y uro en su nombre no ser de malicia, &a.

FELIPE TAFOYA,
Procurador.

VILLA DE SANTA FÉ, 3 de Diciembre de 1766.

Si estas partes no tienen terrenos ni sitios en que pastar sus ganados pudieron haberse incorporado en las nuevas poblaciones de San Miguel de Laredo ó San Gabriel de las Neutras, en los que hay pastos concejiles correspondientes á ellos, ó haberse así mismo domiciliada en el lugar de San Fernando del Río Puerco cuando se solicitaban familias para su pueblo de aquellos, que no tengan comodidad de tierras y pastos; pero estas partes sin duda tubieron temor á ser los parajes dichos fronteras y faltarles el valor para su establecimiento, y el praraje que espresan han registrado para pastear sus ganados por ser en la pacifica provincia de Navajo, podran usar da el interin los naturales de dicha provin-

cia no se lo embarrazaren ni pusieren reparo en el usufructo de sus pastos, procurando estas partes no dañificar à dichos naturales Apaches con los ganados ni sus personas, antes bien procurarán, con el mayor amor y agasajo atraerlos y acariciarlos para conservarlos en nuestra amistad, y que se logre con el tiempo su reduccion á la santa fé catolica, dandoles buen ejemplo en las costumbres cristianas.

VELEZ CACHUPIN.

Señor Gobernador y Capitan General:

Felipe Tafoya, vecino de esta villa, hijo legitimo de Antonio Tafoya, alferoz que fué de este real presidio, y uno de los soldados que entraron con el Señor Don Diego de Vargas á la conquista de este reyno, desde cuyo tiempo sirvió á S. M. hasta el año de mil setecientos cuarenta y siete, que estando en actual ejercicio de alferoz, le sobrevino un accidente en que perdió la vista totalmente, por cuyo motivo cesó en el real servicio, y así mismo, yo, luego que tube edad competente entré á servir á S. M. en este real presidio, en lo que me exercité diez años, hasta que por falta de salud asenté mi plaza, sin que mí dicho padre ni yo haigamos pedido de merced un palmo de tierra, y hallándome como me hallo con crecida familia, y con algun principal de ganado mayor y menor, y no tener endonde pastearlo, y procurando su aumento para mi subsistencia y la de mis hijos, herederos y sucesores, me hé convenido con Diego Antonio Chavez y Pedro de Chavez, en nombre de quienes como procurador de esta villa me presenté ante el Señor Don Tomas Velez Cachupin, gobernador y capitan general de este reyno, antecesor de V. S., pidiendo un sitio de tierras yermas y despobladas, á cuyo pedimento fue servido Su Sa. de proveer que pudiesen pastar los dichos Chavez sus ganados en las tierras pedidas, con la condicion de no perjudicar á los Apaches Navajoes, como todo constará á V. S. por el adjunto escrito y providencia que acompaña, y no habiendo resultado queja alguna de parte de los dichos Apaches, antes sí haberseles agregado dos familias que voluntariamente, con el buen trato se mantienen, y haberse reconocido que las tierras pedidas no son utiles para siembra, y solo lo son para pastos, por lo cual no han puesto ni pondrán como se percibe por la esperencia dichos Apaches demanda alguna, por lo que pido y suplico á V. Sa. sea muy servido de concedernos á los tres de merced, y en nombre de S. M., (que dios guarde,) el citado paraje en el escrito adjunto, dandonos por linderos por el oriente el pie de una mesa que mira para las tierras de Salvador Jaramillo, y por el poniente unas mesitas blancas, por el norte dos ojitos de agua que están en la punta de la citada mesa, y por el sur una ceja montosa, cuyos linderos comprenden como legua y media por cada viento, y para que V. S. quede satisfecho de no ser perjudicados dichos Apaches ni otra persona alguna con la merced que pedimos suplico á V. S. sea servido, si lo tubiere por conveniente, de informarse de el alcade mayor Don Bartolomé Fernandez, quien se halla bastantemente bien enteligenciado en el conocimiento de aquellas tierras por haberlas transitado y reconocido varias veces en comisiones que para ello se le han dado; por todo lo cual,

Á V. S. pido y suplico sea muy servido, de mandar hácer como llevo pèdido, en que recibiremos merced y justicia, &a.

FELIPE TAFOYA.

SANTA FÉ, 15 de Junio de 1767.

El alcalde mayor Dn. Bartolomé Fernandez me informará á continuacion de este decreto, si la merced que estas partes piden, perjudica á los Apaches de la provincia de Navajo ó á otra, algun individuo de los

habitantes en este reyno, y si los linderos que señala comprenden las distancias que espresan, como si las tierras que piden son utiles para sembrar, y si los Apaches Navajoes han sembrado ó siembran en ellas; lo que ejecutará segun la practica y conocimiento que tubiere del terreno.

MENDINUETA.

Señor Gobernador y Capitan General:

En cumplimiento de lo que Usia me manda en su antecedente decreto digo, que las tierras que piden los suplicantes las hé visto y conosco, y no comprendo que el darlas de merced sea perjudicial á los Apaches de Navajo, respecto á que nunca hé visto que haigan vivido in ellas de asiento dichos Apaches, ni menos perjudicar á individuos de este reyno; el lindero que señalan por la parte del poniente es para mi dudoso, respecto á que por aquel rumbo hay muchas mesitas blancas, por lo que no puedo regular la distancia de la legua y media que suponen, no obstante que tengo presente el lindero que señalan por el oriente, y de los nominados de sur á norte, me parece abrá algo mas de la legua y media, y por lo que mira asi á las tierras son utiles para sembrar; digo, que tanqueando la poca de agua que hay podrá regar una pequeña labor y aunque es valle y se puede sembrar en él, es con el riesgo de ser de temporal por no tener otras aguas para riego, y por lo que pertenece á si los Apaches Navajoes, han sembrado ó siembran en las tierras pedidas; digo que hé visto en tal cual derramadero de algunas cañadas algunas pocas matas de mais, pero nunca hé visto que vivan los Apaches inmediatas á estas milpitas, antes sí, por el temor de los Yutas hacen sus casitas lejos, y en lo mas alto y áspero de las mesas; todo lo referido es lo que puedo esponer á Usia, segun lo que comprendo. V. S. mandará lo que mas estimare.

Santa Fé y Junio diez y seis de mil setecientos sesenta y siete; que testado, no vale.

BARTOLOMÉ FERNANDEZ.

En esta villa de Santa Fé, en veinte dias del mes de Junio de mil setecientos sesenta y siete años, yo, Don Pedro Fermin de Mendinueta, del orden de Santiago, coronel de los reales ejercitos de Su Majestad, gobernador y capitan general de este reyno del Nuevo Mejico, atento á los méritos heredados y adquiridos por el suplicante, la necesidad (que en su ultimo escrito insinua, y la que como procurador y en nombre de Diego Antonio y Pedro de Chavez espresa en su primer pedimento) de tierras utiles y comodas para pastear sus ganados mayores y menores, y asi mismo al informe que me hace el alcalde mayor, Don Bartolomé Fernandez, dije, que les concedia y concedo á los tres mencionados, Felipe Tafoya, Diego Antonio Chavez y Pedro de Chavez, en nombre de su majestad (que Dios guarde) en el paraje que piden una legua por rumbo dejando á su eleccion el señalar el cuatro desde de donde se deberán medir dos mil y quinientas varas castillanas por cada viento, y si la medida no se pudiere hacer en figura cuadrada y fuere necesario que sea cuadrilonga ó triangular siempre ha de quedar su circunferencia de veinte mil varas castillanos, cuya concesion y merced sela hago, para ellos, sus hijos y susesores, bajo las condiciones de poblarlo con sus ganados los cuatro años prevenidos por la ley, para adquirir legítimo derecho de propiedad y señorío, sin que despues lo pueden vender á persona eclesiastica ni monasterio, pena de nulidad, y así mismo con la de no causar ni dar perjuicio alguno á los Apaches de la provincia de Navajo, antes sí deberán guardar puntualmente todo lo

mandado por mi antecesor en su decreto de tres de Diciembre de mil setecientos sesento y seis, pena de que si así no lo practicaren serán desposeidos y lanzados de las dichas tierras por mí mercenadas. Y mando á Don Bartolomé Fernandez, alcalde mayor y capitán á guerra de los pueblos de la nacion Queres, pasé á el paraje mercenado y ponga á los suplicantes en posesion real y personal; en el modo acostumbrado, precediendo la citacion de colindantes ó circumvecinos, y en especial á los Apaches mas inmediatos, para que representen y digan si esta merced les perjudica, en cuyo caso, suspenderá el dar la posesion, dándome cuenta para proveer lo que convenga, y dando testimonio de todo á las partes, para que les sirva de bastante título, me devolvieran los originales para colocarlos en el archivo de esta gobernacion, y por este auto así lo proveé, concedé y firmé con dos testigos de mi asistencia, á falta de escribanos, que no los hay en esta gobernacion, de ninguna clase.

PEDRO FERMIN DE MENDINUETA.

Testigos:

MATEO DE PEÑAREDONDA.

Testigos:

ANTONIO MORETO.

En cumplimiento de lo mandado por el Señor Don Pedro Fermin de Mendinueta, caballero del orden de Saniago, coronel de los reales ejercitos de su majestad, gobernador y capitán general de este reyno del Nuevo Mejico, yo, Don Bartolomé Fernandez, alcalde mayor y capitán á guerra de los pueblos de la nacion Queres, en virtud de la comision que me es conferida por el señor gobernador y capitán general, pasé á los tierras pedidas por Felipe Tafuya, Diego Antonio Chavez y Pedro de Chavez, y habiéndolas reconocido medí un cordel de cien varas Castellanos, y les medí de norte á sur trece mil setecientos varas y de oriente á poniente seis mil y trescientas, que son las que componen veinte mil varas, que son las mismas que les son concedidas, y habiendo concluido las espresadas medidas con citacion de los Apaches Navajoes, por la parte del poniente son colindantes con el espresado sitio de Nuestra Señora del Pilar, los cuales quedan fuera de estos linderos sin pover contradiccion, y no habiendo otros colindantes ni resultando contradiccion alguna tomé de la mano á los ya espresados mercenados por el señor goberador y capitán general, y los pasie por dicho sitio, diéron voces, diciendo, Viva el rey nuestro señor, (que Dios guarde,) tiraron piedras y arrancáron sacate, en señal de dáposesion, la que les dí y aprendieron quieta y pacífica prontos sin contradiccion alguna, bajo las condiciones espresadas en la referida merced, y de los linderos en ella señalados, que son por la parte del norte, la punta de una mesa blanca que atraviesa de oriente á ponient, y por la parte del sur, una rinconada donde baje el camino de la sierra donde nacen unos ojitos de agua en una cinegita, por el oriente el relez de la mesa grande, y por el poniente un arroyuelo donde nace un ojo de agua que corre de sur á norte, mandándoles poner mojoneras firmes en los espresados linderos, y para que así conste le firmé yo, dicho alcalde mayor, actuando como fuez receptor, con dos testigos de asistencia, á falta de escribanos, que no los hay en esta gobernacion, en este paraje de Nuestra Señora del Pilar, en cuatro dias del mes de Julio de mil setecientos sesenta y siete años, doy fé.

BARTOLOMÉ FERNANDEZ.

Testigos:

MIGUEL TENORIO DE ALBA,

JOSÉ MIGUEL TAFOYA.

Translation of muniments.

Year 1767.

Grant of land made to Felipe Tafoya, and Diego Antonio, and Pedro Chavez.

His Excellency the Governor and Captain-General :

I, Felipe Tafoya, attorney at law, of this village of Santa Fé, appear before your excellency in due legal form for and in the name of Diego Antonio Chavez and Pedro Chavez, both residents of the place Atrisco, jurisdiction of the village of San Felipe de Albuquerque and State.

SIR: Whereas the parties aforesaid are greatly dependent upon others, owing to the said place Atrisco being too small to enable the one, the said Diego Antonio, to pasture his cattle, sheep, goats, and horses, or to enable the said Pedro to pasture his sheep, goats, oxen, and a few horses, for in whatever direction they go to graze their stock they find themselves hemmed in by the proprietors of the tracts by which they are surrounded, as is well known; for on the east is situated near by the village of Albuquerque, and on the west the people of San Fernando del Rio Puerco, who are at this time those who most strongly refuse them the pasturage which they have always used, and which is not used by them, for it is known that their stock have more than sufficient pasturage, owing to the extensiveness of their tract; and on the north is the proximity of the San Antonio rancho, and on the south the rancho of Antonio Baca, and José Baca, and Captain Antonia Baca.

For which reason, and inasmuch as we find no spot close by on which my said clients can keep their said live stock, they have moved westward about five leagues, more or less, from the ranch of Salvador Jarniello, where they found a spring of water and plenty of pasture-ground, unappropriated and unsettled, and where they know they will not injure any person, as it is distant, as I have stated. And this spring and its pastures the said parties have registered, and in their name I ask that your excellency be pleased to make them a grant in the name of His Majesty (whom may God preserve) to the same for a stock-ranch, for if it be not done, then the said parties will not have any means whereby to support themselves; and should your excellency make the grant, the boundaries will be: On the east, the property of said Salvador Jarniello, and on the other sides as your excellency may deem proper. And, sir, it is to be mentioned that the said Pedro already has his stock upon the said tract, for he was wholly unable to find any place to keep it.

In consideration of all which, and of all things favorable to the said parties, I pray that your excellency be pleased to make the grant I have requested, whereby the said parties, my clients, will receive favor and justice. And I declare, in their name, that this petition is not made in dissimulation, &c.

FELIPE TAFOYA, *Attorney.*

VILLAGE OF SANTA FÉ, *December 3, 1766.*

If these parties have not had any land or grant whereon to pasture their animals, they might have joined the new settlements of San Miguere de Learedo and San Gabriel de las Nutrias, (in which settlements there are the necessary public pasturing-grounds,) or have in like manner domiciliated themselves at San Fernando del Rio Puerco, where families

not possessing the advantages of lands and pasture-grounds were sought for for the settlement of that place. But these parties doubtless experienced fear, as the said places were frontier places, and as they lacked the courage for their establishment, and they have registered the tract they mention for the pasturage of their stock, because it is in the peaceful region of the Navajo country. They may occupy the same while the natives of that district do not object to their doing so and prevent them the use of their pasture-grounds, these parties to endeavor not to injure the said Apache Indians with their live stock or in person, but should rather endeavor, with the greatest love and kindness, to win them over and treat them well, so as to keep them in amity with us, and so that in the course of time, and showing them good examples and Christian conduct, they may be brought to the holy Catholic faith.

VELEZ CACHUPIN.

His Excellency the Governor and Captain-General:

I, Filipe Tafoya, a resident of this village, legitimate son of Antonio Tafoya, formerly ensign of this royal garrison and one of the soldiers who entered the country with Diego de Vargas at the time of its conquest, from which time he served His Majesty until the year one thousand seven hundred and forty-seven, when, being in active service as ensign, a misfortune befell him, by which he utterly lost his eyesight, for which reason he left the royal service and entered the service of His Majesty, as soon as I was of sufficient age, at this royal garrison, in which I continued ten years, and until, on account of bad health, I retired from it without my said father or I having asked for a grant to one span of land; and having a large family, and with a small capital in live stock, without anywhere to pasture them, and desiring to increase the same for my own and for the support of my children, heirs, and successors, I have associated myself with Diego Antonio Chaves and Pedro de Chaves, in whose name, and as an attorney at law of this village, I presented myself before his excellency Tomas Velez Cachupin, governor and captain-general of this province, your excellency's predecessor, praying a tract of land unappropriated and unsettled, upon which petition his excellency was pleased to grant that they, the said Chaveses, might pasture their stock upon the land prayed for, under the condition that they were not to injure the Navajo Apaches, all of which will appear to your excellency from the accompanying petition and decree which I annex, and no complaint whatever having been made on the part of the said Apaches, but, on the contrary, two families having voluntarily joined them, and who are supported by kind treatment, and the said land so applied for being known to be unfit for cultivation, and fit only for pasture-land, on which account the said Apaches have not made, nor will not make, any complaint whatever, as is shown by the past. In view of all this, I ask and pray that your excellency be pleased to make to us three a grant in the name of His Majesty (God preserve him) to the tract mentioned in the petitions accompanying, assigning to us as boundaries on the east the base of a mesa facing the land of Salvador Jarasnillo, on the west some small white mesas, on the north two small springs of water at the point of the said mesa, and on the south a timbered hill, which boundaries embrace about one league and a half on each course. And that your excellency may be satisfied that neither the said Apaches nor any other person whatever would be injured by the grant we ask, I request your excellency, should you deem proper so to do, to consult the chief alcalde, Bartolome Fernandez, who is sufficiently acquainted with the lands

thereaway, from having frequently traveled over and examined them under appointment conferred upon him for that purpose. In consideration of all which, I ask and pray that your excellency be pleased to cause to be done as I have requested; whereby we shall receive favor and justice, &c.

FELIPE TAFOYA.

SANTA FÉ, June 15, 1767.

The chief alcalde, Bartolomej Fernandez, will report to me, at foot of this decree, whether the grant prayed for by these parties would injure the Apaches of the Navajo country or any other individual of the inhabitants of this province, and whether the boundaries mentioned embrace the distances given; also, whether the land applied for is suitable for cultivation, and whether the Navajo Apaches have planted, or now plant, upon the same; all of which he will do in conformity with custom, and in accordance with his knowledge of the tract.

MENDINUETA.

To His Excellency the Governor and Captain-General :

In compliance with what your excellency commanded of me in your foregoing decree, I state that the land applied for by the petitioners, I have seen, and am acquainted with it, and I do not understand that the granting of the same would be prejudicial to the Apaches of the Navajo country, inasmuch as I have never observed that they, the said Apaches, have lived upon the land permanently, and much less would it be prejudicial to the people of this province. The boundary proposed for the western side is to me doubtful, as upon that side are numerous "small white mesas," on which account I cannot decide upon the distance the parties suppose of one league and a half; and although I remember the boundary they propose on the east and those from south to north, it appears that there must be somewhat more than the league and a half. And in regard to whether the land is fit for cultivation, I state that by damming the little water there, a small field can be irrigated, and that, although it is a valley, and planting may be done therein, it is with the risk of having to depend upon rain, owing to there being no other water for irrigation. And in regard to whether the Navajo Apaches have planted, or now plant, upon the land applied for, I state that I have seen in a branch of the little valleys scattered here and there a few corn-stalks, but I have never observed that the Apaches lived near these small patches of corn; but they mostly make their huts, owing to their dread of the Utes, distant, and on the highest and roughest parts of the mesas. The foregoing is all I can state to your excellency, according to the best of my understanding. Your excellency will, therefore, act in the matter as to you may seem most proper.

Santa Fé, June sixteenth, one thousand seven hundred and sixty-seven.

Erased: "That I have." Not valid.

BARTOLOME FERNANDEZ.

At this village of Santa Fé, on the twentieth day of the month of June, in the year one thousand seven hundred and sixty-seven, I, Pedro Fernien de Mendinueta, of the Order of Santiago, colonel in the royal armies of His Majesty, governor and captain-general of this province of New Mexico, in consideration of the merits inherited and acquired by the petitioners, his necessity (which in his last petition he intimates, and which,

as attorney and in the name of Diego Antonio and Pedro de Chaves, he in his first petition set forth) for land serviceable and adapted for pasturage of his live stock, and in view also of the report made to me by Bartolome Fernandez, chief alcalde, declared that I did, and I do, grant to the three parties mentioned, Felipe Tafoya, Diego Antonio Chaves, and Pedro de Chaves, in the name of His Majesty, (God preserve him,) and at the place they request it, one league by courses, leaving to their selection the designation of the center point from which will be measured off two thousand five hundred Castilian varas each way, and if the measure cannot be made in a square form, and it be necessary for it to be oblong or triangular, its circumference shall nevertheless be twenty thousand Castilian varas; which concession and grant I do make to them, their children and successors, under the condition that they shall settle the land, with their stock, for the four years prescribed by law to enable them to acquire legal title in fee and dominion, but they shall not thereafter sell the same to any ecclesiastical person or any monastery, under penalty of defeasance, and also under the condition that they shall not cause or do any injury to the Apaches of the Navajo country, but, on the contrary, shall observe faithfully all that which is commanded by my predecessor in his decree of the third of December, one thousand seven hundred and sixty-six, under the penalty that, should they not so act, they shall be dispossessed and driven off from the said land by me granted; and I command Bartolome Fernandez, chief alcalde and war-captain of the pueblos of Queres nation, to proceed to the spot granted and place the petitioners in royal and personal possession in the customary form, first summoning the adjoining settlers or surrounding neighbors, and especially the nearest Apaches, so that they may appear and state whether this grant will injure them, in which case he will suspend the giving of possession, reporting to me, so that I may provide as may be proper, and after furnishing the parties with a testimonio of the whole, that the same may be their sufficient title, he will return the original to me, to be filed among the archives of this government.

And this decree I have so provided, granted, and signed, with my two attending witnesses, with whom I act for lack of notaries, of which there is none of any kind in this jurisdiction.

PEDRO FERNIEN DE MENDINUETA.

Witness:

MATEO DE PEÑARODONDA.

Witness:

ANTONIO MORETO.

In compliance with the command of his excellency Pedro Fermin de Mendinueta, Knight of the Order of Santiago, colonel of the royal armies of His Majesty, governor and captain-general of this province of New Mexico, I, Bartolome Fernandez, chief alcalde and war-captain of the pueblos of the Queres nation, by virtue of the commission conferred upon me by his excellency the governor and captain-general, proceeded to the land applied for by Felipe Tafoya, Diego Antonio Chaves, and Pedro de Chaves, and, having examined the same, I measured off a cordel of one hundred Castilian varas, and measured for the parties, from north to south, thirteen thousand seven hundred varas, and from east to west six thousand three hundred varas, which makes up the twenty thousand varas, which is the number granted the parties, and, having concluded the said measurements, with summons to the Navajo Apaches, who adjoin the said tract of Nuestra Señora del Pilar on the west, and who are outside of these limits, they interposing no objection,

there being no other adjoining settlers, and there appearing no objection whatever, I took by the hand the aforementioned grantees, made such by his excellency the governor and captain-general, and conducted them over said tract. They shouted in a loud voice, saying, "Long live the King, our sovereign," (God preserve him,) cast stones and plucked up grass, in sign of possession, which possession I gave them, and upon which they immediately entered quietly and peaceably, without any objection whatever, under the stipulations expressed in the said grant, and with the boundaries therein described, which are: On the north, the point of a white mesa ranging from east to west; on the south, a point of level ground where the mountain road comes down, and where some springs of water appear in a small wet meadow; on the east, the base of the Big Mesa; and on the west, a small creek, where a spring of water appears running from south to north, and I directed them to place firm landmarks upon the said boundaries. And that it may so appear, I, said chief alcalde, acting as special justice, with two attending witnesses for lack of a notary, there being none in this jurisdiction, signed this instrument, at the place Nuestra Señora del Pilar, on the fourth day of the month of July, in the year one thousand seven hundred and sixty-seven; to which I certify.

BARTOLOMÉ FERNANDEZ.

Witness:

MIGUEL TENORIO DE ALBA.

Witness:

JOSÉ MIGUEL TAFOYA.

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

SAMUEL ELLISON.

Sworn to and subscribed before me this November 10, 1874.

JAMES K. PROUDFIT,

Surveyor-General.

SURVEYOR-GENERAL'S OFFICE,
TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, November 10, 1874.

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

DAV. J. MILLER,
Translator.

Surveyor-general's decision.

OPINION.

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

The original title-papers are a part of the official archives of this office, are in the Spanish language, and are no doubt genuine. From them it appears that on the twentieth day of June, 1767, Pedro Fermin de Mendinueta, at that time governor and captain-general of

New Mexico, a province of Spain, granted the land to Felipe Tafoya, Diego Antonio Chaves, and Pedro Chaves, and that by his order the grantees were legally placed in possession of the land by Alcalde Bartolome Fernandez, on the fourth day of July, 1767.

I am of opinion that this grant is genuine and legal; that the present claimants are acting in good faith; and therefore respectfully recommend that it be confirmed by Congress to the legal representatives of the original grantees, according to the location and boundaries set forth in the act of possession executed as above stated by the Alcalde Fernandez.

I transmit complete copies of the record in triplicate.

JAMES K. PROUDFIT,
United States Surveyor-General.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, December 15, 1874.

Authentication of transcript.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, December 26, 1874.

The foregoing is a correct transcript of the papers on file in this office in private land-claim reported as number 99, in the name of Felipe Tafoya, Diego Antonio Chaves, and Pedro de Chaves.

JAMES K. PROUDFIT,
United States Surveyor-General.

Transcript of land-grant to Miguel Montoya and Santiago Montoya, being private land-claim reported as No. 100 for land in Santa Ana County, New Mexico.—Grant dated February 23, 1766.—Reported by United States surveyor-general December 15, 1874.

Claimants' petition.

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

Your petitioners, the heirs and legal representatives of Miguel Montoya and Santiago Montoya, original grantees, respectfully represent :

That on the 23d day of February, 1766, the governor and captain-general of New Mexico, then one of the ultramarine provinces of Spain, made to the said Miguel and Santiago Montoya, upon their petition therefor, a grant of one square league of land, situated in the present county of Santa Ana, in this Territory of New Mexico, and directed the chief alcalde to execute the act of possession for the same.

That on the 29th day of January, 1767, the said chief alcalde, in obedience and conformity to said granting decree, regularly and in due form of law and custom executed said act of possession, by placing the said grantees, Montoyas, in full legal possession of said land under certain boundaries then and now well known and easily found, to wit, measuring from east to west three thousand four hundred varas, the distance from the Puerco River, which is the boundary on the east, to a small hill called the Angostura, which is the boundary on the west; on

the north, the point of a mesa called the Bosque Grande, and on the south, the land of Militia Lieutenant José García; the said tract from east to west is three thousand four hundred varas, and from south to north six thousand six hundred varas.

That the said grant of land, as made and executed as aforesaid, was subsequently, to wit, on the 14th day of February, 1767, ratified and confirmed in all its parts by the said governor and captain-general.

That the original muniments of title embracing a record, over genuine original signatures, of all that was done in the premises of said grant, have, since the date of the said ratification and confirmation thereof, been in the custody of the government, and the same are now among the old Spanish archives on deposit in your office, known and designated as file No. 576 thereof, and your petitioners pray that the same be taken from said file No. 576 and placed with this their claim for said described land and made part of said claim, and that the accompanying sworn translation of said muniments and plat of said land be also filed with said claim in your office.

That the said grantees, Montoyas, and their descendants and legal representatives, have since the date of said grant and act of possession been in the undisturbed legal possession of said land, and are now in such possession.

Your petitioners pray that their title under and in virtue of said muniments be investigated and passed upon by your honor at as early a time as practicable, and that the same be confirmed by the Congress of the United States, under the treaty of Guadalupe-Hidalgo, and the law of July 22, 1854, establishing your office, to the heirs and legal representatives of said original grantees Miguel Montoya and Santiago Montoya, deceased.

SAML. ELLISON,
Atty. for Claimants.

[For sketch see original.]

Muniments of title.

Año de 1767.

Merced de tierras concedida para pastos de ganados á Miguel y Santiago Montoya en la frontera del Rio Puerco y de Navajo.

Señor Gobernador y Capitan General:

Miguel Montoya y Santiago Montoya, vecinos de la villa de Albuquerque, parecemos ante Usia en toda forma de derecho y decimos, que por cuanto à Usia le es constante que nuestro abuelo el Capitan Antonio Montoya difunto y nuestros padres Miguel Montoya y Juan Manuel Montoya, difuntos, tubieron con legítimo derecho casa y tierras de labor en el paraje de Santa Rosa de Abiquiu y por su despueblo tuvo Usia por conveniente fundar el pueblo que hoy se nombra Santo Tomas de Abiquiu, en dicha casa y tierras y sus pertenencias, prometiendo á nuestro padre Miguel que registrara en otra parte sitio donde se pudiera mantener y que lo pidiera que se lo daria de merced, y por cuanto el dicho difunto no consta haberlo hecho, y nosotros hallarnos con crecida familia de nuestras madres viudas, y hallarnos entre los dos con mil y seiscientas cabezas de ganado menor y ochenta reces y no tener paraje en

donde comodamente poder mantener dicho ganado, pues aunque vivimos en el paraje de Atrisco, es corto su estalaje, por cuyo motivo hemos registrado un pedazo de tierra, sobras del Capitan Antonio Baca y de Salvador Jaramillo y de los pobladores del Rio Puerco, que por esos tres rumbos linda con tierra de los dichos y entre oriente y norte mira á los virtientes de tierras del Pueblo Zia, distante de dicho pueblo poco mas de cinco leguas, el que pedimos y suplicamos á Usia nos lo conceda de merced, en nombre de su Magestad, Dios le guarde, para cuyo fin suplicamos que si se nos concede á el tiempo de su data parescan las tres mercedes de los dichos para que segun la legitima posesion que se le dió á cada uno, las leguas de que se les hizo merced, sea lo que fuere lo que quedare medido á cada uno lo que rezare su merced, quedaremos conformes, pues para poner un rancho como llevamos dicho bastará con dichas sobras, previniendo Usia, si es servido darnos dicha merced, que por los enatro vientos se nos señalen linderos firmes y estables. Por todo lo cual á Usia pedimos y suplicamos sea muy servido concedernos la merced que pedimos, que en ella recibiremos bien, y juramos en toda forma no ser de maliciá este escrito, &c.

Á ruego de los suplicantes.

FELIPE TAFOYA,
Procurador.

VILLA DE SANTA FÉ, 16 de Julio de 1766.

En vista de lo que estas partes representan y en atencion á su derecho, para poder con verdadera inteligencia proceder á la concecion que piden, doy comision a Don Bartolomé Fernandez, alcalde mayor de Santo Domingo y Cia, para que, citando á las partes de Antonio Baca, Salvador Jaramillo y vecinos de el lugar de San Fernando, en concurso de estas partes que piden les haga exhibir las mercedes de los sitios de tierras que tuvieren, y reconozca sus linderos, examinando si hay sobras de las que estas partes expresan en el terreno; que piden de que me dará cuenta á continuacion de este decreto por diligencia, y así mismo si hubiere sobras de los pueblos de Cia y Santa Ana, para en su vista proceder como convenga. Y asi lo provei, mandé y firmé Don Tomas Velez Cachupin, gobernador general de este reyno de Nuevo Mejico.

VELEZ CACHUPIN.

Don Bartolome Fernandez, alcalde mayor y capitan á guerra de la jurisdiccion de Santo Domingo y Zia y demas pueblos de la nacion Queres, en cumplimiento de lo mandado por el Señor Gobernador y Capitan General de este Reyno Don Tomas Velez Cachupin, en el decreto que antecede, pasé al espresado sitio pedido por Miguel y Santiago Montoya, y habiendo reconocido hallo que por no estar arregladas las mercedes concedidas al Capitan Antonio Baca y Salvador Jaramillo, á lo concedido por el decreto superior, no quedan sobras en que se puedan acomodar los dichos pedidores; por cuya razon los dichos pedidores me suplicaron pasara en su compañía á reconocer por la parte del norte del lindero de José Garcia en adelante otro pedazo de tierra realenga, lo que ejecuté por su suplica, en el cual hallo capacidad en donde se puedan acomodar sin perjuicio de tercero; y para que conste lo firmé en esta villa de Santa Fé, en veinte y dos de Setiembre de mil setecientos y sesenta y seis años; con dos testigos de asistencia doy fe.

BARTOLOMÉ FERNANDEZ.

Testigo:

FELIPE SANDOBAL.

Testigo:

MANUEL FERNANDEZ.

VILLA DE SANTA FÉ, 24 de Setiembre de 1766.

En atencion al informe que hace el alcalde mayor, Don Bartolomé Fernandez, de que Don Antonio Baca y Salvador Jaramillo no están arreglados á sus mercedes, manifestándose en esta espresion haberse excedido de ellas en el terreno que poseen, mando que el dicho Don Antonio Baca y Salvador Jaramillo comparescan en esta villa con sus mercedes, para examinarlas por mí y dar la providencia que corresponda, y al mismo tiempo mando así mismo concurren Miguel Montoya y Santiago Montoya con el mismo Alcalde Don Bartolomé Fernandez, á quien doy la comision para que cite y emplace á esta villa á los dos contenidos, Don Antonio Baca y Salvador Jaramillo, con sus mercedes, y en el caso de que no concurren para el dia que se les señalare serán multados y castigados como convenga. Y así lo proveí, mandé y firmé, Don Tomas Velez Cachupin, gobernador general de este reyno del Nuevo Mejico.

VELEZ CACHUPIN.

Testigo :

CARLOS FERNANDEZ.

Testigo:

DOMINGO LABADIA.

En virtud de lo mandado en el decreto de arriba yo, Don Bartolomé Fernandez, pase á la casa morada de Don Antonio Baca, y no hallándole en ella le dije á Don Francisco Trebol, su yerno, el encargo de que noticiase al dicho Don Antonio Baca, mi llegada, á fin de citarle de orden del señor gobernador y capitán general de este reyno, para que comparezca en la villa de Santa Fé, con la merced del rancho que tiene en el Rio Puerco, el diez y ocho del corriente Octubre; y lo mismo hice saber á Salvador Jaramillo por un papel que le escribí con Tomas Gurale, vecino del Rio Puerco. Y para que así conste lo firmé en cinco dias del mes de Octubre de mil setecientos sesenta y seis.

BARTOLOMÉ FERNANDEZ.

VILLA DE SANTA FÉ, 20 de Octubre de 1766.

Habiendo comparecido, Salvador Jaramillo y Antonio Baca y presentado sus mercedes, y hallándome yo entendiendo en otros asuntos, para no detener á unas y otras partes, doy comision á Don Bartolomé Fernandez, alcalde mayor de Santo Domingo y Zia, para que en consorcio de dichas partes y las de Miguel y Santiago Montoya reconosca los linderos de dichas mercedes, y en el caso de que se verifiquen sobras que sean suficientes para sitio de ganado, con aguajes correspondientes me lo espresara por diligencia que asiente.

VELEZ CACHUPIN.

En dicho dia, mes y año, yo, el referido alcalde mayor, Don Bartolome Fernandez, en el decreto que antecede, en virtud de la comision que me es conferida por el señor gobernador y capitán general de este reyno, hice comparecer ante mí á Salvador Jaramillo, Don Francisco Trebol, en nombre de Don Antonio Baca, Miguel y Santiago Montoya, y presentes las mercedes de los primeros se hicieron capaces los dichos Montoyas, de los linderos que en ellas se espusan, y bien entendidos de ella dijéron que quedan satisfechos de que entre los linderos dichas dos mercedes y los de la poblazon de San Fernando no queda tierra alguna, por estar cerradas las unas con las otras, por lo que no tienen que pedir ni demandar, y á mí, dicho alcalde mayor, me consta respecto al conocimiento que tengo de las tierras comprendidas en unas y otras mercedes no quedan sobras algunas por cerrar unos linderos con otros; lo que

asenté por diligencia que firmé con das testigos de asistencia, y á ruego de Miguel y Santiago Montoya firmó Lucas Miguel de Moya, á ruego de Miguel Montoya y de Santiago Montoya.

BARTOLOMÉ FERNANDEZ.

Testigo:

LUCAS MIGUEL DE MOYA.

Testigo:

MANUEL FERNANDEZ.

Testigo:

VICENTE ARMIJO.

Señor Gobernador y Capitan-General:

Miguel Montoya y Santiago Montoya, vecinos de la villa de Albuquerque parecemos ante Usia, en toda forma de derecho y decimos, que por cuanto á Usia le pedimos los sobras del sitio del Capitan Antonio Baca y las de Salvador Jaramillo y vecinos de San Fernando del Rio Puerco, y estas hallarse comprendidas en las mercedes concedidas á los dichos y lo que queda ser sumamente corto y no podemos acomodar, por cuyo motivo suplicamos al alcalde mayor, Don Bartolomé Fernandez pasará en nuestra compañía á reconocer otro paraje que se halla desde el lindero de José Garcia, á la parte del norte, yermo y realengo, el que tiene unos ojos de agua, que con ellos podremos mantener nuestros ganados, el que registramos y á Usia suplicamos que atendiendo á nuestro primer escrito sea muy servido de concedernos en nombre de su magestad, Dios le guarde, merced del dicho sitio, siendo su lindero por el norte, un paraje en donde está situador Joaquin Mestas, por el oriente el Rio Puerco, por el poniente, una ceja que estará distante poco mas de legua; por todo lo cual y lo demas que á nuestro derecho corresponda, pues es constante no tener paraje en donde podernos mantener.

Á Usia suplicamos sea muy servido de concedernos dicha merced, que en ello recibiremos bien, y juramos no ser de malicia, &ca.

Á ruego de los suplicantes.

FELIPE TAFOYA,

Procurador.

VILLA DE SANTA FÉ, 23 de Octubre, de 1766.

En atencion á lo que estas partes tienen representado y nuevamente piden con el justo derecho que tienen á la merced que solicitan, del sitio de tierras que para su ganado mayor y menor han registrado realengo, en los confines de la provincia de Navajo y lindante con la merced real del teniente de milicias José Garcia, Yo Don Tomas Velez Cachupin, gobernador y capitan general de este reyno del Nuevo Mejico, atento á todo lo referido por las dichas partes de Miguel Montoya y Santiago Montoya, herederos de Antonio Montoya y Miguel Montoya, hermanos y padres de los dos referidos Miguel y Santiago, dije que les concedia y concedí en nombre de S. M., (Dios le guarde,) un sitio de ganado mayor, en el paraje realengo que han registrado, con las aguas y pastos que en dicho sitio se contengan, en compensacion del rancho que refieren de Abiquiu, en donde se estableció y pobló la mision de Indios de Santo Tomas, por haberlo encontrado despoblado, y dicho sitio de ganado mayor ha de tener una legua en contorno por cada viento, sin perjuicio de tercero, segun es la voluntad de su magestad, manifestada en sus soberanas reales leyes, y dentro de tres meses de la posesion deberán plantar y poner las mojoneras de los linderos que les fuesen medidos y señalados, y poblados con sus ganados; y en virtud de esta merced doy

comision al alcalde mayor de Santo Domingo y Zia, Don Bartolomé Fernandez, pase á poner en posesion de dicho sitio de ganado mayor á estas referidas partes, precediendo citacion de los vecinos colindantes que tuvieren merced real y la medida de la legua de á cinco mil varas en contorno por cada viento, de modo que quede un cuadro perfecto para sí sus herederos y sucesores, con la calidad y condicion de que no lo puedan ni deban vender á monasterio ni persona eclesiastica, bajo la pena de su nulidad, segun las reales leyes de su magestad; y dicho alcalde mayor, fecha las dichas medidas y dada la posesion real como es costumbre, dará á cada una de las dos partes el testimonio correspondiente, para que le sirva de título, en forma, y el original de todo me lo volverá para poner en el archivo de este gobierno, á donde debe constar. Y así lo proveí, concedí, y firmé, con los testigos de mi asistencia, con quienes actuo á falta de escribanos, que no los hay en esta gobernacion.

TOMAS VELEZ CACHUPIN.

Testigo :

CARLOS FERNANDEZ.

Testigo :

DOMINGO LABADIA.

En cumplimiento de lo mandado por el Señor Don Tomas Velez Cachupin, gobernador y capitán general de este reyno, yo, Don Bartolomé Fernandez, alcalde mayor y capitán á guerra de los pueblos de la nacion Querés, pasé al sitio de tierras pedidas por Miguel y Santiago Montoya y mercenadas por dicho señor gobernador, en nombre de S. M., como consta por la antecedente merced, y citando á los colindantes que son por la parte del sur José Garcia, y por el oriente la republica de los Indios de Zia, en cuyo nombre asistieron el capitán mayor de la guerra Tomas y el teniente de gobernador Antonio, y no se citáron otros respecto á que por el norte y poniente son tierras realengas. Y entendidos los ya referidos colindantes de la dicha merced dijéron que no tenian que alegar ni pedir contra ellas, en cuya virtud tomé por la mano á Miguel y Santiago Montoya, y los pasé por dicho sitio de tierras, dieron voces, Viva el rey, tiráron piedras y arrancáron sacate, en señal de posesion, la que les dí y aprendiéron quieta y pacificamente, sin contradiccion alguna, bajo las condiciones espresadas en la referida merced, y pasando hacer la medida de una legua por cada viento la hice de oriente á poniente de tres mil y cuatrocientas varas, que hay desde el Río Puercó que sirve de linderó por la parte del oriente, hasta una cuestecita que llaman la angostura, y le sirve de linderó por el poniente, y las restantes varas hasta las cinco mil por no tocar á unas milpas que suelen sembrar los Apaches de Navajo, que están por el mismo rumbo del poniente, se las completé por el rumbo de el norte, serviéndole de linderó la punta de una mesa que llaman el bosque grande y por el sur la tieras del teniente de milicias José Garcia, de modo que tiene dicho sitio de oriente á poniente tres mil y cuatrocientas varas, y de sur á norte seis mil y seiscientas. Y para que conste lo firmé en dicho sitio en veinte y nueve dias del mes de Enero de mil setecientos sesenta y siete años, con dos testigos de asistencia, á falta de escribanos que no los hay de ninguna clase en toda esta gobernacion, actuando como juez receptor, doy fé.

BARTOLOMÉ FERNANDEZ.

Testigo :

CRISTOBAL SALAZAR.

Testigo :

ALONZO GARCIA.

RAZON.

Se les dió á cada una de las dos partes el testimonio que se manda por el señor gobernador y capitán general de este reyno, y para que así conste acenté esta razon, y hago remision, devolviendo estas diligencias al superior juzgado de gobernacion, para que al señor gobernador conste la ejecucion de posesion mandada hacer por su señoria.

BARTOLOMÉ FERNANDEZ.

VILLA DE SANTA FÉ, 14 de Febrero de 1767.

Vista la posesion de merced dada por el alcalde mayor de Santo Domingo y Zia, Don Bartolomé Fernandez á las partes de Miguel y Santiago Montoya del sitio de tierras para pastos de ganados que se les concedió, la apruebo en todo su contenido y mando se ponga en el archivo de gobierno sirviéndoles de bastante título los testimonios que se las dió á las partes. Y así lo proveí, mandé y firmé, Don Tomas Velez Cachupin, gobernador general de este reyno del Nuevo Mejico.

VALEZ CACHUPIN.

Translation of muniments.

Land-grant made for pasturing live stock to Miguel and Santiago Montoya on the frontier on the Puerco and Navajo Rivers.

Year 1767.

His Excellency the Governor and Captain-General:

We, Miguel Montoya and Santiago Montoya, residents of the village of Albuquerque, appear before your excellency in due legal form and state—

That whereas, your excellency is aware that our grandfather, Captain Antonio Montoya, deceased, and our fathers Miguel Montoya and Juan Manuel Montoya, both deceased, held under legal title a house and cultivable land at the place, Santo Rosa de Abiquin, owing to whose abandonment by the people, your excellency determined to found the pueblo, now called Santo Tomas de Abiquin, at the said house and upon the said land and appurtenances, promising our father, Miguel, that he might register a tract of land in some other place to live upon; that he might ask for the same, and it would be given him in grant; and whereas, it does not appear that the said deceased ever did so, and we finding ourselves with the large families of our widowed mothers on hand, and having between the two one thousand six hundred head of small stock and eighty head of cattle, and having no place to keep the stock conveniently, for though we reside at the place Atrisco, the extent of the place is insufficient, on which account we have registered a piece of land surplusage of Captain Antonio Baca and Salvador Jaramillo, and of the settlers of the Puerco River, and which in the three directions adjoins the lands of the parties mentioned, and between the east and north faces the slope of the lands of the pueblo of Zia, distant from that pueblo somewhat more than five leagues, which land we apply for and ask your excellency to give us in grant in the name of His Majesty, (God preserve him,) with which object we request that should it be granted us and when made, the three grants of the parties be examined, so that according to the proper act of possession which was given to each of the

parties, the number of leagues granted to them, whatever be the number measured off to them, be according as their grants may call for, and we shall be satisfied) for to make a ranch as we have stated, the unappropriated land will be sufficient if your excellency should be pleased to make us the said grant, provided that firm and permanent landmarks be designated for us on the four cardinal courses.

In consideration of all which, we ask and pray your excellency be pleased to make us the grant we have asked, whereby we will receive benefit.

And we swear in due form that this our petition is not made in dissimulation, &c.

At the request of the petitioners.

FELIPE TAFOYA,
Attorney.

VILLAGE OF SANTA FÉ, *July 16, 1766.*

In consideration of what these parties represent, and in view of their right, and to enable me, with a full understanding of the case, to act in the grant they pray for, I confer upon Bartolomé Fernandez, chief alcalde of San Domingo and Zia, a commission to cite and summon the parties, Antonio Baca, Salvador Jaramillo, and the residents of the place San Fernando, together with them the petitioning parties, and cause them to exhibit their grants to the tracts of land they may hold, and examine the boundaries thereof, ascertaining whether there is any unappropriated land such as mentioned by these parties in the locality they apply for, and report to me on this point in writing, at the end of this decree; and will in a like manner report whether there is any unappropriated land of the pueblos of Zia and Santa Ana so that the proper steps may be taken accordingly.

Thus I, Tomas Velez Cachupin, governor-general of this province of New Mexico, have provided, ordered, and signed.

VELEZ CACHUPIN.

I, Bartolomé Fernandez, chief alcalde and war-captain of the jurisdiction of Santo Domingo and Zia, and of the other pueblos of the Queres nation, in obedience to the command of his excellency, Tomas Velez Cachupin, governor and captain-general, in the foregoing decree, proceeded to the tract applied for by Miguel and Santiago Montoya, and after examination, I find that, on account of the grants made to Captain Antonio Baca and Salvador Jaramillo not being adjusted to the concession of the superior decree, there is no unappropriated land remaining on which to accommodate the said petitioners, wherefore the said petitioners requested me to proceed with them to examine another piece of royal domain on the northern side of the boundary of José Garcia, which I did at their request, and where I find a sufficiency for their accommodation, without injury to any third parties.

And that it so appear, I sign this at the said village of Santa Fé, on the twenty-second day of September, in the year one thousand seven hundred and sixty-six, with two attending witnesses; to which I certify.

BARTOLOME FERNANDEZ.

Witness:

FELIPE SANDOVAL.

Witness:

MANUEL FERNANDEZ.

VILLAGE OF SANTA FÉ, *September 24, 1766.*

In view of the report made by the chief alcalde, Bartolomé Fernandez, that Antonio Baca and Salvador Jaramillo are not adjusted according to their grants, indicating by this expression that they have exceeded the same in the land they hold, I command that the said Antonio Baca and Salvador Jaramillo present themselves in this city with their grants, that I may examine the latter and make the proper provision; and, at the same time I direct that in like manner Miguel Montoya and Santiago Montoya come forward, together with the same chief alcalde, Bartolomé Fernandez, whom I commission to notify and summon to this village the said Antonio Baca and Salvador Jaramillo with their grants, and should they not appear on the day they may be summoned so to do they will be fined and punished accordingly.

And thus I, Tomas Velez Cachupin, governor-general of the province of New Mexico, have provided, ordered, and signed.

VELEZ CACHUPIN.

Witness:

CARLOS FERNANDEZ.

Witness:

DOMINGO LABADIA.

In compliance with the commands of the above decree I, Bartolomé Fernandez, proceeded to the residence of Antonio Baca, and not finding him at home, I left with his son-in-law, Francisco Trebol, the injunction that he notify the said Antonio Baca of my visit, with the object of summoning him, by order of his excellency the governor and captain-general of this province, to appear at the village of Santa Fé, with the grant to the ranch he has on the Puerco River, on the eighteenth of the current October; and I notified Salvador Jaramillo to the same effect, by a paper I addressed to him through Tomas Gurulé, a resident of the Puerco River.

And that it may so appear, I sign this on the fifth day of the month of October, one thousand seven hundred and sixty-six.

BARTOLOMÉ FERNANDEZ.

VILLAGE OF SANTA FÉ, *October 20, 1766.*

Salvador Jaramillo and Antonio Baca, having appeared and presented their grants, and I being engaged in other business, and in order not to detain either of the parties, I commissioned Bartolomé Fernandez, chief alcalde of Santo Domingo and Zia, to examine, in company with the said parties, and with Miguel and Santiago Montoya, the boundaries of the said grants, and in case it appears there is unappropriated land sufficient for a live-stock ranch, with the proper watering-places, he will report the fact to me in writing hereon.

VELEZ CACHUPIN.

On the same day, month, and year, I, Bartolomé Fernandez, chief alcalde mentioned in the foregoing decree, by virtue of the commission conferred upon me by his excellency the governor and captain-general of this province, caused to appear before me, Salvador Jaramillo, Francisco Trebol, in the name of Antonio Baca, and Miguel and Santiago Montoya, and the grants of the first being produced, the said Montoyas informed themselves of the boundaries called for by the grants; and, fully ascertaining the same, they declared themselves satisfied that between the boundaries of the said two grants and those of the settlement of

San Fernando there is no land whatever, owing to the grants closing one with the other, wherefore they have nothing to ask or demand, and I, said chief alcalde, am aware from my knowledge of the land included in the respective grants that there is no unappropriated land whatever on account of the boundaries adjoining one another.

All of which I have put in writing, which I sign with two attending witnesses, and Lucas Miguel de Moya, signed at the request of and for Miguel Montoya and Santiago Montoya, at the request of Miguel Montoya and Santiago Montoya.

LUCAS MIGUEL DE MOYA.
BARTOLOMÉ FERNANDEZ.

Witness:

MANUEL FERNANDEZ.

Witness:

VICENTE ARMIJO.

His Excellency the Governor and Captain-General:

We, Miguel Montoya and Santiago Montoya, residents of the village of Albuquerque, appear before your excellency in due legal form and represent that, whereas, we petitioned your excellency for the surpluse of the tract of Captain Antonio Baca and of Salvador Jaramillo and of the settlers of San Fernando del Rio Puerco, and the same being included in the grants made to the parties mentioned, and the portion remaining being exceedingly small, and being unable to find a sufficiency there, we therefore requested the chief alcalde, Bartolomé Fernandez, to accompany us to examine another place lying upon the northern boundary of the land of José Garcia, unsettled royal domain, having a few springs of water with which we can support our stock, and which land we register and ask that your excellency, referring to our former petition, be pleased to make to us in the name of His Majesty, (God preserve him,) a grant to the said tract, the boundaries of which are, on the south the land of José Garcia, and on the north a place on which Joaquin Mestas is located, on the east the Puerco River, and on the west a brow of a hill, distant somewhat exceeding half a league.

In consideration of all which, and in the full exercise of our rights in the premises, it being known that we have no place to support ourselves from, we pray that your excellency be pleased to make us the said grant, whereby we will receive benefit; and we declare that we act not in dissimulation, &c.

At the request of the petitioners.

FELIPE TAFOYA,
Attorney.

VILLAGE OF SANTA FÉ, *October 23, 1766.*

In consideration of what these parties have represented, and again petitioned for, under the just claim they have to the grant they ask to the tract of land which, as royal domain, they have registered for a live-stock ranch, lying on the frontier of the Navajo country, and adjoining the royal grant made to the militia-lieutenant, José Garcia:

I, Thomas Velez Cachupin, governor and captain-general of this province of New Mexico, in view of all the representations of the said parties, Miguel and Santiago Montoya, heirs of Antonio Montoya and Miguel Montoya, brothers, and fathers of the said Miguel and Santiago, declared that I would and did grant to them in the name of His Majesty, (God preserve him,) one grazing-farm, royal domain, at the place registered by them, with the water and pasturage included within the said

tract, in lieu of the ranch they refer to at Abiquiu, where the Indian mission of Santo Tomas was established and settled, the same having been found uninhabited.

And the said grazing-farm shall be one league in length on every course, saving rights of third parties, according to the will of His Majesty manifested in his sovereign decrees, and within three months from the act of possession they shall locate and establish the landmarks of the boundaries that may have been measured off and designated to them, and been occupied by their live stock; and I do under this grant commission Bartolomé Fernandez, chief alcalde of Santo Domingo and Zia, to proceed to place these parties in possession of said tract, first summoning the adjoining settlers who may have royal grants, the measurement of the league to be five thousand varas around on each course, in such manner that it will be a perfect square, for themselves, their heirs and successors, with the understanding and condition that they cannot and shall not sell the same to any monastery or any ecclesiastical party, under penalty of sale, in accordance with the royal decrees of His Majesty.

And the said chief alcalde, after the execution of the measurement, and the giving of royal possession, as is customary, will give to each of the two parties the corresponding testimonio thereof, that the same may be to them a title in due form, and he will return the original of the whole to me, to be filed among the archives of the government where it belongs.

And this I provided, grant, and sign, with my attending witnesses, with whom I act for want of notaries, of whom there are none in this jurisdiction.

TOMAS VELEZ CACHUPIN.

Witness:

CARLOS FERNANDEZ.

Witness:

DOMINGO LABADIA.

In pursuance of the command of his excellency Thomas Velez Cachupin, governor and captain-general of this province, I, Bartolomé Fernandez, chief alcalde and war-captain of the Queres nation, proceeded to the tract of land petitioned for by Miguel and Santiago Montoya, and granted by his excellency aforesaid, in the name of His Majesty, as appears from the foregoing grant, and, summoning the adjoining settlers, who are, on the south José Garcia, and on the east the community of the Indians of Zia, in whose name attended the principal war-captain, Tomas, and the lieutenant-governor, Antonio, and no others were summoned, inasmuch as on the north and the west the land is royal domain. And the adjoining settlers aforesaid, being informed of the said grant, declared that they had nothing to allege or to demand in regard to the same.

Whereupon, I took Miguel and Santiago Montoya by the hand, and led them over the said tract of land, they shouting "Long live the King!" cast stones, and plucked grass, in sign of possession, which I gave them, and which they received quietly and peaceably without any opposition whatever, under the conditions stipulated in the said grant; and, proceeding to measure off one league on each course, I measured from east to west three thousand four hundred varas, the distance from the Puerco River, which is the boundary on the east, to a small hill called the Angostura, which is the boundary on the west; and, in order not to impinge upon fields that are generally planted by the Navajo Apaches,

and which are situated toward the west, I completed the remainder of the five thousand varas on the northern side, the boundary being the point of a mesa called the Bosque Grande, and on the south the land of militia-lieutenant, José Garcia. The said tract from east to west is three thousand four hundred varas, and from south to north six thousand six hundred varas.

And that it may so appear, I sign this upon the said tract on the twenty-ninth day of the month of January, year one thousand seven hundred and sixty-seven, with two attending witnesses, for lack of notaries, of whom there is none of any kind in all this jurisdiction, I acting by appointment; to which I certify.

BARTOLOMÉ FERNANDEZ.

Witness:

CRISTOVAL SALAZAR.

Witness:

ALONZO GARCIA.

NOTE.

There was given to each one of the two parties the testimonio directed by his excellency the governor and captain-general of this province to be so furnished.

And that it may so appear, I have appended this note, and remit and return these proceedings to the superior government office, that his excellency may be advised of the execution of the possession ordered by his excellency to be given.

BARTOLOMÉ FERNANDEZ.

VILLAGE OF SANTA FÉ, *February 14, 1767.*

Having examined the possession given by Bartolomé Fernandez, chief alcalde of Santo Domingo and Zia, to the parties Miguel and Santiago Montoya, for the tract of land granted to them for the pasturage of live-stock, I do approve the same in all its parts, and direct that the same be deposited among the government archives; the testimonies which were furnished the parties being for them their sufficient title.

Thus, L. Tomas Velez Cachupin, governor-general of this province of New Mexico, provided, ordered, and signed.

VELEZ CACHU

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

SAMUEL ELLISON.

Sworn to and subscribed before me this 10th day of November, 1874.

JAMES K. PROUDFIT,
Surveyor-General.

SURVEYOR-GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, November 10, 1874.

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.

Surveyor-general's decision.

OPINION.

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

The original title-papers are a part of the official archives of this office, are in the Spanish language, and are genuine, I have no doubt. From them it appears that on the 23d day of October, 1766, Tomas Velez Cachupin, at that time governor and captain-general of New Mexico, a Spanish province, granted the land to Miguel Montoya and Santiago Montoya, on their petition duly presented, and that the grantees were legally placed in possession, in obedience to the governor's order, by Alcalde Bartolomé Fernandez on the 29th day of January, 1767, and the act of possession was approved by Governor Cachupin on the fourteenth day of February, 1767.

Having no doubt of the validity of this grant or of the good faith of present claimants, I respectfully recommend that it be confirmed by Congress to the legal representatives of the original grantees, as bounded and described in the act of possession.

I transmit complete copies of the record in triplicate.

JAMES K. PROUDFIT,
United States Surveyor-General.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. M., December 15, 1874.

Authentication of transcript.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. M., December 26, 1874.

The foregoing is a correct transcript of the papers on file in this office in private land-claim reported as number 100, in the name of Miguel Montoyo and Santiago Montoyo.

JAMES K. PROUDFIT,
United States Surveyor-General.

Transcript of land-grant to Antonio Baca, being private land-claim reported as No. 101, for land in Santa Ana County, New Mexico. Grant dated July 20, 1762. Reported by the United States Surveyor-General December 17, 1874.

Claimant's petition.

HON. JAMES K. PROUDFIT,
Surveyor-General of New Mexico:

Your petitioners, the heirs and legal representatives of Antonio Baca, now deceased, respectfully represent:

That they are the owners of a certain tract of land called Nuestra Señora de la Luz de los Lagunitas del Rio Puerco, situated in the

county of Santa Ana, in this territory, which was finally granted and decreed to him, said Baca, on the 20th day of July, 1762, by the governor and captain-general of New Mexico, then a province belonging to the Crown of Spain and pertaining to the vice-royalty of Mexico, and which land was judicially given in possession to said Baca under said decree of said governor and captain-general, on the 2d day of August, 1762, and has since remained in the quiet and peaceable proprietorship and possession of the said Antonio Baca, and those claiming under him.

That the original title-papers from the Spanish authorities constituting the said claim of your petitioners, as above set forth, have always been in the possession and custody of the government since the making of said grant and judicial decree, and are now on file in your office among the old Spanish archives therein, as will more fully appear by reference to file No. 105 of said archives, which file No. 105 your petitioners pray be taken from among said archives, and, together with the sworn translation thereof herewith accompanying, be placed with this their claim for the land therein mentioned and designated and be received and treated as the sufficient evidence of said claim.

That the body of land described and given in possession to said Antonio Baca, as aforesaid, is designated and described by limits and boundaries well known and easily found at this time, the same being set forth in said file No. 105, as follows: The first boundary was designated at the point of the high, black, table-land, looking toward the southeast, where the road from Zia to the pueblo of Laguna crosses, and the said table-land runs from the southeast to the northwest, and at its base runs the Puerco River, the said black table-land lying on the northern side of said land and river, and follows the said course from the southeast to northwest. It was ordered the second landmark be placed where the said table-land comes to a point, here commencing a wide valley and meadow on said Puerco River, forming a low hill in the center of the prairie, the boundary of the land of José Garcia, and turning from the course on the north toward the south, along the base of the Navajo Mountain, this mountain being the western side of the land aforesaid. The third landmark, placed upon a white table-land forming a bend extending in toward the said Navajo Mountain, and is the boundary of the tract of Juan Tafoya Altamirano, his live-stock tract extending thereto, according to the grant from the house of the said Juan Tafoya, and turning from the white table-land from southwest to northeast; there was ordered to be placed the fourth landmark at the Agua Salada, where there is a perforated bluff, to which also extends the land of Juan Tafoya; and it is to be noted that the land of the said Juan Tafoya lies upon the south bank of the said Agua Salada Creek, and that of Antonio Baca on the north bank, and to the said perforated rock, the land of the settlers of the place Nuestra Señora de la Lúz and San Fernando del Rio Puerco also extends, and thence the said boundary turns off to where it intersects the first boundary mentioned on the road leading from Zia to Laguna and Rock Ford.

That your petitioners cannot present at this time an accurate plat of said land, as no survey thereof has ever been made, but herewith present a sketch-map as correctly representing the same as is practicable without such prior survey, and as they are now able to prepare.

That the testimonio, or original copy of said title-papers, which appears from the certificate at the end thereof, was officially furnished said original grantee Baca, August 6, 1762, as the evidence of his title, has been lost or mislaid from the possession or the knowledge of your petitioners. Wherefore your petitioners are obliged to rely solely upon said

muniments in said file No. 105, and upon the fact of their long-continued, undisturbed ownership and possession of said land.

That the signatures borne upon said muniments of the officials acting in the case are signatures known to your office, and are genuine, and for their verification your petitioners refer to contemporary genuine documents, bearing like signatures, on file among the said old Spanish archives in your office.

Your petitioners ask that their said claim be investigated and approved, and that the same be confirmed by Congress to the heirs and legal representatives of Antonio Baca, deceased, under the treaty of Guadalupe-Hidalgo and the act of Congress of July 22, 1854, and that said land be set off and surveyed by the Government of the United States.

SAML. ELLISON,
Attorney for Claimants.

[For sketch see original.]

Muniments of title.

Año de 1762.

Autos seguidos por Antonio Baca y principiados en tiempo del gobernador interino Don Manuel Portillo Urrisola por el despojo que se le hizo de un sitio de tierras de que se le habia hecho merced en tiempo del Gobernador Don Francisco Marin, y concluidos por el señor gobernador Don Tomas Velez Cachupin.

Señor Gobernador y Capitan General :

Don Antonio Baca oriundo vecino y descendiente de los conquistadores de este reyno del Nuevo Mejico, paresco ante la grandeza de Usia en la mejor via y forma que haya lugar en derecho y digo, que por hallarme sin tierras suficientes en que poder criar, pastar y mantener mis ganados y caballos tan necesarios para la guerra continua que tenemos en este reyno contra los infieles que lo inundan, en servicio de ambas magestades sin sueldo manteniéndonos á nuestra costa de armas, caballos, municiones y víberes, y para poderlo hacer con mas facultad y prontitud en tiempo del antecesor de Usia Don Francisco Antonio Marin del Valle, registré ante su señoria un pedazo de tierra realenga, yerma y despoblada y sin dueño antes ni entonces, para poblarlo, criar mis ganados y caballos, entre los linderos por el norte con el cañon de las mesas blancas, por el sur con los pobladores del Rio Puerco, por el oriente con un serro redondo alto, y por el poniente la sierra alta donde siembran los Apaches Navajoës, de las que se me hizo merced y de orden de su señoria el alcalde mayor de Zia, que lo era Don Miguel Lucero, me dió posesion de ellas real y personal, en nombre de su majestad, en presencia de Don Bernabé Montaña, Don Bautista Montaña, Don Agustin Gallegos, Don Marcos Baca, Don José Garcia, Don Juan Tafoya, y Don Isidro Sanchez, y pasado como diez meses sin mas motibo que su querer repartió las dichas tierras de que ya yo era dueño y estaba en posesion de ellas en José Garcia, Juan Tafoya y Joaquin Mestas, y aunque yo me opose como era justo, y ocurrió ante su señoria, representando mi agrabio me estuvo entreteniendo, diciéndome me volveria á poner en posesion de las dichas tierras sin que se haya verificado, por lo que se ha de

servir Usia ampararme en la dicha posesion y hacer que desocupen las tierras referidas los mencionados José Garcia, Juan Tafoya y Joaquin Mestas, y que el alcalde mayor, Don Miguel Lucero, exhiba y me entregue la órden que recibí de sue señoria y diligencias que en virtud de ella practicó, con el acto de posesion, para que me sirva de título estando pronto como estoy en caso necesario á justificar todo lo que llevo dicho. En renglones testde. Bernabe y Bautista Montaña, Agustin. No vale. Mas testdo. Nombre no vale.

Por todo cual á Usia pido y suplico con el mas profundo rendimiento se sirva de hacer y mandar como llebo pedido que es justicia, juro esto mi escrito no ser de malicia y en lo necesario &ca.

ANTONIO BACA.

AUTO.

En la villa de Santa Fé, capital de este nuevo reyno de Mejico, en veinte y ocho dias del mes de Septiembre de mil setecientos sesenta y un años, ante mí, Don Manuel Portillo Urrisola, gobernador y capitán general de lo político y militar de este dicho reyno del Nuevo Mexico, por su magestad, se presentó esta peticion por el contenido en ella que vista por mí la hube por presentada y debia mandar y mandósele notificar al dicho Don Antonio Baca de la informacion que ofrece, citando primerero para ello á José Garcia, Juan Tafoya y Joaquin Mestas, y en primer lugar se le notifiqué á Don Miguel Lucero exhiba las diligencias que practicó para en vista de todo proveer lo que hubiere lugar en justicia. Así lo proveí, mandé y firmé actuando como juez receptor, con los testigos de mi asistencia, á falta de escribano publico ni real que no lo hay en todo el reyno, de que doy fé.

MANUEL PORTELLO URRISOLA.

BARTOLOMÉ FERNANDEZ.

JOSÉ DE BERAUN.

NOTIFICACION.

Incontinente, en dicha villa de Santa Fé, dicho dia, mes y año, yo, el dicho gobernador cité con el auto de supra, á Don Antonio de Baca en su persona que entendido de su efecto dijo lo oye y lo firmo conmigo y los testigos de mi asistencia, como dicho es doy fé.

MANUEL PORTILLO URRISOLA.

ANTONIO BACA.

Testigos:

JOSÉ DE BERAUN.

Testigo:

ANTONIO DE ARMENTA.

NOTIFICACION Y DECLARACION DE DN. MIGUEL LUCERO.

En la villa de Santa Fé, capital de este nuevo reyno de Mexico, en tres dias del mes de Octubre de mil setecientos sesenta ay un años, Ante mí, Don Manuel Partillo Urrísola, gobernador y capitán general de lo político y militar, por su magestad, en este dicho reyno pareció Don Miguel Lucero y por la cita que de él hace Don Antonio Baca en su escrito presentado, de quien recibí juramento que lo hizo por Dios nuestro señor y la señal de la Santa Cruz, si cuyo cargo prometió decir verdad en lo que supiere y fuere preguntado, y habiéndole leído el referido escrito presentado por el espresado Don Antonio Baca, dijo ser verdad, que se hallaba de alcalde mayor de Santa Ana, Cia y Jemez, el año pa-

sado de mil setecientos cincuenta y nueve por el señor gobernador que era actual Don Francisco Antonio Marin del Valle, y que recibí orden por escrito de su señoría para que pusiera en posesion de las tierras como así lo ejecutó, dándosela en nombre de su majestad (que Dios mencionadas en el escrito presentado por el dicho Don Antonio Baca, guarde) real y personal, habiendo citado para ello primero á todos los colindantes que se hallaron presentes, así los mencionados en dicho escrito como otros muchos lo que finalizado juridicamente le volvió todas las diligencias al dicho señor gobernador como su señoría se lo tenia mandado y que pasado como dos meses dicho señor gobernador, Don Francisco Antonio Marin del Valle le volvió á enviar las mismas diligencias con orden de que juntara al dicho Don Antonio Baca, Juan Tafoya, y José Garcia y les notificara como la merced que se les habia hecho en cabeza del dicho Don Antonio Baca la anulaba, y que no fabricaran ni se martuvieran en la posesion, que salieran de ella; lo que ejecutó, habiendo llevado consigo para escribiente á Ysidro Sanchez, que finalizado lo que le tenia mandado su señoría le devolvio las diligencias practicas sobre el asunto, que no sabeni ha sabido á motibo que tubo su señoría para ello, que pasado tiempo supo por haberlo oido decir que las dichas tierras mencionadas en el escrito presentado por Don Antonio Baca á posesionado de ellas de orden del dicho señor gobernador por el declarante, como lleba dicho el mismo dicho señor gobernador habia hecho merced de ellas á Jose Garcia, Juan Tafoya y Joaquin Mestas, y que de orden de su señoría Don Carlos Mirabal los habia puesto en posesion; que esto es lo que sabe y la verdad si cargo del juramento que tiene fecho en que se afirmó y ratificó, habiéndolo leído esta su declaracion dijo ser de edad de cincuenta años y que aunque le tocan las generales con Don Antonio Baca por haber estado casado con una hermana suya no par eso ha faltado á la religion del juramento; y lo firmó conmigo y los testigos de mi asistencia, actuando como juez receptor como dicho es, doy fe. En reglons. cuyo enmendado vale.

MANUEL PORTILLO URRISOLA.
MIGUEL LUCERO.

Testigo:

ANTONIO DE ARMENTA.

Testigo:

JOSE DE BERAUN.

CITACION Á JOAQUIN MESTAS.

In continenti en dicho dia mes y año, yo, el dicho gobernador, para recibir la informacion á Don Antonio Baca como ofrece y por mí esta mandado en el auto de veinte y ocho del mes proximo pasado de Septiembre, cité y hize notorio el escrito presentado por el dicho Don Antonio Baca y su proveido á Joaquin Mestas en su persona, que entendido de su efecto dijo lo oyó y que no sabe que se le hiciera merced á Don Antonio Baca de las tierras que dice en su escrito; que lo que sí sabe que el las pidió á mi antecesor Don Francisco Antonio Marin del Valle, y le hizo merced de ellas en nombre de su majestad, y que de su orden Don Carlos Mirabal lo puso en posesion de ellas; y que no sabe otra cosa; no firmó porque dijo no saber, firmelo yo, dicho gobernador, con los testigos de mi asistencia, de que doy fé.

MANUEL PORTILLO URRISOLA.

Testigo:

ANTONIO DE ARMENTA.

Testigo:

JOSÉ DE BERAUN.

CITACION Á JOSÉ GARCIA.

En la villa de Santa Fé, en tres dias del mes de Octubre de mil setecientos sesenta y un años para el efecto de recibir la informacion que ofrece Don Antonio Baca yo el dicho gobernador cite á Jose Garcia en su persona, y le hize notorio el escrito presentado por el referido Don Antonio Baca y el auto por mí proveido; que entendido; de su efecto dijo lo oye y que es verdad que se le hizo merced á Don Antonio Baca, en compañía suya de Juan Tafoya y de Eusebio Chavez de las tierras que espresa en su escrito, y que los puso en posesion de ellas de orden del señor gobernador que lo era Don Francisco Antonio Marin del Valle, el alcalde mayor de Cia, Don Miguel Lucero, que pasados como dos meses de orden del espresado señor gobernador el mismo alcalde mayor Don Miguel Lucero los desposeyó, anulando la merced hecha, y que él, en compañía de Juan Tafoya, vinieron á ver al dicho señor gobernador y les hizo merced de las tierras espresadas en dicho escrito, y que de orden de su señoría Don Carlos Mirabal los puso en posesion de ellas, y que pasado tiempo el dicho señor gobernador le hizo merced de otro pedazo de tierra contiguo á las dichas á Joaquin Mestas; que esto es lo que sabe y no otra cosa, y lo firmó conmigo y los testigos de mi asistencia como juez receptor, como dicho es, de que doy fé.

MANUEL PORTILLO URISOLA.
JOSE GARCIA.

Testigo:

JOSÉ DE BEREAUN.

Testigo:

ANTONIO DE ARMENTA.

CITACION Á DON JUAN TAFOYA Y POR EL Á SU NIETO BERNARDO MIRABAL.

En la villa de Santa Fé, en cinco dias del mes de Octubre de mil setecientos sesenta y un años, ante mí, Don Manuel Portillo Urrisola, gobernador y capitan general de lo politico y militar por su majestad de este reyno del Nuevo Mejico, pareció Bernardo Mirabal y dijo, que viene de parte de su abuelo Juan Tafoya, por hallarse en cama enfermo, el que le ha mandado viniera á oír ó responder lo que conbiniere á su derecho, que lo que hiciere dijere ó respondiере lo da por hecho como en caso necesario lo verificara por un papel que enviara bajo de su firma, y habiéndole leído el escrito presentado por Don Antonio Baca y el auto de su proveido dijo que por la facultad que su abuelo Juan Tafoya le ha dado y que ofrece traer ó enviar papel por donde conste lo oye y que es verdad y le consta que á Don Antonio Baca, de orden de mi antecesor Don Francisco Antonio Marin del Valle el alcalde mayor que lo era Don Miguel Lucero de Zia, Santa Ana y Jemez, le dió posesion de las tierras espresadas en dicho escrito, juntamente con su abuelo Juan Tafoya y José Garcia, y que pasados como dos meses, poco mas ó menos, de órden de dicho señor gobernador el mismo alcalde mayor los desposeyó y dió por nula la posesion dada y que se mantuvieron así como un año; que pasado este tiempo acudió el dicho su abuelo Juan Tafoya, en compania de José Garcia, ante su señoría á quien le pidieron las referidas tierras, de las que se les hizo merced, y de orden de su Señoría Don Carlos de Mirabal los puso en posesion de ellas; y para que conste lo puse por diligencia y no firmó porque dijo no saber, firmé lo yo

dicho gobernador con los testigos de mi asistencia, como dicho es, de que doy fe.

MANUEL PORTILLO URRISOLA.

Testigo :

ANTONIO DE ARMENTA.

Testigo :

JOSÉ DE BERAUN.

DECLARACION DE DN. BERNABE MONTAÑO.

En dicha villa de Santa Fé, en dicho dia, mes y año, ante mí dicho gobernador, para la informacion que Don Antonio Baca tiene ofrecida, presenté por testigo á Don Bernabe Montaña, á quien recibí juramento que lo hizo por Dios nuestro señor y la señal de la santa cruz, si cuyo cargo prometo decir verdad en lo que supiere y fuere preguntado y siendolo por el tenor del escrito presentado por Don Antonio Baca dijo que aunque no se halló presente como en su escrito dice Don Antonio Baca, supo de cierto que el alcalde mayor de Santa Aña, Zia y Jemez que lo hera Don Miguel Lucero de orden del señor gobernador que lo era entonces Don Francisco Antonio Marin del Valle puso en la posesion de las tierras que espresa en dicho escrito á Don Antonio Baca á Juan Tafoya José Garcia, y Eusebio Chavez que pasado como dos meses, tambien supo que de orden de dicho señor gobernador se habia recogido la merced referida y despues de pasado tiempo tambien oyó decir que el mismo señor gobernador habia vuelto á hacer merced de las referidas tierras á los dichos Juan Tafoya y José Garcia y que ultimamente tambien oyó decir que por el mes de Abril de este presente año el dicho Señor Gobernador Don Francisco Antonio Marin del Valle habia hecho otra merced de un pedazo de tierra en las mismas dichas á Joaquin de Mestas ; que esto es lo que sabe y la verdad so cargo del juramento que fecho tiene y habiendole leído esta su declaracion se ratificó en ella, dijo ser de edad de treinta y nueve años, y que aunque le tocan las generales en sanguinidad con Don Antonio Baca no por eso á faltado á la religion del juramento y lo firmó conmigo dicho gobernador y los testigos de mi asistencia actuando como dicho es, de que doy fe.

MANUEL PORTILLO URRISOLA.
BERNABEL MANUEL MONTAÑO.

Testigos :

JOSÉ DE BERAUN.

Ttgo. :

ANTONIO DE ARMENTA.

DECLARACION DE DON JUAN BAUTISTA MONTAÑO.

In continenti en dicho dia cinco de Octubre de dicho año de sesenta y uño para la informacion que esta dando Don Antonio Baca presenté por testigo á Don Juan Bautista Montaña, de quien recibí juramento que lo hizo por Dios nuestro señor y la señal de la santa cruz si cuyo cargo prometió decir verdad en lo que supiese y fuere preguntado, y siendolo al tenor del escrito que está por principio de estas diligencias, dijo ser verdad que Don Miguel Lucero que era alcalde mayor de Santa Ana, Zia y Jemez ; de orden del señor gobernador que lo era Don Francisco Antonio Marin del Valle, dió posesion de las tierras que espresa dicho escrito en su presencia á Don Antonio Baca, Juan Tafoya, José Garcia, y Eusebio Chavez ; y que despues de tiempo oyó decir el dicho señor

governador habia anulado y recogido esta merced hecha y que la habia hecho de nuevo de las mismas tierras á Juan Tafoya y José Garcia, y ultimamente á Joaquin Mestas; que esto es lo que sabe y la verdad só cargo del juramento que fecho tiene; y habiéndole leído esta su declaracion se ratificó en ella, dijo ser de edad de treinta y siete años y que aunque es pariente de Don Antonio Baca en sanguinidad aunque legos, no por eso ha faltado á la religion del juramento, y lo firmó conmigo dicho governador y los testigos de mi asistencia, como dichos es, de que doy fe.

MANUEL PORTILLO URRISOLA.
JUAN BAUTISTA MONTAÑO.

Testigos:

JOSÉ DE BERAUN.

Testigo:

ANTONIO DE ARMENTA.

DECLARACION DE AGUSTIN GALLEGOS.

En la villa de Santa Fé, capital de este nuevo reyno de Mejico, en cinco dias del mes de Octubre de mil setecientos sesenta y un años, ante mí dicho governador, para la informacion que está dando Don Antonio Baca, presentó por testigo á Agustin Gallegos, de quien recibí juramento, que lo hizo por Dios nuestro señor y la señal de la santa cruz, só cuyo cargo prometa decir verdad de lo que supiere y fuere preguntado, y siendolo al tenor del escrito que esta por principios de estas diligencias. Digo que es verdad que de órden del señor governador que lo era Don Francisco Antonio Marin del Valle, el alcalde mayor de Zia, Santa Aña y Jemez, Don Miguel Lucero, dió posesion de las tierras que en dicho escrito se espresan, en presencia, suya á Don Antonia Baca, Juan Tafoya, José Garcia, y Eusebio Chavez, y que pasado un poco de tiempo el dicho señor governador habia anulado y recogido la merced hecha y la habia vuelto á hacer de nuevo á los dichos Juan Tafoya y José Garcia y que por el mes de Abril de este presente año, dicho señor governador habia hecho merced de un pedazo de tierra en las mismas referidas á Joaquin Mestas; que no sabe otra cosa y que lo que lleva dicho es la verdad so cargo del juramento que fecho tiene; y habiéndole leído está su declaracion se ratifique en ella; dijo ser de edad de cuarenta y cinco años, y que aunque es pariente de Don Antonio Baca en sanguinidad no por eso ha faltado á la religion del juramento; no firmó porque dijo no saber, firmelo yo, dicho governador, con los testigos de mi asistencia, actuando como dicho es, doy fe.

MANUEL PORTILLO URRISOLA.

Testigos:

NICOLAS RAE DE AGUILAR.

Testigo:

JOSÉ DE BERAUN.

DECLARACION DE MARCOS BACA.

Yn continenti en dicho dia, mes y año ante mí dicho governador para la informacion que está dando Don Antonio Baca, presentó por á Dn. Marcos Baca de quien recibí juramento, que lo hizo por Dios nuestro señor y la señal de la santa cruz, so cuyo cargo prometió decir verdad de lo que supiere y fuere preguntado, y siendolo por el tenor del escrito presentado por Don Antonio Baca, dijo que lo que sabe por haberse

hallado presente es que de orden del señor Gobernador Don Francisco Antonio Marin del Valle, el alcalde mayor de Santa Aña, Zia y Jemez que lo era Don Miguel Lucero dió posesion real y personal de las tierras que en el dicho escrito se espresan, en nombre de su magestad (que Dios guarde;) á Don Antonio Baca, Eusebio Chavez, Juan Tafoya, y José Garcia que pasado tiempo como dos meses supo por haberlo oido decir que el dicho señor gobernador habia anulado y recogido la dicha merced, y que despues tambien oyo decir la habia vuelto hacer de nuevo á los dichos Juan Tafoya y José Garcia, y que ultimamente por el mes de Abril de este presente año habia oido decir que el dicho señor gobernador habia hecho merced á Joaquín Mestas de un pedazo de tierra en las mismas que espresa el dicho escrito, que no sabe otra cosa; que lo que lleva dicho que es la verdad so cargo de juramento que fecho tiene; y habiéndole leído esta su declaracion en ella se ratifico; dijo ser de edad de cuarenta y dos años, y que aunque es primo hermano de Don Antonio Baca no por eso ha faltado á la religion del juramento que fecho tiene; no firmó porque dijo no saber, firmelo yo, dicho gobernador, con los testigos de mi asistencia, actuando como dicho es, doy fe.

MANUEL PORTILLO URRISOLA.

Testigos:

NICOLAS RAEL DE AGUILAR.

Testigo:

JOSÉ DE BERAUN.

DECLARACION DE ISIDRO SANCHEZ.

En la villa de Santa Fé, capital de este nuevo reyno de Mexico, en cinco dias del mes de Octubre de mil setecientos sesenta y un años, ante mí, dicho gobernador, para la informacion que está dando Don Antonio Baca presento por testigo a Don Isidro Sanchez de quien recibí juramento que lo hizo por Dios nuestro señor y la señal de la santa cruz sí cuyo cargo prometió decir verdad, de lo que supiere y fuere preguntado, y siendolo al tenor del escrito que está por principio de estas diligencias, dijo que con ocasion de haberlo llevado en su compañía Don Miguel Lucero, alcalde mayor que lo era de Zia, Santa Ana y Jemez, se halló presente á la posesion que de orden del Señor Gobernador Don Francisco Antonio Marin del Valle dicho alcalde mayor dió de las tierras anunciadas en dicho escrito al espresado Don Antonio Baca, Juan Tafoya, José Garcia y Eusebio Chavez, cuyo acto de posesion se acentó al pie de la orden de dicho señor gobernador; por el mismo que declara y que finalizadas las diligencias sacó el testimonio el declarante de ellas de orden del dicho alcalde mayor, y autorizado por él se lo entregó al referido Don Antonio Baca; y que las diligencias originales el dicho Don Miguel Lucero se las remitió al dicho señor gobernador; que pasado como dos meses el dicho señor gobernador habia vuelto á remitir las mismas diligencias originales al dicho alcalde mayor, Don Miguel Lucero, en que le manda su señoría por un acto al pie de ellas, junto á los dichos Don Antonio Baca, Juan Tafoya, José Garcia, y Eusebio Chavez, y les notifique de su orden da por nula la merced hecha y declara á las referidas tierras por realengas; que así se ejecutó por el dicho Don Miguel Lucero, y puesta la diligencia á continuacion de las antecedentes se las volvió á remitir al dicho señor gobernador, y que pasado como un mes oyó decir que Don Carlos de Mirabal habia puesto en posesion de las tierras mencionadas, de orden de dicho Señor Gobernador Don Francisco Antonio Marin del Valle á los dichos Juan Tafoya y José Garcia, y que ultimamente tambien oyó decir que el dicho señor

governador habia hecho merced á Joaquin Mestas, por el mes de Abril de este presente año de un pedazo de tierra de las mismas mencionadas en dicho escrito; que esto es lo que sabe y la verdad sí cargo del juramento que fecho tiene, y habiéndole leído esta su declaracion se ratificó en ella, dijo ser de edad de sesenta y un años, y no tocarle las generales con ninguna de las partes y lo firmó conmigo dicho gobernador y los testigos de mi asistencia, como dicho es, doy fe. Testdo.—y—no vale.

MANUEL PORTILLO URRISOLA.
ISIDRO SANCHEZ.

Testigos:

JOSÉ DE BERAUN.

Testigo:

ANTONIO DE ARMENTA.

En la villa de Santa Fé, capital de este nuevo reyno de Mexico, en siete dias del mes de Octubre de mil setecientos sesenta y un años, yo, dicho gobernador, en vista de la informacion que antecede, dada por Don Antonio Baca, y constar por ella haberle hecho merced, en nombre de su magestad (que Dios guarde) mi antecesor Don Francisco Antonio Marin del Valle, al dicho Don Antonio Baca, en compañía de Juan Tafoya, José Garcia y Eusebio Chavez segun dice Isidro Sanchez en su declaracion, como así mismo Marcos Baca y Agustin Gallegos contestar de la misma manera, y todos ser contestes excepto el Alcalde Mayor Don Miguel Lucero, que dice que solo dió posesion al dicho Don Antonio Baca, para proceder segun derecho, y en justicia debia mandar y mandé que con citacion de las partes interesadas se remitan estos autos al asesor letrado Dn. Juan Ignacio Garcia Villegas, vecino de la villa de San Felipe el Real de Chihuahua, para con su parecer determinar lo que fuere en justicia. Así lo proveí, mandé y firmé, con los testigos de mi asistencia, actuando como juez receptor á falta de escribano público ni real que no lo hay en este reyno, de que doy fe,—entre renglones—de Chihuahua—vale.

MANUEL PORTILLO URRISOLA.

Testigo:

JOSÉ DE BERAUN.

Testigo:

MANUEL GALLEGOS.

En la villa de Santa Fé, en diez y siete dias del mes de Octubre de mil setecientos sesenta y un años, yo, Don Manuel Portillo Urrisola, gobernador y capitan-general por su magestad de lo politico y militar de este reyno del Nuevo Mejico, en virtud de lo por mí mandado en el auto que antecede, cité para la revision de estos actos al asesor letrado Don Juan Ignacio Garcia Villejas vecino de la villa de San Felipe el Real á Don Antonio Baca en su persona, que entendido de su efecto dije lo oyi y se da por citado para la remesa de estas diligencias al asesor letrado nominado. Y lo firmó conmigo y los testigos de mi asistencia, actuando como dicho es, de que doy fe.

MANUEL PORTILLO URRISOLA.
ANTONIO BACA.

Testigos:

JOSÉ DE BERAUN.

Testigo:

MANUEL GALLEGOS.

In continenti yo, dicho gobernador, cité para el efecto de la remesa de estos autos al asesor letrado á Bernardo Mirabal Nieto y apoderado de Juan Tafoya Altamirano, como consta por su carta, la que mandó se ponga en estos autos para que conste, que entendido de su efecto dijo lo oye y se da por citado; no firmó por no saber, lo firmó por el José Mares conmigo y los testigos de mi asistencia, actuando como dicho es, de que doy fe.

MANUEL PORTILLO URRISOLA.
JOSÉ MARES.

Testigo:

JOSÉ DE BERAUN.
MANUEL GALLEGOS.

In continenti yo, dicho gobernador, para la remesa de estos autos al asesor letrado cité á José Garcia, quien dijo lo oye, y lo firmó conmigo y los testigos de mi asistencia, actuando como dicho es, de que doy fe.

MANUEL PORTILLO URRISOLA.
JOSÉ GARCIA.

Testigos:

JOSÉ DE BERAUN.
MANUEL GALLEGOS.

En la villa de Santa Fé, in diesciocho dias de dicho mes de Octubre de mil setecientos sesenta y un años, yo, Don Manuel Portillo Urrisola, gobernador y capitán-general por su magestad de lo politico y militar de este reyno del Nuevo Mexico, para la remesa de estos autos á asesor letrado cité á Eusebio de Chavez en su persona, que entendido de su efecto dijo lo oye se da por citado, y que respecto á que el señor gobernador mi antecesor dió por nula la merced hecha, no se ha metido en nada, mas esto dió por su respuesta; no firmó porque dijo no saber firmelo, yo, dicho gobernador con los testigos de mi asistencia, actuando como dicho es, de que doy fe.

MANUEL PORTILLO URRISOLA.

JOSÉ DE BERAUN.
MANUEL GALLIGO.

En la villa de Santa Fé, en veinte y tres dias del mes de Octubre de mil setecientos sesenta y un años, yo, dicho gobernador para la remesa de estos autos al asesor letrado como está mandado, cité á Jose Joaquin Mestas, en su persona, que entendido de su efecto dijo lo oye y se da por citado, no firmó por decir no saber, firmé, yo, dicho gobernador con los testigos de mi asistencia, actuando como dicho es, doy fe.

MANUEL PORTILLO URRISOLA.

Testigos:

JOSÉ DE BERAUN.

Testigo:

ANTONIO DE ARMENTA.

VILLA DE SANTA FÉ, y Nobiembre 8 de 1761 años.

Se remiten estas diligencias al señor licenciado, Don Juan Ignacio Garcia Villegas, abogado de la real audiencia de Guadalajara, vecino de la villa de San Felipe el Real de Chihuahua; las que van en ocho fojas utiles y una carta de á cuarteron y lo rubrique.

[Rubrica.]

Señor Gobernador y Capitan General Don Manuel Portillo Urrisola :

MUY SEÑOR MIO : Juan Tafoya Altamirano, vecino de la Cebolleta, jurisdiccion de la laguna, ante Usia por no poder ponerme en persona por mi accidente, ante Usia conste. por estas cuatro letras, como mi hijo Bernardo de Mirabal tiene todo mi poder y facultad cuanta por derecho representare y en mi reside, representando mi propia persona, diga, alegue y defienda el sitio donde tengo posesion, que es suyo y mio, y en que para ello se liquide circunstancias á su favor, alegando lo favorable y recusando todo lo que le fuere adverso en contra nuestra tache testigos, haga juramentos y si necesario fuere apele al señor juez que fuere comisario de esta demanda y se fuere preciso á fiance costos.

B S. L. M.

De Usia quien bosa sus manos.

JUAN TAFOYA ALTAMIRANO.

Perdonará Usia que no va como debe ir si solo va por que conste.

Señor Gobernador y Capitan General :

Hecho que mensuran las presentes diligencias, segun el pedimento de Don Antonio Baca relacion que en él hace y lo que deponen los testigos examinados se reduce á que dicho Dn. Antonio ante el señor antecesor de Usia registrá por realengas unas tierras comprendidas dentro de los linderos que por los cuatro vientos generales asigna de las que se le hizo merced y en su virtud Dn. Miguel Lucero, alcalde mayor de Zia y Jemez, por orden de dicho señor gobernador, le dió de ellas posesion, en cuyo goce se hallaba cuando por nueva orden del mismo señor gobernador el referido Alcalde Lucero le notificó á dicho Baca y consortes en la merced que esta se anulaba por su Usia, con cuyo hecho y la nueva que despues hizo de la parte de tierras que en las mercenadas poseia Baca á Joaquin Mestas, quedó aquel no solo desposeido sino contra derecho violentamente despojado, sin ser antes oido y bendido por fuero y derecho cuyo violento despojo, demanda la instantanea restitucion que sin duda dictamenara si tubiera presentes las diligencias de registro y posesion que se le dió y deben parar en el archivo de Usia ó el testimonio de ellas que asienta Isidro Sanches, testigo examinado que sirvió de amanence á dicho Alcalde Lucero, sacó de su puño y letra de su orden, y autorizado se entregó á dicho Don Antonio Baca, quien no lo ha presentado, por lo que careciendo de esos documentos y fundado en la plena justificacion con citacion de dicho Mestas tiene producida Baca con los testigos examinados de la posesion que se le dió de dichas tierras soy de sentir que debe mandar se soliciten en su archivo las diligencias originales de registro y posesion de Baca, y no constando de ellas el motivo por que se anuló la merced que se le hizo calificado con su ancienza ó no pareciendo dichas diligencias mandar que de luego á luego sea restituido Baca á la posesion que de ellas antes tenia, reservandosele su derecho á salvo al actual poseedor Mestas, para que use de él como le convenga, y á dicho Baca para que lo respita contra quien deba por los atrasos y costas que le ubiere ocasionado el violento despojo así lo asiendo salvo meliori.

Villa de San Felipe el Real Enero 25 de 1762.

LICENCIADO GARCIA DE VILLEGAS.

Por mi honorario diez pesos que recibí de Dn. Santos Gutierrez.

[Rubrica.]

SANTA FÉ, 20 de Julio de 1762.

Como parece en todo al asesor, y respecto á no constar en el archivo de este gobierno la merced que se espresa ni en en poder de Antonio Baca su testimonio por haberse recogido por disposicion de mi antecesor en este gobierno, Don Francisco Marin del Valle, procedase á la restitution y posesion de las tierras de que consta se le habia hecho merced al referido Antonio Baca de que se le despojo sin justo ni legitimo título y concedió á Joaquin Mestas, á quien se la notifique desampare y salga de los términos y tierras referidas con todos sus ganados, en el término de un mes, y si hubiere hecho casa, corrales, ú otras mejoras, se avaluaran y por su justa tasacion se le pagará por el dicho Antonio Baca; y para que á este se le restablesca y ponga en nueva posesion del referido sitio de tierras doy comision bastante, y que por derecho se requiere á Dn. Bernardo de Miera y Pacheco justicia mayor que ha sido de Pecos y Galisteo quien citando á los colindantes lo pondá en ejecucion y reconocerá y examinará á los naturales gentiles pacificos de la provincia de Navajo se les perjudica é incomoda en esta posesion, para que siendo así se proceda arreglado á las leyes de que me dara cuenta el referido comisionario, y para que al referido Antonio Baca le sirva de título en forma le dará el dicho comisionario testimonio de estos autos y su original los devolverá á este archivo de gobernacion, declarando que el juez de comision deberá gozar el salario de un peso de la tierra por cada legua hasta el parage de las tierras, segun la distancia que haiga de esta villa y de mas costas; y por este auto así lo proveí, mandé y firmé yo, Dn. Tomas Velez Cachupin, gobernador y capitán general de este reino del Nuevo Mejico y castellano de su real presidio, actuando con dos testigos de asistencia á falta de escribanos que no le hay en este reyno.

TOMAS VELEZ CACHUPIN.

Testigos:

MATEO DE PEÑARREDONDA.

Testigo:

MANUEL ANTONIO LORENZ.

En este puesto de Nuestra Señora de la Luz de las Lagunitas de el Rio Puercio, en dos de Agosto de mil setecientos sesenta y dos años, yo, Don Bernardo de Miera y Pacheco, juez comisionario por el Señor Dn. Tomas Velez Cachupin, gobernador y capitán general de este reyno, junto, con los testigos de asistencia para dar cumplimiento á lo que se manda por dicho señor gobernador en este auto qe. antecede, notifiqué en su persona á Joaquin Mestas dicho auto y mandamiento quien habiéndolo oido y entendido, dijo lo oia y entendia y que obedecia dicha superior orden, y que tenia que representar á su señoría, esto dió por su respuesta, y no lo firmó por que dijo no saber, firmólo por él un hijo suyo, junto conmigo y los testigos de mi asistencia, con quienes actuo por falta de escribano publico ni real que no hay en este reyno; de todo doy fé, entre renglones govor. y capn. gl. de este reyno, val.

BERNARDO DE MIERA Y PACHECO.

Por mandado de mi padre firmé yo.

MANUEL DE MESTAS.

Testigos:

SALVADOR MARTINEZ.

Testigo:

JUAN BAUTISTA MONTAÑO.

In continenti dicho día, mes, y año, yo, dicho juez comisionario mandé á las partes que son Don Antonio Baca y Joaquin Mestas, que eligieran cada uno de por sí dos hombres de ciencia y conciencia, para que avaluaran una casa de palo y dos corrales de fagina y latas; donde vivia dicho Joaquin Mestas; y este eligió por su parte á Antonio Candelaria y dicho Antonio Baca á Juan Tafoya Altamarino, y estos despues del juramento que hicieron de obrar legalmente, segun su leal saber y entender, pasaron á tasar dicha casa y corrales, y tasaron en cincuenta pesos de las tierras; los que luego luego mandé yo dicho comisario á dicho Dn. Antonio Baca exhibiera dicha paga del referido Joaquin Mestas, el que la recibíó ante mí y los testigos de mi asistencia, con quienes actuo, como dicho es, junto con su hijo Juan Manuel Mestas; que de todo doy fe y dicho avaluadores.

BERNARDO DE MIERA Y PACHECO,
Juez Comisionario.

MANUEL DE MESTAS.

JUAN DE TAFOYA ALTAMIRANO.

A ruego y por testigo de Antonio Candelaria.

SALVADOR MARTINEZ.

Testigos:

SALVADOR MARTINEZ.

Testigo:

JUAN BAUTISTA MONTAÑO.

En dicho día, mes y año, yo, Don Bernardo de Miera y Pacheco, juez comisionario, para el cumplimiento de lo mandado por el Señor Dn. Tomas Velez Cachupin, gobernador y capitán general de este reyno, hice citar á todos los colindantes de las tierras que pertenecen á este dicho puesto de Nuestra Señora de la Luz de las Lagunitas del Rio Puerco quienes espusaron sus linderos y no hacerceles perjuicio como tampoco á los Indios Nabajoses, gentiles de paz, y estar estas tierras en el centro de los pobladores, en cuya virtud y no hallar cosa que se oponga para el cumplimiento de lo mandado, cojé de la mano á Don Antonio Baca, y en nombre de su magesta (que Dios gnarde) lo volví á poner en posesion de la merced del puesto y tierras de Nuestra Sra. de la Luz de las Lagunitas del Rio Puerco, para que él, sus herederos y sucesores lo gocen y lo pueblen segun la mente de su magestad; y para que en todo tiempo conste lo firmé con los testigos de mi asistencia, con quienes actuo, como dicho es, doy fé.

BERNARDO DE MIERA Y PACHECO,
Juez Comisionario.

Testigo:

SALVADOR MARTINEZ.

Testigo:

JUAN BAUTISTA MONTAÑO.

En tres dias del mes de Agosto de mil setecientos sesenta y dos años, yo, Don Bernardo de Miera y Pacheco, juez comisionario, por el Señor Don Tomas Velez Cachupin, gobernador y capitán general de este reyno, estando en el referido paraje de Nuestra Señora de la Luz de las Lagunitas del Rio Puerco, pasé yo, dicho comisario, con los testigos de asistencia y todos los colindantes de este dicho paraje á reconocer todos los linderos con quien lindan dichas tierras, en donde se empezó á querer medir dichas tierras y no se pudieron por ser muy quebradas, y hacer muchas mesas de peñas tajadas, sin poder subir por ellas ni á unápie, para hechar el cordel por los rumbos rectos que se requieren y haberme dicho todos así Don Antonio Baca, como dichos colindantes y otros

practicos no poderse medir por lo expresado dicho prosiguiendo con los referidos mencionados testigos y colindantes en el reconocimiento de dichos linderos se señaló el primero en la punta de la mesa alta prieta, que mira al rumbo del sudeste, por donde cruza el camino de Zia que va para el pueblo de la Laguna, y corre dicha mesa de sudoeste á noroeste, y á la falda de ella corre el Rio Puerco quedando dicha mesa prieta á la banda del norte de dichas tierras y rio, y prosiguiendo dicho rumbo de sudoeste á noroeste se mando poner la segunda mojonera, endonde hace una punta dicha mesa y sigue un valle emplayado y vega, de dicho Rio Puerco, y en mitad de ella hace un cerro bajo, y es lindero con las tierras de José Garcia, y volteando desde el rumbo del norte para el sur por la falda de la Sierra de Navajo, quedando dicha sierra de la banda del poniente de dichas tierras, mandé poner la tercera mojonera en una mesa blanca, donde hace una rinconada que entra para dicha Sierra de Navajo, y es lindero del sitio de Juan Tafoya Altamirano, que hasta allí llega el sitio de ganado mayor que reza la merced, desde la casa de dicho Juan Tafoya y volteando desde dicha mesa blanca de sudoeste á noroeste se mandó poner la cuarta mojonera en el agua salada donde esta una Peña agujerada, que hasta allí llegan tambien las tierras de dicho Juan Tafoya, y es de advertir que las tierras de dicho Juan Tafoya quedan de la banda del sur del arroyo de dicha agua salada, y las de Antonio Baca de la banda del norte, y se han de servir de dicha agua estos dos colindantes por iguales partes por ser muy escasa, y á esta dicha piedra agujerada llegan tambien los linderos de los pobladores del puesto de Nuestra Señora de la Luz y San Fernando del Rio Puerco, y de allí volteo dicho lindero hasta encontrar el primer lindero citado del camino que viene de Zia á la laguna y bado le piedra. Y para que en todo tiempo conste lo puse por diligencia lo que firmé yo, dicho juez comisionario, con los testigos de asistencia, con quienes actuo, por receptoria á falta de escribano publico ni real que no hay en este reyno, que de todo doy fé.

BERNARDO DE MIERA Y PACHECO,
Juez Comisionario.

Testigo:

SALVADOR MARTINEZ.

Testigo:

JUAN BAUTISTA MONTAÑO.

En este puesto de Nuestra Señora de la Luz de las Lagunitas del Rio Puerco de Dn. Antonio Baca, en cuatro dias del mes de Agosto de mil setecientos sesenta y dos años, yo, Don Bernardo de Miera y Pacheco, juez comisionario, por el Señor Don Tomas Veles Cachupin, gobernador y capitán-general de este reyno de la Nueva Mexico, estando ya concluidas las diligencias de lo mandado por dicho señor gobernador y capitán general mando se remitan estas diligencias insertas á los autos que anteceden, que consta todo este comulo de catorce fojas utiles, y así mismo debia de mandar y mando se saque de todo testimonio y se le entregue al Capitan Don Antonio Baca, para que le sirva de título, y para que en todo tiempo conste estar concluido lo mandado por el superior gobierno lo firmé yo, dicho juez comisionario, con los testigos de asistencia, con quienes actuo, como dicho es; doy fé.

BERNARDO DE MIERA Y PACHECO,
Juez Comisionario.

Testigo:

SALVADOR MARTINEZ.

Testigo:

JUAN BAUTISTA MONTAÑO.

Se sacó el testimonio de estos autos hoy seis de agosto de mil setecientos sesenta y dos años, y se le entregó al Capitan Don Antonio Baca, y lo firmé.

MIERA.

Translation of muniments.

Year 1762.

Proceedings had with Antonio Baca, commenced in the time of Acting Governor Manuel Portillo Urrisola, on account of his being dispossessed of a tract of land which had been granted him in the time of Governor Francisco Marin, concluded by His Excellency Governor Tomas Valez Cachupin.

To His Excellency the Governor and Captain-General :

I, Antonio Baca, a native citizen and descendant of the conquerors of this province of New Mexico, appear before your excellency in due manner and form, and state that, finding myself without sufficient land to enable me to raise pasture and maintain my herds and horses, so necessary for the continual war which, in the service of both God and the King, and without pay, we maintain in this province, with the savages overrunning the country, supplying ourselves at our own expenses with arms, horses, ammunition, and provisions, and in order to enable me to do this with greater facility and promptness, I, in the time of your excellency's predecessor, Francisco Antonio Marin del Valle, registered before his excellency a piece of land, royal domain, uncultivated and unsettled then and hitherto, without any proprietor, intending to settle the same and to breed live stock thereon, the land lying between the boundary on the north, the Mesa Blanca Canon on the south, the settlers of the Rio Puerco on the east, a high round hill, and on the west the high mountain where the Navajo Apaches cultivate, which land was granted to me, and by order of his excellency the chief alcalde of Zintzen Miguel Lucero, placed me in royal and personal possession thereof in the name of His Majesty, in the presence of Bernabé Montaña, Bautista Montaña, Agustin Gallego, Marcus Baca, José Garcia, Juan Tafoya, and Isadoro Sanchez; and about ten months thereafter, with no other motive than his own will, he distributed the said land, of which I was already the owner and in possession, among José Garcia, Juan Tafoya, and Joaquin Mestas; and although I interposed objection, and went before his excellency presenting my complaint, he put me off, saying he would again place me in possession of the land referred to, but without ever doing so.

Wherefore your excellency will please to maintain me in the said possession, and cause the aforesaid José Garcia, Juan Tafoya, and Joaquin Mestas to vacate the said land, and the chief alcalde, Miguel Lucero, to produce and deliver to me the order he received from his excellency and the papers he executed by virtue thereof, together with the act of possession, the same to be for me a title, I being, as I am, ready, whenever necessary, to substantiate all I have herein set forth.

In lines erased "Bernabé y Bautista, Montaña Agustin," not valid; other erasures, "nombre," not valid.

In consideration of all which I ask and pray your excellency, with the greatest submission, that you be pleased to do and command as I have herein requested, it being justice. I declare this my petition not to be made in dissimulation, and whatever be necessary, &c., &c.

ANTONIO BACA.

DECREE.

At the village of Santa Fé, capital of this new province of Mexico, on the twenty-eighth day of the month of September, year one thousand seven hundred and sixty-one, before me, Manuel Portillo Urrisola, civil and military governor and captain-general of this said province of New Mexico, for His Majesty, this petition was presented for consideration, and having been examined by me, I treated the same as before me, and should and do direct that the said Antonio Baca be notified to furnish the information he possesses, first citing for that object José Garcia, Juan Tafoya, and Joaquin Mestas, and in the first place Miguel Lucero to exhibit the papers he executed in order and in view of the whole to provide as justice may demand. Thus I provided, ordered, and signed, acting by appointment, with my attending witnesses for lack of a public or royal notary, there being none in all this province; to which I certify.

MANUEL PORTILLO URRISOLA.

BARTOLOMÉ FERNANDEZ.
 JOSÉ DE BERAMO.

NOTIFICATION.

Thereupon, at said village of Santa Fé, on said day, month, and year, I, said governor, cited the said Antonio Baca in person, under the above decree, who, being informed of the purpose thereof, stated that he heard the same, and he signed with me and my attending witnesses, as aforesaid; to which I certify.

MANUEL PORTILLO URRISOLA.
 ANTONIO BACA.

Witness:
 JOSÉ DE BERAMO.
 Witness:
 ANTONIO DE ARMENTA.

NOTIFICATION AND DECLARATION OF MIGUEL LUCERO.

At the village of Santa Fé, capital of this new province of Mexico, on the third day of the month of October, year one thousand seven hundred and sixty-one, before me, Manuel Portillo Urrisola, civil and military governor and captain-general for His Majesty of the said province, appeared Miguel Lucero, cited by Antonio Baca in his petition presented to me, whom I qualified, and who swore before God our Father, and upon the sign of the Holy Cross, under which oath he promised to state the truth, in so far as he may know it, and be interrogated, and having read to him the said petition presented by the aforesaid Antonio Baca, he declared that it was true; that he was chief alcalde of Santa Ana, Zia, and Jemez in the year one thousand seven hundred and fifty-nine, under his excellency the then Governor Francisco Antonio Marin del Valle; that he received a written order from his excellency to place the said Antonio Baca in possession of the land mentioned by the latter in his petition, which he accordingly did, giving royal and personal possession in the name of His Majesty, (whom God preserve,) having first summoned for the purpose all the adjoining settlers, who were all present, as were those mentioned in the said petition, as numerous others, all of which having been done in legal form, all the papers were returned to his excellency the governor aforesaid, as his excellency

had commanded be done ; that after about two months said Governor Francisco Antonio Marin del Valle returned to him the same papers, with the order to call together the said Antonio Baca, Juan Tafoya, and José Garcia, and notify them that the grant he had made in the name of the said Antonio Baca he annulled, and that they should not build or live upon the land, and to move therefrom; which order he executed, taking with him Isadoro Sanchez as his clerk ; that, having done as His Majesty had commanded, he returned to him all the proceedings had by him in the case ; that he does not know and has never known the motive actuating his excellency in the matter ; that some time afterward he learned from hearing it stated to that effect, that the said land mentioned in his petition by the said Antonio Baca, and into possession of which he was placed by the deponent under order of his excellency as aforesaid, had been granted by his excellency the governor to José Garcia, Juan Tafoya, and Joaquin Mestas, and that by order of his excellency Carlos Mirabal had placed them in possession ; and that this is what he knows, and is the truth under the oath he has taken, as he affirmed and ratified ; and having read to him this his declaration, he stated his age to be fifty years ; and although he is related to Antonio Baca, having been married to a sister of his, he had not on that account ignored the religious obligation of his oath. And he signed with me and my attending witnesses, I acting by appointment as aforesaid ; to all of which I certify ; I line amended " whose " valid.

MANUEL PORTILLO URRISOLA.
MIGUEL LUCERO.

Witness :

ANTONIO DE ARMENTA.

Witness :

JOSÉ DE BERAMO.

CITATION TO JOAQUIN MESTAS.

Immediately thereupon, on said day, month, and year, I, said governor, in order to obtain the information from Antonio Baca, which he offers and is directed by me in the decree of the twenty-eighth of the month of September last, I cited Joaquin Mestas personally and exhibited to him the petition presented by the said Antonio Baca and the decree thereupon, and he being informed of the purpose thereof, answered that he heeded the same, and that he does not know whether or not a grant was made to Antonio Baca to the land as he states in his petition, but that what he does know is that he himself petitioned for it to my predecessor, Francisco Antonio Marin del Valle, who made him a grant thereto in the name of His Majesty, by whose order Carlos Mirabal placed him in possession ; and that further he knows not ; and he did not sign this, stating that he did not know how to write, and I, said governor, signed the same with my attending witnesses ; to which I certify.

MANUEL PORTILLO URRISOLA.

Witness :

ANTONIO DE ARMENTA.

Witness :

JOSÉ DE BERAMO.

CITATION TO JOSÉ GARCIA.

At the village of Santa Fé, on the third day of the month of October, year one thousand seven hundred and sixty-one, I, said governor, with

the object of collecting the information offered by Antonia Baca, personally cited José Garcia and exhibited to him the petition presented by the said Antonio Baca, and the decree made by me, and being informed of the purpose thereof answered that he heeded the same, and that it is true that a grant was made to Antonio Baca, in company with himself, Juan Tafoya, and Eusebio Chaves, to the land referred to in his petition; that, under an order from his excellency the then governor Francisco Antonio Marin del Valle, the chief alcalde of Zia, Miguel Lucero placed them in possession of the land; that about two months thereafter, under an order from his excellency the governor aforesaid, the same chief alcalde, Miguel Lucero, ejected them, annulling the grant made; that he, together with Juan Tafoya, came to see his excellency the governor aforesaid, and that he made to them a grant of the lands mentioned in the said petition; that, by order of his excellency, Carlos Mirabal placed them in possession thereof; that some time afterward his excellency aforesaid made a grant to Joaquin Mestas to another piece of land contiguous to that in question; and that this and this only is what he knows; and he signed with me acting by appointment as aforesaid, and with my attending witnesses; to which I certify.

MANUEL PORTILLO URRISOLA.
JOSÉ GARCIA.

Witness:

JOSÉ DE BERAMO.

Witness:

ANTONIO DE ARMENTA.

CITATION TO JUAN TAFOYA, AND THROUGH HIM TO HIS GRANDSON, BERNARDO MIRABOL.

At the village of Santa Fé, on the fifth day of the month of October, year one thousand seven hundred and sixty-one, before me, Manuel Portillo Urrisola, civil and military governor and captain-general for His Majesty of this province of New Mexico, appeared Bernardo Mirabol, stating that he appeared for his grandfather, Juan Tafoya, he being confined to his bed from sickness, and having been cited to appear and hear or respond as his right might require, who acknowledged as conclusive whatever the former might do, state, or respond, and if necessary would verify the same by a paper he would transmit over his own signature; and having read to him the petition presented by Antonio Baca, and the decree thereon, he stated that under the authority that his grandfather had given and which he proposed to present or forward in writing whenever required, he heeded the same; that it is true, as he is aware, that the chief alcalde of Santa Ana Zia and Jernez Miguel Lucero, by order of my predecessor, Francisco Antonio Marin del Valle, placed Antonio Baca in possession of the land mentioned in said petition, together with his grandfather, Juan Tafoya, and José Garcia, and that about two months thereafter, somewhat more or less, the same chief alcalde, by order of his excellency the governor aforesaid, ejected them and treated as void the possession given, and that they waited thus about one year, after which time his said grandfather, in company with José Garcia, went before his excellency and solicited the land in question, a grant to which was made them, and, by order of his excellency Carlos Mirabol, placed them in possession of the land. And that it may so appear I have reduced this to writing, which he did not sign, stating

that he knew not how, and I, said governor, signed the same with my attending witnesses as aforesaid, to which I certify.

MANUEL PORTILLO URRISOLA.

Witness :

ANTONIO DE ARMENTA.

Witness :

JOSÉ DÉ BERAMO.

DECLARATION OF BERNABE MONTAÑO.

At the said village of Santa Fé, on the said day, month, and year, before me, said Governor Antonio Baca, presented Bernabe Montaña as a witness, to give in the evidence the said Baca has proposed to present, to whom I administered the oath, and which he took before God our Father and upon the sign of the Holy Cross, under which oath he promised to state the truth, in so far as he knew and might be interrogated, and being questioned as to the tenor of the petition presented by Antonio Baca, he stated that, although he was not present, as is stated by Antonio Baca in his petition, he knows positively that the chief alcalde of Santa Ana, Zia, and Jernes, then Miguel Lucero, by order of his excellency the then governor, Francisco Antonio Marni del Valle, did place Antonio Baca, Juan Tafoya, José Garcia, and Eusebio Baca, in possession of the land mentioned in the said petition; that about two months thereafter he learned that, by order of his excellency the governor aforesaid, the grant aforesaid had been withdrawn; that some time thereafter he also heard that his excellency, the said governor, had again made a grant to the same lands to the said Juan Tafoya and José Garcia; that he had also recently heard that in the month of April of the present year his excellency Francisco Antonio Marni del Valle, governor aforesaid, had made a grant to another piece of land on the identical tract in question to Joaquin de Mestas, and this is what he knows and is the truth under the obligation of the oath he has taken. And having read to him this his declaration he ratified the same, and stated his age to be thirty-nine years, and although related in consanguinity to Antonio Baca, he has not on that account ignored the sanctity of the oath, and he signed with me, said governor acting as aforesaid, and my attending witnesses, to which I certify.

MANUEL PORTILLO URRISOLA.
BERNABE MANUEL MONTAÑO.

Witness :

JOSÉ BERAMO.

Witness :

ANTONIO DE ARMENTA.

DECLARATION OF JUAN BAUTISTA MONTAÑO.

Immediately thereafter, on the said fifth day of October, in said year sixty-one, Antonio Baca presented Juan Bautista Montaña as a witness, to testify in the evidence he is now producing, to whom I administered the oath, which he took before God our Father and upon the sign of the Holy Cross, under which obligation he promised to state the truth, in so far as he might know and be interrogated, and being questioned as to the tenor of the petition found at the beginning of these proceedings, he stated that it is true that Miguel Lucero, who was chief alcalde of Santa Ana, Zia, and Jernes, did in his presence and by order of his excellency the governor, then Francisco Antonia Marni del Valle, place

Antonio Baca, Juan Tafoya, José Garcia, and Eusebio Chaves in possession of the land mentioned in said petition; that some time thereafter he heard that the said governor had annulled and withdrawn the grant made, and made the same *de novo* for the same land to Juan Tafoya and José Garcia, and recently to Joaquin Mestas, and this is what he knows, and is the truth, under the obligation of the oath he has taken; and having read to him this his declaration he ratified the same, and stated his age to be thirty-seven years, and that although a blood relation of Antonio Baca, though a distant one, he had not on that account ignored the religious obligation of his oath, and he signed with me, the said governor, and with my attending witnesses, to which I certify.

MANUEL PORTILLO URRISOLA.
JUAN BAUTISTA MONTAÑO.

Witness:

JOSÉ DE BERAMO.

Witness:

ANTONIO DE ARMENTA.

DECLARATION OF AGUSTIN GALLEGOS.

At the village of Santa Fé, capital of the new province of Mexico, on the fifth day of the month of October, year one thousand seven hundred and sixty-one, before me, the governor aforementioned, Antonio Baca presented Agustin Gallegos as a witness, to testify in the evidence he is now producing, to whom I administered the oath, which he took before God our Father and upon the sign of the Holy Cross, under which obligation he promised to state the truth, as far as he might know and be interrogated, and being questioned as to the tenor of the petition which appears at the beginning of these proceedings, he stated that it is true that by order of his excellency, the then governor, Francisco Antonio Marni del Valle, the chief alcalde of Zia, Santa Ana, and Jernes, Miguel Lucero did in his presence place Antonio Baca, Juan Tafoya, José Garcia, and Eusebio Chaves in possession of the land mentioned in the said petition; that a short time thereafter his excellency, the governor aforementioned, annulled and recalled the grant made, and made the same *de novo* to said Juan Tafoya and José Garcia; that in the month of April of the present year the said governor made a grant to a piece of land on the tract in question to Joaquin Mestas, and that further he knows not, and that what he has deposed is the truth, under the obligation of the oath he has taken. And having read to him this his declaration, he ratified the same, and stated his age to be forty-five years; and although he is a blood relation of Antonio Baca, he has not, on that account, ignored the religious obligation of this oath; and he did not sign, alleging that he knew not how, and I, said governor, acting as aforesated, signed with my attending witnesses; to which I certify.

MANUEL PORTILLO URRISOLA.

Witness:

NICOLAS RAEL DE AGUILAR.

Witness:

JOSÉ DE BERAUN.

DECLARATION OF MARCUS BACA.

Immediately thereafter, on said day, month, and year, before me, the governor aforementioned, Antonio Baca presented Marcos Baca as a witness to testify in the evidence he is now producing, to whom I adminis-

tered the oath, which he took before God our Father and upon the sign of the holy cross, under which obligation he promised to state the truth in so far as he might know and be interrogated; and, being questioned as to the tenor of the petition presented by Antonio Baca, he stated that what he knows from having been present is that, by order of his excellency Governor Francisco Antonio Marin del Valle, the chief alcalde of Santa Ana, Zia, and Jemez, then Miguel Lucero, gave, in the name of His Majesty, (God preserve him,) royal and personal possession of the land mentioned in said petition to Antonio Baca, Eusebio Chavez, Juan Tafoya, and José Garcia; that some two months afterwards he learned, from hearing it so stated, that the aforementioned governor had annulled and recalled the said grant; and he also heard it afterwards stated that he had made the grant *de novo* to the said Juan Tafoya and José Garcia; and recently he had heard it said that in the month of April of this present year the said governor had made a grant to Joaquin Mestas to a piece of land on the same tract mentioned in the said petition; that further he knows not, and that what he has stated is the truth, under the obligation of the oath he has taken. And having read to him this his declaration, he ratified the same, and stated his age to be forty-two years; and although he is a cousin of Antonio Baca, he has not for that reason ignored the religious obligation of the oath he has taken. He did not sign, alleging that he knew not how, and I, said governor, acting as aforestated, signed with my attending witnesses; to which I certify.

MANUEL PORTILLO URRISOLA.

Witness:

NICOLAS RAE DE AGUILAR.

Witness:

JOSÉ DE BERAUN.

DECLARATION OF ISODORO SANCHEZ.

At the village of Santa Fé, capital of this new province of Mexico, on the fifth day of the month of October, year one thousand seven hundred and sixty-one, before me, said Governor Antonio Baca, presented Isodoro Sanchez as a witness, to testify in the evidence he is now presenting, to whom I administered the oath which he took before God our Father and upon the sign of the holy cross, under which obligation he promised to state the truth in so far as he might know and be interrogated; and being questioned as to the tenor of the petition at the beginning of the proceedings, he answered that Miguel Lucero, then chief alcalde of Santa Ana, Zia, and Jemez, having occasion to take him with him, he was present when the possession of the land mentioned in said petition was given, by order of his excellency Governor Francisco Antonio Marin del Valle, by the said chief alcalde to the said Antonio Baca, Juan Tafoya, José Garcia, and Eusebio Chavez, which act of possession was written at the foot of the order of his excellency the governor aforesaid, by the deponent himself; that the possession being concluded the deponent made the testimonio thereof by order of the said chief alcalde, and these being authenticated by the latter, he delivered them to the said Antonio Baca, and the original the said Miguel Lucero forwarded to his excellency the governor aforesaid; that after about two months his excellency the governor returned the same original papers to the said chief alcalde, Miguel Lucero, his excellency ordering him thereon, in a decree written at the conclusion thereof, to assemble the said Antonio Baca, Juan Tafoya, José Garcia, and Eusebio Chavez, and

notify them of his order pronouncing as null the grant made, and declaring to be royal domain the lands referred to, which was accordingly done by said Miguel Lucero, and his proceeding to that effect being written at the conclusion of the preceding ones, he again transmitted the whole to his excellency the governor aforesaid; that after the lapse of about a month he heard it stated that Carlos de Mirabol had placed the said Juan Tafoya and José Garcia in possession of the lands mentioned by order of his excellency Governor Francisco Antonio Marin del Valle, aforesaid, and he has recently heard it said that his excellency, the aforesaid governor, had made a grant to Joaquin Mestas in the month of April of the present year for a piece of land on the same tract as mentioned in the said petition, and that this is what he knows, and is the truth under the obligation of the oath he has taken; and having read to him this his declaration he ratified the same, and stated his age to be sixty-one years, and that he was not affected with legal disability as a witness by connection with any of the parties, and he signed with me, said governor, with my attending witnesses as aforesaid; to which I certify.

Erased "and;" not valid.

MANUEL PORTILLO URRISOLA.
ISIDRO SANCHEZ.

Witness:

JOSÉ DE BERAUN.

Witness:

ANTONIO DE ARMENTA.

At the village of Santa Fé, capital of this new province of Mexico, on the seventh day of the month of October, year one thousand seven hundred and sixty-one, said governor, in view of the foregoing evidence presented by Antonio Baca, and it appearing therefrom that my predecessor, Francisco Antonio Marin del Valle, did make a land-grant in the name of His Majesty (God preserve him) to the said Antonio Baca in company with Juan Tafoya, José Garcia, and Eusebio Chavez, as Isidro Sanchez states in his deposition, Marcus Baca and Agustin Gallegos testifying likewise to the same effect, and all agreeing except the chief alcalde, Miguel Lucero, who states that he gave possession to Antonio Baca only in order to act within the law and with justice; directs that with citation to the parties interested these proceedings be forwarded to the attorney-general, Don Juan Ygnacio Garcia Villegos, resident of the village of San Felipe el Rael in Chihuahua, for him to decide as in his opinion may be just. Thus I provided, ordered, and signed, acting as justice by appointment, with my attending witnesses, for lack of a royal or public notary, there being none in this province; to which I certify.

Interlined "in Chihuahua;" valid.

MANUEL PORTILLO URRISOLA.

Witness:

JOSÉ DE BERAUN.

Witness:

MANUEL GALLEGO.

At the village of Santa Fé, on the seventeenth day of the month of October, year one thousand seven hundred and sixty-one, I, Manuel Portillo Urrisola, civil and military governor and captain-general, for His Majesty, of this province of New Mexico, in pursuance of what is by me ordered in the foregoing decree, and for the transmission of these

proceedings to the attorney-general, Don Juan Ygnacio Garcia Villegos, of the village of San Felipe el Rael, cited Antonio Baca in person, who being informed of the tenor hereof, answered that he heeded and acknowledged himself cited for the transmission of these proceedings to the attorney-general aforesaid. And he signed with me acting as aforesaid with my attending witnesses; to which I certify.

MANUEL PORTILLO URRISOLA.
ANTONIO BACA.

Witness:

JOSÉ DE BERAUN.

Witness:

MANUEL GALLEGOS.

Immediately thereafter I, said governor, for the purpose of forwarding these proceeding to the attorney-general, cited Bernarbo Mirabol, grandson and agent of Juan Tafoya de Altamirno, as appears from his letters, which I direct be placed with these proceedings that it may thus appear, and who being informed hereof answered that he heard and acknowledged service. He did not sign, not knowing how, and José Mares signed for him with me acting as aforesaid and with my attending witnesses; to which I certify.

MANUEL PORTILLO URRISOLA.
JOSÉ MARES.

Witness:

JOSÉ DE BERAUN.

MANUEL GALLEGOS.

Immediately thereafter I, said governor, for the transmission of these proceedings to the attorney-general, cited José Garcia, who declared that he heard, and he signed with me acting as aforesaid with my attending witnesses; to which I certify.

MANUEL PORTILLO URRISOLA.
JOSÉ GARCIA.

Witness:

JOSÉ DE BERAUN.

MANUEL GALLEGOS.

At the village of Santa Fé, on the twenty-third day of the month of October, year one thousand seven hundred and sixty-one, I, said governor, for the transmission of these proceedings to the attorney-general as is directed, personally cited José Joaquin Mestas, who being informed hereof answered that he heard and acknowledged service. He did not sign, stating he knew not how. I, said governor, acting as aforesaid, signed with my attending witnesses; to which I certify.

MANUEL PORTILLO URRISOLA.

Witness:

ANTONIO DE ARMENTA.

Witness:

JOSÉ DE BERAUN.

VILLAGE OF SANTA FÉ, *November 8th, 1761.*

These proceedings are transmitted to Don Juan Ygnacio Garcia Villegos, counselor for the royal audience Guadalajara, resident of the village of San Felipe el Rael in Chihuahua, which proceedings are contained in eight full pages, together with a letter contained of one page of a sheet, and I signed with my rubric.

[Rubric.]

To his Excellency Manuel Portillo Urrisola, Governor and Captain-General:

MY DEAR SIR: I, Juan Tafoya Altamirano, resident of Sebolleta, jurisdiction of Laguna, not being able to appear in person, owing to my illness, inform your excellency in these few lines that my son, Bernardo de Mirabol, is invested by me with full power and authority to the extent required by law and in me resides, to represent me, setting forth and alleging and defending the tract of land in my possession, and belonging to him and me, without leaving, in so doing, any favorable circumstances unnoticed, setting forth what is favorable, rejecting what is adverse and in opposition to us, to challenge witnesses, making oath, and if necessary to appeal to the honorable justice commissioned for this case, and if expedient to give security for costs.

I am your excellency's humble servant,

JUAN TAFOYA ALTAMIRANO.

Your excellency will pardon this not appearing as it should; it is sent only that it may be known.

To his Excellency the Governor and Captain-General:

The fact shown by these proceedings according to the petition of Antonio Baca, the statement therein by him made, the depositions of the witnesses examined, is reduced to this, that said Antonio, before your excellency's predecessor, registered as royal domain some lands included within the boundaries designated by him by cardinal courses, and for which a grant was made to him, by virtue of which grant Miguel Lucero, chief alcalde of Zia and Jemez, by order of his excellency the governor aforesaid, placed him in possession of the land, in the enjoyment of which he found himself when, under a new order of his excellency aforesaid, the said chief alcalde Lucero notified him, the said Baca, and his associates in the grant, that this latter was annulled by his excellency, by which proceeding and the grant he afterward made to Joaquin Mestas, to a piece of land held by Baca as included in that grant to him, the latter was not only dispossessed, but was, contrary to law, violently ejected without first being heard and defeated by due process and law, which violent dispossession demands that immediate restitution be made, which, without doubt, I would order had I before me the papers in the registry and the possession given to Baca, and which paper ought to be on file in your excellency's office, either they or their duplicate mentioned by Isidoro Sanchez, a witness examined, who served as a clerk for said Alcalde Lucero, and who, by order of the latter, made an exact duplicate, which, being authenticated, was delivered to said Antonio Baca, but which has not been presented by him, and not having before me, therefore, these documents, and resting upon full justice with the citation to the said Mestas produced by Baca, with the witnesses examined as to the possession given to him of said land, I am of the opinion that search should be ordered by your excellency among your archives for the original papers in the registry and possession of Baca, and the reason why the grant made to him was annulled not appearing upon the hearing of the parties, or the said paper not being found, then that Baca forthwith be restored to the possession he formerly held of the land, reserving to the present occupant, Mestas, his right unaffected, that he may use it as he may think proper, and the same to said Baca, that he may again exercise it against whomsoever it corresponds so to do for the damages

and costs that may have been occasioned him from the violent ejection.
Such is my opinion saving third parties. [Selo Meliori.]

Village of San Felipe el Rael, January 25th, 1762.

LICENCIA DO GARCIA DE VILLEGOS.

My fee of ten dollars I received from Santos Guteirres.

[Rubric.]

SANTA FÉ, July 20, 1762.

In accordance with opinion of the attorney-general, and the grant in question not being found among the archives of this government, and Antonio Baca not having in his possession the testimonio thereof, he having been deprived thereof by order of my predecessor in office, Francisco Antonio Marin del Valle, proceedings will commence for restoring to the said Antonio Baca, and placing him in possession of the land which it appears was granted to him, and which was without justice or legal cause taken from him and granted to Joaquin Mestas, which latter will be notified to vacate the said land and move out of the boundaries thereof, with all his live stock, within the period of one month; and should he have erected a house, corrals, or other improvements, the same shall be appraised, and, under a just valuation, he shall be paid therefor by the said Antonio Baca; and to the end that the latter may be re-established and placed again in possession of said tract of land, I confer ample commission, such as is required by law, upon Bernardo de Miera y Pacheco, formerly chief alcalde of Pecos and Galisteo, who, citing the adjoining settlers, will execute the charge; he will examine and ascertain whether the peaceable Indians of the Navajo country would be injured or inconvenienced by this grant, in order that in such case measures may be taken in pursuance of law, and in which case the said commission will report to me. And in order that this may be to the said Antonio Baca a formal title, the said commission will make for him a testimonio of these proceedings, and he will return the original thereof to this office of the government. And I declare that the justice appointed shall receive a compensation of one dollar currency of the country, for each league to the place where the land is situated, according as the distance may be from this village, together with his other costs.

Thus by this decree I, Tomas Velez Cachupin, governor and captain-general of this province of New Mexico, and castellan of the royal garrisons therein provided, ordered and signed, acting with two attending witnesses for lack of a notary, there being none in this province.

TOMAS VALEZ CACHUPIN.

Witness:

MESTES PEÑARRRE DONA.

Witness:

MANUEL ANTONIO LORENZ.

At this place, Nuestra Señora de la Luz de las Lagunitas del Rio Puerco, on the second of August, one thousand seven hundred and sixty-two, I, Bernardo de Miera y Pacheco, justice commissioned by his excellency Tomas Valez Cachupin, governor and captain-general of this province, accompanied by my attending witnesses; and in order to comply with the command of his excellency aforesaid in the foregoing decree, personally notified Joaquin Mestas of said decree and its requirements, who, having heard and understood, declared that he had

heard and understood the same, and would obey the superior command and that he would appeal to his excellency; this he gave as his answer, and did not sign, stating he knew not how. One of his sons signed for him, signing with me, together with my attending witnesses, with whom I act for lack of a public or royal notary, there being none in this province; to which I certify.

Interlined "governor and captain-general of this province." Valid.
BERNARDO DE MIERA Y PACHECO.

By direction of my father I sign.

MANUAL DE MESTAS.

Witness:

SALVADORE MARTINEZ.

Witness:

JUAN BAUTISTA MONTAÑO.

Immediately thereafter, on said day, month, and year, I, said commissioned justice, commanded the parties, these being Antonio Baca and Joaquin Mestas, to select each party by and for himself two intelligent and scrupulous men to appraise one log-house and two corrals made of brush and slats of timber where said Joaquin Mestas lived; and the latter on his part selected Antonio Candelario, and said Antonio Baca, Juan Tafoya Altamirano; and these, after taking the oath to legally act, according to the best of their understanding and ability, proceeded to value the said house and corrals, and appraised the same at fifty dollars currency of the country, which sum I, said commissioned justice, forthwith ordered the said Antonio Baca to produce and pay to said Joaquin Mestas, who received payment before me and my attending witnesses with whom I act as aforestated, also before his son Juau Manuel Mestas, and the said appraisers; to which I certify.

BERNARDO DE MIERA Y PACHECO,
Commissioned Justice.

MANUEL DE MESTAS,
JUAN TAFOYA ALTAMIRANO.

At the request of and witness for Antonio Candelario,
SALVADORE MARTINEZ.

Witness:

SALVADOR MARTINAS.

Witness:

JUAN BAUTISTA MONTAÑO.

On said day, month, and year, I, Bernardo de Miera y Pacheco, justice commissioned to carry out the order of his excellency Tomas Valez Cachupin, governor and captain-general of this province, caused to be cited all the settlers adjoining the lands of this said place, Nuestra Señora de la Luz de las Lagunitas del Rio Puerco, who recited their boundaries and stated that they would not receive injury nor would the peaceable Navajo Indians; and the land being in the midst of the settlers I therefore not finding anything to oppose the execution of my orders, took Antonio Baca by the hand, and in the name of His Majesty (God preserve him) again placed him in possession of the grant to the place and the land at Nuestra Señora de la Luz de las Lagunitas del Rio Puerco, that he, his heirs and successors, may enjoy and settle the same as is the will of his Majesty; and that it may ever so appear, I sign this

with my attending witnesses with whom I act as aforesaid; to which I certify.

BERNARDO DE MIERA Y PACHECO.

Witness :

SALVADORE MARTINEZ.

Witness :

JUAN BAUTISTA MONTAÑO.

On this third day of the month of August, year one thousand seven hundred and sixty-two, I, Bernardo de Miera y Pacheco, justice commissioned by his excellency Tomas Valez Cachupin, governor and captain-general of this province, being at the said place Nuestra Señora de la Luz de las Lagunitas del Rio Puerco, I, said commissioner, with attending witnesses, and all the adjoining settlers of said place, proceeded to examine all the boundaries adjoining the said land where it was directed to commence to measure the said land, but which could not be done on account of its roughness and of its many table lands of abrupt bluffs which could not be ascended even on foot to measure with the line in straight courses as is required, all parties having informed me, as well Antonio Baca as the adjoining settlers aforesaid and other particular individuals, that the land could not be measured for the reasons aforementioned; and, continuing the examination of the said boundaries in company with the said witnesses and adjoining settlers before named, the first one was designated at the point of the high black table-land looking toward the southeast where the road from Zia to the pueblo of Laguna crosses and the said table-land runs from the southeast to northwest, and at its base runs the Puerco River, the said black table-land lying on the northern side of the said land and river, and follows the said course from southeast to northwest. It was ordered the second landmark be placed where the said table-land comes to a point here commencing a wide valley and meadow on said Puerco River, forming a low hill in the center of the prairie, the boundary of the land of José Garcia, and turning from the course on the north toward the south along the base of the Navajo Mountain, this mountain being the western side of the land aforesaid. I caused the third landmark to be placed upon a white table-land forming a bend extending in toward the said Navajo Mountain, and is the boundary of the tract of Juan Tafoya Altamirano, his live-stock tract extending thereto according to the grant from the house of said Juan Tafoya; and turning from the white table-land from southwest to northeast, there was ordered to be placed the fourth landmark at the Agua Salada, where there is a perforated bluff to which also the land of said Juan Tafoya extends; and it is to be noted that the land of the said Juan Tafoya lies upon the south bank of the said Agua Salada Creek, and that of Antonio Baca on the north bank, and these two adjoining settlers shall have the use of the said water in equal proportions owing to its scarcity; and to the said perforated rock the land of the settlers of the place Nuestra Señora de la Luz and San Fernando de Rio Puerco also extends; and thence the said boundary turns off to where it intersects the first boundary mentioned on the road leading from Zia to Laguna and the rock ford; and that it may so appear in all time, I have put this in writing, which I, said commissioned justice, signed with attending witnesses with whom I act by appointment

for want of a public or royal notary, there being none in all this province; to which I certify

BERNARDO DE MIERA Y PACHECO,
Commissioned Justice.

Witness:

SALVADOR MARTINEZ.

Witness:

JUAN BAUTISTA MONTANE.

At this place Nuestra Señora de la Luz de las Lagunitas del Rio Puerco, on the fourth day of the month of August, year one thousand seven hundred and sixty-two, said place belonging to Antonio Baca, I, Bernardo de Miera *de Miera* y Pacheco, justice, commissioned by his excellency, Tomas Valez Cachupin, governor and captain-general of this province of New Mexico, the proceedings in writing, upon the command of his excellency the governor and captain-general aforesaid, being concluded, do order that the same appended to the foregoing decree, the whole constituting fourteen full pages, be transmitted; and I also in like manner direct that a testimonio of the whole be made and delivered to Captain Antonio Baca, to be to him a title. And that it may for all time appear that the orders of the superior government have been carried out, I, said commissioned justice, signed this with attending witnesses with whom I act as aforesaid; to which I certify.

BERNARDO DE MIERA Y PACHECO.

Witness:

SALVADOR MARTINES.

Witness:

JUAN BAUTISTA MONTANE.

A testimonio of these proceedings this sixth day of August, in the year one thousand seven hundred and sixty-two, was delivered to Captain Antonio Baca, signed by me.

MIERA.

The foregoing translation made by me is, to the best of my knowledge and belief, correct.

SAMUEL ELLISON.

Subscribed and sworn before me this November 10, 1874.

JAMES K. PROUDFIT,

United States Surveyor-General.

TRANSLATOR'S DEPARTMENT,

SURVEYOR-GENERAL'S OFFICE,

Santa Fé, New Mexico, November 10, 1874.

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

DAV. J. MILLER,

Translator.

Surveyor-general's decision.

OPINION.

This claim for land comes before me under the eighth article of the treaty of Gnadalupe-Hidalgo, and the eighth section of the act of Congress of July 22, 1854, establishing this office.

The original title-papers in the Spanish language are a part of the official archives of this office and are no doubt genuine. From them it appears that the land was granted to Antonio Baca and others, during or previous to the year 1761; that they were afterward dispossessed, ejected therefrom, and the land was given to Joaquín Mestas and others. Baca commenced proceedings in 1761, before acting governor Manuel Portillo Urrisola, to recover the land, which were concluded in 1762, by Tomas Valez Cachupin, then governor and captain-general of New Mexico, at that time a Spanish province, who, on the twentieth day of July of that year regranted the land to Antonio Baca, he (Baca) paying for certain improvements. On the second and third days of August, 1762, Baca was placed in possession of the land by Bernardo de Miera y Pacheco, a justice commissioned by Governor Cachupin for that purpose.

Having no doubt of the legality of this grant and of the good faith of the present claimants, I respectfully recommend that it be confirmed by Congress to the legal representatives of Antonio Baca, the original grantee, according to the act of possession dated August third, 1762, as to description and boundaries.

I transmit complete copies of the record in triplicate.

JAMES K. PROUDFIT,
United States Surveyor-General.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. M., Dec. 17, 1874.

Authentication of transcript.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, December 26, 1874.

The foregoing is a correct transcript of the papers on file in this office in private land-claim reported as number 101, in the name of Antonio Baca.

JAMES K. PROUDFIT,
United States Surveyor-General.

Transcript of land-grant to Antonio Urban Montañó, being private land-claim reported as No. 102, for land in Santa Fé County, New Mexico, known as the San Marcos tract. Date of grant, June 15, 1754. Reported by the United States surveyor-general, December 12, 1874.

Claimants' petition.

To Hon. JAMES K. PROUDFIT,
Surveyor-General, &c. :

Your petitioners, the legal representatives of Antonio Urban Montañó, most respectfully represent that, in the year 1754, according to the usages, laws, and customs then in force in the then province of New Mexico, now Territory of New Mexico, Governor Tomas Valez Cachupin made to said Antonio Urban Montañó a grant to a certain tract of land, situate in the present county of Santa Fé, Territory of New Mexico,

and about eighteen miles south of the city of Santa Fé, said tract being bounded on the east by two cedar trees; on the west by a small mountain, called the Chalchiguiti; on the south, a large cotton-wood tree, near the road; and on the north by some red stones in the arroyo; that said Montaña was put into juridical possession of said tract of land on the 26th day of July, A. D. 1754, by Bartolomé Fernandez, lieutenant chief alcalde, &c.; that said Montaña and his legal representatives have occupied, held, and possessed the said tract of land ever since the possession thereof was given as aforesaid.

For a more particular description of said tract and grant, your petitioners refer to the original grant thereof, and the accompanying papers.

Your petitioners, therefore, ask that said grant may be confirmed to said legal representatives of said Antonio Urban Montaña, in accordance with the laws in such case made and provided.

SAMUEL ELLISON,
Attorney for Claimants.

[For sketch, see original.]

Muniments of title.

Sr. govr. y epn.-genl. :

Antonio Urban Montaña, vecino desta villa de Santa Fé, pareco ante Va. en toda forma de derocho, y digo, señor, que tengo registrado un sitio de tierras que se halla en el medio del paraje de los serrillos y el pueblo de Galisteo, yermo y despoblado, que antiguamente era el pueblo de San Marcos, él que hé registrado por hallarme con cresida familia de mujer é hijos, y con alguna asienda de campo, y no tener sitio propio en que poderlo agostar sin dar perjuicio y no tener otro modo para poderme mantener con la dicho mi familia por lo que—

A Vsa. pido y suplico sea servido de concederme merced de dicho sitio en nombre del ney nuestro señor, que Dios guarde, siendo sus linderos por la parte del oriente el camino real que va para dicho pueblo de Galisteo, y por el poniente la falda de los serros que están entre medio de dho. paraje y el arroyo de lo de bosques, y por el norte un serrito de piedra que está en el llano, y por el sur la ceja que divide á dicho paraje y dicho arroyo de basquez quedando siempre libres los pastos y las aguas como es costumbre, pues solo pido dicho paraje para poder en propiedad labrar casa y como digo poder mantener con mi ganado menor y algunas vacas que Dios ha sido servido de darme; que en hacer Va. como lo pido recibiré merced con justicia que pido y sin ninguna malicia, y juro en toda forma este escripto; entre renglones tachado que se halla no vale.

FELIPE TAFOYA,
Procurador.

SANTA FÉ, 15 de Junio de 1754.

Habiendo por presentada esta instancia y en atencion á las razones que espresa, yo Dn. Thomas Velez Cachupin, gobernador de este reyno del Nuevo Mejico, dije que en nombre de S. Majestad (Dios le guarde) siendo realengo el sitio que pide y sin perjuicio de tercero que mejor derecho lenga, le ago la dicha merced, pero no vajo los linderos

que pide y señala, sino de los que manda la ley de treinta y tres cordeladas de á cincuenta varas por cada viento, midiéndose desde el centro donde hubiese de fabricar su casa y corrales y con la calidad de que no ha de perjudicar con sus ganados los ejidos y pastos de la caballada del real presidio, ni tampoco la pastoria de los ganados menores que para provision y mantencion de los soldados del real presidio pastan y se mantienen en aquellos parajes, pues en este caso no será válida esta Merced, y pueda ser de ningun valor ni efecto y despojado de ella, y cometo la diligencia de posesion y medidas prevenidas al Thente. de alcalde mayor de esta villa, Bartolomé Fernandez, cuyas diligencias asentará á continuacion de este auto de merced ; y conclusas las devolvirá á este gobierno, para que á la parte se le dé testimonio de todo que le servira de título en forma. Y así lo probeé y firmé, actuando con los testigos de mi asistencia, de que doy fee.

THOMAS VELEZ CACHUPIN.

THOMAS DE ALNEAR Y COLLADO.

MIGUEL DE ALIRE.

En veinte y seis dias del mes de Julio de mil setecientos cincuenta y cuatro años, yo, el Theniente Bartolomé Fernandez, en cumplimiento de lo ordenado por el Sor. Gov. Dn. Thomas Velez Cachupin, pasé al paraje de San Marcos con dos testigos, que lo fueron Miguel Thenorio de Alba y Manuel Thenorio de Alba, y así mismo el suplicante, Anto. Urbano Montaña, á ponerle en posesion de dicho sitio, en la conformidad que su majestad (Dios le guarde) el rey Ntra. Sor. Dn. Fernando Sesto se lo concede en merced al dicho Anto. Urbano Moutaña, al cual cojí de la mano y lo pasí por dicho sitio, arranco sacate, tiro piedras, dió voces diciendo, Viva el Rey Ntro. Sor., tomando posesion de dichas tierras sin contradiccion de tersero que mejor derecho tenga, con la paz y quietued que en tales casos se requiere, señalandole los linderos, que son por la parte de oriente dos sabinos, y por el poniente, re serrillo que llaman del Chalchiguiti, y por el sur, en alamo grande que está por el camino, y por el norte unas peñas coloradas que están en el arroyo ; y para que en todo tiempo coste lo firmé antuán por resetoria con los testigos de mi asistencia, y en el presente papel, por que el sellado no corre en estas partes, doy fee.

BARTOLOMÉ FRY.

Juez Receptor.

Tto. MIGUEL THENORIO DE ALBA.

Tto. MANUEL THENORIO DE ALBA.

[Endorsement.]

Filed in my office for record this 6th day of January, 1873.

SAML. ELLISON, *Clerk.*

TERRITORY OF NEW MEXICO,
County of Santa Fe :

I, the undersigned clerk of the probate court, for the county of Santa Fé, Territory aforesaid, and ex-officio recorder for said county, do hereby certify that the foregoing grant has been recorded in book letter G, pages 59 and 60; kept in my office for such purpose.

In testimony whereof I have hereunto set my hand and the seal of said court this 6th day of January, A. D. 1873.

[SEAL.]

SAML. ELLISON,
Clerk Probate Court.

Translation of muniment.

To his Excellency the Governor and Captain-General :

I, Antonio Urban Montañó, a resident of this village of Santa Fé, appear before your excellency in due form of law and say, sir, that I have registered a tract of land situate between the point of the Serrellos and the pueblo of Galisteo, which is vacant and unsettled, which was anciently the pueblo of San Marcos, which I have registered for the reason that I have a large family, consisting of my wife and children, and also some herds of stock ; and not possessing a tract of land on which to pasture said stock without committing damage, and not having other means for supporting myself, together with my said family, therefore I ask and request your excellency to be pleased to concede to me in grant the said tract of land, in the name of the King our lord, (whom may God preserve,) the boundaries thereof being, on the east, the high road leading to the said pueblo of Galisteo, and on the west by the side of the hills which are between the said point and the arroyo of Lo de Basquez, and on the north a small rocky mountain on the prairie, and on the south the ridge that divides said place from the said arroyo of Lo de Basquez, there always remaining free the pastures and waters, as is customary. I only ask for said place in order that I may in my own right build a house, and, as I have already stated, to enable me to graze my herds of sheep and goats, and some cows that God has been pleased to give me. Your excellency, in doing what I have asked, I will receive favor with justice, which I ask, and without any dissimulation, and I swear in due form to this document. (All erasures of no validity.)

FELIPE TAPOYA,
Solicitor.

SANTA FÉ, June 15th, 1754.

Having taken this document as presented, and in view of the reasons therein set forth, I, Thomas Velez Cachupin, governor of this kingdom of New Mexico, said that in the name of His Majesty, (whom may God preserve,) the tract of land asked for, it being public domain and without prejudice to any third party having a better right, do make to him said grant, but not with the limits he asks for and designates, but those designated by law of thirty-three cordels of fifty varas in each direction, measuring from the center, where he may build his house and corrals, with the understanding that he shall not damage with his herds the commons and the pasture of the horses of this royal garrison, nor the pasturage of the herds kept for the supply and support of the soldiers of the royal garrison, which are pastured and kept at those places. Should he do so, this grant shall be of no validity, and cannot be of any force and effect, and he may be ejected therefrom. And I intrust the proceedings of possession and measurement, as provided, to the lieutenant, chief alcalde of this village, Bartolomé Fernandez, which proceedings he will place in continuance of this decree of grant, and when he shall have concluded the same, he will return them to this government, in order that the party may be supplied with the certificate of all, and which will serve him as a title, in due form. Thus I provided and signed, acting with attending witnesses ; to which I certify.

TOMAS VELEZ CACHUPIN.

TOMAS DE ALVEAR Y COLLADO.
MIGUEL DE ALIRE.

On the twenty-sixth day of the month of July, in the year one thousand seven hundred and fifty-four, I, Lieutenant Bartolomé Fernandez, in compliance with the order of his excellency the governor, Tomas Velez Cachupin, proceeded to the place of San Marcos, together with two witnesses, who were Miguel Tenorio de Alba and Manuel Tenorio de Alba, as also the applicant Antonio Urbana Montaña, to place him in possession of said tract of land in conformity with the grant made by His Majesty (whom may God preserve) the King our lord, Fernando Sixth, to the said Antonio Urbano Montaña, whom I took by the hand and conducted him over said tract of land. He pulled up grass, threw stones, and shouted, saying, "Long live the King our lord!" he taking possession of said lands without contradiction of any third party having a better right thereto, peaceably and quietly, as in such cases are required, designating to him the boundaries, which are, on the east, two cedar trees; on the west, a small mountain called the Chalchiguiti, and on the south a large cotton-wood tree, near the road, and on the north some red rocks in the arroyo. And in perpetual testimony thereof, I signed this, acting by appointment, with my attending witnesses, and on the present paper, for the reason that there is no sealed paper in these parts; to which I certify.

BARTOLOMÉ FRY,
Judge by Appointment.

Witness:

MIGUEL TENORIO DE ALBA.

Witness:

MANUEL TENORIO DE ALBA.

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

SAML. ELLISON.

Sworn to and subscribed before me this 26th February, 1878.

JAMES K. PROUDFIT.

Surveyor-General.

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

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.

ANTONIO URBAN MONTAÑA.

SAN MARCOS SPRING TRACT.

MANUEL BUSTAMANTE, 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. What is your name, age, and residence?

Answer. My name is Manuel Bustamante. My age is very nearly a hundred years; how near I cannot say, as I have not with me the church certificate of my baptism, and I reside at San José de la Oienega de los Romeros, in the county of Santa Fé, at which place I have resided fifty-six years.

Question. Do you know the tract of land known as the San Marcos grant; and, if so, where is it situated, and since you have known it who have been the reputed owners of the property?

Answer. I know the place, and it is situated in this county of Santa Fé, about southwest from the city of Santa Fé. Many years ago when I desired to purchase this San Marcos spring property, I ascertained that a man then residing at Abiquiu, named Juan Antonio Ortega, had the papers in the grant, and I understood that he was the owner of the property.

Question. How did you come to understand that Ortega was the owner of the property?

Answer. I was so informed by my godfather, Juan Antonio Vigil and others.

Question. Have you ever been upon the tract in question, and do you know the boundaries of the same? If so, please state the boundaries, and please state farther whatever you may know of importance concerning this claim.

Answer. I have often. The boundaries are: On the west, the Chalchiguiti hill, and the Loma Alta or high hill; on the north the red bluffs, or Peños Coloradas; on the east the high cedars, or Sabinos Altos de Chacuaco, and on the south the Chorreras or watershed of the Galisteo creek. The reason I did not purchase the property, as I before stated I once had a desire to do, was that upon examining the tract I found that the supply of water afforded by the spring was small and inadequate. I have pastured and herded my live stock upon the tract. I do not know of any coal or mineral of any kind within the tract. I have no interest whatever in this claim for land.

his
MANUEL + BUSTAMANTE.
mark.

Sworn to and subscribed before me this February 26, 1873.

JAMES K. PROUDFIT,
Surveyor-General.

Surveyor-general's decision.

OPINION.

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

The original title-papers filed in this case are in the Spanish language, and appear to be genuine. It appears from them that the land was granted to Antonio Urban Montañó, on the 15th day of June, 1754, by Tomas Velez Cachupin, who was at that time governor and captain-general of New Mexico, a province of Spain. On the 26th day of July, 1754, the grantee was duly placed in possession of the land, by alcalde Bartolomé Fernandez, by direction of Governor Cachupin.

The grant appears to be genuine and legal, and I respectfully recom-

mend that it be confirmed by Congress to the legal representatives of the original grantee, according to the description and boundaries, as set forth in the act of possession.

I transmit complete copies of the record in triplicate.

JAMES K. PROUDFIT,
United States Surveyor-General.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, December 22, 1874.

Authentication of transcript.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, December 26, 1874.

The foregoing is a correct transcript of the papers on file in this office, in private land-claim reported as number 102, in the name of Antonio Urban Montaño.

JAMES K. PROUDFIT,
United States Surveyor-General.

Transcript of grant to Luis Jaramillo, being private land-claim reported as No. 103, for land in Santa Ana County, New Mexico. Date of grant, July 20, 1769. Reported by the United States surveyor-general December 23, 1874.

Claimants' petition.

HON. JAMES K. PROUDFIT,
Surveyor-General of New Mexico:

Your petitioners, the heirs and legal representatives of Luis Jaramillo, deceased, respectfully represent—

That they are the owners in fee of a certain tract or parcel of land, situated in the county of Santa Ana, in this Territory, bounded and described as follows: On the east, the mouth of a small valley, called Las Cañoncitas; on the west, adjoining land of Salvador Jaramillo; on the north, the close of the survey of Captain Antonio Baca; and on the south, a high mesa, called the Cosina, behind which runs the main road from the pueblo of Zia to Laguna.

That the said land was granted the said Luis Jaramillo, in the year 1769, on his petition therefor, and in consideration of his thirty-six years of active service as a soldier in the Spanish army in New Mexico, then one of the ultramarine possessions of the Crown of Spain.

That the grant for said land was made to the said Luis Jaramillo in fee by the governor and captain-general of New Mexico, on the 20th day of July, 1769, and subsequently, to wit, on the 7th day of August of the same year, was ratified and confirmed to him and his successors by the same high and sufficient authority.

That on the 14th day of August, 1769, the chief alcalde of the civil jurisdiction, then embracing the locality of said land, by authority and command of said governor and captain-general, placed the said Luis Jaramillo in full and formal possession of said tract of land, in accord-

ancé with the laws, usages, and customs of the country at that time in force, under the boundaries and limits hereinbefore set forth, now well known and easily identified.

That the original muniments of title for said land are, and always have been, in the custody and keeping of the government, and the same are now on deposit in your office among the old Spanish archives therein, as will be seen by reference to file No. 421 of said archives, which muniments in said file No. 421 your petitioners pray be taken from said file, and, together with the sworn translation thereof and the sketch map of said land accompanying this petition, be placed with this claim of your petitioners and made a part thereof.

That the said grantee, Jaramillo, and your petitioners, his successors, have always been and are now in the quiet, undisputed legal possession of said granted land, and that they know of no adverse claim for the same.

Your petitioners pray that this their claim for said tract of land be investigated and passed upon by your honor, and that the same be confirmed to the said Luis Jaramillo and his heirs and legal representatives by the Congress of the United States, under the treaty of Guadalupe Hidalgo, and the law of the United States of July 22, 1854, establishing your office.

SAML. ELLISON,
Attorney for Petitioners.

[For sketch see original.]

Muniments of title.

Año de 1769.

Merced de tierras hecha á Luis Jaramillo.

Señor Gobernador y Capitan-General :

Luis Jaramillo, cabo reformado de este real presidio, y vecino de esta villa de Santa Fé, ante Usia paresco en la mejor forma que haya lugar en derecho y digo, Señor, que por cuanto me hallo con la cantidad de mil cabezas de ganado menor y unas vacas, y estas no tener en donde mantenerlas he registrado un pedazo de tierra yermo y despoblado que está en las vertientes de Navajo, que por la parte del norte linda con tierras de Don Antonio Baca, por la del sur con las de Pedro Padilla, por el oriente con el camino que atraviesa para el pueblo de la Laguna, y por el poniente con tierras de Salvador Jaramillo, cuyo pedazo de tierra comprenderá todo el centro una legua poco mas ó menos en cuadro, por tanto á Usia pido y suplico se sirva concedermelo en nombre de S. M., que Dios guarde, atendiendo á que así mi difunto padre, como deudos han servido á Su M. en la pacificacion de este reyno, y yo de la misma suerte lo he hecho de soldado y cabo como treinta y seis años; que de hacerlo Usa. como pido recibiré merced con justicia que pido, y real auxilio que imploro, y juro no ser de malicia y en lo necesario, &ca.

LUIS JARAMILLO.

En esta villa de Santa Fé, en veinte dias del mes de Julio de mil setecientos sesenta y nueve años, se presentó la antecedente peticion por

el contenido en ella, y en su vista atendiendo á los motivos que espone y verdaderos méritos que aliga y que por ellos debe ser atendido, yo, Don Pedro Fermin de Mendinueta, del orden de Santiago, coronel de los reales ejercitos, gobernador y capitán-general de este Reyno del Nuevo Mejico, dije que concedia y de facto concedo de merced, en nombre de su magestad (que Dios guarde) al cabo de escuadra reformado Luis Jaramillo el sitio de tierras que pide bajo los linderos que espresa, y la condicion de poblarlo con sus ganados dentro del término prevenido en la ley, y de no venderlo ni enagenarlo en modo alguno á persona eclesiastica. Y doy comision bastante y cuanta por derecho se requiere y es necesaria al alcalde mayor de la Laguna, Antonio Sedillo, para que pase al sitio de tierras pedidas por Luis Jaramillo y por mi mercenadas y con citacion de todos los colindantes y presentes sus mercedes no resultando legitimo embarazo, y sin perjuicio de tercero que mejor derecho tenga, lo pondrá en posesion con las solemnidades acostumbradas, y dada que sea devolverá esta merced y su posesion para colocarlo el original en este archivo de gobierno.

Y así lo proveí, mandé y firmé con los infrascritos estigos de mi asistencia, á falta de escribanos que de ninguna clase los hay en esta gobernacion.

PEDRO FERMIN DE MENDINUETA.

MATEO DE PEÑARREDONDA.

ANTONIO MORETO.

En este puesto de Nuestra Señora de la Luz y San Fernando del Rio Puerco, en tres dias del mes de Agosto de mil setecientos sesenta y nueve años, yo, Don Antonio Sedillo, alcalde mayor y capitán á guerra de los pueblos de Acoma, Laguna, y Zuñi, en virtud y obediencia de la comision que se me concede en la merced expedida que antecede, por el señor gobernador de este reyno, dada á el cabo de escuadra reformado Luis Jaramillo, y para su mayor cumplimiento de lo que se me ordena, hice comparecer á todos los colindantes con sus mercedes, a dicho sitio, los que todos concurrieron á este dicho puesto, con sus instrumentos menos Don Antonio Baca, quien escribe no tener la merced de su sitio en su casa por tenerla su hijo en la villa, y habiendo determinado pasar al referido sitio á dar la posesion comparecieron ante mí todos los vecinos de este dicho puesto de San Fernando con un escrito pidiendo y suplicando detuviese suspendiendo el dar la posesion hasta tanto pasaban al superior gobierno para que en vista de su representacion determinase su señoria lo que fuere de justicia, para cuyo motivo suspendí, esperando su determinacion; y para que conste lo puse todo por diligencia, remitiendo estas diligencias con el escrito adjunto del dicho superior gobierno, y lo firme con los testigos de mi asistencia, con quienes actuo como juez receptor, por la notoria falta de escribano público ni real que no hay en este reyno; que de todo doy fe.

ANTONIO SEDILLO.

Testigo:

BERNARDO DE MIERA y PACHECO.

Testigo:

JOSÉ ANTONIO CASTELO.

Señor alcalde mayor y capitán á guerra, Don Antonio Sedillo, y juez comisionario:

Todos los vecinos de esta nueva poblacion de Nuestra Señora de la Luz, San Fernando y San Blas del Rio Puerco, parecemos ante Vd. y decimos, señor, y suplicamos á Vd. se sirva de suspender la posesion que

se le mande dar por el señor gobernador al cabo reformado Señor Don Luis Jaramillo, pues por la misma razon del auto proveido de su señoría en que manda se le haga merced y meta en posesion á dicho Señor Jaramillo, sin perjuicio de terceros que mayor derecho tengan, y acareciendosenos á nosotros no solo grande daño pero hasta el vivir se nos priva pues es verifíco y patente que ha muchos años que estamos posellendo estas inmediaciones con nuestras haciendas, puestos, ranchos y corrales, y no tener total otra agua permanente donde alojarnos, como tambien tenemos nuestras labores en esas inmediaciones que dicho Señor Jaramillo pide—

A Vd. pedimos y suplicamos sea muy servido de suspender la posesion hasta que compariscamos ante su señoría á quien prometemos mostrarle todas nuestras necesidades y trabajos, para que en su vista de su señoría determine sobre nosotros lo que hallare de justicia; que á todo estamos obedientes y prontos a su mandado, y no siendo de malicia este nuestro pedimento á Vd. juramos lo necesario, &a.

ANTONIO MONTAÑO.
 MARCOS BACA.
 JOSÉ DE JESUS MONTAÑO.
 ANTONIO DURAN.
 FELIPE BACA.
 JUAN CONDELARIA.
 JOSÉ ANTONIO CASTELO.
 TOMAS GARULE.
 AGUSTIN GALLEGOS.
 MARIANO GALLEGOS.
 JUAN BAUTISTA MONTAÑO.

En este puesto de Nuestra Señora de la Luz y San Fernando del Rio Puerco, ante mí Don Antonio Sedillo, alcalde mayor y capitán á guerra de los pueblos de Acoma, Laguna y Zuñi, y juez comisionario por el superior gobierno, se presentaron los contenidos firmados en el pedimento que antecede, en cuya vista debía mandar y mando se suspenda la posesion hasta tanto que el señor gobernador y capitán general de este reyno determine lo que mas convenga; y para que conste lo firmé en este dicho puesto de San Fernando, en tres dias del mes de Agosto de mil setecientos sesenta y nueve años, actuando como juez receptor por la notoria falta de escribano público y real que no hay en este reyno, con los testigos de asistencia, que de todo doy fe.

ANTONIO SEDILLO.

Testigo :

BERNARDO DE MIERA Y PACHECO.

Testigo :

JOSÉ ANTONIO CASTELO.

Señor Gobernador y Capitan General :

Todos los vecinos de esta nueva poblazon de Nuestra Señora de la Luz, San Fernando y San Blas del Rio Puerco, unánimes y conformes atentos á la reclusion que padecemos y perjuicios que anualmente se nos recrecen, sin tener á nuestro favor mas que sumos incontinuos quebrantos, por lo tanto ante la supereoridad de Usia parecemos en la mejor forma que haiga lugar á derecho y á nuestro favor convenga y decimos, señor, que desde el año de mil setecientos cincuenta y tres estamos posellendo este sitio con el título arriba espresado, en cuyo tiempo, señor, no habitaba nadie ni conocian esto paramos, pues todos hullian de este lugar por el

mucho riesgo de los enemigos que habia, y en la ocasion tuvimos de redicarnos en lo peor del supra dicho paraje, por atajar el puesto y camino á los enemigos, dejando el centro de este nuestro sitio para poder mantener nuestras haciendas con algun modo de soltura y dejar la agua permanente que en dicho sitio tenemos para nuestras necesidades; que continuamente las padecemos pues pudieramos haberlonos poblado á la parte del poniente, que es á donde está la agua permanente, y no estar padeciendo en este terreno sin agua, como es verifíco y patente, que en ocasiones ni para beber la hallamos; pues con la exitatiba consideracion de Usia conocerá que si se pueblan en esas inmediaciones de esta dicha agua que damos total á perecer, por cuyo motivo habiendosenos hecho notificacion, pored alcalde mayor y juez comisionario, Dn. Antonio Sedillo, de un auto proveido de Usia en que manda se la dé posesion, sin perjuicio de tercero, al cabo reformado Señor Don Luis Jaramillo, suplicamos á dicho señor alcalde se contuviera hasta comparecer ante la grandesa de Usia con el mayor rendimiento, en vista del reconocimiento de nuestra merced y proveido á nuestro favor, cuyos instrumentos representamos á Usia para su inteligencia, pues habiendo hecho representacion aute los antecesores de Usia, adelante el Señor Don Francisco Antonio Marin del Valle, gobernador que fué de este reyno, segundo pedimento hicimos á Señor Don Tomas Velez Cachupin, gobernador captain-general que fué de este reyno, y habiendonos dejado con nuestros linderos libres, los que menciona nuestra merced y le pusimos en nuestro pedimento, patentes por todo lo cual—

A Usia pedimos y suplicamos con el mas profundo rendimiento sea muy servido de proveer, mandar y determinar, como pedimos si lo hallare por de justicia, que nuestros linderos queden libres sin aditamiento de leguas, pues en el auto de merced no consta el que nos arreglemos á leguas como el Señor Alcalde Mayor Don Antonio Baca, que nos metió en posesion las menciona, que en mandar hacer como pedimos recibiremos gran bien y merced, con justicia que pedimos, y juramos no ser de malicia y en lo necesario, &ca.

ANTONIO MONTAÑO.
 MARCOS BACA.
 TOMAS GURULE.
 JOSÉ ANTONIO CASTELO.
 JOSÉ DE JESUS MONTAÑO.
 MARIANO GALLEGOS.
 FELIPE BACA.
 ANTONIO CANDELARIA.
 ANTONIO DURAN.
 Argo. AGUSTIN GALLEGOS.
 JUAN BAUTISTA MONTAÑO.

En esta villa de Santa Fé, en siete dias delmes de Agosto, año de mil setecientos sesenta y nueve, se presentó la antecedente peticion por los contenidos en ella, la que por mi vista juntamente con la que presentaron el alcalde mayor, Antonio Sedillo, que dió motivo á la suspension de la posesion de la merced de tierras dada por mí en nombre de su magestad, al cabo de escuadra reformado Luis Jaramillo, como tambien de la merced dada por mí antecesor Don Tomas Velez Cachupin, á estos mismos pobladores del sitio de Nuestra Señora de la Luz, San Fernando y San Blas del Rio Puerco, y su posesion dada en virtud de comision por Don Antonio Baca y aprobada por mi dicho antecesor, como tambien el pedimento hecho por Juan Bautista Montañó de estas mismas tierras ahora mercenadas, suponiendo las sobras de la posesion

del dicho Antonio Baca, quien con documentos y razones convenció no serlo; por lo cual se apartó el dicho Montañó de su pretencion, y vistas tambien las diligencias que de mi órden practicó el Alcalde Mayor Don Bartolomé Fernandes, en virtud de pedimento de los mismos vecinos de la espresada poblacion de Nuestra Señora de la Luz, San Fernando y San Blas, por las que se verifica lo malicioso de su pedido, á las que me remito, en cuya determinacion fueron los espresados vecinos penados en los derechos del comisionado dicho alcalde mayor y cominados para que no reincidiesen en tan injustos pedimentos, en atencion á todo lo dicho y que nuebamente pretenden impedir la posesion de las tierras por mi mercenadas al mencionado Luis Jaramillo, reincidiendo en su injusta pretencion, pidiendo que su merced no se entienda por leguas sino por los linderos nominados en su posesion, lo que no solo no es admisible sino reprehensible y digno de severo castigo así por estar aprobada la diligencia de posesion dada á dichos vecinos por mi dicho antecesor, en la que se especifican no solo los linderos sino las leguas á las que se debe estar sino porque conociendo los ya dichos que las leguas no pueden tener mas estencion que la que permite su mensura y los linderos señalados á discrecion del comisionado pueden tener y de facto tienen escibida estencion, como se verificó en el del sur de dicha poblacion, pues espresándose en ella por lindero el Serro Colorado, y que habrá como dos leguas, se verificó en las diligencias que practicó el Alcalde Mayor Don Francisco Trebol Navarro, en la posesion que de mi orden dió á los vecinos de Atrisco, por la que consta distar dicho serro de la enunciada poblacion dilatadissima distancia, necia y maliciosamente testaron en el testimonio de merced y posesion todos los lugares en que mencionaba leguas constantes en el original y por la espresion hecha por Juan Bautista Montañó ante el supra dicho alcalde mayor, en el auto de la citada posesion dada á los vecinos de Atrisco, de que dichas tachaciones las hizo mi referido antecesor, mando se libre orden para que comparezca en este mi juzgado el referido Montañó por ser increíble tal hiciese así, porque dicho testimonio fué sacado en tiempo de mi antecesor Don Francisco Antonio Marin del Valle, él que ha parado siempre en poder de dichos vecinos, como porque si hubiera tachado el original, y en caso que quisiera ampliar hasta los linderos nominado lo hiciera en debida forma y no inutilizando el instrumento el que mandó quede en este archivo para que en todo tiempo conste. Por todo lo cual yo, Don Pedro Fermín de Mendiúeta, del orden de Santiago, coronel de los reales ejércitos, gobernador y capitan general de este reyno del Nuevo Mejico, mando al ya comisionado Alcalde Mayor Antonio Sedillo, pase á la poblacion de Nuestra Señora de la Luz, San Fernando y San Blas, y desde el sitio elegido para su situacion mida legua y media por el poniente y en su remate ponga mojonera y haga saber á sus vecinos que hasta allí llega su pertinencia y no mas por aquel rumbo, y no habiendo oposicion por alguna otra parte de los colindantes meterá en posesion á Luis Jaramillo de la tierra por mí mercenada, y en la misma diligencia de posesion deberá declarar si desde el remate de la legua y media perteneciente á los dichos vecinos hasta el camino que va de Zia para la Laguna queda algun intermedio, y cuanto, y el trabajo de la referida medáda de la legua y media deberán pagar dichos vecinos al comisionado Sedillo, y fecho todo me dará cuenta con todo. Y así lo proví, mandé y firmé con los infrascritos testigos de mi asistencia, con

quienes actuo á falta de escribanos que de ninguna clase los hay en esta gobernacion.

PEDRO FERMIN DE MENDINUTEA.

MATEO DE PEÑARRREDONDA.

ANTONIO MORETO.

En esta poblazon de Nuestra Señora de la Luz San Fernando y San Blas, en catorce dias del mes de Agosto del presente año de mil setecientos sesenta y nueve, pareció presente ante mí Antonio Sedillo, alcalde mayor y capitán á guerra de la jurisdiccion de la Laguna, Acoma y Zuñi, el cabo de escuadra reformado de este real precidio, Luis Jaramillo, con la merced de tierras que antecede dada por el Señor Don Pedro Fermin de Mendinueta, caballero del orden de Santiago, coronel de los reales ejercitos, gobernador y capitán general de este reyno, castellano de sus reales fuerzas y precidios por su magestad, que Dios guarde, y atento á lo que su señoria manda en su decreto, pasé luego á notificarle á los vecinos de la referida poblazon, lo que su señoria manda, y habiendo selos hecho notorio respondieron quedar muy conformes en lo dispuesto por su señoria, por lo que en cumplimiento de mi obligacion, medí un cordel de cincuenta varas castellanas, de á cuatro cuartas, y acompañado del Teniente Juan Bautista Montaña y José de Jesus, y dos testigos de mi asistencia, que lo fueron Don Carlos Mirabal y Salvador Jaramillo, pasé á medirles la legua y media—que se hecharon ciento y cincuenta cordeladas, que componen siete mil y quientas varas, y quedó por el mismo rumbo mil varas realengas, de allí pasé á meter en posesion al espresado Luis Jaramillo al paraje mencionado el agua salada, donde me paré en el centro del sitio, y en nombre de su majestad, que Dios guarde, le dí la real posesion, cojiendole de la mano y paseandole por las tierras, arrancó sacate, tiró piedras, y todos á una vez dijimos, Viva, viva el rey mi señor, señalándole sus linderos que son por el oriente la puerta de una cañada que le llaman los cañoncitos, por el poniente linda con tierras de Salvador Jaramillo, y por el norte con el remate de medidas del Capitan Don Antonio Baca, por el sur una mesa alta, que atrás de ella va el camino real del pueblo de Zia para la laguna que llaman la Cocina. Y para que conste lo firmé dicho dia, mes y año, con los testigos mencionados de mi asistencia, de que doy fe.

ANTONIO SEDILLO,

Juez Receptor.

Testigo:

CARLOS MIRABAL.

SALVADOR JARAMILLO.

Translation of muniments.

Year 1769.

Grant of land to Luis Jaramillo.

His Excellency the Governour and Captain-General :

I, Luis Jaramillo, discharged corporal of this royal garrison, and resident of this village of Santa Fé, appear before your excellency in due legal form, and state, sir, that whereas I have one thousand head of small stock and a few cows, and having no place to keep them, I have

registered a piece of land, uncultivated and unsettled, situated on the slope of the Navajo country, and which is bounded on the north by the land of Antonio Baca, and on the south by the land of Pedro Padilla, on the east by the road crossing the place leading to the pueblo of Laguna, and on the west by the land of Salvador Jaramillo, and which piece of land consists of one league square, a little more or less.

I ask and pray that your excellency be pleased to grant the same to me, in the name of His Majesty, (who, may God preserve,) bearing in mind that my deceased father and relations have served His Majesty in the pacification of this province, and that I have in like manner done the same for about thirty-six years as a soldier and corporal; and by your excellency's doing as I have requested, I will receive the favor and justice that I seek and the royal aid I implore, and I declare that I act not in dissimulation, and whatever is necessary, &c.

LUIS JARAMILLO.

At this village of Santa Fé, on the twentieth day of the month of July, in the year one thousand seven hundred and sixty-nine, the foregoing petition was presented by the party therein named, and in view of the same, and in consideration of the statements he sets forth, the arguments he alleges, and his well-known merits, for which he should be heard, I, Pedro Fermín, de Mendinueta, of the Order of Santiago, colonel of the royal armies, governor and captain-general of this province of New Mexico, declared that I would make, and I do *de facto* make, a grant in the name of His Majesty (God preserve him) to Luis Jaramillo, discharged corporal, for the tract of land he applies for, with the boundaries he mentions, and under the condition that he shall occupy it with his live stock within the time prescribed by law, and that he shall not in any manner sell or alienate the same to any ecclesiastical person. And I confer authority, full and such as by law is required and is necessary, upon Antonio Sedillo, chief alcalde of Laguna, to proceed to the tract of land applied for by Luis Jaramillo, and by me granted, and, summoning all the adjoining settlers with their grants being present, and no legal impediment presenting itself, and without injury to any third party having a better right, he place this party in possession with the customary formalities, and the act of possession being executed he will return this grant and the act of possession given under the same to be filed as originals among the archives of this government. Thus I have provided, ordered, and signed, with the undersigned witnesses in my attendance for lack of notaries, of which there are none in this jurisdiction.

PEDRO FERMIN DE MENDINUETA.

MATRO DE PEÑANDONDA.

ANTONIO MORETO.

At this place, Nuestra Señora de la Luz and San Fernando del Rio Puerco, on the third day of the month of August, in the year one thousand seven hundred and sixty-nine, I, Antonio Sedillo, chief alcalde and war-captain of the pueblos of Acama, Laguna, and Zuñi, by virtue of and in obedience to the commission conferred upon me in the foregoing grant made by his excellency the governor of this province to the discharged corporal, Luis Jaramillo, and in order to fully execute my orders, caused all the adjoining settlers to appear at said tract with their grants; all of whom presented themselves with their papers except Antonio Baca, who writes that he has not the grant to his tract at home; that his son has it at Santa Fé. Having determined to pro-

ceed to the said tract of land to execute the said act of possession, all the settlers of the said place, San Fernando, appeared before me with a petition asking and praying me to suspend the act of possession until they could communicate with the superior government and have his excellency, in view of their representations, decide upon the justice of the case; wherefore I so suspended, awaiting that decision; and that it may so appear, I reduced this to writing and remitted the whole, together with the annexed petition, to the superior government aforesaid, and I have signed this, together with my attending witnesses, with whom I act as special justice, for the known lack of a public or royal notary, there being none in this province; to all of which I certify.

ANTONIO SEDILLO.

Witness :

BERNARDO DE MIRZA Y PACHECO.

Witness :

JOSÉ ANTONIO CASTELO.

To Antonio Sedillo, Chief Alcalde and War-Captain and Commissioned Justice :

We, all the residents of the new settlement of Nuestro Señora de la Luz, San Fernando, and San Blas del Río Puerco, appear before you and state, sir, and request that you be pleased to suspend the act of possession ordered by his excellency the governor to be executed to the discharged corporal, Luis Jaramillo, for the reason contained in the decree made by his excellency, in which he orders that a grant be made to the said Jaramillo and he be placed in possession without prejudice to other parties having better right. Not only great injury would result to us, but we are even deprived of our means of living, as it is established and well known that for many years we have occupied this vicinity, and we have not absolutely any other permanent place to settle at, and also we have our fields in the section which the said Jaramillo applies for. We ask and pray that you be pleased to suspend the act of possession until we can present ourselves before his excellency, to whom we promise to demonstrate all our necessities and troubles, so that his excellency may, in view thereof, determine for us the justice of the case; and in all things we are obedient and ready for his commands. And this our petition not being made in dissimulation, we declare to you whatever be necessary, &c.

ANTONIO MONTAÑO.

MARCOS BACA.

JOSÉ DE JESUS MONTAÑO.

ANTONIO DURAN.

FELIPE BACA.

JUAN CANDALARIA.

JOSÉ ANTONIO CASTILA.

TOMAS GURULÉ.

AGUSTIN GALLEGO.

MARIANO GALLEGO.

JUAN BAUTISTA MONTAÑO.

At this place Nuestra Señora de la Luz and San Fernando del Río Puerco, before me, Antonio Sedillo, chief alcalde and war-captain of the pueblos of Acama, Laguna, and Zuni, and justice appointed by the superior government, the parties signing the foregoing petition, in com-

pliance with which petition I direct that the act of possession be suspended until his excellency the governor and captain-general of this province shall determine the proper course; and that it may so appear, I sign this at the said place, San Fernando, on the third day of the month of August, in year one thousand seven hundred and sixty-nine, acting as special justice, for the known lack of a public or royal notary, there being none in this province, and sign with attending witnesses; to all of which I certify.

ANTONIO SEDILLO.

Witness :

BERNARDO DE MIRZA Y PACHECO.

Witness :

JOSÉ ANTONIO CASTELE.

His Excellency the Governor and Captain-General :

We, all the residents of the new settlement of Nuestra Señora de la Luz, San Fernando, and San Blas del Rio Puerco, unanimously and in accord considering the seclusion we suffer and the hardships gradually increasing upon us, with nothing in our favor but great and incessant losses, do therefore appear before your excellency in due legal form, and state—Sir : Since the year one thousand seven hundred and fifty-three we have occupied this tract under the name above given, during which time, sir, no one inhabited or was ever acquainted with these wilds, for everybody avoided this place on account of the great danger there was from the enemy, and then we had to locate in the worst part of the above-mentioned place in order to prevent the entrance and guard the trail of the enemy, leaving the center of this one tract to let our stock run there with more security, and we had to leave the permanent water we have on the tract for our own use, the want of which we constantly experience. We could have settled the tract on the west, where the permanent water is, and not have been suffering at this place without water, for it is susceptible of proof and is well known that at that time we had not sufficient water to drink, and your excellency, in your prompt perception, will see that if settlements are made in the vicinity of that water we shall all of us have to perish. Therefore, as we have been notified by Antonio Sedillo, chief alcalde and special justice, of a decree made by your excellency, in which it is directed that the discharged corporal, Luis Jaramillo, be placed in possession of land without injury the third parties, we requested the said alcalde, in view of our grant and the decree in our favor, to suspend his proceedings until we most humbly appear before your excellency with our grant, which documents we reproduce before your excellency for your information, for after having petitioned your excellency's predecessors first, his excellency Francisco Antonio Maria del Valle, formerly governor of this province, and then made a second petition to his excellency Tomas Valez Cachupin, former governor and captain-general of this province, they left intact our boundaries as mentioned in our grant, and which we cited in our petition.

In view of all which, we most humbly ask and pray that your excellency be pleased to provide, order, and determine as we request, if you should deem it proper so to do, that our boundaries remain without any regard to leagues, for in the granting decree it is not required that we be governed by leagues, as the chief alcalde, Antonio Baca, who placed us in possession, states, and on your excellency commanding as we have requested we will receive great benefit and favor, together with the jus-

tice we seek, and we declare that we act not in dissimulation, and whatever be necessary, &c.

ANTONIO MONTAÑO.
 MARCOS BACA.
 TOMAS GURULÉ.
 JOSÉ ANTONIO CASTELA.
 JOSÉ DE JESUS MONTAÑO.
 MARIANO GALLEGO.
 FELIPE BACA.
 ANTONIO CANDALARIA.
 ANTONIO DURÁN.
 AGUSTIN GALLEGO, by request.
 JUAN BAUTISTA MONTAÑO.

At this village of Santa Fé, on the seventh day of the month of August of the current year, one thousand seven hundred and sixty-nine, the foregoing petition was presented by the parties therein named, which being examined by me, together with the one presented to the chief alcalde, Antonio Sedillo, causing him to suspend the act of possession in the land-grant made by me in the name of His Majesty to the discharged corporal, Luis Jaramillo, as also the grant made by my predecessor, Tomas Volez Cachupin, to these same settlers of the tract of Nuestra Señora de la Luz, San Fernando, and San Blas del Rio Puercos, and the act of possession executed under commission by Antonio Baca, and approved by my said predecessor; also the petition made by Juan Bautista Montaña for this same land now granted, supposing it to be excess of the land of Antonio Baca, who, with papers and facts, proved such not to be the case, wherefore the said Montaña withdrew his application, and having also seen the proceedings to which reference is made, had, under my orders, by the chief alcalde, Bartolomé Fernandez, under a petition of the same residents of the said settlement of Nuestra Señora de la Luz, San Fernando, and San Blas, by which is seen the dishonesty of their petition, to which I refer, on the determination of which the said settlers were punished with the payment of the commissioner's fees, the said alcalde, and warned not again to make so unreasonable requests; in consideration of the foregoing and of the renewed attempt to prevent the giving of possession of the land granted by me to the said Luis Jaramillo, the parties repeating their unreasonable demand, and asking that their grant be not so construed as to express leagues, but only the boundaries mentioned in their act of possession, which is not only inadmissibly reprehensible and deserving of severe punishment, for in the act of possession given by my said predecessor to the said settlers, not only the boundaries therein are prescribed, but also the leagues by which they are to be governed; and the parties aforesaid are aware that the leagues cannot extend any further than the measurement thereof extends them, and the boundaries designated by the commissioner in his discretion may extend, and, in fact, do extend excessive distances, as was shown by the southern boundary of said settlement, for the Cerro Colorado being mentioned in that measurement as a boundary, and which is situated about two leagues distant, it was ascertained in the proceedings had by Chief Alcalde Francisco Isebol Navarro, in the act of possession executed by him under my order to the residents of Alrisco, that the said mountain is situated a very great distance from the said settlement, they stupidly and maliciously altered the testimonio of the grant and the act of possession wherever leagues were mentioned, as appears from the original, and on account of the

expression made by Juan Bautista Montañó before the above-mentioned chief alcalde, when executing the act of possession given to the residents of Alrisco, that those alterations were made by my predecessor aforesaid, I order that a writ be issued, commanding the said Montañó to appear before me in this my tribunal, it being incredible that my predecessor could have done so, as well because said testimonio has always remained in the possession of the said settlers, was made in the time of my predecessor Francisco Antonio Marin del Valle, as because if he had altered the testimonio he would have altered also the original, and in case he desired to extend the boundaries up to those mentioned, he would have done so in due form, and not by destroying the document which I direct remain on file in this office, that the fact may at all times appear.

In consideration of all which I, Pedro Fermin de Mendinueta, of the order of Santiago, colonel in the royal armies, governor and captain-general of this province of New Mexico, the already-commissioned chief alcalde, Antonio Sedillo, to proceed to the settlement of Nuestra Señora de la Luz, San Fernando, and San Blas, and from the place selected for its location he measure off one league and a half to the west, and at the close erect a landmark, and notify the settlers there that their land extends in that direction up to that spot and no further, and that there appearing no objection from any other party of the adjoining settlers, he place Luis Jaramillo in possession of the land granted by me, and in the act of possession he will declare whether or not, between the close of the league and a half belonging to the said settlers and the road from Zia to Laguna, there is any intermediate space, and how much; and the said settlers will pay to Commissioner Sedillo the cost of the said survey of the league and a half, and, the whole being completed, he will make a full report to me. And thus I have commanded and signed with the undersigned, my attending witnesses, with whom I act for lack of notaries, there being none of any kind in this jurisdiction.

PEDRO FERMIN DE MENDINUETA.

MATEO DE PEÑAREDONDA.

ANTONIO MORETO.

At this settlement of Nuestra Señora de la Luz, San Fernando, and San Blas, on the fourteenth day of the month of August of this current year, one thousand seven hundred and sixty-nine, appeared before me Antonio Sedillo, chief alcalde and war-captain of the jurisdiction of Laguna, Acama, and Zuni, the discharged squadron-corporal of this royal garrison, Luis Jaramillo, having with him the foregoing grant to land, made by his excellency Pedro Fermin de Mendinueta, knight of the order of Santiago, colonel in the royal armies, governor and captain-general of this province and castellan of the royal forces and garrisons therein for His Majesty, (whom may God preserve,) and in obedience to the commands of his excellency in his decree, I proceeded forthwith to notify the citizens of the said settlement of the commands of his excellency, and they having been made well known among them, they answered that they were well satisfied with the orders of his excellency. I therefore, in compliance with my duty, measured off a cordel of fifty castilian varas of four spans each, and in company with Lieutenant Juan Bautista Montañó and José de Jesus, and my two attending witnesses, who were Carlos Mirabol and Salvador Jaramillo, proceeded to survey for the settlers the league and a half, measuring therefor one hundred and fifty lengths of the cordel, making seven thousand five hundred

varas, and in the same course there were one thousand varas of royal domain. I then proceeded to the said place of Agua Salado, to place the said Luis Jaramillo in possession. I halted in the center of the tract, and, in the name of His Majesty, (whom may God preserve,) gave him the royal and personal possession; taking him by the hand and leading him over the said land, he plucked up grass, cast stones, and all of us with one voice shouted, "Long live the King our sovereign!" designating to him his boundaries, which are, on the east, the mouth of a small valley called Los Cañocitos, and on the west adjoining land of Salvador Jaramillo, on the north the close of the survey of Captain Antonio Baca, and on the south a high mesa called the Cosina, behind which runs the main road from the pueblo of Zia to Laguna.

And that it may so appear I sign this on the said day, month, and year, with the aforesaid witnesses in my attendance, to which I certify.

ANTONIO SEDILLO,
Special Justice.

Witness:

CARLOS MIRABOL.
SALVADOR JARAMILLO.

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

SAMUEL ELLISON.

Subscribed and sworn to before me this December 10, 1874.

JAMES K. PROUDFIT,
Surveyor-General.

SURVEYOR-GENERAL'S OFFICE,
TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, December 10, 1874.

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

DAV. J. MILLER,
Translator.

Surveyor-general's decision.

OPINION.

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

The original title-papers are a part of the official archives of this office, are in the Spanish language, and apparently genuine. It appears from them that the land was granted to Luis Jaramillo on the 20th day of July, 1769, by Pedro Fermin de Mendinueta, at that time governor and captain-general of New Mexico, a Spanish province. Afterward a protest was made against the grant by certain persons, but on the 7th day of August, 1769, after hearing the objections, Governor Mendinueta re-affirmed the grant, and on the 14th day of August, 1769, Jaramillo was legally placed in possession by the proper authority.

I believe that this grant is legal, and respectfully recommend that it

be confirmed by Congress to the legal representatives of Luis Jaramillo, the original grantee, according to boundaries set forth in the act of possession of August 14, 1769. I transmit complete copies of the record in triplicate.

JAMES K. PROUDFIT,
United States Surveyor-General.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, N. Mex., December 23, 1874.

Authentication of transcript.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, December 26, 1874.

The foregoing is a correct transcript of the papers on file in this office in private land-claim reported as number 103, in the name of Luis Jaramillo.

JAMES K. PROUDFIT,
United States Surveyor-General.

Transcript of grant of land to Baltazar Baca and sons, being private land-claim reported as No. 104, for land in Valencia County, New Mexico. Date of grant, December 16, 1768. Reported by the United States surveyor-general December 24, 1874.

Claimants' petition.

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

Your petitioners, the heirs and legal representatives of Baltazar Baca and his two sons, all now deceased, respectfully represent :

That the said Baltazar Baca, for himself and his two married sons, in or about the year 1768, petitioned the governor and captain-general of New Mexico, then one of the Spanish ultramarine possessions, for a certain tract of land known as the Encinol, situated in the present county of Valencia, in this Territory.

That, in compliance with the prayer of the said petition, the said governor and captain-general, on the 16th day of December of said year 1768, made to said Baca and his two said married sons a grant in fee for the said land, for the purpose of grazing their live stock thereon, under the boundaries asked, and directed the chief alcalde of the proper jurisdiction to place the petitioners in formal possession of the same.

That on the 19th day of January, 1769, said chief alcalde, in obedience to the command of said granting decree, proceeded to the tract of land so granted, and then and there placed said grantees in full legal possession and occupancy of said land, under the following metes and well-known boundaries, to wit : On the east, a table-land ; thence west five thousand Castilian varas to a sharp-pointed hill, the close of the league ; on the north Sebolleta Mountain ; and on the south some white bluffs, adjoining an outside ranch belonging to an Acama Indian, up to a hill, at whose base runs the Zuñi road.

The said grantees and their legal successors have ever since they were thus placed in possession been and remained in the legal possession of said land without disturbance, and they know of no adverse claim to said land, or any part thereof.

That the original muniments of title for said land have always been in the possession of the Government, and are now on deposit in your office, among the old Spanish archives therein, the same being in file No. 114 of said archives, and your petitioners pray that the same be taken from said file No. 114 and placed with this their petition, and be made a part of this their claim for said land, together with the accompanying sworn translation of said muniments and sketch-map of said tract of land.

Your petitioners pray that this their claim for said land be investigated and passed upon by your honor under the treaty of Guadalupe Hidalgo and the law of July 22, 1854, establishing your office, and that the title to said land in fee-simple be recognized and confirmed by the Congress of the United States to the heirs and legal representatives of the said Baltazar Baca and his said two married sons.

SAML. ELLISON,
Attorney for Petitioners.

[For sketch see original.]

Muniments of title.

Año de 1769.

Merced de tierra hecha á Baltazar Baca.

Señor Gobernador y Capitan General:

Baltazar Baca, oriundo de este reyno, veci no del puesto de Nuestra Señora de Belen, puesto á las plantas de Usia, paresco en toda forma de derecho y como mejor proceda á mi favor y digo, que, por quanto en la parte dicha de donde vivo me hayo muy incómodo para poder mantener una poca de hacienda de ganado mayores y menores, causa suficiente para pedir y suplicar se me dé y conceda de merced un sitio de tierra en donde poder mantener dicha hacienda yo, y familia que es algo crecida, para cuyo fin tengo visto y registrado un pedazo de tierra suficiente para dicho efecto, con aguas, montes y pastos, el cual sita adelante del pueblo de la laguna mas de tres leguas, poco mas ó menos, y de donde llaman el Encinal, como legua y media, mas ó menos, con cuya tierra no perjudico al dicho encinal ni los ranchos de los Indios Acomas y Lagunas, pues, siempre quedan á salvo sin ser dañificados ni yo hacer ningun daño; la cual tierra es iriasa yerma y despoblada, legitimamente realenga, segun tengo reconocido, cuyos linderos serán por el oriente, á donde llegare la legua del encinal, por el poniente con una mesa que se acerca al camino de Zuñi, par el norte la sierra, por el sur unas peñas blancas; que comprenderá todo poco mas de media legua de ancho y como dos y media de largo; esto es lo que pido yo y dos hijos mios emancipados, y la causa motiva que tengo á mas de la que llevo dicha es el no tener ni un palmo de tierra mercenado, ni mi padre ni antepasados lo han tenido, porque las partes en donde hemos vivido han sido adquiridas en venta real, y todos descendemos de conquistadores de este reyno, á mas de

estar nuestras personas espuestas hacer el real servicio cuando se nos manda y ha mandado; todos estos motivos me hacen hacer á Usia esta supplica á quien muy rendido pido y suplico me atienda y conceda por todo lo cual—

A Usia pido y suplico con las veras de mi mayor rendimiento sea muy servido de concedirme esta merced, en lo que recibiré bien y merced, y juro no ser de malicia y en lo necesario, &c.

BALTAZAR BACA.

En esta villa de Santa Fé, en diez y seis dias, del mes de Diciembre de mil setecientos sesenta y ocho años, se presentó la antecedente peticion, por el contenido en ella, y atento á las razones que espone y al mayor fomento de ganados de toda especie tan necesarios para la subsistencia de este reyno, y á que la mente de su magestad, (Dios le guarde,) es que sus vasallos gocen de las comodidades que sean posibles y aumenten sus bienes, por todo lo cual, yo, Don Pedro Fermin de Mendinueta, del orden de Santiago, coronel de los reales exercitos, gobernador y capitán general de este reyno del Nuevo Mejico, dije que concedia y de facto concedo de merced y en nombre de su magestad (que Dios guarde,) á Baltazar Baca y sus dos hijos emancipados el sitio de tierras realengas que pide, bajo los mismos linderos que señala, si sus distancias no exeden cosa considerable de las propuestas en la peticion, sin perjuicio de tercero que mejor derecho tenga, y esta merced se la hago con igualdad á padre é hijos, para ellos y sucesores, para pastoria de sus ganados y en ningun modo para siembras, y bajo las condiciones siguientes: que no desamparen el domicilio que á lo presente tienen, que no puedan vender á persona eclesiastica, que no perjudiquen á los ranchos y labores que en aquellas inmediaciones tienen los Indios de los pueblos de Acoma y Laguna, y mucho menos á los Apaches infieles de la provincia de Navajo, antes si les previene que con el fiel y cristiano trato, afabilidad y caricia procuren atraerlos al gremio de nuestra santa fé y vasallaje á nuestro soberano; y para que los referidos Baltazar Baca y sus dos hijos emancipados tomen posesion del sitio mercenado doy comision bastante y cuanta por derecho se requiere y es necesaria al alcalde mayor de los pueblos Acoma, Laguna y Zuñi, Antonio Sedillo, para que pase al sitado paraje mercenado y desde el lugar en donde se empezó á fundar la mision del Encinal, mida una legua de cinco mil varas castellanas al rumbo del poniente, y en su remate pondrá mojonera estable y firme, la que servirá de lindero á los mercenados, y precediendo citacion de colindantes si los hubiere, y no habiendo legitima contradiccion de parte los pondrá en posesion, segun costumbre, y dada que sea sacar testimonio de todo y se lo intregará á los mercenados que les sirva de bastante titulo y devolvera los originales, para colocarlos en el archivo de gobierno.

Y así lo proveé mandé y firmé yo el supra dicho gobernador y capitán-general, con los testigos de mi asistencia, á falta de escribanos que no los hay en esta gobernacion de ninguna clase.

PEDRO FERMIN DE MENDINUETA.

MATEO DE PEÑARREDONDA.

ANTONIO MORETO.

En este pueblo de Señor San José de la Laguna, en diez y nueve dias del mes de Enero de mil setecientos sesenta y nueve años, yo, Antonio Sedillo, alcalde mayor y capitán á guerra de dicho pueblo y sus distritos, en cumplimiento del auto arriba proveido por el Sr. Don Pedro Fermin de Mendinueta, caballero del orden de Santiago, coronel de los

reales ejercitos, gobernador, y capitan-general, castellano de sus reales fuerzas y precidios por su magestad, que Dios guarde, pasé al paraje mencionado que en dicho auto se me manda, acompañado de los Indios principales de dicho pueblo y los demas colindantes del pueblo de Acoma, y Apaches Navajoës, á los que les dí á entender al fin que iba, que era á meter en posesion al Capitan Baltazar Baca y sus dos hijos, que dijeran si tenian á bien el que los referidos viviesen allí ó si se les perjudicaba en algo, que avisasen en mi presencia; á lo que respondiéron por varias veces que no, que antes lo tenian á mucho gusto, por que yá lo conocian que era buen hombre y les ayudaria á lo que se les ofriciese en el real auxilio, y así que lo daban por bien, adonde los cojí de la mano y en nombre de su majestad les dí la real posesion, poniendole por nombre al referido sitio San José del Encinal, haciendo las ceremonias acostumbradas que se requieren, tomándolos de la mano y paseandolos; arancáron sacate, tiraron piedras, y todos á una voz dijéron, Viva el rey, les señalé sus linderos en la forma que su señoria la manda, que son por el oriente, una mesa que al pie de ella me paré, hice medir un cordel de cien varas de á cuatro cuartas, donde medí cinco mil varas castellanas, linea recta para el poniente, que alcanzó la legua adonde está un serro negro, que hace picudo, que hace como bufa, y por el norte, no medí por reconocer estar en la forma que el espresado y sus hijos piden, dándoles por lindero la sierra de la Sebolleta por dicho viento, por el sur unas peñas blancas que están inmediatas á un rancho de un Indio de Acoma, fronterizo una mesa que al pie de ella va el camino de Zuñi; y para que conste lo firmé con los testigos de asistencia, en dicho dia, mes y año, á falta de escribano público ni real, que no lo hay en este reyno; de que doy fe.

ANTONIO SEDILLO,
Juez Receptor.

Testigo:

CARLOS JOSÉ PEREZ DE MIRABAL.

Testigo:

ANTONIO FELIZ CEDIA.

Translation of muniments.

Year 1769.

To His Excellency the Governor and Captain-General:

I, Baltazar Baca, a native of this province and resident of the place of our Lady of Belen, placing myself at your excellency's feet, appear before you in due form of law and state that, whereas at said place of my residence I find myself very badly provided for the maintenance of the small means which I have, consisting of herds of live stock, which is a sufficient reason for asking and praying that a tract of land be given and conceded to me by grant, to enable me and my family, rather a large one, to keep our said herds thereon, for which purpose I have examined and registered a piece of land sufficient for that object, containing water, wood, and pasturage, and which is situated in front of the pueblo of Laguna, more than three leagues therefrom, a little more or less, and from the place called the Encinol about a league and a half, more or less, with which land I do not injure the said Encinol nor the ranches of the Acama and Laguna Indians, for they will always remain secure, they nor I sustaining damage, which land is vacaut, uncultivated,

and unsettled, and entirely unappropriated, as I have ascertained, and the boundaries thereof are, on the east to where the league of the Encinol may extend; on the west a table-land that approaches the Zuñi road; on the north the mountain; and on the south some white bluffs, the whole comprising somewhat more than a league and a half in width and about two and a half in length.

This is what I ask, I and two married sons of mine, and the principal reason I have, besides, that I have mentioned, is that I have not a span of granted land, nor have my father or ancestors had any, for the places where we have resided have been acquired through royal sale.

We all descend from the conquerors of this province, and, furthermore, our persons are devoted to the royal service whenever we are called upon, as we have been commanded. All these reasons prompt me to make this petition to your excellency, to whom I very humbly pray that you may hear me and grant my supplication.

In consideration of all which, I ask and pray your excellency, in the earnestness of the utmost submission, that you be pleased to make me this grant, whereby I will receive benefit and favor, and I declare that this is not done through dissimulation, and whatever be necessary, &c.

BALTAZAR BACA.

At this village of Santa Fé, on the sixteenth day of the month of December, in the year one thousand seven hundred and sixty-eight, the foregoing petition was presented by the applicant, and in view of the reasons he sets forth therein, and for the greater increase of live stock of all kinds, so necessary for the subsistence of this province, and bearing in mind that the will of His Majesty (God preserve him) is that his subjects enjoy all the conveniences possible and increase their possessions; in consideration of all this, I, Pedro Fermin de Mendinueta, of the order of Santiago, colonel of the royal armies, governor and captain-general of this province of New Mexico, declared that I would and do, *de facto*, concede by grant, and in the name of His Majesty, (whom may God preserve,) unto Baltazar Baca and his two married sons the tract of public domain which he applies for, with the same boundaries designated by him, if their length does not exceed to any considerable extent those stated in the petition, and without prejudice to any third party having a better right; and this grant I do make to father and sons in equal shares, for them and their successors, for the pasturage of their herds of stock, and not in any case for planting, and under the following conditions: that they do not abandon the residence they now occupy; that they shall not sell the same to any ecclesiastical person; that they shall not injure the ranches and fields of the Indians of the pueblos of Acama and Laguna have in that vicinity, and much less the unchristianized Apaches of the Navajo province; and they are notified that they shall rather endeavor to attract them by faithful and Christian treatment, of fidelity and kindness, to embrace our holy faith, and to the vassalage of our sovereign.

And in order that the said Baltazar Baca and his two married sons may take possession of the tract granted, I confer full authority to the extent the law requires and that is necessary upon Antonio Sedillo, chief alcalde of the pueblos of Acama, Laguna, and Zuni, that he proceed to the said granted tract, and that he begin at the place where the founding of the mission of Encinas was commenced, measure off one league of five thousand castilian varas towards the west, and at the close thereof place a lasting and firm landmark to serve as a boundary to the grantees, and having notified the parties adjoining, if any there be,

and there being no legal objection made by any party, he will place them in possession, in the customary form, and the possession having been executed, he will make a testimonio of the whole proceedings and deliver the same to the grantees, to be to them ample title, and he will transmit the originals to be deposited among the government archives.

And thus I, the above-named governor and captain-general, provided, commanded, and signed, with my attending witnesses, for want of a notary, there being none of any class in this jurisdiction.

PEDRO FERMIN DE MENDINUETA.

MATEO DE PEÑAREDONDA.

ANTONIO MORELO.

At this pueblo of San José de la Laguna, on the nineteenth day of the month of January, in the year one thousand seven hundred and sixty-nine, I, Antonio Sedillo, chief alcalde and war-captain of said pueblo and its districts, in compliance with the above decree made by Pedro Fermin de Mendinueta, knight of the order of Santiago, colonel of the royal armies, governor and captain-general, castellan of the royal forces and garrison of His Majesty, (whom may God preserve,) proceeded to the place referred to as directed in the said decree, accompanied by the principal Indians of said pueblo, by the other neighboring settlers of the pueblo of Acama, and by the Navajo Apaches, and I gave them to understand the object in going there, which was the placing in possession Captain Baltazar Baca, and two sons, and that they should state whether they desired the said Baca and sons to reside there, or if it would injure them in any way, and to inform in my presence; to which they answered repeatedly that it would not, and that they were pleased thereat, inasmuch that they knew he was a good man, and would assist them in whatever might offer for the royal service, and they therefore deemed it well; whereupon I took the parties by the hand, and in the name of His Majesty placed them in royal possession, naming said tract of land San José del Encinol; observing the customary ceremonies, and conducting them over the land, they plucked up grass, cast stones, and all shouted with one voice, "Long live the King!" I designated to them boundaries in the form his excellency commands, and they are, on the east, a table-land, and at the foot thereof I halted and caused to be measured a cordel of one hundred varas of four spans each, whence I measured off five thousand castilian varas in a due west course, which is the extent of the league, and at which close there stands a sharp pointed black hill; and I did not measure on the north, as I observed that the form of the tract was as asked for by said Baca and his sons, designating to them as boundaries on that side the Sebolleta Mountain; on the south, some white bluffs adjoining an outside ranch belonging to an Acama Indian, up to a hill at whose base runs the Zuni road.

And that it may so appear, I sign this with two attending witnesses, on said day, month, and year, for want of a public or royal notary, there being none in this province; to which I certify.

ANTONIO SEDILLO,

Special Justice.

Witness:

CARLOS JOSÉ PEREZ DE MIRABAL.

Witness:

ANTONIO FELIS CEDIA.

The foregoing translation made by me is to the best of my knowledge and belief a true translation of the original.

SAML. ELLISON.

Subscribed and sworn to before me this December 10, 1874.

JAMES K. PROUDFIT,
Surveyor-General.

SURVEYOR-GENERAL'S OFFICE,
TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, December 10, 1874.

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

DAV. J. MILLER,
Translator.

Surveyor-general's decision.

OPINION.

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

The original title-papers are a part of the official archives of this office, are in the Spanish language, and no doubt genuine. It appears from them that the land was granted to Beltazar Baca and his two married sons, on the 16th day of December, 1768, by Pedro Fermin de Mendieta, at that time governor and captain-general of New Mexico, a province of Spain, and that by his order Antonio Sedillo, special justice, placed the grantees in legal possession on the 19th day of January, 1769.

Believing this grant to be genuine and legal, I respectfully recommend that it be confirmed by Congress to the legal representatives of the original grantees, according to the description and boundaries set forth in the act of possession.

I transmit complete copies of the record in triplicate.

JAMES K. PROUDFIT,
United States Surveyor-General.

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, December 24, 1874.

Authentication of transcript.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, December 26, 1874.

The foregoing is a correct transcript of the papers on file in this office in private land-claim reported as number 104, in the name of Baltazar Baca and sons.

JAMES K. PROUDFIT,
United States Surveyor-General.